UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS
SECOND SESSION

VOLUME 116—PART 16

JUNE 24, 1970, TO JUNE 30, 1970
(PAGES 21101 TO 22354)

XUM

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1970

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, SECOND SESSION

SENATE—*Wednesday, June 24, 1970*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal God, by whose grace we have been brought to a new day, may its hours be luminous with Thy presence and may we have joy in doing our work. Imbue us with a sense of divine direction that we may be instruments for advancing Thy kingdom on earth. In these perilous and difficult days help us to remember that Thou art the same yesterday, today, and forever.

Gird us now with a calm, confident, and courageous spirit to serve the cause of freedom, to ameliorate the ills of our day, and may we be to our fellow citizens an example of that righteousness which exalts a nation.

In the name of Him who said "Whoever would be greatest among you, let him be the servant of all." Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. RUSSELL).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 24, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, June 23, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 O'CLOCK TOMORROW MORNING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. In accordance with the previous order, the Chair now recognizes the distinguished Senator from Wyoming (Mr. HANSEN) for not to exceed 30 minutes.

Mr. HANSEN. Mr. President, I yield briefly to the distinguished majority and minority leaders.

NOTICE OF DAILY LATE SESSIONS AND SATURDAY SESSION

Mr. MANSFIELD. Mr. President, I think I should announce to the Senate that not only are we going to stay in as late as we can every night—not late enough last night, but circumstances were beyond our control—but it is anticipated that we will have a Saturday meeting as well in an attempt to take care of the administration's legislation.

Mr. SCOTT. Mr. President, I realize that we are in a situation where we have to work at night and may very well have to work on Saturdays.

I have no complaint whatever.

The distinguished majority leader and I work very closely together in seeking to get the work of the Senate accomplished.

My own hope is that we can dispose of the foreign military sales bill as early as possible—surely by next Monday or Tuesday, if we will all, to use the phrases "put our shoulders to the wheel" and "leave no stone unturned," and various other phrases of that kind.

It can be done.

I hope it will be done. If it is done, there is a backlog of many measures which will be taken care of by the end of the fiscal year or thereabouts.

The Senate has the Nation's business to attend to. There are conference reports and appropriation bills to consider and a great deal of other work to do.

It could be, after we take care of the foreign military sales bill, with the majority leader's approval, that we could get back on the kind of schedule which would permit Senators, especially those who are up for reelection this year, the opportunity to attend to some of their other responsibilities which are, indeed, as essential to the conduct of the public's business, such as committee hearings, meetings with constituents, and the preparation of legislation, in addition to their actual duty on the floor of this Chamber.

I know that some of those who sit in the galleries watching the Senate in action do not always understand that the reason why Senators are not in the Chamber is that they are, in fact, pretty busy somewhere else.

Therefore, I hope that we could get on a schedule which would not be so taxing as the present one. But until we dispose of the pending bill, I entirely agree with the distinguished majority leader that we have got to stick with it until we get it done.

Mr. MANSFIELD. I agree with what the minority leader has just said. We do work very closely together. We do have an understanding of what is necessary to keep the Senate functioning.

I hope that it will be possible to dispose of the unfinished business before the Fourth of July recess; but to do so will take a good deal more coordination and cooperation on the part of all Senators than has been evident up to this time.

When I say "all Senators," I mean all those on both sides.

However, if we do not finish the unfinished business by the Fourth of July recess, which I believe begins on Thursday of next week, we will continue its consideration when the Senate returns from the recess and we will stay with it until it is finished.

That will mean, of course, that we will continue to operate on a two-shift basis each day; with a filibuster in the daytime, and another filibuster in the evening.

We will also be meeting on Saturdays, because it is our primary responsibility to the people of this country to take care of its business.

Therefore, as the Democratic leader, I want to assure my distinguished colleague, the minority leader, that it is our intention to cooperate as much as possible with the President and the administration in accomplishing the legislation which they have sent up.

I say that not at all facetiously, but in earnest and in good faith.

Mr. SCOTT. Will the majority leader allow me to substitute his phrase about filibusters to extended debate in the daytime and extensive debate at night?

Mr. MANSFIELD. Surely.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. SCOTT. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. **SYMINGTON.** Mr. President, will the Senator from Wyoming yield briefly?

Mr. **HANSEN.** I am glad to yield.

IMPLICATIONS OF THE PENN CENTRAL BANKRUPTCY

Mr. **SYMINGTON.** Mr. President, one can only be alarmed over the repercussions that are now surfacing, and the ramifications that are developing as a result of the Penn Central bankruptcy.

The hearing held last Thursday, June 18, before the Subcommittee on Economy in Government of the Joint Economic Committee put this problem in realistic perspective. Not only did it produce an impressive unanimity of congressional and other opinion against the propriety of the administration's proposed invocation of the Defense powers to guarantee unsecured Penn Central loans going into default, but replies to questioning from Eliot Janeway, the New York economist, on this point elicited from him the judgment that the proposed guarantee of $200 million of loans would express, as he put it, "a tip to the waiter."

It would appear that this hearing was instrumental in deterring the administration from having gone through with this ill-conceived exercise. But the hearings served a no less constructive long-range purpose in focusing attention upon the problems posed by the Penn Central bankruptcy for the financial position of the United States, along with its social system.

Mr. Janeway's summary of the Penn Central involvement in short term, insupportable, unrepayable bank debt to the Euro banks belonging to the so-called Basle club, as well as to our own domestic banking system and the inflatable and supposedly gilt-edged commercial paper market in this country, raises two questions which are fundamental in scope and call for urgent and frank confrontation.

The first warning has to do with the reckless dissipation of our resources to the four winds around the world, action which has resulted in the loss of a great deal of our financial independence to the European creditors of the dollar.

The second adds another warning, namely, that the extent to which we have lost our financial independence may already be threatening the integrity of our system of private enterprise. That system grants risk takers the rewards of success, but holds them responsible for loss from failure.

The Penn Central bankruptcy puts the administration, the Congress, and the system on notice to examine whether we have so abused and undermined this our system of free enterprise as to threaten our society with dire financial consequences if the Government does not mount a massive program of bail-outs for bankruptcy.

Are we to commit our national resources to still further waste, or should we now realize that the zero hour has arrived to audit our commitment of national resources, so we can thereupon take those steps necessary to salvage our solvency?

POSTPONEMENT OF PHILIPPINE HEARINGS

Mr. **SYMINGTON.** Mr. President, at the request of the State Department, the Subcommittee on U.S. Security Agreements and Commitments Abroad of the Senate Foreign Relations Committee has agreed to postpone hearings with respect to the General Accounting Office report about the payment of money by the United States to the Philippines.

In this connection I ask unanimous consent that a copy of a letter I wrote on this subject yesterday to the Secretary of State be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 23, 1970.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Department of State,
Washington, D.C.

DEAR BILL: Naturally I regret this last minute postponement you felt necessary incident to our open hearing with respect to the General Accounting Report about the payment of money by the United States to the Philippines.

If this is the way you believe it should be handled, that of course is satisfactory, but I would hope most sincerely that it could be scheduled immediately after the SEATO Conference which you plan to attend in Manila in early July.

What I don't agree on, however, is that these hearings should be held in Executive session. Hearings with respect to these transactions were held in public session in the Philippines, the witnesses under oath; and I believe the American people, who put up the money, are entitled to the same knowledge about this subject which the Philippine Government gave its own citizens.

Kind regards.

Sincerely,

STUART SYMINGTON.

THE REAL DANGER—A WORKING ALLIANCE BETWEEN THE SOVIET UNION AND RED CHINA

Mr. **SYMINGTON.** Mr. President, last Tuesday it seemed that often during the debate of that afternoon the Senate was pretty much tilting at various windmills.

For some 15 years I have noted periodically that the foreign/military policy of the United States would appear to be one of strength against the weak and weakness against the strong. One example: Our State Department warning to the British in 1956 that if they did not accede to our demand to pull back in the then being conducted Middle East war, we would attack the viability of their economy; this at the same hour Soviet tanks were crushing the people of Hungary in the streets of Budapest with nothing but relatively gentle admonitions from our Government.

Yesterday the press carried a headline "Russians Offer Huge Loan to Red Chinese."

The press also observed yesterday that American planes were now contributing to the destruction of the fourth country of what was once French Indochina.

Should we not consider the results we have obtained from this long and costly Indochinese venture, chasing these various peoples, on their own terms of guerrilla warfare all around the jungles of Southeast Asia, and at such high cost to the United States in lives and treasure?

As we continue to dissipate our physical, financial and moral resources in this latest military adventure, should we not be at least somewhat apprehensive about the real security problem which will result if the other two strong nations, the Soviet Union and Red China, first work out a financial alliance, and then form a diplomatic and military alliance.

This growing possibility is but one of the more unfortunate aspects of the war currently dragging on in more square miles of Indochina than ever before.

IS IT TIME TO BE AFRAID OF THE FEAR OF CRIME?

Mr. **SYMINGTON.** Mr. President, in that I am confident every Senator will be unusually interested in an extraordinary thoughtful editorial in the Kansas City Star of June 15 "Is It Time To Be Afraid of the Fear of Crime?" I ask unanimous consent that this editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IS IT TIME TO BE AFRAID OF THE FEAR OF CRIME?

No one, least of all a politician running for office this fall, can doubt that crime is a fact of American life that is uppermost in the thoughts of American voters.

President Nixon said the other day that Congress needs to get busy at once on all the administration crime bills. He said that failure to act will "be something the people will remember." When? Maybe in the August primaries or the November general election. The President seems to be saying that Congress had better move fast to stamp out crime or else. And he may be right, in so far as voter reaction is concerned in this emotional issue.

Yet there is great doubt from many quarters about the effectiveness of several of the proposed administration remedies for crime. In general, most criminologists, many lawyers and others who work in the field constantly can agree with programs that will spend more money on law enforcement; better training for policemen; the upgrading of prisons and probation and parole operations, and anything that will move the courts toward swifter justice.

But that does not mean that everybody can agree with some of the more radical administration suggestions that seem to get around the United States Constitution as a matter of expediency. Nor is the opposition limited to softhearted theorists who want to empty the prisons and put all criminals on parole.

Sen. Sam J. Ervin, jr. (D-N.C.), says the big District of Columbia "model anticrime package" is a "garbage pail of some of the most repressive, nearsighted, intolerant, unfair and vindictive legislation the Senate has ever been presented." In its final form policemen could enter homes or other buildings without warning; wire taps could be used to gather evidence on abortion, arson, brib-

XUM

ery, blackmail, kidnaping and other serious crimes; juveniles would be denied the right to trial by jury and a man convicted for the third time of a violent crime—including purse-snatching—would be given a mandatory sentence of life with no probation, parole or suspended sentence for 20 years. This is the "model" District crime bill which the attorney general says "will point the way for the entire nation."

Pretrial detention is a proposed change in the big federal package that would apply in all 50 states. It says, in essence, that a person charged with a dangerous crime (burglary, arson, rape, sale of drugs, robbery, murder, mayhem, kidnaping, assault) can be put in jail if the judge believes his release on bail would be hazardous to the community.

The concept has great appeal. The arrested individual who is released and then commits another crime while awaiting trial is a familiar figure in every community. Sometimes his bondsman or lawyer directs him into the ways of new and profitable crime in order to produce fees.

But how, under the Constitution, can this sort of thing be done with regularity? It could be excused, apparently, only because the courts and justice are slow. The defendant, in other words, is not getting the speedy trial guaranteed him and society by the Constitution. If the system breaks down, according to the concept of preventive detention, the defendant must pay. Why not fix the system?

The organized crime bill would allow a grand jury witness, refusing to testify, to be imprisoned for contempt for three years without trial or bail. It would seem to get around constitutional barriers against self-incrimination. Illegally obtained evidence (electronic surveillance) would not need to be disclosed to a defendant if adjudged irrelevant. The list goes on, and it adds up to a "devastating cure" in the words of one member of the House judiciary committee. The New York City Bar says the bill seems to say that the innocent do not need rights and the guilty do not deserve them.

But it is precisely that attitude which the U.S. Constitution and the long history of English common law inveigh against. In the United States the innocent still is presumed so until proved otherwise by the vast weight of law enforcement and government. Individuals cannot be forced to testify against themselves and policemen are not supposed to enter where they please on impulse.

It may be that the present air of fear and aura of violence will let the Constitution be set aside for expediency. But once we go down that trail it is difficult, if not impossible, to turn back. The rights that took centuries to gain can be lost for generations to come. Those liberties ought not to rise or fall on the basis of an election day conducted in an atmosphere of fright.

Mr. SYMINGTON. Mr. President, I again express my deep appreciation to the Senator from Wyoming for his courtesy in yielding to me.

Mr. HANSEN. Mr. President, I am delighted to have had the opportunity of yielding to my distinguished friend, the Senator from Missouri. I was impressed by his observations.

POSTAL REFORM LEGISLATION AND COMPULSORY UNIONISM

Mr. HANSEN. Mr. President, I share the sentiments of my good friend and distinguished colleague from Arizona, Senator FANNIN, with respect to the need for a close examination of the postal reform legislation now under consideration by the Senate.

Senator FANNIN has announced he will lead informative discussion on the issues raised by the section which would make possible compulsory unionism of postal workers.

The postal reform measure before the Senate contains a provision that would allow circumvention of longstanding Federal policy with respect to freedom of choice of the individual worker to join or not to join and pay dues to a union in order to work for his own Government.

As the Washington Daily News noted recently, the issue is "a section of the postal reform bill which would permit unions of public employees to negotiate a closed shop." The editorial went on to point out several objections to the idea of compulsory unionism among Federal employees:

> The Post Office is a public service, and even under the reform bill would be financed in part by taxes. It ought not be subject to rule, directly or indirectly by union politicians.
>
> Government service should be open to any citizen who wishes to work for the government, who is needed and who can qualify for the job, whether or not he belongs to a union.
>
> The bill would not permit union shops among postal employees who work in any of the 19 States which now have Right to Work laws. Either way you look at it, this creates discrimination among postal workers.
>
> The bill also would eliminate the current practice of requiring unions to pay for the bookkeeping inflicted on the Government by a dues checkoff. Why should the taxpayers pay for this?

The editorial summarized:

> The compulsory union section is neither needed nor good business.

I agree.

There are those who have attempted to confuse the issue—who suggest compulsory unionism should not be at issue where postal reform is concerned.

To them, I say: It is very much an issue and must be discussed.

My position on postal reform is clear. I recognize the need for postal reform and have long advocated congressional action to accomplish this goal.

In fact, on October 11, 1968, I introduced a postal reform bill in the Senate. This legislation, the first postal reform legislation to be introduced in the Congress, was based on the recommendations of the Kappel Commission.

The need for postal reform was obvious. The taxpayer, the postal user, and the postal worker were all suffering under the present system. After the previous administration failed to take positive action in the 4 months following the release of the Kappel Commission report, I introduced S. 4187 at the close of the 90th Congress.

I recognized that my bill would have required further study and changes. I stated at that time that—

> It is my hope that my colleagues will find time before the convening of the 91st Congress to carefully consider this bill and that Congress, working through its appropriate committees, will therefore be able to act more quickly to provide the much-needed legislation for postal reorganization.

Some of us have honest differences of opinion on just how postal reform should be accomplished and on the working details of the proposal. I did not necessarily agree with every conclusion reached by the Kappel Commission. But I did believe that the report was a sound foundation on which to begin consideration of the long-overdue postal reform.

When I reintroduced the proposal, S. 492, in the 91st Congress on January 22, 1969, I stated:

> This bill, in its main intent, was introduced last October in the 90th Congress. I did not, at that time, introduce the bill with the expectation that the Members of Congress would, without long deliberation, rush it into law. The bill was introduced at that time to allow the Members adequate time to study the bill and to weigh its merits for consideration in the 91st Congress.

I fully expected that bill, following hearings by the Post Office and Civil Service Committee which would provide us all with more knowledge of the complicated facets of this problem, to undergo amendments and extensive polishing, for I did not claim my bill was perfect.

My hopes for action on this vital matter were raised when President Nixon, unlike his predecessor, recognized the need for action on postal reform and, on February 25, 1969, announced that reform of the postal system would be a major goal of his administration.

I deeply regret the failure of the Senate to heed these warnings and to consider postal reform early in the 91st Congress. This would have provided opportunity for the Senators to devote more time and study to the basic changes being made in our postal system. My colleagues could have familiarized themselves with every section of the proposed legislation in an atmosphere of careful deliberation.

However, the Senate committee did not begin hearings on the vital issue of postal reform until October 1969. This was 15 months after the Kappel Commission published its report, 12 months after the first postal reform bill was introduced in the Congress, and 7 months after the President's call for postal reform.

The committee's bill was not available until March 19, 1970. By this time, U.S. postal workers were on strike.

The Senate is now acting. The atmosphere is not one of sound legislative deliberation. It is one of crisis. The Senate has lost its opportunity to act, to lead. We are now asked to react.

Daily we are faced with reports, whether based on accurate information or not, that this group or that will strike if one provision is omitted from the postal legislation, that another group will strike if another provision is allowed to remain in the bill, that the President will veto the bill under certain circumstances.

Because we are faced with a crisis, it is difficult for the Senate to take the time to ascertain the true situation. It is even more difficult to withstand the pressures of various groups and enact sound legislation. But no matter how difficult the task, it is our duty to consider the proposal thoroughly, to be aware of the true impact of its provisions, and to enact sound legislation.

XUM

One subject of extreme importance which I intend to see is thoroughly debated is the terms of union membership of Federal postal employees. The Senate bill fails to guarantee in absolute terms that postal workers have the right to either join, or refrain from joining, a union. In my view, that should be a basic right of any citizen employed by the Government of the United States, along with his other rights. Therefore, we must discuss this postal reform legislation sufficiently to insure that the basic rights of Federal employees are protected. If it appears that such rights are endangered by pending legislation, the Senate must insure that the legislation is properly amended to guard against infringements of the workers' rights.

In order to clarify the issue in the minds of the American people, I submit two statements which certainly will not be disputed by those charged with enacting postal reform legislation:

First. Every present Federal employee, including the 750,000 who work for the Post Office Department, is guaranteed the right to join a union or to refrain from joining a union. This right is guaranteed under section 1(a) of President Nixon's Executive Order 11491, which states:

> Each employee of the executive branch of the Federal government has the right freely and without fear of penalty or reprisal, to form, join and assist a labor organization or to refrain from such activity, and each employee shall be protected in the exercise of this right.

Second. Under S. 3842, as reported by the Senate Post Office and Civil Service Committee, officials of the proposed Postal Service Authority will be permitted to negotiate a compulsory union shop contract which will force postal employees to join and pay dues to a union—or be dismissed.

Those are the facts as I read the Executive order and the reform proposal. We are witnessing here a proposed instrument that can ultimately be used to allow compulsory unionism of every one of the 12 million Federal, State, and local government employees.

AFL–CIO President George Meany, appearing before the House Post Office and Civil Service Committee in April, said he would give all-out support to the postal reform package.

Mr. Meany made it clear what he had in mind for the Nation's public employees when he announced that introduction of a union shop into the postal system would "not be lost on people whose job it is to deal with public employees on the state and local level."

We think this is only the beginning—Mr. Meany told the House Post Office and Civil Service Committee, and, he said:

> We hope to be back before this committee in the very near future, urging adoption of a measure that will insure genuine collective bargaining for all aspects of employment for all civilian workers in the federal government.

The AFL–CIO News noted in an editorial:

> What's good enough for Uncle Sam ought to be good enough for every state, county and city.

Government employees—3 million Federal, 9 million State and local—are now gaining faster than any other sector of employment. They would make available to union professionals $400 million to $700 million annually with membership dues from $3 to $5 monthly, not to mention additional moneys to be gained through assessments or fines. The money resources and power of a few union leaders could reach fantastic proportions.

I submit that compulsory unionism for Federal employees is not good for Uncle Sam; nor is it good for any State, county, or city. I intend to do all I can to assure that the day does not come when a Federal employee must pay dues to a labor organization in order to work for his own Government.

This legislation subjects postal employees to section 7 of the National Labor Relations Act—which has led to widespread compulsory unionism in private industry. Section 7 specifies that employees shall have the right to form, join, or assist unions and the right to refrain from such activities, but shall be deprived of these rights "to the extent that such rights may be affected by an agreement requiring membership in a labor organization as a condition of employment."

Nineteen States protect workers in the private sector with statutes that permit employees a choice whether or not they wish to join a union. Proponents of the legislation before the Senate say that postal workers in those 19 States would be covered by these statutes. There is considerable disagreement with that conclusion. Regardless of this dispute, I contend that any American citizen in any State is entitled to work for his Government with the basic freedom to decide for himself whether to join a union.

Some have said the proposal would not obligate managers of the postal service to agree to a union shop provision simply because they would be required by law to bargain over this issue. That is an unusual way of looking at a matter of such a serious nature—of such impact on the individual rights of a Federal employee.

As I read the proposals, they provide for binding arbitration of collective bargaining disputes and empower arbitrators to impose the compulsory union shop on postal workers over any and all objections which might be raised.

In effect, Congress imposes the compulsory union shop by law whenever it sanctions collective bargaining with respect to union shop provisions. Congress permitted negotiation of compulsory unionism agreements when it enacted the National Labor Relations Act in 1933, the Labor-Management Relations Act in 1957, and also when it amended the National Railway Act in 1951. Today, approximately 75 percent of private sector employees covered by collective bargaining contracts are now under the compulsory union shop.

Mr. President, the elected representatives of the people of our Nation must oppose any legislation which fails to include the basic protection of freedom of choice. This freedom must not be abrogated.

As the Scripps-Howard newspapers pointed out editorially:

> The question for Congress is whether this is too stiff a price to pay for reform of the postal system, desperate as that need is. If the union shop possibility isn't in the package, the whole deal could be defeated by the union lobbies, even though an eight per cent pay raise is at stake. This is a sharp turnaround in public policy, which Congress should examine with extreme care; and on which outpouring of opinion from the public at large would be decidedly in order.

I have seen that outpouring from the public and most recently was especially encouraged when a member of the National Association of Letter Carriers Local No. 36 presented more than 900 signatures on a petition to Senator FANNIN, asking that the compulsory unionism provision of the postal reform package be deleted. A letter carrier from New York City, Mr. Vincent Sombrotto, also visited with Representative DAVID HENDERSON of North Carolina, who led the fight on that side to have H.R. 17070 amended so that it does not repeal the protection postal workers now have.

I would like to read the text of Mr. HENDERSON's reply to Vincent Sombrotto:

> DEAR MR. SOMBROTTO: I want to thank you for bringing to Senator Fannin and me the petition signed by 900 rank and file postal employees from the New York area stating their support for a Postal Reform bill which does not authorize the creation of a union shop.
>
> It is my candid opinion that if both the Administration and the representatives of the employee unions were not insisting upon the provision authorizing the union shop, there would be no problem whatsoever in enacting the Postal Reform bill with its provision for an immediate 8% pay increase for postal workers.
>
> Certainly, I would throw my full support behind the bill if this one provision is amended and am confident that it would quickly pass both the House and the Senate.
>
> If the bill is delayed unduly, it will not be because Congress has been dragging its feet or is unsympathetic to the plight of the rank and file postal workers. It will be because the unions and the Administration seem bent on making the bill carry the burden of compulsory unionism on its back.
>
> I hope my amendment will be quickly accepted by the House; that it will likewise be accepted in the Senate; and that the bill will very shortly be enacted into law.
>
> Your interest as a concerned employee is understood and appreciated.
>
> Sincerely,
>
> DAVID N. HENDERSON.

As we know, Congressman HENDERSON and the great majority of the Members of the House of Representatives who supported his position were successful in gaining acceptance of the amendment in the other body. This is encouraging action for the millions of Americans deeply concerned about protecting the freedom of choice of U.S. postal workers.

Mr. President, I am sure if the authorization for the compulsory union shop in the Senate version of postal reform were removed, the measure could pass tomorrow. I, for one, would vote for such a measure.

Mr. President, I yield the floor.

ORDER OF BUSINESS

The **PRESIDING OFFICER.** Under the previous order, the Senator from

XUM

Idaho (Mr. CHURCH) is recognized for 30 minutes for a colloquy with the Senator from Arkansas (Mr. FULBRIGHT).

AN INSIDIOUS ASSAULT

Mr. CHURCH. Mr. President, it is my unpleasant duty to call the attention of the Senate to an article entitled "Against All Enemies" by Naval Capt. Robert J. Hanks, which appeared as the 1970 Prize Essay in the Proceedings of the U.S. Naval Institute for March. I say unpleasant because this essay presumably was chosen by a review committee of high-ranking officers, and it thus cannot be regarded in isolation from the thinking of other naval men. It is peculiarly offensive because, after the verbiage is stripped away, it basically argues that the nature and extent of external threats to our national security, together with the character of our response to them, are matters for the military to determine—rather than for those in Congress who are entrusted by the Constitution with these duties.

The declared theme of the essay by Captain Hanks is that an extensive antimilitary campaign has been launched in the United States—not just by the so-called radical left, but by what the author regards as more conventional and influential critics.

Mainly, the article deals with Senator J. WILLIAM FULBRIGHT, Ambassador John Kenneth Galbraith, and Gen. David M. Shoup. However, the author goes on to say—in a paragraph worth quoting in full:

> Perhaps the most critical proposals are being made on Capitol Hill, because action taken there can force inordinate reductions in and unwise withdrawals of American military forces. For example, Senators Clifford P. Case and Walter F. Mondale—with their young staff assistants—have mounted a campaign against aircraft carriers. Senators Michael J. Mansfield and Stuart Symington were temporarily deflected from their drive to slash U.S. force levels in Europe only by the Soviet invasion of Czechslovakia. New York's Senator Charles E. Goodell is attempting, at the time of this writing, to legislate complete troop withdrawal from Vietnam by 1 December 1970—regardless of the consequences.

Captain Hanks devotes a good deal of effort to summarizing what he thinks Senator FULBRIGHT and others have said about our military affairs. Much of this process consists of setting up strawmen without giving more than a modicum of quotations and without placing the latter in any useful context. At the end of these remarks, I will ask consent to have one of Senator FULBRIGHT's speeches, relevant to the issue raised in Captain Hank's essay, placed in the RECORD, where the reader may judge for himself the merit of the Senator's arguments, without the handicap of Captain Hank's blinders.

After reading several pages of Hanksian interpretations, one can only conclude that criticism of military programs and policies is not the business of the Congress, or of retired officers, or ordinary civilians, or really anyone except the military itself. The author notes there are bound to be isolated cases of wrongdoing but he contends they should be dealt with by the military itself.

> If we in the armed services—

He writes—

> are to do our part in frustrating the aims of those who would turn the American eagle into a lamb, we must continue to single out and eliminate those among us who, by their avarice and indiscretion, despoil our integrity and destroy our credibility.

After giving his own appraisal of the insidious campaign purportedly being directed against all things military, Captain Hanks jumps to the disturbing conclusion that—

> While the threat from without remains, we now face an equally potent challenge from within.

He then says:

> Our mission is clear: to ensure our country is not militarily weakened to the point that external enemies can, through the use of force, overthrow the U.S. Government and its Constitution.

Furthermore, he continues:

> If the United States is to be protected against the efforts of those who would place her in peril—whether through apathy, ignorance, or malice—we in the military cannot stand idly, silently by and watch it done. Our oath of office will not permit it.

Mr. President, this inflated sense of professional prerogative is the very stuff of which military coups d'etats are made. The seizure of legitimate governments by military juntas is always draped in the self-serving excuse that patriotic duty left no other alternative. When the Navy honors one of its officers for intimating that certain of our leading citizens are "enemies" against whom the officers' "oath" should be invoked, it is time to ask what is happening to this Republic and its hallowed tradition of civilian supremacy.

There are other unpleasant aspects of the Hanks' essay which need not detain us long. For instance, the self-pitying refrain from Kipling about "Tommy Atkins." I find it difficult to identify the virtually Shanghaied and battle-weary British foot soldier of the 1880's with this comfortably situated American naval officer who began his active duty with the end of the fighting in World War II. The American counterparts of Tommy Atkins today are the draftees who are sustaining the bulk of the casualties in the jungles of Southeast Asia. Contrary to what Hanks implies, every Member of the Senate is intensely concerned about the welfare of these fighting men.

The essay concludes with a ringing invitation to fellow officers to overcome their "historic reluctance" to speak out and make themselves heard in opposition to the alleged antimilitary campaign. This clarion call to man the propaganda barricades is a bit flabbergasting. As Senator FULBRIGHT revealed only this week, no less than 4,400 publicists are already spending more than $40 million a year of the taxpayers' own money to mould public opinion to the military point of view. Surely, the Pentagon is not lacking in "overkill" where its public relations campaign is concerned.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the essay, "Against All Enemies," by Capt. Robert Hanks, and a speech entitled "Dimensions of Security," given at the National War College by Senator FULBRIGHT on May 19, 1969.

There being no objection, the essay and speech were ordered to be printed in the RECORD, as follows:

AGAINST ALL ENEMIES

(By Capt. Robert J. Hanks, U.S. Navy)

"For it's Tommy this an' Tommy that,
an' 'Chuck him out, the brute!'
But it's 'Savior of 'is country' when
the guns begin to shoot;"

When Rudyard Kipling penned these words nearly 80 years ago, he described the British regular soldier as he was traditionally viewed by his countrymen. Though the United States of 1970 bears no resemblance to Kipling's Victorian England, the words could nonetheless be applied today to America's fighting men. In fact, some phrases now being tossed about are much more vitriolic than the second line of the above stanza.

Those who currently wear the uniform of the nation's armed forces are being branded as everything from idiots to conspirators. Military men—together with a large group of "conniving industrialists"—are charged with having formed an insidious coalition designed solely to extract unending self-enrichment from the labors of the American people. This conspiratorial concept holds that the military man's payoff comprises large amounts of money and liquor, the favors of co-operative women, and promises of lucrative jobs following retirement. Moreover, his basic perfidy is compounded by a narrow-minded and potentially disastrous willingness to destroy all life on earth if Communism—man's ultimate enemy in his benighted view—seems to be a serious threat. And finally, along with the vast army of bellicose veterans he has trained and indoctrinated in the past quarter of a century, he has transformed the United States into a militaristic and predatory nation which now preys upon the rest of the world.

Examined from any angle, this is a shocking picture. And it poses a rash of questions: Who levels such charges? Are the accusations true? How dangerous are they? Most important of all: What should be done about the assault?

To begin with, it must be understood that this is no academic exercise, for upon the answers of these questions most assuredly rests the future security of the United States. The charges cannot, therefore, be brushed aside and ignored on the assumption that, like previous anti-military campaigns in America, they will fade away before any grave damage is done. This is especially true if today's critics are more numerous or, above all, more influential than the usual lunatic fringe—those who will senselessly attack any available target at any given opportunity.

A survey of these critics—both actual members of the anti-military clique, and those whose utterances the cabal exploits—reveals that we are confronted with a highly articulate and extremely influential body. It therefore behooves us to listen most carefully to and examine as objectively as possible the charges that are being made.

The following spokesmen formulate probably the most effective pronouncements currently trumpeted by the anti-militarists. It should not be inferred, however, that the former individuals are labeled herein either as leaders or members of the anti-military movement. Nor are they being classified anti-military per se. But because their words serve as eminent fuel for use by those who tend

XUM

the anti-military fires, the views of these critics are vitally important. Lastly, one must note that their views will be scrutinized quite without regard to any particular order of motivation, influence, believability or sincerity.

At the outset it might be wise to digress or to speculate about the atmosphere within America that has spawned and nurtured the current outcry.

It seems reasonably clear that there are two basic causes. First and foremost is the war in Vietnam. This Southeast Asian conflict is one of the least understood—and therefore most unpopular—wars in our history, primarily because the attempts of three Administrations have failed to explain to the American people in convincing terms the nature of the war and the stakes involved. This failure and America's historic impatience syndrome have combined to disillusion and discourage a large segment of the population. With disenchantment has come increasingly vocal opposition to the war—and to the military.

The second major cause is strictly domestic: an explosive drive by minority groups—ethnic and economic—for instant political power, social equality, and financial affluence. This drive directly re-enforces the anti-war fever insofar as it involves competition for the national dollar; most especially, competition for that portion of the American budget presently devoted to defense.

Taken together, these two fundamental factors have contributed heavily to growing disrespect for constituted authority, urban riots, academic chaos, moral decline, predominance of personal aspirations over national well-being and, in extreme cases, the spectre of revolution and anarchy. It is against this backdrop that one must view the phrases now being lobbed into the military camp.

Perhaps the most widely known dissenter in the United States is Senator J. William Fulbright. He has long been a critic of defense spending; in particular, of how the arms produced by that spending are used. His objections to the Bay of Pigs and Dominican Republic crises are well known. So are his 1964 expressions of astonishment over the "uncritical support" the American people annually give to military funding. Since 1965, of course, the Senator has used his position as Chairman of the powerful Senate Foreign Relations Committee as a springboard for an unswerving campaign against the war in Vietnam; an issue he has clung to with the tenacity of a bulldog worrying a bone.

Until recently, however, Senator Fulbright's efforts have affected the military itself only indirectly. Deeply concerned with nationalism, which he considers the most dangerous force in this century, he advocates co-operative international approaches in almost every field of endeavor. He admits that nationalism cannot be legislated out of existence and therefore insists that the United States must lead the way by moving in the direction of a broader world community, while simultaneously directing substantially more of its collective energies toward the welfare of individuals. Implicit in this program is a considerable reduction in U.S. defense spending, first of all, to provide greater welfare support and, secondly, to demonstrate by example American willingness to lay down her arms. The Senator confesses that "to bring about [such] fundamental changes in the world we would have to take certain chances." Among them would be assuming the risk—he admits this is great—that other countries would read our "generous initiatives" wrongly and "bring about a calamity."

There is another thrust to Senator Fulbrights actions. Since 1965, he has hammered away incessantly at a "Constitutional erosion" which, in his view, has at once shouldered the Senate out of the foreign policy arena and witnessed Pentagon usurpation of all State Department prerogatives in the formulation and conduct of that foreign policy. One wonders parenthetically if the Senator believes that the locus of this usurpation has now shifted from the Pentagon to Henry Kissinger's' basement office in the White House. In any event, this segment of Senator Fulbright's dissent has been directed mainly at the civilian portion of the Executive Branch rather than—a few instances excepted—at the military services themselves.

In recent months, as his apparent frustration over Vietnam continued to grow, and as he increasingly turned his attention to arms control negotiations with the Soviets, Senator Fulbright expanded his target list to include direct questioning of military leaders, their beliefs and judgment. Again, using the ready-made forum of the Senate Foreign Relations Committee, he first trained his sights on U.S. overseas deployments, bases, and commitments. Then, in early 1969, he moved on his most spectacular target, the Safeguard Anti-Ballistic Missile System. Devoting special attention to military evaluations and recommendations, he achieved more than a little success in opening up a military credibility gap. His efforts drew loud huzzahs from hard-core anti-militarists across the country.

Nevertheless it must be emphasized that the Senator's campaign has been more implicit than explicit insofar as direct effects on the military itself are concerned. At the same time it must also be recognized that if his view of the external threat to the United States is overly sanguine, the net impact of his dissent could prove as dangerous as the fulminations of those who advocate immediate and complete unilateral disarmament of the United States.

More prolific in a literary sense and certainly more direct in his approach is another spokesman to whom the anti-military group looks for words and dogma. John Kenneth Galbraith is a long-time and most articulate liberal, a writer of some note—author of best-sellers—and former courtier of John Kennedy's Camelot. Mr. Galbraith is also an unabashed and outspoken battler against what he sees as the ultimate evil: the military-industrial complex. Perhaps the most revealing view of the beliefs held by this former chairman of the Americans for Democratic Action is provided by an article published in the June 1969 issue of *Harper's Magazine:* "How to Control the Military." As the title of his dissertation suggests, Mr. Galbraith claims that the military and its industrial allies have seized control of the country, placed its war chariot out in front, and are busily whipping the horses into a lather—in a headlong race to disaster. If any uniformed man has lingering doubts about the seriousness of the challenge confronting him or the capabilities of those who espouse the anti-military cause, he had better devote a few unemotional minutes to reading Galbraith's article.

Mr. Galbraith disclaims any belief in the conspiracy concept. He does so unconvincingly, however, observing almost immediately thereafter that "It would be idle to suppose that presently serving officers—those for example on assignment to defense plants—never have their income improved by wealthy contractors with whom they are working, forswear all favors, entertain themselves, and sleep austerely alone." Then, having nearly assassinated the entire officer corps, he reveals that he actually objects to the conspiracy theory, not because it is fallacious, but because it is gravely damaging to an understanding of the "military power," a commodity he forthwith defines for the benefit of the unanointed.

Comprising the "four Armed Services" [sic—with due apologies to the U.S. Marine Corps], the military industrialists, intelligence agencies, foreign Service Officers, the Defense-oriented think-tanks, and the Congressional Armed Services Committees, "military power" makes decisions based upon its own private needs, quite without regard for the imperatives of the nation or the national good. Such is the Galbraithian view.

Unlike the unthinking anarchists and idealists who seem to predominate on dissident picket lines, however, the sage of Cambridge has a solution. After explaining how this military juggernaut came to power, he offers an Olympian "political Decalogue"—his own Ten Commandments—to guide those of his disciples who seek to regain "control of the military."

His program is a broad one. It entails the election of a new President, purge of Congressional Armed Services Committees, and above all: organization. Its goal is control of the military through resistance to military programs, mobilization of scientific judgment, and negotiation with the Soviets. Galbraith professes that his is not a crusade against the military man himself, then states that World War II military leaders would be appalled to find their modern counterparts handmaidens of the arms producers. One might note at this point that the pen—herein at its innuendo best—is indeed mightier than the sword.

Because his academic robe is figuratively festooned with professional ambassadorial, doctoral, and liberal service badges, Galbraith exerts considerable influence in the land, especially amidst the political left and in the realm of academe. His assertions and dictums cannot therefore be ignored. They must be exposed and rebutted.

Then there is another sort of spokesman for those who today are producing the kitchen heat which all in uniform feel. He is the military leader turned town-crier.

Certainly as far as military men are concerned, the most publicized and best known such pronouncement in recent months has been Marine General David M. Shoup's article in the April 1969 issue of *The Atlantic*: "The New American Militarism." Motivation for General Shoup's efforts (Colonel James A. Donovan, U.S.M.C., Ret., got precious little credit for his co-operation) is most difficult to assess. Available explanations range all the way from the General's apparent failure to become one of the "New Team" during the Kennedy years to the possibility that, having looked war square in the face, he has become a true convert to pacifism. The truth, of course, must as usual lie somewhere in between. Regardless of his motivation, though, one may be forgiven for agreeing with the *National Observer's* astute conclusion that he "has provided a distinct desservice."

As anyone who has read the article will agree, the General laid about his person with a king-sized club. After bowing briefly in the direction of President Dwight Eisenhower's farewell address—a statement to which many critics of the military allude, but which few quote in its entirety—the ex-Commandant of the Marine Corps brought in a plethora of indictments. Those who wear the military uniform—especially with insignia of senior rank—are enthralled with war, viewing it as a competitive game, and the highroad to promotion. They have only a narrow, military education (and therefore, neither liberal nor cultural understanding); their primary loyalty is to their parent Service and the Department of Defense; they really do not understand Communism, either as a doctrine or a form of government; and they are more concerned with competing against aggression than with preserving the security of their own country. Moreover, they have brainwashed two generations of civilians—who initially held humanistic views—into becoming a bellicose, sword-waving second front. Unless these military officers are brought to heel, the poisonous weed they typify will surely kill the nation they have sworn to defend.

To the extent that articles such as this undermine the nation's security by destroying the credibility of those who manage the U.S. armed forces or by demanding unwarranted reductions in those forces, they are truly a "distinct disservice." Moreover, such articles are far more insidious than others because the authors appear to the layman as idealistic and high-minded insiders who, unable to change nefarious conditions from within, have undertaken full public exposure as the only remaining means of averting disaster. There seems little doubt that, in this instance, the General became an instant hero to the New Left, SDS, and others of similar persuasion. Far more importantly, he has probably sown a significant crop of doubt amongst that vast body of people *Time* termed "middle Americans"—the bulk of the population, the people who dutifully pay their taxes, keep the nation running, and suffer radicals as well as their children in silence. And after all, it is this group which will ultimately decide the issue at hand.

Other voices are being raised in different ways, and they should not be overlooked. The messages vary widely.

Perhaps the most critical proposals are being made on Capitol Hill, because action taken there can force inordinate reductions in and unwise withdrawals of American military forces. For example, Senators Clifford P. Case and Walter F. Mondale—with their young staff assistants—have mounted a campaign against aircraft carriers. Senators Michael J. Mansfield and Stuart Symington were temporarily deflected from their drive to slash U.S. force levels in Europe only by the Soviet invasion of Czechoslovakia. New York's Senator Charles E. Goodell is attempting, at the time of this writing, to legislate complete troop withdrawal from Vietnam by 1 December 1970—regardless of the consequences.

Then there are the ignorant and intemperate tirades of the radical left. Such screechings will not be dignified with comment by this examination.

In microcosm, these are the kinds of words being used today to assault the American military. During the past months charges and accusations have grown from a trickle to a flood; a torrent which could ultimately submerge the military power of the United States. And the real danger in this assault lies in a few simple truths about the world in which we live.

It is a world of power politics. In that world are nations which wish America ill—perhaps one should be blunt: nations seeking, at the very least, our political demise. It matters not whether these nations act in concert or individually. (For this reason the issue of "monolithic Communism" is specious.) So long as one or more of these nations have the military power to inflict upon or threaten the United States with grievous national harm, then our security is in jeopardy. And so long as the United States has the military powers to prevent such harm, or to deter it through assured capability to retaliate in greater measure, that security is preserved.

Our foreign antagonists clearly understand this power equation which has governed international relations, particularly since the beginning of World War II. After that war, those nations and blocs of nations who would profit from our political passing attempted to circumvent that equation. They tried in Europe, in Korea, Cuba, and now in Vietnam, but to date they have failed. Always, America's armed strength and dedicated fighting men have blocked the way. As a result, the United States remains—as she has been for two-and-a-half decades—the Free World's main bulwark against the omnipresent tide of slavery and totalitarianism.

> "For it's Tommy this, an' Tommy that, an'
> 'Tommy, wait outside';
> But it's 'Special train for Atkins' when
> the [troopship's] on the tide—"

The outcry against all things military in the United States, if carried to its ultimate end, would upset that international power equation and destroy American as well as Free World security. Thus, while the threat from without remains, we now face an equally potent challenge from within. It makes little difference whether that challenge is generated and sustained by those who, because of myopia, fail to perceive the external dangers confronting us; by those who, through misunderstanding or wishful thinking, believe our enemies would benigny allow us to turn our backs on the world and concentrate all our efforts on our domestic ills; or by those who are enemies in the true sense of the word—idolaters of Mao and the deceased Ho—seeking a revolutionary Communist America. Nor does it matter if—as the *Long Beach Dispatch* put it—"a collection of liberals, misfits and ivory-tower dreamers, aided and abetted by either naive or calculating members of the media, are out to destroy the military itself." What does matter is that the continued existence of a free and democratic United States is at issue. There is an enemy within, regardless of his appearance or the design of the mantle with which he cloaks himself.

The question that now assumes critical importance for the military is: What should be done about it? The answer is not simple. One thing is abundantly clear, however, and that is what we should *not* do.

If the United States is to be protected against the efforts of those who would place her in peril—whether through apathy, ignorance, or malice—we in the military cannot stand idly, silently by and watch it done. Our oath of office will not permit it.

Now is the time for everyone who wears the uniform of the American armed forces to take that oath out of the attic trunk, brush aside the dust it has collected, and read again the words upon it.

In concentrating on the main task of the past 30 years—the external threat—some of us may have forgotten that we solemnly swore to support and defend the Constitution of the United States against all enemies, foreign *and domestic*. That pledge is not directed to a particular Service, a partisan belief, nor is it a license to hunt for personal gain. It is instead a dedication to prevent violent overthrow of a form of government Abraham Lincoln saw as the "last best hope of earth. Our mission is clear: to ensure our country is not militarily weakened to the point that external enemies can, through the use of force, overthrow the U.S. Government and its Constitution.

No. We cannot remain either inactive or silent. Our oath of office most certainly does not condone such behavior.

But, before deciding what should be done, we must first ask ourselves another most difficult, but nonetheless vital question. How much truth is there in the accusations being hurled at the military?

In an organization as large as the U.S. armed forces, there are bound to be isolated cases of wrongdoing—cases which, when brought to light, are dealt with promptly by our uniformed services, leaders to the hilt of their political permissibility. Unfortunately, it takes only one such case to lend credibility to exaggerations and gross falsehoods that, though unrelated and groundless, inevitably follow.

In an organization as large as the U.S. armed forces, there could be a very few who, as General Shoup claims, hunger for glory and are quite willing to sacrifice much to obtain it; there could be a very few who compromise principle and integrity for personal material gain; and there could be a few others who subjugate national need to individual Service pre-eminence. We in the military must redouble our efforts to guard against these isolated cases and, if and when they occur, we must continue to deal with them promptly and effectively.

Thus, if we in the armed services are to do our part in frustrating the aims of those who would turn the American eagle into a lamb, we must continue to single out and eliminate those among us who, by their avarice and indiscretion, despoil our integrity and destroy our credibility. Our regulations require it; American citizens deserve it. It is, moreover, not enough that we remain vigilant against wrongdoing itself; we must strengthen that vigilance against the exercise of poor judgment which gives the *appearance* of wrongdoing.

Secondly, we must police our own requirements even more rigidly if we are to disarm the critics who decry "unrestrained military spending." Specifically, we must continue our efforts to forestall justifiable criticism by attacking the problem of national military needs with hardheaded pragmatism and absolute honesty, necessarily leavened with political realism and fiscal responsibility. We cannot forget that, all too often, the vociferous critic needs only a small bit of evidence, real or apparent, to make believable a broad spectrum of accusations.

When John Kenneth Galbraith points his pen at bureaucratic institutionalism, for example, he can cite just enough evidence to make his follow-on shotgun condemnation credible; especially to the layman. When a senator uncovers one badly written or carelessly monitored contract entailing any waste of funds, he can easily render a thousand ideal contracts suspect. When the armed services are accused of squandering public funds—be it on hardware, travel, research, or what have you—everything else we are trying to accomplish may be jeopardized.

We must continually ask ourselves, for instance, whether the American military establishment does contain some bloated staffs, worthless bases, unneeded weapons systems, or other examples of costs that cannot be supported on any rational basis—austere funding or otherwise. Insofar as the current budgetary reductions may cause us to eliminate such possible inefficiencies, they will serve us and the nation. If, on the other hand, we eliminate combat forces—the cutting edge of American military prowess—in order to hang onto a gaggle of military sacred cows, we will surely bring down on our own heads the legitimate anger of the very people we are pledged to defend. Like charity, responsibility begins at home. And, within the parameters of political reality, we must continue to be responsive to this responsibility.

We need to maintain unstinting self-vigilance because our very integrity is at issue. If, through indiscretions and sloppy practices, we permit our credibility to be shattered—it patently is chipped and cracked today—we can be sure that our sound advice and realistic requests soon will be *totally* ignored, even with respect to those issues which in fact, mean life or death for the United States.

Safe in the knowledge that we are properly policing our own conduct and environment, we are free to turn our attention increasingly to those domestic critics who would, knowingly or inadvertently, gamble away U.S. national security. And here it is pertinent to observe that while silence may be golden when fighting an aggressive external enemy, it is akin to sheer folly when combating assaults from within. In the lat-

XUM

ter instance, ammunition comprises words both spoken and written, and there is no place in such a conflict for a silent service. Moreover, the military man's historic reluctance to speak out must be overcome. Unless it is, and unless the military spokesman—buoyed by confidence in his own integrity and experience—confronts his critics directly, rather than speaking in bland, ineffectual generalities, he will make no headway at all in stemming the anti-military tide.

There is another vital requirement. As the very shrewd Galbraith noted, "There must be organization." Here we in the military are well endowed. (Certainly the SDS and others think so, judging from their efforts to subvert that organization from below.) It is an organization in being, needs only to be directed, and provides an almost infinite capacity for passing our own considered and documented view of American security needs to those most directly concerned: the vast, silent majority of the American people.

There is no other way, for instance, to counter assertions such as the one recently made by Marcus Raskin (co-director of Washington's Institute of Policy Studies) at the Conference on the Military Budget and National Priorities. He urged the abolition of the CIA, the National Security Agency, and the Defense Department within the next ten years. Only in this way, he claimed, can the "national security state" be eliminated and the continuance of a free society be assured. One can readily envisage two reactions to unchallenged irresponsibilities of this sort: chuckles of incredulity and delight in Moscow and Peking; and, in the United States, picket signs being hastily lettered by war, draft, and ROTC opponents.

Similarly, we owe it to the path under which we serve to refute, item by item, the inaccuracies, half-truths and, in too many instances, utter nonsense which currently inundate American media.

Our approach to the problem must, of course, be a dual one. Refutation and rebuttal are essentially negative reactions. A set of positive answers is equally important; answers built around our carefully reasoned and convincingly documented conception of this nation's security needs in today's real world. Inherent in such a view is an accurate, up-to-date assessment of the external threat and what the United States needs to meet it. Those needs must be arrived at not only in the traditional way, but with the leavening provided by an objective consideration of domestic political and fiscal realities as well. Unless this latter input is included, we will fashion not just a credibility gap, but a vast chasm of distrust; one that will multiply the risks facing the United States just as surely as will many of the anti-military proposals being propounded today.

Let there be no mistake about it; the current attack upon the American military is acute—and it is growing in intensity. Joseph Kraft recently expressed the view that to succeed in "chaining the defense monster," the critics must keep shooting away. This view is widely held.

Carried to fruition, the anti-military campaign threatens to so weaken this nation's defenses as to place the United States in the greatest jeopardy in its history. After all, since we do live in a world of power politics, our ability to control our own national destiny continues to depend upon the military power which at once protects us from external attack, and constitutes the backbone of our foreign policy posture. Reasonable and informed Americans recognize that this state of affairs will probably continue to exist until the arrival of that elusive millinenium when men and nations will at last conduct themseleves according to the Ten Commandments—God's; not Galbraith's.

"Then it's Tommy this, an' Tommy that,
an' 'Tommy, 'ows yer soul?'
But it's 'Thin red line of 'eroes' when
the drums begin to roll—"

This particular domestic battle will not be easily won. Like the war in Vietnam, it is somewhat different from anywhere we in uniform have experienced in our past. Barbs hurled by the New Left, or by public figures who seek to convert public confusion and unease into political capital are neither new to U.S. society nor difficult to understand. Complexity enters the picture when current domestic ills are added, and the waters are muddied by self-seeking cop-outs from responsibility, on the one hand, and opportunists on the other. Finally, the confrontation is further complicated by an ingredient uncomfortably unfamiliar to the modern American fighting man: the necessity for him to defend to his own countrymen his motivation, his judgment, and above all, his integrity. This latter, of course, is the hardest cheese of all to swallow. Nevertheless, it must be done.

We have the resources and the capability to combat the assaults now being made upon the military. Even General Shoup admits that the American armed forces include large numbers of intelligent and articulate individuals. They must make themselves heard. In speeches, in writings, and in general conversation. The opportunities are myriad; we need only seize them.

Again one must insist that this is the worst possible moment for the American Serviceman to react to the current attacks with injured feelings, righteous indignation, panic, or withdrawal. Unlike Tommy Atkins, no Kipling speaks for us to remind Americans, as Kipling warned the British, that "Tommy ain't a bloomin' fool—you bet that Tommy sees!" To honor the oath we have taken, we must speak for ourselves. If we do so with the same dedication and professionalism that we have so abundantly displayed on wartime battlefields, we shall be equally successful in protecting this nation against those who now endanger it from within.

For, given the whole picture—not just the slanted and perverted glimpse being broadcast these days—the American people will speak out with the sound and reasoned majority voice which will preserve the United States and its democratic processes. They have done thus for two hundred years. If we in the military keep our heads and faithfully honor the *whole* of our oath of office, they will be able to do so for another two hundred.

(Note.—A graduate of the U.S. Naval Academy with the Class of 1946, Captain Hanks served on the USS *St. Paul* (CA–73) from August 1945 to January 1949. He was assigned to AirASRon 892 in 1951–1952 and to the NROTC Unit at Oregon State University from 1952 to 1954. He was operations officer of the USS *Arnold J. Isbell* (DD–869) from 1954 to 1956, and for ComDesRon Eleven in 1956–57. He was executive officer of the USS *Floyd B. Parks* (DD–884) in 1960–1961, and commanded the USS *Boyd* (DD–544) from 1961 to 1963. Following two years on the staff of ComCruDesPac, he attended the Naval War College and, in 1966, he served first as Assistant for NATO Affairs, and then as Deputy Director for Nuclear Planning Affairs in the Office of the Assistant Secretary of Defense (International Security Affairs). He is currently Commander Destroyer Squadron Thirteen.)

Dimension of Security

(Statement by Senator J. W. Fulbright)

In the old Western movies there was a standard climax in which the villian emerged from his hideout shielded behind the captive heroine and snarling: "Shoot me and the girl dies!" I perceive in this old melodrama a kind of analogue to my own relations with the military. In these years of criticizing our war policy in Vietnam, I have thought a number of times that I had my fellow politicians in the executive branch cornered—intellectually, that is—only to have them burst out of their hideout shielded behind the military in the role of the heroine, and snarling: "Shoot me and the girl dies!"

I am tired—as I expect you may be—of seeing the military used as a hostage for policies made by civilian officials. I am tired of having my criticism of the war in Vietnam interpreted as an attack on our soldiers in the field. In fact it is no such thing. The courage and endurance of our fighting men command the respect of all Americans; the fault in our war policy lies not with them but with the political decisions which committed them to an impossible task. We have been trying to defeat a nationalist insurgency on behalf of a government which has shown itself incapable of inspiring either the support of its people or the fighting spirit of its army. For reasons having nothing to do with the fighting abilities of our GI's or the leadership qualities of their Officers, that task has been found impossible—not in the sense that it is beyond our military means but because it is beyond any military means that we have been morally and politically willing to employ.

Some of us have perhaps not been as aware as we should of the anguish that Vietnam has involved for our professional soldiers. In the two world wars, and even the Korean War, our armed forces were bolstered by stalwart allies and strong public support at home. Both of these are lacking in Vietnam: our client is a weak reed and the American people are divided and demoralized. These, I am well aware, are heavy psychological burdens for an army facing a resourceful and tenacious enemy.

In addition, there is the specter of having to settle for something less than victory, perhaps even something less than a standoff. That would be a new experience for American soldiers, whose morale has been built not only on their unbroken history of success but on their "can-do" spirit in the face of any challenge. That spirit has served the American people well but it also contains a pitfall: it can lead an army to misjudge its prospects, by gauging them more on the basis of its own elan than a cold appreciation of the facts of the situation.

We politicians have a different standard. In our dealings with each other victories are rare; standoffs are routine; and sometimes we get beaten. Quite obviously soldiers cannot conduct wars by the pliant standards of parliamentarianism. But there is value in the experience of settling for less than you had hoped for, of trimming your sails, and carefully distinguishing between what you can do and what you cannot do. More than a few wars have been lost—I think of France in 1870 and Germany in 1914—in part because soldiers told their civilian chiefs that they could do more than it turned out they could do. And more than once in history a peace has been lost because politicians persuaded themselves that they could do more than it turned out they could do. In this connection, it occurs to me that few Presidential advisers, military or civilian, ever served their country and President better than General Ridgway did when he advised President Eisenhower in 1954, not that we could not intervene and win in Indochina, but that we could not do it at reasonable cost, or to any useful end. I think it is a great misfortune that there were no such persuasive "no-men" serving the Johnson Administration in 1964.

Mistakes are not liquidated with glory, and Vietnam, I believe, has been a mistake. At such time and by whatever means this war is ended, we are all likely to emerge somewhat sobered. There will be little for any of us to be proud of—except for the soldiers

XUM

who fought so hard in so unpromising a cause. I stress this point to you as soldiers not only because I believe it to be true but, frankly, because I have had the fear that, out of an exaggerated feeling of their own responsibility for the stalemate in Vietnam, some of our military leaders have been professing an unwarranted optimism about the war, thereby encouraging its continuation.

I. THE DILEMMA OF ENDS AND MEANS

Having emphasized as clearly as I know how that I have no criticism to make of military men, or their performance in Vietnam, I turn now to the influence in our affairs that I do criticize: not the military but militarism, and its effects upon American life. I do not propose to belabor you with a discourse on the military-industrial-labor-university complex. I expect you have heard something about it already—more perhaps than you have cared to hear. Nor do I propose to recite the list of our foreign installations and the names of the countries to which we have committed ourselves militarily by one means or another. I propose instead to suggest some of the ways in which our far-flung military commitments are bringing about profound changes in the character of our society and government—changes which are slowly undermining democratic procedure and values, and which, taken together, have set us on the path toward authoritarian government.

My theme is the relationship of ends to means, the connection between the objective of our foreign relations and the nature of the policies we pursue. The ultimate test of any foreign policy is not its short-term tactical success but its effectiveness in defending the basic values of the society. When a policy becomes incompatible with, or subversive of, those values, it is a bad policy, regardless of its technical or tactical effectiveness. I think we would all agree that the central, commanding goal of American foreign policy is the preservation of constitutional government in a free society. My apprehension is that we are subverting that goal by the very means chosen to defend it.

XUM

Confronted in the last generation with a series of challenges from dynamic totalitarian powers, we have felt ourselves compelled, gradually and inadvertently, to imitate some of the methods of our adversaries, seeking to fight fire with fire. I do not share the view that American fears of Soviet and Chinese aggressiveness have been uniformly paranoiac, although I think there have been a fair number of instances of that. My point is that the very objective we pursue—the preservation of a free society—proscribes certain kinds of policies to us even though they might be the most tactically expedient. We cannot, without doing to ourselves the very injury that we seek to secure ourselves against from foreign adversaries, pursue policies which rely primarily on the threat or use of force, because policies of force are inevitably disruptive of democratic values. Alexis de Tocqueville, that wisest of observers of American democracy, put it this way:

> "War does not always give democratic societies over to military government, but it must invariably and immeasurably increase the powers of civil government; it must almost automatically concentrate the direction of all men and the control of all things in the hands of the government. If that does not lead to despotism by sudden violence, it leads men gently in that direction by their habits.
>
> "All those who seek to destroy the freedom of the democratic nations must know that war is the surest and shortest means to accomplish this. That is the very first axiom of their science."[1]

For more than a decade out of the last three we have been engaged in large-scale warfare, and for the rest of that period we have been engaged in the cold war and in ever more costly preparations for war. In the wake of our disappointment with the United Nations in the forties, we have taken it upon ourselves to preserve order and stability in much of the world, purporting to do on our own the things that Wilson and Roosevelt hoped to accomplish through world organization but never dreamed of America doing on its own. As I have said, I am not one of those who believe that these vast commitments were taken on out of delusion or the conscious lust for power. The threat, though exaggerated and distorted in some instances, has been real enough in others, but in either case the effect has been the same for our internal life. War, and the chronic threat of war, have been carrying us, "gently" by our "habits," toward despotism.

The dilemma involved in all this for a soldier must be a particularly agonizing one. It must sound as though he is being asked to fight with one hand behind his back, accepting limits upon his own stock in trade of which his adversary is free. And that is exactly what you, as soldiers, are being asked to do. You are asked to conceive of security in a dimension broader than that of your own trade. You are asked to conceive of security in terms of ends as well as means, in terms of the procedures and values of a free society as well as the most efficient means of thwarting an adversary.

There are times, to be sure, when a threat may seem so great and imminent as to warrant the circumvention of democratic procedure. There are times when war is thrust upon you. But there are times when a threat turns out in retrospect to have been less ominous than it seemed; there are times when we have some choice in the matter of war and peace. Psychologists tell us that our perceptions are only partly reflections of the real world; the other part is determined by our own expectations. I think that we have perceived more menace in the world around us than is actually there. I believe that we have had more choice than we have known. Korea was perhaps forced upon us; Vietnam was not. Pearl Harbor left us with no choice; the incident in the Gulf of Tonkin left us with ample choice. The Cuban missile crisis may have warranted unusual procedures; the Bay of Pigs and the Dominican Republic patently did not.

Because of the kind of country we are, we cannot, except in the most exceptional circumstances, allow foreign policy to take priority over domestic and constitutional requirements. Given a choice between the use of force and less certain but peaceful methods, it is in our interests to take a chance on the latter. Given a choice between efficient emergency procedures and cumbersome democratic ones, it is in our interests to gamble on the latter—in full consciousness of the possibility that our democratic procedures may cost us embarrassment or worse in our foreign policy.

It is quite beside the point to contend, as some of the advocates of the anti-ballistic missile contend, that it is safer to "err on the side of security," because security is involved on both sides of the argument. One has to do with the security of *means*, the other with the security of *ends*.

For three decades we have been erring on the side of the security of means. The consequences of that error are only now coming clearly into view. I should like to suggest what some of these consequences have been—economic, political and moral—and how they have undermined our security in its broader dimension.

II. THE PRICE OF EMPIRE

Every nation has a double identity: it is both a *power* engaged in foreign relations and a *society* serving the interests of its citizens. As a *power* the nation draws upon but does not replenish its people's economic, political and moral resources. The replenishment of wealth—in this broader than economic sense—is a function of domestic life, of the nation as a society. In the last three decades the United States has been heavily preoccupied with its role as the world's greatest power, to the neglect of its societal responsibilities, and at incalculable cost to our national security. The economic cost is reflected in the disparity of almost ten to one between federal military expenditures since World War II and regular national budgetary expenditures for education, welfare, health and housing. Then in the hands of the national executive, in a long-term trend toward authoritarian government. The moral cost is reflected in the unhappiness of the American people, most particularly in the angry alienation of our youth.

Speaking first of the economics of our global role: I have been told many times that, in terms of our gross national product, we can well afford to do the things that need to be done at home without reducing our activities abroad. The answer to that assertion is that we are *not* in fact rebuilding our cities; we are not overcoming poverty and building schools and houses on anything approaching a scale commensurate with the need; nor are we effectively combating crime, pollution, and urban and suburban ugliness.

Even if the economic resources were there, the psychological resources are not. The war in Vietnam has drained off not only money but political energy and leadership, and public receptiveness to reform. The war has totally altered the atmosphere of a few years ago, when hopes and confidence were high and the American people seemed willing to embark upon an era of social reform. An excellent start was made with the landmark legislation of 1964 and 1965, but Vietnam cut that short, dividing the country and the Congress, and inciting dissent and disorder. These in turn have given rise to a middle class reaction based on the fear of violence and anarchy. The result is an atmosphere uncongenial to reform, urgently needed though it is. Until the war in Vietnam is ended, there can be no prospect of the nation's more sober and generous instincts reasserting themselves, no prospect of a renewal of the nation's strength at its vital domestic source.

Having promised not to lecture you on the military-industrial-labor-academic complex, I confine myself to this one observation: With military expenditures providing the livelihood of some 10 percent of our work force; with 22 thousand major corporate defense contractors and another 100 thousand subcontractors; with defense plants or installations located in 363 of the 435 Congressional districts; with the Department of Defense spending $7.5 billion on research and development this year, making it the largest consumer of research output in the nation—millions of Americans whose only interest is in making a decent living have acquired a vested interest in an economy geared to war. These benefits, once obtained, are not easily parted with. Every new weapons system or military installation soon acquires a constituency—a process which is aided and abetted by the perspicacity with which Pentagon officials award lucrative contracts and establish new plants and installations in the districts of influential Members of Congress. I have not the slightest doubt that, if the anti-ballistic missile is deployed, it will soon acquire its own powerful constituency, and then we will be saddled with it—for reasons wholly independent of its ostensible military utility.

According to current intelligence calculations, made in terms of equivalent real purchasing power, the Russians are spending only three-fourths as much as we are on defense. Nonetheless, we are told, they threaten to pull ahead of us in strategic weapons and we must be prepared to counter that threat. I do not understand why they should be getting so much more for their money than we are. Perhaps the fault lies in inferior American efficiency—a disconcerting thought. Perhaps it lies in the lack of legislative oversight of the defense budget comparable in rigor and thoroughness to that exercised over the much smaller budgets of the other departments.

---

[1] Alexis de Tocqueville, *Democracy in America* (New York: Harper & Row, Publishers, 1966), Vol. II, ch. 22, p. 625.

Be that as it may, by any standard the amounts spent on defense have become staggeringly disproportionate to the rest of the economy. It fills me with dismay when Department of Defense officials suggest that, as part of a "grand design" for strategic policy, we may be forced to "win" an arms race with the Russians by relying on our superior resources to spend them into bankruptcy. Such a strategy puts me in mind of the practice among the Indians of the Pacific northwest known as the "potlatch." Starting as a rivalry in gift-giving for the sake of prestige, the practice degenerated, as the tribes became wealthier, into competitive orgies of waste and destruction. An anthropologist describes it as follows:

> "No longer did the potlatch serve its traditional functions of redistributing wealth, validating rank, and making valued alliances. The wealth of these new rich seemed limitless, more than they could ever consume at a potlatch. So they instead destroyed vast amounts of wealth before the horrified eyes of the guests, as well as the other contenders, to dramatize the extent of their holdings. Fortunes were tossed into potlatch fires; canoes were destroyed; captives were killed. The competing claimants had no alternative but to destroy even more property at *their* potlatches.
>
> * * * * *
>
> "A contender for rank ultimately found himself in a position whereby the only way he could humiliate a wealthy rival was to destroy one of the precious coppers"—a kind of bank note representing vast wealth. "The act was equivalent to wiping out all the debts owed to him. It was an incredible price to pay, but the man who made such a dramatic gesture no doubt rose meteorically in rank."[2]

Quite as inevitably as if it were deliberate, our imperial role in the world has generated a trend toward authoritarian government.

Vested by the Constitution *exclusively* in the Congress, the power to initiate war has now passed under the virtually exclusive control of the executive. The "dog of war," which Jefferson thought had been tightly leased to the legislature, has now passed under the virtually exclusive control of the executive. The President's powers as commander-in-chief, which Hamilton defined as "nothing more than the supreme command and direction of the military and naval forces," are now interpreted as conferring upon the President full constitutional power to commit the armed forces to conflict without the consent of Congress. On the one hand it is asserted that the initiation of an all-out nuclear war could not possibly await Congressional authorization; on the other hand it is contended that limited wars are inappropriate for Congressional action. There being, to the best of my knowledge, no other kinds of war besides "limited" and "unlimited," it would seem that the Congressional war power has been effectively nullified.

The treaty power of the Senate has also been effectively usurped. Once regarded as the only constitutional means of making a significant foreign commitment, while executive agreements were confined to matters of routine or triviality, the treaty has now been reduced to only one of a number of methods of entering binding foreign engagements. In current usage the term "commitment" is used to refer to engagements deriving sometimes from treaties but more often from executive agreements and even simple, sometimes casual declaration.

Thailand provides an interesting illustration. Under the SEATO Treaty the United States has only two specific obligations to Thailand: to act "in accordance with its constitutional processes" in the event that Thailand is overtly attacked, and to "consult immediately" with the other SEATO allies should Thailand be threatened by subversion. But the presence of 50 thousand American troops in Thailand, assigned there by the executive acting entirely on its own authority, creates a *de facto* commitment going far beyond the SEATO Treaty. In addition, on March 6, 1962, former Secretary of State Dean Rusk and Thai Foreign Minister Thanat Khoman issued a joint declaration in which Secretary Rusk expressed "the firm intention of the United States to aid Thailand, its ally and historic friend, in resisting Communist aggression and subversion." This, obviously, goes far beyond the SEATO Treaty.

An even more striking illustration of the upgrading of a limited agreement into a *de facto* military obligation is provided by the series of agreements negotiated over the last sixteen years for the maintenance of bases in Spain. Initiated under an executive agreement in 1953, the bases agreement was significantly upgraded by a joint declaration issued by Secretary Rusk and Spanish Foreign Minister Castiella in 1963 asserting that a "threat to either country" would be the occasion for each to "take such action as it may consider appropriate within the framework of its constitutional processes." In strict constitutional law, this agreement, whose phrasing closely resembles that of our multilateral security treaties, would be binding on no one except for Mr. Rusk himself; in fact it is what might be called the "functional equivalent" of a treaty ratified by the Senate. Acknowledging even more explicitly the extent of our *de facto* commitment to Spain, General Wheeler, acting under instructions from Secretary Rusk, provided Spanish military authorities in 1968 with a secret memorandum asserting that the presence of American armed forces in Spain constituted a more significant security guarantee than would a written agreement.

Quite aside from questions of the merit or desirability of these commitments, the means by which they were incurred must be a matter of great concern to anyone who is concerned with the integrity of our constitutional processes. For at least thirty years power over our foreign relations has been flowing into the hands of the executive. So far has this process advanced that, in the recently expressed view of the Committee on Foreign Relations, "it is no longer accurate to characterize our government, in matters of foreign relations, as one of separated powers checked and balanced against each other."[3] To a limited extent this constitutional imbalance has come about as the result of executive usurpation; to a greater extent it has been caused by the failure of Congress to meet its responsibilities and defend its prerogatives in the field of foreign relations; but most of all it has been the result of chronic warfare and crisis, of that all but inevitable concentration of powers in time of emergency of which Alexis de Tocqueville took notice over a century ago.

Under circumstances of continuing threat to the national security, it is hardly surprising that the military itself should have become an active, and largely unregulated participant in the policy making process. Bringing to bear a degree of discipline, unanimity and strength of conviction seldom found among civilian officials, the able and energetic men who fill the top ranks of the armed services have acquired an influence disproportionate to their numbers on the nation's security policy. The Department of Defense itself has become a vigorous partisan in our politics, exerting great influence on the President, on the military committees of Congress, on the "think tanks" and universities to which it parcels out lucrative research contracts, and on public opinion. I was, quite frankly, disturbed to learn some weeks ago that the Department of the Army actually planned a national publicity campaign, involving exhibits and planted magazine articles to be solicited from civilian scientists, in order to "sell" the ABM to the American public and to counteract the criticisms of Congressmen and the scientific community.

Again, let me emphasize that the danger I perceive here is not military men but *militarism*. Applying the same principle to the executive as a whole, the danger of executive dominance over our foreign relations has nothing to do with the wisdom or lack of it in individual officials. A threat to democracy arises from *any* great concentration of unregulated power. I would no more want unregulated power to be wielded by the Congress than by the executive or the military—not even by the Senate Committee on Foreign Relations. The principle is an old and familiar one, and is just as valid today as it was when Jefferson expressed it in the simple maxim: "Whatever power in any government is independent, is absolute also."

In recent months the Senate has shown a growing awareness of the need for restoring a degree of constitutional balance in the making of our foreign policy. To a great extent this new attitude has been reflected in the debate on the anti-ballistic missile and a general disposition to bring the military budget under the same scrutiny that has always been applied to the budgets of the civilian agencies. In addition, the Senate is about to debate a "national commitments" resolution, the essential purpose of which is to remind the Congress of its constitutional responsibilities both for the making of treaties and the initiation of war.

These, I believe, are hopeful and necessary steps, but in the long run it is unlikely that constitutional government can be preserved solely by the vigorous exercise of legislative authority. No matter what safeguards of attitude and procedure we employ, a foreign policy of chronic warfare and intervention has its own irreversible dynamic, and that is toward authoritarian government. A democracy simply cannot allow foreign policy to become an end in itself, or anything more than an instrument toward the central, dominating goal of securing democratic values within our own society. I would indeed lay it down as a fairly confident prediction that, if American democracy is destroyed within the next generation, it will not be destroyed by the Russians or the Chinese but by ourselves, by the very means we use to defend it. That is why it seems to me so urgent for us to change the emphasis of our policy, from the security of means to the security of ends.

Finally, I would like to say a word about the moral price of our imperial role in the world. The success of a foreign policy, as we have been discovering, depends not only on the availability of military and economic resources but, at least as much, upon the support given it by our people. As we have also been discovering, that support cannot be gained solely by eloquent entreaty, much less by the devices of public relations. In the long run it can only be secured by devis-

---

[2] Peter Farb, *Man's Rise to Civilization as Shown by the Indians of North America from Primeval Times to the Coming of the Industrial State* (New York: E. P. Dutton & Co., Inc., 1968), pp. 150, 151.

[3] *National Commitments,* Report of the Committee on Foreign Relations on S. Res. 85, United States Senate, 91st Cong., 1st Sess. (Washington: U.S. Government Printing Office, 1969), p. 7.

XUM

ing policies which are broadly consistent with the national character and traditional values of the society, and these—products of the total national experience—are beyond the reach of even the most effective modern techniques of political manipulation.

History did not prepare the American people for the kind of role we are now playing in the world. From the time of the framing of the Constitution to the two world wars our experience and values—if not our uniform practice—conditioned us not for the unilateral exercise of power but for the placing of limits upon it. Perhaps it was a vanity but we supposed that we could be an example for the world—an example of rationality and restraint. We supposed, as Woodrow Wilson put it, that a rational world order could be created embodying "not a balance of power but a community of power; not organized rivalries, but an organized common peace."

Our practice has not lived up to that ideal but, from the earliest days of the Republic, the ideal has retained its hold upon us, and every time we have acted inconsistently with it—not just in Vietnam but every time—a hue and cry of opposition has arisen. When the United States invaded Mexico, two former Presidents and one future President[4] denounced the war as violating American principles. The senior of them, John Quincy Adams, is said even to have expressed the hope that General Taylor's officers would resign and his men desert.[5] When the United States fought a war with Spain and then suppressed the patriotic resistance to American rule of the Philippines, the ranks of opposition were swelled with two former Presidents, Harrison and Cleveland, with Senators and Congressmen including the Speaker of the House of Representatives, and with such distinguished individuals as Andrew Carnegie and Samuel Gompers.

The dilemma of contemporary American foreign policy is that, while becoming the most powerful nation ever to have existed on the earth, the American people have also carried forward their historical mistrust of power and their commitment to the imposition of restraints upon it.[6] That dilemma came to literal and symbolic fulfillment in the year 1945 when two powerful new forces came into the world. One was the bomb at Hiroshima, representing a quantum leap to a new dimension of undisciplined power. The other was the United Nations Charter, representing the most significant effort ever made toward the restraint and control of national power. Both were American inventions, one the product of our laboratories, the other the product of our national experience. Incongruous though they are, these are America's legacies to the modern world: the one manifested in Vietnam and the nuclear arms race, the other in the hope that these may yet be brought under control.

The incongruity between our old values and our new unilateral power has greatly troubled the American people. It has much to do, I suspect, with the current student rebellion. Like a human body reacting against a transplanted organ, our body politic is reacting against the alien values which, in the name of security, have been grafted upon it. We cannot—and dare not—divest ourselves of power, but we have a choice as to how we will use it. We can try to ride out the current convulsion in our society and adapt ourselves to a new role as the world's nuclear vigilante. Or we can try to adapt our power to our traditional values, never allowing it to become more than a means toward domestic, societal ends, while seeking every opportunity to discipline it within an international community.

We cannot resolve this dilemma by choosing to "err on the side of security," because security is the argument for both sides. The real question is: which represents the more promising approach to security in its broader dimension?

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield.

Mr. FULBRIGHT. I thank the Senator for bringing to the attention of the Senate and the country this essay, not only because it happens to mention me, but because, as the Senator has pointed out, it also mentions other Members of this body whom the captain condemns as being inimical to the welfare of this country.

It would not be so serious if it were just Captain Hanks. But the character and the makeup of the U.S. Naval Institute, which selected Captain Hanks' work as the prize essay for 1970, in effect, means that the leading members of that organization, its board of control, have adopted the views of Captain Hanks as their own. I say this in the sense that they feel that it is representative in viewpoint and deserves their accolade and a prize, I believe, of $1,500.

I ask the Senator, does he not share that opinion in view of the fact that the admiral who has recently been confirmed as Chairman of the Joint Chiefs of Staff also happens to be president of the board of control of the U.S. Naval Institute, Adm. Thomas H. Moorer; that the vice president is Rear Adm. James Calvert; the secretary and treasurer is Cmdr. R. T. E. Bowler, Jr., and the directors—all, of course, high-ranking members of the Navy—include Vice Adm. William T. Mack, Rear Adm. Henry L. Miller, Rear Adm. O. D. Water, Jr., Rear Adm. Sheldon H. Kinney, Brig. Gen. Herman Poggemer of the Marine Corps, and Capt. Albert A. Heckman of the U.S. Coast Guard? It does seem to me that their awarding a prize for this kind of statement is a most ominous development. I wonder whether the Senator does not think it is true that the fact that the way this prize was awarded and considered makes it far more significant than if it were just the statement of a single captain in the Navy?

Mr. CHURCH. I agree with the distinguished Senator from Arkansas. The Naval Institute did award its prize to this particular essay, thus implicating the institute. The Senator mentioned those who serve on the board as being very high-ranking naval officers, including the present Chairman of the Joint Chiefs of Staff. The article, therefore, has to be considered in the light of its sponsorship.

Mr. FULBRIGHT. Does not the Senator think that this kind of attitude on the part of the military makes even more significant than many Senators realize the current discussion going on in the Senate involving the powers of the Commander in Chief? Of course, the Church-Cooper amendment to the Military Sales Act is specifically directed at Cambodia. But in a general sense, it is an effort to reestablish the role of Congress in our national life, and to give some balance between the three branches, specifically between the executive and the legislative in this case.

Here is an example of an attitude on the part of the military, which is under the direction of the President—at least under his direction nominally. I am not sure, in the case of the crisis which developed day before yesterday in Ecuador, whether a President was under the direction of the military or the military was under the direction of a President. You can take your choice. The fact was that the military took over, as they have recently in six countries in Latin America.

I am not suggesting they are about to take over in the United States. I am suggesting that the essence of the argument and the reasoning for the effort to reestablish the role of Congress in controlling the war power is a very important one. It is highlighted and made more important by an attitude on the part of some high-ranking military leaders that Congress is a threat and a danger, and that Members of this body, because they do not approve of the current military policy of this country, are dangerous to the country.

I think this should be brought to the attention of the Senate and of the public, that this matter of the balance between the executive and the legislative is far more important than just the personalities involved.

Mr. CHURCH. I agree.

Mr. FULBRIGHT. Does the Senator not agree with that?

Mr. CHURCH. I agree fully with the distinguished chairman of the Committee on Foreign Relations. The very fact that the essay is entitled "Against All Enemies," that the author urges officers to invoke their oath, not only against enemies without, but, by implication, against enemies within, and that the Naval Institute chooses to award its first prize to such an essay, raises very ominous questions about which Senators should concern themselves, whatever their partisan views, if they believe in the institutions of the Republic and the supremacy of civilian rule in the United States.

Mr. FULBRIGHT. And if they are interested in the preservation of our constitutional system; especially when you couple this award with the thrust of the essay. Captain Hanks has discovered that there are Members of the Senate and private citizens who deplore some of our military policies—he mentions Ambassador Galbraith and a few others—but I assume all of those mentioned by the Vice President 2 days ago would probably fall into this same category, because there was a suggestion in his remarks that they are all in some way subversive and not loyal American citizens. Hanks says his oath of office requires him to do what he can to eliminate from public life, at least, all of the people who do not share his views about the proper military policy for this country.

We should couple this attitude with

---

[4] John Quincy Adams, Martin van Buren and Abraham Lincoln.

[5] Charles A. Barker, "Another American Dilemma," *Virginia Quarterly Review*, Spring 1969, pp. 239–240.

[6] The theme here developed, the dilemma posed by American power as against the commitment to an equality of rights in a community of world power, is adapted from an article by Professor Charles A. Barker of the Department of History of Johns Hopkins University, *ibid.*, pp. 230–252.

other developments such as, for example, the fact that our policy is so closely oriented to the support of the colonels in Greece. A number of Foreign Relations Committee members—including the Senator from Idaho—tried to limit aid to the military junta that destroyed the civilian government in Greece a few years ago, but we were defeated—by a close vote. This illustrates the principle that is involved: The tremendous power of the military in our country and in the Government to influence our diplomacy largely to determine which governments we recognize, what we do, and what aid we give to a country like Greece.

The civilian authorities in Greece, that is, the former civilian authorities, who were interested in a civilian-controlled government, believe and state publicly that our policy assists and helps keep in power the colonels. So all of this put together is, I think, a matter for deep concern for the people in this country who are interested in preserving the constitutional system which we enjoy.

Mr. CHURCH. Mr. President, no one aware of public affairs in this country would contend that the influence of the military in this country is not very great. This is the result, in part, of the complexity of our military commitments and involvements abroad, as well as the large size of our Military Establishment. In part, it is also due to the high reputation of our military men, a reputation, I may add, that is well deserved because historically, military officers, who have commanded our armies and our fleets, have been scrupulous to recognize the institutions of the Republic plus the supremacy of civilian control over the activities of the military. That is why I am so alarmed and disturbed that an article such as this should receive the endorsement of the Naval Institute via a board that includes men of extremely high rank in the Navy of the United States, including the present Chairman of the Joint Chiefs of Staff.

Since the article is susceptible to the interpretation we have given it, an explanation from the Chairman of the Joint Chiefs of Staff is in order.

Mr. FULBRIGHT. Does the Senator know of any precedent in which a high-ranking naval officer or any other high-ranking military officer has so clearly attacked Members of the Senate, condemning them in an indirect way—it is not very indirect, as a matter of fact, the association of the names together with his statement—does the Senator know of any precedent such as this in history? Has the Senator ever run up against a case such as this, perhaps outside the Civil War period?

Mr. CHURCH. Not in my memory.

Mr. FULBRIGHT. Not in modern times.

Mr. CHURCH. Certainly none that is connected to or has the sponsorship of anything like the Naval Institute.

Furthermore, I am unable to recall a period when the Vice President of the United States has undertaken to indict by name so many prominent figures in Government, in academic life, in the business community, in the press, and elsewhere. Perhaps we have reached a point where unprecedented things are going to become commonplace. If that is so, we are in for serious trouble in the United States. Our traditional, democratic institutions are in much more serious jeopardy than most would prefer to believe. Indeed, this may be an unprecedented time.

Mr. FULBRIGHT. I want to put in the RECORD a few facts about the institute which I do not believe have been put in.

The U.S. Naval Institute, located at Annapolis, is a private professional association established in 1873 to provide naval officers with an unofficial forum for the exchange of ideas about the development and improvement of the Navy. It has since broadened its scope to publish for all those interestd in seapower. The institute's current membership numbers about 60,000, of whom around 20,000 are "regular members"; that is, Regular officers of the U.S. Navy, Marine Corps, and Coast Guard. Other members are Reserve officers, enlisted men, and so forth. The president of the board of control is the Chief of Naval Operations, Adm. Thomas H. Moorer. The vice president and four of the six directors of the institute are admirals. The institute—really the publication, Proceedings—in effect, is the house organ of the top echelon in the Navy. The publisher is Comdr. R. T. E. Bowler, Jr., U.S. Navy, retired.

The institute is listed as a private, nonprofit institution for tax purposes, and can accept tax-deductible contributions under section 501 of the Internal Revenue Code. At the same time, it appears that—with annual dues of $8—there is more than ample money at the institute's command.

That amounts to dues of $480,000. That is quite a lot to start with. And they can award very large prizes for this kind of activity. Why this would be considered a private, nonprofit institution, when it awards prizes for articles of this kind, is beyond my comprehension. If it was a private organization and was not headed by the Chief of Naval Operations, I think it would be disallowed any tax exemption, on the ground that it is a propaganda, or lobbying, agency of a political nature.

Mr. CHURCH. Lobbying organizations are definitely not supposed to be tax exempt.

Mr. FULBRIGHT. I do not know what one would call this. I think this is one of the most outrageous violations I have seen of what I thought was the proper ethics of a military officer. As I have said, not only the Senator from Arkansas but also a number of other Senators are mentioned in the article, aside from private citizens.

Their patriotism is being challenged, questioned, by a naval officer, and in an article which is then awarded first prize by a tax-exempt agency headed by the man who is now Chairman of the Joint Chiefs of Staff of the United States, the largest and most widespread Military Establishment in the world today.

I think it is a matter that deserves very serious consideration by the Members of this body, and I thank the Senator from Idaho for bringing it up.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD some pages from the Naval Institute's publication, "Proceedings."

There being no objection, the pages were ordered to be printed in the RECORD, as follows:

U.S. NAVAL INSTITUTE PROCEEDINGS, MARCH 1970

ARTICLES

"Against All Enemies"—The naval officer's solemn oath—to defend the Constitution against all enemies, foreign and domestic—should impel him to speak out against those who endanger the country from within.

"Arms for the Love of Allah"—The Soviet Union emerged from the Six Day War with its position in the Middle East greatly enhanced and its leverage in the Arab world substantially increased.

"The Navy and the Merchant Marine: Critical Coalition"—More than changes in attitude and organization will be required—it may take an act of Congress—if the Navy is to continue to play its traditional role as protector of U.S. merchant shipping.

"Combat Readiness Training"—Inflation or recession aside, there is reason to believe that a dollar spent today in improving the Navy's CRT program will produce value benefits worth almost six dollars.

"Deep Freeze Diary, 1968"—Commander McNeely commanded the 195 men who comprised the wintering-over detachment at McMurdo Station, Antarctica, in 1968.

"The Road to Wisdom"—The wider and deeper a policymaker's knowledge of history, the greater his "sense of history," the less likely he is to repeat the errors of the past.

"ASW vs. AAW: A Question of Direction"—Just because the tactical empires of antisubmarine warfare and anti-air warfare have been going their own way since the late 1940s does not mean they should, or can, do so in the 1970s.

BOARD OF CONTROL

President: Admiral Thomas H. Moorer, USN.

Vice-President: Rear Admiral James Calvert, USN.

Secretary-Treasurer: Commander R. T. E. Bowler, Jr., USN (Ret).

DIRECTORS

Vice Admiral William P. Mack, U.S. Navy; Rear Admiral Henry L. Miller, U.S. Navy; Rear Admiral Odale D. Waters, Jr., U.S. Navy; Rear Admiral Sheldon H. Kinney, U.S. Navy; Brigadier General Herman Poggemeyer, U.S. Marine Corps; Captain Albert A. Heckman, U.S. Coast Guard.

STAFF

Published: Cdr. R. T. E. Bowler, Jr., USN (Ret).

Executive Director: David Q. Scott.

Senior Editor: Frank Uhlig, Jr.

PROCEEDINGS

Cdr. Robert P. Brewer, USN (Ret), Editor; Clayton R. Barrow, Jr., Articles Editor; Robert A. Cohen, Departments Editor; Ted Jorgenson, Pictorial Editor; Katherine McInnis, Production Editor. Associate Editors: Capt. Harry A. Cummings, USN; Robert A. Lambert; Claude P. Lemieux.

BOOKS

Glen B. Ruh, Managing Editor; Lt. Cdr. Arnold S. Lott, USN (Ret), Senior Editor; Mary Veronica Amoss, Editor; Louise Gerretson, Assistant Editor; Kenneth G. Walsh, Assistant Editor; Peter H. Spectre, Assistant Editor; Ed Holm, Picture Book Editor.

NAVAL REVIEW

Frank Uhlig, Jr., Editor; Jan Snouck-Hurgronje, Assistant Editor; Tomi Johnston, Editorial Assistant.

ORAL HISTORY

John T. Mason, Jr., Director.

XUM

ART DEPARTMENT

Gerald A. Valerio, Director; Delroy W. Kiser, Sr., Proceedings Design; Harvey Satenstein, Book Design; Robert Barton, Promotion Design.

MARKETING DEPARTMENT

Richard N. Platt, Jr., Director; Fred Stolley, Promotion Manager.

BUSINESS DEPARTMENT

H. Gordon Williams, Manager; Waynard Simmons, Assistant Manager/Fiscal Operations; Thomas J. Mortimer, Assistant Manager/Accounting; C. O. Moreland, Assistant Manager/Circulation.

ADVERTISING DEPARTMENT

225 Park Avenue, New York, N.Y. 10017, 212-679-5188. Production Manager: Mary Alice Thompson. West Coast Representative: James C. Galloway & Co., 9220 Sunset Blvd., Los Angeles, Calif. 90069.

THE NAVAL INSTITUTE DEFINED

The Naval Institute, a private professional association, was established in 1873 to provide naval officers with an unofficial forum for the exchange of ideas about the development and improvement of the Navy. To this mission the Naval Institute remains dedicated, but it has broadened its program of service to provide professionally oriented publications for members of the U.S. Navy, Marine Corps, Coast Guard, and others concerned with sea power. The Naval Institute is a member of the Association of American University Presses.

Naval Institute publications include the Proceedings, a monthly professional journal; the Naval Review, an annual survey of world sea power; professional and historical books; and color prints of old and new naval vessels.

Through its Distinguished Visitor Program, the Naval Institute each year brings individuals who have made significant contributions in the fields of sea power and international relations to Annapolis and other centers of Institute membership for speaking and seminar activities.

XUM

The Naval Institute also carries on an oral history program, in which verbatim accounts of important naval operations and events are recorded in taped interviews with the key individuals involved.

The Naval Institute now has a membership of some 60,000, about 20,000 of whom are regular members, and the remainder associate members. *Regular Members* are regular officers of the U.S. Navy, Marine Corps, and Coast Guard; *Associate Members* include enlisted and reserve personnel of the naval services, members of other services, foreign naval officers, and civilians interested in the objectives of the Institute.

All members receive the Proceedings monthly, are granted discounts on other Naval Institute publications, and may use the Institute's Book Order Service to obtain books of other publishers, most at a discount. Members are also invited to attend the annual meeting held in Annapolis, Maryland, on the third Thursday in February each year. Only regular members, however, may vote for nominees to the Board of Control, for constitutional changes, or on financial matters.

WRITING FOR NAVAL INSTITUTE PUBLICATIONS

Since the Naval Institute depends heavily on the writing of its members—and, in fact, exists primarily to publish that writing—all members are encouraged to submit manuscripts to the editors of the Institute.

After passing an initial screening process by the editors and publisher, manuscripts submitted for publication as articles in the PROCEEDINGS are read and voted upon by all Directors of the Naval Institute, who also set the rate of payment for accepted articles. Payment is upon acceptance, and the current minimum rate is six cents per word, or about $300–$400 for an average-length article. Comment and Discussion items and Professional Notes bring the same rate of payment on publication.

When writing for the PROCEEDINGS, the following points should be kept in mind: Your writing may be controversial. It was to publish professional, constructive criticism that the journal was begun. Neither poetry not fiction is published. You may submit your article in one of three forms: a finished manuscript, which is preferable; an outline; or simply a query as to the editor's interest in the subject you have chosen.

The Naval Institute publishes general and scholarly books of professional, scientific, and historical interest to the naval and maritime community. A list of the Institute's books may be found at the end of this issue.

Proposals for books are evaluated by the Naval Institute's books staff and, if necessary, by qualified outside reviewers. For preliminary evaluation, a detailed prospectus with a sample chapter or section of manuscript is preferable to a complete draft manuscript. The final decision to accept a manuscript for publication is made by the Institute's Board of Control. Royalty arrangements are established by contract, and the book is edited and produced by the book department staff.

Manuscripts and inquiries concerning writing for the Naval Institute should be sent to the Editor, U.S. Naval Institute Proceedings, or the Managing Editor, Book Department, U.S. Naval Institute, Annapolis, Maryland 21402. Telephone: 301-268-7711, Ext. 2211.

Mr. CHURCH. I thank the distinguished Senator for his comments. I have raised the question because the Senate, as a key institution within our constitutional system, must be safeguarded against interpretations that can be placed upon an article of this character. Further explanation is now in order from the Chairman of the Joint Chiefs of Staff.

Members of the military, as well as civilians, are entitled to their opinion. But groups of citizens are entitled to express their opinion; both are entitled to participate in the electoral process; both are entitled to vote for or against political figures.

Moreover, the Pentagon has a very generous budget with which to present the collective military view on important issues to the American people. It has a very large number of publicists, not only throughout the country, but more than 300 right here on Capitol Hill. The military does not lack its rightful place in our scheme of things; it does not lack influence. Indeed, any impartial observer would have to regard its influence in our society as immense.

However, the propriety of an article of this kind, which raises the implication that men who disagree with the military viewpoint are of questionable patriotism and that the officer's oath should be directed not only against external enemies, but also again by implication, against the enemies within, this is dangerous stuff for all who have eyes to see it, and do not prefer to be blinded.

Mr. FULBRIGHT. It is especially dangerous against the background of three assassinations in recent years of prominent public figures in this country. I would think no one would want to encourage that.

Mr. CHURCH. Yes. And in a world where a precipitous trend in government has been toward military takeover, where each military takeover is always justified in language exactly like the kind employed in this essay, it is dangerous stuff. We cannot afford to overlook its full implications.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. GURNEY. I thank the Senator from Idaho for yielding.

I listened carefully to the colloquy between the Senator from Idaho and the distinguished chairman of the Committee on Foreign Relations, and I noted that the Senator from Idaho mentioned—and here I am paraphrasing what he said—the fact that the Vice President of the United States has been rather outspoken and has named individuals with whom he disagreed. There is no question about that; he has done so. And he struck a very responsive chord with a great many people in the United States. In fact, I think it is probably fair to say that a majority of the people agree with what he has been saying, the point he has been making.

My question to the Senator from Idaho is this: Is the Senator from Idaho suggesting that the Vice President of the United States should not have the opportunity to speak as strongly and loudly and frequently as he may on issues that may be controversial in the country that he feels very strongly about?

Mr. CHURCH. Of course not, as the Senator well knows. What I said was that the series of personal attacks the Vice President made, which are certainly within his right to make, are, in my memory, at least unprecedented. I did not say that he did not have any right, nor did I suggest, as the holder of a political office, that the same strictures applied to the Vice Presidency as apply to officers in the military service.

Mr. GURNEY. I am certainly glad to have that clarified, because I would think that we had, indeed, reached dangerous times if Members of this body thought the Vice President should not speak out strongly on things which affect him deeply.

Mr. CHURCH. The Senator heard my remarks, but he can read them again in the RECORD. He will find that no construction of those remarks could possibly lead to that interpretation or that conclusion.

Mr. GURNEY. May I pose another question to the Senator from Idaho. During the colloquy, he talked about other countries having experienced military juntas, not only as governments but also as groups which have taken over government. Does he suggest that the article written by Captain Hanks indicates that the Navy Department of the United States is about to effect a military coup or takeover in this country?

Mr. CHURCH. No. I think the Senator was here and heard what I said. If he did not, let me restate my arguments. One of the reasons for the high reputation the professional military enjoy in this country is the fact that our highest ranking officers, over the years, have scrupulously observed and recognized the supremacy of civilian rule.

The reason I am disturbed over the Hanks article is that it departs radically from what have been the traditional, professional standards of the military.

As one whose family has long been involved in the military, whose brother served in the Marine Corps as an officer all his life, whose cousins are high-ranking naval officers, and whose family for several generations has been deeply involved in and dedicated to military service, I have a high opinion of the military. I am sure my opinion is as high as that of the Senator from Florida. I would not want the great tradition of American military service, in any way, to be brought into question by an article of this kind. Neither do I want the U.S. Senate to be brought into question by such an article. That is why it has so disturbed me.

Mr. GURNEY. I am certainly reassured by the Senator's statement of the traditional role of the military in the Government of the United States. I certainly agree with him on that case. I wish I had the benefit of having read the article. I have not. It puts me at a loss, perhaps, to step into this colloquy further; yet, I must say, in listening to it as carefully as I could, and I did, that it seemed to me the direction of it and the import of it was that a naval captain had expressed himself strongly about matters he felt deeply about and the purpose of this colloquy was to, perhaps, stifle such expressions and make sure he did not do it again, and make sure that naval personnel who express themselves as strongly again, do not do it again. Am I correct on that?

Mr. CHURCH. No. The Senator is wrong. I would, again, suggest that he read the article. It will be printed in the Record and be available tomorrow morning. He can draw his own conclusions from it. I believe this article raises serious questions. I attempted to point to what those questions were. In the light of the fact it has been given a prize by the Naval Institute, and that one of the presiding members of that board is presently our Chief of Staff, a further explanation is definitely in order.

I would expect that he would be forthcoming in giving it. I repeat to the junior Senator from Florida that the article is available for each of us to read. It will be in the Record tomorrow morning where the Senator may read it. Each of us can draw our own interpretations from it. But from the language and the thrust of the argument, it gives me and other distinguished Members of the Senate basis for serious concern. If the article reflects the viewpoint of the Naval Institute, the Navy, or the Joint Chiefs of Staff, an unprecedented event has occurred within our constitutional government which speaks ominously of the future freedom of our Nation within.

Mr. GURNEY. Well, may I say that I certainly shall read it. I apologize for not having the benefit of having read it. I could engage better in this colloquy, but let me point to something else which has been disturbing in past years.

I can remember, when I served in the other body, at the time of the previous administration, and more particularly when Robert McNamara was Secretary of Defense, that up until that time, or up until the time, perhaps, that he invoked what apparently was the rule that those of us in Congress who had previously met rather freely with personnel from the Military Establishment, the Army, Navy, Marine Corps, and the Air Force, to find out about defense matters we were interested in and to exchange ideas—and we all know this—that that ability was cut off because, apparently, orders were issued by the civilian heads of the Department of Defense that the military people would not talk with Members of Congress.

Thus, literally, they were afraid to talk to us, and we were not able to get the benefit, perhaps, of defense problems which were on our mind and that we wanted to know something about.

I merely point that out and say that I hope we never reach the time we do not permit the military to express feelings which they obviously, strongly, deeply, and sincerely believe.

Mr. FULBRIGHT. Will the Senator from Florida yield briefly?

Mr. GURNEY. I yield.

Mr. FULBRIGHT. Let me read one or two paragraphs from the article to the Senator from Florida.

It reads:

> If the United States is to be protected against the efforts of those who would place her in peril—whether through apathy, ignorance, or malice—we in the military cannot stand idly, silently by and watch it done. Our oath of office will not permit it.

Then he goes on:

> Thus, if we in the armed services are to do our part in frustrating the aims of those who would turn the American eagle into a lamb, we must continue to single out and eliminate those among us who, by their avarice and indiscretion, despoil our integrity and destroy our credibility.
>
> Our mission is clear: to ensure our country is not militarily weakened to the point that external enemies can, through the use of force, overthrow the U.S. Government and its Constitution.

All of that, read separately, and talking about only military matters, would be innocent enough; but this is coupled with a condemnation of a number of people who have already been mentioned—several Senators—Senator Case on the Senator's side of the aisle—they are not all Democrats—Senator Mondale, myself, Senator Symington, Senator Mansfield, Senator Goodell—several of them.

Normally, military men of course are free to talk about military affairs, but it seems to me that this insinuates clearly that a number of public officials, such as several Senators, our majority leader, also former ambassadors, are so subversive that the military oath of office requires them to be eliminated.

I have never heard a military man talk this way before, privately or publicly, certainly not in an article in the public domain, and receiving a prize from a board of governors consisting of the highest officers in our Navy.

I have never, really, at any time, suggested, directly or indirectly, that our troubles are due to the military. I have always stated and pointed out on every occasion that the major decisions which brought us into the state we now are in have not been military but political decisions and most of them have been made by Democratic Presidents.

I have never tried, and do not now believe, that the military should be blamed for our troubles in Vietnam. Evidently, this man is not aware of that because, as he criticizes the policies, he identifies—I mean, because, I suppose, the Commander in Chief happened to be a Democratic President who made the decisions.

This brings about a confusion, I think, in their minds that is not warranted. The Senators he mentioned—and I am quite sure that I can speak for them—are not trying to condemn the military. They all have great respect for the military. We are not trying to weaken the military.

We are dealing with policies that are essentially civilian policies concerning the role of this country in Asia, the Middle East, or anywhere else.

I have never before heard a high-ranking military officer attacking Members of the Senate as if they were subversive when they are discussing matter of the highest policy, diplomatic policy, and international policy, which are really not military affairs.

No one is criticizing any of our military as such, in that they are not in any way carrying out orders or not serving the country.

Mr. GURNEY. Mr. President, I ask unanimous consent that I be permitted to speak for 2 minutes.

The PRESIDING OFFICER (Mr. Eagleton). Without objection, it is so ordered.

Mr. GURNEY. Mr. President, if I may reply to the distinguished chairman of the Foreign Relations Committee, first of all I point out that I certainly agree with him that no Senator suspects any other Senator of having subversive tendencies simply because he has strong feelings concerning our foreign policy in Vietnam or, for that matter, strong feelings on what our military weapons system should be, or what part in foreign policy our military people should play.

There is very deep difference of opinion on Vietnam.

I simply say that I think that perhaps we might learn some lesson from the article. Perhaps the language was too strong. I have not read it, but I will certainly read it in tomorrow's Record.

Mr. President, I know there are deep feelings among the military. These people are sincere and dedicated people and very able. Some of the actions we have taken in the Senate and some of the statements some of us have made perhaps on Vietnam trouble them greatly. They indeed feel, perhaps, that it has not aided the war effort and perhaps has hurt it.

I am not making a case for them. I simply say that they feel that way.

I think that last year when we had the very extended debate on the military procurement bill—the ABM portion as well as the other portions—a lot of military people felt that was a concerted effort, perhaps, to weaken the

Military Establishment. I am not saying they are right.

I am glad that we had the debate last year. I simply say that they feel very strongly about the matter.

I think that it may add something if their voices are heard, too, because we do want dissent, responsible dissent, so that we do have the opinions of everyone.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. EAGLETON). Under the previous order, there will now be a period for the transaction of routine morning business with a 3-minute limitation.

Mr. AIKEN. Mr. President, I ask unanimous consent that I may have 5 minutes in which to discuss what I think is a very important, nonpolitical subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE INCREASES IN THE PRICE OF FUEL OIL

Mr. AIKEN. Mr. President, last week President Nixon urged labor and management to apply voluntary restraints to help control inflation.

On the day after the President's message urging voluntary inflation controls, he issued a proclamation increasing home heating oil imports by 40,000 barrels a day.

XUM

This was hailed by many as a concession to the Northeast.

The fact is, however, this small concession will not begin to offset the fuel oil price increases of this year to date nor prevent further increases.

The Northeast needs an increase in imports of at least 150,000 barrels a day if our home heating oil consumers are not to be charged on the basis of short supply.

At the same time the President announced an increase of 100,000 barrels per day in permissible crude oil imports.

This increase of 100,000 barrels per day of crude oil actually represents a decrease from the amount imported in the early part of this year when imports from Canada exceeded 500,000 barrels per day or far more than the permissible limit of 332,000 barrels.

While imports of 200,000 barrels or more per day in excess of quotas were permitted up to March 1 we are told that imports in excess of quotas will no longer be permitted.

For years New England has been the captive market of the oil industry with consumers paying well above national average prices.

Mr. President, the consumers of the Northeast are entitled to protection from the discriminatory practices of the oil industry.

I am not referring to the filling station operators whose earnings are usually controlled by the same people who fix consumer prices.

I am referring primarily to those who buy No. 2 fuel oil for home heating.

I now turn to the additional problem of price hiking for residual No. 6 fuel oil that is used by our industries and institutions.

On the very day that the President proclaimed a small increase in home heating oil imports, a company in southern Vermont wrote me advising that there had been four price increases in residual fuel oil since January 1 and their supplier had stated there will have to be additional price increases this year.

The supplier blamed this situation on the critical fuel shortage caused by the combination of restrictive oil import quotas and the fact that industries in some States have been required to switch to a fuel with a lower sulfur content which, of course, reduces coal usage and increases the demand for oil.

At the same time, a textile mill in northern Vermont complained of an increase in prices which will raise its fuel costs some $20,000 a year—and the end is not in sight.

Two days after the President had announced an increase in permissible imports of oil, a Vermont hospital reported that in addition to a 10-cents-per-barrel increase in No. 6 oil effective as of April 16—an additional increase of 39 cents per barrel would be effective as of June 8.

This increased cost of $5,000 per year will be passed on to the patients using the hospital.

Earlier information from a Vermont municipal electric light company shows the way the coal industry, now largely controlled by the oil industry, and the railroads are getting a profitable piece of the inflationary fuel pricing that is charged to New England users.

This municipal utility stockpiles coal during the spring, summer, and autumn months in order to meet the winter fuel needs.

In the past this coal has been purchased in 100-car shipments, but this is no longer possible.

All the railroads will deliver now is 30 to 40 cars at a time.

The balance is bought wherever it can be found in single car lots.

The railroads blame the coal industry, and the coal industry blames the railroads while both profit from this breakdown in service.

In terms of cost, the municipal utility I have cited is now paying $7.50 a ton at the mines for coal that cost $5.50 a ton last January.

Added to these inflationary costs I have mentioned is the decision of the Atomic Energy Commission to increase the price of enriched uranium, the fuel which Government-owned plants produce for atomic powerplants.

This increase is unwarranted and unnecessary and if permitted to stand will only benefit those electric utilities that use fossil fuels by making atomic electric energy more costly.

I regret that our Government has not taken more available and more effective steps to control inflation and provide equity in pricing fuels, and trust that this oversight will be corrected without further delay.

The PRESIDING OFFICER (Mr. EAGLETON). Is there further morning business?

Mr. KENNEDY. Mr. President, will the Senator from Vermont yield?

Mr. AIKEN. Mr. President, I yield to the Senator from Massachusetts if I have any additional time.

Mr. KENNEDY. Mr. President, I ask unanimous consent that I be permitted to speak for 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I would like to commend the distinguished Senator from Vermont for the statement he has made on the floor this morning.

I know this has been a problem which all of us in New England—the part of the country that represents only 7 percent of the population but consumes 26 percent of the heating oil in this Nation—realize has been a great hardship to the people who live in New England.

This recommendation that has now been achieved or at least partially undertaken by the President to release some 40,000 barrels a day is only a small step.

Those of us who are from New England had hoped we could get as much as 150,000 barrels a day released, which according to the best information we had would have meant a reduction in cost of 2 cents per gallon to the consumer, the homeowner, and those who use the heating oil.

I commend the Senator for the reasonableness and the thoughtfulness of his statement. It is not just the articulate expression of a New England Senator, but I think all of the comments made by my colleague from Vermont are completely justified in the President's own task force report on the entire oil importation problem, a program which was recommended to the President, and upon which the President has deferred action.

We have worked on this issue together for many years and I applaud the Senator's articulation of what is a problem of considerable magnitude to the consumers of home heating oil in New England. We realize we are about to enjoy a warm summer but it will not be long before the winds of autumn come through that oldest part of our Nation. I think the Senator's expression of these facts today is a continuation of the long effort he has been working on for many administrations, both Democratic and Republican, for action which is long overdue.

I commend the Senator for his comments and his statement.

The Senator has been interested not only in this issue but in the entire power issue where he has taken a courageous stand and has brought to all of us judgment and thoughtfulness which was necessary in meeting these difficult problems.

Mr. President, I commend the distinguished Senator from Vermont.

Mr. AIKEN. Mr. President, I thank my neighbor, the senior Senator from Massachusetts.

I made the statement simply because I do not want the people of New England to think something wonderful has been done for them, when such is not the case. As far as the people of the

United States are concerned, instead of getting an increase in the amount of crude oil imports, they will have a decrease of approximately, shall we say, 100,000 barrels a day because we have been told already there will be no imports over and above the quotas; whereas in January and February—and I do not know how far back beyond that—there were imports of 200,000 barrels a day over and above the quotas. Now, we have lost 100,000 barrels a day instead of gaining.

Mr. KENNEDY. Is it the understanding of the Senator that even with this modification or increase, it will not have any impact in the prices for heating oil for home consumers? We are not just interested in supply but also prices. Certainly consumers of home heating oil are interested in the price. I know the recommendation of the Senator and others has been directed toward prices, and I was wondering if the Senator from Vermont, in his study of this problem, has found that this very modest increase of 40,000 barrels will not result in any reduction in price for consumers.

Mr. AIKEN. No, although we should be grateful for small favors—the 40,000 barrel increase is hardly a drop in the bucket. Our people in New England are paying increased prices for petroleum. Prices are up for almost every other petroleum product of one kind or another, including gasoline, as the Senator knows.

I do not want the people fooled into thinking that something wonderful has been done for them, which will automatically lower their cost for heating oil and other oil products.

AMERICAN POW'S STILL SUFFER

Mr. GURNEY. Mr. President, during these discussions of the past few weeks of American policy in Southeast Asia one fact has been brought into clear focus which we must not allow to become blurred by the passage of time. That is the grim situation in which our 1,400 American prisoners of war find themselves in North Vietnam. I call this matter to the attention of Senators once again to remind them that the men and their families are suffering untold agonies and to call upon them to do all in their power to aid in their quick return to their homes.

ORDER OF BUSINESS

Mr. McGOVERN. Mr. President, I ask unanimous consent that I may be recognized for 5 additional minutes beyond the normal limit of time.

Mr. KENNEDY. Mr. President, reserving the right to object, I wish to propose a parliamentary inquiry.

The PRESIDING OFFICER (Mr. EAGLETON). The Senator will state it.

Mr. KENNEDY. Mr. President, according to the previous order, I understand that at 11:30 we will move to controlled time.

The PRESIDING OFFICER. The Senator is correct.

Mr. McGOVERN. Mr. President, I ask unanimous consent that I may speak until 11:30.

The PRESIDING OFFICER. The Senator is recognized for 4½ minutes, until 11:30.

Mr. KENNEDY. Mr. President, as one who controls one part of the time, I assure the Senator that any additional time he needs he will get.

Mr. McGOVERN. I thank the Senator.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

THE McGOVERN-HATFIELD AMENDMENT

Mr. McGOVERN. Mr. President, the Washington Post this morning under the by-line of Phillip D. Carter published a news item about proposed strategy in the Senate of some Senators with respect to amendments relating to our policy in Southeast Asia.

The two concluding paragraphs of that article read as follows:

> Sen. Gordon L. Allott (R-Colo.) said administration backers might try to force the hand of Senate doves by calling up the McGovern-Hatfield "amendment to end the war" for an early vote. This proposal would cut off funds for any Indochina involvement after Dec. 31, 1970.
>
> It is "common talk down on the floor," Allott said at a news conference, that some senator might offer the same amendment early in an attempt to defeat it before its backers can strengthen their forces. This vote has been slated for July or August.

Mr. President, I wish to say first of all that I hope that is not a true report of the intentions of those who are opposed to this amendment, which seeks to bring an end to our involvement in Southeast Asia. I would regard that procedure as contemptuous of the normal Senate courtesy that is extended to the author of an amendment in the Senate.

For a number of weeks we have advised the leadership on both sides of the aisle, individual Senators, and the public at large, that the so-called McGovern-Hatfield amendment would be called up for a vote on the military procurement authorization bill. I repeat that it seems contemptuous of the consideration usually given Members of the Senate for another Senator to move to bring a matter to a vote on a different bill at an earlier time, and it also seems a case of crude and cynical partisanship for us to be playing fast and loose with a life-and-death issue of this kind which involves the safety and well-being of our forces in Southeast Asia.

Mr. President, I want to serve notice on any Senators considering that kind of crass procedure that it is my intention to move to table any such effort if it comes prior to the time we have notified the Senate we are ready for the vote. I hope that Senators who support our measure will vote for the motion to table and that other Senators who respect the normal courtesy in this body will join in such a motion to table. Whether that move is made, I want to make clear there will be a vote to end the war when the military procurement authorization bill comes to the floor of the Senate. Any effort to defeat our amendment prior to that time as an exercise in partisan politics to embarrass the authors, will not preclude another vote which we are already committed to publicly. So let me put my colleagues on record here this morning that such a vote on the amendment to end the war will be held when the military procurement bill comes to the floor.

Mr. GRIFFIN. Mr. President, will the Senator yield to me briefly?

Mr. McGOVERN. I yield.

Mr. GRIFFIN. I am sorry, I just came on the floor and did not hear the full statement by the distinguished Senator from South Dakota. The Church-Cooper amendment which is attached to the military sales bill speaks in terms of no funds authorized or appropriated under this or any other act shall be used for such and such a purpose. So the Church-Cooper language——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRIFFIN. Mr. President, I ask unanimous consent——

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Chair may state to the Senator from Michigan, the hour of 11:30 a.m. having arrived——

Mr. GRIFFIN. Mr. President, I ask unanimous consent to proceed for 5 additional minutes.

Mr. KENNEDY. Mr. President, reserving the right to object—and I will object—I would hope that additional time could be made available to the Senator from Michigan. I, as acting majority leader, will be glad to consent to that request for time once we are under controlled time.

Mr. GRIFFIN. Very well.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The PRESIDING OFFICER. The hour of 11:30 a.m. having arrived, the Chair lays before the Senate the unfinished business, which will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill, H.R. 15628, to amend the Foreign Military Sales Act.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Kansas (Mr. DOLE). The time up to the hour of 1 o'clock is controlled and equally divided between the Senator from Kansas (Mr. DOLE) and the Senator from Arkansas (Mr. FULBRIGHT).

Mr. GRIFFIN. Mr. President, as the designee of the Senator from Kansas, I yield myself 5 minutes.

Continuing the discussion—which does relate to the pending business because I want to make the point that the Church-Cooper amendment to the Military Sales Act is phrased in terms of "no funds authorized or appropriated under this or any other act shall be used" for particular purposes.

There is no question but that the type of amendment the Senator from South

XUM

Dakota has been advocating would certainly be appropriate as a new section in the Military Sales bill. I suppose the only question is, when should the Senate vote on that kind of amendment? We have been debating the war in Southeast Asia and policies with regard thereto for some 5 weeks or more. Perhaps the Senator from South Dakota indicated earlier in his remarks why he does not want to vote on the McGovern-Hatfield amendment at this time; if he did I did not hear him.

Mr. McGOVERN. Let me read again what the Senator from Colorado said. He said:

> It is common talk down on the floor that some Senator might offer the same amendment (the McGovern-Hatfield amendment) early in an attempt to defeat it before its backers can strengthen their forces.

That speaks for itself. Here is a cynical movement anounced beforehand by the Senator from Colorado that, with the Senate having concerned itself now for the last 6 weeks with a very limited step relating to Cambodia, he proposes to bring up the so-called McGovern-Hatfield amendment for the purpose of defeating it before the Senate has an opportunity to turn its attention to that amendment.

All I am saying is that the Senator may bring that matter up for a vote whenever he wishes to, but there will be another effort to vote on it under the military authorization bill. If this cynical power play to defeat the amendment by premature action succeeds, I want to put the Senate on notice that there will be another chance to vote on it when the military procurement bill comes up. We have made that pledge both publicly and privately for 6 weeks, and we intend to keep it.

Mr. GRIFFIN. The Senator has a right to do that. I take exception to the term "cynical," because I think it would be in the interest of the Senate to get on with its business. After 5 weeks or more of debate on the war and policies with regard to Southeast Asia, we should proceed to a vote on the pending issues relating to the war. I believe we should dispose of the issues that remain and get on to other business.

Of course, the Senator from South Dakota does not agree with that view, and he is entitled to his opinion. I do not know whether the amendment will be offered or not. Personally, I hope it will be, so that we can vote. Then if the Senator wants to bring the amendment up again at a later date, of course, he can do that.

Mr. McGOVERN. The Senator understands who has delayed the Senate for the last 5 or 6 weeks. Certainly it is not the proponents of the Cooper-Church amendment who have been responsible for the 5- or 6-week delay. Of course, I cannot speak for the Senator from Idaho (Mr. CHURCH) or the Senator from Kentucky (Mr. COOPER), but I am confident they have been ready to vote for several weeks.

Mr. CHURCH. The Senator is correct.

Mr. GRIFFIN. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Michigan has the floor. The time has expired, by the way.

Mr. GRIFFIN. Mr. President, I yield myself 3 additional minutes.

I believe—and I think other Senators will agree—that the debate we have had on the war in Southeast Asia and policies related thereto has been very helpful and useful to the Members of the Senate and the country. I do not believe it has been time wasted. I am sure one of the reasons that so much time has been devoted to this debate is that the announcement was made a number of weeks ago that when we finished the vote on the Cooper-Church amendment we would then take up the Gulf of Tonkin resolution and after that we would take up the Hatfield-McGovern proposal. So this has been on the schedule anyway.

Mr. McGOVERN. Mr. President, will the Senator yield at that point?

Mr. GRIFFIN. Having discussed this general subject so much, it would be expediting the business of the Senate to go ahead and vote now on the Hatfield-McGovern amendment. I am surprised the Senator from South Dakota does not want to vote on it.

Mr. KENNEDY. Mr. President, will the Senator yield to me for a statement in terms of the schedule?

Mr. GRIFFIN. I am glad to yield to the distinguished assistant majority leader.

Mr. KENNEDY. In terms of the schedule, with which I am somewhat familiar, I think the Senator from South Dakota, at least in terms of the intention of the leadership, has expressed our understanding of what was the order of procedure on some of the matters involving policies in Southeast Asia. I only raise the point in response to the observation of my good friend from Michigan with respect to when and at what time the McGovern-Hatfield resolution was to be considered. Obviously, those judgments and expressions by the majority leader are on the basis of the best information and judgment available at that period of time, and all of us know it is still an open question, but I would not want the RECORD to reflect that it was understood by the leadership at any time that this was a contemplated move. Certainly it is within the right of the Senator from Michigan or any other Senator to do it, but I wished to clarify my understanding of the schedule.

Mr. GRIFFIN. I received an avalanche of mail—and I am sure other Senators did also—following the telecast in which the Senator from South Dakota participated. But since then the volume of mail has gone down. Now, we are receiving little or no mail on it. Frankly, I think the Senator had better hurry up and have a vote. The support is waning.

Mr. McGOVERN. Mr. President, if the Senator will yield, the timetable the Senator just referred to has been upset by the move to bring up the Gulf of Tonkin resolution before the vote on the Church-Cooper amendment. The intention, as the Senator described here, was to dispose of the Church-Cooper amendment and then to move to a debate on the Gulf of Tonkin resolution and then on the McGovern-Hatfield amendment. But with reference to the Senator's comment on support falling for that amendment, he knows that the focus of attention for the last 5 or 6 weeks has been on the Church-Cooper amendment. That has been the matter under consideration and in the public eye. I assume that is why the Senator from Colorado has said he wants a vote real quickly now on the other amendment before we have had a chance to fully consider it and before the attention of the public is focused on that matter.

Mr. GRIFFIN. Mr. President, I yield myself 5 minutes.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. GURNEY. Mr. President, I certainly agree with the statement made by the Senator from Michigan in the colloquy that has just taken place. I think the important part of this whole matter is the point he made about this being a broad-ranging debate for the last 5 weeks.

For the last 5 weeks, it is true that it has centered on an amendment called the Church-Cooper amendment, but I think we have gnawed the bone of Southeast Asia backward and forward and up and down, and got every morsel of meat off it. I do not think there is any question about the views of any individual Senator about Southeast Asia, what ought to be done about it, when the war ought to be ended, or whether Vietnamization is working or is not working, and I agree wholeheartedly with the Senator from Michigan that if we spent another year on this matter, discussing it, we would not worry out any more legislative action and movement than we have right now.

I am delighted that we are going to vote on the Tonkin Gulf resolution, and I, for one, wish we could vote on the ending of the war amendment right after it, and then get on with the business of the Senate, which has been long delayed, and which we ought to get to.

Mr. GRIFFIN. Mr. President, I am sure no Senator wants to play politics with the war in Southeast Asia or make it appear that anyone is playing politics, but it could be interpreted that way.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. DOLE. I understand the so-called Hatfield-McGovern amendment is under review, or at least serious revisions are being considered at this time, and that might be a factor in whether or not it should be offered at this point. I mean if there are revisions being made which are different from those whereby hundreds of thousands of dollars were raised, perhaps we should wait for the revision.

Mr. McGOVERN. Mr. President, will the Senator yield on that point?

Mr. DOLE. I yield.

Mr. McGOVERN. I am not aware of any revisions which are being seriously considered by the sponsors of the amendment. I have heard reports that some other Senators who have not yet joined

XUM

as cosponsors have suggestions they want to make, and those ought to be considered at the proper time, when we can turn our attention to that amendment. But the cosponsors of the amendment have no thought, at the present time, of offering any substantial changes in the amendment.

Let me just say that I wish the Senator from Michigan had not left immediately after stressing the importance of not even looking like politics is being played with this issue. I think it does look like politics is being played with the issue when a Senator stands up and tells a press conference that he is going to move for a vote on an issue to defeat it before the Senate has a chance to debate it.

Mr. DOLE. I have not been a Member of this body too long, and do not fully understand what is politics and what is not politics; at least I have been accused by the Senator from Arkansas of such shortcomings.

Mr. FULBRIGHT. Mr. President, if I may say so, the Senator certainly understands the meaning of politics. I have never said he did not.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. DOLE. I yield to the Senator from Florida.

Mr. GURNEY. I think the political aspect of this thing is whether it is ripe for a vote or not. Some people think it is, and some that it is not. But whether people consider that it is going to win or not is the political aspect of it.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. DOLE. I yield to the Senator from Kentucky.

Mr. COOPER. Does the Senator think there is a plan on this side, among the opponents of the Cooper-Church amendment, that they may allow a vote, say, on June 30 or July 1? Is that the purpose of the long debate, to end it after the date set for removal of all troops from Cambodia?

Mr. DOLE. The debate has been fairly well balanced. There has been no monopoly of debate by those holding one particular view. But we are approaching the weekend, and probably next week we can have a final vote on the Church-Cooper amendment.

Mr. COOPER. I thought, since we were approaching June 30, there might be some such idea afoot.

Mr. DOLE. It is coincidental that we are also approaching June 30. There have been some amendments offered, and some have been adopted. From the outset the basic disagreement has been a matter of interpretation, not of how we feel about getting into another war in Cambodia. We are all opposed to that.

I plan to vote for the Cooper-Church resolution, whether any other amendments are adopted. We have gone a long way in the past 30 days. I commend the Senator from Kentucky; I have great respect for the Senator from Kentucky, and also for the Senator from Idaho, for their leadership and their patience in this matter.

Mr. COOPER. Mr. President, I must say, in response, that the Senator has told me a number of times that he would prefer that we come to a vote; but apparently there are some forces against which we could not move.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, I yield myself such time as I may require.

Mr. FULBRIGHT. Mr. President, who has control of the time?

The PRESIDING OFFICER. The Senator from Arkansas has the time.

Mr. FULBRIGHT. Actually, I would rather the Senator have it.

Mr. CHURCH. Will the Senator yield me 2 minutes?

Mr. FULBRIGHT. Yes.

Mr. CHURCH. Mr. President, regarding these disclaimers of politics and political motivation that have been made on this floor within the last few minutes, if the observation is accurate that the McGovern-Hatfield amendment is a sick patient, I certainly would not want to call in any of the Senators who have spoken on the other side of the aisle as doctors to attend to it.

I wholeheartedly agree with the position taken by the distinguished Senator from South Dakota that the McGovern-Hatfield amendment will be brought up prematurely by opponents of the amendment. It will have been taken out of the hands of the amendment managers, and voted on before public support can be fully marshaled in the country. This action cannot possibly be characterized by any other adjective than "political" at best, and "cynical" at worst.

If this premature, cynical effort by the opponents of the end-the-war amendment does take place—and the measure is killed at that time—the Senator from South Dakota should then proceed, at an appropriate time, to bring up the amendment again for a vote when the military procurement bill is before the Senate.

I commend the distinguished Senator from South Dakota for the courageous position he is taking on this vital issue.

Mr. FULBRIGHT. Mr. President, I yield myself 2 minutes.

I wish to join the Senator from Idaho and the Senator from South Dakota. The Senator from New Hampshire, the other night, made great fun of the observations I made with regard to the manner in which the repeal of the Gulf of Tonkin resolution is being handled. The Dole amendment is before the Senate now. The remark attributed to the Senator from Colorado to the effect that he is going to bring up the McGovern resolution is in accord with the procedure represented by the Dole amendment. I am against that procedure.

My real interest about the Gulf of Tonkin resolution is not just in bringing it up. I have been here a good while, and I am perfectly willing to withdraw my earlier remarks to the effect that he has not been here very long. It does not matter how long he has been here, really—whether it has been a week, a month, a year, 6 years, or 50 years. The point I had in mind and was trying to make is that we have rules and procedures; we have our traditions and our generally accepted practices, and we ought to respect them.

The point is that if the Senate is to operate, in my view, as an effective part of our constitutional democratic system, there has to be some degree of respect of one Member for another, and some consideration for other Members. In other words, I do not know of any precedent, in 25 years——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FULBRIGHT. All right, 3 more minutes.

I know of no precedent for doing what the Senator from Colorado apparently is thinking of doing. The McGovern-Hatfield amendment is an important matter. It is well publicized; everyone knows about it, and it has great significance in the public mind and in the mind of the committee. Whether you are for or against it, it is a matter of great importance because it involves the war; it involves 100 deaths a week of our boys and billions of dollars in money.

Again, I know of no precedent for the Senator's action. I have never heard of a case such as this. Although it does not violate the rules, it certainly violates the traditions of normal, regular practice in the Senate.

I remember the days of the late Senator from Wisconsin, Senator Joe McCarthy; he had his own way of doing things, and I would exempt anything I say about following the rules in his case. He did not recognize many rules, either of the Senate or of anything else.

But I know of no case that is comparable to what the Senator from Colorado has announced he plans to do—to bring up another Senator's amendment with the avowed purpose of defeating it. This talk about it being timely and relevant to what we are doing now is perfect nonsense. The Senator from Colorado wants to bring up the amendment because, as he reportedly said, "I want to bring it up because I want to defeat it." He thinks there is a momentum which can defeat anything favored by the supporters of the Cooper-Church amendment.

That is obviously what he is counting on and it has nothing to do whether it is appropriate to bring it up now. It is because, as he has said, it may be a propitious time to defeat it because a momentum is developing on the issue of whether or not the Commander in Chief has carte blanche to do anything he likes in this or any other war. As I have said, I think this is a very dangerous interpretation of the Constitution.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, I will take as much time as I have available, and then the Presiding Officer can inform me that my time has expired. I do not think anyone else wishes to speak. If anyone else wishes to speak, I am perfectly willing to yield.

I think this matter has raised a very important question. I have been here a good while. I probably will not be here very much longer, but I think the Senate is an important institution, aside from any particular issue.

It is a unique institution, in which we have unlimited debate, free debate. The

XUM

Presiding Officer cannot gavel one down, as can be done in the House of Representatives.

I speak of the other body with the greatest respect. They have rules. But as was noted the other day, on very important matters they can allow you 45 seconds if you do not agree on a particular matter. I was a Member of the House. What can a Member of the House do over there if he does not happen to be in the hierarchy? He cannot do anything. The Senator from Kansas knows that. He was a more recent Member than I. I was there, and one could not say a word.

The Senate is a unique body, and it is unique not only because of the rules or the relative lack of them. It is because traditions have developed in this body, traditions that have developed over the years. No matter how bitter the opposition—I mean how strongly one may feel—respect is accorded to the rights of the other Members, and that does not mean just according to the rules. If we become so inconsiderate of other Members that we have to resort to the strict rules of the Senate, we will find that it is not much better than the House, if we really enforce them rigidly.

What has actually happened in the Senate by the procedure of unanimous consent, with the Members not raising a point of order and not trying to interfere, is that we have provided for the maximum freedom that can be available to any legislative body in the world.

This is what was really behind my remarks about bringing up the pending amendment to repeal the Gulf of Tonkin resolution. This amendment is not against the rules, the strict rules. It is certainly against the general understanding, the traditions, and the practices of this body.

It is the same with respect to the amendment of the Senator from South Dakota, and the procedure evidently intended by the Senator from Colorado. I have never heard of a case in which a Senator has said, "I am going to bring up ahead of time another Senator's amendment and try to get it defeated."

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. GRIFFIN. I am going to disregard, of course—and I think everyone else will—the Senator's reference to the late Senator McCarthy, because that certainly has no place at all in this matter.

The Senator from Arkansas has been a Member of the Senate much longer than I have, but in the short time that I have been here, does he not recall occasions when the former minority leader, Senator Dirksen, and even the majority leader, Senator MANSFIELD, have made a motion and indicated that, while they opposed their own motion, it was in the interests of the Senate to bring a matter to a vote? Certainly, the Senator from Arkansas recalls occasions when that has happened.

Mr. FULBRIGHT. I am not sure that the example the Senator uses is at all relevant to this case. Does the Senator mean that Senator Dirksen ever called up a bill or a motion, with respect to which I had announced an amendment, in order to defeat it?

Mr. GRIFFIN. I seem to recall occasions when motions to table were offered, to bring a matter to a vote, even though the moving party said, "I am going to vote against the motion to table."

Mr. FULBRIGHT. The Senator is mistaken about the whole question at issue.

I would be interested, if the Senator wishes, to ask the Parliamentarian to see whether he can come up with a precedent that is on all fours with what the Senator from Colorado is reported to have announced he is going to do with respect to the McGovern amendment. I would be interested to know whether there is a precedent. I do not know of any. A motion to table is not such a precedent.

Mr. GRIFFIN. How much time do the Senator from Arkansas and the Senator from South Dakota want on the McGovern-Hatfield amendment? I do not think there is any indication or disposition on this side to limit the time. If they want a good deal of time to discuss that issue, we will be cooperative on that.

Mr. FULBRIGHT. The Senator is very adept at confusing the issue. It is not a question of time. He wants the time. He has been the leader of the present filibuster to carry the pending business on until the end of June. He is trying to confuse the issue about what Senator ALLOTT reportedly said about Senator McGOVERN's amendment. It is Senator McGOVERN's privilege, having introduced it, to ask that it be brought up whenever he believes it is appropriate.

The only point I want to make to the Senator from Michigan and the Senator from Kansas is that the particular issues that we are dealing with now are far less important than the preservation of the traditions and practices of this body. If we can preserve our constitutional system, I think the Senate will have played perhaps the leading role, because it is the one institution, as I have said, in which there is free and unlimited debate. That is the main issue, it seems to me.

When you begin to get too hardnosed about these matters, too rough, and begin to infringe upon the traditional rights of other Members, then you are bound to create reactions; and if this goes too far, the Senate, as we know it, will cease to exist.

This is not a small matter. And I would like to do everything I can to preserve this body functioning more or less as it has, not because I think it is infallible or without fault, but because I think it serves an extremely important function.

This is the real meaning behind the Cooper-Church amendment—to reestablish the role of the Senate in the field of foreign affairs. That, I think, is its main significance. The fact that it relates to Cambodia as such is more or less incidental, at least in the long run. Fundamentally, the Cooper-Church amendment is an assertion by the Senate that this body still has a role to play in our constitutional system.

I hope that the Senator from Colorado will not precipitate the kind of reaction which I think is almost bound to happen, because, whether in Congress or in the field of military affairs, if we go too far in one direction, we get a reaction from the other, unless the opposition is completely eliminated and destroyed.

I do not think that would happen by bringing up the repeal of the Tonkin Gulf resolution. I have already made my speech about that. I am going to vote for its repeal. I am committed to it, of course. I still think that it is unfortunate it was not brought up according to recognized procedure.

It implies a certain disrespect for the Foreign Relations Committee, and I am the first to recognize the committee is not my private property. I happen to be one member of 15 members, and a transient member at that. But the institution of the committee system, and the Senate itself, is what I am thinking about.

Repeal of the Gulf of Tonkin resolution is not going to remake the world. I am not one bit bemused about the statement that it is, because to me, it is just one of the little pieces of debris of history lying around, and we thought we would throw it in the ashcan. Whether we repeal it is not all that important. I do not want to have a falling out with anyone about it. If it is not repealed, I shall not lose any sleep over it. But I think it should be repealed and that should be done in an orderly fashion in order to preserve some respect for the committee system.

I also think it is extremely important that all Members preserve some respect for other Members if they have an amendment on which they have worked and spent some time. They are entitled to present it and not have another Member appropriate it. This is like taking or appropriating someone else's property—not real or tangible property, but their interest, their work on a piece of legislation.

Mr. GOLDWATER. Will the Senator from Arkansas yield for a question?

Mr. FULBRIGHT. I am glad to yield for a question.

Mr. GOLDWATER. Last Sunday afternoon, on the television program Issues and Answers, I believe it was the Senator from New York (Mr. JAVITS) who made the statement that the McGovern-Hatfield amendment was being changed in effect, so that it might not appear in the form in which it was submitted. In the event that happens, would the Senator object to the present form of the amendment being presented as an amendment to the bill?

Mr. FULBRIGHT. The Senator from Arizona should understand that I have no proprietary interest in that amendment. I believe that is a matter on which the Senator from South Dakota (Mr. McGOVERN) should be consulted. If the Senator from Colorado went to the Senator from South Dakota and said, "Look, this is a propitious time to bring it up. Why don't we do it now?", I would have no objection. I think that the Senator from South Dakota, having put a lot of work into it, and having raised a considerable amount of money to bring it to the

XUM

public's attention, has an investment of time, energy, prestige, and so forth, in it and is therefore entitled to full consideration.

I do not care what he would be willing to do about it. I am not expressing my own interest in it, or in any other particular amendment. We can all generate our own. I think it is unfortunate for one Member to appropriate another Member's amendment. That is about all I am trying to say. I do not care if he wants to change it. I say to the Senator from Arizona that I think he recognizes we should have some respect for other Members' interest and rights in proposals to which they have given considerable thought, time, and energy.

Mr. GOLDWATER. I have no knowledge at all of what the Senator from Colorado intends to do. In fact, I never heard about this until I just walked into the Chamber this morning——

Mr. FULBRIGHT. The newspaper accounts were being discussed just before the Senator came in.

Mr. GOLDWATER. I do not know, but maybe the Senator from Colorado thinks that the present form of the McGovern-Hatfield amendment is a better form than one that would be changed, but if it were changed, he might very well offer it, and that this might be a better idea——

Mr. FULBRIGHT. According to the reports, the Senator from Colorado wants to defeat it, not to approve it. He apparently thinks the time is ripe to defeat it, according to what was said here a moment ago. The Senator from South Dakota talked about it earlier; there was a piece in the paper about it this morning.

Does the Senator from Kansas (Mr. DOLE) want me to yield to him now, as I am ready to yield the floor?

Mr. DOLE. I appreciate the Senator's comments with reference to the Senator from Kansas. It certainly was not my purpose to offer repeal of the Gulf of Tonkin resolution on the theory of having it defeated. My purpose is to offer it now and to have it repealed and, hopefully, I assume that will be accomplished after the vote today at 1 o'clock.

All of us who voted for the Gulf of Tonkin resolution in 1964 have an interest in it. There is not much controversy about its repeal. Do we want it in the bill or do we want to repeal it?

The Senator from Kansas has held the view for some time, that it should be repealed, that it serves no useful purpose, that it is obsolete, and that it is not relied upon by this administration and has not been relied upon, because we are not in a period of escalation but in a period of extrication. Therefore, it was offered in that spirit.

In addition, we have had considerable debate, not on the Gulf of Tonkin specifically, but we had the opportunity yesterday to hear the Senator from Arkansas discuss it in some detail. Everyone who has an interest in it has discussed the Gulf of Tonkin resolution.

Accordingly, I see no reason now why we should not proceed. We will proceed, of course. But it was not offered in the spirit of being property belonging to another. No Senator in this Chamber wants war. We in the minority do not believe that Senators who support President Nixon are pro-war or that those who do not support him are antiwar, or are in some other category.

It is difficult, as a member of the minority in the Senate, to seize the initiative, although we must be resourceful enough from time to time to try to do that. I am sure that the Senator from Arkansas understands that, and appreciates it, although he may not commend it. But at least the Senator from Arkansas understands, perhaps, one of the purposes for offering the Gulf of Tonkin resolution repealer at this time.

Mr. FULBRIGHT. I understand that, of course, the original move for repeal was initiated by the Senator from Maryland (Mr. MATHIAS). I did not initiate it. But it came to my committee. We considered it. We had hearings. Then we asked the Senator from Maryland—because the Gulf of Tonkin resolution provides for its repeal by concurrent resolution, to reintroduce his amendment in the form of a concurrent resolution, and he did so. That caused a little further delay. Then we reported it in the proper form.

As I say, the committee spent a lot of time on it and so did the Senator from Maryland. I felt some responsibility to protect his rights as well as those of the committee. I do not know about the Senator consulting the Senator from Maryland, but I agree that the Tonkin Gulf resolution should be repealed. I think it will be. But I would like to see it done in the proper form.

As Senators know, there are lots of bills on the calendar. If we come in here late some afternoon—or make a practice of it—and look over a bill and offer an amendment in the form of a bill on that calendar, there would not be anything illegal about it, but it would be considered poor practice. That is all I am saying.

Usually it is left to the leadership to decide when bills are called up. It is left to the leaders as a matter of policy. There is nothing in the rules which prevents the Senator from offering his amendment, and I suppose I could go to the calendar and pick up a bill that the Senator from Kansas has worked on, and gotten through the committee, and I could suddenly offer it as an amendment and get it passed, and then it would be the Fulbright bill, and I would get credit down home for someone else's bill. But as a matter of tradition and practice, we just do not do that; and we should not encourage it here because each Member has certain interests which he seeks to serve.

I say that the Senator is well within his rights to do it. But I still think it is not a practice that enhances the good will of other Senators. This is a relatively small body. And we operate in a very informal manner.

I approve of the rules when they are followed with consideration for other Senators. When they are not followed with consideration for other Senators, we get into trouble. Other Senators get mad and insist on strict application of the rules.

I have seen the Senate get into great difficulty—to the point where it is almost paralyzed—when Senators have a falling out with one another.

Under the rules providing for unanimous consent—which is the most significant part of our rules—if one Senator wants to be troublesome, he can be very troublesome in this body.

It is very different in the House. There the Speaker rules with an iron hand.

All I am saying is that it would be a great mistake if we were not careful of the rights of other Senators.

I realize that the minority gets frustrated with the majority. I have been a member of the minority, too. I do not criticize the Senator for that.

Let me say before I yield to the Senator from Mississippi, that the Senator says that no one wants war. I agree. We are all against the war.

I do not for a minute—and I do not think anyone else does, either—think that the President wants a prolonged war or an enlarged war.

What we are really arguing about is the appropriateness of the means. Do the means really promote what we believe to be the proper objective?

I do not insinuate the President is for the war. I do not believe that. I think that he would be as happy as I would be if the war were over tomorrow. However, we disagree on the means for ending the war.

I spoke to the President last year on a couple of occasions and told him my views on how to end it. Others have done the same.

I do not claim any monopoly. There are different views on how to end the war.

There are others who feel that the means being followed will not accomplish this end.

There are some people who want to get rich. Some means of getting rich are not considered proper. Some are approved and successful.

All we are talking about is the very practical matter of how to end the war. I think that the President knows the war is ruining the country. When the biggest railroad in the country goes bankrupt, as the Penn Central did, the President knows that is not healthy for the country.

I do not for a moment think that anyone believes that the President glories in this war or thinks that it is good for the country. No one is saying that. But I hope it is realized that we do have different views about how to get the war over, about how to end it.

I think that everyone agreed that it should be ended, but there is a great difference of opinion on how to do that.

That is all we are arguing about, and it is certainly a legitimate topic for debate.

The war is not being ended, obviously. It has gone on for 18 months under his administration.

We all acknowledge that the President inherited the war. No one denies that. But there are people who think that it

XUM

is so undermining the United States that it must be brought to an end by a negotiated peace and that the terms that have been offered for that are not sufficiently effective. Therefore, we say that the terms have to be made effective. We then get into the argument of what it takes to make them effective.

Mr. President, I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, will the Senator yield me 8 minutes?

Mr. FULBRIGHT. I yield 8 minutes to the Senator from Mississippi.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Mississippi is recognized for 8 minutes.

Mr. STENNIS. Mr. President, I thank the Senator for yielding to me.

I wish that every Senator could and would express himself on this question of jurisdiction particularly, because I believe we are heading for very serious trouble in a broad field concerning the jurisdiction of the Senate committees in the future.

I believe that the committee system is the working corps. It is the corps of accomplishment in the Senate. That has been true, as I see it, since I have been a Member of the Senate. We have overlapping jurisdiction between Foreign Relations Committee and the Armed Services Committee. The Senator from Arkansas talked about that. I have talked about it.

We have not always agreed on some points. We have tried to get along together on the matter and have done so fairly well.

It looked at times as if the Foreign Relations Committee was coming over very far, perhaps too far. However, I realized the concurrence of that committee's jurisdiction in a lot of cases. I have not complained about it. However, I do think that, whatever the Gulf of Tonkin resolution was intended to mean when passed, it was made a major part of the foreign policy of our Nation by President Johnson.

President Johnson repeatedly year after year, announced that he was operating under that authority. It may not have been unanimously approved of here, but no one got up and really objected. The Committee on Foreign Relations did not sponsor a resolution to repeal it or repudiate it.

We, to that extent, by implication made it part of our foreign policy. That is known in Hanoi, Peking, and Moscow, and everywhere else.

We come along now and the Foreign Relations Committee very properly held hearings on the matter. They have brought in a report. The committee had a vote on the matter and was prepared to debate it. That is entirely in keeping with the procedure. I have no objection to that. However, here they come along one afternoon at 4 o'clock—and I speak with great deference to our friend, the Senator from Nebraska, whom I have learned to admire greatly because he is a very fine Senator and very good on the floor—we take here a relatively unimportant bill and attach this major foreign policy issue to it as an amendment.

At 4 o'clock in the afternoon, after a small bill has been debated for 4 weeks, the proposal is offered as an amendment. Some Senators want to vote on it that afternoon. Some Senators want to vote on it the next morning.

I think we are sowing to the wind and we will reap a whirlwind on such procedure.

I commend the chairman of the Foreign Relations Committee for challenging this practice. He said he would vote for the amendment anyway. I will vote against it. I would be against it anyway. But do not count on that. I just passingly said that.

I want to bring out that our committee has under consideration the military procurement bill, to provide hardware, tanks, missiles, guns, weapons, ships, and submarines.

A section of the bill—and I do not say this to be critical of anyone—contains a resolution providing support for the Middle East. I did not vote for that.

I said in the beginning that I thought that was appropriately in the jurisdiction of the Foreign Relations Committee and that it was their responsibility. I said that I could not support it for that reason.

I bring that up now not to discredit any single member of the committee. As one member of the committee, I could not support that idea.

So at least to have a little consistency in this matter, I think that when Hanoi, Peking, and Moscow learn of the repeal of this resolution, particularly in such a precipitous way—whether the President opposes the repeal or not—the people in those areas will be impressed with the fact that this action is a further curtailment or repudiation of the powers and discretion of the President.

This ought not to be done without the most careful and deliberate consideration and debate. We have already a start in this matter by the Foreign Relations Committee itself.

Mr. President, I strongly oppose the idea, as I have said, of coming in here with a major policy change in this way. I do not think it is proper to come in with a major change in our foreign relations policy in this way, with a war going on that has been fought over these years, with over 40,000 men killed, when the former President relied on the measure as a part of his authority and our present President has not directly repudiated it—not directly. I wish he would say yes or no about it, frankly, but he does not seem to think he should, so I defer to him on that point. But we have not repudiated it and we have not repealed it. But now, here is an amendment on a bill which is being fought on another issue. The Cooper-Church amendment is in that bill, but now a major policy change would be added to it.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. STENNIS. I shall yield in just a moment. Mr. President, I believe it borders on the ridiculous to me to come in here at the last minute and attempt to add this amendment to the bill.

I hope it will be defeated. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. I moved to table the Dole amendment because I do not think it is proper. Apparently I have been misunderstood. I agree with everything the Senator has said. I thought the tabling procedure was the proper way to proceed.

Mr. STENNIS. I appreciate that. I was chiding the Senator a little earlier.

Mr. President, those are the main points I want to make. We have destroyers and other naval vessels there, and everything else. What are they going to do if they are attacked. They are there with the authority they had and the President had. This would only cloud the issue with them and our adversaries. The Senate has a special responsibility in the field of foreign relations. We have to pass on treaties and nominations, in addition to our other functions. To come in like this would be throwing in a wet blanket on a rather insignificant bill. I hope the Senate will not do it. We will regret the day we do it, if we do. It takes us down the road of disregarding jurisdiction when we should be traveling in the opposite direction and trying to clarify and get the matter of jurisdiction straightened out.

I hope the amendment is rejected.

Mr. HOLLINGS. Mr. President, will the Senator yield to me for 5 minutes?

Mr. FULBRIGHT. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. FULBRIGHT. I yield 3 minutes to the Senator from South Carolina. If the Senator needs additional time he might get it from the Senator from Kansas. He has time remaining.

Mr. HOLLINGS. Mr. President, I have worked to support the Cooper-Church amendment for two reasons. My principle reason was to move quickly and soundly to sustain representative government. It was said by our President 10 years ago that those who would make peaceful revolution impossible make violent revolution inevitable. Taking this as their text, the campus radicals and dissenters in the streets have berated the establishment—more specifically the Congress—as unresponsive and irresponsible. The congressional support for our commitment in Vietnam has not been commendable. Too long have we heard the cry that American engagement in South Vietnam was illegal, immoral, and unnecessary. I have moved many times, to repudiate this. But President Nixon's incursion into Cambodia gave tremendous support to the argument and position of the radical. I felt it necessary to show that we in the Congress could listen to the concerned and the responsible and could act constitutionally. It was fortunate that we had the precedent of the Cooper-Church amendment on Laos and Thailand, because additionally we could act in concert with the President. The President had approved Cooper-Church as his policy. We could show that no longer was this a one-man operation with lack of credibility as was the case under President Johnson, but that the policy in Southeast Asia was the policy of the Congress, that representative government did work, that the policy of the people had been proclaimed by congressional action.

My second reason was to move to show some awareness of the lessons of the past

XUM

6 years in Southeast Asia. My desire has always been for military victory. I find the political-military division of this question wanting. Mr. President, you cannot secure political until you first establish internal security which calls for a military victory. But if we are not to have military victory, if we refuse to give the man on the field of battle the command to win, if the policy is to make a sanctuary of the enemy's country, then this military stupidity should not be spread to another Southeast Asian country. We should not widen the field of battle. We cannot prevail with a war of attrition in Southeast Asia. We should get out and in getting out let us not take on any more losing obligations or losing involvements.

The administration put great weight on Cooper-Church. It has had its floor leaders here on the Senate questioning the judgment and the patriotism and the sanity of the Senate itself. It is said that a requirement to consult for Cambodia was giving aid and comfort to the enemy. We had all become peaceniks and Communists. We had cut the ground out from under the Commander in Chief. We have denied food and ammunition and uniforms and support to the combat soldier while ordering him into combat. Now, in the face of all of this comes the floor leader of these charges who heads off into the opposite direction. He pleads on behalf of President Nixon to repeal the Gulf of Tonkin—that it is obsolete. To determine that a policy for battle in the middle of the battle is obsolete is to admit defeat of the policy. I do not see how a President can determine that the law of the land is obsolete. Factually, I cannot see how the authorization for the order rendered by Gulf of Tonkin becomes obsolete and yet the order itself given the soldier remains real. Constitutionally, the SEATO Treaty triggered the commitment of the United States in "accordance with the constitutional process" of the country involved. While Tonkin is not a formal declaration mandating war it is an informal one authorizing the Commander in Chief to take the necessary military action to protect the troops and interest of our country. Do away with this and you will formally repeal the commitment.

Lord knows, if a simple requirement to consult gives aid and comfort to the enemy as the administration has told us, Lord knows if a simple requirement to consult the representatives of the people cuts the ground from under the Commander in Chief and the soldier in battle, Lord knows if a simple requirement to consult obviates all chance for negotiations in Paris, then the formal repeal of the original commitment of this Nation should cause Mardi Gras in Hanoi, Peking, and Moscow. But more than that it obviates my principle reason of support for Cooper-Church. It says congressional support or action in Vietnam is totally unnecessary. President Johnson stated on CBS not long ago that he wanted the Congress with him, that he would not dare have continued in Southeast Asia without the Congress with him. Now comes the present Commander in Chief and says the Congress is obsolete. We find ourselves in the hands of the radicals. Responsive, yes. But responsible, no. We have moved to bolster representative government and in the same breath run around patting each other on the back, we say that representative government is obsolete.

I shall vote for Cooper-Church and I shall not engage in the over-reaction of President Nixon by repealing the Gulf of Tonkin. The Gulf of Tonkin does not require war. It merely authorizes military action. It is a positive way for the Congress to assume its responsibility and I am sorry at this hour that we assume irresponsibility.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, I yield 5 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, the Gulf of Tonkin resolution, it seems to me, is one of the keys to the argument now preoccupying the Senate with respect to the power of the President in this war and future wars. Unless it is cleared from the books we will not, and cannot, face the issue before the Senate and the country—the division of the warmaking powers between Congress and the President. If the President has the power to initiate undeclared war can Congress "undeclare" such wars, as part of its constitutional power to declare war? Can Congress stop a President other than by denying funds?

Perhaps the President could find funds in the Federal cupboard and use them to support troops. There is always the great argument that you would be depriving the men in combat who are in jeopardy of the means to do their job. It would be an unfortunate course but it may be the one we have to take if Congress does not resurrect the now atrophying policy war powers, so deliberately and explicitly reserved to it in the Constitution.

By clearing the decks of the Gulf of Tonkin resolution, we will have taken a step in dealing with a problem which American youth has so passionately and insistently demanded an answer on. That is: Who has the warmaking power? Can a President place us in a war—as we have been involved in a war since 1965 by a President—without public and congressional approval?

Unless this resolution is cleared from the books, President Nixon could subsequently make use of it, even though he says he is not now relying on it. It is there, and it gives him a lawful cloak of sorts for what he is doing, or might later seek to do.

I think a concurrent resolution, representing a solemn declaration by Congress, is the best course, but the Senator from Kansas has given us this early chance to terminate the Gulf of Tonkin Resolution, and I favor taking it. It will show the sentiment of the Senate and it will serve notice on the world of how we intend to proceed.

I believe we will proceed to cope with the Vietnam war by means of the Cooper-Church amendment and other amendments, and that we will do it effectively. We will let the President know our timetable and our policy as against the open-minded policy of Vietnamization of the President, which thus far has no terminal date established.

In the current debate we are writing a legislative record which history may deem as second in importance only to the deliberations of the Constitutional Convention itself. For this very reason, I opposed the second Byrd amendment, which has the unfortunate potential for being interpreted as Senate acquiescence in the concept of virtually unrestricted power devolving to the President, as Commander in Chief, in this era of undeclared wars.

The legislation I have introduced attempts to meet head on the problem of "undeclared" war. I believe that the age of mutual deterrence and "balance of terror" will continue to breed limited, undeclared wars, given the tumultuous state of our planet as a whole. In this respect, the world we will have to deal with, as regards a new delineation of the Nation's war powers, can well profit from the wisdom written into the Constitution. That wisdom was the bitter fruit of a long period of monarchal, imperial, and religious-ideological wars.

The Constitution divides and balances power. It deliberately tries to keep the power to get the Nation into war in the hands of Congress, as close to the people as possible, and away from the arbitrary exercise of Executive power.

We will only be able to face up fully to the truly historic challenge we now face when we have terminated the Tonkin Gulf resolution. This resolution, in addition to its legal implications, is a symbol of ill-considered congressional acquiescence in, and rubberstamping of, unlimited Presidential authority in warmaking. It wounds the wisdom of the Constitution. We are all agreed that it should be terminated.

I thank my colleague for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Kansas has 24 minutes. The opposition has 5 minutes.

Mr. DOLE. I thank the Chair.

Mr. President, if there is any one basis upon which the administration's present policy can be said to rest, it is the President's duty to execute the law of the land. There are several sources of that law. Chiefly, they are the Constitution of the United States, which declares the President to be Commander in Chief and Chief Executive. It also invests in him certain implied and inherent powers which are not specifically delineated. There are laws duly enacted by the Congress; these also form part of the law of the land. In this instance specific reference can be made to appropriations to support the war and the Armed Forces in Southeast Asia. Treaties with other nations which have been ratified by the Senate also have become the law of the land. Here I refer specifically to the SEATO Treaty, which was ratified by the Senate, as I recall, with only one negative vote in February 1955.

Looking beyond purely domestic law, the United States presence in Southeast Asia find foundations in international law as well. There are three principal aspects of this basis: First, customary rules of international law, that is, the right of collective self-defense; second,

XUM

codified international law, through article 51 of the U.N. Charter; and third, conventional international law or treaty law, and specifically again with reference to Southeast Asia, the SEATO Treaty. The SEATO Treaty, aside from its role as a part of our domestic international law, is an element of international law.

Article 5 of the SEATO Treaty was referred to yesterday in a colloquy between the Senator from Kansas and the Senator from Missouri. Part of that article states, "According to constitutional processes."

The Senator from Missouri questioned whether the "constitutional processes" of the United States had in fact been following as specified in the treaty.

Of course, "constitutional processes" is somewhat vague, but I would suggest they include: consultations on an individual basis between the Executive Branch and members of the Senate and House; testimony of Cabinet officials and others in the Executive Branch before various congressional committees; votes on appropriations to support combat operations in Southeast Asia; action taken by the Armed Services Committees and the Foreign Relations Committees; and of course, and above all, ratification of the SEATO Treaty by the Senate.

Mr. President, as we near the time for a vote on repeal of the Gulf of Tonkin resolution, I think it would be well for Senators to consider these factors of domestic and international law which, apart from the Tonkin Gulf resolution, clearly uphold the authority of the Nixon administration to maintain U.S. forces in Southeast Asia while pursuing a policy of deescalation and disengagement of our committment there.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. DOLE. I yield 5 minutes to the junior Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. ALLEN. Mr. President, I appreciate the allowance of time by the distinguished junior Senator from Kansas, because the junior Senator from Alabama does not support the Senator's position with respect to the amendment he has offered.

I have observed and followed very attentively and admiringly the actions of the distinguished Senator from Kansas in fighting the Cooper-Church amendment, and I have participated to some extent in debate on the same side as the junior Senator from Kansas for I too oppose the Cooper-Church amendment.

As to the Gulf of Tonkin resolution, I believe that the passage of that resolution back in 1964 was a mistake and, based on statements made on several occasions here on the floor by the Senator from Arkansas (Mr. FULBRIGHT), it was passed under certainly a misapprehension of the facts, if not indeed a misrepresentation of the facts.

The Gulf of Tonkin resolution was used, I believe, as a basis for the escalation of the American participation in the Vietnam war. In my judgment, our participation in that war to the extent that we have has been one of the greatest tragedies that has befallen the United States. It was unwise to have passed the resolution. It was passed. It should not now be withdrawn. There are too many basic and fundamental recitals and findings of fact on the part of the Congress embraced in this resolution that would be wiped out by a repeal.

Mr. President, I am not concerned with the argument made by the distinguished Senator from Arkansas that this matter ought to be handled as a separate resolution, one that has been before the Foreign Relations Committtee.

I think that the distinguished Senator from Kansas had a perfect right to offer the amendment. What I object to is the fact the we would withdraw from the President the real basic and fundamental vehicle by which American action was taken in South Vietnam.

The resolution, in its preamble, speaks of the alleged attacks upon American ships, which may or may not have taken place, as follows:

> Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and
>
> Whereas the United States is assisting the peoples of southeast Asia to protect their freedom—

Now, that is a state of facts that exists at this time—

> and has no territorial, military or political ambitions in that area—

That state of facts still obtains—

> but desires only that these people should be left in peace to work out their own destinies in their own way.

The President stands for self-determination by the peoples of South Vietnam:

> Now, therefore, be it
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

Are we withdrawing from that statement as one of our goals and one of the principles to which we adhere?

> The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia.

We still adhere to that conviction, I assume.

Reading on, in section 3, speaking of the matter of terminating the resolution:

> This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise,

I wish that the state of affairs at this time would enable the President of the United States to make that recital now, that the peace and security of the area is reasonably assured.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ALLEN. I ask for 2 additional minutes.

Mr. DOLE. I yield 2 additional minutes to the Senator from Alabama.

Mr. ALLEN. The other method is by a joint resolution of the two Houses. The amendment approach does vary somewhat from that, but it goes a step further, by being incorporated in a bill which requires the President's signature, whereas the concurrent resolution route would not. So the method chosen by the distinguished Senator from Kansas goes one step further.

It is the opinion of the Senator from Alabama that the enemy in Southeast Asia, and our real adversaries, Red China, and Russia, will take great comfort from the fact that, in repealing the Gulf of Tonkin resolution, we are showing, to some extent, our withdrawal of authority for our presence in Southeast Asia; that we are withdrawing our authorization to see the war in which we are engaged in Southeast Asia brought to an honorable conclusion; and that we are lacking the resolve and determination to carry on this war to an honorable end.

I know, by the test vote that was had on tabling this amendment of the junior Senator from Kansas, that the amendment is going to be overwhelmingly adopted. I believe that our action in this regard——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ALLEN. One additional minute.

Mr. DOLE. I yield the Senator 1 minute.

Mr. ALLEN. Will be flashed rapidly throughout the entire world, and will be used as Communist propaganda to show our lack of resolve to see the war in Southeast Asia carried on to a successful and satisfactory conclusion.

I hope that the amendment will be defeated. I thank the Senator from Kansas.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. I yield 3 minutes to the Senator from Utah.

Mr. MOSS. Mr. President, I intend to vote for the repeal for the Tonkin Gulf resolution. It is unfortunate that repeal of this resolution has become entangled in the already complicated Church-Cooper amendment, but if I voted against the Dole amendment for procedural reasons my vote might be misconstrued.

I understand that the majority leader still plans to call up the previously scheduled Mathias resolution which also repeals the Tonkin Gulf resolution. Given its notorious history, I can think of nothing more fitting in the repeal of the Tonkin Gulf resolution than for the Senate to do it twice.

It should have been repealed long ago. In fact, it should never have been passed at all. We know now how prophetic the words of Senator Morse were when, during the debate over passage of the Tonkin Gulf resolution, he warned:

> The resolution will pass, and Senators who vote for it will live to regret it.

Senator Morse went on to say:

> There is great danger now that Congress will give to the President of the United States power to carry on whatever type of war he wishes to wage in Southeast Asia.

Indeed, there was great danger and we are still in the grips of the tragedy that followed. Of course, few of us ever

XUM

imagined at the time that President Johnson would use this resolution as authorization for sending American ground troops to fight in an Asian land war. Later, Under Secretary of State Katzenbach even went so far as to label the Tonkin Gulf resolution as a "functional equivalent" of a congressional declaration of war.

That is not, of course, what I, nor do I believe the Congress, had in mind. But the broadly worded resolution was interpreted to read that way by President Johnson. And Congress has learned its lesson. No longer will Congress grant such a blank check to the President whether he be a Democrat or a Republican. Before the United States is to become committed to propping up another Southeast Asian government, the people, through their elected representatives in Congress, must give their consent.

In repealing the Tonkin Gulf resolution, we will be one step closer to returning to the intentions of the framers of the Constitution.

Article I, section 8 of the Constitution grants to the Congress the sole power to "declare war, raise and support armies, provide and maintain a navy" and "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." To be sure that Congress keeps a tight rein over the Armed Forces, the Constitution also provides that Congress can appropriate money for the Army for no more than 2 years.

The Constitution provides that the President shall be Commander in Chief of the Armed Forces. He is also given the power to make treaties which, of course, often commit the United States to defend foreign nations. But before any treaty can go into effect, it must be ratified by a two-thirds vote in the Senate.

The framers thus made clear their strong belief that committing the Nation to war was too important to be decided by one man. They had had the bitter experience of having to pay for wars that English kings started. The framers were careful, therefore, to divide the warmaking powers between the President and Congress, and to provide the Congress, through the power of the purse, with an additional check on the President.

President Nixon, of course, says he is not relying on the Tonkin Gulf resolution for his continued use of military force in Southeast Asia. He does not object to its repeal. Hopefully, he too has come to the realization that the United States cannot be the policeman of Southeast Asia. Hopefully, the President, in supporting the repeal of the Tonkin Gulf resolution, joins us in saying, "No more Vietnams." Because that is what we mean—"No more Vietnams."

I thank the Senator from Kansas for his courtesy in yielding.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, I yield myself 2 minutes.

Mr. ALLEN. Mr. President, will the Senator from Kansas yield for a question?

Mr. DOLE. I yield.

MR. ALLEN. I ask the distinguished Senator from Kansas, if the amendment which he has introduced to repeal the Gulf of Tonkin resolution is adopted and the bill of which it becomes a part is enacted into law, will there be more authority or less authority for our military presence in Southeast Asia than now exists with the Tonkin Gulf resolution in full force and effect?

Mr. DOLE. In response to the Senator from Alabama, I would say that the authority would be the same, with or without the Gulf of Tonkin resolution. As I indicated yesterday and the day before, this was a resolution passed at the request of President Johnson in August of 1964, after an attack by the enemy on the high seas—after, I might add, the President had taken retaliatory measures. The House and the Senate were asked to pass the Gulf of Tonkin resolution. Many of us who voted for it—at that time I was a Member of the other body and voted for it—raised no objection to it. I stood mute in the House, as it passed by a vote of 414 to 0. It then came to the Senate, where, after some very brief debate—less than two days' debate—it passed by a vote of 88 to 2.

I felt at the time and feel now that it perhaps was not necessary. But it demonstrated that Congress and the American people were unified and united behind the efforts of President Johnson; and, frankly, that was the primary purpose of the Gulf of Tonkin resolution.

As a result of it, the war was escalated from some 18,000 troops in August of 1964 to some 550,000 troops. In that context.

I supported President Johnson. I do not intend to criticize former President Johnson.

When President Nixon assumed the Presidency on January 20, 1969, 500,000 men were there; and, of course, there were pressures on the President, from all sides—to escalate, to deescalate, to withdraw, to disengage. The President announced in May of 1969 a plan of Vietnamization, and that plan was put into operation, and it has been operating successfully. We have now reduced the troop level by 115,500.

The President has not relied on the Gulf of Tonkin resolution because, he is in the process of extrication, not in the process of escalation. But I certainly feel that the Gulf of Tonkin resolution adds no power to the President. He possesses power now by virtue of his powers as Commander in Chief, by virtue of the SEATO treaty, by virtue of appropriations made by Congress, by virtue of collective self-defense among nations, and by virtue of article 51 of the U.N. Charter and other facets of domestic and international law.

Mr. ALLEN. Mr. President, will the Senator yield for a further question?

Mr. DOLE. I yield.

Mr. ALLEN. I am not sure, but I believe that the distinguished Senator has stated that the Gulf of Tonkin resolution had some meaning when it was adopted but that it now has none. What the junior Senator from Alabama would like to inquire about is this: When did it cease to having meaning, if it does not now have meaning? Is it because the President is now deescalating rather than escalating, and would it be possible without the Gulf of Tonkin resolution to escalate the military activity in Southeast Asia if it became necessary to protect American troops there?

Mr. DOLE. That could be done without the Gulf of Tonkin resolution. Let me say to the junior Senator from Alabama that this is only the opinion of the junior Senator from Kansas. It may be 100 percent incorrect. I think President Johnson could have escalated without the Gulf of Tonkin resolution. It was my opinion then, and it is now, that it was meaningful from the standpoint that it did show unity and did indicate to the world and to the President that Congress was behind President Johnson, by a collective vote of 514 to 2.

Mr. ALLEN. Would it show a lack of unity now if we repealed it?

Mr. DOLE. It might, if the President were saying, "Don't repeal the Gulf of Tonkin resolution"—if President Nixon were saying, "I must have the Gulf of Tonkin resolution.

Mr. ALLEN. Well, what is he saying, by the way?

Mr. DOLE. That, he has not used it; and he does not rely on it. I would refer the Senator to the testimony of Assistant Secretary of State Elliot Richardson which was cited yesterday on this point.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOLE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has one minute remaining.

Mr. DOLE. I want to say in that one minute that I appreciate the comments of the Senator from Arkansas and have great respect for the Senate Foreign Relations Committee. It appears the only real difference is whether we should vote on this repealer today or at a time when it is brought to the floor by that committee, which I understand would be sometime near July 4.

The question today is not whether one is for repeal of the Gulf of Tonkin resolution. Most Members are. The question is whether we should repeal it today or wait until July 4, July 5, or July 6, a couple of weeks hence. It was offered in the spirit that we had had some 30 days of debate. It was offered in the spirit that it is not being used by this administration. It was offered in the spirit that, so far as I am concerned, every Member of this body is antiwar, notwithstanding certain appellations that may be added by those in the media.

I hope that the Senate will repeal the Gulf of Tonkin resolution overwhelmingly.

The PRESIDING OFFICER. All time of the Senator from Kansas has expired. Who yields time?

Mr. FULBRIGHT. I yield 2 minutes to the Senator from Wisconsin.

Mr. NELSON. Mr. President, much has been written and said about the Gulf of Tonkin resolution and no doubt it will be a matter of discussion for many years to come.

As time passes and memories fade,

XUM

writers and columnists more frequently and dogmatically assert that the Tonkin resolution authorized a dramatic change in our role in Vietnam. They claim that Congress gave the President a blank check to start a land war in Asia.

Their interpretation is a fanciful distortion of both the resolution and history. The President, who was the author of the resolution, did not interpret it that way and never made any such claim for it until long after it was passed. His statements on Vietnam, both before and after passage of the resolution, clearly repudiate the claims later made by him and others that the resolution in any way altered our long established role of limited aid and technical assistance.

A few days after passage of Tonkin, the President said in New York:

> Some others are eager to enlarge the conflict. They call upon us to supply American boys to do the job that Asian boys should do. They ask us to take reckless action which might risk the lives of millions and engulf much of Asia and certainly threaten the peace of the entire world. Moreover, such action would offer no solution at all to the real problem of Vietnam.

Then, on August 29, 1964, the President said:

> I have had advice to load our planes with bombs and to drop them on certain areas that I think would enlarge the war and escalate the war, and result in our committing a good many American boys to fighting a war that I think ought to be fought by the boys of Asia to help protect their own land. And for that reason, I haven't chosen to enlarge the war.

Then in Akron, Ohio, on October 21, he stated:

> We are not about to send American boys 9,000 to 10,000 miles away from home to do what Asian boys ought to be doing for themselves.

And, as late as March 20, 1965, 7 months after passage of the resolution, the President said:

> Our policy in Vietnam is the same as it was 1 year ago. And to those of you who have inquiries on the subject, it is the same as it was 10 years ago.

Our policy for that 10-year period had been one of limited aid and technical assistance. Three Presidents during that period made it clear that we were not going to send our troops to fight a land war in Vietnam.

It was within the context of that history and those assurances by three Presidents that the resolution must be interpreted.

My vote for the Tonkin resolution certainly did not authorize a change in our role in Asia, as is amply demonstrated by my statements on that war both before and during our expanding involvement and as is evidenced by my votes against appropriations for the Vietnam war from the beginning to the present date.

I list below my votes against Vietnam appropriations. If it had been my intent by the Tonkin resolution to authorize a land war in Vietnam, I certainly would not have voted against the appropriations that made it possible.

I ask unanimous consent to have printed in the Record this list of my votes, together with statements I made subsequent to the passage of the Gulf of Tonkin resolution.

There being no objection, the material was ordered to be printed in the Record, as follows:

Senator Nelson's Voting Record in Opposition to the War in Vietnam

May 6, 1965—Vietnam Supplemental Appropriations—Nelson, Morse and Gruening voted against (H.J. Res. 447, appropriating $700 million for supplemental emergency funds for S. E. Asia.)

March 1, 1967—Vietnam Supplemental Authorization—Nelson and Morse in opposition. (S. 665, to authorize $4,467,200,000 in supplemental appropriations.)

March 20, 1967—Vietnam Supplemental Appropriations—Nelson, Morse and Gruening in opposition. (H.R. 7123 to provide $12,196,520,000 for the support of military operations in S. E. Asia.)

April 19, 1968—Military Procurement Authorization—Nelson, Mansfield and Gruening in opposition. (S. 3292 to authorize appropriations of funds for military procurement and to provide for merging military assistance financing for South Vietnam and other "freeworld" forces there with the funding for the Department of Defense.)

June 25, 1968—Military Construction Authorization—Nelson, Morse and Young in opposition. (H.R. 16703, authorizing construction at military bases, including $215.1 million for S. E. Asia, and also authorizing the beginning of an ABM system.)

June 26, 1968—Proxmire Amendment to H.R. 17734—Nelson and nine others in support. (An amendment to eliminate $268 million for B–52 bombing operations in Vietnam from the appropriations.)

June 26, 1968—Supplemental Appropriations—Morse and Nelson opposed. (H.R. 17734, making supplemental appropriations, including $6,055 million for S. E. Asia Emergency Fund.)

July 2, 1968—Supplemental Appropriations—Nelson alone in opposition. (H.R. 17734, a conference report on the bill identified above.)

August 1, 1968—Military Construction Appropriations—Nelson, Morse and Young in opposition. (H.R. 18785, making appropriations for military construction, including $195,004,000 for South Vietnam and $12.1 million for Thailand.)

Senate Debates, August 6, 7, 8, 1964

AUGUST 6, 1964: MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY IN SOUTHEAST ASIA

Present policy

Mr. Nelson. As I understand, the mission of the United States in South Vietnam for the past 10 years—stating it in the negative—has not been to take over the Government of South Vietnam, and has not been to provide military forces to do battle in place of South Vietnamese forces. To state it in the positive sense, our mission has been to supply a military cadre for training personnel, and advisory military personnel as well as equipment and materiel—our objective being to help in the establishment of an independent stable regime. And, if my memory is right, we had about 1,000 troops there the first 5 or 6 years, up to 1960. There are now approximately 16,000 troops there. In addition, it is now proposed that this number be expanded to, I believe, 21,000.

Looking at sentence 6 of the resolution, I understood it to be the position of the Senator from Iowa [Mr. Miller] that Congress is saying to the President that we would approve the use of any might necessary in order to prevent further aggression. Am I to understand that it is the sense of Congress that we are saying to the executive branch: "If it becomes necessary to prevent further aggression, we agree now, in advance, that you may land as many divisions as deemed necessary, and engage in a direct military assault on North Vietnam if it becomes the judgment of the Executive, the Commander in Chief, that this is the only way to prevent further aggression"?

Mr. Fulbright. As I stated, section 1 is intended to deal primarily with aggression against our forces. "That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression."

This means to me that it is with regard to our own forces. I believe section 2 deals with the SEATO area, which we are committed to protect under our treaties, particularly when they ask for our assistance.

If the situation should deteriorate to such an extent that the only way to save it from going completely under to the Communists would be action such as the Senator suggests, then that would be a grave decision on the part of our country as to whether we should confine our activities to very limited personnel on land and the extensive use of naval and air power, or whether we should go further and use more manpower.

I personally feel it would be very unwise under any circumstances to put a large land army on the Asian Continent.

It has been a sort of article of faith ever since I have been in the Senate, that we should never be bogged down. We particularly stated that after Korea. We are mobile, we are powerful on the land and on the sea. But when we try to confine ourselves and say that this resolution either prohibits or authorizes such action by the Commander in Chief in defense of this country, I believe that is carrying it a little further than I would care to go.

I do not know what the limits are. I do not think this resolution can be determinative of that fact. I think it would indicate that he would take reasonable means first to prevent any further aggression, or repel further aggression against our own forces, and that he will live up to our obligations under the SEATO treaty and with regard to the protocol states.

I do not know how to answer the Senator's question and give him an absolute assurance that large numbers of troops would not be put ashore. I would deplore it. And I hope the conditions do not justify it now.

Mr. Nelson. We may very well not be able to nor attempt to control the discretion that is vested in the Commander in Chief. But the joint resolution is before the Senate, sent to us, I assume, at the request of the executive branch.

Mr. Fulbright. The Senator is correct.

Clarification of intention

Mr. Nelson. It was sent to the Congress in order to ascertain the sense of the Congress on the question. I intend to support the joint resolution. I do not think, however, that Congress should leave the impression that it consents to a radical change in our mission or objective in South Vietnam. That mission there for 10 years, as I have understood it, has been to aid in the establishment of a viable, independent regime which can manage its own affairs, so that ultimately we can withdraw from South Vietnam.

Mr. President, we have been at the task for 10 years. I am not criticizing the original decision to go into South Vietnam. I do not know how long that commitment should be kept in the event we are unable to accomplish our mission. And I would not wish to make a judgment on that question now. But I would be most concerned if the Congress should say that we intend by the joint resolution to authorize a complete change in the mission which we have had in South Vietnam for the past 10 years, and which we have repeatedly stated was not a commitment to

XUM

engage in a direct land confrontation with our Army as a substitute for the South Vietnam Army or as a substantially reinforced U.S. Army to be joined with the South Vietnam Army in a war against North Vietnam and possibly China.

Mr. FULBRIGHT. Mr. President, it seems to me that the joint resolution would be consistent with what we have been doing. We have been assisting the countries in southeast Asia in pursuance of the treaty. But in all frankness I cannot say to the Senator that I think the joint resolution would in any way be a deterrent, a prohibition, a limitation, or an expansion on the President's power to use the Armed Forces in a different way or more extensively than he is now using them. In a broad sense, the joint resolution states that we approve of the action taken with regard to the attack on our own ships, and that we also approve of our country's effort to maintain the independence of South Vietnam.

The Senator from Wisconsin prompts me to make a remark which perhaps I should not make. He has said that we might be mistaken in our action. If any mistake has been made—and I do not assert that it has been—the only questionable area is whether or not we should ever have become involved. That question goes back to the beginning of action in this area, and I do not believe it is particularly pertinent or proper to the debate, because in fact we have become involved. However, the Senator has mentioned it. As an academic matter, the question might be raised. But having gone as far as we have in 10 years, it seems to me that the question now is, How are we to control the situation in the best interest of our own security and that of our allies? I believe that what we did was appropriate. The joint resolution is appropriate, because it would fortify the strength of the Executive and the Government. It would put the Congress on record—and we are the most representative body that we have under our system—as supporting the action. If anything will deter aggression on the part of the North Vietnamese and the Chinese, I believe it would be the action taken together with the joint resolution supporting the action. That is the best I can do about justification of the resolution. In frankness, I do not believe the joint resolution would substantially alter the President's power to use whatever means seemed appropriate under the circumstances. Our recourse in Congress would be that if the action were too inappropriate, we could terminate the joint resolution, by a concurrent resolution, and that would precipitate a great controversy between the Executive and the Congress. As a practical question, that could be done.

Mr. NELSON. I have a couple of additional questions. But first I wish to say that I did not suggest that by the use of hindsight I would now conclude that the intervention in 1954 was wrong. I do not know. I understand the necessity for the United States, since it is the leader of the free world, to do all it can in furtherance of the protection of the idea of freedom and independence, and that to do so, we must make gambles. We shall lose some; we shall win some. I believe the public is slow to recognize that we have vast responsibilities, and they expect us to win every gamble that we take. I do not expect that. And I do not now rise here to criticize the original decision.

But I am concerned about the Congress appearing to tell the executive branch and the public that we would endorse a complete change in our mission. That would concern me.

Mr. FULBRIGHT. I do not interpret the joint resolution in that way at all. It strikes me, as I understand it, that the joint resolution is quite consistent with our existing mission and our understanding of what we have been doing in South Vietnam for the last 10 years.

AUGUST 7, 1964

Interpretation

Mr. NELSON. Mr. President, I have read the RECORD. There was some colloquy on the floor yesterday. I noticed that every Senator who spoke had his own personal interpretation of what the joint resolution means.

One Senator yesterday stated for the RECORD that he understands the resolution to mean that there will be no more privileged sanctuaries.

Another Senator interprets the resolution to mean that it would authorize the Chief Executive to eliminate any aggression, future and present. Some Senators interpret this language to mean aggression against South Vietnam; others interpret it to mean aggression directly against our military forces.

Another Senator interpreted the joint resolution to mean that it is the sense of Congress that no change is suggested by Congress in the present mission in South Vietnam—the mission that has been ours for 10 years, which is to supply advisers, technical advice, and materiel, for the purpose of attempting to encourage the establishment of an independent, viable regime, so that we can withdraw our forces; and that it has not been our mission in the past 10 years to substitute our military forces for the South Vietnamese forces, nor to join with them in a land war, nor to fight their battle for them, nor to substitute our Government for theirs.

This 10-year-old limited mission can be legitimately defended as a responsibility of ours to assist free and independent nations; and it can be legitimately questioned, too, because of the geographic location of that mission.

In any event, I am most disturbed to see that there is no agreement in the Senate on what the joint resolution means. I would like to see it clarified.

Nelson's amendment

Mr. NELSON. In view of the differing interpretations which have been put upon the joint resolution with respect to what the sense of Congress is, I should like to have this point clarified. I have great confidence in the President. However, my concern is that we in Congress could give the impression to the public that we are prepared at this time to change our mission and substantially expand our commitment. If that is what the sense of Congress is, I am opposed to the resolution. I therefore ask the distinguished Senator from Arkansas if he would consent to accept an amendment, a copy of which I have supplied him. I shall read it into the RECORD:

"On page 2, line 3, after the word 'That' insert '(a)'.

"On page 2, between lines 6 and 7, insert the following:

" '(b) The Congress also approves and supports the efforts of the President to bring the problem of peace in southeast Asia to the Security Council of the United Nations, and the President's declaration that the United States, seeking no extension of the present military conflict, will respond to provocation in a manner that is "limited and fitting". Our continuing policy is to limit our role to the provision of aid, training assistance, and military advice, and it is the sense of Congress that, except when provoked to a greater response, we should continue to attempt to avoid a direct military involvement in the southeast Asia conflict.' "

This amendment is not an interference with the exercise of the President's constitutional rights. It is merely an expression of the sense of Congress. Would the Senator accept the amendment?

Mr. FULBRIGHT. It states fairly accurately what the President has said would be our policy, and what I stated my understanding was as to our policy; also what other Senators have stated. In other words, it states that our response should be appropriate and limited to the provocation, which the Senator states as "respond to provocation in a manner that is limited and fitting," and so forth. We do not wish any political or military bases there. We are not seeking to gain a colony. We seek to insure the capacity of these people to develop along the lines of their own desires, independent of domination by communism.

The Senator has put into his amendment a statement of policy that is unobjectionable. However, I cannot accept the amendment under the circumstances. I do not believe it is contrary to the joint resolution, but it is an enlargement. I am informed that the House is now voting on this resolution. The House joint resolution is about to be presented to us. I cannot accept the amendment and go to conference with it, and thus take responsibility for delaying matters.

I do not object to it as a statement of policy. I believe it is an accurate reflection of what I believe is the President's policy, judging from his own statements. That does not mean that as a practical matter I can accept the amendment. I would delay matters to do so. It would cause confusion and require a conference, and present us with all the other difficulties that are involved in this kind of legislative action. I regret that I cannot do it, even though I do not at all disagree with the amendment as a general statement of policy.

Mr. NELSON. Judging by the RECORD of yesterday, many Senators do not interpret the resolution in the same way.

Mr. FULBRIGHT. Senators are entitled to have different views. However, most members of the committee, with one or two exceptions, interpret it the same way.

AUGUST 8, 1964

Firmness clear

Mr. NELSON. Mr. President, yesterday I voted in favor of the joint resolution respecting southeast Asia. I did so upon the specific assurance of Senator FULBRIGHT, one of the authors of the resolution, and the chairman of the Senate Foreign Relations Committee, that in voting for this resolution, the Congress approved no change in our basic mission in Vietnam.

That mission is one of providing material support and advice. It is not to substitute our Armed Forces for those of the South Vietnamese Government, nor to join with them in a land war, nor to fight their war for them.

Yesterday Senator FULBRIGHT assured the Senate that although some have interpreted the resolution as a broader endorsement of any action against aggression, this is not its meaning. Rather, in response to my question, he stated that most of the Foreign Relations Committee, in reporting this resolution, interpreted it along the lines of an amendment I suggested.

I believe the resolution overwhelmingly approved by the Congress demonstrates the unity of our country and our strong support for the President. There can be no doubt about our determination to respond to aggression, nor our power to do so in a manner that is fitting to any occasion.

Having made our firmness unmistakably clear, I believe it would be equally fitting at this time to make it clear that, as the late President Kennedy felt, though we shall never negotiate out of fear, we do not fear to negotiate. We seek peace, and end to aggression, and the independence of the nations of southeast Asia. I believe the North Vietnamese and the Chinese have learned in the last few days that they can gain little by aggression. They should now know that they have every interest in avoiding further conflict. While this awareness is fresh, I believe we should attempt to make it clear that if negotiation and diplomacy

XUM

can achieve the objectives of peace and freedom, this Nation is more than willing to "walk the last mile" in search of a peaceful settlement.

For these reasons, I support the proposal of the Senator from South Dakota [Mr. McGovern] that a conference of the nations with interest in the area be convened in order to seek a political settlement in southeast Asia.

AUGUST 21, 1964

The situation in South Vietnam

Mr. Nelson. Mr. President, I ask unanimous consent that a column published in the Milwaukee Sentinal of August 12, 1964, by the distinguished columnist, Walter Lippmann, entitled "United States Is Protector of West," may be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

"United States Is Protector of West—Must Avoid Being Tied Down in Asian War

"(By Walter Lippmann)

"There is serious fighting in three widely separated places—in southeast Asia, in Cyprus, and in the Congo—and in different degrees we are much involved in all of them. Our Armed Forces are directly involved in southeast Asia. In Cyprus, our diplomacy is deeply involved. In the Congo, we are much concerned though, fortunately, we are not now involved at firsthand.

"The common factor in all three situations is that they are the aftermath of the breakdown of the old imperial systems—the French system in Indochina, the British system in the eastern Mediterranean, and the Belgian system in central Africa. Without even intending it, indeed, while wishing it had not happened, the United States has been sucked into all three situations.

"The end of the empires has left a vacuum of power which the liberated peoples have not yet mustered the strength or found the political maturity to fill without foreign aid. The cold war is in large part a conflict about whether the vacuum shall be filled by Moscow or Peiping or Washington.

"There is no certainty that there will not be other theaters of disorder in Asia, Africa, and the Americas. Indeed, the chances are that there will be others. Wherever and whenever a new theater of disorder appears, whenever there is a new revolutionary civil war, there will be a powerful suction pulling the United States to intervention and there will be powerful pressures here at home to push us to intervention.

"As the United States comes near to having a monopoly of the disposable military power in the Western World, we cannot afford to become totally engaged in any one theater or to commit all our reserves in one place. For that reason our intervention, when it cannot be avoided, must be limited, measured, and always directed to a political solution rather than to a military victory and unconditional surrender.

"Thus, it is a vital American interest to safeguard its strategic mobility. We could lose our mobility if we become hugely committed in one theater, and let ourselves become engaged in a total war, say on a long land frontier in south Asia. If ever, even for the noblest ideological reasons, we let ourselves be entrapped in such a war, our position in the world as protector of the interests of the West would be gravely shaken.

"We are very powerful. But we are not so powerful that we can commit all our reserves. The role which we have to play in this period of history cannot be sustained if we do not use a shrewd and prudent diplomacy to economize the use of military force.

"In applying these principles to southeast Asia we have to remember that the only great military force China possesses is her enormous army, and that in a serious conflict she would be bound to use it by attacking adjacent countries which we have promised to defend. It would be wishful thinking to suppose that China, though it can be hurt fearfully, is entirely helpless. And here at home we must not therefore ask American soldiers to fight an impossible war. We must make our readiness to negotiate an accommodation as credible as we make our readiness to retaliate against aggression.

"Everyone realizes that if, notwithstanding NATO and the U.N. and our own diplomacy, Greece and Turkey go to war, the western alliance will be deeply shaken. As the United States has the only mobile reserve force in the eastern Mediterranean, American responsibility for maintaining a balance of power in Europe will be increased.

"Since we are carrying virtually the whole burden of maintaining a balance of power in Asia, we cannot afford lavishly to overcommit ourselves by signing blank checks on our military power. We have signed too many of them already."

Statement of Senator Nelson, February 17, 1965

I rise to commend the Senator from Idaho, Mr. Church, for his exceptional speech. This is a most thoughtful presentation by a practical, hard-headed internationalist. The Senator from Idaho vigorously supports our position in the world as the defender of freedom. He speaks as one who seeks to strengthen our role and improve our position in international affairs.

His words are a refreshing and thoughtful contribution to the dialogue on our role in Vietnam.

I shall not attempt to elaborate on the thoughts expressed by him. He covered that ground thoroughly enough. However, one aspect of this continuing and ever-changing dialogue on our role in Vietnam is worthy of attention. That aspect is: What is the conception of our presence in South Vietnam?—and, should we change it?

Increasingly, in recent months, we have heard the voices of many who seem to have the view that the war there is in fact our war and that we should and must make the necessary investment of men and material to win at whatever the cost.

If that is our mission there, as some seem to believe, the rules of the game have been rather dramatically changed. I do not think our mission has been changed and I do not think it should be.

From the very beginning of our involvement it has been clear that our mission is a very limited one. Three presidents have clearly stated the proposition that our role is simply to give aid and technical advice with the objective of helping establish an independent, viable regime that is capable of managing its own affairs.

On October 23, 1954, when President Eisenhower first offered aid to Vietnam, he stated: "The purpose of this offer is to assist the Government of Vietnam in developing and maintaining a strong, viable state, capable of resisting attempted subversion or aggression through military means. The Government of the United States expects that this aid will be met by performance on the part of the Government of Vietnam in undertaking needed reforms."

On September 2, 1963, President Kennedy reaffirmed this policy: "I don't think that unless a greater effort is made by the Government to win popular support that the war can be won out there. In the final analysis, it is their war. They are the ones who have to win it or lose it. We can help them, we can give them equipment, we can send our men out there as advisers, but they have to win it—the people of Vietnam—against the Communists. We are prepared to continue to assist them, but I don't think that the war can be won unless the people support the effort . . ."

And on August 12, 1965, President Johnson described the primary pattern of our effort over the last ten years: "First, that the South Vietnamese have the basic responsibility for the defense of their own freedom."

When we first agreed to help South Vietnam, French armies had just suffered a disastrous defeat at Dienbienphu. After spending an estimated $8.5 billion, after committing more than 400,000 first-rate soldiers, and after suffering 240,000 casualties, the French learned it is almost impossible to win a jungle war in Asia, except at incredible cost. As Senator Fulbright, Chairman of the Foreign Relations Committee, recently told the Senate, most responsible American officials realize that "it would be very unwise under any circumstances to put a large land army on the Asian continent . . ."

Our national policy has been to help with advice and material, but not to substitute our forces for those of the South Vietnamese government, nor to join with them in a land war, nor to fight their war for them. Our military personnel in Vietnam number only 24,000.

Based on our experience of ten years in Vietnam it clearly would be folly to expand our mission or the original concept of our involvement. When we became engaged there in 1954 I don't think anyone expected we would still be there in 1965. Certainly we do not intend to stay there until 1975. At some stage we must make a decision on whether it is possible to achieve our original objective. The accumulated evidence overwhelmingly indicates we cannot. If this is correct it is our national self-interest to seek ways and means of negotiating a constructive settlement. The President, of course, is in the best position to make the necessary tactical judgments to accomplish this end.

Whatever the final result in South Vietnam I think it is a necessary part of the educational process for us as Americans to recognize that in our relatively new role as leader of the free world we will be continually engaged in difficult risks and gambles in remote spots all over the globe. We will in the future as we have in the past take many risks in which the chances of success are much less than 50-50. The fact that we gamble in behalf of freedom some place and lose doesn't mean we should not have tried. If we never take any risks for fear of losing, we will never lose anything except our leadership of the free world.

Statement by Senator Gaylord Nelson, May 6, 1965, on House Joint Resolution 447

Sometime ago I prepared the preceding remarks for delivery on the floor of the Senate. Since then we have received the request for this supplemental appropriation. I have placed those remarks in the record now so that my position may not be misinterpreted. I am adding these remarks to explain my position on the measure before us.

My fundamental position on Vietnam and our role there has remained the same over an extended period of time. More than two years ago and on numerous occasions since I have expressed the view that it should remain a cardinal principle of our policy not to engage American troops in a land war in South Vietnam. Within the perimeter of this guiding principle there is great room for tactical variation. As the Commander in Chief of our forces it is the President's burdensome responsibility to decide the day to day tactics. From time to time we may agree or disagree with the tactics exercised but that is in the nature of the case. I along with the vast majority recognize where that responsibility lies and support the President in his incredibly difficult endeavor.

The issue before us is not whether we are unified in our purpose. We certainly are. It is not whether we are opposed to Communism, whether we are willing to fight for freedom, whether we are at one with the President in the objective he seeks—in each of these matters we are unified. That unity has repeatedly been demonstrated by every public opinion poll as well as the conduct of the Congress and the statements of the members.

Nevertheless, we are now asked to act within twenty-four hours on a 700 million dollar appropriation for the conduct of our commitment in Vietnam. It is conceded by everyone that the money is not needed immediately to support our commitment there. It is agreed by everyone that the President has the authority to transfer the necessary funds to fully support our efforts. It is recognized by everyone in this body that on a moment's notice Congress will authorize every additional dollar needed to supply, equip and support our forces without stint. So that there may be no doubt, if indeed there could be any, I know that 700 million dollars will be needed in our 1966 budget. A substantial part of it might be needed in fiscal 1965. That may be so whether we make the unfortunate decision to change our mission there or whether we maintain our repeatedly stated role. I support that expenditure and more too if and when it is required. We will not hesitate to spend whatever is necessary to support our troops in whatever enterprise we direct them. That is not at issue among us.

What is at issue right now is the wisdom of acting within hours upon this requested appropriation—acting without printed hearings and with precious little discussion—acting post haste, not because this money is required immediately but rather because this precipitous action is supposed to demonstrate our support for the President's conduct of foreign affairs as well as our unity of purpose in opposing Communist aggression.

My willingness to support the President in these two enterprises is a matter of record—abundantly so. I do not feel the necessity of demonstrating my support by forthwith voting aye on a bill that came to the Senate at 2:30 yesterday afternoon—a bill that had only brief hearings in either house—a bill that was supported only by a half page Senate committee report printed before the House bill arrived in our house. I object to legislating based upon what I read in the morning paper. No matter how sound the measure, I dissent from the proposition that the greatest deliberative body in the world should routinely give its stamp of approval to anything except under dire circumstances. No such circumstance has been alleged from any quarter.

In the cloakrooms and on the floor numerous distinguished Senators from both sides of the aisle have expressed their concern over the precipitous manner in which we are disposing of this matter.

I have no notion what the President said to the majority and minority leadership at the White House. If he requested that this bill be passed this week within a 24 hour period instead of next week after ample discussion I have not been so advised. Though I have a very high regard and respect for the integrity, the patriotism and the genuine statesmanship of the leadership on both sides of the aisle I do not intend lightly to delegate my vote to anyone in support of any proposal.

My objection does not run to the merits of this appropriation. No matter what the variances of viewpoint, we all know this money will be needed in the future and will be spent. Yet, I think I speak accurately when I say that a very substantial number of this body is gravely troubled by the unseemly haste of our action here today. We all know that our military planning is not so faulty that we need this appropriation right now. If it were required today our very able Secretary of Defense would have urged action quite some time ago.

My dissent is based upon the conviction that when a matter of this import is before us we owe it to ourselves and the nation to discuss it deliberately and fully. That we may all end up agreeing on this particular measure does not detract from the importance of conducting the dialogue. There is a continuing public confusion about where we are going and why. Silence contributes to that confusion. Our branch of the government has its own obligation. We should not default in that obligation nor should we even give the appearance of doing so. Because of what appears to be a necessity for exceptionally speedy action on a large appropriation, there are many who will conclude that we must be intending to support or endorse a substantial expansion of our role in Vietnam if not a fundamental change in our mission there. I am sure that neither the Congress nor the President intends that. Nevertheless, you will see that interpretation put on our action from any number of sources within the next few days. I decline to lend my name in any way to that kind of misinterpretation.

Thus, at a time in history when the Senate should be vindicating its historic reputation as the greatest deliberative body in the world we are stumbling over each other to see who can say "aye" the quickest and the loudest. I regret it and I think some day we shall all regret it.

Now in the gentlest way I know how I mention to this body that as of this very moment I have yet to receive a call from the leadership or any other source in government advising me of the grave necessity for instant action. I should think if this matter were really so urgent a fifteen minute party caucus would have sufficed at least to advise us so.

Thus, reluctantly, I express my opposition to our procedure here by voting no. Obviously you need my vote less than I need my conscience.

SENATOR NELSON'S STATEMENT ON VIETNAM, JANUARY 15, 1966

There are no easy answers to the agonizing dilemma facing America in Viet Nam. But of all the grim alternatives, it seems to me the wisest is to continue with great patience to seek a negotiated settlement while firmly refusing to escalate the conflict further. This is essentially a political and not a military conflict. It is a battle in Viet Nam for the hearts and minds of the Vietnamese. It must be limited to Viet Nam, and be fought by the Vietnamese if we are to have any realistic hope of an acceptable settlement. For along the "open ended" path of further escalation lies the specter of a major land war in Asia fought with U.S. troops, a war against which our best military minds—including the late General Douglas A. MacArthur—have repeatedly warned us. It has long been my view that our commitment should never be expanded to make that conflict an American war. And in a major speech last May 6, I pointed out that, despite a tendency to characterize people as "hawks and doves," most Americans including most Members of Congress are united behind these major principles: There must be no major land war in Asia; the problems of Viet Nam must be settled eventually by negotiations; and the main responsibility for stable government must rest with the South Vietnamese people.

The situation is even more dangerous today than it was in May. And the pressures to escalate the war are growing in many quarters. But I believe these cardinal principles should guide our policy. Even if a million American soldiers were to force all North Vietnamese units from South Viet Nam and to suppress the Viet Cong guerrillas with napalm and bayonets—even if we avoided an open clash with Red China—even then, when we withdrew as eventually we must, we would leave behind us only a charred, desolate country with little hope that it could maintain its independence one moment beyond the time we left.

There is no point in criticizing the mistakes of past policy. But it is crucial in looking toward the future to recall that our military advisors have been consistently over-optimistic when not actually dead wrong in their public statements of the Vietnamese situation. Secretary of Defense McNamara's estimate that the Americans could begin to pull out by Christmas 1965 is only the most famous example.

Those who look for a cheap "victory through air-power" should recall the glowing assurances last February that a few bombs on North Viet Nam would quickly bring that country to the conference table in a tractable mood. If anything, the opposite has been the case.

George F. Kennan, the former Ambassador and noted foreign policy expert, has recently advocated an effort to de-escalate the war, to "simmer down" the situation in Viet Nam. In a world where a nuclear holocaust is a distinct possibility, the survival of us all depends on containing armed conflict to as narrow an area as possible. This is indeed sound advice.

President Johnson has taken a long step toward localizing the war and achieving negotiations by calling a halt to the bombing of North Viet Nam. He deserves praise and support for his continued efforts to find peace in Viet Nam.

It is crucial that the war in Viet Nam not be allowed to escalate further. Now is the time to make every conscientious effort to de-escalate the conflict. For in escalation there is no practical hope of achieving our aims in that unfortunate country and a very real possibility of an Asian-wide war in which America would waste her resources and young men in a slaughter that could achieve nothing but those desperate conditions of chaos ideal for the spread of Communism.

STATEMENT BY SENATOR GAYLORD NELSON ON VIETNAM, SEPTEMBER 1, 1967

In recent weeks there have been renewed and vigorous discussions about the meaning and intent of the Tonkin Bay Resolution. It has lately been repeatedly asserted by Administration spokesmen, writers and others that the overwhelming vote for the resolution in 1964 expressed Congressional approval of whatever future military action the Administration deemed necessary to thwart aggression in Vietnam including a total change in the character of our mission there from one of technical aid and assistance to a full scale ground war with our troops.

This, of course, is pure nonsense. If such a proposition had been put to the Senate in August, 1964, a substantial number of Senators, if not a majority, would have opposed the resolution. What we are now witnessing is a frantic attempt by the Hawks to spread the blame and responsibility for Vietnam on a broader base. They should not be allowed to get away with it. It is not accurate history and it is not healthy for the political system. The future welfare of our country depends upon an understanding of how and why we got involved in a war that does not serve our national self interest. If we don't understand the mistakes that got us into this one we won't be able to avoid blundering into the next.

The intent and meaning of any proposition before the Congress is determined by the plain language of the act itself, the interpretation of that language by the official spokesman for the measure and the context of the times in which it is considered.

Because of my concern about the broad implications of some of the language I offered a clarifying amendment. The official Administration spokesman for the resolution, Mr. Fulbright, said the amendment was unnecessary because the intent of the resolution was really the same as my more specific amendment. In short, according to Mr. Fulbright, the resolution did not intend to authorize a fundamental change in our role in Vietnam.

Three Presidents had made it clear what that limited role was, and this resolution did not aim or claim to change it.

If the official Administration spokesman for a measure on the floor is to be subsequently repudiated at the convenience of the Administration, why bother about such matters as "legislative intent?" In fact, why bother about Administration spokesmen at all? At the conclusion of these remarks I will reprint from the CONGRESSIONAL RECORD my colloquy with Mr. Fulbright which formed the basis for my vote on the Tonkin Bay Resolution. Had he told me that the resolution meant what the Administration now claims it means I would have opposed it and so would have Mr. Fulbright.

However, an even more important factor in determining the intent of that resolution is the political context of the times when it was considered by the Congress. It was before the Senate for consideration on August 6 and 7, 1964. We were in the middle of a Presidential campaign. Goldwater was under heavy attack for his advocacy of escalation. The Administration clearly and repeatedly insisted during that period that we should not fight a ground war with our troops. No one in the Administration was suggesting any change in our very limited participation in the Vietnam affair.

The whole mood of the country was against Goldwater and escalation and particularly against the idea that "American boys" should fight a war that "Asian boys" should fight for themselves, as the President put it in September of that year.

For the Administration now to say that the Tonkin Resolution considered during this period had as part of its purpose the intent to secure Congressional approval for fundamentally altering our role in Vietnam to our present ground war commitment is political nonsense if not in fact pure hypocrisy.

If Mr. Fulbright, speaking for the Administration, had in fact asserted that this was one of the objectives of the resolution the Administration would have repudiated him out of hand. They would have told him and the Congress this resolution had nothing to do with the idea of changing our long established role in Vietnam. They would have told Congress as they were then telling the country that we oppose Goldwater's irresponsible proposals for bombing the North and we oppose getting involved in a land war there with our troops. That was the Administration position when the Tonkin Resolution was before us. They can't change it now. It is rather ironic now to see how many otherwise responsible and thoughtful people have been "taken in" by the line that Congress did in fact by its Tonkin vote authorize this whole vast involvement in Vietnam. The fact is neither Congress nor the Administration thought that was the meaning of Tonkin—and both would have denied it if the issue had been raised.

The current intensity of the discussion over the military status of Vietnam, the Tonkin Resolution and the elections signal a new phase of the war dialogue. What's really new in the dialogue now is the sudden, almost universal recognition by a majority of the Hawks that this is after all a much bigger war than they had bargained for.

They now realize for the first time that to win a conventional military victory will require a much more massive commitment of men and material that they ever dreamed would be necessary. How man men? A million at least and perhaps two million without any assurance that a clear cut military victory would result in any event. Furthermore, it has finally dawned on the Hawks that a military victory does not assure a political victory—in fact there is no connection between the two and one without the other is of no value whatsoever.

This new recognition of the tough realities of Vietnam afford the opportunity for a reappraisal of our situation in Vietnam and a redirection of our efforts.

The danger we now face is the mounting pressure from military and political sources for a substantial escalation of the bombing attack in the North. The fact is the whole military-political power establishment (both Republican and Democratic) has been caught in a colossal miscalculation. They have been caught and exposed in the very brief period of 24 months since we foolishly undertook a land war commitment.

They did not then nor do they now understand the nature, character and vigor of the political revolution in Vietnam. But in order to save face they are now demanding an expansion of the war. If they prevail we will then see another fruitless expansion which will not bring the war to a conclusion but will extend our risk of a confrontation with China.

Unfortunately the Administration continues its policy of so called controlled expansion of pressure on the North which really is nothing more nor less than endless escalation which will likely lead to a vast expansion of the war. It ought to be understood once and for all that no amount of pressure on the North will settle the war in the South. A complete incineration of the North will not end the capacity of the guerrilla to continue the fight in the South.

Though we committed a grave blunder in putting ground troops into Vietnam in the first place, it does not make sense to compound the blunder by pouring in additional troops. The administration proposal for 45,000 additional troops with tens of thousands more demanded by the military is simply a blind and foolish move in the wrong direction.

What the military really needs is a million or two million ground troops for the war they want to fight. Furthermore, no one can explain what possible proportional benefit this country or the free world will get for this kind of massive allocation of resources—even assuming this would win the military-political war which I think is highly doubtful.

There is no easy solution to our involvement, but now, before it is too late, is the time to decide what direction from here we are going to go in Vietnam.

There is, it seems to me, only one sensible direction to go and that is toward de-escalation and negotiations.

It was a mistake for us to Americanize this war in the first place, and it is an even greater mistake to continue it as an American war. As soon as the elections are over this Sunday we should cease bombing the North in order to afford the opportunity to explore the possibility of negotiations. It is rather ironic that Chief of State Thieu, the military candidate for President, favors a bombing pause but our military oppose it. Whose war is this?

Next we should fundamentally alter our military and political policies in the South. We should notify the South that henceforth it will be the job of South Vietnamese to do the chore of political and military pacification of the South. While our troops occupy the population centers, furnish the supplies, transportation and air cover, it must be the job of the Vietnamese to win the political and military war in the South. If they do not have the morale, the interest, the determination to win under these circumstances then their cause can't be won at all.

Surely it ought to be understood by now that if there is going to be a meaningful solution to the Vietnam problem they must be the ones who make it meaningful.

Furthermore, if it is true, as our State Department says, that all other South East Asian countries feel they have a stake in Vietnam, let them send some troops of their own to prove their interest.

Under this approach we will reduce the loss of our troops to a minimum and we will find out whether our allies in the South really believe they have something to fight for. If they do, they have the chance to build their own country. If they don't, then we should get out.

This it seems to me is our best alternative to the fruitless policy of endless escalation.

POLICY ALTERNATIVES IN VIETNAM

(Remarks by Senator GAYLORD NELSON at Conference on Vietnam, October 21, 1967)

I would not want to burden you today with a comprehensive review of our tragic involvement in Vietnam. I assume everyone here knows the background pretty well and has developed his own analysis and interpretation of what is coming to be one of the most serious tests of the American character ever to take place in our history. The outcome of the war in Vietnam may very well determine whether civilization as we know it will continue on this planet. In my opinion, it certainly will determine the kind of country America will be in the years to come.

In an effort to try to limit the range of my discussion, I propose to discuss three topics in relation to Vietnam:

First, the fact that the widely discussed Gulf of Tonkin Resolution of 1964 was never intended to authorize the kind of war we are fighting in Vietnam today.

Second, I want to discuss Secretary Rusk's remark suggesting that we are in Vietnam to counter some future thrust by Red China.

And finally, I want to discuss again the alternatives which I think are available, instead of our present disastrous course.

The Gulf of Tonkin resolution has become crucial to the debate over the war in Vietnam because it is being used more and more to put the stamp of Congressional approval on the war we are now waging, and to brand critics of our Vietnam policy as people who are somehow outside the mainstream of American thinking.

The Gulf of Tonkin incidents took place in the summer of 1964, when America was in the heat of a Presidential election campaign. There were reports of North Vietnamese torpedo boat attacks on American warships in the Gulf of Tonkin. Our naval air force, which previously had not been involved in the war, immediately responded by blowing up some North Vietnamese oil storage depots. Following this incident, the Administration asked the Congress to adopt a resolution authorizing the President to take all necessary measures to repel any armed attack against forces of the United States in Southeast Asia.

We had only about 16,000 Americans in Vietnam at that time, and our troops were strictly limited to serving as "advisers" to the South Vietnamese. They were not shooting at the enemy and being shot. Our planes were not striking at enemy targets.

Nor was it the mood of this country to change this situation. Senator Goldwater was calling for firmer action in Vietnam, but the Administration was summarily rejecting his proposals, and apparently scoring big political gains by doing so.

In this setting, the Gulf of Tonkin Resolu-

XUM

tion did not sound particularly earth shaking. One of our ships had been shot at, we had responded in kind, and Congress was endorsing this response.

But I began to worry when I heard some of the interpretations being placed on the resolution even before it was adopted. Those with a "hawk" position immediately seized upon this resolution to prove that their position was being vindicated—in fact, adopted as national policy. This was a ridiculous interpretation and I tried to make that clear in the Senate.

I asked (on August 6, 1964):

"Am I to understand that it is the sense of Congress that we are saying to the Executive Branch: 'If it becomes necessary to prevent further aggression, we agree now, in advance, that you may land as many divisions as deemed necessary, and engage in a direct military assault on North Vietnam. . .?' "

Of course, I was assured, this was not the purpose of the resolution.

But I wanted to make certain. So we debated this resolution off and on for three days in the Senate. To pinpoint the issue, I offered an amendment making clear that the resolution did not authorize any change in our limited role in Vietnam.

I WAS ASSURED that the sense of my amendment was embodied in the resolution, that this was the Administration's own interpretation of the resolution. I was urged to withdraw my resolution to avoid the necessity for a conference between the Senate and House on two versions of the resolution.

Now it is true that these assurances came from a man who today is identified as a critic of Administration policies—Senator Fulbright. But in the summer of 1964, he was the Administration's official spokesman on this issue. He was managing the Gulf of Tonkin Resolution on the Senate floor. His words were accepted by everyone as faithfully representing the views of the Administration, with which he was in daily contact.

It is even more impressive to speculate on what would have happened if Senator Fulbright had responded differently. What if he had said, in response to my questions:

"This resolution would allow the Administration to decide hereafter whatever steps are necessary in Vietnam. It could be used to justify sending hundreds of thousands of American combat troops to Vietnam, and the launching of massive American air attacks on North Vietnam, right up to the border of China."

Senator Fulbright would have been the most repudiated man in American history. The Administration would have disavowed every word he uttered, for they would have echoed the statements being made by the opposition in the campaign, and they would have shocked the American public.

Secretary Rusk says today, "There was no question in anyone's mind as to the meaning of the Gulf of Tonkin Resolution." He is absolutely right. The Senate and the public were assured, and the Administration stood behind those assurances, that the resolution was NOT intended as authorization for escalation of the war.

With that question in clearer focus, let us consider the remarks made at the recent press conference by Secretary Rusk in which—I believe for the first time—he characterized the war in Vietnam as an effort on the part of the United States to contain the expansionist aims of Communist China, describing it as a nation which would soon have one billion citizens and would be armed with nuclear weapons.

Through three years of debate on the reasons for escalation of the war, I have suspected that this might be the ultimate justification for our policies there. But I have never heard this officially argued before.

At first we were said to be carrying out a commitment President Eisenhower made to supply certain unspecified assistance to the hard-pressed regime of President Diem. This argument suffered a near fatal blow when Diem was overthrown, amid charges that the United States at least tacitly approved of the coup which overthrew him.

Then it seemed that the best answer was that we were in Vietnam to help the country through the difficult period until it could hold elections and set up a new, responsible government. Under the terms of the Manila Conference we agreed to pull out in six months after stability was restored.

As the casualties mounted past 100,000; as the dollar cost of the war soared past the level of 26 billion dollars a year; as all our other good intentions had to be sacrificed to maintain the war effort, and as our allies became more and more bewildered, it became increasingly difficult to justify this massive investment in Vietnam in terms of our true national interest.

So now we have a new justification. We are containing the hordes of Red China. We are in the first stages of a thermonuclear showdown with the most populous nation on earth. Pushed to the wall to justify our actions, we have finally come up with a really dramatic justification which, I presume, is supposed to rally the western world behind the war and make us appear as heroes of western civilization.

This is rubbish. There are no Chinese troops involved in Vietnam. The war there is not directed or controlled by the Chinese and never has been. It is an internal revolution and war that has been underway for a quarter of a century.

The war in Vietnam does nothing to contain China, if indeed that is our objective. It is more likely to have the opposite effect.

The independence of the countries of Southeast Asia is important and an allocation to them of a fraction of the resources being expended in Vietnam would far better serve our national interests.

The 500,000 American boys and the $26 billion a year we are pouring into Vietnam are not fighting Red China. They are fighting an army of North and South Vietnam. This is proving to be a severe drain on our nation in terms of manpower, money and commitment to other urgent problems. But I have seen no evidence whatsoever that it is exerting a comparable drain on Red China.

In fact, our massive military presence in Vietnam, and our air attacks to within ten seconds of the Chinese border, are the one thing that enables Red China to continue its absurd posture in world affairs as the victim of capitalist aggression.

I repeat now what I have said previously: The current intensity of the discussion over the military status of Vietnam, the Tonkin Resolution and the elections of a new Saigon government signal a new phase in the war dialogue. What's really new in the dialogue now is the sudden, almost universal recognition by a majority of the Hawks that this is after all a much bigger war than they had bargained for.

They now realize for the first time that to win a conventional military victory will require a much more massive commitment of men and material than they ever dreamed would be necessary. How many men? A million at least and perhaps two million without any assurance that a clear cut military victory would result in any event. Furthermore, it has finally dawned on the Hawks that a military victory does not assure a political victory—in fact there is no connection between the two and one without the other is of no value whatsoever.

This new recognition of the tough realities of Vietnam afford the opportunity for a reappraisal of our situation in Vietnam and a redirection of our efforts.

The danger we now face is the mounting pressure from military and political sources for a substantial escalation of the bombing attack in the North. The fact is the whole military-political power establishment (both Republican and Democratic) has been caught in a colossal miscalculation.

The question that faces us at this time is where do we go from here? It will not serve our country to reduce the quality of the dialogue to an emotional name calling contest about who is to blame. The fact is that the troop commitment of our forces in 1965 had the support of a vast majority of the Congress, the opinion leaders, the press, and according to the polls, the public too. I thought it was a mistake and said so then and on numerous occasions since. Nevertheless, it is my conviction that everyone (Republican and Democratic leadership alike) took his stand on our involvement in good faith. The paramount consideration of everyone was the best interest of our country. That remains our paramount concern, no matter what side we may be on.

If there is going to be an honorable conclusion of this matter, we will have to be willing to accept less than a conventional military victory and certainly much less than unconditional surrender.

The alternative will be a much more massive, expensive and fruitless involvement.

There is, it seems to me, only one sensible direction to go and that is toward deescalation and negotiations.

It was a mistake for us to Americanize this war in the first place, and it is an even greater mistake to continue it as an American war.

We should cease bombing the North in order to afford the opportunity to explore the possibility of negotiations. It is rather ironic that Chief of State Thieu, the newly elected President, favors a bombing pause but our military oppose it. Whose war is this?

Next, we should fundamentally alter our military and political policies in the South. We should notify the South that henceforth it will be the job of the South Vietnamese to do the chore of political and military pacification of the South. While our troops occupy the population centers, furnish the supplies, transportation and air cover, it must be the job of the Vietnamese to win the political and military victory in the South. If they do not have the morale, the interest, the determination to win under these circumstances, then their cause can't be won at all.

Surely it ought to be understood by now that if there is going to be a meaningful solution to the Vietnam problem they must be the ones who make it meaningful.

Furthermore, if it is true, as our State Department says, that all other Southeast Asian countries feel they have a stake in Vietnam, let them send some troops of their own to prove their interest.

Under this approach we will reduce the loss of our troops to a minimum and we will find out whether our allies in the South really believe they have something to fight for. If they do, they have the chance to build their own country. If they don't, then we should get out.

This it seems to me is our best alternative to the fruitless policy of endless escalation.

Mr. McGEE. Mr. President, this body has spent a lot of time and even more rhetoric on the Gulf of Tonkin resolution. A case for all sides of the question has been made many times over. But just before we vote on the proposal to repeal the resolution, I want to take the opportunity to make one or two points for the record only.

The first point is that the substance of what we are about to do is very thin indeed. There is nothing in the Gulf of

Tonkin resolution that permits or withholds from the President or the Secretary of State or the Secretary of Defense any of the actions in Southeast Asia now taking place.

In short, action by this body on the resolution becomes something of an irrelevancy—and this is a time when it is desperately important that the Senate of the United States relate its deliberations in as specific terms as possible to the crises of our times.

Nor should we forget that nearly every Member of this body voted for the resolution on the one occasion when our judgment was requested. And while there have been numerous efforts by individual Members of the Senate to apologize for their vote several years later, I am not one of those who would be prepared to argue that we were either deceived or that we were just simple minded.

We voted then as we did because we believed it to be a wise statement of Senate judgment. And I think our honesty with ourselves should require us to say so now. But there is no resolution pending that permits us to do so.

Perhaps it does not strain the record too much at this late hour to suggest that, had the events in Southeast Asia gone more favorably after the Tonkin Gulf resolution was enacted, the Members of this body would be standing here on the floor yet today telling the world how they had participated in the enlightenment which had resulted.

That is simply another way of saying that the Senate of the United States is at this time trying to play a trick on the past by appearing to undo something that some of the Members at least wish they had not done.

History can teach us many things. Among others, it ought to teach us the folly of trying to repeal history. That which is done is done. And for this body now to lend its efforts along with its oratory to the pending repeal measure at the very least can be rationalized only as a political charade in a context of "fun and games." The sad consequence of it is that in these particular times we can ill-afford such antics.

The second point is that to repeal the Tonkin Gulf resolution now becomes an act fraught with some mischief and perhaps even some serious negative consequences.

The mischief is that our people here at home may read into the action itself more than even its proponents ever intended. At the very least, it may be interpreted as a slap at the President of the United States. In this context, it could become a complication hampering his efforts to deescalate and disengage with responsibility in Southeast Asia.

Its fallout almost certainly will have the effect of startling or even panicking the governments of a number of small, independent countries in Eastern Asia. Their inclination, we are told, will be to interpret it as an affirmation of American withdrawal from any sense of commitment in the Western Pacific.

In essence, the domestic politics within our own country which dictates the tactics on the floor of the Senate these days will not be understood or correctly interpreted by the Asians themselves.

Inasmuch, therefore, as the Tonkin Gulf resolution per se has so little substance in our current policy activities, and because it reflects more of tactical maneuvering rather than basic motivations, it appears to me that we are ill-advised in running the risks of its adverse impact in those parts of the world where we need respect and confidence and trust in American leadership.

And finally, a point which I wanted to make a part of the record before we vote, is that the pending proposal, the Cooper-Church amendment which precedes it, and the McGovern-Hatfield, which we are told is still to follow, ought not to receive the priority attention of the Senate of the United States.

I say that with full understanding of the genuineness and sincerity of my colleagues who have introduced the measures. We have a basic difference in philosophy in regard to the role of this body.

It is my view that the Senate at this very moment ought to be concerning itself with what our role ought to be in the next crisis, for surely there will be another and yet another; rather than spinning our legislative wheels over who did what to whom in the last crisis.

Our country has had a curious penchant for refighting the last war. But invariably this has seemed to be at the expense of or lack of understanding or sensitivity in regard to the next one. I beseech my chairman of the Foreign Relations Committee of the Senate, Senator FULBRIGHT, to turn the focus of the committee's powerful influence and rightful concerns to the need for updating the role of the Senate of the United States in crisis-policy decision-making.

Clearly, the procedures envisaged by the Founding Fathers nearly two centuries ago have been severely tortured by our own generation of lawmakers. In these times of which we are all a part we are caught between the forces of change—not the least of which has been the advent of nuclear weapons.

In my mind it is of questionable value for this body to be measuring the violations of constitutional intent from the past when we ought to be seeking a more modern and surely more enlightened procedure for the future. I realize that the newsworthiness of our present dialog seems to be far greater than would a scholarly and statesmanlike study of where we go from here. But the coverage or exposure or the popularity of the subject matter really is not the issue—and dare not be.

The issue is whether our form of government in a free society can survive meaningfully the tensions and crises in a nuclear world without law. I wish I had some ready answers to submit in the concluding remarks in this discussion. I do not have, and I am not aware of those who may have.

But I think it is time we try to find out how and in what tempo and through what mechanism the Government of the United States of America should be prepared to function in matters of critical foreign policy decisions in the future.

It is my hope that the Foreign Relations Committee in particular and this body in general will assign a top priority to this pursuit. If only we can agree to proceed toward that objective now, the rhetoric and the parliamentary maneuvering of the past many weeks may not appear as starkly shallow in substance as I believe they will appear if left as we see them now—devoid of positive and constructive and imaginative new suggestions on how we might more wisely proceed from here.

In sum, consideration of this resolution or the related resolutions still pending is not what the Senate ought to be doing at this time. Nor is it the way in which we ought to be doing it.

For these reasons, then, I intend to vote against the Dole amendment as I will the others currently pending.

Mr. BYRD of West Virginia. Mr. President, I shall vote to repeal the Gulf of Tonkin resolution, a resolution which was approved in a moment of crisis in 1964.

I believe that repeal of this measure—which history will find to be clouded with erroneous premises and ill-advised conclusions—is another step in reasserting the proper balance between the executive and the legislative branches.

At times of international crises, the use of the "resolution" has provided Congress with a means of prompt congressional support for the implementation of policies to thwart any foreign armed actions which might compromise the national security of the United States.

Resolutions give, in emergency situations, clear congressional and public support to the President; they allow the enemy no error of judgment as to the resolve of the American people to remain strong in the face of aggression.

But joint resolutions, such as the Tonkin Gulf resolution, have the force of law, and, except in the instance of a joint resolution proposing a constitutional amendment, require the signature of the President just as does any bill which passes both Houses.

The Tonkin Gulf resolution remains the law today, and will until it expires or is terminated in accordance with its own terms set forth in the language thereof.

But, these resolutions are by no means to be interpreted as congressional approval for the permanent employment of U.S. military forces over long periods of time. The Constitution clearly provides for other means of congressional action.

The repeal of the Gulf of Tonkin resolution is not an attempt to prematurely pull the rug from under our allies as some may contend. It is, however, an important and needed step which the Congress should take in reexamining the commitment of U.S. Armed Forces abroad.

Mr. FULBRIGHT. Mr. President, I said earlier that I would vote for the repeal because, of course, I am committed to repeal and have been for a long time. However, upon further consideration, in view of what has been said on the floor of the Senate, and also in reliance upon the assurance of the majority leader that he would bring up the Mathias resolution—which is a concurrent resolution

XUM

and which does not have to go to the White House—I shall vote against the repeal today and preserve the integrity of the procedure which I believe is very important to this body.

Therefore, I will not vote to repeal it today, but I do intend to urge the majority leader to bring up the Mathias resolution, as he has promised to do, in the very near future, and at that time I shall vote to repeal the Tonkin Gulf resolution.

With that final statement, I yield back the remainder of my time, and I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **KENNEDY**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. Harris). Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Kansas (Mr. Dole). The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. **GRAVEL**. I have already voted in the affirmative. I withdraw my vote and state that I have a live pair with the Senator from Louisiana (Mr. Ellender). If he were present, he would vote "nay." If I were at liberty to vote, I would vote "yea."

Mr. **KENNEDY**. I announce that the Senator from Connecticut (Mr. Dodd), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. McCarthy), the Senator from Georgia (Mr. Russell), the Senator from Texas (Mr. Yarborough), the Senator from Ohio (Mr. Young), and the Senator from Louisiana (Mr. Ellender) are necessarily absent.

I further announce that, if present and voting, the Senator from Ohio (Mr. Young) would vote "yea."

Mr. **GRIFFIN**. I announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness and, if present and voting, would vote "yea."

The result was announced—yeas 81, nays 10, as follows:

[No. 167 Leg.]

YEAS—81

Aiken
Allott
Anderson
Baker
Bayh
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Fannin
Fong
Goldwater
Goodell
Gore
Griffin
Gurney
Hansen
Harris
Hart
Hatfield
Holland
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.

NAYS—10

Allen
Bellmon
Eastland
Ervin
Fulbright
Hollings
Long
McClellan
McGee
Stennis

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Gravel, for.

NOT VOTING—8

Dodd
Ellender
Hartke
McCarthy
Mundt
Russell
Yarborough
Young, Ohio

So Mr. Dole's amendment (No. 715) was agreed to.

Mr. **DOLE**. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. **GURNEY**. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REPEAL OF THE GULF OF TONKIN RESOLUTION

Mr. **MATHIAS** subsequently said: Mr. President, the magnitude of the vote by which the Senate repealed the Gulf of Tonkin resolution is a sure sign that the tide has turned. Those of us who stood alone and called for this action now find the crowd racing in our direction.

But such a tide must be taken at the flood. The Senate must take more than this step toward a reorientation of the role of Congress as we face the new foreign policy challenges of the 1970's. The Senate's action recognizes the importance of this issue presented by the Tonkin Gulf resolution in recent years. But our work is far from completed.

The majority leader's announced intention to further consider the issue of Tonkin Gulf by debate on a concurrent resolution to repeal it is welcome. The Foreign Relations Committee and the Senate should take today's vote as a signal to act favorably on the other provisions included in the original joint resolution cosponsored by the distinguished majority leader and myself: Repeal of the Formosan, Middle East, and Cuban Resolutions, a review of the problem of continuing wartime national emergencies and the desirability of a new and positive statement of congressional policy on Southeast Asia which endorses the aims stated by President Nixon in his Guam doctrine.

The Mathias-Mansfield resolution (S.J. Res. 166) has been reviewed by the Nixon administration and the administration does not oppose it.

If it is the intent of the Senate—as I believe it is and should be—to shoulder its full constitutional responsibility in the Nation's foreign policy, we must take swift and definitive action to repeal these outdated cold war enactments and to demonstrate that Congress can play the positive role intended by the Founding Fathers in making decisions on the use of U.S. Force abroad.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Bayh) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bill and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 11833. An act to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes;

H.J. Res. 1194. Joint resolution to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week"; and

H.J. Res. 1255. Joint resolution to authorize and request the President to proclaim the period January 10, 1971, through January 16, 1971, as "National Retailing Week."

HOUSE BILL AND JOINT RESOLUTION REFERRED

The following House bill and joint resolutions were severally read twice by their titles and referred, as indicated:

H.R. 11833. An act to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve programs pursuant to such act, and for other purposes; to the Committee on Public Works.

House Joint Resolution 1194. Joint resolution to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week"; and

House Joint Resolution 1255. Joint resolution to authorize and request the President to proclaim the period January 10, 1971, through January 16, 1971, as "National Retailing Week"; to the Committee on the Judiciary.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The **ACTING PRESIDENT** pro tempore (Mr. Allen) laid before the Senate the following communication and letters, which were referred as indicated:

Proposed Amendment to the Budget, 1971, for the Federal Maritime Commission (S. Doc. No. 91–92)

A communication from the President of the United States, transmitting an amendment to the request for appropriations transmitted in the budget for the fiscal year 1971, in the amount of $700,000, for the Federal Maritime Commission (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

Report of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on improvements needed in the reliability of the Navy manpower and personnel management information system, dated June 23, 1970 (with an accompanying report); to the Committee on Government Operations.

Report by the Public Land Law Review Commission

A letter from the Chairman, Public Land Law Review Commission, transmitting, pursuant to law, a report of the Commission, dated June 24, 1970 (with an accompanying report); to the Committee on Interior and Insular Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Allen):

A resolution of the House of Representatives of the State of Ohio; to the Committee on Commerce:

"Resolution

"Memorializing the Congress of the United States to exempt the 'Delta Queen' river steamboat from the Safety at Sea Law 89–777

"Whereas, It is common knowledge that the federal government through the enforcement of the Safety at Sea Law 89–777 is presently contemplating the terminus of the sailing days of the famed paddle wheeler, the 'Delta Queen' which travels 35,000 miles on the inland water ways each year using the great city of Cincinnati as its home port; and

"Whereas, Such contemplation has engendered controversy, consternation, public outcry and enmity throughout this state as well as on the national scene raising tempers and voices in protest; and

"Whereas, Such emotional uprising can be understood and justified by a momentary contemplation on the traditional, historical and memorable characteristics of this truly regal queen of the beautiful Ohio River, for it exists as a last vestige of those days, now only recalled in times of nostalgia, when the inland water ways of this country were witnesses to the august and giant steamboats churning the silent waters; and

"Whereas, The name 'Delta Queen', to millions of Americans and to all Ohioans is material evidence and a steadfast reminder of many of our historical heritages cherished so highly by all; therefore be it

"Resolved, That we, the members of the House of Representatives of the 108th General Assembly of Ohio, hereby adopt this Resolution and cause a copy thereof to be spread upon the pages of the Journal, thus memorializing and fervently encouraging the Ohio members of Congress to steadfastly continue their battle to preserve this Ohio and truly American monument by exempting the nationally renowned and the last remaining paddle wheel overnight passenger steamboat, the 'Delta Queen', from the construction standards of the Safety at Sea Law 89–777, so that Ohio may perpetuate her memorable river heritage and keep "steamboat around the bend on the beautiful Ohio"; and be it further

"Resolved, That the Legislative Clerk of the House of Representatives transmit properly authenticated copies of this Resolution to the Speaker of the House of Representatives; the Vice President of the United States; and to the Ohio members of Congress.

"Adopted May 28, 1970.

"Attest:

"Thomas A. White,
"Legislative Clerk."

A resolution adopted by the Koza City Assembly, Okinawa, Ryukyu Islands, demanding immediate removal of the poison-gas weapons from the Ryukyu Islands; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 737. A bill for the relief of Konrad Ludwig Staudinger (Rept. No. 91–942);

S. 783. A bill for the relief of Mrs. Wanda Martens (Rept. No. 91–943);

S. 2661. A bill for the relief of Kathrun Talbot (Rept. No. 91–944);

S. 3212. A bill for the relief of Curtis Nolan Reed (Rept. No. 91–945);

S. 3263. A bill for the relief of Maria Pierotti Lenci (Rept. No. 91–946);

S. 3461. A bill for the relief of Dr. Amado G. Chanco, Jr. (Rept. No. 91–947);

S. 3675. A bill for the relief of Ming Chang (Rept. No. 91–948);

S. 3994. A bill for the relief of 1st Sgt. Albert F. Thompson, U.S. Army (Retired);

H.R. 1695. An act for the relief of Alfredo Caprara (Rept. No. 91–950);

H.R. 2315. An act for the relief of Josefina Policar Abutan Fuliar (Rept. No. 91–951);

H.R. 4574. An act to provide for the admission to the United States of certain inhabitants of the Bonin Islands (Rept. No. 91–952);

H.R. 13740. An act for the relief of Kimball Brothers Lumber Company (Rept. No. 91–953); and

H.R. 14118. An act to amend section 213 of the Immigration and Nationality Act, and for other purposes (Rept. No. 91–954).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 2514. A bill for the relief of Arline Loader and Maurice Loader (Rept. No. 91–955);

S. 3167. A bill for the relief of Kimoko Ann Duke (Rept. No. 91–956);

S. 3265. A bill for the relief of Mrs. Anita Ordillas (Rept. No. 91–957); and

S. 3364. A bill for the relief of Dr. Jorge Raul Jose Bruno Martorell y Fernandez (Jorge R. Martorell) (Rept. No. 91–958).

By Mr. ELLENDER, from the Committee on Appropriations, without amendment:

H.J. Res. 1264. Joint resolution making continuing appropriations for the fiscal year 1971, and for other purposes (Rept. No. 91–959).

By Mr. PASTORE, from the Committee on Appropriations, with amendments:

H.R. 17548. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91–949).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. PASTORE, from the Joint Committee on Atomic Energy:

T. Keith Glennan, of Virginia, to be the representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. MAGNUSON (by request):

S. 4016. A bill to provide for loan guarantees to assist railroads in acquiring, constructing or maintaining facilities or equipment; to the Committee on Commerce.

(The remarks of Mr. Magnuson when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MURPHY:

S. 4017. A bill to terminate and to direct the Secretary of the Interior and the Secretary of the Navy to take action with respect to certain leases issued pursuant to the Outer Continental Shelf Lands Act in the Santa Barbara Channel, offshore of the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Murphy when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. FONG (for himself and Mr. Inouye):

S. 4018. A bill to extend the coverage of the Public Works and Economic Development Act of 1965 to the Trust Territory of the Pacific Islands; to the Committee on Public Works.

By Mr. MURPHY:

S. 4019. A bill for the relief of Luis Garcia; and

S. 4020. A bill for the relief of Hae Cha Zane (Kim); to the Committee on the Judiciary.

By Mr. HART:

S. 4021. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, in order to expand and strengthen Federal assistance for State and local law enforcement, to promote more effective correctional programs and better correctional facilities, to increase assistance for a comprehensive Federal and State program for the prevention and treatment of drug abuse and drug addiction, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. Hart when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. TALMADGE:

S. 4022. A bill for the relief of Rosemaria De Loach; to the Committee on the Judiciary.

By Mr. CANNON:

S. 4023. A bill to promote and protect the free flow of interstate commerce without unreasonable damage to the environment; to assure that activities which affect interstate commerce will not unreasonably injure environmental rights; to provide a right of class action for relief for protection of the environment from unreasonable infringement by activities which affect interstate commerce and to establish the right of all citizens to the protection, preservation, and enhancement of the environment; to the Committee on Public Works.

(The remarks of Mr. Cannon when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. KENNEDY (for himself and Mr. Javits):

S. 4024. A bill to amend title IV of the Higher Education Act of 1965, relating to student assistance, in order to authorize special educational services for veterans; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Kennedy when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. DOLE (for himself, Mr. Allott, Mr. Baker, Mr. Bennett, Mr. Burdick, Mr. Cooper, Mr. Cranston, Mr. Curtis, Mr. Eastland, Mr. Goldwater, Mr. Gurney, Mr. Hansen, Mr. Harris, Mr. Hartke, Mr. Hruska, Mr. Jordan of North Carolina, Mr. Jordan of Idaho, Mr. Magnuson, Mr. Mansfield, Mr. McGee, Mr. McIntyre, Mr. Packwood, Mr. Pearson, Mr. Pell, Mr. Percy, Mr. Smith of Illinois, Mr. Thurmond, Mr. Tower, and Mr. Young of North Dakota):

S.J. Res. 218. Joint resolution providing for the establishment of an annual "Day of Bread" and "Harvest Festival Week"; to the Committee on the Judiciary.

(The remarks of Mr. Dole when he introduced the joint resolution appear later in the Record under the appropriate heading.)

S. 4016—INTRODUCTION OF "RAILROAD LOAN GUARANTEE ACT OF 1970"

Mr. MAGNUSON. Mr. President, I introduce, by request, a bill to provide for loan guarantees to assist railroads in acquiring, constructing or maintaining facilities or equipment. My introduction of this bill is merely for the purpose of having legislation before the Committee on Commerce which would provide an alternative measure to others which are before this committee. This bill is identical to part 5 of the Interstate Commerce Act which expired in 1963 except for certain technical changes necessary to bring it up to date and to make the Department of Transportation the administering agency.

I ask unanimous consent that the bill be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. BAYH). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4016) to provide for loan guarantees to assist railroads in acquiring, constructing or maintaining facilities or equipment, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 4016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Railroad Loan Guarantee Act of 1970."

PURPOSE

SEC. 2. It is the purpose of this Act to provide for assistance to common carriers by railroad subject to the Interstate Commerce Act to aid them in acquiring, constructing, or maintaining facilities and equipment for such purposes, and in such a manner, as to encourage the employment of labor and to foster the preservation and development of a national transportation system adequate to meet the needs of the commerce of the United States, of the postal service, and of the national defense.

DEFINITIONS

SEC. 3. For the purposes of this part—

(a) The term "Secretary" means the Secretary of Transportation.

(b) The term "additions and betterments or other capital expenditures" means expenditures for the acquisition or construction of property used in transportation service, chargeable to the road, property, or equipment investment accounts, in the Uniform System of Accounts prescribed by the Interstate Commerce Commission.

(c) The term "expenditures for maintenance of property" means expenditures for labor, materials, and other costs incurred in maintaining, repairing, or renewing equipment, road, or property used in transportation service chargeable to operating expenses in accordance with the Uniform System of Accounts prescribed by the Interstate Commerce Commission.

LOAN GUARANTIES

SEC. 4. In order to carry out the purpose declared in section 2, the Secretary upon terms and conditions prescribed by it and consistent with the provisions of this Act, may guarantee in whole or in part any public or private financing institution, or trustee under a trust indenture or agreement for the benefit of the holders of any securities issued thereunder, by commitment to purchase, agreement to share losses, or otherwise, against loss of principal or interest on any loan, discount, or advance, or on any commitment in connection therewith, which may be made, or which have been made, for the purpose of aiding any common carrier by railroad subject to the Interstate Commerce Act in the financing or refinancing (1) of additions and betterments or other capital expenditures, made after January 1, 1970, or to reimburse the carrier for expenditures, made from its own funds for such additions and betterments or other capital expenditures, or (2) of expenditures for the maintenance of property: *Provided,* That in no event shall the aggregate principal amount of all loans guaranteed by the Secretary exceed $500,000,000.

LIMITATIONS

SEC. 5. (a) No guaranty shall be made under section 4.

(1) unless the Secretary finds that without such guaranty, in the amount thereof, the carrier would be unable to obtain necessary funds, on reasonable terms, for the purposes for which the loan is sought;

(2) if in the judgment of the Secretary the loan involved is at a rate of interest which is unreasonably high;

(3) if the terms of such loan permit full repayment more than fifteen years after the date thereof; or

(4) unless the Secretary finds that the prospective earning power of the applicant carrier, together with the character and value of the security pledged, if any, furnish reasonable assurance of the applicant's ability to repay the loan within the time fixed therefor and reasonable protection to the United States. A statement of the findings of the Secretary required under the provisions of this subsection shall be made a matter of public record by the Secretary with respect to each loan guaranteed under the provisions of this Act.

(b) It shall be unlawful for any common carrier by railroad subject to the Interstate Commerce Act to declare any dividend on its preferred or common stock while there is any principal or interest remaining unpaid on any loan to such carrier made for the purpose of financing or refinancing expenditures for maintenance of property of such carrier, and guaranteed under this Act.

MODIFICATIONS

SEC. 6. The Secretary may consent to the modification of the provisions as to rate of interest, time of payment of interest or principal, security, if any, or other terms and conditions of any guaranty which it shall have entered into pursuant to this Act or the renewal or extension of any such guaranty, whenever the Secretary shall determine it to be equitable to do so.

PAYMENT OF GUARANTIES: ACTION TO RECOVER PAYMENTS MADE

SEC. 7. (a) Payments required to be made as a consequence of any guaranty by the Commission made under this part shall be made by the Secretary of the Treasury from funds hereby authorized to be appropriated in such amounts as may be necessary for the purpose of carrying out the provisions of this Act.

(b) In the event of any default on any such guaranteed loan, and payment in accordance with the guaranty by the United States, the Attorney General shall take such action as may be appropriate to recover the amount of such payments, with interest, from the defaulting carrier, carriers, or other persons liable therefor.

GUARANTY FEES

SEC. 8. The Commission shall prescribe and collect a guaranty fee in connection with each loan guaranteed under this Act. Such fees shall not exceed such amounts as the Commission estimates to be necessary to cover the administrative costs of carrying out the provisions of this Act. Sums realized from such fees shall be deposited in the Treasury as miscellaneous receipts.

ASSISTANCE OF DEPARTMENT OR OTHER AGENCIES

SEC. 9. (a) To permit it to make use of such expert advice and services as it may require in carrying out the provisions of this Act, the Secretary may use available services and facilities of departments and other agencies and instrumentalities of the Government, with their consent and on a reimbursable basis.

(b) Departments, agencies, and instrumentalities of the Government shall exercise their powers, duties, and functions in such manner as will assist in carrying out the objectives of this part.

ADMINISTRATIVE EXPENSES

SEC. 10. Administrative expenses under this part shall be paid from appropriations made to the Secretary for administrative expenses.

TERMINATION OF AUTHORITY

SEC. 11. Except with respect to such applications as may then be pending, the authority granted by this part shall terminate at the close of June 30, 1975: *Provided,* That its provisions shall remain in effect thereafter for the purpose of guaranties made by the Secretary.

S. 4017—INTRODUCTION OF A BILL TO TERMINATE OIL AND GAS PRODUCTION IN THE SANTA BARBARA CHANNEL

Mr. MURPHY. Mr. President, I introduce, for appropriate reference, the administration plan to terminate oil and gas production in a portion of the Santa Barbara Channel. I was happy to announce this plan at the White House on June 11 after consultation with President Nixon.

I need not retrace the course of events in the channel. I wish to mention, however, several salient points. It was easy for a past administration to grant leases in the channel, and it would be easy for this administration to continue to follow that course. I am glad that the President and the Secretary of the Interior have faced up to this problem—I believe due in part to my urging—and have developed the legislative package I introduce today.

The plan would create a national energy reserve off the existing State-created Santa Barbara oil sanctuary, in which there would be no oil production. In doing so, 20 existing leases would be terminated, the leaseholders being reimbursed in cash from the sale of oil produced from the Elk Hills Naval Petroleum Reserve. A Federal court will determine the value of the leases so terminated. Production from the wells where last year's disastrous blowout occurred will be continued until the chance for another such catastrophe has been precluded. The administration proposal contains many of my suggested solutions included in S. 2516 and S. 3351 that I have previously introduced.

Mr. President, I understand there will be further hearings on this problem before the Subcommittee on Minerals, Materials, and Fuels. I hope the subcommittee will examine the problems presented by the administration plan and, in fact, any possible plan to terminate oil production in the channel.

In particular, I look for testimony concerning the methods by which the Federal court can place a value on a lease terminated under the plan. I am sure it is not the intent of any official of the administration, and it is certainly not mine, that any leaseholder be given "something for nothing." On the other hand, both our Constitution and our sense of fair play require that a leaseholder not be given "nothing for something."

I also look for testimony concerning the effect, if any, that the sale of the oil produced from the Elk Hills Naval Petroleum Reserve will have on the crude markets in our State.

Finally, I hope the testimony will concern itself with the problems of terminating oil and gas production in the entire Federal area of the Santa Barbara Channel, as suggested by my bill S. 2516.

Mr. President, for those who say the administration plan is not enough, I repeat my White House statement that, "It is a good start," and I again wish to commend the President and the Secretary of the Interior for facing up to this most serious problem.

Mr. President, I would like to ask unanimous consent that the President's message to the Congress, the Secretary of the Interior's letter to the President, and the bill be printed in the RECORD.

The **PRESIDING OFFICER** (Mr. BAYH). The bill will be received and appropriately referred; and, without objection, the bill and letters will be printed in the RECORD.

XUM

The bill (S. 4017) to terminate and to direct the Secretary of the Interior and the Secretary of the Navy to take action with respect to certain leases issued pursuant to the Outer Continental Shelf Lands Act in the Santa Barbara Channel, offshore of the State of California, and for other purposes, introduced by Mr. MURPHY, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs and ordered to be printed in the RECORD, as follows:

S. 4017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That effective on the date of enactment of this Act all of the following described leases, and all rights thereunder issued pursuant to the Outer Continental Shelf Lands Act in the Santa Barbara Channel, offshore of the State of California, shall terminate and the United States shall be vested with all of the right, title, and interest in said leases:

P–0238
P–0232
P–0237
P–0231
P–0223
P–0230
P–0222
P–0206
P–0229
P–0221
P–0213
P–0201
P–0228
P–0234
P–0227
P–0219
P–0211
P–0220
P–0212
P–0200

SEC. 2. The Secretary of the Interior is authorized under such terms and conditions as he may prescribe to unitize all or any part of the following described leases issued pursuant to the Outer Continental Shelf Lands Act in the Santa Barbara Channel, offshore of the State of California, if he finds such action is necessary or desirable to prevent or minimize oil spillage, leaks, or other pollution:

P–0241 P–0240 P–0166

SEC. 3. (a) The holder of any lease terminated pursuant to this Act shall be entitled to bring an action against the United States for the recovery of just compensation for the lease or leases so terminated and such action shall be brought in the United States District Court for the Central District of California within one year after the date of enactment of this Act. Said Court is expressly vested with jurisdiction of any action so brought without regard to the amount of the claim therein. Trial of any such action shall be to the Court, without a jury.

(b) The amount of any judgment in any such action or of any compromise settlement of such action and any interest accruing thereon shall be certified to the Secretary of the Interior by the Department of Justice. There is authorized to be appropriated out of the Santa Barbara Channel Account such amounts as may be necessary to enable the Secretary of the Interior to pay such judgments and compromise settlements and any interest accruing thereon. In the event the funds in the Santa Barbara Channel Account are not sufficient to pay any amount so certified and appropriated there is authorized to be appropriated to the Secretary of the Treasury for advance to the Santa Barbara Channel Account out of any money in the Treasury not otherwise appropriated, such funds as may be necessary for such payments. The Secretary of the Treasury shall be reimbursed for such advances from funds paid into the Santa Barbara Channel Account in accordance with this Act, with interest thereon, at such rates as may be determined from time to time by the Secretary of the Treasury.

(c) There is hereby created in the Treasury of the United States a special account which shall be known as the "Santa Barbara Channel Account" from which the Secretary of the Interior is directed to cause payments to be made in accordance with the provisions of this Act. In order to provide the funds for the "Santa Barbara Channel Account," the Secretary of the Navy is directed to offer for sale on the open market under such competitive bidding procedures as he may establish, the United States' share of the oil extracted from Naval Petroleum Reserve Numbered 1 pursuant to the provisions of this Act and to pay the funds realized from such sale into the United States Treasury in each year, sales proceeds equal to the Government's receipts from Naval Petroleum Reserve Numbered 1 during the twelve calendar months immediately preceding enactment of this Act shall be credited to the General Fund and the remaining sales proceeds shall be credited to the Santa Barbara Channel Account. Any sums remaining in the Santa Barbara Channel Account after the payments authorized by subsection (b) have been made shall be transferred to miscellaneous receipts of the Treasury, and thereafter the funds realized under this subsection shall be paid into miscellaneous receipts of the Treasury.

SEC. 4. Without regard to the provisions of Chapter 641, Title 10, U.S.C., the Secretary of the Navy is authorized and directed to produce, by whatever means he deems necessary, sufficient oil from Naval Petroleum Reserve Numbered 1 to fulfill the requirements of section 3 and section 6 hereof. The Secretary of the Navy is also authorized to renegotiate and modify existing contracts relating to production of oil from said Reserve in such manner as may in his judgment be necessary or advisable to enable such increased production.

SEC. 5. There is hereby created a National Energy Reserve on the Outer Continental Shelf in the Santa Barbara Channel, offshore of the State of California, under the control and supervision of the Secretary of the Interior. The said National Energy Reserve shall be made up of the land covered by the leases terminated pursuant to this Act, plus waived lease P–0235 and the following described tracts as shown on the official Outer Continental Shelf Leasing Map, Channel Islands Area Map No. 6B, approved August 8, 1966, and revised July 24, 1967 as:

CALIFORNIA

Official Leasing Map, Channel Islands Area Map No. 6B

Block	Description
50N66W	All
50N67W	All
51N66W	All
51N67W	All
51N68W	All
51N69W	All
51N70W	E½ and E½ W½
52N64W	All Federal Portion thereof
52N65W	All Federal Portion thereof
52N66W	All Federal Portion thereof
52N67W	All Federal Portion thereof
52N68W	All Federal Portion thereof
52N69W	All Federal Portion thereof
52N70W	All Federal Portion of E½ and E½ W½
48N69W	All
47N69W	All Federal Portion thereof
46N69W	All Federal Portion thereof
47N68W	All
46N68W	All Federal Portion thereof
47N67W	All
46N64W	All Federal Portion thereof

The National Energy Reserve shall be available for lease only as determined by the President and under such terms and conditions as he may prescribe in accordance with existing law.

SEC. 6. There is hereby authorized to be appropriated out of the Santa Barbara Channel Account to the Secretary of the Interior, the Attorney General, and the Secretary of the Navy such sums as may be necessary to carry out the functions and responsibilities that such respective officials are required to make under the provisions of this Act. Such sums shall remain available until expended when so authorized in appropriation acts.

The material presented by Mr. MURPHY is as follows:

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

In 1955 the State of California took steps to protect a particularly beautiful area of its coastline by creating a State Sanctuary extending sixteen miles along the Santa Barbara Channel and closing it to all petroleum exploration. About a decade later, however, the Federal Government issued leases for petroleum exploration immediately seaward from the State Sanctuary. Oil platforms were soon constructed and petroleum drilling began. In January 1969, a blowout in the Channel resulted in widespread oil pollution of the Sanctuary.

The twenty Federal leases seaward from the Sanctuary which were granted by the previous Administration should be cancelled. Legislation being submitted today would terminate these leases and create a Marine Sanctuary. Compensation to the lessees would be funded by revenue from oil production at the Elk Hills Naval Petroleum Reserve which is also located in California.

To avoid further marine pollution, however, it will be necessary to continue pumping oil from three leases in the area. The oil beneath the Channel where the 1969 blowout occurred is contained in a geological formation which was damaged by oil drilling. If not bled off this high pressure oil would escape through zones of structural weakness causing further pollution. The legislation I am proposing would, therefore, allow production on these three leases under strict management controls.

This proposal for Santa Barbara illustrates our strong commitment to use offshore lands in a balanced and responsible manner. It recognizes the earlier decision made by the people of California to set aside a part of their coastline as a sanctuary, and it extends the protected area across the Channel to Santa Cruz Island.

This recommendation is based on the belief that immediate economic gains are not the only, or even the major, way of measuring the value of a geographic area. The ability of that area to sustain wildlife and its capacity to delight and inspire those who visit it for recreation can be far more important characteristics. This proposal recognizes that technology alone cannot bring national greatness, and that we must never pursue prosperity in a way that mortgages the nation's posterity.

I urge the Congress to give this legislation early and careful consideration. It represents another way in which the Federal Government can clearly demonstrate its commitment to the quality of life in America.

RICHARD NIXON.

THE WHITE HOUSE, June 11, 1970.

U.S. DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY,
Washington, D.C.

Hon. SPIRO T. AGNEW
President of the Senate
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To terminate and to direct the Secretary of the Interior and the Secretary of the Navy to take action with respect to certain leases issued pursuant to the Outer Continental Shelf Lands Act in the Santa Barbara Channel, offshore of the State of California, and for other purposes."

We recommend that the proposed bill be referred to the appropriate committee for consideration and that it be enacted.

The bill provides a termination of 20 leases on the Outer Continental Shelf in the Santa Barbara Channel, seaward of the State of California Oil Sanctuary established in 1955, which were issued pursuant to the Outer Continental Shelf Lands Act. The Act further authorizes the Secretary to unitize certain producing oil leases in the same area when he finds that such unitization is necessary or desirable in the interest of good conservation and to prevent or minimize oil spillage, leaks, or other pollution.

The bill provides a method for payment of compensation to the holders of the leases terminated by this Act, with a suit in the United States District Court for the Central District of California as the method of determining damages resulting from the termination and provides that the compensation will be paid from the Santa Barbara Channel Account, upon certification of the Department of Justice. The funds paid into the Santa Barbara Channel Account are created by the sale of oil extracted from the Naval Petroleum Reserve Numbered 1, California. In the event the Santa Barbara Channel Account does not contain sufficient funds to satisfy outstanding judgment and compromise settlements, the bill authorizes an appropriation to enable the Secretary of the Treasury to advance funds out of any unappropriated funds in the Treasury in order to satisfy such judgment and compromise settlements, with the Santa Barbara Channel Account reimbursing the Treasury for such advances.

The bill authorizes the Secretary of the Navy to produce by whatever means he deems necessary, sufficient oil from Naval Petroleum Reserve Numbered 1, California, in order to fulfill the requirement to pay the claims arising from the terminated leases.

The bill creates a National Energy Reserve from the Outer Continental Shelf in the Santa Barbara Channel made up of the leases terminated pursuant to this Act plus the waived lease in the area, the unleased tracts south of the terminated leases and the tracts in the 55,000 acres of the Ecological Preserve and its buffer zone discussed below. The reserve shall be available for lease only as determined by the President. Appropriations of funds out of the Santa Barbara Channel Account to cover the cost incurring to the Interior, Justice and Navy Departments are authorized by the Act.

An order was signed on March 21, 1969, which turned the existing two-mile buffer opposite the Santa Barbara State Oil Sanctuary into a permanent ecological preserve. Until this order was signed, the area had no special legal status. This new Santa Barbara Ecological Preserve is 21,000 acres.

In addition, all unleased areas south of the Santa Barbara Ecological Preserve will be held as an additional buffer zone. No drilling or production will be permitted in this 34,000 acres. The buffer will help protect the Preserve and maintain the sanctuary concept of the State of California.

The Ecological Preserve and its buffer thus will total 55,000 acres.

About half of the remaining Federal lands in the channel are not leased. Before any consideration is given to leasing these areas, the public will be consulted and its recommendations carefully considered.

Drilling land already leased is now and will continue to be approved only after examination of all geologic, environmental, and engineering factors. These operations are being conducted under our new requirements and we have increased our inspection forces to assure compliance and early detection of any mishaps.

The Department also is pushing for new legislation to strengthen the Federal Government's role with regard to water pollution generally.

Simultaneous with our technical and scientific efforts to solve the danger of blowout and resulting pollution, we met with other Government departments and agencies, conservation groups, and interested citizens to consider specific proposals to deal with the problem as it existed in the Santa Barbara Channel off of Santa Barbara, California. The attached bill emerged from those considerations as our solution for the Santa Barbara Channel problem. This proposed bill would create a zone free of oil activities seaward from the State Sanctuary in the Santa Barbara Channel. The only activity would be that in conjunction with the unitized operations of certain leases as authorized in the bill. This unitization, while allowing production to relieve the pressure in the leak area, thereby reducing the danger of leaks, would also reduce the visible aspects of the oil operations on those certain leases by combining them.

The cost of terminating the 20 leases would be offset by production from the number of oil reserves in the Naval Petroleum Reserve Numbered 1, California. At the same time, the creation of a National Energy Reserve in this area would make any oil in the area available for national use only as determined by the President.

The Bureau of the Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

S. 4021—INTRODUCTION OF THE CRIME PREVENTION AND LAW ENFORCEMENT ACT OF 1970

Mr. HART. Mr. President, one statement on which all agree is that the Nation faces a crime crisis. We all know it. Crime—particularly violent street crime—has risen alarmingly in the last decade.

Fear of crime erodes our way of life, posing a greater threat to our freedom and security than foreign conflicts in distant lands.

The agencies which must meet this threat are breaking down under its sheer enormity:

Clogged courts delay and undermine the deterrence of punishment;

Overburdened police struggle to maintain minimum public safety; and

Prisons with meager resources for rehabilitation turn out hardened criminals instead.

Crusades against crime are offered by some who promise quick and easy solutions, but little commitment of sustained effort and resources.

The breakdown of law and order is not the accomplishment of some anarchistic conspiracy, nor of complacent officials or unpopular judicial decisions. It is the harvest of accumulated neglect and indifference to the urgent needs of our criminal justice system—neglect which persists despite outraged alarm over crime headlines.

The National Commission on the Causes and Prevention of Violence, on which I was privileged to serve made this point in the final report:

> For the past three decades, the primary concerns of the federal government have been the national defense, the conduct of wars and foreign affairs, the growth of the economy, and, more recently, the conquest of space. These problems have consumed the major part of the public attention. They currently devour more than two-thirds of federal expenditures and approximately 50 percent of federal, state, and local expenditures combined.
>
> Traditionally we have left the problems of social justice provision of essential community services, and law enforcement primarily to the states and cities.
>
> [But]: tax revenue available to the states and cities falls woefully below what is needed to discharge their responsibilities.

Mr. President, I introduce a bill entitled the "Crime Prevention and Law Enforcement Act of 1970."

This legislation deals with many aspects of the terrible crime problem facing the Nation. I ask unanimous consent that the bill be referred to the Committee on the Judiciary for consideration in its forthcoming hearings on Amendments to the Safe Streets Act of 1968, and related matters, with the understanding that the subject matter contained in title II be referred to the Committee on Labor and Public Welfare, should that be the desire of that committee.

THE SAFE STREETS ACT

TITLE I

Mr. President, title I of this legislation concerns the need to revise the present system of Federal aid to local agencies of law enforcement and criminal justice.

The Violence Commission, as well as the earlier President's Crime Commission, reached two basic conclusions:

Crime must be fought primarily at the local level;

Our cities need Federal assistance to mount a meaningful attack.

In 1968, Congress passed the Safe Streets Act. It was based on the bill I introduced in 1967—substantially altered—to provide such assistance. It is the main vehicle for Federal participation in the battle against crime. We are now in the third year of that program and it is not going well. The Federal effort has been inadequate and misspent. The program has been sharply criticized in recent congressional hearings for failing to fight crime where it counts. Crime continues to rampage through our cities. What is wrong?

FUNDING

The threshold failure is simply lack of funds. The best of ranging estimates are that crime costs Americans between $50 and $100 billion a year, not to mention the toll in tension, injury and lives. Yet we now spend only some $5 to $6 billion annually on all aspects of law enforcement and criminal justice. This is not Federal expenditures alone, but the total of all local, State and Federal programs for police, prosecution, courts and corrections. That is about 1 percent of our national income. We spend more annually on Federal agricultural programs.

The Nixon administration has requested only $480 million for the Safe Streets Act program in fiscal year 1971. We should be spending at least twice as much, or $1 billion in the coming year—and $6 billion over the following 3 years. Doubling the administration's request for fiscal 1971 would add less than one-fourth of 1 percent of our Federal budget. Is that too much to spend on what is probably the No. 1 concern of millions of Americans?

This year, for example, the State of Michigan spent over a quarter of a billion dollars on law enforcement and criminal justice and received about $9 million under the Safe Streets Act. A 3-percent supplement will not go very far to ease Michigan's crime problem.

XUM

Attorney General Mitchell predicted that we would be spending close to a billion dollars in the foreseeable future. But we cannot afford to defer on this most pressing domestic need. The time has come for officials boldly trumpeting their war on crime to put their money where their rhetoric is.

The Violence Commission called for doubling our present investment in criminal justice and law enforcement, as rapidly as it "could be wisely planned and utilized." I think we can come close to that goal and use the money soundly now.

GOING WHERE THE CRIME IS

More money will not turn the tide unless it goes where the crime is. And that is in the big cities. True, no area is completely free from crime. But it is our metropolitan centers—New York, Detroit, Chicago, Los Angeles—which confront the escalation of street crime and the pervasive fear of violence. Robberies, for example, are 10 times more frequent in our biggest cities than in adjoining suburbs, 35 times more than in rural areas. As the Violence Commission emphasized:

> Violent crime in the United States is primarily a phenomenon of large cities. This is a fact of central importance.

In spite of this, the cities who need help most are being shortchanged. The Safe Streets program has not set realistic priorities.

The main defect is misallocation of funds produced by the present "bloc grant" approach.

The Federal Law Enforcement Assistance Administration—LEAA—disburses 85 percent of the money for action programs in bloc grants to the States. Only 15 percent of the action funds may be "discretionary grants" made directly by LEAA to State and local agencies.

Through bloc grants, the bulk of Federal assistance is allocated among the States according to population, without regard to the incidence of crime. Yet crime is not spread across the country in proportion to population. The national crime index shows that some States have more than six times the crime per capita of other States. In our 26 largest cities, with only 17 percent of the national population, occur half of the total violent crime.

Under the safe streets scheme, local needs were supposed to be protected by community representation on State planning agencies, and by the requirement that States "pass through" 75 percent of the action grants they receive to local government. It has not worked that way.

Even worse, the States have interposed still another layer of bureaucracy between the cities and Federal aid by grouping several counties into planning regions. The act permits States to "pass through" funds to local units "or combinations of them." So the regional groups can be the recipient and disburse them according to regionally set priorities—large cities can be badly gerrymandered in the process.

In Michigan, for example, Detroit and Wayne County, with 40 percent of Michigan's population, are grouped together with six other counties into one region, while smaller cities are in tricounty regions. Grand Rapids is placed into a rurally dominated region of 12 counties.

The States have dissipated millions of dollars in small grants for isolated programs of marginal impact in small towns and rural counties.

Thus, the bloc grant and regional subgrant system has added two lawyers of top heavy administration which drain funds and delay action while applications from the cities filter up and money trickles down.

Whatever "responsible federalism" may mean, at least it should insure that the level of government with day-to-day operating responsibility in an area such as crime also has the decisionmaking authority and funding independence to sustain its efforts.

Recent studies by the Urban Coalition and the League of Cities Conference of Mayors reveal disturbing disparity under the present program. Of $1.2 million received by Ohio last year, Cleveland received only $38,000 and Dayton $31,000. New York City, which accounts for 75 percent of the crime in its State, received only 43 percent of New York's LEAA funds.

Perhaps my own State best illustrates the absurdity which can result under the bloc grant approach. Grand Rapids, the second largest city in Michigan, with almost 200,000 people and an annual crime budget of $3 million, received $188 in 1969—no, the printers did not leave out any zeros—Lansing got $600; Ann Arbor, nothing. At the same time, a Michigan resort community of 9,500 received $17,000, and a rural county of 38,000 people with annual crime expenditures of $197,000 received a grant for $18,000.

Detroit has only 19 percent of the State's population, and it received 18 percent of the $1.05 million received in Federal anticrime funds by Michigan last year. Sounds sensible until you remember that Detroit accounts for almost half the crime in the State.

It does not take a mathematical genius to realize that under the present system priorities are out of whack. The needs of our Nation's high crime areas must be met directly and without delay, by providing more funds for discretionary grants from LEAA and, equally important, by making sure they go to the right place. The obvious target should be the centers of highest crime.

I propose that only 40 percent of the action funds go to the States in bloc grants, rather than the 85 percent now required by the act. The remaining 60 percent would be given by the LEAA in discretionary grants. Funds would be concentrated where they count; three-quarters of the discretionary funds would be zeroed in on a group of target cities that need help most:

First, those with populations over 200,000;

Second, those with populations between 75,000 and 200,000 and with particularly high crime rates;

Third, the largest city in a State if it does not come under the first two categories.

To take care of the criminal court responsibilities which many counties have in these cities, such counties could also receive special funds for that task.

No one suggests we ignore the problem of crime in our suburbs and rural towns. With the increased funding under my amendment, the States could still receive about the same level of bloc grants as the administration presently requests, while substantial funds were added for crash programs in our cities. After all, we do not put many soil programs in downtown Detroit, why spread our funds thinly in a fragmented fashion to high and low crime areas alike.

PLANNING

While giving more money to the cities, we must also enable them to use these resources more effectively. Here again, the bloc grant system has not worked well. Under the regional subgrant system, the 40 percent of LEAA planning grants which States must "pass through" to local units are received by the regional councils. The regions then plan for their entire multicounty area. Large cities within the region are often left in the cold, receiving little or no planning funds of their own.

Each level of government has a planning role to play. Some projects, such as crime labs and emergency communications networks, can best be planned at the regional level. States should play an important oversight role, plan major statewide law enforcement or corrections programs, and assist small jurisdictions to coordinate their efforts.

But for large cities, the appropriate unit for major planning efforts is the city itself. They know their problems best and urgently need planning funds of their own to map a systematic attack.

My bill allocates 30 percent of the planning funds appropriated by Congress to those same large cities eligible to receive the bulk of LEAA's discretionary grants under the criteria I have indicated above. The remaining planning funds would still be distributed by the States. The basic fight against street crime in our cities must be planned by those on the front lines.

OFFICES OF CRIMINAL JUSTICE

My bill also implements another major planning recommendation of the Violence Commission: creation of an Office of Criminal Justice in each urban area to coordinate planning among different agencies in the city's criminal justice system and with other public and private resources in the community.

Periodic crime commissions are too transient. What is needed is a permanent action group involving the mayor's office, police, welfare services, boards of education and corrections, health agencies, labor, the bar, business. Detroit and some other major cities are taking steps to implement this proposal. They should be encouraged and assisted.

Such an Office of Criminal Justice could cut across redtape and exert effective, credible leadership because it would speak without a parochial interest and would view the entire system in balance. It also could be especially useful in spearheading efforts to:

Relieve police of the many nonpriority jobs they traditionally have been asked to perform, diverting health, traffic and regulatory tasks to appropriate public or private agencies;

Free police for crime-fighting by reducing police waiting time in court and other innovative programs; and

Provide more correctional information for pretrial and posttrial disposition of offenders and expand voluntary parole and probation programs to assist overloaded public offices.

MORE MANPOWER FOR HARD-PRESSED CITIES

My bill amends two other unrealistic provisions of the Safe Streets Act—limitations on Federal aid for personnel, and local "matching fund" requirements. Currently, no more than one-third of any grant may be used for pay of personnel. Moreover, cities must match Federal salary assistance with equal funds of their own.

These restrictions have hamstrung attempts to make headway in such crucial programs as drug control, juvenile corrections and court reform.

The mayors of our largest cities have testified repeatedly that manpower is the key to major breakthroughs in these top priority areas.

Rehabilitating addicts, diverting juveniles form the criminal system, streamlining court calendars—all are areas where concentrated efforts could have a dramatic impact—and where money for more and better trained personnel is the major hurdle.

No less critical are efforts to expand police protection, which in a real sense is our first line of defense against crime. Here again, the restrictions have hurt. Increasing patrols in high crime areas, reducing response time, and "cooling" community tensions, all require funds. Money is needed for attracting more personnel and for upgrading departments.

In short, our cities need more funds for people instead of hardware and more flexibility in setting their crime fighting priorities. LEAA could still exercise oversight through grant application approval. I would remove the limitation on compensation entirely and expressly indicate the kinds of personnel programs which should be funded.

It is common knowledge that our cities face a budgetary crisis. This is especially true for those which have tried to expand their law-enforcement budget to meet the growing crime threat. Most cities are hard pressed to maintain current levels of community services, let alone improve and expand police, court, and correction services.

But the steep "matching fund" requirements are not confined to personnel costs. Cities must also put up almost half the cost of most other federally assisted programs. This burden is unrealistic. And, to the extent it prevents those who need help most from participating in valuable programs, it makes the Safe Streets Act self-defeating.

We can take steps to insure that Federal funds are added to, and not substituted for, local efforts. But the budgetary crisis and crime epidemic in our large cities make the present approach a penny wise, pound foolish course which must be changed. I propose setting a reasonable matching requirement under which the Federal grant could pay for up to 90 percent of the program costs. In the case of discretionary grants made directly to LEAA, even the 10-percent matching requirement should be waivable where the recipient cannot reasonably expect to meet that burden.

Amending the matching grant requirements and the limitation on personnel assistance will permit concentrated efforts on two closely related fronts in the war on crime: drug abuse and juvenile delinquency. These areas must be given the highest priority under the Safe Streets Act and also receive a greater commitment of resources under other Federal programs.

JUVENILE CRIME

The Violence Commission emphasized that crime in our cities is disproportionately committed by youths. Indeed, over half the persons arrested in America during 1968 were under 18. Increases in both arrest and "repeater" rates are higher for younger age groups. Violence and vandalism beset our high and junior high schools, while the drug problem among youth spirals and clearly drives many of them to criminal activities. Perhaps most disturbing of all is the rapidly increasing arrest rate of 10- to 14-year-olds.

At all levels of government, file cabinets overflow with studies urging an all-out effort to divert juveniles and young offenders from the traditional prison system and head off their graduation from early delinquency to careers of serious crime.

My bill amends the Safe Streets Act to make clear that proposals should be funded for the kind of community based corrections facilities and programs which are badly needed in juvenile rehabilitation.

Juvenile authorities are constantly faced with a hard choice—often unappreciated by the public: They can return a young offender to the streets under inadequate supervision or sentence him to a State institution which is badly overcrowded and as likely to increase his future involvement in crime as to reduce it.

Expanded probationary programs, with better supervision, and intensive rehabilitation services is one answer. Another is the use of "half-way houses" available for initial disposition of appropriate cases, not merely for transition back into the community from a State prison facility.

Many States—and Michigan is a good example—already give the courts sentencing flexibility, including the possibility of suspending entry of final judgment, and criminal record, of a youthful first offender. This offers a significant incentive for the juvenile to complete whatever rehabilitation programs and conditions of probation the court assigns. But such enlightened procedures cannot be fully utilized without more resources for the programs to which likely candidates can be committed.

In addition to calling for more juvenile correction and rehabilitation projects under the safe streets programs, I testified this month before the Appropriations Committee, urging that Congress fully fund the Juvenile Delinquency Prevention and Control Act of 1968.

This act authorizes the Department of Health, Education, and Welfare to assist State and local programs which provide diagnostic services, preventive treatment and rehabilitation for youth who are, or who are in danger of becoming, delinquent. It charters the broadest possible attack on juvenile delinquency and should be a major vehicle for Federal assistance, but its potential has gone largely unrealized.

The act authorized expenditures by HEW of $25 million, $50 million and $75 million, respectively, for fiscal years 1969 through 1971, but the administration has only budgeted about $15 million for each year. In other words, for 1971, the President has requested less than a quarter of the funds authorized for this critical program.

It is hard for me to imagine a more shortsighted way to fix priorities. We must press for the full $75 million in the coming fiscal year and seek even more substantial commitments in future years.

CURBING THE DRUG PROBLEM

Drug abuse has rapidly become the major crisis faced by local law enforcement. Addicts driven by their drug hunger commit nearly half of the street crime in our cities, while huge profits from the illicit traffic bankroll other underworld enterprises.

When addicts resort to crime to support their habits, the innocent victims ultimately pay.

Testifying before Congress this spring, the Mayor of Detroit, the Honorable Roman Gribbs, indicated just how high that price is in his city:

> In Detroit, we estimate that there are presently 6,000 addicts walking our streets. Few of them can pay the price of the drugs they crave from legitimately obtained income. They are literally forced to resort to burglaries, muggings, robberies and holdups.
>
> The cost of these crimes is enormous. Various estimates have been cited by authorities. Let me give you our best estimate and opinion of the cost of addiction and its relation to crime. We believe that the average addict needs about $50 per day to support his habit. This requires him to obtain at least $200 per day of other people's property. Simple arithmetic now places the annual cost of this condition at $438,000,000.
>
> Now at the same time we could treat these 6,000 Detroit addicts using methods which we already have in hand and under a program which we have already initiated, for about $9,000,000 per year. All we need is the money.

A sustained, two-pronged attack is desperately needed: tougher, more effective enforcement against illegal traffic; and a massive national effort to reduce crime by treating addicts to remove their drug hunger.

On the enforcement level, the Controlled Dangerous Substances Act of 1969, recently passed by the Senate, provides personnel increases for the Customs and the Federal Bureau of Narcotics.

My crime bill amends the Safe Streets Act to place a similar emphasis on expansion and improvement of drug law enforcement at the local level. Increased funding of metropolitan task forces would enable them to work more closely with Federal narcotics officers and to concentrate on the pushers and mobsters behind the distribution networks, rather than isolated arrests of individual addicts.

Increased enforcement alone, however, is not enough. While addicts who commit crimes must be prosecuted, the revolving door approach—arrest, imprisonment, and eventual return to the street, still an addict—would not make a lasting impact on the problem.

We need to support a wide range of programs at the local level, including voluntary civil commitment of addicts not charged with offenses; commitment to treatment centers in lieu of sentence; and sentencing to corrections institutions with adequate treatment facilities.

A bill introduced by the able junior Senator from Iowa (Mr. HUGHES)—the Federal Drug Abuse Prevention, Treatment and Rehabilitation Act of 1970—of which I am a cosponsor, would provide the framework for such a comprehensive approach.

The act would centralize efforts now fragmented throughout the Federal Government, in a Drug Abuse Administration in the Department of Health, Education, and Welfare, which could make grants for local public and private programs.

The law governing rehabilitation facilities for Federal offenders would also be reorganized into stronger legislation, expanding the number of those eligible for treatment.

We should commit at least a half billion dollars to this effort in the first 3 years of the Act. Accordingly, title II of this legislation amends the bill introduced by Senator HUGHES to specify authorization for fiscal years 1971 through 1973 of $150 million, $200 million and $250 million, respectively.

CORRECTIONS

The shocking state of our antiquated, overcrowded corrections systems have been detailed enough. We all pay lip service to the goal of truly rehabilitative prisons, but have been reluctant to pay for them.

Corrections is still the most neglected aspect of the criminal justice system. Those who urge the need for modern, realistic approaches to rehabilitation risk angry charges of "coddling criminals," though such reform benefits society, too. Those who are frightened about crime often measure "success" by the number of persons sent to prison, when they should be as concerned about what kind of men come out.

Most offenders will be returned to society, and 60 percent of those now in prison have been incarcerated before. That is a poor batting average for a system supposedly geared to rehabilitation as well as punishment.

We can improve on it, if we change those features which now make prison a degrading, hardening experience, with inadequate training and counseling for a successful transition back into the community.

My bill adds a new part to the Safe Streets Act to increase grants for the construction, acquisition or improvement of State and local correctional institutions. It would encourage States and local communities to develop comprehensive corrections systems, using modern facilities and the most advanced practices. We do not want to simply build new fortress prisons.

The amendment provides guidelines to promote:

Regional cooperative operation of specialized institutions for particular categories of offenders;

Adequate attention to recruiting and training correctional personnel; and

Sufficient emphasis on community based programs of incarceration, probation and parole.

To insure an adequate share of the overall criminal justice budget is devoted to corrections, at least 25 percent of the toal appropriations under the Safe Streets Act would have to be earmarked for some purposes in that field.

OTHER LEGISLATION

Mr. President, in addition to my proposed amendments to the Safe Streets Act, other measures before the Senate are important elements of the effort to reduce the impact of crime. They deserve prompt passage.

PRETRIAL CRIME AND SPEEDY TRIAL

The Senior Senator from North Carolina (Mr. ERVIN) and I recently introduced a "speedy trial" bill, S. 3936, to deal with the disturbing crime committed by those already awaiting trial on another charge. Disgraceful trial delays of a year are not uncommon. Undermanned courts and clogged calendars produce assembly line justice and leave some defendants free to perpetrate other crimes.

Our bill is designed to protect the public against dangerous criminals, and, at the same time, to implement the constitutional guarantee of a speedy trial for the accused. The bill attacks the pretrial crime problem on several levels.

First, assuring swift trial and prompt punishment of offenders—with top priority given trial for violent crime;

Second, strengthening control of persons released on bail, probation or parole; and

Third, providing additional sentences for crimes committed while on release.

This Speedy Trial Act of 1970 requires Federal district courts to try offenders within 60 days of their indictment—strictly limiting delay except where clearly necessary for a fair trial or where the defendant is involved in another proceeding.

To insure compliance, each district court must submit a plan for implementing these provisions. These plans will be compiled in a report to Congress indicating the extra funds and personnel needed by any district to comply fully. Thus, the Congress will be able to assess the additional resources necessary to limit pretrial crime by speedy, efficient and fair adjudication. Those who really want to deal with the problem will know what is needed to do the job.

Second, the bill would establish Pretrial Services Agencies, to enforce conditions of release, which might include submission to narcotics treatment, and reporting to supervisory facilities such as halfway houses.

Finally, the bill deters pretrial crime by authorizing additional penalties which may be imposed on anyone committing new crimes while on release.

We have all heard of a very different approach to these problems: "preventive detention," under which accused persons would simply be imprisoned until they eventually were brought to trial. It has been widely hailed as "essential" to the fight on crime and billed as an instant cure-all. But all the ballyhoo will not withstand close scrutiny.

The Justice Department's own studies reveal that the amount of dangerous crime it might prevent would be small. Moreover, preventive detention raises such serious constitutional dangers of violating several freedoms guaranteed by the Bill of Rights that leaders of the American bar have stanchly opposed it on the ground.

Further, the procedural safeguards it requires would nullify much of its even limited usefulness. Adequate pretrial hearings to determine who should be detained, and related defense motions, would only increase those very delays which have caused concern about pretrial crime in the first place.

Instead of sweeping the problem under the rug, or aggravating it, my proposal would meet the problem head on, and, equally important for our future as a free Nation, constitutionally.

PORNOGRAPHY

A problem of increasing concern to parents across the country is the pandering of pornography to our children. A bill introduced by the senior Senator from Maryland (Mr. TYDINGS), S. 2676, which I have cosponsored would prohibit the sale to minors of obscene materials which have been transported by the U.S. mails or in interstate commerce.

Committee hearings will be held soon on the various pornography control bills before Congress. The question of legislation to regulate what adults see and read is one thing. But a great percentage—some estimate up to 75 percent—of pornographic material circulating in this country eventually falls into the hands of our youth. Parents, and, to a more limited extent, local community groups have the major roles to play in protecting our children. But parents cannot monitor every piece of material that their children might encounter. They need help from the Federal Government.

There already is much State legislation on the books—some not strongly enforced because the laws are too vague or otherwise vulnerable to constitutional attack in particular instances.

The bill I support follows recent court decisions which expressly permit a broader attack on material peddled to children than on that purchased by adults. It is a criminal statute that does not involve prior restraint. It does require knowing intent and provides full due process for any prosecuted. Most important, the bill is carefully designed not to interfere with parental supervision of his own child.

The bill prohibits the sale or exhibition of pornographic books, magazines, photographs, drawings, and movies to those under 16. Prohibited categories are carefully defined and patterned after a State law recently upheld by the United States Supreme Court.

There will be some criticism for this measure by those who fear encroachment on written or spoken ideas, but I believe that this bill is action we can take, fully consistent with the first amendment, to protect our children.

CRIME LOSS INSURANCE

Another needed law which the senior Senator from Maryland (Mr. TYDINGS) has introduced, and which I am cosponsoring, S. 3311 deals with the disastrous impact which crime has had on small businesses in high crime areas of our central cities.

A report by the Small Business Administration last year showed that almost 40 percent of businesses in these areas had difficulty maintaining insurance against robbery and burglary—they faced excessive premiums, abrupt cancellations, or flat refusal. Crime insurance is simply not being written for small businessmen in high crime areas.

The Federal Government already has acknowledged the fairness of its providing reinsurance against fire losses suffered during riots. To receive such protection, insurance companies must also agree to insure central city properties against ordinary fire losses.

This bill will implement a similar plan in the area of crime insurance. The bill I support would require minimal antiburglary devices—gates, alarms, locks—as a condition of receiving insurance. It would help spread the risks of such insurance throughout the country.

We must step up the fight against crime. But we must help those who still suffer its effects.

POLICE LIFE INSURANCE

A final bill deals with a different kind of insurance, but one equally overdue. I have cosponsored this measure, S. 3, introduced by the senior Senator from Massachusetts (Mr. KENNEDY), to provide life insurance benefits to police.

The tensions and violence in our society which surface in crises requiring law enforcement personnel sometimes divert us from the fact that policemen daily risk abuse, injury, or even death in the course of protecting the public. Their lot is not an easy one—community appreciation may be obscured by strident hostilities. But we know how reassuring it can be to realize they are on the job.

This bill offers direct recognition of their frontline role in the fight against crime. It provides low-cost life insurance—including double indemnity for accidental death—for State and local law enforcement officers of a type similar to that now provided for servicemen.

Up to one-third of the cost of the program will be borne by the United States. Coverage continues after the officer leaves his job for a period during which he is given conversion privileges.

The benefits of this program will also be available to State and local governments which already have life insurance programs, either through the Federal program or continuation of the local program with a Federal subsidy.

The PRESIDING OFFICER (Mr. HARRIS). The bill will be received and appropriately referred.

The bill (S. 4021) to amend the Omnibus Crime Control and Safe Streets Act of 1968, in order to expand and strengthen Federal assistance for State and local law enforcement, to promote more effective correctional programs and better correctional facilities, to increase assistance for a comprehensive Federal and State program for the prevention and treatment of drug abuse and drug addiction, and for other purposes, introduced by Mr. HART, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 4023—INTRODUCTION OF THE ENVIRONMENTAL CLASS ACTION OF 1970

Mr. CANNON. Mr. President, all of us in this distinguished body and the Congress as a whole are aware of the environmental crisis that our high standard of living and technological competence has brought about. We are also aware of the great amount of legislation which has been passed seeking to improve our environment and covering such fields as water pollution, air pollution, disposal of solid wastes, land pollution, and so forth. I have always supported reasonable legislation and voted time and time again to provide the institutional arrangements and funding to implement our national goal to improve our environment. I do, however, believe that something is lacking in this Nation's arsenal to fight the very complex and involved pollution problems that we face.

The legislation I am proposing is intended as another tool to help the cause of a clean environment. It would give any citizen the right to recourse in a Federal district court. I know that in itself it is not a panacea, but it should make possible the resolution of many specific local pollution problems caused by the specific actions of an identifiable and traceable source. There are many who feel that the citizen already has the right in common law, but I am certain that a great number of our citizens are not familiar with this fact. If my bill makes this right widely known, it will have served a useful purpose.

Various sources of pollution do at present have recourse in law. As an example of this the Water Quality Act of 1965 requires States to establish adequate water quality standards. They, upon approval of the Secretary of the Interior, in effect become both State and Federal standards. One provision of the 1965 act also requires the Secretary of the Interior to establish adequate standards in the event the State fails to set standards or the standards proposed are considered inadequate. In either event the Secretary must propose standards to the State and if the State refuses to implement them after the entire review process is completed including review by a hearing board, the Secretary may file suit. The judicial process then is long and involved. However, the significant characteristic of setting standards under the 1965 Water Quality Act is the provision that permits the States, communities, and industries involved to be heard and present facts, argument and information in support of their position. The court must rationalize the issue on the basis of reasonableness of standards, technical practicality, and economic viability. It is obvious therefore that polluters do have a way to bring into court for adjudication standards which perhaps are too costly and are technically unachievable.

My bill merely gives to the citizen a similar right to bring action and have a court determine whether the source of pollution shall be abated, what penalties shall be paid if any, and what period of time shall be allowed for corrective action. The idea that the citizen has rights to a clean environment which he can exercise is not new, in 1965 the Johnson administration appointed an environmental pollution panel of the

President's Science Advisory Committee. This panel enunciated the following statement of national principle:

> The public should come to recognize individual rights to quality of living, as expressed by the absence of pollution, as it has come to recognize rights to education, to economic advance and to public recreation. The American public does have a right to a reasonably clean environment and those who defile it should be brought to heel.

I know of no more equitable way than to bring them before the bench of justice in our American courts. The local courts are more apt to know the local conditions and the validity of facts that may be presented to it. It cannot be done by remote control from Washington or even in many cases from the State Capitol, many issues can and must be resolved at the local levels.

My bill would do a number of things.

It would grant to every citizen the right to a reasonable clean environment.

It would give citizens a standing in Federal courts to challenge bureaucracies which do not aggressively move to protect our environment.

It would give the courts a more effective and immediate role in striving for a better environment.

It would provide for better understanding of local pollution problems and offer at least an opportunity to resolve local issues at the grassroots level.

It would free the Federal Government to concentrate on large regional or sectional problems by concentration on river basin areas or air sheds which cross multiple jurisdictional lines, and focus on gross national and international problems.

I introduce this bill, entitled the Environmental Class Action Act of 1970, and ask unanimous consent to have this bill printed in the Record.

The PRESIDING OFFICER (Mr. Harris). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 4023) to promote and protect the free flow of interstate commerce without unreasonable damage to the environment; to assure that activities which affect interstate commerce will not unreasonably injure environmental rights; to provide a right of class action for relief for protection of the environment from unreasonable infringement by activities which affect interstate commerce and to establish the right of all citizens to the protection, preservation, and enhancement of the environment, introduced by Mr. Cannon, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the Record, as follows:

S. 4023

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Environmental Class Action Act of 1970".

Sec. 2. (a) The Congress finds and declares that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

(b) The Congress further finds and declares (1) that existing provisions of Federal law are insufficient to protect various groups of persons from the harmful or potentially harmful effects of air, water, and noise pollution from facilities or activities which affect interstate commerce and (2) that civil actions on behalf of classes or groups of persons injured or endangered can be an effective and useful machinery for the protection against these harmful effects.

(c) The Congress further finds and declares that many States provide no remedy under State law whereby many persons, each having a small claim, can seek redress in the courts for the potential hazards and harmful or possibly harmful effects of air, water, and noise pollution from facilities or activities which affect interstate commerce. It is, therefore, in the public interest to provide a Federal remedy for groups having a common interest in that they are or may be adversely affected by these environmental hazards.

(d) The Congress further finds and declares that air and water pollution and the creation of unreasonable mechanical noises have a deleterious effect on the health and welfare of persons who are exposed to these hazards. The Congress further finds that these environmental hazards are largely caused by persons who are engaged in interstate commerce, or in activities affecting interstate commerce.

Sec. 3. Any person who is engaged in any activity which affects interstate commerce and who is responsible for any pollution of air or water or for the creation of any unreasonable mechanical noise shall be subject to liability in monetary damages, injunction, declaratory judgment, or other appropriate relief in a class action brought by any person representing the interst of a group or class of persons whose lives, safety, health, property, or welfare has been endangered or may be adversely affected in any way by such pollution or noise.

Sec. 4. The United States district courts shall have jurisdiction of class actions brought under section 3 of this Act without regard to the amount of controversy.

Sec. 5. The remedies provided by this Act are in addition to any other remedies which may be available, and nothing in this Act shall be held to preempt or otherwise interfere with any Federal or State law.

S. 4024—INTRODUCTION OF A BILL TO AUTHORIZE SPECIAL EDUCATIONAL SERVICES FOR VETERANS

Mr. KENNEDY. Mr. President, I introduce for myself, and the senior Senator from New York (Mr. Javits), a bill which would provide grants to institutions of higher education for developing special educational services for veterans.

These services would include remedial and other special services designed for veterans who by reason of a deficiency in education or training or by reason of deprived educational, cultural or economic background, or a physical handicap which resulted from military service, require counseling, tutorial or remedial assistance, or some other form of help in order to qualify for or successfully pursue a higher education.

The need for special services for veterans is shockingly clear. This year, over 1 million GI's who have seen service during the Vietnam conflict will return as civilians, at a rate of approxmiately 90,000 a month. The figures will rise even further if the troop pullout and the move toward peace which we all so fervently hope for is achieved in Vietnam.

But of the Vietnam veterans discharged through June of 1969, only 20.7 percent had used their benefits.

And the most serious shortcoming is among those who need educational assistance the most—those veterans who have not completed high school. Over 20 percent of our discharged veterans are high school dropouts—approximately 230,000 in fiscal year 1970. Yet only 6.1 percent of the eligible high school dropouts have taken advantage of the post-Korean conflict educational programs. This rate is only one-third of the participation rate for the Korean conflict and World War II programs in the comparable first 3 years of operation of those programs.

At the present time, then, nine out of 10 new veterans who have not completed high school simply do not use the GI bill. To me, Mr. President, this is a tragically wasted opportunity, and we should do all we can to encourage veterans with weak academic backgrounds to continue their education.

This bill represents a two-pronged approach. First, it seeks to make education more attractive to veterans with academic deficiencies by offering improved attention in a more comfortable environment. Second, it seeks to encourage colleges and other educational institutions to admit veterans and develop special programs for them, thereby expanding their educational opportunities.

The bill calls for a system of grants, contracts, and special supplementary assistance to be paid to institutions of higher education and other educational institutions to develop programs consistent with this goal.

The basis for the new program is that even though a veteran may have dropped out of high school or had a mediocre record, presumably in his years in the service, he has developed maturity and responsibility. If he does have the motivation to continue his education, we should recognize that he is a good prospect and that his high school performance is an inaccurate indication of his ability and potential. We want to assure that he has a chance to develop fully and swiftly in the most conducive educational environment.

One notion would be for postsecondary or other schools to give special preparatory training to veterans, right on the campus, strengthening their background so that they can gain admission to an institution of higher education. They could eventually attend the school which gave them the training, or they could go elsewhere.

Once a veteran with academic deficiencies is admitted and attending school he still may need special tutoring in order to succeed in his studies. Such assistance could be supported under this bill.

A broad range of programs, geared to the disadvantaged veteran and to other veterans with special needs, would be developed.

Mr. President, the bill which I introduce today basically incorporates the idea for special educational services for veterans which I introduced June 12, 1969, in the form of an amendment to

XUM

the GI bill of rights. That proposal passed in the Senate along with other amendments raising the veterans' educational payment. But the provision was dropped in conference because the House conferees felt, among other things, that the Veterans' Administration was not the appropriate body for making direct grants to institutions.

Therefore, I am reintroducing the proposal as an amendment to the Higher Education Act. My bill would include special educational services for veterans in title IV, part A, of the Higher Education Act along with the talent search and upward bound programs found there. The authorization for fiscal year 1971 for these programs is $96 million; the budget figure—and the amount approved by the House and Senate Appropriations Committee—is $15 million; thus no additional money authorization would be required.

Mr. President, the Nation has a rare opportunity both to assist and to gain from those who have broken out of disadvantaged backgrounds and matured in the service, and to help all veterans with special needs.

If we follow through with full veterans' programs, including special assistance for the educationally disadvantaged, we can insure that returning veterans will not revert to unproductive lives in ghetto or other areas. Rather, veterans whose horizons and aspirations have been broadened in the service can continue to contribute to our national welfare as constructive, well-educated citizens.

We have an obligation both to the men and women as individuals and to society as a whole to give them the chance.

The PRESIDING OFFICER (Mr. Schweiker). The bill will be received and appropriately referred.

The bill (S. 4024) to amend title IV of the Higher Education Act of 1965, relating to student assistance, in order to authorize special educational services for veterans, introduced by Mr. Kennedy (for himself and Mr. Javits), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

SENATE JOINT RESOLUTION 218—INTRODUCTION OF A JOINT RESOLUTION TO ESTABLISH AN ANNUAL "DAY OF BREAD" AND "HARVEST FESTIVAL WEEK"

Mr. DOLE. Mr. President, I am grateful to my many colleagues who join me in cosponsoring a joint resolution to call on President Nixon to proclaim October 6, 1970, as the Day of Bread and the week in which it falls as a week of Harvest Festival.

It seems right that we should pause to reflect not only on what we have given but what we have received from our tremendous agricultural productivity and efficiency.

It has often been said that we are the best-fed Nation in the world. Perhaps so. We have unparalleled variety, quantity, and quality, and yet, it is evident that not all Americans are sharing this abundance equally, either through lack of means or nutrition education. A Day of Bread and Harvest Festival Week can help focus public attention on what we have—and, at the same time, on what needs to be done and what is being done.

President Nixon recently signed into law a bill passed by this Congress improving and expanding the Child Nutrition Act and the National School Lunch Act. Secretary Hardin, as he promised, will very soon have a food stamp or commodity distribution program operating in nearly every county in the United States.

One year ago President Nixon said:

> The moment is at hand to put an end to hunger in America itself for all time.

I believe we are moving rapidly toward that goal.

But this is just part of the story of what is being done in the interest of better nutrition. The private sector—the food industry—is moving aggressively to bring better nutrition to more people—as I knew they would. In this, the wheat and wheat products industry has taken a leadership role.

One of the strongest recommendations of the White House nutrition conference was for increased iron fortification of flour and bread because of evidence of widespread iron deficiency anemia. It is significant that a month before that conference, the milling and baking industries had proposed to the Food and Drug Administration a fourfold increase in iron fortification of enriched flours and breads. Hopefully, that proposed action will be approved soon. The milling and baking industries are now consulting with the appropriate scientific bodies about other changes in the enrichment program, including the possibility of the enrichment of all flour used in snack foods, mixes, and other products where technologically feasible.

Several private companies have taken steps to assure that their wheat products deliver the maximum possible nutritional benefits. The day is not far off, I am sure, when the flour and bread enrichment program will help eliminate recently disclosed dietary deficiencies, as it did so dramatically in the early 1940's.

Mr. President, the Day of Bread and Harvest Festival Week have the wholehearted support of virtually all elements of the wheat and wheat products economy. They will arrange for appropriate observances in each of the 50 States and many cities, and they will coordinate their efforts with similar groups in several foreign countries.

Mr. President, I urge the Senate to give speedy approval to this joint resolution for a Day of Bread and Harvest Festival Week.

The PRESIDING OFFICER (Mr. Eagleton). The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 218) providing for the establishment of an annual "Day of Bread" and "Harvest Festival Week," introduced by Mr. Dole (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSOR OF A BILL

S. 3942

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the next printing, the name of the distinguished Senator from Wyoming (Mr. McGee) be added as a cosponsor of S. 3942, to provide for thorough health and sanitation inspection of all livestock products imported into the United States, and for other purposes.

The PRESIDING OFFICER (Mr. Schweiker). Without objection, it is so ordered.

PROVISION OF A FEDERAL PROGRAM FOR THE PREVENTION AND TREATMENT OF DRUG ABUSE AND DRUG DEPENDENCE—AMENDMENT

AMENDMENT NO. 732

Mr. HART. Mr. President, I submit an amendment intended to be proposed by me, to S. 3562, the Federal Drug Abuse and Drug Dependence Prevention, Treatment, and Rehabilitation Act of 1970.

That bill, introduced by the junior Senator from Iowa (Mr. Hughes) is now before the Committee on Labor and Public Welfare. It provides an extremely sound, well thought out, and comprehensive approach to prevention and control of our spiraling drug problem, at the Federal, State, and local levels. I am a cosponsor of the measure and strongly support it.

This amendment seeks to insure a commitment of resources commensurate with the ambitious, but vital, goals of this legislation. My amendment specifies authorized funding of $600 million over the next 3 years; namely, $150 million for fiscal year 1971, $200 million for fiscal year 1972, and $250 million for fiscal year 1973.

I believe at least this amount can be spent effectively now to implement the proposal of the Senator from Iowa, but I submit the amendment for his subcommittee's study and subject to consideration of any different amounts it may recommend.

The PRESIDING OFFICER (Mr. Bayh). The amendment will be received and printed, and will be appropriately referred.

The amendment (No. 732) was referred to the Committee on Labor and Public Welfare.

AMENDMENT OF THE INTERNAL REVENUE CODE OF 1954 BY IMPOSING A TAX ON THE TRANSFER OF CERTAIN EXPLOSIVES—AMENDMENT

AMENDMENT NO. 733

Mr. TYDINGS. Mr. President, I recently submitted a bill, S. 3865, to help prevent the rash of bombings which in recent months have resulted in terror, destruction, and death across the Nation. My proposal was designed to prevent these terrible occurrences by keeping explosives out of the hands of persons, such as criminals and the mentally deranged, who should not have explosives in the first place.

XUM

Black powder is an explosive which is not readily available, but which is being used by sportsmen who enjoy the art of muzzle loading and by others whose hobbies involve antique weapons. It is noteworthy that in the Federal Firearms Act of 1968, Congress has already registered its intent to protect those who keep and use antique weapons from inhibiting regulations.

While my explosives bill clearly was not intended to hinder the good sport of muzzle loading, some have expressed concern that the bill might be interpreted otherwise. To clarify this, I am offering an amendment to my bill that will specifically exclude from coverage the sale or transfer of up to 6 pounds of black powder and up to 1,000 percussion caps to a member of an organization, such as the National Muzzle Loading Rifle Association, that is reliant upon black powder for the firing of antique weapons.

Mr. President, I ask unanimous consent that my amendment be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. GOLDWATER). The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 733) was referred to the Committee on Finance, as follows:

AMENDMENT NO. 733

On page 2, line 2, insert the following:

"However, this Chapter does not regulate, impose any tax upon or otherwise cover the purchase or transfer of up to 6 pounds of black powder and the purchase or transfer of up to 1,000 percussion caps by an identifiable member of the National Muzzle Loading Rifle Association or by a member of other organizations, as specified by the Secretary of the Treasury, that are reliant upon black powder for the firing of antique firearms."

XUM

PROVISION OF A TEMPORARY INCREASE IN ANNUITIES UNDER THE RAILROAD RETIREMENT ACT OF 1937—AMENDMENT

AMENDMENT NO. 734

Mr. PROUTY submitted an amendment, intended to be proposed by him, to the bill (H.R. 15733) to amend the Railroad Retirement Act of 1937 to provide a temporary 15-percent increase in annuities, to change for a temporary period the method of computing interest on investments of the railroad retirement accounts, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT—AMENDMENTS

AMENDMENT NO. 735

Mr. DOMINICK submitted amendments, intended to be proposed by him, to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which were ordered to lie on the table and to be printed.

CONSUMER PRODUCTS GUARANTY ACT—AMENDMENT

AMENDMENT NO. 736

Mr. McINTYRE. Mr. President, I submit an amendment intended to be proposed by me to the warranty bill, S. 3074.

The purpose of the amendment is to clarify the definition of the term "consumer product." This term is presently defined in the bill as a product normally used for personal, family, or household purposes, but does not include real property or securities. This creates a problem because under existing law, fixtures and appliances which are permanently affixed to a house become real property. Thus, many products such as heating and air conditioning systems, garbage disposals, gas ranges and the like, which this bill was designed to cover, may, in fact, be excluded.

The amendment which I am submitting makes it clear that such products are intended to be covered by this act.

I urge my colleagues to give this matter their serious attention.

The PRESIDING OFFICER (Mr. SCHWEIKER). The amendment will be received and printed and will lie on the table.

EMPLOYMENT AND TRAINING OPPORTUNITIES ACT OF 1970—AMENDMENTS

AMENDMENTS NOS. 721 THROUGH 726

Mr. CRANSTON. Mr. President, on Monday, June 22, 1970, I submitted six amendments to S. 3867, a bill to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

These amendments deal with the following subjects:

First. Preferences for approval of plans for manpower and public service employment prime sponsors and procedures for disapproval of such plans—amendment No. 726;

Second. Veterans' participation in manpower programs—No. 721;

Third. Family planning as a manpower program and public service employment program activity and availability of family planning services to participants in such programs—No. 722;

Fourth. Revision of statutory eligibility for new careers program participation—No. 725;

Fifth. Representation of poverty communities on manpower and public service employment councils—No. 724; and

Sixth. Proportionate allocation of manpower services within poverty communities—No. 723.

For the general information of Senators, I now ask unanimous consent that the text of these six amendments be printed in the RECORD at this point.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 721

On page 5, strike out line 10 and insert in lieu thereof the following:

"SPECIAL LIMITATIONS AND CONDITIONS".

On page 5, line 11, insert "(a)" after "SEC. 5.".

On page 6, between lines 2 and 3, insert the following:

"(b) Any veteran of any war, as defined by section 101 of title 38, United States Code, who served on active duty for a period of more than one hundred and eighty days or was discharged or released from active duty for a service-connected disability or any eligible person as defined in section 1701 of such title, if otherwise eligible to participate in programs under this Act, shall be accorded a guaranteed preference for admission to such programs over other applicants with similar needs and qualifications, and any amounts received by such persons under chapters 11, 13, 31, 34, and 35 of title 38, United States Code, shall not be considered for purposes of determining the needs or qualifications of participants in programs under this Act."

On page 9, line 4, strike out "and business and labor," and insert in lieu thereof "business and labor, and veterans' organizations,".

On page 18, line 22, strike out "appropriate" and insert in lieu thereof "maximum".

On page 18, line 24, after the word "service" insert a comma and the following: "including job registration, job placement and labor market information".

On page 23, line 12, strike out "and labor" and insert in lieu thereof "labor; and veterans' organizations".

AMENDMENT NO. 722

On page 5, strike out line 10, and insert in lieu thereof the following:

"SPECIAL LIMITATIONS AND CONDITIONS"

On page 5, line 11, insert "(a)" after "SEC. 5.".

On page 6, between lines 2 and 3, insert the following new subsection:

"(b) No trainee in any program assisted under this Act shall be required to accept family planning services furnished as part of any such program. Acceptance of such services shall not be a prerequisite to the eligibility for or the receipt of any benefits under any such program."

On page 9, line 6, insert "family planning," before the word "recreation".

On page 11, line 2, insert "family planning;" before the words "public safety".

On page 12, line 9, strike out "and medical care" and insert in lieu thereof a comma and the following: "medical care and family planning".

On page 20, line 13, insert "family planning services," before the word "physical"

On page 20, line 21, insert "family planning," before the word "public".

On page 23, line 10, insert "family planning," before the word "vocational".

On page 27, line 9, insert "family planning," before the word "child".

On page 33, line 9, insert "family planning," before the word "education".

On page 34, line 7, insert "family planning services," before the word "counseling".

On page 38, line 20, insert a comma and "family planning" after the word "placement".

On page 46, line 24 ,after the word "services", insert the following: "(including family planning services)".

On page 70, line 14, insert after the word "health" a comma and the words "family planning".

On page 71, line 17, after the word "facilities", insert a comma and "family planning clinics".

AMENDMENT NO. 723

On page 9, line 23, insert before the semicolon a comma and the following: "and that all ethnic subcommunities of the population to be served will be served in relative proportion to the percentage of such population which any such subcommunity comprises".

On page 11, line 19, before the semicolon insert a comma and the following: "and assurances that all ethnic subcommunities of which such participants are members will be served in relative proportion to the percentage of such participants which any such subcommunity comprises".

On page 24, line 3, before the semicolon insert a comma and the following: "and that ethnic subcommunities of the population to be served will be served in relative proportion to the percentage of such participants which any such subcommunity comprises."

On page 25, line 24, before the period insert a comma and the following: "and assurances that all ethnic subcommunities of which such participants are members will be served in relative proportion to the percentage of such participants which any such subcommunity comprises".

Amendment No. 724

On page 9, line 2, before the comma, insert a comma and the following: "other significant segments of the poverty community".

On page 23, line 6, before the semicolon, insert a semicolon and the following: "other significant segments of the poverty community".

Amendment No. 725

On page 36, strike out lines 5 and 6, and insert in lieu thereof the following: "be a low-income person if he or his family receives cash welfare payments, food stamps, or surplus commodities.".

Amendment No. 726

On page 10, strike out lines 4 through 10 and insert in lieu thereof the following:

"(b) (1) When a State and a unit or units of local general government (or a combination of such units) within such State each submit for approval acceptable plans under subsection (a) to carry out a comprehensive public service employment program serving the geographical area under the jurisdiction of the unit of local general government, the Secretary shall approve the plan of the unit of local general government for the geographical area under its jurisdiction. When two or more units of local general government each submit such acceptable plans which include a geographical area under the jurisdiction of each such unit, the Secretary, in accordance with such regulations as he shall prescribe, shall approve as the plan for that geographical area the plan which he determines will most effectively carry out the purposes of this title. The Secretary may, under such regulations as he shall prescribe, disapprove a plan submitted by a unit of local general government (or combination of such units) where he determines that the population to be served by such unit (or combination of such units) is not sufficient for the feasible development and administration of such plan.

"(2) Subject to the provisions of paragraph (1) of this subsection, the Secretary shall approve a plan submitted by a State or unit of local general government under subsection (a) which is consistent with the purposes of this title and meets the requirements of subsection (a). A plan shall not be disapproved without—

"(A) written notice of intention to disapprove such plan, including a statement of reasons therefor;

"(B) provision for a reasonable time to submit corrective amendments to such plan; and

"(C) an opportunity for a hearing upon which basis an appeal to the Secretary may be taken as of right."

On page 24, strike out lines 8 through 14 and insert in lieu thereof the following:

"(b) (1) When a State and a unit or units of local general government (or a combination of such units) within such State each submit acceptable prime sponsorship plans under subsection (a) to serve the geographical area under the jurisdiction of the unit of local general government, the Secretary shall approve the plan of the unit of local general government for such geographical area. When two or more units of local general government each submit such acceptable plans which include a geographical area under the jurisdiction of each such unit, the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the unit of local general government plan which he determines will most effectively carry out the purposes of this title. The Secretary may, under such regulations as he shall prescribe, disapprove a prime sponsorship plan submitted by a unit of local general government (or combination of such units) where he determines that the population to be served by such unit (or combination of such units) is not sufficient for the feasible development and administration of such plan.

"(2) Subject to the provisions of paragraph (1) of this subsection, the Secretary shall approve a prime sponsorship plan submitted by a State or unit of local general government under subsection (a) which is consistent with the purposes of this title and meets the requirements of subsection (a). A plan shall not be disapproved without—

"(A) written notice of intention to disapprove such plan, including a statement of the reasons therefor;

"(B) provision for a reasonable time to submit corrective amendments to such plan; and

"(C) an opportunity for a hearing upon which basis an appeal to the Secretary may be taken as of right."

NOTICE OF HEARINGS ON S. 3974, DEALING WITH THE DISTRICT OF COLUMBIA

Mr. SPONG. Mr. President, as chairman of the Public Health, Education, Welfare, and Safety Subcommittee of the Senate Committee on the District of Columbia, I wish to give notice that a hearing on S. 3974, a bill to provide support for the health manpower needs in the medical and dental educational programs for private nonprofit medical and dental schools in the District of Columbia, will be held on Monday, June 29, 1970. The hearing will begin at 10:00 a.m. in room 6226 of the New Senate Office Building.

Individuals and representatives of organizations who wish to testify at the hearing should notify Mr. Edward Maeder at 225-4161, before 12 noon on Friday, June 26, 1970.

Written statements, in lieu of personal appearance, are welcomed and may be submitted to the Staff Director, room 6218, New Senate Office Building, Washington, D.C. 20510, for inclusion in the hearing record.

ADDITIONAL STATEMENTS OF SENATORS

ADDRESS BY VICE PRESIDENT BEFORE NATIONAL SHERIFFS' ASSOCIATION

Mr. McCLELLAN. Mr. President, the National Sheriffs' Association held its 30th annual informative conference in Hot Springs, Ark., earlier this week. We were proud to be hosts to this conference in Arkansas and privileged to have the Vice President, Hon. SPIRO T. AGNEW, address the conference yesterday, June 23.

The Vice President discussed the crisis in drugs, one of the many critical problems facing our Nation—and our law enforcement officials—today.

Mr. President, I commend the Vice President's informative address to all concerned citizens and ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY VICE PRESIDENT BEFORE NATIONAL SHERIFFS' ASSOCIATION

I am pleased to be with you at this assembly of sheriffs from all parts of the Nation. As a former county executive, I know something of the burdens you bear and challenges you face as the local guardians of a lawful and just society.

It is appropriate that I use this opportunity to discuss with you one of the greatest crises facing law enforcement officers and all of us as a Nation. That crisis is drugs—and particularly the drug problem with respect to youths.

At no risk of exaggeration, it may be said that this society is being caught up in and carried along by a steadily mounting wave of drug abuse. Consider these facts:

In all of last year, customs officers seized 624 pounds of hashish. In the first *three months* of this year they seized more than double that amount. Their first quarter haul was equivalent to 400 tons of marijuana.

10 billion sedative dosage units will be produced this year . . . the equivalent of 50 for every man, woman, and child in the country. One-half of this supply will get into illicit markets.

It is estimated that over one-half million citizens are now dependent on non-narcotic drugs—sedatives, stimulants, and the like. A recent study has shown that 24 per cent of all students have tried amphetamines, with the family medicine cabinet being a major source of supply.

There are now perhaps 200,000 heroin addicts in the Nation, with recruitment growing fastest among the under 21's.

Estimates put the number of those who have smoked marijuana at between 8 and 20 million persons.

This is, of course, only the leading edge of the problem. It says nothing about the amount of drugs escaping customs officers, the arrests not made, or the drug abuse from the back alleys to the most affluent homes which remains surreptitious and unreported.

The alarming fact is that we may be just in the first stages of this collective national "trip." It is expected that the use of all forms of drugs in the next decade will increase a hundredfold.

We are in fact, in the midst of a drug culture that threatens the future of our society if we do not act swiftly, forcefully, and intelligently to bring it under control.

Millions of men and women in the United States turn daily to their physicians for tranquilizers, pep pills, diet pills, and sleeping pills. Still more millions turn, with the encouragement of massive advertising campaigns, to the corner drug store to buy a variety of medicines to calm their nerves, put them to sleep, or keep them awake. We as a country have hardly noticed this remarkable phenomenon of *legal* drug use. But it is new, it is increasing, and the individual and social costs have yet to be calculated.

The youth of our nation, being energetic and adventurous, have in large numbers

XUM

turned to new sources to get drugs. Many of these sources are illegal and the drugs obtained from them are also in many cases illegal. Our young are experimenting with drugs of great potency and great danger. Their participation in illegal channels of security drugs has brought them into serious and, in many cases, tragic conflict with our criminal justice system.

Ten or twenty years ago the criminal justice system was dealing with illegal drug use primarily in America's ghettos where the problem is still particularly acute. But now it is much broader. Young people from outside the ghetto are involved with drugs in unprecedented numbers. In the last five years, urban drug arrests have risen 280 per cent; suburban drug arrests have gone up 105 per cent! By far the greatest increases are among those under 18.

Although law enforcement agencies have responded vigorously, they are everywhere confronted with new problems which are not solved by the old approaches. The 12 year old "heroin pusher" and the 16 year old "marijuana dealer" are now commonplace.

In order to effectively cope with this problem we must acquire much more knowledge than now exists about these drugs and get that knowledge before the public as dramatically as possible. Once we do this, your job as law enforcement officers will become much easier.

The now recognized menace of LSD offers an excellent example of what I am talking about. Experimentation and use of this mind blowing drug was on the increase until recent evidence came to light that it would produce damage to chromosomes and result in malformed babies. This new knowledge apparently has brought about a sharp reduction in the use of the drug.

Heroin, in particular, is a drug with which you, as law enforcement officers, are concerned. Your focus in the past has been on the heroin addict, who often turns to crime in order to support financially his costly, illegal habit. But many of those who become hooked have graduated from marijuana use to this more virulent form of addiction. While medical treatment for heroin addiction improves, it does not lessen the menace to society. We *must* find better ways to get across the message of the dangerous and self-destructive nature of this drug *before* our young people become enticed to using it. And this involves reaching parents as well as the young.

XUM

President Nixon, recognizing that fact, stated last December that there would be no higher priority in this Administration than seeing that the public is educated on the facts about drugs.

Accordingly, he has taken these steps:

Established a new $3.5 million program to train school personnel in drug abuse education.

Created a National Clearinghouse for Drug Abuse Information giving the public one central office to contact.

Modified the Law Enforcement Assistance Administration to allow large cities to apply for funds to be used for drug education as well as law enforcement.

Embarked upon an expanded campaign of public service advertising against drug abuse.

And, supplemented by $1 million the funds for increased research into the effects of marijuana on man.

Along with better public understanding of the drug problem, there is need for more realistic laws. The Administration has also recognized this need and has moved forcefully to correct the problem.

In the past, numerous young lives have been ruined because of the law making possession of marijuana a felony, with sentences often more severe than for involuntary manslaughter. Such a law invites circumvention and every circumvention undermines public respect for the law.

Under the Controlled Dangerous Substances Bill proposed by the President, present inequities would be eliminated and penalties would be more closely tailored to the crime. There can now be a second chance for a youth who has taken a misstep and has been charged with possession for personal use. This would be in the discretion of the judge. On the other hand, tougher penalties would be meted out to drug profiteers. A dealer could be sentenced from 5 years to life and would also face a mandatory fine of $50,000 and forfeiture of property.

This legislation has passed the Senate and is now before the House, where it has been facing a delay in the Interstate and Foreign Commerce Committee. It might help if you gave your Congressman a nudge and helped us dislodge it.

The Administration also has moved forcefully to improve enforcement. All of you, of course, are familiar with the massive raid of this past week: 139 persons in 10 different cities were arrested. It is estimated that the ring involved handled 30 per cent of all heroin sales in this country and 75 to 80 per cent of all cocaine sales. It was the largest Federal narcotics raid in history.

But this is just the beginning of the crackdown planned by Attorney General Mitchell. The enforcement personnel in the Bureau of Narcotics and Dangerous Drugs have been increased by 25 per cent this year and are expected to increase by an additional 17 per cent in the next 12 months. In customs, a supplemental budget approved by Congress will provide $8.75 million for 915 additional men and new equipment.

These are some of the proposals that the Nixon Administration has made or is now considering in the area of drug abuse. They are good proposals. But as everyone of you knows, laws will not be enough to handle this problem.

This is a problem primarily of individual citizens. And it is a problem that demands for a solution not only knowledge, but also courage. Let me give an example. Most people admit that heroin and LSD and methadrine are dangerous. But a lot of people say that marijuana is different, that it is no more dangerous than alcohol. And they say, in fact, that the older generation is hypocritical when it drinks whiskey but won't allow the smoking of marijuana.

And that is the kind of problem I am referring to. We are not hypocrites. We have made our mistakes, and some of them we have admitted, and some of them, perhaps, we have not admitted as quickly as we should, because of pride. But we have given our best efforts to our country and to our children, and we must not allow ourselves to be dissuaded by arguments that depend on a false reading of our motives.

We must stand up for things that we believe are right and talk out against those things that we consider wrong, even if occasionally we are found to be in error. In our opinion, marijuana is dangerous. It is not just the grown up equivalent of alcohol. Alcohol has been known for thousands of years and it has won the approval of peoples and governments. And that is the difference. Marijuana too, has been known for thousands of years, but in every single nation in the world that has had a long acquaintance with marijuana and its consumption, the use of this drug is forbidden by law. That is a striking fact. It may not be a proof of marijuana's danger, but it is a weighty historical point, and I believe that, until strong evidence to the contrary is brought forward, stronger than we now have, we must assume that this drug is dangerous. And knowing that, we must have the courage to stand up and say to our children, No, pot is not the equivalent of whiskey. It is harmful, and that is why we forbid it. We do not forbid it out of whim, or out of taste, but because in our best judgment, it is dangerous.

We forbid it by passing laws. And these laws, as well as many others, are enforced by you men here today. And, gentlemen, I should like to say one thing now that I feel very strongly: If we are to preserve freedom in this country, then the burden of law enforcement must fall on men like you, on local law enforcement officials. I say this because you men are accountable to your own communities, you in particular, because you are elected officials. But this is also true of the police officers who work together with you, because they are appointed by men who are elected and are therefore accountable to their communities. And this is the kind of law enforcement, the law enforcement that is answerable to its community, that is the fundament of freedom.

For when community control is removed from law enforcement and the burden of keeping peace is placed upon the national government, then there is a serious danger of over-centralization of authority. But there will never be a need for such centralization of authority if you men continue to serve your communities as well as you have in the past.

Your work is hard, and especially in the last few years you have been exposed to a form of abuse that is appalling. You are often called upon to prevent anarchy in the streets. And when you do your job, you are often called fascists, and pigs. Yet I wonder if your detractors have even stopped to think that if you did not enforce the law at the local level, an anarchy so ferocious would result that in the end the citizens of this nation would turn in desperation to a tight and brutal centralization of authority simply to ensure their bodily safety? This tight and brutal centralization of authority is what we never want to have, for it is the base of fascism. You are the men who stand against it.

And I wonder if your detractors have ever considered the dignity of your work? We hear a lot today about meaningful work and about service to others. Yet what could be more meaningful than helping to keep violence out of one's community? And what could be a greater service than saving the life of a fellow citizen? This is the work that you men do, and you can be proud of it. You can be proud in the knowledge, that if you did not do your work and discharge your duties, your fellow citizens would be in danger, and they might suffer or die. It is a knowledge that few men can boast, and it gives you dignity.

We hear a lot about peace nowadays. But what peace is more important to a man than peace on his own streets? And you are the men who keep it. You make our communities safe and guard our liberty against the invasions of anarchy and the invasions of central power. You are the men who receive unending abuse and do not quit your posts. You are the men who give the people of this nation every day, right in their own neighborhoods, an example of service and selflessness and sacrifice. I, for one am grateful, and I thank you.

CONCLUSIONS CONCERNING PRIVATE PENSION PLANS, ISSUED BY THE PRESIDENT'S TASK FORCE ON THE AGING

Mr. JAVITS. Mr. President, the report of the President's Task Force on the Aging, dated April 1970, entitled "Toward a Brighter Future for the Elderly," has just been released to the public. There are two conclusions in it which I think are particularly noteworthy—the task force's conclusions concerning private pension plans. The conclusions are: First, that the United States should establish an Independent Pension Commission to protect employee rights under pension plans, and, second, that there be established a system of portability of pension credits.

In addition to these specific recommendations, the text of the task force's discussion also reaches into the area of minimum standards of funding, vesting, and other matters, all of which I have recommended to the Senate in my bill, S. 2167, the "Pension and Employee Benefit Act."

Mr. President, as these recommendations are so pertinent not only to that bill but to hearings covering the general subject of pension plans now authorized to be conducted by the Committee on Labor and Public Welfare, of which I am the ranking minority member, I ask unanimous consent that an extract from the task force report, containing its recommendations 4 and 5 dealing with private pension plans, be printed in the RECORD.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

PENSIONS

INTRODUCTION

The Task Force believes that voluntary programs which supplement the basic social insurance system are particularly desirable in as diverse an economic structure as that of the United States. Employee pension programs deserve strong encouragement as a matter of public policy because of: (1) the flexibility and diversity which they permit; (2) the contribution which their funding makes to saving and economic growth; and (3) the recognition which they give to each individual's participation in the productive process. The Task Force believes that the full potential of voluntary arrangements to provide retirement income is still far from realization, despite the great extension in coverage and the improved levels of benefits achieved during the past two decades. Recommendations 4 and 5 propose actions which Government can take to improve, accelerate, and extend such arrangements.

Recommendation 4

Although several Federal agencies are involved with different aspects of employee pension plan administration, not all aspects receive Federal attention. As a result, employees are not uniformly provided assurance that the benefits they have earned will be translated at a later date into retirement income. These benefits can be endangered in one or more ways.

The Task Force is concerned that employees have full access to information regarding their interests. Employees have suffered when they have been unable to obtain or have been unwilling to seek information about their plans or have been unable to understand technically-phrased information they have obtained.

It is also concerned about the way in which large accumulations of pension fund assets are managed. Although the quality and level of responsibility of the management of most pension funds meets high standards, infrequent instances of flagrant abuses have occurred. If abuses are uncovered, practical remedies currently do not exist.

The Task Force conceives of another sense in which employee rights need additional protection. Because the Task Force believes that career mobility and occupational change enhance life satisfaction, it is concerned that preparation for retirement not hinder an individual's desire to seek new employment. Moreover, it recognizes that in our society people are often forced to change jobs because of technological advances or economic upheaval. For these reasons the Task Force looks favorably upon measures which lead in the direction of making pension benefits vested after a relatively short period of service. With earlier vesting, individuals could make several career changes during their working lives and still earn a substantial pension at retirement.

The Securities and Exchange Commission looks out for the interests of those who own stock. The Task Force believes that the rights of the 40 million Americans who are covered by a pension plan are equally as vital as the more substantially protected rights of the 20 million American shareholders. It is convinced that a new Federal approach to pension programs is highly desirable. Such an approach would involve the Federal Government in: (1) assuring full reporting on the operations of plans, on the essential provisions and rights of employees and pensioners, on the character and extent of funding, and on the results of periodic examinations by independent actuaries and accountants; (2) determining whether standards of prudence and fiduciary responsibility have been met, conflicts of interest have been avoided, and funding objectives have been achieved; (3) acting on behalf of participants to correct or redress deficiencies disclosed in the examination process or through the legitimate complaints of participants; (4) sponsoring research in technical areas of pension planning; (5) determining and promulgating appropriate standards for funding and vesting and subjecting such standards to periodic review; (6) exploring possible innovations in the extension of pension coverage; and (7) supporting legislative programs designed to stimulate the sound growth of pension, disability, and survivorship benefits.

We, therefore, recommend that an independent Pension Commision be established and that it be authorized to engage in activities which result in protection of employee rights in the fullest sense. We further recommend that operations of this Commission be fianced through fees paid by plans for services rendered by the Commission.

Recommendation 5

The Task Force recognizes that a high proportion of pension coverage has already been achieved in major industries and in stable employment situations. Further extension of coverage is more difficult because it involves reaching a larger proportion of small firms and organizations whose future at best is precarious. The Task Force is nevertheless convinced that the employee pension concept carries with it so many advantages for the Nation and its future elderly that its continued growth is vital. Imaginative new programs must be sought.

The Task Force believes some type of "portability" system should be devised so that an employee working in occupations in which conventional group coverage is rare can have a standard form of retirement account into which the employee and any of his employers who agree to do so can make contribution throughout his working career. The economics of modern computer technology suggests that high recordkeeping costs which in the past militated against such a system are no longer compelling.

We, therefore, recommend that the President direct the Pension Commission, as a high priority, to enlist the ingenuity of the financial community in designing as a companion to the Special Security system a portable voluntary pension system.

FRIENDSHIP AND THE FUTURE

Mr. TYDINGS. Mr. President, I have long advocated a bi-regional approach to aviation in the National Capital region. The need for coordination among the Washington area's three major airports is dramatically illustrated by the tremendous increase in air passengers the area will experience. By 1990, some 100 million people will fly. In 1968, the number was 14 million.

This staggering increase will require coordinated planning and operations among Dulles, Washington National, and Friendship if adequate service is to be provided and an equitable distribution of traffic is to be achieved.

I feel strongly that any plans for the future utilization of Washington National and Dulles of necessity must include Friendship.

Friendship is Maryland's primary aviation facility. Yet it serves a good portion of the Washington area's traffic as well. Used by the citizens of Prince Georges and Montgomery Counties, the District of Columbia, and the Virginia suburbs, Friendship plays a key role in providing a high standard of air transportation for the National Capital region.

I spoke about Friendship and the future of aviation in the Washington area in testimony before the Aviation Subcommittee on June 12. I ask unanimous consent that my statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JOSEPH D. TYDINGS

Mr. Chairman, as a member of the Aviation Subcommittee I welcome this opportunity to comment briefly on a regional airport system for the Baltimore-Washington area.

This area represents an important market for commercial aviation. Site of the nation's capital and the City of Baltimore, the bi-region generates over 5% of U.S. domestic flights yet at present contains only 2% of our population.[1] The coming revolution in air transportation, exemplified by the Boeing 747, the McDonnell-Douglas DC–10, and the Lockheed L–1011—the so-called air buses—combined with our rapidly increasing population will make, and already is beginning to make, heavy demands on the Baltimore-Washington bi-regional aviation facilities.

The annual number of passengers using the bi-region's three major airports (Friendship, Washington National and Dulles) is expected to increase from 14 million in 1968 to 46 million in 1980, and to some 100 million in 1990. In 22 years an additional 86 million people will take to the air. High speed trains, which we certainly require, may divert some of these passengers but no more than 13 million.[2]

This staggering increase in air traffic necessitates a bi-regional approach to airport planning and operations. Moreover, the growth rates of Prince Georges, Montgomery, Howard, and Anne Arundel counties make the concept of a bi-region increasingly less valid. In the not too distant future we shall have to speak of the Baltimore-Washington *region*.

This fact also lends support for a single, unified approach to aviation development. At hearings I chaired last spring on the Utilization and Future of Major Airports in the National Capital Region, the need for a regional approach to aviation in the Baltimore-Washington area was clearly established.

Such a need has been recognized by the Civil Aeronautics Board,[3] the National Capital Planning Commission,[4] the Regional Planning Council of Baltimore,[5] former FAA Admin-

---

Footnotes at end of article.

XUM

istrator E. R. Quesada,[6] the Metropolitan Washington Council of Governments,[7] and noted aviation consultants R. Dixon Speas and Associates.[8] Additionally, the present FAA Administrator made mention of his support for a regional approach to Baltimore-Washington aviation in a May 7, 1970 speech to the Aviation-Space Writers Association in Washington. Finally, DOT Secretary John Volpe added his endorsement when he said, in a letter to me dated December 19, 1969, "We believe that the three major carrier airports should be viewed as part of a regional system of airports . . ." Yet implementing any regional approach to aviation in the area, requires the inclusion of Friendship International Airport in both airport planning and operations.

In 1968 Friendship handled 19.6% of all air carrier passengers in the Baltimore-Washington bi-region. Dulles handled only 11.4% while Washington National accounted for the remaining 69.0%. Future projections show that Friendship will play an even greater role. In 1975 the FAA estimates that Friendship will receive 28.3% of the total air carrier passengers while the figures for Washington National and Dulles will be 52.1% and 19.6% respectively.[9]

Friendship at present is used by 3.7 million people a year. Its terminal capacity, however, is between 4 and 5 million. This gap will close shortly. Nine million people are expected to transit Friendship by 1980, 24 million by 1990.[10] The airport is in urgent need of expansion but, unlike Washington National, has the room to expand. Unlike Dulles, Friendship already has a traffic generating capacity of its own.

The need to include Friendship in any regional airport system is suggested by the 1967 statistic that 10% of all the air passengers in the Washington area flew via Friendship.[11] In 1966 in Prince Georges County, which accounted for nearly 6% of total Baltimore-Washington Bi-region passenger originations, over one-third of those starting off on flights used Friendship. In Montgomery County, which accounted for 12% of the bi-region passenger originations, over 15% used Friendship.[12] By my calculations this adds up to over 150,000 people in the Maryland suburbs of Washington, D.C. who flew via Friendship. Given the great growth in population of these counties and the improved services offered at Friendship (the Allegheny flights to New York for example) I am confident this number is at the present time much larger.

Given the expected future growth in the area's population as well as the percentage increase in the number of people who fly, I am equally confident that the future figure will be even more significant. The Baltimore Regional Planning Council confirms this with its estimate that in 1990—only twenty years from now—approximately 11.5 *million* passengers from the Washington Region will use Friendship. Of this 11.5 million, 5.2 million would be from the District of Columbia, 3.7 million from Washington's Maryland suburban counties, and 2.6 million for Washington's Virginia suburban counties.[13]

Friendship's association with the National Capital Region is further illustrated by the domestic air freight transport system that serves the Baltimore-Washington bi-region. Centering around Dulles, Washington National, and Friendship, this system serves not only the two cities but also is an important regional collection-distribution center and major air freight transfer point on the East Coast. Some 40 cities exchange at least 40,000 pounds of air freight per month with the three airports.[14] In 1960 Friendship accounted for 22% of the bi-regional air cargo tonnage. In 1967 the figure was 33%.[15] With the new United Airlines air freight terminal at Friendship, the airport should continue to handle significant amounts of the bi-region's air freight.

Mr. Chairman, the subcommittee is considering legislation promoting a multi-State airport authority for the National Capital Region. Much of the discussion, however, has been directed toward Dulles and Washington National. I wish to speak for Friendship.

Friendship International Airport must be associated with a regional airport authority. Friendship must be an equal partner with Dulles and Washington National. Its representatives must participate in any discussion to create such an authority.

This is not to say that Friendship's *sole* function is to serve the metropolitan Washington area. Friendship is Maryland's primary aviation facility. This must be made clear. The airport serves all of the State, as well as parts of Delaware and Pennsylvania. The newly created city-state airport authority in Maryland should provide momentum to make the needed improvements at Friendship. The airport is an economic asset to our state and an immeasurable convenience to her citizens.

But Friendship does serve the bi-region. The CAB recognized this when it certified Friendship as an airport of service for Washington, D.C. Friendship serves Montgomery and Prince Georges Counties, Washington, D.C. and parts of Virginia. Its legitimate interests in the bi-region must be represented and protected. This can only be done by participating fully in the discussions about a regional airport authority. What we are really talking about is a good portion of Friendship's future. Not to participate now, at the beginning is a sure way to encourage the past discrimination against Friendship that we would all like to forget.

The Baltimore Regional Planning Council has stated, "A key to Friendship's future is the policy determined for Washington National." Not to participate in any discussions is, in my view, to throw away the key. The Council went on to call for "accelerated planning and unprecedented cooperation." [15] I agree and call for Friendship's active participation in the discussions creating a Baltimore-Washington Regional airport authority.

Mr. Chairman, this concludes my statement. Let me thank you for the opportunity to testify.

FOOTNOTES

[1] R. Dixon Speas Associates, "Joint Air Transportation Demand-Capacity Study of the Baltimore-Washington Bi-Region," 1968, page 4–1.

[2] Regional Planning Council (Baltimore), "Friendship and the Future," August 1969, page 3.

[3] U.S. Senate, Committee on the District of Columbia, Subcommittee on Business and Commerce, Hearings on Utilization and Future of Major Airports in the National Capital Region, March 19 and May 27, 1969, page 51–52.

[4] *Ibid.*, page 36.

[5] R.P.C., page 3, 4.

[6] U.S. Senate, page 10.

[7] See Metropolitan Washington Council of Governments, "Air Facilities Planning in metropolitan washington (sic.), January 1968 and "Air Travel Demand in the washington-baltimore (sic.) Region 1970–1990," 1968.

[8] R. Dixon Speas Associates, page 2–3.

[9] U.S. Senate, page 16.

[10] R.P.C., page 3.

[11] *Ibid.*, page 6.

[12] R. Dixon Speas Associates, page 4–25, 4–26.

[13] R.P.C., page 10.

[14] D. H. Reeher, James W. Dwyer, Analytic Services Inc., "The Washington-Baltimore Regional Air Freight Transport System," March 1970.

[15] R.P.C., page 11.

KENT STATE STUDENTS MAKING A CONSTRUCTIVE EFFORT

Mr. SCHWEIKER. Mr. President, recently a constituent from Pennsylvania brought to my attention a news report that three students from Kent State University have begun a drive to raise money in order to help pay for damages caused by student disturbances in Kent, Ohio, a few weeks ago.

I commend these students for their efforts and also say that I am glad to see that constructive student activity is also being printed in the news. I feel that all too often we see a one-sided picture of these events and that in order to view the whole situation we need to see all sides. I ask unanimous consent that an article published in the Philadelphia Bulletin of June 2, 1970, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Three at Kent State Raising Money for Riot Damage

Kent, Ohio.—Three Kent State University graduate students, wanting "to get involved," have begun a drive to raise at least $1,000 to help pay for damages that students inflicted on stores here a month ago.

Mrs. Mary Ann Hamilton, with two other psychology students, started the collection to reimburse merchants for expenses not covered by insurance after about 500 students smashed windows May 2.

Two days later, four students were killed in a confrontation with the national guard, called to quell the disturbances.

"Regardless of how students feel about some of the local businesses, we feel a responsibility toward the individual merchants to see they do not suffer from mob action," Mrs. Hamilton said. "We hope our fellow students share this responsibility."

HARRY WALL: THE EPITOME OF THE GOOD POLITICIAN

Mr. CHURCH. Mr. President, on June 12, one of Idaho's most remarkable public figures—Harry Wall of Lewiston—submitted his resignation as Democratic national committeeman for Idaho at the State Democratic assembly in Twin Falls.

In his 18 years of party service, Harry Wall epitomized the good politician. He is respected not only by his fellow Democrats, but by Republicans as well for his sense of fairplay and the high ethical standards which marked his tenure as national committeeman.

Bill Hall, editorial page editor of the Lewiston Morning Tribune and one of the most astute political writers in my State, summed it up well when he wrote:

> More than any other man I have met in politics, Harry Wall infects the two party system with decency. In this era when so many seem to be losing respect for such essential institutions as the adversary system of politics, the Harry Walls, by the force of their own example, have minimized the damage. By his nature and his deeds, he has brought honor to his party and thereby to our system of government.

Harry Wall will be greatly missed as Democratic national committeeman for Idaho, but I am grateful that his counsel will still be available to his hundreds of friends, including myself. I ask unanimous consent that Bill Hall's column be printed in the Record:

There being no objection, the article was ordered to be printed in the Record, as follows:

XUM

ALL HONOR TO HIM

(By Bill Hall)

TWIN FALLS.—There aren't a dozen people in Idaho who could spend 18 years in a state party office and remain popular.

Lewiston's Harry Wall, who submitted his resignation Friday as Democratic national committeeman for Idaho, has accomplished that. If anything, he is more respected and better liked by the party faithful today than he was when first elected to the post 18 years ago.

Wall stands so high in his party at this point because he is a gentleman in the frequently ungentlemanly art of politics. He is a square shooter with impeccable ethics in a business that is supposed to have none but does because of the Harry Walls.

Wall's strength also rests on his studied neutrality as a party official. As the representative of all Idaho Democrats to the Democratic National Committee, he has refused to take sides in domestic primary battles. Privately he has his preferences, but he never makes them known. His response to all candidates contesting for a party nomination is that he will back the winner.

Idaho Democrats have also long valued Wall for a mercenary but understandable reason. He is one of the best and most consistent fund raisers in the history of the party.

He is an exception in another way. He has almost as many admirers among knowledgeable Republican politicians as he does in his own party. Again, the reason is his high sense of ethics. Wall supports his party to the hilt but his blows against the opposition are never below the belt. Men of equal ethics in the Republican party value him highly as a friend, and that doesn't happen very often in politics either.

To many national figures in the Democratic party, Harry Wall is the party in Idaho. Candidates for president and members of the national press, unbeknownst to Wall's Lewiston neighbors, have over the years checked most often with Wall if they wanted to know what is happening in the Gem State Democratic party.

The most successful behind-the-scenes politicans are those who remain behind the scenes. Wall is successful because he has shunned personal publicity throughout his tenure as committeeman. But he failed in that goal Saturday when he was brought before the Democratic State Convention at Twin Falls and forced to endure a tribute from former Congressman Compton I. White and a standing ovation from the delegates.

They applauded because he has helped to elect so many of their number. They applauded because he has raised so many thousands of dollars for the party. They applauded because he has devoted so many hours to the party. And they applauded because they like him.

But, if the reader will permit a personal note (and those who known Harry will), I applaud him because, more than any other man I have met in politics, Harry Wall infects the two party system with decency. In this era when so many seem to be losing respect for such essential institutions as the adversary system of politics, the Harry Walls, by the force of their own example, have minimized the damage. By his nature and his deeds, he has brought honor to his party and thereby to our system of government.

FREDERICK BABE RUTH BASEBALL LEAGUE

Mr. TYDINGS. Mr. President, in view of the Babe Ruth Baseball special order of June 16, I invite the attention of the Senate to the Frederick, Md., Babe Ruth League.

This organization, now in its 18th year, offers an excellent opportunity for boys, aged 13 to 15, to participate in a fine baseball program. The Babe Ruth Baseball Organization is a self-supporting group sponsored by the civic, fraternal, and business interests of Frederick City and County. It draws its support from local volunteers and enables 120 boys to engage in a sports program.

This summer, the Frederick Babe Ruth Baseball League will sponsor a statewide tournament. Six teams will participate in this event which will run from July 25 to August 1.

I heartily endorse this athletic program as an important contribution to the development of good character and sportsmanship qualities in our youth. Opportunities for organized recreation and fitness are far too limited in our society and I comment on the achievement of the Frederick Babe Ruth Baseball League.

SUPREME COURT DECISION PROVIDES ANOTHER REASON TO HALT SENDING DRAFTEES TO SOUTHEAST ASIA

Mr. PROXMIRE. Mr. President, on May 5 I submitted Senate Resolution 401 calling for the immediate end to sending draftees to South Vietnam and Cambodia, and calling for our remaining military commitments there to be fulfilled by volunteers.

In a few days I intend to offer the substance of my resolution as an amendment to the military authorization bill. The Senator from Wisconsin (Mr. NELSON) and the Senator from Iowa (Mr. HUGHES), who have introduced bills on related draft issues, have indicated their intention to join me in sponsoring the substance of the amendment.

This policy can be put into effect, and put into effect now. It is feasible for a number of reasons:

The President has announced that some 265,000 American troops will be withdrawn from Vietnam by April 1971. Of those now serving in the Army in South Vietnam, only about 140,000 of the 385,000 are draftees. Thus, about double the number of the draftees now in South Vietnam will be withdrawn by next April.

As the President's proposals for an all volunteer Army are implemented, and they should be implemented as soon as possible, there remains no good reason to send draftees to Southeast Asia.

But there is still another reason, a reason which is the result of recent events.

On June 15, the Supreme Court held that young men are now entitled to exemption from the military service as conscientious objectors not only on deeply held religious grounds, but also if the individual "deeply and sincerely holds beliefs which are purely ethical or moral in source and content but which nevertheless imposed upon him a duty of conscience to refrain from participating in war at any time."

It is not my purpose to argue the pros or cons of that decision. But I do want to say something about its effects because it greatly strengthens the case I have been making that we should halt sending draftees to South Vietnam and Southeast Asia now.

In interpreting this decision, the head of the Selective Service, Mr. Tarr, said that the rules he intended to publish to implement the decision would include a number of specific requirements.

The individual would have to ask for exemption on grounds other than that objection was based merely on his personal moral code. He would have to prove that he had consulted wise men in coming to his decision. He would have to show that he held a systematic belief. And he would have to prove that he had had some kind of rigorous training in order to prove his sincerity. As Mr. Reston wrote in the New York Times for Sunday, June 21:

> But the hard fact is that the Supreme Court's decision, obviously designed to be fair and strike a balance between religious and ethical objectors to the war, is unfair to the poor.
>
> The sons of the rich and middle class in America can now appeal to the Supreme Court's decision for relief. As a matter of fact they can flood the courts with appeals and even threaten the whole Selective Service System, but the sons of the poor are now in even more trouble than they were before. They don't have the money to hire lawyers. They don't have the education to prove that they went through a rigorous system of religious training, or that they followed the counsel of what the Director of Selective Service calls "wise men."

One of the major objections to the draft today is that it is so grossly unfair to the poor, the black, and the uneducated. The interpretation of the Supreme Court decision by the Director compounds the unfairness and the inequities of the draft.

That decision is yet another reason, and a major reason, why the amendment I intend to offer to stop sending draftees to Southeast Asia should be adopted by the Senate and signed into law.

I ask unanimous consent that Mr. Reston's article and a second article from the New York Times on the Supreme Court ruling, written by Mr. Fred P. Graham, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE PRIVILEGED SANCTUARY OF CONSCIENCE

(By James Reston)

WASHINGTON.—The Congress, the Supreme Court, and the Director of Selective Service have now all spoken on what beliefs or convictions should relieve a man from serving in the armed forces of the United States, but the result is such a tangle of conflicting views that even a draft board of judges, saints and philosophers would scarcely know what to make of it.

The three branches of the Government all agree, as they have from the beginning of the Republic, that there is, and should be, what one might call a private and privileged sanctuary of conscience. They acknowledge that for some men with certain deep personal convictions about the meaning of life and death there is a "higher law" which forbids the killing of another human being, and that this "higher law" must be respected.

THE BASIC QUESTION

But which men and which beliefs? Here the Congress, the Supreme Court and the Direc-

XUM

tor of Selective Service fall apart. Must the test be "religious beliefs" or may the beliefs be ethical? Are you exempt from the draft if you were a card-carrying Methodist with a perfect attendance record at Sunday School, and draftable if your philosophy of nonviolence came from Santayana or Huxley? How do you render unto Caesar the things that are Caesar's and unto God the things that are God's if you don't honestly believe in either Caesar or God, but still believe with all your soul that killing is wrong and you can't rest in the night if you do it?

These are hard questions to answer in the middle of an undeclared war in Vietnam that has taken over 40,000 American lives and well over a million Vietnamese lives, South and North. But despite the emotion of the war, serious men and women in all branches of the Government here are struggling to deal with them objectively and they are coming out with different answers.

THE BASIC DIFFERENCES

The Congress passed a law exempting from military service any citizen "who by reason of religious training and belief is conscientiously opposed to war in any form." It added that "religious training and belief in this connection means an individual's belief in a relation to a Supreme Being involving duties superior to those arising from any human relation. . . ."

But the Congress drew a sharp distinction between religious and ethical beliefs. It said quite clearly that relief from military service did "not include essentially political, sociological, or philosophical views or a merely personal moral code."

What the Supreme Court has done in the last few days is to reject this distinction between religious and ethical objections to serving in war. The majority opinion of the Court was as follows:

"If an individual deeply and sincerely holds beliefs that are purely ethical or moral in source and content, but which nevertheless impose upon him a duty of conscience to refrain from participating in any war at any time, those beliefs certainly occupy in the life of that individual a place parallel to that filled by . . . God in traditionally religious persons. Because his beliefs function as the religion of his life, such an individual is as much entitled to a religious conscientious objector's exemption . . . as is someone who derives his conscientious opposition to war from traditional religious convictions. . . ."

THE SHARP DIFFERENCES

This sharp difference between the Congress, which rejected nonreligious exemptions, and the Supreme Court majority, which approved them, sent the reporters running to the new head of Selective Service, Curtis W. Tarr, for his answer to the dilemma, and he was just young enough, honest enough, and foolish enough to try to resolve the conflict before he had time to think through all the legalities and moralities, and get his guidelines down on paper.

Accordingly, he suggested some rules that must have startled most members of his draft boards in all the communities of this country, who have to pass judgment on draftees next Monday morning. Draftees who claim exemption, Mr. Tarr said, must be "sincere." There must be "no question" about it. Draftees must be opposed to all wars and not just the Indochina war. They must have more than a personal moral code, but must prove that they had consulted "wise men" and some "system of belief" and gone through "some kind of rigorous training."

On these laws from the Congress, decisions from the Supreme Court, and "guidelines" from the Director of Selective Service, young men of draft age in this country are obviously in trouble. They don't know where to turn, and the paradox of it is that the confusion favors the rich and hurts the poor.

There is something reassuring philosophically about the Supreme Court's support of ethical as distinguished from religious opposition to the war, something even exciting and ennobling about the American system that still struggles with life's great imponderables.

But the hard fact is that the Supreme Court's decision, obviously designed to be fair and strike a balance between religious and ethical objectors to the war, is unfair to the poor.

The sons of the rich and middle class in America can now appeal to the Supreme Court's decision for relief. As a matter of fact, they can flood the courts with appeals and even threaten the whole Selective Service system, but the sons of the poor are now in even more trouble than they were before. They don't have the money to hire lawyers. They don't have the education to prove that they went through a rigorous system of religious or ethical training, or that they followed the counsel of what the Director of Selective Service calls "wise men."

One has to respect the officials of the Congress, the Executive and the Court for grappling with these fundamental human and philosophic questions, but while the aim all around is fairness and equality, the result is obviously unequal and unfair.

NEW RULES—NOT ALL OF THEM CLEAR—ON C.O.'s

(By Fred P. Graham)

WASHINGTON.—The occasional governmental tendency to say it like it isn't was never more apparent than last week, when the Supreme Court and the Selective Service System took turns obfuscating the subject of conscientious objectors.

The Court led off on Monday, with a ruling that any young man is entitled to be exempted from military service as a conscientious objector if he "deeply and sincerely holds beliefs which are purely ethical or moral in source and content but which nevertheless impose upon him a duty of conscience to refrain from participating in war at any time."

INTERPRETIVE OPINION

As Justice Hugh L. Black explained in his opinion, this result was reached by interpreting the conscientious objectors provision of the Selective Service Statute. The provision specifically exempts from the draft only those who oppose military service "by reason of religious training and belief (which) does not include essentially political, sociological, or philosophical views, or a merely personal moral code."

Nonlegal minds were still boggling over this judicial feat when, the following morning, Selective Service Director Curtis W. Tarr announced that he was issuing guidelines to assist the country's 4,087 draft boards in observing the new Court decision.

The draft boards will indeed grant conscientious objectors status to men who say they do not believe in God. Mr. Tarr said—so long as they can prove that they "have consulted some system of belief" and that their objections to military service are "the result of some rigorous kind of training."

Taking words at their accepted meanings, it was difficult to square either the Supreme Court decision with the statute, or the Selective Service guidelines with the Supreme Court decision. But both the justices and Mr. Tarr had good reason to stretch words, for the law and the Selective Service System have much to lose from abandoning the previously accepted concepts.

The Supreme Court would apparently feel obliged to declare the statute unconstitutional if the justices were to admit that Congress had passed a law (as it undoubtedly intended to do) to grant draft deferments to young men who go to church, while denying them to those who do not. To declare the law unconstitutional could strip all young men of C.O. exemptions, for the Court has expanded the term "religious" to include any you man with "deeply felt" moral, ethical or religious beliefs.

This having been done, Mr. Tarr's task of deciding which young men rate C.O. status seems to be shifting from a process of separating the devout from the hypocritical to a problem of telling the doves from the chickens.

He is obviously making every effort to retain as many objective criteria as possible, so that young men will have to show some form of pacifist beliefs and will be discouraged from seeking C.O. status on the basis of their personal aversion to participation in the Vietnam war.

That is why in the teeth of the Supreme Court's holding that religious training and belief in the traditional sense is no longer necessary, Mr. Tarr said there are no plans to change the form that draft registrants must use to apply for C.O. status. It uses the word "religious" 11 times in inquiring about the applicants' beliefs.

The same purpose is behind the new requirement that unchurched applicants must prove that they adhere to a secular "system of beliefs" involving "rigorous training." This is a continuation of the draft system's longstanding association of conscience with institutions, as a way of avoiding having to take individuals at their word.

This instinct on the part of the draft system dies hard, despite Supreme Court decisions, as was seen after the Supreme Court declared in the Seeger v. United States case in 1965 that men didn't have to hold traditional religious beliefs to be C.O.'s.

SERIOUS THREAT

The fact is that although draft officials say the C.O. problem is miniscule, it could become a serious threat to the system under the strains of the anti-Vietnam feeling among the young.

In 1965, the year of the Seeger ruling, C.O.'s made up less than 2 percent of the total draft-eligible men. Last year the figure had risen to 4 per cent—and that includes only those who were granted C.O. exemptions. The Government does not say how many were turned down.

"We'll have a field day with this ruling," a young New York draft lawyer said last week. "If enough kids ask to be C.O.'s and take the Government to court, we could jam up the system until it's at the point of collapse."

This strategy of ending the draft by miring it in a legal morass places the youth radicals strangely in concert with the Nixon Administration so far as their ultimate ends are concerned. The Administration also finds the draft a troublesome nuisance, and hopes to replace it with an all-volunteer army.

BLADENSBURG, MD., SENIOR HIGH SCHOOL GRADUATION

Mr. TYDINGS. Mr. President, on June 11, Mrs. Ruth S. Wolf, a member of the Board of Education of Prince Georges County, Md., addressed the graduating class of Bladensburg High School, Bladensburg, Md. Her talk, which consists of excerpts from the speeches of six former Presidents, is particularly timely at this moment in our Nation's history. I ask unanimous consent that

XUM

Mrs. Wolf's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS TO GRADUATING CLASS

(By Mrs. Ruth S. Wolf)

Tonight I bring you the sincere congratulations of every member of the Board of Education, and personally I bring you my very warm good wishes. I've known many of you for a long time and I rejoice with all of you on this auspicious occasion.

To the torrents of advice you have been receiving I would add, briefly, the words of several Presidents of the United States:

From Jefferson:

We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles . . .

From President Lincoln:

What constitutes the bulwark of our own liberty and independence? It is not our frowning battlements, our bristling sea coasts, our army and our navy. These are not our reliance against tyranny. All of those may be turned against us without making us weaker for the struggle. Our reliance is in the love of liberty which God has planted in us. Our defense is in the spirit which prized liberty as the heritage of all men, in all lands everywhere. Destroy this spirit and you have planted the seeds of despotism at your own doors. Accustomed to trample on the rights of others, you have lost the genius of your own independence and become the fit subjects of the first cunning tyrant who rises among you.

Then President Garfield 90 years ago said:

"Let our people find a new meaning in the divine oracle which declares that 'a little child shall lead them', for our own children will soon control the destinies of the Republic."

From President Truman:

"The supreme need of our time is for men to learn to live together in peace and harmony."

And President Dwight David Eisenhower in his prayer at his first inaugural asked most earnestly:

"Give us, we pray, the power to discern clearly right from wrong, and allow all our words and actions to be governed thereby, and by the laws * * *

From President John F. Kennedy:

"For of those to whom much is given, much is required. And when at some future date the high court of history sits in judgment on each of us, recording whether in our brief span of service we fulfilled our responsibilities . . . our success or failure, . . . will be measured by the answers to four questions: First, were we truly men of courage?

"Second, were we truly men of judgment?

"Third, were we truly men of integrity?

"Finally, were we truly men of dedication?"

I hope these words from the past will challenge you in the future.

SENATOR MURPHY URGES INCREASE IN BILINGUAL AND DROPOUT PREVENTION PROGRAMS

Mr. MURPHY. Mr. President, as a cosponsor of the Mondale-Murphy amendment adding $5 million to the dropout prevention program and as the principal author of an amendment, which I had planned to offer with Senators YARBOROUGH and TOWER, providing an additional $5 million for the bilingual program, I am pleased to join in the amendment which will be offered, which also combines an amendment of Senator BAYH adding $10 million to title III and title V of NDEA. The merging of these three amendments was necessary because of the parliamentary situation.

BILINGUAL EDUCATION

An increase of $5 million for the bilingual program would increase the amount available for this important program to $30 million.

I was pleased to have cosponsored the Bilingual Education Act with Senator YARBOROUGH in 1967. I have frequently stated that Congress should be particularly proud of this program. Not only was the bilingual concept conceived by the Congress, but it was also enacted over the objection of the executive branch in 1967.

The need for the bilingual program is obvious when one examines the education statistics for the Mexican American, the Nation's second largest minority group. They show: First, that 1 million of the 1.6 million Mexican-American children entering the first grade in the five Southwestern States will drop out before they reach the eighth grade. Second, that in my State 50 percent of the Mexican-American youngsters drop out by the eighth grade. Third, that by the time Spanish-speaking youngsters have reached the third grade over 89 percent of them have repeated one or more grades. Fourth, that the average number of years of school completed for individuals with Spanish surnames is 7.14, for nonwhite, 9, and 12.14 for whites. Significantly, over the past 30 years, while the education gap between whites and blacks has been closing, the education gap between the Mexican-American with respect to both blacks and whites has increased. Fifth, that in my State, Spanish surname students comprise 14 percent of California's school-age population but less than one-half of 1 percent of the students at the University of California's seven campuses are Mexican Americans. Sixth, that Mexican-Americans account for more than 40 percent of the students classified by school districts as "educable retarded."

Mr. President, each year since the bilingual program was enacted, I have been trying to point out to my colleagues, particularly those who do not represent the Southwestern States, the critical need for and the rationale of bilingual education. I was very pleased to hear Senator MAGNUSON, chairman of the Education Appropriations Subcommittee, say on the floor yesterday what he did. I do believe and I am very much encouraged that more and more Senators are beginning to realize the importance of the program. He said:

> The committee, as well as the House of Representatives, has increased funds for bilingual education. I think all of us on the committee, Mr. President, were somewhat surprised to learn that there were a great number of children in this country who needed bilingual education. I could not even come near to guessing the total number in need.
>
> We find that more than 5 million children with limited ability in English and from homes where English is not spoken need this assistance, since most of them attend schools where all classes are currently conducted in English. I have been told that 5 million is a conservative figure, but at least that is the best figure we have. The expansion of pilot and demonstration projects in bilingual education is imperative, and the Office of Education should interpret the committee and House action as a directive to expand these programs as rapidly as possible.

Each year I urged the Senate Appropriations Committee to increase the funding of the bilingual program. In testimony to the Appropriations Committee in April of this year, I urged $40 million for this program. The bill as reported to the Senate from the Appropriations Committee provides $25 million. This is the same sum as appropriated by the Congress last year. I was disappointed that the committee did not recommend funding at the $40 million level. I am deeply appreciative to the Appropriations Committee for providing $25 million. Those of us who have followed and labored for this program these past years are aware that we have come a long way in alerting America to the educational needs of youngsters who do not speak English at home and of the potential of the bilingual program in redressing some of the sad educational statistics of these youngsters. The critical nature of the problem and the limited objective data and rather substantial subjective evaluation that is coming in cogently argue for a stepped-up bilingual effort.

When I testified to the Appropriations Committee and urged $40 million, I was convinced that this sum was essential and greatly needed. Since my statement, a development has taken place in the administration which I believe makes it imperative that additional sums be provided for the bilingual program. For on May 25, then Secretary of Health, Education, and Welfare Robert Finch notified more than 1,000 U.S. school districts where language barriers discriminate against Spanish-surname, Chinese, and other national origin minorities that such barriers must be eliminated. The new policy statement of HEW requires that where the inability to speak English excludes Spanish-surname, the Chinese, and other national origin minorities from effectively participating in the school district education programs, the district "must take positive steps to correct the language deficiency in order to open the program to these students."

Mr. President, I support this policy which I understand marks the first time that HEW has defined its policy with respect to discrimination against national origin minorities under title VI of the Civil Rights Act of 1964. This title prohibits the use of Federal funds for programs that discriminate on the basis of race, color, or national origin. I believe the issuance of this new policy can be traced to the experience gained under the bilingual education program and is another indication of the growing evidence that this bilingual program is on the right track.

This new policy, welcome as it is, may cause hardships to school districts having large numbers of non-English-speaking students. That is why I am asking the Senate to increase the funding of the bilingual program by $5 million. A critical need for increased bilingual funding existed prior to this policy statement, but this new policy statement makes it imperative that we provide additional funding for the bilingual program.

Mr. President, in conclusion, the amendment would provide an additional $5 million for the bilingual program. The bilingual concept is a bold new approach to remedy defects and to change ways of educating children who enter school with no or a very limited knowledge of English. As I have said before, for the Mexican American and the Chinese student we seem to have the "education breakthrough" that we have been looking for. The new policy statement by HEW is based on that experience, and we should increase the funding so that the school systems in the various States may meet their responsibility under this new policy and the responsibility to children with limited English-speaking ability.

Mr. President, I ask unanimous consent that Secretary Finch's press release and the HEW memorandum that was issued with respect to discrimination of national origin-minority children be printed at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. **MURPHY**. Mr. President, I ask unanimous consent that my testimony before the Senate Appropriations Committee on April 23, 1970, on various educational programs be printed at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 3.)

Mr. **MURPHY**. Mr. President, an editorial entitled "Break Language Barrier in Schools," published in the Los Angeles Times, is worth noting. I ask unanimous consent that it be printed at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 4.)

XUM

DROPOUT PREVENTION PROGRAM

Mr. **MURPHY**. Mr. President, the second program which would be increased by the proposed consolidated amendment would be the dropout prevention program, which would be increased by $5 million, bringing its total to $15 million. I was the author of the dropout prevention program, which was incorporated in the Elementary and Secondary Education Amendments of 1967.

The program was drafted in consultation with some of the leading educators in the country, including Dr. James Conant. It was drafted because I felt that both for society's sake and for the students' sake, we cannot allow 1 million youngsters to drop out of school each year. This is particularly true in view of the fact that we are in the midst of an education explosion and a technological revolution, making a high school education or the acquisition of a skill a must.

In introducing the measure, I also cited statistics showing that the high dropout rates in our 15 largest cities varies from 21.4 to 46.6 percent. As bad as these rates were, when one focuses on the poverty schools within these areas, the dropout rate is shocking. In these poverty schools, 70 percent drop out. These dropouts are the "social dynamite" that Dr. James Conant warned the country about in 1961. This is the problem to which the dropout prevention program is addressed.

The dropout prevention program was designed to give maximum freedom and flexibility for experimentation at the State and local level. Under the program, local and State educational agencies submit innovative proposals which zero resources on a particular school or on a particular clasroom in an effort to have a major impact on the dropout problem. Eligible schools must be located in urban and rural areas having a high percentage of children from low-income families and a high percentage of children who drop out of school. The local educational agency, in addition to securing the approval of the State educational agency, is required to identify the dropout problem, analyze the reasons the students are leaving school, and tailor programs designed to prevent or reduce dropouts. Furthermore, and most significantly, the program requires objective evaluation.

Mr. President, naturally, I am very proud of the program and the interest in it that has developed across the country. Probably the project that has generated the most national interest is the Texarkana one. In this project, the local school system decided to raise reading and math scores of potential dropouts. Performance contracting, as the name implies, means that the company must perform in order to get paid. In other words, payment is made only for results. The performance contract in this instance calls for the raising of reading and math scores one grade level in 80 hours of instruction for $80. Importantly, the school system is deeply involved, with the contract stipulating that when the experiment is concluded, the company must have made the school personnel capable of continuing the instruction method used.

Preliminary results are most encouraging indicating that the contractor has raised reading scores 2.2 grades and math scores approximately 1.5 grades in only three-fourths of the anticipated instruction time. These figures indicate that the contractor is ahead of its performance contract. Also, of the 125 students enrolled in the experimental program, only two have dropped out and one was because of pregnancy. In contrast, in a control group, 10 percent of the youngsters have already dropped out.

Mr. President, this is hard data, and it indicates the program is working. That the Nation's school systems and the country are doing more than passively watching Texarkana can be seen by two rather significant developments. First is the interest of the city of San Diego in planning a $2.4 million performance contract. Although this is the first large urban school district in the country to express an interest in this type of approach, I do know that other large school systems; namely, Detroit, Dallas, Little Rock, and Los Angeles, are also exploring the potential of such an approach. The second significant development was the May 14, 1970, announcement by the Office of Economic Opportunity of a multimillion-dollar experiment in performance contracting aimed at improving the reading and mathematics level of children from poor families.

Mr. President, we know that dropouts are involved in crime at a rate of 10 times higher than high school graduates. We are all concerned with the riots and disturbances that have plagued all too many of our school systems. I believe that the dropout prevention projects are having a salutary effect on these troubled school areas. For example, in Baltimore and St. Louis, despite general student demonstrations and disturbances in the area where the dropout projects are located, the disturbances did not occur in the schools where the dropout programs are in operation.

Mr. President, the dropout prevention program is a no-nonsense practical approach to education. Some of the concepts built into the dropout prevention program are going to have a significant impact on education programs throughout this country. Dropout prevention projects are required to spell out their objectives. Having stated their objectives, they will be held accountable for achieving them. Most important, and I believe this is a first for the Office of Education, an educational audit will be done on each dropout prevention project. This educational audit will seek to determine, in terms of student learning, what the taxpayer is getting for his tax investment. This educational audit will be done by an independent organization outside of the project and will attempt to verify the project's performance. This is in addition to intensive in-house evaluations that will be done on the dropout prevention projects.

Mr. President, the interest and the potential in the dropout prevention program can be seen in the fact that over a thousand requests from independent agencies to submit preliminary dropout prevention programs have been received by the Office of Education. To fund all these programs would take over $700 million. It was this kind of interest and the merit of the program that prompted some of my colleagues on the Labor and Public Welfare Committee, when we earlier considered the ESEA extension, to move to increase the authorization of the dropout prevention program to $250 million by 1974. Obviously, as the author of the dropout prevention program, I was very pleased with this strong indication of the Labor and Public Welfare Committee's support, but I did what perhaps is unheard of—I urged my committee colleagues not to raise the authorization level by that magnitude. I pointed out that the dropout prevention program was not intended to take care of all the dropouts. Rather, its intent was to identify and attack some of the worst situations in the country by establishing highly visible demonstration projects that are large enough to have significant impact, while at the same time small enough in number, to be carefully monitored and evaluated so that their success could be assured and duplicated in other sections of the country. These educational research and development efforts, the dropout prevention projects, are live educational laboratories whose works had great national interest and implication in dealing with some of the most persistent domestic problems confronting our country.

Mr. President, in the National Education Journal of December 1966, the following statement appeared with respect to educational change and reform:

> One often gets the eerie impression of huge clouds of educational reform drifting back and forth from coast to coast and only occasionally touching down to blanket an actual educational institution.

The dropout prevention program is causing educational waves. The dropout program is "touching" actual educational institutions. The dropout prevention program will produce change and will bring about reform that will not only touch the particular educational system involved but also educational programs throughout the country.

Mr. President, the President, in his compromise HEW message, singled out the dropout prevention program as a priority education program. The previous administration was equally enthusiastic about the dropout prevention program. As Senators may recall, I was going to offer an amendment to the compromise Labor-HEW appropriations bill on February 28 of this year, but rather than possibly upset the compromise that had been reached, I withdrew the amendment. The original HEW appropriations measure for 1970 had provided $20 million for the dropout prevention program, but the final appropriations figure was only $5 million. For HEW appropriations for fiscal year 1970 the Senate Appropriations Committee had recommended $20 million. The previous year, fiscal year 1969, the Senate adopted a floor amendment offered by me which increased the dropout prevention program funding from $10 million to $20 million. So the Senate has shared the enthusiasm of both President Nixon and former President Johnson with the dropout prevention program. The difficulty has been on the House side, so I think it is imperative that the Senate adopt this amendment and I would strongly urge that the Senate conferees, following its adoption, stay firm on the Senate figures.

Mr. President, the bilingual and the dropout prevention programs are two of our most important programs in my judgment on the education books. Increased investments in these programs will produce great national dividends and in the long run will save the Nation money.

So, Mr. President, when this amendment is called up, I do hope that it will have the overwhelming support of the Senate.

I ask unanimous consent that an article entitled "Teaching Machines Helping Poor Students," published in the New York Times of May 24, 1970, be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 5.)

EXHIBIT 1

HEW Secretary Robert H. Finch today notified more than 1,000 U.S. school districts where language barriers discriminate against Spanish-surnamed students and other national origin minorities that such barriers must be removed.

The HEW policy was defined in a memorandum distributed today to all school districts with more than five percent national origin minority enrollment.

"If students cannot understand the language their teachers are using, it's hopeless to expect them to learn," Secretary Finch said. "There are some 2,000,000 Spanish-surnamed students in our public schools and almost 200,000 Oriental students. Overcoming the English language deficiency that exists is a first-order of business."

Spanish-surnamed students include Mexican-American, Puerto Rican, Cuban and Latin-American national origins.

The HEW memorandum, signed by J. Stanley Pottinger, Director of HEW's Office for Civil Rights, underscores the responsibilities of the school districts under the law. The Office for Civil Rights administers Title VI of the Civil Rights Act of 1964, which prohibits use of Federal funds for programs that discriminate as to race, color or national origin.

The memorandum is the first time the Department has defined its policies with regard to possible discrimination against national origin minorities.

Specifically, the memorandum states that where inability to speak and understand the English language excludes national origin minority group children from effectively participating in a school district's educational program, the dstrict must take positive steps to correct the language deficiency in order to open the program to these students.

In addition, school districts must not assign these students to classes for the mentally retarded, as has been done on some occasions in the past, on the basis of criteria which essentially measure or evaluate English language skills. Districts also may not deny national origin-minority group children access to college preparatory courses on a basis directly related to the failure of the school system to teach English language skills.

The memorandum adds that any ability grouping or tracking system used by the school system to deal with the special language skill needs of these children must be designed to meet these needs as soon as possible and must not operate as an educational dead-end or permanent track.

School districts also have the responsibility to insure that national origin-minority group parents are notified of school activities which are called to the attention of other parents. Such notice in order to be adequate may have to be provided in a language other than English.

"We realize, of course," Mr. Pottinger said, "that many school districts receiving the memorandum are already making extensive efforts on their own initiative to help remove English language deficiencies.

"For example, school officials are increasingly aware of the need to talk to parents in the language they best understand, in counseling and guidance sessions, in sending out written health notices, or in any other area of communication. These are examples of affirmative action that should be encouraged. There are many others."

Mr. Pottinger said that from now on the areas of concern he mentioned would be regarded by personnel in his office as a part of their responsibilities in their routine reviews of school districts to determine compliance with the Civil Rights Act of 1964.

EXHIBIT 2

MEMORANDUM

To: School Districts With More Than Five Percent National Origin-Minority Group Children.

From: J. Stanley Pottinger, Director, Office for Civil Rights.

Subject: Identification of Discrimination and Denial of Services on the Basis of National Origin.

Title VI of the Civil Rights Act of 1964, and the Departmental Regulation (45 CFR Part 80) promulgated thereunder, require that there be no discrimination on the basis of race, color or national origin in the operation of any federally assisted programs.

Title VI compliance reviews conducted in school districts with large Spanish-surnamed student populations by the Office for Civil Rights have revealed a number of common practices which have the effect of denying equality of educational opportunity to Spanish-surnamed pupils. Similar practices which have the effect of discrimination on the basis of national origin exist in other locations with respect to disadvantaged pupils from other national origin-minority groups, for example, Chinese or Portugese.

The purpose of this memorandum is to clarify D/HEW policy on issues concerning the responsibility of school districts to provide equal educational opportunity to national origin-minority group children deficient in English language skills. The following are some of the major areas of concern that relate to compliance with Title VI:

(1) Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.

(2) School districts must not assign national origin-minority group students to classes for the mentally retarded on the basis of criteria which essentially measure or evaluate English language skills; nor may school districts deny national origin-minority group children access to college preparatory courses on a basis directly related to the failure of the school system to inculcate English language skills.

(3) Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin-minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead-end or permanent track.

(4) School districts have the responsibility to adequately notify national origin-minority group parents of school activities which are called to the attention of other parents. Such notice in order to be adequate may have to be provided in a language other than English.

School districts should examine current practices which exist in their districts in order to assess compliance with the matters set forth in this memorandum. A school district which determines that compliance problems currently exist in that district should immediately communicate in writing with the Office for Civil Rights and indicate what steps are being taken to remedy the situation. Where compliance questions arise as to the sufficiency of programs designed to meet the language skill needs of national origin-minority group children already operating in a particular area, full information regarding such programs should be provided. In the area of special language assistance, the scope of the program and the process for identifying need and the extent to which the need is fulfilled should be set forth.

XUM

School districts which receive this memorandum will be contacted shortly regarding the availability of technical assistance and will be provided with any additional information that may be needed to assist districts in achieving compliance with the law and equal educational opportunity for all children. Effective as of this date the aforementioned areas of concern will be regarded by regional Office for Civil Rights personnel as a part of their compliance responsibilities.

EXHIBIT 3

TESTIMONY OF SENATOR GEORGE MURPHY TO SENATE APPROPRIATIONS COMMITTEE ON VARIOUS EDUCATION PROGRAMS, APRIL 23, 1970

Mr. Chairman, it is a pleasure to appear before the Committee again. With the long delay in the education appropriations for fiscal year 1970, it seems like only yesterday that I was urging the funding of educational programs. Now, we are working on fiscal year 1971 appropriations. We simply must all do what we can to see that the funds for educational programs are provided earlier.

NEED FOR EARLY FUNDING

When I was first appointed to the Education Subcommittee in 1967, I wrote many educators in California seeking their counsel and assistance. In almost every letter, the educators complained and expressed their deep concern over delays in the funding of education programs. School systems face a very serious problem, for teachers must be hired early and plans must be made if they are to make the wisest use of their resources. To complete the education appropriations, as we did for this fiscal year, when the school year was over half completed, seems inexcusable. My purpose in saying this is not to place the blame, but merely to urge that we in the Congress vow that this inordinate delay will not be allowed to occur again.

XUM

I have supported advanced funding for education programs, and this would help greatly. Whether advanced funding or earlier appropriations, or both, we must do better. I am pleased with the speed with which the Congress is moving on education appropriations this year.

I want to again testify on various programs and in some detail on two that mean so much to me and for which I have been working over the past several years. I am referring to the Bilingual Education and the Dropout Prevention programs. I am particularly grateful to this Committee for their response in past years as evidenced by the support they have given these two programs.

I had a major role in the enactment of these progrrams having cosponsored the original bilingual program, and having been the sole author of the dropout prevention program. On both of the programs, I have diligently worked and fought for adequate funding. It has not been easy, but progress has been made with the funds for the bilingual program advancing from $7.5 million in fiscal year 1969 to appropriations of $25 million for fiscal year 1970. The dropout prevention program, although not funded in FY 1969, was given $5 million in FY 1970. For both fiscal years 1969 and 1970, the Senate Committee wisely provided $20 million for dropout prevention, but our problem has been on the House side. I was pleased that the House for FY 1971 has provided $8 million for the dropout prevention program. I once again am urging the Senate Appropriations Committee to provide $20 million for the dropout prevention program.

DROPOUT PREVENTION

Mr. Chairman, the dropout prevention program was authorized by me in 1967 and it was incorporated into the Elementary and Secondary Education Amendments of that year. The program was drafted in consultation with some of the leading educators in the country, including Dr. James Conant. It was drafted because I felt that both for society's sake and for the students' sake, we cannot allow one million youngsters to drop out of school each year. This is particularly true in view of the fact that we are in the midst of an education explosion and a technological revolution, making a high school education or the acquisition of a skill a must.

In introducing the measure, I also cited statistics showing that the high dropout rates in our fifteen largest cities varied from 21.4 to 46.6 per cent. As bad as these rates were, when one focuses on the poverty schools within these areas, the dropout rate is shocking. In these poverty schools, 70 per cent drop out. These dropouts are the "social dynamite" that Dr. James Conant warned the country about in 1961. This is the problem to which the dropout prevention program is addressed.

The dropout prevention program was designed to give maximum freedom and flexibility for experimentation at the state and local level. Under the program, local and state educational agencies submit innovative proposals which zero resources on a particular school or on a particular classroom in an effort to have a major impact on the dropout problem. Eligible schools must be located in urban and rural areas having a high percentage of children from low-income families and a high percentage of children who drop out of school. The local educational agency, in addition to securing the approval of the state educational agency, is required to identify the dropout problem, analyze the reasons the students are leaving school, and tailor programs designed to prevent or reduce dropouts. Furthermore, and most significantly, the program requires objective evaluation.

Probably the project that has generated the most national interest is the Texarkana one. In this project, the local school system decided to enter into a performance contract with private industry to raise reading and math scores of potential dropouts. Performance contracting, as the name implies, means that the company must perform in order to get paid. In other words, payment is made only for results. The performance contract in this instance calls for the raising of reading and math scores one grade level in 80 hours of instruction for $80. Importantly, the school system is deeply involved, with the contract stipulating that when the experiment is concluded, the company must have made the school personnel capable of continuing the instruction method used.

Preliminary results are most encouraging indicating that the contractor has raised reading scores one and one-half grades and math scores approximately one grade in only 45 hours of instruction. These figures indicate that the contractor is ahead of its performance contract. Also, of the 125 students enrolled in the experimental program, only two have dropped out and one was because of pregnancy. In contrast, in a control group, ten percent of the youngsters have already dropped out.

Mr. Chairman, this is hard data, and it indicates the program is working. That the Nation's school systems are following Texarkana is seen by the fact that San Diego is planning a $2.4 million performance contract. This is the first large urban school district in the country to express an interest in this type of approach. I do know there are other large systems, namely, Detroit, Dallas, Little Rock, New York, and Los Angeles, which are carefully considering this approach.

Mr. Chairman, we know that dropouts are involved in crime at a rate of ten times higher than high school graduates. We are all concerned with the riots and disturbances that have plagued all too many of our school systems. I believe that the dropout prevention projects are having a salutary effect on these troubled school areas. For example, in Baltimore and St. Louis, despite general student demonstrations and disturbances in the area where the dropout projects are located, the disturbances did not occur in the schools where the dropout programs are in operation.

Mr. Chairman, the dropout prevention program is a no-nonsense practical approach to education. Some of the concepts built into the dropout prevention program are going to have a significant impact on education programs throughout this country. Dropout prevention projects are required to spell out their objectives. Having stated their objectives, they will be held accountable for achieving them. Most importantly, and I believe this is a first for the Office of Education, an educational audit will be done on each dropout prevention project. This educational audit will seek to determine, in terms of student learning, what the taxpayer is getting for his tax investment. This educational audit will be done by an independent organization outside of the project and will attempt to verify the project's performance. This is in addition to intensive in-house evaluations that will be done on the dropout prevention projects.

Mr. Chairman, the interest and the potential in the dropout prevention program can be seen in the fact that over a thousand requests from independent agencies to submit preliminary dropout prevention programs have been received by the Office of Education. To find all these programs would take over $700 million. It was this kind of interest and the merit of the program that prompted some of my colleagues on the Labor and Public Welfare Committee to move to increase the authorization of the dropout prevention program during the ESEA extension to $250 million by 1974. Obviously, as the author of the dropout prevention program, I was very pleased with this strong indication of the Labor and Public Welfare Committee's support, but I did what perhaps is unheard of—I urged my committee colleagues not to raise the authorization level by that magnitude. I pointed out that the dropout prevention program was not intended to take care of all the dropouts. Rather, its intent was to identify and attack some of the worst situations in the country by establishing highly visible demonstration projects that are large enough to have significant impact, while at the same time small enough in number, to be carefully monitored and evaluated so that their success could be assured and duplicated in other sections of the country. These educational research and development efforts, the dropout prevention projects, are live educational laboratories whose works had great national interest and implication in dealing with some of the most persistent domestic problems confronting our country.

Mr. Chairman, in the National Education Journal of December 1966, the following statement appeared with respect to educational change and reform: "One often gets the eerie impression of huge clouds of educational reform drifting back and forth from coast to coast and only occasionally touching down to blanket an actual educational institution."

The dropout prevention program is causing educational waves. The dropout program is "touching" actual educational institutions. The dropout prevention program will produce change and will bring about reform that will not only touch the particular educational system involved but also educational programs throughout the country.

Naturally, Mr. Chairman, I was delighted when the President in his compromise HEW message early this year singled out the dropout prevention program as a priority education program. The previous Administration was equally enthusiastic about the program. As the members will recall, I was going to offer an amendment to the Labor-HEW Appropriations bill on February 28th, but rather than possibly upset the compromise that had been reached, I withdrew the amendment at the behest of Senators Magnuson and Cotton with the understanding that FY 1971 appropriations would be considered within months and we would be able to do something about the funding then. So, I not only hope that the Senate will appropriate $20 million for the dropout prevention program, but also hold that amount in conference.

BILINGUAL PROGRAM

Mr. Chairman, the House also is beginning to come around in connection with the bilingual program, as they have included $25 million for FY 1971. I always point to the bilingual program with pride because it is a good example of congressional initiative. As the committee will recall, this measure was enacted over the objection of the Executive Branch in 1967. The bilingual education program is aimed at dealing with the severe educational problems of youngsters whose dominant language is other than English. The program is of tremendous importance to many minority groups.

There are five million Mexican Americans in the United States located primarily in the southwestern states. My state is proud of the fact that more Mexican Americans—1.5 million as a matter of fact—live in California than in any other state. The Mexican American faces the same problems of poverty and discrimination as other minority groups, but in addition they labor under a language handicap. For the typical Mexican-American child grows up in a home where the parents speak little or no English. Naturally, the language spoken in the home, Spanish, becomes the child's language. This Mexican-American child, often from a low-income family, then enters school and runs into the language barrier.

Senators, for a minute, imagine what it would be like if you or your youngster were to enter the first year of school where the language of instruction was different from the one you used and spoke at home. You would not only have to master a new language, but also master a subject matter in the new language. Would it come as a surprise if you became frustrated and fell behind, discouraged and dropped out? The answer to this question helps to explain the education deficiencies of Spanish-speaking children and others whose dominant language is other than English.

The education statistics for the Mexican American are to put it mildfly, shocking. They show: (1) That one million of the 1.6 million Mexican-American children entering the first grade in the five southwestern states will drop out before they reach the eighth grade. (2) That in my state 50 per cent of the Mexican-American youngsters drop out by the eighth grade. (3) That by the time Spanish-speaking youngsters have reached the third grade over 89 per cent of them have repeated one or more grades. (4) That the average number of years of school completed for individuals with Spanish surnames is 7.14, for non-whites, 9, and 12.14 for whites. Significantly, over the past thirty years, while the education gap between whites and blacks has been closing, the education gap between the Mexican American with respect to both blacks and whites has increased. (5) That in my state, Spanish surname students comprise 14 per cent of California's school age population but less than one-half of one per cent of the students at the University of California's seven campuses are Mexican Americans. (6) That Mexican Americans account for more than forty per cent of the students classified by school districts as "educable retarded."

Similar language problems are faced by the Chinese, Japanese and Indian populations of California. The Chinese population of San Francisco is particularly in need of the help of a bilingual program. The school system is being severely impacted with a growing number of Chinese students with a language handicap resulting from the changes made in the 1965 immigration laws. I have been working with the Office of Education to secure additional funds under the bilingual program for San Francisco so as to alleviate this situation, and am confident that I will soon be making an announcement that additional funds will be forthcoming. So the Chinese population faces a problem very similar to the Mexican American, and the bilingual program has a great deal of importance for them also.

Last year, in testifying before the Committee, I cited a study done by the California State Department of Education, which showed that Mexican-American youngsters, labeled by the school system as "educable retarded" made remarkable increases in I.Q. test scores when such tests were administered in Spanish. This study, which I understand was the first of its kind in the nation, saw some childrens' I.Q. increased by 28 points with the average climbing 13 points. These thirteen-point-average increases, incidentally, would have placed these youngsters above the mentally retarded level. Children below this level in my state are placed in special classes whereas above the level, they are part of the regular classes.

One wonders how many of the Mexican Americans who make up the forty percent of the educationally handicapped in California would be in regular classes had the test been administered in Spanish. And, how many of the large number of Mexican-American dropouts could be prevented if we substantially increased the funding of the bilingual education program. I believe many, and that is why I have been such a strong advocate of this program.

The Bilingual Education Act is a commitment to reverse these statistics, to provide a solution to the education problems of Spanish-speaking children who in fact do not have an equal opportunity, an equal chance because of their inability to speak English.

Mr. Chairman, there is limited objective data available, although a report I examined from the Marysville, California, School District after the second year of experimental programs said: "Analysis of the data tend to support the hypothesis that Spanish-speaking pupils are better able to learn when they use their native language and have systematic instruction in English as a second language."

In an effort to get a firsthand reading on the workings of the bilingual program in California, I asked my staff in cooperation with Dr. Eugene Gonzalez, of the California State Department of Education, to contact some of the bilingual project directors and share with me their thoughts with respect to the workings of the program. I believe that one cannot read these subjective evaluations without coming to the conclusion that insofar as the second largest minority group in the country—the Mexican Americans, and the Chinese as well—are concerned, we seem to have in the bilingual education program the educational breakthrough that we have been searching for. The bilingual education program offers the hope based both on the limited objective evidence available and the considerably more subjective evidence of limiting the sad educational statistics that I earlier cited.

Mr. Chairman, furthermore, we should be supporting the bilingual program not only because of its great potential of eliminating a national liability, but also because bilingual education should be regarded as a national treasure, one that should be developed for both a better America and a better world. Modern means of transportation are, in effect, shrinking the distance between nations and the world's peoples. We can expect in the 1970's travel between peoples of the world unparalleled in the history of mankind. Bilingual Americans are and will become even more a great national asset. Rather than allow such an asset to waste, it should be developed to its fullest potential.

To cite the need for educational resources in the bilingual program, in addition to the rather severe situation I mentioned in San Francisco, the City of Los Angeles, where the largest concentration of Mexican Americans in the nation is found, has not yet been funded under the bilingual program. They do have an application pending and I certainly hope that favorable action will be taken on it.

The Senate should continue its commitment to the bilingual program, and I believe that the program should be funded at the $40 million level. I would like to ask unanimous consent that this survey done among project directors of the bilingual program be printed in full in the Record.

COOPERATIVE EDUCATION

Another program, Mr. Chairman, in which I have been very interested and which seems to me has a great deal of significance to our society in the seventies is the cooperative education concept. I was the author of the cooperative education program on the Senate side, which was included in the Vocational Education Act Amendments of 1968. In addition, I have been working for the funding of cooperative education programs at the higher education level, having hosted a two-day seminar at the University of Southern California on this subject in 1969. This concept seems to me very sound, seems to make particularly good use of the educational facilities and space, and helps to remove the barriers that too often separate the classroom learning from the real world of work. It also has the advantage of allowing the student to earn money to help meet education expenses. Students plea for relevance of subject. Cooperative education properly run could be a real response.

Mr. Chairman, the House earmarked 1 per cent of the higher education work-study money, or $1.6 million, for cooperative education at the higher education level for 1971, and I certainly hope the Committee will also see fit to provide at least this much for this program. For cooperative education and vocational work-study under the Vocational Education Act, the House provided $24 million, the full amount requested by the President. Certainly, this is a bare minimum, in my judgment.

Mr. Chairman, I ask unanimous consent that an article I wrote in the San Francisco Chamber of Commerce magazine with respect to cooperative education, as well as my Senate floor statement on cooperative education in 1968, be printed in the Record. (See exhibits 2 and 3.)

URBAN AND RURAL EDUCATION, PART C—ESEA

On one more final matter, Mr. Chairman—I authored the Urban and Rural Education Act of 1969, which has been incorporated as a new Part C to the Elementary and Secondary Education Act. Basically, this program provides for a thirty per cent "add-on" to school districts having a large number or a high concentration of low-income children. For qualifying districts under my program a thirty per cent "add-on" regular Title I funds is provided. Funds under this Part must be used at the elementary or pre-school level. School districts participating must coordinate regular Title I funds with Part C funds in a comprehensive plan and must list their specific objectives under this Part. And, most importantly, like the dropout prevention program, they will be held accountable for achieving them.

Mr. Chairman, the House of Representatives added a provision to H.R. 16916, the

XUM

educational appropriations bill, which provided that all the funds appropriated for Title I must go to the regular Title I program. This is clearly legislating on an appropriations measure, because under the Elementary and Secondary Education Act extension, passed earlier this year, after appropriations for the regular Title I program reach $1.397 billion, the new Part C program, which I authored, would be funded. The Part C program was endorsed by leading educators and educational organizations from all across the country. It was accepted by the Committee after long and careful discussions. It was agreed to in the subsequent conference with the House. I strongly urge the Committee to reject this legislative language of the House Appropriations Committee, and provide additional resources to the most needy school districts in the country, from which education "SOS" signals have been flashing for some time.

Mr. Chairman, I would like to ask unanimous consent that a statement I made on February 17th and a few remarks made on February 18th be placed in the Record. (See exhibits 4 and 5.)

Response of Project Directors in Answer to Telephone Question Concerning Items That Come to Mind as a Result of the Bilingual Program

BARSTOW

Mr. Chavez. There is a need for more inservice training for both teachers and aides; the co-mingling of attitudes so we could have a cohesive program; an awareness on the part of the teachers to problems which were otherwise hidden from them. Learning as a cognitive process is the same in Spanish as in English. This is what we would primarily be interested in.

BRENTWOOD

Mr. Yañez. Actually the parents have been coming to the school. We had an open house with almost 90% turn-out. Mexican-American people who had decided to come to school have been coming to our dinners. A Mexican lady said, "We are glad you are here because we have somebody with whom to communicate." Before she had never attended any meeting. The parents are more relaxed about the fear their children will come to school and not be understood. More of the children are coming to school with smiles rather than grim looks. Our project had a page spread in the Brentwood newspaper. I feel it is a tremendous program; I had been in the classroom for fourteen years and feel this is the right direction to go, especially when you have a 40% Mexican-American enrollment in your schools. We are setting up a barbecue; we had a breakfast and open house; I spoke to the Lions Club. (Not Title VII but the Brentwood program is to be part of a movie. Officials in Washington phoned and asked if they would be in the movie. They are not telling the story of Title VII but they want to show how we teach the Spanish-speaking in America and how we treat the Spanish in Brentwood.)

The children were timid at first. It is a good feeling trying to get the people involved and it has affected the attitude of the parents and children. The parents feel now that the children might finish school and amount to something. The program has made a tremendous impact in Brentwood and I am trying to let the people know what is happening.

CALEXICO

Mr. Lopez. 1. We are trying to set up a truly bilingual situation. This is very difficult because we do not have any ESL two-language level proficiency. In our program we have one-third English speaking, one-third bilingual with greater proficiency in English, and one-third Spanish speaking. That is the makeup of the class and we have one teacher and one aide. The teacher has given instruction to each level but as far as language is concerned there are no materials available so we are in the process of developing a curriculum. We want to make certain the children are keeping abreast.

2. We need help in writing of curriculum because teachers do not have the expertise to write curriculum. . . . We pursue the challenge; there is a Spanish speaking need. Before the Spanish students were put aside where we would teach them English. Now we put them all together in the classroom with English speaking students and it creates a challenge to the classroom teachers simply because of the different levels of language proficiencies in English and Spanish. Another problem is to find people who can find the time to evaluate. There are a lot of proposals so it is difficult to spend the time that is required. We do have the evaluators at least two days of the week for the rest of the year because the evaluator has to be involved in classroom development.

Through this particular type of program we have actually developed a greater cooperation or socialization with all three different levels of the speaking groups. Previously the three distinct groups would segregate themselves, now they all socialize together. We do need some more time for the development of curriculum. All of the curriculum development should be put together in one little soup kettle and should be used by all. Teachers developing materials are basically pack rats, they don't like to share discoveries.

CHULA VISTA

Mr. Juarez. I notice a growing awareness on the part of school personnel and community people about the needs of the youngsters this program is intended to reach. This is perhaps the most hopeful thing.

Secondly, since we have been reviewed in the South Bay area we have found that the existing resources are very numerous and it is tapping the youthful environment. There is an awareness and uniqueness to the bilingual and bicultural environment that exists here. The inter-district plan has permitted the people involved to begin to communicate about areas of community concern and teachers have met in teacher sessions. We have been able to have dialogue between elementary, junior high school and high school teachers for the kind of instructional program that is needed in a bilingual program.

One of the things that holds much promise is a growing cooperation on the part of the school and home as it relates to the learner that we are going to reach. This will develop into a positive thing that has come out of the program so that the school and the home will both be communicating and both be promoting in instructional growth of the student.

COMPTON

Mr. Goodman. 1. We have had a tremendous community response; children who have never responded before in the classroom are now bubbling. Parents and aides have noticed children beginning to talk, in fact you can't shut them up. By using the language of communication we have actually opened up the youngsters. The children now respond in a normal classroom as regular normal children when Spanish is used as a language. This has been noticed by teachers, aides, and parents. We thought of taking one child to the principal, but realized, that he was simply overly enthusiastic; the children are communicating.

2. Teachers who formerly had these youngsters have remarked they didn't know the children could respond. The children are happy; attending school regularly; learning their ABC's in Spanish, and learning them quickly. We have had a tremendous success with the program. These observations come from teachers other than bilingual teachers; they come from bilingual aides who worked with the youngsters in a regular classroom state; this became notable the third day of the program. We notice these factors becoming very distinct.

The children in the bilingual program respond; they respond in Spanish. They have been characterized as being silent in the English classroom but they are not that way in the Spanish classroom; they communicate and interact; they do not feel stereotyped. This is established by bilingual teachers, aides and other teachers. The children appear to be learning at a faster rate in Spanish since we are teaching the basic subject matter in their language. They surprise us; they pick up their numbers faster in Spanish. Some of the materials have stimulated them. English is taught as a second language. It appears that as we give the instruction in Spanish, the transference into English is extremely easy. They pick it up easily. I have worked before under ESL and it was very difficult because you were not working with the Spanish language. . . . The struggle we had when we worked only with English is gone.

We use ESL techniques but both teachers have remarked that the youngsters pick up English so quickly. We did not expect this influence upon the other language to be so quick. The children are aware that they live in an English speaking country. They continue to ask in Spanish how to say the same thing in English and we discover that once they have a little word in Spanish, the English word slips right in. We think the program has been very successful so far. The teachers are thrilled with it. There is so much to be done that the program development has slightly overwhelmed us; we unlocked a reservoir; we have touched a linguistic resource. We have Spanish speaking parents born in Compton who say they wish they had this opportunity. It is too early to measure but we are developing measurement devices; we can only tell of what we have seen. This information comes from other than classroom teachers. The bilingual teachers are amazed; they had no idea how vibrant and alive, very active these children could be—just normal American youngsters.

The overwhelming factor is that they are so happy; very happy. It appears the home is quite happy. The parents decided. The program has its problems. Our concept in Compton is to develop original curriculum material as it pertains to the child. It is original; because of my background we actually develop our lesson from originality. The material that I was able to get are Spanish language books developed for children who speak Spanish and live in a Spanish speaking environment. We do not use dual English-Spanish books. The youngster will be taught to read and write. In the English classes they will be taught from English language materials that we use in our own schools. We will not use translated materials. We will use only foreign language materials that have been successfully used in Mexico and Latin America. The curriculum material will be original and designed for Spanish speaking children who live in the United States. It is really bilingual. Both of our project teachers are teaching Spanish daily in our high school. Teachers in the school have asked to borrow our materials already to help the youngster who is not in our program.

EL MONTE

Mr. Rodriguez. My immediate reaction is something that one of the parents said the other day. This parent is of Mexican ancestry but speaks nothing but English at home. Without realizing the child was growing up without hearing Spanish. After being in his class for a few weeks the child goes home speaking Spanish and wants to speak nothing but Spanish. The first thing she learned was how to greet her grandfather in Spanish.

They were thrilled. (I actually talked to the mother in the sentences preceding this—she was in Mr. Rodriquez's office and was so pleased with her little girl's progress, Bernice.)

When we spoke to parents while we were organizing the class we interviewed maybe all thirty of the parents of the children in our class and half of the other class. Not one parent objected to the program; they all wanted their child in it. We haven't run across one who was held back; there is no negativism. The children go around singing Spanish songs they learn in class. We have a parents' meeting every Wednesday from 1:30 to 2:30. The teachers follow through on some of the lessons for the week and carry it on to the parents. A child brought home a painting and the parent scolded her so the teachers carried on a painting class. They indicated that you should praise everthing a child brings home. We discussed the program; we had a finger painting exercise so the lesson was reinforced. We have to encourage, not discourage. We ask them to discuss—tell me about it. We will bring the child out and have him become expressive.

We decided to put out a little newspaper every two weeks. (The lady in the office to whom I spoke—Bernice) has a daughter who is a high school senior who is quite artistic who is going to draw a cartoon for the newspaper. We plan to send the people at home stories of what is going on in class in both languages.

Have you heard of TV Education Channel 28 Ahora/Today. What is being done with the Mexican American today will have a little program on the bilingual program.

FRESNO COUNTY

Mrs. **Jowett**. 1. At the present time it would appear to us that the instructional materials that we are using indicate that progress is being made with the children that is either equal to or above what would ordinarily have been expected and was evidenced in previous years. We have only been in the program a month.

2. We are finding that the majority of the children involved in the program seem to be able to work with a greater degree of independence than we noted before.

3. The interest in the second language or learning Spanish is high and the response on the part of the Mexican American children, although they are not necessarily proficient in Spanish, is very good. The Anglo children have also evidenced interest in learning another language although we have not been in this phase of the program long enough to form any kind of definite opinion, it appears that the Anglo children are responding in much the same manner as the Mexican American children who are not proficient in Spanish. We are beginning to see more interest on the part of the community as we have had an opportunity to meet with community representatives.

GONZALES

Mr. **Licano**. The most important item—the kids are really responding to the program. We had a similar program without Title VII but it wasn't as organized as this one and the kids are really responding and doing very well up to this point. It wouldn't be possible without funds to provide the materials and personnel for the program.

HEALDSBURG

Mr. **Kateley**. 1. This is meeting one of the needs that we have had in California in districts that have had a high percentage of Mexican-American children.

2. Being new we don't know how well it will work. The funding level doesn't seem nearly enough to do the job envisioned but it is a job that is really a priority item to attack.

LA PUENTE

Mr. **Keohane**. The information was given by Mr. Clonts, Assistant Superintendent, because of Mr. Koehane's illness.

1. We have employed thirty bilingual parents who are providing instruction to some 900 students since September 1.

2. More Spanish culture is being taught in the primary grades as a result of this project.

3. More of the Mexican-American parents are inter-acting with the principals and teachers in the schools through parent conferences and coming to hear about the bilingual program.

Our project has several objectives; to speak Spanish and English; and to get the school and the Mexican-American community to act together. We have been able to do this by taking these thirty parents, have people come to them and have them go into homes. Shortly we are starting the third phase in which Mexican high school students will be tutoring in homes in the evenings and after school. With this increased emphasis on the bilingual project and people pushing the Mexican culture as part of the study we have been buying more materials relating to the Mexican-American culture. We discuss the textbooks with parents and students. One is *Mexican-American—Past, Present and Future* by Julian Nava. These kinds of materials are used more in the classroom as a result of this program. Also ESL material is being used.

One of the good things about the program is the fact that good evaluation techniques are built into it so that at the end of a year, or five years, we will know whether we accomplished what you set out to do.

LOS NIETOS

Mr. **Grijalva**. An item that immediately comes to mind is the number of mothers and aides that we have involved in our program; also, the number of volunteers has been exceptional. We have people from Whittier, from the U.C.L.A. Nursing corps, people from the Child Guidance Center and a child guidance off-campus group from one of the high schools has affiliated itself with us. We have seven volunteer parents involved in the program. Our professional evaluator has tested the program. The reaction has been tremendous. A lot of bright-eyed, bushy-tailed children are being encouraged at just the right age.

This will show up in evaluation in the future. I have been tremendously impressed with the volunteer program. We have the list documented with signatures and the hours and the reports are filed with Head Start.

UKIAH

Mr. **de la Pena**. There has been a lot more concern expressed for the Mexican-American child and the Indian child. We have had teachers call us about a certain child and our office has been sort of a place where teachers having problems with the Mexican children have been calling to see what is going on. We are now in the planning stage; we can't actually do anything yet. My reaction is that there is considerably more interest in the Mexican-American child and the problems of the Indian child. It seems that all of a sudden the Mexican-American child and the Indian child exist; before they were a non-entity.

SAN FRANCISCO

Mr. **Chew**. The project is going very well in terms of the objectives of the original program, to help 25 Chinese children. The kids are learning English and they have no where to go but up because they all started with zero. We have 25 first graders who have all been here less than two years in a self-contained class. We use English and Chinese to teach. We begin with conversational English to help students with their understanding like stating in English to get in line, close to the door, etc., by constant repetition using sentences and commands with the action. The products are the children themselves; they are even able on their own to say please give me a pencil, etc. We work on their vocabulary and sentence structure. We don't teach grammar as a subject, we hope they will learn grammar by constant usage of English. We have arranged some trips to schools and other places so they will learn about the needy communities, etc. Most are students from the Chinese Ghetto in Chinatown. We try to open their vistas. In addition to the audio-language English the children do have a regular schedule which will cover other subject matters such as music, reading, writing, spelling, math and social studies.

FRESNO CITY

Mr. **Allison**. My understanding was that Senator Murphy wanted a "grass roots" reaction on the impact so far of Title VII. So far, as happens in any new program, we are working out the bugs and annoyances that come with implementing a new program such as we are putting into Winchell School. To date the best and most encouraging reaction has been the reaction of the parents of the children in the program in last week's "Back to School" night. There was a good deal of favorable comment among the parents of the children in the four classes. In fact the effect upon the four Title VII teachers was, according to Principal Bill Hansen, to reassure them that what they were doing was producing positive results and attitudes in the community. The teachers had felt somewhat insecure because of the profound change in the curriculum of the bilingual program. Special pleasure was expressed by some Mexican-American parents that their language and cultural background was being emphasized. One parent, obliged to move to another area of Fresno, was asking how he could get an inter-district transfer so that his child could continue in the bilingual program. This is a tentative and subjective impression but we were very pleased with this reaction among the parents.

[Written for the San Francisco Chamber of Commerce magazine]

COOPERATIVE EDUCATION

About 70,000 specialized students in the United States will earn $125 million from American industry this year.

Too little of the background of these students, and the role played by our business community in this joint venture, has been told. The concept is called Cooperative Education and the 70,000 students engaged in such curricula attend 136 colleges, universities and community colleges throughout the United States.

More than one-third of these students work as assistants and aides to scientists and engineers in laboratories supported by the $20 billion our society will spend in 1969 on research and development. Other students work as assistants to teachers in public schools, libraries, in the field of health, and countless other areas.

Students today insist that curriculum be relevant and meaningful. And it is a time when we should realize that artificial barriers separating students from society must be reduced. It is also a time when education costs skyrocket as educational institutions strive to build facilities and acquire the necessary faculties to meet rising enrollments.

During the past few years, as a member of the Senate Subcommittee on Education, I have had an opportunity to observe and study the projects and processes by which we hope to better prepare our young people for a fuller, more meaningful life. I have concluded that certain qualities are most essential: pride in oneself, respect for others, and self-reliance.

Here is where cooperative work-study programs—which permit students to alternate periods of full-time study with periods of full-time employment—can fill an important role in society. By definition, cooperative education is that form of higher education which alternates classroom theory, discipline and study, with related work experience.

XUM

It is not a new concept. It was first inaugurated in 1906 at the University of Cincinnati. However, cooperative educational programs are still not widely known. Not enough colleges are convinced that industry can provide an important supplement to a college education and, in turn, not enough businessmen are aware of the material and intangible benefits available to them. In California, for example, only seven colleges or universities offer cooperative education programs. Nevertheless, just ten years ago, there were none.

Recently, I had the opportunity to co-host, with President Norman Topping of the University of Southern California, the first California Conference on Cooperative Education, organized by the National Commission for Cooperative Education. The conference was attended by many interested members of the business, financial, and academic communities of Southern California. I feel this meeting did much to encourage the serious exploration of the potential of cooperative education by those who attended the symposium.

My interest in this subject results from personal experience working and going to school. As a boy whose parents died when I was quite young, I was faced with the usual problems of growing up—getting an education, and going out into the "cold, cruel world" to find a job and make a living. I attended good schools and a fine university, and I took odd jobs during the school year and in the summers to help pay my way. By the time I left college, I had plenty of work experience—in auto shops in Detroit, coal mines in Pennsylvania, selling real estate on Long Island, jerking sodas, waiting on tables, shilling for a tailor shop and even working as a bouncer in a dance hall.

I was not an exceptional student. But I was able to acquire quite a variety of job experiences and practical knowledge which I would not have traded for anything. And by the time I left the campus for good, that "cold, cruel world" looked a little warmer, a little more inviting.

So, too, will students in cooperative education programs see our so-called establishment a little differently when they return to the campus after working at a job.

Their jobs can move them up the career ladder. Ford Motor Company, for example, employs 800 co-ops from 30 colleges. Drexel Institute's 3,500 co-ops earned $7.5 million last year. Of the $125 million in total earnings, the co-ops pay at least ten percent in taxes to the federal and state governments—a fact which I am certain is of special interest not only to members of Congress, but to all of us as individual taxpayers.

I do not want to neglect the reasons why cooperative education is so important to industry.

James Godfrey, as Coordinator of the Cooperative Education program of Lockheed, at Sunnyvale, made this very clear during an Oregon Conference on Cooperative Education when he stated the reason why Lockheed participates in this program:

"We do it, somewhat perhaps, out of a feeling of benevolence, and perhaps this is the way we started. It is an idealistic view, and we still maintain that. . . . However, I think this is the main reason—we want these students back as full-time professional employees when they graduate. And we get them in sufficient summers and proportions to make it worthwhile for us. It's good business—especially in today's highly competitive professional manpower market. Also, we found the graduates of a co-op program are superior to the graduates of the normal four-year curriculum and are more productive; they are immediately productive; they are technically better qualified . . . they appear to have found their niche in life much sooner than the graduates of a traditional curriculum."

We in the Congress think that expansion of the Cooperative Education Program can be extremely important. I am pleased to be the author of an amendment, now incorporated in the Vocational Education Amendments of 1968, which provides for federal financial assistance to the states, to encourage and expand cooperative vocational education programs. An amendment to the Higher Education Act of 1968 authorizes the U.S. Commissioner of Education to make grants to institutions of higher education for planning, establishment, expansion or carrying out by such institutions, a program of co-operative education which alternates periods of full-time academic study with periods of full-time public or private employment. This amendment, which I strongly supported, is intended to enable those institutions which find it desirable to consider restructuring their academic programs to establish cooperative education. Such institutions can apply for federal grant funds of up to $75,000 a year for three years to meet the cost of starting and operating a program. Support can also be provided to enable institutions with existing programs to expand them or to expand into new curricular areas. In enacting the amendment, Congress authorized $8,750,000 for the fiscal year ending June 30, 1970. If it is now adequately funded for a period of five to seven years, this amendment could enable more than 400 additional institutions to move vigorously into cooperative education programs. This would provide opportunities for an additional 250,000 students to take part. While I am not a member of the Appropriations Committee, I intend to work for adequate funds for this program.

I recently asked Robert H. Finch, the Secretary of Health, Education, and Welfare, to approve an application under the program authorized by my amendment, for cooperative education programs made by two Orange County and three San Mateo County junior colleges. The program would provide work-experience for 1,000 students in its first year and would increase at a rate of additional 1,000 students yearly. Both business and the California Junior College Association warmly endorsed the plan which I hope might help this important concept catch fire at the growing community college level.

So, the message is getting across. There's an old saying that "nothing is so powerful as an idea whose time has come." I believe honestly, that cooperative education is such an idea.

[Excerpt from CONGRESSIONAL RECORD, July 15, 1968]

VOCATIONAL EDUCATION AND THE MURPHY COOPERATIVE EDUCATION AMENDMENT

Mr. MURPHY. Mr. President, for some time and for reasons of personal experience when I was a young man, I have been interested in vocational education, its present condition, its potential, and the great hopes and possibilities I see for its future.

My concern was evidenced last year when I offered an amendment to the Office of Economic Opportunity's Job Corps program. This amendment, as my colleagues will recall, authorized a model combination vocational school and skill center. This pilot proposal was advanced because I feared that:

First. Vocational education by and large was not training and teaching for today and tomorrow's job market.

Second. Adequate evaluation and followup on vocational students did not exist.

Third. The interchange between the school, industry and the community was missing.

Fourth. Expensive facilities were not being utilized to the extent possible.

Fifth. Program for the disadvantaged were inadequate.

Mr. President, I am sorry to say that most of my fears and feelings were substantiated by the President's National Advisory Commission on Vocational Education. For example, it was discovered that more than half of the students in vocational education are still being trained in the fields of agriculture and home economics. This emphasis, of course, tended to reflect our economy from the past and of the Smith-Hughes Act of 1917, when there was a great need in our Nation's economy for employment in agriculture. American industry at that time was in its infancy.

(The National Advisory Council in its report stated:)

Two principal failures of vocational education which restricted its ability to match the requirements of the fast-changing economy and technology to the vocational needs and desires of individuals:

1. Lack of sensitivity to changes in the labor market; and
2. Lack of sensitivity to the needs of the various segments of the population.

Mr. President, often I have a great deal of skepticism about the value of advisory councils and I have wondered if all of them were needed and what positive contribution they have made to the improvement or the betterment of the various programs. I want to take this opportunity to congratulate the members of the President's Advisory Council on Vocational Education, however, for they have made a truly outstanding and searching examination of vocational education. For anyone interested in American education, this report should be required reading. Certainly one way to measure the merits of an advisory committee is by studying the results and implementation of their recommendation.

The vocational education legislation being considered today is in no small part due to the outstanding background information and recommendations made available by the Council.

Mr. President, Members of the Congress should take considerable pride in the bill before the Senate today, which is the result of the initiative of the Congress. We often read in the press and elsewhere that the Congress fails to initiate legislation, that we only "approve or disapprove" of the recommendations of the administration. This is one excellent example to the contrary, and clearly demonstrates the caliber of legislation produced when Congress works its will.

In view of the deficiencies of vocational education and its potential, and in view of the needs of individuals, particularly the disadvantaged, for occupational education, and in view of industry's need for skilled workers, one would have expected the administration to come forward with major recommendations to reshape and chart the future critical role to be played by vocational education. This administration's answer in response to the problems and to the Advisory Council's recommendation was one new program, the exemplary vocational program, and a few administrative changes. Yet, despite this administration's complacency and indifference, the Senate Labor and Public Welfare Committee brings to the floor today a bill, which I believe will become recognized as an educational milestone. It is a good example of the vision and the leadership of the legislative branch and of the skills and talents of the chairman of the Education Committee, Mr. Morse.

Despite the pressure for quick action, the chairman did not move to the measure too quickly just to get a bill. In fact, the committee held extensive hearings and spend considerable time working out the recommendations that we bring to the Senate Floor today. I want to discuss particularly one segment of the bill which I authored. This section, found in part G, authorizes a new cooperative vocational education program. This proposal was strongly supported by both the majority and minority in committee.

XUM

Mr. President, cooperative education is not new. It has been used for many years. Perhaps one of the best known examples, at least in the higher education areas, is the Drexel Institution in Philadelphia which has been there since I was a youngster and lived in Philadelphia. The excellence and success of its cooperative education program is well recognized and the whole concept needs to be employed to a greater extent at the lower levels of education.

Cooperative vocational programs presently exist at the secondary level of high schools, but the facts are that the nation has failed to develop work-school arrangements adequately, particularly in view of the program's potential and promise.

While work-experience programs are beneficial to all students, the presence or absence of such programs could be crucial for disadvantaged youngsters. Schools sometimes have an artificial atmosphere. The disadvantaged youngster oftentimes is unable to see and understand the relevance of education to the outside world and to employment. The relationships between education and employment and earning escape this youngster. For the youngster's sake, for society's sake, for the Nation's sake, this relationship must be brought home.

Mr. President, we live in the midst of an "educational explosion" and a technological revolution. We are told that our supply of knowledge doubles each decade. Given this background, can it any longer be argued that because a youngster is not doing well in school, he is better off dropping out of school and getting a job. Mr. President, for a youngster lacking a high school education, the facts are that jobs are not available. At the same time that we are witnessing an "education explosion," the number of unskilled jobs continues to shrink.

Also disturbing, Mr. President, is the nonsense one often hears that a youngster unless he goes on to college, is doomed to failure. I went to college and for many reasons, did not stay too long; but I do not think I have been exactly a failure. I know hundreds of others of whom I can say the same. Certainly the college degree is important and it is clear that everyone whose abilities and interests permit should attend college. We must see to it that this is possible.

The Higher Education Act amendments which we earlier passed will help to make this possible. What is equally clear is that not everyone needs nor should they have a college degree. There are and will continue to be good jobs available for trained and skilled individuals with less than a college degree. Mr. President, we must see to it that they are educationally and occupationally trained for employment.

For the two out of three young persons who end their education at or before completion from high school, and particularly the disadvantaged, the cooperative vocational education program is aimed. The President's Advisory Commission, which strongly endorsed work-experience programs, observed:

> A significant achievement of the work-education programs is the removal of the artificial barriers which separate work and education. The establishment and continuation of work-education programs require educational staff involvement with industry personnel. Through this interaction the needs and problems of both are made known and greater understanding takes place. In addition to making curriculum revision more rapidly reflective of current occupations, the programs have great value in providing students with the proper attitudes for the work environment.

Despite the obvious advantages of cooperative vocational educational programs, statistics indicate that promise of such programs are reaching a small proportion of those who could benefit from such experiences.

For example, only 2 percent of vocational students in the school year 1965–66 were enrolled in cooperative vocational education programs. In 1963, only 3 percent of school dropouts and 7 percent of high school graduates had supervised work experience during the period they were in school.

Mr. President, I point out that my amendment requires that priority be given to areas of high dropouts and youth unemployment rates for the cooperative vocational education program. For these youngsters the cooperative vocational education program should be particularly beneficial. By wedding the world of work with the school environment, the youngsters will see more clearly the relevance of education and employment. This in itself will be a tremendous help in motivating and encouraging young people to complete high school.

Mr. President, I am confident my amendment which provides for a 3-year program of grants to the States will stimulate the needed development and expansion of cooperative education programs across the country. The amendment, which I indicated earlier, was warmly received in committee and I believe it will prove to be a wise investment for the American people.

SENATOR MURPHY'S COMMENTS OF FEBRUARY 17, 1970

Mr. MURPHY. Mr. President, as initially introduced, S. 2625 would have provided additional assistance to school districts where—

The number of disadvantaged title I children was double the national rate of low-income children; or

The number of title I children was 5,000 or more.

These tests were modified in committee so that to the urban test of 5,000 or more title I youngsters was added the requirement that the number had to constitute at least 5 percent of the total children in the school district.

The rural test—double the national average of title I youngsters—which would have been 31 percent, was changed so as to now require that the number of title I children is at least 20 percent of the total children in the school district. To take care of those cases where local educational agencies miss qualifying under the formula by a relatively small number of children, a total of 3 percent for the first year and 5 percent for the second and succeeding years of all sums made available under this program is set aside. The initial bill provided for 3 percent initially and 4 percent for succeeding years. An amendment by Senator PROUTY raises the 4 percent to 5 percent. Under this relief provision, a local educational agency which narrowly misses qualifying under the above formula may receive a grant under this part if the State educational agency determines in accordance with the standards and criteria established by the Commissioner of Education, that such local educational agency has an urgent need for financial assistance to meet the special educational needs of educationally deprived children.

I have written various requirements into this part C program; namely, that funds under this part will be used solely in preschool programs or elementary schools serving the highest concentration of children from low-income families. The rationale for this requirement was adopted by the committee as noted in the committee's discussion of this requirement:

> The Committee believes that Title I funds be focused on the early years of education. This requirement in Part C was adopted by the Committee on the basis of growing evidence which indicates that the early years of education are of paramount importance in a child's development. Reports based on the experience of classroom teachers and other observers indicate that in general it is extremely difficult to reach the level of achievement at the secondary level if the quality of education at the elementary level has been poor.
>
> Experience under other federal programs, such as the Job Corps, attest to the difficulty and the great expense of remedial education compared to the expense of education to prevent the need for remedial education. The committee believes that a focus on educational deficiencies at the pre-school and elementary years, the preventive approach, is more likely to be effective and less expensive than expenditures for compensatory education at the secondary level.

In addition, local educational agencies are required to use these additional funds in schools within the district having the greatest need. That is, in those schools having the highest concentration of children from low-income families. One of the criticisms voiced frequently regarding title I funds is that the district is spreading such funds too thinly to get maximum results. Commenting on the need for concentration of title I funds, the fourth annual report of the National Advisory Council of the Education of Disadvantaged Children concluded:

> Success with these children (Title I), in sum, requires a concentration of services on a limited number of children.

The Council urged the "adherence to the principles of concentrating funds where the need is the greatest so that a limited number of dollars can have a genuine impact rather than being dissipated in laudable but inconclusive evidence."

Similarily, Mr. President, California's title I evaluation report for 1967–68 says:

> Characteristic of the most successful programs was their concentration of services on a limited number of objectives and a limited number of specifically identified children.

The recent California title I evaluation report for 1968–69 says that the importance of concentrating services comes out louder and clearer from an examination of the individual school districts' reports. I quote:

> The most successful programs are those that concentrated services on a limited number of objectives and a limited number of specifically identified children. These projects focused on a few activities, adequately funded. However, there are still widespread cases of ineffective projects which attempted to carry out too many, often unrelated, activities with insufficient funds and scattered the activities over too many children so that the concentration of services was inadequate to improve student achievement level significantly.

I also believe it is important to point out the important requirements spelled out in section 141(a)(12). This requires school districts desiring to take advantage of the part C add on to—after the first year—develop a comprehensive plan for meeting the specific educational needs of educationally-deprived children. Included within the comprehensive plan must be provisions spelling out the specific objectives of the program, provisions assuring the effective use of all funds under title I, and provisions setting forth the criteria and procedures, including objective measures of educational achievements, that will be used to evaluate at least annually the extent to which the objectives of the plan are met.

Mr. President, these are similar to the requirements that are demanded of all dropout prevention programs in this country. I believe the dropout prevention program is demonstrating to the country that it is possible to have accountability in education. Each of the dropout projects is required to have an intensive in-house evaluation. Each of the dropout projects is subjected to an "educational audit" by an outside organization to make certain that it achieves the objectives that it has established. It is this kind of practical hard-headed, no-nonsense approach that I hope will be employed in the new part C program.

XUM

While the new part C program as reported is not precisely as I would like, I do believe that it is a most significant new program which will bring additional and needed assistance to certain districts in dire need of assistance. While I believe that the formula as originally introduced was probably as good as any formula can be, a compromise was necessary if the Urban and Rural Education Act were to be enacted. I was disappointed particularly with the 15-percent limitation adopted by the committee. When the committee enlarged the number of eligible districts by using the 20-percent rural test rather than double the national average, or 31 percent, as in the original measure, the effect was to expand the program. Thus, the adoption of the 15-percent limitation will probably preclude the funding of the full entitlement of eligible districts. This runs contrary to the trust of the program.

That a crisis exists and that the Urban and Rural Education Act is needed can be seen by the fact that some school districts have been forced to consider closing school or reducing programs.

S. 2625 has been endorsed by educators and education organizations all over the country. Among the groups endorsing it were the National Education Association, the American Federation of Teachers, the National School Board Association, and the Research Council on the Great Cities Program for School Improvement.

In addition, Mr. President, letters urging enactment of the proposal were received from superintendents of schools from all across the country. I am particularly grateful for the strong support given the measure by educators and others from California, including Dr. Max Rafferty, superintendent of public instruction and director of education, Dr. Wilson Riles, director of California's Department of Compensatory Education, Superintendent Jack P. Crowther of Los Angeles, Superintendent Robert E. Jenkins of San Francisco, Acting Superintendent Spencer D. Benbow of Oakland, Assistant Superintendent Bluford F. Minor of San Diego, and Superintendent Ralph W. Hornbeck of Pasadena, and others.

XUM

Also, Mr. President, Secretary of Health, Education, and Welfare Robert Finch and Commissioner of Education Allen both eloquently pointed out the importance of dealing with the educational crisis. Secretary Finch told the Education Subcommittee:

> One of greatest concerns is to find better ways to meet the educational crisis in the cities. School people and board members across the country are frightened by what they are calling the "Youngstown's phenomenon"—the complete shutdown of their schools for lack of funds. Cities like Philadelphia, Chicago, Baltimore, Los Angeles and Detroit, to name a few, are facing severe financial crises. Some, like Baltimore, have made most strenuous efforts to obtain additional resources, and still finding their needs to be far beyond their capabilities.
>
> The core cities contain the highest concentration of the poor and educationally deprived and are experiencing mounting difficulties in finding adequate resources to support their school system. Providing quality education for the disadvantaged children in our cities and in rural areas is apparent not only for the sake of poverty's children but also for the sake of all children of increasingly urbanized America. This problem is among the most important priorities in our search for improved ways to respond to the need of America's schools and school children.

Similar notes of urgency were sounded over and over again in testimony. I believe that a two-pronged attack on the educational deficiencies in both urban and rural America of the new part C program is most desirable. The chamber of commerce in a study, entitled, "Rural Poverty and Regional Progress in Urban Society," also advocated a twin approach. The report said:

> Better education for potential or incoming migrants both at the place of origin—the rural south—and the place of destination—the central city—is necessary to maximize human resources and reduce poverty nationally. An inferior education for impoverished children in rural and urban areas is economically costly to the nation. Education expands life's opportunities. In today's economy, education, jobs and material wellbeing are inextricably related. The better a man's education, the better his pay and the better his standard of living. To maximize productive human resources, this nation must offer full and fair educational opportunities to all its residents.

The Nation is a mobile one. One-half of our population changes and one million youngsters cross State lines yearly. Educational deficiencies in one area, in one State, are not only a handicap for that particular State community, but they also produce problems for other areas. Our cities today offer ample evidence of this truth. I believe it is imperative that additional resources be provided to these urban and rural districts having large numbers or a high concentration of low-income children. The tax bases of all too many of our core cities and rural areas simply do not have the resources to launch the required effort to eliminate or reduce the gross educational inequities between regions and between impoverished urban and rural areas and affluent suburban communities.

Mr. President, I believe that the new part C program is a needed response to the education crisis that exists in school districts having large numbers or high percentages of educationally disadvantaged children, and I believe that the program is essential to the Nation's efforts to provide equal educational opportunities to all citizens. This will not be an easy job, but I am convinced that we can do it.

Mr. President, there has been great discussion in our newspapers and magazines, over our radio and television networks, on the educational crisis that exists. I believe that the Urban and Rural Education Act, which has been incorporated as a new part C to title I, is a needed response to these educational distress signals.

Exhibit 4

Break Language Barrier in Schools

Issue: Will Congress continue to ignore the enormous educational handicaps suffered by students who cannot speak English?

One of the most critical problems in California schools is the language barrier that prevents hundreds of thousands of students from receiving an adequate education.

Most affected are Mexican-American students, half of whom in this state drop out of school by the eighth grade. One million of the 1.6 million Spanish-speaking students in the southwestern states fail to go beyond the seventh grade.

These were some of the depressing statistics that Sen. George Murphy (R-Calif.) used the other day in his plea to the Senate Appropriations Committee for increased federal support for bilingual education programs.

"One cannot expect youngsters who do not speak English to master what for them is a new language—English—while at the same time mastering the subject being taught in that new language," said Murphy, who was a co-author of the 1967 Bilingual Education Act.

The senator could have added that the language barrier also has caused such students to be stigmatized as mentally subnormal, simply because they could not understand the questions on intelligence tests designed for English-speaking pupils. IQ tests finally were banned in primary grades in Los Angeles schools last year because of the language handicap, and a lawsuit attacking the tests was filed this week in San Diego.

Unfortunately, Congress has been less than responsive to this very serious situation. In fiscal 1969, only $7.5 million was appropriated to help those unable to speak or to understand English in school. This fiscal year the amount was increased only to $25 million, which is not even enough for the needs of California.

Sen. Murphy has requested $40 million for the 1970–71 school year to aid those linguistically disadvantaged. The Times considers that even this figure is much too small.

We believe that in any range of school priorities overcoming the language barrier in education is worthy of the maximum possible support.

What is invested in bilingual educational opportunities now will produce immense dividends in the years to come.

Exhibit 5

[From the New York Times, May 24, 1970]

Teaching Machines Helping Poor Students

(By Joseph Lelyveld)

Texarkana, Ark., May 20.—Billie Bouland, a ninth grader at the Liberty-Eylau High School on the Texas side of this border-straddling town, started the school year last September with the skills in reading and arithmetic expected of a third grader.

Now, according to the same test by which she was rated then, she is a seventh grader in math and just a shade away from the ninth grade in reading.

The job of getting her there was performed not by her school but by a private corporation bounded under a contract to turn out its product in a specified time or see its profit melt away to nothing.

A reading of the early results of this first guaranteed "performance contract" in the schools shows measurable progress for about 90 per cent of the 400 Texarkana students who were identified as potential dropouts and enrolled in the program.

The contractor, Dorsett Educational Systems, Inc., of Norman, Okla., stands to make a profit. Moreover, the Office of Economic Opportunity plans to underwrite similar programs for more than 12,000 students in 24 school districts across the country next fall.

SLIDING SCALE OF PROGRESS

If Billie Bouland had required 168 hours of instruction to advance in grade, Dorsett would have earned precisely nothing. The contract established a sliding scale that promised the company $80 for each grade achieved in 80 hours plus bonuses for faster performance. Billie, who had been regarded as a slow student, moved so fast that Dorsett earned more than $900 on her alone, more than it did on any other student.

When the final testing results are known next week, it is thought that the average achievement will be an advance of about a grade and one half in each subject.

This is not a part of the country where change in the schools is welcomed for the sake of change. Indeed, school administrators and teachers here are surprised to be asked whether they still use "the board" to paddle wayward students to good behavior. Of course, they do, they say.

The great educational issue in Texarkana is compliance or noncompliance—that is, with Federal desegregation standards. Only rarely does anyone ask what students should be learning, the assumption being that they should learn what their parents learned—patriotism and the three R's.

MANY STUDENTS FAILING

But Texarkana has suddenly become synonomous with innovation and started attractive observers not only from Federal agencies, education faculties and big city school systems, but also from such small towns as Keokuk, Iowa, and Montevideo, Minn. The reason is the recognition that students everywhere are falling by the wayside in increasing numbers.

In the District of Texarkana on the Arkansas side, 35 per cent of all students are at least one grade behind by the time they reach the ninth grade; 28 percent are at least two grades behind, and 13 per cent are three or more grades behind.

Tests early in the school year showed that more than one-third of the ninth graders in all-black Booker T. Washington Junior High School were on the second-grade level.

Dorsett was hired after the local school boards studied bids from a number of big companies interested in the burgeoning field of educational technology, including R.C.A., McGraw Hill, and MacMillan.

What Dorsett did—to put it more boldly than anyone here ever does—was to establish its own system of competing schools, either in trailers adjacent to the existing ones or in classrooms renovated and even carpeted so they looked as little like classrooms as possible.

SIMPLE TEACHING MACHINES

These were outfitted with teaching machines manufactured by Dorsett, simple consoles that project an instructional film strip on a small screen and play an accompanying phonograph record. (In all, nearly $40,000 from the Office of Education's $250,000 Texarkana grant went to Dorsett for the purchase of the machines, records and films.)

To advance the film strip one frame the student must press the right one of three buttons in response to a question. He is told that it doesn't matter how fast he goes or how many mistakes he makes, so long as he understands. At the end of each film his understanding is tested with a short, simple quiz on which he must score 100 per cent to advance.

Like Dorsett, the student operates on incentive. Each time he completes a film strip he wins S & H green stamps and 10 minutes of free time to spend as he likes—tossing a football outside, listening to rock music records or lolling on a sofa to read a magazine.

When he achieves his first new grade level, he is given a small transistor radio. If he winds up with the best achievement in his trailer, he is rewarded with a portable television set.

Conversations with students made it clear that it was the freedom and the individualized attention provided by the machines that they valued most.

CAN TURN OFF MACHINE

Scott Carpenter, a tousled ninth grader at Jefferson Avenue Junior High who has been in constant trouble because of long hair, was asked why he preferred the machine to a teacher. "It doesn't make you feel inferior," he replied instantly.

Also, he pointed out, "you can turn off a machine that quick"—he snapped his fingers—"but you can't ever turn off a teacher."

Asked what the main feature of an ideal school would be Robin Rourton promptly replied: "No teachers."

In one way and other, all the students testified to their boredom in the classrooms and their sense of involvement in the trailers, which are called rapid learning centers. All said they were reluctant to return to the conventional setting.

Teachers and principals report they see somewhat "improved attitudes" in the students on their return and greater self-confidence in their abilities. One teacher illustrated the change by citing a student whose average made an unspectacular jump from "F" to "D".

The students say they do not use their new skills to better advantage because they still find their classes dull. In essence then, they have been taught to pass standardized reading and arithmetic tests but their alienation from the traditional classroom setting has no been significantly eased.

PERSUADING TEACHERS

According to the local project director, a former Minor League baseball player named Marty Filogamo, the problem is not in the machines, which can be programmed to teach many things, more or less at the drop of a film strip. "Our biggest problem," he says, "is changing the classrooms to make them more like the rapid learning centers."

This raises another problem for which no one yet has an answer—how to get teachers to accept the freedom that is for the students the greatest appeal of Dorsett's system.

"I think our teachers realize that this is what education is going to be," said Eddie G. Miller, principal of Jefferson Avenue Junior High. "But they worry that there may be a little too much freedom."

A cut in anticipated Federal funds has helped forestall this issue. Texarkana had been promised at least $600,000 for the program's second year. Now the Office of Education says it will not be able to do better than $250,000.

Meantime, Model Cities funds from the Department of Housing and Urban Development have been used to get the Dorsett system going here for dropouts in a program called "Operation Second Chance."

According to one antipoverty official, there have been four cases of high school students dropping out deliberately to join that program, which they see as a way of simultaneously gaining needed skills and putting the classrooms behind them.

Dorsett's local representative, C. J. Donnelly, said his company was bidding on the new Office of Economic Opportunity contracts. He said it would welcome a chance to start working in a so-called "hard-core ghetto area."

POSTAL REFORM: THE POSTAL RATES COMMISSION AND PREFERENTIAL RATES

Mr. HATFIELD. Mr. President, as you know, I am eager to support the measure before us which will improve the quality and economic practicality of our U.S. postal service. Many of my constituents have, however, expressed their concern regarding the possible abolishment of preferential postal rates affecting educational institutions and libraries.

These individuals are concerned about the adverse effect this legislation may have upon the cost of books and other educational material if and when the proposed Postal Rates Commission should decide to phase out the preferential rates, as set forth in this bill, now in effect for such nonprofit organizations as schools and libraries.

Under the present special fourth-class book rate, it costs 18 cents to mail a 2-pound book from a publishing house in the East to a school in Oregon. If this special book rate were eliminated, it would cost 90 cents to mail the same book. This represents an increase in cost of mailing of 500 percent. Such a situation would be very hard on the educational and other very worthy nonprofit organizations in Oregon and in all Western States. In this time of inflation, it is imperative that we keep the costs of higher education at a minimum.

The Senate Post Office and Civil Service Committee, in its report, has expressed its hope that the new independent rate setting commission will provide means to eliminate any undue hardships on our colleges and other worthy nonprofit organizations. Such preferential rates as those provided in the past certainly have been in the best public interest. I should like to go on record as supporting this recommendation and I ask unanimous consent that several letters discussing this matter be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OREGON STATE LIBRARY,
Salem, Oreg., June 9, 1970.

Re S. 3842, H.R. 17070, Postage Rates, Library Materials.

Senator MARK O. HATFIELD,
Senate Office Building,
Washington, D.C.

DEAR MARK: Although we are all most eager to support measures which will improve our U.S. Postal services and to make necessary changes in the Post Office Department, proposed changes as they affect the mailing of library materials would be devastating for Oregon. May I urge your support of whatever action may be taken in the Senate to safeguard the preferential rates for educational and library materials.

I have not had the opportunity nor the time to make a statewide study of the impact of such legislation on all of the libraries in Oregon. However, I have determined that the postage change would result in an annual cost increase to the Oregon State Library of a minimum of $20,000. Our present policy is to pay the cost of all outgoing shipments and the individual or agency borrowing the materials would pay return costs. So the total cost would exceed $40,000 per year!

The Oregon State Library is primarily a mail order library serving directly those individuals who do not have access to a local city or county library. We estimate that approximately 400,000 borrowers are eligible to use our direct services. We also supplement resources of the school, academic and public libraries in Oregon.

You will be interested in a bit of history as it relates to this matter of special mailing rates for library materials. Oregon State Library initiated the first mail order library service known to this country . . . sending books by express to all who asked for them, until the parcel post was started. According to early reports by Cornelia Marvin, first State Librarian, "It is interesting to recall that this (parcel) post came about largely through the influence of our Oregon Senator, Jonathan Bourne, and that it later became the library book post through the effort of another Oregon senator, Frederick Steiwer." . . . (from a Message read from Cornelia Marvin Pierce at the Dedication of the Oregon State Library Building April 3, 1939).

I have said nothing about how these proposed changes would affect the price of purchasing library materials, but this is also a most important part of the question.

I shall appreciate your most careful consideration of this matter. I do urge that you lend your efforts to retaining the special mailing rates for books, educational, and library materials. If Oregon lent its leadership and support to establishing such a program, let us lend support to its retention.

Sincerely yours,

ELOISE EBERT,
State Librarian.

PORTLAND, OREG.,
June 11, 1970.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR MR.. HATFIELD: I urge you to support the amendment to the McGee-Fong Postal Reform Bill (S. 3842) that will preserve special Fourth Class Rates for books and educational materials.

As an author, instructor, and member of

XUM

the Authors League of America, and Western Writers of America, I share a significant concern that these special Fourth Class Rates may not be retained.

Modernization of the Post Office Department is a worthy project. But I join others who seriously doubt that escalating the Fourth Class rates will contribute much to the Post Office's other problems when weighed against the undesirable effects it will have upon the educational world, libraries, and countless persons who buy by mail. The inevitable consequence would be a drastic reduction in the number of books distributed and read—a most negative impact upon the nation's educational processes and culture.

Yours very truly,

Don James.

Onalaska, Wash.,
June 3, 1970.

Senator Mark Hatfield,
U.S. Senate.

Dear Senator Hatfield: Very real damage will be done to the educational and cultural needs of this country if action is not taken at this stage to implement the *amendment* to the McGee/Fong Postal Reform Bill: the amendment to ensure that the present special Fourth Class postal rates for books and educational materials are retained.

The Bill gives control of postal rates to a proposed Postal Rate Commission. It does not direct the Commission to continue the special Fourth Class rate for books and educational materials; in fact it provides a procedure for phasing out the rate over a five to ten year period if the Commission does not decide to continue them. The report of the Senate Post Office Committee contains a suggestion that the Commission consider preserving the Fourth Class rates, but this would not be binding on the Commission.

The special Fourth Class book rate (adopted in 1938) is of vital importance to literature, art, education and communication in the United States. It is now 12¢ for the first pound and 6¢ for each succeeding pound for this category of mail. This means a two pound book can be mailed anywhere in the United States for 18¢. If the special book rate were eliminated the same book would cost 90¢ in, for example, Zone 8 (above 1800 miles) . . . five times the present rate.

This country needs all the educated, skilled manpower it can get to meet the production requirements of this country: the quality of our cultural life is of ever-increasing importance.

Modernization of the Post Office Department is clearly needed. Running the Post Office on the lines of a sound business corporation might help: increased rates for 'junk mail' might be a more socially desirable source of revenue than increases in the special book and educational rate.

I understand that the amendment to the Post Office Reform Bill will shortly be introduced on the Senate floor to retain the special Fourth Class rates, the library rates and related reduced rate categories. I urge you, Senator Hatfield, to support vigorously this amendment.

Sincerely,

Wesley E. Baxter.
Angela Baxter.

P.S.—I am a former Oregon voter.

Lane Community College,
Eugene, Oreg., June 4, 1970.

Hon. Mark Hatfield,
U.S. Senate,
Washington, D.C.

Dear Senator Hatfield: I am writing on behalf of the Lane Community College concerning the McGee Fong Postal Reform Bill, S. 3842. We feel that the present postal practice should not be changed from a nationwide book rate to a zoned rate. The dealers from whom we buy our books are located primarily on the east coast and we are in the Eighth Postal Zone.

It would appear to us that under a zoning postal rate, we would be penalized because of the great distance that we are located from the publishers. It would be possible for institutions in the East to supply their students with textbooks and library books at a much lower cost than we could, and it is necessary to keep the costs down so our students can better afford to continue their education.

We are sure that you will represent our interests when the time comes to vote.

Thank you for your time and consideration.

Sincerely,

Keith Harker,
Director, Learning Resource Center.

University of Oregon,
Cooperative Store,
Eugene, Oreg., June 1, 1970.

Senator Mark O. Hatfield,
Senate Office Building,
Washington, D.C.

Dear Senator Hatfield: I strongly object to the provisions of the Postal Reform Bill S. 3842 which would phase out the special fourth class rate for books.

Due to the location of our school on the west coast and the fact that most of the publishing houses are located in the east, this would raise our transportation costs for books from four to five times their present rate.

Obviously, the tremendous increases in mailing costs for books would be borne by the students. College costs are already inflating at an alarming rate without this added burden.

We urge your support in maintaining the present special flat rate on books in the new bill.

Sincerely,

G. L. Henson,
Manager.

CBW II—REPORT OF THE U.N. SECRETARY GENERAL

Mr. PROXMIRE. Mr. President, with all the talk of "mass destruction" from nuclear weapons over the last several years most Americans have ignored a threat equally if not more dangerous—that from chemical and biological weapons. CBW is a Pandora's box to which science is adding more and more horrors every day. If we are stunned at nuclear weapons proliferation, we should be terrified at the potential for a biochemical nightmare.

The potential horrors of CBW have been well documented in recent months. In upcoming days I will be presenting some of this documentation to my colleagues here in the Senate. I will do so in the hope that this Nation will be made to see that Chemical and Biological as well as nuclear weapons must be recognized in the interest of international sanity.

It is impossible to separate CBW from either the arms race or international tension or fear. This is a point which a recent report of the Secretary General of the United Nations to the General Assembly makes extremely well. That report notes:

> Were these weapons ever to be used on a large scale in war no one could predict how enduring the effects would be, and how they would affect the structure of society and the environment in which we live. . . . The momentum of the arms race would clearly decrease if the production of these weapons were effectively and unconditionally banned.

It goes on to state that—

> If production and stockpiling of chemical and bacteriological agents were to end there would be a general lessening of international fear and tension.

Mr. President, as a first step toward lessening international fear and tension, cooling off the arms race and decreasing the danger of mass destruction this Nation should ratify the Geneva Protocol of 1925.

I ask unanimous consent that the Secretary-General's report's general conclusion—part of the U.N. document A/7575—be printed in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

> The general conclusion of the report can thus be summed up in a few lines. Were these weapons ever to be used on a large scale in war, no one could predict how enduring the effects would be, and how they would affect the structure of society and the environment in which we live. This overriding danger would apply as much to the country which initiated the use of these weapons as to the one which had been attacked, regardless of what protective measures it might have taken in parallel with its development of an offensive capability. A particular danger also derives from the fact that any country could develop or acquire, in one way or another, a capability in this type of warfare, despite the fact that this could prove costly. The danger of the proliferation of this class of weapons applies as much to the developing as it does to developed countries.
>
> The momentum of the arms race would clearly decrease if the production of these weapons were effectively and unconditionally banned. Their use, which could cause enormous loss of human life, has already been condemned and prohibited by international agreements, in partclular the Geneva Protocol of 1925, and, more recently, in resolutions of the General Assembly of the United Nations. The prospects for general and complete disarmament under effective international control, and hence for peace throughout the world, would brighten significantly if the development, production and stockpiling of chemical and bacteriological (biological) agents intended for purposes of war were to end and if they were eliminated from all military arsenals.
>
> If this were to happen, there would be a general lessening of international fear and tension. It is the hope of the authors that this report will contribute to public awareness of the profoundly dangerous results if these weapons were ever used, and that an aroused public will demand and receive assurances that Governments are working for the earliest effective elimination of chemical and bacteriological (biological) weapons.

DISTRICT OF COLUMBIA CRIME

Mr. MATHIAS. Mr. President, I would like to remind Congress of our responsibility in facing and dealing with the serious crime problem in the District of Columbia, since Congress has chosen to retain virtually exclusive governmental authority within the District.

To this end, I ask unanimous consent to insert in the Record a listing of crimes committed within the District yesterday as reported by the Washington Post. Whether this list grows longer or shorter depends on this Congress.

There being objection, the article was ordered to be printed in the Record, as follows:

Officers on Gambling Raid Arrest Woman as "Lookout"

A gambling raid at the After Hours Grocery by members of the fourth district vice squad was interrupted Monday by a woman who, police said, was standing outside warning persons that the raid was taking place inside.

Police entered the grocery, at 3445 14th St. N.W., with warrants for the arrest of 11 persons, including the owner, in connection with lottery operations, according to Lt. Robert F. DeMilt, head of the vice squad.

He said the store owner, Jack Edelstein, 78, was arrested on charges of operating a lottery, setting up a gaming table, possession of numbers slips and possession of horse race bets during the raid on Monday.

But the other 10 persons failed at first to enter the store where police were waiting, he added.

The police learned that Lillian Dawson, 37, of 1400 Meridian Pl. NW, was outside the store warning persons about the raid, Lt. DeMilt said. She was arrested on a charge of obstructing justice and taken from the scene.

A short while later, DeMilt said, six of the 10 still sought on warrants appeared at the store and were arrested on charges of operating a lottery.

In other serious crimes reported by area police up to 6 p.m. yesterday:

STOLEN

A gold chalice valued at $2,000 was stolen between 8 a.m. Sunday and 11 a.m. Monday from the chapel at Catholic University, 620 Michigan Ave. NE.

A diamond ring and matching band, a hairdrier and a briefcase containing an assortment of shaving equipment, with a total value of $1,500, were taken when a car belonging to Herman A. Mofrad, of 1315 16th St. NW, was stolen. The car itself was later recovered.

A record player with speakers was stolen from Georgetown Day school, 4530 MacArthur Blvd NW, sometime before midnight Monday.

An undetermined amount of food, a public address system and other items were stolen sometime between 6 p.m. Monday and 6:25 a.m. yesterday when burglars broke into St. Paul's pre-school center at 4901 14th St. NW and ransacked the entire building.

ROBBED

Joseph Kimbel, of Alexandria, was held up about 11:15 a.m. Monday by two young men in the 1100 block of Constitution Avenue NE. One of them drew a gun and the other removed his wallet. The pair then ran east on Constitution Avenue.

Francisca Estrada, of Silver Spring, was treated at Washington Hospital Center for injuries she suffered when she was beaten and robbed about 3 p.m. Monday. Two men attacked her from behind at Mt. Pleasant and Lamont Street NW, striking her in the head and knocking her to the ground. The men then forced her to release her pocketbook containing a large amount of money and fled into an alley in the 1600 block of Lamont Street.

Beatrice S. Suydan, of Washington, was robbed by a youth who drove up to her as she was waiting to cross the street in the 800 block of 9th Street NE. The driver forced her to hand over her pocketbook containing money, keys and credit cards and drove east in the 900 block of I Street NE.

James McCorkle, of Washington, was beaten and robbed about 11:30 p.m. Monday as he was leaving a restaurant in the 800 block of H Street NE. Four men approached McCorkle from behind and knocked him to the ground. After removing his wallet, the men kicked McCorkle in the mouth and fled west on H Street.

Amrit Drasad Baruah, of Washington, was beaten and robbed about 10 a.m. Saturday by two men who approached him in the 200 block of Massachusetts Avenue NE. One yoked him while the other searched his pockets and took his wallet. "Don't scream," the pair warned and fled east in the 200 block of Massachusetts Avenue.

Sterling Diggs, of Washington, the manager of the food trailer on the construction site at 2d and D Streets NW, was held up as he approached the site about 6:55 a.m. Three youths, two armed with guns and one with a knife, demanded, "Move back. What's in the box?" After taking the cash, the youths warned, "Don't try to follow us," and fled from the site.

Charles W. Sykes, of Washington, was beaten and robbed about 11:15 p.m. Monday by three young men who approached him at Wheeler Road and Barnaby Street SE. After insulting Sykes, the men told him, "We are going to beat you and take your money." They hit him on the head and took his bills, change and credit cards, then ran west on Barnaby Street.

Uneida Market, 4400 Georgia Ave. NW, was held up by a man who entered the store about 12:30 p.m. and asked the owner for a pack of cigarettes. The man then drew a gun and pointed it at her, demanding the money from the cash register. She handed the gunman the money and he ran out of the store.

David Almond, of Washington, was knocked unconscious and robbed by three juveniles described as 10-year-olds who attacked him about 1:30 a.m. as he was walking near his home in the 500 block of 5th Street NE. The boys struck Almond over the head until he fell unconscious and then fled with his wallet containing papers and cash. He was found lying on the sidewalk by a 5th Street resident.

Cora Pyles, of 4000 Kansas Ave. NW., was held up about 6:30 p.m. Monday by a young man in the first-floor hallway of her apartment building. The man drew a knife and demanded, "Give me your handbag," and ran out of the building with the purse containing a large amount of cash and money orders.

Jesse Vaughn, of Washington, was treated at Providence Hospital for injuries he suffered when he was beaten and robbed about 10:15 p.m. Monday. Three men approached Vaughn's car when he stopped for a traffic light at 9th Street and Rhode Island Avenue NW. and struck him over the head with a brick. The trio then removed his money and ran.

Mary Lamb, of 400 Seward Sq. SE., was robbed about 10:50 p.m. Monday as she was unlocking her door. A man wielding an unidentified object told Miss Lamb, "This is a stickup. Give me your money." When she refused, the man forced her to release her pocketbook and searched through it, removing the cash.

Willie Toney, of Washington, a waiter, was beaten and robbed about 10:45 p.m. Monday by two youths at 3d Street and Florida Avenue NW. The pair knocked Toney to the ground and took his watch and money, then ran.

Regina Mitchell, of Washington, was held up about 10:05 p.m. Sunday by two youths who approached her at 17th and East Capitol Streets NE. One of the youths pulled a gun and forced her to hand over her pocketbook, containing a large amount of money and personal papers.

Louis Bernstein, of Brooklyn, was treated at Freedman's Hospital for injuries he suffered during a holdup about 12:30 p.m. Monday. Two youths approached him at 13th and N Streets NW. and asked him what time it was. Then the pair began hitting him in the face and body and took his wallet containing money and papers. The youths grabbed his wristwatch and ran east in the 1200 block of N Street NW.

Philip Goodrich, of Rockville, was held up about 3:55 p.m. Monday by three youths who approached him at 3d and F Streets NE. One pointed a knife at Goodrich's abdomen while another youth searched his pockets and removed a large amount of cash. The trio fled with the money, heading east on 4th Street.

Barry S. Horn, of Washington, was beaten and robbed about 7:30 p.m. Friday by two youths who attacked him in the 600 block of E Street NE. One of them grabbed him, clamped his hand over Horn's mouth and threw him to the ground. After taking his money, the pair escaped north on 5th Street.

STABBED

Robert Lee Ripley, of Washington, was treated at D.C. General Hospital for head and eye wounds he suffered during a fight with a man armed with a sharp instrument. Ripley told police the man struck him over the head and under his left eye during the argument in the 3500 block of Clay Street NE.

ASSAULTED

Garrick Frost, of Washington, was treated at D.C. General Hospital after he and a 14-year-old friend were attacked at the Anacostia swimming pool about 6:30 p.m. Monday by a group of men who struck them in the head and body.

James Kundert, of Washington, was treated at George Washington Hospital for injuries he suffered when he was attacked near his home at Columbia and Kalorama Roads NW. A man approached Kundert from behind about 2:50 a.m., struck him in the head and face with a blunt object and fled on foot.

James Miller Oxner, of Washington, was treated at Hadley Hospital for a gunshot wound in the leg. Oxner told police a man approached him in the 4300 block of Halley Terrace SE. in a blue car, got out of his auto and slapped him. He said the man then drew a gun and fired a shot at him.

Francisco P. Campos, 42, of 1339 Ft. Stevens Dr. NW., was indicted by a federal grand jury in U.S. District Court in Washington on a charge of carrying a dangerous weapon, a gun.

Charles L. Carter, 19 and John R. Coleman, 19, both of D.C. Jail, armed robbery, assault with a dangerous weapon and lesser charges in the theft of almost $5,000 from Safeway food stores on April 10 while armed with a sawed-off shotgun and pistol.

Wayne A. Copeland, 20, of D.C. Jail, first-degree burglary while armed, armed robbery, assault with a dangerous weapon and lesser charges in the pistol-point theft of two cameras, liquor, cash during a break-in at the home of Michael C. Nicholas and Robert Myles.

Milton R. Glover, 44, of D.C. Jail, armed robbery, assault with a dangerous weapon, first-degree burglary while armed, unauthorized use of a motor vehicle and lesser charges in the Feb. 11 theft of $343 from Robert Jones Jr. and Frances M. Jones and $79 from Thelma Douglas and a car from Robert Jones.

Robert L. Williams, 19, of 3654 New Hampshire Ave. NW., assault with a dangerous weapon, carrying a dangerous weapon, a pistol, in an April 23 assault on Larry K. Smith, Cleo Graham Jr., Allen S. Gibson and Sylvester L. Brown.

James Vincent Washington, 30, of no known address, sale and purchase of narcotics.

James Collins III, 18, of 3303 2d St. NE., second-degree burglary and petty larceny in a break-in at the home of Mark R. Sandstrom and Samford E. Leff on April 22 in which a pair of cufflinks, two handball gloves and a wallet were stolen.

Leon R. Curtis, 20, of no fixed address, and William T. Weaver, 18, of 304 Seaton Pl. NE., armed robbery, assault with a dangerous weapon and unauthorized use of a motor vehicle in the pistolpoint theft of a watch, money and a car from Therman E. Statom on April 8.

XUM

Bernard J. Ervin, 23, of 1302 T St. NW., embezzlement of mail by a postal service employee.

——

MAN HELD IN POSTAL ROBBERY

A 22-year-old Northwest man was arrested and jailed in lieu of $10,000 bond yesterday in connection with the theft of $1,300 from a post office branch on May 15, police said.

Adrian Jones, of 4226 7th St. NW, was charged with armed robbery and arraigned before U.S. Magistrate John F. Doyle, who continued the case until July 7.

Jones was charged in connection with a holdup at the post office at 4211 9th St. NW, where three armed men looted two safes and a cash drawer and escaped with $1,300 in cash and stamps, according to police.

James L. Parker, 28, of St. Elizabeths Hospital, first-degree burglary, robbery, rape, sodomy, rape while armed, assault with a dangerous weapon and armed robbery in a 13-count indictment concerning three separate attacks. The indictment charges Parker with attacking a woman on June 25, 1969 and robbing her of a golf cart, 11 golf clubs, a wallet and $100. On Aug. 20, 1969, according to the indictment, he broke into the home of another woman, sexually assaulted her and stole her mink stole, a watch and $25. On Oct. 28, he is charged with assaulting a third woman while armed with a sharp instrument and robbing her of 50 . . .

THE COMMUNITY OF GARRETT PARK, MD.

Mr. TYDINGS. Mr. President, in an age when megalopoli are rapidly covering the earth's surface, the small community—the basis of our society—is too often overlooked. The activities of small communities in many instances are not particularly newsworthy; they are not violent; they are not of national import. I would suggest, however, that the stability and sense of civic pride that only small communities can offer is an extremely important cell in our vast societal organism.

Such a community is Garrett Park, Md.

Garrett Park holds town meetings, issues a report to the people of Garrett Park on the state of the town, and a community newspaper entitled "The Garrett Bugle." Do such personal and communal activities take place in our over-crowded and smog-infested urban population centers? Do not these vast metropoli suffer from what is in fact a lack of community?

Garrett Park, Md., like many other small communities across the Nation, is the true democratic unit of our society. I ask unanimous consent that the report to the people, of March 18, from the outgoing mayor, Warren R. Johnston, and the May 18 issue of the Garrett Bugle be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

REPORT TO THE PEOPLE OF GARRETT PARK OF THE STATE OF THE TOWN

Fellow Citizens: It seems appropriate as my second term as Mayor draws to a close that I give you an accounting of the highlights of the past four years of Town Council activity, and my thoughts on the state of the Town as it is today.

It seems further appropriate that this accounting be rendered at the special meeting of the Town Council which is held annually in March to receive nominations for the May elections, a meeting which traditionally takes place following the regular March meeting of the Citizens Association.

Accomplishments, problems, failures (or just procrastinations: things which should take a few weeks or months and instead take a few years, but get done eventually)—these are best reported in terms of goals. Your Mayor and Council have had definite goals in mind, and a rather definite sense of priorities too, as we have gone about considering how to make the best use of your tax dollars and our own time.

As I defined them in a brief talk before the Citizens Association last May, the Council's goals are generally as follows:

1. *Defense*—to protect Garrett Park from damaging inroads and external pressures, and to preserve its character and atmosphere.

2. *Administration and Housekeeping*—to maintain and improve the Town as a physical environment: that is, as a safe, comfortable, convenient, and attractive place to live and raise a family in; and to increase the effectiveness of the Town government.

I. DEFENSE

As I also said last May (and I think you are all aware that it still applies), we've worked hardest at the first of these goals. In this we've had no real choice: if we and our predecessor Councils hadn't done so, there might not be any community worth administering left today. For Garrett Park's era of splendid isolation—a touch of genteel urbanity situated (courtesy of Mr. Garrett's railroad) far out in the country from the city of Washington and surrounded by rolling green pastures—is long since past. Now we are an eccentric touch of rusticity amidst vast conformist acres of brick, steel, and concrete: a hopeful holdout from the menacing megalopolis: and enclave of individualism and of relative freedom from the frenetic, progress-ridden, mass-produmption world beyond our borders. "Vox clamantis in deserto": a voice crying in the wilderness—how apropos the motto which Clyde Hall borrowed from his alma mater, Dartmouth College, for the masthead of the *Bugle!*

But before we fall guilty to the sin of pride and self-congratulation, let us admit that it was probably more luck than virtue that brought most of us here, and be thankful that we had the wit to recognize a good thing when we saw it. And, having lucked into a good thing, that we had the wisdom and the *will* to keep it so.

For it didn't just happen. The threats to Garrett Park's integrity—which is to say, ultimately, our very existence as a Town or any kind of meaningful community—began in the early 1950's, when houses and apartments sprang up all around us and their builders plotted to use our streets as access routes for their hundreds of new families. Time after time we heard the call, "Aux armes, citoyens!" from the *Bugle*, the Citizens Association (then, as now, the loyal opposition, working in concert with the Town Council whenever the community was in danger), and the Council itself. Time after time hundreds of us, as concerned citizens, responded and helped save the day.

Since I took office in May 1966, the Town has been almost continuously confronted with two major problems of defense: the proposed widening of Strathmore Avenue, and the townhouse zoning case. These two problems together have been responsible for 24 of the 59 special meetings the Town Council has been obliged to hold during the four-year period, up to this moment—to say nothing of much time spent on them during the regular monthly Council meetings and at innumerable other meetings, hearings, and consultations with legal and other advisers.

As for Strathmore, I am happy to report success. The County Council has recently voted to drop the proposed widening from the North Bethesda-Garrett Park Master Plan, and the Montgomery County Delegation to the State Legislature has advised the State Roads Commission of its decision—which is binding on the Commission—to have the widening of Strathmore removed from the "Twenty Year Critical Needs" highway plan. These steps are about as final as anything ever gets in the uncertain business of accommodating ever-expanding automobile traffic. The matter will doubtless come up again in a few years, but we did it this time, and one can hope that the growing recognition of the importance of protecting established communities will be then permit its resolution in Garrett Park's favor once and for all.

The townhouse zoning case is a less happy story. Twice we have taken the long route up to the Maryland Court of Appeals, and lost. The second decision was handed down less than two weeks ago: it said, in effect, that the case had been tried and decided once before, and could not be judged on its merits again. Thus we lost on procedural grounds, unable to get the courts to review the basic question.

We have not given up the fight. The town Council has repeatedly and unanimously signified its determination to explore every legal means of preventing the construction of these townhouses. As you know, the issue is not architecture—townhouses can be very attractive—but density. We believe there just isn't room to build townhouses in Garrett Park, planned as it was in the 1880's and '90's without vehicular overcrowding, unacceptable safety hazards, loss of trees, and a generally damaging impact on the character of the community. And because we foresee that one townhouse cluster would be an invitation to predatory builders to try for others, we have felt we should do our utmost to bar any townhouses at all.

There have of course been other problems in the defense category. The still pending attempt to get industrial zoning along the railroad would be serious if it had any real chance of success. (That it does not—in my estimate—is due in part to the vigilance and the energetic opposition of the Garrett Park Citizens Associations as well as the Town Council, in conjunction with the Randolph Hills Citizens Association.) We continue to face the possibility of a renewed threat of high-rise apartments at the corner of Strathmore and Rockville Pike, though Ned Dolan's efforts as a member of the Citizens Advisory Committee which helped the Montgomery County Planning Board and its staff shape the North Bethesda-Garrett Park Master Plan may prove successful in finally holding this corner down to low-density development. Ned has also been keeping a close watch on plans for future development of the open acreage beyond St. Angela's Hall.

II. ADMINISTRATION AND HOUSEKEEPING

My first word on this subject—because it was a principal issue on which candidates for Town office were asked to declare themselves at the April 1966 meeting of the Citizens Association—is that we finally solved the leaf problem. The solution isn't perfect; it took us three years to achieve it; and it is costing a lot of money as well as requiring citizen cooperation in bagging the leaves—but last fall we had, I believe, the most effective leaf pickup service in the County.

Still unsolved despite the best efforts of Loretta Wertheimer and her "Garbage is for Goats" children's campaign—and thus a problem for the next Council—is how to cope with litter and litterers. As a fresh start, I am recommending that the present Council adopt an ordinance providing a schedule of fines for scattering paper and other trash—especially broken glass—with perhaps the alternative of litter cleanup duty in the case of offending children.

The arrangements for our excellent snow removal service were made by the previous

XUM

Mayor and Council. We have extended and, as of last year, improved on garden trash and junk removal service. Garbage removal is a separate and currently more controversial subject; the private-contract service leaves something to be desired. However, a majority of the Council is not convinced that it compares unfavorably with that of other areas or is considered unacceptable by a substantial number of Town residents—or will necessarily be improved by a switching to a municipal contract. On the several occasions during the past four years when the matter has come before the Council, there has been insufficient or inconclusive expression of the wishes of the townspeople generally. It would be helpful, if it comes up again, for the Citizens Association or any group of concerned Garrett Park citizens to circulate a petition throughout the Town beforehand, stating the pros and cons, and bring a wide sampling of sentiment to the Council.

The most important housekeeping responsibility of the Council involves the Town's own real estate: streets, storm drains, sidewalks, rights of way, parks, and of course trees.

Extensive street repaving was done by the previous administration; we had only to do Weymouth. We have added a sidewalk on Clermont from Strathmore to Waverly, and a connecting portion on Kenilworth north of Strathmore.

We have taken care of the more urgent storm drainage problems but there is much left to do. However, engineering estimates placed the cost of modernizing our storm drainage system as a whole at somewhere around $100,000—an amount which would require a bond issue. Since we have felt it more important in the present period to be able to raise a sum of that magnitude for town defense purposes, and could not do both—and since the storm drainage problem is one we can live with awhile longer—we have bequeathed it to some future Council which does not have a heavy defense burden.

Trees: we are well aware that—as former Councilman Jim Murray in his helpful report to the Council last year, and others, have reminded us—the trees which are the glory of Garrett Park are an inheritance from three-quarters of a century ago. They will not last forever, and must be systematically replaced. With the same care and thoroughness which Paul Gonson gave to improving our leaf, brush, and junk pickup service, he has been working on a plan for future planting, for submission before he retires from the Council in May.

Park and recreation areas: the problem of what to do with an unsightly gully was solved by converting it into a small outdoor amphitheater. Al Richter provided architectural guidance, and his plan for building a stone embankment around the dirt stage area should be carried out now that the dirt has settled. (Incidentally, I hope that the Garrett Park Programming Committee headed by Ted Lustig, or the Woman's Civic Group, or both, will make plans to use the amphitheater several times each summer. It has already proven to be a place where it is possible to have even electronic music without disturbing the whole countryside, and it is suitable for all kinds of child or adult entertainment, picnics, and—in conjunction with the adjoining softball areas, also newly developed—outdoor art shows.)

At a cost of less than a thousand dollars for materials, a footbridge was built for us by the National Guard to connect Rokeby Avenue in Garrett Park with its extension in the White Flint area. It was named "Brunson Bridge" after Lance D. Brunson of Garrett Park, who was killed in Vietnam in 1967. A bronze tablet was made and will be installed in a ceremony on some appropriate occasion in the near future.

A major undertaking that we never found time for, even though it was a high-priority item on my list, was the overhauling of the Town Charter and Ordinances, and their publication in a form convenient for use by every citizen. We have amended the Charter to provide for certain powers needed in the defense of the Town, but now we are advised by our attorneys that a thorough charter revision may be desirable from that standpoint.

One thing stands out, under the heading of Town administration, for which the Council as such can take no credit—although Mayor Friedman and his associates must be cited for making the original arrangements. That thing is the performance of Sibyl Griffin, whose title of Town Clerk and Treasurer only faintly suggests all that she does to make local government work in Garrett Park. Few people realize how many times over Sibyl earns the modest salary she receives from the Town.

I haven't mentioned taxes, upon which the exercise of self-government in Garrett Park depends. About two-thirds of the Town's revenues comes from outside sources (mostly as the Town share of State income, motor vehicle, and gasoline taxes). The other third comes from you. The current rate of 25 cents per $100 of assessed valuation on your property is, I believe, lower than that of any other municipality in Montgomery County—some are more than twice as high. We have been able to set our taxes at the same low rate more or less automatically in recent years, despite the inflationary trend, but each year at budget time have recognized that sooner or later we would probably have to increase it to provide needed services. This year, in particular, the cost of services—especially legal counsel, snow removal, and leaf and brush pickup—has been exceptionally high—in fact, about $12,000 higher than last year's expense for these items. The new Council will have to take a good, hard look before it sets next year's tax rate.

The cost of operating the Town Hall is of course also a factor. It amounts to about $4,000 a year (including mortgage payments), or roughly a tenth of the total budget. It should be noted, though, that we have had a surplus of more than twice that amount in most recent years.

Each year the financial report we receive from our auditor is made public. By way of example, you will find a copy of last year's report on the bulletin board in the new Town Office, behind the main meeting room in the Town Hall.

Payne Elected Mayor: Fitzpatrick, Prinz, Hull Win Council Seats

Approximately 75% of registered Town voters turned out May 4 to elect George Payne as mayor. George Fitzpatrick and Bill Prinz were elected to the 2-year terms on the Council, and Dayton Hull was elected to fill the one-year vacancy caused by Gerry Kurtz' resignation.

A first brief meeting of the newly constituted Council was held immediately after the election count at the Town Hall, and Councilmen Fitzpatrick and Hull were sworn in; Councilman Prinz was sworn in at the first regular meeting May 11 as he was unable to be at the Town Hall on election night. Mayor Payne, who was in England on election day was sworn in by the Clerk of Circuit Court in Rockville on May 11 shortly after his arrival from England the same morning.

On May 11 the Council endorsed a series of proposals presented by Ned Dolan for candidates for the next General Assembly. The remainder of the meeting was devoted to discussion of the townhouse issue. The rejection of the Council's request for reconsideration of the adverse decision on the Council's suit by the Maryland Court of Appeals has turned the Council's attention to the possibility of acquiring the property by condemnation and purchase. County matching funds are available for acquiring open space; in addition the Council is waiting for a final draft of a resolution as a first step in applying for HUD matching fund grant for open space. Methods of financing the Town's share was discussed—any of which would likely result in a Town tax hike.

An informal meeting will be held tonight to make Council assignments.

TOWNHOUSE ISSUE IS FIVE YEARS OLD: WHAT IT'S ALL ABOUT; WHERE WE STAND NOW

It was May of 1965 that the application was filed to re-zone a 2½-acre tract fronting on Clermond Avenue from R–90 (single family dwellings) to the Townhouse classification. Ever since, the Town Council has been engaged in efforts to prevent townhouses in Garrett Park. For the benefit of newcomers and to refresh the memory of those who may be wearying of hearing the fragmentary reports of the downhill progress of the case, a brief review is in order.

Despite heavy protest by the Town Council and citizenry the County Council granted the new zoning that fall. In the name of adjoining property owners, the Town supported an appeal of this zoning to the Circuit Court. This suit was dismissed, and an appeal to the Court of Appeals failed in December 1967.

Immediately the Town as municipality filed a re-zoning application, seeking R–90 zoning. By retaining a planning consultant the Town attempted to show that enough homes could be placed on the land to make profitable use of the land, previous testimony to the contrary being in error. However, in the lengthy process through the Hearing Examiner, County Council, Circuit Court and finally Court of Appeals, the Town's case did not prevail, primarily because it was held the Town had had its day in court in the previous case. The final blow fell last month, and at this point the Town has no further options in court.

The total cost of the litigation and related costs now stands at $19,112.63. At several points the Council has renewed its resolve to fight the encroachment of townhouses "to the last ditch." Opposition is based mainly on two factors: 1) this type of development violates the traditional charter of the community and public facilities are not sufficient for the resulting increase of population and cars, and 2) the threat of the precedent this might set. (The potential profit from re-zoning is considerable: the tract was purchased for $10,000 in 1964; the latest asking price was around $155,000. One other application for townhouse zoning was filed in 1965 but withdrawn presumably to await results of the litigated case.)

The owner mentioned 31 townhouses at one time; however, it is generally believed that he would not be able to get this many units on the property because of drainage problems and county and town building requirements. Exactly how many will not be known until a site plan is filed.

But there are alternatives, and the Town Council needs a reading of community sentiment. Hence the Citizens' Association consideration of the issue Wednesday night. Opinions fall into two categories:

1. For over two years an ad hoc committee has been studying the possibility of seeking support of a private citizens' lawsuit. This would be filed by adjoining property owners, based on their right to depend on the early plat designation of the area for park use. Some legal research has been completed. A report will be made and opinion sought.

XUM

2. The Town Council is considering condemnation and purchase, with financing by matching fund grants and possibly bond issue or mortgage. Councilman Bob Smyers will report on this aspect. Again, your opinion will be needed.

AN APPRECIATION

Serving as Mayor or Councilman in a tiny community like ours must seem like a thankless job at times. Some of our problems never seem to go away, and in a community of outspoken individuals the officials aren't allowed to forget them: garbage, storm drains, trees, townhouses, sidewalks, to name a few.

However, a constant Council watcher must point out that our Mayor and Council deal with these and other issues with painstaking consideration and patience, often devoting many extra hours to their Town homework. Retiring Mayor Warren Johnston gave much attention to the Town's status under the proposed State Constitution in the early part of his administration and has had to cope with the Townhouse threat and widening of Strathmore throughout (the latter with a happier outcome than the former).

Special mention should be made of Councilman Kurtz' shepherding of the Town Hall which has become a popular meeting place and has generated new community activity and spirit. Councilman Gonson has devoted much time to the on-going problem of preserving and/or replacing Garrett Park's trees and even came up with an answer to that thorniest of problems—the leaf pickup.

Thanks to their efforts among the ranks of the working advocates of the Town, we continue to live in a community of unsurpassed charm and spirit.

VOTERS' GUIDE FOR GARRETT PARK TOWN ELECTIONS MAY 4

XUM

(The following statements were prepared by candidates at the request of the *Bugle*).

For mayor

Gerry Kurtz—Since the March Citizens' Association meeting when my name was placed in nomination for the office of Mayor, I've been thinking about many things. Mayor Johnston's eloquent State of the Town message started me reflecting on the town I visited 17 years ago, the town I've been privileged to have served for three years as a Councilman. I've been thinking about trees that are beautiful and must be perpetuated, their leaves which must be removed from the streets each autumn. I've been thinking about charming houses and the specter of the intrusion of Town Houses. And the people that live in these 350 or so houses: Old people, young people, and those in between; old timers, newcomers, and new neighbors sure to come; good people, concerned people, all bound together and sometimes at odds with each other over issues which are plaguing the nation and in microcosm threatening Garrett Park:

Our young people drifting away, uninvolved, threatened by the drug problem. The youngsters are our future. We need to listen to them. We need to work with them. We need them as much as they need us.

Our roads need to be maintained. Strathmore Avenue cannot be widened. Our victory must be preserved.

Garbage collection—our service must and can be improved.

Town government—sometimes plodding, often progressive, always concerned. It must be broadened with more citizen involvement.

Our Post Office *must* be preserved.

Garrett Park—so much has been accomplished in our more than 70 years of life and so much more must be done. Fully realizing that there are no simple solutions to our complex problems, I am confident that there are solutions. Solving the problems can be fun as well as productive. The spirit of the town, citizen involvement in fighting the battles or enjoying each other's company in projects and social affairs is what we're all about. I'm honored to have been nominated to an office that is charged with the responsibility of keeping all that we have that is good—and at the same time planning and preparing for a future that comes at us faster than we anticipate. I would like to serve as your Mayor. I can only promise to try to be a good one. With your help, I can succeed.

George Payne—When I ran for the Council two years ago, I described myself as an extremist, an isolationalist and intolerant. Where the welfare of Garrett Park is concerned, I still am. As I said then: My fondness for Garrett Park tends to be extreme, and so does my jealousy on its behalf; I am an isolationist because I like Garrett Park the way it is, I don't want to see it absorbed by the urban conglomerate lapping its edges; and I am intolerant of efforts to change the character of Garrett Park or to whittle away its rights, prerogatives and privileges.

Recent news items remind me that I am also a 'strict constructionist': I've had a hand in building the Community Center and the Swimming Pool; the construction of Cambria Ave., Shelley Court, and (during my present term) the Rokeby bridge and Kenilworth sidewalk; and, for the past few weeks, I've been straw-bossing the reconstruction of the pool bath-house.

On the other hand, I'm opposed to the construction of town houses and four-lane highways in Garrett Park—and anything else that threatens the character of our Town. I'm in favor of efficient garbage collection—and better community services of all kinds—but I want to be sure that any change in the present system will result in better service and not just a different set of problems. I'm glad that G.P. led the way in Maryland in lowering the voting age to 18 but regret that the date of Town elections makes this an empty gesture for those away at school. I believe that we should make provision for absentee ballots as part of the Charter revision.

We moved to G.P. in 1941 and for 3 years I maintained a cozy non-involvement in Town affairs. Then I became secretary of the Citizens' Association and have been almost constantly involved ever since. I know that I shall aways be emotionally involved in G.P. and I hope that I shall continue to have the opportunity to be actively involved, too. That is why I am running for mayor and ask for your support.

FOR 2-YEAR COUNCIL TERM

(Two vacancies)

Calvin B. Baldwin, Jr.—Background: Born 1925 in Radford, Va., wife: Betty; children: Susan, Sally, and Ann; resident of Montgomery County since 1933 and Garrett Park since 1963; education: BCC High School; A.B., University of North Carolina; M.P.A., Harvard; worked at National Institutes of Health since 1953; present position: Executive Officer, National Institute of Child Health and Human Development.

Statement on issues: The attractive character of the town can and must be preserved by the continued and intense efforts of the citizens and the Town Council. Specifically, I believe:

(1) every effort must be made to prevent construction of "townhouses";

(2) we must continue our efforts to (a) stop construction of high-rise apartments at corner of Strathmore and Rockville Pike, (b) oppose industrial zoning by Perlmutter along the railroad, and (c) see that Strathmore is not widened (but let's repave it!);

(3) better systems of garbage and trash collection can be found. College Park, Md., has a collection system that is both more efficient than ours and adds to the dignity of those doing the job.

(4) safer means of getting our children to and from the Kensington Park Library should be found.

(5) continuing effort must be made to care for and replace our trees and to solve storm drainage problems. I agree with Mayor Johnston that if we must choose between making a major expenditure for drainage or against townhouses, the townhouse issue is more important;

(6) that the Town Charter must be modified to suit the needs of the Town; and

(7) the Town Council can strengthen the sense of community and citizen participation thru active use of the Town Hall, continued support of the Citizens' Association, other citizen groups and individuals, the *Bugle*, and, finally, encouraging completion of the Garrett Park History.

It will probably cost more money, as well as effort, to achieve some of these goals. I am prepared to make a modest financial sacrifice to achieve them.

George Fitzpatrick—the Fitzpatricks are five—Mollie and me, our son Chip, and our daughters Megan and Maria. We have lived (those of us old enough) in the Washington area since 1948 and in Garrett Park since 1956.

I have a degree in Political Science, served in the Navy during World War II, and am employed by one of the "think tanks" attempting to solve problems faced by our military forces. Philosophically and politically, I am a liberal of the "old" (pre-confrontation) school.

I have served as an officer of the Garrett Park Citizens' Association, as treasurer and member of the board of directors of the Garrett Park Swimming Pool Association, and for a little over two years as a Town Councilman—from which post I resigned in the Spring of 1966 when my job took me overseas.

Should I be elected, my principal concern would be to preserve what is physical about Garrett Park by continuing our opposition to those who seek indiscriminately to exploit our town and surrounding area. Secondly, as a parent, I am much aware that, without a drug store, a snack bar, or the like, there is no comfortable place in Town for our teenagers to congregate. I would be receptive to suggestions for the solution to this problem. And, last, I would devote my efforts, as before, to the orderly and efficient conduct of the Town's business—zoning, finances—preserving and improving our assets and facilities—trees, roads, lights, drains—and (difficult to word) enriching the way of life that living in Garrett Park makes possible.

William C. Prinz—Geologist, Interior Department; in Garrett Park since 1962; major civic activities—treasurer of Garrett Park PTA, vice-president and president of Kensington Junior High PTA, trustee of Garrett Park Elementary School, Citizens' Association delegate to Montgomery County Civic Federation.

The most important problems facing us are: 1) preservation of the integrity of the town, and 2) providing for adequate housekeeping.

Integrity: The unique character of Garrett park as an oasis in a desert of suburbia must be preserved by continuing the campaign against high-density developments, not only in the courts but also through ordinances such as those now being considered by the council setting minimum street widths and requiring off-street parking facilities.

Housekeeping: To insure that Garrett Park continues to be an attractive and pleasant place to live, I propose that we seek professional help, for example by hiring on a part-time basis an advanced graduate student majoring in city management to arrange for and supervise many of our "nuts and bolts" maintenance activities. Such a person would also facilitate the greater use of our local teenage work force in a variety of odd jobs around the town. On the garbage issue, I am a member of the "silent majority"—"silent" in that I have not telephoned a member of the Town Council (but I have bombarded the Montgomery County Refuse with complaints), and "majority" in that I believe a problem exists. In the long run, it is going to take some major changes to solve, but in the interim, I recommend further exploration of a municipal contract.

FOR 1-YEAR COUNCIL TERM (ONE VACANCY)

Dayton Wood Hull—My major qualification for service on the Town Council is probably that I recently retired. It helps to have time to pursue solutions to the Town's problems!

My most recent position was as Director of the Information and Reports Staff for the Department of State's Bureau of Educational and Cultural Affairs; prior to that I was Chief of State's Compensation Division.

In civic affairs I have served as president of Greenbelt Consumer Services, one of the nation's largest consumer co-operatives. In Garrett Park, I have been a member of the town's Program Committee and helped arrange the movie showings in the Town Hall this past winter.

My particular specialty is public administration, in which I have a PhD. Whether this training will be of any use to the Town, we'll have to wait and see.

My wife, the former Bettie McGlauflin, and I moved to Garrett Park in 1965. We want to help keep the town a lively and interesting place but insulated from urban development.

Mickee Lyn Myers—This summer I will be marrying a fellow Garrett Parkite, Frederic Ward Adrian. My interest in Garrett Park dates further back to when I was on the Youth Council for Development of Recreational Facilities, and I am involved in several town Social Action groups.

If elected, I intend to work to involve more Garrett Park citizens in Town Affairs. The Town Council should provide the leadership in encouraging Garrett Park groups to communicate their activities to the Town and for the Town Council to report all business to the citizens. Young people should be invited and encouraged to share ideas and leadership to our town affairs.

I've started some of this by passing out a "get out the vote" sheet and a Position Paper to every household in Garreet Park. The Town Council has an obligation to inform itself and the Town about social issues that affect everyone but may not be a Town problem and to take stands on such as a group. I will present these ideas and the ones mentioned in my Position Paper at the combined Town Council and Citizens' Association meeting Wednesday evening.

MISS THE BOAT FOR ELECTION?

If you forgot to register for the Town elections, Clerk Sybil Griffin suggests you visit the polls May 4 anyway—and register for the *next* election. Of course, it is possible to register at any time, but she suggests that the incentive of election activity might serve as a good reminder. Between 40 and 50 new people registered before this election, only a few in the 18-21-year-old category.

WALTER T. MARABLE, JR.

Reside at 10930 Clermont Ave. Born Jacksonville, Fla., Nov. 28, 1929; married, four children (Mary Lee, Wendy, Julie and Walter III). Resident of Garrett Park since August 1965. Was educated in the public schools of Wilmington, N.C. Attended the University of Louisville, Ky., 1947–48. Served with the Navy 1948–52. Attended and graduated from the University of Southern California with a M.S.E.E. in 1958. Employed by the Hughes Aircraft Co. for past 11 years. Presently Assistant to the Manager, Navy Liaison, in the Washintgon District Office. Member of the Eta Kappa Nu Society, the American Society of Naval Engineers, U.S. Naval Institute and U.S. Naval Reserve. Residence prior to Garrett Park was in Anaheim, California, for nine years (home of Disneyland). Was attracted to Garrett Park because of its complete departure from the "tract" environment. After arriving in Washington in May of 1965, I looked at one house which I promptly purchased (without my wife seeing it) and have turned it into a perpetual do-it-yourself project.

MARY AILEEN NEWMAN

My present appointment to the Town Council to fill the vacancy left by a resignation last year came about because some local citizens had drafted me on the theory that there ought to be a woman on the Town Council. Previously I had been a member of the Town's Zoning and Planning Commission and before that Secretary of the Garrett Park Citizens' Association.

Other civic activities have included PTA legislation and budget, grass-roots politics, League of Women Voters and a stint as the only woman board member of Greenbelt Consumer Services, Inc.

The Newman family moved to the house they built in Garrett Park in 1960 in order to enjoy the kind of community they knew it was and is. Because we live at the end of Clermont Avenue, legally closed some time ago, we benefit daily from previous town efforts to keep Garrett Park from being a "thruway;" as Councilwoman I hope to continue this effort.

ROBERT R. SMYERS

Born in Sykesville, Pa.; was graduated from University of Pennsylvania in 1941 (B.S. in Economics) and from Harvard Law School in 1948 (LLB). From 1941 to 1945, served in the Air Force in the African, European and Pacific Theaters. Separated with rank of Major and presently hold rank of Lt. Col. in Air Force Reserve.

Have resided in Garrett Park for 5 years (4501 Clermont Place) and lived in G.P. Estates for 10 years previously. Served as Vice President and President of the Citizens Association, 1963–64 (and temporary *Bugle* editor). Have been a member of the Town Council since appointment in July 1966. Married, four children. Occupation: Lawyer, Counsel to Joint Committee on Taxation, U.S. Congress.

SMOKING ON AIRCRAFT—IV

Mr. HATFIELD. Mr. President, after introducing S. 3255, I have received a great deal of complimentary mail from around the country. As my colleagues recall, this bill would have the Secretary of Transportation set aside separate sections on passenger aircraft for smokers and nonsmokers.

In addition to the many individuals who have contacted me, and other Senators as well, various groups have endorsed this proposal. I ask unanimous consent to have printed in the RECORD a letter from Dr. Saul Malkiel, president of the American Academy of Allergy. At their annual convention, they endorsed my bill, I certainly appreciate it.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE AMERICAN ACADEMY OF ALLERGY,
Milwaukee, Wis., May 5, 1970.

Senator MARK HATFIELD,
U.S. Senate Building,
Washington, D.C.

DEAR HONORABLE SENATOR: You will be interested in knowing that at the 26th Annual Meeting of The American Academy of Allergy which recently met in New Orleans it was voted by the membership that the Academy go on record as supporting legislation which requires the FAA to establish separate smoking sections on all commercial aircraft. I trust that this approbation by the Academy will be of some service in support of your Bill S3255.

By this motion it can be seen that the allergist is acutely aware of the problems which may arise should individuals with certain diseases come in close contact with smoke from tobacco. It seems to us that it is the right of every citizen to breathe clean air, should he so desire.

If you feel that there is some way in which the Academy can be of service to you, please do not hesitate to call on us.

Sincerely yours,
SAUL MALKIEL, M.D.

LAW ENFORCEMENT ASSISTANCE PROGRAM IS GROWING AND IMPROVING

Mr. HRUSKA. Mr. President, the control of crime and the improvement of the criminal justice system are of enormous significance to the well-being of the United States and its citizens. Every thoughtful American should become well versed in the issues concerning crime and current efforts to reduce crime, particularly those being carried out under the new program of the Law Enforcement Assistance Administration—LEAA.

One of the most interesting reviews of the LEAA program, which gives financial and technical assistance to State and local governments, is contained in a new report by the National Governors' Conference. It not only contains pertinent data, but a number of important evaluations—as seen by the Governors themselves—on the effectiveness of the program. In addition, the report is issued to coincide with the second anniversary of the signing of the act which created LEAA on June 19, 1968.

The report, entitled "The States and the Omnibus Crime Control Program 2 Years After the Signing of the Act," contains this early comment:

> The National Governors' Conference concludes that the program is growing and improving and that prospects are good for continued improvement in the criminal justice system.

It is important to realize that crime did not develop into a nationwide problem overnight. The problems of crime will not be solved overnight. But as the National Governors' Conference and many others have observed, substantial progress already has been made under the LEAA program. And prospects for the future look very good. The Nixon administration has given high priority to the anticrime program, and has requested that the LEAA budget for fiscal year 1971 be nearly doubled, to $480 million.

Of course, money alone will not do the job. We need new and greater levels of commitment from State and local officials, who have the prime responsibilities for reducing crime and improving criminal justice. The National Governors' Conference report indicates that these new levels of commitment and cooperation are indeed being developed. It quotes, for instance, the director of the Arizona

XUM

State Criminal Justice Planning Agency as saying that his State's progress is directly attributed to the new cooperation among government officials at the State, local, and Federal levels. It also quotes the regional association of government in the Portland, Oreg., metropolitan area as saying the LEAA block-grant concept has "reduced 'grantsmanship' and is strengthening planning at the local-State level."

The National Governors' Conference report says that a very fair share of block action funds have been subgranted by the States to the Nation's large cities and counties in the first year of the LEAA program, fiscal 1969. It is important to note that the first-year budget was only $63 million—not enough to meet the needs of anyone, no matter how it was distributed. With a budget more than four times larger in the current fiscal year, well over $200 million in action grant funds is going into the criminal justice system. States are required by the act to give at least 40 percent of planning funds to units of local government, and at least 75 percent of block action funds to local government. The report notes that even though some funds remain to be subgranted, 16 States have already reallocated more than the 75 percent to cities and counties.

Mr. President, the Criminal Laws and Procedures Subcommittee started hearings on S. 3541 today. S. 3541 is a bill I introduced at the request of the Attorney General and is in the nature of an amendment to the Law Enforcement Assistance Act. This proposal is designed to perfect the block-grant concept. In contemplation of these hearings, I ask unanimous consent that the National Governors' Conference report be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

The States and the Omnibus Crime Control Program 2 Years After the Signing of the Act

I. OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968—ITS PURPOSES

June 19, 1970 marks the second anniversary of the signing of the Omnibus Crime Control and Safe Streets Act of 1968. Seldom has a program of such short duration been the object of such controversy and scrutiny. There are at least two reasons for this interest in the program. The first is the great public concern about crime and the other is the block grant approach of the program. Under the block grant approach, 85 percent of federal funds are awarded to the states which allocate money to local governments. States are required to pass-through 40 percent of the planning funds and 75 percent of the action funds to local government. Under federal guidelines each state must prepare a comprehensive criminal justice plan covering both state and local programs.

This brief report is designed to show what has happened in the two years since the act was signed. We will seek to document what the states and localities have done and plan to do with help of the federal block grant funds. On the basis of these findings the National Governors' Conference concludes that the program is growing and improving and that prospects are good for continued improvement in the criminal justice system.

To determine whether the program has been successful, it is necessary to examine the intent of the Act and the procedures for achieving tnese goals. Congress described the act's purposes as follows:

"To prevent crime and to insure the greater safety of the people, law enforcement efforts must be better coordinated, intensified, and made more effective at all levels of government. It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement, at every level by national assistance."

Congress established the Law Enforcement Assistance Administration in the Department of Justice to administer the federal program, award the block grant funds, and provide the first major intergovernmental attack on crime. With federal funding, states, counties and cities joined together to modernize the entire criminal justice system—police, courts, and corrections, prosecution, defense, probation, control of narcotics, and juvenile delinquency, etc.

II. WHY BLOCK GRANTS TO THE STATES

The Omnibus Crime Control Act was designed to improve the entire criminal justice system at all levels of government. For this reason the Congress decided to provide block grants to the states to coordinate this *comprehensive law enforcement effort.*

The National Council on Crime and Delinquency (NCCD) noted in October 1967—

"Few believe that effective police action and vigorous prosecution alone deter crime. Equally important in crime control is improving the institutions which are responsible for preventing convicted criminals from committing crimes again. This fact—that law enforcement and criminal justice agencies do not exist in isolation, but are part of a system—is the central theme of the multi-column report of the President's Commission on Law Enforcement and Administration of Justice."

The NCCD said that when law enforcement is seen as a total system, the importance of state government is made clear. Even before the Omnibus Act was passed states ran prison and parole systems, controlled bail and justice-of-the-peace systems, and had systems of prosecution. More than half had a public defender system. All states operated or subsidized adult courts and probation systems and in 47 states the Attorney General is the chief law enforcement official with broad authority. All states operated central statewide crime laboratories and investigation units.

III. HOW HAS THE PROGRAM WORKED

States have broad authority and responsibility and are best able to coordinate the various parts of the criminal justice system. State, local, and federal officials believe that the block grant approach has been working well in bringing together the parts of the system. The director of Arizona state law enforcement planning agency has written—

"We believe the success of Arizona's program is directly attributable to the fact that we have managed to create a meaningful dialogue among various levels of federal, state and local government as they interact in the planning and action programs developed under the Omnibus Crime Control Act. The creation of this dialogue has been a major accomplishment in this area in view of the traditional barriers between such governments and between various disciplines involved in law enforcement. These barriers created by ignorance, fear and mistrust, tend to break down quickly as men of good will demonstrate their willingness to work together towards the common objective envisioned by the Omnibus Crime Control Act. We know of no other federal program which creates this framework for such a high degree of both inter and intra-governmental dynamics at all levels."

The Columbia Region Association of Governments (Portland Metropolitan Area) of Oregon passed a resolution supporting the block grant and noting that the program has reduced "grantsmanship" and is strengthening planning at the local-state level.

The major administrative goals of the block grant include: 1. Comprehensive planning and program development; 2. uncomplicated intergovernmental relationships; 3. elimination of federal domination of grant-in-aid programs; 4. state government authority to establish program priorities and allocate federal funds according to community needs and priorities.

During the two years since the beginning of the program significant progress toward these goals has been made. The Maricopa Council of Governments (Phoenix Metropolitan Area) has said that "from its inception, helpful and cooperative working relationships have existed between state, regional and local officials. We at the local level have had a very real input into the content of the State plan and workable approaches have been developed to the problem of allocation of funds on the basis of need."

Not only are the state law enforcement planning agencies providing leadership and assisting local governments to improve their law enforcement agencies, but, for the first time local elected officials, local law enforcement officials and private citizens are guiding and influencing the states' program as members of the state law enforcement advisory boards. Of a total of approximately 1,061 members of state planning agency supervisory boards, in all fifty states, 489 are from local governments, 394 from state government and 170 are private citizens. (See Appendix B, Chart 3, for a breakdown by State.) This is an entirely new kind of local participation in state programs.

In 45 states regions have been established for local law enforcement planning. The growth of crime has not been limited to city or county boundaries. This demands a regional approach to crime fighting. The 212 metropolitan areas of the country have 4,457 police departments and their effectiveness suffers from overlap, inadequate communication and insufficient cooperation. These problems are being solved in many places and are at least being discussed in most areas as a result of this new program. Without these state and regional bodies this type of communication would not have occurred. Area-wide, regional law enforcement cooperation cannot be overlooked as an important contribution in the fight against crime.

IV. HAVE THE BIG CITIES GOTTEN THEIR SHARE?

A recent survey of the Advisory Commission on Intergovernmental Relations showed that 75.3 percent of Fiscal Year 1969 action funds have been awarded by states to cities and counties over 50,000 population. These 411 cities have less than 40% of the Nation's population and 62% of the crime. The attached Charts I and II, Appendix B show allocations of 1969 block grants by the states as of March 31, 1970. States have until June 1970 to allocate 40 percent of the planning funds. Eight states received waivers from LEAA for the State to do all or most of the planning or spend more than the 60 percent because of local governments' inability to plan or spend all of their allocated planning funds during the first year of the program. As of March 1970, 20 states have passed through to their local governments more than the required 40 percent. The states have until June 1971 to allocate 75 percent of the 1969 action funds to local governments. As of this March, 16 states had already allocated more than the required 75 percent of action funds to local governments.

XUM

Delays in getting money to high crime areas have been caused by federal administrative and fiscal inaction. Although the Omnibus Crime Control Act was signed in mid-June 1968, the first federal administrators were not appointed until late October 1968. States did not receive Fiscal Year 1969 planning funds until January 1969 And 1969 action funds were not awarded until June, 1969, the end of the fiscal year. States did not receive 1970 planning funds until January, 1970, nor action funds until June, 1970. (See Appendix A for a Chronology of the program.)

One of the problems faced by states in allocating funds to big cities, has been the failure of some cities to apply for funds. Attorney General Mitchell described some of these problems in his testimony on March 12, before the House Judiciary Committee:

"Other cities have simply failed to display initiative in applying for grants. San Francisco and Oakland applied for one State grant of about $20,0000 each and these grants were awarded. But Los Angeles has so far received $564,000. Cleveland made only one request for $58,000 and it was granted. In other instances, cities such as Chicago were simply not prepared because of organizational problems to draw up sufficient plans for fund applications."

Cities are getting themselves organized for this program and it is expected that in the future more applications will be made by big cities.

The following are examples of percentages of block grant action funds states have granted to their big cities and urban areas:

Arizona—63.8% of funds to Tucson, Phoenix, Flagstaff, Yuma and surrounding counties.

Minnesota—82% of funds to Minneapolis, St. Paul, and surrounding counties.

Missouri—85.7% of funds to St. Louis, Kansas City and Springfield.

New Jersey—53% of funds to Newark, Trenton, Jersey City, Camden, Elizabeth, all of which have 31% of the state's total crime.

New York—70% of all funds to five metropolitan areas including New York City which received more than 50% of all grants.

Oregon—48% to Portland and its metropolitan area.

Pennsylvania—42% of funds to Philadelphia and Pittsburgh in 1969; 58% of 1970 funds.

Tennessee—42.6% of funds to Chattanooga-Hamilton County, Knoxville-Knox County, Nashville-Davidson County, Memphis-Shelby County.

The Advisory Commission of Intergovernmental Relations study of the Omnibus Crime Control program found that 32 states used the state portion of their block grant for programs of direct benefit to local governments. In 18 states over 45 percent of the state share was used for these purposes.

States also giving their own financial assistance to local governments included:

Delaware—$1,000,000 was appropriated by the General Assembly for state assistance to local law enforcement agencies. Wilmington received $542,808 and surrounding New Castle County $141,845.

Illinois—State appropriated $3,232,800 for Fiscal 1970 to provide local matching funds. Action now started in October 1969 provides for $1 million for police community relations, police management surveys and criminal justice training. Within four weeks of applying the state provides localities with 100 percent of funds up to $10,000.

New Jersey—State provided urban grant recipients with the 10 percent local matching share.

Virginia—In Fiscal 1971 State will contribute $804,120 for local matching and $865,000 in Fiscal 1972.

The program is now reaching the point where officials from various parts of the state and local criminal justice system—policemen, judges, prosecutors, parole officers, elected officials—are beginning to understand each others' problems and can see the need for change. This spirit of cooperation for mutual improvement is the essence of what the 1967 President's Crime Commission called for.

Many of the state and local programs receiving federal funds show recognition of the need for new and innovative techniques.

Alabama is involving local civic clubs in the fight against crime.

Arizona is developing a statewide automated information system to serve all law enforcement agencies. Five small towns outside Phoenix have joined together to improve their communications system.

Arkansas will institute in Criminal Trial Courts the mandatory use of a model set of criminal jury instructions prepared by a committee of judges, prosecutors and defense attorneys. In Little Rock and four other metropolitan areas law enforcement officers will be required to collect information from citizens in analyzing and identifying community problems before any police-community relations programs are funded.

California will conduct Operation Cable Splicer III with law enforcement officers from 78 cities and counties participating to test state and local readiness to cope with civil disorders, natural disasters and the effects of nuclear war. The Los Angeles Regional Criminal Justice Information System will combine all criminal justice information systems in Los Angeles County (which has 40% of all criminal cases in the state) to provide information to district attorneys, public defenders, courts, probation and law enforcement officers so each will know what the other is doing.

Colorado's Youth Service Training Project will train and retain delinquency prevention control and treatment personnel from police agencies, schools, community centers, youth bureaus and probation offices. The Denver Police Department will use closed circuit television to transmit pictures of potentially dangerous situations from the ground or a helicopter to command headquarters.

Florida will operate a therapeutic self-help residential community for drug addicts in Miami similar to the Synanon-Daytop Program. A statewide computer reporting system is being designed to provide statistics for administrative and operational use by police and criminal justice agencies.

Georgia will establish a child and youth service center in a high delinquency community. Atlanta will conduct an inservice retraining program for police.

Hawaii is developing a program to relate community support to development of preventive programs in the schools. It will include review of education programs to consolidate and refocus them for prevention. In Honolulu a joint state-city police-court pilot intern program to train graduate juvenile delinquents has started. University graduate students will live in houses with the delinquents.

Illinois has expanded the state public defender system to the appellate level. Chicago received $1.2 million in February 1970 for the Police Department to hire 422 community service aides for six community storefront service centers. Project Step Up will provide group treatment of pre-delinquent adolescents by professional social workers in three inner-city Chicago high schools.

Indiana will establish in three big cities youth service bureaus to mobilize community resources, develop new resources and collect data. They will coordinate private and public agencies concerned with juveniles.

Iowa will support expansion of the Des Moines Police-School Liaison Program. Detectives wearing school blazers work with children, parents and teachers in the school. Thus far the program has resulted in a marked decrease in vandalism and a better understanding of police.

Kentucky is revising its criminal law as are 9 other states.

Louisiana provided $207,022 to New Orleans for expansion of probation and parole services because of the need for community based correctional programs. New Orleans will also establish a special facility for detoxification and vocational rehabilitation of chronic alcoholics.

Maine will improve police through a comprehensive education and training program in cooperation with the University of Maine.

Maryland conducted a nine-day workshop using such techniques as psycho-drama with participants from corrections and law enforcement agencies and offenders from the state penitentiary.

Massachusetts is making a major effort to improve state capabilities in delinquency prevention programs by testing and evaluating various types of prevention programs, including innovative recreation-educational enrollment programs. This will lead to the development of a comprehensive state delinquency program. Intensive programs are being developed to meet law enforcement needs and problems in a limited geographical high crime area in big cities.

Michigan has established an Office of Drug Abuse in the Governor's office to sponsor public education programs. The state is training jail employees. The state police, sheriffs and local police are cooperating to combat criminal gangs.

Minnesota has established regional detention and treatment programs for juveniles and is studying regional jails.

Mississippi has a state intelligence unit on organized crime and a special program in 10 urban areas to train local police to handle riots, so that community based control is maintained.

Missouri has established a committee to revise its entire criminal code. A criminal Justice Training Institute is being developed for the Kansas City Metropolitan Area. Land and buildings for the institutions which will provide training for police, court, correction and juvenile personnel were donated by Jackson County. St. Louis will institute a computerized court docket system to supply up-to-date information on cases so that unnecessary delays and confusion are eliminated.

Montana's Law Enforcement Academy will have a full-time director and will offer three times as many courses to many more policemen than ever before.

Nebraska has established a law enforcement training center and requires training and certification for all police and sheriffs. The City of Omaha will construct a new police building with local funds and will install a new communication system tying together the two-county metropolitan area with state funds.

New Hampshire is trying to reduce and control juvenile delinquency by financing full-time police juvenile officers, by furnishing delinquency training for small departments, training teachers about drug abuse and establishing a single office of youth services at the community level.

New Jersey's statewide Organized Crime Investigatory and Prosecutorial Units have provided a cohesive effort to prosecute organized crime. The state also conducted the first organized crime school for local officials. Specific problem-oriented research such as studying the role of the police officer in a big city will seek to increase the efficiency and effectiveness of the criminal justice system.

XUM

New Mexico will provide basic police training to sheriffs and small police departments.

New York is making a comprehensive attack on narcotics addiction including mandatory treatment and new state police enforcement unit. The state penal law has been revised and new criminal procedures law. In Rochester specially-trained teams in nonpolice vehicles will pick up alcoholics, transport them to a hospital for rehabilitative services. This will free crime-fighting agencies to fight crime.

North Carolina is providing funds for training 18 officers for a Family Crisis Intervention Unit in Charlotte. They will be trained to handle domestic conflicts.

North Dakota has repealed the law making public intoxication a crime and is developing a detoxification center staffed by doctors and nurses to serve as a half-way house and provide counseling.

Ohio funds a Cadet Police Organization which conducts meetings with high school students in the Cleveland Police Academy. Qualified students may join the force.

Oklahoma has established two community based correctional treatment centers in Oklahoma City and Tulsa offering counseling, education and job oriented work release programs.

Oregon's summer intern program for law students in district attorney's office hopes to attract promising students to this type of career.

Pennsylvania is reforming its entire correctional system and has completed the first comprehensive assessment of the state's criminal justice system.

Rhode Island has a new crime laboratory for the use of all police departments.

South Carolina is using educational television to provide closed circuit training for police throughout the state.

Tennessee is funding a new program using volunteers at the Shelby County Penal Farm, and is training supervisory personnel in state correctional system.

Utah supports Neighborhood Probation Units with teams of specialists to aid in all aspects of rehabilitation.

Vermont established a single state communications system for all police agencies. This was the number one priority of the Vermont Police Chiefs Association.

Virginia is financing an electronic information retrieval system for Norfolk, Virginia Beach, Portsmouth and Chesapeake to improve the detection and apprehension of criminals.

West Virginia's prison inmates are receiving training and education along with other rehabilitation and work-study programs.

Wisconsin is training new prosecutors and has prepared a prosecutors' manual.

Wyoming conducted a training conference for traffic court judges.

APPENDIX A

CHRONOLOGY OF OMNIBUS CRIME CONTROL AND SAFE STREETS ACT

June 19, 1968: Act signed by President Johnson.

August, 1968: Congress appropriates FY 1969 LEAA funds.

August, 1968: Council of State Governments' conference of state officials on implementing Act.

August 30, 1968: Forty-two states receive special grants for riot control and prevention.

October, 1968: States receive 20 percent planning advances.

October, 1968: Council of State Governments/National Governors' Conference meeting on state implementation.

October 21, 1968: First LEAA Administrators take office.

November, 1968: First federal guidelines issued.

December 19, 1968: All states have established State Planning Agencies; have submitted applications for planning funds.

January, 1969: FY 1969 planning funds awarded to states.

February, 1969: Simplified guidelines issued calling for one-year plan instead of five years.

February, 1969: Administrator and one Deputy leave office.

March, 1969: New Administrator and Associate Administrator appointed by President Nixon (first appointees approved by Congress) take office.

April, 1969: FY 1969 state plans submitted [first state plans] (covering June, 1968 through July, 1969).

June 30, 1969: All state plans approved; states receive FY 1969 action funds.

December, 1969: Congress appropriates FY 1970 LEAA funds.

January, 1970: States receive FY 1970 action grants.

April 15, 1970: State plans for FY 1970 (covering July, 1969 through December, 1970).

June 1, 1970: Second Administrator leaves office.

June 30, 1970: States to receive FY 1970 action grants.

December, 1970: States to submit FY 1971 plans (covering December, 1970–December, 1971 and four additional years as originally requested in first guidelines).

APPENDIX B

CHART I.—"PASS THROUGH" OF FISCAL YEAR 1969 PLANNING FUNDS TO LOCAL UNITS, MAR. 31, 1970[1]

States	Block grant	Amount to subgrantees	Percent "pass through"
Alabama	$337,600	$135,040	40
Alaska[2] (State does all planning)	118,000		
Arizona	209,890	91,200	43
Arkansas	232,300	92,900	40
California	1,387,900	720,556	51
Colorado	232,840	53,330	22
Connecticut[3] [4]	297,100	108,180	36
Delaware[5] (State does all planning)	135,235		
Florida	503,650	223,844	44
Georgia	403,750	234,347	58
Hawaii	149,680	60,000	40
Idaho	146,980	66,286	45
Illinois	833,050	391,865	47
Indiana[3]	436,150	306,581	70
Iowa	284,950	115,399	40
Kansas	252,550	116,584	46
Kentucky	314,650	125,860	40
Louisiana	355,700	138,280	40
Maine[6]	165,475	64,703	39
Maryland	347,050	139,200	40
Massachusetts	464,500	185,800	40
Michigan	677,800	271,120	40
Minnesota	340,300	75,000	22
Mississippi	257,950	103,180	40
Missouri	409,150	179,506	44
Montana[7]	147,115	27,451	19
Nebraska	196,525	91,405	47
Nevada[3]	129,835	29,556	22
New Hampshire	146,170	81,631	55
New Jersey	571,150	231,331	40
New Mexico	167,500	36,519	22
New York	1,332,550	811,027	60
North Carolina[8]	438,850	311,290	71
North Dakota	142,930	48,358	34
Ohio	803,350	583,991	72
Oklahoma	267,400	154,300	58
Oregon	234,460	138,709	59
Pennsylvania[3]	881,650	352,660	40
Rhode Island	160,480	73,189	46
South Carolina	274,150	109,660	40
South Dakota	145,360	58,200	40
Tennessee	361,900	98,394	27
Texas	830,350	339,965	41
Utah	168,850	67,540	40
Vermont[9]	128,080	29,873	23
Virginia[10]	405,100	117,965	29
Washington	$307,900	$197,622	64
West Virginia	220,960	88,384	40
Wisconsin	382,150	216,260	57
Wyoming[11]	121,195	21,316	18
American Samoa			
Guam			
Puerto Rico			
Virgin Islands			

CHART II

Alabama	433,840	309,619	71
Alaska	100,000	99,523	99
Arizona	200,651	196,199	97
Arkansas	241,570	225,749	93
California	2,351,610	1,374,508	58
Colorado	242,556	177,589	73
Connecticut[3]	359,830	252,337	70
Delaware	100,000	74,928	75
Florida	737,035	598,995	81
Georgia	554,625	329,260	59
Hawaii	100,000	87,255	87
Idaho	100,000	94,257	94
Illinois	1,338,495	760,349	56
Indiana[3]	613,785	148,611	24
Iowa	337,705	259,260	76
Kansas	278,545	131,325	47
Kentucky	391,935	230,572	58
Louisiana	448,630	336,473	75
Maine	119,552	45,687	38
Maryland	451,095	319,259	70
Massachusetts	665,500	451,730	67
Michigan	1,055,020	789,125	75
Minnesota	438,770	355,177	76
Mississippi	288,405	105,074	36
Missouri	564,485	412,400	73
Montana	100,000	62,225	62
Nebraska	176,248	130,376	73
Nevada[3]	100,000	78,674	79
New Hampshire	100,000	54,750	55
New Jersey	860,285	759,602	89
New Mexico	123,250	61,645	50
New York	2,250,545	1,933,935	85
North Carolina	618,715	407,854	65
North Dakota	100,000	86,946	87
Ohio	1,284,265	755,095	58
Oklahoma	305,660	195,242	63
Oregon	245,514	194,397	79
Pennsylvania[3]	1,427,325	905,839	63
Rhode Island	110,432	97,085	87
South Carolina	317,985	157,350	49
South Dakota	100,000	70,451	70
Tennessee	478,210	314,847	65
Texas	1,333,565	1,002,324	75
Utah	125,715	88,021	70
Vermont	100,000	28,655	29
Virginia	557,090	424,573	76
Washington	379,610	240,110	63
West Virginia	220,864	111,025	50
Wisconsin	515,185	378,870	73
Wyoming	100,000	85,394	85
American Samoa			
Guam			
Puerto Rico			
Virgin Islands			

---

[1] This information was obtained by telephone calls to LEAA regional offices and includes financial information as of Mar. 31, 1970, except as noted. States have the year of award plus one additional year to "pass through" planning funds. States which have not received waivers have until June 30, 1970 to award 40 percent of fiscal year 1969 planning funds to local governments. States have the year of award plus 2 additional years to "pass through" action funds States have until June 30, 1971 to award 75 percent of fiscal year 1969 action funds to local governments.

[2] Alaska: Received a waiver for State to do all planning.

[3] Information as of Dec. 31, 1969.

[4] Connecticut: Will award an additional 4 percent of 1970 planning funds to localities because State was able to give only 36 percent of 1969 funds.

[5] Delaware: Received a waiver for State to do all planning.

[6] Maine: Will award an additional 1 percent of 1970 planning funds to localities because State was able to give only 39 percent of 1969 funds.

[7] Montana: Received a waiver for State to do most of the planning.

[8] North Carolina: These figures include both 1969 and 1970 funds because the State is on a 2-year cycle.

[9] Vermont: Local governments agreed that the State should do most of the planning for 1969, therefore State received waiver.

[10] Virginia: Planning funds for 1969 were made available to all cities and counties. Those units which do not belong to a planning council or economic development district and that elected not to formulate their own plans, waived their funds to the Higher Education Law Enforcement Advisory Committee which prepared plans for them using staff from four universities to compile all data and render a local plan.

[11] Wyoming: Received a waiver for State to do planning for certain local governments which did not apply for funds.

XUM

CHART 3.—MEMBERSHIP OF STATE PLANNING AGENCY SUPERVISORY BOARD IN 1970 PLANS

	Total	State [1]	Local [1]	Police	Courts defense prosecution [2]	Probation corrections	Juvenile delinquency	Citizens [3]	General local elected
Alabama	30	9	17	11	5	4	2	4	3
Alaska	6	4	1	2	2			1	
Arizona (10 voting, 6 advisory)	10	3	5	2	2	1		2	3
Arkansas	13	5	7	4	3	2	1	1	2
California	20	9	9	2	4	1	1	2	5
Colorado	18	7	9	8	5	1		2	2
Connecticut	29	18	5	5	11	2	1	4	1
Delaware	23	7	8	3	6	2	1	5	4
Florida	29	16	9	9	3	2	2	4	2
Georgia	22	6	10	4	5	2	1	6	3
Hawaii	15	4	10	3				1	5
Idaho [4]	18	9	6	5	5	1	1	2	2
Illinois	30	9	15	7	6	3	1	4	3
Indiana (13 voting, 12 advisory)	13	4	8	2	4	1		1	3
Iowa	29	9	11	6	6	3	3	8	2
Kansas	24	10	12	6	7	2		3	4
Kentucky (New Board July 1)									
Louisiana [4]	33	11	9	4	6	1	2	13	2
Maine (19 voting, 5 ex officio members)	19	2	11	5	3		1	5	2
Maryland	24	9	11	5	3	3	2	3	4
Massachusetts	33	7	21	7	12	3	2	3	3
Michigan	28	9	17	6	8	1	2	2	4
Minnesota	32	6	18	12	6	1	1	8	3
Mississippi	38	16	17	8	6	2	1	5	7
Missouri	19	7	10	6	5	2		2	1
Montana	15	6	5	3	3	3		2	2
Nebraska	21	7	9	4	5	2	2	4	1
Nevada	17	4	10	7		2		2	1
New Hampshire	29	11	13	8	6	5	2	5	3
New Jersey	14	9	5	4	4	1			1
New Mexico	19	11	8	3	2	3	1		6
New York	20	6	8	3	5	2	1	4	4
North Carolina	26	12	10	6	5	4		3	3
North Dakota	15	8	7	5	3	1	1		2
Ohio	21	9	11	4	5	1	2	1	3
Oklahoma	47	10	21	14	7	3	2	14	3
Oregon	22	6	10	3	3	1	3	5	4
Pennsylvania	12	4	5	2	3	2		1	2
Rhode Island	22	14	6	3	5		2	2	2
South Carolina (11 voting, 5 nonvoting members)	11	3	5	3	1	2	1	3	2
South Dakota	15	9	5	5	3	2	1	1	1
Tennessee	21	8	11	7	4	1	1	2	3
Texas	20	7	11	6	3	1	1	2	5
Utah	17	4	10	4	2	1	1	3	4
Vermont	21	8	12	7	3	1		1	2
Virginia	16	8	6	3	3	2	1	2	1
Washington	35	9	17	5	4	2	3	9	5
West Virginia	24	5	11	7	2	1	3	7	2
Wisconsin	12	4	6	3	3			2	2
Wyoming	23	6	11	5	5	2	1	4	3

---

[1] Actual employees of this level or representative of level such as State municipal league.

[2] Attorney general, coroners, medical examiners under courts.

[3] Attorneys and others unaffiliated with State or local government under citizens.

[4] 1969 figures.

BABE RUTH BASEBALL

Mr. HATFIELD. Mr. President, as my colleagues know, on Tuesday, June 16, I paid tribute to the distinguished work done by those in the Babe Ruth program. Unfortunately, the worthwhile work of Rogue Valley was not included, so I ask unanimous consent that a descriptive letter of their endeavors be printed in the RECORD, as well as a list of the board of directors of the league.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ROGUE VALLEY BABE RUTH LEAGUES, INC.,
Medford, Oreg., June 8, 1970.

Senator MARK O. HATFIELD,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR HATFIELD: As a member of the Board of Directors of our own Rogue Valley Babe Ruth League, I am writing to ask you to participate in the Babe Ruth special order that will be held in the Senate on Tuesday, June 16, 1970.

I am sure you are aware of the fact that Babe Ruth Baseball is the world's largest organized program to offer boys, ages thirteen through fifteen, the opportunity to play regulation baseball. These are formative years for boys of this age group and, we feel if they are kept active in a baseball program such as this, they are much less likely to get into trouble with the law.

Ours is a comparatively young League, this being only our third year in the program, but we are proud of the boys in the League and all the people who have worked long and hard to make Babe Ruth Baseball a success in our area. At the present time we are an eight team League plus one Farm Team, which means that we are keeping approximately 140 boys busy playing baseball this summer. This is no small task when you take into consideration that it costs the League a minimum of $300.00 per team just to get the players outfitted with uniforms and equipment to play ball. This amount does not include insurance, umpire's fees, baseballs, bats and many more expenses that are necessary for the success of the playing season.

It is sad to note that we have had to turn boys away because of the lack of finances and playing fields. We have been fortunate to have the Medford Mid High School baseball field to play on but it does not have lights and the facilities are not adequate if we are to expand. The City of Medford has leased a parcel of land to us to build a regulation ball diamond of our own and, through the hard labor of a dedicated few, this field is barely playable at the present time. It will require much more money and hard work before it will be the kind of ball park we feel our boys are entitled to, and must have, if they are to compete on an equal level with the other Leagues in this District.

Without this ball park, we will not be able to grow and encompass more boys, and this is why we urge you to support the Babe Ruth Baseball Program and to participate in this Special Order of Congress.

Speaking as one of the original Board Members who helped to start our own Babe Ruth League, and as the mother of two boys who play ball in the program, I think I can sincerely say that it is most gratifying and thrilling to go to a ball game and know that I had a small part in making Babe Ruth Baseball a reality for my sons and all the other boys I see out there playing ball.

Lets give this program, and those who work and play in it, the national attention they deserve and need to make it succeed, not only here in Medford, Oregon, but everywhere across the country. The primary goal of Babe Ruth Baseball is to develop good citizens of these boys and we must remember that they will be the future leaders of this Nation!

Thank you.

Sincerely yours,

MRS. MYRNA A. CLAFLIN,
Member of the Board of Directors, Rogue Valley Babe Ruth League, Inc.

P.S.—I am enclosing a list of the entire Board of Directors of the League. Each and every one of them have spent many long hours in their unselfish desire to make the Rogue Valley Babe Ruth League what it is today.

BOARD OF DIRECTORS OF ROGUE VALLEY BABE RUTH LEAGUE

Robert McGlohn, Vern Collins, Donna Hess, Lanora Wilson, Jack Batzer, Ted Hornecker, Lee Claflin, Milo Patino, Harold Icenhower, Clara Torrey, Myrna Claflin, Lois McGlohn.

NATIONAL 4-H FOUNDATION FOSTERS IMPROVED UNITED STATES-JAPAN RELATIONS THROUGH FARM TRAINING AND 4-H TEEN CARAVAN PROGRAMS

Mr. FONG. Mr. President, I should like the Senate to know about an innovative agricultural training program now underway in western United States.

The Japanese agricultural training program which began in 1966 has provided a combination of practical and academic education for nearly a thousand young Japanese farmers.

In just a few days—on June 27—another 177 men from Japan will complete the 2-year training period. Their graduation ceremony will be quickly followed by the arrival of 188 more Japanese ready to begin a new training cycle.

The program is conducted in the United States by the National 4-H Club Foundation in cooperation with the Japanese Agricultural Training Council. It is truly a unique training approach that benefits the citizens of this Nation and Japan.

The trainees, who range from 18 to 30 years of age, receive English lessons when they arrive in this country as well as a basic introduction to American life and agriculture. Their remaining academic work is in technical agriculture.

Trainees spend 6 months in the classroom and 18 months on host farms. Five colleges and universities set up academic programs.

They are: Big Bend Community College, Moses Lake, Wash.; California State Polytechnic College, Pomona, Calif.; University of Arizona, Tucson, Ariz.; University of Nebraska, Lincoln, Nebr.; Yakima Valley College, Yakima, Wash.

Host farmers in Arizona, Idaho, Illinois, Nebraska, Oregon, and Washington provide on-the-job training for the young men from Japan. Each trainee lives and works on a farm which practices the type of agriculture in which he is interested.

The trainees become part of the farm family as well as the community. They attend 4-H camps, speak before local civic groups and contribute to international study programs in nearby areas. Local 4-H programs have been particularly interested in meeting and talking with their Japanese visitors. Many trainees are former 4-H'ers.

Host farmers report enthusiastically on the performance of their trainees. They form close personal friendships as well as working relationships.

The Japanese Government began informal negotiations on the training program early in the sixties. In initial discussions, the Japanese asked for assistance in conducting a program that would help to bridge the gap between agricultural and industrial technology in their homeland.

The U.S. Departments of State, Labor, and Agriculture helped in the planning. The National 4-H Club Foundation, which operates in behalf of Agriculture's Cooperative Extension Service, was selected to conduct the new program.

The U.S. branch of the Japanese Agricultural Training Council, headed by Mr. Tsuguo Imai, works with the 4-H Foundation in program operation. The administrative expenses of the program are financed by the Japanese Agricultural Training Council through a grant from the Government of Japan. The Council also selects and orients each year's participants. Trainees receive wages for their on-the-job training based on local pay scales. These wages are sufficient to cover the expenses of the trainee's international and U.S. transportation, institutional training, nonoccupational medical expenses, and personal expenses.

Grant A. Shrum, executive director of the National 4-H Club Foundation, explained that the placement of trainees is one of the most important elements in the program.

Trainees must be placed with farmers who will provide on-the-job training and who are engaged in types of agriculture commensurate with the trainee's interests.

State employment services and local and State cooperative extension service agents work with the foundation to achieve satisfactory placements. The local agencies also help to make the trainees feel more a part of their host communities.

This spirit of hospitality plus the enthusiasm of the trainees are helping to build strong bridges of understanding between the people of the United States and Japan.

The 4-H Teen Caravan is another important cultural exchange opportunity conducted by the 4-H Foundation annually. This year, 17 American youths, ranging from 17 to 18 years of age, will go to Japan to live with families throughout the Nation. As with the other teen caravans, they will have an adult group leader to help direct the educational phases of their experience.

I am particularly pleased to note that the young travelers will stop in Hawaii for their final consultation and evaluation en route home at summer's end.

Opportunities like the Japanese agricultural training program, the 4-H Teen Caravan and others are valuable to the people of both Nations. I trust they will continue to grow and prosper.

MEDICAL CARE FOR VETERANS

Mr. MATHIAS. Mr. President, recent reports on the care that our servicemen receive at the Veterans' Administration hospitals have distressed all of us.

At present, the Army reports that 81 percent of its men wounded in Vietnam survive, compared with 74 percent in the Korean War and 71 percent in World War II. Given this indication of the exceptional initial medical service to our soldiers, we must make certain that these men, who have made great sacrifices, continue to receive the best possible care.

Adequate funding for facilities, special programs, and staff is essential if the personal efforts of the men and women of the VA are going to be successful.

In an article in the May 31, 1970, edition of the New York Times, Dr. Howard A. Rusk points out the need for this financial support.

I ask unanimous consent that the article entitled, "Medicine's War Role: Aid Speeded to Wounded in Vietnam. But VA Suffers Lack of Personnel," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEDICINE'S WAR ROLE: AID SPEEDED TO WOUNDED IN VIETNAM BUT VA SUFFERS LACK OF PERSONNEL

(By Howard A. Rusk, M.D.)

The Army, which accounts for more Vietnam war casualties than any other service, reports that more than 81 per cent of its wounded are surviving in Vietnam, compared with 74 per cent in the Korean War and 71 per cent in World War II.

Thus far, about 237,000 men in all the United States armed services in Vietnam have been wounded and have survived. About half the 237,000 had injuries so minor that they did not even require hospitalization.

In the case of the more severe wounds, the Army Surgeon General's office says that it is too early to make a "definite" assessment of the long-term effects.

However, after interviews with doctors and seeing some of the patients there is no question about the severity of the patient's wounds.

The speedy evacuation by helicopters of the wounded to forward aid stations averages about 17 minutes. This is the primary lifesaving factor for the severely disabled.

The Army says the category of "many multiple wounds" in which there was no single predominant location includes 20 per cent of patients in Vietnam, compared with only 2 per cent in Korea and 3 per cent in World War II.

DURATION OF TREATMENT

Among the wounded Army personnel in Vietnam who are admitted to medical facilities, the average duration of treatment has been approximately 65 days a case. The corresponding figure for the Korean War was 93 days and for World War II, 129 days.

In Vietnam 2.5 per cent of the wounded Army personnel admitted to medical treatment facilities have died of their wounds. This is numerically similar to the 2.5 per cent recorded for the Korean War, but markedly lower than 4.5 per cent for World War II.

For example, in the number of Army personnel with major amputations resulting from wounds who were admitted to amputation centers in this country represented 2 to 2½ per cent of the total hospitalized wounded. So far, for Vietnam, the corresponding proportion is about 1 per cent.

Of the total numbers of surviving wounded, the percentages were 70.7 during World War II, 73.7 in the Korean War and 81.4 in Vietnam.

CUT IN ADMISSIONS

Even though the terrain in Vietnam has been the most difficult in any war with all types of exotic tropical diseases, endemic hospital admissions in Vietnam for disease and known battlefield injury have been 25 per cent lower than in the Korean War and less than half the rate for the European theater, in World War II.

These figures are heartening and great credit goes to our medical services. However, figures are cold and if one has the opportunity to see first-hand the more than 7,000 soldiers separated from the service for disability or those now in Vietnam and United States military hospitals, the problem would be put in bold perspective, more graphically than any figures can ever tell.

One of the most severely wounded men ever reported in medical history was that of an 18-year-old Vietnam veteran.

He was in combat less than two years when a high-velocity shell took away his one kidney, several feet of his intestinal track and half of his pelvis. He would have been dead had it not been for the helicopter.

After hours of surgery, gallons of blood and tremendous doses of antibiotics his life was saved.

XUM

UNUSUAL SURGERY

After more than a year of hospitalization it was determined that he would never have any real life because of continuing bone infection and complications without the most radical surgery procedure known to medicine, a hemicorporectomy, the removal of half of his body. It was done, and he survived—the third such patient in medical history and the first war casualty to survive such surgery and be rehabilitated.

In spite of his tremendous problems, he had the great desire to live. He was fitted with new modern prothesis. He learned to walk, go up and down steps, was taught to drive a car and in less than six months after his surgery, returned home to go back to school. It's easy to forget, but after World War II there were no rehabilitation services in the Veterans Administration. Everything started after 1945.

The VA now has an excellent hospital complex with special centers for spinal cord injury, brain-injured patients, the blind, amputees, with services including vocational and educational counseling, psychological evaluation, vocational and educational training guidance, available for these severely disabled men. They have the hospitals, they have the equipment, but they just do not have enough people or funds to get them.

Recent hearings by the chairman of the Subcommittee of Veterans Affairs, Senator Allen Cranston, have brought out the tragic lack of personnel in the Veterans Administration, the inadequacy of its present job and the amount needed for its adequate support.

These boys who have lost their limbs, had their extremities paralyzed and their brains damaged in an unpopular war thousands of miles from home deserve everything that a greatful nation can give them, regardless of how one feels about the war. This fact is self-evident.

The Veterans Administration must have adequate financial help now if it is to provide "medical care second to none."

BREAKING DOWN THE BARRIERS: AMERICA'S ATTITUDES TOWARD THE HANDICAPPED

Mr. BROOKE. Mr. President, in our concern with the welfare of racial and ethnic minorities, we tend sometimes to forget that there are other "minorities" in America whose definition cuts across racial and ethnic lines and can affect us all. I am speaking of the handicapped, the mentally retarded, the disabled, the persons who suffer from chronic or incurable diseases. The vast majority of us tend to form stereotypes which exclude the handicapped, either directly or indirectly, from the degree of participation in our society which they are entitled to enjoy.

One of the best statements I have ever seen on this subject was delivered by Harold Russell, Chairman of the President's Committee on Employment of the Handicapped, at a recent symposium in Elwyn, Pa. Mr. Russell's speech is an eloquent plea for acceptance of all men as individuals; in his own words, "We want an end to the faceless people."

I ask unanimous consent that the entire text of this speech, together with a biography of Mr. Harold Russell, be printed at this point in the RECORD. I commend it to all Senators.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICA'S ATTITUDES TOWARD THE HANDICAPPED: YESTERDAY, TODAY, AND TOMORROW

(By Harold Russell)

"See that man over there?"

"Yes."

"Well, I hate him."

"But you don't know him."

"That's why I hate him."

Keep this little story in mind. I'm going to come back to it because it contains a clue to our attitudes toward the handicapped, and what can be done to improve them.

Also keep in mind three premises having to do with attitudes of people toward other people. These premises, too, contain clues to attitudes toward the handicapped. One is the premise of "facelessness." A second is the premise of "jerry-built images." The third is the premise of "out of sight, out of heart."

Let me explain all three premises by telling you of a classical attitude study by La Piere. It was done several years ago, but its results are still valid.

An American, accompanied by a Chinese man and wife, stopped in at 66 hotels and 184 resturants. In each, they evaluated the attitudes of the people they encountered. During the entire experiment, they were rebuffed only once. All the other times they were accepted, usually without a blink of an eye.

Later, they wrote letters to all 66 hotels and 184 restaurants, and asked: would you be willing to accept members of the Chinese race in your establishment?

Ninety-three percent of the restaurants and ninety-two percent of the hotels replied "no."

Now let's apply our three premises to this survey.

First, "facelessness." In the letters, the proprietors were asked for their opinions not about living, breathing individuals but about a faceless abstraction, an entire race. To paraphrase our little story, they could hate the Chinese because they don't know them (or think about them) as people.

Second, "jerry-built images." The proprietors erected jerry-built mental stereotypes of the Chinese. They took one or two unfavorable factors and blew them up into mental pictures that they contended applied to all the Chinese. Of course, any resemblance to real persons, living or dead, was purely coincidental.

Third, "out of sight; out of heart." The properietors found it quite easy to discriminate against people who were not standing in front of them, staring them in the eye, man-to-man. It was easy for them to reject the Chinese on paper, in the abstract. But it wasn't easy for them to reject the Chinese man and wife when they appeared in person.

These three premises translate directly into attitudes toward the handicapped. As for "facelessness," a person may tend to reject the mentally retarded in the abstract, yet fondly give a raise to his mentally retarded messenger for his devotion to duty. As for "jerry-built images," mental pictures of the retarded—all the retarded—too often are created out of one or two factors that apply only to the severely retarded: slowness, mongoloid appearance, the like. As for "out of sight; out of mind," it's easy for an employer to tell you, "no, I won't hire the mentally retarded" so long as there are no retarded persons in sight. It's not easy for him to tell you "no" when he's face to face with a retarded person.

Keeping those premises in mind, let's examine America's attitudes toward the handicapped, past, present, future. Let's consider the physically handicapped, the mentally restored, the mentally retarded.

The physically handicapped first.

It wasn't until World War Two that the physically handicapped in America surfaced in a positive way, before the war, if you ever thought about the handicapped at all, it usually was in terms of charity. Vocational rehabilitation was a new concept, still struggling for a toe-hold. There weren't enough jobs in America for the able-bodied, much less the handicapped.

But during the war years, two things happened.

First, war industries *had* to hire the handicapped. There weren't many other workers around. Suddenly, the handicapped became visible in a positive way. They were contribu-

And second, it became commonplace to see
ting to society, not taking from it.
physically handicapped young veterans in our towns and cities. They, too, became visible in a positive way. They were exceptionally well motivated. Not only did they flock into schools, but they aimed for high-level jobs. Forty percent trained for professional and managerial positions.

Between the war workers and the war veterans, a new image of the physically handicapped began to emerge.

This new image was nurtured by the President's Committee, created shortly after the war. The President's Committee, as you know, is not merely a Washington-based agency. Instead, it is a cross-section of America's volunteers, people and organizations in all walks of life, devoted to serving the handicapped.

And so, in the years following the war, the image of the physically handicapped began to improve. But only if you didn't look *too* closely.

If you did look closely, you saw something disconcerting. You saw improvement for some of the handicapped but not for all. You saw some categories of the handicapped where public attitudes were not too far removed from the dark ages.

I have in mind those with "hidden" handicaps—heart conditions, controlled epilepsy, arrested TB, other conditions not readily visible. Since you can't see these conditions, but since you know they exist, you tend to build fantasies about them. Damaging fantasies.

And I have in mind those with severe handicaps which may impede mobility and communication and other aspects of daily living—blind, deaf, paraplegics, some others. Here, you tend to become so overwhelmed by the handicapping condition that you never really see the capabilities of the person himself.

And I also have in mind those with degenerative disabilities—multiple sclerosis, muscular dystrophy, others. Here, all you see is a pathway leading down, down, down. Your heart goes out to the victim. You'll give charity in his behalf, but you probably won't give him a job. After all, how long would he last? All this, despite evidence that in many cases these disabilities level off for a long while—longer than two decades for the majority of MS people—during which time they're quite able to work.

Finally, I have in mind those with stigmatic disabilities such as epliepsy. Here, you tend not to see the individual at all; you see his seizure—despite the facts that drugs have elimniated seizures in fifty percent of all cases of epilepsy, and reduced their intensity in thirty percent of the rest.

I'm often asked: are attitudes toward the physically handicapped improving? I answer yes. But sadly I have to add: progress is spotty. So spotty.

Now let's turn to the mentally restored.

Here, a great many attitude studies have been conducted over the years. They seem to add up to a gradual improvement. Or, to quote one cautions official of the National Institute for Mental Health: "at least public attitudes toward the mentally ill are no longer *wholly* negative."

Here are some highlights: A New Jersey study showed that the higher the level of education, the more enlightened the opinions about mental illness. A Kentucky study

XUM

showed that, at long last, people do consider mental illness as an illness that can be treated and cured. An Illinois study showed that many people still regard the mentally ill with fear because their actions are unpredictable.

On the other hand, a Maryland study—most recent of the group—showed that 50 percent of the people could imagine themselves falling in love with a mentally ill person; 50 percent would be willing to room with a former mental patient; 81 percent would be willing to work alongside a former mental patient.

Studies of employer attitudes in Boston and Louisville show something interesting. A majority said yes, they'd be willing to hire the mentally restored. Yet only a small percentage ever did.

There are some forces at work in America that inevitably will lead to more enlightened attitudes toward the mentally ill and mentally restored.

One is the fact that vocational rehabilitation of the mentally restored has moved ahead faster than for any other single disability group. Over the past quarter of a century, it increased nineteen times, compared with an increase of four times for all other disabilities. This means that record numbers of people are re-entering America's mainstream—working, living, rubbing shoulders with their neighbors, demonstrating that they are like other people.

The other force is the fact that in more and more instances, mental illness is being treated right in the community, rather than in isolated institutions off in nowhere. Halfway houses, day care centers, day and night hospitals, mental health clinics, greater use of general hospitals, and, above all, community mental health centers—all these tend to keep the mentally ill right at home, a part of society and not isolated from it.

XUM

How would I sum up attitudes? Improving, I would say. Improving at an accelerated pace. But still a long way to go.

And now, what about attitudes toward the mentally retarded?

Here, I believe a miracle in acceptance is taking place in front of our eyes. Attitudes toward the retarded are changing, perhaps more rapidly than for any other disability group. A great many forces seem to have been at work at the same time. Let me list some of them.

There is the Kennedy family, unafraid to face up to retardation during the White House years and thereafter, going far in helping to bring retardation out of the back bedrooms of America.

And there is the highly motivated parents' organization, the National Association for Retarded Children, and all its State and local affiliates—action-oriented, refusing to accept the word "impossible."

And there are progressive institutions such as Elwyn Institute, aware of their social responsibilities to promote general knowledge and enlightenment about mental retardation.

And there are dynamic programs of so many Government agencies—Health, Education, and Welfare, Department of Labor, Department of Commerce, Civil Service Commission, President's Committee on Mental Retardation (only Presidential Committee devoted to a single disability group), our own President's Committee on Employment of the Handicapped.

And there are the twin miracles of education and habilitation of the retarded, preparing thousands of young people for satisfying lives and jobs.

And, too, there are the times we live in—an affluence that has created a manpower shortage at the unskilled level of the work spectrum, leading to a willingness to accept the retarded for many kinds of jobs.

When a restaurant has to hire 100 people to keep ten jobs filled; when a laundry has to go on a four-day work-week because of Monday Absenteeism; when factory production lines have to be curtailed by manpower shortages—when things like these occur, it isn't any wonder that employers turn to the mentally retarded as a possible solution to their problems.

This has been an odd kind of miracle of acceptance of the retarded.

On the one hand, you find major businesses and industries in America actually taking the initiative and asking how to get involved in training and placing the retarded—Howard Johnson, Institute of Industrial Launderers, Hotel Corporation of America, many more. You find the retarded going to work, succeeding on the job, getting along with their supervisors, being accepted by their fellow workers.

You find all this on the one hand. But look at the other hand. You still find public opinion polls indicating that America is not yet ready to accept the retarded. I'll cite one study, typical of all.

Last year, Roper Research Associates surveyed a sampling of a thousand American households to learn their opinions about the handicapped. They were presented with this hypothetical case:

"Take the case of Thomas B. He is aged 20 and mentally retarded. Outwardly normal, he has the intelligence of an average eight year old child. He can care for himself, do simple chores, and read and write at the third grade level."

More than half of the families in the survey believed this young man should be in an institution and not at home. Nearly sixty percent believed if he worked at all, it should be in a sheltered workshop and not elsewhere. Only sixteen percent believed he deserved a chance to hold a job side-by-side with other employees.

Hark back to the little story I began with, "See that man over there . . ."

And hark back to the three premises I mentioned—"Facelessness," or how easy it is to reject those we don't know; "Jerry-built images," or how we create mental pictures that downgrade entire groups; and "out of sight, out of heart," or how we tend to push these people somewhere out of our vision so we don't have to look at them.

Here we have the evidence of our premises. The American people find it easy to reject those they don't know, hypothetical cases posed by researchers, nameless people tagged as mentally retarded. But the American people *don't* find it easy to reject people they do know—the retarded young man who delivers the mail, the retarded young lady who stuffs envelopes in the next room.

Nor, may I add, is it easy to reject those we need—the mentally retarded whom, we've been told, might help us solve our manpower problems.

To sum up, the retarded have made great progress in a short time, in gaining public acceptance—more progress, I believe, than the American people might be aware of. Yet I know that the retarded, too, have a long way to go. A longway.

Now, what can we learn from these excursions into the highways and byways of public attitudes toward the handicapped? Several things:

The handicapped have to become clearly visible in our society. They have to have the chance to rub shoulders with the rest of the people.

This means that whenever possible the community must be the base of operations—not some custodial establishment away from the mainstream.

The handicapped have to be given an opportunity to demonstrate their "alike-ness" to the rest of society, rather than their "unlike-ness" from the rest. Their essential humanity—the bond binding them to all mankind—must have the chance to shine through.

This means the greatest possible attention paid to their social behavior, during school and rehabilitation, to minimize behavioral quirks that set them apart.

The handicapped have to have the chance to work in places where they never have worked before. I know how easy it is for a placement officer to call a friend and say, "George, I have another one for you." But each handicapped person must be a missionary, in a sense—must move out into untried territory—must do his share to show society his human-ness.

This can be his contribution to breaking down the barriers.

The handicapped have to be given the chance to mix with society at large not only where they work, but also where they learn and where they play and where they shop and where they pray.

Mixed training facilities, mixed sheltered workshops, mixed play programs, mixed school programs—there can be the pathways to greater acceptance.

Finally, the handicapped have to have the active support of society. Acceptance doesn't merely come about through some magic. It has to be nurtured and encouraged and prodded—not just by one or two segments of society, but by all. And that's what the President's Committee is all about—the single banner behind which march a true cross-section of our land. Public sector, private sector, management, labor, professionals, volunteers—all marching together, with the common goal of acceptance of the handicapped.

And what do we want, ultimately? What is our goal?

We want an end to the faceless people—to the easy tendency to reject those whom we don't know; the cowardly tendency to declare them our inferiors.

We want an end to jerry-built images—to the damaging mental stereotypes we create of entire groups we are not familiar with.

We want an end to the out-of-mind-out-of-heart syndrome—to our sometimes cruel method of simply not thinking about the groups we've rejected, or forcing them out of our minds as though they did not exist.

"See that man, man over there?"

"Well, I hate him."

"But you don't know him."

"That's why I hate him."

If our goals are ever reached, I don't expect everybody to love everybody else all of the time. But I do expect if we are to be hated, we will be hated as individuals, in our own right, for ourselves—and not merely because we are hapless representatives of some group.

Slowly but perceptably, the world seems to be moving in the direction of the acceptance of individuals. Slowly, so slowly—yet you can sense that movement.

We seem to be heading toward the true promise of the melting pot that is America—the beginning of a melting pot where difference between groups are minimized, where the people count. Yes, the people.

THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED—BIOGRAPHICAL SKETCH OF HAROLD RUSSELL

Harold Russell was reappointed Chairman of the President's Committee on Employment of the Handicapped by President Richard M. Nixon on May 1, 1969. He had been named Chairman by President Johnson April 18, 1964, having served as a Vice Chairman from 1962 to 1964 following his appointment by President Kennedy.

The President's Committee was established in 1947 to promote nationwide interest in rehabilitation and employment of the handicapped by obtaining and maintaining cooperation from government agencies, private groups and individuals. It is composed of more than 600 public spirited citizen organizations and individuals representing business, civic, handicapped, industry, labor, mass media, medical, professional rehabilitation, religious, veterans', women's and other groups. Associate Members include all Cabinet officers and several major Federal Agency heads.

Although Russell devotes a major portion of his time to the duties of the office and travels extensively promoting the training and employment of the handicapped persons throughout the United States, he serves without compensation except for travel expenses. He is active in business as President of the Harold Russell Insurance Agency, Inc., of Dedham, Massachusetts (875 Providence Road). He is also founder and president of the Harold Russell Company, St. Louis, Missouri.

Russell, who lost both hands in a wartime training accident in the Army, skyrocketed to fame and became a national symbol of courage in meeting the challenge of disability when he was selected to portray the role of Homer Parrish, a handless sailor in the movie, "The Best Years of Our Lives." The role was largely based on Russell's own experiences in overcoming a handicap to take a normal place in society. For his performance he was presented with two Motion Picture Academy Award "Oscars", one for the best supporting performance and the other for "bringing aid and comfort to disabled veterans through the medium of motion pictures."

The accident occurred while Russell, a sergeant and paratrooper instructor, was training troops at Camp Mackall, near Pinehurst, North Carolina, June 6, 1964. A defective fuse cap unexpectedly set off an explosive charge he was holding. The following day his shattered hands were amputated three inches above the wrists and later he was transferred to Walter Reed Hospital in Washington, D.C. where he was fitted with artificial limbs and pointed down the road to rehabilitation. Through seemingly ceaseless practice he became extremely proficient in the use of the hooks.

While undergoing rehabilitation at Walter Reed, Russell was selected to make a 20-minute Signal Corp motion picture, "Diary of a Sergeant." Largely based upon his accident, recovery and rehabilitation, it was widely used in rehabilitating amputees. This film came to the attention of Samuel Goldwyn and led to the role in "The Best Years of Our Lives."

In 1949 Russell wrote an autobiography, titled, "Victory In My Hands," which has been translated into 20 languages. It tells about his anguish during the long period of physical and psychological recovery after losing his hands.

Russell is a Past National Commander of AMVETS, having been elected in 1949, 1950 and again in 1960. He is the only National Commander of this organization to serve three terms.

He is also Vice President of the World Veterans Fund, Inc. and has traveled throughout the world working with the World Veterans Federation, of which he was one of the organizers.

In addition, Russell has worked with the U.S. Treasury Department to spur the sale of Savings Bonds, The American Red Cross, the National Conference of Christians and Jews, the Anti-Defamation League of B'nai B'rith and with the National Easter Seal Society, where he is past member of the Board of Director. He has served (1966–68) on the National Council on Vocational Rehabilitation, and is currently a member of the Massachusetts Industrial Accident Rehabilitation Commission.

Born in Sidney, Nova Scotia, January 14, 1914, Russell moved to Boston with his family at the age of six, following the death of his father, a telegraph manager. He attended public schools in Boston and nearby Cambridge, graduating from high school in 1933. He worked for a grocery chain and was a store manager before entering the Army in February 1942. Russell volunteered for the paratroops and qualified as a paratrooper instructor and specialized in demolition and explosives. He made 51 jumps until the training camp explosion on D–Day in 1944.

The accident altered Russell's career. After completing his rehabilitation, Russell entered Boston University's School of Business Administration. But his studies were interrupted to make "The Best Years of Our Lives," to lecture to various audiences, and to court and win his wife, Rita. Today they have two children, Jerry, a pilot in the U.S. Air Force, and Mrs. Thomas Groves. They reside at Wayland, Massachusetts.

Russell has received many awards, including the honor of being chosen as one of the Ten Outstanding Young Men of 1950 by the U.S. Junior Chamber of Commerce.

OREGON EDITOR COMMENTS ON TRANSPORTATION NEEDS

Mr. HATFIELD. Mr. President, I was pleased to be in the Chamber when my distinguished colleague from Tennessee (Mr. BAKER) spoke in introducing S. 3760, to provide for a Commission on Transportation Regulatory Agencies.

I was aware of the confusion among our regulatory agencies as the transportation industry enters the computerized era. I have talked with residents of Oregon towns who were dealing with the various agencies, and facing differing standards, requirements, and procedures in presenting their case for various proposals.

I joined Senator BAKER as a cosponsor of S. 3760, and the reaction in Oregon to his bill has been good. As an example, I ask unanimous consent that a recent editorial from the Klamath Falls, Oreg., Herald and News be printed at the end of my remarks. I am sure that the sentiments of this editor are echoed by other Oregonians and others across the country.

As our society becomes more complex, we must see that the Government adjusts to meet the new challenges brought about by technology, growth, and bureaucratic inertia. I believe that the establishment of a Commission on Transportation Regulatory Agencies is a needed step toward meeting the transportation problems of the 1970's.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TRANSPORTATION MUST BE PACKAGED

Transportation is one of the nation's most rapidly changing industries.

A mere two decades ago, most persons still looked to the train as the prime means of long distance public travel. But the airlines, still struggling after World War II, emerged during the 1950s to first challenge and then overpower railroads as public conveyances. Many railroads have since decided that they would be better off without passenger service—a decision resented by cities served by passenger trains and by train buffs.

There has been a revolution, too, in other modes of transportation. The automobile, in that same two decades, has become increasingly important for long-distance travel and the truck has grown as a freight hauler. The growth of automotive travel, in turn, has led to concern about the manner in which highways gobble up land and determine living and economic patterns.

Increasingly, national and local planners are realizing that the various transportation systems cannot be considered in isolation. If we are to solve our transportation problems without destroying our environment, we must look at transportation as a package and seek the most efficient means of coping with the problems at hand.

The solutions will vary from place to place. For example, we may see—if the new Metroliner is any indication—a rebirth of the passenger train in densely populated areas where airlines have a difficult time operating. The car will continue to be a prime mode of transport, but mass transit may replace it for commuting.

The federal government gave partial recognition to the interdependent nature of the transportation system recently when the Department of Transportation was created. But it left the independent regulatory agencies separate.

This leads to a lack of policy coordination. For example, because railroads and airlines are regulated by different boards, a community may be faced—as Klamath Falls has been faced—with simultaneous cutbacks in rail and air service. Local persons working on the problem finding themselves being whipsawed by two or more bureaus.

Sen. Mark Hatfield of Oregon, recognizing the problem, is cosponsoring legislation to merge the Interstate Commerce Commission, the Civil Aeronautics Board and the Federal Maritime Commission into one regulatory agency.

We don't know whether Hatfield's bill or some other proposal is the answer. We do believe, however, that a community such as Klamath Falls should be able to plead its public transportation case as a package without having to play off one regulatory agency against another and one company against another.

PRESIDENT PRAISED ON VOTING RIGHTS STAND

Mr. BROOKE. Mr. President, with President Nixon's endorsement of the Voting Rights Act, this country has passed an important milestone in the development of political freedom. The protection of minority rights to the franchise is a vital purpose of our Government and this law extends our effort to fulfill this purpose in important new directions.

The President's acceptance of this legislation becomes all the more significant in light of the serious constitutional questions which he had raised concerning statutory enactment of the 18-year-old vote. Yet I believe every Member of the Congress and every citizen in our society should applaud the wise course adopted by Mr. Nixon in leaving the constitutional question for resolution by the courts. Had the President acted otherwise the cost to the domestic political tranquillity of the United States could have been severe.

The President surely deserves the wise editorial commendation of his historic action. I ask unanimous consent that editorials from the Washington Post and the New York Times applauding the President's action be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 24, 1970]

Youth Vote: The Supreme Court Must Now Decide

A reasonable inference can be drawn from President Nixon's statement that he would have vetoed the 18-year-old vote bill if it had stood alone. The President reiterated his strong belief that the measure is unconstitutional and he does not expect it to survive the court test which he ordered the Attorney General to bring as soon as possible. He signed the bill in order to save its other provisions—extension of the Voting Rights Act of 1965 and a section allowing all citizens to vote in presidential elections without regard for state residency requirements.

In our view this was the best course he could have taken to resolve his dilemma. If the youth suffrage rider exceeds the authority of Congress, the Supreme Court can invalidate it. The President could not have taken upon himself the responsibility for making this decision without risk of being gravely misunderstood by the two groups most deeply involved in the current unrest: the Negroes who took upon the Voting Rights Act as the most vital element in their enfranchisement and the youths who are seeking a part in the national decision-making process. Since the noncontroversial parts of the bill involve the voting rights of about six million citizens—nearly one million blacks who have been registered under federal auspices or protection in the last five years and an estimated five million who in the past have lost their votes for President because of arbitrary state residency requirements—a veto could not have been justified for the sake of shielding the Supreme Court from what may prove an embarrassing task.

It is not yet clear what steps the Attorney General will take to expedite the constitutional test in the courts, but there is a recent precedent for going directly to the Supreme Court. After Congress passed the original Voting Rights Act, South Carolina sought an injunction in the Supreme Court against the enforcement of its provisions by the Attorney General. The court not only accepted original jurisdiction in the case; it also recognized the desire of the state to obtain a ruling before its 1966 primary election and therefore dispensed with the appointing of a special master and expedited its own hearing. All the states were asked to participate as friends of the court.

The Supreme Court has an entirely logical aversion to deciding abstract issues and to rendering declaratory judgments or advisory opinions. Its basic business is judicial the decision of actual cases and controversies. In this instance, however, one or more of the states is certain to challenge the right of Congress to fix the age for voting, and the Supreme Court is the only body which can resolve that very real issue. There is no basic controversy over facts which will require a lower-court trial in the usual sense. The basic question is what the Constitution requires.

If the Supreme Court is willing to follow its precedent, in *South Carolina* v. *Katzenbach*, there should be no difficulty in obtaining a prompt test of the statute. No doubt all the states will join in the appeal for prompt action since none of them can hold even a school board or bond-issue election without possible confusion over the outcome until the issue is resolved. Meanwhile Congress would do well to heed the President's advice to proceed with the approval of a constitutional amendment in any event. The vital question of enfranchising 11 million young citizens should not be left hanging precariously on the chance that the Supreme Court will say that the Constitution does not mean what it has always been assumed to mean in the past.

[From the New York Times, June 24, 1970]

Presidential Good Judgment

President Nixon has served the nation well in his handling of the combined Congressional action to extend the Voting Rights Act and lower the voting age to eighteen. He did not let his belief that an age qualification fixed by the Federal Government would require a constitutional amendment get in the way of his signing the legislation and thus clearing the way for the courts to resolve that question.

In the process, the President has saved the most important safeguard in the whole range of civil rights legislation, the Voting Rights Act of 1965. Protected by that law, nearly a million Negro citizens have registered in Southern states; millions more are sure to follow suit, with results that may well change the political face of the country.

The President made it clear, as he signed the bill, that he is asking the Attorney General to expedite a court test of the voting-age provision. Otherwise, all elections held after the first of the year, even primaries, will be subject to challenge—a prospect that would reduce the political process from mere vulnerability to downright chaos.

Prudence also suggests that steps be taken now to assure lowering of the voting age in case the courts do concur in Mr. Nixon's reading of the Constitution. As long as the eighteen-year provision was going through the legislative mill as part of the Voting Rights Act, no action was taken by the Senate subcommittee now considering a constitutional amendment on the subject.

But the amendment resolution already has more sponsors than it needs to get through the Senate by the required two-thirds vote. It is necessary only to speed up the machinery there—and to get it started in the House. The real battle then, should the Supreme Court reject the statutory approach, will be to win the approval of three-quarters of the state legislatures.

We share the President's declared enthusiasm for the eighteen-year-old vote, unmoved by figures showing that young voters in general exercise the franchise even more sparingly than their elders. They are far more mobile, for one thing, being less settled, and are accordingly put at a disadvantage by the outrageous residential requirements which the new law will drastically modify and make uniform.

In any event, whether or not they take advantage of the opportunity to vote is not the crucial consideration. Psychologically, it is important that they have the right—one to which they are entitled by any reasonable criterion of education, service to the country and taxation. Practically, its exercise will take on importance with time and usage, giving the young a more obvious stake in the political process than many of them now feel they possess.

THE BABE RUTH BASEBALL PROGRAM

Mr. BIBLE. Mr. President, I would like to add my own thoughts to those of many of my distinguished colleagues in praising the achievements of the National Babe Ruth Baseball program for teenagers.

The growth of this program since its inception in 1951 has been phenomenal. The first league, organized in New Jersey, involved only a handful of youngsters 13, 14, and 15 years old. Today, the program flourishes in all 50 States, as well as in Canada, Puerto Rico, Europe, Guam, Mexico, and parts of Asia. Participants number about 325,000 who compete in two separate divisions—one for those in the 13–15 age bracket and the other for those 16 to 18.

The success of Babe Ruth Baseball in my own State of Nevada is consistent with the growth of the program nationwide. The first Nevada league was formed in 1951. Today there are 70 teams competing in a number of communities. More than 1,000 young men are involved.

A highlight of Babe Ruth Baseball in Nevada is the annual State tournament, which this year is scheduled July 25–30 in Carson City, the State capital. As in past years, this event will draw capacity crowds who appreciate the excitement of well-played baseball and the sportsmanship so characteristic of participants in this worthwhile program.

I congratulate the officers, directors, and board members of International Babe Ruth Baseball as well as the leaders of the program in Nevada—Mr. Jay Kump, of Elko, who serves as State director, and Mr. Bill Fogle, of Carson City, the assistant State director.

At the same time, I offer a special tribute to the thousands of parents and other adult volunteers who have given so generously of time and effort to insure the success of Babe Ruth Baseball. Their unselfish contributions have been principally responsible for the rapid growth of one of the finest programs in the entire spectrum of competitive amateur athletics.

Mr. President, Babe Ruth was the epitome of excellence in the sport of baseball. He was the greatest home run hitter of all time. He was also, earlier in his career, a great pitcher. He was colorful and exciting, and he remains a source of inspiration to countless youngsters who aspire for success in baseball.

I think it entirely appropriate that the name of Babe Ruth is perpetuated today not merely in the record books, but in a program that offers millions of boys the opportunity to play the game he loved. Of all the memorials saluting his achievements, I think he would have treasured this one most of all.

THE AMENDMENT TO END THE WAR

Mr. HATFIELD. Mr. President, last May 16, I addressed a community forum at McArthur Court at the University of Oregon in Eugene, Oreg. After my speech, I was presented with petitions including 57,414 signatures supporting the Amendment To End the War, of which I am a cosponsor. I also received 3,000 signatures there opposing this amendment. As of this date, 80,238 Oregonians have signed petitions supporting the Amendment To End the War; 6,949 have signed petitions indicating their opposition. In addition, 8,628 Oregonians have written letters to me urging that this amendment be passed, while 2,818 have used this means to request that I withdraw support for the amendment.

Mr. President, in this time of increasing polarization I commend these peaceful and orderly methods of expressing opinions. On both sides of the issue there have recently been violent protests which cannot be condoned. I believe that we in the U.S. Senate must encourage our fellow citizens to participate in the democratic processes, as these Oregonians have. Our responsiveness will prove that this system can work.

OFFICIAL U.S. POLICY TOWARD CUBA

Mr. TOWER. Mr. President, I invite the attention of Senators to the article by the distinguished Senator from South Carolina which appeared in Human Events on June 13. We are all vitally concerned with the problem of Cuba, and I believe that Senator Thurmond's article will be of interest. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

McCloskey Distorts Position: What Is Official U.S. Policy Toward Cuba?

(By Senator Strom Thurmond)

The State Department's official spokesman, Robert J. McCloskey, has gravely distorted official U.S. policy with regard to the liberation of Cuba.

At a press briefing on May 12, McCloskey assailed the Cuban exiles in Miami who have announced the first successful raids against the Communist regime in their homeland. McCloskey is the deputy assistant secretary of state for Press Relations.

McCloskey said: "The government of the U.S. has noted with regret the announcement from Miami, made by a representative of a Cuban exile group, that members of his organization have sunk two Cuban fishing vessels and are holding 11 Cuban citizens as hostages."

The State Department spokesman went on to remind "all persons who reside in [the U.S.] that the U.S. laws forbid the use of U.S. territory as a base for any military expedition against a foreign country."

But there is absolutely no reason for the U.S. government to "note with regret" attempts by Cubans to regain their homeland.

In the first place, the Cuban exile groups did not claim that their attacks were launched from U.S. territory. The State Department admits that the government has no evidence that the attacks were launched from the U.S. Why, therefore, "note with regret" an event which every freedom-loving man should applaud?

The reason is that McCloskey, appointed to his post by President Johnson in 1964, is simply parroting the old State Department line on Cuba. Like many another holdover, he is able to maintain the status quo in areas which have not been demanding much attention lately. The President has his hands full on many another front, and men like McCloskey and the boys on the Cuban desk go on their merry way.

In the past four weeks the Cuban situation has changed dramatically. The Cuban exile group, Alpha 66, and its allies have successfully infiltrated Cuban territory three times, landing twice and sinking the two boats the third time (see *Human Events*, May 30, 1970, page 20). Spurning involvement with the CIA, these groups of freedom-loving Cubans have proved that they have a dedicated, viable operation, willing to make the necessary sacrifices.

What should U.S. policy be toward such attempts? The policy is already spelled out in U.S. statute. It is a matter of law, P.L. 87–733, effective Oct. 3, 1962, that the U.S. is determined:

To prevent Cuba, by whatever means, including the use of arms, from extending aggressive or subversive activities to any part of this hemisphere;

To prevent the creation in Cuba of an externally supported military capability endangering the U.S.; and

To work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

This legislation was a joint resolution passed by both Houses of Congress, and signed by President Kennedy shortly before the Cuban missile crisis. It is still on the books today and hence still represents official U.S. policy.

But as circumstances have developed today, it is not necessary for the U.S. to get directly involved. Our law encourages us to work with "freedom-loving Cubans to support the aspirations of the Cuban people for self-determination." Our law allows us to do this "by whatever means." We certainly face the rising tide of subversive activities exported by Castro, both in the U.S. and elsewhere in the hemisphere.

Not only is this right supported by our domestic law; it is thoroughly rooted in international law. In 1962 the Senate Foreign Relations Committee commented on this provision as follows:

"These aspirations are not only inherently legitimate in any people, but the right to self-determination is embedded in the Charter of the Organization of the American States and in the principles of the inter-American system. At the Punta del Este Conference in January 1962, it was recognized that the Communist regime of Cuba was incompatible with these principles."

There is no excuse, then, for the State Department to take an anti-freedom posture. It is not necessary for the U.S. government to take a public stand on the matter at all, and certainly not against it. All that is needed is a little "benign neglect" and perhaps some indirect arrangements whereby the Cubans can get needed arms and equipment. The Cubans are chiefly asking the U.S. not to intervene on behalf of Castro.

The President has all the authorization needed to implement such a policy. He has a group of dedicated Cubans who have not been neutralized and corrupted by CIA aid and assistance. It could be a textbook case of applying the Guam doctrine right in our own hemisphere. Let those who want their freedom fight for it themselves, but let us give moral and material assistance without getting our own military personnel involved. Such a response is proportionate to the present situation.

The Cuban freedom fighters have a plan. If they succeed, they will be doing an immense benefit for us as well as themselves. If they fail, the situation will remain unchanged. But by all means, let us not continue the perversity of protecting a brutal and bankrupt Communist regime on our doorstep.

It is time to reactivate P.L. 87–733. It is appropriate to say once more what I said on the Senate floor while this resolution was being debated in 1962:

"The establishment of a firm and clear policy position has not always meant that there would be firm execution of the policy. For instance, it is quite obvious that the Monroe Doctrine has not been enforced in the case of Cuba.

"It is always possible to find some excuse not to take affirmative action which a law or established policy demands, if those charged with the execution of the law or policy approach their responsibility with a spirit of unwillingness and timidity. It is imperative that both the Congress and the President take whatever steps are necessary to insure that once this joint resolution is passed and signed into law, it is executed faithfully and precisely and without any footdragging."

Note: Alpha 66, under heavy pressure from the State Department three weeks ago, released the 11 Cuban prisoners they had seized in an earlier raid.

ADDITIONAL FUNDS FOR INDIAN CHILDREN

Mr. KENNEDY. Mr. President, the Special Subcommitte on Indian Education, of which I was chairman during last year, conducted an extensive investigation into the education of Indian children and found that by almost any indicia, they are the most educationally deprived children in this country. We found, for example:

That the Indian dropout rates are twice the national average in both public and Federal schools;

That some school districts have dropout rates approaching 100 percent; and

That achievement levels of Indian children are 2 to 3 years below those of white students.

One of the important consequences of these statistics is the loss of self-confidence and the lowering of the self-image of Indian children. The subcommittee, recognizing the long-range impact of the problem, made 60 specific recommendations relating to the improvement of Indian educational opportunities.

The subcommittee recommended specifically that Federal schools should develop exemplary programs related to bilingual and bicultural education programs. The problem of funding stood in the way of meaningful expansion of Indian bilingual programs, however, and this past April Congress responded by amending title VII to make provision for bilingual education programs for children on Indian reservations. In a new section added to the Elementary and Secondary Education Act, we provided for bilingual education programs in elementary and second schools operated or funded by the Department of the Interior and specifically designed the language to encourage increased Indian participation in, and control of their own bilingual education programs. Although Congress has expanded the scope of title VII, as it relates to Indian children, it has not provided additional resources to make this expansion meaningful.

There are also over 120,000 Indian children in public schools throughout the country. And in many parts of the country, tribes and local governments are working toward bringing more Indian children from boarding schools and Federal schools into the local public school structure. This will require additional commitments by public school districts, especially where language and cultural barriers exist. The Federal Government is now responsible for the education of those Indian children in Bureau of Indian Affairs day schools and boarding schools and must be prepared to assist public schools willing to accommodate greater numbers of Indian children—not only with physical facilities, but also with special programs encompassed within the present scope of title VII. The amendment (No. 731) I submitted last

XUM

night to H.R. 16916, to provide additional funds for Indian children under title VII projects and programs, will make this accommodation easier for all parties.

Activities at present included under title VII involve, for example, bilingual education programs, programs designed to impart to students a knowledge of history and culture associated with their languages, efforts to establish closer cooperation between the school and the home, and special adult-education, dropout, and vocational programs. In all of these areas, as the Indian Education Subcommittee so vividly pointed out, the needs of American Indians are nothing less than astounding. The subcommittee's final report concluded:

> That our Nation's policies and programs for educating American Indians are a national tragedy. They present us with a national challenge of no small proportions.

Mr. President, today we have an opportunity to respond in one small way to that challenge. We should not let the occasion pass us by.

STUDENT UNREST

Mr. SAXBE. Mr. President, the subject of student unrest has interested me for a long time. I have discussed it in commencement addresses and other speeches on numerous occasions, and I have tried to read everything I can get my hands on relating to that topic.

In the current issue of the New Leader, Joseph A. Califano, Jr., a top White House aide in the Johnson administration, has written an article on students called "Youth Confronts the System." Mr. Califano believes that the unrest gripping our young people can become a progressive and enduring force if we really try to understand it. Califano presents a thoughtful analysis of the causes of student unrest, not only in this country, but around the world. He makes many excellent points, among them one about the "profound crisis of belief" that has beset our sons and daughters. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THINKING ALOUD: YOUTH CONFRONTS THE SYSTEM

(By Joseph A. Califano, Jr.)

There are as many views on student unrest as there are parents, alumni, professors, school administrators, and students themselves. We hear campus activists characterized as nymphomaniacs, because of their appetite for reform; agitators, owing to their penchant for confrontation; adolescent children, for their endless bickering; anarchist revolutionaries, with respect to politics; and amoral, in terms of sexual behavior. At the same time, they are called the most idealistic youth of the century; the most dedicated to the public good, and offended at the superficial materialism of modern-day society; the most intelligent, informed and politically aware generation in our nation's history.

Despite the obvious contradictions, there is some truth in virtually all of these comments. On the whole, though, I find the revolutionary trend, particularly where it touches large numbers of young people, to be a healthy force. The student movement is at a high emotional pitch, but it is also at an ambivalent crossroads. With some intelligence, a wise measure of understanding from the adult Establishment, and a good dose of staying power from the energetic young, it can become one of the most progressive and enduring catalysts in the last quarter of the century.

This feeling was reinforced by my observations last year in 10 foreign countries. While it must be stressed that my study was impressionistic rather than scientific, I found several common elements among students in the postindustrial countries.

1. The number of hard-core radicals was invariably quite small, rarely exceeding 1–2 per cent. In Japan, for example, with 1.5 million college students, no more than 20,000 could be called radicals; of those, 12,000 were relatively old-line Communists, and only 8,000 qualified as Maoists or anarchists.

2. The radicals' objectives were fuzzy and ill-defined, but their energies were directed at the whole fabric of modern society, not merely the university. Most radicals oppose representative democracy and Communism as inherently violent systems, insisting that both are more or less equally sophisticated in disguising this fact. Their confrontation tactics, argued the radical hard core, merely served to bring that violence into the open.

3. While radicals verbally reflect the influence of the romantic notions of Mao, Castro, Guevara, and Marcuse, they are, in a very real sense, undergoing a crisis of belief.

4. Affluence is unquestionably a significant factor in student unrest. The generally well-to-do society provides greater freedom from work for the young. Perhaps more important, the psychological and spiritual impact of prosperity on their parents—especially its failure to satisfy the purpose of their parents' lives—provides one of the key points of attack and frustration for the young.

(In this connection, we should be clear that "youth" alone is not what is happening to our own country. The median age—that national demographic benchmark—was 16.7 years in 1820. It was 29.2 in 1960, and the Census Bureau does not expect a sharp change following this year's count. But in 1820 the United States did not have 7 million college students; most 16-year-olds were already at work.)

5. In asserting the need for more individual freedom from the complexities of technological, urbanized life, the students have struck an immensely appealing chord across postindustrial societies around the world. Bureaucracy is everywhere—in big government, big business, big labor—and most adults are as offended as the young by its dehumanizing and often humiliating impact.

6. University conditions are generally abominable in Western Europe and Japan. Most universities bear a closer resemblance to our dilapidated and filthy metropolitan high schools than to our institutions of higher learning.

The traditional Left, Center and Right parties have failed grievously in two respects. They have virtually abandoned the student as an object of serious political interest, and they have refused to give the universities the resources needed to meet the demands of the population explosion.

8. The immediate conditions which precipitate riots are remarkably similar. A small group of hard-core radical students constantly probes for an issue to broaden its base of support. Instant communications, at least within the relevant geographical area, provide a big assist once this is found. Then the established authorities make a mistake, usually involving unfair discipline. For a first-class donnybrook, it helps to have a few radical professors bring the university's decisionmaking machinery to a state of indecision.

9. I found no international conspiracy among the students. The enormous similarity in their tactics is striking, but I believe it is attributable to the mass media, particularly television, and to the increase in student travel. There were, of course, the occasional assertions that Red Chinese funds are working their way into student movements, but I was unable to find any strong evidence of this.

Traveling from the postindustrial countries to such preindustrial countries as Kenya, Tanzania and, to a large degree, India—or, for that matter, to preoccupied nations like Israel and Czechoslovakia—one is struck by how little student unrest there is as we know it in the United States, Europe and Japan. Students are much more nationalistic, and activism is directed toward traditional concepts of constructive change. "We have a country to build and defend," explained one Israeli student. "We have no time for such nonsense." A Czechoslovakian student in England put it another way: "I cannot understand what the ferment in the Western world is all about. We are fighting for liberty; they seem to be abusing the liberty they have."

If the similarities between the student situation in the United States and the other postindustrial countries are hardly surprising, the differences are certainly striking. To begin with, there were no black-white racial questions at the universities I visited abroad, largely due to the absence of a significant number of black students. Even in France, where many blacks study, they are mostly from Africa and are not pressing to become a part of French society; they intend to return to their own countries, armed with the skills they have acquired at the Sorbonne. Although England is beginning to have its racial problems, black and white students, including South African radicals of both races, are working side by side for change at the London School of Economics.

Second, there is little or no drug problem at the universities abroad, and no significant hippie movement. Mod dress, long hair, dungarees, and fatigue jackets are common, to be sure; but the few instances of drug abuse are mostly attributed to the influence of American students.

Third, the ubiquitous Vietnam issue is not aggravated abroad by an unfair draft which, in our country, alienates the students and contributes significantly to the reluctance of university administrators to expel violent radicals.

Finally, there is no marked tendency among adults abroad—whether parents or politicians—to look upon their student unrest as part of some intentional (or even national) conspiracy.

Radical students the world over firmly believe the Establishment is involved in some sort of plot against the individual. They see it everywhere: in the military-industrial complex; in the Defense Department research contracts of universities and professors; in the correspondence files they rifle; in the power elite popularized by C. Wright Mills; in the lack of ideologically dominated and divergent political parties.

On the adult side of the equation, it is difficult to discuss student rebels in America at a suburban cocktail party without becoming involved in a discussion of conspiracy and Communism. Abroad, the subject virtually never arises. And when I myself brought it up, the listener was quick to dismiss it and contend that the issue is not whether there are some Communists among the students, but rather why so many bright young people turn to Mao, Trotsky or Marcuse rather than Jefferson, Lincoln or de Tocqueville.

The point is an important one, however much we might like to ignore it. First and foremost, I think, we must recognize that young Americans are experiencing a profound crisis of belief—a crisis many adults share, and for which they are at least partly responsible. For years our students have been subjected in school and at home to a relentless and not always healthy skepticism. As one professor recently explained it, "We have destroyed as myths the political, moral and religious doctrines of Western civilization, and we have failed to provide any substitute."

The crisis of belief goes far beyond radical students, questions about the relevancy of universities and their courses, or arguments on the legitimacy of individual professors to teach and of higher education institutions to continue in their present form. It even goes beyond the validity of existing political and social institutions. For many of our young people it goes to the very purpose of life.

Unlike many of their parents, who have abandoned the search, the students are desperately seeking answers to provide meaning to their existence. A few turn to bizarre life styles revolving around witchcraft, astrology, sorcery, Zen, and Teilhard de Chardin's Omega point. Father Andrew Greeley at the University of Chicago was surprised to learn that they are respected by their peers. The key lies in the comments of one of his students:

"They really believe what they say is true. They really believe that they do have the answer and that they know what is ideologically wrong. It is hard to avoid being affected by their enthusiasm after you have been in a school which really isn't sure what is right or what is wrong."

This crisis of belief is a chord politically radical students can strike with great effectiveness. Rendering harsh but subjectively sure judgments on everything from the university to the world to God, the radicals feel they know what is morally right and are acting sincerely, according to what their consciences dictate as the only acceptable course.

The crisis stems in many ways from the confusion students behold in the minds of their parents and teachers. This disorder of philosophy is more profoundly disturbing to them than the physical violence they witness on the streets, to which some are willing to resort. They are particularly horrified at what they look upon as hypocrisy in the lives of the adults around them.

They see it in professors more interested in consulting the government and corporations than in teaching; more interested in writing books and articles than spending time with individual students; more interested in the esteem of their colleagues than the respect of their students. Outside the university, they see it in political leaders who state that cities must be rebuilt or that law and order must be maintained, but fail to serve up humane programs or sufficient resources to do the job; in businessmen and labor leaders who do not live up to policies they publicly urge on others; in their own liberal white parents, who preach equality for all and yet live in white suburbia and oppose any tax increases.

Adults, in turn, detect at least as much hyprocrisy in the young as the young attribute to the Establishment. They feel that the students' rhetorical determination to eliminate poverty, bring peace to the world, and accord justice to all Americans is rarely matched with the kind of personal involvement necessary to accomplish these aims. They note that the young can say, "We don't care about careers; we care about ideals," because adults have made society so affluent the youthful idealists will be able to eat and drink no matter what they do.

The result is backlash, a kind of adult adolescence. Now adolescence is understandable in teenagers; it is difficult to justify in an adult. But it is evident in legislative proposals to outlaw demonstrations or withdraw funds from students who engage in them; on boards of university trustees that fail to understand the complex problems facing their college presidents; among college alumni who threaten to withdraw financial support unless "something is done" about radical students. It is even apparent among university professors who begin to question their own legitimacy, their own authority to teach, merely because their fallible human nature—their very humanity—makes them realize they cannot live up to every single precept they are teaching.

And where immature behavior is reciprocal, it leads too often to superficial concerns and slogans on both sides. What is worse, it creates an enormous area of mutual suspicion far exceeding anything I found abroad. Under such circumstances, the trust essential for the resolution of any difficult problem between students and the Establishment is simply not present. Without that, it is perhaps possible through shrewd tactics to achieve temporary amelioration, but nothing more. Thus the first step toward improving the situation may be to identify some basic level of values the generations can share—a recognition by each, for example, that the other is at least in part finally seeking honest answers and is entitled to some measure of respect.

The proximate, if not ideal, catalyst for this effort could well be the faculties of our universities, particularly the younger faculty members. For they bear a high responsibility in this area and must fulfill it with a special wisdom. A few—small in number, but potent in impact—have failed grievously in this respect. These are the vicarious revolutionaries, who allow their healthy skepticism about society and its institutions as they now exist to degenerate into indiscriminate attacks devoid of proposals for constructive change. Too often, they deflect the disorder the student feels in his own mind onto the problems of society as a whole.

It then becomes a relatively short step for the student to follow this reasoning to its logical conclusion. With youthful energy as his main weapon, he begins—sometimes quite literally—to tear down many of the institutions and ideals that are critical to the functioning of a free society. There is no room in our nation today for the vicarious revolutionary—whether he is on the campus as a young instructor, or on television as a racist demagogue. Too much vital work remains to be done for men of talent to stand aside, egging on others to an essentially nihilist fray.

One of the central problems with the vicarious revolutionary is the ease with which he leaves the mainstream of society. In a relatively short time he is aloof from the real battle, involved only to the extent of the words he spoke or wrote, or the encouragement he gave to the young student. The vicious transformation of his utterances into violent action is something he can greet with a Pontius Pilate attitude. Yet the professor who becomes a vicarious revolutionary can no more wash his hands of responsibility for the student who dynamites a corporate office that he has been taught is a symbol of corrupt capitalism, than the Vice President of the United States can wash his hands of the brutal attack on black school children in Lamar, South Carolina. Both can issue exculpatory statements after the fact, but both must live with whatever they said to help make the fact. The First Amendment protects them legally (as it should); it does not, however, offer moral absolution.

This brings me to several brief suggestions concerning America's youth. I believe students must be given a greater measure of real control over their lives. I would place a young American on every draft board in the country, place students on boards of college trustees, and turn all parietal and disciplinary rules over to student bodies, short of a large demonstration or disorder (where the universities should reserve the right to move in, just as the Federal government does with the states). I would also appoint student assistants to the Secretary of Health, Education and Welfare and the Commissioner of Education, as has been done in France, and I would give students a chance to run at least one or two government programs, such as VISTA. Recent events may make it difficult to find students willing to be associated with the current Administration, but I believe a real effort should be made to get them involved. Indeed, both major political parties need to focus more energy and attention on the students.

As a nation, we must face the fact that a four-year university education is not appropriate, necessary, or fulfilling for every American boy and girl. In many cases it can be counterproductive for the student, not to mention destructive for society. As for those who argue that the university is the place to socialize our young, they are distorting its purpose as grossly as parents who believe the university should do for their children what they themselves failed to do over the first 17-18 years of their children's lives. Finally, I believe the government—Federal, state and local—must provide the resources necessary to finance the burdens placed on universities, high schools and elementary schools by the current student population explosion.

But what does this mean for the survival of the system? It means, above all else, that the rhetorical commitment of the American Establishment must be made real. By action and sacrifice, the Establishment must demonstrate that it believes its own words, for the youth of our nation will no longer be assuaged merely by platitudes and crisis amelioration. There are only so many protest marches, and petitions signed by hundreds of thousands; only so many lobbying and political education efforts that well-educated young America will produce before its energetic impatience turns to significantly worse violence than we have seen to date. And youth's charge of indifference and hypocrisy has greater merit than most adults would like to admit. However magnificent the Establishment's rhetoric of commitment, it is not the language of American reality.

Our most solemn commitments are found in the Declaration of Independence and the Constitution, the Proclamations and Executive Orders of our Presidents, and the preambles and sections of the legislative programs of the late 1960s—for housing, education, manpower training, health, and a host of other urgent domestic problems. Let me cite a few examples, taken from laws enacted by Congress.

HOUSING

The Housing Act of 1949 declared that the "general welfare and security of the nation require the elimination of substandard and other inadequate housing through the clearance of slums and blighted areas, and the realization . . . of a decent home and suitable living environment for every American family. . . ." In the 1968 Housing and Urban Development Act, Congress recognized that for 20 years the promise had not been kept, noted the failure "a matter of grave national concern," and rededicated itself to "the elimination of all substandard housing in a decade." Yet what has been done to fulfill that commitment to the 26 million Americans who still live in housing unfit for human habitation?

THE CITIES

The 1966 Model Cities legislation affirmed that "improving the quality of urban life is the most critical domestic problem facing the United States. . . ." Its stated purpose was to provide "financial and technical assistance to enable cities of all sizes . . . to plan, develop, and carry out locally-prepared . . . programs . . . to rebuild and revitalize large slums and blighted areas." Nevertheless, we continue to stand by while the physical plant of most of our cities further decays

XUM

or moves toward obsolescence and the post-war suburbs of the '40s enter the first stages of severe deterioration.

ANTIPOVERTY

The Economic Opportunity Act of 1964 declared it "the policy of the United States to eliminate the paradox of poverty in the midst of plenty in this nation by opening to everyone the opportunity for education and training, the opportunity to work and the opportunity to live in decency and dignity." Six years later, some 25 million Americans are still locked in poverty.

CRIME CONTROL

The Omnibus Crime Control and Safe Streets Act of 1968 recognized the urgency of the nation's crime problem, calling it a matter that threatens "the peace, security and general welfare of its citizens." The Act made it "the declared policy of the Congress to assist state and local governments in strengthening and improving law enforcement at every level by national assistance." But year after year the crime rate continues its persistent rise, while the Safe Streets Act is funded at 50 per cent of its programmed level and the American public is presented with a series of preposterous assurances that preventive detention, no-knock laws and increased wire-tapping will help reduce street crime.

Clearly, young America has good reason to believe our national security is at stake in our domestic problems; Congress has literally legislated that judgment in the bills it has passed. And recent events have, if anything, validated the verdict. Furthermore, our youth has equally sound cause to believe the Establishment does not mean what it has said, since Congress and the Executive have repeatedly refused to furnish the resources needed to take the decisive action required for solving our troubles at home.

Contrast this attitude with the Establishment's reaction when our security is threatened from abroad. We repeatedly hear in the halls of Congress and in the White House how the United States must fulfill its military obligations, and of the need for this or that weapons system, for some base or other here or overseas, for an extra division to make certain that we can meet the "commitments" we have made around the world. There are commitments to our neighbors, commitment for Spanish bases, SEATO commitments, commitments to the United Nations, commitments involving the Organization of American States. And never have we hesitated to provide the resources or make the sacrifices considered necessary to protect our national security from foreign dangers. Yet time after time, we have failed to provide the resources and make the sacrifices that are necessary for all Americans to live at a minimal level of human dignity and spiritual tranquility.

This is what our youth instinctively senses, and articulates inadequately through slogans about the military-industrial complex, the Black revolution and "power to the people." In increasing numbers, they recognize that failure to deal with domestic questions of survival is not due to lack of wealth. Toward the end of this year, the nation is expected to have a Gross National Product (GNP) of $1 trillion. The Federal budget of some $200 billion represents only about 20 per cent of this figure, and the defense budget, even at the current level of roughly $75 billion, is less than 10 per cent. State and local governments, for their part, spend around $100 billion in the public sector. The nation's total commitment for its public needs, therefore, is approximately 30 per cent of the GNP, which is not only far less than we require, but also way below what most European countries expend. England, for example, disburses about 38 per cent of its GNP in the public sector. Were we to do the same, we would have an additional $80 billion a year at our disposal for domestic needs.

So many responsible leaders in both political parties have talked about the inadequacy of funds devoted to urgent domestic problems that I hesitate to repeat their findings here. Still, some brief illustrations are in order.

The Federal government estimates the cost of implementing the Kerner Commission proposals on crime to be at least $30 billion a year more than is now being spent.

The President's Commission on Rural Poverty said we must increase present expenditures by $40 billion if we are to eliminate the condition.

The Violence Commission, merely as a start, recommended that $20 billion be transferred promptly from the Defense Department's budget to the domestic public sector.

To provide funds for the full development of only the domestic programs in existence at the end of the Johnson Administration, plus a few modest new ones, would cost $37.7 billion by the next fiscal year—more than twice the real savings anticipated through ending the Vietnam war. This is not a projection of dreamers, but a careful calculation contained in a December 1968 report to the President, signed by the then Secretaries of the Treasury, Defense, Commerce, and Labor, the Director of the Budget, and the Chairman of the Council of Economic Advisers—the very men who made up the Presidential Committee on Post-Vietnam Planning. As the report expressed it:

"The end of the struggle in Vietnam, together with increased tax revenues resulting from economic growth, will make a sizable volume of real resources available to deal with these [domestic] problems. But for years and years ahead, the peace-and-growth dividend is dwarfed by the magnitude of these needs."

I am not suggesting any large segment of our youth knows, with even the rough precision I have used here, the amount of money required to deal with our public problems. I do contend, though, that they sense that affluent America has become short-sighted and selfish, that general prosperity has somehow debilitated our willingness to sacrifice where our own problems are involved. In short, they feel the ease of life in America has led too many of its citizens to believe its difficulties will be solved without pain by someone else, or will perhaps simply vanish.

These are not idle comments or the concerns of an alarmist group of young people. Our troubles at home represent a greater danger to the survival of the system than any peril from abroad, and it will take more than another repetition of the rhetoric of the past to help us survive.

To turn our declared commitments into *de facto* achievements—the only way we will make them real to the sophisticated young—we must divert literally scores of billions of dollars from the private to the public sector, and react to our domestic needs as we have in the past reacted to foreign threats to our national security. We must begin to establish four- five- or 10-year plans to tackle some of our most urgent problems at home, and commit the funds necessary to make these programs more than marginal. That means we must begin seriously to consider not only wage and price controls, but also sharp tax increases.

This is usually dismissed as impossible by our political leaders, who insist the American people are so fed up with taxes they will not pay any more. A roll call of governors and mayors who have raised taxes and then promptly lost elections is read to illustrate the point, and for further proof, the shocking loss of revenue needed to get relatively modest tax reforms through Congress last year is cited. Yet there is no other reasonable alternative, no cheap and easy way to solve our problems and replace the dream evoked by our national rhetoric with the reality of a national commitment.

In its own cacaphonic style, America's protesting young are beginning to sound this simple theme: The paramount danger we face today is from within, not without. History is on their side; from Edward Gibbon to Arnold Toynbee, historians have warned of the internal doom of great civilizations. As Toynbee noted: "In all the cases reviewed the most that an alien enemy has achieved has been to give an expiring suicide his coup de grace."

It is surely ironic that the only total commitments our nation has been able to make have been in times of war. The two world wars provide classic examples of how economic and human resources and institutional innovation can be harnessed to meet the task of survival. Since the problems we now face at home present no less a peril to our very existence, it is time for America to turn once again to the tools of commitment that brought it through the two largest conflicts in the history of mankind. Applying tax and other economic measures approaching those we use in periods of war may well be the only way to liberate the genius of American science, medicine, industry, labor, agriculture, and all the myriad skills we have developed, on the scale required to solve our problems before it is too late. Conceivably, institutional changes will be impossible under traditional, jealous bureaucracies, operating on a business-as-usual basis. In that case, we have to create, at least on a temporary basis, national and regional powers and institutions that will not be inhibited by artificial state boundaries drawn by settlers of another age.

There may of course be other, less drastic means to deal with our problems, but I have yet to come across any. Perhaps the greatest mistake our leaders can make is to continue to imply that there are cheap and easy ways to solve our financially and socially costly difficulties in housing, health, poverty, the environment, and transportation. The end of the Vietnam war will not provide sufficient funds to cure our material domestic ills. Surely it must be stopped—but there is little gold at the end of that rainbow. Our history indicates that after both world wars and Korea, the assets devoted to the hostilities were promptly returned to the beer and lipstick sector of the economy, not applied to pressing public needs at home.

In any event, substantially more funds than those available from Vietnam, or from cuts of a few billion dollars in the defense budget, are urgently required. To tell our youth and our older citizens that anything short of considerable sacrifice will suffice is to toy with the very survival of our democratic system. My greatest hope for young Americans is that as they take the reins of power, and become makers rather than victims of history, they will muster the courage to face our problems with realism, abandoning at last the mere rhetoric we have known.

SPEECH AT NAVAL WAR COLLEGE BY SENATOR HARRY F. BYRD, JR.

Mr. THURMOND. Mr. President, the distinguished Senator from Virginia (Mr. BYRD), made a speech on June 17, 1970, at the Naval War College, Newport, R.I.

In this speech, Senator BYRD expressed his views on U.S. treaty commitments, the need for a modern Navy, U.S. involvement in Southeast Asia, plans to

XUM

give control of Okinawa back to the Japanese, and other important defense topics.

His talk clearly demonstrates the deep understanding of defense matters held by the senior Senator from Virginia. I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR HARRY F. BYRD, JR.

There can be no doubt that our experience in Vietnam underlies the questioning mood in the Senate in the fields of defense and foreign affairs. The frustrations of the war in Southeast Asia have given rise to a skepticism about our whole military posture —and, indeed, our general relations with the rest of the world.

Within reasonable limits, this is a healthy mood. Our alliances and our defense expenditures should be forced to stand the test of close scrutiny by the Congress.

Many members of the Senate feel that the United States is over-committed around the world.

I must say that I share that feeling. I do not favor a "world policeman" role for this country.

We have mutual defense agreements with 44 different nations around the world. I do not believe that the United States can be expected to shoulder indefinitely so many overseas burdens.

For example, I have felt from the beginning that United States involvement in a ground war in Southeast Asia was a grave error of judgment.

I concur, with my close friend, Senator Richard B. Russell, president pro tempore of the Senate, chairman of the Appropriations Committee and former chairman of the Armed Services Committee, who has publicly stated that the United States ought not be involved in an Asian land war.

I am certain that this nation's experience in Southeast Asia has damaged the prestige and future of the military.

This is not the fault of the military itself. I feel that much of the responsibility lies with former President Johnson and former Defense Secretary McNamara, who conducted the war in an unwise manner. They attempted to run the war out of Washington and put unrealistic restrictions on our commanders in the field.

The McNamara concept of a so-called limited war proved itself a farce and prolonged the war and increased the casualties. Yet, in the public mind, our armed forces, manned by dedicated, competent professionals, are being discredited for the results.

In this uncertain world, I want our nation to remain militarily strong.

There is a crucial difference between declining to police the world because we do not choose to do so, and declining because we are unable to do so.

Choosing not to do so is an act of judgment, which implies the existence of an American deterrent that discourages adventurism on the part of potential enemies.

On the other hand, being *unable* to do so implies a posture of impotence that can only encourage aggressors.

We must be in a position of choice, not a position of impotence.

We cannot escape our responsibilities in this imperfect world of violence. I do not favor a policy of intervention—certainly not a policy of unilateral interventon—but I believe in looking at the world as it is, not as we might *wish* it to be.

It is interesting to me to note that some of the wishful thinkers about the world situation—some of those who are willing to see a weakening of the American defense structure—are the very ones who, a few years ago, were among our most ardent interventionists. Some members of the Senate, for example, have gone all the way around the circle from internationalism to isolationism.

Rightly or wrongly, I have been consistent. Never have I favored that we police the world. Yet always have I recognized that we have a grave obligation worldwide—but that we must be realistic in what commitments we assume.

In the world as it is, we need strong defenses. And no arm of our defense is more important than a modern Navy.

I strongly agree with the statement last year by Senator George Aiken of Vermont, who declared that "whoever controls the seas will control the overriding question of peace or war."

Senator Aiken is a man dedicated to peace, but his statement shows a realistic appreciation of the need to maintain American seapower.

American troops ought not to be committed overseas except in the most extreme circumstances. But seapower is far more than a means of protecting troops abroad: it is our means of insuring that sea lanes of the world stay open to us, whatever the threat that is posed. This is vital to our very survival.

We need a strong combat submarine force to guarantee our freedom of action on the high seas. We also need our Polaris submarines, a vital part of our strategic deterrent.

Our anti-submarine force also is vital, in view of the threat posed by Soviet submarines.

And to project our power overseas when all else fails, it is essential that we have a strong amphibious force. In the Senate, debate about seapower has come to center around the aircraft carrier. So I decided to discuss with you the debate over aircraft carriers as an example of the arguments that are advanced for and against seapower today.

Last year in the Senate, a major debate occurred over the funding of a new, nuclear-powered aircraft carrier. It was my privilege to play a part in the defense of the authorization for that ship, and as you know, our side carried the day.

But the debate over carriers is far from ended. For this reason, it is useful to look at some of the principal arguments being advanced.

I think these arguments are indicators as to how the winds are blowing in the Senate.

Opponents of the new carriers do not contend that the United States can do without tactical air power. Both sides in the debate admit that the real question is this: How do we move the aircraft into position when they are needed? To put it another way, can we get along without mobile, sea-based aircraft?

There is reason to doubt that land bases for tactical aircraft always will be available.

When the Communists overran all of our bases in South Korea, the only sustained tactical air power available was carrier-based. During the Lebanese crisis, although a base was available to us in Turkey, its use was denied to us when Greece, a NATO ally, refused to allow overflights. Our carrier force provided air cover for the Maine landing after the order was issued.

Since 1954, the United States has lost two-thirds of its overseas bases. The most recent loss is Wheelus Air Force Base in Libya—a fresh reminder that large investments in overseas installations can go down the drain without a shot being fired. The Libyan government simply demanded that we leave. Carrier-based aircraft will be important in filling the resultant gap left in Mediterranean air cover.

Carrier-based planes have played an important role in Vietnam, and now that we are withdrawing our forces from Southeast Asia, I wonder what will happen to all those air bases we built over there. They cost us a lot of tax dollars. Carriers are expensive, too, but they are mobile and can serve in many crises and conflicts.

Regardless of how you calculate the cost of overseas bases, they certainly involve a large outflow of dollars. And that adversely affects our balance-of-payments situation.

Opponents of the carriers contend that carrier-based tactical air power is two to three times as expensive as landbased planes. But this conclusion is based on false assumptions: namely, that we will have unchallenged access to the sea lanes, overseas base availability, pre-stockpiling of weapons and an assured fuel supply—*all at no cost*.

Furthermore, it is assumed that the foreign bases will not be contested by hostile ground forces. Assumptions like these have been rejected by the Defense Department as unrealistic—and rightly so.

But considerations of cost are by no means the whole story. The aircraft carrier is well suited to the new posture of the United States—the so-called "low profile".

We must remember that carriers operate on the open sea, while the commitment of an air wing to a foreign base involves putting at least 5,000 men on foreign soil, in addition to the facility itself. Furthermore, the quality of foreign troops that may be available is unknown, and it could be that Army troops would be required to guard the base.

The carrier is a very versatile weapon. Its use is certainly not confined to the so-called "brushfire" conflicts, but is adaptable—indeed, is essential—to maintaining our general superiority at sea.

Unless we wish to get out of the seapower business entirely—and that would be to surrender our freedom of action as a nation—we had better keep *modern* carriers in our fleet. The carrier is capable of holding the balance of power on the high seas.

The carriers' opponents argue that the ships are too vulnerable.

It must be admitted, of course, that they can be attacked, just as any other ship can be attacked. But the carrier is the toughest of all our ships: not only is it protected by its own aircraft and escorts, but it is built to withstand attack.

Sometimes opponents of the new aircraft carriers maintain that the issue is whether or not the Navy needs 15 carriers. That is the present force level.

It is my view, however, that the issue is not whether we need 15 carriers, or 12, or 10, or 8, but whether or not we are going to have a *modern* Navy. I cannot conceive that the fleet needs fewer than 4 carriers, and it seems to me evident that these ships should be nuclear-powered.

That brings us to the present situation in the Senate, which is a bit complicated.

It was widely assumed that this year Congress would be asked to authorize a fourth nuclear-powered aircraft carrier, the third of the Nimitz series. But no request for funds has come from the Administration.

Personally, I favor a fourth carrier. A majority of the Armed Services Committee favors such a ship.

But lacking a request from the Administration, the funds certainly will not be authorized. Even if the Armed Services Committee were to approve this money, it would be defeated on the floor of the Senate.

It was difficult enough to win authorization for a third carrier last year, with solid Administration backing. It would be simply impossible to get approval of a fourth carrier this year with no such support.

Therefore, it seems to me that the only hope for funds for the fourth carrier in the current fiscal year would be a supplemental Defense Department appropriation. I understand that the National Security Council now is reviewing the requirement for carriers and that a recommendation will be forthcoming in a few months.

If the recommendation is favorable, there is hope for the new carrier this year. If it is unfavorable, there is just no chance of approval. The opposition is strong enough to block authorization of the ship unless there is a firm request from the Administration.

Turning from the field of military hardware to the broader area of military posture, I would like to discuss the question of control of our military bases on the island of Okinawa.

Okinawa, and in fact the whole U.S. position in the Far East, is part of the heritage of World War II, which ended a quarter century ago.

During the past quarter century, the United States has been involved in three major wars, counting World War II. I doubt that any other nation in history, during such a short period of time, has engaged in three different major wars.

The U.S. Senate, under the Constitution, has a responsibility for foreign policy.

Too often during the past 25 years, the Senate has abdicated its responsibility in the field of foreign affairs, relying instead on the Department of State. Now I know that within that Department the overwhelming majority are dedicated, conscientious individuals; I know, too, that many of them are men of great ability.

But, I know also that whatever the reason, or wherever the responsibility may lie, the fact is that our nation in this year of 1970 finds itself in a most unenviable position.

We are the dominant party in the North Atlantic Treaty Organization, the purpose of which is to guarantee the freedom of Europe; we are the dominant party of ANZUS—the treaty among Australia, New Zealand, and the United States; we are the military head of CENTO—Central Treaty Organization—Turkey, Iran and Pakistan; we are the dominant partner in the Southeast Asia Treaty Organization, one of the prime reasons, according to former Secretary of State, Dean Rusk, that the United States became involved in the war in Vietnam; we have guaranteed the security of Free China, and we have guaranteed the security of Japan.

As a practical matter, we have become the policeman of the world.

Can we logically continue in this role? Should we, even if we could?

Twenty-five years after the defeat of Germany, we have 300,000 troops in Europe, mostly in West Germany.

Twenty-five years after the defeat of Japan, we have more than 700,000 military personnel in the Far Pacific, on land and sea.

The question of Okinawa is of great significance to our position in the Pacific. Okinawa is our most important single military base complex in the Far East—and is strategically located.

The United States has had unrestricted use of the island since World War II. Beginning with President Eisenhower, each administration since 1951—until last year—firmly maintained that the unrestricted use of U.S. bases on Okinawa was vital if the United States was to continue to have obligations in the Far East.

Sometimes the future status of Okinawa has been linked to the United States-Japan Mutual Security Treaty in which the United States guarantees the freedom and safety of Japan. Such linkage is not correct. These are two separate issues.

The Mutual Security Treaty with Japan was consummated in 1960. Either party has the right to reopen it after 10 years, otherwise it remains in effect.

But the status of Okinawa was determined by the 1952 Treaty of Peace with Japan. There is no legal obligation to discuss reversion of the island to Japan at this or any other time.

The United States has complete administrative authority over the Ryukyu Islands, the largest of which is Okinawa, under the provisions of Article 3 of the 1952 Treaty of Peace. This peace treaty is entirely separate—and I want to emphasize that—from the 1960 Mutual Defense Treaty with Japan.

The Japanese Government recognizes the important contribution of our Okinawa bases to Japanese and Asian security and is not likely to seek the removal of our bases. The Japanese Government does, however, want administrative control of the island which supports our major military base complex in the West Pacific.

To state it another way, the Japanese Government wants the United States to continue to guarantee the safety of Japan; to continue to guarantee the safety of Okinawa; to continue to spend hundreds of millions of dollars on Okinawa—$260 million last year. But it seeks to put restrictions on what the United States can do.

Japan wants a veto over any U.S. action affecting Okinawa, it specifically wants the right to deny to the United States the authority to store nuclear weapons on Okinawa and would require prior consultation before our military forces based there could be used.

In other words, the United States no longer would have unrestricted use of Okinawa.

Our role as the defender of the Far East has enabled Japan to avoid the burden of rearmament—less than 1 percent of her Gross National Product is spent on defense. Thus she concentrates on expanding and modernizing her domestic economy.

In defense matters, the Japanese have gotten a free ride. As a direct result, Japan's present Gross National Product is over $120 billion, and economically, Japan ranks third in the world, behind only the United States and the Soviet Union.

While the peace treaty with Japan gives the United States unrestricted rights on Okinawa, the 1960 Mutual Security Treaty provides that our military forces based in Japan cannot be used without prior consultation with the Japanese Government.

For example, when the North Koreans seized the U.S.S. Pueblo in 1968, Admiral Frank L. Johnson, Commander of Naval Forces in Japan, testified that one reason aid could not be sent to the Pueblo was that approval first must be obtained from the Japanese Government to use U.S. aircraft based in Japan, those being the nearest aircraft available.

The Japanese Government now seeks to extend such authority to Okinawa.

Whether the United States should continue to guarantee the freedom of Japan, and Free China; whether we should continue the mutual defense arrangements covering the eight countries signing the Southeast Asia Treaty; plus the Philippines; plus Australia and New Zealand; plus Thailand, Laos and Vietnam, is debatable.

But what is clear-cut commonsense, in my judgment, is that if we are to continue to guarantee the security of the Asian nations—and our Government has not advocated scrapping these commitments—then I say that it is only logical, sound and responsible that the United States continue to have the unrestricted use of its greatest base in the West Pacific—namely, Okinawa.

While I agree that eventually the Ryukyu Islands will be returned to Japan, it would be foolhardy, in my judgment, to commit the United States to defend most of the Far East and then to give away this country's unrestricted right to use its military bases on Okinawa.

If by the act of granting Japan administrative control over Okinawa, the United States could insure a multi-national defense structure in the Far East, with increased participation by Japan—if this action would relieve our country of a measure of its heavy international responsibilities—then, I would support a reversion of Okinawa to Japanese control.

But this is not the case.

Quite the contrary. Surrender of control over Okinawa would only make more difficult our role in the Pacific.

The future role of the United States in the Far Pacific is of tremendous importance.

It is of great importance to the American people—and it is of great importance to the people of Asia.

Many feel, as I do, that our worldwide commitments must be reduced. This, too, appears to be the view of President Nixon. But so long as the United States maintains its significant role in the Far East, the continued unrestricted use of our bases on Okinawa is vital and fundamental.

Last November, the Prime Minister of Japan came to Washington to discuss the future of Okinawa, among other issues. Shortly before his arrival, I added to a pending bill an amendment which declared it to be the sense of the Senate that the President seek the advice and consent of the Senate before entering into an agreement that would change the status of Okinawa.

It was my feeling that since the Senate in 1952 ratified the Treaty of Peace, the Senate should be consulted on any changes in that Treaty. And as I pointed out earlier, the status of Okinawa was fixed in the Treaty of Peace.

My amendment was adopted by the Senate by a vote of 63–14. Subsequently, in a communique issued after the meetings between President Nixon and Prime Minister Sato, it was declared that reversion of Okinawa was conditioned on "necessary legislative support."

Unofficially, I learned from the State Department that my amendment was helpful in the negotiations with Japan last Fall. In my opinion, the amendment led to the inclusion in the communique of the provision for legislative support.

I assume that the communique means that the proposed change in the status of Okinawa will either be submitted to Congress as a whole, requiring a majority vote in both Houses, or to the Senate as a treaty change, requiring a two-thirds vote in the Senate only.

I have been doing a good deal of work among my Senate colleagues, and I have been surprised to find the extent of the support in the Senate for maintaining U.S. control of Okinawa. I am encouraged by the number of Senators who agree with me on this point.

I have discussed the background and attitude of the Senate on two representative issues in defense and foreign affairs: the nuclear aircraft carrier force and the island of Okinawa.

During the early days of our Republic, when the checks and balances of our federal system were undergoing their first test, President George Washington went to the Senate one day to discuss a treaty with the Southern Indians.

Historians record that his reception was so icy that he vowed "he would be damned if he ever went there again."

A certain amount of tension between the Executive and Legislative branches of the government is built into our system. It is inevitable, under the terms of the Constitution, and it has not served us badly.

At the present time, as we have seen, the Senate is in a mood that is at once skeptical and assertive. Therefore, conflict between the Administration and the Senate is bound to be somewhat heightened.

I believe that a careful distinction must be made between the powers of Congress and those of the President in foreign affairs.

I feel that the Congress must assert itself in the field of foreign policy. I have worked toward that end since coming to the Senate, and with some success.

But I have never advocated the Senate interfering in military tactics. We cannot have 100 commanders-in-chief.

XUM

For example, I initially had grave concern about having U.S. ground troops in Cambodia, fearing that a commitment to the Cambodian government might have been made. But President Nixon, in a White House meeting, assured me there was no such commitment.

I was assured that the operation was a temporary military tactic to protect our own forces and that the troops would be withdrawn before July 1 at the latest.

In the Senate, we must differentiate between temporary military tactics on the one hand, and a commitment to guarantee the security of a foreign government on the other.

The distinction between the role of the Senate in foreign policy and the duties of the President as commander-in-chief, is an important one. I believe that if the Senate and the President mutually recognize this distinction, much of the friction we are now experiencing can be eliminated, and there can be a spirit of cooperation for the good of the country.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

AMENDMENT NO. 706

Mr. MILLER. Mr. President, I call up amendment No. 706 and ask that it be stated.

The PRESIDING OFFICER (Mr. Harris). The amendment will be stated.

The assistant legislative clerk read as follows:

On page 7, beginning with line 1, strike all through line 2 on page 8.

The language sought to be stricken is as follows:

Sec. 10. (a) No excess defense article may be given, and no grant of military assistance may be made, to a foreign country unless the country agrees—

(1) to deposit in a special account established by that country the following amounts of currency of that country:

(A) in the case of any excess defense article to be given to that country, an amount equal to 50 per centum of the fair value of the article, as determined by the Secretary of State, at the time the agreement to give the article to the country is made; and

(B) in the case of a grant of military assistance to be made to that country, an amount equal to 50 per centum of each such grant; and

(2) to make available to the United States Government, for use in paying obligations of the United States in that country and in financing international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961, such portion of the special account of that country as may be determined, from time to time, by the President to be necessary for any such use.

(b) Section 1415 of the Supplemental Appropriation Act, 1953 (31 U.S.C. 724), shall not be applicable to the provisions of this section.

The PRESIDING OFFICER (Mr. Harris). The Chair informs the Senate that this amendment will be considered under an order limiting the debate to 4 hours, to be divided equally between the Senator from Iowa and the majority leader or his designee.

Mr. MILLER. Mr. President, I ask unanimous consent that I may yield to the Senator from Colorado without losing my right to the floor.

The PRESIDING OFFICER (Mr. Harris). Does the Senator wish that time to come from his time?

Mr. MILLER. That is correct.

The PRESIDING OFFICER (Mr. Harris). Without objection, it is so ordered. How much time does the Senator yield to the Senator from Colorado?

Mr. MILLER. Mr. President, I yield such time as the Senator from Colorado may require.

The PRESIDING OFFICER. Without objection, it is so ordered.

May we have order in the Senate, please.

Mr. ALLOTT. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. Harris). The Senator is quite correct. The Senator will not proceed until we have order in the Senate. Senators will please do their visiting in the cloakrooms.

The Senator from Colorado may proceed.

NEWSPAPER REPORTING

Mr. ALLOTT. Mr. President, I want to begin my few remarks today by referring to an article in the Washington Post of this morning. On page A8, there is an article entitled "Tonkin Repeal Due Today; Effect of Action Uncertain."

In the latter part of that article there is a news report, which I understand evoked considerable comment on the floor of the Senate earlier today. I am sorry that I was unable to be present but I was attending a conference committee session on the supplemental appropriations bill.

The article reads in part as follows:

Sen. Gordon L. Allott (R-Colo.) said administration backers might try to force the hand of Senate doves by calling up the McGovern-Hatfield "amendment to end the war" for an early vote. This proposal would cut off funds for any Indochina involvement after Dec. 31, 1970.

It is "common talk down on the floor" Allott said at a news conference, that some senator might offer the same amendment early in an attempt to defeat it before its backers can strengthen their forces. This vote has been slated for July or August.

Mr. President, I ask unanimous consent that the article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Tonkin Repeal Due Today; Effect of Action Uncertain

(By Phillip D. Carter)

With repeal of the 1964 Gulf of Tonkin resolution headed toward certain passage today, the Senate divided yesterday over the significance of its coming action.

Administration backers reiterated President Nixon's conviction that repeal would in no way restrict his conduct of the war in Indochina. But in a lengthy address, Sen. J. W. Fulbright (D-Ark.) sharply warned that the present timing and context of repeal might constitute "a legislative surrender of power to the President."

"We still have not made clear," said Fulbright, "that the war power—the creation of situations making war inevitable—is a power to be exercised by the Congress alone." As chairman of the Senate Foreign Relations Committee, Fulbright has strongly backed other efforts to repeal the Tonkin Gulf measure, passed overwhelmingly in 1964.

Discussion of the "Tonkin Gulf repealer" dominated yesterday's continuing debate over the Cooper-Church proposal to prevent U.S. military involvement in Cambodia after July 1.

Sen. Robert J. Dole (R-Kans.), proposed the repeal Monday as a surprise amendment to the Cooper-Church proposal. His action closely followed passage of another amendment, offered by Sen. Robert C. Byrd (D-W. Va.), acknowledging the President's right "to protect the lives of United States Armed Forces wherever deployed."

Fulbright said yesterday he feared that the manner of the two amendments' passage would only strengthen presidential war powers at the expense of the legislative branch. He went on:

"What we have done the last two days by hasty adoption of the Byrd amendment and by action on the Dole amendment . . . is to give the President a clear legislative history that Tonkin meant nothing when it was passed and means nothing by its repeal—thus confirming the President's power to do what he pleases as Commander-in-Chief."

Majority Leader Mike Mansfield (D-Mont.) won the Senate's unanimous consent to vote on the Tonkin measure today after chiding senators of both parties for "acting like a bunch of schoolboys" during the six-week-old Cooper-Church debate. He appealed for "a little good sense for a change, a little less dilatoriness."

He earlier told reporters that the Senate would vote twice on the Tonkin Gulf matter—both today and when the measure comes up again as a Foreign Relations Committee proposal.

Sen. Frank Church (D-Idaho), who cosponsored the pending amendment with Sen. John Sherman Cooper (R-Ky.), said he welcomed both opportunities. "I don't know how the Senate could give greater emphasis to its desire to repeal the Gulf of Tonkin resolution than to do it twice," he said.

Sen. Gordon L. Allott (R-Colo.) said administration backers might try to force the hand of Senate doves by calling up the McGovern-Hatfield "amendment to end the war" for an early vote. This proposal would cut off funds for any Indochina involvement after Dec. 31, 1970.

It is "common talk down on the floor," Allott said at a news conference, that some senator might offer the same amendment early in an attempt to defeat it before its backers can strengthen their forces. This vote has been slated for July or August.

Mr. ALLOTT. Mr. President, this may come as a surprise to some of the news media here, but I do not have any quarrel with that quotation or the reporting of it. It is in substance what I said. I am unable to recall exactly what I said, because I did not have a tape recorder, and as far as I know no one was taking shorthand notes. As far as my recollection is concerned, it is substantially an accurate job of reporting. I do not recall whether I said "administration backers," but I did say that it was common talk on the floor of the Senate that people felt this should be called up.

Mr. President, I would like to discuss this matter for just a moment.

The accuracy of the newspaper reporting, in this case, is perfectly all right and I am willing to accept any minor difference of words that there may be and I am not at all sure that there is a difference. The thing I want to discuss, and I am just going to discuss it for a few moments now, is some of the remarks made on the floor this morning. I am concerned about a statement which described either the Senator from Colorado as being crude, cynical, and political; or described his remarks as being crude, cynical, and political—I am not quite sure what the description was intended to apply to.

I notice that some of the people who, I have been told made these remarks, have no hesitancy or embarrassment about classifying themselves as political, and I also notice that they never run from this label. As a matter of fact, everybody on this floor is political; if they were not political they would not be here and in any event would not last long once they arrived.

I will have a transcript of the remarks later, and in the meantime I would like to address myself to the word "crude." I think to call a Senator crude would be a breach of the rules and I doubt very much that these fine gentlemen would think of addressing such a remark to the Senator from Colorado. I am not sure of the cynical part.

Mr. President, I now have the transcript before me and it reads this way:

> I repeat that it seems contemptuous of the consideration usually given Members of the Senate for another Senator to move to bring a matter to vote on a different bill at an earlier time, and it also seems a case of crude and cynical partisanship for us to be playing fast and loose with a life-and-death issue of this kind which involves the safety and well-being of our forces in Southeast Asia.

XUM

I understand these remarks were made by the junior Senator from South Dakota. Now, since the remarks are not addressed to me personally but only to what I said, I presume, that I would hardly qualify for relief under the rule. But I think these are pretty strong words to be inferred at any Member of the Senate.

First of all I would like to say that there have been many things in the conduct of the war with which I have disagreed. I disagreed with Secretary McNamara, President Johnson, and even President Kennedy before him, when we were increasing our troops in Southeast Asia. Once they were there, I supported President Johnson. I did make my case before the Defense Subcommittee on Appropriations, not once but many times over, in pointing out the errors and discrepancies, in things that were and were not being done, and things that should and should not have been done. If some of those things had been done as they were supported, not only by members of my party but chiefly by members of the other party in those committees, I think we would have seen a happy conclusion of this war a long time ago.

I do not see that there is anything cynical in this particular matter. As a matter of fact it raises a challenge. It is a fact that it has been common knowledge, on the floor for the last week or so, that we ought to dispose of these peripheral amendments at this time while we are discussing the Church-Cooper amendment. Frankly, I see no reason not to. It is just as logical to do it in this bill as it is in any other bill that will be called up later this summer.

I did not sponsor the Hatfield-McGovern amendment, and I did not say to the reporters that I would call it up. But I will say, that since the remarks on the floor this morning, I am giving serious consideration to doing just that. If I do not call up that amendment, I will consider introducing an amendment of my own with the same words and calling it up, and then I will vote against it. I believe that it is high time we quit fooling around in an attempt to fool the public and that we face the issues before this country. This is one of them.

Due to the perspicacity and foresight of the junior Senator from Kansas on the Gulf of Tonkin resolution we have just had a chance to face one of the issues. Maybe we should face the remaining issues and dispose of all these related questions now and by so doing let the American public have the value of this debate.

While there has been some talk about a filibuster around here, I recall listening for a 6-week period last summer to the junior Senator from Arkansas discussing the ABM issue and it was not called at that time a filibuster; it was just an opportunity to inform the public of the real issues involved.

Since we have been on the Cooper-Church amendment and the Gulf of Tonkin resolution so long, it seems that this may be an appropriate time to bring out all of the related questions and attach them to this bill in an attempt to find out exactly what the sentiment of the Senate is. I am not afraid to face it and I am not afraid to vote. If I decide to pursue either of the two courses which I have just suggested—and I really did not suggest it yesterday; I merely said that there was common talk about it—I will call it up and I will vote against it.

But I think it is high time that we settled some of these issues. There is ample precedence for doing exactly what I am doing. I remember just a few weeks ago on the floor of the Senate that the distinguished majority leader called up such an amendment and said he was going to vote against it, and he did vote against it. I do not think any Senator would say that the majority leader is lacking in sensitivity, or lacking in political morality, or lacking in any political sense, for that matter.

My purpose in taking the floor at this time was to immediately address myself to those remarks made earlier today. After I have had an opportunity to completely examine the transcript I will take the floor and discuss this matter at greater length.

I have not really had an opportunity to examine these remarks as critically as I would like but, as far as I am concerned, there seems to be a disposition on the part of some people to keep these issues out of the debate which we are now engaged in. This is only my opinion, and I do not downgrade the purposes of the Senators who do it, but there may be a benefit in including all related issues in one debate.

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. ALLOTT. I am sorry that I cannot yield. The distinguished Senator from Iowa had yielded to me and I have now used 15 minutes.

Mr. MILLER. Mr. President, I want to cooperate with the Senator. I understand why the Senator from South Dakota might want to be recognized. I am happy to yield to the Senator if he does not mind speaking on the time controlled by the Senator from Idaho.

Mr. McGOVERN. Mr. President, will the Senator from Idaho yield to me under those conditions so that I may respond very briefly to the Senator from Colorado?

Mr. CHURCH. I am happy to yield such time as the Senator may request.

Mr. McGOVERN. Mr. President, just to comment on what the senior Senator from Colorado said, I would like to propound a brief query to him so that we can make sure we are on the same ground with regard to the news report that appeared this morning that was the basis of my remarks.

I would like to read a couple of lines from that column to the Senator and ask him whether or not that is a fair statement of his position. The Washington Post article concludes with these words:

> Sen. Gordon L. Allott (R-Colo.) said administration backers might try to force the hand of Senate doves by calling up the McGovern-Hatfield "amendment to end the war" for an early vote.

One additional line:

> It is "common talk down on the floor," Allott said at a news conference, that some senator might offer the same amendment early in an attempt to defeat it before its backers can strengthen their forces.

I ask the Senator whether that is a fair description of what he had in mind with particular reference to the fact that it is being called up to defeat it before the sponsors of the amendment have an opportunity to strengthen their case.

Mr. ALLOTT. No; in that respect I would say the last few words of that line are probably the conclusion of the reporter. I said nothing at all about attempting to defeat it before the backers can strengthen their forces. After all, the backers have been promoting this amendment for a long, long time, other than that conclusion, I believe that the context is generally accurate. I said nothing about trying to get in before other people could strengthen their forces.

Mr. McGOVERN. Let me say to the Senator that when the distinguished Senator from Oregon (Mr. HATFIELD), who is presently on the floor, and I introduced this amendment on the 29th of April it was our thought then that a vote would come in roughly 30 days. We did not anticipate the long debate that has taken place on the Church-Cooper amendment, and we have not been responsible for that extended discussion. But I think the Senator will recognize that we have had little or no opportunity for the Senate to look closely at the so-called McGovern-Hatfield amendment; that this has not been the pending business.

We said at the beginning that we could call it up on the military procurement authorization bill, and it comes as some shock to me that any Senator would attempt, in effect, an end run by bringing it up before we have had a chance to fully discuss it here on the floor.

So I said this morning that if this news report were true and that the Senator or some of his associates were attempting to bring this amendment up now purely for the purpose of defeating it before we have had a chance to present the case on the Senate floor, I regarded that as a cynical and crude move. It was contemptuous of the usual courtesy we show each other here on the floor of the Senate.

I think it is true that there have been times when, after long debate on a measure, the leadership has called a matter up for a vote in order to bring the issue to a head, but we have had no debate on the McGovern-Hatfield amendment so far. We have been sitting by, courteously awaiting for the debate to run its course on the Church-Cooper amendment. It seems only fair now that we bring this amendment up under the usual procedures, as we have advised the Senate we are considering, and it is our hope that the Senator will give us a chance to do that, according to the wishes of the cosponsors of this amendment.

Mr. ALLOTT. Mr. President, I will say in reply that there is no way I could force an immediate vote on this matter even if I wished to, because, as the Senator well knows, it is an impossibility unless someone forces the issue by moving to lay it on the table.

The Senator has only persuaded me more that perhaps what I said yesterday is the course I ought to pursue. No man has a monopoly or a copyright on the proposition that we ought to end the war now, or at the end of next year, as the Hatfield-McGovern amendment proposes. It is common property. I disagree with the Senator—it is not cynical. Members of both parties have done the equivalent. Members of my party have done it. It certainly is not crude. I know that to an intellectual, like my friend from South Dakota, a mere Senator from Colorado may appear crude, but we are not. We understand each other very well out there, and we do not think of each other as being crude. We get along very nicely.

I assure the Senator that, as far as I am concerned, when this matter comes up I am not going to try to accelerate a determination of it.

I will say one further thing with reference to the Senator's remarks. He has had a long time in the last 30 or 45 or 50 days—whatever it is—to discuss this amendment. If the amendment is not going to be called up until next summer, then the amendment is not an amendment to this bill, I presume.

Mr. McGOVERN. Mr. President, it is not the intention of the Senator from South Dakota to offer this amendment to the pending bill. As I indicated to the Senator, we notified the Senate at the very beginning that the amendment would be offered to the military procurement authorization bill.

Since the Senator was not on the floor earlier, I want to give him notice, as I have other Senators, that if he proceeds with the course of bringing the amendment up now in an effort to defeat it before we have had a chance to marshal opinion on the issue, there will be a move to table. I would hope that that tabling motion would carry and that we could then proceed with the original plan to bring it up on the military procurement authorization bill.

Mr. ALLOTT. All I can say to the Senator on that is if he wants to shut off debate on his own amendment, if that situation arises, he is free to do it. If he wants to preclude debate on the floor, it is his privilege to do it. It is my privilege to do the same thing, of course.

I thank the Senator from Iowa for his courtesy in yielding to me.

Mr. McGOVERN. I also thank the Senator from Iowa (Mr. MILLER) and the Senator from Idaho (Mr. CHURCH), for permitting this colloquy.

The PRESIDING OFFICER. The Senator from Iowa is recognized. How much time does he yield to himself?

Mr. MILLER. Mr. President, I yield myself such time as I may require.

Mr. President, my pending amendment would strike section 10 of H.R. 15628 as reported by the Senate Foreign Relations Committee.

Section 10 of the foreign military sales bill would require countries receiving military assistance grants to deposit in a special account amounts equal to 50 percent of the fair value of any donated excess defense article and 50 percent of any grant of military assistance.

These amounts would be in the local currency of the recipient country and they could be used to pay obligations of the United States in the recipient country and to finance international and cultural exchange activities.

No formal appropriation of the currency generated in this manner would be required.

This amendment to the Military Sales Act, namely, section 10, added by the committee, is seemingly reasonable at first glance.

In effect, however, it transforms the entire military assistance grant program into a local currency sales program. It would undermine the rationale of the grant aid program and render it largely ineffective.

Before going into the details concerning the reasons why section 10 should be rejected, I would first like to discuss the general theory behind the military assistance program. This program has, over the last two decades, served our national interest effectively and consistently by promoting both the security and the foreign policy of the United States. The role of this program is more significant than ever today because of the Nixon Guam doctrine, which places a new and greater emphasis on the contribution of allied and friendly forces to their own national and common defense. I believe that it is worthwhile to look at the key elements of that doctrine which are as follows:

> The United States will keep all its treaty commitments.
>
> We shall provide a shield if a nuclear power threatens the freedom of a nation allied with us, or of a nation whose survival we consider vital to our security and the security of the region as a whole.
>
> In cases involving other types of aggression we shall furnish military and economic assistance when requested and as appropriate. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.

I might say, Mr. President, that when the Guam doctrine was announced by President Nixon, I do not recall any critical comments by any knowledgeable writers in this country.

Many nations are willing and able to provide that manpower, but they lack the means to convert it into properly equipped and well-trained armed forces. The military assistance program serves as a key instrument of the Nixon Guam doctrine by furnishing the material and related training support essential to develop and maintain such forces, and therefore is vital to our national security and foreign policy initiatives through which we seek to reduce both the total cost of our own adequate defense posture and our involvement and presence in the affairs of other nations.

Accomplishment of those dual objectives depends upon allied and friendly armed forces protecting their own homelands from external aggression and externally supported internal subversion. However, many of our most willing and potentially helpful friends and allies simply do not have the resources or technical capabilities to assume the greater responsibility which is necessary for their own defense. Unless we help provide them further assistance, our basic policy of decreasing direct U.S. involvement will be severely hampered. Therefore, Mr. President, I believe it is very much in the self-interest of the United States to provide, through the military assistance program, equipment and training required to realize the necessary potential of indigenous forces to the defense of their nations' territorial integrity and the maintenance of internal security.

In view of these considerations, it can be seen that recent trends toward lower assistance program levels tend to hamper the assumption of greater self-defense responsibility by allied and friendly nations.

In this connection, Mr. President, I ask unanimous consent that page 9 from the Military Assistance and Foreign Military Sales Status Document dated March 1970 which sets forth the legislative history of military assistance program authorizations and appropriations from 1950 to 1970, be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

LEGISLATIVE HISTORY OF MAP AUTHORIZATIONS AND APPROPRIATIONS

[Dollars in millions]

Fiscal year	Executive branch request	Congress	Authorization			Appropriation		
			Amount	Public Law No.	Presidential signature	Amount	Public Law No.	Presidential signature
1950	$1,400.0	81st	$1,314.0	329	Oct. 6, 1949	$1,314.0	430	Oct. 28, 1950
1951	5,222.5	81st	1,222.5	621	July 26, 1950	1,222.5	759	Sept. 6, 1950
			4,000.0	843	Sept. 27, 1950	4,000.0	843	Sept. 27, 1950
1952	6,303.0	82d	5,997.6	165	Oct. 10, 1951	5,744.0	249	Oct. 31, 1951
1953	5,425.0	82d	4,598.4	400	June 16, 1953	4,219.8	549	July 15, 1952
1954	4,274.5	83d	3,681.5	118	do	3,230.0	218	Aug. 7, 1953
1955	1,778.3	83d	1,591.0	665	Aug. 26, 1954	1,192.7	778	Sept. 3, 1954
1956	1,595.2	84th	1,450.2	138	July 8, 1955	1,022.2	208	Aug. 2, 1955
1957	2,925.0	84th	2,225.0	726	July 18, 1956	2,017.5	853	July 21, 1956
1958	1,900.0	85th	1,600.0	141	Aug. 14, 1957	1,340.0	279	Sept. 3, 1957
1959	1,800.0	85th	1,605.0	477	June 30, 1958	1,515.0	853	Aug. 28, 1958
1960	1,600.0	86th	1,400.0	108	July 24, 1959	1,300.0	383	Sept. 28, 1959
1961	2,000.0	86th	(1)			1,800.0	704	Sept. 2, 1960
1962	1,885.0	87th	1,700.0	195	Sept. 4, 1961	1,600.0	329	Sept. 30, 1961
1963	(2)	87th	1,700.0	195	do	1,325.0	872	Oct. 23, 1962
1964	1,405.0	88th	1,000.0	205	Dec. 16, 1963	1,000.0	258	Jan. 6, 1964
1965	1,055.0	88th	1,055.0	633	Oct. 7, 1964	1,055.0	634	Oct. 7, 1964
						[3] 75.0	374	Mar. 25, 1966
1966	1,170.0	89th	1,170.0	171	Sept. 6, 1965	1,170.0	273	Oct. 20, 1965
						[3] 300.0	374	Mar. 25, 1966
1967	917.0	89th	875.0	583	Sept. 19, 1966	792.0	691	Oct. 15, 1966
1968	[4] 620.1	90th	510.0	137	Nov. 14, 1967	400.0	249	Jan. 2, 1968
						[5] 100.0	392	July 6, 1968
1969	420.0	90th	375.0	554	Oct. 8, 1968	375.0	581	Oct. 17, 1968
1970	[6] 425.0	91st	350.0	175	Dec. 30, 1969	[7] 350.0	194	Feb. 9, 1970

[1] The Mutual Security Act of 1959, Public Law 86–108 approved July 24, 1959, states "There is hereby authorized to be appropriated to the President for the fiscal years 1961 and 1962 such sums as may be necessary from time to time to carry out the purpose of this chapter, which sums shall remain available until expended."

[2] Foreign Assistance Act of 1961 authorized $1,700,000,000, no executive branch request for authorization required.

[3] A total of $375,000,000 appropriated under Public Law 89–374 dated Mar. 25, 1966, for liquidation of obligations and/or reservations incurred pursuant to authority in sec. 510 of the FAA of 1961, as amended during fiscal year 1965 ($75,000,000) and fiscal year 1966 ($300,000,000).

[4] Includes $24,000,000 for U.S. support of international military headquarters added to the original request of $596,000,000 due to congressional action.

[5] Supplemental Appropriations Act included funds for additional military assistance for Korea.

[6] Initial request of $375,000,000 increased by $50,000,000 for total request of $425,000,000 for fiscal year 1970.

[7] Includes $50,000,000 for Korea.

Mr. MILLER. Efforts along other lines to augment the amount of materiel which may be used for this purpose are being made. One of these is the grant of Department of Defense stocks in long supply and excess to our needs which can be used to meet valid military assistance program requirements without reimbursement. This source, however, is also threatened by inclusion in section 10 of this bill.

Both allocation of funds under the military assistance program and the use of surplus Defense Department stocks are directed toward the objective of strengthening the capability of allied and friendly forces to assume increasing responsibility for their own and the common defense. The contribution of the military assistance program to the attainment of this important national objective is clearly consistent with current security and foreign policy of the United States, but it is just as clearly threatened by the adoption of section 10.

The difficulty with this section is that it would undermine the effectiveness of the military assistance grant program by failing to recognize the fundamental reason for the existence of such a program. The United States provides this assistance to some of our allies and certain other friendly countries because their security is important to our security and our interests, and because their economies are unable to support the kind of defense establishment that is necessary to maintain that security.

Another reason why section 10 would defeat the primary objective of military grant assistance is that its principal impact would be on the forward defense countries, such as Korea and Turkey, which receive the largest portion of our military assistance. These countries have the greatest need for assistance and, at the same time, the least ability to pay in either dollars or local currencies for needed military equipment and training.

Four of such forward defense countries—Korea, the Republic of China, Greece, and Turkey—received 70 percent of the total military assistance program in fiscal year 1969. For fiscal 1970, ending this June 30, the portion those four countries will receive is estimated in the neighborhood of 80 to 85 percent, and for fiscal 1971 a similarly large percentage of total military assistance is programed to go to these countries. Each of them is exposed to and threatened by the great military power of a nearby Communist neighbor whose belligerence may increase that threat with little or no warning, as has been the case with North Korea. The more than 1.8 million men in the armed forces of these four countries make a vital contribution to the military posture upon which U.S. forward strategy for free world defense in part depends. Military equipment and training furnished these countries as grant aid in fiscal 1969 accounted for $314.7 million out of a total program of $452.7 million. For fiscal 1971 it will be about $280 million out of a total of $392 million.

The importance of these considerations is even more apparent in the fact that almost two-thirds of the total worldwide program is allocated to two of the four forward defense countries—Korea and Turkey—whose sizable and effective forces make a major contribution to the defense of strategically vital areas.

Section 10, on the other hand, will have little effect on those countries where the military assistance program is small in comparison with their defense budgets. As a consequence, the effect of the amendment is clearly contrary to its purpose as stated in the report of the Foreign Relations Committee, which is to discourage countries which do not need large military budgets from wasting their resources. Based upon the projected fiscal 1971 military assistance program, out of a total of 35 individual country programs—including those for forward defense and base rights countries—19 amount to less than $1 million each; another nine, to less than $5 million each; and five, to between $12 and $25 million. Only two amount to $100 million or more.

Section 10 of this bill would confront countries which are recipients of military assistance grants or excess defense articles with the alternative of either increasing their defense budget by an amount equivalent to 50 percent of the value of the grant aid or the value of the surplus equipment received or forgoing the receipt of such assistance. To do the first would cause serious budgetary problems for the country involved and could cause serious inflation; to do the second would be at the cost of increased risks to our allies' security.

For recipients to obtain funds to make the required deposits, they would have to divert funds from other purposes, such as economic and social development, increasing the percentage of their budgets which are devoted to military purposes. No time is provided for them to make the necessary budgetary adjustments or to assess impacts. Recipients are thus placed in the position of turning over to the United States the power to determine for what purposes their funds will be spent, and at the same time, having to make hasty decisions on allocations of remaining resources. In view of the large size of military assistance programs, the impact is especially serious in Turkey and Korea, and this point is easily illustrated.

First, Turkey has a defense budget of around $600 million, and it receives some $100 million in military assistance from us. This assistance then amounts to almost 17 percent of their total defense budget. If Turkey had to pay to the United States 50 percent of the value of the military assistance it received, its defense budget would have to be increased by about 8 percent.

Second, Korea has a defense budget of around $300 million, and it receives some $140 million in military assistance. This assistance amounts to almost 47 percent of their total defense budget, and paying one-half of the value of this assistance would increase their defense budget by 23 percent.

I believe, Mr. President, that these figures tell in the simplest terms the tremendous impact the adoption of section 10 would have on the budgets of these two countries and on their security. In the case of Korea particularly, the impact will be very serious, since almost the entire military assistance program is for items required for day-to-day operations. If the Koreans cannot provide the required sum to match one-half of our assistance, combat efficiency will be directly affected at an early date.

In several countries, the provision of military grant aid assists the United States to maintain bases and facilities that are important to U.S. strategy and security. Imposition of a requirement for these countries to deposit funds for the purposes set forth in section 10 would in effect require the allied country to pay for allowing U.S. access to its bases, or necessitate our doubling their present program levels in order to maintain the existing amount of the grant aid.

Limitations on access to certain bases would affect our ability to support NATO, and in particular Turkey, with a resulting diminution of our ability to maintain a presence in the eastern Mediterranean. Should this occur, the adverse effect on our relations with the moderate Arab States and on the position of Israel is obvious. As a consequence the strategic balance of power in the area would be affected in favor of the Soviet Union, and in addition, U.S. economic interests in the area could suffer.

Withdrawal of U.S. troops from overseas areas such as Korea without a resulting decrease in deterrence against Communist attack would be more difficult, since the demand on allied resources to fill the gap left by such withdrawals would be greater. For the same reason, badly needed modernization of allied forces would be more difficult.

Mr. President, adoption of section 10 of this bill would mark a complete reversal of our military assistance policy and could only be interpreted as a drastic revision of our foreign policy.

Ideally and normally, in reducing the military assistance program for a country the transition is from grant aid to credit sales to cash sales as the economic situation in the country improves. The proposed amendment would omit the credit step and require the country to move precipitously from grant aid to cash sales, with resulting disruption of their budgetary and planning systems.

The United States has consistently followed the statute and has moved countries from the grant aid program to credit sales and sales programs. For example, the shift in Iran's military procurement program from grant aid to credit sales, which began in 1965, was completed in fiscal 1969. Iran will hereafter underwrite the cost of virtually all its defense needs. Also, the Republic of China is presently in the process of shifting from grant aid, which has been sharply reduced over the last 4 years, to credit sales.

In the case of those grant aid countries, such as the Republic of China, which are now shifting to dollar sales, passage of section 10 would have the unfortunate effect of stimulating resistance to dollar sales and encouraging requests for local currency sales.

One of the principal arguments made by the Foreign Relations Committee in its report in support of section 10 seems to be that the United States does not own an excess of foreign currencies in most of the countries which are recipients of military grant aid, and that, therefore, the additional local currencies which would be generated under the bill, or under section 10, would be beneficial. There are two things wrong with this argument. First, some countries in which there is no surplus of U.S. owned foreign currencies are countries which most need U.S. assistance and are least able to afford to pay for it. Also, the effect of section 10 would fall heaviest on the forward defense countries whose security is most important to us. To require them to put up 50 percent of the value of the materiel granted, or of the grant aid furnished, would no doubt cause them to divert scarce local resources from economic development to higher priority security programs. We in turn might eventually even have to take up the slack by increased economic assistance to those countries.

Second, we already have excess foreign currencies in a number of countries. On June 30, 1969, the U.S. Government held the currencies of 71 countries in amounts totaling $2.135 billion. In addition, there were currencies equivalent to some $69 million carried in unfunded accounts which have been used temporarily for purposes other than those earmarked for international agreement. Since these funds must be replaced when required for stipulated purposes, they are carried in the total foreign currency accountability of $2.204 billion. Of this amount, the total value of currencies available for general U.S. purposes is about $1.6 billion.

In some of the countries affected, the United States holds local currencies considerably in excess of our existing and anticipated needs. For example, using the fiscal year 1969 rate of use, the United States has a 19-year supply of currencies in India, 9.7 years in Pakistan, 4.8 years in Tunisia, 24 years in Guinea, and 7.9 years in Burma.

As concerns major recipients of grant aid under the military assistance program, the following table indicates that we have substantial foreign currency requirements in only three countries—Korea, the Republic of China, and Greece. In the case of these countries the table provides an indication of the extent to which a burden would be placed upon these developing countries.

Mr. President, I ask unanimous consent that a table showing projected U.S. foreign currency requirements in selected military assistance program countries be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PROJECTED U.S. FOREIGN CURRENCY REQUIREMENTS, SELECTED MAP COUNTRIES [1]

	Fiscal year 1969 MAP		U.S. L/C requirements (thousand dollar equivalents)					
			(a)		(b)		(c)	
	Total program (excludes excess)	50 percent L/C deposit (in thousand dollar equivalents)	Estimated requirements		Estimated availability for other l/c programs		Net requirements for additional l/c commercial purchases (a)—(b)	
			Fiscal year 1970	Fiscal year 1971	Fiscal year 1970	Fiscal year 1971	Fiscal year 1970	Fiscal year 1971
EAST ASIA								
Indonesia	$5,500,000	2,750	1,360	1,418	4,614	6,249	None	None
Korea	139,000,000	66,000	99,762	99,834	20,835	30,472	78,927	69,362
Republic of China	36,000,000	15,000	22,287	22,353	16,887	9,839	5,400	12,514
NEAR EAST								
Greece	37,000,000	18,500	21,052	21,185	15,853	10,160	5,199	11,025
Turkey	97,500,000	48,750	30,949	30,865	35,964	47,915	None	None
AFRICA								
Congo	2,500,000	1,250	668	699	831	1,236	None	None
Ethiopia	12,000,000	6,000	12,176	14,298	9,660	10,965	2,516	3,333
Tunisia	3,500,000	1,750	2,270	2,903	23,201	30,097	None	None
LATIN AMERICA								
Regional (14 countries)	22,700,000	11,350	86,116	84,820	55,410	57,872	30,706	36,948

[1] In terms of needs beyond foreign currencies now available to United States.

Mr. MILLER. Mr. President, I want to emphasize that this table will show, for example, that we have no requirements for additional local currencies in Turkey—none at all. But, under section 10, Turkey would be required to put up $50 million of local currencies for which we do not have any need. On the other hand, we might have need in Korea, as Korea is so poor, so that I just cannot understand how she could come up to one-half of the $140 million-odd without drastically reducing her defense capabilities or coming to us for a replacement amount equal to that for economic assistance.

The point I am making is that under section 10 there is discrimination among the poor countries as between those for which we have no requirements as to local currencies and those where we do have some requirements which is discrimination as between those countries which rely heavily on us for military aid assistance and those poor countries which require very little.

I just do not think it has been worked on with a degree of sophistication that should characterize the work of the Committee on Foreign Relations and which I am pleased to say very often does characterize its work.

In summary, it can be seen that the U.S. requirements for local currencies are not significant in the majority of those countries that received grant military assistance in fiscal year 1969.

Mr. President, from a foreign policy standpoint we do not wish to accumulate large balances of foreign currencies. Over the years in those countries where we presently have excess local curren-

XUM

cies, we have encountered major difficulties in working out arrangement covering both the purposes for which local currencies may be used and the rate at which they may be expended. These decisions involve us directly in the internal economic affairs of the foreign country and run counter to our policy of maintaining a low foreign profile. There is a considerable history of problems associated with the disposition of the foreign currencies we hold, and even when we have used them for such purposes as building cultural centers, the Soviets or the Chinese have insisted on the same right causing in some instances a major international incident. Mr. President, I do not want to be misunderstood. I do not for 1 minute suggest that the program which now generates excess local currencies—the food for peace or Public Law 480 program—is not a good program. I believe it serves a very useful function.

I am proud to say, as a member of the Committee on Agriculture and Forestry that I participated in the drafting of it and in the debate which saw it through the Senate.

I make these particular comments merely to show the problems we encounter when we accumulate an excess of local currencies in a foreign country.

Mr. President, I believe it is important to make clear that there is a tremendous distinction between the way local currencies are generated under present programs, such as Public Law 480, and the way they would be generated under section 10. In the case of the sale of agricultural products for local currencies under the Public Law 480 program, the sale is generally made to the government of the foreign country but that government in turn sells the commodities to its people who pay in local currency. Therefore, currencies generated under this program do not come through the budget of the foreign government and have no budgetary impact.

XUM

Quite the contrary would be true, however, if section 10 were to be adopted. In the case of grant military aid or surplus defense stocks, the equipment goes directly to the foreign government and there it stops. The government does not and cannot sell any of the equipment. Therefore, if, as envisioned by section 10, that government would have to put into a special account 50 percent of the value of the equipment received, this amount would have to come from the country's budget, with the adverse budgetary impact discussed previously.

I believe it is quite evident that section 10 carries grave consequences and problems which are far in excess of any benefit to be obtained by its passage.

Despite this fact, this matter received only passing reference in the hearing on H.R. 15628. It was first raised merely as a matter of curiosity by the distinguished senior Senator from Alabama (Mr. SPARKMAN). At that time Undersecretary of State U. Alexis Johnson, indicated that the idea had never been suggested or considered. The only other time it came up in the hearings was through the insertion of a brief comment by the State Department in the hearing record and a request by the chairman of the committee for any comments.

This subject has not been discussed in depth on its merits with the executive branch and there certainly is no indication in the record that it received anything but cursory examination by the Foreign Relations Committee. Before taking a step such as that envisioned by section 10, which would have far-reaching implications for our foreign policy and which would entirely change the military program—not even under consideration in this bill—we should have more thought and consideration given to it than has been the case.

In summary, should section 10 be adopted, we would create serious problems for the effective implementation of the military assistance program. First, recipient countries, in essence, would be required to pay for one-half of what is presented to them as grant aid program. Second, in view of uncertainties regarding moneys appropriated for MAP on a year-to-year basis, as well as the unpredictable levels of excess stocks available, recipient countries would not be in a position to plan with any degree of precision the amount of local currency to be set aside. Third, our efforts to have recipient countries assume more of the costs of local defense would be undermined by the provisions of section 10. Fourth, in some instances, scarce local resources would have to be diverted from economic development to higher priority security programs. Fifth, in addition to the adverse consequences noted above, we could expect that section 10 provisions, if implemented, would impact adversely on some recipient countries and induce an inflationary cycle. Should the latter occur, these recipients might require additional U.S. economic aid to offset these developments.

Mr. President, on the desk of each Senator I have placed a capsule picture of my purpose in trying to have the Senate agree to deleting section 10 from the bill.

I invite the attention of my colleagues to the last paragraph of the mimeographed sheet which is on the desks of Senators.

It reads:

> Section 10 makes no differentiation between countries where local currency for U.S. obligations is needed (e.g. South Korea and Greece) and those where it is not needed (e.g. Turkey, Indonesia, and Tunisia). Thus it discriminates in its impact among poor countries. It received only passing attention during the Committee's hearings and, at the very least, requires much more sophisticated analysis than has been accorded it.

I am not saying that there might not be in certain given situations some merit to something along the line that section 10 attempts. I do say that the simplistic approach used by section 10 is not good legislation. I can only see trouble ahead if the Senate acts favorably upon it at this time.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. MILLER. Mr. President, how much time remains on this side?

The PRESIDING OFFICER (Mr. GOLDWATER). The Senator from Iowa has approximately 1 hour and 10 minutes remaining.

Mr. MILLER. Mr. President, I yield to the Senator from Colorado.

The PRESIDING OFFICER (Mr. DOMINICK). The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, I have been listening with great interest to the amendment of the distinguished Senator from Iowa. And if I have my facts right—and I believe I do—I am most certainly going to support the amendment. I want to make just a few comments to make sure that I have in my mind the exact point the Senator is making with respect to section 10.

First, as I understand it, only 35 countries at this time receive military aid and assistance from the United States. Is that statement correct?

Mr. MILLER. The Senator is correct.

Mr. DOMINICK. Mr. President, that is a legislative limitation, as I remember it, that we put into the bill about 2 years ago, if I recall correctly.

It is also my understanding that the Senator indicates that we now have excess local currencies in 71 countries in amounts which exceed $2.4 billion. Is that a correct statement?

Mr. MILLER. The Senator is correct.

Mr. DOMINICK. Mr. President, I was interested in the analogy of the Senator with reference to the country of India. Back in 1965, I was in India as one of the Senate representatives to their local parliament, having been appointed by then Vice President Humphrey.

It became perfectly apparent during that visit that we were having grave difficulty in trying to work out with the Indian Government the proper programs that ought to be put into effect through the local currency which had been generated through Public Law 486.

We do have, as I recall, a requirement that the programs which will be put into effect by this excess currency must be agreed to by both governments. Is that a correct statement?

Mr. MILLER. To the best of my knowledge, that is correct. Although, I think that perhaps the Senator from Idaho, who is a member of the Foreign Relations Committee, could answer that question better than I could.

I can only speak from what I have heard and also from the way we handle this in the Committee on Agriculture and Forestry under Public Law 480.

In that case, the Senator would be correct. But I would rather defer to the Senator from Idaho and let him answer that question.

Mr. DOMINICK. Mr. President, my question is with respect to the program for the use of excess currency under Public Law 486, of which we have vast amounts, as the Senator from Idaho knows. Is it not correct that programs within that country which are to be financed out of that local currency must be agreed to jointly by both countries.

Mr. CHURCH. Mr. President, the answer to the question is that the method for spending these so-called excess currencies does differ from country to country, but, in the main, the money is available for spending for two purposes.

Part of it is available to the Government of the United States to spend to defray the costs to us of maintaining our own personnel in the country, whether military or attached to the diplomatic force of the embassy, to pay for travel within the country, to pay for transportation within the country, all of which would have to otherwise be paid for with American dollars.

The balance of the money is available for reinvestment in the country in accordance with agreements worked out between the Government of the country and the Government of the United States.

Mr. DOMINICK. Mr. President, I thank the Senator from Idaho. That is my recollection. I appreciate the Senator's clearing up the record on that matter.

Mr. President, of the 35 countries to whom we have given or may give military aid in the future, it is my understanding from the comments of the Senator from Iowa that in all but four—Korea, Taiwan, Greece, and Turkey—we have excess local currencies at the present time.

Mr. MILLER. Mr. President, my point was we do not have the requirement for additional local currency in some of these countries. So, I would have to say in response to that question that either we have enough local currency now to take care of our requirements or we do not need any local currency at all, one or the other in some of these 35 countries.

Mr. DOMINICK. But the only countries that we have given aid to or that would be given aid, where we do not have local currencies available, are Korea, Taiwan, Greece, and Turkey. Is that statement correct? It is my understanding that it is correct.

Mr. MILLER. The point I wish to make is that in the case of Turkey, which is one of the largest recipients, we do not have any need for any additional local currency. In the case of Korea, there is a need for additional local currency.

This would end up, if we were to use section 10, in discriminating between two poor countries. Turkey and Korea are poor countries. In the one case, Turkey, we do not need additional currency. In the other case, Korea, we do need it.

Section 10 has not been given the sophisticated analysis that is needed.

Mr. DOMINICK. Mr. President, having traveled with the Senator from Iowa and having served with him on the Armed Services Committee, I am sure he is aware of the material assistance which these four countries I have mentioned—Korea, Taiwan, Greece, and Turkey—have given in providing perimeter defense against adventurism by Communist forces, either the Soviet Union or Red China.

Mr. MILLER. The Senator is very accurate in what he has just said.

I think it is well known that these are forward strategy countries. They are living under the gun, literally.

The impact of section 10 would be most adverse to the very countries which are poor and need this assistance and are under the most immediate threat.

I do not want to diminish the need for military assistance to some of the other countries that have certain problems.

We know that in Latin America, for example, there are a number of very poor countries. They have problems in maintaining their security free from internal subversion or Cuban exported subversion. But we do not provide military assistance to them.

The great bulk of the countries receiving military assistance receive less than $1 million a year.

The impact of section 10 is going to hurt the most those countries that the Senator has been referring to.

I would like to go back to this point of the need for local currency. Section 10 refers not only to the local currency needs of the United States but also provides for the use of local currency for educational and cultural exchange activity. I have before me a table which I ask unanimous consent to have printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Amounts United States spent under Mutual Educational and Cultural Act of 1961 in Turkey and Korea

Turkey:	
Fiscal 1969	$382,536
Fiscal 1970	372,449
Fiscal 1971 (budget estimate)	490,000
Korea:	
Fiscal 1969	389,894
Fiscal 1970	207,190
Fiscal 1971 (budget estimate)	387,696

Mr. MILLER. Mr. President, I wish to point out that the table shows that the amount spent on the Mutual Educational and Cultural Act for fiscal year 1970 was $372,000. We do not have any need for any excess currency in Turkey. We could use $372,449 for this educational and cultural exchange activity. But section 10 would require Turkey to put up $50 million under this act. I am not questioning the good motives of the proponents of section 10, but it just does not add up to the needs of the United States and the realities of the recipient countries.

Mr. DOMINICK. Mr. President, I am delighted the Senator has brought up that point. I think it makes a very useful contribution in this discussion.

I want to come back to the fact that Greece and Turkey are our mainstays and form two major southern flank countries of our NATO allies. Unless we are willing to try to help them along we are going to be forced into a very advanced position, which the President and most of us are trying to avoid. Consequently, it would certainly have the result of penalizing those countries. Likewise, in Korea and Thailand we have the concern about further incursions by the Red Chinese.

Subsection (2) of section 10 is important in light of the discussion I had with the Senator from Idaho because it is stated there, and I presume it is so meant, that the President of the United States will have the discretion to determine how all of those funds will be spent within that country, so that we no longer are going to be involved in a program, but the President will have control of the excess currency within a country. Maybe this is an advance on what we have under Public Law 480 distribution, but maybe it is not. I gather from the comments of the Senator from Idaho that no attention was given to that.

Mr. MILLER. I certainly do not claim to be an expert on foreign affairs, but I visited many countries around the world and I have sought out foreign policy experts. If there is anything that can get the United States into trouble, it is for word to get around in a local country that the President of the United States or one of his representatives is telling that local country what to do. We have been warned about this for years. I am glad to say our tendency has been to get away from having the reputation that the United States is meddling in the internal affairs of another country and to work out an agreement under which certain foreign aid activities are undertaken in a country, and the foreign aid activities are taken in accordance with a standard not measured by the United States but by agreement in Punta del Este. Certainly some of our enemies are not in a position to say the United States is telling a country what to do about its foreign affairs.

Section 10, and the subsection which the Senator referred to, goes in the opposite direction, and I think in the wrong direction. I appreciate the Senator emphasizing this point because I think all of us want to see the United States foreign aid programs wisely and prudently directed, but at the same time we do not want them to be counterproductive by causing an abrasiveness and lessening of the good will of the people in the countries to which we are extending our assistance.

Mr. DOMINICK. I agree with the distinguished Senator from Colorado on these points, and I am very grateful to him for having indulged in this colloquy.

I call attention to the fact that just last week I introduced an amendment on which we had a very close vote, trying to increase the amounts of excess defense articles which might be contributed by the United States to other countries. The amendment was not agreed to, but the vote was very close.

We are dealing with exactly the same thing here; namely, excess defense articles. It would seem to me that once again we are putting further restrictions on our ability to dispose of them. If we keep them, we have to spend our own taxpayers' money in maintaining them, or we put them in a scrap pile where they do not do anyone any good. If we require the other country to pay 50 percent of the value, the theory they will not take on as many, but the fact is they will take on as many as they need to defend themselves even if it "busts" their treasury, as the Senator pointed out.

It might have the reverse effect entirely of requiring that we maintain obsolete equipment which we would like to have placed in the hands of our allies, where there is a lower scale of living conditions and cheaper labor.

I brought up the example of the M–1 rifle before. South Vietnam is not involved in this but I talked to President Thieu on my last trip to South Vietnam. He was talking about the weaponry he was trying to give to the people in the hamlets so they could defend themselves. Many of them are totally obsolete shotguns, swords, and things of that nature and it is the first time they have had those kinds of weapons to defend themselves.

If we can do that in the case of South Korea, Thailand, Turkey, Greece, and some of the other countries, we would have the ability at that point to have a much stronger and sound defense lines for friendly countries and not have to involve the United States as deeply and as directly as in the past.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. MILLER. The only thing I can add to what the Senator has said is that while we seem to be taking some action here which is going to limit the amount of this assistance to these countries to defend themselves, it is too bad but it looks as if the Soviet Union and the Red Chinese are not exercising similar restraint with respect to countries which may seek to take over the countries we would like to have maintain their freedom. I doubt very much if the Soviet Union, where it is extending military assistance to a country, is going to say to that country, "We are giving you that but you put one-half of the value of that into a special account so that Premier Kosygin can determine how it will be used in your country."

I think they are far too prudent and wise in their policies to undertake such an action.

Can the Senator imagine how some of our friends in Moscow would react to this kind of provision being applied to Turkey. They would welcome it. They would say, "See how Uncle Sam treats you. They give you military assistance with the right hand and then take one-half of it away with the left hand. Don't trust the United States. They are Indian givers."

What would we have to say?

Mr. DOMINICK. I agree with the Senator. I hope the section is not agreed to.

Mr. CHURCH. Mr. President, I yield myself such time as I may require.

For the purpose of disabusing the distinguished Senator from Iowa of the Soviet practice, the Soviet Union has for many years engaged primarily not in the grant of military assistance to other countries, but, rather, in the sale of military weapons. For example, a typical program was with Indonesia in the 1950's and early 1960's. During that period the Sukarno government built up a very large debt to the Soviet Union amounting close to $2 billion. The one exception, typifying the American program, has been the Russian military grant aid program to several Middle Eastern countries.

XUM

ORDER OF BUSINESS

Mr. CHURCH. Mr. President, I yield from my control time one-half hour to the distinguished Senator from Maryland (Mr. TYDINGS) to bring up for consideration at this time a conference report on a District of Columbia bill.

The PRESIDING OFFICER. The rule of germaneness expired at 2:30 p.m., so the Senator from Maryland is in order.

SALARY INCREASES FOR DISTRICT OF COLUMBIA POLICEMEN, FIREMEN, AND TEACHERS—CONFERENCE REPORT

Mr. TYDINGS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17138) to amend the District of Columbia's Police and Firemen's Act of 1958 and the District of Columbia's Teachers' Salary Act of 1955 to increase salaries, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The bill clerk read the report.

(For conference report, see House proceedings of June 15, 1970, pp. 19709–19714, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. TYDINGS. Mr. President, the approval of this conference report by the Senate will send this District of Columbia police, firefighter, and teacher pay increase legislation to the President for his signature.

This pay increase is long overdue. The Senate passed its version of this pay increase bill last December. The House did not act until last month. The two Houses then met in conference seven times in 11 days to iron out the differences between the two bills.

This conference report retains an amendment which I added to the Senate bill to make these police, teacher, and firefighter pay increases retroactive to last July 1. That retroactivity provision was agreed to by the House, after long negotiations in the conference, and will become part of the law. It is fundamental fairness that police, firefighters, and teachers should have retroactivity for these pay increases to last July 1, since most other Federal and District of Columbia Government employees received similar pay increase last July 1 and again in April of this year.

This pay bill provides an average overall increase of 13 percent for police, firefighters, and teachers. It provides new higher starting salary levels and additional career incentives to continue to attract and retain the kind of high-quality personnel essential to public safety and education in the National Capital.

The conference agreed to authorize up to $8,000,000 as a one-time Federal payment to be used to pay the cost of the retroactive pay increases provided in the bill for police and firemen for the period July 1, 1969, to December 31, 1969, and for teachers for the period of September 1, 1969, to December 31, 1969.

It is anticipated that the total cost of the pay increases for policemen, firemen, and teachers for the July 1, 1969, to December 31, 1969, period will exceed $8,000,000. The conference specifically tied the Federal payment authorized under the bill to the period July 1, 1969, to December 31, 1969, because it intended that this Federal payment of $8,000,000 be used to pay $8,000,000 of the pay increase costs of this period.

In addition, the bill provides for a recomputation in the annuities for former Assistant Superintendent of Police who retired prior to 1956. These retirees would have their annuities computed on the salary level for Assistant Police Chief rather than Deputy Chief of Police, thereby providing an increase in annuity and preserving the actual or original effective date of the retirement.

Mr. President, I am not satisfied with the revenue features of this legislation. I share the concern of many in Congress that further economies are possible and essential in District of Columbia governmental operations. Nonetheless, the city must have adequate revenues from taxation and a fair Federal payment to pay for needed city services while economies are being effected.

I must report that the other body was unwilling in this legislation to agree to sufficient new revenues for the city to finance even what we in the Senate consider essential functions. For example, during the very proceedings of our conference, the House Appropriations Committee reported the District appropriations bill for fiscal year 1971 with a $3.7 million slash in the public safety sector. The fire department was cut by nearly $1 million; the police department was cut by $697,000. Education was cut by $17 million.

It does us little good to enact pay raise legislation for police who do not have the kind of equipment they need to do the law enforcement job; for firefighters who are shorthanded in nearly every stationhouse; for teachers who do not have enough administrative support, supplies, and facilities to do the difficult education job which must be done here.

I do not believe, however, that these greatly deserved and long overdue pay increases should be held hostage for additional revenues. We tried hard in the conference to get additional revenue for public safety outlays. We failed to move the conferees of the other House.

In view of the intransigency of the other House on the revenue question in this pay bill conference, I believed it only fair to the police, firefighters, and teachers that we agree on these year-overdue pay increases and the revenue to pay for them without further delay.

This does not mean that we have forsaken the larger question of revenue the city needs, especially in the public safety and education sectors. Quite the contrary, we made strenuous efforts in the conference to get both these salary increases and added revenue for public safety and other urgent needs.

We have scheduled an executive session of our committee for next Monday to consider additional city revenue and borrowing requests.

Mr. President, we will continue to seek adequate revenues for the National Capital to conduct its governmental affairs, even as we also push for greater economies in existing operations. In the meantime, I believe the Senate should enact this pay increase bill for these deserving public servants in the National Capital.

Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Vermont (Mr. PROUTY) for 5 minutes.

The PRESIDING OFFICER. Without objection, the Senator from Vermont is recognized for 5 minutes.

Mr. PROUTY. Mr. President, the pending conference report concerning salary increases for police, firemen, and teachers in the District of Columbia is the result of many hours of conference, and I believe that the overall bill agreed to in conference is a good bill.

The District's police, firemen, and teachers were bypassed when recent salary increases were given to other classified employees of the Federal and District of Columbia Governments. Costs of living in the metropolitan area have increased while these salaries have remained the same, with resultant hardship on those who have not received an increase. Salary is a primary inducement in any recruitment program in the present labor market. The District cannot afford to let its police, fire protection, or educational standards suffer because Congress is not willing to pay a living wage to those dedicated young men and women who fill those much needed positions.

The conference report provides that the police and firemen's salary increases will be retroactive to July 1, 1969, and the teachers' increases will be retroactive to September 1, 1969. Method of providing funds to take care of these retroactive features was a point of serious difference of opinion between the House and Senate conferees. This point of difference was resolved by increasing the District of Columbia income tax and providing for an $8,000,000 Federal payment. In the opinion of the Senate conferees these amounts will not cover the total costs of the retroactivity and other programs will suffer as a result. While the pay bill has not historically been considered as a revenue measure, it was felt that provision for the additional financial burden to the District must be taken care of.

The Congress and the President have recognized the unique relationship between the Federal Government and the District of Columbia. In recognition of this relationship the Congress has regularly provided funds to help defray the costs of operating the District.

The Senate has consistently advocated a Federal payment authorization based upon a precentage of local tax revenues, which would enable the District to compute the Federal payment authorization at the time of its earliest budgetary planning. By this method the Federal payment would increase only as revenues from local taxes increased. The present administration advocates such an approach. Unfortunately the House has prevailed with its position which provides for a lump-sum payment.

The Senate has supported the President in his programs for the District with respect to method of Federal payment, a nonvoting Delegate in the House of Representatives, and a Commission to study such methods by which the District may achieve a greater measure of self-government than presently exists. There is support in the House for these worthwhile measures but at present that support is not sufficient to bring these measures into law. I would suggest that those in this body, who criticize the administration for its lack of success with its measures, use their influence with members of their party in the House to bring about support for some of the administration-sponsored measures about which they feel so strongly.

The acceptance of the conference report on this salary bill will do much to aid in the recruitment and retention of the caliber of dedicated men and women who are needed to give strength and high quality of performance to our police, firefighters, and teaching professions.

Mr. TYDINGS. Mr. President, I ask unanimous consent that I may yield to the Senator from California (Mr. CRANSTON) for 3 minutes, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from California is recognized for 3 minutes.

Mr. CRANSTON. I thank the Senator from Maryland and the Senator from Missouri. These two Senators, and others, have been doing a great work in regard to the problems of the District of Columbia. Other Senators, as well as the residents of this District, owe them a great debt of gratitude.

Mr. President, in recent years I have become increasingly concerned with the financial crisis facing public education in this country. We in California have recently experienced the first prolonged teachers strike in the history of our State. In April, over half of the teachers of the Los Angeles Unified School District failed to report to work. They did not agree to return to their duties until the end of May.

The Los Angeles teachers strike brought into clear focus the money crisis facing public education in California. Increased numbers of children and rapidly rising educational costs make it impossible for our schools to maintain the quality of education so long as there is continued reliance on the traditional sources of school revenues. These are, of course, property taxes and bond issues.

Property owners, however, rightly feel that they have reached the tax breaking point, and bond revenues, as well as tax over-rides, have simply been voted down time after time. Consequently, we in California are faced with the problem of reordering the priority of State and local allocation of public revenues if we are to maintain quality public education. That is a problem that we must resolve among ourselves.

The financial crisis facing public education in the District of Columbia poses a different question. No one seriously questions the fact that the District's schools face the financial problems confronting schools everywhere. However, the District's schools do differ from all others in one important respect: those served by the District's schools have no voice in determining the level of school expenditures. These determinations are made by a group of men who are in no way directly accountable to the people or schoolchildren of the District of Columbia. I commend the Senator from Missouri and the Senator from Maryland for their honesty in admitting that their first allegiance is to their own constituents. I also respect them greatly for their deep concern over District affairs.

However, their concern, alone, cannot provide the children of the District of Columbia with the type of education they need and deserve. Although in past years Congress has significantly increased per pupil expenditures in the District's schools, I am most distressed to learn that many new and improved services have been eliminated by the conferees on H.R. 17138, the salary increases for District of Columbia policemen, firemen, and teachers bill.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TYDINGS. I yield the Senator 2 more minutes.

The PRESIDING OFFICER. The Senator from California is recognized for 2 additional minutes.

Mr. CRANSTON. Funds for the following services and supplies were disallowed:

Textbooks and supplied designed to increase the amount available per child.

Expanding the prekindergarten program to reach the 4-year-olds in the ghetto areas and further their capability to take advantage of educational opportunities. With 2,600 children now in this program, the request would reach a total of 5,000 children.

Providing assistance to the teacher, improving safety within the classroom and relieving the teacher of clerical burdens, by increasing elementary aides from 87 to 226.

Expansion of the community school concept from 13 to 15 schools.

Provision for 200 more children and improved services in the special education program, a way to insure that children with physical handicaps are able to participate in public education.

Increasing and strengthening the terms of psychologists and helpers who work with students.

Providing the same increased resources—teachers, supplies, books—to the Anacostia schools. The Anacostia schools are a special system.

Mr. President, the disallowance of funds for these services and supplies leads me to the same conclusion reached by the distinguished Senator from Missouri:

> The District of Columbia cannot continue to function and to meet its responsibilities to its citizens under a system in which it has no representation, virtually no voice in the vital decisions which affects it, and few defenders to go to the mat in its interests.

Until such time as the District ceases to be a colonial enclave ruled by congressional fiat, we, the Members of this body, have the solemn duty of performing as responsible overlords. In the exercise of this duty, which I do not cherish, it is impossible for me in conscience to support the conference report for the reasons which the Senator from Missouri and I have stated.

Mr. TYDINGS. Mr. President, I ask unanimous consent that I may yield 3 minutes to the Senator from Iowa without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Iowa is recognized for 3 minutes.

Mr. HUGHES. Mr. President, I wish to compliment the distinguished chairman of the committee for what has certainly been a diligent and energetic effort to try to get basic needs for the District of Columbia. The problems I wish to mention today are the problems of drug abuse, drug dependence, and alcoholism. The inclusions in the District budget for programs in these areas are not even sufficient to scratch the surface of the needs of this Capital City.

Over the course of the last few years, drug abuse and drug dependence have become an increasingly important part of the American culture. We are keenly aware locally, in this Capital City, of the increased, rising incidence of drug abuse and drug dependence and their relationship to the rising crime rate. In light of this, I must comment on the fact that the District must be properly funded to offer voluntary treatment programs for drug abuse and drug dependence, and to offer drug-abuse-prevention programs, which can deal with the input into this total scene in America and in our Capital.

XUM

I note that the requests that were made in some of these programs were stringently cut, and also that in many areas of need they are totally inadequate.

As I look at the alcoholism program, in view of the budget, and relate it to the number of probable alcoholics in the District, I should also add that the District has been incapable of meeting the increase in alcoholism with the present facilities; so far as follow-through rehabilitation is concerned, there is practically nothing in the District.

It is said that the average cost of booking an alcoholic in a city like this is $100. We know, from many instances in the country, that chronic alcoholics can be arrested and booked up to—I have known of cases exceeding 500 times. The court costs alone for an individual like this rise so high that it is almost impossible to calculate the total court expense. It is estimated, in America, that somewhere in excess of 50 percent of exposure to local law enforcement is due to alcoholism and alcohol related crimes; and as a result, I feel your budget in this area is inadequate.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. HUGHES. I ask for an additional 30 seconds.

Mr. TYDINGS. I yield 1 additional minute to the Senator from Iowa.

Mr. HUGHES. In conclusion, this budget is inadequate to deal with the problems of drug abuse, drug dependence, and alcoholism in the District. This is particularly so in light of the rising drug-related crime rates in the District of Columbia. And we should look at the hope for salvaging human beings from these sicknesses and illnesses—every medical expert in the country testifies that many of these persons are salvagable. In trying to save money, we are actually losing hundreds of dollars per person. We are not saving $1 in relation to the investment we are placing on these people in the District of Columbia.

I thank the distinguished chairman and the members of the committee for their diligence and efforts in pointing out these areas, and I say to the Members of the Senate that the efforts, though they have been the best they can produce, are totally inadequate in meeting the need.

Mr. TYDINGS. Mr. President, I yield 10 minutes to the Senator from Missouri.

Mr. EAGLETON. Mr. President, how much time remains of the Senator's half hour?

The PRESIDING OFFICER. Eleven minutes.

Mr. EAGLETON. As the designee of the Senator from Idaho (Mr. CHURCH), I yield another 20 minutes, to be charged to the Senator from Idaho (Mr. CHURCH), for these purposes, and therefore I request 15 minutes.

Mr. TYDINGS. I yield 15 minutes to the Senator.

Mr. EAGLETON. I thank the Senator from Maryland.

Mr. President, the Senate has before it the conference report on the District of Columbia salary and revenue increases, H.R. 17138. I did not sign this conference report, and I will vote against it.

As chairman of the subcommittee which reported this bill to the Senate and as a conferee, I support the pay increases which it provides for teachers, policemen, and firemen of the District. In fact, the Senate bill reported by my subcommittee was more generous in its pay provisions than either the House bill or the conference report.

However, I have other serious objections to the report, objections which make it impossible for me in conscience to support it.

First, the report fails to include any part of the Senate's authorization of an increase in the permanent Federal payment. The result will be that in a year of rapidly rising costs the District will receive $5 million less than it received the year before.

Second, the special Federal payment provided in the bill to cover costs of retroactivity falls $2.8 million short of meeting those costs. So, not only will the District have a smaller Federal payment to work with, but also, it will have a net increase of $2.8 million in its mandatory expenditures—a mandatory reduction of $2.8 million in other areas.

Mr. President, parenthetically, I wish to add at this point that we attempted in the Senate the other night to restore some of this imbalance by the appropriation of $1.7 million in the unappropriated Federal payment. I learned a few minutes ago that the House has rejected that item and that the Senate has gone along with it, so that $1.7 million went out the window today.

I am convinced that this conference report was the District's best chance to receive new revenue in this fiscal year. It certainly should have been done in this bill, given the insistence of the Appropriations Committees in both Houses that the budget be acted upon by June 30.

Mr. President, even while this pay conference was meeting, the House was acting on the new District budget. Because of the lack of adequate revenues, that budget was gutted of every new, every improved, and every expanded program requested. Only mandatory items were spared in cuts which totaled more than 20 percent and which left the District with a smaller overall program than it had even a year ago.

Because certain highway and other construction projects were trimmed from the budget—and these at least are deemed important by some Members of Congress—I expect there will be another revenue bill sometime this session. But given the attitude of the House conferees toward an increase in Federal payment, I am pessimistic that such a bill will contain funds for vital operating programs.

I suspect that the House will be willing to appropriate money for more monuments, more cement, and more pavement, but I doubt that they are willing to appropriate any money for people.

The House Appropriations Committee had little choice in approving these budget cuts since, by law, the District budget must be balanced.

But the pay bill conferees did have a choice. They had before them a bill which not only could have been used to provide the needed new revenues but which by every standard of equity should have been. They had before them also the facts on what the House budget cuts would mean for the residents of the District of Columbia.

They were aware, for example, that one consequence of the $698,000 cut in the police department request would be the loss of 173 civilian positions, 86 of which were to relieve patrolmen of clerical duties and to put them out on the streets where they can do something about crime.

How many times have we heard within the walls of this Chamber the plea for better, and tighter, and more professional law enforcement? We need more policemen; we need better trained policemen; we need better paid policemen. It is perhaps the most frequently mouthed speech of our era. Everybody is for better law enforcement. Yet, with respect to the District of Columbia, where much hand wringing is done by Senators and Representatives who are from without, when it gets down to doing something about it, under this bill we will not hire the civilian employees which would put the men in blue out on the pavement and take them from behind the typewriters. So, as a result of the $698,000 budget cut, at least 86 police officers on three shifts will be behind typewriters, banging away at police reports, but not doing much about improving the quality of law enforcement in the District of Columbia.

The conferees were aware, too, that the cutbacks in the narcotics treatment program would hamstring the city's efforts to begin coping with that root cause of crime. I quote Representative NATCHER, chairman of the House District of Columbia Appropriations Subcommittee, on the point:

> Our committee, Mr. Chairman, is well aware that the appropriations recommended will not provide a comprehensive and effective treatment program adequate to the needs of addicts in the District of Columbia. The lack of funds brings about this action on the part of our committee.

I am pleased to note that the Senate Appropriations Committee has restored the full request for funds for the Narcotics Treatment Agency. We cannot be certain at this point, however, that this appropriation will survive the conference stage.

There is a lack of funds also to hire 218 new roving leaders who work in the streets with juvenile gangs. This is a program which has been called by the juvenile court judge one of the most successful the District has in working with potential juvenile delinquents. But instead of 245 of these street counselors, the District will have to make do with 27.

Lack of funds means the elimination of 43 new guard and other positions in the Department of Corrections at a time when prison population is expected to rise from 3,000 to 4,000. The prison program is already strained to the breaking point, but there will be fewer guards per 100 inmates next year than this because of lack of funds.

There will also be less work with drug addicts within the corrections system, a subject about which we heard a great deal in the public press in the past year. The District's request for 23 new workers to help rehabilitate an additional 250 inmate addicts was denied, again, for lack of funds.

The court of general sessions had requested six new positions to strengthen its probation program and 24 new employees to help judges meet the growing backlog of cases. The Parole Board wanted three new employees to meet its expanded workload. All of these were cut.

Mr. President, the program cuts I have mentioned—and they by no means exhaust the list—are all directly related to the effort to reduce crime in this city. With all the rhetoric we have heard on this subject, where is the support for these programs which can do something about the problems? Where are the crime fighters when the District asks for funds to carry out the programs they urge?

Let me cite a few other programs which were cut from the budget, some of them related to crime but all of them related to the well-being of the city.

The Children's Receiving Home will not get the nine new employees it requested to cope with severely overcrowded conditions. Five of these were counselors who could have worked with emotionally disturbed children.

Cut also was a request for a resident psychiatric program for children, a program recommended by the President's Crime Commission.

Just to sustain its present alcoholic treatment program—a subject of discussion by the distinguished Senator from Iowa (Mr. HUGHES)—which is far from adequate by any standards, the District requested funds to replace an expiring Federal grant which supported the services of a medical officer, a psychologist and a social worker at the Alcoholic Rehabilitation Center. That had to be cut. So did the request for $32,000 needed to replace other earmarked revenues which have been lost.

The District has been urged by Members of Congress to begin doing more for its Spanish-speaking residents and the District responded by requesting $50,000 to establish a new liaison office for such citizens in its Department of Human Resources. That was cut, although it has been restored in the Senate bill.

In the field of education, a request for about $1.5 million to increase the number of textbooks and other supplies available to ghetto children was denied. So was the proposed expansion of prekindergarten classes which would have reached an additional 2,400 ghetto children.

Requests of $800,000 to improve the special education program for children with physical handicaps and $640,000 to provide more school counselors and psychologists had to be cut, as were requests to improve safety in the schools by increasing the number of teacher aides from 87 to 226.

These examples relate primarily to the House-passed appropriations bill. Some changes have been made by the Senate Appropriations Committee—most notably in the area of narcotics treatment—and I hope these changes will prevail in conference. However, the overall picture is not changed in the Senate measure, which was necessarily handicapped by inadequate revenue authorizations. Let me make clear my view that Senator PROXMIRE has done an admirable job in the face of these restraints, and my remarks are in no way critical of his efforts.

Mr. President, the Appropriations Committees would not have had to make these drastic cuts in the District budget had the pay bill conferees agreed just to maintain the present Federal share of the cost of governing the city. Figured as a percentage of local tax revenues in the general funds, that was 28.3 percent last year. This year it will drop to 24 percent.

There is no question that the conferees had the power to do this. Both bills dealt with revenue—the Senate version, with an increase in Federal payment, the House bill, with increased income tax rates as well as the repeal of a liquor sales tax.

If there had been no other justification, it was certainly proper in a bill that raises local taxes to increase the Federal contribution to city costs by a proportionate amount. Yet, largely because of the intransigence of the House conferees, that was not done. Instead, the Federal payment was reduced and additional costs of $2.8 million were heaped upon the back of the District government.

It was no mitigation of the situation for the conferees arbitrarily to decide to deal only with salary questions and with revenue only to the extent that it related to salary costs.

Even that arbitrary line was crossed when it suited the purposes at hand. Thus, the report accepts the House provision requiring all members of the District Police Department to wear a U.S. flag patch or pin as part of their uniform.

What does that have to do with salary matters? For that matter, what does it have to do with the proper role of Congress in legislating for the District? That kind of decision is purely a local one. It is within the discretion of the Chief of Police—and should remain there. The District does not need Congress to legislate patriotism for it.

It is clear to me that the District cannot continue to function and to meet its responsibilities to its citizens under a system in which it has no representation, virtually no voice in the vital decisions which affect it, and few defenders prepared to go to the mat in its interests. The District exists in what can only be called a political free-fire zone, subject to every kind of attack with no means of self-protection.

I do not exempt myself from responsibility for the state of affairs in the District. As much as any Member of Congress, my first allegiance is to my own constituents, and although I am deeply concerned about District affairs, the interests of Missourians come first with me. But this will always be the case so long as the District lacks its own representatives in Congress—or until the affairs of the District are taken out of Congress entirely, as I believe they should be.

Nor can the District apparently expect much from the administration.

Where is the administration while the District is subjected to this kind of irresponsible political gamesmanship?

President Nixon—like his predecessors—has on occasion pointed to the importance of the Federal City to the Nation and to the special relationship of the Federal Government to the District. But he is apparently content—like his predecessors—to issue proclamations on the greatness of the District, to forward a budget and a legislative program for the District to Congress, and then to let the District fend for itself against impossible odds in the effort to secure these funds and programs.

The PRESIDING OFFICER. The time of the Senator from Missouri has expired.

Mr. EAGLETON. Mr. President, will the Senator from Maryland (Mr. TYDINGS) yield me 10 additional minutes?

Mr. TYDINGS. Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. SCHWEIKER). Fifteen minutes remain.

Mr. EAGLETON. As the designee of the Senator from Idaho, I allocate an-

XUM

other 15 minutes from the Senator's time for these same purposes.

Mr. TYDINGS. Mr. President, I yield to the Senator from Missouri another 10 minutes.

The PRESIDING OFFICER (Mr. SCHWEIKER). The Senator from Missouri is recognized for another 10 minutes.

Mr. EAGLETON. Mr. President, here is what President Nixon had to say about the District in his April 1969 message to Congress:

> The Federal Government bears a major responsibility for the welfare of our Capital's citizens in general. It owns much of the District's land and employs many of its citizens. It depends on the services of local government. The condition of our Capital City is a sign of the condition of our nation—and is certainly taken as such by visitors from all the states of the Union and from around the globe.

Then he presented his program for "Increasinig the Responsibility and the Efficiency of the District of Columbia Government": Congressional representation, increased local authority, a Federal payment tied by a formula to local revenues, and a mechanism for beginning to move toward self-government.

All worthy goals, to be sure—all essential to the orderly functioning of this city. But having set this program before the Congress and paid verbal deference to the greatness of the Federal City, he apparently washed his hands of the whole issue. And Congress itself has done nothing about it.

I have already detailed the record on the budget for the District submitted and approved—and then abandoned—by the administration. Now let us look at the record—ours and the President's—on the administration's legislative program for the District.

XUM

We have made virtually no progress toward home rule since April 1969 when the President said:

> Full citizenship through local self-government must be given to the people of this city.

The Senate passed the administration's proposals for a nonvoting delegate in the House of Representatives and a Commission to study self-government for the District last September. Eight months later, even these half-hearted, pathetically short-of-the-goal measures are languishing in the House District Committee.

The District should have home rule—elected local officials. But short of home rule, at the very least, the District should have representation in Congress. There are nearly 800,000 people in this city with no say about the makeup of the Congress that virtually runs their affairs—a population larger than 11 States whose citizens are represented here. The administration endorsed a constitutional amendment of this kind in the President's message to Congress. Yet no progress whatever has been made.

We have failed once again to provide the District with an authorization for a Federal payment tied to the level of local revenues—the so-called formula approach. The President endorsed this formula approach in his message to Congress, stating that:

> The District of Columbia cannot achieve strong and efficient government unless it has ample and dependable sources of financing.

As chairman of the Fiscal Affairs Subcommittee, I can tell you that the President is absolutely right about the need for the formula approach. And I can also tell you that the administration has given this proposal no followup support.

Only in the areas of crime control has the administration showed anything resembling sustained interest.

In his state of the Union address last January, the President cited the District as a "tragic example" of the national crime problem and he told the Nation that he doubted "if there are many Members of this Congress who live more than a few blocks from here who would dare leave their cars in the Capitol garage and walk home alone tonight." Then he chastised the Congress for delaying passage of the District crime package and declared:

> We should make Washington, D.C., where the Congress and the Executive have the primary responsibility, an example to the nation and the world of respect for law rather than lawlessness.

Those of us who live here know that the District has made little progress toward becoming "an example to the Nation and the world of respect for law." Surely the Congress must share the blame, in view of the still ongoing conference on the crime package. It should be made clear, however, that the Justice Department did not help expeditious handling of the District crime legislation by tying court reorganization and reform provisions to a package of highly complex, loosely drafted changes in the criminal law and procedure of the District.

But the President himself has not followed through on his commitment to crime control in this city—as the budget cuts in law enforcement programs clearly show.

Certainly the President can do more than submit his program and hope for the best. He has great power to influence public opinion about the District across the Nation—to encourage support of home rule, for example. President Nixon has used this influence chiefly to instill in Americans everywhere a vision of the District as a crime-infested jungle.

Turning back to the conference report the Senate is being asked to approve, I want to make my purpose clear. Although I will vote against this conference report, I will not press for its defeat. However, in my capacity as chairman of the Fiscal Affairs Subcommittee, I will fight to see that the District receives the revenues essential to the continued operation of essential programs.

Both Senator PROXMIRE and Mr. NATCHER have indicated their willingness to consider supplemental appropriations for the District if new revenues are forthcoming. I intend to do all I can to see that the District is authorized to receive these revenues, and I call on all Members of Congress and on the White House to support this effort.

Mr. President, I thank the Senator from Maryland.

Mr. GOODELL. Mr. President, I commend the Senator from Missouri (Mr. EAGLETON) for his outspoken statement concerning the conference report on H.R. 17138, salary increases for District of Columbia policemen, firemen, and teachers, that is now before us. I too have grave misgivings about certain aspects of this conference report, although I do agree with its basic thrust, I do not think we can wait any longer to act upon the pay increases which this report provides, and which I support. However, I do concur with my colleague's objections as to the inadequate amount of funding we are providing to pay for these increases. It is always the duty of every governing body to be basically responsible and yet, with respect to the District, we have abrogated that responsibility at a time when everywhere we turn we are faced with the consequences of fiscal irresponsibility.

The pay increases contained in this conference report are essential if the District of Columbia is to maintain quality levels of public service in the areas of education, and public safety. These pay increases, representing minimum acceptable levels, are long overdue. The policemen, firemen, and teachers employed by the District have not received a pay raise since 1967, and yet they too have suffered the effects of the inflationary pressures that have been plaguing our economy. In fact between February 1969, and February of this year, the consumer price index for the District of Columbia has increased 16.9 percent.

I am very much pleased that the conferees agreed to extend the period of retroactivity for these pay raises to July 1, 1969, the date approved in the Senate version of the pay bill. After all, the Senate in passing its version of the pay bill last year acknowledged that a good many District employees were underpaid, and these people should not be penalized just because the Members of the House were slow in acting and did not pass this pay bill until late last month. The consequences of these lengthy deliberations are just another reminder of the injustices suffered by District residents under their present form of government.

As Senator EAGLETON pointed out the pay increases provided in this conference report are not paid for by the revenue portions of this same bill. If this report is accepted, and signed by the President, District residents will be required to pay higher income taxes, retroactive to January 1, 1970. It is estimated that this will cover the cost of the pay increases starting at that date. But what about the cost of the retroactive pay increases for the period between July 1, 1969 and December 31, 1969. It is estimated that it will cost about $10.3 million to cover the pay increases during that period and yet this report authorizes only $8 million to pay for this.

In the supplemental appropriation bill we passed last Monday I was pleased that the Senate agreed to appropriate the heretofore unappropriated portion of last year's Federal payment to the District—approximately $1.8 million—to pay for part of the retroactive period. The rest of the difference will eventually be taken from already underfunded and necessary District programs, like the Narcotic Treatment Agency.

I believe that the conferees have moved along the right path in approving a Federal payment to partially cover the costs of these pay increases, however the report did not go far enough. The District government needs $10.8 million to pay for the costs of retroactivity as contained in the conference report, and I believe that it is irresponsible of us not to provide them with a source for all of that money.

The original pay bill passed by the House contained a number of provisions extraneous to the matter of pay increases. The conferees commendably eliminated most of these provisions which were not only irrelevant but also harmful in many cases. For instance, I might mention the House provision which would have eliminated the Civilian Review Board that now operates in the District, but fortunately this provision was not included in the final report. I would also like to express my support for Senator EAGLETON's position regarding that provision of the House-passed bill which would have required District police to wear a patch or emblem of the U.S. flag on their uniforms. As the Senator from Missouri so aply stated, and I concur, this provision should not be included in a bill concerned with pay increases, nor should this issue be decided by Congress.

For Congress to maintain its credibility in the District of Columbia, and the Nation, it must act in a responsible, responsive, and rational manner. Pay raises that are essential for continuing the fight against crime, minimizing the hazards of fire, and educating our youth, reflect congressional responsibility for the welfare of District residents. Not to provide adequate funds for these salary increases, and to include provisions which should properly be decided at the local level places the Congress in the untenable position of fiscal and social irresponsibility.

Mr. KENNEDY. Mr. President, I wish to join with my distinguished colleague from Missouri to express concern for the way the city of Washington, our Federal Capital, is insensitively and unnecessarily abused.

This afternoon, we in the Senate must again attend to the business of municipal operations for the city of Washington, D.C. While there is much debate over how or whether the city should or could govern itself, it seems to me that we in the Congress dramatically make the case for local control by our insensitive reactions to the city's needs.

Our performance here today is just another example of the kinds of things I cited in my proposal for establishing congressional representation for Washingtonians. Residents of Washington live with all the urban problems that are recognized in every major city across this Nation. Yet, not one of those residents directly participates in shaping the decisions made in this Congress that vitally affect their daily activities. Not one of us here today was elected by the citizens of Washington.

However, each of us will be responsible for the salaries paid to the city's schoolteachers, firemen, and policemen. I intend to vote for approval of the conference report that authorizes higher salaries for these city employees. But I am disturbed that the District conference committee on the pay bill did not include increased revenue authorizations for the District in their report.

Over the past months, I have taken a particular interest in the problems of the District of Columbia General Hospital. I was saddened to note that the request for funds to operate a general walk-in clinic in the evening hours at District of Columbia General was eliminated from the final budget.

The District had requested $173,500 for staff including medical officers, nurses, and technicians, and $80,133 for supplies for a clinic which would have operated each evening from 5 p.m. to 9 p.m. Presently, the District of Columbia General clinics close at 5 p.m—before District residents who work or care for young families in the daylight hours can come to the hospital for health care services.

My concern, Mr. President, is that we in the Congress, at least until we have guaranteed self-government and congressional representation for Washington, we in the Congress must perform the task of disbursers for the city. And we have got to be much more responsible in our exercise of that task than we have been in the past.

It is not wise to demand of the city that it meet all of the burden of modern urban life on the one hand and on the other, consistently be shortchanged in its ability to meet the costs of those demands.

Teachers in Washington's schools play a tremendously important role. They furnish the guidance and the training needed to properly mold the lives of our Capital City's citizens of tomorrow.

Each fireman and every policeman provides for the security and comfort that every family has come to expect as a guaranteed safeguard in wholesome community living.

For these reasons, I believe higher salaries are deserved. But I am appalled at the way the city will be forced to seek support for those salary increases.

The city's administrators, each of whom is an appointed official must carry plans to cut back other vital city services. That must be done because there is not enough money authorized by the Congress to pay for the retroactive features of the pay bill. Thus, in seeking to compensate these employees for their work in the last year, some cuts must be made in next year's budget from the programs for health, recreation, sanitation and social welfare.

And so, I am pleased for the opportunity to deliver this short note of concern for what I see as an irresponsible reaction to extremely important municipal civic duties.

Mr. President, if we are going to mandate that Washington conduct its business in a first rate manner we must be reasonable and sensible in authorizing the payment of costs in order to deliver a first rate performance.

Mr. TYDINGS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 5 minutes.

Mr. TYDINGS. Mr. President, the speech of my distinguished colleague, the Senator from Missouri, was an excellent speech, but it was delivered with the wrong bill.

This is a pay bill relating to policemen, firemen, and teachers' salaries. It was never intended to be a general revenue bill.

Neither the House nor the Senate District Committee, nor the Senate Committee's Fiscal Affairs Subcommittee, chaired by the distinguished Senator from Missouri, designed this bill to raise any more revenue than is absolutely required to pay for the pay increases the legislation authorizes.

The Senate version of this pay legislation, as reported unanimously by the Senate District Committee, provided exactly that amount of revenue needed to finance the pay increases alone, not one penny more. That was the subcommittee chaired by the distinguished Senator from Missouri. The House conferees, naturally, noted this fact in arguing against converting this bill into a general revenue measure.

The House conferees further accurately pointed out that none of the revenue provided by the Senate bill was in the nature of permanent authorization. All of it, as set out in title III of the Senate bill, would have expired next week at the end of this fiscal year, June 30.

These limited, temporary financing provisions were included in the Senate bill because the Senate cannot originate the tax increase the city had requested to finance the pay bill. The House did provide for the general income tax increase the city requested to pay for this bill. In the conference, the House, having provided the taxes, was at first unwilling to accept any part of the Senate Federal payment provisions, even to pay for the retroactive portions of the bill. By hard bargaining, persuasion, and give and take on both sides, the Senate was able to convince the House to agree to an $8 million Federal one-shot payment to defray the retroactive costs of the pay increases.

This bill is fiscally responsible. The pay raises it provides, including retroactivity, will amount to a gross total cost of approximately $69.5 million in the next 24 months. The new local income tax increases provided in the bill to pay for these pay increases will raise $65.6 million over the same period. Added to these income tax collections is a special one-time Federal payment of $8 million earmarked to help defray the cost of the retroactivity provided by the bill, for a total surplus of $4.1 million over the 2-year period.

By any calculation, this bill is a fiscally sound and responsible pay increase measure. Whether a relatively small short-term deficit may exist over the next 12-month term due to technical problems in collecting taxes, the bill will begin to produce a surplus about 20 months from now.

This bill does not meet the other revenue problems of the National Capital.

XUM

It was not designed to do so. The House would not agree to expand it to do so. Your committee—the Senate District Committee—will, however, continue to press for the funds necessary, as outlined by the distinguished Senator from Missouri, to meet the cost of good government in the National Capital. We will do so in the revenue bill when it comes before the Senate.

Mr. EAGLETON. Mr. President, will the Senator yield to me for 3 minutes?

Mr. TYDINGS. I yield to the Senator from Missouri.

Mr. EAGLETON. Mr. President, I have great admiration and respect for my colleague and committee chairman, the Senator from Maryland (Mr. TYDINGS), who labors long and hard in this vineyard. My disagreement with him on this bill is on the merits or demerits of the bill, and not a personal one.

When I listened to the Senator's latest remarks, I could not help but think that had he been the public relations officer for Robert E. Lee at Appomattox he would have claimed a victory.

This conference report is, to use charitable language, a poor one. The Senate passed its version of the bill in December of 1969. Thus, circumstances and conditions, as contained in the Senate version of December 1969 are very different since we are in June of 1970, when this is the last, only, and best hope to salvage the city fiscally.

Second, the House made this measure a revenue bill. The House made it a revenue bill by upping the local income tax. The House is reasonably generous insofar as upping taxes on people they do not represent, to wit, the people of the District of Columbia; and of course, they thought they had to give some relief to the package liquor dealers in the District of Columbia. The House cut the liquor tax to further augment the financial woes of the city government. It is both a revenue bill and a salary bill. That is what the House did. However, by the time the conferees got through with it, it was a salary bill and even short on the payment for salaries.

Such generosity as this conference report bestows on the District of Columbia can be ill afforded.

Mr. TYDINGS. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. MAGNUSON. Mr. President, will the Senator yield for a brief question?

Mr. TYDINGS. I yield.

Mr. MAGNUSON. I do not know whether I am right or wrong about this, and I do not want to get between two old district attorneys; I was one myself at one time. Maybe I am a little bit old-fashioned, but I have always been a great believer in the foot patrolman. Was any mention made as to the increased number of foot patrolmen in this bill? I appreciate they need all the modern equipment they can get, but if there is to be an increase, I do hope they would do more along that line.

Mr. TYDINGS. The Senator's question would be better answered by the Senator from Wisconsin (Mr. PROXMIRE) when the District of Columbia appropriations bill comes before the Senate.

Mr. MAGNUSON. Was there any discussion about foot patrolman?

Mr. TYDINGS. No.

Mr. MAGNUSON. I thank the Senator.

Mr. TYDINGS. Mr. President, this proposal, when given to us by the city, was a salary bill for educational purposes and policemen and firemen. It was a salary bill when it left the Senate. We had funded it by an addition to the Federal payment which would have expired June 30 of this year. The House substituted a permanent income tax increase to fund it. But it was still a salary bill when it returned to us. We endeavored to secure an additional Federal payment over and above that which was needed in the bill. We could not. We completed action on a bill which is fiscally sound and which over a 2-year period provides more revenue than it will cost. This was never intended to be a revenue bill and it is not now. Hearings have been held on the city revenue proposals. They will be reported to the Senate next week.

But to try to make salary increases for policemen, teachers, and firemen—which should have been given last year—hostage to an additional Federal payment did not seem to me to be sound government, or fair. I was not willing to sacrifice normal procedure where we have revenue measures in revenue bills by holding these deserving employees' pay increase hostage. We produced what the city asked for. It was a pay raise when it left the Senate and it was a pay raise when it was reported out of conference.

Mr. President, I move that the Senate agree to the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report (putting the question).

The report was agreed to.

Mr. EAGLETON. Mr. President, I ask the RECORD indicate I voted in the negative.

Mr. THURMOND. Mr. President, I would like the RECORD to so indicate for me also. This bill represents the expenditure of large amounts without funds to pay for same.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a joint resolution (H.J. Res. 1264) making continuing appropriations for the fiscal year 1971, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 1264) making continuing appropriations for the fiscal year 1971, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Sentate resumed the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. CHURCH. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, the amendment offered by the distinguished Senator from Iowa would strike one of the most important provisions of the bill.

In an effort to save the U.S. taxpayers vast sums now being spent needlessly to buy foreign currencies for our Government's use, and to apply a brake to the demands of foreign military leaders, who under our present military aid system are encouraged to ask for all the weapons they can get, the committee adopted a provision which requires any country that receives military grant aid—regular or surplus property—to pay 50 percent of the amount of aid in its own currency. The currency will be available to meet U.S. requirements in that country, including educational and cultural exchanges.

I want to emphasize we are not concerned here about hard currency. We are not talking here about dollars; we are not talking here about convertible currency, or any form of payment that would impose any burden on the foreign exchange of the recipient country. We are concerned about local currencies which, without exception, are not convertible. These are currencies which have no value as such on the international exchange. These are currencies which are not used in financing international trade.

What we are discussing here today are currencies which can only be used within the country concerned.

I listened with amazement earlier in the debate to a discussion about excess local currencies which we have accumulated over the years. These were generated under Public Law 480. It was suggested that these currencies represent a problem to the United States. In truth, they are a great asset of the United States.

With these currencies to our credit in foreign countries, deposited to our account, we are able to pay all kinds of bills.

We are able to pay the bills of the American Embassy and assorted Consulates. We are able to pay bills for U.S. personnel representing all agencies, such as AID and our various military personnel. We pay for their transportation, for their food, for their air conditioners, for their local needs, for all costs we would otherwise have to pay in dollars. These currencies do have great value to Americans assigned to excess currency posts.

Furthermore, we use these accounts as an arm of our on-going AID program by entering into agreements with the governments concerned, whereby money in these accounts is reinvested to assist in the economic development of the country concerned.

We have been doing this for years under Public Law 480, and it has been looked upon as a highly provident, fiscally sound arrangement for the United States. For instance, we offer food to a foreign government. That government enters into an arrangement with the United States by which it receives the

XUM

food. We are then paid in local currency generated from the sale of that food, and that money becomes available to the United States within the country to help defray expenses of American personnel in that country.

Under the terms of the agreements of the kind I have described, the money is made available to give extra impetus to foreign aid programs in those countries.

It is misleading to suggest that the money in these accounts abroad does not have great value to the United States. The truth is it reduces substantially the amount of dollars we would otherwise have to spend to meet these operational and program expenses within the many foreign lands in which these accounts exist.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. CHURCH. I shall be glad to yield to the Senator for such questions as he may have. However I would first like to complete my argument.

During the last fiscal year, in the 10 countries which received the greatest amounts of U.S. military aid, the United States spent $290 million to purchase their respective currencies for use by our Government agencies. In other words, there was a $290 million drain on our balance of payments in these 10 countries last year due to our Government's operations. And I wish to make it clear that this list does not include South Vietnam or Thailand since military aid to these countries is funded directly through the defense budget, not the foreign assistance program. I might point out that, in the last 20 years, the United States has given away some $35 billion in military grant aid, and in the same period we have incurred a balance of payments deficit of over $44 billion. In only two of the last 20 years have we had a surplus position.

In South Korea, which was given $139 million in military aid in 1969, the United States was forced to spend 76 million in dollars to buy local currency for U.S. Government purposes. We would have saved $69 million of that if the committee's amendment had been in effect.

In Turkey, which was given $98 million in military aid, we paid out $18 million for local currencies. Taxpayers would have saved the entire $18 million if this provision had been in the law.

In the Philippines, which received $19 million in aid, we bought a whopping total of $161 million of foreign currencies. We would have saved over $9 million there last year.

In Greece, which was given $37 million in aid, we spent $17 million in dollars on the open market for the local currency. We could have saved that amount under the committee's amendment.

And on down the list. Of the top 10 recipients of military aid, in only one, Indonesia, was the United States not forced to go into the market to buy the local currency with U.S. dollars.

For the information of Senators, last year the balance-of-payments deficit was a staggering $7.3 billion. And the situation is becoming worse. If it continues, the American dollar in the international marketplace will crack. Those who do not believe that need to review their fiscal history. They should recall that it was the cracking of the British pound, then the principal international currency, as the U.S. dollar is today, that led to the great depression of 1929, an event which almost undermined and destroyed the Western World's capital system.

If the provision which the Senator from Iowa seeks to strike had been in effect during the last fiscal year, it would have saved U.S. taxpayers well over $122 million. This calculation does not take into account the additional foreign currency that would have been received in return for the surplus arms given to these countries. It includes grant aid only. The savings for the current fiscal year would, no doubt, be comparable. And these dollar savings would have a salutary effect on the critical balance of payments problem, which ran a deficit of $7.2 billion last year.

One other factor that influenced the committee's consideration of this provision was the fact that under the current military aid program there are no effective restraints on the appetites of foreign governments for U.S. arms. The only restrictions are those imposed by the giver—the United States— and with the Pentagon having a vested interest in promoting the giveaway of arms, the real restraining influence is embodied in the purse strings controlled by the Congress, in such use as we make and in such control as we exercise over the purse strings.

But this is not as it should be. The free, gratis basis on which arms are distributed allows the recipient country to avoid the hard realities of looking at its defense needs in terms of its national priorities. In accepting these gifts from the U.S. taxpayer, the foreign country does not have to face up to the hard questions of whether the weapons they get from the United States are really necessary for its security or whether the real purpose is a military version of keeping up with the Joneses or Khans or Mirandas.

A basic objective of the committee's amendment is to encourage recipients of military aid to evaluate their own military requirements in a more critical light. As long as the military establishments in recipient countries benefit from asking for more than they actually need, the incentive is to ask us for more arms, not less. That has been the history of this program. However, if the amendment tendered by the committee is supported by the Senate, an element of discipline will be introduced for the first time into this program.

By requiring these countries to pay in their own currency 50 percent of the cost of the arms and equiment we give them, each country will be forced—at last—to evaluate the demands of its military commanders in the context of other national priorities; and to test those demands in the crucible of the national needs of the countries concerned. We should see to it that the military aid program does not encourage, in other countries, unnecessary military spending, while we are trying to eliminate the same type of waste here at home.

Our policies should be geared to making aid recipients face up to their own problems of internal priorities. They should not encourage these countries to stay on as military freeloaders, but to instill in them a greater sense of initiative, independence, and self-reliance. I am not certain as to the exact meaning of the Nixon doctrine, but it was my understanding that it was intended to stimulate nations to help themselves in meeting their security requirements. I can think of nothing more likely to thwart that objective than for the United States to continue to treat military aid recipients as welfare clients. A 50-percent foreign currency requirement in payment for military aid could be an important step in the development in these nations of a new sense of self-reliance.

Our final point. We require foreign countries to pay in their local currency 100 percent of the value of food shipments sent them under Public Law 480. If we require 100-percent payment for food, surely it is appropriate to ask for 50-percent payment for weapons.

In summary, the committee amendment is designed to save American taxpayers at least $122 million annually—I repeat, $122 million annually—in purchases of foreign currency—on the basis of the 1969 military aid program.

It will have, moreover, a favorable impact to that extent on our balance-of-payments problem.

It may help to curb the appetites of foreign military commanders for weapons that are desired more for prestige than security.

And it may force those nations to take a harder look at their own security needs, as well as their own national priorities. Hopefully, it will encourage self-reliance.

I have had two tables prepared which give details concerning the savings that could be achieved under this amendment.

The first table is captioned "Impact on U.S. Balance of Payments as a Result of Official U.S. Government Operations During Fiscal Year 1969 in the 10 Leading MAP Countries." I ask unanimous consent that this chart be printed in the RECORD at this point.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

TABLE I.—IMPACT ON U.S. BALANCE OF PAYMENTS AS A RESULT OF OFFICIAL U.S. GOVERNMENT OPERATIONS DURING FISCAL YEAR 1969 IN THE 10 LEADING MAP COUNTRIES

[In millions of dollars]

	Total local costs of U.S. operations	Local currency available to United States	Purchases of local currency required for U.S. purposes [1]
Colombia	6.1	2.4	3.7
Ethiopia	7.7	2.4	5.3
Greece	23.0	5.8	17.2
Indonesia	2.3	2.3	
Iran	9.9	1.5	8.4
Philippines	162.4	1.7	160.7
South Korea	98.3	22.5	75.8
Taiwan	24.4	23.6	.8
Tunisia	3.4	3.3	.1
Turkey	48.1	30.1	18.0
Total	385.6	95.6	290.0

[1] Purchases of local currency represents a deficit in balance of payments.

Note: 10 countries based on fiscal year 1970 military assistance program.

Source: Data obtained from U.S. Treasury Department.

XUM

Mr. CHURCH. Second, Mr. President, I have another table captioned "Application of Section 10 of Committee Amendment to the Foreign Military Sales Bill," which details the impact of the amendment in terms of savings as it applies to the countries receiving the largest amounts of military aid. I ask unanimous consent that the table be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 2.—APPLICATION OF SEC. 10 OF COMMITTEE AMENDMENT NO. 3 TO THE FOREIGN MILITARY SALES BILL

[In millions]

Country	U.S. grant military aid in fiscal year 1969 [1] (1)	50 percent of col. 1—additional local currency available under sec. 10 (2)	Balance-of-payments deficit due to purchase of local currency to meet local costs (3)	Reduction in balance-of-payments deficit and savings to taxpayers if committee provision had been in effect (4)
Colombia	$3.9	$1.9	$3.7	$1.9
Ethiopia	12.0	6.0	5.3	5.3
Greece	37.0	18.5	17.2	17.2
Indonesia	5.5	2.2		
Iran			8.4	
Philippines	18.9	9.4	160.7	9.4
South Korea	139.0	69.5	75.8	69.5
Taiwan	36.0	18.0	.8	.8
Tunisia	3.5	1.7	.1	.1
Turkey	98.5	49.2	18.0	18.0
Total	354.3	176.4	290.0	122.2

[1] Does not include the amount of excess defense articles given to these countries.

Mr. CHURCH. Mr. President, the first table makes the following points:

During fiscal year 1969, the U.S. Government rolled up total costs of $385 million in the 10 principal MAP countries.

To meet these local costs, the United States had available but $95 million in the various local currencies.

In order to make up the difference, the United States had to buy a total of $290 million in foreign currencies.

In other words, during fiscal year 1969, U.S. Government operations in the 10 major MAP countries contributed $290 million to our balance-of-payments deficit.

The second table makes the following points:

During fiscal year 1969, the United States gave the current top 10 military assistance recipients $354 million.

If the committee's amendment had been in force at that time, the United States would have had an additional $176 million available in local currency, of which $122 million could have been used to reduce the $290 million deficit that the United States incurred as a result of its official operations in these military-aid-receiving countries.

In other words, the committee amendment would have reduced the deficit from $290 to $168 million—a meaningful reduction in anybody's language.

So, in summary, Mr. President, let me say that the committee amendment is designed in part to relieve the pressure on our highly unfavorable balance-of-payments position.

The committee amendment simply requires that those countries receiving our grant military aid help us defray the costs of our official operations in their respective countries.

The committee amendment merely says to military aid recipients, "look, while we're helping you out, help us out on our balance-of-payments problem; help us meet some of our local currency costs in your country; help us reduce our balance-of-payments deficit."

After having given away over $35 billion in military aid since 1950, is it too much to aks the recipients of that aid to begin now—20 years later—to help us meet a part of our local costs—some of which are directly associated with the military aid program?

Mr. President, this is an important amendment. It involves a substantial and meaningful saving to the United States. It is a fair amendment. It is in line with what we have long been doing in the matter of disposing of surplus food abroad. Finally, it is high time we began to dispose of surplus weapons in this manner.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. CHURCH. I yield to the Senator from Florida.

Mr. GURNEY. The Senator from Idaho, in his usual eloquent manner, has made a very persuasive argument. As a matter of fact, I have often thought that we have not used good judgment in this country in offering sophisticated weaponry to many of the emerging, poor, and backward countries that have not needed it, and that actually it has perhaps encouraged an arms race between them and their neighbors who are possible potential enemies.

So I certainly have listened to the arguments that the Senator has made, and many of them are good ones.

There is one thing that troubles me about this, though, and I ask the Senator this question: Do we have a similar provision in our other aid programs? I am not talking about Public Law 480, because I am familiar with that. As the Senator pointed out, the countries do pay for that, at least in counterpart funds.

But do we have a similar provision in other nonmilitary aid programs, asking the recipient countries to put up 50 percent of the value of what we give them in foreign aid?

Mr. CHURCH. The only program which generates local currency is the Public Law 480 program. By all accounts, it has been an extremely successful program, and this committee amendment would apply the principle of Public Law 480 to military grant aid.

The Senator will probably ask, why select out military grant aid.

The reason why this is not done with economic aid under the Foreign Assistance Act is that that aid is tied for the most part to purchases of goods and services in the United States. The balance-of-payments impact of the economic aid aspects of the Foreign Assistance Act have been greatly mitigated. This is not the case, however, in the matter of the military grant aid program. It is appropriate, therefore, that we apply the same principle to that program which we apply to Public Law 480 for the disposal of surplus goods.

Mr. GURNEY. In the first part of the amendment, which I understand requires the putting up of 50 percent of the fair market value of the article that we give them—and this article certainly is made in the United States—I presume we are talking about weaponry that may be obsolete or excess here, which we are giving the other country. So, in that respect, the analogy is exactly the same as it is with respect to economic aid.

Is it not also a fact—and here I rely on the expert knowledge of the Senator from Idaho, because I am not an expert on foreign aid—that generally, when we are giving the military aid to foreign countries, they are purchasing American weapons and rifles or ammunition or planes or tanks?

Mr. CHURCH. This amendment applies only to grant aid as well as to surplus weaponry, another form of grant aid. Whether or not the countries that receive grant aid are also purchasing other weapons from the United States depends on the individual country concerned. Some do; some do not. As the Senator knows, the grant aid program now extends to 35 foreign governments, and there is a great discrepancy between one and another.

I should like to finish the thrust of the Senator's question. As it applies to economic aid, I would like to note these differences. The bulk of our present-day economic aid is given in the form of loans, not grants. These loans are repayable to the United States over a period of years. They bear interest. Thus most of the economic aid program no longer partakes of a grant aid character.

Where we are still dealing with grant aid, as in the case of military programs, we ought to apply the principle that has served us so well under Public Law 480. It means a great deal to have local currencies to defray the substantial costs for which we would otherwise have to pay dollars in these countries.

These local dollars are not nearly so precious to the local governments as hard convertible currency; and economic development in the main depends, as the Senator knows, upon the foreign exchange position of these countries. We are not taxing, in any way, their foreign exchange position. We are not asking hard currency back for the military weapons we give. Instead, we are asking for an account in local currency that can help us defray some of our local costs in these countries.

It is a sound principle, which could be and should be applied in the name of assisting the United States to deal with the extremely serious balance of payments deficit plaguing this Government, and which puts such a strain upon the dollar in the international marketplace.

Mr. GURNEY. I must admit that the Senator does make a differentiation between the two programs, and I understand that; although I might point out—and I hope none of our foreign friends are listening—that I think we often make the loans with tongue in cheek, not exactly sure whether they are ever going to be repaid. But I must say that even though this would be a sound approach, I am not exactly sure, from this Senator's point of view, that it is. It seems to me that we are applying two sets of rules here—one to military aid and the other to economic aid. If we are going to require recipient countries to put up 50 percent of the value of the thing given or 50 percent of the grant made in the military area, we ought to do the same in the economic area. I really cannot see any difference. If we make this difference, then it occurs to me that—for some reason that this Senator is unaware of—we are zeroing in on the military part of the foreign aid and are saying that we really are not enthusiastic about this and we are going to tie special strings to it.

One other thing I might point out——

Mr. CHURCH. Mr. President, will the Senator yield at that point?

Mr. GURNEY. I yield.

Mr. CHURCH. I would like to interject one further comment, which will interest the Senator, I am sure.

In differentiating between the economic aid program and the military grant aid program, it is just not that that the bulk of our economic aid program now takes the form of loans. However, because of that fact, plus the fact that earlier loans are now being repaid from earlier years, the economic aid program has a positive, direct impact on U.S. balance of payments. Last year, that positive impact represented an inflow of $197 million.

There is, thus, a difference in the impact the two assistance programs have upon the United States. Because the military grant program is more comparable to the food grant program, the same principle should apply.

Mr. GURNEY. Let me ask one other question, if I may: Let us take the case of a poor country that is hard pressed to meet its military requirements, and let us say that it borders on one of the Communist countries which perhaps has ideas of aggression against it. Let us assume that the poor country wants some military aid and seeks it from our Nation, and we have this requirement of 50 percent in the law, and let us assume that the country is not actually able to come up with the 50 percent. Are we not defeating the whole purpose of military aid? This is what bothers me about this provision.

Mr. CHURCH. Let us consider whether that proposition is a hypothetical one——

Mr. GURNEY. It is. It almost has to be, I suppose. I wish I had a concrete example that we could discuss.

Mr. CHURCH. In the theater of war, Thailand and South Vietnam do not come within the reach of this amendment. They are being financed out of the military budget. The same is true for Laos. If it were not true, the Senator might have a case for Laos. Laos is a very poor country, with almost no foreign exchange in its coffers. It is an insolvent, nonviable country. Yet, Laos, Thailand, and South Vietnam do not fall within the reach of this amendment. The principal countries affected, who receive the bulk of Ameriacn military grant aid, are Greece, Turkey, Taiwan, South Korea, the Philippines, Iran, Indonesia, Ethiopia, Tunisia, and Colombia.

None of these countries is so weak financially that they could not establish an account for the benefit of the United States, in exchange for military weapons they receive, by which they would make available to us local currency to help defray our own expenses.

Mr. GURNEY. Let us assume that is true of those countries which the Senator mentions, but let us take one of the Latin American countries. Certainly, we have evidence that communism is going on in Latin America. We have one country on our doorstep which is Communist controlled, and actually is a great troublemaker. Let us say one of the other governments in Latin America is taken over by what is obviously a Communist country, and then later on had designs upon one of its neighbors, and one of its neighbors came to the United States and wanted military assistance in order to beef up its armed forces to meet the threat next door. Where does this amendment put us, so far as this country is concerned, which may be a poor country and not able to come up with 50 percent of the money?

Mr. CHURCH. Although the Senator's inquiry is legitimate, it strikes me that he is seeking an exception which might prove the validity of the rule. There may be an exception, but I do not know of any. For example, Latin American aid has fallen off to the point where the total program is now modest. When we break it up into the recipient countries of Latin America receiving grant aid, we are talking about a comparatively small sum. Fifty percent in local currency could not constitute a serious burden. Unfortunately, the figures are classified. If the Senator would like to look at them, they are here on my desk.

Mr. MILLER. I want to clarify one thing with the Senator from Idaho which I think he was a little confused about. I did not say that there would be no value from local currencies raised under section 10. What I did say was that when we had an excess amount of local currencies, excess to our needs, we have had problems. The Senator, being on the Committee on Foreign Relations, knows that we have had problems. I gave an illustration of a problem which we have had as a result of it.

I should like now to follow on with the questioning of the Senator from Florida (Mr. GURNEY).

We can understand how many of the small countries, where there are small amounts of military assistance, may not find it a great burden if they have to put up 50 percent of the currency. But I hope I did not understand the Senator from Idaho to suggest that to require Turkey to put up $50 million, as being 50 percent of $100 million in military assistance, would not mean they would have great difficulty in doing that.

It is my understanding that Turkey is one of the poor countries. I think we have so regarded it as a poor country for years, and that is why we have granted her economic assistance, because she is hard pressed with a rather expensive military budget, but she is in a difficult area of the world. Thus, I cannot understand why we should put Turkey in the same category as some of the countries that receive $100 million in military assistance.

Mr. CHURCH. I would not stand here and ask any Senator to believe there might not be some particular country, perhaps Turkey, where the committee amendment might not cause them problems. By proposing the amendment as a general rule, we believe it is in the best interests of the United States. It will involve a saving of dollars. It will involve a certain easing of our balance-of-payments deficit. The principle is sound. But if there is a single country where the application of that rule could conceivably cause an undue hardship, then there are ways to cope with that particular exception. If, for some country, it is in our own best interest to ameliorate the effect of the 50-percent requirement, then there are ways whereby this adjustment could be made in the economic assistance given to, for instance, Turkey. We could compensate Turkey via other ongoing programs.

The committee amendment lays down a sound rule, which, in most cases, will work. So far as I know, it will work in all cases, but, if there are any exceptions, then there are ways the exceptions can be dealt with through other channels in the aid program.

Mr. MILLER. Let me read the position of our own State Department on this point:

> Our difficulties with section 10 are that it would undermine the effectiveness of the grant MAP by failing to recognize the fundamental reason for the existence of the grant military assistance. We provide this assistance to our allies principally because their security is important to our security because their economies are unable to support the kind of defense establishment that is required. This amendment would impact most strongly on the most important MAP recipient countries, principally Turkey, to which we provide over $100 million in MAP, and Korea, to which we provide over $140 million. According to this amendment, these 2 countries would be required to dispose of local currencies, $15 million for Turkey and over $70 million in the case of Korea. They would be confronted by the decision either of increasing defense budgets by these amounts at the expense of civilian programs

XUM

or foregoing our assistance at the expense of their security.

This would mark a complete reversal of our military assistance policy and could only be interpreted as a drastic revision of our foreign policy. For these reasons we urge that section 10 of H.R. 15628 be stricken.

Mr. President, that is pretty strong language. They mention specifically Turkey and Korea. I would feel much better about it if section 10 would provide, for example, that in the case of those countries receiving $5 million a year or less in military assistance, they have to put up 50 percent if the United States has a requirement. But to come along and require Turkey to put up $50 million when we do not need it, and we have no need for that amount of excess currency at all—I put a table in the RECORD showing that we do not need it at all—it seems to me to be an undue burden.

I cannot help feeling that the reaction of these three or four countries will be that the U.S. Senate has singled them out for special discriminatory treatment, when they are among those countries which need this the most because they are up against the gun.

Mr. CHURCH. I could accept the argument of the Senator as having force, and I do respect his sincerity in making his argument, if we were now faced with the provision in its final form. I ask, however, the Senator to remember that we take this bill to conference. The House has no comparable provision in its version of the Foreign Military Sales Act. We will have an opportunity to review further the particular facts as they apply to particular countries, and to consider such modifications in the formula as may seem desirable in light of the argument that the Senator from Iowa has made. If we strike this section from the bill, however, we have no chance to establish what, in the main, is a sound principle. We will have no chance to negotiate anything with the House in conference, and we would continue with a program representing a very large, continuous drain on our balance-of-payments position. The principle has proven to be sound under Public Law 480. It will prove sound under this program, even though we might have to modify the formula to some degree in the negotiating process in conference. By all means, it would be a grave mistake to strike it out, thus denying us the opportunity to establish any kind of a program at all.

Mr. MILLER. Mr. President, I do not think it would be a very grave mistake to strike it out, because, as the Senator well knows, this is not a sophisticated approach to the problem.

Mr. CHURCH. Mr. President, may I ask the Senator to take the time he uses from his time. We are now on limited time. I suggest that his questions be taken from his time, and my answers from my time.

Mr. MILLER. I would be glad to cooperate with the Senator from Idaho.

Mr. President, how much time remains to each side?

The PRESIDING OFFICER (Mr. SCHWEIKER). The Senator from Iowa has 53 minutes remaining, and the Senator from Idaho has 12 minutes remaining.

Mr. MILLER. Mr. President, I suggest that we take a little time from my time.

Mr. CHURCH. Mr. President, I thank the Senator.

Mr. MILLER. Mr. President, I do not think it would be a very serious mistake to strike the section out. We are dealing with a sophisticated problem, and we do not have a sophisticated solution.

As I understand it, this matter was barely touched on in the hearings.

It would not be rather unusual to sit down with representatives from the State Department and massage the proposed language and go into the various problems. That, I think, has characterized other actions on measures of this kind.

I point out what I regard as four flagrant examples where we could have problems arise as a result.

I think the matter needs much more study. I suggest to the Senator from Idaho that the conference committee is not the place to handle this matter.

I do not think there is such great urgency as to warrant taking this kind of an amendment and approving it in the Senate. I think it would have bad overtones on the part of the recipient countries and build up resentment which we could avoid if we would take the time to come up with a very carefully worked out approach to the problem.

Mr. CHURCH. Mr. President, in the first place, this amendment did not suddenly emerge like something that sprang full blown from the brown goose.

Mr. MILLER. Like the Cooper-Church amendment?

Mr. CHURCH. It was given consideration and discussed in the committee. Senators are fully familiar with the military grant-in-aid program as it has been administered in the past. They are also familiar with the Public Law 480 program and with the uses to which the United States has put local currencies generated under the Public Law 480 program.

The committee believes this is a splendid proposition. It is true that the State Department does not approve. Yet, we have found in our contacts with the State Department that they are not the fountain of all wisdom and that the changes that are made in grant-in-aid programs for the most part have been changes that have been innovated in Congress.

I am not surprised that the State Department opposes the amendment. This is not a basis by which to contend we have acted hastily or ill-advisedly. In fact, we acted, after several years of close observation, with diligence and, hopefully, wisdom.

Mr. MILLER. That is not what I said. I suggest that usually, if my understanding is correct, the staff or members of the Foreign Relations Committee meet together with the key people in the State Department and go into these things, whether the State Department agrees or not, and talks them through.

The State Department does have some expertise and does have the administrative experience which our committees do not have.

Granted they may take an adverse position. That does not mean that they cannot be helpful by showing us some of the very practical problems we have to cover.

I know that I have received information from the State Department in which they say, "We are opposed to this, but if you go into it, here are some practical suggestions to meet practical problems."

That is what I understand was not done in the case of this particular section of the bill. And that was the point I wanted to make.

Mr. CHURCH. Mr. President, let me assure the Senator that if the Senate retains this provision in the bill, which I believe will be the case, and we take it to conference, the committee will inquire of the State Department what suggestions they have to reshape this provision, providing they feel there is urgent need for doing it with respect to one country or another. We will be mindful of their suggestions. We will make every effort in conference to work out the most reasonable formula that will preserve this principle intact and still not occasion any undue hardship to any particular country.

Mr. MILLER. Mr. President, I appreciate the Senator's statement. I know that he means it.

I do think that we are making a mistake by acting on this section as it is now, because, as I say there could be an adverse reaction on the part of some countries who would be adversely affected by this.

I would like to make a comment and if the Senator wishes to respond, I would appreciate it.

The Senator laid a great amount of emphasis in his statement in opposition to my amendment on the impact of this section 10 having an unfavorable impact on the balance-of-payments deficit.

I suggest that I wish he had made that argument about 10 years ago, back when military assistance was running upwards of $1.5 billion to $2 billion a year.

We are talking about a military assistance program now of $392 million. We are not talking about a very big impact on the balance-of-payments deficit, assuming that we cut that in half. But if the Senator really wants to save on the balance-of-payments deficit, why not just come out and cut military assistance down to a half of $392 million?

Mr. CHURCH. Based upon last year's figures, the Senator's amendment would cost $122 million. This year, it would cost in the neighborhood of that figure, or a larger amount. That is a sizable amount of money, particularly in view of the fact that our balance-of-payments deficit has become so alarming—over $7 billion and continuing upward.

Conservative Senators, who often make a very strong point of the necessity of maintaining the stability of the dollar and who argue always for fiscal responsibility, should be the first to do whatever they could to give some equilibrium to our imbalance of payments.

The drain on the dollar, as well as on the gold supply, is very great, as the Senator knows.

Mr. MILLER. Mr. President, is my friend, the Senator from Idaho, suggesting that liberal Senators are not inter-

XUM

ested in doing something about the integrity of the dollar and that only conservative Senators have an interest in that?

Mr. CHURCH. No, not whatsoever. I speak in favor of retaining a provision in the bill that would save this country $122 million in foreign exchange. But what surprises me is that the Senator from Iowa proposes to eliminate that saving.

Mr. MILLER. Mr. President, I wonder, if we are interested in saving $122 million in balance of payments, why the Senator from Idaho has not suggested that we just chop down military assistance by $122 million.

Mr. CHURCH. There is an answer to that question.

Mr. MILLER. I would like to have it.

Mr. CHURCH. The answer is that Congress has established the level of the military assistance program. The authorized level last year and this year was $350 million. That decision has already been made.

The question is, Are we going to administer the program in such a way as to occasion the saving of $122 million to the United States by this foreign currency deposit requirement, or are we going to pass the amendment of the Senator from Iowa, thus losing the opportunity to make that saving? In neither case is the size of the foreign aid grant affected; it would remain as it is whether we pass the amendment of the Senator, or not.

Mr. MILLER. Mr. President, I am not sure I understand all this savings the Senator is talking about. He said it would save $122 million in balance of payments to handle it the way section 10 would. But I say if the amount for Turkey is $100 million, and $140 million to South Korea, with those two required to put up one-half, Turkey would have to put up $50 million in this account in Turkey. We do not need it. I do not see that this will be a savings to have $50 million of unneeded excess currency in Turkey.

If the Senator wants to cut down and save on the balance of payments, why not cut the assistance for Turkey from $100 million to $50 million?

Mr. CHURCH. The Senator said we have no need for this money in Turkey. I disagree. Last year, we went out in the marketplace and bought $18 million worth of Turkish currency. If this provision had been in the law, that money would have been available to us in our own account, furnished to us by the Turkish Government, and we could have saved that much. Obviously, we do have a need.

Mr. MILLER. According to the State Department and the table I placed in the RECORD, we do not. Maybe we did last year, but this year and next year we do not.

Mr. CHURCH. I do not know the source of the Senator's figures. My figures come from the Department of the Treasury. I do not know a more accurate source when it comes to outgo and income, balance of payments, or drain on dollars abroad, than the Treasury Department. I put this in the RECORD.

Mr. MILLER. Even assuming that we needed $18 million, what are we doing with $50 million? That is why I say the amendment is not sophisticated enough for the problem. Granted; and I say for the sake of argument, that we need $18 million in loan currency in Turkey. Why come along with a provision like this to have $50 million put into a local account? This is not the kind of well thought out provision that we should have here. I understand the arguments. The Senator made some good arguments for doing something about this problem and I can subscribe to most of them. But I must respectfully suggest the solution proposed here is not a good one.

The Senator also has a point when he said we want to do something about getting these recipient countries to do better in reordering their national priorities and not come in asking for everything under the sun, much of it being unnecessary and hurting their own local economies. We all know what happens when priorities get out of line. This sounds good but I do not think this is the way to do it.

If we were talking about that period 10 years ago when military assistance was running upward of $2 billion a year, in effect at that time we were saying to them, "Ask for anything you want and you will get it." However, Congress has taken pretty good care of tying the purse strings. I do not think Congress has been delinquent in this matter at all and now we have military assistance down to $392 million. I do not know how much better Congress can exercise control than to reduce the military assistance authorization and appropriation down to a point where our administrators will have to say to these countries, "I am sorry. No matter how much you want, we only have so much; so make up your minds within that allocation."

Mr. CHURCH. Mr. President, the Senator correctly points out the fact that Congress reduced the size of the military grant aid program. That is not, however, the whole picture. When one adds to the military grant aid program the weapons that are supplied by declaring them surplus and supplied to foreign governments out of our own inventory, which is also part of the present law and has been used more and more to avoid the limitation the Congress placed upon grant aid; when one considers the military credit sales program, the military sales program under favorable credit terms, that we are authorizing, the extension of which program is now in the Foreign Military Sales Act before the Senate; and when one considers the military grant aid program being conducted in the theater of war for Thailand, Laos, and South Vietnam, and financed out of the defense budget, we are not talking about a $350 million program.

In reality, we are talking about a program that runs up into the neighborhood $2.5 billion, an amount comparable in size with our programs of the past.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. MILLER. The Senator knows that I know about the other types of military assistance coming under the defense appropriations; but I am talking about the fact that the total amount affected by this section 10 is $392 million, or thereabouts; and the total amount that would have been affected by that same section 10 years ago would have been upward of $2 billion.

I am not suggesting the Senator might extend section 10 to the government of Thailand or South Vietnam, and require those countries to put up 50 percent in the same formula approach he has in section 10, although he could see how adverse that would be, and I do not see any difference in requiring Thailand to put up 50 percent of our military assistance and doing the same thing for South Korea or Turkey because these countries are in a very precarious position. They are poor countries. In fact, I suppose Thailand is a better developed country, as far as its economy is concerned, than Turkey or Greece. I think we are placing an undue hardship on them when we do not need that currency.

Mr. CHURCH. Mr. President, if I could agree with the Senator's propositions, I would have less trouble with his amendment. Regarding Thailand, I would like to see it applied there. But, if we attempted to apply it to Thailand, this Chamber would erupt with Senators who would say we are interfering with a country that lies within the theater of war in Southeast Asia and we must not do anything to place new obligations on the government of Thailand.

Mr. MILLER. Well, we would not say anything about Korea.

Mr. CHURCH. No, for that is not a part of Southeast Asia.

Mr. MILLER. They are certainly part of the general theater of hostilities there.

Mr. CHURCH. I would have no objection to applying this principle to Thailand, but I do not think the Senate would be in a position to do so.

Therefore, the committee amendment applies not to the Southeast Asia war front, but rather those countries throughout the world to which we give military grant aid and surplus military equipment on a grant basis.

It is a valid principle. It will work under the formula suggested by the committee. If we keep it in the bill, I assure the Senator we will consider any hardship cases, including Turkey and Korea.

The underlying principle is salient. That is why the Senate should not strike this provision from the bill.

Mr. MILLER. May I say to the Senator from Idaho that I shall press for my amendment. Also, I may offer a little different version on section 10, because I would dislike to see section 10 pass this body in its present form. I can see that it would cause only ill feeling on the part of some of our friends and allies, to whom, in our own national interest, we have deemed it appropriate to extend grants for their security and to help in our overall posture in NATO and in the Middle East. I do not think we need to get into something that is going to cause any more abrasiveness than already has been caused with respect to some of our friends and allies.

The Senator seems to have been premising section 10, with respect to the

XUM

treatment of military assistance, somewhat on an analogy with Public Law 480. I suggest to him that the analogy is not there. For example, he said we require the recipient country to put up 100 percent in local currencies for food aid; ergo, why not make it 50 percent for military aid? We could say the same thing, that if we are going to put up 100 percent for food aid, why not put up 100 percent for military aid? The Senator knows why not. The answer is that in the food aid program the local country does not have to take that money out of its budget. It sells the food to the people and the people pay in local currency, and there is no budget problem. But with military aid, the recipient country does not take the military grant or any excess of weapons and sell them to its people. It uses them as a country. If we require them to put up 50 percent, that country cannot go to the people in that country and say, as is true in the case of food, "You pay in some money for this military equipment." The country has to take it out of the hide of its own military defense budget.

So I do not think the analogy is there.

If indeed—whether the analogy is accurate or not—it is desired to make this parallel with Public Law 480, I would like to ask this question: In section 10(b) it is provided that section 1415 of the Supplemental Appropriation Act of 1953 shall not be applicable. However, in Public Law 480, we provide that section 1415 of the Supplemental Appropriation Act of 1953 shall be applicable.

Mr. CHURCH. The reason was that we had hoped not to complicate the utilization of these funds in foreign accounts for the particular purposes that are designated in the bill. Otherwise, it is necessary to come back and go through the appropriation process, as though they were not foreign currencies available for the particular needs of the United States abroad, but ordinary appropriations of the public money.

One of the complexities of Public Law 480 has been this procedural complexity. In light of our long experience with that program, it would be advisable not to repeat that procedural complication.

Mr. MILLER. I certainly understand that there is a procedural complication, but the reason why we put that provision into Public Law 480 was that we wanted to be a little more careful about our balance-of-payments deficit.

Mr. CHURCH. The way to help with our balance-of-payments deficit is to utilize the foreign currencies of the United States, in place of dollars. If we are not going to use local currencies, then we are going to use dollars. This will have an adverse effect on our balance of payments.

Mr. MILLER. If that is true, why not put control devices here so there will not be abuses? After all, that is what we did in Public Law 480. If we are really concerned about the balance-of-payments problem, why not make sure that the local currencies are used with care, perception, prudence, and in view of the needs, just as we did in Public Law 480?

Mr. CHURCH. We tried to do it in this amendment by indicating the way the money could be spent as a matter of law.

Mr. FULBRIGHT. Mr. President, will the Senator yield? Does the Senator have the floor?

Mr. MILLER. Mr. President, I think I have the floor. I yield.

Mr. FULBRIGHT. I do not know why the Senator raised the question, because the whole thrust of the amendments thus far adopted has been to give the President as Commander in Chief wide discretion in military matters. Why should not he have the same wide discretion here?

Mr. MILLER. Perhaps the Senator did not hear the earlier colloquy.

Mr. FULBRIGHT. I understood the Senator to say we ought to put trust in the President and Congress ought to keep control. Why does not the Senator trust the President in this as much as he does ing waging war?

Mr. MILLER. The Senator did not hear the earlier colloquy. The Senator from Iowa made the point that an analogy has been drawn between the situation covered by section 10 and the situation covered by Public Law 480. I made the point then that, if that is so, why does not section 10(b) provide that section 1415 of the Supplemental Appropriation Act of 1953 shall apply, because it applies under Public Law 480, but here under section 10, it says it shall not apply.

Mr. FULBRIGHT. Why should it apply? What does the Senator wish to accomplish?

Mr. MILLER. The point is that if indeed there is an analogy between the excess currencies arising under section 10 and Public Law 480, I do not understand why they should not both be treated alike. In Public Law 480, as the Senator knows, the Committee on Agriculture and Forestry wrote in this requirement.

Mr. FULBRIGHT. I am not saying and I do not say that section 1415 as applied to Public Law 480 currencies is wise. I did not promote that idea. That was promoted in the other body a long time ago. I do not think it is appropriate to require dollar appropriations to cover the surplus currencies.

Mr. MILLER. That, perhaps, is not the answer of the Senator from Iowa.

Mr. CHURCH. In all fairness, I believe the Senator from Arkansas should have the pleasure of answering that question.

Mr. FULBRIGHT. I may say that originally such a requirement was not on Public Law 480. The original act that I sponsored to use surplus generated funds for education did not have that provision requiring appropriation of foreign currencies. The program would never have gotten underway successfully, if it had. It was some years later when a Representative, I forget who it was now—the amendment carried his name for a while—offered this amendment, which in effect gave control of these foreign currencies to the House of Representatives Appropriations Committee. That amendment to a great extent has nullified the usefulness to the United States of these foreign currencies. I have made an effort or two since then to try to release some of it from that control, but it has not yet been successful, even in the case of Public Law 480 generated currencies.

In other words, I can assure the Senator this is not the first time I have said that I would like these currencies to be released from those restraints.

Mr. MILLER. I thank the Senator from Arksansas. He has been helpful in answering my question. I do not necessarily agree.

I think that the reason why we went along with Public Law 480 worded as it is was because we wanted to avoid any imprudent use of these excess currencies; and after all, when we have the amount of excess currency we have in some countries, the temptation is there somehow or other to spend them. If we have 17 years worth, the temptation is to try to spend them in 17 years, and we may end up with a little imprudent use.

Mr. FULBRIGHT. If I am correct, in a lot of the countries there was no imprudent use; there was no use at all, and as a result, the value of the currency has eroded away, especially in countries like India, where there are vast amounts. To the Senator's statement, "no imprudent use," I would add, "no use at all," and as a consequence, I think the funds have been sterilized.

I introduced a bill to try to create foundations in some of the countries where they have these excess currencies, and thus have the people there benefit from the use of the currencies in those countries. But the previous administration did not approve of that. The idea originated with some of our Ambassadors—to make these funds available so that they could be used for purposes believed beneficial to our relations.

Mr. MILLER. I thank the Senator, I just want to wind up, at this point, by saying that I do not regret that we are dealing with a situation here which will pile up, in 1 year, $50 million of local currency over in Turkey, when we do not need it. I think that a poor country like Turkey could feel rather resentful, when we look at the realities of the situation over there.

The same is true in Korea, where we have a great many of our troops, with a very hostile neighbor to the north. Here we would come along and say, "We do not necessarily need all that $70 million of local currency, but you are going to put it into an account just the same."

Mr. President, may I ask how the time is?

The PRESIDING OFFICER. The Senator from Iowa has 21 minutes remaining, and the Senator from Idaho has 12.

Mr. MILLER. Mr. President, I yield the Senator from South Carolina 14 minutes.

Mr. THURMOND. Mr. President, I strongly support Senator MILLER's amendment.

Section 10 of the act to amend the Foreign Military Sales Act would be a fatal blow to our allies who are standing firm against communism. It is another effort on the part of the advocates of capitulation to reduce the combat capability and deterrence of our allies, such as Korea, Turkey, and Nationalist China, to resist aggression. Section 10 would require these countries to pay for U.S. surplus military items which otherwise would go to scrap.

XUM

Supplying our allies with excess material which is not economically repairable under our standards is the cheapest deterrence the United States can purchase. These surplus items are the bread and butter of our allies' capability to stop or discourage aggression.

Mr. President, this provision would defeat the primary objective of military assistance. Its principal impact would be on the forward defense countries which receive the bulk of military assistance. Such countries as Korea and Turkey have the most need for assistance, but they have the least ability to pay in either dollars or local currencies.

Mr. President, for our allies to obtain funds to make the required deposits, they will have to divert funds from other purposes, such as economic and social development, in order to increase the percentage of their budgets which are devoted to military purposes. No time is provided for them to make the necessary budgetary adjustments or to assess impacts. Recipient countries are thus placed in the position of turning over to the United States the power to determine for what purposes their funds will be spent, and at the same time, having to make a hasty decision on allocation of remaining resources.

In view of the large size of military assistance programs, the impact is especially serious in Turkey and Korea. In the case of Korea particularly, the impact will be very severe, since almost the entire program is for items required for day-to-day operations. If the Koreans cannot provide the required sum, combat efficiency will be directly affected at an early date and a time when North Korea has shown no desire to reduce the pressure on South Korea.

Mr. President, in several countries, the provision of military grant aid assists the United States to maintain bases and facilities that are important to U.S. strategy and security. Imposition of a requirement for these countries to deposit funds for the purposes set forth in this section would in effect require the allied country to pay for allowing U.S. access to its bases. It would require the United States to double our support to the MAP program in order to maintain our allies' defense posture which has held aggression in check.

Limitations on access to certain bases will affect our ability to support NATO, and in particular Turkey, with a resulting diminution of our ability to maintain a presence in the eastern Mediterranean. Should this occur, the adverse effect on our relations with the moderate Arab States and on the position of Israel is obvious. As a consequence, the strategic balance of power in the area would shift in favor of the Soviet Union, and in addition, U.S. economic interests in the area would suffer.

Mr. President, I strongly urge the Senate to eliminate section 10 from this act. It will have an adverse effect on our allies and seriously weaken the defense posture of the free world at a time when the Soviets are rapidly increasing their capability for aggression.

Therefore, I strongly recommend approval of the amendment submitted by the distinguished Senator from Iowa to eliminate section 10.

Mr. President, how is the time?

The PRESIDING OFFICER. The Senator has 8 minutes of his time remaining.

Mr. THURMOND. Mr. President, I should like to read into the Record at this point a letter addressed to the Honorable John C. Stennis, U.S. Senator from Mississippi, from Gen. Earl G. Wheeler, Chairman of the Joint Chiefs of Staff, dated the 26th of May 1970, on this subject. He says:

Dear Mr. Chairman: On May 16, 1970, Secretary Laird wrote you concerning the serious effects which certain amendments to the Foreign Military Sales Act, now pending in the Senate, would have on the security of the United States. He made particular reference to those amendments which would severely limit the existing authority in the Foreign Assistance Act of 1961 to give excess defense articles to foreign countries (Section 9) and which would require a foreign country to pay, in its own currency, 50% of the value of military grant aid provided by the United States to that country (Section 10). Secretary Laird expressed the view that taken together these amendments would severely limit the effectiveness of our collective defense arrangements. I fully concur in this view and because of the nature of the military consequences which could flow from the proposed amendments. I am taking this opportunity to also urge your support in securing a modification to the current Bill.

For some twenty years the Military Assistance Program has been an important element in our national security policy. Through it, we have been able to strengthen our allies in those areas where we have mutual security interests, and we have thereby reduced the military requirements for our own forces. The Joint Chiefs of Staff have considered the Military Assistance and Sales Program to be an important aspect of the United States national security and weakening this program can weaken our security. Of particular concern to me are the serious consequences which the proposed amendments could have upon the military capability of our Forward Defense Allies, such as the Republic of Korea and Turkey.

As you are aware, the Republic of Korea is a key element of the United States forward strategy in Northeast Asia. If the Republic of Korea is to maintain her responsibilities for her own self-defense against aggression, she must have enough modern military equipment to meet the military threat currently posed against her by the North Korean military forces. I had the opportunity to visit South Korea during October of last year and I saw first-hand the condition of the South Korean equipment. Their ground forces equipment is antiquated, and they lack adequate force mobility. Their Air Force needs additional resources, and their Navy needs additional surface units. If we are going to place a greater reliance on the indigenous forces of the Republic of Korea, we must be sure they can cope with the threats to their security, for their security is tied to the security of the free world. If United States military equipment, which would otherwise be scrapped, can be useful to enhance the capability of such indigenous forces, we ought not to permit these defense resources to be wasted. We ought not to take unnecessary risks by adding to our scrap heap instead of adding to an ally's strength.

One of the major objectives of our Military Assistance Program is also to assist such countries as Turkey so that she would be able to resist a general Warsaw Pact aggression. The Turkish military forces sit on the right flank of NATO, and they are exposed on two fronts. Turkey does not have the financial capability of equipping and maintaining a sufficiently modernized military force to cope with a Warsaw Pact forces attack against NATO unless the United States continues to provide her with military assistance. If the Turkish forces are to remain adequately equipped to cope with the threat to the right flank of NATO, the United States will have to continue to provide Turkey with a level of support essential to the effective implementation of the NATO strategies. Requiring Turkey and other Forward Defense nations to pay for grant aid would not promote the effective implementation of these strategies but, to the contrary, they would substantially weaken Turkey's military posture and hence weaken NATO and United States security.

The Military Assistance Program is a self-interest program. As we place a new and greater emphasis on the contribution of allied forces to the free world security—and hence to our security—we cannot allow it to wither away because of arbitrary ceilings on excess defense articles or by requiring foreign countries, who cannot afford to do so, to pay for grants. Because of the obvious serious consequences which the proposed amendments would have upon United States security, I join with Secretary Laird in urging your support on securing the modification of the proposed amendments along the lines suggested in his letter of May 16th.

Sincerely,

Earle G. Wheeler,
Chairman, Joint Chiefs of Staff.

Mr. President, I would like to read into the Record a letter to Hon. Richard B. Russell, U.S. Senator from Georgia, signed by Mr. Laird, dated May 16, 1970:

Dear Mr. Chairman: I am writing to you, to Senator Stennis, and to Senator McGee to express my views on the serious effects that certain amendments to the Foreign Military Sales Act now pending in the Senate would have on the security of the United States. In addition to Section (7), the so-called Cooper-Church amendment which is being addressed separately, two sections give me particular concern. These are:

Section (9), which severely limits the amounts of items excess to the needs of our armed forces which we can provide at no cost or at nominal cost to our allies.

Section (10), which requires that a recipient country provide local currency of a value equal to 50% of the value of military grant aid provided by the U.S. to that country.

Detailed statements of the adverse effects these amendments would have on our own security and that of our allies are attached. Taken together, the amendments would severely limit the effectiveness of our collective defense arrangements, probably result in increased requirements for expenditures on U.S. military forces, and make more difficult the withdrawal of U.S. forces from overseas while continuing to meet our mutual defense obligations.

I urge your support on securing modification of the proposed amendments along the lines suggested in the attached detailed statements.

Sincerely,

Melvin Laird.

Mr. President, I ask unanimous consent to have printed in the Record a letter to Hon. Hugh Scott, U.S. Senate, from David Abshire, Assistant Secretary of Congressional Relations for the Department of State, dated June 8, 1970.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of State,
Washington, D.C., June 8, 1970.

Hon. Hugh Scott,
U.S. Senate,
Washington, D.C.

Dear Senator Scott: I am writing in connection with H.R. 15628, the Foreign Military Sales legislation now before the Senate, to request an extension of the legislation

XUM

and to express our concern with certain provisions of the Bill reported out by the Committee on Foreign Relations.

As the Bill is now written, negotiations between our Government, the foreign governments and the commercial banks that will be participating in the FY 1970 Foreign Military Sales credit program must be completed by June 30 since the appropriation is "one year" money and cannot be used after FY 1970. Late approval of the program may not provide sufficient time to negotiate with several countries. Our inability to offer credit facilities to a number of countries—for example, Iran and Israel—will create serious difficulties for them, as their defense planning depends on these facilities.

The Congress can make it possible for the Administration to surmount this problem by extending the FY 1970 credit and guaranty authority provided by the Bill for a period of thirty days after approval. Accordingly, I should like to request your support for the following amendment to H.R. 15628:

"Section 14. For the purposes of Sections 2 and 3, funds authorized to be appropriated for fiscal year 1970 are authorized to be made available for obligation for 30 days after the date of approval of this Act or of the Act appropriating funds pursuant to this Act for the fiscal year 1970, whichever is later, and obligations and liabilities incurred against such funds shall be counted only against the ceilings for fiscal year 1970."

As regards other provisions in the Bill reported out by the Foreign Relations Committee, there are two in particular to which we would like to draw your attention:

Section 9, which severely limits the amounts of excess defense articles that can be provided to recipients of grant military assistance; and Section 10, which requires that a country receiving grant military assistance deposit in local currency amounts equivalent to 50% of the value of the grant assistance and of excess defense articles provided.

Section 9 as now written would place such a low ceiling on the amount of excess materiel that could be delivered under the Military Assistance Program (MAP) that it would drastically reduce deliveries of defense articles to the principal aid recipient countries, such as Turkey, the Republic of China, and Korea. The greater part of the programs to these countries is required for training, operation and maintenance, and shipping costs. In fact, from a world-wide MAP based on a $35 million appropriation, we do not expect to be able to provide more than $78 million in equipment for force improvement (investment items) in FY 1970. Thus, excess articles—which have always been an integral part of MAP—provide an essential element to modernize the defense forces of our allies in the underdeveloped world. The reductions proposed in Section 9 would effectively cut down our overall aid. This might raise doubts about the effectiveness of our plans to implement the Nixon Doctrine of assisting allies to assume greater responsibility for their own security and to diminish the need for direct involvement of United States Forces. It would eliminate what they need for carrying the greater burden we are urging them to assume. In order to avoid the problems we believe are certain to arise from Section 9 as now written, we are hopeful that you will support a substantial increase in the authorized ceiling level.

Our difficulties with Section 10 are that it would undermine the effectiveness of grant MAP by failing to recognize a fundamental reason for the existence of grant military assistance. We provide this assistance to allies principally because their security is important to our security and because their economies are unable to support the kind of defense establishment that is required. This amendment would impact most strongly on the most important MAP recipient countries—principally Turkey, to which we provide over $100 million in MAP; and Korea, to which we provide over $140 million. According to this amendment, these two countries would be required to deposit in local currency over $50 million in the case of Turkey, and over $70 million in the case of Korea. They would be confronted by a decision of either increasing their defense budgets by these amounts, at the expense of civilian programs, or foregoing our assistance, at the expense of their security. This would mark a complete reversal of military assistance policy and could only be interpreted as a drastic revision of our foreign policy. For these reasons, we urge that Section 10 of H.R. 15628 be stricken.

Sincerely,

David Abshire,
Assistant Secretary of Congressional Relations.

Mr. THURMOND. Mr. President, I ask unanimous consent to have printed in the Record a memorandum for Mr. Nutter, Assistant Secretary of Defense, from Robert H. Warren, lieutenant general, U.S. Air Force, Deputy Assistant Secretary, Military Assistance and Sales, dated April 3, 1970. The subject of this memorandum is misleading and incorrect news items on use of excess defense items in MAP.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

Assistant Secretary of Defefse,
Washington, D.C., April 3, 1970.

Memorandum for Mr. Nutter.

Subject: Misleading and Incorrect News Items on Use of Excess Defense Items in MAP.

Recent news articles state or infer that DOD is conducting "under the table" or secret deals in excess and long supply defense items. They accuse DOD of supplying these items in large quantities without the knowledge of the Congress. They imply that our past programs should be criticized because of the billions involved in acquisition costs, etc.

OSD officials (and the Press) should know these facts about our long supply and excess programs:

Dollar value (acquisition cost or "utility" value) of individual country programs for FY 1970 and earlier are *unclassified*.

We have listed these programs by country in our unclassified "Military Assistance Facts" booklet which has been published and distributed yearly for the past seven years. Copies go to each member of the Congress, the Press and the public (the latter on request). These booklets list excess equipment deliveries by country and dollar amounts for the past 20 years.

AID publishes an annual unclassified report for the House Foreign Affairs Committee on overseas loans, grants, etc. It gives dollar value of each country excess program for the past 24 years.

The unclassified reports of hearings over the years contain complete dollar details on these programs, plus other related facts. Examples: Admiral Heinz' testimony on the FY '69 program and my testimony on the FY '70 and FY '71 MAP gave estimates on dollar amounts by country. (FY '71 is still classified.)

As far as Congress is concerned we give them a summary of all past programs, as mentioned above, plus our future program—the latter is contained in the classified Congressional Presentation Document and includes future excess items which we know about when we go to press. Actual total is unknown at time of hearings since it depends on items which become available in the future. Further, copies of all MAP orders directing the Army, Navy and Air Force to ship to MAP countries any long supply/excess major end items, are forwarded to the House and Senate Appropriations Committees, addressed to Mr. Mahon and Senator Russell respectively. Thus the Congress is continuously informed, in detail, of all funded and excess MAP transactions as they occur.

As for Press releases on these deliveries, we do not give out complete lists of actual hardware—most of it is of no interest to the Press or the public. Some items would be of intelligence value to other countries or could cause concern or complaint, as in the case of Turkey vs. Greece.

Important transactions can be released on a case by case basis. Such releases were made in the case of the 790,000 small arms for Korea, and are also made in the case of major ships, like destroyers.

Most excess items approved for delivery relate to current or future program requirements—these permit use of MAP dollars elsewhere. The latter is most important with our recent major cuts in grant aid funds, such as the $75 million cut for FY 1970.

Robert H. Warren,
Lieutenant General, USAF, Deputy Assistant Secretary, Military Assistance and Sales.

The PRESIDING OFFICER. The time of the Senator from Iowa has expired.

Mr. CHURCH. Mr. President, I am willing to yield back the remainder of my time, or the remaining 2 minutes until 5 o'clock, when the vote will be taken, or to the Senator from Iowa, if he wishes.

The PRESIDING OFFICER. The Chair wishes to state that it misinformed the Senator from Idaho. The Senator from Iowa has 6 minutes remaining.

Mr. MILLER. And the Senator from Idaho has 12 minutes remaining?

The PRESIDING OFFICER. Twelve minutes remain.

Mr. CHURCH. I am willing to yield back the remainder of my time.

Mr. MILLER. I would suggest that we have a quorum call for a few minutes, and then we might have another 2 minutes or so if we each would like to speak on this point, and then we could have the vote. Would that be all right with the Senator from Idaho?

Mr. CHURCH. It is all right with the Senator from Idaho, yet subject to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CHURCH. If this is agreed to—a quorum call and 2 minutes on each side—does it require unanimous consent?

The PRESIDING OFFICER. It does.

Mr. CHURCH. Then, I ask unanimous consent——

Mr. MILLER. May I ask why there is a requirement for unanimous consent?

The PRESIDING OFFICER. Because we had a previous unanimous-consent agreement which this contravenes.

Mr. MILLER. I did not hear the Presiding Officer.

The PRESIDING OFFICER. This contradicts the previous unanimous-consent agreement.

Mr. MILLER. And may I ask what that is?

The PRESIDING OFFICER. Four hours of debate, and that time has not yet expired.

Mr. CHURCH. Mr. President, I ask

unanimous consent that the request of the Senator from Iowa be agreed to.

The PRESIDING OFFICER. Is there objection. The Chair hears none, and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Cranston). Without objection, it is so ordered.

Mr. MILLER. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. CHURCH. Mr. President, I yield back the remainder of my time.

Mr. MILLER. Mr President, I yield back the remainder of my time

The PRESIDING OFFICER. All time on the amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Iowa (Mr. Miller).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Connecticut (Mr. Dodd), the Senator from Michigan (Mr. Hart), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. McCarthy), the Senator from Georgia (Mr. Russell), the Senator from Texas (Mr. Yarborough), and the Senator from Ohio (Mr. Young) are necessarily absent.

I further announce that, if present and voting the Senator from Indiana (Mr. Bayh) and the Senator from Michigan (Mr. Hart) would each vote "nay."

Mr. GRIFFIN. I announce that the Senators from Arizona (Mr. Fannin and Mr. Goldwater) and the Senator from California (Mr. Murphy) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from South Dakota (Mr. Mundt), and the Senator from California (Mr. Murphy) would each vote "yea."

The result was announced—yeas 36, nays 52, as follows:

[No. 168 Leg.]

YEAS—36

Allen
Allott
Baker
Bellmon
Bennett
Boggs
Brooke
Cannon
Cook
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fong
Griffin
Gurney
Hansen
Holland
Hruska
Jackson
Javits
Jordan, Idaho
Long
Miller
Packwood
Pearson
Prouty
Scott
Smith, Maine
Smith, Ill.
Stevens
Thurmond
Tower
Young, N. Dak.

NAYS—52

Aiken
Anderson
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Church
Cooper
Cranston
Eagleton
Ellender
Fulbright
Goodell
Gore
Gravel
Harris
Hatfield
Hollings
Hughes
Inouye
Jordan, N.C.
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Sparkman
Spong
Stennis
Symington
Talmadge
Tydings
Williams, N.J.
Williams, Del.

NOT VOTING—12

Bayh
Dodd
Fannin
Goldwater
Hart
Hartke
McCarthy
Mundt
Murphy
Russell
Yarborough
Young, Ohio

So Mr. Miller's amendment was rejected.

Mr. CHURCH. Mr. President, I move the vote by which the amendment was rejected be reconsidered.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, in the light of our recent involvement in Cambodia, the issue of the fundamental intentions behind our present policy has come to the foreground. Former Assistant Secretaries of Defense, Mr. Paul Warnke and Mr. Townsend Hoopes, in their recent article appearing in the Washington Post, show extraordinary insight into the underlying motivations and intentions of our present policy in Indochina, and in my estimation, their article substantiates the need to formulate a cohesive legislative measure for the extrication of U.S. military personnel in Southeast Asia. Mr. Joseph Kraft, in another recent article in the Washington Post, has expressed a concern over the gap between the "resounding rhetoric" coming forth from the administration and the accurate facts of the situation in Southeast Asia.

Due to recent legislative measures I would hope that my colleagues would find these articles of great interest. These articles support the basic thrust behind the amendment No. 609 submitted by Senators Goodell, McGovern, Hughes, Cranston, and myself; and I ask for the unanimous consent that they be inserted into the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, June 21, 1970]

Mr. Nixon's Win Policy—Gap Between Rhetoric and Fact Makes Clear U.S. Policy Is To Beat Enemy on Ground

(By Joseph Kraft)

Saigon.—The Cambodian venture was distinguished from the start by an enormous gap between what the President said and what actually happened. And veteran apologists for the Vietnam war have proclaimed that Mr. Nixon talked tough in order to justify a more rapid withdrawal from the war.

But a comparison of the President's rhetoric with the facts here in Saigon yields the opposite impression. Mr. Nixon stresses the most horrific dangers imaginable in order to gain time with the American public for application of what amounts to a win policy.

The President's most egregious distortions are to be found in his April 30 speech announcing the Cambodian operations. The underlying argument was that the incursion into Cambodia was necessary to prevent the enemy from taking advantage of American withdrawals to stage a massive offensive that would cause heavy American casualties, bring national humiliation to the United States, and expose South Vietnam to horrible massacres. Here, just to refresh the memory are a couple of the more gamey examples.

The President said the enemy has been "concentrating main forces in the sanctuaries where they are building up to launch massive attacks on our forces." He spoke of "massive military aggression" by North Vietnam in Cambodia for the purpose of using that country as a "vast enemy staging ground and springboard for attacks on South Vietnam." Unless the intervention took place, he claimed, the enemy would "increase its attacks and humiliate and defeat us" which would "expose South Vietnamese to slaughter and savagery."

But this melodramatic vision of battle vast is about as true to real life as the lion played by Snug the Joiner in "Midsummer Night's Dream." The very notion of a large-scale enemy assault from Cambodia is dismissed in the highest military circles here with a barnyard epithet. The other side just doesn't and didn't, have the capability.

Almost all the best analysts here are agreed, moreover, that Communist strategy now emphasizes small unit guerrilla action rather than massive attacks.

An additional bit of important local evidence involves the stretch-out in American troop withdrawal sought by the American commander, Gen. Creighton Abrams, early in March. The reason for that request had little to do with Cambodia and the threat of an enemy offensive. What most concerned Gen. Abrams was that the enemy was showing strength in the northern part of this country, including the well-worn battlefields of Khesanh and the Ashau Valley.

Neither is the President's claim of a putative enemy offensive sustained by intelligence of enemy movements in Cambodia. Everybody in Saigon agrees that the other side suffered a setback when the ousting of Prince Sihanouk on March 18 brought to power a Cambodian government that closed down the enemy supply line through the port of Sihanoukville. Thereupon the Communist forces made various efforts—including military pressure on the new Cambodian government and a move to reopen a new supply line—to redeem the loss.

But there was no sign of any enemy move toward South Vietnam and American troops. Even if the other side had succeeded in immediately setting up a new supply line, it would have been far less efficient than the old route through Sihanoukville.

The gap between the facts and the President's rhetoric, to be sure, may not be a good base for moral judgment. But the distortion does reveal Mr. Nixon's true intentions. It identifies those he was trying to con. The intended victims were not Barry Goldwater, Strom Thurmond and the rest of the President's right-wing clientele. For Mr. Nixon does not have to read them lessons about the baleful malevolence of the Communists, and the danger of national humiliation.

On the contrary, the intended dupes were those of us who have been doubtful about the Vietnam war. The idea was to justify the Cambodian venture as a purely defensive measure. The aim was to smother anybody who might question the President's policy in public concern for the safety of American troops. And there lay the logic of Mr. Nixon's Pentagon denunciation of dissenting students as "bums."

But why should Mr. Nixon be so concerned to discredit the doves? The answer is that he is withdrawing American troops from Vietnam not as rapidly as battlefield conditions will safely permit, but as slowly as domestic constraints will allow. He and all his advisers in Saigon want American troops here to beat down the enemy as long and as hard as possible. They want to weaken the other side to the point where it will be possible for a pro-American, anti-Communist government to survive in South Vietnam. Without saying so, President Nixon has been going for what amounts to a win policy. And, unless he changes that

XUM

fundamental intent, it is going to be very difficult for him now to exploit the narrow opportunities that exist for disengagement from a war that promises to go on and on and on.

Nixon Is Really Just Digging In

(By Townsend Hoopes and Paul C. Warnke)

President Nixon's speech of June 3 has now made undisguisably clear the aim of his Vietnam policy. It is not a total withdrawal of U.S. forces in the next 12 to 18 months, or even in the foreseeable future; nor does it involve a willingness to accept the consequences of the free play of political forces in Indochina. Mr. Nixon's Vietnam policy involves three basic elements:

Endeavoring to reduce U.S. forces to that level which, in his judgment, will be politically acceptable to American public opinion.

Striving to strengthen ARVN (the South Vietnamese army) to a point where, in collaboration with remaining U.S. forces, an unassailable military posture can be permanently assured.

Hoping to force Hanoi to recognize the enduring nature of that posture, thereby inducing Hanoi to negotiate a settlement in Paris on present U.S. terms.

Behind a smokescreen of ambiguity, that is now the clear shape of the Nixon policy. It is confirmed by the surfacing of U.S.-subsidized Thai "volunteers" for Cambodia and by the lack of administration resistance to indications that ARVN will continue its Cambodian operations indefinitely.

It has been supposed that of the three major considerations said to have produced the April 30 Cambodia decision, what counted most was the concern that continued American force withdrawals depended on "cleaning out the sanctuaries." Even in that context, the Cambodian border crossings were pre-emptive strikes designed not to meet an immediate threat but to reduce enemy capabilities in the area for four to six months, thereby buying time for the "further strengthening" of ARVN.

No doubt that was the thrust of Gen. Creighton Abrams' view (which suggests how unreliable and unpromising ARVN is really regarded by the U.S. command, beneath all the chamber of commerce ebullience about Vietnamization). The President on June 3 made this view his own official explanation for the decision to strike Cambodia.

However, this explanation looks like an after-the-fact rationalization invented by Defense Secretary Melvin Laird. For as Stewart Alsop's look at the President's yellow pad (Newsweek, June 1) made quite clear. Mr. Nixon is still tilting with "international communism" in Southeast Asia and his chief concern on April 30 was that Cambodia might go Communist.

The most revealing point on the yellow pad was the Nixon concern that, if neither side moved, an "ambiguous situation" might arise in Cambodia which would make it very difficult for the United States to hit the sanctuaries—i.e., we would be charged by international opinion with attacking a neutral convention and the degree of disarray special scrutiny.

Specifically his conclusion on June 3 that activities in the Cambodian sanctuaries between April 20 and April 30 "posed an unacceptable threat to our remaining forces in South Vietnam" is belied by Laird's statement to newsmen that the attacks represented "an opportunity" because the North Vietnamese in Cambodia, unsettled by the Lon Nol coup, were at that time facing west. More generally, his concern to act precipitately would seem to reflect a failure to understand that in limited war, there are sanctuaries by definition.

Why attack Cambodia rather than Laos or across the DMZ? Why refuse to acknowledge that a certain mutual respect for sanctuaries is what has kept U.S. air bases in Thailand essentially free from sapper attacks?

There is a further point. One would have supposed that a President who had publicly eschewed the prospect of military victory and who was conducting a strategic withdrawal had long since made the judgment that the particular coloration of petty non-governments in Southeast Asia did not affect the serious interests of the United States. A statesman who had in fact decided that a genuine U.S. extrication from the area was necessary would indeed be at pains to foster "ambiguous situations." He would go out of his way to avoid a clear-cut Communist-anti-Communist polarization.

THAT "JUST PEACE"

Mr. Nixon's quite opposite concerns and actions tell us something very important. With respect to Vietnamization, Secretary of State William P. Rogers and Laird have consistently run ahead of the President with their clear implication that the program is primarily a vehicle for total U.S. extrication (even though the war might continue after our forces were gone). Mr. Nixon, however, has always insisted that Vietnamization will lead to "a just peace" and an end to the war.

On June 3, he said categorically: "I have pledged to end this war. I shall keep that pledge." These have been puzzling assertions, since all signs indicate that even successful Vietnamization (i.e., a transfer of the entire military burden to ARVN) could produce nothing better than interminable war. The speech of June 3 and the revelations of the yellow pad now make these assertions a good deal less puzzling.

They show that what Mr. Nixon means by a "just peace" is Hanoi's recognition of a permanent position of U.S.-ARVN military strength in South Vietnam. Since even the White House has in various ways revealed that it has no illusions about ARVN's ability to go it alone, it is a fair inference from a series of official statements that a "just peace" will require the indefinite retention of something in the neighborhood of 200,000 U.S. troops as well as indefinite support for the Thieu regime.

How Mr. Nixon plans to make these requirements politically palatable at home is not yet clear. Until recently he had kept both his aims and his formulations artfully vague, but now the fig leaf has fallen away.

The difficulty with this vision of the future is that it is a gossamer dream on at least two counts: (1) On all the evidence, the American people are not prepared to sustain a sizable military commitment in Vietnam for an indefinite period, especially under conditions that require our forces to go on winning victory after meaningless victory in the pattern of the past five years; and (2) there is absolutely nothing in the history of the Vietnam war (or in the present or prospective power balance there) to indicate that Hanoi will come to terms with the Thieu regime.

If Mr. Nixon and his advisers really believe that they can force a settlement in Paris on present U.S. terms, then they remain deluded about the most fundamental political-military realities in Vietnam; they also fail to grasp how very narrow are the margins of domestic tolerance for their conduct of the old war, not to mention the new and wider war they have now arranged.

Negotiations in Paris have failed chiefly because our political aims exceed our bargaining power. Hanoi is not prepared to accept arrangements for elections worked out under the auspices of the Thieu government and in which the winner would take all; and the U.S.-ARVN military position, even at the point of its maximum strength, was not sufficient to compel Hanoi to bargain on our terms. The departure of 110,000 U.S. troops and the promised withdrawal of another 150,000 hardly strengthen our military position.

A VULNERABLE PROCESS

Thus strapped to a negotiating position that cannot succeed, Mr. Nixon is thrown back upon Vietnamization. But owing to the very uncertain qualities of ARVN and to the President's unstated (but now undisguisable) insistence that our proxy regime must be permanently secured, the process of American withdrawal is necessarily slow and ambiguous.

Its lingering nature makes it vulnerable to unanticipated intervening events, like the Lon Nol coup, which knock it off balance and create new pressures for compensatory military action—pressures which Mr. Nixon promptly translates into "opportunities" in the permanent holy war against communism. Its conditional nature—the unspoken determination to hang in there until we have ended the war in a "just peace"—precludes a negotiated settlement and also works against a tacit understanding with the other side with regard to lowering the level of violence.

In this mushy situation, the war is considerably enlarged, and with it, American responsibility for the Cambodian government. The setting in motion of imponderable new political forces (in Phnom Penh, Vientiane, Bangkok, Saigon, Hanoi, Peking, Moscow and Washington) indicates that the struggle in Cambodia will be protracted, will probably spread, will reopen old tribal hatreds and will continue to involve us in situations which the American presence can aggravate but can do nothing to resolve.

Meanwhile, American force withdrawals continue, impelled by domestic pressures. As they do, the truth is borne in upon the administration that the gradual and unnegotiated character of the reductions cannot, below certain levels, assure the safety of the remaining forces.

This unfolding denouement requires that the American people wake up to the self-deception and bankruptcy of the Nixon policy in Vietnam, for it is now a matter of the utmost urgency to bring policy into accord with realities both in Indochina and at home. Our transcendant need at this juncture is for leadership in the White House—and if that is not possible, then in Congress—with the scale of mind and the inner firmness to explain the real choices facing the country.

The task is to lead public opinion toward an understanding that a Vietnam policy based upon these realities is consistent with our national interest, can be carried forward without a traumatic loss of self-confidence and need not cause a lapse into mindless isolation—above all, that such action is infinitely preferable to continued self-deception.

PERSISTENT RHETORIC

We are not getting that leadership. President Nixon seems somewhere between believing in the essential rightness of the war and understanding that the American interest requires its liquidation. He has evolved a policy of substantially reducing, but not ending, the American role.

At the same time, he has been unwilling to abandon the rhetoric that supported our intervention in the first place. One must conclude that either he genuinely believes the rhetoric or is afraid to risk, through candor, even a transient loss of national prestige for the sake of a healthy adjustment to the facts.

Viewed in the light of the political situation in the United States and the military situation in Indochina, the Nixon policy is a grab bag of contradictions, illusions and expedient actions. It seeks objectives that are unattainable while warning that accept-

XUM

ance of anything less would mean "humiliation and defeat for the United States." The increasingly visible gulf between this martial bravado and the known facts is producing a form of official schizophrenia; if unchecked, it could lead to a national nervous breakdown.

Worse still, if the President really does believe his own rhetoric, there is the predictable danger that he will feel compelled to take action more drastic than the Cambodian strikes in certain foreseeable situations—e.g., after U.S. forces have been further reduced but there has been no corresponding improvement of ARVN and no corresponding deterioration of North Vietnamese capability. Indeed, the looming probability of just such a crunch is what makes it imperative for the country to face the realities now while there is still time for dignified, rational, deliberate choice.

If we continue down Mr. Nixon's path, we could easily reach a situation which seriously threatened the safety of our remaining forces. At that point, we would face a constricted choice between immediate escalation and immediate liquidation. Can anyone believe a wise decision could be made in such circumstances? Given the divisiveness, the frayed nerves and the general distemper that now define our national mood, does anyone have confidence that our political system would not be grievously shaken by the consequences of either choice?

THREE MAJOR POINTS

It is now obvious that Mr. Nixon missed a golden opportunity, during the honeymoon period of early 1969, to lead the country firmly away from a decade of self-deception by beginning to uncoil the contradictions and restore the national balance. He could have taken definitive steps toward liquidating the war and binding up the national wounds.

He could have done this without political risk to himself and indeed with positive benefit for his party and the cause of national unity. Though time is running out, it is still not too late for someone—preferably, of course, the President—to take up this vital task. Three points need to be explained to the American people with absolute clarity.

1. That after five years of major combat, we have done about as much as any outside power could do to shore up the government of South Vietnam;

2. That the tangled political issues which divide Vietnam, growing as they do out of long colonial repression and the ensuing struggle to define a national identity, can only be settled among the Vietnamese themselves;

3. That, contrary to the erroneous assumption on which U.S. military intervention was based, the particular constitutional form and the particular ideological orientation of Vietnamese (and Indochinese) politics do not affect the vital interest of the United States.

Adoption of such a posture would lead directly (a) to a policy of deliberate, orderly, unswerving and total withdrawal of U.S. forces to be completed not later than the end of 1971; and (b) thus to circumstances that could bring about a serious negotiation based on our declared intention to depart.

This kind of negotiation would not be unconditional. We would require the return of our prisoners and the safe withdrawal of all our forces; we would seek at the same time to provide, with Russian and other outside assistance, for the restoration of neutrality at least in Cambodia and Laos, and hopefully in Vietnam as well. This approach is fully consistent with plans put forward at different times by Averell Harriman and Clark Clifford.

It must be faced, however, that the Nixon decision to strike Cambodia has moved us further away from the chances of political settlement. For that act has surely deepened Hanoi's suspicion that we do not intend to leave while it has reinforced Saigon's natural resistance to compromise. In addition, of course, it has put into our laps the problem of working out the political future of yet another country.

GIANTS IN QUICKSAND

Nevertheless, it does not seem impossible that steady, candid, clearheaded leadership, based squarely upon the three points set down above, could steer the American Leviathan through the dangerous transition without running the ship aground or producing general hysteria. For one thing, there is really no choice about leaving Vietnam; for another, there are enormous advantages ahead if we can by skill and steady nerves make a safe and sane passage.

To change the metaphor, Mr. Nixon's "pitiful giant" of April 30 is pitiful chiefly because his leg is in quicksand up to the midthigh and because he is unresolved about its extrication. But the military, economic and psychological advantages of removing the leg are demonstrable.

With two feet on solid ground again, the country would regain its global poise. Our influence and power would not evaporate. We would not be rendered incapable of defining and defending our legitimate interests. On the contrary, our ability to reassure our NATO and Japanese treaty partners, and our capacity to exert a steadying influence on the smoldering situation in the Middle East, could only be enhanced. Our industrial, technical and cultural achievements would continue to astound and attract the world.

At home, we desperately need a breathing space in which to redefine our vital interests, our military strategy, our basic relationships with the rest of the world. We are still operating essentially within the frame of a foreign policy worked out in the late 1940s.

The main tenets of that policy were strong and valid for their time, but they are now badly in need of revision; among other things, they fail to reflect the fragmentation of the "Communist bloc," the recovery of Europe and the deep divisions in our own society that call for drastic realignment of national priorities. We cannot gain the breathing space, we cannot reconcile the younger generation, we cannot conduct a reasoned self-appraisal until the Indochina enterprise is liquidated.

It is important that the American people understand what is going on so that they can effectively assert their right to a policy consistent with their interests.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. ALLEN):

S. 743. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet division, Walla Walla project, Oregon-Washington, and for other purposes;

S. 2315. An act to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; and

S. 2062. An act to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, and for other purposes.

OFFICE OF EDUCATION APPROPRIATIONS 1971

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, under the terms of the unanimous-consent agreement prescribed in the order to conduct other business around 5 p.m., I again call up Calendar 875, H.R. 16916, under the same conditions as previously announced.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 16916) making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill.

Under the previous order, the Senator from Alabama is recognized.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Alabama yield to me without losing his right to the floor?

Mr. ALLEN. I am happy to do so.

Mr. MANSFIELD. Mr. President, for the information of the Senate, especially the Republican Members, I would hope that no Senator would consider participating in the baseball game tonight between the Republicans and the Democrats. I mention the Republicans specifically because I understand the Democrats have lost eight games in a row. So stick around.

Mr. SCOTT. Mr. President, will the majority leader simply concede the ball game?

Mr. MANSFIELD. Yes.

ORDER FOR ADJOURNMENT TO 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns tonight, it adjourn until 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR McINTYRE AND OTHER SENATORS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the disposition of the Journal tomorrow, the distinguished Senator from New Hampshire (Mr. MCINTYRE) and Senators who will be joining him on that occasion be recognized for not to exceed 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, will the distinguished Senator from Alabama yield, without losing his right to the floor?

Mr. ALLEN. I yield.

Mr. SCOTT. When the distinguished Senator from New Hampshire (Mr. MCINTYRE) addresses the Senate tomorrow, I understand that he will discuss problems which face the shoe industry. Many of us are deeply interested in the preservation of that industry. Senators may wish to know that between 9 and 10 o'clock tomorrow morning an opportunity will be afforded to comment on what can be done to relieve the problems of a beleagured and most important industry. Textiles also will doubtless enter the discussion.

XUM

ORDER FOR RECOGNITION OF SENATOR STENNIS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the conclusion of the remarks of the Senator from New Hampshire (Mr. McIntyre) and associates, the distinguished Senator from Mississippi (Mr. Stennis) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, will the distinguished Senator from Alabama yield, without losing his right to the floor?

Mr. ALLEN. I yield.

Mr. MANSFIELD. And imports of frozen beef, veal, and related topics in that field.

ORDER OF BUSINESS

Mr. ALLEN. Mr. President, I ask unanimous consent that I may yield to the distinguished senior Senator from Louisiana without losing my right to the floor.

The PRESIDING OFFICER (Mr. Schweiker). Without objection, it is so ordered.

The Senate will be in order.

CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1971

Mr. ELLENDER. Mr. President, the Committee on Appropriations has reported a joint resolution passed by the House (H.J. Res. 1264), which has been filed at the desk.

Mr. BYRD of West Virginia. Mr. President, we cannot hear the Senator.

The PRESIDING OFFICER. The Senate will suspend until the Senate is in order.

Mr. BYRD of West Virginia. Mr. President, would the Chair ask Senators to take their seats.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ELLENDER. Mr. President, the purpose of the amendment is to continue appropriations for fiscal year 1971.

Mr. President, I ask unanimous consent that the joint resolution may be considered at this time.

The PRESIDING OFFICER. The joint resolution will be stated.

The Assistant Legislative Clerk. A joint resolution (H.J. Res. 1264) making continuing appropriations for the fiscal year, 1971, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. COTTON. Mr. President, there is so much conversation we cannot possibly hear the Senator.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ELLENDER. Mr. President, this is a joint resolution to enable the departments of Government to continue to function in the absence of their regular appropriation bills.

In view of the fact that the present fiscal year will come to a close at midnight next Tuesday, June 30, the Committee on Appropriations has authorized me to call up this joint resolution at today's session of the Senate.

House Joint Resolution 1264 provides funds and authority for the continuation of those programs and activities of the Federal Government for which appropriations for the fiscal year ending June 30, 1971, have not been enacted. Specifically, the joint resolution continues funds available until the enactment of the regular annual appropriation bills.

As of today, the House of Representatives has passed 12 of the 14 regular annual appropriation bills for fiscal year 1971. The House has passed the legislative appropriation bill, the Treasury-Post Office appropriation bill, the education appropriation bill, the independent offices-Department of Housing and Urban Development appropriation bill, the State, Justice, Commerce-Judiciary appropriation bill, the Interior appropriation bill, the Department of Transportation appropriation bill, the District of Columbia appropriation bill, the foreign assistance appropriation bill, the agriculture appropriation bill, the military construction appropriation bill, and the Public Works-AEC appropriation bill. The two appropriation bills remaining in the House Committee on Appropriations are the Labor-Health, Education, and Welfare appropriation bill and the Department of Defense appropriation bill.

I wish I could make such a favorable report on the action in the Senate on the appropriation bills. The education appropriation bill was reported from the Senate Appropriations Committee and has been on the Senate Calendar since May 15. It is only now before the Senate. The District of Columbia appropriation bill was reported to the Senate on June 18 and is on the calendar. The Interior appropriation bill has been marked up in the subcommittee and will be reported to the Senate in the very near future. The independent offices appropriation bill has been marked up in the subcommittee and is to be reported today. Hearings have been concluded on the appropriation bills for the legislative establishment, Treasury-Post Office, and the Department of Agriculture. The Agriculture appropriation bill will be marked up by the subcommittee in the very near future. It is expected that hearings will be concluded soon on the State-Justice-Commerce and the public works appropriation bills. Hearings are virtually completed on the Defense appropriation bill and are in progress on the Labor-Health, Education, and Welfare appropriation bill, which two bills remain in the House. Hearings on the remaining three bills in the committee have not been scheduled. These are the Department of Transportation, foreign assistance, and military construction appropriation bills.

The emphasis in this joint resolution is on continuing existing projects and activities at the lowest of one of three rates, the current fiscal year 1970 rate, the budget request for 1971 where no action has been taken by either House, or the more restrictive amount adopted by either of the two Houses. Specifically, the resolution continues funds available until July 31, 1970, or until enactment of the regular appropriation bills under the following circumstances:

In those instances where an appropriation bill has passed both Houses of the Congress—but is not yet enacted—and the amounts or authority therein differ, the pertinent project or activity shall be continued under the lesser of the two amounts and the more restrictive authority.

If an appropriation bill has passed only one House, or if an item is included in only one version of the bill as passed by both Houses, the pertinent project or activity shall be continued at a rate for operations not exceeding the fiscal year 1970 rate or the rate permitted by the one House, whichever is lower.

In those instances where neither House has passed the particular appropriation bill, appropriations are provided for continuing projects or activities conducted during fiscal year 1970 at the current rate, or the rate provided in the budget estimate for fiscal year 1971, whichever is lower, and under the most restrictive authority. In addition, in this latter instance, if there is no budget estimate for a particular item but it is a continuing program from fiscal year 1970, special provision is made in the resolution for minimum continuation until the matter is resolved in the proceeding of the regular appropriation bill.

As is customary, any obligations or expenditures incurred pursuant to the authority granted in this resolution will be charged against the applicable appropriation when the bill in which such funds or authority are contained is enacted into law.

Mr. President, it seems to me to be imperative that, if the executive branch of the Government is to function, the joint resolution should be passed. I, therefore, urge the passage of Joint Resolution 1264.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. YOUNG of North Dakota. Mr. President, the acting chairman of the Appropriations Committee has given a good account of the status of the appropriation bills. I cannot help but recall that earlier this year the leadership in this body met with the House leadership in an attempt to arrange to get the appropriation bills out early this year. It was agreed to make an effort to get through them early so we could adjourn certainly by Labor Day. That does not seem possible now. The House has acted on all but three appropriation bills but, as the Senator has pointed out, we are lagging badly on this side. Three legislative committees have been holding hearings. We may have to wait a long time for authorizations for defense and the public works bill. The Senator is chairman of the Public Works Appropriations Subcommittee and I am the ranking Republican member. When does the Senator expect them to be ready?

Mr. ELLENDER. I understand the

public works bill will be enacted by the House today. It is my hope that within 2 weeks we may mark it up and send it to the Senate.

Mr. YOUNG of North Dakota. Can we mark them up before the authorization bills have been acted upon?

Mr. ELLENDER. I am hoping that the authorization will be enacted by then. We will have to work to that end.

Mr. YOUNG of North Dakota. What will be the schedule for the Defense appropriation bill?

Mr. ELLENDER. The House has not acted on that bill as yet. I spoke with Mr. MAHON. It will be sometime during July that the House will enact the Defense appropriation bill. I do not expect it to come to our side before the latter part of July.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. HOLLAND. I do not believe the Senator made reference to the special situation existing with reference to the food stamp bill. I hope he will add a statement on that, because I understand it is not affected by this continuing resolution.

Mr. ELLENDER. The Senator is correct. The Senator will recall that I submitted an amendment to the supplemental bill yesterday providing $100 million for the months of July, August, and September. I am glad to say that in conference that amount was agreed to by the House, so that there will be available for the food stamp program for the months of July, August, and September at least $100 million per month.

Mr. HOLLAND. That is contingent on the passage of a conference report on the supplemental appropriation bill, which we hope will take place within the next 2 or 3 days.

Mr. ELLENDER. That is right, and I do not anticipate any difficulty in that regard.

Mr. President, may we have action on the joint resolution?

The PRESIDING OFFICER. The joint resolution is open to amendment.

If there be no amendment to be proposed, the question is on the third reading of the resolution.

The joint resolution was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass?

The joint resolution was passed.

ORDER FOR ADJOURNMENT FROM THURSDAY TO FRIDAY, JUNE 26, 1970, AT 9 A.M.

Mr. MANSFIELD. Mr. President, will the Senator from Alabama yield to me briefly?

Mr. ALLEN. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it at that time stand in adjournment until 9 o'clock Friday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

POSSIBILITY OF SATURDAY SESSION

Mr. MANSFIELD. Mr. President, there is a strong possibility that, with the Fourth of July recess coming up, we may be in session on this Saturday. I hope we would act on a fairly coordinated and accommodating basis and, insofar as the second shift legislation session is concerned, while the rule of germaneness does not apply, I would hope that the Senate would continue to informally apply that rule.

OFFICE OF EDUCATION APPROPRIATIONS, 1971

The Senate resumed the consideration of the bill (H.R. 16916) making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes.

Mr. STENNIS. Mr. President, may we have order? I do not think it is too much to ask that the Senate be in order so we can hear the Senators speak.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ALLEN. Mr. President, I am not sure I have, during the months I have been in the U.S. Senate, made it clear that I disapprove strongly of the Federal school policy that demands desegregation now in the South and that encourages and fosters segregation in the North.

Mr. President, the people of Alabama are not willing to accept as final any such policy which demands immediate desegregation in the Alabama public schools and which permits the continuation of segregation in areas outside of the South.

We are engaged in the Senate in a most unusual procedure. We are working on two shifts, so to speak. From about 9 or 10 o'clock in the morning until 5 o'clock in the evening we consider the Foreign Military Sales Act with committee amendments embracing the Cooper-Church amendment, on which an extended discussion is being carried on. Mr. President, if that discussion were being carried on primarily by Members of this body from Southern States, it would be called a filibuster. Instead, however, it is called an extended discussion—which is fine, and as the junior Senator from Alabama, I have participated briefly in that extended discussion.

Then, starting at about 5 or 5:30, we take up the remainder of the calendar. I think it would be most unusual and unfortunate if we had an extended discussion for the first 7 or 8 hours of the Senate session and then went into a filibuster, which I am sure it would be called if the junior Senator from Alabama were participating in it, in the evening session.

So there is no disposition or desire or plan on the part of the junior Senator from Alabama to conduct any sort of filibuster with regard to the amendment under consideration.

To get the parliamentary situation in mind, the House passed the education appropriation bill, and this is a bill providing for some $4.5 billion, with three amendments attached thereto, the two Whitten amendments and the Jonas amendment. They are found in the bill which we have before us as sections 209, 210, and 211.

When the junior Senator from Alabama saw, on yesterday, the distinguished Republican leader (Mr. SCOTT) come into the Chamber with a paper, obviously an amendment, at the time the present bill was under consideration, he felt certain that an attack was going to be made by the distinguished Senator from Pennsylvania, the Republican leader, on one or more of these three sections, because we have seen the distinguished Senator from Pennsylvania offer amendments or participate in the discussion of amendments in the past that would render ineffectual these Whitten amendments.

We recall that the Whitten amendments were emasculated when the HEW bill was considered in the Senate, by the addition of the six words "except as required by the Constitution," which allowed HEW to continue its dual standard on the application of Federal guidelines and Federal rules with regard to the desegregation of public schools in this country.

We saw, too, that the Stennis amendment was made ineffectual in the conference committee when the thrust of the amendment was changed from an amendment providing for uniform application of Federal rules, guidelines, and criteria regarding desegregation of the public schools to a provision calling for a uniform rule regarding de jure segregation, which is said to exist in the South, and a uniform rule regarding de facto segregation, which is said to exist in areas outside of the Southern States.

So I say, in admiration rather than in deprecation, that the title or cognomen of "the Great Emasculator" might well be applied to the distinguished Republican leader, because these amendments have been coming over to us in the Senate from the House of Representatives which would, in piecemeal fashion, give the southern schools and the patrons of southern schools, and the students in southern schools, some measure of equal treatment under the law; and that is the effect of the Jonas amendment, section 211 of the bill. It provides a measure of piecemeal steps in the direction of equal treatment under the law; and the two Whitten amendments, which will be discussed later, are steps in the same direction.

If there were equal protection of the law, if there were equal treatment of citizens throughout the land, there would be no need for section 211, the Jonas amendment. There would be no need of sections 209 and 210, the Whitten amendments.

What does the Jonas amendment provide? It is a simple little amendment. The distinguished Senator from Pennsylvania says it would cause a whole lot of mischief, and that it is unconstitutional. Let us see what it says.

It provides that no part of the funds

XUM

appropriated by this act may be used to formulate or to implement any plan whereby any student, because of his race or color, is denied the right or privilege of attending any public school of his choice, as selected by his parent or guardian.

What is so bad about that? It provides that no student, because of race or color, can be deprived of his right to attend any public school of his choice, as selected by his parent or guardian. That is a provision that every Senator ought to be willing to endorse, to accept, and to support.

Mr. President, the amendment of the distinguished Senator from Pennsylvania seeks to strike that simple provision, which makes a step in the direction of achieving equal protection of the laws and equal treatment under the law for southern school patrons, and that is the purpose of it. It is just to provide a measure of equality for the people of the South and the students of the South, white and black.

Mr. ERVIN. Mr. President, will the Senator from Alabama yield for a question?

Mr. ALLEN. I am delighted to yield.

Mr. ERVIN. HEW has shown a careless indifference, has it not, for the plight of black children in ghetto schools of big cities north of the Potomac River?

Mr. ALLEN. Yes, indeed. I shall touch on that in a moment. And I might also say it has shown a great indifference to the best interests of the black students of the South as well as the North, and I shall develop that in a moment.

Mr. ERVIN. Under the Jonas amendment, could not a black child who has had no concern manifested for his welfare by the Department of HEW insist on going to a school which is white, in large cities like Philadelphia or New York?

Mr. ALLEN. Yes, indeed, he could; and I rather imagine that is one reason they do not want to accept it. Does that answer the Senator's question?

Mr. ERVIN. That answers my question, and also, I think, may explain some of the opposition to the retention in the bill of the Jonas amendment.

Mr. ALLEN. Yes.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that it is not a devotion to the equal protection clause of the 14th amendment of the Constitution, as interpreted by the decisions of the Supreme Court of the United States, that leads some Senators to oppose the retention of the Jonas amendment in this bill?

Mr. ALLEN. Yes, I certainly agree with the Senator.

Mr. President, the reason why the junior Senator from Alabama is not going to discuss this amendment extensively is that it is not an amendment which is a direct, affirmative discriminatory action against the South. It does not do anything against the South affirmatively. What it does is to stop the enactment of a section which would give the people of the South some measure of equal protection under the law. If it were affirmative action directed at the South, at my native State of Alabama and the people of Alabama, it would be the duty of the junior Senator from Alabama to speak extensively against any such amendment. But the amendment offered by the distinguished Senator from Pennsylvania is a negative sort of amendment. It seeks to prevent something affirmative from taking place. So a discussion from now through eternity would be of no benefit to the people of my section. Had it been a direct, affirmative action against the South, it would have been my duty to speak against it indefinitely. So it constitutes a denial of relief rather than a direct, affirmative discriminatory action.

The distinguished Senator from North Carolina has mentioned the fact that the Department of HEW has had little concern about the black students in the big cities of the North and the East and in every section of the country outside the South, and that is certainly true. I wrote the distinguished former Secretary of the Department of HEW soon after I came to the United States Senate, and pointed out to him that the busing of students was being required under many plans that HEW was requiring that the school boards in Alabama implement, whereas the 1968 HEW appropriation bill provided that there would be no busing of students; and I called attention to the fact that massive busing operations were required by the plans submitted by the Department of HEW and put into effect by decrees of the Federal court.

I called that to his attention, and he wrote me a most interesting letter, and I will read in part from it:

> Your telegram correctly notes that HEW is prohibited from requiring transportation in order to overcome racial imbalance. HEW operations financed under our regular appropriation Act are governed by sections 409 and 410 of Public Law 90-557.

Those are the Whitten amendments of that year, as emasculated in the legislative process—emasculated by the addition of the words that this could not be done in order to overcome racial imbalance.

If the law said that busing could not be used to overcome racial imbalance, the average school patron, the average school board member, the average principal, would think that that meant you could not use busing to break down the racially impacted schools. But not so, said Mr. Finch; it does not mean that at all.

> As stated, these provisions prohibit the requirement of busing in order to overcome racial imbalance. The legislative history of these provisions as well as the decisions of the federal courts make it clear that they were intended to preclude any requirement that school officials take steps to overcome racial imbalance which has resulted from fortuitous patterns of residence. However, where racial segregation of students in a school system has been caused in whole or in part by the official action of the State, these statutory provisions provide no barrier to any steps necessary to desegregate the schools and are not steps to overcome racial imbalance prohibited by those laws.

So under the rulings of the Department of HEW, we do have—and it has been discussed on the floor of the Senate many times—a double standard of enforcement of the desegregation requirements for our public schools.

Mr. President, under the rulings and practice of HEW and the Federal policy regarding segregation, and the decrees of the Federal courts, the schools in the South are required to desegregate now; and in September, throughout the South, we are going to have utter chaos in our schools, because the boast has been made by the executive department that by September all racial segregation in the schools in the South is going to be ended. That is going to cause much confusion, much unhappiness, and much lack of support by the school patrons and the people of Alabama. It is going to cause much unhappiness among the black citizens of our State.

In my hometown of Gadsden, Ala., the black high school, which had been a great institution in our city for 40 or 50 years—possibly even longer than that—had a wonderful plant, had a great band, and we always enjoyed watching them parade in civic parades that we had in the city, had a great football team, a cafeteria, a good faculty, and a happy, contented student body. Under the plans of HEW, the Gadsden public school system was required to close that school, causing much protest and much unhappiness among the black citizens of that community. Those students were then sent to white high schools throughout the city. We have only two others. Many of the students did not move. They dropped out of school. So that has not met with the approval of any of our people, black or white in Alabama. If we can move in piecemeal fashion, as provided by sections 209, 210, and 211, toward a measure of equal enforcement of the laws, equal application of the laws, then we can solve the problems affecting our public schools in Alabama and the South.

Now, Mr. President, it has been brought out on the floor of the Senate many times that actually there is more segregation in the big cities of the North and East than there is in the South, but that type of segregation has not been outlawed by the Supreme Court, even though, back in 1954, it ruled that a State could not maintain a segregated school system.

They have gone exactly 180 degrees to the left and now say that the States must provide an integrated school system.

So, what logic is there to that, to say in one case that a State cannot maintain a segregated school system, and say, in another case, that they must maintain an integrated school system?

In the North and East, and other sections outside the South, the type of segregation which obtains there, is called de facto segregation. It is segregation that exists as an accomplished fact, that did not come about by operation of law. It came about, as Secretary of HEW Finch said, by fortuitous patterns of residence. That is all right, according to the HEW, but it is not all right. We set up the Mondale commission to make a

XUM

study and to come up with recommendations providing or suggesting how best to eliminate de facto segregation in the North.

I shall be interested in watching that report when it comes out, to see what suggestions they make about eliminating de facto segregation in the North. It will be most interesting if that report is ever made on that subject. We have appropriated around $300,000 to make the study, so that it will be interesting to see how they will recommend ending de facto segregation in the North.

Mr. President, the President of the United States came out with a long statement, some 19 or 20 legal-size pages, stating his position on school problems and desegregation in the public schools. He recognized the existence of de facto desegregation in the North. So, we are not going to proceed against that. Oh, no, we are going to proceed against de jure segregation which exists down South. So, that is what is being done.

I should like to pose this question and assume a set of facts: They say that de facto segregation is allright, and we have no power to interfere with that, that we cannot give——

Mr. ERVIN. Mr. President, would the distinguished Senator yield to me at this point.

The PRESIDING OFFICER (Mr. Moss). Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. ALLEN. I am glad to yield to the Senator from North Carolina.

Mr. ERVIN. I should like to ask the Senator if the Jonas amendment were retained in the bill, the black children of the North who are held in de facto segregated schools would have something they could do about it, would they not?

Mr. ALLEN. That is exacty right. They could.

Mr. ERVIN. So, they would not be there any longer as helpless pawns of the Department of HEW.

Mr. ALLEN. That is exactly right. Under their privilege and right, they could not be denied that, by reason of race or color.

Mr. ERVIN. I was not privileged to be here on the floor at the time the distinguished minority leader, the Senator from Pennsylvania, was speaking on the amendment, but not the Senator from Alabama, like the Senator from North Carolina, read a great deal in the newspapers with reference to a subject called "President Nixon's Southern Strategy"?

Mr. ALLEN. I have heard something about that in words, Senator, but I have not seen too much action along that line.

Mr. ERVIN. Is it not ordinarily to be thought that when the leader in the Senate of a political party which occupies the White House takes action on the floor of the Senate, that he is, ordinarily acting on behalf of the White House?

Mr. ALLEN. He is supposed to be the Republican leader, representing the party of the President.

Mr. ERVIN. I should like to ask the distinguished Senator from Alabama whether the distinguished Senator from Pennsylvania, the leader in the Senate of the President's party, made a disclosure during the course of his speech, as to whether his effort to eliminate the Jonas amendment is part of the President's southern strategy.

Mr. ALLEN. No, sir. I do not believe the Senator made that representation.

Mr. ERVIN. Well, would the Senator from Alabama agree with the inference of the Senator from North Carolina that perhaps the President and the distinguished Senator from Pennsylvania, the present leader of the President's party in the Senate, are trying to conceal from the Senator from Alabama and the Senator from North Carolina, and others, whether the action taken by the Senator from Pennsylvania in respect to the Jonas amendment is part of the President's southern strategy?

Mr. ALLEN. It rather looks like it to the junior Senator from Alabama.

Mr. ERVIN. I should like to ask the Senator from Alabama one or two other questions.

Mr. ALLEN. All right, sir.

Mr. ERVIN. Does not section 401 of title IV of the Civil Rights Act of 1964 say that desegregation means the assignment of students to public schools and within such schools without regard to race, color, religion, or national origin?

Mr. ALLEN. Yes, sir.

Mr. ERVIN. Does not that mean in plain nonlegal English that in assigning a student to a public school, those who do the assigning must absolutely ignore the race, the color, the religion, and the national origin of the student?

Mr. ALLEN. Yes sir. That is true. I should like to suggest, in that same section, in the next sentence, it says that desegregation shall not mean transferring a student from one school to another in order to overcome racial imbalance, which shows again that they are trying to protect de facto segregation in the North.

Mr. ERVIN. I should like to ask the distinguished Senator from Alabama whether a person who becomes the Secretary of HEW prior to assuming the duties of that office does not hold his hand high, pointing somewhere toward the heavens, and take a solemn oath that he will support the Constitution and the laws of the United States.

Mr. ALLEN. Yes sir. That is the requirement.

Mr. ERVIN. Well, would not that oath require that the Secretary of HEW obey the Civil Rights Act of 1964 which prohibits him from taking into consideration the race, the color, the religion, or the national origin of students to be assigned to a public school?

Mr. ALLEN. It would seem to the junior Senator from Alabama that that is correct.

Mr. ERVIN. I should like to ask the distinguished junior Senator from Alabama whether he has heard of any instance, where the Department of HEW devised a plan or a program for a southern school which complied with the spirit and the letter of the Civil Rights Act of 1964?

Mr. ALLEN. I certainly agree with the Senator on that observation.

Mr. ERVIN. Does not the Department of HEW, in every case, before it grants money to a southern school district, require that school district, as a condition precedent to receiving the money, to devise a plan which will violate section 401 of title IV of the Civil Rights Act of 1964?

Mr. ALLEN. Mr. President, that would be the conclusion the junior Senator from Alabama would reach, yes, sir.

Mr. ERVIN. Mr. President, has the Senator from Alabama ever heard of the Department of Health, Education, and Welfare devising any plan as a condition precedent for a southern district receiving Federal funds which was in compliance with section 401 of the Civil Rights Act of 1964?

Mr. ALLEN. I agree that I have not.

Mr. ERVIN. Mr. President, does not the Senator from Alabama agree with the Senator from North Carolina that the Department of Health, Education, and Welfare has scant respect for acts of Congress?

Mr. ALLEN. I certainly agree. That is quite obvious. Mr. President, going on with my discussion regarding de facto segregation and de jure segregation, I call attention to the fact that the President of the United States—and I am not saying that the President's message was all bad, because it was not; the President laid a lot of emphasis on the use of neighborhood schools, and that is one of the possible solutions to this problem—said that schoolchildren should not be transported from one district to another. He obviously knows something of the problems we have in the South. And I approve and laud his recommendation that neighborhood schools be used wherever possible.

But on the matter of de facto segregation, that apparently is a sacrosanct provision and is absolutely above being reached. There is an element of sacredness about it. It cannot be tampered with.

The President pointed out that there is not only de jure segregation in the South, but there is also some de facto segregation. He did not go on to explain. However, it has been pointed out that in a district or area where the character of the neighborhood changes and new subdivisions have arisen since the Supreme Court decision, the type of segregation in the schools in that type area would be de facto segregation. Also, where a once segregated system becomes a desegregated or integrated system to the satisfaction and approval of Health, Education, and Welfare and the Federal courts and thereafter, after having once become integrated, becomes then resegregated so that it would come under the protection of the de facto segregation theory, if that happens throughout the South, we are going to have nothing then but de facto segregation and will have no integration anywhere in the country.

All schools then would have de facto segregation. And there is no rule of law at this time that is being directed against the de facto segregation of schools.

The thrust of all of these efforts of the distinguished Senator from Pennsylvania is to water down and make ineffectual the Jonas amendment. He does not

XUM

water it down. He seeks to knock it out entirely.

Some Senator will come along when we get through with this provision and seek to knock out the Whitten amendments. That opportunity will be passed along to someone. It is something of a plum, Mr. President, to have the privilege of introducing one of these amendments to strike out or water down or make ineffectual the Jonas amendment or the Whitten amendments.

It is a great political plum to be able to say to one's constituency, "I helped kill the Whitten amendments," or to say "I offered the amendment that killed the Jonas amendment."

I do not know who will offer such an amendment, but we can see that some Senator will regard it as a political plum.

The thrust of all of these amendments seeking to water down the Whitten, Jonas, and Stennis amendments has the effect in all of these amendments of requiring desegregation of segregated schools in cases where the segregation is said to be de jure. And it protects these efforts and fosters and encourages the continued existence of de facto segregation in areas outside of the South.

Mr. President, the question that occurs to me is how long it will be before the constituencies of the Senators who offer these amendments seeking to desegregate the de jure schools, the black schoolchild and his family and his friends, are going to wonder why it is that these distinguished Senators withhold from them in de facto segregated areas the benefits of integrated schools, because they are preserving segregation in the North and seeking to strike it down in the South.

If it is so good for the South, are not the black constituencies of the Senators who foster and protect and preserve de facto segregation in their areas going to feel that their Senators ought to bring them these same benefits?

As it is now, however, they are seeking to solve the problems not of their own constituencies, but of constituencies 750 or 1,000 miles away.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. ALLEN. Mr. President, I yield.

Mr. ERVIN. Mr. President, if I recall the opinion of Chief Justice Warren in the Brown case, he asserted that it was a psychological fact that it is detrimental to a child to be excluded from a school on account of his race. Is my recollection correct?

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Mr. President, would the Senator from Alabama tell the Senator from North Carolina whether that psychological detriment is removed by the fact that the child is in a school which is segregated de facto rather than a school which is segregated de jure?

Mr. ALLEN. No. I believe that feeling will still exist in those schools.

Mr. ERVIN. Mr. President, does the Senator from Alabama think that the child concerned, who happens to be in a de facto segregated school somewhere north of the Potomac River, knows the difference between de facto segregation and de jure segregation?

Mr. ALLEN. I doubt if the percentage would be high that would know the difference.

Mr. ERVIN. It would certainly be a very small number that would know the difference.

Mr. ALLEN. I agree.

Mr. ERVIN. I thank the Senator.

Mr. ALLEN. Mr. President, I thank the Senator from North Carolina for calling these thoughts to the mind of the junior Senator from Alabama.

Mr. STENNIS. Mr. President, will the Senator from Alabama yield to me briefly? I have a few remarks that I want to make.

Mr. ALLEN. I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I want to make reference here to the distinction between the approach in the South and in the non-Southern areas.

I have before me some official figures which show that in Chicago, Ill.—and these are official figures from the office of Mr. Finch—69.8 percent of all the Negro students of that city are in all-black schools. That figure is 69.8 percent.

Now, under the present policy with reference to HEW, no effort, or virtually no effort—just a fragmentary effort, so for all practical purposes no effort—is made to desegregate those schools. What chance, if any, do those Negro students in those black schools in Chicago have of ever getting the benefit of the decision in the Brown against Board of Education case?

Mr. ALLEN. Apparently none, if the effort of those interested in doing away with de jure segregation in the South is confined only in the South and is not directed against de facto segregation.

Mr. STENNIS. Does the Senator know that nothing has been done in Chicago?

Mr. ALLEN. Nothing at all.

Mr. STENNIS. Nothing has been done in Chicago since the Brown against the Board of Education case in 1954. Is that right?

Mr. STENNIS. Except to ask them to desegregate de facto.

Mr. ALLEN. And they have refused to do it.

Mr. STENNIS. I have further figures from Cleveland, Ohio. The official figures show that 66.4 percent of the Negro students in Cleveland, Ohio, are in all-black schools. Now, under that same policy we have been talking about is there anything being done by the Federal Government or with the money that we appropriate here to give those black children a chance to get into more mixed schools?

Mr. ALLEN. Not a thing, except the Senator will recall that Congress set up the Mondale Commission to go into this matter and report back when it saw fit to report.

Mr. STENNIS. Yes. The President recommended $1.5 billion in his message in April, I think it was, and some of that money was referred to on the floor of the Senate in a bill the other night and more is coming, as I understand.

But does the Senator know of any plan to spend any of this $1.5 billion in the schools in Chicago or Cleveland in order to desegregate them?

Mr. ALLEN. No, I do not. Insofar as the junior Senator from Alabama is advised, no plans are being made along those lines.

Mr. STENNIS. The Senator from Mississippi is a member of the Committee on Appropriations where we have had this matter come up. There is no suggestion, no plan, and no suggestion leading to any plan to do anything outside of the South to change the situation.

I had referred to the fact that in Cleveland 66 percent of the Negro students are in all-black schools. At the same time only 6.4 percent of the white children attend majority black schools. So if there is any benefit to the white children to go to mixed schools, as the Supreme Court said in 1954, we thought, the other 94 percent of the white children in Cleveland are being denied that privilege.

Mr. ALLEN. Yes, they are.

Mr. STENNIS. Does the Senator know of any plan to change those white children over to mixed schools?

Mr. ALLEN. No.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. EASTLAND. I wish to ask the Senator if the figures referred to by my colleague do not show that men in public life and in the Government in both political parties nationally are segregationists in the North?

Mr. ALLEN. Yes.

Mr. EASTLAND. And integrationists in the South.

Mr. ALLEN. The Senator is correct.

Mr. EASTLAND. But when it applies to them, oh, no; they are strict segregationists, just as segregationist as any ultra-segregationist in the South.

Mr. ALLEN. That capsules in just a few words what the junior Senator from Alabama has been trying to say.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. ERVIN. Is the proposal of this $150 million designed primarily to enable school children to have their intellectual horizons expanded?

Mr. ALLEN. No. As the junior Senator from Alabama sees it, the $150 million that the Senator refers to is money to be used along the lines of a carrot and stick type treatment to our people down South. They will hold out as a carrot in the form of the use of this money for their school systems and at the same time brandish the power of the Federal courts, requiring them to desegregate now in public schools of the South.

Now, Mr. President, those of us who support the Jonas amendment, the Whitten amendments, and those of us who supported the Stennis amendment, are speaking for the public school systems of our respective areas. We are trying to save the public school system in my own State and in the other States. Where this same problem exists the same solution is being used. The public school system is in a chaotic condition; it is losing public

XUM

support; bond issues are being turned down by the score; taxes being submitted for a vote are being turned down; the people do not know what is going to happen to the public school system, and we are trying to help solve that problem. We are trying to help save the public school systems of our respective States.

From whence will we get our help? Where is our help going to come from? Is it going to come from the Republican leadership in the House? Apparently not. The Republican leadership is seeking to strike down the Jonas amendment which is just a short step forward for equal protection of the law for people of the South. Is it going to come from the national Democrats? Apparently not. We see on these votes that we get very few votes from the Democrats outside of the South.

Is it going to come from the executive department? Certainly not from HEW, which recognizes the dual system that seeks to desegregate the de jure segregated school systems and protects the de facto segregated school systems.

Is it going to come from the courts? Well, Mr. President, on a long range basis I am hopeful that we are going to get some relief from the courts. There are some rays of hope. The decision of the Fourth Circuit Court of Appeals in a recent case set up the rule of reasonableness. I refer to the opinion in the case of Swann against Charlotte-Mecklenburg Board of Education. The court stated in that opinion:

> We adopted the test of reasonableness—instead of one that calls for absolutes—because it has proved to be a reliable guide in other areas of the law.

Again:

> Nevertheless, school boards must use all reasonable means to integrate the schools in their jurisdiction.

I hope this case will be affirmed by the Supreme Court of the United States and this new rule set by the Fourth Circuit Court of Appeals, setting up a rule of reasonableness, may be a part of the answer.

Chief Justice Burger, in one of his opinions, said that he hopes that cases will come before the Supreme Court that will allow the Supreme Court to rule on questions that are now—I am not quoting him now—in the gray area, questions that have not been passed on specifically by the Supreme Court of the United States.

So that I will not misquote him, he said as follows:

> As soon as possible, however, we ought to resolve some of the basic practical problems when they are appropriately presented, including whether, as a constitutional matter, any particular racial balance must be achieved in the schools; to what extent school districts and zones may or must be altered as a constitutional matter; and to what extent transportation may or must be provided to achieve the ends sought by prior holdings of court, and other related issues that may emerge.

Mr. ERVIN. Mr. President, will the Senator yield for a question about the Fourth Circuit Court of Appeals decision?

Mr. ALLEN. Yes, sir; I am delighted to yield.

Mr. ERVIN. Am I correct in inferring from the decision in that case that the majority of the court held that they would adopt the rule of reason?

Mr. ALLEN. Yes, sir.

Mr. ERVIN. Did not two judges dissent on the ground that the court ought not act reasonably?

Mr. ALLEN. I believe that was the effect of it.

Mr. ERVIN. Does not the Senator recall that on one occasion Justice Oliver Wendell Holmes of the Supreme Court of the United States handed down a decision involving the constitutionality of a State law providing for sterilization of idiots, and that in announcing his decision sustaining the State law Justice Holmes said that "The Court thinks," speaking of the ancestry of the person who was to be sterilized, "that three generations of idiots are enough, but Mr. Justice Butler dissents from that view"?

Mr. ALLEN. Yes, sir; he did.

Mr. ERVIN. Mr. President, I ask unanimous consent that I may make the observation here, without the Senator from Alabama's losing his rights to the floor, that when the Senator from Alabama pointed out, as a result of his answer to my question, that two of the judges of the Fourth Circuit Court dissented to the court's applying reasonableness to that decision, I was reminded of that remark made by Justice Oliver Wendell Holmes on that previous occasion.

Mr. ALLEN. That is very interesting. I was somewhat surprised to see that dissent, but the majority opinion was to the contrary, that the rule of reasonableness ought to be adopted.

I hope that rule will be approved by the Supreme Court of the United States. But, Mr. President, this is relief that will come years down the road. We need relief now in the public schools of the South. We need the rule of reason there. We need the right of freedom of choice. We need the Jonas amendment. We need the Whitten amendments that will be explained in detail later.

The amendment offered by the distinguished Senator from Pennsylvania—and I am sorry he is not here, because we have been discussing him and his amendment for some little while here—seeks to strike out section 211, which is merely a provision which will afford some measure of equality of treatment under the law. It will furnish some measure of equal enforcement of the law and equal application of the law. It will not solve the problem, but it is something that will be for the protection of black and white alike, because it forbids the use of any of the money appropriated by this act to formulate or implement any plan that would deny any student, by reason of his color or his race, the right or privilege to attend any public school of his choice as selected by his parent or guardian.

Mr. THURMOND. Mr. President, will the distinguished Senator from Alabama yield?

Mr. ALLEN. Yes, I am delighted to yield.

Mr. THURMOND. Mr. President, I congratulate the distinguished Senator from Alabama for the enlightening remarks he has made on this school bill, especially with regard to section 211 of the bill, known as the Jonas amendment. The Senator from Alabama has eloquently described the overriding importance of a measure such as this.

Mr. President, I should like to say further that prior to the Brown against Board of Education decision, the law of the land was that a State could assign students to different schools on the basis of race.

In 1954, the Supreme Court handed down the Brown decision, which outlawed this type of concept by saying that the equal protection clause of the 14th amendment prohibited the States from assigning students to schools on that basis. Is that not correct?

Mr. ALLEN. Yes, that is correct.

Mr. THURMOND. Today, the Supreme Court and the all-powerful HEW have construed the Constitution to mean that school boards now must assign students to schools on the basis of race in order to obtain integration.

Mr. ALLEN. That is correct. They changed courses 180 degrees—to the left.

Mr. THURMOND. That is true, is it not?

Mr. ALLEN. Yes, sir.

Mr. THURMOND. If the former concept were unconstitutional, then this concept must be unconstitutional also; is that not correct?

Mr. ALLEN. The junior Senator from Alabama would agree with the distinguished Senator from South Carolina. The only trouble is that the Supreme Court does not agree with the junior Senator from Alabama.

Mr. THURMOND. As a matter of fact, if it were unconstitutional to assign a child to a certain school on the basis of race previously, does it not seem that it would still be unconstitutional to use race as the basis for assigning schoolchildren to certain schools?

Mr. ALLEN. The logic of the Senator's contention is unassailable.

Mr. THURMOND. Federal bureaucrats and civil rights zealots at HEW are attempting to require that students be bused from one school to another in order to satisfy their own personal view of how every school should be run. Does not the Senator from Alabama conclude that this is an open violation of the 1964 Civil Rights Act?

Mr. ALLEN. Yes, indeed. That is my opinion.

Mr. THURMOND. Did not the 1964 act specifically prohibit this very thing from being done?

Mr. ALLEN. Yes, indeed.

Mr. THURMOND. But yet HEW and the courts are requiring it to be done.

Mr. ALLEN. That is correct.

Mr. THURMOND. I wish to stress that this policy of busing students is opposed in my State, and I believe in most States, by both black and white parents as well as the students.

Mr. ALLEN. Yes; that is correct, I am sure.

Mr. THURMOND. We are receiving a lot of complaints in South Carolina now from the black students who are being bused to other schools, that they want to stay in their own schools, but yet they are being forced, on account

XUM

of their race—the very criterion that was used before in saying you cannot force a child to go to a certain school on account of his race—and race is being used as the very basis for requiring a child to go to a school.

In 1965, the Fourth Circuit Court of Appeals handed down a decision that declared that freedom of choice was what the constitution required. Does the Senator recall that decision?

Mr. ALLEN. Yes.

Mr. THURMOND. In my judgment, the court was entirely correct in that decision. I presume the Senator from Alabama feels the same way.

Mr. ALLEN. Yes, sir; I surely do.

Mr. THURMOND. However, 3 years later the Supreme Court virtually nullified that decision by their decision in the Green case and some other decisions.

At that point, in my judgment, the Supreme Court abandoned all legal and constitutional grounds in order to accomplish the goal of bringing about social reform. Does the distinguished Senator agree with that statement?

Mr. ALLEN. Yes, I do. They are out on an uncharted sea in their decisions.

Mr. THURMOND. What could be more just than providing an opportunity for each parent to choose the course of action which he feels is best for the education of his child?

Mr. ALLEN. No plan could be better than that, in the opinion of the junior Senator from Alabama; and that is the only answer to the problem—that, combined with the neighborhood school concept.

Mr. THURMOND. Indeed, the concept of individual free choice lies at the very heart of the foundation on which this great Nation was built, does it not?

Mr. ALLEN. That is correct.

Mr. THURMOND. In my judgment, the Jonas amendment, as embodied and designated as section 211 in this bill, is an attempt to project some reason and some logic into the tragic state of affairs we find facing this country today.

Mr. ALLEN. That is correct. That is very sound logic.

Mr. THURMOND. I very strongly favor this amendment, and in my judgment it should certainly stay in the bill. In my judgment it is a very simple amendment. It merely says that no part of the funds provided in this act shall be used to formulate or implement any plan which would deny to any student, because of his race or color, the right or privilege of attending any public school of his choice, as selected by his parent or guardian.

Mr. ALLEN. That is right.

Mr. THURMOND. In other words, this amendment does exactly what the Brown decision of 1954 said had to be done.

Mr. ALLEN. It seems to me it is in line with it, yes.

Mr. THURMOND. I thank the able Senator from Alabama.

Mr. ALLEN. I thank the distinguished Senator from South Carolina for his comments and the contribution he has made to this discussion and this colloquy.

Mr. President, I was very much interested in the statement of the distinguished Senator from South Carolina that white and black both oppose the forced desegregaton of the public schools. But I call attention to the fact that our people are law-abiding; that there is no violence in the South, in face of these intolerable implementations of plans and these intolerable court decrees.

As I recall, when the Stennis amendment was under discussion here in the Senate, one of the distinguished Senators from a section outside of the South said that this provision, which would have required uniform enforcement of the Federal desegregation criteria and guidelines, with enforcement of the same guidelines and plans and desegregation policies in his area, would be so fraught with violence that it would be necessary to call out the Army to put an end to the violence and to keep order.

That is not so in the South. But we do plead for equal treatment, equal enforcement of the law. We believe that the Jonas amendment, embodied in section 211 of the bill, is a step in the right direction. It is a short step, but it does give us some measure of equal treatment before the law.

For that reason, Mr. President, I hope that the amendment of the distinguished Republican leader, the distinguished senior Senator from Pennsylvania (Mr. Scott), will be defeated, so that section 211 will remain in the bill.

Mr. President, I yield the floor.

Mr. SPARKMAN. Mr. President, before the Senator yields the floor, will he yield to me?

Mr. ALLEN. Yes, I am delighted to yield to my distinguished colleague, the senior Senator from Alabama.

Mr. SPARKMAN. I was interested in the colloquy between my colleague and the Senator from South Carolina (Mr. Thurmond), particularly on the freedom of choice situation.

Mr. ALLEN. Yes, sir.

Mr. SPARKMAN. I wonder if the Senator is aware of the fact that back when HEW started putting out its guidelines suggesting to districts how they would go about to desegregate their schools, it actually proposed, itself, the freedom of choice plan as the proper method to pursue.

Mr. ALLEN. Yes, sir. I appreciate that suggestion of my distinguished senior colleague.

Mr. SPARKMAN. I could name schools right near the Senator's home—for instance, Guntersville, in Marshall County—in which the suggestion was made by HEW to use the freedom of choice plan.

Mr. ALLEN. And it was followed for a time.

Mr. SPARKMAN. They freely entered into it and carried it out in good faith; and yet, after a year or maybe two years, it was almost sacrilegious, you would think, some of the howls they put up.

Mr. ALLEN. It was working too good.

Mr. SPARKMAN. Yes.

The Senator, I know, is aware of neighborhood schools that have been virtually destroyed by some of the plans they have put out there. Children have been bused many miles, simply for the purpose of obtaining racial balance, even though the law plainly declared that such could not be done. Is that not correct?

Mr. ALLEN. Yes, sir, that is correct.

I was informed by the Superintendent of Education in Alabama, the Honorable Ernest Stone, that the State of Alabama has had to close, and the local school districts have had to close, school buildings worth approximately $100 million as the result of HEW plans and Federal court orders. In almost every instance, these schools are black schools—uprooting the black students—and that is what makes it so unpopular with the black students, as pointed out by the distinguished senior Senator from South Carolina.

Mr. SPARKMAN. And in areas that are almost completely occupied by black people.

Mr. ALLEN. Yes.

Mr. SPARKMAN. I have in mind a very valuable school in the city of Birmingham about which there has been a great deal of dispute. At one time, HEW directed that that school be demolished—a fine, brick school. It was in a community that was occupied almost entirely by black people; and because that was true and because, naturally, the students attending there, who lived in that neighborhood, were black, there was, you might say, a black school. HEW ordered that that school be demolished, or directed that it be—I cannot say that they had the right to order that it be—and they said that a new school should be built in an area completely out of there, and the students would be bused over there.

A lady in Birmingham wrote me that she had a small daughter who, during the 2, 3, or 4 years she had been attending school, had been able to walk a couple of blocks to the school in the neighborhood. Now they had come through with an order that required her to be bused 11 miles across town in order to attend school, under that direction.

It just does not make sense to destroy the neighborhood schools, does it?

Mr. ALLEN. It does not.

Mr. SPARKMAN. And that is the effect of what they are directing be done.

Mr. ALLEN. That is correct.

Mr. SPARKMAN. I thank the Senator.

Mr. ALLEN. I thank the distinguished and able senior Senator from Alabama.

Mr. STENNIS. Mr. President, my remarks concerning the motion to strike by the Senator from Pennsylvania will be rather brief. I want to point out with emphasis and quote briefly from the key paragraph, as I understand it, of the case of Brown against the Board of Education. I want to point with emphasis to the fact that this test has long since been abandoned, as has been said by the Senator from Alabama, and is prohibited from being followed now, under the subsequent decisions of the Supreme Court and the rules and regulations of HEW.

I want to point out, further, that this simple amendment of Representative Jonas, of North Carolina is the very thing

XUM

that in body and in spirit would restore the real meaning of Brown against Board of Education.

Mr. President, these are not my words. These are the words of the Supreme Court of the United States in the case of *Brown v. Board of Education*, 347 U.S. 483, 74 Supreme Court 636, 98th law edition 873, decided in 1954:

> We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.

I repeat, for emphasis, the last sentence of the Court:

> We believe that it does.

That is the test. That is the rule they laid down.

It was said here last night by the Senator from Pennsylvania—and I call this to his attention because I do not want to talk to his back—that 15 long years ago—may I have the attention of the Senator from Pennsylvania?

Mr. SCOTT. Yes. I am all attention.

Mr. STENNIS. I thank the Senator.

I have quoted from the case of Brown against Board of Education what I consider the key holding of that case.

The Senator from Pennsylvania last night—in all good faith, I am sure—said that 15 long years had passed, and still the South had not done what it should have done, that very little had been done in some areas, and so forth, and that it was time to put a stop to it. His motion was to strike out the section that would give some measure of freedom of choice.

With great respect to him, I happen to have before me the figures from his wonderful city of Philadelphia, Pa.—and it is a wonderful city. I had the privilege of visiting here briefly last week.

According to these figures, which are official, the percentage of Negro students attending majority white schools in that great city in 1968 was 9.6 percent—9.6 percent only. In 1969, that had dropped to 8.2 percent. So instead of it going up, it is going down.

Mr. SCOTT. Does the Senator want me to comment?

Mr. STENNIS. I want to finish my sentence, and then I will yield.

Instead of going up, it is going down. What is being done in the South? Let us look at Pennsylvania. Let us get home first, and let us clean up a little there, if this is sin. What about it? It is the same old double standard. Fifteen long years have passed—they throw that at us.

I have more figures here. I believe these to be official. They were given to me as such. Pennsylvania is not alone. Cleveland, Ohio—15 long years—in 1968, 4.8 percent of Negro students there were attending majority white schools. In 1969, it dropped to 4 percent. Fifteen long years—going down, not going up.

I yield to the Senator from Pennsylvania.

Mr. SCOTT. I am very grateful to my distinguished friend from Mississippi, and I would be glad to answer him.

The reason why we have more black students in schools where we have fewer white students is nothing to pat ourselves on the back about. It is nothing about which to accept any praise or any blame. It is due to the fact that in varied geographical areas of the city of Philadelphia in recent years, a very large percentage of that population, a large part of west Philadelphia, almost all of north central Philadelphia, and parts of many other areas have been occupied in the residencies by people who are black. Therefore, in those schools, not necessarily because they seek to meet the educational requirements on a quota of more black than white students but population shifts and de facto effects rather than de jure situations have brought that about. On the other hand, I recall the Henry School, which is very near to where I live, which was once all white but which now is very much in considerable majority a black school, it remains a very good school, one of our best high schools.

I live in a residential area in Philadelphia known as Chestnut Hill. My neighbors are among the best neighbors in the whole section. They are black. We in Philadelphia do not regard the existence of a city block of white or black neighbors as unusual. In fact, in Washington, D.C., my neighbors are black as well.

We have accepted that as the situation. What we are after is the quality of education. It is not a matter of concern to me whether my neighbor or the schoolchildren there are black or white but whether they get an equal quality of education. Where there has been de facto situations they have been caused, in other words, by the shifting of populations, not by a legal determination to evade the consequences of the law or of court decisions.

I thank the Senator from Mississippi very much for giving me this chance to answer.

Mr. STENNIS. I thank the Senator. I am glad that I yielded to him. He has not answered yet, what, if anything, Philadelphia has been doing these past 15 years about trying to eliminate this situation of——

Mr. SCOTT. Well, we have been spending——

Mr. STENNIS. Let me finish first, please—the Supreme Court said in 1954 that it was not fair, that it was not equal treatment under the law, and it must be abolished. Thus, I am not trying to find fault with anyone. I say, let us clean up Philadelphia. While we are after Philadelphia, Miss., let us take Philadelphia, Pa., and improve it a little bit.

Mr. SCOTT. I am sure, if I can say this to my good friend from Mississippi, that his remarks now, and his very fine speech of a moment ago, will read very well in Mississippi.

Mr. STENNIS. Yes.

Mr. SCOTT. But, will not be persuasive in Pennsylvania.

Mr. STENNIS. I am fully satisfied with that, Senator. I am fully satisfied of it. You are consistently here imposing every ruling you can on us in the South. So far as I know, you have never satisfied us anyway—I am not speaking about the Senator personally, of course——

Mr. SCOTT. The Senator and I are friends. We know that.

Mr. STENNIS. This is not a matter of friendship. This is a matter of education.

Mr. SCOTT. I do not wish to embarrass the Senator with my friendship——

Mr. STENNIS. No. We are friends. We are friends, of course. I am proud of that. My point is, what are we going to do about Philadelphia, Pa., while we are working in Philadelphia, Miss., since the Supreme Court has said what it did about the test?

If the Senator will pardon me, I will read from these percentages once more and then I will read one from Mississippi.

Mr. ERVIN. Mr. President, will the Senator from Mississippi yield at that point?

Mr. STENNIS. Let me give these figures first, and then I will yield to the Senator.

Mr. ERVIN. Yes.

Mr. STENNIS. As I say, in the Senator's fine home State of Pennsylvania—and it is a wonderful State—in Philadelphia, the figures are 9.6 percent in 1968 and 8.2 percent in 1969.

In 1969, the percentage of Negro students attending the majority white schools in the largest city in my State of Mississippi was 19.7 percent. Would the Senator from Pennsylvania kindly give me his attention? It is 19.7 percent.

In a large city in Mississippi—large for us—the percentage of Negro students attending a majority white school it was 19.7 percent in 1969, as compared to 8.2 percent in Philadelphia, Pa., and 2.8 percent in Chicago, Ill.

Mr. ERVIN. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. ERVIN. I want to ask the Senator from Mississippi if they do not have de facto segregation in some places in Mississippi?

Mr. STENNIS. Yes. Yes.

Mr. ERVIN. Is there not one town down there where virtually all the black people live on one side of the bayou and the railroad tracks and virtually all the white people live on the other side of the bayou and the railroad tracks; and that notwithstanding the fact that there was de facto segregation there, and notwithstanding the fact that the school board set up one school district on one side of the bayou and the railroad tracks and another school district on the other side of the bayou and the railroad tracks, primarily for the safety of the little children, the Federal court held that the safety of the little children has to take second place to the overriding necessity of desegregation, and the school board would have to make some of the little black children endanger their lives by crossing the bayou and the railroad tracks to get over to the white school, and some of the little white children endanger their lives by crossing the bayou and the railroad tracks to get over to the black school?

Mr. STENNIS. That is true. That is one of the cases we have down there. It is just as the Senator has stated it. It is part of this crusade supported and backed by those who have not cleaned up their own backyards.

Mr. ERVIN. Does not the Senator

XUM

from Mississippi know of the celebrated case in Charlotte, N.C., where the court handed down a decree requiring the busing of thousands of students in de facto areas inhabited by blacks to schools in de facto areas inhabited by whites?

Mr. STENNIS. Yes. I am familiar with that.

Mr. ERVIN. In other words, HEW and the courts harass the schoolchildren of the South regardless whether it is de facto or de jure segregation in the South: is that not correct?

Mr. STENNIS. That is right.

Mr. ERVIN. The South is subjected in any event to compulsory integration. Only the North can hide behind the words "de facto."

Mr. STENNIS. That is deliberately set up that way, Senator, by some of those who helped to draft the 1964 Civil Rights Act. They took that for themselves, in no uncertain words. I have been frank about it. I have said here on the floor of the Senate, in a speech I made not many days ago, that the Supreme Court has repeatedly refused to hear a case originating outside the South to decide the question of the legality of this segregation that they have.

I cited four specific cases where the litigants tried to get that point decided, and applied for a writ of certiorari, but that writ of certiorari was denied by the Supreme Court in those four cases, as well as more. Those four were clean and clear cut, so there is some mysterious reason why the Court refused to pass on the legality of this very segregation we are talking about.

When we talk about children and equality of their education, I know of a case in my State of a man and wife with six children who, under orders of the Court, must send those six children to six different schools to the four different sides of the city, each one leaving home separately in the morning and going to a different school in a city of 100,000.

Call that quality education—or quality anything else that goes to make up the training of youngsters at that tender age?

I hope, Mr. President, and I submit this on its fairness, that the majority of Senators will see fit to let this amendment go on this appropriation bill for at least 1 year. That is the life of it. It will not be permanent law. Let it go along for 1 year and see what the result will be. Certainly it will not hurt anyone outside the South. It will lend somewhat of a new start and be of great encouragement to the spirit of the parents and teachers. We always hear the bad things, the thousands and thousands of parents and teachers in our area of the country that have sacrificed the right to make this thing work. And they come back with more, and more, and more intolerable demands under which human flesh can hardly live. It is injurious to those of both races.

I hope that the Senate will see fit to stand by the House and stand by the House committee and stand by the Senate committee and leave this temporary provision in the bill for one time, just one time, and let us see what good can come from it in 1 year.

Mr. President, I yield the floor.

Mr. JAVITS. Mr. President, I hope the Senate will sustain the motion to strike section 211.

"FREEDOM OF CHOICE" A MISNOMER

The progress of school desegregation since the Supreme Court announced the Brown decision in 1954 has been somewhere between nonexistent and slow. The very latest statistics available from the Department of Health, Education, and Welfare issued June 8, 1970, show us that almost 50 percent of the minority students in American primary and secondary schools attend schools with between 95 and 100 percent minority group populations. The corresponding figure is 77 percent for the 17 Southern and border States. Even in the 32 States of the North and West, where racial segregation of schools has been by and large de facto, more than 32 percent of the minority students attend schools which have 95 to 100 percent minority group populations.

In addressing my remarks to section 211 of the Office of Education appropriations bill—H.R. 16916—the so-called Jonas amendment, I express the hope that its presence and the presence of the accompanying Whitten amendments embodied in section 209–219 of the bill reported out of the Appropriations Committee, represent a futile last gasp on the part of those who seek to scuttle the desegregation process altogether. As I have every time that the predecessors of these amendments have been added to the appropriations measures by the House, I must now oppose their acceptance by the Senate.

Section 211 requires that desegregation plans embrace the idea of freedom of choice; it is quite clearly unconstitutional. The U.S. Supreme Court held in Green against County School Board of New Kent County, Va., in 1968, that the freedom of choice plan at issue was itself unconstitutional because it served to perpetuate, rather than terminate, racial segregation. The court was clear in stating that constitutionally, "utilizing freedom of choice is not an end in itself"; yet that is what section 211 would mean in practical consequence.

Even were we to suppose that constitutional commands have weakened in the past 2 years, section 211 should be decisively defeated. The phrase "freedom of choice," as rhetoric, has a rather compelling emotional appeal. But attaching the word "freedom" to a concept cannot change its practical effect. We would not for a moment entertain passage of a bill which attempted to establish the "freedom to assault," the "freedom to cripple," or the "freedom to kill." Yet as moderate a black leader as Whitney Young of the National Urban League said recently in testimony before the Senate Select Committee on Equal Educational Opportunity, that a system which fosters school segregation commits "educational genocide."

Proponents of section 211 have argued that if freedom of choice results in segregated schools, it is not because of de jure state action, but because the students and parents of a given community prefer segregation, which should be their right so long as they impose their views on no one else. This theoretical explanation simply does not comport with the facts which have been uncovered by the U.S. Commission on Civil Rights. The Commission's September 1969 report on Federal enforcement of school desegregation found a variety of causes for the failure of freedom of choice plans to achieve desegregation.

For one thing, fear of retaliation and hostility from the white community has continued to deter many black families from choosing all-white schools. The fear is not ill placed. The Commission has documented numerous instances of violent intimidation.

For example, a 16-year-old girl in Sharkey-Issaquena Counties, Miss., is today sightless in her right eye, the result of a shotgun wound inflicted when she tried unsuccessfully to transfer to a white attended school.

A black family in Clay County, Miss., received death threats and gunshots in its family home and the family car when their 12-year-old son registered in a white school.

Less than 5 years ago, an Alabama Federal court found that a local chapter of the Ku Klux Klan had been formed in Crenshaw County to forcibly prevent the desegregation of the public schools and intimidate Negro parents who chose to send their children to white schools.

In addition, economic coercion has been used as a weapon to prevent black families from exercising so-called free-choice. A black truckdriver in Dorchester County, S.C., was fired from his job, because as his former employer admitted, his children enrolled in the white-attended schools. The district court in the Crenshaw County case also found the Klan had utilized economic coercion in achieving its ends.

In the past, this body has been asked to endorse obstructionism by removing from judicial scrutiny freedom of choice approaches to desegregation. Tonight, we are asked not only to endorse obstructionism but to require it by approving section 211. To do so would be unpardonable.

Mr. MONDALE. Mr. President, I rise to support the amendment offered by the Senator from Maryland to strike sections 209 and 210 of the education appropriations bill.

Sections 209 and 210, the so-called Whitten amendments, would not in their present form change legal requirements in the area of school desegregation, or alter the authority and responsibility of HEW to enforce those requirements. But these provisions are designed to create confusion in the minds of laymen, and their passage would encourage futile resistance among school districts now fully desegregated, or planning to complete desegregation with the opening of school next fall.

Sections 209 and 210 would prohibit HEW from requiring the transfer or assignment of students over parental objection, or the busing of students, with respect to schools or school systems which are "desegregated" as that term is defined in title IV of the Civil Rights Act of 1964 or from requiring the abolishment of any school so "desegregated."

XUM

These provisions are meaningless, of course, since existing law gives HEW no authority to require further action of a school or school district which is "desegregated" within the meaning of title IV.

"Desegregation" is defined in title IV as follows:

> 401(b) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

Under this definition, "desegregation" of a school district encompasses the process of disestablishing the effects of racial assignment, in order to achieve the nonracial operation required by the Constitution.

As the Supreme Court ruled over 2 years ago in the Green decision, a school district does not stop the practice of assigning students on the basis of race when it adopts an alternative method of assignment which achieves the same results as racial assignment. The Court held that de jure segregated school districts achieve nonracial operation only by integration in fact of faculties and student bodies.

The title IV definition of "desegregation" explicitly excludes efforts "to overcome racial imbalance," that is, to eliminate segregation which is accidental or de facto in origin. Thus, the term "desegregation" refers only to the constitutional obligations of school districts segregated by law or official policy.

No narrow interpretation of the term "desegregation" is consistent with its use in title IV. Its only present function is to describe the Office of Education's authority to render technical assistance to school districts requesting such assistance in meeting their legal responsibilities. The term "desegregation" is coextensive with 14th amendment requirements, so that the Office of Education program can render useful service to desegregating school districts.

The administration has announced its opinion that sections 209 and 210 would have no legal effect, and asks that we strike them because of the confusion they would cause among desegregating school districts. The Leadership Conference for Civil Rights opposes these sections on the same grounds. Mr. President, we are dealing with the lives of children, and with the most fundamental of this Nation's commitments, our commitment to the elimination of racial injustice. Enactment of these meaningless but divisive provisions would betray our public trust.

Mr. EASTLAND. Mr. President, once again we are faced with the crucial question of whether the Senate is willing to help save the public schools of the South and the Nation from disruption and chaos.

We must exercise our powers responsibly by returning to the local and State school officials the authority to bring about desegregation in an orderly manner by use of the "freedom of choice" plan.

The inferior Federal courts in the South, with the sanction of the Supreme Court of the United States, have entered extreme and arbitrary orders forcing Southern school districts to achieve integration by means of forced assignment of students to schools on the basis of race so as to achieve a racial quota in the public schools. This has been done even when it violated the "neighborhood school" concept and entailed busing of children for long distances in order to attain a racial quota in the schools.

Likewise, officials of the Office of Education in the Department of Health, Education, and Welfare have similarly forced Southern school districts to adopt the same sort of extreme destructive plans for accomplishing desegregation as a condition to the payment of Federal funds for educational purposes.

It is this latter abuse of power which is sought to be remedied by the Whitten amendments and the Jonas amendment.

These amendments appear as sections 209, 210 and 211 in the pending bill as reported by the Committee on Appropriations. This language must be retained in its present form. It must not be watered down. Section 209 provides that no part of the funds contained in this act may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to force on account of race, creed, or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

Section 210 provides that no part of the funds contained in this act shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school.

Section 211 provides that no part of the funds provided in this act shall be used to formulate or implement any plan which would deny to any student, because of his race or color, the right or privilege of attending any public school of his choice as selected by his parent or guardian.

These sound provisions would merely prevent forced busing and arbitrary closing of schools, and would permit a child to attend the school of his parents' choice.

What is wrong with that? This is completely consistent with our American traditions of self-determination and local control under school boards.

If we fail to include these provisions in the law, we will permit, sanction and condone the actions of officials in the Office of Education in unjustifiably treating the public schools of the South differently from the public schools of the other parts of the Nation.

Mr. President, my colleagues from the South and I have made a number of speeches on this floor in which we stated irrefutable facts which clearly demonstrated that the arbitrary and outlandish actions of the Federal courts and of Federal administrative officials have had a terrible effect upon many of the public schools of our section. These Federal edicts have caused many of the children who attended public schools, both white and black, to withdrawn from the public schools. These unwise edicts have brought about turmoil and confusion among the teachers and students in many of these schools.

I deeply regret to say that apparently the terrible events that are occurring in many of the public schools of the South seem to have little or no impact on some of my colleagues from other sections of the country.

In the event that anyone should think that my considered judgment that the forcing of a racial quota of students and teachers in the public schools will invariably result in educational chaos and public resentment is influenced by the fact that I am a southerner, then I invite your careful attention to a few extraordinary statements made on this floor during the course of the debate on the Stennis amendment last February. I believe that these statements, which were made by eminent nonsouthern Members of this body, show beyond the shadow of a doubt that people in no section of this country want to be subjected to a racial quota system by the assignment of students and teachers in the public schools on the basis of race.

As you recall, the Stennis amendment, as modified by an amendment of the junior Senator from Connecticut, stated that the guidelines established pursuant to title VI of the Civil Rights Act of 1964 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools of the agencies of any State without regard to the origin or cause of such segregation, whether de jure or de facto.

In other words, since we had previously been unable to receive justice by the adoption of the Whitten amendments and the Jonas amendment, some of us sought by the Stennis amendment to at least be assured that the other sections of the United States would receive the same and equal treatment as that received by the South.

I commend my colleague from Mississippi for forcing this issue to the floor. His efforts resulted in a landmark vote, in which the Senate approved the "equal treatment" amendment by a vote of 56 to 36. Unfortunately, even though the Senate adopted the Stennis amendment, its language was weakened by the conference committee with the House, and the language which was finally enacted into law still permits the Federal courts and the Federal bureaucrats to discriminate against the South. It is my firm conviction that the people of the South are being afflicted with terrible conditions in their schools which 95 percent of all Americans in all sections of the Nation would never voluntarily endure. This statement is supported by the many tragic events which had occurred in the school systems of Mississippi as a result of Federal interference in the operation of the schools. I now call to your careful consideration a statement made by the distinguished Republican leader, the sen-

XUM

ior Senator from Pennsylvania in the closing moments of the debate on the Stennis amendment on February 18, 1970. Senator Scott opposed the adoption of the Stennis amendment. He took the position during the debate that even should both Houses of Congress adopt the language of the Stennis amendment, it might not have the effect of law because it was couched in terms of a statement of policy. The Senator from Pennsylvania then made the following statement:

> I say I am glad it is only stated as policy, because any genuine attempt, in good faith, to enforce this language would require, in my judgment, the use of all the police forces in America, and a great many of the troops overseas. That may be a good thing; it may be a good way to get the troops home.

I completely concur with this statement of the Senator from Pennsylvania. If HEW and the Federal courts should harm and disrupt the public schools in all 50 States to the same degree that they have harmed and disrupted the public schools of the South, it would indeed require all of the police forces and many of our troops to enforce this destruction of public education on an angry and outraged American public.

Mr. President, if the consequences of forced integration by racial quotas would be so bitterly resented by the people of America so as to compel the use of all of the police forces and hundreds of thousands of Federal troops in order to enforce compliance with the law, then how, in good conscience, can anyone justify or condone punishing the people of the South in such a fashion? There is no justification for such discriminatory treatment.

XUM

One can draw at least three inferences from the statements of the Senator from Pennsylvania which I have quoted.

The first possible inference is that the people of the North, East, and West are much more violently opposed to forced integration by racial quotas than are the people of the South, and for that reason Federal troops would be required to enforce such conditions in those sections of the Nation. This may or may not be true. The Senator from Mississippi does not undertake to impute thoughts, ideas or motives to people in other States.

The second reasonable inference which could be drawn from this statement is that the South should be treated differently than the rest of the Nation because it has not yet paid enough pennance for the War Between the States.

It is my sincere hope that this inference is not the correct one to draw from this statement. I had hoped that the spirit of Thaddeus Stevens was dead in the Senate, but events of the last few years make me wonder.

The third reasonable inference which could be drawn from the statement is that ideally a system of forced integration by racial quotas should be foisted on all of the schools in America, but that realism compels the concession that the people of the North, East, and West would not stand for such outrages, and if such conditions were forced upon them might not only react with violence, necessitating the use of troops, but, even worse, they might react at the ballot box with disastrous political consequences to some persons.

I hope and trust that this inference is not the correct one to be drawn, because it would put our Government in the position of being a bully or tyrant.

Just because it has been forcibly demonstrated to the people of the South that the whole might of the Federal Establishment may be brought to bear on them in order to force integration by means of racial quotas in the public schools, it does not follow that it is right, proper, or moral to take such tyrannical actions.

We in the South have learned from experience that the Federal courts and the bureaucrats at HEW will blatantly treat our schools differently from the schools in other sections of the Nation. We have learned that harsh and arbitrary edicts will be entered by the Federal courts in order to achieve the goal of integration by quotas. We have learned to our sorrow that Federal bureaucrats will arbitrarily and illegally deny our schools and other institutions funds to which they are entitled under the law unless they submit to a policy of integration by quotas.

We have even learned the ultimate lesson that Federal troops will be used to bring about the complete social revolution which is the goal of so-called civil rights leaders.

Perhaps it would not be such a bad idea for people in all of the other sections of the Nation to realize that troops may be used against them, too, in order to enforce integration by racial quotas and the social revolution. It is an unhappy thought, but perhaps only in that way will all Americans learn of the results of Federal interference in the operation of the public schools.

I also call your attention to a statement made by the distinguished Republican leader at an earlier stage of the debate on the Stennis amendment on February 18:

> But, without waiting for that, we will now have, if the amendment is agreed to, a decision that after de jure segregation has been pursued as far as it can be pursued, in all sections of the country, including the South, the white student will have gone to the private schools and the blacks will have attended the public schools and then we will have a situation where we will have resegregation; and then, in the South, as in the rest of the country, we will have a United States policy stated of an attempt to enforce the unsegregation of the resegregated areas nationwide, which is a matter highly exalted in principle and most desirable, but would, in fact, operate as a total breakdown of the law all over the country.

On the preceding day of the debate, February 17, the senior Senator from New York made this prediction of what would happen if the Stennis amendment, which provided for equal treatment, were adopted:

> One of two things will happen. All efforts to desegregate will stop, and it will be impossible to go on; or there will be Federal interference of such size, magnitude, and depth that the country will be appalled if this measure becomes law.

I agree with my colleagues from Pennsylvania and New York. If the tragedies which are being inflicted on the public schools of the South are visited upon all of the public schools in the United States, then there would be a total breakdown of law all over the country, and the country would be appalled.

My colleagues from the South and I have made pleas in the past to grant us simple equity and justice. Since we were not able to receive equity and justice, we then asked you for equal treatment.

We have failed to receive equity, justice, or equal protection of the laws from the Congress.

We now renew our demand for fairness and justice. If the Senate again turns a deaf ear to our plea for justice, it will have a tragic impact on all of the schoolchildren of this Nation.

Do not think that you can forever succeed in punishing the South and forcing our section to bear the full brunt of compulsory racial integration by quotas. It just will not work that way.

I ask that the Senate restore sanity to the operation of our public schools by the adoption of the Whitten amendments and the Jonas amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER (when his name was called). On this vote I have a live pair with the Senator from New York (Mr. Goodell). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the senior Senator from Georgia (Mr. Russell). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I withdraw my vote.

Mr. BYRD of West Virginia (after having voted in the negative). On this vote I have a live pair with the able junior Senator from Maine (Mr. Muskie). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Having already voted in the negative, I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Connecticut (Mr. Dodd), the Senator from Alaska (Mr. Gravel), the Senator from Michigan (Mr. Hart), the Senator from Indiana (Mr. Hartke), the Senator from Louisiana (Mr. Long), the Senator from Minnesota (Mr. McCarthy), the Senator from Montana (Mr. Metcalf), the Senator from Maine (Mr. Muskie), the Senator from Georgia (Mr. Russell), the Senator from Texas (Mr. Yarborough), and the Senator from Ohio (Mr. Young), are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. Hart) would vote "yea."

Mr. GRIFFIN. I announce that the Senators from Arizona (Mr. Fannin and Mr. Goldwater) and the Senator from California (Mr. Murphy) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from New York (Mr. Goodell) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. Mundt) would vote "nay."

The pair of the Senator from New York (Mr. Goodell) has been previously announced.

The result was announced—yeas 53, nays 27, as follows:

[No. 169 Leg.]

YEAS—53

Aiken
Allott
Anderson
Bellmon
Boggs
Brooke
Burdick
Case
Church
Cook
Cooper
Cranston
Dole
Dominick
Eagleton
Fong
Griffin
Harris
Hatfield
Hughes
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Magnuson
Mathias
McGee
McGovern
McIntyre
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Stevens
Symington
Tydings
Williams, N.J.

NAYS—27

Allen
Baker
Bennett
Bible
Byrd, Va.
Cannon
Cotton
Curtis
Eastland
Ellender
Ervin
Fulbright
Gore
Gurney
Hansen
Holland
Hollings
Hruska
Jordan, N.C.
McClellan
Sparkman
Spong
Stennis
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Byrd of West Virginia, against.
Mansfield, for.
Tower, against.

NOT VOTING—17

Bayh
Dodd
Fannin
Goldwater
Goodell
Gravel
Hart
Hartke
Long
McCarthy
Metcalf
Mundt
Murphy
Muskie
Russell
Yarborough
Young, Ohio

So Mr. Scott's amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GRIFFIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

OFFICE OF EDUCATION APPROPRIATIONS, 1971—AMENDMENT

AMENDMENT NO. 737

Mr. JAVITS. Mr. President, I submit an amendment intended to be proposed by me for appropriations in the amount of $150 million for emergency assistance to desegregating local educational agencies. This amendment carries forward the recommendations of the President contained in his message to the Congress of May 25.

The amendment is similar to the text of the parallel provision contained in chapter VII of the supplemental appropriation bill, H.R. 17399, as reported to the Senate by the Appropriations Committee with two important exceptions—first, the item which made the previous provision out of order has been eliminated, and second, the amendment includes as its second proviso the key elements of the three amendments including the form decided by recall—introduced on June 16 by Senator Mondale for himself, and other Senators, including myself.

The Appropriations Committee has had an opportunity, therefore, to consider this proposal and one may find the detailed testimony concerning it on pages 733 through 781 of the hearings on H.R. 17399.

This proposal would carry out the first step of the plan proposed by the President in his May 21 message to the Congress to provide $1.5 billion in assistance on desegregation to schools throughout the Nation over the next 2 years.

In order to meet the emergency situation of schools facing September deadlines this year, the amendment would provide funds under six authorities presently existing in law. Also, as the distinguished chairman of the Subcommittee on Education, Mr. Pell, pointed out this morning during hearings of the subcommittee, this amendment will serve as a test vehicle for gauging the efficacy of the larger $1.5 billion administration proposal to which I have referred.

I ask unanimous consent that there be printed in the Record a memorandum citing the individual statutes, the amounts which would be utilized under each, and a description of the authority.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

MEMORANDUM

1. Community development programs: $100,000,000.

Economic Opportunity Act of 1964, Title II, Urban and Rural Community Action Programs. This title's purpose is to help focus available local, State, private, and Federal resources upon the goal of enabling low-income families, and low-income individuals of all ages, in rural and urban areas, to attain the skills, knowledge, and motivations and secure the opportunities needed for them to become fully self-sufficient. Presently funded under this authority are Headstart and Follow Through, among others.

2. Personnel development programs: $9,000,000.

Education Professions Development Act, Part D, Improving Training Opportunities for Personnel Serving in Programs of Education Other Than Higher Education. Programs or projects under this part are funded to improve the qualifications of persons serving or preparing to serve in educational program in elementary and secondary schools (including preschool and adult and vocational education programs) or postsecondary vocational schools or to supervise or train persons so serving.

3. Major demonstrations: $14,000,000.

Cooperative Research Act. This Act authorizes projects for research, surveys, and demonstrations in the field of education, and for the dissemination of information derived from educational research.

4. Dropout prevention: $5,000,000.

Elementary and Secondary Education Act, Section 807. This section authorizes demonstration projects involving the use of innovative methods, systems, materials, or programs which show promise of reducing the number of children who do not complete their education in elementary and secondary schools.

5. Technical assistance: $15,000,000.

Civil Rights Acts of 1964, Title IV. This title authorizes rendering technical assistance to school boards in the preparation, adoption, and implementation of plans for the desegregation of public schools.

6. Planning and evaluation: $5,000,000.

Elementary and Secondary Education Act Amendments of 1967, Section 402. This section authorizes grants, contracts or other payments for planning and evaluating any programs for which the Commissioner of Education has responsibility for administration.

These particular authorities were selected because they met the following criteria:; focus on elementary and secondary education, can be used for student and teacher services, are discretionary authorities, do not have formulas which would channel funds away from areas of greatest need, are designed to support and encourage demonstration activities, are flexible in the range of activities which can be approved, are clearly related and appropriate to the needs of school districts undergoing desegregation, have authorization levels which are sufficiently above current levels of appropriation to permit additional appropriations.

Mr. JAVITS. Mr. President, in the debate Monday night, the distinguished chairman of the Education Subcommittee, Mr. Pell, raised a very valid question as to whether this appropriation would be consistent with the relevant authorizing legislation. In response to this, I submit for the Record a memorandum from the General Counsel's Office of the Department of Health, Education, and Welfare. It is the opinion of the Department that existing authority is entirely adequate to carry out the programs contemplated.

I ask unanimous consent that the memorandum referred to be printed at this point in my remarks:

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

MEMORANDUM

June 19, 1970.

Subject: Emergency School Assistance Program.

To: The Secretary.

We have been requested to furnish a brief statement of our views with respect to the adequacy of the statutory authority to carry out the emergency school assistance program for 1970 under the $150,000,000 supplemental appropriation for that purpose contained in H.R. 17399, as reported in the Senate. A summary of the program is attached as an appendix to this memorandum. A copy of the relevant appropriation is also attached.

At the outset it should be clear that title IV of the Civil Rights Act was deemed too restrictive to enable the program to meet the full range of emergency needs faced by desegregating school districts. Title IV authorizes the Commissioner of Education to render technical assistance in the preparation, adoption, and implementation of plans of desegregation, make arrangements for appropriate training institutes, and provide assistance for in-service training for teachers and the employment of specialists with regard to problems incident to desegregation. Title IV would not provide authority for the broader range of needs related to desegregation, including provision for special personnel, such as teacher aides, remedial and special services for students involved in the desegregation process, and special guidance and counseling, which are contemplated in the supplemental request.

With respect to whether the authorities cited in the supplemental appropriation are adequate to carry out the emergency program, we, in conjunction with lawyers of the Office of Economic Opportunity, have considered the matter and conclude that the authorities in question do provide a sufficient basis to carry out this emergency program.

Program components covering teacher training and educational personnel development activities, dropout prevention programs, technical assistance to school districts in the implementation of desegregation plans, and special demonstration projects, are authorized under the combination of authorities administered by the Commissioner of Education, including part D of the Education Professions Development Act (title V of the Higher Education Act of 1965), the Cooperative Research Act, title IV of the Civil Rights Act of 1964, and section 807 of the Elementary and Secondary Education Act of 1965. Contemplated planning and evaluation may be conducted under section 402 of the Elementary and Secondary Education Amendments of 1967.

With respect to those aspects of the program which will be carried out under title II of the Economic Opportunity Act of 1964, representatives of the Department and of the Office of Economic Opportunity, including members of our office and of the Office of General Counsel of OEO, have negotiated a memorandum of understanding in anticipation of a delegation of authority from OEO to the Department for the purpose of carrying out portions of a specially designated emergency school assistance program under section 222(a) of the Economic Opportunity Act of 1964. We have been assured by the OEO lawyers that title II of the Economic Opportunity Act affords ample authority to support the relevant portions of the program. This memorandum of understanding has been executed by the Director of the Office of Economic Opportunity.

The memorandum of understanding by the Department and OEO gives effect to section 244(5) of the Economic Opportunity Act, prohibiting assistance under the Act to provide general aid to elementary or secondary education in any school or school system. The Department has assured the Office of Economic Opportunity that this prohibition will be observed in the administration of the program. (In this connection, we note that the educational projects to be assisted are special and remedial in nature.) In such administration, we understand that the projects to be developed will be designed to meet the special emergency needs of school districts with substantial enrollments of children from low-income families.

In furnishing our views on this matter, we point out that regulations and guidelines to be promulgated pursuant to the program will give effect to the various limitations contained in each of the above-mentioned authorities, including such matters as distribution or allotment of funds and State agency approval.

We also take note that the emergency school assistance program to be funded under the supplemental appropriation is not intended to become a permanent operation. On the contrary, it is intended to be a short-span, single, emergency effort to meet a specific immediate crisis in the schools in the coming school year, pending consideration by the Congress of the Emergency School Aid Act of 1970, which the Administration has proposed to deal with the problem during fiscal year 1971 and fiscal year 1972.

Sidney A. Saperstein,
Acting General Counsel.

XUM

Mr. JAVITS. Mr. President, while the delays in implementing desegregation plans which have occurred in many de jure situations in school districts cannot be condoned, neither can the children who reside in those districts be punished for the recalcitrance of their elders. The imperative need throughout even the still segregated districts is to desegregate, as required by the Constitution. This quite often requires money—funds for training personnel, providing guidance services and a variety of other needs. We know the job can be done because it has been done successfully in, among others, formerly segregated school districts as New Albany, Miss., Marion County, Fla., Chapel Hill, N.C., Ruston, La., Chattooga County, Ga., Aiken, S.C., and Sherman, Tex., as evidence presented to the Select Committee on Equal Education Opportunity has indicated.

And just this morning, the Subcommittee on Education of the Committee on Labor and Public Welfare received testimony from the staff director of the Civil Rights Commission as to how additional funds have helped make desegregation succeed in school districts in North Carolina and Mississippi and New Jersey and Rhode Island.

Civil rights advocates have tended to emphasize the morality of educational equality and the advantages to be derived by minority group children from the desegregation of schools. I subscribe to these important values and I think it is also important to emphasize that segregated education is detrimental also to the middle-income family white child whose parents have on to many occasions fought to maintain it.

When Congress acts, important resources will become available to assist long overdue compliance with the Constitutional guarantee of equal educational opportunity; this challenge is now ours for the Nation.

Mr. President, I ask unanimous consent that the amendment be printed in the Record and that it be printed under the rule.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the Record.

The amendment ordered to be printed in the Record is as follows:

Amendment No. 737

On page 8, after line 9 add the following:

"EMERGENCY SCHOOL ASSISTANCE

"For assistance to desegregating local educational agencies as provided under Part D of the Education Professions Development Act (title V of the Higher Education Act of 1965), the Cooperative Research Act, title IV of the Civil Rights Act of 1964, section 807 of the Elementary and Secondary Education Act of 1965, section 402 of the Elementary and Secondary Education Amendments of 1967, and title II of the Economic Opportunity Act of 1964, as amended, including necessary administrative expenses therefor, $150,000,000: *Provided,* That no part of any funds appropriated herein to carry out programs under title II of the Economic Opportunity Act of 1964 shall be used to calculate the allocations and proration of allocations under section 102(b) of the Economic Opportunity Amendments of 1969; *Provided further,* That no part of the funds contained herein shall be used (a) to assist a local educational agency which engages, or has unlawfully engaged, in the gift, lease or sale of real or personal property or services to a nonpublic elementary or secondary school or school system practicing discrimination on the basis of race, color, or national origin; (b) to supplant funding from non-Federal sources which has been reduced as the result of desegregation or the availability of funding under this head; or (c) to carry out any program or activity under any policy, procedure, or practice that denies funds to any local educational agency desegregating its schools under legal requirement, on the basis of geography or the source of the legal requirement."

Mr. MATHIAS. Mr. President, I move to strike all that part of the bill beginning on page 10 at line 13, to and including line 7 on page 11.

The PRESIDING OFFICER. Will the Senator send his amendment to the desk? The clerk will state the amendment.

The Assistant Legislative Clerk. The Senator from Maryland (Mr. Mathias) moves to strike out all that part of the bill beginning on page 10 at line 13, to and including line 7 on page 11.

The language proposed to be stricken is as follows:

Sec. 209. No part of the funds contained in this Act may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to force on account of race, creed, or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

Sec. 210. No part of the funds contained in this Act shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. MATHIAS. Certainly.

Mr. MAGNUSON. For the information of the Senate, as I understand it, the Senator from Maryland is moving to strike sections 209 and 210, commonly known as the Whitten amendments. Is that correct?

Mr. MATHIAS. The Senator is exactly right.

Mr. MAGNUSON. The vote will be on both sections rather than a separate vote on each. Is that correct?

Mr. MATHIAS. That is correct.

Mr. STENNIS. Mr. President, will the Senator yield to me on the point mentioned by the Senator from Washington?

Mr. MATHIAS. I am happy to yield.

Mr. STENNIS. As I understand, the Senator from Maryland proposes to strike each of those sections on one motion.

Mr. MATHIAS. The Senator from Mississippi is correct.

The lines which are proposed to be stricken embody both sections 209 and 210, which deal substantially with the same subject matter.

Mr. STENNIS. As I recall, when we had a similar matter up before, though this amendment is somewhat different, we voted on them together. Even though a motion to divide might be in order, I think they are so alike, the second one relating to withholding funds, that I would rather have them voted on together.

Mr. MATHIAS. I appreciate that expression from the Senator from Mississippi.

I will review the text of each section so there will not be any misunderstanding about it.

Although these sections of the bill do not, on their face, purport to modify constitutional responsibility for dismantling dual school systems, their effect can only be to retard progress on that front by confusing the issue. The present Whitten amendments should be dealt with in the same spirit in which the Senate acted last December and again last February.

At this point I would like to recite the text of those amendments.

Section 209 provides that—

> No part of the funds contained in this Act may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students——

Mr. GRIFFIN. Mr. President, may we have order.

The PRESIDING OFFICER. Will Senators please take their seats? Order will prevail in the Senate.

Mr. STENNIS. Mr. President, while the Senator is interrupted, will he yield to me for just one question?

Mr. MATHIAS. I am happy to yield.

Mr. STENNIS. I know Senators are interested in this. We have a good attendance. If we can hold that attendance and have attention to it, as far as I know, we ought to be able to get along with this debate, and we might get to a vote.

I just make that observation. I do not know. I just speak for myself. I am very anxious to proceed.

Mr. MANSFIELD. Mr. President, will the Senator from Maryland yield?

Mr. MATHIAS. I yield.

Mr. MANSFIELD. Mr. President, I agree with the Senator from Mississippi.

At this time I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MATHIAS. Mr. President, I am very encouraged by the intervention of the Senator from Mississippi on the prospect of an early determination of this issue.

Section 209 further provides that:

> No part of the funds contained in this Act may be used . . . to force on account of race, creed, or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

Section 210 provides that—

> No part of the funds contained in this Act shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

The key phrase in this new version of the Whitten amendments is as follows—

> school or school district which is desegregated as that term is defined in Title IV of the Civil Rights Act of 1964.

It is important to understand the relevant portion of title IV of the 1964 act, which reads as follows:

> (b) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

This provision of the 1964 act, and a similar section relating to suits by the Attorney General, were intended to prevent Federal agencies from requiring that a school district do more than discharge its constitutional obligation to desegregate.

The Department of Health, Education, and Welfare thus has operated since 1964 under the same limitation which sections 209 and 210 purport to impose. The reason that these sections are objectionable is that their legal redundancy will not be evident to many Americans who are engaged in the process of bringing our school systems into accord with the Constitution; these citizens will only be confused by the passage of this latest version of the Whitten amendments. Regardless of their purpose, their effect will be that of further unsettling an already difficult situation.

The administration and the President favor the striking of this language. President Nixon recently stressed the importance of community leaders on March 24, when he stated:

> In those communities facing desegregation orders, the leaders of the communities will be encouraged to lead—not in defiance, but in smoothing the way of compliance. One clear lesson of experience is that local leadership is a fundamental factor in determining success or failure. Where leadership has been present, where it has been mobilized, where it has been effective, many districts have found that they could, after all, desegregate their schools successfully. Where local leadership has failed, the community has failed and the schools and the children have borne the brunt of that failure.

These words of the President are measured and wise. We in the Congress must aid the President in encouraging responsible leadership by defining as clearly as possible the role of the Federal Government in helping to dismantle dual school systems.

We can best accomplish that goal by striking sections 209 and 210 of this bill.

The men who have had experience in the execution of the laws fully agree with the President's position. Secretary Richardson, just sworn into office today as Secretary of Health, Education, and Welfare, a man who had vast experience in that department during the Eisenhower administration, has written me a letter asking that we strike sections 209 and 210. I ask unanimous consent that the complete letter be printed in the RECORD, though I shall read only a small portion of it.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., June 23, 1970.

Hon. CHARLES McC. MATHIAS, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MATHIAS: This is in response to your request for my views on Sections 209, 210 and 211, the school desegregation amendments, in H.R. 16916, the fiscal year 1971 Office of Education Appropriation Bill, as approved by the Senate Appropriations Committee. I am pleased to respond.

On April 21, my predecessor in this office, former Secretary Robert H. Finch, testified on this matter before the Committee on Appropriations. At the time, he expressed the Administration's opposition to these sections, which are unnecessary and undesirable.

I wish to reaffirm that opposition. While Sections 209 and 210, the so-called Whitten Amendments, would not, if enacted, alter school desegregation requirements under Title VI of the Civil Rights Act of 1964, they would, nevertheless, encourage some people to believe that there has been a change in basic law when there has not, and thus serve to confuse local authorities as to their constitutional responsibility.

Section 211, the so-called Jonas Amendment, would deny vital Federal education aid to many school districts which implement desegregation plans contrary to "freedom of choice." Under this section, school districts would be penalized for carrying out desegregation plans ordered by the Federal courts, in conformity with State law, or in accordance with the Civil Rights Act of 1964. The effect of enacting Section 211, therefore, would be to tie the hands of local officials and encourage defiance of the constitutional obligation to desegregate.

As the President indicated in his comprehensive message on School desegregation, the appropriate role for the Federal Government is to assist school districts in meeting the requirements of the law in this difficult area. Sections 209, 210 and 211 would not serve that purpose. I know that you have been a leading opponent of similar amendments in the past. Your assistance in urging deletion of these sections when the Senate considers H.R. 16916 would be appreciated.

For your information I am enclosing an excerpt from Secretary Finch's testimony of April 21 in reference to the aforementioned sections.

With kind regards, I am
Sincerely,

ELLIOT RICHARDSON,
Secretary-designate.

EXCERPT FROM STATEMENT OF THE HONORABLE ROBERT H. FINCH

GENERAL PROVISIONS

The bill as passed by the House also includes three general provisions which were not requested by the Administration. These are Sections 209 and 210 which pertain to busing, and Section 211 which pertains to "Freedom-of-choice" desegregation plans.

Section 211 should be stricken from the bill for several reasons. First, it would sabotage the efforts of the Federal government and local school officials to carry out the requirements of the Constitution—requirements which this section does not and cannot remove. What this provision does is to impose a penalty on a school district for carrying out its legal obligation to desegregate. The Department would be put in the position of having to prohibit many school districts from using Federal funds to draw up and implement desegregation plans pursuant to court order.

Section 211 would also jeopardize the substantial progress made to date in school de-

XUM

segregation, and make more difficult the application of uniform standards in accordance with the Constitution. Furthermore, the amendment directly contravenes the President's March 24 statement on school desegregation in which he pledges to support the recent Supreme Court decisions mandating immediate desegregation. Freedom-of-choice plans, the courts have said, would not be an effective method of doing this. Court decisions are unequivocal on this point. Because section 211 is not consistent with court rulings on "freedom-of-choice plans," it could only produce an administrative nightmare for the Department. I strongly urge the Senate to remove it from the bill.

I am also concerned about sections 209 and 210 which pertain to school busing although I am convinced that these provisions would change neither basic law nor HEW regulations. A school district which has not completed its Constitutional obligation to achieve a unitary system would not be "desegregated" within the meaning of the proposed Sections 209 and 210. Such a district, therefore, would be unaffected by these sections. My concern, rather, is that the enactment of these two provisions would encourage some people to believe that, in fact, there has been a change in basic law and thus the provisions would give rise to much confusion. Further, it is my belief that language which pertains to the enforcement of school desegregation belongs in substantive legislation rather than in an appropriation bill. Therefore, I am asking that these two provisions be stricken from the bill.

Mr. MATHIAS. Secretary Richardson writes, in part:

> On April 21, my predecessor in this office, former Secretary Robert H. Finch, testified on this matter before the Committee on Appropriations. At the time, he expressed the Administration's opposition to these sections, which are unnecessary and undesirable.
>
> I wish to reaffirm that opposition. While Sections 209 and 210, the so-called Whitten Amendments, would not, if enacted, alter school desegregation requirements under Title VI of the Civil Rights Act of 1964, they would, nevertheless, encourage some people to believe that there has been a change in basic law when there has not, and thus serve to confuse local authorities as to their constitutional responsibility.

Mr. President, prior to his resignation as Secretary of Health, Education, and Welfare, Secretary Finch wrote me with a similar request to strike the Whitten amendments. I ask unanimous consent that his letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., June 3, 1970.

Hon. CHARLES McC. MATHIAS, JR.,
U.S. Senate,
Washington, D.C.

DEAR MAC: This is in response to your request for my views on Sections 209, 210 and 211, the school desegregation amendments, in H.R. 16916, the fiscal year 1971 Office of Education Appropriation Bill, as approved by the Senate Labor-HEW Appropriations Committee. I am pleased to respond.

As you know, on April 21, I testified on this matter before the Committee on Appropriations. At the time, I expressed the Administration's opposition to these sections, which we regard as unnecessary and undesirable. An excerpt from my testimony is enclosed.

I wish to reaffirm that opposition. While Sections 209 and 210, the so-called Whitten Amendments, would not, if enacted, alter school desegregation requirements under Title VI of the Civil Rights Act of 1964, they would, nevertheless, encourage some people to believe that there has been a change in basic law when there has not, and thus serve to confuse local authorities as to their constitutional responsibility.

Section 211, the so-called Jonas Amendment, would deny vital Federal education aid to many school districts which implement desegregation plans contrary to "freedom of choice." Under this section, school districts would be penalized for carrying out desegregation plans ordered by the Federal courts, in conformity with State law, or in accordance with the Civil Rights Act of 1964. The effect of enacting Section 211, therefore, would be to tie the hands of local officials and encourage defiance of the constitutional obligation to desegregate.

As the President indicated in his comprehensive message on school desegregation, the appropriate role for the Federal Government is to assist school districts in meeting the requirements of the law in this difficult area. Sections 209, 210 and 211 would not serve that purpose. Your assistance in urging deletion of these sections when the Senate considers the Bill would be appreciated.

With kind regards, I am
Sincerely,
ROBERT H. FINCH,
Secretary.

EXCERPT FROM STATEMENT OF THE HONORABLE ROBERT H. FINCH

GENERAL PROVISIONS

The bill as passed by the House also includes three general provisions which were not requested by the Administration. These are Sections 209 and 210 which pertain to busing, and Section 211 which pertains to "Freedom-of-choice" desegregation plans.

Section 211 should be stricken from the bill for several reasons. Frst, it would sabotage the efforts of the Federal government and local school officials to carry out the requirements of the Constitution—requirements which this section does not and cannot remove. What this provision does is to impose a penalty on a school district for carrying out its legal obligation to desegregate. The Department would be put in the position of having to prohibit many school districts from using Federal funds to draw up and implement desegregation plans pursuant to court order.

Section 211 would also jeopardize the substantial progress made to date in school desegregation, and make more difficult the application of uniform standards in accordance with the Constitution. Furthermore, the amendment directly contravenes the President's March 24 statement on school desegregation in which he pledges to support the recent Supreme Court decisions mandating immediate desegregation. Freedom-of-choice plans, the courts have said, would not be an effective method of doing this. Court decisions are unequivocal on this point. Because section 211 is not consistent with court rulings on "freedom-of-choice plans," it could only produce an administrative nightmare for the Department. I strongly urge the Senate to remove it from the bill.

I am also concerned about sections 209 and 210 which pertain to school busing although I am convinced that these provisions would change neither basic law nor HEW regulations. A school district which has not completed its Constitutional obligation to achieve a unitary system would not be "desegregated" within the meaning of the proposed Sections 209 and 210. Such a district, therefore, would be unaffected by these sections. My concern, rather, is that the enactment of these two provisions would encourage some people to believe that, in fact, there has been a change in basic law and thus the provisions would give rise to much confusion. Further, it is my belief that language which pertains to the enforcement of school desegregation belongs in substantive legislation rather than in an appropriation bill. Therefore, I am asking that these two provisions be stricken from the bill.

Mr. MATHIAS. Secretary Finch's letter reaffirms his April 21 testimony before the Senate Appropriations Committee, as well as the opposition of the Nixon administration to the Whitten amendments.

In his testimony of April 21, Secretary Finch said this:

> I am also concerned about sections 209 and 210 which pertain to school busing although I am convinced that these provisions would change neither basic law nor HEW regulations. A school district which has not completed its constitutional obligation to achieve a unitary system would not be "desegregated" within the meaning of the proposed sections 209 and 210. Such a district, therefore, would be unaffected by these sections. My concern, rather, is that the enactment of these two provisions would encourage some people to believe that, in fact, there has been a change in basic law and thus the provisions would give rise to much confusion. Further, it is my belief that language pertains to the enforcement of school desegregation belongs in substantive legislation rather than in an appropriation bill. Therefore, I am asking that these two provisions be stricken from the bill.

Mr. President, the position of the administration is clear. I think we serve the cause of attaining the constitutional standard that most Americans seek by the striking of this language, and I respectfully submit that the Senate will act responsibly by deleting the Whitten amendments.

Mr. STENNIS. Mr. President, I address myself now to a response to the motion to strike made by the Senator from Maryland.

Those two sections of the bill, sections 210 and 211, in the last portion of the appropriation bill that we are now considering—I have them here before me—may we have it quiet, Mr. President? There may be someone who would like to listen.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. The first section provides:

> No part of the funds contained in this Act may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to force on account of race, creed, or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

Mr. President, there are two key words here. The first one is the word "force." All these things can be done if the local authorities and State authorities wish them to be done. The prohibition is on the using of force. This is a limitation on an appropriation bill; it has a life of only the fiscal year 1971. It has been passed by the House of Representatives. It was passed by the Senate Committee on Appropriations by a vote very close to 2 to 1—I think it was 11 to 5 or 11 to 6.

The other key word here is that it refers to a school district which is "desegregated," as that term is defined in title IV of the Civil Rights Act of 1964.

Title IV, to which reference is made, contains a very brief definition of that, which I have here—title IV, section 401:

> (b). "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin. . . .

Then there is another provision there that does not apply here.

In other words, this amendment is written to cover a case where a school district is desegregated, either by court order or by HEW plan, and when that is done, you cannot further force the district to do these things.

Mr. President, I raise this point: Here is a school district that is under a court order. How long are we going to keep it under the court order? It is obeying the court's order. It is desegregated. Or it is obeying the HEW plan, and it is desegregated. How long are we going to keep these districts under the surveillance of the courts, or of HEW?

We do not know, down South, because they never have turned any of them loose; and you do not know outside the South because they never have brought any proceedings against you. But if they ever do do anything to you, you will get under the gun here, and you will want something to help terminate this matter. That is the prime key word here, with this amendment.

Mr. Finch says in his letter to the Senator from Maryland that it does not mean anything.

Well, if it does not mean anything, what is the objection to it? What is the objection to it? I think it does mean something, and I say that with all deference to Mr. Finch. He passed on this when he was in office, and we are entitled to rely upon what he said. He said it would not have any meaning. He said it would be confusing. Well, we are confused already with so many demands and contradictions and everything else that is required. No one here on this floor except those of us who have had direct, immediate, personal contact with the demands that are made on these school boards and their efforts, and the anguish in trying to carry them out, knows just what these demands and these decrees do mean.

The Supreme Court's decision is so sweeping in these demands for immediate and total integration, even after the school term has started, that many of the judges—I know as a fact—know in their minds and they even say that this will not work. But it is a demand, a demand of the Court, and it has to be carried out.

So we are trying to get at the matter of terminating these cases. If it is in a court proceeding, of course, a judge has control. If it is a HEW proceeding, they are under surveillance. But after the plan has been adopted and is being carried out, that is when these amendments come into effect.

I think one could raise a point here about what the word "desegregation" means as used in these amendments, and that might be a legal question. But, certainly, it does not make sense to just say it does not mean anything and therefore kill the amendment. That is what Mr. Finch said—it does not mean anything. And it brings about confusion. If there is uncertainty as to what it means, the courts are open.

Incidentally, these amendments do not touch top, side, and bottom. I am not trying to defeat any court or anything like that.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. MATHIAS. The Senator has raised a crucial question, the meaning of the word "desegregation" in this context. It is a word of art as used in title IV of the Civil Rights Act and as incorporated in the Whitten amendments.

I would like to point out that this action taken by HEW under the 1964 act is not limited to the South. The distinguished Senator from Mississippi has very properly pointed out that conditions are not perfect in many other parts of the country. As a matter of fact, his view has been shared by the Department of Health, Education, and Welfare to the extent that as of May 1, 1970, it had 41 school districts in 15 Northern and Western States under active review for violations of the act.

I ask unanimous consent to have the list of the 41 districts printed in the RECORD.

Mr. STENNIS. Does the Senator want to put it in the RECORD?

Mr. MATHIAS. If I may.

Mr. STENNIS. Mr. President, reserving the right to object, I want to comment on it. I am not going to object, but I hope it is not just a general statement. I hope they specify and tell what they have done and what they propose to do and when this was initiated and just how far it has gotten along and what the demand is.

I have the actual figures that I will relate when the Senator has finished, and I can give the names of the cases, where they are, as to what has been done. The total substance of it is that HEW really moved to action in 14 cases and the Department of Justice in only six cases outside the South.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

State	District name	Location	ZIP code	District visited	Internal report prepared	Review status
Arizona	Tucson District No. 1	Tucson	85717	May 1969	December 1969	Report under review by HEW's Office of General Counsel (OGC).
California	San Francisco City Unified	San Francisco	94102	September 1969		Review in progress. No report yet.
	Sequoia Union High	Redwood City	94063	April 1969	July 1969	Report under review by OGC.
	Bakersfield City Elementary	Bakersfield	93305	January 1969	April 1969	OCR negotiating with district.
	Fresno City Unified	Fresno	93721	April 1969	August 1969	Report being reviewed by OGC.
Colorado	Pueblo City	Pueblo	81005	September 1969	January 1970	Do.
Connecticut	Hartford	Hartford	06103	November 1969		Report being written.
Illinois	Springfield	Springfield	62704	September 1968	February 1969	Recommended for further review.
	Maywood	Maywood	60153	June 1969	December 1969	Report being reviewed in regional office.
	Cahokia Community	Cahokia	62206	October 1969	April 1970	Do.
	Joliet	Joliet	60436	April 1969	October 1969	Report being reviewed by OGC.
	Kankakee	Kankakee	60901	January 1970		OCR negotiating with district. Report awaiting further information.
Indiana	Hammond	Hammond	46320	August 1968	October 1968	Recommended for further review.
	Evansville-Vanderburgh	Evansville	47708	July 1969	February 1970	Report being reviewed by OGC.
	South Bend	South Bend	46601	October 1969		Report being completed in regional office.
	Fort Wayne	Fort Wayne	46802	April 1969	September 1969	Report being reviewed by OGC.
Kansas	Kansas City	Kansas City	66101	September 1968	September 1968	Recommended for further review.
Michigan	Westwood Heights	Flint	48504	April 1970		Review in progress. No report yet.
	Pontiac	Pontiac	48058	July 1968		Review suspended because of court action.
	Ecorse	Ecorse	48229	February 1969	September 1968	Report being reviewed by OGC.
	River Rouge	River Rouge	48218	do	July 1969	Do.
	Saginaw	Saginaw	48601	July 1968	do	Scheduled for further review during May 1970.
	Flint	Flint	48503	November 1968	September 1968	Do.
Nebraska	Omaha	Omaha	68131	May 1970	May 1969	Review in progress. No report yet.
New Jersey	Passaic	Passaic	07055	April 1969		Report awaiting further information.
	Pleasantville	Pleasantville	08232	October 1969		Report being written.
	Perth Amboy	Perth Amboy	00861	June 1969		Report being reviewed by OGC.
New York	Lackawanna	Lackawanna	14218	April 1970	October 1969	Review in progress. No report yet.
	Mount Vernon	Mount Vernon	10550	December 1969		Report being written.
	Monticello	Monticello	12701	March 1970		Do.
Ohio	Springfield City	Springfield	45504	May 1969	December 1969	Report being reviewed in Washington office.
	Hamilton	Hamilton	45011	July 1969	February 1970	Report being reviewed in regional office.
	Lima	Lima	45804	do	do	Report being reviewed in Washington office.
	Warren City	Warren	44483	December 1969		Report being completed in regional office.
	Toledo	Toledo	43608	October 1968	Feebruary 1969	Report under review by OGC.
	Dayton	Dayton	45402	November 1968	January 1969	OCR negotiating with district.
	Canton City	Canton	44703	August 1968	October 1968	Recommended for further review.
Pennsylvania	McKeesport area	McKeesport	15132	April 1968	June 1968	OCR negotiating with district.
Utah	Ogden	Ogden	84403	October 1969		Report being written.
Wisconsin	Shawano	Shawano	54166	June 1969	December 1969	Report being reviewed in regional office.
	Racine	Racine	53403	December 1969		Report being completed in regional office.

Mr. MATHIAS. I should like to comment further on the meaning of the word "desegregation" as it is used as a word of art here, because it came into this context in the debate in the other body in 1964. I was then a Member of the other body; my colleague, Representative WILLIAM CRAMER of Florida, called the attention of the other body to a newspaper article concerning, interestingly enough, a desegregation case in Manhasset, N.Y.

Later, in connection with the situation illustrated by that newspaper article, he offered the amendment which added to section 401(b) this language:

> But "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

Representative CRAMER explained, as he offered this amendment, that its purpose was "to prevent any semblance of congressional acceptance or approval of the concept of de facto segregation or to include in the definition of desegregation any balancing of school attendance by moving students across school district lines to level off percentages where one race outweighs another."

I think this is the accepted legislative history of the use of the word in the act, and one which has been accepted by the courts.

A recent opinion of the fourth circuit, in response to an assertion that the Civil Rights Act of 1964 forbade the busing ordered by the district court, states:

> This argument misreads the legislative history of the statute. Those provisions are not limitations on the power of school boards or courts to remedy unconstitutional segregation. They were designed to remove any implication that the Civil Rights Act conferred new jurisdiction on courts to deal with the question of whether school boards were obligated to overcome de facto segregation.

Mr. COTTON. Mr. President, will the Senator yield for 2 seconds?

Mr. MATHIAS. The Senator from Mississippi has the floor.

Mr. COTTON. I would like to announce that the news has come in, and the Republicans beat the Democrats in the ball game by a score of 6 to 4.

Mr. STENNIS. The Senator is out of order. [Laughter.]

Mr. President, may I say to the Senator from Maryland that I want to yield to him, but I really believe he has gone far beyond the matter in question.

Mr. MATHIAS. I appreciate the Senator yielding so that I could make that statement.

Mr. STENNIS. Mr. President, I go back to the point: This amendment is bottomed on the idea of not trying to stop anything, not trying to prohibit a court from requiring desegregation of a school district. This is not defying a court. This is just laying down a rule as to the use of this money—that after a school is desegregated through these processes, they cannot be hounded to death and required to do all these things, cannot be forced to do them. If they wish to do it, that is a different matter—busing or anything else of that kind.

There has to be some kind of rule laid down that will get a district that is living up to it out from under the thumb of the aggressive leadership of the working level of HEW, and that is partly true with reference to the Department of Justice. The people outside the South have no idea what goes on over and over and over in these cases.

With reference to the statement I made about not having proceeded on this matter outside the South, according to the memorandum I have, very carefully prepared, and I think it is correct, the Department of HEW has required only 10 northern school districts to file desegregation plans. In each of these cases that HEW laboriously set about, six of the plans have been accepted, two have resulted in fund deferrals, and two are under further review. No funds have been cut off. Of all the talk we hear about what they will do beyond the South—this is HEW now—they have gotten only to these 10 hard cases where action was taken. And all found no funds being cut off in any of those; whereas in our area there have been hundreds and hundreds and hundreds of them proceeded against in every conceivable form, with HEW negotiating plans with 1,700 districts in the South.

I am not trying to criticize them. I am just showing the willful, deliberate, repeated pattern of a two-policy system with reference to desegregation in the schools. I know, too, that for some reason, the Supreme Court has refused to pass on a case that comes up from outside the South, to say whether it is lawful or unlawful to have desegregated schools. I do not know why they do that but four times in particular, and more times than that, they have refused to consider such a case.

Chief Justice Burger went so far as to make the unusual remark, in a case a few months ago, where he talked about a lot of things that were left in doubt and had not been decided on which the Supreme Court must lay down further rules.

I hope that he was referring to the idea that they could no longer go along and close their eyes to what was going on outside the South merely by continuing to rule on cases. We can take anything that is supplied in the East, North, and West with equal force and vigor that is applied to us, but the picture here now is that all the rules and regulations, and demands, and cutting off of money, and disruption of schools, and the hauling of children all over the district, which is going on in our part of the country, is done with relative immunity there.

I have some figures here which I have already cited—in Chicago alone, 69.8 percent of the Negro students there are in all-black schools. In 1968, 3.2 percent of Negro students were in a majority of white schools, but by 1969 it had dropped to 2.8 percent. Going down. Going down, instead of going up. Still they made the argument here just last night, pointing to the fact that 15 years have passed and nothing has been done. These disparities here are getting worse in the East and North because no demands are being made on them. Human nature is pretty much the same all over. I do not say these things to the discredit of anyone. I am talking about conditions where both peoples have some rights—colored people and white people. Students are entitled to the best education they can get, but this standard as laid down by the Supreme Court in 1954, which I have already quoted tonight has long since been abandoned.

Do not let them fool you. Education is not their goal. The courts frankly tell you that it is not a matter of education but a matter of the mixing of the races, that they have to be mixed up on a basis of the proportion of the population. The reason they do that is that the courts over here, in any case from the South, will throw it back at them with an ultimatum to mix the races on a percentage basis. That is what it means, but if a case comes there outside the South, so far, they refuse to hear it on the merits.

I am responsible for what I say. I say that deliberately. It is part of the picture. We have this money here, which is a part of the same pattern. The $1.5 billion—I am not registering any complaints—but this $1.5 billion is no way worked out yet, to start appropriating the money and laying down the guidelines, the definitions, and the requirements, and what will be required of the schools outside of the South to be able to participate in this money. Nothing has been done about that, or laying down those guidelines yet. There is a bill with some loose language in it. It talks about racial isolation, and so forth, but it is nothing like the pattern of coercion which has been required of us in the South all these years.

Thus, I submit this to the judgment and the conscience of the Senate that, on this one year, this 1 year's appropriations bill, let us tray and put on this limitation. Let us try. If Mr. Finch is right, it does not mean anything, and no one will be hurt so far as enforcement is concerned. If someone else decides that it does have meaning, or court action decides that it does have meaning, why it is something that I believe will—I know it will—promote the idea of the equality of education as well as integration of the schools.

What we need now is to get some kind of rule that is workable and livable and will apply throughout the Nation. I do not believe we can go on year after year after year, closing our eyes to one area of the country and, at the same time, pursuing the other area as I have related.

In Cleveland, Ohio, these are official figures, 15 years after the Supreme Court decision, as they say, the percentage of Negro students in all-black schools is 66.4 percent. The percentage of Negro students in majority-white schools in 1968 was 4.8 percent and in 1969 it was 4 percent. It is going down. That is, attendance of Negro students in the major white schools is going down instead of up.

I have here some figures on one of the towns in my State—a small city by your standards, but it is the largest in our State—19.7 percent of Negro students there are attending majority white schools.

As I say, that compares with Philadelphia and Chicago—2.8 percent; compared with Cleveland, Ohio, 4 percent; Detroit, Mich., 6 percent; Philadelphia, Pa., 8.2 percent—by the way, Philadelphia last year was 9.6 percent and now it has dropped to 8.2 percent.

Talk about 15 years. Talk about equal application of these requirements. It is not true. It does not work that way. They have not tried to make it that way.

Thus, I appeal here and now. This may go against you one day, and you will want something like this amendment where you will need it, because the vigilantes, once they move in—I do not know of any school district that they have released. This one will, at least, after they are desegregated, and it will stop some of this forced enforcement of these provisions.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CURTIS). The question is on agreeing to the amendment of——

Mr. ALLEN. Mr. President, earlier this evening, the junior Senator from Alabama discussed at considerable length the Scott amendment which was agreed to by the Senate by roughly a 2-to-1 vote. It struck out section 211 of the bill.

Now the distinguished Senator from Maryland seeks to strike out sections 208 and 209 which, as the distinguished Senator from Maryland referred to the sections, are the 1970 version of the Whitten amendment.

I assume by that that the distinguished Senator from Maryland is calling attention to the fact that for a number of years, for years before the junior Senator from Alabama came to the U.S. Senate——

Mr. MATHIAS. Mr. President, would the Senator yield?

Mr. ALLEN. I yield.

Mr. MATHIAS. Mr. President, perhaps they would be more accurately referred to as the retreaded 1970 version. It is the second time that we dealt with them this year.

Mr. ALLEN. Mr. President, I thank the Senator for his revision of his original remarks which the junior Senator from Alabama is seeking to quote.

Starting apparently with the Civil Rights Act of 1964, at least that far back, the word "desegregation" was being defined. And it was expressly provided that desegregation should not mean the transfer of a student from one school to another in order to overcome racial imbalance.

So, then, as far back as 1964 at least, the thrust of the civil rights legislation and of a majority of the Senators and Representatives in Congress, was to protect de facto segregation because, as the distinguished Senator from Maryland clearly understands, the words "racial imbalance" are used interchangeably for de facto segregation.

All through the legislative history of the Whitten amendments and the civil rights provisions, an attempt has been made to protect de facto segregation, which is segregation as it exists outside of the Southern States.

The Whitten amendment, as it appears for the first time, I believe, in the 1968 HEW appropriation bill—possibly at a period before that; it may have appeared in 1966—but at any rate, in the 1968 appropriations bill the Whitten amendment, as it passed the House, provided that no portion of the funds appropriated by the HEW appropriations should be used for the purpose of forcing the busing of students or forcing the closing of schools or forcing any child to attend a school other than the school chosen for him by his parents.

As the junior Senator from Alabama understands, in the legislative process the words were added that these things could not be done in order to overcome racial imbalance, which deprived the segregated schools, which are said to exist in the South, of the protection of these prohibitions. But at the same time it gave to those areas which had so-called de facto segregation the protection of these prohibitions against busing, against the closing of schools, and against requiring any child to attend a school other than the school of the choice of his parents.

The Whitten amendment started out one way. And when it came to the Senate, somewhere in the legislative process, either in the Senate or in the conference committee, it was so diluted, so watered down, and so changed as to deprive the southern school systems of any of the protections provided by the amendment. But at the same time it gave that protection to the schools outside the South where they had so-called de faco segregation.

Instead of doing what the amendment sought to do, they did just the opposite and afforded protection to de facto segregation and deprived those school districts that had de jure segregation of any protection whatsoever.

How ironic and hypocritical can we act or can we be?

Then when the Whitten amendments came over from the House last year and were approved by the Senate committee and came to the floor of the Senate, as the junior Senator from Alabama recalls, the distinguished junior Senator from Maryland (Mr. MATHIAS) added the interesting phrase that became something of a hallmark for this type of legislation: "except as required by the Constitution," which gave the HEW the supposed right to say that the Constitution required the protection of de facto segregation and that it provided for the stamping out of de jure segregation.

There again the Whitten amendments were changed in the Senate to provide something entirely different from what they provided when they started out in the House, when they passed the House and when they cleared the Senate committee.

This time they go one step further and say, "We are not even going to have any language of that sort in here. We are going to eliminate every single vestige of language of this sort."

The present amendment is to strike both of these sections, 209 and 210.

All that these sections do is to seek to give to the southern school districts the protection that is already afforded to districts outside of the South that already have this protection.

All that the Whitten amendment seeks to do is to give the southern school districts some little piecemeal start toward achieving some type of equal protection of the laws, equal application of the laws, and equal enforcement of the laws.

Mr. President, it is hard for the junior Senator from Alabama to accept a Federal school policy that demands immediate desegregation of the public school systems in the South and at the same time, by every single piece of legislation enacted by Congress that the junior Senator from Alabama has been able to locate dealing with the matter of desegregation, de facto segregation has been protected, it has been fostered, and it has been preserved. Now, as we have immediate desegregation in the public school systems of the South what is happening in States outside the South? Is segregation being eliminated there? What are these Senators and these Representatives who twist the language of the Whitten amendment around so that it means exactly the opposite of what it started out to provide, doing to eliminate segregation in their areas?

Mr. President, I have excerpts before me from a study made by the regents of the University of the State of New York, the first one being dated January 1968, entitled "Integration and the Schools." I would like to read an excerpt from that study on page 9:

> PROBLEM GROWS
>
> Despite the determination and significant accomplishments of many in education, the growth of the problem has outstripped the efforts to deal with it:
>
> Racial imbalance *within* school districts is increasing in both suburban and urban communities.

This is segregation in the State of New York:

> Racial census reports show that between 1961 and 1966, in the 41 school districts with the highest percentage of Negro pupils (exclusive of New York City):
>
> * * * the number of elementary schools with more than 50 percent Negro pupils increased from 60 to 72; the number with more than 90 percent Negro pupils increased from 25 to 33.
>
> Racial isolation *among* school districts is also increasing. In this same period, the percentage of Negro pupils in one suburban district rose to 82 and in another, to 71. In three other districts, the percentage surpassed 50.

Then, in December of 1969, working on this problem, trying to do something about it supposedly, there was a review of the revised studies taken some 2 years before, a restatement of the policy, in which it is stated by the regents of the University of the State of New York:

> The efforts of the State of New York to eliminate segregation and to speed integration must be increased.
>
> • • • • •
>
> Racial and social class isolation in the public schools has increased substantially during the past two years despite efforts to eliminate it.

So, Mr. President, there in this great State of New York we have segregation increasing, whereas in the southern school districts the administration boasts that they are going to require the desegregation of every school system in the South—not in the North; every school system in the South—by September of this year.

That is going to wreck the public school system of the State of Alabama and in most of the South.

XUM

It is not only the white citizens of our State that disapprove of this policy of closing the schools, of busing students, of refusing to allow a child to go to the school of his choice; the black citizens, the black students also object to this in the most decisive and in the strongest fashion that they can.

Mr. President, it is a matter of record that it is the black students of our State whose school buildings in the main are being closed by order of HEW, and they object to that. One of the best school buildings in my hometown of Gadsden, Ala., is the black high school with about 1,000 students. That school was ordered closed to the dismay of the pupils, the black pupils, the faculty, the families and the friends of those students. Throughout the State it is the black students that are bearing much of the brunt of this policy of forced desegregation now in the southern school districts. They do not like being bused into the white high schools in order to desegregate the white schools. They do not like that. This is not only a complaint of white citizens of the State of Alabama and the white citizens of the South. But it is destroying the public school system in my State and in other Southern States. Bond issues are being defeated; proposed taxes which are being submitted to the people are being defeated in tax referendums; taxes already imposed, coming up for renewal, are being defeated; and public support is being withdrawn from the public school system in our State.

What we are interested in doing is not in having sociological experiments with our children, white and black. We want to see every schoolchild in our section, every schoolchild in the Nation given the advantage of having a quality education. So we think it is unfair to have a Federal school policy that requires this immediate desegregation in the South and that fosters, encourages, and promotes segregation in the North that is every bit as pronounced and more so in some instances than segregation that exists in the South. All we are asking is equal protection of the laws and we believe that the Whitten amendment, not diluted, not changed in meaning, but passed as it passed the House, will give us some small measure of equality of enforcement of the law and equality of treatment under the law.

Mr. President, I have been interested in the fact that this bill has been under consideration now for parts of 2 days. It is a bill that appropriates some $4.5 billion for the cause of education.

Many Senators have amendments they want to offer, I am told. I have been told that the distinguished Senator from New York (Mr. JAVITS) has an amendment he wants to offer having to do with the appropriation of $150 million to aid in easing the shock in southern school districts of the demand for immediate desegregation.

That amendment has not been offered. There are a number of other amendments on Senators' desks.

Why was it so important to rush in here? The distinguished Republican leader, the able and distinguished senior Senator from Pennsylvania, rushes in with an amendment, just as soon as the bill is brought up, to strike section 211, the Jonas amendment. They do not consider any of the advisability of this $4.5 billion appropriation. They do not consider the merit of that.

Is it wise to appropriate $4.5 billion? Is it properly allocated? Do the proper services get the correct amounts? Are the proper priorities being maintained? Have we spread out the $4.5 billion properly? Should not some adjustment be made in this amount? Does one agency get more money than perhaps it should?

It is easy to make reference to this tremendous sum of $150,000,000 when $4.5 billion is involved. Is that what is considered by the Senate? Is that why Senators rush in with amendments, reallocating the $4.5 billion?

No; it is not. The two items given priority are not those amendments. There seems to be a general feeling of consent in this matter. No Senator rushed in. I did not see three or four Senators on their feet with amendments asking for recognition. The Senator from Pennsylvania was recognized. He did his work. He put his amendment in to knock out the Jonas amendment.

Now the distinguished junior Senator from Maryland has no trouble getting recognition, because no other Senator has an amendment. Let us get this possible relief for the southern school systems knocked out before we do anything else—that seems to be the opinion. That seems to be thought to be most important—the knocking out of those three amendments, the two Whitten amendments and the Jonas amendment. They have top priority. Let us see that no protection, let us see that no guaranty, let us see that no equality, let us see that no equal enforcement of the law, is made available to southern school districts. Let us place as the top priority the knocking out of those three items. But at the same time let us make sure that these sections are not turned against de facto segregation as it exists in the North. That is the attitude of many Senators.

Is anything ever going to be done about de facto segregation? Are we always going to say that where a black child is required to go to an all black school, he is being denied a good education in the South, that he is being denied equal protection of the law, but prevent that statement from being made about a black child in the North in a segregated school? Do you suppose that black child in the North, with a protected de facto segregation staring him in the face, says to himself, "Well, the black students of the South are getting to go to white schools down there because they have de jure segregation, but that is all right with me. I like this black school that I go to in the North because this is de facto segregation, and that is all right"? As long as segregation is de facto, that is fine, it does not have to be broken up; but if it is de jure, if it is that type which exists in the South, it has to be broken up.

Well, if segregation is unlawful in the South, it should also be unlawful in the North.

Mr. President, early in this session the Senate, in an all too rare display of statesmanship, voted for the Stennis amendment. A total of 56 votes were cast for it, and 30-odd cast against it.

That amendment, of course, provided for uniformity of enforcement of Federal guidelines in implementing Federal policy regarding desegregation of the public schools.

I do not know what happened to that amendment or why the Senate apparently changed its mind when the conference committee brought out its version of the amendment and did just the opposite of providing for uniformity. It provided for two uniformities—the uniformity of application of desegregation policies as regards de jure segregation, and uniformity of desegregation policies as regards de facto segregation.

Certain Members of the Senate were apparently aghast at what they had done. They had voted for uniformity in the application of a Federal policy regarding desegregation of public schools. So when they got the opportunity to go back to a dual policy—one policy for the North, one policy for the South—they were quick to jump at it; and that is what happened.

But the Stennis amendment had served its purpose. It had pointed but to the public that segregation exists in the North, in many cases to a far greater degree than it exists in the South; and that while segregation is ending in the South, it is increasing in the North.

Many people throughout the country did not realize that that was the case. Of course, at the bar of public opinion, Mr. President, the Stennis amendment won a great victory for the cause of right and justice, because of its insistence on giving to each citizen of our country equal protection and equal application of our laws.

The effect of shining the light of public notice on this condition will be of great influence for many years to come, and I want again to commend the able and distinguished Senator from Mississippi (Mr. STENNIS) for his untiring efforts in connection with the Stennis amendment and in connection with the Whitten amendments and the Jonas amendment.

Mr. President, as we seek to speak for the public schools in our area, and as we seek to speak for the schoolchildren in our area and the people of our area, we wonder where our help is to come from, in seeking to solve this problem.

If these two amendments are left in—and I will say frankly that I do not expect them to be left in, and I am not going to seek to prevent this amendment from coming to a vote; I certainly am not trying to extend any discussion unduly, but the feeling of the people of Alabama and the people of the South needs to be expressed in this matter, and it is for that reason that those of us who are interested in this amendment are addressing our attention to it—where is our help to come from?

We passed the Stennis amendment. If we back up on it, and go back to the old double standard, HEW offers no encouragement. They say, "Yes, we have double standards; we protect de facto segregation in the North, and we seek to stamp out de jure segregation in the South." So there is no hope there.

What about the Republican leadership here in the Senate? Is there any hope there? Well, no; no hope there. The Republican leader (Mr. SCOTT) killed the Jonas amendment. If he were here now, he would vote against the Whitten amendment also, I am sure.

Mr. ERVIN. Mr. President, will the distinguished Senator from Alabama yield to the Senator from North Carolina for a question?

Mr. ALLEN. I am delighted to yield.

Mr. ERVIN. Does the distinguished Senator from Alabama not recall that during the late campaign, when President Nixon was seeking the votes of the people of the South, he stated, in an interview at Charlotte, N.C., that he was opposed to the busing of children to achieve a racial balance in the public schools?

Mr. ALLEN. Yes, he did, according to the press accounts.

Mr. ERVIN. Does not the Senator from Alabama also recall that on one or more occasions during the late campaign, President Nixon stated that he was in favor of the preservation of the neighborhood school?

Mr. ALLEN. Yes. He still states that.

Mr. ERVIN. Can the distinguished Senator from Alabama inform me of any action taken in Congress at the instance of or on the recommendation of the President of the United States to carry into effect either one of those campaign promises?

Mr. ALLEN. In answer to the question of the distinguished Senator from North Carolina, I will state that I know of no initiative taken by the President himself; but I will have to express deep appreciation to individual members of his party for standing with us on these principles. We have received splendid support from many members of the, shall I say, opposition party in this regard.

Mr. ERVIN. I share the gratitude that is expressed by the Senator from Alabama on that point, and I know that the Senator from Alabama and North Carolina are both deeply grateful for the support we have received from individual Senators here in the Senate of the United States. But does the Senator from Alabama recall any occasion since President Nixon made those campaign promises to the people of the South when the Republican leadership, either in the Senate or in the House of Representatives, has supported any bill that was calculated to prevent busing of schoolchildren to achieve racial balance, or to correct racial imbalance, or to preserve the neighborhood schools?

Mr. ALLEN. In answer to that question, I will have to say that the nearest approach that the junior Senator from Alabama recalls was the fact that in connection with the Stennis amendment, the distinguished Senator from Pennsylvania, the Republican leader (Mr. SCOTT), produced a letter from one of the White House people, I believe Mr. Harlow—I am not sure that it was Mr. Harlow, but he produced a letter from someone over there—saying that the President was opposed to the Stennis amendment; and another member of the group from across the aisle either produced a letter or reported a conversation with someone of equal rank over there saying that the President was for the amendment. So we had conflicting reports on that.

Mr. ERVIN. Has not the Senator from Alabama, in times past, heard of politicians who tried to work both sides of the street?

Mr. ALLEN. Not only heard of them, but observed them.

Mr. ERVIN. I will ask the Senator from Alabama if the Secretary of the Department of Health, Education, and Welfare is not an appointee of the President, and if that Department was not created to assist the President in carrying out his program.

Mr. ALLEN. Yes, sir; I so understand.

Mr. ERVIN. I ask the Senator from Alabama if the distinguished minority leader of the Senate, the able Senator from Pennsylvania did not read or refer to a letter from the Secretary of Health, Education, and Welfare during the consideration of the Jonas amendment, in which the Secretary of Health, Education, and Welfare expressed, in substance, his disapproval of the Jonas amendment.

Mr. ALLEN. Yes, sir; that is true.

Mr. ERVIN. Does the Senator from Alabama agree with the Senator from North Carolina that all the President has to do to control a member of his Cabinet is to tell that member of his Cabinet what to do?

Mr. ALLEN. I would say that the President's request would probably have considerable influence on the Cabinet member.

Mr. ERVIN. Does not one of the Whitten amendments expressly provide that the Department of Health, Education, and Welfare shall not use any of the funds appropriated by this bill to bus schoolchildren to achieve a variation in racial composition of any school?

Mr. ALLEN. That has been in the amendments in the past. I believe this one has been revised a little bit at that point. Yes, sir.

Mr. ERVIN. It is still, in substance, in the amendment?

Mr. ALLEN. Yes, sir; that is correct.

Mr. ERVIN. And if the President wished to implement his campaign promise he made in Charlotte, N.C., to the effect that there should be no busing to achieve a racial balance in the schools of the country, he could very well restrain his Secretary of Health, Education, and Welfare from writing a letter advocating a course of action which permits busing, could he not?

Mr. ALLEN. I believe he could have considerable influence over him, yes, sir.

Mr. ERVIN. Has the Senator from Alabama heard of what we call the President's southern strategy?

Mr. ALLEN. I have seen reference to that in the press.

Mr. ERVIN. Does the Senator from Alabama think that it is a part of the President's southern strategy to encourage or permit the Secretary of Health, Education, and Welfare to write a letter to the Senate, asking the Senate, in substance, not to carry out one of the campaign promises which the President made during the campaign?

Mr. ALLEN. I do not believe that would contribute to a successful strategy along that line.

Mr. ERVIN. I thank the Senator.

Mr. ALLEN. I thank the distinguished Senator from North Carolina.

I wonder whether I might ask the distinguished Senator from North Carolina a question. The letter from Secretary Finch was read by the distinguished Republican leader. Of course, we all know that Mr. Finch is no longer the Secretary, and the junior Senator from Alabama is wondering whether possibly remorse over the ruin and havoc that Mr. Finch has visited on the southern school systems might have contributed to his resignation as Secretary of the Department of Health, Education, and Welfare.

Mr. ERVIN. If I may make an observation by quoting an expression of Shakespeare, without the Senator from Alabama losing his right to the floor, I would like to say:

> Tis a consummation devoutly to be wish'd.

Mr. ALLEN. I thank the distinguished Senator.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. EASTLAND. Is there any difference in the policies of the Nixon administration toward the South from those of President Lyndon Johnson?

Mr. ALLEN. Does the Senator have reference to the public schools?

Mr. EASTLAND. Of course.

Mr. ALLEN. I would say, in answer to that question, that we have received much better statements and expressions of policy.

Mr. EASTLAND. Lipservice.

Mr. ALLEN. If the Senator would like to refer to it as that. We have received considerably more expressions of looking with favor on our problems under the present administration than we received under the other.

Mr. EASTLAND. What has been the difference in policy?

Mr. ALLEN. The policy might be hard to define. Does the Senator mean the policy that has been implemented?

Mr. EASTLAND. That is right. The present administration is promoting school integration.

Mr. ALLEN. The administration is making their boast that they have desegregated more school districts than have ever been desegregated during a like period in the past, and I believe that is correct. It certainly will be by September.

Mr. EASTLAND. What were the promises that were made?

Mr. ALLEN. I believe the distinguished Senator from Mississippi heard the distinguished Senator from North Carolina outline them, and I would refer the Senator to his remarks. I would hesitate to speak in that regard, as to just what he did promise.

Mr. ERVIN. I would like to ask the distinguished Senator from Alabama whether the words which the President used during the late campaign are not

XUM

quite different from the words which the Department of Justice is using in allegations it is making in complaints it is filing in the respective school districts down South.

Mr. ALLEN. Quite different.

Mr. President, we hope that relief can be had in time through the courts. At one time, it looked as though there was no possibility or hope of getting relief from the courts.

In that regard, I was questioned earlier about the actions of the President and his policies. I feel that his appointments to the Supreme Court have been excellent—all four of them, I might say—certainly the Chief Justice, and Justice Blackmun, as well as Judges Haynsworth and Carswell who were denied confirmation by the Senate.

I should like to call attention, as a possible basis for some hope along this line, to a portion of an opinion written by Chief Justice Burger with regard to some of the gray area having to do with the construction of the Constitution in the matter of our schools. He had this to say:

> As soon as possible, however, it is well to resolve some of the basic practical problems when they are appropriately presented, including whether, as a constitutional matter, (1) any particular racial balance must be achieved in the schools; (2) to what extent school districts and zones may or must be altered as a constitutional matter; and (3) to what extent transportation may or must be provided to achieve the ends sought by prior holdings of the court, and other related issues that may emerge.

Mr. President, that indicates a willingness on the part of the Chief Justice, and a welcoming on his part, of the acceptance of cases for review by the Supreme Court touching on these problems.

Also, in a Fourth Circuit Court of Appeals case, recently decided, Swann against the Charlotte-Mecklenburg Board of Education, the Circuit Court of Appeals for the Fourth Judicial District, in commenting on their adoption of the rules of reasonableness, said:

> We adopted the test of reasonableness—instead of one that calls for absolutes—because it has proved to be a reliable guide in other areas of the law.

They also said:

> Nevertheless, school boards must use all reasonable means to integrate the schools in their jurisdiction.

Certainly, we hope that the Supreme Court of the United States will go along with that policy and that ruling.

Mr. President, it seems to me that the two Whitten amendments do only this: They give to the southern school districts and the patrons of the southern school districts just a small amount—just a short step in the direction—of equal enforcement of the law, because what is granted to the citizens of the South, the patrons of the schools, is something that other areas of the country already have. There would be no need for an amendment if we had equal protection of our laws. If the people in the South, the patrons of the southern schools, had equal enforcement of the law accorded to them, equal application of the laws, there would be no need for these amendments. Lacking that equal enforcement of the law, and in the face of a dual standard for desegregating the public schools throughout the country, the Whitten amendments are needed. It is to be hoped that, for once, in the long history of these amendments, coming over to the Senate from the House, we will leave the amendments intact, that we will not strike them out, and that we will not dilute them, as has been done in the past.

Mr. President, I hope that the amendment of the distinguished Senator from Maryland will be rejected.

Mr. President, I yield the floor.

Mr. DOMINICK. Mr. President, I send a substitute for the amendment to the desk and ask that it be stated.

The PRESIDING OFFICER (Mr. Curtis). The clerk will state the substitute for the amendment.

The Assistant Legislative Clerk. On page 10, line 13, after the period, insert the following language:

> "Except as required by the Constitution,"

On page 10, line 23, same amendment.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, I intend to take probably no more than 5 minutes at the maximum on this particular substitute. If enough Senators are in the Chamber now, I might as well ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, I am concerned over the effect it would have if we leave the language without following through on what we did last year in this field. All I have done is to leave the language as it is written and put in the forefront of both sections 209 and 210 the words, "except as required by the Constitution."

I think that my friends on the other side of the aisle will recall that we had a rather extensive debate on these two amendments last year in somewhat different wording. Representative Whitten has, of course, changed the wording since the way it was last year. As now written, it comes close to trying to reflect both the mood of Congress and also the rules of the court. But to the extent that the administration, HEW, and myself might be concerned, this is designed to avoid any of those requirements. I am merely putting in, "except as required by the Constitution," which is what was voted on last year, on a slightly different type of amendment. This, it seems to me, will clarify the whole intent of the two paragraphs of the bill and will, in like manner, permit a counterattack type whereas the Mathias amendment would simply strike. This is something which would be agreeable, hopefully, to the other side of this particular problem, and if so, I would be happy to yield back the remainder of my time and have a vote on it, but I think that we should hear a little bit from the other side on this question first, as to how they feel about it.

Mr. STENNIS. Mr. President, I have nothing to say except that the wording here obviously does not have any meaning. That is always implied in any kind of amendment or act. I hope that we will just vote on these amendments up or down. I hope that we will reject this substitute for the amendment and vote directly on the amendment of the Senator from Maryland.

Mr. MATHIAS. Mr. President, I rise to oppose the substitute which has just been offered by the distinguished Senator from Colorado.

In my initial statement regarding sections 209 and 210, I referred to them as legal redundancies, because I think they are redundant. However, if we alter them, as proposed by the Dominick substitute, then we will have redundant redundancies. The language as presently in the bill, referring to the Civil Rights Act of 1964, is a means of referring back through the legislative history of the 1964 act to the constitutional test as was explained by Representative Cramer in the other body during debate on that act.

Thus, to add the words "except as required by the Constitution," in addition to the reference to the 1964 act, I think, is superfluous, and I would very strenuously have to oppose the substitute offered by the Senator from Colorado.

Mr. DOMINICK. Mr. President, I appreciate what the distinguished Senator from Maryland has just said. He is apparently speaking merely because he thinks this is surplusage on top of surplusage. It would seem to me evident, if the paragraphs are surplusage, that there is no point in striking them out. It would seem to me that if they have meaning, then we should say "except as required by the Constitution," which will have the same effect on them as we had last year.

On that basis I am willing to take the substitute to a vote.

The PRESIDING OFFICER (Mr. Curtis). The question is on agreeing to the substitute amendment of the Senator from Colorado for the amendment of the Senator from Maryland.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Arkansas (Mr. Fulbright), the Senator from Michigan (Mr. Hart), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. McCarthy), the Senator from Montana (Mr. Metcalf), the Senator from Maine (Mr. Muskie), the Senator from Georgia (Mr. Russell), the Senator from Maryland (Mr. Tydings), the Senator from Texas (Mr. Yarborough), the Senator from Ohio (Mr. Young), and the Senator from Connecticut (Mr. Dodd) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. Russell) and the Senator from Michigan (Mr. Hart) would each vote "nay."

Mr. GRIFFIN. I announce that the Senators from Arizona (Mr. Fannin and Mr. Goldwater), the Senator from California (Mr. Murphy), and the Senator from Pennsylvania (Mr. Scott) are necessarily absent.

XUM

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from New York (Mr. Goodell) is detained on official business.

If present and voting, the Senator from New York (Mr. Goodell), the Senator from South Dakota (Mr. Mundt), the Senator from California (Mr. Murphy), and the Senator from Pennsylvania (Mr. Scott) would each vote "nay."

The result was announced—yeas 20, nays 62, as follows:

[No. 170 Leg.]

YEAS—20

Allen
Baker
Bellmon
Bennett
Byrd, W. Va.
Cook
Curtis
Dole
Dominick
Ervin
Griffin
Gurney
Hansen
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
Sparkman
Stevens
Williams, Del.

NAYS—62

Aiken
Allott
Anderson
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Cannon
Case
Church
Cooper
Cotton
Cranston
Eagleton
Eastland
Ellender
Fong
Gore
Gravel
Harris
Hatfield
Hollings
Hughes
Inouye
Jackson
Javits
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Smith, Maine
Smith, Ill.
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, N.J.
Young, N. Dak.

NOT VOTING—18

Bayh
Dodd
Fannin
Fulbright
Goldwater
Goodell
Hart
Hartke
McCarthy
Metcalf
Mundt
Murphy
Muskie
Russell
Scott
Tydings
Yarborough
Young, Ohio

So Mr. Dominick's amendment was rejected.

Mr. MANSFIELD. Mr. President, if I may have the attention of Senators, I wish all Members would stay nearby because this will be the last recorded vote this evening and it will take place within the next 2 or 3 minutes.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Maryland (Mr. Mathias).

The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I shall not detain the Senate more than 2 additional minutes. The reason I voted for the amendment of the Senator from Colorado (Mr. Dominick) was not because I thought it would provide an effective limitation on the power of the Department of Health, Education, and Welfare for the use of these funds, but since it does put the phrase "Except as required by the Constitution" in front of the two sections and leaves them intact except it does serve this useful purpose: In the future when the "busing of students" is forced with funds appropriated by this act, when the "abolishment of a school" is forced "on account of race, creed, or color" with funds appropriated by this act, and there is forced "the transfer or assignment of any student attending any elementary or secondary school to or from a particular school over the protest of his or her parents or parent," when it is pointed out to the Department of Health, Education, and Welfare that money is being used for those purposes contrary to the apparent intent of these sections, it means the Secretary of the Department of Health, Education, and Welfare will have to give as his excuse that he still does recognize a dual standard in the matter of segregation and the desegregation of public schools of this country.

For that reason I voted for the amendment of the Senator from Colorado (Mr. Dominick).

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland.

Mr. STENNIS. Mr. President, will the Chair state for Senators what the amendment is?

The PRESIDING OFFICER. The amendment is to strike section 209 and section 210.

Mr. STENNIS. The so-called Whitten amendments?

The PRESIDING OFFICER. That is correct.

Mr. STENNIS. I thank the Chair.

The PRESIDING OFFICER. On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COTTON (when his name was called). On this vote I have a live pair with the minority leader, the Senator from Pennsylvania (Mr. Scott). Were he present and voting, he would vote "yea." Were I permitted to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD (after having voted in the affirmative). Mr. President, on this vote I have a pair with the distinguished Senator from Georgia (Mr. Russell). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea," even though I have voted in the affirmative. Therefore I withdraw my vote.

Mr. LONG (after having voted in the negative). Mr. President, on this vote I have a pair with the junior Senator from Maine (Mr. Muskie). If he were present and voting, he would vote "yea." I have voted "nay." I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. Dodd), the Senator from Arkansas (Mr. Fulbright), the Senator from Michigan (Mr. Hart), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. McCarthy), the Senator from Montana (Mr. Metcalf), the Senator from Maine (Mr. Muskie), the Senator from Georgia (Mr. Russell), the Senator from Maryland (Mr. Tydings), the Senator from Texas (Mr. Yarborough), and the Senator from Ohio (Mr. Young), are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. Hart), would vote "yea."

Mr. GRIFFIN. I announce that the Senators from Arizona (Mr. Fannin and Mr. Goldwater) the Senator from California (Mr. Murphy) and the Senator from Pennsylvania (Mr. Scott) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from New York (Mr. Goodell) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. Mundt) would vote "nay."

The pair of the Senator from Pennsylvania (Mr. Scott) has been previously announced.

On this vote, the Senator from New York (Mr. Goodell) is paired with the Senator from California (Mr. Murphy). If present and voting, the Senator from New York would vote "yea" and the Senator from California would vote "nay."

The result was announced—yeas 47, nays 33, as follows:

[No. 171 Leg.]

YEAS—47

Aiken
Anderson
Bayh
Bellmon
Boggs
Brooke
Burdick
Case
Church
Cook
Cooper
Cranston
Dole
Dominick
Eagleton
Fong
Gravel
Griffin
Harris
Hatfield
Hughes
Inouye
Jackson
Javits
Kennedy
Magnuson
Mathias
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Ribicoff
Saxbe
Schweiker
Stevens
Symington
Williams, N.J.

NAYS—33

Allen
Allott
Baker
Bennett
Bible
Byrd, Va.
Byrd, W. Va.
Cannon
Curtis
Eastland
Ellender
Ervin
Gore
Gurney
Hansen
Holland
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
McClellan
Miller
Randolph
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Cotton, against.
Long, against.
Mansfield, for.

NOT VOTING—17

Dodd
Fannin
Fulbright
Goldwater
Goodell
Hart
Hartke
McCarthy
Metcalf
Mundt
Murphy
Muskie
Russell
Scott
Tydings
Yarborough
Young, Ohio

So Mr. Mathias' amendment was agreed to.

Mr. MATHIAS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 737

Mr. JAVITS. Mr. President, I send to the desk an amendment and asked that it be reported.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be printed in the Record.

Mr. Javits' amendment (No. 737) is as follows:

On page 8, after line 9 add the following:

"EMERGENCY SCHOOL ASSISTANCE

"For assistance to desegregating local educational agencies as provided under Part D of the Education Professions Development Act (title V of the Higher Education Act of 1965), the Cooperative Research Act, title IV of the Civil Rights Act of 1964, section 807 of the Elementary and Secondary Education Act of 1965, section 402 of the Elementary and Secondary Education Amendments of 1967, and title II of the Economic Opportunity Act of 1964, as amended including necessary administrative expenses therefor, $150,000,000: Provided, That no part of any funds appropriated herein to carry out programs under title II of the Economic Opportunity Act of 1964 shall be used to calculate the allocations and proration of allocations under section 102(b) of the Economic Opportunity Amendments of 1969; *Provided further*, That no part of the funds contained herein shall be used (a) to assist a local educational agency which engages, or has unlawfully engaged, in the gift, lease or sale of real or personal property or services to a nonpublic elementary or secondary school or school system practicing discrimination on the basis of race, color, or national origin; (b) to supplant funding from non-Federal sources which has been reduced as the result of desegregation or the availability of funding under this head; or (c) to carry out any program or activity under any policy, procedure, or practice that denies funds to any local educational agency desegregating its schools under legal requirement, on the basis of geography or the source of the legal requirement."

Mr. JAVITS. Mr. President, by arrangement with the leadership, it is proposed that this amendment be considered tomorrow when we get to the appropriation bill. In the meantime, I ask unanimous consent that the amendment I have sent to the desk be temporarily laid aside, so that the Senator from North Dakota (Mr. Young) may proceed with an amendment which he has; and that, upon completion of action and disposition of Senator Young's amendment, the amendment I have submitted may again become the pending business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. YOUNG of North Dakota. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 2, Line 18, strike the period and add the following: "during the preceding year."

Mr. YOUNG of North Dakota. Mr. President, I do not believe this will take more than about 3 or 4 minutes. I have discussed it with the chairman of the committee, the distinguished Senator from Washington (Mr. Magnuson), and the ranking Republican member of the committee, the distinguished Senator from New Hampshire (Mr. Cotton).

Mr. President, this bill provides 90-percent entitlement for both 3A and 3B students, except for one provision in the bill. That provision provides $8.8 million for 3A students where 25 percent or more of the students are children of parents who live on a military base.

All my amendment would do would be to add the words "during the preceding year."

Right now, schools are determining whether or not they are going to continue to educate these children. Oftentimes, the town school operates a school on the base. The problem now is that, with the reduction of forces, they are not sure whether, at the end of the school term, there will be 25 percent of their students who are listed as 3A students. They may have 27 percent now, and 22 percent afterward.

All the amendment would do would be to say that they could take their enrollment of the last year, and if they then had 25 percent or more, they would be eligible. That would have several advantages. The schools could determine now whether they were eligible or not. It would still limit the amount to be paid to schools in this category to $8.8 million, but the schools would not have to wait, as they do now, until 3 or 4 months after the close of the school term to determine whether or not they are eligible for these funds.

Mr. President, I believe this amendment is really very necessary at this time.

Mr. MAGNUSON. Mr. President, it was the intent of the committee to take care of the particular school districts that really have a hardship in this respect, and, as the Senator from North Dakota points out—and I am sure the Senator from Nebraska feels this way also—it is a little difficult to determine the need on a current basis.

We used the figure 25 percent arbitrarily. It could have been 24 percent or 27 percent. They will not know until all the data is in. But in the meantime, they have to make their plans, and it is agreeable to the distinguished Senator from New Hampshire and myself, if no one else has any objection, to accept the amendment.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. HRUSKA. Mr. President, I subscribe to the views expressed by both the Senator from North Dakota and the Senator from Washington. The amendment will help stabilize the situation, and enable better planning, if it is agreed to.

Mr. STENNIS. Mr. President, if the Senator will yield, I am glad to support the amendment. I think it would be helpful all around.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Dakota.

The amendment was agreed to.

AMENDMENT NO. 737

Mr. MAGNUSON. Mr. President, it is my understanding that tomorrow at 5 o'clock we will begin discussion on the amendment of the Senator from New York.

Mr. JAVITS. That is right.

Mr. MAGNUSON. For the benefit of the Senators who are present, this amendment would provide $150 million for emergency school assistance. It involves the matter of desegregation in certain areas of the United States. It is approved by the Bureau of the Budget and is a part of a larger amount, but this amount is a beginning; and this is a provision that was discussed at some length in the Senate during consideration of the supplemental, but deleted by a point of order.

Now it is back being requested in this bill. I think it is germane to this particular bill. The Senator from New Hampshire and I are hopeful that we will not need to rediscuss the whole matter, because there was a long discussion 2 days ago, on the supplemental appropriation measure. So tomorrow when we begin the legislative session at 5 o'clock under the unanimous-consent agreement, we will begin discussion of this amendment to provide $150 million for emergency school assistance.

Mr. JAVITS. Mr. President, having been a lawyer for a long time, I will shorten the discussion and absolve myself of blame by embracing everything that has happened up to now.

Mr. MAGNUSON. You do not want to talk too much when the judge is with you.

Mr. EAGLETON. Mr. President, at the appropriate time I intend to offer amendment No. 642 to H.R. 16916, the bill making appropriations for the Office of Education for fiscal 1971. This amendment would provide $53.6 million for the payment of entitlements under the impacted areas aid program, Public Law 874, for children living in federally assisted public housing. The authorizing legislation for the public housing segment of the impact aid program provides for a separate appropriation for entitlements based upon children living in public housing projects. No funds for public housing entitlements were recommended by the Appropriations Committee and the amount contained in this amendment represents approximately 20 percent funding for such entitlements.

I ask unanimous consent that at the conclusion of my remarks there be printed tables which I have had prepared showing the estimated allocation of funds that would be appropriated by this amendment to each State and to a number of major cities for which figures are available, and that there also be reprinted a resolution of the U.S. Conference of Mayors endorsing funds for this program along with a letter from Mr. J. J. Gunther, executive director of the U.S. Conference of Mayors.

There being no objection, the material was ordered to be printed in the Record, as follows:

TABLE A

State	Public housing units under management [1]	Estimated number of pupils [2]	Estimated full entitlement [3]	Estimated entitlement at 20 percent funding [4]
Alabama	30, 755	50, 438	7, 734, 667	1, 546, 933
Alaska	738	1, 210	297, 660	59, 532
Arizona	3, 703	6, 072	1, 074, 744	214, 948
Arkansas	8, 499	13, 938	2, 137, 392	427, 478
California	45, 892	75, 262	14, 224, 518	2, 844, 903
Colorado	4, 500	7, 380	1, 623, 600	324, 720
Connecticut	15, 529	25, 467	5, 755, 542	1, 151, 108
Delaware	2, 302	3, 775	705, 925	141, 185
District of Columbia	11, 772	19, 306	3, 824, 325	764, 865
Florida	23, 639	38, 767	5, 944, 919	1, 188, 983
Georgia	39, 945	65, 509	10, 045, 805	2, 009, 161
Hawaii	3, 633	5, 958	983, 070	196, 614
Idaho	359	588	95, 844	19, 168
Illinois	57, 203	93, 812	21, 952, 008	4, 390, 401
Indiana	9, 667	15, 853	2, 615, 745	523, 149
Iowa	1, 288	2, 112	442 273	88, 454
Kansas	2, 468	4, 047	728, 581	145, 716
Kentucky	17, 629	28, 911	4, 433, 501	886, 700
Louisiana	22, 104	36, 250	5, 558, 937	1, 111, 787
Maine	1, 396	2, 289	414, 309	82, 861
Maryland	14, 441	23, 683	4, 949, 747	989, 949
Massachusetts	27, 893	45, 744	11, 436, 000	2, 287, 200
Michigan	18, 576	30, 464	5, 361, 664	1, 072, 332
Minnesota	14, 319	23, 483	3, 992, 110	798, 422
Mississippi	6, 706	10, 997	1, 686, 389	337, 277
Missouri	15, 047	24, 677	4, 343, 152	868, 630
Montana	1, 393	2, 284	415, 688	83, 137
Nebraska	5, 807	9, 523	2, 282, 472	456, 494
Nevada	2, 549	4, 180	664, 620	132, 924
New Hampshire	2, 100	3, 444	874, 776	174, 955
New Jersey	41, 089	67, 385	17, 115, 790	3, 423, 158
New Mexico	2, 189	3, 589	550, 373	110, 074
New York	92, 258	151, 303	45, 693, 506	9, 138, 701
North Carolina	18, 934	31, 051	4, 761, 670	952, 334
North Dakota	1, 212	1, 987	326, 106	65, 221
Ohio	32, 421	53, 170	10, 208, 640	2, 041, 728
Oklahoma	4, 021	6, 594	1, 173, 732	234, 746
Oregon	5, 070	8, 314	1, 937, 162	387, 432
Pennsylvania	54, 421	89, 250	18, 117, 750	3, 623, 550
Rhode Island	7, 848	12, 870	3, 063, 060	612, 612
South Carolina	7, 128	11, 689	1, 792, 508	358, 501
South Dakota	1, 633	2, 678	540, 956	108, 191
Tennessee	27, 425	44, 977	6, 897, 222	1, 379, 444
Texas	40, 785	66, 887	10, 257, 121	2, 051, 424
Utah	53	86	13, 188	2, 637
Vermont	313	513	120, 042	24, 008
Virginia	15, 494	25, 410	4, 904, 130	980, 826
Washington	10, 027	16, 444	2, 663, 928	532, 785
West Virginia	3, 335	5, 469	838, 671	167, 734
Wisconsin	7, 237	11, 868	2, 587, 224	517, 444
Wyoming	185	303	53, 631	10, 726
Subtotal	784, 930	1, 287, 285	260, 216, 419	52, 043, 283
Guam				
Puerto Rico	36, 171	59, 320	6, 584, 520	1, 316, 904
Virgin Islands	1, 460	2, 394	500, 346	100, 069
Wake Island				
Total	822, 561	1, 348, 999	267, 301, 285	53, 460, 257

[1] As of December 31, 1969. Based on figures supplied by FHA Division of Research and Statistics.

[2] Estimated by multiplying 1.64 pupils per unit by the number of public housing units under management. The average of 1.64 children per public housing unit is based on a survey by HUD.

[3] Calculated by multiplying estimated number of pupils (column 2) by the average rate for Public Law 874 "b" students for each state. State rates supplied by U.S. Office of Education and are for fiscal year 1970.

[4] Eagleton-Case amendment to H.R. 16916 would provide approximately 20 percent funding.

TABLE B

State and city	Public housing units under management	Estimated number of pupils	Estimated full entitlement	Estimated entitlement at 20 percent
Alabama:				
Birmingham	5, 859	9, 609	$1, 470, 177	$294, 035
Huntsville	1, 555	2, 550	390, 150	78, 030
Mobile	2, 199	3, 606	551, 718	110, 343
Montgomery	2, 326	3, 814	583, 542	116, 708
Arkansas: Little Rock	1, 164	1, 909	292, 077	58, 415
California:				
Los Angeles	10, 040	16, 466	3, 111, 885	622, 377
Oakland	2, 775	4, 551	860, 139	172, 027
Sacramento	1, 260	2, 394	452, 466	90, 493
San Francisco	6, 427	10, 540	1, 992, 060	398, 412
Colorado: Denver	3, 696	6, 061	1, 333, 420	266, 684
Connecticut:				
Bridgeport	2, 910	4, 772	1, 078, 472	215, 694
Hartford	2, 636	4, 323	976, 998	195, 399
New Haven	2, 251	3, 692	834, 392	166, 878
Delaware: Wilmington	1, 718	2, 818	526, 966	105, 393
District of Columbia: Washington	10, 702	17, 551	3, 475, 098	695, 019
Florida:				
Jacksonville	1, 861	3, 052	466, 956	93, 391
Miami	4, 938	8, 098	1, 238, 994	247, 798
Tampa	3, 731	6, 119	936, 207	187, 241
Georgia:				
Atlanta	10, 809	17, 727	2, 715, 291	543, 058
Augusta	1, 957	3, 209	490, 977	98, 195
Savannah	2, 320	3, 805	582, 165	116, 433
Illinois:				
Chicago	33, 753	55, 363	12, 954, 942	2, 590, 988
East St. Louis	2, 067	3, 390	793, 260	158, 692
Indiana:				
Gary	1, 427	2, 340	386, 100	77, 220
Indianapolis	1, 797	2, 947	486, 255	97, 251
Kansas: Kansas City	962	1, 578	284, 040	56, 808
Kentucky: Louisville	5, 467	8, 966	1, 371, 798	274, 359
Louisiana:				
E. Baton Rouge	170	297	42, 687	8, 537
New Orleans	12, 790	20, 976	3, 209, 328	641, 865
Maryland: Baltimore	10, 480	17, 843	3, 729, 187	745, 837
Massachusetts:				
Boston	10, 931	17, 926	4, 481, 500	896, 300
Cambridge	1, 163	1, 907	476, 750	95, 350
Fall River	1, 362	2, 234	558, 500	111, 700
New Bedford	1, 128	1, 883	470, 750	94, 150
Worcester	1, 202	1, 971	492, 750	98, 550
Michigan: Detroit	8, 203	13, 453	2, 367, 728	473, 545
Minnesota:				
Minneapolis	3, 647	6, 047	1, 027, 990	205, 598
St. Paul	2, 816	4, 618	785, 060	157, 012
Missouri:				
Kansas City	2, 066	3, 388	$596, 288	$119, 257
St. Louis	8, 416	13, 805	2, 429, 680	485, 936
Nebraska: Omaha	2, 558	4, 195	1, 002, 605	200, 521
New Jersey:				
Jersey City	3, 806	6, 242	1, 585, 468	317, 093
Newark	13, 226	21, 723	5, 517, 642	1, 103, 528
New York:				
Buffalo	4, 463	7, 319	2, 210, 338	442, 067
New York City	76, 354	125, 220	43, 856, 440	8, 771, 288
Rochester	559	917	276, 934	55, 386
Syracuse	1, 838	3, 014	910, 228	182, 045
North Carolina:				
Asheville	592	971	148, 563	29, 712
Charlotte	2, 092	3, 431	524, 943	104, 988
Winston-Salem	1, 718	2, 817	431, 001	86, 200
Ohio:				
Akron	1, 464	2, 401	460, 992	92, 198
Cincinnati	6, 214	10, 191	1, 956, 672	391, 334
Cleveland	7, 994	13, 110	2, 517, 120	503, 424
Columbus	3, 562	5, 842	1, 121, 664	224, 332
Dayton	2, 414	3, 959	760, 128	152, 025
Toledo	2, 442	4, 005	768, 960	153, 792
Oklahoma:				
Oklahoma City	1, 328	2, 211	393, 558	78, 711
Tulsa	832	1, 364	242, 792	48, 558
Oregon: Portland	2, 341	3, 839	901, 477	180, 295
Pennsylvania:				
Philadelphia	19, 279	31, 618	6, 418, 454	1, 283, 690
Pittsburgh	9, 614	15, 767	3, 200, 701	640, 140
Rhode Island: Providence	2, 972	4, 874	1, 160, 012	232, 002
Tennessee:				
Chattanooga	2, 633	4, 318	660, 654	132, 130
Knoxville	2, 937	4, 817	737, 001	147, 400
Memphis	5, 039	8, 313	1, 271, 889	254, 377
Nashville	5, 157	8, 457	1, 296, 880	259, 376
Texas:				
Dallas	6, 372	10, 942	1, 674, 126	334, 825
El Paso	1, 650	2, 706	414, 018	82, 803
Houston	2, 830	4, 641	710, 073	142, 014
San Antonio	5, 682	9, 318	1, 425, 654	285, 130
Virginia:				
Norfolk	3, 720	6, 101	1, 177, 493	235, 498
Richmond	2, 969	4, 869	939, 717	187, 943
Washington: Seattle	3, 978	6, 524	1, 056, 888	211, 377
Wisconsin: Milwaukee	3, 037	4, 981	1, 085, 858	217, 171

U.S. CONFERENCE OF MAYORS,
Washington, D.C., June 23, 1970.

Hon. THOMAS EAGLETON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR EAGLETON: The United States Conference of Mayors, at its annual meeting in Denver, Colorado last week, adopted a Public Housing Impact Aid Resolution urging the Congress to fully fund the public housing entitlement of the "impact aid" program. I am enclosing a copy of the resolution and would hope that you express to the Senate that the nation's mayors support your effort in funding this new program.

The need for funding of this new program stems from the fact that the cost of educating children in our cities continues to increase. Children living in public housing units must be educated but the public housing in which they live is not on the local property tax rolls. While a small portion of the rents paid by these families is paid in lieu of taxes, the amount does not nearly cover the costs of services, including education, which are provided. The balance, unfortunately, is made up for the most part from property taxes on other property owners. If you and your colleagues are successful in your efforts, the result would be less levies in local property taxes for school purposes.

The mayors throughout the country commend you in your efforts and support you in this worthy endeavor which will not only provide better educational opportunities for the school children of our cities, but also the funding of this program could mean that local monies could be freed to use elsewhere in our overall effort to improve the cities for all our citizens.

Sincerely,

JOHN J. GUNTHER,
Executive Director.

RESOLUTION NO. 25—PUBLIC HOUSING-IMPACT AID

JUNE 17, 1970.

Whereas, there are almost one million low-rent public housing units now under management in this country with more than one million children attending city schools, and

Whereas, these public housing units do not pay local property taxes and small payments in lieu of taxes do not cover the cost of local services, including education, which must be provided daily by cities, and

Whereas, the Congress recognizing this burden, has amended the "impact aid" program to authorize payment to local school boards for children living in low-rent public housing;

Now therefore be it resolved that the United States Conference of Mayors commends the Congress for passing this legislation;

Be it further resolved that the Conference urges the Congress to fully fund the public housing entitlement of the "impact aid" program and urges the Administration to support the full funding of this new program.

XUM

Mr. EAGLETON. Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by the Senator from Texas (Mr. YARBOROUGH). who is absent on official business.

There being no objection, the statement by Senator YARBOROUGH was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR YARBOROUGH

Mr. YARBOROUGH. Mr. President, the appropriations for education brought to the Floor by the Appropriations Committee is a fine achievement. It signals progress for education. It means that the national investment in development of the minds and brains of American youth is not being sacrificed to the financial demands of war.

Of great significance to education in my State of Texas is the increase made in the impact aid program. The $673.8 million in the Committee bill will permit payment of 90% of entitlement for A and B category students, and 100% of entitlement for A students where they comprise 25% or more of the student body.

The House version permits payment of only 45% of the entitlement for category B students, who live on private property but whose parent works on government property.

This sum is recognition that it is not fair to burden local property taxpayers with the share of school taxes the Federal government does not pay by virtue of its tax-exempt status. I commend the Committee for standing by the principle of the impact aid program.

OTHER ELEMENTARY AND SECONDARY EDUCATION

For elementary and secondary education other than Federal impact aid, the Appropriations Committee has made significant increases. It sustained the House action in providing $1.5 billion for Title I.

The Committee has done better by the President's proposed "Right to Read" program than did the President's own budget. The Committee has recommended $220,393,000 for Titles II and III, under which the "Right to Read" will be carried out, a $20 million increase over the budget estimate.

I am pleased that the Committee has added substantial funds for purchase of instructional equipment. The budget eliminated this program entirely. The Committee has provided $79,200,000 for it.

Bilingual education will receive $25 million under both the House and Senate bills, an increase of $3,750,000 over the budget. This amount will begin to give meaningful funding to teaching in more than one language.

I am pleased, however, to join with Senator Murphy of California in suggesting a $5 million increase for the bilingual Title of the Elementary and Secondary Education Act. Keep in mind that the Bilingual Education Act, which I authorized in 1967, is not intended to be just a pilot, or demonstration program. It is designed to reach the 5 million school-age children whose language in the home is not English.

EDUCATION FOR THE HANDICAPPED

For the Education of the Handicapped Act and Section 402 of the Elementary and Secondary Education Amendments of 1967, the Committee has provided $105 million. I am especially pleased that $1 million of this is earmarked to begin the learning disabilities program I initiated, and which is now part of the Elementary and Secondary Education Amendments of 1969.

VOCATIONAL EDUCATION

For the various vocational education activities, the Committee recommends a substantial increase over the budget. $497,946,000 is recommended. This amounts to $78.9 million more than was available in the last fiscal year. Over half of this increase will go for basic grants to the States. Another $5 million increase over last year will bring to $55 million the funds for Adult Basic Education. In the last 2 years, I have received hundreds of letters from men and women in my State who have enrolled in adult basic education classes in Texas. They have written to tell me how much difference it made to them to gain knowledge of the elements of language that so often mean the difference between poverty wages or unemployment on one hand, and a liveable wage on the other.

HIGHER EDUCATION

The major increase for higher education in the Committee bill is for construction of junior and community colleges. For this, $43 million is added to the House bill, the same as was available last year.

There remain certain areas where additional funds are needed, where I shall join in seeking increases. This is no reflection upon the diligence and devotion to education displayed by the Appropriations Committee, the Subcommittee on HEW, nor on Chairman Magnuson of the Education Subcommittee. Yet, I think we need to start this year to giving financing to the public housing addition made to the impact aid program. I have joined Senator Eagleton and others in offering an amendment for this purpose.

I also believe additional funds are desirable for guidance and counselling. I have joined Senators Cranston and Eagleton in proposing an amendment for that purpose.

Likewise, I shall support an amendment to provide funds for construction of 4-year undergraduate college facilities, under Title I of the Higher Education Facilities Act.

The University of Texas System has been in touch with me about its needs under this Title. It is awaiting appropriations so that it may submit applications for a communications building and two engineering buildings at the University in Austin, and administration building and a fine arts building for the University of Texas at Arlington, and for two fine arts buildings at the University of Texas at El Paso.

The Congress has it own responsibility in fields of education. We must live up to them. I commend Senator Magnuson for the outstanding work he has done the last two years on education appropriations. Under his leadership, the Senate is making great progress in all fields of Education—early childhood, higher education, vocational. I urge early and favorable action on the bill.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. EAGLETON, from the Committee on Labor and Public Welfare, with amendments:

H.R. 15733. An act to amend the Railroad Retirement Act of 1937 to provide a temporary 15 per centum increase in annuities, to change for a temporary period the method of computing interest on investments of railroad retirement accounts, and for other purposes (Rept. No. 91–960).

ADDITIONAL COSPONSOR OF A BILL

S. 3941

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Pennsylvania (Mr. SCHWEIKER). I ask unanimous consent that, at the next printing, the name of the Senator from Oklahoma (Mr. HARRIS) be added as a cosponsor of S. 3941, to provide civil penalties for the use of lead-based paint in certain dwellings.

The PRESIDING OFFICER (Mr. CURTIS). Without objection, it is so ordered.

THE NATION'S ECONOMY AND THE CONGRESS

Mr. MANSFIELD. I should like to repeat in the Senate a statement I made at noon today over the NBC television network.

It is unusual for a Member of Congress to report in this fashion to the people of the Nation. I do so because the circumstances are unusual and so, too, are the times. The matters to which your attention is directed affect every American. They hang over every deliberation of the Congress.

The Congress, I might say, was established by the very first article of the Constitution. Along with the executive and the judiciary, it is a coequal branch of the Government of the United States. Your Representatives in Congress—Members of the House of Representatives and of the Senate—are there to do a job for you. In the main, it consists of writing the laws. You have a right to know how that job is being done.

I speak with you today as the elected leader of the majority of the U.S. Senate and with the concurrence of the majority leadership of the House of Representatives. In recent days, you have heard from the President on the state of the Nation's economy. It is on the same matter that I ask your attention.

Three words say a great deal about the Nation's economy: inflation, unemployment, and war. Whether the term is used or not, these words spell recession. That is today's fact. It is not a political fact. It is an economic fact. References to the mistakes of the past cannot paper over it. The rhetoric of a radiant tomorrow does not alter it. To be sure, much of what transpires now began in an earlier time. We may regret it but we cannot undo it. To be sure, the basic strength of the American economy promises a great deal. But that is for the future. What of today? What of the now?

Inflation is still with us; it is still rising. Three years ago prices were up by 3 percent; 2 years ago by 4.6 percent. Last year they rose 6.1 percent. In recent months the increase has been at a rate of 6.3 percent. Interest rates have climbed to highs not seen in over 100 years. Today it costs a builder 10 to 11 percent in borrowing costs to finance the construction of a home. To finance its purchase, home buyers put up another 9 percent or more in interest charges. Even at those inflated rates, mortgages are often impossible to obtain.

Five years ago the typical monthly payment on a $20,000 house was $115. To buy the same house today takes an outlay of $205 a month. Inflated costs and higher interest rates represent the difference. Recently the administration's Secretary of Housing and Urban Development put it bluntly: he said that 80 percent of the American people cannot afford to buy a new home.

Unemployment climbs steadily, from 3½ percent a year ago to 5 percent-plus last month. There are over 1 million more people out of work now than there were last year. In farming, there are a quarter of a million fewer people employed. The price the farmer is paid for his crops has actually declined since 1968 but his costs have increased by 10 percent. The take-home pay of factory workers has fallen. Corporate profits are $10 billion lower than they were a year ago. Stock prices have slumped.

Homebuilding was at the low rate of 1.5 million new units a year ago. It has slipped still further to 1.2 million. That is less than half the 2½ million new homes needed each year to keep up with the growth of new families. It is less than half of what this Nation set as its housing goal to replace substandard housing 2 years ago.

In short, the things which should be going up—home building, take-home pay, and real economic growth—are coming down. At the same time, the things that should be coming down—such as interest rates, the cost of living, and unemployment are going up.

Congress shares the responsibility for correcting these discouraging economic trends which started under previous administrations. To be sure, the Congress has not concurred completely in the President's approach to them. Nor has the President responded to all of the actions of the Congress. That is neither unprecedented nor undesirable. Each branch has its separate responsibilities even as each branch shares in a common obligation to the people of the Nation. When there are differences, insofar as the majority leadership is concerned, it will not waste time in political recriminations. It will concentrate, instead, on doing what can be done in the Congress.

In my judgment, much of what can readily be initiated by Congress to improve the economic situation has been forthcoming. Congress has required no prompting from any quarter, for example, to make cuts in the administration's budget as a counter to inflation. Overall spending for this fiscal year was reduced by $6.4 billion. To repeat: Congress did not increase the administration's budgetary requests; Congress made a $6.4-billion reduction.

Acting on its own, Congress passed a selective credit control law last December. The law gives the administration authority which can be used to bring down home mortgage costs. I do not know why that authority has not been used by the administration. Nor, do I know, if the legislation is unsatisfactory, why a legislative alternative to reduce mortgage rates has not been requested by the administration.

Acting on its own, Congress last year passed a general Tax Reform and Reduction Act. Tax loopholes of $6.6 billion were closed. These savings were converted into lower taxes for all Americans. Millions of persons on low and fixed incomes will get the principal benefit of these changes, which will begin to take effect in the months immediately ahead. This initiative was, first, ridiculed as impossible to achieve. Then, enactment was resisted. Now the Tax Reform and Reduction is embraced. The fact is that its benefits will be no laughing matter as they begin to flow to persons dependent on moderate salaries or other fixed incomes.

Congress can cooperate with the administration in dealing with the problems of the economy. We have done so and we will continue to do so. We can provide the President with specific authority to take action. We have done so and we will continue to do so.

We can support the President if he wishes to use the persuasion of the Presidency, for example, as a means of discouraging excessive price and wage increases. That persuasive power has yet to be tried. It is not clear why it has not been tried. Its effectiveness was demonstrated in 1962 when prices were rolled back in a basic industry by the determined efforts of the President at that time. As a result, other industries held the price line, the economy avoided inflation and experienced a sound and dynamic growth. By contrast, without Presidential intervention, prices in that same basic industry have been raised four times already this year—and the year is only half over. Other industries follow suit. The dollar loses value both at home and abroad. Millions of Americans are caught in a vise of higher prices and declining incomes.

Congress has already given more authority to the President than he wishes, apparently, to use against the rise in prices. That is his option. I do not criticize his decisions. But the record should be clear. Congress has been ready and stands ready to cooperate with the President. We are prepared to move on any proposals which may be forthcoming from the administration to end the inflation and to check the slide into a deepening recession. We need concrete proposals for today. We can hardly act on either the administration's rejection of what was done yesterday or on the administration's assurances of what will emerge tomorrow.

Last Wednesday, President Nixon announced the formation of a National Commission on Productivity. It is a welcomed initiative. The Commission will gather the information on the basis of which wage and price changes can be measured—guidelines for control of inflation. The concept of guidelines, however, has not yet been accepted by the administration. If it is not, then for what purpose will the Commission function? What is the value of a Commission in controlling inflation if its work is not subject to use as a yardstick to persuade all who require persuasion to stay within established limits?

Congress cannot very well call to the attention of particular business and labor leaders the consequences of excessive price and wage increases. But the Congress can and, I am confident, will support the President should he decide to do so.

Congress cannot itself draw up and administer a set of guidelines for reasonable wage and price behavior on the part of industry and labor. But Congress can and, I am confident, will support the President if he chooses to do so.

In short, Congress can and, I am confident, will support initiatives of the administration which are designed to reverse the whole psychology of inflation.

For its part, Congress, as I have noted, cut $6.4 billion from the administration's budgetary requests last year. Further cuts below the President's spending requests are to be anticipated this year.

For its part, Congress is attempting to assist the housing industry. The Senate began work last February on the Emergency Home Finance Act, a measure conceived by Congressman PATMAN and Senator SPARKMAN which now has the support of the President. It has passed the Senate unanimously. The House has scheduled action on the measure tomorrow.

Congress will provide funds for expanded manpower training programs to equip the unemployed and the disadvantaged for jobs. The President has requested it. It will be forthcoming.

The Congress will enact improved unemployment compensation, as the President has requested. Indeed, both Houses of Congress have already acted, and final passage of this authority awaits only the formal approval of details to be worked out between the two Houses.

The willingness of the Congress to work with the President reaches beyond efforts to stop the downward drift in the economy. The fact is that the economic uncertainty today is only a reflection of a deeper concern. The root of our economic difficulties lies in the distorted use of the Nation's resources. We are casting vast quantities of these resources, for example, into the continuing war in Southeast Asia—the estimates are over $26 billion a year, not to speak of the tragic loss of young lives.

We are using our resources at a reckless rate and with dubious wisdom in other places and in other ways.

Government spending, to put it bluntly, is seriously out of date. It is not how much is being spent. It is how it is being spent. Priorities are still determined largely by yesterday's fears and fallacies. They scarcely meet today's urgencies. They only begin to perceive tomorrow's needs.

If there is an overriding imperative, it is to readjust these national priorities—these allocations of Government expenditures. It will take a great and painful effort to make the changes. Yet, they must be made, if this Nation is to have a strong economy, a healthy people, and a livable environment. It is a matter of emphasis.

How we choose has much to do with what we conceive to be threats against the national security. To be sure, we are strong, militarily, and we use by far the greatest share of the taxpayers resources to maintain the Defense Establishment which provides that strength. But while the security of a nation depends on a sophistication of arms, it depends, too, on the inner stability and unity of the nation.

XUM

Nations may be attacked from without. They may also crumble from within. For 5 years, we have put great emphasis on protecting the Nation from the inhabitants of Vietnam, Laos, and now Cambodia. In the meantime, what of the attacks on the very livability of our cities and their surrounding suburbs? What of the growing pollution of the environment? What of the mounting array of domestic difficulties? Crime? Transportation? Railroads? Drug addiction? Power shortages? Educational needs? Racial tensions? Health? Have any of these difficulties yet been brought under reasonably secure control? Will they stand still, awaiting some undefined solution to the war in Vietnam when, presumably, sufficient resources will be released to permit them to be dealt with without inflation? Will they remain quiescent, to the end that the United States may first be enclosed in a web of antiballistics missiles at a cost of billions of dollars which may or may not act to protect us from a missile attack which may or may not come before the system is obsolete?

Every dollar spent by Government whether for Vietnam or for weapons or whatever, comes from you, the taxpayer. For every man, woman, and child in the United States, the administration now requests about $1,000 in spending. How and where each $1,000 is spent sets the Nation's priorities.

For the coming year, of each $1,000:

About $7 is requested for health and mental health research;

About $7.50 for elementary and secondary education;

About $5 for urban renewal for our cities;

About $4.50 for air and water pollution;

About $1.40 for vocational education;

About $0.50 for education for the handicapped;

About $2.40 to assist State and local government in their fight against crime;

Over $375 for military defense.

Consider that just the cost overrun—that is, what was actually paid above what was quoted to the Congress as the initial price tag—for a single airplane—the C5-A cargo plane—has cost each American $10. Consider as well that it costs every American today $70 a year to back and maintain in Europe the several hundred thousand U.S. forces and their dependents who are still there—25 years after World War II.

These illustrative examples clearly demonstrate where the emphasis in Federal spending has been placed for many years. For too long, we have pursued the Nation's security all over the globe. For too long, we have forgotten that national security begins at home. It has taken the tragic war in Indochina to show us that our resources are not unlimited. Our wealth is not endless. Inflation and recession are a part of the price of this overdue insight.

As I have noted, Congress has begun to deal with the reality of our limited resources by reducing Federal spending by $6.4 billion. I must say, also, that the President reduced expenditures by $3 billion and I commend him. By far, the greatest share of the congressional cut was taken for defense spending and the foreign aid program. Foreign aid alone was cut by $1 billion. Of the $32 saved for each American, Congress attempted to reallocate $5 to pressing needs in health, education, and the protection of the environment.

That is what has been labeled in some quarters as inflationary and irresponsible. Let the most be made of the labels. For those reallocations, there will be no apology from the congressional leadership. Nor will the Congress be deferred from trying to meet essential domestic needs of this kind by charges of isolational problems of peace without devastating consequences to this Nation tion can turn away from the international problems of peace without devastating consequences to this Nation and the world. By the same token, the neglect of needs at home will no longer be accepted in the name of some vapid internationalism such as we have witnessed on the mainland of Asia during the past 5 years—well over 50,000 American lives later, a total of 331,000 casualties overall and well over $100 billion in resources later.

The congressional majority seeks to cooperate with the President in an effort to readjust the Nation's budgetary priorities in terms of today's needs. It must be stated in all frankness, however, that there are still differences to be reconciled if that cooperation is to be possible. It is difficult, for example, to understand how a congressional effort to divert about $1 billion of the $6.4 billion savings in the budget to pollution control, education, health, and welfare is struck down by a veto as inflationary but at the same time the Senate is urged not to foreclose a future expansion of military and foreign aid spending in Cambodia.

When you consider, moreover, that $2.50 a person was all that was allocated by the administration during this past year to combat rising crime—one wonders whether it is rhetoric or results that count.

The Senate has passed all but two of the major 13 administration crime proposals. In addition, Congress has originated and passed seven additional anticrime laws which have been endorsed by the administration. Even the enactment of these laws will be insufficient, however, if we do not devote greater resources to the causes of crime, to reform of penal institutions, and to providing assistance to enforcement officials. Two dollars and fifty cents per person for crime control is simply not enough.

These issues which I have been discussing are of the utmost seriousness. Every American is affected directly or indirectly by an economy in distress and the war from which, to a great extent, the difficulties are derived. Every American has a stake in the way the Government makes broad commitments of national resources abroad and at home. It was for this reason that I was asked by colleagues in the Senate and the majority leadership of the House of Representatives to address you this afternoon.

We hold the view that the economic problems of this Nation will not disappear at a date uncertain in the future, if only they are left alone by government, especially in the light of our continuing involvement in the war in Indochina.

We do not accept the view that a little unemployment is good for the Nation any more than we can believe that a lot of inflation is good for the Nation.

Within these premises, the majority in the Congress will give the most respectful consideration to whatever the President may propose to halt the inflation and high interest rates, to reduce unemployment and terminate our involvement in Vietnam. To that end, the President has had the cooperation of the Congress in the past. He has it now. He will have it in the future. He has it in good conscience—without ifs, ands, or buts.

The Republic deserves no less.

Mr. KENNEDY. Mr. President, we have heard the distinguished majority leader respond on behalf of the Democratic congressional majority to the President's recent speech on the economy.

His speech was a masterly compilation of facts and, in my opinion, responded in full measure to the challenges to Congress which the President set forth.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m. tomorrow.

The motion was agreed to; and (at 9 o'clock and 46 minutes p.m.) the Senate adjourned until tomorrow, Thursday, June 25, 1970, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 24, 1970:

DEPARTMENT OF LABOR

Peter G. Nash, of New York, to be Solicitor for the Department of Labor, vice Laurence H. Silberman.

U.S. NAVY

Rear Adm. Sam H. Moore, U.S. Navy, for appointment as Director of Budget and Reports in the Department of the Navy for a term of 3 years.

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title 10, United States Code, as amended. All officers are subject to physical examination required by law.

Lieutenant colonel to colonel

LINE OF THE AIR FORCE

Ainsley, Edward J., 109229445.
Algeo, John B., 381055655.
Allbright, William F., 351012084.
Allgood, Vernon L., 528248655.
Almquist, Peter W., 418140537.
Ambrose, Earle H., 250183360.
Anderson, Stanley L., 013129119.
Ardoin, Louis G., 434241924.
Arney, Cloyd L., 280099962
Aune, Edward H., 519094498.
Bach, Lawrence V., Jr., 501166436.
Bachman, Jay G., 529144385.
Bagnard, Richard W., 548093579.
Bailey, William K., 427329130.
Baisden, Orville R., 235323330.
Baisley, William D., 562542285.
Ballard, James F., 467162681.
Ballew, Monte, Jr., 435244085.
Barker, William R., 032105594.
Barnes, William B., 448098015.
Barr, Thomas J., 262249519.
Barton, James R., 424099548.
Basco, Johnnie M., 437221547.
Bassett, John K., 505262599.
Beaton, Clifford M., 005163501.
Beinkemper, Elmer H., 284180724.
Bellovin, Milton, 082185614.
Belser, Ritchie H., Jr., 247264174.
Bennett, Charles F., 426037138.
Berkley, John W., 329106566.
Bilyeu, Hiram P., 707082318.
Birdsall, Alan H., 363265160.
Bishop, Russell, 186181829.
Bjorgen, Leonard L., 537183780.
Black, Elmer E., Jr., 842149983.
Blanchard, Felix A., 573369435.
Blanton, Dwight W., 245147048.
Bobo, Robert K., 862249146.
Bogan, Robert J., 447126298.
Bolstridge, Leslie J., 005145694.
Borgen, Dale E., 543011275.
Borini, John N., 557285581.
Bork, Ervin F., 501161977.
Borresen, Edward W., 164163409.
Boutwell, Rufus C., Jr., 243077042.
Boyd, John H., 452070039.
Boynton, John B., 372147089.
Braun, James A., 241145388.
Breeulove, James M., 404096241.
Brennan, Herbert D., 508206695.
Breslauer, Irving H., 076181696.
Brewer, Martin M., 431185618.
Briarton, Henry R., 055144513.
Brittian, William D., 413268029.
Brittun, Charles G., 176124758.
Bruck, George W., 313145424.
Brooks, Glenn L., 445124599.
Brothers, Walter F., 029076910.
Brown, J. Richard, 072140602.
Brown, Richard K., 558245817.
Brown, Robert W., 435096213.
Brown, Walter A., Jr., 267053231.
Brunner, Leroy P., 465404254.
Bruton, Earl D., Jr., 525923555.
Bryan, Donald W., 526169405.
Bryant, Robert L., Jr., 267129666.
Bullard, Thomas L., 255188579.
Bunch, Charles L., 159014841.
Burke, Arthur R., 034016394.
Burke, Robert U., 570148472.
Burkhart, Morris C., 273224118.
Burnett, William R., 248224095.
Burton, Charles R., 404160790.
Callanan, William L., 139126329.
Cameron, Robert J., 504145525.
Cameron, William III, 360106939.
Campbell, James M., 460180338.
Cann, James P., 556140456.
Carbine, James T., Jr., 194120166.
Carpenter, William W., Jr., 487281485.
Carpenter, William S., Jr., 362269155.
Carson, Robert K., 255168095.
Carter, Braxton, 406186265.
Carter, Thomas B., 247121991.
Carter, Walter A., Jr., 128147803.
Castanza, Angelo N., 104140266.
Caudle, David W., Jr., 233223312.
Chappas, Walter J., 321208881.
Chase, Levi R., 076094777.
Chason, Robert L., 254269986.
Christensen, William G., 537180379.
Christian, William L., 263018621.
Chronis, George H., 396122621.
Clark, Donald M., 541096376.
Clemovitz, Fred, 527166273.
Clifton, Leecroy, 458209479.
Cocks, Samuel W., 139147542.
Collins, John W., 029098814.
Comstock, William P., 111129114.
Connor, George W., 178121575.
Cooper, Bob E., 445120333.
Cotman, Henry J., 282072936.
Cottungim, John E., 257228481.
Cox, Frank L., Jr., 027141385.
Coyne, John M., Jr., 031141758.
Crawford, Milton N., 400122576.
Cruss, Cecil J., 408303473.
Crussman, Philip J., 296125802.
Cunningham, O. D., Jr., 459282014.
Curtis, Philip E., 726058490.
Custer, Samuel A., 197093671.
Danyliw, Bohdan, 047128503.
Daries, Stanton G., 546229799.
Davis, Howard S., 567070344.
Davisson, Richard L., 232100850.
Daye, Thomas M., 557260605.
DeJonghe, Joseph J., 353186361.
DeLaune, Herman L., 439015390.
Delgiorno, Anthony M., 070160885.
Diehl, Carl W., Jr., 202092022.
Disharoon, Jerry B., 451261896.
Doughty, David H., 286164019.
Doyle, Donald R., 333167043.
Duame, Donald D., 387100443.
Dunaway, Glendon K., 442208906.
Dunn, James M., 303203872.
Dunning, Hal H., 523188802.
Dwyer, George T., 521222570.
Eastman, Burns R., 553249036.
Eaton, Alfred F., 478329879.
Eckenroth, Philip L., 449181381.
Elmendorf, Harry H., 458189080.
Embery, Robert L., 550209186.
Enos, James W., 547200422.
Enyeart, Robert E., 314057654.
Evans, William L., 559247914.
Fagan, James B., 181145280.
Fahrney, John W., 579225379.
Farnsworth, Al W., 521520335.
Farrell, Raymond A., 571541156.
Feeney, Vincent G., 512126812.
Feezel, Ralph S., 201148469.
Fels, Edward T., Jr., 358090711.
Fentun, John S., 194121399.
Fernandez, Gonzalo, 267189773.
Fioretti, Edward A., 178148737.
Fisher, Paul H., 195165741.
Fleming, Edward F., 120121508.
Fleming, Herbert M., 399012122.
Fleming, Paul F., 016183071.
Flowers, Dale L., 349124206.
Fong, George H., Jr., 566302640.
Foreman, Charles A., 174166554.
Fowkes, William, 177248788.
Fox, Cecil E., 453289099.
Franklin, Earl N., 282141859.
French, Fay E., 446160716.
Fuerst, Milton, 100160724.
Fugett, Kenneth A., 405140192.
Gagnier, James L., 082320046.
Gahagan, James D., 300037455.
Galle, William R., 271120719.
Galligar, Newton R., 343182708.
Gardner, Robert G., 470186729.
Garrett, Clifford E., 463225431.
Garrett, Everette T., 264382346.
Gaskins, Aubrey S., 230014421.
Gautney, Robert E., 336120452.
Gayle, Benjamin B., Jr., 465058698.
Gering, George W., Jr., 219123751.
Getty, Mervin G., 539035655.
Gilchrist, Guy G., Jr., 573123792.
Gingland, Richard P., 243188438.
Glauch, Alden G., 370038914.
Gordon, Ray C., Jr., 312181506.
Goyne, Carroll H., Jr., 434288549.
Graham, Oscar D., 333122784.
Gray, William W., 372260676.
Green, Jesse E., 446222540.
Gresham, Charles B., 417280349.
Griffard, Robert M., 345125158.
Grimes, Daniel D., 475037604.
Grissom, Thomas R., 309203271.
Gruce, Thomas O., 457122015.
Gruves, Alonzo W., 419146999.
Guthrie, Bobbie G., 449307238.
Guynes, Joseph B., 459249388.
Hagan, Benjamin M., 224244883.
Haggstrom, Robert J., 142165833.
Haines, Franklyn W., 567052501.
Hairston, Guy E., Jr., 219186222.
Hall, James M., Jr., 462011298.
Hall, Roland P., 431264151.
Hamilton, Jack M., 466056686.
Hammack, Charles E., 256240728.
Hampton, Luther L., Jr., 452281878.
Hanna, Keith C., 303204312.
Hanna, Theodore M., 502142130.
Hansen, Richard J., 494167037.
Harley, Ernest G., Jr., 437204727.
Harrington, George F., 042325549.
Harris, Claude E., Jr., 441128815.
Hatcher, William D., 410261415.
Hawley, Jack, 375149758.
Heine, Julian C., 263095341.
Hemm, Robert V., 488054098.
Henderson, Jack B., 511100004.
Hendricks, William T., 427325696.
Henehan, Alva D., 547288120.
Henkle, Robert R., 281180755.
Hennings, Merwin D., 508145175.
Hess, Alfred S., 551406057.
Hickson, John H., 543098991.
Hillis, Dwight N., 555208204.
Hindsley, John A., 405679126.
Holland, Ralph T., 409189472.
Hollowell, John D., 084166379.
Holt, Hardy L., 462058783.
Howk, Elmer D., 303184339.
Roy, Charles F., Jr., 235286361.
Hubbard, Charles H., 253285183.
Hudlow, Richard J., 396383126.
Hudson, Eugene L., 568050673.
Hunsberger, Harold D., 187038501.
Hunt, Bruce E., 526052649.
Jackson, Joe M., 031301965.
James, Harold L., 450245138.
Jenkins, Robert L., 316076762.
Jenkins, William D., 187055915.
Jensen, Robert F., 539030708.
John, Frank E., 183125936.
Johnson, Dale A., 485109268.
Johnson, Hubert O., Jr., 450164947.
Johnson, Jesse R., 219016081.
Johnston, Joe D., 513142922.
Jones, Henry I., Jr., 505182474.

Jones, James T., 257325332.
Jones, John P., Jr., 112052102.
Jones, Joseph L., 421162245.
Jones, Muller L., Jr., 259091584.
Jones, Ralph W., 528180491.
Jones, Robert H., 485128927.
Jones, William T., 435013365.
Jordan, Vincent A., 332182307.
Joyner, William R., 228032803.
Kaericher, Kermit C., 356168013.
Kamer, Frank Z., Jr., 302090767.
Kay, Avery, 569073865.
Keal, Thomas L., 402123363.
Keheley, Thomas L., 430050844.
Kehrli, Gerald V., 540222884.
Kelley, Dwayne E., 503124968.
Kellum, Edwin G., 266289363.
Kelly, William J., 021129188.
Keplinger, Donald L., 494149044.
Kerr, Robert C., 567129775.
Keyte, Kenneth N., 480160855.
Kiernan, John W., 045123786.
Kirkpatrick, Herman L., 414162961.
Kleber, Raymond B., 209167913.
Korpanty, Leo S., 181163952.
Kretzer, Ralph I., 105164175.
Krieger, Thomas B., 300129300.
Kriehn, Norman A., 388146750.
Kruse, Kenneth, 482162620.
Kvamme, Orville J., 501145705.
Laliberte, Robert C., 016129563.
Lally, Robert W., 150140821.
Lamper, Joseph F., 222018134.
Larson, James D., 357245850.
Lateano, Guy J., 172105243.
Law, Jot B., 440181999.
Learmonth, Allen F., 553249390.
Lee, Robert L., 088104886.
Lehman, William P., 241186376.
Lemon, Austin O., Jr., 712012316.
Leonard, Raymond K., 345127820.
Levine, Arnold F., 021051792.
Lewis, Walter L., 228169703.
Lilley, J. Robert, 141188611.
Lindow, Kenneth R., 234285971.
Long, Byron E., 492095831.
Long, Francis J., 378184073.
Long, Mahlon H., 412266080.
Loring, Phillip N., 072123458.
Lovingfuss, Robert B., 357099671.
Lowe, Charles S., 239053097.
Lucas, Rio G., 523202092.
Lukawski, Joseph J., 392164669.
Mabrey, Thomas F., 488160945.
MacQuesten, Frederic G., Jr., 137123628.
Madden, Joseph M., 164185346.
Maher, Thomas E., 380129133.
Mand, Robert, 216140397.
Mann, Lyle E., 329142423.
Marinkovich, Obrad, 505224055.
Markey, James R., 548289524.
Martin, James C., Jr., 420528333.
Martin, Whitfield A., 446052753.
Martin, William M., 256102019.
Mason, Floyd H., 560283620.
Mathews, Donell, 263304614.
Mathewson, Tracy B., III, 257223466.
Mauck, John F., 292142742.
Maxwell, James E., 548095820.
Mayer, Fred J., 216160176.
McBride, Charles C., Jr., 451286272.
McCabe, John T., 036129438.
McClain, Clyde F., 304164577.
McCleary, George C., 441143721.
McCrea, Gerald D., 303242454.
McDowell, Robert E., 176031282.
McHale, Joseph M., 552125511.
McHugh, Aloysius P., 156122877.
Mead, Bobby J., 560260278.
Memminger, Charles G., 579265863.
Menzie, William R., 194127612.
Messer, Frank A., 534162000.
Meyer, Phil H., 452445846.
Meyler, Walter P., 142147669.
Miller, George L., 476146197.
Miller, George K., 327183952.
Miller, Jerome L., 569013385.
Miller, William S., 413221079.
Mishler, Donald W., 509183286.
Mistrot, Ralph W., 463077671.
Mitchell, James C., 547223784.
Mitchell, Newell D., 558180327.
Modisette, James O., Jr., 449367207.
Moe, Walter S., Jr., 360059083.
Moore, Marvin F., 233400257.
Moran, Charles E., 295129920.
Morgan, D. P., Jr., 451268650.
Morison, Thomas O., 463098412.
Morrow, James H., 265606076.
Morss, Marvin N., 540205227.
Moulder, James H., 415428518.
Mumma, Jack L., 317101457.
Munday, Herbert A., 460645165.
Muse, Kindred H., 452207633.
Nadon, Norman C., 363201422.
Naftel, Stacy D., 097141726.
Nahodil, Roy F., 292188878.
Nassoiy, Edward F., 558166459.
Nelon, Claude R., 240165493.
Nelson, Allen S., 467184753.
Nelson, Eugene A., 712030678.
Nelson, George J., 140125545.
Nelson, Milton E., 417244964.
Nelson, Omer C., 426204089.
Nelson, Ralph E., 715059898.
Neuhauser, Albert L., 352123860.
Nicholson, Arthur F., 310187412.
Nicholson, Robert W., 091125087.
Northcutt, Clyde A., Jr., 230187278.
Nunn, Donald G., 471160163.
O'Berg, John J. W., 578098337.
O'Connor, Frederick M., 224183096.
Odell, David A., 474128085.
O'Neil, Robert, 563286089.
Opfer, David H. E., 214221909.
Otier, Richard E., 398142247.
O'Toole, Joseph P., 358095754.
Parish, John T., Jr., 266302085.
Parsons, Charles H., 223227844.
Paschall, Lee M., 524184774.
Pasqualicchio, Robert P., 577222505.
Pattillo, Charles C., 260188947.
Pattillo, Cuthbert A., 252201733.
Paulisick, John G., 182143715.
Paxton, Wilmot E. Y., 264185280.
Pea, Max A., 310181762.
Pearce, Jack V., 297123764.
Peck, Waldo W., 442125440.
Peters, George A., 046162817.
Peterson, Eugene F., 480148629.
Petway, Fulton C., 410262229.
Pinkerton, Herbert C., 381181323.
Pittman, Don D., 498149442.
Pool, Robert W., 515106196.
Portaluppi, Charles J., 264141957.
Post, Gerald J., 029168496.
Postun, Evan A., 572052110.
Poy, Harris O., 532186339.
Preble, William E., 313182432.
Preston, Ernest A., 458283836.
Puchrik, Augustine S., 546221722.
Quintana, Joe R., 267188930.
Raby, Billy M., 459223412.
Rand, William J., 450149168.
Rankin, Allan P., 401205204.
Rash, Thomas W., 408091105.
Reding, John A., 547266429.
Reed, Walter D., 485146258.
Reid, Addison T., 548260709.
Reid, William E., 521092424.
Rennhack, William O., 338100490.
Rhode, Harry T., 507013093.
Ritter, Elvador E., 518164482.
Rizer, Virgil H., 253284988.
Roark, Bob, 403207984.
Robb, Donald D., 352140056.
Robb, Francis J., 350181757.
Roberts, Lawrence E., 154106478.
Robertson, Edwin W., II, 251641819.
Robertson, Leslie C., 342149174.
Romine, Charles G., 416287110.
Ropp, George H., Jr., 249221201.
Rose, Boone, Jr., 402365464.
Rotter, Gerald D., 445106293.
Rowan, Michael E., 150161382.
Rowland, Keith C., 555072953.
Ryan, James E., 505201899.
Sanders, Donald W., 287184875.
Sargen, Charles M., 182162799.
Saunders, William F., 230165100.
Savage, George J., 321340840.
Schoppe, John C., 007149666.
Schuh, Robert C., 565220367.
Scowcroft, Brent, 528207372.
Secrest, James K., 357182027.
Sellers, Ronald E., Jr., 419181156.
Shank, Robert E., 217187762.
Sheaffer, Abram B., 204017021.
Sheehan, Douglas M., 132101140.
Sherman, Robert F., 453281246.
Sherrill, Alvan C., Jr., 295182673.
Sherry, Alexander S., 181180800.
Showalter, Robert E., 521123839.
Simon, King D., 445162937.
Skaggs, John E., Jr., 192127538.
Skipper, Francis H., 267166094.
Slagle, Harold R., 411187850.
Smith, Grant R., 559019443.
Smith, Richard W., 217205822.
Snyder, Franklyn C., 211122606.
Sohle, Frederick V., Jr., 451289135.
Soucie, George E., 006146037.
Spann, Walter D., 410483856.
Sproull, William G., 554123185.
Stamatis, Milton, Jr., 527145536.
Stanley, James W., 466264308.
Stark, Robert F., 259148641.
St. Clair, Eugene C., 460121542.
Stees, Hubert S., Jr., 221120229.
Stephanidis, James G., 280124026.
Sterling, Eugene B., 220011313.
Stevens, Jack D., 506188577.
Stiles, Joseph E., Jr., 258149075.
Stuckton, Lyle E., 481220161.
Stoer, John S., 031300496.
Stone, Addison W., 518098507.
Stover, Lawrence P., 476055799.
Sturdevant, Philip A., 118035432.
Sugrue, Francis J., 043128943.
Sundstrom, Oscar J., 369036526.
Surratt, Maurice D., 257420802.
Swant, Gene R., 536073631.
Taylor, John H., 403220541.
Taylor, Mervin M., 514184820.
Thames, Barney H., Jr., 457281062.
Thomas, Glenn V., 431288090.
Trammell, James C., 255208872.
Traylor, Alwyn W., Jr., 224268246.
Tweten, Wayne B., 535129546.
Ulrich, William A., 329161166.
Underwood, Roberts L., 443189653.
Vaden, Joe C., 239125190.
Vargu, John M., 127147414.
Veiluva, Edward F., 547408117.
Velders, Merwin G., 072127932.
Villone, Victor J., 091162376.
Vornbruck, Walter G. Jr., 486125241.
Voss, William R., 456283093.
Vrilakas, Robert A., 558169128.
Wagner, Otto Jr., 460142441.
Wahl, Eugene A., 308018376.
Waid, Charles L., 420222667.
Wale, Elmer G., 521244630.
Walker, Culin J., 092146632.
Walker, Van S., 409109186.
Wall, Frank A., 541058409.
Wanfried, Harold W., 167140106.
Waski, Raymond, 523076458.
Wautelet, Raymond J., 218107474.
Weaver, Wilton G., 213220485.
Weeks, Roy F. Jr., 381129528.
Weir, Gerald C., 315011383.
Weldon, William C. Jr., 451285959.
Westbrook, Luther J., 452207212.
Wheeler, James I., 275188186.
Wheeler, Joseph C., 533169043.
White, William J., 017142445.
Whitley, George A., 452226307.
Whitten, Oscar D., 460125776.
Wigley, Erskine, 425323928.
Wildman, Winthrop W., 443408124.
Williams, David O. Jr., 466565681.
Wilson, Clarence E., 234093156.
Wilson, William, 262287343.
Witt, Harry A., 042241390.
Witt, James R., 462142250.
Wofford, Kenneth O., 491244687.
Woirol, Warren S., 272142755.
Wood, James W., 522201316.

Wren, Donald B., 509057081.
Wrinkle, Jack H., 533206953.
Wyatt, J. R., 456225547.
Yentz, Robert J., 398054235.
Yoder, Richard A., 314105404.
Yon, Versus A., 408228655.
Young, James A., 020147237.
Young, William H., 102184626.
Zerbe, Franklin E., 546249845.

CHAPLAINS

Buck, Wesley J., 335187966.
Nelson, John F., 016074246.
Sandrock, Hans E., 479037747.

DENTAL CORPS

Adkisson, Sam R., 431401383.
Askinas, Samuel W., 048160610.
Best, Robert N., 463366848.
Cowe, Donald W., 233247320.
Crosby, James F., Jr., 035166906.
Devlyn, John E., 174163202.
Metts, Dewey M., Jr., 426265890.
Seamands, Charles W., 448224900.
Sherman, John R., Jr., 210129835.
Smith, Richard A., 499248127.
Stewart, Kenneth L., 001183228.
Trovillion, Howard M., 492162306.

MEDICAL CORPS

Anderson, Claude T., 351121246.
Burwell, Robert R., 520203947.
Cerha, Harry T., 293052699.
Cheeseman, Sumner A. 002162236.
Day, Richard T., 479303651.
Ford, Charles F., 142123974.
Haworth, Wallace G., 542223557.
Kable, Kelvin D., 239448231.
Mitchell, Hugh R., Jr.,515146281.
Moritz, Henry C., Jr., 377202789.
Perommer, John R., 308189156.
Pollock, Clifford R., 278363254.
Powell, George W., 063183888.
Rehmar, Michael I., 297143368.
Reiner, Robert N., 457641012.
Shea, William H. H., 214163371.
Spivey, Charles G., Jr., 248226596.
Tredici, Thomas J., 185143907.
Vanvranken, Eugene E., 457640960.
Woosley, Homer E., Jr., 466149161.

NURSE CORPS

Hodgson, Maralfe R., 272164188.

MEDICAL SERVICE CORPS

Baker, Wesley H., 110035694.
Christiansen, Frank R., 380074863.
Edmonds, Clarence W., 309189431.
Hannah, Ernest A., 525184353.
Rhodes, Stanley, 101018799.
Robinson, Elvin, Jr., 433400805.
Rochford, Edmund B., Sr., 087163122.
Rossi, Joseph P., 180188971.
Wolff, Francis F., 455058529.
Zellers, Billy B., 499141895.

VETERINARY CORPS

Barnes, Charles M., 457268026.
Reeves, Johnie L., 459203197.
Ringley, Donald W., 294126184.

BIOMEDICAL SCIENCES CORPS

Cocheres, Thomas L., 160122130.
Gilbert, George F., 215389936.
Morris, Floyd M., 052128509.
Thompson, Ralph F., 453148327.

HOUSE OF REPRESENTATIVES—*Wednesday, June 24, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

And ye shall proclaim liberty throughout all the land unto all the inhabitants thereof.—Leviticus 25: 10.

O God, our Father, in this sacred moment we would rise above the feverish activities of a seething world where we can be still and hear Thy voice seeking to guide us as we face the perplexing problems of this difficult day. During this hour of our national life, when the world's best hope for a bright tomorrow is largely in our frail hands, do Thou help us to preserve our heritage of freedom, to proclaim liberty to all the world, and to promote peace and good will among all people.

To this end bless our President, our Speaker, Members of Congress, and all who work with them that in this day of decision we may not lose the way.

"Cure Thy children's warring madness,
  Bend our pride to Thy Control:
Shame our wanton, selfish gladness,
  Rich in things and poor in soul,
Grant us wisdom, grant us courage,
  Lest we miss Thy Kingdom's goal."

Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its Clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 743) entitled "An act to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet division, Walla Walla project, Oregon-Washington, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2062) entitled "An act to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following title:

S. 2315. An act to restore the golden eagle program to the Land and Water Conservation Fund Act.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2209. An act to authorize and direct the Secretary of the Interior to convey certain property in the State of North Dakota to the Central Dakota Nursing Home; and

S. 2583. An act to provide for the conveyance to the county of Washakie, State of Wyoming, of certain real property of the United States.

TELEVISION FOR FIVE MILITARY HOSPITALS IN JAPAN

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, I am very pleased to report to the House that Headquarters Pacific Air Forces—PACAF—has been requested to revalidate requirements for television at five military hospitals in Japan. The Air Force will have the responsibility for the service. The cost is $424,000 and 10 military personnel will be required for the operation.

During a brief stop in Japan in August, I was surprised to note that there were no Armed Forces TV network facilities available in Japan. This is an important worldwide service which provides the best link for American forces overseas with our own country. It occurred to me at the time that there are no valid reasons that American forces in Japan should be denied this useful service.

Accordingly, I strongly urged upon my return that the service be provided. It is now being done insofar as hospitals are concerned. It should be extended to all U.S. facilities in Japan.

ANNUAL "DAY OF BREAD" AND "HARVEST FESTIVAL" WEEK IN OCTOBER

(Mr. KLEPPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEPPE. Mr. Speaker, last year I joined with a number of my colleagues in sponsoring a resolution which established an annual "Day of Bread" and "Harvest Festival" week in October. The 1969 observances were proclaimed by the President, the Governors of 32 States, and 43 mayors.

Since 1953 West Germany has celebrated a "Day of Bread" with the custom spreading to other countries of the Continent, to the Americas, and the Far East.

"Day of Bread" as part of a "Harvest Festival" week is a time that we set aside as an expression of gratitude for the bounty of nature and recognition of bread as the symbol of all foods.

I am again joining in cosponsoring such a resolution that will set aside Tuesday, October 6, 1970, as a "Day of Bread," and designate the last week of October as the week of "Harvest Festival."

As governments around the world become increasingly concerned with the problems of feeding the hungry, this occasion will serve as a contribution to human understanding, person to person, and to international communication—to a degree that transcends all boundaries of country, creed, or politics.

THE CONGRESSIONAL BASEBALL GAME

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, we are now only hours away from the seventh consecutive Republican victory in the annual Roll Call congressional baseball game, and the eighth GOP victory in nine tries.

The success by my hardy band of athletes will be achieved despite the ill-conceived scheme of our opponents who, adopting the traditional ploy of the disenfranchised, will once again forsake action for criticism.

We can expect much howling from the Democratic dugout, and perhaps a filibuster or two with the umpires.

There will, however, be no "equal time provision" at the plate for the weak-hitting Democrats.

We will deal with their inflation of rhetoric by lowering our voices and raising our bats.

Our opponents will still try to get a piece of the action, but we can expect their Eastern Establishment Strategy to fall before our silent, but powerful majority of talented performers.

For victory, we will once again depend upon the Democrats adhering to the "no win" policy they have adopted so vehemently over the past 18 months. This policy, of course, followed a rather hawkish view of the game they had held during the previous 8 years.

Mr. Speaker, game time approaches. Rather than polarize sentiment about the contest, I want to urge all my colleagues to come out to the park tonight to see for themselves how the environmental-conscious Republicans can deal effectively with the air and noise pollution emanating from the Democratic sidelines.

XUM

EXTENDING EFFECTIVENESS OF DEFENSE PRODUCTION ACT OF 1950 TO JULY 30, 1970

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency be discharged from further consideration of the joint resolution (H.J. Res. 1259) to extend the effectiveness of the Defense Production Act of 1950 to July 30, 1970, and ask for immediate consideration of the joint resolution.

The Clerk read the title of the joint resolution.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, the gentleman from Texas discussed this matter with me and with the gentleman from New Jersey (Mr. WIDNALL) yesterday. It was my understanding that the gentleman would wait until the gentleman from New Jersey was here to indicate on his own his approval of and concurrence with the action being suggested now by the gentleman from Texas.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Texas.

Mr. PATMAN. May I state that he approves it. It was unanimously passed by our committee. Yesterday, when we conferred with the distinguished minority leader, he expressed the hope that it would be done. I can assure the gentleman that he is in accord with it.

Mr. GERALD R. FORD. I do understand that the gentleman from New Jersey and the full Committee on Banking and Currency did recommend this action, but it would be more helpful if the gentleman were here from the Committee on Banking and Currency to speak for himself.

Mr. PATMAN. I assure the gentleman that he knew about it. We talked about it in the committee this morning. He knows about it. He has no objection. I am sure he assumed that would be sufficient, since he talked with the minority leader.

Mr. GERALD R. FORD. May I ask the gentleman this question: How long does this proposal recommend extension?

Mr. PATMAN. Thirty days only.

Mr. GERALD R. FORD. Thirty days?

Mr. PATMAN. Yes, sir.

Mr. GERALD R. FORD. Has it passed the other body?

Mr. PATMAN. No, sir. That is one of the reasons for it. They have reported it out of the committee but it has not been taken up in the other body.

Mr. GERALD R. FORD. What is the expiration date of the existing law ?

Mr. PATMAN. June 30.

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation.

Mr. GROSS. Mr. Speaker, further reserving the right to object, was there a quorum present in the Committee on Banking and Currency when approval was given for this resolution?

Mr. PATMAN. Oh, yes. And the distinguished ranking minority member of the committee, the gentleman from New Jersey (Mr. WIDNALL), also talked with the minority leader along with me.

Mr. GROSS. I just want to be sure there was a quorum present in the committee when the action was taken.

Mr. PATMAN. Yes; there was. And if the gentleman had not been happy about it, I would not ask for its reconsideration.

Mr. GROSS. This is an extension of the Defense Production Act?

Mr. PATMAN. For 30 days only.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 1259

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 717(a) of the Defense Production Act of 1950 is amended by striking out "June 30, 1970" in the first sentence and inserting in lieu thereof "July 30, 1970".

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BURLEY TOBACCO ALLOTMENTS

(Mr. MIZELL asked and was given permission to address the house for 1 minute and to revise and extend his remarks.)

Mr. MIZELL. Mr. Speaker, today I am introducing legislation to permit the lease and transfer of burley tobacco allotments. The purpose of this legislation is to afford the same treatment to burley farmers that farmers in other tobacco areas now enjoy.

Many of the burley growers in my district in North Carolina, as well as in other parts of the State, do not have the labor or the facilities to fulfill their tobacco allotments. My bill will allow these persons the opportunity to make money by leasing their allotments to other growers in the county.

While the details of the leasing arrangement must be agreed upon by both parties, the following qualifications must be met:

Both farmers must be in the same county.

The lease must be filed with and approved by the county Agricultural Stalilization and Conservation Committee.

Only farmers who already have burley tobacco allotments will be eligible to lease other allotments.

The crop will be considered as having been produced on the farm from which the allotment is transfered. This is necessary to protect future allotments and referendum voting rights.

If the normal yield for the farm to which the allotment is being transferred exceeds by more than 10 percent the normal yield of the farm from which the transfer is being made, the allotment will be adjusted downward in the same ratio as the difference in yields.

No lease shall be entered into for any period in excess of 5 crop years.

Not more than 10 acres of allotment may be leased and transferred to any farmer.

I urge Congress to act favorably on this legislation as it will provide fair treatment to our burley growers, and will require no additional Federal funds to be enacted.

THE LATE COLONEL ROSCOE TURNER

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MILLER of California. Mr. Speaker, yesterday the Nation lost one of its outstanding citizens, a hero who had served as a model of courage and daring to a generation of young people. Col. Roscoe Turner, pioneer in aviation during the 1920's and 1930's, spent his life in complete dedication to the development and progress of aeronautics, in which our country leads the rest of the world.

From very humble beginnings, he rose to worldwide fame through his sheer tenacity and a coolly calculated flamboyance in focusing the attention of the American people, by his exploits in the air, on the tremendous importance of aviation to the military strength and economic vigor we now enjoy. He was a three-time winner of national air races, the Bendix and the Thompson trophies. He helped to build and tested the first 300-mile-an-hour airplane produced in the United States. These are only a few of a multitude of achievements in the air, far beyond my ability to recount here.

Roscoe was no stranger to the Committee on Science and Astronautics. He served for several sessions of Congress as a consultant to the committee and allowed the members and staff to draw upon his great fund of knowledge in our efforts to expand and enlarge NASA's involvement in aeronautical research.

Roscoe Turner has not passed on to obscurity, because he was a man in the truest sense of heroic dimensions and accomplishments. He lived his last days as a legend which now passes on into history. I know that the members of the Committee on Science and Astronautics of the House join with me in saluting Roscoe Turner and extending to his wife and his brother our most profound condolences.

THE LATE COLONEL ROSCOE TURNER

(Mr. ROUDEBUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROUDEBUSH. Mr. Speaker and Members of the House, I would like to join with my dear friend and colleague, the chairman of the Science and Astronautics Committee (Mr. MILLER of California), in expressing my deep sorrow at the passing of a great American, Roscoe Turner.

I have known Roscoe over the past 25 years, and although I will not go into a recitation of his many accomplishments, as our chairman has already done today for the benefit of the House, however, I will say if I were to pick the greatest American I have ever known, without hesitation I would say Col. Roscoe Turner.

He was a neighbor of mine in Indiana, although he was born in Mississippi. For many years he made Indianapolis his home.

What he has given to the aviation industry and his contributions to the air transportation of Indiana, as well as to the industry throughout the Nation, are really so great, so numerous, that it is difficult to recite all of these accomplishments.

I last saw Roscoe Turner, here in Washington earlier this year; when he was here with our comrades of the American Legion. He was in great pain due to his illness. I took him to his hotel and helped him to his room. It was difficult for him to return to his room.

He was a patriotic, flag-loving American. His life has been devoted to his country. May this great man rest in peace.

I know I have lost a very dear personal friend. I know that this country has lost one of its greatest citizens.

Mr. ABERNETHY. Mr. Speaker, will the distinguished gentleman yield?

Mr. ROUDEBUSH. I shall be glad to yield to my colleague from Mississippi.

(Mr. ABERNETHY asked and was given permission to revise and extend his remarks.)

Mr. ABERNETHY. Mr. Speaker, I would like to join in the remarks which have been made by the gentleman from Indiana and also by the gentleman from California (Mr. MILLER) with reference to the passing of Col. Roscoe Turner.

Mr. Speaker, I knew Roscoe Turner quite well. He was a native of Corinth, Miss., in the old First Congressional District that I represented for many years. He rendered distinguished service to his country and more especially to the aviation industry, and the sciences of aviation and astronautics.

He was a very great American and left behind a record of service and unusual accomplishment.

Mississippians all were very proud of Roscoe Turner and we deeply regret his passing.

URBAN MASS TRANSPORTATION ACT OF 1970

(Mr. BARRETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT. Mr. Speaker, I am pleased to announce to the House that the Committee on Banking and Currency has just completed action and reported unanimously the Urban Mass Transportation Act of 1970. The committee by a vote of 34 to 0 has passed a far-reaching and much needed bill to provide $5 billion for an expanded urban mass transportation program to meet the needs of both our small and large cities throughout this country. The bill that was reported out is essentially the same provision that the Subcommittee on Housing, of which I am chairman, approved for full committee action earlier this year. I am pleased that we have received splendid cooperation from the chairman of the full committee, the distinguished gentleman from Texas (Mr. PATMAN) and the distinguished ranking minority member of the committee, the gentleman from New Jersey (Mr. WIDNALL), one of the long-time stalwart supporters of Federal assistance to urban mass transportation. I would also like to compliment all the Democratic members of the committee who provided strong support for the subcommittee passed bill, and also the members of the minority who aided in the passing of this strong legislation. We have received splendid cooperation from Secretary John Volpe of the Department of Transportation and his staff.

Mr. Speaker, I believe that once again the Congress has taken a leading step providing assistance for our urgently needed transportation needs. This was a bipartisan effort with the strong impetus from the Democratic leadership of Congress. I would hope that this bill can be brought to the House floor and passed very soon so that the President could sign this bill into law and begin to provide immediate assistance for transportation needs of all our cities.

LAST DITCH APPEAL FOR VOLUNTARY AGREEMENT ON JAPANESE TEXTILE IMPORTS TO PRECLUDE CONGRESSIONAL QUOTAS

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NICHOLS. Mr. Speaker, as one who comes from a textile State, I am most concerned over the last ditch appeal for a voluntary agreement on Japanese textile imports to preclude congressional quotas.

Only yesterday in my State of Alabama, I received a distressing call from a mayor of one of our small towns. Mr. Speaker, the one textile mill in this town is the very life blood of this community, where some 800 employees earn wages to support their families. This is an old mill, an established mill, having been in operation better than half a century and now they are literally on the ropes because of these damaging imports from Japan and other countries.

President Nixon has made his position clear on this matter—Secretary Stans has spent many days trying to reach an agreement with the Japanese Government and we must not be lulled into a false sense of security by further delays and piecemeal offers coming at the 11th hour.

The American textile industry cannot continue to absorb more than 4 billion yards of fabric coming into the United States annually without obviously closing many mills. This production is equivalent to the production of the 80 biggest mills in America and I strongly hope that this administration will elect to endorse and lend their wholehearted support to the textile quotas bill, offered by Chairman WILBUR MILLS and more than 250 other Members of Congress.

CALL OF THE HOUSE

Mr. GROVER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 185]

Abbitt
Adair
Anderson, Tenn.
Ashley
Baring
Biaggi
Blackburn
Blanton
Blatnik
Bow
Brasco
Brock
Caffery
Carey
Celler
Chisholm
Clancy
Clark
Clay
Colmer
Cramer
Daddario
Daniels, N.J.
Dawson
de la Garza
Dent
Dickinson
Diggs
Dorn
Dulski
Edwards, Ala.
Erlenborn
Esch
Farbstein
Fish
Ford, William D.
Gallagher
Gaydos
Gilbert
Gray
Green, Pa.
Halpern
Hamilton
Hanna
Hansen, Idaho
Hawkins
Hébert
Jarman
Keith
Kirwan
Leggett
Lowenstein
McCarthy
McCloskey
McEwen
McMillan
Meskill
Miller, Calif.
Mollohan
Montgomery
Murphy, N.Y.
O'Hara
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Pike
Podell
Pollock
Powell
Reid, N.Y.
Reifel
Rivers
Robison
Rooney, N.Y.
Roybal
Scheuer
Smith, Iowa
Smith, N.Y.
Staggers
Stratton
Watson
Weicker
Wiggins
Wilson, Charles H.
Young

The SPEAKER. On this rollcall 344 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

XUM

CONTINUING APPROPRIATIONS, 1971

Mr. MAHON. Mr. Speaker, pursuant to the order of the House on Thursday last, I call up the joint resolution (H.J. Res. 1264) making continuing appropriations for the fiscal year 1971, and for other purposes, and ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. Res. 1264

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1971, namely:

Sec. 101. (a) (1) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1970 and for which appropriations, funds, or other authority would be available in the following Appropriation Acts for the fiscal year 1971:

Treasury, Post Office, and Executive Office Appropriation Act;

Legislative Branch Appropriation Act;

Office of Education Appropriation Act;

Independent Offices and Department of Housing and Urban Development Appropriation Act;

Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act;

Department of the Interior and Related Agencies Appropriation Act;

Department of Transportation and Related Agencies Appropriation Act;

Foreign Assistance and Related Programs Appropriation Act;

District of Columbia Appropriation Act;

Department of Agriculture and Related Agencies Appropriation Act;

Military Construction Appropriation Act; and

Public Works for Water, Pollution Control, and Power Development and Atomic Energy Commission Appropriation Act.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House is different from that which would be available or granted under such Act as passed by the Senate, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority.

(4) Whenever an Act listed in this subsection has been passed by only one House or where an item is included in only one version of an Act as passed by both Houses, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower: *Provided,* That no provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act for 1970, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and the Senate.

(b) Such amounts as may be necessary for continuing projects or activities which were conducted in the fiscal year 1970 and are listed in this subsection at a rate for operations not in excess of the current rate or the rate provided for in the budget estimate, whichever is lower, and under the more restrictive authority—

activities for which provision was made in the Department of Defense Appropriation Act, 1970;

activities (not otherwise provided for in this joint resolution) for which provision was made in the Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Act, 1970;

activities of the National Foundation on the Arts and the Humanities;

activities relating to high-speed ground transportation research and development;

activities of the Peace Corps; and

activities of the American Revolution Bicentennial Commission.

(c) Such amounts as may be necessary for continuing projects or activities for which disbursements are made by the Secretary of the Senate, and the Senate items under the Architect of the Capitol, to the extent and in the manner which would be provided for in the budget estimates for fiscal year 1971.

(d) Such amounts as may be necessary for continuing the following activities, but at a rate for operations not in excess of the current rate—

activities of the National Council on Marine Resources and Engineering Development;

coal mine health and safety activities of the Department of Health, Education, and Welfare; and

activities under the airport and airway trust fund.

Sec. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) July 31, 1970, whichever first occurs.

Sec. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in subsection (d) (2) of section 3679 of the Revised Statutes, as amended, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds or to permit the use, including the expenditure, of appropriations, funds, or authority in any manner which would contravene the provisions of title V of the Second Supplemental Appropriation Act, 1970.

Sec. 104. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

Sec. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

Sec. 106. No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity which was not being conducted during the fiscal year 1970.

Sec. 107. Any appropriation for the fiscal year 1971 required to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, may be apportioned on a basis such increases cannot be absorbed within available appropriations) for a supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of such pay increases as may be granted pursuant to law to civilian officers and employees and to active and retired military personnel. Each such appropriation shall otherwise be subject to the requirements of section 3679 of the Revised Statutes, as amended,

Mr. MAHON (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the joint resolution be dispensed with and that it be printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Speaker, I move to strike the last word.

Mr. Speaker, if the Public Works Appropriation Bill for 1971 passes the House today as expected, the House will have passed all of the regular annual appropriation bills for fiscal 1971 except the Labor-HEW bill and the defense appropriation bill.

The defense appropriation bill lacks finalization of the annual authorization for major procurement and research and development and thus will not be brought up for some time.

The Labor-HEW bill is expected to be reported in the early part of July. Of course, as Members know, the education programs have been separately handled in a bill passed by the House on April 14.

Mr. Speaker, the purpose of this resolution is to enable the various departments and agencies of Government to continue to operate during the month of July pending final enactment of the regular annual appropriations for the year that begins on July 1. This is the standard procedure in the absence of enactment of the regular bills by July 1. There is nothing unique about it; the House has approved this type of resolution on many occasions.

The resolution is limited to the month of July. We are hopeful that a number of the appropriation bills for 1971 can be sent to the President before July 31. The committee in the other body seems to be in position to make this possible. I am advised that hearings are complete on a number of the bills. Some bills have been reported. Others, I understand, are being readied for reporting. And the other body has begun debating the bills that have been reported.

Mr. Speaker, I know of no objection to the pending resolution.

Mr. JONAS. Mr. Speaker, will the chairman yield?

Mr. MAHON. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Speaker, I concur in the comments made by the distinguished gentleman from Texas (Mr. Mahon). I know of no objection to this resolution on this side of the aisle. We recognize the necessity of it. We have already passed in this body 11 of the 14 appro-

XUM

priation bills. We will adopt another this afternoon. But while we wait on the adoption and the passage of all of these bills the Government has to continue to function and continue to pay its bills, and this is the only way that can be accomplished.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I would ask the gentleman from Texas what the situation is with respect to the authorization bills, if the gentleman has that information at hand. How many authorization bills are still outstanding?

Mr. MAHON. The major annual authorization bill remaining outstanding is for about $25 billion for military procurement and research and development. This bill passed the House quite some time ago, but has not been considered by the other body, and that is the main reason for the delay on the defense appropriations bill.

Mr. GROSS. Are there any authorization bills that have not come before the House?

Mr. MAHON. There are other authorization bills that have not been finally enacted into law, but so far as I know there will be no problem from the standpoint of processing the appropriations in the House. Where necessary, we have adopted in the House rules waiving points of order. The only major remaining authorization bill that is causing us any delay is on defense.

Mr. GROSS. Is what?

Mr. MAHON. Is the defense authorization bill.

Mr. GROSS. I see.

But all authorizations for appropriations have been passed by the House at this point; is that correct?

Mr. MAHON. Generally speaking, I believe that is correct.

Mr. GROSS. And there are two appropriation bills, two major appropriation bills, outstanding?

Mr. MAHON. Yes.

Mr. GROSS. With the passage of the public works appropriation bill today, will there still be two bills outstanding?

Mr. MAHON. There will be two bills. We have passed the education part of the HEW bill, and it is being considered at this time in the other body. So, we have yet to report to the House a portion of the Labor-HEW bill, and the defense bill.

Mr. GROSS. I thank the gentleman.

Mr. MAHON. We expect to report the Labor-HEW bill in the first half of July. We are in an excellent position in the House on the matter of reporting the bills.

Mr. SIKES. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Speaker, I believe that the House will take some assurance from the fact that the defense appropriation bill is ready for markup. We concluded our hearings some time ago. We are simply waiting on the authorization.

I would like to again remind the House that, for the first time in a number of years, the Committee on Appropriations has substantially completed all of its work insofar as the House is concerned, and insofar as the committees are concerned prior to the beginning of the fiscal year. That has meant a great deal of work, and it is something that the House should be pleased to recognize.

Mr. MAHON. I thank the gentleman.

Mr. Speaker, I yield back the balance of my time.

EXCERPTS FROM REPORT ON CONTINUING RESOLUTION

Mr. Speaker, under leave granted, I am including extensive excerpts from the report of the committee on the pending continuing resolution. Virtually the entire Government will be operating to one degree or another under this resolution—assuming it is enacted and signed into law—beginning July 1. So it is an important piece of legislation, and I believe it would be desirable to have the record show something of the details about the resolution and the status of the appropriations bills.

The following are excerpts from the committee report, filed on June 18:

CONCEPT AND TIME PERIOD OF THE RESOLUTION

The resolution follows the basic form and concept of similar resolutions of past years. Last year's initial continuing resolution—for fiscal 1970—became Public Law 91-33, approved June 30, 1969.

The time period covered by the accompanying resolution is the month of July 1970. Judged by comparison with some earlier years this is a very limited time extension of funding authority for the new fiscal year, but it is not inconsistent with the generally accelerated schedule of processing the appropriation bills that has thus far been followed by the Committee on Appropriations and the House. A great deal of the appropriations business for fiscal 1971 can be legislatively finalized during the next several weeks, depending significantly on the actions of the other body.

Of course, any appropriations business that may be pending final legislative disposition when this continuing resolution expires would require consideration of an extension of the resolution.

STATUS OF THE APPROPRIATION BILLS

All but two of the fourteen annual appropriation bills for the fiscal year 1971 have been reported to the House and will have been sent to the other body before the new fiscal year begins.

Hearings on the Labor-HEW appropriation bill have been completed, but there has been some slippage from the original schedule for it, largely because of extra time required to finalize the fiscal 1970 Labor-HEW appropriations and the decision to have a separate bill for education appropriations. The Labor-HEW bill for 1971 is now expected to be ready for House floor action shortly after the July Fourth break.

Hearings on the Defense appropriation bill were completed on schedule last month, and, but for complications stemming from lack of more definitive action on the legislative authorization underlying major procurement and research and development programs, would have been reported to the House about as originally scheduled.

Of the 12 appropriation bills for 1971 processed by the Committee on Appropriations in substantial accord with the tentative schedule announced on March 17, three were passed by the House by mid-April; four during May; two on June 4; one on June 9; and one on June 11. The Public Works-AEC bill is scheduled for the House floor next week.

Following is a tabulation of the bills:

THE ANNUAL APPROPRIATION BILLS FOR 1971—IN THE HOUSE

Bill	Reported	Passed	Notes
1. Legislative	Apr 9	Apr 13	
2. Treasury-Post Office	do	do	
3. Education	do	Apr 14	
4. Independent offices—HUD	May 7	May 12	Annual authorizations for NASA and NSF not finally enacted when considered.
5. State-Justice-Commerce-Judiciary	May 12	May 14	Authorizations for law enforcement assistance, Economic Development Administration and several other items not finally enacted when considered.
6. Interior	May 14	May 19	Authorizations for some relatively minor items not finally enacted when considered.
7. Transportation	May 21	May 27	Authorization for high-speed ground transportation research and development not finally enacted when considered.
8. District of Columbia	June 1	June 4	Additional revenue legislation not reported.
9. Foreign assistance	do	do	Authorization for Peace Corps and foreign military sales not finally enacted when considered.
10. Agriculture	June 4	June 9	Authorization for food stamp and special milk programs not finally enacted when considered.
11. Military construction	June 8	June 11	Authorization not finally enacted when considered.
12. Public works-AEC	June 18	(1)	
13. Labor-HEW	(2)	(2)	Authorization action needed for a few items.
14. Defense	(2)	(2)	Authorization for procurement and R. & D. not finally enacted.

[1] Scheduled for floor action next week.

[2] See comments above.

DETAILS ABOUT THE RESOLUTION

Comporting with continuing resolutions over a period of many years, the emphasis in the resolution is on the *continuation of existing projects and activities* at the lowest of one of three rates, namely, the current (fiscal year 1970) rate; the budget request for 1971 where no action has been taken by either House; or the more restrictive amount adopted by either of the two Houses. The whole thrust of the resolution is to keep the Government functioning on a minimum basis until funds for the full year are otherwise determined upon.

The general basis of operation is this:

If the applicable 1971 appropriation bill has passed both Houses but not cleared conference, and the particular amount of authority therein differs, the pertinent project or activity continues under the lesser of the two amounts and under the more restrictive authority.

Where a bill has passed only one House, or where an appropriation for a project or activity is included in only one version of a bill as passed by both Houses, the pertinent project or actively continues under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current fiscal year 1970 rate or the rate permitted by the one House, whichever is the lower.

Where neither House has passed the applicable appropriation bill for the fiscal year

XUM

XUM

1971—and that is the case with only 2 of the 14 scheduled annual bills for 1971—appropriations are provided for *continuing* projects or activities conducted during fiscal year 1970 at the current rate or the rate provided for in the budget estimate for 1971, whichever is lower, and under the more restrictive authority. If there is no budget estimate, special provision is made for continuation until the question is disposed of in the course of processing the applicable regular bill.

The resolution does not in any way augment the appropriation for a given project or activity in the regular bills for the fiscal year 1971. In the words of section 105 of the resolution itself:

"SEC. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law."

In other words, while this resolution—as in the case of similar resolutions of previous years—does not enumerate *specific* amounts that may be obligated and expended for the countless activities of government during the period of the resolution (or such shorter period as the resolution may operate as to particular departments or agencies), the controlling factor, known to all who have any responsibility for the management of the programs or the obligation of the funds, is that whatever is used during this interim must be taken out of, or charged against, whatever amount is finally appropriated, or otherwise made available, for the whole year.

Section 101(b) and following subsections of that section of the resolution are drawn along the conventional lines of similar past resolutions and, generally, encompass those activities to be considered in connection with appropriation bills not yet reported from the Committee or which are otherwise not presently included in a bill.

Section 102 provides that the resolution ceases to apply to an agency or activity concurrent with approval by the President of the applicable appropriation bill in which provision for such agency or activity is made. Thus *the scope of the continuing resolution constricts as each bill is enacted; the resolution will be wholly inoperative after the last bill for 1971 is approved, or July 31, whichever first occurs.*

Section 104 is standard in continuing resolutions, and is self-explanatory.

Section 106 is also standard in continuing resolutions, *forbidding* the use of funds provided in the joint resolution to *initiate any new project or activity or to resume any which was not being conducted in fiscal* 1970.

Common, of course, to all appropriations and funds that are used in 1971 for payment of salaries of civilian and military personnel will be the extra compensation that must be paid as a result of the general 6% pay increase granted several weeks ago to civilian and military personnel pursuant to law. There is no administrative discretion in the matter of the extra payments to personnel. The line-item budget estimates for 1971 did not make specific allowance for these added costs, causing the committee to include, as *Section 107 of the resolution,* a provision authorizing deficiency apportionments for 1971 to the extent any such pay increases cannot be absorbed within funds otherwise available.

EXPENDITURE CEILING PROVISION

Title V of the pending second supplemental appropriation bill, 1970, deals with the matter of a ceiling on outlays (expenditures and net lending) for fiscal 1971. Any reductions that may be an outgrowth of whatever is enacted in this connection introduces something of an extra dimension to budgets of the departments and agencies of government in the fiscal year 1971 beginning on July 1 next, casting something of a shadow over not only the unexpended carryover balances in innumerable accounts across the government but also over many of the specific appropriation and fund amounts now pending consideration at various stages in the legislative process.

In this general connection, *Section 103* of the joint resolution follows the stereotyped form of previous continuing resolutions in waiving the time periods set forth in 31 U.S.C. 665(d)(2) for the submission and approval of papers on the apportionments of funds. This in nowise waives the basic requirement in the law for the apportionment of funds over the year but merely dispenses with considerable paper work that as a practical matter cannot be usefully applied to temporary appropriation provisions. But in view of the pending ceiling provisions of such title V applicable to fiscal 1971, the committee has attached to section 103 a proviso that—"nothing herein shall be construed to waive any other provision of law governing the apportionment of funds or to permit the use, including the expenditure, of appropriations, funds, or authority in any manner which would contravene the provisions of title V of the Second Supplemental Appropriation Act, 1970."

The basic law (31 U.S.C. 665) on apportionment of funds reads, in pertinent parts, as follows:

"(c)(1) * * * all appropriations or funds available for obligation for a definite period of time shall be so apportioned as to prevent obligation or expenditure thereof in a manner which would indicate a necessity for deficiency or supplemental appropriations for such period; and all appropriations of funds not limited to a definite period of time, and all authorizations to create obligations by contract in advance of appropriations, shall be so apportioned as to achieve the most effective and economical use thereof. As used hereafter in this section, the term "appropriation" means appropriations, funds, and authorizations to create obligations by contract in advance of appropriations.

* * * * *

"(3) Any appropriation subject to apportionment shall be distributed by months, calendar quarters, operating seasons, or other time periods, or by activities, functions, projects, or objects, or by a combination thereof, as may be deemed appropriate by the officers designated in subsection (d) of this section to make apportionments and reapportionments.* * *."

THE APPROPRIATIONS BUSINESS OF THE SESSION

Fiscals 1970–72—House Totals

In the appropriation bills of the session, encompassing the bills for fiscal 1971 (including the Public Works-AEC bill for 1971 *as reported*), the second supplemental bill for 1970, and a couple of advance funding items for fiscal 1972, the House has considered budget requests for new budget (obligational) authority of $56,681,392,953.

Against these requests, the Committee on Appropriations recommended a total of $54,559,261,608, a net reduction of $2,122,131,345. Floor changes *added* a net total of $351,027,000, making the revised amount approved $54,910,288,608, or $1,771,104,345, net, below the related budget requests.

Fiscal 1971—House Totals

Dealing only with fiscal 1971 amounts, and including the Public Works-AEC bill *as reported,* budget requests considered in connection with the 12 bills to date aggregate $49,236,258,822, against which the Committee on Appropriations recommended $48,649,145,817, a net reduction of $587,113,005.

Not counting the Public Works-AEC bill on which the House itself has not yet acted, the House approved six of the bills without money change; reduced two of them; and increased three of them. In total, House floor changes added $347,027,000 to the committee totals:

$350,000,000 was added for basic water and sewer grants under the Department of HUD.

$80,000,000 was deleted from the Foreign Assistance bill when the Peace Corps was knocked out on a point of order.

$44,000,000 was added for rural water and waste disposal grants under the Farmers Home Administration.

$25,000,000 was added for medical care in the Veterans Administration.

$8,400,000 was added for the Coast Guard Reserve.

$373,000 was deleted from the Interior bill when the American Revolution Bicentennial Commission was knocked out on a point of order.

Thus, in the 12 bills for fiscal 1971 including Public Works-AEC bill as reported—and as to fiscal 1971 amounts only—the House made a net reduction of $240,086,005 in the new budget (obligational authority) requests.

Effect of House actions on budgeted expenditures (outlays)

Since the budget *requests* and the *bills* are stated on the basis of "new budget authority" it is of course easy to report comparisons of congressional actions on this basis. But for several reasons it is virtually impossible to make a precise translation of the effects of those actions on the budget estimates (not "requests") of 1971 outlays (expenditures and net lending). There are several imponderables not within the scope of the bills that can and do affect expenditure (disbursement) rates and timing. Carryover balances are involved. Uncertainties of deliveries; unforseeable administrative changes; construction schedule changes; lag of expenditures behind obligations for various research and other grants; and so on. All that can be done is to undertake reasonable approximations of the expenditure reductions.

Specifically, as to House actions in the 12 appropriation bills for 1971—again, including the Public Works-AEC bill as reported:

1. $240,086,005 has been cut from new budget (obligational) authority requests.

2. Based on tentative approximations, these would translate into net reductions of $127,700,000 from the projected budget expenditures (outlays) for 1971. (Note.—In addition, the Second Supplemental Bill, 1970 may have some impact, but this might be offset by slippage of time so as to throw some budgeted 1970 expenditures into 1971.)

For general reference purposes of Members and others, it may be of interest to again call attention to the periodic budget "scorekeeping" reports issued by the staff of the Joint Committee on Reduction of Federal Expenditures. Those reports are designed to keep tabs, currently, on what is happening in the legislative process to the budget recommendations of the President, both appropriation-wise and expenditure-wise, and on the revenue recommendations, and not only from actions in the revenue and appropriation bills but also in legislative bills that affect budget authority and expenditures (backdoor bills, bills that mandate expenditures, and so on).

Several such reports have been issued this year, and another is due shortly.

Fiscal 1972—House totals

Budget requests for advance funding for fiscal 1972 were considered and disposed of in the House as follows:

	Budget	Allowed
Education bill (elementary and secondary education)	$1,339,050,000	
Transportation bill (District of Columbia subway construction)	188,011,000	$150,000,000
Total, 1972 advance funding	1,527,061,000	150,000,000

Fiscal 1971 amounts pending in House committee

Budget requests for new budget (obligational) authority for fiscal 1971 are now pending before the committee in connection with the Labor-HEW and Defense appropriation bills, as follows:

Labor-HEW	$18,731,737,000
Defense	68,745,666,000
Total	87,477,403,000

Senate actions

The Committee in the other body has reported the Second Supplemental appropriation bill for 1970, the Office of Education appropriation bill for 1971 and the District of Columbia appropriation bill for 1971.

Summary of bill totals to date

A summary of totals of new budget (obligational) authority on appropriation measures for fiscals 1970 and 1971 to date follows:

SUMMARY OF APPROPRIATION BILL TOTALS OF NEW BUDGET (OBLIGATIONAL) AUTHORITY, 91ST CONG., 2D SESS., AS OF JUNE 18, 1970 (BUT SUBSEQUENT TO MAR. 5)

[Does not include any "back-door" type budget authority; or any permanent (Federal or trust) authority, under earlier or "permanent" law,[1] without further or annual action by the Congress]

	New budget (obligational) authority. (All figures are slightly rounded.)		
	Bills for fiscal 1970	Bills for fiscal 1971	Bills for the session
A. House actions:			
1. Budget requests considered	$5,918,073,000	[2] $50,763,320,000	$56,681,393,000
2. Amounts approved by House	5,764,116,000	[3] 49,146,173,000	54,910,289,000
3. Comparisons with corresponding budget requests	−153,957,000	[4] −1,617,147,000	−1,771,104,000
B. Senate actions:			
1. Budget requests considered			
2. Amounts approved by Senate			
3. Comparison with corresponding budget requests			
4. Comparison with House amounts in same bills			
C. Enacted:			
1. Budget requests considered			
2. Amounts enacted			
3. Comparison with corresponding budget requests			

[1] The budget for 1971, as submitted Feb. 2, tentatively estimated total new budget authority for 1971 at $234,800,000,000 ($218,000,000,000, net of certain budget presentation adjustments) of which $148,100,000,000 was for action by Congress and $86,700,000,000 would become available under permanent law.

[2] Includes request of $1,527,061,000 advance funding for fiscal year 1972.

[3] Includes $150,000,000 advance funding for fiscal year 1972. Also includes public works-AEC bill as reported by committee.

[4] Of which $1,377,061,000 represents disallowance of fiscal 1972 advance funding requests, and $240,086,000 relates to fiscal 1971 requests.

Note: House actions on bills for 1971 are tentatively estimated to decrease outlays (expenditures) by approximately $127,700,000 (including $64,000,000 related to floor point of order).

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and insert certain pertinent material and also that other Members may revise and extend their remarks at this point in the Record.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION FOR HOUSE MANAGERS TO FILE CONFERENCE REPORT ON H.R. 17399, SUPPLEMENTAL APPROPRIATIONS, 1970

Mr. MAHON. Mr. Speaker, the supplemental appropriation bill for the fiscal year 1970 which ends next week is in conference between the House and Senate today. I ask unanimous consent that the managers on the part of the House may have until midnight tomorrow night to file a conference report on the bill, H.R. 17399, the supplemental appropriation bill for the fiscal year 1970, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PUBLIC WORKS AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1971

Mr. EVINS of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18127) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Arizona (Mr. Rhodes), and myself.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Tennessee.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 18127, with Mr. Aspinall in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Tennessee (Mr. Evins) will be recognized for 1 hour, and the gentleman from Arizona (Mr. Rhodes) will be recognized for 1 hour.

The Chair recognizes the gentleman from Tennessee (Mr. Evins).

Mr. EVINS of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we bring you today the public works for water, pollution control, and power development and Atomic Energy Commission appropriations bill for 1971.

This is a big bill—a major bill—a significant bill.

This is an all-America bill and represents an investment in the future of America.

This bill reflects the concern of the Congress in the future of America—in the development of our water resources for the benefit of our people—in the protection of our water and environment against pollution—in the providing of needed electric power for an expanding population—in the defense of our Nation by maintaining our nuclear strength—and in the development of peaceful uses of atomic energy in the national interest rather than for the benefit of special interests.

At the outset I want to say that we continue to miss our distinguished and beloved chairman, the gentleman from Ohio, Mike Kirwan.

TRIBUTE TO MIKE KIRWAN

I regret to report that Mike's condition is not as encouraging as we would hope. Although he continues to be in good spirits, his general condition is not promising. We all miss him. We miss his great leadership and commitment for progress through internal improvements—the great force of his leadership for growth and development of our Nation.

Mike is "Mr. Public Works" to all of us—a great champion of water resource development and progress for America.

I know that I speak for all of us when I say that we shall always wish him well.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman.

Mr. RHODES. Mr. Chairman, I have asked my distinguished friend, the gentleman from Tennessee, to yield for the purpose of concurring in the remarks he has made about our great chairman, the gentleman from Ohio, Mike Kirwan.

When the gentleman from Tennessee says that he speaks for every Member of the House and that his sentiments are shared by every Member, I know that he speaks correctly. Certainly, the Members on this side of the aisle have as much regard for Mike Kirwan as do the Members on the other side. We wish him the best of everything in the future and thank him for the great services he has rendered to the House of Representatives and to our country in his great career as a Member of this body.

Mr. EVINS of Tennessee. I thank my colleague.

Mr. Chairman, all members of our subcommittee have contributed to the preparation of this bill—all have participated.

Let me commend all members of the subcommittee—the gentleman from Massachusetts (Mr. Boland), the gentleman from Mississippi (Mr. Whitten), the gentleman from Alabama (Mr. Andrews), and the able and genial ranking minority member of the subcommittee, the gentleman from Arizona (Mr. Rhodes), the gentleman from Wisconsin (Mr. Davis), and the gentleman from New York (Mr. Robison).

I want to also commend the able staff of our Subcommittee on Public Works Appropriations, Gene Wilhelm and George Urian.

These staff specialists know the details of this bill. They have helped to fashion this bill. We relied heavily on their expertise and experience, and we are grateful to them.

XUM

Let me commend to your reading the committee report. It is a well-documented report—an excellent summary of the committee's actions.

I particularly recommend your reading the sections relating to the emphasis on the environment—and action being taken to abate pollution and to regulate and control nuclear radiation hazards.

OVERALL SUMMARY

By way of overall summary, the President's budget recommended $5,269,181,000 for public works, AEC, and water pollution control for 1971.

We are recommending in the bill for next year $5,242,556,000—a cut and reduction of $26,625,000 from the budget request.

The largest item in the bill is for programs of the Atomic Energy Commission—$2,325,600,000.

We have made cuts and reductions in the AEC budget of $37,400,000—including a reduction of $45,400,000 in operating expenses. We have increased the plant and capital equipment item by $8 million, making a net cut and reduction of $37,400,000 from the budget.

One of the most important actions by the committee was the removal of $300,000 recommended in the President's budget to establish and set up a separate "corporate directorate" within the AEC to operate the AEC's uranium enrichment facilities.

The committee concurred with the Joint Committee on Atomic Energy in deleting this $300,000—and further in appropriating $16.1 million to initiate improvements at the gaseous diffusion plants to increase the capacity of these plants to meet projected requirements for civilian power reactors.

These gaseous diffusion plants, owned by the Government, are located in Oak Ridge, Tenn., Paducah, Ky., and Portsmouth, Ohio. They are the key to providing the supply of fuel for nuclear electrical production—and the key to the cost of this fuel to the people.

The committee believes that an adequate justification was not made for setting up a separate directorate to be superimposed on the AEC management structure—with increased cost and expenses.

The committee believes further—as stated in the report—that the present AEC organization is conducting the management of the plant operations in a most efficient and effective manner.

Much of the emphasis in our report is on the impact of the programs and projects funded in this bill to improve the quality of our environment.

We are providing more than a billion and a half dollars in appropriations to help improve the environment. A breakdown of these funds appears on page 5 of the committee's report.

The research and development, pollution control grants, and Federal water resources construction funded in this bill will produce a wide range of benefits which contribute directly to the goals of the National Environmental Policy Act of 1969.

Another important national goal and objective relevant to this bill is the production of sufficient electric power to serve the needs of the Nation.

The water resource projects of the Corps of Engineers, Tennessee Valley Authority, Bureau of Reclamation, and Bonneville Power Administration, among others, funded in this bill are indispensable links in the chain of electric power production which girds our Nation.

We have also emphasized the importance of the development of nuclear electric power for the future.

CORPS OF ENGINEERS

For programs of the Corps of Engineers, the committee recommends $1,262,176,000 in new budget obligational authority for 1971.

This is $3,797,000 less than the budget estimate.

For construction the committee recommends $825,689,000.

This is $4,291,000 over the budget estimate.

While making some increases, we have made cuts and reductions in other items in the bill, which brings the total overall amount below the budget as indicated earlier.

Over the years there has been slowdown, stretchout, and cutback, resulting in a huge backlog of essentially needed projects.

As a general policy the committee has given first priority to funding projects of the Corps of Engineers which have previously been approved for planning, land acquisition, or construction—projects funded in last year's bill but which were placed under the budget freeze order.

Increases generally have been provided for these projects to keep abreast of corps capability and return to the original completion schedule.

Committee increases for this purpose involve 51 projects with a total of $15.2 million.

The committee has limited unbudgeted new starts to a small number of projects primarily involving water supply, water quality, and local flood protection.

A total of only $27.9 million has been allowed for 35 new construction starts in the Corps of Engineers appropriation—including $15.9 million for 16 new starts requested in the budget estimate.

The committee is recommending 47 projects for studies, 18 projects for planning, and two projects for land acquisition.

ASSESSMENT OF WATER RESOURCES

In view of the continuing budgetary limitations and stringency in water resource projects, it is interesting to note the latest assessment of the Nation's water resources.

In this assessment—and I direct your attention to page 12 of the report—the Water Resources Council estimates that projected capital outlays totaling $20 billion for the 5-year period 1969–73 will be required for waste treatment facilities, sanitary sewers, and water cooling requirements.

Requirements for municipal water systems are expected to triple by 2020.

Requirements for industrial use are expected to increase more than 300 percent.

And requirements for fresh water for steam-electric power are expected to multiply more than six times.

The potential for flood damage is expected to triple by the turn of the century.

Water shipment tonnage on inland waterways is expected to increase six times in the next 50 years.

In view of this great need and demand for water resource projects, the committee feels its request for only 35 new starts is indeed modest.

Despite this great need it is interesting to note that continued slowdowns and unfunding of authorized studies and projects have resulted in a backlog of 738 projects—listed under the categories of—

Studies, not started—330.

Planning, not started—169.

Planning, underway—127.

Planning completed, construction not started—112.

These 738 studies and projects involve $9,710,687,000. We have almost a $10 billion backlog in public works projects and the amount is increasing every year.

We have been providing for some 50 to 65 new construction starts each year for the past several years. At this rate we will be a long time in catching up with the large backlog.

In 1968 there were 33 new starts—in 1969 there were eight new starts, and in 1970 there were only 11 new starts.

This year the committee is recommending 35 starts—far less than the need.

PROJECT BENEFITS

It is also interesting to note the benefits that have been derived from completed projects for pollution control, water supply, power development, flood control, navigation, reclamation, and recreation.

The Federal Government has made 10,000 grants totaling $1.6 billion for water pollution control—and these facilities now serve some 78 million Americans.

Water stored in Corps of Engineers and Bureau of Reclamation reservoirs provide more than 2½ billion gallons of municipal and industrial water to about 18 million people annually.

Power benefits from TVA, Bureau of Reclamation, and Corps of Engineers hydroelectric projects produce 185.2 billion kilowatt-hours.

Flood control by these multipurpose projects prevented an estimated $20,244,000,000 in damages—at a cost to the Federal Government of less than $6½ billion.

The navigation system of harbors and waterways built by the Corps of Engineers now carry almost 1½ billion tons of traffic annually.

The Bureau of Reclamation irrigation projects now irrigate about 9 million acres producing crops valued at almost $2 billion annually.

This is the record of accomplishments and achievements of the Federal water resources program—an all-American program for all Americans.

GRANTS FOR WASTE TREATMENT WORKS

Concerning the vital and important matter of assuring clean water through antipollution measures, the committee is recommending a direct appropriation of $1 billion for the funding of grants to States for construction of waste treatment works—as authorized by the Clean Water Restoration Act of 1966.

This $1 billion—together with a carryover balance of $440 million—will provide a total of $1,440,000,000 available for grants for next year, compared with an authorization of $1,250,000,000.

The committee is recommending this direct appropriation, although the 1971 budget submission proposed new legislation to provide contract authority of $4 billion for 4 years—a billion dollars a year over the next 4 years.

Rather than risk a slowdown in the program, as this new legislation has not been approved, the committee voted for a further direct appropriation.

There can be no question but that new legislation is needed with respect to revising the formula for distribution of the grant funds to the States.

Under the present formula which allocates funds to the States on the basis of population rather than need, about half the States receive more than they can utilize and many States receive far less than needed.

The funds do not reach some major pollution problem areas under present legislation.

Further complicating the problem is the fact that funds, not used, cannot be reallocated for a period of 18 months. As a result, as of April 30 last, more than $607 million remains unallocated out of the $865 million available for grants at the beginning of the fiscal year.

Although the committee is limited in measures it can take through the appropriations process to alleviate this situation—which obviously requires legislation—the committee is recommending this:

That of the $1 billion in new appropriations, $800 million be allocated through the present formula.

That the remaining $200 million be allocated on the basis of the eligibility of certain States to receive reimbursements for projects already funded by the States and local governments under section (c) of the Federal Water Pollution Control Act.

The committee has also added language providing that grant funds not allocated at the end of the fiscal year be subject to reallocation.

These are interim, makeshift measures—the proper legislative committees will, I am sure, proceed with legislation to establish a more equitable basis of allocation, based primarily on need.

ATOMIC ENERGY COMMISSION

For the Atomic Energy Commission the committee is recommending $2,325,600,000—a cut and reduction of $37,400,000 from the budget request of $2,363,000,000.

As I indicated earlier, the committee is recommending against any funding of the proposed "corporate directorate" which the administration recommends to begin the process of sale of the gaseous diffusion plants to private interests.

We do not consider this directorate or the sale of these important plants to be in the national interest.

The Atomic Energy Commission is managing these plants in a competent, capable, efficient manner and the public interest requires that these plants remain publicly owned and controlled by the Government.

In assessing the importance and the investment in these assets, the committee is recommending $16.1 million for improvements and modifications of these plants, in anticipation of increased demands for enriched uranium, as fuel for nuclear-powered electric powerplants.

It is the committee's considered judgment that these nuclear powerplants have the greatest potential as an alternative source of power to assist in solving the energy problems facing the Nation.

It has been estimated that within 30 years nuclear plants will be providing half of the Nation's total electric power generating capacity.

It is obvious, therefore, that ownership of these plants and control of the prices and rates should remain in public ownership rather than being sold to private interests.

The committee has also taken cognizance of the concern and of reports of the possibility of radiation from nuclear powerplants.

The committee notes that the safety record of the Atomic Energy Commission is second to none.

Much testimony was received by the committee from officials of the Atomic Energy Commission on this subject—on all that is being done to minimize and eliminate and protect the public from the hazards of radioactivity from nuclear powerplants. The Commission is stepping up its inspection and regulatory work in this field and I commend and congratulate the Atomic Energy Commission for the great work it is doing in this area in the public interest.

Mr. Chairman, it is interesting to point out—and I believe Members and others will be interested in this—that we had testimony that one would likely receive more radiation from a flight from New York to California in an airplane than one would receive standing by a nuclear powerplant for a year. We do not oppose flights, but we say that the exposure to radiation would be greater on such a flight than from standing by a nuclear powerplant for a year.

The testimony also indicates that one would get more radiation from a dental X-ray or from a chest X-ray than one would get in living near a nuclear power plant for several years.

So the fear about radiation is alarming, but it is all out of proportion. It is not realistic, according to the expert testimony. Our report tries to set this in proper perspective.

We must have advancement of nuclear power for defense purposes and also for peaceful purposes.

Mr. Chairman, to summarize—we have provided in this bill for a modest number of new starts—35, in total—in water resource projects—although the backlog of needed projects continues to snowball.

We believe our request is prudent and reasonable—in view of the large backlog of 738 projects, approved by Congress—as needed in the public interest.

We have also provided for $1 billion for next year for grants to the States for construction of waste treatment facilities.

Next year we will be spending over $2½ billion, carried in this bill for work on improvement of the environment. We have devoted much of our report to the application of these programs and projects to the preservation of our environment.

We have acted in the public interest in moving to assure that the gaseous diffusion plants of the Atomic Energy Commission—the primary source of nuclear powerplants to provide electricity—will remain in public ownership in the national interest.

I repeat, this is a good bill—an all-American bill—an investment in the future growth and progress of America.

This bill is a window through which we can glimpse of the future of America—an America free of pollution—an America with abundant electric power—an America with a vast network of inland waterways and with recreation facilities unlimited—a stronger and better America of tomorrow.

XUM

I urge approval of this vital appropriations bill.

Mr. RHODES. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, again I wish to pay my respects to the members of the subcommitee, who have labored long and hard in preparing this bill. We have labored without the guidance and the presence of our great chairman, the Honorable Michael J. Kirwan, and it has not been an easy task to do this job without him.

I want particularly to voice my own respect and gratitude to the gentleman from Tennessee (Mr. Evins) the gentleman from Mississippi (Mr. Whitten) the gentleman from Massachusetts (Mr. Boland) and the gentleman from Alabama (Mr. Andrews) for the fine work which they have done in chairing the subcommittee and in filling in for Mr. Kirwan. Equally deserving of praise for their fine work are my Republican colleagues, the gentleman from Wisconsin (Mr. Davis) and the gentleman from New York (Mr. Robison).

As has always occurred since I have been on this subcommittee, we have had a maximum of harmony and a minimum of dissent. The bill which we bring to the floor today has the unanimous approval of all of the members of the subcommittee.

Mr. Chairman, this, in my opinion, is as good a bill as this subcommittee has ever brought to the floor of the House. It recognizes a number of changes which have come about in this country during the past few years. All are aware that the environment and the ecology of this country are an issue that has now become the thought and conscious concern of every responsible citizen. You will note from our report that the committee is also very much concerned about the environment in which we live, particularly zealous in trying to protect that environment from further encroachment, and anxious to heal the wounds which it has suffered from ill use in the past.

The first 14 pages of the report, Mr. Chairman, are almost completely concerned with discussions of the environment and its problems. We have carefully studied the possibility that current and future activities of the Atomic Energy Commission might adversely affect the environment.

We point out the commendable effort of the Atomic Energy Commission to limit and, if possible, completely eliminate this potential problem. We also discuss the efforts made to avoid water pollution in the future, and to clean our streams, rivers, and lakes from the pollution of the past.

As mentioned by the gentleman from Tennessee, there is approximately $2 billion in this bill to clean up our existing water resources and to provide for water of a better quality in the future.

In addition to this, of course, there are many other benefits we receive from water development. These include the recreational facilities that are provided and the fact that much of our water conservation effort also results in improved supplies of clean water for many of our cities and towns.

I do think it is necessary to mention that there will always be pollution potential in the production of electric power until we are able to resolve certain problems concerned with the use of the thermonuclear reactor. I do not intend to minimize or decry the significant strides which have been made by science and technology in taking the ash, the solid waste, out of the smoke which comes from the burning of coal. Substantial efforts have also been made to lessen the amount of sulfur dioxide released in the air from coal fueled electric power production. And certainly one must respect the scientific and physical changes which have evolved from the study and operation of our existing nuclear reactors. These produce great quantities of electric power and are as safe as they can possibly be made.

But, in all candor, it is still necessary to state that certain pollutants occur from the production of electricity by fossil fueled nuclear plants and nuclear power itself. We have the problem of thermal pollution which occurs, because of the necessity to use great quantities of water to cool the reactor. It is a fact of life that when water used for cooling is returned into the stream or lake from which it is drawn, that it will probably raise the temperature of those streams and lakes. It is also true that raising the temperature does affect the ecology—the plant and marine life contained in those particular bodies of water.

This, Mr. Chairman, is why many of us believe that a controlled thermonuclear reactor offers the greatest potential source of energy and represents the best long-term solution to most of our power and conservation problems.

Putting it briefly and succinctly, the control of nuclear reactors is making it possible to slow the hydrogen reaction so that power derived from the explosion of a hydrogen bomb can be utilized to benefit, rather than destroy, humanity. This is a research effort which has been going on for many years. I have stood in the well of this House on this occasion for the past many years and, I hope, made it very well known that progress on this effort is much too slow.

Again, I emphasize that the Atomic Energy Commission is making a substantial effort and expending a significant amount of money in this effort. But I cannot believe that there is as much emphasis directed toward the solution of this particular problem in the atomic energy program as there should be.

Bear in mind that if this phenomenon can be harnessed—and to harness it is no small feat because it generates heat in excess of that generated on the sun—then we will have electricity which produced from the process itself. We will have heat which can be controlled.

The end product of this means of power production is helium, an inert gas, which we know cannot be burned and is not an atmospheric pollutant. It would not be necessary to take out cores of fissionable material and try to dump them somewhere in a salt cave or the bottom of an ocean and then hope they do not get loose and cause anyone problems.

One would not have that type of residue, from this process, so that it would solve one of the really great problems we have in the use of nuclear reactors today.

But in the next breath I must admit that although we have tried we have not been able to spend over $29 million this year in the research for the controlled thermonuclear reactor. Unfortunately, there has not been the type of scientific breakthrough which is necessary before we can profitably spend more money.

There has been some development. The Russians have been able, by the use of a rather weird object called a Tokamak, to bend magnetic fields roughly into the shape of a bottle which can contain the high temperature and great power released by the thermonuclear reaction when it forms itself into a very hot plasma.

So we are making some progress. We in the United States have also been able to contain the plasma formed by the reaction for longer periods of time than had been possible previously. We used to measure containment in terms of a millionth of a second, but we are now able to contain plasma for two-fifths of a second. This certainly is some sort of a breakthrough. However, we have not been able to contain reactions which have the temperature required for a sustained reaction for any prolonged period of time. So we have a long way to go.

Insofar as the fission process is concerned—the main process of obtaining nuclear energy—the light metal breeder reactor approach is considered the most promising process on the horizon. The breeder reactor is rather strange, in that it produces, in the process of forming power, more fissionable material than it uses up. In other words, it produces plutonium, which in itself is a fissionable material. However, there is some problem with regard to the technology of the light metal breeder reactor, so that we are also financing an alternative method known as the gas cooled reactor.

In this area we are also in the process of experimentation, but much more additional research is needed than we have seen to date in the controlled thermonuclear device.

To return to the environment, I have already mentioned that some damage to the environment will result from any way we develop electric power at the present time. I merely ask that my colleagues in the House and my fellow citizens in the country realize that we are on the horns of a dilemma. I do not believe there is any doubt but that the people of this country, concerned as they are about the environment, would much prefer to develop electric power without any damage to the environment.

That is the goal toward which we are all working. But the fact is that we have not arrived at that goal, and if we now moved to curtail the production of electric power in this country we would see the results that occur whenever there is a shortage of power. We would face brownouts, and we would see industry fail to expand because it does not have any power with which to expand. We

XUM

would see the loss of jobs, and we would experience results in our economy which no one wants to see. So we find it necessary to continue to produce electric power in ever-increasing quantities because without it we would be faced with serious economic dislocation—dislocation in the lives of our people which they do not want, and which we must not have.

So there is this interplay or dilemma between the speed with which we protect the environment from some pollution and the speed at which it is necessary to produce more electric power for jobs for people.

It is a well known fact that if we are not able to do something to increase power production within this year there may be brownouts in certain locations in the eastern part of the United States.

In my part of the United States, in the West, we will undoubtedly have brownouts by 1975 unless we are able to produce much more electric power than we have even projected at the present time.

It is also necessary for us to complete the work of intertying the power facilities of the Northwest and the Southwest because of the disparity of their power requirements. This is a very feasible thing to do. At the present time, when there is a surplus of power in the Southwest, there is a shortage in the Northwest and vice versa.

Rather than produce or build new sources of energy, it is possible to use surplus energy in any area to handle the shortage which occurs in other parts of the country.

I say to you that the time is coming when the fact of the existence of the disparity of energy requirements must be taken into consideration in other parts of the country.

For instance, the New England area, which is short of power, will be shorter as time goes by, and will eventually find itself without adequate power unless something is done to bring in surplus power from the TVA area or from other parts of the country where surplus power exists.

I think it is worthy to note that in our hearings on the TVA, we discovered there were some power facilities surplus to the needs of the TVA. We asked them why they did not use those surplus facilities to supply power to some of the areas on the eastern seaboard where power is needed, and were told they could not do so because they could not get enough coal to fire those surplus facilities.

The bottleneck is not in the mining industry, but apparently in the ability of the railroads to deliver enough coal to meet this need The required coal cars are not available—they are tied up in ports, still loaded with coal, because of unrealistic demurrage charges.

In fact, we were told that in the TVA system there is only about a 19-day supply of coal on hand at any given time. It certainly is not safe to limit the TVA or any other power producing facility to a mere 19-day fuel supply. After all, we have had strikes and work stoppages and other matters which have interferred with the delivery of coal and other fuels in the past. We cannot, of course, be sure that such work stoppages might not occur in the future.

The pipeline for Corps of Engineers projects is down by $626 million—or will be—by the end of fiscal year 1971.

This pipeline has been reduced regularly every year for the last several years. This means, of course, that the Nation, irrespective of what it may prefer, is seeing its priorities altered to the extent that there is less of the national budget being spent today on such things as flood control, navigation and water development than we spent in previous years.

The pipeline of the Bureau of Reclamation is up somewhat because of the start of some new projects. However, it is still far below the amount of money which has been expended by the Bureau of Reclamation in years past and far below the requirement of the reclamation States for water development and other activities in these States for which the Bureau of Reclamation is responsible.

I think it is also useful to call the attention of the Committee to the fact that amounts provided for operation and maintenance for the Corps of Engineers, Bureau of Reclamation, and other entities treated in this bill are up. This is true for two reasons—first, because we have completed more projects in the past several years than we have started, and also that these projects for which the construction phase is completed require operation and maintenance. Consequently, there are more projects to operate and maintain than there used to be.

However, the cost of operation and maintenance has also increased because of the astronomical inflation of the past few years.

So it has become necessary for us to recognize this and provide more funds for the operation and maintenance activities of all of the agencies that are funded in this bill.

I think in closing I should mention the recreational facilities that are provided and funded in this bill. I think that nobody would disagree with this idea. Water recreation is certainly a part of the life of most Americans these days. They want it. They desire it, and this committee should do all it can to supply the necessary facilities.

I should say, however, it is our policy in figuring the benefit-to-cost ratio of these projects to make certain that the benefits are primarily justified by something other than recreation. In other words, if too large a part of the benefits in the benefit-to-cost ratio is provided only by recreation, we then consider the project with some reservation.

This bill also includes projects which have as a large part of their justification the production of water for municipal use. These municipal water costs are repaid to the Federal Government with interest, unless it is a reclamation project where irrigation is involved. In the latter case, the cost is repaid without interest.

In other words, much of the money that we put into these programs actually comes back to the Federal Government, and some of it with interest. I am sure this is what my friend from Tennessee meant when he said that this is an all-American bill. It is an investment in the future of our country. It is not primarily a handout, although there are certain grant items in the bill. It is a recognition of the fact that there is a great Federal responsibility in passing the natural resources of this Nation on to the people who come after us in a better condition than we found them when we inherited the leadership of this Nation.

Mr. Chairman, I yield back the remainder of my time.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, I appreciate the gentleman from Arizona yielding to me.

I rise in support of the measure.

It is appreciated that the committee included the second year's portion of preconstruction planning funds for the Salem Church Reservoir in the amount of $600,000, the full amount as recommended by the President. This reservoir, when completed, will span the Rappahannock River about 6 miles upstream from Fredericksburg, Va. The Rappahannock is a beautiful river and I was privileged to travel it recently with my son along the entire area of the river that will be affected by the dam and reservoir. While we enjoyed the day spent on the river, it is my hope that when construction is completed, many more will be able to use and enjoy the pleasures of water-oriented recreation on the spacious lake which will be created.

What may be much more important even than these recreational aspects is the water supply that will be made available by this dam. The project is within the urban corridor between Washington and Richmond, the most populous and fastest growing area of Virginia. The population within a radius of 50 miles was estimated to be approximately 2,500,000 people in 1960 but is expected to rise to 7,000,000 people within 50 years. Counties in northern Virginia with a projected shortage of water because of their rapid growth such as Prince William will be assured of an adequate supply many years into the future. In addition this multipurpose project will provide flood control as well as salinity control for those stretches of the river downstream from the dam. Certainly a well-regulated stream below the dam will tend to minimize the adverse effects of any waste material going into the stream and help to control pollution. It is a pleasure to support this bill and the worthwhile project for the Salem Church Reservoir.

Mr. EVINS of Tennessee. Mr. Chairman, I yield as much time as he may require to the distinguished and able gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, the distinguished gentleman from Tennessee (Mr. EVINS) and the able gentleman from

XUM

Arizona (Mr. RHODES) have explained, with their constant competence, the bill that the committee is now considering.

I want, also, Mr. Chairman, to commend the gentleman from Mississippi (Mr. WHITTEN) for the tremendous amount of work, and time, he spent on this bill. Because of the bind in which the several subcommittees on appropriations found themselves in, this year, and the reporting time, and deadline against which the Appropriations Committee was working, it was left to Mr. WHITTEN, to carry the burden of the majority, in chairing the public works subcommittee on appropriations. All through the hundreds of pages of hearings, is reflected the uncanny ability, perceptiveness and thoroughness of the manner in which Mr. WHITTEN handled his task.

He was ably assisted by the minority members—Mr. RHODES of Arizona, Mr. DAVIS of Wisconsin, Mr. ROBISON of New York, and by our colleagues Mr. EVINS of Tennessee and Mr. ANDREWS of Alabama.

I cite, too, the staff of this committee, the brilliant work of Gene Wilhelm, assisted by George Urian.

Mr. Chairman, this is the last time that this bill will bear the name of the Honorable MICHAEL J. KIRWAN of Ohio. Because of a continuing and debilitating illness, Mr. KIRWAN announced, many months ago, his retirement from the Congress.

MIKE KIRWAN has been a member of the Appropriations Committee for 27 years and has served as the chairman of this subcommittee since 1965. As a member of the full committee, and member of and chairman of the Interior Subcommittee from 1949 to 1965, and present chairman of the Public Works Subcommittee, his spirit, his dedication, and his diamond-rough and unique personality have left their marks, into perpetuity, on the face of our Nation.

XUM

Flood control, recreation, navigation, power supply, water resources, conservation, forest lands, national parks—all of these and more, have been the beneficiaries of his strength of purpose and his dedication.

I repeat what I said last year when this bill was on the floor. When he leaves this Congress, he will carry with him the gratitude of Members, past and present, who understood what his service has meant to this country.

I can only add, that we are not likely to see his kind again.

Mr. Chairman, I support this bill with one exception. I regret that the full committee deleted funds for the Dickey-Lincoln School Reservoirs in Maine. The subcommittee approved the budget request of $807,000 to continue planning for this project for fiscal year 1971. The full committee did not approve this recommendation.

When the bill is read for amendment, the gentleman from Maine (Mr. HATHAWAY) will seek to restore the budgeted amount of $807,000. I intend to support Mr. HATHAWAY's amendment.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from California (Mr. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, I want to take this opportunity to recognize and express my personal thanks to all members of the committee and their very excellent and capable staff that serves the cause of water resource development throughout the Nation.

In particular, I believe special recognition must go to the gentleman from Arizona (Mr. RHODES) who has become a true champion of water conservation, pollution abatement, and water quality control as well as other water-related programs and projects. The gentleman has devoted hundreds of man-hours listening to testimony, to researching this complex subject, and, in the process, has become one of the best informed and most articulate spokesman in the country in this field.

With all of the gentleman's extra duties and responsibilities, it is difficult to comprehend how one man can accomplish so much. Mr. RHODES, however, has always been extremely fair to all of our requests and recommendations and this bill is no exception. Serving, as I do, on the authorizing Flood Control Subcommittee, I am somewhat familiar with the role he has played and I believe I speak for many when I say that we all owe him a deep debt of gratitude.

Mr. Chairman, I also want to make a brief comment, to concur in what the gentleman from Massachusetts has said with regard to the excellent manner in which the Subcommittee on Public Works of the Committee on Appropriations has worked to bring out what I think is a fine and excellent bill.

The words of praise the gentleman from Massachusetts has bestowed upon our friend, the gentleman from Ohio, MIKE KIRWAN, I also concur in. He will always be recognized as a great builder of projects which have been certainly worthwhile.

Again, let me emphasize that, in my judgment, this is a very responsible and responsive appropriations bill. It is, indeed, gratifying to see how the allocation of funds, in this instance, has been distributed fairly and, yet, the total allocation has been kept below the total amount originally budgeted. This, certainly, is legislative responsibility at its very best.

I strongly urge favorable consideration and passage of this bill.

Mr. BOLAND. Mr. Chairman, I appreciate the remarks of the gentleman from California (Mr. CLAUSEN). He knows that the gentleman from Ohio (Mr. KIRWAN) was one who was completely familiar with the resources and needs of the State of California and the Public Works projects in the Department of Interior and Corps of Engineers. Mr. KIRWAN was a consistent friend of the State of California and recognized what these projects have done and can do for that great State.

I know Mr. KIRWAN will appreciate the words of the gentleman from California.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from California (Mr. JOHNSON).

Mr. JOHNSON of California. Mr. Chairman, I join my colleague, the gentleman from California, DON H. CLAUSEN, in stating my approval of the fine work the full committee has done in bringing this bill to the House.

I, too, was in the hospital and saw the very able chairman, the gentleman from Ohio. I know how sick he was.

I want to say to all the people of this House that certainly California has benefited greatly from the consideration given by the chairman, MIKE KIRWAN, in recent years. Much of the wealth of the economy in the northern part of our State is a great tribute to what MIKE KIRWAN has done for California. The Governor of our State and the people dealing with water resources development have all been in to testify before his committee. They have received the gentleman from Ohio in Sacramento, the State capital. They join me, I know, in wishing the gentleman well in his confinement in the hospital, as do all Californians. We are very sad he is not here on the floor. He has always given us a very fine bill on public works.

Mr. BOLAND. Mr. Chairman, I thank the gentleman from California (Mr. JOHNSON).

I may say that the gentleman from California (Mr. JOHNSON), as well as the other members of the California delegation have all recognized what the gentleman from Ohio (Mr. KIRWAN) did for the State of California.

Mr. Chairman, the gentleman who just spoke represents, I think the largest geographical congressional area in California. There are a large number of reservoirs, including the Buchanan, and Hidden which he has sponsored, and they are provided for in this bill.

Members who served with the late Congressman and Senator Clair Engle know that he was a giant in his service to and appreciation for the need for water resources in California. Certainly the gentleman from California (Mr. JOHNSON) is a worthy successor to our former beloved and late lamented colleague, Clair Engle.

Mrs. GRIFFITHS. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentlewoman from Michigan.

Mrs. GRIFFITHS. Mr. Chairman, I would like to pay my respects to the gentleman from Ohio, MIKE KIRWAN. In my judgment he is one of the most able men who ever served in this body. America is the lesser because this man is not here today to help us out.

Mr. BOLAND. Mr. Chairman, the gentlewoman speaks from experience. I think she is one of the few ladies of the Congress and one of the few ladies who has ever gone to the gentleman's district and spoken for MIKE KIRWAN in the teeming area of Youngstown. I know over the years she has been a friend of our very distinguished colleague. I know he will appreciate her remarks.

Mrs. GRIFFITHS. It always gives me great pleasure to speak well of MIKE KIRWAN.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Mr. Chairman, I compliment the committee for bringing forth this report on the various projects which exist throughout the United States and their attempt to fund those projects with adequate money in most places.

I also would like to pay special tribute to the chairman, MIKE KIRWAN, because he has contributed much to my own State of Colorado, in trying to see that we obtain needed water so that it may be used in the future.

MIKE KIRWAN has always been a man one can go to, one who understood the problem, who was sympathetic with the problem, who knew we had to continue to preserve the natural resources of this country.

As the gentleman has ably pointed out, we will not see another who will be able to recognize these problems as well as MIKE KIRWAN has.

Mr. BOLAND. I thank the gentleman from Colorado.

Mr. RHODES. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. BEALL).

Mr. BEALL of Maryland. Mr. Chairman, I would like to join in urging the passage of this legislation appropriating funds for public works in the areas of water, pollution control, and power development for fiscal year 1971.

While the public works appropriation has always been legislation of major significance, it perhaps is of even more importance this year as we enter a period of changing national priorities. High on the list of these national priorities is the improvement of environmental quality. Because of the amounts of money made available through this legislation major steps are about to be taken in meeting our new national goals.

As one whose district borders the Potomac River, I, of course, am particularly concerned with projects that will lead to the improvement of water quality and to the augmentation of water supply for the many thousands of people who border on this body of water. Included in the bill before us today is the first construction appropriation for the Bloomington Dam and Reservoir in Maryland and West Virginia on the north branch of the Potomac River. This project was one of the series recommended by the Corps of Engineers a number of years ago and its construction has been long awaited by people in the Metropolitan Washington area as well as those bordering other parts of the Potomac.

This dam will be of great benefit to thousands of peoplel living along the river because of its recreational, economic, and environmental consequences. In addition, it will provide almost certain elimination of the threat of flood. There have been six floods since 1924 and a recurrence of the flood of record at the present time would cause estimated damage in excess of $8,200,000.

The low flow augmentation features of this project will increase the dependable flow of water along the river. The Bloomington project will meet the presently projected needs of the north branch through 1990. In addition, the supplemental flow will partially meet the existing requirements for water, quality control, and the future requirements for water supply in the Washington Metropolitan area.

Important also in the consideration of this particular project is the fact that local governments along the river have cooperated to the fullest extent with Federal authorities in apportioning costs and commitments have been made to repay the Federal share of the cost attributable to water supply. In this particular project there has been an unusual amount of participation by the various levels of government in discusions leading up to drawing the necessary contractual obligations. As a result of this cooperative effort between various levels of government, the project is receiving acceptance in each area.

Construction of the Bloomington Dam and Reservoir is of great significance for the future development of the entire Potomac River and I congratulate the committee in agreeing to and recommending the requested appropriation of $4.8 million. This is a major step to the improvement of the environmental quality in a principal area of the eastern part of the United States.

Mr. Chairman, I urge the adoption of this bill.

Mr. RHODES. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. EDWARDS).

Mr. EDWARDS of Alabama. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I wish to reaffirm my strong support of this bill and particularly the Tennessee-Tombigbee waterway project.

The First District of Alabama, which I am privileged to represent, stands to gain much from construction of this waterway. Experts have predicted that shipping tonnage through the great Port of Mobile will at least double due to this vital waterway.

In addition, it will save both time and money in barging cargoes from inland States to Mobile. The 253-mile waterway will link the Tennessee River to the confluence of the Tombigbee and Warrior Rivers near Demopolis, Ala., shortening the distance from Tennessee River cities to the Gulf of Mexico by some 700 miles.

But the project is vital nationally also, not just in Mobile or Alabama. Economically, some 23 States stand to profit from construction of the waterway as vast new areas are opened for industrial development, new markets are established and new jobs are created.

A recent survey shows the significant effects a water route has on the economy of adjacent land areas. Of the Nation's 3,103 countries, 633 or a mere 20 percent are waterfront counties. Yet these counties are responsible for 58 percent of the Nation's productivity; 55 percent of the Nation's manufacturing jobs; and 57 percent of all new investments in manufacturing facilities.

Obviously, then, the land along the Nation's waterways is where the action is. It is up to us to extend this action and this prosperity to as many areas as possible.

The Tennessee-Tombigbee waterway will pass through some of the least developed sections of our country. These are areas that need and receive massive assistance from the Federal Government.

In the area where initial construction will begin, there are nine counties whose economic statistics are startling.

Eight of these counties are considered rural by Office of Economic Opportunity standards. Seven participate in the Department of Agriculture's food stamp program. All are well below the national average in health personnel and hospital beds per 100,000 population ratio.

With respect to income, all nine counties have more families with income below $3,000, on the average, than the rest of the Nation. To cite some 1960 statistics:

In one county between 25 and 35 percent of the families earn less than $3,000. Another has between 35 and 50 percent in this category. Five of the counties have 50 to 65 percent who earn less than $3,000. And two counties have incomes of less than $3,000 going to between 65 and 85 percent of the families.

In terms of buying power per capita the figures are even more demoralizing. The range lies between $883 and $1,636. You cannot buy too many welfare Cadillacs for that price.

This Congress and President Nixon have been talking a good deal about welfare reform and the need to eliminate poverty. What better assistance could we offer than a new way of life through better jobs and income? People do not want handouts.

The waterway brings with it jobs, both on a short-term and long-term basis. Immediately, it offers jobs on construction crews and the use of local resources. In the future, it offers new industry creating new jobs.

President Nixon knows this. The great Committee on Appropriations knows this. And in keeping with his efforts to provide jobs for every American, whether he is living in the cities or in the rural areas of the country, the President has requested funds to begin construction on the waterway during the next fiscal year. The Committee on Appropriations very wisely included in the bill the full amount budgeted, $1 million.

I have worked long and hard with my fellow Representatives and Senators in behalf of the Tennessee-Tombigbee Waterway. Seeing the possibility of an actual construction start within our grasp is indeed gratifying.

Over the years, I have made numerous contacts with the President in behalf of the waterway. During this past year, I have acted as Washington coordinator of the effort to get construction funds included in the Presidential budget for fiscal 1971.

Through meetings with the Corps of Engineers, the Bureau of the Budget, and

XUM

the Presidential staff, the road has been long and arduous. But, if approved by Congress, this appropriation will start construction of a truly monumental waterway.

From 1967 to date, Congress has appropriated some $1,485,000 for advanced engineering and preconstruction planning on the Tenn-Tom. The planning is done. The project is feasible. It is time to move ahead.

The total effect of Tennessee-Tombigbee cannot be forecast. The potential is limitless. But the effects will be there—effects on agriculture, commerce, industry, space, defense, recreation, economy, even water pollution. To the people of this area, the waterway means new hope and a new way of life. For many, it represents their only hope for the future

The people of Alabama join me in urging your approval of the full amount budgeted for the Tennessee-Tombigbee during fiscal year 1971 by the President. An allocation of $1 million would mean the first step toward making the dream of these people a reality.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Mississippi (Mr. WHITTEN), a member of the subcommittee.

Mr. WHITTEN. Mr. Chairman, I join with my colleagues in paying tribute to MIKE KIRWAN, a great American, whose contributions to our Nation would fill many books.

I wish to thank my colleagues on this subcommittee—JOE EVINS, of Tennessee, EDDIE BOLAND, of Massachusetts, GEORGE ANDREWS, of Alabama, JOHN RHODES, of Arizona, GLENN DAVIS, of Wisconsin, and HOWARD ROBISON, of New York—there are none better—for the gracious way in which they have worked with me on the subcommittee and the way they have treated me on the floor. While I rank third on the subcommittee, due to the fact that my major assignment has been in the afternoon I was able to carry much of the time-consuming hearings with the cooperation of my colleagues, and of course they handled many of the subjects.

XUM

I also want to thank the other Members of the Congress. We sometimes lose track of how valuable the Members of the House of Representatives and the Members of the other body are to their constituents and thereby to the Nation. As one sits there and holds hearings, and sees his colleagues come before the subcommittee, with their constituents, he is impressed with their ability and their devotion to the areas they represent.

I am sure that this subcommittee this year had something in excess of 1,000 witnesses before it. Observing constituents from every nook and corner of the United States come before the subcommittee, represented by their Member of Congress, one realizes that this is a great Nation we have, and it will remain so as long as we have that backbone and that background on which to draw to meet the many problems we do face today.

It makes one realize that while today many people have become urbanized and have gotten away from basic things in life, to the point that we no longer fully appreciate where life and wealth come from, there remain millions of people who do know that real wealth comes from the land.

As I hear people say what they have done to look after the rural people or what they have done to look after the farmers, it kind of strikes me as being odd to hear a fellow who eats and wears and sleeps in that which is provided by these relatively few people, talking about what he is doing for them, when it is they who are doing for him.

Now we come to the point I make here. In this field of protecting and developing our resources, we are dealing with a statue to MIKE KIRWAN, a statue which will exist as long as there is a United States of America. As I said on this floor and as MIKE could point out in better words, because he can get to the point a little bit quicker, it does not make any difference how much money you may leave to your children and your children's children. You can leave a balanced budget and you can leave everything under the sun—but if you leave a worn-out country your descendants will still have nothing on which to build.

As I realize, and as this committee and this subcommittee had to realize, there is a limit to what you can do in taking care of your own country. This is because people have different interests and different viewpoints, and you have to get the bill through the House, through the Senate, and the Congress.

Yet within those limits we must try to allocate within and between regions and districts and try to be fair to each section.

I have been told that an average of 40 acres of topsoil flows down the Mississippi River past Memphis, Tenn., each day in the year. This is despite the fact that we have built over 2 million small dams, in addition to our large dams and other programs.

As we think of that, and this is the way MIKE used to say it—listen to me, because I want you to hear this—if you have a leak in your roof, you know it has to be fixed, because if you do not fix it, it will come through the ceiling rotting the wood. If you do not fix the ceiling, it will get down on the floor and go through the floor. If you let it keep on going, what was first a leaking roof will eventually destroy the very foundation of the house.

So, despite the fact that we have inflation, we have the one thing here that you cannot delay; namely, taking care of your own country, because conditions get worse each and every month and each and every year that we delay necessary works; and also it gets more expensive to handle if we can handle the problem at all.

Mr. Chairman, I wish to pay tribute not only to the members of the subcommittee but to the staff of the committee, which is most able, headed by our good friend Gene Wilhelm.

Mr. Chairman, the compelling need for expansion of the water resources program in the immediate future is evident from the forecast of water requirements made in the first assessment of the Nation's water resources completed in 1968 by the Water Resources Council. These findings, based on a projected population of about 468 million in the United States by 2020, included the following:

First. Water quality, pollution control: Projected capital outlays required for waste treatment, sanitary sewers, and water cooling requirements are estimated at $20 billion for the 5-year period 1969–73.

Second. Water Supply: Requirements for municipal water systems are expected to triple—from 24 billion to 74 billion gallons a day—by 2020.

Industrial water use will increase over 300 percent—from 46 billion to 211 billion gallons a day—by 2020.

Steam-electric power is projected to increase its fresh water withdrawals from 63 billion to 411 billion gallons a day by 2020.

Third. Flood control: Based on the current status of flood control works and projected conditions of flood-plain use and development:

> The total annual flood damage potential for the Nation is anticipated to increase from $1.7 billion in 1966 to $5 billion in 2020. * * * Construction programs for flood damage abatement, if continued at rates consistent with past trends, at best would only stem this upward trend in flood losses, and hold the residual losses by 2020 to $2 billion annually.

Fourth. Waterways: Waterborne tonnage on the inland waterways, which now constitutes 15 percent of the intercity commerce, is projected to increase six times in the next 50 years requiring substantial waterway improvements, including locks, navigation aids, and recreation facilities. Pleasure craft are estimated to increase from about 8 million to 30 million by 2020.

Fifth. Recreation: About one-fourth of all outdoor recreation is and will continue to be dependent on water; participation in water-oriented sports is projected to increase from 2.8 billion activity days to 7.7 billion by 2000.

With these facts before us, there is not a State nor a district that does not have needs and, as our report shows, we have tried to meet those needs. Since those who preceded me have covered the national aspects, I place in the RECORD what our subcommittee has included in this bill of special significance to my own section, some small, some large but all important to the protection and development of the area.

Upper Auxiliary Channel, Ascalmore-Tippo, and Opossum Bayous—$260,000, the corps capability together with funds to complete the bridges at Paducah Wells and Crowder, a boat ramp at Enid Reservoir.

And in the bill:

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g–1), $79,578,000, to remain available until expended, including funds for completion of the construction of road crossings of the Panola-Quitman Floodway at Crowder and Paducah Wells, Mississippi: *Provided*, That not less than $250,000 shall be available for bank stabilization measures as determined by the Chief of Engineers to be advisable for the control of bank erosion of streams in the Yazoo Basin, including the foothill area, and where necessary such measures shall complement similar works planned and constructed by the Soil Conservation Service and be limited to the areas of responsibility mutually agreeable to the District Engineer and the State Conservationist.

Included, too, are funds for continuing the study on Hatchie River, flood control on the Tombigbee and tributaries, and two major starts so vital to the people of seven States. I am particularly gratified that the committee provided $1,250,000 for the Yellow Creek project which will begin development of the first port on the Mississippi side of the Tennessee River.

We had to revive this project, which now has a cost-benefit ratio of 6 to 1.

This project will open up the whole area of north Mississippi to heavy industry in the high wage bracket, which should boost average wage earnings.

The project would entail construction of first, river terminal on Yellow Creek for handling freight and transferring it between barges and railcars or trucks; second, a rail spur to the railway; and third, a highway connection between State Route 25 and the river terminal.

The TVA estimates the port area would attract 15 industrial firms in 25 years, provide some 2,820 jobs, an annual payroll in excess of $2,000,000, and add an additional income for the area of $13,000,000.

Mr. Chairman, MIKE KIRWAN would love to be here where today we provide $1,000,000 for the Tennessee-Tombigbee Waterway, a longtime dream for the people of seven States and of many of my predecessors, all of whom contributed so much to bringing this day about. In his absence because of illness, I am proud to preside over the Committee here today as we get construction of this tremendous Tennessee-Tombigbee navigation project started.

This navigation project will leave the Tennessee River near the common boundary of Alabama, Mississippi, and Tennessee, proceed south on Yellow Creek, crossing the divide in a deep cut to Mackey's Creek follow the east fork of the Tombigbee River into the main stream of the Tombigbee which flows to Demopolis, where it joins the canalized Warrior-Tombigbee Waterway.

The project will provide a 9-foot, slack water navigation channel with bottom widths of 280 feet in the divide cut and 300 feet on the remainder of the route.

Two years ago I got a half million dollars provided in advance on condition that a favorable report was made, thereby helping to get such a favorable report. This was followed by 2 years of preliminary planning and engineering, which makes construction now in order.

Mr. Chairman, I could go into detail on projects all over the country, a list of which appears in our report, for I developed in the record, facts to support similar projects everywhere—with 483,000,000 people as against our present 215,000,000, expected within 50 years, what we do here is a must.

We bring before you today a bill that is nominal insofar as compared to the space program, and it is peanuts as compared to Defense expenditures. I am not condemning any of these other programs that the Government has, but can you imagine a lesser percentage of the national income going to preserve the very basis of all of it? About $2.5 billion or $5.5 billion if you include the Atomic Energy Commission.

In a nutshell, Mr. Chairman, we have tried to provide this year enough money so that when added to that which was held up last year and not expended, would put us back in the position where we can catch up with work on these projects in a reasonable manner.

Mr. Chairman, we have brought you a good bill. I believe we deserve your support.

Mr. CASEY. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. Yes; I yield to the gentleman from Texas.

Mr. CASEY. I thank the gentleman from Mississippi for yielding.

Mr. Chairman, I wish to pay tribute to this very hard-working subcommittee. I had the honor of serving for a short time on the Public Works Appropriations Subcommittee, and I am somewhat familiar with what you have to go through because the needs are so great and so much needs to be done. Yet you have the constraints—the budget constraints. I want to join with the gentleman in the well and our other colleagues in paying tribute to that great man, MICHAEL KIRWAN, of Ohio, because he is one of the most able advocates of the people in looking after and preserving this country. I know that Chairman KIRWAN used to get so frustrated and irritated at the label of "pork barrel" which was placed on this bill when people from all over the Nation came before the subcommittee to testify as to their needs.

Mr. Chairman, this bill represents an investment in America. It represents the preservation of our country for our children to come.

Mr. Chairman, as the distinguished gentleman in the well has stated, MICHAEL KIRWAN has really done more than his part in preserving this great land of ours. This subcommittee and the distinguished members of the subcommittee have indeed carried forward in this respect.

Now, one thing I would like to ask the gentleman, since I have been reading some of the hearings—and I think the gentleman was presiding at the time—has to do with the funds contained in the bill for the Federal Water Quality Administration. I would hope that the administration is as eager as your committee and we, the Members of the Congress, are to get "with it," so to speak, and help clear up our problem of pollution.

My home city had the misfortune of being highlighted on a television show as having the filthiest channel, the Houston ship channel, in the country. Of course, it is very little affected by the tide and has no current. It is just sitting there, just lying there motionless.

Now, Texas is not just sitting on its haunches waiting and doing nothing. They created a gulf to Houston Waste Disposal Authority; that is, the State legislature did, which takes in three counties, Chambers County, Harris County, and Galveston County. Harris County is where Houston is, which is my district; and the other two counties are in the district represented by my distinguished colleague (Mr. BROOKS).

The problem is that you cannot possibly pick out one little segment, you have to tackle such a thing on an area basis. Well, they are ready to go to work. However, they have been having some preliminary discussions with the Federal Water Quality Administration, and they are not getting too much encouragement. They are not asking for anything except a little money to get the thing started, because the way the law is written they have to have endorsements from other cities, localities, and so forth, that they will come up and pass revenue bonds that will pay the projects off. They need just a small amount of money to get started, and I would think that this would come under this administration.

Mr. WHITTEN. It is my opinion that we may be able to meet that. As the gentleman knows, in this matter of environment and protecting the environment, and this antipollution program, the wave of public concern concerning this has rolled over the United States, but it is still comparatively recent—I do not mean that the need has not existed, but that the public awareness, as always occurs when you get into something that big, is beginning to become aroused. I think everybody recognizes the need to get it organized, and get it going, and I do think that we will be able to meet this type of problem as well as others as this program does develop and unfold. But I think we can get further if we take it slowly and proceed with some of the primary proposals as against just picking too many different proposals.

Mr. CASEY. I am not critical of the committee, nor critical of the amount of money put in here; the only thing is that they have been somewhat discouraging as to whether they had the authority to give them any assistance.

Mr. WHITTEN. Of course, as to the authority, I will be glad to talk with the people, and I will be glad to discuss all of this with my distinguished colleague who is such a valuable member of the Committee on Appropriations, as to what we might be able to do. I think there are plenty of authorities now and money now to meet that type of problem; if not, it will require legislation which we will take up later. But it is my own opinion that the present legislation is broad enough to approach it.

Mr. CASEY. I would think so from the reading of the testimony, from the testimony in the hearings. However, I think

XUM

that somebody down there ought to reread their authority and their ability to assist.

Mr. WHITTEN. I do not mean to say this about anybody, but sometimes the people have reasons and they do not always set forth what the reasons might be. But we are moving slowly, and we have new people coming in, and it has not been easy to get experts in this comparatively new field.

Mr. CASEY. I appreciate the gentleman yielding to me.

Mr. RHODES. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. Davis).

Mr. DAVIS of Wisconsin. Mr. Chairman, I have listened with a great deal of pleasure and satisfaction to the words which have been said concerning our subcommittee chairman, the gentleman from Ohio (Mr. Kirwan), on this occasion of the presentation of his last bill before the Congress. My association with the gentleman and this subcommittee dates back to 1955 when, if my memory serves me correctly, a realinement of the Appropriations Subcommittee took place, and he structured this Public Works Appropriation Subcommittee in substantially the same form that it exists today. I think that it is a credit to the members and staff of our subcommittee that, in spite of his necessary absence during the hearings this year, the committee report and bill demonstrate that neither the quality of the work nor the quality of the product materially suffered.

The subcommittee is made up of men of experience, maturity, and judgment and this has made it possible for us to continue its work in an effective manner in the absence of our chairman.

Because this bill is the result of that quality of experience and judgment, it is a bill which I support and a bill which I shall support without amendments as it is considered on the floor of the House today.

It is not a bill that reflects complete agreement on each item on the part of each member of the subcommittee. But I do not know any bill of this proportion which affects practically every congressional district in this country, that could represent absolute unanimity of philosophy on every item included.

However, the chairman and the ranking minority member, the gentleman from Arizona (Mr. Rhodes), have mentioned something that I believe we are going to have to watch in the future.

This has been the trend in recent years to attach benefits to the various projects that extend much beyond the traditional economic justification that we considered in connection with these projects in the past. Major benefits relating to recreation, fish and wildlife, and economic development are put on a dollar-and-cents basis in the justification provided us for these projects.

I believe that in the future we will have to examine them to see whether they justify themselves on the basis of traditional economic benefits. Then, if that is the case, we can proceed to provide for these additional benefits such as recreation, fish and wildlife, and economic development.

But these fringe benefits should not be used, at least in my opinion, as the primary economic justification. In many cases, these kinds of benefits are conjectural and represent arbitrary assessments of dollar value based on assumptions that are very difficult to price in that manner.

Each year we have people who criticize the hydroelectric projects that are included in this bill. This is done on the basis that we are behind the times—that we are moving more deeply into the age of atomic power—and that we ought to, if farsighted, substitute the potential of atomic power for traditional hydroelectric projects. I have yet to see—and I think we have discussed this every year—a responsible spokesman who has given us any basis to believe that within our foreseeable time atomic power development can substitute for the hydroelectric power development, which constitutes a major portion of this bill.

The budget, as it came to us, did not include any direct appropriation for construction grants for waste treatment works.

The bill we have before us does include that kind of direct appropriation in precisely the same amount that had been contemplated in the budget.

The basis for not including direct appropriations for this purpose in the budget was the anticipation of new legislation, a contract-authority approach instead of direct appropriations. The anticipated legislation did not materialize, and so we have done the practical thing by providing necessary direct appropriations within the authorization of existing law. Every one of us on the subcommittee, while not specifically agreeing with the approach of the proposed new legislation, does recognize the need for new legislation in this area in order to permit the effective and efficient use of available funds.

I think it is a credit to our committee staff that the solution provided in this bill and explained in the report was worked out. It is an admirable solution and one that, in my opinion, should not be altered. I believe it would be a serious mistake to falsely raise the hopes of people who are greatly concerned in this area by providing funds that cannot be effectively and efficiently spent. This would mislead people into believing that money alone will provide the solution to this problem—a problem that touches every community in this Nation.

I believe the bill, as written, does all that can be done through dollars.

I expect that before this day is over everyone here will be tired of hearing the words Dickey-Lincoln. I think that you should all take much of the debate you will hear on this controversial project with a number of grains of salt. In my opinion the arguments, as I have seen them telescoped, will be considerably overdrawn on both sides of this highly controversial matter. We did have an objective staff study of this project last year, and from it I came to the conclusion that this project is at least as well justified, overall, as many of the projects which are funded in this bill.

For example, I do not believe that this project is going to solve the alleged current shortages of electric power in the New England area. It is a huge project, and it will probably be 9 or 10 years before the power would come onto the line. There has been aggressive private development of power, so that reserves in this part of the country are considerably better, as a matter of fact, than they are in some of the other areas of the Nation.

In this bill, in connection with other projects, we have attempted to avoid committing ourselves to major new projects in the near future. This is not only common sense, it is vital in this period of critical fiscal problems. Under different economic conditions, however, I suggest that this project is justified, and at least equally as well as several that are funded in the bill.

So in order to make my position completely clear, and without entering into a discussion that you will become tired of before this day is over, my attitude closely parallels that of the gentleman from Massachusetts (Mr. Boland). We differ here today primarily as to the element of time. I believe this is an inappropriate time to proceed with so large a commitment in the years that lie immediately ahead. Consequently, I shall support this bill in this respect, as in all other respects, without amendments.

The budgeted items are realistically funded, and the bill does provide for a reasonable number of critically needed and comparatively modest projects which have been brought to the attention of our committee by our colleagues. I believe we did the right thing in dealing with some of these problems that the Bureau of the Budget did not appropriately consider, but I also believe we took the appropriate course of action in not expanding our commitments beyond those which are already in the bill. I repeat that I intend to support this bill without any amendments.

Mr. ROBISON. Mr. Chairman, these remarks will be inserted in the Record at the request of one of my colleagues on this subcommittee since, on the day the 1971 public works appropriation bill is scheduled to be considered by the House, I shall be halfway around the world, serving as a member of the special committee recently set up by the House to investigate all aspects of our military involvement in the war in Indochina.

I sincerely regret not being able to be present during consideration of this, the sixth such appropriation bill I have been privileged to work on since becoming a member of the Committee on Appropriations.

I regret it since this day—the day we finally bring our annual bill before our colleagues—represents the culmination of a good many weeks of effort and thought on the part of each member of our subcommittee, and being absent on that day is something like being away from your wife's side when one of your children is born.

However, I am bold enough to wish to believe that there is some connection between the reasons for my absence on this day and the kind of public works bill our subcommittee may be able to bring you in the future. For I think it must be obvious to all of us that the cost of the ongoing war in Southeast Asia—which has now become our Nation's longest war—has had a negative impact upon our ability to do the kind of things we need to do, and ought to be doing, with respect to our own manifest and manifold domestic problems, some of which are touched upon in the measure now before this body. Those problems—or those domestic needs—can well be summed up in Daniel Webster's admonition to his countrymen in words that appear over the Speaker's chair in this very Chamber and that are a constant reminder to us, his latter-day countrymen:

> Let us develope the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also in our day and generation may not perform something worthy to be remembered.

In saying this, Mr. Chairman, I am far from being so bold as to also suggest that I think my presence on the special Vietnam committee of inquiry will, in any way, resolve immediately our problems over there, thus freeing up for our own urgent purposes some of the tremendous investment we are making in the future of that faraway land; instead—as these words are written prior to my departure on that mission—it is my earnest and more modest prayer and hope that our special committee may be enabled, by virtue of our endeavors, to help clarify first for the House and, then, through it, for the American people, the nature of our continuing problems and responsibilities in Indochina, and possibly to in some way help this Congress, that I still believe is the greatest legislative body in the world, to find its way through to assisting our President in finding the best, the most honorable and expeditious, policy to follow to extricate ourselves from this war, and get on with our own, most urgent business here at home.

The outcome of that possible event, Mr. Chairman, is not now predictable, so let me deal, instead, with the more solid substance of the bill before us.

Let me say, at the outset, that I think it is a very good bill—as I hope our colleagues will agree. Given our present fiscal situation, I also think it is a most responsible bill but, yet, one under which considerable progress can and will be made toward meeting our higher priority needs insofar as the same fall within the jurisdiction of our subcommittee.

THE QUESTION OF COMPETING PRIORITIES

One cannot consider the water resource programs—and there are several such—funded through this vehicle without, especially in a time calling for fiscal restraint, emphasizing constantly the need for ever more careful consideration of priorities; priorities as between programs, and priorities as between projects.

I suppose it might be said by my colleagues on this subcommittee that I have been something of a "nut," during my 6 years of service on it, over this question of priorities. If so, I make no apologies for it because I have seen it as absolutely essential for a subcommittee such as ours to have better information than we did when I was first assigned to it, if we were ever to be able to make sound value-judgments relative to budgetary allocations in the water resource field. I do not think we used to get that kind of information—as we listened in prior years to the various water resource agencies like the Bureau of Reclamation, or the Corps of Engineers, for instance, come before us to attempt to justify programs and projects that they, themselves, had developed and, if we funded them, would eventually carry out. It is still true that such agencies are both advocate and builder of the projects they have in mind—and there is still something bothersome to me in a system that enables the sponsor of such a project to also determine its feasibility, subject, of course, to our powers of oversight.

If that system had continued unchanged, this Nation could never have hoped to develop anything remotely resembling a national water policy—something so tremendously important in light of such projections as that, 10 years from now, our people will be needing about 50 percent more water than they now use.

It is still largely true that a water-resource project's sponsor determines that project's feasibility, though under somewhat better guidelines than we had a few years back, but the big difference now is the interposition in the planning process of the National Water Resources Council—a permanent, coordinating body created by Congress in 1965 and that is just now coming into its own—whose work is being supplemented, with regard to the development of broad policy questions, by the temporary National Water Commission, a planning group we established back in 1968 and whose members are supposed to make their report and recommendations to the President and the Congress in 1973.

Out of all this, I believe, will eventually come the first national water policy we have ever had worthy of the name; and we need just such a policy as soon as possible.

I have been pleased, Mr. Chairman, to lend my help in this direction—both as a member of this subcommittee, and as a voting Member of Congress; and some of the fruits of these efforts are already evident. For, with this increasing emphasis on planning to serve long-range purposes, the water resource agencies that appear before us are each now doing a better job than formerly in applying their own, rational, analytical techniques. The Corps of Engineers, for instance, is now following a 5-year capital-budgeting approach, up-dated annually, and aimed at providing a better basis for selecting new construction and planning starts, and for allocating the funds available for civil works on a better basis among its 19 major national regions. To supplement this system—which, as we were told, itself makes no decisions, but organizes the information necessary for rational decisions—the corps has also developed its own Institute for Water Resources, as is mentioned in our report, to incorporate into its project-planning processes the questions of environmental values, water pollution, aesthetics and ecology and so on, all aimed at what the corps is calling a "total water management" technique.

I am very impressed, and pleased, with this kind of a development, and I would encourage those who have been particularly critical of the corps in recent years—and, as we know, it has some very vocal critics—to take a new look at the corps own new look.

For it is this sort of more enlightened approach to planning overall that will enable the corps not only to do a better job in the years ahead, but also to rid itself—and help this subcommittee rid itself—of whatever may remain of the "pork barrel" image this kind of bill used to carry.

Similarly, this kind of an approach will probably prevent, in the future, the kind of dilemma the subcommittee faced this year in connection with the cross-Florida barge canal project mentioned on page 58 of our report. I have always had some reservations about this project which was pretty far along in the planning stage well before I joined the subcommittee. But, more to the point, as many of you know the Secretary of the Interior has just recently asked the Secretary of the Army for a delay on further work under this project until its ecological effects can be restudied—and there are strong views both ways now in Florida as to this project's desirability, a situation that has left local people such as Florida's Governor Kirk badly in the "middle." Our subcommittee's problem, as is stated in the report, is that the project is close to being half done, with some $52.7 million allocated toward it so far. So, what does one do now? Finding the proper answer is most difficult. I still hope something can be worked out between Interior and the corps so that whatever adverse effects the project may have on the environment can at least be minimized, and I am going along for the time being on the subcommittee's decision as stated in the report with that hope in mind, intending to do what I still can to further such a result.

But what we can do beyond this—and what I am sure the subcommittee intends to do from now on—is to make sure, as best we can, that no further major water projects go forward through our subcommittee without first being studied with sufficient care and precision to make certain they will not adversely affect the soil, water, plant, and human environment they may tend to alter.

WATER POLLUTION CONTROL

I would like to turn now, Mr. Chairman, to the water pollution control programs also funded through this bill.

As my colleagues have learned from studying our report, we have done about all we could see possible—through the appropriation process—to make the essential waste treatment grant program more effective, and toward meeting its actual fiscal needs.

I believe our decision to be a good one—fully defensible, even though I am sure

XUM

that, when our bill reaches the amendment stage, there will be an argument about the adequacy of our recommended level of funding, and probably a good many of my colleagues will support an amendment to increase that recommendation from the $1 billion figure up to the remaining authorization of $1.25 billion, all in pursuit of what will be called "full funding."

It will not be easy to vote against such an amendment, but about all those who will vote for it will be proving is that they are, somehow, "more against" water pollution than the next fellow. If any of my friends want to "spin their wheels" in that fashion, I do not say it is irresponsible—only that what they will be trying to do will be ineffective and that, if they truly wanted to help, they would besiege the legislative committee for action on the administration's proposal to make this a more effective program by changing the allocation formula along lines noted in our report, and to make other improvements in its workings. That is where the need for "action" is; and I strongly hope we will see such action on the administration's proposal to make this a more effective program by changing the allocation formula along lines noted in our report, and to make other improvements in its workings. That is where the need for "action" is; and I strongly hope we will see such action before this session ends.

Pending that, let me just say that I have worked toward and strongly support the funding approach we have here adopted—as a stop-gap measure; one under which, for the first time, we specifically allot money to that plaguing question of when and how to reimburse certain States, like New York, who have moved ahead with their own moneys in this field under the uncertain procedures set up for them by section 8(c) of the Federal Water Pollution Control Act. This is a most-necessary thing for us to do—and it is time we did it.

XUM

The results for a State like New York ought to be most salutory—for, out of the $200 million we would set aside for reimbursement, New York would receive, based on figures available as of this past April 30, $96,360,000. This would be in addition to its allocable share of the remaining $800 million of the direct appropriation we suggest, which would amount to $69,927,900—to which one has to add New York's share of the current year's $800 million appropriation still unobligated, which figure, again as of April 30, was $55,273,206, all of which would bring to New York for the purposes of the program a grand total of $221,561,106 during the next 12 months or so, which is a far cry from the wholly inadequate amounts we were receiving under this program a year or so ago.

Is it still enough?

I think so, under all the circumstances, and based on all the evidence I can gather, both pro and con. We could use more, and will need more, to get the job fully done in the years immediately ahead; but, based on the condition of the market for local bonds, the capabilities of the engineering and construction industry, and the willingness and true intentions of the local municipal entities involved to go ahead now, I believe New York's combined share under our suggested formula will prove to be more than adequate for the time period involved.

One other thing, Mr. Chairman, in connection with all this: Most of us will recall last year's critical report by the General Accounting Office about the cost-effectiveness of this program, something the Department of Interior has been addressing itself to in subsequent months and, I think, in a proper fashion, as a reference to our hearings may help disclose. And I rather think that, out of this more or less forced reevaluation of this program's workings will come some unexpected dividends—one of which might be the possibility of building such waste treatment plants on a regional basis.

As my colleagues on the subcommittee know, I have also been something of a "nut" on the idea of regional, or river basin, planning, and have been very pleased during my term on the subcommittee to see this approach also move forward. Let me give an example of what it might produce in this connection: You can find reference on page 170, of volume 1 of our hearings, to the now-completed Susquehanna River Basin restudy—of which project I was the original House sponsor some years ago—out of which, perhaps next month, will come a proposed "action plan" for our entire river basin for the people who live therein to study and consider, along with their local and State representatives in government, and with the coordinating assistance of the pending Susquehanna River Basin Compact Commission if we can get approval of that idea through this Congress, as I hope. I see this whole thing developing as a model, or pilot project, for other areas to follow, and leading toward planning, in the way we ought to be doing on a national level, for the "total management" of the water resources of the Susquehanna to the year 2000 and beyond.

This kind of an approach to the needs of the people of such a basin area is urgently needed, and I am proud to have played at least a small part in getting it adopted in the area in which I was born and raised, and which I am now privileged to, in part, represent in this body.

But, in any event, as I was told by the spokesman for the corps, which is managing this cooperative and fully coordinated restudy project, its work so far indicates the possibility of combining some 54 out of 90 communities along the Susquehanna needing waste treatment plants yet, into 12 regional treatment systems—with the resulting savings in capital investment, in operation costs, and in efficiency, that we have been missing by virtue of our present "first-come, first-served" approach which, as I have noted, the General Accounting Office has criticized, and properly so.

So, there is also that, Mr. Chairman, as further evidence of the fact that we are all learning, as we go along.

ENERGY AND THE ENVIRONMENT—AND THE ROLE OF AEC

Mr. Chairman, the Atomic Energy Commission has for years enjoyed the enviable status of being favored with public confidence and congressional support. During those years, rapid and significant advances have been made in many areas related to the peaceful uses of atomic power, and the AEC has largely been able to avoid the stigma that the wartime use of the atomic bomb indelibly left in the memories of Americans. However, the awakening interest of the public in all types of environmental pollution has disturbed the quiet and has focused the attention of people more and more on the threat of nuclear power. It now seems, in retrospect, that the period of calm was due largely to a lack of public interest or awareness and not to the AEC's own public relations efforts, whatever they might have been.

Mr. Chairman, I point this out because, as a supporter of nuclear power, I see the danger inherent in our rejection of the peaceful uses of the atom. And, although I see the developing public furor as being somewhat misdirected and sometimes inaccurate, nevertheless, I believe that the blame for much of the current public concern must be laid at the door of the AEC. I would like, then, in this presentation to dwell generally on our needs for power, the position that nuclear power must play in meeting those needs and the means that can—and I believe must—be employed to make the uses of nuclear power compatible with both the need for that power and public acceptance of that source of power.

The need for energy is increasing at an astronomical rate. It is predicted that between now and the year 2000 we will use as much energy in the world as was used in the previous 2000 years.

The bulk of that energy in the United States is taking the form of electrical power. It is estimated that every 8 to 10 years our demand for electricity doubles, so that by the year 2000 we shall be using 8 times the amount of electricity that we currently consume. Some of this growth can be explained by the growth of our population, but a very significant portion is due to the increased per capita consumption. In 1950, we were consuming approximately 2,000 kilowatt-hours per person per year, and in 1969 this figure had jumped to 7,000 kilowatt-hours per person per year. Much of this increase in consumption came from new products which were introduced. For instance, the shift from a regular refrigerator to a frost-free refrigerator increases electricity consumption 30 percent and a shift from a black and white to a color television entails a 50-percent increase in electricity consumed. These factors lead us to the forecast that, while our current electrical generating capacity is 335 million kilowatts, 670 million kilowatts will be needed in 1980, and about 1,600 million kilowatts will be required by the year 2000.

Even today, our electrical generating capacity is inadequate. The power blackout which hit the Northeast in 1965 was not a freak accident, but rather the harbinger of things to come in later years. The terms "blackout" and "brownout" are new additions to our vocabularies and very real dangers to our society. This body has reacted to those dangers by installing equipment which will provide emergency power to run the elevators and operate the lights in Congress in case of just such a power failure. But, not many Americans are able to take such precautions. Experts in the area of electrical needs are hoping—nay, praying—for a cool summer because of the great likelihood of outages if the summer heat becomes too intense and the citizenry runs too many air conditioners and fans.

Perhaps, we could lessen this demand—and, therefore, lessen our generating capacity—by various means of limiting or apportioning consumption. One possibility would be to alter the industrial uses to nonpeak consumer hours. Another possibility would be to have a sufficient number of plants within a particular electric grid demand area, so that each power company would not feel compelled to build plants with built-in emergency reserve factors, relying instead on emergency assistance from other companies within their grids.

And yet, even after these adjustments were made, we would still be left with the need to vastly increase our electrical generating capability. In line with current technological knowledge, there are three potential sources for that electricity: Hydroelectric plants, fossil fuel plants and nuclear plants. As a practical matter, the first alternative is no alternative at all, since almost all of the suitable hydroelectric plant locations have already been used. Therefore, hydroelectric plants will remain supplemental and cannot absorb any significant portion of our increased demand for power.

Similarly, fossil fuels seem to be an unlikely source for three reasons. First, there are grave doubts as to the availability of enough fossil fuel reserves, particularly coal, to generate the amount of power that we will need by the year 2000.

Second, even were there enough fuel reserves, the task of transporting those fuels to the generating facilities would be virtually impossible. This problem was illustrated most graphically by Dr. Seaborg when, during our hearings, he hypothesized the situation of 1,500 fossil fuel generating plants each with a million kilowatt capacity operating at a three-fourths load capacity—roughly equal to our year 2000 needs—and burning daily 10 million tons of coal that would require the daily movement of 100,000 railway cars. Contrasted to those figures would be the same number of nuclear plants with the same capacities, but the nuclear plants would consume only 3 tons of fissionable materials daily. Third, even were we able to overcome the first two difficulties, the products of combustion which would be released into the atmosphere—heat, sulphur oxides, carbon monoxides and ash—would make our air virtually unbreathable.

As a practical matter, then, we are left with nuclear power as representing our only realistic hope for a sufficient source of electricity without a host of other problems. Those factors which support our increasing reliance on nuclear power include the fact that there is plenty of uranium available for energy-producing purposes; it is relatively easy to move since it is not as bulky in its processed state as fossil fuels; there are no products of combustion since it does not burn and therefore no air is consumed, no carbon dioxide produced, and no other combustion byproducts; and nuclear power is competitive with electricity produced by fossil fuels both in terms of efficiency and cost.

But, nuclear power is not without its problems, and those problems are the prime source of the AEC's difficulties of today. It is not that these problems cannot be solved technologically, nor are they as serious as those which the burning of fossil fuels engender, but, rather, these problems have grown to their present proportions largely because of a seeming lack of responsiveness on the part of the AEC.

Before getting into the specific areas of concern, I would offer two general observations. First, that the safety record of the AEC is second to none. Over the years, the AEC has demonstrated that it is aware of and sensitive to the dangers of atomic power. This awareness is a reaction, in large part, to the fears of the public toward nuclear power that are the outgrowth of the atomic bombs of World War II and our current arsenal of nuclear weaponry. We all have difficulty in fully understanding how a force which holds such destructive capability as does nuclear energy can be safely used for peaceful and beneficial purposes. The AEC has been most careful to be certain that accidents cannot occur, for they recognize that their first accident might well be their last.

The second general observation that I would make is most unfortunate in light of that safety record. The AEC seems genuinely perplexed by the attacks of conservationists, scientists and the public. They point to their safety record with indignity, and they argue that, as scientists, they know more about the question of the safety of nuclear power than any private citizen. While I do not necessarily differ with their conclusions, I would note that their methodoloy leaves much to be desired. They have often chosen to stand and fight on the principle of an issue even though the merits were unimportant to them.

I point to these failings, Mr. Chairman, not to be critical of the men who work for the AEC, for I have nothing but respect both for their work and for them personally. But, I am concerned because we need nucear power, and if that power is shrouded by public mistrust, our Nation will not be able to meet its power requirements in the future. I am concerned because I believe that some alternations can be made which may or may not be considered to be "scientifically necessary," but which will go far toward objections which must be answered.

RADIATION RELEASES

Perhaps, the single greatest difficulty facing the AEC is that of the emission of radioactive materials either by accident or by design in the normal operation of a generating plant. An integral part of this difficulty revolves around the safety of the maximum permissible radiation standards, which are currently set at 170 millirems per year. Admittedly, these standards are set by the Federal Radiation Council—FRC—and not the AEC, but the AEC has the power to reduce its plant operational standards below the FRC level. Recently, the AEC amended its rules, and suggested that all nuclear generating plants limit their releases to the lowest practical levels. This action was taken as an alternative to actually reducing the maximum permissible level. The AEC justifies their action of not reducing the maximum permissible level on the grounds that they believe the current FRC standards are absolutely safe and, if any alteration is to be made, they argue that alteration should be in raising and not lowering the maximum level. Further, they contend that lowering their maximum permissible level not only would affront the integrity and accuracy of the FRC but would also be an admission that the existing standard is and has been unsafe. I would suggest that, if those are their fears, then there is no difference between lowering the maximum levels and adopting the as-low-as-practical standard. In either case, you are saying that less radiation is preferable to more, thereby implying that if one could receive no radiation, that would be the optimum.

In fairness, it should be noted that the AEC's nuclear plants are all operating at a level well below the maximum levels, and in many cases at less than 1 percent of those levels. Nevertheless, the fact that they reserve the right to operate at 100 percent of the level disturbs many people, including me.

I would suggest that the concern of the people is not at all irrational, for we, the public, are given such completely contradictory information that some of us can only assume the worse for purposes of self-protection. As an example, Doctors Gofman and Tamplin, noted scientists in the radiation field, have claimed that the AEC, in abiding by the FRC maximum permissible levels, could be causing as many as an additional 32,000 deaths per year from cancer. Since these two men are experts in this area, we cannot help—particularly in light of our underlying fear of nuclear power—but believe that they are at least partially accurate. In response, the Commission, speaking through Commissioner Thompson, declared that the Gofman-Tamplin figures are completely erroneous and that—

> (I)nstead of having 32,000 cases per year, we probably have statistically less than one extra case of cancer or leukemia as a result of the presence of those nuclear reactors now in operation, under construction, or definitely planned.

What is the public to believe in the face of such completely contradictory statements?

Similarly, many scientists expressed a concern over the danger of tritium being released into the environment from the operation of nuclear powerplants. These experts suggest that we must take all possible precautions to limit the releases because they do represent a danger. The AEC's response? It is expressed in a statement prepared for me by Commissioner Thompson which he entitled "The Hydrogen Forest":

> Tritium is a radioactive isotope of hydrogen produced in small quantities during the operation of a nuclear reactor and has been a source of public concern in relation to the use of nuclear power. It is necessary to put the quantity of tritium that could be involved in perspective. Picture the entire United States as a huge forest having one tree on each square foot of land, and each tree having 10,000 leaves. Now, in this forest of a billion, billion leaves, if each leaf were to represent a hydrogen atom, there would also be disbursed throughout this forest about 80 tritium leaves due to cosmic rays and past nuclear weapons tests in the atmosphere. The amount of tritium which would be added to the environment due to the operation of all the nuclear reactors planned out through the year 2000 would result in about *one* additional tritium leaf being added to the nationwide forest of a billion, billion leaves that now contains 80 tritium leaves.

With these types of extreme statements being made on both sides, most of the public is left in limbo and, in choosing between the AEC's version and that of independent scientists, the AEC tends to lose every time. Why? Well, because, first, the public regards the AEC as having something to hide or an interest to protect and, therefore, AEC statements become immediately suspect. Second, by human nature we are all naturally pessimistic and skeptical and, therefore, only too ready to believe the worst.

XUM

I do not mean to suggest, Mr. Chairman, that because the public is more likely to respond to emotional overreactions than technical competence that the Commission's competence is suspect, but I do suggest that the AEC should pick one road or the other. If they are accurate when they say that actual emissions are low, then let them lower their standards accordingly. But it seems inappropriate for them to argue that only small amounts of radiation are being released while, at the same time, stubbornly defending standards which are obviously much higher than the releases.

Related to this public distrust are the recent events in Minnesota where that State wished to impose standards on nuclear generating plants considerably more stringent than the AEC's—but standards with which the plant could comply. Apart from the legal considerations about preemption and the jurisdiction of the State, the AEC found itself in the uncomfortable position of opposing Minnesota, which was interpreted, rightly or wrongly, as a position opposed to the preservation of the environment. This type of public relations does not endear the AEC to conservationists, and it is particularly unfortunate since it appears that the AEC did not have to be in the middle of this dispute at all.

The result of the seeming inflexibility of the AEC has led to a public furor which threatens to result in a drastic alteration of the makeup of that agency. In March, then-Secretary of Health, Education, and Welfare, Robert Finch, announced that, as the head of the FRC, he was asking that a complete study be made as to the safety of the existing FRC maximum permissible level standards. Recently, the Nixon administration has been toying with the idea of revamping the AEC to remove its jurisdiction over military programs and perhaps to relieve it of its regulatory functions.

And so, while at one time the AEC was placed on a political pedestal, now that agency is fast losing its immunity from scrutiny; and it all came about, I would suggest, largely because the AEC has appeared to be insensitive to the fears and concerns of the public. A good deal of this public clamor would subside, I feel, if the AEC decided now to voluntarily reduce its radiation standards, thereby showing its desire and willingness to be sensitive to this important issue of radiation dangers.

THERMAL POLLUTION

The need for large amounts of cooling waters have led to the sitting of nuclear powerplants on the banks of streams and lakes and on the shores of bays and oceans. As these waters are pumped through the cooling system to condense the generated steam, heat is transferred with the result that the temperature of the cooling water increases. This warm water is then discharged back into the source from which it came with the result that a warming of the source takes place. There is great disagreement not only as to the effects of this warm water but also as to the extent of the temperature rise. These unknowns have caused conservationists to oppose the siting of nuclear plants until adequate methods have been devised to return the water at substantially the same temperature as it was originally. Interestingly enough, the AEC agrees that it has the technology to accomplish this task but, because of the increased cost factor and the desire of the AEC—and I believe that it is a valid desire—to keep nuclear-generated electricity competitive with fossil fuel plants, the AEC has been slow to institute programs in this area, thereby becoming a further target for conservation groups.

A fact that is normally overlooked is that nuclear powerplants are not the sole source of thermal pollution. Fossil fuel plants discharge waste heat in the process of generating electricity, albeit at a slightly lower rate than existing nuclear plants.

Existing fossil fuel plants may be a bit more efficient in this respect than existing light water nuclear reactors; however, the new liquid metal fast breeder reactors will supposedly be as efficient as the most advanced fossil fuel plant and will discharge no more waste heat than those plants. In any event, in a fossil fuel plant the heat is discharged both into the air and water—together with many other pollutants which are the products of combustion. This thermal pollution has not yet come under the attack of conservationists to the degree that their attacks have been directed at the AEC. Thus, the agency finds itself in the uncomfortable position of either having to largely ignore the public demands or to increase the cost of nuclear generated electricity by requiring installation of cooling towers and cooling ponds. The choice is not an easy one, for the large electric companies are looking to that source of power which is least expensive. When the costs are computed not down to the dollar, or to the penny, but to the tenth of a mill, the additional cost of curing thermal pollution becomes a most relevant consideration in convincing these firms to "buy nuclear."

WASTE DISPOSAL

An additional problem facing the AEC is that of nuclear waste disposal. The image of thousands of gallons of high-level wastes boiling away in specially built tanks while they slowly decay over hundreds of years is not at all far-fetched. Currently, total high-level nuclear waste—including that from atomic weapons programs—amounts to about 80 million gallons stored in about 200 tanks. The U.S. Public Health Service estimates that, by 1995, the accumulated volume of waste material will come to about 2 billion gallons. The dangers inherent in the storage of this material by conventional methods are obvious and frightening. If, because of sabotage or natural causes, some of this material should find its way into our water sources, significant portions of our population would be exposed to certain death upon consumption of the contaminated water. Already there have been tank failures, but fortunately no serious injury has resulted.

However, the AEC has developed a method of solidifying liquid wastes, thereby reducing the volume dramatically and at the same time making the waste safe for transporting. The present plans are to bury these wastes in salt caverns so that they can dissipate without danger to mankind. Hopefully, this process will be hastened—and that is part of the congressional duty—to so act as to help the AEC remove this threat to our environment.

By way of summary, I would like to tie all of this portion of my remarks together and, hopefully, make some firm suggestions as to the course we should take in the future. My remarks are not intended in any way to be an indictment of the AEC, but if we ignore the problems that agency is facing, and if we overlook that agency's unintentional shortcomings, then we are seriously endangering our national capability to meet the rapidly increasing demand for electricity—a demand which I believe that, given the current state of the art, can only be met by means of nuclear power.

As I have indicated above, I believe that a lowering of the maximum permissible levels not only would help take some public pressure off the AEC, but that such a lowering is justified by both the experience of the AEC that its plants can run well below that standard, and by the public doubts that have been raised concerning the safety of those standards. There should also be stiffer and more effective pollution regulations on fossil fuel plants—regulations which are at least as comprehensive as those which now fetter nuclear plants. The pollution of the air and water by fossil fuel plants is at least as serious as that of nuclear pollution, and it occurs now on a much larger scale. That pollution is, in its own right, a significant problem which must be dealt with if we are to preserve the quality of our air. It seems incongruous and unfair that we should so regulate nuclear power as to require it to meet stringent environmental and safety standards, while we allow fossil fuel plants to more or less pollute at will. Such equal regulation will allow both types of plants to compete fairly for the consumer's dollar.

Congress should also consider the desirability of dividing the regulatory and the promotional responsibilities of the AEC, and perhaps vest in another agency one or the other of such functions. This unique dual role is one that subjects the AEC to a great deal of public criticism, and adds to the general feeling that the AEC is both judge and jury, responsible only to itself. I am not, at this point, advocating such action, but I do suggest that it should be the subject of congressional scrutiny in the near future.

Finally, the public can assist the AEC and, generally, the cleaner environment effort if it would acknowledge its willingness to pay the necessary incremental costs of having clean power. Those costs are extremely small but, as I have noted, the utilities are very concerned about every small incremental cost. Westinghouse has recently announced that it is able to reduce all radioactive releases from its plants during normal operation to approximately zero, but the costs of this process will of course have to be passed on to the consumer. Similarly, the technology already exists to virtually eliminate thermal pollution, but it costs money to build cooling towers and ponds—and the consumer is going to have to absorb these costs.

Let it be understood: I am not criticizing those who are asking that the AEC act to protect the environment, for theirs is a valid request; however, at the same time, those critics should put the same heat on fossil fuel plants. Their efforts should not be directed at running the AEC out of business, but directed at improving the overall environment and, particularly, the environment as it is affected by electrical generating plants of all types. For it is as unfair and illogical to criticize the AEC and not the fossil fuel plants, as it would be to attack Ford on the issue of air pollution but ignoring, at the same time, General Motors and Chrysler.

Our demand for electrical power cannot be met without the utilization of nuclear power, but that power will never gain public acceptance unless there is a concerted effort by the AEC, the Congress and the public to fairly and rationally look at and solve the problems related to that energy source. It is time, Mr. Chairman, to "cool the rhetoric" and get down to solutions.

THE ARTIFICIAL HEART PROGRAM

Finally, Mr. Chairman, let me close these already too long remarks by taking note again of the great prospects that lie in the Commission's preliminary work toward the development of a nuclear-powered artificial heart.

Last year, our subcommittee provided the AEC with an unbudgeted $800,000 increase in funds to carry forward this project but, due to the fiscal situation, such funds were never apportioned—as the term goes—and nothing was accomplished with them. I think this was extremely unfortunate for I see great promise in this concept of a fully implantable artificial heart, powered by nuclear energy in the highest form of its peaceful uses. A device such as this—if it works, and I believe it will—would resolve all those plaguing problems, legal and moral, as well as physical, that have cast doubts upon the long-range feasibility of human heart transplants. For anyone interested—and we all should be—information on this program can be found on pages 788 to 791 of volume 4 of our hearings, and as evidence of its continuing interest in and support of this effort our subcommittee has again provided the Commission with an additional $800,000, the same as last year, to carry this work forward. I am sure it is my hope and expectation—as well, I believe, as that of the other members of the subcommittee—that, this coming fiscal year, these funds can and will be spent in furtherance of what can become one of the great breakthroughs now remaining on the medical front.

GENERAL LEAVE TO EXTEND

Mr. EVINS of Tennessee. Mr. Chairman, I ask unanimous consent that all Members may be permitted to extend their remarks on this bill and on our distinguished colleague, the gentleman from Ohio (Mr. KIRWAN).

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. FALLON. Mr. Chairman, I would take this opportunity to congratulate the chairman and the members of the Appropriations Committee for bringing forth an excellent bill. As is inevitable in legislation involving the complex matters in the programs covered by the Public Works for Water Pollution Control, and Power Development and Atomic Energy Commission Appropriation Act, 1971. There are certain aspects which we are not in full accord. Nevertheless, as chairman of the Committee on Public Works, the committee responsible for the authorization of the Federal Water Quality Administration's water pollution control program and the Corps of Engineers' water resource development program, of which programs are included in H.R. 18127, I wish to express my personal appreciation for the kind cooperativeness of the chairman of the Appropriations Committee and the chairman of the Subcommittee on Public Works.

Mr. Chairman, a brief summary of water pollution control legislation to date may be helpful in understanding the issues we have before us today.

Prior to 1955, water pollution control was limited. Until the enactment of the Federal Water Pollution Control Act of 1948, the only role the Federal Government had in water pollution control was contained in three acts: The River and Harbor Act of 1899, the Public Health Service Act of 1912, and the Oil Pollution Act of 1924.

The Water Pollution Control Act of 1948 was experimental and limited to a trial period of 5 years but was subsequently extended to June 30, 1956. On July 9, 1956, there was enacted into law the first comprehensive Federal Water Pollution Control Act. Among its provisions were: First, grants to assist States and interstate agencies for water pollution control activities; second, Federal grants of $50 million a year—up to an aggregate of $500 million—for the construction of municipal sewage treatment works; and third, a permanent procedure governing Federal abatement action against interstate pollution.

On July 20, 1961, the Federal water pollution control amendments were enacted into law. The amendments, among other things: First, strengthened abatement enforcement of interstate and navigable waters, and second, increased Federal assistance to municipalities for construction of waste treatment works by increasing the grant authorization to $80 million in 1962, $80 million in 1963, and $100 million for each of the fiscal years 1964–67.

The Water Quality Act of 1965, in addition to creating the Federal Water Pollution Control Administration, increased the grants to $150 million for the fiscal years 1966 and 1967. It doubled the dollar limitation on grants for construction of waste treatment works from $600,000 to $1.2 million for an individual project, and from $2.4 to $4.8 million for a joint project in which two or more communities participate. The removal of the dollar limitation up to a full 30 percent of the project cost was authorized if the State matched the full Federal contribution. It further provided that an increase in the basic grant of an additional 10 percent of the amount of the grant if the project conformed to a comprehensive plan for a metropolitan area.

In 1966 the Congress recognized that while it had commenced an aggressive role for the Federal Government in planning and enforcement by these prior acts, insufficient financial assistance had been offered to the States and the local governments to fight actively water pollution. This had been evidenced by the fact that while sewage treatment plants were being constructed as originally contemplated, they were insufficient to keep up with the problem. Thus, it became clear to the Congress that more tools were needed to fight this battle, and mainly the tools needed consisted of more Federal funds.

Therefore, in 1966, the Congress at the recommendation of the Committee on Public Works enacted the Clean Water Restoration Act. This legislation, which is based on the concept of a Federal-State-local government partnership, authorized $3.4 billion for construction grants for sewage treatment plants for

XUM

the fiscal years 1968–71. The amounts for each year are $450 million for 1968, $700 million for 1969, $1 billion for 1970, and $1.25 billion for 1971. We did away with the dollar limitation on grants and in all cases the basic amount authorized for a Federal share for a single project or a combined one is 30 percent of the total cost. However, where the State agrees to match 30 percent of the total cost of a project, the Federal share is increased to 50 percent and to 55 percent in metropolitan areas if the project is in conformity with a comprehensive metropolitan plan. Hopefully, this was a major breakthrough in the fight against water pollution.

We all believed, and so advised our constituents, that the authorization for Federal assistance for construction of sewage treatment facilities would result in aiding our towns and cities in meeting the water quality standards which we had required to be established under the Water Quality Act of 1965.

However, we were mistaken. We learned again that authorizing a program does not insure that the program will be funded. Instead of $450 million in 1968, appropriations were limited to $203 million. In 1969, instead of $700 million, appropriations were $214 million, and in 1970, despite the fact that the Congress authorized $1 billion as recently as 1966, the administration in its budget request asked for $214 million. However, the Congress in its wisdom raised this amount to $800 million.

During this period of high promises and low appropriations, several States, including my home State of Maryland, in good faith and in full reliance of the promises held out by the Federal Government geared up and proceeded to carry out its part of the bargain. The State of Maryland committed itself to constructing sewage treatment works in an amount approximating $150 million. Over $25 million of what should have been Federal funds has been expended by the State. In all the State of Maryland has outstanding reimbursables exceeding $60 million. I do not intend to convey the impression that other States have not also gone ahead with planning and construction notwithstanding the apparent failure of the Federal Government to meet its obligations. I have been advised that there is presently outstanding reimbursables amounting to some $894 million. Thus, instead of assisting those States which were willing to move forward, we have in fact burdened them further.

H.R. 18127 attempts to remedy this situation, at least partially. I am pleased to report that through the cooperation of the chairman of the Appropriations Committee, we were able to jointly work out language which I believe will be helpful to the States which moved forward to their monetary detriment. This was accomplished in this bill by specifically allocating $200 million of the total $1 billion appropriation recommendation on the basis of eligibility of the States for reimbursement toward the Federal share of such projects as they have prefunded under the provisions of section 8(c) of the Federal Water Pollution Control Act. In addition, it was agreed that grant moneys not obligated out of the amounts allocated to the States under the existing formula by the end of the fiscal year, rather than after 18 months, should thereupon be reallocated in accordance with present procedures, thereby speeding up the process of getting the grant money where the need exists and where it can be best utilized. This also has been included in H.R. 18127. There had been some proposals which would have provided for reimbursement, but would have assured Federal funding for new projects in future years. These plans were unacceptable.

I wish to make it crystal clear that I am in agreement with this proposal.

I do have one major reservation. It is my firm conviction—and I have so stated on many occasions—that the appropriations for fiscal year 1971 should be the full amount authorized—$1.25 billion and not the proposed $1 billion. I further believe that the reimbursement portion should be raised from $200 million to $250 million.

In the committee's report, it is noted that there is an estimated carryover unobligated balance of $440 million, which when combined with this year's recommendation of $1 billion totals $1.44 billion for construction of waste treatment works to abate water pollution problems. I regret that the Federal Water Quality Administration has not been able to pump this unobligated money into the program at a faster rate.

However, I am totally convinced that if the additional $250 million were appropriated it could be beneficially utilized. I am not at all certain that it is necessary to seek out and place blame for the delays, but I am convinced that it is necessary to appropriate the needed funds and put them to work so that we may protect and preserve our environment.

Mr. Chairman, I would also express my appreciation to the Appropriations Committee for its allowance of $1,330,000 for the Chesapeake Bay Basin model study, an increase of $1 million over the administration's budget request. The increase allowed provides the full Corps of Engineers' capability during fiscal year 1971 for design of the shelter and the model, field data collection, studies, and initiation of procurement of model instrumentation. The committee was most kind to my requests for additional funds in excess of administration's budget recommendation which I made at the hearings held by the Public Works Subcommittee in May and by letter dated June 9, 1970, to the subcommittee's distinguished chairman, Mr. KIRWIN.

I had the privilege of introducing the legislation for the Chesapeake Bay Basin model study which was included in the River and Harbor Act of 1965. This study consists of a complete investigation and study of water utilization control of the Chesapeake Bay Basin, including but not limited to navigation, fisheries, flood control, control of noxious weeds, water pollution control, water quality control, beach erosion, and recreation.

A hydraulic model of the Chesapeake Bay Basin and associated technical center was authorized to be constructed, operated, and maintained in the State of Maryland for this purpose. The model and center are to be utilized by any department, agency, or instrumentality of the Federal Government, as well as the States of Maryland, Virginia, and Pennsylvania in connection with any research, investigation, or study to be carried on by them on any aspect of the Chesapeake Bay Basin.

This study is comprehensive estuarine study, multidisciplinary in scope, encompassing engineering and the physical, chemical, biological, and social sciences. The first year of the study, fiscal year 1967, was used in developing broad concepts and constraints for this study for unprecedented scope and magnitude.

The second year was used for a more detailed evaluation of procedures for accomplishing the study, for interagency coordination, and for a public hearing at which the views of affected local interests were obtained. The analysis was reevaluated by the Corps of Engineers in fiscal year 1969 in response to a request by the House Appropriations Committee with the objective of reducing the cost, including the model, the Corps of Engineers' analysis response to that request included consideration of reducing the physical size of the model, substituting a mathematical model for a hydraulic model, and reducing the scope of the resource study.

It was found by the corps that any of the less costly programs considered would fail to comply with the intent of the original authorization and would not insure success of the study. The corps also further found that the total cost for the study would be $15 million and not the $6 million originally authorized and estimated. Thus, the corps has estimated it will need an additional $9 million to complete the study.

On June 4, 1970, the Congress passed and sent to the President H.R. 15166, the River Basin Monetary Authorization Act of 1970. This legislation included a provision, which I again had the privilege of sponsoring authorizing to completion by the Corps of Engineers the Chesapeake Bay Basin comprehensive study in an estimated additional amount of $9 million.

There are many urgent problems which challenge the environment of Chesapeake Bay which makes it necessary that this study be accelerated and completed as early as possible. Waste disposal is a pressing problem. The Baltimore-Washington urban complex had a population of approximately 3.8 million people in 1960, a number which is expected to double in 25 years. Little study has been done concerning the intricate relationship between exploding urbanization and the estuarine environment. The Washington area places 8 million pounds of phosphorus and 25 million pounds of nitrogen in the Potomac River annually. These quantities are estimated to double in 25 years. The Patuxent River receives the wastes of 78,000 people and has lost 10 species of fish. The rapidly expanding rate of urbanization

XUM

provides the additional threats of increased thermal loads and other very hard to manage compounds. There are numerous other inflows, the invasion of noxious weeds, land and shore erosion, and silt inflows as a function of increased urban development, agricultural activity, and navigation projects.

This comprehensive study, when completed, will project economic development within the bay area and the consequent resource demands. It will serve as a viable management guide to maintaining the environmental integrity of the Chesapeake Bay while encouraging beneficial resource use and enjoyment.

Mr. EDMONDSON. Mr. Chairman, I rise in support of this bill to provide funds for flood control, navigation, and other essential public works, and congratulate the committee on its work in these vital fields.

The committee has dealt generously with Oklahoma and with the great Arkansas River project, and we in the Oklahoma delegation are most appreciative of the consideration afforded our State.

Thanks to this great committee, we are now in the home stretch of construction of locks and dams essential to navigation of the Arkansas River, and barges will be traveling up the Arkansas and Verdigris River channels by December of this year.

1970 is the year the great dream of navigation will finally come true for Oklahoma, and realization of that dream would not have been possible without the full support of this committee and this House.

I appreciate very much the remarks made earlier by the gentleman from Tennessee (Mr. Evins), and the gentleman from Arizona (Mr. Rhodes) in tribute to our beloved colleague, Mike Kirwan of Ohio.

Chairman Kirwan is without doubt the greatest champion of water resource development serving in this House in the 20th century, and Oklahomans will always be grateful to him for his stalwart support of Oklahoma water development programs.

There are many others on this great committee who have made a great contribution to our Nation's water resource development—and I am grateful to each of them—but no one has surpassed Mike Kirwan in either leadership or statesmanship in the advancement of this cause.

We are going to miss Mike Kirwan in the 92d Congress—and in the Congresses to follow.

Oklahomans will never forget him.

Mr. LONG of Louisiana. Mr. Chairman, I support H.R. 18127, the public works appropriations bill and urge its prompt passage by the House. Despite the disfavor public works have found in some quarters of our society, they remain the most effective means available to the Federal Government to affect the restoration of the Nation's lands and water resources. And while the appropriations are not nearly as generous as I would personally have them, I must say that the Committee on Appropriations performed well under rather severe budget limitations.

In my own district, these appropriations will provide $1 million toward construction of the Red River Waterway, $1.9 million toward emergency bank protection on the Red, and $100,000 for planning of levees and bank stabilization on the Red, one of the most neglected rivers in the United States. The bill will also provide $15,000 for examinations and surveys on Bayous Rapides, Boeuf, Cocodrie, and outlets in my district, as well as $103,000 for the Old and Atchafalaya Rivers control project. Funds in the amount of $3.4 million are provided for Mississippi River levees, $200,000 for construction and planning on Old River, $120,000 for the south bank of the Red, $6.1 million for the Atchafalaya Basin, and $32.6 million for channel improvements on the Mississippi River.

These funds are provided largely for projects which are already underway. Little or nothing is provided for new improvements to these waterways. I am pleased that the bill contemplates continuation of these projects in Louisiana, but I am afraid that they only maintain work already planned and do nothing to increase the rate of progress conditions demand.

It is my hope that our fiscal situation will soon permit us to move forward on the great number of deserving projects throughout the Nation. We cannot for long afford to stand still in our programs of land and water development.

Thank you, Mr. Chairman.

Mr. ROSTENKOWSKI. Mr. Chairman, along with many of my colleagues, I have become increasingly concerned with the growing environmental crisis in our country. We are faced with the hazards of pollution on several fronts. Our lakes and rivers, once our most cherished assets, are virtually unusable, and have become ever-increasing health hazards. In our large urban areas, the ominous threat of polluted air is no longer a possibility, but an undeniable reality. My own city of Chicago has recently enacted an ordinance which will require both Government and industry to adhere to strict antipollution guidelines. I am in full agreement with my colleagues who seek to amend the public works appropriation bill to allow for full funding of the Federal Water Pollution Control Act. Considering the gravity of the existing situation, we cannot approve less.

I also want to commend the work of my distinguished colleagues who sit on the Appropriations Committee. The report on this legislation shows their acute awareness of the need to combat our environmental problems as swiftly and efficiently as possible. The increased funding by the committee was a step in the right direction. I also want to commend them for increasing the grants for waste treatment plants, and for striving for efficient new means of grant allocations. The bill before us today, although a significant increase over past appropriations for pollution control, is no guarantee of any immediate solutions. But with the $1.25 billion appropriation for clean water, I feel it can be a very significant step.

Mr. PICKLE. Mr. Chairman, I am pleased to have this opportunity to address the House membership concerning two projects now underway in the 10th Congressional District of Texas.

First, let me say that I appreciate the diligent effort the Committee on Appropriations invested in reporting to the House a well-planned and comprehensive program of public works, and I commend to you the result of their efforts, the bill which we consider now in this Chamber. The committee did not heed all recommendations, but perhaps this is good. They must view each project in the light of the overall welfare of our Nation and must allocate a limited supply of funds among those projects most worthy. I hold the highest respect for their judgment in these matters.

I am pleased to report that the committee saw sufficient reason to deem the Palmetto Bend reclamation project and the San Gabriel—a tributary of the Brazos River—Army Corps of Engineers flood control project worthy of appropriations for fiscal 1971. The committee moved the San Gabriel project into the construction start stage, and authorized for the Palmetto Bend Dam project $100,000 for preconstruction planning to be added to the $200,000 allocated last year but frozen by Executive order.

Mr. Chairman, the approval by the committee of the continuance of these projects is evidence of their confidence the projects should be kept alive and rolling in the framework of national public works. Moreover, both are crucial to the areas which they affect directly.

Williamson County suffered disastrous back-to-back floods in 1957 and 1959. The damages ran well over $3 million and our rural economy was damaged for several years. The San Gabriel flood control program will eliminate this potential for future disaster. The project stood ready for construction in 1968. Sufficient land has now been purchased. The San Gabriel Reservoirs have been authorized for nearly two decades, longer than most others in the United States. The project offers a benefit to cost ratio of 1.7 to 1. Moreover, the Corps of Engineers, the Brazos River Authority of Texas, and the Governor of Texas are firm in their commitment to this project. It would be a disaster in its own right to bring this project so far along only to let it die or unduly linger here.

The Palmetto Bend Dam was authorized in 1968 after 20 years of hard work and planning. As a result of these years of effort the project now has an unprecedented breadth of support among all levels of government. Presently, the Lavaca-Navidad River Authority, the Jackson County Commissioners Court, the Texas Water Development Board, and the U.S. Bureau of Reclamation are all agreed on this project. To obtain initial authorization of the project, the citizens of Jackson County voted more than 2 to 1 in favor of taxes to pay for bonds for the project. The Texas Water Devel-

XUM

opment Board agreed to participate in the project up to nearly $22 million—significantly higher than the estimated Federal participation of $12 million. Planners have reported that the yields of the reservoir will be needed to meet the local water needs of the year 2020 or much sooner. Also such a reservoir should insure against the recurrence of the disastrous events of the early fifties when drought took a high economic toll. Further, this project has been specifically included in a comprehensive water plan proposed by the Texas Water Development Board with the U.S. Bureau of Reclamation designed to serve the needs of Texas and New Mexico for 50 years. This project is worthy. Enthusiasm is high. But there is always a danger of stagnation if that enthusiasm is not put to work soon. This project certainly deserves action now.

Mr. Chairman, I respectfully urge the continued support of these two vital projects, the San Gabriel flood-control project and the Palmetto Bend reclamation project, and I want to officially thank the committee for their consideration. I know they gave each request throughout the Nation their full attention and did what they could to keep us on target. The members of the committee—on a bipartisan basis—were considerate of the groups which appeared before them. The members had to sit in long sessions and hear testimony which often was detailed and involved. Yet they were considerate, courteous, and thoughtful. The reception they gave to citizens who testified was warm and understanding, and the members made those citizens proud of their Government.

And, Mr. Chairman, may I also express my appreciation to the very excellent professional staff of the House who know what they are doing, and who operate their part of the committee work in a highly professional and efficient manner.

Mr. MONAGAN. Mr. Chairman, I support H.R. 18127, the public works appropriation bill for fiscal year 1971.

For 12 years, I have worked for flood-control protection essential to my area, the Fifth District of Connecticut. In large part through my efforts, a complex of flood control dams, reservoirs, dikes, and pumping stations, so necessary for the safety of our people and property, has neared the peak of completion. Further funds are necessary to reach that peak.

The 1971 public works bill provides for three flood control projects in the Fifth District of Connecticut. I can attest to the importance these projects hold for the people of the Derby, Trumbull Pond Reservoir, and Ansonia-Derby areas. These programs are sorely needed. Of the total $10,050,000 in this bill designated for Connecticut flood control, $8,550,000 is earmarked for Fifth District planning and construction. Passage of this bill would mark the culmination of successful cooperation in this field between myself, local officials, the Public Works and Appropriations Committees, the Army Corps of Engineers, and my colleagues in the House during the last 12 years.

H.R. 18127 further supports in tangible form the objective of restoring and maintaining a clean environment. As an early advocate of national efforts to combat water pollution, I support the bill's direct appropriation of $1 billion to fund constuction of waste treatment works. This sum is authorized by the Clean Water Restoration Act of 1966, a law which I sponsored in the House. Included with this would be a carryover of $440 million which would make a total available of $1.44 billion.

We must more than ever be sensitive to our ecological needs, the preservation of our open space, and the protection and control of our rivers. The $1 billion appropriation in this bill for clean water restoration represents a $200 million increase over last year's bill—$640 million with the carryover—a forward step in environmental control.

Finally, Mr. Chairman, I speak in support of the Appropriations Committee in its stated opposition to the inclusion of funds for the Dickey-Lincoln power project in Maine. I have opposed this project in the past as being inefficient and unnecessary. In fact, the House has rejected Dickey-Lincoln appropriations on five separate rollcall votes in the last 4 years. Originally estimated at $300 million, eventual project costs would probably exceed $500 million. One study predicts that future power requirements in Boston and Maine could be satisfied at one-fifth the Dickey-Lincoln costs through steam and pumped storage plants. Furthermore, Dickey-Lincoln's power could not be available before 1980. In addition this hardly seems to be the time to add a commitment of half a billion dollars to an overburdened Federal Budget. For these reasons, I cannot view Dickey-Lincoln as a practical means of providing power.

Mr. BENNETT. Mr. Chairman, about the best news for America in this decade has been the explosion of interest in improving and protecting our environment. It is good news because it can bring us pure air and water, needed national parks and wildlife preservation. It could, however, become a curse instead of good news if, in hysteria, we respond by prohibiting every needed highway, canal, and job-producing industrial opportunity.

The poorly documented, and sometimes completely untruthful, attacks made by some people against the Cross-Florida Barge Canal present a case in point.

I am pleased to support the House Appropriations Subcommittee on Public Works recommendation of $6 million for continued construction for the canal in fiscal year 1971. I am deeply grateful to the committee for its firm support for the canal. The committee feels the canal should move ahead, and offered its full support for the project in the report on the funding bill, H.R. 18127. I include here the statement on the canal from the committee report—91-1219:

> Cross-Florida Barge Canal, Florida—The committee has included in the bill the $6,000,000, including carryover funds, proposed in the budget to continue construction of the project. The committee has given serious consideration to the concerns that have been expressed as to the possible ecological and hydrological adverse effects that may result from the project. However, the committee does not feel that it would be warranted, in the light of the current facts available, in delaying construction of the project which was started in 1964 and is now about 30 percent complete. The reservoir and pool preparation on the project are 43 percent complete; construction of the dams, 75 percent complete; and the required locks, 50 percent complete. A total of $52.7 million has been allocated to the project to date.
>
> The project has a very favorable benefit-to-cost ratio of 1.4 to 1. Since authorization, the project has been subject to two special studies to examine to economic justification of its construction, including an independent study by a nationally recognized consulting firm. These studies include comments from other agencies having expertise in the fields of biology, natural esthetics, and environmental matters. The design and construction of the project have been fully coordinated with Federal and State agencies to insure that the environmental aspect of the project area are preserved and enhanced. The U.S. Geological Survey has recently completed a detailed study of the geohydrology of the canal and the Ocala area, which indicated that the proposed canal would not adversely affect the quantity or quality of the water coming from Silver Springs. Its study also disclosed that the impact of the barge canal on ground water supply will be negligible.
>
> In reference to the fish and wildlife, it is realized that with the construction of any new reservoirs, habitats change and some plants and animals are reduced but other plants and animals appear and prosper in the new environment. The new reservoirs will provide many thousands of areas of new habitat for a wide variety of sport and commercial species. The committee believes that studies that have been made support conclusions that while some short term losses will result, the overall effect will be a long term gain in the environmental quality.
>
> Considering, therefore, the status of the construction and the need for the project, the committee recommends that the construction work continue and that every effort continue to be made to minimize any adverse effects on the environment, ecology, and fish and wildlife in the area. Any additional studies would appear to be a duplication of previous work and would delay realization of the essential project benefits.

This canal is being constructed as an important public transportation facility, just like a highway. The purpose of the canal is to move bulk goods at a cheap rate for the benefit of all Americans, not just a few. It will cut the costs of shipping goods from the producing areas of the west to the consuming areas of the east. It has been found economically justified for these reasons alone.

Even more important than that, however, is the defense value which this canal gives our country by allowing safe transportation of oil in time of war from oil-producing areas in the west to oil-consuming areas in the east. This is in support of both the industry and the military oil uses, which are both necessary to our country's survival in time of war. The alternatives of rail, ocean shipping, or pipeline would be very much more expensive, if they could be obtained at all.

My primary support for the Cross-Florida Barge Canal, as a senior member

XUM

of the House Armed Services Committee and chairman of the Seapower Subcommittee, is based on its national defense value. During World War II, ships with a replacement value of $1 billion were lost off the coast of Florida due to German submarine attacks. The threat today from the Soviet submarine fleet is even more awesome and increasing in intensity in the Atlantic Ocean. Castro's Cuba, 90 miles from Florida, and the always dangerous Latin American situation make the canal more important to national security in 1970 than it was in 1942 when the Congress authorized the canal for national defense reasons.

Although the canal may not in the current tight military budget be a thing that the Department of Defense would expect to build itself, for it has never built a canal like this from defense funds; nevertheless, the defense value is in fact tremendous. And this defense value is reason enough to build the canal, even if it were not otherwise justified on an economic basis, which it manifestly is.

During the course of consideration of the location of the canal, dating back to 1826, some 29 different routes were studied. Based upon those studies the present alinement was authorized in 1942. At the same time authorization was granted, construction of a pipeline across the State of Florida was undertaken to relieve the oil and fuel shortage on the eastern seaboard as a result of the wartime situation. I mention this since during the testimony of Maj. Gen. Eugene Reybold, Chief of Engineers, War Department, before the Senate Committee on Commerce, June 30, 1942, he stated in testifying in regard to the canal:

> The value in time of war of an improved through inland waterway from Port Isabel (Texas) to Trenton (New Jersey) with a minimum depth of 12 feet, is believed sufficient to warrant construction of these improvements.

The canal is not a conservation project, although it will greatly enhance the outdoor recreational values along its 107-mile route. It is a transportation facility, one-third complete with $52.7 million already appropriated by Congress, which is fully economically justified. The taxpayers of Florida have matched funds with the taxpayers of the districts along the canal to furnish $12 million on rights of way. It will carry over a million tons of traffic annually when it is open.

Luckily, the Cross-Florida Barge Canal will greatly improve outdoor recreation as an incidental value and will, in my opinion, have substantial conservation values far exceeding any public-assisted highway or railroad right-of-way. The canal project will produce 36 new public recreation areas with 254 additional miles of shoreline and 35,000 acres of surface water. The U.S. Wildlife Service predicts a gain of 78,200 annual man-days for fishing and there will be 296 more acres for picnicking and camping, along with a 300-foot-wide collar of land around each reservoir for exclusive public use for camping, picnicking, and just plain enjoying the wonders of nature.

There is no reason to believe that, had not the Cross-Florida Barge Canal been authorized and funded by the Congress, the portion of the State it will traverse would be preserved in its natural state. There was no such planning or law setting aside the canal area from the deep water at Jacksonville on the St. Johns River on the east to the Gulf of Mexico near Yankeetown on the west for conservation or preservation. As a matter of fact, the Oklawaha River, where two reservoirs will be constructed along the canal route, has been improved by the U.S. Army Corps of Engineers for 80 years. The work on the Oklawaha River first started in 1890 at the request of local people there. Since that time, some seven different projects have taken place along the river, which before these improvements was so winding, snag infested, and dangerous that it was seldom used by anyone. In 1960, over $25 million in flood damage to homes and property was caused along the river. Improvements have been made to protect against such catastrophes. Canal construction is not destroying the Oklawaha River or any other area. Instead, the river will be further changed to include the two large water improvements. These improvements when completed will be useful manmade lakes of greater water extent than the river. Some persons have urged that these bodies of water might become polluted from barge traffic; but, these bodies of water are water reserves to supply the locks and are not likely to ever receive any pollutants at all.

The Cross-Florida Barge Canal is important to national defense. It is economically justified and it will add to outdoor recreation value. It should be completed as soon as possible for all America.

Mr. HOLIFIELD. Mr. Chairman, I note also in the committee's report and in the bill the Appropriations Committee has before us today the strong support of the liquid metal fast breeder program. I commend the committee for its attitude and support of this critical effort. The development of the fast breeder is the priority effort in the Nation's civilian power program. The only solution we now see to our long-range energy problems in the development of the breeder reactor. If we are successful, we will attain a virtually limitless supply of energy. We must concentrate our effort in the civilian power field on the development of this reactor system. We are all cognizant of the budget restrictions which have been imposed on the funding of many of our programs. Accordingly, our efforts on such important projects as the breeder program must be planned and executed as efficiently as possible in order that we obtain maximum benefits from the available funds.

Last Saturday I met with Mr. Shaw, the director of the AEC's reactor development program; and with the top management of the AEC's Argonne National Laboratory to review the effort on the liquid metal fast breeder reactor program.

One of the primary reasons I visited with the management of the AEC's Argonne Laboratory last Saturday was to obtain assurance that a concerted and well-planned approach to the effort on the breeder is utilized. The Argonne Laboratory has been assigned a major portion of the effort in the breeder program. Accordingly, in my discussions with Dr. Duffield, the Director of the Laboratory and his colleagues, I made a special point of the fact that this work must be given priority attention. I stressed the importance of assigning the best qualified people to this program. We must have people who are both professionally and personally committed to the expeditious and successful completion of the work.

I want to assure my colleagues that I plan to continue to "ride herd" on this program since it is so vitally important to the Nation. I want to again commend the committee for its enthusiastic support of the breeder reactor program.

Mr. LANGEN. Mr. Chairman, I want to take this opportunity, on behalf of the residents of northwestern Minnesota, to express my appreciation to my colleagues on the Appropriations Committee, and particularly the members of the Public Works Subcommittee, for including in this bill $150,000 to allow the commencement of construction on the Roseau River project located in northwestern Minnesota.

The residents of this area have been battling against the extraordinary flood conditions that exist along the Roseau River since the beginning of this century. They have invested a great deal of effort and money in this effort over the years. However, it has become clear that the Federal project, envisioned in this bill, is necessary to obtain a complete victory in this battle against the virtually annual flooding that occurs along the Roseau River.

Our approval of the funds for this project means a great deal to the residents of northwestern Minnesota for it signals the opportunity to bring an end to the devastation that has continually hampered their efforts to make a better life for themselves and their families.

Mr. BROTZMAN. Mr. Chairman, I urge passage of the public works and Atomic Energy Commission Appropriations bill.

This legislation is particularly vital in my district, where both flood control and better utilization of water resources are critical problems.

In June of 1965 one of the most damaging floods in recent history occurred in Colorado when Plum Creek and the South Platte River, normally rather placid streams, were turned into a veritable wall of water by thunderstorms of incredible intensity.

Damage topped half a billion dollars and 13 lives were lost.

From this tragedy came a resolve on the part of both the people of Colorado and the U.S. Army Corps of Engineers to bring flood control not only to Plum Creek but other tributaries of the South Platte River which are subject to storms such as that of 1965.

Work was begun on the previously authorized Chatfield dam and reservoir. The project now is in the construction phase, and I am pleased that $13.2 million—which is just enough to maintain the corps' schedule—will be provided.

In 1968 Congress authorized construction of the Mount Carbon Dam and Reservoir on another notorious killer among the South Platte tributaries, Bear Creek. The bill we are considering would provide $400,000 for advanced design on this much-needed project.

As I indicated earlier, development of water resources is equally vital to my district, and accordingly I am pleased that the Bureau of Reclamation would be provided with $139,000 for continued investigation of potential water utilization projects in northern Colorado.

Mr. PRICE of Illinois. Mr. Chairman, I note that the Appropriations Committee is supporting the funding of the Human Radiobiology Facility for Argonne National Laboratory. I strongly concur in the committee's support of this project and commend the committee for its foresight in including this project in its bill.

This facility will house the newly created Center for Human Radiobiology. The Joint Committee on Atomic Energy studied the need for this facility in depth at a number of hearings. The work to be performed in this facility is aimed at obtaining vital data on the effects of radiation on humans. Data can be obtained from humans who were exposed to radiation 40 to 50 years ago as a result of uninformed, and at that period, careless use of radium. Some of these exposures occurred as a result of what was believed at the time to be a therapeutic use of naturally radioactive materials and others as a consequence of careless industrial use of radium in applications such as painting of watch dials.

The purpose of this project is to provide a facility in which we can study the effects of radiation and to use the data in setting future standards for exposure of humans to radiation. We need this valuable data to help insure that never again will instances of such human exposure take place.

Last Saturday I had the opportunity of meeting with the Director of Argonne National Laboratory, Dr. Robert Duffield. He outlined for me his plans for proceeding with this facility when congressional action is consummated. A great deal of thought has been given to the construction and utilization of this facility which will assure that our Nation obtains maximum results with the funds we are appropriating today.

Last year I learned there was a group of patients at the Elgin State Mental Hospital who had been treated with radium compounds in the 1930's. Since I thought that the additional information which could be gained from these people, who had unnecessarily been exposed, could assist in guiding our judicial use of radiation in the future I asked the director of the Department of Public Health of Illinois if he could cooperate with the scientists who were doing the work on human radiobiology by making available to them the data on these patients. I was most pleased to learn during my discussions last Saturday with scientists from the Argonne National Laboratory that the patients from the Elgin Mental Hospital are being studied for the valuable additional data this can provide in our work.

I plan to follow the work of the Human Radiobiology Facility at the Argonne National Laboratories, and I specifically plan to stay in touch with Dr. Robert Rowland, of Argonne, who is in charge of this work.

Mr. FULTON of Tennessee. Mr. Chairman, the appropriation before us today contains funding for a small, but very important, project in my district.

In this bill is an item calling for an expenditure of $839,000 for the completion of a bridge over the J. Percy Priest Reservoir.

When the reservoir was impounded some 3 to 4 years ago it left isolated a section of Metropolitan Nashville-Davidson County with no access by land to it from the rest of the county. This also brought an isolation from urban services such as police and fire protection as well as ambulance service and commercial services.

The city of Nashville and the State of Tennessee immediately recognized the need of the area and authorized expenditures for the construction of the piers for a bridge as well as a road connecting the bridge with two interstate highways. The piers for the bridge were constructed before the impoundment of the reservoir and the rights of way for the road have been secured. All that remains is for the actual construction of the bridge. The funds in this bill will make this possible and permit work to get underway in the very near future.

At this time I would like to express my appreciation to my distinguished colleague from Tennessee, Mr. EVINS, who, realizing the need for this bridge, guided the money for it through the hearing and executive sessions of the Appropriations Committee. To him, as well as the other members of the committee, I am very much indebted and even more appreciative.

Mr. PODELL. Mr. Chairman, today we are at a crossroads in the field of electric power. The Nation demands more and more electricity as its population grows and its per capita consumption of electricity increases. In the year 2000, experts predict that we will require eight times as much electricity as we now consume. But it is becoming more and more difficult for us to answer our power needs through conventional methods of power generation. Though the burning of fossil fuels, that is coal and oil, is now providing our Nation with 90 percent of its electricity, the supply of those fuels is becoming depleted. We are being forced to use lower grade fuels, making conventional methods of power production more expensive. The depletion of fossil fuels makes the future of our chemical and drug industries less secure, as coal and oil are irreplaceable to them.

Because of the problems created by continued consumption of fossil fuels, the Nation is now beginning to turn to atomic energy for its power needs. While electricity from nuclear sources provides only 2 percent of our power needs at this point in time, it is estimated that in the year 2000 nuclear energy will have to fulfill from one-third to one-half of that need.

But before we plunge into a frantic effort to increase our atomic powerplant capacity, we must be wary of the harmful side effects of atomic powerplants. Because we face a power problem, we must not panic and hastily institute a quick solution. If we do, we may find that 10 years from now that we have created more problems than we have solved. The danger of a quick and hasty solution in the nuclear power field is aggravated by a number of unique and grave factors. Among these factors:

First. The harmful effects of using nuclear energy are irreversible. Whereas, with the necessary time and resources we can correct a failing in a space mission or clean up a polluted river, we cannot remove radiation from a human being or his environment once it is placed there. Radioactive materials that we create in powerplants remain deadly for 50,000 years; they cannot be destroyed.

Second. Radiation poisoning of humans is a cumulative process. The radiation that man is exposed to will be passed on to his children and his children's children. Any individual may receive a "small harmless" dose of radiation. But three generations, and three "small harmless" doses later, that individual's great grandchildren could suffer debilitating effects because of genetic alteration of his parents. We have only learned this hard lesson recently. For 20 years, no long-lasting ill effects were observed in those who survived the holocaust at Hiroshima. But the offspring of those who survived the tragedy are now exhibiting greatly increased rates of leukemia and bone cancer.

Third. We know too little of nuclear radiation's dangerous effects. The unresolved questions concerning the relationship between the environment and nuclear energy include:

What is the permissible level of radioactive emissions that may enter the atmosphere without harming humans genetically or somatically?

What is a tolerable dose of radiation?

What is the effect of several small doses of radiation over a prolonged period of time?

What are the best ways of disposing radioactive wastes?

Should reactors be built in populated areas; and if so, should those reactors be built underground?

How is radiation transmitted from one generation to the next?

How does radiation accumulate in our food cycle?

What are the effects of thermal emissions into the water and air?

Eminent scientists have argued different sides of each of these questions, and they have not reached agreement. All scientists do agree on one point, however: We do not have nearly sufficient information about the effects of radiation on human beings.

XUM

Fourth. Past experience cannot be relied upon in planning future actions. If present plans continue, by the year 2000 the number of reactors producing electricity will increase by 10,000 percent. The radiation hazard will increase accordingly and so will the chance for accident. Yet we cannot afford to have even one major accident in a nuclear reactor; it may kill thousands and even hundreds of thousands of innocent citizens. The chilling thought of even one accident occurring and the massive and unprecedented increase in the number of reactors make past experience an inadequate guide on which to base the future.

These four unique situations make future investigations imperative before we expand our atomic power capacity. We must continually remember that the irradiation process is irreversible, that radiation poisoning is cumulative, that our knowledge in this area is limited, and that past experience is no guide for the future.

I urge the Atomic Energy Commission, the Joint Committee on Atomic Energy, and the Congress not to lose sight of the dangers of radiation in their enthusiasm for the benefits of cheap and plentiful power. If, in their haste, they do ignore these dangers, they may accomplish subtly, and in times of peace, what this generation has feared would come by war: radioactive contamination of our earth.

Mr. BOGGS. Mr. Chairman, 2 days ago, June 22, marked the 29th anniversary of the first legislation providing for Federal participation in flood control on a nationwide basis.

Three decades ago we recognized that the Federal Government has a responsibility to provide a nationwide program of flood control.

There is hardly an area of the United States which enjoys immunity from some form of flooding.

Each spring, the Central States along the great rivers of this country are threatened by rising waters. And, in the fall, the coastal areas of the United States are prey to hurricanes brewing in the Atlantic and the Gulf of Mexico.

Three decades ago we recognized the responsibility of our Government to protect our citizens from the dangers of flooding. We charged the Corps of Engineers with the job of constructing a system to mitigate the loss of life and property in flooding, wherever it might occur.

Today there are about 1,000 authorized projects under this legislation. The lives and safety of thousands of American citizens are tied to these projects.

Those of us in New Orleans and on the gulf coast in general, are particularly dependent upon these projects. They have saved countless lives and millions of dollars worth of property. But the job of protecting our people—and people in other parts of our country—is not yet finished.

Hurricane Betsy, which struck the city of New Orleans in the fall of 1965, and Hurricane Camille, which struck the gulf coast last August, took terrible tolls in lives and property. But there are many people whose lives and property were never in jeopardy because of hurricane protection and flood control projects completed or nearing completion in our area.

For this reason I intend to support this bill and I urge all my colleagues to do so also.

Mr. YATES. Mr. Chairman, the committee report this year indicates that without a doubt the "environmental decade" is underway. The emphasis is not on exploiting our resources, but on conserving them. This change in focus comes none too soon—had we waited until 1980 for the inauguration of the environmental decade, it would almost certainly have been too late. As it is, we have a monumental job ahead of us.

Of all the environmental problems we face as a Nation, pollution of our natural water resources is among the most serious. Fortunately for us, the technological remedies for most of our water pollution problems are in hand. What is required now is the will and the resources to get on with the job.

I am particularly concerned about pollution of the waters of the Great Lakes. The Great Lakes are the Nation's greatest single water resource. Millions of people live and depend upon their waters for their drinking water, for their bathing beaches, for fishing and boating, for transportation and commerce. To my mind in many respects, Lake Michigan is the single most valuable asset of the Chicago area. It must be conserved. When one views what has happened to Lake Erie with its visible evidence of a dying condition, we know that we must prevent a similar fate befalling Lake Michigan or any of the other Great Lakes.

Ecologists tell us that lakes come and go—that lakes are not immortal—that they live and die just like any other organism. The problem is that man's pollution of our lakes and rivers has shortened their useful lives. The natural life span of Lake Michigan might be expected to be many hundreds of years, but pollution threatens to shorten it to a decade or so. Unless we move to do everything we can to preserve the lake, to protect it from the ravages of pollution, by the turn of the century we could possibly expect that it will no longer support life. This legislation will help to lengthen the life span of Lake Michigan, and that is why it has my support.

The appropriation in this bill for grants for the construction of waste treatment plants will help maintain and improve Lake Michigan. Chicago already has some of the best waste treatment facilities in the Nation. This bill provides the kind of broad-ranging commitment to municipal water pollution control that will be necessary to sustain and improve the quality of Chicago's water resources.

This bill also addresses itelf to another pollution problem that is especially important to those who live on the shores of Lake Michigan—the problem of thermal and radioactive pollution from nuclear powerplants. In the next 10 years no less than seven nuclear power generating plants are planned for the shores of Lake Michigan. It is essential that we learn more about how to manage the waste heat and waste radioactive materials that will be the byproducts of those plants. The inclusion in this year's AEC budget of some $71 million for research of environmental questions represents an encouraging change from the Commission's previous hands-off attitude toward pollution, and, hopefully, will point the way to solving the problem of balancing our energy needs with those of the natural environment.

There is another problem which must command our attention. In the past, Lake Michigan has had to absorb polluted dredgings from various lakefront harbors as the price for providing inland ports. The problem is being resolved by depositing the dredgings in contained disposal areas—as of today approximately 90 percent of the Corps of Engineers dredgings will be disposed of in such areas, rather than being dumped in the lake. But we must not be satisfied until all polluted dredgings are banned from the lake. We have long since passed the point where we could tolerate any further deterioration of Lake Michigan. Even 10 percent of the polluted dredgings constitute an unacceptable addition to the lake, and the sooner the Corps of Engineers understands that, the better. Present plans call for the elimination of dumping by March 1973. I would hope that the job can be accomplished much sooner than that and will do all that I can to see that it is.

I support this bill as one means of extending the life of Lake Michigan, the Great Lakes, all the natural water resources of our Nation. It is a good bill, even though it is by no means the last word in pollution control. It is the least we can do this year. Unless we increase our commitment, our waterways will not be reclaimed. We have to do better than that if we are to stem the tide and preserve our water resources for the generations that will follow us.

Mr. MINISH. Mr. Chairman, I urge House approval of the public works appropriations measure for fiscal 1971, although I have doubts about the sufficiency of funds for construction grants for waste treatment works. According to the assessment of the Water Resources Council, based on a projected population of about 468 million by the year 2020, capital outlays required for waste treatment, sanitary sewers, and water cooling requirements are estimated at $20 billion for the 5-year period of 1969–73.

In order to arrive at a proper figure, we must consider the future needs of the Nation and the best way to insure a sufficiency of clean water. The high priority accorded water pollution control and abatement must not diminish.

Today's measure would provide $1 billion for construction grants for waste treatment works for fiscal 1971, in addition to an estimated $440 million carryover of unobligated balances. And 80 percent of the $1 billion will be allocated

XUM

to the States on the basis of the present distribution formula, to insure that the States do not lose water treatment money. However, the additional 20 percent, or $200 million of the direct appropriation, will be allocated on the basis of eligibility of certain States for reimbursement for prefunding. This would mean a valuable assist in the problem of outstanding reimbursables. Additionally, grant moneys unobligated will be reallocated by the end of the fiscal year, rather than after 18 months, which is the prevailing formula. Such revision would insure more expeditious allocation.

Another portion of today's appropriations bill to which I call the attention of my colleagues is the portion of the measure dealing with hydroelectric generating plants. We all know about the great need for increased electrical power, and the potential power failures and so-called brownouts we may experience this summer. As the per capita usage of electricity increases at a tremendous rate, we are hard pressed to keep up with the demand. Today's measure contains a total of about $329 million to continue planning and construction of 37 multipurpose power facilities by the Corps of Engineers, Bureau of Reclamation, and the Bonneville Power Administration in 30 States. Additional generator capacity, free of air and thermal pollution, would be provided annually at an estimated amount of 42.8 billion kilowatts of electricity.

Although I support this bill, I agree with the Appropriations Committee that attention must be paid in the matter of fund allocations under the Clean Water Restoration Act. States that promptly invest in water treatment plants under this legislation should be reimbursed within a reasonable span of time, rather than being placed into a financial bind for having constructed needed facilities.

Mr. SIKES. Mr. Chairman, Mike Kirwan will be proud of this day's Record. The good work of the subcommittee of which he has been chairman for so many years will be a cause of special satisfaction. It has brought to the House a clear expression of the desires of the committee for a sound and comprehensive bill to aid in the continued development of America's waterway resources. This is befitting of Mike Kirwan's own subcommittee. He loves this America of ours and he has contributed as much as any man in Congress to the protection and development of our natural resources and our waterways.

Mike will be equally happy at the statements which are being made here today by Members who have served with him and who appreciate all of his great sterling qualities. He has been a truly outstanding leader in the Congress and his work will always stand high in the listing of those important activities which contribute to a better and stronger America on tomorrow.

Everyone who has served with Mike Kirwan can be proud of the privilege, for it is indeed a privilege to serve with a man of his caliber. I have been proud to share his friendship in the years we have served together and happy to respect and follow his leadership.

Mr. RYAN. Mr. Chairman, I intend to support the amendment to be offered by the gentleman from Michigan (Mr. Dingell) to provide full funding for fiscal year 1971 for the waste treatment programs authorized by the Clean Water Restoration Act. My colleague has been an able advocate of achieving the full potential of this legislation, and I am glad to join in this effort.

This amendment to H.R. 18127—the Public Works for water, pollution control, and power development, and Atomic Energy Commission appropriation bill for fiscal year 1971—would provide an additional $250 million.

I think few, if any, Members lack understanding of the water pollution crisis which afflicts the Nation. But let me briefly detail some of the facts, which, in their stark simplicity, must surely allay any lingering doubts that the most massive effort—Federal, State, and local—calling for enormous amounts of money, is imperative immediately.

Every second of every day, about 2 million gallons of sewage and other fluid waste pour into the Nation's waterways. Twenty-five trillion gallons of waste water are spilled annually into American rivers and lakes by industry alone. Lake Erie is the recipient of 9.6 billion gallons of this daily.

Among the wastes being dumped into our waters every day are some or all of the following:

Sewage and other wastes from cities and industries, from pleasure boats, commercial ships, and marinas.

Nutrients—principally phosphates and nitrates—from sewage, industrial wastes, and land runoff.

Salts from our winter streets, from field irrigation, and from industrial processes.

Heavy metals from industrial plants.

Acids from underground and surface mines and industrial processes.

Disease-causing bacteria, mainly from municipal sewage.

Complex chemicals from household detergents, pesticides, herbicides, and wastes from industrial processes.

Silts, sands, and debris.

Oils from ships, on land and offshore drill rigs, and shoreline industrial facilities.

In the face of this monstrous devastation of our waters, we are at the same time approaching the maximum utilization of our water supplies, and thus will be forced to reuse and reuse the waters that are available. The daily available water supply flowing in our rivers has been estimated at between 1,100 and 1,300 billion gallons per day. Between 560 and 700 billion gallons is the optimum amount that the experts believe can be captured through water development and engineering projects. Currently, we use about 355 billion gallons daily. By 1980, this daily utilization will rise to between 570 and 600 billion gallons daily. And by the year 2000, daily use will reach 900 to 1,000 billion gallons.

Without question, our waters must be cleaned. There is, in no uncertain terms, no time left. And yet, money is the essential key. Effective waste treatment plants must be built. And these are very expensive facilities, the need for which far outstrips the available moneys.

Between fiscal year 1965 and fiscal year 1967, a total of $400 million was authorized for the sewage treatment plant program, and a sum of $407 million was made available. There was no gap in those years between authorization and appropriation, but when one looks at recent history, the gap is tremendous. For fiscal year 1968, $450 million was authorized and $203 million appropriated, or a difference of $247 million not appropriated. In fiscal year 1969, when $700 million was authorized for the program, only $214 million was appropriated, a gap of $400 million.

Last fiscal year, the appropriation of $800 million fell $200 million below the $1 billion authorization. Following is a list of the allocations per State of this $800 million funding:

State:	*Millions of dollars*
Alabama	14.7
Alaska	1.6
Arizona	6.3
Arkansas	8.6
California	65.6
Colorado	8.1
Connecticut	11.1
Delaware	2.5
District of Columbia	3.8
Florida	21.4
Georgia	17.3
Hawaii	3.4
Idaho	3.7
Illinois	42.3
Indiana	20.0
Iowa	12.2
Kansas	9.8
Kentucky	13.6
Louisiana	14.5
Maine	5.0
Maryland	13.6
Massachusetts	22.0
Michigan	33.0
Minnesota	14.9
Mississippi	10.4
Missouri	18.7
Montana	3.7
Nebraska	6.7
Nevada	1.9
New Hampshire	3.4
New Jersey	25.7
New Mexico	5.0
New York	69.9
North Carolina	19.9
North Dakota	3.6
Ohio	40.9
Oklahoma	10.6
Oregon	8.1
Pennsylvania	47.5
Rhode Island	4.3
South Carolina	11.0
South Dakota	3.8
Tennessee	15.8
Texas	40.5
Utah	4.7
Vermont	2.5
Virginia	17.3
Washington	12.5
West Virginia	6.8
Wisconsin	17.1
Wyoming	2.2
Guam	1.7
Puerto Rico	11.1
Virgin Islands	1.5

This year the Appropriations Committee has reported out a bill—H.R. 18127—which provides funding in the amount of $1 billion. I am happy to see that there is an increase over the last fiscal year. However, this increase—amounting to $200 million—is still insufficient, as shown by the following figures prepared by the National League of Cities-U.S. Conference of Mayors, which are based on Federal aid needs figures from FWPCA reported as of August 31, 1969, supplemented by data from an October 1969 survey, by the Interstate Conference on Water Pollution and the Council of State Governments:

States (by population)	1968 population	Fall 1969 needs for FWPCA assistance
California	19,221,000	$100,000,000
New York	18,113,000	1,290,681,200
Pennsylvania	11,712,000	76,300,000
Illinois	10,974,000	128,862,798
Texas	10,972,000	20,327,857
Ohio	10,591,000	44,867,124
Michigan	8,704,000	183,113,623
New Jersey	7,078,000	48,201,480
Florida	6,160,000	37,728,978
Massachusetts	5,437,000	32,000,000
North Carolina	5,135,000	5,653,460
Indiana	5,067,000	34,862,181
Missouri	4,627,000	50,200,000
Virginia	4,597,000	20,195,417
Georgia	4,588,000	35,000,000
Wisconsin	4,213,000	94,324,180
Tennessee	3,976,000	23,818,086
Maryland	3,757,000	48,800,960
Louisiana	3,732,000	7,604,570
Minnesota	3,646,000	18,900,000
Alabama	3,566,000	479,700
Washington	3,276,000	17,086,410
Kentucky	3,229,000	3,082,386
Connecticut	2,959,000	29,591,250
Iowa	2,748,000	6,326,224
South Carolina	2,692,000	12,000,000
Oklahoma	2,518,000	1,882,702
Mississippi	2,342,000	1,764,310
Kansas	2,303,000	3,892,883
Colorado	2,048,000	1,453,652
Arkansas	2,012,000	8,000,000
Oregon	2,008,000	16,017,220
West Virginia	1,805,000	5,141,200
Arizona	1,670,000	1,829,080
Nebraska	1,437,000	3,521,850
Utah	1,024,000	238,540
New Mexico	1,015,000	1,422,423
Maine	979,000	19,737,725
Rhode Island	913,000	7,000,000
Hawaii	778,000	4,000,000
Idaho	705,000	128,000
New Hampshire	702,000	11,222,400
Montana	693,000	305,000
South Dakota	657,000	2,485,581
North Dakota	625,000	134,222
Delaware	534,000	710,350
Nevada	453,000	4,950,068
Vermont	422,000	2,377,870
Wyoming	315,000	275,732
Alaska	277,000	3,000,000

I think these figures very clearly demonstrate the wisdom of the amendment proposed by the gentleman from Michigan (Mr. DINGELL), and the necessity of its passage.

Of course, even the additional $250 million it provides nowhere meets the real needs that exist. For example, it is costing, in New York City alone, $1.2 billion to build sewage treatment plants. The program for the State will cost $3 billion. Yet, under the proposed $1 billion appropriation, New York State will only receive approximately $166 million. And taking New York State's needs as comprising 10 percent of the national needs, the amount that is needed amounts to $30 billion nationally. But it at least brings the appropriation up to the full funding authorization level.

I should like to note, also, that the committee has taken a commendable step in proposing that $200 million of the $1 billion appropriation provided by H.R. 18127 be allocated on the basis of the eligibility of certain States for reimbursement toward the Federal share of such projects as they have prefunded. Outstanding reimbursables amount to some $894 million. New York State alone is due $382,618,917. The committee proposal will partially alleviate this problem.

In addition, I would commend the committee for adding language providing that grant moneys not obligated out of the amounts allocated to the State under the present formula by the end of the fiscal year—rather than 18 months—shall then be reallocated, thus speeding up the process of distributing grant moneys.

Of course, what is particularly essential is legislation which would amend the current reallotment policy so that only those States which are currently receiving 50 percent grants will be eligible for the reallotment of unused funds. I have introduced H.R. 12956 to achieve this. It provides that such States will divide the reallotment funds in the ratio that their current year's allotment bears to the total of all the allotment for 50-percent States. Thereby, allotment is based on need, not artificial figures.

Again, I urge the full funding of the waste treatment facilities program. The need is great. The public wants action, as shown by the April 20 Louis Harris poll, which reported that 54 percent of the American people would be willing to pay $15 a year more in taxes to finance Federal pollution control programs. Moreover, all nine proposals in nine States offered since 1963 for State bond issues funding water treatment plants have been passed, by a percentage of 65.9 in favor. Necessity and the public's commitment coincide.

Mr. BLATNIK. Mr. Chairman, in 1965 the Congress and the Nation took a great step forward when we enacted the Water Quality Act of 1965, which authorized the establishment of water quality standards on all the country's interstate rivers, lakes, and coastal waters. This act represented the first effort in the history of our Nation to attach the problem of water pollution on an entire river basis. It recognized the State's primary role in this field by requiring the States to establish adequate water quality criteria applicable to interstate waters.

In 1966, in what has been referred to by many as "one of the 89th Congress' most sweeping accomplishments," we enacted the Clean Water Restoration Act wherein we recognized that in order to make progress in the battle against water pollution a partnership arrangement between the Federal, State, and local governments was needed. We recognized that only with all levels of governmental participation could this program be a success. In order to effectuate this partnership, the Congress authorized as the Federal share of the agreement $3.4 billion for construction grants for sewage treatment plants for fiscal years 1968 through 1971. The amounts authorized for each year were $450 million for 1968, $700 million for 1969, $1 billion for 1970, and $1.25 billion for 1971.

The Clean Water Restoration Act made every effort to make the State a partner in the program. If a State agreed to match 30 percent of the total cost of an individual or combined project, the Federal share is increased from the basic 30 to 40 percent and the municipal share, in turn, becomes 30 percent. In addition, if water quality standards have been established in accordance with existing law for interstate waters, the share is increased from 40 to 50 percent then the State's share is reduced to 25 percent in order to permit sharing the remaining 50 percent non-Federal costs equally on a State and local basis. This was, without question, a great move forward to bring about a working combination so that all levels of government throughout this great country could participate in this major effort to clean up our waters.

So much for history—now what does the record show for accomplishments? It shows that since we decided to do battle, we on the Federal side have reneged on our arrangements with our partners. We promised $450 million for fiscal year 1968—we in fact appropriated $203 million—45 percent of what we promised. For fiscal year 1969 we said the Federal Government would put up $700 million—instead we appropriated $214 million—30 percent of what we promised. For fiscal year 1970 we authorized $1 billion. The administration's budget request was a meager $214 billion—21.4 percent of the promised amount. The Congress, to its credit, raised this wholly insufficient amount of $214 million to $800 million—a vast improvement—but still not the full authorization. Thus, instead of the $2.15 billion authorized for fiscal years 1968 through 1970, there were in fact appropriations of only $1.217 billion.

It is interesting to note that presently there are applications for construction grants pending at the Federal Water Quality Administration of over $1.512 billion. This indicates that the levels of appropriations recommended by the Committee on Public Works in the Clean Water Restoration Act were accurate. Had we adhered to the schedule recommended in the authorization legislation, we would be just about current in meeting our needs instead of falling behind as we have over this period of time.

I want to compliment my colleagues who serve on the Appropriations Committee for recommending the $1 billion included in H.R. 18127 for construction grants. Although this figure is less than the amount authorized, the committee did an excellent job, all things considered.

The committee was hampered by the administration's failure to recommend one single dollar in direct appropriations, and the administration's insistence on a confused and cumbersome proposal involving deferred payments to the State and municipal participants sometime in the distant future.

There has been considerable criticism directed at the Federal Water Quality Administration in its handling of the construction grant program, particularly over the fact that there will be a $440 million carryover from last year's appropriation—an amount which should have been put into the program.

However, at least some of the blame for this must rest with the administra-

XUM

tion for its indecision from December 1969 to February 1970, as to whether it would spend the moneys actually appropriated by the Congress.

Moreover, it should be recognized that had the appropriations matched the authorization levels in the earlier years of the program, the Federal Water Quality Administration and the States would now be geared to handling a grant program of this magnitude. However, in fact, last year was the first year that there were sufficient funds available to operate at the appropriate level. As in the highway program where the States are assured of Federal funding 2 years in advance, so do the States and municipalities in the water pollution control program need assurance that funds will be available when required. Thus, only when the program is operating at full steam can we fully judge where improvement ought to be made.

Mr. Chairman, the Committee on Public Works will reexamine the entire program to find where the problems are and to break through the bottlenecks which have slowed down the process of getting the money to the States where it is needed. As of this coming Friday, the staff of the committee will meet with representatives of the Federal Water Quality Administration to review its entire program.

Again, let me commend the chairman of the Appropriations Committee, the distinguished gentleman from Texas (Mr. Mahon) and all the members of this fine committee for their cooperativeness and efforts in reporting this bill.

XUM

Mr. GRIFFIN. Mr. Chairman, I rise in support of this bill which will improve our environment and conserve the natural resources of this great country. This bill dramatically illustrates the commitment of the Congress to provide for the continuing development and proper usage of our water, energy, and soil.

Our growing population makes it imperative that we take necessary steps to protect our ecology. One of the gravest pollution problems in my district exists at Eagle Lake. This lake was created when the Mississippi River changed course over a hundred years ago, and since then has been replenished with fresh water during the flood stages of the Mississippi until 2 years ago. Previously, water entered Eagle Lake from the Mississippi via the Yazoo River, Steele Bayou, and Muddy Bayou. Now, however, the lake receives flood water from the Sunflower and Steele Bayou sump areas originating in the upper Mississippi Delta. As a result, silt, herbicides, and pesticides now flow into the lake, a 3,800-acre lake with residential, commercial, and recreational development.

The $100,000 in the bill to plan and begin construction of a water control structure in Muddy Bayou is urgently needed to preserve this national and natural resource.

I am pleased that the bill contains $40,000 for planning for the expansion of the Vicksburg Harbor. This is a worthy undertaking which is economically sound.

Mr. Chairman, I am vitally interested in the proposed 9-foot channel from the mouth of the Yazoo River at Vicksburg to Greenwood, Miss. This channel would reduce transportation costs in a 14-county area to the benefit of agricultural, commercial, and manufacturing interests.

This project was authorized only 2 years ago and the estimated cost is $57,300,000. I understand the position of the Committee on Appropriations in deferring sound projects as this in view of national security requirements and the overall budget problem. It is my earnest hope that we will soon be able to reduce our commitments in Southeast Asia and begin funding projects, such as the Yazoo channel, which I consider important to the continued economic development of America.

Again, I commend Members of the Committee on Appropriations for bringing to the House a bill of immense importance to all Americans.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. Mahon).

Mr. MAHON. Mr. Chairman, the 51-member Committee on Appropriations has approved this measure, the spadework for which was done by the fine subcommittee headed by our distinguished and beloved colleague, Mike Kirwan, the gentleman from Ohio.

The gentleman from Ohio has been a tower of strength in Congress for many years. His record of accomplishment in the area of conservation and public works is unsurpassed in the history of Congress. I take this moment to congratulate him and wish him well.

As to the measure before us, I urge Members to support the work of the Committee on Appropriations.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 3 minutes to the very genial and eloquent member of the committee, the gentleman from Pennsylvania (Mr. Flood).

Mr. FLOOD. Mr. Chairman, that was very gracious of my friend, the gentleman from Tennessee. My purpose is to congratulate the Members who have said the kind words about our beloved colleague, Mike Kirwan, but none of the Members know Mike Kirwan as well as and as intimately as I. Mike was born and raised in my district, about 2 miles from my home. How long ago Mike would say is nobody's business. He told stories about himself and we have told great stories about him. But, if ever there was to be engraved upon marble an image of what we call the typical American, that rugged individual, that grand American, it would be Mike Kirwan, first of Pennsylvania and then of Ohio.

I will extend my remarks on Mike Kirwan, but I must tell the Members this one story. Mike lived at the University Club here in Washington. One is only supposed to live there if he has graduated from a university, but like everything else, everybody made an exception for Mike. The custom is that once every year the new residents will stand up at the dinner and introduce themselves and say where they came from, such as, "I am John Smith, Harvard, 1929," and then he sits down. The next fellow stands up, "I am John Jones, Yale, 1929," and he sits down, and so on.

Finally they came to Mike, and he stood up, and with that absolutely deadpan the Members know he has, he said, "Michael Kirwan, Heidelberg, 1903."

Everybody was astounded. The great University of Heidelberg.

Heidelberg was the colliery he worked at as a breaker boy in my district in 1903.

So down through the years, since I first came here in 1945 and he took me by the hand and led me through this labyrinth which is this body, it has been a pleasure to come and salute this distinguished graduate of Heidelberg.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Maine (Mr. Hathaway), after which I hope we can proceed with the reading of the bill.

Mr. HATHAWAY. Mr. Chairman, at the appropriate time, which is not far off, I shall offer an amendment to restore to the bill the $807,000 for further preconstruction planning for the Dickey-Lincoln School hydroelectric project in northern Maine.

This amount of $807,000 was contained in the administration budget but was knocked out by the full committee.

Before I get into talking about the merits of this project, let me join with the others in offering my commendations for the great work Chairman Mike Kirwan has done for the committee and for the Congress.

I also want to commend the subcommittee for the excellent job it did in this regard, particularly since the subcommittee did endorse the Dickey-Lincoln School project.

I appreciate the very kind remarks of the gentleman from Arizona, the gentleman from Wisconsin, and the gentleman from Massachusetts with respect to this project, and of the many others who have made some kind and generous remarks not only this year but also in years past.

The history of this project, as many Members undoubtedly know, is that it was authorized by the Congress in 1965, the 89th Congress. In that year it received its first appropriation of $800,000. Since then it has received a total of $2.1 million for preconstruction planning. It will take a total of about $3.5 million to finish the preconstruction planning stage of the project. The total cost of the project is about $267 million.

The project, as indicated by the gentleman from Wisconsin, has a very favorable benefit-to-cost ratio, about 1.9 to 1, which is better than the vast majority of the projects Members will be considering today.

The project has had bipartisan support, not only in the State of Maine, with a Republican Governor endorsing it in 1965 and 1966, and a Democratic Governor endorsing it thereafter, but also it has been endorsed by the Johnson administration and now endorsed by the

Nixon administration. So it is not a partisan matter.

The Dickey-Lincoln School project, which is located on the St. John River on the Canadian border, in the most northern part of Maine, and in my district, will of course supply a considerable amount of power to the New England area, which is at the present time experiencing, like many other parts of the country, a severe shortage with respect to power.

In addition to supplying power, it will also serve as a yardstick by which the people of New England can judge whether or not the privately owned utilities are supplying power at a rate that is reasonable. This yardstick has been used in other parts of the country through TVA and through Bonneville and many other federally financed power projects, and has brought down the cost of power in all other parts of the country except the Northeast.

There are other benefits besides the power benefits of the Dickey-Lincoln School project. There are also recreational benefits. There are also flood control benefits. More recently—and all this has not been studied out thoroughly—there is a real possibility of substantial irrigation benefits.

As many Members may know, Maine is the second largest producing State of potatoes in this country, and up until recently we had considered in Maine that the annual rainfall was enough for the potato crop.

Recent studies have indicated that the Maine crop does not get the 1 inch a week of rainfall that is necessary in order to produce good potatoes. It has been estimated by the Department of Agriculture that if we had irrigation possibilities in northern Maine for the potato crop, this would mean an additional $20 million a year in benefits to that area. The total annual benefits from the project right now are $24 million, so this would just about double the benefits we would get from this project.

Mr. Chairman, let me point out two significant aspects of this project, which, although pointed out previously, have not been highlighted as much in the past as they have been this year. This year I think the American public is much more pollution conscious than it has ever been before in our history. The Dickey-Lincoln School Project, like any other hydroelectric project, is the only—the only—nonpolluting source of energy we have left. We should not only continue spending for the Dickey-Lincoln School project, but we ought to be exploiting our water resources throughout the country in developing every hydroelectric project that is possible.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EVINS of Tennessee. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. HATHAWAY. I thank the gentleman for yielding me the additional time.

The other aspect that has come to our attention is the real severe power shortage that we are experiencing especially in the East. Just recently a local power company—I believe it was the Potomac Electric Power Co.—sent out notices along with its bills asking its customers to cut down their consumption of electricity because they would not have enough to go around this summer, particularly in regard to air conditioning. Reading from the Consolidated Edison Co. 1969 power-supply problems and 10-year expansion plans, just last year at 6 o'clock in the morning of July 18, 1969, this company initiated telephone calls to large users requesting voluntary curtailment of nonessential uses of electricity. On June 2 of 1970, just a few days ago, the six-State New England area experienced a 5-percent voltage reduction in the midst of—and this is very ironic—in the midst of the Edison Electric Institute's 38th annual convention in Boston. This occurred as temperatures soared into the upper 80's unexpectedly and seven major turbine generators were temporarily out of service. While no service was actually interrupted, this incident still illustrates all too clearly how easily an unexpected brownout of greater severity could occur.

For these reasons, Mr. Chairman, I hope you will support my amendment when it is offered.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Alabama (Mr. ANDREWS), a very eloquent member of the committee.

Mr. ANDREWS of Alabama. Mr. Chairman, I just want to say that I am the newest member of this subcommittee. I attended the hearings as often as I could in spite of other committee work that I had. I thoroughly enjoyed working with the committee. It is a good, hard-working committee, blessed with one of the ablest staffs I have ever served with.

I just want to concur in all of the fine things that have been said about MIKE KIRWIN. This was really MIKE's bill. He loved America and he loved this bill, because this is the bill that makes America the beautiful.

Mr. RHODES. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER of Massachusetts. Mr. Chairman, I rise today in support of the public works appropriations bill for fiscal year 1971. The funds provided in this bill will substantially improve the development and conservation of our Nation's water resources and will support the enhancement of navigation facilities throughout the country.

Included in this bill is an appropriation of $125,000 to complete advanced engineering and design studies on the Fall River Harbor project and $325,000 to begin the actual construction of this vitally needed project.

The construction start for the Fall River project was not included in the budget for fiscal year 1971. For its inclusion in this bill the people of the Fall River area are very grateful for the support of the Subcommittee on Public Works and the full Committee on Appropriations.

In addition, I want to commend my distinguished colleague from Massachusetts (Mr. BOLAND) for his assistance in obtaining this important appropriation.

Fall River Harbor is the second largest harbor in Massachusetts. It is an important commercial asset to Fall River proper and to all of southeastern Massachusetts. Annual traffic in the harbor continues to grow and is at about 4 million tons annually. Specifications of the existing project were adopted by the Congress in 1954 and have proven to be inadequate in permitting achievement of the full potential of the harbor.

Even though the city of Fall River is in a difficult financial position, it is undertaking several expensive projects such as this one in order to insure economic growth and a strong economic base.

The city recently committed itself to $900,000 as its share for constructing a bulkhead to retain the dredged materials and the State legislature will shortly match that amount—$900,000 is a great burden on the city but it has accepted the burden willingly as it is aware of the benefits which can accrue from the project.

This project is quite unique in the variety of benefits it provides. For example, about 1 million cubic yards of dredged material from the project will be used to create about 40 acres of land for tourist and industrial purposes. This will result in a $1 million saving in project costs.

The project will allow the waterfront to be transformed from its present deteriorated condition to a productive asset to the community. Thus, the benefits go far beyond the scope of the project. The official cost-benefit ratio is an impressive 3.5 to 1 and yet it reflects only a portion of the benefits which will accrue from construction of this valuable project.

Mr. Chairman, I urge our colleagues to support the recommendation of the Committee on Appropriations to provide $450,000 for construction of the Fall River Harbor project. In doing so we will be taking a most significant step forward in the development of a strong, stable economy in southeastern Massachusetts.

Also, included in the bill is an appropriation for $20,000 for the general study of the Westport River. This is a navigation study and I fully support the appropriation.

Mr. BOLAND. Mr. Chairman, will the distinguished gentlewoman yield?

Mrs. HECKLER of Massachusetts. I shall be glad to yield to the distinguished gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, I want to compliment the gentlewoman from Massachusetts upon her statement. As she has indicated, this project does carry in this bill an item of $450,000 with which to complete planning and start construction on the Fall River Harbor.

Mr. Chairman, as the distinguished gentlewoman so well stated, this is one of the more important commercial harbors in New England. It is vitally necessary for the economic health of Fall River.

XUM

As the gentlewoman knows, $50,000 was held in reserve from the 1970 bill——

The CHAIRMAN. The time of the gentlewoman from Massachusetts has expired.

Mr. RHODES. Mr. Chairman, I yield the gentlewoman 1 additional minute.

Mr. BOLAND. Mr. Chairman, if the gentlewoman will yield further, the Bureau of the Budget for fiscal year 1971 budgeted $75,000 additional. Because of the interest of the gentlewoman from Fall River not alone at the hearings before our subcommittee in indicating her intense and deep interest in this project, but the full committee, and also because of her intercession with the Bureau of the Budget and the Corps of Engineers in her persuasive style, the administration has indicated that it has an additional capability of $325,000 to start construction.

Of course, as my colleague has indicated the starting of construction is a very important element for this particular project.

And so because of her deep interest, and the fact that she did seek out members of the subcommittee and explain the circumstances of the project to those members, and the members of the full committee, the gentlewoman is entitled to credit for getting construction started in this fiscal year 1971. I want to compliment the gentlewoman on her activity in this area.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I thank the gentleman.

Mr. RHODES. Mr. Chairman, I yield such time as he may consume to the gentleman from South Dakota (Mr. Reifel).

Mr. REIFEL. Mr. Chairman, I heartily join my colleagues in their warm words of praise and appreciation for the distinguished service and able leadership of my great friend Mike Kirwan, chairman of this Public Works Subcommittee on Appropriations. The bill is a good bill but had Mike been able to actively chair the hearings it would have been an even finer product. America is a far better land because Mike looked out for it when he was chairman of the Subcommittee of Interior and Related Agencies on which I presently have the honor to serve and as he lead this great subcommittee. Mike was at the same time a great friend of the Indians of this country. He recognized their inadequate assistance years ago and did everything in his power to do something about it. He is responsible for increasing appropriations for their health, welfare, education, and conservation of their lands. In their behalf I take pleasure in expressing deepest gratitude. I want also to thank the subcommittee for its favorable consideration of the projects in the bill for my State.

Mr. RHODES. Mr Chairman, I have no further requests for time.

The CHAIRMAN. The gentleman from Tennessee has 3 minutes remaining.

Mr. EVINS of Tennessee. Mr. Chairman, I have one more request for time, and I yield 3 minutes to the distinguished gentleman from California (Mr. Holifield), the Chairman of the Joint Committee on Atomic Energy.

Mr. HOLIFIELD. Mr. Chairman, I want to thank the acting chairman of the subcommittee, the gentleman from Tennessee (Mr. Evins) for yielding me this time. I will make it very short.

This is an important bill, and I am heartily in support of the bill.

About roughly two-fifths of the bill supports the total atomic energy program, and about half of that, or a little over half of the two-fifths, or a little over one-fifth, has to do with the national security in the weapons area, and in the high energy physics and middle energy physics which is a national program, not strictly tied to atomic energy. It is a very important scientific series of projects, which has the support of the whole scientific community of the United States and, in fact, the world, because we are doing things that interest the scientists all over the world.

I want particularly to express my thanks to the members of the subcommittee and to their very efficient staff for the handling of this section of the bill. Also I want to call the attention of the Members at this time that one of the important parts of this bill is funds for the development of electric generating reactors, not only the existing type of light water reactors which are now functioning. These reactors are on the line and in production throughout the Nation. There are something like 65 of the plants being built throughout the Nation, and many are being built in foreign countries. Those that we build and transfer to foreign countries constitute a very favorable item in our dollar exchange settlements.

Now, it is not commonly known, I think, among the people of this country, that we are going to face a tremendous power shortage. I think we are going to face power shortages this year because of the deficit that we have in electricity for our factories and our homes. We are using something like 300,000 megawatts of power in this country. According to the 1970 electrical energy power survey, they state that our power generating capacity has to quadruple in 20 years. We may make that statement rather glibly, but it is a true statement because we have to double our production in 10 years, and then we have to go ahead in the next 10 years and increase it enough to make it quadruple the existing power facilities.

So we are going to need all the energy we can get in this counrty. We are going to have brownouts this summer. The local power companies have already sent notices to their people to turn off their air conditioning. And we may even have blackouts like we had just a few years ago in the Northeast.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RHODES. Mr. Chairman, I have time remaining, and I will be glad to yield the gentleman from California 2 additional minutes.

Mr. HOLIFIELD. Mr. Chairman, I thank the gentleman from Arizona.

Mr. Chairman, I will conclude by saying this, that the whole structure of our society is based upon the utilization of electrical energy. We are going to have to have all of the electricity that we can generate from nuclear sources, from coal, oil, and gas.

I am not here to argue today for nuclear energy to replace other forms of energy. We are going to have to use them all. We are going to have to clean up those elements of pollution that are produced in any of these basic forms of fuel used in generating electricity.

One of the important factors in this bill today is the recognition of that fact and the inclusion of funds to proceed in an orderly way to continue to develop nuclear reactors and to produce the nuclear fuels that go into these reactors.

Nuclear reactors will be built by non-Federal funds from the private sectors.

They will be produced without cost to the U.S. Treasury. The nuclear fuel will be sold on a cost recoverable basis and every gram of this fuel, this nuclear fuel, is going to be paid for. In fact, there is going to be a price contingency in the sale price of nuclear fuel that will net money into the U.S. Treasury.

So we are investing not only in the present but in the future of America for every dollar that is in this bill. I thank the committee very much for their support.

CASCADE IMPROVEMENT PROGRAM

I am most gratified that H.R. 18127 contains $21.1 million for the construction projects which represent the start of the Cascade improvement program. This program, when completed, will substantially increase the capacity of the AEC's three gaseous diffusion plants located at Oak Ridge, Tenn.; Paducah, Ky.; and Portsmouth, Ohio. These plants provide uranium enrichment services—an essential step in the production of fuel for the nuclear powerplants of this country and more than 30 other free world nations.

The cascade improvement program must be started in the coming year so that we can continue to meet the rapidly growing need for the low-cost electricity in our own country and in the many other nations that depend on us for their nuclear fuel.

The Joint Committee explored this matter thoroughly during its hearings on the AEC's fiscal year 1971 authorization bill. We learned that the AEC had submitted to the Bureau of the Budget a request for authorization of $170 million and appropriations of $60 million in fiscal year 1971 for the program. However, the administration approved only $5 million for architect-engineering work with no commitment to capital expenditures for plant improvement.

The Joint Committee concluded that the funds requested and the very limited activity contemplated by the administration would have been grossly inadequate. Therefore, the committee recommended an additional $16.1 million to provide a meaningful start of the cascade improvement program.

XUM

This matter was reviewed once more only last week during Joint Committee hearings on the Nixon administration's ill-timed and poorly conceived proposal to increase the price of enrichment services and establish new ground rules for pricing. During those hearings, the committee released the latest data available from the AEC on uranium enrichment requirements versus the capacity of the existing gaseous diffusion plants. These data showed that the announced nuclear power reactors, both domestic and foreign, will require uranium enrichment services greater than existing U.S. gaseous diffusion plant capacity after allowance for anticipated U.S. Government requirements.

The existing diffusion plants will be able to supply about 130,000 megawatts of nuclear electric powerplants based on today's reactor technology. The total announced nuclear powerplants will have a capacity of about 160,000 megawatts—30,000 megawatts more than can be supplied by our existing diffusion plants. And, of course, these figures do not take into account the many additional nuclear powerplants which we know will be needed to meet our future energy needs.

What this means is that right now—today—we know that we will be unable to provide the nuclear fuel for all of these powerplants when they go into operation unless something is done to either increase the capacity of the diffusion plants or reduce the amount of enrichment services needed to supply fuel for these powerplants. Improvements in reactor technology and the use of plutonium as nuclear fuel, if achieved, could result in some reduction in enrichment requirements. However, that reduction will fall far short of obviating the need to provide additional enrichment capacity.

I believe the only way we can assure that sufficient fuel will continue to be available is through installation of the cascade improvement program. Unless this program is started, we will soon have to stop making additional commitments to supply fuel for other nations' nuclear power reactors—a step which could lead to the rapid development of foreign enrichment plants with an attendant loss of U.S. trade benefits and increased risk of weapons proliferation. This cannot be allowed to happen. We must start the cascade improvement program without further delay. The funds included in the bill before us provide a meaningful start on this work.

The CHAIRMAN. All time has expired. The Clerk will read.

Mr. GIAIMO. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Sixty-eight Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 186]

Abbitt
Adair
Albert
Anderson, Tenn.
Baring
Barrett
Biaggi
Blackburn
Bow
Brasco
Brock
Caffery
Carey
Celler
Chisholm
Clancy
Clay
Corbett
Cramer
Daddario
Daniels, N.J.
Dawson
de la Garza
Dent
Dickinson
Diggs
Dulski
Erlenborn
Esch
Farbstein
Fish
Frey
Fuqua
Gaydos
Gilbert
Gray
Hamilton
Hanna
Hansen, Idaho
Hawkins
Keith
Kirwan
McCarthy
McEwen
McMillan
Meskill
Mollohan
Olsen
O'Neal, Ga.
Ottinger
Pollock
Powell
Purcell
Robison
Rooney, N.Y.
Smith, Iowa
Stratton
Stuckey
Thompson, Ga.
Thompson, N.J.
Watson
Weicker
Wilson, Charles H.
Wold
Wright
Young

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. ASPINALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 18127, and finding itself without a quorum, he had directed the roll to be called, when 361 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by law; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction): $825,689,000, to remain available until expended: *Provided*, That no part of this appropriation shall be used for projects not authorized by law or which are authorized by law limiting the amount to be appropriated therefor, except as may be within the limits of the amount now or hereafter authorized to be appropriated: *Provided further*, That in connection with the rehabilitation of the Snake Creek Embankment of the Garrison Dam and Reservoir Project, North Dakota, the Corps of Engineers is authorized to participate with the State of North Dakota to the extent of one-half the cost of widening the present embankment to provide a four-lane right-of-way for U.S. Highway 83 in lieu of the present two-lane highway: *Provided further*, That funds appropriated for the Robert S. Kerr Lock and Dam, Oklahoma, shall be available to provide a 9-foot deep auxiliary navigation channel and 1,000-foot long turning basin along Sans Bois Creek, with appropriate widths and an overall length of approximately ten miles: *Provided further*, That the Elks Creek Reservoir Project in Oregon shall not be operated for irrigation purposes until such time as the Secretary of the Interior makes the necessary arrangements with non-Federal interests to recover the costs, in accordance with Federal Reclamation Law, which are allocated to the irrigation purpose: *Provided further*, That $625,000 of this appropriation shall be transferred to the Bureau of Sport Fisheries and Wildlife for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563–565) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Department of the Army.

AMENDMENT OFFERED BY MR. HATHAWAY

Mr. HATHAWAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HATHAWAY: Page 6, line 19, strike out "$825,689,000," and insert in lieu thereof "$826,496,000,".

Mr. HATHAWAY. Mr. Chairman and Members of the Committee, the purpose of this amendment is to restore to the bill the $807,000 which this administration has recommended in its budget for further funding of the preconstruction planning stage of the Dickey-Lincoln School hydrolectric project located on the St. John River in northern Maine.

During the general debate I gave the background for this project, indicating that it was authorized by the Congress in 1965 and received its first appropriation by the 89th Congress, and since then has received a total of $2,100,000.

In recent years appropriations have not been forthcoming, for reasons that it is hard for me to believe, especially in this day and age of acute power shortages that we are now experiencing, especially in the East.

Just recently, many of you who live in this area received with your electric light bill a notice from Pepco indicating that they would like their consumers to cut back on the consumption of electricity this summer because they do not have enough electricity to supply this area.

The same thing is true in New England that is true in this area. Unless we get busy and construct not only the Dickey-Lincoln School hydroelectric project—but tap every source of hydroelectric power that we can possibly tap in addition to the other fossil fuel projects, we are going to be suffering from continuous brownouts and blackouts.

In addition, Mr. Chairman, to the fact that we are experiencing a very acute power shortage, which the Dickey-Lincoln School Dam will not of course solve of itself, but will help considerably—the Dickey-Lincoln School project like any other hydroelectric project is the only—the only—nonpolluting source of electricity that we have.

Now what are some of the objections that I know are going to be raised to putting in the $807,000 for further preconstruction planning. Well, one of them is that the investor-owned utilities have what they call in New England the big 11 power loop which is supposed to supply some of the additional requirements that are going to be needed in the next 10 years.

Now I commend the investor-owned utilities for coming out with the big 11 power loop, most of which will be on the line by 1975.

But as a recent report, one that has not been published as yet, called the Zender Report, for which the New England Governors and the New England Regional Commission spent $170,000, states, the big 11 power loop will not be enough to cover all of the electric demands in the New England area from now until 1990.

In addition, I would like to point out, Mr. Chairman and Members of the Committee, that the big 11 power loop was never conceived until the Dickey-Lincoln project was passed by the House Public Works Committee in 1965. Prior to that the Electric Coordiating Council of New England which had been in existence since 1948 had not made any plans whatsoever to meet the excessive demands for electricity in that area. It was only when the Dickey-Lincoln project was becoming a reality that they came up with this big 11 power loop.

This is just one of the purposes that a public power facility serves in any area. We have seen this happen in areas throughout the country. It gets the investor-owned utilities on the ball so that they come up with additional generating plants and they charge a lower cost for their electricity.

I mentioned in the course of my remarks the Zender Report. Zender Associates is a consulting firm in the District of Columbia. Seventy percent of their time is spent doing investigative work for privately owned utilities. They are a completely unbiased agency, and they say in the course of their report:

> The Dickey-Lincoln School Project would fit admirably into a bulk power system operated by an Interstate Compact Agency. The requirement of federal law that preference be given to public bodies would be met by the sale of the output of this plant to such an agency. It would also be an attractive project for a federal regional agency with bulk power supply responsibility. If neither of these alternatives is adopted, arrangements should be made whereby the public agencies would so exercise their preference rights that Dickey-Lincoln School power would be made available to NEPOOL as part of the contribution of the public sector to the pool power supply.
>
> The capital cost of the Dickey-Lincoln School Project was estimated by the Corps of Engineers in January, 1970 to be $248 million. This compares with the 1964 estimate of $217.7 million giving an increase of only 14 percent in five years—and the Corps estimate is considered reasonable.

The Subcommittee on Public Works of the Appropriations Committee has listened to the Corps of Engineers figures for the past 5 years, and for the past 5 years the Subcommittee has believed the figures of the Corps of Engineers. It is the same Corps of Engineers that has evaluated many other projects in this same bill you are going to be voting upon.

Mr. WYMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the Dickey-Lincoln School project has been before this House for an appropriation for engineering study money each year for 6 years. The House in its wisdom has turned down the appropriation each year for the last 5 years. This project, if constructed—and I come from this area—would flood thousands of acres of some of the most beautiful wilderness area in the country, and it would spoil a good many miles of one of the most beautiful free-flowing rivers in the Nation.

There is no justification for ruining the area with a hydro project that is nearly 100 percent for electric power generation, when the cost of that power would be more expensive than from alternate power sources.

In addition to that fact, the flooded area would have a flowage in a recreational season of 20 vertical feet, so that it would be of little real use for recreation or other purposes, as well as all the other problems created for the area by the process of flooding 88,000 acres of beautiful forest land.

The 1965 report of the Interior Department to President Johnson stated on page 5 that the cost of the peaking power from the project, which is its principal objective, would be $15.50 per kilowatt a year for capacity and 3 mills for energy, which compares to the price of power from an alternate source; namely, the Northfield Mountain pump storage project, in Northfield, Mass., of $12.08 per kilowatt and 2.9 mills reported by the Federal Power Commission on May 14, 1968, in an FPC opinion No. 1541, volume 39, FPC 723.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. WYMAN. I yield to the gentleman from Connecticut.

Mr. GIAIMO. Is it not true that most of the Dickey-Lincoln power will be used for peaking power in the area?

Mr. WYMAN. That is correct.

Mr. GIAIMO. Is it not true there is being constructed at the Northfield Mountain project, which is a pump storing operation, a peaking power source which will provide more than the Dickey-Lincoln; namely 1 million kilowatts at a cost in excess of $80 million, as opposed to the tremendous cost of the Dickey-Lincoln?

Mr. WYMAN. That is correct. About 75 percent of the project Dickey-Lincoln power capacity is peaking power and 25 percent is 50 percent load power factor. It is also stated in the Interior Department report, on page 5, that the 50-percent load power factor can be sold for from 7 to 8 mills. This price does not compare favorably with the high load factor power being produced from new generating stations in New England producing power for from 5 to 6 mills. In addition to this, power will not come onto the line until between 1978 and 1980. It will produce less than 1 percent of the total kilowatt hours for New England.

Nobody has convinced me this project could reduce the price of electricity in New England when it would generate such a small part of the total requirement and at prices higher than alternate sources that are paying their full share of taxes and not being financed at taxpayers' expense.

Using the peak prices as stated by the Interior Department in 1965 for the Dickey-Lincoln project and as stated by the Federal Power Commission in 1968 for the Northfield power project, it is evident, despite my friend taking a contrary position before the committee this afternoon, that the benefit-to-cost ratio is in reality less than 1 to 1. It is not 1.9 to 1 as this project's supporters contend.

Because of these facts, and because of the 400-mile transmission line involved costing some $80 million alone, and because there is very little to be added to the present power reserves by this costly project and because it will not help with the consumer price picture to amount to anything except close by the facility itself. I certainly object to half a billion taxpayer's dollars being spent here. I hope for this sixth time this House will once and for all, reject this wasteful and unneeded project. This is the more compelling at this critical financial time when we are looking, as members of the Appropriations Committee, for new money sources to help meet some of our most pressing needs in this country, some of which have a vastly greater priority for the public good than the Dickey-Lincoln project.

Mr. KYROS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I am not going to cite the statistics in support of the Dickey-Lincoln project because numerous Federal agencies have studied it thoroughly. I would, however, point out especially to the gentleman from New Hampshire, our neighboring State, who just spoke, that there is a power shortage in the United States, and that energy sources are going to have to be examined, and somewhere power resources are going to have to be generated for New England. We have had blackouts of power in New England as well as in other areas of the United States.

With the problems in power and the problems connected with the environment, the plant at Dickey-Lincoln would supply peaking power for New England. It would be of great assistance because it would mean fossil power or nuclear power stations would not need to be put in. So the Dickey-Lincoln is valuable for the State of Maine and for New England, contrary to what has been stated here today.

We would like to say further that the problem has been studied and restudied. The Corps of Engineers is adamant that it has a favorable cost-benefit ratio.

Also I would like to point out that New England—and Maine in particular, a small State facing unemployment—requires additional generating sources, and it does not have a single public power project. This stands out in the light of other developments in the United States. It would seem to me for this small State and for this small amount to be spent this year, it would be best to push this project ahead at this time and it would be best for this Congress at this time.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. KYROS. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Chairman, I have the greatest sympathy myself for the problems the gentleman has in the great State of Maine. I would like to see a project worked out, as I have told the gentleman many times, which would help his State, but this involves $480 per kilowatt for peaking power purposes, when the industry generally, both public and private power, does not pay more than $100 per kilowatt, and it is uneconomical to do that.

I do not think it is proper to ask the taxpayers of the United States to bear a burden of half a billion dollars for construction of this project when it is of the character and at the distance involved. It is for this reason that in the exercise of fiscal responsibility I appeal for rejection of this.

XUM

I hope the gentleman understands that.

Mr. KYROS. I respect the views of my friend, the gentleman from New Hampshire. But at the same time I repeat we can sit here and recite statistics, and we would be prepared to show the Dickey-Lincoln project does have a favorable cost-benefit ratio, and its does have the support of the Army Corps of Engineers as a result of their studies.

Mr. HATHAWAY. Mr. Chairman, will the gentleman yield?

Mr. KYROS. I yield to my colleague from Maine.

Mr. HATHAWAY. I just want to point out to the gentleman from New Hampshire that I do not know where he gets the half billion dollar figure. This was what I was talking about when I was on the floor before. The Zender report, which I mentioned, shows that the cost the Corps of Engineers has come up with for this year is $267 million, which is not a half billion dollars and is a reasonable cost according to the report. The independent study conducted by the Appropriations Committee 2 or 3 years ago also said that the Corps of Engineers figures were correct.

As I mentioned before, the subcommittee which has been hearing the testimony for the last 5 years said that the Corps of Engineers figures are correct. I believe that the half billion dollar figure is in somebody's imagination and is not the real hard figure everybody else is willing to accept.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. KYROS. I yield to the gentleman from Connecticut.

Mr. GIAIMO. I should like to consider the figure of $267 million which the gentleman mentioned. To that we must add $101 million for transmission 400 miles to the Boston area. We must also add 2 years of planning, which the Corps of Engineer's testimony in the hearings indicates has a 14-percent escalation. That is $35 million additional, which makes it $404 million. In addition to that, there will be 7 years of construction. With the escalation of costs, if we use a 5 percent escalation figure, which is low, that will bring this project to over $540 million.

The gentleman speaks about a figure of $267 million for the estimates at the 1969 level, but does not include the transmission figure and does not include the escalated costs. In addition, the Senate document indicates that in all Corps of Engineer projects they underestimate, and they have underestimated their original estimates by as much as 90 percent of the original estimates.

Mr. HUNGATE. Mr. Chairman, I rise in support of the amendment. I should like to make inquiry of the distinguished gentleman from Maine (Mr. HATHAWAY).

Is it correct that the entire Maine delegation both in the House and in the Senate, both Democrats and Republicans, support this project?

Mr. HATHAWAY. That is true. Also, the former Republican Governor of the State supported the project. Also, President Johnson supported the project, and President Nixon is supporting the project. It has bipartisan support.

Mr. HUNGATE. And this project would be constructed, the basic Dickey-Lincoln School project, in the State of Maine; is that correct.

Mr. HATHAWAY. That is correct. It would also flood some land in Canada.

Mr. HUNGATE. I would ask the gentleman with respect to the construction cost inflation escalation referred to, would the gentleman agree it would have been by the same amount cheaper if it had been constructed some 5 or 6 years ago?

Mr. HATHAWAY. Absolutely; $218 million was the original authorization figure in 1965, and it would be on the line next year if they had gone ahead with the appropriations the way I believe the House and the Congress should have gone ahead.

Mr. HUNGATE. Mr. Chairman, I now yield to the gentleman from Maine (Mr. KYROS).

Mr. KYROS. I should like to ask my senior colleague from Maine to discuss the environmental problem which has been raised on the floor today with respect to the Dickey-Lincoln project. We are familiar with our own State. We know what the problems are. I ask my colleague to describe that.

Mr. HATHAWAY. I thank the gentleman for yielding. I should like to say that some objections have been made by conservationists to the Dickey-Lincoln School power project. As I mentioned earlier, this is the only nonpolluting source of energy. We have that in its favor. In addition to that, it is true that some streams in the State of Maine will be blocked out as a result of constructing that project.

Six streams in the State of Maine will be blocked, and we have 3,600—3,600—streams in the State of Maine. The State of Maine is covered 83 percent or 27,000 square miles with forest land. This project will take one-half of 1 percent of that area. To be sure, anything you do, whether it is building a building or paving a road, you do something to the environment. However, I think that conservationists objection to this project are way out of line, because the damage to the environment will be minimal.

Mr. HUNGATE. Can the gentleman tell me how many streams there are in the State of Maine again?

Mr. HATHAWAY. 3,600.

Mr. HUNGATE. Then, it is fair to say that you have more streams than you have electricity in Maine?

Mr. HATHAWAY. Yes. And also we have 2,000 lakes.

Mr. HUNGATE. We want to be clear on this. The Corps of Engineers makes benefit-cost studies, as I understand it. Sometimes the ratio is favorable and sometimes it is not. In the State of Maine on this Dickey-Lincoln project, is that ratio favorable?

Mr. HATHAWAY. It is extremely favorable. It is almost 2 to 1, at 1.9 to 1. That means the taxpayer will get back $1.90 for every dollar invested in this project.

Mr. BOGGS. Mr. Chairman, will the gentleman yield to me?

Mr. HUNGATE. I yield to the gentleman.

Mr. BOGGS. The gentleman from Maine, I am sure, is aware of the fact that there is an energy shortage all over the United States. This energy shortage is not limited to electrical energy. The gentleman pointed out that subscribers to Pepco in Washington received notices about when they should run their air conditioning units and all that sort of thing. Do not be surprised if come next winter people all over this area get the same kind of a notice about heating their homes, because we are facing all over the United States now a deficit not only in electrical energy but a deficit in energy provided by gas. It is a very serious deficit. A few years ago we had a continuing argument in the Committee on Ways and Means about the question of coal competing with gas. Today we need every conceivable source of energy available.

I would like to commend the gentleman. He has fought diligently for many years for this project. I think he is on a very sound footing here. I hope the House will approve his amendment and that this time it will be approved in conference.

Mr. HATHAWAY. I thank the gentleman.

Mr. HUNGATE. I yield back the balance of my time.

Mr. UDALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to rise in support of the amendment and talk just very briefly about the environmental considerations involved here. There is no assurance that we are going to double the power to production by 80 percent. There is no way you can double your power production without a levy of some kind on the environment. In other words, you install a coal plant or you dig the coal by strip mining but then you deplete the amount of coal available and put smoke into the air. Then, everyone says, "Let us turn to the use of natural gas." People say, "Let us not have the use of either coal or gas; let us have atomic energy plants."

Well, Mr. Chairman, a lot of people do not want atomic energy plants in their communities because of thermal pollution.

The cleanest power production in the world is through the use of water power. There is not any smokestack or ash or other materials put into the air through the use of other fuels In other words, the water power is renewed every year. Of course through the use of waterpower you create a lake or you have a wilderness area which may in some way be affected. But the production of this kind of power is very evident in the West and I would like to see the Northeast have facilities of this kind. Therefore, I see no reason why in view of the cost-benefit ratio it has that this Congress has failed to authorize it to date and I hope it will be authorized today.

Mr. Chairman, I strongly support the amendment which has been offered by the gentleman from Maine.

Mr. MOSS. Mr. Chairman, I move to strike the requisite number of words.

(By unanimous consent, Mr. Moss was allowed to proceed for 5 additional minutes.)

XUM

Mr. MOSS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, since I began serving in the House of Representatives, it is difficult to recall a public works project which has been subject to such intense distortion of its merits as the Dickey-Lincoln School hydroelectric project in Maine. Since 1965, when Dickey-Lincoln was authorized by the Congress, private power company opponents have juggled figures in mailings to members of this body, and presented misleading advertising programs in opposition of the project.

It is becoming clear that no amount of fact, logic, or reason is going to raise the level of this debate which has been going on for 5 years. There are really only two facts that count: First, the Dickey-Lincoln School project is fully justified by the standards applied to all public works projects; and second, private power companies in New England will use any means in their efforts to deny consumers in that region an opportunity to lower their electric bills through the development of Dickey-Lincoln.

During previous attempts to get the necessary appropriations for the Dickey-Lincoln School project the distorting tactics of the private power companies have been documented in several instances:

A special staff study by the House Committee on Appropriations on Dickey-Lincoln in 1967 documented the fact that planning for the so-called big 11 loop of powerplants being promoted by the private power companies as an alternative to Dickey-Lincoln consisted of nothing more than one newspaper advertisement.

In 1967, the Electric Coordinating Council of New England, which is the lobbying organization of the private power companies, deliberately distorted a favorable analysis of the Dickey-Lincoln project by the Federal Power Commission and mailed the results to members of Congress. This mailing was sent by Mr. Albert Cree, chairman of the Coordinating Council, who stated that the project would not recover its costs, that it was an inefficient means of producing power, and that it would exceed the costs of alternative power projects. However, when Senator MARGARET CHASE SMITH, of Maine, asked the FPC if it had made any such findings, the Commission reported:

> The Federal Power Commission has not made any of the above findings. To the contrary, we reported to Senator Ellender that the proposed Dickey-Lincoln School development was well justified and merited early construction.

This conclusion has also been reached by the House Committee on Appropriations, the Senate, the Department of the Interior, and the Corps of Engineers under three administrations. In addition, Dickey-Lincoln School is the only hydroelectric project which has been subjected to a special study by the House Committee on Appropriations, which found the project to be fully justified on all counts.

Again this year, the members of this body are being treated to more distortions of the facts concerning the Dickey-Lincoln School project. A communication which I recently received from an opponent of the Dickey-Lincoln project advances several specious arguments which deserve rebuttal.

This opponent states that nonpolluting benefits of Dickey-Lincoln are of no concern because some 88,000 acres of woodland would be flooded. I would like to point out that Disckey-Lincoln has had the support of several conservation groups including the Izaak Walton League, and that the project was specifically designed to preserve the wild characteristics of the Allagash Waterway, one of the few remaining free-flowing streams in the eastern United States. Of course, there will be flooding of some wilderness acreage, but this is a small price to pay for a project which will not pollute the air, pollute the water, or use up valuable land space in the urban areas of New England for coal, oil, or nuclear powerplants. Hydroelectric power is the only source of energy available today which does not degrade our limited supply of water or pollute our environment, and, in fact, the Corps of Engineers has testified that water releases from Dickey-Lincoln will be used to "flush" out the Aroostock River to ease pollution during the summertime low-water months.

In addition, Dickey-Lincoln School has been designed to provide recreational facilities for fishermen in the reservoir, boat launching ramps, and camping sites, all of which will blend into the wilderness nature of the area.

Another point made by opponents of Dickey-Lincoln is that it would not help relieve power shortages, and that there are adequate power reserves in the New England area. My good friend, Congressman GIAIMO says that New England has reserves of 18 percent, according to a report issued by the Office of Emergency Planning on May 5 of this year. However, I obtained that Office's release, and it places the reserve figure at only 15 percent. Furthermore, the fact is that the Northeast region, which includes New York State and the PJM area as well as New England, has reserves of only 13.9 percent, according to the Federal Power Commission. It is misleading to look at reserve power figures for New England alone. As the 1965 blackout demonstrated, the Northeast region is electrically connected and analysis of the ability of electric utilities to meet consumer demands must be made on a regional basis which includes the entire Northeast, not merely New England alone.

In addition, Dickey-Lincoln School, with its peaking power capacity of 730,000 kilowatts, is the ideal project to releave power shortages. Peaking power is that energy which is needed during heavy periods of demand, the very periods when utilities with low reserves run into trouble. This large block of peaking power is the perfect complement to the large thermal plants being built by utilities in the New England region which provide so-called firm power, but cannot be used economically for peaking purposes. In the event of a power failure, Dickey-Lincoln could provide up to 24 hours of uninterrupted power because of its large reservoir. Thermal plants require hours to warm up; pumped storage plants have small reservoirs; while hydro facilities, such as Dickey-Lincoln, produce large amounts of power at the flip of a switch. When the program of building large thermal plants in New England is on its way toward the end of this decade Dickey-Lincoln School should be there to provide the peaking power necessary to avoid power shortages and blackouts.

The opponents of Dickey-Lincoln have also asserted that the benefit-to-cost ratio of the Dickey-Lincoln project is "vastly" overstated by excluding the cost of transmission lines and cost escalation during the period of construction. Such a statement is absolutely wrong.

Under the terms of Senate Document No. 97, hydroelectric projects to be built by the Corps of Engineers are not required to include transmission costs to arrive at a benefit-to-cost ratio. All projects containing power are subjected to the same tests for economic feasibility, and Dickey-Lincoln School has one of the highest ratios of any project in the public works appropriations bill—1.9 to 1.

But, Dickey-Lincoln is also unique, for the cost of one-half of the transmission facilities is included in the computation of its benefit-to-cost ratio, even though it is not required under Senate Document No. 97 to demonstrate economic feasibiltiy. The Corps of Engineers has evaluated the Dickey-Lincoln project in light of its ability to provide a badly needed backbone transmission system to bring peaking power to southern New England, and has included the transmission system in its evaluation of the project. This is standard procedure for projects whose benefits and costs are measured on an "at market" basis. One half of the line cost is included because there are benefits for the transmission of power by other utilities. Additional revenue will be obtained to defray transmission costs and reduce the costs to be repaid from project power sales.

The Corps of Engineers also pointed out in hearings before the House Committee on Appropriations that a transmission line has been proposed by electric utilities in the region from Boston to Wiscasset, Maine, and into New Brunswick. This line would be used to import power from Canada. Coordinated planning between the Federal Government's transmission lines from Dickey-Lincoln and the proposed line will reduce costs for all parties.

The fact that potential cost increases are not included in the economic justification of the Dickey-Lincoln project is not strange. Under the terms of Senate Document 97, all projects are evaluated in light of current prices, just as Congress has required. Dickey-Lincoln and all projects in the public works appropriations bill are evaluated in the same way.

However, this fact does not stop the opponents of Dickey-Lincoln from continuing to distort and misrepresent its soundness.

For example, it is stated that Dickey-Lincoln could cost as much as $545 million if price escalation is included. Dickey-Lincoln, according to the Corps of Engineers, will cost $248 million, and this figure is arrived at under the terms of Senate Document 97. If the cost of Dickey-Lincoln rises so will the cost of all other alternative sources of power. The fact is that cost increases have been the greatest for nuclear plants, and if prices be even more feasible when compared to nuclear or fossil-fueled plants.

The staff study by the House Committee on Appropriations in 1967, and all studies by the Federal Power Commission, the Corps of Engineers and the Department of the Interior have shown that Dickey-Lincoln School will provide lower cost peaking power than any alternative source of generation. The Corps estimates that the peaking power from Dickey-Lincoln will cost only 13 mills per kilowatt hour while a privately financed alternative project would produce peaking power at 17.7 mills per kilowatt hour.

Another misleading statement is that Dickey-Lincoln would cost more than a pumped storage project to build. The construction cost of Dickey-Lincoln would be more than a pumped storage project, but a pumped storage project requires power to pump the water in its operation while Dickey-Lincoln does not. Power for pumped storage plants would be produced by thermal plants and is an operating cost which Dickey-Lincoln does not have. When you add the construction cost of a pumped storage project to the cost of power needed to operate the facility, the net result is that power costs more when produced by a pumped storage plant than when produced by a hydroelectric project such as Dickey-Lincoln School.

The Dickey-Linclon School project has not been judged by this body on its merits. Its benefit-to-cost ratio is better than just about all the projects in the public works appropriations bill. Its failure to receive appropriations is the result of a carefully contrived lobbying campaign by private power companies who fear any competition from Federal power facilities in New England. If anyone is unaware of what these utilities are doing to defeat this worthy project, I suggest they look at a document which Senator LEE METCALF placed in the CONGRESSIONAL RECORD on April 1 of this year. This document is entitled "A Report for Action on the Dickey-Lincoln School Project," and was prepared by three representatives of New England private utilities in 1965.

The document is a plan of action for defeating Dickey-Lincoln appropriations. To what extent the companies were able to carry out the program as outlined is unknown but their plan included the following:

Private utilities outside of the New England region were to put pressure on their Representatives and Senators;

Cooperative advertising and lobbying campaigns with equipment suppliers, such as Westinghouse, General Electric, Allis Chalmers, Babcock & Wilcox United States Steel, Bethlehem Steel, and Dravo Corp., were proposed. The document indicates that some of these industrial giants were most helpful in defeating Dickey-Lincoln appropriations.

"Carefully cultivated" articles should be planted in national magazines;

Catchy phrases are recommended such as: "a project way up in Maine," "further study is badly needed," and "there is a conservation issue at stake."

This is exactly the type of activities the companies have used to hold up the Dickey-Lincoln School project. It is time for the House of Representatives to quit yielding to the pressures of these private utilities and give the consumer a break in New England by approving funds for the Dickey-Lincoln School project. If it was not a worthy project, I suspect the companies would not be so worried about its impact. They known that it will force them to face competition for the first time in New England, and that consumers will be able to judge their performance in light of that competition.

Mr. Chairman, I strongly urge support for this amendment.

Mr. GIAIMO. Mr. Chairman, I rise in opposition to the amendment, and I move to strike the requisite number of words.

Year after year after year, we are faced in this House with the same discredited public power project—the Dickey-Lincoln hydroelectric project.

Year after year after year, the House in its wisdom and the Congress in its wisdom have deleted this project. This project cannot make a justifiable case. It has failed to make a case in the past, and it cannot make a case today.

Think of it—they mention the fact that we have a need for additional power in New England. Of course we have, as we have throughout the United States. But I submit that the solution to the power shortages problem is to get lower cost power and not higher cost power. The Dickey-Lincoln is one of the most expensive types of power imaginable.

We need Dickey-Lincoln, they tell us, for peak power electrical needs in the Boston area—in the Boston grid system. So what does the Corps of Engineers propose—to build a hydroelectric plant 400 miles away from the area of need and to spend well over $100 million in transmission costs through the lovely Maine woods. However, there are alternative methods which can give us the additional power at a much closer position to the Boston area at much lower costs, as in the case of the pump storage plant at Northfield which will produce 1 million kilowatts of electricity at a cost of $80 million as opposed to $500 million plus for the Dickey-Lincoln project.

Now I would like to do something for Maine. We hear that Maine has many needs and, admittedly, they do. I think we should be able with all our Federal programs and projects to find some worthwhile project for Maine, but not one which is going to be a burden upon the taxpayers of the United States to the degree of well over a half billion dollars.

This program—and they do not dispute our figures—is the most expensive way of producing power. Unlike the dams in the West, it is not a multipurpose dam—it is not a dam for flood control or area redevelopment or for reclamation, although they are trying to make a case, I notice, for that this year—but rather a dam solely and primarily for power. Last year it was in the 94-percent bracket for power. This year, I am told, it is in the area of 88 percent. That means 88 percent of its cost must be recovered over a 50-year period. If the cost is $500 million plus, we are told by the Corps of Engineers and the Federal Power Commission the cost to be recovered will be $35 million a year. At that rate you will not have a benefit-to-cost ratio anywhere in the vicinity of 1.9 to 1 and you will not have low cost power; you will have the most expensive power imaginable in the New England area.

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman.

Mr. CLEVELAND. Mr. Chairman, I commend the gentleman on his statement and I agree with him as I have been with him in all of these debates during the past 5 years.

I pointed out in the debate last year that it seems too bad that the Maine delegation does not use its energy, instead of pursuing this project, which appears manifestly unsound, to accomplish something that will really help northern Maine and really help northern New England and help northern New York—which is an east-west highway. This type of transportation would do more for the northern part of New England than any project such as this one.

I think it is regrettable that for some reason or another the Maine delegation has become transfixed and hypnotized by this monstrosity, which is nothing more than the tail end of the Passamaquoddy project which has been turned down over the years—and this is basically, the remnants of that project. It is too bad. I can understand their desire to do something for their State, but there are other people in northern New England who are very anxious to work with them for major projects which would really improve the entire area. I think the east-west highway that would unite northern New England would be of far more value to the economic development of northern New England than this five-time loser.

Mr. GIAIMO. I thank the gentleman.

Mr. Chairman, I would also like to point out that Congress is being asked to support this project, yet in the hearings on page 264, part III, the question was put to the Secretary of the Interior:

> Does the Department support the project?

In the past the Department of the Interior has supported this project. This project originated with the Secretary of the Interior in 1961 or 1962.

The answer of the Department of the Interior to that question was:

> I have never discussed it with the Secretary.

Think of it. The Congress is being asked to support a project which will cost probably in excess of a half billion dollars, and the Department of the Interior still has not taken a position on this project.

Mr. TIERNAN. Mr. Chairman, will the gentleman yield?

Mr. TIERNAN. I thank the gentleman for yielding. The gentleman has made a great bit about the fact that the power source will be 400 miles away from the users. Of course, the gentleman realizes that the whole network of the utilities system in New England have joined together to form the grid, so that what you are talking about is that any electrical energy that can get on that system at any point will serve not only Boston but it will also serve the whole Northeast area at a time when we will most need it, the peak hours when we have the brownouts and the blackouts.

Not only that, but the New England grid is now being tied in with the Middle Atlantic grid, and that is the whole testimony before the Power Subcommittee with regards to the need to have these systems tied in.

I know that the gentleman has been consistent in his opposition to this project, but I really think if we look back upon the past, if this project had been allowed to go along at the time it was first proposed, we would have that energy coming on the line in 1972, when we are going to need the electrical power more than what even the private utilities can provide for. I just make that point to you. I think in the interest of not only Maine and not only Rhode Island, but all the New England area, and possibly even New York, we should obtain every bit of electric power we can generate which does not pollute our environment—and this is the type we are speaking of. You cannot get this type of power from where you want it. You have to go to where it is generated, and it is generated in that part of the country.

Mr. GIAIMO. Mr. Chairman, I just want to tell the gentleman that I believe the project has been wrong from its inception. It could not stand the light of facts at that time. It was wrong when it was conceived, and it has been wrong consistently since that time. It is wrong today. There is no sense in carrying this power 400 miles from the place where it would be generated to where it is needed. Bear in mind also that, interestingly enough, the transmission of this power, which will cost over $100 million, is estimated to last 100 years, while the Federal Power Commission tells us it will have to be replaced after 30 years.

Mr. HARRINGTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my colleague from Maine (Mr. HATHAWAY) to provide $807,000 in appropriations for fiscal year 1971 for preconstruction planning of the Dickey-Lincoln School hydroelectric power project.

The Dickey-Lincoln project has for a decade or more been bitterly opposed by the private power companies of New England. In past years these companies have argued against the project on the basis that it was economically unsound or that the power produced by the project could not be marketed, or that the project was unnecessary because the private companies had begun their own program for expanding electric power resources in the region.

The New England States are faced with the certainty of serious power failures within the near future unless additional power capacity is generated. A recent report on the electric utilities in Massachusetts concluded that there will be a reduction in voltage levels up to 10 percent this summer. This reduction will be caused by a totally inadequate power reserve. In fact, it has been estimated that the current reserve of New England's private power companies is about 8 percent and that most, if not all, of this reserve has been continually committed to regions outside of New England. The report states:

> Some of the effects that the consumer will feel when the voltage level to his residence or business is reduced by 10 percent is (1) a 30 percent reduction in the light intensity from his incandescent lights, (2) heating equipment will have a near 20% reduction in output, (3) induction motors utilized in many types of appliances will have a near 20 percent reduction in their starting ability and an approximate 12 percent rise in their operating temperature, (4) fluorescent lamps now found in many homes and most commercial establishments will have their life cut by 20 percent besides having unsatisfactory starting and (5) electronic devices such as radios and television sets which are very sensitive to voltage fluctuation, will have a noticeable reduction in picture brilliance and sensitivity.

This means that not only will New England residents be inconvenienced and discomforted by less satisfactory operation of their electrical appliances, but the life-span of those appliances will be considerably reduced, resulting in greater replacement costs to the consumer.

It is interesting to note that less than a month ago a brownout occurred throughout New England during the annual meeting of 2,500 electric utility industry leaders in Boston. Dozens of power companies in the East already have made temporary cuts in system voltage and Boston's major electric utility announced 3 weeks ago that it would reduce voltage production by as much as 5 percent on extremely hot summer days. Millions of consumers will be asked to make voluntary reductions in air conditioner use. The odds are more than even that there will be more blackouts. They are avoidable if we are willing to act. But so far we have not.

The problem is severe enough now. Within the next few years it will be desperate. It has been estimated that between now and 1990 the 11 Northeastern States must build about four times as much electrical generating capacity as the industry has provided thus far in its 80-year history. In short, this will involve an investment of about $50 billion. The country's energy requirements are expected to increase by 450 percent between 1965 and 1990. Electric generating facilities will have to double in size during each decade just to stay in place.

The Dickey-Lincoln project will generate 1 billion kilowatt hours of power annually and will have an installed capacity of 830 megawatts. It will be primarily a source of so-called "peaking power" and thereby provide a safeguard against total or partial power failures in New England.

As is well known, electric rates in New England are the highest in the country. An average bill for residential service in 1969 cost the homeowner in New England $8.38 for 250 kilowatt-hour. In the East South Central region of the country, for the same amount of electricty, a homeowner would pay only $5.81. A resident of Boston pays more than twice as much for electricity as a resident of Seattle and three times as much as a resident of Eugene, Oreg. It has been estimated that a savings of $36.2 million would be made by consumers in New England if their electric bills were the same as the national average.

Commercial consumers of electricity in New England pay up to 50 percent more than the national average for commercial consumption. According to some estimates, industrial power costs in New England are 60 percent higher than the average industrial costs for the rest of the country. If New England's costs had been on a par with the national average, New England's manufacturing industries, according to a 1962 study, would have saved $71.4 million on their power bills.

The private power companies of New England have proven over a long period of time their ability to influence political action to protect their own position. Throughout our section of the country, these companies hold a virtual monopoly over the supply of electric power. Despite the fact that these companies have been, in effect, privately owned public utilities, they have failed to exhibit any interest in or concern for the needs of the great mass of citizens in New England.

In many States the agencies who have the responsibility for regulating the private power industry have totally failed to do their job. Some of these agencies have become mere echoes of the industry's position. Thus, in many areas, particularly New England, there is no authority to which the citizens may turn to require even one ounce of corporate responsibility from either their government or the industries in the electric power field.

We are warned by the companies that the Dickey-Lincoln project is a threat to the viability of private electric industries. It should be remembered, however, that these companies have a net profit far above the average for a normal business. Boston Edison Co., for example, last year made a net profit of 12.5 cents from every dollar of revenue collected.

Some of that profit goes into influencing State and Federal officials to vote against any legislation which the industry considers against its interests. Recently, a confidential report circulated among the private power companies was obtained through court order. This report set out an extensive campaign against the Dickey-Lincoln School project which obviously entailed a great deal of money. A portion of this report called for the establishment by each private electric company of a budget for travel and expenses to lobby against the proj-

XUM

ect and called for a separate contribution for the purposes of congressional receptions.

A staff study by the House Committee on Appropriations found that Dickey-Lincoln would provide electric power at a lower cost than any other means of generation. It has been estimated that when it is constructed, $9 million a year would be saved by consumers in the region as a direct result of low-cost power from the project. It can also be assumed that the presence of a Federal power source, generating electricity at comparatively low costs, will bring private electric rates down. It is the fear of such a reduction which motivates the private power companies in their hostility to the project.

I am fully aware, Mr. Speaker, that opposition to this project has become concentrated on the issue of preserving our environment. It is obvious to anyone that the natural environment of this area in Maine will be drastically changed by the construction of the Dickey-Lincoln project. Nevertheless, if the Dickey-Lincoln project is not funded today and not constructed within the next 2 years, you can be sure that the exasperation caused by power failures and the problems caused by higher priced power will force the construction of other types of electric power generating facilities. The Dickey-Lincoln project, of course, uses water as the source of generating power. Thus, it is nonpolluting when compared to all other known methods of accomplishing the same purpose. From an environmental point of view, we are better off with Dickey-Lincoln than we would be with its alternatives.

Mr. KYROS. Mr. Chairman, will the gentleman yield?

Mr. HARRINGTON. I yield to the gentleman from Maine.

Mr. KYROS. Is it not a fact that although the gentleman from Connecticut who just spoke against the amendment for the project stated that the Secretary of the Interior—and I imagine he refers to Mr. Hickel—has not taken a position on the project. Is it not a fact that his superior, the President of the United States, Mr. Nixon, has taken a position supporting the project?

Mr. HARRINGTON. To my knowledge he has. I am not so sure that that is necessarily to be translated into effective support by the minority party.

Mr. KYROS. The gentleman from Connecticut stated that this power generated in Maine would have to travel 400 miles to its place of use. Is it not a fact that oil travels into New England, coal travels into New England, and the uranium rods for a nuclear plant have to travel hundreds and hundreds of miles, for them to get there?

Mr. CLARK. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I am frankly appalled that still another effort should be made to include the thoroughly discredited Dickey project in this public works appropriation bill.

Four years ago this House was subjected to what can only be called shenanigans on the part of the other body when the papers on the bill were literally stolen and the House later found itself in a position to only vote up or down the entire public works bill.

Thereafter, the House rejected Dickey-Lincoln's separate authorization by record vote in 1965. It was obtained later by an unparliamentary maneuver at the conference stage. Since then, the House has cast four record votes against appropriation of any construction planning funds for Dickey-Lincoln. The last House vote against it was 265 to 132.

It is particularly galling to hear references to the fact that this project was once approved and questions raised as to why it has not been subsequently funded. There are very clear answers to that question. If this ballgame had been played by the rules 5 years ago, the project would not have been funded at all.

I refuse to take the time of the House at any length to discuss the merits of this project because there are none. I do not intend to recite a litany of reasons against the project because they are so well known that it would produce the ultimate in boredom.

Here we stand in an inflationary economy, spiraling Federal spending, mounting Federal debt, and pressing social problems with far higher priorities and we discuss this useless half-billion-dollar project. To paraphrase it can be accurately described as one in which "never would so much be spent by so many for so few."

Mr. Chairman, I also submit the following information in connection with the Dickey-Lincoln project:

PROPOSED DICKEY-LINCOLN POWER PROJECT REASONS REPEATEDLY REJECTED

The proposed Dickey-Lincoln power project, on the upper St. John River in northern Maine, was designed by the Army Engineers as part of the old Passamaquoddy tidal power project—which the Interior Department discarded as decidedly uneconomic in 1965.

Thereafter, the House rejected Dickey-Lincoln's separate authorization by record vote in 1965. It was obtained later by an unparliamentary maneuver at the conference stage. Since then, the House has cast four record votes against appropriations of *any* construction planning funds for Dickey Lincoln. The late House vote against it was 265 and 132.

The Corps of Engineers has again requested Congress to provide funds for Dickey-Lincoln construction planning, $807,000, in the Public Works Appropriation bill for 1971. As shown by repeated House debate on Dickey-Lincoln, the reasons for its rejection in the past, and again today, are:

Location and capability.—The proposed Dickey-Lincoln Power Project would be located in the northernmost part of Maine more than 400 miles from the major New England load centers which it would be built primarily to serve.

The output from this proposed project, if built, would be contributing less than 6/10ths of 1% of all of New England's electrical needs.

Construction cost.[1]—Dickey-Lincoln's estimated first cost would be not less than $407 million. When this cost is escalated at a minimum of 5% for 7 years (the time required to complete construction) its cost including the necessary transmission facilities would not be less than $545 million taxpayer dollars.

Conservation—opposition.[2]—As shown by the Federal-State Inter-Agency report on New England water resources, Dickey-Lincoln would destroy "the only remaining unspoiled wilderness area in northeastern United States," and inflict "severe, large and permanent" damage to fish and wildlife (S. Doc. 14, 85th Cong.).

It is opposed by numerous national and regional conservation organizations, including: Appalachian Mountain Club, Maine Audubon Society, Maine Fish and Game Clubs, Massachusetts Audubon Society, National Wildlife Federation, Natural Resources Council of Maine, New England Advisory Board on Fish and Game Problems, Sierra Club, State Biologists Association of Maine, and Wilderness Society.

Dickey-Lincoln costs to consumers.—Due to its huge final cost ($545 million), and the requirement that the Federal project power costs be repayed within 50 years, Dickey-Lincoln would produce very high-cost electricity. As shown by FPC's manual, Dickey-Lincoln's power would cost the New England consumers at least $35 million a year. FPC found that industry's total cost of providing alternative power in New England is only $17 million a year, plus $5 million a year in tax payments to local communities, state and Federal government.

Due to the high-cost of its power, Dickey-Lincoln would have the effect of increasing rather than decreasing the electric costs in New England.

Reserve generating capacity 1970–1980.—The *generating capability* of the New England companies for the *summer of 1970 will be 12,624,000 kilowatts* compared to the *estimated summer peak load of 10,355,000 kilowatts*, leaving a *reserve margin of 18%*.

This *18% margin of reserve generating capacity* exceeds the *15% reserve requirement* specified by the Federal Power Commission, **FPC Release 16755, N.E. Regional Report**, p. 2, May 1970.

New England companies in *1980* (when the proposed Dickey-Lincoln Project would be scheduled for completion, if authorized) would have a *generating capability of 31,761,000 kilowatts* and an *estimated peak load of 25,903,000* kilowatts leaving a *22.6% reserve margin*.

Ratio.—Dickey-Lincoln does not have a favorable benefit-cost ratio. The Federal-State Inter-Agency reported that a hydroelectric project at the Dickey-Lincoln site would have an unfavorable benefit-cost ratio of 0.7 to 1. The Army Engineers' statement that Dickey-Lincoln would have a favorable ratio was based on a substantial understatement of its cost.

Conclusion.—There should be no appropriation to revive construction planning of the destructive, inflationary, and high cost Dickey-Lincoln hydroelectric project.

Mr. Chairman, I would like to say at the end this lifeless lemon should remain squeezed out of the budget—as has been correctly done by our Appropriations Committee.

Mr. BOLAND. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, I am sure all members of the Committee have felt they have been here before—and so we have. This project has been around for a long time. In 1965 it was authorized. The Subcommittee on Public Works, has funded it a few times during that 5-year period.

---

[1] U.S. Congress, House Committee on Appropriations, *Public Works for Water, Pollution Control, and Power Development and Atomic Energy Commission Appropriation Bill*, 1971, hearings before Subcommittee on Public Works, Part 1, pp. 438–41.

[2] U.S. Congress, House Committee on Appropriations, *Public Works for Water, Pollution Control, and Power Development and Atomic Energy Commission Appropriation Bill, 1971*, hearings before Subcommittee on Public Works, Part 5, pp. 992–994.

As a matter of fact, the previously allocated funds for the Dickey-Lincoln School project amounted to around $2,154,000.

The budget request for this year—submitted by the President of the United States—is $807,000 to resume planning.

There would be an additional requirement after fiscal year 1971 of $639,000 to complete planning.

After planning is completed, the project can move into the construction phase. The project would be contracted out in one or two major contracts so there will be no continual escalation in price that Members have been talking about today. We will have escalation of prices perhaps for the next 2 years, but we will have the same escalation of prices for electric plants built by private utilities.

So this project, in view of the subcommittee, continues to be an important factor in the resolution of the high power cost and the power shortage that we face in New England.

A review and evaluation of this project by this subcommittee indicates that it is well justified economically, and confirms that the project is economically sound, that there is no more economical alternative means of obtaining equivalent benefits.

In spite of the contention of those who have opposed construction of this project previously, and still oppose it, detailed reviews by the House appropriations investigating team, the Federal Power Commission, and the Department of the Interior found the project to be sound and justified.

No known information has been offered that should or can alter these basic conclusions. A market exists and will continue to exist, for consumption of the power production.

Edison Electric Institute Statistical Yearbook for 1968, clearly indicates that the power rates continue to exceed the national average by a substantial amount in the New England area. For example, for residential power, Maine and Massachusetts exceed the national average by 21 and 32 percent, respectively, and rank 5 and 6 respectively in the Nation for high cost power.

POWER RATES OF NEW ENGLAND (1968)

	Residential		Commercial		Industrial	
	Cents per kilowatt-hour	Percent above U.S. average	Cents per kilowatt-hour	Percent above U.S. average	Cents per kilowatt-hour	Percent above U.S. average
U.S. average	2.25		2.08		0.98	
Connecticut	2.52	7	2.28	10	1.34	37
Maine	2.74	21	2.77	33	1.14	16
Massachusetts	2.96	32	2.56	24	1.48	51
New Hampshire	2.79	24	2.91	41	1.36	38
Rhode Island	2.86	27	2.33	12	1.52	56
Vermont	2.24		2.37	14	1.45	48

There have been various figures mentioned today as to the cost of this project, and I have heard them for the past five years.

I want to recall to the Members of this Committee that I opposed this project when it was first suggested to the Congress 5 years ago, because in my judgment an independent study had never been made as to whether or not this was a sound, economically feasible, project, with a favorable benefit to cost ratio.

Subsequently our Subcommittee on Public Works did request the investigations staff of the full House Appropriations Committee, to determine where the truth lay. We found out. The investigations staff came back and indicated that the benefit to cost ratio was at least 1.5 to 1. That is a good benefit to cost ratio. It is as good as those power projects in many areas of the United States—in Kansas, Alabama, Arkansas, North Dakota, Missouri, or in the great States of Washington or California. So this project measures up so far as the benefit to cost ratio is concerned. It is feasible. It is sound.

The Corps of Engineers indicated that the cost this year is $248 million. My friend from Connecticut mentioned that the cost of the transmission line will be around $100 million, and he is justified in doing it. The actual cost is $96.8 million, as I recall.

So it is an expensive project. But all huge hydroelectric projects are expensive. I can point to some of them out in the great Northwest that were many times as costly as this one. But they are all paying out, with interest.

All we are doing here is asking the Members of this Committee to give us a hydroelectric project in New England. We do not have a Federal hydroelectric project in New England. We have never had one. If this one is approved and built, it will probably be the only one we will have, because it is the only location in New England where a hydroelectric plant of this size can be built.

It has been claimed that it will require power revenues annually of $35 million to repay the cost of the Dickey-Lincoln project over the 50-year repayment period. This apparently assumes cost escalation of 5 percent over a 6½-year period and other increased costs. However, the yearly cost estimate given for private alternative plants of $22 million is not comparable as it includes no cost escalation factor.

Based on the latest FPC data, the Dickey-Lincoln School project can provide 17.4 mills per kilowatt-hour power at market as compared to a 17.7 mills per kilowatt-hour cost of alternative plants with an annual savings in power costs of $500,000, or $25 million over the 50-year repayment period.

The life of the Dickey-Lincoln hydropower project is estimated at 100 years compared with only 35 years for alternative plants with high fuel and maintenance costs. Once paid for at the end of 50 years, Dickey-Lincoln would accrue revenues for another 50 years totaling about $1 billion after meeting operation and maintenance costs.

If the cost of transmission line was reduced even 50 percent through revenues from nonproject uses or utilization of private utility facilities, as I assume would occur if the project is built, the cost per kilowatt-hour at market could be reduced to 15 mills compared with the 17.7 mills figure for the cheapest alternative plants.

Much has been made of the opposition of the conservationists. I believe the consumers, too, are entitled to some consideration by this committee and by this Congress. The consumer councils in all the New England States that I know of favor the project. It is one of the leading projects of the Massachusetts Consumers Council.

The conservationists, I believe, are incorrect when they say that this project would destroy that area. As the gentleman from Maine, who has labored so long and so hard for this project, said, there are about 35,000 streams in Maine, and hundreds and hundreds of lakes. Opposition to this project is based upon the fact that there will be too much fluctuation in the streams.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. BOLAND was allowed to proceed for 2 additional minutes.)

Mr. BOLAND. The opposition of the conservationists is that there will be large daily fluctuations in water levels. This is not so. The fluctuations would not be more than fractions of inches in any one particular day. The project is designed to protect the Allagash River. This is one of the wild rivers in New England and perhaps the only wild river in Maine. The protection of the Allagash and making it possible to dam the St. Johns River will provide a reservoir for fishing in the St. Johns and for stream fishing in the Allagash. So the damage to the ecology and to the environment is of little or no significance in this particular project.

The question has been raised here, however, and this is a good year to raise it, of course, because it is the year of Earth Day and of environment and ecology. And it all catches on.

So I ask you to support the subcommittee in the $807,000 that it recommended and the Bureau of the Budget and the President of the United States support. Let us get along with planning on this project. I fervently hope that this committee will support the amendment offered by the gentleman from Maine.

Mr. CLEVELAND. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, during the debates over the years on this project, I have raised many points on many occasions. I will not repeat all of them now. They are a matter of record, and the whole record speaks for itself. The Dickey-Lincoln School project has been voted down five times. It is a five-time loser, because it is not an economically sound solution to New England's power and energy problems. Taxpaying utilities can produce the same amount of electricity for about one-fifth of the initial cost of this tax-eating project.

They can produce cheaper electricity and still pay local, State, and Federal taxes. The rates they charge consumers are regulated. A few weeks ago we voted to get the Federal Government out of the Post Office. Why should we turn around now and put the Federal Government further into the electricity-producing business, in an area where taxpaying public utilities are performing acceptably.

This uneconomical project would ruin acres of wilderness area that should be left in their natural state. In addition, it would be necessary to clear a swath 300 feet wide for some 400 miles in length from northern Maine, through New Hampshire, and into Massachusetts for the electric transmission lines to take most of the electricity produced by the project to the Boston area. In Maine, this would strip thousands of acres of land. In New Hampshire the 300-foot strip would occupy some thousands of acres of land in an area where land is in great demand. Furthermore, it would remove this land from the tax rolls and would create an eye-sore for residents and tourists in recreation and conservation-oriented areas.

We who represent districts in northern New England know that in order to achieve economic growth, we need better transportation. How much better it would be if the $500 million plus that this project would cost were to be spent on several hundred miles of throughway, than for an uneconomical power project. Gentlemen, electric rates are not holding back economic development in northern New England, but lack of good highways, particularly east-west ones, are.

In order to justify the project, the proponents tell you that the electric rates are preventing economic growth in northern New England. Mr. Chairman, the latest Federal Power Commission report shows that this is not correct. Industrial rates in my area for most customers are below the national average, and for residential customers we are only paying 10 percent above the entire national average. From this it is clear that some other regions are paying more dearly for power than northern New England.

Mr. Chairman, there is no way that this uneconomical project which could produce less than 1 percent of the electricity that will be used in the New England area can reduce rates or be of any significant benefit. Therefore, I once again urge you to vote against it; hopefully for the sixth and last time.

Mr. MICHEL. Mr. Chairman, throughout the long years of controversy over the Dickey-Lincoln power project in Maine, it has been repeatedly stated that the Corps of Engineers has grossly underestimated construction costs. I believe that to be the case. But it is only a portion of the injustice this project could work against the taxpayers, for the corps has adhered to its usual practice of also grossly understating the portion of the project's cost attributable to power. The net result of this will be to provide a sizable subsidy to the power users at the expense of the taxpayers.

In a project such as Dickey-Lincoln which has been authorized to serve several purposes, including flood control and power production, it is necessary to allocate the cost of joint-use facilities among the several functions to be served by the project. In making such an allocation of joint costs, the Corps of Engineers uses the cost of building a Federal powerplant of the same size as a basis of comparison. The plant usually used by the corps in this process is a federally constructed steamplant; not a single-purpose federally constructed hydroelectric project. But—and it's a multimillion dollar but—the Comptroller General of the United States in a report to Congress on May 25 severely criticized this practice by the corps.

The Comptroller General reasoned that the corps' method "is inappropriate because the Congress has not authorized the construction of federally financed steamplants outside the area served by TVA."

The Comptroller General developed this point further, saying:

> The alternative used should be a real alternative—one that could and would likely be undertaken in the absence of the project."

The Comptroller General concluded:

> An appropriate alternative for power could be a single-purpose federally financed hydroelectric plant, which, incidentally, is the power alternative used by the Federal Power Commission (FPC) in its cost allocations.

The problem that I am discussing here is not merely a question of theory. The General Accounting Office—an agency of the Congress—painstakingly studied 20 multiple-purpose Federal hydroelectric projects to determine how much money is being lost to the Treasury through this glaringly deficient policy of the corps. For these 20 projects, the corps allocated only about $561,000,000 to the cost of power producing facilities, using a Federal steamplant as the basis of comparability. If the allocation had been made properly, on the basis of the cost of a single-purpose Federal hydroelectric project, as recommended by the Comptroller General and used by the Federal Power Commission, the allocation to power would have been $696,000,000—about $135,000,000 more. The Comptroller General stated:

> This underallocation represents about 24 percent of the nearly $562 million that the Corps has allocated to the power features of these 20 projects. Conversely, the costs allocated to other project purposes, such as water supply, irrigation, recreation, and flood control have been overstated. The costs allocated to power, water and irrigation are reimbursable to the Federal Government. The costs allocated to purposes such as recreation and flood control are not reimbursable.

I am talking here about dollars that should have flowed back to the Treasury—back to the taxpayers. But on these 20 projects, not only will the amount of the underestimate, more than $134,000,000, be lost to the Treasury; in addition, power users will be escaping the financing charges on this sum. Instead, the taxpayers will be paying both the interest and principal on this underestimated amount.

Now, what about Dickey-Lincoln?

The corps has applied this same discredited method of cost allocation to the Dickey-Lincoln project. Should this project be built, the rates for its power, in all probability, will be inadequate to cover the true power costs with interest as estimated by the method recommended by the Comptroller General. This would mean that a large portion of the real cost of power produced at this project will be borne by the taxpayers.

Obviously, the Comptroller General's study raises grave doubts—doubts so serious as to warrant rejection of the requested planning funds.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maine (Mr. HATHAWAY).

The question was taken; and the chairman being in doubt, the committee, divided, and there were—ayes 46, noes 76.

Mr. BOLAND. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. HATHAWAY and Mr. GIAIMO.

The Committee again divided, and the tellers reported that there were—ayes 60, noes 90.

So the amendment was rejected.

Mr. FULTON of Pennsylvania. Mr. Chairman, I move to strike the last word.

It is a pleasure to endorse the action of the Public Works Committee in the committee action on H.R. 18127, the public works for water, pollution control, and power development and atomic energy commission appropriation bill, 1971. I believe that this is a well balanced bill and provides much needed action by the Federal Government for projects that are necessary for the security and progress of the country.

I would like to point out particularly my strong support and the urgent need for two flood control projects in western Pennsylvania: Chartiers Creek construction and Saw Mill Run, Pittsburgh.

The committee bill contains $5,700,000 for construction for Chartiers Creek for fiscal year 1971, which is the approved budget request. I believe that this amount is absolutely necessary to make adequate progress toward flood control protection for the important Chartiers Valley in western Pennsylvania, its people, homes, industries, and towns.

I am urging the House to accept the amount of $30,000 under general investigation recommended by the Committee on Appropriations for the flood control project for Saw Mill Run, Pittsburgh, Pa. This project involves the south part of the city of Pittsburgh and 13 communities which are drained by Saw Mill Run. Both the word "creek" and "run" in our part of the country are used to designate what would be called small rivers in some States. These watersheds contain tens and hundreds of square miles of territory and tens of thousands of people who live and work in towns, villages, factories, and businesses along the banks of these streams.

Having been a life long resident of my district, I know personally of the many recurring floods of major importance causing extensive damage in the Chartiers Valley area, and the Saw Mill Run section of Allegheny County.

I recommend prompt action and full funds as recommended by the Bureau of the Budget and the House Appropriations Committee for the two flood control projects in western Pennsylvania—$30,000 for the purpose of study and general investigation for Saw Mill Run and $5,700,000 for construction for Chartiers Valley.

As I have prepared formal statements which I have presented to the House Appropriations Committee and are found on pages 624 and 625 of the hearings before this committee, I am reading these into the CONGRESSIONAL RECORD, so that the Congress will know of the urgency for action and the need, and danger to which the people living in the Chartiers Valley basin and the Saw Mill Run area are subject, and the losses which they face every year.

STATEMENT OF CONGRESSMAN JAMES G. FULTON OF PENNSYLVANIA BEFORE THE HOUSE APPROPRIATIONS COMMITTEE ON CONSTRUCTION OF CHARTIERS VALLEY FLOOD CONTROL PROJECT

I join with the U.S. Army Engineers in strongly recommending the inclusion of the budget figure of $5,700,000 for continuation of construction of the Chartiers Creek flood control project in Pennsylvania for fiscal 1971.

Chartiers Creek, a tributary of the Ohio River, is located within Washington and Allegheny Counties, southwestern Pennsylvania. The project will provide flood protection for a distance of about 13 miles in the Carnegie-Bridgeville area of Allegheny County and almost 5 miles in the Canonsburg-Houston area in Washington County.

The communities being protected are established and well developed. The valley is primarily industrial and an important part of the Greater Pittsburgh industrial complex. The stream reaches considered for flood protection are bordered by many industrial concerns, commercial buildings, and residential areas located in low-lying areas. Large numbers of people are affected either directly or indirectly due to frequent flooding. The second highest flood of record occurred as recent as 1956; a recurrence of this flood would cause damages of almost $10 million for Carnegie-Bridgeville and about $1,400,000 for Canonsburg-Houston. Flooding also occurred six times since 1956 causing severe damages.

Funds in the amount of $4,699,000 have been allocated to date for the project. These funds have permitted substantial progress on unit 1 of the Carnegie-Bridgeville reach of the project, a start on unit 2 in the same reach, and completion of unit 1 in the Canonsburg-Houston reach. The budget amount of $5,700,000 will significantly advance construction on this important project.

STATEMENT OF CONGRESSMAN JAMES G. FULTON OF PENNSYLVANIA BEFORE THE HOUSE APPROPRIATIONS COMMITTEE ON SAW MILL RUN FLOOD CONTROL STUDY

I join with the U.S. Army Engineers in strongly recommending the inclusion of the budget figure of $30,000 for resumption of survey of the Saw Mill Run flood control program in Pennsylvania for fiscal 1971.

Saw Mill Run, with an estimated basin population of about 170,000 divided among the city of Pittsburgh and adjacent communities, is a minor tributary of the Ohio River. Development along the run is continuous throughout its length, with many artificial restrictions and encroachments. Saw Mill Run has a long record of frequent flooding varying from the nuisance-type floods to major inundations. Damage of substantial amounts occurs with seemingly increasing frequency due to the continuous deterioration of the streambed and adjacent walls and banks. Much inconvenience is experienced during high water periods in this highly populated area in addition to interruption of traffic on two heavily traveled highways in the stream valley. Requests for flood relief have constantly been made throughout the years by local interests.

The survey investigation was initiated in fiscal year 1962 and continued through fiscal year 1964. In May 1964 it was learned that the Pennsylvania Highway Department was planning a highway system to relieve bottlenecks in the Saw Mill Run area. The proposed highway construction would substantially change the physical condition of the area, particularly between the Fort Pitt Tunnel and the intersections of Routes 88 and 51. Therefore, the study was terminated until such time as the Pennsylvania Highway Department could furnish a firm design of the highway improvement so that a flood control study could be coordinated. Preliminary plans for the proposed highway improvement will soon be available. The budget amount of $30,000 will permit resumption of the Saw Mill Run flood control study coordinated with the proposed highway improvement program.

AMENDMENT OFFERED BY MR. LANDGREBE

Mr. LANDGREBE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LANDGREBE: On page 7, line 24, after the word "Army", insert a colon, and the following words: "*Provided further*, with respect to the Lafayette Reservoir in Indiana, an amount not to exceed $500,000 shall be appropriated to provide for advanced geological and engineering studies affecting the feasibility, desirability, and necessity of the project and that no funds allocated for construction shall be expended until these studies have been completed."

Mr. LANDGREBE. Mr. Chairman, the amendment I offer relates to the Lafayette Reservoir in Indiana and stems from my deep concern over the future development of this area and in taking responsible action to insure the prosperity of the region.

My amendment would hold in abeyance the funds allocated for the initiation of construction of this reservoir. It does not delete these funds, but would keep them available until more advanced and detailed studies, including a geological study, is completed and a favorable report made public.

At the present time, no construction has begun and no land has been acquired for this 16,000-acre reservoir. To the best of my knowledge only preliminary surveys have been made.

While I do not mean in any way to reflect upon the Corps of Engineers expertise and judgment, there is considerable evidence available, gathered by professional and university people in the area, that more detailed and extensive studies should be made before the initial construction should begin.

These I suggest are the points to be studied—points which have not been fully considered in the surveys which have been made to date:

First. An intensive geological survey: This kind of survey is needed and should be made of the entire area to determine just where the sand and gravel lie below the surface. If these areas are not determined and not sealed by laying down clay, then when the reservoir is built water will seep into this gravel and sand and considerable damage could occur, undermining homes and roads in this heavily populated area. The Corps of Engineers has done a geological study of the damsite, but not a detailed geological study like I have mentioned.

This is the most important reason for my amendment. Preliminary studies by Purdue University experts reveal the existence of gravel and sand beds throughout the general region. If this is so, the area is in danger if the reservoir is completed as planned. Dr. Kohnke of Purdue University has estimated the silt-in to be 1 percent per year. This means that in 100 years, there would be no reservoir.

Second. There has been no upper watershed management in this area. And this is vital for decreasing the silting in the region. It seems to me we have turned around our priorities in this instance. Watershed management should begin first before construction on the reservoir, not the reverse. This is a subject which needs to be investigated and which has already had some consideration by the people in the area. This watershed management could be undertaken under the Soil Conservation Service—Public Law 566—and would be vital in preventing the loss of soil which in turn would reduce the silting.

Three. Finally, further study needs to be made of the economic impact of this reservoir on the area. If the reservoir goes through as planned, as much as 23,000 acres of land will be removed from the tax rolls and, in my estimation and others who have studied this problem, Tippecanoe County, an important part of my Second District will be the loser. Thousands of acres of rich farmland will be taken out of production. Further study needs to be made of the economic impact upon the people in the area—what specific economic and recreational benefits will be derived if any. To date, this has not been done.

In fact, even its flood control value has not yet been clearly defined nor has a solution to the pollution of Wildcat Creek been forthcoming.

In order to provide the needed funds for carrying out these further studies, my amendment appropriates an amount not to exceed $500,000 to initiate these advanced geological and engineering studies in lieu of the $800,000 line item in H.R. 18127.

In my estimation we just cannot begin the construction of this $41 million reservoir until these questions have been satisfactorily answered. In brief, what I am saying in this amendment is that funds for construction of the Lafayette Reservoir should be withheld until more detailed and extensive studies are completed. I, therefore, ask your wholehearted support for this amendment.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. RHODES, and by unanimous consent, Mr. LANDGREBE was allowed to proceed for 3 additional minutes.)

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. LANDGREBE. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Chairman, the gentleman from Indiana has made a very important statement, and made some points about this project which had not come to the attention of the committee. I can assure the gentleman, because I know he represents the district in which this project is to be located, that certainly it is not the wish or the desire of this subcommittee or the committee to build any project in the district of a Member which that Member does not desire.

The gentleman has asked for further studies concerning the underpinnings of the dam to make sure that it will not leak, and the gentleman has asked for other studies which come from, as I gather, from knowledge gained by some very competent people at Purdue University.

I would like to say to the gentleman, however, that I have never known the Corps of Engineers to build a dam that leaked. However, they may have.

However, the points which he raises are such that I believe it would behoove me, in fact, I would certainly insist—and I will insist—that the Corps of Engineers satisfy the Committee on Appropriations that these points have been considered and have been cleared up before they proceed to expend the funds which are provided in this bill for construction.

I hope the gentleman, however, will withdraw his amendment because we have no indication as to how much money these studies might take. There are funds available to the Corps of Engineers to make these studies and it would certainly be my intention as one member of the committee to insist that they do that before expending any further funds.

Mr. LANDGREBE. I have great respect for the gentleman from Arizona, and if he would give me—in fact I think he has given me this assurance that these studies will be made and that answers will be given to these questions which I posed in my formal remarks before proceeding with the purchase of land or the construction of the dam—and if that is what the gentleman's answer is implying in his comments, I will accept that.

Mr. RHODES. Would the gentleman from Indiana yield to the gentleman from Mississippi (Mr. Whitten)?

Mr. LANDGREBE. I yield to the gentleman from Mississippi (Mr. Whitten).

Mr. WHITTEN. I would like to say to the gentleman speaking for this side that we concur in the statement made by my colleague, the gentleman from Arizona, and we will be glad to join the gentleman in seeing that such action is taken.

Mr. LANDGREBE. With that assurance from the gentleman from Mississippi and the gentleman from Arizona, I will withdraw my amendment.

But first I would like to make some brief comments.

My amendment was offered in good faith. There are fine, responsible people in the Lafayette, Ind., area who do ask serious questions and I will expect the committee to review and to be sure that they have these questions answered to their complete satisfaction before the money is released for construction.

Mr. RHODES. The gentleman from Indiana has that assurance.

Mr. LANDGREBE. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. PRICE of Illinois. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, last Saturday, June 20, I had the pleasure of visiting the Batavia, Ill., site of the 200-billion-electron-volt accelerator at the National Accelerator Laboratory with the Honorable Chet Holifield, chairman of the Joint Committee on Atomic Energy. We discussed plans, programs and progress of the accelerator and the entire laboratory with Dr. Robert R. Wilson, the laboratory director and Dr. Edwin L. Goldwasser, the deputy director.

I would like to take this opportunity to briefly review the history, progress and predictions for this facility, the National Accelerator Laboratory, which will have the most energetic proton beam available in the world.

On January 26, 1965, President Johnson sent to the chairman of the Joint Committee on Atomic Energy a study entitled, "Policy for National Action in the Field of High Energy Physics." The report recommended—and I quote:

> Construction of a high energy proton accelerator of approximately 200 Bev, in accordance with technical specifications developed by Lawrence Radiation Laboratory, to be operated as a national facility. This machine should be authorized for design in fiscal year 1967, and for construction in fiscal year 1968.

During the initial deliberations on the proposed accelerator, the Joint Committee, being well aware of the fact that European scientists were discussing the possibility of building a 300-Bev facility, insisted that provisions be incorporated in designing the U.S. accelerator to permit an increased energy beam in future years without major modifications or major cost; that is, major relative to initial cost.

In the course of the AEC authorization hearings for fiscal year 1969, Dr. Wilson stated that not only had his staff been able to design the machine to reach its original intensity goal of 30 trillion protons per pulse, but that they had also incorporated an option to go to a higher energy than 200 Bev at a later date. On June 20, 1970, Dr. Wilson told us that the magnets designed for the main accelerator ring will be sufficiently flexible in operation to allow the acceleration of protons to energies of 500 Bev, although at reduced beam intensities. Continuous operation at 500 Bev with high-intensity beams should be possible with state of the art cryogenic magnets several years from now.

We also learned that in spite of the austere construction budgets of the past several years, and that proposed for fiscal year 1971, the first beam can be obtained by July 1971—if there is a continued absence of major labor problems. It should be noted, however, that by July 1971 the main laboratory building and the large experimental areas will not be completed. Nevertheless, there will be sufficient facilities available to perform meaningful and unique experiments which will be possible only at or slightly above 200 Bev and only at the U.S. National Accelerator Laboratory.

While the 200-billion-electron-volt accelerator at the National Accelerator Laboratory was fully authorized in Public Law 91–44, which was the fiscal year 1970 AEC Authorization Act, the Joint Committee has continued its interest in observing the progress of this outstanding project. Aside from the fine technological progress that I just reported was being made, in spite of operating budgets which are significantly reduced below those desired to keep development and construction within the original time schedule, the human impact is equally significant. At this time, I would like to focus on the human aspects of the work at the laboratory.

Since the inception of the laboratory, a sustained and successful effort has been made to recruit, train, and employ young people from minority groups in the ghettos. About 50 have been involved in the past 2 years and more than 40 are now employed. Similar summertime motivational programs were established as "youth opportunity programs" to demonstrate the advantages of studying for future employment in the scientific and technological fields. We can all take pride in the successes achieved by these programs.

Efforts to get black small business owners to bid for contracts have also been quite successful. For example, over 40 percent of the contracts below $10,000 for work in the old village of Weston, Ill., which is being adapted to laboratory needs, went to black-owned small businesses in the period September 1969 to March 1970. In April 1970 the laboratory announced the award of two contracts with a potential value of nearly $600,000 to a black-owned manufacturing company on Chicago's south side. They represent the largest contracts awarded by the laboratory to date to a minority entrepreneur and are equivalent to the largest contract value awarded by the laboratory to any single supplier in the Greater Chicago metropolitan area.

The third factor I would like to mention is open housing. Since the selection of the laboratory site, 54 cities, towns, and villages, of which 35 are within 30 miles of the site, have passed fair housing ordinances. I consider this to be an outstanding response to the promise made that housing would be available to all.

I point to these three activities because of their impact on the socioeconomic side of science.

I respectfully submit that the funds

XUM

requested for appropriation for the National Accelerator Laboratory for fiscal year 1971 are the absolute minimum that can be voted without seriously curtailing the entire laboratory program. I urge your continued support of this program.

Mr. BINGHAM. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, if I can have the attention of some member of the distinguished subcommittee, I have one or two inquiries that I would like to make.

I would like to commend the committee for its concern with the impact on the environment of many of these activities. But I see no discussion in the committee report of the affect on the environment of the weapons testing program of the AEC such as has been carried on at Amchitka, Alaska.

I note in the committee report the total figure for the weapons programs is $829,260,000.

I wonder if some gentleman from the subcommittee could enlighten me as to how much of that figure is for the weapons testing program as such?

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman.

Mr. EVINS of Tennessee. The gentleman has brought up a very important point. I understand AEC is proceeding to comply with the provisions of the National Environmental Policy Act of 1969 and will submit the required evironmental statements and reports.

This statute requires, if I may proceed——

XUM

Mr. BINGHAM. I did not get to that point yet.

I just asked what the figure was for the weapons testing program—what part of this $829 million that is given in the committee bill is the weapons program figure.

Mr. EVINS of Tennessee. I will say to the gentleman that a substantial amount is involved, about $200 million in total.

Mr. BINGHAM. I thank the gentleman.

I notice there is a reference to a specific reduction in the weapons testing program of $8 million—but no statement as to the total amount.

I would like to call the committee's attention to the fact that under legislation adopted by this Congress, Public Law 91-190, the National Environmental Policy Act of 1969, the agency which requests action on legislation which would have a major environmental impact is required to submit a statement with regard to the effect of that action on the environment—that is the environmental impact.

I understand that the statement in regard to the weapons testing program proposed for underground testing—and I have made inquiry elsewhere—has not been submitted. This is a matter, it seems to me, which should concern the Appropriations Committee and this House, as to whether the appropriations process should be carried through until the statement referred to in Public Law 190 has been submitted. I wonder if any member of the subcommittee would care to comment.

Mr. EVINS of Tennessee. I would say to my friend that I understand appropriate reports are being prepared to be submitted to the Appropriations Committee and other committees involved, principally the Joint Committee on Atomic Energy.

Mr. BINGHAM. I understand that in the other body the Chairman of the Appropriations Committee has shown his concern about this. He has said that he will not take further action on this bill until that statement has been prepared and submitted. I hope the appropriation process will not be completed until that is done.

Mr. EVINS of Tennessee. As soon as received, the statement will have the immediate attention of our committee. I am advised that the report is in the process of preparation.

Mr. BINGHAM. I thank the gentleman.

Mr. Chairman, I yield back the remainder of my time.

Mr. NELSEN. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. NELSEN. Mr. Chairman and Members of the Committee, I will be very brief. I just take this time to refer to the North Mankato project. I note there is an item in there to take care of it, and I just want to say "thank you" to the committee for taking care of a very necessary project and a very worthwhile one. I yield back the remainder of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for expenses of attendance by military personnel at meetings in the manner authorized by 5 U.S.C. 4110, uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed two hundred and three, of which one hundred and ninety-seven shall be for replacement only) and hire of passenger motor vehicles: *Provided,* That the total capital of said fund shall not exceed $178,500,000.

AMENDMENT OFFERED BY MR. VANIK

Mr. VANIK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VANIK: On page 10, after line 10, insert the following language:

Provided further, That none of the funds herein appropriated to the Corps of Engineers shall be used to dump polluted dredged materials into the Great Lakes or their tributaries.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. VANIK. Mr. Chairman, the purpose of my amendment is to prevent dredged material along the ports of the Great Lakes from being dumped into the open waters of Lake Erie and the other Great Lakes. Some years ago we started out on an effort to get the Corps of Engineers to provide for the establishment of dike areas for the containment of this material. In my particular community, the material is dredged out of a very heavily polluted river and is dumped out into the open waters of Lake Erie, where it continues to dissolve and spread pollution throughout the entire lake. I am sure the same pollution occurs—and I have discussed this problem with my colleagues—at other ports on the Great Lakes, where they have a similar problem.

I feel the only way we can bring an end to this kind of Federal contribution to the pollution of the Great Lakes is to prohibit the Corps of Engineers from dumping this dredged material into the open waters of the lake, upon which so many of us must depend for our fresh water supplies.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to my colleague, the gentleman from Illinois.

Mr. YATES. Mr. Chairman, let me tell the gentleman I made inquiry in the Committee on Appropriations respecting the practice of the Corps of Engineers in dumping polluted dredgings into Lake Michigan. We who come from Chicago are very much opposed to the practice, and we protested it, protested it strongly. As a result of the inquiry and the protest we have made, I am now told that with respect to Lake Michigan there will be no dumping of polluted dredgings in the Chicago and Green Bay area.

I can tell the gentleman however that polluted dredgings are still going to be dumped into Lake Michigan, because of the dredging the Corps of Engineers says is necessary, in the following areas: Sturgeon Bay, Kewaunee, Manitowoc, Sheboygan, Milwaukee, Kenosha, St. Joseph, South Haven, and Frankfort. I think this practice must be stopped to protect the waters of the lake.

I am told further that the Committee on Public Works has under consideration a bill providing for sharing costs with the local communities under which there will be a prohibition, of the kind that is contained in the gentleman's amendment, and by the year 1973, this cost study will be completed and incorporated in a bill that will be introduced out of the Committee on Public Works.

I agree with the gentleman this practice of dumping polluted dredgings into the Great Lakes should have been stopped a long time ago. The Great Lakes are our greatest single water resource in this country. I certainly do not want to have Lake Michigan die as did Lake Erie, where, as I understand it, there is a dead spot one mile in diameter. That area is still growing. The practice of the Corps of Engineers should be stopped. The polluted dredgings should not continue to be poured into the Great Lakes. I am told that cannot be stopped at this time, because the harbors will silt up. Thus, we have a choice of evils at the present time.

I think the gentleman from Ohio does a service to the country in calling attention to this evil practice, of dumping pollution into the Great Lakes. I urge this study by the Committee on Public Works be expedited so that the waters of the Great Lakes can be kept clean for future generations.

Mr. VANIK. Mr. Chairman, I compliment the gentleman from Illinois. He has done yeoman work in the committee on this. I hope he continues his efforts to see that there is adequate funding on this program.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, in view of the statement which was made by the gentleman from Illinois, I hope the amendment offered by the gentleman from Ohio will be withdrawn at this time for the reason that the effect will be to close a number of the harbors in this area as there will be a lack of places in which to put the dredgings. Those dredgings are being taken out of some waters to maintain navigation and being put back into somewhat the same waters. I hope it will be stopped, but we cannot completely solve the problem until the pending legislation is passed authorizing the funding of containment areas as part of the Corps operation and maintenance program. I believe the damage which would be caused by the amendment offered by the gentleman would far exceed the adverse effects of the present practice.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. YATES. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended by 2 minutes.

Mr. CONTE. Mr. Chairman, I object.

Mr. YATES. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, I would say we fully agree with the action desired by the gentleman from Ohio, but I concur with the statement of the gentleman from Illinois that the amendment would require the closing of harbors with damage far exceeding the benefits.

Mr. Chairman, I hope the gentleman will withdraw his amendment.

Mr. VANIK. Mr. Chairman, will the distinguished gentleman from Mississippi advise me whether there are funds in this bill to provide for studies of that problem? Are there funds available that could be used, for example, in the Cleveland Harbor area, which is the principal problem I have here?

Mr. WHITTEN. We have fully funded the pilot study in prior years and the recommended action, involving in-shore dredging is pending authorization. If authorized, I am sure the corps could initiate the program within available funds pending additional appropriations.

Mr. VANIK. Do I understand that after the legislative committee directs its attention to this problem, the gentleman's committee would direct its attention to funding this?

Mr. WHITTEN. After the legislative committee has taken action, that will be one of our first orders of business.

Mr. VANIK. Mr. Chairman, I support this legislation which will provide $1 billion in Federal funds for water pollution. This can be added to the $440 million remaining from last year which was not spent because of the administration's freeze on spending.

I supported the amendment offered by the gentleman from Michigan (Mr. Dingell) to increase the appropriation for the construction of badly needed waste treatment works by an additional $200 million. I regret that this amendment failed. The Nation will pay for its failure with the continuing flow of millions of gallons of untreated and poorly treated sewage and wastes into our waterways.

Today's bill does represent, however, an increase of $200 million over last year's appropriation. It is a step in the right direction. It is aid badly needed.

During consideration of this bill, I offered an amendment to prohibit the Corps of Engineers from spending funds to dump polluted dredged material into the Great Lakes and its tributaries. I shall withdraw this amendment after assurances by the distinguished gentleman from Mississippi, Jamie Whitten, that supplemental appropriations would be made for the construction of diked areas after the legislative committee, the House Public Works Committee, completed necessary prior action.

If the Public Works Committee approves of the administration's request for 50–50 funding in the construction of diked areas, it would provide no solution to the problem. My community does not have the financial sources for this level of contribution. An estimated $11 million diking program would require $5.5 million in local funds which is simply not available. The administration's proposal must be amended. The Federal Government must assume the full cost of preventing pollution of public waters through operations conducted by the U.S. Corps of Engineers.

In addition to waste treatment grants, this bill provides $3.9 million for research on Great Lakes pollution, considerably less than the $20 million authorized by the Water Pollution Control Act Amendments of 1970. It is my hope that this allocation can be increased in the supplemental appropriation or increased by the other body.

Of allocations for construction of waste treatment works made to the State of Ohio, $34,103,142 remains uncommitted with only 2 weeks remaining in fiscal 1970. This bill will add $40,850,000 to the funds available to Ohio for a total of $74,953,142. Up to the present time, Ohio's applications total $55,409,000, indicating that $19,500,000 of the allocation to Ohio may be lost unless the State of Ohio develops a meaningful program.

The Ohio program for pollution provides loans out of a $100,000,000 bond issue. These loans must be paid back to the State by the local communities. There are no Ohio grants. Therefore, Ohio will receive only 30 to 33 percent Federal matching funds while other States which make pollution grants will receive 50 to 55 percent Federal grants.

The people of Ohio are being denied a substantial part of their Federal tax dollars because of the arbitrary and shortsighted Ohio program.

My community has approved a $100 million bond issue to meet the water pollution problem of the Cleveland area. Because of the limitations of the Ohio program, the Cleveland plan is stalled on dead center while the pollution problem is aggravated by the hour.

The prospects are dismal, but I hope we can move toward realistic solutions to the pollution problems of Lake Erie—America's most critical pollution problem.

Mr. Chairman, I ask unanimous consent to withdraw the amendment I have offered.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The clerk will read.

The clerk read as follows:

CONSTRUCTION GRANTS FOR WASTE TREATMENT WORK

For grants for construction of waste treatment works pursuant to section 8 of the Federal Water Pollution Control Act, as amended, to remain available until expended, $1,000,000,000; *Provided,* That not to exceed $200,000,000 of such amount may be available for allocation to States based on eligibility for reimbursement under provisions of section 8(c) of the Act or severe local and basin-wide water pollution problems: *Provided further,* That sums not obligated at the end of the fiscal year from the amounts allocated to each State shall be reallocated in accordance with the provisions in the Act.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dingell: Page 14, strike out lines 6 and 7 and insert in lieu thereof the following: "$1,250,000,000: *Provided,* That not to exceed $250,000,000 of such amount shall be available for allocation to States".

Mr. DINGELL. Mr. Chairman, this is the amendment about which I have been in communication my colleagues in the House. It has the strong support of almost every one of the Governors of the States of the Union affected. Copies of their letters have been inserted in the Record from time to time by me. It has the support of every national conservation organization and the League of Women Voters.

It is a proposal which affords this Nation an opportunity to make good on a commitment made when the Congress passed the Clean Waters Restoration Act of 1966 by unanimous vote. It carries out the authorization by appropriating the full amount allocated under the law, and spends the money that we pledged we would at the time we passed the Clean Waters Restoration Act of 1966.

Mr. Chairman, I wish to commend my friends and colleagues on the Appropriations Committee. They have indeed been generous. This proposal which is before us today marks a momumental departure from the level of funding which has existed at times past. And, it is with some sadness I find myself here in the well of the House calling upon this body to appropriate more than the level which has been recommended by our very fine Appropriations Subcommittee.

While, I recognize that there are problems with the allocations formula, however, my colleagues will recall, there were also such problems, last year. When we went into the same question last year we were told there were difficulties with the formula and that it would be very difficult or impossible—to get the money allocated, to get the money out, and to get the money spent.

The fact of the matter is that we have done a great deal better than most people anticipated in terms of getting the money out, getting it spent, and getting the needed waste treatment plants on the road toward construction.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my good friend from Arizona.

Mr. RHODES. Just for a correction. The gentleman will recall that the Department of the Interior let it be known last year it could spend $600 million. Actually, the amount made available was something closer to a billion dollars.

Mr. DINGELL. The gentleman means $800 million plus the carryover.

Mr. RHODES. The gentleman will recall there was a carryover of some $150 million.

Mr. DINGELL. The gentleman is correct.

Mr. RHODES. The amount of carryover this year is close to $500 million, so they actually did not spend as much as they said they could.

Mr. DINGELL. I am very glad my friend has raised that question. I wish to acknowledge the point the gentleman makes.

I took the trouble to communicate—and I will insert in the RECORD immediately following this colloquy the communication I shall now refer to—with the Department of Interior by letter, requesting certain information as to carryover and programing.

It should be noted that the bill does a number of things. First, it appropriates a billion dollars. Second, it directs that $200 million of that be earmarked for paying up the sum of $800 million that the Federal Government owes the States for advances made by the several States to communities in reliance on the Clean Waters Restoration Act of 1966.

In response to my query, David Dominick, Commissioner of the Federal Water Pollution Control Administration, advised me I was correct in my understanding, that their latest estimate showed approximately $440 million of funds which had been allocated to the various States will remain unobligated as of June 30.

He points out that this is due to a series of causes. First, the very late date at which the money was made available by the Congress; secondly, the fact that the money was released very late by the Bureau of the Budget so that the Department of the Interior could not begin its allocation process; and, thirdly, he points out that the delay in getting this money spent is due to the practices of the States which, knowing they have 18 months in which to spend the money, usually hold back a goodly portion of their fund requests until the last 6 months. Indeed he points out, and I am not quoting from the letter:

> The latter fact, coupled with a tendency on the part of some States to spread funds utilization of over the permitted 18 month period provided by the Federal Water Pollution Control Act, as amended, will result in considerable activity in the period July 1, 1970 to December 31.

Then he follows up with:

> We anticipate that $290 million of the $440 million unobligated on June 30 will have been obligated by December 31. This will leave $150 million unobligated as of that time, which will be subject to reallocation to those States having an immediate need for such funds.

So I say as a matter of fact he points out there is going to be a very limited amount of funds carried over, a very limited amount.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. DINGELL was allowed to proceed for 5 additional minutes.)

Mr. DINGELL. So he points out that there is going to be only a modest carryover.

The Bureau of the Budget in its studies has pointed out some things to us which are, I think, quite important to the matter that is before us. They point out that during the forthcoming fiscal year it is anticipated that they will be able to program, allocate, and spend $1.130 billion. This is $130 million more than the Committee on Appropriations has very generously and let me say very, very wisely made available under the legislation that is before us. But if you consider the fact that $200 million of this is going to be earmarked for repayment of funds already expended and perhaps the Department of the Interior will want to make more of it available in the form of funds to States which have already expended it, they could come up with a situation where we could have much less money available for expenditure by the States making grants of Federal funds under the law here appropriated than would meet the eye.

So I make the point to my colleagues that it appears to me at least quite urgent that we should make the funds available in a sufficient amount. It is very clear from the backlog and carryover and the estimates of construction needs of this Nation that we can spend many times $1 billion. The fact that we are going to have a little bit of a carryover at the end of this year or have a little bit of a carryover at the end of next year is going to reflect prudence, economic wisdom and a real determination to get on with the business of cleanup. As a matter of fact, if the Department of the Interior wants to spend more money and gets cooperation from the Bureau of the Budget and gets the money early enough it can pay off the States, which have advanced funds in reliance on our promise of Federal repayment from the $800 million not so earmarked. We owe the States a debt of about $800 million for this. Indeed, if Bureau of the Budget anticipations are valid, we may even wind up with less money being appropriated than can actually be expended according to the Bureau of the Budget figures.

So I would urge my colleagues to support this very modest amendment which adds $250 million to the funds for construction and which increases by $50 million the amount which is allocated for repayment to the States in the form of funds already expended by them in reliance on anticipated Federal grants.

Mr. Chairman, there are just a couple of other points that ought to be remembered.

We have in the past weeks in this body increased the amounts of money for water and sewers.

In one instance a very striking amount was added for rural projects, new projects, administered by the Department of Agriculture. And, a little bit earlier than that there was about a $350 million increase in funds available to HUD which were overwhelmingly adopted.

Mr. Chairman, let me point out something else. The law requires—and this is an absolute mandatory provision of Federal statute—no grants under these programs for construction of sewers can be made until and unless there is an appropriate waste treatment plant waiting at the end of that sewer to receive the sewage that is coming into it. So, if this body wants the other appropriation we have already made for the construction of sewers to be meaningful and for that money to be spent, then we must increase the amount the Appropriations Committee has brought in here before this body to spend for grants to States for waste treatment construction. So, it becomes quite clearly necessary that we should expend the maximum amount.

Mr. Chairman, one additional point which I would like to make is the fact that very shortly before this body there is going to be a $1 billion authorization which will probably be funded in the forthcoming year for grants to States and municipalities for construction of water and sewer projects. If that program goes through again under existing law there is the requirement that there be a waste treatment plant waiting at the end of that newly constructed sewer or there can be no Federal grant. So, again, we have an urgent need to increase the program to a level at which it should be done.

Mr. Chairman, the last point I want to make—and the committee has been very generous—is this: There will, of course, be problems with the formula, but we have found that the problems anticipated with regard to the formula have not been as great as anticipated and I would urge the committee to adopt the amendment.

XUM

The letters referred to follow:

June 8, 1970.

Hon. David D. Dominick,
Commissioner, Federal Water Quality Administration, Department of the Interior, Washington, D.C.

Dear Commissioner Dominick: I would appreciate being provided with a report concerning the status of funds appropriated for the construction grant program authorized by the Clean Water Restoration Act of 1966.

It is my understanding that the latest estimate shows that some $440 million in funds have been allocated to the various States will remain unobligated as of June 30, 1970. I would appreciate being advised as to whether this estimate is correct. If not, what is the correct amount?

Under the terms of the Act funds allocated during a given fiscal year remain available to the State to which said allocation was made until six months following the end of that fiscal year. Since the increased appropriation for fiscal year 1970 was not made available to the States until several months after the start of the fiscal year, is it not true that some States have found it difficult to make timely obligations of the funds allocated to them? Will not these States in all probability make use of their allocations, in total or in part, during the six months following the end of fiscal year 1970? What is your estimate of the funds which will be unobligated at the end of the six month period following the end of the fiscal year.

Since the House Committee on Appropriations expects to report the public works appropriation bill in the near future, I would appreciate an expedited answer to the questions I have posed.

Thank you for your attention to my request.

With every good wish,
Sincerely yours,
John D. Dingell,
Member of Congress.

U.S. Department of the Interior,
Washington, D.C., June 22, 1970.

Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Mr. Dingell: Thank you for your letter of June 8 pertaining to utilization of funds appropriated for grants for construction of waste treatment facilities.

You are correct in your understanding that our latest estimate shows that approximately $440 million in funds which have been allocated to the various States will remain unobligated as of June 30, 1970. Delays in the processing of grant applications by some States have made it difficult to insure timely obligation of funds for approved projects.

The latter fact, coupled with a tendency on the part of some States to spread fund utilization over the permitted 18 month period provided by the Federal Water Pollution Control Act, as amended, will result in considerable activity in the period July 1, 1970 to December 31, 1970. We anticipate that $290 million of the $440 million unobligated on June 30 will have been obligated by December 31. This will leave $150 million unobligated as of that time, which will be subject to reallocation to those States having an immediate need for such funds.

If we can be of further assistance, please let us know.

Sincerely yours,
David D. Dominick,
Commissioner.

Mr. RHODES. Mr. Chairman, I move to strike the requisite number of words.

Mr. MINSHALL. Mr. Chairman, will the gentleman yield?

Mr. RHODES. Yes, I yield to the gentleman from Ohio.

Mr. MINSHALL. Mr. Chairman, I emphatically support the amendment to provide full funding of $1.250 billion to finance the clean waters program.

It seems to surprise many who know my record as one of the most economy-minded Members of Congress, and particularly in my Defense subcommittee where I have fought over the years to cut many billions in needless spending, when I take the floor to ask for more money than the Appropriations Committee proposes. I have often pointed out that billion-dollar spending programs are not the appropriate panacea for every national ill, and I shall always strongly fight the tendency to dip into taxpayers' pockets on the pretext that spending and spending alone can solve critical problems.

In the matter of environmental pollution, however, the solution is implicit in an accelerated spending program which will construct antipollution facilities, which will support intensified research into new means of preserving environmental integrity.

The amendment before us now is a very concrete example of this type of positive, constructive expenditures which will pay lasting dividends. It further has the support of an overwhelming majority of American taxpayers who are justifiably alarmed about the deterioration of our lakes, rivers, and streams.

You may recall that last October 8 when the fiscal 1970 Public Works Appropriation came before the House, I offered the Minshall amendment to increase clean water funds from $600 million to $1 billion. While this was rejected by just two votes the impetus of this action carried over to the Senate where $1 billion was approved.

Conferees settled at an $800 million compromise, but the victory of achieving a $200 million increase, in the words of my good friend and colleague, the gentleman from Michigan (Mr. Dingell) in his February 26, 1970, letter to me, "made it possible for a substantial increase in waste treatment plant construction activity."

I agree with him completely that it would be tragic if the momentum we gained should be lost on the floor today. Accordingly, I was pleased to pledge to him early in March my efforts toward achieving full funding of $1.25 billion in fiscal 1971 construction grants.

In doing so, I take some pride in the fact that my amendment last October was responsible for stepping up fiscal 1970 funds and encouraging support for even greater financial endeavors for fiscal 1971. And, I am proud, too, of the letter I received from colleagues from across the aisle last October 13, just after the debate in the House:

Congress of the United States,
House of Representatives,
Washington, D.C., October 13, 1969.

Dear Colleague: We wish to thank you for your support of our endeavor for full funding of the Clean Water Restoration Act of 1966, to make available $1 billion for grants to States and municipalities for construction of sewage treatment facilities. Although we did not achieve the full sum, your support helped make possible an appropriation of some three times the budget request. This is something in which you may take justifiable pride.

During the coming year, we will be seeking other legislative actions to further advance the cause of clean water, and we hope that we may call upon you again for your kind and invaluable assistance.

With warm good wishes,
Sincerely yours,
John P. Saylor,
Henry S. Reuss,
Jim Wright,
John D. Dingell,
John A. Blatnik,
Michael A. Feighan,
Paul N. McCloskey, Jr.,
Members of Congress.

This was a truly bipartisan effort last fall, as it must be again today. I strongly urge adoption of the amendment to provide full funding and trust that a majority of this House is now fully alert to the fact that clean water is a top priority item on the national agenda.

Mr. RHODES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Michigan has made a very persuasive argument and I would like to indicate to him and to the House right now that I take off my hat to no Member in my desire and in my feeling of haste to get the proper waste disposal plants constructed in this Nation. Certainly we all feel that way. If it were possible under the legislative formula under which these funds are allocated to do it faster and to do the job better, then, very likely, we would be appropriating more money because it probably could be used.

Mr. Chairman, there is not any doubt but what the need exists. However, the facts are these, ladies and gentlemen of the House and Mr. Chairman, and they are irrefutable.

Last year we had available for this particular purpose something like $900 million. We are going to have a carryover of at least $440 million. Now, in this bill is $1 billion in new appropriations. So available for this program next year will be a total of at least $1,440 million. Now, the gentleman from Michigan himself said that the most that could possibly be spent was $1,130 million. So, on that basis we are appropriating about $330 million more than even the gentleman from Michigan thinks we can use.

The facts are that the committee has changed the formula in this particular bill if it remains as it is to provide that of the $1 billion we would make available, $800 million would be distributed under the old formula based primarily on population.

Two hundred million dollars would be distributed to the States which have already gone further than the Federal program would finance, and which are entitled to be reimbursed. The gentleman's own State of Michigan will get back about $19 million in reimbursements under this revision of the formula. We are trying to help the States which have gone ahead and prefinanced the Federal share on approved projects.

Mr. DINGELL. Mr. Chairman, if the gentleman will yield, I would advise the gentleman, and I wish to commend the committee, because they have done a

XUM

splendid job, and I just want them to do a better job—but to answer the points the gentleman raises, he is correct in what the bill authorizes, and it does authorize a $200 million reimbursement. That is very good. This actually tends to reduce the amount by about $350 million less than the Bureau of the Budget has said was necessary. That is why I set my figure at a modest $250 million so that we would be trying to get closer to the Bureau of the Budget's estimates.

Mr. RHODES. The gentleman from Michigan uses figures which confuse me, as they did in his original presentation. As to the amounts referred to, there is absolutely no way to spend it. In the original legislative bill and it was good legislation, the only amount which would have been authorized this year was $1.250 billion. We are going to make provision for $1.44 billion. I am at a loss to know how the gentleman arrives at the fact that this program is merely adequate when it is nearly perfect.

Mr. DINGELL. If the gentleman will yield further, the gentleman has pointed out to this body that the committee has made available $800 million for formula allocations, and that $200 million are reimbursements. The Bureau of the Budget has said that, on the formula basis, this is $1.3 billion.

Mr. RHODES. Let me correct the gentleman's figures, then. Eight hundred million dollars, plus $440 million is $1.24 billion, which is $110 million more than the Bureau of the Budget says they can spend.

Mr. DINGELL. Even taking those figures——

Mr. RHODES. They are your figures.

Mr. DINGELL. Well, taking my figures, and not going into the fact that the Department of the Interior has indicated that only $150 million will be carried over at the end of the calendar year——

The CHAIRMAN. The time of the gentleman has expired.

Mr. RHODES. Mr. Chairman, I urge that the amendment be defeated.

Mr. WHITTEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Michigan.

I would like to state that I appreciate the comments of my friend, the gentleman from Michigan (Mr. DINGELL). He has been most complimentary to the committee and the subcommittee. And they did work hard trying to carry out the desires that our colleague, the gentleman from Michigan, has.

We have used some words rather loosely around here when we talk about expenditures. What we are really talking about here is the allocation of funds. Under the original allocation formula the Bureau of the Budget had to ask for more funds than really necessary in the overall in an effort to meet the needs of a small number of States.

The committee, in trying to meet that problem, has recommended several changes, and our colleague, the gentleman from Michigan, has not objected because they are good changes. They are very significant and they are needed.

What we have done is provide $1.4 billion plus, to carry out the pending grant applications of $1.5 billion, practically the entire amount of all the so-called pending applications which frequently are only letters of intent. Many involve projects on which the localities have not had the opportunity to complete their proposals, the engineering and design, or have assurances of local matching funds. They represent the desires of those communities, and they probably will be finalized and constructed eventually, but may require many years before funding is necessary.

We have also revised the time period for reallotment of funds not utilized by States from 18 to 12 months. This will help greatly in expediting the availability of additional funds to those States which can evidence current need over and above their allocation under the formula.

Under this committee action, of shortening the time when funds can be reallocated from 18 months to 12 months, some $210 million more will be available on June 30, 1971, for reallotment than would be available under the existing formula.

In summary, the committee feels that it has provided adequate funds to meet virtually all of the pending applications for new grants; has provided $200 million to initiate reimbursement of the States which have prefinanced projects; and has shortened the time period for the reallocation of unutilized State funds. In so doing it has really met all of the essential requirements of the program for the coming fiscal year. Certainly we have provided for the States a much better program than would be possible under the gentleman's own amendment under the existing allocation formula.

So I ask you to stand by the committee. We tried to do a good job and I think we have.

Mr. EVINS of Tennessee. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, to reemphasize what has been said, last year we provided $800 million and they have only expended about $247 million as of June 1. They have $553.5 million available as of June 1 and this $553.5 million is available now—plus $1 billion more in this bill. Only $54 million was obligated in May.

At least $1.44 billion will be available in fiscal year 1971 and the agency estimates $360 million of this will be available for reallotment to any States which have additional needs in excess of their allocation.

So there are ample funds here. There is more than they can use. So this amendment should be defeated.

Mr. FEIGHAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the well-being of our Nation depends on a continuing commitment to maintain a healthy environment, and water pollution abatement and control must be one of the essential parts of this goal.

The massive problem of water pollution is one that we must act on immediately. Time is not on our side.

One of the worst examples of the harmful effects of water pollution is Lake Erie, which is becoming a dead lake. Unless we take immediate and drastic action, according to the U.S. Public Health Service, Lake Erie is doomed to total death—that is, a situation where it will be unable to support any form of life whatsoever. Furthermore, and even more threatening, we are warned that this lake, virtually dead now, could be a foreboding of what lies ahead for many more of our Nation's waterways.

The drive to abate and control water pollution has been lagging. This is partly because of insufficient funding from the Federal Government. If we further delay in taking corrective action, we will increase by a large amount the eventual cost of water pollution abatement and control. Furthermore, it will impose an unnecessary and continuing threat to the health and welfare of our Nation and our people.

Four years ago Congress passed the Clean Waters Restoration Act of 1966. Now it is time to live up to the full commitment made in that act, something we have not done in the past. The Clean Waters Restoration Act authorizes appropriations of $1.25 billion in fiscal year 1971. It is imperative that we appropriate the full amount—$1.25 billion.

I urge support of this amendment.

Congress recognized by the Clean Waters Restoration Act that the Federal Government has definite responsibilities for halting water pollution. Let us now act on the commitment we made 4 years ago. Certainly our Nation has the resources to do so.

Mr. OBEY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the Appropriations Committee, and especially its Public Works Subcommittee, deserves considerable credit for presenting to this House today a bill containing $1 billion for sewage treatment grants under the Clean Water Restoration Act of 1966.

The changes proposed with regard to the allocation of the money—80 percent to the States on the basis of population, 20 percent to retire reimbursable debts owed to States for prefinancing the Federal share of grants, and the reallocation of the money at the end of 12 rather than 18 months—are particularly significant, and will certainly help to maximize the benefits which will be gained from the expenditure of this money.

It is my belief, however, that this House could, with ample justification, appropriate the full $1.25 billion authorized by the Congress for waste treatment facilities. That is why I support the Dingell amendment.

The committee will tell you that this bill provides for $1 billion in new appropriations to which can be added a carryover of $440 million, for a total of $1.4 billion. But the need far exceeds that.

At the present time there are applications for sewage treatment grants in FWPCA regional offices totaling about $0.5 billion. Additional applications for grants totaling $1.08 billion are in State water pollution agencies, for a total of $1.5 billion or $100 million over what the committee is providing.

XUM

Furthermore, the best information I can obtain indicates that there may be up to another $250 million in grant requests now in local agencies which will be eligible for funding by the end of the 1971 fiscal year.

In addition to this are the reimbursables now owed to various States which have prefinanced to Federal share of water treatment projects, on the assumption that they would later be reimbursed by the Federal Government. There is a total of about $400 million in "earned" reimbursables now owed to the States. The bill proposed by the committee would provide enough funds to repay $200 million of this, but another $200 million would not be financed.

The potential need then is not just the $1.4 billion which is made available through a new appropriation of $1 billion and a $440 million carryover. The need is $1.9 billion—$1.5 billion in grant requests and $400 million in reimbursables—plus whatever new local grant requests will become eligible for financing by the end of the fiscal year.

When the Clean Water Restoration Act was passed by the Congress it was a recognition that our waters are not clean, and that major action had to be taken to help provide financial help to State and local units of government to clean up the rivers and streams of this country. Our States were accepting on good faith the fact that this help would be coming from the Federal Government. Many prefinanced the Federal share of local grants so that they could start pollution abatement programs quickly, and in a sense it is these very States which acted most quickly to clean up their waters that may now be left holding the bag unless the Congress fully funds the pollution program before us today.

In my own State of Wisconsin many millions of dollars were prefinanced on the assumption that the Federal Government would eventually come through with its full share for our pollution abatement construction projects, but to quote from a letter from the Governor of our State on this matter:

> While we have built a feature into our law which will permit state advances of federal funds, we are extremely hesitant about utilizing this method in the face of a possibility that the reimbursement provisions may be stricken from the federal program.

With the increased realization in recent years that we must act now to clean up our environment, more and more States have adopted water quality standards. With the passage of the Water Quality Improvement Act a few months ago, we even extended the kinds of pollutants—in this case pesticides—which will be considered in setting those standards. The House has added more funds for water and sewer lines in both the HUD and agriculture appropriations bills. But additional funds for water and sewer lines will be of little help unless we have adequate waste treatment plants at the end of those lines.

We have the technology available today to clean up our waters. We must ask ourselves whether we have the will and the commitment to do so. Just 2 months ago on "Earth Day" many of us set forth goals for cleaning up the environment. But we cannot fool ourselves. It will cost money to achieve these goals. Some of that money would be provided in this legislation. It is time, I think, that the Congress must match its promise with its performance with regard to clean water, or face a widening of the credibility gap between the Federal Government and our State and local governments. It is no longer enough for Government to make a good effort to clean up our waterways. We must make our best effort and we must make it now.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of Congressman DINGELL's amendment which would provide full funding for the construction of waste treatment facilities.

The Clean Water Restoration Act of 1966 called for a steady rise over 5 years in Federal matching grants to States for sewage treatment facility construction—from $150 million in fiscal year 1967 to $450 million in 1968, $700 million in 1969, $1 billion in 1970, and $1.25 billion in 1971.

Only $567 million was appropriated during the first 3 years. Last year the administration requested $214 million, but Congress appropriated $800 million to clean up our Nation's waterways. Of this $800 million, the administration will have obligated only $515 million by June 30, 1970.

Can the money be spent wisely? Do the States feel that they can use these funds to clean up their streams, lakes, rivers, and harbors? The answer is yes. As of February 28, 1970, pending applications for construction grants for waste treatment facilities totaled $1.7 billion. California alone has $57 million worth of applications that are awaiting approval and funding. Many say that even this amount is unrealistically low.

Mr. Chairman, in order to restore our waterways to a decent condition, we must back up our good intentions, our lofty rhetoric, with cash. Our society is demanding that the streams, lakes, and coastal waters, in addition to serving obvious water supply needs, be fit for recreational uses, such as swimming and boating, and also be pleasing to the sight and smell.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The question was taken; and on a division (demanded by Mr. DINGELL), there were—ayes 28, noes 81.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. WHITTEN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ASPINALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 18127) making appropriation for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. WHITTEN. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

SUBMISSION OF CONFERENCE REPORT ON S. 1519, NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Mr. PERKINS submitted the following conference report and statement on the bill (S. 1519) to establish a National Commission on Libraries and Information Science, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91–1226)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1519) to establish a National Commission on Libraries and Information Science, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "National Commission on Libraries and Information Science Act".

STATEMENT OF POLICY

SEC. 2. The Congress hereby affirms that library and information services adequate to meet the needs of the people of the United States are essential to achieve national goals and to utilize most effectively the Nation's educational resources and that the Federal Government will cooperate with State and local governments and public and private agencies in assuring optimum provision of such services.

XUM

COMMISSION ESTABLISHED

SEC. 3. (a) There is hereby established as an independent agency within the executive branch, a National Commission on Libraries and Information Science (hereinafter referred to as the "Commission").

(b) The Department of Health, Education, and Welfare shall provide the Commission with necessary administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) for which payment shall be made in advance, or by reimbursement, from funds of the Commission and such amounts as may be agreed upon by the Commission and the Secretary of Health, Education, and Welfare.

CONTRIBUTIONS

SEC. 4. The Commission shall have authority to accept in the name of the United States grants, gifts, or bequests of money for immediate disbursement in furtherance of the functions of the Commission. Such grants, gifts, or bequests, after acceptance by the Commission, shall be paid by the donor or his representative to the Treasurer of the United States whose receipts shall be their acquittance. The Treasurer of the United States shall enter them in a special account to the credit of the Commission for the purposes in each case specified.

FUNCTIONS

SEC. 5. (a) The Commission shall have the primary responsibility for developing or recommending overall plans for, and advising the appropriate governments and agencies on, the policy set forth in section 2. In carrying out that responsibility, the Commission shall—

(1) advise the President and the Congress on the implementation of national policy by such statements, presentations, and reports as it deems appropriate;

(2) conduct studies, surveys, and analyses of the library and informational needs of the Nation, including the special library and informational needs of rural areas and of economically, socially, or culturally deprived persons, and the means by which these needs may be met through information centers, through the libraries of elementary and secondary schools and institutions of higher education, and through public, research, special, and other types of libraries;

(3) appraise the adequacies and deficiencies of current library and information resources and services and evaluate the effectiveness of current library and information science programs;

(4) develop overall plans for meeting national library and informational needs and for the coordination of activities at the Federal, State, and local levels, taking into consideration all of the library and informational resources of the Nation to meet those needs;

(5) be authorized to advise Federal, State, local, and private agencies regarding library and information sciences;

(6) promote research and development activities which will extend and improve the Nation's library and information-handling capability as essential links in the national communications networks;

(7) submit to the President and the Congress (not later than January 31 of each year) a report on its activities during the preceding fiscal year; and

(8) make and publish such additional reports as it deems to be necessary, including, but not limited to, reports of consultants, transcripts of testimony, summary reports, and reports of other Commission findings, studies, and recommendations.

(b) The Commission is authorized to contract with Federal agencies and other public and private agencies to carry out any of its functions under subsection (a) and to publish and disseminate such reports, findings, studies, and records as it deems appropriate.

(c) The Commission is further authorized to conduct such hearings at such times and places as it deems appropriate for carrying out the purposes of this Act.

(d) The heads of all Federal agencies are, to the extent not prohibited by law, directed to cooperate with the Commission in carrying out the purposes of this Act.

MEMBERSHIP

SEC. 6. (a) The Commission shall be composed of the Librarian of Congress and fourteen members appointed by the President, by and with the advice and consent of the Senate. Five members of the Commission shall be professional librarians or information specialists, and the remainder shall be persons having special competence or interest in the needs of our society for library and information services, at least one of whom shall be knowledgeable with respect to the technological aspects of library and information services and sciences. One of the members of the Commission shall be designated by the President as Chairman of the Commission. The terms of office of the appointive members of the Commission shall be five years, except that (1) the terms of office of the members first appointed shall commence on the date of enactment of this Act and shall expire two at the end of one year, three at the end of two years, three at the end of three years, three at the end of four years, and three at the end of five years, as designated by the President at the time of appointment, and (2) a member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

(b) Members of the Commission who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the Commission or otherwise engaged in the business of the Commission, be entitled to receive compensation at a rate fixed by the Chairman, but not exceeding the rate specified at the time of such service for grade GS–18 in section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of the Commission away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(c)(1) The Commission is authorized to appoint, without regard to the provisions of title 5, United States Code, covering appointments in the competitive service, such professional and technical personnel as may be necessary to enable it to carry out its function under this Act.

(2) The Commission may procure, without regard to the civil service or classification laws, temporary and intermittent services of such personnel as is necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate specified at the time of such service for grade GS–18 in section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of the Commission away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. There are hereby authorized to be appropriated $500,000 for the fiscal year ending June 30, 1970, and $750,000 for the fiscal year ending June 30, 1971, and for each succeeding fiscal year, for the purpose of carrying out the provisions of this Act.

And the House agree to the same.

CARL D. PERKINS,
JOHN BRADEMAS,
PATSY MINK,
OGDEN REID,
WILLIAM A. STEIGER,
Managers on the Part of the House.

CLAIBORNE PELL,
RALPH YARBOROUGH,
JENNINGS RANDOLPH,
HARRISON A. WILLIAMS,
EDWARD M. KENNEDY,
WALTER F. MONDALE,
THOMAS F. EAGLETON,
WINSTON L. PROUTY,
JACOB JAVITS,
PETER H. DOMINICK,
GEORGE MURPHY,
RICHARD SCHWEIKER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill, S. 1519, to Establish a National Commission on Libraries and Information Science, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommend the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a new text. The House recedes from its disagreement to the Senate bill with an amendment which is a substitute for both the Senate bill and the House amendment.

Except for minor clarifying, conforming provisions this statement explains the action of the managers on the part of the House.

The Senate bill established the Commission within the Office of the Secretary of Health, Education, and Welfare, while the House amendment established the Commission as an independent agency in the executive branch of the Government. The conference report adopts the provisions of the House amendment.

The two versions of the bill differed with respect to the administrative provisions for the Commission. The conference report adopts the provisions of the House amendment.

The Senate bill authorized the Commission to accept contributions of money and immediately disburse same for the purposes of the Commission. The House amendment did not contain these provisions. The conference report adopts these Senate provisions.

The Senate bill provided that the Commission shall have responsibility for developing or recommending plans for the National policy, while the House amendment limits the function to developing plans. The conference report adopts the provision of the Senate bill.

The Senate bill explicitly included language relating to special library and informational needs of rural areas, while the House amendment did not. The conference report adopts the provision of the Senate bill.

The Senate bill required an appraisal of resources and services, while the House amendment confined the appraisal to resources. The conference report adopts the Senate provision.

The House amendment stated that the Commission shall appraise "deficiencies" of library and information resources, as well as their "adequacies", while the Senate bill did not. The conference report adopts the House provision.

XUM

The Senate bill required that the Commission advise Federal, State and local agencies regarding libraries and information sciences. The House amendment contained no comparable provision. The conference report contains the provision of the Senate bill but modifies it to authorize, but not to require the Commission to furnish such advice.

The Senate bill required reporting through the Secretary to the President and Congress. The House required reporting directly to the President and Congress. The conference report adopts the provision of the House amendment.

The Senate bill set January 31 as the reporting date, while the House amendment specified January 1. The conference report contains the provisions of the Senate bill.

The House amendment authorized reports in addition to the annual report, while the Senate bill did not. The Conference report adopts the provision of the House amendment.

Section 6 of the Senate bill and Section 6 of the House amendment specified the composition and membership of the Commission. They differed in a number of respects and substantively in the following particulars:

(1) Both bills provided for a fifteen member Commission. The Senate bill specified that the Librarian of Congress be a statutory member of the Commission while the House amendment did not.

(2) The Senate bill provided that at least five members of the Commission be professional librarians or information scientists while the House amendment set five as the maximum number of such professionals.

(3) The Senate bill but not the House amendment required that at least one member of the Commission be knowledgeable with respect to the technological aspects of library services.

The conference report rewrites Section 6 with the resolution of these differences as follows:

(1) The conference report provides for a fifteen member Commission and specifies that the Librarian of Congress be one of the members of the Commission with the other members of the Commission being appointed by the President with two to serve initially for one year, three to serve initially for two years, three to serve initially for four years and three to serve initially for five years. After the expiration of such terms the conference report provides that the terms of office of the members of the Commission shall be five years.

(2) The conference report provides that only five members of the Commission shall be professional librarians or information scientists and the remainder shall be persons having a special competence or interest in the needs of our society for library and information services. The conference substitute requires that at least one member of the Commission be knowledgeable with respect to the technological aspects of library services.

The Senate bill increased the authorization to $750,000 in fiscal year 1971, while the House amendment maintained the authorization at $500,000. Both the Senate bill and the House amendment authorized an appropriation of $500,000 for fiscal year 1970. The Senate limited the appropriation in the following fiscal years to $750,000 each year. The House amendment placed no ceiling on appropriations for fiscal years after fiscal year 1970. The conference report adopts this provision of the Senate bill.

CARL PERKINS,
JOHN BRADEMAS,
PATSY MINK,
OGDEN REID,
WILLIAM A. STEIGER,
Managers on the Part of the House.

COL. ROSCOE TURNER: R.I.P.

(Mr. BRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRAY. Mr. Speaker—

O I have skipped the surly bonds of earth,
And danced the skies on laughter-silvered wings.

Son of a Mississippi farmer, who was opposed to young Roscoe's desire to be a railroad engineer because it was "too dangerous," he was in the front rank of that wild and wonderful breed of men whose glamorous and hazardous exploits in aviation between the two World Wars thrilled and astounded the world.

Sunwards I've climbed, and joined the tumbling mirth
Of sun-split clouds, and done a hundred things
You have not dreamed of! Wheeled and soared and swung,
High in the sunlit silence; hovering there,
I've chased the shouting wind along, and flung
My eager craft through footless halls of air.

Intrigued by the sight of some training planes, sent by the Federal Government to the old Memphis Driving Park, he tried to join up—but the Army was not interested. One month after the United States entered World War I, Roscoe Turner was in uniform: in the Ambulance Corps. But he wound up in the balloon service, as an observer, and in 1919 was discharged as a first lieutenant.

Up, up the long, delirious burning blue
I've trod the wind-swept heights with easy grace,
Where never lark, nor even eagle, flew. . . .

A lion tamer immediately after World War I, he switched to parachute jumping with an air circus, and became a qualified pilot and stunt flyer. Few in his era were to fly faster than he did—in 1930 he set an east-west transcontinental record of 18 hours, 43 minutes, a truly astonishing feat for the day—and was on his way to becoming one of the leading heroes in the sport of setting air records, until the advent of World War II in 1939 stilled forever the roaring, snarling sounds of tiny Wasp-Senior and Wedell-Williams racing planes hurling around the pylons at over 300 miles an hour.

Seven times he broke transcontinental speed records; three times he won the Thompson Trophy prize for the annual 300-mile race; three times, the Harmon Trophy, given to the country's top speed pilot, and also took the Bendix cross-country race plus any other number of top prizes. It was an age of color and splendor; the American people wanted their heroes to be glamorous and outstanding, and Roscoe Turner gave his public what they sought. It was not unusual to see him striding down the street, dazzling in a blue tunic with gold braid, parachute slung over his shoulder, and his pet lion, "Gilmore," on a leash, or in his favorite uniform: blue tunic, fawn-colored breeches, knee-length boots, Sam Brown belt and crimson flying helmet. An individual in an age of individualists, the famous cartoon character "Smilin' Jack" was based on the image Turner presented. And through the 1930's, uncounted thousands of spellbound boys huddled over their radios, listening in quivering excitement to the dramatized adventures of Col. Roscoe Turner and his air aces.

Capt. Eddie Rickenbacker said in 1938 that Roscoe Turner had done more for aviation than any man in the United States. During World War II he helped train over 3,500 cadets and instructors for the Army Air Forces. Up until 3 years ago, he continued to fly, piloting the latest military jet planes. In 1952 the Air Force awarded him the Distinguished Flying Cross in recognition of his racing exploits and wartime training service.

A friend remembers Roscoe Turner once saying "When I get so old I cannot come over here and look over the field and hear the engines, I want to die." There is something particularly sad; there is an unusual sense of loss; there is a larger void than otherwise—when a man like Roscoe Turner passes from amongst his fellow men. Those of us privileged to know him, and to call him "Friend," will always carry in our hearts and cherish the memory of this man, one of the last of his kind.

And while, with silent, uplifted mind, I've trod
That high, untrespassed sanctity of space
Put out my hand, and touched the face of God.

His kind seldom comes among us and, thank God, there is something in the soul of this country, and, indeed, of men everywhere, that thrills to their presence when they do. He is gone, and something has passed with him that will never come again. "Clear," and "Contact," have sounded for him for the last time; the chocks have been pulled away from the wheels, and he has departed on that great eternal flight. Those who knew him will always like to think that somewhere in the vast universe Col. Roscoe Turner's spirit is still at the controls, but his race course is the cosmos, and the pylons marking the turns are the planets, and the stars.

When my life on earth is ended, and my work at last is done,
I'll set down my wings forever, on the Airdrome of the Sun.
Where that Greater One keeps vigil, our CO, our Flying Boss,
He whose wingspread fills the Heavens; from Polaris to the Cross.

Godspeed, Roscoe. Clear the throttle, and open sky.

THE 18-YEAR-OLD VOTING BILL

(Mr. HALEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALEY. Mr. Speaker, yesterday, I read in the Fort Myers News Press, a fine editorial which expresses very well some of the same criticisms I have had to giving the vote to 18-year-olds through a simple act of Congress rather than through a constitutional amendment.

As the editor says, the bill, which is now Public Law 285, is a mockery of the

XUM

other voting rights amendments to the Constitution, and of the Florida Constitution and Legislature because there is a similar amendment coming up for vote this fall in our State. In effect, Congress has now deprived not only Florida but all States from allowing its voters to have a say so in the matter of the 18-year-old vote.

From still another standpoint, I feel that the new law is a mockery. To me it is misleading to our 18- to 20-year-olds, who will now believe they are being given the great privilege of adult citizenship, when, in my opinion, it makes them second class citizens in some respects. That is, it does not confer upon them all the privileges and responsibilities of true adulthood, such as the right to own property, to be treated as an adult before the courts of the land, to sue and to be sued, to marry without parental consent, to serve on juries, to be responsible for their own debts, to be eligible to hold public office, and to be served alcoholic beverages in a cocktail lounge.

There is no disputing that many young people at 18 years old are mature enough and have sufficient experience to vote and perform the full responsibilities of citizenship. But because the years between 18 to 21 are some of the most formative years of anyone's life, some in this age group will not be prepared to accept the responsibility of adulthood, including the right to vote in all elections.

I therefore think it even more urgent that the people of this country be allowed to grant the right to vote to 18- to 20-year-olds because it is they who know best the abilities of our young people and it is they who must live with whatever the ultimate decision is to be.

The Fort Myers News-Press editorial, "The 18-Year Voting Bill a Mockery," is worthy of careful reading. It follows:

THE 18-YEAR VOTING BILL A MOCKERY

By its action to give the vote to 18-year-olds by means of a bill instead of a constitutional amendment, Congress makes a mockery of the three voting rights amendments previously written into the U.S. Constitution. These are the 15th Amendment which abolished race as a voting qualification in 1870, the 19th Amendment which granted suffrage to women in 1920, and the 24th Amendment which abolished the poll tax in 1964. What point is there now to these amendments and to the long controversies which attended their ratification by the states if Congress can do what these amendments did simply by passing a bill?

Congress also makes a mockery of the Florida Constitution and Legislature. Our state constitution sets the voting age at 21. The Legislature has approved an amendment to be voted on by the people in November to reduce the age to 18. But Congress has deprived the Florida voters of their voice in the matter. If they approve the state amendment, their action will be superfluous for Congress will have settled the matter itself. But what is worse, if the people reject this amendment and show by their votes that they do not favor lowering the voting age to 18 in this state, they will find their wishes flouted and their decision overridden by Congress.

President Nixon has declared himself in favor of lowering the voting age to 18 but by constitutional amendment and not by statute. If he has the courage of his conviction he will veto this bill. But the 18-year-old voting provision is a rider tacked onto a bill extending the 1965 voting rights act. This act, enforcing the voting rights of minorities, will expire this year if not continued. So the word from Washington is that Nixon may sign the bill or let it become law without his signature.

Provision is being made for a Supreme Court test of the measure if it becomes law but the legal groundwork already has been laid by which the court could uphold it. The 1965 voting rights act, like the current extension, contained a provision outlawing literacy tests for voters. New York State had a law that required voters to be able to read and write English which was overridden by the federal act. The Supreme Court upheld the right of Congress to override this state voting requirement by the voting rights act, holding that it was appropriate legislation for Congress to pass under the "equal rights" clause of the Constitution. Since the Supreme Court has said that Congress can pass a bill that supersedes state literacy qualifications for voting, it probably will say that Congress also can pass a bill that supersedes state age requirements for voting.

Actually the lowering of the voting age to 18 is not going to make much difference in any election results, for the boys and girls of 18, 19 and 20 are only a small fraction of the population. In Florida by the 1960 census they numbered 182,587 out of 4,951,560, and in Lee County 1,643 out of 54,539. But the issue raised by this bill, which would override the constitutional authority of the states to set the qualifications for their voters, is crucially important. The issue is whether the U.S. Constitution has in fact become the "scrap of paper" that many of those in Washington today seem to consider it.

"DAY OF BREAD" AND "HARVEST FESTIVAL" WEEK

(Mrs. MAY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MAY. Mr. Speaker, I am pleased to join the gentleman from Texas (Mr. PURCELL), the gentleman from Kansas (Mr. WINN), the gentleman from Tennessee (Mr. DUNCAN), the gentleman from New York (Mr. DULSKI), the gentleman from South Dakota (Mr. BERRY), the gentleman from New York (Mr. McKNEALLY), the gentleman from North Dakota (Mr. ANDREWS), the gentleman from New Hampshire (Mr. CLEVELAND), the gentleman from Oregon (Mr. DELLENBACK), the gentleman from Kansas (Mr. SEBELIUS), the gentleman from Oklahoma (Mr. CAMP), the gentleman from Iowa (Mr. KYL), the gentleman from New York (Mr. HORTON), the gentleman from Massachusetts (Mr. O'NEILL), the gentleman from Minnesota (Mr. QUIE), the gentleman from Illinois (Mr. FINDLEY), and a number of my colleagues in the House in introducing today a resolution calling upon the President to designate Tuesday, October 6 of this year as a "Day of Bread" and the week within which it falls as a "Harvest Festival" week. The resolution also asks the President to issue a proclamation calling on the people of the United States to join with other nations of the world in international observance of this event.

In marking a Day of Bread, we of the United States will join the peoples of Europe, South America, Asia, and Africa in a common bond of mutual recognition—acknowledging that our existence depends on the bounty of nature, and on forces and circumstances beyond our human control, even in this space age of advanced technology.

In this time of internal strife and international conflict, especially, the Day of Bread gives us a superb opportunity to clasp hands with all peoples everywhere in an expression of gratitude that transcends all boundaries of country, creed, race, or politics.

Last year, the Governors of more than 35 of our States, and the mayor of a number of cities followed the White House in their own proclamations of the Day of Bread, recognizing that bread, which has served the family of man for more than 3,000 years, has come to stand for all food, and for the values expressed in the universal prayer, "Give us this day."

Millions of people worldwide suffer from malnutrition and hunger, and observance of a "Day of Bread" reminds us that we must not relax our efforts to deal with these serious problems both nationally and internationally.

Insofar as bread itself is concerned, millers and bakers with the backing and support of wheat growers, nutrition authorities and consumer groups, have recently taken steps to strengthen the staff of life. It has been reported that perhaps as many as half of all American women of child-bearing years suffer from simple iron-deficiency anemia, along with millions of young children. In consequence, a baker-miller petition has been filed asking approval of the Food and Drug Administration to increase the amount of iron in enriched bread products by three to four times.

Still further, I am advised that those same industries associated with wheat-based consumer products have asked the support of the Food and Nutrition Board, National Research Council, and National Academy of Sciences to increase the thiamine and niacin levels of enriched breads by 50 percent. Thus, as we continue to press our war against malnutrition and hunger, bread assumes even greater importance in our arsenal of foodstuffs.

But, in the larger dimension, bread still stands as the embodiment of our total abundance and our gratitude for what we and all peoples of the world possess. Let us join together on October 6 in gratitude for the bounty of nature and the annual harvest of farm and field, in observance of a "Day of Bread" and a "Harvest Festival" week. I urge all my colleagues to support prompt consideration and enactment of this resolution.

STATEMENT CONCERNING BILL INTRODUCED TO DEAL WITH A SUBCHAPTER S PROBLEM

(Mr. CHAMBERLAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAMBERLAIN. Mr. Speaker, today I am introducing a bill relating to

XUM

the tax provisions applicable to small business corporations—so-called "subchapter S corporations"—which are taxed in a manner roughly similar to partnerships. When these provisions were first enacted in 1958, Congress determined to make them applicable to operating businesses and not to businesses which received significant amounts of passive investment income—such as royalties, rents, dividends, interest, annuities, and gain from sales or exchanges of stock or securities. Consequently, under the statute a corporation is disqualified from subchapter S treatment if it derives more than 20 percent of its gross receipts from passive investment income sources.

In the mid 1960's, a joint study was undertaken by the Treasury Department and the Committee on Partnerships of the American Bar Association Section on Taxation to review the subchapter S provisions. The staff of the Joint Committee on Internal Revenue Taxation also worked with these two groups on this project. This study resulted in a legislative proposal, contained in the Treasury Department's tax reform proposals (both the 1968 and the 1969 recommendations), to revise subchapter S to deal with inadvertent terminations of elections to be taxed under subchapter S, to simplify the law, and generally to make the tax treatment accorded these corporations more nearly like partnership tax treatment. One of the more important changes which this study suggested was the elimination of the passive investment income limitation. However, there has not been an opportunity for the Committee on Ways and Means to give the extensive consideration to this detailed set of proposals which they require.

The trouble presented by the passive income limitation is illustrated by a decision of the United States Tax Court about a year ago holding that "passive investment income" for purposes of the subchapter S passive investment income limitation includes not only gains from actual sales of securities but also any taxable capital gains received by a corporation in the liquidation of another corporation. This may occur even though the business operation was clearly active as is evidenced by the ownership by the corporation involved of more than 50 percent of the other corporation's stock.

If such a gain brings the corporation's passive investment income over the 20-percent limitation, this will disqualify the company for subchapter S treatment—even though the company was basically an operating business—merely because of the liquidation of another active corporation in which it owned a controlling interest. This is true even though the controlling interest itself indicates that insofar as the continuing corporation is concerned, its interest in the liquidated corporation was active in nature, and did not represent a portfolio investment, under the small business corporation provisions.

The bill I am introducing deals with the type of situation I have outlined to you. It provides that, for purposes of applying the passive investment income test, a capital gain occurring upon the liquidation of a corporation is not to be considered as passive income for subchapter S purposes if the corporation receiving it has more than a 50-percent interest in the liquidated corporation. It should be noted that there is no change in how this gain will be taken into account for other tax purposes. For example, it will continue to be a taxable gain to the shareholders of the subchapter S corporation. It seems to me that it is important to deal with inequities of this type with dispatch, and not await the longer period necessary for the complete overhaul of subchapter S.

LEGISLATION TO PROVIDE FOR REGULATION OF COMMERCE IN TEXTILES AND LEATHER FOOTWEAR

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, today I join Chairman WILBUR MILLS and more than 250 other colleagues in sponsoring legislation that provides for the regulation of commerce in textiles and leather footwear.

My purpose is clear: to foster the maintenance and expansion of economically strong textile and footwear industries in the United States and to avoid the disruption of markets for textile and leather footwear articles.

Early last week I wrote to Chairman MILLS about three issues of major concern to the people of my district—shoes, mink pelts, and dairy products. In that letter I said:

> I think the degree of import injury shows clearly in the New England shoe firm and shoe worker investigations just completed by the Tariff Commission.
>
> Even though the test of import injury under existing law is quite stringent, three members of the Commission felt in both cases that the test had been met. Since three members disagreed, the Commission has reported to the President that in both cases it "makes no affirmative finding"—surely a disappointing outcome for the petitioning shoe firm and shoe workers.
>
> The tie vote frustrates them under law, but it should persuade the President and the Congress that their economic suffering is sufficient under any realistic standard to warrant assistance. The only question is who will provide it.

I have tried to give the administration as much elbowroom as possible on this question, but an incident of the last few days convinces me that the administration is not likely to provide the needed assistance. I refer, of course, to the abrupt and disheartening dismissal of Assistant Commerce Secretary Kenneth N. Davis, Jr.

Mr. Davis' ouster came shortly after he publicly declared that high-ranking White House staff members were misleading President Nixon on the imports question and were trying to undercut efforts to obtain reasonable controls.

Mr. Speaker, when I wrote to the chairman of the Ways and Means Committee, I was still disposed to give this administration the benefit of the doubt—to believe that it was actively seeking a reasonable solution to the very serious import situation.

However, the firing of Secretary Davis leaves that open to serious question. If the administration has doubts about the textile problem, it surely can have none about the footwear problem.

Given that fact, the Congress regrettably appears to have no alternative but congressional action. I, therefore, introduce the Mills bill and add my support to that of the majority of Members of the House who ask for action now.

HENDERSON PROMISES ACTION TO TERMINATE SUBSIDY TO READER'S DIGEST

(Mr. HENDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENDERSON. Mr. Speaker, on May 7 I requested Reader's Digest to print a rebuttal I prepared to an article in its May issue entitled, "Time to Say No to Big Farm Subsidies." My request has been denied. I have been informed by Walter B. Mahoney, Jr., managing editor of Reader's Digest, that my article does not "advance the cause of clarification of confusion over the agricultural-subsidy problem."

Mr. Mahoney's letter hardly serves to clarify the wider issue of Government subsidy policy—especially as it relates to second class mail patrons. He cites his publication's position on the issue—outlined in writing recently to the House Committee on Post Office and Civil Service—that "we do not want a subsidy, nor do we believe we are being subsidized."

Certainly there must be some confusion. As of June 5, 1969, the Post Office Department calculated this publication's total annual subsidy at $9.4 million, and that of all the so-called commercial magazines at more than $431 million.

Yet, Mr. Mahoney denies that the Reader's Digest is receiving a subsidy. He disputes point-blank the figure given by the Post Office Department, maintains that the Digest receives no subsidy at all and suggests that the Department has made a $9.4 million mistake.

I am taking the Reader's Digest at its word: I trust that the commendable position it has taken is not mere window-dressing. In any event, I am pleased to initiate action to prevent further confusion.

The Postal Reform Act which the House passed last week and which hopefully will clear the Senate in the near future creates a new rate commission which will establish postal rates under the new organization. It is my intention as soon as the members of that body are appointed, to send to each of them a copy of the letter which I received from Reader's Digest and urge them to cooperate fully in helping to get their desire not to be subsidized fulfilled as quickly as possible.

XUM

If, for any reason, the postal reform bill does not pass with its provisions for establishing an independent rate commission, I shall make every effort in the House Post Office and Civil Service Committee to insure that this request is granted. Either Reader's Digest or the Post Office Department is way off base when one says the magazine is getting a $9.4 million subsidy and the other contends that it is getting no subsidy at all. No doubt the new rate commission, by taking Reader's Digest at its word, can act promptly to resolve this question and insure that the taxpayers are not paying any part of the cost of delivering this magazine.

REPRESENTATIVE SPRINGER INTRODUCES NEW HILL-BURTON BILL

(Mr. SPRINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SPRINGER. Mr. Speaker, my purpose in addressing the House at this time is to announce that I am today introducing a bill which in all respects is like the Hill-Burton bill—H.R. 11102—approved in a conference report by the House on June 10, 1970, except that title VI, section 601 is eliminated. The eliminated section makes it mandatory that the administration spend any and all funds which may be appropriated under this legislation. This same section is principally responsible for the Presidential veto of the measure. It does in fact place an unacceptable and illegal restriction upon the prerogatives of the executive branch in the management of its overall programs. Your conferees pointed this out and tried to eliminate the offending language in conference. We were not successful. Furthermore, at the time the conference report was before this body, I pointed out the dangerous and undesirable precedent being set by including such a provision but also pointed out that it had been the price of a bill.

After 5 weeks of difficult negotiations and with more than a year having passed since the House had considered and passed its version of the Hill-Burton program, it seemed necessary to accept in part the restrictions insisted upon by the Senate. I do not blame the President for refusing to accept this illegal legislation. On the contrary, I strongly support his action in this regard.

The veto message does go on to cite other deficiencies in the conference bill, principally the level of money authorizations. I know they are high, considerably higher than either proposed or passed by this body. It must be said, however, that in conference your managers did succeed in trimming over $1 billion from the levels approved by the other body. This raised the total authorizations from the $800 million level accepted here originally to a total of $1.24 billion. It is evident from the contents of the veto message that the House was close on target as to what can sensibly be used in the next 3 years. We thought so at the time and still think so. The differences as to funding levels, however, are not crucial. Although they may make it somewhat more difficult for the executive, they do not in fact limit its managerial options and therefore can be handled. For these reasons I have not proposed in my new bill that we try to readjust the authorizations from those so torturously hammered out in conference. Instead I have confined the changes from the bill approved here in the conference report to the one irreconcilable difference.

By making only this one change in the bill I think the House could take a successful stand both against the pressures of the other body and the wishes of the executive to have other money and program adjustments. It would be an entirely responsible action for the House, one which would reaffirm our conviction that the program we have devised is sound and at the same time, recognize and eliminate a dangerous program which would have been properly challenged by any incumbent of the White House.

I hope that my colleagues on the Interstate and Foreign Commerce Committee and the whole House will recognize the logic of the veto in this case and sustain it. At the same time, and in the interests of maintaining and improving the Hill-Burton program, I am sure we can act quickly to pass the bill which I am introducing here today. The action on this vital program has been bipartisan through the years and so it should be at this important point in its history.

WILLIAM KUNSTLER, AN OUTLAW HIMSELF

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HUNT. Mr. Speaker, I use the term loosely when I refer to William Kunstler as the defense attorney for the Chicago 7 defendants and, more recently, H. Rap Brown.

Kunstler is presently on the speech circuit pumping out his own self-styled brand of seditious propaganda and characterizing the revolutionaries he has chosen to represent—he only defends those whom he loves—as the modern-day American colonists. He feels these violence-oriented agitators are wrongly considered outlaws by the system, presumably based on his own notions of how the system should operate and the kind of justice that should be meted out to those who deliberately denounce any rule of law.

This mouse of a man, a giant among the militants and activists who have thumbed their noses at the system—and are so far getting away with it—takes exception to legislation which the gentleman from Indiana, Hon. Ross E. ADAIR, introduced and which I am proudly cosponsoring that seeks to deal with the likes of Kunstler and anyone else who has the notion that if enough havoc can be created in the courtroom the wheels of justice will come grinding to a halt. It follows—in their minds, at least—that the accused should go scot-free for want of a fair trial or any trial at all. To be sure, such conduct will be legitimized if the blatant misconduct of the Chicago 7 defendants and their counsel, including Kunstler, with respect to the trial proceedings goes unpunished.

Kunstler, himself out on bond awaiting appeal of the contempt sentences imposed by the Chicago 7 trial judge, arrogantly charges the misuse of the constitutional system, and I would agree that Kunstler has misused the constitutional guarantees in the courtroom as a crutch to justify misconduct and in his speechmaking as a foundation to incite revolution, by violence or otherwise, with apparent impunity. He is a disgrace to his profession and the only thing wrong with the system is that it does not bar him from the practice of the law of which he obviously has a distorted view and for which he has so little respect.

JAPANESE MISSION FAILS—MILLS BILL ON LEATHER FOOTWEAR AND TEXTILES SHOULD BE PASSED

(Mr. DORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORN. Mr. Speaker, it is now crystal clear that the Japanese mission to Washington this week was an effort to delay and undermine the Mills bill. In the Japan Times, Friday, June 5, it was reported that Trade Minister Miyazawa was going to visit Washington and that his visit "is held crucial to whether Miyazawa will succeed in blocking passage of the Mills bill, the central objective of his visit."

Mr. Speaker, I commend Secretary of Commerce Maurice Stans for rejecting the ridiculous and incredible textile import proposals advanced by the Japanese delegation. The Japanese proposal now clearly indicates that the Japanese came to Washington to delay action on the Mills bill. Their Washington visit this week is now revealed as a continuation of their tactics of delay and procrastination so obvious since early last year. In the effort to protect our textile industry since the first Japanese voluntary agreement in 1957, we have had no one at the negotiating table who has manifested more determination and courage than Secretary Stans, nor have we had one more thoroughly knowledgeable of the import situation.

It is my understanding that the Japanese delegation proposed a 1-year agreement, and Secretary Stans proposed 5 years. Mr. Stans was willing to negotiate the 5 years, but the Japanese were not willing to go beyond 1 year. Mr. Stans rejected a further Japanese proposal that the last 12 months become the base for her exports of textiles into the United States. This, of course, Mr. Stans rejected, as this unbelievable proposal would include the rise in textile imports into the United States while the issue was actually being negotiated. No proposal by the Japanese to cover footwear was advanced at all.

Mr. Speaker, it is now clear that this latest Japanese visit was only designed to undermine and delay the passage of

XUM

the Mills bill, which is imminent. Mr. Speaker, we must proceed with passage of the Mills bill. We can tolerate no further delay. The Mills bill is a liberal trade bill and is in the interest of fair trade and would promote more trade between the United States and Japan.

We have 253 Members of this House who have introduced the Mills bill. Let us reject any further delaying tactics and pass this bill.

CONGRESS AND THE TIME OF TRUTH FOR HOUSING

The SPEAKER pro tempore (Mr. CABELL). Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 60 minutes.

Mr. PATMAN. Mr. Speaker, the question of whether the Government of this Nation will take effective steps to meet the Nation's housing crisis will be largely decided tomorrow when the Emergency Home Finance Act of 1970—H.R. 17495—reaches the House floor.

The membership of the House will be asked to meet the housing crisis in the only way it can be met, by providing a large additional source of mortgage funds at reasonable rates; specifically a minimum of $4 billion a year to finance mortgage loans for a minimum of 200,000 low-, moderate-, and middle-income families a year, at interest rates no higher than 6½ percent.

Whether this volume of funds will be provided to help the two-thirds of the Nation's population that has been priced out of the housing market will be decided by the fate of title V of the Emergency Home Finance Act.

A NATIONAL BANK FOR HOUSING

Title V, the only section that gives meaning to the title of the bill, authorizes the establishment of a National Development Bank for Housing.

Most of the loan funds for the Bank would be obtained through the sale of Development Bank obligations in the open market. Other sources of loan funds could be congressional appropriations, the sale of Bank obligations to the Treasury and on the open market and, when necessary to achieve adequate levels, the required purchase of Bank obligations by tax-exempt private pension funds and virtually tax-exempt foundations.

Bank obligations would have yields equal to comparable Treasury securities, be fully negotiable and fully and unconditionally guaranteed. In other words, they could be purchased without risk or sacrifice by anyone.

NONINFLATIONARY

Mr. Speaker, the structure of the Development Bank makes it possible to provide most if not all its loan funds without adding to inflationary pressure. Bank obligations purchased in the open market and by pension funds and foundations would be done with money that would be invested anyway—but in areas of the economy that have far less priority than housing for low-, moderate-, and middle-income families.

Moreover, the Development Bank need not rely on congressional appropriations or the Bureau of the Budget. Not 1 tax dollar would have to go into Bank loan funds.

Despite all the obvious advantages of such a plan to meet the Nation's housing crisis, the administration, for reasons which I shall never understand, has seen fit to launch strong opposition to title V and the Development Bank for housing that it would create.

Largely because of opposition from the administration and large commercial banks, the Emergency Home Finance Act of 1970 was amended during full committee mark up sessions to delete title V. The Rules of the House require that such action be approved by the membership when the bill reaches the floor. I intend to fight such approval and to call for rejection of the committee amendment and restoration of title V and the National Development Bank for housing which it creates.

RAILROADS VERSUS HOUSING

It should be pointed out, Mr. Speaker, that opposition from the administration and from the country's big banks was being felt at the very time that the administration and these same banks were trying to arrange an allocation of credit in the amount of $200 million to bail out the Penn Central Railroad after it had been mismanaged into bankruptcy by the Nation's sixth largest conglomerate corporation. Penn Central's indebtedness to the big banks and the fate of well-healed stockholders seems to have priority over all other domestic needs in the administration's view of things.

ONLY 46 PERCENT OF THE NEED

Mr. Speaker, the Nation's housing crisis and the tight-money high-interest conditions that have largely produced it, means that the level of housing starts has dropped to an annual rate of 1.2 million units, only 46 percent of the volume needed to meet our yearly housing goals.

It means that the capacity of the assisted housing programs established in the historic 1968 Housing Act have been reduced 40 percent.

It means that families above the assisted housing level now have to have gross incomes of at least $13,000 to $15,000 a year in order to afford a $20,000, 30-year mortgage.

It means that the rate of unemployment in the construction industry has soared to 12 percent, more than double the national unemployment rate.

It means that the housing industry is approaching the point of collapse.

DEVELOPMENT BANK POTENTIAL

Mr. Speaker, I would like to place the potential of the Development Bank for housing against this tragic picture. The Development Bank, as I said, would provide a minimum of $4 billion a year for low-, moderate- and middle-income housing at interest rates not exceeding 6½ percent. But the economic impact on housing and those businesses and industries closely related to housing is twice that amount, $8 billion, when the multiplier effect of the Bank is considered.

Every $1,000 invested in residential construction means 90 man-hours of labor.

Two hundred thousand housing units means 190,000 on-site construction jobs and 254,000 off-site jobs.

Taken together these totals amount to half of the nearly 1 million people who have become unemployed in the Nation since the first of the year.

Rejection of title V means that Congress is slamming the door of employment opportunity in the face of a half million people. This Congress, for economic, political, moral, or any other reason, cannot afford to do this to the people of the Nation.

SOLID UNION SUPPORT

In this connection, I wish to point out that the AFL–CIO is solidly supporting establishment of a National Development Bank for Housing through title V of the bill. The leadership of 13.5 million workers in the country has repeatedly indicated to the Congress that it has absolutely no reservations about the purchase of Development Bank obligations by the private pension funds which cover their workers.

Furthermore, the AFL–CIO considers the vote on title V to be the key housing vote of the year.

NO COMPETITION FOR BANKS

Mr. Speaker, I would estimate that virtually every Member of this House has been contacted one way or another by bank lobbyists opposing title V. I want to assure all House Members that the National Development Bank for Housing created by the title would in no way compete for borrowers with conventional lending institutions. Development Bank loans would be available only to those credit-worthy people who are unable to obtain mortgage funds because of tight money conditions or because they cannot afford what little mortgage money is available because of utterly unreasonable interest rates.

Development Bank loans would go only to those people who could not borrow from conventional lending institutions.

CENTERS OF THE HOUSING CRISIS

The Nation's housing crisis is felt most severely in the inner cities and in rural areas. It is concentrated there largely because of the unwillingness of large urban lending institutions to make residential loans to people who almost literally live in the backyard of the banks, and because of the unwillingness and often the inability of country banks to give mortgage loans preference over shorter term, higher yielding credit needs of the people in areas that they serve.

The National Development Bank for housing is designed specifically to help fill this enormous gap in the availability of housing credit.

This is true not only for moderate- and middle-income housing, but for people who would otherwise qualify for federally assisted housing programs but who cannot obtain loans because interest rate subsidy funds have been exhausted or because lending institutions are unwilling to utilize these programs.

It should be stressed that the Development Bank will have the capacity to operate at a minimum loan level of $4 billion a year regardless of the competition for Federal budget funds or the economic climate of the Nation and the fact that the total demand for credit now and for the foreseeable future is expected to far exceed the available credit from regular loan sources.

In effect, the National Development Bank is the only thing that has so far been proposed that is capable of fulfilling the promise repeatedly made by Congress to provide a decent home and a suitable living environment for every American family, regardless of economic conditions.

BLIND OPPOSITION

Mr. Speaker, the opponents of the National Development Bank for housing are blindly insisting that bank obligations will not constitute a prudent investment for pension funds, foundations or any other investor. The assertion is being made by the same people who have guided noninsured private pension investments to the point where they now have 55 percent of their assets in common stock with the result that in recent months pension funds and their beneficiaries have suffered disastrous losses.

I invite those pension funds that have invested heavily in LTV stock, for example, to compare the value of that investment to Development Bank obligations. One particular stock on the stock exchange in May was worth one-eighth the price quoted for it when it reached its peak in 1969. Development Bank obligations, on the other hand, would have yields equal to comparable Treasury obligations, be negotiable and fully and unconditionally guaranteed.

XUM

I suggest that the pension fund administrator who would put the assets of his program into common stock rather than Development Bank obligations, during present market conditions, should be promptly removed from office for the protection of the fund beneficiaries.

IRONIC HISTORY

By the same token, it should be pointed out that the history of pension funds in this Nation, with a few exceptions on the part of labor unions, has been marked by a glaring irony. These funds, which now have assets totaling $126.2 billion and are designed to safeguard the welfare of retired workers, have never been used to any substantial degree to improve the welfare of workers during their long years of employment. Instead of gigantic investments in the stock market, the assets of these funds could have been far better utilized in providing mortgage loans at reasonable rates for the families of workers covered by these programs.

The fact that this has not occurred is a reflection of the nearly complete failure of pension fund administrators to recognize any social obligation in return for the enormous tax advantages the funds enjoy.

Administration spokesmen in the House, in opposing title V of the bill, say that it does not go to the Nation's housing crisis because it would take time to organize the Development Bank and place it in operation. These people have a strange view of the housing crisis. They sound as if it will be gone overnight if Congress only provides more interest rate subsidies. As I pointed out a moment ago, Mr. Speaker, interest rate subsidies, although useful during normal economic conditions when mortgage funds are adequate and interest rates are reasonable, do little if anything to answer housing needs when mortgage funds are not available.

But the main point to be made on this issue is that the Nation's housing crisis is going to exist for years. The Nation is not going to be able to meet the annual housing goal and produce 2.6 million new and rehabilitated housing units overnight—not when housing starts are now at a level of 1.2 million units.

A realistic view of the situation produces the inescapable conclusion that the United States is going to have a housing crisis on its hands for some years to come. How long the crisis will last will depend on whether the Congress is going to provide ways of delivering adequate mortgage funds at reasonable rates—going to depend on establishment of vehicles like the National Development Bank for housing—and not whether it will take 6 or 8 months to organize the Bank itself. Without such new approaches, we are never going to meet our housing needs.

Mr. Speaker, the Members of the House, by their vote to restore the title V and the National Development Bank for Housing to the Emergency Home Finance Act of 1970, will give clear indication as to whether this Congress intends to meet the national housing crisis—whether this Congress will make this bill more than an empty gesture in the face of the worst housing crisis since the end of World War II.

THE LATE ROBERT E. McCORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. PERKINS), is recognized for 30 minutes.

Mr. PERKINS. Mr. Speaker, it is with a sorrowful heart that I take the floor this afternoon to share with my colleagues my great esteem for our senior staff member on the House Education and Labor Committee, the late Robert E. McCord.

Bob was appointed chief clerk of the committee on the convening of the 90th Congress in 1967.

Because of his distinguished service with the committee as the staff director of both Labor and Education Subcommittees, it seemed fitting to the members of the committee at the time of his appointment that he also be given the title of senior specialist.

In that capacity he has served through some of the most active and productive years of the committee.

I am not the only member of our committee who has treasured his wise counsel. As the staff director of the General Subcommittee on Education under the chairmanship of the late Cleveland Bailey, Bob not only provided the committee with expert staff assistance in connection with the Federal impact aid to education programs but contributed substantially to the committee's work on the National Defense Education Act and to our committee hearings and analyses of education legislation in the following years which laid the foundation for the enactment of the higher education, elementary and secondary education and vocational education legislation of the 1960's.

His contribution to the legislative responsibilities of the House Education and Labor Committee was not, however, confined to the field of education.

As staff director of the Special Subcommittee on Labor under the chairmanship of FRANK THOMPSON, he provided expert staff assistance in connection with the Service Contract Act and worked extensively with the subcommittee in the development of the Arts and Humanities Act.

Bob brought to the committee in 1956 a wide range of experience. He graduated from Occidental College in Los Angeles in 1931.

He served as a reporter for the Los Angeles Record in 1931 and 1932.

He worked in public relations with the U.S. Census Bureau from 1935 to 1937.

Bob enlisted in the U.S. Navy in 1943 and was a lieutenant in the U.S. Naval Reserve upon his honorable discharge in 1946.

From 1949 through 1952, he was the owner and managing editor of the Washington News Service.

He was an agent with the Peoples Life Insurance Co. Until his death he also served on the board of directors of that company.

His chosen profession was the field of journalism, and in this respect he represents the best of his profession. In his work for the committee he was an expert at getting the facts and he combined this skill with a precision in reporting them accurately.

Because I admired his effective work I would like to think there are many things we had in common. One thing I know we did share was a love for the Appalachian area to which we were both native. He as a West Virginian and I as a Kentuckian shared an appreciation for the beauty of the hills and a concern for the need for broadened educational and employment opportunities in Appalachia.

Although he has lived here in the District of Columbia most of the time his roots and ties were strong to Wellsburg, W. Va., where he was born on October 22, 1910, the son of George W. and Eva E. "Nelson" McCord.

While speaking these words of respect for my dear friend, I would also extend at this time my condolences to his many close friends and in particular to his wife, Audrey, to his mother, Mrs. Eva E. McCord, to his sister, Bertha, and to his brother, George.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished Speaker of the House of Representatives.

Mr. McCORMACK. I am very sorry to read in the newspapers of the death of Bob McCord, who was a very valuable member of the staff of the Committee on Education and Labor, and who has rendered outstanding service in various capacities for years to the committee and to Members of the House in the performance of their duties.

Bob McCord was highly respected and admired. He was a dedicated member of the staff of the great Committee on Education and Labor. He worked untiringly in the service of the committee and when necessary long hours in the deliberations of that committee both in public hearings and in executive session, as well as on the floor of the House when bills of the committee were under consideration.

His passing leaves behind him countless friends who mourn the fact that he will not be with us in the years that lie ahead.

His wife will derive great consolation from the knowledge that Bob McCord enjoyed the friendship and respect not only of the members of the committee he served but also of countless Members of the House of Representatives, present Members and past Members.

I extend to Mrs. McCord and her loved ones my deep sympathy in their great loss and sorrow.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Speaker, it was with a deep sense of shock and sadness that I learned of the untimely passing of Bob McCord, who earned the admiration of the Members for his professional skill and craftsmanship in connection with the landmark education legislation that became law during his 14 years as service on the House Committee on Education and Labor. As a Representative from the State of West Virginia, I am particularly proud of the outstanding service of a fellow West Virginian.

Bob McCord's work touched the lives of millions of students, ranging from the preschool youngster to the college graduate student. It touched them in a myriad of ways—hot lunches, school nutrition, equipment, better facilities, books, arts, and humanities. Bob's fine hand was there helping to draft these programs which became law in order to make our schools better places to learn. I join with the Speaker, and the gentleman from Kentucky, the outstanding chairman of the Committee on Education and Labor with whom Bob was a native of Wellsburg, W. Va., and another West Virginian, the late and beloved Honorable Cleveland M. Bailey made him staff director of the House General Subcommittee on Education 14 years ago. Then Bob was staff director of the Special Subcommittee on Labor, under the Honorable FRANK THOMPSON before my good friend and Kentucky neighbor, the Honorable Chairman CARL PERKINS, appointed him chief clerk and senior specialist of the committee.

Bob was a member of that coterie of professional staff people known as "The Third House." In my judgment, if there were such a position, he would be Speaker of that august body. To his widow and family, I extend my deepest sympathy.

Mr. HATHAWAY. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished gentleman from Maine (Mr. HATHAWAY).

Mr. HATHAWAY. Mr. Speaker, it is with a sad heart that I join in the tribute today to my friend, Robert E. McCord, whose death on Sunday, June 21, is keenly felt especially by all members of the Education and Labor Committee and by all others who were fortunate enough to come in contact with him during his many years on Capitol Hill.

Bob was a capable and devoted employee on the staff of the House Education and Labor Committee. He was inestimable assistance to me during my 5 and a half years on the committee. He never failed to have the right answer to my many and varied questions. I shall miss him very much and I know that his shoes in the committee will be hard to fill.

To his family, I extend my deepest sympathy in their loss.

Mr. ALBERT. Mr. Speaker, I share the deep sense of sadness expressed by the distinguished gentleman from Kentucky at the sudden loss of our friend and coworker, Robert E. McCord. This House is fortunate to have the services of many outstanding employees. None of them, however, performed his job more diligently or with greater devotion than did Bob McCord.

It was my privilege to serve on the great Committee on Education and Labor in the 90th Congress and at that time I had occasion to work very closely with Bob. Not only was he an outstanding committee employee, knowledgeable in the business of that committee and in the business of the House, but no one could have been more agreeable to work with than he. The House of Representatives has benefited greatly by his service. We shall all miss him greatly.

Mrs. Albert and the members of my staff join me in expressing our deepest sympathy to Bob's wife, mother, and family.

Mr. O'HARA. Mr. Speaker, I join today with my colleagues who have expressed their grief at the passing of our good friend and invaluable counselor, Robert McCord, chief clerk of the Committee on Education and Labor.

Bob McCord has served this House and each of its Members for many years. He was here, and a veteran of the House, when I first took the oath, and it is hard for me to conceive of this House and particularly of the Committee on Education and Labor without the sound advice and dry wit of Bob McCord.

I will not take much of the time of the House, Mr. Speaker, because our grief will not be assuaged by words, nor will our loss be made good by talking about it. Let me say only that Robert McCord richly earned the epitaph which many of us would consider the highest praise that can be afforded a staff member or a Member of this body. He was a loyal, faithful, and loving servant of this House. He understood it, he knew its traditions and its capabilities, and he helped make it function better than it would have without him.

Mr. CLAY. Mr. Speaker, the untimely and tragic death of Bob McCord, chief counsel of our House Education and Labor Committee, leaves this Congress with a great sense of loss. We shall greatly miss his presence and we shall never be able to pay due tribute to the role he has played in the shaping of the domestic policies of this Nation.

At this moment, I am shamefully aware of my negligence during those times when I should have made known my appreciation to Bob McCord. The responsibilities which fell on him were vast and his performance was always equal the challenge.

As a new member of the committee, I very quickly learned the value of Bob's experience and his counsel. Quietly, but steadily, he took on the tasks—turning the voices and views of interests, public servants, and Presidents into the structure of the legislative process.

We always expected Bob McCord to be on top of all the issues. We always expected him to know the answers to all our questions. And somehow he always was ready with the expertise and the guidance we sought. He was never caught short of the faith we had in him. He worked behind scenes but he was always one step ahead of the demands placed upon him.

The service and career of Bob McCord stands as a monument to the work of committee staff members who keep the wheels of Congress turning. It serves to remind us that we too seldom give credit where this credit is most surely due.

Belatedly, today, we state our respect and our gratitude for the man and the contributions of Bob McCord. We convey our esteem to his family in their time of grief and we offer our thanks that they shared with us the time Bob McCord spent in life and for the hours that he toiled for the Congress of the United States. His death was sudden and found us unprepared, though we could not have prepared for the loss of this man.

Mr. KEE. Mr. Speaker, I take this opportunity to join with the Honorable CARL PERKINS, Chairman of the House Education and Labor Committee, and my colleagues, to express my heartfelt loss over the recent and completely unexpected death of Bob McCord, the chief clerk and senior specialist of the House Education and Labor Committee.

Mr. Speaker, it was my privilege to first meet Bob McCord in 1934. At that time he was a most responsible newspaper reporter and I knew him during his service with the U.S. Census Bureau.

At a later date, Bob was employed with the House of Representatives under the able leadership of the late Congressman Cleveland M. Bailey of my home State of West Virginia who was the dean of the West Virginia congressional delegation.

During Mr. McCord's association with the House Education and Labor Committee, I enjoyed the privilege of relying upon him for his wise counsel and advice on legislative matters in which his knowledge was unexcelled.

Mr. Speaker, the House of Representatives has lost one of its most valuable and knowledgeable staff members from a major committee of the House and in the days to come, we will miss the guidance and counsel of our mutual friend in the field of complicated and complex legislation.

During these long years of close association with the late Mr. McCord, I learned to respect and admire his responsibility and his dedication to public concern. Bob was my friend and I join with each of you in extending to his family my deepest heartfelt sympathy during the dark days that they have because he has been called to the greater life.

Yes, Mr. Speaker, our days ahead will be more difficult because we have relied upon the knowledge and experience of this man of dedication.

Mr. SCHERLE. Mr. Speaker, along with my colleagues on the Education and Labor Committee, I join in expressing my sorrow to Mrs. McCord on the loss of her husband, Bob.

We on the Republican side were always impressed with Bob McCord's dedication to his job. A man with his ability and loyalty will be difficult to replace.

Mrs. MINK. Mr. Speaker, I join virtually the entire membership of the House of Representatives in expressing my profound sense of loss due to the untimely passing of our valued employee, Robert E. McCord.

As chief clerk and senior specialist of the House Committee on Education and Labor, Bob McCord exemplified the ideals of ability and service among our professional staff personnel.

He cannot be replaced. As a member of the committee, I have had the privilege on numerous occasions of benefitting from his sound guidance and advice.

His knowledge of legislation was intimate and perspective. He had an outstanding manager's instinct for keeping our committee functioning efficiently and smoothly.

Bob spent much of his adult life on Capitol Hill. His roots run to his birth in West Virginia and residence in California as a young man. A graduate of Occidental College, he was a newspaper reporter, life insurance agent, public relations official, and Washington editor prior to joining the committee staff in 1954.

As the principal staff member of our committee, he drew on this wide-ranging background and expertise to help draft and enact some of the most sweeping legislation ever passed in this country. During his career the House passed not only one but numerous landmarks bills in the fields of education and labor.

Bob McCord has left his imprint on all of these programs which have such a deep and beneficial impact on our society. Millions of our people who never knew Bob have nonetheless gained through his efforts and accomplishments.

He has helped the chairman and all members of the committee, myself included, do a better job. We are all in his debt, and we will deeply miss this most able and gentle man.

Mr. THOMPSON of New Jersey. Mr. Speaker, I want to associate myself with the remarks of my distinguished chairman, the gentleman from Kentucky (Mr. PERKINS), and others, relating to the late Robert E. McCord.

I wish, Mr. Speaker, that I were articulate enough to tell the Members of the House exactly what sort of a fellow Bob McCord was and how deeply I feel the loss of one of the greatest friends and associates I have ever had. Bob was an absolutely perfect gem of a man. He was brilliant, helpful, friendly and, above all, loyal to the House of Representatives and the people with whom he worked.

I first met Bob McCord in January 1955. We became friends immediately, and I am proud to say that our friendship grew over the years. Mr. McCord served our former colleague, James Quigley, of Pennsylvania, with distinction and then became associated with our late colleague, Cleveland Bailey, of West Virginia, as counsel to an education subcommittee.

Mr. Speaker, no professional staff member knew more of the legislative process, and of the most minute details of labor and education legislation than did Bob McCord. He was a master of the legislative art, and he was one who applied his great knowledge to the interests of children and working people who were less fortunate. He was a great and compassionate man.

I was fortunate enough to have Bob McCord as counsel to the Select Subcommittee on Education, which I chaired for several years. With Bob's help and guidance we were able to legislate to help the blind, the deaf, the underprivileged, and those with an appreciation of the beautiful things in our national life. My colleagues and I came to call Bob McCord "The Counselor," and with good reason. He knew the answer to all of our questions, and his advice was unfailingly accurate.

Bob McCord worked on the Hill not because it was economically necessary for him to do so, Mr. Speaker. His business talents were such that he could, and did, earn a much greater salary in private business. He worked with us because he loved people and wanted to help them.

In 1967 our great friend and colleague from Kentucky, CARL PERKINS, became chairman of the Committee on Education and Labor and literally stole "Counsellor" McCord from me. One can hardly blame Mr. PERKINS, for he recognized the "Counsellor's" skills and needed him for a more important position. Bob did perfectly, as expected, and all of us were the beneficiaries of his remarkable abilities.

I shall not belabor the point, Mr. Speaker. Bob McCord, the "Counsellor," was a beloved friend who can never be replaced. I can say only that I am proud to have had the honor of his friendship and the benefit of his counsel. All of us extend to his widow, Audrey, and to his family our deepest sympathy.

Mr. WILLIAM D. FORD. Mr. Speaker, words cannot describe the shock and sorrow I felt this week upon learning of the death of Robert McCord, chief clerk for the Education and Labor Committee.

Since my appointment to the Education and Labor Committee in January 1965, I had developed a deep friendship and profound admiration for Bob McCord. He was knowledgeable, cooperative, efficient, and friendly; an unfailing source of information on any matter relating to the committee or its activities.

His journalistic background, his service in the U.S. Navy during World War II, and his 14 years on the Education and Labor Committee staff had given him a broad insight into humanity and into its many problems. Bob was especially well versed, naturally, in the problems of education and labor. All the members of the committee depended strongly upon his knowledge and experience, and he never let us down.

Bob's wisdom and cheerfulness will be sorely missed by those of us who worked so closely with him.

To his wife, mother, brother, and sister, I extend my condolences, but I know that their grief is tempered somewhat in the knowledge that Bob lived a full and satisfying life, that he leaves a wide circle of friends, and that he contributed immeasurably to the betterment of mankind through his dedicated efforts.

Mr. DENT. Mr. Speaker, very early in my career as a public servant, I discovered that an elected official can only be as successful as the staff which surrounds him allows him to become. Bob McCord was part of a staff which has contributed to the success of all of whom he served on the Education and Labor Committee. The sudden, shocking loss of Bob's friendship and assistance is something from which none of us will quickly or easily recover.

Aside from being an able and astute political assistant, Bob was a deep and cultured man. He contributed much as a personal friend, and I deeply regret that the pressures of our work often precluded the opportunities to enjoy and explore that relationship further.

Mrs. Dent and I extend our deepest sympathy to Bob's family, and I wish to join Chairman PERKINS today in his great sorrow over the loss of a fine colleague.

Mr. LANDGREBE. Mr. Speaker, I wish to take this opportunity to add my comments to those made by my colleagues on the Education and Labor Committee in memory of our good friend, Bob McCord.

Even though I had been a member of the Education and Labor Committee for less than 1½ years, I have had more than ample time to become acquainted with Bob McCord and to assess his superior qualities.

In my opinion, his dedication to good, sound, responsible government was an example to all of us who had the great privilege of knowing him and working with him.

Furthermore, he was sincere, modest, friendly, accurate, dependable, and hard working.

I wish to associate myself with the statement made by our Committee Chairman CARL PERKINS who said:

He was my good friend, he was an exceptionally able, loyal and gentle man. He more than anyone saw to it that the Committee ran smoothly. He can never be replaced. Ours is a deep, deep loss.

To the family of Bob McCord. I extend my sincere sympathy.

Mr. FRELINGHUYSEN. Mr. Speaker, it was with a sense of real sadness that I learned of the death last Sunday of Robert McCord, chief clerk of the House Education and Labor Committee.

During my service on that committee I had occasion to work closely with Bob. His was not an easy job, as the jurisdiction of the committee is broad and the matters with which he dealt were often controversial. During those years I found Bob an extremely conscientious and highly capable individual.

His colleagues on the committee staff, his associates on Capitol Hill, and the many Members with whom he came in contact will certainly miss him.

I should like to take this opportunity to extend to his family my deepest personal sympathy.

Mr. ADDABBO. Mr. Speaker, I join with my colleagues in expressing deep sorrow at the untimely passing of Robert E. McCord, who served with distinction as chief clerk to the House Committee on Education and Labor.

Bob was a great help to the Members of this body, both those who served on the committee, and those of us who did not. He was always available to give counsel and advice to a Member who brought him a problem relating to his committee work.

Bob joined the House Committee on Education and Labor in 1956 and worked his way up from staff member to chief clerk and senior specialist. His experience was invaluable to the committee and to the Congress over those 14 years, a naval veteran and former newspaper reporter, Bob owned and edited the Washington News Service before joining the House committee.

I extend my personal sympathies to his wife, Audrey, and I join with all who knew Bob in remembering his commitment to public service.

GENERAL LEAVE TO EXTEND

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on this subject.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

VOTE ON PRESIDENT'S VETO OF HILL-BURTON ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BUSH) is recognized for 5 minutes.

Mr. BUSH. Mr. Speaker, tomorrow the House is scheduled to vote on whether or not to override the President's veto of the Hill-Burton Act. This is an extremely critical vote. Unavoidable personal reasons prevent my being in Washington when the vote is taken. Therefore, I feel compelled to make my position clear today.

I support the Hill-Burton program. I have always supported it. I believe this to be one of the most successful programs in existence. The goal of increasing hospital beds is even more critical today than it was when the program was instituted.

But, this is not a vote for or against health care. In fiscal year 1971 there will be a 28-percent increase in health outlays. There will be increases in programs affecting family planning, heart and cancer research, alcoholisim and drug abuse and a revision of medicare and programs providing medical aid to the poor.

The President's objection to the bill, H.R. 11102, is not to the high priority Congress has given Hill-Burton funds; but, rather, to that section of the bill—section 601—which requires that all funds appropriated be spent.

Our constituents are screaming for reductions in Federal spending. The House has placed a $395 billion spending limitation on the President for fiscal year 1971. Yet, in this bill we have required that "every dime" appropriated be spent.

I just do not think we can take such a limited view. Congress has to look at the total economic picture. We have to view all legislation in the context of the projected $1.3 billion deficit for fiscal year 1971 and the effect this deficit is going to have on the pocketbooks of every American. We are now seeing—in high prices and general economic instability—the effects of 8 years of budgetary deficits amounting to a total of $60.2 billion. We have to take into account the wishes of our constituents that "Government spending be cut" and that priorities in spending be established. We have to take into account that there are other programs of equal importance—education, health care, pollution control, et cetera. And, finally, we have to take into account the fact that the President considers this one section so onerous that he would veto the bill to see it removed.

Taking all these factors into account, were I present tomorrow, I would vote to sustain the veto.

I am a cosponsor of the bill introduced today which is identical to H.R. 11102—the vetoed bill—except that it deletes section 601 which requires the President to spend all funds appropriated. This new bill provides for a 3 year $2.79 billion authorization for construction and modernization of health facilities. I am confident it will give this program the needed impetus to meet its objectives. I repeat, I am for Hill-Burton, but I am not for telling the President "restrict spending" then removing any leeway he might have from living within a ceiling. I am confident that the new Hill-Burton will pass but I want it done without section 601.

FOREIGN TRADE LEGISLATION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Tennessee (Mr. QUILLEN) is recognized for 30 minutes.

Mr. QUILLEN. Mr. Speaker, it has been 8 years since this body has been presented with an opportunity to consider through legislation essential changes in our Nation's foreign trade policy. The Committee on Ways and Means has been holding hearings on the subject of foreign trade legislation. I appeared before that committee to present them with information concerning the problems of the manufacturing industries which are located in my district. These industries are part of important national industries which are being seriously affected by unregulated imports.

The loss of employment and the deterioration in our Nation's balance of trade and payments caused by the failure of our existing foreign trade machinery to correct these situations urgently require strong measures by the Congress. I know that there is considerable sentiment among my colleagues in this body to take such action when the opportunity is presented to us. We are glad that the Committee on Ways and Means is studying foreign trade legislation, and we look forward to an early opportunity to act upon a bill which will carry out essential reforms in our foreign trade policy and practice. I believe it will be helpful to other Members of this body to consider the information which I presented to the Committee on Ways and Means on this subject.

There are 12 major manufacturing industries operating in my district. They employ 21,514 of my constituents in well-paying American jobs. Their wages directly support about 100,000 residents of the district—about one out of every five of my constituents. Their wages, and the materials purchases and transportation services required by the plants in which they work, spent in the 11 counties of the district, provide a major economic base for service industries, retail establishments, churches, hospitals, and school districts in my district. The homes of these industrial workers, the plants in which they work, and the facilities of the service and transportation industries which serve them, together form a major part of the tax base of the local communities in my district. Altogether, these 12 industries are the indispensable source of economic activity in my district.

The majority of these industries are suffering acutely from excessive import competition. Their workers have suffered job layoffs, and short-time work. Unemployment and underemployment have become again a specter in my district. Three of 11 counties in my district were classified by the Labor Department as of March 1, 1970, as areas of substantial unemployment.

In the following table I have listed the particulars of the industries in my district which have already sustained market disruption and economic injury from excessive imports:

XUM

TABLE 1.—IMPORT-IMPACTED DOMESTIC INDUSTRIES WITH PRODUCTION FACILITIES IN THE 1ST CONGRESSIONAL DISTRICT OF TENNESSEE

SIC No.	Name of industry	Employment in 1st district, Tennessee, March 1968	U.S. imports (in millions) 1964	U.S. imports (in millions) 1969	Percent change	National employment in the industry (in thousands) 1964	1969	February-March 1970
2032	Canned specialties	750	1.1 lb	2.5 lb	+127	25.7	32.1	23.4
22	Textile mill products	1,535	752.3 sq yd	1,674.8 sq yd	+123	892.0	987.0	961.3
23	Apparel and related products	2,628	560.7 sq yd	1,518.1 sq yd	+171	1,302.5	1,417.5	1,404.3
2511	Wood household furniture	2,525	$32.6	$74.5	+129	151.6	179.6	162.4
2892	Explosives	2,000	3.2 lb	18.3 lb	+469	17.9	45.5	37.4
321	Flat glass	1,559	486.1 sq ft	569.2 sq ft	+17	30.8	25.9	24.9
365	Radio and TV receivers	2,000	$243.6	$939.9	+268	118.8	154.6	131.8

Source: U.S. Department of Commerce, Bureau of the Census, 1967 Census of Manufactures, 1968 County Business Patterns, IM 146, FT 135, FT 246 (1964, 1969); U.S. Department of Labor, Employment and Earnings Statistics of the United States, 1909–68; Mar.–Apr. 1970.

These seven industries have sustained a loss of 90,000 jobs by February or March 1970 compared with the average level of employment in 1969. The flat glass industry won a finding of serious injury and a finding that the tariff on sheet glass should be restored to the statutory level from the Tariff Commission, but the free traders in the executive branch persuaded the President not to do so. The textile and apparel industries have been waiting patiently for the administration to negotiate one or more international agreements to limit imports of textile articles. The executive branch has failed, but still opposes legislative action by your committee.

The electronic products industry sought to have the Executive exercise the right of the United States to modify radio and TV duties, raising them to the level of 25 percent, under the "open season" procedure of article XXVIII of GATT, but the Special Representative for Trade Negotiations squashed that move.

The name of the game in the executive branch is refuse to help any domestic industry or group of workers being hurt by imports, and talk, talk, talk while the problem goes away or the industry and its workers give up in despair.

There are three other industries in my district which are acutely vulnerable to administration policy in the trade area. They are shown in the following table:

TABLE 2.—IMPORT-SENSITIVE DOMESTIC INDUSTRIES WITH PRODUCTION FACILITIES IN THE 1ST CONGRESSIONAL DISTRICT OF TENNESSEE THREATENED BY CURRENT ADMINISTRATION TRADE POLICIES

SIC No.	Name of industry	Employment in 1st district, Tennessee, March 1968	U.S. imports (in millions) 1964	U.S. imports (in millions) 1969	Percent change	National employment in the industry (in thousands) 1964	1969	February-March 1970
2818	Industrial organic chemicals	2,000	$104.0	$245.4	+136	111.1	124.2	125.5
2821	Plastics and resins	2,000	14.8 lb	64.2 lb	+334	80.9	97.3	98.0
2823, 2824	Man-made fibers	3,983	208.2 lb	473.6 lb	+127	87.4	114.0	114.6

Source: U.S. Department of Commerce, Bureau of the Census, 1967 Census of Manufactures, 1968 County Business Patterns, IM 146, FT 135, FT 246 (1964, 1969). U.S. Department of Labor, Employment and Earnings Statistics of the United States, 1909–68; Mar.–Apr. 1970.

Industrial organic chemicals and plastics and resins are industries whose production and employment are protected in large part from import injury by the American selling price system of customs valuation. The administration seeks to persuade you to repeal ASP. Virtually the sole beneficiary will be Germany whose export trade surpluses are so large that the whole Western World is concerned about the effect on the financial structure of world trade. These industries are at a point of equilibrium now, as the employment figures suggest. If ASP is repealed, the principal source of strength in my district will be seriously threatened. The ASP agreement was void ab initio. It should never have been negotiated. It should not now be honored by the Congress.

The manmade fiber producing industry is one of the largest employers of manufacturing labor in my district. Its operations are adversely affected by every pound of manmade fiber which is imported into the country, whether in the form of fiber, fabric, or apparel. The full burden of manmade fiber textile imports rests on this industry, and threatens the welfare of the largest group of workers in my district. The administration, while commendably doing its best to negotiate an agreement to limit imports of manmade fiber textile products, opposes the inclusion of the basic fiber products in the agreement. What is worse, the Secretary of Commerce has leveled his lance at the definition of textile articles in H.R. 16920, introduced by the chairman of the Ways and Means Committee, and seeks to persuade you to delete manmade staple fiber and filaments from the definition, and thus from the scope of the bill. Were the Committee on Ways and Means to honor his request, it would directly harm the interests of the workers in the manmade fiber plants in my district. To the extent that the Congress creates import-regulating machinery which leaves the fibers loophole for the foreign fiber producers themselves out, it provides a gaping to pour their surplus fiber production through without limitation. I earnestly ask that this not be done.

In summary of my testimony before the Ways and Means Committee, I made the following requests:

First, that the committee stick by its guns and report out H.R. 16920 as now written; keep manmade staple fiber and filaments in the bill;

Second, that the committee reject title IV of the administration bill; retain ASP;

Third, that the committee expand H.R. 16920 to include flat glass and electronic products, as is done in a group of bills pending before the Ways and Means Committee, typified by my bill, H.R. 13941;

Fourth, that the committee expand H.R. 16920, to include ladies' handbags. Imports are adversely affecting the ladies' handbag industry in the United States as the Japanese are copying and sending their merchandise back to the United States at a much lesser price; and

Fifth, that the committee reform the escape clause as title II of H.R. 16920 would do to make the Tariff Commission findings of injury and of the duty increase or quotas needed to correct the injury binding on the President; let us have no more sheet glass or piano cases where free traders in the executive branch torpedo authentic Tariff Commission findings of injury and needed relief.

DEPARTMENT OF AGRICULTURE STAND ON MAJOR PROPOSALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 15 minutes.

Mr. ALEXANDER. Mr. Speaker, every department of the executive branch of Government except the Department of Agriculture has taken a stand on major proposals before the Congress. The USDA waited until March 1970 before submitting its concepts and philosophy of legislation to the Congress. During these many months, many meetings have been held, many conferences have occurred, and serious efforts have been made by every segment of the agricultural community in an attempt to cooperate with the administration in producing new farm legislation. Nonetheless, the administration has not to this date made firm its position relative to the proposals being considered.

As one member of the House Committee on Agriculture, I have been very disappointed in the lack of leadership, lack of imagination, and the lack of initiative shown by the USDA.

I have seen no evidence during the past 17 months that the Department of Agriculture is committed to helping the farmers of northeast Arkansas. As a matter of fact, the Department of Agriculture has failed in the greatest task facing us during this period—the development of new farm legislation.

For example, I have been trying for over a month to discover the administration's position on the various farm proposals under consideration by the committee. In a letter to Secretary Hardin dated May 28, 1970, I asked if legislation sent to the committee last February by the USDA represented administration proposals. If it did not, I asked, did they disagree with those proposals?

The reply received June 10, 1970, from an Under Secretary of Agriculture merely restated that the administration has not submitted its proposals to the Congress, even though it has had 17 months to develop its position. My second question asking whether the USDA disagreed with the proposals it had submitted to the Committee was conveniently ignored.

On June 15, 1970, I sent a second letter to the Department of Agriculture repeating that question. No answer has been received to date.

It is now becoming questionable whether any commitment by the Department of Agriculture can be accepted unless it is reduced to writing. Earlier this year, Department spokesmen said it was supporting a farm payment limitation of a fixed amount. Spokesmen now say they have no commitment on this important subject and that it is now considering a lower figure.

I ask, Where does the USDA stand? It is said that new farm legislation cannot be passed through the Congress without administration support. I ask, How can that support be obtained when the USDA apparently cannot decide where it stands on legislative proposals?

I say again that it is time for the Department of Agriculture to begin considering the needs of the Nation's farmers and to represent their interests within the administration. It is time for the administration to decide whether it is with the farmers of this Nation or against them. The letter follows:

MAY 28, 1970.

Hon. CLIFFORD HARDIN,
Secretary, Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: Enclosed is a transcript of remarks reportedly made by William E. Galbraith, Deputy Under Secretary for Congressional Relations, concerning farm proposals now under consideration. As I interpret Mr. Galbraith's remarks, he says that the USDA has not submitted any legislative recommendations to Congress. Does this statement reflect the official position of you and the Department of Agriculture? If it does not, are you then saying that you are not in agreement with the proposed legislation which was sent to the members of the Committee in February by your department?

Looking forward to hearing from you in the immediate future, I am

Sincerely,
BILL ALEXANDER,
Congressman from Arkansas, First District.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 10, 1970.

Hon. BILL ALEXANDER,
House of Representatives,
Washington, D.C.

DEAR MR. ALEXANDER: I am happy to clarify the Department's position regarding farm proposals as requested in your letter of May 28 to Secretary Hardin.

I believe the problem you have raised is largely a matter of semantics. Secretary Hardin has always maintained that there can be no single architect of a new farm program—that it needs the best ideas that the members of the Congress, the farm organizations, and other interested groups can offer, as well as the Secretary of Agriculture.

However, to get such a consideration into operation, you have to start with something more or less specific to talk about—otherwise you get mostly a debate over philosophies. To get the ball rolling, so to speak, the Secretary submitted a document which in the Secretary's words was not a legislative proposal as such, but rather a step in arriving at an ultimate consensus that will be considered sound, workable and acceptable to the Congress, the Administration, farmers and the general public.

The Department made clear that this draft was not the Department's final position . . . that in fact it was subject to further change. Thus it was not an Administration legislation proposal as such, but rather a step in the process of working with the Agriculture Committee in arriving at the ultimate product—a farm bill.

Sincerely,
J. PHIL CAMPBELL,
Under Secretary.

JUNE 15, 1970.

Mr. J. PHIL CAMPBELL,
Under Secretary, Office of the Secretary, Department of Agriculture, Washington, D.C.

DEAR MR. CAMPBELL: Your letter of June 10 in answer to my earlier letter asking for information concerning USDA farm legislation proposals was appreciated. As I understand your reply, you said that Mr. Galbraith's remarks were accurate and that the Department of Agriculture has not sent any legislative proposals to the Congress.

I did not find any comments in your letter; however, that addressed themselves to my second question. That was, "If it does not (reflect the official position of the USDA), are you then saying that you are not in agreement with the proposed legislation which was sent to the members of the Committee in February by your department?

I am sure that you can understand that my only intention is in finding out for myself, and for the farmers that I represent, what the position of the Department of Agriculture and the Administration really is. Do the proposals sent to the Committee earlier this year represent the position of the Administration or do they not? If they do not, do you have any intention of submitting proposals to the Committee on Agriculture?

Constituents have repeatedly asked me for the position of the Administration on various farm proposals. It has been most confusing trying to explain to them a situation I do not understand myself. Clarification of this problem would be most appreciated.

With kindest personal regards, I am

Sincerely yours,
BILL ALEXANDER,
Congressman from Arkansas, First District.

THE PROBLEMS OF PENN CENTRAL

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, many newspapers in recent days have taken the trouble to place the bankruptcy of the Penn Central in context.

Many editorial columns and letters to the editors have contributed greatly to a better public understanding of the basic issues involved in the case. Also, I have received many thoughtful letters and telegrams from people all over the Nation concerning the problems of this giant corporation.

A particularly thought-provoking letter was sent me by Mr. Douglas Cram of Greenwich, Conn., and I want to place a copy of this correspondence in the RECORD. I also place in the RECORD editorials and columns on Penn Central which appeared in the Washington Evening Star, the New York Times, the Washington Post, the Journal of Commerce, the Wall Street Journal, and the Cleveland Plain Dealer:

The material follows:

GREENWICH, CONN.,
June 18, 1970.

Representative WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

DEAR SIR: It appears than in the haste to "do something" about the possibility of the Penn Central going into bankruptcy, substantial confusion has been created between what should be saved (railroad service) and what will be saved under the current rescue plans.

Bankruptcy would in no way destroy the railroad assets; it is merely a mechnism for ascertaining priorities in those equities. Thus, bankruptcy threatens not the railroad, per se, but the shareholders. We should therefore separate the problem of the railroad, which must be kept running from that of the shareholders, which I will discuss later.

I will grant that the rail assets of the Penn Central are crucial to our transportation network. Thus, the trains must be kept running and service must remain intact. It seems very obvious that there is some price at which someone would bid for the Penn Central complex including long run passenger trains, commuter service, ICC regulation, etc. That price would probably be in excess of the money currently due all creditors. In fact, it might even be more than the amount owed creditors plus the current market value of the stock. In any case, it could be sold. The worst that could happen is that a COMSAT-type corporation would be needed to provide the capital if no other bidder appears.

The successor corporation would be required to liquidate non-railroad assets to raise capital for running the line. Even if no improvement in the line's efficiency was made, the railroad could run at its present (bad) fashion almost indefinitely on the cash freed by the liquidation of non-railroad assets. During this period, Congress could presumably work out some plan to rationalize this nation's haphazard transportation system from top to bottom.

Thus, it is obvious that the railroad can be preserved without bailing out Penn Central Co. My next point is that Penn Central Co. should not be bailed out. What is in fact being proposed is that the current shareholders, for some arbitrary reason, receive

XUM

a considerable public asset (a government-guaranteed loan) which other shareholders do not receive. It is arbitrary for several reasons.

1. It would reward present shareholders over past shareholders. Many of the shareholders who bought the stock at manifestly higher levels have already sold their stock. Their loss was several times greater than that now being risked by existing shareholders. Additionally, many present shareholders bought it as a speculation, knowing full well the risks. Finally, many present shareholders benefited directly from the denuding of railroad assets by years of high dividends. They were living beyond their means; they ought be estopped to complain.

2. It would single out one industry for government protection. If the industry is to be risk-free, then there is no justification for allowing profits at all, for profit is the reward for risk.

3. It would remove one of the great goads to management performance—the threat of failure. This threat of failure is a powerful incentive to ingenuity and thrift. Once gone, the major corporations would become as moribund as any of the non-competitive economies of Eastern Europe.

I thank you for your attention to my thoughts and trust that it will have some impact on your thinking.

Very truly yours,

DOUGLAS CRAM.

[From the Washington Star, June 23, 1970]

PENN CENTRAL CASE AND U.S. POLICY

(By Milton Viorst)

When Deputy Defense Secretary David Packard told a closed session of the House Appropriations Committee some weeks ago that the financial solvency of the Penn Central Co. was vital to the national security, his audience laughed sardonically at him.

When he said that the Navy, as a defense requirement, would guarantee $200 million in loans to Penn Central, hardly anyone doubted that the money was as good as lost.

Had Packard not taken the transaction to the committee as a fait accompli, he would probably have received congressional sanction. After all Congress has historically been as tolerant as administrations of the curious ways of railroads.

But President Nixon, after months of secret talks, had made a private deal with Penn Central, and Congress resented it. On Friday, he was forced to back out. On Sunday, Penn Central got even by declaring itself bankrupt.

No tears, however, are required. The trains will continue to run, despite Packard, at their customary level of inefficiency. And the company's stock will be traded, in recognition of Penn Central's possession of $7 billion in assets that it chose not to liquidate.

Actually, what the administration proposed was to give Penn Central $200 million to perpetuate its tradition of incompetent management and disdain for the public interest.

The proposal was in the grand tradition of collusion between the nation's railroads and federal agencies, particularly the agency held responsible by law for railroad regulation, the Interstate Commerce Commission.

The previous Democratic administrations, despite the anti-trust laws, sanctioned the merger of the Pennsylvania and the New York Central, though Penn Central gave notice at the time of a cutback in service by projecting declining passenger and freight demand.

Needless to say, the prophecy was self-fulfilling. As service was reduced, demand indeed shifted to trucks and airplanes, leaving Penn Central free to diversify into a giant conglomerate.

From Penn Central's point of view, the logic was obvious: Why invest in new railroad cars, track and station facilities if there is a better return in pipelines and luxury hotels?

The railroads' contempt for passenger traffic is, of course, legendary. Anyone who has taken a train recently has had that confirmed. But Penn Central managed even to undo its profitable freight business.

Under law, the ICC has always had the power to compel Penn-Central to run a better railroad. But as one commissioner put it recently, "We do not intend to use that jurisdiction in requiring heavy investment . . ."

Rep. Richard Ottinger, whose New York district depends on Penn-Central, has said the ICC and the railroads maintain a "working economic and personal relationship, which frequently involves the most insidious possible influence by an industry upon an agency holding the public trust."

Rep. John Dingell of Michigan has charged that the ICC's dealings are riddled with conflict of interest.

In the end, however, even the ICC's indulgence didn't save Penn-Central from its own blundering. It had invested so poorly that it lost its liquidity, and became the first major victim of the 1970 recession. It couldn't even make a deal with a President who would come through on his word.

What was particularly irritating to Congress was that the government demanded nothing in return for its generosity.

It is inconceivable that Packard did not promise, at the least, a complete government examination of Penn-Central finances.

Nor did he suggest that, as a condition of the loan, Penn Central would start showing some concern for the public.

The administration did ask for legislation authorizing a total of $750 million in rail loans, but there was no indication that any of the money had to be directed at improved service.

What Nixon did propose—with railroad approval, of course—was a public corporation to run unprofitable passenger lines. But as long as we contemplate nationalization, why not go all the way and take over the entire industry?

Deep down, the trouble is that federal transportation policy is insane. The 1971 budget contains $4.6 billion for roads and $1.35 billion for aviation. It has $23 million to improve the railroads.

No wonder Penn Central concluded that no one cared about rail service, and that it could get away with anything it wanted, including bankruptcy.

[From the New York Times, June 11, 1970]

LOW SPEED AT PENN CENTRAL

The convulsion that cost the jobs of Penn Central's board chairman Stuart T. Saunders and two key associates throws a harsh spotlight on some of the problems now plaguing American business and threatening the health of other corporations as well.

The immediate cause of Mr. Saunders's downfall was the present inflation-spawned liquidity crisis as expressed in the current very tight credit situation. By any criterion, Penn Central is one of the world's largest business enterprises and possesses huge real estate and other assets. Yet it was faced by the possibility it might be unable to meet its obligations, notably the more than $100 million of long-term debt coming due this year. Last week Penn Central was unable to sell 25-year debentures even though it offered the once-fantastic interest rate of 10½ per cent. Penn Central has even had great trouble securing short-term loans needed for meeting payroll and other current expenses.

Two years after the merger of the Pennsylvania and New York Central, the combined railroads lost $62.7 million just in the first quarter of 1970, a huge deficit that more than wiped out large profits earned in other areas of this conglomerate corporations' varied activities. No doubt there is a fascinating book to be written about the difficulties of this historic corporate marriage. There is the story, for example, of the two roads' incompatible computers, and of the utter confusion—in the shape of lost freight cars and vanished business documents—that proliferated when the merger took effect. There are tales, too, of bitter rivalry between Pennsylvania and Central executives as members of the two groups jockeyed for positions and high salaries in the newly merged business organism.

The Nixon Administration's decision to help Penn Central obtain $50 million in short-term Government-guaranteed loans reflects the need to keep this vital transport link running. A tougher question is posed by the company's long-term debt, more than $100-million of which falls due this year. Failure to meet these obligations would mean bankruptcy that would require the Penn Central to be placed in receivership. In this case, its normal railroad and other business would continue while efforts were made to salvage as much as possible for bondholders and other creditors. The Administration evidently believes that collapse of such a major corporation would send a dangerous shock through the nation's entire financial structure, already weakened by the long stock market decline and the credit squeeze—hence the decision to provide additional hundreds of millions of dollars of Government-guaranteed longer-term loans for the Penn Central and similarly shaky carriers.

More is involved than another major contingent liability for the National Treasury. Aid to the Penn Central must not be a precedent requiring Washington to bail out every other major corporation that may run into difficulties because of the liquidity crisis, managerial incompetence or other reasons. Would it be better to let the Penn Central go bankrupt (while its railroad operations continued) on the ground that in a private-enterprise economy investors must pay the price of ill-advised decisions as well as reap the rewards of good judgment? Or is it time to think of nationalizing and unifying the nation's railroads? The measure proposed to help Penn Central must set off some serious debate about these and other fundamental questions raised by that corporation's desperate plight.

[From the Washington Post, June 17, 1970]

PENN CENTRAL'S WELFARE REQUEST

(By Nicholas von Hoffman)

The Penn Central Railroad has applied for welfare. "We're an unwilling welfare client," says William A. Lashley, the company's vice president for public relations, which is what everybody who goes on welfare says.

The Penn Central wants the government to co-sign a loan for $200 million now, and then pass a law which will enable the railroad to borrow another $400 million on the basis of the government's promise to make good, if the money isn't paid back.

The government ought to be very careful before it puts Penn Central on the dole. Sen. Russell Long says the welfare rolls are already loaded with "professional hoboes and bums" who won't work. The way he can tell, the senator says, is that he can't get anybody to wash and stuff his shirts. One condition for giving Penn Central welfare might be that the members of its board of directors would take turns doing Senator Long's laundry.

When people go on welfare, they have to pass a means test to make sure they're not holding out any money. If you own a car, you have to sell it; the same goes for any other fancy merchandise you might have. You must be skinny dip poor to be eligible for welfare.

To certify as a pauper Penn Central will have to resort to hypnotism. The company has assets worth almost $7 billion. Only half of these assets have any connection with railroad trains, diesel engines, freight cars and the like. The other $3½ billion is in real estate, hotels, sports arenas, goodness knows what else.

Like all welfare applicants Penn Central wants to get its monthly check and keep what it has. "You say we have $7 billion in assets," Mr. Lashley explains. "We do, but it's not wise for us to sell them at fire sale, distress prices." The rest of the world has to do it when there's a sickness in the family or money is needed in a hurry, but these welfare recipients don't want to be equal; they want to be special and get something for nothing. But you know what they say about welfare recipients.

Another rule they apply when you ask for welfare is that you can't be on more than one welfare roll at a time. It's cheating to be getting a welfare check from the State of New York and the State of New Jersey. On these grounds, the Penn Central is ineligible for a handout.

Not counting the special tax concessions it enjoys, our dear old deserving seven billion dollar welfare mother has recently gotten $11½ million for the New York to Washington Metroliner from the federal government; the Commonwealth of Pennsylvania is paying it almost $4 million a year in subsidies for its Philadelphia commuter service; the State of New Jersey is buying our charity case 115 brand spanking new railroad cars; the States of New York and Connecticut have given our suffering corporate indigent $10 million in cash with more money promised. In addition, it has taken a $126 million tax write-off on all its junky, old passenger train equipment west of Harrisburg, Pa.

(Bear this in mind when the Penn Central cries out its competitors, the airlines, the barges and the trucks, are subsidized. In the race to get something for nothing, the welfare mothers of America can learn a lot from the railroads, who do it without ever sitting in or demonstrating. In the last century the industry was given 131 million acres of land, some very valuable parcels of which are still owned by certain Western roads.)

Now the railroad wants the government to co-sign these gigantic notes. How valuable this guarantee can be is shown by the fact the Penn Central attempted to borrow this money at 10½ per cent interest and couldn't find a lender, but now, with the full faith and credit of the United States of America behind it, it will get its dough at the prime interest rate of around 8 per cent.

Will they ever pay it back? They already owe the government $20 million on an old New York Central loan. Another railroad company, the Reading, has just asked the government if it may defer payments on a $28 million loan.

Several entertaining reasons are offered as to why Penn Central should be put on welfare.

One is that the line is so big and so important it would be terrible if it went bankrupt. The reason it is so big and important is that the company is the creature of a huge merger that was urged on the public by Penn Central's managers on the grounds that bigger and more important would also be better. As it worked out in dollars and cents, bigger and more important has also meant worse service, inefficiency and bad business judgment, all of which the public is now asked to stand the expense of.

It's also alleged that bankruptcy would mean suspending indispensable railroad service to a number of military installations. Horsebleep. If the Penn Central goes bankrupt, the trains aren't going to stop at twelve-oh-one, and if it did the service is so bad many people wouldn't realize something unusual had transpired. The New York, New Haven and Hartford, among other railroads, was bankrupt, in receivership and more or less running for years.

Who's going to get hurt if the Penn Central goes into bankruptcy or has to sell off some of its assets to pay its bills? The bond and share holders. But that's what business is about. You invest in something good, you make money; buy into an ill-managed, ineptly run enterprise, and you lose money.

One of the very real advantages of what we call the free enterprise system is that it should work to get rid of the inefficient, insufficient and inadequate. A free market is a way of seeing that a society doesn't waste valuable resources on a losing proposition.

As almost all travelers from Russia report, one of their great problems there is that they have no market, nor any other dependable mechanism for knocking out losers. So why are we emulating them? If the old Pennsy can't hack it, let it go under.

Why should incompetence be rewarded? It's had its chance. When it has a market it doesn't know how to exploit it, as anyone who's ever gone through the ordeal of buying a ticket on the Metroliner will agree. The old geezer with the green eyeshade scratching his hair and wondering how to run that golldarned computer thing, the fifth rate food, so inferior to the airlines', the delays, the hundred little ways the company tells you it's too big and too important to need the customers' dollar. And even so, the desire to take the train in preference to a plane is so strong, people keep riding it.

The decision to put the Penn Central on welfare was announced in much the same way as the Gulf of Tonkin—a big meeting with congressional leaders in a crisis atmosphere. The analogy is apt because this is a morass from which we have less chance to emerge victorious than the one in Southeast Asia.

The whole Penn Central operation, not to mention the 200 million that Lockheed aircraft wants to bail them out, all such operations—and there are many—make the government's speechmaking about free enterprise look like the most insincere cant.

If the Nixon administration wants thus to injure the free market economy and take this new step toward socialism, let it be rational socialism, let the policy have full debate, and let it not be socialism for the likes of the Penn Central and laissez-faire, survival of the fittest for the rest of us.

[From the New York Times, June 23, 1970]

Bankrupt Penn Central

The reorganization of the Penn Central under the bankruptcy laws is an astonishing denouement to the high hopes for improved service and financial strength stirred by the merger of two giant railroad systems just a little over two years ago. That this corporation with nearly $7 billion in assets should have to confess in Federal court its inability to pay its bills projects on a mammoth screen the dimensions of the liquidity crisis caused for many businesses by the current combination of inflation and recession.

Despite the shock of the Penn Central's forced bankruptcy, it is hard to find fault with the Congressional critics whose opposition obliged the Administration to back away from its plan to guarantee up to $200 million in short-term bank loans to the rail complex. Quite apart from the appropriateness of such a commitment under the Defense Protection Act, there was scant basis for certainty that the need for Federal underwriting would end with the initial guarantee.

The appointment of trustees under Section 77 of the Bankruptcy Act will give the Penn Central a new lease on life by relieving it of its immediate obligation to pay taxes and other fixed charges as they fall due, but the experience of the New Haven makes it plain that reorganization is no panacea for an ailing railroad. Even at best, it could be twenty years before the Penn Central emerges from court supervision. For lawyers, the process will prove a guaranteed full employment program involving huge fees.

The suspension of the railroad's tax payments to states, cities and counties will aggravate local fiscal problems, already made acute by the inadequacy of aid from Washington. To that loss is added the necessity for state action of the kind now being taken by New York's Governor Rockefeller to help bolster Penn Central commuter service in metropolitan areas.

For all the woes attendant on reorganization in bankruptcy, it will keep the railroad intact and operating under court protection. If that proves insufficient, the Government may yet have to consider nationalizing a system that operates an eighth of all the country's trackage. The lines between public and private enterprise are growing increasingly cloudy in many fields, but it would make little sense to pretend that the Penn Central or other shaky roads were functioning as private corporations if the only way they could keep running was through endless infusions of Government cash.

[From the Journal of Commerce,
June 15, 1970]

The Big Rescue

The administration's rather hurried decision to rescue the giant Penn Central rail system has pleased some people, puzzled or alarmed others and is now rapidly becoming the subject of some sharp questioning on Capitol Hill. The questioning involves not only what was done but the manner in which it was done and what all this may presage for the future.

Initially, the Penn Central is being given government guaranties on short-term bank loans under the Defense Production Act of 1950. The official explanation is that if this aid had not been forthcoming the system would have gone bankrupt and its operations would have come to a halt, thus tying up a great deal of freight in which the Department of Defense has a direct interest. Thus the guaranties were assigned to DOD rather than some other agency, such as the Department of Commerce.

This phase of the arrangement created more puzzlement than any other. What, indeed, would have happened had the Penn Central filed a petition in bankruptcy last weekend? Essentially the same thing that happened when the New Haven went into bankruptcy in 1961. A trustee would have been appointed and the property put into reorganization under Section 77(B) of the Federal Bankruptcy Act. Unless the administration had some information that has not even yet been disclosed there was no reason to suppose that a stoppage of the company's rail operations was impending.

So there is some point to the arguments that those who say the administration's real purpose was to shield the faltering economy from the shock that bankruptcy of such an immense enterprise would create, and that its resort to DOD-backed loans for such a purpose was unwise and perhaps even deceitful.

There is also some point to the argument that the Defense Production Act's loan provisions were not meant to be employed for railroad rescue operations, but to help smaller contractors finish work that DOD considered essential. The administration perhaps feels this way, too, for it is now asking Congress to provide up to $750 million via the Department of Transportation, which now has no statutory authority to guarantee bank loans to railroads. In other words, the Penn Central operation, which will involve perhaps $500 million all told, is to be a one-shot proposition. Future rescues are apparently to be conducted by DOT rather than DOD.

Actually, however, there is some precedent for a resort to the Defense Production Act. After some of the New Haven's main lines in Connecticut had been devastated by the great storms and floods of 1955 the government moved under the Defense Production Act to guaranty 90 per cent of loans aggregating $16 million. That however, was done to enable the carrier to restore its physical plant, not to avoid a reorganization that—as matters turned out—was to come in any event. So the circumstances were not identical.

To cite the New Haven case in the same context with that of the Penn Central is bound to stir some unpleasant memories, but they are memories that still linger in the vicinity of Capitol Hill.

For the 1955 loans were only the first in a series the government would make in a fruitless effort to keep the New Haven from collapse. The others were made under a temporary section of the Transportation Act of 1958 which authorized the Interstate Commerce Commission to guarantee railroad loans made for the purpose of covering expenditures for capital improvements or maintenance.

This was a dubious piece of legislation for several reasons. One of them, pointed out by the then Secretary of Commerce, Sinclair Weeks was that it violated the well-established principle that "an agency having responsibility for regulating an industry should not also be given the responsibility for extension of financial assistance to such industry." In that respect the situation for several years running was akin to that prevailing in the old Maritime Commission which had been charged with regulating the very industry it was also charged with promoting.

Another doubtful feature of the assistance given the New Haven under the Defense Production and Interstate Commerce Acts became apparent as soon as the New Haven finally collapsed. The government had no status whatever among the railroad's creditors. It had not extended the loans itself. It had merely guaranteed them. It had no alternative but pay up.

The legislation now being sought by the administration would meet at least one of the objections raised to the 1958 loan-guaranty program, which was wisely allowed to expire after the New Haven went under. It would be administered by DOT, rather than ICC, so it would not force any agency into the dual role of banker and regulator.

But it may well raise other and broader problems especially if, as presently indicated, the Penn Central may need very extensive help and that some other railroads may soon be seeking it, too. How far can the government go without finding itself on the threshold of railroad nationalization? To what extent, if any, should it interfere with management to protect the public's investment? Where will it all end? These are among the questions already being asked in Congress. We shall try to deal with some of them in tomorrow's editorial.

[From the Wall Street Journal, June 22, 1970]

Review and Outlook: Bailing Out the Penn Central

No one was entirely happy with the Government's plan to guarantee sizable loans to the Penn Central Transportation Co., and perhaps the Administration was correct in withdrawing from its promise for the time being. In the circumstances, though, some such action now seems inevitable.

Under the bankruptcy petition the company filed yesterday, it will continue to provide vital rail services during the reorganization period. The court-appointed trustees will presumably still need substantial Federal help.

In the current uncertain economic climate, no one can say for sure what the impact of the bankruptcy of so large a corporation will be. The Administration's original aid plan was obviously aimed at preventing damage to Penn Central's suppliers and customers as well as to its stockholders.

A large part of the company's trouble stemmed from its own mismanagement. There is no guarantee that a new management will be any better, but a change was clearly in order. Even with the best of management, however, the Government will have to take a number of other steps if it wants to keep other railroads from going the way of the Penn Central.

The first step involves the railroads' abysmal labor relations. Earlier this year the Administration proposed a major overhaul of the Railway Labor Act, whose complex provisions in recent years have done little to promote labor peace.

Perhaps some of the provisions of the overhaul are arguable, but Congress has seemed to prefer to try to forget the whole matter. Yet the problem simply will not go away. The many railroad unions are coming in for new contracts all the time, and any dispute carries the real danger of a national rail shutdown.

The Administration also has proposed a corporation to take over vital rail passenger service, most of which is a money-losing proposition for the railroads. For months before the Penn Central crisis came to a head, the company had been trying to discontinue most of its long-haul passenger service.

It's pretty pointless to argue now over who or what should be blamed for the rail passenger troubles; there's plenty of blame to go around. Rail management deserves a share, along with the growing availability of highway and airline alternatives.

At the moment the fact is that the nation does need some rail passenger trains; they're still the most economical means of transporting large numbers of people from place to place. Someone must do a careful, conscientious job of deciding what service is really essential, giving no weight to such matters as local civic pride and the pleas of rail buffs, some of whom haven't ridden long-distance passenger trains in years.

A Federally sponsored system is an imperfect answer, especially with no more funds than appear to be available. But it's no answer, either, to expect the railroads to go on subsidizing passenger service with other earnings which, as in Penn Central's case, may disappear.

If the Government should do more in the passenger area, it also should do less in freight. Nearly a decade ago President John F. Kennedy proposed a major relaxation of railroad freight rate regulation, but the idea was side-tracked by opposition from barge lines and other rail competitors.

The opponents of greater rate freedom still argue that railroads hold vast monopolistic power that must be curbed by the rate-fixing activities of the Interstate Commerce Commission. That notion seems especially silly in the light of the current troubles of the Penn Central. In any case, the anti-trust statutes should suffice to curb any railroad that did manage to act monopolistically.

Emergency financial aid to the Penn Central could, as some of the critics claim, set a precedent for similar help in even more questionable cases. For that reason it's probably more desirable to set up more systematic procedures to consider requests for aid, as Senator William Proxmire urged last week.

Helping out the Penn Central or any other large corporation, moreover, fuzzes the line between private and public enterprise. If, in the case of the railroads, the nation wants to avoid obliterating the line altogether, it's going to have to launch a broader attack on the problems than it has up to now.

And the solution to those problems requires much more than loan guarantees.

[From the Washington Post, June 16, 1970]

Keyserling on the Penn Central

How right is your editorial of June 12, observing that the current Penn Central Railroad situation must "stimulate second thinking about the efficiency of mergers." The erroneous public decisions which approved this merger should prompt further consideration of the public interest, before a government which "cannot afford" to help adequately our public schools pump about 200 million dollars into helping a 7 billion dollar corporation (which owns a tremendously costly new luxury resort at Boca Raton) to continue its wrongful course.

For several years beginning in 1961, I opposed the Penn Central merger before the ICC. I said that the alleged financial crisis of the two roads, while serious, was grossly exaggerated and accompanied by some legerdemain; that this financial trouble was due predominantly to bad management and could be rectified only by improved management and an about-face in railroad policy; that the so-called financial crisis was caused largely by the high sensitivity of rail traffic to economic stagnation and recession 1953–1960, and would be alleviated by an acceptable rate of economic growth (note such effects 1960–1966, and the converse 1966 to date); that the claim that the merger would rescue "weaker" roads, such as the New Haven, was star-gazing; that the merger was deliberately contrived to achieve spurious "savings" by drastic curtailment of service rather than to achieve the efficiencies and enlarged service which might justify a mammoth merger; and that approval of the merger would propitiate the very mistakes just listed.

The ICC approved the merger, accepting as gospel the findings of the two roads and their independent experts, even though, as of the date of approval, these findings had been discredited completely by actual events. So today, Penn Central is "broke"; management is discredited; passenger service is being ruinously suspended.

When the case first went to the Supreme Court, where I again appeared in opposition to the merger, the Court by a 5 to 4 vote sent the case back to the ICC for further consideration of the prime legislative standard of adequacy of service. But when the case come back to the Court, the merger was unanimously approved in an opinion so concerned about whether several contending railroads got a fair break that it barely dealt with the paramount issue of adequate service. Indeed, the Court could not have faced this issue and approved the merger, for the ICC's attention to this issue was fragmentary and farcical.

Today, the public interest needs champions. When I opposed the merger before the ICC, it was also opposed by the Department of Justice in a 288-page brief, the Council of Economics Advisers, an interdepartmental committee established by President Kennedy, the Railway Labor Executives Association, and in part by the Port of New York Authority. But finally before the Supreme Court, all this opposition changed to support, even though the financial condition of the roads had greatly improved. A book examining this great seachange would provide a rare story of weakness and, in some instances, venality.

LEON H. KEYSERLING.

WASHINGTON.

[From the New York Times, June 23, 1970]

Bankrupt Penn Central

The reorganization of the Penn Central under the bankruptcy laws is an astonishing denouncement to the high hopes for improved service and financial strength stirred by the merger of two giant railroad systems just a little over two years ago. That this corporation with nearly $7 billion in assets

XUM

should have to confess in Federal court its inability to pay its bills projects on a mammoth screen the dimensions of the liquidity crisis caused for many businesses by the current combination of inflation and recession.

Despite the shock of the Penn Central's forced bankruptcy, it is hard to find fault with the Congressional critics whose opposition obliged the Administration to back away from its plan to guarantee up to $200 million in short-term bank loans to the rail complex. Quite apart from the appropriateness of such a commitment under the Defense Protection Act, there was scant basis for certainty that the need for Federal underwriting would end with the initial guarantee.

The appointment of trustees under Section 77 of the Bankruptcy Act will give the Penn Central a new lease on life by relieving it of its immediate obligation to pay taxes and other fixed charges as they fall due, but the experience of the New Haven makes it plain that reorganization is no panacea for an ailing railroad. Even at best, it could be twenty years before the Penn Central emerges from court supervision. For lawyers, the process will prove a guaranteed full employment program involving huge fees.

The suspension of the railroad's tax payments to states, cities and counties will aggravate local fiscal problems, already made acute by the inadequacy of aid from Washington. To that loss is added the necessity for state action of the kind now being taken by New York's Governor Rockefeller to help bolster Penn Central commuter service in metropolitan areas.

For all the woes attendant on reorganization in bankruptcy, it will keep the railroad intact and operating under court protection. If that proves insufficient, the Government may yet have to consider nationalizing a system that operates an eighth of all the country's trackage. The lines between public and private enterprise are growing increasingly cloudy in many fields, but it would make little sense to pretend that the Penn Central or other shaky roads were functioning as private corporations if the only way they could keep running was through endless infusions of Government cash.

[From the Cleveland Plain Dealer, June 19, 1970]

RAIL LOAN RAISES QUESTIONS

Rep. Wright Patman, D–Tex., is a controversial legislator in financial matters but he is right to ask about the federal government's guarantee of a $200 million loan to Penn Central Transportation Co. He wants to know more facts and he wants to know who will play watchdog over the Defense Department's largesse.

Since it could be the public's money involved, the public—as well as Congress—is entitled to know all the answers. This is especially true in view of the following:

Penn Central's terrible money plight surprised even Wall Street which had heard rumblings of the railroad's trouble but didn't dream it was so serious.

The Interstate Commerce Commission has before it the proposed merger of Chesapeake & Ohio and Norfolk & Western railroads into a second eastern rail giant. How will Penn Central's flop affect the ICC's decision which already has been postponed?

If Penn Central is "bailed out" on the grounds it is a service essential to the national security, how far will this practice go? Where will the line be drawn? How much will the government, through the Defense Department and Department of Transportation, influence the operation of Penn Central or other industries of services it might rescue?

If the questions seem endless, it might be because this really is the first time the federal government has invested in railroad operation to any degree, even though for several years the roads have been crying for help because of passenger service deficits. The initial loan to Penn Central might well be only the start of several such bolstering actions.

The size of Penn Central made it imperative that the railroad be propped up financially in the interest of national transportation and of the national economy.

Behind all this is amazement that the Penn Central, merged as recently as 1968 under glorious promises of greater service and greater savings, could have come so swiftly on evil days.

It has been reported that the management, now removed, used revenues for diversification of holdings rather than plowing back the money into the railroad. When passenger losses mounted and freight profits didn't materialize as expected, Penn Central was in trouble.

In view of that history, Rep. Patman's inquiry seems justified.

IS DEMOCRACY DYING?

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, Dr. Lynn W. Turner, a graduate of Indiana Central College and recipient of a master's degree from Indiana University and a Ph. D. degree from Harvard, recently announced his retirement as president of Otterbein College. Dr. Turner also holds two honorary degrees and is listed in Who's Who in America.

Upon his retirement, Dr. Turner delivered the commencement address to the class of 1970 at Otterbein which I am pleased to include in the CONGRESSIONAL RECORD:

IS DEMOCRACY DYING?

(By President Lynn W. Turner)

I want to talk today, very earnestly and soberly, about a phenomenon of our times, that troubles me more than anything I've seen in America for many, many years. This is not the issue of war and peace, or the civil rights movement, or the pollution of our native earth or any of the other crusades which young people mount against the "Establishment" nowadays, although I suspect that my personal zeal for most of these causes is not much less than yours. My deepest concern is not with these issues themselves, but with the methods being employed to bring them into focus. My concern is that your generation and mine, in your eagerness to reform and our reaction against your attempts to reform, are threatening the very existence of Democracy.

Democracy is at best a delicate growth for it cannot exist without the restraint and control of what seems to be one of mankind's most fundamental instincts, the intinct toward violence. Democracy is essentially an orderly process for the achievement of the will of the majority without violating the rights of minorities. Democracy is not revolution—revolutions are not democratic. Revolution is the imposition of the will of a minority by violent means on a resistant or passive majority. Even the American Revolution was a violent political takeover engineered by approximately ⅓ of the population of the 13 colonies against the wishes of the other ⅔.

Fortunately, in our case, the majority of Americans, resisting movements toward monarchy on the one hand and anarchy on the other, took control of the revolutionary movement after it had achieved independence and employed it in constructing the most successful democracy that the world has ever seen. Our English ancestors, without revolutionary violence, have arrived at a similar condition—a nation in which sophisticated machinery for peaceful change has been well developed. Only a few other countries have achieved similar democratic, political stability—most of mankind is still ruled by force rather than reason. Democracy, which provides for the necessary elements of government, while maintaining at the same time a technique for peaceful change, is one of mankind's most superb achievements, comparable in every way to the exploration of the moon, the conquest of disease or the development of an eloquent literature. If democracy dies at our hands during this generation, it will be the greatest tragedy in the 20th century.

If I interpret what I read correctly, however, there is a substantial part of your generation and even a considerable portion of the generation between yours and mine which would totally disagree with the idea that there would be anything tragic about the death of democracy. Some of these individuals openly and stridently proclaim the doctrine that democracy must be overthrown. This idea of revolution has become so pervasive in university circles that it has captured the passions not only of students but of many faculty as well. This, to me, is an incomprehensible development. For here we see men and women who were supposed to have been trained to think objectively, to research a problem thoroughly before they came to conclusions about it, to debate it with scientific detachment and calm deliberation and to seek victory for their opinions in the free marketplace of ideas rather than in mob violence or emotional orgies—we see such people abandoning all of this training and becoming revolutionary anarchists.

What alarms me as much as the attacks by the young revolutionaries upon our democratic society is the growing tendency of conservatives to abandon democratic processes in defense of the status quo. This was even evident at the national convention of the American Historical Association this year and it has been increasingly apparent in our society as a whole. Conservative students are now organizing groups of various kinds to combat the radicals and are adopting vigilante tactics which may ultimately lead to civil war on our campuses. Construction workers in New York have recently taken to the streets in mobs to fight the young militants with their own weapons—fists, clubs, rocks, and it may even come finally to guns. If agitation on the left by the revolutionaries continues to rise, while repression on the right by police, soldiers and vigilante groups continues to match it, this country will soon be ripe for a fascist dictatorship. "In 1972, George Wallace or someone probably far worse will sweep the country with a hate campaign that will make 1968 look like a Sunday School picnic." (Senator Marg. Chase Smith from Maine.)

Someone has said that those who refuse to learn from the mistakes of the past will be condemned to repeat them. The leftist agitators in this country today lack many things, but their most tragic defect is the lack of a sense of history. Here is one instance in which it is a misfortune to be young, for our campus militants of the 60's have missed the sobering experience of having lived through the 20's and 30's. Those of us who witnessed personally the rise of Mussolini, Stalin and Hitler had vivid lessons in the breakdown of democracy. In nearly every instance, totalitarian dictatorship emerged as the end product of a classical pattern. This was especially true in Italy and Germany, where a costly and futile war, followed by depression and inflation, developed in the common people a profound sense of discouragement over what seemed to be the inadequacies of their elected rulers.

Democracy was assailed and threatened by communists and socialists of every description whose avowed purpose was to reform society by first destroying it. Most of the people in these countries, sensing a profound threat to their own welfare and liberties from these revolutionists, turned for salvation to a messianic psuedo-socialist who actually enjoyed the support of the big business interests and even of many intellectuals. With this kind of backing both Mussolini and Hitler were able to seize power, dissolve the parliaments that existed in their countries, completely suppressed individual freedom, persecute and even exterminate minorities, and launch their countries upon ill-fated programs of conquest which led to a world war and untold suffering for millions of people. It would be particularly instructive for the young blacks in this country to study the history of Hitler's Nazi dictatorship in Germany. A part of his demonic program was to use the Jews in Germany as the scapegoats for all of the frustrations that the nation suffered. The German Jews were humiliated, persecuted and ultimately, together with Jews from all the parts of Europe conquered by Hitler, murdered. I would advise my young black frends to study this period of history and then ask themselves, "Who would be the people most likely to become the scapegoats for an American totalitarian dictator?" Must we forever repeat the mistakes of history? Must we follow again blindly the pattern of democratic dissolution, the threat of revolution and the establishment of dictatorship?

I not only witnessed these events as they occurred but I was personally involved in them for, contrary to what you may think, you are not the first generation of college students to notice the great events transpiring beyond the campus. During the 30's while the people in Italy and Germany were surrendering their liberties to a dictator, the people in the democratic nations of the world suffered from a strange kind of paralysis of the will which seemed not only to blind them to what was happening in Europe but even induced a certain degree of admiration for such characters as Mussolini and Hitler. (Not essentially different from the worship of Che Guevara and Mao Tse Tung which prevails in the more misguided circles of American youth today.) Above all there was a revolution against war as an instrument of national policy and a sort of blind feeling that World War II would never come if enough good democrats just decided to ignore it. There were organized movements similar to the "hell, no, we won't go" groups that now chant their rituals in American streets.

One of the things that Hitler was demanding in those days was the return of Danzig to Germany—a demand which Poland resisted. Since France had a treaty of alliance with Poland which might very well lead her into a war with Germany, it became fashionable in the 30's for young French intellectuals to shout "I'll not die for Danzig." Students at Oxford University signed pledges that they would never under any circumstances fight in any future war, and this idea spread into most of the universities and colleges throughout the English speaking world. American students gave this movement, a facetious twist—some of them organized the Veterans of Future Wars and petitioned Congress for immediate payment of their veterans' benefits,—a clever, but financially impossible idea. I happened to be a graduate student at Indiana University at the time and President of the International Relations Club. Although it had always been the purpose of this organization to *study* international affairs rather than try to *influence* them, we succumbed to the prevailing notion that passing resolutions, signing pledges and participating in demonstrations would prevent the oncoming of World War II. And so we organized a campaign to secure pledges against participation in any future war, we passed resolutions denouncing the ROTC on the Indiana University Campus, about which incidentally, we knew nothing, and we generally felt very self-satisfied about the struggle that we were waging for peace. I realize that I am sounding cynical but my cynicism is not directed at peace itself or at the idealism of young people who want peace to prevail in the world. I am being cynical about the utter stupidity and futility of what we were trying to do to achieve it. The threats to peace in the 1930's were not the ROTC or American foreign policy or big business, but the mad ambitions of Benito Mussolini, Adolph Hitler and the war lords of Japan, and nothing that we did in Bloomington, Indiana or that the young men did at Oxford University had the slightest effect on these monsters except perhaps to encourage them. If it had any effect on our own government it was to paralyze it still further in the face of the rising threats of fascism.

The democracies stood by helplessly while Japan seized Manchuria and invaded the Chinese mainland, while Italy attacked and occupied Ethiopia, while Franco overthrew the republican government of Spain and while Hitler remilitarized the Rhineland, occupied Danzig, took over Austria and threatened Czechoslovakia. At this point the European democracies, England and France, made feeble protests and suggested that at least there ought to be an international conference before Hitler moved any further. The result was perhaps the most ghastly surrender to the arrogant threat of force in all history—the Munich conference of 1938, at which France and England agreed to permit the occupation of all of the border territories in Czechoslovakia by Germany and Hungary, and from which Chamberlain returned to London waving a copy of the treaty in his hand and pronouncing to the crowd at the airport "I bring back peace in our time." Only six months later, Hitler callously shattered this treaty by occupying all of Czechoslovakia and a few months after that, he was making the same kind of threats against Poland. With hesitation and reluctance, even at this point, the English and French nations came to the grim realization that there was no way to deal with Hitler except by force, and they declared war on Germany.

I must confess that I went through, personally somewhat the same kind of illusion and disillusionment that Neville Chamberlain experienced. I found excuses that at least halfway justified in my mind the things Hitler was doing during the early part of his career. Most of this excuse-making grew out of my own sense of historical guilt, out of my knowledge of the fact that the allies had imposed a grossly unjust treaty of peace upon the Germans in 1919 and that the economic policies of our own government had been largely responsible for the despair in Europe out of which Hitler had gained his strength. It is for these same reasons, this sense of guilt, that so many of us yield to the exorbitant demands of intransigent black students on our campuses today and indulge all of our young people in the total lack of discipline which we feel somehow is in absolution for our own shortcomings. There is nothing to be gained in the long run by this kind of cop-out.

The simple fact is, that in the face of the monstrous tyranny that had destroyed any vestige of freedom in half of Europe by 1939, and threatened to end the independence of Poland and drive the world into slavery, my college-boy infatuation with immediate peace, attained by denial of responsibility, faded away very rapidly. I had also achieved, I'm sure, a considerably greater degree of maturity in 1939 than I'd had in 1929. I had married, I had a daughter, I had entered upon the practice of my profession, I had built a house and mortgaged it, I owned an automobile. In the language current today I suppose you would say that I had gone over to the Establishment—I prefer to express it as entering the age of responsibility. A family and a mortgage makes a lot of difference in your outlook. For one thing, you have something concrete to defend, rather than a lot of abstractions to attack.

In short, when we were drawn into World War II against Hitler, Mussolini, and Tojo, I was fully committed to it—as was the rest of my generation—and we were happily relieved that our campaigns against the ROTC and the "merchants of death," back in the thirties, hadn't been successful, after all. Nor was my commitment irrelevant, for I was still registered with Selective Service, and actually applied for a naval commission in 1942. I'm telling you all this, not to give you a preview of my memoirs, but to try to make three points of importance to you—1) you are not the first young people who have gone through an age of trauma and distrust of your elders, 2) your attitudes will change as you take on responsibilities and you'll be glad that they do, 3) if you destroy the present because it hasn't repudiated the past, there will be no future.

Whatever your present attitude toward Otterbein College and the rest of the world may be, you're soon going to become members of the Establishment. Most of you are accepting jobs which exist only because of the Establishment. Some of you are going on to school supported by fellowships, assistantships and loans set up by the Establishment. Most of you will very soon enter into the oldest Establishment of all—marriage, You will shave off your beards, trim your curly locks, throw away your beads and get with it again. But be of good cheer, the world of which you have been a part, willy-nilly, for the last two decades, isn't so bad after all. As a Professor of History at the University of Montana recently wrote, in answer to some of the wild criticisms of his students, "Every generation makes its mistakes and we have made our share. But my generation has also made America the most affluent country on earth. It has tackled, head on, a racial problem as no nation in history had dared to do. It has publicly declared war on poverty, and it has gone to the moon; it has desegregated schools and abolished polio; it has presided over the beginning of what is probably the greatest social and economic revolution in history. It has declared itself, and committed itself, and taxed itself, and nearly run itself into the ground, in the cause of social justice and reform.

"Society, the "Establishment," is not a foreign thing we seek to impose on the young. It—along with the 18-year-old—is the product of thousands of years of the development of mankind. We know it is far from perfect. We did not make it; we have only sought to change it. We win, if we win at all, slowly and painfully." The fact that we have been partially successful in reaching our dreams is the story of all generations—as it will be the story of yours.

I urge you seniors, in the years to come, to enter a crusade for the preservation of Democracy—not with slogans, demonstrations, strikes, street riots, police battles, or constant harassment of public officials—you cannot save anything with a preservative that destroys it. Crusade with concern and commitment. Whatever your jobs or professions may be, involve yourselves actively and deeply with government and the structure of society. Become active in politics. Become one of Nader's Raiders, or one of McCarthy's White Knights, or maybe just one of State Representative Allan Norris' precinct workers, but make Democracy work! Repudiate fascist or communist tactics, not only in your political allegiances, but in your daily work, in your church, in your school system, in your recreations.

XUM

And when you become alumni, as you soon will, help keep democracy working at Otterbein College by your continued interest in and support of its processes. *During the two years of your upper class life at Otterbein we have worked out, through democratic procedures, a new plan of governance for the campus in which the students who succeed you will have a larger share in decision-making than almost anywhere else in the world of higher education.* A few of you have been very active in formulating this plan. All of you, I hope, voted for it. You will not be here to see it go into action next September, but you will surely be keenly interested in watching it, and, as alumni, influencing its future development. Alumni have a great deal to do with shaping the development of their *alma mater*. If they are too wedded to the school exactly as it was when they left it, they hang like a dead albatross around the neck of progress. If they are too critical, too negative, too indifferent, too deprecatory, too contemptuous of the college's ideals, they harbor a spirit of intellectual matricide, which injures both their alma mater and themselves.

You have been good students. You have been inquisitive and responsible. You have lived through a very critical period in the history of education with peacefulness and poise. You resisted the temptation to become revolutionaries because so many others were. You have participated in one of the greatest periods of constructive change in Otterbein's history. I am sure that you have learned your lessons well, and that so far as you are concerned, government—in the country, the schools and the cities—of the people, by the people, and for the people, shall not perish from the earth.

SOCIETY IS NOT SICK

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, these days when all we hear about is the vocal minority among students, I thought it would be refreshing and heartening to hear from the other side for a change. Therefore, I am happy to include in the Congressional Record the valedictorian address of Mr. Shawn Rader, a recent graduate of a Columbus, Ohio, high school. Shawn is the nephew of Earl R. Rader, a professor in the Department of Dairy Science at the Ohio State University. The address is as follows:

Society Is Not Sick

Your Excellency Bishop Elwell, Monsignor Applegate, Father Handley, Father White, Members of the faculty, parents, relatives, friends, and fellow graduates, we have heard a great deal lately from a vocal minority of those who have passed a few years before us, and now are students in our Nation's colleges and universities. They call upon us to join them in their violent overthrow of a system they claim is unchangeable. This vocal minority calls upon us to join them in their scorn and rejection of the generation of our parents and our teachers. Our parents and teachers have been swallowed up by lives of materialism, they say, and have been content with "making it" while forgetting the real values of life—love, peace, and brotherhood. They say that our parents and teachers have dumped upon us a society of war, poverty, injustice and racism. Though some are truly working for change within our democratic system, many have only their own interests at heart. We must recognize these for what they really are: egotistical and self-righteous. Let us ask ourselves why their insistence on universal love seems so often to express itself in hate for those who differ with them. Let us examine now the charges they make, and decide what our future course of action should be.

I think we have a lot to learn from the generation of our parents and teachers, born in the aftermath of one great conflict, reared in history's greatest depression, and graduated in time to fight man's grisliest war. They had but one thing in mind, fellow students, they wanted better for us, and they got it.

In the society of 30 years ago, a Negro lynching made the news only if it was public. Blacks came to the back door, worked for 50 cents a day. Today the blackman votes; shares schools and parks; is prominent in business, entertainment and politics. If we can make as much progress toward racial equality in the next 20 years as our parents' generation has in the last 20, we should be able to solve the racial problem.

As for the charge of a society of poverty . . . our parents and teachers can remember when the fear of hunger was in every home, when 20% of the men were jobless, when President Roosevelt cried that ⅓ of our Nation was ill-housed, ill-clothed, and ill-fed, and knew he wasn't exaggerating. Radicals cry economic injustice. . . . Our parents and teachers can remember when children worked in sweatshops, when miners attempting to organize were shot down; they remember the county poorhouse and the hell of the insane asylum.

The important thing for us to realize when faced with these facts, which some college students conveniently overlook, is that the failings of the past don't justify those of today, but that a realistic comparison reveals a continuing progress which is not a sign of a sick society.

Radicals today tell us that the generation of our parents and teachers is greedy, and possession-mad. We know better. Never has a people given more charitably of its blood, effort, or material. Our parents' generation fought history's worst war to save the world from the most barbaric of tyranny, and then gave their wealth to friend and foe alike, to help rebuild a new and hopefully better world. There is no parallel in the history of mankind for such an act of generosity. And today, our nation taxes itself heavier than ever before to assist its poor, its aged, and its disabled.

Now let us examine the charge of materialism. Well, as John Pearce said in an article of the June 15, 1969 issue of the Louisville Courier-Journal, speaking to us for our parents' generation:

"We have been materialistic because we have seen too many people suffer too much from material want, because we remember too many starving children because we have walked too many miles through too many cold mornings to work long hours at low pay and return home at night to parents with fear and worry in their eyes. We determined it should not happen to you . . ."

Due to their determination, we are going to live longer, be sick less often, work fewer hours, and have a chance to spend the days of our lives in purposeful pursuits.

We are asked more than anything else today to join the college new left in their condemnation of the mortal sin of our parents' generation—Viet Nam. The fact that your consecutive presidents of both parties have seen the stakes there as high enough to warrant our involvement, seems to me to be deserving of consideration. I do not believe, as leftists charge, that we remain in Southeast Asia out of pride or for profit. I believe that we are there to give people the right to choose their government without external or externally supported pressure. Furthermore, it seems rather strange to me, that our intervention in the Dominican Republic to uphold the elected government there met with little campus outcry. Could that be because a large increase in the draft was not necessitated? If so, we must remember that moral conviction should not wax and wane with the degree of personal sacrifice involved.

We should now be able to see that the Democratic system which has been passed to us by six generations is indeed accommodating to change. Our teachers and parents' generation in my opinion, has given us a fine example of responsible and intelligent use of it.

We have had good moral training here at Hartley, and have received an admirable set of christian values. We have been taught respect for orderly change; I know of no teaching here that endorsed the burning of buildings or rioting to make a point.

This then would be my message to you my fellow graduates: much constructive change is still needed in our American society; we will be the ones to initiate that change. But let us initiate that change while adhering to our nation's constitution and the Christian values we have gained here. Let us follow the example of our teachers and parents' generation in that regard, for in this way, we will be a credit to our generation and a defender of our national heritage.

PRESIDENT'S VETO OF HOSPITAL FUNDS MUST BE OVERRIDDEN

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I am shocked at the action of the President in vetoing the 3-year extension of the Hill-Burton hospital and construction and modernization program. The President's justification for this veto, as with his veto of the education appropriation some months ago, is that the amounts appropriated by the Congress are "financially irresponsible."

The problem of obtaining adequate health care, especially if hospitalization is required, is acute in my district as it is in many other urban and rural areas throughout the country. Many of my constituents must wait for months for needed hospital care due to serious overcrowding and lack of facilities. This situation is made even more serious by the shortage of emergency and outpatient facilities in New York City. I receive frequent reports from frustrated city residents who complain of having to wait hours for attention in the emergency units of nearby hospitals.

As the Committee on Interstate and Foreign Commerce indicated when it reported the Hill-Burton legislation to the House in 1969, there is a tremendous backlog of applications for Federal assistance to modernize, expand, and improve existing hospital facilities, and construct new ones. With that in mind, the House passed this legislation by a roll call vote of 351 to 0, and the Senate passed a more nearly adequate version by a vote of 79 to 0.

Mr. Speaker, for a quarter century, the Hill-Burton program has been the major stimulus to the development of hospital and other medical care facili-

XUM

ties. The President, in his budget message, proposed a total termination of this most crucial program. Now he says he will approve a "financially responsible" bill. In my view, it would be irresponsible for the Congress to accept legislation containing less than the rock-bottom $1.2 billion provided in the bill the President has vetoed. This House, and the Senate, should override this deplorable veto by repeating the unanimous votes by which they passed the bill originally.

TEXAS OIL ALLOWABLES

(Mr. BUSH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BUSH. Mr. Speaker, on June 22 the Wall Street Journal carried a story in which a "high Nixon administration official complained that a recent cut in Texas oil allowables was inflationary."

This is uninformed criticism at it worst.

There are several relevant factors.

First, crude oil prices have gone up less than prices on other commodities.

Second, the Texas Railroad Commission that sets allowables is not a price fixing body. It is a conservation body. It deals with ratable take. It permits all oil to be produced that can be used.

Oil in storage is building up—it is at a high point. The companies are selling all they can. What would this anonymous spokesman have the authorities do with the excess oil—the oil that is in storage. This oil that is in storage is not going to move by producing higher amounts of oil.

Third, there is a giant misconception about allowables, proration, nominations, ratable take, and so forth.

The Railroad Commission is not a price fixing body.

Nominations are made to the Commission saying how much oil the buyers can handle. The Commission then sees that the salable oil is ratably taken. This guarantees that there will be fair producing practices.

The Commission has an important conservation function. It sets rates of production which guarantee that funds will be produced at efficient rates.

Fourth, there is a tremendous misconception about the ability of fields to produce. Some uninformed critics assume that if the statewide allowable is set at 55 percent that that means 45 percent of available production is being withheld from the market. That simply is not true.

There is very little excess producing capacity in this country. The sooner we realize this the better off we are going to be from a national security point of view.

I have not been able to find out who the unnamed official is who charged the allowable setting as being inflationary. The kindest thing that can be said is that he is misinformed.

I am chairman of the GOP Task Force on Earth Resources and Population. We have just concluded hearings which demonstrate that we have a critical gas shortage in this country, and that we are becoming increasingly dependent on foreign sources of oil.

Uninformed criticism which could lead to action making this country even more dependent on unreliable sources of foreign oil does not help a thing.

No one in his right mind would decree we should increase our dependency on Middle East oil today—yet that could be the result of this type of criticism.

Something needs to be done to educate the critics.

In a speech given May 4, Hendrik S. Houthakker, a member of the Council of Economic Advisers, states:

> In Texas, oil production is now being reduced by 36½ percent below what could be produced economically.

This is not true today with lower allowables and it was even less true when Dr. Houthakker made his speech. It is just plain factually incorrect. In fairness to him, I believe Dr. Houthakker now knows that is incorrect. He has told me this.

Today I have written Dr. McCracken suggesting that he and the other two members of the Council of Economic Advisers hold a meeting with two or three experts who understand the function of the State regulatory bodies.

I am convinced that the Council, presented with hard facts, will soon see that the "ratable take" function of the Texas Railroad Commission is not a price fixing scheme, nor a protection scheme; rather, it is a procedure to guarantee all fields a fair part of the market. It protects the little man and it protects the national interest through sound conservation.

If this anonymous critic resides within the Council of Economic Advisers, he will learn by this meeting the errors of his ways. If he does not, the meeting will still be productive, because what we need on this subject is understanding, and then leadership.

It is essential that the President be given sound and informed advice since the oil so directly affects our national security.

DISPOSAL OF SEWAGE

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, because of our relationship to the District of Columbia, we in Congress have a special responsibility to assist in restoring the waters of the Potomac and its tributaries to purity.

Difficulties in resolving the problem of handling and disposing municipal sewage waste basically results from the lack of an overall realistic and fully coordinated plan developed by the jurisdictions comprising the metropolitan area. I would propose that the enforcement conference which is responsible for meeting water quality standards, call on the Metropolitan Washington Council of Governments to develop such a long-range regional plan for treatment and disposal of sewage. The conferees should develop and agree upon an equitable formula for financing such a study through COG.

The council of governments is composed of elected representatives of the various jurisdictions in the area, and would be an appropriate body to perform such a task. It already has the responsibility for developing regional sewer and water plans, but it must have more resources if it is to produce the type of comprehensive plan and address all issues involved. Such a plan should include treatment of the combined storm and sanitary sewage which exists in certain parts of the region, matching treatment facilites with expected loads and capability of the receiving body of water to absorb the treated effluent discharge from the treatment facilities.

For the immediate future until such a long range plan is formulated it is unreasonable to restrict the Blue Plains to any less than 309 million gallons a day.

The several jurisdictions involved have developed plans and facilities on the basis of assurance that Blue Plains would be available for expansion. To reverse such plans without the opportunity for the areas involved to develop the appropriate alternatives which would guarantee adequate treatment for the various streams involved would be unconscionable.

In light of the commitment to clean up our Nation's water the Congress of the United States on behalf of the District of Columbia and the local jurisdictions who will use Blue Plains should stand ready to support treatment to a high degree or tertiary level at Blue Plains. All jurisdictions which use Blue Plains have an obligation to upgrade the quality of the Potomac as a recreational and commercial resource for millions of citizens of our region.

In the development of a long range regional plan, all parties involved should take a long, hard look as to whether the concept of concentrating municipal waste in one treatment facility is the final answer.

With the continuing innovation and development of new technical knowledge which moves in the direction of economical and efficient recycling of water the ability to disperse small sewage treatment facilities may be a valuable tool in suburban planning.

The possibility of some dispersion of sewage treatment facilities to recycle and thereby return potable water to the streams could well preclude the dangers of suburban sprawl and improper growth which has sometimes resulted from vast trunk sewer developments in the past.

THE IMPACT OF THE PRESIDENT'S VETO ON HOSPITALS AND MEDICAL CARE CENTERS

(Mr. FRIEDEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. FRIEDEL. Mr. Speaker, yesterday I spoke out on the crisis that the Nation faces in the field of medical education and manpower training and the un-

XUM

fortunate impact that the President's recent veto of badly needed construction moneys for hospital and medical care centers would have. Needless to say, I shall vote to override this veto.

As all Members know, this vital program passed the House just one and a half weeks ago by a vote of 377 to 0. I am somewhat gratified to note that a major newspaper, the Morning Sun in my city of Baltimore, took the occasion today to editoralize on the very subject of my remarks of yesterday. I commend to all the Members of the House this fine editorial on this most critical issue and include it in the Record at this point:

Crisis in Health

Fredrick P. McGehan's articles in *The Sun* present a disturbing picture of the state of American medical education. Financially it is approaching the crisis point.

There is a pressing need for doctors and a "widening gap between supply and demand." Since 1966 medical schools have increased their enrollment capacity by 32 per cent. But spokesmen for the schools say funds have never been "sufficient" and now less and less money is available for construction, for operating costs, for research, for student grants. "Money" means, of course, federal funds; ever since World War II medical schools and the universities of which many of them are a part, have been more and more—and more helplessly—dependent on Washington's assistance. Now with the grim but necessary fight against inflation those funds are being cut back. Mr. McGehan notes that the Association of American Medical Colleges "reports that 61 medical schools—of a total of 107 in the nation—have been awarded special federal grants 'on the basis of some condition of financial distress'." Even so the emergency is growing more acute.

The Johns Hopkins is a case in point. Mr. McGehan said in his article yesterday that the School of Medicine finds itself in the "worst shape" in its 77-year-old history. It faces a current deficit of around $900,000, expects the next fiscal year to produce a shortage of more than $2.3 million, and has lost $1.5 in federal support in the past 12 months and $440,000 in grants for post-doctoral support.

By cruelly ironic coincidence, a news story accompanying the article underlines the mounting difficulties of the squeeze. President Nixon has vetoed a three-year authorization of $2.79 billion for health facilities because the bill in its present form would be "a long step down the road of fiscal irresponsibility." To halt inflation he must hold his budgetary line.

All of us are aware of the rising costs of Medicaid and Medicare, of hospital charges and health insurance, of medical education, tuition, salaries and research. The schools, with their reliance on federal help, are caught between the inflationary spiral and the government's obligation to curb it. But the need for doctors remains insistent and, as Mr. Nixon recognized in his veto statement, the nation's health must take high rank among all the competing "priorities."

Clearly there can be no magical and instant answers. Just as clearly, Washington, medical organizations and the schools must join in a coherent and urgent effort to find new ways of meeting a problem that has now taken on serious proportions.

INTERNATIONAL DAY OF BREAD AND HARVEST FESTIVAL

(Mr. SEBELIUS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SEBELIUS. Mr. Speaker, I am most proud to be a cosponsor of the joint resolution calling for the second "Annual Day of Bread" introduced by Congresswoman Catherine May of the State of Washington and Congressman Graham Purcell of the State of Texas.

I would like to point out, as I did last year when the Day of Bread and Harvest Festival Week first became a reality, that it is most fitting Congresswoman May and Congressman Purcell have introduced this resolution. Certainly all of those connected with wheat industry are well aware of the many contributions my colleagues from Washington and Texas have made to the world's most important food industry—the wheat industry.

Mr. Speaker, the introduction of this resolution at this time is most appropriate because it comes at the same time as our farmers are harvesting this year's wheat crop. The harvest in our Nation's largest wheat producing State is now underway. The month of July is designated Kansas Wheat Month in my home State to honor this annual harvest.

Within the concept of this resolution, I am hopeful we can see the dawn of a new world of agriculture. Perhaps our Nation's greatest contribution to world peace is our ability and capacity to produce food and our willingness to share that knowledge and bounty with our neighbors and friends.

It becomes clear, considering the future race between world population and world food supply, we must make an all-out effort that calls for a new kind of agriculture—an international undertaking to combat hunger and modernize agriculture. This joint resolution, calling for the second annual observance of the Day of Bread, marks another cornerstone in that effort.

I commend Congresswoman May and Congressman Purcell for their efforts in this regard. I consider it a privilege and honor to cosponsor this resolution. I urge my colleagues to approve this resolution for the observance of the second "Annual Day of Bread and Harvest Festival."

SPEAKER HONORED BY PRESIDENT NIXON, FORMER PRESIDENT JOHNSON

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, on May 27 the President of the United States honored the Speaker of the House of Representatives for his great and devoted service to the United States. Many of us were fortunate enough to be present at that heartwarming event. For the benefit of those who were not I would like to place in the Record a transcript of remarks made by the President, former President Lyndon B. Johnson, and the great Speaker of the House, John W. McCormack. I now offer this transcript so that all Members of the House may, in effect, join in the recent event marking the approaching retirement of our beloved Speaker:

Exchange of Remarks Between the President, Former President Lyndon B. Johnson, and John W. McCormack, Speaker of the House of Representatives, at a Luncheon in Honor of Speaker McCormack

The President. Mr. Speaker, President Johnson, Mr. Vice President, Mr. Chief Justice, all of the distinguished guests who are here for this occasion:

We wish that time permitted everyone here to say what he would like to say about The Speaker, and even under the rules of the House that might have been possible, because I figured it out that with approximately 100 of the elite—and you are the elite believe me; you should have seen the words I received from those who were not invited to this luncheon—but 100 of the elite are here, and each of you should speak, but even under the rules of the house, literally we would not be out of here until 4:00.

I have just been informed that the House Members have to get back a couple of votes and the Senate Members just have to get back.

But we do not want to keep either the House or the Senate from their very important responsibilities, so I have taken upon myself the very difficult choice of selecting those from this assemblage who would speak for all of us.

I naturally have turned to those who have known The Speaker the longest, those who served with him who are no longer in the House, and those who have served under him and with him who are presently in the House.

It will be bipartisan, of course, bipartisan because those who respect this Speaker are not numbered or certainly not designated by their party affiliation. We all cherish his friendship and that will be evident from the remarks you will hear.

So now under the rules of the House, which The Speaker will enforce, if I will not, each will be recognized.

(The President then introduced Congressman Howard Smith, Congressman Charles Halleck, Congressman Emanuel Celler and Congressman Leslie C. Arends for brief remarks.)

The President. Now we come to one who has served with The Speaker and one who has been intimately associated with him over many, many years and one who presided in this house with such great dignity and great courage immediately prior to the time I have had the privilege to be here.

I think we are very fortunate that President Johnson came all the way from Texas up here to honor The Speaker today.

President Johnson. Mr. President, Mr. Vice President, Mr. Speaker, Mr. Chief Justice, Members of the Congress and friends all:

First, Mr. President, with all the problems that you carry and all the burdens you bear, this is a most unusual and thoughtful thing for you to do, and on behalf of all my fellow men, I want to thank you especially for extending this courtesy to our beloved friend, John McCormack.

Secondly, I want to thank you for extending this courtesy to me and permitting me to come here and hear these tributes to John McCormack, and giving me a chance to express mine.

For almost 39 years I have known Speaker McCormack and he has been my friend. He and I have many things in common. Our wives are friends, true, good friends, and we both out-married ourselves.

Second, we both had the same teacher, served under and with the same Speaker, Sam Rayburn. He was a good teacher. He taught us many things. He never taught us to hate. He always taught us to love, and to love our colleagues on both sides of the aisle. He always taught us to respect our President, whoever was President.

He started out with Woodrow Wilson, but he used to tell us in the shadow of the day,

XUM

in the cool of the evening and in the Board of Education, how fond he was of President Coolidge and how he would come here and have scrambled eggs for breakfast, and how they talked together, not very much, but some.

I am not sure, Mr. President, which rule you are putting me under today. You said the House rule, but it has been so long since I served in the House, I remember there was a one-minute rule for extension and a five-minute rule for amendments, and I guess I violated both of them.

In any event, Mr. Rayburn taught us to respect our President and to help him whenever and wherever we could. John McCormack followed that lesson.

The last several months I have been sitting there on the banks of the little river that runs in front of my house, reading the minutes of the many meetings that I had as President. In some of those meetings, Speaker McCormack was, in effect, my Vice President. For many months we were without a Vice President. Most every important meeting that we had, certainly those we had with the Leadership, we had minutes on those meetings and we had shorthand transcripts on those meetings.

I don't know that they will ever be as interesting to anyone else as they are to me, but I have enjoyed them for the last 18 months. I particularly enjoyed reading what John McCormack had to say.

First of all, he was usually one of the first to speak. He always spoke frankly and candidly. He always spoke courteously and helpfully. I think that the historians of this period, when they recall what happened, they will point to this man, John McCormack, as a person who loved his country and as a person who gave his all to the President, whoever he may have been.

I was asked when I was a young man, by a University of Texas professor, to state my philosophy of government. I said first of all, I am very proud that I am a free man. Second, I am very proud that I am an American, and third, I am very happy to be a public servant and Member of the United States Senate, and fourth, I am proud to be a Democrat—all in that order.

I know that sometimes we don't do what we tried to do, and we don't realize our goals or ambitions, and often don't reach our objectives. But I have tried to keep in front of me always those cardinal rules: A free man, an American, a public servant and a member of my party, but in that order.

My observation of 39 years with John McCormack is that he has observed them in that order. He has fought and protected and nurtured freedom every time it was at stake. His love of country is unequalled. His competent, towering service in the body that he chose to serve in—he could have served in others—is unparalleled. No one can question his democracy and being a good Democrat. But it always came after being a free man, and an American and The Speaker.

Mr. McCormack, like Charlie Halleck, I don't think I could have walked all the way from Texas here, but I would have tried. I wanted to be here bad enough to have tried it. Fortunately, I did not have to, but I am so glad that I was asked.

I will hate to see the Congress with you no longer in that chair, because you have always given me comfort just knowing you were there behind me, but wherever you are, you will have my love and my respect.

The PRESIDENT. I have the privilege to make the presentation to The Speaker, a presentation which inevitably, as you will see, has the gavel, but which also has an inscription which I think summarizes some of the things that have been said so eloquently by those who have spoken before on this program.

In thinking of this moment, however, I believe it is well for all of us to realize that like so many moments in this great room, we are here on an occasion that never happened before, and probably will never happen again.

The Speaker has been honored, as a man and as an institution at dinners at the White House for many years. But this is the first occasion in which a Speaker who has been honored, has served longer, continually in that particular position than any Speaker in the whole history of the United States, and who next to Sam Rayburn, held the office of Speaker longer than any man in the history of the United States.

What a distinguished record that is. It is something that should be honored in this room, where last night we honored a President, and over the years, Kings and Queens and Emperors and various leaders in all walks of life.

I think President Johnson stated my sentiments very well, and perhaps it is not unexpected that our views about The Speaker would be somewhat the same because of the position that we held.

Perhaps I can put it this way: I asked The Speaker to submit a list of names to be included and he chose all of you, the ranking Members of the House and of the Senate, also some of the people in the Administration, the elected officials, the Chief Justice, very, very few people otherwise from family, Lew Deschler, without whom no Speaker could preside over that House—I don't think he could, at least.

It is also significant that The Speaker asked in addition to his present friends and colleagues and former friends, the former Secretary of State, Dean Acheson. I think I know the reason he wanted him here, because he was a friend, but also because The Speaker, based on my conversations with him over the years, and particularly over the past 16 months, speaks of those times when he spoke to President Roosevelt, President Truman, President Eisenhower, President Kennedy and President Johnson about domestic policies and also foreign policy.

He did not agree with all Presidents, even Presidents of his own party, completely. But in this area of foreign policy, he had an enormous interest, an enormous concern, and over and over again he has told of incidents in which there were foreign policy matters where he talked to the President and gave the President his views on what he, as a man and as a leader of his party, felt was best for the country.

I think that on this occasion, Republicans and Democrats can be very proud of the service The Speaker has rendered in that esteemed office that he has held. We can be proud of all his other characteristics that have been so eloquently described. We can be particularly proud of the fact that here is a man who meets the qualifications that President Johnson so eloquently described.

I will show you the plaque and then I will read the inscription and then propose the toast to The Speaker.

"Presented to John W. McCormack, Speaker of the House of Representatives of the United States, May 27, 1970."

My inscription: "He has been Speaker of the House of Representatives for a record number of consecutive years. His actions have always expressed unsurpassed devotion to country. When the lines are drawn on the great national issues, John McCormack stands not as a son of Massachusetts, not as the leader of a political party, but as an American."

To The Speaker.

Mr. Speaker, you are recognized under the rules of the Senate.

Speaker MCCORMACK. Mr. President, President Johnson, Vice President Agnew, Your Eminence, Cardinal O'Boyle, Mr. Chief Justice, my distinguished leadership and colleagues of both branches of the Congress of the United States, and other ladies and gentlemen who are present:

It is rather difficult for me to express the feelings that I am possessed of at this particular time, to be so honored by the President of the United States and the former President and all who are gathered here in this historic building which symbolizes the greatness of America of the past, the hopes and determination of the present and the future pathway of our country in connection with the future.

I am deeply touched by the remarks that have been made by those whom the President has called upon to speak. I shall always treasure them.

This building, the White House, is filled with history. If the walls could only speak. I have been a part of it, the atmosphere of this building, for so many years, in connection with the conferences that have taken place on the leadership level with every President since 1940 when I was first elected as Majority Leader of the House of Representatives.

Mr. President, in accepting this unusual remembrance, if I might call it such, which Mrs. McCormack and I will always treasure, I do so more in the name of the House of Representatives than I do as John McCormack.

I love the House of Representatives. I love the Congress of the United States. But I know my colleagues in the Senate, and many of them here served with me in the House of Representatives, will not think that I am in any way downgrading the Senate when I emphasize the fact that I love the House of Representatives.

So, I accept this as evidence on your part not only to me personally, but particularly in my capacity as Speaker of the National House of Representatives.

I have faith in men and women who want to be free under their own law. No matter how dark things might look, I have confidence. I view the future with confidence because of the faith that I have in men and women who want to be free, as I have just said, under their own law.

I might say, when the President invoked the House rules that I said to him, "Tell them it is a McCormack minute, they will understand." I am not going to violate the McCormack minute, which is usually two minutes to two and one-half. I let it go sometimes to three minutes. What do I care; if they have something they want to talk about, give them the opportunity to do so.

So I have a lot of flexibility in connection with determining what the 60 seconds constitute. The Speaker has the right of recognition, so that is one thing that he still has possession of, the right of recognition. I can interpret what a minute means in terms of seconds. But I am not going to violate the spirit and the atmosphere of the length of time in relation to remarks that I might make.

All I can say is that I am deeply indebted to you, Mr. President, I am deeply indebted to President Johnson for being here and showing your friendship, the best evidence of your friendship for me. I am deeply indebted to my colleagues in the House, first my Democratic colleagues in caucus, the first action necessary, and then the Members of the House as a whole in electing me for the continuous service that I have enjoyed, which constitutes the longest continuous service to date in the history of the country in connection with any Speaker of the House of Representatives.

I still have several months ahead of me and I want you to know that I am going to be a working Speaker, that I am going to do everything I possibly can in the remaining period of this Session to have enacted into law legislation that I think is for the best interest of the people of our country and those matters and appropriations which concern the national interest of our country.

There are so many things that one could say on an occasion of this kind, that is, looking into the future. But I can assure my friends of one thing: I am not going to be inactive in retirement. That would be inconsistent with my thoughts, my temperament, as well as my desires.

I have served 42 years in the House of Representatives with the ending of this term, and I appreciate very much the confidence and the support the people of my district have given to me, as well as the confidence that I have enjoyed from the Members of the House of Representatives.

The remarks of Les Arends, Charley Halleck and others about my fairness as presiding officer touch me very much. As I said in the few remarks that I made on the Floor of the House from the rostrum yesterday when so many nice things were said about me, and I repeat here: I would rather be remembered as a Members' Speaker than any other title that could be bestowed upon me.

So, Mr. President, from the bottom of my heart I thank you for your thoughtfulness. I thank you for your generous remarks. I thank you for this beautiful presentation which will become an integral part of the McCormack family for all time and a part of history.

I am most grateful to President Johnson for being here as I have said before, and to all of you. I might say that throughout the years, ladies and gentlemen, and as President Johnson referred to, Sam Rayburn said so well: I have a feeling tantamount to reverence for the office of the President of the United States. It is the most powerful office in the world. The occupant of it has many painful moments. Oftentimes, and I remember well, President Johnson, your reference to the fact that I for a period of time, 14 months in fact, was next in line of succession. I might say I prayed every night for your health, your continued health, and that I would make my contributions toward the stability, the strength, the progress of our country, as I do now, and particularly be guided and directed in connection with making my contributions toward peace.

I love the House of Representatives. It is a part and parcel of my entire life. It will always be in my mind and in my system. I am deeply touched by this manifestation of friendship, not so much for John McCormack, the individual, but for the House of Representatives through this one who happens to be the Speaker.

Again, I am deeply indebted to the entire House for the many considerations and courtesies that they have extended to me.

Might I, ladies and gentlemen, ask you to rise? I offer a toast to a man who occupies the most powerful office in the world and in a free society, but at times the most lonely man in the world, when he has to make a momentous decision, because he is the one who has to do it, in his judgment, and in his conscience. Powerful, yes, trust from the people, but lonely when the important decisions are made: The President of the United States.

SUPPLEMENTAL APPROPRIATIONS, 1970

Mr. MAHON submitted the following conference report on the bill (H.R. 17399) making supplemental appropriations for fiscal year 1970, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91-1227)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17399) "making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 6, 14, 23, 40, 41, 42, and 43.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 7, 8, 11, 17, 18, 19, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 44, 45, 46, 47, 48, 49, 52, 53, 54, 55, 56, 57, 58, 59, and 60, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$3,997,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$129,675"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$8,048,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$50,000,000"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,500,000,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 2, 10, 12, 13, 15, 16, 20, 22, 24, 50, 51, and 62.

George Mahon,
Jamie L. Whitten,
Joe L. Evins,
William H. Natcher,
Daniel J. Flood,
Tom Steed,
Julia Butler Hansen,
Charles R. Jonas,
Elford Cederberg,
Robert H. Michel,
Odin Langen,
Managers on the Part of the House.

Robert C. Byrd,
John O. Pastore,
Spessard L. Holland,
Allen J. Ellender,
John L. McClellan,
Warren G. Magnuson,
John Stennis,
Roman L. Hruska,
Milton R. Young,
Margaret Chase Smith,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17399) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

TITLE I

Chapter I—Department of Agriculture

Amendment No. 1: Provides $425,000 by transfer for "Extension Service, Cooperative extension work, payments, and expenses" as proposed by the Senate instead of $597,000 as proposed by the House.

Amendment No. 2: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate provision of $300,000,000 for the "Food Stamp program", with an amendment changing the date for the availability of such funds to cover a four instead of a three-month period of time. Funds so provided are to be charged to the amount provided in the 1971 bill for this purpose, when enacted. The $300,000,000 does not necessarily have to be prorated over the four month period. These funds are required so that the food stamp program may be continued at about its current level pending enactment of authorizing legislation for the 1971 program, and the regular annual appropriation bill.

Chapter III—District of Columbia

Amendment No. 3: Appropriates $3,997,000 for "Federal payment to the District of Columbia" instead of $5,831,000 as proposed by the Senate.

Amendment No. 4: Appropriates $129,675 for "General operating expenses" instead of $2,675 as proposed by the House and $174,675 as proposed by the Senate.

Amendment No. 5: Appropriates $3,966,485 for "Public safety" as proposed by the Senate instead of $2,370,500 as proposed by the House.

Amendment No. 6: Deletes appropriation of $1,789,000 for "Public safety" to assist in meeting costs associated with salary increases for policemen and firemen proposed by the Senate.

Amendment No. 7: Appropriates $171,750 for "Parks and recreation" as proposed by the Senate instead of $47,300 as proposed by the House.

Amendment No. 8: Appropriates $20,000 for "Settlement of claims and suits" as proposed by the Senate.

Amendment No. 9: Appropriates $8,048,000 for "Capital outlay" instead of $1,658,000 as proposed by the House and $8,768,000 as proposed by the Senate.

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment to provide that $318,000 shall be available for construction services instead of $374,500 as proposed by the Senate.

Chapter V—Independent offices

Amendment No. 11: Appropriates $157,816,600 for "Payment to Civil Service Retirement and Disability Fund" as proposed by the Senate.

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment to appropriate $371,000 for the General Services Administration for sites and expenses of a public buildings project at Aberdeen, Mississippi.

Amendment No. 13: Reported in disagreement. The managers on the part of the House will offer a motion to insist on disagreement to the amendment of the Senate which proposes to appropriate an additional $8,800,000 for the National Science Foundation for fiscal year 1970.

Amendment No. 14: Appropriates $7,000,000 for the "Selective Service System" as proposed by the House instead of $7,433,000 as proposed by the Senate.

Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to appropriate $350,000 for the "Council on Environmental Quality and Office of Environmental

XUM

Quality," instead of $100,000 as proposed by the House and $400,000 as proposed by the Senate.

Department of Housing and Urban Development

Amendment No. 16: Reported in disagreement. The managers on the part of the House will offer a motion to insist on disagreement to the amendment of the Senate which proposes to appropriate an additional $587,500,000 for Urban Renewal Programs for fiscal year 1970.

Chapter VI—Department of the Interior

Amendment No. 17: Appropriates $225,000 for "Geological Survey, surveys, investigations, and research" as proposed by the Senate.

Amendment No. 18: Appropriates $775,000 for "National Park Service, Management and Protection" as proposed by the Senate instead of $850,000 as proposed by the House.

Department of Agriculture

Amendment No. 19: Appropriates $21,172,000 for "Forest Protection and Utilization, Forest Land Management" as proposed by the Senate instead of $21,000,000 as proposed by the House.

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with the Senate amendment which provides $172,000 of funds appropriated for "Forest Land Management" shall remain available until expended.

Chapter VII—Department of Labor

Amendment No. 21: Appropriates $50,000,000 for "Manpower development and training activities" instead of $100,000,000 as proposed by the Senate.

Amendment No. 22: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment to appropriate $2,330,000 for "Trade Adjustment Activities."

Department of Health, Education, and Welfare

Amendment No. 23: Deletes item proposed by the Senate to appropriate $8,703,078 for "Hospital Modernization and Construction".

Chapter VIII—Legislative Branch

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment to provide $345,000 for "Contingent expenses of the Senate, inquiries and investigations" by transfer from another Senate account.

Chapter X—Departments of State, Justice, and Commerce, the judiciary, and related agencies

Department of Justice

Amendment No. 25: Appropriates $500,000 for "Fees and expenses of witnesses" as proposed by the Senate.

Amendment No. 26: Appropriates $850,000 for "Support of United States prisoners" as proposed by the Senate.

Department of Commerce

Amendment No. 27: Appropriates $145,000 for "State marine schools" as proposed by the Senate.

Related Agencies

Amendment No. 28: Inserts title as proposed by the Senate.

Chapter XI—Department of Transportation

Amendment No. 29: Appropriates $1,000,000 for "Coast Guard, Retired Pay" as proposed by the Senate instead of $1,250,000 as proposed by the House.

Chapter XII—Treasury Department

Amendment No. 30: Appropriates $1,300,000 for "Salaries and expenses, Bureau of Accounts" as proposed by the Senate.

Amendment No. 31: Appropriates $3,600,000 for the Bureau of the Public Debt for "Administering the public debt" as proposed by the Senate instead of $3,250,000 as proposed by the House.

Post Office Department

Amendment No. 32: Appropriates $10,600,000 for "Transportation" as proposed by the Senate instead of $10,700,000 as proposed by the House.

Tax Court of the United States

Amendment No. 33: Appropriates $67,000 for the Tax Court of the United States as proposed by the Senate instead of $83,000 as proposed by the House.

Chapter XIII—Claims and judgments

Amendments Nos. 34 and 35: Appropriate $23,478,461 for claims and judgments as proposed by the Senate instead of $6,591,406 as proposed by the House, including those in Senate Document Numbered 91–86.

TITLE II

Increased pay costs

Amendment No. 36: Appropriates $4,495,874 for various Senate items as proposed by the Senate.

Amendment No. 37: Appropriates $43,475, for "Joint Economic Committee" as proposed by the Senate instead of $44,490 as proposed by the House.

Amendment No. 38: Appropriates $146,300 for "Senate office buildings" and $3,400 for "Senate garage" as proposed by the Senate.

Amendment No. 39: Appropriates $502,500,000 for "Military personnel, Air Force" as proposed by the Senate instead of $485,000,000 as proposed by the House.

Amendment No. 40: Appropriates $196,480,000 for "Operation and maintenance, Army" as proposed by the House instead of $206,900,000 as proposed by the Senate.

Amendment No. 41: Appropriates $157,800,000 for "Operation and maintenance, Navy" as proposed by the House instead of $166,100,000 as proposed by the Senate.

Amendment No. 42: Appropriates $70,400,000 for "Operations and maintenance, Defense agencies" as proposed by the House instead of $74,200,000 as proposed by the Senate.

Amendment No. 43: Appropriates $13,800,000 for "Operation and maintenance, Army National Guard" as proposed by the House instead of $14,800,000 as proposed by the Senate.

Amendment No. 44: Appropriates $3,681,000 for the National Park Service, "Management and protection", as proposed by the Senate instead of $3,359,000 as proposed by the House.

Amendment No. 45: Increase by $55,000 the limitation on administrative expenses for the Federal Prison Industries, Incorporated, as proposed by the Senate.

Amendments Nos. 46, 47 and 48: Make technical language changes to change the format of items as proposed by the Senate.

Amendment No. 49: Appropriates $1,940,000 for "United States Secret Service" as proposed by the Senate instead of $1,740,000 as proposed by the House.

Amendment No. 50: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment making $200,000 for the U.S. Secret Service available upon enactment of H.R. 17138, or similar legislation, with an amendment changing the citation.

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment providing $42,000 by transfer for "Salaries and expenses" of the Appalachian Regional Commission to cover increased pay costs.

(Out of District of Columbia Funds)

Amendment No. 52: Appropriates $2,229,000 for "General operating expenses" as proposed by the Senate instead of $1,932,000 as proposed by the House.

Amendment No. 53: Appropriates $2,324,000 for "Public safety" as proposed by the Senate instead of $1,780,000 as proposed by the House.

Amendment No. 54: Appropriates $899,000 for "Parks and recreation" as proposed by the Senate instead of $652,000 as proposed by the House.

Amendment No. 55: Appropriates $4,624,000 for "Health and welfare" as proposed by the Senate instead of $4,478,000 as proposed by the House.

Amendment No. 56: Appropriates $1,905,000 for "Sanitary engineering" as proposed by the Senate instead of $1,096,000 as proposed by the House.

Amendments Nos. 57, 58, 59, and 60: Provide that $12,191,000 shall be paid from the general fund as proposed by the Senate instead of $10,332,000 as proposed by the House, $535,000 shall be paid from the highway fund (regular) as proposed by the Senate instead of $533,000 as proposed by the House; $468,000 shall be paid from the water fund as proposed by the Senate instead of $375,000 as proposed by the House; and $339,000 shall be paid from the sanitary sewage works fund as proposed by the Senate instead of $250,000 as proposed by the House.

TITLE V

Limitation on fiscal year 1971 budget outlays

Amendment No. 61: In connection with the overall government ceiling on fiscal 1971 budget outlays (expenditures and net lending), the House bill contained a $3,000,000,000 "cushion" for necessary expenditures beyond the estimates in the February 2 budget for certain designated uncontrollables (mainly interest on the debt, the various social insurance trust funds, and farm price supports). These are some of the items as to which the Congress is not required to act upon annually in the appropriations bills. The Senate raised this "cushion" for uncontrollable overruns to $6,000,000,000. The conferees have agreed upon $4,500,000,000.

TITLE VI

General provisions

Amendment No. 62: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment in order to validate obligations incurred between July 1, 1970, and 5 days following approval of the act.

George Mahon,
Jamie L. Whitten,
Joe L. Evins,
William H. Natcher,
Daniel J. Flood,
Tom Steed,
Julia Butler Hansen,
Charles R. Jonas,
Elford Cederberg,
Robert H. Michel,
Odin Langen,
Managers on the Part of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Carey (at the request of Mr. Albert), for the week of June 22, on account of family illness.

Mr. Watkins, for June 25, on account of a personal obligation of 50 years standing.

Mr. Findley, from June 27 to July 1, 1970, on account of official business to attend North Atlantic Assembly committee meetings.

Mr. Aspinall, from 3 p.m., June 26, 1970, until July 14, 1970, on account of

XUM

official business from June 26 until July 10 and personal matters from July 10 to July 14.

Mr. Wiggins (at the request of Mr. Gerald R. Ford), for June 25 and the balance of the week on account of official business as a member of the House Committee on Crime conducting hearings in New York.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Coughlin) and to revise and extend their remarks and include extraneous matter:)

Mr. Bush, for 5 minutes, today.

Mr. Findley, for 5 minutes, today.

Mr. Quillen, for 3 minutes, today.

(The following Members (at the request of Mr. Randall) and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Alexander, for 15 minutes, today.

Mr. Tunney, for 15 minutes, on June 25.

Mr. Feighan, for 20 minutes, on June 25.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Robison (at the request of Mr. Rhodes) to extend his remarks after those of Mr. Davis of Wisconsin.

Mr. Michel (at the request of Mr. Rhodes) prior to the vote on the Hathaway amendment in the Committee of the Whole on H.R. 18127.

(The following Members (at the request of Mr. Coughlin) and to include extraneous matter:)

Mr. Langen.

Mr. Cramer.

Mr. Robison.

Mr. Findley.

Mr. Scherle.

Mr. Bray in three instances.

Mr. Button in two instances.

Mr. Bob Wilson.

Mr. Thompson of Georgia.

Mr. Davis of Wisconsin in two instances.

Mr. Collier in five instances.

Mr. Coughlin.

Mr. Conte.

Mr. Gerald R. Ford.

Mr. Derwinski in two instances.

Mr. Smith of New York in two instances.

Mr. Pelly.

Mr. Broyhill of Virginia.

Mr. Wyatt.

Mr. Mailliard in two instances.

Mr. Bush.

Mr. Foreman in two instances.

(The following Members (at the request of Mr. Randall) and to include extraneous matter.)

Mr. Cohelan in five instances.

Mr. Alexander.

Mr. Helstoski in two instances.

Mr. Gonzalez in two instances.

Mr. Charles H. Wilson.

Mr. Rodino in two instances.

Mr. Sisk in two instances.

Mr. Stokes in four instances.

Mr. Minish.

Mr. Dingell in three instances.

Mr. Bingham in four instances.

Mr. Slack.

Mr. O'Neill of Massachusetts in two instances.

Mr. Brademas in six instances.

Mr. Hébert.

Mr. Edwards of Louisiana in three instances.

Mr. Harrington.

Mr. Koch in two instances.

Mr. Fountain in three instances.

Mr. Kluczynski in two instances.

Mr. O'Hara in two instances.

Mr. Albert in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2209. An act to authorize and direct the Secretary of the Interior to convey certain property in the State of North Dakota to the Central Dakota Nursing Home; to the Committee on Interior and Insular Affairs.

S. 2583. An act to provide for the conveyance to the County of Washakie, State of Wyoming, of certain real property of the United States; to the Committee on Government Operations.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 743. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet division, Walla Walla project, Oregon-Washington, and for other purposes;

S. 2062. An act to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, and for other purposes; and

S. 2315. An act to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on June 23, 1970, present to the President, for his approval, bills of the House of the following titles:

H.R. 16298. To amend section 703(b) of title 10, United States Code, to extend the authority to grant a special thirty-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas; and

H.R. 17241. To continue until the close of June 30, 1972, the existing suspension of duties on certain forms of copper.

ADJOURNMENT

Mr. HATHAWAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 29 minutes p.m.), the House adjourned until tomorrow, Thursday, June 25, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2145. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report on the value of property, supplies and commodities provided by the Berlin Magistrat for the quarter January 1 to March 31, 1970, pursuant to the provisions of section 620 of the Defense Appropriation Act, 1970; to the Committee Appropriations.

2146. A letter from the chairman, Subversive Activities Control Board, transmitting a report of the Board pursuant to section 9(c) of the Subversive Activities Control Act of 1960, as amended; to the Committee on Internal Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 15913. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; with an amendment (Rept. No. 91–1225). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee of conference. Conference report on S. 1519 (Rept. No. 91–1226). Ordered to be printed.

Mr. MAHON: Committee of conference. Conference report on H.R. 17399 (Rept. No. 91–1227). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolution were introduced and severally referred as follows:

By Mr. BRAY (for himself, Mr. Stafford, Mr. Teague of California, and Mr. Arends):

H.R. 18189. A bill to amend the Public Health Service Act to revise, extend, and improve the program established by title VI of such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CHAMBERLAIN:

H.R. 18190. A bill to amend section 1372 of the Internal Revenue Code of 1954, relating to passive investment income; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 18191. A bill to amend the Small Business Act to encourage the development and utilization of new and improved methods of waste disposal and pollution control; to assist small business concerns to effect conversions required to meet Federal or State pollution control standards; and for other purposes; to the Committee on Banking and Currency.

By Mr. GRAY:

H.R. 18192. A bill to authorize a survey of the Saline River, Ill., in the interest of navigation; to the Committee on Public Works.

By Mr. HELSTOSKI:

H.R. 18193. A bill to establish a Department of Education and Manpower; to the Committee on Government Operations.

By Mr. KYROS:

H.R. 18194. A bill to revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. LONG of Louisiana:

H.R. 18195. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. MIZELL:

H.R. 18196. A bill to authorize the lease and transfer of Burley tobacco acreage allotments; to the Committee on Agriculture.

By Mr. OBEY:

H.R. 18197. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. Burton of California, Mr. Button, Mr. Byrne of Pennsylvania, Mr. Corman, Mr. Daddario, Mr. Farbstein, Mr. William D. Ford, Mr. Friedel, Mr. Fulton of Pennsylvania, Mr. Halpern, Mr. Harrington, Mr. Hawkins, Mr. Matsunaga, Mr. Mikva, and Mr. Moorhead):

H.R. 18198. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Mr. Obey, Mr. Ottinger, Mr. Podell, Mr. Powell, Mr. Rees, Mr. Roe, Mr. Roybal, Mr. St Germain, Mr. Tunney, and Mr. Yatron):

H.R. 18199. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes; to the Committee on Education and Labor.

By Mr. SPRINGER (for himself, Mr. Anderson of Illinois, and Mr. Bush):

H.R. 18200. A bill to amend the Public Health Service Act to revise, extend, and improve the program established by title VI of such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF:

H.R. 18201. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. ROSENTHAL (for himself, Mrs. Dwyer, Mr. Holifield, Mr. Erlenborn, Mr. Blatnik, Mr. Brown of Ohio, Mr. Jones of Alabama, Mr. Findley, Mr. Dawson, Mr. Reid of New York, Mr. Brooks, Mr. Horton, Mr. Garmatz, Mr. Wydler, Mr. Moss, Mr. Cowger, Mr. Fascell, Mr. Gude, Mr. Reuss, Mr. McCloskey, Mr. Monagan, Mr. Weicker, Mr. Macdonald of Massachusetts, and Mr. Moorhead):

H.R. 18202. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. ROSENTHAL (for himself, Mrs. Dwyer, Mr. Gallagher, Mr. Randall, Mr. Wright, Mr. St Germain, Mr. Culver, and Mr. Hicks):

H.R. 18203. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. ASHBROOK:

H.R. 18204. A bill to strengthen the internal security of the United States; to the Committee on Internal Security.

By Mr. FINDLEY (for Mr. Thompson of Georgia, Mr. Beall of Maryland, Mr. Collins, Mr. Mann, Mr. Cowger, Mr. Fish, Mr. Gude, Mr. Hastings, Mr. McClory, and Mr. Snyder):

H.R. 18205. A bill to make rules respecting military hostilities in the absence of a declaration of war; to the Committee on Rules.

By Mr. LUJAN:

H.R. 18206. A bill to declare that the United States holds in trust for the Pueblo of Santa Ana certain public domain lands; to the Committee on Interior and Insular Affairs.

By Mr. NELSEN (for himself, Mr. Brown of Ohio, Mr. Broyhill of North Carolina, Mr. Carter, Mr. Cunningham, Mr. Devine, Mr. Harvey, Mr. Watkins, Mr. McClure, Mr. Collins, Mr. Hastings, Mr. Langen, Mr. Thomson of Wisconsin, Mr. Stanton, Mr. McKneally, Mr. Steiger of Arizona, Mr. King, Mr. Quie, Mr. Camp, Mr. Belcher, and Mr. Hogan):

H.R. 18207. A bill to amend the Public Health Service Act to revise, extend, and improve the program established by title VI of such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. O'HARA:

H.R. 18208. A bill to protect consumers against unreasonable risk of injury from hazardous products and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL:

H.R. 18209. A bill to protect consumers against unreasonable risk of injury from hazardous products and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SHRIVER (for himself and Mr. Sebelius):

H.R. 18210. A bill to amend the Interstate Commerce Act in order to provide for the rail transportation of freight for the Department of Defense in general purpose boxcars owned by the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas (for himself, Mr. Saylor, and Mr. Baring):

H.R. 18211. A bill to increase the availability of guaranteed home loan financing for veterans and to increase the income of the national service life insurance fund; to the Committee on Veterans' Affairs.

By Mr. LATTA:

H.J. Res. 1273. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. MacGREGOR:

H.J. Res. 1274. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. PEPPER:

H.J. Res. 1275. Joint resolution authorizing the President to issue a proclamation designating the 7-day period beginning August 16, 1970, as "All-American Family Week"; to the Committee on the Judiciary.

By Mr. PODELL:

H.J. Res. 1276. Joint resolution to authorize the President to designate June 1, 1971, as "Medical Library Day"; to the Committee on the Judiciary.

By Mr. VANIK:

H.J. Res. 1277. Joint resolution to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week"; to the Committee on the Judiciary.

By Mr. BURTON of California:

H. Res. 1113. Resolution amending the Rules of the House of Representatives to abolish the Committee on the District of Columbia and transfer the items of jurisdiction of that committee to the Committee on Interior and Insular Affairs, and for other purposes; to the Committee on Rules.

By Mr. GUBSER (for himself, Mr. Conte, Mr. Foley, Mr. Gibbons, Mr. Hanley, Mr. Mikva, Mr. Moss, and Mr. Symington):

H. Res. 1114. Resolution to amend the Rules of the House of Representatives; to the Committee on Rules.

By Mr. O'NEILL of Massachusetts:

H. Res. 1115. Resolution authorizing expenditures incurred by the Special Committee To Investigate Campaign Expenditures to be paid from the contingent fund of the House; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. PEPPER:

H.R. 18212. A bill for the relief of Dr. Abraham Zighelboim; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 18213. A bill for the relief of J. B. Riddle; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

411. By Mr. LONG of Louisiana: Memorial of the Legislature of the State of Louisiana, memorializing the Congress of the United States with respect to the calling of a convention for the purpose of proposing an amendment to the Constitution of the United States relative to the power of Congress and the States to enact laws to prohibit sedition and criminal anarchy; to the Committee on the Judiciary.

412. By the SPEAKER: A memorial of the House of Representatives of the State of Ohio, relative to the *Delta Queen;* to the Committee on Merchant Marine and Fisheries.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

521. By the SPEAKER: Petition of the Ginowan City Assembly, Okinawa, Ryukyu Islands, relative to the removal of poison gas weapons from Okinawa; to the Committee on Armed Services.

522. Also, petition of the Koza City Assembly, Okinawa, Ryukyu Islands, relative to the removal of poison gas weapons from Okinawa; to the Committee on Armed Services.

523. Also, petition of the Urasoe Village Assembly, Okinawa, Ryukyu Islands, relative to the removal of poison gas weapons from Okinawa; to the Committee on Armed Services.

524. Petition of the Boston Society of Architects, Boston, Mass., relative to the war in Indochina; to the Committee on Foreign Affairs.

XUM

EXTENSIONS OF REMARKS

TEXTILE IMPORTS—ADDRESS BY ROBERT PHINIZY TIMMERMAN

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 24, 1970

Mr. THURMOND. Mr. President, Mr. Robert Phinizy Timmerman, who is the president of the Graniteville Co., Graniteville, S.C., an old and famous textile manufacturing and processing company made a speech recently in Augusta, Ga., which was reported in the Augusta Chronicle.

This report of Mr. Timmerman's statement gives some good reasons for import control. Mr. Timmerman points out that the 15-month effort of the United States to negotiate agreements with Japan and other major textile exporting nations has been eminently fair and reasonable. He points out that these efforts have failed, because importing nations are not willing to enter into negotiations. He notes that the inevitable consequences of this failure was introduction of legislation in Congress.

Mr. President, Mr. Timmerman points out that no one is asking that textile imports be shut off or that they be sharply reduced, but that we are seeking a moderate rate of growth of textile imports which is realistic.

Mr. Timmerman strikes to the heart of the matter when he says:

> Most people are concerned today about hunger and poverty in many parts of the country. Many see an answer in the potential role of the large-employment industries. With rightful access to America's market and with confidence in the future, these industries can sustain, if not expand, job opportunities.

Mr. President, this is quite true. This is one of the primary reasons why the textile industry must be protected—because it supplies jobs for millions of Americans. Mr. Timmerman pointed out that the textile industry has been moving ahead in the area of Negro employment at a rate four times faster than the national average. In fact, Mr. President, Negroes now comprise 12 percent of the total textile employment compared with the national average of 10 percent.

Mr. President, this is a well-done article which reports a fine address by an outstanding industrialist. I ask unanimous consent that the article entitled "Textile Leader Says Proposals 'Realistic'" be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Augusta (Ga.) Chronicle, June 17, 1970]

IMPORT CURBS URGED: TEXTILE LEADER SAYS PROPOSALS "REALISTIC"

America's textile-apparel industry, providing one of the nation's largest industrial payrolls, is far too valuable to be traded off to foreign producers, Robert P. Timmerman said in an address to the Augusta Traffic and Transportation Club Tuesday.

The president of the Graniteville Co. said that textile import control legislation currently pending before Congress is "reasonable and realistic" and will permit countries to compete for a fair share of the American market of the future.

"It is high time to end the insanity of exposing the American home market to indefinite, no-end-in-sight floods of imports from countries that have no obligation to feel legal or moral responsibility toward American employes, consumers or communities, he said.

The executive traced the 15-month-long effort of the U.S. government to negotiate voluntary agreements with major textile exporting nations of the world and pointed out that the United States has been "eminently fair and reasonable."

He said, however, that these efforts have failed, because importing nations have been unwilling to enter into negotiations.

"Bills providing for a settlement now have been introduced in Congress." Timmerman said. "The sooner favorable action is taken, the better."

Timmerman said no one is asking for textile imports to be shut off or sharply reduced.

"What we are seeking is a moderation of the rate of growth of textile imports. What could be more reasonable and realistic?" Timmerman asked.

The legislation pending in Congress placed heavy emphasis on negotiated agreements, he said, and only those nations which refuse to enter into negotiated agreements would be subject to the specific limitations provided for the pending bills.

"Most people are concerned today about hunger and poverty in many parts of the country." Timmerman said. "Many see an answer in the potential role of the large-employment industries. With rightful access to America's market and with confidence in the future, these industries can sustain, if not expand, job opportunities."

Timmerman pointed out that the textile industry has been moving ahead in the area of Negro employment at a rate four times faster than the national average. He said Negroes now comprise 12 per cent of total textile employment, compared with the national average of 10 per cent.

He said that the textile and apparel industry are major sources of employment in big cities as well—providing 244,000 jobs in the garment industry in New York City alone.

PRINCE EDWARD ACADEMY

HON. WATKINS M. ABBITT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. ABBITT. Mr. Speaker, I had the opportunity recently of attending the graduation exercises of the Prince Edward Academy. I was deeply impressed by the sincerity of the graduates and their eagerness to get an education and to assume their proper role as good citizens.

The citizens of Prince Edward County have blazed a trail and charted a course which the people of other areas have marveled at and some tried to duplicate. Prince Edward was one of those counties that was tragically affected by the Supreme Court decision in 1954 which almost wrecked public education in the South. The people of Prince Edward County were farsighted enough to know that properly educating their children was necessary if they were to survive as a progressive community. The white people of Prince Edward County banded together and have forged an educational system that is second to none in the Commonwealth of Virginia. They have a group of dedicated directors, administrators, and teachers. Their facilities are equal or better than that of any other high school in our area. Their graduates are in every major college in Virginia. They have had the advice of the best educational experts available. They have built from the foundation up and their hard work and determination have paid off in that the white children of Prince Edward County have had educational opportunities excelled by none.

It has been a rough and hard road but by sacrificing, working together, and with some cooperation and assistance from their friends throughout Virginia and elsewhere, they have succeeded in providing education for their children equal to any area in the State and thereby furnishing Virginia and the Nation many, many outstanding citizens. Each graduating class has been a credit to the county and to the State.

I salute the people who have made this possible, who by their determination and their hard work have succeeded in accomplishing their purpose under trying circumstances and almost overwhelming obstacles put upon them by a hostile court and unsympathetic bureaucrats who were unsuccessful in their determination to break the backs of the people of Prince Edward and compel them to knuckle under to judicial tyranny and bureaucratic despotism.

The seniors and guests at the graduation exercises were fortunate indeed in their choice of a commencement speaker. Mr. Jesse Helms, executive vice president of WRAL–TV in Raleigh, N.C., delivered one of the best commencement addresses I have had the privilege and opportunity of hearing. It is such a fine speech that I feel that the Members of the Congress and other interested people all over the Nation should have the opportunity of reading same. I am taking the liberty of including the commencement address with my remarks as I believe it is a clear statement of principles that our young people need to read, to ponder, to study, and to follow.

The address is as follows:

ADDRESS BY JESSE HELMS

I am grateful, of course, to Mr. Redd, and to Mr. Barry Wall, who collaborated in obtaining a visa for me to slip out of Raleigh today, so that I could be with you to share in this wonderful, meaningful occasion this evening.

I mean no disrespect either to my town or my state, for I love them both. But there is something very special to me about crossing the state line into the Commonwealth of Virginia. It's an exultant feeling for me to ride through your countryside and reestablish a sort of philosophical empathy with gallant Virginians of the past who, after all, created the miracle of America by breaking the chains of tyranny. Virginia, to me, is symbolized by such honored names as Patrick Henry, and Jefferson, and Monroe, and Harry Byrd.

My affection for your state does not diminish my love for my own state and its place in history. We have a heritage, too, and we have had our great men. We still have some—and if you will pardon this personal reference to a friend, one of our greatest is the gentleman who addressed you last year; who holds you and your achievements in such esteem that he returned today, with me, to be with you again tonight. I speak, of course, of Supreme Court Justice I. Beverly Lake, who to me symbolizes the ultimate in worthy principle and statesmanship. He has given me friendship, guidance, inspiration and encouragement. I am proud and honored that he has long been my friend. I am proud that he is here tonight.

If you are familiar with the news events of my city, Raleigh, you surely must have noticed that ours has been pretty much of a beseiged city in recent months. Raleigh once was known as the "City of Oaks". The implications of the name are obvious, the serenity and beauty of a community with tree-lined streets. And there is an image of sturdiness, of stability, that comes to mind when one thinks of the mighty oak.

Now, I fear, the community once known as the city of oaks is becoming something of a "city of kooks"—a city where anything can happen, and generally does; a city where the ultra-liberal morning newspaper glorifies an undraped streetwalker on its front page while it vilifies J. Edgar Hoover, Spiro Agnew and the President of the United States on its editorial page.

I made a note recently of the strange and curious characters who came to our city during a single six-week period. There was, for example, the patron saint of the Order of the Switchblade—the Rev. Ralph David Abernethy (as Huntley-Bunkley call him)—leading a chanting mob down our Main Street. The Rev. Ralph David got his crowd together to protest what he called "the persecution" of a young Negro woman who had made a little old mistake in an Eastern Carolina county. All she had done—and she bragged about it after her arrest—was rob an elderly grocer, bust a pop bottle over his head, and stomped him into a pulp to make sure he was dead—which he was.

The mob assembled in our town to demand that this woman be set free. The mob contended that it was "racial injustice" for the police to arrest, and for the courts to convict, such a sweet, innocent, fun-loving little girl.

It perhaps goes without saying that this mob had in its midst a host of sympathizers who, on other days, condemn the earnest efforts of hard-working Americans who are making tremendous sacrifices to build and maintain such worthy institutions as Prince Edward Academy. They make clear that they hate everything that America once stood for—law and order, working for a living, free enterprise, faith in God, freedom of the individual, moral principles, and decent sensibilities.

So, the Rev. Ralph David Abernethy came—and, thank the Lord, he went. But in that same six-week period, our airport logged the arrivals and departures of other such notables as Hubert Humphrey, Senator Fulbright, Senator Bayh, Mayor Lindsay of New York, Jacob Javits, Jerry Rubin, Herbert Aptheker, Joan Baez, and others. That, I submit, ladies and gentlemen, is what you call congestion. Come to think of it, "air" pollution "is" reaching the crisis stage!

I am honored to come here tonight, because I have come to an institution that has become—more than you may realize—the marvel of that part of the nation which yet yearns for a return to integrity in education.

By doing what is right, you are showing the rest of the country what is wrong with the dangerously silly and fearfully destructive policies growing out of stifling federal control of public education.

So, your achievement here, in this era of our country's growing frustration, gives all thoughtful men a chance to contemplate the superiority of an educational system truly dedicated to the best interests of the young. You have not played with words. You have worked for ideals, and for a purpose. You have proved what free men and women can do. You have supplied a definition of excellence. And I congratulate you for it.

From the moment I entered this auditorium a little while ago, I have felt the warmth and excitement that only the commencement season can produce. Graduation time is a gloriously sentimental time. Who can measure the intensity of the sparkle in the eyes of these young people whom tonight we honor? Or the love and devotion so clearly revealed in the proud but misty eyes of the mothers and fathers who have gathered here to see their sons and daughters reach out for another rung in the ladder of life.

One can feel only pity for him who is not sentimental tonight. It is a great night, and one that I suspect all of us will reflect upon for years to come.

The commencement season is a splendid reminder of the changelessness of the durable virtues of life. We often hear that "times are different"—and they are! We are frequently told that our problems are new, that our problems are different. I'm not so sure about that. Men have always been challenged to fight for freedom. In fact, when I hear such statements (that "times are different") I am reminded of the man who said to the little boy: "We have a new moon tonight." The lad replied: "No, sir, it's just the same old moon back again."

So, when we look at the problems of today, we see that they are simply human, man-made problems—and that they are really the same old problems back again. But they can be more than problems: they are challenges and opportunities, crying out for a new generation of young minds to face them wisely, intelligently, morally and courageously.

Commencement speakers have a habit of saying to seniors, in one way or another: "Here's the world, take it." This is a risky statement to make, for I have a feeling that one fine day some senior is going to look at the world—and hand it back.

Sometimes the world doesn't seem like much of a graduation gift. It has gone through a great deal of wear and tear since Adam and Eve tasted of the forbidden fruit. But it can still be an exciting, challenging world—and you young people can—and must—improve it. How much you improve it will depend upon the extent to which you profit by the errors of those of us who have gone before you.

I'm not at all certain that my generation can be proud of its record of preserving the things that have a right to survive. We have talked a great deal about immortality, but I wonder if we have not too often misplaced our emphasis in deciding what is important, and what is not. Is there not room to wonder whether we are in the throes of a moral poverty, far overshadowing any degree of physical poverty that may afflict our nation—or, for that matter, the world?

And the worst of it is that we so often know not what we do. There are growing multitudes who would destroy freedom in the name of freedom. There are others who would strip from our public life the spiritual allegiance upon which our nation was founded—and this is being done under the pretense of freedom of religion.

Freedom of religion? Or, freedom from religion! There is a difference—and a deadly one!

Anyone assigned the honor and the responsibility of participating in commencement exercises is bound to ask himself what he would need to hear if he were again a high school senior. What would be most helpful? My decision was that I should simply pass along to you what my own high school principal told me more than a quarter of a century ago. And that was: What a person really wants to do and be in this world is largely up to the individual. He may experience assistance or resistance along the way, he may have good luck or bad luck, but the sum total of what he does, and what he is, will depend upon his own will, his own initiative, his own imagination, and his own willingness to work at it.

I know that I must often sound doctrinaire about this, but this is the spirit of America. This is, if you please, the miracle of America. Our founding fathers had a respect for the dignity and the responsibility of the individual unequaled in the world before. Thus, the belief that all people would prosper in accordance with the degree of freedom to which each individual was left to seek his own destiny was actually a novel experiment in history up to that time. A lot of people said, at the time, that it wouldn't work. But it did. It was said that people couldn't govern themselves, but they could—and they did. It was said that competition among individuals would prove unworkable—but it didn't!! Freedom flourishes among people who have faith in it—who are willing to sacrifice to preserve it.

There are those who today demand that the fundamentals of this nation be discarded in favor of a system that sets up the government as a ruler, as a provider, and as a decider. You young ladies and gentlemen, if you have a resolution tonight, please have this one: Don't believe the voices of the mobs. Think for yourself! Establish your principles, and stand up for them.

There's a second-grade teacher in my town who sends a note to parents at the beginning of every school year. The note reads like this: "If you promise not to believe everything your child says happens at school, I'll promise not to believe everything he says happens at home."

Isn't that a pretty fair bargain for us in other areas of life?

But let us not drift too deeply into pessimism before I assure you that this can be a very good world. It has been very good to me, and it will be very good to you—if you will let it. May I repeat the advice of my own high school principal? What a person really wants to do and be in this world is entirely up to the individual.

This does not suggest, however, that the law of gravity has been repealed. You can't coast uphill. There will be times, and maybe not too long in the future, when your patience will be taxed, and you will be tired and frustrated—and even temporarily defeated. Then, young people, is when you're being tested. Then is when you will find out how much courage and stamina and dedication you possess.

And then is when you will need to remember that you can have precisely as much courage and stamina and dedication as you want to have.

In my time, I have had the responsibility of hiring a great many people, and firing a few. This is the sort of responsibility that gives one a sobering insight into human nature. You cannot know how many times I have wished for just a few more people who were willing to work just a little harder, use just a little more imagination, show just a little more interest in doing their jobs just a little better.

I have run across quite a few, of course, who have demonstrated those qualities. And

XUM

inevitably, they have been the ones who have moved ahead, who put themselves in a position to earn more and thus to enjoy more of the comforts and pleasures of life.

And, do you know something? These people never complain. They don't care about a 40-hour week. Indeed, they are the kind of people who became disgusted with those electricians in New York some time ago who went on strike because of the demands for a 20 hour week. The electricians finally settled for 25 hours a week. Well, let me tell you one thing about those electricians. With the kind of attitudes they have, they'll spend the rest of their lives battling for less work, and they will never really know the satisfaction of a fully productive, useful life. They bargain with great force, but they're bargaining away their own real potential.

You can decide—right now, if you like—whether you want to be a forty-hour-a-week clock-watcher, or whether you want to dive into this dynamic mainstream of American free enterprise. You can go either way. It's largely up to you!

Sometime back, Branch Rickey—one of the great major league baseball managers of all time—was asked what he thought was Stan Musial's secret for knocking home runs.

You young ladies may not be entirely familiar with Stan Musial, but I would wager that most of the young men here can tell you how many of the records Mr. Musial set during his fantastic career. Stan Musial will always be known as "Stan, The Man." I think there's some significance to that, too.

Anyhow, Mr. Rickey had a pretty good idea as to the secret of Stan (The Man's) success. You know what it was?

"Well," said Mr. Rickey, "I'll tell you: Stan never waited for the 'easy' pitch. He always took a swing at the hard, fast ball—and when he connected, he knocked it out of the park."

Stan (The Man) didn't take the "easy way" out. So he became a leader, he set a record, and he earned the admiration of millions of people around the world. He wanted to be the best baseball player there was—and I share Branch Rickey's opinion that Stan (The Man) Musial made it.

My advice to you is to be the best there is in whatever endeavor you select. Work at it. Love your work. Do the best you can in everything you do, and there will never be a force strong enough to keep you down. Adopt a philosophy that enables you to regard bad luck, and mistakes, simply as valuable lessons learned. This is what Americans need to understand. Once we do, there'll be a reduction in mental difficulties overnight. Don't let a mistake, or a defeat throw you. Look at it this way: You've learned something.

Remember the story of the man who stopped to watch a bunch of kids play baseball? He hollered over to the rightfielder, a freckle-faced little kid, and asked the score.

"51-to-nothing, in their favor," the kid replied.

"Gosh," said the man, "they're beating the tar out of you, aren't they?"

"Naw," said the kid, "We ain't been to bat yet."

All this life asks of you is that you go to bat. If you're going to be a teacher, figure out ways that you can be the best darned teacher in the business. If you have new ideas, try them. If you don't have new ideas, find some!

There's a heavy demand for good doctors, good lawyers, good teachers, good mechanics, good salesmen—good anything! But the market is glutted with people who want to do just enough to get by. If you've got any ambition as that, then get ready to pick up your free groceries down at the welfare office.

Once you have established yourself, however, as a nard-working, clear-thinking part of what can become this dynamic society of ours, you will become a part of the miracle of America. You can't avoid it. For then you will be standing for something. You will be living up to the message that Jesus conveyed in the Parable of the Talents. And this brings up a subject of dramatic importance to you and to every life you will touch.

It involves your moral integrity. Nobody can shape it for you. Once again, you decide what it will be, how enduring it will be. And this, too, is a test of courage.

Will you establish your own moral code, based on what you know to be right? Or will you follow the crowd? You have been raised in Christian homes, by parents who fear and love God, by mothers and fathers who stood by you when you were sick and troubled, who sacrificed—and who will continue to sacrifice to give you the best that they've got.

But what happens now, right now, from now on, is up to you. The longer you delay the decision, the less important it will seem to you when you get around to it. You've finished one milestone, and are heading into a new one. As you enter this new phase of your life, you will find at times that the cry of the "easy way," the cry of the "expedient," will be presented to you in all its appealing popularity. The adult world is hearing plenty of it, I can assure you.

"Don't be naive," they say. "Coast just a little bit. Cut corners. Everyone does it."

But the man or woman with strength and courage and conviction doesn't do it. And you won't either—if you're really looking for a satisfying, rewarding, constructive life.

Nevertheless, your moral integrity will be tested. Perhaps it already has been, from time to time. But before you take what appears to be the easy way—before you too quickly take the way which seems so popular, before you follow the crowd—ask this question:

"Where is the crowd going? Is this where I want to go?

Jesus said, "The gate is wide and the way is easy that leads to destruction . . . and those who enter are many."

Young ladies and gentlemen, in your family life, in your business life, in your political life, in your community life . . . you will be tested. So will your Christian faith.

I do not wear my religion on my lapel, but the older I get the more clearly I think I see the true destiny of man. And I can assure you that it is getting more alarming to see what so many of us in the older generations are doing with our destinies.

Billy Graham said sometime ago that too many of our churches are filled on Sundays with empty people. Do you doubt it? Sometimes it is almost as if people are playing "trick or treat" with God. You know how it goes: "If you will do this for me, God, I'll do that for you." Somehow, I don't think God bargains that way. With me—or with you.

On the other hand, I think He has offered us, all of us, a proposition that we will reject at our own peril. The proposition is simple: Faith! With it you have everything; without it, you have nothing.

This is something that our founding fathers understood. Look through all of the documents that are important in this nation's history. Look on your currency, on the coins in your pocket. There it is: "In God we trust." Some deny that simple confession of faith, and would deny it to others. But, Jefferson, Franklin, Washington—they did trust in God. And, in doing so, they had confidence in themselves and their fellow man. They entertained no doubts that God-fearing freedom would work. That's why it did work. Men had the faith to work to preserve it.

That's why our nation grew strong and great and respected. It dared to be free. It dared to have faith in God, and in the freedom that was one of God's greatest blessings. Our present troubles began when we reneged upon our faith!

Immortality is thrust upon no man. Say, if you dare, that there is no such thing as immortality. But when you say it, you deny the existence of Christ and his teachings. You say that the Spirit of 1776 was nothing more than an accident. You say that Patrick Henry was nothing but a crackpot, or an extremist, who found an audience when he called for liberty or death.

But before you say these things, ask yourself: Just suppose there is such a thing as immortality, that there was a Christ—virgin birth and all—who walked this earth. Just suppose God's guiding hand *was* behind the Spirit of '76. Suppose Patrick Henry did have a message for free men of every generation when he called for liberty . . . or death?

What then?

What if these things are true?—And they are!!

What is your responsibility?

What are you going to do about it?

I hope, as you move into your years of maturity, that you will give some serious attention to what is happening to your country. You will be told, frequently and sometimes persuasively, that the fundamentals of your country are old-fashioned. You will hear many platitudes about new deals, new days, new frontiers, and great societies. Always there will be the sugar-coating of something for nothing.

But don't take my word for it. Don't take anybody's word. Pray for guidance and then think for yourself. Learn for yourself what really is the difference between America and all of the rest of the nations of the world throughout history. Leave partisan politics out of it. Ask yourself, rationally and reasonably, as General MacArthur put it, whether the strength of America is being sapped by deficit financing indulged in too long, by federal paternalism grown too mighty, by power groups too arrogant, by politics grown too corrupt, by crime grown too rampant, by morals grown too low, by taxes grown too high.

Don't follow the thinking of the crowd. Do your own thinking, and make your own decisions. Then have the courage to dedicate your citizenship to what you know is right—even if, at times, you must stand alone. Nothing short of right is right.

There are dreams all around us. There are things to be accomplished, errors to be corrected, progress to be achieved, work to be done, courage to be shown, faith to be proved. The world is being handed to you, cluttered up as it may seem, and you cannot hand it back.

What you will do with your opportunity is, of course, your business. You can do a great deal for the world, and to it.

Largely this is measured by how you live with people, what influence you exercise, and in what way you exercise it.

No man ever became great by accident. Nor will you. No man ever achieved immortality by chance, nor will you!

But, if enough people begin, right now, to work together, to do the best they can at whatever the task is before them, then most of the mistakes made up to now can be rectified and forgotten.

Faith, honesty, courage, hard work, integrity—these are contagious things, and you can help start a wholesome epidemic which will eliminate the malignancy of laziness and something-for-nothing. By being strong men and women yourselves, you will encourage others to be strong. By daring to stand up for that which you know is right, you will cause others to do likewise. No man is an island unto himself.

One Easter morning at sunrise on a mountain top in Western North Carolina, a group of people, perhaps as many as a hundred, had gathered for a sunrise service.

A little girl, perhaps three years old, was there with her Daddy and Mother and brother. For several minutes she tried to scramble up a huge rock so that she could better see what was going on.

Finally her father realizing what she wanted, climbed up, reached for his son's hand, and instructed him to catch hold of the little girl's hand. "Hold tight," he said. They did.

It was a simple operation, and soon all three were atop the rock. On that crisp morning, the world seemd to be at their feet. And, you know, in a way it *was*!

Picture that little girl, standing on that boulder, with her hands on her hips. She looked up at her father, and said: "See, Daddy, if we all hold hands tight, we can go anywhere!"

It goes without saying that I wish each of you the best of success in your lives ahead. I congratulate you on the achievements which placed you in this group here tonight. I also join you in a tribute to your parents for the wonderful things they have done for you, and what they have meant to you.

This is what is called love. This is also what is meant—as that little girl on the mountain top put it—by "holding hands tight."

Thank you very much for permitting me to share this occasion with you, and God bless you every one.

FOREIGN IMPORTS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 24, 1970

Mr. THURMOND. Mr. President, the Times and Democrat, a newspaper published in Orangeburg, S.C., has published a fascinating editorial entitled "Imports Versus Exports." The article discusses the encroachment of foreign imports on U.S. industry and the lack of our exports to foreign countries which create an unfavorable balance of trade. The editor used for his study the import and export figures of five Southeastern ports: Wilmington, N.C.; Charleston, S.C.; Savannah, Ga.; and Tampa and Miami, Fla.

The editorial explores the imports and exports for each of these ports, and it summarizes the situation by stating that—

> This means that imports from Japan into these five Southeastern ports rose in one year 14 per cent, to $155.9 million from $136.3 million. Exports slipped 12 per cent, to $88.5 million from $99.2 million.

The article points out that these facts constitute a good argument for restrictions of Japanese imports, both for the sake of the American industry and for the national economy.

Mr. President, I think that this is an excellent, concrete, factual example of why we need import restrictions and why we need them as soon as possible.

I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IMPORTS VERSUS EXPORTS

The ever-increasing encroachment of foreign imports on United States industry and the lack of our exports which create an unfavorable balance of trade is no better reflected than in a report from the United States-Japan Trade Council which proclaims that the five Southeastern ports, Wilmington, N.C., Charleston, S.C., Savannah, Ga., and Tampa and Miami, Fla., handled 14 percent more Japanese imports in 1969 than in the previous year.

Japanese imports into Charleston edged up marginally to $21.8 million from $21 million in 1968, while exports to Japan slipped to $7.7 million from $9.1 million. Major Japanese items entering Charleston were textile yarn, fabrics and articles ($2.6 million), veneers ($2.1 million), chemicals ($1.8 million) and textile fibers ($1.8 million). The South Carolina port's exports to Japan were in food and animal feed-stuffs ($2.2 million) and chemicals ($2.1 million).

The port of Wilmington increased its imports from Japan to $27.1 million last year from $22.7 million in 1968. Wilmington's exports to the Far Eastern country, however, slipped to $37.8 million from $42.5 million. Chief exports were tobacco ($35.3 million), while the major import items were iron and steel ($9.1 million) and textile fabrics and articles ($4.6 million).

Japanese trade through Savannah increased in both directions. Imports moved up to $28.7 million from $23.3 million, while exports rose to $16.5 million from $13.5 million. The main exports moving from Savannah were iron and steel, textile fibers and textile yarns, fabrics and articles.

Tampa enjoyed rising imports from Japan last year, but saw an equal drop in exports. Imports were up to $43.4 million from $36.6 million, while exports dropped to $24.6 million from $31.3 million. Main export items were crude fertilizer, chemicals and metal ores. On the import side were motor vehicles, iron and steel.

Miami reported imports up to $34.9 million from $32.7 million, but exports dropped from $2.8 million to $1.9 million. Chief imports were electrical machinery, mostly telecommunications equipment, precision instruments, iron and steel. Chief export was in metal scrap.

This means that imports from Japan into these five Southeastern ports rose in one year 14 per cent, to $155.9 million from $136.3 million. Exports slipped 12 per cent, to $88.5 million from $99.2 million.

Total American trade with Japan zoomed during 1969, with exports rising 17.2 per cent to $3.5 billion, and imports soaring 19.9 per cent to $4.8 billion.

These facts, in themselves, put up a good argument for restrictions in Japanese imports, not only for the sake of American industries, and manufacturers but for the national economy. Some equalization should be sought either by the President or by an act of Congress.

RESULTS OF GERALD R. FORD'S 1970 QUESTIONNAIRE

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. GERALD R. FORD. Mr. Speaker, roughly a month ago I sent out my 1970 questionnaire to the 156,040 mailing addresses in my district and meantime I have received 34,577 responses—an amazing 22-percent return.

The responses to my questionnaire produced some most significant results. Chief among these is that the people in the Fifth Congressional District of Michigan consider crime and violence to be the most important problem facing the country today.

It was most interesting to note, in this connection, that an overwhelming number of my constituents favor both the no-knock provision in the President's anticrime legislation and the preventive detention proposal.

With the permission of the House, I will place the complete results of my congressional poll in the RECORD at this point. The poll results follow:

[In percent]

	Yes	No	Other
1. Should the Post Office Department be placed on a pay-as-you-go basis?	73.2	16.2	10.6
2. Do you believe the United States can rely on agreements reached with the Soviet Union?	20.2	75.0	4.8
3. Should the United States gradually expand its diplomatic and trade relations with Red China?	40.7	50.6	8.7
4. Do you favor President Nixon's multibillion-dollar program to fight water pollution?	80.0	15.1	4.9
5. President Nixon has recommended strong anticrime legislation. Do you favor—			
a. Allowing Federal officers with a warrant issued by a Federal court to enter private premises without knocking if drugs and other evidence of illegal narcotics traffic might otherwise be destroyed?	79.2	18.7	2.1
b. Keeping a criminal defendant in "preventive detention" if his record indicates he might commit a serious crime if freed on bond while awaiting trial?	90.1	8.1	1.8
6. Do you favor busing schoolchildren out of their neighborhood school areas to achieve better racial balance in classrooms?	7.0	91.2	1.8
7. Should balancing the Federal budget to curb inflation be given priority over greater spending on Government programs?	81.7	12.6	5.7
8. Should undergraduate college students be given temporary draft deferments?	43.0	52.7	4.6

MULTIPLE CHOICE

[In percent]

9. Federal farm controls and subsidies should be—	
a. Phased out within 5 years, or	70.2
b. Continued as is, or	8.9
c. Made permanent, with the subsidies reduced	8.9
Other	11.3
Multiple	.7
10. What is the single most important problem in the country today? Pick one.	
a. Air and water pollution	9.4
b. Crime and violence	45.5
c. The Vietnam war	24.7
d. Inflation (rise in the cost of living)	12.8
Other	2.6
Multiple	5.0

RECYCLING OF SOLID WASTES

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Wednesday, June 24, 1970

Mr. BOGGS. Mr. President, the Committee on Public Works, of which I have the honor to be a member, is currently marking up a bill to extend the authorization for the Federal Bureau of Solid Waste Management. One of the major aspects of this legislation will be an effort to encourage recycling of materials found in municipal refuse.

This is a major problem, both technically and economically. We must improve our technical capabilities for recycling wastes, and at the same time encourage markets for materials that can be reclaimed from the garbage can.

It is notable, I believe, that the State of Delaware has just adopted legislation that will provide for the construction of an advanced recycling plant near Wilmington. The State and the many supporters of this proposal are to be commended.

Two recent newspaper articles appeared on this subject that I would like to bring to the attention of my colleagues. One appeared in the Wilmington Morning News yesterday, and describes in some detail the background of the proposed Wilmington plant. The same day, the Wall Street Journal carried an article that details some of the problems facing another recycling operation. I ask unanimous consent that these articles be printed, with my comments, as a part of the Extensions of Remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wilmington (Del.) Morning News June 23, 1970]

HERCULES GETS STATE BID: WASTE RECYCLING PLANT PLAN ACCEPTED

(By John D. Gates and Bob Dolan)

DOVER.—A Hercules, Inc., proposal for the design, construction and operation of a solid waste recycling plant in New Castle County was accepted yesterday by Gov. Russell W. Peterson.

Peterson announced he had accepted the Hercules plan on the recommendation of his Committee on Solid Waste as he signed House Bill 822, appropriating $1 million for design and engineering work on the plant.

The plant, billed as the first in the world to reclaim all waste materials fed into it, would handle 500 tons of domestic and industrial waste and 70 tons of wet sewage sludge a day, or nearly half the solid waste generated in New Castle County.

The next step will be contract negotiations between Hercules and the state to iron out details concerning what exactly the state wants from Hercules in the way of design work. A Hercules official said these negotiations would probably be completed in from three to six weeks.

Construction and operation of the plant would require more negotiations—as well as more money. These negotiations would involve New Castle County government and, if hoped-for federal funds are available, the federal government.

Cost of the plant from initial design to start of operations would be about $10 million, according to John N. Sherman, director of advanced programs for Hercules' chemical propulsion division, which submitted the proposal.

Design of the plant allows for eventual doubling of capacity through expansion. After an initial shakedown phase, money realized from the sale of recycled waste products would pay the operating expenses of the plant, according to the Hercules proposal.

Members of the Governor's Committee on Solid Waste said that similar plants may be built in the Dover and Georgetown areas at a later date.

A bill to provide federal aid for pilot waste recycling projects is now being prepared by the U.S. Senate Committee on Public Works, of which Sen. J. Caleb Boggs, R-Del., is the ranking minority member.

The committee hopes to have the bill on the Senate floor for action next month. Delaware hopes to get some of that money to help finance the plant.

State Rep. Robert J. Berndt, R-Hillcrest, who sponsored the bill to fund design work and chaired the governor's committee, said a site for the plant must be chosen soon because Hercules designs will depend on the nature of the site.

The Hercules proposal included a completion schedule for the plant of 22 months from the date of site selection, barring unforeseen obstacles and assuming full financing of the project.

Committee members present when Peterson signed H.B. 822 were Berndt, George Dutcher, New Castle County public works director; Richard Weldon of Bear; Arthur W. Dobberstein of Dover; State Sen. J. Donald Isaacs, R-Townsend; and Rep. R. Glen Mears Sr., D-Seaford.

Berndt said the selection narrowed to Hercules from nine firms which filed proposals. Some withdrew their plans, he said.

Berndt said Hercules was chosen because "They have the talent to do it; they're way out in front of everybody else." He said the firm also has markets for the byproducts.

The proposed plant, designed to be operated by about 50 employes, is to have three major elements.

The first is a digester system for converting organic waste materials to a high quality humus product free from disease producing organisms. A similar plant in San Juan, Puerto Rico, is currently processing 300 tons a day.

The second is the application of pyrolysis techniques—subjecting organic materials to high temperatures—for the controlled decomposition of organic solid wastes such as rubber and plastics.

The third is a residue separation system for the inorganic residue separated from the digester discharge. The separation of metals, glass and grits will be accomplished through a series of screeners, gravity tables and other equipment.

Hercules adapted the systems design knowledge of its chemical propulsion division to come up with its plan. Parts of the system designed by Hercules were the result of Hercules research, while other parts are patented products of other companies.

[From the Wall Street Journal, June 23, 1970]

RECLAIMING REFUSE: EFFORTS TO SAVE, REUSE WASTE PRODUCTS SLOWED BY VARIETY OF PROBLEMS

(By David Gumpert)

Six years ago Victor Brown came up with what he thought was a progressive—and profitable—idea. He would form a company to build processing plants capable of shredding and mechanically separating trash into its basic components of paper, metals, glass and other refuse, and then he would sell the recovered materials back to industry to be used again.

That way he would be making money from both the city whose garbage he handled and the companies that bought the separated trash. And he would also be performing a valuable service because the garbage would be kept out of incinerators and landfills, and resources would be saved through the reuse of the materials.

Today Mr. Brown is president of Metropolitan Waste Conversion Corp., which operates a plant that processes 25% of Houston's garbage. He charges Houston $4.11 a ton to handle the garbage, which is separated into paper, metals and a combination of crushed glass, yard refuse and food waste for garden compost.

AHEAD OF HIS TIME

But Mr. Brown is frustrated and disappointed, and he is beginning to feel he may be slightly ahead of his time. The reason: He's losing about $2 on each ton of garbage he handles because he can't sell most of the materials he salvages.

Of the 2,000 tons of garbage Mr. Brown handles each week, for instance, 1,200 tons consists of paper. But he can sell only 200 tons. "It's good solid paper—paper that's only been used once," says Mr. Brown. "It represents trees and a lot of other resources, and we're throwing it away and burning it."

Mr. Brown's business is known as "recycling." In recent months, with the surge of public concern over environmental issues, more and more government officials, business leaders and conservationists have pointed to recycling as a fundamental step toward alleviating such problems as pollution and the depletion of resources.

But, as Mr. Brown's experience indicates, several hurdles must be overcome before recycling is likely to become a routine, widely accepted process. At the moment, any broad move to recycling seems to be blocked by a complex set of factors, including unfavorable economics, technological shortcomings and restrictive government regulations.

NOT A NEW IDEA

Recycling is far from a new idea. Many metals and large quantities of textiles and rubber once were routinely collected by scrap dealers and reprocessed. But in recent years rising costs of collecting and processing used materials have discouraged their use.

About half the copper, lead and iron used in the U.S. is still recycled, but only about 30% of aluminum and 20% of zinc are reused. Less than 10% of textiles, rubber and glass is reprocessed nowadays. Of paper, the largest component of municipal waste, only about 20% winds up being used again.

The effects of recycling on conserving natural resources are particularly evident in the case of paper. The Association of Secondary Material Industries, a trade group, estimates it takes 17 trees on the average to produce a ton of paper. Of the 58.5 million tons of paper used in the U.S. last year, 11.5 million tons were recycled—meaning that 200 million trees did not have to be cut. But if 50% of the paper had been recycled, the association figures, the cutting of another 300 million trees could have been avoided.

GLASS FOR PAVING

A number of projects and experiments have been launched recently to investigate possibilities for recycling. At the University of Missouri scientists are testing the feasibility of extracting glass from garbage and crushing it for use as an aggregate in asphalt paving. In San Francisco and in Madison, Wis., the public has been asked to separate its newspapers from other trash so that the papers can easily be collected and recycled. Officials in both cities say the public's cooperation has been greater than expected.

But advocates of recycling say far more work will have to be done before recycling begins to have any significant effect on environmental problems. "I think the approach up till now has been totally unimaginative," says Merril Eisenbud, professor of environmental medicine at New York University and former head of New York City's Environmental Resources Protection Administration. He advocates government subsidies to encourage industry to become more involved in recycling.

The Federal Government would become heavily involved in recycling activities if legislation now pending in the House and Senate gains approval. Bills in both houses provide for spending some $500 million in the next few years to support research and the building of recycling facilities by local and regional governments.

Recycling advocates aren't sure if the pending legislation is the real answer, however, since it places most of its emphasis on technology and tends to ignore economic factors. A closer look at Victor Brown's operation in Houston shows how technological and economic problems are intertwined.

In planning his Houston plant, which was built more than three years ago. Mr. Brown figured most of his recycling income would be from the sale of scrap paper to paper companies. But so far he has been unable to sell any of his paper to paper companies; the 200 tons he sells each week go entirely to the construction industry to make building materials. "We have to fight just to maintain that small market," Mr. Brown says.

Mr. Brown contends the paper industry has rejected his paper because paper companies have such a heavy investment in woodlands and in pulp-making equipment that they simply aren't interested in recycling—an assessment that at least one paper industry executive concedes is partly true.

OTHER REASONS AS WELL

"A lot of the companies are oriented to the trees," says John Schmidt, assistant manager of manufacturing for St. Regis Paper Co. "If you have a lot of land with trees, you aren't inclined to abandon that."

But Mr. Schmidt says there are also other reasons for the difficulties Mr. Brown has had in selling his paper. St. Regis has considered buying wastepaper from Mr. Brown but so far has rejected it, arguing that the paper is mixed in quality, contaminated by other garbage and too expensive to transport from Houston to the company's recycling paper mills in the Midwest and North.

St. Regis officials argue that technology isn't yet sophisticated enough either to separate paper according to quality nor to remove the odor of garbage completely. "When we get to that point, Victor Brown might have a product," says Mr. Schmidt.

Mr. Brown's difficulties extend beyond paper. He says he's capable of turning out 60,000 tons or more of compost a year, but right now he can sell only 5,000 tons annually to agricultural markets. His only success has been in the sale of metals, mostly cans, to the copper industry, which uses them as catalysts in the production process. As a result of his losses, which he says have amounted to about $2 million over the past three years, Mr. Brown is cutting back on his research and development in an attempt to reduce costs.

XUM

REGULATORY PROBLEMS

Besides the economic and technological problems such as those plaguing Mr. Brown, there is the problem of regulatory restrictions. M. J. Mighdoll, executive vice president of the National Association of Secondary Material Industries, argues that many scrap metal, paper and textile dealers have been forced out of municipal centers to less-convenient locations on city outskirts because their businesses are considered "unsightly."

Mr. Mighdoll also contends that export limitations on materials such as copper and nickel, considered vital to national needs, have restricted markets and thus discouraged recycling efforts. He also cites a 10% depletion allowance that provides a tax break to growers of timber as a deterrent to the recycling of paper.

Recycling advocates maintain that many of these factors will have to change before industry will take more interest in recycling. Richard Vaughan, director of the Federal Bureau of Solid Waste Management, urges that the Government "provide the same kind of incentives for recycling" as have been provided for the exploitation of raw materials. He observes, for instance, that freight rates for iron ore and pulpwood currently are lower than those for scrap metal and scrap paper, a situation he argues could be changed by Government regulation.

ASSESSING PENALTIES

Recycling might also be encouraged by adding extra charges on disposable consumer products, making reusable products more attractive and by somehow penalizing manufacturers who shun recycled raw materials when they're available. Such penalties might be imposed through special taxes, though conservationists haven't come up with any specific proposals yet. "These penalties would force the producer and consumer to look for alternatives," says Michael Brewer, vice president of Resources for the Future Inc., a nonprofit Washington-based research organization.

Many of those active in recycling argue that once the economic problems are overcome, the technological obstacles will easily fall. "All of the exciting things are in technology and all the answers are in economics," says Harold Gershowitz, executive director of the National Solid Wastes Management Association in Washington, a trade group that represents private handlers of solid waste.

Mr. Gershowitz argues, "You cannot separate the need for technology from the need for markets." He suggests that the Government begin creating markets for recycled products by confining its own purchases to recycled goods. The same argument is echoed by conservationists. "If the Government would say it would buy only recycled paper, recycling paper plants would spring up all over the country," maintained Jerome Goldstein, executive vice president of Rodale Press Inc. in Emmaus, Pa., which publishes several conservation magazines. Mr. Goldstein says that he has asked his paper suppliers to seek out only recycled paper for use in Rodale publications.

NIXON POLICY IN SOUTHEAST ASIA

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. COHELAN. Mr. Speaker, the Nixon policy in Southeast Asia is replete with contradiction. There is, however, one basic fact that runs through all the scenarios of Vietnamization—the presence of 200,000 U.S. troops for an indefinite period of time. Whether we call these U.S. troops "support" or "combat" is really meaningless. The unalterable fact remains—the current Nixon plan for Southeast Asia requires a large U.S. manpower and material commitment in that area well into the foreseeable future.

This is the wrong course, as I have pointed out on numerous occasions. Any impartial study of the sociopolitical problems of Vietnam or of the entire Southeast Asian area, for that matter, and the heavy U.S. commitment, point inexorably to a single conclusion: The Thieu-Ky regime will not be forced into active negotiations while they have a massive U.S. presence. In addition, Cambodian-type operations conducted by U.S. personnel or U.S.-sponsored "volunteers" have done little to forward a negotiated settlement.

Two former Defense Department officials from the Johnson administration, Townsend Hoopes and Paul Warnke, have carefully delineated the problems faced by the Nixon administration. This is a thoughtful and provocative essay and I recommend it to my colleagues:

NIXON REALLY JUST DIGGING IN

(By Townsend Hoopes and Paul C. Warnke)

President Nixon's speech of June 3 has now made undisguisably clear the aim of his Vietnam policy. It is not a total withdrawal of U.S. forces in the next 12 or 18 months, or even in the foreseeable future; nor does it involve a willingness to accept the consequences of the free play of political forces in Indochina. Mr. Nixon's Vietnam policy involves three basic elements:

Endeavoring to reduce U.S. forces to that level which, in his judgment, will be politically acceptable to American public opinion.

Striving to strengthen ARVN (the South Vietnamese army) to a point where, in collaboration with remaining U.S. forces, an unassailable military posture can be permanently assured.

Hoping to force Hanoi to recognize the enduring nature of that posture, thereby inducing Hanoi to negotiate a settlement in Paris on present U.S. terms.

Behind a smokescreen of ambiguity, there is now the clear shape of the Nixon policy. It is confirmed by the surfacing of U.S.-subsidized Thai "volunteers" for Cambodia and by the lack of administration resistance to indications that ARVN will continue its Cambodian operations indefinitely.

It has been supposed that of the three major considerations said to have produced the April 30 Cambodia decision, what counted most was the concern that continued American force withdrawals depended on "cleaning out the sanctuaries." Even in that context, the Cambodian border crossings were pre-emptive strikes designed not to meet an immediate threat but to reduce enemy capabilities in the area for four to six months, thereby buying time for the "further strengthening" of ARVN.

No doubt that was the thrust of Gen. Creighton Abrams' view (which suggests how unreliable and unpromising ARVN is really regarded by the U.S. command, beneath all the chamber of commerce ebullience about Vietnamization). The President on June 3 made this view his own official explanation for the decision to strike Cambodia.

However, this explanation looks like an after-the-fact rationalization invented by Defense Secretary Melvin Laird. For as Stewart Alsops look at the President's yellow pad (Newsweek, June 1) made quite clear, Mr. Nixon is still tilting with "international communism" in Southeast Asia and his chief concern on April 30 was that Cambodia might go Communist.

The most revealing point on the yellow pad was the Nixon concern that, if neither side moved, an "ambiguous situation" might arise in Cambodia which would make it very difficult for the United States to hit the sanctuaries—i.e., we would be charged by international opinion with attacking a neutral convention and the degree of disarray special scrutiny.

Specifically his conclusion on June 3 that activities in the Cambodian sanctuaries between April 20 and April 30 "posed an unacceptable threat to our remaining forces in South Vietnam" is belied by Laird's statement to newsmen that the attacks represented "an opportunity" because the North Vietnamese in Cambodia, unsettled by the Lon Nol coup, were at that time facing west. More generally, his concern to act precipitately would seem to reflect a failure to understand that in limited war, there are sanctuaries by definition.

Why attack Cambodia rather than Laos or across the DMZ? Why refuse to acknowledge that a certain mutual respect for sanctuaries is what has kept U.S. bases in Thailand essentially free from sapper attacks?

There is a further point. One would have supposed that a President who had publicly eschewed the prospect of military victory and who was conducting a strategic withdrawal had long since made the judgment that the particular coloration of petty non-governments in Southeast Asia did not affect the serious interests of the United States. A statesman who had in fact decided that a genuine U.S. extrication from the area was necessary would indeed be at pains to foster "ambiguous situations." He would go out of his way to avoid a clear-cut Communist-anti-Communist polarization.

THAT "JUST PEACE"

Mr. Nixon's quite opposite concerns and actions tell us something very important.

With respect to Vietnamization, Secretary of State William P. Rogers and Laird have consistently run ahead of the President with their clear implication that the program is primarily a vehicle for total U.S. extrication (even though the war might continue after our forces were gone). Mr. Nixon, however, has always insisted that Vietnamization will lead to "a just peace" and an end to the war.

On June 3, he said categorically: "I have pledged to end this war. I shall keep that pledge." These have been puzzling assertions, since all signs indicate that even successful Vietnamization (i.e., a transfer of the entire military burden to ARVN), could produce nothing better than interminable war. The speech of June 3 and the revelation of the yellow pad now makes these assertions a good deal less puzzling.

They show that what Mr. Nixon means by a "just peace" is Hanoi's recognition of a permanent position of U.S.-ARVN military strength in South Vietnam. Since even the White House has in various ways revealed that it has no illusions about ARVN's ability to go it alone, it is a fair inference from a series of official statements that a "just peace" will require the indefinite retention of something in the neighborhood of 200,000 U.S. troops as well as indefinite support for the Thieu regime.

How Mr. Nixon plans to make these requirements politically palatable at home is not yet clear. Until recently he has kept both his aims and his formulations artfully vague, but now the fig leaf has fallen away.

The difficulty with this vision of the future is that it is a gossamer dream on at least two counts: (1) On all the evidence, the American people are not prepared to sustain a sizable military commitment in Vietnam for an indefinite period, especially under conditions that requires our forces to go on winning victory after meaningless victory in the pattern of the past five years; and (2) there is absolutely nothing in the history of the Vietnam war (or in the present or prospective power balance there) to indicate that Hanoi will come to terms with the Thieu regime.

If Mr. Nixon and his advisers really believe that they can force a settlement in Paris on present U.S. terms, then they remain deluded about the most fundamental political-military realities in Vietnam; they also fail to grasp how very narrow are the margins of domestic tolerance for their conduct of the old war, not to mention the new and wider war they have now arranged.

Negotiations in Paris have failed chiefly because our political aims exceed our bargaining power. Hanoi is not prepared to accept arrangements for elections worked out under the auspices of the Thieu government and in which the winner would take all; and the U.S.-ARVN military position, even at the point of its maximum strength, was not sufficient to compel Hanoi to bargain on our terms. The departure of 110,000 U.S. troops and the promised withdrawal of another 150,000 hardly strengthen our military position.

A VULNERABLE PROCESS

Thus strapped to a negotiating position that cannot succeed, Mr. Nixon is thrown back upon Vietnamization. But owing to the very uncertain qualities of ARVN and to the President's unstated (but now undisguisable) insistence that our proxy regime must be permanently secured, the process of American withdrawal is necessarily slow and ambiguous.

Its lingering nature makes it vulnerable to unanticipated intervening events, like the Lon Nol coup, which knock it off balance and create new pressures for compensatory military action—pressures which Mr. Nixon promptly translates in "opportunities" in the permanent holy war against communism. Its conditional nature—the unspoken determination to hang in there until we have ended the war in a "just peace"—precludes a negotiated settlement and also works against a tacit understanding with the other side with regard to lowering the level of violence.

In this mushy situation, the war is considerably enlarged, and with it, American responsibility for the Cambodian government. The setting in motion of imponderable new political forces (in Phnom Penh, Vientiane, Bangkok, Saigon, Hanoi, Peking, Moscow and Washington) indicates that the struggle in Cambodia will be protracted, will probably spread, will reopen old tribal hatreds and will continue to involve us in situations which the American presence can aggravate but can do nothing to resolve.

Meanwhile, American force withdrawals continue, impelled by domestic pressures. As they do, the truth is borne in upon the administration that the gradual and unnegotiated character of the reductions cannot, below certain levels, assure the safety of the remaining forces.

This unfolding denouement requires that the American people wake up to the self-deception and bankruptcy of the Nixon policy in Vietnam, for it is now a matter of the utmost urgency to bring policy into accord with realities both in Indochina and at home. Our transcendent need at this juncture is for leadership in the White House—and if that is not possible, then in Congress—with the scale of mind and the inner firmness to explain the real choices facing the country.

The task is to lead public opinion toward an understanding that a Vietnam policy based upon these realities is consistent with our national interest, can be carried forward without a traumatic loss of self-confidence and need not cause a lapse into mindless isolation—above all, that such action is infinitely preferable to continued self-deception.

PERSISTENT RHETORIC

We are not getting that leadership. President Nixon seems somewhere between believing in the essential rightness of the war and understanding that the American interest requires its liquidation. He has evolved a policy of substantially reducing, but not ending, the American role.

At the same time, he has been unwilling to abandon the rhetoric that supported our intervention in the first place. One must conclude that either he genuinely believes the rhetoric or is afraid to risk, through candor, even a transient loss of national prestige for the sake of a healthy adjustment to the facts.

Viewed in the light of the political situation in the United States and the military situation in Indochina, the Nixon policy is a grab bag of contradictions, illusions and expedient actions. It seeks objectives that are unattainable while warning that acceptance of anything less would mean "humiliation and defeat for the United States." The increasingly visible gulf between this martial bravado and the known facts is producing a form of official schizophrenia; if unchecked, it could lead to a national nervous breakdown.

Worse still, if the President really does believe his own rhetoric, there is the predictable danger that he will feel compelled to take action more drastic than the Cambodian strikes in certain foreseeable situations—e.g., after U.S. forces have been further reduced but there has been no corresponding improvement of ARVN and no corresponding deterioration of North Vietnamese capability. Indeed, the looming probability, of just such a crunch is what makes it imperative for the country to face the realities now while there is still time for dignified, rational, deliberate choice.

If we continue down Mr. Nixon's path, we could easily reach a situation which seriously threatened the safety of our remaining forces. At that point, we would face a constricted choice between immediate escalation and immediate liquidation. Can anyone believe a wise decision could be made in such circumstances? Given the divisiveness, the frayed nerves and the general distemper that now define our national mood, does anyone have confidence that our political system would not be grievously shaken by the consequences of either choice?

THREE MAJOR POINTS

It is now obvious that Mr. Nixon missed a golden opportunity, during the honeymoon period of early 1969, to lead the country firmly away from a decade of self-deception by beginning to uncoil the contradictions and restore the national balance. He could have taken definitive steps toward liquidating the war and binding up the national wounds.

He could have done this without political risk to himself and indeed with positive benefit for his party and the cause of national unity. Though time is running out, it is still not too late for someone—preferably, of course, the President—to take up this vital task. Three points need to be explained to the American people with absolute clarity.

1. That after five years of major combat, we have done about as much as any outside power could do to shore up the government of South Vietnam;

2. That the tangled political issues which divide Vietnam, growing as they do out of long colonial repression and the ensuing struggle to define a national identity, can only be settled among the Vietnamese themselves;

3. That, contrary to the erroneous assumption on which U.S. military intervention was based, the particular constitutional form and the particular ideological orientation of Vietnamese (and Indochinese) politics do not affect the vital interest of the United States.

Adoption of such a posture would lead directly (a) to a policy of deliberate, orderly, unswerving and total withdrawal of U.S. forces to be completed not later than the end of 1971; and (b) thus to circumstances that could bring about a serious negotiation based on our declared intention to depart.

This kind of negotiation would not be unconditional. We would require the return of our prisoners and the safe withdrawal of all our forces; we would seek at the same time to provide, with Russian and other outside assistance, for the restoration of neutrality at least in Cambodia and Laos, and hopefully in Vietnam as well. This approach is fully consistent with plans put forward at different times by Averell Harriman and Clark Clifford.

It must be faced, however, that the Nixon decision to strike Cambodia has moved us further away from the chances of political settlement. For that act has surely deepened Hanoi's suspicion that we do not intend to leave while it has reinforced Saigon's natural resistance to compromise. In addition, of course, it has put into our laps the problem of working out the political future of yet another country.

GIANTS IN QUICKSAND

Nevertheless, it does not seem impossible that steady, candid, clearheaded leadership, based squarely upon the three points set down above, could steer the American Leviathan through the dangerous transition without running the ship aground or producing general hysteria. For one thing, there is really no choice about leaving Vietnam; for another, there are enormous advantages ahead if we can by skill and steady nerves make a safe and sane passage.

To change the metaphor, Mr. Nixon's "pitiful giant" of April 30 is pitiful chiefly because his leg is in quicksand up to the midthigh and because he is unresolved about its extrication. But the military, economic and psychological advantages of removing the leg are demonstrable.

With two feet on solid ground again, the

XUM

country would regain its global poise. Our influence and power would not evaporate. We would not be rendered incapable of defining and defending our legitimate interests. On the contrary, our ability to reassure our NATO and Japan treaty partners, and our capacity to exert a steadying influence on the smoldering situation in the Middle East, could only be enhanced. Our industrial, technical and cultural achievements would continue to astound and attract the world.

At home, we desperately need a breathing space in which to redefine our vital interests, our military strategy, our basic relationships with the rest of the world. We are still operating essentially within the frame of a foreign policy worked out in the late 1940s.

The main tenets of that policy were strong and valid for their time, but they are now badly in need of revision; among other things, they fail to reflect the fragmentation of the "Communist bloc," the recovery of Europe and the deep divisions in our own society that call for drastic realignment of national priorities. We cannot gain the breathing space, we cannot reconcile the younger generation, we cannot conduct a reasoned self-appraisal until the Indochina enterprise is liquidated.

It is important that the American people understand what is going on so that they can effectively assert their right to a policy consistent with their interests.

SUPPORT FOR ACTION IN CAMBODIA

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 24, 1970

Mr. THURMOND. Mr. President, it is inspiring to receive letters from our combat men in Cambodia who fully agreed with President Nixon's decision to attack the privileged sanctuaries in Cambodia. One of the most impressive letters I have received was from 1st Lt. William J. Price, First Cavalry Division, whose home is in Spartanburg, S.C. Lieutenant Price also sent me a copy of his letter supporting the President which he wrote to the editor of the Spartanburg Herald-Journal.

Price's letters presented clear, logical, and practical evidence of why President Nixon's decision was the right decision. The success of the operation, as experienced by Lieutenant Price and many others, shows beyond any doubt that President Nixon's bold action was a master stroke of tactical surprise at the right time, at the right place, and under the right circumstances. Lieutenant Price states that—

> One reason that the American morale is so high is that we are finally being able to take the offensive instead of the passive role we have been taking in which our hands were tied.

Mr. President, I commend Lieutenant Price for his loyalty, dedication, patriotism, and wisdom. It would behoove all Americans to support our fighting men and our President in order to hasten an honorable and just end to the war.

Mr. President, I ask unanimous consent that Lieutenant Price's letter to me and his letter to the editor of the Spartanburg Herald-Journal be printed in the Extensions of Remarks

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

FIRST CAVALRY DIVISION (AM),
May 12, 1970.

Senator STROM THURMOND,
Columbia, S.C.

DEAR SIR: I am writing to let you know that I'm glad you are supporting President Nixon's move of U.S. troops into Cambodia. I feel that he made the right decision and I admire him of his convictions. I sent the enclosed letter to the Editor of the *Spartanburg Herald-Journal* today and I thought you might be interested in reading it.

My Father is Dr. George W. Price of Spartanburg, S.C. and if you will recall, we played tennis with you at the Spartanburg Country Club tennis courts about two years ago. I certainly enjoyed meeting you and playing tennis that afternoon. I wrote Governor McNair on 3 Feb. 70 concerning servicemen in Vietnam paying state income tax and I also asked him for a South Carolina state flag to display over here but I have never heard from him. If it is not too much trouble, I would surely appreciate a state flag for it would mean a lot to me over here. I did learn about the income tax from my Father.

I am looking forward to leaving Vietnam and the Army this September. That will be a a happy day returning to my wife and family in Spartanburg. I certainly have been proud of what you have been doing in the Senate and I'm glad I will be home in November to vote. My wife and I voted absentee for Nixon when I was stationed at Fort Sam Houston, Texas in November 1968.

I hope you and your wife are fine. Thanks so much for your time.

Sincerely,
First Lt. WILLIAM J. PRICE.

QUAN LOI, RVN,
May 12, 1970.

EDITOR,
The Spartanburg Herald-Journal.

DEAR SIR: I have been a resident of Spartanburg for the past 23 years and graduated from Wofford College in 1968. Since September 1969, I have been serving with the 1st Cavalry Division (Airmobile) in the Republic of Vietnam.

I have been concerned with the reaction of the American public and especially the college and university students who have been rioting since American troops entered Cambodia the first of May. I had mixed emotions at first concerning our American troops entering Cambodia for I didn't want this war escalated but I know that President Nixon made the right decision now. I admire him for making that decision as it may cost him a second term in office but I hope not.

My battalion, the 2/5 Cav, built the first American fire support base inside Cambodia and I was with the battalion when we made this move. It was quite an experience and most of the troops had mixed emotions at first but now their morale has never been higher for the troops out in the field. We are finding large caches of supplies to include weapons, ammunition, rice, and numerous other things needed by the NVA to continue this war. By entering Cambodia and finding all of these supplies, many American lives will be saved and it will also give the South Vietnamese Army a longer time to build up their army. It will also be quite awhile before the NVA can build up their supplies again to mount a strong offensive.

One reason that the American morale is so high is that we are finally being able to take the offensive instead of the passive role we have been taking in which our hands were tied. The men feel that they are finally accomplishing something and that they are really hitting the enemy where it hurts and possibly this war can come to an end soon. The GI's over here would like nothing better than to end this war and go home so other Americans won't have to come over here.

I can't understand why there is so much violence and trouble on the campuses of America. I doubt that many of the protesters have been over here and I don't think they really know what it is like here. I didn't ask to come over here and I don't enjoy being away from my wife and family for a year, but since we are so deeply involved in Vietnam, I feel that the American public should support our troops over here for this isn't an impersonal war. This war is affecting the lives of families in every city in the United States.

Being in Vietnam for a year is no fun but one does learn to appreciate all the things we have in America that everyone takes for granted. I feel that I will be a better American after being over here for I will appreciate all the freedoms and conveniences that I took for granted before I came over here. America would be a better place if everyone woke up and tried to work together instead of fighting among themselves and if they didn't take everything for granted.

All we ask is for your support so this conflict in Vietnam can come to an end so the American troops can come home. Our intervention into Cambodia is really paying off for we are really hurting the enemy and this should help speed up the end of the war. Everyone over here surely prays and hopes so.

If the college students want to protest the war in Vietnam, they should have protested the way it was being fought before we entered Cambodia for now we are winning and fighting the war in a way that is really hurting the enemy and his supplies, not just waiting for him to attack us like we were doing before. President Nixon and the American troops in Vietnam need your support so this war can come to an end.

First Lt. WILLIAM JAMES PRICE,
First Cavalry Division (Airmobile), Republic of Vietnam.

BROADCAST NEWS AND THE GOVERNMENT

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. HÉBERT. Mr. Speaker, Mr. Albert Allen, editor and publisher of Television Digest, spoke before the National Institute for Religious Communications at Loyola University in New Orleans on June 15, 1970.

Because his topic is a matter of discussion today, I was requested to include his speech in the CONGRESSIONAL RECORD.

Mr. Warren is an experienced journalist who has been with Television Digest since 1945 and its editor since 1961. During his years in Washington journalism circles, he has covered the Federal Communications Commission, Congress, courts, trade associations, and others.

I insert his speech in the RECORD at this point:

BROADCAST NEWS AND THE GOVERNMENT

(Remarks by Albert Warren)

It has been my privilege and good luck to serve as a reporter in Washington for the last 25 years. In addition, I've been writing in a print medium, addressing readers who manage the electronic media, while covering the government officials who regulate these media.

XUM

Thus, I've been in the almost unique position of enjoying true journalistic freedom while reporting, day by day, the inhibitions imposed on my colleagues in television and radio.

The chill that raced through television and radio when Vice President Agnew made his first attack last November has subsided somewhat. When he launched that first attack, the electronic media were intimidated—make no mistake about it. Why else would all networks cancel everything to carry live Agnew's speech attacking them? Can you imagine all the nation's newspapers sweeping everything off their front pages and carrying the full text of an Agnew speech attacking newspapers?

Then—why did television and radio react in such frightened fashion? Are they not, like the press, sheltered by that magnificent shield fashioned by the founders of this nation—the First Amendment?

Yes, they are so sheltered, but in an infinitely more complex way—so complex that their freedom is something less than complete, in fact. The simple fact is that stations are licensed by the federal government, which means the power to give and the power to take away. This authority is vested in the Federal Communications Commission. The FCC is a creature of Congress not of the Executive Branch—but its seven members are appointed by the President, subject to confirmation by the Senate. Traditionally, the Senate goes along with the President's selections. So a President by appointing a member each year, sooner or later has a majority of FCC members who belong to his political party.

The FCC could, if it so chose, harass a broadcaster in many ways—none of them a direct attack on freedom of the press. It can reduce his revenues in a variety of ways. It can deny him expansion into larger markets or into new media developed by the genius of scientists and and engineers. It can sap his energy and funds by putting him and his managers through interminable hearings in Washington while his business flounders and stagnates back home. He can find that his competitors always seem to have "better qualifications" when they compete for improved technical facilities. There are a hundred other possible devices.

However, the Commission is very rarely that vindictive. The framers of the Communications Act, the law under which the FCC functions, did a pretty good job of curbing such tendencies. For example, no more than four members of the FCC can be of the same political party. Congressmen themselves can do a rather neat job of harassing the Commission if it becomes arbitrary. And the courts are another balancing element—though a broadcaster could well die of physical exhaustion or exhausted funds before he exhausted his court appeals.

I think that broadcasters are often too fearful of what the FCC might do. The Commission, in fact, has a generally excellent record when it comes to preserving the broadcaster's news freedom. I've noticed that the farther you get from Washington the greater the respect and the greater the contempt you find for the federal government, including the FCC.

So far, it appears that one of President Nixon's best appointments is FCC Chairman Dean Burch. When Burch came to the Commission last November, people generally expected to see a John Birch instead. Surely, the impression went, the manager of Barry Goldwater's campaign had to be some kind of extremist representing only a minor fraction of the public. But it was under Burch's chairmanship that the FCC unanimously confirmed that the Commission is not "the national arbiter of the 'truth' of a news event"—when a viewer urged it to do something about the networks "one-sided post-talk analysis" of Nixon's speech on Vietnam. And Burch has led the Commission, since, in a series of decisions constantly affirming its lack of authority or desire to "do something" about broadcast news coverage. So far, Burch has been considerably less political than many a commissioner who never went through the hurly-burly of political gut-fighting. So far, Burch has taken absolutely no cues from the White House when it comes to broadcast journalism. It's my job to cover Burch on a day-by-day basis, and I'd be astonished if he changed. But—I've been astonished before, and I could be again.

So much for *abuse* of broadcast news by the federal government. Let's look at *use* of the medium. Traditionally, networks have turned all facilities over to the President when he requests an opportunity to speak to the nation. I don't know precisely how this tradition started. It was before my time. I don't know whether the networks agonized about it the first few times it came up. I imagine they did. The subject would make a good research project.

At any rate, President's haven't done this so much that the Congress has been moved to do something about it. A principal reason is that a President doesn't want to suffer from over-exposure, from wearing out his welcome, from displacing prime-time entertainment and sports—alienating the viewer.

The political opposition often complains bitterly about the President's easy access to all 60 million television receivers in the country. The political opposition gets a lot of exposure—but it never thinks it's enough.

Currently, Senators Fulbright, Muskie and others are terribly concerned that Congress doesn't have precisely the same kind of access, so that those who oppose the President's Vietnam policy could bring an equal influence to bear. Fulbright states that, although the Constitution provides equal power for the Legislative and Executive Branches, television access to the public makes them unequal in fact. And just last week, he introduced a joint resolution providing that: "Licensees shall provide a reasonable amount of public service time to authorized representatives of the Senate of the U.S. and the House of Representatives of the U.S. to present the views of the Senate and House of Representatives on issues of public importance. The public service time required to be provided under this subsection shall be made available to each such authorized representative at least, but not limited to, four times during each calendar year." Discussing this bill on the floor the other day, Fulbright admitted that it would be a tough job to work out the details.

Indeed it would. The problem, of course, is: Who's the spokesman? Knowing the way Congress operates, I think it could very well wind up selecting one of its most distinguished members, full of honors, a subject of deep affection—and well into his 80's, displaying, perhaps, some slight diminution of faculties.

I hope that Senator Magnuson soon schedules hearings on the bill, by his Communications Subcommittee under Senator Pastore. Actually, television and radio give a lot of exposure to opponents of the President's policies. True, it isnt' the same as commandeering the entire medium at one time, but it's substantial.

Now, let's look at abuse and use of the electronics media from another side. Personally, I find reprehensible the tactics of the radical fringes who provoke violence and thus gain access to the viewer—taking advantage of the newsman's natural tendency to gravitate to scenes of conflict. As in the case of Agnew's first burst, TV newsmen were shocked into over-coverage of such tactics. And, again as in the case of Agnew, television journalists have generally recovered from their first over-reaction and are placing such coverage in better perspective, declining to let themselves be used easily by extremists from either direction.

It has been encouraging to see the electronic media gradually coming around to the view that they really shouldn't worry so much about the criticisms from Agnew and Company. It has been heartening to hear Herbert Klein, Nixon's Director of Communications, assure the media that no intimidation is intended. Klein stresses the fact that the FCC is separate from the Executive Branch and heartily agrees that's the way it should be. He opposes giving communications Cabinet rank because it would put the media under control of the President. It's good to get such assurance from a professional newsman. And it's good to hear Dean Burch state that a newsman's confidential notes "should be sacred."

There is a vacancy coming up at the FCC at the end of this month, when the term of Commissioner Kenneth Cox expires. I think this appointment is more important than the selection of a Cabinet member. The President can shuffle Cabinet members overnight, as he did last week. But he can't do that with FCC members. They're appointed for seven years—and they're almost impossible to dislodge. President Johnson appointed Nicholas Johnson to the Commission, and soon regretted it. Commissioner Johnson has driven broadcasters wild with his efforts to break up media concentrations and to force stations into what he considers good programming. (Incidentally, though they're light years apart on just about everything else, Commissioner Johnson and Agnew agree that there's too much media concentration—although, for some strange reason, Johnson picks on the Chicago Tribune while Agnew picks on the Washington Post.) But one of LBJ's lieutenants confided to me that the President did his utmost to force or cajole Nick Johnson out of the Commission—but had to give up.

I hope that Nixon picks a new commissioner with absolutely impeccable credentials, because I think that the nation must have a man or woman with absolute devotion to the First Amendment—regardless of whatever philosophy he has regarding other communication issues. Speaking of retiring Commissioner Cox, by the way, electronic journalism owes that man a lot. He has never deviated a millimeter from his adherence to journalistic freedom. There have been some pretty tough calls to make in this area, and he has always voted for freedom. He has been rough on the industry in business matters—but he has been a rock on news.

I've dwelled on government and the mob. There's the other side—the journalist's responsibility. The newsman has a never-ending, often fumbling, always only partly-achieved, task of seeking out the genuine, of giving it proper weight. There are two principal means of trying to keep this process untainted. One is by guaranteeing a flourishing diversity in news gathering and display. The other is by fostering the utmost professionalism among newsmen.

Agnew was not entirely without justification when he criticized some elements of television and radio for their coverage of the Administration's policies and performance. The main problem is that he is the wrong person to be doing the criticizing. He obviously speaks for the President, even though Nixon says his people should "keep the rhetoric cool," and the President holds the power of appointment and purse over the FCC.

There are some reporters in TV and radio who are biased, who do let their zeal color their efforts. I don't think there are a lot of them—but any are too many. There is a tendency among broadcast journalists to be performers rather than reporters—and it's up to their editors and top management to curb this. There's tradition and practice of objectivity in this profession, and it must constantly be emphasized, replenished and nourished.

XUM

There's a natural tendency of reporters, particularly young ones, to absorb the characteristic of the groups they cover. And it seems fashionable, nowadays, to defer to the kids on everything. Political zeal is fine, even for reporters, but it's the job of the nation's editors to confine personal political expression to the editorial pages and clearly labeled broadcast editorials and analysis.

I've touched on some of the major aspects of broadcast journalism and its relation to government. There are many others worth discussing, and I'm sure that other participants in this Institute will develop them. For example, what is the potential of cable television for increasing diversity? And how likely is it that such diversity will be achieved—or will this technology be thwarted? And how about satellite communications—with the same questions asked? Where is Nixon headed, as he puts more and more emphasis on public relations? What are the problems in the relationships between local government and the electronic media? How can we keep the electronic media functioning if violence escalates?

BACCALAUREATE ADDRESS AT NIAGARA UNIVERSITY BY MR. JAMES A. FITZPATRICK

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. SMITH of New York. Mr. Speaker, on Memorial Day, May 30, 1970, I had the good fortune to be present at the graduation exercises of Niagara University located in my district. Niagara University has a long and honored history and is now surging forward in a period of growth under the fine presidency of the Very Reverend Kenneth F. Slattery, O.S.F.S. Her future looks as bright and exciting as has been her past.

XUM

Niagara University adjoins the Robert Moses hydroelectric plant and system which is owned and operated by the Power Authority of the State of New York and which is the largest hydroelectric project in the free world. In a sense, then, it was only natural that Niagara University should present an honorary degree to Mr. James A. FitzPatrick, chairman of the Power Authority of the State of New York, in recognition not only of Mr. FitzPatrick's outstanding achievements and abilities but also indirectly in recognition of the contribution of the Power Authority of the State of New York to the welfare of the people of New York State and, indeed, of the whole northeast section of the United States.

Mr. FitzPatrick gave the baccalaureate address at Niagara University and it is an address which deserves the real attention of every citizen in the United States. He offers splendid advice, not only for young people but for all of us, and, in addition, he proposes both an "Operation Understanding" as a means of reconciliation between the generations in our country and also the very interesting idea of a "peace bank" as a method which, if it could be implemented, would eventually achieve international disarmament and end all wars. I commend these ideas and Chairman FitzPatrick's advice to the careful consideration of all persons who dream of a better world. I am pleased to set forth the text of Mr. FitzPatrick's address:

EXCERPTS FROM ADDRESS BY JAMES A. FITZPATRICK

I am grateful for the opportunity to join with you today and I shall always take great pride in having a degree from Niagara University. I am especially pleased to be participating in a Baccalaureate Service which recognizes the spiritual significance of the education afforded here. I think that this is particularly appropriate at a time when it appears that society has concerned itself too much with the structures and mechanisms of formal learning and too little with developing the attitudes of mind, heart and soul so vital to coping successfully with the problems of our time.

It is also particularly appropriate that your graduation should be held on Memorial Day—a day upon which we recall with pride and gratitude that we live under an American flag and luxuriate in the security and freedom which it symbolizes. It is also a day which affords us an opportunity to reflect upon the devotion and sacrifice of those of present and past generations who, in peace and war, have made this day possible. Among those to whom we are all indebted is Father Slattery under whose leadership this institution has come to play an increasingly significant role in the social and economic development of the Niagara Frontier. That the University's contributions have been so meaningful is due in no small measure to the vision, devotion, skill and enthusiasm with which he has so successfully and energetically applied his talents.

You who are graduating and receiving degrees today have pursued your studies at a time when unusual public attention has been focused upon institutions of higher learning. It is unfortunate that the spotlight upon dissent and discord has temporarily obscured the academic achievement which survives, and the idealism with which responsible youth is pursuing the goals of identity, equality, peace and social justice.

How to achieve these goals must be our common concern. Success or failure will depend in large measure upon the manner in which we proceed and the confidence we engender in each other. It seems that our first challenge is for the young, the old and the in-between to join hands, to communicate, to try to understand each other and then to move toward these goals together, realigning our methods with the standards of conduct and procedure proven to be best suited to assure their ultimate achievement. Each of us will have our own views and each must be afforded an opportunity to freely and openly express those views as we strive for consensus. As we do, it would be well to remember, however, the words of Wendell Willkie who stated: "Our way of living together in America is a strong but delicate fabric. It is made up of many threads. It has been woven over many centuries by the patience and sacrifice of countless liberty-loving men and women. It serves as a cloak for the protection of poor and rich, of black and white, of Jew and Gentile, of foreign and native born. Let us not tear it asunder for no man will find its protective warmth again."

One of our first and foremost needs is to contribute toward a national rebirth of morality, a national rekindling of sensitivity, and a national revulsion against force, brutality and disrespect for duly constituted authority. Only thus can we demonstrate to ourselves and to the world that this country, with its abundance of intellectual talent, has the capacity to solve the social, economic and political problems of our day.

The first requisite for progress has always been order. It thus becomes particularly important that on college campuses, where adult life first stands on the threshold of opportunity, where life should be filled with happiness and satisfaction, where aspirations and ideals need only inspiration and encouragement, students not permit themselves to be used as pawns by those who would subvert the academic process to the apostles of discord and violence. Niagara and its students are to be commended for the degree of wisdom and restraint that has been evidenced here in this regard. I hope that you have come to realize that education is a privilege—not an unconditional right—a privilege that can, should and inevitably will be curtailed or terminated for those who abuse it at the expense of those who desire and support it.

If speakers such as I are to do more than mouth platitudes, we must propose solutions. This is obviously no easy task. Conscious of my own limitations in this regard, I would nevertheless like to respectfully advance some suggestions.

Turning first to the problem of identity, I suggest that the greatest source of man's identity is his intellect or soul. This sets him apart from the animals. It is thus a travesty that some embrace animalistic behavior in search of what is termed identity.

My suggestion is that identity be sought in excellence, dignity, decorum, in superior achievement or in outstanding performance rather than in attitudes, behavior or courses of conduct which attract attention but which give little evidence of true learning, provide neither respect nor genuine satisfaction and constitute an instant barrier to communication between generations.

In an effort to eliminate the communications barrier I propose what I would call "Operation Understanding"—a national search for dialogue initiated by adults throughout the land inviting small groups of students into their homes to discuss the issues of the day. I am confident that if approached in the proper spirit, it would be a mutually rewarding experience intended to substitute compatibility for confrontation.

Turning to international peace, I suggest that we continue legitimate military, diplomatic and political pressures to see it achieved, evidence more understanding for those seeking to extricate us from our present conflict, maintain the national solidarity and military strength necessary for negotiation and defense and propose means of achieving ultimate international disarmament—thus ending all wars. In this latter regard, I propose, as I have on prior occasions, the establishment of a "peace bank"—an international fund to be administered by the United Nations. Into this fund the world powers would annually deposit a progressively larger percentage of the moneys otherwise budgeted for arms and armament. Proceeding on the theory that no nation can honestly afford both guns and butter, the result would be a reduction in the weapons of war. The fund would be used to feed the hungry; to educate the illiterate; to create, with the fed and educated, new markets for the world's goods and new skills to produce them; to thus substitute production for destruction.

Idealistic? Unquestionably! Naive? Many will think so! As a minimum, however, the concept, if embraced and proposed by the United States, would test the will of all nations to follow us down the path of peace. It is principally through providing more for the "have nots" of the world that we can lessen the probability of conflict with "the haves." It has always been thus. Furthermore, it is only through a vast reduction in the presently staggering cost of arms and armament that all nations may make meaningful advances in solving the social ills which plague us.

Youth's impatience in this regard is understandable and the urgency of the need cannot be ignored. Moving forward we must have the wisdom to proceed without leaving ourselves vulnerable to, or defenseless against, those who would seize upon this impatience or upon present internal turmoil, tensions or dissension and use them to destroy us.

While seeking disengagement from military conflicts, we must not forget that the price of freedom has never been cheap. History demonstrates that every major military move this country has made has been for the purpose of protecting freedom. Mistakes have been made and will be made, and, when made, should be acknowledged as such. However, it takes no courage to surrender, and much won at great sacrifice can be suddenly destroyed by turmoil at home which can only prolong our agony abroad.

I feel that all of youth's concern with peace is not with freedom from war. I feel that there is a longing for a kind of personal tranquility which most of us have lost, abandoned or failed to provide in our emphasis upon the material—our quest for status—our headlong pursuit of both business and pleasure and our concern with self. It has left too little time for fostering and enjoying natural and domestic environments of beauty, peace and serenity.

As you graduates leave Niagara today, I suggest, in spirit of this Baccalaureate, that you re-embrace and take with you the virtues of faith, hope and charity—graces that can be sweet in this troubled age as they have been throughout man's existence on this planet. Faith, we are told in Hebrews, "is the substance of things hoped for, the evidence of things not seen." "Hope," said Aristotle, "is a waking dream." We are admonished in I Corinthians: "Beareth all things, believeth all things, hopeth all things, endureth all things. Charity never faileth."

Faith—Hope—Charity. These can be the bridges to understanding. They can span the gulfs between ages and people. Faith, hope and charity. They can help us in seeking a renewal of spiritual dedication. They can be a means by which we achieve, for once and for all, for now and forever, the perennial goals of wisdom and tranquility and justice.

The challenge remains with the young. Generations before yours have dreamed the waking dream of hope as yours does now. They have sought and struggled and built—block upon block.

Today, imperfect though they may be, the world and the nation and the communities which you will inherit are monuments to man's courage, to his inventiveness, to his resourcefulness, to his labors and to his faith.

St. Thomas Aquinas has told us that "Three things are necessary for the salvation of man: To know what he ought to believe, to know what he ought to desire and to know what he ought to do." I feel sure that the education which you have received here at Niagara has put you in a position to know what you ought to believe and what you ought to desire. Your challenge then, as it is the challenge of all peoples and ages, is to know what you ought to do and have the courage to do it. There are those who would destroy to build anew. They expound on what is wrong and would tear apart the blocks that are the foundations of what is right. You cannot build by destroying.

"A true critic ought to dwell rather upon excellence than imperfections," Addison told us two and a half centuries ago. As you accept your share of the challenge and emerge into this imperfect society, help to form the building blocks that your generation can add to the structure of civilization. Continue to seek an end to conflict, poverty and injustice for all people and for all time.

Have faith in yourselves, in this country, in its institutions and in the much-maligned Establishment which, despite its faults, has made this the greatest country in the world and afforded you the greatest opportunities ever provided in any age.

Have faith that, given a chance, sanity will prevail in this country, communications will improve and government will listen to voices honestly raised in support of orderly change.

Have faith that this change can be accomplished through the established democratic process. Have faith and believe, as we believe, that your intelligence, idealism and energy and that of the great majority of your peers afford society with unparalleled opportunities for progress and improvements .

Have faith, above all, in your religion. Without it life loses much of its flavor, and with it you will find solace in many a storm. Have hope that together we may come to mutual understanding, that we may achieve harmony and collectively pursue the right and the good. Above all have that type of charity which embraces all people and all nations.

In closing, I should like to have everyone here join me in a prayer of thanksgiving for all the benefits which this University has provided today's graduates and a prayer of petition that equal opportunity will be afforded all who knock at its portals in the years ahead. To you graduates I would like to leave a baccalaureate message much simpler but more meaningful than anything I could say—something which expresses the sentiments of all of us here—your families, your teachers and friends—as you move forward on the path of life. It is found in the words of James Metcalfe who wrote:

"Dear friends of mine, there is no way . . . in which I could address you . . . with more sincerity of heart . . . than just to say God bless you . . . my words could wish that all your cares . . . would be a little lighter . . . and I could send you greeting cards . . . to make your hours brighter . . . my lips could call good luck to you . . . or whisper happy landing . . . and I could promise you the depth . . . of faithful understanding . . . but I am sure no other thought . . . or message would impress you . . . as lovingly or lastingly . . . as asking God to bless you . . . and so I say God bless you, friends . . . in every good endeavor . . . and may His guiding grace be yours . . . forever and forever."

AWARD WINNING ESSAY FROM THE ARKANSAS "YOU'VE GOT A LOT TO LIVE!" CONTEST

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. ALEXANDER. Mr. Speaker, a young resident from northeast Arkansas has recently expressed his views on what America has to offer to and expect from all of its citizens. This essay by Robert M. Flippo of Powhatan, Ark., was recognized as the best of all entries from Arkansas in the "You've Got A Lot To Live!" contest.

Because Mr. Flippo's essay expresses a view of America that all too often is forgotten in our present Age of Discontent, I include it in the RECORD at this point:

POWHATAN, ARKANSAS,
March 25, 1970.

Hon. WINTHROP ROCKEFELLER,
Governor's Office,
Little Rock, Ark.

DEAR SIR: In a time of plenty such as the world has never known, the signs of discontentment are all about us. We see it in the violence in the streets and in the confusion among our own people. Despite all this, "You've Got A Lot To Live!" Our forefathers fought and died for our freedom to think, speak, work, love, and worship. Our unique way of life is a product of our own history. It is ours to keep, build upon, and pass on to future generations.

We continue to ask for more freedom, but freedom has come to mean freedom from unpleasantness, hardship, discipline, duty, and self sacrifice. The late Dwight D. Eisenhower once wrote: "Americans are poisoned with too many things; having many things creates a desire for more things. It is probable that the want and need of things have been the stimulants toward the change and complications we call progress."

In my study of history, I have learned what rulers, either from the left or right, have done to human beings. I have found how any resemblance of self government in some countries cannot endure and how people are used as sheep and puppets. I believe that America, with its great heritage, will not stand idle and let the world fall to dictators. Instead, it will strive to fulfill the four dreams of mankind: Peace, Food, Freedom and Human Dignity. I know that America has this to offer.

William Danforth's book, *I Dare You*, outlines a Four-fold Development. Our lives are to be lived as a square with each side labeled Think Tall, Stand Tall, Smile Tall. and Live Tall. These are our living tools. We have not one life to live but four lives. To live by the square is not a task but rather an opportunity. By reading and studying the history of our country, I can think tall by being better informed. By pondering on good things, I can stand tall for what is right. By developing my own potentials, I can smile tall. Danforth wrote: "Be your own self, whether with a prince or a pauper." Be courageous. It is not always easy not to go along with the gang and be called "Chicken." Moral courage is essential to self respect. Live tall. A good name is a man's most priceless possession. I cannot live the "don't care life." I, personally, do not approve of demonstrations, riots, vandalism, drinking, narcotics, or crime.

An old Persian legend relates how a bug lived in a rug. While inside, all he saw were his problems, and he never ventured out to take part in the world. The bug died inside the rug, never realizing that he had lived in the world's most beautiful rug. I can best help America fulfill its potentials by living the Four Square Life—not like the bug in the rug. America has a lot to give, and "You've Got A Lot To Live!"

Very truly yours,

ROBERT M. FLIPPO.

COLLEGE YOUTH

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. SLACK. Mr. Speaker, in these days of emphasis on a supposed "generation gap" and of "confrontations" between "youth" and nonyouth, it is refreshing to read a common-sense analysis of the difference between the two. It is nothing more nor less than experience in dealing with life's problems.

One of my own constituents who is wise in the ways of the world but young in spirit has placed his finger on the crux of the whole matter in a way which I believe merits our attention.

For that purpose I place in the RECORD the following editorial on college youth from the pen of Luther R. Jones, editor

XUM

of the Coal Valley News of Madison, W. Va.:

THE COLLEGE YOUTH MUST LEARN FIRST HOW TO GOVERN THEMSELVES

(By Luther R. Jones)

It has been said—All the world is a stage.

We are each and everyone participants on this stage. The young people who are bent on changing a number of things in a number of places are performers on this stage.

These particular young people are very dissatisfied with the way things are run. They think some corrections are in order and that they know how to get those corrections. If they didn't try to tear up a number of things that have taken a number of years to build, if not a few lifetimes, we might not agree but we would tolerate what they are doing. We certainly agree that some attention should be given to what they are saying and they are often right—not always by any means. And most certainly they are wrong when they are destructive and they are wrong to resist authority.

But they will accomplish some changes. However they cannot accomplish all the changes that they wish and get them at the price they wish. But the young people fail to comprehend certain important factors. We admit that some of them are smart, in fact smarter than many of their elders. However it might be well to observe that the sort of education they are acquiring at college, while it does afford credentials, it does not encompass all the education that is acquired in any lifetime or in any segment of a lifetime.

We gain a world of education by experience and everybody spends a lifetime in gaining experience.

But the young people who go to school can imagine—and often are smarter than their parents. But their parents are usually able to weigh circumstances better than they. I am speaking about the trouble-making students—who are said to be above twenty per cent of those attending colleges and universities

This twenty per cent, and perhaps a numbers of others, are dissatisfied with the way things are run. They want to change a number of things and some things ought to be changed. However they overlook an important factor that will impose certain regulations upon the world no matter how much trouble some young people may cause. Many thousands of years have passed and man has attained only a limited amount of knowledge. The little or much that he may possess is nevertheless dependent upon the knowledge of his forbears. No matter how much destruction and attempts to have our own way, time usually answers all problems. It seems that man will destroy himself before he learns one valuable lesson. The way to progress in education is not by destruction.

Another important lesson of history, if we ever learn it, is that real education is acquired by the experiences of life before our training in school is worth much to us. Young people acquire large amounts of knowledge by their attendance at school and by their studies under proper guidance. It takes experience to evaluate that knowledge and a certain amount of time is always necessary to give them that experience.

If it has taken all the past ages to acquire the knowledge which is at our command now, you can feel sure that the knowledge which we attain in school can only be evaluated by some experience at the very least.

We have customs and laws to regulate people and people are regulated only by the knowledge and experiences of life. The character and acts of people are regulated by customs and laws. There is no question but what the youth who go to college have acquired a vast amount of knowledge, but the people require that the laws of the land shall be made by those who have also had experiences. The elders have been tolerant to the youth. In fact the youth would not be here were it not for the elders. The elders furnish most of the money for their sons and daughters to go to school and remain at home laboring as best they can to keep their sons and daughters in school.

The laws and customs were already made, in most cases, long before these same sons and daughters went out to attend the various colleges and universities over the land. They may think that they should be allowed to help make the laws. But the laws are the product of any age, and mature people, even though they are not educated in school, are chosen by such processes as we have to add their bit to the laws of the land. It is too bad that the youth are not permitted to help make those laws. That is so because of their lack of experience.

It makes no difference how much trouble different ones may cause, the laws and customs of the land will be handed down to them, and time will require that all people, irrespective of age, must first obey the law before they can govern others.

HALF A SPENDTHRIFT

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. LANGEN. Mr. Speaker, there are those in the Congress who make a great deal of noise about military cost overruns, but ironically these same people fail to apply similar logic or devotion to the judicious expenditure of tax revenues for domestic purposes—and it would be difficult to believe that any Member could be naive enough not to think that we have more than our share of wasteful and contrived domestic social schemes.

Which then causes one to wonder—just what is their point? Waste is waste no matter where it may be found. If we are going to get exercised about high tares, boondoggling, and the like then let us be consistent.

For those who might be inclined to apply a double standard to waste in Government spending, I submit the following excellent editorial from the San Diego Union of May 10, 1970:

TOTAL RESPONSIBILITY

The avowal by 12 liberal senators that they are going to give the $73 billion defense budget "rigorous and detailed" examination is suspect because of their inclination to harass the military whenever possible.

It is, however, an excellent idea. All spending by Congress should be subjected to the most detailed analysis possible by members of Congress.

If, however, the 12 senators and all others face up to their total responsibilities, they will not limit their scrutiny to defense spending alone.

Defense outlays already have been cut by $10 billion in the last few years. The $73 billion represents 7 per cent of the Gross National Product. In 1968 the defense budget was 9.5 per cent of the nation's output of goods and services.

We believe the senators should give equally rigorous and detailed examination to urban development programs that have skyrocketed from $21 billion in 1964 to $44 billion in next year's budget. Other areas ripe for scrutiny include spending for environment, which is up 50 per cent in just two years to a total of $1.1 billion; spending for health, education and welfare—which has increased from 34 per cent of the national budget two years ago to 41 per cent today, or federal subventions to local governments that have multiplied fourfold in a decade.

Like defense, all are in a sense essential to our national well-being, but none should be considered a sacred cow when taxpayers' funds are involved.

And while we are on the subject of expenditures, let us make a few additional comparisons and observations, for when we discuss domestic expenditures, there are clear-cut discrepancies evident here as well.

For example, during the decade 1960–70, outlays for agriculture and rural development increased by 91 percent. The only categories which increased by a smaller percentage were national defense, international affairs and finance, and veterans' benefits and services.

There is a tendency on the part of all too many people to take the food on their table for granted. When asked where food comes from, most people would think little further than beyond their neighborhood grocery store. This of course is completely wrong, and the luxury of taking the farmer for granted has worked great harm and hardship to the vitality of rural America.

In the meantime, expenditures for natural resources during the same decade period are up 144 percent; community development and housing up 214 percent; education and manpower up 486 percent; space research and technology up 869 percent; and health a staggering 1,655 percent.

Just think for a moment—had the growth in the total Federal budget been restricted to the growth in agriculture expenditures, the fiscal 1970 budget would have been $176.2 billion—$21.7 billion below the level it is now expected to be. Not only would we have been free of inflation, but just think how different our budget situation would be. Instead of experiencing deficits, we would have surpluses. Legislation to raise the limit of the national debt, such as has just recently been passed, would have been unnecessary. In fact, the debt could have been reduced. Then we could have given the American taxpayers a significant tax break with good conscience and with the assurance of meaningful success.

As things stand now, we are already faced with the talk of the necessity of rescinding next year the tax relief that has yet to even be placed into effect. And as though drugged by lavish overindulgence, the Congress continues to spend, spend, spend, to add new bureaucratic layers on top of the already burgeoning structure, they hitch new burdens to the taxpayers in the name of liberalism, and to cling to the discredited cliche that "we are the richest Nation in the world and can afford anything" as an excuse for avoiding the realities of our limitations.

XUM

How long must we wait before we wake up—must America go down in history as the first Nation to be driven to the poorhouse in a Cadillac?

THE ARMS TRADE—PART XV

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. COUGHLIN. Mr. Speaker, the unrestrained and increasingly more dangerous international trade in arms, according to a recent report in the New York Times, is alive and well in Latin America.

Brazil, we learn, is about to buy 16 Mirage 3–E supersonic fighters from France and two advanced submarines from Britain; Argentina is about to buy 16 American Skyhawk jets and has just ordered 12 Canberra jet bombers and two destroyers complete with Sea Dart missiles from Britain; Chile is planning to buy 10 F–5 Freedomfighter jets and nine training planes from the United States; and Colombia has expressed interest in purchasing American Skyhawks and F–5's.

Now, at no time during all this activity has anyone in authority in Washington, London, or Paris ever asked: "Where's the war? Who is being threatened? What are these planes to be used for?" The attitude in all three capitals seems to be: Sell all the arms you can and only worry about the consequences later. To top it all off, the article states that Brazil has no airfield capable of handling the jets it is buying. But no matter, if the hard questions are being avoided, why should we expect there would be any concern for such a minor detail as this?

Mr. Speaker, this is but one more example of why there is a need for the world's major industrial powers—particularly the United States, the Soviet Union, Britain, and France—to curb this trade. The introduction of these weapons into Latin America can only be regarded as a potential source of mischief. Surely they will add nothing to the defense of the Western Hemisphere or even to any individual country within it.

Once again I ask that our Government take the lead in seeking ways to bring this dangerous and uncontrolled trade under control.

The article follows:

[From the New York Times, June 7, 1970]

WEAPONS PURCHASES SPUR FEARS OF LATIN ARMS RACE

BUENOS AIRES, June 6.—A flurry of orders for advanced jet fighters and missile-equipped destroyers has brought fears of a new arms race among major South American countries.

Last month Brazil, the continent's largest country, announced she was buying 16 Mirage 3–E supersonic fighter-bombers from France, and Argentina, the second largest strengthened her navy by purchasing 16 supersonic Skyhawk jets from the United States.

The Argentine Government also placed orders with Britain for 12 rebuilt Canberra jet bombers and two destroyers armed with the latest Sea Dart missile system and fully automatic guns.

More purchases of advanced weapons by the continent's underdeveloped countries appear to be in the offing.

Chile is reported planning to buy 10 F–5 supersonic fighters and nine trainers from the United States and Colombia has had talks with Washington on buying Skyhawks and F–5 Freedom fighters.

NIXON REVERSES POLICY

With lucrative orders going to France, Britain, West Germany and Italy, the Nixon administration has modified the policy of the Johnson era by declaring its readiness to supply the expensive armaments.

Until 1967, the United States had a virtual monopoly of the Latin-American market. Even now, a large part of the continent's armed forces are equipped with World War II Sherman tanks, and antiquated planes dating from the war or the early nineteen-fifties.

A pledge was made at a 1967 conference of Hemisphere heads of state attended by President Lyndon B. Johnson to keep down military spending "not indispensable for carrying out specific missions of the armed forces."

But later that year Peru bought from France a squadron of 16 Mirage jets, the first in Latin America.

Washington vainly sought to persuade Lima not to buy the jets. One reason for the United States position was the irrelevance of modern weapons to apparent military needs. Supersonic fighters and rapid-fire tanks have little advantage over existing equipment in antiguerrilla campaigns, usually waged in remote jungle or mountain areas.

GOVERNMENTS NOT CONVINCED

But the South American Governments were not convinced. Brazil, Argentina, and Peru have nationalist military governments. In countries such as Chile, civilian governments are under constant pressure from military chiefs whose support, or at least neutrality, is crucial to the governments' survival.

Argentina is developing a domestic arms industry. An $80-million program, spaced over several years, includes the construction of tanks under French license for Argentine use and export to neighboring countries.

Argentina also has ordered two guided missile destroyers in Britain at a cost of more than $72-million. One will be built in Buenos Aires with the Vickers Shipbuilding group supplying the materials and technical assistance.

Brazil, the second-ranking arms contender, disclosed on May 16 that she had bought the 16 Mirage 3–E fighters from the Marcel Dassault company in France as the nucleus of a supersonic fighter force.

She has also ordered from England, two Oberon class submarines.

Brazil has no airfield able to take the supersonic planes, but the Government has announced plans to build one north of the capital of Brasilia.

Since 1964, Brazil has bought 400 military planes, mostly transports and trainers, but it also plans to produce three kinds of jets herself at the rate of two a month.

Chile and Colombia are tightlipped about their arms plans, but the United States State Department disclosed on May 15 that there had been discussions with them about the sale of military aircraft and that their governments expressed interest in possible purchases of jets from the United States.

However, a State Department spokesman said Washington did not really know whether the expression of interest by the three countries could be translated into firm orders.

"In principle," he stated, "we would be prepared to sell aircraft of this type, if firm requests are received."

HON. FLETCHER THOMPSON'S MOST RECENT CONSTITUENT QUESTIONNAIRE

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. THOMPSON of Georgia. Mr. Speaker, I include the text of my most recent newsletter in the RECORD. I do so in order that it may be available to all Members so that they may inspect the results of our most recent constituent questionnaire on issues confronting this and the other body.

Text of my newsletter follows:

FROM U.S. CONGRESS: FLETCHER THOMPSON REPORTS TO YOU

YOUR VOICE IS HEARD

DEAR FRIEND: In the photo below are a part of the thousands of responses to our last questionnaire. Some surprises were in the answers and some in remarks written along with the answers. It was interesting that 92% supported the right of Vice President Agnew to criticize bias in the news media while, at the same time, many of these indicated a liberal leaning. Freedom of speech and freedom of the press is treasured by all, regardless of political philosophy.

A BATTLE WON

One of the first bills I introduced when I came to Congress was to provide for automatic cost of living increases to those drawing Social Security. Now, 3½ years later, we finally succeeded in having this made a part of the law. Beginning Jan. 1, 1973 and each 3rd quarter of the year thereafter, if the cost of living goes up, Social Security benefits will automatically increase so you will not be robbed by inflation. Results like this make serving you worthwhile.

A PRESIDENT'S PLEDGE

President Nixon has pledged to the nation that not only will he reverse the eight-year trend of escalation, but that he will at the earliest possible moment end American troop involvement in Southeast Asia without breaking our pledge to help South Viet Nam stay free of Communist domination. He has consistently moved toward this end. So long as his actions are based upon ending American involvement and, at the same time, allowing the South Vietnamese time to take over the fighting themselves, I feel the American public should support him.

FROM THE BATTLEFIELD

It's hardly possible to express more eloquently the reasons for the Cambodian operation than did an Atlanta serviceman writing to his mother from Vietnam. With her permission, I inserted portions of his letter into the CONGRESSIONAL RECORD and they are reproduced below. His words made me proud to be his Congressman:

"Mother, please write our Congressman, our Senators and our President and let them know that I and many, many other servicemen in Viet Nam are behind him in his decision to go into Cambodia. It will shorten the war and could save Southeast Asia from Communism. You don't know how it's been to fight someone who, when he gets tired or

XUM

starts getting beat runs across some line and laughs at you because you can't come after him. He can come back anytime he wants to, and you have to wait for him. Now, we're the cat and he's the mouse. By crushing them in Cambodia, it means that a lot more Americans will come back alive from Southeast Asia.

"A lot more people in Southeast Asia can sleep without the fear of losing a child or an oldest son unwillingly, or to watch their family shot for not wanting to be Viet Cong. It means not having to sleep with the fear of being waked up by a mortar or rocket attack.

"Oh, God bless our President, and I pray that our country will back him. But my country is full of selfish and close-minded people. They've never tasted war, or had to live with the threat of being shot or having to do what they're told at gunpoint. Maybe our people have too much freedom, for they seem to abuse it. Today it's what you want that's right, not what's right is what you want. May God forgive our self-minded country."

RESPONSIBLE STUDENTS

Most students who visited me in Washington expressed their genuine concern over Vietnam in an orderly, well-mannered fashion. I appreciated the fact that they took their time and money to come to my office. Particularly, I think it is good to have a responsible exchange of ideas. Most had a good historical background on Southeast Asia but I felt some were too idealistic in expecting Hanoi to negotiate. Hanoi has never made a single concession in Paris since we have been in the so-called peace negotiations.

HIPPIE THREATS

A small group of hippies who do a disservice to American college students by trying to palm themselves off as "typical" young college students threatened to come into Atlanta to campaign against me unless I stop supporting Nixon's Vietnamization program with step by step troop withdrawals. They want me to insist instead on immediate unilateral withdrawals which could cause a greater loss of American lives and a Communist takeover of all Southeast Asia. Though it may be at my political peril, threats will not deter me from reasonable action and support of our men in Vietnam. I believe Georgia students will agree with me on this.

MISCONSTRUING AMERICA'S WILL

Moscow may well read into the student demonstrations against the Cambodian operation the mistaken idea that Americans are unwilling to stand by their word when the going gets rough. This could be the reason for their increased activity in Egypt and the Middle East. The Reds may have been misled to believe Americans will not support their allies when it is difficult to do so. Such a misinterpretation of student dissent over Vietnam can be very dangerous to world peace if applied to the Middle East.

VIOLENCE IN THE SCHOOLS

Each school in the District of Columbia has a full-time policeman assigned to keep order . . . but violence has become so great in some schools that the Appropriations Committee has authorized $2,000,000 to build a special school for servicemen's children at Bolling Air Force Base. The specific reason given was to protect the children of our servicemen from bodily injury by being forced to attend the nearby Anacostia schools in D.C. Possibly the money should have been spent to stop the violence in the D.C. schools rather than running away from it.

QUESTIONNAIRE RESULTS

More replies were received to our last questionnaire than any we have sent out in recent months. Particularly interesting were some of the side comments. It will take me a month or more at night to review all these . . . but it is a big help to me in my service to you. Meanwhile, I thought you would want to see a tabulation of the thousands of replies received thus far:

[In percent]

	Yes	No	Undecided
Do you favor:			
1. Selling jet airplanes to Israel to be used for its own defense? (Israel has not asked for a free gift.)	75	14	11
2. All classes of mail, including magazines and third class, paying 100 percent of their cost of postal delivery?	87	9	4
3. Relaxing drug laws and legalizing marihuana?	9	87	4
4. Vice President Agnew exercising his right to criticize bias in news media?	92	6	2
5. Letting local citizens have a voice in airport location?	85	8	7
6. President Nixon's efforts to change the philosophy of U.S. Supreme Court?	88	11	1
7. Forcing teachers to teach in certain schools solely because of their race?	4	90	6
8. Requiring racial balance in schools by—			
(a) Bussing	4	90	6
(b) Gerrymandering attendance zones	16	75	9
(c) Closing schools	4	90	

It is a high honor for me to serve you in Congress.

Yours very truly,

FLETCHER THOMPSON,
Member of Congress.

(NOTE.—Printing and paper paid for by myself and with donations sent in for that purpose.)

COPERNICUS, THE FIRST MODERN

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. HELSTOSKI. Mr. Speaker, on May 24, 1543, 427 years ago, there died in Frauenburg, Prussia, a man who may be called the first modern, for he was the father of modern science and the founder of the scientific method that has become the keystone of the modern world.

Nikolaus Kopernik—or Copernicus, to use the more familiar Latinized version—was trained for the church, but postponed taking orders so that he might continue his scientific studies. He died, little dreaming of the religious upheaval his work was to cause, unaware of the fact that an editor's note had been inserted in his book calculated to create the impression that his statement that the earth moved around the sun was theory rather than fact. Despite this disclaimer, Copernicus' book remained on the proscribed list of the church for a century and a half.

Copernicus resumed the study of astronomy where Ptolemy had left off more than 1,000 years previous. The centuries between the two great searches of the skies were almost barren of scientific advance. The centuries immediately following Copernicus found science remaking the world.

Copernicus, dissatisfied with scientific theories and dogma, abandoned the practice of seeking facts to support a hypothesis and sought to discover physical truths, regardless of whether they supported a theory or not. This method has been the basis of modern scientific research.

Throughout the world, people of Polish ancestry have honored Copernicus on his achievements. Scientists and educators have paid him homage. For the Polish people, the observance of his scientific breakthrough has a double significance because Copernicus, in addition to being the first modern scientist, was a Polish patriot—an outspoken foe of the arrogant Prussianism that was exemplified in Copernicus' time by the Teutonic knights, as in modern times by the Nazis and Communists.

In the state archives of Sweden, at Stockholm, is a document brought back by Gustavus Adolphus from his expedition into Poland. It is in the handwriting of Copernicus and, over his signature, it denounces the Teutonic knights for their ruthless invasions. This makes Copernicus particularly significant to the Polish people; but to all people of the world who believe that the truth shall make men free, the name and the memory of Nicholaus Copernicus should be objects of veneration.

A LETTER FOR ALL LOYAL AMERICANS

HON. EDWIN W. EDWARDS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. EDWARDS of Louisiana. Mr. Speaker, as chairman of a special subcommittee investigating the New Mobe, its leaders, actions, and effect on America, I was privileged to hear the testimony of two courageous American wives whose husbands are prisoners of war. I believe that all Americans would benefit from a reading of their testimony before our subcommittee. I especially suggest to my colleagues that each take time to study and consider their testimony.

One of these courageous women, Mrs. Edwin A. Shuman III, has written to me. I believe her letter was meant for all loyal Americans. I insert it at this point in the RECORD and commend it to all for prayful consideration:

VIRGINIA BEACH, VA.,
June 18, 1970.

Hon. EDWIN W. EDWARDS,
House Office Building,
Washington, D.C.

DEAR MR. EDWARDS: Thousands of aviators have been sent into combat in Southeast Asia. Many died there. Over fifteen hundred are missing or captured. The fate of some of these men is unknown. The fate of the majority is known all too well from the reports

XUM

of released prisoners. Have you read the testimony of Lt. Robert Frishman? He said,

"You could hear guys up and down the passageways getting beaten and guys yelling and screaming, and sometimes they would come and they would stick a key in the lock, and I would say, 'Here I go. I guess it is my turn; let's see if I can hack it this time.' Then they would leave, and I would just sit at my bed and I would be awake the rest of the night just wondering if they were going to come in and take me out there."

Ask yourself how long you, as a man, could resist and survive under these conditions. How can any American who has the power to help alleviate this horror sleep at night, knowing how the nights are in the Hanoi prisons.

These men were sent into battle with their hands tied, not allowed to hit significant targets, while the enemy's ports and supply centers were left open and untouched. They have been captured and are under orders from our government to give nothing but name, rank and serial number, even under torture and starvation. Was there ever such an impossibly unjust situation?

While these men struggle to survive, the arguments in Congress go on day after day. We, the families of the prisoners, hear almost monthly now of resolutions passed showing concern, days of prayer proclaimed, and even a mass meeting arranged. In the final analysis however, even though these gestures are a slight relief from the years of silence, the fate of the Americans held in Southeast Asia remains unchanged. Letters of condemnation to the prime minister of North Vietnam have not secured the release of these men. No thinking person can really expect the North Vietnamese to release their trump card, the prisoners, without something in return.

It is a sad day indeed for our country when we beg to the enemy for the release of our prisoners of war and sit quaking in fear that every military move we make will incur the wrath of the communists. It is also a sad day when we, the strongest country in the world, will not finish what we have started. The basic issue has not changed, although we vacillate and bicker among ourselves. The enemy is the same. Since our country was founded we have resisted those who would oppress others. We stood firm against the Nazis and the Japanese in World War II, and now we are faced with the threat of communism which seeks to subvert from within and devour from without. It is long past time for the Congress to pass decisive and strong legislation to facilitate the end of this war.

My husband, Edwin Arthur Shuman III, who was captured by the North Vietnamese the seventeenth of March, 1968, wrote me from prison in Hanoi the eighteenth of January, 1969.

"Pray that the Paris talks will bear fruit and that 1969 will find us reunited."

How can the Paris talks bear fruit unless we give the North Vietnamese everything they are asking for—the countries of South Vietnam, Laos and Cambodia and total withdrawal of all American forces, or unless we are in a position to force them to negotiate? Since the North Vietnamese will not talk as long as they are able to continue fighting, we have three obvious alternatives. We can make them come to an agreement if we have the *courage* to take strong military measures, we can give up immediately, or we can continue to withdraw gradually as we are doing now—a process which will continue for years. Is Congress prepared to face the unrest in the country if we continue on our present course?

If you limit the President's power to pursue the course he deems fit what do you offer as an alternative?

My fervent hope is that Congress will act quickly and decisively to end this war and uphold the honor of our country so that the sacrifice of those who have died will not have been in vain. I believe it is very important that if and when the prisoners of war return to this country they do not have to face the bitter knowledge that their sons have to fight the same enemy they resisted but their fellow countrymen at home would not. It is also important to give their sons a strong leadership to respect and follow.

No answer to this letter is needed. We will receive our answer when Congress assumes its rightful leadership and the world-wide announcement is made that the hundreds of American prisoners of war have been released and have walked across their own bridge of no return.

Most sincerely,
SUE ALLEN SHUMAN,
(Mrs. Edwin Arthur Shuman III.)

BLUE WATER OPTION

HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. MAILLIARD. Mr. Speaker, in the ongoing effort to defend ourselves against a possible nuclear attack, we have constructed missile installations throughout the country. In so doing, we have attempted to establish a second-strike capability. Now, in the face of recent information indicating that the Soviet Union is producing missiles armed with warheads of huge megatonnage, the credibility of our second-strike force is in question.

One response to this new challenge is to build an antiballistic-missile system to protect our installations. Such a system would not only be costly but would be only partially effective. Moreover, our population would still be hostage to our land-based installations. Therefore, it is incumbent upon those of us in positions of responsibility to seek out viable alternatives. One alternative which deserves serious consideration is a proposal which would phase out our land-based missiles and replace them with missile-equipped submarines and/or surface vessels. Mr. Guy Wright has set forth very well part of the rationale for the latter strategy in an article in the San Francisco Examiner.

Mr. Speaker, I insert Mr. Wright's article in the RECORD:

BLUE WATER OPTION

In the high, bloodless places where war becomes a chess game, there is talk of something called the "blue water option."

It is a plan to restore the nuclear standoff, to make atomic war unattractive by making it a no-win affair.

According to this theory, the most likely cause of war between America and Russia isn't aggression but fear. One side may become convinced the other is about to launch a missile attack and feel compelled to strike first out of fear.

The purpose of this first strike would be to knock out the opponent's missiles, not his cities; it is simply a misfortune that incineration of cities would be an unavoidable side-effect.

To discourage a first strike, both countries are building anti-missile systems, the nuclear age version of ack-ack, to knock down the enemy's incoming missiles before they reach their targets.

This is frightfully expensive and of dubious effectiveness. And it heightens rather than allays the dangerous fears on both sides.

The "blue water option" is a different approach. The two nuclear giants would phase out their land-based missiles and replace them with missile-armed submarines.

Then neither side would need to fear a first strike against its territory, because the target of a first strike, the opponent's missiles, would be gone.

And with no land-based missiles there would be no need to build anti-missile defense to protect them.

In the high, bloodless places where these things are discussed, the main stumbling block is getting the Russians to agree to the switch.

But do we need their agreement? What if we went ahead with the "blue water option" by ourselves?

It seems to this bar-stool strategist we would accomplish the same result.

Let's suppose we removed all our missiles from their bases on land and placed them in submarines prowling the depths of the sea. What would this do to Russian strategy?

The Russians might be less fearful of our starting a war, but the temptation for them to strike first would be removed, since our missiles would not be in our country but scattered in the oceans of the world.

(There is no foreseeable technology that would enable them to detect and destroy all our submarines simultaneously.)

So our unilateral switch to the "blue water option" would remove the rationale for a first strike by the Russians, since they could not destroy our ability to retaliate.

But how about a first strike by us? If we think it through, that becomes irrational too.

Let's suppose we adopt the "blue water option" and the Russians stick to land-based missiles protected by an anti-missile defense system.

Now let's suppose our man in the White House presses the button for a first strike by our missile submarines deployed in the seas.

Nuclear warheads would rain down on Russia. But unless her anti-missile defenses were a complete failure, and our shooting was awfully good, we couldn't knock out all of Russia's missiles.

She would have a capacity to retaliate—and our country would lie defenseless before that retaliation.

Surely these considerations would dissuade us from launching a first strike. And surely the Russians, who are good chess players, would size up the game and realize they needn't fear one.

No nuclear detente is absolutely foolproof, but it seems to me the "blue water option" has its advantages. It is far less costly than an anti-missile system. It would ease tensions rather than heighten them. And it's something we can start on our own.

MAKING THE MOST OF THE TAXPAYER'S DOLLAR

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. BUSH. Mr. Speaker, it has come to my attention that the Office of Economic Opportunity has successfully negotiated a contract with one of the major pharmaceutical manufacturers of oral contraceptives which could result in savings of millions of dollars for the taxpayer. The OEO through its family planning program is one of the major purchasers of oral contraceptives. In 1968 and 1969, the average cost to the various OEO projects ranged from 60 to 65 cents per cycle. Prior to 1968 the average cost per cycle was 87 cents. However, by presenting its case to the manufacturers and through competitive bidding OEO has successfully negotiated a contract with the Syntex Laboratories of Palo Alto, Calif., which enables OEO projects to purchase oral contraceptives directly from Syntex for the average price of only 18 to 21 cents per cycle. This is a cost reduction of over 40 cents per cycle.

The contract with Syntex not only permits OEO projects to purchase the full range of Syntex contraceptive products, at a substantially reduced price, but the price will decline even further as the volume of purchase increases. The contract further does not obligate any OEO project director to purchase the Syntex products. Nor, if the project director chooses to purchase from Syntex, is he precluded from also purchasing oral contraceptives from other pharmaceutical manufacturers.

Initial purchases under the agreement with Syntex made during the period of April 1 to June 5 totaled 250,600 cycles. This represents a savings of slightly over $100,000 in just 2 months. Further, the amount saved will provide family planning services for 1 year to an additional 2,000 women. Looking into the future, the projected savings over a 5-year period is between $15 and $25 million.

XUM

Now, what OEO has done in negotiating this contract is not exactly new. The Agency for International Development has a similar agreement with the G. D. Searle Co. According to my information G. D. Searle sells its oral contraceptives, Ovulen and Envoid, to AID for use abroad at a cost of 17.25 and 17.75 cents per cycle. I think it is interesting to note that the impetus for the AID and OEO contracts came from the same gentleman who was formerly with AID and is now with OEO.

OEO and AID are not the only Government agencies purchasing oral contraceptives for dissemination to the public. The Department of Defense also purchases a wide range of contraceptives from a number of manufacturers. In no instance does the prices which DOD pays approximate the low price negotiated by OEO and AID. For example, DOD purchases Syntex's products for 25 and 40 cents per cycle as opposed to OEO's cost of 18 and 21 cents. G. D. Searle's Ovulen and Envoid are sold to DOD for 45 and 53 cents per cycle as opposed to AID's cost of 17.25 and 17.75 cents per cycle. DOD also purchases oral contraceptives from the following pharmaceutical firms: Parke-Davis at costs of 35 cents, 49 cents, and 52 cents per cycle; Meade-Johnson at 68 cents per cycle; Upjohn at 59 cents per cycle; and Wyeth Laboratories at 64 cents per cycle.

Another large purchaser of oral contraceptives for use in its family planning program is, of course, the Department of Health, Education, and Welfare. Since each of HEW's grantees is allowed to negotiate its own agreement with the pharmaceutical manufacturers it is difficult to obtain exact cost figures. However, information supplied my office indicates that the average cost to HEW is around 75 cents per cycle. This is over four times the cost to OEO and AID.

HEW is aware of the contracts which OEO and AID have negotiated. But, apparently because of organizational differences between free standing agencies and departments, and other factors, HEW and DOD have not succeeded thus far in obtaining the same kind of favorable prices. I have introduced a bill which would coordinate all domestic population and family planning programs within one agency, the National Center for Population and Family Planning under the Department of Health, Education, and Welfare. With this type of reorganization and centralization of family planning activities I would hope that cost savings would result from not only the purchasing of oral contraceptives, but in a multitude of other ways. Certainly the rather impressive projected savings over the next 5 years of $15 to $25 million as a result of the OEO contract with Syntex should encourage other agencies to seek the same type of savings.

Finally, it should be noted that Government agencies are able to purchase oral contraceptives at costs below those paid by retail outlets due to the very large volume of the purchases. A check of the retail stores in my Houston district revealed that the Syntex line of contraceptives sells from $1.50 at a discount store to $2.50 in other retail stores. In the Washington, D.C., area I understand the lowest cost per cycle for oral contraceptives is approximately $1.10.

The pharmaceutical manufacturers have shown a willingness to cooperate with Government agencies in their family planning programs. I hope other Government agencies will be able to capitalize on the fine work done so far by AID and OEO in making the most of the taxpayer's dollar.

TED BELL'S APPOINTMENT A TRIBUTE

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. BURTON of Utah. Mr. Speaker, the following tribute to Dr. T. H. Bell and his wife, Betty, appeared in the Salt Lake City Deseret News June 18, 1970. It supports my belief that Ted Bell would make an outstanding Commissioner of Education. The article follows:

TED BELL'S APPOINTMENT A TRIBUTE

(By Lavor K. Chaffin)

Even though it may not be a permanent appointment, Dr. T. H. Bell's assignment as acting U.S. Commissioner of Education is a high tribute to him personally and directly and to Utah education by association.

It's little short of remarkable that Bell would be chosen to head the nation's top public school agency after being in Washington only two months.

In terms of ability and qualifications, however, the appointment is a very wise one.

"Ted" Bell, as he is known throughout Utah and among school leaders across the nation, is fitted for the job, not only by experience, but also by education, temperament, personal and professional ethics and uncommon wisdom and practicality. And very importantly—he's backed by a wise, intelligent and practical partner, Betty Ruth Bell.

Ted has been teacher, coach, superintendent—in both small and large districts, college professor and state superintendent of public instruction. His activities in national educational organizations, such as the Council of Chief State School Officers and the Education Commission of the States, have acquainted him with both national school leaders and nationwide school issues.

His greatest assets, however, are personal.

He has demonstrated an uncommon ability to get along with and work with people, even where there are strong differences of opinion. He can disagree without being disagreeable. He is able to make his position clear without being abusive or insulting. He has the patience to stick to an objective until his goals are reached.

Bell is not the kind of an administrator who bulls his way in a straight line, pushing aside all obstacles (and people) until his objective is reached. He's more like the mountain climber who picks his way around the obstacles too tough to master in a frontal attack.

Although confident, the acting commissioner is not enamored with his own ability and wisdom; he has sufficient humility to recognize a mistake. He listens to others and does so genuinely, accepting advice and counsel whenever it can advance the cause.

He has the courage to make tough decisions and it may have been this ability, which he already had demonstrated in Washington, which won him the recent appointment.

All these traits added together make Ted Bell a very resilient administrator. He can survive setbacks which would defeat less able leaders.

This column believes that Ted Bell will have a much better chance of winning the permanent appointment as commissioner than some will suppose. Whether he wins the position or not, his selection has put him in very exclusive company. He will continue to be a top-level school leader—in the U.S. Office of Education or somewhere else.

As already mentioned, one of his strongest personal assets is Betty Ruth Bell. Like her husband, she refuses to accept defeat.

Several years ago she was very seriously injured in an automobile accident near Las Vegas, one which demolished the family station wagon. One of Betty's arms was nearly severed and she was told she likely never would enjoy full use of it again.

If you could have seen her water skiing on Lake Powell last summer with grace and skill, you'd never have guessed she suffered a serious injury of any kind.

She's just as tenacious in supporting her husband and caring for their growing family.

All this is to say that the Bells' apparent stroke of good luck is no accident. They simply were prepared when an opportunity came along.

THE 1970 CENSUS COMING

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the

CONGRESSIONAL RECORD a copy of the letter I sent to the good people of my 27th Congressional District of Pennsylvania, to advise them concerning the 1970 census program.

At a time when our population is rapidly expanding, the need for Government action expands accordingly. But Government policy must be based on current data which we obtain in the census every 10 years. Therefore, the need for an accurate census is manifest.

The letter to my congressional district has resulted in excellent cooperation with the U.S. Bureau of the Census in its difficult but urgent task of securing accurate statistical information on which to base U.S. economic and welfare policy.

My congratulations to the fine people that composed the Federal census employees who have performed an outstanding job in our congressional district and produced excellent results. Under the leadership of William McClelland, former chairman of the board of commissioners of Allegheny County, the census for 1970 was efficiently managed, without any complaint by our citizens to our congressional office, and we received many good comments on the courtesy and cooperation of the census team.

The letter follows:

THE 1970 CENSUS COMING

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 21, 1970.

DEAR FRIENDS: I am writing to let you know the coming United States 1970 Census in our District on Wednesday, 1 April, Census Day. The population census is required every ten years under the U.S. Constitution, Article 1, Section 2.

I find that this year the Census is both a population and a housing census. The requirement for information on housing has been added by Congress in order to have facts to work out legislation to meet the current housing shortage caused by high interest rates and inflation.

On Saturday, 28 March each home receives in the mail a census form to be completed—to be mailed in the return envelope on Wednesday, 1 April. Every fifth household will receive a longer census form, with extra questions so that a fair sampling both on population and housing can be obtained for our Country. Census questions must be answered truthfully and to the best of one's knowledge.

Our Census District consists of our South Hills 27th Congressional District in Allegheny County, and all of Beaver County. In this large area, I have been able to recommend that the head office be located in a central location for our District, 250 Mt. Lebanon Boulevard, Mt. Lebanon, Pa., 15234, which intersects Castle Shannon Road. This office is open Monday through Friday, from 8:30 am to 5:00 pm. The telephone number is 343-4833 if you would like to inquire for further instructions to learn procedures.

I am glad to advise you that this Federal Census office in our District is being set up on a bi-partisan basis, consisting of 35 office workers and 300 field workers. These workers are carefully selected people residing in our area and are full time Federal employees during the time of the taking of the Census.

Sincerely,

JAMES G. FULTON.

PS.—I know it will interest you to learn that the first Census was taken in 1790 when the United States had 3,929,214 citizens. In 1860 our U.S. population had risen to 31,443,321. By 1900 we had 75,994,575 people and in 1930 122,775,046. Already the computers in the U.S. Department of Commerce in Washington, D.C. are estimating as of 1 April 1970 the population will be 205 to 211 million people! What a wonderful nation this is, isn't it!—It is our country—and we are all proud to be United States Citizens.

Regards,

JIM.

VETERANS' ADMINISTRATION REBUTS LIFE STORY

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, recently one of my constituents wrote to me after reading the May 22 issue of Life magazine in which the publication reported, according to my constituent, that this Nation's veterans' hospitals were rat infested, filthy, overcrowded, and grossly understaffed and that these conditions were brought on by underfunding or lack of funds, which presumably were due to a careless Congress and a redtape ridden executive branch.

While I deplore anything but the best of treatment for our war veterans in our VA Hospitals, I do think the Veterans' Administration should have an opportunity to answer the serious charges of neglect made by one of our Nation's leading magazines. Accordingly, I am inserting the reply of Mr. Donald E. Johnson, the Administrator for the Veterans' Administration, to my inquiry in the RECORD and I recommend it be given your very serious attention:

VETERANS' ADMINISTRATION,
Washington, D.C., June 11, 1970.

Hon. JOEL T. BROYHILL,
House of Representatives,
Washington, D.C.

DEAR MR. BROYHILL: Thank you for your inquiry requesting my views on the Life Magazine article of May 22, 1970.

From the obviously contrived cover page and the many staged hospital photographs right down to every biting word of narrative, the Life article gives a totally distorted picture of the VA medical program.

Life describes the VA medical program as the largest in the world, and yet in not one picture or one word of the text did the magazine find a good word to say about this vast health complex that is ably serving more sick and disabled veterans than ever before in history.

Everything in the article seems arranged to heighten Life's theme of "From Vietnam to a VA Hospital—ASSIGNMENT TO NEGLECT," including the cover of the magazine. The designed contrast in the two photographs on the cover should be evident to every reader.

The top photo on the cover—*in bright color*—shows happy and smiling servicemen during a moment of respite on the Cambodian front. The lower photo—*an unlighted study in plain black and white*—shows a single veteran posed in an attitude of dejection. Aside from the obvious color and lighting contrasts, neither picture is at all typical. Certainly not all of our boys fighting in Cambodia are happy and smiling, and I can say with even more assurance that not all VA patients—including the one on the cover—are in a perpetual state of dejection.

The same unsmiling patient is pictured in the first photograph in the article itself. Life says he "waits helplessly to be dried." These patients are not left unattended in the shower room. Actually, hospital attendants help bathe these paralyzed patients, and then dry them immediately. In this instance, the busy attendant was asked to step aside while the "wait helplessly" picture was taken.

When we first saw the Life article it was noticeable that in only two of the 10 photographs of the Bronx VA Hospital were any VA hospital employees clearly visible. This seemed strange considering that the hospital is served by more than 1,600 VA employees as well as hundreds of helpful volunteers. Then we learned that employees were asked to stand outside camera range—apparently to heighten the impression of patient neglect.

Our official investigation at the Bronx hospital resulted in many sworn affidavits volunteered by reliable eye-witnesses telling in detail how this and other Life photographs were posed or staged.

Although Life officials deny any staging or posing of pictures, it is interesting to note that the veteran-patient featured in most of the Life pictures has, according to the New York Sunday News, admitted that some photographs were indeed posed or exaggerated.

We take issue not only with the photographs that appeared in Life, but also with the selection of the photographs finally used.

For instance, Life staffers visited the Washington, D.C., VA Hospital on three separate occasions, talked freely to many patients, including severely disabled Vietnam veterans, and shot scores of photographs. Many of the pictures centered around the hospital routine of a 22-year-old Vietnam amputee.

This young man told the Life reporter he thought his VA treatment was good—much better, in fact, than the military hospital from which he transferred. Other Vietnam veterans made similar comments. Yet, none of these veterans who praised VA care rated one word or one picture in the final article.

The truth is that each month VA hospitals receive literally hundreds of unsolicited letters from veterans and their loved ones expressing gratitude for the excellent VA care these veterans received.

We take exception to much of the text of the Life article as well as the misleading pictures. For example, there has never been a single verifiable report of a rat ever having been seen in the hospital. And most certainly the VA hospital system is not a "medical slum" as branded by Life.

Offended by the Life article and other recent media attacks on the VA medical program, the Council of Deans of the American Association of Medical Colleges at a recent meeting unanimously went on record in two particulars.

First, the Council, composed of the Deans of the 101 medical schools in America that set the pace for the very best there is in medicine, condemned—as completely unjustified—what the body referred to as intemperate and inaccurate attacks on the VA program. The distinguished Council then reaffirmed its complete confidence in the continuing ability of VA hospitals to render high quality medical care.

The Life reporter held a nearly 90-minute interview with me in my capacity as head of the VA. What survived of this in-depth interview was a single sentence in the final article, and even this one sentence was belittled by Life in the very next line of the article.

Here are just a few of the VA facts about the so-called "medical slum" given the reporter, all of which were totally ignored in Life's final summation:

The highest medical evaluation board in the land is the Joint Commission on Hospital Accreditation. Sponsoring the commission are the American Medical Association, the American Hospital Association, the American

XUM

College of Physicians, and the American College of Surgeons. All of VA's 166 hospitals are fully accredited by this commission.

(Had the Life reporter bothered to inquire at the Bronx VA Hospital, he would have learned that the Joint Commission made its periodic inspection of this hospital just last December. The commission's January 10, 1970, report on the hospital said, "The medical staff and administration are commended for the evidence shown of continued high quality care given to the patients in this facility." The Bronx accreditation was renewed without reservation.)

VA hospital staffs include many of the real experts in American medicine. More than 2,200 of VA's 5,100 doctors are board certified specialists as the result of three to five years of extra medical training.

VA hospitals are now funded at the highest level in history. The basic medical care budget for Fiscal Year 1970 was a record $1,541,701,000. President Nixon has asked Congress for $210,000,000 more than even this record sum for Fiscal Year 1971, which starts July 1, 1970. The extra money for the new fiscal year will permit the hiring of 5,700 more medical employees, bringing the agency to an all-time high employment peak.

The real tragedy of the Life article is not the erroneous impression left in the mind of its millions of readers, but the fact it does great damage to the very program it says it is trying to strengthen.

The article has been demoralizing to the many thousands of dedicated hospital employees whose sole mission is to serve sick and disabled veterans. It will make even more difficult the recruitment of scarce-category health field employees needed to take care of these veterans. As a result of the article, we have noted real apprehension among young Vietnam veterans destined for transfer from military hospitals to VA installations—an alarm that is needless and totally unfair to these men, for VA will give them the best of care.

By constantly preaching the theme of neglect, the article is also a reflection on the wonderful citizen-volunteers who regularly visit and help veterans in every VA hospital across the land. There are more than 100,000 of these volunteers who give in excess of nine-million hours of their time each year to bring a touch of home into our hospitals.

I trust that these comments will assure you in regard to the Life article. I want to assure you, too, that our medical personnel will continue to provide the best possible medical care, for our hospital staffs feel just as I do that we are privileged to serve America's finest citizens—our veterans.

Sincerely,

Donald E. Johnson,
Administrator.

Enclosure.

A USEFUL DIALOG ON TEXTILE IMPORTS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. MIKVA. Mr. Speaker, our economy is so complex that imbalances of power are common. Although imbalance of economic power is not in itself evil, when men working in a particular industry see their jobs rapidly disappearing, they may be suffering from an unnecessary injustice.

Many of our 2½ million men and women employed in textile and apparel industries are presently being phased out of their jobs. This is unnecessary and therefore unjust because those who gain through depriving our domestic textile and apparel industries of work are not in urgent need of bloated profits. The large retailers can do very well and still allow for high levels of employment among U.S. clothing workers, by limiting their purchase of imported clothes. Compromise will allow both retailers and factory labor a fair deal.

I insert the text of the "Labor News Conference" into the Record to inform the Congress and the American people of a side of the story which has not been adequately told.

The document referred to follows:

Labor News Conference

Subject: Export of U.S. Jobs.

Guest: Murray Finley, vice president of the Amalgamated Clothing Workers of America, AFL–CIO and manager of the union's Chicago Joint Board.

Reporters: Neil Gilbride, Washington correspondent for the Associated Press; Harry Conn, editor of Press Associates, Incorporated.

Moderator: Frank Harden.

Mutual Announcer. The following time is presented as a public service by this station and the Mutual Broadcasting System.

Harden. Labor News Conference. Welcome to another edition of Labor News Conference, a public affairs program brought to you by the AFL–CIO. Labor News Conference brings together leading AFL–CIO representatives and ranking members of the press. Today's guest is Murray Finley, a vice president of the Amalgamated Clothing Workers of America, AFL–CIO and manager of the union's Chicago Joint Board.

Several months ago, four Chicago newspapers refused to publish an advertisement explaining that members of the Clothing Workers union were picketing a Chicago department store protesting the sale of imported men's apparel made by workers paid wages far less than American levels. As a result the union filed a lawsuit against the newspapers, which is now on appeal. Legal and communications issues involved in the case may well seriously affect other trade unions in situations where monopoly control of communications media may be found. Here to question Mr. Finley about this particular case, and the implications it may have for other unions, are Neil Gilbride, Washington correspondent for the Associated Press, and Harry Conn, editor of Press Associates, Incorporated. Your moderator, Frank Harden.

And now, Mr. Gilbride, I believe you have the first question?

Gilbride. Mr. Finley, what is the status of your union's suit against the newspapers? Has there been a decision on it yet?

Finley. We had a decision in the District Court—the Federal District for the Northern District of Illinois. The court ruled against us on a motion for summary judgment by the newspapers.

We have since appealed the decision to the United States Circuit Court of Appeals for the Second Circuit. The briefs have been filed on our behalf. The decision will probably not come down until sometime in the fall.

Gilbride. What did the lower court say, in effect, in turning you down on this?

Finley. The lower court ruled, in essence, that newspapers are private property and that the government has no right to order the owner of a private property how to use his property.

Conn. Mr. Finley, specifically what were you trying to say in the ads?

Finley. If I may go back just a bit, Mr. Conn, our organization has been deeply concerned with the increasing imports of apparel from abroad, particularly from low-wage areas. Part of our campaign has been in terms of working out international agreements so that there is regulation of the flow of imports. We were forced, on occasion, to picket stores—retail establishments—peaceful picketing to inform the customers of the various stores that are carrying the imported men's clothing.

Conn. Strictly informational picket lines?

Finley. Yes, strictly informational, so that the consumer could decide whether or not he wanted to buy such items.

We got involved, in August of last year—in picketing Marshall Field—one of the large department stores—and was, to our knowledge, the largest importer of men's suits, at the time, in the city of Chicago. It was informational picketing.

We felt, though, that to be effective with our picketing and to get our story to the consumer—the problem that we're facing with imports, what imports mean to jobs, and what we want to do about the problem—we felt the only way we could really be effective on a large scale was to place ads in the four Chicago newspapers—full-page ads, paid ads—telling, in simple language, why we were picketing Marshall Field. This is how the suit began.

Gilbride. Well, Mr. Finley, is your position that the question of freedom of press goes to advertisements and that a newspaper should have to accept anybody's advertisement?

Finley. Yes, subject, of course, to the condition that it's not libelous or illegal on its face, or asking something that is clearly unlawful.

But, as to advertising on an issue of importance—advertising which is clearly legal—in my judgment, particularly where you have a monopoly situation, newspapers should be required, under our Constitution, to accept those ads and to carry them.

Gilbride. Did the newspapers in this case give you any reason why they would not carry your ads?

Finley. Well, it depends. To see the background—in Chicago, there are four newspapers owned by two companies. The Chicago Tribune Company owns the Tribune, which is a morning paper and owns Today, which is an afternoon paper. Field Enterprises, Incorporated, owns the Sun-Times, which is the morning paper, and the Chicago Daily News, which is the afternoon paper. These are the four daily newspapers in Chicago. No other newspaper in Chicago has a circulation over 40,000. These papers have circulation from 400,000 to 1 million, on Sundays, for the Chicago Tribune.

When we offered these ads, one company, the Tribune, raised a couple of legal questions and asked us to change the language. We agreed to do it. So there were no legal objections. Then they just turned it down, without giving us the reason.

The Field paper, in my recollection took the position, "we're turning you down because you mention another company without their permission"—which company was Marshall Field. We answered them, by the way, one, that we have no objection if you will get Field's permission to do it, and two, the fact is, they carried ads at the same time we were trying to get ours published—ads attacking other institutions, without getting an okay from those institutions.

Conn. Mr. Finley, Marshall Field is one of the largest advertisers in the Chicago papers. Do you feel that was an important factor in their decision?

Finley. In my mind, definitely—without any question. Field knew about our proposed ad, by the way.

Conn. At the time you wanted to place your ad, did Marshall Field have any ads about Hong Kong suits for sale?

Finley. They were carrying a series of ads on not only Hong Kong suits, but ads about

XUM

imported suits—Italian suits. They were carrying ads about jackets and other imported articles from all over the world—a whole series of ads.

Conn. So, your contention is that one side of the issue was presented, but the other side was not?

Finley. Their ads, Mr. Conn, went to the point of what great advantages in styling, and skill and tailoring, and so forth were in the garments that they were offering—imported garments. We had no opportunity, frankly, to give the other side of the story on that.

Gilbride. Mr. Finley, what's the most important issue to your union in this particular case? Is it to establish the right of anybody to advertise in a newspaper, or, do you think this is the best way that you can carry on your fight against imported clothing?

Finley. Fighting the import of clothing is carried in a number of ways. We have been trying to encourage our government to enter into international agreements with other countries. This is what we are seeking by agreements on the flow of imports into the United States.

Let me give you a little background.

An international agreement was negotiated through GATT—the General Agreement of Trades and Tariffs—in Geneva—covering imports of cotton textiles. We believe in this approach.

There is no international agreement covering imports of wool or man-made fibers—synthetic fibers.

So one, we are seeking to get international agreement on this.

If we are unable to get that, then we seek, through legislation—the bill submitted by Congressman Wilbur Mills (D-Ark), setting forth the numbers that could come into this country, based on an increasing percentage.

Now, we found out that no foreign country is going to enter into an international agreement, if major retailers—such as Marshall Field—will buy, without any limitation, imported articles. Why should they enter into such an agreement? They can sell them, and there is no need for them to do so. So therefore, we would go to a retailer like Field, we would picket them—informationally—to discourage them from encouraging foreign countries, hoping that we can get them to enter into an international agreement.

Now, in order to carry this story more fully, the need for advertising has become more and more evident. We can pass out leaflets. We can do all the things that trade unions do. But nothing, in our judgment, would have been more effective than telling the people of Chicago, in a full-page ad, why we were picketing Marshall Field—the story of imports, from our point-of-view.

Gilbride. Would you hope, through such ads, to get them to stop buying such clothing, or, to support legislation?

Finley. Stopping purchases would automatically help, very candidly, encourage other countries to enter into negotiations. If major retailers—because of the information and public understanding of the problem—stop buying imported apparel in major quantities, it becomes of interest to foreign countries to enter into an agreement with our country. Then they would know that they can have an increasing market, but by regulation of exports from their country to ours. It would help.

In addition, by the way, it would also be helpful in inducing Congress, in our judgment, to pass legislation, if we couldn't get international agreement.

Congressmen know how their constituents feel. If there is an increased awareness among their constituents of the threat to jobs by an unregulated flow of imports, we know Congress would be much more sympathetic—increasingly sympathetic to the idea of legislation. And, many Congressmen are sympathetic already.

Conn. Mr. Finley, it's the contention of the American Retail Federation that the drive that the textile and apparel unions have for import quotas from low-wage countries is denying the American consumer the right to select—the right to have lower-cost goods. How does your union answer this argument?

Finley. There are two.

First, in the specific case—where we were picketing Marshall Field—American consumers were not getting the benefit of lower costs. Very candidly—and this was admitted to us—I had discussions with high officials of the company—they took a greater markup. For example, take suits that sold for—I think it was $125 or $130 retail, in Chicago. Those suits for what they cost, should have sold for less than $100. Very frankly, they got a greater markup. The American consumers did not get the benefit. The lower cost was not passed on to them. They were told, it's imported, it has certain characteristics, and they paid more for it than they would have for a suit with that kind of labor cost purchased in the United States.

So, in this case, the American consumer did not get the lower cost.

Also, when the Retail Federation tells us that any regulation of imports is denying American consumers, it disturbed me. And I'll tell you why.

Take any store in this country—whether it's a Field or a Macys. When they compete, they compete with a Gimbels or some other retailer who pays the same wage levels for their workers. Now, the advertiser competes with American standards of advertising.

The only guy who is asked to compete with 7¢ an hour is the guy who makes the suit. That's our member.

Conn. You say 7¢ an hour—you mean wages?

Finley. In Korea and in Taiwan—South Korea and Taiwan it's 7½¢. Japan is higher—37¢ an hour to workers making men's suits. Now everybody in the whole import process competes with an American competitor—at American level. But, they want our tailor who makes the suits and gets $3.30 an hour—in Chicago—to be the guy who's got to carry the competition with 37¢ an hour in Japan, or $60 in Italy.

When the Retail Federation talks about the American consumers, it's the most immoral thing. They compete only with American competition.

Now, if you took a Marshall Field, and across the street there was a store called "Nagasaki" and the workers in that store were getting 50¢ an hour, and the president was getting $5,000 a year, instead of $100,000, I'd like to hear how they talked about that kind of competition.

That bothers me. It's an immoral argument on their part.

Only our people have to carry the burden of the competitive costs.

Gilbride. Mr. Finley, could you give us some idea of the scope of this problem? Do you have any idea what, roughly, the volume of sales of these imported goods is in this country? And, can you estimate the job losses to your union in recent years?

Finley. Yes, let me say this. It depends on the category of apparel.

Today, imported shirts are equal to one-third of American production. In suits, it's around seven percent—suits, sport coats, and so on. But the issue isn't merely the total number. It's the rate of growth from '68 to '69, synthetic and wool imports increased 45 percent over the year before. In certain areas, it went as high as 200 percent.

The rate of growth is what frightens us. We realize that while we can live with the figures today, in terms of men's suits, if there is not regulation, we know that in another five years, the figure will be unbelievable.

Now, as to the number of jobs lost, let me just give you the figures in Chicago. There are close to one thousand fewer jobs today than there were a year ago. And, I'm not talking about this present month, with the recession aspect. But, prior to the beginning of the impact of the recession—at the end of last year, there were almost a thousand fewer jobs in apparel, in Chicago, than there were the year before.

Now, if you look at the increased growth of imports and relate it, percentage-wise, to the number of jobs lost, the figures are almost exact. It's as simple as that.

Conn. Mr. Finley, is this part of the story that you wanted to tell the people of Chicago when you were denied the right to place the ads?

Finley. This is exactly the story the ad told. It told why we were picketing Marshall Field and Company—and it goes on to set out the number of jobs affected, the cost levels, and so on—and why we felt that it was in the interests of the American consumer to not buy.

We're not against foreign trade—let me make that clear. We only say that there has to be a degree of regulation so that thousands of people aren't suddenly dumped out of jobs. We're willing as the population grows and as the market increases, to let the number of imported suits sold in this country grow. We'll grow—our industry will. We can grow together. But, we don't want imports to grow at our expense, and we are not asking to grow at the expense of imports.

That is what we were trying to say in the ad that the papers refused.

Conn. Some people, such as Thomas Watson of IBM, advocate that labor-intense industries, such as apparel, and textiles, and leather goods, and so on, ought to be farmed-out to low-wage areas—that maybe there is no longer a place for them in the U.S. economy. How do you counter such arguments?

Finley. Two and one half million people are employed in the textile and apparel industries in this country. Unemployment today is five percent—the latest figure. What Mr. Watson would do with those 2½ million, I don't know. Where he is going to farm them out, I don't know. These industries are large employers, by the way, of minorities. Our's is a semi-skilled industry—although some jobs are skilled—but basically, the bulk are semi-skilled, and relatively easy to learn, and earn a decent wage. They are, as I said, the largest employers of minority workers—the largest employers of women. Some 75 percent of our members are women employed in this industry. If this industry is wiped out, by permitting it to go to 7c or 30c an hour, what happens to these 2½ million people? Where do they go? Is Mr. Watson going to employ them at IBM? Do they go on welfare? Will this be to the interests of our country?

Gilbride. But Mr. Finley, what is happening to those who have lost their jobs so far—do you have any idea?

Finley. I would assume that those minority workers who have lost jobs in our industry have had trouble, because they can't become machinists, steelworkers and so on overnight.

I would guess there would be a correlation between loss of jobs and unemployment and the problems of the unemployed. There wasn't a simple turnover into other areas, because of the nature of the skills involved and other factors.

There are only so many places that kind of group can be employed.

Now, let me make another comment on this.

You know, we don't even believe in "free trade" in the United States. Let me explain. We have a federal minimum wage. If you want to manufacture in Mississippi, or in Alabama, or in Illinois, you've got to pay at least $1.60 an hour, in order to sell your goods across state lines.

If you want to manufacture in Puerto Rico and sell in the U.S., you've got to pay a minimum wage of almost $1.60.

We accept the fact that it's alright, in the United States, to have a slight minimum, of $1.60. In order to compete with each other in this country, you've got to pay overtime for hours over 40. We accept this as a decent principle.

What makes it holy if you cross the Pacific Ocean and pay 7c an hour—and unlimited overtime becomes okay. Now, if there were international fair standards, by the way—labor standards—then we would have no objection to opening it up to anything. If they paid $1.60 or $1.50 an hour, gave reasonable overtime and had no child labor, then we would say "fine." But, why is it alright if in this country, we accept the principle that if you want to sell from one part of this country to another, you've got to maintain at least certain minimum standards? Why should it become holy, if it comes from Taiwan, or Honk Kong, or Italy, or Japan, to pay any wage?

Conn. Mr. Finley, do you feel that free trade is a realistic approach today? Is there free trade? Is free trade, for instance, possible between Japan and the United States?

Finley. Well, let me put it this way—you shouldn't ask us, ask the Japanese, they are the most "non-free-traders" in the world. You can't sell manufactured products to them. They have a total trade barrier around their country.

Conn. What quantities of clothing does Japan buy in the United States?

Finley. None.

Conn. Is it because of the price factor?

Finley. You can't sell to them—you just can't.

Conn. Why? Do you mean they won't permit it?

Finley. Right—that's right.

Gilbride. What, Mr. Finley, is the government's attitude toward a situation where we cannot sell our goods—the United States cannot sell its goods—in Japan, but Japan can apparently send large quantities of goods into this country?

Finley. I can only go on their word. Whether they mean what they say, we can only speculate.

This Administration said that they were in sympathetic agreement with our problem in textile and apparel, but wanted first to work it out by agreement. We are in accord with that. And, so far as we know—from what they have told us and the President and the Secretary of Commerce have said this—they understand our problem and are in accord with our position.

Gilbride. A number of other unions, Mr. Finley, have voiced the same concern over this problem in their industries—many different industries. Many of them are testifying in Congress on this. What do you think is going to come from Congress—any legislation to help you?

Finley. I'm very hopeful that the Mills bill or something similar will be passed by the House of Representatives. To our knowledge, a majority of the Congressmen already favor the legislation, and from what we know of the Senate, we think a majority there also favor it.

We are hopeful and semi-optimistic, that if we can't do it by agreement, it will be done by legislation.

Gilbride. Basically, what would the legislation do, restrict imports?

Finley. The legislation, as proposed by Congressman Mills, would go back to the 1968 levels, and import growth would go according to market growth.

But it also provides that if international agreements were entered into, those agreements would supercede the law. It doesn't foreclose international agreements.

Conn. I gather, Mr. Finley, that your first preference is a voluntary approach, but if you can't get that, then you want the Mills bill. Is that correct?

Finley. Yes—yes, that is correct.

Gilbride. Why do you think, Mr. Finley, that this problem has grown so in recent years—among so many industries, affecting many unions?

Finley. Well, I'm not in a position to talk about all the many industries. But one reason is that American capital has set up apparel plants in other countries, with American know-how, American investment and American design. Some of our giant mail order houses have actually and deliberately fostered the manufacture of apparel in low-wage areas.

Conn. Are many of these foreign firms actually American-owned—the competing firms?

Finley. Not all, necessarily—but a number of them are. In Japan, no, but in many of the other countries of the Far East, the answer is yes—they are American-owned.

Harden. Thank you, gentlemen. Today's Labor News Conference guest was Murray Finley, a vice president of the Amalgamated Clothing Workers of America, AFL-CIO, and manager of the union's Chicago Joint Board. Representing the press were Harry Conn, editor of Press Associates, Incorporated, and Neil Gilbride, Washington correspondent for the Associated Press. This is your moderator, Frank Harden, inviting you to listen again next week. Labor News Conference is a public affairs production of the AFL-CIO, produced in cooperation with the Mutual Broadcasting System.

MALIK ON DISSENT

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the Record, I include the following:

ISSUE OF THE DAY

(By Jack Anderson)

Malik on Dissent.—Ray McHugh of Copley News Service reported on a recent visit in Lebanon with Dr. Charles Malik, who said: "President Nixon's calling in history is to reinstill pride in America. If he can't, God help you and God help us all. Your liberals and intellectuals in both parties have betrayed the United States, not wilfully, but nonetheless disastrously. Why is America in trouble in many parts of the world? Simply because there has been a retreat of Western ideas, coupled with a parallel retreat of conscience within the United States. People are no longer sure the United States is what it used to be. The hippies, the student demonstrations, the neo-isolationism, are only the most alarming aspects of a softening of your inner fiber . . . and an absence of strong voices. President Nixon, I think is now determined to provide that voice. He is determined, even at the risk of great unpopularity, to force the United States to face up to its responsibilities. We must all pray that he is successful in Vietnam and Cambodia. You need a victory. Once you have that, you may once again find the confidence that can help all of us solve our problems. What is happening in America goes far deeper than any clever political maneuvering. An alarming state of mind has infected your intellectual community, a kind of arrogance. I am ashamed to say that Harvard, of which I am so proud, is no longer a great university. Every American and every university must reflect on this retreat, this withdrawal of spirit. Freedom is not anarchy. Freedom is responsibility."

AN INTERVIEW WITH A FORMER MEMBER OF THE COMMUNIST PARTY WHO WAS ALSO AN FBI INFORMANT

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. DAVIS of Wisconsin. Mr. Speaker, for several years now, radio station WISN-Milwaukee, with Don Froehlich, the news director as the primary interviewer, has conducted a program entitled "The Sound of Ideas." On this regular Sunday program, people of many walks of life, and with a wide variety of opinions, are provided with opportunities for free discussions of their points of view.

On May 18, Mr. Froehlich interviewed Mr. Jerry Kirk, a former member of the Communist Party, and an FBI informant. The subject was the campus unrest in our country. I commend the reading of this interview to my colleagues:

AN INTERVIEW WITH A FORMER MEMBER OF THE COMMUNIST PARTY WHO WAS ALSO AN FBI INFORMANT

DF: Good evening. There is much outrage being voiced on hundreds of college and university campuses today. Young people are protesting, some by boycott, some by marching, some by vandalism and arson. There have never been as many students in protest as there are today, and the majority are not the fire-bombers, the window-breakers, and the property destroyers, but the sympathizers who sometimes find themselves more deeply involved than was their intention. Some people have pretty strong feelings about the hard-core demonstrators, where they get their support, and if they are linked in a concerted effort to disrupt nationwide. Our guest this evening might be able to give us some insight on that subject. We'll be talking with Mr. Gerald Kirk, former mid-west director for the DuBois Club, former member of the Communist Party, former member of the Students for Democratic Society, and an F.B.I. informant. Jerry, let's first get a general over-all view from you as a young person . . . You are only twenty-one, right?

JK: Right.

DF: As a man who has been involved with protest groups . . . on the present campus unrest situation. What does it mean to you?

JK: Well, it's an unfortunate combination of true idealism on the part of the overwhelming majority of the people involved, and some very—what I would call—insidious movements and actions on the part of people who are, in no uncertain terms, part of the international socialist movement. They brag about it. They talk about it. They take money from it. They travel to Cuba, North Viet Nam, Prague, and Moscow. And these people, many of whom are well-known leaders of the anti-war movement, are trying their best to bring that anti-war movement around to the position of the international socialists. I'm talking about North Viet Nam and Moscow. And the unfortunate combination is that most of the younger people who are involved in this are very idealistic and don't realize these things.

DF: Then what you are saying is there is a hard-core group which is being followed by the young idealists, probably—definitely—without their being aware of it.

JK: Most definitely. Most definitely.

DF: How can we prove this?

JK: Well, you can prove it in one very short and very easy way: You can accept the fact that I'm telling you the truth, and I

XUM

can tell you what I learned when I was a member of the Communist Party, U.S.A.

DF: Well, let's go into some of the things that you did learn.

JK: Well, I joined the Communist Party, U.S.A. in August of 1966. I was recruited basically by two people. One was a man named Ted Pearson who was the chairman of the Illinois section of the Communist Party Youth. And the other was a Michael Zaggarel, who was the national youth secretary of the Communist Party, U.S.A.

DF: You were then 17.

JK: I had just turned 18 a couple of days before. It was in August, and my birthday is in August.

DF: Why would they have singled out a Jerry Kirk, do you suppose?

JK: Well, because I had been active in S.D.S. and because I had been active in the W. B. DuBois Clubs of America, and that was the primary reason for their selecting me. They wanted me to go back into S.D.S. and into the DuBois Clubs and work in those. The reasons were obvious; they wanted me to bring it to what they called a Marxist-Leninist position. They wanted me to move the kids in those organizations around to the position that Moscow and the North Vietnamese wanted them to be in. I was told that in no uncertain terms, if I had to lie and tell the students that I wasn't a member of the party and that I hated the party and that I thought the party was middle class and no longer revolutionary, I was to do that. Anything to get the job done.

DF: And you joined at that time?

JK: I joined the Communist Party at that time.

DF: Were you, before that time, informing the F.B.I. of your activities?

JK: I was. Yes, I was.

DF: And how did this come about?

JK: Well, it started when I first got to the University of Chicago in 1965. Some people I knew in S.D.S. wanted me to go on a couple of demonstrations, one of which was against Hubert Humphrey, of all people, and I was rather curious and rather suspicious, because these were well-to-do young people who were talking about a revolution of have-nots, and I didn't see any have-nots. A couple of the people who asked me, one of which is a fellow named John Kaplin whose father, for example, wrote the score for "The Spy Who Came in From the Cold" for Columbia Pictures, Sol Kaplin. John is a rather well-to-do young man whose parents live on, I think, West End Avenue in New York. That was where most of the S.D.S. kids were coming from, not necessarily West End Avenue in New York, but very, very well-to-do families. Bernadine Dorn's father is the head of a big trucking firm, and she's in the Weatherman Faction of S.D.S. Howard Machtinger, another man in the Weatherman Faction of S.D.S., has quite a fairly well-to-do background. Jeff Blum, another man who is in the Weatherman Faction of S.D.S.—his father is Mr. Blum who used to own a large interest in the Baltimore Orioles. So they are all very well-to-do people. In fact, Mr. Blum is a multi-millionaire. I was rather suspicious, so I called the F.B.I. as a lark, in the beginning. And I asked what are you fellows doing about all this, and they said, well, we're trying our best to keep the peace with as little violence and with as little rigmarole and ruckus as possible. They talked to me for a while, and they convinced me that it was important, and so from that day on I was working for them as what one might call a counterspy and informant.

DF: Then you were approached to join the Communist Party after the original contact with the F.B.I.

JK: Most definitely. The sequence was: I joined the S.D.S., from S.D.S. I was recruited into the DuBois Clubs, and from the Du Bois Clubs I was recruited into the Communist Party. After I was recruited into the Communist Party, I was given training as a Communist Party Member, and then my first assignment was to go back into S.D.S.

DF: All right. Let's get down to this immediate problem of the campus unrest. Your claim is that there has been for some years a movement underfoot to bring about evidence of what we are seeing today.

JK: Very much so.

DF: And let's develop that.

JK: Well, after I was recruited into the Party, I was sent to an up-state New York training camp for the Communist Party. Some people called it Camp Wetabuck; others called it Camp Unity. And I was there with over a hundred young organizers who were members of the Communist Party. There were a few people who were not members, but they thought they would be soon. Some of the people who were there who were my teachers were Betina Aptheker; Danny Rubin, who was a member of the Communist Party, U.S.A.; Gil Green, a man who was convicted under the Smith Act for being a Soviet agent, who went underground; Carl Winter who was editor of the Communist Party newspaper; and people who are now members of the Black Panther Party and who influence the Black Panther Party on the west coast. One of whom was Franklin Alexander, whose relatives—brothers and sisters—some of whom are members of the Black Panther Party on the west coast.

DF: And you underwent certain instruction which would lead to what we are seeing today?

JK: Most definitely. We had textbooks from the Soviet Union, one of which was called, "Fundamentals of Marxism-Leninism," and Betina Aptheker, who was instrumental in the Berkley Free Speech Movement, with Mario Salvio and others, was one of those people who told us that we must make a concerted effort—and this is in 1966, you remember—to bring the anti-war movement to the position where it would be in line with the ideas of Moscow and North Viet Nam and other socialist nations that were involved in national liberation wars and things of that sort.

DF: And you were to do this through the young people, is that it?

JK: Through the young people and then the colleges and the universities, and then the ghettos. And we were to do all we could to make sure that, if necessary, the young people didn't know we were members of the Communist Party. One person who was there with me was a man named Bob Franklin who is now in South America working with South American revolutionaries. Another man who was with me was Peter Orris, who was one of the co-founders of S.D.S. at Harvard in 1964. He was a member of the Communist Party. The last time I saw Peter Orris he was the head parade marshall at the Inauguration demonstrations against Mr. Nixon. He was the man who was in charge of communications.

DF: Jerry, you mentioned two elements involved in the campus unrest, the great majority of idealists and the hard-core group who are set definitely on anything but peace. I find another group—maybe some would fit into your categories—and that's the group of administrators and some faculty.

JK: Very much so.

DF: How do they fit into this? Let's take specifically something with which you are more familiar, the University of Chicago, where you attended.

JK: Well, that's an interesting situation, because I can mention two specific things that happened. One last year—one quite some time ago when they had the large sit-in at the University of Chicago that lasted two weeks. And during that sit-in, many people there, including myself, thought that President Levi had taken a position which, I suppose, was the only one he had open to him—but many of us are now of the opinion that he made a mistake, if not a very, shall we say questionable action. And that was that he gave legitimacy, he gave a bit of respectability to the whole idea of certain kinds of protest. You see, he let the protest go on; he let it stay; he allowed it to continue for two weeks, so that people got the impression that there were only two choices. And the two choices were non-violent versus violent protest of a certain kind. There was no alternative of the sort that would mean questioning the whole process of where the protest was leading. Now, the second questionable action he took, which was more obvious in my opinion, was during the recent student strikes at the University of Chicago, which I believe are probably still going on, because when I left Chicago they said they were going to continue until this Saturday, I guess tomorrow. And that was when the strike started, President Levi told his security force to disarm themselves. Now you must remember that at that time there were members of the Black Panther Party on campus giving talks, saying that the students should get guns and bombs and things of that sort and kill the pigs, so to speak. And Mr. Levi told his security guards to disarm themselves. There was quite an uproar. It got to the point where the Chicago Police Department—certain people in it—said that they didn't like the idea, simply because they needed more men on the street, you see. Now that's another questionable activity. I think Mr. Levi and certain professors think that this protest is home-grown and that it can be managed in that way. And that is not at all true, because they give respectability to it, which it shouldn't have, because it is not a home-grown movement.

DF: Then, in your opinon, these are not local situations. There is a thread tying together the university campuses as far as their demonstrations are concerned, and the main purpose underneath.

JK: Most definitely. I'll give you an example: Before Mark Rudd and his friends in S.D.S. at Columbia helped to create the Columbia situation several years ago, Mark Rudd went to Cuba. Another example is Rennie Davis, who worked with me in a thing called the Center for Radical Research. His advisor and my advisor in that program several years ago at the University of Chicago was a man named Earl Durham. Earl Durham is a member of the Black Liberation Commission for the Communist Party; he is a member of the National Commission for the Community Party, U.S.A. Dennie Davis, at one point, came to me during the project at the Center for Radical Research, and said he wanted to give me a certain job in the project, and I asked him why, and he said because Earl Durham told him that I would be a good person, and he respected Earl's opinions. And so now, after that Center for Radical Research project, Rennie Davis has been to North Viet Nam, and he has been in contact with Herbert Aptheker; Tom Hayden, who works with Rennie Davis, went to Viet Nam with Mr. Aptheker; and Professor Stoughton Lynd and people of that sort.

DF: Jerry, we can't deny that there has been a certain amount of success when almost thirty percent of the university and college campuses have been at least partially shut down. Where is it leading? What do we end up with?

JK: Well, this might be hard for a lot of people to accept, but I will tell you very frankly that from what I have learned as a result of four years of being involved with this, I will tell you in no uncertain terms that I think it very possibly could lead to a declaration of martial law all over the United States. I realize that is hard for a lot of people to accept, but that is exactly where it is going. You see, you have a situation in which, and I know this for a fact because I can quote you from a textbook we had in the camp that the Twentieth Congress

XUM

of the Community Party of the Soviet Union adopted a policy in which they said that they would try to use violence and non-violence as a pincers movement, so to speak, so that people would be so frightened of the violence that they would promote something that was not good—for example, martial law. And if you have a situation in which more and more students get involved—bystanders are killed, as in the situation at Kent State—you will have more and more people getting more and more worried. And eventually, I do believe in a very short time, have people throwing their hands up in the air saying, "Federal government—do something!" And the only choice open will be martial law.

DF: Jerry, there are hundreds of thousand of young people who are sincerely interested in the peace movement and have no connection at all with this movement, the movement of the Communist Party that you describe. What is your advice to them?

JK: My advice to them is to sit down and think for a little while. Sit down and think and think it through hard. And realize that every time they go out and scream and yell about the capitalist system being the total problem and the only out being a socialist revolution, they had best think that they are cutting their own throats. They had best think that a man who is a truly disciplined Marxist—and I know, because they tried to teach me how to be one—has no compunction whatsoever, has no guilt feelings whatsoever about removing just that kind of a person. You see, they don't understand that they are the middle-men; they aren't the ones out on the line. They are the people who will be caught; they are the ones who will be innocent bystanders. They will be the ones who unwittingly promote a thing which can result, frankly, in their deaths, as well as a situation in which a lot of our constitutional liberties can be suspended.

DF: Thank you very much. Our guest has been Mr. Jerry Kirk, a former member of the Communist Party, an F.B.I. informant who has given us some insight this evening on his past experiences and on how he feels about the present campus unrest across the United States.

XUM

SOUTH KOREANS BREAK THEIR WORD BY TAKING NORTH PACIFIC SALMON

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. PELLY. Mr. Speaker, the South Koreans have broken their word that they would not fish for salmon in the North Pacific. Several months ago a statement was initiated by the Governments of the United States and South Korea to the effect that they would not permit their fishermen to take North Pacific salmon.

Sunday, the Coast Guard boarded one of these vessels 100 miles north and west of Unimak Island, Alaska, and salmon was found hidden beneath some herring nets.

This is a serious breach of faith, Mr. Speaker, and I have discussed this matter with the State Department in an attempt to halt the taking of salmon. So far, nothing has been done.

At the time of discussions with the South Koreans over this salmon fishery, I suggested that American inspectors be permitted aboard South Korean fishing vessels to make sure they do not take salmon. This suggestion was denied by the South Koreans.

Now, however, if the South Korean Government is sincere in that it wants to resolve this serious problem, I again suggest that U.S. inspectors be permitted aboard their vessels.

In addition, Mr. Speaker, I will support the move now in the Senate to attach an amendment to the foreign aid bill cutting all foreign aid to South Korea pending resolution of this fisheries dispute, and I urge my colleagues to join me in this move when this bill goes to a conference with the House.

THE PRESIDENT'S VETO

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. ROSENTHAL. Mr. Speaker, the House of Representatives has a clear duty tomorrow to override the President's veto of H.R. 11102, the Medical Facilities Construction and Modernization Amendments of 1970.

As with the President's earlier veto of the Labor-HEW appropriations bill, this veto has properly become a test between the executive and legislative branches on priorities for limited Federal resources. The President, committed to his priorities in Indochina, must exclude other possibilities for those resources.

The Congress, which frankly passed this Hill-Burton bill earlier this month in a routine manner, must now reconsider its priorities. Does the continuation of a major medical program constitute a higher priority than, for example, an equivalent amount for armaments?

The question on H.R. 11102 is not yet this pure question of priorities, but it should become that question before we vote. The House must decide tomorrow whether it can continue to rely on the President's judgment on what our priorities are.

Sometimes otherwise insignificant issues must bear profound burdens. The vote on extending this Hill-Burton program is a suitable vehicle for these considerations of priorities. For the President himself, last year, told this Nation of our "massive crisis" in medical care. The continuation of the Hill-Burton program will not solve that crisis. Continuation of all of our present Federal medical programs will not constitute a solution. But abandoning these existing programs without replacing them with better ones will only defer but perhaps prevent a solution.

I believe, Mr. Speaker, that the President has chosen the wrong issue for a showdown on priorities. Let the President veto a defense appropriations bill which seems to him too large. Let him veto a SST bill or even a public works bill. We would then hesitate to question his judgment. But to speak of a medical crisis and then veto a major medical program 1 week before it expires is not to inspire our confidence in either his perceptions or his conclusions.

I urge the House to override this veto.

PROSE POETRY BY HARRY SAKS HECKHEIMER

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. BINGHAM. Mr. Speaker, among the many inspiring people I have had the honor to meet and represent in the 23d Congressional District of New York, few are more remarkable than Harry Saks Heckheimer. Now 93 years old, Mr. Heckheimer continues to take careful note of all that is happening around him, adding new experiences to his already rich life, and expressing his thoughts in prose poetry.

In 1968, I was happy to place in the RECORD Mr. Heckheimer's poem entitled "I Am a Man." I now take pleasure in commending to my colleagues and other readers of the RECORD his latest prose poem:

THE LORD COMETH

(By Harry Saks Heckheimer)

I do not have to sit alone and ponder, I know she is safe up yonder, I can hear her voice a calling, when are you coming Henry?
Be patient Dear, wait just a little longer, there is so much left for me to do here, I cannot do up yonder.
Now all my shackles broken, I breathe the odor of spring flowers—winter has done it best.
I got all the things we prayed for, I know it took a lot of time, but Freedom always takes a lot of time.
My bosom heaves, when between the autumn leaves, I hear the crescendo of that cry "all is peace, all is peace."
Their Stones of Granite, do not stand alone, the ivy entwines and the muffled Drums beat equal in their rhythm, the chiseled names on every stone from wherever men were borne.
I hear you Honey, I'll be all dressed up, in the garments of hope not only of desire, I'll tie my bundle with the silken cords of right.
All the people from everywhere, all the colors of skin or hair, it's coming time Honey, let me hear you say again, when are you coming Henry?
Honey keep my seat, covered with the blush of human love, for now when I go into a bus, or train, even the ocean flights of men whatever does befall we shall all lie down together.
I am feeling like Moses, at the Red Sea, when he saved his people and cleaved the Waters; yes, perhaps we past a rubicon and forgot it too, but we caught up and we are coming fast.
Those pyramids were not built in a day, you cannot take the weeds out to let the flowers in, just by asking; but, little by little the roses will grow up.
Honey, the Home ain't there anymore, the bursting wind and water, the broken windows, and the fractured ceilings, water leaking through every floor, no the new ones are like our home where you are.
When the Lord smote the Rock, there was no brine in the water, it was wine, forever flowing never ceasing, the soft

caress of life the innocence of a baby's kiss, men may propose and terminate the Tabernacles, but, the springs of creation, never cease to ferment.

I sit down at the Table of Life, a table whiter than alabaster, set with blooms, from the little cans that once stood on our window sill, some who sought their fragrance are gone, but life goes on.

I was sitting here and thinking, it is better to have bacon and beans, than cakes with wine, and not in fear, no knocking at your door unless he has the papers?

At voting time, it felt like "brass" turned into "gold", our old Boss stood beside me and like me put his little peace of white paper in the Box, he laughed and said "Henry" some day you may be an Alderman.

We have lived together, and if, we want to survive, we must stand together; frown you may on repellent youth, and the rhetoric of the discontented, inevitable shadows of the silent will not destroy the House that GOD Built.

The Night Lamp of being, forever extolling, forever burning, man may trim its wick, but faith, the strong, will create Candles lit by perserverance, for man only stumbles toward the shore, incalculable designs of nature drive on and on.

CONGRESSIONAL REPORT SENT TO NINTH DISTRICT RESIDENTS—JUNE 22, 1970

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. HAMILTON. Mr. Speaker, the Congress has passed an historic voting rights bill, which:

First: Limits to 30 days the State residency requirements for U.S. citizens to vote in State, local, and national elections;

Second. Imposes a nationwide suspension of literacy tests as a requirement to vote;

Third. Extends the Voting Rights Act of 1965 for 5 years, and

Fourth. Reduces, after January 1, 1971, the voting age to 18.

The 18-year-old vote has gained widespread, bipartisan acceptance and support. Presidents Eisenhower, Kennedy, and Johnson publically supported lowering the voting age. President Nixon has, too. Both major political parties, in their 1968 conventions, called for an 18-year-old vote. Nationwide public opinion polls continue to show heavy support for lowering the voting age to 18.

That attitude is reflected in the substantial margin by which the Congress approved the Voting Rights Act of 1970. However, debate on the issue has pointed out a sharp division over whether the 18-year-old vote should be granted by Federal statute, or by an amendment to the Constitution. The question is whether or not the Congress has the authority to alter the voting regulations established by the States.

Opponents to the statutory route to lowering the voting age argue that the Supreme Court will declare Congress action unconstitutional. Although the issue is a close one, I believe the Congress has acted within its constitutional prerogative. I believe the present law, which denies 18-, 19-, and 20-year-olds the right to vote, represents a denial of equal protection under the law, and I believe the Court will sustain that view.

In 1966, the Supreme Court ruled that Congress has the constitutional authority to make its own determination of what constitutes a denial of equal protection, and to pass legislation to correct it. That kind of precedent would indicate, at least, that the Court will sustain the judgment of Congress in this case—if the Court is convinced that Congress has acted on a reasonable basis.

One of the root feelings of young people today is that they are called upon to bear the responsibilities of citizenship—including the burden of military service—but are not permitted to participate in the political process; 18-, 19-, and 20-year-olds pay taxes and they are treated as adults under the criminal laws of our land, yet they have no voice in the selection of those who create and administer the laws.

Furthermore, young people today are capable of making intelligent voting decisions based on education and political awareness. For example, 79 percent of today's 18- to 21-year-olds have high school diplomas, while only 17 percent of their counterparts in 1920 had graduated from high school. While 47 percent of today's 18-year-olds attend college, only 18 percent were in college in 1920.

Opponents of the statute also argue that equal protection under the law should be confined to preventing voting discrimination against minorities. While they cite the equal protection test as the basis for supporting the literacy test ban and the residency requirement change, they are inconsistent, it seems to me, in not applying the same logic to the 18-year-old vote.

And, finally, they argue that the Supreme Court could not rule on the constitutionality of the 18-year-old vote statute in time to prevent confusion in upcoming elections. A number of recent decisions by the Court indicate that it is willing and able to reach a quick resolution of constitutional issues affecting election procedures.

In passing the Voting Rights Act of 1970, the Congress has responded to a suffrage issue of some 200 years in our history. We have expressed our intent to bring some 12 million disenfranchised young Americans into the political process of their Nation.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

ALWAYS TIME FOR A LAUGH

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. WYATT. Mr. Speaker, my attention has been called to an article published in the Journal of Commerce, April 3, 1970. It discusses the activities of Mr. Ralph Nader and his activities concerning the Federal Trade Commission.

The article follows:

ALWAYS TIME FOR A LAUGH

(By Eric Ridder)

We were rather entertained to discover last month that we—too—are in disfavor with Ralph Nader and his so-called raiders.

I can't say that we find ourselves in entirely good company. Last summer Mr. Nader and his group let out a well-publized blast against the Federal Trade Commission.

The fact that we commented in negative terms on the Nader FTC report nettled him enough to win us some mention in his report on the Interstate Commerce Commission, which was unveiled last month in terms that suggested it constituted the greatest discovery since the law of gravity.

"Most journalists," the Nader group wrote solemnly, "are easily induced into becoming servants of the bureaucracy." Since he followed this immediately with a reference to our editorial, "Whose Guardian Angels?", of last July 23, that naturally produced considerable merriment here.

But now let's proceed. Here is what Mr. Nader said: "Although almost completely inaccurate, the article was based on a private meeting between some ICC upper staff, Ralph Nader and Robert Fellmeth."

My comment on that would be this: "Whose Guardian Angels?" was not an article but an editorial. It dealt with opinions (most about Mr. Nader) not with facts. It was written with no knowledge whatever of any meeting Mr. Nader says he and Mr. Fellmeth had with any ICC staff members.

I now pass on to the next sentence, which is even wilder:

"It (the editorial) was apparently written by the agency itself without so much as a phone call by the Journal to determine its accuracy."

It is rather fortunate for Mr. Nader that he inserted the word "apparently" in that sentence for otherwise he might have found himself in deep trouble. What he means by the "phone call" is intriguing.

If ICC wrote the editorial, to whom was the phone call supposed to have been made? To its chairman? To us? If, on the other hand, we were credited with writing it, should we have called Mr. Nader to inquire whether our rather low opinion of his works and creditability was justified?

The fact of the matter—and let me put this plainly enough so even Mr. Nader can understand it—is that nobody but nobody from outside this office ever writes our editorials. No federal agency has ever done so, none has even been invited to do so and I don't think that during the past 20 years there have been more than one or two instances in which one of these agencies even knew that we were in the process of writing an editorial concerning its own operations.

The fact that Mr. Nader and his staff of student volunteers seem unable to grasp this

XUM

rather simple fact is a rather sad commentary on the limits of his group's comprehension.

If they could be so completely wrong in framing a couple of sentences referring to a single editorial in this newspaper, how much credence can be given to their efforts to assess the shortcomings of agencies as complex as FTC and ICC?

You say it. I don't need to.

$1 BILLION FOR WATER POLLUTION CONTROL

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. STOKES. Mr. Speaker, I rise first to congratulate my colleagues on the Appropriations Committee for bringing to the floor a recommendation that $1 billion be spent during the next fiscal year for water pollution control. This figure, which would mark a 66-percent increase over the administration's proposals and a 25-percent increase over last year's spending, reflects that the committee has joined the legions of those who have become sensitized to the growing environmental problems in our Nation.

Yet, I must urge my colleagues also to support the amendment offered by the the gentleman from Michigan (Mr. DINGELL) which would increase the appropriation to the total authorized amount of $1.25 billion.

It was not long ago that those of us crying for Federal help in the battle against water pollution received no answer. This was particularly irritating to residents of the Cleveland area, who are plagued with both the world's only water or fire hazard and a lake which numerous ecologists and marine biologists have already pronounced dead.

As we all know, however, this year has been one of awakening for millions of Americans. Earth Day; nationwide television, radio, and newspaper coverage; and thousands of local programs have hammered home the theme of environmental decay. The result has been a tremendous upsurge of public interest in cleaning up our environment. In fact, the tides of opinion have been so strong that many of us interested in social progress on all fronts have been worried that the ecology issue was being used in some quarters to mask the pathetic lack of movement in meeting other equally serious problems such as housing, civil rights, welfare, and employment. That possibility still exists.

Nevertheless, the fact that today we are considering only the problem of water pollution is no reason for paralysis. As I have said many times, there are plenty of Federal resources available to begin solving all of our domestic troubles—if and when we start to restructure our present spending priorities. This bill is such a beginning. As of April 30, the Federal Government owed the State of Ohio more than $10 million in back payment support for sewage and waste treatment facilities. Passage of this measure, with the Dingell amendment, would allow over 50 percent of these commitments to be met, plus additional moneys for new projects. In that regard, I would again commend the committee for freeing $200 million specifically to make up these back commitments.

Of course, no one should be foolish enough to believe that enactment of this bill will be a cure-all for our water pollution problems. Besides money, several other major impediments still stand between the American people and clean water. The principal one is industrial waste, which this bill does not even purport to touch and which is unquestionably the chief villain in the Cleveland area. That evil will never be eradicated until State and Federal Governments find the political courage to take on some of the giants of American industry.

In addition, there are some serious difficulties in the way the present bill is administered. As is often the case with Federal programs which rely upon State administration, the large metropolitan areas that are in the gravest need of support have not been afforded equitable treatment. In Ohio, for example, 58 percent of the funds supplied thus far for treatment facilities have been allocated to localities representing less than 25 percent of the population. A second serious deficiency resulting from State control is that interstate, river-basin planning has been virtually eliminated. Pollution problems know no State boundaries—and neither should the solutions.

But I realize that those are not issues with which the Appropriations Committee is expected to deal. It is the business of the legislative committees, and I hope they will turn their attention to them in the near future. In the interim, we have a good bill and a good amendment before us, and I urge their speedy enactment.

LETTER ON AMENDMENTS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, under leave to extend my remarks, I would like to call to the attention of my colleagues a letter I received from Mr. Volodymyr Y. Mayeswky, vice chairman of the Organization for the Defense of Four Freedoms for Ukraine, Inc. While I do not question the patriotism and loyalty of any Member of the Congress, regardless of his position on the pending amendments, I thought my colleagues would be interested in how an organization who knows something about communism feels regarding this entire matter.

The letter follows:

ORGANIZATION FOR THE DEFENSE OF FOUR FREEDOMS FOR UKRAINE, INC.

Washington, D.C. June 11, 1970.

DEAR SIR: The Cooper-Church and the McGovern-Hatfield amendments are open appeasements to the communist aggression policy which has its center in Moscow. What Kremlin's masters with their puppets in Hanoi could not get by themselves they would achieve with the help of some Senators. The amendments, if approved by the U.S. Senate, would not only seriously undercut the President's authority at a critical time, destroy the President's program for withdrawal with honor from Vietnam and humiliate America but also would spell disaster both at home and abroad.

The Cooper-Church and the McGovern-Hatfield amendments make a cruel mockery out of a concept of freedom and humanity. The approval of the amendments would mean approval of the continued slavery of the captive nations under communist oppression and would give the communists a carte blanche to occupy any country they desire. The captive nations, our first line of defense, would then turn away from America.

The amendments, if approved, could conceivably ultimately jeopardize life and freedom in America and the rest of the free world. History would be merciless in its treatment of the U.S. as the leader of the free world for that blunder.

How the American people feel about the Cooper-Church and the McGovern-Hatfield amendments should be answered next November by means of the ballot.

Sincerely yours,

VOLODYMYR Y. MAYEWSKY,
Vice Chairman.

ARTURO TOSCANINI JUNIOR HIGH SCHOOL STUDENTS PRESENT PETITIONS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. BINGHAM. Mr. Speaker, yesterday, June 16, I had occasion to meet with a most unusual and interesting group of students from the Arturo Toscanini Junior High School, located at 1000 Teller Avenue, Bronx, N.Y. The main reason for their visit was to present to me petitions they had circulated concerning a number of problems that directly affect them and our entire community.

I want to say that I was most impressed with these students. They conducted themselves extremely well. They succeeded in collecting more than 1,100 signatures on their petitions—an achievement that required careful planning and organization, and great perseverance and effort. The content of their petition, stated in both English and Spanish, shows real thought and understanding, particularly with regard to the effects of the war in Indochina on the conditions of life in our cities here at home. I believe my colleagues in the Congress, and other readers of the RECORD, will find this petition interesting, and the text follows in both English and Spanish:

As concerned human beings we the undersigned, feel that the war in Indo-China must be stopped immediately. As people of the community we must act now to show our concern for those young men who have died or will soon serve in this unjust war.

Because of the money spent on the war we now have:

1. Overcrowding in the schools.
2. Lack of recreational facilities.
3. Inadequate health and social services.

XUM

4. Poisoned air and water.
5. Narcotics in our schools and neighborhood.
6. Inadequate housing.

We cannot continue to live in a country where these things are going on. We must let our representatives know we will not be silent.

Join us—stop this unjust war.

Como seres humanos preocupados, nosotros, quienes hemos firmados abajo, sentimos que la guerra en Indo-China debe terminar inmediatamente. Como gente de la comunidad debemos obrar ahora para demostrar nuestra preocupacion por los jovenes quienes han muerto o quienes serviran pronto en esta guerra *injusta*.

Por causa del dinero gastado por la guerra tenemos ahora:

1. Condicion sobreatestada en las escuelas.
2. Falta de facilidades de recreo.
3. Inadecuado de servicios de salud y social.
4. Agua y aire venenoso.
5. Narcoticos en nuestros escuelas y en nuestros vecinos.
6. Alojamiento insuficiente.

Podemos continuar vivir en un pais donde estas cosas quedan? Debemos informar a nuestros representativos que no estaremos silenciosos.

Juntenos terminen esta guerra injusta.

STUDENT DEFERMENTS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. TEAGUE of Texas. Mr. Speaker, on April 23, 1970, President Nixon presented a message to the Congress concerning reform of the Selective Service. In his address the President stated:

> It is my judgment, and that of the National Security Council, that further occupational, agricultural and student deferments are no longer dictated by the national interest.

I wholeheartedly agree with the President, particularly as pertains to student deferments. I would suggest that an underlying cause of much of the current student unrest lies in our present policy of draft deferment. Campuses throughout the country have become a safe haven from the draft for a number of our undergraduate and graduate students. The law as written provides merely that a student be enrolled and a member of the student body, and by the manner in which it is written, opens the door to those who wish to escape or postpone their military obligation in hopes the Vietnam emergency will be ended.

Though most of our students today attend college to seriously pursue an education some are there just to avoid military service. As a result of attending college only to avoid the draft these students today have a guilt complex. They thus try to rationalize their escapism and in so doing decry and blaspheme the Vietnam war and the "establishment." By this rationalization they salve their guilt complex and in effect end up biting the hand that feeds them.

Veterans of World War II and the Korean conflict provide excellent historical evidence of citizen soldiers who without benefit of lenient college deferments, entered the armed services, performed their military obligation and returned to society and our college campuses. These men, mature and serious, older than other classmates, and with established goals, were intent on getting an education, and on preparing themselves to meet their responsibilities rather than evade them. These veteran students attained new heights of scholastic achievement.

There is a low rate of military service today among men of the highest educational attainment resulting from the fact that a number of them were able to reach age 26 in a deferred status through a combination of educational, dependency, and occupational deferments. Some of these individuals are now junior members of the faculty of our colleges. They have preceded our current crop of students under similar draft deferments and, without the benefit of military service themselves, have encouraged and joined with radical students causing campus unrest. In seeking to justify their own evasion of responsible citizenship, they have preached that doctrine to their students under all manner of camouflage.

As Dr. Stuart Altman of the President's Commission on an All-Volunteer Armed Force said recently:

> The draft has required college graduates to perform contortions with their lives. They scramble to get into the Reserves, enter deferred occupations, get married and have children, or do extended graduate work to avoid the military. We face a surplus of PhDs now in almost all areas. The draft has forced this overeducation of a large segment of society.

While I cannot agree with Dr. Altman that the students that have used deferments to avoid military service have been forced to do these things—their own selfish and immature unwillingness to meet the obligations of citizenship have led them to these evasions—the fact remains that student deferments have provided the means.

President Nixon, as did President Johnson before him, has called for an end to student deferments. As far as I am concerned, the sooner the better.

HOUTHAKKER COMMITTEE RECOMMENDATION FOR SCRAP OPPOSED

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. PATTEN. Mr. Speaker, I strongly oppose the Houthakker Committee recommendation for reverse tolling of scrap, and I favor the drastic curtailment of the export quota for copper and copper-base alloy scrap.

How can anyone doubt that we are going to have a tremendous employment of American labor? The export of scrap would cause more inflation, not to mention the balance-of-payments problem.

The congressional district I represent is probably the largest copper district in the country and it is ridiculous to claim that there is a shortage of smelter capacity in the United States for scrap. I know we have the processing capacity and that the curtailment of the smelting of copper concentrates makes more smelter capacity for scrap, since scrap does not contribute to the sulfur problem.

Mr. Speaker, our plants melt scrap to make copper and are therefore deeply interested in the Houthakker Committee copper report of May 27. The "alternative 3" proposal recommends the unrestricted export of copper scrap when it is to be refined abroad and returned to the United States. We should bear in mind that the London market is paying more for scrap than the U.S. price. If there are no restrictions, more scrap will be exported and hundreds of men will be thrown out of work in the congressional district I represent.

Mr. Speaker, it is hard for me to understand how our Government can possibly make such a recommendation as "alternative 3." I also favor the restriction of exports of copper and copper-base alloy scrap for the rest of this year.

INDIANA ADJ. GEN. JOHN OWENS ANSWERS NATIONAL GUARD CRITICS

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. BRAY. Mr. Speaker, we have at times "instant experts" ready to declaim loudly on things they generally know nothing about. The following from a recent Indianapolis Star tells about one of them, and the fine answer given him by Indiana Adj. Gen. John Owens:

OWENS SAYS INDIANA GUARD TRAINING "VERY ADEQUATE" FOR ANY EMERGENCY

The training of the National Guard is "very adequate" to control civil disorders, Indiana Adjutant General John N. Owens declared yesterday.

"We are a group of men the Governor can call on to meet any type of emergency, man-made or natural," he said in answer to charges in a study by an Indiana University professor.

The professor, Dr. Phillip S. Kronenberg, charged that Guardsmen might be "trigger-happy" if ever confronted by a major civil disturbance because a majority of them are untested in this area and most are "green troops."

In answering these observations, Owens pointed out that more than 25 per cent of the Guardsmen are veterans of one or more wars and have been at the scene of civil disorders in Indiana several times.

Many of the officers and non-commissioned officers of the Indiana Army National Guard have been on duty at several civil disorders in the last 20 years. They were at the violence-ridden Perfect Circle Corporation strike at New Castle in 1955. Owens was one of the commanders there.

"We moved in tanks and pointed guns down the street—that's when the mobs dispersed," he declared.

"We just don't have any other agency, organized, commanded and trained with equipment within the state confines to do this

XUM

type of work," he added. "The Guard is self-contained and self-supporting."

And its reaction time is swift. Company-size units, about 200 armed men, can be on the scene of disorders within an hour after the Governor authorizes the use of Guardsmen. Owens said. A battalion-size unit, about 1,000 men, can be operational within four to five hours, he added.

Members of the Guard have received much intensive training at Camp Atterbury in controlling civil disorders, with some of the training coming from men who have had instruction from the regular Army at Fort Gordon, Ga., where many civil police receive similar training.

"We all have the same training program nation-wide—I'd say our training is very adequate," Gen. Owens declared.

In the appraisal of training, he pointed out that one unit, Company D, is very much battle-tested. It came home last year after a year in Vietnam as the highest decorated unit in the Army, he said.

"If that is calling us poorly trained," I'm darned proud of it," Gen. Owens declared.

Indiana Guard leaders study the activities of Guard units in other states when they participate in quelling disorders. Such units have been called out more than 200 times since 1967 across the country. That is a lot of experience, the adjutant general said.

The Guard, he said, is called out by the Governor after it has been clearly determined that civil authorities—municipal and state police—no longer can control a disorder. This usually is because of a lack of men and equipment.

In recalling Dr. Kronenberg's visit to his office, Owens said he told the professor that "'you are going to have to look at this with an impartial view,' and I don't think he was impartial.

"I'm sorry the Federal government gives people money to do this sort of thing," Owens said. "He's only getting the side of it he wants. The government isn't paying anyone to write a sequel to this.

"There are too many professors running around the country on Federal grants writing stories like this instead of teaching."

IF YOU WERE THE PRESIDENT OF A SMALL PRIVATE SCHOOL COMPLEX AND SOMEONE OFFERED YOU $10,000 TO BUY AN AD, WHAT WOULD YOU SAY IN IT?

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. PUCINSKI. Mr. Speaker, the June 19 issue of Life magazine carried an advertisement which I should like to call to the attention of my colleagues.

This advertisement was by the Orchard Lake Schools in Orchard Lake, Mich., but it was financed by Mr. Leo Stein, a Detroit philanthropist, who believed the work of Orchard Lake Schools deserved wider national attention.

This very generous donation by Mr. Stein ought to be duplicated all over America so that the American people could learn more about the fine educational institutions that exist in this country, which for all sorts of reasons never reach the public eye.

Orchard Lake Schools is a unique institution in America. It is a source of great inspiration and is able to tell its story in a magazine of national distribution through the goodness of Leo Stein.

The Very Reverend Walter J. Ziemba, head of Orchard Lake Schools, has used this opportunity in a most eloquent way, and I insert Reverend Ziemba's advertisement in the RECORD today to illustrate what happens when good educational institutions and a benevolent philanthropic neighbor get together for a common cause.

IF YOU WERE THE PRESIDENT OF A SMALL PRIVATE SCHOOL COMPLEX AND SOMEONE OFFERED YOU $10,000 TO BUY AN AD, WHAT WOULD YOU SAY IN IT?

The first thing you'd say would be "thank goodness for people like Leo Stein" for footing the bill for this advertisement. Then you'd have to admit that you almost wished you had the money instead. You can think of a dozen places you could use it on campus.

But, Leo Stein wouldn't budge. "Father, you people have been in business for 85 years and nobody's heard of you. You need the advertising more than you need the money."

Orchard Lake, who? I'll have to agree with Leo on this point. Although the Orchard Lake Schools have operated in the Detroit area for 85 years, not too many people have heard of us. Oh, occasionally you meet someone who has: "Yes, of course, you mean that seminary out there." And they're right; there is a seminary out there.

Sort of a small educational conglomerate. Leave the Detroit City Hall, head north for about 40 minutes and you come to beautiful Orchard Lake. On the northeast shore sits "the seminary," the Orchard Lake Schools. About 120 acres. Seventeen buildings. A school with three separate academic programs and institutions: Saint Cyril and Methodius Seminary, Saint Mary's College and Saint Mary's Preparatory.

The schools were founded in Detroit in 1885 to take care of the needs of Polish immigrants by educating young men for the priesthood and the professions. In 1909, the Schools moved to larger quarters at our present location. Since we first opened our doors, more than 12,000 students from almost every state have studied with us, of which more than 2,000 were ordained as priests.

The Polish Notre Dame. I imagine one reason for our relative lack of fame is due to the specialized scope of our service, which is to Polish-Americans. This means we aren't identified with the State of Michigan, or Detroit, or any other specific geographic community.

We are, however, the center of Polish learning and culture for some 10 million Americans of Polish descent. In many ways we are changing and adapting, but basically we've stuck pretty close to our original goal of providing leadership for America through a three-fold cultural formation—Catholic, American and Polish. We're not as famous, but in a real sense we are to Polish-Americans what Notre Dame is to Irish-Americans.

What do we have to offer? Orchard Lake does not claim to be all things to all people. But what we do in our specialized areas of endeavor, we do very well indeed. Here's what our three academic institutions offer:

Saint Mary's Preparatory—a four-year secondary program of pre-college studies in a disciplined, boarding school environment that prepares young men for future study and service.

Saint Mary's College—a four-year liberal arts program offering majors in Theology, Philosophy, Polish and the Communications Arts in a small residential atmosphere of individual attention.

Saint Cyril and Methodius Seminary—a four-year program of graduate studies in Theology which prepares men for the priesthood, the permanent diaconate and lay leadership in the Catholic Church.

Also, Orcard Lake embraces three unique service centers: Center for Polish Studies and Culture, Center for Pastoral Studies, Polish-American Liturgical Center.

We came through a lot together. By ordinary standards, Orchard Lake is small. But what we lack in size we more than make up in service, closeness and devotion. People really care about the place. The faculty. The student body. The alumni. That gallant group of men who annually put on the hundred-dollar-a-plate dinner honoring our Founder, Father Dabrowski. Thousands of friends. Maybe it's because we've had to fight so hard and scramble so long to keep the Schools going.

We've never forgotten those days. That's why we try to make it as easy as possible for every student to attend our schools. At Orchard Lake, students pay less than half the cost of room, board and tuition. For example, the total yearly cost of attending either the Prep School or the College is only $1,000—which we consider to be one of the biggest educational bargains to be found anywhere.

The point is this, the Orchard Lake Schools have so much to offer that a gentleman like Leo Stein is willing to put up $10,000 so that I can tell you something about them.

You can get complete information about the Prep School, or College, or Seminary, or the Centers by writing to me, The Very Reverend Walter J. Ziemba, at the Orchard Lake Schools, Orchard Lake, Mich.

HUMAN RIGHTS FOR FORGOTTEN AMERICANS

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. TALCOTT. Mr. Speaker, for months and years our prisoners of war have suffered in silence, their families have agonized practically alone; the Government of North Vietnam has been recalcitrant; neither the Red Cross nor the YMCA, in spite of valiant efforts, has been able to alleviate the suffering of the prisoners or the agony of their families; no church group or Council of Churches has made any appreciable effort to assist or console the prisoners or their families; the United Nations has been impotent.

The National Presbyterians have adopted a feeble pro-North Vietnamese resolution urging both the Allies and the Communists to "cease fire and exchange prisoners." They know this proposal, and numerous similar offers, has been made by the United States for years.

Governments, churches, international organizations, and all individuals of this planet should be concerned about the rights and circumstances of the war prisoners.

Even war prisoners have rights which should be respected and safeguarded.

John F. Loosbrock, editor of the Air Force Space Digest, presents another view of the POW tragedy. I urge every Member and every citizen who has any concern for a fellow human being to read the following editorial dated June 1970:

XUM

WAR PRISONERS HAVE HUMAN RIGHTS TOO

(By John F. Loosbrock)

One can make a very good case, in purely military terms, for the missions into the Parrot's Beak and the Fishhook in Cambodia. It is sound military doctrine to strike, and strike hard, at an enemy's supply caches and his command and control centers. One has only to recall the immense contribution to the ending of our own Civil War, made by Sherman's March to the Sea. The history of war is studded with other examples.

The box score on weapons, ammunition, and food supplies already netted in the Cambodian raids in impressive (*see page 14*), and it is good to know that a significant, though incalculable, number of young Americans now serving in South Vietnam will have their fair chance of living to a ripe old age as a result of these operations.

The political side effects of the Cambodian raids are another matter. However one may feel about the necessity for the action there, its divisive impact on the American body politic is as much a fact of life as are the obvious military pluses involved in limiting the enemy's ability to hurt our own troops and those of our allies.

One of the most distressing side effects we have noted is the increasing tendency to substitute knee-jerk reflexes for the rule of reason, to replace honest debate with the parroting of *ersatz* slogans. It is possible, we feel, to be moved to sorrow and anger at the unnecessary and tragic deaths of the four Kent State students without betraying in any way one's belief that a Communist-dominated Asia would be a deadly peril, not only to the United States, but to free men everywhere. But the polarization of our society is making it ever more difficult to discuss almost any issue from more than one point of view.

A friend of ours warned us years ago: "When you walk down the middle of the road, you can get hit from either side." He was right, and it saddens us to have to admit it. But because he was right, important issues, on which all Americans, regardless of color, creed, or political persuasion, should be able to unite, get lost in the shuffle.

A case in point is the plight of the Americans who are known to be either prisoners of the North Vietnamese and the Viet Cong or who are missing and believed to be prisoners. Only one week before the massive gathering on the Ellipse protested the Cambodian operations to the President, the nation, and the world, a much smaller, less vocal, and less photographed crowd gathered only a block away in Constitution Hall.

Families of the war prisoners and of the men missing in action were there, from all parts of the land. There were speeches, requests for help, calls to action, and promises of support. But media coverage was sparse and, we suspect, the Hanoi government was much more impressed and hardened in its intransigence by what happened on the Ellipse seven day later.

The Air Force Association and this magazine took the lead in the matter of the prisoners of war last fall when we published in our October issue Lou Stockstill's magnificent article portraying their plight. Much has happened since in a positive way, as is outlined in detail beginning on page 32. But what remains to be done shows clearly in the statistics—thirty-one men have been released (nine by Hanoi and twenty-two others by the Viet Cong in South Vietnam); 450 are still in prison to our certain knowledge; and 1,096 more still languish in the shadowy land of "missing in action," leaving behind women who know not whether they are wives or widows.

There is much talk of human rights among those who protest the war. But there also is a basic human right involved in the matter of the war prisoners. Any prisoner, no matter how heninous his crime—whether he is imprisoned for criminal, civil, or political reasons, or whether he is a legitimate prisoner of war—deserves the basic human rights guaranteed by domestic and international law. In the case of a prisoner of war, his family is entitled by the Geneva Convention to know where he is held, and to communicate with him.

The North Vietnamese say our men are not prisoners of war but war criminals, and hence not protected by the Geneva Convention. That is pure hogwash. The Geneva Convention does not go into the matter of the legitimacy or illegitimacy of a war. If a man is in the military service, is wearing his country's uniform, and is captured, he is a prisoner of war and entitled to humane treatment under the Convention, which North Vietnam has signed.

Surely here is a cause in which all Americans can come together. We can appreciate the purity of motive with which more and more Americans are opposing the war in Southeast Asia. This is their right and their privilege. But we can also hope that the protestors, who say they are so concerned and who say they care so much, will direct at least a portion of that concern and that care toward their own countrymen whose basic human rights are being trodden upon by the contry whose flag flew last month on the Ellipse.

If it is all well and good, when one disagrees with the President of the United States, to march on Washington and "tell it to Nixon," is it not even more pertinent and even more constructive to take up the cause of the American war prisoners and "tell it to Hanoi"?

I urge everyone to write the presidents of any nation which could be influential in persuading North Vietnam to accord humane treatment to prisoners of war.

The following addresses are suggested:

Cambodia: Mr. Thay Sok, Charge d'Affaires, Embassy of Cambodia, 4500 Sixteenth St., N.W. Washington, D.C. 20011.

(25c per ½ ounce air mail).

Agence Khemere Presse, Ministry of Informaton, Phnom Penh, Cambodia.

La Depeche Du Cambodge, Phnom Penh, Cambodia.

France: His Excellency, Charles Lucet, Embassy of France, 2535 Belmont Road, N.W., Washington, D.C. 20008.

(20c per ½ ounce air mail).

Le Monde, Paris 8, France.

Le Figaro, Paris 8, France.

India: His Excellency, Nawab Ali Yavar Jung, Embassy of India, 2107 Massachusetts Ave., N.W., Washington, D.C. 20008.

(25c per ½ ounce air mail).

Times of India, New Delhi I, India.

Hindu, Madras 2, India.

Poland: His Excellency, Jerzy Michalowski, Embassy of Polish People's Republic, 2640 Sixteenth St., N.W., Washington, D.C. 20009.

(20c per ½ ounce air mail).

Trybuna Ludu, Warsaw, Poland.

Zycie Warszawy, Warsaw, Poland.

Romania: His Excellency, Corneliu Bogdan, Embassy of Socialist Republic of Romania, 1607 Twenty-Third St., N.W., Washington, D.C. 20008.

(20c per ½ ounce air mail).

Scinteia, Bucharest, Romania.

Romania Libera, Bucharest, Romania.

Sweden: His Excellency, Hubert de Besche, Embasy of Sweden, 2249 R St., N.W., Washington, D.C. 20008.

(20c per ½ ounce air mail).

Dagens Nyheter, Stockholm, Sweden.

Svenska Dagbladet, Stockholm, Sweden.

USSR: His Excellency, Anatoliy F. Dobrynin, Embassy of the USSR, 1125 Sixteenth St., N.W., Washington, D.C. 20036.

(25c per ½ ounce air mail).

Pravda, Moscow A-47, U.S.S.R.

Izvestia, Moscow A-47, U.S.S.R.

A letter to any friend, relative, or associate in one of the above-named countries could also be helpful.

At some future time one of your family could be a prisoner. Now is the time to begin to safeguard his human rights.

VIOLENCE AND SABOTAGE—CONSTITUTIONALLY PROTECTED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. RARICK. Mr. Speaker, many Americans were shocked to learn that the Constitution had been extended to guarantee delivery of Communist literature advocating violence and sabotage through the U.S. mail.

Such a decision has been handed down by a panel of Federal judicrats—forbidding the Postmaster General to refuse to deliver revolutionary publications from Red China.

The American people, long weary of seeing constitutional rights extended to activists destroying the Constitution, are asking questions. When the Constitution has been destroyed what sanctuary will the destroyers then have to hide behind? And what will happen to those judges so active in perverting the Constitution to destroy constitutional government.

A news clipping follows:

[From the Evening Star, June 23, 1970]

JUDGES BAR POSTAL BAN ON PUBLICATION

A three-judge federal panel has ruled that the postmaster general cannot refuse to deliver foreign publications to subscribers in this country because he thinks the material is objectionable.

The judges said the Constitution protects the right of American citizens to receive mail, whether the item is mailed here or abroad.

The case involved "The Crusader," distributed by Robert F. Williams of Peking, China.

The postmaster general, on Aug. 29, 1967, banned distribution of the May 1967, edition on grounds it advocated violence by Negroes in American cities and sabotage by Negro soldiers in Vietnam.

Williams, the City Light Books Inc. of San Francisco; Conrad J. Lynn of Pomona, N.Y., and Christopher Koch of Bennington, Vt., filed a suit protesting the action.

The government claimed it had the right to refuse delivery to the bookstore and to Lynn and Koch because the literature tended to incite arson, murder or assassination in violation of law.

NATIONAL MONETARY LETTER

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. FOREMAN. Mr. Speaker, believing that due attention should be directed toward improving our country's monetary policy, with its direct effect upon inflation and our mounting national debt, I recently attended a meeting on this subject in the office of Mr. David M. Kennedy, Secretary of the Treasury.

XUM

While at that conference, I read a copy of a letter which had been mailed to President Nixon on May 5, 1970. It was written by Col. Curtis B. Dall of Washington, D.C., on the subject of our monetary policy. It makes reference to H.R. 17140, introduced by my distinguished colleague, John R. Rarick, on April 21, 1970, and discusses some of the dangers about money problems which have occurred here in the past.

On account of the current financial problems, and on account of the necessity for us to take all constructive steps to fight rising prices, I feel this letter would be of interest to my colleagues, and, therefore, I insert the letter from Colonel Dall to President Nixon, in the Congressional Record:

Washington, D.C., *May 5, 1970.*

President Richard M. Nixon,
The White House,
Washington, D.C.

Dear Mr. President: When reading a copy of a recent "Congressional Record", I came across a most important subject, on page 12884 of the issue of April 23, 1970. It was titled "H.R. 17140—Restore Confidence To Our Money Through Constitutional Government". Continuing, "Mr. Rarick, Mr. Speaker, the American people are bombarded with fearful reports on war, poverty, pollution, inflation, strikes, and violence, yet the foremost concern to every citizen is his money, and its buying power.

"Because of this, I have introduced H.R. 17140, a bill to vest in the Government of the United States the absolute, complete, and unconditional control over our money through Government ownership and control of the 12 Federal Reserve Banks.

"I have taken this action because of an ever increasing lack of public confidence in the private monopoly which presently is in charge of our money. . . . Since the Federal Reserve bankers lack the responsibility to perform their duty, then Congress must conclude that the Federal Reserve Act of 1913 has, by experience, proven itself a failure."

Mr. President, I am well aware that you do not have the time to reply to but a small percentage of the great numbers of letters addressed to you, by concerned citizens. But, because this matter directly affects the value and purchasing power of our money—most vital to every American Citizen, I seek your thoughts and position on this piece of legislation, now making its first appearance in the Congress. How can its valuable message be best spread far and wide, as a real public service?

Without doubt, strong opposition can be expected from the appointees and lobbyists of the preferred International Banking interests, aiming to defeat this Bill, in order to maintain their monopoly by applying various pressures on the Congress and by encouraging the publishing of distorted articles on this Bill in the news media, here and abroad.

I am a Princetonian, and well recall how Woodrow Wilson was pressured by his political handlers to approve the original Federal Reserve Banking Act, in 1913, and how that Central Bank System had to be avidly "sold" by Foreign interests to the American people. That system, purportedly, was to guarantee the ending of Inflation and Deflation cycles, or Boom and Bust—forever! It was supposed to aid Small Business and free the Farmer from the evil practice of price and commodity manipulations by Wall Street's international money powers, well coached from Europe.

Has not the present Federal Reserve Banking System strayed very far indeed from its stated objectives of 1913, by dint of scores of self-serving Amendments? Regrettably, so it appears.

I also recall reading that, in 1920 and 1921, the newly born Federal Reserve Board engaged in a deliberate conspiracy to create a Depression which was most successfully and scientifically carried out, with the result that thousands of American Farmers were foreclosed, made homeless, and many business failures resulted from that Act's "elastic" money policy. "Elastic", was it not, for the Central Bankers, but what about the resulting extensive damage to the public, duly planned? Why, and for whose benefit, is the present planned Money Squeeze and today's excessively high interest rates? Have we learned naught since 1921, and since 1929–30?

Mr. President, I also recall, in the Spring of 1933, when in Washington visiting at the White House, with my then Father-in-Law, Franklin Roosevelt, that another well planned Money Squeeze was duly put-on by the Federal Reserve Bank System, and thousands of banks were being forced to close their doors. Their assets and corporate structures were then eagerly scooped-up by the top management and friends of the Federal Reserve Banking System, a maneuver causing vast suffering and ruin to thousands. Therefore, in view of the costly background and unenviable record of the Federal Reserve Banking System, I read with deep interest in the aforesaid "Congressional Record" those welcomed words referred to, coming from a dedicated Congressman, so timely, so well expressed!

Mr. President, today, this Country needs to have a New System of "American" banking, devoid of all costly foreign financial alliances, a system which will free us all from the present policy of enriching a few, at great cost to all citizens. The Federal Reserve System should be legally abolished. Economic emancipation will then take place! Informed and patriotic Americans can develop a new System for review, in 90 days' time. It can be made available. Then, Congress must take the next step, at long last!

Hence, a word from you as to your approach and views about this matter would be most timely and well received by millions of Americans—as you are the duly Sworn and Elected President of All the people!

This Bill, H.R. 17140, could readily prove to be the forerunner of the most important legislation to come before the Congress in the last 25 years. Twenty-five years; It would save the American people billions of tax dollars, annually, and thereby could cause a drastic cut in the unnecessarily heavy tax burden now placed upon our shoulders.

I look forward with great interest to being favored with a reply from you, on this vital subject.

Respectfully yours,

Curtis B. Dall.

VOICES OF REASONABLENESS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. RODINO. Mr. Speaker, the following editorial which appeared in the Glen Ridge paper presents a very timely message. Reason rather than violence must prevail for our citizens both young and old. I would like, therefore, to bring this to the attention of my colleagues:

Voices of Reasonableness

Two highly respected voices were raised, this week, against the excesses of student militants. President Goheen told graduating Princeton University seniors that "The flight from reason may be the greatest danger facing us today." Reason in many instances has been replaced by a tendency to see problems in "sweeping emotion-charged terms," he said.

"We must see that excessive impatience can undermine the most effective means we have for recognizing and then effecting those changes for a more peaceable, just and humane world."

Many persons are now awake to the grave faults and imperfections in our society but he warned "violence can cripple the promise of reform inherent in the current discontent and restlessness of many Americans."

Senator Margaret Chase Smith of Maine put it in a different way when she delivered a speech in the Senate on the 20th anniversary of one she made challenging the threat from the radical right inherent in McCarthyism then rampant. "I speak today," she said, "because of what I consider the great threat from the radical left that advocates and practices violence and defiance of the law."

"Extremism bent upon polarization of our people is increasingly forcing upon the American people the narrow choice between anarchy and repression," the Senator warned. "And make no mistake about it, if that narrow choice has to be made, the American people, even if with reluctance and misgiving, will choose repression."

COMMUNIST-STYLE HISTORY STOPS VISITOR TO RUSSIA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. DERWINSKI. Mr. Speaker, it is necessary in analyzing world problems to note that the world will not have lasting peace and true freedom until the Soviet Union adopts policies consistent with international law and with respect for the rights of other nations. Too often analysts of the Soviet scene do not take note of the fundamental defects and falsehoods inherent in the Soviet structure. In a column written in Moscow during a recent factfinding tour, Ray McHugh, Washington bureau chief of the Copley News, provides an effective analysis of the distortion of history in the Soviet Union. His column appeared in the Thursday, May 7, San Diego, Calif., Union which I insert at this point:

Communist-Style History Stops Visitor to Russia

(By Ray McHugh)

Moscow.—One of the fascinating—if disconcerting—things about any visit to a "Socialist" country is one's exposure to the reality of Communist-style history.

According to a guide in Moscow, the Red army won World War II almost singlehanded. And, she spoke with conviction. That was the only version she had ever heard.

An educated woman in Leningrad remarked, "Isn't it terrible what Czechoslovakia tried to do to us? How ungrateful. After 25 years the Fascists are still at work."

In Yalta, walking through the subtropical grounds of the Livadia Palace where the Big Three chiefs of state met in 1945, I turned to my companion and asked:

"What went wrong?

"What are Soviet students and citizens

XUM

told about the history of 1945–1949 when the World War II alliance fell apart and the cold war took shape?"

"Roosevelt died," replied the companion. "It is that simple."

In Yalta, the four-term U.S. president remains a hero. The oldest main street in the city is named Franklin D. Roosevelt Avenue. It was renamed April 12, 1945, the day Roosevelt died. There is no mention in Yalta of Premier Joseph Stalin or British Prime Minister Winston Churchill, the other two participants at the 1945 meeting.

"If Roosevelt had lived," my companion said, "every Soviet citizen knows that there would have been none of these differences.

"The men who followed him—Truman and his aides—they were reactionaries.

STALIN SEEN MAKING CONCESSIONS

"No matter what concessions Stalin made, Truman was determined to revive Germany as a future threat to the Soviet Union."

My eyebrows must have gone up, because my companion became more vehement.

"It is true! Stalin tried, but there were those in America who wanted to rescue fascism without Hitler."

We walked in silence for several yards, then paused to peer through the iron grillwork into the palace's inner garden, the sunlit retreat where Roosevelt, Stalin and Churchill redrew the map of Europe and North Asia, contingent on Russia's entry into the war with Japan.

I tried again.

"But why has the Red army remained in Poland, Czechoslovakia, Hungary, Romania and Bulgaria?

"Doesn't it seem to you strange that these countries that were violently opposed to communism should suddenly become Socialist?

"East Germany may be a different situation, but what of the others?"

My companion stiffened.

"These countries are our brothers in socialism. Each of them recognized that only the Red army could protect them against new fascism.

"What we do not understand is why America is not interested in peace. The Soviet Union has done nothing but hold out the hand of friendship to America. You have rejected it."

As a guest in the Soviet Union, I should have dropped the subject, but I asked:

"Do your histories tell of the Berlin blockade in 1949–1950, when American and British planes literally kept West Berlin alive."

"What blockade?" was the answer.

The questioning stopped.

VIEW ACCEPTED WITHOUT QUESTION

But here were three Soviet citizens, all educated beyond the college level; yet each persisted in a one-sided partisan view of history. And each accepted it without question.

This is the legacy of a one-party system, a controlled press and a government bureaucracy bent on inflicting only its own point of view on more than 200 million people.

It was interesting to read the April 15 recollections of C. L. Sulzberger, New York Times correspondent who spent most of the war years in Moscow.

Sulzberger, who was on intimate terms with many of the leaders of that era, wrote:

"Just before his death, Roosevelt, disturbed by Soviet accusations of double-dealing, warned Stalin: 'It would be one of the greatest tragedies of history if, at the very moment of victory now within our grasp, such distrust, such lack of faith, should prejudice the entire undertaking after the colossal losses of life, material and treasure involved. Frankly, I cannot avoid a feeling of bitter resentment toward your informers, whoever they are, for such vile misrepresentations of my action'."

I did not ask my Yalta companion if this message appeared in Soviet histories. It wasn't necessary.

CHILDREN COMMENT ON THE SST

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include these letters from sixth grade students in my district, sent to the Coalition Against the SST. Their pithy comments are worthy of examination. The letters follow:

BEDFORD, IND.,
May 25, 1970.

DEAR SIR: I am writing concerning the Super Sonic Transport Planes. I don't see why you would spend $270 million on 500 SST planes while you will probably sell only half of them, when they are a main cause of pollution, and are only spending $106 million on the war of pollution. In other words, you would be spending more money for pollution than against it. Personally I think you would be wasting your money on SST planes.

Thank you for taking the time to listen.

Sincerely,

LISA WESTFALL,
Sixth grade student of Burris School in Mitchell, Ind.

MITCHELL, IND.

DEAR SIR: I do not want that airplane.

PHIL SMITH.

MITCHELL, IND.,
May 25, 1970.

DEAR SIR: About the S.S.T. I think we should not spend all of this money on a plane. And all it will do is make bad air that we can't breath. With the money we could feed the starving people of the world. The loud booms when the plane reaches the sound barrier will break windows, crack buildings and I think we will waste our money in doing it. But you are the only one who can stop it.

Yours truly,

(P.S.—You can help the world. I believe we should keep up with other nations but not this way.)

BEDFORD, IND.

DEAR SIR: I am 12 years old and quite concerned about the problems in the world. One bad problem is the building of the S.S.T. airplanes and the pollution.

Why do you want to build a new airplane when with that money you could control air pollution, poorness and the troubles in the States.

With all the sonic booms that will be going on while the planes are flying you will have to pay more money repairing the damage.

I feel that we shouldn't build the news planes.

Sincerely yours,

JULIE OTT.

MITCHELL, IND.,
May 25, 1970.

DEAR SIR: If you want to know what I think about the SST plane it isn't very good. We really don't need that plane we have too many planes in the air as it already is. Besides it's going to cause more pollution. The men in outer space say we have a beautiful blue planet, the next thing you know they will say we have a beautiful black planet because of the pollution. We don't really need that plane! Just because America has been first in everything else. We think we have to stay that way and it doesn't make any dif-
if it ruins our planet.
ference what measures we have to take, even

Sincerely,

FRANK HODGES.

BEDFORD, IND.,
May 25, 1970.

DEAR SIR: My name is Belinda Lea Deckard. I am 12 years old. I think that the SST should not be built. With all that money we could stop pollution or help the starving people in other lands. I mean if we're trying to stop pollution let's not build the SST. If it is built it would be a wonder why people would stay on the earth. I know you'll throw the letter away and say well she should keep out of this. But I'm not. But that's why I think the SST shouldn't be built. Thank you.

Sincerely yours,

BELINDA LEA DECKARD.

ROCHESTER, N.Y., LEAGUE JOINS NATIONAL BABE RUTH BASEBALL PROGRAM

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. HORTON. Mr. Speaker, last week I joined with many of my colleagues to pay tribute to the greatest baseball player of all time, George Herman "Babe" Ruth, and the Babe Ruth Baseball league, a 19-year-old program dedicated to building character and moral fiber in our young people.

In my 36th Congressional District, a new Babe Ruth League has been formed. This four-team league will open its season July 5. I would like to give credit to the members of this league and ask my colleagues to join with me to wish them the best of luck.

The president of this new league, Northeast Division I, is Howard Ostroff. Other adults participating include. Mrs. Mary M. Harold, Robert A. Harold, Sr., Mrs. Norna J. DelVecchio, Frank D. Acquisto, Michael DelVecchio, Gordon Day, and Jesse C. Eplin.

The members of the Cubs team consist of Manager John Shipley, Coach Fred Scott and the players as follows: John Johnson, Robert Sloane, Joseph Jedrzejek, Renard Droegmoller, Aurelio Perez, Jr., Jeffrey Vander Els, Paul Specksgoor, Luke Sementino, Edward Frances, Nestor Bernier, Kenneth Lelek, Kenneth Lichwiarz, Daniel Little, and Norman Tisdell.

The Indians include: Manager Mike DelVecchio, Coach Donald Kinney, and players Thomas Drake, Donald Lippa, Henry Soublet, George Moore, Michael DelVecchio, Jr., Arthur Marrapese, Jr., Donald Kinney, Juan Rivera, Neal Polaikis, Mark Harold, Arthur Plewa, Algie VanHoose, Richard Barham, Frank Schoeneman, and Armon Santiago.

The Cardinals team is made up of Manager Frank D'Aquisto, Coach Bob Haus, and players Frank D'Aquisto, Jr., David Cashion, James Mitchell, Meno Droemoeller, Nelson Rivera, James

Holmes, Curt Colombo, Robert Asel, Daniel A. Fallon, Doug Benoit, Stephen Kilbourne, Harold Moore, Herbert Schamberger, Roman Moszkowicz, Steve Pellow.

And the final team, the Tigers, consists of Manager Gordon Day, Coach Floyd Cashion, and players as follows: Joseph LoTurco, Ronald Schoepfel, John Cornelius, Marion Malec, Jeffry Ostroff, Ronald Spaulding, Rodger Zaso, John Smigelskis, Wayne James, Gordon Day, Roger Ornt, Adelmo Miguez, Curtis Battle, Marcus Ingrim.

This international program, designed to meet the ideals of Babe Ruth, who himself had a great love and understanding for young people, could not have been made possible without the many able volunteers within our community.

I am sure you will join with me in thanking these citizens for dedicating themselves to a program so essential to the young people today.

CONSUMERS SCORE TWICE

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. HARRINGTON. Mr. Speaker, yesterday was a great day for the consumer.

First, the Product Safety Commission issued its final report. In it, they told it to the country like it is. What is more, they told us what to do about it.

We all get excited over the huge injury rate on our highways. It took the Product Safety Commission to tell us that the rate of injury is four times higher in our homes.

We all go shopping confident that the products offered for sale are safe. Well, they are not necessarily safe, and it took the Product Safety Commission to tell us so.

The Commission has unanimously recommended a new agency which will administer a new law giving the Federal Government power to set safety standards for consumer products, and tough enforcement powers to make sure the standards are lived up to.

The Nixon administration has done a lot of talking about their concern for the consumer. They now have an opportunity to show whether or not they really mean it. If they do, they will endorse the Product Safety Commission's recommendations.

Second, I was pleased to see that the House Government Operations Committee reported out a strong bill to establish a consumer protection agency.

For the first time, a House committee has reported out a bill that gives the consumer a strong, powerful agency with the responsibility and the power to protect consumer rights. The bill allows the agency to intervene in any and all actions of the Federal agencies and Federal courts where the issue being considered affects the American consumer.

Information and education are important, but by themselves are insufficient to really give the consumer the protection that is his right. Again, we have heard a lot from the administration about their concern, but when the crunch comes, somehow they are on the wrong side of all important issues—like class action suits and this Consumer Representation Act.

The bill has my full support as do the recommendations of the Product Safety Commission. I hope that the Congress will work immediately to implement these recommendations and pass the consumer affairs bill that will come before us in the near future. I also hope the administration will face up to its responsibilities and aid the Congress in protecting the American consumer.

SPACE NUCLEAR POWER PROGRAMS—PROPULSION AND ELECTRIC POWER

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. HOLIFIELD. Mr. Speaker, the Atomic Energy Commission's—AEC—space nuclear programs are designed to provide the National Aeronautics and Space Administration's space vehicles, space stations, and space bases with electric power and propulsion. The nuclear rocket program—Rover—is on schedule. The NERVA nuclear engine technology effort has been successfully concluded with the final tests of the ground experimental engine. The goals for the nuclear rocket engine now being designed for space and manned-flight certification are that it have a lifetime of 10 hours and the capability for 60 starts. This craft is expected to be a reusable nuclear shuttle for transporting men, spacecraft, and supplies between earth orbit and lunar orbit, between earth orbit and geosynchronous orbit, and for possible deep space activities.

Satellite, space vehicle, and space station internal power, as well as some thruster applications, must depend upon nuclear-generated electrical power as the only cost-effective and technically feasible power sources.

I would like to report on a significant milestone in the history of this very modern field of science and technology. The first space nuclear battery for producing electricity is heading into its 10th year in orbit. The grapefruit-size battery, more formally known as a radioisotope thermoelectric generator, was launched June 29, 1961, from Cape Kennedy on a navigational satellite. The generator has already operated four years beyond its 5-year design life.

As designed by the AEC, the generator supplemented the power from solar cells on the U.S. Navy's oldest navigational satellite. The generator, designated SNAP-3A, where SNAP is the acronym for systems for nuclear auxiliary power, was about 5 inches in diameter, about 5½ inches tall, and converted the heat given off by the plutonium-238 fuel directly into 2.7 watts of electricity.

I can recall the trouble that was encountered in getting Presidential approval for that launch and the flight of the satellite. The State Department did not want the United States to launch it because they were afraid it might fall on Cuba and cause an international incident.

In all, seven SNAP nuclear generators using radioisotopes as fuel have been successfully launched, and a compact reactor power system has been demonstrated in space.

The first anniversary of the first civilian use of atomic energy in space occurred in April. The National Aeronautics and Space Administration's Nimbus-3 weather satellite, launched April 14, 1969, from Vandenberg Air Force Base, California, carried two AEC SNAP-19 nuclear generators which again supplemented solar cell power. The 40 watts of nuclear power permit the satellite's experiments to function on a full-time basis, particularly since unexpected damage to the solar cells has placed almost complete reliance for power on the nuclear systems. The nuclear generator placed on the moon by the Apollo 12 astronauts continues to operate as planned. The SNAP-27 system is producing over 70 watts of electricity and is successfully powering the five experiments and instruments deployed on the moon's surface. The unfortunate experience with Apollo 13 had one bright side. It was proved that a SNAP-27 generator would, as planned and designed, reenter the earth's atmosphere intact and would not disperse any plutonium fuel microspheres. It should be noted that all the plutonium fuel used in the thermoelectric SNAP generators is fabricated at the AEC's Savannah River Plant near Aiken, S.C., and is prepared and encapsulated at the AEC's Mound Laboratory at Miamisburg, Ohio.

Three new SNAP generators are now under development. There is Pioneer for a Jupiter fly-by in 1972, the Viking for a Mars landing in 1975, and the new Navy satellite for navigational purposes called Transit. The space stations and space bases which are scheduled for use in the mid-1970's will probably require more electric power than can be provided by thermoelectric generators. It is for this reason that the AEC has its comprehensive program on nuclear reactor electric power sources.

If the U.S. space program is to progress beyond the Apollo moon landings, it can only be done with nuclear electric power and nuclear propulsion. These programs merit strong support.

A DIGNIFIED FLAG BURNING

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. GAYDOS. Mr. Speaker, I would like to inform my colleagues of a flag burning held recently by some young people in my 20th congressional district.

XUM

It was not a ritual staged to display contempt for our country and its flag. No; Mr. Speaker, it was a ceremony which any American would have been proud to see, conducted in accordance with Federal regulations but with a dignity and sincerity that reflected the deep love these young people have for America and her flag.

Held under a moonlit sky beneath towering pine trees, the flag burning was conducted by approximately 75 cadette and senior Girl Scouts attending Camp Yough in Elizabeth Township. They watched as the flag was placed into the fire and burst, almost instantly, into flames. As the glare died, an emotion filled stillness settled over the girls. Then, softly but clearly, they sang the words to "Taps" and listened to the haunting echo which came back from some of their companions gathered under some nearby pines.

Mr. Speaker, I am proud of these girls for their demonstration of patriotism. I regret I cannot personally commend each of them, but I can congratulate them through their leaders who arranged the ceremony: Mrs. Robert Ramer and Mrs. Lawrence Broskovic of Liberty, and Mrs. W. D. Mansfield, Jr. of Elizabeth Township.

These scouts and their leaders have shown themselves to be the kind of Americans we can all look to with pride. I salute them.

CUBAN EXILE COMMUNITY UNITES BEHIND EFFORT TO PLAN PROGRAM TO RID CUBA OF CASTRO

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. CRAMER. Mr. Speaker, as I have stated publicly many times, it appears to me that some actions being taken against the Cuban exile community by the Department of State are contrary to the stated policies of the Nixon administration and the Guam doctrine of encouraging the people of a subjugated country to win back their own freedom from communism.

Recent intimidating moves against Cuban exiles for attempting to penetrate Cuba and rebuild organized resistance to the Castro regime bear witness to what I have said. Moreover, such moves are contrary to the wishes of many of our friends in Latin America.

A case in point is Costa Rica. On June 6, Costa Rica's Foreign Minister, Gonzalo Facio, attended a dinner in Miami honoring Horacio Aguirre as "Man of the Year." Senor Aguirre is the distinguished editor of Miami's Diario las Americas newspaper.

In honoring Senor Aguirre, Foreign Minister Facio pointed out that there are centers of rebellion against Castro inside Castro's Communist Cuba which can, and should, be encouraged and exploited by freedom-loving nations in cooperation with the Cuban exiles. Senor Facio called for some action from outside Cuba to act as a "catalyst" for "an internal uprising."

But we find our State Department repressing all resistance to Castro through a thoroughly negative and narrowly interpreted legal position. Under State Department guidance, our Federal authorities have moved, and are still moving, to stifle exile action groups to carry out precisely the strategy suggested by Costa Rica's Foreign Minister.

In his speech, Senor Facio laid both the legal and moral basis for the overthrow of a regime which, backed by Russia and China, is subverting the nations of this hemisphere. I believe that he is correct in his analysis.

And I also commend to you the statement made by a united Cuban exile community. Among those who have signed this statement are two ex-presidents of Cuba, two ex-vice presidents, Castro's own sister Juanita, former speaker of the house and the author of Cuba's great 1940 constitution, Dr. Carlos Marquez Sterling.

The statement follows:

STATEMENT OF POSITION—CUBAN EXILE COMMUNITY

Our fundamental conviction is that Cuba, our country, must be liberated from the Communist regime that represses it. It is no less our conviction that we Cubans have the duty to do so—within the limits of respect which we hold for the laws of the United States.

We therefore declare the following:

We cannot accept the position of the Department of State as transmitted to Cuban exile leaders "to apply certain norms or measures to any person or organization that combats the Cuban regime from this country or a third country (if such person or organization is headquartered in the United States)." Some measures have already been initiated against certain Cubans for combatting the Castro regime.

OUR POSITION

Our declarations are not formulated out of mere ego nor made to promote useless confrontations at the expense of harming the historic ties that have always linked the destiny of our two countries.

Our struggle is deeply rooted in Christian ethic and democratic thought and cannot be analyzed, much less judged, by narrow legal interpretations.

Our right to fight for Cuba also involves the security of a continent now threatened by Communist aggression based in Cuba, and is made in support of the preservation of the democratic institutions of the entire Western Hemisphere.

Our declaration, our position, is stimulated by the announced decision of the Department of State. They have a two-fold purpose. One is to express to the American public our cause; the other represents a respectful appeal to the President of the United States to rectify the errors made by officials of his departments and agencies. In our judgment, actions taken by such officials are wrong and violate the spirit of justice which is the foundation of this great nation.

OUR MUTUAL HISTORY

Joint Resolution of 1898.—The destiny of the Cuban nation was linked to that of the United States through the Joint Resolution of Congress signed by President McKinley on April 20. The resolution recognizes the right of the Cuban people to be free and independent and provided for assistance to the Cuban people to end Spanish domination.

The Bay of Pigs.—Sixty-three years later, the American nation, in just alliance with the Cubans, again linked its destiny with Cuba. On April 17, 1961, Cuban and American blood ran at the Bay of Pigs in order to put an end to the totalitarian regime that today continues to oppress the Cubans.

Neutrality Laws.—On April 20, 1961, only three days following the Bay of Pigs disaster, the then Attorney General of the United States, Robert Kennedy, said of the neutrality laws:

"They are among the oldest laws on our statute books, and not designed for the kind of situation which exists in the world today. They were not designed to prevent individuals from leaving the United States to fight for a cause in which they believed. There is nothing in those laws which prevents refugees from Cuba from returning to that country to engage in fighting for freedom."

Title 18, Section 960 of the U.S. Code (one of the neutrality laws) prohibits certain actions against a nation with which the United States "is at peace"—a "friendly nation." Clearly, Fidel Castro is not "at peace" with the United States and, by breaking diplomatic relations on January 3, 1961, the United States recognizes that Cuba is hardly a "friendly nation." We therefore conclude that this part of the "neutrality laws" cannot be applied against Cubans who are "fighting for freedom."

Joint Resolution of 1962—Public Law 87–733.—"The purpose of the resolution is to provide a means of expressing national unity regarding U.S. policies toward Cuba. To this end, the resolution declares the determination of the United States—

"(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;

"(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

"(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination."

This resolution, signed by President John F. Kennedy on October 3, 1961 is known as Public Law 87–733. As such, it has the force of law and represents the latest and strongest national position on Cuba.

We consider it to be against this law when members of the Executive branch of government applies measures and dispositions intended to prevent the Cubans from regaining their country.

We would also point out that a number of international agreements have been signed by the United States which uphold the right of "freedom-loving Cubans" to fight for their country. One of these came out of the VIII Meeting of the Council of Foreign Ministers of the OAS in July, 1964.

In its Declaration to the Cuban People the Council expressed: "Its deepest hope that the Cuban people, strengthened by confidence in the solidarity with them of the other American peoples and governments, will be able, by their own endeavor, very soon to liberate themselves from the tyranny of the communist regime that oppresses them and to establish in that country a government freely elected by the will of the people that will assure respect for fundamental human rights."

It is the solidarity and spirit of the Joint Resolution of 1962 and the Declaration to the Cuban People that guide us in our efforts against the Communist regime in Cuba.

THE NIXON DOCTRINE

Though we fight to put an end to Communist slavery in our country and to a regime that threatens freedom in the Americas,

XUM

we have not solicited the armed support of other nations nor endangered their security. Our principles are, in fact, strengthened by the Nixon Doctrine which recognizes "the right to assistance and help by any people who, through their own efforts and dedication, fight against the oppressive forces of international Communism."

Vietnam, Cambodia, Cuba.—The spirit of universal justice contained in previous declarations, and the Nixon Doctrine, is apparent in interpretations surrounding the war in Southeast Asia. It is not evident in the prevention of Cubans from liberating their country only 90 miles away.

Cuban boys are fighting and dying in Vietnam and Cambodia for the same ideals that Cubans declare their right to fight for their own country. It is inexplicable to us that similar cases provoke entirely different interpretations and response from the same government.

CONGRESS HAS SPOKEN, STILL SPEAKS

It is clear from the record of Congressional action taken in the United States that the will of the people has been measured. It is no less clear that an increasing number of Congressmen today recognize the danger and support our cause.

Our cause is mutual. The United States and Cuba are two peoples formed from the same crucible of revolution against outside force. One of us has lost our country; but we have not lost our cause.

For these reasons we not only direct our appeal to the people of the United States but to their President, confident that the actions taken by members of the Government will be corrected. We recall with pride and emotion the words spoken by President Nixon on October 12, 1968:

"There is also on record a commitment which a new administration will reaffirm to the Cuban people. We do not accept as permanent the existence of Cuba as a Caribbean colony of the Soviet empire."

XUM

SIGNATURES

Dr. Carlos Prio Socarras;
Consejo Nacional de Veteranos de la Guerra de Independencia de Cuba;
Luis Varona;
Andres Rivero Aguero;
Alpha-66;
Juanita Castro;
Dr. Carlos Marquez Sterling;
Accion Revolucionaria Democratica;
Dr. Gustavo Cuervo Rubio;
Representacion Cubana del Exilio (RECE);
Dr. Rafael Guas Inclan;
Movimiento Revolucionaria (MIRR);
Dr. Eduardo Suarez Rivas;
Comite La Verdad Sobre Cuba, Luis Manrara;
Dr. Lincoln Rodon;
Municipios de Cuba en el Exilio, Carlos Jones;
Antonio Maceo;
Alianza Revolucionaria Democratica;
Ejercito de Liberacion Nacional;
Agrupacion Montecristi;
Asociacion Nacionalista Cubana;
Movimiento Nacionalista Montecristi;
Movimiento Demecratico Martiano;
Movimiento Anticomunista Feminino;
Municipios Independientes de Cuba;
Marina de Guerra;
Comando del MRRS;
Comandos Revolucionaries "Los Pinos Nuevos";
Comite de Lucha Pro-Libertad Presos Politicos de Cuba;
Organization Revolucionaria Anti- Comunista;
Accion Democratic Cubana;
Union de Liberacion Nacional;
Movimiento Anti-comunista;
Ejercito en Armas Unidos;
Agrupacion Patriotica Insurrecctional de Cuba;
Movimiento Democratico Revolucionario;
Comite Pro-Unidad Cubana en el Exilio;
Judicatura Cubana Democratica, Mr. Manuel Navas;
Asociacion Medicos Verterinarios;
Colegio de Abogados de La Habana, Dr. Pedro G. Mendive;
Colegio Medico de Cuba en el Exilio, Dr. Enrique Huertas;
Colegio de Pedogogos;
Colegio de Enfermeros y Enfermeras;
Colegio de Dentistas;
Colegio de Doctores de Filosofia y Letras;
Colegio Nacional de Abogados en el Exilio, William Hodge Morales;
Federacion de Educadores;
Colegio de Arquitectos;
Colegio Nacional de Abogodos, Dr. Humberto Quinones de Sol;
Asociacion de Contadores Publicos y Privados de Cuba;
Corporaciones Economicas de Cuba en el Exilio, Virgilio Perez Lopez;
Federacion de Trabajadores Telefonicos de Cuba;
Accion Sindical Independiente;
Federacion Nacional Obrera del Transporte;
Federacion de Trabajadores de Plantas Electricas, Angel Cofino;
Movimiento Obrero Nacional Anti-Comunista;
Accion Juvenil Obrera;
Frente Obrero Anti-Comunista;
Union de Dependientes y Cigarreros del Ramo del Tabaco; and
Colegio de Procuradores.

INDUSTRIAL PARK NEEDS PUSH

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. OLSEN. Mr. Speaker, last week the Butte industrial park project was awarded a grant from the Economic Development Administration. These Federal funds will allow the industrial park to become a reality and the project will be of inestimable value to Butte and the surrounding areas. Many firms are already committed to developing the park and the expected business response to the project will result in the diversification of Butte's economy and the building of a more solid economic base.

The grant for the park was not easily come by. It took a concerted effort by community, organizational, and industrial leaders, along with an all-out drive by the Montana congressional delegation and the administrative agencies to obtain the necessary funds. The Montana delegation worked very closely on this project under the expert leadership of Senator MIKE MANSFIELD, just one example of what can be gained by having a delegation in Congress that works as a team. Senator MANSFIELD is to be complimented and congratulated for the role he played in leading the delegation.

Mr. Speaker, with your permission, at this point I would like to insert two articles from recent editions of the Montana Standard:

[From the Montana Standard-Butte Daily Post, June 7, 1970]

INDUSTRIAL PARK NEEDS PUSH

Butte's proposed industrial park could be in serious trouble, and the reason could be that the Republican administration in Washington doesn't care for Silver Bow County's Democratic voting habit.

This is an election year, with the House and part of the Senate up for grabs. Montana's all-Democratic congressional delegation and Silver Bow County's Democratic history may work against us in getting the final okay on federal funds for the park.

The situation is this. Ground was to have been broken about June 1 for the park south of Butte. The application for federal funds, prepared by the Butte Model City Agency, received approval at the regional office in Seattle.

The hangup is in Washington, where the Economic Development Administration says the park is a good idea, but that funds for this fiscal year ending June 30 already are committed.

This is the first that local officials heard about all EDA funds for this fiscal year being committed. There had been every indication that funds for the park were available.

What is needed now is a concerted effort by community, organizational and industrial leaders to help spring the money loose. At the close of the fiscal year a number of applicants for EDA funds back out, for one reason or another. Some of these funds could be made available for the Butte industrial park.

Some Butte industries or businesses have executives who supported or directly aided the Nixon presidential campaign. Now is an excellent time for these executives to impress upon the administration the urgency for park financing.

And other persons and groups—labor unions, service clubs, the chamber of commerce—should contact Sen. Mike Mansfield and Rep. Arnold Olsen so they can not only work for a freeing of funds, but also can show real back-home support for the park.

If funds are not released prior to June 30, and are delayed until the next fiscal year beginning July 1, Butte could lose the two industries pledged to the park.

They are Computer Consultants Inc., which expects to ultimately hire as many as 750 persons if the park goes through, and a mineral research center which will be set up in the park through a grant to the Montana Tech Foundation.

Both want into the park, but neither is likely to wait if the park is delayed another year. And if funds are put off to the next fiscal year, it could mean a delay of some six months, pushing park construction off until the spring of 1971.

If this happens, Computer Consultants likely will go elsewhere, and the research center may go to another Butte site. The center is needed in the industrial park to help boost further park development by encouraging other industries to join a going operation.

The industrial park is one necessary ingredient for the economic turn-around Butte needs so badly. It and the industries ready to build in it are vital not only for their real contributions to the economy, but also the psychological life that the whole operation will provide.

The community and its leadership must move now to do all possible to assure that the Butte industrial park gets the needed financing to get under way this summer.

[From the Butte-Anaconda (Mont.) Montana Standard-Post, June 17, 1970]

OPINION AND COMMENT—A RED LETTER DAY FOR BUTTE AREA

The announcement in Butte of a grant for the development of an industrial park constitutes a red letter day for Butte and the surrounding area.

A lead-pipe cinch for the park is a mineral research center to be constructed by the Montana Tech Foundation. That operation will employ 25 to 50 people with strong potential for expansion.

Next in line is Computer Consultants Inc., which plans a computer components assembly plant employing 150 to 200 people, also with strong potentiality for expansion. This is a young firm, headed by a former Butte man, and offers much promise.

Other firms also have expressed interest, including General Electric which would build a service shop in the park.

The important thing is that the park is assured. It will offer prime industrial land at a nominal price. Initially some land in the park may be sold to industry, but the aim is to rent the sites so the Butte Local Development Corp. has a continuous source of funds with which to help finance and assist new developments in the park.

Many persons and groups were involved in securing final authorization and financing for the park, including Sen. Mike Mansfield, Rep. Arnold Olsen and Sen. Lee Metcalf who worked to spring the grant loose this fiscal year. When it appeared that funds may not have been made available now, many community leaders, including prominent Republicans who had assisted the Nixon campaign in 1968, contacted friends in Washington.

Most credit for the park, however, must go to James Murphy, Butte Model City director, who presented the park idea at a November 1969 meeting, showed how it could be done, rammed ahead with the necessary paper work and applications, and pushed the program through a tangle of federal red tape. Only seven months elapsed from idea to approve federal funds, and that's some kind of record.

And without the Anaconda Co., which donated the 125-acre park site to the local development corporation, the park would not have gotten past the idea stage.

Others playing significant roles in getting the park were Tom Perrick, rookie industrial development specialist on the Model City staff, and the development corporation itself which is the sponsoring agency.

It took lots of hard work, lots of long hours, lots of persuasion and some temporary frustration, but the park now is assured. And with it Butte has a good chance to diversify its economy, to build a more solid economic base, and to continue to move ahead, thanks to the cooperation and work of many. It was a red letter day.

A POSITION ON OPERATIONS INTO CAMBODIA AND THE EFFECTS THEY WILL HAVE

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. COLLIER. Mr. Speaker, as U.S. troops are withdrawing from Cambodia, it is necessary to reexamine the premature criticism leveled against President Nixon's decision to seek and destroy the enemy sanctuaries there.

It appears certain that all U.S. troops will have been withdrawn by the end of June. The results of the incursion operations have been impressive. Our troops have seized enough individual weapons to equip over 50 enemy battalions including: 20,400 individual weapons, 2,400 crew-served weapons, 42,400 rocket rounds, 64,600 mortar rounds, and 5,400 landmines. Enough rice to feed over 12,000 enemy soldiers for 1 year was captured while 10,900 storage bunkers and barrack bunkers were destroyed. These figures roughly approximate 50 to 60 percent of the total supplies stored in Cambodia by the enemy. According to Defense Department figures of June 23, 1970, over 11,000 of the enemy had been killed.

Obviously, most of the supplies can be eventually replaced, but there are other less apparent results of the Cambodian action which may have profound effects upon the enemy. Morale among the South Vietnamese Army regulars was boosted to its highest point of the war, while enemy troops appear scattered and less likely to attack. Monsoon rains will soon make the replacement of large amounts of fresh supplies difficult if not impossible. Large cities in both Vietnam and Cambodia seem less vulnerable to large-scale attack from enemy staging grounds in Cambodia.

U.S. Ambassador to South Vietnam, Ellsworth Bunker said that because of the Cambodian operation, it would take the enemy 10 months before it will function in the "same magnitude" as before the allied attack. Former Under Secretary of State, Elliot Richardson stated on May 10 that the allies had discovered more ammunition than the Communists normally use over a 10-month period.

It is still possible that the militarily weak anti-Communist government in Cambodia will collapse under the force of Communist maneuvering in Southeast Asia. The President's decision on Cambodia was designed only to protect the more than 400,000 American troops in South Vietnam and hasten U.S. withdrawal. The President is basically involved in a policy aimed at limiting or ending the use of U.S. combat troops on the Southeast Asia mainland, especially on a unilateral basis. Movement into Cambodia meant to aid in ending the war rather than increasing it.

The President seeks to avoid another Vietnam-type war which will use American manpower. His plans call for the unification of the countries of Southeast Asia so that they can provide their own men to fight Communist guerrilla insurgencies. It is probable that the United States could still aid in such conflicts by providing arms, supplies, and advice.

The President believed that his Cambodian decision would not escalate the war and he made this crystal clear during his nationwide television address on the eve of the military action. In fact, the President has stated on a number of occasions that the U.S. policy in East Asia will have as one of its major goals the inducement of the nations of that area to move toward collective self-defense.

Both President Nixon and his Assistant for National Security Affairs, Dr. Henry Kissinger, have expressed the belief that America's allies have become lax under U.S. defense guarantees and that they have no incentive to work toward a collective defense effort.

In an article for the Brookings Institution's "Agenda for the Nation," Dr. Kissinger listed as one of the four conditions for an effective alliance "a penalty for noncooperation—that is, the possibility of being refused assistance must exist otherwise protection will be taken for granted and the mutuality of obligation will break down."

President Nixon was faced with a difficult decision in April when the Cambodian Government submitted an urgent request for military assistance. His decision to send troops for limited action was only a compromise. Apparently, the risks involved were much less than the American public was led to believe by critics of the war. The advantages gained have been truly remarkable.

On June 3, President Nixon said the Cambodian action was the most successful operation of this long and difficult war—all our major military objectives have been achieved. He added that the arms, equipment, ammunition, and food captured were nearly equal to those captured in all of Vietnam last year. The President said that one of the most "dramatic" developments had been "the splendid performance of the South Vietnamese Army in the field."

In an interview with U.S. News & World Report—May 11—Secretary of Defense Melvin Laird said:

> Cambodia presents an opportunity for application of the "Nixon doctrine" for Asia, which would mean a reduction not only in American involvement in Asian combat but an increase in military assistance to our Asian friends unlikely to launch a major military assistance program in Cambodia.

During a news conference on May 8, President Nixon asserted that if future attacks into Cambodia became necessary, South Vietnamese forces would handle the assignment alone.

One of the most pressing issues facing the administration at the present time is whether U.S. military commitments to other countries should be reduced in light of what has occurred in Vietnam. In many cases a commitment to give military or economic aid does not imply that the United States will intervene in the defense of a country.

The methods and concepts of war have changed greatly in the past 10 years. Five nations now hold nuclear capabilities and the world has recognized that they are too dangerous for any nation to employ. Mass armies no longer march across borders to meet opposing massed armies. Wars have become political subversions and tend to last longer and seemingly test the endurance of those engaged.

With limitations of Presidential powers becoming an issue of the day, perhaps it is time to begin reevaluating all U.S. treaty commitments and decide exactly what they entail. Certainly many of our treaties and especially our United Nations involvement have proved ineffective and have fallen short of those objectives for which they were designed.

Critics of the President's actions in Cambodia should reexamine not merely the issue of Cambodian involvement but the broader issues of treaty commitments across the world and the ineffectiveness of the United Nations to solve problems in Vietnam.

Legislation which seeks to limit Presidential power by limiting funds is merely the wrong approach to solving problems posed by our present commitments in Vietnam.

I feel that the Tonkin Gulf Resolution of 1964 should be repealed. Concurrently the United States should start a careful

XUM

review of all military commitments and decide how effective they are in light of what has happened in Vietnam. I believe that the President has been within his limits of power in protecting our troops during the withdrawal period. I also believe that the present program of Vietnamization will continue to be effective.

At the same time, I do not feel that Presidential power should be limited by legislation calling for the elimination of funds to support our present effort. I am sincerely in favor of ending the war at the first opportunity, but I cannot believe that this will be done by setting a date to cut off funds.

The McGovern-Hatfield "end the war" amendment is merely a camouflaged attempt to limit the President's power and may only serve to limit his effectiveness in bringing about Vietnamization and an end to our troop commitments. I refuse to believe that such proposals are dealing with the real issues at stake.

INTRODUCTION OF A BILL TO AID SMALL BUSINESS IN MEETING FEDERAL OR STATE POLLUTION CONTROL STANDARDS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. DINGELL. Mr. Speaker, I am introducing today, for appropriate reference, a bill similar to S. 3528, introduced by Senator McINTYRE, designed to assist small business concerns in conforming with new pollution standards. The bill would also aid in encouraging small businessmen in the development and utilization of new and improved methods of waste disposal and pollution control. It authorizes the Administrator of the Small Business Administration, after consultation with appropriate governmental agencies, to include in the Administration's regular loans programs equipment, facilities, or machinery so designed as to prevent, control, or minimize environmental pollution.

Increasing awareness of the dangers inherent in the deterioration of our environment has prompted Congress and various State legislatures to enact legislation to cope with this problem. Undoubtedly, interest in these problems will be greatly expanded during this decade.

An increased emphasis will be placed on enforcement by requiring firms contributing to pollution to make necessary changes in plant and equipment. Requirements and new standards must, out of necessity, be drawn in such a way that compliance will be assured.

Many small business concerns will be hard pressed for available funds to meet requirements as new enforcement programs are established, and the very existence of large numbers of small businesses will be threatened if they cannot meet the statutory requirements. This bill would assure that small business loans would be available to help meet this need. The bill is also designed to make loans to encourage the small business sector of our economy to develop and utilize new and improved methods of waste disposal and pollution control.

In conclusion, Mr. Speaker, I would like to emphasize that it is not the purpose of this bill to in any way remove or exempt small business from meeting standards or requirements under any environmental bill presently enacted or proposed in the future. It is my hope that this bill will constitute a vehicle by which small businesses can be encouraged to comply with and develop new methods whereby early eradication of environmental pollution can be accomplished, and I ask my colleagues to join me in this endeavor.

Mr. Speaker, I include the text of the bill to be printed at this point in the RECORD:

H.R. 18191

A bill to amend the Small Business Act to encourage the development and utilization of new and improved methods of waste disposal and pollution control; to assist small business concerns to effect conversions required to meet Federal or State pollution control standards; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7(a) of the Small Business Act is amended—

(1) by striking "paragraph (5)" in paragraph (4) and inserting "paragraphs (5) and (8)"; and

(2) by adding at the end thereof a new paragraph as follows:

"(8) The Administrator shall require that any equipment, facilities, or machinery to be acquired with assistance under this subsection be so designed as to prevent, control, or minimize environmental pollution which might otherwise result therefrom in accordance with such standards as the Administrator shall prescribe after consultation with the appropriate governmental agencies. In the processing of applications for financial assistance under this subsection the Administrator shall give priority to those applications which he determines will further the development or utilization of new and improved methods of waste disposal or pollution control. The rate of interest for the Administration's share of any loan with respect to which such determination has been made shall not exceed the average annual interest rate on all interest-bearing obligations of the United States then forming part of the public debt as computed at the end of the fiscal year next preceding the date of the loan and adjusted to the nearest one-eighth of 1 per centum, plus one-quarter of 1 per centum per annum."

SEC. 2. (a) Section 7(b) of the Small Business Act is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; and"; and

(2) by adding after paragraph (5) a new paragraph as follows:

"(6) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration determines to be necessary or appropriate to assist any small business concern in effecting additions to or alterations in its plant, facilities, or methods of operation to meet requirements for the prevention or control of environmental pollution imposed by Federal or State law, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph."

(b) The third sentence of section 7(b) of such Act is amended by striking "or (5)" and inserting ", (5), or (6)".

(c) Section 4(c) (1) of such Act is amended by inserting "7(b) (6)", after "7(b) (5),".

AGRICULTURE AND THE ENVIRONMENT

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. ROBISON. Mr. Speaker, recently—and unfortunately it has only been recently—our national concern has focused on the environment and man's pollution of his planet; but I believe that we often forget that agriculture is, as much as any livelihood, tied very closely with ecology and continued ecological balance. If our manipulations of the environment upset our agricultural capablities, then our peoples might well face shortages of sufficient foodstuffs for our continued survival.

I include in the RECORD an article entitled "Human Needs and Environmental Quality," written by Dr. N. C. Brady, the director of research and director of the Cornell University agricultural experiment station—a man eminently qualified to speak on the question of agriculture and the environment. His article which appeared in New York's Food and Life Sciences Quarterly follows:

HUMAN NEEDS AND ENVIRONMENTAL QUALITY

(By N. C. Brady)

Agriculture's reason for being is to meet basic human needs. Supplying healthful nutritious food is our first objective. We provide other essential products used for clothing, shelter, and industrial raw materials. Furthermore, the natural resources of our great outdoors provide not only material wealth but aesthetic satisfaction so essential to our well-being. And in our immediate surroundings plants and animals, mostly products of agriculture's efforts, provide us with enjoyment we can obtain in no other way.

Agriculture has succeeded in varying degrees in meeting these human needs. Our highly efficient production and marketing systems have been most successful in providing us with food and fiber at low relative costs. Unfortunately, this efficiency has required production systems and new chemical inputs which in some cases threaten to reduce our ability to meet another of our basic human needs—a clean wholesome environment. This dual responsibility—meeting the needs for food, fiber, and aesthetic satisfaction, and maintaining environmental quality (EQ)—is truly agriculture's major challenge of the decades ahead.

There are some who contend that agriculture has no concern for the environment. They couldn't be farther from the truth. Agriculture's very existence is dependent upon a favorable environment, not only for man, but for plants and animals as well. Regardless of the region, or the state of technology, agriculture's use of the soil, water, and air resources continually reminds the industry of its dependence upon a favorable environment.

The relationship between agriculture and its environment has not always been compatible nor mutually beneficial, however. Agriculture has suffered from an unfavorable environment, especially as evidenced by in-

XUM

adequate moisture. Also from the earliest days of settlement, there have been abuses and excesses in agriculture's manipulation of nature. The best example is that of soil erosion. In colonial times when soils were depleted, new land was acquired or cleared, but as prime agricultural lands became fully occupied and centers of civilization moved closer to the areas of production, agriculture realized that it could no longer permit its soils to wash away. The Dust Bowl Era and the soil conservation movement were indeed the turning points in American agriculture.

The concept of soil conservation was initially difficult to put across, but when the benefits were demonstrated, cultural methods to keep valuable top soil in place eventually became basic, accepted practices of intensive crop production. Farm ponds, terraced slopes, and grassed waterways likewise proved their worth in the scheme to preserve water and soil resources for agricultural uses. These practices have had tremendous social benefits too, in terms of preventing accumulation of silt in great reservoirs, lakes, and streams, and providing abundant water supplies for aesthetic, recreational and other practical uses for all of society.

The intense competition, advanced technology, and highly commercial aspects of modern farming have brought new problems to agriculture's environment. The use of chemicals to control devastating insects and diseases, and to supplement soil nutrients for high-yielding crops have come into common practice. Animal production is being confined to huge feed lots to enhance management efficiency and to reduce the labor and equipment costs of unit production. Where these practices have been carried to excess or where poor judgment was exercised, agriculture has found them to be self-defeating.

Concern for the effects of agriculture on the environment is not new to science. For many years, agricultural researchers have worked to develop fertilizer, feeds, crops, and animals that were optimally suited to their purposes and surroundings, that would resist or tolerate pests, or that would be more fully utilized and reduce the problems of contamination and waste. This search is still going on and almost daily new knowledge is being reported. Biological controls, quickly degradable compounds, and resistant varieties are among the developments that reduce the need for pesticides. Chemicals specific in their effect on target organisms have been developed as have those which chemically attract or sterilize the unwanted pests with a minimum of damage to non-target organisms. New designs and techniques that conserve soil and water, processing technology that re-uses water or passes it along unimpaired for other uses, and new and useful products from former wastes are some of the exciting examples of agricultural research accomplishment. Likewise, the many ornamental plants developed and utilized by agricultural scientists are major contributions to improved environmental quality.

Despite the progress already made, it is obvious that we are just getting started in a problem area where much remains to be done. Biological controls, acceptable disposal of animal wastes, and ways to delay eutrophication of our lakes, for example, are barely underway in terms of the knowledge required to make sound judgments and implement effective practices.

Agriculture joins with the rest of society in expressing its concern with the seeming deterioration of some aspects of our environment. At the same time, it recognizes that all human needs must be considered as we seek to improve environmental quality. Furthermore, emphasis must be given to science and education if we are to develop the new and improved systems which minimize pollution while continuing to satisfy man's need for food, fiber, and aesthetic enjoyment.

Adequately supported, agricultural scientists can contribute much to all of society and many industries outside of agriculture in the crucial years ahead. Their professional skills and ability to work with nature's dynamic environment can be of great value in reconciling human needs with the preservation of a wholesome, natural environment.

AMBASSADOR KNOWS RUSS AIM

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. FINDLEY. Mr. Speaker, Ray McHugh is chief of the Washington bureau of Copley News Service. He is a distinguished correspondent who shows with each piece he writes a keen analytical approach to news reporting. Moreover, as an interpreter of current international developments, he brings insight and understanding to complex issues.

Mr. McHugh has just written a series of articles on the Middle East. In these, he points to the basic friendliness many Arabs have for America and their unwillingness to see their nations fall under Soviet domination. He notes the forward strides being made by Iran, the precarious position of Lebanon, and the critical problems of Egypt.

As one who shares his basic respect for the Arab peoples, and who hopes that America will not write off this vast section of the world, I want each of my colleagues to have an opportunity to read Mr. McHugh's works:

[From the Aurora (Ill.) Beacon-News, May 13, 1970]

AMBASSADOR KNOWS RUSS AIM

(By Ray McHugh)

TEHERAN, IRAN.—It is one of those curious quirks of history that finds Douglas MacArthur III stationed as U.S. ambassador to Iran at a time when the Soviet Union has mounted its most determined bid for domination of the Middle East and access to the warm waters of the Persian Gulf and the oceans beyond.

It was August, 1939, when a young MacArthur, working his way up the state department ladder, was ordered to Moscow with a personal message for Soviet Premier Joseph Stalin from President Franklin D. Roosevelt.

American diplomats in Europe had learned that a Soviet-German pact was imminent. Roosevelt's letter was an appeal to Stalin not to enter into any agreement with Adolf Hitler.

"I traveled by train from Paris to Berlin to Warsaw and finally to Moscow," MacArthur recalls. "When I finally arrived, I learned that the agreement had been signed the night before.

"It was probably too late to change any decisions, but one will always wonder."

Little more than a week later Hitler invaded Poland and World War II was under way.

While in Moscow, MacArthur and other U.S. diplomats learned from anti-Hitler Germans one of the secret clauses of that agreement—a clause that was not made public until after the war.

"The two governments agree," it said, "that the area in the general direction of the Persian Gulf is recognized as the center of the aspirations of the Soviet Union."

The clause was remembered in the wartime big three conferences, including the 1949 meeting of Roosevelt, Stalin and Winston Churchill here in Tehran, and in the immediate postwar period.

Roosevelt and Churchill rejected in sequence Stalin's demand for control over the Dardanelles that lead from the Black Sea into the Mediterranean, his demand that Libya in North Africa and Eritrea on the east coast of Africa be made Soviet mandates, his bid for creation of a Kurdish state that would have been carved out of lands belonging to Iran, Turkey and Iraq.

After the war, when the Soviet army broke its pledge to withdraw from Iran within six months after the end of hostilities—a deadline that the United States and Britain both beat—and Soviet agents set up a puppet regime in the Caspian Sea province of Azerbaidzahn, it was only vigorous pressure by the Truman administration within the security council of the United Nations and courageous direct military action by the Iranian Army and the Shah that toppled the would-be Soviet puppets and returned the province to Tehran's control.

Those lessons were too soon forgotten. Attention shifted to Berlin, to eastern Europe and the Balkans, to the vast mainland of China. But Russian ambitions, spelled out in the 1939 pact and directly linked to a policy laid down at the 1815 Congress of Vienna by Czar Alexander I, continued to burn in the Kremlin.

"The history of this situation must not be overlooked in any assessment of Soviet ambitions," said one high U.S. official.

"What we are seeing in the Middle East and South Asia today is not a natural spread of Communist or socialist ideology, but rather a continuation of age-old Russian ambitions, aided and abetted by radical nationalism that Moscow encourages at the expense of feudal, almost medieval conditions in many countries.

"Iran, thanks to the forward-looking policies of the Shah, has become a bastion against the Russians, but consider what has happened in other parts of the Moslem world in recent years:

"For 60 years after the defeat of the Russian navy by the Japanese in the war of 1905–1906, no Russian warship ventured into the Persian Gulf. Last year there were three 'courtesy visits.'

"Iraq and Syria are totally dominated by Moscow.

"Egypt has become dependent on Soviet arms.

"Sudan, Libya and Algeria have radical leftist governments. Eritrea is a hotbed of subversion.

"The Russians have established a strong naval force in the Mediterranean.

"South Yemen has become one of the most radical of states with the Russians and Chinese Reds vying for influence.

"And now Britain is scheduled to leave the Persian Gulf in 1971, leaving to an uncertain future its whole network of shiekhdoms and protectorates that have been guarded for 150 years by the 'plate glass' of British military presence."

[From Copley News Service]

IRAN PUSHES VILLAGE EDUCATION PLAN

(By Ray McHugh)

TEHRAN, IRAN.—In what it calls a holy war against ignorance, Iran is taking boys and girls on graduation from high school and sending them to remote villages to live in one-room mud huts and help less fortunate countrymen bridge a chasm of centuries.

In this nation of 30 million people, only 30 to 40 per cent can read and write. More than half have no knowledge of modern medical treatment. In hidden mountain villages meager crops are coaxed from the soil with methods that were old at the time of Christ.

The shah of Iran who is driving his na-

XUM

tion into the 20th Century in an aggressive "white revolution," has now turned his well-developed army into what promises to be a huge domestic "peace corps."

The program may become a model for developing countries throughout Asia, Africa and Latin America. It also may be a crucial element in the shah's determined drive to establish Iranian leadership in the Persian Gulf region before the area falls to radical elements allied with Russia.

American officials, concerned with reform of U.S. draft laws and the ambitions of many young people to perform national service outside the military area, also are studying the program. Some of its features are not unlike the "national service corps" idea put forward in 1966 by former Defense Secretary Robert S. McNamara.

"There is no other way that we could attack our problem," says Dr. Hussein Banai, director of Iran's education corps and also leader of the country's Boy Scout movement.

"If we spent 10 times as much—money we don't have—we could not expect the same results."

In an interview, Banai said Iran has 55,000 villages. Ten thousand, he said, are virtually untouched by any kind of government program.

"About 19,000 now have some kind of school," he said. "We hope that within two to three years all villages with a population of 200 or more will have classrooms; within 10 to 12 years we hope to put a school into every village in Iran that will offer at least the minimum fourth-grade education for children and adults."

Banai calls the program the "gate" to Iran's future.

"We must open this gate to education. We must teach our people to read and write before we can begin to school them in the whole complex social and technical changes that are necessary. Literacy is not the end of this program. It is only the beginning."

Each male high school graduate in Iran is drafted for two years of military service at the age of 18. A series of tests selects who will work in the educational and agricultural corps. All medical students are automatically assigned to the health corps for two years upon graduation.

Each corpsman receives 200 hours of military basic training, and 350 hours of instruction in teaching, public hygiene, sanitation, basic agriculture, etc.

About 50 per cent of the male high school graduates are now being taken into the corps. The pay scale is identical to military grades and ranges from $45-$70 a month. The army provides transport and logistical support for the program.

In eight years, the education corps has sent 60,000 boys into the village.

It is now handling 5,000 newcomers every six months and Banai says 33,000 who have finished their service have voluntarily gone back to villages as teachers. They must agree to serve a minimum of three years. If they serve five years, they receive certificates entitling them to teach in Iran's larger cities which boast regular public school systems.

The activities of each soldier-teacher are checked about 30 times a year, Banai says. Youths who are anxious for a college education are allowed to work on correspondence courses that are augmented by two months' attendance at a college or teachers' institute each summer.

So far, Banai says, about 1.5 million illiterates have been taught to read and write.

Girls were allowed to volunteer for the program two years ago. They, too, undergo six months of military and corps training.

"The girls really are doing a better job than the men," says Banai. "'We now have 3,500 in the villages and we hope to send 4,000 a year into the program. They are changing the face of whole villages. Adult classes are growing. The women are less timid about girl teachers.

"In one village in a northerly forest region, one girl actually convinced the people that they needed a farm-to-market road and then she helped lay out a 12-kilometer road."

The Iranians are getting some unexpected benefits from the program. It is minimizing the complaints of some youths about forced service, it is giving the army a new image among the peasant population—boys and girls in the corps all wear military-type uniforms—and it is bringing various isolated sections of the country's society into contact with other regions, stirring a new national pride.

Iran is a country as large as that section of the United States east of the Mississippi River, but for centuries it has lacked the roads and communications that bind nations together.

"In a real sense," Banai claims, "we are introducing our universities to our villages and, in turn, we have already gathered more information about our villages than has been available at any time in the last 25 centuries."

A fledgling computer center in Tehran is attempting to program this information with other demographic data collected in national censuses in 1955 and 1965. The 1955 census was the first in the history of the country.

In addition to their teaching duties, each boy and girl soldier must organize the villagers to build classrooms as a community project.

"I expect to build 2,500 schools this year," Banai says. "They may be primitive by U.S. standards, but it would cost the government at least $10 million to accomplish this—and I don't think we could do it."

The government is spending about $10 million on the male portion of the program and has earmarked $4.5 million to train the girls. The funds have been drawn from the defense budget. The Education Ministry furnishes the new classrooms.

The greatest change may be in the outlook of Iran's women. In traditional Moslem fashion, most women remain in their father's house until they are married. Except in a few large cities where Western ways have penetrated, women in Iran have followed age-old patterns.

"Now for the first time," Banai said, "we are giving our women a true role in a major national program. We are opening a 'gate' for them, too."

[From the Joliet (Ill.) Herald-News, May 28, 1970]

EGYPTIAN INFERIORITY COMPLEX

(By Ray McHugh)

CAIRO.—Official Egypt wears a brave face but when the mask slips a visitor sees a fear much deeper than concern over Israel.

A few days in hot and dusty Cairo, in the teeming streets of Alexandria and along the people-packed banks of the Nile leave one wondering if President Gamal Abdel Nasser could afford peace. Some say peace could open the way for unparalleled development. But it also could open unparalleled problems to public debate.

Without the trumpeting claims of often imaginary victories over the Israelis, without the constant appeals for Arab unity, without the heavy contributions from oil-rich Arab neighbors, what would happen to Egypt? Can it overcome a kind of national inferiority complex?

Cairo gives a visitor the impression of a not-too-well made clock that is slowly running down, despite some obviously dedicated efforts to speed its movements.

Cars still crowd streets and the big squares along the Nile; shops still offer a reasonable selection of goods, though the quality is generally poor and one is assured that "anything" is available on the black market.

Factories spew clouds of smoke, but production is admittedly slipping behind schedule and behind a remorseless population growth, despite the recent injection of Soviet industrial equipment and personnel.

Universities opened to the rank-and-file Egyptian youngster in 1954 by Nasser now boast more than 80,000 students in Cairo alone. The top 10 per cent of this student body is called "excellent" by qualified judges, but the general level of education seems to range from poor to mediocre.

Nevertheless, even this introduction to higher learning has kindled aspirations and ambitions that Egypt's military-socialist society finds hard to meet.

Agriculture programs keyed to the Aswan Dam project are behind schedule, though the approaches to Alexandria attest that Egyptians, too, can make the desert bloom; it produces perhaps the best cement in the world, but struggles to find markets.

The families who live in 700-year-old hovels along the walls of Old Cairo, near the "city of the Dead" are silent testimony to the housing shortage, though new subdivisions and utilitarian if unattractive blocks of flats dot Giza and Heliopolis.

Corn fields are green with hybrid strains developed on advice of men from the American midwest and vegetable gardens prosper, but so far a deaf ear has been turned to suggestions that the Nile Valley can become a five-crop-a-year vegetable larder for most of Europe—even for Egypt.

The Suez Canal remains closed with its $200 million annual revenue diverted to the building of huge oil tankers that will never be able to use the waterway.

A $3 million annual tourist industry has dried to a trickle so thin that a new Sheraton Hotel in Cairo opened in May and found only 10 paying guests for its 20 floors.

An Egyptian pound pegged at $2.40 is ridiculed by Egyptians who pursue visiting Americans with "pound for a dollar" offers. Government restrictions that allow an Egyptian to convert only $20 to hard currency when he goes abroad adds to the money pressure.

Where is it all leading?

"I don't know," confesses a former cabinet officer. "We have accomplished a great deal in improved health services, social planning, food distribution, even housing.

"But sometimes I am a pessimist. We seem to be fighting an impossible battle. The odds are so great.

"I suppose we are a nation of 'pyramid builders.' We reach out for dramatic, instant solutions to our problems. The Aswan Dam is the latest example, but I am not at all sure the dam can accomplish all that is expected of it."

What if the war with Israel goes badly, or what if the Aswan Dam fails to fulfill expectations?

"Then," said the former cabinet minister, "I am afraid we would lose faith in ourselves. It has happened before. We would retreat into our own kind of mysticism—a kind that has evolved over a thousand years, fed by the monotony and the inevitability of nature in this part of the world.

"If we fail, we will say, 'This is something Allah did not want.'

"To a westerner, such an answer may seem like a weak excuse. It is. But it's been used before. It allows us to live with ourselves."

The well-educated former minister's words struck a sharp contrast to the confident carefully chosen phrases an American newsman hears in Egypt's government offices.

A spokesman for President Nasser exudes

XUM

confidence. He urges understanding and cooperation with the United States, but he sets a high price.

He demands an end to all military sales to Israel and U.S. support for the immediate, unqualified withdrawal of Israeli forces from territories occupied in 1967.

"The day an American spokesman indorses withdrawal," he said, "we will resume diplomatic relations.

"If the United States thinks—as President Nixon has said—that there is now an equilibrium between Arab and Israeli forces, it is wrong. This we cannot accept."

But behind the brave words, there also is a plea.

"The United States is not only a great country, it is a great power," he said. "It has great responsibilities in this part of the world.

"Right and justice are on our side. We look to you for help because America has had nothing to do with colonialism and Israel today is practicing a new kind of 'Nazi' colonialism.

"We do not believe there is any limit to the influence you can exert on Israel. If you command, it must agree. The pro-Israel elements in America must understand that Israel has achieved no peace, no security. Her military victories have brought her nothing."

Despite the long lines of Russian ships that can be seen in Alexandria Harbor, despite the occasional MIG21 that flashes over the Nile, despite the convoys of Russian katushka rockets and cannon that roll through Cairo streets under carelessly tended canvas covers, Egyptian spokesmen try to minimize Soviet influence.

"If there is a settlement with Israel, if there is no threat of aggression, we will expect the Russians to leave," said Dr. Essmat Abdel Maquid, newly appointed ambassador to France.

"Russia poses no military threat to the Arab world. But where the West has refused to help us in our revolution, the Soviet Union has cooperated. It has its own experience in trying to change an archaic class society and it has shown that it sympathizes with our desire to do the same.

"We are not concerned with big power politics, but if the U.S. Sixth Fleet has a right in the Mediterranean, so does the Russian fleet.

"To us this is not a struggle of Communism vs. Capitalism. This is a case of Russia supporting a right and just cause."

Other Egyptians, however, do not appear so confident about Russian intentions. Egypt is essentially run by its army and it is the army with whom Moscow has made its compact.

An international industrial fair in Cairo in May was dominated by Soviet exhibits and a huge "USSR" banner dwarfs even the red, white and green flag of the United Arab Republic.

Soviet "advisers" are reported to have moved into most of the government ministries, particularly the information, industrial and communications sectors. They have avoided social planning fields thus far.

"The MIGs were one thing this is something else," warned a British businessman who lives in Cairo. "This is serious. The Egyptians have their backs to the wall. They must produce something to match their words. They are in a mood to make a deal with the devil, and they may have done just that."

With the man in the street, the Russians have less impact. Few Soviets are seen and to many Egyptians the actual war with Israel is a bore, though in true Arab style, they enjoy Nasser's saber-rattling speeches. They applaud the rhetoric, but show little taste for the battle. They weep for the Palestinians, but quietly refer to them as "foreigners . . . those Asians."

Prodded by a friend, I offered a Cairo banker two Russian rubles in exchange for an Egyptian pound.

The banker laughed.

"No, thank you," he said. "Our pound may not be worth much, but your rubles are worth nothing."

Perhaps that is what really troubles Egyptians. Are they selling their future for rubles? They still are praying for an alternative.

[From the Elgin (Ill.) Daily Courier-News, June 4, 1970]

IN THE MIDDLE IN MIDEAST

(By Ray McHugh)

BEIRUT, LEBANON.—More than 3,000 years ago Phoenician traders sailed from Beirut to open trade routes to the far corners of the Mediterranean.

Their descendants today fact equally hazardous voyages through storm-tossed Middle East politics.

It is probably still true that Christian-Moslem Lebanon would be the "second" of Israel's neighbors to sign any peace agreement, but what was once an almost neutral stance in the Arab-Israeli controversy is rapidly giving way to outright hostility toward Tel Aviv. In a country balanced so delicately on economic, ethnic, religious and political tightropes, passion is a vice it can ill-afford.

Three years after the six-day war, Lebanon finds itself squeezed harder and harder by events over which she has little control.

She is menaced by a quarrelsome Syria which is dominated by Russia and a radical socialist band of ex-army corporals and sergeants.

She is menaced by upwards of 200,000 Palestinian refugees, some of whom have lived in pathetic mud and tin camp cities since 1948 and whose hatred for Israel spills over into violence with increasing regularity.

And she is menaced by Israel which has struck punishing blows against Lebanon's impoverished southern regions in attempts to discourage Palestinian commando raids on Jewish territory.

Lebanon's little 12,000-man army is no match for any of its potential adversaries, the Syrians, the Israelis or the well-armed Palestinian commandos. Its tanks and guns are positioned in the streets of Beirut, Tripoli and Tyre to bolster local police in an increasingly tense internal climate.

"The Syrians send the commandos truckloads of arms and our soldiers and customs people dare not stop them," complained a worried Beirut businessman. "Syria would like any kind of excuse to march in."

The situation, ironically, is driving Lebanon closer to Egypt and to Russia for protection. And each step is painful for a country that does not disguise its friendship and admiration for the United States.

Former President Camille Chamoun, the strongman of Lebanese politics and a bitter foe of Egypt's President Gamal Abdel Nasser, has just done an about-face. In a speech outlining the qualifications of Lebanon's next president who will be elected this summer, Chamoun said:

"The hard circumstances . . . necessitate that the next president of Lebanon be the best aide to President Nasser in his battle against the common enemy (Israel)."

Lebanon, he added, now is in a state of "complete deterioration."

Sheikh Michel El-Khouri, one of the men frequently mentioned as a strong presidential contender, touched another corner of Lebanon's dilemma.

"Unfortunately, the only way to prove one's nationalism to many people, is to be anti-American," he said in an interview.

The bald, 42-year-old president of the National Tourist Council is the son of Lebanon's first president. The nation gained its independence from France in 1943.

Nasserism and anti-Americanism could both cost Lebanon a high price. Sheikh El-Khouri and tourism minister Khatalik Babikian acknowledge that declining American trade is having an impact.

The loss is particularly noticeable here because Beirut is home to so many U.S. firms that operate in the Middle East.

One of those businessmen, Frank Russell, a former vice president of RCA and the Hilton Hotel Corp., has taken the lead in a vigorous effort to defend not only U.S. interests in the region, but also to encourage what he calls greater understanding of the Arab side in the confrontation with Israel.

Russell has founded "Americans for Justice in the Middle East." Sparked by members of the American community here and with contributions from more than 3,000 members and several firms, the AJME has launched a worldwide mailing program to present what it calls the "facts" about the Arab side, which it complains are inadequately reported.

CIVIL SERVICE RETIREMENT ACT

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mrs. GRIFFITHS. Mr. Speaker, on September 1, 1965, I first introduced legislation to amend the Civil Service Retirement Act to provide equality of treatment with respect to widows and widowers of certain employees who die in service. On June 12, the U.S. Civil Service Commission submitted their views to Representative DULSKI, chairman of the House Committee on Post Office and Civil Service, expressing support for my bill in this Congress, H.R. 468. I wish to extend congratulations to the Civil Service Commission and I think it is great that the Commission has finally awakened to the discrimination against women and their husbands. At this time, I insert in the RECORD the text of that letter for everyone to read:

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., June 12, 1970.

Hon. THADDEUS J. DULSKI,
Chairman, Committee on Post Office and Civil Service, House of Representatives

DEAR MR. CHAIRMAN: This is in further reply to your request for the Commission's views on H.R. 468, a bill "To amend the Civil Service Retirement Act to provide equality of treatment with respect to widows and widowers of certain employees who die in service."

The bill would revise the civil service retirement system to provide automatic survivor annuities for widowers of employees who die in service on the same basis as for widows.

Section 8341 of title 5, United States Code, provides for automatic survivor annuities for widows and "dependent" widowers of civil service employees who die after 18 months of service.

XUM

To qualify as a "dependent widower" of an employee who dies in service for purposes of a survivor annuity under the civil service retirement system, the widower, among other things, must (a) be incapable of self-support because of mental or physical disability, and (b) have received more than half of his support from the employee. This bill would revise section 8341 of title 5 to remove the requirement that the widower of an employee who dies in service must have been a "dependent widower" in order to qualify for a survivor annuity.

In fiscal year 1969, 5933 widows and 17 dependent widowers of deceased employees were added to the benefit roll. If the amendment proposed by this bill had been in effect, an estimated additional 900 nondependent widowers would have been added to the roll. The Commission estimates that enactment of this bill would increase the normal cost of the retirement system by .04% of payroll. It would add $196.1 million to the unfunded liability, to be amortized in equal installments of $10.3 million a year for the next 30 years.

The Commission favors the enactment of H.R. 468 for the following reasons:

1. The present provision for automatic survivor annuities reflects discrimination between the sexes. The nondependent husband does not have equal protection against economic hazard; he has no entitlement to a survivor annuity whereas the non-dependent wife is awarded a survivor benefit.

2. The present provision runs counter to the facts of current day living. By and large, women work because the family needs the money, and the income earned by women is significant in the support of the family. On the principle that one purpose of a retirement system is to cushion family living standards against loss of income caused by death, it is appropriate to drop the dependency requirement for husbands of working wives.

3. The provisions for annuities to surviving spouses of deceased *annuitants* do not include a dependency test. It is inconsistent to apply such a test in the provisions for annuities to surviving spouses of deceased *employees*.

4. From a practical viewpoint, the proposed provision would be easier to administer because the dependency determinations are usually time consuming and frequently difficult to resolve satisfactorily.

This bill does not take into account the enactment of Public Law 89–554, approved September 6, 1966. In addition there are a few technical changes which should be made in the bill. Accordingly, if this bill is to be given further consideration, we suggest amending H.R. 468 as follows:

(A bill to provide equality of treatment with respect to widows and widowers of certain employees who die in service)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8341 (a) of title 5, United States Code, is amended—

(1) by inserting "and" after paragraph (2);

(2) by striking out paragraph (3); and

(3) by renumbering paragraph "(4)" as paragraph "(3)".

Sec. 2. Section 8341(d) of title 5, United States Code, is amended—

(1) by striking out "dependent widower" wherever it appears and inserting "widower" in place thereof;

(2) by striking out paragraph (2); and

(3) by renumbering paragraphs "(3)" and "(4)" as paragraphs "(2)" and "(3)".

Sec. 3. Section 8341(c)(2) of title 5, United States Code, is amended by striking out "subsection (a)(4)" and inserting "subsection (a)(3)" in place thereof.

The Bureau of the Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,

Robert E. Hampton,
Chairman.

SENATE—*Thursday, June 25, 1970*

The Senate met at 9 a.m. and was called to order by Hon. Ernest F. Hollings, a Senator from the State of South Carolina.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou in whose boundless being reposes all treasures of wisdom and truth and holiness, grant that as we draw near to Thee there may be imparted to us a measure of that wisdom, truth, and holiness which transcends our human powers. Lift all our endeavors this day above our own strength and wisdom. Mediate to us Thy energy of mind and spirit and judgment.

Grant us, O Lord, the grace of a thankful and uncomplaining heart, the grace of courage to speak boldly for what is right, the grace of patience when others speak in disagreement, the grace of silence when it is wiser than hasty speech, the grace of forgiveness toward any who wrong us, and the grace of steadfastness in desiring to know and do Thy will.

O God, may the Congress, the executive and judicial branches of the Government, and the people concert their energies for the achievement of justice at home and peace among the nations.

In the name of the Prince of Peace. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. Russell).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., June 25, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. Ernest F. Hollings, a Senator from the State of South Carolina, to perform the duties of the Chair during my absence.

Richard B. Russell,
President pro tempore.

Mr. HOLLINGS thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, June 24, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the completion of the remarks of the able Senator from Mississippi (Mr. Stennis) today the able Senator from Virginia (Mr. Byrd) be recognized for not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from New Hampshire (Mr. McIntyre) is now recognized for a period not to exceed 1 hour.

Mr. BYRD of West Virginia. Mr. President, will the Senator from New Hampshire yield to me for a unanimous-consent request without losing his right to the floor?

Mr. McINTYRE. I yield.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDERLY TRADE IN TEXTILE ARTICLES AND ARTICLES OF LEATHER FOOTWEAR

NOW IS THE TIME FOR SHOES AND TEXTILES

Mr. McINTYRE. Mr. President, on April 16, of this year, I introduced S. 3723, to provide for orderly trade in the importation of textile articles and articles of leather footwear. The bill is identical to H.R. 16920, introduced in the House by Mr. Mills, of Arkansas, the chairman of the House Ways and Means Committee.

The Senator from Maine (Mrs. Smith), my senior colleague from New Hampshire (Mr. Cotton), the Senator from Alabama (Mr. Sparkman), the Senator from North Carolina (Mr. Ervin), the Senator from Georgia (Mr. Talmadge), the Senator from Wisconsin (Mr. Nelson), the Senator from Penn-

XUM

sylvania (Mr. SCOTT), the Senator from Nebraska (Mr. HRUSKA), and the Senator from South Carolina (Mr. THURMOND) have joined with me in cosponsoring this important legislation.

Mr. President, I ask unanimous consent that at the next printing of the bill the name of the Senator from Wyoming (Mr. McGEE) be added as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McINTYRE. Mr. President, I may say that I welcome additional cosponsors, and their names will be added to those supporting this legislation.

Title I of the proposed legislation would limit 1970 imports of all textile articles and leather footwear, by category, to the average annual quantity which entered the United States in 1967–68. After 1970 the permissible level of imports would be adjusted upward or downward annually, in proportion to increases or decreases in domestic consumption.

The President would be authorized to enter into international agreements regulating imports into the United States of all textile articles or footwear from any supplier nation. Any nation entering into an agreement with the United States would not be subject to the limitations imposed by the bill. The provisions of any agreement must be with the declared legislative purpose of this bill: "To foster the maintenance and expansion of economically strong textile and footwear industries in the United States and to avoid the disruption of markets for textile articles and footwear in the United States."

Title II of the bill reforms title III of the Trade Expansion Act of 1962 and provides that a domestic industry would be eligible for escape clause or other adjustment assistance where imports are found to be: "A substantial cause of serious injury or the threat thereof."

Present law requires a finding that an increase in imports, caused in major part by trade agreement concessions, has been the major factor in causing or threatening injury. The substitute test is comparable to that which was in effect from 1948 to 1962.

The President's discretion as to whether or not to afford relief following a finding of injury by the Tariff Commission would be left unchanged. Also intact is that part of the 1962 act which, in lieu of raising tariffs or imposing quotas, empowered the President to enter into negotiations with the countries supplying the injurious imports to work out a solution to the problem similar to the technique used in connection with the long-term textile arrangement.

The authority of the President to enter into trade agreement negotiations would be renewed and extended to July 1, 1973, but for the limited purpose of enabling him to grant "compensation" to countries which may be adversely affected by escape clause actions taken by the President under the reformed "tariff adjustment" provisions provided in the amendment.

Mr. President, this legislation is needed and needed now.

Yesterday the Department of Commerce issued the following announcement after the meeting between Secretary of Commerce Stans and the Japanese regarding imports:

> The Minister of International Trade and Industry of Japan, Kiichi Miyazawa and the Secretary of Commerce of the United States, Maurice H. Stans have met during these past three days to discuss the matter of textile trade between the two countries.
>
> After full exploration of the subject from all angles they have concluded that it is not possible to negotiate an agreement at this time for the voluntary limitation of Japanese textile imports into the United States.
>
> Each country understands and respects the position of the other and hopes that further discussion at another time may provide a solution to this complex matter.

This announcement that trade negotiations with Japan have broken down has again highlighted the need for immediate action to protect domestic industries which have been injured, perhaps fatally, by the ever increasing flow of cheaply made foreign goods into our domestic market.

But, I say, even if these meetings with the Japanese had given some ray of hope, this would not have materially lessened the need for this legislation. We need a permanent program, one which will provide protection—clear protection for the future.

A trade agreement with Japan alone would not be the complete answer to the textile problem. Japan is not the only nation which exports to this country. It may be the largest at this point, but Hong Kong, Korea, Taiwan, Malaysia, India, Portugal, and Spain are gaining in productivity every day. This means that these nations will soon want an even larger chunk of the lucrative American market.

An agreement with Japan, or any one nation, for that matter, will simply slow down that particular nation's exports to the United States, while the nations waiting in the wings will imediately pick up the slack. The same can be said for the footwear problem. If we sign an agreement with Italy, Spain and Portugal will jump in feet first.

In fact, it has been reported to me that the Japanese negotiators informed Secretary Stans that even if they did sign an agreement, they would not put it into effect until their major competitors also signed.

The evidence is thus clear that individual trade agreements are not the sole solution. A genuine balance can only be struck by legislation such as I propose—legislation which reaches all nations and gives no one nation a competitive advantage over another.

The basic reason for this trade imbalance is the wide wage differential between our domestic industries and their foreign competitors. For example, the average American shoe worker is paid $2.78 per hour while his Italian counterpart makes $1.06 per hour and his Spanish counterpart earns only 59 cents an hour. It is no wonder that these nations can flood our markets with inexpensive goods. The same shocking statistics are true for the textile industries. The wages paid to Far Eastern textile workers, where most of the competition originates, are again far lower than those of our textile employees.

The result is obvious. Let us take shoes, an industry with which I am most familiar. In 1969 imported footwear accounted for over 25 percent of our domestic market. Compared with 1968, imports jumped 20 million pairs, while domestic production fell 52.3 million pairs. The Commerce Department estimates that, if the present trend continues, approximately 50 percent of the total market supply of footwear in 1975 will be of foreign manufacture.

Like all statistics, they are dry and without real meaning. But they can easily be translated into very human terms. Last year these imports have forced the closing of 59 shoe plants in this country. Last year 76,500 job opportunities were lost. In 1970, cheaply made imports are expected to eliminate 80,500 jobs and by 1975 this is expected to go as high as 168,600 jobs. Between February 1969 and February 1970, there was a net drop of 10,000 workers in the shoe industry.

The economic factors are obvious—our balance-of-payments deficit increases; our unemployment rolls increase; our taxes go up; in short, the whole country suffers.

The need for an immediate solution has been recognized by one of the most able and knowledgeable members of the administration—the disappearing Assistant Secretary of Commerce Kenneth Davis, Jr. Unfortunately, Mr. Davis' career was cut short last week when he expressed his honest belief that the President was being poorly advised on this most important issue.

Secretary Davis, who came to the Federal Government under this administration after a brilliant career as a businessman, last week gave his wholehearted support to the Mills-McIntyre bill. He stated that he was convinced that "one of the most important direct steps that must be taken, if we are to preserve our economic strength, is to stop the deterioration of those of our major domestic industries which are being unduly and unfairly impacted by foreign imports."

Secretary Davis correctly denied that this bill is a purely protectionist measure. Rather it is the proper manner to allow foreign nations to share in the growth of our domestic markets. This is the point, Davis asserted, that the President should make to our foreign competitors. We are not cutting them out of a market, but rather we are setting up a proper basis for their inclusion.

I commend Secretary Davis for his honesty and forthrightness. It is a shame at this most crucial juncture in our economic history, the administration chose to dismiss a man of his caliber, rather than listen to his advice.

It seems clear now that President Nixon recognizes the dire straits the shoe industry is in. Yesterday he ordered the

XUM

Tariff Commission to make an investigation to determine whether the domestic shoe industry needs relief against the flood of imports. He also directed the Commission to determine whether the "escape clause" method was needed to relieve the embattled footwear industry. Although I commend the President for making this unusual move—the first time any President has asked for an escape clause investigation since the institution of the trade agreements program in 1934—I feel that this is not enough. Action is needed now—and action can be taken now by prompt congressional approval of this legislation.

Yesterday's announcement by Secretary Stans makes it clear that the chastisement of Secretary Davis was a mistake. The evidence is now clear that the Japanese were not willing to discuss this vital problem on a rational basis.

As there is no longer any real hope for an immediate administrative solution to the crisis, we in the legislative branch must act and act quickly. We must stop the torrential flow of textile and footwear imports before we reach a point from which it would be impossible for our domestic industries to ever recover.

As the distinguished Senator from Missouri (Mr. SYMINGTON) said, in a recent address in St. Louis:

> We are exporting jobs while we import shoes. The same can be said for textiles—as imports rise, so do the unemployment figures.

I believe my distinguished friend from Missouri was particularly cogent when he continued:

> In its effort to promote free trade, the United States has made every reasonable effort to reduce, if not eliminate, non-tariff barriers. Directly contrary to the "good neighbor" policy, however, the European Common Market, along with Japan and other countries, have been establishing new discriminatory arrangements which are designed primarily to cut off imports from the United States.
>
> One has the right to ask just how long the United States of America continue to defend the free world, almost by itself, and in addition finance the free world, almost by itself, and at the same time agree to policies which allow these other countries, through the lower prices they are able to offer as the result of far lower wages, to take work out of this country—work which represents the opportunity for decent jobs for our own people?

This is a matter of economics—it is a matter of cold, hard statistics—it is a matter of business—it is a matter of labor—but most important it is a matter of people and our future in important segments of our daily life.

I am not one who normally join in the business of predicting the future. The future is such a complex and mysterious place that I shy from saying that I am all-knowing enough to predict what it may look like.

But I will go out on a limb—and I do not believe it is too far out on a limb. These two industries, which have played such an integral role in our national life have been injured by this foreign thrust.

I will venture a prediction that if we do not heal this wound they have received—and do so immediately with the passage of this legislation—the wound will become fatal and these two industries may well disappear from the American scene.

And all America will pay the price.

Mr. McINTYRE. Mr. President, I yield 5 minutes to the distinguished Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized for 5 minutes.

Mr. PASTORE. Mr. President, I congratulate the distinguished Senator from New Hampshire for a very brilliant dissertation and discussion of this problem, a vexing problem that has been with us for a long time.

I regret, and I apologize to my colleagues, that I do not have a written statement. But I have lived with this problem for 25 years. So I do not believe I need a written statement. I lived with it for 6 years while I was Governor of Rhode Island. I saw the textile industry vanish from my State job by job, day by day, month after month, and year after year. The situation has become progressively worse, as the Acting President pro tempore (Mr. HOLLINGS) knows. When he was Governor of his State, he played a very important part in seeking to save the textile industry in his community.

I have seen thousands upon thousands of jobs lost in an industry so highly essential that it was classified as second only to steel to the security of our country. Yet we have been able to do very little about this disintegration of a vital industry.

I regret to say today that our prodigal policies of the past have come home to roost; and I dare say, as the Senator from New Hampshire has pointed out, that the situation will get much worse before it gets any better. We will just have to stop playing Santa Claus if we want to save America, and we will have to stop using our economy as a political pawn in propping up the rest of the world.

In the process of trying to save the world, we have stuck our noses and our American dollars into too many businesses that do not belong to us. This may be commendable and noble, but we are now drifting into a troublesome state of unemployment in this country and this is at a time when we would expect, with the increase in population, that employment would increase. And even in better times—in the good times—textile employment was on the downgrade as American markets were more and more invaded by foreign textiles.

In 1969, at a time when we were experiencing the biggest boom in our American economy, I have seen two mills shut down in my State. I saw over 1,000 jobs lost in the two mills. Mind you, that was only a year ago. We have pleaded our case under four Presidents. We took our case to Mr. Eisenhower. We took it to Mr. Kennedy. We took it to Mr. Johnson. And we have taken our case to Mr. Nixon.

We have always received a sympathetic and cordial reception when we have got to the Oval Room. But we went in with empty pockets, and we came out with holes in our trousers. Nothing effective was ever achieved because we could never make the foreign textile industry understand the realities of life. Today we have the story in the news release. If we read the news release very carefully, we see the very subtle answer to the whole business.

The article reads:

> The Minister of International Trade and Industry of Japan, Kiichi Miyazawa, and the Secretary of Commerce of the United States, Maurice H. Stans, have met during these past 3 days to discuss the matter of textile trade between the 2 countries.

We have been meeting on this level for years.

The news release continues:

> After full exploration of the subject from all angles, they have concluded that it is not possible to negotiate an agreement at this time for the voluntary limitation of Japanese textile imports into the United States.

I will ask the Senate, frankly, How naive can we be? There is not a Japanese politician who could put his signature on any agreement in Japan and stay in office more than 24 hours. We have never understood that. They cannot afford to do it. Mr. President, I will tell you why. They cannot afford to do it because the Japanese industry will not allow them to do it.

This man was admonished by his industry before he came to America. He had his instructions. This is nothing more than a sideshow, hoping to stop the Mills bill. That is all it was intended for. They knew when they came here that nothing would happen, and we knew when they came here that nothing would happen. Nothing did happen. Whom are we kidding?

Mr. TALMADGE. Mr. President, will the Senator yield for a question?

Mr. PASTORE. I yield.

Mr. TALMADGE. Is it not natural that Japanese politicians elected by Japanese citizens would be more interested in Japanese jobs than they would be in American jobs?

Mr. PASTORE. Of course.

Mr. TALMADGE. Does it not follow that American politicians should be more interested in American jobs than in Japanese jobs?

Mr. PASTORE. That is correct.

Mr. TALMADGE. That is what it boils down to.

Mr. PASTORE. We have been saying that for years.

Mr. TALMADGE. I thank the Senator for yielding.

Mr. PASTORE. I hope I am not consuming too much time. There will be other opportunities for me to make this speech. I have already made it a hundred times.

The idea that the economy of a foreign country is sancrosanct to us but that our unemployment is not of our concern is something I cannot understand.

I am a little vexed about the statement that there will be a trade war and limitations against us all over the world if we

XUM

dare to take this action. We cannot sell an American camera in Japan right now, and we cannot sell an American suit in Japan right now. But we cannot stop a Japanese camera from coming into this country.

Mr. President, do you know who told me that? It was the Under Secretary of Commerce when he came before our committee. He had been employed by the Kodak Co. He admitted that the Kodak Co. cannot sell a camera in Japan. But the Japanese can send cameras here, and Germany can send cameras here.

There is a restriction against American goods in every free country of the world, and the United States is the only country which does not have restrictions.

This is a foreign constriction that comes close to home—to our own neighborhoods, right to our doors.

Look what happened to us in Rhode Island. In 1969, 1,100 jobs in textiles were lost in Rhode Island. When I was Governor of Rhode Island 49 percent of our income came from the textile industry, and now it is down to less than 15 percent. We do not have an export business in textiles. We do not sell them anywhere in the world. If we do, it is so minimal that one could not recognize it if he saw it.

Every nation that becomes free gets into the textile industry and usually with our generous assistance. These nations go into textiles to do what? It is not to put suits on the backs of their own natives. No; it is to sell them on the American market on a willy-nilly basis. They would undercut and undermine American industry although they need a sound, secure, and prosperous America to keep those nations secure and sound.

We cannot make these people understand that they may be killing the goose that laid the golden egg. Mr. President, you cannot make even the State Department understand it.

The State Department should understand it. Whenever we say to these exporting countries "Let us sit down like reasonable people and discuss this situation," the answer is constantly, "No." This morning their latest answer is still "No, we cannot negotiate at this time."

Mr. President, the deficit in our balance of payments last year was $7 billion. The difference in the balance of payments between us and Japan was $1.5 billion, in their favor. The world is worried about the strength of the American dollar because of the imbalance in our trade. We had better do something about it.

I have quoted the experts who testify to the high defense essentiality of textiles. There seems to be little point in allowing such an essential industry to shrink to the point where it could not satisfy basic civilian and national needs in an emergency.

Mr. Stans has been a very reasonable and understanding man. I must pay him that compliment. I have talked with him dozens of times. He understands negotiating under present conditions is like knocking one's head against the wall. You cannot penetrate it. You will bust your head, but you will not dent the wall of adamant rejection. That is what we have been experiencing. We have been busting our heads, and we have not been able to penetrate this wall of unreasonableness.

I say to Mr. Stans: According to the New York Times you are going to appear before the House Ways and Means Committee. I hope you have Mr. McIntyre's words and wisdom in your hand and in your heart. Mr. McIntyre has already explained his bill. It is a reasonable bill. We want to limit the importation to the average of 1967 and 1968. If our market rises, they can increase it; if our market declines, they will have to decrease it.

There is nothing wrong with that. I only hope that when Mr. Stans goes before that committee today he will say it as it is; that he will speak as an American interested in the American industry. We do not want to hurt anybody in the world. We have helped everybody in the world. We have helped South Korea, we have helped Taiwan, we have helped Japan, we have helped Italy, we have helped France, we have helped England. Name the countries, Mr. President, and we have helped them all. We are not out to hurt them now.

We are only saying to our good friends, "When you were in trouble, we came to your help. We took you off your knees and helped you stand up straight. Now America is beginning to experience a little trouble in its economy, and we want you to be understanding." If that is being unreasonable, then I do not know what reason is.

I say further, Mr. President, that the time has come for action. We will never, never, never get an agreement unless we pass the bill that is sponsored in the House by Representative Mills and sponsored in the Senate by my good friend the Senator from New Hampshire (Mr. McIntyre). And that I may evidence my complete support of his proposal. I hope the Senator from New Hampshire will allow me to ask unanimous consent to be made a cosponsor of his bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McINTYRE. Mr. President, I thank my good friend from Rhode Island, who, long before I came to the Senate, was fighting so hard not only for the textile industry but for jobs for America. I am delighted that he has told us this morning just how he feels about this legislation.

Mr. President, I yield 5 minutes to the distinguished Senator from Georgia.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. TALMADGE. Mr. President, I desire to associate myself with the remarks of the able and distinguished Senator from New Hampshire and the able and distinguished Senator from Rhode Island. I thought they stated the issue forcefully and clearly. I am proud to be a cosponsor of the bill which has been introduced by the Senator from New Hampshire.

Mr. President, we have witnessed this week a complete travesty in our long and fruitless efforts to develop an accommodation with Japan in the area of world textile trade. High officials of that nation arrived here Monday to begin, it was believed, serious negotiations with our Government, which hopefully would result in an agreement to regulate the ever-increasing flow of textile and apparel products into the U.S. market. It quickly became apparent that the Japanese had no intention of conducting serious negotiations. Their position bordered on intransigence. "Take it or leave it," they said. There was absolutely no basis offered for meaningful discussion, much less agreement, and the talks were properly called off yesterday.

It was a replay of similar efforts of the past. Mr. Stans, despite diligent and sincere attempts over many months to reach an accommodation with Japan, has again met with rebuff. I am certain his patience, and that of the Administration, has finally worn thin.

The attitude and intentions of the Japanese in this particular situation defy understanding. It was apparent, I felt, that their last-minute mission to the United States was an effort to prevent a legislative solution to the severe problem of imports now damaging many areas of our own industries. Their logic was faulty—by their actions this week they have made the strongest possible case for enactment of the bill introduced by the Honorable Wilbur Mills, chairman of the House Committee on Ways and Means.

I urge Senators to join me in supporting identical legislation introduced in his body by the distinguished Senator from New Hampshire (Mr. McIntyre).

The bill gives the President an instrument which encourages and makes possible voluntary agreements with nations such as Japan. Had this bill been in force, there would have been genuine negotiations in progress now with Japan. Once it is enacted, the framework for serious discussions, leading to mutually satisfactory arrangements, will be firmly established.

During the long period of negotiations with Japan, the good health of our American textile and apparel industries has continued to erode. Employment has continued to drop. Mill closings in 1969 to date have numbered some 50 plants, affecting an estimated 15,000 employees.

In addition, curtailed operating schedules have resulted in thousands of layoffs, and reduced paychecks for those still on the job. Overall, textile employment is down by 36,000 jobs from its January 1969 level of 1 million.

The case for special consideration of our textile and apparel industries has been made forcefully and repeatedly. No one is asking for a halt to Japanese textile imports, or of the textile imports from our other friends in the Far East or elsewhere in the world. The principle of sharing in our own markets is firmly established and accepted. Imports will remain at generously high levels. Provi-

XUM

sions for growth in imports are part of the proposal—Japan and others will share in the future growth of domestic textile-apparel consumption.

We can no longer afford inaction. This is indeed the time to reflect the mood of the American people, who simply do not understand why unrestrained imports can be allowed to stifle the existence of our own great textile and apparel industries. Fairness in world trade is our objective, but in these particular cases, fairness has thus far been a lost cause. We are expected to open our markets to inundation, while our trading partners in the Far East—most specifically Japan—erect barriers not only against our own goods but the goods of other countries.

Japan is now among the great world powers. She is no longer a weak, developing nation, struggling to rebuild from the devastation of war. She has assumed a rightful place among the leaders in world economic power. It is time she assumed the responsibilities that go with that position.

Japan has not accepted her full responsibility for sharing in the orderly development of world textile trade. Thus far, it has been a one-way street, with the United States shouldering virtually all the traffic.

The result is patently clear. We are losing the vitality of one of this Nation's great economic and social assets. Our textile-apparel industries provide excellent pay and benefits for nearly 2½ million people. They have an unequalled record in giving jobs and training to thousands upon thousands of our less advantaged citizens, including minorities; people who, in many cases, are finding a place in industry for the first time.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. TALMADGE. I ask unanimous consent that the Senator from New Hampshire may yield me 1 additional minute.

Mr. McINTYRE. Mr. President, I am happy to yield 1 additional minute to the Senator from Georgia.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized for 1 additional minute.

Mr. TALMADGE. Mr. President, there are textile plants in my State of Georgia, and in the other Southern States, which now employ very large numbers of Negroes—ranging from 30 to 40 percent of employment in some instances. These are job opportunities that must be expanded, not eliminated through the destruction of markets by unreasonable levels of imports from very low wage nations.

I am dismayed that good-faith efforts of our Government have, in the case of Japan, once again come to naught in this perplexing matter of textile and apparel imports. We can arrive at a satisfactory solution only through legislative means.

I respectfully submit that we join now in seeing that such a solution is at last made possible.

I thank the Senator from New Hampshire.

Mr. McINTYRE. I thank the extremely able Senator from Georgia. I wish to say to him that my memory goes back to the time when the distinguished Senator from Rhode Island (Mr. PASTORE) went to the White House to talk with President John F. Kennedy in 1963. I remember that at that time the President said, "It is very difficult for me to call the Ambassador of Japan and complain about this flood of imports into the United States, because the Ambassador replied that last year the Japanese bought from us some $5 billion worth of goods, whereas, in contrast, we sold $3 billion or so the other way." Now that situation is reversed, and our balance of trade with the Japanese is down.

Mr. TALMADGE. We have a $1.5 billion trade deficit with Japan, and more than $1 billion of that trade deficit is in textiles. In other words, we are importing more than $1 billion in textiles into the United States than we are exporting worldwide.

Mr. McINTYRE. I thank the Senator.

Mr. President, I am happy to yield 7 minutes to the distinguished Senator from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. I thank the Senator from New Hampshire.

FURTHER DETERIORATION IN SHOE INDUSTRY

Mr. President, from 1958 to 1968 world trade doubled; and during the past two years there has been additional record growth; but industry in this country has not benefited from this expansion as it should; in fact, our own balance of trade abroad has been, and is, deteriorating rapidly.

This diminishing trade surplus results from a steady increase in imports to the point where, in 1969, the United States had by far the largest balance-of-payments deficit in its history—6.9 billion dollars, more than double any previous year.

Of course part of the negative balance of payments situation is due to inflation here at home; but the real source of the problem goes far beyond that. It is a matter of record that Europe and other countries, particularly Japan, through the establishment of nontariff barriers after they have made tariff agreements with us, have taken unfair advantage of the previously agreed upon trade policies; have for example created clever new impediments to the entry of our exports into their markets, which impediments enable them to circumvent said tariff agreements.

As a result, it is becoming steadily more difficult for this country to compete in various types of goods, not only on the world market, but right here at home; and the "basic reason" for this unfortunate condition is the soaring influx of cheap labor imports, which this Government allows to come in from abroad.

No industry in the United States today feels the pinch of this unfair foreign competition more than does the shoe industry.

As illustration, labor consumes some 30 to 40 percent of the cost of shoe production in this country. But it would actually be illegal if American industry paid its shoe workers as little as they receive in all other competing countries.

The average wage of footwear workers in the United States was $2.29 per hour in mid-1969 according to the U.S. Department of Labor; and that is low as against the overall average industrial wage in this country.

Nevertheless Italy, our leading shoe competitor, pays its shoe workers only $1.04 per hour; and in Spain, another leading exporter of leather footwear, the hourly wage earned by their shoe workers would not buy a dozen eggs in this country. It averages 56 cents per hour.

Japan, the world's leading vinyl footwear manufacturer, is little better. Its shoe workers average 58 cents per hour.

Is it any wonder that American producers find it increasingly difficult to compete with this foreign production?

Based on the above facts, it is not hard to see why, during the 10-year period from 1960 through 1969, there was no growth whatever in domestic shoe production; whereas the importing of shoes increased over 600 percent.

In 1969, 196 million pairs of shoes were imported into this country, an increase of 11.5 percent over the previous year. That figure represents 34 percent of estimated domestic production.

This rising tide of shoe production is having widespread ramifications on our shoe industry here at home; and because Missouri has always been, as it is today, one of the leading shoe-producing States, this is of grave concern. Unfortunately, in my State in the decade prior to 1968, the number of jobs in the production of footwear in Missouri declined 26 percent.

The closing of American shoe factories more than doubled in 1969; and 25 percent of all such factories have shut down since 1947.

What this means we are actually doing through our trade policies, therefore, is importing shoes, while we export jobs.

There must, of course, be some balance to protection polices. We do not expect, or desire complete restriction. I believe the so-called crawling peg quota system proposed recently by the Senator from New Hampshire (Mr. McINTYRE) would be wise. Under this system, a reasonable base number of imports is set—say, the number of pairs of leather shoes imported in 1967; and in the future the amount of imports allowed into this country would increase at a constant percentage, as the level of domestic consumption increased. Imports would therefore be permitted a share of the market, but would not drive domestic producers out of business.

By leaving a corner of the market to imports, domestic industry would be stimulated by the competition, and would be sure of maintaining the high quality and design standards which have for so long been characteristic of its work.

In summary, it is time for the United States to take a more firm and logical

XUM

position with respect to its trade policies. We can no longer afford to agree to unilateral policies which not only curtail our exports to other countries, but enable those countries to take over our domestic markets.

Who will deny that it is time to get our economy moving again; and what we need now is action, not more rhetoric.

In that way we can do more than preserve our footwear industry—and the jobs that go with it. We can increase production, and thereby increase the number of available jobs, and in that way have a major impact on rising unemployment.

Let us never forget that our citizens being employed, on the right basis from the standpoint of wages, hours, and conditions of work, is one of the greatest of all measures toward a strong America—and a strong America is the best hope on this earth for peace and prosperity.

Mr. President, I congratulate the distinguished Senator from New Hampshire for his able and constructive work in this field. It would be a privilege to join him as a cosponsor on his bill.

Mr. McINTYRE. Mr. President, I ask unanimous consent that the name of the Senator from Missouri be added as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McINTYRE. I thank my good friend from Missouri. It is important to have such a persuasive and influential Senator on our side.

I yield 2 minutes, now, to the distinguished Senator from West Virginia (Mr. Randolph) who has worked so long and diligently to help in this important fight.

Mr. RANDOLPH. Mr. President, the able Senator from Missouri (Mr. Symington) has mentioned footwear. In the State of West Virginia, my colleague (Mr. Byrd) and I are intensely interested in the growth of the footwear industry which has brought into our State several manufacturing plants. This is a recent development in West Virginia.

For instance, I recently stressed the value of the Hanover Shoe Co.'s plant at Franklin, W. Va., during a visit to that community. The Hanover Co. came into our State and worked with our people, and helped train them for the jobs, and now they speak highly of the skills of those men and women in the production of shoes.

This is the story in five locations in West Virginia, where the footwear industry means a great deal to our people. The areas are Summersville, Franklin, Kingwood, Romney, and Huntington.

I wish to emphasize that the new money being brought into West Virginia directly and, in a sense, indirectly, by the shoe industry is estimated at $40 million a year. The shoe industry employs approximately 1,800 men and women in our State, with an annual payroll of nearly $4.5 million. We know how important that is to West Virginia.

I shall not take up other matters which have been so fully and helpfully explained by the knowledgeable Senator from Missouri and other Senators, including the Senator from New Hampshire (Mr. McIntyre), who leads us in this effort. But I can assure him of my desire to stand beside him, to work with him and to join as a cosponsor of his bill. While focusing attention on the serious problems of footwear and textile imports, we are aware of the difficulties confronting other industries as a result of imports.

I have advocated measures to provide reasonable programs to regulate the rate of increase in future imports in a number of basic industries, including glassware flat glass, steel, and electronic components. My purpose in noting other product areas is to reemphasize the need generally to develop a trade program which not only recognizes the legitimate interests of both foreign and domestic producers but contains the necessary elements of protection for industry and employees in the United States.

I thank the Senator from New Hampshire and I commend him very much for his leadership.

Mr. McINTYRE. I thank the distinguished and able Senator from West Virginia for his fine contribution. I am happy to have his knowledgeable support. I ask unanimous consent to add the name of the Senator from West Virginia as a cosponsor of this legislation.

Mr. RANDOLPH. I would like that very much.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McINTYRE. I am happy to yield to my good friend the Senator from Tennessee (Mr. Baker).

Mr. BAKER. Mr. President, I thank my good friend for yielding. I take this opportunity to commend the distinguished Senator from New Hampshire (Mr. McIntyre) for his valuable leadership in attempting to seek an equitable solution to the serious problem of excessive imports of footwear and textiles into the U.S. market. I am happy to associate myself with his remarks and to join with him and others in this bipartisan effort to protect American workers.

I would also like to commend President Nixon for his good-faith effort to negotiate voluntary import quotas. I believe this would have been the better way, and I regret very much that legislative imposition of import quotas now appears necessary. But it is necessary—emphatically so, if we are to save the jobs of textile workers and shoe workers all across this country.

During the past year I have received several thousand letters and cards from shoe and textile workers in my State expressing their concern over the continued increase in imports. I have told these people that if efforts to negotiate voluntary quotas failed I would support reasonable legislation to alleviate the problem which plagues these industries. It now appears that there can be no voluntary agreements, and I intend to work within Congress to achieve a reasonable and equitable legislative solution.

Mr. McINTYRE. I thank my good friend from Tennessee.

One of our big problems in the shoe industry is that many of the shoe plants represent the sole industry in a small town. When they close, whether it be in Maine, New Hampshire or elsewhere, the effect on the town is tremendously deteriorating.

Mr. RANDOLPH. Mr. President, will the Senator yield for 20 seconds at that point?

Mr. McINTYRE. For 20 seconds; yes.

Mr. RANDOLPH. That is brought home so meaningfully in a community like Romney, in Hampshire County, W. Va., where the population is about 1,500, and between 350 and 380 persons are employed in the manufacture of shoes.

Mr. McINTYRE. It wipes out the town.

Mr. RANDOLPH. That is correct.

Mr. McINTYRE. I yield now to the distinguished Senator from the great State of Maine (Mrs. Smith).

Mrs. SMITH of Maine. Mr. President, I commend the Senator from New Hampshire on organizing this expression in the Senate.

For many years now I have advocated mandatory quota legislation, but very few have been willing to go beyond permissive legislation.

Surely by now the folly of permissive legislation is evident—and surely by now it must be clear that Japan, for whom we have done so much, has no intention to make any voluntary agreement.

In the face of the arrogant refusal of the Japanese to be reasonable and to cooperate, we have no other alternative than to enact mandatory legislation to stop exporting textile and shoe jobs to Japan.

In fact, we should have done it long ago, when I and other Senators urged such action, instead of the tragically misleading and totally inadequate, if not hypocritical, so-called orderly marketing agreement legislation.

Mr. President, I urge the Senate and every Senator, whether affected by these imports or not, to become active and to support the distinguished Senator from New Hampshire in his proposed legislation.

Mr. McINTYRE. Mr. President, I should like to respond to my good friend the Senator from Maine who is always so helpful in this effort. I remind her that when she led us to the White House to talk with our President 4 or 5 months ago about this problem, the President indicated that he was very, very desirous of working out voluntary agreements. If my memory serves me right—and I was quite heartened by it—our President said that he felt that if the voluntary methods did not work out, the quota type of orderly marketing, as proposed in the Mills bill, was a fair way to go at it.

Does the Senator recall that?

Mrs. SMITH of Maine. The Senator is correct, so far as I recall.

Mr. McINTYRE. Mr. President, I am happy to yield to my good friend the Senator from Pennsylvania (Mr. Schweiker).

Mr. SCHWEIKER. Mr. President, I thank the distinguished Senator from New Hampshire for providing me the opportunity to speak out on the urgent need for action to bring the uncontrolled flood of textile and leather footwear imports to reasonable levels. It is apparent

XUM

that this rising flood of imports will threaten more economic hardships on our country. Thus, I share the view that we should accelerate the steps necessary for a prompt and meaningful solution of this problem.

At the same time, I am aware that the problems encountered in establishing a workable and realistic long-range trade policy between the United States and its world neighbors are among the most difficult being faced by the administration and the Congress.

While I am not inclined to favor broad-scale import quota legislation, it is apparent that in some cases it may be desirable to provide limited legislative remedy, coupled with vigorous efforts toward voluntary agreements between the countries concerned. In this regard, I have sponsored legislation relating to the importing of dairy products, footwear, steel products, and glass. Representative WILBUR MILLS aptly defined the issue when he stated:

> The only way to save the liberal trade philosophy is to restore public confidence that imports will not continue soaring out of control.

I believe it is appropriate that we recognize the attitudes and policies of some of our friends around the world who deliberately restrict our access to their markets while at the same time eagerly disrupt our domestic markets. To add insult to injury, many of the foreign companies involved benefit from government subsidies.

Obviously, legislated quotas are less desirable than negotiated solutions. However, some of our domestic industries are being destroyed while we patiently await the accommodation of our economic competitors. Unfortunately, the patience of those men and women who are among the unemployed brought little benefit for them. I wonder if our policies to date perhaps have been unrealistic and unresponsive to a serious problem. In our desire to expand trade and strengthen our exports we have allowed once healthy industries to suffer and in some instances virtually perish. Ironically, in the case of shoe imports we are, at the same time, incurring a trade deficit.

In Pennsylvania, shoe imports, textile imports, glass imports, steel imports—particularly specialty steels—and electronic imports are causing acute economic problems in some areas. Relief for these industries has been neglected and the assistance provided after injury has been established, has been inadequate, and too late. In short, we are not effectively dealing with this problem.

Recently, I received a letter from the president of a large and important tanner of leathers informing me of the company's intention to liquidate after 112 years of business. He commented that—

> An orderly marketing approach to this ever-increasing problem is the most attainable and realistic way to allow the exporting nations the opportunity to share the growth in our market without preempting all of it to the detriment of so many good domestic companies that are faced with the problem of competing with low wage and export subsidy countries.

I must agree.

It is time we address ourselves to the immediate solution of this most difficult and sensitive problem.

Mr. McINTYRE. I thank the Senator from Pennsylvania, and I am delighted to have his support.

Mr. President, I ask unanimous consent that the name of the junior Senator from Pennsylvania (Mr. SCHWEIKER) be added as a cosponsor of this bill.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered.

Mr. McINTYRE. Mr. President, I am happy to yield 1 minute to the Senator from Wisconsin.

AMERICAN SHOE INDUSTRY IN SERIOUS CONDITION

Mr. PROXMIRE. Mr. President, I commend the distinguished Senator from New Hampshire for leading this discussion on the shoe industry. The shoe industry is in very serious straits in my State.

I have long been a strong supporter of a liberal trade policy. American industry has been built on this principle—and flourished because of it. But there comes a time when there is a difference between free trade and fair trade.

The shoe industry is facing a dire situation. I strongly believe that footwear has one of the strongest cases of all commodities for import relief.

From my own State of Wisconsin, I have been receiving literally hundreds and hundreds of letters for the past couple of years describing the drastic situation facing the shoe industry in Wisconsin. Plants have been closed down and unemployment is rising at a much higher rate than in other industries throughout the country. The House Ways and Means Committee has been holding hearings on general import legislation, among this several orderly marketing bills designed to regulate the flood of foreign shoes into our domestic market. We should and we must do all we can to stem the flood of cheap imports through international agreement but if this proves impossible, I see no alternative to strong import control legislation. To do otherwise would be unfair to a great American industry.

Not in the name of free trade but of fair trade. Competition is a hallmark of American industry, but unfair competition may be the death of it. I strongly urge Senators to act quickly to remedy this ever-increasing threat to our domestic shoe industry.

Mr. McINTYRE. I thank the Senator from Wisconsin.

I am happy to yield to the Senator from Wyoming (Mr. McGEE).

Mr. McGEE. Mr. President, I compliment the Senator from New Hampshire for his leadership in arranging this colloquy this morning.

We do not produce many shoes firsthand in Wyoming, but we cover many of them; and we are deeply concerned about the point that the Senator from New Hampshire has raised in regard to the fate of the shoe industry.

Likewise, we are deeply interested in the fate of the textile industry on the east coast. The sheep industry of our State is one of our largest. While we have had a fairly average year, the earnings in the industry are still very low, and the sheepmen are continuing to go out of business.

I should add, Mr. President, that we do not seek to "do in" other countries. We do not seek to cut off the channels of trade. We have sought all along for a voluntary, negotiated balance of exchange between all the resource producing countries of the world—in the case of wool textiles, the Japanese, the British, and the Italians in particular; and of raw wool, the Australians notably—and the fact that this is not succeeding requires us to move to the quota formula. The quota formula will keep everybody in business, including our friends overseas, but most important it will protect our domestic producers on the local level so that they can plan ahead.

This is the kind of question that finds men of all political faiths strongly united out our way, and one of the leaders in this matter at all times has been my colleague from Wyoming (Mr HANSEN).

Mr. President, I ask unanimous consent that a more extended statement which I have prepared on this particular set of issues be inserted at this point for the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT OF SENATOR McGEE

Mr. McGEE. Mr. President, I support Senator McIntyre's position on the crucial textile import problem and have joined in the cosponsorship of S. 3723. I have participated actively in the frustrating attempts of the past nine years to obtain implementation of policies in favor of reasonable import limitations of wool products.

The woolgrowers of Wyoming and of the United States as a whole have a very direct interest in the health and prosperity of the American wool textile industry. Their interest is readily understood when it is realized that American mills are the sole customers of the American woolgrowers.

Therefore, every pound of wool imported in manufactured form strikes not only at the American mills whose products are being displaced but also at the American grower because his only customers are being injured.

Mr. President, in 1966 the weight of imports of wool textiles and apparel was approximately equal to U.S. production of shorn wool—approximately 100 million pounds, clean basis. In 1969, U.S. production had declined to 79 million pounds. This is a decline of 21 percent in only three years. During this three-year period the foreign imports of wool textiles and apparel have steadily increased. Also associated with the decline in domestic production of wool has been an increase in imports of raw apparel wool. Major suppliers of imported apparel wool are Australia, New Zealand, Republic of South Africa, and Argentina. Australia provided 54 percent, New Zealand 18 percent, Republic of South Africa 15 percent and Argentina 8 percent of the 1968 imports. Imports of raw wool items have increased to be about equal to our import of manufactured wool items. Each of these categories exceeds the quantity of wool supplied by U.S. producers. This is truly becoming a critical problem to the domestic wool industry.

Allow me to give further emphasis to this point by comparing it to wool production in Wyoming. Sheep production in my State, which is the second highest producer of sheep in the nation, represents about 13 per cent of Wyoming's agricultural income, and agriculture represents about 20 per cent of Wyoming's total economic activity. You can see that this is no small matter to the State of Wyoming which currently produces

XUM

approximately 9 million pounds of shorn wool, clean basis. Nevertheless Wyoming's share of the market is not even one-tenth of the total raw wool foreign imports.

Is it any wonder, Mr. President, that American woolgrowers are gravely concerned by the ever-mounting flood of low-wage wool product imports? To compound this problem the sheep industry in Wyoming and in other states throughout the nation is having difficult financial problems. Lamb and mutton face stiff competition from red meats, poultry and increasing lamb imports. Wool must compete with synthetic fibers and cotton for its share of the consumers' apparel dollar. This is understandable. But is it reasonable to expect the domestic sheepman to compete with ever-increasing flood of uncontrolled imports?

Economic changes affecting all agriculture include rising costs for labor, feed, taxes, interest and machinery which represent the main production costs. While the cost of inputs is in general rising, the trend in the price of feeder lambs, sheep and wool, has been highly variable. Until recent years, the price of lamb has been mainly downward from its peak in 1951.

With rising production costs and variable prices for lambs, sheep and wool, sheepmen find themselves in an uncomfortable position. The average sheepman earned only a modest return on invested capital in 1968. To successfully compete in this highly competitive environment, the sheep rancher must be a competent manager. His job is to formulate future expectations of prices, production rates and costs. He must apply business methods, science and economic principles to the organization of ranch resources in such a manner as to result in increased efficiency and maximum ranch earnings. Despite a year of average lamb prices, the Wyoming woolgrower has made a return of only about 3.5 per cent on his capital investment during 1968 and 1969.

During the eight-year period from 1960 to 1968, there was an increase in cost per head from $13.28 in 1960 to $16.15 in 1968. Leases and permits increased from 62¢ per head in 1960 to $1.04 per head in 1968. Also, shearing costs had a gradual upward trend as did the cost for taxes, depreciation, interest on operating loans, and ram costs. There was no noticeable trend in feed costs because the amount of feed purchased depends upon the severity of the winter. Likewise, the charge for interest on land mortgages is highly variable and depends upon the amount of real estate debts held each year and the interest rate.

Also due to the decline in the domestic market for sheep products, some of Wyoming's sheepmen are running as much as 20 per cent cattle. This is being done by sheepmen across the State to help cover their ever-increasing operating costs which cannot be covered by the low profit margin received from the declining sheep industry. As a result, shorn wool production in Wyoming during 1969 has dropped one per cent from 1968, according to the Wyoming and U.S. Departments of Agriculture. This is the second smallest wool crop on record.

There is another facet to this problem, one in which the Congress is directly concerned. The effect of the import influx runs directly counter to the aims of the National Wool Act, which was first passed in 1955 and has been extended three times since then. The act states that wool "is an essential and strategic commodity" and adds:

> It is hereby declared to be the policy of Congress as a measure of national security and in promotion of the general economic welfare, to encourage the annual domestic production of approximately 300 million pounds of shorn wool, grease basis, at prices fair to both producers and consumers in a manner which will have the least adverse effects upon foreign trade.

Wool production has been declining and without doubt it would have dropped even further except for the incentive program provided by the National Wool Act. But one of the principal reasons for the decline is the devastating impact of rising wool product imports upon both manufacturers and growers. Mr. President, the disruptive imports of wool products run directly counter to the aim of Congress in passing and extending the National Wool Act; that is, the encouragement to wool growing in the United States.

It is ironic that in the portion of the act which I have just read there is the statement that the program should be carried out "in a manner which will have the least adverse effects upon foreign trade."

At the time the act was drawn there appears to have been no anticipation of what has become so readily apparent today—that foreign trade in the form of wool product imports would interfere with the successful operation of the National Wool Act.

Today I maintain close relationship not only with the woolgrowers but with the wool manufacturers of the United States because they are both so important to the economy of Wyoming.

I can say to you that the wool manufacturers have only one desire and that is to move forward with the economy of this country. They want to be able to hire more American workers at American wages. They want to expand their plants and productive equipment. Such growth cannot be achieved, however, if the manufacturers, their employees and the growers are to be sacrificed to unfair competition from low-wage foreign countries and cartelized trading arrangements.

The problems of wool manufacturers are interlocked with the sheepman's problems because the sole market for domestic wool is made up of the factories and textile mills in this country.

It is pertinent to note at this point that since World War II some 300 wool textile plants have disappeared, along with 60 per cent of key manufacturing machinery and tens of thousands of jobs. Clearly this is not the time to allow low-wage imports to further decimate so vital an industry.

Mr. President, the late President Kennedy made it abundantly clear that his textile program was intended to encompass limitations on imports of wool products. The policy of his administration was officially stated to be that wool textile imports should be held at 1962 levels because any imports in excess of these levels would cause market disruption. The legislation which we are discussing here today is certainly even more reasonable. It would establish as a base period the years 1967–1968, and foreign suppliers would be assured of their proportionate share of the increasing domestic market. Protection, however, should be given to our domestic industries.

Today the more than 300,000 woolgrowers in this country and their only customer, the American wool textile industry, find the situation has markedly and disruptively worsened. Government figures show that, as measured at the fiber level, 1962 imports were 20 percent of domestic production.

When President Johnson in 1964 stated his conviction that imports of wool products must be held at reasonable levels and that the industry should be restored to good health, the ratio has advanced to 22 per cent. Mr. President, the ratio in 1966 increased again—to 26 per cent. The projections for 1970 are even more dismal.

Perhaps there will be a question as to whether wool textile exports do, or might, offset at least some of the imports. Mr. President, exports are virtually nil. If American mills were able to compete in foreign markets to any extent there would be no import problem. I am informed, moreover, that the American industry without question is the most efficient in the world, yet its efficiency cannot overcome the low-wage advantage abroad. In fact, imported wool textiles—duty paid—frequently sell for less than the cost of production in highly efficient American mills.

On February 6, 1969, President Nixon stated that the rapidly rising level of textile imports was causing "very great distress in certain parts of the country and to a great number of wage earners." He said that in view of this critical situation, his Administration had embarked on a major effort to reach voluntary agreements with textile-exporting nations which would result in the orderly entry of a reasonable quantity of textile imports to the country.

During the past 14 months the United States Government has made a concerted effort to reach such agreements.

Japan today is the third largest industrial power in the world. Yet it maintains the most restrictive foreign trade policy of all major powers.

In spite of the position on textiles taken by our Government—a position based on fair play and reasonable compromise—the effort to solve this problem administratively has failed. It has failed primarily because of the unbending attitude of the Japanese.

The latest Japanese rebuff has occurred in spite of the fact that Japan enjoys the most favorable position of any nation in the U.S. textile market. Furthermore, Japan has entered into agreements with the European Economic Community, Canada, the United Kingdom and other nations limiting her exports of man-made fiber and wool textiles, and she maintains tight controls over imports entering her own market.

Mr. President, I am previously on public record as being in favor of unilateral action by the United States—the President or the Congress—if all attempts fail at securing cooperation of other governments in a wool textile trade arrangement. I reaffirm my position in this regard. However achieved, import limitations are needed—urgently needed in the interest of the woolgrowers, their customers, the woolen and worsted mills and, indeed, in the national interest as well.

Mr. McINTYRE. I thank the Senator for his contribution to the discussion.

I am happy to yield 1 minute to the junior Senator from Wyoming (Mr. Hansen).

Mr. HANSEN. Mr. President, I thank the distinguished Senator from New Hampshire. I compliment him for the leadership he has displayed in bringing this matter—this important concern of ours—to the forefront on the Senate floor today.

We are concerned, as all Americans must be, about any trade patterns which threaten our domestic industries, which are the best guarantee of a continued assurance of jobs in this country. Because of that, I join with the distinguished Senator from New Hampshire; and I ask unanimous consent, with his permission, that my name be added as a cosponsor of the bill.

The ACTING PRESIDENT pro tempore (Mr. Metcalf). Without objection, it is so ordered.

Mr. HANSEN. I should like to point out that last year we imported oil to the extent of 34.2 percent of our domestic production.

The distinguished senior Senator from Wyoming has already mentioned how important wool is in the textile picture in this country. Likewise, we have great concern about shoes because we raise a great deal of beef in Wyoming, as does my good friend from Montana (Mr.

METCALF), the Acting President pro tempore, who now occupies the chair.

Mr. President, one of the basic factors involved in our growing dependence on foreign products is the national security. This is particularly true of oil, upon which the United States depends for 75 percent of its energy. Oil is the lifeblood of the Nation. Our entire transportation system—rail, air, highway, and water—is wholly dependent upon oil and would come to a grinding halt without it.

Recent events in the Middle East and other parts of the world emphasize the risk of dependency on foreign sources.

I, therefore, plan to offer an amendment to the bill I have just cosponsored with the distinguished Senator from New Hampshire to include oil and to amend the act to prevent adoption of an oil import tariff plan which would reduce domestic wellhead crude oil prices.

I also believe that beef, lamb, and wool imports, as well as the workers affected by such imports, are entitled to the same consideration as the shoe and textile workers who have been and are being displaced.

Despite the great economic growth in the United States, because of import pressure, the price of beef at livestock markets has risen less than $1.85 per hundred pounds over the past 20 years, from $29.02 in 1950 to about $30.85 today. And the retail price of motor gasoline has risen only nine-tenths of a cent per quart, excluding taxes, in the two decades, while milk, a product not damaged by imports, has gone up by 13.6 cents per quart.

XUM

Another fallacy in the free-trade philosophy is the argument that quota legislation is "protectionist." They say that the American consumer is entitled to the prices at which foreign producers are able to sell their wares in this country.

The notion that imports should be given priority over domestic production to the extent of bulldozing the jobs of our workers out of the way and leaving it up to us to pick up the pieces and repair the wreckage by a system of adjustment assistance is a wholly unjustifiable philosophy and represents an amazingly harsh attitude in point of public policy. I doubt that a New York City textile worker would be willing to trade his job for a relief check in order to buy a cheaper shirt made in Japan.

That foreign producers should be able to pay wages that would be illegal in this country and then build a destructive trade on that basis with the blessing of our Government, seems incredible. Yet that is the basic philosophy of adjustment assistance. It proceeds on the wholly untenable assumption that if an American producer cannot compete with imports he is necessarily inefficient. He is guilty without trial and must take the consequences. Yet on a relative efficiency basis, which is to say, output per man-hour or per man-year, American industry continues to lead the world. This lead is shrinking, however, and the low foreign wages combined with rising foreign technological productivity produces the foreign competitive advantage.

We cannot hope to hold our own industrially in this type of competitive climate. The fact of our competitive defeat from the persistence of lower foreign wages can no longer be concealed by sleight-of-hand trade statistics. The trend of rising imports will force a recasting of our obsolete trade policy.

As further evidence of the need for realistic revision of U.S. trade policy, the figures recently released by the U.S. Department of Commerce show a substantial and continuing deficit in the U.S. balance of payments for the first quarter of 1970. That deficit last year amounted to $7 billion and at the rate reported for the first quarter, may well exceed the 1969 figure by the end of this year.

But even these figures do not tell the whole story. Figures used by the Department of Commerce include foreign aid shipments as exports and show imports at their foreign value without including ocean freight and other charges. This practice is contrary to that of nearly all other leading nations and results in an understatement of actual costs of our imports by some 10 percent.

Mr. President, this country has been generous in assisting other nations, in financing the rebuilding of Europe and Japan after World War II, in furnishing the technology, money, and even manpower to many so-called emerging nations to establish agriculture and industry of their own. The next step has been that we are then expected to furnish the market for whatever it is they produce—shoes, textiles, oil, beef, electronic components, steel, and so forth.

Measured in relation to exports of all other countries, American exports, including foreign aid, have lost ground in recent years. This means simply that exports from other countries have expanded more rapidly than U.S. exports. In turn this suggests that their goods are more competitively priced in world markets. In 1960 our share of world exports was 15 percent; in 1967 it was 14.5 percent. Had our exports in 1967 enjoyed the same proportion of world exports as in 1960 we would have exported $4.6 billion more in 1967 than we did export, or $35.8 billion instead of $31.2 billion.

The irrebutable fact is that we are in a weak competitive position in world markets and in our own market vis-a-vis imports.

The trend since 1960 is unmistakable. A trade policy that was based on competitive conditions as they existed before 1960 is no longer in focus. It is unrealistic.

What does our weak competitive position suggest with respect to our trade policy?

The problem of import competition would be more acute than it is were it not for the $30 billion annual boost to our economy provided by the Vietnam involvement. Since our tariff has been cut to an ineffective level without present hope of reversal some other instrument for control of our market and employment erosion attributable to imports must be provided.

Enactment of this legislation would provide assurance that imports, despite their cost advantage resulting from lower wages, will not be allowed to run wild and thus disrupt industry after industry. Instead of relying on first-aid ministration in the form of adjustment assistance, the injury to our employment and industrial expansion would be controlled ahead of time. Imports would not be awarded the right of eminent domain in our market but would be given the opportunity to grow in proportion to domestic consumption.

We face an opportunity to adopt a trade policy that would achieve the undoubted benefits of world trade without incurring its unfair and destructive impact on a widening front.

Mr. McINTYRE. Mr. President, I ask unanimous consent to proceed for 5 additional minutes. It is now 10 a.m. and I believe that, under the prior rule, we were allowed to continue until 10:04, which would make it 10:09.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McINTYRE. At this time, Mr. President, I yield one minute to the Senator from Rhode Island.

Mr. PELL. Mr. President, in general, I have been and continue to be a supporter of the freest possible trade among nations, believing that all nations benefit from the give and take of free markets. But it has become increasingly clear that as far as trade in textile is concerned, we have been doing all the giving in recent years while others have been doing all the taking.

We have given virtually open access to our domestic textile markets, and we have given up thousands of jobs once held by American textile workers. Our trading partners have taken our domestic markets and taken the jobs of American workers, while maintaining restraints on the entry of American products and capital into their markets.

We have given our best efforts at negotiating reasonable limitations on textile imports, and our trading partners have taken an adamant and unyielding position.

I regret very much that the earnest, good faith efforts of our Government over the years to negotiate a settlement of these trade differences have failed. I think we have no choice now but to enact legislation that will preserve a reasonable portion of the United States textile markets for American industry and American workers.

I therefore support the legislation introduced by the junior Senator from New Hampshire and congratulate and commend him on his leadership.

Mr. McINTYRE. Mr. President, I yield 1 minute to my good friend from North Carolina (Mr. JORDAN).

Mr. JORDAN of North Carolina. Mr. President, I commend my good friend from New Hampshire for his leadership in this piece of legislation which is so important to my State of North Carolina.

As many Senators know, North Carolina is the largest textile manufacturing State in the country. Its economy depends largely on the textile business.

I have purposely not cosponsored the bill because my family is actively engaged in the textile business, and I do not want to be accused of a conflict of interest. I want that thoroughly understood.

Mr. President, the people of North Carolina are vitally interested in this piece of legislation. It has been pointed out here that we do not seek and we never have sought to put any other country's textile industry, or its shoe industry, out of business. We just want a part of it left for our own people.

The distinguished Senator from Rhode Island (Mr. PASTORE) spoke a moment ago of a mill in his State which had to close in 1969 which had employed 1,000 to 1,200 people.

At this time there is a mill within 6 miles of my home which was in operation for 95 years, but now is being liquidated and sold to the highest bidder for whatever they can sell it for, because the mill can no longer compete. It has been put out of business, and the 1,200 North Carolinians who were employed a year ago no longer have those jobs, and all the people in that village are completely out of business.

Mr. President, several years ago, I was one of those who went to the White House with the Senator from Rhode Island (Mr. PASTORE), and others, to see President John F. Kennedy, to discuss this very same subject. At that time he told us that he realized we were being hurt by exports to this country, particularly woolens. The distinguished Senator from Maine (Mrs. SMITH) will remember that very well. If we were to be in a war elsewhere than in the tropics today, we could not clothe our army with the woolens it would need because we have been put out of business in the woolen industry whose products came largely from the New England States.

I want to tell the distinguished Senator from New Hampshire (Mr. McINTYRE) that the people of North Carolina are greatly indebted to him and all the other Senators engaged in sponsoring this legislation, and I commend them for it.

Mr. McINTYRE. Mr. President, I yield 1 minute to the distinguished Senator from Maine (Mr. MUSKIE).

Mr. MUSKIE. Mr. President, I join the distinguished Senator from New Hampshire and my distinguished colleague from Maine (Mrs. SMITH) in this effort to bring about this much needed legislation dealing with the problems of the textile and the shoe industries.

I am pleased to have an opportunity to express my views about one of the most difficult economic problems this Nation now faces—the problem of imports. Excessive imports have adversely affected many American industries during the past decade, but none so injuriously as our country's shoemakers. Footwear was one of the first sectors of the U.S. economy to feel the pressure of low-wage foreign competition, and one of the first to see this competition for what it was—a serious and long-term threat to the economic health of the industry and the United States. I must also note that the footwear industry has neither suffered silently nor cried "Wolf." Its predictions of ever-increasing imports have consistently been exceeded.

It was over 6 years ago today, that a group of concerned Members of Congress and footwear industry leaders went to the President of the United States to discuss this problem. The statements we made that day could be used this morning—with the statistical data revised upward many times.

In January 1970, 22 million more pairs of leather and vinyl footwear were imported into the United States. This figure represents an increase of more than 37 percent over the average month last year, and 153 percent more than January 1969.

The National Association of Footwear Manufacturers reports that imports will hit approximately 225 million pairs this year, or 28 percent of our U.S. market. Ten years ago it was less than 3.5 percent. Even 5 years ago imports of only 75 million pairs occupied less than 11 percent of our domestic market.

Economists can develop charts and talk about productivity, but the fact is that children at ages of 12 to 14 are putting in 60-hour weeks in footwear plants in Taiwan and Hong Kong, for wages as low as 12 cents per hour.

Our U.S. footwear worker gets an average of $2.74 per hour. He is a more efficient worker than that child in the Far East, but I do not think he is 23 times better. Shoe manufacture is labor intensive. The country with the low labor costs has competitive edge over the country with high labor costs. This problem is that simple.

What is the solution? The first question is not what to do, but whether to do anything. This is a question that deserves our serious consideration. There are many who will argue that the footwear manufacturers and other industries threatened by imports are only experiencing the raw, invigorating, economic forces of the marketplace. This is how it is in the real world, they say. Stop complaining and start competing. They argue that expanded world trade helps everyone; therefore, whatever inhibits world trade hurts everyone.

There is a serious flaw in this argument. The fact is that there is nothing raw about the economic factors of the world market. Regulation and restrictions are one of the principal features of international trade in the 20th century. Nothing as complex and as important as international trade can expect to be free of controls and contrivances designed by each nation to advance its interests. Every nation uses trade to advance its interests, some more subtly and skillfully than others. It is reasonable to ask: How has the United States used trade as an instrument of national policy, and how successful has it been?

At the end of World War II most of the trading nations of the world were in desperate need of help. The United States helped to rebuild these foreign economies to restore our own overseas markets. As a part of this effort we did everything possible to encourage world trade: we threw open our markets, we reduced tariffs, we gave every assistance to our trading partners. This policy proved successful. Japan and the countries of Western Europe, aided in no small part by the United States, staged an incredible economic recovery which has been of great benefit to us.

But somewhere along the line the economic ends and means became confused. Expanded world trade became, somehow, a national objective in itself. Having helped to restore our overseas markets, we have kept right on doing the things that restored them. Now Japan and Western Europe are economic powers. They are demonstrably able to compete with the United States on any terms in any marketplace. I think it is time that we learn that the United States can no more be the world's consumer than it can be the world's policeman.

At the point where further so-called expansion of world trade disrupts markets in the United States, displaces American workmen from their jobs, and closes American factories, and when this expansion is principally benefiting well-developed economies like Japan and Italy, it is time to act. I hope the President will act on the petitions for voluntary limitations on imports of leather and vinyl footwear. If he does not, I think orderly marketing legislation is imperative.

I believe each trade problem has to be examined on its own facts. No overall policy can compass the interests of all proprietors, all labor, all management, all consumers. In general, the United States is moving toward fewer trade restrictions, and I think that generally this is desirable. But where open markets attract low-wage imports that devastate a segment of our economy, the alternatives are worth considering.

An industry, so threatened, can do as the economists urge—it can cut costs and become competitive all at once. The American coal industry is a case in point. Twenty years ago the coal industry could not compete with imports, could not get relief from the Government, so it responded by cutting costs and automating production. Today, what is left of the industry is healthy. We now export about 10 percent of our coal production. But in the years 1950 to 1965, 340,000 coal miners—2 out of 3—lost their jobs. Appalachia is the result. That is a high price to pay for efficiency.

The alternative is to control imports so that the beneficial effects of competition are maintained without disruption of markets or employment. This is what now must be done, let us keep our footwear industry alive while it continues to work toward greater value, better design, lower costs, wider markets, more efficiency. Let us keep the displacement of workers, if such there must be, to a manageable level.

It was to this end that I introduced the orderly marketing act of 1969. This bill, if enacted, will provide for:

The orderly marketing of articles imported into the United States; the establishment of a flexible basis for the adjustment by the United States to expand trade; and afford foreign supplying nations a fair share in the growth and change in the U.S. market.

Briefly, the bill would require, under

certain conditions, the Secretary of Commerce to determine whether the increased quantities of imports are a factor contributing to a condition of economic impairment of a domestic industry. If such an impairment does exist, then the President would be able to impose import limitations geared to total sales in the domestic market, subject to review after 3 years.

This is not a rigid protectionist concept, nor would it impose an inflexible quota system. Instead, it is designed to give those American industries which have been hard hit by a massive flood of low-cost foreign imports time to readjust to changing conditions of world trade.

Mr. President, I compliment the distinguished Senator from New Hampshire (Mr. McIntyre) once more for his efforts this morning.

Mr. McINTYRE. Mr. President, I ask unanimous consent that the names of the distinguished Senator from Maine (Mr. Muskie) and the distinguished Senator from South Carolina (Mr. Hollings) be added as cosponsors of this bill.

The ACTING PRESIDENT pro tempore (Mr. Metcalf). Without objection, it is so ordered.

Mr. McINTYRE. Mr. President, I thank my good friend from Maine for his support and the able presentation he has just made.

Now, Mr. President, I yield 1 minute to the distinguished Senator from South Carolina (Mr. Hollings).

Mr. HOLLINGS. Mr. President, I want to commend the distinguished Senator from New Hampshire (Mr. McIntyre) on the leadership he has given, not only here this morning, but particularly in the hearings before the Committee on Banking and Currency with the shoe manufacturers which brought to light the actual facts of the dilemma we face.

Since my time is limited, I address my comments only to the fact that last year we introduced S. 2085 concerning shoes and textiles.

On September 10, that bill was brought up as an amendment to the tax reform bill of 1969 and by an overwhelming vote, received the approval of the Senate last December. It was then killed in the House of Representatives.

This provision now appears as the Mills bill at a time when we berate the breakdown of negotiations between the Japanese and American negotiators on yesterday.

Mr. President, the distinguished majority leader, the Senator from Montana (Mr. Mansfield), made an excellent statement yesterday on the existing authority the Executive now possesses concerning credit controls, inflation, and so forth. In that vein, let me say that on April 8, 1970, I sent out a newsletter under the heading "Textile Jobs—What Can Be Done."

This is what I said:

> In 1965, a Japanese-United States conference on textiles broke into disarray with a statement by Kyutaro Izaki: "We are not North Vietnam. We hope you will make a distinction between your friends and enemies." This arrogance was only repeated in a lesser way by the Japanese communique of March 9 in which, for all intents and purposes, the Japanese terminated textile talks with the United States.
>
> It is interesting to note that at times the Japanese do agree. An item in this morning's news points out that Japan has just agreed to cut the quota on crabs for the Russians. Why is it that Russians can secure agreement from the Japanese and the United States cannot? It's all wrapped up in St. Paul's letter to the Corinthians: "If the sound of the trumpet be uncertain, then who shall prepare for the battle." Since John Kennedy, the Japanese have never prepared to agree on textiles. President Johnson reneged on his promise. He failed to act under the law, and, accordingly, the Japanese saw no reason to negotiate. Business is business. If there's no pressure, why give up a good thing? In the past fifteen months, the Japanese have watched closely President Nixon's intent. They noticed the President appoint Carl Gilbert, the enemy of the textile industry, as Trade Negotiator. When we asked the President to avail himself of the present law, he refused. We waited until November when Prime Minister Sato was to visit and were led to believe that the President personally would bring about an agreement with Sato in the conference on Okinawa. This failed and so Senator Cotton and I called up a textile quota amendment to be attached to the tax reform bill. Immediately the Department of Commerce and White House went into high gear opposing this measure. Over this opposition we passed the textile quota amendment in the Senate by a vote of 65 to 30 and sent it to the House. *But the House killed it*. This was the second time in three years. In 1968, the Hollings textile quota amendment passed the Senate but *was killed in the House*, and the President openly continues to oppose textile quota legislation. On February 6, 1969, in a statement opposing import quotas on textiles, the President said: "The interests of the United States and the world are served best by moving toward freer trade, not protectionism." If the President is going to continue to oppose import quota legislation, if the House is going to continue to kill such legislation, then what can de do? Do exactly as President Eisenhower and President Kennedy did under the present law. President Nixon can:
>
> (1) Direct his Office of Emergency Planning, after a prompt hearing, to finalize the hearings we initiated years ago finding that the flood of textile imports is injurious to the national security. This is the approach used by President Kennedy which forced the Japanese to agreement on cotton textiles back in 1961. The President can easily do this on woolens and man-made fibers.
>
> (2) Under Section 204 of the Agricultural Act, the President could enter into agreement with a friendly country such as Taiwan limiting natural fibers and any blends and then impose quotas consistent with this agreement.
>
> (3) Under Article XXVIII of GATT (General Agreement on Tariffs and Trade), the President can withdraw tariff concessions restoring the duties on textile articles to the 1930 level. This would force the parties to the table and to consequent agreement.
>
> (4) Under Article XII of GATT, the President could impose quotas due to the deficit in balance of payments which, regarding textile articles, presently is running at the rate of *$1 billion*.
>
> When President Eisenhower threatened under these laws, the Japanese in 1956 imposed voluntary quotas. When President Kennedy threatened in 1961, the Japanese voluntarily agreed on cotton quotas. But, as the Japanese told me in Tokyo, they believe that President Nixon's commitment was a political plank—something to run on to obtain office, but not to stand on once in office.

Mr. McINTYRE. I thank my good friend from South Carolina for his comments.

Now, Mr. President, I yield 1 minute to the distinguished Senator from Alabama (Mr. Sparkman), chairman of the Committee on Banking and Currency.

Mr. SPARKMAN. Mr. President, I commend the Senator from New Hampshire for this legislation. I am happy to join him in sponsoring it.

As I have stated, I wish very much that we could set up quotas by agreement as a result of negotiations. We have tried hard to do that. They have failed. Thus, I think this is the only method we have in the fields of textiles and shoes to bring that about.

We have shoe factories in my State. There is a very large one in my hometown, so that I know something about the situation which is confronting both these industries.

I am very happy to join the Senator from New Hampshire and other Senators in promoting this legislation.

Mr. McINTYRE. Mr. President, I thank the distinguished chairman of the Committee on Banking and Currency for being here and lending his influence and weight to this discourse.

Now, Mr. President, I should like to ask unanimous consent for an additional 3 minutes, so that I may yield 5 minutes to the distinguished Senator from South Carolina (Mr. Thurmond).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from South Carolina is recognized for 5 minutes.

Mr. THURMOND. Mr. President, during the 16 years since I came to the Senate, a number of us have worked diligently to take steps to try to stop the excessive imports of textiles coming into this country.

This is a vital matter in my State because 75 percent of its industrial wages and 70 percent of industrial employment comes from textiles. It is not only vital to my State, but it is also vital to the entire Nation.

One out of every nine manufacturing jobs in the United States is in the textile or apparel industry. The industry employs 2.5 million employees. Three million others are employed in support activities.

This matter affects every State in the Nation. Every State has some textile or apparel manufacturing.

Nineteen States grow cotton. Almost every State produces wool.

In 1958, when we conducted the textile hearings, I was a member of the Textile Subcommittee of the Commerce Committee of the Senate at the time. These hearings were conducted in both the North and the South.

The Defense Department testified that textiles rank second to steel in the matter of national defense. So it is vital to our country that our textile mills be retained and not forced to go out of business.

This industry has an annual payroll of $10 billion. Its purchases amount to billions of dollars a year worth of fibers, wool, cotton, chemicals, dyestuffs, power, and fuel, packaging products, and trucking services.

One out of four jobs in Appalachia is in textiles, apparel, or footwear.

Forty-five percent of the textile labor force is composed of women. This industry is the largest employer of women in the United States.

Since 1960, the employment of American Negroes in textiles has advanced four times faster than the national average. The current level of employment in this industry is 12 percent. The national average of employment of Negroes is 10 percent.

So we can see that this industry does not just affect the South or any one State. It affects every State in the Nation. And what happens to this industry will affect the economic situation and employment throughout the entire United States.

I have been to the White House during the Eisenhower administration, the Kennedy administration, the Johnson administration, and the Nixon administration. And we have pleaded and urged that action be taken. No action of consequence has been taken down through the years.

A number of us have introduced legislation to try to get relief. But this legislation, it seems, has not had the backing of a single President in the 16 years since I have been a Senator. Therefore, it has not been passed.

On March 20 of this year, the senior Senator from New Hampshire (Mr. Cotton), the senior Senator from Nebraska (Mr. Hruska), the senior Senator from Pennsylvania (Mr. Scott), and I introduced a bill to limit the excessive imports of textiles.

I was pleased to join with the distinguished Senator from New Hampshire on April 16 of this year to try to bring about action that would give relief to this important industry. I commend him for his leadership.

Mr. President, it is vital that action be taken. And I am pleased that action is finally going to be taken.

Mr. President, I supported the Mills bill in the House. I went over there and testified on behalf of it. I am a cosponsor of this bill with the distinguished Senator from New Hampshire. And I am glad to cosponsor it.

Only yesterday, the President of the United States asked the Tariff Commission to investigate the need of the shoe industry for relief from the imports of shoes. He asked whether an escape clause was needed.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. McINTYRE. Mr. President, I yield an additional 2 minutes to the Senator from South Carolina.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized for an additional 2 minutes.

Mr. THURMOND. This is the first time, I repeat, the first time that any President has requested an escape-clause investigation since 1934 when the trade agreements program was initiated.

I am glad that President Nixon has taken this step. I hope that it will be a step that will give relief to the shoe industry which needs it so badly.

I am also glad to announce at this time to the Senate that the administration is going to back the Mills bill to limit excessive imports. Secretary Stans is testifying at this moment before the Ways and Means Committee of the House.

In his testimony he states:

> It is our reluctant judgment that the only means presently available for solving this problem is the textile legislation now before this committee.

The legislation he refers to, of course, is the Mills bill. And in this statement he also states:

> We do support the enactment of the textile provisions in the bill . . .

Mr. President, I want to say that this is the first time since I have been in the Senate that any President has recommended and supported this legislation. I am proud that President Nixon has done this.

Mr. President, I ask unanimous consent that Secretary Stans' statement before the Ways and Means Committee today, June 25, be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Maurice H. Stans, Secretary of Commerce, Before the House Ways and Means Committee on H.R. 16920, June 25, 1970

TEXTILES

Mr. Chairman, on May 12 I testified before this Committee on the Administration's legislative proposals on trade and on the textile import problem and H.R. 16920. At that time, I sketched out for the Committee the situation in the textile and apparel industry that led the Administration to make a major effort to negotiate international agreements through which U.S. textile and apparel imports could be limited in a reasonable and orderly way.

I also outlined for the Committee the extent of our negotiations, noting the effort we have made to reach agreement with the principal textile exporting countries. On the basis of recent actions, we believed at that time that agreements might still be negotiated successfully and requested the Committee to allow me to return and report to it before the close of the hearings. I appreciate this opportunity.

Since my appearance before the Committee on May 12 I had intensive discussions with the Japanese Minister of International Trade and Industry in Washington last week with the view to working out an effective voluntary agreement on textiles between the two governments. Regrettably, after full exploration of the matter, the Minister and I concluded that it is not possible to negotiate such an agreement at this time. My hope that such an agreement could be negotiated has not been borne out.

The need for a solution to the textile import problem is clearly apparent. In the absence of agreements with Japan and with other key exporting countries, it is our reluctant judgment that the only means presently available for solving this problem is the textile legislation now before this Committee.

The Administration in principle is not in favor of quota legislation. However, in view of the fact that H.R. 16920 allows negotiated agreements to supersede the quotas, we do support the enactment of the textile provisions in the bill, with the two amendments I outlined in my testimony of May 12.

In essence it is our view that this legislation which authorizes a continuing negotiating effort and which, if amended as we proposed, would provide ample flexibility to avoid controls where controls are not required, is the appropriate course of action at this time. It would be our intention never to cease in our efforts to negotiate fair agreements even after the passage of this legislation.

Mr. McINTYRE. Mr. President, I thank the distinguished Senator from South Carolina for his great support. I would say that after all these years of waiting, hopefully, perhaps the time has come for action in this field, although I have not had a chance to read Secretary Stans' statement which my colleague has just mentioned.

Mr. BYRD of West Virginia. Mr. President, would the Senator yield?

Mr. McINTYRE. I yield.

Mr. BYRD of West Virginia. Mr. President, I would feel grateful if the Senator would allow me to cosponsor the bill. I wonder if he would be willing to make that request.

Mr. McINTYRE. Mr. President, I ask unanimous consent that the Senator from West Virginia (Mr. Byrd) be listed as a cosponsor of the legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McINTYRE. Mr. President, I ask unanimous consent that the Senator from Alabama (Mr. Allen) be listed as a cosponsor of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Mississippi is recognized.

Mr. BYRD of West Virginia. Mr. President, notwithstanding the previous order, I ask unanimous consent that there be a brief quorum call, without jeopardizing the rights of the Senator from Mississippi.

Mr. SCOTT. Mr. President, would the Senator withhold that request?

Mr. BYRD of West Virginia. Mr. President, I withhold my suggestion, and I ask unanimous consent that the able Senator from Pennsylvania be recognized for not to exceed 2 minutes, without jeopardizing the rights of the Senator from Mississippi.

Mr. McINTYRE. Mr. President, I am happy to yield 2 minutes to the distinguished minority leader.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized for 2 minutes.

Mr. SCOTT. Mr. President, I thank both the Senator from West Virginia and the Senator from New Hampshire.

I discussed the subject of the speech of the Senator from New Hampshire with him yesterday. I am in full accord with his concern and the concern of so many of us over the very difficult and even perilous situation of the shoe industry.

As the Senator knows, we are also concerned about other imports—textiles, steel, ceramics, and glass. And while we want trade with all nations of the world, we do not want it at the expense of our own employment, our own jobs, our own industries.

XUM

I would hope that the Department of Commerce and certain other agencies of the Federal Government would pay very close heed to what has been said on the Senate floor this morning. It is most desirable, indeed, that we respond to the concern of these industries. The contraction in the shoe industry alone has been very marked over recent years.

Something urgently needs to be done about it.

I again commend the distinguished Senator from New Hampshire on what he has done in calling our attention to this serious matter.

Mr. McINTYRE. Mr. President, I thank my good friend the Senator from Pennsylvania for his early cosponsorship of this bill and for his presence today and his support and his very fine statement this morning.

Many fine statements have been made by many Senators this morning. I know the early cosponsorship of the Senator from Pennsylvania has added materially to the support of this measure.

Mr. BYRD of Virginia. Mr. President, will the Senator yield to me before he yields the floor?

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Virginia.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized for 2 minutes.

Mr. BYRD of Virginia. Mr. President, I would like to say in connection with the textile matter that I am one of many Senators who, through the years, have consistently favored reasonable tariffs and reciprocal trade agreements.

My deep concern now, however, is for the jobs of the working men and women of our Nation. It is vitally important that those jobs be protected.

I think what we need to realize is that the jobs are being jeopardized by imports from nations with very low wage rates, very low wage scales.

We have a high standard of living in the United States. We want to retain our high standard of living for the working people of our Nation.

That being the case, we have to be realistic. We have to try to handle the tariff matters in a way that will not jeopardize world trade, but will at the same time protect the jobs of the American workingman and the American workingwoman.

Mr. McINTYRE. Mr. President, I thank the senior Senator from Virginia for his remarks in support of this legislation.

Mr. RIBICOFF. Mr. President, I was deeply disturbed to learn yesterday that the Japanese trade representatives had broken off negotiations with this country on the subject of voluntary trade agreements.

The increasing rate of imports has affected a great number of vital American industries. As the growth of our own economy has slackened, the effects of growing imports has reduced job opportunities, forced some smaller concerns out of business, and brought hardship to entire communities.

Secretary of Labor Shultz has indicated that imports have directly affected at least 2.5 million potential jobs in the American economy.

In light of this and the failure of other nations to work with the United States in developing reciprocal agreements toward a truly free international economy, Congress has the duty to reexamine carefully our present policies.

Next week the House Committee on Ways and Means will hear from Secretary of Commerce Stans. I commend the House for beginning serious consideration of this subject. I also commend the Senator from New Hampshire (Mr. McINTYRE) and the Senator from Rhode Island (Mr. PASTORE) for beginning this important debate in the Senate.

It is my hope that this congressional consideration will lead to measures which will protect the best interests of American industry, labor, and the consumer.

Last year I introduced a bill, S. 1636, which would amend the Trade Expansion Act of 1962 to provide greater assistance to Americans affected by the growth of imports.

The present escape clause legislation and adjustment assistance provisions are unworkable. In practice, the relief authorized by this law is completely unavailable.

I urge that the proposals contained in S. 1636 be carefully considered in the upcoming congressional examination of our trade policies.

Mr. COTTON. Mr. President, Secretary of Commerce Stans has just announced that all negotiations with Japan for any kind of a voluntary agreement controlling the increase of textile imports into this country have broken down completely.

That means that the only hope of saving even the remnants of the textile industry and textile jobs in the United States is for Congress to impose reasonable limits by legislation. The immediate showdown will be on the Mills bill in the House of Representatives covering textiles and shoes. The 253 Representatives have joined in endorsing this measure. The same bill is being pushed in the Senate by a large group of Senators, includnig Senator McINTYRE and myself.

The Senator from South Carolina (Mr. THURMOND) and I, accompanied by five Members of the House and industry representatives, conferred with the President the week before last. Of course, we are not at liberty to quote him. However, it is my belief that upon the failure of this last attempt to negotiate, we can hope that the White House will view the bill with favor.

Repeatedly, the administration, including the Commerce Department, has indicated that opposition to congressional action would be withdrawn after one more attempt at negotiations. Thus far, it has been like the man who intends to diet after one more square meal.

The time has come for Congress to act with or without administration approval if we are to save not only textiles and shoes but electrical components. The number of Representatives committed to the Mills bill and the fact that my own amendment to the recent tax bill limiting imports from countries that restrict our exports to them was adopted by a better than 2-to-1 vote in the Senate indicates we have the votes.

We should use them.

THE NEED TO LIMIT SHOE AND TEXTILE IMPORTS

Mr. BROOKE. Mr. President, I was deeply distressed to learn yesterday of the breakdown in negotiations between the United States and Japan on the question of a textile trade agreement.

For many years, the quantity of inexpensive shoe and textile imports from Japan, Italy, Spain, and many other nations, has been threatening the livelihood of American workers and the health of American industry.

Footwear and textile manufacturers employ 13 percent of the total U.S. manufacturing work force. In some States, however, the figure is as high as 57 percent of the work force; in Massachusetts, it is 17 percent. Yet in Massachusetts alone, over 50 textile plants employing 500 or more workers have closed in the last 20 years. Twenty-seven of 221 footwear manufacturing firms in New England closed in just the last year. So rapid has been the folding of manufacturing firms that an accurate estimate cannot be obtained of the number of workers who have lost their jobs. It is known, however, that 2.4 million workers are feeling the threat as profits decline in industries across the country, and more and more firms are forced to close their doors.

There is, of course, no way to separate the direct influence of foreign imports from what might be called the natural attrition of older or less efficient concerns. But the fact that shoe imports now account for more than 25 percent of the total U.S. market, and that wool textile imports, for example, are up to 26 percent of our market, has a direct bearing on the health of our domestic industries.

I have always been, by nature, a "free trader." I believe that the company or the nation which can produce quality goods at a reasonable price deserves the just rewards of its endeavors. But in this instance, my philosophical preference is balanced against a deep concern for the welfare of American citizens.

Some of the higher price of American goods is certainly attributable to inefficient and outmoded production techniques, and this problem should be corrected by the industries concerned. But a large share of the high cost of American products is also the result of higher wages, better working conditions, and an overall higher standard of living. Our workers, and our manufacturers, should not be penalized for their achievements by being forced to compete unaided against low-priced foreign goods made by low-paid workers.

Particularly at a time when our economy is facing an unemployment rate as high as 5 percent or more, I believe that interim, emergency efforts must be made to keep our workers on the job. The Orderly Trade Act, S. 3723, introduced by my colleague from New Hampshire (Mr. McINTYRE), is such an emergency measure. This bill provides that imports of shoe and textile goods from any coun-

XUM

try in calendar year 1970 shall not exceed the average amount sold in this country during the 2 calendar years 1967 and 1968.

At the same time, the legislation authorizes the President to engage in the negotiation of voluntary agreements with our trading partners in the hopes of reaching more satisfactory and equitable arrangements on an individual basis.

Mr. President, I realize that this administration is deeply concerned with the import problem, as today's welcome announcement of a program of assistance to the nonrubber bootwear industry makes clear. Our Government has done all in its power to reach voluntary agreements with Japan and our other trading partners. I regret the Japanese Government felt compelled to reject our proposal at this time. And I am hopeful that a satisfactory arrangement may yet be reached. For the time being, however, I believe our first responsibility is to our own workers and the health of our economy. For that reason, I ask unanimous consent that my name be added as cosponsor of S. 3723.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Montana without losing my right to the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Montana is recognized.

DEATH OF FORMER REPRESENTATIVE CLIFFORD DAVIS

Mr. STENNIS. Mr. President, I rise at this time to make remarks concerning the late Clifford Davis, who recently passed away in the city of Washington. His passing occurred some 10 days ago when I was out of the city and I have not had an opportunity to make these remarks earlier.

Mr. President, the late Representative Clifford Davis represented the Congressional District in Tennessee which includes the City of Memphis, from 1940 to 1964.

I knew him personally, as well as many other Members of the other body. He was an unusually capable man who had a good mind, tireless energy, and who brought application and dilligence to his work. He was a natural legislator in that he had an understanding of human nature and a thorough knowledge of the problems of the various sections of the country. He was unfailingly considerate of his colleagues. He was very popular with them and he had a great influence with them.

Representative Davis early became chairman of a highly important subcommittee in the House of Representatives, the Subcommittee on Flood Control, which is a part of the Public Works Committee in that body. In that capacity he gained a fine knowledge as to the national needs of navigation, flood control, rivers and harbors, and related matters. He became a highly knowledgeable legislator and a master of the problems and needs not only of the Lower Mississippi Valley where he lived and worked, but also throughout the Nation. He was always willing to help work out problems, and he took justifiable pride in his ability to do so. He rendered what I consider outstanding service.

It is well to reflect on those 24 years and how constructive they were in the Nation's history, particularly in the field of water resources activity. We recognize that the work he did was a lasting monument to him and his colleagues who worked with him. It was certainly a treat for me to be on conference committees with him and to have the opportunity to work together on problems affecting our area of the Nation.

I want to refer also to the very fine personal qualities of Mrs. Davis. It was a great fortune to him that he wooed, won, and married the former Miss Carolyn Leigh of Memphis, Tenn.

Mrs. Stennis and I remember the warm welcome we received in 1947 when we came to Washington for the first time after I was elected to Congress. Mrs. Davis not only had a warm and genial disposition but also she was a great worker. She was a natural legislator, too, and she worked in the Congressional Club and for the party to which she and her husband belonged. She was active in civic affairs of all kinds and never tired when it came to performing some good work in the public welfare, the public interest, and with respect to the problems of her husband and other Members of Congress.

Representative Davis is also survived by a son, Clifford, Jr.; by a daughter, Barbara Lee; and by a son, Rayford.

Mrs. Stennis and I extend to Mrs. Davis and these three fine children our heartfelt sympathy in their earthly loss. Mrs. Stennis joins me in expressing the greatest appreciation to them on a personal basis, as well, for the many outstanding kindnesses and the outstanding contributions the late Representative Davis and Mrs. Davis made on behalf of their friends and colleagues in the Congress. May peace rest with his soul.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Virginia is recognized for 20 minutes.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. BYRD of Virginia. I yield.

Mr. BYRD of West Virginia. I thank the Senator.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon completion of the remarks of the able Senator from Virginia, there be a brief period for the transaction of routine morning business with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF THE DEFENSE PRODUCTION ACT

AMENDMENT NO. 738

Mr. BYRD of Virginia. Mr. President, several weeks ago it became known that the Penn Central Railroad was in financial difficulties. It sought to borrow $200 million at an interest rate of 10.5 percent. The railroad was not able to obtain such a loan even at that high rate of interest.

So a meeting was arranged in Washington, and the Government agreed to guarantee the loan from the participating banks, which banks were to receive an interest rate of from 8 percent to 8¼ percent. This action was to have been taken under the Defense Production Act of 1950.

The Department of Defense agreed to guarantee the $200 million loan to the Penn Central Railroad. It made this agreement under the Defense Production Act of 1950.

Subsequent to that date, Mr. President, the Department of Defense decided not to go through with the guarantee of the $200 million loan to the Penn Central.

I regret that the Penn Central is in financial difficulties. But what concerned me as to action of the Department of Defense—or I should say the contemplated action of the Department, because it has since changed its mind—was that, should it be permitted to take such action; namely, a guarantee of a $200 million loan on its own? Should not an authorization first be obtained from the Congress?

In studying the Code and in communicating with officials in the Department of Defense, it would appear that the Department of Defense does have the authority under the United States Code, title 50, sections 2091 and 2092, to guarantee loans. And it would appear that the Department could guarantee loans without limit.

It is also the view of the top officials of the Department of Defense that the Department has the authority to guarantee loans without limit.

Mr. President, it occurs to me that there should be a limitation as to the amount that can be guaranteed by the Department of Defense to any one particular company.

I addressed a communication to the Assistant Secretary of Defense for Installations and Logistics, the Honorable Barry J. Shillito, seeking from him certain information as to what loans had been guaranteed and are now outstanding under the Defense Production Act of 1950, as amended.

I received a letter from Mr. Shillito, dated June 16, 1970. I ask unanimous consent that the letter be inserted in the RECORD at this point, and I likewise ask unanimous consent to have printed

XUM

in the RECORD a table which accompanied the letter.

There being no objection, the letter and table were ordered to be printed in the RECORD, as follows:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., June 16, 1970.

Hon. HARRY F. BYRD, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: Relative to your recent request for information on guaranteed loans under the Defense Production Act of 1950 as amended, this is to advise that through 31 May 1970 such guarantees amounted to $2,713,482,296 on authorized loans of $3,466,150,444. The number and distribution of these loans by Service as set forth in the attached table, together with those guaranteed loans presently outstanding, plus loans in default.

I trust that this information is responsive to your request.

Sincerely,

BARRY J. SHILLITO,
Assistant Secretary of Defense (Installations and Logistics).

DEFENSE PRODUCTION GUARANTEED LOANS UNDER DEFENSE PRODUCTION ACT OF 1950 AS AMENDED FROM INCEPTION THROUGH MAY 31, 1970

	Number	Amount	Guarantee
Army	715	$916,130,138.21	$735,013,751.93
Air Force	509	1,568,340,689.04	1,208,557,805.90
Navy	399	981,179,617.00	769,490,739.00
Defense Supply Agency	2	500,000.00	420,000.00
Total	1,625	3,466,150,444.25	2,713,482,296.83

	Credit available	Guarantee
Presently outstanding:		
Army—No active loans outstanding.		
Air Force:		
Astronautics, Inc	$2,800,000.00	$1,960,000.00
Dare, Inc	222,722.13	200,449.92
Navy:		
Applied Devices Corp	3,893,000.00	2,725,100.00
Doane Co	200,000.00	180,000.00
Kaman Aerospace Corp	12,500,000.00	8,750,000.00
Kurz & Root Co	500,000.00	350,000.00
Piqua Engineering Co	200,000.00	140,000.00
Total		14,305,549.92
Loans in default:		
Army:		
Davis Aircraft	224,312.00	213,096.42
New London Instrument	278,831.67	250,948.51
Air Force: Antenna Systems, Inc	993,047.00	496,523.00
Navy:		
Tiletone Co	25,649.00	23,084.00
Kelly Ryan Equipment Co	30,239.29	27,215.00

Mr. BYRD of Virginia. In studying the table, one finds that a total of $14,305,549.92 in guaranteed loans are now outstanding. These loans have been guaranteed by the Department of Defense under the Defense Production Act of 1950. There are seven loans involved, totaling a little over $14 million.

I have no complaint, of course, in regard to any of these loans.

I think it is worth pointing out, however, that the average of those guaranteed loans is $2 million, and the largest is $8 million. Yet, had the Department of Defense not changed its mind, it would have guaranteed a loan to one company, the Penn Central Co., of $200 million.

I feel there should be a limitation in the Defense Production Act as to the amount that can be guaranteed to any one particular company.

On the same day that the Department of Defense agreed to guarantee the $200 million loan to the Penn Central Railroad, the Department came before the Armed Services Committee to seek a $200 million contingency authorization in regard to the Lockheed Aircraft Corp. The Department seeks authorization from the Congress for a contingency appropriation of $200 million over and above the amount the Department of Defense says it owes to Lockheed.

I voted against that additional $200 million, but the Department of Defense took the proper course in coming before the Congress for the additional sum.

I want to emphasize that the Department of Defense is not exercising the authority it has in regard to guaranteeing a loan to the Penn Central; it concluded it would not exercise that authority.

But if it does have the authority to guarantee a $200 million loan to the Penn Central Railroad, then it certainly has the authority to guarantee a $200 million loan to the Lockheed Aircraft Corp.

I do not suggest in any way that there is anything improper in the contemplated course of the Department of Defense in its original plan to guarantee the $200 million loan to the Penn Central Railroad.

But I feel that since the Defense Production Act is open ended, apparently, in regard to loan guarantees, a limitation should be written into the law, and the Department of Defense, in similar cases, should do just what it did with regard to the Lockheed Aircraft Corp., come to the Congress for authority if it finds it desirable and in the national interest to guarantee loans of the magnitude of $200 million.

With that in mind, Mr. President, I shall present an amendment to S. 3302, a bill to amend the Defense Production Act of 1950, which bill is on the Calendar and presumably will be called up at an early date.

I might point out that the Defense Production Act of 1950 will expire on June 30 of this year. S. 3302 will, among other things, renew the act. So the amendment which I am presenting is one which the Senate should look upon favorably—I hope the Senate will—when S. 3302 is called up for action.

The Congress must exercise tighter control over the handling of tax funds—which funds can be obtained only from the pockets of wage earners, the pockets of the taxpayer.

I read into the RECORD now the brief amendment which I propose, captioned "Loan Guarantees":

AMENDMENT No. 738

At the end of the bill insert a new section as follows:

"LOAN GUARANTEES

"SEC. 4. Section 301 of the Defense Production Act of 1950 (50 U.S.C. App. 2091) is amended by adding at the end thereof a new subsection as follows:

"'(e) The maximum obligation of any guaranteeing agency to any contractor, subcontractor, or any other recipient under this section for any loan, discount, advance, or commitment in connection therewith, entered into under this section shall not exceed $20 million except with the approval of the Congress.'"

Mr. President, in using $20 million, I must say frankly that it is a figure that I more or less pulled out of the air. I did not know whether to make it $15 million, $25 million, or $10 million. The outstanding loans which have been guaranteed now total $14 million. The largest such loan is $8 million. So it seemed to me that $20 million would be an adequate figure to use.

This does not mean that if the national interest appears to require it, loans cannot be guaranteed above that amount; but it does mean that the Defense Department would have to come to Congress for approval.

It seems to me that it is necessary to put some limitation on the authority in the Defense Department to guarantee loans.

The financial difficulty in which the Penn Central Railroad finds itself was the case which brought to my attention the fact that there is no such limitation at the present time. Other Senators may have been aware of the fact that the Defense Production Act of 20 years ago carries no limitation as to the size of loans that may be guaranteed, but I say frankly I was not aware of the fact that there was no limitation.

Since there is no limitation in the existing law, I think it is desirable that there be a limitation, and my amendment suggests that the limitation be $20 million, unless approval of Congress is sought for an amount above that figure.

I send the amendment to the desk, Mr. President, and ask that it be printed and lie on the table.

The ACTING PRESIDENT pro tempore. The amendment will be received and printed, and will lie on the table.

THE LEADERSHIP RECORD OF SENATOR MANSFIELD

Mr. BYRD of Virginia. Mr. President, the distinguished and very thoughtful Senator from West Virginia (Mr. BYRD) inserted in the Record on June 23 some information which I found highly interesting in regard to the history of the Senate. The able and thoughtful Senator brought to the attention of the Senate that the present disinguished majority leader, the senior Senator from Montana (Mr. Mansfield) has now served longer as majority leader than anyone else in the history of the U.S. Senate.

I share with my distinguished colleague from West Virginia a very high regard for the able leadership of Senator Mansfield. As a Senator, as an individual, and as a leader the Senate can and does have great confidence in Mike Mansfield. I have never known anyone to be more fair or more considerate of his colleagues than is the able and distinguished Senator from Montana.

In looking over the list of Democratic majority leaders which the Senator from West Virginia inserted in the Record, I note that during the past 60 years there has been a total of nine. One of the nine was a Virginian, Thomas S. Martin.

Senator Martin was elected to the Senate in 1894, and served until his death in 1920. I do not recall the exact years that he served as majority leader, but he did serve in that capacity during World War I, and, as I recall, presented the resolution declaring war on Germany.

Another name in this list that I notice is that of Senator Joseph T. Robinson of Arkansas, who served a good many years as majority leader of the Senate.

My first recollection of Senator Robinson goes back many years. He was a candidate for Vice President on the ticket with Governor Al Smith in 1928.

My immediate predecessor in this office was elected to the Senate in 1933. Senator Robinson was then majority leader of the Senate. Several years later—right in the midst of the depression—it happened that one of the most popular programs of the time was the Reconstruction Finance Corporation.

My immediate predecessor had some concern about that program and took issue with certain aspects of it, although he did not intend to oppose the entire program. However, Senator Robinson thought that he would teach my predecessor a lesson. So, instead of taking the normal course on a proposal of that type to which there was no opposition, he demanded a rollcall.

My predecessor felt that this put him in a very awkward position. He did not wish to be recorded at that particular time against the entire legislation, but in the context of the debate he did not wish to vote for it without revision. So he cast the lone vote in the Senate against it.

As the years went by, my predecessor became convinced that that one act of his casting that lone vote against that popular bill had a keen effect on his entire political career. He was very proud of having cast that lone vote against a bill that was highly popular at that particular time. He had a high regard, I might say, for the ability of Senator Robinson, but he reacted adversely to the type of leadership the Arkansas Senator exercised.

The ACTING PRESIDENT pro tempore. The time of the Senator from Virginia has expired.

Mr. BYRD of Virginia. I ask for 3 additional minutes, Mr. President.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of Virginia. He had a very high regard for the ability of Senator Robinson, and, while they were not in thorough agreement, my predecessor did feel that the majority leader on that occasion had rendered him a service, although he had not thought so at the time, in forcing a vote on that particular issue. Senator Robinson died in the summer of 1937, as I recall.

That is just an aside, Mr. President.

What I really wanted to do today was to join with my splendid colleague, the Senator from West Virginia, in saluting the able Senator from Montana (Mr. Mansfield) on having served as majority leader longer than any other individual in the history of the Senate.

Mr. MANSFIELD. Mr. President, I wish to say thank you to the distinguished Senator from Virginia (Mr. Byrd), the distinguished Senator from West Virginia (Mr. Byrd), the distinguished Senator from Alabama (Mr. Allen), and the Presiding Officer of this body, my close friend and distinguished colleague, the Senator from Montana (Mr. Metcalf).

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendars Nos. 941, 942, 944, and 945.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ELIZABETH B. BORGNINO

The bill (H.R. 3908) for the relief of Elizabeth B. Borgnino was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–958), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF BILL

H.R. 3908 directs the Secretary of the Interior to convey to the surface owner by quitclaim deed, for fair market value and payment of the costs of conveyance, the mineral interests reserved by the United States in tracts of land totaling 120 acres in Southern California.

The surface owner is Mrs. Elizabeth B. Borgnino, of Berkeley, Calif. The Federal reservation of the minerals is a cloud on title and is preventing the obtaining of financing for development for residential purposes, its highest and best use.

BACKGROUND OF PROPOSED LEGISLATION

The lands involved in H.R. 3908 were patented under the Stockraising Homestead Act of December 29, 1916. Section 9 of that act requires a reservation to the United States of coal and other minerals in land so patented. These lands were patented on September 8, 1930, and contained the required reservation.

The lands consist of two adjacent but not adjoining tracts, one of 115 and the other of 5 acres. They are located about 44 miles from downtown Los Angeles, and 20 to 25 miles from a new development just outside of Palmdale known as Los Angeles Lake. A large, elaborate, and highly developed subdivision is located in section 7 of the same township as the subject tracts. There is a neighborhood of ex-urban estates in part of section 4, the same section in which these tracts are located. That area is not accessible from the subject lands, however, because of steep cliffs. The only access to the lands covered by H.R. 3908 is by way of a narrow gravel road. The subject lands are vacant and unimproved.

Although residential development is approximately 2½ miles distant at this time, it is rapidly moving toward these two tracts. Several parcels in the immediate vicinity have subdivisions in the planning or construction stage at this time. This development has resulted in substantial increases in property values. The taxes on both tracts were increased more than 500 percent in 1966.

The 115-acre tract presently is in escrow to be sold for subdivision purposes but the sale cannot be consummated because of the outstanding mineral reservation. H.R. 3908 would remove that reservation and permit the lands to be devoted to their highest and best use; that is, subdivision development. The prospective purchasers own an adjoining parcel of 451 acres, and they proposed to develop the entire acreage as a unit.

The Geological Survey has made a detailed study of the mineral potential of these two tracts and has reported that the prospects for obtaining oil and gas production are not favorable. The Survey has also reported that the land is not valuable for other minerals.

There are four outstanding oil and gas leases on these lands. Conveyance of the reserved minerals, as directed by H.R. 3908, will be subject to outstanding leases and the rights of the present lessees will not be diminished. One of the developers is a lease owner. The committee was assured no attempt at any mineral development is contemplated, but that such development could be carried on without disturbing the surface through directional drilling.

Although the lands do not appear to be valuable for oil and gas or for other minerals, no conveyance will be made until the mineral values have been appraised and payment therefore made at fair market value. The grantee, Mrs. Borgnino, will also bear any administrative expenses, including appraisal, filing, and recording fees.

Although no minimum payment is provided for in H.R. 3908, the committee feels in view of past practices and recommendations in similar legislation, a minimum payment of at least $200 is just and proper. There is no limitation on the maximum payment as this will be based upon the appraised value of the minerals and the administrative costs to the Government.

EXTENSION OF REPORTING DATE OF THE NATIONAL COMMISSION ON CONSUMER FINANCE

The joint resolution (S.J. Res. 201) to extend the reporting date of the National Commission on Consumer Finance was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. Res. 201

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 404(b) of the Consumer Credit Protection Act (82 Stat. 165) is amended by striking out "January 1, 1971" and inserting "July 1, 1972" in lieu thereof.

XUM

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–939), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE RESOLUTION

Senate Joint Resolution 201 would extend for a period of 18 months, from January 1, 1971, to July 1, 1972, the time in which the National Commission on Consumer Finance may make its study and present its report to the Congress and to the executive branch of the Government.

The National Commission on Consumer Finance was established by title IV of the Consumer Credit Protection Act (commonly referred to as the Truth-in-Lending Act, Public Law 90–321). This act was signed into law May 29, 1968. At the time the law was enacted it was anticipated that the Commission would have approximately 2½ years to complete its work.

The law provided that the commission was to consist of nine members—three Members of the House of Representatives to be appointed by the Speaker of the House, three members of the Senate to be appointed by the President of the Senate and three public members to be appointed by the President. The three public members of the Commission, however, were not appointed until November 7, 1969 and the funds for the operation of the Commission were not obtained until December 26, 1969, more than 18 months after the effective date of the legislation. The delay in the appointment of the public members as well as the delay in obtaining the funds for the Commission prohibited the Commission from being timely organized and commencing its work so as to make its study and report to the Congress and the President within the time period provided in the law establishing the Commission.

Accordingly, this resolution would extend the date by which the Commission must file its report by a period 18 months. The Committee believes this extension is necessary due to the lateness of the establishment of the Commission.

The committee recommends favorable action on the resolution by the Senate.

L-DOPA IMPORT DUTY SUSPENSION

The bill (H.R. 8512) to suspend for a temporary period the import duty on L-Dopa was considered, ordered to a third reading, read the third time, and passed.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–940), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

H.R. 8512 would amend subpart B of part 1 of the appendix to the Tariff Schedules of the United States by adding a new item 907.45 which would suspend the duty of L-Dopa for a period of 2 years, the period to begin on the day after the bill is enacted.

GENERAL STATEMENT

L-Dopa, generically called dihydroxyphenylalanine, is a new drug used in the treatment of Parkinsonism. It has recently been approved by the Food and Drug Administration (FDA) for general use. The FDA is requiring the continued study and testing of the drug by the firms which manufacture it. To obtain relief, the patient must take the drug in massive doses for the rest of his life. The average maintenance dose is said to be 6 to 8 grams daily.

L-Dopa may be produced synthetically from benzenoid intermediates, it may be produced by extraction from certain species of beans, or it may be produced by chemical modification of tyrosine, a naturally occurring amino acid. It is potentially dutiable under any one of four provisions of the Tariff Schedules. If produced synthetically from benzenoid crudes or intermediates, it would be dutiable at 2.45 cents per pound plus 17-percent ad valorem under TSUS item 407.85 if it is determined by the Bureau of Customs to be a drug, or at 2 cents per pound plus 17.5-percent ad valorem under item 403.60 if it is determined by customs not to be a drug. If produced from naturally occurring plant or animal materials, it would be dutiable at 7-percent ad valorem under item 439.50 if it is determined to be a drug, or at 8.5-percent ad valorem under item 425.04 if it is determined not to be a drug. These rates represent the third-stage reductions negotiated in the Kennedy Round and will remain in effect throughout 1970. The final stages, effective January 1, 1972, will be 1.7 cents per pound plus 12.5-percent ad valorem for items 403.60 and 407.85, 6-percent ad valorem for item 425.04, and 5-percent ad valorem for item 439.50. The ad valorem part of the rates for items 403.60 and 407.85 are subject to valuation on the basis of the American selling price (ASP). During the past several years, imports of L-Dopa are known to have entered under at least three of the four provisions of the TSUS cited above. At the present time, however, it is believed that the bulk of imported L-Dopa is being classified by customs as a drug and is entered under item 407.85 at 2.45 cents per pound plus 17-percent ad valorem.

There are at least two importers of L-Dopa, both of whom sell it in 500-milligram capsules or tablets. The capsules are reportedly sold at wholesale for 20 to 25 cents each, depending on quantity. Most of the imports have originated in Japan, where one producer is reported to make L-Dopa by chemical modification of tyrosine obtained from fish, and another producer makes it synthetically.

Two large pharmaceutical companies, one located in New York and the other in New Jersey, have recently been approved to market the dosage forms of this drug. One of these companies imports the L-Dopa chemical from Japan under TSUS 407.85 but the other is producing it in the United States by a completely synthetic process. In addition, a small chemical company located in New York has started production with a stated capacity of 10 kilograms per day and expects to increase its capacity to 50 kilograms per day. This company has not received an approval from the FDA to market the drug.

No statistics are available on U.S. consumption, production, or imports of L-Dopa. The eventual U.S. consumption may reach 2 million pounds annually, assuming that half of the estimated 1 million U.S. victims of Parkinsonism use the drug at a dosage level of 6 to 8 grams daily.

Your committee is informed that the wholesale price of a 1-month supply of the drug for a patient receiving 6 grams daily would range from $72 to $90—an amount which may be beyond the means of many, if not most, patients.

Several recent experimental reports indicate that it may eventually be possible to reduce the required maintenance dosage of L-Dopa by concomitant use of another drug having a potentiating or synergistic effect.

At present, there is a shortage of L-Dopa in the United States. Neither of the two firms presently authorized by the FDA to market L-Dopa could alone supply the needs of the estimated 1 million U.S. victims of Parkinsonism. The foreign-owned firm which depends on domestic benzenoid intermediates has publicly announced its limited initial marketing will be sufficient to start about 75,000 patients on treatment. Both of the approved firms have been compelled by the early shortages to limit L-Dopa distribution to physicians and hospitals currently treating Parkinson's disease patients. The American market will not be adequately served until all physicians may prescribe for their patients to purchase L-Dopa through the usual pharmaceutical wholesale and retail drugstores, and there is sufficient inventories to replenish this accustomed pipeline. This is not presently the case.

The Americans afflicted with Parkinson's disease require at least both of the presently authorized sources of L-Dopa. If the company which depends on an imported L-Dopa chemical (presently entering at a duty of 2.45 cents per pound plus 17 percent) cannot get the relief of the duty suspension, it may have to market L-Dopa at a price substantially higher than its foreign-owned competitor. This could create a serious cost disadvantage to the American company which might be forced to suspend production of L-Dopa, thus leaving the entire market solely to the foreign-owned company which has been approved by the FDA and which depends on domestic benzenoid production.

The foreign company presently does not have capacity to supply more than enough of the drug to take care of 75,000 patients, or 7.5 percent of the estimated 1 million Americans suffering from Parkinson's disease. Moreover, once authorized by the FDA, a source of supply may not be switched until the biological equivalence of the alternative supply is established. Establishing such biological equivalence is an extensive and expensive procedure for which guidelines have not yet been established for L-Dopa by the FDA. The patients currently being supplied by the American firm importing L-Dopa may be without this drug if that firm is forced to withdraw from the market because of competition from the foreign firm.

In view of these circumstances, your committee is convinced of the need to provide duty-free treatment of L-Dopa for a 2-year period.

Your committee has received favorable reports on H.R. 8512 from the Departments of Treasury, Commerce, Agriculture, State, and the special representative for trade negotiations as well as an informative report from the U.S. Tariff Commission.

Your committee believes that under the circumstances, suspension of the duty for a temporary period could result in a reduction in the cost of L-Dopa to patients.

EXTENSION OF THE CLEAN AIR ACT AND SOLID WASTE DISPOSAL ACT

The bill (S. 4012) to extend the Clean Air Act, as amended, and the Solid Waste Disposal Act, as amended, for a period of 60 days was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 4012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That pending extensions by Act of Congress of the Clean Air Act and Solid Waste Disposal Act, the authorizations contained in sections 104(c) and 309 of the Clean Air Act, as amended, for the fiscal year ending June 30, 1970, and the authorization contained in section 210 of the Solid Waste

Disposal Act, as amended, for the fiscal year ending June 30, 1970, shall remain available through August 31, 1970, notwithstanding any provisions of those sections.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–941), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The purpose of this bill is to provide an extension of the authorization for the solid waste and air pollution programs. This bill will continue those authorizations at their present level through August 31, 1970. It is needed to provide time for careful consideration of pending air quality and solid waste legislation. The authorizations in existing law are greater than the levels of appropriations requested in the President's budget. This extension would allow appropriation for this 2-month period of the unappropriated balance of fiscal year 1970 authorizations. Therefore, the Appropriations Committee can be guided by this resolution. The Senate Committee on Public Works fully anticipates completion of action on both solid waste legislation and air pollution legislation prior to the first of September. The Resource Recovery Act, S. 2005, will be reported for Senate action in the near future. Pending air pollution legislation will be available for Senate floor action by mid-July.

AMENDMENT OF THE RAILROAD RETIREMENT ACT OF 1937

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 964, H.R. 15733.

The ACTING PRESIDENT pro tempore (Mr. Metcalf). The bill will be stated by title.

The Bill Clerk. A bill (H.R. 15733) to amend the Railroad Retirement Act of 1937 to provide a temporary 15 per centum increase in annuities, to change for a temporary period the method of computing interest on investments of the railroad retirement accounts, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare, with amendments on page 3, line 9, after the word "amended", insert "by striking from subsection (m) the words "other provisions" wherever they appear in such subsection and substituting in lieu thereof in each instance the words "preceding provisions", and "; in line 14, after the word "under", strike out "other" and insert "the preceding"; on page 4, after line 9, strike out:

(b) All pensions under section 6 of the Railroad Retirement Act of 1937, and all annuities under the Railroad Retirement Act of 1935, shall be increased by 15 per centum. Joint and survivor annuities shall be computed under section 3(a) of the Railroad Retirement Act and reduced by the percentage determined in accordance with the election of such annuity. All survivor annuities deriving from joint and survivor annuities under the Railroad Retirement Act of 1937 in cases where the employee died before the month following the month in which the increase in annuities provided by section 1 of this Act are effective shall be increased by the same amount they would have been increased by this Act if the employee from whose joint and survivor annuity the survivor annuity is derived had been alive during all of the month in which the increases in annuities provided by section 1 of this Act are effective. All widows' and widowers' insurance annuities which began to accrue before the month following the month in which increases in annuities provided by section 1 of this Act are effective and which, in accordance with the proviso in section 5(a) or section 5(b) of the Railroad Retirement Act of 1937, are payable in the amount of the spouse's annuity to which the widow or widower was entitled shall be increased by the amount by which the spouse's annuity would have been increased by this Act had the individual from whom the annuity is derived been alive during all of the month in which the increases in annuities provided by section 1 of this Act are effective: *Provided, however,* That in cases where the individual entitled to such a pension or annuity (other than an individual who has made a joint and survivor election) is entitled also to a benefit under title II of the Social Security Act, the additional amount payable by reason of this subsection shall be reduced by the difference between the amount the individual is entitled to in such a benefit and the amount to which such individual would have been entitled had the Social Security Amendments of 1969 not been enacted: *And provided further,* That (i) the offset required by this subsection shall not operate to reduce the increase herein provided in an annuity under the Railroad Retirement Act of 1935 or a pension to an amount less than $10, and (ii) the offset required by this section shall not operate to reduce the increase herein provided in such a survivor annuity derived from a joint and survivor annuity and such a widow's or widower's annuity in an amount formerly received as a spouse's annuity to an amount less than $5.

And, in lieu thereof, insert:

(b)(1) All pensions under section 6 of the Railroad Retirement Act of 1937, and all annuities under the Railroad Retirement Act of 1935 shall be increased by 15 per centum; all survivor annuities deriving from joint and survivor annuities under the Railroad Retirement Act of 1937 and all widows' and widowers' insurance annuities which, in accordance with the proviso in section 5(a) or section 5(b) of the Railroad Retirement Act of 1937 are payable in the amount of the spouse's annuity to which the widow or widower was entitled shall, in cases where the employee died in or before the month in which the increases in annuity provided in section 1 are effective, be increased by 15 per centum: *Provided, however,* That in cases where the individual entitled to such a pension or annuity is entitled also to a benefit under title II of the Social Security Act, the additional amount payable by reason of this subsection shall be reduced by the difference between the amount the individual is entitled to in such a benefit and the amount to which such individual would have been entitled had the Social Security Amendments of 1969 not been enacted: *And provided further,* That (i) the offset required by this subsection shall not operate to reduce the increase herein provided in an annuity under the Railroad Retirement Act of 1935 or a pension to an amount less than $10, and (ii) the offset required by this section shall not operate to reduce the increase herein provided in such a survivor annuity derived from a joint and survivor annuity and such a widow's or widower's annuity in an amount formerly received as a spouse's annuity to an amount less than $5. Joint and survivor annuities shall be computed under section 3(a) of the Railroad Retirement Act and reduced by the percentage determined in accordance with the election of such annuity.

(2) All recertifications by reason of the amendments made by this title shall be made by the Railroad Retirement Board without application therefor.

On page 7, after line 24, strike out:

Sec. 5. The fifth sentence of subsection (c) of section 15 of the Railroad Retirement Act of 1937 is amended by striking out the word "average" and substituting the word "highest" and by striking out the word "all" and substituting the word "any".

Sec. 6. The said subsection (c) is further amended by inserting after the fifth sentence thereof the following: "The Secretary of the Treasury shall not at any time after April 1, 1970, retain as investments for any portion of the accounts any of such special obligations bearing an interest rate less than the then current rate determined in accordance with the fifth sentence of this subsection. The special obligations issued to replace the obligations retired by the application of the preceding sentence shall have maturities fixed at not less than three years from the date of issue of such special obligations."

Sec. 7. The said subsection (c) is further amended by striking out from the present sixth sentence thereof the phrase "preceding sentence" and inserting in lieu thereof "fifth sentence of this subsection", and by changing the word "may" to "shall" the first time it appears in the present seventh sentence of said subsection.

On page 8, at the beginning of line 22, change the section number from "8. (a)" to "5."; in line 24, after the word "of", strike out "June 30, 1972." and insert "December 31, 1971."; in line 25, after the word "after", strike out "June 30, 1972," and insert "December 31, 1971,"; on page 9, line 1, after the word "after", strike out "June 30, 1972," and insert "December 31, 1971,"; after line 4, strike out:

(b) The amendments made by sections 5, 6, and 7 shall cease to apply as of the close of June 30, 1972, and the computation of interest on amounts credited to the Railroad Retirement Accounts invested or reinvested after June 30, 1972, shall be made under section 15(c) of the Railroad Retirement Act as if such amendments had not been enacted.

Sec. 9. The Railroad Retirement Board is authorized and directed to make a study of the railroad retirement system and its financing for the purpose of recommending to the Congress on or before July 1, 1971, changes in such system to provide adequate levels of benefits thereunder on an actuarially sound basis. Such study shall take into account (1) the necessity of providing benefit increases in such system commensurate with past and future benefit increases under the Social Security Act, (2) the necessity of revising benefits under that system to meet increases in the cost of living, (3) the question of the adequacy of levels of benefits for the various classes of beneficiaries covered under the system, (4) the possibility of restructuring benefits under that Act to transfer coverage of various classes of beneficiaries to the social security system, (5) the necessary changes to provide for a continuation of the increased level of benefits provided under the amendments made by the first four sections of this Act, and (6) such other matters relating to the railroad retirement system as the Board considers necessary. For purposes of such study, the Board is authorized to appoint and fix the compensation of such experts and consultants as the Board deems necessary, but not to exceed $100 per day, and essential expenses.

XUM

On page 10, after line 8, insert a new section, as follows:

SEC. 6. (a) (1) There is hereby established a Commission on Railroad Retirement (hereinafter in this section referred to as the "Commission") which shall be composed as follows:

(A) Three members shall be appointed by the President in the same manner as provided by section 10(a) of the Railroad Retirement Act of 1937 for the appointment of members of the Railroad Retirement Board: *Provided, however*, That such appointments to the Commission shall not be by and with the advice and consent of the Senate;

(B) One public member shall be appointed by the Speaker of the House of Representatives, after consultation with the Committee on Interstate and Foreign Commerce of the House of Representatives;

(C) One public member shall be appointed by the President pro tempore of the Senate, after consultation with the Senate Committee on Labor and Public Welfare.

(2) The President shall designate one member of the Commission to serve as Chairman thereof and one member of the Commission to serve as Vice Chairman thereof.

(3) A majority of the members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

(b) Members of the Commission shall each receive a per diem rate equivalent to that authorized for GS-18 by section 5332 of title 5, United States Code, for days when engaged in the actual performance of duties vested in the Commission, and shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(c) (1) The Commission shall conduct a study of the railroad retirement system and its financing for the purpose of recommending to the Congress on or before July 1, 1971, changes in such system to provide adequate levels of benefits thereunder on an actuarially sound basis.

(2) Such study shall take into account—

(A) the necessity of providing benefit increases in such system commensurate with past and future benefit increases under title II of the Social Security Act;

(B) the necessity of revising benefits under the railroad retirement system to meet increases in the cost of living;

(C) the question of the adequacy of levels of benefits for the various classes of beneficiaries covered under such system;

(D) the possibility of restructuring benefits under title II of the Social Security Act and under the railroad retirement system so as to provide coverage under such title of various classes of beneficiaries presently covered under the railroad retirement system.

(E) the necessary changes to provide for a continuation of the increased level of benefits provided under the amendments made by the first four sections of this Act;

(F) the possibility of changes in the financing system used to fund railroad retirement benefits including, without limitation, adjustment of the rate of tax, adjustment of the tax base, the use of general revenue financing, and revision of the investment policy of the railroad retirement fund;

(G) the relationship between social security and railroad retirement in the areas of benefits, tax rates, and tax base including, without limitation, the desirability and feasibility of a merger of the two systems; and

(H) such other matters relating to the railroad retirement system as the Commission considers necessary.

(d) (1) The Commission shall appoint an Executive Director and such other personnel as the Commission deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and shall fix the compensation of such personnel without regard to the provisions of chapter 51 and subtitle II of chapter 53 of such title relating to classification and General Schedule pay rates, except that no personnel so appointed shall receive compensation in excess of the rate authorized for GS-18 by section 5332 of such title.

(2) (A) The Executive Director, with the approval of the Commission, is authorized to obtain services of experts and consultants on a temporary or intermittent basis in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed the per diem equivalent of the rate authorized for GS-18 by section 5332 of such title.

(B) The Commission shall employ the services of an actuarial consultant holding membership in the American Academy of Actuaries and qualified in the evaluation of pension plans. Such consultant may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(e) The Railroad Retirement Board and any other department, agency, or instrumentality of the Federal Government is authorized to cooperate with and assist the Commission, at its request, in carrying out its duties by furnishing services, information, data, or other material which the Commission feels will be helpful in carrying out its duties.

(f) Funds appropriated to the President shall be available to defray the expenses of the Commission, other than expenses incurred pursuant to subparagraph (e) of this section.

(g) The Commission shall, not later than July 1, 1971, submit to the President and the Congress a full and complete report of the study authorized by this section together with its rcommendations for changes in the railroad retirement system designed to provide adequate levels of benefits thereunder on an actuarially sound basis. The Commission shall cease to exist sixty days after the date of the submission of such report.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. SCOTT. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. MANSFIELD. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

(Subsequently, the following proceedings occurred on H.R. 15733.)

Mr. PROUTY. Mr. President, I ask unanimous consent that the Senate reconsider the votes by which H.R. 15733 was read the third time and passed.

The **PRESIDING OFFICER** (Mr. BYRD of West Virginia). Is there objection to the request of the Senator from Vermont?

Mr. ALLEN. Mr. President, reserving the right to object, I should like to inquire of the distinguished Senator from Vermont as to what his purpose is in seeking reconsideration of the vote.

Mr. PROUTY. This relates to the 15-percent increase in railroad retirement so that the added income of veterans will not cause them to lose any of their pension.

The **PRESIDING OFFICER** (Mr. BYRD of West Virginia). The Chair hesitates to interrupt the Senator, but the Senate is operating under controlled time. Would the able majority leader ask unanimous consent that the time not be charged?

Mr. MANSFIELD. I make such request.

The **PRESIDING OFFICER.** Without objection, it is so ordered, and the clerk will state the bill by title.

Mr. ALLEN. Mr. President, reserving the right to object, I do not know whether there is any likelihood that an effort will be made to discuss this bill at length as to its reconsideration, but would it be in order for the junior Senator from Alabama to request unanimous consent that in no event would a vote on the bill after its reconsideration be delayed beyond 1:30 p.m. today?

Mr. MANSFIELD. Mr. President, I would be forced to object to reconsideration, unless we can dispose of this matter as expeditiously as possible, even though I think I would be in favor of what the distinguished Senator wants done, and in view of the fact that this legislation has been passed and the motion to reconsider has been tabled.

Mr. PROUTY. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. PROUTY. I can assure the Senator that it will only take 1 or 2 minutes.

Mr. MANSFIELD. That is not what the Senator from Alabama had in mind.

Mr. ALLEN. Mr. President, it is exactly what I had in mind. I want to be assured that debate would not extend beyond 1:30 p.m.

Mr. MANSFIELD. Oh, no. We can do it in 5 minutes. I have no objection.

Mr. ALLEN. Mr. President, I ask unanimous consent that in no event will the debate on the consideration of this bill extend beyond 1:30 p.m. and that by that time, or prior thereto, a final vote will be had on the bill.

The **PRESIDING OFFICER** (Mr. BYRD of West Virginia). Before putting the question, the Chair would ask the clerk to state the bill by title.

The ASSISTANT LEGISLATIVE CLERK. H.R. 15733, an act to amend the Railroad Retirement Act of 1937.

Mr. PROUTY. Mr. President, I call up my amendment No. 734 and ask that it be stated.

The **PRESIDING OFFICER.** The Senator will suspend. Is there objection to the request of the Senator from Alabama that debate not extend beyond the hour of——

Mr. ALLEN. 1:30 p.m.

XUM

Mr. MANSFIELD. For debate and disposal.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

Is there objection to the request that the votes by which the bill was read the third time and passed now be reconsidered? The Chair hears none, and it is so ordered.

The Senator may proceed.

AMENDMENT NO. 734

Mr. PROUTY. Mr. President, I call up my amendment No. 734 and ask that it be stated.

The PRESIDING OFFICER (Mr. HUGHES). The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. PROUTY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, reads as follows:

> At the end of the bill add a new section as follows:
>
> "SEC. . Notwithstanding any other provision of law, in determining the annual income of any person for any year for the purpose of determining eligibility for or the amount of dependency and indemnity compensation under section 415 of title 38, United States Code, or eligibility for or the amount of pension under chapter 15 of title 38, United States Code, or the first sentence of section 9(b) of the Veterans' Pension Act of 1959, there shall not be included in such income the amount of any increase in the annuity or pension payable to such person under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935 resulting from the enactment of this Act if, for the month (or any portion thereof) in which this Act was enacted, or for any month (or any portion of any month) after December 31, 1969, and prior to the month following the month in which this Act is enacted such person is entitled to (1) an annuity or pension under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935, and (2) dependency and indemnity compensation under section 415 of title 38, United States Code, or pension under chapter 15 of title 38, United States Code, or the first sentence of section 9(b) of the Veterans' Pension Act of 1959."

Mr. PROUTY. Mr. President, before discussing my amendment, I wish to take this opportunity to commend the distinguished junior Senator from Missouri (Mr. EAGLETON) for the excellent job our Subcommittee on Railroad Retirement did in taking this proposed legislation and revising it in a realistic and workable manner. As chairman of this subcommittee, he took the lead and the responsibility in making necessary changes, and then guided this bill through our full committee keeping it intact in concepts and principles.

There are today numerous items of unfinished business facing the Senate. Much of this "unfinished business" will require careful scrutiny to determine whether, or in what form, it should be enacted to best serve the national interest. However, Mr. President, a bill such as the one before the Senate today should be passed immediately because its merit is without question.

This bill provides beneficiaries of the railroad retirement fund with a 15-percent increase in benefits, retroactive to January 1 of this year. This increase is comparable to that recently provided for social security beneficiaries.

I deeply regret, Mr. President, that this bill has taken so long to get before the Senate. This is the fault of no individual, but rather stems from the fact that our Committee on Labor and Public Welfare and its numerous subcommittees handle such a large amount of the legislation which is vital to the health, education, and welfare of all our citizens. The fact remains, however, that the comparable social security increase of 15 percent, also retroactive to January 1, has been received by beneficiaries since April, while it is doubtful if any payments under this proposed legislation can actually be made before fall.

Because the social security system is such a comprehensive and widespread social insurance system, Mr. President, there is a tendency to overlook the railroad retirement system which is smaller and affects only retired railroad workers and their families. However, the railroad retirement system is today providing benefits to around 980,000 annuitants, dependents and survivors. In other words, nearly a million Americans are currently dependent on the fixed incomes provided under the Railroad Retirement Act.

Mr. President, everyone in this chamber is aware of the difficulty encountered by all older Americans who are trying to live on a fixed income during these times of inflation. Since 1965, we have watched the consumer price index leap from 109.9 to 117.1 in 1967 to a present high of 134.6. If we as a nation insist on taxation through inflation, it is incumbent upon us to provide necessary benefits to our senior citizens attempting to live on fixed incomes.

This brings me, Mr. President, to my pending amendment, which is really quite simple.

Many beneficiaries under the Railroad Retirement Act, as well as under social security, also received monthly payments under laws administered by the Veterans' Administration. However, the laws dealing with benefits for veterans, their dependents and their survivors peg benefits to an income test and, in determining annual income for this purpose, social security and railroad retirement benefits are defined as constituting income.

The result that flows from this situation is that, absent an amendment such as I have offered, the Veterans' Administration will decrease the amount of its monthly pensions as a result of the 15-percent increase in railroad retirement annuities in the not uncommon situation where an individual qualifies and is eligible for both benefits.

This, Mr. President, is an exercise in circular government that is self-defeating. As we raise benefits under railroad retirement for our elderly because of inflation and the ever-increasing cost of living with one hand, we are refusing to increase their buying power because with our other hand we are reducing the pensions paid to those who also qualify for veterans' benefits. The result leaves the individual little better or no better off than he was before, and is highly inequitable.

In summary, Mr. President, my amendment merely provides that the 15-percent increase in railroad retirement annuities provided in the pending bill will be disregarded in determining the annual income of any person for the purpose of determining eligibility for a pension or for dependency or indemnity compensation under Federal laws providing these benefits for veterans and their families.

It is my hope that the chairman of our Railroad Retirement Subcommittee will accept this amendment.

Mr. President, this amendment is fully approved by the committee and as far as I know by everyone concerned.

Mr. BYRD of West Virginia. Mr. President, I want to state for the RECORD that I support the amendment, and I want the RECORD to so show.

Mr. ALLEN. Mr. President, I also support the amendment. My only reason for insisting that a time be set for the final disposition of the bill was to prevent the bill from being taken as a vehicle for an extended discussion.

Mr. MANSFIELD. Mr. President, I want the Record to show that I, too, support the amendment.

The PRESIDING OFFICER (Mr. HUGHES). The question is on agreeing to the amendment of the Senator from Vermont.

The amendment was agreed to.

Mr. BYRD of West Virginia. Mr. President, before the bill is passed, I want the RECORD to show that I support the bill.

The PRESIDING OFFICER (Mr. HUGHES). The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 15733) was read the third time and passed.

Mr. ALLEN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

XUM

ORDER FOR ADJOURNMENT UNTIL 9 A.M., FRIDAY, JUNE 26, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9 o'clock tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, it is the intention of the leadership at that time—and this meets with the concurrence of the distinguished Senator from Delaware (Mr. WILLIAMS) and the distinguished Senator from Nevada (Mr. CANNON)—to call up the stockpile bills.

There will very likely be a rollcall vote. Without question, there will be one, and very likely there will be others, so the Senate should be on notice.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the disposal of the stockpile bills on tomorrow, on the basis of the conference reports to be presented, the distinguished Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 2 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, I think I should say, for the information of the Senate, that the possibilities are very strong that there will be a Saturday session. It would be the hope of the joint leadership that as much of the Calendar as possible could be cleared before we adjourn for the Independence Day beginning at the conclusion of business Thursday next.

For the information of the Senate, it is the intention of the joint leadership, with the disposal of the education appropriation bill—hopefully, this evening—to turn to the consideration of Calendar No. 913, S. 3842, a bill to improve and modernize the postal service and to establish the U.S. Postal Service. This is a very important bill. The Senate should be on notice. Hopefully, we might be able to dispose of it well in advance of the recess and, consider as well the District of Columbia appropriations measure and other matters which have been backed up on the Calendar pending the disposition of the pending measure.

Mr. BYRD of West Virginia. Mr. President, will the able majority leader yield for a question?

Mr. MANSFIELD. I yield.

Mr. BYRD of West Virginia. Anent the possibility of a Saturday session, is it the majority leader's feeling that if we do have a Saturday session, there will be every likelihood of rollcall votes and that, therefore, Senators should be thus put on notice?

Mr. MANSFIELD. Yes, indeed. In sum, that is my anticipation.

I am not happy about having Saturday sessions, especially in view of the long hours which the Senate will have undergone this week; but I am pleased with the cooperation of Senators on both sides of the aisle in trying to expedite proposed legislation and to push the President's programs through as expeditiously as possible.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nomination will be stated.

INTERNATIONAL ATOMIC ENERGY AGENCY

The bill clerk read the nomination of T. Keith Glennan, of Virginia, to be the representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, with a limitation of 3 minutes on statements therein.

FINANCIAL HOLDINGS OF SENATOR PROXMIRE

Mr. PROXMIRE. Mr. President, in 1963, 1965, 1967, and 1969, I submitted for the RECORD the history of my financial holdings from the time I was first elected to the Senate in August of 1957 until January of 1969.

In order to bring the full record up to date, I submit herewith the history of my financial holdings since January of 1969.

There has been no substantial change in the general makeup of my assets. The bulk of my assets are still in U.S. Treasury bonds and notes, as they have been since late 1963. The value of these holdings is about $110,000. In addition, I now have $5,000 in municipal bonds.

My other assets include ownership of my home and furnishings in Washington, on which I owe a substantial mortgage to the Perpetual Building Association of Washington, D.C.; ownership of my home and furnishings in Madison, Wis., on which I owe a mortgage to the Credit Union National Association in Madison, Wis., and from which home I have received no income this past year; ownership of one 1967 automobile; ownership of checking accounts in two Washington banks and one Madison bank with balances of about $3,000.

I have trust custody of a small savings account of my daughter, Elsie, and trust custody over 10 shares of stock in the Milwaukee—now Atlanta—Braves, 10 shares in American Motors, and four shares in Allis-Chalmers, all for my son, Ted; and four shares of stock in Associated Dry Goods for my daughter, Elsie.

The value of my holdings has diminished since my last report 1 year ago by about $15,000. I estimate my net worth to be about $160,000.

To the best of my knowledge, this is an accurate record of my financial holdings and obligations.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, notwithstanding the expiration of the morning hour within 2 minutes, morning business may continue for a brief period, upon the completion of which the unfinished business will then be laid before the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDERLY TRADE IN TEXTILE ARTICLES AND ARTICLES OF LEATHER FOOTWEAR

Mr. BYRD of West Virginia. Mr. President, the able junior Senator from New Hampshire has introduced S. 3723, a bill to provide for the orderly trade and the importation of textile articles and articles of leather footwear. He made a very fine explanation of the contents of the bill earlier, and he very graciously allowed the junior Senator from West Virginia, the senior Senator from West Virginia, and other Senators to become cosponsors of that bill.

As the able Senator from New Hampshire stated, the bill would limit 1970 imports of textile articles and leather footwear to the average quantity which entered the United States annually in the years 1967 and 1968, and after 1970 there would be an adjustment upward or downward annually of the permissible imports in proportion to the increases or decreases in domestic consumption.

The able Senator also pointed out that the bill would provide that a domestic industry would be eligible for escape clause or other adjustment assistance where imports are found to be a substantial cause of serious injury or the threat thereof.

Mr. President, I believe that the time has come for Congress to take action in this field.

We are our brother's keeper. But, this is not a one-way street. Our brother must not have it all his way. He must recognize that we have our own problems, too. We have our balance of payments deficit. We have our unemployment problems. And we have our suffering industries. Our balance-of-payments deficit is increased as long as we continue to allow other countries to usurp our own markets and restrict us from theirs. At the same time, our unemployment will continue to increase and our factories will close down.

Thus, we must understand that we are in a trade war and that we have been in a trade war for quite some time. That trade war has now intensified, with the results—as I have already indicated—of a growing deficit in our balance of payments, the shutting down of our factories, and thousands of our people being thrown out of work.

Charity begins at home, Mr. President, and Congress must act now to regulate the inflow of shoes, textiles, and so forth, in order to stop the outflow of American jobs.

Mr. President, no longer can we tolerate a unilateral trade policy that works against our own industries and the workers in those industries, while at the same time working to the benefit of other countries which resort to clever and innovative trade restrictions to keep our goods out of their markets.

We must stop giving our country away. That is precisely what we have been doing. We have been giving our country away.

The time has come for us to think first of our own industries and our own workers.

Other countries have been having their way too long and restricting us from their markets while at the same time attempting to usurp ours. They have been doing a very effective job of it, as the unemployment statistics now show.

Congress must take action because the people of America cry out for our help. We must respond to our own people, because only in that way can we continue to have thriving industries, a thriving economy, a strong America, with Americans at work—who, by the way, pay taxes and thus help to bear the burdens not only of our own domestic needs but also of the needs of other countries in many, many ways, the Mill-McIntyre bill should be enacted promptly.

Mr. President, I yield the floor.

Mr. BYRD of Virginia. Mr. President, I associate myself with the able remarks just made by the distinguished Senator from West Virginia. He has put this matter in clear perspective and I concur in the views he has just expressed.

Mr. BYRD of West Virginia. I thank the distinguished Senator from Virginia for his kind comments.

FORMER SECRETARY OF STATE DEAN RUSK

Mr. BYRD of Virginia. Mr. President, former Secretary of State Dean Rusk, presided at a forum on "Law and the Cambodian Incursion" sponsored by the American Society of International Law.

This question was put to Mr. Rusk: What did he think of the United States presence in Cambodia?

Dean Rusk replied:

> It is unseemly for me to be a grandstand quarterback or to throw brickbats because the new President could not find answers to that which eluded us.
>
> We tried to win peace in Vietnam. We failed to do so and this was our greatest disappointment. We are all in the same canoe in turbulent waters.

Mr. President, this statement by Dean Rusk is typical of the individual. He fought very hard while he was Secretary of State to bring peace to Vietnam. He and his associates failed, as he pointed out at this symposium.

But, Dean Rusk, unlike some of his colleagues, does not now make speeches throughout the Nation condemning the new President for not being able to do what the previous President tried to do and could not do.

While Mr. Rusk was Secretary of State, I, as a U.S. Senator from Virginia, found myself in disagreement with him on some occasions. I was not in agreement with much of his philosophy as to how the war should be conducted, nor did I agree with him that we should be in a ground war in Asia, but I always held Dean Rusk in the highest esteem. Always was he forthright and honorable.

I feel that he is an outstanding American. He has rendered our Government splendid service over a long period of time. One reason he has been able unselfishly to render such valuable service is dramatized by the statement he made before this forum on law and the Cambodian incursion, when he said, "It is unseemly for me to be a grandstand quarterback or to throw brickbats because the new President could not find answers to that which eluded us"—meaning the administration which he served.

Mr. President, I believe that other members of the previous administration would be wise to follow the course being pursued by former Secretary of State Rusk. That is, to withhold their condemnation of President Nixon because President Nixon has not been able, up to this point, to accomplish what the Johnson administration was unable to accomplish during its tenure.

This whole matter of Southeast Asia, particularly American involvement in Vietnam, is a very difficult one. Dean Rusk as Secretary of State did all that he could to try to bring a solution. He failed.

I feel that President Nixon is doing all that he can to try to bring a solution. He is certainly going in the right direction. He has brought back 115,000 American troops already since he has been in office. He has committed himself to bringing back 50,000 more by October and an additional 100,000 between October and next spring.

Thus, President Nixon has reversed the trend of sending men to Vietnam and is beginning their withdrawal from Vietnam.

I therefore feel that the President deserves consideration and sympathetic understanding of the problem which faces him.

Dean Rusk as perhaps the foremost representative of the previous administration, being Secretary of State, recognizes that fact. And he refuses to be a Monday morning quarterback and condemn the new President for being unable to do what the previous President sought to do but was unable to accomplish.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H.R. 18127. An act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes; and

H.J. Res. 1259. Joint resolution to extend the effectiveness of the Defense Production Act of 1950 to July 30, 1970.

HOUSE BILL REFERRED

The following bill was read twice by its title and referred, as indicated:

H.R. 18127. An act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes; to the Committee on Appropriations.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Acting President pro tempore (Mr. HOLLINGS):

H.R. 17138. An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 and the District of Columbia Teachers' Salary Act of 1955 to increase salaries, and for other purposes; and

H.J. Res. 1264. Joint resolution making continuing appropriations for the fiscal year 1971, and for other purposes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS) laid before the Senate the following letters, which were referred as indicated:

Sales of Firm Electric Power for Resale, 1965–1968

A letter from the Acting Chairman, Federal Power Commission, transmitting, for the information of the Senate, a copy of the publication "Sales of Firm Electric Power for Resale, 1965–68" (with an accompanying publication); to the Committee on Commerce.

Report of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the weak enforcement of Federal sanitation standards at meat plants by the Consumer and Marketing Service, Department of Agriculture, dated June 24, 1970 (with an accompanying report); to the Committee on Government Operations.

Report on Urban Traffic Operations Improvements Programs

A letter from the Secretary, Department of Transportation, transmitting, pursuant to law, a report on urban area traffic operations

XUM

improvement programs (TOPICS), dated December 1969 (with an accompanying report); to the Committee on Public Works.

REPORT ON FRINGE PARKING FACILITIES

A letter from the Secretary, Department of Transportation, transmitting, pursuant to law, a report on fringe parking facilities, dated December 1969 (with an accompanying report); to the Committee on Public Works.

REPORT ON HIGHWAY RELOCATION ASSISTANCE

A letter from the Secretary, Department of Transportation, transmitting, pursuant to law, a report on highway relocation assistance, dated January 15, 1970 (with an accompanying report); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. HOLLINGS):

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on the Judiciary:

"HOUSE CONCURRENT RESOLUTION 4

(By Mr. A. D. Brown)

"A concurrent resolution memorializing the Congress of the United States with respect to the calling of a convention for the purpose of proposing an amendment to the Constitution of the United States relative to the power of Congress and the states to enact laws to prohibit sedition and criminal anarchy

"Whereas, subversive elements present a clear and present danger to the government of the United States, the state of Louisiana and other states; and

"Whereas, cognizant of this clear and present danger, most states, including the state of Louisiana, and the Congress of the United States have enacted criminal anarchy statutes, sedition statutes and subversive activity control statutes; and

"Whereas, the decision of the United States Supreme Court in the case of *Commonwealth of Pennsylvania* v. *Steve Nelson* (350 U.S. 497) rendered state sedition and criminal anarchy laws virtually incperable on the grounds that Congress has occupied this field of legislation to the exclusion of parallel state legislation and that the dominant interest of the federal government precludes state intervention in cases of sedition against the United States; and

"Whereas, the federal legislation in this field, namely the Subversive Activities Control Act, was considered by the United States Supreme Court in the 1967 case of *United States* v. *Eugene Frank Robel* (389 U.S. 258) and was held to be unconstitutional insofar as this Act was used to prohibit the employment in a defense facility of active members of Communist action organizations who have the specific intent of furthering the unlawful goals of such organizations; and

"Whereas, the aforementioned decisions of the United States Supreme Court and other decisions of this Court in the field of control of subversive activities have for all practical purposes prohibited Congress and the various state legislatures from enacting laws prohibiting these criminal and seditious activities; and

"Whereas, it is urgent and essential and to the best interest of the citizens of this and all other states that subversive activity be prohibited:

"Therefore, be it resolved by the House of Representatives of the Legislature of Louisiana, the Senate concurring herein, that, in conformity with Article V of the Constitution of the United States, application is hereby made by the Legislature of Louisiana to the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution of the United States which shall read substantially as follows:

" 'Amendment ——

" 'The Congress may by law prohibit the advocating or teaching, in any manner, in public or private, of the subversion or destruction of the government of the United States by violence or other means. The Congress may by law prohibit the organizing or becoming a member of any organization or society which is known to the offender to advocate, teach or practice the subversion or destruction of the government of the United States by violence or other means.

" 'Each state may by law prohibit the advocating or teaching, in any manner, in public or private, of the subversion or destruction of the government of the United States or of such state by violence or other means. Each State may by law prohibit the organizing or becoming a member of any organization or society which is known to the offender to advocate, teach or practice the subversion or destruction of the government of the United States or of such state by violence or other means.'

"Be it further resolved that duly attested copies of this Concurrent Resolution shall be transmitted imediately by the Secretary of State of Louisiana to the President and Secretary of the Senate of the Congress of the United States, to the Speaker and Clerk of the House of Repersentatives of the Congress of the United States and to each member of the Congress from the State of Louisiana.

"JOHN S. GARRET,
"Speaker of the House of Representatives.
"C. C. AYCOCK,
"Lieutenant Governor and President of the Senate."

A resolution adopted by the Municipal Assembly, Okinawa, Ryukyu Islands, demanding total and immediate removal of poison-gas weapons from the Ryukyu Islands; to the Committee on Armed Services.

A resolution adopted by the Municipal Assembly, Okinawa, Ryukyu Islands, protesting against injury to a student of Machara Senior High School, Okinawa, by a U.S. Armed Forces member; to the Committee on Armed Forces.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 1187. A bill for the relief of Marcos Rojos Rodriguez (Rept. No. 91–965);

S. 1628. A bill granting the consent of Congress to the Western Interstate Nuclear Compact, and related purposes (Rept. No. 91–966);

S. 3122. A bill to provide for holding terms of the U.S. District Court for the Southern Division of the Southern District of Mississippi at Gulport, Miss. (Rept. No. 91–967);

H.R. 1698. An act for the relief of Joeck Kuncek (Rept. No. 91–968);

H.R. 2275. An act for the relief of John Thomas Cosby, Jr. (Rept. No. 91–969);

H.R. 3348. An act for the relief of the estate of Pierre Samuel du Pont Darden (Rept. No. 91–970);

H.R. 4246. An act to discontinue the annual report to Congress as to the administrative settlement of personal property claims of military personnel and civilian employees (Rept. No. 91–971);

H.R. 4247. An act to amend section 2743 of title 10, United States Code, to authorize the Secretary concerned to make partial payments on certain claims which are certified to Congress and to provide equivalent authority for administrative settlement and payment of claims under section 2733 of title 10 and section 715 of title 32, United States Code (Rept. No. 91–972); and

H.R. 13407. An act to consent to the amendment of the Public Marine Fisheries Compact (Rept. No. 91–973).

By Mr. KENNEDY, from the Committee on the Judiciary, without amendment:

S. 2916. A bill to establish the Plymouth-Provincetown Celebration Commission (Rept. No. 91–961).

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

H.J. Res. 546. Joint resolution authorizing the Secretary of the Interior to provide for the commemoration of the 100th anniversary of the establishment of Yellowstone National Park, and for other purposes (Rept. No. 91–962);

H. Con. Res. 573. Concurrent resolution commemorating the 100th anniversary of the Ohio State University (Rept. No. 91–963); and

H. Con. Res. 575. Concurrent resolution that the Congress sends congratulations and greetings to Ohio Northern University on the occasion of the 100th anniversary of its founding and extends the hope of the people of the United States that Ohio Northern University will continue to grow and prosper in centuries yet to come (Rept. No. 91–964).

By Mr. SCOTT, from the Committee on the Judiciary, without amendment:

S. Res. 193. Resolution to refer the bill (S. 1418) entitled "A bill for the relief of Carleton R. McQuown" to the Chief Commissioner of the Court of Claims for a report thereon (Rept. No. 91–974).

By Mr. HRUSKA, from the Committee on the Judiciary, with an amendment:

S. 3630. A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission (Rept. No. 91–976).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S.J. Res. 53. Joint resolution to consent to and enter into the Mid-Atlantic States Air Pollution Control Compact, creating the Mid-Atlantic States Air Pollution Control Commission as an intergovernmental, Federal-State agency (Rept. No. 91–975).

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Robert McClintock, of California, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary to Venezuela;

Roswell D. McClellan, of New York, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Niger; and

Maurice J. Williams, of West Virginia, to be Deputy Administrator, Agency for International Development.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. GORE:

S. 4025. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Finance.

XUM

(The remarks of Mr. GORE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. HARTKE (for himself, Mr. HART, Mr. SCOTT, and Mr. SCHWEIKER):

S. 4026. A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. HARTKE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. TYDINGS:

S. 4027. A bill for the relief of Dominic Colamonaco; to the Committee on the Judiciary.

S. 4025—INTRODUCTION OF A BILL TO PROVIDE FOR ORDERLY TRADE IN TEXTILE ARTICLES AND ARTICLES OF LEATHER FOOTWEAR

Mr. GORE. Mr. President, the breakdown in negotiation between the United States and Japan on voluntary import quotas creates a grave problem in international trade. In these negotiations, I have firmly supported the Nixon administration. This is not to say that I have agreed with administration action in all respects. It is to say that I have approved and supported administration efforts to achieve a voluntary agreement on import quotas. Moreover, Mr. President, I commend the administration for its refusal to accept the stubborn and arbitrary position of the Japanese.

Perhaps the Japanese will yet reconsider and alter their position. Unless they do so, the Congress, as I and several others have frequently forewarned, will proceed to give necessary and justifiable consideration to American interests.

In the early 1960's this country was selling abroad, on an annual average, between $5 and $6 billion more in products than we were importing. In 1968, that differential fell to less than $1 billion. At a superficial glance this would seem to be a potentially catastrophic situation and the protectionists—true to their nature—would like to capitalize on it. But in fact this does not mean that we have lowered our export rate, which continues to increase by 8 to 10 percent a year; rather it is that exports are not increasing as rapidly as imports which last year went up 24 percent. There is nothing irremediable about such a rise: it merely indicates that other nations are following our own lead in expanding their foreign trade. Unfortunately some American industries—agriculture, textiles, the manufacture of bicycles and shoes, for instance—have suffered serious setbacks as a result of this competition from abroad. This must be solved—as I am convinced it can be—without excessively restrictive import prohibitions, and with regulations controlling the outflow of American capital and with voluntary bilateral agreements. Without this, import restrictions are necessary.

Most bills introduced in Congress as a remedy would set up a system of quotas for imports. But such a solution to the dilemma will have an even more adverse effect on the national economy than did the old-fashioned high tariff system. If we cut imports, we will immediately be placed on a retaliatory seesaw with other countries which, in turn, will stop exports. We must bear in mind that the U.S. world export trade is still nearly 20 percent of the whole—and this means many more thousands of jobs for Americans than could ever be salvaged by adopting a series of ad hoc quota systems which would have to undergo constant and endless revision to keep them in line with the fluctuations of the market. The regulation of such a system would prove almost impossible. The bipartisan Randall Commission which studied our trade policies and wrote an exhaustive report on them noted that 4 million American jobs are directly involved in the manufacture and production of our exports, and—more significantly—the Commission pointed out that this number could be increased only if we avoid excessively restrictive practices.

I recall when Premier Khrushchev bragged that "We will bury you"—and then explained that he really meant he would defeat us in the "peaceful war of trade." Americans may not have taken that boast seriously, but the Russians have become a major trading nation, and, of course, since their government controls production and pricing, they can frequently offer more favorable terms than their competitors. We cannot evade the harsh economic reality that we must both increase our exports and arrive at agreements with countries which are now introducing too many goods into our domestic market. As an example, I would point to the voluntary agreement, which I was instrumental in negotiating, whereby Japan limited her cotton textile exports to the United States, extension of which she now resists.

In order that Japan may know that the stanchest advocates of international trade in the Senate, as well as in the House of Representatives, will not countenance the stubborn intransigence of her negotiators, I now send to the desk for introduction a duplicate, with the exception of the effective date, of the bill introduced in the House of Representatives on April 13, 1970, by Congressman WILBUR MILLS of Arkansas, the distinguished chairman of the House Ways and Means Committee, himself long a champion of the Cordell Hull reciprocal trade agreement program.

The United States simply cannot remain open at all of her economic pores, particularly if her greatest trading partners stubbornly resist cooperation for our mutual benefit. As I have said on many previous occasions, the lack of regulation on outflow of capital has led to an invasion of the American capital market for massive expansion of vigorous foreign competition with our very own capital resources. Moreover, the preferential tax treatment of profits and income earned abroad by our own businessmen and corporations operates as a subsidy for the export of our own productivity—capital, plant, and jobs—to the detriment of our balance of payments and to increase import competition by use of our own money and know-how. On a later day I shall have more to say about these matters.

In closing, Mr. President, I wish once again to commend the administration for a diligent effort to negotiate a voluntary import agreement with Japan. Failure makes action by Congress necessary. This is the reason I have made this speech and the reason I now introduce this bill.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The bill will be received and appropriately referred.

The bill (S. 4025) to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes, introduced by Mr. GORE, was received, read twice by its title and referred to the Committee on Finance.

S. 4026—INTRODUCTION OF A BILL TO ESTABLISH A MEMORIAL TO THADDEUS KOSCIUSZKO

Mr. HARTKE. Mr. President, I introduce today a bill to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and am pleased to be joined in sponsoring it by the Senator from Michigan (Mr. HART) and both Senators from Pennsylvania (Mr. SCOTT and Mr. SCHWEIKER).

Mr. President, it is always gratifying to honor those individuals who have committed themselves to the preservation of freedom and independence in America. The legislation which we are proposing today to establish the Thaddeus Kosciuszko Home National Historic Site in Pennsylvania would properly distinguish such a man.

Thaddeus Kosciuszko, a Polish American who fought in the American Revolution, made substantial contributions to the success of the American struggle for independence. His expertise in constructing fortifications at West Point and Yorktown, and his knowledge of military strategy, resulted in the historic victory at Yorktown. In addition to his heroic efforts there, Kosciuszko was instrumental in securing similar freedoms for his own people in Poland and worked as a diplomatic emissary to France to insure harmony between two young nations.

A true American patriot, Thaddeus Kosciuszko exhibited those fine qualities of unselfish dedication to a cause and persevering courage which have remained as the foundation of human freedom.

The PRESIDING OFFICER (Mr. BELLMON). The bill will be received and appropriately referred.

The bill (S. 4026) to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes, introduced by Mr. HARTKE (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. SCHWEIKER. Mr. President, I would like to take this opportunity to commend my colleague, the distinguished Senator from Indiana (Mr. HARTKE) for his efforts in introducing a bill authoriz-

XUM

ing the Department of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site at 301 Pine Street, Philadelphia, Pa.

It is an honor for me to cosponsor this legislation because I feel that all Americans owe honor to the memory of the man whose life was dedicated, with unselfishness and courage, to the cause of freedom for all men.

Mr. Kosciuszko fought in the American Revolution and immediately following George Washington's victory at Yorktown, returned to his native Poland to lead a revolution to secure the freedom of his own people. Later, after returning again to the United States he gave the moneys granted him by the Congress to the cause of freeing the slaves.

Thaddeus Kosciuszko's contributions to the concept of liberty for all men cannot go unnoticed and I feel that it is a fitting monument for his home in Philadelphia to be made a national memorial in order to exemplify the deeds and works of this great Polish-American patriot and I am happy to join efforts to bring this about.

ADDITIONAL COSPONSORS OF BILLS

S. 3723

Mr. McINTYRE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Wyoming (Mr. McGee) be added as a cosponsor of S. 3723, to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes.

The ACTING PRESIDENT pro tempore (Mr. Hollings). Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I ask unanimous consent that, at the next printing, my name be added as a cosponsor of Senate bill 3723, supra.

The ACTING PRESIDENT pro tempore (Mr. Hollings). Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that, at the next printing, my name be added as a cosponsor of Senate bill 3723, supra.

The ACTING PRESIDENT pro tempore (Mr. Hollings). Without objection, it is so ordered.

Mr. McINTYRE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from West Virginia (Mr. Randolph) be added as a cosponsor of Senate bill 3723, supra.

The ACTING PRESIDENT pro tempore (Mr. Hollings). Without objection, it is so ordered.

Mr. McINTYRE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Pennsylvania (Mr. Schweiker) be added as a cosponsor of Senate bill 3723, supra.

The ACTING PRESIDENT pro tempore (Mr. Hollings). Without objection, it is so ordered.

Mr. HANSEN. Mr. President, I ask unanimous consent that, at the next printing, my name be added as a cosponsor of Senate bill 3723, supra,

The ACTING PRESIDENT pro tempore (Mr. Metcalf). Without objection, it is so ordered.

Mr. McINTYRE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Maine (Mr. Muskie), and the name of the Senator from South Carolina (Mr. Hollings) be added as cosponsors of Senate bill 3723, supra.

The ACTING PRESIDENT pro tempore (Mr. Metcalf). Without objection, it is so ordered.

Mr. McINTYRE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Alabama (Mr. Allen), and the Senator from West Virginia (Mr. Byrd) be added as cosponsors of Senate bill 3723, supra.

The ACTING PRESIDENT pro tempore (Mr. Metcalf). Without objection, it is so ordered.

S. 3835

Mr. HUGHES. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from South Dakota (Mr. McGovern) be added as a cosponsor of S. 3835, to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism.

The PRESIDING OFFICER (Mr. Jordan of Idaho). Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 72—SUBMISSION OF A CONCURRENT RESOLUTION TO ESTABLISH A JOINT CONGRESSIONAL COMMITTEE TO CARRY OUT A STUDY AND INVESTIGATION RELATING TO A SOLUTION OF THE PROBLEMS OF THE NATION'S RAILROADS

Mr. JAVITS (for himself and Mr. Goodell) submitted the following concurrent resolution (S. Con. Res. 72); which was referred to the Committee on Commerce:

Concurrent resolution to establish a joint congressional committee to carry out a study and investigation for the purpose of making recommendations for the solution of the problems of the Nation's railroads

Resolved by the Senate (the House of Representatives concurring), That (a) there is hereby established a joint congressional committee to be known as the Joint Committee on Railroads (referred to hereinafter as the "joint committee").

(b) The joint committee shall be composed of seven Members of the Senate appointed by the President of the Senate, four from the majority party and three from the minority party, and seven Members of the House of Representatives appointed by the Speaker of the House of Representatives, four from the majority party and three from the minority party.

(c) The joint committee shall select a Chairman and Vice Chairman from among its members. Eight members of the joint committee shall constitute a quorum, except that the joint committee may prescribe a lesser number of members to constitute a quorum for the purpose of conducting hearings. Vacancies in the membership of the joint committee shall not affect the authority of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner in which original appointments were made.

FUNCTIONS OF THE JOINT COMMITTEE

Sec. 2. (a) The joint committee shall conduct a comprehensive study and investigation of the financial and other problems of the Nation's common carriers by railroad for the purpose of making recommendations for the solution of such problems.

(b) On or before September 30, 1970, the joint committee shall transmit to each House of the Congress a report which shall contain its findings and recommendations, including recommendations for such legislation as the joint committee shall deem appropriate. Upon the transmittal of such report, the joint committee shall cease to exist.

HEARINGS

Sec. 3. (a) In carrying out its duties under this concurrent resolution, the joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such places and times, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable.

(b) The joint committee may make such rules respecting its organization and procedures as it deems necessary. Subpenas may be issued over the signature of the chairman of the joint committee or by any member designated by him or by the joint committee, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the joint committee or any member thereof may administer oaths to witnesses.

STAFF AND ASSISTANCE

Sec. 4. (a) The joint committee shall have power to appoint and fix the compensation of such experts, consultants, technicians, and staff employees as it deems necessary and advisable.

(b) With the consent of the department or agency concerned, the joint committee is authorized to utilize the services, information, facilities, and personnel of the departments and agencies of the Government, and may employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable.

(c) With the consent of the chairman of any committee of either House of Congress, or any subcommittee thereof, from which members of the joint committee have been appointed the joint committee may utilize the information and facilities, and the services of members of the staff, of such committee or subcommittee whenever the chairman of the joint committee determines that such action is necessary and appropriate.

EXPENSES

Sec. 5. The expenses of the joint committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the joint committee or by any member of the joint committee duly authorized by the chairman.

SENATE CONCURRENT RESOLUTION 73—SUBMISSION OF A CONCURRENT RESOLUTION TO ESTABLISH A JOINT CONGRESSIONAL COMMITTEE TO CARRY OUT A STUDY AND INVESTIGATION OF THE FEDERAL MEAT INSPECTION ACT

Mr. BELLMON. Mr. President, the health and safety of American consumers is a matter of great concern to all of us. Therefore, it is always disturbing to learn of conditions such as those re-

XUM

cently reported by the General Accounting Office regarding federally inspected meat packing plants.

It is appalling to all citizens to think that the meat they buy at the grocery counter might contain filth or foreign matter. Members of the Congress feel a special sense of responsibility for the citizens of this country, who are entitled to protection under the law.

As a farmer, and one who is experienced in the production of foodstuffs of various kinds, I place a high value on the need for measures to insure purity and wholesomeness in all of the food products that Americans are privileged to enjoy through the bounties of our agricultural economy. It has been my experience that those engaged in food production, both growers and processors, generally have this same attitude and work diligently and conscientiously to guard against any conditions that might in any way be harmful to the eventual consumer.

So while there is every reason to be legitimately concerned about the recent GAO findings, it would also be grossly unfair to denounce our domestic meat industry without full consideration of all the facts concerned.

In order to provide a broader perspective for making judgments in this matter, I would like to call the attention of my fellow Members to some of the conditions which have been brought out recently concerning meat which is imported from other countries. These imported meat products, incidentally, may be found on the meat counter right along with American meat products, and the consumer seldom knows the difference.

Under the standards followed by the United States Department of Agriculture, imported meat may be declared acceptable even though it contains one minor defect in every 30 pounds, one major defect in 400 pounds, or one critical defect to each 3,000 pounds. These defects may range from harmless extraneous matter to such things as blood clots, cysts, insects, ingesta or stomach contents, fecal matter, or manure.

Each year, around 1,600,000,000 pounds of meat are shipped into the United States. Less than 1 percent of this imported meat is actually examined by a U.S. Government meat inspector.

According to the report of the Secretary of Agriculture for the calendar year 1968, there are 40 countries that are permitted to ship meat to the United States. To carry out the inspection of this meat, there are only 15 veterinarians abroad and they have the job of checking 1,143 plants. These 15 so-called foreign review officers are backstopped by the equivalent of 75 U.S. inspectors who have the responsibility for determining whether this meat is sanitary and wholesome.

This method of checking on imported meat contrasts sharply with the inspection practices followed with respect to meat processed in our own plants here in the United States.

In this country, we have 7,050 inspectors on the Federal payroll who keep a close watch on 1,062 plants which slaughter and/or process either meat animals or poultry. Instead of a random sampling procedure which the overseas inspectors are forced to follow, the domestic meat inspectors examine every animal for health before slaughter and every carcass after slaughter which goes through a federally inspected packing plant. This meat must meet certain high standards, which are designed to assure consumers of the best in quality and wholesomeness.

Within each State, slaughterhouses and packing plants are required to meet the same high standards of cleanliness, under the provisions of the Wholesome Meat Act of 1967. Staffs of State inspectors are maintained for this purpose.

Mr. President, these marked differences in inspection procedures are quite significant, considering the fact that over a billion and a half pounds of meat comes into this country every year and winds up on the tables of American families in the form of hamburger, bologna, weiners, or cold cuts.

In view of these differences, and especially considering the relatively small number of Federal inspectors available to oversee the processing of meat imported from other countries, it seems both proper and necessary that the Congress take an interest in and active role in the quality of the meat inspection service.

In order to accomplish this objective, I am today submitting a concurrent resolution to establish a joint congressional committee to carry out a study and investigation of the Federal Meat Inspection Act.

The purpose of this legislation is to provide an opportunity for a committee of the Congress to make a firsthand evaluation of the plants in which meat destined for consumption in this country is processed and the level of inspection provided. Based upon this evaluation, it will be possible to develop any additional legislation that may be needed, or to provide a higher level of funding for inspection, if this is indicated.

Also this legislation will make it possible for Members of Congress to evaluate the level of supervision of the processing done at State-inspected plants and to determine if this meat is of sufficient quality and wholesomeness to be marketed in interstate commerce.

Mr. President, I ask unanimous consent that the text of the concurrent resolution be printed in the RECORD.

The **PRESIDING OFFICER** (Mr. JORDAN of Idaho). The concurrent resolution will be received and appropriately referred; and, without objection, the concurrent resolution will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 73) was referred to the Committee on Agriculture and Forestry, as follows:

S. CON. RES. 73

Concurrent resolution to establish a joint congressional committee to carry out a study and investigation of the Federal Meat Inspection Act

Resolved by the Senate (the House of Representatives concurring), That (a) there is hereby established a joint congressional committee to be known as the Joint Committee on the Administration of the Federal Meat Inspection Act (referred to hereinafter as the "joint committee").

(b) The joint committee shall be composed of three Members of the Senate appointed by the President of the Senate and three Members of the House of Representatives appointed by the Speaker of the House of Representatives.

(c) The joint committee shall select a chairman and vice chairman from among its members. Four members of the joint committee shall constitute a quorum. Vacancies in the membership of the joint committee shall not affect the authority of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner in which original appointments thereto were made.

FUNCTION OF THE JOINT COMMITTEE

SEC. 2. (a) It shall be the function of the joint committee to conduct a comprehensive study and investigation of the administration of the Federal Meat Inspection Act in countries that export meat to the United States with the view to determining whether meat inspection is being effectively and uniformly administered, whether the provisions of such Act applicable to wholly intrastate operations are practicable, are fair, and whether the provisions of such Act relating to imported meat are being effectively enforced.

(b) On or before June 30, 1971, the joint committee shall transmit to the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House a report which shall contain its findings and conclusions and such recommendations for additional legislation as the joint committee shall deem appropriate. Upon the transmittal of such report, the joint committee shall cease to exist.

STAFF AND ASSISTANCE

SEC. 3. (a) The joint committee shall have power to appoint and fix the compensation of such experts, consultants, technicians, and staff employees as it deems necessary and advisable.

(b) With the consent of the department or agency concerned, the joint committee is authorized to utilize the services, information, facilities, and personnel of the departments and agencies of the Government, and may employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable.

(c) With the consent of the chairman of any committee of either House of Congress, or any subcommittee have been appointed the joint committee may utilize the information and facilities, and the services of the staff, of such committee or subcommittee whenever the chairman of the joint committee determines that such action is necessary and appropriate.

EXPENSES

SEC. 4. The expenses of the joint committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the joint committee or by any member of the joint committee duly authorized by the chairman.

SENATE RESOLUTION 422—SUBMISSION OF A RESOLUTION RELATING TO SENATE DEFENSE OF CONSTITUTIONALITY OF VOTING AGE STATUTE

Mr. **KENNEDY**. Mr. President, I submit for appropriate reference a Senate resolution authorizing the Committee on the Judiciary of the U.S. Senate to appoint counsel to represent the United States in any legal proceedings with respect to the constitutionality of the statute lowering the voting age to 18.

As Members of the Senate are aware,

XUM

the President signed the Voting Rights Act Amendments of 1970 into law last Monday, June 22. At several places in the brief statement he released at the time he signed the bill the President specifically reiterated his belief that the voting age provision was unconstitutional.

We in the Senate who support the statutory approach to lowering the voting age heard extensive debate last February and March on the constitutional issue. Two subcommittees of the Senate held hearings on the issue, and the question was vigorously debated on the Senate floor. The constitutionality of the statute was strongly supported by eminent constitutional scholars in all parts of the Nation, including both Professor Paul Freund and Professor Archibald Cox. At the conclusion of the floor debate, we in the Senate voted overwhelmingly—64 to 17—to support the statute.

In light of the exhaustive consideration of the constitutional issue in the Senate, I believe that the Senate is entitled to an energetic defense of the constitutionality of the statute. The purpose of the resolution I am offering today is to enable the Senate to obtain the defense we deserve.

The proposed Senate resolution is amply supported by past precedent. In a number of Supreme Court cases in recent years, Congress has been represented by its own counsel in circumstances where the views of Congress and the administration diverged.

XUM

One of the most obvious precedents is the famous "bill of attainder" case, *United States* v. *Lovett*, 238 U.S. 303 (1945). In that case, the Supreme Court held that an act of Congress prohibiting certain named individuals from working for the Federal Government was unconstitutional because it was a bill of attainder. When the case first arose, the Attorney General informed Congress that it was "impossible to advocate the views of Congress with conviction." Shortly thereafter, Congress passed House Resolution 386, authorizing a subcommitee of the House Committee on Appropriations to appoint counsel to represent the views of Congress in the case. Subsequently, a private attorney, Mr. John C. Gall was appointed to represent Congress, and he argued the case for Congress in the Supreme Court.

In *Myers* v. *United States*, 272 U.S. 52 (1926), the Supreme Court upheld President Wilson's power to remove an Oregon postmaster, in spite of an act of Congress specifying that postmasters could be removed only with the advice and consent of the Senate. Since the interests of the President and Congress obviously diverged, the Court invited Senator George Wharton Pepper to argue the position of Congress as amicus curiae.

In the *Pocket Veto Case*, 279 U.S. 655 (1929), the Supreme Court upheld the validity of a "pocket veto," in which the President fails to sign a bill before Congress adjourns. Congressman Hatton Sumners, chairman of the House Judiciary Committee, argued the case as amicus curiae in behalf of the committee, pursuant to a resolution adopted by the commitee.

In *Jurney* v. *MacCracken*, 294 U.S. 125 (1935), the issue involved a habeas corpus action against Chesley W. Jurney, the Sergeant at Arms of the Senate, who had arrested MacCracken pursuant to a contempt citation issued by a special Senate investigating committee. The U.S. attorney for the District of Columbia represented Jurney, and Hatton Sumners argued the case as amicus curiae on behalf of the House of Representatives. There is no formal House resolution authorizing Sumner's appearance, but in a letter to the Court requesting him to appear, Mr. Sumners indicated that the Speaker had authorized him to make the request to appear.

In closing, let me say that I hope that all Members of the Senate will support the resolution I am offering, whatever their views on the merits of the constitutional issue. We can all agree on the need for a thorough exploration of the issue, and I believe that the voice of the Senate should be heard.

In addition, I am hopeful that the Supreme Court will see fit to expedite its consideration of this case. As I indicated in a letter to the Attorney General earlier this week, it is especially important to seek a prompt judicial test of the act, because one of its provisions—the provision imposing a nationwide ban on State literacy tests for voting—is effective immediately. The validity of the ban on literacy tests rests on much the same constitutional support as the the provision lowering the voting age. Obviously, the validity of this provision should be resolved at the earliest opportunity, before the issue clouds the impending primary and general elections this fall.

Although a lower court case challenging the validity of the act was filed this week in the District of Columbia, I believe that the issue can be most quickly and effectively resolved if a State files an original action directly in the Supreme Court. This was the pattern followed in *South Carolina* v. *Katzenbach* 383 U.S. 301 (1966), in which the Court upheld the constitutionality of the Voting Rights Act of 1965.

In many respects, it might be appropriate for a State like Oregon to file a test case in the Supreme Court. In a sense, it could be said that Oregon has a mandate to challenge the act, because only last month, a proposal to lower the voting age in the State was defeated in a popular referendum. Since Oregon also has a literacy test that would be affected by the recent legislation, a case brought by that State could challenge both the voting age and the literacy provisions of the statute.

Because of the need for a prompt judicial determination of the literacy provision, it may prove desirable for the Supreme Court to schedule a special summer session to resolve the issue. Although the Court is reluctant to hold such sessions during its summer recess except in the most unusual circumstances, it is my understanding that the Court is now already considering such a special session to resolve the Charlotte school desegregation case. If a special session is held, it is my hope that the Court would see fit to consider the Voting Rights Act provisions as well.

In any event, by whatever means the voting age issue is raised in the Supreme Court, it is my strong belief that the Senate, as the architect of the statute, should have the opportunity to be represented.

The PRESIDING OFFICER (Mr. BELLMON). The resolution will be received and appropriately referred.

The resolution (S. Res. 422), which reads as follows, was referred to the Committee on the Judiciary:

S. RES. 422

Resolution to authorize representation of United States Senate by counsel in judicial proceedings concerning the Constitutional validity of the Voting Rights Act amendments of 1970

Whereas section 302 of the Voting Rights Act Amendments of 1970 (Public Law 91-285) provides that "Except as required by the Constitution, no citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any primary or in any election shall be denied the right to vote in any such primary or election on account of age if such citizen is eighteen years of age or older"; and

Whereas the President of the United States, in approving Public Law 91-285, stated that he believed section 302 to be unconstitutional; and

Whereas representatives of the Department of Justice, in testimony before the Subcommittee on Constitutional Amendments of the Committee on the Judiciary of the United States Senate have stated their belief that section 302 is unconstitutional; and

Whereas the Senate by the vote of 64-17 approved section 302 as an amendment to the Voting Rights Amendments of 1970; and

Whereas it is a matter of urgency to secure an early and comprehensive consideration of the Constitutional question by the Supreme Court of the United States, in order to eliminate uncertainty over the constitutionality of section 302: Therefore be it

Resolved, that the Committee on the Judiciary of the United States Senate is hereby authorized to appoint counsel to represent the United States Senate in any judicial proceedings concerning the constitutional validity of section 302 or other provisions of Public Law 91-285.

SENATE RESOLUTION 423—SUBMISSION OF A RESOLUTION RECOGNIZING THE OUTSTANDING SERVICE OF SENATOR MIKE MANSFIELD AS MAJORITY LEADER OF THE SENATE

Mr. SCOTT (for himself, Mr. KENNEDY, Mr. GRIFFIN, and Mr. BYRD of West Virginia) submitted a resolution (S. Res. 423) recognizing the outstanding service of Senator MIKE MANSFIELD as majority leader of the Senate, which was considered and agreed to.

(The remarks of Mr. SCOTT when he submitted the resolution appear later in the RECORD under the appropriate heading).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 25, 1970, he presented to the President of the United States the following enrolled bills:

S. 743. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet division, Walla Walla project, Oregon-Washington, and for other purposes;

S. 2062. An act to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, and for other purposes; and

S. 2315. An act to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes.

AMENDMENT OF THE DEFENSE PRODUCTION ACT OF 1950—AMENDMENT

AMENDMENT NO. 738

Mr. BYRD of Virginia submitted an amendment, intended to be proposed by him, to the bill (S. 3302) to amend the Defense Production Act of 1950, and for other purposes, which was ordered to lie on the table and to be printed.

(The remarks of Mr. BYRD of Virginia when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

IMPROVEMENT AND MODERNIZATION OF THE POSTAL SERVICE AND ESTABLISHMENT OF THE U.S. POSTAL SERVICE—AMENDMENTS

AMENDMENT NO. 739

AMENDMENT TO CONTINUE EDUCATIONAL MATERIAL AND LIBRARY RATES ON A UNIFORM NATIONAL BASIS

Mr. MANSFIELD. Mr. President, the bill (S. 3842) would provide for the transfer of postal ratemaking to the Commission in the U.S. Postal Service except for certain classes of free and reduced mail, such as free mail for the blind, which are continued by law. On behalf of the distinguished minority leader the senior Senator from Pennsylvania (Mr. SCOTT), my colleague from Montana (Mr. METCALF), and the distinguished Senator from California (Mr. CRANSTON), I submit an amendment continuing the longstanding congressional policy that rates on books, educational and library materials be on a uniform national basis rather than zoned by distance. The amendment preserves to the Commission the function of setting the level of these rates.

The two categories involved are both in section 4554 of the present law. One is the special fourth-class rate first established in 1938 for books, music, educational films and tests, recordings and other educational materials now set at 12 cents for the first pound and 6 cents for each succeeding pound. The second is the library rate for library materials sent between libraries and between libraries and their patrons; and certain educational materials sent to libraries and schools, first established in the 1920's. This rate permits efficient national, regional and State systems of interlibrary loan of specialized material between libraries and the serving of citizens in sparsely settled areas by mail loans.

Both of these uniform rates serve important educational and cultural purposes, insuring that all citizens, libraries and educational institutions have the same access to these materials no matter where they may be located. By contrast, a system of rates zoned by distance—such as the present parcel post schedule—would severely penalize areas remote from publishing and library centers.

Speaking as a Senator from Montana, I am especially concerned about provisions contained in S. 3842 as it applies to library book rates. In Montana, if the special rates are removed, it will approximate an additional $130,000 for postage and circulation of library materials in the State. This would mean a reduction in services throughout the State because at the present time Montana is finding it very difficult to meet its other financial obligations. The increased rates, if allowed, would reduce the services to the people of my State. I think we are fully justified in asking for an exception in this case.

The committee report testifies to the value of these rates but does not require the Postal Rate Commission to continue them on a uniform national basis. It sets up a procedure under which they can be phased out over a 5- to 10-year period.

The bill which has passed the House, H.R. 17070, and which was proposed by the administration, goes much further than this amendment. The House bill retains in the hands of the Congress any changes in the level of these rates as well as preserving their uniform national basis; and authorizes annual appropriations for any subsidies which may be involved.

I intend to press this amendment vigorously when the bill is before the Senate.

Mr. President, I send the amendment to the desk and ask that it be printed in the RECORD.

The PRESIDING OFFICER (Mr. PEARSON). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 739) is as follows:

On page 228, between lines 2 and 3, strike out item 3709 and insert in lieu thereof the following items:

"3709. Uniform rates for books, films, and other materials.

"3710. Limitations."

On page 244, between lines 2 and 3, insert the following new section:

"§ 3709. Uniform rates for books, films, and other materials

"Notwithstanding any other provision of this title, the rates of postage on those items enumerated in former section 4554 of this title shall be uniform for parcels of the same weight, and shall not be based on zones or otherwise vary with the destination of the parcel."

On page 244, line 3, strike out "3709" and insert in lieu thereof "3710".

On page 244, line 6, after "3707" insert "or 3709".

AUTHORIZATION OF A FAMILY ASSISTANCE PLAN—AMENDMENT

AMENDMENT NO. 740

FULL EMPLOYMENT ACT

Mr. HARTKE. Mr. President, today I am submitting an amendment entitled the "Full Employment Act." Its purpose is to provide a job for every man and a man for every job. Whatever his color, whatever his education, every man has an identical need and desire for a job. A man's desire for work transcends mere monetary concern and constitutes his basic desire to contribute to his society.

I offer my bill as an amendment to the Family Assistance Act. This bill has been greatly improved by recent revisions, but there remains a basic inconsistency not only in the bill but in President Nixon's economic policies.

It is contradictory to talk about increasing job training while pursuing a policy that reduces jobs. It is absurd to talk about taking people off welfare and putting them to work, at the same time you are taking many more people from work and putting them on some form of welfare.

The latest Bureau of Labor figures show that in just over a year the ranks of the unemployed have swelled by 1.3 million workers. Since President Nixon took office the unemployment rate has risen from 3.3 percent to 5 percent. Unemployment hits my State as hard as if not harder than the rest of the country. Over 101,900 Hoosiers are now unable to find work. Although the administration predicted that unemployment would rise by 4.3 percent, a conservative estimate would be 5.5 percent. Many reputable and respected economists predict an unemployment rate as high as 7 percent.

More frightening than these grim statistics is the fact that President Nixon's economic plans are creating unemployment for those who never had to worry about finding a job before. As the Department of Labor reports, the largest increase in unemployment is among "white, adult, full-time workers . . .". Even workers not laid off from work are suffering loss of income because of the cutback in overtime work. In addition to the rise in unemployment for blue collar workers, substantial numbers of women have been withdrawing from the labor force.

It is clear that this Nation's families are paying a heavy price for the present administration's flawed and failing economic policy. It has caused unemployment that is creating long lines for unemployment compensation. It has robbed the entire Ntaion of the contributions these skilled workers could make to America. I believe these men should be given jobs which they want. I believe that these men could provide basic public services which are urgently needed. In this way we will achieve an economic saving because we will be reducing the cost of unemployment compensation and the cost of public services. The legislation I propose today would employ thousands of the jobless in public service. They would have meaningful productive work in basic community services such as public transportation, education, public health, environmental and pollution control, and recreation.

A tour of any of the Nation's metropolitan areas reveals an urgent backlog of such public jobs. The program that I propose is entirely feasible. Studies conducted for OEO and the Commission on Technology, Automation, and Economic Progress in 1966 estimated that from 4.3

XUM

to 5.3 million jobs could be created in public service. Between 370,000 and 570,000 could probably be provided in the very first year.

Public opinion polls consistently reveal popular support for the idea of full employment. The concept of public service employment has received the endorsement of many groups such as the Urban Coalition and the AFL–CIO.

I believe my proposal is superior to others that have been proposed for creating jobs. Whatever their successes during times of prosperity and economic expansion, programs to create jobs in private industry cannot work during an economic decline. Also public service employment is superior to proposals for public works projects as we have had in the past because public service programs could be implemented quickly and most of the money spent goes directly to the worker. This adds needed purchasing power to our sluggish economy.

Creating employment in public service should not be viewed just as a temporary measure to meet the present unemployment emergency. As the President's Commission on Technology and the American Economy stated:

> Constant displacement is the price of our dynamic economy.

My bill would smooth out some of the inevitable bumps of our economy. It also can be very helpful in any conversion from a war to a peacetime economy.

A public service employment act would help provide employment among the poor. One out of five slum residents not in the labor force gives inability to find some way to care for their children as the main reason they were not looking for work. A 1967 report by Greenleigh Associates for the OEO found that 14,000 potential jobs existed with day care facilities. Similarly, increased staffing of public health facilities could remove barriers to meaningful work for some of the 10 to 20 percent of the poor whose inability to find employment is traceable to chronic health problems.

Can we afford this program? I do not think we can afford the present high economic cost of the existing unemployment policies. I do not think we can afford the cost of the present inadequate public services. I do not think we can afford the cost of our growing crime problem. I do not think we can afford the cost of pollution. And in all these areas, jobs can be created to attack the problems. America cannot afford not to create full employment.

The PRESIDING OFFICER (Mr. Bellmon). The amendment will be received and printed, and will be appropriately referred.

The amendment (No. 740) was referred to the Committee on Finance.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT—AMENDMENT

AMENDMENT NO. 741

Mr. ALLOTT proposed an amendment to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which was ordered to be printed.

(The remarks of Mr. Allott when he proposed the amendment appear later in the Record under the appropriate heading.)

ADDITIONAL STATEMENTS OF SENATORS

CAPE HENLOPEN SAND DUNES

Mr. BOGGS. Mr. President, on June 4 the senior Senator from Delaware (Mr. Williams) and I introduced S. 3922, a bill to convey certain military lands at Cape Henlopen, Del., to the State of Delaware for recreational uses.

The bill has been referred to the Committee on Armed Services, where it is waiting comment from the Department of Defense.

This military land is surrounded by a State park which draws 2 million visitors a year. The land—both military and civilian—has a beautiful, unsullied Atlantic beach and sand dunes that have been of great interest to naturalists and conservationists.

The U.S. Army showed its respect for the biggest sand dune at Cape Henlopen by knocking it down and installing five house trailers where it once rose 70 feet into the air. This dune had been the subject of scholarly articles in both the Scientific American and the National Geographic.

We are hopeful that the Committee on Armed Services will react favorably to our proposal. For its background, and that of other distinguished Senators, I ask unanimous consent that a recent newspaper article about the dunes be printed in the Record. The article was written by Mr. James Moore and was published in the Wilmington Evening Journal on May 25.

There being no objection, the article was ordered to be printed in the Record, as follows:

Storied Dune's Future Hazy

(By James Moore)

Cape Henlopen.—The Big Dune is a pile of sand on Cape Henlopen with a wild and exciting past, but actions of the U.S. Army have clouded hopes for a bright, state-planned future.

The dune has only its past to revel in because Army bulldozers have pushed down much of the sand and covered it with topsoil. Local and state officials have protested because they were not consulted about the action.

The conflict came to a climax the morning of April 24 when a group of Cape Henlopen High School students confronted the unit leveling the dune for use as a trailer park.

No blows were struck, but the reverberations of the clash were heard all the way to the Senate floor in Washington. The fight is not over.

Strange confrontations and events are nothing new to this small spit of land east of Lewes and the strangeness is compounded by the fact that the land itself keeps changing and moving around.

Professor John C. Kraft of the University of Delaware's geology department has been studying the cape and the land south of it for several years. His findings show that the Cape may soon stretch all the way to the breakwater, which is now 300 yards west of the tip, within five years.

If this happens, according to Kraft, the present Lewes Beach will become a large marsh, complete with tall marsh grass.

Two natural occurrences working together have caused the movement.

First, instead of waves hitting the beach perpendicularly, they roll in from the southeast, which means they push the sand along the beach instead of washing over it.

At the same time, the currents of the Delaware Bay, after leaving the bay mouth, circle around toward the beach and flow north again, assisting the wave motion.

By using evidence obtained by drilling deep holes into the sand, Kraft and his workers have been able to determine how the cape has grown while the coastline has receded. Kraft estimates the coastline moves in at a rate of 12 feet a year.

The modern history of the cape began in 1620, when Captain Cornelius Mey of the Dutch West India Company sailed into the bay and gave his name to the north shore and the name of a friend, Thymen Jacobson Hinlopen to the south shore. Hence, Cape May, N.J. and Cape Henlopen, Del.

In the latter part of that century, piracy thrived off the Delaware coast, and the residents of the town of Lewes found it great sport to hike out to the 70-foot-high Big Dune and watch the pirates prey on ships flying the Spanish and French flags.

It was rumored, but never proven, that Captain William Kidd came ashore after one of his pirate raids and buried a portion of his treasure in the dunes of the cape. Nothing ever has been found.

The first Cape Henlopen lighthouse was constructed in 1725 but was destroyed and then rebuilt in 1764. At the beginning of the American Revolution, patriots extinguished the light so British ships could not come as close to the coast as they might like.

The British burned the wooden interior of the light in the last part of the war, but it was replaced in 1784.

In the War of 1812, the light was burned again and the local residents feared the British would mount a land attack against their little hamlet. Being unarmed and unable to withstand a land invasion, the resourceful farmers devised a plan to convince the British that they would be foolish to go ashore.

The men went into their fields and pulled up corn stalks, which they charred. They then went to the top of the big dune, formed small squads and walked with the charred stalks on their shoulder as if they were training.

The British Fleet, the story goes, saw the "heavily armed" men and turned around and sailed away.

In 1825, another beacon was installed on the cape and it was able to project a light out to sea 40 miles. Money to build the light was raised by lottery.

At the same time it was decided to improve the harbor by building a breakwater, and although the decision proved advantageous to shipping, it later came back to haunt the people.

To build the barrier, trees were cut from the forests atop the dunes, removing the cover which kept them in place. The sand started to shift at a furious pace and began to cover the lightkeepers house.

At times it was possible to crawl out of the second floor window of the house right onto the dune.

Relief came in a strange manner. In February 1883, the barkentine Minnie Hunter hit Hen and Chicken Shoal, which lies just under the water off the end of the cape, and went aground. The wreck became a jetty and slowed the erosion process temporarily.

Meanwhile more decisions were made which later would be regretted. The military decided the Navy needed facilities on the cape and began to ask for the land. Most of it was held in trust by local officials by virtue of a grant from William Penn. The military siege had begun.

The Lewes Naval Base became the home port for boats patrolling the mouth of the Delaware Bay and was housed in a building located where the present Army pier hits land. A small radio station also was built on the ocean side of the cape next to the waterline.

In 1918, a young third-class electrician and radioman, Charles S. Horn, came to the base; 52 years later he would come back to the base as a civilian, not a friend of the military.

Last week, seated in his spacious Rehoboth Beach home, Horn reminisced about his early years.

"My parents moved to Rehoboth in 1900 and I went into the Navy to get away from this place," Horn said. "But the Navy thought they were doing me a big favor and sent me back to Lewes."

"It was a terrible place to be because the mosquitos would get you in the summer and in the winter there was so much ice on the dunes you couldn't climb them."

About 30 men took care of the base and had very little to do with the war other than tending American mines and running communications operations.

Horn left the Lewes area after the war but the military was still there and in control of about 500 acres of land, a tract which was disappearing rapidly into the sea.

By 1924, the lighthouse, which had gained the nickname of "Old Man of the Sea," had to be abandoned and replaced by a temporary tower 110 yards inland.

A severe storm on Jan. 26, 1926, ate away the sand around the light enough to tilt it over 18 degrees. That April it fell into the sea. Pieces of the building were brought out of the surf and now adorn many mantels in the area.

The rumblings of another war in Europe brought a flourish of activity. The area was designated as a prime spot for major battlements, and the military began working to acquire the necessary land.

Army engineers surveyed the dunes but told no one what was going on at the base, which was closed in completely. At the same time, court proceedings were under way to get clear title for the land for the federal government. In 1941 the federal government agreed to pay Lewes, Sussex County, and several private owners $97,669.50 for 1,010 acres of land. The military siege was complete.

Nearly $22 million was spent for the work at the "Masked Fortress," so called because most of the equipment was underground. The most important element of the fort was the array of 16-inch guns, with barrels 55 feet long, buried inside the concrete bunkers.

The government named the installation Fort Nelson Appleton Miles, in honor of a lieutenant general who won the Congressional Medal of Honor at the Battle of Chancellorsville in the Civil War. He was born in Massachusetts, and no one could prove that he ever put a foot on Delaware soil. The local residents were not pleased.

The guns of the fort were used to protect convoys which formed off the Delaware coast, but only test shots were ever fired.

Men stationed at the fort had time to help Sussex farmers pick string beans in 1942.

The fort's biggest military moment came after Germany surrendered. The first enemy submersible to surrender to the U.S. navy, U–858, was towed into Lewes for a careful examination before being taken to Philadelphia.

The big guns of the fort were removed in 1949 and cut up to be sold as scrap. The many buildings which had been used as barracks and messhalls during the war were either torn down or given to the town of Lewes or its school board.

In 1964, Delaware's congressional delegation asked that the land be returned to the state because it was not being used for defense purposes, a phrase oft-repeated in the last month.

Sen. John J. Williams, R-Del., introduced legislation to have the surplus land revert, and by the end of the year, 550 acres on the tip of the cape became Cape Henlopen State Park.

The town of Lewes had control of 155 acres on the tip. That also was given to the state because local officials felt they could not improve the land or stop it from moving. This gave the state a 705-acre park and 943 acres in the Gordon Park area, which had not fallen under military control. That area is below Fort Miles.

However, between those two large sections are 804 acres still in the hands of the Army and Navy, and that's what the battle of the Big Dune is about.

640 acres of that total are within the confines of "Naval Facility, Fort Miles," a fenced-in section containing some of the most important dune land. Military authorities, under pressure once again from Williams, have agreed that much of this land is surplus and may be returned to the state.

But the Big Dune is located on a 164-acre tract held by the Army for recreational purposes. Five weeks ago the bulldozers began working on the Big Dune, and Horn saw it and didn't like what was there. His phone calls to members of the community started the public uproar.

The confrontations, talks, and more phone calls have followed, but Pentagon officials do not want to relinquish their title to the land. So the military siege, although reduced, goes on.

The future of the Army's recreational facility is bright, but for other visitors to Cape Henlopen State Park, things look gloomy.

PATTONSBURG, MO.: NEW TOWNS FOR THE FUTURE

Mr. SYMINGTON. Mr. President, when Andrew Johnson, seventh President of the United States, was inaugurated, only 1 billion people were living on this planet—and fewer than 13 million within the borders of this country. A full century passed before there were 2 billion people on the earth. In the last 40 years, however, the population of the world has swelled to 3½ billion people.

Mankind is locked in an awesome race with the crib as a result of what has been called the medical revolution: increased longevity and declining mortality rates due to better nutrition, better hygiene, the development of miracle drugs, and the control of killer diseases.

Today in the United States there are more than 200 million people. In the next three decades it is projected that we will add another 100 million.

The challenge of today is how to make America livable in the tomorrow when we have an additional 100 million. Where will they live? How will we provide opportunities for a meaningful existence?

Unless we act now, present trends indicate that by the year 2000, 77 percent of all Americans will live on 11 percent of the land in the continental United States. For urban Americans this will mean longer lines, more crowded public transit, choked roads and arteries, worsening slums and ghettos, the increase of crime and pollution, and rising mental illness.

Overcrowding is not healthy, as a recent study by Indiana University well demonstrated. This study found that 82 percent of Manhattan's population have displayed various degrees of mental illness because of living conditions in that city.

Cities in general, as beneficial modes of human settlement, are in decline. As the President said in his state of the Union address:

> The violent and decayed central cities of our great metropolitan complexes are the most conspicuous areas of failure of American life.

Today it is all too evident that, even though we call them cities, we have actually built urban deserts.

In addition to being overgrown, many of our modern cities are largely centerless, bankrupt, and monumentally ugly. The city, which the great urbanologist, Lewis Mumford, tells us was once a place of fellowship and protection, can hardly be considered so today; in fact in contemporary life, the city is all too often a place where crime and social unrest stalk the streets, where inhabitants work and reside behind locked and bolted doors. It is a place of evil-smelling fumes, dark canyons of murky air, congestion, stress, and the constant din of unregulated noise.

And for too many Americans, especially black Americans, the city is a vast drab concrete establishment in many ways comparable to a prison, with too few job opportunities, too few recreation facilities, too little open space, inadequate housing, and inferior schools.

As our central cities continue to deteriorate, the exodus to the suburbs goes on. Most new growth in our large metropolitan areas is taking the form of urban sprawl—what one commentator has called the "slurbs." This development, which has consumed open land with a voracious appetite, has not provided a solution to our urban ills, but has only intensified them.

I realize that I have painted a bleak picture of the contemporary city, but I certainly do not advocate abandoning them; in fact, there are a number of reasons for preserving and enhancing the city form.

Only in the city do we have what might be termed the "great stages" of human existence. For as the city is the birthplace for over 70 percent of all Americans, it is likewise the place of death for those same Americans; and in the interim, the backdrop for their lives. Because it draws together so many diverse people and elements, it can offer more potential to its inhabitants in the form of cultural, social, educational, and economic advantages.

As our cities grow larger and larger, however, and their problems become more and more unmanageable, the size, and complexity of these urban problems will always outdistance available resources; and our hope in meeting the challenges affecting our great metropolises, is to channel urban growth into units of more manageable and more attractive proportions.

Moreover, if within the next 30 years, the Nation is to take care of the estimated population growth, it will have to double the physical plant of all of its cities. That means building twice as

XUM

many schools, churches, roads, houses, airports, dumps, and parking lots as are in existence today. As one commentator has observed:

> This will entail the building of a Second America. What our forefathers did in three hundred years, we have to do in thirty.

It is obvious that our cities cannot absorb this projected growth; however, our rural areas do not presently provide any viable alternative, because in most nonurban regions there is also a lack of opportunity and a lack of jobs, which in turn stimulates migration to the already overcrowded cities.

Under these circumstances I believe we should formulate a comprehensive urban growth policy, one that will recognize the organization and nature of dispersion of our population, present, and future, over the entire United States. There should be a halt to the further concentration of our people in the cities; and I support legislation to establish a national land use policy as but one step toward this goal.

Perhaps the most important aspects of such a national policy would be an expanded new towns program.

The concept of building new towns is not new. New towns have presented a solution to man's urban ills for centuries. Sweden has had a new communities policy ever since the 1940's and Great Britain in turn has had a highly successful program since the end of the Second World War. New communities in Brazil and Venezuela such as Brasilia are well known; and a large majority of the Nation's urban experts favor a new towns program as desirable and important to the future.

The creation of new towns could provide an alternative to the present policy of relatively haphazard national growth, would furnish places to locate the tens of millions of new Americans expected in the coming decades, could rescue the cities from many of their worsening problems, and at the same time act as a stimulus for needed rural development. In addition, new towns would provide a more pleasant and healthful environment than do most of our cities today.

If cities of the future are not to be replicas of past failures, they must be planned new communities.

One prominent urban authority recently said that "We must build a new town the size of Tulsa every month for the next 30 years just to accommodate our population growth."

Admittedly this is an ambitious proposal and it will be expensive, but continued inaction in face of the awesome urban and population problems of this Nation will be even costlier.

But just what is a "new town."

There are four major types of new towns. The first type—de novo new towns—are totally new communities, built from the ground up, and completely self-sustaining.

Satellite new towns, by comparison, are appendages of another city, more often than not bedroom communities linked by an economic umbilical cord to a larger city.

The third type of new town—the new-town-in-town—is constructed on vacant land within an existing city.

Finally, there is the renovated new town, or "new towns from small towns." This kind of new town is built on the base of an existing small town.

In this regard, a small community in northwest Missouri offers a unique opportunity for development as a new town. Pattonsburg, Mo., could serve as a national pilot project for turning a small town into a new town.

In 1928, the Corps of Engineers first proposed a plan for a flood control reservoir which would inundate Pattonsburg, and since that time this small Missouri community has lived under a cloud of uncertainty.

Congress gave final approval to the entire reservoir system proposed for the Grand River Basin, of which Pattonsburg Reservoir is the largest impoundment, in 1965; and for the past 5 years the town of Pattonsburg has waited for the Government to acquire its property and for relocation on higher ground. Because the town has no future in its present location, no one is willing to make needed repairs and new investment has virtually dried up.

Mayor Lloyd Pettit of Pattonsburg described the situation well in 1969:

> The value of our homes have fallen, our businesses have begun to shut down and move away. No longer is capital from without invested in new industries or new businesses. Every day more and more of our people begin to move away. Uncertainty and doubt hang over our heads. Our people are demoralized and afraid. We do not want to watch our towns die; we do not wish to abandon it. We would like another chance to relocate in another place. We can only do this if we receive help from our government.

Under the leadership of Mayor Pettit, courageous Pattonsburg residents decided to organize and fight for their community's survival.

First, the citizens of Pattonsburg established a nonprofit development organization to serve as the coordinating agency for the planning, relocation, and development of a new town.

Then, in 1969, aided by a grant from the Department of Housing and Urban Development, and in cooperation with the Missouri Department of Community Affairs, sites were explored on which to build a new town and a preliminary plan was formulated.

Shortly thereafter, the 75th General Assembly of the Missouri State Legislature authorized such a town to annex a nonadjacent new townsite not more than 10 miles distant.

During the past month, a proposal has been submitted to the Department of Housing and Urban Development requesting funds to plan the new town of Pattonsburg. This proposal emphasizes the fact that Pattonsburg draws together many ideal elements of new town construction: transportation, industry, recreation, and proximity to a major urban area.

The town of Pattonsburg lies 65 miles north of Kansas City and 125 miles south of Des Moines, and will be linked to these two metropolises by Interstate 35. It is also served by the Norfolk & Western Railway.

Pioneer Cap Factory, which is the principal employer for the city and surrounding area, is in urgent need of a new facility, and would provide the nucleus for an industrial park development designed to give the new town a diversified economic base.

Perhaps the most unique aspect of the Pattonsburg proposal is the combination of a new town with a Federal reservoir. Pattonsburg Reservoir is designed to provide flood control, recreation, hydroelectric power, and water supply to the area; and if Pattonsburg follows the pattern of other reservoir developments in Missouri, we can expect tremendous economic and recreational development to follow the closing of the flood gates of the dam.

If the Pattonsburg proposal is accepted, it could add a whole new dimension to water resource development in the United States.

It is also evident that the new towns concept offers great latitude in dealing with the problems of rural America. Pattonsburg is located in Daviess County, a county characterized by the same discouraging pattern of outmigration and declining economy that afflicts hundreds of other rural counties in this country. Thus, it would make an ideal location for the creation of a new growth center to spur rural development in the surrounding region. At the same time, it is hoped that this kind of development would help to stem, and in time, reverse the tide of rural-urban migration which is intensifying the problems of our cities.

Because the development of new towns holds great promise for rural America, a proposal similar to that submitted to HUD has been sent to the Office of Rural Development and Conservation, Department of Agriculture.

Thus, I urge that all consideration be given to the Pattonsburg proposals and that funds be made available to make the new town of Pattonsburg a reality.

Moreover, if we are truly serious about improving the environment and the quality of life in this country and restoring an urban-rural balance, then we should consider the importance of undertaking a massive "new towns" program in the years ahead.

Unfortunately, it was recently announced that the administration has postponed—at least for a year—sending to Congress a program for a national growth policy, which would have called for an expansion of the new communities program. The potential effects of an expensive new program on the country's inflation problems was cited as the reason for this action.

I regret that the new towns program is another victim of inflation—a part of the growing list of domestic programs shoved aside so that we can continue to finance our national adventures abroad.

This Nation launched the decade of the sixties with a commitment which seemed far-fetched at the time—to put a man on the moon by the end of the decade. That goal, as we all know, has been achieved.

With similar commitment and creativity, should we not now direct our efforts to the solution of the problems of space here on earth? We should launch the decade of the seventies with a commitment to build 300 new towns of 300,000 people each by the end of the century. This also could be a cooperative effort involving private groups and individuals, industry, and government—State, local, and Federal.

The choice is ours. We can sit idly by and watch our urban and social conditions go from bad to worse, we can watch crime rates soar, and we can be spectators to the decline of rural America and the collapse of our economy. Or, if we act now—and the creation of a national urban growth policy putting large emphasis on a massive new communities program would be a step in the right direction—we could help to rescue our dying cities from the fate that is surely theirs and instill new hope in our countryside, and in doing so, make this a better and richer land.

NO DIVISION IN SENATE REGARDING POW'S

Mr. GRIFFIN. Mr. President, there may be a considerable division of opinion in the Chamber over the conduct of the war in Vietnam and, indeed, over our Asian policy. However, it is safe to say that this body stands completely united on one issue involved in this conflict, and that is the demand for decent, humane treatment of prisoners of war. Every Senator agrees that we as a Nation must do all possible to reinstate dignity in the treatment of the 1,400 or so Americans being held by the North Vietnamese. The fate of these men and their suffering families is completely outside the area of partisan or ideological division in this body.

SENATOR HARTKE COMMENDS THE NATIONAL COMMISSION ON PRODUCT SAFETY

Mr. HARTKE. Mr. President, I congratulate the National Commission on Product Safety for its very fine final report which was delivered on June 23, to the President and Congress. The report, which I hope all Senators will read, details the great gap in our knowledge as to the safety of products in everyday use in every home in America. The Commission's 2-year study has revealed that many home products are indeed hazardous and that the Government, the manufacturer, and the home consumer are mainly unaware of what those hazards are. The report shows beyond any doubt the need for a separate Federal agency to safeguard consumers from undue risk from hazardous products and to set guidelines whereby manufacturers will be encouraged to produce safe as well as attractive products.

The report points out the shocking fact that there are virtually no standards for hundreds of products in daily use. And it recommends that standard-setting authority be vested in a permanent agency. I commend the Commission for not giving way to sensationalism. The facts are reported coolly without undue editorial comment. The recommendations speak for themselves. They are:

Creating an independent Consumer Product Safety Commission as a Federal agency concerned exclusively with the safety of consumer products;

Empowering that new agency to develop and set mandatory consumer product safety standards when necessary;

Empowering the Commission to enforce compliance with Federal safety standards through a broad range of civil and criminal sanctions;

Authorizing the agency to seek an injunction of the sale of consumer products which present unreasonable hazards or which violate Federal safety standards;

Recall authority for those products which violate Federal standards or which are unreasonably dangerous;

Establishment of an Injury Information Clearinghouse to collect and analyze data on injuries or deaths associated with products;

Creation of a Consumer Safety Advocate to the Commission, appointed by the President, with responsibility to represent only consumers in proceedings before the agency;

That in cooperation with the Secretary of Commerce, the Consumer Product Safety Commission be authorized to accredit private testing laboratories and that the Commission be empowered to require independent testing of products which present an unreasonable risk;

That existing Small Business Administration programs be expanded to authorize low interest loans to assist small businesses in meeting product safety requirements.

Permitting consumers to file individual or class actions for treble damages in U.S. District Courts against manufacturers who intentionally violate Federal standards.

In my opinion, Chairman Arnold B. Elkind, along with Commissioners Emory J. Crofoot, Henry A. Hill, Sidney Margolius, Michael Pertschuk, Hugh L. Ray, and Dana Young should be proud of a job well done.

I urge each Member of Congress to deliberate upon the report of the Commission and work toward implementing a national program to ensure the health and safety of all Americans.

POLITICAL ACTION AT COLLEGES AND UNIVERSITIES

Mr. YOUNG of North Dakota. Mr. President, the proposal to close our colleges and universities for a 2-week period just previous to the general elections this fall so students and faculty could participate has met with mixed reaction.

Mr. President, I think it is commendable that students and professors and, in fact, everyone connected with these institutions are interested in politics and want to take part, but I question whether institutions should be closed for 2 weeks previous to the election, the school term would have to be extended for 2 weeks next summer. I am sure that, for the most part, this would create a real problem.

Mr. President, on June 21, 1970, the Grand Forks Herald of Grand Forks, N. Dak., published an excellent editorial on this subject entitled "Popular Policy." It gives the views of both the University of North Dakota and the editor, and I am sure it would be of great interest to the readers of the CONGRESSIONAL RECORD. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

POPULAR POLICY

Most North Dakotans will applaud a policy statement submitted by the University of North Dakota this week to the State Board of Higher Education.

The statement, which was worked out with the Deans' Council, faculty members and students, deals with the controversial subject of student-faculty political participation, particularly as it might affect the rights of other students to the normal academic processes. It is at strong variance with the actions of many colleges and universities which either cancelled classes or reconstituted them in the aftermath of the Cambodia action and the deaths at Kent State University this spring.

"The University of North Dakota recognizes the importance of, and encourages, participation by individuals in the political, social, and economic affairs of the community, state and nation," the policy statement says. "While we respect the deep concern of individual faculty members and students about events and issues which have brought increasing turmoil to our nation and the concomitant desire to participate actively in the fall elections, we must emphasize the distinction between involvement of an individual and involvement of the University as an institution. The University affirms its traditional concern for the well-being of the society; at the same time it must remain outside the political arena. Adjustment of the academic calendar in order to free students, faculty, or other employees to engage in political activity is not consistent with the foregoing affirmation."

In explanation, the statement says, in part:

"In the first place when a student enrolls in the University and pays his tuition and fees, the University is legally committed to a published calendar, with provision for certain kinds of exceptions; there is the implied commitment by the University to deliver certain educational experiences. The calendar does not disallow politically-related programs, e.g., a seminar at Bismarck during the legislative session taught on a non-partisan basis. Other kinds of regular and announced scheduled class and field work programs may be arranged."

"The fundamental issue is the corporate involvement of the University and any actions that might involve institutional political commitments. Such actions might create a picture of institutional political unanimity which would not represent the views of all members of the University community.

"There is the danger that the University could evolve toward a kind of political orthodoxy, which in certain circumstances might even inhibit and discourage the expression of other opinions.

"Any disruption of the normal processes of education at the University endangers the very heart of our institution, namely, freedom of inquiry, freedom of thought, and

XUM

freedom of expression. Every effort must be made to make it easy to present opposing viewpoints as it is for someone to express his views initially. The University is not a place where anyone expressing a point of view, however much he is in the minority, can be either silenced or threatened with language or physical actions. The common standards of courtesy that should characterize the academic community must be respected."

It is hard to disagree with anything that is said in the statement, although we have seen in recent years the unwillingness of some North Dakotans to allow controversial speakers on the campus. Some of those who most vigorously would agree with the policy to prohibit disruption of the calendar would like to have only their own point of view made accessible to the students.

LONG ISLAND SOUND

Mr. RIBICOFF. Mr. President, on July 7 the Subcommittee on Executive Reorganization will begin hearings on the subject of the future of Long Island Sound.

I bring these hearings to the attention of the Senate because the problems to be faced in these hearings, and their eventual solution, may foreshadow the success or failure of our national effort to preserve and enhance the environment.

Long Island Sound is an arm of the sea extending 100 miles west and southwest from Plum Island to New York City. Its 1,300 square miles are bounded on the north by New England and on the south by Long Island proper.

XUM

The sound is one of the Nation's largest expanses of protected salt water. Formed thousands of years ago by glaciers, it was explored in 1614 by Adrian Block who gave his name to the great island which guards the sound's easternmost entrance.

Today, Long Island Sound lies next to civilization's most populous metropolitan area. Eleven million people live within 15 miles of its shore, and at least a quarter of all Americans reside within a day's automobile drive from the sound.

The salt water and shoreline of the sound make it one of nature's great natural resources. It has been a source of recreation and respite from the strains of a metropolitan society. Its very proximity to the Atlantic coast urban complex makes it an invaluable national asset.

In addition, the sound is among America's great estuarine areas. Its marshes, coves, and inlets are an integral part of the life cycle of most of our aquatic and marine wildlife.

But, Long Island Sound has become far more than a large natural body of water. Vast commercial shipping operations ply its waters. The shoreline has become the site of great cities and deep water harbors. The sound and adjacent coast are prime targets for intensive commercial, industrial, and residential development. It is neighbor to, and part of, the greatest transportation nexus in the world.

The location of the sound has magnified the demands of civilization on its finite resources. Many of these demands have come into conflict with previous uses. Others are threatening to change the very nature of the sound itself.

For years we in the Northeast have watched and accepted these developments without regard to their future course. We have been complaisant in our belief that the Sound was all things to all people. Its wide variety of resources and its capacity to accept new demands reassured us that it would continue to remain a source of pleasure and inspiration as well as profit.

But, what has been development now threatens to become exploitation; and what was progress may well be destruction.

The margin for future error on Long Island Sound has become exceedingly thin.

Long Island Sound has become a body of water—surrounded by people. The fortuitous circumstances which made this natural asset available to our population will become, without prudent foresight, the engine of its demise.

One year ago, I said on the floor of the Senate that Long Island Sound could become either a "pleasant, scenic oasis or a dark and stagnant cesspool."

The passage of time has reinforced that assessment.

Already the signs of deterioration are present. The character of the sound is changing ever more rapidly.

Pollution has degraded the quality of water throughout the sound. Beaches have been closed on both shorelines. On others, piles of garbage line the shore after a storm.

Twenty areas are now closed to shell fishing in order to protect the public against the sale of a poisoned product.

At New London, Conn., the scallop beds of the Thames River have disappeared. Elsewhere, it is becoming increasingly evident that the waters of the sound are less able than ever before to absorb the wastes of our rivers and cities.

Without proper protection many of the beaches are being lost to erosion.

In the past 18 months, several large, and countless small, oil spills have stained the shoreline.

Since 1900, Connecticut has lost almost two-thirds of its valuable tidal marshes. In 15 years, Nassau and Suffolk Counties have lost a quarter of their marshlands. Filling operations for harbor and docking facilities, highway construction, residential development and the like have been the major causes of this loss.

Several of our most scenic and tranquil offshore islands have been threatened by sale to commercial or industrial uses.

Less than 2 percent of the Connecticut shoreline is now suitable and available for public recreational purposes.

The magnificent osprey or "sea eagle" is disappearing from the shore and islands of the sound and taking with it a precious part of our natural heritage.

Long Island Sound is no longer simply the serene expanse which may have greeted Adrian Block. It has become a part of, and subject to, the dynamic life cycle of the Northeast.

In describing the sound, some persons have likened it to a neighborhood. And, like a neighborhood, it is many things to many people.

For the outdoorsman, it remains a source of fish and game. For the commercial fisherman, it is his livelihood.

Its waters may cool the recreational swimmer. The same waters are used to cool mammoth thermonuclear electric powerplants.

The protected nature of the sound provides a haven for thousands of pleasure boats. More than 40 million tons of commercial shipping use the sound every year.

The same scenic area of the shoreline may be as desirable for camping and picnicking as it is for construction of an appartment or office building.

In addition, 17 Federal agencies have operations directly affecting Long Island Sound. Many of these are working at cross purposes. While one agency seeks to preserve a certain species of wildlife, another provides funding for a project which will destroy that species' natural habitat.

On the local level, one town's beaches are polluted by another 's industry.

Regrettably, the decisions governing the use of Long Island Sound are too often made on the basis of criteria unrelated to the public benefit.

It is our great good fortune to have this vast natural resource at our doorstep.

It would be a tragic misuse of this fortune to destroy its greater benefit for short-term profit.

There are no villains on Long Island Sound, but shortsightedness and neglect.

These hearings are not designed to condemn. They are designed to point us into the future.

I do not believe that the aspirations and life cycle of 30 million Americans are incompatible with the future existence of the sound.

But I do believe that unless we take steps to begin proper and perceptive planning, this future existence will be severely threatened.

We must learn what Long Island Sound is—and is not; what it can do and what it cannot do.

We know, for instance, that in many places it cannot be returned to its original pristine state.

But we must know also that we cannot continue to destroy it for profit.

We must develop a new philosophy toward the sound—a philosophy that recognizes that technological advances are not progress until they are harnessed for the public benefit.

In essence, I believe we should treat the sound as a living national ecological laboratory.

Long Island Sound, with its myriad of potential uses and benefits, is an area where relationships among men and between man and the environment are likely to conflict.

Let us hope that we can use ecology—the science that studies these relationships—to help us to save the sound.

EDUCATION—THE FUNDAMENTAL PURPOSE OF NATION'S COLLEGES AND UNIVERSITIES

Mr. TOWER. Mr. President, recently one of my constituents called attention to an editorial in the Baytown Sun which

I ask unanimous consent to have included in the Record. It is important that we remember the fundamental purpose of our Nation's colleges and universities—education. The future of our Nation rests to a large extent on the fulfillment of this function.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Many Young People Need To Face Life's Realities

Every schoolboy knows—or used to know—the story of how the Greek mathematician Archimedes calmly continued drawing figures in the sand even as Roman troops broke into the city of Syracuse, Sicily, in 212 B.C.

In a somewhat more modern setting, a scene from a work of fiction but nevertheless true to life, the beloved Mr. Chips continued instructing a class of boys in Latin even as German bombs exploded outside.

Such Archimedean or Chipsian detachment and inner calm and determination to let nothing interfere with the really important things used to be considered admirable.

Today, Mr. Chips' Latin class would hoot the old dodderer out of the room with choice Anglo-Saxon expletives.

This spring a writer railed in the Daily Californian, the student newspaper at the University of California in Berkeley, about those professors:

"Who refuse to be flexible, who refuse to allow their students to reconstitute (that is, take over) their classes, who in the face of napalm and National Guard killings in Kent and Augusta, Ga., have the irresponsible self-righteousness to demand that they be allowed to continue to teach Shakespeare and calculus."

Undoubtedly, this student, assuming he has ever heard of Archimedes or Mr. Chips, would point out that that the first was run through by a Roman sword and that the second deserved to be for teaching a subject even less "relevant" than Shakespeare.

Yet what time hasn't been a time of crisis, and when hasn't it been "irresponsible self-righteousness" to demand that learning go on as usual? No matter how much upheaval there is outside the ivory tower, someone has to mind the store of mankind's accumulated knowledge.

From another campus, however, the word seems to be that it is a waste of time.

In an article in the New York Times magazine on the 1970 graduating class at Harvard, several students suggest that they already know all there is to know, that there is nothing more to strive for, that society's problems are insurmountable and that there is no alternative but to await the end, which is coming not with a bang but a whimper.

"I mean," says one, "there's this feeling that it's all over. I don't mean in the sense of an apocalypse or a revolution. But really everything is just groaning to halt. The environment's going up in smoke. We can't deal with 200 million people. How can we deal with 300 million?"

"In the four years that we've been here," says another, "every major rule has been removed. Nobody believes in work, nobody does final drafts of papers . . . Everybody's bored. A professor can't keep people interested for 60 minutes if he does a song and dance act."

This year's Harvard graduating class, to hear them tell it, has been everywhere and done everything. Four of them have had books published, all dealing, of course, with various aspects of the campus revolt. They have not only slept with girls, but have lived with them. They are both too soon smart and too soon old. In place of guts, they are filled with self-pity.

It was Voltaire, when asked what he would do if he knew he were going to die that afternoon, who replied that he would simply finish hoeing his garden.

A dismaying number of young people today have no gardens to hoe. Their souls are deserts.

SENATOR RANDOLPH OFFERS ENCOURAGEMENT TO WEST VIRGINIA SENIOR CITIZENS

Mr. WILLIAMS of New Jersey. Mr. President, in May 1970, more than 500 elderly citizens of West Virginia gathered at historic Jackson's Mill for a 3-day preliminary meeting for discussions in preparation for the White House Conference on Aging in 1971.

On May 20, they came together to hear Senator Jennings Randolph speak in very direct terms about the problems they live with every day—inadequate income, consumer difficulties, housing problems, and rising health costs.

Senator Randolph is well equipped to speak knowledgeably of the problems facing older Americans. As a member of the U.S. Senate Special Committee on Aging and chairman of the Subcommittee on Employment and Retirement Incomes, he has been a tireless worker on behalf of older Americans.

The Senator provided the West Virginia senior citizens with valuable ammunition—facts and figures—to be used for their contribution to the White House Conference on Aging as well as much-needed encouragement to take the opportunity of the forthcoming White House Conference and use it to make the myth of the golden retirement years a reality for West Virginia and for the Nation.

Older Americans need this kind of encouragement. They need to know that their leaders are genuinely concerned and will work with them to make the White House Conference on Aging truly meaningful.

I ask unanimous consent that Senator Randolph's remarks be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Speech of Senator Randolph, State Aging Conference, May 20, 1970

I have two reasons to say thank you this evening. First, for bringing me home to West Virginia; and second, for giving me this opportunity to talk to you about older Americans—today's 20 million elderly—and those who will become old in the future.

It is especially important that we get together now and decide for ourselves whether we are really clear in our thinking about what we want for older people in our society, because that question is going to be put to the Nation very directly in November 1971 at the White House Conference on Aging.

Thousands of people—the "experts" and the elderly themselves—will come to Washington, for this Conference. They will sit down together and talk about the needs and problems of the elderly and will then issue technical papers and recommendations to the President.

But even before the actual White House Conference, much preliminary activity will take place where I believe it will do the most good—in every State in the Nation.

In September 1970, the elderly themselves will have the opportunity to speak out at Older American White House Forums throughout the country. Then, in early 1971 there will be Community White House Conferences throughout the States, followed up by formal State White House Conferences. At that time the States will make their own recommendations to be presented and discussed at the White House Conference in November 1971.

We are not going to come together at these preliminary forums and conferences to hear ourselves talk. We are going to take advantage of this vital opportunity to make our needs in West Virginia known to the Nation.

Because we have this opportunity, I feel it is necessary to talk over with you what the Senate Committee on Aging has found to be a major issue which—until resolved—will stand in the way of everything else we want to do. That of course, is inadequate retirement income.

Even with the enactment of the 15-percent across-the-board increase in Social Security payments, a far-reaching and deepening income crisis remains as the major problem facing today's elderly and—unless major policy changes are made—the elderly of the future.

The extent and nature of that crisis came under intensive scrutiny during 1969 in a Senate Committee on Aging investigation.

A knowledgeable and concerned Task Force opened the committee deliberations last March by issuing a working paper which began with a deliberation that there is a rising gap between retirement income and income during the work years. To document its conclusion that the barebones income of older Americans is likely to become even more inadequate unless bolstered by significant national action, the task force offered these arguments:

The "gap" is widening: Median income of families with an aged head was 51 percent of that for younger families in 1961, but only 46 percent in 1967.

Three out of 10 people 65 and older—in contrast to one in nine younger people—were living in poverty in 1966, yet many of these aged people did not become poor until they became old.

An additional one-tenth of our aged population was on the poverty borderline.

About five in 10 families with an aged head had less than $4,000 income in 1967: about one in five was below $2,000.

Of older people living alone or with nonrelatives in 1967, half had incomes below $1,480, and one-fourth had $1,000 or less.

Even the level of living set by the Bureau of Labor Statistics in its Retired Couple's Budget is well beyond the means of most older people, especially for those who retired years ago. Imagine that.

The average social security benefit of a couple retiring in 1950 met half the BLS budget cost then, but today it meets less than one-third.

Half of all people now 65 and over are about 73 or older. In the years ahead, the increase will be particularly great at the oldest ages. With the population 65 and older projected to rise 50 percent between 1960 and 1985, the population 85 and older may double.

Increasingly the rising population of widows is attempting to live independently, even if independence is purchased at the price of poverty.

Our "retirement revolution" reflects two trends: at one end an increase in the number of very old aged; at the other, earlier departure from the labor force.

The margin for saving—the excess of income over consumption expenditures—has been small for most families during most years of worklife, especially for workers in the less skilled occupations.

In addition, with an outlook for sustained economic growth, how realistic is it to expect today's workers voluntarily to forego

XUM

consumption in order to save for the years ahead when this requires that they significantly reduce their present standard of living to provide adequately for an uncertain and "distant" old age?

The overwhelming proportion of people retiring today receive total pension income—from both public and private pensions—which is only 20 to 40 percent of their average earnings in the years prior to retirement.

Of families retiring in the next decade and a half, it has been projected that almost 60 percent of those with preretirement earnings between $4,000 to $8,000 will receive pension income of less than half these earnings.

Projections to 1980 indicate that about half the couples and more than three-fourths of the unmarried retirees will receive $3,000 or less in pension income. And these projections use relatively liberal assumptions with respect to increases in private and public benefit levels.

The same projection found that more than two-thirds of retired couples could be expected to receive less than $3,000 in social security benefits in 1980.

Even under earlier projections, now known to be too optimistic, only a third to two-fifth of all aged persons in 1980 were expected to have income from private group pensions.

In addition, private pensions cover less than half the work force and this coverage is concentrated among higher paid workers; those in the greatest need in old age will be least likely to receive these pensions.

Early retirement is a developing trend that could seriousy impede attempts to improve the income position of future aged populations. (In recent years, more than half of the men retiring have done so before age 65.)

Inadequate as the income base for most older Americans may be, it is subject to unique erosive forces. The major drains on retirement income are:

National economic growth, while putting added dollars into pockets of workers, increases pressures on the retiree. A rise in earnings of 4 percent annually—a not unrealistic assumption in view of recent performance—means consumption levels would approximately double in two decades, placing those on fixed income at a serious disadvantage in the market place.

Earnings drop as advanced age further curtails already limited earnings opportunities. (In comparison to the age group 65–72, only half as many men 73 and over and a third as many women worked in 1962, and the earnings of the oldest workers were significantly lower.)

Assets are reduced—in some cases, exhausted. Homeownership—the most important asset of the elderly—becomes especially difficult to maintain with advanced age, mounting taxes and other rising costs.

Medical needs and the costs of meeting these needs rise with declining health. The rise in these costs is only partly met by Medicare, which covered 35 percent of health costs of the aged in 1967.

Much of the testimony during the past year has necessarily dealt with improvements to the Social Security system, with proposals to broaden the effectiveness of private pensions, and with other recommendations for increasing income for retirees—men and women who have left the labor force.

But—in the very first "Working Paper" issued more than a year ago—a distinguished Task Force directed the attention of this Committee to the importance of employment as an element in the economic security of older Americans.

That first Working Paper, in particular, pointed to a national trend toward earlier and earlier retirement. I hope that early retirement will be a blessing. But, in fact, information leads to the conclusion that men and women decide to take reduced Social Security benefits at age 62, not because they have planned to do so, but because they have no other choice. Their limited earnings make even a reduced benefit attractive.

Within recent years, more than half of the men retiring did so before age 65.

And by doing so, they significantly reduced the amount of monthly benefits they would receive in later years from Social Security.

The Task Force did a service by discussing this and other issues related to employment of older workers. So strong was their recommendation for a more searching look at such issues, that our able Chairman, Senator Williams, and I agreed that a hearing should be conducted on "Employment Aspects of the Economics of Aging."

And again, a "working paper" was prepared before the hearing, by the National Institute of Industrial Gerontology. That Working Paper last December is a contribution to our overall study, for the following reasons:

Its authors forcefully made the point that the United States does not yet have a clear-cut, effective policy for maximum utilization of Americans now regarded as "older workers."

On the contrary, both government and private industry seem instead to regard earlier and earlier retirement—in some cases, it is actually enforced unemployment—as inevitable and perhaps desirable.

Such attitudes and practices are contributing to the economic insecurity of workers who are approaching retirement, leaving many of them with no alternative but early retirement and seriously inadequate income.

Another major theme is that much talent and experience is wasted when jobs are scrapped as the needs of industry or commerce change. Forced to find new employment after his fortieth birthday, many a worker or executive has found himself on the road to permanently reduced income and—consequently—precarious retirement security.

Despite the fact that four out of every five persons over 65 are not in the labor force and that the other one in five tends to concentrate in part-time and low-paid jobs, employment is still a major source of income for the aged group. Appropriate actions to increase employment opportunities for older Americans could therefore contribute substantially to the economic security of those who are able and wish to engage in gainful work.

As Chairman of the Subcommittee on Employment and Retirement Incomes of this Committee, I conducted hearings on December 18 and 19 of last year to hear testimony on major points of the working paper. I make the following observations:

1. The Working Paper, and the witnesses at the hearing emphasized that there is an unfavorable "dependency ratio" in the labor force today. Younger workers are entering the work force later in life than they once did. Older workers are leaving earlier. One result is that those in the middle—the men and women in the labor force—must contribute more for the support of those who are not in the working force.

This is an important phenomenon. We don't yet understand its full meaning. But we should, and soon.

2. Employment can contribute to a sense of well-being and it can even be a factor in health maintenance. That is not to say that—once in a job—a man should remain there throughout his work lifetime. We need more flexibility in employment patterns. Workers should be able to "make a switch" when it is sensible for them to do so.

3. Even though the Congress passed on Age Discrimination in the Employment Act more than 2 years ago, the Subcommittee has considerable evidence that employment opportunities of older workers are often damaged by negative attitudes and outright discrimination. We have much to do in implementing the Age Discrimination Act, and we must get on with it.

4. Women's retirement income is less than a man's retirement income because their work income was less. I am gratified, Mr. Chairman, that the Women's Bureau of the Department of Labor will be represented at this hearing. Its Director, Mrs. Elizabeth Koontz, will undoubtedly provide us with important information on special economic problems of older women.

I will say again what was said in the foreword to the "Employment Aspects Working Paper," and this is:

"The people and the Nation suffer because we have failed to promulgate policies—a national commitment—to assure lifetime *usefulness* of all those who wish to avoid retirement patterns that are increasingly accepted as 'normal'."

We should act in the months to come and in deliberations to follow, to end this deficiency. It is a negative force, not only upon the economics of aging, but upon the lives and hopes of millions of older Americans. As the numbers grow, the need for action becomes more pressing and more visible.

I have provided you with some facts and figures to carry with you when you prepare for West Virginia's contribution to the White House Conference on Aging. I know you will use them well. But let us not forget that behind every statistic is a human being who has helped create this Nation of abundance. He has worked hard for his family and his country, and he has saved for his so-called "golden years." And now he often finds the years not "golden" at all; but grey years of loneliness, despair and deprivation.

You have the opportunity—through the White House Conference on Aging—and through the activities leading up to that Conference—to help make good the promise of the "golden years."

I am deeply concerned that if we fail to take full advantage of this opportunity, we will have failed today's elderly and the generations to follow. I know that you are here this evening because you care and I know that you will use every resource at your command to work for a decent life for every older American—and adequate income, a comfortable home, health care, and proper nutrition.

Because we care in West Virginia, we will not fail our elderly—or the Nation.

TELEVISION AND RADIO FAIRNESS DOCTRINE

Mr. MUSKIE. Mr. President, on Monday, June 22, the Democratic National Committee filed with the Federal Communications Commission its comments on a proposed rule that would expand and make more precise the obligations of television and radio licensees under the fairness doctrine.

The national committee argues that virtually every time the President addresses the Nation or appears at a press conference he expresses his self-interested viewpoint on controversial issues of current public interest. Therefore, the broadcaster has an affirmative obligation—so the DNC argues—to secure responsible spokesmen with contrasting positions and to give them reasonable opportunities to inform the American people whenever they air a Presidential presentation.

We clearly are at a time of considerable reevaluation of the basic ground-rules governing political broadcasting by the television industry, the FCC, Congress, and other interested persons. This reevaluation is long overdue. As chairman of a committee of the Democratic Policy Committee concerned with this question, I have been meeting with my Democratic colleagues in the Senate and with Chairman Lawrence O'Brien of the Democratic National Committee, to examine this issue from the viewpoint of the loyal opposition to the President.

The comments of the Democratic National Committee in this brief are a most useful contribution to this reevaluation. I urge all Senators of both parties to consider these arguments, not so much from a partisan position but from one of concern for improving political broadcasting as a tool in maintaining and strengthening our democratic system.

I ask unanimous consent that the national committee's brief be printed in the Record.

There being no objection, the brief was ordered to be printed in the Record, as follows:

Comments by the Democratic National Committee Before the Federal Communications Commission, Washington, D.C.

In the Matter of Obligations of Broadcast Licensees under the Fairness Doctrine, Docket No. 18859.

The Democratic National Committee (DNC), by its counsel, pursuant to the Commission's invitation in its "Notice of Inquiry and Notice of Proposed Rule Making" (Notice), in the above-referenced Docket number, dated May 18, 1970, hereby submits its comments on the proposed rules.

I. SUMMARY OF POSITION

The DNC endorses the Commission's efforts to expand and bolster the fairness doctrine and to promote and enhance the "First Amendment goal of providing an informed electorate capable of conducting its own affairs" in keeping with the letter and spirit of the Supreme Court's recent landmark constitutional decision, *Red Lion Broadcasting Co.* v. *FCC*, 395 U.S. 367, 392 (1969).

In particular, the DNC supports the Commission's proposed rules which provide that a licensee must take *affirmative* action to solicit appropriate spokesmen to present contrasting viewpoints when a licensee (1) presents or permits to be presented only one side of a controversial issue on a matter of public importance in a series of brodcasts within a relatively short period of time or (2) presents an editorial expressing the licensee's viewpoints on a given issue. In its notice, the Commission states that its "proposal is a modest further step in promoting access to the broadcast media" and invites "interested persons . . . to make other suggestions on this general subject issue." Notice, pp. 6, 8.

We concur in the judgment that in most cases a licensee must be afforded latitude and flexibility in fulfilling its affirmative obligations. However, we believe there is at least one situation of such overriding national concern that the Commission should adopt a uniform, national policy clearly expressed and vigorously enforced by the Commission.

We refer to a broadcaster's obligation after it has aired a presentation (or a series of presentations) by the President of the United States of his viewpoint on controversial issues of public importance. We submit that virtually every time the President addresses the nation or appears at a press conference—whether speaking as Chief Executive on legitimate or economic matters, Commander-in-Chief on military operations or new weapons system or the head of his party on issues or candidates in a forthcoming election—he expresses his self-interested viewpoint on controversial issues of current public interest.[1] Therefore, the principles underlying the Commission's proposed rules place upon a broadcaster an affirmative obligation to secure responsible spokesmen with contrasting positions and to accord them reasonable opportunities, comparable in duration and scheduling, to inform the American electorate whenever they air a Presidential presentation.

Accordingly, the DNC proposes that in additon to the rules contained in its Notice, the Commission adopt the following rule:

(a) When a network or licensee broadcasts a presentation by the President of the United States of a viewpoint on a controversial issue of public importance, that network or licensee has an affirmative obligation to seek out responsible persons or entities with significant contrasting viewpoints on the controversial issue and afford them equal opportunities to present their views.

(b) In the case of any broadcast of a Presidential address or press conference, it shall be presumed that the President has presented a viewpoint on a controversial issue of public importance; and in the event of any complaint of non-compliance filed with the Commission, the burden shall be upon the network or licensee to establish compliance with this rule.

(c) Each network and licensee shall be required for a period of not less than three years to maintain a complete tape and transcript of every presentation by the President which it broadcasts and to maintain records detailing all actions taken by it to fulfill its affirmative obligations under this rule. Such records shall be available for inspection and copying at any reasonable time upon the request of any person.

(Note.—The term "equal opportunities", as used in paragraph (a) hereof, shall have the same meaning and effect that it has under Section 315(a) of the Communications Act of 1934, 47 U.S.C. § 315(a) (1964)).

II. THE DNC HAS A VITAL INTEREST IN OBTAINING FAIR MEDIA TREATMENT

The DNC is an agency of the Democratic National Party, established at each national convention, which has the obligation and authority to promote the principles and programs of the Democratic Party. As the representative of one of the two major political parties, the DNC is vitally interested in the preservation and strengthening of the nation's political processes. An informed and educated electorate is essential to the proper functioning of our democratic form of government. Thus, we are gravely concerned about what we perceive as a developing imbalance in access to the communications media with the resulting inability of the American people to hear and consider more than one point of view.

The DNC has no desire to limit the President's ability to communicate with, and thereby to lead and govern, the nation. We do not propose any restriction on the President's right to be accorded the broadcast time which he believes essential to the implementation of his programs and policies. In a nation of 200 million people scattered beyond a continent, communication through broadcast media is a critical tool of government. At the same time, communication of opposing points of view is essential to the healthy development of a society and our democratic form of government.

It is becoming increasingly difficult for the fair and effective presentation of opposing points of view. For example, as fully set forth in its Request for Declaratory Ruling Concerning Access to Time on Broadcast Stations, now pending before the Commission, the DNC has recently been the victim of artificial and arbitrary barriers to access to television facilities. The CBS television network flatly rejected a request by the DNC to purchase one half-hour of prime time for a program presenting viable alternatives to the policies of the incumbent Administration. Other networks and stations have raised similar obstacles, impairing the ability of the DNC to present its views. To perform its functions adequately—to inform a diverse national audience of the aspirations and recommendations of the Democratic Party—the DNC must have an opportunity to be heard.

The general rule which the DNC herein proposes would affect a variety of responsible persons and entities which hold and desire to communicate views which contrast with the President's on controversial issues of public importance.

III. THE ENORMOUS IMPACT OF A TELEVISED PRESIDENTIAL PRESENTATION PLACES SPECIAL OBLIGATION ON THE BROADCASTER

The combination of the President of the United States—the most powerful individual in the free world—and television—undoubtedly the most effective communications medium ever devised by man—has an impact on public opinion that is difficult to exaggerate.

The Presidency, as Theodore Roosevelt observed, is indeed a "bully pulpit." The offce is shrouded in majestic dignity. A statement by the President of the United States, simply by the force of his office, commands instant attention, respect and belief. As Woodrow Wilson noted about the President's force and impact as a national spokesman:

"His is the only national voice in affairs. . . . No other single force can withstand him, no combination of forces will easily overpower him. His position takes the imagination of the country. . . . If he rightly interprets the national thought and boldly insists upon it, he is irresistible; and the country never feels the zest for action so much as when its President is of such insight and calibre." Quoted in C. Rossiter, *The American Presidency*, p. 21 (1965).

The accuracy of this observation is even more compelling in this present age of television than it was in Wilson's pre-radio era. As one distinguished commentator has written:

"Television has put the President himself in control of what image he will project to the country and enabled him to project it farther and more favorably than was ever possible before, with less competition from Capitol Hill and less interference from the press." R. MacNeil, *The People Machine: The Influence of Television on American Politics*, p. 292 (1968).

A. Television-age Presidents are increasingly exploiting the medium

After the hesitant start in the Truman-Eisenhower era, the White House has moved more and more boldly to exploit the use of television so that the medium is now an integral part of the Chief Executive's power. The White House has come to realize that "In a highly communicative world, access to communications broadcast resource is partially equivalent to political power." Baran, *The New Communications and Social Values*, 34 Law and Contemp. Probs., 244, 249 (1969).

Although refusing to permit live broadcasts of his press conferences, President Eisenhower made 49 live television appearances during his tenure in the White House. His appearances came at crucial junctures for his Administration: the veto of the Farm Bill in 1956, the decision to send troops to Little Rock in 1957, the passage of the Labor Reform (Landrum-Griffith) Bill in 1959, as well as foreign policy positions with respect

---

[1] As students of the Presidency have noted, the President wears many hats and acts in many capacities. See C. Rossiter, *The American Presidency*, 2–33 (1956).

XUM

to the Middle East, Latin America, NATO and the United States.

President Kennedy used television even more imaginatively and effectively. Six days after his inauguration, he held the first press conference to be broadcast live. The conference was held in the evening to attract a large national audience[2] and, indeed, it captured 33.8% of the eligible television audience. On March 23, 1961, President Kennedy graphically demonstrated his views of the nation's vital interest in Laos, illustrating his points by frequent references to three maps of Southeast Asia. Continuing his innovative use of television, President Kennedy undertook to evaluate, explain and define his Administration's policies in 1962 when he appeared in a broadcast from his study with one representative from each of the major networks.

President Johnson continued the expansion of the President's use of television. In his tenure of five years and two months in office, President Johnson made nearly 100 live television appearances; he averaged more than one appearance for each month in office. President Johnson delivered State of the Union messages to Congress in the evening to attract the largest possible audience. His televised reports to the nation covered such controversial topics as civil rights and tax legislation as well as the nation's foreign involvement in the Dominican Republic and Southeast Asia.

President Nixon has extended the Presidential use of television to seek support from the American public for his position on many controversial matters of public importance. In his 17 months in office, President Nixon has addressed the nation over network television 12 times and in addition has held 10 televised press conferences, for a total of 22 nationwide presentations. He has requested and received prime time from all the networks to advocate at any length he desired his viewpoint on such controversial public issues as (1) his veto of the $20 billion appropriations bill for the Departments of Labor and Health, Education and Welfare, (2) his proposed changes in the nation's welfare legislation, (3) his decision to send in the National Guard to replace striking Post Office workers, (4) his views on the economy, and (5) his position on our involvement in Southeast Asia.

At his ten televised conferences (five of them during the evening hours), the President has responded to 215 questions, and virtually every one of the responses contained a statement on a controversial issue of public importance. For example, the subjects included his views on the invasion of Cambodia, the antiballistics missile system, the economy, crime, education, desegregation, and pollution.

In its proposed rules, the Commission suggests that where there is a series of broadcasts within a period of six to nine months presenting only one viewpoint on a controversial issue, a licensee has special affirmative obligations.[3] In the last eight months, President Nixon has appeared on television during prime hours no less than six times to advance his position on America's role in the war in Southeast Asia. Indeed, the President has made special television presentations five times in the last eight weeks and has promised another in the next two or three weeks. Three of these five presentations were devoted exclusively to Vietnam and Cambodia; one—a prime-time press conference—dealt almost entirely with the war in Southeast Asia and its domestic implication; and the fifth, while essentially an economic message, included several references to the war in Southeast Asia and dealt extensively with the relationship of that war to our nation's current economic situation.

These were the President's television appearances in the last eight months:

On November 3, 1969, on the eve of an election day in many parts of the country and twelve days before a scheduled mass protest on Vietnam, the President appeared on prime-time television to delineate in detail his plan on "Vietnamization."

On December 15, 1969, the President presented a prime-time "progress report," indicating that his plan was proceeding on schedule.

On April 20, 1970, the President delivered another televised "progress report," expressing approval of the operation of his "Vietnamization" plan and announcing his six-month plan for troop withdrawals.

On April 30, 1970, the President announced the invasion of Cambodia which he deemed necessary to the success of his "Vietnamization" program.

On May 8, 1970, a hastily arranged Presidential press conference was televised during prime evening hours, concentrating almost entirely on the Cambodian invasion and its domestic implications.

On June 3, 1970, the President again went on television to proclaim the Cambodian invasion "the most successful operation of the war," dramatizing his views with film clips of captured food, arms and equipment.

On June 17, 1970, the President presented his televised analysis of the nation's present economic state and his prescription for curing its economic problems.

B. *The President has absolute control over the timing, format and content of his television presentation*

In each presentation of his views on controverial issues of public importance, the President has had instant access to tens of millions of Americans. On each occasion, the three major commercial networks have agreed to provide to the President his choice of time, sometimes on very short notice. Indeed, the networks have rarely, if ever, refused a specific request for television time to the President. See, R. MacNeil, *op. cit.*, pp. 301–07. As the Chairman of the Senate Foreign Relations Committee recently observed:

> "The President can *command* a national television audience to hear his views on controversial matters at prime time, on short notice, at whatever length he chooses, and at no expense to the Federal Government or his party."[4]

Invariably, the President's speeches, if he so requests, are broadcast live simultaneously over the three major commercial networks. Thus, virtually everyone watching television at that time has little choice but to watch the President. Non-affiliated stations often repeat in its entirety a Presidential speech at other hours of the day. For example, after President Nixon's June 17, 1970, speech on the economy was broadcast at noon on all three networks, two local stations in New York rebroadcast the speech in its entirety later in the day, once at 4:00 p.m. and once at 11:00 p.m. See Television Listings, *New York Times*, June 17, 1970, at p. 95, Col. 5. While a President's speech is being telecast live on all three networks, it is also simultaneously being broadcast on several radio networks, reaching untold additional millions of Americans. And, whatever the President has said is the subject of wide news coverage including extensive use of film clips of the appearance.

As a result, the President is able to augment the prestige of his office and the effectiveness of a television presentation with a guaranteed national audience of great magnitude. For example, President Nixon's well-publicized press conference on May 8, 1970, received a rating of 48.5%, which indicates that approximately 49,600,000 Americans listened and watched the President respond to questions about his views on such controversial issues as the war in Southeast Asia, student unrest on campus, the conduct of the police and National Guard, the sale of jets to Israel and unemployment.

Moreover, the President is able to choose what he deems to be propitious times and occasions for his addresses to the nation, thereby adding immediate political impact to his words. For example, the President chose to deliver his speech on the economy at noon, when the stock market was still open; his May 8 prime-time press conference was held on the eve of a scheduled mass protest against his policies near the White House.

The President is also entirely free to choose his format and and devices he desires to accentuate the effectiveness of his speech. In addition to using maps, President Nixon was the first President to include film clips in his live presentation to support visually his assertions.

C. *The networks have failed to accord fair treatment to the President's opponents*

Against this powerful array of forces, the networks have not sought out, much less permitted, any effective rebuttal. The networks have not faced squarely the three basic questions which arise in considering the appropriate response to a Presidential presentation:

(1) Who are the appropriate spokesmen to respond?

(2) When should the response be broadcast?

(3) What should the format of the response be?

The networks rarely secure or permit persons who hold opposing views to respond to or analyze the President's statement. Generally, the networks have their own correspondents "comment" briefly on the President's speech immediately after his address. This commentary, of course, does not purport to be and does not often have the effect of a presentation of a point of view on the subject which contrasts with the President's. Such sessions are directed primarily to summarizing, paraphrasing and in some cases noting the significance of the President's remarks. As Commissioner Cox recently stated concerning the network commentators' treatment of one of President Nixon's speeches on Cambodia: "All they did was reiterate what the President said:" *The Evening Star*, June 19, 1970, at p. A4, Col. 4. Moreover, the commentary is invariably brief. As former television correspondent Robert MacNeil points out:

"Resumption of the full commercial schedule has a higher priority than analytic comments by reporters after the President has finished speaking. The usual network practice is to 'fill' until the normal time slot is

---

[2] The White House, of course, appreciates the facts that (1) approximately 95% of American households or 59 million households possess at least one television set and (2) the number of viewers increases throughout the day so that during prime time as many as 70% of the television sets will be turned on. Thus, at the same time in a single evening, there could be 120 million persons viewing.

[3] The network's affirmative obligation to seek opposition spokesmen if they present a one-sided series on controversial issues may stem from the likely impact of such a series. Multiple presentations make it possible to reach a larger number of persons. The reiteration of ideas in successive presentations also makes it more probable that they will be accepted by the public. We submit that a single Presidential presentation is likely to reach a larger audience and have a greater impact on public opinion than a series of broadcasts by a licensee.

[4] J. W. Fulbright, Speech to Senate, Cong. Rec., p. 17837, June 2, 1970. See also E. S. Muskie, Speech to Senate, Cong. Rec., p. 17837, June 2, 1970.

XUM

expired. . . . Knowing this, an astute President will time his appearance so as to fill all or virtually all the time allotted to him." R. MacNeil, *supra*, at pp. 304–05.

Frequently, a network will carry on the next day's news program a very brief quote from a Senator or Congressman. Whatever the effectiveness such comments—which generally do not exceed one or two sentences—might otherwise have is diluted because they are frequently juxtaposed with another Congressman's statements in support of the President's presentation or a film clip of the presentation itself. Moreover, the difference in advance publicity, viewing time and format between the President's speech and any such opposition statement eliminates the latter's effectiveness.

A third approach—which also fails to give a full and balanced response to the President's statements—has recently been given sporadic application by the National networks. For example, after President Nixon's latest address on the Cambodian situation, NBC presented a special Thursday night edition of "Meet the Press" which had representatives who supported the President's views as well as those who opposed them. The next night CBS presented an hour-long "debate" between the supporters of Mr. Nixon's policies and the opponents of those policies. In both, the effectiveness of the opposition was substantially diluted by the difference in format between the "debate-type" program and the President's wholly self-controlled presentation.

To equate a President's unfettered presentation during prime time to a brief off-the-cuff reply carried during a newscast or a tightly controlled debate is like equating Neil Armstrong's first moonstep from the Apollo XI spaceship to a Shirley Temple two-step on the Good Ship Lollipop.

In each of his televised addresses, President Nixon, like his predecessors, has been permitted to take all the time he wanted, to use any device (including, for example, maps and films) and to proceed uninterrupted in his presentation. Even at a Presidential news conference, a reporter is not permitted to ask follow-up questions. In marked contrast, the speakers in opposition to the President's presentation have their format and time dictated by the networks. Most importantly, under the present approach, opposition speakers are severely circumscribed in the presentation by questions and comments from reporters and opposing speakers who agree with the President's position.

As expert observers recognize, the manner of presentation often determines the effect and impact of a televised message. See generally M. McLuhan, *Understanding Media* 268–94 (1964). To make a point with maximum effectiveness, a President, a producer of documentaries, or even a commercial advertiser must have freedom within confined time limits to package and project his message. As Professor Miller points out in his book, *The Process of Persuasion*, we are all "creatures of conditioned reflex," and—

"[T]he crux of all persuasion jobs, whether selling soft drinks or political philosophy, is to develop these conditioned reflexes by flashing on trigger words, symbols or acts." V. Packard, *The Hidden Persuaders* 18 (1957). See also H. Burtt, *Psychology of Advertising* (1938).

During the 1968 Presidential campaign, Ray Price, an advisor to Mr. Nixon, wrote:

"We have to be very clear on this point: that the response is to the image, not to the man. . . . It's not what's *there* that counts, it's what's projected—and carrying it one step further, it's not what *he* projects *but rather what the voter receives."* [5]

To counter the tremendous impact of a President's unfettered televised presentations, those who hold differing views on controversial issues of public importance must be free to project a coherent and complete response, which will at least begin to approximate in the minds of the viewers the impact of the President's position.

The Commission has already recognized that political spokesmen should have substantial freedom in choosing the manner and format for presenting their views to the public. *King Broadcasting Co.*, 15 F.C.C. 2d 829 (1967). To afford the American electorate a balanced presentation of views on controversial issues, the networks must permit those who hold opposing views from the President's reasonable opportunities comparable in duration, scheduling and freedom of format, to present their views.

IV. THE FAIRNESS DOCTRINE REQUIRES THE RULE WHICH THE DNC PROPOSES

The Rule we propose promotes the Commission's well-established and judicially endorsed fairness doctrine, which requires broadcasters to act fairly in permitting a reasonable opportunity for reply in specific circumstances affecting the public interest. As codified by statute, 47 U.S.C. § 315(a) (1964) the fairness doctrine requires a broadcast licensee to afford "reasonable opportunity for the discussion of conflicting views on issues of public importance." As interpreted by the Supreme Court, this statute imposes an obligation on the broadcasters, "to discuss *both sides* of controversial public issues." *Red Lion Broadcasting Co.* v. *FCC*, 395 U.S. at 380 (emphasis supplied). Yet, as we have demonstrated, insofar as Presidential presentations are concerned, the networks have provided no reasonable or fair opportunity for reply.

A. The President's television presentations pose a special problem under the fairness doctrine

Under the fairness doctrine, what is "fair" in any one situation depends upon all of the surrounding circumstances. *See, e.g., King Broadcasting Co.*, 15 F.C.C. 2d 829 (1967). Given the enormous impact of a Presidential television presentation and the President's instant access to tens of millions of Americans, fairness requires at the very least that the President's opponents be given an opportunity which is in every feasible manner equal to the President's.

The networks have been patently unfair to the President's opponents and have thereby violated their public trust for the American people whose interest they are required by law to serve.[6] As the Supreme Court emphasized in *Red Lion*.

"It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount." 395 U.S. at 390.

The networks have failed in their "obligation of presenting important public questions fairly and without bias" [7] and they have failed in their "fiduciary . . . obligations to present those views and voices which are representative of [the] community." *Red Lion Broadcasting Company*, 395 U.S. at 389. This is particularly unfair and unfortunate because of the enormous impact on public opinion which a Presidential presentation is likely to have.

Obviously, the President addresses on national television only the most critical questions of the day—questions on which there will likely be several contrasting opinions. It is precisely those questions which require the complete and unfettered discussion that our system contemplates to inform our citizens and thus enable them to participate intelligently in the democratic process. *See Red Lion Broadcasting Co.*, at 390. If the President of the United States considers a matter of such importance that he requests national television time and if the network believes the matter is of such importance that it provides such time to the President, then the matter is obviously important enough to impose an affirmative responsibility on the broadcaster to secure and present appropriate spokesmen with contrasting viewpoints.

Presidential pronouncements are, of course, subject to the terms of the fairness doctrine. *See, e.g., Republican National Committee*, 3 R.R.2d 767, 769 (1964); *Sen. Eugene J. McCarthy*, 11 F.C.C. 2d 511 (1968). Indeed, in the 1964 proceeding, initiated by the then Republican National Chairman, Dean Burch, the Commission held that in response to a Presidential speech broadcast simultaneously on the three national networks, the networks were obligated under the fairness doctrine to provide a reasonable opportunity to opposition speakers to insure that their viewpoints were effectively presented to the public.[8]

The DNC believes that this situation requires that the Commission promulgate a rule to delineate the network's obligations. A specific rule, like the one proposed herein, will make crystal clear to the networks their responsibilities in fully presenting contrasting viewpoints on important controversial issues and will permit them to operate confidently under the fairness doctrine in the particular area of Presidential broadcasts. *See, e.g., In the Matter of Amendment of Part 73 of the Rules To Provide Procedures in the Event of a Personal Attack or Where a Station Editorializes as to Political Candidates*, 8 F.C.C. 2d 721, 724 (1967) ("A major purpose of the rules is to clarify and make more precise the procedures which licensees are required to follow. . . .") Moreover, a carefully constructed, specific rule is not only easier for the Commission to administer than a case-by-case approach but a duly promulgated rule will also permit the Commission to use, when necessary, all of the enforcement powers provided it under the Communications Act. *Id.*, at 722–24.

B. The networks have an affirmative Obligation to present contrasting views

Because we are addressing the adequacy of a response to a Presidential presentation broadcast simultaneously over three national networks, the DNC believes that the rule it proposes must be adopted on a uniform, national basis. The obligations therefore must be placed on the network, which originated the Presidential address, as well as any individual licensee.[9]

---

[5] J. McGinnis, *The Selling of the President*, p. 37. As Alexander and Myers wrote in "A Financial Landslide for GOP," *Fortune*, March, 1970:

"From early 1967 until just before the election, Richard Nixon turned down all invitations to be interviewed on "free" programs like *Meet the Press* and *Face the Nation*. He preferred to pay for his time so that he could control content and format in his television appearances."

[6] NBC's reported offer of time to certain Democratic Congressmen to respond to one of President Nixon's speeches on the economy underscores the problem. In the first place, the other two major networks have failed to make similar offers. Secondly, NBC does not offer this time pursuant to a general policy but only in response to one isolated presentation. This does not satisfy the fairness doctrine.

[7] S. Rept. No. 562, 86th Cong., 1st Sess., 8–9 (1959).

[8] In *Republican National Committee*, the Commission approved the conduct of ABC when in response to a half-hour address by President Johnson, it provided Senator Goldwater with 25 minutes of reply time as well as carrying numerous newscasts in which his views were broadcast. Similarly, NBC's conduct was approved because it offered 15 minutes of reply time as well as presenting numerous newscasts and news type programs. In contrast, the Commission questioned CBS' conduct which consisted solely of newscasts.

[9] There can be no doubt that the Commission's authority extends to promulgating rules which operate directly upon television

The DNC's proposed rule places an affirmative obligation on the networks and licensees to solicit and present viewpoints which contrast with the President's. It has long been the policy of the Commission to enforce the "affirmative duty [of the licensee] to encourage and implement the broadcast of controversial public issues." In the Matter of Editorializing by Broadcast Licensees, 13 F.C.C. 1246 (1949). Given the impact of a Presidential speech, an obligation on the licensee to provide comparable time to opposing viewpoints will best provide a way for the broadcaster to satisfy its obligation to help produce an informed populace.[10]

The rule would also recognize that, as we have demonstrated, virtually every Presidential broadcast presentation contains his viewpoint on controversial issues of the day. That presumption would be written into the rule in order to insure timely responses to the Presidential point of view and to eliminate the need which might otherwise exist for this agency to become enmeshed in disputes between the broadcasters and responsible spokesmen eager to respond. Nevertheless, there will inevitably be disputes in this area, perhaps regarding whether a controversial view was espoused and surely whether a broadcaster has met his affirmative obligation to seek out responsible spokesmen. In order to facilitate the resolution of such dispute, the DNC proposes that broadcasters be required to maintain records—open for public inspection and copying—detailing their efforts in this area.

The affirmative obligations the DNC proposes here follow logically from the rules which the Commission now proposes. The Commission's proposed rules place an affirmative obligation on a broadcaster to seek out a proponent of a contrasting viewpoint after a television editorial or a series of broadcasts on a controversial issue. The rationale for the Commission's proposed rule is to afford prompt and full discussion of a controversial issue by the advocates of a variety of contrasting opinions. We support this concept.

XUM

The Commission has recognized that where a licensee editorializes or broadcasts a series of programs, presenting only one side of an issue, he cannot passively rely on general over-the-air invitations to present the other side. The Commission states that if "the licensee has adjudged the subject matter of such importance to his community as to warrant an editorial," he must "make every reasonable effort to encourage presentation of views in opposition to his editorial." Notice, p. 6. Even though the licensee has presumably weighed all of the aspects of an issue and presents in an editorial a reasoned, unbiased conclusion, he must still select suitable persons with contrasting views, notify them of the issue and assist them in all appropriate ways to present their views.

If there is an obligation to find responsible opposition spokesmen where a presumably objective broadcaster editorializes on a given issue, how much greater should his obligation be when a President of the United States, the leader of a political party and a partisan of particular policies, presents his views on controversial matters of public importance? Moreover, when one compares the probable impact of a Presidential statement with that of a broadcaster's editorial, it becomes all the more important that the broadcaster assume an affirmative role in presenting views which contrast with the President's.

C. The networks and licensees must solicit appropriate opposing spokesmen

Under the DNC's proposed rule, the affirmative obligation by the networks and licensees would be to notify and secure appropriate, responsible spokesmen who hold opposing views from those which the President has expressed on a controversial issue of public importance, and who are prepared to state them in prompt rebuttal to the President's presentation.[11] Both the Supreme Court and the Commission have recognized that a contrasting point of view is generally not adequately presented when provided by the licensee himself in an attempt to balance the record. In proposing the rules under advisement, the Commission noted that "requiring the *licensee* to present the contrasting viewpoint might inhibit the robust debate sought." Notice, p. 7, n.8. (Emphasis added.) *See also Radio Albany, Inc.*, 4 R.R. 2d 277 (1965). The Commission has recognized that a presentation by a licensee will not have the same impact as a presentation by an interested party. "'[I]ntonation, speech pattern and inflection are incomparably related to verbal expressions of opinion.'" *Id.* at 278. As the Supreme Court recently observed, quoting John Stuart Mill:

> "'[It is not] enough that [one] should hear the arguments of adversaries from his own teachers, presented as they state them, and accompanied by what they offer as refutations. That is not the way to do justice to the arguments, or bring them into real contact with his own mind. He must be able to hear them from persons who actually believe them; who defend them in earnest, and do their very utmost for them.' J.S. Mill, *On Liberty*, 32 (R. McCallum ed. 1947)." *Red Lion, supra*, at p. 392, n.18.

In direct contrast to this policy, Richard W. Jencks, President of the CBS Broadcast Group, recently stated that the CBS "news organization can give a fairer presentation" of controversial issues than truly partisan spokesmen. *N.Y. Times*, March 22, 1970, p. 39, col. 1. Opposition spokesmen should not have to contend with positions such as this when seeking to make a reasoned response under the fairness doctrine.

Under the rule that DNC proposes, a television network may have to present more than one opposition viewpoint. On some issues, there may be several significantly different opinions. The DNC's rule would require that each significant responsible view be given an equal opportunity to be heard. The Commission has clearly stated that "to accord one organization or group favored treatment, beyond that accorded to other responsible organizations," would be to violate the fairness doctrine. *Lloyd C. Sigmon*, 8 F.C.C.2d 987 (1967). Of course, the broadcaster is under no obligation to present highly extreme or irresponsible positions. *See Tri-State Broadcast*, 3 R.R.2d 175 (1962). However, it is the obligation of the networks to present fully all responsible opinions. To do less is to defeat the interest of the public in receiving "suitable access to social, political, esthetic, moral, and other ideas and experiences." *Red Lion Broadcasting Co.* v. *FCC*, 395 U.S. at 390. In the final analysis, of course, as the Commission notes in its proposed rules, the broadcaster would still have discretion to choose in good faith the appropriate spokesman who would be notified and given a full opportunity to respond.

D. The opposing spokesmen must be given equal opportunity to respond

To begin to counterbalance the enormous impact of a Presidential presentation, the DNC's rule incorporates the "equal opportunities" standard of § 315(a) of the Communications Act. We submit that nothing less than a truly equal opportunity for opposing spokesmen to articulate and rally support for their opposition will begin to allow for a fair presentation of contrasting viewpoints. If the public is not to adopt uncritically all Presidential suggestions without hearing contrasting viewpoints, substantial and effective offsetting measures are required. Only an appearance by an opposition spokesman comparable in duration, scheduling and freedom of format can hope to provide the necessary balance to a Presidential presentation.[12]

In delineating the obligations of the equal opportunities doctrine the Commission has noted that while "perfect equality is not practicable . . . a licensee must see to it that the time segments offered . . . are substantially equal in duration, quality and desirability of hours." *Station KTTV*, 14 R.R. 1227 (1957).

We submit that the spokesmen opposing the President's views must not be restricted in presenting their viewpoints by inappropriate program formats or inadequate scheduling offers. *See King Broadcasting Co.*, 15 F.C.C. 2d 829 (1967). In a fairness doctrine context, the Commission has recognized that a comparable opportunity for presentation by opposing spokesmen is necessary to the effective presentation of their viewpoint. In adopting the personal attack and political editorializing rules, the Commission said:

> "The phrase 'reasonable opportunity' to respond is used here and in the personal attack subsection because such opportunity may vary with the circumstances. In many instances a *comparable opportunity in time and scheduling will be clearly appropriate;* in others such as when the endorsement of a candidate is one of many and involves more than a few seconds, a 'reasonable opportunity' may require more than a few seconds if there is to be a meaningful reply." 8 F.C.C. 2d at 727. [Emphasis added.]

Moreover, as the Commission, as well as psychologists, political scientists and advertising executives, among others, has recognized, control over the format of the presentation is essential to success in affecting public opinion. In the case of personal attacks, the Commission has noted that the victim "might conclude that a panel or round-table discussion does not afford a comparable opportunity to reply", when the offending remarks were made on a program of a different nature. *John Birch Society*, 11 F.C.C. 2d 790, 791 (1968). An uninterrupted Presidential appearance requires a similarly unfettered opposition presentation, if contrasting viewpoints are to be forcefully put forth.

To permit less of an opportunity for a contrasting presentation is to defeat the "paramount . . . right of the public to receive suitable access to social, political, esthetic, moral, and other ideas and experiences." *Red Lion Broadcasting Co.* v. *F.C.C.*, 395 U.S. at 390.

The DNC's proposed rule will serve to in-

---

networks. *See* In the Matter of Amendment of Part 73 of the Commission's Rules and Regulations with Respect to Competition and Responsibility in Network Television Broadcasts, May 4, 1970.

[10] As the Commission has noted, the purpose of the fairness doctrine is "the development of an informed public opinion through the public dissemination of news and ideas concerning the vital public issues of the day." 13 F.C.V. 1249.

[11] The Commission has often noted, in other contexts, that "time is of the essence" if a reply is to be meaningful. In the Matter of Amendment of Part 73 of the Rules To Provide Procedures in the Event of a Personal Attack or Where a Station Editorializes as to Political Candidates, 8 F.C.C.2d 721, 727 (1967). For example, when the broadcaster had broadcast an editorial the day before an election, a five hour delay before a response could be aired was found a violation of the fairness doctrine. Capitol Broadcasting Co., 3 F.C.C. 2d 975 (1967).

[12] It is arguable that a televised Presidential presentation is so prodigious in its impact that any effective rebuttal would require more time at a preferable hour than that afforded the President's speeches.

sure that the American public is exposed to contrasting sides of a controversial issue of public importance. To countenance less than a full presentation by a network or licensee is to favor one idea over another. Such a result is the antithesis of free discussion. It maximizes the power of the President and the networks over public opinion and makes less likely the ability of new or contrastnig ideas to gain currency. As the Supreme Court said in *Red Lion*, "There is no sanctuary in the First Amendment for unlimited private censorship operating in a medium not open to all." 395 U.S. at 392.

CONCLUSION

For the foregoing reasons, the Commission is hereby respectfully urged to promulgate a rule providing that:

(a) When a network or licensee broadcasts a presentation by the President of the United States of a viewpoint on a controversial issue of public importance, that network or licensee has an affirmative obligation to seek out responsible persons or entities with significant contrasting viewpoints on the controversial issue and afford them equal opportunities to present their views.

(b) In the case of any broadcast of a Presidential address or press conference, it shall be presumed that the President has presented a viewpoint on a controversial issue of public importance; and in the event of any complaint of non-compliance filed with the Commission, the burden shall be upon the network or licensee to establish compliance with this rule.

(c) Each network and licensee shall be required for a period of not less than three years to maintain a complete tape and transcript of every presentation by the President which it broadcasts and to maintain records detailing all actions taken by it to fulfill its affirmative obligations under this rule. Such records shall be available for inspection and copying at any reasonable time upon the request of any person.

(NOTE.—The term "equal opportunities", as used in paragraph (a) hereof, shall have the same meaning and effect that it has under Section 315(a) of the Communications Act of 1934, 47 U.S.C. § 315 (a) (1964).)

Respectfully submitted,
DEMOCRATIC NATIONAL COMMITTEE,
JOSEPH A. CALIFANO, JR.,
General Counsel.

CANCELLATION OF OIL LEASES IN SANTA BARBARA CHANNEL

Mr. NELSON. Mr. President, on February 28, 1969, one month after the tragic oil blow-out beneath Union's platform A in the Santa Barbara Channel, the distinguished junior Senator from California (Mr. CRANSTON) introduced S. 1219, to terminate all further drilling in the Santa Barbara Channel. I was pleased to join as a cosponsor and strong supporter of Senator CRANSTON's bill.

Recently, the President requested legislation at the suggestion of Secretary of the Interior Walter Hickel to cancel 20 leases in the channel and create a marine sanctuary there. Appropriately, the New York Times in an editorial published last Monday commended this action. But, as the editorial pointed out, under this proposal some 51 other leases in the channel would remain.

Thus, the editorial concluded with a strong endorsement of Senator CRANSTON's bill, which would go further to cancel all but the three leases currently producing oil there.

Mr. President, I ask unanimous consent that this well-reasoned editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SMALL STEP ON OIL SPILLS

President Nixon's request for legislation to cancel oil drilling leases off Santa Barbara and create a marine sanctuary there should help redeem the Interior Department, the proposal's originator, for having allowed the worst off-shore oil spill in the country's history. And it may serve as a precedent elsewhere.

It is no dispargement of a commendable act, however, to suggest that, if allowed to stand alone, the proposal will be little more than an isolated gesture in the struggle to save an unusually beautiful coastline. While 20 leases were canceled, 51 other leases in the channel would remain. Forty-eight of these are not yet in production and could therefore be canceled without operational risk. Senator Cranston of California would cancel these leases, too, leaving only those three that are presently producing oil.

His reasoning seems unassailable. If any of these potential wells are a hazard to beaches and marine life, they are all a hazard. After what has already happened no one can doubt the danger or minimize it. Scores of earthquakes originate in the channel each year, and there is a remarkably shallow capping layer over the oil formation. These are other factors make the Santa Barbara Channel area especially vulnerable to the grossest damage from off-shore drilling.

Accordingly we prefer the Cranston bill to the President's proposal, laudable as it is. And we would prefer to either a comprehensive plan to restrict if not prohibit off-shore drilling near any shoreline in America found to be rich in those qualities that please the eye and relax the spirit of man.

PROBLEMS RELATED TO U.S. OIL AND GAS PRODUCTION

Mr. STEVENS. Mr. President, recently, I heard an outstanding address by Michel T. Halbouty. Mr. Halbouty is recognized in the oil industry as one of the outstanding geologists and petroleum engineers in the United States, and is internationally known for his scientific ability in petroleum exploration. He is considered an outstanding authority on the geological and engineering problems of the Gulf Coastal Province of North America, and is rated as one of the top experts on the geology of Gulf Coast Salt Domes. He is also most active as an operator and producer—producing and operating in many oil and gas fields in the United States and Alaska.

He is a graduate of Texas A. & M. University, having received his bachelor of science degree in 1930 and his master of science degree from that institution in 1931 in geology and petroleum engineering. In May 1956, he received the professional degree in geological engineering from Texas A. & M. University (the first to be conferred by the university). In June 1966, the degree of doctor of engineer, Honoris Causa, was conferred upon him by the Montana College of Mineral Science and Technology.

In October 1965, Halbouty received the Texas Mid-Continent Oil and Gas Association's Distinguished Service Award for 1965, presented to an independent for outstanding services and contributions to his industry and profession. In February 1968, he was named engineer of the year by the Texas Society of Professional Engineers and the Engineer's Council of Houston. He was also awarded the Texas A. & M. University's Distinguished Alumni Award in May 1968.

Halbouty is a member of many worldwide scientific and engineering societies, and has contributed over 150 papers and several books to the literature of geology and petroleum engineering. His latest book, "Salt Domes, Gulf Region, United States and Mexico," is the only such single volume on this subject in the world's scientific literature. He served as president of the world's largest organization of earth scientists, the American Association of Petroleum Geologists, for the 1966–67 term.

This is one of the clearest statements by an industry leader, to members of the industry, of some of the problems related to U.S. oil and gas production. While I do not, necessarily, agree with all my good friend Mike Halbouty said, his message is one that ought to be heard by all concerned. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

MR. SRIPPS SAID IT

I always enjoy meeting with landmen. This is my second appearance before your national meeting and I am honored to have been asked to appear before you today. You are not only the most direct contact our industry has with the public, and one of the most enlightened professional groups on that subject, but you have been and are doing something to pass your knowledge on to the public at the grass roots where it is most important. I am most proud of the accomplishments and achievements AAPL has contributed to the welfare of the industry as a whole. Keep up the good work.

As a prologue to my presentation, I would like to relate a story or so about the late E. W. Scripps, founder of one of the most aggressive and journalistic chains of newspapers this country has ever known. I hope Mr. Hearst and Mr. Chandler will pardon my saying that, but I happen to believe it, and I dare say, that off the record, they might also agree.

Mr. Scripps was an unusual man. They tell me he drank a gallon of Irish whisky every day. Even if that is only half right, it is a good story.

He was a man who believed in total objectivity, a subject in which he knew no master and countenanced no interference, when it came to reporting the news. Once to prove his point, it is said that he went out on the town, drank his fill, mixed things up with some shady characters, and was hauled in for being drunk and disorderly. When he sobered up enough in his Cleveland jail cell, he asked for a telephone, called his office, and ordered a reporter and a photographer. When they arrived he had his picture taken in his unshaven, distraught, and disreputable condition, and gave the reporter full details of his night of carrousel, and ordered the story written and printed in detail with appropriate illustrations. Then he ordered the reporter to tell the editor to remember that if he could do this to E. W. Scripps there wasn't a living soul in the whole of Ohio who couldn't be treated the same way if the subject was important enough to warrant the space.

XUM

That's objectivity.

But the thing that Mr. Scripps said that lives in the minds of newspapermen wherever his lusty legend is told, and was adopted as a slogan of his newspapers, was "Give the people light and they will find their own way."

He didn't believe anyone had the privilege to tell people right from wrong, or how to vote, or where to spend their money, or whom he should associate with, or even what he should drink. He simply believed that if the press gave the people the facts without fear or favor that they were capable of finding their own way to whatever conclusion these facts dictated.

I use this example today because I think we have reached the point in this nation and in our industry where we must give the people light so they can find their own way.

For too long politicians and businessmen, and even educators and professional men in all disciplines, have been too coy with the people. They have been less than frank, and in some cases, less than honest.

This could be one reason this country is in crisis today. It is even said that parents haven't been frank with their children or with each other. If you need any evidence of the deceit that has been practiced on the American people, tune in on TV commercials or read newspaper advertisements. In too many instances you will find misrepresentations or outright lies. In addition the public is mollified—or should I say mesmerized—by tongue-in-cheek promises by politicians, slanted news, or the one-sided press releases from most sources. But these are only a few of the cases that prove the point.

In our own industry we have for years been attempting to communicate to the people through a controlled system of what we call public relations or public affairs. We have answered questions that haven't been raised, but we have not always subjected ourselves to the questions the public might want to ask. We have used competition as an excuse for covering up in far too many cases.

For as long as I can recall we have been mouthing a set of cliches. Some of them have been set to different music, but the words have been the same. They have been about high risks, high csots, low average profits, excessive imports, depletion, and price controls.

Of course, all of these things are true. But the point is that they are *our* problems. The public has its own problems, and isn't listening to us—our cries, laments, and pleadings go unheard—because they have been made and are still being made by industry trade organizations or by industry leaders—all considered by the public to be self-serving. We have wasted millions of dollars in attempts to inform the public and, in turn, the people have laughed at our antics and referred to the lot of us as a bunch of selfish, rich, arrogant bastards.

To make matters even more ridiculous, the great majority—if not all—of the messages are delivered at oil and gas meetings, and the press releases have all been in the oil country press, completely out of the general public's earshot. Then there has been the monotony of the monologue which is boring. None of it seems very interesting or educational, and even to those who do listen, it isn't very informative.

There are many facts the public has not heard about our industry. They have to do with problems which confront not only the industry but the people at the grass roots.

They have to do with threats to our national safety, important international matters, jobs for people, profits for investors, improved products for customers, effective controls over pollution, relations with Canada, the threat of a Soviet control of or influence over world oil reserves and what this ominous fact means to the future of world freedom. These are only a few of the facts, which we could easily shed light on from our store of expertise—and more important we should present these facts properly to the people.

Frankly, I am guilty of my own criticism. This speech should be delivered to people outside of the petroleum industry and in turn you should be listening to someone from outside of the petroleum industry so that both groups of audiences would learn something outside of their sphere of knowledge. However, since I am here—I will present to you a few facts the people of this nation should know.

I am not particularly concerned over the Soviet Union ever directly threatening our country through control of world petroleum outside of the North American continent. In my opinion there is sufficient energy on this continent to supply its needs for as long as necessary. We have found less than half of the oil and gas in the lower 48 states, and Canada and Alaska hold the potential of reserves to approximate the Middle East.

There is a treasure of kerogen in the shale of the Rockies and untold reserves of potential fuel in the tar sands of Canada, and we are only the wink of an eye on the time table from commercial development of both gas and gasoline from coal, to mention the most important sources.

But what about our allies in the free world? What about western Europe and other areas of the world which depend on petroleum from the Persian Gulf, Africa, and South America?

Here is a danger the public should consider. If the Soviets are able to put our Allies under economic pressure, that is, make their economies dependent on oil that the Soviets control, into what kind of a position does this place every American citizen? I think the answer is that we will eventually find all of the world communized except those of us who inhabit a part of this continent, and then the question is, how long can we remain free?

These are matters worthy of consideration, yet I doubt that a mere fraction of the population of North America has ever given them very serious thought.

Let's take a look at the energy facts as they are shaping up in the world today. Without a doubt the greatest source of oil reserves on earth at this time is the Middle East and Africa. Today most of the countries of the Middle East are either hostile to the United States and friendly to Russia or they are under overwhelming pressure from the Kremlin and their own leftist neighbors.

In Africa within the past year one regime after another in the important oil countries . . . regimes once friendly to the free world . . . have been replaced by those favorable to the Russians.

In the last year, in Libya, one of the most prolific oil areas of the world, a government friendly to the United States has been overthrown and replaced by a puppet of the Soviets and I would imagine that our time there is relatively short.

In Nigeria, which is rapidly becoming the location of tremendous offshore oil reserves, the existing present government owes much of its existence to the Soviet Union. We backed the losers!

In Indonesia, where a considerable potential for tremendous new oil reserves is being found, only the action in Vietnam has so far prevented Communist control.

Communist influence is spreading in South America. Castro's agents are a threat to Venezuela and its great oil reserves. In fact, it is obvious that this is communism's prime objective in this hemisphere.

In Bolivia, a friendly government has been thrown out by allies of the communists, and already Gulf Oil Corporation's significant holdings have been expropriated and the Bolivians are discussing deals with the Russians.

The only place on earth outside the United States where the energy supply potential is high, and where there is no present serious threat from the communists, is Canada.

In this regard, it is an enigma to me that the U.S. and Canada have not, long ago, entered into a firm petroleum international policy. In fact, I strongly advocate a free trade policy of oil and gas between our two countries, however, to have such a policy it will probably be necessary to reach a common understanding on the national security aspects, particularly, since Canada is a net importer of crude now. From the national security standpoint, which is the basis for the import program, there is a strong tie between our two countries.

The demand for Canadian oil is growing rapidly in the U.S. and the government action in officially limiting Canadian imports has caused some misunderstanding. Lower Canadian crude prices of 35 to 60¢ a bbl. were inducement to the U.S. buyers to raise their import figures until the levels exceeded the original voluntary agreement between the two governments. So a cut-back was ordered and this has caused cries of economic discomfort from U.S. oil buyers and Canadian producers, but more important it appears to have caused a temporary misunderstanding between these two friendly powers. However, I don't believe this will prove to be anything but a short term deterrent in arriving at a common energy policy.

The U.S. will gradually need to import more and more Canadian crude in the future. This is most obvious to all who have become aware of our dwindling reserves and increased requirements. I'll put it another way—we will have to either (1) find quickly our own substantial amount of new reserves, or (2) depend on Middle East, African or South American crude, or (3) supplement our needs as much as possible from a nation friendly to us, close to us, and one we can depend on, namely Canada!

We should encourage the best of relationships and free trade on important items needed by both countries, especially on petroleum, and under a common policy I feel that incentives to find additional crude for U.S. and Canadian security would be forthcoming.

It would be most difficult to overemphasize the serious implications of the international petroleum situation in respect to the welfare of the Americans and even the Canadians.

Since I have talked so much about geopolitics, I might as well go one step further. There is a movement by some in this country to convince our government that we should renounce this country's heritage and legal rights to all resources beyond water depths of 200 meters. As you are probably aware, President Nixon issued a statement on May 23 stating "Therefore, I am today proposing that all nations adopt as soon as possible a treaty under which they would renounce all national claims over the natural resources of the seabed beyond the point where the high seas reached a depth of 200 meters (218.8 yards) and would agree to regard these resources as the common heritage of mankind."

The proposal means U.S. ownership would extend only to 200 meters, or 3 miles, whichever is greater. If adopted, this proposal would affect leases already issued in the offshore, such as in the Santa Barbara Channel, and more particularly, those leases now held by a company which just announced a major discovery in this Channel. In my opinion the leases which would be affected in all of the Santa Barbara Channel waters alone have oil reserves in the billions of barrels.

While not readily apparent, this problem revolves around the extent that this nation and other nations will claim jurisdiction in the territorial sea and the submerged portions adjacent to the continents. In the last few years, the limit of the territorial sea claimed by coastal nations has tended to expand outward from the historic three mile limit. While the United States and 32 other nations still adhere to this limit, 79 countries now claim in excess of this mileage with several claiming 200 miles.

The value of our resources affected by the President's suggestion is not theoretical. It is very real. There are approximately 27 natural resources involved including, but certainly not limited to, all the petroleum deposits in Federal lands off Santa Barbara, lobsters off New England, King Crabs off Alaska, and Phosphate and other minerals off all of our shores.

Estimates of the U.S. Geological Survey indicate that the total potential petroleum in place resource of the U.S. Continental Slope—an area of more than 500,000 square miles immediately beyond the Continental Shelf underlying water depths of 200 to 2,500 meters—may range between 640 and 800 billion barrels of oil and from 1,590 to 2,230 trillion cubic feet of natural gas. This potential resource in place is nearly equal to that estimated for the U.S. Continental Shelf itself.

If only 10 percent of this could be recovered, that is, 60 to 80 billion barrels of oil plus 160 to 225 trillion cubic feet of gas, you can see how great the value of the giveaway is.

In my opinion, the Geneva Convention gave America the right to all resources on the seafloor and subsoil of the submerged portions of the continent or those resources adjacent to it. Whether this means to 2500 meters, 4000 meters, 100 miles, 200 miles, the end of the continental rise, the foot of the slope or what—I don't know. I'm a geologist and engineer, not an attorney, but surely the terminology of the Convention means more than 200 meters deep or three miles out.

In pronouncements of this import, it is customary for a Government to do a tremendous amount of "homework." They must consult with those concerned and study all of the implications and ramifications of the move. The question can be asked "Was this procedure employed in this instance?" If it is not too late, if the horse hasn't already left the barn, I'd suggest that the people of this country express their opinions to President Nixon and Congress.

Another problem which we face is that of nationalization. Most Americans have no idea how close we are to nationalization, or even what nationalization means. First, nationalization means the taking over of private property, industrial organizations, or the control of any class of labor, among other things.

The question might be asked, "Is this what the people of the Republic want?" A synonym for nationalism is collectivism. Others are bolshevism, anarchism, socialism, and communism. They are all the same with slightly different shadings. You could add nazism and fascism. By any name I want no part of any of them, and I dare say no other real American feels any differently.

Yet a member of the board of directors of an organization in this state which calls itself GOO for Get Oil Out, an outgrowth of the hysteria over the Santa Barbara Channel incident, was quoted in the Oil Daily and other newspapers recently as calling for the nationalization of the petroleum industry in an address before the student bodies of Occidental and California Lutheran Colleges as they participated in an environmental teach-in.

Today, the nationalization of the oil industry: tomorrow, the other business and industrial and professional complexes, including labor. That's what this man is saying. That's what our children are being inspired to believe is right and to advocate.

That is the goal of the agitators and militants who are prodding young people in this country. Do the average citizens of this country realize this fact? Do they want to change our government? Do they want free enterprise, capitalism, and individual freedom swallowed up by nationalism, or socialism, or communism?

I can answer that, and so can you. They do not.

Yet if our industry and other industries and businesses and professions and organizations in this country, such as labor, do not begin to speak up, educate, inform, and create a dialogue with the people of this country; if we don't end our monologue with ourselves, and our talking to instead of with the people; if we don't listen, if we don't entertain an outside viewpoint; if we don't answer some simple questions, and give some straight answers, nationalization is what we are going to get. We are being attacked today from without and from within. The insidious forces within are by far the more dangerous. This is what Khrushchev meant when he said "We will bury you"—He did not mean by armed forces—but by forces within.

In recent weeks we have been directly threatened by a spokesman for Syria who warned that we could be cut off from Middle East oil unless we accommodated certain positions of the Arabs regarding the Israeli war.

This should be enough to point up the vulnerability of dependence on outside sources for oil. Of course, we get very little oil, probably three per cent of our imports, from the Middle East, but if Venezuela made such a threat it could cause immediate concern, and Venezuela is a member of the Organization of Petroleum Exporting Countries. Another consideration which might escape us is that the Middle East is now providing 67 per cent of our oil requirements for the war in Vietnam. If the Arabs carried their threat far enough, which they might well do in their desperation in the Middle East war, they could cut off oil supplies to our allies and friends. I believe 66 per cent of western Europe's oil is supplied by the Middle East and about 90 per cent of Japan's oil comes from there.

When someone attempts to convince you that oil is not today's most important international commodity in either war or peace, either hot war or cold, that individual is unaware of the situation. My point here is that the American people do not have this necessary information to provide light by which they might find their own way.

Under present conditions, there is no way this country could provide its allies and friends with oil over an extended time. In the years since the last Suez crisis, when we supplied our friends in the free world with oil when it was denied them by the Arab countries, our own surplus producing capacity has been reduced by something like a million barrels a day, and is down 30 per cent from last year, the first decline since statistics were first compiled on surplus in 1954.

I often wonder if it is possible that the public in this country is aware of the fact that more than 75 per cent of the known proven free world reserves of oil are located in the Middle East and Africa in countries either hostile to us or under unrelenting communist pressure.

Do the Americans who depend on petroleum to fuel their economy far more than any people in any other part of the world realize that we have only 10 years supply of crude reserves? And if they know this, do they realize the full implication of the fact? I doubt it seriously.

But it is time for the American public to realize facts such as these. For too long, spokesmen for our industry have attempted to tell Americans that *unless* certain things were done, *the oil industry and the oilmen would suffer*.

That's not the story Americans are interested in. They are interested, however, in their own personal and individual survival as well as that of the Republic and the survival of freedom as we know it today.

It is up to us to furnish that information and to provide whatever education is needed in this area where we are the experts. We cannot assume that because these facts are so clear to us, if indeed they are, that they are clear to the public. The simple fact is that the American people knew as close to nothing about the oil industry as possible. This is not an idle statement. This is a well-documented and established fact.

America is ignorant of even the fact that it depends entirely on energy for economic and social sustenance, and that 75 per cent of that energy comes from the petroleum industry in the form of oil and natural gas, and that demand for energy, here and in all of the free world, is expanding at an alarming rate.

If any congressman or university professor or economist or anyone else assumes that the American people understand their reliance on the energy industry, then he must assume that they are mentally incompetent, which they are not. In fact, even the congressman, university professor or the economist who makes such an assumption does not understand our reliance on energy for our economic life blood.

The light that we must give the people today is that Russia hopes to dominate the world through petroleum. Their interest in Vietnam is the oil in Indonesia—not in helping the North Vietnamese.

Their interest in the Arab-Israeli conflict is their plan eventually to control Middle East and African oil—not in their love for Arabs or Africans.

The people of this country might not fully realize this threat to freedom and capitalism as well as they should.

The six-day war in mid-1967 offered an unusual opportunity for the Russians to explore their sphere of influence in the Arab world and there is no question that they've taken full advantage of it.

This gave the Russians opportunities which the czars never dreamed of. Through dramatic moves, almost unnoticed by American citizens, the Russians have established economic beachheads in parts of the world they have never penetrated before.

For example, they have only recently established diplomatic relations with Singapore and Malaysia in their thrust toward Indonesia to be prepared to remain in that area, if the Vietnam war fails for them. In one way or another they have penetrated almost every single important nation in Europe with unexpected ease. Through their maneuverings in gas, they now threaten the success of the North Sea exploration. To dispel talk of their oil shortage, which encouraged us for a while, they recently announced a 14.6 billion barrels field discovery at Samotlor in western Siberia. They are involved in oil programs in more than 20 important nations around the world at this moment and moving into others rapidly.

The Russians are using every device necessary to get a foothold for their coming petroleum domination. They are boosting their foreign aid, both military and economic, and they are sending advisors and technicians into every country that will take them. Their petroleum marketing arrangements have reached almost every capital of Europe. Their basic plan is, as most people can see once it is shown them, to make all oil consuming nations, including us, dependent on petroleum they control in any part of the world. With that goal accomplished, the cold war will end, the communists will be the winners. The only battle left then will be the Armageddon between the Russians and the Chinese to decide what type of communism will rule the world.

That isn't a bright prospect, and its success is far from a foregone conclusion. But that is the obvious Russian plan for conquering the world. Their threats of military action have a hollow ring. It is for fright purposes for the weak-hearted and the intellectually incompetent. It is designed to give hope and strength to the radicals, the anarchists, the local communists, socialists, left wingers, and liberal extremists in all countries.

World War III is on now! It has been since the day World War II ended. It is a war by the Russians to control the world through control of energy sources. They are making progress, but they have not yet conquered.

There is still time and there is still hope that they will fail. Many of our friends in the Middle East, such as Iran, Kuwait, Saudi Arabia, and others, are resisting as long as they find it possible against their have-not brothers in Egypt, Jordan, and Syria where the United Arab Republic is in direct conflict in the Israeli war.

The hope that the world conquest by communism through energy control of the western world can be defeated lies in this country. It lies in the knowledge and education the American people have on the subject.

By understanding the situation and adopting a resolute attitude the American people can thwart the communist design for world domination. The oil industry can't do this. But the oil industry can do its part by giving the American people light on the importance of petroleum to their lives, to this nation and to the entire world.

Then the people, through their leaders in government, can get the job done. The Russians are still struggling to attain their goal. They are patient, but they are relentless.

It is our job to get the story to the public objectively and factually as soon as possible through every possible means of communication before it is too late.

We have concentrated so much valuable time and talent on telling the American people about the risks we take, the need for tax advantages, the virtues of conservation, the pros and cons of import controls (depending on who was telling the story and when), and other problems and controversies that we have neglected to tell the story of the industry. Therefore, the public is uninformed and unconcerned about it.

We have been concentrating on propaganda and promotion when we should have been concentrating on facts and the industry story, while keeping an ear to the ground for reasonable viewpoints, attitudes, and questions from the public.

I believe that our so-called attempt to give people light about the industry in this country has been arrogant and incompetent and that it has actually done more harm than any occasional good that might have been fished out of the debris of its ineffectiveness.

We have ourselves to blame for this. We have been preoccupied with our own well-being and the welfare of our industry instead of being involved and concerned about the country as a whole at the same time.

When we talk about giving the people light so they might find their own way, we might also start directing some of that light toward our own pathways.

We have permitted a generation to grow up without taking time to hear its cries of anguish. We have not only neglected to see whether or not the cries were justified, we have been too preoccupied to even ask what was causing them.

We have been so deep in our own troubles, that we have ignored what was happening in our universities and schools. We have permitted a breed of spineless educators and administrators to come into being without even realizing they were there and without the courage now to do something about them after we have found them out.

We have permitted a strong movement toward nationalization and socialism to grow up right in our own states, cities, offices, our industry, and even our homes, in our blind march toward the goal of protecting depletion or controlling imports of oil.

We have ignored our civic and political obligations to the point where our state houses and national capital are becoming infested with ignorant, selfish, ambitious, and irresponsible men who don't care whether or not we continue as a free people so long as they can remain on the public payroll under any form of government.

It is ironic and yet tragic that we have failed because we have an industry so useful and a story so honest and inspirational to tell that we should need no special lobbies to gain us friendship and advantage if we were merely to tell it and, at the same time, listen to what the people, our customers, the voters, and tax payers at the grass roots, including our children, are saying to us.

In closing, permit me to say that I hope we accept the challenge to follow the slogan Mr. Scripps gave to his newspapers and emblazoned across the American horizon. Let us do our part to give the people light about their greatest and most essential industry so they might find their own way.

And let us pray that while we are giving the people light about our industry, the people will in turn shed a little of it in our direction so that we might overcome the darkness that has blocked the way to understanding of things that we should know.

THE WASHINGTON METRO AREA JAYCEE CAMPAIGN ON BEHALF OF U.S. PRISONERS OF WAR AND THEIR FAMILIES

Mr. TYDINGS. Mr. President, I commend to the attention of Senators a highly important and praiseworthy project currently being developed by the Washington metropolitan area Jaycee chapters. This project, the "1 million signature campaign," is a much needed effort scheduled from June 28 to July 5 to inform Washington area residents of the terrible plight of American prisoners of war being held in North Vietnam.

The petitions containing 1 million signatures of Washington area residents will be forwarded by the Jaycees to the governments of nations throughout the world requesting their support in obtaining an agreement from North Vietnam to abide by the terms of the Geneva Convention. In short, the Washington area Jaycees are launching a highly imaginative campaign to convert the concern of Washington area residents into international pressure to move Hanoi to abide by the accepted rules governing the treatment of prisoners of war.

I have formally endorsed this important campaign, and I hope other Members will do likewise. It is crucial that Hanoi, the families of American prisoners of war, and the citizens of this country recognize that Congress stands 100 percent behind all efforts to force North Vietnam to adhere to the Geneva Convention.

At present, there are more than 1,500 servicemen who have been captured by the enemy in Southeast Asia. Of these, roughly 450 are believed to be prisoners, and about 980 are listed as missing in action. However, there is no way of knowing for sure who is dead, captured, or wounded.

As a result of Hanoi's cruel indifference, 1,500 American families are denied even a definite word whether a loved one thought to be captured is dead or alive; 1,500 American families are forced to suffer this terrible uncertainty daily.

The Jaycees are seeking to eliminate this uncertainty by requesting the Government of North Vietnam to simply comply with the terms of Geneva Convention. They are asking Hanoi to: Publish the names of all prisoners of war; insure that all prisoners receive proper medical care and adequate food; permit regular impartial inspection of prisoner of war facilities; and allow the free flow of mail between prisoners and their families.

These are noble objectives which should be supported by men and women of conscience throughout the world. We owe a vote of appreciation and gratitude to the Washington metro area Jaycee chapters for initiating this invaluable campaign.

THE NINTH ANNUAL CONVENTION OF THE NATIONAL COUNCIL OF SENIOR CITIZENS

Mr. WILLIAMS of New Jersey. Mr. President, the National Council of Senior Citizens met in Washington, D.C., on June 11 through 13 for the largest convention in the history of that organization. The attendance was more than 1,600, representing the 2,500 clubs and 2.5 million members of the council.

One of the most important functions of the participants was the far-ranging discussion which led to adoption of resolutions dealing with major issues facing not only the elderly, but all Americans. From my own personal experience at the convention, I know that such discussion often led to debate and honest soul-searching. As a result, the national council has approved 31 resolutions dealing with everything from social security cash benefits to the Middle East crisis. I might add, too, that the council gave due consideration to the question of whether the right to vote should be extended to age 18. They were heartily in favor of that extension, saying:

> A nation which allows its young people to bear the brunt of death in war should allow its young people to participate in the political processes which influence American foreign and military policy.

The national council, speaking as it does for many older Americans of this Nation, also concerns itself with other matters related to social justice and the well-being of all citizens of this land. Its convention members and the council president, Nelson Cruikshank, are to be congratulated for their concern and their vigor in expressing that concern.

Mr. President, thanks to the executive director of the council—Mr. William Hutton—I have received many of the resolutions adopted, in almost all cases, unanimously. I ask unanimous consent that they be printed in the Record.

XUM

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION 1—SOCIAL SECURITY CASH BENEFITS

Whereas, since the Eighth Convention of the National Council of Senior Citizens, Social Security benefits have been increased 15%, with a proposal that has passed the House to provide another 5% by January 1, 1971 and

Whereas, the House has increased benefits to widows to 100% and liberalized the earnings test to $2,000 annual earnings before reductions would be introduced, with $1 in benefits withheld for each $2 of earnings in the range of $2,000 up to $3,200,

Whereas, despite this progress, an estimated 5–7 million Social Security recipients still remain impoverished, a situation with its proposals for substantially raising minimum benefits and an across-the-board increase of another 35% in Social Security benefits, phasing in of an increase in the wage base up to $15,000, and a contribution from the general revenues that would eventually provide for one-third of the cost of the benefits,

Whereas, the National Council of Senior Citizens deplores the delay in enactment of a 15 per cent increase in retirement benefits for railroad employees to match the 15 per cent Social Security increase voted by Congress last year,

Now therefore, be it resolved that this Ninth Convention of the National Council of Senior Citizens Hereby expresses its appreciation to the Members of Congress for the actions taken in this 91st Congress with respect to increased benefits and other improvements in Social Security,

Be it resolved, this Convention considers the 15% increase of January, 1970 and proposed increases as a down payment on those benefits proposed in the Gilbert-Williams bill and reaffirms its support for the Gilbert-Williams bill which provides for a further 35% increase in benefits by 1972 for present and future retirees, and utilization of general revenue funds to finance a portion of the cost, thus avoiding undue burden on workers with low incomes.

This Convention supports the inclusion of an automatic cost of living adjustment as a principle so long as it is recognized as a matter of public policy that there shall also be adjustments in future benefits to recognize rising productivity and standards of living.

Be it resolved, that the National Council's 2,500,000 membership urges Congress to speed action on the pending 15 per cent railroad pension increase and requests early action to assure parity for railroad employees as and when the Senate acts on the House approved bill to grant an additional 5 per cent increase in Social Security benefits,

Be it further resolved, that those working under the Railroad Retirement Act, those receiving veterans' pensions, and recipients of Public Assistance shall not be subjected to a reduction in such benefits as the result of the increase in Social Security benefits.

RESOLUTION 2—MEDICAID

Whereas, Medicaid was designed to serve the millions of Americans, particularly those under 65 whose income was so low they could not afford the costs of medical care,

Whereas, the original legislation obligated all States to develop a program of comprehensive services by 1975—later extended to 1977, and now completely abolished in the pending Social Security bill, H.R. 17550, on the argument that costs were skyrocketing and the program was being exploited by practitioners—a product in part of inadequate medical surveillance.

Whereas, various restrictions are being placed on Medicaid, including granting the States the right to impose deductibles, thus still further cutting back on the intent of the original legislation,

Now therefore, be it resolved, that this Convention reaffirm its support of Medicaid as an essential program to meet the costs of health care of persons with low income, and urge that the provision requiring States to develop a comprehensive program not be stricken,

Be it further resolved, that until a program of National health insurance is established and adequately financed, the Medicaid program is essential to the well-being of millions of Americans living on the borderline of income adequacy.

Be it further resolved that the Federal Government establish firmer controls over medical charges and utilization to stop exploitation of the program.

RESOLUTION 4—MEDICARE

Whereas, the National Council of Senior Citizens views with pride and satisfaction the significant role it played in the enactment of medicare,

Whereas, a series of financial barriers, co-insurance, deductibles, premium payments for Medicare Part B (Doctor insurance—scheduled on July 1st to go from $4.00 a month to $5.30), and noncoverage of out-of-hospital drugs, continue to limit and deny adequate health protection to the elderly,

Whereas, escalating costs and evidence of overcharging and abuses of the program call for effective cost controls and penalties that do not, however, limit the services or penalize the patient,

Whereas, the option provided under the House passed Social Security bill, H.R. 17550, would enable Medicare recipients to participate in pre-payment health plans which provide both preventive as well as maintenance health care services at lower cost than the present disorganized health system,

Now therefore, be it resolved, that this Convention holds that the co-insurance and deductible features of Medicare and the monthly payment for Part B must be eliminated, and that the added cost be met by contributions from general revenues, *and further, this Convention supports the elimination of the three year enrollment period for Part B of Medicare and Congressional action to limit physicians' charges to a reasonable amount,*

Be it further resolved, that the cost of prescription drugs, eye care, eyeglasses, dental care, dentures, hearing aids, and routine foot care, be included in Medicare, and that hospital coverage be extended to 365 days,

Be it further resolved, that the National Council support and promote the enrollment of seniors in pre-payment health care plans and the further and substantial development of such plans,

Be it further resolved, that all persons receiving Social Security benefits be included under the Medicare program.

RESOLUTION 6—HEALTH CARE FOR ALL AMERICANS

Whereas, Medicare with its deductibles and co-insurance and other features pays less than half (46%) of all the health care costs of the elderly,

Whereas, Medicare makes no provision for out-of-hospital prescription drugs, eye care, hearing aids, and medically necessary prosthetic appliances, and places sharp limits on hospitalization and nursing home care,

Whereas, health services in the United States, when measured by health indices such as infant mortality, maternal mortality and life expectancy rates are surpassed in at least 15 other countries.

Whereas, in the most advanced industrial country in the world, with a scientific capacity to land a man on the moon, the present fragmented, costly, inefficient and inadequate health care arrangements, can only be characterized as antiquated.

Whereas, many of the chronic ailments and crippling conditions of later life are the result in part of the lack of comprehensive and adequate health services in earlier years,

Now therefore, be it resolved, that this chaotic and expensive state of affairs in health care be replaced by a Federally sponsored, comprehensive national program of health care for all Americans, as represented in H.R. 15779, introduced by Congresswoman Martha Griffiths of Michigan, and as represented by the efforts of the Committee for National Health Insurance under the leadership of the late United Automobile Workers President Walter P. Reuther,

Be it further resolved, that H.R. 15779, which will absorb Medicare into the National Health program, eliminates deductibles and co-insurance, the monthly premium for Medicare Part B (doctor's insurance), provides out-of-hospital prescription drugs, eye care and hearing aids, and removes limits on hospitalization and nursing home care, be hereby endorsed and supported by this Ninth Convention of the National Council of Senior Citizens,

Be it further resolved, that this Convention register its support for the financing of this health care program through the Social Security system, supplemented by general revenues.

RESOLUTION 11—REDUCED BUS, PLANE, AND TRAIN FARES FOR SENIORS

Whereas, our senior citizens should have the fullest opportunities at modest cost to see America, and more immediately to visit their children and families, often widely scattered over the continental U.S.A.,

Whereas, for reasons of health and comfort, senior citizens may be widely separated from their families and children, and

Whereas, a substantial reduction in bus, train, and domestic plane fares would enable the senior citizens to enjoy their leisure years through travel, and to maintain closer ties with their families,

Now therefore, be it resolved, that the National Council of Senior Citizens petition the Interstate Commerce Commission and the Civil Aeronautics Board for the development of a plan that would provide for substantial reductions in bus, train, and plane fares for senior citizens and other citizens receiving disability benefits under Social Security, in the pattern followed in many European countries where 50% reductions in fares are provided, and call on its friends in Congress to initiate such legislation.

Be it further resolved, that the appropriate committees of Congress be informed of such actions that may be taken with respect to the Interstate Commerce Commission and the Civil Aeronautics Board.

RESOLUTION 12—AIR CHARTER FLIGHTS

Whereas, the concept of charter air travel was put into law by the United States Congress in 1962 and, since then, has afforded thousands of senior citizens the opportunity to visit the land of their origins and their relatives, and to enjoy educational and recreational advantages, and safe, fast, and efficient group travel at fares that average as much as 50 per cent less than those afforded by scheduled airlines; and

Whereas, the supplemental airlines, which are subject to the same safety regulations as the scheduled lines and offer charter travel, have earned an indispensable place in the national air transportation system through their significant contributions to the movement of travellers and cargo; and

Whereas, the concept of air charter has been severely handicapped by archaic "affinity" regulations which control who can and

XUM

cannot charter an airplane, regulations which adversely affect millions of Americans in low and middle-income groups; and

Whereas, the scheduled airlines, through their monopolistic, ratesetting cartel known as IATA (International Air Transport Association), seek to drive competitive air charter transportation out of the marketplace through a complex series of rate manipulations and fare structures which are designed to mislead the consumer; and

Whereas, each supplemental air carrier must negotiate separate landing and uplift rights with a foreign government for each planned foreign flight, although such individual negotiations and monopolistic restrictions do not exist anywhere else in the air transport industry;

Now therefore, be it resolved, that the National Council of Senior Citizens calls upon the departments and regulatory agencies of the Federal Government involved to provide the supplemental airlines the same support in foreign affairs that are provided on a favored basis to scheduled airlines; and be it further resolved that the present restrictive and discriminatory regulations governing charters be updated to benefit millions of senior citizens, working men and women, their families, and students, living on limited incomes; and be it further resolved that it be the policy of the United States Government in matters of air transportation, domestic and international, to assure competition in fares, to guarantee a balanced system of air transport for passengers and cargo, and to favor no foreign government-owned airlines to the detriment of American, private carriers serving the broad spectrum of the American traveling public.

RESOLUTION 18—ASSURING AUTO INSURANCE FOR SENIORS

Whereas, senior citizens are widely and cruelly discriminated against in the obtaining of automobile insurance, with age alone frequently constituting a basis for cancellation of insurance and imposition of excessive increases in rates,

Whereas, many elderly citizens are so intimidated by their insurance companies, by fear of cancellations, non-renewals, and increased premiums that they frequently provide out of their own pockets what they have paid the companies to furnish.

Whereas, the insurance business seems to be increasingly moving toward a maximizing of funds for investment by minimizing their claims and thereby denying an essential service to the elderly automobile owners, or offering it at prohibitive costs. Private transportation is essential to the elderly for economic, social and health reasons, almost as essential as food, shelter and clothing in an America on wheels,

Now therefore, be it resolved, that this Convention finds that State regulatory agencies have in too many instances become the captives of the casualty insurance industry, and find further that the time has come for the institution of Federal regulation of the auto insurance industry,

Be it further resolved, that the automobile has become such an accepted absolute necessity to the average American that no private corporation should be permitted to deny an individual the right to own and drive a vehicle without due process of law; a driver who is safe enough to be licensed ought to be eligible for insurance; further, that Federal leadership is required for development and initiation of a program of "no fault insurance," which in a manner similar to workman's compensation, would provide a system of automatic payments to the injured party, no matter who is at fault in an accident, so as to reduce the cost of expensive legal contests, and assure the payment of essential medical care for the injured party.

Be it further resolved, that *all states be urged to set up a state insurance fund to provide low cost insurance on demand of any citizen.*

RESOLUTION 17—ACCESS TO PARKS AND CAMPGROUNDS FOR SENIORS

Whereas: Man needs time to return to nature. It is a body and spiritual need of the highest order;

Whereas: All Americans have the right to recreate in their natural heritage. They have worked hard, supported their government and parks through taxes;

Whereas: Many of our elderly people have turned to camping as a way of life. Many on small pensions and fixed incomes are already feeling the pinch of high inflation;

Whereas: For decades the principle of government was access to public lands be free;

Whereas: The passage of the Land and Water Conservation Fund Act of 1964 established fees for use of facilities which meant further limitaiton of the principle that access to public lands be free;

Therefore be it resolved: The National Council of Senior Citizens claims as a right that all recreation areas and camp grounds within our national and state parks administered by any branch of the federal or state governments, should be considered as part of the visitor service and shall be free; and

Be it further resolved: Since these areas are tax-supported, money should be appropriated for their administration as governments appropriate funds for other programs, and

Be it finally resolved: That all elderly people on pensions and social security should not be denied the right to spend their last years in parks and camp grounds they have paid for. Entrance and users fees should be eliminated and all admissions be free to retired workers.

RESOLUTION 19—SENIOR EMPLOYMENT OPPORTUNITIES

Whereas, the Senior AIDES program of the National Council of Senior Citizens has provided socially useful employment to 1200 seniors with incomes at or below the poverty level,

Whereas, this program has graphically demonstrated in the twenty communities in which it is operating that the employment opportunities offered have not only been highly beneficial to these communities, but highly rewarding to the individuals involved,

Whereas, the enthusiastic acceptance of these programs by the communities—with demand for additional projects far exceeding resources and the 7-10 applicants for each position—testifies to the need for a very substantial extension of employment opportunities for seniors,

Now therefore, be it resolved that this Convention endorse enthusiastically S. 3604, the Older Americans Community Services Act, introduced by Senator Kennedy of Massachusetts, and which authorizes $35 million for the fiscal year ending June 30, 1971, and $60 million for the fiscal year ending June 30, 1972,

Be it further resolved, that this Convention go on record as urging that a third year authorization at the level of $100 million be included in this legislation.

RESOLUTION 20—INCOME CRITERIA FOR SENIOR AIDES

It has been apparent since the inception of the Senior AIDES program, and has been proven by experience, that the economic guidelines applying to this project are not only unjust but they have tended to polarize any effort on the part of the sponsors to hire people who have the caliber and affinity needed to cope with the problems of their fellow elderly.

The present Manpower guidelines are geared to the young people who come from a low income family and covers the income of the total family as a basis for working on Youth Corps and summer jobs.

Federal programs for the elderly are not written for Youth Corps or summer jobs but for "year 'round" participation on a part-time basis.

It is to be hoped that the Administration and Congress will see fit to continue this and the many more programs such as the Foster Grandparents program, FIND, Green Thumb, etc., which are in effect in various parts of the country.

Therefore, in anticipation of this and in full cognizance of the injurious effect upon those who are not eligible to work under the present, impractical economic guidelines;

Therefore be it resolved that the National Council of Senior Citizens, Washington, D.C., be hereby memorialized to contact the Labor Department Secretary and the Director of O.E.O. and convince them of the importance that they:

1. Start working on drawing up new economic guidelines for the Senior Aides program and any other present or future projects for the elderly which will be more compatible with the circumstances prevalent among applicants for jobs on these projects by:

First: Amending the income criteria to a more realistic level, recognizing the cost of living variances throughout the United States, requiring all those at the poverty level be hired first;

Second: By considering the actual total income of only the applicant, not the entire household, when one is living in a relative's home,

Third: If a child continues to live with the parent and pays board and room, only this amount should be considered as income from this person.

This action, we feel, would be a quantum jump toward a more positive approach to solving the crucial needs of the economically disadvantaged elderly (under $3,000).

2. The Executive Committee should follow up on this periodically and thereby put pressure on said Labor Department and O.E.O. to act on this resolution promptly, thereby averting the continuing despair inflicted upon those who are turned away under the present restrictions.

RESOLUTION 21—REFUNDING LEGAL RESEARCH AND SERVICES FOR THE ELDERLY AND EXTENDING CONCERN FOR ELDERLY TO ALL OEO LEGAL SERVICE PROJECTS

The National Council of Senior Citizens' OEO-funded Legal Research and Services for the Elderly Project has had eleven projects in nine cities throughout the country. Ten of the projects have conducted research and provided services in specific problem areas. One project has provided research and technical assistance.

LRSE projects have been active in the areas of health care, housing, advocacy training, probate reform, protective services, economic development and federal benefit programs, e.g., old age assistance and social security.

LRSE has been involved in test cases challenging:

Whether social security benefits can be terminated without a prior hearing;

Whether due process rights are afforded by various state legislative schemes that permit the financial affairs of committed persons to be administered by public officials;

Whether workmen's compensation benefits can be deducted from disability payments.

Some of the accomplishments of LRSE projects are:

Helping a non-profit corporation obtain seed money for construction of a low-cost housing project—Santa Monica, California.

Drafting and fighting for passage of rent control—Miami Beach, Florida.

Preparing a state legislative package for

XUM

the elderly and working for its enactment—Boston, Massachusetts.

Organizing a chain of co-op grocery stores in public housing projects for seniors—Atlanta, Georgia.

Establishing an employment service for seniors—Albuquerque, New Mexico.

Developing a special advocacy training program for seniors—San Francisco, California.

OEO is now reviewing the refunding of LRSE. Taking into consideration both LRSE's excellent work and the vastness of the elderly's legal needs, if is imperative that OEO refund LRSE.

Be it resolved that the more than 250 regular Legal Service Projects operating in the country be expanded to include all the elderly.

Be it further resolved that NCSC reaffirms its endorsement of LRSE and that it recommend to the Director of OEO, the Director of the Legal Services, and the Director of the Special Programs that LRSE be refunded.

RESOLUTION 23—DEDICATION OF OUR OIL SHALE RESOURCES TO NATIONAL PURPOSES

Whereas, it has been established that there are approximately 10,000,000 acres of land in the United States which contain what is commonly referred to as "Oil Shale," a rock formation impregnated with organic matter from which can be produced many forms of oil and oil products and

Whereas, some 380,000 acres of this land are privately owned and to a great degree controlled by the major oil corporations who are presently engaged in promoting the development of such land and at the same time are exerting maximum efforts on the legislative and political front to acquire control of federally-owned shale land as means of protection against competition in developing these oil reserves with an esitmated worth of $2.5 trillions as exemplified by the bill introduced by Senator Allott in the 80th Congress which would have authorized the patenting oil shale claims by the private oil interests for $2.50 per acre and

Whereas, the Department of Interior did on December 20, 1968, open bids for the leasing of government lands containing perhaps $1 billion worth of oil shale and

Whereas, the economic and social needs of many millions of Americans and the reduction of our national debt should in the interest of social justice, and sound and progressive economy be given priority over the selfish profit-motivated interests of an industry which under prevailing federal income tax statutes enjoys a most favored position which deprives the federal government of approximately $1 billion yearly in taxes. Therefore, be it resolved that

(a) the federal government retain control of all federally owned Shale lands and cease and desist from opening more lands for bids until public debate has produced viable and equitable policy for the disposition of these lands; and

(b) that all income from such properties whether by sale, lease, rental, bonuses or royalties be in a special treasury account for the specific purpose of enhancing the social and economic interest of our populace by eliminating the cause of poverty, air and water pollution, substandard educational facilities and programs, inadequate public health facilities, substandard housing and social injustices; and

(c) reducing the public debt to a level commensurate with maintaining a vigorous and stable economy and a sound monetary system; and

(d) that a public agency, perhaps at cabinet level, be created to watch over the interests of the public in the care and maintenance of their common heritage which includes clean air, clean water, wilderness areas and such public resources as the oil shale; and

(e) be it further resolved that the Secretary of the Interior initiate appropriate legislation toward attaining these objectives.

RESOLUTION 25—STAND UP FOR SENIORS

Whereas, we are witnessing today an ignoring and downgrading of programs for the elderly by the Administration,

Whereas, the Secretary of HEW, who is responsible for the Administration on Aging, has publicly stated that for persons over 60 years of age "we are doing enough,"

Whereas, the Administration on the Aging continues to be a sub-unit in a sub-unit of the Department of Health, Education, and Welfare, and

Whereas, the appointment as a Special Assistant to the President of the Commissioner of this sub-unit is further confirmation of the low status and priority concerns for the elderly in the Executive branch of the Government,

Whereas, Congress, in its 1969 amendments to the Older Americans act, authorized for the fiscal year beginning July 1971 $85 million, but the Administration requested only $31 million—not quite 37% of the authorization, and

Whereas, Congress authorized $105 million for the program for the aging in fiscal year beginning July 1, 1972 with the expectation based on past performance that the appropriation request may well be about one-third of the monies authorized, and

Whereas, no provision is made in the budget for the 1971 White House Conference on the Aging, scheduled to begin on November 29th and end December 2, 1971 for the defraying of expenses of delegates to attend this conference, thus shutting off the participation of many elderly citizens who cannot afford out of their own resources to attend the conference.

Now therefore be it resolved, That the Council of Senior Citizens' Ninth Annual Convention reaffirms its position that the Administration on the Aging be removed from the Department of Health, Education, and Welfare, and be given special prominence and responsibility as an agency in the Executive office of the President,

Be it further resolved, That the monies authorized in the Older Americans act for grants to the States, for research and training, and for the National Older Americans' Volunteer Program, including the Retired Senior Volunteer Program, for which no funds have been requested, be fully funded up to the level of $82 million for the fiscal year 1971 and $105 million for the year 1972,

Be it further resolved, That we as seniors stand up for the enhancing of the status of programs for seniors, with each club of the National Council of Senior Citizens considering and adopting a resolution for support for the upgrading of these programs and transmitting this resolution to the President, their Congressmen and Senators.

RESOLUTION 29—HOUSING AND URBAN AFFAIRS

Whereas, the housing situation for senior citizens continues to be bleak and for the low income elderly grim, because of rising property taxes and the low levels of funding for multiple housing.

Whereas, in 1968, Housing & Urban Development Act held forth the promise that the time was approaching when a decent home for every American including the elderly would become a reality, rapidly rising property taxes and the fantastic increases in interest rates on mortgages, and the replacement in HUD of a program of direct loans at low interest to non-profit sponsors of housing for the elderly with an approach requiring sponsors to shop for financing in competition with other borrowers have destroyed this promise,

Now therefore, be it resolved, that the Administration and the Congress be called upon to fulfill the promise of the 1968 Housing & Urban Development Act with respect to the elderly by first, establishing a Presidential Commission on Housing for the Elderly, charged with coordinating and reviewing housing programs for the senior citizens, and examining and recommending upon the special problems of home ownership; second, that there be appointed for the Department of Housing and Urban Development an Assistant Secretary for Housing of the Elderly.

2. In support of the above and in carrying out our program for senior citizens' housing we strongly urge:

a. all existing programs be adequately funded to provide the 26,000,000 units over a ten year period (2,600,000 in the current year) with special attention to the needs of housing and facilities for elderly persons;

b. that rental subsidies or maintenance charges (in the case of cooperatives) be lowered so that rentals or charges above 20% of personal income be subsidized by government funds;

c. that no more than 1% interest be charged on housing provided to elderly persons with incomes under $5,200;

d. that Section 202, the direct loan program for older persons, be reinstated to the fullest and adequately funded to provide much needed rental housing;

e. that an appropriate authority be authorized to co-ordinate the various federal aid programs to provide one-stop, umbrella-type mortgages to cover all needed facilities for elderly housing including congregate living, nursing home and intermediate care, social service, health and recreational facilities; and that such facilities, when expanded to include neighborhood services, be financed in whole or part by grant or included in the mortgage without interest or amortization, and payable at the end of the mortgage term;

f. that programs for supportive services be developed for those persons living independently who require to maintain their independent existence, such as home aides, visiting nurses, etc.

RESOLUTION 30—AN ADEQUATE PUBLIC ASSISTANCE PROGRAM

Whereas, ten million persons are dependent upon the inadequate and demeaning public assistance system,

Whereas, the Family Assistance Act of 1970—H.R. 16311, passed by the House and now pending before the Senate is the Nixon Administration's answer to the problem of poverty,

Whereas, this Family Assistance Act sets an income floor or $1600 for a family of four with no employable member—less than half of the poverty level of $3,720 and sets a floor of $1320 for an elderly individual—70% of the poverty floor of $1,860.

Whereas, this legislation requires that mothers with responsibility for small children must accept training and work regardless of the effect on the children, and further this legislation fails to provide wage and hour protection and so would subsidize employers of low paid labor,

Whereas, the Family Assistance Act permits 50% of earnings to be retained and would make the so-called working poor—families where the earner is employed at low wages—to be eligible for assistance in all states—the legislation would cut for any family of four where income was above $3,920 and leave optional with the states an earnings incentive for the elderly,

Whereas, this legislation permits the states to retain lien and recovery laws, a hitherto powerful deterrent to old people applying for assistance even though their only resource may be the home in which they live,

Whereas, the National Welfare Rights Organization—an organization of welfare recipients—holds that the minimum floor for a family of four should be $5,500 and the Bureau of Labor Statistics finds that a minimum adequate standard for a family of four is $7,200, Now therefore, be it resolved, that this Convention condemns any legislation which fails as a minimum to bring all families and elderly individuals up to at least the poverty floor of $3,720 for a family of four and $1,860 for an elderly person,

Be it further resolved, that the right of an elderly person to retain part of their earnings be made mandatory on the states, and further that the imposition of lien and recovery be forbidden,

Be it further resolved, that all mothers be exempt from work or training programs and the decision left with the mother as to whether she chooses to accept employment,

And the final resolve, is that the time has come for the federal government to assume full responsibility for the administration of assistance for it is only through federal administration and financing that the person in need can be treated equitably throughout the United States, and provision made for a decent and adequate level of payments.

Resolution 26—The Protection of the Right to Vote and Extending That Right to Age 18

Whereas: The House of Representatives and the Senate have passed H.R. 4249 which extends the Voting Right Act of 1965—an Act that has been dramatically effective in extending the franchise to our fellow Black Americans in the south.

Whereas: This Voting Right Bill—HR 4249—was amended by the Senate to reduce the voting age to 18 and is currently waiting concurrence by the House in the Senate's action.

Whereas: The current generation of young Americans is the best educated group of 18- to 21-year-olds in the nation's history. Over 78 percent are high school graduates and more than 47 percent are enrolled in colleges and universities.

Whereas: The participation of young people in recent political campaign speaks for their concern about political issues. Lowering the voting age would make their concerns more meaningful to politicians.

Whereas: Nearly one-half of American fatalities in Vietnam since 1961 have been young men between the ages of 18 and 21. A nation which allows its young people to bear the brunt of death in war should allow its young people to participate in the political processes which influence American foreign and military policy.

Whereas: The injustice of "taxation without representation" applies to the 20th century as it did to the 18th. Young adults between the ages of 18 and 21 pay heavily in income and property taxes but have no representation in the halls of government.

Whereas: The 10 million young Americans between the ages of 18 and 21 have been unfairly judged by the actions of a rebellious few. Stereotyping young Americans is as unjust as stereotyping minority groups.

Now therefore be it resolved, That this convention endorse extension of the 1965 Voting Rights Act as embodied in HR 4249.

Be it further resolved, That this convention endorse the granting of the right to vote to citizens at age 18 and urge that the House of Representatives concur in HR 4249 and the Senate amendment that allows all 18 year olds to vote in all elections beginning in 1971.

CBW III—SUBCOMMITTEE URGES RATIFICATION OF THE GENEVA PROTOCOL

Mr. PROXMIRE. Mr. President, a recent U.N. report on CBW concluded in part that—

> The development of a chemical or bacteriological armoury, and a defense, implies an economic burden without necessarily imparting any proportionate compensatory advantage to security. And at the same time it imposes a new and continuing threat to future international security.

I think most of us would be hard pressed to make any rational argument for a U.S. CBW force. In line with the conclusion of the U.N. report there would seem to be nothing to gain and much to lose by the maintenance of any such force. That is why, Mr. President, I have in recent days been urging the President to resubmit the Geneva protocol to the Senate. If he did so I am confident the Senate would ratify it promptly.

Many persons, Mr. President, hold to the illusion that there is no reason for the United States to ratify a treaty that is so old and, therefore, must be obsolete. Others say that since we have already renounced the use of biological warfare and the first use of chemicals why should we bother to ratify something we already stand for?

A recent report of the Subcommittee on National Security Policy and Scientific Developments of the House Foreign Relations Committee tackles these and many other of the questions raised in connection with the Geneva protocol. Because I feel this report to be a substantial contribution to current discussions on CBW and the protocol, I ask unanimous consent that it be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Chemical-Biological Warfare: U.S. Policies and International Effects

Among all forms of warfare, none stands more condemned before the bar of mankind than the use of chemicals and biological agents. From ancient times employment of poisons has been considered a violation of the rules of war. Today, chemical-biological weapons are looked on by the public with a horror and disgust which is not felt for other, potentially more destructive arms. The reaction has been traced to historical experiences, such as the gas attacks of World War I, and even to deep-seated psychological fears. Whatever its origin, this revulsion has expressed itself in continuing international attempts to outlaw chemical-biological warfare (CBW).

Among those attempts the most noteworthy, and perhaps the most effective, was the Geneva Protocol of 1925. Nations which adhere to it, as some 84 have, pledge not to use against other parties to the protocol "asphyxiating, poisonous or other gases," or "all analogous liquids, materials or devices" or "bacteriological methods of warfare." As a result of reservations to the protocol filed by many countries, only the first use chemical and biological weapons is prohibited for those countries. Parties who have made such reservations are free to use CB weapons in retaliation if attacked with them. Moreover, the protocol does not affect the right of any party to develop, manufacture, and stockpile chemical and biological weapons.

Although the United States was instrumental in drafting the protocol of 1925 and American representatives signed it, the Senate subsequently failed to ratify the agreement. Reasons for this failure are rooted in historical circumstances and the personalities of political leaders who have long since passed from the scene. Despite the lack of any formal adherence to the protocol, a succession of American Presidents has unilaterally pledged support for the principles and objectives it expresses. The United States used no gas of any kind in combat during World War II and the Korean conflict.

Through the years, however, the pledge has been seen by some Americans as an unsatisfactory substitute for actual ratification. These feelings have intensified as scientific and technological advances applicable to CBW have increased the potential danger to mankind. Developments in the biological sciences particularly have raised fears of uncontrolled global epidemics resulting from laboratory-created microbes, against which there may be no natural immunity. Moreover, the clear possibility that knowledge about CBW will spread soon to most of the world's nations has engendered considerable interest in the control of such weapons.

ACTION IN THE CONGRESS AND THE EXECUTIVE BRANCH

The degree of concern in the House of Representatives was demonstrated by the resolutions on CBW which were sponsored or cosponsored in 1969 by some 108 Member of Congress. Originally drafted by Representative Richard D. McCarthy, of New York, the resolutions called for: (1) the President to resubmit the Geneva Protocol to the Senate for its advice and consent to ratification; (2) a comprehensive review of U.S. CBW polices; and (3) a clear reaffirmation of U.S. policy on no first use of gas and biological warfare. Sent to the House Foreign Affairs Committee, the resolutions subsequently were referred to the Subcommittee on National Security Policy and Scientific Developments.

The subcommittee opened hearings on the resolutions on November 18 by taking testimony from concerned Members of Congress, and 2 days later held a second hearing with private expert witnesses. Before other scheduled sessions could be held, however, the President on November 25 announced his intention to resubmit the protocol to the Senate for ratification. He also affirmed a "no first use" policy for lethal and "incapacitating" chemical weapons, and unilaterally renounced for the United States any use of biological weapons, lethal or nonlethal, even in retaliation.

This historic announcement had the effect of rendering moot the resolutions before the subcommittee. After some consideration, it was decided to pursue the inquiry into international aspects of chemical and biological warfare, but on a somewhat broader scale than before. Rather than tailor its hearings to specific proposals, the subcommittee would try to achieve several objectives: (1) to explore the meaning and ramifications of the President's announcement; (2) to deepen congressional and public understanding of considerations involved in Senate ratification the Geneva Protocol; (3) to shed additional light on other issues raised domestically and internationally on America's CBW policies, particularly the use of chemical agents in Vietnam; and (4) to look beyond the protocol ratification to requirements for new international agreements to control the proliferation and use of chemical and, most particularly, biological weapons.

In its efforts the subcommittee was fortunate to have the cooperation of a distinguished group of witnesses, including Members of Congress, nongovernmental experts, representatives of interested organizations, and spokesmen for the Departments of State and Defense, and the Arms Control and Disarmament Agency. Their testimony provided a significant body of information and expert opinion on chemical and biological warfare. The hearings, together with an index and an appendix of significant documents on CBW, was issued in January 1970, under the title, "Chemical-Biological Warfare: U.S. Policies and International Effects."[1]

---

[1] Hearings before the Subcommittee on National Security Policy and Scientific Developments of the Committee on Foreign Affairs, House of Representatives (91st Cong., first sess.).

Based on the information obtained during the hearings, the subcommittee in this report is presenting its analysis, findings, and recommendations on relevant issues of chemical and biological warfare.

THE PRESIDENT'S CBW ANNOUNCEMENT AND THE SUBCOMMITTEE INQUIRY

The President's announcement of November 25 must be accounted one of the most significant official U.S. statements ever made on chemical and biological warfare. Not only did it give renewed definition and direction to U.S. policies on CBW, it also marked an important step in the global effort to control those much-feared weapons. The brevity of the statement, however, left some questions about the U.S. position unanswered. During its hearings, the subcommittee sought to obtain clarification of certain points, specifically the classification of the gas DM (Adamsite), the status of toxins, and the future use which might be made of facilities like Pine Bluff Arsenal and Fort Detrick, Md., once they had lost much or all of their BW mission.

Developed during World War I, DM is a gas which has almost no odor, and causes headache, coughing, sneezing, chest pains, nausea, and vomiting. Used for a short time by South Vietnamese troops according to testimony given to the subcommittee, DM is considered by some to be a "riot control agent" and by others to be an "incapacitant" since it can induce systemic symptoms which can last up to 4 hours. Its status under the President's directive was unclear. As a result of the subcommittee's inquiry, it was established that, regardless of classification, the United States no longer intends to "use, acquire, or export" DM.

An even more important issue with the status of toxins, poisonous chemical substances which are produced by living organisms such as bacteria. Although toxins are not contagious, they can cause severe illness and even death if ingested or inhaled. Among them are botulinum which produces the generally fatal disease, botulism, and staphylococcus enterotoxin, which causes common food poisoning. Because the President's message made no reference to toxins, their status became a matter of controversy. Those who supported a toxin ban pointed out that the toxins would require biological means of production, thus reducing the credibility and impact of the President's gesture. Those who favored retaining toxins suggested that the United States should not specifically bar their future use and thereby lock itself in a position which would prevent toxin development by synthetic chemical processes. Both positions were aired extensively in the subcommittee hearings.

The controversy was resolved on February 14 when the White House announced that the President's biological warfare ban had been extended to toxins as "another step, which we are willing to take unilaterally, to bring about arms control and to increase the prospects of peace."

A third area of debate which resulted from the President's CBW statement concerned the future use of Government facilities which have been engaged in biological warfare missions. Principally affected are Pine Bluff (Ark.) Arsenal, where biological agents have been produced and stored, and Fort Detrick, Md., the center of germ war research. Aware of the valuable resources which the personnel and laboratories of former BW centers represent, the subcommittee sought suggestions from witnesses on civilian missions to which they might be devoted. Among proposals received were that BW facilities be transformed into (1) a national center for testing the possible toxicity of all chemicals used in foods or in other major ways in the environment; (2) an agency of the Department of Health, Education, and Welfare or the National Institutes of Health devoted to the study of bacteria-caused diseases; and (3) a central international laboratory dedicated to defense measures against threatening organisms, either natural or instigated by man.

From a Department of Defense witness, the subcommittee learned that alternative civilian uses for the Pine Bluff and Fort Detrick facilities are being actively explored. Although no final decision yet has been made within the Government, a strong concensus apparently has emerged that, to the extent possible, BW facilities should be turned to peaceful, civilian uses, rather than be shut down.

THE USE OF CHEMICAL AGENTS IN VIETNAM

The most controversial issue to emerge from our consideration of America's chemical-biological warfare policies and their international effects concerns the use of chemical agents by the United States and its allies in the Vietnam conflict. More specifically, those agents are tear gases such as the widely used CS[2] which causes tears, coughing, and burning and stinging of the skin, and herbicides which are used to defoliate the jungle and destroy food sources of the enemy. Since each of these classes of chemical agents presents its own particular problems, separate consideration generally is accorded them.

Tear gases.—The Department of Defense obtained Presidential approval in November 1965 for use of tear gases in Vietnam. The authority to use those agents in military operations subsequently was delegated to subordinate commanders. While this action was taken with the concurrence of the Department of State, a statement by Secretary Rusk at the time envisioned limited use of those nonlethal gases:

"We do not expect that gas will be used in ordinary military operations. Police-type weapons were used in riot control in South Vietnam—as in many other countries over the past 20 years—and in situations analogous to riot control, where the Vietcong, for example, were using civilians as screens of their own operations."

In actual practice, however, the application of so-called riot control agents has been much wider. They have been used not only to save lives of noncombatants but also to avoid casualties among U.S. and allied forces. For example, CS has been used to clear tunnel complexes of Vietcong soldiers allowing their killing or capture with considerably less loss of life to our troops than might otherwise be necessary. It also is used in attacks on occupied enemy positions. In effect, tear gases have been treated as normal components of combat power. As a result, some 13.7 million pounds of CS have been used in Vietnam.

The situation clearly is one in which practice has determined policy. Despite the explanation originally given by the Secretary of State and other official spokesmen regarding the manner in which these agents were expected to be employed, the primary criterion of their use in combat has been their military effectiveness. If in any way they can assist a commander in carrying out his mission, they are used.

Herbicides.—The principal objective of herbicide use in Vietnam has been to produce a significant improvement in vertical and horizontal visibility in jungle areas. Areas defoliated have included our own base perimeters; roads, trails, and waterways; infiltration routes; and enemy base camps. A secondary use of herbicides is to destroy crops in order to deny food supplies to Vietcong forces. According to the Department of Defense, herbicide operations have been helpful in protecting American soldiers and have contributed to successful accomplishment of ground combat missions.

Questions have been raised both internationally and domestically about the widespread use of herbicides because of fears about their effects on Vietnam's natural setting and on its people. No country has ever been subjected to such intensive use of herbicides as has South Vietnam since 1962. According to Department of Defense figures, as of the end of July, 1969, the United States has sprayed with herbicides 5,070,800 acres, a figure equivalent to more than 10 percent of the total land area of South Vietnam.

When defoliating operations were begun, herbicidal chemicals were not believed to be permanently damaging to plants or toxic to human beings. With the passage of time, however, evidence has grown that concentrated applications may have drastic effects on the environment and on people intensively exposed. Laboratory tests have indicated, for example, that one frequently used herbicide, 2,4,5–T, causes birth malformations in mice and rats. As a result its use in Vietnam recently was halted, at least temporarily. Other chemicals still commonly used in Vietnam also have been questioned by members of the scientific community for their environmental effects and safety for human beings. Among those herbicidal agents are 2,4,D, picloram, and cacodylic acid.

Collateral issues related to the use of herbicides concern the possibility of U.S. liability for expensive damage claims in the future, and the belief of some observers that the destruction of food supplies primarily hurts women, children, and noncombatants rather than hostile forces.

Internationally, the use of nonlethal gases and herbicides in Vietnam has resulted in considerable criticism of the United States. Our Nation has been charged with violating international law including the Geneva Protocol, and with breaking down the barriers to chemical and biological warfare which have existed since World War I. In December 1969, the United Nations General Assembly approved a resolution, by 80 votes to 3, with 36 abstentions, declaring that the Geneva Protocol prohibits all chemical agents which have direct toxic effect on men, animals, plants. The resolution was aimed primarily at U.S. practice in Vietnam.

One of the three nations which voted against the resolution was the United States. Its position has been that neither careful textual analysis, nor the history of negotiations, nor pertinent interpretations of prior treaties reveal a clear intent to include tear gas among the protocol's prohibitions, and that, broadly considered, its provisions do not cover the use of CS in Vietnam. With respect to herbicides, the U.S. position is that neither the language of the protocol nor the negotiating history indicates an intention to cover antivegetation chemical agents. Moreover, the United States, although not a party to the protocol, has rejected the right of the General Assembly to interpret or declare principles of international law embodied in the protocol or other treaties "where the rules are ambiguous and where universal consensus is lacking."

SUBMISSION OF THE PROTOCOL TO THE SENATE

In accordance with the President's November 25 message, the executive branch was reported by administration witnesses during subcommittee hearings last December to be preparing to send the 1925 Geneva Protocol to the Senate for its advice and consent to ratification. Some delay has been experienced, however, and submittal has not yet occurred. When formal papers are at last sent to the Senate, it is expected that they will, according to testimony before the subcommittee, include a reservation on "no first use" limited to chemical weapons. The reservation which the executive branch proposes to make would be more restrictive of

---

[2] Strictly speaking, CS is not a gas but a solid which is used as a finely divided particulate or dust cloud. The British prefer to call it a smoke but common usage terms CS a gas.

America's freedom of action than the reservations made by many parties to the Geneva protocol. The United States would retain the right to retaliate in kind only with chemical weapons, whereas some states have reserved the right to use both chemical and biological weapons in retaliation. This, of course, would be in accord with the President's November 25 statement. Moreover, in an accompanying message the administration is expected to state its view of the scope of the protocol, including its interpretation that the treaty does not cover the use in war of tear gas or chemical herbicides.

If, as expected, the protocol comes to the Senate in such a form, that body would be faced with several important, interrelated decisions affecting the protocol, the reservation, and the interpretation.

The protocol.—On the issue of ratifying the Geneva Protocol of 1925, three general lines of action are open to the Senate: (1) It can approve ratification of the protocol as requested by the President; (2) it can reject the protocol perhaps, to quote one opponent, as "an example of hypocrisy and cynicism unworthy of ratification by the United States;" (3) it can keep the protocol in committee, as did the Senate of 1926. Some who favor U.S. ratification of the protocol without any special interpretation on tear gas and herbicides have advocated this third way, apparently believing that the United States might be willing to abandon its position on those chemical agents once the Vietnam war was settled and the protocol then could be reviewed and approved without an interpretation.

The reservation.—If the Senate determines to approve the protocol, it could take one of three positions on the proposed reservation: (1) It could approve the reservation as submitted by the President and thus give congressional sanction to the unilateral renunciation of biological warfare by the United States; (2) it could reject the President's proposed reservation and adopt instead the broader "no first use" reservation now held by many protocol signers. That action would conflict with the President's unilateral renunciation of BW and would cloud U.S. policy on the issue; (3) it could reject any reservation at all, which might be construed as a unilateral renunciation of the use of CW as well as BW, even in retaliation.

The interpretation.—Regardless of its action on a reservation, if the Senate approves the protocol, it would be faced with several options regarding the administration's likely interpretation that tear gas and herbicides, as used in Vietnam, are not covered by the treaty. (1) It could explicitly endorse that interpretation, thus consolidating the position of the U.S. Government on the issue. (2) it could say nothing on the subject, thus tacitly accepting the administration's position. (3) it could modify or revise the interpretation, accepting, for example, the administration position on herbicides but rejecting it on tear gas, (4) it could refuse any interpretation, leaving the issue to future negotiations among protocol signatories. (5) it could express its own interpretation that tear gas and herbicides are prohibited by the protocol.

Obviously, some courses of action suggested above are more likely than others. The range of options does, however, point up the complex issues involved in Senate approval of the protocol. The situation suggests that optimism may be unwarranted about the ease with which Senate ratification will be accomplished. Deadly serious issues are involved about which reasonable men may differ.

LOOKING BEYOND THE GENEVA PROTOCOL

Impetus is given to ratification of the Geneva Protocol by the clear prospects of CBW proliferation both among countries obtaining a capability and in the types of CB agents which might be available for use in warfare.

The proliferation of chemical and biological weapons would tend to change the world's balance of power reducing U.S. power. The military advantage which large, rich nations like the United States and the Soviet Union have over small, poor countries in a conventional war is significantly reduced by the economics of chemical weapons. Moreover, a simple biological warfare capability, enough to cover small neighboring countries or several metropolitan areas within the United States, is within the easy reach of most countries. The biological agent can be grown in a public health laboratory and covertly delivered in the normal course of commerce.

Thus, it is argued, the United States and other world powers would lose some of the relative advantage of nuclear and conventional capability which results from their wealth and technology. Strong incentives, therefore, exist to discourage other nations from acquiring chemical and biological capabilities.

Secondly, on the immediate horizon are modern developments in molecular genetics which could result in manmade viruses for which there would be no natural immunities and against which no reasonable defense could be mounted. Because of the dangers to all mankind in the use of such agents, they would hardly be used as a result of any rational military decision, but obviously might abet aggressive insurgence or blackmail. It is not difficult to imagine the consequences if such agents should fall into the hands of a future Hitler.

As the accumulation and development of CB weapons is allowed to proceed unchecked, the world is confronted more with the awesome possibility that they will be used. It is not unreasonable to contend that the effects of these agents in war is completely unpredictable. If they were ever used on a large scale, they could bring about serious and radical changes in our environment and society. The dangers are equally great for the nation reckless enough to initiate an attack, as for the one attacked. Faced with that prospect, the world's nations have recently given considerable attention to the prospects of their control. At the United Nations General Assembly last year CBW was the subject of extensive debate—attracting more attention than any other single disarmament topic. Both in 1969 and 1970, the subject has been a principal agenda item at the Geneva Conference of the Committee on Disarmament (CCD). Because the United States is not a party to the Geneva Protocol, some believe it has been prevented from taking positions of leadership in international forums which are discussing crucial CBW issues.

Already several draft resolutions and conventions for restricting and in some cases, prohibiting the production and any use of chemical and biological weapons, have been introduced at the United Nations and the CCD. The United States has expressed its support for the principles of the British draft convention on the prohibition of biological methods of warfare. An alternative approach has been offered by the Soviet Union in a draft convention which offers prohibitions against developing, producing, or stockpiling of chemical as well as biological warfare agents. Because the Russian proposal poses serious problems for verification of limitations on chemical weapons, the United States has backed the British approach of dealing with this complex arms control problem on a step-by-step basis, taking the most urgent and manageable problems first, that is, those related to biological weapons. Current debate at the Geneva Disarmament Conference has centered on the wisdom of dealing with biological warfare apart from chemical warfare.

While current U.S. efforts are devoted to promoting the principles of the British draft convention, research work is being done by ACDA looking toward the prohibition of chemical weapons as well. An ACDA spokesman pointed out to the subcommittee that the key to control of CW is verification. While policing a CW ban presents difficult technical and political problems, there is some optimism that technical problems involved in verification by direct observation can be resolved, perhaps leading eventually to the complete elimination of chemical agents of war.

FINDINGS AND CONCLUSIONS

After having given careful consideration and review to the information, expert opinions and informed judgments provided to the subcommittee during weeks of hearings on aspects of U.S. chemical-biological warfare policies and their international effects, we have arrived at a number of findings and conclusions.

First, because of the obvious dangers to America's strategic position in the proliferation of biological and chemical weapons, it is in the national interest of the United States to adhere to existing international agreements aimed at CBW control and to seek new multilateral pacts which would ban the development, production and stockpiling of CB agents. Moreover, to the extent that such weapons, particularly those employing biologicals, threaten the existence of human life on earth or raise fears of extinction, our Nation has a duty to mankind to help obtain their effective prohibition.

Second, the President deserves commendation for his leadership in announcing his intention to resubmit the Geneva Protocol to the Senate for its advice and consent to ratification, and for his unilateral renunciation of any future use by the United States of biological weapons, including toxins. It was a historic gesture which reasserted America's dedication to arms control. Praise is also due those in Congress, of both political parties, whose energetic activities helped create the climate for the President's initiative.

Third, the continued, large-scale use of chemical agents in Vietnam by the United States creates troublesome political problems. Those problems are virtually certain to be central to Senate consideration of the protocol, if it is submitted as expected with an interpretation that the treaty's prohibitions do not cover the use in war of tear gas or chemical herbicides. To the extent that approval of such an interpretation would constitute endorsement of current CW activities, it could provoke opposition. Opponents would include (1) those who believe that CS employment in Vietnam goes significantly beyond the restricted usage justified by U.S. officials at the time the decision was made; (2) those who feel that current evidence about the toxicity of some herbicides to man and nature require more thorough investigation; (3) those who believe the Geneva Protocol prohibits the use of tear gas and herbicides in warfare; and (4) those who are sensitive to international concerns that American activities have eroded barriers against CBW erected after World War I. On that last point, it is possible that other signatory nations would not accept the United States as a party to the protocol if they find that the U.S. interpretation strikes into the heart of the treaty and masks what they would consider to be essentially a reservation. This dilemma may seriously complicate Senate consideration of the protocol and is a legitimate cause for concern.

The difficulty might be resolved if the United States were to take a position, or make an interpretation, that the use of tear gas and herbicides in warfare is an open question, given the apparent ambiguity of the protocol on the subject. Our stance could be that the problem of tear gas and herbicides is not a moral issue, but rather an important technical and legal question which relates to the prevention of proliferation and escalation of chemical-biological capabilities. Since the question is an open one, current chemical warfare activities in Vietnam cannot be considered illegitimate or in violation of the protocol. We then could go on to declare our willingness as a nation to abide by whatever uniform and workable rule which we and the other signatories to the protocol eventually could decide upon. Such an approach, it appears, would speed approval of the protocol itself and reduce significantly the possibilities of international repercussions over the U.S. interpretation of the treaty. Moreover, as U.S. combat activities wane in Vietnam, it might be possible to scale down substantially CW operations as testimony to our good faith.

Fourth, the United States should take maximum advantage of its unilateral renunciation of biological weapons to urge other countries to take similar actions and to achieve international agreement on a treaty such as the British draft convention which would effectively outlaw the development, production stockpiling and use of biological agents and toxins for warfare purposes. Further, the Arms Control and Disarmament Agency should continue to emphasize research which may someday make possible a similar ban on chemical weapons.

Fifth, personnel and facilities at Pine Bluff, Ark., and Fort Detrick, Md., constitute valuable resources for our Nation in the stepped-up campaign against environmental pollution, ecological hazards, and dangers to human beings from chemicals and bacteria. Beyond national benefits to be obtained from turning those facilities to peaceful pursuits, our Nation stands to gain worldwide repute by making available internationally the knowledge and techniques developed there.

RECOMMENDATIONS

On the basis of its findings and conclusions, the subcommittee makes these recommendations:

(1) The President, as soon as possible, should fulfill his announced intention by submitting the Geneva Protocol of 1925 to the Senate for its advice and consent to ratification. It has now been 5 months since the President said he would take that action, and if the protocol is to be given adequate consideration during the current Congress, it must be sent up at an early date.

(2) The Senate should speedily approve the protocol and the single reservation proposed by the President, thereby giving congressional endorsement to the unilateral and complete renuniciation of biological warfare by the United States.

(3) The question of the use of tear gas and herbicides in warfare should be left open in any formal or informal interpretation of the protocol made by the executive branch or the Senate, and once the United States becomes a party to the treaty it should seek agreement with the other parties on a uniform interpretation of the scope of the protocol, either through a special international conference among the parties or through established international juridical procedures.

(4) The United States should continue its present policy of supporting arms control efforts which, proceeding on a step-by-step basis, seek a treaty totally banning biological weapons, rather than attempting now to achieve a ban on both biological and chemical weapons in the same agreement.

(5) Every possible effort should be made to retain former BW facilities and personnel, turning them to the solution of environmental problems for the benefit of all Americans and, indeed, all mankind.

SENATOR RANDOLPH ADDRESSES THE SIXTH ANNUAL WEST VIRGINIA SCHOOL OF ALCOHOL AND DRUG ABUSE STUDIES

Mr. HUGHES. Mr. President, last week at West Virginia University, more than 250 persons attended the sixth annual West Virginia School of Alcohol and Drug Abuse Studies. The 5-day program was jointly sponsored by the University and the West Virginia Department of Mental Health.

The distinguished senior Senator from West Virginia (Mr. Randolph) was the keynote speaker at the banquet which concluded the conference.

Senator Randolph is a member of the Special Subcommittee on Alcoholism and Narcotics, of which I am privileged to be chairman, and he has reported to me that the conference program was highly effective and productive—a thorough exploration by both experts and laymen of the most modern practices, enlightened theory, and latest meaningful information on the prevention and treatment of drug and alcohol abuse and the rehabilitation of their victims.

The Senator from West Virginia was especially complimentary of Dr. Mildred Mitchell-Bateman, director of the State Department of Mental Health; Louis S. Southworth, associate supervisor of the department's division of alcoholism; supervisor Raymond E. Washington, and Ralph M. Rogers of the University's department of psychiatry, who served as codirectors for the annual session. These and other dedicated persons worked to make the program an outstanding success.

To the list of praiseworthy contributions that made the program an outstanding success, I would like to add the speech by the distinguished Senator from West Virginia. It was a signal statement of the multitude of problems arising from the alcoholism and drug abuse epidemics in this Nation and of the possible and urgently needed cures.

Mr. President, so that Senators may share Senator Randolph's thoughts, I ask unanimous consent that his speech be printed in the Record.

There being no objection, the address by Senator Randolph was ordered to be printed in the Record, as follows:

Speech by Senator Jennings Randolph at West Virginia's Sixth Annual School of Alcohol and Drug Abuse Studies, West Virginia University

Four years ago, I delivered the keynote address at the second annual School of Alcohol Studies held at Morris Harvey College.

An excerpt from that speech reads:

"Too much time is required to generate the acute public awareness prerequisite to effectively attacking injustices and social ills in an affluent society.

"This nation witnessed such a situation with regards to civil rights. This also was the case in gathering together the social and economic forces of this country to engender and to administer programs for disadvantaged citizens trapped in the vicious cycle of poverty.

"Regrettably, there is little constructive activity until the public's conscience has been shocked into realization of the effects of a particular problem or a set of problems . . ."

In recent months the public has been shocked into awareness of a particular problem. We've learned that drug abuse is fast emerging as the No. 1 problem in our schools—tied closely with the rising incidence of violence and crime.

We are learning that no child is immune from the threat of drug addiction; that it is rampant in every location, every economic level and every age group. We must include the unborn children of addicts who involuntarily become addicts before they breathe life.

The extent of the youth drug problem is compounded by the lack of treatment facilities, and the ease with which drugs can be obtained. You've had testimony here on the campus from students who say they turn to marijuana because "it's cheaper than alcohol." And, presumably, easier to buy.

Public awareness of a growing drug crisis may fall short of effective action. Who can forget—and what humane person would not be appalled—by the recent testimony of Ralph DeJesus? Ralph is 12 years old, weight 60 pounds and stands four feet high. You'll remember he had to sit on the lap of a counselor to reach the mike and tell members of a New York legislative committee how he became hooked on heroin.

Here is his reason: "I used to see all my friends do it, so I didn't want to be left out."

Chances are that all of you as parents or potential parents will have your children exposed to the temptation of drugs sometime in the future. Whether or not they can resist the "peer pressure" will depend on what we do here today and in the future, both individually and collectively.

The growing awareness of what health authorities now label a "drug epidemic" in America is reflected in the title change of our annual conference. You have included the phase, "drug abuse."

Four years ago, the problem of drug addiction was largely shielded from public awareness. The taking of drugs was considered a "hippie scene," a mind-bending experience in existentialism hidden in the cesspools of our major cities.

Then it caught on with the kids, the so-called nice kids who are becoming bored with life and looking for new kicks. That was the beginning of the shock wave—and it has reverberated from the swankest suburb to the loftiest levels of government. I am inclined to agree, in part, with those who claim that broad public concern over drug abuse didn't surface until it invaded the white communities in the middle-class suburbs.

Drug abuse certainly is not something new—it started before the beginning of what we smugly call civilization. The New Guinea aborigine—who has never been exposed to any of the frustrations and pressures of modern life—has been chewing for centuries the red betel nut for its narcotic effect.

And the Bible carries a number of admonitions about the abuse of alcohol—which is the most abused drug of all. Make no mistake about it, when we talk of drug abuse, we're talking about the whole range of chemical compounds which affect the body's natural function. The all-encompassing scientific word is, I believe, neuro-pechopharmacological.

About three weeks ago Dr. Roger Egeberg, testifying before our Senate Subcommittee on Alcoholism and Narcotics, said:

". . . I am more firmly convinced than ever of the absolute necessity for this nation to address alcoholism for what it is—one of the most prevalent, destructive, costly and tragic forms of illness in the United States."

Dr. Egeberg is, as you know, assistant secretary for health and scientific affairs in the Department of Health, Education and Welfare. He was a witness before the subcom-

XUM

mittee chaired by the knowledgeable and dedicated Senator Hughes, which is conducting hearings on S. 3835, of which I am a cosponsor. The purpose of the bill, with which I am sure many of you are familiar, would provide for a comprehensive federal program for the prevention and treatment of alcohol abuse and alcoholism.

One of the concerns expressed to our committee by Dr. Egeberg and others is that all the sudden public clamor over drug abuse might overshadow, or at best dilute, the longtime efforts of you and others like you who have worked so hard in the prevention and treatment of alcoholism. In other words, in terms of public interest in the twin problems of drugs and alcohol, the tail might begin to wag the dog.

Evidence that the public horror of hard drug addiction is supplanting the national thrust to control abuse of alcohol is already manifesting itself. In Maryland last week, officials of the Division of Alcohol Control of the State Department of Health and Mental Hygiene were upset about the nationwide hoopla over drugs and the general apathy toward the problem of alcoholism.

This attitude, if it continues, will translate itself into a legislative weakening of the long battle against alcoholism.

Mention the magic word "drugs," these officials say, and legislators come running to pass new laws, set up new programs, spend more money. Mention the greater epidemic of alcoholism and these same legislators say yes, it would be nice, but the budget is tight and maybe next year.

I submit to you, ladies and gentlemen, that this situation must not be allowed to develop.

Dr. Egeberg placed the problems in perspective, I believe, when he pointed out that there are more than 8 million Americans who are alcoholics or who have serious drinking problems.

In addition to the many personal tragedies caused by alcohol, it continues to be responsible for much of the carnage on our highways. Last year, more than half of the 56,400 highway deaths came in accidents caused by drinking drivers—most of them problem drinkers. And it is saddening to observe that 44 percent of the people killed in crashes caused by drinking drivers were innocent victims.

The heavy involvement of alcohol in highway fatalities should not be surprising when we consider that 75 percent of all drivers drink and approximately 13 percent are classified as heavy drinkers.

Now compare these 8 million persons—who are potential menaces to themselves and others—with the estimated 500,000 hard-core narcotics addicts. Let me add that most of these half-million addicts don't drive cars, don't mingle openly in society and, except for sporadic criminal acts to support their habits, don't venture beyond their tightly confined habitats.

I'm sure you saw the results of a recent survey in the Harlem area, which turned up 18,000 hard drug addicts in a 40-block area. This total included 2,000 children between the ages of 7 and 15, and 90 percent of those children lived by themselves. In the District of Columbia, authorities estimate there are 10,000 narcotic addicts.

I believe that it is this kind of shocking statistic that dramatizes the nation's drug problem and tends to obscure the more serious problem of alcohol abuse.

The occasional dope bust grabs the headline, while the town drunk is routinely thrown into the jail tank every weekend and no one—except possibly members of his family—raises an eyebrow.

This, I believe, is part of the problem you face in developing effective programs for the involved drinker and chronic alcoholic in West Virginia. Except for you and the families affected, few persons appear seriously concerned when old Uncle Willie falls from the wagon.

Belated recognition of alcoholism as an illness will do much to help you in your prevention anl treatment programs. But I'm afraid it will take much the same kind of social shock that the drug epidemic has spawned to arouse public action and cooperation in combating the larger problem of alcoholism.

Just as drug addiction remained hidden in the ghettoes for too many years, so the public has been shielded from the epidemic of alcoholism.

It is almost impossible to talk about a health approach to alcoholism and drug abuse without touching on such other areas as crime and punishment, welfare and the alienation of youth. Most civilized people realize that alcoholics and addicts ARE sick people, and not necessarily criminals. There is, however, no question that many of these alcoholics and addicts resort to criminal acts to support the considerable economic burden of their addiction.

Almost by tradition if not by law, our system calls for punishing sick people and criminals alike. We are willing to spend almost any amount of public money to punish the addict, but no more than a pittance to provide the medical and rehabilitative services he needs to kick the habit.

Now I am not advocating the abolishment of all laws and social controls designed to curb these abuses. But I do say we must move to make the punishment more nearly fit the crime. The fact is that excessively harsh punishment has failed to deter addicts or experimenters. Yet our emphasis, as demonstrated in the Administration's new bill on drug abuse, continues almost exclusively on tough laws and rigid enforcement.

In West Virginia, a young person who is caught with marijuana in his possession is liable for up to five years in prison. In neighboring Virginia, the *minimum* penalty for a kid caught with a marijuana cigarette in his possession is three years. If he is caught giving one to a friend, he can be given a 20 year sentence.

By treating sick people as criminals, by treating those who have broken the law as animals, by concentrating on punishment—public revenge if you will—rather than treatment, rehabilitation and the salvaging of human life, we are defeating our original objectives. The very efforts we take to further law and order serve to proliferate violence, lawlessness and disorder.

The time has come to put as great an effort and investment in curing people and saving lives as we have been putting into apprehending and punishing those caught up in addiction by drugs and alcohol.

It will require a total effort by our whole society—on a dimension few have yet grasped. We must be prepared to invest billions at all levels of our government in contrast to the relative pittance that is being put into existing programs.

We have spent lavishly to put pot-smokers and main-liners behind bars, giving them a tax-aid education in criminality. We need the same effort in education and rehabilitation for the good—as well as the protection—of society.

What is needed is open-mindedness, patience and faith in the indestructibility of the value of a human being. You are the cutting edge of this effort to salvage human lives because you believe they are worth salvaging. I urge you not to lose faith, because help is on the way.

The urgency of fulfillment and the depth of commitment that you exhibit by your presence here can—and must—be conveyed to the general public.

FARM LEGISLATION URGENTLY NEEDED

Mr. HARRIS. Mr. President, the Food and Agriculture Act of 1965, the basic authority for the present farm program, will expire at the end of this crop year. Unless new legislation is enacted, the law will revert to legislation in effect prior to 1965, and it is expected that American farmers would thereby suffer a net loss in annual farm income of $1 billion.

Mr. President, new farm legislation is urgently needed. It is available and ready for enactment in the form of the coalition farm bill now pending in the Senate Agriculture Committee and the House Agriculture Committee.

Recently, I held a 1-day hearing on wheat prices and needed wheat legislation in El Reno, Okla., to bring the Federal Government home to the people and to give wheat farmers, themselves, an opportunity to be heard.

Wheat is the number one agricultural crop in my State, where there are more than 40,000 wheat farmers. Agriculture is basic to the economy of Oklahoma and America—and wheat is fundamental to the overall agricultural economy.

At the hearings in El Reno, I was tremendously impressed by the great feeling of powerlessness which so many wheat farmers and others in our society feel. They are alarmed about the need for immediate action if disastrous impact on farm prices and agriculture generally is not the result. Yet, they feel strongly that few people are listening to them and that their voices are not being heard. That is why I thought it so important to hold this hearing at El Reno, to get their views firsthand and to report them to the Senate, as I now do.

From these hearings, attended by more than 50 wheat farmers and others from the wheat country of western Oklahoma, some very important conclusions once again emerged.

First, it was very eloquently shown that the farmer is caught in a ruinous cost-price squeeze, with the things he has to buy having gone up and up and the things he sells having gone down and down. Ralph Ransom of Enid, for example, pointed out that a wheat combine, which in 1951 was priced at $5,000, today costs $10,000—yet the price of wheat has gone down, not up, since 1951, and continues to be at an intolerably low level today.

Second, it was demonstrated once again, unlike what some consumers may believe, the farmer is not responsible for the increased prices housewives are now paying. The price of what he sells has not increased; it has decreased.

Third, it is essential that the farmers have some kind of permanent program which will allow him to plan ahead. Right now, in Oklahoma, where our wheat harvest is virtually over, farmers are having to plough their wheatland without having any idea what the program for next year will be. Cash-rent farmland is standing idle because the renter does not know what to offer for

XUM

the land, since its crop value to him depends to a great extent upon what type of farm legislation Congress is going to approve.

Fourth, it was made abundantly clear that if the present farm program is allowed to expire, without being replaced with something better or at least just as good, wheat farmers face economic disaster—and this will have highly detrimental effect on the general economy of Oklahoma and the Nation.

Fifth, farmers must have a new farm program which increases their income, continues the concept of supply management and is based upon the vital concept of parity. It was made clear at the El Reno hearings that these and other required provisions of a fair and equitable farm program are best embodied in the coalition farm bill now pending in the Congress.

These wheat farmers know what they are talking about. And they are talking about the need to pass, right now, the coalition farm bill. They are some of the finest and most patriotic people in America. They are entitled to be heard. They deserve to be treated fairly.

What they had to say in these hearings was well prepared and sound thinking. I am personally going to deliver their testimony and my conclusions to the chairman of the Senate Committee on Agriculture and Forestry and the chairman of the House Committee on Agriculture, as well as get it to each individual member of those committees. I know that other Senators can also benefit from a consideration of these well expressed views of Oklahoma wheat farmers and others. Therefore, Mr. President, I ask unanimous consent that the statements made at the El Reno hearings, which I held on Saturday, June 20, 1970, be printed in the RECORD at the conclusion of my remarks.

Mr. President, we must not let present farm legislation expire. For years farmers have been told that Congress will act if farmers will only get together and agree on a common program. Now, 32 farm organizations of America have agreed on the coalition farm bill. Farmers have done what we asked them to do. It is now time for us to do what we told them we would do. I hope the coalition farm bill will be reported by the committees and enacted by Congress immediately.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

MR. FRED R. MERRIFIELD (EXECUTIVE SECRETARY, OKLAHOMA WHEAT GROWERS ASSOCIATION)

Time is getting short for the passage of farm legislation following the present farm program, which ends with 1970. We understand that the Department of Agriculture is already prepared to call a Quota Election in August as required by the 1958 law. We understand that consideration of farm legislation has been halted in the House of Representatives due to differences of opinion among the House of Representatives Agriculture Committee Members as to the details of such legislation and that the Senate Agriculture Committee is awaiting action by the House.

We as members of the Oklahoma Wheat Growers Association agree with the farm program as recommended by the Coalition of Farm Organizations. We especially recommend the following as provisions of a permanent farm program with the present law repealed.

1. That Domestic Certificates be retained, the face value to be the difference between the government wheat loan and the parity price.
2. That the government loan be retained at the present average of $1.25 per bushel or that there be a blend guarantee of the average rate of return sufficient to place a floor under the market price.
3. That in the case of wheat or feed grain allotments that the substitution provision be retained or that a joint base be established.
4. That the processors portion of the domestic certificates be 75¢ per bushel.
5. That a strategic reserve be built up.

Contrasted to this the Department of Agriculture has recommended that the domestic certificates be set at the difference between average market price for 5 months and parity price, and does not approve a guarantee on average return per bushel on wheat produced.

The Oklahoma Wheat Growers Association membership definitely desire a permanent program with Domestic Certificates set at the difference between loan and parity price and a blend guarantee as outlined above.

We believe that it is very urgent that both the House and Senate Agriculture Committee take action immediately in accordance with the above recommendations and that in the meantime, a resolution should be passed in both houses of Congress extending the deadline for calling the referendum as required under the 1958 law.

LETTER FROM SENATOR AL TERRILL, LAWTON, MAJORITY FLOOR LEADER, OKLAHOMA STATE SENATE

SENATOR HARRIS: It has come to my attention that you are holding special hearings concerning the dire situation of our Oklahoma Wheat Growers. In my opinion this situation has come about by the failure of either the House or Senate Agriculture Committees to report out a Bill encompassing next year's farm program.

In representing southwestern Oklahoma, a large wheat producing area, the concern of farmers in my area has been very vocal. I would urge you to use all influence within your power to encourage the reporting of a Bill immediately.

We are 90% complete on our wheat harvest and being ahead of other states, our wheat people have not yet been advised of next year's program. This, naturally, puts them in a bind concerning the planning of their crops and in making financial preparation.

I would appreciate it if you will make the text of this letter a part of the permanent record of your Hearings and forward adequate copies to the respective Chairmen of the Agricultural Committees of the House and Senate.

I, along with all others in my area, who are dependent upon the wheat industry, appreciate your prompt and sincere efforts in this matter.

MR. HERSCHEL CROW (OKLAHOMA STATE SENATOR FROM ALTUS)

I live at Altus. I represent three of the large wheat producing counties; Jackson, Tillman, and Cotton County in southwestern Oklahoma. Not only do I represent wheat farmers in a state capacity, but also am actively engaged in the growth of wheat in that part of the country. I feel that I have a certain capacity to speak from personal experience along the problems that we in the wheat country are facing.

I'd like to begin by saying that I personally convey my thanks and appreciation, and I think those from the people in my area, to you for showing your definite interest in this by showing yourself as a co-author of the Coalition Farm Bill. I, as a Legislator, know exactly what this does mean. This means that this pledges you to an effort toward finding the answers to our problems, and promulgating legislation that will tend to alleviate these problems.

You spoke a while ago about the cost-price squeeze, for the wheat farmer and generally farmers all over Oklahoma are, in some capacity or another, wheat farmers. I think that this can be more dramatically shown by considering many of the economic ramifications of problems that face the farmer these days.

The farmers of Oklahoma for the last 8 or 10 years have been riding the crest of an economic boom which has been largely brought about by increased values placed on their farm land.

This has been a part of the general economy of the state and of the United States. I think an appreciable part of that crest has come from the fact that we have had national legislation which has given the farmers something that they could actually get their teeth into.

Being a farm boy from Cotton County, as I know you are, I know that you have personal recollections of the days that you had to wait until next year to spend this year's crop money because you had no idea what tomorrow would bring. The last few years have given farmers from the wheat country something that has been virtually unprecedented in other years and other times in our agricultural economy. It has given us something that we could at least plan toward next year with. It was not something that you could contemplate riches with but he at least figured that he could be here next year, and put in a crop next year.

With the loss of the legislation at the Federal level, these provisions will be lost, and we will be back again to the old 6 of one or ½ dozen of the other of seeing what our commodity was going to be worth or holding that money for another year while we attacked the man at the bank for more loans. So the urgency is of a great nature, and I know that you understand and I want you and your colleagues to understand that the people of the wheat country understand where we are at this time. They are faced not only with a lack of knowledge of what will be the law, but with a dire need to know how to plan. Because they need to know what kind of seed to have.

I was interested to see in a circulation that came out of Washington the other day, that if a person chose to substitute barley for wheat under the provisions of one of the acts that was being speculated, that he could well lose barley base. People in my position have for several years substituted and grown all wheat although about half of my base is for barley. I cannot permanently endure a situation which will force me to give up a part of my planting right, in order that I might be able to substitute.

So we need permanent legislation and we need something as soon as possible. I know the legislative problems involved in getting something through the House Committee and through the Senate Committee and do agree with you that legislatively it would seem expedient to pass some type bill that could be sent to a Joint Conference Committee, because in all probability it will have to go back through either house no matter what the course.

I personally feel and think that I speak for the people from my part of the state when I say that I believe that they feel that the Coalition Bill and the things that are a part of the Coalition Bill are by far the best provisions for legislation that can come out of the Federal Congress. I would say that we very definitely need an export certificate, and I know that the Coalition Bill does not necessarily involve an export certificate, but it gives the right or alternative to the Secretary of Agriculture.

I think that farm people realize that many of the things that are traded internationally are built, financed, and paid for by the United States Government and are done at a parity type level. They feel that our commodity is grown by farmers and is used in international trade, but is not traded at a parity level. It is, so to speak, subsidized by the American farmer.

So we all realize the problems with the gold standard and the balance of trade. We realize our own problems. We realize that 8½% interest eats away and erodes away everything that we all have looked forward to. We also realize that if prices go so low and taxes become so high that we can no longer have a profitable organization on our farms, then the price of our land will erode and we will no longer have buying power.

These are all of the problems that are part of our overall situation. Again I say thank you for being available today and thank you for hearing me.

Mr. David Foster (Kingfisher Wheat Farmer)

I am honored to be here and am glad that you could be here to give us a chance to express ourselves Senator. I don't want to repeat what Mr. Merrifield and Mr. Crow have said because I agree with them completely.

I am known up in Kingfisher as the travelling farmer and I didn't travel with money that I'd made from wheat. I was just lucky enough to have an oil well or two. I'm past 70 years old and I know I can't travel too much, but when you go into these foreign countries you can see the differences.

I just came back from Denmark about 3 weeks ago, and I found out that the farmers over there get between 3 and 4 dollars a bushel. The reason I can't say exactly how much it is, is because they have a different type of money, and one person would tell me one thing and another one would tell me something else. Consequently, they're getting more for their wheat in Denmark than we are, and their economy is not nearly as good as our economy.

In travelling in these different countries that I have, we find out that the farmers who price the wheat in foreign countries, the majority of them are better than we have in America. We feel that American farmers should be treated at least as well as some of these countries that we consider as underprivileged.

So, if you can co-author and get this Coalition Farm Bill by I think we've worked hard and everyone will be in good shape except this one farm organization, and I don't understand it, and I can see no reason why the American farmer be penalized without having a good fight for his farm.

Mr. Earl Abernathy (Altus Wheat Farmer)

I appreciate all that you are doing for the wheat farmers of Oklahoma today, as well as when we were trying to get the Commission established. I know you have the farmer's interest at heart and we appreciate it an awful lot.

I appreciate very much the opportunity to present this testimony on the urgency of obtaining a Farm Program.

Our oxen has fallen into the ditch, it is late Sunday and we seek assistance in the name of more than 40,000 wheat farmers in Oklahoma.

With wheat holding the position as the No. 1 farm crop in Oklahoma and putting into motion more than a quarter of a billion new dollars for the economy of this Sooner State each year, we are prepared to present our case to you.

I am in support of the Coalition Farm Bill and would like to see this legislation passed immediately. The wheat farmers of Oklahoma are preparing the land for next year's crop without the knowledge of what type farm bill we will have.

This information is virtually important to planning farm operations, particularly since renting of land normally changes hands at harvest time. A lot of this land is cash rented in advance, so the amount of rent paid would be greatly affected on the type of farm program and even by a limitation of payment. I am personally opposed to limitation of payments, but should they have to be imposed to make legislation possible, they should be high enough to not affect the family farm.

I would like to stress again the urgency of a farm program.

Wheat farmers will soon be fertilizing. It will virtually be impossible to plan a fertilization program without the knowledge of a farm program.

I am in favor of the substitution clause. Should this not be included this would greatly affect many farming operations.

In making credit arrangements, it is very important to know the type of farm program we will have.

Without some type of farm program immediately the family farm will perish. This, I do not think is in the best interest of the United States. And for this reason I would ask that there be a one year extension of the present program until a permanent program can be passed.

Mr. Ralph Ransom (Enid Wheat Farmer)

In 1951 I bought a combine for just slightly over $5,000 while today they're over $10,000. In the same year I bought a farm in Woodward County, and the taxes were $228 whereas this year they were $648 on the same piece of land with the buildings torn off and the fences coming down.

So we are really in a bind because of the cost-price squeeze. Last year I put a new clutch in my combine. In May, I inquired into the cost of this clutch and it was $37. I didn't get it put in until after July 1 and the price went up to $44, that's a 20% increase, on that one item of repair.

I was in St. Louis right after this Coalition Farm Bill was introduced, and I'm in full favor of it.

Mr. Marion Rutzlaff (Fairview Wheat Farmer)

The farmers are in a desperate situation. I'm not a large farmer, I have about a $400,000 investment, and I don't believe that I'm going to gross 10% this year. And profit from that gross will be nil. We are just fighting for survival.

I'm in favor of the Coalition Bill, and we need something that we can act on immediately. I'd like to go into my fertilizing almost immediately, but I have to wait. I want to say again that we appreciate your being here.

Mr. Edwin Osmus (Okeene Wheat Farmer)

I am in favor of the Coalition Bill. Because we have a situation where we've got to get something done. I think we need to get things going. Something to where we can have some goal. The farmers are in desperate need of this legislation.

Mr. Richard E. Romang (Oklahoma State Senator From Enid)

Senator, it's a pleasure to be here. I hadn't planned to make any statement. It's nice to be here with my colleague Senator Crow who is very knowledgeable on this subject. I might add that Garfield County is considered the No. 1 wheat county of the state. Senator Crow may dispute that, but we consider it to be No. 1.

The welfare of our county depends on the prosperity of the wheat farmer. If they have a good crop, the merchants in town do well, and if they don't, business is down. I noticed a tabulation recently on the prices of wheat over the years, as long as they've kept the history of the price of wheat, and except for the depression years the last few years the price of wheat has been about the lowest in the history of the wheat market during this century.

One of the things that is hard for me to understand is why everything else goes up while the price of wheat is about ½ of what it was 20 years ago. I appreciate what Congress is doing and I appreciate what you're doing, Senator, but I believe that something must be done in the near future.

If our agricultural economy goes down the rest of the nation is going to be directly affected. Thank you very much for this opportunity.

Mrs. Anna Belle Wiedemann (Oklahoma State Representative From Piedmont)

There is a new farm program upon which a serious decision must be made in the very near future. I have visited with almost every elevator operator and several hundred farmers throughout Canadian County, and I have asked them what type of farm program they need. They said that the certificate system may not be the best, but until a better program can be worked out, that it was the only way the farmer could stay in business. During a poor yield year, as many had this year, the certificates are absolutely necessary due to the low price of wheat and the severe cut on allotments.

A local banker visited with me this week on this problem, and gave me the figures of actual profit that came off of a quarter section of land. The profit was a little over $6 an acre on tillable soil. On an average farm this would equal a profit of $600 without the certificate on the tillable soil. It is impossible for a farmer to survive without a subsidy unless the price of grain increases and stays there.

Under the agriculture program many people do not realize that we subsidize the School Lunch Program, and many other projects which do not relate to the agricultural field. Therefore, the farmer receives only a small portion of the allocated budget.

Mr. Donald Coffin (Oklahoma State Representative From Noble)

The following suggestions are the recommendations of the farmers of District 31, Logan and Noble Counties, for the farm program with particular reference to the wheat program.

1. Approve a farm program at least a year in advance so the farmers can plan their operations.
2. Do away with the program of allowing substitutions of fed grains for wheat or other crops.
3. Do away with the requirement for soil conserving acres.
4. Raise the loan rate on wheat to $1.50 and leave the certificates the way they are.
5. We believe there should be a ceiling on ASC payments to a family, corporation, or individual and suggest this ceiling be around $40,000.

Mr. Lloyd (Manager of the Federal Land Bank Association at Frederick and Altus, Oklahoma)

I don't want to be accused of being an expert, I'm further away from home than some of you are. When you get away from home any fool can be an expert. In reality, I'm just an ordinary farmer from southwest Oklahoma, and all I do is work for the Land Bank in order to enjoy the luxury of farming. You farmers know what I'm talking about because this is actually true. The more I farm the harder I have to work for the Land Bank.

Somebody indicated a while ago that he couldn't understand why I was farming. I said that I liked it. He said that he supposed that I'd keep farming if I inherited a million dollars, and I said that I'd just keep the farm until it was all gone. This is literally true. I know what I'm talking about.

I farm quite a little wheat and try to raise cattle in order to be able to farm wheat. I also raise a little cotton, which you're probably not involved with, but I also represent the Land Bank in my area, and I make loans to farmers. In my area, southwest Oklahoma, Cotton, Tillman, Kiowa, and Greer Counties, and in my capacity as a Land Bank manager I talk to and service about 1500 long term loans, and small farm loans.

Whenever you talk about farmers being in a cost-price squeeze you ought to sit where I do. I want to talk about these people. This is what our President recently called the Silent Majority. This is the group I want to talk about, the Silent Majority.

I was born and raised on a farm as most of you were. All we were taught was that we were just a bunch of dumb, ignorant farmers. All we were taught was to try to make an honest living, get up before daybreak, and work until after dark, and try to make an honest living. Then go home at night, and if we hadn't done everything we were supposed to do we were reprimanded for not doing it. Of course this is all out of style now, nobody wants to work now and nobody is ever reprimanded.

The Silent Majority that I want to talk about is the farmers, who just don't ever say anything, Senator Harris. The only people they talk to is me and the banker. They're in bad shape, and they're not all little ones, Senator Harris. Some people buck against the establishment, have long hair, and have done a lot of weird things. Some people, even in Congress, I regret to say, believe there's no place for the little farmer in our agricultural economy. Well, there may not be, but if we don't have a farm program there's not going to be any place for the big farmers.

I haven't foreclosed on a loan yet, but I'm awfully close right now. I've requested and forced the sale of property to keep from foreclosing, and I hope to goodness that I never have to foreclose on any loan.

But did you know that one of those near foreclosures, was the largest loan that I have on the books, for $13,000? So don't kid yourself when you think that the little farmer is the only one that is in trouble. When you don't make any money, the more you borrow the worse off you are. It's just that simple.

What I want to point out to Congress—this kind of irks me, Senator Harris—because I don't want to criticize anyone unless they need it, but Congress sits up there and listens to everybody in this whole country, and the louder you holler and the more dirt you kick up and the more property you destroy, the better ear you have to Congress.

I don't have anything against Postal Workers or pay increases for them, but the Postal Workers strike against the government, and, in fact, they almost intimidate the government, but Senator Harris, Congress turns over backwards to listen to them and give them what they ask for or some portion of it. Now they tell me that they're going to strike again unless the Senate gives them the salary increase, and I imagine that the Senate will probably give it to them. That's all right, I hope you do because they need it. I'm 100% for them.

Why doesn't somebody in the world listen to the Silent Majority of farmers who are the basic economy of the whole nation? The whole nation is dependent on the farmers, and nobody listens to us; everybody ridicules us, and nobody comes to the rescue of agriculture which is the basic economy upon which this whole nation is built.

You find Congressmen who say, "To heck with the farmers; I don't have anything to do with it; I don't have any agricultural constituents in my whole district," but that's not so. There's not a Congressman or a Senator or President or anybody else that isn't totally and wholly dependent on agriculture. They've got to eat, and if they don't watch out they're going to wake up one of these days, and I think it's a lot later than you think.

I wish people could sit where I sit and see what I see. I know how close people are operating to the belt right now. They're just absolutely, barely existing. I wish you had some way of knowing just how much an hour a farmer is actually making, take-home pay that he can put in his pocket and count up at the end of the year when he starts to figure his income tax. If they can't borrow it from me to pay their income tax, which a lot of times they can't, they have to go to the bank or somewhere else.

Mr. Crow, you're behind on what money costs now. 9% is what I charge them on a long term loan, and the bank charges 10%. Senator Harris, do you know what the net income on a farm is now? If he can make 4%, he's lucky. He's a real prudent manager if he can make 4%. You add that up and see where he's going. I'm talking about with the present farm program. That's how important a farm program is. We've got to have it now, not later. We've got to have it now. We'd better not fall back on 1963.

That's how important I think it is. That's why I drove all the way up here to say these things. Bob Poage is a good friend of mine. I want Bob to hear what I've got to say on this. I've had Mr. Poage at a national meeting of the Federal Land Bank Association, that I had the priviledge of representing as the head of it for a number of years. I had him on my program. He has done an awful lot for agriculture. He's a champion for agriculture, and whether he can do it or not I don't know. This will be one of the most important things he's ever done for agriculture when and if he can get this bill out of the Committee and before the House and get it passed.

I say to you, Senator Harris, that we've had a lot of other emergencies. I don't think that the emergency of the Cambodian invasion needs any more public attention than this matter right now. This is a lot more basic to the existence of our country and dependent on the growth of this nation.

We've got to have these farmers. We might not like the looks of them, we're not very pretty, but we've got to have them, Senator Harris. If you don't think you have to have them, just let them go by the wayside and see what happens. Those people will be leaving the farms in droves, and I've never seen a farmer yet who left by choice. They always quit because they have to, and this is pathetic.

It's pathetic that Congress would sit on its hind end and not act on this program that's so needed, and nobody knows what they're going to do. Yesterday, I was driving through southwest Cotton County and Stevens County, and I saw farm after farm that hadn't even been plowed yet. Do you know why it hadn't been plowed? It was because of the cash-rent propositions. They don't know what they're going to do next year, so how can they know how much they're going to pay in cash-rent. The renter has a fee set, and they don't know if they are going to be able to pay it or not, so they don't know what their income is going to be.

Did you know that farm subsidies have become a part of everything that the farmer does? Every dollar that he borrows from the Land Bank, every dollar that he borrows from the bank, and every part of his business, he figures a part of his income from that subsidy payment. As an example, when we look at a farm to loan money on, we figure all of the subsidy income on their farm in order to appraise it for borrowing money on. This is how important it is. We've got to have it. We couldn't loan money because we couldn't figure any way in the world for a man to make his payments if we did not include that whenever we appraise a farm to make a loan. Every other person who makes loans does the same thing. It's a part of the economy. They're totally dependent on it.

Somebody said that they'd figured it up this year that all the money they'd made on wheat was used to pay his fertilizer bill, to pay for his combining, and to pay for his fuel bill, and that's all he had left. Where is payment to me going to come from? Where are his taxes going to come from? It's got to come out of that subsidy. Thank you, and I'm sorry that I took so long.

MR. E. W. CLEVELAND, ALTUS, OKLAHOMA

I'd like to bring out one new point that hasn't been mentioned this morning. We have before us now a very clear, hard picture in Canada as to what can happen to a group of wheat farmers in a wheat economy that operates without a farm program. I understand that this year the Canadian government is asking wheat farmers in Canada to plant 10% of their tillable ground in wheat. This is a really austere program. If they stay to this program, it will cost the Canadian government a lot of money because they're going to have to pay a small subsidy for their land, depending on what they do with it, from $8 to $12 an acre.

They're proposing out of this proposition of 10% of their tillable ground of wheat, that to continue this until they can get a supply and demand in line. Now as you know they have been our roughest competition in wheat. They've really raised some of the best wheat in the world. On exports in years past, they have given us fits particularly with their Nanitoba No. 1 wheat. But they have continued to operate with no restrictions and I'm sure a lot of you feel as I do that I've been left holding the bag so to speak with farming wheat year after year after year, to try to hold our production in line. My neighbor to the north is going unrestricted, but it has caught up with him.

I think that Bob Kerr and the men from the southwestern part of the state would agree that I have never seen the like of Canadian combines in our country as I saw this year. Those people are hungry. I've been through the two main wheat provinces of Canada by automobile, and wheat is stacked, stored, and piled everywhere, much of it rotting and ruining. There have been articles in national magazines that I'm sure you read, where a man traded 6,000 bushels of wheat for a new Dodge pick-up. We're headed straight for that kind of situation without a farm program, without supply and management. We've got to operate under some semblance of a program.

This is not only one section of the wheat country. Without a wheat program in a short time we would have economic chaos. It affects the big cities. The Food Stamp Program has been mentioned, the School Lunch Program has been mentioned, and I'm sure that we have friends in the big cities, that is Congressional friends. I think that a lot of them see this situation, and I'm sorry to say they see this situation better than our Senators and Representatives in Agricultural communities. It seems to me that taking the overall picture of it, that it is absolutely necessary to have some kind of a farm program, similar to what we have now. Agriculture is so basic, and there are so many parts of our economy that are directly dependent on it, those that aren't are indirectly dependent on it. I just think that it would be disastrous for the entire economy to throw this thing completely out the window. Farmers can operate insolvent for a while, but not this length of time.

I think as Mr. Patton said, that a lot of us don't realize how close the margin is now between profit and loss. As has been pointed out, our net worth has come about by ap-

XUM

preciation of capital assets and replacements. The cost of them are increasing immensely. When one large farm tractor equals the cost of two Cadillac automobiles, it makes it a very rough situation for the average size wheat farmer to just continue to operate.

I think that Congress will take a good hard look at this and have the good sense to pass a farm program for us. I don't see how they can do any less.

MR. EMIL KASTL (SECRETARY OF THE OKLAHOMA FARMER'S UNION)

I appreciate the opportunity of being here and appreciate your taking the time from your busy schedule to participate. So, what I will say will be very little, but I do want to call on some of our membership. As you know, of course, our National Farmers Union want to remain leaders in this Farm Coalition Bill.

Through the years I have heard it said that farmers can't get together. So, I always understood or thought there never has been a coalition of this type, but I learned later that about 1920 there was a coalition of farmers trying to get some things done. Well, whether it was true or not I don't know, but I've heard that said.

So, here we are some 32 leading farm groups in the United States trying to get something done on farm legislation. Actually getting together is what Congress has been asking us to do. So we are, as members of the Farmer's Union, working hard toward getting a bill passed.

I, too, as did many other fellows here, attended the meeting at St. Louis on the Coalition Bill, and I thought it was a real fine one. Some 500 people attended and really tried to work hard toward agreeing on some farm legislation. Now I think, too, that we should have an export certificate on wheat, because if we are going to mass produce so many acres we should have a price support also.

Parity, of course; we should certainly have parity of income. Now the gentlemen talked about wheat farmers from Canada and what they are doing up there. We were on a tour of Canada last year with our Farmer's union membership, and we happened to stop in one town as we were wheeling along, and we got to talking to some of the wheat farmers up there, and, boy, what a plight they're in.

They said, "We're going to have to do something like the United States is doing or we're going to be in serious trouble," and they are already, of course. So, I'd like to call on P. R. Landers if I may, and would like to call on Louis Williams, he's our manager of the Federal Land Bank at Stillwater, and also a farmer too—Mr. Louis Williams.

MR. LOUIS WILLIAMS (MANAGER OF THE FEDERAL LAND BANK, STILLWATER)

Thank you Senator Harris. This is the first time I've had an opportunity to speak before a Senator since Senator Ellender was up at Stillwater, and that's been many years ago. We also had a fellow with the Secretary of Agriculture whose name was Ezra, but I forgot his last name. He was a real unpopular guy with me, although we have had a lot of other unpopular Secretaries of Agriculture since then, I guess—I hear rumors and I do hear this, Senator, rumors are that some people are not exactly satisfied with Fred Harris.

I think that that is one of the things we have plenty of in the United States and that is the right to disagree on what someone else is talking about, but I want to say this: I feel that you're doing a fine job. I appreciate your coming out here and talking with us farmers out here who are interested in the welfare of the citizens and the United States. We don't want to tear it down—we want to build it up. We've got to have a fair shake in the economy.

Now back in 1937, wheat went way up like you've never seen. Mike, you remember it probably got to $1.17 a bushel. At that time we were paying 50¢ a day for labor. Today we pay $20 a day for labor. Well, anyhow, we didn't have a farm program as such then, but we were working very well. But I remember this, that $1.17 wheat price was while we were threshing our wheat, and, while we were waiting to get it threshed, wheat went down to 93¢ a bushel because we had to wait for the thresher. So we said, let's sell half of it and keep half of it. So we sold half of it at 93¢ a bushel. Do you know what it sold at next spring? For just before threshing time—60¢ a bushel.

How can anyone operate on those kind of terms? I don't know of anyone nor where they are—any kind of a businessman where his price fluctuates a hundred percent. They can't do it and neither can the farmers. They cannot do it.

We must have some kind of a farm program so we can get a fair shake with the national economy.

Lloyd, you were speaking about the farmer's plight, and I can agree with you because we have a very good relationship with a lot of people in our area and we know that the prices they're getting and the things they are paying for are gradually getting closer together to where they are going to cross some of these days, and we haven't seen anything yet. When that happens, and it may be just around the corner if we don't get a good farm program, and, as Lloyd says, we've just got to have a good farm program. It's just like the fellow that was walking around and he said, "What would you do if you were out on the plains and a bear got after you?" He said, "I'd climb a tree." "Well," he said, "there are no trees on the plains." He said, "I'd still find a tree; somewhere out on the plains there's got to be a tree." So we've got to have a farm program. Thank you a lot.

MR. M. A. SCHILTZ (PONCA CITY WHEAT FARMER)

We farmers are concerned by the lack of a farm program for next year. Already most ground is plowed or disced for another crop. Mr. Banker takes everything in consideration in making loans for seed, fertilizer, and general crop expenses.

So much is said about farmers' rising income; this is negated by increased cost of money, labor, but, most of all, machinery and repairs.

I've served on a co-op board for many years, and we find the farmers paying their crop expenses with the certificate payment.

Most people I represent would like to keep the present program since we are used to it.

MR. K. L. WEATHERS (HYDRO WHEAT FARMER)

Since everything that we have in the United States comes from the land, the one that farms the land should be protected through price supports, allotted acres, and parity price equal to other businesses. We need to raise the income of the grower.

I favor the Coalition Farm Bill and believe it will help the farmer. In unity there is strength.

Lower the interest rates from 8½% to 6%, and make loans available to farmers.

MR. DELVIN JECK (KINGFISHER WHEAT FARMER)

This is the first time I've ever spoken where a Senator could hear me, and I've said a lot of things. I sometimes hope they didn't hear me. I think that we're in a real bad situation. I'm from Kingfisher and can't speak for the county, but I will say in my area I feel that I am in a desert part of the nation right now. We are dry right in my area now.

But on the farm program, I think that it is probably more critical than what we realize, and I think we're going to have to decide what our goals are and what we want. Now, the Farm Bureau, as you know, is fighting it. I think that if this is what you want I think you ought to do it. But I think people ought to wake up if they are farmers, and fight for what they believe in. I mean, if they think that they need a farm program, get it.

If I was a Senator and there was somebody here talking to me, I could see your problem. But I think that somehow we have got to have somebody to support this, and I think it is so critical now that you can see people who are wondering if they can afford to carry a job with big enough pay to keep up farming.

You look at crop farming. Farmers are unique due to the fact that no two farmers are alike. I don't care where they are. Every farmer has his problems. If you work for a factory you have basically one job—you go to work at a certain time, etc. However, where you are doing something for one farmer you may be hurting another or vice versa. I may invest in some oil income which will make it look like I'm making some money, but still you're not making money off the production of agriculture.

So you do have a real problem, Senator. I sympathize with you and I feel like that somehow you guys are going to have to say we need something and we're going to have to do it. You will. You're real concerned about moving people back out to the country. Congress will spend millions and billions on defense, which maybe we need or maybe we don't, but I'd like to see a little bit spent on agriculture to try to keep us where we are. You have nobody more satisfied than people who are their own bosses, really, as long as they can make a living. And I would like to see it kept that way.

Along another line, and this is criticism, and I don't blame them, but, "where the wheel squeaks, this is what gets the grease." And as was said about our Federal employees—well, this is fine but think of us when you do this. . . . When you do this, it makes our employees upset; consequently we have to raise theirs. Where do we get it to help pay them? So everything goes back to us. I can see your problem. I hope there is something done; we've got to have something.

MR. JOHN PALMER (EL RENO WHEAT FARMER)

We go back and think of those things when we started out, when times were different. I think back to 1926; that's when I started out. Well, we had crops in this country. We had no fuss for them. I know of one place up here, where I had a fellow working for me. We went out and bought a field of cotton and purchased it for $20, and the next year the prices were higher. . . . That's what we've had all our lives, and then they talk about doing without a farm program. It can't be done. That's all there is to it. You've got to have one.

Everytime we had a crop we coudn't give it away, and, when we didn't get a crop, we couldn't afford to buy the seeds. That's just exactly the way it was all those years. Now I know what I'm talking about, and I think this program you are sponsoring is good, and you're going to have te go a long way before you can get something better.

MR. JIM SMITH (OKLAHOMA GRAIN AND FEED ASSOCIATION, UNION CITY, OKLAHOMA)

I didn't come prepared to make a statement. If legislation isn't passed, is it correct that we will have to have a referendum by August 1? And the alternative offered would be a program just about like we have now? But if they don't vote on this pretty shortly, it will depreciate 50% in comparison to what it is now. It looks like to me that it will just be suicide for everybody, and our point is that we hate to see the farmer have to go every year and run his business by

XUM

guess and have to plant his crop before some government program is offered.

Mr. Larry Robinson (State Department of Agriculture, Oklahoma City, Oklahoma)

I'll be brief. All of you know that back in 1950 over in Arkansas they started developing a marvelous broiler business, and I was in a meeting in Stillwater the last few days concerning the use of obtaining cattle and poultry licenses and whatnot. No mention has been made of anything like this at this particular meeting. It might be just a bit out of place to say something about it—but the point is that Arkansas last year consumed a million and a half tons of milo corn to feed all those broilers that they sold all over the country. There was hardly a speck of wheat that got into those broilers, and if the money could be spent here by the United States Department of Agriculture, the state, or somebody else, to find out why wheat cannot be used more extensively in this country instead of trying to find a market across the pond somewhere, I think it would do us some good because we have reached a situation where we have a lot of competition in these foreign markets, and it's not easy to sell it anymore. So, if we can do something on that score, well, I think it would be a wonderful thing.

Mr. Czar Langston (General Manager, Oklahoma Association of Electric Cooperatives, Oklahoma City, Okla.)

I'll make just a few brief comments. First, we want to thank you very much for coming and taking the time from an extremely busy schedule, Senator, to be here.

The things that I think have impressed us most at this meeting this morning are: (1) your interest in being here and taking a message back to the Congress; and (2) these people who have taken time from their daily endeavors and some for taking off on Saturday to come in and testify. It is serious. It has been talked here a little bit about what is happening to the price of land. Now, in the past, about the only thing the farmer has received from his labor, time and investment is a depreciation on his equipment and the appreciation of his land. The economists at OSU tell me that within the past few weeks the trend is beginning to develop where the price of land is dropping from 10 to 15 to 20 percent. Now, should this begin, if it's here, there is no other way for the farmer to secure a loan to borrow money to carry on his operation. We see a great deal in the newspapers of various things being attached to the cost of living. When the cost of living goes up so much, everything involved in this—labor, prices, everything—are escalated to take care of it. Maybe this might be an idea that when the cost of living increases to a certain extent, maybe we could see that the price of farm commodities to the farmer increases a certain percent. The present farm program will keep you just fine but for how long. It's merely a stopgap. We find in surveys after surveys of Oklahoma—we just completed one—where absolutely 75 to 80 percent of the households in rural Oklahoma, farmers, between 75 and 80 percent of the farm homes out there, one or more members of the family have to do what Lloyd is doing and what Louis is doing and what many of your families are doing—you have to work off of the farm to make ends meet. And this is just not attractive to the young farmer coming into the market today. It's serious, and I just threw this out, this one thing, and I think one thing, too, that those in politics should remember and that is the things that made the difference in the election a year and a half ago and two years ago this November was the farmer finally speaking up at the ballot box. He said, "I'm dissatisfied with what I'm getting." I was in Washington earlier this week, as you know, for a breakfast with our youngsters and Senator Harris is always there making arrangements for us, taking care of the group while they're there, and I never saw so much frustration on the economic conditions and the chaos that exists in the United States today as in the field of economics. One of these days, if this continues, you are going to find a group of farmers going into Washington on one of those marches. If we go through another depression as we had in 1929, '30, '31, '32, and '33, you won't see it lasting that long. There will be the darndest revolution you ever saw in this country. The younger generation will not tolerate it. And that's where we're headed, and all of your big depressions have originated in the low man and the farm man. Go back and check your economics. And when they're losing money the businessman starts losing money and that goes right on back up to the manufacturer, the buyer, the finance company and everybody else. You'll never find a greater group of law-abiding citizens in this nation than your rural people—your farmers. They're law abiding, and it's hard to get them stirred up. We had a heck of a time in 1961 when we had some legislation up there. "Why should I make my voice heard?" But they finally did. And, Hershel, you know that, Senator Crow, but we need a program now. These people can't wait until August to know what to do . . . and you sure can't plough Oklahoma land when it is dry. They've got good ploughs, but they're not that good. So I would like to conclude by saying thank you very much for taking time from your busy schedule to be here, and we hope you get this message back to Mr. Poage and Mr. Belcher—both of them need it. There has been one thing I've noticed: a number of the members of Congress from farm areas say that the way they get elected by the farmers each time they come up for election is the fact that they always vote against the farm bill that is proposed by Congress. And some of those men sit on the Agriculture Committee and develop the farm bill. You're popular with people who vote against the farm bill the Congress finally approves. So let's come up with one that the farmer approves; then the Congress will vote for its support.

Mr. M. E. Thompson (Banker, Calumet, Oklahoma)

Thank you very much. What I want to try to say is what I think I hear the people and the farmers telling me across the desk about the farm program. One of the things I am fairly convinced of, now, is—not all of them agree to it but many of them do—is that they are fairly disgusted with the details of the farm program. It is so detailed, so hard to keep up with, that even people working in the office seem to me have a hard time telling just what it is. Another thing that they are saying is that there should be a limit to the amount that one farmer could receive as a subsidy from the program. And most of them, I believe, are convinced that, just like has already been said here, we have to have a farm program of some kind; we cannot depend on the market. And another thing is that they believe it should be based on a family-size farm that would be favorable to the owner-operator or the tenant-operator. And I am sure that the farm program should come from the farmer—not bankers, businessmen, or insurance people or anybody else, but the farmers themselves. I know that, as far as this program is concerned, the time is short—there isn't much really that can be done. Am I right? This is one of the details we are disgusted with. It's just like what has already been said here—time is running out. I would like to see ten representative, good farmers from wheat counties have two or three meetings, or maybe four, put down what they think should go into a farm bill and do this in every county in the state, present it to the State Board and let them wrestle with it from all the counties and come up with something. It has got to be something down the line because we just can't possibly get that done, but if they would do this in every state in the Union, and it could be done with some organization—it could be done in short time—well, surely we could come up with a farm program that the farmers, like the gentleman said, the farmers would be for. I don't know that I can say anymore than that.

Mr. Bob Kerr (Altus, Oklahoma)

I am Bob Kerr, farmer, from Altus, Oklahoma. I raise wheat, feed grains, cotton and cattle, general farming for our area.

I continue to stand *uncompromisingly* in favor of the Coalition Farm Bill. We've been told time and time again for agriculture to stand together. Every farm organization, with one glaring exception, are standing and speaking together; and what are we told to do? Compromise! The American farmer has about compromised himself out of business.

I support the Coalition Bill because of four main points:

1. Possibility of more income—not less.
2. Supply management.
3. Concept of *parity!!!!*
4. Permanent legislation.

Every newscast you hear, and every newspaper you pick up you read about teachers' strikes, steelworkers' strikes, auto workers' strikes, dock workers' strikes, fare rates increases, steel price increases, President's salary doubling, postal pay raises, Congressional pay raises. Do these people want slaves producing their food? Does it take a rioting, looting, burning, shooting, shouting, mob to get attention these days? Is this the only way to be heard?

If the people of these United States want to see a strike cripple the world—let the farmers of *America* quit producing food.

I can't believe these people want to hold the farmer down to a sub-par existence. *Surely we should be* GUARANTEED *the right to* PRODUCE *at a price* that would enable us to share in the prosperity of the United States.

Perhaps net farm income per man or per family has gone up. *But* per farm income by bushel, by bale, or by acre has definitely gone down. When a man's farm net goes up it's because he has swallowed up another of his neighbors. In most cases his debts are higher and his risks are greater. His neck is extended a little more over the chopping block. He's usually closer to the point that *one* crop failure could wipe him out.

We're told we can't ask for too much—that the consumer may revolt. I tell you the consumer is the one who's benefiting from the situation existing in agriculture today.

Mr. Nixon said in his campaign he was going to appoint an agricultural man to be Secretary of Agriculture. Well he appointed a man from an Agriculture college. If Mr. Hardin is working for the farmers' interest—please deliver me from anymore help. I'd like to be the Secretary of Agriculture during the writing of one farm bill. Farmers would *know* they had someone working *for* them. Mr. Hardin may be able to leave the concept of parity out of a new farm bill but I g-u-a-r-a-n-t-e-e he can't make us forget about it, and I promise we will holler parity until justice is done. I suppose a man's suit would weigh 5–8 pounds. It's a shame when a 500 pound bale of cotton won't buy that suit.

Yes, we need a farm program.

Yes, we're at the eleventh hour in that need fastly approaching midnight.

We've already started our next crop year in southwestern Oklahoma with only our hopes and a farmers' eternal optimism.

Senator Harris, I thank you for this opportunity to be heard. We ask you to continue to do all in your power in behalf of a farm program of "equanomics" for the American farmer.

XUM

Mr. Wash S. Howard (Altus, Oklahoma)

Plans are being made—money is being borrowed—and we do not know what to expect. Let's keep what we can of what we have until we can improve it.

Mr. Dave Foster (Kingfisher, Oklahoma)

I also represent the Oklahoma State Grange—I'm the legislative representative, and at our last state meeting we went 100% for the Coalition Farm Bill. There was not one dissenting vote against the Coalition Farm Bill, and if you folks remember, the two party system originated with the Grange way back in the '20's, and it passed the Congress but the President of the United States vetoed it. And this bill we have is, you might say, the Grange Bill in a lot of ways.

Mr. Leonard Jensen (El Reno, Oklahoma)

I'm just a wheat farmer. I've been told I'm the largest farmer in Canadian County. I outweigh them all. The thing is, with this farm program we never had it so good. We like the program but we can't pull our last five crops out of reseal. What we can't understand is why these people out west don't start using wheat in their feed lot program. This is a practical way to get rid of a lot of this wheat. Feed it up. They tell me that in ten years there is going to be 30 percent more beef than pork. They're not pushing this feeding the wheat hard enough. An old boy can't get it out of the elevator because it's sealed up, not sold. Instead of cutting these allotments let's feed this damn wheat, let's get rid of it. We like to raise it; let's let pasture. We feed a couple of thousand cattle a year and maybe a thousand hogs but we feed up our entire wheat crop and have for the last four out of five crops. But we don't work 90 days a year we work all the year round. We are not criticizing anybody who wants to work 90 days, but I think that with fertilizer and with all this stuff we get nowadays we're going to raise a damn sight more wheat than people are going to eat. I tried to eat surplus and look what happened to me.

FUNDING TITLE VI OF THE HIGHER EDUCATION ACT

Mr. HARTKE. Mr. President, I wish to comment briefly on title VI of the Higher Education Act. Allocations under this title provide instructional material and equipment for institutions of higher education. Although appropriations in the years through fiscal year 1969 were modest—$14.5 million a year—the program has been successful in enabling many schools to replenish and update their supplies of films and other teaching materials and equipment. In fiscal year 1970 the program was eliminated entirely, despite efforts in the Senate to have appropriations continued at previous levels. I am happy to see the funds restored in 1971 appropriations.

While the amounts provided under this title may not appear significant, they have been distributed in such a manner as to provide welcomed assistance for many schools, particularly developing institutions and small community colleges.

Title VI has been extremely effective over the years, and has been capably administered at both State and Federal levels. While the disparity between resources available at high schools and at colleges may not be readily apparent in some of the State universities and heavily endowed private schools, many institutions simply do not have the funds to purchase materials, equip laboratories, or provide teachers with the essential tools they need to keep up with expanded subject matter. It is these institutions—the liberal arts colleges, the teachers' colleges, and the community colleges—that are training over 60 percent of the Nation's beginning teachers. The continued advance in the effectiveness of materials and equipment designed for modern teaching has placed a severe financial strain on small colleges. Many are unable to take advantage of the educational revolution that is being brought about through new techniques for learning, simply because they lack the relatively small amounts of funds needed to buy films and other teaching materials.

In particular, I am pleased to note that the Senate Appropriations Committee is recommending a funding level for this program of $14.5 million. I commend Senators for this action and urge them to hold firm on title VI of the Higher Education Act in conference with the House of Representatives.

INITIATIVE FOR PEACE IN THE MIDDLE EAST

Mr. BELLMON. Mr. President, the announcement by the Secretary of State regarding a new initiative for peace in the Middle East is most encouraging.

I am greatly pleased that our country has chosen to pursue a positive course which hopefully will lead to a negotiated peace rather than to embark prematurely on a course of action which could escalate the hostilities.

While the details are not being made public, Secretary Rogers' statement and his earlier pronouncements convince me that there is a sincere determination on the part of the Nixon Administration to bring about a fair and peaceful settlement of the differences between Israel and the Arab Nations. Experiences there have shown that war has not brought a solution. A genuine peace initiative by all countries concerned holds the only lasting hope for resolution of the differences.

To that end the President and the Secretary of State need and deserve support for their policies.

THE RETIREMENT OF ROBERT C. OWENS

Mr. MONTOYA. Mr. President, Mr. Robert Custer Owens, Deputy Director of Small Business and Economic Utilization Policy, Office of the Assistant Secretary of Defense—Installations and Logistics—will retire June 30, 1970, after 21 years of Federal service.

Mr. Owens, a native of Peru, Ind., entered the Federal service in 1942 as a senior industrial aide, Department of the Army Signal Corps. After World War II he returned to civilian industry for a short period of time and then became a self-employed small businessman. In 1952 he associated himself as a business analyst with the Department of Commerce in the Office of Small Business and was transferred by Executive order to the newly established Small Defense Plants Administration that same year. In 1953, when the Small Business Administration came into existence, Mr. Owens continued with that agency as a contract specialist. In 1957 Mr. Owens assumed the post of SBA's assistant liaison officer to the Department of Defense. In late 1958 he became the small business adviser in the Office of the Deputy Chief of Staff, Materiel, Department of the Air Force, and in 1962 assumed his present position in the Office of the Secretary of Defense.

Since 1962, Mr. Owens has been directly responsible for achieving and implementing an effective small business program for the Department of Defense. The accomplishments that Mr. Owens has made in behalf of the small business program are significant.

He was responsible for developing the certificate of competency procedure, which is a most important aid to small firms in competing for Government contracts.

He devised and implemented the Defense small business subcontract program. Through both the voluntary and the mandatory subcontract program, defense contractors have been encouraged to place with small firms an annual volume of subcontracts averaging $5 billion.

He established a program designed to guide, counsel, and aid small firms interested in competing for Government contracts through a program of seminars, conferences and visits. This program has been a valuable effort in expanding the numbers of small business firms competing for Government contracts.

He designed and established a program for making available at major procurement activities a small business specialist knowledgeable in the procurement process. The program provides a focal point within a procurement activity where small business concerns can present their problems and receive personalized assistance.

It goes without saying that the Defense Department's small business program will suffer the loss of a man whose professional approach, enthusiasm, and outstanding technical knowledge contributed so much to the program. Let us hope that the void created by Bob Owens' retirement will be quickly filled by efforts of the same quality that he gave to the program.

On this occasion of Mr. Owens' retirement from public service, I know my colleagues on the Senate Small Business Committee and in the entire Senate join me in expressing to Mr. Owens our appreciation for the excellent work he has done in behalf of our Government's small business program.

SENATOR BENNETT SUPPORTS MINK INDUSTRY

Mr. BENNETT. Mr. President, as the sponsor of S. 2168, the mink import bill, I wish to speak out in behalf of America's mink ranchers, who desperately need the support of their national leaders in order to save their dying trade from extinction.

Not many years ago the entire market in mink furs was supplied from animals trapped in the wild. The small number of pelts that could be supplied in this manner resulted in a mink industry that was small and consequently the use of mink furs in America was not very extensive. However, a few industrious Americans, motived by the same ingenuity and creativity that has made this country great, developed a system of mink ranching that began producing superior furs in vastly increased numbers. Using their ingenuity again and solely at their own expense they extended their market in order to sell their increased production. They were also instrumental in opening up the European market for the sale of ranch grown mink. So successful were they that soon mink became known as "the queen of furs," and new ranches began cropping up to meet the increasing demands of American and European buyers.

It was not long, however, before enterprising Europeans began copying American ranching techniques and took advantage of the market developed solely by American ingenuity and finances. Of course with a market already established and production costs far below American standards, the European fur breeders had no trouble selling their pelts and soon cornered upwards of 40 percent of the American market.

There was nothing wrong in this except that they failed to contribute to the maintenance of the market and seemed unconcerned with the welfare of the American mink rancher whose salesmanship and ingenuity they were exploiting without cost to themselves or concern for the future of the market.

Recognizing that continued overloading of the market would bring eventual disaster the National Board of Fur Farm Organizations petitioned the Federal Government in 1958 for action through the Tariff Commission for relief from the duty free importation of foreign furs.

The Tariff Commission ruled that no injury from importation of mink pelts existed and therefore rejected the fur farmers urgent request.

Imports continued to increase and prices naturally declined. In 1960 imports jumped by nearly one-third. That tremendous increase broke the already weak market and prices dropped 24 percent the following year.

Prices that had started the decade in 1960, at approximately $21.50 per pelt, had dropped to about $16 in 1961.

Foreign imports maintained more than half of the market during the middle 1960's. Not content with a majority of the market, foreign producers attempted to increase their exports to the United States in 1966 by better than 16 percent of the 1965 total. The pressure once again became more than the market could bear and it collapsed with prices falling 28 percent from the previous year.

With prices on a critical level, sometimes below the cost of production, more than 1,000 American ranchers went bankrupt or abandoned what they felt was a sinking ship. Some 500 more were forced out of business in the next 2 years bringing to 56 percent the number of ranchers forced out of business since 1962.

The remaining 3,000 or so taxpaying American ranchers, although small in number, deserve some kind of protection from the Congress against the radical market fluctuations and export practices of European producers.

I have sponsored a mink quota bill, S. 2168, which would grant to foreign producers 40 percent of the American market as estimated by the Secretary of Agriculture each calendar year. The 40-percent quota is approximately the level foreign fur traders had maintained before the sharp increase of 1960 which precipitated the original collapse of the market. I feel this 40 percent represents a very fair share of the market particularly since it has been developed almost exclusively by American interests.

The bill is essentially regulatory in nature and is designed to give the beleaguered American fur farmer the privilege of redeveloping his market without the threat of foreign hitch-hiking. It would control the practice of jumping on the bandwagon when the market is high and getting off whenever they wish without paying the penalty for overloading the market.

I should point out that the market is still very weak. Prices which fell from a high of more than $20 per pelt at the beginning of the decade to as low as $13 or $14 in 1967, have managed a weak recovery to about $15 as the decade of fluctuating and critical prices came to a close. American mink men want only a fair shake and to have the opportunity to rebuild their badly damaged market, but they cannot do it in the face of uncontrolled foreign competition.

I do not propose that we slam the door on imports. To share 40 percent of the market is generous, indeed, and on our end it would mean the survival of America's mink ranchers.

The House Ways and Means Committee has already heard testimony this month by the national representatives of the mink industry concerning mink quota bills being sponsored in the House and I commend the committee for holding the hearings.

I urge that the Senate also take action to relieve and save this group of deserving Americans such as cattlemen, sugar, and oil interests have received support from heavy and unequal foreign competition. In this era when we are fighting discrimination against minorities in some segments of our society let us not exclude the mink industry from protection simply because they are not as large and powerful as these other groups.

BALTIC STATES INDEPENDENCE

Mr. HARTKE. Mr. President, this month marks the 30th anniversary of Soviet Russia's occupation of Lithuania, Latvia, and Estonia. These small Baltic republics lost their freedom and independence when the Soviets invaded on June 15, 1940.

The Government of the Soviet Union has embarked on an unconscionable and brutal campaign to change the ethnic character of the populations of these three Baltic States.

This occupation is an awesome example of the violent suppression of human liberty and dignity which must always result from the efforts of any country to exploit and subjugate its neighbors.

Four years ago this body agreed to a concurrent resolution condemning Soviet abuse of these states and supporting the aspirations of the Baltic peoples for self-determination and national independence.

On this anniversary of the Soviet occupation, it is appropriate that we recall the plight of the Baltic peoples in the face of oppression.

I ask unanimous consent that House Concurrent Resolution 416, supporting Baltic independence, be printed in the Record.

There being no objection, the concurrent resolution (H. Con. Res. 416) was ordered to be printed in the Record, as follows:

H. Con. Res. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

RETIRED FOLKS HELP OTHERS

Mr. WILLIAMS of New Jersey. Mr. President, in March I cosponsored S. 3604, the Older American Community Service Employment Act, which would provide new opportunities for community service for persons 55 and older.

Last week the Special Subcommittee on Aging of the Committee on Labor and Public Welfare completed 2 days of hearings on the bill.

The response at these hearings was truly heartwarming.

Elderly participants in community service projects from my own State of New Jersey aptly described their deep personal satisfaction and confidence which they gained from such employment.

Other witnesses emphasized the need for expanded community services—in hospitals, schools, antipollution programs, and numerous other areas.

All agreed that a growing need exists for the development of a national service program in which older persons can help themselves by helping others.

And there was unanimous agreement that the Older American Community Service Employment Act should be promptly enacted into law.

Moreover, two experts estimated that approximately 4 or 5 million elderly individuals would welcome the opportunity to perform services in their communities.

Several pilot projects have already amply demonstrated the value of community service programs—for individuals served, for communities attempting to meet the growing service requirements of their citizens, and for the elderly themselves.

A recent article by the distinguished columnist, Ted Schuchat, provides an excellent discussion of these existing programs.

I ask unanimous consent that the article and my opening statement at the hearing on June 16 be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

RETIREMENT AND YOU—RETIRED FOLKS HELP OTHERS

(By Theodor Schuchat)

A few thousand retirees throughout the country are helping others, having the time of their long lives and earning a little money in scores of community service projects employing only older people.

Hundreds of thousands more would like the same chance to serve others and feel useful and needed again, but they are bucking inertia, tight budgets, and plain prejudice against the elderly.

In 11 communities as varied as the Bronx, N.Y., and Paintsville, Ky., for example, 500 low-income seniors are working part-time for a project paid for by the United States Labor Department and run by the National Council on the Aging.

In Maine, 19 of these active oldsters helped qualify some 36,000 hungry people for surplus food. In Trenton, N.J., four assigned to the local Social Security office dug through the records of 3,000 people and found that as many as 10 per cent were not getting the benefits to which they were entitled.

In San Antonio, Tex., older people counsel young first-offenders at the Juvenile Detention Center. In Hoboken, N.J., eight older people work in the elementary schools, helping kids who don't speak English.

The Labor Department also pays for the Senior AIDES program run by the National Council of Senior Citizens in 21 communities. It employs men and women age 55 or older for 20 hours a week in community service jobs paying an average of $2 per hour.

Nearly half of these people are not yet eligible for Social Security retirement benefits but have been unable to find jobs in the meantime. The others are past 65, the oldest being 82.

There have been seven applicants for each of the 1,150 jobs available in the Senior AIDES program, which suggests there is a real need for something like this project in every community. AIDES, by the way, stands for Alert, Industrious, Dedicated, Energetic Service, which is what these oldsters give.

The supervisor of a Fall River, Mass., hospital told the National Council of Senior Citizens that a 79-year-old AIDE has been a good morale booster. "No one can feel too old when a patient sees her hustling about," she said.

At Dayton, Ohio, a woman Senior AIDE told her supervisor, "At 75, it makes me feel good to know I can still serve humanity. It makes me young again."

The National Farmers Union has hired 3,000 rural older people in its Green Thumb program, which is also financed by the Labor Department. These seniors build picnic shelters, raise and plant trees and bushes along highways, and repair and paint park equipment, among hundreds of useful tasks.

Green Thumb has shown, also, that many jobless older people can be retrained and returned to regular work. In three weeks, the Green Thumb on-the-job training program placed some 175 older workers in new jobs. Their average age is 60.

This project cost taxpayers $325 per trainee, in contrast to similar programs for youth that cost as much as $3,000 per trainee. The more than 500 older people retrained thus far by Green Thumb will earn nearly $2 million, a splendid return on a total investment of $166,000.

Senator Harrison A. Williams Jr., D-N.J., comments: "These pilot projects and others have demonstrated conclusively that there is both a need and a demand for more far-reaching efforts in this area. We don't need any more proof that these programs will work. What we need now is a genuine national program."

As chairman of the Special Committee on Aging of the United States Senate, he is a sponsor of legislation that would provide jobs for low-income people 55 years and older in antipollution programs, health maintenance centers, schools, libraries, and other vital community services.

"Time and time again," Senator Williams explains, "it has been proven that employment and productive activity can be a principal source of good health for many older persons. In addition, a period of growing needs for expanded community services, the experience and skills of older workers can be effectively utilized to meet this demand.

"In economic terms, such employment can help many of these disadvantaged workers and their families to escape from poverty," he continues. "In non-economic terms, there is no way to estimate the value of a job which can replace frustration and despair with hope and opportunity."

OPENING STATEMENT BY HARRISON A. WILLIAMS

This morning the Special Subcommittee on Aging continues its hearings on S. 3604 the Older American Community Service Employment Act.

In his historic message on older persons in 1963, President Kennedy emphasized:

"The heart of our program for the elderly must be opportunity for and actual service to older citizens in their home communities. The loneliness or apathy which exists among many of our aged is heightened by the wall of inertia which often exists between them and their community."

Back in 1963, many skeptical individuals might have said that older persons could not be attracted to service programs. But, we know that these doubters are wrong because we have opened new frontiers for community service for persons 55 and older. And, these programs have been enthusiastically served. Over the long run we have made progress, but much more needs to be done.

A few years ago, I introduced a bill to establish a National Community Senior Service Corps to make greater use of the abilities, enthusiasm and energy of older persons.

In 1967 a hearing conducted by this Subcommittee on that legislation prompted the Secretary of Labor to establish "Senior Aides" programs on a pilot basis. These programs have been highly successful. In fact, the ratio of applicants to Senior Aides positions is running about 7 to 1.

Last year I also introduced the 1969 Amendments to the Older Americans Act, which became law on September 17. One of the major innovations in the new law is the establishment of a Retired Senior Volunteer Program—"RSVP." It would permit persons 60 and over to serve in their communities, and would reimburse them for their out-of-pocket expenses in rendering these needed services.

This was the first part of a two prong approach to meet the elderly's need for greater service opportunities. The second part is the bill we will consider today, the Older American Community Service Employment Act. It also offers new opportunities for community service, but for individuals who must work for wages.

Time and time again we have been told by expert witnesses—such as the renowned heart specialist, Dr. Paul Dudley White—that inactivity is the great enemy for older persons.

In far too many instances, advancing age produces loneliness and frustration, when it could be a time for service or continued self development. Today, too many senior citizens believe that retirement prevents them from true participation in society. This attitude can lead to medical and emotional problems that purposeful activity might have avoided. Yet, this is the second consecutive year in which the Administration has not requested funding for RSVP?

Earlier this morning I appeared before the Senate Appropriations Committee to urge funding for this program and other successful projects under the Older Americans Act. But, our task is still not complete. There are other frontiers that must be opened to the elderly.

What we need now is a program to provide a wider range of alternatives for the employment needs of older persons.

While millions of older persons want to serve their communities with dignity, many are not in a position to work without compensation. For retired persons, an opportunity for paid part-time service in their community can help to supplement retirement income, which oftentimes is grossly inadequate.

For other individuals, such a program could provide temporary employment until full-time work can be obtained. While it has taken us several years to develop community service pilot projects for the elderly, we now have numerous successful prototypes upon which to build a national program.

In my own State of New Jersey, I have personally seen the outstanding contributions of these demonstration projects. For example, the New Jersey countryside is now more beautiful because 142 Green Thumbers have planted more than 100,000 trees and plants last year. They are also restoring the "Church of the Presidents" in Monmouth County, where several Presidents have worshipped.

In Trenton, four aides from the National Council on the Aging's Senior Community Service Project have reviewed vital statistical records of 3,000 people, and found that about 8 percent were entitled to badly needed Social Security benefits they were not receiving.

In Hoboken—a community where approximately 50 percent of the population is foreign born or non-English speaking—older persons have provided valuable services as bilingual aides in elementary schools. As a result, the non-English speaking children have been able to make a better adjustment to their community school, and the English language.

In Newark, the Senior Aides program—under the direction of the National Council of Senior Citizens—employs 60 individuals who serve an estimated 3,000 persons. Among their activities are: hospital aides, assist-

XUM

ants in training hardcore unemployed young men, and service to elderly persons to alleviate loneliness and to stimulate renewed interest in community living.

Another outstanding example is the Foster Grandparent Program, which enables more than 250 New Jerseyans to provide supportive services for approximately 1,600 disadvantaged children. At my visit last year to Woodbine, I was most favorably impressed by the natural empathy between the foster grandparents and the children—to the point where many elderly persons provide additional care for the youngsters beyond scheduled working hours.

These pilot projects and others have demonstrated conclusively that there is both a need and a demand to make greater use of the wealth of talent and experience with which older Americans are so richly endowed.

We have heard testimony at the grassroots level from elderly persons about pressures on their limited resources and the benefits to be derived from service in their communities. One New Jersey Green Thumber told us:

"Green Thumb . . . has done a wonderful thing for me; it has put me on my feet. I don't have worries now and I like the work."

An elderly man, who was partially crippled with arthritis, found that his health improved substantially after obtaining employment. He said:

"By getting out there in the open and moving around and working, painting, and repairing park tables and everything that could be expected in a recreation center, it seems as though it just loosened me right up completely and I feel a whole lot better all the way around."

We don't need any more proof that these programs will work. We have already received much compelling testimony from elderly participants, individuals served, and community leaders. What is needed now is a genuine national program responsive to the special needs of older Americans.

RESULTS OF THE CAMBODIAN SANCTUARY OPERATION

Mr. GRIFFIN. Mr. President, I ask unanimous consent to have printed in the RECORD a summary of the results of the Cambodian sanctuary operation as of 8 a.m. June 25, 1970.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

RESULTS OF CAMBODIAN OPERATION, JUNE 25, 1970

	Number	24-hour change
Individual weapons	20,457	+15
Crew-served weapons	2,462	+17
Bunkers/structures destroyed	11,537	+578
Machinegun rounds	4,047,817	(1)
Rifle rounds	9,379,090	+22,150
Total small arms ammunition (machinegun and rifle rounds)	13,426,907	+22,150
Grenades	55,220	+1,046
Mines	5,448	+23
Miscellaneous explosives (pounds) (includes satchel charges)	81,000	(1)
Antiaircraft rounds	184,245	(1)
Mortar rounds	66,283	(1)
Large rocket rounds	2,126	(1)
Smaller rocket rounds	40,342	+4
Recoilless rifle rounds	28,206	+35
Rice (pounds)	13,636,000	+54,000
Man-months	299,992	+1,188
Vehicles	424	+4
Boats	117	(1)
Generators	49	+13
Radios	241	(1)
Medical supplies (pounds)	67,000	+13,000
Enemy KIA	11,158	+17
POW's (includes detainees)	2,299	+48

[1] Unchanged.

Note: Figures do not include 76 tons of assorted ammunition.

LET US GIVE THE ECONOMY A CHANCE

Mr. HARTKE. Mr. President, I and other concerned citizens throughout the Nation are extremely pleased that President Nixon has finally addressed himself to the economic crisis that has plagued this country for many months. His talk probably has helped stem a disastrous stock market decline. The economy is in trouble, but last month's precipitous stock decline reflected a profound mental shock to the Cambodian invasion, and a creeping panic that the economy had been abandoned by the administration. Panic has been avoided, but the economic problems remain unresolved and the market could easily decline again.

As a prescription for economic health, President Nixon's message is curiously unrefreshing. For real problems he offers procedural remedies.

Since President Nixon took office unemployment has increased from 3.3 percent to 5 percent adding more than 1.3 million Americans to the unemployment rolls.

We are now in the first recession since 1960, and instead of a forecasted little or no increase in gross national product, it declined 3 percent—the largest decline since the last quarter of 1960.

We suffer the highest interest rates since the Civil War, with Penn Central, the world's largest private transportation company, being forced into bankruptcy because it was unable to sell its bonds even at 10½ percent interest.

Inflation highballs along unabated at an annual rate of 6 percent, the highest continuous rate in 20 years.

We have suffered the longest and deepest decline in stock market prices since 1929, causing losses of over $250 billion.

Finally, despite a forecasted budget surplus, of $1.3 billion the administration now admits to a $1.3-billion deficit with a $8-billion deficit more plausible.

In response to these grim and gray horses of the Apocalypse, in response to some of the gravest economic problems we have ever faced, President Nixon has boldly created a conference, a board, and yet another procedural apparatus that no one yet has been able to adequately describe. Surely our economic difficulties are grave enough to require not just further conferences and studies but action. These problems will not disappear by building commissions around them.

In his July 17 talk, President Nixon extolled at great length the undeniable achievements of the U.S. economy and the virtues of our free enterprise system. The desirability and basic strength of our free economic system is not now in question. But I and many other concerned Americans question the economic policies that have brought this economy to such a low state.

We need Presidential leadership that appreciates the problems facing every American—the skilled worker suddenly and brutally forced from his job, the housewife paying more but getting less for her groceries. These are the problems the President and his economic policy should face. Our economy is strong, strong enough to survive even the present economic policy; but the strength of our economy does not excuse lack of leadership, and the need to judge programs by performance.

Let us then face the problems of increasing unemployment and inflation. Let us offer solutions that address these problems, not avoid them.

President Nixon's proposed inflation alert system is not a genuine income policy. The battle against inflation has been completely lost. For example, food prices will be even higher in August than they are now. The proposed inflation alert system not only has no teeth but no meaning. If you refuse to single out specific industry price rises as inflationary then no guidelines have been established. Financial commentators cannot decide what the President has done. Imagine the confusion of the business community. The administration must abandon its dogmatic insistence that fiscal and monetary polices alone are sufficient to curb inflation. The inflationary record of the past year belies that assertion.

A good part of the price inflation of the last year must be blamed on President Nixon's public renunciation of price guidelines. Decisionmakers in large, administered-price industries took the President's decision of no public intervention as a signal for open season on price boosting. At a time when all weapons against inflation were needed, the President stubbornly refused to establish guidelines. No one claims that price guidelines are a cure-all for inflation, but they are a modest anti-inflationary tool which has been modestly successful in the past. In 1968, those industries subjected to White House "jawboning" had price rises of only 1 percent, compared with almost 3½ percent elsewhere. But in 1986, without "jawboning" the same group had price rises of 6 percent while others moved up only by 3.5 percent.

Although President Nixon terms wage/price controls a "politically expedient" course, few major political figures have advocated it. In any case, without any self-serving rhetoric, I do not urge wage-price controls because they are not necessary and will not work at this time.

There is however, a need for meaningful wage-price guidelines placing the power, persuasiveness, and prestige of the Presidency behind a genuine income policy. Guidelines have been successful in the past, the President needs to act now.

I agree completely with Mr. Nixon that productivity must be increased to achieve price stability and an increased standard of living. The slowdown in the normal growth of productivity is a major element in increased inflation. President Nixon acknowledges this but last year he proposed and obtained the repeal of the investment tax credit. Before it was repealed, it was one of the few measures enhancing this Nation's productivity—and I was one of the few who spoke for its retention.

The investment tax credit was not perfect and better alternatives could be conceived; but it offered, as I stated on November 21 of last year the—

XUM

> Hope of breaking the present cost-push inflationary cycle. With no attempt by the Administration to influence prices or wages, the continuing improvement of our industrial capacity by the introduction of cost-cutting productive equipment would seem to be the only factor driving costs and prices down. Are we to stop inflation by increasing unemployment or by increasing productivity?

Little has changed since I made that statement more than 8 months ago except that the President deliberately chose the course of increased unemployment rather than increased productivity. It was shortsighted almost to the point of blindness to repeal the investment tax credit without providing some substitute measure stimulating productivity.

The President's Productivity Conference will be helpful but as Mr. Nixon said, the commission should "give first priority to the problems we face now." Substantial improvement in productivity will not be achieved by a study of the efficient use of paper clips. It is time for the President to undo what he did last year and submit for congressional approval legislation which would stimulate productivity. We must adopt economic policies enhancing productivity allowing use to view the future as an opportunity, not as a problem.

Finally, the President has created a Regulation and Purchasing Review Board to determine what Federal regulations drive up costs, but he refuses to act on the recommendations of a previous Presidential task force that gave him answers to that question. The majority of the Cabinet task force on oil imports found the present oil import system unnecessary and costly to the consumer. The President responded by appointing yet another commission. The board announced by President Nixon on July 17 will have the scarcely welcome opportunity to study this area once again. It is late, but not too late for the President to implement the majority recommendation of the Cabinet task force on oil imports. The President should act now.

XUM

President Nixon next discussed an 8 point legislative economic program some of which has already been passed by the Senate. I voted for these measures and will gladly support most of the rest. Even if we enacted these legislative programs—our economic problems will remain. President Nixon's economic program is a hodge-podge of piecemeal, inadequate, and contradictory proposals. There is truly something old, something new, something borrowed, something blue. It is contradictory to talk about increasing job training while pursuing a policy that reduces jobs. It is ironic to talk about providing emergency assistance to railroads and some small businessmen while continuing the tight-money policy which caused their problems in the first place.

The basic purpose of President Nixon's economic program is to escape the consequences of this past economic policy. But rather than reacting on a piecemeal basis to self-made disasters, rather than trying to stem the consequences of one economic "success" after another, he should abandon policies that promise only failure. He should institute economic policies that reestablish economic vitality.

President Nixon stated that—

> The Administration by its spending restraint has set the example in this past year.

I wish this was true but the Federal economic house is in a state of disarray. Administration spokesmen finally acknowledged what has been obvious for months that their budget surplus is in fact a deficit. This deficit will add greatly to the already crippled credit markets, and will force more and more small businessmen to ruin. And yet, this deficit was caused by the very factors that the administration has paraded as examples of its success.

Why do we have a deficit? We have a deficit because the administration has so slowed down the economy that Federal revenues have drastically declined. We have this deficit because the administration has so increased unemployment that the Federal Government must pay more than anticipated for unemployment compensation. We have this deficit because the Federal Government is paying more for its debt.

High interest policy is supposed to be good for the Government but a funny thing happened on the way to the bank, when the Government got to the bank to borrow, it had to pay the highest interest rates in 100 years. Finally, the Government like everyone else, is paying more but enjoying it less. The administration policy has now become so successful that it is no longer just crippling the businessman, the worker, the economy, but in fact, the successful operation of Government itself.

Economic health can only be restored when we abandon present economic policies and I, therefore, propose the following eight steps for restorting economic health:

HARTKE'S PLAN FOR ECONOMIC HEALTH

First. A genuine balancing of the Federal budget to reduce the severe strain on credit markets which are crippling the housing industry, the small businessman, and State and local governments. Savings can be achieved in the Federal budget if we have the will. For example, there could be imposition of a $20,000 ceiling on farm surplus payments which would result in a $180 million savings; cancellation of the SST appropriation, a plane for the wealthy only, which would save $289 million; substantial reduction in our military expenditures in Europe; reduction in the Department of Defense 50 percent price differential for overseas procurement to the 6 percent and 12 percent levels used by other agencies and departments which would save $40 million; elimination of the funds for the 40 additional F111's, thus cutting another $350 million out of the fiscal 1971 budget; further reductions in foreign aid; elimination of the appropriations for the ABM and elimination of the $200-million appropriation for the benefit of Lockheed Aircraft Co. for a claim that is neither justified nor owned by the U.S. Government.

These are just some of the ways that a genuine attempt to balance the budget can be made. However, I must confess that if President Nixon insists as he is now doing on slowing down the economy, balancing the budget will be impossible. His policy leads inevitably to higher taxes, as already suggested by Secretary of the Treasury Kennedy before the Senate Finance Committee last week.

Second, we must abandon a high interest policy that has starved the lean and feasts the fat. The failure of this policy is clearly revealed by the refusal of the Federal Government to live by it. For the last 3 months, up to 2 weeks ago, all sources of credit were allowed to grow at the fantastic rate of 9 to 10 percent. The Federal Reserve engaged in a silent massive rescue operation for the Federal Government. As reported by the New York Times:

> The Federal Reserve embarked on a substantial campaign to shore up the sagging and long-term bond market.

The present monetary policy might be characterized as credit for the Government, high interest rates for large corporations if they are lucky, and bankruptcy for small businessmen. It is time to abandon monetary policy that even the Government cannot endure. If the Federal Reserve System can bail out the Government, it can lower interest rates for all. Without such a low interest rate policy, we cannot cope with the credit needs of our large corporations, of municipalities and small businessmen.

Third, we should establish a genuine income policy which would promulgate meaningful wage and price guidelines to effect price decisions of those industries only marginally influenced by free market pressures. This is the policy that has been advocated by both Arthur Burns, the new Chairman of the Federal Reserve System, and Pierre Paul Schweitzer, managing director of the International Monetary Fund.

Fourth, we should stop blaming the American worker for the present inflation. More than a million Americans have been forced from work in the last year. When Nixon took office there was 3.3 percent unemployment, now there is 5 percent unemployment. Most of the new unemployed are skilled workers, workers who never before had to worry about a pink slip in the pay envelope. These men did not cause inflation; taking their jobs away will not cure inflation. The administration should have a policy to create jobs, not unemployment. I have introduced a bill providing jobs for every man able to work. This program will also cushion economic dislocation caused by any conversion from a war to a peacetime economy. We need a policy of full employment rather than unemployment.

Fifth, we should provide a 10-percent increase in social security benefits by next year and another 20 percent by 1972. The President admitted last week that the 15-percent increase in social security, which he originally threatened to veto, has kept our economy going. The economy needs another burst of purchasing power. The most important reason for social security increase is to help our senior citizens escape the trap of poverty that all too often accompanies old age. But, an important side benefit of increased social security benefits would be to stimulate our economy where it is most needed. We can be assured that money paid out in social security benefits will find its way into the economy quickly. Senior citizens, on limited incomes, will put that money to work in our economy right away. The goods they purchase will help keep the economy healthy and stimulate employment.

Sixth, we should abandon the present oil imports quota system, as recommended by the President's own oil imports Cabinet task force. This system adds to the cost of gasoline for every consumer and fuels the fires of inflation.

Seventh, an orderly and systematic withdrawal from Vietnam as proposed by the amendment to end the war is a sound financial proposal. Rather than hiding the cost of the war in Vietnam as is presently done, this proposal enumerates clearly Government costs and provides for clear economic planning. It is becoming increasingly clear that our present inflation started with the escalation in Vietnam. True economic health cannot be restored until we end the war.

Finally, we should undertake measures immediately to increase this country's productivity. One of the most unsettling symptoms affecting our economy is the market falloff in business productivity. Output per man-hours in 1969 rose at less than 1 percent, compared with a 3.3 percent average since 1945. Productivity is a real test of our strength as a nation. We must implement policies that realize that when business is profitable, and workers productive, government prospers.

Now is the time to abandon policies that threaten to destroy us. Now is the time to choose policies that fight inflation, not the economy.

All I am saying is: Let us give the economy a chance.

ENVIRONMENTAL QUALITY: AN ALTERNATIVE TO THE INTERNAL COMBUSTION ENGINE FOR THE URBAN COMMUTER

Mr. TYDINGS. Mr. President, increasing evidence shows that the current urban transportation system based on the internal combustion engine is a grave environmental health hazard. Most urban smog results from the activity of sunlight on the hydrocarbons and nitrogen oxides released from the auto exhaust pipe; carbon monoxide and lead—compounds deadly poisonous to human lungs—are discharged into the air by the explosion of gasoline in an internal combustion engine.

Medical researchers find automobile pollution a growing health menace in every city with a population of 50,000 or more. They are finding that lung cancer, heart ailments, respiratory diseases, and eye infections increase in proportion to the increase in the number of automobiles on the road.

The automobile industry is responding to this environmental health crisis by installing devices to reduce harmful automobile emissions. However, these devices will not significantly reduce the amount of pollutants released into the air, since by 1980 twice as many automobiles will be on the road as in 1970.

Not only do automobiles propelled by the internal combustion engine make huge contributions to air and noise pollution, but also they consume vast amounts of scarce city acreage for parking. Automobile junkyards are decorating our landscape at an alarming rate. The more space-eating highways we build, the more cars fill them up.

I wish to call the attention of my colleagues to a two-wheeled alternative to this urban quagmire—the bicycle.

Bicycles emit no fumes, and they do not pollute. They do not fill roadside junkyards with rusting wreckage. They are fast during rush hours; they even start in cold weather. Since there is no engine, they make no noise. They are easy to park. They are vehicles for personal and societal health and fitness. They are even fun.

More and more people are converting to the two-wheeled alternative. Sixty-four million Americans are riding bikes this year. In 1969, over 40,000 bikes were sold in the Washington area; there are over 1,200 regular commuters; 15,000 miles of bikeways from Maine to California have been completed in the last 3 years. In the District of Columbia, the National Park Service has designated portions of Rock Creek Park closed to automobiles on Sundays to reduce the traffic hazards that constantly discourage cycling. The National Park Service is also to be commended, for they are in the process of constructing a system of bikeways in the District.

In the Washington Post of June 14, staff writer Carl Bernstein, in an article entitled "Commuter Cycling Picks Up Speed," documents the growing interest in this alternative for urban mobility. There is indeed—

> A rapidly increasing number of persons who, in cycling to and from work, have discovered a quicker, cheaper, healthier, nonpolluting alternative to packed buses, long lines of creeping automobiles, parking safaris and Washington's rush-hour taxicab shortage.

Rather than regarding bicycles as toys, we should regard them as viable, nonpolluting, inexpensive, and healthy means of urban transportation.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COMMUTER CYCLING PICKS UP SPEED

(By Carl Bernstein)

When Clay Gubric opened his Towpath Cycle Shop in 1966, he counted three or four bicyclists pedaling home from work on a busy weekday. One day last week, more than 50 commuting cyclists, most of them dressed in business suits or skirts, passed by his shop in Georgetown during the evening rush hour.

They are among a rapidly increasing number of persons who, in cycling to and from work, have discovered a quicker, cheaper, healthier, nonpolluting alternative to packed buses, long lines of creeping automobiles, parking safaris and Washington's rush-hour taxicab shortage.

The bicycle commuters—an estimated 1,200 of them in the Capital area—represent only one phase, however, of a bike-riding boom by adults in Washington and other big cities.

Despite the economic downturn that is hurting other retail businesses, bicycle dealers here and elsewhere report that sales have reached record levels. In 1969, more than 7 million bikes were sold in the United States—twice as many as 10 years earlier.

To accommodate the increasing number of cyclists here (40,000 bikes were sold in the Washington area last year), a two-mile stretch of Beach Drive in Rock Creek Park is closed to automobile traffic every Sunday from 9 a.m. to 6 p.m. and opened to hundreds of bicyclists. A three-mile bike path, one of a dozen such urban trails in the United States developed with federal funds, opened recently in Arlington County and is already often overcrowded with cyclists.

The Smithsonian Institution, the Commerce Department and several other government agencies have installed bike racks for their employees. A marked "bikeway" advises bicyclists of the quickest and safest way to pedal across town from RFK Stadium to the C&O Canal towpath. True Magazine ("For Today's Man") has decided that bicycling is as good a gauge of manhood as, say, horsepower, and features a cover picture and photo-essay this month on "The Growing Bike Craze: Everyone's Rolling Along."

If there is any lingering doubt that a bicycle renaissance has arrived, such notion might be dismissed by the black-and-white signs now being posted by the National Park Service along roadways in Rock Creek Park. "All persons have equal rights when driving cars or riding bikes," the signs proclaim.

Like other bicycle dealers here, Clay Gubric attributes the cycling boom to a change of image in which the bicycle is no longer regarded as a toy, but as a utilitarian machine—the same role it served in the last decade of the 19th century, when the bicycle was the primary means of individual transportation in American cities, except for walking.

Dating to the early 1800s in its crudest form—a hobbyhorse with wheels—the bicycle by 1865 had become known as a velocipede and sported a huge front wheel, above which the rider was perched on an iron seat.

The big front wheel was fine for gaining speed, but the precarious position atop it often resulted in "headers" as the luckless rider lost his balance and was catapulted forward.

It was not until the development of the safety bicycle in 1874 that the prototype of today's machine, with two wheels of equal size driven by a chain running on two sprockets, was marketed.

Since then, the bicycle has been "the simplest and most economical means of personal mechanical transport" known to man, in the words of the Encyclopedia Britannica.

"Everybody seems to be rediscovering the bicycle at once," says Mel Pinto, owner of Sports and Cycles International in Arlington—a shop that, like Gubric's, sells primarily to adults.

"The situation is so hectic now," says Hal Weber, manager of the Chevy Chase Bicycle Service, "that there is a shortage of bicycles throughout the country." The shortage is particularly acute among the sophisticated, 10-speed bikes—many of them foreign made—that are gaining popularity with adults because of their light weight, potential speed and relative pedaling ease.

The 10-speed machines are equipped with a much wider gear ratio than either three-speed or single-speed bikes, thus enabling the rider to maintain a constant pedal speed, regardless of grade changes and wind conditions.

Judging from the people who can be found pedaling two-wheelers through the streets of Washington on almost any day, bicyclists are stock brokers and congressmen, secretaries and lawyers, students and government clerks, librarians and teachers, youngsters and oldsters.

XUM

United in their aversion to bad weather, homicidal motorists, bicycle thieves and exhaust pollution (so noxious that daily shampoos are a necessity for most regular riders), they regard such hazards as minor compared to what they consider the advantages of cycling.

FASTER BY BIKE

"It's faster by bike," says Michael Mulroney, a tax attorney who estimates he has covered more than 2,800 miles pedaling eight miles twice a day between his home in Alexandria and office in downtown Washington.

"I can beat the bus by 15 to 20 minutes and can easily equal the driving time by car if there's heavy traffic, no head wind and I'm in shape," he says.

Rep. Bob Eckhardt (D-Tex.), who has ridden his lightweight English bike to Capitol Hill almost every workday since he came to Congress in 1967, finds that "you see things from a bike that you don't notice in a car."

Eckhardt usually makes a leisurely trip from his Georgetown home to the Hill in about 25 minutes, riding alongside the Potomac River to the Lincoln Memorial, then onto the sidewalk next to the Reflecting Pool ("by that beautiful glade of trees"), across the Mall and into the House garage.

"This is a great city for bicycling," said Eckhardt, 56. "The terrain is ideal. But the traffic is terrible," he adds, urging that a bike path be created to link Rock Creek Parkway with the C&O Canal—thus avoiding the Georgetown traffic jams.

Like many cyclists, Harry Bernard, an auditor for the Internal Revenue Service, took up bicycling on the advice of his doctor.

"He told me to try either cycling or jogging," recalls Bernard, 51. "I tried jogging but it got boring, going over the same slow route every day. Jogging might be good for you but you feel like you're going to drop dead any minute.

TOOK SON'S BIKE

"So one day I took my son's bike to work. It was like a revelation. I went through the park and I could smell the trees. I pulled up on the grass to look at the ducks. I'd been cooped up on the car for so long I forgot there was such a thing as honeysuckle."

Since then, Bernard has learned that "on the main streets you can thread your way through the traffic. While everybody's lined up for three blocks, waiting for the light to change, I use the side of the lane and zip right up front," he explains. "When I drove a car to work I would get mad as hell, just sitting there going no place. Especially when it was hot. No more."

For Therese Lepine, a secretary in the office of Sen. George D. Aiken (R-Vt.), heat and rain are—except for traffic—the major obstacles to bicycle commuting.

"The rain you can't do much about," she says. "I keep a change of clothes at the office and wear shorts when I ride on hot days"—a solution used by many bicycle commuters.

Not all serious cyclists are commuters, of course. Many, like John Flynn, 51, prefer long-distance cycle touring or hosteling to pedaling on their home turf.

"There's no better way to see the country than on a bicycle," says Flynn, a desk clerk at the Fairfax Hotel who cycles to New England each summer.

"I don't like to hurry. I usually take about three days to go to my family's home in Rhode Island, then another three or four days to New Hampshire. I've never taken the same route twice. I like to wake up in the morning and say: Well, which way should I go today?"

The bicycle's role as a nonpolluting mode of transport seems to go unnoticed by few riders. Indeed, many cyclists harbor fierce antipathy for what they regard as an automobile culture that is choking the nation with fumes, speed, noise and concrete.

"There are more and more kids my age who are rebelling against cars and buses," maintains Jude Sanches, 21, who commutes by bike from her Arlington home to her job as a sales clerk at Peterson's Warehouse in Georgetown.

"It's like why pollute the air and contribute to building more highways when it's more fun to bike in the first place?" she asks.

Miss Sanches, who says she gladly gave up hitchhiking for bicycling, is among a growing group of cyclists who regard pedaling as an almost political act and inevitably flash the two-fingered peace symbol upon encountering another person on a bike.

While exhilarating, cycling on Metropolitan Washington's streets can also be somewhat terrifying, which is why Miss Sanches rides to work on a path adjacent to some unused railroad tracks in Arlington, instead of on Lee Highway.

"Too many drivers don't believe bicycles have a right on the road," she says, echoing the single complaint most often heard from bicyclists. "They lean out their windows and curse at you, or they honk their horns and proceed to run you off the shoulder of the road."

For just such reasons, Clay Gubric, former City Councilwoman Polly Shackleton and other bicycle advocates have urged that certain streets be designated for bicycling and closed almost permanently to automobile traffic.

Meanwhile, in the absence of such action, some members of the bicycling minority are becoming more militant.

Recently, the driver of a big Buick Riviera, within plain view of one of the park service's antidiscrimination signs, forced a cyclist off the road and, according to the bike rider, drove off laughing.

At a stoplight half a mile ahead, the cyclist caught up with the Riviera. Dismounting from his trusty 10-speed steed, the rider purposefully walked up to the car and proceeded to kick a good-sized dent in the rear fender.

The motorist, caught in traffic on a road too narrow to make a U-turn, watched helplessly as the pedal power advocate remounted his bike, clenched his fist and headed off into the opposite direction with the words "Ride On."

BRIGHAM YOUNG UNIVERSITY TRACK STAR SMASHES WORLD'S HURDLE RECORD

Mr. BENNETT. Mr. President, I wish to acknowledge a great athletic feat performed recently by a fine young man who not only represents his school and State but also is an example of young manhood.

On Saturday, June 20, Ralph Mann of the Brigham Young University track team smashed the Drake University stadium record, the NCAA meet record, the collegiate record, the American record, and the world record when he ran the 440-yard hurdles in 48.8 seconds.

The previous world record in the high hurdles was 49.3 seconds held by Gert Potgieter of South Africa. This record was set in 1960 and was the oldest world record in the track and field record books until Mr. Mann broke it.

This young man, 20 years old, is only in his junior year at BYU. Surprisingly, when he graduated from high school, no university except Brigham Young offered him a chance to participate on their team. Since coming to BYU he tied the American record last year at the NCAA finals and also won the 440-yard hurdles at the AAU track meet in 1969. He has certainly been a pleasant surprise for all concerned.

In high school, Mr. Mann often ran against Wayne Collett, from UCLA, but was never able to beat him. On the day Mr. Mann broke all the records, it was Mr. Collett who challenged him and pushed him on to win.

His BYU coach, Clarence Robison, has said he has never coached an athlete with such dedication to the sport as Mr. Mann has.

I would like to congratulate Ralph Mann on this great accomplishment and wish him continued success in all his endeavors, athletic or otherwise.

I ask unanimous consent that an article on the recordbreaking accomplishment by the distinguished Bill Coltrin of the Salt Lake Tribune be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COUGAR ACE SMASHES WORLD HURDLE RECORD—MANN RUNS EVENT IN 48.8 AT NCAA TRACK TOURNEY

(By Bill Coltrin)

DES MOINES, IOWA.—Incredible Ralph Mann of Brigham Young University smashed the Drake University stadium record, the NCAA meet record, the collegiate record, the American record—AND—the world record here Saturday when he ran the 440 yard hurdles in 48.8.

The University of California at Berkeley won its first national championship in 48 years when the Bears used a terrific corps of sprinters to run up 40 points.

Brigham Young University, Kansas and Oregon all scored 35 points and tied for second place. Following them were Washington State with 31, Oregon State 31, Villanova 26, UCLA 24, Texas El Paso 22, and USC 22.

RECEIVES OVATION

Mann, only a junior at BYU, 21 years old and married less than a month ago, received a standing, howling ovation from the 15,000 fans gathered here to watch the finest collegians in the NCAA championships.

These are the records Mann broke—stadium, 49.4 (held previously by Mann); collegiate and NCAA, 49.6 (held previously by Mann and Rex Cawley of USC); American, 49.6 (previously held by Cawley and Mann); world, 49.3 (previously held by Gert Potgieter of South Africa set in 1960).

"I was so shaky I could hardly climb into the blocks," Mann said after his world record race. "I was just afraid I was going to lose. But once I got going, I lost the jitters.

"I got him between the seventh and eighth hurdles," Mann said of his struggle with UCLA's Wayne Collett who finished second.

"That's a fabulous track." Mann smiled as he analyzed Drake University's Tartan oval, "and I don't know what I might have run if it hadn't rained."

Mann, who watched a driving rainstorm drench the runners in the 3,000 meter steeplechase, made a change of equipment before his race. He changed to longer spikes because he felt the footing might be a little tricky on the soggy, artificial track. He obviously didn't slip.

CHANGES ROUTINE

He also decided to cut down one hurdle on his 13-step routine. He only went six of the 10 hurdles with 13 steps in between and then ran the last four with 15 steps. Before the race he had planned to go the first seven hurdles with 13 steps.

Two other hurdlers, Collett of UCLA and West Williams of San Diego State, were figured to beat Mann by most of the scores of experts around Des Moines.

Williams never was a threat, but Collett, a tremendous quarter-miler, led through six hurdles until the superior hurdling class of Mann paid off.

ALSO TOPS MARK

Collett also bettered the world record as he finished in 49.2. Collett then came back to run a 44.5 lap in leading UCLA to victory in the mile relay.

BYU's Altti Alarotu finished second in the pole vault after five hours of competition. Alarotu cleared 17 feet on his first attempt, injuring his heel in the process. He was awarded second place on the basis of fewer misses. Texas El Paso's Paul Hegler also cleared 17 feet and finished third.

The winner in the event was Jan Johnson of Kansas who said over 17–7, tying the NCAA record. However, Johnson's mark will not be allowed because the runaway from which he jumped ran slightly downhill.

WELLS FINISHES FIFTH

Doug Wells of the University of Utah ran the fastest 1,500 meters by 25 seconds that he has ever run in his life to capture fifth place in the 10-event decathlon.

On Saturday Wells also had the best javelin throw of his life and was a happy, husky, young man after the meet.

He would like to compete in the AAU next week, but, he said, "I am a working man with a family and unless I find some money I won't be going." His Saturday scores went like this: 110 meter high hurdles, 16.5; discus, 147-8½; pole vault, 9-6½; javelin, 191-9; 1,500 meters, 4:53.1.

Another two records went down the drain, one almost literally, as well as figuratively. In a drenching, almost flooding rainstorm Sidney Sink of Bowling Green broke the steeplechase record when he ran 8:40.9. This breaks the NCAA meet record of 8:44.4 set by Jim Barkley of Oregon State in 1969.

HINDLEY TAKES FIFTH

Dave Hindley, who ran the 3,000 meter steeplechase qualifying on Thursday, took second in the six-mile Friday, stayed tough and durable as he took fifth for Brigham Young University.

The other NCAA meet record went to a freshman, Steve Prefontaine of Oregon, who blazed out a 13:22.0 three-mile. The old record was 13:38.8 set by Gery Lindgren of Washington State.

ABM, MIRV, SALT, AND THE NUCLEAR ARMS RACE

Mr. GORE. Mr. President, the Subcommittee on Arms Control, International Law, and Organization, of which I have the honor to be chairman, will hold a further—and perhaps final—hearing in the series on ABM, MIRV, SALT, and the Nuclear Arms Race at 10 a.m. on June 29. The witnesses will be Dr. Sidney D. Drell, deputy director, Stanford Linear Accelerator Center, and Dr. M. L. Goldberger, professor physics, Princeton University. The hearing will be public and will be held in room 4221, New Senate Office Building.

This morning I issued a statement explaining the reasons for this hearing and releasing the texts of letters I have received from Dr. Drell and Dr. Goldberger. I ask unanimous consent that my statement and the letters from Dr. Drell and Dr. Goldberger be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR ALBERT GORE

On June 4 Dr. John Foster, Director of Defense Research and Engineering, in testimony before the Subcommittee on Arms Control, International Law and Organization referred to an ad hoc panel of scientists, headed by Dr. Lawrence H. O'Neill of Columbia University, which had reviewed the Administration FY 1971 plans for the Safeguard antiballistic missile system. Dr. Foster told the Subcommittee that the O'Neill panel had reported to Secretary of Defense Laird that the equipment proposed for the Safeguard system would, in Dr. Foster's words, "do the job that the Department of Defense wants to do." The clear implication of Dr. Foster's statement was that the panel supported the Pentagon's arguments justifying the next phase of the Safeguard ABM system.

Following Dr. Foster's testimony two distinguished members of the O'Neill panel challenged Dr. Foster's description of the panel's role and took direct issue with his characterization of the panel's findings. In this connection, I am releasing the text of letters to this effect which I have received from two members of the O'Neill panel, Dr. Sidney D. Drell, Deputy Director, Stanford Linear Accelerator Center, and Dr. M. L. Goldberger, Professor of Physics, Princeton University.

In view of the serious issues raised by these two noted physicists regarding Dr. Foster's testimony and the activities of the O'Neill panel, the Subcommittee has invited Dr. Drell and Dr. Goldberger to testify in public session. Both men have accepted and on June 29 the Subcommittee will hear their comments on Dr. Foster's testimony and their views on Safeguard Phase II. The hearing will begin at 10:00 A.M. and will be held in Room 4221, New Senate Office Building.

PRINCETON UNIVERSITY, DEPARTMENT OF PHYSICS, JOSEPH HENRY LABORATORIES,
Princeton, N.J., June 11, 1970.

HON ALBERT GORE,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR GORE: I am writing to you in connection with the testimony before your committee presented by Dr. John Foster on 4 June.

Although I have not seen Dr. Foster's testimony, I have been informed that I was named as a member of a panel chaired by Dr. Lawrence O'Neill whose report was described by Dr. Foster as follows: ". . . the report was sent to the Secretary of Defense, and what it said was that this equipment will do the job the Department of Defense wants to do."

I can only presume that the implication here is that our panel supported the arguments presented by Dr. Foster and the Department of Defense in justifying the next phase of Safeguard to your committee.

The report took no such position. We were *not* presented with a definite deployment proposal with stated objectives against which systems performing could be measured. Our guidelines were only the original objectives for the Safeguard deployment made by President Nixon on 14 March 1969, and certain budgetary and schedule limitations. We analyzed certain alternative deployment options designed to maximize, insofar as possible, the effectiveness of defense against various threats. We did not address the question of the wisdom of continuing to obligate funds for ABM nor were we asked to recommend a level of funding for a next phase of deployment.

The extent to which any of the deployment options considered by the Panel meet The President's announced objectives is discussed in detail in the report which is classified Secret. I can therefore not describe them here but would strongly urge you to request a copy of the Panel report submitted to Secretary Laird on 27 January 1970.

I have spoken publicly in opposition to the proposed next phase of Safeguard deployment and would be happy to submit my views to you in writing or in person.

Sincerely yours,
M. L. GOLDBERGER.

SLAC,
Stanford, Calif., June 5, 1970.

Hon. ALBERT GORE,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR GORE: In his testimony of June 4, 1970 before your subcommittee Dr. John Foster, DDRE, introduced my name as a participant in a study* that he initiated for the purpose of advising him on various possible Safeguard ABM programs for fiscal year 1971.

I am writing this letter to make as clear as I can what were the scope and limits of the activity undertaken by this ad hoc panel because it seems to me that Dr. Foster's remarks indicate that we made recommendations which in fact we did not make. Of course these points would be totally clear if the panel report, submitted to Secretary Laird on January 27, 1970 and classified Secret, were made available to you and your subcommittee.

1) The panel was asked for its advice on the basis of scientific, technical, schedule, and budgetary considerations only, and on the assumption that the President and Congress, after review, decided to continue to approve the obligating of additional funds for ballistic missile defense. We were specifically *not* asked to judge the wisdom of such an assumed decision nor were we asked to advise on a sensible or desirable level of the additional funds.

2) Dr. Foster remarks during his testimony that ". . . the report was sent to the Secretary of Defense, and what it said was that this equipment will do the job that the Department of Defense wants to do." *That is an incorrect statement* since the report contains no such far-reaching conclusion. What we did say in our report is classified Secret and therefore I cannot elaborate further here; I do so under separate cover.

3) Dr. Foster remarked that "they had some recommendations and, for example, they would like to add the smaller radars, a decision we had already made or at least they concurred in that decision." Along with most supporters as well as opponents of the Safeguard program we did indeed support the work on further development of the technologies based on smaller radars for an effective hard point defense of Minuteman—but the question of whether these are to be *added* to Safeguard hardware or are to *replace it* entirely for accomplishing this mission was not addressed.

4) On May 6, 1970, I had the privilege of testifying concerning the Administration's proposed expansion of the Safeguard ABM system before the Subcommittee on Defense (Chairman—George Mahon of Texas) of the Committee on Appropriations (Chairman—George Mahon) of the U.S. House of Representatives. This testimony was given in closed session and both the formal testimony and the discussion following it were at the Secret level. By separate mail I am sending you a copy of my full statement. I believe the transcript of this hearing will soon be printed. In the meantime I would like to quote several unclassified paragraphs from this testimony to make my own views clear

---

*Chaired by Dr. Lawrence H. O'Neill, President, Riverside Research Institute, and Professor of Electrical Engineering, on leave of absence, Columbia University.

XUM

in the light of Dr. Foster's testimony (italics added for present emphasis):

"Here I ask only whether Safeguard can accomplish an assigned mission of protecting Minuteman.

"My answer in substance is NO. *There have been extensive studies, and I believe it is fair to say that all now recognize that Safeguard, even working perfectly, and with a full nationwide Phase II deployment costing about $10 billion can be effective in preserving 300 Minuteman missiles, which is deemed adequate as a retaliatory force, against only a very narrow band of models of an assumed Soviet strike.*

"The trouble with Safeguard for "*hard point defense*" of the Minuteman system is that it is built exclusively of radar and missile components that were engineered for a *city defense* in the old Sentinel system."

* * * * *

"Today I am here to oppose strongly the proposed expansion not only because of the known technical inadequacies but because, in fact, we have yet to gain any of the experience motivating the Phase I decision that was promised as part of a phased deployment program. At this time no equipment is in place, no parts of the system are complete, and indeed its operating capability under a major attack is still under study. What then have we learned to support the expanded deployment?

"*All analyses of which I am aware make it clear that if defense of Minuteman is the principal or sole mission of Safeguard, its further deployment cannot be justified.* As I hope to have convinced you, it simply fails to respond to the Soviet threats postulated by the Pentagon. What I recommend is moving ahead vigorously with the development work on alternative technologies that we know at present can perform the hard point defense more effectively and economically in the mid to late 1970's, if needed."

* * * * *

"The Safeguard technology as we have argued is not well matched to the mission of hard point defense of Minuteman, nor to that of providing a thin area umbrella. What worries me is that the *technology* of Safeguard *is* best suited for providing a *thick* city defense if it is deployed extensively and with the shorter range Sprint interceptors near to the cities in order to back up the long range Spartans. An evolution in this direction, though technologically attractive, would be counter to the President's expressed goals and *must* be resisted in order to avoid escalation of the arms race to higher levels of cost as well as of potential destructiveness.

"In his speech of April 23, Dr. Foster spoke persuasively of our need to take "R&D hedges" in order to combat the great asymmetry between the USA and the Soviet Union as a result of their secrecy versus our openness in government programs. I support such R&D hedges as vital. What I oppose—and this is the thrust of my testimony—is the pressure to turn such R&D hedges into deployment decisions even if the results of the R&D have shown that the system is ineffective and wasteful of resources. I believe my testimony indicates that the Congress should resist that unwise further evolution of Safeguard.

"We must stop this heedless race soon and the best place to start is by stopping systems such as Safeguard that at best, as I have discussed, are wasteful, ineffective, and expensive. At worst they further propel the arms race by the action-reaction phenomenon described above."

I am available and would be happy to discuss in full my views on ABM and the Safeguard program with you and the Committee.

Very truly yours,

SIDNEY D. DRELL,
Professor and Deputy Director.

NIXON—THE NEW ARCHITECT FOR PEACE—ADDRESS BY SENATOR DOMINICK

Mr. JORDAN of Idaho. Mr. President, the junior Senator from Colorado (Mr. DOMINICK) spoke before a Republican audience in Boston, Mass., on Saturday, June 9, 1970. His speech brings into perspective many of the current issues being discussed in governmental circles.

In the daily sway of debate and rebuttal, when emotion as well as reason are atuned to specific legislative proposals, it requires a remarkable understanding of the constant forward movement of American policy at home and abroad to sense the relevancy of each issue as it becomes a part of the American destiny.

It is with this fundamental concept in mind that the junior Senator from Colorado has reviewed the horizon toward which the President of the United States is moving our country. It would be well for the Senate to take the opportunity to read the Senator's timely remarks.

Therefore, I ask unanimous consent that his speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

NIXON—THE NEW ARCHITECT FOR PEACE

Our Nation continues to boil in the discussion and dissent over U.S. foreign policy. Those of us in public life have been analyzed, dissected, and catalogued in ornithological terms by the media and the public over Vietnam. As circumstances and crisis localities change, the doves become hawks and the hawks become doves, further scrambling the picture. "American Isolationism," the conservative trade mark prior to World War II, has become the liberal rallying cry. "Curbing the powers of the President," initiated by Senator Bricker of Ohio in the 1950's and castigated by the then liberal interventionists, has been translated by the new Democratic leadership into a magic password, enunciated with much heat but little light. Senators have become instant generals, news columnists—tacticians, and generals—politicians.

Furthermore, a new element has been added. Large numbers of college students have appeared in Washington, intent on expressing their concerns over world affairs, and events in Southeast Asia in particular. The vast majority of them are sincere, courteous, and well behaved. Their manner of dress and their verbal expressions seem typical of college campuses all across the country. There have been a few exceptions, of course.

I've had quite a few groups of college students—both graduate and undergraduate students, as well as some college professors—who have met with me and my staff. Between my wife, Nancy, and myself, we have had personal communication with groups of these young people—both at my office and at our home—for a dozen hours or more in all. Members of my office staff have spent at least five times that much time with them, and there has been reasonably good communication back and forth, even though we didn't always agree on all points or even on how to reach those points.

However, the broad picture of Nixon as the architect for a new foreign policy has been ignored, overlooked or forgotten by these groups and by many others in our country.

His steps have already had extraordinary significance and when put into perspective should clear the air for many. Let me just mention a few points which seem to be widely overlooked amidst the shouting and sign-waving.

First of all, in the so-called Nixon Doctrine, which he enunciated in his Guam speech, the President called for a lower profile of American participation in the affairs of other countries around the world. This is the first time we've done that in 10 years. During the entire decade of the sixties, we've been injecting ourselves into the affairs of other areas of the world. Now the President has said to the World that America is going to have a lower degree of visibility without totally withdrawing. He assured our allies and our enemies that we would continue to meet our commitments if necessary, but that our method of doing so would rely far more explicitly on their own defense efforts.

The President spelled out this doctrine clearly in his message to Congress on our foreign policy for the 1970's. He said: "We shall furnish military and economic assistance when requested and as appropriate." And he also said: "We shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense."

The President cautioned that we must be careful to strike a proper balance. If we do too little, other nations may lose the necessary will to conduct their own defense and become disheartened about the prospects for their own economic and political development. But if we do too much, we promote dependence rather than independence.

In line with that doctrine, the President had a re-evaluation made of our defense commitments world-wide, commitments made, I should point out, by civilians, not by the military, and many of them by Senator Fulbright, who is now protesting so vigorously. As soon as Nixon took office in January, 1969, he initiated an in-depth review of our military posture, including a thorough examination of our general purpose forces. This study explored just what our interests are, the potential threats to those interests, the capabilities of our allies both with and without our assistance, and the relationship of various strategies to domestic priorities.

As a result of these studies, we now have adopted a defense strategy which is significantly different from that which characterized the 1960's. Instead of funding a defense capability for handling two and one-half conventional wars simultaneously, the strategy under the Kennedy and Johnson administrations, President Nixon decided that this is no longer a viable course, and that we should reduce our conventional military defense strategy to a one and one-half conventional war capability. This would give us the ability to meet a major Communist conventional attack in either Europe or Asia, and simultaneously contend with a small contingency elsewhere.

This decision involves a substantial reduction of our overall defense forces and a corresponding reduction in our defense expenditures. Defense expenditures in the 18 months of Nixon's administration have been cut 9 billion dollars. In the 1971 budget, for the first time in twelve years this country will be spending more for domestic programs than for defense programs. This is an enormous step forward in re-evaluating our course in order to deal with the priorities we have here at home.

Another major move toward peace can be seen in Nixon's initiatives in the SALT talks. These talks were started in Helsinki and are continuing in Vienna. Whether we can reach agreement and what areas an agreement will reach are still clouded, but the chances of developing some format for arms limitation seem good. Agreements so arrived at will undoubtedly result in further substantial reduction in defense expenditures. As a fallout from these initiatives, we have resumed talks with the Red Chinese in Warsaw. The

Red Chinese, facing imminent danger along their northern border from the U.S.S.R., decided that they could not afford to cut off all communication with the United States while we were meeting with the Soviets. Hence, like Avis, we are now number 2 in the Red Chinese catalogue of enemies, instead of number 1 as we had been for years.

The next, and very important point is that we've reversed the course of our involvement in Vietnam. The President already has withdrawn 115,000 of our troops from there and has continued strengthening the South Vietnamese forces. He has promised to withdraw 150,000 more troops before May, 1971. The Cambodian sorties constituted a military maneuver against enemy bases to reduce the possibilities of attacks on our rear while we are simultaneously disengaging our own forces and building up the capability of the South Vietnamese. It has been highly successful, resulting in the capture of more arms and equipment than were seized during all of last year in all of South Vietnam. As a side effect, it has substantially curtailed the North Vietnamese ability to continue its aggression against other Asian nations. Our ground forces will be withdrawn prior to July 1, as the President has stated. To date, he has met every commitment he has made to the American people concerning what he intends to do with regard to troop levels within Vietnam and Southeast Asia. I'm convinced he will continue to meet or exceed his timetable.

Another important point has been overlooked in much of the public discussion of the situation in Vietnam. The present Administration has explored and is exploring every means of engaging the North Vietnamese and the Viet Cong in serious negotiations—in the public talks in Paris, in private conversations, and through reliable third parties. While doing so, in order to demonstrate our willingness to wind down the war, the President ordered a reduction in the level of our military operations in Vietnam. He continued the bombing halt in the North, and our tactical air B–52 operations have been rereduced by over 25-percent.

These facts seem to have been lost on many of the President's critics. They demand "Peace Now."

Who do you know who is not for peace? I know of no one. But what do these critics mean by peace? A Czechoslovakian kind of peace? A North Korean kind of peace? Cuban kind of peace? A Tibetan kind of peace?

Would an immediate unilateral pull-out in Vietnam bring anyone real peace? History shows that whenever possible, the U.S.S.R. or the Red Chinse probe other territory to enlarge their own domination. At the moment, the most critically explosive area is the Middle East. If the Soviets miscalculate the strength of the mood of American isolationism and dissent over Vietnam and Cambodia, their adventurism in that boiling cauldron will undoubtedly be encouraged rather than discouraged. Such miscalculation could pose an extraordinarily grave threat to world peace despite all the efforts of the President.

Very few of these points were even recognizable as far as the student groups I met with were concerned. They hadn't seen them, they hadn't heard about them, or they hadn't really put them in context. They may have seen them in a headline—they may have seen the President make some announcement about them—but they hadn't put the program together to see what a major impact these steps have had on defense policy, on economics and priorities, and on our relationship with our allies and our visibility around the world.

I believe we are on the right track. We are in an era of negotiation—we're trying to disengage from the Southeast Asian problem—we're going to continue our relationship with our allies—we're going to try to build their ability to defend themselves, as opposed to injecting American forces into hostile situations around the world. We are continuing to cut defense expenditures as rapidly as world conditions permit while retaining our nuclear deterrent against attack or nuclear blackmail.

Coolidge once said when questioned as to why he would not run for another term: "Gentlemen, this country is not in good shape." We are not in good shape at this point with the major divisiveness at home and the threats abroad. But with the new architecture in our foreign policy, and given time to implement it, we can and will get well.

SUPPORT FOR THE BALTIC STATES

Mr. MUSKIE. Mr. President, 4 years ago the Senate agreed to House Concurrent Resolution 416 to request the President of the United States to urge certain actions in behalf of Lithuania, Estonia, and Latvia. The policy of the United States has always been to support those peoples who seek self-determination. This resolution marked our continuing support and concern for the brave people in the Baltic States.

At the request of the Lithuanian American Community of the U.S.A., Inc., I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

PRISONERS OF WAR—FORGOTTEN AMERICANS

Mr. HRUSKA. Mr. President, when the President announced his decision to send troops to Cambodia, we witnessed the peak of a unique phenomenon of recent years, the demonstration for peace.

Although the so-called peaceful objectives of these demonstrations have too often been disguised by unconscionable violence and senseless destruction of property, we must all concede that the organizers and their followers have exhibited one notable virtue—meritorious resolution and unflagging energy.

We all want peace, Mr. President, so these demonstrators hold no monopoly on their views. Furthermore, I feel safe in predicting that the demonstrations have had little positive effect upon the establishment of governmental policy.

While I would certainly urge as strongly as possible that violence and destruction as a tactic of demonstrations be firmly and finally rejected, I do recommend that these demonstrators continue to seek peaceful and responsible physical outlets for their pent-up emotions.

Mr. President, I recommend that they dedicate their protests to a cause which all Americans can agree upon. That is the abysmal treatment of our prisoners of war in the hands of Southeast Asian Communists and a wholesale national effort to arouse world opinion to the point where Hanoi will feel an element of humane treatment must be accorded to these men.

No matter how Americans differ on the proper tactics to end the war, we certainly can all unite in vocalizing our horror at the deplorable and inhuman treatment of American prisoners and their loved ones.

It is possible for world opinion to pierce the iron curtain of Hanoi's indifference. In Hungary we saw one dramatic instance of how sharply mobilized world opinion did dissuade an aggressor nation from its evident goals.

Upraised and indignant voices in America can perform the same objective.

Most of us sympathize with the plight of the 1,500 American military men who are classified as prisoners or missing in action, and even more so with the terrible, uncertain existence of their loved ones at home. But we lead busy lives and it is too easy to have their torment crowded from our minds by more current and personal problems.

These Americans deserve better than that. We must all find a way to help them.

The citizens of Omaha are doing something about the situation. They have formed the Forgotten Americans Committee, whose purposes are:

First. To aid POW's and MIA's in Southeast Asia.

Second. To provide solace and consolation to the families of POW's and MIA's.

The committee is a tax-exempt, nonprofit corporation authorized to accept tax-deductible donations to help sponsor public displays and demonstrations in support of the 1,500 forgotten Americans and their families.

Organized to support a resolution by the Omaha City Council in February, the committee quickly scheduled a busy agenda in April and May, highlighted by a rally in honor of the forgotten Americans at Omaha's Rosenblatt Stadium.

One of the guest speakers was Comdr.

XUM

Lloyd Bucher, captain of the *Pueblo*, our intelligence ship captured by the North Koreans in 1968. Commander Bucher is an Omahan, a graduate of Father Flanagan's Boys Town.

On Flag Day, June 14, the committee further participated in sponsorship of a Flag Day Rally at the Douglas County Courthouse, attended by hundreds of Omahans who took time out on Sunday afternoon to express their reverence for our flag and what it means.

The address was delivered by Jack W. Marer, president of the Omaha Bar Association, and I think a few passages of his excellent remarks bear repeating:

> The young people accept the good things that have been invented or started by the older generation. Then they charge us with having gotten the United States into two world wars, Korea and now Vietnam. But we won those two wars and Korea. We stopped tyranny and oppression, and are doing the same thing today in Vietnam.

He supported the right of peaceful dissent, but added:

> Universities have the obligation to listen to students. But the students must accept the universities' decisions, or get out.

He said reason must prevail or the Nation "will degenerate to the law of the jungle."

Finally he said:

> The rights all Americans enjoy today are here because of the ideals and principles for which our flag stands as a symbol. There is much to do to preserve these rights for future generations.

XUM

Meanwhile, the Nebraska State Legislature, at its 81st Extraordinary Session, adopted, on June 10, a resolution introduced by Senator Richard F. Proud, of Omaha, calling for the humane treatment of prisoners.

I ask unanimous consent to have the text of that resolution printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

LEGISLATIVE RESOLUTION 5

Re: Prisoners of War

Whereas, it is international common knowledge that the Government of North Vietnam signed the appropriate documents of the Geneva Conventions in 1957 and, in effect, solemnly promised to adhere to the covenants contained therein. This conforms to the same actions taken by 119 other national governments, all in mutual agreement and good faith; and

Whereas, the Government of North Vietnam has contumaciously ignored the said covenants and particularly disregarded those relating to the humane treatment of prisoners of war.

Under the most transparently false pretext that American captives are not prisoners but "criminals," neutral inspections of its prisoners have not been allowed. Further, it has refused to adhere to the most basic and clearly stipulated terms of the Geneva Conventions relative to:

The identification of the prisoners it holds captive.

The release of those seriously wounded or ill.

The allowance of proper flow of letters, packages and the like.

The protection of prisoners from public abuse.

The use of prisoners for propaganda purposes.

False information about prisoners which has been harmful to their mental health and well being along with that of their families.

Other possibly less serious infractions.

Whereas, citizens of the State of Nebraska have been declared "missing in action" while serving on an active duty in the Southeast Asian conflict, and further, are believed to be prisoners of war held by North Vietnam or the Viet Cong; and

Whereas, the prisoners of war and those missing in action have been virtually abandoned to suffer and die without relief, without hope and without redress in any visible form.

Now, therefore, be it resolved by the members of the Nebraska Legislature in Eighty-First (Extraordinary) Session assembled:

That the will of the people of the United States of America, as expressed by these presents, be made known to appropriate officials, departments and agencies of the Government of the United States of America, the Government of North Vietnam, the governments of other nations, all representatives to the United Nations and more particularly the Secretary General of the United Nations. Further, that this resolve be made known to representatives of news media on both a national and international level.

That intransigence of North Vietnam relative to these matters be overcome and that it be directed by American influence and international influence to correct these grave wrongs and provide redress for those committed.

That more specifically, this direction result in:

1. Inspections of all prisons, prison camps and other places of detention by neutral parties and particularly the International Red Cross.
2. All prisoners held being properly identified immediately.
3. All prisoners seriously ill or wounded being released immediately.
4. A proper and constant flow of letters, packages and the like being allowed.
5. All prisoners being protected from further public abuse.
6. A complete cessation in the use of prisoners for propaganda purposes via demeaning photographs, public parading or any other methods.
7. An immediate stop to the release of false information relative to the prisoners of war, collectively or any individual prisoner.

Be it further resolved that the State of Nebraska encourage and support campaigns including but not limited to special programs and rallies, petition drives, public declarations and other feasible means to pursue both the letter and the spirit of this resolution;

And, that copies of this resolution be made available to all civic groups, fraternal organizations and other like entities at the earliest moment and with the suggestion that adoption and endorsement may be in order with active participation in appropriate petition drives, rallies and other aligned special programs.

Mr. HRUSKA. Mr. President, the Forgotten Americans Committee has not stopped at rallies, however. It has been instrumental in other means of arousing the public's conscience about our prisoners of war.

As a result, my office is being deluged with petitions and letters appealing for help for our imprisoned veterans. I have had hundreds of letters from school children, starting with the students of St. Gerald's School in Ralston, Nebr., whose teacher, Mrs. Bill Inbody, of Omaha, presented them to me at a recent Nebraska breakfast in the Capitol.

Now I am receiving letters from students in Mercy High School and Monroe Junior High School, in Omaha, and I know that many more are coming.

In addition, when I was in Nebraska recently, delegates of the Forgotten Americans Committee presented me with petitions from Omaha citizens calling upon intensified support to insure that Hanoi adheres to the prisoner treatment provisions of the Geneva Convention.

My early estimate is that almost 10,000 signatures are on the group of petitions which I received last week, and I know more are coming.

This is a moving display of sentiment, and I am sure it is duplicated in every State in our Nation. It tells us, Mr. President, that we must redouble our efforts and rededicate our minds to more effective means of pressing the Vietcong for humane treatment of our prisoners.

We have many responsibilities facing us, but there is none more important than keeping faith with our imprisoned fighting men.

I commend the organizers and backers of the Forgotten Americans Committee for their initiative, ingenuity, and perseverance in sponsoring a series of programs to keep this issue before the public. Such actions, I believe, are the best hope we have for marshaling world opinion to the point where Hanoi will shrink from its pressure.

It is to be hoped that other organizations will emulate the Forgotten Americans Committee, so that our voice of distress in this issue will not only be kept alive but will grow in volume and stridency.

I ask unanimous consent that a news story from the Omaha World-Herald describing the May 24 record of the Forgotten Americans Committee be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THEY HOPE POW PRAYERS REACH HANOI

(By Joseph Rotolo)

Omaha-area residents went to Rosenblatt Stadium Sunday to make it known that the 1,500 Americans listed as prisoners of war are missing in action in Southeast Asia are not forgotten.

The Forgotten Americans Rally, sponsored by the Forgotten Americans Committee of Omaha, had three former prisoners of war as guest speakers. Cmdr. Lloyd Bucher, captain of the Pueblo, captured by the North Koreans in 1968, was the main speaker.

The other two former prisoners were Air Force Lt. Col. Norris Overly, captured by North Vietnam in 1967 and released in 1968, and Navy Postal Clerk 2.C. Douglas Hegdahl, captured by the North Vietnamese in 1968 and released in 1969.

Each man received a standing ovation at the rally.

Michael LaFrance, chairman of the Forgotten Americans Committee, said the size of the crowd was about 500 below what the committee had hoped for, but that "it was definitely not disappointing."

Attendance was estimated at 1,000 to 1,200 by Frank Mancuso, stadium foreman.

LaFrance said the rally's purpose was to get a movement started in the Midwest to let Congress and the North Vietnamese know that the American people want to secure humane treatment for American prisoners of war.

When in his speech Hegdahl said, "We must let North Vietnam know we are united in our determination in getting our prisoners back," the audience responded with a standing ovation.

Rep. William Scherle, R-Ia., apologized to the audience for "the members of Congress who are trying to pull the rug from under President Nixon in Southeast Asia. I support the President 100 per cent."

Scherle also said the Senate can pass "all the vicious amendments it wants to, the House ain't gonna touch them." The audience applauded both comments.

Cmdr. Bucher told the rally it was difficult to describe the longing for freedom that is in the minds of all POW's.

"Imagine the most desperate longing you can, and you will have a small idea of how much the POW yearns to be free. Double that feeling, and you will have a small idea of how hard it is on the families of POW's who must wait helplessly for their return," he said.

Mrs. Carolyn Cushman, a member of the Forgotten Americans Committee and wife of Air Force Capt. Clifton E. Cushman who has been listed as missing in action for three years and eight months, asked for the prayers of those attending the rally.

"All the world watched and prayed for the safe return of the Apollo 13 astronauts. Can we do less for those who are prisoners of war or missing in action?" she asked.

Committee members distributed petitions, leaflets with the addresses of where to write to express concern for the treatment of POW's and form letters to be sent to H. Ross Perot, the Texas philanthropist who has been working to free the prisoners.

The Can Do '70 singers and the Strategic Air Command Band provided entertainment before and during the rally.

The rally was paid for by American Legion Post No. 1 and its auxiliary, Fraternal Order of Eagles Post No. 38 and its auxiliary, and the Independent Order of Foresters.

LaFrance said another rally is scheduled for Flag Day, June 14, although no details have been arranged.

MARKING THE 10TH ANNIVERSARY OF THE FOUNDING OF THE EAST-WEST CENTER IN HAWAII

Mr. FONG. Mr. President, the creation of the East-West Center in Hawaii, as encompassed in the act of 1960 and signed by President Eisenhower on May 14, 1960, signaled the beginning of a unique experiment. This year, we celebrate the 10th anniversary of that founding.

The Mutual Security Act of 1960 has described the basic objective of the center as the promotion of better relations and understanding between the United States and the nations of Asia and the Pacific. The grant-in-aid agreement between the Department of State and the regents of the University of Hawaii provides further that the center should be guided by the purposes and applicable provisions to the Mutual Educational and Cultural Exchange Act of 1961. The center, therefore, is a vital part of the educational and cultural exchange effort of the U.S. Government and the Department of State.

As we mark the first decade of its existence, this center of cultural and technical exchange has grown into a viable institution and has truly served to bring the peoples of the Pacific, the United States, and Asia into meaningful interchange and mutual understanding. In its truest sense, the center's goal of promoting mutual understanding and better relations by bringing people together from East and West to seek solutions to vital problems of deep mutual concern, has been accomplished in an outstanding way.

From its inception, the center has underscored the human aspect in international understanding. It has sought, in cooperation with the University of Hawaii, to present opportunities for people with culturally diverse backgrounds, to acquire a skill or profession, to partake in research and writing, to work and socialize together, to cooperate and participate while developing in the process, a basis of trust, friendship, and common interest which will serve to unite them by mutual understanding.

The East-West Center has geared its programs and sought to encourage "cooperative study, training, and research." The building blocks with which the East-West Center has had to work are: advanced scholars, degree students, nondegree students, conferences, the publishing program, the library program, the translation program.

Like other progressive educational institutions, the East-West Center has been dynamic and vibrant in taking the initiative in its programs and priorities rather than merely responding to the needs and requests of others. Together with colleagues from Asia and America substantive and meaningful programs have been built into the center. Relations with institutions in Asia and on the mainland, as well as the University of Hawaii, are being continually developed and greatly strengthened.

There has been a real recognition by the leaders of the center that their goals must necessarily receive constant reexamination and refinement, so that the practical programs on which the center has chosen to base its educational operations will be significant, meaningful, and in keeping with its legislated aim.

After intensive and considerable study and review, eight general goals of the center have been presented:

The first goal is to enhance the quality of life among the peoples of the United States, Asia, and the Pacific. As all nations with the center is involved seek quality of life at home and equality of relations abroad, the enhancement of the quality of life becomes the keystone of all endeavors.

The second goal is to educate men toward multicultural perspectives. A person born and raised in one culture will generally consider the values and ways of doing things of that culture as right and best, with those of other cultures being minimally quaint and maximally wrong. The modern man needs the perspective of different cultures.

The third goal is to provide a setting for interchange among men of different cultures, disciplines, professions and skills. Not only does such interchange enhance the possibility of cross-cultural cooperation resulting in man becoming more sensitive and tolerant of other cultures, but it also enhances cooperation in technical areas as well. Within the fast changing world man can no longer be trained wholly for well-defined jobs, but must learn to cooperate more generally across many boundaries. While it is usually true that education moves from the general to the specific, especially at the graduate level, the East-West Center is designed to move from the specific to the general. Such education provides people the experience and practice of working jointly with others in common intellectual endeavors.

The fourth goal of the problem-oriented programs is to inquire into the relation of theory and practice in human affairs. Theory, if based on fact, gives man the ability to predict the future and to anticipate the consequence or outcome of his actions. We can no longer act with good intentions and then "let the chips fall where they may." Education must teach man to see the consequences of his actions.

The fifth goal is to develop designs for multicultural decisionmaking and the sixth goal is to provide experience in testing and evaluating these decisionmaking designs. Education that does not equip man to make decisions, to know the complexity of decisionmaking, and to accept responsibility for decisions has not equipped him to live in modern society. The modern student, as well as the general public, is woefully ignorant of how decisions are made—the variety of interests that must be consulted, the deliberations engaged in at different levels, the web of checks and balances by which decisionmakers are constrained by their constituencies. Cross-cultural decisionmaking can then become even more difficult.

The seventh goal is to develop the availability and exchange of knowledge among the peoples of Asia, the Pacific and the United States. All programs will collect and disseminate information about the problem at hand.

The eighth and final goal is to foster continuing relations among former center participants. Not only is continuity necessary at the East-West Center itself, but in order to maintain the understanding that has developed, former students must be kept in touch. Understanding needs constant renewal.

In marshaling the educational, research and technological training resources or the East-West Center toward problem-oriented programs, it is the center's overall design to integrate its goals, programs, administrative structure, budget, and activities so that as it begins its second decade of operation it may better accomplish the purposes for which it was established by the U.S. Congress.

The foundations for this overall design and plan are the goals and principles laid down by the enabling legislation, the working relationship with the University of Hawaii as set forth by the contractual agreement between the University and the Department of State, and the successful arrangements and practices of the decade.

Mr. President, I ask unanimous consent to have printed in the RECORD a comprehensive report on the East-West Center by its able chancellor, Dr. Everett Kleinjans, entitled "After 10 Years, New Goals," which appeared in the June 9, 1970, issue of the Honolulu Star-Bulletin.

In closing I would like to salute and to

XUM

commend the many who have been so instrumental in the founding, growth, and progress of the East-West Center in the last 10 years. To the center's leaders I extend my heartfelt congratulations for their dedication, initiative, and plain hard work. Theirs will be the reward of a job well done under challenging circumstances. For those of us in the Congress, our satisfaction must be in the pride of having helped create and maintain better mutual understanding between the United States and our Asian and Pacific friends. Surely, we can afford to do no less.

There being no objection, the material was ordered to be printed in the Record, as follows:

After 10 Years, New Goals

(By Everett Kleinjans)

This year the East-West Center is celebrating. It is ten years since the U.S. Congress, with the vigorous backing of leaders in the 50th State and its University, voted the legislation that brought this unusual national educational institution into being. At the end of this first decade, friends of the Center can look back with satisfaction and ahead with anticipation.

Statistics cannot tell the whole story of what has been accomplished. Still they are worth noting as indications of the scope of the Center's activities.

More than 6,000 students, senior specialists, and technical training participants have come to the Center from Asia, the islands of the Pacific, and the U.S. Mainland to live, work, study, and conduct research together.

Another 6,000 men and women have been trained in workshops and refresher courses conducted by East-West Center instructional teams in sundry locales in Asia and the Pacific. These field study instructors have been recruited from the University, from federal, state and local agencies, and from private business.

The East-West Center has sponsored international conferences and seminars which have brought to Hawaii some 1,800 experts to share knowledge in fields ranging from weed control in rice crops to electronic microscopy, from Buddhist philosophy to the practical effects of the Pacific ocean currents on commercial fishing.

The formation of East-West Center "alumni" organizations in 10 countries of Asia and the Pacific attests to the enduring quality of the intercultural experience of these thousands of participants in Hawaii. Asian studies programs in U.S. Mainland high schools and colleges are being taught by Americans who worked and learned at the Center.

Space does not permit listing the many participants who are making important contributions to the development of their respective countries. One example is the staff of the Graduate School of Public Administration at Seoul National University in Korea, the only school of public administration in that country. About half of the people on this staff have been on East-West Center grants.

Another good example is Anuwar bin Mahmud, who was on a Center grant from 1961 to 1963 earning his master's degree in animal science from the University of Hawaii. In the years since he left the Center, Anuwar bin Mahmud was promoted to dean of the agricultural college at the University of Malaysia. Last month he was back at the East-West Center as one of the score of Asian agricultural and economic experts called upon to advise on direction for a new food program to be instituted by the Center.

The food program is only one of several new problem-oriented programs to be started in this 10th anniversary year. Four other programs will be initiated with the possibility of others to follow. Each program will be placed in an institute where scholars, students and trainees will cooperate cross culturally in seeking solutions to a few vital problems of mutual concern to East and West.

I like to call these institutes "think-and-do tanks" because here theorists and practitioners, i.e., thinkers and doers, will tackle substantive human problems. This new arrangement will help the Center (1) take initiative in its own development; (2) bring into a more creative relationship its senior specialists, students, and trainees, as well as its conferences, press and library; (3) provide a better basis for cooperation not only with the University of Hawaii but also institutions on the Mainland and in Asia; (4) assist the Center in seeking and (hopefully) engendering other financial support; and (5) provide the Center with a better basis for evaluation.

The broad problem areas to which the East-West Center is devoting its attention in the initial phase of its reorganization are population dynamics, communication across cultural barriers to stimulate development, the management of technology in a period of rapid social and economic change, the broad impact of food problems as the "green revolution" affects various economic and social structures and life styles, and a systematic search for ways in which people can learn other cultures, at least to the extent in which they can minimally co-exist on a basis of mutual respect and understanding and maximally cooperate to tackle problems and create a better world.

In its first 10 years the East-West Center has equipped a key group of men and women to tackle such problems by awarding individual scholarships for advanced degree study, by providing research opportunities for senior scholars, and by providing a wide variety of practical training programs for teachers and trainers of others. These people lived together and were then provided with a broad cross-cultural experience.

Our aim in the second decade is to continue these practices but additionally to build an East-West Center staff with professional excellence in the substance related to problem-oriented programs. In cooperation with Center staff, small teams of senior scholars, students and trainers will work together as teams seeking practical solutions to selected problems—focusing their efforts in areas which will complement what is being studied by other institutions.

For the first time, the East-West Center is conducting its own research projects, as well as research in cooperation with the University of Hawaii and other institutions, particularly in Asia and the Pacific.

For the first time, too, the East-West Center is strengthened by research and instructional staff members who hold joint appointments as faculty members in University of Hawaii departments.

The system of joint appointments is enabling the East-West Center to attract to its permanent staff outstanding professionals who still wish to retain their academic research and teaching links with a university. Such arrangements benefit the East-West Center by giving us competence and the University of Hawaii by attracting distinguished professors to its faculty.

By building up professional staff competence in specific problem areas, the East-West Center will be able to serve as a "clearing house" for knowledge in specialized fields of the Asian Pacific region.

For example, I have no doubt whatsoever that the Center's new East-West Population Institute within a few years will be internationally recognized as the single most important center of knowledge about population dynamics as they affect the countries in the Pacific basin. The Center anticipates the same opportunities to become more widely known as other programs develop.

The reorganization of the East-West Center is taking place in a context of declining national support for exchange programs. It was certainly with this in mind that Gov. John A. Burns, who serves as chairman of the National Review Board which advises the Secretary of State on East-West Center affairs, recently said that the problem-oriented approach was "sound" but warned the reorganization would be difficult. In a speech celebrating the Center's 10th anniversary he added:

"In a sense, you are embarking on building a new Center, a new institution which requires a great deal of imagination, administrative skill, dynamic leadership—and luck and money."

Careful planning for the reorganization of the Center has been underway for three years. I am confident the second decade of the Center, in which we combine idealism with practicality in making a substantial contribution to finding answers to problems which concern us all, will be even more successful than the first decade.

Effective July 1, five new institutes, which link students, senior specialists and trainees together in five different programs, will replace the old administrative units.

The East-West Population Institute has been functioning since last fall, after the appointment as director of Dr. Paul Demeny, former Associate Director of the University of Michigan's Population Studies Center.

Fifteen graduate students from Ceylon, the Republic of China, Indonesia, Japan, Korea, Thailand and the United States are already enrolled in the institute working for advanced University of Hawaii degrees in anthropology, economics, geography or sociology and towards a certificate in population studies. They will be joined by an additional 15 students including some in the School of Public Health, next fall.

By Sept. 1, the East-West Population Institute will have on its staff 11 professors—including several Asians—sharing joint appointments with University departments, as well as four full-time researchers and a medical consultant.

Among the senior specialists who will be at the Institute by fall doing research on Center population projects are Dr. Hi-Sup Chung, former minister of health in South Korea, and Dr. Nathan Keyfitz, president of the Population Association of America and professor of demography at the University of California, Berkeley.

The East-West Technology and Development Institute will be a direct successor to the Institute for Technical Interchange, but the new unit's functions will be broadened to include research by senior specialists and advanced degree study related to planning and managing development at a time of rapid technological change.

The East-West Technology and Development Institute in its study, research and training programs will emphasize the roles of managers and trainers in such fields as health, education, social welfare, and business and government administration. It is thus moving toward more emphasis on intellectual rather than manual technology.

Non-degree training projects, which formerly were administered only by the Institute for Technical Interchange, will be organized and conducted by each of the new institutes in their respective fields. Emphasis will be given to field training projects by all East-West Center programs, with co-sponsoring governments and agencies sharing the costs.

The East-West Communications Institute will place a substantial part of its initial emphasis on non-degree training to improve practical communication programs for social

XUM

and economic development in the U.S./Asian/Pacific region. Scholarships also will be awarded for advanced degree study in communications and senior specialists will conduct research and assist in training in the coming year.

Director of the new Institute, effective June 1, is Dr. R. Lyle Webster, who has served for the last six years as a Ford Foundation consultant to the Indian government on establishing agricultural communications system. Before he went to India Dr. Webster served for several years as director of information for the U.S. Department of Agriculture.

The Jefferson Fellowship project, which brings experienced Asian/Pacific journalists to the Center for a semester of study and special seminars, will be conducted by the new institute.

The East-West Cultural Learning Institute brings what we believe is a new approach to devising more effective methods for learning how to adapt to different cultures. The Center itself is a living laboratory for such study because young men and women from some 35 different countries and territories work, study and live together here for as long as two or three years.

The institute can give a new dimension to the conventional Asian/American Studies curricula and a major emphasis will be placed on devising new techniques for language learning.

Planning for the culture learning project has been led in large part by Dr. Agnes Niyekawa-Howard, associate professor of psychology in education at Northeastern University, Boston, while at the Center as a senior specialist and as a visiting professor at the university.

The Fifth New Center unit, for which a director is expected to be named before July 1, is the East-West Food Institute. Three Asians—Dr. Shao-er Ong, regional agricultural officer for the U.N. Food and Agricultural Organization (FAO) based at Bangkok and now associate in the Agricultural Development Council; Dr. Ki Hyuk Pak, dean of the College of Business Administration, Yonsei University, Seoul; and Dr. Y. T. Chang, vice minister of economic affairs, Republic of China, Taipei, formerly provincial commissioner of agriculture and forestry—were brought to the Center for six months last year to begin the planning for this program. Chief consultant to the planning team has been Dr. Y. Baron Goto, retired vice chancellor of the Institute for Technical Interchange. Dr. Goto was also chairman of a planning conference last month in which 30 specialists from Asia, the Pacific area and the U.S. Mainland participated.

The East-West Food Institute will engage in a "systems approach" to the food problem, especially second or later generation problems. This will involve research, study and training on the complex problems arising from the simple fact of providing nutritious food in the right amounts to all people. In addition to the technologies of agricultural production, the Institute will concern itself with the interrelationships of such factors as processing, distribution, nutrition, capital investment, trade policies, and cultural habits affecting diets.

Four project areas recommended by a planning team of Asian experts are: closing the protein gap, development of food industries, promotion of food exports and strengthening of farmers' organizations.

The East-West Food Institute also expects to make joint staff appointments with the University's College of Tropical Agriculture and other departments.

ALBERT H. BLUM

Mr. MATHIAS. Mr. President, Judge Albert H. Blum, of the Baltimore municipal court retired yesterday, ending a distinguished career on the city bench. I am sure all Baltimoreans join me in extending a sincere "well done" to the judge and best wishes for an enjoyable retirement. I ask unanimous consent that David L. Maulsby's excellent report of Judge Blum's last day on the bench, published in this morning's Baltimore Sun, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Blum Holds His Last Court

(By David L. Maulsby)

Municipal Court Judge Albert H. Blum held his last court session yesterday in his favorite courtroom at 28 East Ostend street in the Southern district. He will be 70 today and retirement is mandatory.

It is here in this courtroom that Judge Blum presides over an august body, unique and partial: the Unofficial Jury of South Baltimore. It is quite august in appearance.

This is so because its members are retired citizens, like Herb V. Helferstay, 72, who proffered his card. Beneath the name is the word "retired." Below and to the left it reads "No Address. No Phone. No Time."

Below the "retired" and to the right it reads: "No Job. No Money. No Worries."

The morning session moved briskly. A man charged with assault by threat to do bodily harm drew a $50 fine "for the privilege of acting in that manner." A drunk drew 30 days. Bail was set for a young man and his girl held on narcotic charges involving heroin.

The judge could not see, but the jury, which always occupies the front row in the courtroom, could observe how tightly the boy held the girl's right hand in his left throughout the hearing.

But the jury could not see and the judge did not notice that when the couple left, escorted by police, there were tears brimming in the eyes of a man in the back of the courtroom and the same in the eyes of a young defendant waiting to be tried next.

Two teen-agers drew 20-day jail terms and another a $75 fine for disturbing the peace around 3 A.M. in the 1900 block Maisel street. Another who happened to be there was fined $25.

Judge Blum determined that three of the youths were school dropouts and had engaged in conversations with juvenile authorities under the auspices of the police.

During the somewhat lengthy hearing testimony disclosed that cherry bombs were thrown and fireworks popped yet some of the witnesses "never heard a thing," and that seemed passing strange.

Next, two young shoplifters were fined. One, a school dropout drew a $100 fine, the other, a City College student and employed, $75. Counsel for the student asked probation without verdict but Judge Blum said: "I do not believe in that."

Two men were fined, each for assaulting the other, and another drunk and another disturber of the peace were fined to end the session. Having started at 9 A.M., it lasted until 11:22 A.M.

Judge Blum then felt that he should address the jury for Vernon Seymour, his clerk, had announced before he mounted the bench, that the session was the last for the middle-aged-looking jurist.

Referring to the time of "constitutional antiquity and statutory senility" he told the group who were nearly alone in the courtroom that "in the springtime of my senility I still manage to run three miles three times a week in the early morning." He thanked the jury for their solicitude (at times he has asked them what they thought of his decisions after the court sessions were over.)

The jury responded by affirming that he had been "the greatest judge of all" and called for an extension of time "so you could teach some of the judges how to help the police" and this suggestion was unanimously approved.

Judge Blum beamed. At the short, 3 P.M. session of court a few of the jurors came for the last farewell. For the record they deplored the one dissenter in their midst who "did not like the way the judge looks over the record before it's over."

A native of Baltimore, Judge Blum attended City College, the Johns Hopkins University (a member of its championship lacrosse team) and studied law at the University of Maryland.

Commissioned a lieutenant by the Navy during World War II he emerged a lieutenant commander after serving on the staff of Adm. Anthony V. Morse, British flag officer for western Italy. He is proud of the fact that he was the first American naval officer to enter Naples after the war.

He has served as an assistant state's attorney and police magistrate. He was appointed to the municipal bench and was elected to a 10-year term. An avid traveler, he often lectured, using pictures he has taken in remote places around the world. He is a trustee of the Maryland Academy of Sciences.

DISTRICT OF COLUMBIA CRIME

Mr. MATHIAS. Mr. President, I wish to remind Congress of our responsibility in facing and dealing with the serious crime problem in the District of Columbia, since Congress has chosen to retain virtually exclusive governmental authority within the District.

To this end, I ask unanimous consent to have printed in the Record a list of crimes committed within the District yesterday as reported by the Washington Post. Whether the list grows longer or shorter depends on Congress.

There being no objection, the article was ordered to be printed in the Record, as follows:

Shot-Filled Chase Foils Store Holdup

A fourth district police officer responding to a holdup alarm and a would be robber exchanged gunshots Tuesday night following an attempted holdup at a Safeway food store, police said.

The officer was not wounded and was uncertain whether his shots had hit the two armed suspects who escaped on foot, according to police.

A Safeway security guard told police two young men entered the store at 4411 14th St. NW about 8:40 p.m. One of them, brandishing a revolver, said to him, "Call the manager over."

The guard said he summoned the manager, who was forced at gunpoint into the office. One of the gunmen then ordered the manager to give him all the money in the safe, police said, and also took the cash from two registers.

As the pair ran from the store, three fourth district police officers, alerted by an alarm, chased them. In the parking lot one of the robbers dropped the money bag and his gun and fled with his accomplice into the 1300 block of Allison Street N. with the officers in pursuit.

Then the armed man turned and fired one shot at one of the policemen who fired twice in return, police said. The suspect ran south in the 4400 block of 13th Street.

In other serious crimes reported by area police by 6 p.m. yesterday:

ROBBED

Altman's Parking Service, 634 I St. NW., was held up by two young men, one of them brandishing a gun. The pair approached an

XUM

employee and said, "This is a holdup. Give me what you have." After forcing him to give them the cash, the men ran east on I Street.

Katherine Dykes Stewart of Washington, was robbed of a large amount of money about 3:30 p.m. Tuesday while she was driving east on Constitution Avenue NE. In the 1000 block, a youth ran up to the driver's side of her car, reached through the open window and grabbed her pocketbook full of cash. The youth then fled west on Constitution Avenue. Miss Stewart later recovered the purse.

Max Carb, of Arlington, was held up about 10:55 a.m. Tuesday by a youth who approached him at 14th Street and Rhode Island Avenue NW. The youth pressed a hard object at Carb's back, took the cash from his pocket and escaped into the 1300 block of Rhode Island Avenue.

Carol Stephenson, of Washington, a hostess for World Buttery, was beaten and robbed about 4:05 p.m. Tuesday by two teen-age girls at 13th Street and Potomac Avenue SE. They grabbed Miss Stephenson's hair and pulled her to the ground, then snatched her pocketbook containing bills and papers and ran east on Pennsylvania Avenue.

Federal Supply Company, 504 10th St. NW., was held up about 5:55 p.m. Tuesday by two youths who browsed through the store and selected a jar of hair tonic which they carried to the counter. One pulled a small revolver and warned the store manager, "Don't close it. Don't close it. Don't touch the burglar alarm. Give us the money and lie down on the floor." The other youth took the money from the cash drawer. When a customer entered the store, the pair ran out the front door.

Michael Roach, of Greenbelt, was robbed shortly after midnight Tuesday by two men at 2d Street and New York Avenue NW. "Don't move. Give me your stuff," the pair demanded and one of them reached into Roach's pocket and took his wallet containing cash, American Express travelers checks and personal papers and his glasses and watch.

Michael Davis, Wesley Green and Ronald Holt, all of Washington, were held up about 3:15 p.m. Tuesday by two young men in the 3500 block of Hayes Street NE. One drew a .22-caliber revolver and told the three men, "I know you got paid today. Give me your money." After Davis, Green and Holt gave them their cash, the pair entered a green car and escaped east on Grant Street NE.

Wilons Purnell, of Washington, was beaten and robbed about 7:35 p.m. Tuesday by three men who attacked him at 11th and O Streets NW. They struck Purnell in the face, forcing him to release his briefcase and groceries and fled on foot into the 1300 block of 11th Street NW.

James Caviness, of Washington, cab driver, was held up about 3:45 a.m. by a man who hailed his taxi at 9th and H Streets NE. After Caviness drove him to 42d and Hayes Streets NE., the passenger pulled out a small pistol and demanded, "Give it all up." Caviness handed the gunman his bills and change and the man got out of the cab and ran towards Deane Avenue.

College Pharmacy Inc., 2815 7th St. NE., was held up about 7:30 p.m. Tuesday by two young men. While one remained near the front of the store, the other walked to the drug counter at the rear and asked to have a prescription filled. He walked away and returned shortly, displaying a revolver. Pointing the gun at the manager, the man ordered, "Give me all the money and I better not hear a burglar alarm." After removing the money from the cash register, the pair ran out the front door, entered a beige car and drove west on Girard Street.

Sylvester Jackson, of Washington, was admitted to Rogers Memorial Hospital after he was beaten and robbed about 7 a.m. Two men attacked him at 9th and M Streets NW., forced him to hand over his cash and ran off.

Kenneth B. Falson, of Washington, was admitted to D.C. General Hospital for head injuries suffered during a robbery shortly after 5 a.m. Three youths approached Falson in the 200 block of 4th Street SE. and one drew a knife and stabbed him. After taking the bills from his pocket, the trio ran south towards Pennsylvania Avenue.

Claude N. Groom, of Clinton, and Diane Granderson, of Washington were beaten and robbed about 12:50 a.m. by two men at 13th and M Streets NW. One struck Groom in the face and body and tore his clothes as he ripped the wallet from his pockets. The other man then began hitting Miss Granderson in the face and pushed her into the bushes. The assailants then fled north in the 1200 block of 13th Street NW.

Bertha E. and Albert Bryant, both of Washington, were robbed of a large amount of money shortly after 11 p.m. Tuesday by five juveniles on the corner of 13th and N Streets NW. One of them forced Mrs. Bryant to surrender her purse containing cash, money orders and a savings bond and escaped with his companions running east on N Street.

Charles L. Pickett, of Washington, a taxi driver was held up about 2:50 a.m. by a youth who hailed his cab at Benning Road and East Capitol Street and asked Pickett to drive him to the 1100 block of 1st Place NW. There the passenger drew a .22-caliber pistol, demanded Pickett's money and, after taking the cash, ran north on 1st Place.

Joseph Mitchell, of Washington, was robbed of a large amount of money about 4:15 p.m. on May 28. Mitchell told police two men approached him at 12th and N Streets NW. When they had gone, Mitchell realized that they had picked his pocket and taken the cash.

Rex E. Hollis, of Silver Spring, was held up about 3:10 a.m. when he stopped his car at the intersection of 10th and N Streets NW. Two youths pulled Hollis from his car, yoked him, and took his wallet. The youths entered Hollis' car and drove east in an alley in the 1300 block of 10th Street.

Frederick Elmer Hitzman, 22, of Arlington, a truck driver for Kennedy Foods of Falls Church, was held up by three young men who pushed him against a building in the 1500 block of R Street NW. "Let's have it or I will cut you," demanded one of the men and took Hitzeman's TWA flight bag containing a pair of slacks, a shirt, a wallet and cash, a cash box, credit cards and a check for $1,200. The trio then ran into the 1600 block of 15th Street NW.

Ali Mohammed, of 3011 Ontario Rd. NW., was robbed by two youths in the hallway of his apartment building. The youths yoked Mohammed and took his watch and wallet containing his cash and personal papers.

Albert Madden, of Washington, an ice cream vendor, was held up about 10:40 p.m. Tuesday at Morris Road and High Street SE. Four men, one armed with a pistol, approached Madden and the gunman entered his truck. The other men climbed into the truck through a window and forced the lock on the safe. After taking the money, the men ordered Madden to drive to the 1800 block of Erie Street SE., where they jumped out of the truck and escaped.

Harold E. Wilson, of Landover, and Stephania Bolden, of Washington, were held up about 12:45 a.m. as they were parking their car in the 4200 block of 7th Street SE., near Miss Bolden's home. Two men approached the couple and demanded, "Give me your money." Wilson handed them a wallet containing a large amount of cash and Miss Bolden gave them her purse. One of the men then pressed a revolver at Wilson's side and said, "I want everything." Wilson turned over his car and apartment keys and Miss Bolden gave them her apartment keys. The pair then ran from the parking lot and drove off in a green car.

STOLEN

Approximately $200 in change and $429 in bills was stolen overnight Monday from the GEM, Inc. book store at 1214 New York Ave. NW. The theft, from a booth at the rear of the store, was discovered when an employee arrived at 9 a.m. Tuesday morning.

A floor-cleaning machine was stolen sometime between 10 p.m. Monday and 1 p.m. Tuesday from a class room at Rudolph Elementary School, 2d and Hamilton Streets NW.

An electric mixer and a steam dry iron were stolen from Draper Elementary School, on Wahler Place between Wheeler Road and 9th Street SE.

ASSAULTED

Frederick Darby, of 810 5th St., NW., was treated at Washington Hospital Center for injuries he suffered when he was struck on the head with a bottle during a fight with a man about 11:15 p.m. Tuesday on the third floor of his apartment building.

Lewis Gladden, of Washington, was treated at Washington Hospital Center for wounds suffered during an attempted robbery about 12:35 a.m. Tuesday. Three youths confronted Gladden in the 700 block of Lamont Street NW., yoked him and knocked him to the ground. Two of them tried unsuccessfully to get his billfold, then fled with their companion.

Deborah Green, of 1815 A St. SE, was admitted to D.C. General Hospital with a gunshot wound in the jaw which she suffered about 10:40 p.m. Tuesday during a fight with a woman who fired at her in front of her apartment building.

PRISONER OF WAR LETTERS

Mr. SCHWEIKER. Mr. President, one of the most distressing parts of the tragic Vietnam War has been the inhumane attitude taken by the North Vietnamese and the National Liberation Front in South Vietnam toward American prisoners of war.

North Vietnam and the Vietcong have repeatedly refused to adhere to the Geneva Convention, and despite entreaties from many sources, both official and unofficial, they have not even taken the basic step of revealing the names of the prisoners they are currently holding.

The tragedy of this secrecy is that thousands of relatives and friends of Americans missing in action must live daily under the torment of not knowing whether their loved ones are alive or not.

State Department inquiries, congressional resolutions which I have supported, and direct appeals by wives in Paris have all been of no avail at this time.

Recently, Robert J. Boyle, editor of the Pottstown Mercury, in my home county, Montgomery County, Pa., developed an interesting idea, to which I invite the attention of Senators.

The entire front page of the Pottstown Mercury of June 18, 1970, contained a plea, in Vietnamese, to Tom Duc Thang, President of the Democratic Republic of Vietnam, to release our prisoners of war. Three additional pages contained 17 additional letters, also in Vietnamese, from individuals and businesses of Pottstown, also pleading for compassion toward our prisoners.

A front page editorial encouraged readers of the Mercury to send these four pages to Hanoi to bring direct public pressure on that government.

Boyle said:

> If thousands of Mercury readers send the first four pages of this edition to the President of North Vietnam, release of the prisoners just might happen. Or perhaps the huge display of determined will for a prisoner release might spark the beginning of meaningful negotiations toward that end. The Mercury feels it's worth a try.

I share Bob Boyle's sentiments that "it's worth a try" and would encourage all newspapers in the country to participate in a similar campaign.

Mr. President, I ask unanimous consent that two articles in explanation of this letter-writing effort and all 17 letters be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

SEND TO HANOI

This edition of The Mercury is devoted to a plea to Ton Duc Thang, president of the Democratic Republic of Vietnam to release United States Servicemen being held in North Vietnam.

The plea was written in Vietnamese and the translation appears on page 2.

Readers of The Mercury are invited to send the pages of this edition dealing with the plea to Hanoi. Postal rates for newspapers are 60 cents for the first two ounces and 30 cents for each additional two ounces.

Papers should be sent to:

Ton Duc Thang,
President,
Democratic Republic of Vietnam,
Hanoi, North Vietnam.

IT'S WORTH A TRY "OPEN LETTER" MAY SPARK FREEDOM

Officially, the Democratic Republic of Vietnam (North Vietnam) admits holding 450 American servicemen as prisoners of war in diverse detention areas scattered in that country, South Vietnam, Cambodia and who knows where else.

Pentagon sources say the number of men missing in action is 1,140. These same sources believe most of the missing men also are being held prisoner.

Getting them back has proved to be an impossible task thus far.

Each new plea for their release is greeted with the retort that the prisoners are "war criminals" and "murderers" and subsequently must be punished.

OFFICIAL PLEAS

There have been official governmental pleas through diplomatic channels, through the diplomatic intervention of other nations, both friendly and hostile, and at the Paris peace table.

Non-governmental attempts were made by mothers and wives of the prisoners who traveled to Paris to confront the North Vietnamese negotiators.

All the efforts were fruitless.

With news of anti-war riots filling the pages of newspapers every day, it is difficult for leaders of North Vietnam to know the true picture in America.

It is difficult for them to realize the true emotion is one of deep compassion and concern over the plight of Americans in their prison camps—concern and compassion which comes from both hawk and dove, and from those few who have no war feelings at all.

STRONG FEELING

This edition of the Mercury is intended to help the leaders of North Vietnam realize the strong feeling in America for release of the 450 to 1,140 American prisoners of war.

It is intended to bring about this realization in the leaders' own language.

One copy of this edition sent to those leaders will mean little.

It will require thousands of copies of this newspaper "open letter" to make them realize we are united in the resolve that regardless of individual thinking on the war, all Americans want the prisoners freed and home with their families.

FOUR PAGES

If thousands of Mercury readers send the first four pages of this edition to the president of North Vietnam, release of the prisoners just might happen.

Or perhaps the huge display of determined will for a prisoner release might spark the beginning of meaningful negotiations toward that end.

The Mercury feels it's worth a try.

FRONT PAGE OPEN LETTER: TRANSLATION

As a newspaper which is representative of all small town newspapers across the United States and reflects the sentiments of average American citizens we take this means of appealing to you on a situation which is close to the hearts of all Americans.

The issue here is not whether Americans should be in Vietnam or whether we should pull all our troops out immediately.

The issue is not whether you are right and we are wrong or we are right and you are wrong.

True, our country is divided on the issue of Vietnam but our citizens are united in their concern of the prisoners which you hold.

There are 450 American servicemen in your prison camps. Another 1150 are listed as missing and possibly some are your prisoners.

Their situation is our united concern.

Both the "doves and the hawks" of America feel deeply about them and their welfare.

This is the purpose of this edition. We ask you to consider their immediate release. They have no military value to you. They can't hurt or hamper your war effort and no longer would help ours.

These men like your soldiers do not institute policy but merely serve as soldiers have done since time began. Like the men who obey your orders, they obeyed the orders they received.

Like your men they performed their duty and were willing to sacrifice for their country. Like your soldiers, they left their homes and families not because they wanted to but because their country called on them.

Patriotism is not limited to the men of Vietnam, to the men of America but is the privilege of all men. They fight under their flag whether it be red, white and blue or silver and gold.

Pottstown is a small community in the United States. Its people, too, voice different opinions on the war. All want peace but are divided in the way to achieve this peace.

Your supporters in this country could take satisfaction from the release of the prisoners. This, more than anything else, would demonstrate that you, too, do not seek revenge against men who did their duty. This, too, would show the world that compassion not punishment can lead to peace.

The arguments of your critics that human life means nothing to you would be baseless if you allowed American prisoners to be returned to their families.

You have in your power to advance the cause of a just peace by acting quickly on this appeal.

If your heart contains mercy and your soul compassion and if you truly seek to help the cause of peace you have an opportunity to achieve these images in the eyes of the world.

Americans have always understood and respected compassion and mercy and hold life in high dignity.

The feeling here is that you don't care about the individual; that his needs and wants and desires don't matter. That life is not sacred to you.

Your actions can give lie to these beliefs. An act of amnesty toward American prisoners would show the world that you are concerned with life and that all life is sacred.

Family ties in America are strong and all Americans want these men reunited with their families. Some fathers have never seen their children; some are missing the joy of watching them grow.

And the children, they live with a constant dream and hope that they may again be a whole family.

Few men in the history of the world have been given the opportunity that you now have.

History can record you as a man of compassion; a man who respected human life and held it in high value; a man who held that family life is paramount and a man who helped lead nations toward peace by providing a measure of peace to many families.

Return these men to their families and the world would hail you. Retain them and your supporters cant' help you but wonder about your sincerity and motives.

We address you not as one enemy to another but as one human to another.

As simple citizens of the United States we have no power to offer anything but goodwill in exchange for the men you hold. We have no power to make threats if you don't.

We only have hope; hope that you will heed the pleas and restore these men to their families.

THE PRISONERS

It's easy to forget them; these men who are prisoners in North Vietnam.

For most Americans the concern for prisoners is brief; only as long as it takes to read an occasional news story about them or to see their photos flashed on a TV screen.

But then your life goes on and, unless you're a wife, mother, child or relative of a prisoner, the issue doesn't cause your blood to boil.

Buried within you is the knowledge that men do live under terrible conditions in North Vietnamese prison camps. But your daily routine, your own problems cancel out any concern or thought for them.

It's sad but true that few Americans are deeply concerned about their fellow Americans who are held in captivity.

The doves protest against the war but ignore the plight of captive servicemen. The Hawks seek more action but fail to take action which might help U.S. prisoners.

Senators speak out pro and con about the war but few embrace the cause of freedom of these men.

Across the nation on the 30th day of May, July 4 and Veterans Day, Americans pause to remember the war dead but think nothing of the war living.

The war dead "rest in honored glory" but the war living can't rest because of endless days of unhappiness, uncertainty and captivity.

Unless you are close to a prisoner it is difficult to imagine what families go through.

But think for a moment! What if a prisoner was your husband, your son or your father?

Project yourself into this situation.

The average American probably feels and with some justification that there is nothing he can do.

H. Ross Perot, of Dallas, Tex., has been attempting to help the prisoners. He sent the wives of some of the imprisoned servicemen to France to plead with the North Vietnamese. He has sponsored displays showing the plight of the captives. He has done

XUM

numerous other things in an attempt to effect the release of the prisoners.

But, possibly more important, he has alerted many to their situation.

Without his concern, the plight of prisoners would still be below the surface but he had shed light on it.

This issue of The Mercury is concerned with the prisoners but only because Mr. Perot has been concerned enough to make their cause his cause.

If this edition then triggers more awareness, more appeals, then it should be worthwhile.

But it remains for the average man, to reflect his concern.

One voice wouldn't be heard in Hanoi but millions of voices couldn't be ignored.

DEAR MR. THANG: "Do unto others as you would have them do unto you" is a "Golden Rule" that bridges most ideologies, philosophies and religions. To treat others as you, yourself, would like or expect to be treated is, to most of us, a natural, human tendency. It is hardly possible, in our day, to live unto one's self.

We are dependent upon one another in so many ways. What we do affects not only ourselves and our loved ones, but many others as well. The decisions we make, seemingly in behalf of ourselves, really affect the lives of many others in our time and often in times to come.

You, the North Vietnamese government, now have that responsibility and privilege before the eyes of the world and the God who permitted this world to be created and exist to this day. You have in your hands not only American Prisoners, but the lives of many families which they represent.

Let the names of these men be known. Let the sick and the wounded be returned to their homeland. Let the exchange of written messages of hope and consolation be granted to them and to their families.

REV. RICHARD G. HOFFERT,
Pastor, Grace Lutheran Church, Dean of The Trappe District Lutheran Congregations.

MR. PRESIDENT.

SIR: As an American citizen and ex-Korean veteran, I would like to know just how much influence, confidence and trust you have in your government in order to find some solution on reconsidering the release of American soldiers in Vietnam.

I know that the American people, along with myself, would love to see their sons come home. It is most important that you, along with our government could find time to end this fruitless war and bring our boys back home.

SAGO G. GLENN,
Deputy Sheriff.

DEAR MR. THANG: On behalf of the citizens of Pottstown, Pennsylvania, I join with many others in asking for a reconsideration of your policy concerning American prisoners of war in the Viet Nam Conflict. The release of the American POWs can in no way affect the outcome of this struggle or change the political philosophies or ideologies professed by either side. Life today is all too short to have this period of time taken from the prisoners involved, their families, and loved ones.

Again, I implore you to reconsider your policy concerning the release of American Prisoners of War in Viet Nam.

Sincerely,

BROWER B. YERGER,
Mayor.

MR. PRESIDENT: I am making a simultaneous request in the name of humanity to both your and my government.

We plead with your government to release our men captured by your government and held for war crimes as we also plead with our own government to release our own political prisoners and to give amnesty to our 10,000 men who have fled to Canada and Sweden because of their refusal to participate in war crimes.

We believe the prisoners you hold and the men our government has imprisoned or forced into exile have been away from their loved ones too long.

Very truly yours,

JACOB M. SCHOLL.

DEAR MR. THANG: You have within your possession, property which does not belong to you—human property—American men who are the sons of anguished mothers, the husbands of tense, lonely wives, the fathers of children who cry out for Dad's touch in their sleep at night, the useful citizens of a Nation who loves them very much, a nation who wants them to return to their rightful place on the soil of freedom. These men can never, should you keep them a million years, mean as much to you as they do to us.

No matter what your reasons could be for keeping them, these reasons could never hold an appropriate amount of sting to discourage us from caring and pursuing our course of freedom, for ourselves and all people everywhere.

At present you are the richest individuals in the world, because from our bank account of humanity, and in the name of stamping out infamy, we have invested the blood of young men.

Sincerely,

MRS. JEAN M. KERSCHNER.

PRESIDENT THANG: In Sunday School I have learned to love my enemies. Even though you are our enemy, I want you to understand how we feel.

Today was my last day at school. I can look forward to enjoying my vacation with my father. But there are many families who don't have their fathers home because they are prisoners of war in your country.

Please release them from prison. If your father was in prison you'd want him to come home. That's the way we feel. Please send them home to us.

In Love and Peace.

VALERIE VANDYKE.

HONORABLE TON DUC THANG: "Who is the strongest of the strong?" Ask a rabbi 2,000 years ago. His answer, "He who turns an enemy into a friend."

The suffering and horror of war must cease. The heartache and anguish of mothers, wives, and children must be relieved.

Surely there must be a way for us to stop being enemies and become neighbors who strive to build a better world.

The longest journey begins with one step . . . perhaps, perhaps that is a dramatic act; release the American prisoners of war.

RABBI HERMAN E. GROSSMAN,
Congregation Mercy Truth Synagogue.

TON DUC THANG.

SIR: I am a veteran of World War II and a member of the Veterans of Foreign Wars of the United States since 1945, thus my interest in all veterans. The men you are holding as prisoners of war are veterans. It is my hope that these men will be released in the very near future.

The motto of the Veterans of Foreign Wars is "Honor the Dead By Helping the Living." I feel the release of these men would fit our motto in the true sense.

The wives and families of these men would be quite relieved to know their men were safe and sound.

You being a family man and a veteran can surely understand what I am saying.

Hoping for your sincere consideration.

I am very truly yours,

EDWIN G. PENNYPACKER,
Commander VFW Post 6341.

DEAR MR. THANG: I have given a son for our country, but I don't believe in war and I don't believe our soldiers should be in Vietnam. I would like to see all of our men and boys come home.

My brother has been in Vietnam four times in two years, and I wouldn't like to see him captured.

Won't you please send home the prisoners you already have—maybe then we can achieve peace.

ELVA GEBHARD.

PEOPLES REPUBLIC OF NORTH VIETNAM,
Office of the Chairman,
Hanoi, North Vietnam,

DEAR MR. CHAIRMAN: This letter is being written with purely humane interest.

On a humanitarian basis, I ask that you use your good offices to initiate a mutual release and exchange of prisoners of war. There are thousands of families on both sides of the Pacific Ocean affected by a loved one being held captive.

Therefore, a genuine humane effort in this direction would serve a worthwhile purpose.

AARON KATZ, D.S.C.

DEAR MR. PRESIDENT: You are concerned as I am about those American boys who are prisoners in Vietnam. Perhaps I am particularly anxious because my son who served his country over in Vietnam has returned safe and sound for which I will be eternally thankful. However I cannot forget those sons who are not able to return so I am beseeching you to do everything in your power to release them as soon as possible so they may be reunited with their families in this "land of the free!"

MRS. A. FLORENCE MANTHORNE,
Principal, Lincoln School.

DEAR MR. THANG: Our Parish of St. Aloysius, Pottstown, Pennsylvania, U.S.A. represents more than eighteen hundred Roman Catholic families in this community.

At each Mass every Sunday, in our special "Prayer of the Faithful", we ask God to bring Peace to the world. We also ask for the return of our young men and women who are in the Armed Services to their homes and families.

It is our special plea to you in Hanoi, to return to us the young men who are being held prisoners.

Sincerely yours in Peace,

REV. JOHN P. MURPHY,
Rector.

GREATER POTTSTOWN AREA CHAMBER OF COMMERCE,
Pottstown, Pa.

HONORABLE TON DUC THANG: We pray along with other Americans that you will consider the rapid release of American Prisoners; a gesture that we're sure will do much to bring about peace.

BOSCOV'S,
Pottstown, Pa.

Life is dear and peace is sweet to all Americans.

Because we hold individual life in such high esteem, the lives and well being of the American men held by your country is of primary concern to all of us.

Their captivity has become a paramount concern to us.

We are business people, simple Americans, who may be divided on the issues of the war but who are united in our desire to have our captured servicemen returned to their families.

XUM

Their chains of captivity also form a barrier which prevents greater understanding between us. The release of these men could well be the catalyst needed for our countries to work out a just peace.

We join with the millions of Americans who ask simply that you return these men home.

H. PECERA'S FURNITURE STORE,
Pottstown, Pa.

HONORABLE TON DUC THANG: We pray along with other Americans that you will consider the rapid release of American Prisioners; a gesture that we're sure will do much to bring about peace.

SPRING CITY KNITTING CO.,
Spring City, Pa.

HONORABLE TON DUC THANG: Like all other Americans, the more than 4,000 people associated with Spring City Knitting Company, are sincerely concerned about the Americans who are imprisoned in your country.

Like all other Americans, the management, the staff and the workers, of Spring City Knitting Company feel that a demonstration of compassion by your country and yourself will help mend the differences that exist between us.

Like all other Americans, we implore you to release the American prisoners as a gesture of goodwill and as a practical example to the world that you are as concerned as we are with the welfare of man.

The men you hold in captivity have wives, children, parents and friends anxiously awaiting their return to this country.

We can see no use to their continued imprisonment but can see benefits from their freedom. The world awaits an example, a display of your humaneness and by releasing these prisoners you could demonstrate that despite our differences a concern for individuals is paramount.

We respectfully implore that you act quickly and feel sure that this humane gesture would widen the path to peace.

LEVITZ FURNITURE,
Pottstown, Pa.

HONORABLE TON DUC THANG: The quality of mercy is admired throughout the world and a demonstration of mercy by you toward American prisoners would enhance the opportunities for peace and bring you much respect.

We urge and implore you to release the Americans you have in custody as one step toward bringing peace to mankind.

THE FIRST AMENDMENT FREEDOMS ACT

Mr. HRUSKA. Mr. President, a little more than a week ago the senior Senator from Michigan (Mr. HART) and I introduced a bill entitled the First Amendment Freedoms Act (S. 3976). I am pleased to say that since that time more than a dozen Senators have asked to be listed as cosponsors of this important measure.

Our purpose in writing the bill was to empower the Federal courts with adequate authority by way of injunction and other powers to forbid interference with our constitutional freedoms to speak, to worship, to write, to meet, and to petition. All citizens, not just those who dissent, deserve to have these precious rights protected.

Two editorials have come to my attention, one from the Christian Science Monitor, the other from the Washington Post, which support enactment of the bill. Generally, these editorials point out that in these days of pressure tactics there is some need for Government protection to insure the continuing existence of these basic rights. That is the common purpose which has led us to sponsor such a bill.

In order that all may have an opportunity to read these thoughtful discussions of this bill, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, June 23, 1970]

FROM BOTH ENDS OF THE SENATE

In the view of the all-out liberal Americans for Democratic Action (ADA) Democratic Sen. Philip Hart of Michigan is one of only six with a straight "A" voting average. On the other hand, few, if any senators, are lower in the ADA's opinion than Republican Sen. Roman Hruska of Nebraska. These twain almost ideally represent the opposite ends of political and ideological thinking in the United States Senate.

Thus it is extraordinary and significant to find these two joining hands and influence to jointly sponsor a new, powerful, and wide-ranging federal law. Called the First Amendment Freedoms Act, this bill would empower federal courts to forbid and punish interference with freedom of speech. Furthermore, this bill would apparently lower the boom as vigorously on those who interrupt classes in universities as on public officials or university administrations which ban orderly demonstrations.

Moreover, the bill would permit those whose rights (to speak, to hear, to teach, to learn, to participate, to demonstrate peacefully, and so forth) are infringed to sue and recover damages.

Ideally, the bill seeks to open the way for all legitimate opinion to be expressed fully and freely. If it achieved that objective, it would end once and for all any interference with teaching and learning on a college campus as well as any interference with the right of protesters to make their views felt on either campus or street.

We agree. There is a crying need in these days of pressure tactics from all sides, of fascistic thinking, of unconscionable rudeness, of the shouting of obscenities, of a breakdown in calm, reasoned dialogue, for a return to more mature conduct. If this cannot come through a free exercise of good sense, it must come through stringent laws requiring it.

There is no honest, thinking American who can object to the enforced guarantee of free speech, free action, free determination for all within the very right and sensible limits which an orderly society prescribes.

The fact that such a forthright liberal as Senator Hart and such a forthright conservative as Senator Hruska both support this bill is an excellent token of its need and, we trust, of its eventual passage by Congress.

[From the Washington Post, June 24, 1970]

GOVERNMENT PROTECTION OF RIGHTS

Usually one thinks of the great substantive freedoms guaranteed by the First Amendment—freedom of conscience, of expression, of assembly and of association—as restraints upon governmental authority. They are stated in terms of a limitation on congressional law-making power. It is obvious, however, that the enjoyment of these freedoms depends in a real sense upon governmental protection. It is a truism that there can be no liberty without law and order. Freedom of conscience, for example, would not have much value if thugs could take over a pulpit whenever they felt like it and disrupt a religious service—as three University of Maryland students did on Sunday at Prince George's Davies Memorial Unitarian Church on the pretext of pressing "demands" for social action.

The disruption of meetings they dislike, the shouting down of speakers they don't want to hear, has become so standard a tactic of the New Left that the Violence Commission in its report made a unanimous recommendation in favor of legislation which would "confer jurisdiction upon the United States District Courts to grant injunctions, upon the request of the Attorney General or private persons, against the threatened or actual interference by any person, whether or not under color of state or federal law, with the rights of individuals or groups to freedom of speech, freedom of the press, peaceful assembly and petition for redress of grievances."

Such legislation has now been introduced by a bipartisan group of two senators and two representatives, all members of the Violence Commission. A question naturally arises as to why the ordinary state laws against trespass and disorderly conduct are not adequate. The Violence Commission gave this rationale: "State remedies against private misconduct involving infringement of First Amendment rights are usually based not on the First Amendment but on trespass statutes or disorderly conduct ordinances. Such laws were not written to deal with acts of physical obstruction, particularly those committed for demonstrative purposes and are not always effective in handling such conduct. Moreover, where acts of violence or obstruction are committed in the name of righting fundamental grievances, those engaging in such conduct may find it harder to justify disobedience of court orders issued to uphold the First Amendment than would be true of orders based upon the laws against trespass and disorderly conduct."

It is true that punishment for contempt of court may be a more effective antidote to disruption than prosecution for trespass or disorderly conduct. Perhaps this is, in part, because it can be imposed in some circumstances without the formality of a jury trial and by the summary judgment of a court. The experience of this country with labor injunctions does not warrant a wholly carefree attitude toward the device. The proposed legislation needs careful scrutiny. We agree, however, with Senator Philip Hart, one of its sponsors, that "unless we protect the First Amendment rights of all our citizens, whatever their viewpoint, we kid ourselves if we think our free society can survive. We must act now to preserve the vigorous and peaceful exercise of those precious rights, so that the violent confrontations of the 1960s will not be recorded as a mere warmup for even more tragic turbulence in the coming decade."

RESPONSIBILITY FOR ENDING THE WAR IN VIETNAM

Mr. FULBRIGHT. Mr. President, Merlo Pusey has written a perceptive article, published in the Washington Post this morning.

I agree with Mr. Pusey's suggestion that Congress, certainly the Senate, should share the responsibility for ending the war. I wish to do it by a negotiated political settlement similar to that by which the French liquidated their proprietorship of Indochina in 1954.

I also approve Mr. Pusey's remarks about the resolution of the Senator from New York (Mr JAVITS) dealing with the definition of the proper constitutional responsibilities of the Congress and the

XUM

Commander in Chief in the use of the Armed Forces.

It is a thoughtful article and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Senate's New Mood on the War Power

(By Merlo J. Pusey)

Though still groping its way, the Senate appears to be reclaiming at least some of the war power Congress lost to the President in recent decades. The vote to repeal the Tonkin Gulf resolution was indicative of the new mood. It must be viewed alongside the Cooper-Church amendment to the foreign military sales bill, which would restrict future operations in Cambodia. Together, they say that the Senate wants to restrict the President's right to make war in Southeast Asia at his own discretion.

There is still a good deal of confusion over the changes the Senate voted in the Cooper-Church restriction. Opponents contended that it would be an encroachment upon the constitutional powers of the Commander-in-Chief; so a large majority approved a disclaimer of that argument sponsored by Majority Leader Mansfield. It said that nothing in the Cooper-Church amendment "shall be deemed to impugn the constitutional power of the President as Commander-in-Chief." On Monday the Senate added to this another phrase authored by Sen. Robert F. Byrd recognizing that the President may exercise his "constitutional power" when necessary "to protect the lives of United States armed forces wherever deployed."

The wording has in it the vagueness of the Constitution itself in regard to the powers of the Commander-in-Chief. But if interpreted in the light of what the Senate is trying to do, it surely means that the President can exercise only "constitutional power" in the protection of troops, and this would seem to forbid any further incursions into Cambodia if Congress has withdrawn funds for that purpose.

Senator Fulbright fears that any vague recognition of the powers of the Commander-in-Chief to protect the troops in Vietnam plus repeal of Tonkin Gulf will amount to giving another blank check to the President. If so, the intent of the Senate would be thrown into reverse. Allowance has to be made for the fact that the Senate has not yet legislated an entirely new policy. It seems to have started down that road, but at the moment it is trying to erect a barrier against further abuse of power and to clear away some underbrush planted by the Johnson administration.

THE BIG question is how much further the Senate will try to go. If Congress forbids widening the war to Cambodia and knocks out the approval it once gave to the war in Vietnam (the Tonkin Gulf resolution), the next logical step would be enactment of a policy to terminate the war either on President Nixon's terms, its own terms or a combination of the two. Since it has welcomed the repeal of Tonkin Gulf, the administration could scarcely object to reasonable legislation putting Congress behind liquidation of the war. And if Congress is sincere in its drive to reclaim the war power, it cannot rationally avoid a sharing of the responsibility for the pullout.

Beyond the war in Southeast Asia, a still larger question arises. Will Congress face the issue of preventing future presidential war? Given the precedents of recent decades, additional Koreas and Vietnams (wars launched by the President on his own responsibility) are a virtual certainty unless Congress and the President define by law the amorphous Commander-in-Chief powers that recent Presidents have exercised.

This is the point at which Senator Javits's bill comes into the picture. It would lay down some rather specific rules to govern the use of our armed forces in military hostilities in the absence of a declaration of war by Congress. The President could, under its terms, use the military to repulse any sudden attack on the United States and its territories; to repulse any attack on American armed forces on the high seas or on foreign territory where they might be "lawfully stationed"; to protect the lives and property of U.S. nationals; and to comply with a national commitment resulting from a treaty or convention where immediate response to an attack might be required.

This would seem to leave the Commander-in-Chief ample leeway to act in any emergency involving the vital interests of the United States. Whenever he did so, however, he would be required by the Javits bill to report the details to Congress. During the next 30 days Congress could declare war, authorize the President to carry on limited hostilities, or instruct him to suspend the military operations he had begun. If Congress had not acted at the expiration of the 30 days, the President would be left without either authority or funds to carry on his war.

Since the Constitution lodged the war power in Congress and gave that body authority "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States," there can be no question about the right of Congress to pass a law of this kind. Does it have the courage to do so? Such courage has not yet been demonstrated, and so there is ground for concern about stopping before a complete job has been done.

If the Javits bill does become the focus of a long-range reform movement, it will probably go through many stages of evolution. There are some obvious holes in it. Unless Congress restricts the proliferation of military bases in many parts of the world, for example, executive war-making under the guise of protecting those troops could become a serious problem.

At this point the significance of the Javits bill is that it shows Congress how the war power can be legitimately reclaimed without doing any violence to the power of the Commander-in-Chief. As the Senate wrestles with Cooper-Church and a substitute for Tonkin Gulf, it needs to keep in mind the longer-range objective.

ROGERS COMMENTS ON THE MIDDLE EAST

Mr. HATFIELD. Mr. President, at a time when daily reports of events in the Middle East bring news of escalating violence and warfare, I was most encouraged to hear the remarks made by Secretary of State Rogers at his news conference today. The precarious military balance that many have relied on to control the hostilities in the Middle East no longer seems capable of deterring conflict and war. Secretary Roger's reference to new political and diplomatic initiatives that are underway with concerned parties in the conflict and his continued emphasis on the importance of the U.N. Security Council and U.N. peace envoy Gunnar Jarring provide new hope for breaking the present hostile impasse in the Middle East. The "stop shooting, start talking" philosophy delineated by Secretary Rogers at the press conference is a major prerequisite toward reaching a settlement of the complex problems of the area, and I wish to commend the administration for initiating these new moves directed toward a just and lasting peace for all governments and peoples of the Middle East.

I remind Senators that Secretary Rogers' statements were based on the completed report of the April 29 review of military and political problems of the Middle East requested by President Nixon. I feel, therefore, that Secretary Rogers' comments were based on a knowledgeable foundation of the present best interests of our Nation and those friendly nations in the Middle East. It is my sincere hope that the new diplomatic and political channels being explored at present will add strength to the many voices of moderation in the Middle East and open legitimate pathways to peace for this strife-torn area of the world.

INEQUITIES IN CENSUS IN FIRST CONGRESSIONAL DISTRICT OF ARKANSAS

Mr. FULBRIGHT. Mr. President, we are all aware that 1970 is the year of the decennial national census. Enumeration has been underway for some weeks and now the figures are beginning to come in.

The population business is a kind of paradox. Most of us, if we had our preference, would choose to live in relatively uncrowded and less-populated areas. However, at census time, we all like our communities and States to show impressive growth.

Much of it has to do with civic pride. But the significance of the census goes far beyond civic pride. As we know, the apportionment of congressional seats and the administration of many State and Federal aid programs are based on population. Thus it is of major importance to a community or a State to have its population accurately counted so that it will have proportionate representation and receive proportionate funds from various Government programs.

The Arkansas Legislative Council has forwarded to me a resolution, unanimously adopted on June 19, which calls the attention of the Census Bureau and the Arkansas congressional delegation "to serious inequities which may have occurred in the method in which the 1970 census was taken in the First Congressional District of the State of Arkansas.

The resolution points out that the census in the First District was taken in a different manner than in other parts of the State. In the First District the census was conducted by mail and elsewhere it was taken by house-to-house visits. Many of those in the First District feel that there is serious question about the accuracy of the count. The resolution passed by the Arkansas Legislative Council urges "immediate steps to provide for a correct and accurate census of the First Congressional District."

I am hopeful that something can be done to insure that the final census figures do provide an accurate reflection of the population of this district.

I would also refer to an editorial published in the Arkansas Gazette of June 21. The editorial pertains primarily to the census in Little Rock, which it says "does not appear to be at all realistic."

XUM

The Gazette notes that accurate and complete census statistics are essential to the workings of government at all levels and the editorialist writes:

> It is our guess that a substantial number of Arkansans have not been counted in the decennial census. . . .

Mr. President, I ask unanimous consent that the resolution adopted by the Arkansas Legislative Council as well as the Arkansas Gazette editorial be printed in the Record.

There being no objection, the resolution and editorial were ordered to be printed in the Record, as follows:

Resolution No. 28

Whereas, the United States Census Bureau is in the process of completing its 1970 census in Arkansas; and

Whereas, in making the 1970 census, such census was taken in a different manner in certain areas of the State, consisting in some areas of a house-to-house visit by the census takers, while in other areas, each household was requested by mail to complete and mail in a census return; and

Whereas, in the First Congressional District of Arkansas, the census was taken by mail, but in the other three Congressional Districts of the State, the census was taken by house-to-house visits by census takers; and

Whereas, the 1970 preliminary census of the First Congressional District reflects information for a number of the counties in the First Congressional District which are subject to serious question as to accuracy; and

Whereas, unless an accurate census is taken of the First Congressional District, the citizens of such District will suffer severe hardship and penalty under the various laws dealing with the apportionment of Congressional seats, the apportionment of legislative seats, and the administration of many State and Federal aid programs which utilize population as a major factor in the apportionment of funds for various governmental programs. Now, therefore

Be it resolved by the Legislative Council of the State of Arkansas:

That the attention of the United States Census Bureau and the Arkansas Congressional Delegation is hereby called to serious inequities which may have occurred in the method in which the 1970 census was taken in the First Congressional District of the State of Arkansas, and the Arkansas Congressional Delegation and officials of the United States Census Bureau are urged to take immediate steps to provide for a correct and accurate census of the First Congressional District in order that the people of said District will not be deprived of substantial rights with respect to Congressional and legislative apportionment, and with respect to the benefits to be gained by the citizens of such District from various State and Federal programs which rely upon census in the apportionment of funds for essential governmental services.

Be it further resolved that a copy of this Resolution shall be furnished to the Director of the United States Census Bureau in Washington, D.C., and to each member of the Arkansas Congressional Delegation.

Respectfully submitted,

Robert Harvey,
Senator, District 17.

Filed: June 11, 1970.

To Be Counted in the 1970 Census

Preliminary census figures confirm the indications of the last few years that Arkansas has stopped the outward flow of population experienced in the 1950s and has gained population during the 1960s. This perhaps is the most significant finding of the 1970 census, even though disappointment attaches to the total preliminary figure, 1,886,404, which is not only short of the 1950 total but also substantially below the two million figure that many Arkansans had anticipated.

Thus we see in the statewide context the checkered pattern of good and bad news found as well in the subtotals by congressional districts, counties and cities. Two congressional districts—the Second and Third—have gained while the First and Fourth Districts have lost, but these shifts are not especially surprising. The Second District covers Pulaski and 14 other counties, most of them in the central part of the state, where building growth has been obvious. The Third District includes the rapidly growing northwest corner of Arkansas, where industries and retired people are finding new homes. The greatest loss was in the First District, which includes most of the Delta counties, where industrialization has not caught up with the migrant of workers from the large, mechanized agricultural enterprises. Much of the Fourth District, which had a smaller loss, also has a strong agricultural base in South Arkansas.

Our own special disappointment is in the showing of population in the preliminary figures for Pulaski County and Little Rock and North Little Rock, where surely there are a few thousand more persons who have not been counted. In Pulaski County the increase shown is about 37,000 for the 10-year period, with the total set at 279,965, roughly 20,000 below the most recent estimates of Metroplan, which uses all the accepted and reliable indices in reaching its figures. Metroplan surely is not as much as 20,000 off the true mark.

North Little Rock's net gain of only 982 is especially surprising, considering all the residential building that has been going on in recent years and the city's willingness to annex those areas where its population is likely to spill over the corporate limits. Anyone who has driven through the hilly portions of North Little Rock recently can attest to the appearance of a very large bedroom community indeed. It is difficult to imagine older housing being vacated at a rate almost equal to the occupation of newer housing, but nonetheless the preliminary census figures show a decade's gain of from 58,032 to 59,014.

Little Rock's preliminary census total of 129,059 does not appear to be at all realistic. Although it represents a gain of 21,246 from 1960, it is a gain of only 130 persons over a special census conducted in 1964, after the last large annexation was completed. Since 1964, residential building has been substantial along the spreading western and southwestern edges. It is true that Little Rock has turned down one large annexation since 1964, but there have been several smaller areas of annexation that taken alone could easily account for far more than a total population growth of 130. It is unfortunate, however, that much of Little Rock's natural growth to the southwest especially has not been credited to the city because of resistance to annexation.

In any case, accurate and complete census statistics are as essential to the workings of government at the state, county and municipal levels as they are at the federal level, and it is a responsibility of good citizenship for each individual to see that he is counted. For the city dweller in Arkansas, it is particularly important to be counted, because the amount of state tax turnbacks to cities is based on the cities' populations. The turnbacks now amount to $16 a person—up from the $6 or $7 at the time of the 1960 census—each year. Arkansas cities already are terribly cramped for adequate finances and simply cannot afford to forfeit what tax turnbacks they have legitimately coming to them.

It is our own guess that a substantial number of Arkansans have not been counted in the decennial census, but it would be a futile exercise to try to assess the blame, because that doesn't really matter in the long run. We are convinced that a conscientious attempt has been made to reach or count everyone, but that unavoidable circumstances may have caused some persons to be missed. The Census Bureau itself recognizes the possibility that some may have been missed and is now asking persons whose census forms were not picked up by a census taker to mail the forms.

County Judge Frank Mackey has urged residents of Pulaski County, inside and outside the cities, to give the necessary information to the census office and if it is closed to take the form to one of the city halls or the county courthouse. To be counted is more important than many persons may realize and we would urge those who think they have been missed to take the little time and trouble involved to make sure their names are in the lists.

THE ATTITUDE OF PEOPLE TOWARD STUDENTS

Mr. FULBRIGHT. Mr. President, one of the most thoughtful observers of the national and international scene today is the well-known columnist, Clayton Fretchey.

His article about the attitude of our people toward students deserves special attention.

I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Country Lovable

(By Clayton Fritchey)

Washington.—We are told (in the latest Gallup Poll) that the American public now considers "campus unrest" as the Nation's "number one problem." If this is so, then it is clear that the generation that really needs attention is not the younger one, but the older one.

"Even such pressing problems," says Gallup, "as the Vietnam war, racial strife, the high cost of living, and crime, have taken a back seat to the problem of campus unrest in the public's thinking."

It sounds preposterous at first, but it cannot be dismissed out of hand. There is no doubt that the students have generated an unreasoning fury on the part of their elders. Yet it staggers the imagination to find college demonstrations being considered a greater problem than the Vietnam war, which so far has cost over 50,000 dead and 300,000 wounded. In all the campus outbreaks put together the casualty list would not equal one day's casualties in Vietnam and Cambodia. And the cost of fighting the war for one day would far exceed the cost of all the physical damage to all U.S. campuses in the last few years.

The entire world knows the U. S. is in a serious economic bind. More than a million workers have lost their jobs; the cost of living goes up and up; profits drop, and 26 million stockholders see $300 billion of their worth wiped out. Still, we are informed that the adult population thinks this is a minor matter compared to student protests.

The grownups, if they can be called that, also rate campus disturbances as a more serious problem than racial strife, crime, juvenile delinquency, poverty, drug addiction, pollution, and, curiously, illegal strikes. Logically, this makes no sense.

After four students, none of them activists, were shot to death at Kent State University, the Gallup Poll found that (by a margin of 5 to 1) the "kids" rather than

XUM

the National Guard were held "primarily responsible" for the tragedy. And then there was another poll which found that college demonstrators were more hated than prostitutes, atheists, and homosexuals.

It is especially interesting to note that the polls find Americans are 82 per cent against student strikes, which seldom if ever cause public inconvenience, but they either tolerate or sympathize with massive, illegal strikes (postal workers, for example) which have caused serious breakdowns in the country.

The National Observer sent a team of reporters to Massillon, Ohio, a steel center full of hardhats, to get a cross section of opinion about students. Most of the comments backed up the Gallup finding. One worker, however, said, "In a way, you can't blame the kids. Everybody else is raising hell, striking against the government, so that law and order don't mean nothing anymore to nobody."

Time and again public services have been paralyzed by illegal strikes of subway workers, teachers, airline controllers, sanitation men, railroad employees, etc. but of all these millions of offenders only one or two have ever gone to jail and then only for a few days, and nobody really cares. The adults understand their mutual problems and make allowances; it is not at all un-American to get yours, even if it stands the country on its head. But there is no such indulgence for the young.

The emotional, even irrational attitude towards students is no accident. It has been carefully cultivated for political advantage. The hardhats now say, "America: Love It or Leave It," but Edmund Burke long ago put it another way: "To make us love our country, our country ought to be lovable." And sometimes it isn't.

XUM

ECONOMY AND EFFICIENCY IN THE POSTAL SERVICE

Mr. PERCY. Mr. President, I have addressed the Senate several times within the last few weeks on the compelling necessity for locating those areas of Federal spending which can be reduced or eliminated to provide greater economy in Government. The Senate will soon debate and vote on one of the major reorganization proposals for successfully strengthening a Federal agency. The issue is postal reform.

I am most pleased that both Houses have acted promptly during this Congress on the proposal for an independent Postal Service. Postal reform is long overdue, for the taxpayer deserves a mail system that is totally responsive and responsible. In my opinion, the proposed independent Postal Service can produce both economy and efficiency in Government. While there are a number of controversial sections of both S. 3842 and H.R. 17070, these differences can and will be settled to produce the most agreeable and feasible reorganization of the postal system.

The problems inherent in the current Post Office Department are well known to everyone from the local postman to the Postmaster General and Congress. We operate currently an antiquated postal service which annually burdens the taxpayer with deficits which have never gone below $200 million and will probably rise as high as $2.5 billion in fiscal 1971. Mail users know firsthand that the price they pay for sending a piece of mail through the Post Office does not always insure prompt delivery of their communications.

Perhaps the postal employee himself knows best of all the toll that our continual support of a nonsystem has taken. Postal employees, now numbering close to 750,000, have suffered poor working conditions, low pay, little planning for career advancement, and fringe benefits that have not been altogether adequate. Evidence of the low morale among postal workers is abundant, and the recent mail strike clearly demonstrated the degree of frustration that employees have with an unresponsive, lethargic Congress.

In addition, the Post Office Department has not been able to modernize or mechanize its facilities to cope with the expanding volume of mail. There has been much discussion about ways to overcome the anachronistic methods without severely increasing the postal deficit. Until the consideration of an independent, totally management oriented postal service, there seemed to be little promise of surmounting the forthcoming obstacles in outdated equipment, operations, employment practices, and spiraling postal rates. The most popular recourse was heavier congressional subsidies.

As some Members of the House and Senate may point out, there are no firm statistics to show that the Postal Service by implementing "X" procedure can realize "Y" amount of savings to the Government. However, the business community can well testify to the fact that organized, progressive business concepts can produce profits to the shareholder and the corporation. One such concept is that of unified management. By taking the postal system out of the political arena, all management can be centralized.

On the issue of postal rates we cannot continue to increase postal pay, which is badly needed, without making appropriate increases in postal rates. I mentioned this on the floor on June 18 when the distinguished Senator from Arizona (Mr. FANNIN) was discussing certain provisions of the bill. In the past, however, it has been the first-class mailers who have been most often hit by increased rates, while second- and third-class categories still do not yet pay a fully reasonable share of demonstrably related costs.

Through the Postal Rate Board, to be established as a part of the Postal Service, rates can be altered so as to more clearly reflect the costs of handling and delivery in each category. Each class of mail should begin to pay more of its own way, and this will be the prime responsibility of the Postal Rate Board.

Equitable and reasonable rate increases will produce a system which is largely self-supporting. The Post Office Department estimates that the Postal Service will create a $16 billion savings over projected costs for continuation of present operations. While the cost of modernization and updating of operational procedures will be about $5 billion, the savings to the taxpayer will shortly be realized by a more efficient, business-like system.

Where the Postal Service does not fulfill its goals, there is ample latitude for expanded research into better management practices. We know that there is an identified service to be delivered and the aim is to fashion that service to provide the greatest benefit to the consumer.

We cannot give complete attention to efficiency and economy without recognizing the human elements involved.

As a former businessman, I can see no reason why 60 percent of all postal employees retire at the same civil service grade that they entered.

For the postal worker the new Postal Service will offer advantages more closely identified with the private sector. Wages can be established independent of congressional squabbling; work conditions will be improved; fringe benefits will not decline and can only be improved; and more goal-oriented career programs can be established.

A reasonable line of grievance procedure can be set up; for this is a vital aspect of good labor-management relations. In addition, it will be possible for us to slowdown the hiring of postal workers and, at the same time, produce a more efficient delivery at less cost per service.

The Post Office Department is a $7 billion business and should be operated as one. The necessity is for total reorganization and as Postmaster General Blount pointed out in testimony before the Senate Post Office and Civil Service Committee, postal reform is an urgent national requirement.

Our failing economy must be restored. I very strongly believe that the enactment of the Postal Service will mean another constructive step toward fiscal responsibility.

CONCLUSION OF MORNING BUSINESS

The **PRESIDING OFFICER** (Mr. GRAVEL). Is there further morning business? If not, morning business is concluded.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The **PRESIDING OFFICER** (Mr. GRAVEL). Without objection, the Chair lays before the Senate the unfinished business which will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 16526) to amend the Foreign Military Sales Act.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I send to the desk an amendment to the pending bill and ask that it be stated.

The **PRESIDING OFFICER.** The amendment will be stated.

The assistant legislative clerk read as follows:

On page 6, line 15, strike out "delivery" and insert in lieu thereof the word "programing".

On page 6, line 23, strike out "50 per centum" and insert "25 per centum".

On page 6, after line 25, add the following:

"(d) The President shall promptly and fully inform the Speaker of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate of each decision to furnish on a grant basis to any country excess defense articles which are major weapons systems to the extent such major weapons system was not included in the presentation material previously submitted to the Congress."

The **PRESIDING OFFICER.** Does the Senator ask unanimous consent that the amendments be considered en bloc?

Mr. **DOMINICK.** I thank the Chair. I do.

The **PRESIDING OFFICER.** Without objection the amendments are considered en bloc.

Mr. **MANSFIELD.** Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **CHURCH.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

CROSSES TOO HEAVY TO BEAR?

Mr. **CHURCH.** Mr. President, in the course of the closely contested debate in the Senate over the commitment of American troops in Cambodia, it may be useful to detach ourselves and look at the consequences of our action from someone else's angle of vision. Not only might it be useful, it may even be sobering.

In this connection, I submit for consideration an article entitled "The Crusaders' Crosses," that appeared in the Far Eastern Economic Review of May 28, 1970. The article portrays Cambodia as a helpless party in the net of Indochina rivalries—its territory trampled and bloodied, and its economy staggered by the occupation by Communists, Thais, South Vietnamese, and American troops.

On March 18, when Lon Nol and his supporters overthrew Prince Sihanouk, the grim events began to unfold for Cambodia.

The article's concluding sentence is appropriate:

> The March 18 coup seems to have made Norodom Sihanouk look like a real Cambodian hero at last.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Crusaders' Crosses

(By T. J. S. George)

Phnom Penh.—Lon Nol's crusaders were kneedeep in the raindriven red mud of Cambodia last week. On one hand, the government's total dependence on outside forces was more evident than ever before. On the other, the honeymoon between South Vietnam and Cambodia seemed wrecked before it had really started.

Phnom Penh's main hope over the Djakarta conference was that some way would be devised to give it desperately-needed arms and money. But Foreign Minister Yam Sambaur was not even allowed to attend as a regular delegate or to put forth formal requests for aid. Most participants refused to give arms while the Thais alone said they would give "military equipment" which, they explained, was not the same as weapons.

With or without weapons, the Thais were making their presence felt more and more in Cambodia's western provinces. Phnom Penh seemed either powerless or disinclined to resist them, but the government must be having grave forebodings about the Thai putsch in the light of its quick disenchantment with the South Vietnamese.

That disenchantment surfaced last week. Posters appeared on the glass walls of the government department store in the capital asking South Vietnamese troops to withdraw from Cambodian soil. The posters charged that the troops from Saigon had ill-treated Cambodian villagers, violated Cambodian women and destroyed Cambodian property. These charges had been known to correspondents ever since South Vietnamese units moved into Cambodia, but no one quite expected that the Phnom Penh government would come out out with open accusations so soon.

The South Vietnamese minister in charge of refugee relief was very bitter when he talked last week about the Cambodian government's policy of discrimination against the 600,000 Vietnamese in Cambodia. Dr. Phan Quang Dan used the term "concentration camps" to describe compounds in which Vietnamese had been detained. The most important part of his condemnation pertained to the desire of many refugees to return to their homes if their security could be guaranteed: "They would be secure in areas now occupied by our troops."

Saigon's repeated assertions that its troops would remain in Cambodia for a long time obviously are not motivated by the glorious crusade against communism: they are part of a definite South Vietnamese policy to take hold of the situation created by new racial animosities. It is now clear that territorial occupation of parts of Cambodia is Saigon's aim in the deal it has apparently struck wih America to make Cambodia safe for democracy. The scope of the deal is being widened deftly by Saigon with Vice President Nguyen Cao Ky talking of a broad anticommunist front in all Indochina. This will suit the Americans as they face inevitable withdrawal. It also will suit the ulterior aims of Saigon.

The helpless party in this game is Phnom Penh. As its dependence on Americans, South Vietnamese and Thais grows, it is facing serious economic problems. The information minister told the Review that the government initially had set out to expand the army by 10,000. In fact it had taken in 50,000 recruits. Each new private has to be paid a monthly salary of Riels 1,750 (about US$32). The main fighting units, the Khmer Krom from South Vietnam, are demanding salaries on par with what they were getting from the Americans—around Riels 4,000 ($73) for a private.

In a hesitant interview, the minister for agriculture admitted that the war had upset all calculations by the government and that it had been forced to adopt an improvised war economy. Allocations from all departments were withdrawn and diverted to meet the army's requirements. Not one development project was going ahead. The minister said it was vital for Cambodia to keep trade channels open and improve exports. But here again there have been serious disruptions.

"We have difficulty in transporting goods to Sihanoukville for export," he said. Even the crop outlook was gloomy because—although weather conditions seemed favourable—the internal security situation was too dangerous. Some units of the army are being used to protect the movement of goods and of fertilizer to farm areas, but this does not seem to have been a very successful operation.

But who cares? The government in Phnom Penh can care only about survival; at week's end it finally proclaimed martial law "to counter subversion", thereby confirming widespread rumours here that communists have been infiltrating the capital for several weeks. The Americans must care most of all about their own campuses and the deadline Nixon has set for a withdrawal. The South Vietnamese are caring for their compatriots and the Thais for their own national interests. The March 18 coup seems to have made Norodom Sihanouk look like a real Cambodian hero at last.

BUSINESSMAN'S MAGAZINE SPEAKS OUT

Mr. **CHURCH.** Mr. President, Fortune magazine has impeccable credentials within the American business community. It is not the favorite reading in Moscow or Peking. Nor do its subscribers subscribe to the outlook of the so-called New Left, which sounds more and more like the Old Right.

But in its current issue, the editors of Fortune label our Cambodian involvement "a mistake" and state that the sitting Republican President on the domestic front "not only failed to allay this rising discord (that is, black militancy and white reaction), but contributed to it." It also fairly reprimands the extreme critics of the President, but urges that the President, in turn, assume a paramount role of reconciliation—an exercise, Fortune concludes, in which he has hitherto been deficient.

"The President needs our help," Fortune declares, "because we need his."

Mr. President, I ask unanimous consent that the Fortune editorial be printed in the Record at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A Businessman's Magazine Speaks Out

Six weeks ago this was a divided, frustrated, and anxiety-ridden country. Some people said, "Things have to get better because they can't get worse." Then, within a few days, the American situation deteriorated from serious to critical. Cambodia, Kent State, the killings of blacks in Georgia and Mississippi, along with all the protests, counterprotests, and counter-counterprotests that stemmed from these, plunged the nation to a level of bewilderment and fear that it had not reached in the depth of the great depression.

A measure of the present crisis was the last-minute refusal of the Illinois Constitutional Convention to let John W. Gardner make a long-scheduled speech. Gardner, a Republican who had served a Democratic President as Secretary of Health, Education, and Welfare, is one of the most patiently reasonable figures in public life. The Illinois convention stirred up by its own passionate argument over Cambodia, feared the effect of Gardner's warning that "the nation disintegrates." By refusing to listen, the convention, which is not composed of excitable students or nervous guardsmen, demonstrated that the nation was indeed disintegrating.

For the first time, it is no longer possible to take for granted that the U.S. will somehow survive the crisis that grips it. The land

XUM

itself will survive, of course, along with the machines and the people—or most of them. But no nation is merely, or mainly, an aggregate of its geography, its material assets, and its warm bodies. At the core of the U.S., conferring identity, cohesion, and vitality, stands a Proposition: free men, despite differences of status, belief, and interest, can govern themselves. Upon the survival of that Proposition, confirmed by eight generations of superb achievement, depends any worthwhile future that an entity called the United States might have. And it is that Proposition—amazingly—which in the spring of 1970 has come to be at stake.

Our two must disruptive specific issues are Vietnam and race. Grave as these are, it is a mistake to believe that the fundamental U.S. political situation would return to "normalcy" if these two issues were miraculously whisked away. For the internal and external demands on this society have been multiplied by the sheer fact of its unprecedented power and prosperity. The demonstrated American capacity for a rapid and radical change stimulates insistence upon other and greater changes. These demands conflict with one another. As the horizon of our choice has widened, we have moved into a new dimension of opportunity that is also—as we can now see—a new dimension of political danger.

There is no prospect whatever that our society can avoid issues, foreign and domestic, on which people will divide sharply. The only long-range hope lies in the possibility that we can improve our processes of discussion and decision to the point where such future challenges will not degenerate into crises like the present one.

There isn't going to be a long range worth bothering about, however, unless we cope immediately with the mess we're in. Improvement of the process has to start now and it has to be visible and quick—before the morale of the U.S., jolted by some unforeseen external or internal event, slides into another sickening descent like that of the last few weeks.

WHERE THE INITIATIVE LIES

The first and overriding goal of this torn country must be reconciliation. The burden of initiative in reconciling the country falls upon Richard Nixon, not because he is most to blame for the disruption but because he is—God help him—President. Neither his countrymen nor history would forgive the man who was in the White House while the ability of Americans to govern themselves came to an end.

In fairness to Nixon it should be remembered that for several years before he took office political passions had been rising. The Eisenhower-Kennedy-Johnson style of conciliatory, centrist politics had collapsed in 1966–67 under pressures of domestic and foreign issues.

On the domestic front, black militancy and white reaction against black gains rose simultaneously. Nixon not only failed to allay this rising discord, but contributed to it. Apparently despairing of conciliating black leaders and their allies in "the liberal establishment," his Administration seemed to court a reputation of being less than evenhanded. By two provocative Supreme Court appointments, by unleashing the Vice President to woo that large number of voters who were disgusted by demonstrations and riots, and by an equivocal statement on school desegregation, Nixon gave the impression—especially to blacks—that he was not really trying to pull the nation together.

It must be conceded that his tactics were within the conventional patterns of U.S. politics. When attacked, politicians are expected to strike back and to seek friends among the enemies of their enemies. But the underlying political situation had degenerated to a point where a conventional maneuver such as Nixon's was unworkable.

WHY CAMBODIA WAS A MISTAKE

Overshadowing domestic issues was the inherited dilemma of Vietnam. Nixon's contribution to Vietnam policy was defensible. Almost any imaginable man, taking office as President in 1969, would have wanted to end the American military commitment in Vietnam in an orderly way that would minimize the internal and external price of partial failure. A very wide band of public opinion, believing that Nixon meant what he said, supported his stated policy. Many moderates among the antiwar dissidents adopted a wait-and-see attitude.

Nixon should have placed a very high priority on deepening and extending this tentative acceptance of his promise to liquidate the war. Instead, attacks by the Vice President and others on antiwar dissenters revived doubts that his Administration really intended to expedite military withdrawal from Vietnam.

Cambodia pulled the plug. It may ultimately be shown that Nixon had excellent military reasons for sending U.S. units into Cambodia. But Cambodia was not his main problem. The condition of the U.S. was his main problem. When he encased his announcement on Cambodia in the kind of simplistic and emotional language most likely to inflame antiwar dissidents, including the moderates, he invited a greater cost in American unity than could possibly be balanced by any success in Indochina.

Now Nixon is faced with a heightened demand that he compensate for the Cambodian mistake by a precipitate withdrawal from Vietnam. If he accedes to that demand, he will risk provoking a different upheaval of U.S. protest as serious as that which greeted his invasion of Cambodia. If, on the other hand, he ignores vociferous dissent and relies on the belief that he has the backing of a "silent majority," he may find that many present supporters will turn against him on the ground that he allowed disruption to reach a point where the political and economic life of the nation has become grievously impaired.

WHAT'S THE DIRECTION?

Reconciliation does not mean attempting to suffuse the U.S. with sweetness and light. Reconciliation does not imply that dissent should cease on the ground that "the President knows best." Nor does it imply that policies, foreign or domestic, should be abandoned whenever they encounter vigorous internal resistance. Either of those paths to reconciliation is inconsistent with the central theory and the best experience of American democracy.

We are going to disagree. Never a homogeneous or conformist people, Americans have down the years achieved unity enough through their shared sense of forward motion, of hope. What now undermines the national confidence and cohesion is not the inevitable recurrence of dissension, but the weakening of belief that the nation is moving, despite its quarrels, in some worth-while direction.

The President of the U.S. has a part to play in restoring a vision of the American future. After continental expansion had been achieved, after U.S. world power had been demonstrated, after economic growth came to be assumed, it was not surprising that Americans, especially the young, should more insistently ask, "What else? What next?" Nor was it either surprising or deplorable that this questioning should turn upon nonmaterial values such as those represented by civil rights and the moral aspects of the war in Vietnam.

To knead this new moral concern into some new sense of where the U.S. is going calls for a transformation in the style of presidential leadership. Through most of our history, Congress was the most important federal organ in a nation where the central political task was the resolution of conflicts between regions and economic-interest groups. The challenge of the great depression, overshadowing such conflicts, ushered in forty years of presidential ascendancy. World War II, the cold war, and the prosperity that everybody wanted had confirmed the tendency to think of the policy-making power as concentrated in the White House, where national unity is symbolized.

That era has ended. In a room full of students watching Nixon's May 8 televised press conference, a girl said, "He speaks as if it's his country; it's our country, too." It is, indeed, and it is also the country of the flag-waving construction workers, the enraged blacks, and a hundred other factions whose viewpoints and demands will be harder to compromise than the traditional issues of economic rivalry.

The role of Congress, that instrument of government intended to represent the people in the multiplicity of their political wills, is now more necessary than it ever was. Nixon has been—or has seemed to be—too isolated. Part of the shock of his Cambodian decision came from the public's sense that neither this specific action nor the whole Southeast Asia policy had been considered and decided on a sufficiently broad and representative base.

If Nixon does his part, if he moderates the embattled tone of the Administration, if he shows more of the kind of initiative embodied in his new Family Assistance Act now before Congress, if he agrees that Congress has an important function in foreign and military policy, then a correspondingly heavy responsibility for conciliation will shift to the shoulders of his present critics.

WHAT OTHERS CAN DO

Among critics of the war are men who seem to have staked their reputations on the prediction that it must lead to disaster. They should stop speaking as if nothing short of disaster in Vietnam will satisfy them. Among critics of Nixon are some who are likewise committted to his failure. This kind of partisanship will impede the work of reconciliation.

Journalism, though not unfairly biased in the way Spiro Agnew says it is, does have a deep-seated and regrettable tendency to prefer the dramatic confrontation between extreme views to the less exciting processes of reasonable discourse and compromise. This preference has been a powerful factor in bringing about a sense of national disintegration—especially since protestors of all sorts have discovered the hunger of the TV screen for visually exciting political expression. Restraint of this appetite could be one of journalism's contributions to reconciliation.

The academic community, organized around value-free science, has been ill-prepared—and left the nation ill-prepared—for a present and future politics turning largely upon the intricacies of how moral values apply to practical policies. Correction of this defect will be a long-range process, but of immediate help would be a modicum of humility that at least recognizes the difficulty of applying purely idealistic criteria to the actual choices *now* before us.

All responsible citizens who may disagree with the President, and each other, on specific acts and policies must recognize the higher national necessity of defending the whole. And resolved into a kind of Committee of the Whole, taking his conciliatory statements at face value, we should give him the fullest possible support in his efforts to contain the fissioning forces of this country.

The President needs our help because we need his.

"HIGH NOON" ON SENATE FLOOR

Mr. CHURCH. Mr. President, there is a wind of change blowing through the

XUM

Senate corridors. It bears a hopeful augury that the end of unchecked Presidential powers in foreign affairs may be at hand and the role of the Senate as a force in foreign affairs may be in resurrection. I hope so.

The Senate, in my judgment, has already shown itself reluctant to routinely issue each year a hunting license and unlimited quantities of arms and ammunition for a national administration, whether Republican or Democratic, to go searching for foreign countries to "save" or foreign governments to "protect."

Upon the passage of the Church-Cooper amendment, the Washington Post has urged:

> . . . Congress should go on . . . to enact a policy of terminating the war at the earliest feasible date. The time for unlimited executive discretion in these matters has passed, and the government ought to be able to devise a rational means of returning to constitutional processes without a bruising fight in Washington or in the country.

I ask unanimous consent that the editorial, including this sensible conclusion, be printed in the RECORD at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 6, 1970]

A SHOWDOWN ON THE WAR POWER

President Nixon's willingness to accept the Byrd amendment to loosen the proposed Cooper-Church restriction on future operations in Cambodia narrows the issue before the Senate without substantially changing it. The basic question continues to be whether Congress will assert its authority to deescalate the war. Apparently a majority in the Senate is now determined to cancel, at least in some measure, the blank check Congress gave the President when it passed the Tonkin Gulf resolution in 1964. It is some gain to have the White House withdraw objections to Congress getting into the act at this point in some way. But the hard fact remains that the President is still maneuvering for what would in effect be a free hand in Indochina.

The chief complaint against the Cooper-Church amendment is that it would encroach upon the constitutional duty of the President acting as Commander-in-Chief of the armed forces. The views of the administration on this subject were spelled out the other day by Assistant Attorney General William H. Rehnquist. He dismissed the legal and constitutional arguments against the incursions into Cambodia by saying that they reflect "precisely the sort of tactical decision traditionally confided to the Commander-in-Chief in the conduct of armed conflict." It is, he went on to say, "a decision made during the course of an armed conflict already commenced as to how that conflict shall be conducted, rather than a determination that some new and previously unauthorized military venture shall be taken."

Of course the Commander-in-Chief does have broad authority over the conduct of a war that has been authorized by Congress. But in this case there has been no specific authorization by Congress, unless the Tonkin Gulf resolution can be so construed. Mr. Rehnquist does so interpret it, but the State Department recently consented to repeal of Tonkin Gulf on the ground that the administration was not relying upon it for the conduct of the present operations in Southeast Asia. That would seem to leave the entire war in Vietnam as well as the Cambodian affair hanging precariously on the powers of the Commander-in-Chief, without any congressional authorization.

It is interesting to note that when Mr. Nixon was a senator he voted to restrain the President in a relatively mild exercise of his power as Commander-in-Chief. President Truman had sent troops to Europe to support our commitment under the NATO alliance, without going to Congress as his administration had promised to do. Senator Nixon was among those who passed a resolution saying that "no ground troops in addition to . . . four divisions should be sent to Western Europe in implementation of Article 3 of the North Atlantic Treaty without further congressional approval." In this instance it was simply a question of putting muscle behind the NATO guarantee that an attack upon one member would be regarded as an attack upon all—a quarantee which the Senate itself had approved. Now, Mr. Nixon, who voted to deny that relatively minor discretion to President Truman, seems to be claiming unlimited authority for himself to extend the war, not in our vital security area, but in remote Southeast Asia where no treaty commitment extends.

The Senate is trying to clear up this anomalous situation. By adopting the Cooper-Church amendment it would say to the President: "We are in a limited war. The Congress forbids any expansion of the war across the Cambodian border." The general effect would be to put Congress on record in favor of winding down the war—the policy that the President himself repeatedly proclaims—instead of beefing it up.

In some degree, of course, this would restrict what the Commander-in-Chief could do in the name of protecting the American troops in Vietnam. But it is a very limited restraint that ought to be implicit in the nature of international relations. Even if we were at war with one country under a congressional declaration, the Commander-in-Chief should not take it upon himself to invade a neighboring country that might be giving aid to the enemy. That would be a question of solemn national policy which could not be legitimately made by one man who happened to occupy the White House.

Senators Cooper and Church and their supporters are trying to say to the President that he must not make such a decision again without congressional consent. Senator Byrd would undercut that by providing that the President could send troops into Cambodia again if he concluded it was necessary to protect the U.S. forces in Vietnam. This goes right back to one-man decisions. It breathes the spirit of Tonkin Gulf—that the President alone shall determine the nature and extent of our participation in the war in Southeast Asia. It would open the door to expansion of the war if the President should deem it wise or desirable.

Congress cannot afford to settle this historic effort to recapture the war power with a rhetorical gesture that would be devoid of substance. It needs to tell the President that the powers of the Commander-in-Chief do not include an unrestrained license to make war any place in the world at his sole discretion. Instead of yielding on this initial showdown. Congress should go on to repeal the Gulf of Tonkin resolution and to enact a policy of terminating the war at the earliest feasible date. The time for unlimited executive discretion in these matters has passed, and the government ought to be able to devise a rational means of returning to constitutional processes without a bruising fight in Washington or in the country.

VICE PRESIDENT AGNEW'S SPEECH YESTERDAY

Mr. CHURCH. Mr. President, it is significant to note that Vice President AGNEW charged yesterday that "the Cassandras of the Senate" are "trying to forge new chains upon the President's freedom of action," while he is trying to use those powers "to protect American lives in Vietnam."

Reading from Mr. Carroll Kilpatrick's article in this morning's edition of the Washington Post, the report states:

> The Vice President, speaking last night in Denver, referred to the Cooper-Church amendment to limit President Nixon's power to intervene again in Cambodia.
>
> Assailing those who opposed the President's decision to attack the Cambodian sanctuaries, Agnew said that they "should be apologizing for their irrationalities" instead of "trying to hobble the commander-in-chief" while 400,000 Americans "remain vulnerable in the field."

Mr. President, the inaccuracies of the Vice President's attack on the Cooper-Church amendment are obvious. It is, I believe, a typical political barrage of the kind to which we have become accustomed. However, it is significant that this administration continues, through its highest spokesmen, to oppose vigorously the enactment of the Cooper-Church amendment. This kind of opposition underscores the necessity for the Senate to go forward in the firm resolution that it has heretofore demonstrated, not only reasserting itself in the foreign policy role that the Constitution intended it to play, but also to regain a sense of itself as a vital, functioning institution in our democratic Government of checks and balances.

The passage of the Cooper-Church amendment would be an unprecedented act. I cannot recall a time in the history of our Nation when the Senate has undertaken to limit the use of the purse for the purpose of setting the outer limits of an on-going war. These are, however, unprecedented times. If we are going to come out of Southeast Asia intact, then it is becoming increasingly obvious that we must come out together, the Congress working with the President, the Congress functioning once more as the Constitution intended, in a common plan for setting the limits of America's involvement in Southeast Asia. I hope, at a later date, we can set a schedule whereby American troops remaining in Southeast Asia can be withdrawn in an orderly and safe manner.

Some have suggested that great questions such as these lie beyond the reach of the Congress and must be decided exclusively by one man. This attitude ignores the Constitution of the United States, as well as the whole concept of the division of powers contained in that living document.

Nevertheless, it is clear, from what the Vice President has said, that the White House still strongly opposes the Senate passage of the Cooper-Church amendment.

We are very much on our nettle; I hope we persist in our determined effort to see that the amendment reaches a final vote soon and that the Senate adopts it.

In that connection, I would stress that the proponents of the Cooper-Church amendment have been ready to vote for final passage at all times during the past 7 weeks.

XUM

The consistent effort by the amendment's opponents to prevent a vote has been an explicit strategy by the White House and their supporters in this body. Only after the current operation in Cambodia is completed will we be able to vote.

Why have administration supporters considered this strategy important? By its very terms, our amendment does not take effect until the operation is completed, the proponents proceeding from the beginning upon the acknowledged assumption that the President would keep his pledge and withdraw American troops by the end of his month.

The whole application and thrust of the Cooper-Church amendment pertains to the period following the first of July.

Nevertheless, the work of the Senate has been held up for 7 weeks. Legislative business, especially key domestic bills, have been log-jammed. Apparently, this effort to prevent a final vote has been done with the concurrence, if not as a result, of direct instruction by the White House.

I hope that we might proceed, without anymore conscious delay, to vote on the amendments still to be offered, we should do so with the expediency the situation now calls for in order that a final vote on the merits of the Cooper-Church amendment is not postponed much longer.

I repeat—the proponents of this amendment have been ready to vote for the past 7 weeks, and it should be clear who has been responsible for this prolonged, protracted delay.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. CHURCH. Mr. President, I ask unanimous consent that there be a vote at the hour of 2 o'clock this afternoon, that there be a time limitation on the pending amendment, and that the time be divided equally between the two sides. The time of proponents will be managed by the distinguished Senator from Colorado (Mr. DOMINICK), and the time of the opponents will be managed by me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, it is my understanding that the vote will take place at 2 p.m. today.

The PRESIDING OFFICER. The vote will be at 2 p.m.

Mr. DOMINICK. Mr. President, I yield myself 10 minutes.

Mr. President, we went over some of the points involved in this amendment in the previous amendment I offered to section 9, which was rejected by the very narrow vote of 38 to 43. We have again been in touch with the Defense Department and the State Department, who were supporting the previous amendment, and we have assurance from both of those departments that, once again, they are in agreement in support of this amendment.

We have changed substantially the form of amendment on which the previous vote was taken. But in order to keep my remarks in context, and in order to make sure that the RECORD shows what we are trying to do, I think it is only proper that we start out by referring to some of the letters from the Defense Department and the State Department.

Under date of May 16, 1970, Secretary of Defense Laird wrote to Senator RUSSELL, as chairman of the Committee on Appropriations; and in that letter he pointed out the serious effects which certain amendments to the Foreign Military Sales Act would have on the security of the United States. One of the sections to which Secretary Laird specifically refers is section 9, about which he says:

> Section (9), which severly limits the amounts of items excess to the needs of our Armed Forces which we can provide at no cost or nominal cost to our allies.

Then on the 26th of May, 1970, the chairman of the Joint Chiefs of Staff, Earle Wheeler, wrote to the Senator from Mississippi (Mr. STENNIS) as chairman of the Committee on Armed Services, on which I sit as a member, and he reports as follows:

> DEAR MR. CHAIRMAN: On May 16, 1970, Secretary Laird wrote you concerning the serious effects which certain amendments to the Foreign Military Sales Act, now pending in the Senate, would have on the security of the United States. He made particular reference to those amendments which would severely limit the existing authority in the Foreign Assistance Act of 1961 to give excess defense articles to foreign countries (Section 9) and which would require a foreign country to pay, in its own currency, 50% of the value of military grant aid provided by the United States to that country (Section 10). Secretary Laird expressed the view that taken together these amendments would severely limit the effectiveness of our collective defense arrangements. I fully concur in this view and because of the nature of the military consequences which could flow from the proposed amendments, I am taking this opportunity to also urge your support in securing a modification to the current Bill.
>
> For some twenty years the Military Assistance Program has been an important element in our national security policy. Through it, we have been able to strengthen our allies in those areas where we have mutual security interests, and we have thereby reduced the military requirements for our own forces. The Joint Chiefs of Staff have considered the Military Assistance and Sales Program to be an important aspect of the United States national security and weakening this program can weaken our security. Of particular concern to me are the serious consequences which the proposed amendments could have upon the military capability of our Forward Defense Allies, such as the Republic of Korea and Turkey.
>
> As you are aware, the Republic of Korea is a key element of the United States forward strategy in Northeast Asia. If the Republic of Korea is to maintain her responsibilities for her own self-defense against aggresion, she must have enough modern military equipment to meet the military threat currently posed against her by the North Korean military forces. I had the opportunity to visit South Korea during October of last year and I saw first-hand the condition of the South Korean equipment. Their ground forces equipment is antiquated, and they lack adequate force mobility. Their Air Force needs additional resources, and their Navy needs additional surface units. If we are going to place a greater reliance on the indigenous forces of the Republic of Korea, we must be sure they can cope with the threats to their security, for their security is tied to the security of the free world. If United States military equipment, which would otherwise be scrapped, can be useful to enhance the capability of such indigenous forces, we ought not to permit these defense resources to be wasted. We ought not to take unnecessary risks by adding to our scrap heap instead of adding to an ally's strength.

Mr. President, without reading the rest of it, that is the major objective of the Joint Chiefs of Staff's letter; namely, that we should not so excessively limit our ability to take excess defense supplies and deliver them to our allies as to impede both their ability to defend themselves and their ability to be an ally in our forward defense structure.

With regard to the same item, on June 8, 1970, the Department of State wrote to the Senator from Pennsylvania (Mr. SCOTT), and said, in part, as follows:

> DEAR SENATOR SCOTT: I am writing in connection with H.R. 15628, the Foreign Military Sales legislation now before the Senate, to request an extension of the legislation and to express our concern with certain provisions of the Bill reported out by the Committee on Foreign Relations.

Then, skipping over to the point I am now dealing with, it reports as follows:

> Section 9 as now written would place such a low ceiling on the amount of excess materiel that could be delivered under the Military Assistance Program (MAP) that it would drastically reduce deliveries of defense articles to the principal aid recipient countries, such as Turkey, the Republic of China, and Korea. The greater part of the programs to these countries is required for training, operation and maintenance, and shipping costs. In fact, from a world-wide MAP based on a $350 million appropriation, we do not expect to be able to provide more than $78 million in equipment for force improvement (investment items) in FY 1970. Thus, excess articles—which have always been an integral part of MAP—provide an essential element to modernize the defense forces of our allies in the underdeveloped world. The reductions proposed in Section 9 would effectively cut down our overall aid. This might raise doubts about the effectiveness of our plans to implement the Nixon Doctrine of assisting allies to assume greater responsibility for their own security and to diminish the need for direct involvement of United States Forces. It would eliminate what they need for carrying the greater burden we are urging them to assume. In order to avoid the problems we believe are certain to arise from Section 9 as now written, we are hopeful that you will support a substantial increase in the authorized ceiling level.

Now, Mr. President, in the last amendment as I presented it to the Senate, what I did in that case was to urge that we raise the overall limit from the amount established in the bill, the utility value of some $35 million, to $150 million or almost five times what the limit says within the actual bill itself.

As I said, that was defeated by a very narrow margin. It is my feeling that perhaps some of the Members of this body did not fully understand what we were trying to do and felt that in some way we were increasing the military defense budget.

Exactly the contrary was true then and exactly the contrary is true now.

What I am urging here is to leave in the limitation as now established in the bill; namely, the $35 million of utility value, but to substitute for the figure of 50 percent the figure of 25 percent.

The virtue of this is that we are dealing with excess defense articles, articles not needed by the United States for our own defense capability, articles which in most instances are anywhere from 10 to 12 years old, are obsolete from our point of view and which, unless we supply them to our allies, the only effective thing we can do with them is to spend a lot more money in the process of trying to maintain them, or simply to put them on the scrap pile where they will not do us any good or our allies any good, either.

For articles from 10 to 12 years old, it would seem to me that 25 percent of their original acquisition cost is an ample amount to try to determine what the utility value is to the countries which will be receiving them.

We should keep in mind, in the process of this discussion, that the amendment of the Senator from Iowa (Mr. MILLER), to strike section 10, was rather substantially defeated as of yesterday. That portion of section 10 which applies to my amendment is the portion which requires that countries receiving excess defense articles must make available a fund representing 50 percent of the fair value of the articles received.

Obviously, any country which is receiving articles is going to find that this will have a major impact on its own budget in order to provide that fund. Therefore, to the extent that we in Congress increase the so-called utility value of any particular object, we are also increasing the amount of money our own allies will have to put up within their own country for the United States to use in any way it wants.

This is a very difficult situation for our allies. It is a very difficult situation for the State Department to try to operate with any degree of tact in self-governing countries. Consequently, as I have said, what I have done is to provide that the value of these articles will be computed at 25 percent of their original cost instead of the 50 percent.

The net effect of this, in order to make the record crystal clear, is that the overall limitation of $35 million, which represents the $70 million in terms of original acquisition cost, will in fact represent about $140 million of original acquisition cost as of about 10 or 12 years ago, which is the average age of most of the articles we will be dealing with.

There are two other portions of the amendment which are important. The first is to strike out the word "delivery" and insert in lieu thereof the word "programing."

This is somewhat of a technical amendment. What it does is to keep the pipeline open for fiscal year 1970.

The other is contained in a new subsection (d). It is a requirement that the President fully inform the respective committees of Congress in the event there is any proposal to deliver major weapons systems to any of our allies.

By and large, the program does not consist of what are termed major weapons systems. But this is required so that in the event they should be added, the appropriate committees of Congress would be notified before it is done so that we would have appropriate information upon which to determine whether objections should be interposed, or whether it should be pushed along as rapidly as possible.

This is a provision for reporting which is not now in the bill and which, in my opinion, gives the Foreign Relations Committee of the Senate a better control over what type of items are being given to our allies than they previously had or would have within the terms of the bill as it is presently written.

Mr. President, I have the strong feeling that unless we agree to this amendment, we are not only creating a substantial amount of initial expense to the United States, but we are also rather sharply injuring the very allies upon whom we are relying to provide a first line of defense in the event of any sudden aggression by either the Soviet Union or the Red Chinese.

The PRESIDING OFFICER (Mr. GRAVEL). The time of the Senator has expired.

Mr. DOMINICK. Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER (Mr. GRAVEL). The Senator from Colorado is recognized for another 5 minutes.

Mr. DOMINICK. Mr. President, keep in mind that South Korea is under rather sharp infiltration and attack from North Korea; that the North Koreans are receiving rather massive economic and military support from the Red Chinese and from the Soviet Union; that the Soviet Union and Red China are in a very hostile, belligerent position, vis-a-vis themselves, along their northern border which, if it erupts, might easily involve the Korean peninsula, both north and south.

Keep in mind that the southern flanks of NATO are guarded by Turkey, Greece, and Iran, all of whom have been recipients in the past of our foreign military assistance; that these countries are rather vital to the southern flank of NATO, and that if we continue the process of trying to permit them to defend themselves against a sudden incursion into these areas, it is bound to be of benefit not only to ourselves, but also to the rest of the free world.

It seems patently self-defeating to me to put on a limitation which is so restrictive as to require that we must put in a stockpile the items which our allies want for their defense and then require them to go on the market and buy them at a budget cost which would be very high to them and which they probably could not finance.

I urge strongly that this very important amendment, which simply changes the computation by which we determine the limit for the amount of aid to be given to our allies in terms of excess defense articles, be agreed to.

Mr. President, I reserve the remainder of my time.

Mr. CHURCH. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER (Mr. GRAVEL). The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, this is the second amendment the distinguished Senator from Colorado has offered regarding a general provision of the Foreign Military Sales Act that deals with the disposal of surplus weaponry.

The first amendment offered, and rejected several days ago, would have had the effect of more than quadrupling the ceiling which the Committee on Foreign Relations has imposed upon the transfer of surplus weapons. The amendment now offered by the distinguished Senator from Colorado would have the effect of doubling that ceiling.

If the amendment now offered were agreed to, we could give away $140 million worth of military equipment without having to charge it against the authorized ceilings of the military grant program as contained in the Foreign Assistance Act. The committee bill, on the other hand, would permit $70 million worth of so-called surplus equipment to be transferred without having to charge any of it against the authorized ceiling in the Foreign Assistance Act.

Mr. President, it would be advisable to return again to a consideration of the reasons why the Foreign Relations Committee placed this ceiling in the bill. I refer to the committee report, beginning on page 10, under the caption "Section 9—Ceiling on Grants of Excess Defense Articles."

I read from the report:

> SECTION 9—CEILING ON GRANTS OF EXCESS DEFENSE ARTICLES
>
> The Department of Defense has used existing authority in the Foreign Assistance Act of 1961 to give excess defense articles to foreign countries in such a way as to circumvent the expressed intent of Congress in reducing the military assistance program. Section 9 restricts that authority by placing a $35 million ceiling on the amount of excess defense articles that may be given to foreign countries in any fiscal year.
>
> For all practical purposes, there are, at present, no restrictions on the amount of military assistance which the Department of Defense can provide by way of its excess stocks—since existing law covering the use of these weapons and materials requires that only the value of reconditioning this equipment be charged against the annual military assistance authorization. Thus, with virtually no restrictions on its authority to use surplus defense articles under the Military Assistance Program, the Department of Defense can and has utilized this authority to maintain the program at a much higher level than Congress has been willing to provide out of new funding.
>
> A particular example of the Department of Defense's disregard for Congress' efforts to cut back on military assistance occurred last year when Congress refused to authorize an additional $54.5 million to provide the Republic of China with a squadron of F–4 fighter aircraft. Following this refusal, the Department of Defense announced that it was providing the Republic of China with a number of F–100's and F–104's from the Department's excess stocks. In total for fiscal year 1970, Department of Defense pledged to Taiwan $144,000,000 worth of excess defense

XUM

items—an amount which may be compared to the $341,000 given in the fiscal year 1970 congressional presentation book on the military assistance program as the total amount of excess defense articles that the Republic of China was scheduled to receive for that year.

This example illustrates that so long as the Defense Department has unrestricted use of the excess stockpile—which can be expected to rise sharply as a result of Vietnam—the Congress cannot exercise effective control over the amount of military assistance available to the Department to give to foreign countries.

Section 9 establishes an annual ceiling of $35 million for excess defense articles. For each fiscal year, any amount given away above the $35 million ceiling would be subtracted from the funds available for grant military assistance, and deposited in the Treasury as miscellaneous receipts.

For valuation purposes the provision provides that excess defense articles be valued at not less than 50 percent of acquisition cost; the Department of Defense now values excess articles at an average of 30 percent of original cost.

Mr. President, it is with respect to the last matter of evaluating the articles given away as surplus, or as excess to our own needs, that the pending amendment has particular reference. If we agree to the amendment offered by the distinguished Senator from Colorado, we would reduce from 50 percent of acquisition cost to 25 percent of acquisition cost the formula for evaluating this surplus or excess equipment.

The committee looked very carefully into the question of the formula currently being used. We must understand that we are discussing the method by which the Department of Defense evaluates the equipment it gives away. This enables us, the public, and the press to have some idea of the size of this program.

In the past, the methods that the Department of Defense itself adopted averaged out to 30 percent of original acquisition cost to the Government of the United States. The Dominick amendment would reduce that figure to 25 percent.

If we agree to the amendment, we establish a congressional guideline which actually falls below the voluntary figure that the Department of Defense has used in the past.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. CHURCH. I will yield in a moment. I would like to document that statement by referring to a question that was addressed to the Department of Defense when the bill was before the Committee on Foreign Relations, asking the Department to detail the method used and what the average figure had been for evaluating surplus equipment. The following is the answer furnished us by the Department of Defense, which I shall read into the RECORD:

(a) We calculate utility value as 25% of acquisition cost for major items, which are largely used and obsolescent, and at 100% for secondary items which are essentially new and fully meet the requirement. Non-reimbursable issues to MAP of these two categories over the past two years produce an overall average utility value of 30%. This percentage does not apply to other years, nor does it apply to the total long supply and excess stocks in DOD inventories because the mix between major and secondary items differs from that which applies to issues over the past two years.

Mr. President, this clearly establishes the fact that, according to the Department of Defense, the average evaluation has been 30 percent, while the amendment offered by the Senator from Colorado would have the effect of reducing it to 25 percent.

Mr. DOMINICK. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. ALLEN). Does the Senator yield?

Mr. CHURCH. I am happy to yield to the Senator from Colorado.

Mr. DOMINICK. I am not going to quarrel or argue with semantics, but as the Senator probably knows, we had quite a series of talks with the military leaders on what constitutes acquisition costs. Until very recently research and development and all other items that have gone into the acquisition of any kind of weaponry have not been considered as part of the acquisition cost. My guess is—and I am only guessing—under the present accounting system it would be found that 30 percent would be rather substantially reduced after there has been poured into the total acquisition cost research and development and things of that nature.

Mr. CHURCH. The Senator may be correct in that observation. I stress only that whatever elements enter into the determination of the acquisition cost, the same elements enter into it regardless of whether the Senator's amendment were agreed to. In other words, under the committee version of the bill, the Department of Defense would have to establish a utility value figure for weapons that are declared to be excess of our own needs and are given to foreign governments. This figure could not fall below 50 percent of the acquisition cost. If the amendment now pending were agreed to, however, the Department would be able to establish that figure at 25 percent of acquisition cost.

As far as the effect of this amendment is concerned, it does not matter how the acquisition cost is determined or what elements go into it.

Turning briefly to a different aspect of the debate which relates to the Cooper-Church amendment, I have noticed with considerable alarm in the last few days, news accounts reporting that American airpower is now being employed in Cambodia in ways that suggest an ever-deepening involvement of this country in a new war on a new front in Indochina.

I refer, first, to an account in Wednesday's edition of the Philadelphia Inquirer, dated June 24, 1970, written by the staff reporter of the Inquirer here in its Washington bureau, Mr. James McCartney. The news dispatch reads as follows:

WASHINGTON, June 23.—The wraps have been taken off United States air power in Cambodia, it was learned here Tuesday.

U.S. planes will be permitted to bomb and strafe over more than half of the country, virtually at will—including areas south of Phnom Penh, as yet untouched.

A high defense Department official said the primary purpose of the new level of aerial warfare will be to protect the U.S. troop withdrawal program in South Vietnam by attacking Communist supply routes.

But he freely acknowledged that a loose interpretation of this assignment will be permitted on the battlefield.

"If a pilot sees trucks on the highway nobody is going to complain if he shoots them up," the official said.

Pentagon officials acknowledged Monday for the first time that "interdiction" raids against Communist supply routes had been flown as far as 100 miles from the South Vietnamese border.

They did not indicate the full scope of the new approach to the aerial war, however.

Officially, U.S. planes will not be used to support the Cambodian government.

But unofficially, nobody at the Pentagon plans to try to draw that line too sharply.

The new policy almost certainly means a gradual escalation of the aerial war in Cambodia, it is acknowledged.

I am not going to read the remainder of the account, for the purpose of saving time, but I ask unanimous consent that the full account appear at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. AIR FORCE GIVEN FREE REIN TO RAID RED POSTS IN CAMBODIA

(By James McCartney)

WASHINGTON, June 23.—The wraps have been taken off United States air power in Cambodia, it was learned here Tuesday.

U.S. planes will be permitted to bomb and strafe over more than half of the country, virtually at will—including areas south of Phnom Penh, as yet untouched.

A high defense Department official said the primary purpose of the new level of aerial warfare will be to protect the U.S. troop withdrawal program in South Vietnam by attacking Communist supply routes.

But he freely acknowledged that a loose interpretation of this assignment will be permitted on the battlefield.

"If a pilot sees trucks on the highway nobody is going to complain if he shoots them up," the official said.

Pentagon officials acknowledged Monday for the first time that "interdiction" raids against Communist supply routes had been flown as far as 100 miles from the South Vietnamese border.

They did not indicate the full scope of the new approach to the aerial war, however.

Officially, U.S. planes will not be used to support the Cambodian government.

But unofficially, nobody at the Pentagon plans to try to draw that line too sharply.

The new policy almost certainly means a gradual escalation of the aerial war in Cambodia, it is acknowledged.

At the moment most U.S. aerial combat missions in Cambodia are being flown by fighter-bombers.

But the official said that huge B-52 Stratofortresses will undoubtedly be used in the future.

Up to this point B-52 activity has been largely confined to the so-called "sanctuary" area in Cambodia along the Vietnamese border.

Up to now the aerial war in Cambodia has been largely secret.

Several weeks ago Defense Secretary Melvin Laird said that U.S. planes were not observing the 21.7-mile restriction that President Nixon has placed on U.S. ground combat operations in Cambodia.

But Laird at that time declined to say how deeply U.S. planes were being permitted to penetrate the country. He said such material is "classified."

In his June 3 nationally televised speech on Cambodia President Nixon said that "air

XUM

> missions to interdict the movement of enemy troops" would be permitted in Cambodia after his June 30 U.S. troop withdrawal deadline.
>
> The volume of recent attacks has not yet been disclosed by the Pentagon, but Defense officials said they are still far below the volume of attacks in neighboring Laos.
>
> If the Communists continue to build up supply lines, however, attacks can be expected to escalate.

Mr. CHURCH. Mr. President, further evidence of the escalation of the aerial war in Cambodia is to be found in the Washington Post of June 24, 1970. That account reads as follows:

> U.S. war planes struck deep into Cambodian territory to help government troops break the month-long siege of the provincial capital of Kompong Thon, the Cambodian military command reported Wednesday.
>
> The spokesman said the U.S. jet fighter bombers joined the battle during the crucial final stages in the first joint U.S.-Cambodian-South Vietnamese aerial bombing campaign.
>
> The strike 80 miles north of Phnom Penh was about 130 miles from the nearest U.S. combat troops in Cambodia.

Mr. President, I ask unanimous consent that the full text of the article also appear in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. PLANES STRIKE DEEP INSIDE CAMBODIA

> U.S. war planes struck deep into Cambodian territory to help government troops break the month-long siege of the provincial capital of Kompong Thon, the Cambodian military command reported Wednesday.
>
> The spokesman said the U.S. jet fighter bombers joined the battle during the crucial final stages in the first joint U.S.-Cambodian-South Vietnamese aerial bombing campaign.
>
> The strike 80 miles north of Phnom Penh was about 130 miles from the nearest U.S. combat troops in Cambodia.
>
> In another development, about 1,000 North Vietnamese troops swept to within rocket range of Phnom Penh by driving 400 Cambodians from Prek Tameak on the east bank of the Mekong River 11 miles northeast of the capital. An officer said his troops found a six-foot Soviet-made rocket capable of hitting Phnom Penh.
>
> Most government troops have pulled back from the vicinity of Prek Tameak to within a few miles of the capital to await reinforcements.
>
> The prospect of the capture of Prek Tameak was not regarded in Phnom Penh as a threat to the capital despite its proximity. Observers saw it as part of the day-to-day action rather than a prelude to a thrust on Phnom Penh.
>
> Witnesses at Kompong Thom said the U.S. planes—with American pilots—fired rockets and machine guns at enemy forces near the provincial capital and were followed in by South Vietnamese A-37 jet fighter-bombers. The U.S. strikes apparently were to mark enemy positions for the South Vietnamese pilots.
>
> The U.S. planes were Air Force OV-10 Broncos, light, propeller-driven aircraft designed specifically for counter-insurgency and limited-warfare operations, including observation and reconnaissance, helicopter escort, limited ground attack and gunfire spotting.
>
> In Phnom Penh, Information Minister Trinh Hoanh welcomed the news from Washington Monday that American aircraft were striking at supply lines as far as 100 miles inside Cambodia.
>
> The minister said, "Our reaction is of course favorable. This is further proof that the United States is ready to help Cambodia against Communist aggression."
>
> The U.S. has not acknowledged any combat-support air missions—such as those reported at Kompong Thom—deep in Cambodia.
>
> In a separate development in Phnom Penh Tuesday, 1,000 South Vietnamese refugees filed aboard the South Vietnamese landing craft Ninh Gian to be transported to a temporary camp near Saigon.
>
> In Saigon, as visiting U.S. Navy Secretary John H. Chafee looked on, the U.S. Navy transferred 273 patrol boats to the South Vietnamese navy. The transfer brought the total given to South Vietnam to 525.
>
> In Canberra, External Affairs Minister William McMahon announced Australia was making a special grant of $555,000 in logistics equipment to Cambodia.
>
> There will not, however, be any form of direct military aid in arms or ammunition, he said, nor will any Australian military personnel be sent to Cambodia.
>
> McMahon said vehicles, communications equipment, engineer stores, tents and clothing will be sent to Cambodia under the logistics grant.

Mr. CHURCH. Mr. President, how do these news items compare with what we were told in the last Foreign Relations Committee meeting with the Secretary of Defense regarding the administration's policy in limiting American involvement in Cambodia?

I quote from the transcript of the committee's proceedings. On page 552 of the proceedings, dated May 18, 1970, Secretary Laird asked the chairman (Mr. FULBRIGHT), as follows:

> Secretary LAIRD. The operating rules which we are using presently as far as air power is in accordance with the fourth caveat of the Church-Cooper amendment. Would that satisfy you?

Senator FULBRIGHT replied:

> Well, with respect to the support of Cambodian forces, not South Vietnamese forces.

Secretary Laird replied:

> The air power is being used in support of allied forces, not Cambodian forces.

There ends the quotation.

Mr. President, I am not contending that this was not the limit then being imposed. The President had assured the country that the United States was moving into Cambodia only temporarily to eliminate the border sanctuaries and to facilitate further withdrawals of American forces from South Vietnam. However, as I have tried to stress again and again in this debate, once the Cambodian borders were breached, once American and Allied forces were permitted to enter Cambodia and engage the Vietcong and the North Vietnamese in that country, a new front opened up. Immediately, the pressures began to develop on the administration to broaden the scope of American participation beyond the limits the President had said assured the country he was determined to hold.

And now I have word that the Secretary of State, at his press conference this morning, would not categorically rule out that the United States might not fly close air support for Cambodian or South Vietnamese troops in Cambodia. According to UPI, the Secretary said that he wished to make no statement "which would limit U.S. air power."

It is clear that the administration's original limits on an aerial war have been abandoned, and authority has been given the American Air Force to participate in an aerial campaign over Cambodia involving support for Cambodian forces in the field.

Mr. President, this is added evidence of the necessity to enact legislative limitations upon the widening American involvement in the Indochinese conflict.

Subsection (4) of the Cooper-Church amendment would withhold further funding after July 1, 1970, for any combat activity of the U.S. air forces above Cambodia in support of Cambodian forces. That is completely consistent with the objective we have sought to serve from the outset.

The Cooper-Church amendment is designed to prevent the kind of creeping involvement in Cambodia which carried us deeply into the South Vietnam quagmire. Combat air activity is an important element in that creeping involvement. We carefully drafted the amendment in such a form that it would not impede U.S. aerial activity in support of American or Allied forces in any way. We carefully drafted the amendment so that it would not interfere with the interdiction of enemy supply lines supporting enemy activity in South Vietnam. However, we did not want, we do not want, and we seek to prevent, the extension of this combat activity in the air in such form as to entangle us with Cambodian forces and in support of the Lon Nol or subsequent regimes in Phnom Penh.

If the President wants to change the policy, if the President thinks he should now go to the defense of still another government in Southeast Asia, then it is his obligation, under the Constitution, to come to the Congress, lay his case before the Congress, and ask the Congress for its authority and consent.

That is the objective of our amendment. Subsection 4, an important provision, seeks to restrict aerial activity in Cambodia so that we do not find ourselves drawn into a developing war on that front, as we were, in piecemeal fashion, in South Vietnam.

These news releases and reports are very disturbing. They bear out what we have been saying all along.

They are further proof of the need for the Senate to move on to a final vote on the Cooper-Church amendment. I hope that we can reach that vote early next week.

Mr. DOMINICK. Mr. President, I yield myself 5 minutes, just to comment on the strategy of my distinguished debating friend from Idaho. As I said the other day, I always enjoy a discussion with him, because I know he is a very sharp debater, and, as usual, has skillfully drawn a very fine red herring across the trail of the amendment I am talking about.

The last portion of his talk, at least, involved the Cooper-Church amendment, which I am not involved in at all with this particular amendment. I am talking about section (9), which has nothing to do with the Cooper-Church amendment. Section (9) deals only with the question of whether or not we are

XUM

going to be able to put more of our excess defense weaponry into our allies' hands, instead of putting it on our own scrap heap. That is all it involves.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. DOMINICK. I am happy to yield.

Mr. CHURCH. I did in the earlier part of my remarks, address myself to the Senator's amendment. I thought I had said enough about it. I wanted to consider a matter that seems to me to be far more serious. Yet, I did spend at least half of my time at what I thought was a rebuttal of the Senator's arguments in behalf of his revised amendment.

Mr. DOMINICK. Fine. I just wanted to set the record straight, and make sure that no one felt the last part of the Senator's speech dealt with the amendment I am talking about.

I wish to quote one further thing which I think is of interest here. This is from a memorandum prepared with respect to both this amendment and the original one I offered, the last portion of which reads:

> Curtailed use of excesses will not produce savings to the U.S. The materials have long ago been paid for by the Defense budget and are no longer needed to meet current operational requirements and mobilization reserves of the U.S. military services. Cost of repairing and shipping these articles are borne by either the recipient or the MAP appropriations. If not used to meet military assistance requirements, they will be scrapped and useful defense resources will be wasted.
>
> Much of the equipment furnished from excess is old and, by U.S. standards, obsolescent and beyond the point of economical repair. But, to the recipient country where materials are relatively scarce and expensive while labor is relatively plentiful and inexpensive, these equipments are extremely valuable and useful.

Once again, I repeat, they are not only valuable and useful to the recipient countries but, to the extent that they increase their capability to defend themselves, they are enormously useful to us; and it seems to me patently self-defeating for the Senate to say that we are going to oppose the joint, unanimous opinions of the State Department, the Defense Department, the Joint Chiefs of Staff, and the allies who are trying to help us, and simply say we are going to put an arbitrary limit on this activity which does not provide any saving to us, and which certainly does not increase the capability of our allies to defend themselves.

The Senator from Idaho, in the latter part of his speech, was talking about the need for limiting U.S. involvement in Indochina. One of the ways we can do that is by giving the countries the capabilty of defending themselves. So he talks, on one phase of this matter, on one side, and then would place a limitation on the very action that is needed in order to limit U.S. involvement, no matter where it is, whether South Vietnam, Israel, Berlin, or anywhere else.

So it would strike me that passage of the amendment is eminently sensible.

Mr. President, I reserve the remainder of my time.

Th PRESIDING OFFICER. Who yields time?

RECESS

Mr. CHURCH. Mr. President, I move that the Senate stand in recess subject to the call of the Chair, with the anticipation that the Senate will reconvene around 1:30, proceeding then to a vote on the pending amendment at 2 o'clock.

The PRESIDING OFFICER. With the intervening time to be charged equally to both sides?

Mr. CHURCH. With the intervening time to be charged equally to both sides.

The motion was agreed to; and thereupon, at 12:45 p.m., the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 1:05 p.m., when called to order by the Presiding Officer (Mr. BYRD of West Virginia).

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided between both sides.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair, with the understanding that the recess not extend beyond 1:30 p.m. today and with the further understanding that the time be equally divided between both sides.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to and at 1:11 p.m., the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 1:20 p.m., when called to order by the Presiding Officer (Mr. PEARSON).

WHITE HOUSE MEMORANDUM ON REVENUE SHARING LEGISLATION

Mr. BAKER. Mr. President, I am today releasing a White House memorandum sent by President Nixon to all senior administration officials urging that they familiarize themselves with the administration's revenue-sharing legislation and that they make known on every suitable occasion the strong desire of the President to secure the enactment of this measure.

I commend the President for his commitment to revenue sharing and for his increased efforts to secure enactment during this session of Congress.

Federal revenue sharing with State and local government would restore needed balance in the federal form of government and would provide needed resources to allow States and localities to devise their own programs and set their own priorities to solve their own unique and most crucial problems.

As we all know, the concept of revenue sharing has been espoused for some time. It was endorsed in 1968 by both presidential candidates and by both party platforms. Over 100 different revenue-sharing bills were introduced during the 90th Congress. Further, and of great significance, was the agreement reached in 1969 on the question of assuring cities and counties an adequate portion of revenue-sharing funds by agreeing to a guaranteed State passthrough provision.

With Governors, mayors, and county officials united behind one basic revenue-sharing plan and with substantial support in Congress, one would have thought that the Congress would then respond by enacting revenue sharing to relieve the fiscal pressures confronting State and local governments.

The Congress did not act.

Then in August of 1969 President Nixon fulfilled his commitment made during his campaign by including the proposal for revenue sharing within his New Federalism program and by sending to the Congress the requisite legislation. On September 23 I introduced the administration's proposal, and I have been joined in cosponsorship by 33 other Senators.

Still the Congress did not act.

In January of this year State and local government public interest groups, including the National Governors Conference, the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties and the National Legislative Conference, banded together to generate support for revenue sharing. On April 16 representatives of this group, including both Democrats and Republicans, liberals and conservatives, conducted a press conference calling upon the Congress to act promptly to relieve the urgent problems of our States and cities.

Still the Congress has not acted.

As I have stated, revenue sharing is supported by almost every Governor, mayor and county official in this country. The Nixon administration has submitted a proposal to this Congress. It has been cosponsored by over one-third of the membership of the Senate. In this situation fundamental fairness demands that the Senate Finance Committee and the House Ways and Means Committee fulfill their responsibilities by taking up this measure, holding hearings on it, and giving consideration to it. The Congress has already waited too long to respond to the problems of our States and cities.

Mr. President, I ask unanimous consent that the memorandum of President Nixon to his senior administration officials reaffirming his strong support for revenue sharing and calling upon the Congress to act be reprinted in full at this point in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM FOR SENIOR ADMINISTRATION OFFICIALS

THE WHITE HOUSE,
Washington, June 24, 1970.

Subject: Revenue Sharing.

This Administration came to office at a time when many Americans were frustrated (often justifiably) with the performance of existing governmental institutions. We have, therefore, proposed basic changes in the domestic policies of the Federal Government. The Administration's new domestic policies, taken together, constitute a strong effort to reform major program systems, renew our federalism, and strengthen the capacity of governmental institutions—at the national, State and local levels.

Last August, I submitted to the Congress a proposal for sharing a portion of Federal revenues with State and local governments. This innovative program is designed to extend Federal assistance to these governments in a broader, fairer, and less conditional manner.

Over the years this mechanism will have a substantial economic and political effect on our Federal system.

The arguments in favor of revenue sharing are as strong as ever:

1. We have a serious "fiscal mismatch." The Federal government has the superior revenue-generating system. The other levels of government have the major domestic expenditure requirements. The Federal government has long recognized this discontinuity between public needs and resources. So far, we have chosen to bridge the gap through the mechanism of categorical grants-in-aid to State and local governments. Next year, nearly $28 billion will be spread over 500 separate and uncoordinated aid categories.

2. We need to design better systems for delivering Federal program assistance and better methods of fiscal assistance. Revenue sharing represents a valuable and necessary supplement to our existing financial assistance efforts. Increased resources and additional decision-making responsibility will be transferred to States and localities. Local discretion and flexibility will be encouraged. Citizen discontent over the inability of the Federal government to deliver services effectively provides strong incentive to decentralize some governmental decision-making.

3. The revenue capacity of State and local government is severely strained—despite their considerable efforts. During the 1960s, the States made over 300 increases in major taxes, either enacting new taxes or raising rates on existing ones. Property taxes are very high in many areas. These governments need financial help. The simplest, most direct, and fairest way to provide that help is through revenue sharing.

4. Adequate provision of basic public services is a matter of high national priority. Revenue sharing is directly responsive to this need. We look to our States and localities to provide these services, and revenue sharing funds represent vital support for our domestic programs.

5. Americans not only are frustrated with the performance of governmental institutions, but also with the unresponsiveness of these institutions to local concerns. The individual citizen can have the largest impact on public policy through his State and local governments. By strengthening these governments, revenue sharing can enhance individual contributions to public decision-making. Through revenue sharing an important measure of political power is returned to the people.

I want to emphasize the importance of revenue sharing in our total domestic policy. Revenue sharing is the financial heart of the New Federalism.

Under the New Federalism, major aims are to define more clearly functional responsibilities among levels of government and strengthen governmental institutions at all levels. Welfare, for example, is appropriately a national responsibility. In addition to providing equity and dignity for the poor, the Family Assistance Act will relieve State and local governments of rapidly rising costs for welfare.

In areas which are primarily State-local responsibilities, revenue sharing and other measures which the Administration has advanced will strengthen the capacity of States and localities to make decisions which reflect their own priorities and needs.

In the first full year of the Family Assistance Program, fiscal relief for states and localities will be nearly $600 million, in addition to the currently estimated revenue sharing program of $1 billion.

I encourage all of you to become familiar with the basic elements of the Administration's revenue sharing proposal and to make known, at every suitable occasion, our strong desire to secure its enactment in 1970. A very brief description of revenue sharing, along with major questions and answers, is enclosed.

Richard Nixon.

Summary of the Administration Revenue-Sharing Plan

The leading features of the Administration's revenue-sharing proposal are as follows:

First, the total amount to be shared will be a stated percentage of personal taxable income—the base on which Federal individual income taxes are levied. The fund will grow fairly rapidly from a currently projected program of $1 billion on a full-year basis to reach $5 billion by the mid-'70's.

Second, the distribution of the fund among the states will be based on a simple formula that assigns primary weight to population, but also gives some weight to tax efforts exerted in the State.

Third, the distribution within each State between the State government and the localities will be based on a formula, so that each unit of general government within a State will be assured a share that is proportionate to its own revenues raised.

Fourth, no program or project restrictions will be placed on the use of the funds made available by the Federal Government. Each State, county, city and town will rely on its own judgment, and allocate the funds as it deems best.

The distinguishing characteristics of this proposal are:

(1) *Simplicity*—objective statistics and clearly defined procedures are used;

(2) *Fairness*—all general purpose local governments participate, regardless of size;

(3) *Dependability*—State and local governments can count on the funds in their planning; and,

(4) *Discretion*—State and local governments are free to use the funds wherever they determine the need most pressing.

Questions and Answers on the Administration's Revenue-Sharing Proposal

1. Q. *What is the purpose of this proposed legislation?*

A. The ultimate purposes are:

To restore to the States their proper rights and roles in the Federal system with a new emphasis on local initiative and discretion;

To provide both the encouragement and the necessary resources for local and State officials to exercise leadership in solving their own problems;

To restore strength and vigor to local and State governments;

To achieve a better allocation of total public resources.

2. Q. *Why do State and local governments need revenue sharing?*

A. One reason is due to what President Nixon calls the "fiscal mismatch." Federal tax receipts, based largely on incomes, tend to grow faster than the economy. At the local level, the reverse is true. State and local revenues, based heavily on sales and property taxes, do not keep pace with economic growth, while expenditure requirements for education, health, welfare, and other local services tend to exceed such growth.

3. Q *But doesn't the Federal Government provide aid to State and local governments already?*

A. Yes. Federal grants to State and local governments will amount to $24 billion during fiscal year 1970 and an estimated $28 billion in 1971. But this assistance is being distributed through a confusing array of nearly 500 separate program authorizations. A basic objective of revenue sharing is to supplement the existing Federal aid effort with broader and less conditional fiscal assistance. In this manner, both funds and the responsibility for their proper allocation will be transferred to the States and localities.

4. Q. *But if some "surplus" revenue develops at the Federal level, why not reduce the Federal tax take—leaving the field open for State and localities?*

A. This is not a matter of sending back to the States "excess" Federal revenues left over from Federal program requirements. Revenue sharing should be viewed as an *expenditure* for a basic national purpose—strengthening the financial base of our Federal system of government. It should be evaluated with other expenditure programs and assured delivery to State and local governments.

5. Q. *How much money is to be shared?*

A. The size of the total fund to be shared will be a stated percentage of personal taxable income—the base on which Federal individual income taxes are levied. To provide for an orderly phase-in of this program, the FY 1971 percentage will involve new obligational authority of $275 million for the last quarter of the year—or $1 billion on a full-year basis; subsequent fiscal year percentages will be increased annually up to a permanent one percent for fiscal year 1976 and thereafter. On this basis, we estimate an appropriation for fiscal 1976 of about $5 billion.

6. Q. *The initial amount of revenue sharing does not sound like much, particularly when it is split up among 50 States and thousands of cities and counties. Wouldn't this just be a drop in the bucket for most communities?*

A. Given the current and near-term budget outlook, we realistically faced two alternatives for introducing revenue sharing: (1) either delay introducing the plan until funds are available to begin a full-scale program, or (2) establish the plan now and provide for phased increases as budget resources permit. The second course of action is clearly preferable. With all the competing claims for limited Federal revenues, it is important to establish the principle of revenue sharing as soon as practicable.

7. Q. *Can the States and localities depend on this flow of funds to be regularly appropriated?*

A. In order to provide for the assured flow of Federal funds, a permanent and indefinite appropriation will be authorized and established for the Department of the Treasury, from which money will be automatically disbursed each fiscal year, as required by the revenue sharing act.

8. Q. *How will the funds be distributed?*

A. The funds will be distributed from the Federal Treasury to the 50 States and the District of Columbia. Each State will receive an amount based on its share of national population, adjusted for the State's revenue effort. The revenue effort factor provides the States with some incentive to maintain (and even expand) their efforts to use their own tax resources to meet their needs. Revenue effort is the ratio of total general revenues collected by State and local governments in a given year to the total personal income of that State.

9. Q. *Will the States be required to share some of this distribution with their local governments?*

A. Yes. The allocation of a State's share among its general units of local government will be established by prescribed formula. The proportion which an individual local government will receive corresponds to the ratio of its own revenues to total State and local government revenues in the State.

10. Q. *Why are these particular distribution formulas used?*

A. Distributions based on revenues raised have several important advantages:

They make allowance for State-by-State variations in preferences;

They tend to be neutral with respect to the current relative fiscal importance of State and local governments in each State;

They provide a method for allocation among governments units with overlapping jurisdictions.

11. Q. *By sharing revenues with every city, county, and town, is the effectiveness of this plan diluted too much?*

A. We are unable to find an acceptable or logical point at which revenue sharing funds should be denied a local government. Some proposals would exclude all cities and counties of less than 50,000. All local governments are faced with fiscal pressures, often especially acute for small communities, and all deserve specific inclusion in the revenue-sharing program.

12. Q. *What restrictions or qualifications will be imposed on the use of these funds?*

A. There will be no program or project restrictions on the use of these funds. One purpose of revenue sharing is to permit local authorities the programming flexibility to make their own budget allocation decisions. Each State will be required to meet minimum reporting and accounting requirements.

13. Q. *Are State and local governments able to establish proper social priorities for the allocation of their revenue sharing funds?*

A. The answer can be obtained by examining the pattern of State and local spending. From their own revenue, they have consistently spent the lion's share on education, health and hospitals, and public welfare.

14. Q. *How do the various State, county, city and other local officials view this revenue-sharing proposal?*

A. We have had numerous discussions with governors, mayors, and county officials on this proposal. There has developed a remarkable degree of approval. Revenue sharing has now been enthusiastically backed by the national associations of governors, mayors, county commissioners, and other State and local leaders.

15. Q. *How much of a new administrative apparatus will be required to administer revenue sharing?*

A. None. The plan has been designed to operate almost automatically, avoiding any requirement for the establishment of any new Federal bureau or agency. The whole purpose is to avoid Federal controls and to increase the fiscal discretion available to State and local governments.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate resumed the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, I yield 5 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I strongly support the amendment to section 9 proposed by the distinguished Senator from Colorado.

Section 9 of the Foreign Military Sales Act as now written would reduce U.S. surplus military items destined for our allies below an acceptable risk for no good reason. Placing an unrealistic ceiling on excess military materials for such allies, as South Korea, Turkey, Nationalist China, and other friends who have stood firm against Communist aggression for 25 years, is a measure which is completely unsupportable.

Surplus military materials, such as weapons, vehicles, and tanks, which are not economically repairable for our Armed Forces, would all go to scrap if our allies did not have a vital need and capability to make them serviceable. The ceiling proposed by advocates who would weaken the capability of the free world will prevent the United States from making optimum use of these assets to help our allies continue their firm stand against aggression.

Mr. President, this portion of the military assistance program has two great advantages. It helps our allies to maintain their military forces, and it does not cost the American taxpayer. It buys security for the United States and her allies without cost. I challenge anyone to devise a cheaper deterrence.

It has been proposed in section 9 of the act that a ceiling of $70 million on the basis of the original cost of the equipment be established by law. This action drastically curtails the vital contribution that excess articles make to the military assistance program.

Providing military materials from U.S. surplus to our allies is the heart of the MAP program. For an example, of the $350 million appropriated for fiscal year 1970, only $78 million was for modernization. Unnecessary curtailment of excess issues will increase the need for MAP funding of operating requirements and diminish our ability to use these assets for modernization.

Mr. President, the reduced use of surplus items by our allies will not produce any savings to the United States. The articles have long ago been paid for by the United States. They are no longer required by our military services. It would cost more to repair them than it would to buy a replacement. Opportunities for our forces to take advantage of improved replacements would be reduced.

Costs of repairing and shipping these articles are borne by either our allies or by MAP appropriations. If these materials are not used to meet military assistance requirements, they will be scrapped and useful defense resources will be wasted.

Mr. President, much of the equipment provided from surplus is old and worn out by U.S. standards. It is obsolete and beyond the point of economical repair. But, to our allies, where materials are relatively scarce and expensive, while labor is relatively plentiful and inexpensive, these defense items are invaluable in checking Communist aggression.

The ceiling of $70 million at acquisition cost which is being proposed would almost eliminate the excess program to assist our allies. The use of the original cost to set this ceiling makes this proposal completely unrealistic. Such factors as age, condition, and actual usefulness to our allies must be taken into account. Experience of the Department of Defense over the years indicates that such excess equipment has a worldwide utility value of about 25 to 30 percent of the original or acquisition cost.

Mr. President, I am strongly opposed to the $70 million ceiling on section 9 of the amendment to the act. If a ceiling must be imposed, then it is recommended that it be calculated on the "utility value" formula of 25 percent of acquisition cost as proposed by Senator DOMINICK. The Department of Defense has advised that the program can be sustained at this level without seriously jeopardizing the security of our allies.

Mr. President, there is an apparent effort by the advocates of capitulation to weaken the defense posture of the free world. Their proposal will reduce the effectiveness and motivation of our allies, It will alienate our friends. It will be another measure toward isolationism for America.

Mr. President, I urge the Senate not to accept this unnecessary risk to our security. Section 9 must be modified as proposed by Senator DOMINICK's amendment. I strongly urge my distinguished colleagues to approve his amendment.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, how much time do the two sides have remaining?

The PRESIDING OFFICER. The Senator from Colorado has 4 minutes remaining. The other side has 9 minutes remaining.

Mr. JAVITS. Mr. President, will the Senator from Massachusetts yield me 3 minutes?

Mr. KENNEDY. I yield 3 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, it is germane to this bill, because it is actually mentioned in the bill, to say a word about the situation in the Mideast which has just broken by reason of a declaration——

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. BYRD of West Virginia. Mr. President, I would say there is some question as to germaneness, but since the Senator has only 2 more minutes, I shall not object.

Mr. JAVITS. Mr. President, I do not agree that there is a question as to the germaneness. The bill itself refers to the Mideast.

Mr. BYRD of West Virginia. I realize that.

Mr. JAVITS. And this germaneness thing can be stretched to the breaking point, too. But when the bill itself refers to the issue, I do not see why we cannot discuss it, especially when it is urgent and timely.

Mr. President, the United States today, through the Secretary of State, indicated that overtures with respect to the Mideast have been placed before other countries, but that the United

XUM

States had not yet made a decision on the question of arms aid to Israel, especially as to the Phantoms which are expressly covered by this bill.

NEW U.S. MIDEAST PEACE PROPOSALS

I am concerned that the U.S. initiative may be putting the cart before the horse. Unless and until Israel is assured of receiving the military equipment it needs, it is doubtful that the Soviet Union and the radical Arabs are likely to negotiate to any real purpose. If they are given reason to believe that Israel can be weakened and worn down militarily and economically, they have little incentive to agree to a real cease-fire or seriously to negotiate. However, if it is made clear that Israel will be provided with the planes and other equipment it needs to match the massive inflow of Soviet arms—and personnel—then Cairo, Amman, Moscow—and the Arab commandos—may have an incentive to negotiate for peace.

The crucial substance and details of the latest U.S. peace proposals for the Mideast have not been made public. But it is reported that the main thrust of the latest U.S. initiative is to reestablish the cease-fire and to reactivate the Jarring Mission for "indirect" peace talks. Both of these objectives are desirable. But past experience counsels caution.

Egypt has shown scant regard for past ceasefires; and the previous laborious travels of Ambassador Jarring failed to produce anything of substance as to peace.

Even temporary cease-fires are desirable provided that they are not just pauses for the UAR to catch its breath. Real caution is called for in this respect. Moreover, the greatest caution must be exercised to assure that a temporary ceasefire and pullback from the Suez Canal area is not used by the U.S.S.R. and the UAR to prejudice Israel and to gain a strategic advantage by moving up to the Suez Soviet SAM III's and covering Mig fighter patrols.

The big powers, inevitably, will continue to play an important role in Mideast diplomacy. Certainly there are issues with respect to the Mideast which are the proper subject of U.S.-U.S.S.R. negotiation. But this must not include a big power dictate which could sacrifice Israel's security on the altar of some larger "accommodation."

Israel has not gained peace as a result of the 1967 war, but at least it has gained a position which is strategically viable while it waits for a real peace. Israel cannot now be asked to compromise or undermine its strategic viability for anything short of meaningful peace.

The Soviet Union has a very ambitious geostrategic "game plan" in the Mideast. It has succeeded in achieving some of its preliminary objectives by bankrolling Arab radicalism with arms and by fanning anti-Israel passions. But the Soviet Union cannot achieve its broader aims unless it succeeds in reopening the Suez Canal. This would reopen access of the expanding Soviet Navy to the Red Sea and Persian Gulf areas, which the Kremlin believes to be ripe for its influence in the wake of Britain's withdrawal from east of Suez.

The United States has a vital interest of its own in seeing that, when the Suez is opened, it is with freedom of transit for all countries and will lead to peace in the area.

Finally, I hope the United States will be spared the embarrassment, as happened before, of having its peace proposals rejected by all the Mideast parties concerned—as well as by the U.S.S.R.

I thank the Senator from Massachusetts (Mr. KENNEDY) for yielding me the time, and I thank the Senator from West Virginia (Mr. BYRD) for his forbearance.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, I yield myself 2 minutes. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, for the benefit of Senators who were unable to be in the Chamber from the beginning of the debate, let me say that the amendment I am proposing is supported by the State Department, the Defense Department, and the Joint Chiefs of Staff. It is a much more realistic—perhaps that is one word that my opponents would use—amendment than the former one, although I thought the other one was very good.

This amendment would accomplish two things: One, it would enable us to give excess material to our allies so that they could defend themselves, instead of involving the United States in any kind of widening conflict. Two, it would enable our allies—and I am talking about countries such as Korea, Turkey, Greece, and Iran—to acquire this material without having to put up as much money as they previously would have had to put up, because the value would be computed at a lesser level. Consequently, we would have a situation in which there would not be as much drain on their budget and less drain on ours, because we would not have to maintain the material or simply scrap it, as we would have to do under existing circumstances, as presented in the bill.

I repeat: This is a variation on the amendment that was very closely rejected the last time. My feeling is that some people did not really understand what I was trying to do before. I hope that this makes it crystal clear, and I would sincerely urge that this amendment be adopted.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PESIDING OFFICER. On whose time?

Mr. KENNEDY. I ask unanimous consent that there be a quorum call, with the time not to be charged to either side.

Mr. MANSFIELD. Mr. President, reserving the right to object, at what time is the vote to take place?

The PRESIDING OFFICER. Two p.m.

Mr. DOMINICK. Mr. President, reserving the right to object, I think I have only 2 minutes remaining. If we take it out of the quorum call, I will not have any time in which to sum up. Perhaps the Senator could take a certain amount out of his time.

The PRESIDING OFFICER. If there is no objection, it will not be taken out of the time remaining.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, I yield myself such additional time as may remain.

I hope the Senate will reject the amendment now being presented. It appeared in slightly different form several days ago and was defeated. Both the original and this amendment offered by the distinguished Senator from Colorado would quadruple the size of the ceiling established for the arms giveaway program of excess weapons from our own inventory.

This quadrupling is done by evaluating the quipment that is given away at a particular level.

The Committee on Foreign Relations has established a limit of 50 percent of the original acquisition cost to the Government of the United States. The amendment offered by the Senator from Colorado would reduce that to 25 percent. This would be unwise. The Defense Department voluntarily, without any instruction whatever from Congress, has already established a formula which, on the average, makes the figure 30 percent. If we are going to establish a congressional guideline in the name of the ceiling, it would be very unwise to make that a lesser figure than the Defense Department has voluntarily established by its own methods. Therefore, I hope this amendment will be rejected.

I also urge Senators to remember that when we go to conference, we need room for further negotiations.

Mr. DOMINICK. Mr. President, I will be very brief, because the time is approaching when we will have to vote.

This amendment does this:

One, it gives more flexibility to be able to get our allies in a position to defend themselves, instead of our having to do it for them.

Two, it reduces the burden on our allies, on their own budget, which they would have to put into a special fund, under section 10. So it accomplishes two things in that way.

Three, it reinforces the control of Congress over what type of items are going to be given away, by requiring that the President report to all the committees before any major weapons systems are distributed.

Four, it is more realistic in terms of utility value than is the committee amendment because of the fact that the articles we are distributing are, by and large, 10 to 12 years old. As such, certainly the 25 percent of original acquisition cost formula is reasonable.

I might also point out in that connection that the 30 percent which the military said they were using was probably—and I say this because of the discussions we have had in committee—computed without taking in the research and development costs in terms of acquisition. So I would think that if we included that, what they were giving away is probably

XUM

25 percent or less as a totally computed cost, so I do not think that would be violating anything there.

All I can say is that this is needed for our allies and for our own security.

Mr. GRIFFIN. Mr. President, have the yeas and nays been ordered?

The **PRESIDING OFFICER** (Mr. JORDAN of Idaho). Yes, the yeas and nays have been ordered.

Mr. GRIFFIN. I thank the Chair.

The **PRESIDING OFFICER.** The hour of 2 p.m. having arrived, the Senate will now proceed to vote on the amendment of the Senator from Colorado (Mr. DOMINICK).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Minnesota (Mr. MCCARTHY), and the Senator from Georgia (Mr. RUSSELL), are necessarily absent.

I further announce that the Senator from Texas (Mr. YARBOROUGH), is absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Delaware (Mr. BOGGS) and the Senator from Illinois (Mr. PERCY) are detained on official business.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The result was announced—yeas 40, nays 48, as follows:

[No. 172 Leg.]

YEAS—40

Allen
Allott
Baker
Bellmon
Bennett
Bible
Cannon
Cook
Cotton
Curtis
Dole
Dominick
Fannin
Fong
Griffin
Gurney
Hansen
Hollings
Hruska
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Mathias
McClellan
McGee
McIntyre
Miller
Packwood
Pearson
Prouty
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stevens
Thurmond
Tower
Young, N. Dak.

NAYS—48

Aiken
Anderson
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Church
Cooper
Cranston
Eastland
Ellender
Ervin
Fulbright
Goodell
Gore
Gravel
Harris
Hart
Hartke
Hatfield
Holland
Hughes
Inouye
Kennedy
Long
Magnuson
Mansfield
McGovern
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Stennis
Symington
Talmadge
Tydings
Williams, N.J.
Williams, Del.
Young, Ohio

NOT VOTING—12

Bayh
Boggs
Dodd
Eagleton
Goldwater
McCarthy
Mundt
Murphy
Percy
Russell
Saxbe
Yarborough

So Mr. DOMINICK's amendment was rejected.

Mr. CHURCH. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GRIFFIN. Mr. President, I move to lay that motion on the table.

Mr. HOLLAND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ANNOUNCEMENT ON PROBABLE LIVE PAIR ON CHURCH-COOPER AMENDMENT VOTE

Mr. NELSON. Mr. President, during the week of June 30, I will be attending as a delegate the fifth Conference on the United Nations of the Next Decade. The Conference will be held in Denmark and is sponsored by the Stanley Foundation.

At the time I agreed to attend as a delegate, it was not anticipated that the Church-Cooper amendment would still be pending and might be voted upon in my absence.

In the event the amendment is voted upon in my absence, I have a live pair with the Senator from Louisiana (Mr. LONG) who opposes the amendment; and, therefore, my absence would in no way change the final result. I thank the Senator from Louisiana for agreeing to a live pair since otherwise it would have been necessary to cancel plans for attending the Conference.

ORDER OF BUSINESS

The **PRESIDING OFFICER** (Mr. JORDAN of Idaho). The Senator from Colorado is recognized.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ALLOTT. Mr. President, I yield.

Mr. MANSFIELD. Mr. President, does the Senator from Colorado intend to offer an amendment at the present time? Could the leadership ask his intentions so that we may be guided thereby.

Mr. ALLOTT. Mr. President, I will be very happy to inform the leadership that I am going into a matter which I have discussed before, and will then offer an amendment.

Mr. MANSFIELD. Mr. President, would the Secretary yield further?

Mr. ALLOTT. I yield.

Mr. MANSFIELD. Mr. President, I would like to carry on a discussion with the minority leader for the purpose of laying down guidelines, or perhaps we should call them guideposts for the days ahead.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I wonder if it would be possible, in view of the fact that at the present time the only amendments to be offered are amendments by the Senator from Colorado (Mr. ALLOTT), the Senator from Michigan (Mr. GRIFFIN), the Senator from Iowa (Mr. MILLER), the Senator from Washington (Mr. JACKSON), the Senator from Indiana (Mr. HARTKE), maybe the distinguished Senator from Washington (Mr. MAGNUSON), and the distinguished Senator—I do not think I should try to list them all.

May I say that as far as all of these amendments are concerned, I believe they are in good order except the one which I think the distinguished Senator from Colorado may offer.

I wonder if it would be possible to arrive at a time limitation on each of these amendments, say 2 hours on each amendment beginning tomorrow with a vote on the Cooper-Church amendment at 2 p.m. on Tuesday next and a vote on the entire bill at 4 p.m. on Tuesday next.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. SCOTT. Mr. President, will the Senator yield to me first?

Mr. ALLOTT. I yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, this request has followed from a discussion with a number of Senators on this side of the aisle and the distinguished majority leader.

As far as I know, unless someone wishes to interject a contrary opinion, there is every desire to finish this bill—and it does seem that Tuesday is a very good day to do it—and if we can, to accommodate each other by some limitation on the numerous amendments following the amendment of the Senator from Colorado. We do not ask any limitation on that amendment.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. JAVITS. Mr. President, for the purpose of perfecting the unanimous-consent request, and I shall not object, I hope the majority leader will make two provisions, one for amendments to amendments; and two, not limiting the limitation to the amendments of those who have spoken up and said they have amendments.

Mr. MANSFIELD. No; I said all amendments.

Mr. JAVITS. All amendments.

Mr. MANSFIELD. But with the proviso that on the Cooper-Church amendment the vote would be on Tuesday at 2 p.m., and the final vote would be at 4 p.m. on Tuesday. Some people seem to attach some symbolic significance to the date. I do not care what date it occurs on just so we can dispose of the measure one way or another and get back on a one-session basis.

Mr. JAVITS. If amendments to the amendments are provided for, and the time, will it be understood that sessions will be extended to accommodate action on all amendments and amendments thereto, and still meet the deadline?

Mr. SCOTT. The daily sessions.

Mr. JAVITS. The daily sessions.

Mr. MANSFIELD. We will do the best we can but we have other important legislation backing up because of the full 6 weeks we have spent on this bill.

At the last minute all these new amendments spring up and proposals come into being. We have been on this matter for 6 weeks. Where have these amendments been all this time?

Mr. SCOTT and Mr. HOLLAND addressed the Chair.

Mr. ALLOTT. Mr. President, I yield first to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, speaking for myself, I have been ready to vote on Cooper-Church for at least 3 weeks, as the Senator knows, but we have tried to accommodate the desires of a number of Senators.

Mr. MANSFIELD. That is correct.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I thank the Senator.

My question is: How long does the distinguished majority leader expect the present program to continue of having two sessions, one lasting into the night?

Mr. MANSFIELD. For as long as the pending business is the pending business.

Mr. PASTORE. Without the unanimous consent.

Mr. MANSFIELD. We hope we will get that.

Mr. HOLLAND. Then, the Senator indicates if the pending business is disposed of next Tuesday there will no longer be the necessity for night sessions.

Mr. MANSFIELD. That is correct; at this time.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. PASTORE. Why do we not make the time limitation 1 hour?

Mr. MANSFIELD. Fine.

Mr. PASTORE. If a Senator cannot state his case in one-half hour I do not see what case he has.

Mr. MANSFIELD. Fine. Very well, I change the request, and I am delighted to do so, to 1 hour, applicable to all amendments and amendments thereto.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. AIKEN. If all amendments were taken care of by Saturday under the 1-hour time limitation, would we have a final vote on Saturday?

Mr. MANSFIELD. No.

Mr. AIKEN. Why?

Mr. MANSFIELD. Because we have other bills. Very likely we will be on the postal reform bill on Saturday, and conference reports.

Mr. AIKEN. Would it not be better to take care of all our emergency legislation before July 1, even if we have to put over the vote on the Cooper-Church amendment and put over the vote on the bill until after July 4?

Mr. MANSFIELD. The Senator has a point, but if we can get an agreement, maybe we could do both.

Mr. AIKEN. I wonder why we could not vote on this bill before or after next Tuesday. What is so sacred about voting on Tuesday?

Mr. MANSFIELD. Just to get it off before the holiday.

Mr. ALLOTT. Mr. President, I want to be certain, before the ruling, that the time limitation does not apply to me.

Mr. MANSFIELD. That is correct.

Mr. SCOTT. That is right.

The PRESIDING OFFICER (Mr. Jordan of Idaho). The Senator wants the vote on the bill at 4 p.m. on Tuesday?

Mr. MANSFIELD. Yes; and the vote on the Cooper-Church amendment at 2 p.m. on Tuesday, and the waiver of rule XII.

The PRESIDING OFFICER. Is there objection to suspending rule XII?

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. What is that?

The PRESIDING OFFICER. The provision for a quorum call.

Is there objection to the request of the Senator from Montana?

Without objection, it is so ordered.

Mr. MANSFIELD. Mr. Presient, will the Senator yield to me for 1 minute?

Mr. ALLOTT. Mr. President, I yield to the majority leader.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I have forgotten to include in the unanimous consent request that the time, when it begins to run after the disposal of the speech and the amendment of the distinguished Senator from Colorado, be equally divided between the sponsor of the amendment and the majority leader, or whomever he may designate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous consent agreement, subsequently reduced to writing, is as follows:

Ordered, That the Senate proceed to vote at 4 o'clock p.m. Tuesday, June 30, 1970 on the final passage of H.R. 15628, an act to amend the Foreign Military Sales Act.

Ordered further, That the Senate vote at 2 o'clock p.m. on the same day on the pending committee amendment, as amended.

Ordered further, That further debate on any amendment or amendment to an amendment (except the pending amendment by the Senator from Colorado, Mr. Allott on which there is no limitation) be limited to 1 hour each, to be equally divided and controlled by the mover of the amendment and the Majority Leader or his designee.

EXTENSION OF THE EFFECTIVENESS OF THE DEFENSE PRODUCTION ACT TO JULY 30, 1970

Mr. SPARKMAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Joint Resolution 1259.

The PESIDING OFFICER laid before the Senate the joint resolution (H.J. Res. 1259), to extend the effectiveness of the Defense Production Act of 1950 to July 30, 1970, which was read twice by its title.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the joint resolution.

The PRESIDING OFFICER. Is there objection?

There being no objection, the joint resolution (H.J. Res. 1259) was considered, ordered to a third reading, read the third time, and passed.

LEGISLATIVE PROGRAM

Mr. ALLOTT. Mr. President, I ask unanimous consent that I may yield to the minority leader for the purpose of propounding a question to the majority leader, without my losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, may I ask the distinguished majority leader what is the order of business in part 2 of the day's proceedings following the disposition of the education bill?

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, the second shift will return to the appropriation for the Office of Education. We hope that will be finished tonight.

That will be followed by Calendar No. 913, S. 3842, a bill to improve and modernize the postal service and to establish the U.S. Postal Service, which will be taken up tonight, if possible—which is doubtful—and tomorrow night certainly, and Saturday as well, if need be.

On tomorrow the Senate will convene at 9 o'clock in the morning, and after an agreement with the distinguished Senator from Delaware (Mr. Williams) and the distingiushed Senator from Nevada (Mr. Cannon), after the prayer we will take up the 17 conference reports on the stockpile bills.

Following the Postal Reform bill, we have the District of Columbia appropriation bill, then the independent offices appropriation bill, and then the Interior Department appropriation bill, which will be coming up; and if we can get all those out of the way by Thursday next, I think we will be following in the Pastore pattern. I refer to the Pastore pattern because it was his bright idea which brought about a culmination of this stretched-out proceeding.

Mr. SCOTT. There is another Pastore pattern which should be commended, and that is the suggestion that the time on all amendments be limited to 1 hour, and I want to congratulate another proposal by the Senator from Rhode Island.

Mr. MANSFIELD. Mr. President, before I yield the floor, may I say there will be at least 1 vote, perhaps more, early tomorrow morning, on the stockpile measures, so all Senators should be on notice.

Mr. COTTON. Mr. President, did the Senator mention the guarantee bill from the Committee on Commerce?

Mr. MANSFIELD. No, but that may be brought up later, for reasons which I will explain to the Senator shortly. But, to repeat, it is very, very likely that there will be a Saturday session.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate resumed the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, at the risk of being deemed "crude," or "cynical," or of having it inferred that I have

XUM

not been in the Senate long enough to know how matters are handled here, I would like to pose one simple question: Is this not the proper, sensible time to come to grips with the various measures designed to influence American policy in Vietnam? I think it is time, and that is why today I intend to propose an amendment which I hope and expect the Senate will reject, decisively and finally.

This is an amendment which would place severe and unprecedented restraints upon the Commander in Chief as he works to extricate this Nation from a war he inherited. Ideally, such restraints would never have been suggested. But they were suggested, and, as promised, will inevitably come before the Senate sooner or later. The sooner this legislation is disposed of, the better. Just by looming in the background it can have a bad effect. That is why I am anxious to dispose of it. That is why I shall offer the amendment, and hope it is defeated.

In my remarks today I want to emphasize two things. First, why I think this is the appropriate time to bring the matter to a vote. Second, why I think this amendment should be defeated. As I shall make clear, these two questions are quite closely linked. Hence, I think it is not just important that we defeat this amendment, but that we defeat it now, to rid ourselves of the vague uncertainties hanging over this Government.

Mr. President, I shall vote against this, my own amendment. There may be some who think it odd to propose an amendment and then to vote against it. But at a glance as Senate practice will tell them that this is hardly an unprecendented action. Consider the following examples.

XUM

Consider record vote number 565 in the second session of the 88th Congress. Senators may consult the CONGRESSIONAL RECORD, volume 110, part 17, page 21900. At that time the distinguished senior Senator from Vermont (Mr. AIKEN) moved to table H.R. 11380, an amendment to the Foreign Assistance Act of 1961. Senator AIKEN then voted against his own tabling motion.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. AIKEN. Did that method work?

Mr. ALLOTT. I think so.

Mr. AIKEN. I assume the Senator has checked on that.

Mr. ALLOTT. I want to congratulate the Senator from Vermont, who is our patron saint on this side, because I have before me an analysis of that particular action. The motion to table was rejected, and the Senator was on the prevailing side, by a vote of 49 to 38. So he is to be congratulated.

Mr. AIKEN. And the Senator thinks that is an excellent precedent for his move?

Mr. ALLOTT. I do not know of anybody's action I would rather have as a precedent than the Senator from Vermont. I might say that on that occasion I had the pleasure of voting with him.

Consider record vote No. 93 in the first session of the 90th Congress. Senators may consult the CONGRESSIONAL RECORD, volume 113, part 8, page 10692. At that time the able majority leader, the distinguished senior Senator from Montana (Mr. MANSFIELD), moved to recommit H.R. 6950, a measure concerning restoration of investment tax credit. Senator MANSFIELD then voted against his own motion to recommit.

Consider record vote No. 46 in the second session of the 91st Congress. Senators may consult page 4141 in the CONGRESSIONAL RECORD for February 19, 1970. At that time—a short four and a half months ago—the able majority leader, Senator MANSFIELD, moved to table Senate Resolution 359, concerning a select committee on equal educational opportunity. Senator MANSFIELD then voted against his own motion to table.

Mr. President, these are but a few examples of the accepted and valid practice of opposing a measure one has proposed. It is perfectly consistent to feel that a measure should not be passed, but deserves prompt consideration. That is my reasoning today. I think it is my duty to expedite consideration of this measure which is so directly relevant to the current debate. Therefore, I favor bringing it to a vote. I think it is an unwise measure, and therefore I intend to vote against it.

This amendment, which I shall offer in my own behalf, has the same wording as the so-called amendment to end the war, heavily advertised as the McGovern-Hatfield amendment. It has been the announced intention of the sponsors of that amendment to attach this language to the military procurement authorization bill. I do not see why that particular form of attachment should be considered vital.

Indeed, I think it is most appropriate that we consider measures pertaining to the entire situation in Cambodia and the rest of Southeast Asia at the time of the most comprehensive debate in which we are engaged. Further, I am convinced that the American people want it this way. They are divided on the particular question of policy but they are anxious for the Senate to make some coherent statement, not just about Cambodia but about this entire foreign policy dilemma. The American people do not want policy statements to emerge from the Senate in drips and drops. They do not want the Senate to sacrifice an orderly consideration of all relevant matters just to observe some timetable that was set before the current comprehensive debate developed. The American people do not want the Senate to meander around this issue. They have a sense of germaneness and would like to have all the germane matters discussed and voted on at approximately the same time.

Mr. President, every Senator was exposed to the massive lobbying effort that immediately followed the President's decision to make a limited incursion into the Cambodia sanctuary area. Every Senator's office was visited by large numbers of persons interested in voicing their opinions on this issue.

Let me be very clear about my own experience, and my own reaction to that experience. For the most part the persons who visited my office were civil, informed, concerned and courteous. There were some exceptions, of course. But by and large, the intense lobbying effort during the first 2 weeks of May was an admirable example of good citizens exercising their constitutional right to voice their opinions and know they were heard.

Of course, not everyone who came to see me felt aggrieved by the President's policy. On the contrary, some of the most able and articulate visitors to my office came to assure me that the support for the President's policy was solid, and included—as it still includes—a large section of not only the entire population, but, more specifically, even the student population.

But be that as it may, the fact is that most of those citizens who journeyed to Washington were opposed to the President's policy with regard to the Cambodia sanctuaries, and were dissatisfied with the general contours of the President's policy in Vietnam. They were critical of the Vietnamization program and, by implication, of the entire Nixon doctrine.

Most of these persons oppose the President for honorable reasons. In most cases they fear an inevitable and inexorable American involvement in Asia. I disagree with the fears they have as a result of the President's program, but I recognize that these are matters about which honorable—and by no means "crude and cynical"—men can and do disagree.

What most struck me about these earnest lobbyists—young and adult alike—was their overriding interest in two things. One was an interest in the Cooper-Church amendment. The other was an interest in the McGovern-Hatfield amendment.

These people made three requests. First they urged me to consider these measures carefully. Second, they urged me to consider them together. Third, they urged me to support both. I think they were perfectly correct in urging and expecting all Senators to do the first two. We have done so. I cannot satisfy them on the third point. But that is an honorable difference of opinion about the best way to reach our common goal—peace.

Mr. President, I think the American people expect us to make a comprehensive review of all the relevant measures regarding Vietnam while we are in the midst of this current debate. I think the American people have a right to expect this. I think their expectation reflects a clear understanding of rational and orderly procedure.

The American people are ready to have us vote up or down on the relevant measures. Still, there are those who say that it is premature to vote on this matter.

It is especially odd to hear it said that it is premature to take up this matter because the supporters of the measure have not had time to muster their support. This is implausible.

Some of the supporters of this measure —and, of course, I do not include Senators in this description—have made a career of mustering support for this amendment and for the thousands upon thousands of petitions, marchers, sit-ins, teach-ins, fasts, picketing, riots, mail drives, and lobbying trips and other activities which have all been supported by the very same people who are ready, on signal, to rally to the support of this measure.

With regard to the argument that supporters of this amendment are not "ready" to vote on it, let us consider the supporters in two different categories, some of those in the public at large and those in the Senate.

With regard to some of those supporters in the public at large, two observations are relevant. These supporters can be rallied at the drop of a picket sign. For some of these supporters, falling into line is a primary reflex.

Moreover, assuming (implausibly) it would take time to stimulate the reflexes of such people, it is still appropriate to ask this question: What is the purpose of rallying these supporters? Is it to give them time to book more planes and trains and buses to get to Washington to tell us what we already know—that they would rather like it if we supported the amendments they support? This is good for the transportation industry, but it has little practical effect at this late date. Or is it that the supporters of this measure need more time to get all those full page advertisements—complete with requests for funds—printed in the New York Times?

These advertisements may be good for the New York Times—and honorable men of good will can and do disagree as to whether that is in the national interest. And the moneys which the advertisements raise may be in the interests of the various "movements," and especially of the political candidates about whom some of these "movements" are enthusiastic. Again, honorable men of good will can and most certainly do disagree as to whether this is in the national interest.

But I must ask: What has all this to do with the question of when it would be best to bring up a particular piece of Senate business? It can hardly be expected that we here in the Senate can or should tailor our business to suit the convenience of the New York Times advertising department, or of the groups outside the Senate who will benefit from a favorable response to an advertising campaign. I cannot bring myself to believe that the Senate must be constrained by considerations such as these.

So much for the proposition that we should not take up this matter because some of the supporters of the measure, outside the Senate, are not "ready" for it to be taken up. Now, what is to be said about the notion that the supporters within the Senate are not "ready" to stand up and be counted on this measure?

Mr. President, let us all face some elementary facts. Every Senator is a responsible citizen. Every Senator is a responsible Member of the Senate. Every Senator has been pondering the difficult problems of American disengagement from Vietnam for years. I very much doubt that there are any Senators who are not clear in their own minds as to where they stand on the so-called amendment to end the war, the McGovern-Hatfield amendment.

Mr. President, it has also been rumored that it is premature to consider this measure now because the McGovern-Hatfield amendment, of which this is a true copy as to its contents, was due to be revised in some particular. I do not know whether the rumored revisions are more than rumors. I do know two things.

First, if some Senators want to introduce a revised version of the so-called amendment to end the war, then they may do so.

Second, I know that a lot of money has been raised from television shows and newspaper advertisements on behalf of the amendment on which my amendment is modeled. The money has come from people who sent money to support appeals for that amendment to end the war. These appeals have been going on for nearly 2 months. I think the people who expressed this support deserve to have a prompt vote on the amendment they sent money to support.

Now, I understand that the junior Senator from South Dakota would rather prefer—and he so expressed yesterday—to bring a matter exactly like this before the Senate a little later in the year. Of course, it is his privilege to do so. He can bring it up, with his name on it, whenever the spirit moves him. But I should have thought the spirit would move him rather more quickly than it now appears.

In fact, I am frank to admit that I am mystified by the fact—quite evident on the last 24 hours—that the junior Senator from South Dakota is so exercised about the fact that his amendment is coming to a vote.

The junior Senator from South Dakota has spoken with admirable energy and astonishing frequency on the subject of squarely confronting what he considers the vital issues of the day. He has not been reluctant to share with a wide public his opinion that it is time for the American people, and especially the Senate, to stand up and be counted on controversial matters.

Given the fact that the junior Senator from South Dakota thinks his amendment is vital to the future of the Republic; and given the fact that he is ardently in favor of hastening consideration of vital matters in the Senate; and given the fact that he is anxious to stand up and be counted on the question his amendment touches—given all this, then I should think I am doing the junior Senator from South Dakota a distinct favor by doing what I can to expedite a vote on his amendment.

In fact, there are some men in this body who have indicated that they think we have already been delayed for too long in the current debate.

I do not share this belief. In fact, I am most puzzled by the idea that 6 weeks is too long to spend debating the most expeditious way to disengage from a war that is nearly a decade old.

I am frankly very puzzled indeed as to how anyone can feel that a few weeks is too long to spend considering the policies of a President who has inherited a war which was, when he inherited it, the longest war in American history, and who in a few short months managed to reverse 8 years of escalation, and who has never wavered in his commitment to orderly deescalation.

Mr. President, in this regard I must emphasize one more point. I am more than puzzled—I am astonished and amazed and filled with wonder and awe—when I hear it said that we have spent too much time debating matters which have a direct constitutional importance.

Let me be very clear. I am convinced that the various measures designed to dictate disengagement policy to the President raise serious constitutional questions. In fact, I am convinced that they involve serious constitutional transgressions. They violate the spirit and the letter of the Constitution.

With regard to the spirit of the Constitution, one thing is very clear. Our Constitution is a product of the 18th century. According to some people, this makes the Constitution hopelessly out of date. I respectfully disagree. I say that our Constitution was a product of the richest period of political philosophizing the world has ever seen. I know that our Constitution was the product of the greatest single deliberative body in the history of human politics—the Constitutional Convention of 1789. I know that the very heart of the political philosophy embodied in the Constitution is the idea of the separation of powers. The towering figures who drafted our founding document understood the overriding necessity for a rational division of labor among political men and institutions. I respectfully suggest that the legislative amendments designed to circumscribe and fetter the President violate the spirit of this Constitution.

Mr. President, in addition, these amendments violate the letter of the Constitution. The Constitution stipulates, and nearly two centuries of precedent attests, that the President is the Commander in Chief and that once troops are committed to battle, the responsibility for their intelligent use falls on the President.

No Congress has failed to understand this, and I am confident that when, in a very short while, we put the pending amendment to a vote, this Senate will demonstrate that it understands the letter and the spirit of the Constitution. This Senate will demonstrate that it understands the facts of our relevant constitutional history. The Senate will demonstrate that it has no appetite for hasty and reckless tampering with our settled constitutional arrangements. The Senate will demonstrate that it has no desire to undertake an unprecedented usurpation of Presidential power at a moment when the President is engaged in the very delicate task of extracting this Nation from a war he inherited. The Senate will demonstrate its accord with the Nation's public opinion as measured by every poll—the opinion that the accepted role of the Commander in Chief should not be mutilated by the Senate. The Senate will demonstrate all these things by rejecting this amendment. Of course, anything can happen in these odd times.

If, as a result of some wholly unforeseen dereliction of judgment, this measure were to be adopted by the Senate, it would not be adopted by the House of Representatives, I am sure.

Furthermore, if, by some drastic suspension of the laws of nature and of nature's God, this reckless measure did pass both the Senate and the House, the President would be bound by his constitutional oath and his good sense to veto it.

Mr. President, it is perfectly clear that this measure is not going to become a law—that is, it is perfectly clear to anyone with a clear comprehension of the realities of American life. The problem is that our enemy may not have such a clear comprehension of these realities. He may not understand that this measure has no future.

Let us just consider one likely effect of this misunderstanding on the part of the enemy. Consider the effect on the so-called Paris peace talks.

Obviously, there is little talk now, because the other side does not want peace on any terms other than its own. What we must ponder is the possibility that, were we in the enemy's position, we would behave in exactly the same way as long as the U.S. Senate had failed to act on a measure that would make it unnecessary for the enemy to negotiate.

Is it not clear that this would be one of the most noxious effects of adopting this measure? Is it not clear that this measure would make it unnecessary for the enemy to ever get serious about reaching a negotiated settlement of the war? Is it not clear that delaying final action on this amendment may only prolong the violence and killing in Asia?

Further, is it not clear that passage of this measure by the Senate will have somewhat the same terrible effect even if it is not passed by the House? Is it not clear that the enemy will take this as a sign that the American Government has no expectation that meaningful talks will ever take place, in Paris, or anywhere else? This is why I oppose this amendment on two grounds. First, it tampers with proven constitutional arrangements as regard the vital powers of the Commander in Chief. The second reason for opposing the amendment is that it would have a dangerous effect, should its provisions ever become law. These provisions cut the ground from under our judicious withdrawal policy, a policy that is designed to give Vietnamization a fighting chance to succeed.

The vital question here is what would a rash and inflexible withdrawal timetable do to the Vietnamization program which alone can guarantee that our many sacrifices have not been in vain?

In this regard, I would like to call attention to a report issued by the highly respected Citizens Committee for Peace With Freedom in Vietnam.

The citizens committee is a nonprofit, nonpartisan organization founded in October 1967, by private citizens, including President Harry S. Truman and President Dwight D. Eisenhower. The organizing chairman is a man universally respected in this Chamber, Senator Paul H. Douglas. The cochairmen are General of the Army Omar N. Bradley, Archbishop Robert E. Lucey, and George Meany. The vice chairman is Mrs. Oswald B. Lord, the director is Charles Tyroler II, the deputy director is Abbott Washburn, and the treasurer is Huntington Harris.

The citizens committee describes itself in this way, and, I think, Mr. President, it is wise to look at it from this viewpoint, especially when we consider the caliber of the committee.

> Our committee is national and non-partisan.
>
> We are incorporated as a non-profit organization. Membership is limited to those in private life. It is open to any private citizen but it is not our purpose to solicit a mass membership or to circulate petitions or to sponsor or participate in rallies or demonstrations.
>
> The Committee has no organizational affiliates. All members serve in their individual capacities.
>
> Our activities are wholly financed by voluntary contributions from concerned citizens. We hope that you will want to help to make our work effective.

The report I want to share with Senators is the report of the committee's second factfinding mission to Vietnam. This report was drafted, significantly, on April 19, before the first of the President's two April speeches of this year. The men who drafted it are all highly regarded men of moderation and proven judgment. They include these men:

Edmund A. Gullion, dean of the Fletcher School of Law and Diplomacy, Tufts University; former U.S. Ambassador to the Congo; former counselor of legation, Vietnam; founding member and director, Peace With Freedom Committee.

Charles Tyroler II, president, Quadri-Science, Inc., Washington, D.C.; former Director of Manpower Supply, Department of Defense; founding member and director, Peace With Freedom Committee.

Abbott Washburn, president, Washburn, Stringer Associates, Inc., consultants, Washington, D.C.; Chairman, U.S. Delegation, Intelsat Conference; former Deputy Director, U.S. Information Agency; founding member and director, Peace With Freedom Committee.

David E. Bradshaw, attorney-at-law, corporate director, and special assistant attorney general of Illinois.

Dr. Huntington Harris, business executive and educator; trustee, Syracuse University and Brookings Institution; chairman of the board, Asheville School; member of the Harris Trust, Chicago; founding member and director, Peace With Freedom Committee.

Dr. Donald E. Weatherbee, director of graduate studies and professor, department of international studies, University of South Carolina, Columbia, S.C.

Peter C. White, executive secretary, South Council on International and Public Affairs, Atlanta, Ga.

The introductory passages of the factfinding report make very interesting reading today. They are especially interesting in light of the fact that they were drafted before the President delivered either of his two April speeches on Cambodia. These are the introductory paragraphs:

> On April 20, 1970, the seven Americans who make this report returned by way of Bangkok and Paris from a three-week factfinding mission in South Vietnam, Cambodia and Laos. For three of us it was the second such visit in seven months. Our two teams represent an aggregate of many years of experience in Vietnam and Southeast Asia.
>
> We split up and ranged Indochina as widely as time and our own endurance allowed, from the Plain of Jars in Laos to the Plain of Reeds in Cochin China, from the valley of the Mekong at Vientiane to its banks at Phnom Penh; and from the "Street Without Joy" on the coast of Annam to the busy streets of Saigon. We visited scores of military outposts and nation-building projects. We talked to many hundreds of soldiers and civilians, American and Asian. And we tried our level best to subject official statistics and briefings to all the commonsense cross-checks and eyeball verification we could apply.
>
> We came away with an increased sense of the excruciating difficulty of the problem and of the limits of insight which any truthful observer of Vietnam must profess.
>
> But we came away convinced that:
>
> Vietnamization is working in both its military and pacification aspects;
>
> American disengagement is feasible provided the withdrawal of American forces is closely geared to demonstrated and continuing improvement in the capabilities of the South Vietnamese;
>
> The greatest danger to Vietnam and to our own troops now comes from outside Vietnam through Cambodia and Laos; and
>
> The decisive struggle for Vietnam is in none of these places but is taking place in the arena of American public opinion.

Mr. President, I want to call special attention to the last three paragraphs, all drafted prior to the tumult and shouting that followed President Nixon's April 30 speech.

First, the distinguished authors of the report are convinced that Vietnamization and orderly American withdrawal are not only compatible but mutually dependent. Yet they will succeed only if the President is left free to make careful and precise adjustments of American withdrawals.

In the final two paragraphs, the authors declared that the great danger in the war zone was in areas outside of but closer to South Vietnam—Cambodia, for example—and that the great danger to the entire American effort was a collapse of American resolve.

Since these wise words were written, the President has moved against the Cambodian danger to which the citizens committee pointed. And I am pleased to report that American public opinion has supported this move. Every poll taken since the invasion of the Cambodian sanctuaries confirms the fact that the American people support the President's decision to take all necessary steps to facilitate an honorable withdrawal from Vietnam, and to protect the safety of the American men remaining in Vietnam while the orderly disengagement continues.

Clearly, all of this can be jeopardized by a rash action by the Senate which tries to put the President in an unprecedented and unconstitutional straitjacket. This straitjacket is not desired by the American people or by the President. It should be discarded as a bad idea.

Another passage from the Citizens Committee report that deserves special consideration is this:

> The Inscrutable West—With respect to United States troop withdrawals, our allies urged us to tell America to "act like the mysterious Occident." They fear the United States is getting itself locked into a fixed

XUM

> pattern of pullouts which the enemy can anticipate and exploit. As withdrawals cut into muscle, our allies need assurances that Vietnamization is not merely a screen for abandonment. They do not want to be mystified but they do want the enemy to be. And they count upon a substantial American logistics force remaining in South Vietnam for some time to come, certainly as long as the North Vietnamese forces remain.

These wise words express well the tactical—as distinguished from constitutional—reasons why we should avoid inflexible public timetables with regard to our continuing disengagement from Vietnam.

Mr. President, the sober, worldly men who comprised the Citizens Committee's second factfinding mission are not the sort of men who will let their wishes control their thoughts. Their recommendations should be pondered by all those who are tempted to saddle the President with unprecedented restraints. They include the following:

> We recommend:
>
> (a) That the President of the United States take firm, immediate steps to secure the safety of American troops in Vietnam which, with mounting concern, we see as seriously imperiled by current developments in Cambodia;
>
> (b) That the United States welcome initiatives by Asian states themselves to consult and to act on the new dimensions of the Indochina war created by the invasion of Cambodia and Laos by the regular troops of a foreign power;
>
> (c) That the United States on its own initiative vigorously explore all opportunities for *bona fide* negotiations, whether *ad hoc* or through existing international bodies, in consultation with our Asian allies;
>
> (d) That without prejudice to Asian initiative, the President of the United States dispatch a high-level official fact-finding mission to the capitals of selected Asian states;
>
> (e) That, in any negotiations, proposals for the withdrawal of foreign troops apply to Cambodia and Laos as well as to South Vietnam;
>
> (f) That the United States and the Republic of Vietnam continue to carry forward a program of civil and military Vietnamization, including a prudent, *flexible* program of U.S. troop withdrawals;
>
> (g) That these withdrawals (always subject to the requirement that we protect our troops) be linked to President Nixon's three criteria:
>
> (1) progress in negotiations at Paris (*or elsewhere*)
>
> (2) improvement in Vietnamese capacities; and
>
> (3) the level of enemy activity (*including its new dimensions in Cambodia and Laos*).
>
> (h) That the United States remain committed to removal of its combat troops as soon as feasible under these criteria; but that the President of the United States keep our options open on the size, timing, composition and announcement of particular installments toward withdrawal.

I would call special attention to the emphasis on the imperative need for Presidential flexibility. The authors of the report were no doubt urging the President to remain flexible. They probably were not urging the Senate to allow the President to remain flexible. After all, unprecedented and unconstitutional restraints on the Commander in Chief's traditional flexibility were not in the news at that point.

Mr. President, I want to make one thing very clear. My opposition to the pending amendment—the amendment I intend to offer—and the Citizens Committee's opposition to inflexibility, are not related to any desire for a military victory. Rather, they are related to the problem of getting negotiations started. I would like to remind Senators of some remarks I made on May 7 concerning the problem of engaging our Communist enemy in negotiations. At that time I called attention to the fact that the United States has been very conciliatory, but that all our conciliation has failed to produce negotiations, or respect for any form of agreement.

We have agreed to 14 holiday cease-fires. Our enemy violated every one of these and even launched the infamous Tet offensive of 1968 during such a holiday cease-fire.

We worked for the neutralization of Laos. But the enemy kept 67,000 troops in that country.

For years we were told that meaningful negotiations would begin if only we would make some gesture of willingness to negotiate. We made numerous such gestures, in public and private, through regular and irregular channels, and the Communists still showed no inclination to enter into meaningful negotiations. In my memory, I recall President Johnson making many such suggestions for negotiations.

We were told that meaningful negotiations would begin if only we limited the bombing of North Vietnam. We did so, but the meaningful negotiations did not materialize.

We were told that meaningful negotiations would begin if only we stopped all bombing of the North. We did so, and still meaningful negotiations did not materialize.

We were told that meaningful negotiations would begin if only we could get the South Vietnamese to participate. We did get them to participate, and still there have been no meaningful negotiations.

We were told that meaningful negotiations would begin if only we would agree to the inclusion of representatives of the Vietcong in the negotiations, thereby tolerating the fiction that the Vietcong are truly independent of North Vietnam. We did agree to include the Vietcong in the negotiations, and still there have been no meaningful negotiations.

We were told that meaningful negotiations would begin if only we began to withdraw some troops from South Vietnam. We began withdrawing troops, and still no meaningful negotiations began.

Most recently—and most implausibly—we have been told that meaningful negotiations would begin if only we would send a top-level personage to head our negotiating team in Paris. Now, I reject the idea that Mr. Phillip Habib is not a top-level American official. But in any case, it is important to notice that we have had first Ambassador Averell Harriman and then Ambassador Henry Cabot Lodge at the head of our Paris delegation, and still there have been no meaningful negotiations.

Mr. President, the lesson is clear. America has been conciliatory time after time after time. We have gone beyond the call of duty—sometimes beyond the bounds of prudence—to encourage the enemy to begin meaningful negotiations. I hope we shall continue to make every effort to get the negotiations off dead center. But all of us who hope for some peaceful resolution of the current conflict should note three things.

First, the many American concessions so far have been taken at the initiative of American Presidents. They have been exercises of the Commander in Chief's traditional latitude.

Second, if meaningful negotiations are ever going to come about, it is not unlikely that they might come about as a result of other Presidential initiatives regarding the use of American Forces.

Third, if meaningful negotiations do not come about, it will be all the more crucial to preserve the Commander in Chief's flexibility and maneuverability as he works to achieve a safe and honorable nonnegotiated American disengagement in that area.

Mr. President, as I have mentioned, the amendment of which my amendment is a duplicate, the so-called Amendment To End the War, the McGovern-Hatfield amendment, is now on the table. This label is touching and even poignant. It makes one think, "If only the world were that way." But what a sad innocence that label also connotes. Behind the very name of the amendment—"The Amendment to End the War"—lies a planted assumption. It is an assumption of almost crystalline innocence. It is the assumption that one ends wars by voting amendments.

As my distinguished colleague, Senator BYRD of West Virginia, argued forcefully in a television discussion last weekend, this is not the sort of war one ends by passing an amendment.

Indeed, the belief in the efficacy of such a measure evinces a belief in the miraculous powers of Senate votes.

In this regard I am reminded of the story—I almost hope it is not apocryphal—of the State legislature in one of our great States, a legislature with uncommon faith in the power of votes in assemblies. It seems this legislature voted to make (π) equal to the number 3 even, so as to make arithmetic homework easier for the schoolchildren of the State. Unfortunately, of course, this measure, which was motivated by such a kindly spirit, made it uncommonly hard to compute the circumference of a circle.

There is a direct parallel here. The motivation behind the McGovern-Hatfield amendment is kindly. It involves an earnest desire for a stable and lasting peace. I do not question their motivation. I make that clear. The trouble is that the passage of the amendment would make it very difficult indeed to achieve a peace of any sort, or even an orderly disengagement from the war region. I am also reminded of a statement made once by Mr. Dooley, the splendid fictional philosopher invented by Peter Finley Dunne around the turn of the century. Mr. Dooley said this:

> A man that'd expict to thrain lobsters to fly in a year is called a loonytic; but a man that thinks men can be tu-rrned into angels by an iliction is called a rayformer an' remains at large.

XUM

I am afraid that those who think you can end a war with an amendment might be the modern-day equivalent of those who think you can teach a lobster to fly in a year.

Mr. President, it gives me no pleasure to point this out. I know that if, in the best of all possible worlds, there should be a war, it would be the sort of war one could end by passing amendments in the Senate. But this is not the best of all possible worlds. It is a dangerous world made all the more dangerous by the fact that some persons cannot bring themselves to face the facts about how dangerous the world really is. Let us face one hard, nasty fact. Measures such as the one proposed can only make the world more dangerous. It makes the world more dangerous by encouraging our enemies to avoid negotiations. And in this world an enemy that will not negotiate is the worst sort of enemy.

Mr. President, it is with joy and some surprise that I find that I am in accord with the Washington Post on the subject of the McGovern-Hatfield amendment. In its editorial of May 5, the Post unequivocally declared that:

> The course advocated by Senators McGovern, Hatfield, Goodell, and Hughes is too reckless for serious consideration.

I repeat the wise words from the Washington Post:

> The McGovern-Hatfield amendment is too reckless for serious consideration.

In a letter responding to the Post's stern editorial, Senators McGovern, Goodell, Hatfield, and Hughes said they were not swayed by the Post's argument. In fact, they declared that:

> We regard the forthcoming roll call on our amendment to end the war in Southeast Asia as the most important vote we have cast in the Senate.

Mr. President, I should think the Senators would welcome any move that expedites the arrival of a vote they consider so important.

If getting the Senate to stand up and be counted on this matter is so important, we should not waste time in getting to it. Those Senators who think that it will save lives should not be deterred from getting at it by mere procedural considerations. And those Senators who, like myself, feel that lives may be lost because the enemy hopes the amendment will save them from meaningful negotiations should rejoice at the opportunity to get this amendment defeated so that the enemy will come to its senses. I oppose the Hatfield-McGovern amendment, which is the same as the amendment I have offered. And I will vote against it. I hope that it will be soundly defeated.

Mr. President, I send to the desk an amendment and ask that it be made the pending business and ask unanimous consent that reading of the amendment in full be dispensed with.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment, ordered to be printed in the Record, is as follows:

AMENDMENT No. 741

At the end of the committee amendment insert the following new section:

"Sec. 15. (a) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to this act or any other law shall be expended in Vietnam after December 31, 1970, for any purpose arising from military conflict; provided that, funds may be expended as required for the safe and systematic withdrawal of all United States military personnel, the termination of United States military operations, the provision of assistance to South Vietnam in amounts and for purposes specifically authorized by the Congress, the exchange of prisoners, and the arrangement of asylum for Vietnamese who might be physically endangered by the withdrawal of United States forces, and Further Provided, that the withdrawal of all United States military personnel from Vietnam shall be completed no later than June 30, 1971, unless the Congress, by joint resolution, approves a finding by the President that an additional stated period of time is required to insure the safety of such personnel during the withdrawal process.

"(b) Unless Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended after December 31, 1970, to furnish to Laos any military advisors, or to support military operations by the forces of the United States or any other country in or over Laos.

"(c) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended, after 30 days after the date of enactment of this Act, to furnish to Cambodia any defense article or any military assistance or military advisors, or to support military operations by the forces of the United States or any other country in or over Cambodia.

"(d) For the purposes of this section, the term "defense article" shall have the same meaning given such term under section 644 of the Foreign Assistance Act of 1961."

(The following proceedings, consisting of tributes to the majority leader, occurred during the delivery of the address by Senator Allott and are printed at this point in the Record by unanimous consent.)

TRIBUTES TO SENATOR MIKE MANSFIELD, MAJORITY LEADER

Mr. SCOTT. Mr. President, I offer a resolution on behalf of myself, the distinguished assistant majority leader (Mr. Kennedy), the distinguished assistant minority leader (Mr. Griffin), the secretary of the conference of the majority, and the Senator from West Virginia (Mr. Byrd), and I ask for its immediate consideration.

The PRESIDING OFFICER (Mr. Bellmon). The resolution will be stated.

The assistant legislative clerk read as follows:

S. Res. 423

Whereas, on June 19, 1970, Senator Mike Mansfield completed 9 years and 167 days of service as Majority Leader of the United States Senate, and;

Whereas, said period of service exceeds in length that of any previous Majority Leader in the history of the United States, and;

Whereas, the Senate recognizes that Mike Mansfield has fulfilled this service to his country and to his State with consummate parliamentary skill, and unfailing courtesy and consideration for his colleagues during a most crucial period in the Nation's history, and;

Whereas, such service has been of exemplary example to his Nation and to the Senate; now

Therefore, be it resolved, that the Senate extend to Mike Mansfield its deep gratitude and admiration for his outstanding performance as a Senator and as Majority Leader.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. KENNEDY. Mr. President, for the first time in the year and a half of my service as assistant majority leader, I have schemed behind the leader's back to touch his power. It was not easy, Mr. President, to outmaneuver the majority leader. I can say to the Senate, whose Members know it is not possible to outsmart him, that it is equally difficult to outflank him. Because of the problem posed by the necessity of obtaining unanimous consent to set pending legislation aside, it required two quorum calls, a diversionary route through the Republican cloakroom, and a pretended scrutiny of the tickertapes to clear the way for me to announce this colloquy.

Probably there have been few times in the history of the Senate when this body has been engrossed in deliberations more crucial to our future or more far-reaching in effect, than we are at this moment, as we debate the question of war and peace. But there are times when, in moments of stress, it is well to pause and reflect upon our sources of strength. And so it struck me as most appropriate on this occasion that we take time from the Senate's busy night and day schedule, to deliberate briefly upon the subjects of distinguished public service, of dedication to country, of decency, integrity and ability as they are personified by the distinguished majority leader.

May I say to the Members of the Senate that I spoke with the able Republican leader, Mr. Scott, in this regard, and he agreed wholeheartedly with the proposal, as did the managers of the pending legislation.

Longer than any other man in this Nation's proud history, Mike Mansfield has served as the leader of the Senate majority. Last week, on June 19, the Senator from Montana had served his colleagues 9 years and 167 days in that high office. Until 6 days ago, this record was held by Alben W. Barkley, of Kentucky, who subsequently became, as all Senators know, Vice President of the United States. Former Senator Joseph T. Robinson, of Arkansas, holds the all-time record as Democratic leader, in which capacity he served for 13 years, 224 days. Four years, 59 days of that time, however, were served as minority leader. By my calculations, the Senator from Montana will break this record of service as Democratic leader, hopefully, from the viewpoint on our side of the aisle, without every having to serve as minority leader, on August 14, 1974. I serve notice on the Senate that, at that time, it will again be appropriate to pay tribute to Senator Mansfield.

As a legislative leader, Senator Mansfield is unique. In a body of men of ambition and aspiration, he is calm and deliberate and without pretension. In him is exemplified the noblest tradition of high public service. He is honest—intellectually, professionally, and personally. Because of his complete integrity and sense of fairness, trust flows to him.

XUM

His power and influence in this body far exceed those vested in him by his party caucus at the beginning of each Congress. No Senator has ever claimed that MIKE MANSFIELD abused his confidence.

He is a man spare with words. He is a delight to watch on a television program, or to stand next to, as I do just prior to the opening of each day's session, when the reporters come onto the floor and "have at" the leadership. Most politicians, when they are asked a question, will say, "Now I want to make one thing perfectly clear". Others will say: "Now, I am glad you asked that question." and some will say: "Now, let me say this about that." But Senator MANSFIELD's answers are economical and always the best. His five best are:

"Yep."

"Nope."

"Maybe."

"Could be."

"Do not know."

One of the most personally rewarding honors which I have received was when, this spring, I was invited to deliver the Mansfield lecture at the University of Montana. In spending 2 days on that campus and in the city of Missoula, I found that Senator MANSFIELD's constituents feel about him the way every Senator wishes his own constituents felt. They have full and unreserved faith in their Senator. The trust they put in him is not, of course, only well-placed, but is the kind of trust that is becoming more and more unusual in American political life today. If MIKE says it, it is right. For they and he are one—one in their sense of morality, one in their understanding of America, one in their dreams and hopes for the future. And that is a relationship and a bond that cannot be developed by any use of political rhetoric, by any subtle device of publicity—it is a bond that is developed over time and will remain for all the years in which he serves them.

Mr. President, because many Senators wish to participate during this brief period, and so that I might not take more than my share of the time, I ask unanimous consent that I may insert into the RECORD at this point remarks I made in introducing the leader 1 year ago tomorrow, at a dinner here in Washington.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF SEN. EDWARD KENNEDY AT DEMOCRATIC CONGRESSIONAL DINNER

Tonight I have the honor to introduce a man of greatness. Spare and lean, a man of the west, with all of the strength and conviction that comes from the tall timber and open space.

To you and me, he is the majority leader of the United States. To foreign powers, he is a voice to listen to, to Presidents he is a wise counselor, to members of the Senate he is the boss.

But back in Montana, in Butte, in Missoula, in Euroka and Sydney, he is Mike.

There have been others from the west who came east to lead us. With the firmness of William Borah, the integrity of George Norris, the skills of Carl Hayden—these are the talents that built a nation. But among all the west has produced, no man is more honored or respected or loved than Mike Mansfield.

He has been a member of every branch of the military service. He has been a mucker in the coppermines of Montana. As a lad, he was a roustabout—but made up for it by receiving a high school diploma and a college degree in the same year. He went on to become a noted professor.

And, in 1943, with his wife, Maureen, and young daughter Ann, he drove from Montana to Washington as a man newly elected to Congress; arriving in an old campaign car still wearing his Marine boots.

He has never left us since. But he has never left Montana either.

In September of 1963, President Kennedy made his last visit to Montana. He stopped in Great Falls to pay his respects to the late Patrick Mansfield, the father of the majority leader. And when the president came back, he told me of the thousands of people who crowded the roads from the airport to town and the thousands more in the Mansfield family neighborhood. And the amazing thing was that Mike Mansfield could greet each and every one of them by their first names. "That" President Kennedy said, "is the mark of a leader."

If the Greeks gave us the vision of the good life, and if the Romans gave us the majesty of the law, I like to believe that it is the Irish who had the boldness and the compassion to join the two together in the political leadership of America.

And the best of all that is embodied in our majority leader.

Senator Mansfield is the height of integrity. He is a man strong and true in his faith. This is a man whose word and fairness is unquestioned in the Congress of the United States.

As a soldier, he learned devotion. As a teacher, he gained the gifts of calm and patient leadership. And as a laborer in the pits, he developed his sensitivity for the weak, the innocent and those who toil with their hands.

There is a phrase that only those who have been in the mines of Montana know. They use it when the sticks of dynamite have been put in place, in the drift, and the time has come to cap them for the explosion.

Whenever Mike Mansfield bids farewell to a Montana friend, he uses the phrase, and says "tap'er light."

This is Mike Mansfield's style. This has been the tone he has brought to the United States Senate. Others may speak more loudly, and others may speak in greater length, but when the leader stands in the well of the Senate, other voices fade before the authority of his presence.

In his own quiet way, he has moved this country toward what it should be—toward the American dream. In his own quiet way, he has made each of us proud to be Democrats in the United States Senate.

And I am proud to stand here tonight before friends of a great party and give to you the majority leader of the United States Senate—my leader—Mike Mansfield of Montana.

Mr. KENNEDY. Mr. President, Andrew Jackson once said: "One man with courage makes a majority". This characterization has a special significance when applied to MIKE MANSFIELD, whose courage of conviction, intellectual strength and sense of integrity have made of him, in my opinion, the greatest living legislator in this country. My association with him as a Senator and as his deputy, is a source of great personal pride, but even more importantly, is a constant challenge.

The leader likes to tell the story of Powder River, Montana, which he says fondly, is "a mile wide and an inch deep". The affection and esteem MIKE MANSFIELD's colleagues hold for him is, like the Powder River—a mile wide, but unlike that legendary stream, very deep indeed.

Mr. SCOTT. Mr. President, I yield to the dean of the minority, the distinguished Senator from Vermont (Mr. Aiken).

Mr. AIKEN. Mr. President—

There was a time 10 years ago
If Republican Senators wanted a show,
They would toss a needle across the aisle
And then they'd all sit back and smile.

The Democrat's leader was Lyndon then
Who was mighty with sword, and sometimes pen.

He was quick to respond to the needle's touch
And never refused a challenge as such.
The show would go on—the air get torrid,
Though Lyndon never said anything horrid.

But Barnum and Bailey could take a rest
When Lyndon was functioning at his best.

And when'ere we'd tense up with talk of taxation,
We could look to Lyndon for relaxation.

Then disaster struck us and Lyndon went on.
And with his departure went most of our fun
For the Democrats made a new appointment
Which for Republicans spelled disappointment.

They had chosen a man from the Golden West,
Where every kid knows his country is best.
Where they shoot from the hip—whether right or wrong,
And ride off from their victims singing a song.

Of course MIKE MANSFIELD would be such a leader,
Eating needles and darts like steers at a feeder.
He would give us the uplift Republicans need
And meet every challenge by word and by deed.

Did I say disaster struck us this time—
Just another understatement of mine.
For MIKE had been leader only a week
When JOHN J. WILLIAMS got up to speak.

For JOHN who was feeling in real good fettle
Addressed the new leader somewhat like a nettle
And every Republican, one by one,
Sat back in his seat to enjoy the fun.
And oh the agony of what followed.
We might as well have arsensic swallowed.
For MIKE got up to give JOHN his reply
With such a reproachful look in his eye,
That I thought JOHN WILLIAMS would like to die.

And never since then do Republicans smile
When a needle is tossed across the aisle,
For we found that MIKE is as square as a die
With a mind as broad as Montana's sky.

XUM

It's now 10 years that we've worked with MIKE.
And during that time we have learned to like
The fairness and candor with which he acts,
And the way when in speaking he deals with facts.

So let us be thankful that we serve with one,
Whose honor and fairness is second to none.

And since we would miss him on this Senate floor,

I earnestly wish for him 6 years more—

As minority leader of course.

[Laughter.]

Mr. SCOTT. Mr. President, may I be recognized very briefly?

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I think I could add a stanza about the distinguished Senator from Montana:

Of all of our solons, whom do we we like?
We quickly answer: Obviously MIKE!

The qualities which we admire in him, I think, center in the one word, "character," and within that framework of character we find that we need so much for the amiable disposition of the traumatic seria which sometimes afflict the Senate, because within that great vise of character are gripped the qualities of fair-mindedness and of integrity and of amiability and of economy of language.

Some may be proud of their articulateness, and others of their oratory, and some others of plain long-windedness—heaven forbid—but MIKE MANSFIELD'S answers are straight, true, direct to the point, and you know where you stand with him at all times. I have seen reliance on phraseology of the old Roman rulers, "ad captandum vulgus," simply to capture the crowd, rather than to capture, to use the French phrase, le juste milieu, the golden mean, and within that latter he finds the ability to accommodate the multifarious demands on him within the Senate.

I know that the members of the press are hard put when he appears on the Sunday programs, because, with most of us, they have prepared six or eight usually obnoxious questions, and they sit back to wait for the hapless Casper to wander through his own verbiage and rhetoric down various Indian trails toward some possible obscure termination. But with MIKE, when he appears on the Sunday morning program, you get brief replies such as the Senator from Massachusetts referred to—"Yep" and "Nope."

So, instead of relying on six or eight questions, the members of the press find they have to play 20 questions or more and learn that they are exposed to their own unpreparedness for the genius and entirely lovable majority leader.

So, Mr. President, it is an enormous pleasure to be a party to this resolution, and to say these few words, every one of which, however, seem somehow to have been longer than MIKE MANSFIELD would have used in reference to similar situations. I hope that he is around. We have been trying to lure him into the Chamber; but when he learned that his own name was going to be taken—and not in vain—I am afraid he has again absented himself.

At this point, I am happy to yield to the Senator from Alabama (Mr. SPARKMAN), and then I have promised to yield to the Senator from Vermont.

Mr. SPARKMAN. Mr. President, I shall be very brief, but I do wish to join my friends in paying tribute to MIKE MANSFIELD.

I had the pleasure of serving with MIKE MANSFIELD in the House of Representatives. I knew him quite well when he first came to the House. I knew something of his good qualities there. I came to the Senate in November of 1946, and MIKE came in November of 1952.

One thing I recall about him that I often think of as a mark of the recognition of his fine talent and fine work is the fact that he was assigned to the Foreign Relations Committee as a brand-new Member; and that is something that is rather unusual, certainly at least so far as this side is concerned, because there are numerous applications every time that a vacancy occurs.

For the last few years, it has been my privilege to sit next to MIKE MANSFIELD in the Foreign Relations Committee, and I have observed his work there. I have had the privilege of serving under him here as our majority leader, and I certainly join in everything that has been said about the very fine characteristics that mark him as an outstanding leader.

I have known quite a number of leaders here in the Senate. Some of them may have been more voluble than he. In fact, I think one of his remarkable talents is that which has been referred to already as his brevity in dealing with almost any matter. He can pack more into a few words, I believe, than anyone else on the floor of the Senate. Some of the leaders may have been more flamboyant, but none has been of greater ability, greater character, greater integrity, or greater success in getting things done than MIKE MANSFIELD. I am glad that I have had the privilege of serving with him, and I am glad to pay tribute to him as a great leader.

I thank the Senator from Pennsylvania.

Mr. SCOTT. I now yield to the Senator from Vermont (Mr. PROUTY).

Mr. PROUTY. Mr. President, I am happy indeed to join both my colleagues in saluting the distinguished senior Senator from Montana (Mr. MANSFIELD), whose length of service as majority leader now exceeds that of all his predecessors in that exalted office.

No one in this body commands or deserves greater respect than MIKE MANSFIELD. Gentle, courteous, and always considerate of the problems of others, he is perhaps the antithesis of the typical majority leader. And yet, it is these qualities which have enabled him to become an effective and strong leader, because they have gained for him the confidence and cooperation of all Members of the Senate.

I am proud indeed to claim him as a friend and to serve under his inspired and compassionate leadership.

Mr. SCOTT. Mr. President, I now yield to the Senator from West Virginia (Mr. RANDOLPH).

MIKE MANSFIELD, THE SCHOLAR, THE STATESMAN, THE GENTLEMAN, HOLDS UNIQUE RECORD IN SENATE

Mr. RANDOLPH. Mr. President, as a Member who has had the privilege of serving with MICHAEL J. MANSFIELD, of Montana, in both bodies of the Congress—as far back as January 1943 in the House and since November 1958—in the Senate—I say that no man has deserved to hold the championship for continuous longevity in the office of Senate majority leader than has our esteemed colleague, MIKE.

I commend my colleague from West Virginia (Mr. BYRD), who, on the day before yesterday, told us in factual and eloquent tribute of the unique record of our leader.

It is not platitudinous, nor is it indulgence in pleasantry, when I state on this occasion that I place MIKE MANSFIELD in the upper bracket as I speak of the true gentlemen, the scholars, the able statesmen, and the really capable leaders with whom I have served in the numerous Congresses of the United States since my first term began in March 1933.

In bracketing the gentlemen with whom I have labored, I place none higher than MIKE MANSFIELD.

Perhaps he has had a peer now and then among the scholars, the statesmen, or the leaders—but I would be hard pressed to grade anyone in the Congresses with whom I have served higher rating on the overall performance in the triple category, scholar-statesman-leader, than that I feel MIKE MANSFIELD has earned.

Our quiet, earnest, nonflamboyant, majority leader has been as consistently fair, as constantly patient, as congenially friendly, as carefully considerate, and as scrupulously honest as any man with whom I have had experience in the Congresses in which we have worked together.

What more can I say about MIKE MANSFIELD than, Mr. President, to state emphatically: It has been much more than a privilege—indeed, it has been a real joy to have served with MIKE MANSFIELD and to have experienced the fair but forthright, prudent but progressive, and convivial but impartial leadership he has provided for those of us who have been his colleagues during his brilliant and benevolent tenure as majority leader—and for the years before that when he served as the assistant majority leader in this body.

Mr. SCOTT. Mr. President, I yield now to the distinguished Senator from Nevada (Mr. BIBLE).

Mr. BIBLE. Mr. President, like all of my colleagues, I have many enduring memories of events which have taken place on the floor of the Senate. There have been some great moments here—moments so absorbing that we can recall them, to the finest detail, many years later. I think this is one of those moments.

Any tribute to the distinguished Senator who serves as ably as the majority leader must necessarily be phrased in

XUM

superlatives. Indeed, it is difficult to find words which do justice to the remarkable achievements of Senator MANSFIELD as a lawmaker and as a leader.

We are indebted to the Senator from West Virginia (Mr. BYRD) for his diligent research and scholarship on the history of Senate leadership. Because of his efforts, we now have statistical proof that Senator MANSFIELD has occupied the position of Senate majority leader longer than any predecessor in either party. He has, as of today, served 9 years and 173 days, surpassing the previous record of 9 years, 165 days established by the late Senator from Kentucky, Mr. Alben Barkley.

As Mr. BYRD observed, it is probable Senator MANSFIELD will extend his tenure by a period of several years and will leave a record destined to stand for many decades. Perhaps at some distant date in the future that record will be broken. But there is another, more important record that cannot and will not be broken and that is Senator MANSFIELD's splendid record of leadership.

By any objective yardstick, the 1960's were one of the most challenging periods in our Nation's history, if not the most challenging of all. Someone has observed that more major laws shaping the destiny of human events were enacted during the 1960's than in the entire previous history of the American legislative process. Few would quarrel with that observation because, in fact, the volume and the impact of legislation written during the last decade was enormous. Congress engaged and acted upon a wide spectrum of problems ranging from social injustice to preservation of the environment. It wrote and rewrote hundreds of laws to improve education, housing, medical care, transportation, law enforcement, recreation and a hundred other areas of vital concern to every American citizen.

The contribution of Senator MANSFIELD to this unprecedented record of legislative achievement was inestimable. Perhaps it is enough to observe that without his personal qualities of tact and diplomacy, without his wise counsel and unfailing good judgment, without the inspiration of his positive leadership, it is doubtful the Congress could have approached this standard of achievement. Thus, if one man must be chosen as a symbol of the vision and progress of Congress in the 1960's, Senator MANSFIELD is that man.

An insight into the character of the distinguished majority leader may be gained from a statement he made last year during an interview with a Christian Science Monitor staff writer. After citing a number of major congressional achievements, he examined the problems of the present in these words:

> Still facing us at home will be the gaps—the ubiquitous and divisive gaps—between the races, between the generations, between urb and suburb, between wealth and poverty, between the deterioration in the nation's physical environment and the neglect of its human resources and the magnificent technical achievements and pyrotechnics of the advance into space.

I submit that those are the words of a statesman, a man of imagination, a man of unlimited vision. For here we have a lawmaker who has served as a principal architect of the most productive record of legislative achievement in our Nation's history—and he is thinking only of the future. I can think of no greater tribute to his stature as a giant of the Senate.

Mr. President, former President Harry Truman once described the value of leadership as follows:

> Men make history and not the other way around. In periods where there is no leadership, society stands still. Progress occurs when courageous, skillful leaders seize the opportunity to change things for the better.

He might have been speaking of our distinguished colleague, Senator MANSFIELD. The majority leader is a man who has made history and who has changed things for the better. And that is as much as any man has ever hoped for, ever sought, ever achieved.

Mr. SCOTT. Mr. President, I yield now to the distinguished senior Senator from New Hampshire (Mr. COTTON).

Mr. COTTON. Mr. President, others have spoken of MIKE MANSFIELD the majority leader, the statesman. I want to say just a few brief sentences about MIKE MANSFIELD the man.

It was my privilege to serve for 8 years with him in the House of Representatives and then, when I came to this body 16 years ago, to serve with him throughout all that time—a total of 24 years.

Whenever I think of MIKE MANSFIELD, I think of him on the first occasion that he impressed himself upon me. It was—and I suppose is—the custom in the other body each year to hold a memorial service for the Members who had passed on during the preceding year; and a Member is selected each year, alternating between the sides of the aisle, to deliver the memorial remarks. I always think of the first time I really came to get a vision of what MIKE MANSFIELD is like, which was when he was selected and when he mounted the rostrum and gave one of the most simple, direct, but most spiritual utterances I have ever been privileged to hear either in public bodies or in church. It was simple because he is not a man to wear his emotions or his spirituality on his sleeve. But on that day, because of the occasion, he opened up, and I caught a glimpse of the real spirit of MIKE MANSFIELD.

During all the years since, when I have had the privilege of serving with him and under his leadership, that analysis has never changed. His kindliness, his courtesy, his sincerity, his integrity, his warmth, and his sympathetic understanding are known to every Member of this body and the other body who has served with him.

So, Mr. President, I shall content myself by saying that the rewards of service in Congress are not as great as the world seems to think. The gratification of being a Senator wears away after the first few years, and we realize that instead of gold there is some tinsel there; and as we grow older in the service and reach our later years, we sometimes wonder what, if anything, we have accomplished and what we have derived from service in this body. I think that most of us who have served here a long time and realize that we are of necessity in the twilight of our service, are likely to agree that the greatest rewards of service here are the contacts and the friendships we have made with some of the finest men and women from every section of this country and from every field of thought and philosophy—but all of them great Americans.

So I would simply close with this statement, and I think it is the highest tribute that can be paid to MIKE MANSFIELD: I am positive that there is not one Member of this body or one person who has served with him in the past in this body or the other who does not feel that his life is richer and that his devotion to his country is greater because of having known MIKE MANSFIELD.

Mr. SCOTT. Mr. President, I yield now to the distinguished Senator from Rhode Island (Mr. PELL).

Mr. PELL. Mr. President, Senator MANSFIELD became majority leader of the Senate on January 3, 1961, the same day that I first took my oath of office as U.S. Senator.

I shall always remember the courtesy, consideration, and friendship which the majority leader extended to me as a brand new Member of this body. And each year that I have served in the Senate has deepened my respect and affection for MIKE MANSFIELD. He is honest—with himself as well as others; he is fair and even-handed, and, perhaps most important to the work of the Senate, he has an unfailing ability to find a way for the Senate to work its will on even the most controversial of issues.

In serving the Senate so well, Senator MANSFIELD serves also our entire Nation. His is a voice of reason that is heard and heeded not only in the Senate but also throughout our country. He is sparse, too, in the use of his voice. In fact, he is one of the few of us who never lapses into loquaciousness.

To change ideas into events and to help people is the proper pursuit of all of us in politics. But in achieving these ends, Senator MANSFIELD excels.

Finally, it is as a man, as a gentleman, that I have come most to respect our majority leader. His word is his bond. His honor is irreproachable. His faith and trust in the Senate are complete—and are fairly returned by our trust and faith in him.

There is no man in our Nation, much less in this Chamber, whom I would rather see as majority leader than MIKE MANSFIELD, and I pray that he may long continue to occupy this position.

Mr. SCOTT. Mr. President, I yield now to the distinguished Senator from Mississippi (Mr. EASTLAND).

Mr. EASTLAND. Mr. President, while I rise to address the Chair, the feelings of my heart flow toward the occupant of the first seat on the right of the center aisle.

This extraordinary man took his first oath of office in the Senate on January 3, 1953; he was reelected in 1958 and 1964; he became the majority whip in 1957 and the majority leader in 1961, serving in that capacity to date. During this unusual tenure, I have been privileged to be a Member of this body; I have known

XUM

our occupant well; I am a humbler and better man through this association.

He is a gentle man as well as a gentleman. He is fairminded. Without diluting the tenets of his own beliefs, he is fair to his adversaries as well as his friends. With this man one may disagree violently, but one never feels anger or resultant rancor.

I well remember his remark, when he took over the leadership, that though he may be the leader, he was only one of 96 Senators. His humility enshrouds those around him, quieting, soothing, and gentling raw nerves. With compassion he consoles friend and foe alike. He is a builder of men and ideals. He is in fact a Senator's Senator.

His brand is on this Chamber and on his colleagues. The diverse beliefs of the 99 other legislators who make up this body cause us to support different causes and to follow various banners. I am certain, however, that every man here would be proud to wear an "I Like Mike," button every day.

As a committee chairman, I am well aware of the sensitivity with which this man handles the legislative reins of the Senate. We have had many differences throughout the years, and I can tell this Chamber that he catches more Judiciary flies with his honey than other leaders have with their vinegar—often to my chagrin. Veritably, this is a man to go to the well with.

He cherishes our Senate traditions: though in a position of power, he treats power gingerly; he reveres the institutions of the other branches of our Government; he is awed and abashed at the burdens of the White House; he knows not charisma but charisma must certainly know him.

I wish this man well and Godspeed; I am honored to have known him, for he possesses the milk of human kindness. I praise his longivity record and I salute my leader—MICHAEL J. MANSFIELD of Montana.

Mr. SCOTT. Mr. President, I now yield to the distinguished Senator from Idaho (Mr. CHURCH).

A MAN ADMIRED

Mr. CHURCH. Mr. President, compliments may be brief. Mine shall be—in keeping with the sparse, succinct, well-knit speaking style of MIKE MANSFIELD, whom we honor today. I do hope, however, that my words will convey to our "Iron MIKE" the deep respect in which I hold him, both as a leader and as a person.

All Senators on both sides of the aisle would agree, I am sure, that MIKE MANSFIELD has the patience of Job, the persistence of Hercules, and the strength of Atlas. His sincerity of purpose and his steadfastness under pressure are two conspicuous traits that impressed me when I entered the Senate 14 years ago. His kindness to newcomers is one that Senators will always treasure.

He has served, I am told, as majority leader for 9 years and 165 days. By my calculations that totals more than 3,450 days during which he has borne the burden of leadership. His legislative days are kaleidoscopic ones, consisting of thousands of assigned chores, dictated messages, knowledge applied, legislative battles orchestrated, directions given and, despite the bruising political struggle, objectives sought and attained.

Of course, I do not know whether we 99 Senators—persons of assertive views and not without idiosyncrasies—have disappointed MIKE MANSFIELD. I think we may have on occasion. Nevertheless, on this day we can perhaps help make his difficult task a bit lighter by pausing from our legislative work long enough to say "thank you."

Mr. SCOTT. Mr. President, I now yield to the distinguished Senator from Ohio (Mr. YOUNG).

Mr. YOUNG of Ohio. Mr. President, I thank my friend the distinguished minority leader, Senator HUGH SCOTT, for yielding to me. It is with pleasure I join my colleagues in expressing my deference and devotion to the distinguished majority leader, Senator MIKE MANSFIELD of Montana, a great American, a great leader, and perhaps most important, a marvelous human being. His qualities of leadership have been well and amply expressed by Senators who have preceded me today. There is little that I can add to their praise.

However, I recall a speech MIKE MANSFIELD made a few years ago in which he recalled the years when as a young man he labored in the mines of Montana. He spoke of how before dynamite was exploded to disgorge the copper, the miners yelled, "Tap 'er light." He related how this phrase, meaning "Take it easy" or "Play it soft," has become a part of the folklore and language of his State. Perhaps that expression "Tap 'er light" most succinctly characterizes this great leader from the West. A man of great force, energy, ability, and intelligence, he has always "tapped 'er light" in applying those qualities to problems confronting himself and the Nation.

As those with whom he has engaged in legislative combat well know, beneath his calmness, his gentleness, and his patience, there is a quality of great personal and moral courage. At 14 years of age he enlisted in the U.S. Navy in World War I, and subsequently enlisted in the U.S. Army and U.S. Marine Corps. He further forged his qualities of leadership when in his youth he worked in the mines, and by pulling himself up by his own bootstraps later achieved university bachelor of arts and master of arts degrees. He went on to become a professor at Montana State University, a Member of the House of Representatives for 10 years, a Member of the U.S. Senate for more than 18 years, during which time he was assistant majority leader for 4 years.

Years ago, I served in the House of Representatives with him and came to admire him then. And I have had the honor to serve with him in the Senate for nearly 12 years. He has been majority leader in the Senate since January 1961. He is truly a self-made man.

Few people are born leaders. Leadership is achieved by ability and by a willingness to accept responsibility; by getting along with people; by an open mind, and a clear head in times of stress. The greatest asset in leadership is courage. Cowards never lead. Leadership requires tact, fairness, and confidence. Leadership implies consideration of those who follow. It requires communication that works both ways—from the bottom up, as well as from the top down.

MIKE MANSFIELD has all of these qualities in abundance and throughout the years has displayed them profusely to the great advantage of the Nation. He understands the problems of those he leads. I can truly say—as I know all Senators can—that he has never once asked me to take a position that he knew would be in conflict with my responsibilities to the people of my State or with my conscience.

Mr. President, our Nation has passed through many trying times. However, not since the Civil War have Americans been more sorely divided than we are today. I am confident that with the grace of God we shall emerge from this precarious era successfully and with renewed greatness and vigor. When historians of the future recount our times, it is certain that they will write that America was blessed with the leadership of the Senate of the United States in the hands of Senator MIKE MANSFIELD.

Mr. SCOTT. Mr. President, I now yield to the distinguished Senator from Alabama (Mr. ALLEN).

Mr. ALLEN. Mr. President, I thank the distinguished Republican leader for yielding to me.

Mr. President, on last Tuesday, June 23, the distinguished junior Senator from West Virginia (Mr. BYRD) made an eloquent and memorable address in the Senate in which he praised the service of our distinguished majority leader, Senator MIKE MANSFIELD.

In the course of his remarks, the Senator from West Virginia gave a most interesting history of the offices of the majority and minority leaders in the Senate. He called attention to the fact that on June 18, Senator MANSFIELD had surpassed the previous record for longevity in service as majority leader in the Senate held by Senator Alben Barkley, later to be Vice President of the United States.

Since I was in the Chamber at that time, I took the opportunity of making remarks expressing, all too inadequately, the high regard and the great respect and admiration I have for the distinguished majority leader, the able Senator from Montana, Senator MIKE MANSFIELD.

As I said on Tuesday:

I wish to express my thanks and appreciation to the distinguished Senator from West Virginia for the fine remarks he has made about the service of our distinguished majority leader. I associate myself with the remarks he has made.

I, too, congratulate and salute the distinguished majority leader, the able and dedicated Senator from Montana (Mr. MANSFIELD), on having passed the record of the late Senator Alben Barkley for longevity of service in the position of the majority leader, he now having attained a length of service greater than Senator Barkley's record of 9 years and 165 days.

It was not until I came to the U.S. Senate in January 1969 that I had the

XUM

pleasure of meeting Senator MANSFIELD, but since then I have been greatly impressed by his ability, sincerity, and dedication. He has been extremely fair and impartial. We have not always voted alike, and I suppose, if a label were to be applied to the majority leader, he would have to be classed as a liberal, whereas if a label were applied to me it would probably be that of conservative.

Nevertheless, whether I have agreed with Senator MANSFIELD or not, I have always found him to be most fair, and always found him to give each side of any controversy an opportunity to be heard and to present its case before the Senate.

On at least two occasions the Senator from Montana cast votes with which I agreed wholeheartedly. Very vividly do I recall the first such vote. It occurred in January of 1969. I believe it to have been the most important vote that has been taken in the Senate during the 91st Congress. That was the vote on the appeal by the distinguished senior Senator from Florida (Mr. HOLLAND) from a ruling of Vice President Humphrey.

The then Vice President had ruled that, at the opening session of a Congress, a majority of the Members of the Senate could apply cloture to debate on a motion to amend the rules; and more than a majority did vote to apply cloture to the debate on that motion to amend the rules.

The then Vice President ruled that the cloture motion had carried because more than a majority had voted in its favor. An appeal was taken from the ruling of the Chair and I remember that on that vote, I was impressed very much when Senator MANSFIELD, the Democratic leader of the Senate, voted to overrule a Democratic Vice President on a ruling which, in my opinion, was clearly erroneous. The Senate did overrule the ruling of the Chair on the cloture motion to cut off debate on the motion to amend the rules to provide for cloture on a three-fifths vote of a quorum of the Senators present.

That vote by the distinguished Senator from Montana impressed me very much. Then again on the Stennis amendment, which sought to achieve uniformity in the application of Federal criteria and guidelines for desegregation of public schools throughout the country, a very important amendment, we found the distinguished Senator from Montana voting in favor of the amendment. The distinguished majority leader votes his convictions, and lets the chips fall where they will.

The majority leader of the Senate, as I found when I came here, controls the flow of legislation to be considered by the Senate. That, of course, makes him the most powerful single Senator. But in my observation, that power has not been misused by the majority leader in a single instance, because everyone receives an opportunity to speak, and everyone gets an opportunity to have his bill considered by the Senate if it reaches the calendar.

I also appreciate very much the reference of the distinguished Senator from West Virginia to some of the able Senators of the past who have served as Democratic leaders in the U.S. Senate. He referred to one of my distinguished predecessors as Senator from the State of Alabama, when he mentioned the great and able Senator Oscar W. Underwood, of Alabama, who, I might add, not only served as Democratic leader in the Senate, but prior to that time had served as Democratic leader of the House of Representatives. In the House and Senate he was a recognized authority on tariff laws and taxation and in both 1912 and 1924 was a leading candidate for the Democratic nomination for President. He is remembered as a great statesman. A well-known incident in his political career is the fact that in the 1924 Democratic National Convention—back before the days of amplifying systems as we know them now—the then Governor of Alabama, W. W. Brandon, throughout the 103 ballots cast at that convention, in a thundering voice, cast the votes of the Alagama delegation in that convention as "Alabama casts 24 votes for Oscar W. Underwood."

Senator Underwood, when a Member of the Senate, owned and resided at the estate near Mount Vernon known as Woodlawn. He was one of the great Senators in the history of the Senate, and I am proud to occupy the seat in the class of which Senator Underwood was a Member.

It is indeed appropriate that the distinguished Senator from West Virginia has called attention to the fact that the majority leader now has the record of having served longer in that position than any other Senator in the history of the U.S. Senate, and I predict that he will be reelected as majority leader—and I use this word advisedly—when the 92d Congress meets in January of next year.

So I wish to associate myself with the able remarks made by the distinguished Senator from West Virginia regarding our outstanding majority leader.

Mr. RIBICOFF. Mr. President, I yield to the distinguished Senator from Washington (Mr. JACKSON).

Mr. JACKSON. Mr. President, it is rather difficult to add to the remarks that have been made here this afternoon in praise of our distinguished majority leader. I might observe that the able and distinguished senior Senator from Tennessee (Mr. GORE) and I are the only two Members of the Senate who have served during the entire term of Senator MANSFIELD in the House and in the Senate.

During this time I have had an opportunity to observe him not only as a man but also as a Representative, as a Senator, and as a leader.

We have worked together in both the House and the Senate on problems of mutual concern and interest, especially to the Pacific Northwest.

We all know about the character of this man. MIKE MANSFIELD is a kindly man, always a gentleman, a selfless individual. If there is any meaning to modesty, MIKE MANSFIELD more than most other individuals is entitled to that descriptive term.

Having said this, Mr. President, let no one get the impression that MIKE MANSFIELD is not a strong, determined man. Behind his kindly approach and interest in the well-being of all of his fellow citizens, as well as his deep concern for Senators on both sides of the aisle, there is a dedicated determination to stand by his deep-seated convictions, whatever the issue may be. This quality of firmness obviously comes from his great integrity as an individual.

We could not deny the fact that in the Senate from time to time we have our disagreements. But MIKE MANSFIELD is a genius at being able to disagree with you without being disagreeable. More than any other leader I have ever served under, in either the House or the Senate, he has an absolute genius for being able to work his will to get a program through, without leaving battle scars in this Chamber.

MIKE MANSFIELD'S record as a majority leader has covered a period of great ferment and turbulence in our history; and much of the accomplishment in the Senate is the result of his great leadership. All of us on both sides of the aisle owe him, and the country owes him, a debt of gratitude for his ability to bring us together on issues vital to the Nation and to the world.

Mr. President, I join my colleagues in saluting MIKE MANSFIELD at this milestone in his career, which marks only the first period in his on-going leadership of all Members of the Senate.

Mr. RIBICOFF. Mr. President, as of last week, Senator MIKE MANSFIELD had served the U.S. Senate as majority leader longer than any man in the history of our country. In this body of 100 complex, independent men, this record is a great tribute to his sensitivity and leadership.

His decade as majority leader has been an exciting one, filled with upheaval and change. Thanks largely to his leadership, the Senate has kept pace with these rapid and almost dizzying changes by enacting an unprecedented number of landmark pieces of legislation.

It was particularly appropriate that only a few days ago, the President signed a bill giving 18-year-olds the right to vote. This legislation would not have been passed without the guidance and support of the majority leader.

In times such as these, emotions often run high and differences of opinion can become dangerously divisive, yet, Senator MANSFIELD'S special sense of fairness has harmonized disparate beliefs. His firm commitment to what he believes is right coupled with an inexhaustible supply of patience and understanding of his fellow Senators, has made possible a truly impressive record of legislative accomplishment.

These accomplishments include three major acts extending the protection of the Federal Government to our black citizens, expansion of aid to education, the establishment of extensive manpower training programs, the establishment of the Department of Housing and Urban Development, and the passage of medicare and medicaid.

It is indicative of Senator MANSFIELD'S statesmanship and sensitivity that he would be among the first to recognize the needs of the whole Nation and then take

XUM

a strong role in fulfilling them through legislation.

As a member of the Committee on Foreign Relations, MIKE MANSFIELD has taken the lead in reestablishing the powers of Congress in the difficult field of international relations. MIKE's knowledge and understanding of the intricacies of affairs in the Far East is unsurpassed in the Senate.

In the process of these accomplishments, no other Senator has earned the level of respect and admiration that is accorded to Senator MANSFIELD from both Democrats and Republicans alike. Whether on his side or another, each Senator knows that the actions of the majority leader will be wholly based on the principles of integrity and fairness.

One is tempted to talk at length about MIKE MANSFIELD but verbosity would be a particularly inappropriate tribute to the majority leader.

Throughout the last decade, MIKE MANSFIELD has been quietly, yet firmly effective. We are all acutely aware of the great contributions he has made both to the Senate and our country as majority leader. I, therefore, take this opportunity to congratulate Senator MANSFIELD upon reaching a great milestone and to thank him for the effective and selfless leadership he has provided to the Senate and the Nation.

Mr. President, I yield next to the distinguished senior Senator from Tennessee (Mr. GORE).

Mr. GORE. Mr. President, throughout my service as a Representative and as a Senator, it has been by privilege to be the colleague of the distinguished senior Senator from Montana, our beloved majority leader. It has been my pleasure to be in his home town in Montana, which he loves, to visit the institution in which he taught, to speak with the people in his State whom he serves, to walk in the paths which this man has trod.

Mr. President, his tracks I cannot reach. His tracks are the strides of a giant of the mountains, a giant in intellect, in good will, in fellowship, in love of his fellowman.

These qualities were recognized early in his career—not just in the Senate of the United States, but also in the gold mines, in the Marine Corps, in the classroom as a student and as a teacher, as a Representative and as a leader of our great Nation.

What manner of man is this that stands so tall amongst us, that bestows upon each of us, Republican or Democrat, conservative or liberal, irrespectively, an effection, who inspires in each of us a devotion and a respect.

He is a man of kindness and humility, of understanding and compassion, of vision and of courage, of leadership potential par excellance.

What manner of leader is he? A leader of conscience, a leader for the good of all, a leader of patriotism.

What manner of patriotism does he exemplify? A broad concept, a concept of patriotism that embraces not narrow chauvinism, but the love of humanity, of his fellowman, of his State, of his country, and of the world.

MIKE MANSFIELD exemplifies the stature, the statesmanship, the dream, and the aspiration which makes this country great. He does not drive, he leads; he does not command, he persuades; and in all this he has the power of accomplishment given to but few men.

As a spokesman for this body, as a spokesman for his party, but more importantly as a spokesman for the freedom of his country which he cherishes, his voice rings clear and is magnified and reverberates in the receptive hearts of his fellow Americans.

To serve with, to support, to follow, to adore and admire MIKE MANSFIELD for a long period of time has been my pleasure.

Mr. RIBICOFF. Mr. President, I yield to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I am proud to have the privilege of sharing in the sentiments of my colleagues on this occasion and to have this opportunity of paying tribute to our distinguished majority leader, who is today one of the outstanding statesmen and leaders in our Nation.

I am now serving the 28th year of my tenure in the Senate. I have served, I believe, under five other Democratic majority leaders in the Senate: the late and beloved Alben W. Barkley, of Kentucky, the Honorable Scott Lucas of Illinois, the Honorable Ernest W. McFarland, of Arizona, the Honorable Lyndon B. Johnson, who later became President of the United States, and now under our present distinguished and able leader, MIKE MANSFIELD.

This is quite an honor that he has achieved in having served longer than any other leader in the Senate. I can appreciate in a small measure the gratitude he must feel because I discovered last year that I had served longer in the Senate than had any other Senator from my State, a record I had never hoped to achieve and one I really did not know that I was achieving until after the fact.

To serve as a leader in this body for the length of time, so ably, so valiantly, and effectively as has MIKE MANSFIELD is an honor that could well be sought and to which any American citizen and certainly any Senator might well aspire. It is one for which I am sure he is grateful and one he will always cherish.

I mentioned that I had served under other leaders and it has been my good fortune and my pleasure to always respect and admire the leadership in this body; and it has been a joy to have had the fellowship and association with them and to work with them in trying to meet the responsibilities that are incumbent on those of us who serve here.

Of all the leaders with whom I have served, all of them great men, I have served with none who was more considerate and more understanding; I have served with none who was more cooperative and helpful when the opportunity was presented. I have served under no leader who was more sincere and more dedicated to his task and to the principles and ideals upon which our Government was founded and upon which our liberties rest.

A particular trait that I admire so much in Senator MANSFIELD in the performance of his duties as leader is that he never undertakes to apply what could be termed "pressure," sometimes referred to as "arm twisting," to influence a vote of his colleagues. Instead, MIKE MANSFIELD employs the persuasion of logic and reason to influence others. I have never known him to reflect or manifest the least resentment toward any Member of this body, particularly any Democrat who might disagree and who might vote contrary to the position of the leadership on a given issue. He respects others and their right and prerogative to disagree with him.

In fact, I have found Senator MANSFIELD, as the leader, to be a person with whom, when I did disagree with him, I could disagree with him most pleasantly, and when, as in most cases, I could wholeheartedly support and follow his leadership, I could do it with much enthusiasm and confidence.

Mr. President, I say in conclusion that my experience in the Senate and my service has been greatly enriched and my labors have been more pleasant and enjoyable by reason of having served under and worked with such an able and effective leader as MIKE MANSFIELD, a man who has the admiration of every Member of this body because of his ability to influence and to command the respect and admiration of all of those with whom he labors.

I am proud to join with my colleagues here today in paying deserved respect and tribute to this great American.

Mr. SCOTT. Mr. President, I yield to the Senator from Kentucky (Mr. COOPER).

Mr. COOPER. Mr. President, I am sure that Senator MIKE MANSFIELD, wherever he may be just now, although appreciative of the tributes which he so richly deserves, nevertheless is rather embarrassed, for one of the most certain qualities of Senator MANSFIELD is his modesty.

His simplicity and integrity are expressed in everything he does and everything he says, I may say, in his faith.

Today he is being honored because he has served longer than any other leader of the majority. He now served longer than my fellow Kentuckian, the late Senator Alben Barkley.

Senator MANSFIELD is a leader not only of his party, but he is a leader in the Senate. He is a leader in the Senate because he is a man of his word, a man of integrity, a man who is fair and just.

It is only natural that other qualities attend him—qualities of mind and heart, of conviction, of firmness, and of honor. Many of us have recognized his strain of poetry when he has spoken of his State of Montana and when we heard him speak in the Rotunda at the memorial service for the late President John F. Kennedy. He deserves with his wife, Maureen, the honor of the Senate and the country.

I am glad that I have had the pleasure of serving with Senator MANSFIELD, of knowing him, and I value greatly his friendship.

Mr. SCOTT. Mr. President, I yield now to the Senator from Idaho (Mr. JORDAN).

Mr. JORDAN of Idaho. Mr. President,

I am pleased to join in the plaudits for the senior Senator from Montana, the distinguished majority leader, MIKE MANSFIELD.

In this body of competitive and frequently sharply diversive interests, it is frequently difficult to maintain cordial relations with our colleagues, sometimes even within the same State.

But MIKE MANSFIELD has that breadth of human character, that unshakable sense of fairness, and a demonstrated capacity for honesty and integrity that has won for him through the years the respect and support of his colleagues in this body.

All who know MIKE appreciate that his word is not given lightly and that his word, once given, can be depended upon like the rugged granite peaks of his native Montana.

This outpouring of bipartisan praise and support is deep and sincere because MIKE the political leader is first and foremost a dependable friend, a stalwart man, and a Senator's Senator.

Mr. SCOTT. Mr. President, I yield now to the Senator from Kansas (Mr. DOLE).

Mr. DOLE. Mr. President, let me say, as a junior Member of this body, that I have great respect and admiration for the distinguished Senator from Montana, the majority leader, MIKE MANSFIELD.

When one first comes to this august body he is impressed by various Members—for various reasons. Freshmen Members, both Republicans and Democrats, were impressed by Senator MANSFIELD because of his sincerity, his candor, and for the many kindnesses and courtesies extended to us as freshmen Members of this body. I can recall a number of personal instances in which Senator MANSFIELD has been helpful to the junior Senator from Kansas. I can say, on behalf of all the freshmen Members of the Senate, that we appreciate and we respect leaders like Senator MANSFIELD.

I congratulate the Senator from Montana on establishing the record for the longest continual service as a majority leader. I hope this record will be extended at least for a few months longer, and that in the months ahead the senior Senator from Montana will have even more success than in the past.

Let me say, in closing, that it has been an honor and a privilege to serve as a junior Member of this body under the leadership and guidance of a man like Senator MANSFIELD.

Mr. SCOTT. Mr. President, I yield to the distinguished Senator from Colorado (Mr. ALLOTT).

Mr. ALLOTT. Mr. President, there is an old saying that it takes all kinds of people to make a world. When one thinks of great leaders, I am afraid one is often prone to think in his mind of people who bluster into a room and speak in deep, ponderous voices, and dominate the scene—at least with their words. But that is not true of the man whom we are honoring this afternoon. We have set aside this hour to congratulate MIKE MANSFIELD as the majority leader who has served the longest in that capacity in the history of the Senate.

My words shall be very brief, but they are from the heart. I shall always remember Senator MANSFIELD for his sincerity, his intrinsic honesty, and the fact that during his conduct as leader of the Senate, his word has always been good under any circumstances.

There have been many times when people make agreements and then later, because of pressures from some source or another, they are prone to modify or put a different meaning on the words they used when the agreement was entered into. There have been times when such situations were presented to Senator MANSFIELD, and if there ever was a question, he always resolved the question in favor of keeping the agreements in the way and in the manner the person with whom he made an agreement thought it was meant to be.

I know of nothing greater that can be said of a man than that he has conducted the leadership of the Senate—which certainly is one of the most trying of positions—in a way that clearly shows his sincerity and his complete honesty. These great personal attributes are constantly reflected in the manner in which Senator MANSFIELD has always kept agreements with Members of the Senate and respected them when he made those agreements.

We are indeed fortunate that we have had him. I want to join our colleagues today in paying tribute to MIKE MANSFIELD and congratulating him on his service.

Mr. GRIFFIN. Mr. President, on behalf of the distinguished minority leader, I now yield to the Senator from Tennessee.

Mr. BAKER. I thank the distinguished assistant minority leader for affording me this opportunity to pay respect to a great Senator and a distinguished leader of the majority in the Senate.

As many of our colleagues have done, I take this opportunity to pay my respects and to say this accolade to a man who richly deserves it for his distinguished service to the Senate.

I have known him from the first day I came to the Senate. I knew him as majority leader when the late Senator Dirksen was minority leader. I knew him as one who forged a close relationship in the "joint leaderships" and provided great strength for the combined good of the Senate and its programs.

Senator MANSFIELD has done what no other person before him has done in serving this length of time as majority leader; but he has done much, much more. He has set a tone for the conduct of the Senate, for the dispatch of its affairs, and for the handling of its requirements in difficult, tedious times. He has served under Republican and Democratic Presidents with equal dedication to duty. He is to be commended on this anniversary occasion, and I am pleased to add my accolade to those of our colleagues on this occasion.

Mr. GRIFFIN. Mr. President, I yield now to the distinguished Senator from Nebraska (Mr. CURTIS).

Mr. CURTIS. Mr. President, I would be untrue to myself if I did not join in this praise of our distinguished friend, the majority leader, Senator MIKE MANSFIELD of Montana.

It has been my privilege to know Senator MANSFIELD since that day when he was sworn into the House of Representatives, in January 1943.

MIKE MANSFIELD's service as majority leader of this body stands out for several reasons, the least of which is the number of years he has served. The mere passing of time itself is not an overwhelming tribute in any activity; it is what you do while the time passes. Senator MANSFIELD has performed his job well. He has been a patient, understanding leader. His actions are never irritating. He takes into account the rights, the wishes, and the desires of every other Senator, and from that point tries to work out the program of the Senate.

Without a doubt, he experiences many trying times. There is no question in my mind but that the majority leader has to go through an ordeal, many times, in dealing with the rest of us, in getting the program under way, and in advancing the legislation.

Yet, throughout all of this, MIKE MANSFIELD is a perfect gentleman, with unfailing and unending courtesy and consideration for others. His grasp of public questions and his understanding of procedures are the best. I am happy to be among those who, today, go on record in testifying to his outstanding service as majority leader of the Senate.

Mr. GRIFFIN. Mr. President, I yield now to the distinguished Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, as one who has had the privilege of serving with MIKE MANSFIELD for the past 18 years I am proud to join my colleagues in paying tribute to this man whom I consider to be one of the most able majority leaders of the Senate with whom I have had the privilege of serving.

The most required characteristic to successful leadership is integrity, and MIKE MANSFIELD is Mr. Integrity. Men may agree or disagree with some of his decisions, but no man who knows him has ever questioned the fact that MIKE's word is his bond and that every decision he makes is in what he considers to be the best interest of his country.

As a Senator from Montana, MIKE MANSFIELD is an able representative of his State's interests. The Democratic National Committee salutes this man as an able representative of his party. His colleagues in the Senate salute him as one of its most highly respected Members, and I salute MIKE MANSFIELD as a great American and a man I am proud to call a friend.

Mr. GRIFFIN. Mr. President, on the list of the distinguished minority leader is the name of the Senator from Wyoming (Mr. HANSEN), but I do not see him here at the moment. The next one on the list is the senior Senator from Michigan (Mr. HART). I yield now to him.

Mr. HART. Mr. President, what makes an effective Senator and leader? In quiet moments that is what all of us have asked ourselves. For the answers we have but to look to the majority leader: a man of principle and integrity, a man of quiet resoluteness, a master of the legislative process—and a friend of unfailing personal loyalty.

His bold and imaginative understanding of a political system that often seems to defy mastery and generate only frustration was brought clearly into focus just a week ago. The House had passed the extension of the Voting Rights Act. And included in it was the provision for the 18-year-old vote.

As I noted on the floor of the Senate that day, the credit for that achievement belongs to the majority leader. But, of perhaps greater significance today as we pay tribute to Senator MANSFIELD, is what that provision on the 18-year-old vote said about his leadership.

When the suggestion was made, I was reluctant to attach that proposal to the voting rights extension. I could see all sorts of hazards and began to speak and voice caution and reservation about it.

I had not finished three paragraphs before the majority leader announced without any adjectives and in about two sentences that he thought it was a great idea and that it was going to go on the bill.

He had in that short time determined with pointblank accuracy that the 18-year-old vote could be approved by both bodies. That is boldness and creative politics at its finest. And the fact that it was accomplished is a tribute to his skill as a legislator and to his hard work on behalf of all the people.

I have wondered from time to time as I have seen that firm profile rise to report with those sparsely phrased sentences—how an artist might record MIKE MANSFIELD. To catch the real personality he would have to take into account the moments of wry humor, the flashes of firm determination, and that genuine sensitivity to people.

Most of all, he would have to find a way to express what it means to the people of this Nation in this time of flaying, divisive rhetoric to be represented by a man of MIKE MANSFIELD's calmness and reason. We are fortunate to be served by his leadership.

Mr. President, one of the qualities of which mankind is in perennially short supply is civility. Yet civility is an absolutely essential element in our dealings with one another if the measure of freedom within which we seek to live is to be maintained.

One of the reasons that young people may tend to reject civility is that they have very few examples of civil, gentle men making any dramatic impression on the community or the Nation.

We are fortunate that, especially when any young person begins to despair of ever persuading anyone to do anything unless he first hits him over the head, we can point to MIKE MANSFIELD. Here is a man who is not frightened of admitting that his judgments have to be tentative about a great many things. All he is doing, of course, is demonstrating wisdom, because most of the things we are asked to pass judgment upon are so complex that it is only a very imprudent person indeed who would jump up all the time and announce that he knows exactly what to do.

Senator MANSFIELD is never under any compulsion to avoid giving an answer such as, "I do not know; I will try to find out."

So we can point the concerned American youngster to Senator MANSFIELD, and suggest that one need not be shrill, that certainly one need not be abusive, in order to be persuasive and effective. Ultimate power is not in force but in ideas; and no man in this body more clearly exemplifies his clear understanding that our survival hinges on our ability to develop prudent ideas, responsive in time to a myriad of complex problems that trouble, not just the young man on the campus, but all of us.

MIKE MANSFIELD is indeed a gentle man in the liberal sense; and, together with my colleagues, I am very grateful to be permitted the opportunity to serve with him, to see him, and to draw from him the strength that comes from quiet reserve, thoughtfulness, and self-discipline—all of the characteristics that make a really effective leader, but which, in this turomil today, we tend almost to discount as unimportant, as almost handicaps.

I thank the people of Montana, for the people of Michigan and the people of the country, for sending MIKE MANSFIELD to the Senate.

Mr. GRIFFIN. Mr. President, I yield now to the distinguished senior Senator from Maine.

Mrs. SMITH of Maine. Mr. President, I am pleased to join in the richly deserved tribute to the majority leader, who is a model of understanding, patience, dignity, tolerance, and even empathy.

Mr. GRIFFIN. Mr. President, I yield now to the distinguished Senator from Utah. (Mr. Moss).

Mr. MOSS. Mr. President, today Senator MANSFIELD surpasses all longevity records for service as majority leader in the Senate.

I would say that he also surpasses all records for day-in, day-out, year-in, year-out patience, tolerance, discernment, wisdom, good judgment, rationality, and balance.

The durability of these qualities in his leadership has not only made these last 9 years and 165 days more endurable and rewarding to every Member of the Senate, but they have been a bulwark upon which has been built much of the enormous legislative accomplishments of these years. The quiet strength of the majority leader has contributed much to the inner stability of the Nation as well as to the inner stability of the Senate.

It has been more than leadership which he has given us, however, in the Senate. It has been a recognition—almost in the manner of the leader of a constitutional government—of the problems and differences of those of us who are a member of this body, and the regions we represent. He has sensed in a special way that dedicated as each of us is to the welfare of the country as a whole, we all remain close to the land and history from which we come. He understands the stresses and strains we each face. Without this understanding—without a recognition of these factors and a nod in their direction—the Senate could never have gotten on so well as it has with the Nation's business.

There is another respect in which I feel MIKE MANSFIELD has served both the Senate and his country especially well. He has been masterful in assessing the Nation's ills and in speaking out with power and eloquence on them. He never blasts with rhetoric, but discusses an issue with calmness and candor.

He has made peace in Vietnam his first priority—and his statements on this, and on crime, inflation, student discord, and other issues of the day have all helped immensely in keeping the Nation informed and in calming public opinion in times of tempest. His unflinching confidence in the democratic processes is one of America's great assets.

Mr. President, I appreciate having this opportunity for those of us who serve with our distinguished majority leader to thank him, individually and collectively, for the work he does for us and for the country every day, and to tell him how much we appreciate him.

Mr. GRIFFIN. Mr. President, I yield to the distinguished senior Senator from Florida.

Mr. HOLLAND. Mr. President, from the moment I first met MIKE MANSFIELD, I have liked him, and have been impressed with his gentleness, his kindness, his courtesy, his tolerance.

I happened to be at Mount Vernon on George Washington's Birthday observance, during the 80th Congress, when the customary tributes are laid at the tomb of the Father of our Country. The Senator from Montana was then a Member of the House of Representatives. I was a Member of the Senate. We were both there to carry wreaths on behalf of patriotic groups in our respective States. There had been a heavy snowfall the night before, and I remember distinctly the first thing I saw him do was to help an ambassador from one of our South American countries, and his entourage, to find a spot where they could stand without being in deep snow, and to help them get with their floral offerings up to the tomb of George Washington.

From that time to this, I have noted always the fact that patience and tolerance and cooperation with others and gentle courtesy have been qualities which always showed in every act that I have seen MIKE MANSFIELD perform.

It would be idle to say that I agree with him always or he with me. He probably has been right in these disagreements more often than I. But I have noticed this wonderful attitude of tolerance and of gentleness coupled, however, with a firmness which refused to yield when he thought that a certain course of action was right, whether that course of action was to keep us from meeting at nights or on occasion to insist that we meet at night. Whatever he thought was right at the time, he was perfectly willing to stand by.

I noted a long time ago what a good family man he is. I had the honor of going to the statehood celebration at Hawaii. MIKE and Mrs. Mansfield had been in Asia, and in the group with which I went was their daughter, Ann. I remember how eagerly she looked forward to the arrival of her mother and father, who joined us for the celebration of statehood; and I remember the quiet and gentle but unmistakable affection which prevailed among those three, and showed that here was a real family, after the most genuine American tradition. I have noted that always since.

Mr. President, something that MIKE MANSFIELD did the other day showed the measure of the man, I thought. I participated in the conference of Democratic Senators which arranged for him to procure, if he could, equal time from the National Broadcasting Co. to speak on the economic problems of the country—somewhat in response to the speech which had been made a couple of days before by the President of the United States. There may have been some in that group who thought MIKE MANSFIELD would make a highly political speech, a speech full of blaming and criticism. I did not think so; and when I heard the speech, I realized that I had been right; because he carried into that speech the kindness and the courtesy and the tolerance which he always makes his hallmark.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a column published in today's Washington Star, written by the noted columnist Mr. David Lawrence, whose philosophy no more than my own rarely jibes with that of the distinguished majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HOLLAND. In this column—I shall quote a few things from it—Mr. Lawrence shows the kind of man the majority leader is by the description he uses of that broadcast by Senator MANSFIELD. I read from the column:

> The Democratic leader nevertheless made a well-balanced set of comments. It was not in the nature of a political speech at all. There was no invective or irony or animosity in it. Mansfield admitted, as Nixon had said, that much of what is transpiring in the national economy began during preceding administrations.

I now read from a later portion of the column, and in this instance Mr. Lawrence quotes from the speech of Senator MANSFIELD:

> "Congress shares the responsibility for correcting these discouraging economic trends. To be sure, the Congress has not concurred completely in the President's approach to them. Nor has the President responded to all of the actions of the Congress. That is neither unprecedented nor undesirable. Each branch has its separate responsibilities even as each branch shares in a common obligation to the people of the nation. When there are differences, insofar as the majority leadership is concerned, it will not waste time in political recriminations. It will concentrate, instead, on doing what can be done in the Congress."

A third, brief portion, again quoting from Mr. Lawrence:

> It was, on the whole, a nonpartisan speech such as might well be expected from an opposition leader during war time.

In closing, Mr. Lawrence says this:

> Altogether, Mansfield portrayed himself as a cooperative majority leader, even though he represents an opposite political party.

Mr. President, I think that David Lawrence has done a fine job in discussing the speech of Senator MANSFIELD on that occasion, and the qualities and character of Senator MANSFIELD, by his description of the speech.

For a man who has not only been majority leader of the Senate a longer time than any citizen who has ever lived in this Republic but who also has served in the Marines, in the Navy, and in the Army, Senator MANSFIELD has every hallmark of patriotism of the purest sort. I am sure that we all recognize that today, when we recognize this period of his extended service as majority leader without, so far as I know, a single unpleasant incident having arisen, whether in his disagreements with Senators on his own side of the aisle or in his disagreements with Senators on the other side of the aisle, or in his disagreements with the Executive.

That is the kind of majority leader we can all join in praising today and in expressing our deep appreciation for his years of great and patriotic service to our Nation.

EXHIBIT 1

MANSFIELD TALK STRESSES COOPERATION

Although the National Broadcasting Co. granted "equal time" to Mike Mansfield of Montana, the Democratic majority leader in the Senate, for his nationwide talk on television about the economic problems of the country, it didn't attract the attention that President Nixon's did. Also, many of the people who listened had already forgotten several of the points made in the Nixon speech of last week.

The Democratic leader nevertheless made a well-balanced set of comments. It was not in the nature of a political speech at all. There was no invective or irony or animosity in it. Mansfield admitted, as Nixon had said, that much of what is transpiring in the national economy began during preceding administrations. The Democratic leader added:

"We may regret it but we cannot undo it. To be sure, the basic strength of the American economy promises a great deal. But that is for the future. What of today? What of the now?"

The Montana senator stresses the fact that inflation is still rising, that interest rates have climbed, and that unemployment is growing steadily. He then declared:

"Congress shares the responsibility for correcting these discouraging economic trends. To be sure, the Congress has not concurred completely in the President's approach to them. Nor has the President responded to all of the actions of the Congress. That is neither unprecedented nor undesirable. Each branch has its separate responsibilities even as each branch shares in a common obligation to the people of the nation. When there are differences, insofar as the majority leadership is concerned, it will not waste time in political recriminations. It will concentrate, instead, on doing what can be done in the Congress."

Mansfield pointed out that much of what can readily be initiated to improve the economic situation has been done. He stressed a number of laws passed, and promised that if Nixon wishes "to use the persuasion of the presidency" as a means of discouraging excessive price and wage increases, the President would get the support of Congress. Mansfield said it is not clear to him why this "persuasive power" has not been tried. He claimed that this approach was effective in 1962 and suggested that presidential intervention could well be used again. He added:

"Congress has already given more authority to the President than he wishes, apparently, to use against the rise in prices. That is his option. I do not criticize his decisions. But the record should be clear. Congress has been ready and stands ready to cooperate with the President. We are prepared to move on any proposals which may be forthcoming from the administration to end the inflation and to check the slide into a deepening recession."

Other pledges of cooperation were cited to confirm the willingness of Congress to work with the President in order to "stop the downward drift in the economy."

After presenting some illustrative examples of federal spending for military purposes, Mansfield indicated that his party can take credit for much of the cutting down of federal expenses.

While listing a few of the differences between the President and Congress, the Democratic leader asserted that "the most respectful consideration" will be given to whatever Nixon "may propose to halt the inflation and high interest rates, to reduce unemployment and terminate our involvement in Vietnam."

It was, on the whole, a nonpartisan speech such as might well be expected from an opposition leader during wartime. But, unfortunately, it doesn't reflect the behavior of many of the members of Mansfield's own party who have been carrying on campaigns that imply distrust in the President's statements that he will pull all American troops out of Cambodia by June 30. Many Democratic senators have backed resolutions designed to suspend the use of public funds in certain areas and curtail the powers of the commander-in-chief in handling the armed services of the nation during wartime. This could be a serious handicap to military operations if emergencies should arise.

Altogether, Mansfield portrayed himself as a cooperative majority leader, even though he represents an opposite political party.

Mr. GRIFFIN. Mr. President, I now yield to the distinguished Senator from New York (Mr. JAVITS).

Mr. JAVITS. Mr. President, I served with Senator MANSFIELD, man and boy, in the other body and this one, long enough so that at this moment of paying such highly deserved tributes to him, I want to join my other 98 colleagues here in the Senate, for myself, and for Marian, my wife, in conferring upon MIKE MANSFIELD the highest accolade that a New Yorker can confer on anyone.

It is, of course, well known that I am a New Yorker.

My words for MIKE MANSFIELD are, "We love MIKE."

Thank you, Mr. President.

Mr. GRIFFIN. Mr. President, I now yield to the distinguished Senator from North Carolina (Mr. JORDAN).

Mr. JORDAN of North Carolina. Mr. President, I consider it a rare privilege to join today in saluting majority leader, MIKE MANSFIELD, because I know of no man more deserving of such a tribute.

He has served with unusual distinction longer than any other man in what I think can safely be called the most demanding and difficult job in the Senate.

Just surviving in such a job for nearly 10 years is in itself quite an accomplishment.

But MIKE has brought to this position a combination of qualities that make his performance stand out for reasons much more important than simply his length of service.

He has earned the respect and affection of all of us by his kindness, his understanding, and his ability to direct by gentle persuasion instead of demanding direction.

His example of dedication has been an inspiration throughout the years to those of us who have followed his leadership throughout his term, as well as to those who have come here in more recent times.

I consider MIKE MANSFIELD a true friend and adviser and to me, at least, he is more than just the Democratic leader.

I think he is a symbol of the Senate and I am proud to salute him today in that role.

Mr. GRIFFIN. Mr. President, I now yield to the distinguished Senator from Rhode Island (Mr. PASTORE).

Mr. PASTORE. Mr. President, to me, it is not so much how long MIKE MANSFIELD has been majority leader in the Senate as much as it matters to me what a great gentleman he is and what a great American he is.

The Senate of the United States of America is composed of 100 individuals. I know of no other body where individuality is in such evidence as in the Senate of the United States.

Mr. President, when you have a man who can bring divergent points of view together in such smooth fashion, there you find a good leader.

MIKE MANSFIELD does it calmly. He does it temperately. He does it patiently. He does it very effectively.

MIKE MANSFIELD is a very dear and close friend of mine. I know him and Mrs. Mansfield, and his very lovely daughter.

How much longer MIKE MANSFIELD will be majority leader, I do not know, but I do hope the Good Lord will give him and his family many years of good health and happiness.

I conclude by saying: ad multos annos.

Mr. GRIFFIN. Mr. President, I now yield to the distinguished Senator from New Jersey (Mr. CASE).

Mr. CASE. Mr. President, I am happy to join with all my colleagues in expressing the affection and esteem we all hold for MIKE MANSFIELD.

I, like many others here, have served with him for a quarter of a century and upward in the House and Senate. It has been one of the great privileges of my adult life to have had this association.

As a person, as a political leader, and as a Senator, MIKE MANSFIELD has been everything that a person, a political leader, and a Senator should be.

It is because of people like MIKE MANSFIELD that this institution has retained the strength, the respect, and effectiveness it has.

It is because of people like MIKE MANSFIELD that this country has retained its greatness.

It is because of people like MIKE MANSFIELD that the human race has found coexistence tolerable.

Mr. GRIFFIN. Mr. President, I now yield to the distinguished Senator from Colorado (Mr. DOMINICK).

Mr. DOMINICK. Mr. President, having observed some of the disagreements we have within our own party on the Republican side, and having admired our leadership and its ability to try to get us together on some kind of basis, and having also observed that the other side has even more members in disagreement, than we have, I have been constantly delighted and amazed at the ability of Senator MIKE MANSFIELD to absorb this tension, to maintain his calm, tact, and good humor for all of us in the Senate and almost at all times.

We have not always agreed. But, at all times, whether we agreed or disagreed, he has been courteous, fair, full of good humor, and continued friendly relationships, so far as people are concerned.

I am deeply indebted personally to MIKE MANSFIELD for the fine support he gave to me throughout a period of 5 years in my efforts to try to revise our silver policy, which was headed in the wrong direction for so long. I shall always be grateful to him for that, and even more grateful for the sense of balance which he has given to the entire Senate.

Mr. GRIFFIN. Mr. President, I now yield to the distinguished Senator from Utah (Mr. BENNETT).

Mr. BENNETT. Mr. President, I am delighted that the distinguished Senator from Montana (Mr. MANSFIELD) has had the privilege of serving in this body and in his position as majority leader longer than any other which will place his name on the permanent records of this body, because if any man deserves such a privilege, MIKE MANSFIELD does.

I know that there have been times when his pattern of leadership has been criticized—that it was too kindly, too thoughtful, or too considerate. Some people have interpreted that as being weakness.

I have been the beneficiary of that kindness, thoughtfulness, and consideration many, many times, even though I am on the other side of the aisle.

To me, these qualities are more significant characteristics of greatness than if he had been the kind that pounded the desk, hit people over the head, so to speak, and run roughshod over some of the wishes and needs of those of us who might not have been so important politically to him or to his party.

What I shall always remember about MIKE MANSFIELD are his characteristic kindness, thoughtfulness, and consideration in which, as I have just said, I have shared.

Mr. President, I am sure that MIKE MANSFIELD will be with us as majority leader for the rest of this year. I am not quite prepared to wish that that will continue on into the coming session; but even if it should not, and he should become the minority leader, I know that he will retain the same sweet spirit in his attitude toward all of us in this body as he has before.

Thank you, Mr. President.

Mr. GRIFFIN. Mr. President, I yield now to the distinguished Senator from Florida (Mr. GURNEY).

Mr. GURNEY. Mr. President, I, too should like to join in the tributes of the Senate to the distinguished majority leader for having served longest as majority leader in the Senate.

My reflections would be that of a new Senator who has known MIKE MANSFIELD only last year and this year to date, but I have always found him to be a most fair, a most considerate, and a most kindly man.

On the occasions I have had to talk to him, mainly concerning advice on Senate procedures when I was learning how this body operates, I have always found him willing to spare the time to advise me on what ought to be done and what ought not to be done.

Certainly his leadership is exemplified by fairness, and, I think, by example, a sort of light touch, a persuasive touch, rather than the sort of leader who drives one with the lash of a whip. MIKE MANSFIELD is not that kind of man at all. Of course he is liked and respected by his colleagues on both sides of the aisle. And I think that in these troubled times the Senate is most fortunate in having MIKE MANSFIELD as majority leader.

Mr. KENNEDY. Mr. President, I move the adoption of the resolution recognizing the outstanding service of Senator MIKE MANSFIELD as majority leader of the Senate.

The resolution (S. Res. 423) was unanimously agreed to.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the tributes of Senators on the service of MIKE MANSFIELD as majority leader of the Senate, be gathered and printed as a Senate document, and that all Senators be given until the close of business July 10, to submit additional statements for the RECORD, with reference to Senator MANSFIELD.

The PRESIDING OFFICER (Mr. MONDALE). Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I wish to pay tribute to a man who not only has served longer in the postion of majority leader than any predecessor, but who while serving in that post has demonstrated unsurpassed leadership, patience, and understanding through difficult times in a most demanding role—our beloved MIKE MANSFIELD.

Senator MIKE MANSFIELD is a calm but firm leader; one who not only has demonstrated a desire to serve his colleagues on the Democratic side of the aisle, but also is known for his astute sense of fairness to those on the other side, as well, and has thereby gained their cooperation and respect. This is the mark of a true leader.

His quiet, reflective manner, his calm but firm demeanor, and his dedication to placing the national interest first and foremost over any personal or partisan preference, make him a man admired and loved by his colleagues in the Senate as well as the overwhelming majority of the people of his own State of Montana, and indeed of the Nation.

Senator MANSFIELD has thoroughly demonstrated throughout his career an interest in the common good. In so doing he has also shown an independence which clearly designates him as no one's man but his own. This may spring from the fact that MIKE MANSFIELD is so clearly a self-made man; a Senator beholden to no one individual or interest.

He has demonstrated a tremendous capacity for hard work, and although a busy man he always has time to help an individual in need, and to be considerate and courteous to all who seek his attention or counsel.

While it is not possible for any one

man to express the desires or interest of 100 individual Senators or even the 56 other Senators of our party, MIKE MANSFIELD represents, and expresses in most literate fashion, the common will and consensus of his party in the Senate. We are all proud of you, Mr. LEADER, and we appreciate and admire the leadership which you have provided us in making the U.S. Senate an institution of real substance and service to our people, our Nation, and the cause of mankind.

We wish you many more years of service in the cause of peace, to which you are so fervently dedicated, and in the leadership of the majority in the U.S. Senate, to which you have addressed yourself so ably and well.

Mr. McGEE. Mr. President, the record of longevity recently established by our majority leader (Mr. MANSFIELD) is a measure of the high esteem in which the Senator from Montana is held. It speaks, of course, of the confidence Members of his own party place in him, but the respect and admiration we in the majority party share for MIKE MANSFIELD is, I know, shared also by those on the other side of the aisle who would prefer to see the Senator from Montana serving as minority leader.

Mr. President, the legislative accomplishments of this body over the past 9, almost 10 years, also stand as a measure of our majority leader. It has been a decade of most significant legislative accomplishment marked by the enactment of measures of far-ranging and durable benefit to the United States and its people. Much of the credit for these accomplishments must go to the majority leader. His leadership has been of the persistent type, which wears well and long. Perhaps that is obvious because he has been retained in the post longer than any of his predecessors.

Senator MANSFIELD, as we in this Chamber know, practically invented the low profile. One does not hear him claiming credit for his own achievements or see him flashing the outward signs of the power which vests in his office. As one who has had the honor to serve under his leadership, however, I wish to join my Senators in paying tribute to his long and patient service, which has borne much good fruit. Finally, as a Senator from Wyoming, Montana's good neighbor to the south, I have a particular appreciation for Senator MANSFIELD's sound leadership and counsel. We in Wyoming are pleased to have the majority leader's office occupied by our wonderful friend and neighbor.

Mr. HARRIS. Mr. President, it has come to my attention that the distinguished majority leader of the Senate, Senator MIKE MANSFIELD, of Montana, has now served in that position for 9 years and 167 days. This is longer than any other Senator in the history of the Senate has served as majority leader. He has just now surpassed the length of time that the late Senator Alben Barkley, of Kentucky, served as majority leader.

Senator MANSFIELD has served a long time because he has served with exceptional distinction—served both the people of Montana and the Senate of the United States.

A man of fairness and firmness, conviction and compassion, Senator MANSFIELD leads the Senate because he is a leader of uncommon quality.

I congratulate him on the record of service which he has forged, I express my appreciation for what he has done for the Senate and for the country, and I wish him many more years in the important position he holds.

Mr. HOLLINGS. Mr. President, I am extremely pleased today to join with my distinguished colleagues in paying tribute to our outstanding majority leader, the Senator from Montana, MIKE MANSFIELD.

Senator MANSFIELD is truly admired by all for his ability as majority leader. But more important than this, he has had the wisdom and fortitude to maintain the calm, deliberate debate within the Senate on issues which drive other, lesser men to distraction.

In recent months, the patience of Senators has been sorely tested. A man without the qualities of Senator MANSFIELD might not have been able to handle the task we now have before us and will have in the difficult days which are ahead.

Senator MANSFIELD has my deep and abiding respect, both as a Senator and a gentleman. I am proud to call him majority leader.

Mr. ANDERSON. Mr. President, the foundations of America's enduring constitutional government are the principles of individual liberty and the system of checks and balances enunciated by the wise political philosophers of the 17th and 18th centuries. One of the wisest of those philosophers, one to whom this and other republics owe so much, was the Baron de Montesquieu, who fully developed the principles that we know as the separation of powers and checks and balances.

Montesquieu believed, and wrote, that such principles would have to be institutionalized in order to preserve liberty, because, he said:

> Every man invested with power is apt to abuse it.

Mr. President, I believe one of the finest tributes we can pay to our esteemed and distinguished majority leader, MIKE MANSFIELD, is that he has been invested with great authority and power and has not abused it. He is universally regarded for his scrupulous fairness, his honesty, his forthrightness, and, perhaps most of all, for his forbearance, his steadfast refusal to abuse the power with which he has been invested.

Today it is my pleasure to join my colleagues in honoring MIKE. Technically, we are paying tribute to him for having surpassed all records for length of service as majority leader. This is no small feat, and it certainly deserves tribute. The post of Senate majority leader is a demanding one. It requires both attention to minute, technical detail and a grasp of broad social and political issues. Senator MANSFIELD has performed both duties ably and diligently.

But we also are honoring MIKE for the qualities which have enabled him to serve so long in such a demanding post without having incurred the enmity of even those who have differed with him. When we hear him described, we hear such words as "judicious," "fair," "accommodating," "helpful," "reasonable." Those adjectives are well chosen, Mr. President, when they are applied to our esteemed majority leader.

I salute Senator MANSFIELD, and I am confident that we can look forward to additional years of enlightened service from our distinguished leader.

Mr. TALMADGE. Mr. President, it is a great pleasure to join Senators in today's salute to the distinguished majority leader, Senator MIKE MANSFIELD.

We particularly pay tribute to Senator MANSFIELD in recognition of the fact that on June 17 he established a new record for longevity as Senate majority leader, a term of almost 9½ years. This is a distinct honor.

Senator MANSFIELD is an outstanding Senator who, regardless of party lines, has always endeavored to serve the best interests of his Nation and State. As majority leader his statesmanlike and gentlemanly conduct have earned him the respect and admiration of Senators on both sides of the aisle. He is a fair and generally quiet-spoken man, but, as we all know, he is firm in the courage of his convictions. This is to his credit as a man and as a Senator. He has indeed brought distinctive leadership to the important office of majority leader. I wish personally to extend my congratulations to Senator MANSFIELD for having the honor of holding this position longer than any other Senator in history.

Mr. McINTYRE. Mr. President, there are many rewarding aspects of the task of representing one's fellow Americans in Congress.

Not the least of these is the privilege of associating with others who bear this same responsibility.

Under the Constitution, all of us who serve in this body of Congress are equal. But having said that, let me hasten to recognize reality by pointing out that some are more equal than others.

Then I must quickly add that there is one among us who is the most equal of all, and it is my most pleasant privilege to join with Senators to pay my respects today to the leader—to our friend—to my leader—to my friend—MIKE MANSFIELD.

Today we are paying our respects to MIKE for having served the world, the Nation, the President, the people of his State—and his colleagues—longer than any other leader in our Nation's history.

I, for one of many, am not at all surprised by the luminous longevity of his leadership. The only way he could not havce reached this new milestone would have been for him to leave it of his own volition. Thank goodness he has not.

I know that the people of his State will never keep him from this body. And I know that Senators on this side of the aisle will keep him as their leader as long as he wants to serve.

History will record what we have accomplished under Mike's leadership. It will record that he has kept us on an even keel during one of the most difficult eras in our history.

And this, of course, is the real mark of a great leader—the ability to hold the

XUM

keel steady when seas are rough—to keep the ship on course when the cross winds blow—to reach the harbor through the treacherous reefs.

We could not have asked for more—and Mike did not give us less.

Mike, our words today cannot begin to express the real admiration, the deep respect, and the great affection we feel for you.

Mr. BURDICK. Mr. President, I wish to commend Mike Mansfield, our distinguished majority leader, for his dedication and devotion to his country. For more than 9 years, Mike Mansfield has served his Nation with integrity and wisdom as our majority leader.

Citizens throughout the land are grateful to Mike for his many years of public service and as an advocate of justice for all our people. We in Congress are grateful for his warm friendship, his brilliant leadership, and his constant cooperation.

Through our majority leader's leadership, some of the most important decisions ever made by this body were decided.

Truly this man from the "big sky country" of Montana is one man in public service who leads the humanitarian form of quality service to his fellow man.

Mr. TYDINGS. Mr. President, ours is a large Nation that faces immense challenges. We have a huge Government. The task of shaping and leading this mammoth Government in the right direction in order to solve the great crises of our day is the most difficult and important task of our time.

XUM

Few men reach that level of leadership where they can offer a significant contribution to the governing of our Nation. Fewer men reach the highest level of leadership and remain in that position long enough to leave a lasting imprint on the course of national events. And fewer still are those who, having been given these awesome responsibilities, acquit themselves in such a manner as to be esteemed by their colleagues, by their Nation, and by the students of government and history. One of these very few men is Senator Mansfield.

In nearly a decade as Senate majority leader, Senator Mansfield has made a great imprint upon the operation and policies of our Government. In the complex and rugged combat over the course of national policy, the majority leader has often applied the key push or shove to guide us in a better direction.

Senator Mansfield does not lead by cracking heads together. He does not raise issues with loud cries of despair or elaborate promises of future bliss. His style of quiet reflection and discussion, of raising questions and indicating problems, of expertise that slowly pervades the thinking of those around him is so effective, it goes unnoticed to many outside the Senate. I can only say that I feel he has been a great Senate leader.

He has mastered the difficult balance between being leader of the Senate and of his party in the Senate to the benefit of both. He is one of the moving forces in making our body into a more respected, more powerful, and more positive part of the Federal Government. He has led a party with a great majority—so easily split into divisions—to become a responsible, cohesive unit that has contributed much in this decade.

Senator Mansfield has been a leader who has dipped into substantive areas, not being content to reign above the great issues of our day. As the most informed and expert Senate majority leader in the area of foreign affairs in our history, he has had a profound impact upon our policies. He is one of those few men who has reversed one of the most unfortunate ventures of our history and has helped lead the renaissance of the Senate's power in foreign affairs. For this alone, Senator Mansfield must be called great.

Another example of the majority leader's skills as leader of the Senate and the Nation was his decision to move ahead with the 18-year-old vote as part of the Voting Rights Act. This demonstrated a wise sensitivity to the trends in our Nation and an acute reading of the legislative possibilities. This was Senator Mansfield at his best, a man of thoughtful and powerful action.

One of Senator Mansfield's great attributes is his disdain for the elaborate praise and formalities of high office. So I shall not go further. I am happy to note briefly my respect and admiration of a great Senate leader. We are fortunate that the man who has been the majority leader longest in our history is also one of the best.

Mr. BOGGS. Mr. President, I wish to join in congratulating the distinguished majority leader on his long and most successful tenure.

It has been my great pleasure to serve with the Senator from Montana in both Houses of Congress. When I entered the House of Representatives in 1947, he had already served there with great credit for 4 years. In 1961, when I entered the Senate, he had already served in this body for 8 years.

It was in that year that he was first elected majority leader and embarked on his now nearly 10 years in that illustrious position.

It has always been a great pleasure for me to be associated with Senator Mansfield in any endeavor. I remember warmly trips to Southeast Asia that a group of Senators made under Senator Mansfield's leadership in 1962 and 1965. His expertise in the field of foreign relations was most valuable to us, and, I believe, the reports which he was instrumental in writing were most excellent commentaries on the tragic conflict which still engulfs us.

In an adulthood that began prematurely at the age of 14, he has had many varying experiences—in the military, in industry, and in scholarly pursuits—that uniquely qualify him for his position.

It has been my experience that the distinguished majority leader has been absolutely fair and honest in his dealing with each of us—no matter the side of the aisle on which we sit.

I congratulate him on his accomplishments of the last 10 years and hope that he will be in a position of leadership among us for many years to come.

Mr. ELLENDER. Mr. President, since June 18 our esteemed colleague, Mike Mansfield of Montana, has been making, each day, a new record in terms of length of service as the Senate's majority leader. On that date, June 18, he surpassed the previous record held by Senator Alben Barkley of Kentucky who served in the position of majority leader for 9 years and 165 days, or from July 22, 1937, through January 3, 1947.

Needless to say, I wish our present leader many more years of service in this august body.

The position of majority leader, and for that matter minority leader, in the Senate is always most difficult to define in terms of our Government as a whole, in terms of this great institution of which we are all a part, and in terms of the Office of the President, and the administration. It is a difficult position to fill in personal terms and I can well recall the trials and tribulations of Majority Leader Barkley during the Roosevelt administration.

The exact duties and powers of the Senate leadership have never been written down except in the most narrow terms. This means that the leadership role in this body must be defined by those Senators occupying the leadership position. It is often said in our Government that the Office of President makes the man. This is not quite true of the Senate leadership. The individual Senator serving as majority leader exercises the primary and decisive influence as to how that office is to function.

I do not think it to be flattery or merely an example of general Senate decorum to say that our present majority leader, Mike Mansfield of Montana, has performed an outstanding job in filling the leadership role. Many others will express similar sentiments today. They have been expressed in the past and will be stated in the future. Those sentiments are all well-deserved, but I wonder if we appreciate just what the present occupant of the leadership chair has accomplished for the Senate during his tenure.

If we ponder upon the descriptions that have been used to characterize the "Mansfield leadership," we notice the many affirmative phrases dealing with his "fairness," his "impartiality," the fact that he "leans over backward" to protect the rights of Senators, particularly those who may disagree with his own position on public policies. We can also notice what seems to be a consensus in the Senate, and one with which I wholeheartedly agree, that our majority leader has not been "heavy-handed," that he has not attempted to "force a decision" on the Senate and, as some have pointed out, that he is not prone to "arm twisting tactics" in the conduct of the Senate business.

I do not think these descriptions can be argued with and I think they are appreciated by all of us here on both sides of the aisle. I think there is something deeper involved, though, and I believe it is this function, as developed by Senator Mansfield, that is likely to stand as his most important contribution to the leadership role in the years ahead.

As I think back over the many issues that have divided this body over the last 9 years—and they have been many and the divisions have been deep and bitter on some occasions—I cannot escape the conclusion that the "light" guiding Senator MANSFIELD's attitude and actions has been a desire to see the Senate act as a mature legislative body in our democracy. He has been guided at all times, I believe, by a desire to see the Senate act responsibly and on its own on the public policy issues confronting us. I think this to be very important, and I think it will become more important in the years ahead as our Government continues to expand. If the Senate is to recognize no master among the powerful outside forces—parties, President, or organized pressure groups—the Senate must master itself as an effective legislative body. As I read the record of these last 9 years, this has been the overriding concern of the present majority leader.

I would hope that future scholars and historians of the Senate would give full attention to this feature of Senator MANSFIELD's leadership when this period of our history is analyzed.

In looking for possible explanations of Senator MANSFIELD's attitude toward the Senate leadership, I turned to the "Biographical Directory of the Congress." I was surprised by what I learned but I was also able to see many features that explain the Senator's development through the years into the gentleman—and I use the term advisedly—that he is today.

For instance, he has served in the enlisted ranks of what was then all three services of the U.S. Armed Forces. He was a Navy seaman during the First World War, an Army private in 1919–20, and a private first class in the Marines from 1920 to 1922. He has had practical experience working with his hands as a miner and mining engineer in the ore fields of Montana from 1922 to 1930. He received a broad education during his schooling and acquired an appreciation for theoretical concerns serving as a professor of history and political science at Montana State University from 1933 to 1942, when he was first elected to the Congress. All these trends—humility, a complete lack of arrogance, practical experience, a student of national and world affairs, experience as a teacher and lecturer—are evident in the manner in which Senator Mansfield has filled the majority leadership chair. All of us here today and the country at large have benefited as those past experiences have culminated and have been brought into play during the last decade. I hope that the Senate may continue to benefit from Senator MANSFIELD's services as majority leader for many years in the future. I am certain that the people of Montana will send him back to us and that he can have and hold his present job as long as he desires it.

Mr. MAGNUSON. Mr. President, the distinguished majority leader of the Senate (Mr. MANSFIELD) is a man to whom all types of tribute can be and have been paid. Yet the mark of a man deserving of tribute is how little really needs to be said of him in praise on special occasions.

It is not by virtue of what we say about him on a day like today that makes Senator MANSFIELD the truly great and historic leader that he is. Rather, it is in the smooth operation of the Senate and in the progressive legislative product of the Senate that Senator MANSFIELD is honored day after day, week after week, month after month, and year after year.

For nearly a decade now, Senator MANSFIELD has been our majority leader. Historians will note that his tenure was the longest in the long and colorful life of the Senate. But historians will note more than his endurance in a difficult and demanding post. They will note that under his leadership, the Senate of which the majority leader is a beloved Member passed the great landmark legislation that has reshaped, and will continue to reshape, the lives of millions of Americans. And historians will also note that the most significant and most far-reaching of these many important laws would not have been possible without the leadership, the intellect, and the compelling persuasiveness of this remarkable man.

Senator MANSFIELD has brought honor to the people of his State, to the people of this Nation, and to all the Members of the Senate. In praising him today, we are not signaling an end to his career or to our need for his leadership. We are saying, simply, that we need him here in the Senate, that we appreciate the important role he plays here, and that we look forward to seeing him continue to serve in that role throughout the years ahead. The Senate, the American people, and the times in which we find ourselves all demand his many and varied skills.

Mr. MUSKIE. Mr. President, modest, humble, fair, quiet, low keyed, with simple tastes, unassuming, and without a single enemy—these are uncommon words to use in describing strong leadership. But with MIKE MANSFIELD, the definition of leadership must be expanded and rewritten. Indeed, what these phrases describe—at least in part—are the qualities of the man who, in my judgment, has led the Senate with greater effectiveness than in any other period in the entire history of this institution.

The Senator from Montana has been majority leader of the U.S. Senate longer than any other man. It is not surprising. When asked once how he would like to be recalled in history, he is reported to have replied: "When I am gone, I want to be forgotten." History could never honor that wish.

It is difficult to say now what single achievement will most be remembered about MIKE MANSFIELD—it may be leading the fight to give 18-year-olds the vote. It could be a host of legislative monuments that occurred during the sixties—from medicare for the elderly to civil rights for the racial minorities; from the Nuclear Test Ban Treaty to a breakthrough in Federal aid to education. It may be one that has not yet even been attained.

If I were to summarize his influence, it would be to say that MIKE MANSFIELD has set the entire tone for this emerging decade. He has called us quietly and most effectively for a reappraisal—a reappraisal of our objectives, of our policies, and our purposes—both at home and abroad.

At a time when it is not always popular to engage in politics, he has made me proud to be a politician. In an era when the Senate was at times relegated to a less than coequal status, he has led us in regaining the Senate's constitutional role.

Stripping it all away, there is perhaps only a single word that is needed to describe the reason for his success. It is trust. It has been the immense faith generated by this kind and honest man from the West that has been his most valuable asset. With it he has gained the support of all of his colleagues and associates. With it he has affected the very core of the U.S. Senate. With him, I have developed more confidence in the direction of this Republic.

I honor MIKE MANSFIELD today. I do so as he would say it himself, without any ifs, ands or buts.

Mr. CRANSTON. Mr. President, on the Senate floor today, and off the floor on many occasions, I have heard Senators compare MIKE MANSFIELD to other majority leaders under whom they have served.

I can make no such comparisons, for I have never served under any other leader.

Nor do I wish to serve under any other leader, ever.

I find it impossible to imagine a leader of greater grace and greatness, a leader more considerate, thoughtful, moral, wise, and effective than MIKE MANSFIELD.

I am particularly appreciative, of course, of the guidance and the opportunities that MIKE MANSFIELD, in his capacity as leader, offers to new Senators, like myself.

Most of all, I respect MIKE MANSFIELD not only as a leader of the majority, and hence of the whole Senate, but as a leader of the United States, and hence of the whole world.

A MOST DISTINGUISHED SENATOR

Mr. HANSEN. Mr. President, the quiet, scholarly, concise majority leader is, indeed, a most distinguished Senator. More than that, his fairness encourages each of us to bear greater regard for the interest of others.

His thoughtfulness, quietly displayed by his logic, prompts more reflection by each of us. His uncommon commonsense is a stabilizing factor in even the worst of situations, although it has been characteristic of his attention to duty that such situations are seldom.

His abiding concern for fairness and his courtesy and thoughtfulness for his colleagues, regardless of party lines or differences of opinion, often belies a dedication to study and a toughness that may have had its beginnings during his days in the U.S. Marine Corps.

No one can ever question his loyalty or integrity to the Senate, his State, or his country. However, he always puts statesmanship and the national interest above strictly regional or partisan issues when he believes such interests transcend provincialism. And in spite of his gentle demeanor, he runs a tight ship and one on which we can all be more proud to serve.

Storms have raged within this body that have threatened, with the passions of the moment, to swamp the progress of legislation essential to this Nation in many areas. The steady hand of the majority leader, at the helm, has led us to more reasonable solutions.

The leadership of the able Montanan has been instrumental in maintaining the traditional, reasoned deliberative approach of the Senate to critical and often emotional issues during years of some of the greatest unrest this Nation has known. He has consistently exhibited a presence of wisdom that surpasses party lines, and has often been quick to bring into perspective and help clarify the position of Senators on each side of the aisle.

His understanding of the value of the two-party system which continues to make this Nation the greatest on earth has prevented harsh divisions from forming on matters which a lesser man could have allowed to result in rigid and long-lasting lines of anger or discord.

Mr. President, the confidence of every American in the Congress is strengthened by the knowledge that men like the distinguished senior Senator from Montana are in service to this Nation.

MIKE MANSFIELD—DISTINGUISHED MAJORITY LEADER

Mr. MONTOYA. Mr. President, Mike Mansfield has occupied the post of majority leader longer than any other Member of this body in its long-honored history. This Chamber has seen many a Senator of significant stature. More than a few have left an imprint upon it that remains to this day.

XUM

The Senate became a part of them. In turn, they each left a part of themselves here in this Chamber. It is because of such men that the Senate, as an institution, has evolved, grown, and had such an impact upon the history of our Republic. Mike Mansfield is very much in the tradition of such towering figures.

A majority leader must be many things. Party leader. Statesman. Compromiser and peacemaker. A person whose mind and wit are able to cope with the myriad situations and human confrontations that occur on such a national stage as this. Mike Mansfield has been all of these and more.

He holds his position of eminence by dint of ability, knowledge of the body, and respect of his peers. The newest Member of the Senate can unhesitatingly approach him on practically any matter, secure in the knowledge that Mike Mansfield will greet his request with sympathy, understanding, and awareness.

Practically every Member of this body has come to him with the most involved problems confronting them. Each time some reasonable alternative or just compromise is offered.

It would be easy indeed for a man of his position to act differently—negatively—patronizingly. This has not been known to happen.

Mike Mansfield has remained true to his heritage of toil, honesty, and courage. Surely, the people of Montana are fortunate in having a man and Senator of such caliber representing them here.

We live now in difficult times, fraught with danger and replete with the thorniest of problems. At such moments in the passage of national history, we have always sought out those elements in our society that are most stable and worthy. That is why today it is all the more fitting for this body to pay deserved tribute to Mike.

Greater trials lie ahead, not just for a party, but for our Nation. America will look to the Chamber we occupy today, just as it has in other times. Our response will go a long way toward deciding the direction the Nation will take in the face of crisis.

We are more than a little fortunate to have Mike Mansfield among us, as majority leader, as Senator, as friend, and as an American.

Mr. PEARSON. Mr. President, today, our distinguished majority leader, Senator Mike Mansfield, passes the previous record for service as majority leader set by the late Senator from Kentucky, Alben Barkley. It is a pleasure for me to join my colleagues in paying tribute to Senator Mansfield's record.

The senior Senator from Montana is well respected and loved on both sides of the aisle here in the Senate—both as an able public servant and as a fine, fair, God-fearing man who is a credit to his State and Nation.

Mike Mansfield is a man who "tells it like it is," and he does so in a few well-chosen words. There is no doubt in my mind that the Democrats in this body have been fortunate to have him for their leader since January 1961. And I know that the country has benefited from his tenure.

We Republicans have found him to be a fair and cooperative man and it is with pleasure that we join in this expression of congratulations.

There is only one thing that would make Mike Mansfield even more endearing to the hearts of Republican Senators—and here I associate myself with the earlier remarks of the senior Senator from Vermont—to see him begin another Congress as minority leader.

Mr. MONDALE. Mr. President, I wish to join my many colleagues who are today paying tribute to one of the most effective and admired leaders in the history of the U.S. Senate—the greatest deliberative body in the world.

Mike Mansfield has now been majority leader longer than any other Senator. In this capacity, he is known and will be remembered for his warmth, his leadership, and his unparalleled ability to provide effective leadership along with the utmost respect for the integrity of every Member of this body.

I am proud to have served in the Senate for 6 years under the leadership of Mike Mansfield. He has done much for me through his wisdom, his leadership, and most of all his personal friendship.

To the distinguished Senator and majority leader for Montana, I say: Congratulations upon reaching this milestone which so reflects the esteem of your colleagues. I look forward to more years of your friendship and your leadership.

Mr. STEVENS. Mr. President, I want to join the other Members of this body in paying tribute to the majority leader. Although a freshman and in this body by appointment, I am most pleased to be able to say that the senior Senator from Montana has accorded me every courtesy and has gone out of his way to ease the transition for our State from our previous Members of this body to the representation provided by Alaska's Senators now. Because of the untimely death of my predecessor and the election of my colleague, Alaska found itself with two freshman Senators coming on the scene here within a matter of days. All of the Members of this body have been courteous and kind to both of us, but it is important for me to note that the majority leader has, in many ways, aided me in the performance of my duties for my State.

Of course, this action merely reflects his total qualities of fairness and the fact that he is a complete gentleman in every regard.

SENATOR MANSFIELD'S LEADERSHIP

Mr. PROXMIRE. Mr. President, I join with my colleagues in congratulating the majority leader, Mr. Mansfield, on establishing a record for tenure as majority leader of the U.S. Senate.

As important as length of service is, the quality of that service is even more important. Senator Mansfield has excelled in both.

There are various ways to lead men. Some do it by the power and authority and domination over others which they exercise. On the whole that is not the way to lead. It may get action. It may succeed at a given moment. But in the long run it will fail because free men resent these methods and smart under them even when they appear to accept them.

But Senator Mansfield leads the Senate by consent. It could be called the "Quaker Meeting" style of leadership. All feel free to express their views. All have a voice in policy. No one is forced to action against his will or against his better judgment. He is a master at leading the Senate to a judgment based on the free flow of opinion and debate. Under his leadership, the Senate really does "work its will."

Modest, self effacing, but also determined and forthright, Senator Mansfield has made the Senate a pleasant place to be and to work.

Senator Mansfield's record tenure in office is indeed matched by the quality of his leadership.

Mr. McGOVERN. Mr. President, Mike Mansfield is noted for his remarkable capacity to say important words with unusual brevity. Following his example, I simply wish to say that it has been one of the most satisfying experiences of my life to work under the leadership of Senator Mansfield since 1963. I treasure him as a friend, as a colleague, and as a wise and sensitive leader.

It is a pleasant privilege to join with my colleagues in honoring him today on his long and effective leadership of the Senate.

Mr. SCHWEIKER. Mr. President, I would like to join this colloquy in praise of the distinguished majority leader's long tenure and outstanding service to the Senate and our Nation.

As a freshman Senator, I have been particularly appreciative of the majority leader's fairness, and his support and encouragement for greater participation in Senate business by new Senators.

An example of Senator MANSFIELD's attitude toward younger Senators occurred when he was graciously appearing as a guest on a radio and television report the minority leader and I prepared for Pennsylvania stations.

During the show, I made a reference to being the junior Senator from Pennsylvania, and Senator MANSFIELD objected to this and said:

> There is no such animal in the Senate.

And he said to me:

> When you refer to yourself, don't refer to yourself as a junior or senior Senator, but just as a Senator, because it is 99 men and lone woman. They're all equal and they carry the same weight.

I think this is typical of the majority leader's fairness, and respect for the job we all have to do here, and for all Senators who have the same job to perform.

The majority leader has always put the interests of the Nation, and the Congress, ahead of more parochial concerns, and in so doing, has been a credit to his party, to every Senator, and to our great Nation, and it is a pleasure to join my colleagues on both sides of the aisle in these words of praise today.

Mr. NELSON. Mr. President, I join today in the accolades properly being accorded to the majority leader of the U.S. Senate, the gentleman from Montana, MIKE MANSFIELD.

As majority leader of this body, MIKE has certainly set a record which deserves to be recognized this afternoon. The measure of his achievement, however, has not just been determined by the unparalled number of years and days in this position of leadership. Nor are we only calling attention to the list of important legislative innovations which MIKE has steered through these halls in the last 9 years and which are now part of the public law of the Nation. Rather, we are giving recognition and public acknowledgment of our respect for a trusted colleague, an admired leader, and an exemplary man.

This is a political leader whose overriding concern for his country's welfare is such that he can tell Members of his party at a recent campaign fund raising function:

> In this year of national crisis, there is no partisanship. There is only national obligation.

This is a Senator in a position of great power who has chosen to employ reasoned dialog and perseverance rather than force as the means to produce legislative action.

This is a gentleman whose sparse words are not rhetorical evasions, but statements of trust.

This is a man who views the Senate as a national legislative forum to produce agreement on the course of action for the country rather than a political arena in which to score ideological wins and losses.

I think that we and the country are extremely fortunate in having MIKE MANSFIELD as our majority leader at this particular time of national uncertainty and bitter divisiveness. As a calm force for unified attention to the public welfare he can direct cooperative political energy for the Nation's benefit. In MIKE'S own words, this congressional cooperation is given "without ifs, ands, or buts. The Republic deserves no less." And with MIKE MANSFIELD's calm, steady voice in the Chambers of the Senate, the Republic will continue to receive no less.

Mr. MATHIAS. Mr. President, in all the naval lore of Great Britain, no legend is more cherished than the story of Lord Nelson's constant consideration for his midshipmen and young officers. He gave them endless hours of his time and dedicated himself to helping them and promoting their professional education and training.

It has been my personal observation that great judges in both big and little courts are invariably interested in young members of the bar. They exercise the responsibility of the bench to teach the ethical standards and moral philosophy of the law, which are not generally offered as courses in law schools. They shield young lawyers from embarrassment and strengthen both their sense of duty and their confidence.

But the task of perpetuating the best traditions of a noble profession is often left undone in the world of politics. Political life is often cruel, frequently bloodthirsty, and sometimes cannibalistic. It is also pressured and hurried so that even the gentler and more considerate among us simply do not find time for such work. The center aisle is a possible partisan obstacle.

But as a Member of the Senate who entered at the beginning of the present Congress, I want to testify that Senator MANSFIELD has always had the time, and the patience, and the interest to help a new Member. To say that I am grateful is a gross understatement of the case.

I do not always agree with Senator MANSFIELD. At times, our differences may be rooted in a divergence of opinion, and at times, in a diversity of party loyalty. But however I may view his position on any one issue, I know that in his view of it he will be right with himself and his conscience.

He has instilled in politics an air of nobility and purpose, and for this above all, the citizens of this Republic should be glad that he is an American, a Senator, and a fellow citizen.

Mr. BROOKE. Mr. President, I could not let this day pass without joining with my colleagues in a well-deserved tribute to our distinguished majority leader upon his completion of the longest term of service in that position in the history of the U.S. Senate.

No one knows better than he that his is not an easy task. Yet he has always carried out his duties with consummate skill, patience, integrity, and faith in his fellow men. It gives me great pleasure to salute our majority leader for his remarkable record, and to extend to him my personal gratitude for the many times that he has offered me his counsel and assistance.

Mr. GRIFFIN. Mr. President, I am grateful for the opportunity to join in paying tribute to the distinguished majority leader, the Senator from Montana.

By serving as majority leader longer than any other man in the Senate's history, he has confirmed what we all know.

He is a man of endurance.

The majority leader is not only a man of endurance but he is relentless in pursuing a course which reflects credit on the Senate and serves the Nation's interests best.

If one were to attempt to describe his manner and style in a phrase, I think we might say that his is "a quiet leadership." But his quiet leadership is most effective. It is an effective leadership because he is a good man who is thoughtful, patient, considerate, humble, and decent.

I salute him as a great leader and a great American.

Mr. TOWER. Mr. President, as of June 18, 1970, the Honorable MIKE MANSFIELD of Montana has held the position of majority leader of the U.S. Senate longer than any other individual who has held that important post.

The length of his tenure indicates that he has the confidence of those in his own party. However, I know that all in this Chamber will join with me in commending Senator MANSFIELD for the outstanding job which he has done. The patience and diplomacy which he has shown in guiding our discussion are particularly important in this very deliberative body. Beyond that he is a fair-minded man and a man of his word. I offer my congratulations to the Senator on his past achievement and know that his future action will merit no less appreciation from his fellow Senators.

Mr. CANNON. Mr. President, it is with great personal pleasure that I join today in paying tribute to our colleague who has surpassed all longevity records for service as majority leader—MIKE MANSFIELD.

The dedication of MIKE's outstanding talents to the manifold duties and responsibilities of his career as majority leader spans a decade of tremendous significance in the history of our country.

We have seen the greatest pieces of social legislation maneuvered through the Senate and Congress under his guidance and leadership. He has contributed notably to America's social progress by his own spirit and intellect and energy.

As Senate majority leader he has been chosen for one of the most difficult assignments in Congress. Under circumstances that would try most men, MIKE MANSFIELD's leadership qualities have been tested and found solid over and over again.

On the personal level I have found his counsel and guidance an invaluable aid in my own legislative duties, and I appreciate the many hours we have discussed the problems of my State of Nevada and the needs of the country.

MIKE has won a secure place in the esteem and affection of all of us privileged to serve with him in the Congress of the United States.

Mr. YOUNG of North Dakota. Mr. President, during my time in the Senate, which has spanned quite a number of

XUM

years, I have seen many Senators come and go. Many of them able and hard working and most of them very personable. Some, of course, were more effective than others as legislators.

One of the most effective Members during my time is our beloved friend from Montana, the distinguished majority leader, MIKE MANSFIELD. His is an assignment that is far more difficult than most people realize. It requires great ability, good judgment and, above all, understanding and patience in working with all the Members of the Senate on both sides of the aisle.

I oftentimes marvel at the patience of our friend, MIKE MANSFIELD. If he is greatly disturbed—and I know that sometimes he is and has reason to be, there is little outward manifestation. I know that sometimes he has a virtual storm within himself. His patience, understanding, and friendly attitude toward every Member of the Senate are among the major reasons why he has served longer than anyone else as majority leader.

I am amazed at how MIKE has been able to maintain himself in this difficult assignment for so many years. Oftentimes, he has to take issue, and sometimes rather sharply, with powerful and influential Members of the Senate. More often than not they are his best friends.

I cite these examples, Mr. President, because I think they are unique in MIKE MANSFIELD's personality and they speak louder than any words I could utter as the reason for the great record he has established.

No leader of the Senate, Republican or Democrat, has been more considerate and understanding of any problems I have had. MIKE just does not turn people away if he thinks they have a reasonable cause. There is much more that could be said about our friend but, to sum it up, may I say that he is one of the most honorable and decent men I have ever known.

Mr. THURMOND. Mr. President, I am pleased to have this opportunity to congratulate the distinguished majority leader, MIKE MANSFIELD, upon his completion of the longest period of service in that important position in the history of the U.S. Senate.

Senator MANSFIELD is not only a distinguished Senator but also an estimable gentleman who is held in high esteem by his colleagues on both sides of the aisle.

Though he and I frequently disagree on matters before the Senate, I have always found him to be courteous, considerate, and helpful as majority leader.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD tributes to the distinguished majority leader (Mr. MANSFIELD) submitted by the Senator from Texas (Mr. YARBOROUGH), the Senator from Indiana (Mr. BAYH), and the Senator from New Jersey (Mr. WILLIAMS).

These Senators are necessarily absent from the Senate today but desired to participate in expressing their appreciation to the majority leader.

There being no objection, the tributes were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR BAYH

Mr. President, today the Senate is honoring one of its most distinguished Members, Senator Mike Mansfield, of Montana, who has served in the position of Majority Leader longer than any other Senator.

This highly deserved tribute comes not just from his own party. Members on both sides of the aisle have long recognized Mike Mansfield as an able Senator, an outstanding leader, and a superb statesman. When Senator Mansfield ran for re-election in 1964, the late distinguished minority leader, Everett Dirksen, informed his colleagues in the Senate that he was about to commit political heresy. Senator Dirksen said that, while he would be willing to go to the moon, he would not visit Montana to campaign for the Republicans because he would not and could not speak against Mansfield. Many other Republicans must have had the same attitude, because Mike won his 1964 re-election with 64.5% of the vote.

The Majority Leader has commanded the respect of men of both parties and of differing philosophies because he has always been concerned about the well-being of all Americans. He has been first a statesman, then a politician. He has had a distinguished career, both as an educator and in public life. He taught Far Eastern and Latin-American studies at the University of Montana for several years, served in the House from 1942 to 1952 as a Representative from Montana, and has been in the United States Senate for nearly 18 years.

During the almost three decades of his service as a legislator, few members of Congress have equaled the devotion to duty, absolute integrity, complete fairness, and parliamentary skill which he has displayed. He has led the Senate with patience, kindness and good humor. He has rendered invaluable service to both the nation as a whole and the people of his own state.

I am pleased to join other Senators in extending my appreciation to Senator Mansfield for the many courtesies he has shown us through the years and to thank the "Big Sky Country" for sending to Washington one of its finest. I have no doubt that this fall the electors of Montana will once more demonstrate their faith in Mike Mansfield by again returning him with their mandate to the Senate.

STATEMENT OF SENATOR YARBOROUGH

Mr. President, today the Senate is assembled to pay tribute to a great leader and fine American, Senator Mike Mansfield. There are countless things that can be said about Senator Mansfield's excellent leadership, ability, and his sense of statesmanship; however, as important as these things are, I think it also important to point out that Senator Mansfield is a kind and considerate gentleman who has won the affection and respect of every member of this body

It has been my pleasure to know and work with Senator Mansfield for over 13 years. In the hard fights for progressive legislation, he has always been an eloquent and effective ally. As Majority Leader, Senator Mansfield has provided the forceful leadership that was needed to pass some of the most important social legislation in the history of this nation. Despite the difficulties and pressures imposed upon him as Majority Leader, Senator Mansfield has always treated every member of the Senate with the utmost courtesy and respect. Many times in the heat of a legislative battle, when tempers reached the boiling point and reason temporarily departed this chamber, it was Senator Mansfield's quick wit which was the "soft answer" that "turneth away wrath" and paved the way to a logical solution and reconciliation of differences.

As Chairman of the Committee on Labor and Public Welfare, I shall always be grateful to Senator Mansfield for the many courtesies he has shown and for his help in passing the major legislation that my Committee has produced. However, above all else, I cherish the 13 years of friendship Mike Mansfield and I have shared. I wish for him many years of good health and continued success. His place in the history of America is assured.

STATEMENT OF SENATOR WILLIAMS OF NEW JERSEY

Mr. President, I am delighted to have the opportunity this afternoon to pay tribute to Senator Mansfield, who on June 17 marked the longest record for service as Majority Leader of the United States Senate.

When Mike Mansfield assumed that position in January of 1961, we already were aware of his dedicated service to the Senate and the Nation. In reviewing his record and the countless newspaper and magazine articles written about him, I find time and again references to his humility, modesty, and patience—that he combines the rare qualities of gentlemanliness and leadership.

No one can point to a man of greater honesty than Mike Mansfield. Probably the only fib to which he ever was a party involved a Navy recruiter's belief that he was 17, rather than 14, when he enlisted for World War I.

In 1943 his public service to Montana began with election to the House of Representatives—increasing with his election to the Senate in 1952. Although he represents a rural state he has not been parochial in his activities and concern. Mike has demonstrated his belief that whether the needs of people are met or not depends largely upon Government and those, who by election or otherwise, assume responsibility for Government at each level.

I shall always be proud of the fact that I have worked with a man who has played so large a role in shaping the direction and greatness of our country. Few of us will ever forget his determined efforts to maintain and improve our VA Hospitals, to bring enactment of the landmark Civil Rights Act of 1964, to establish a rational foreign policy and to bring peace to the world, to insist that 1969 would be a year for meaningful tax reform, and, most recently, to invest our Nation's youth with the right to vote.

I congratulate the distinguished Majority Leader who is a benefactor of his State, the Nation, and the world.

Mr. PERCY. Mr. President, I am honored today to join my colleagues in paying tribute to a man who has the unqualified respect and affection of us all, the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD).

The Senator from Montana exemplifies the very best characteristics of the State he so ably represents—the individualism, openness, courage, and integrity so often associated with persons from the Western States.

But he is no regional politician. He loves the West, but he is even more devoted to his country—to the solution of the problems of all regions of this great Nation, North, South, East, and West. Senator MIKE MANSFIELD feels the needs of the inner city ghetto as deeply as those of the open prairies and lands. The range of his competence in legislative matters covers virtually the entire spectrum of issues that comes before this chamber.

With his tenacity, his subject area knowledge and his parliamentary skill, the Senator from Montana can be a formidable adversary when he is on the other side of an issue, as all of us can testify. But whether MIKE MANSFIELD is with you or against you on an issue, he always plays by the rules, and as a result the outcome invariably enhances, rather than diminishes, the esteem in which he is held.

As the leader of his party in this body, he works diligently to implement its programs. But MIKE MANSFIELD never loses sight of his broader duty to the United States and to the Congress. A piece of legislation is considered on its merits, not on its source. Blind partisanship is alien to his nature.

Because he harbors no regional, ideological or personal biases and because of his unfailing fairness and courtesy, the Senator from Montana has enduring friendships among Democrats and Republicans, liberals, and conservatives, northerners, and southerners.

I know that my former colleague from Illinois and the leader of my party, the late Senator Dirksen, worked closely and harmoniously with the Senator from Montana for many years. I rarely heard him mention MIKE MANSFIELD's name without adding a word, a sentence or several sentences of praise.

Almost every morning, the Senator from Montana can be found in the Senate cafeteria having breakfast with two of his closest friends, the distinguished Senator from Vermont (Mr. AIKEN) and the distinguished Senator from Delaware (Mr. WILLIAMS). The fact that both of these men are Republicans is eloquent testimony to the high regard in which Senator MANSFIELD is held on my side of the aisle.

Mr. President, at this difficult time in our history, this body is particularly fortunate in having such a steady hand at its helm. I am confident that MIKE MANSFIELD will continue to help steer us on course toward a better and stronger America.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, the Senator from Colorado has been extremely generous in yielding to the leadership for the tributes which have been expressed this afternoon. We interrupted his speech earlier, shortly after 3 o'clock, for this purpose.

Up to that time it did not appear to the joint leadership that it would take the full time until 5 o'clock to express these tributes. However, it has taken the full time.

The leadership wants to be as understanding as we can with the distinguished Senator from Colorado. We do have, in accordance with the order of procedure agreed upon previously, pending business to consider after 5 o'clock.

The leadership was prepared to call up H.R. 16916, the education appropriations measure. I wanted to mention that to the Senator.

Mr. MAGNUSON. Mr. President, I have been holding hearings. Whether there has been some previous arrangement to abolish the 5 o'clock unanimous-consent agreement, I do not know, but I must say to the leadership on both sides that we are ready and willing and able to go on with the education appropriations bill at this time, and the hour of 5 o'clock has arrived.

Mr. SCOTT. Mr. President, if the Senator would yield, I think I ought to explain that some tributes were paid to the distinguished majority leader, and we were all carried away with our enthusiasm.

Mr. MANSFIELD. Mr. President, will the Senator from Colorado yield to me, without losing his right to the floor?

Mr. ALLOTT. I yield.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the pending amendment, the Allott amendment, occur at 1 o'clock on Monday next; that beginning with the hour of 12 noon, the time be equally controlled between the distinguished Senator from Colorado and the majority leader, or whomever they may designate.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, would that agreement permit any appropriate tabling motions prior to that time?

Mr. MANSFIELD. Oh, yes.

The PRESIDING OFFICER. Not unless it is stipulated.

Mr. SCOTT. Not until 1 o'clock, as I understand it.

Mr. MANSFIELD. That is right, because if we agree to an hour, we should have it.

Mr. KENNEDY. Mr. President, under the unanimous-consent request it would still be in order for any Senator to make a tabling motion under the proposed agreement, but not prior to the hour of 1 o'clock. Is that right?

The PRESIDING OFFICER. Yes, it would, since it has been stipulated that it should be included.

Is there objection to the unanimous-consent agreement? Without objection, the agreement is entered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

Ordered, that on Monday, June 29, 1970, the Senate proceed to vote at 1 p.m. on the amendment by the Senator from Colorado (Mr. Allott), No. 741 to the bill H.R. 15628, an act to amend the Foreign Military Sales Act, with debate from 12 noon until 1 p.m. being equally divided and controlled by the Senator from Colorado (Mr. Allott) and the majority leader, or his designee. Should a motion to table the amendment be offered, it would be voted on at 1 p.m. on said day.

ORDER FOR RECOGNITION OF SENATOR ALLOTT TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the consideration of the conference reports on the stockpile bills and possibly a brief morning hour, when the unfinished business is laid before the Senate tomorrow the distinguished Senator from Colorado (Mr. ALLOTT) be accorded the right to the floor to finish the speech which he was unable to finish this afternoon.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. JAVITS. Mr. President, I hope the majority leader will preserve the 5 o'clock arrangement.

Mr. MANSFIELD. I hope to.

Mr. JAVITS. I hope the majority leader understands how that works, because it is important. The Senator from Colorado could have gone on until midnight tonight.

Mr. MANSFIELD. Of course, but I never doubt the good faith of any Senator.

Mr. JAVITS. So I do hope the Senator understands that the 5 o'clock arrangement is available when the floor is available and when the Senator is able to call it up.

Mr. MANSFIELD. I think the words used were "approximately 5 o'clock." It is stretched a little.

Mr. JAVITS. As long as we all understand.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT ON CONSIDERATION OF PRESIDENTIAL VETO OF H.R. 11102

Mr. MANSFIELD. Mr. President, will the Senator yield further? I would like to engage in a colloquy with the minority leader.

Mr. ALLOTT. I yield.

Mr. MANSFIELD. Mr. President, I understand that the veto by the President of H.R. 11102 was overridden in the House this afternoon and that the message will be here shortly.

Not in anticipation, but for the purpose of keeping the Senate fully informed as to what the joint leadership has in mind, I visited the distinguished minority leader in his office this afternoon and raised the question as to when it might be best to bring up the veto of H.R. 11102 in the Senate for consideration.

We agreed tentatively, subject to the will of the Senate, that a good time might be 5:30 or 6 o'clock Tuesday next, after the final vote on the Cooper-Church amendment and the final vote on the pending bill.

Would that be agreeable, or are there any objections?

If not, Mr. President, I ask unanimous consent, then, that at the hour of 5:30 p.m. on Tuesday next the question of the veto of the President of the United States of H.R. 11102 be taken up, and that immediately after the vote on the pending measure, the time be equally divided between the minority leader and the majority leader, or whomever they may designate, up to the time of the vote.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

Ordered, That the Senate proceed to vote to override the President's veto of H.R. 11102, to amend the Public Health Service Act relative to hospitals, at 5:30 p.m. on Tuesday, June 30, 1970, with the time for debate after passage of H.R.15628, the Military Sales Act, being equally divided and controlled by the majority and minority leaders.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the veto

XUM

message is received today, it lie on the table until that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I thank the distinguished Senator from Colorado for yielding to me.

Mr. ALLOTT. Mr. President, may I propound a question to the majority leader? At what time will the Senate convene in the morning?

Mr. MANSFIELD. Nine o'clock.

Mr. ALLOTT. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. ALLOTT. Mr. President, I yield the floor.

Mr. MAGNUSON. Mr. President, for the benefit of Senators, I understand the pending amendment to the education appropriation bill is an amendment of the Senator from New York, which would add $150 million, to be used in the matter of segregation. The line item is emergency school assistance.

The PRESIDING OFFICER. Will the Senator suspend?

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House having proceeded to reconsider the bill (H.R. 11102), an act to amend the Public Health Service Act to revise, extend, and improve the program established by title VI of such act, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, and it was resolved that the bill pass, two-thirds of the House of Representatives agreeing to pass the same.

The PRESIDING OFFICER. In accordance with the previous order, the message will lie on the table until Tuesday

---

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17399) an act making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 12, 20, 22, 24, 51, and 62 to the bill and concurred therein; that the House receded from its disagreement to the amendments of the Senate numbered 2, 10, 15, and 50, to the bill and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate; and that the House insisted on its disagreement to the amendments of the Senate numbered 13 and 16 to the bill.

OFFICE OF EDUCATION APPROPRIATIONS, 1971

Mr. MANSFIELD. Mr. President, I ask that the unfinished business from last night, the education appropriation bill, be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 16916) making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of H.R. 16916.

The question is on agreeing to the amendment offered by the Senator from New York.

Mr. MAGNUSON. Mr. President, the pending business is the amendment of the Senator from New York, which would add $150 million to the education appropriation bill for the purpose of a line item, emergency school assistance, and that amendment is comparable to, or I guess it may be exactly the same as, the amendment offered by the Senator from Minnesota to the supplemental appropriation bill. Now it is pending on the regular appropriation bill.

Mr. JAVITS. Mr. President, the Senator is correct, except it is not the same—definitely not the same.

Mr. MAGNUSON. I mean, the general idea is the same. The $150 million amount is the same.

Mr. JAVITS. It is $150 million. To that extent it is the same.

Mr. MAGNUSON. Mr. President, may I ask the Senator from New York a question, for the benefit of many Senators? Just how much time does the Senator from New York think he will take in debating the amendment?

Mr. JAVITS. Mr. President, I intend to ask for a quorum call, hopefully without losing my right to the floor, so Senators may know we are about to discuss the amendment. I should say that would not take over 5 minutes. I personally will speak for not more than 20 minutes. Then we will have to see what happens.

I would like to point out to my colleague that last night I slept with all the papers under my pillow, so I know all that is in them, and I do not have to take much time. But I will do my best.

Mr. MAGNUSON. The Senator from Mississippi wants to make some remarks on this matter, and some other Senators, so I would imagine, just as a rough figure, that we would not vote on the amendment for at least an hour. Would that be correct?

Mr. JAVITS. Well, hopefully about that.

Mr. MAGNUSON. Hopefully; all right.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum and regain the floor as soon as the action on it is completed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, the amendment which I have proposed is for $150 million. The general purpose is to utilize various authorization sections of the law allocating money under those authorities which the law allows, which will, we believe, assist the desegregating of school districts which are ordered to desegregate by law, or have within the recent past desegregated. It has been discussed, as to the substance of the amendment, most excellently and thoroughly by the distinguished present occupant of the Chair, the Senator from Minnesota (Mr. MONDALE), by the Senator from Mississippi (Mr. STENNIS), by the Senator from West Virginia (Mr. BYRD), who managed the supplemental appropriation bill, and by others, to such an extent that I think it would be imposing upon the Senate to go over the details of that argument, and I shall not do so.

I shall try, in every way that I can, to emphasize the differences which we face now in respect of this situation.

Mr. President, the amendment is different from the provision which was included in the supplemental appropriations bill as reported by the Appropriations Committee both in respect of those provisions which were contained in the bill itself, in respect of authority, forward dating, et cetera, and in respect of at least one of the provisos. As to the other provisos originating with the distinguished Senator from Minnesota, as these passed the test of a vote in the Senate, and, indeed, were changed by that vote, and after a rather extended debate, I have simply lifted the texts of them, with the permission of the Senator from Minnesota, and incorporated them in my amendment.

So I would like, Mr. President, to point out the differences.

The differences are, first, that any forward projection beyond the time for which appropriations are provided in this bill, to wit, fiscal 1971, are not attempted, nor is there any effort to anticipate fiscal 1971. So whatever is done cannot be available after July 1, 1971. In those respects, the amendment differs materially from the amendment which we considered the other day, so that it eliminates two parts of the supplemental appropriation bill provision which was before us for that reason.

The other respect in which it differs is with respect to the first proviso which is one of the grounds upon which the section was ruled out upon a point of order has been completely revised, and I should like to read to the Senate the section as it is revised, and then refer back to the section which was found inappropriate under the Senate rules.

The proviso as revised reads as follows. It is found on page 2 of amendment No. 737, beginning at line 2 and ending at line 7. It reads as follows:

> *Provided*, That no part of any funds appropriated herein to carry out programs under title II of the Economic Opportunity Act of 1964 shall be used to calculate the allocations and proration of items under section 102(b) of the Economic Opportunity Amendments of 1969.

This is a very different proviso from what was contained in the appropriate

XUM

section of the supplemental bill, which reads as follows:

> *Provided*, That no part of any funds appropriated herein to carry out programs under title II of the Economic Opportunity Act of 1964 shall be included as part of the amounts appropriated for the purpose of determining allocations for each purpose set forth in clauses (1) through (8) of section 102(b) of the Economic Opportunity Amendments of 1969.

The holding on Monday was that this was legislation in an appropriation bill—to wit, a waiver or a renunciation of a given section of a particular act. On the other hand, the proviso as contained in my amendment is a limitation, because it goes to the mechanical question of "shall be used to calculate," and that is a material difference between these two provisos, which in my judgment makes the necessary difference to qualify the amendment I have submitted.

Mr. President, the other aspect of the matter which I think is very important to consider is the utilization of this $150 million. It is expected that the utilization of the money will follow closely the sources of the authorizations which justify the appropriation. The money, if appropriated, will be spent pursuant to the authorities under which it is appropriated. These authorities are as follows:

For community development programs, which are spelled out in title II of the Economic Opportunity Act of 1964, under the heading "Urban and Rural Community Action Programs," $100 million.

For personnel development programs, which are found in the Education Professions Development Act, part D, under the heading "Improving Training Opportunities for Personnel Serving in Programs of Education other than Higher Education," $9 million.

For major demonstrations, authorization found in the Cooperative Research Act, $14 million.

For drop-out prevention, authorization found in section 807 of the Elementary and Secondary Education Act, $5 million.

For technical assistance, found under title IV of the Civil Rights Act of 1964, $15 million.

For planning and evaluation, authorized under section 402 of the Elementary and Secondary Education Act Amendments of 1967, $5 million.

And the remainder of $2,000,000, authorized as salaries and expenses.

Mr. President, it is the intention of the administration to spend this money under those authorizations and with fidelity to those authorizations.

Another question which troubled Members and which was debated here related to the exact concept which was embodied in proviso (a) contained in my amendment at page 2, line 8. That proviso reads as follows:

> (a) to assist a local educational agency which engages, or has unlawfully engaged, in the gift, lease or sale of real or personal property or services to a nonpublic elementary or secondary school or school system practicing discrimination on the basis of race, color, or national origin

That particular section was the subject of an amendment which was approved in the Senate and was the subject of an effort to amend the amendment which failed in the Senate. The words here set forth are exactly as they emerged from the give and take of debate and as they were left by the votes before the Mondale amendment was made obsolete by the fact that the basic provision of the bill to which it was addressed was itself stricken out on a point of order.

So that we have simply taken what the Senate did as to that proviso—what the Senate actually legislated, as it were, to the extent that it did have rollcall votes. However, concern was expressed over it, before it was refined—and this was a very excellent suggestion of the Senator from Tennessee (Mr. BAKER)—to include the words on line 9, page 2 of my amendment, "or has unlawfully engaged in the gift, lease or sale of property." In other words, whatever retroactivity there was, was based upon the fact that it was unlawful.

Let us remember that this whole question is one of discretion in terms of the use of this money by the Secretary of Health, Education, and Welfare. In other words, even if this proviso were not in the law, the Secretary of Health, Education, and Welfare, himself, could determine that he would not afford whatever assistance he could afford under this appropriation to school districts which had engaged in that practice. He did not need the proviso to do it; but with the proviso, this is an instruction to him to proceed in that way.

It is very important, therefore, as to the intention of the administration in that regard; because to those who have concerns about this particular part of the amendment, the fact that the administration had a given intention with respect to it anyhow, so that it becomes really a tautological question as to whether or not it is incorporated is very important. So I will read a letter from the administration, delivered to me yesterday, which bears on its intention, anyhow, without regard to the inclusion or lack of inclusion of the proviso with respect to this particular matter. The letter is addressed to me, signed by the Under Secretary of Health, Education, and Welfare John G. Veneman, and reads as follows: It is available to every Senator.

THE UNDER SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: I am writing to reaffirm this Department's assurances, given by Secretary Finch at the joint hearings conducted by the Senate Education Subcommittee and Senate Select Committee on Equal Educational Opportunities, that funds provided to assist local school districts involved in the process of desegregation will be administered in a manner consistent with constitutional standards and with the objective of achieving successful desegregation.

The Department understands and shares the concern expressed in the Senate about the possible provision of Federal financial assistance, such as proposed in the President's Emergency School Aid legislation, to school districts which have engaged in discriminatory and unlawful practices, including the disposition of property and services to other agencies with the intent to avoid desegregation. I can personally assure you that we do not intend to reward school districts which seek to circumvent the law. All project applicants and applications for aid will be carefully reviewed and approved only if the Department is fully satisfied that the recipient school districts are conducting their educational programs and activities in a lawful manner and with full regard to achieving successful desegregation throughout their school system.

Sincerely,

JOHN G. VENEMAN,
Under Secretary.

Now, Mr. President, it seems to me that this is an important point because it indicates that the proviso goes no further than the intention of the Department which will have discretion anyhow in carrying out its responsibilities under this particular provision.

Let me make two points and invite the attention of the distinguished Senator from Mississippi to them.

The point was made to me, Mr. President, that a State which had school districts which had in fact unlawfully engaged in the gift, lease, or sale of real or personal property or services to a nonpublic elementary or secondary school or school system practicing discrimination on the basis of race, color, or national origin—to wit, a local educational agency, could be entirely barred from participation in the benefits of this particular appropriation.

I said that I did not so interpret it, that "a local educational agency" meant what it said, that the intention of the proviso would be directed to what a particular local educational agency did or did not do.

My understanding was that that did not characterize a State one way or the other unless the State itself was the educational agency which engaged in this practice, and that was not the disquiet or the question which was addressed to me. So, I interpret "a local educational agency" to mean exactly what the words say, a proviso insofar as it is a limitation to refer to that agency and no other in terms of the limitation which is imposed by this particular amendment.

The last point I should like to make relates to the reason why the $150 million is sought when the administration, in a message from the President on May 25, laid out a program for $1.5 billion of which it was felt $500 million would come in the 1971 fiscal year. I think that we now face a refinement of the concepts of the administration based upon the attrition of debate and discussion here. We have before us the fundamental concept that 10 percent of the amount which the President had requested should be made available for the purpose which I have described so that we might utilize that as a way in which to determine how effectively and with what end result or with what gifted administrative skill that 10 percent of $1.5 billion can be devoted to this general purpose, and that this will be instructive to us and instructive to the administration in determining how much further along the road we go and in what way we do it. This makes tremendous sense to me.

I think it is an excellent demonstration of policy. We all know, because that was the justification which was laid before the committees.

Mr. President, I ask unanimous consent to have printed in the Record the testimony on this particular matter of the $150 million, which testimony was given before the subcommittee of the Appropriations Committee on Supplemental Appropriations, headed by Senator Byrd.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Second Supplemental Appropriations for Fiscal Year 1970

Department of Health, Education, and Welfare, Office of Education, Emergency School Assistance, Statement of John G. Veneman, Under Secretary—Accompanied by: Dr. James E. Allen, Jr., Assistant Secretary for Education and U.S. Commissioner of Education; James W. McLane, Executive Assistant to the Secretary, Programs/Special Affairs; James B. Cardwell, Deputy Assistant Secretary, Budget; Wesley L. Hjornevik, Deputy Director, Office of Economic Opportunity

(Hearings before the Committee on Appropriations, U.S. Senate, 91st Congress, 2d session, on H.R. 17399, an act making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes)

Assistance to Districts Facing Desegregation

Senator Byrd. Under chapter VII of the bill, the committee has received a late proposed supplemental request from the Department of Health, Education, and Welfare, Office of Education. The proposed amendment would provide $150 million on an emergency basis for immediate assistance to school districts which must desegregate by the fall of 1970.

As described in the President's message to the Congress of May 21, 1970, desegregating districts face urgent needs for teacher training, education specialists, materials, curriculum revision, equipment and renovation.

The $150 million is requested under several authorities in order to provide as broad a range of assistance as possible for maintaining quality education during the segregation process if that can be done.

Of the $150 million, $100 million is requested under the authority of the Economic Opportunity Act of 1964. The remaining $50 million is requested under authorities vested in the Department of Health, Education, and Welfare and the Office of Education. The entire program of emergency school assistance would be administered by the Department of Health, Education, and Welfare and the Office of Education. If the request is allowed, as proposed, the $150 million would be made available to desegregating school districts before September 30, 1970.

The principal witness testifying on this item is John G. Veneman, Under Secretary Department of Health, Education, and Welfare. You may proceed.

Implementation of Commitment

Mr. Veneman. Mr. Chairman, in his statement of March 24 on school desegregation, the President said that he would recommend expenditure of an additional $1.5 billion over the next 2 years to assist local school authorities in their efforts to desegregate. The President is now implementing this commitment with two proposals to the Congress.

1. First, he is asking for a special appropriation, under existing authorities, to provide emergency assistance to those school districts that are now in the process of desegregating—or have recently desegregated—particularly those school districts that will be desegrating for the first time at the beginning of the 1970 fall term. It is in support of this item that we are appearing here today;

2. Second, the President is proposing enactment of the Emergency School Aid Act of 1970 which would authorize a broad range of support for school districts working toward the elimination of both de jure and de facto segregation. The details of this legislative proposal were forwarded to the Congress by the President last Thursday, May 21.

School Desegregation

This administration intends to do everything possible to assist school districts in their efforts to bring an end to school segregation. We do not believe that enough has been done to overcome the very real and difficult problems that are encountered by schools, students, teachers, parents, and the community at large once a goal or deadline has been set for desegregation. Up until now, our laws, our courts, and the Federal Government have said to school districts: "Desegregate; do it now; do it by September," and then left the school, its teachers, and residents of the community to face the problem unassisted. All too often, we have failed to recognize what the problems were. All too often, we have been critical of their lack of progress without recognizing that in many instances the community and the school districts could do a better job if we were to give them a helping hand—if we were to demonstrate with something more than words our desire to bring about desegregation promptly and with minimum disruption and turmoil.

Both the President's legislative proposal and the request for emergency appropriations are designed to provide the kind of assistance that we believe to be so important for these school districts.

Financial and Technical Assistance

We are requesting a new and special appropriation, "Emergency school assistance," that would provide financial and technical assistance to the 1,000 school districts that are expected to desegregate for the first time at the beginning of the fall 1970 term—or have recently begun the process. These districts include more than 10,000 individual schools serving over 7 million students. The appropriation we are requesting represents a significant amount of money—$150 million. This money would be administered by the Office of Education in the Department of Health, Education, and Welfare. Except for a limited portion needed to finance administrative costs associated with the program, the funds would be granted principally to individual school districts committed to carrying out the basic process of desegregation. However, these funds could also be granted to public and private community and civic organizations where it is found that such organizations can more effectively carry out programs designed to support the implementation of a desegregation plan.

Frankly, time is running out on us. We are now left with little over 3 months to work on the many, many problems that these school districts will face as they work toward desegregation. Our objective is to provide these school districts and others who would work with them both financial and technical assistance between now and next fall.

Use of Emergency Funds

The problems facing these school districts vary among school districts. In many instances, if desegregation is going to result in equal educational opportunity, there is a need to immediately upgrade the quality of the curriculum and of the teaching program of given schools. Equality of opportunity in many cases requires remedial training for the students who have heretofore gone to a substandard school. Many need additional teachers, both on a temporary and permanent basis. They face increased administrative burdens and tremendous problems of parent-teacher and community relations. They also need to modify existing school buildings to accommodate children of different age and grade groupings or to accommodate a larger number of pupils. They lack the funds to acquire a classroom trailer or other mobile facilities which might serve as a temporary expedient.

There is also a need to work imaginatively with the parents and with members of the community to pave the way for an orderly process. We are very hopeful that by offering financial assistance we can encourage local civic and public-spirited groups to assist in the task of preparing the community to adjust positively to a desegregated school system.

Based on our experience thus far with the title IV program of the Civil Rights Act of 1964, we know that a great deal can be achieved by passing experience gained by those who have already gone through the process to the school districts facing this experience for the first time. This by no means exhausts the full range of problems or solutions. The justification materials which we have already furnished to you present the full range of the program that we propose to carry out with this appropriation.

How This Emergency Program Would Work

As I have already said, the Commissioner of Education would be given the basic job of administering the program. He would do this by making grants to school districts or in special circumstances to responsible nonprofit groups at the local level. These grants would be used to finance temporary teachers, teacher aides, additional administrative and clerical staff at the local level, counseling staff, teacher training, curriculum development, special reading programs, including remedial programs for the students themselves, remodeling of facilities, support for planning the logistics of desegregation, community action and community relations efforts, and, finally, technical assistance—assistence that would be furinshed by experienced people from the State and local level.

We are requesting funds under six authorities—five vested in the Commissioner of Education and one under the Economic Opportunity Act. We believe that this special effort has the best chance of working if we award the grants under any or all of the six authorities under which the funds are being requested.

Importance of OEO Authority

While on the subject of the various authorities under which the program would be conducted, I would like to state the importance of relying, as this program proposes to do, heavily on the program authority granted under title II of the Economic Opportunity Act. It is under this authority that we would provide assistance to remodel facilities. It is under this authority that we would provide financial assistance for the procurement of additional manpower and direct services to schools. The several authorities already vested in the Office of Education, notably authorities under the Education Professions Development Act and title IV of the Civil Rights Act, would serve as the basis for assistance for teacher training, curriculum development, and technical assistance. I want to emphasize, Mr. Chairman, that we do not propose, nor would we be authorized under this request, to finance any new construction of a school building or other facility.

Administrative Requirements

Finally, Mr. Chairman, I would like to say a word about the need for administrative staff to help carry out this program. We would begin immediately to divert existing staff from the Office of Education for the operation of this program. Once we have put it in place, we would also rely on this staff to implement the President's new legislative proposal—the Emergency School Aid Act of 1970. Because we will be taking these people from other important jobs within the Office of Education, it will be necessary to replace them, and a limited share of this request—$2.1 million—is proposed to finance administrative expenses in the Office of Education.

Except for the salaries and expenses portion of the request, the grant funds that make up the bulk of the request would be available for obligation through September 30, 1970. We have asked for this much time in order to give the school districts maximum opportunity to organize their proposals and to get their operations underway.

I should make clear, however, that the effort that would be financed through these grants will not be entirely completed by that time. Our objective is to have the awards made by that time, but they would cover local programs throughout the school year.

We see this special emergency 1970 appropriation as serving this one-time need. The resources proposed for the remainder of 1971 and 1972 in the President's March 24 message will be requested as part of the regular budget process following congressional action on the legislative proposal.

Mr. Chairman, that summarizes our request We will be glad to answer any questions that the committee might have.

Relationship of Supplemental to Total $1.5 Billion Program

Senator BYRD. How does this request relate to the new legislation recently submitted by the President and to the amounts of $500 million and $1.5 billion that I heard about?

Mr. VENEMAN. The $150 million made available through the supplemental would be deducted from the 1971 request, leaving a balance of $350 million which would be carried in the authorizing legislation which was introduced yesterday by Senator Javits and Senator Pell, and we anticipate it will be introduced on the House side. The remainder of $1.5 billion will be included in the fiscal year 1972 appropriation request.

Program Urgency

Senator BYRD. Why the hurry for the supplemental now? Why can we not wait for enactment of the legislation presented by the President?

Mr. VENEMAN. We are trying to focus this money on the de jure districts which have been ordered to desegregate by the court or have come up with a desegregation plan under HEW auspices. These districts will include those integrating for the first time this fall as well as those that have recently desegregated. This would amount to 994 school districts. This supplemental appropriation is necessary if we are to get the money out during the summer months. The schools need this time for the teacher development, the teacher aides and other items mentioned in my opening statement. We do not anticipate the Congress will be acting on our regular bill in sufficient time to make that money available before September.

Expenditure of Funds

Senator BYRD. You state that all of the $150 million being requested will be granted on behalf of school districts that have just recently desegregated or that will be desegregated for the first time next fall, and that all of the funds will be granted between now and that time. How can you spend $150 million effectively in such a short period?

Mr. VENEMAN. Mr. Chairman, as I mentioned, we are talking about 994 school districts. This is about $150,000 per school district. Within this total, there are about 10,000 actual schools. Broken down further, it amounts to about $20 per pupil or about $15,000 per school.

We feel that by using the broad authority of OEO and the other titles that we have the mechanisms to fund a large number of additional projects and have the funds expended judiciously between now and the beginning of the school year. We think the structure is pretty much there.

Senator BYRD. Please give the committee a breakdown of the $150 million. How will it be expended and possibly where it will be expended.

Mr. VENEMAN. I can do that, Mr. Chairman.

On page 3 of the budget justification we estimate that $115 million of the $150 million will be expended for special educational personnel and programs; $15 million would be expended for community participation programs, and $17,900,000 would be expended for equipment and minor remodeling.

I would emphasize, Mr. Chairman, that there is no suggestion that this money be expended for new construction of school facilities. It would be used for mobile classrooms rather than permanent construction.

We anticipate there would be a need for approximately $2.1 million for Federal administration and technical assistance. We propose to utilize initially persons who are presently on board in the Office of Education and transfer them into the program. We would need this money primarily to replace those positions so that they would not be short in the Office of Education.

Basis for Budget Requests

Senator BYRD. How did you arrive at your estimates with respect to each of these four categories?

Mr. VENEMAN. I will let Dr. Allen or one of his staff speak to that. Pages 9 through 14 of the budget justification breaks it down specifically as to the number of positions and the programs that we proposed to be spending the money for. How we arrived at $115 million for special purposes, etc., I will let the Commissioner speak to that.

Senator BYRD. Go ahead, Dr. Allen.

Dr. ALLEN. As you know, we have had considerable experience in working with districts in the South under title IV of the Civil Rights Act of 1964. By consulting with the superintendents and others down there we have arrived at these rough estimates to provide the kind of assistance this program calls for. We have had our staffs working with the school systems in the South, and we think these are reasonable estimates of what can be done.

Senator BYRD. Based on what hard facts? We don't want to appropriate $150 million on the basis of a rough estimate.

Mr. VENEMAN. Mr. Chairman, once again when we break it down in accordance with the figures I gave a moment ago, and we are dealing with 10,000 individual schools, it comes down to about $15,000 per school or $20 per pupil, which puts it in better perspective. There would not be a vast amount of money going into any particular area.

De Jure Versus De Facto Segregation

Senator BYRD. Does this supplemental deal with de facto segregation?

Mr. VENEMAN. It does not. It applies only to the 17 Southern and border States.

Relationship of Request in Pending Supplemental for Title IV of the Civil Rights Act of 1964

Senator BYRD. The bill now under consideration already includes a supplemental budget request of $10 million, and the House allowance of $5 million is for similar activities under title IV of the Civil Rights Act of 1964. How does that request relate to the $150 million?

Mr. VENEMAN. That particular title IV request, Mr. Chairman, would be for related programs, many of which would be in the same school districts; but this would be in addition to that supplemental request.

Mr. CARDWELL. I might also add, Mr. Chairman, the title IV money is much more limited in its scope. It can be used for teacher training, but it cannot be used for the broad range of activities now being requested.

Mr. VENEMAN. It does not have the flexibility this particular proposal will have.

Nonuse of Funds for Busing to Overcome Racial Imbalance

Senator BYRD. Will any of these funds be used for the purpose of bringing about racial balance?

Mr. VENEMAN. No; they would not be used for the purpose of racial balance, and that is specifically stated in the budget justification. We do not anticipate that there would be a significant amount of funds used for busing, Mr. Chairman.

As we look at the desegregation plans that have been put into effect by this Department, under this administration, we find that only about 3 percent of the school districts that have come in with compliance plans have required more busing than previously. Most of them have had a reduced amount of busing.

The only plase where some funds might be used for transportation is in those cases where the court has ordered transportation to acheive desegregation and the school district specifically requests that some of these funds be used for transportation purposes. That would be for the purpose of complying with the desegregation order and it could not be used for the sole purpose of achieving racial balance.

Senator BYRD. Is any pressure going to be put on school districts to use moneys for busing in order to deal with racial imbalance?

Mr. VENEMAN. I do not think so, Mr. Chairman. There we would be talking primarily about de facto situations. We might get into this matter when we get into the new legislation. It is not an issue as far as this particular supplemental is concerned, but I do not think that we can see far enough down the road to know if there will be very much pressure just for the purpose of eliminating racial imbalance.

Senator BYRD. How could that be generated at all in view of the verbiage of the 1964 act?

Mr. VENEMAN. That is what I am getting at. There may be school districts which will request transportation for achieving educational opportunity but not for the purpose of eliminating racial imbalance.

AVAILABILITY OF FUNDS UNTIL SEPTEMBER 30, 1970

Senator BYRD. The appropriation language which you have proposed asks that except for administrative expenses the funds remain available until September 30. Normally funds in this bill will be for the year 1970 and expire on June 30. For that reason, let the record show why this September 30th language is needed.

Mr. VENEMAN. I will let Mr. Cardwell speak to that, Mr. Chairman.

Mr. CARDWELL. Mr. Chairman, your point is absolutely correct. We are requesting what, in effect, will be 1971 appropriations in a 1970 supplemental. Our problem, however, is one of timing. We met with both House and Senate representatives from the Committees on Appropriations and discussed with them the best way to deal with this problem. At one time, we thought that perhaps we could add the item or attempt to add the item to the education bill which is soon to go on the floor of the Senate. It was decided somewhat mutually that that might well interfere with and delay an effort that the Congress has been making to get that bill out and get it out fast to establish that for 1971 we can indeed get a bill out on time.

We are still faced with the problem of having the money available this summer. We chose this route because it seemed to us that this was going to be the first opportunity for an appropriation act to make the money available. In order to make it available for 1971, we do have to have this language. Without the language, we would be forced to try to spend $150 million in a very short period of time prior to June 30th, and, frankly, we don't think we could do that.

Mr. VENEMAN. This will be deducted from the $500 million requested in the new legislation for 1971.

Criteria for Allocation of Funds

Senator BYRD. What formula will control the distribution of these funds among the States?

Mr. VENEMAN. In the supplemental it would not be a statewide formula. It would be based upon the needs of individual school districts.

In the act, there is a requirement that each State would be entitled to at least $100,000. The Commissioner can speak to this.

Mr. ALLEN. Two-thirds of the money goes to the States on a formula basis and a third is reserved to the Secretary to use at his discretion.

Senator BYRD. Will the administrator of the program have complete discretion in the distribution of funds?

Basic Policies for Program Administration

Mr. VENEMAN. He would have. The Commissioner of Education would be approving projects according to certain criteria that would be established. The criteria as they relate to this supplemental request would require that the funds be used to overcome problems associated with de jure segregation.

Senator BYRD. Has the criteria been established?

Mr. MCLANE. They are being established and should be completed within a week or so.

Senator BYRD. Supply the criteria to the subcommittee, and include in the record if possible.

Mr. VENEMAN. As soon as it is available, we will supply it to the subcommittee.

(The criteria follows:)

BASIC POLICIES FOR ADMINISTERING THE EMERGENCY SCHOOL ASSISTANCE APPROPRIATION OF $150 MILLION NOW UNDER PRELIMINARY CONSIDERATION BY DHEW

I. Eligibility criteria:

1. Eligibility for sponsorship:

A. Eligibility for sponsorship of project is limited to local education agencies (LEA's) which are implementing a court ordered or HEW approved plan of desegregation for September 1970 or which have implemented a plan of desegregation during the school year 1968–69 or 1969–70.

B. Public or private community or civic organization, other than LEA's which are assisting a local school system in implementing a court ordered or HEW approved plan of desegregation for September 1970 or which have implemented a plan of desegregation during the school year 1968–69 or 1969–70.

2. Eligibility for receipt of funds:

A. The application must submit a project which is of sufficient comprehensiveness, size, and scope to offer reasonable assurance that it will succeed in meeting the problems incident to implementation of the applicant's desegregation plan.

B. An application must provide assurance that Federal funds made available for any fiscal year will be used so as to supplement and increase the level of funds that would, in the absence of such Federal funds, be available to the applicant from non-Federal sources for purposes which meet the requirements of this authorization, and in no case as to supplant such funds from non-Federal sources.

C. Sponsors of projects will be expected to demonstrate that provision has been made for minority groups, parents, members of the community and others at interest to participate in an organized way in the development, review and evaluation of the project.

(NOTE.—These draft criteria are being considered for purposes of administering the special $150 million appropriaton request and are subject to change. They have not yet been reviewed by all who might be able to contribute ideas and useful suggestions. They do not represent the same criteria, in whole or in part, that may be developed to implement the Emergency School Aid Act of 1970 or similar legislation now under consideration by the Congress.)

D. In the case of sponsorship by public or private community, or civic organizations other than an LEA, a project will be funded only when it is clearly in support of the LEA plan.

II. Funds may be used for activities that maintain and improve the quality of education during the desegregation process. Examples of such activities are the following:

1. Special educational personnel and student programs:

A. *Special personnel—*

Temporary teachers to provide release time for regular instructional personnel to participate in desegregation workshop activities.

Teachers aides—to reduce pupil-teacher ratios in order to give more attention to individual students.

Special guidance and counseling and testing staff—to assist and counsel principals, teachers, and students in order to provide educational programs that will remedy student deficiencies.

Monitors—parents in the school community to perform services that will reduce potential behavioral problems on school buses and school grounds.

Crossing guards—to provide staff that will maximize safety precautions for children who may be taking new and different routes to school.

Administrative and clerical staff—to provide additional personnel and time for implementation of desegregation plans, e.g., additional month of employment during the summer for principals.

B. *Student services—*

Remedial programs to provide specialists, books and supplies for remediation in all subject areas in which students are deficient.

Guidance and counseling—to provide adequate guidance and counseling staff in order to deal with student adjustment problems resulting from the desegregation process.

Diagnostic evaluation and testing programs—to provide diagnosticians trained to evaluate special sight, hearing and psychological problems of students.

Work-study programs—to provide children from poverty level families with specially-designed school programs that would afford them financial assistance so as to continue education.

Health and nutrition serivces—to provide specialized personnel and services for students having health and nutrition deficiencies.

Dropout prevention programs.

Student relations—to provide special programs designed to assist students on problems such as acceptance, behavior, dress codes, etc.

C. *Educational personnel development—*

Seminars on problems incident to desegregation—to provide training with skills experts in the area of human relations so as to minimize problems incident to desegregation.

Seminars on teacher interpersonal relationships—to facilitate positive interpersonal relations among educational personnel through training by skilled professionals in an intercultural understanding.

Utilization of university expertise through institutes and inservice programs to deal with such problems as:

Teaching bilingual children

Teaching children with speech and dialect deficiencies

Attitudes and problems of teachers, parents and students involved in the desegregation process

Upgrading basic skills and instructinal methodologies of teachers in English, math, science, social sciences, language arts, reading, etc.

D. *Curriculum development—*

Utilization of expert consultants to shape and design new curricula approaches and to introduce curriculum innovations that would serve children with multi-ethnic backgrounds.

New and varied instructional materials.

Improved evaluation and assessment of student progress.

E. *Special demonstration projects—*

Projects for introduction of innovative instructional methodologies which will improve the quality of education in the desegregated school:

Individualized instruction.

Master teachers.

Team teaching.

Non-graded programs.

Special projects involving community agencies and parents—to develop joint projects between special-interest and civic groups, parents and the schools which would promote understanding among citizens. Such projects could include sponsoring citywide and countywide art and music festivals, public meetings on relevant school problems (drug abuse, behavior, etc.)

Exemplary instructional practices—to operate pilot projects which would demonstrate exemplary instructional practices suitable for systemwide replication and for other school districts involved in the desegregation process.

F. *State and local planning and administration—*

Expand technical assistance capabilities at the State education agency level—to provide additional personnel to assist the local education agency in planning for desegregation.

Temporary staff at the local level to handle administrative details and clerical duties—to provide additional temporary staff to deal with the logistics of changing from a dual to a unitary system. For example, rescheduling of students and teachers, redrawing transportation routes, supervision of necessary physical changes (moving equipment, building renovation, etc.

Staff at the local level for planning and supervising the implementation of the desegregation plan.

2. Community participation programs:

A. *Public information activities—*

Community information programs for parents, teachers, and students—to provide factual information about the desegregation plan and school programs.

B. *Community programs—*

School-home visitation programs—an activity to be performed by educational personnel to assist with dissemination of information about school programs and student progress in the desegregated school.

Special parent programs—to provide programs designed to increase parents' involvement with the schools' programs, i.e., PTA, Education Emphasis Week, etc.

3. Equipment and minor remodeling:

Procurement and relocation of temporary classrooms (trailers, mobile facilities and demountables).

Procurement and relocation of equipment and classroom furniture, including replacement of obsolete items.

Minor building renovation and remodeling for general upgrading of a facility.

Expenditures Dependent Upon Delegation of Authority of Director, Office of Economic Opportunity

Mr. CARDWELL. We might point out that the expenditure of these moneys by the Office of Education, Department of Health, Education, and Welfare would depend upon the delegation from the Director of the Office of Economic Opportunity, of his authorities under title II–B of the Economic Opportunity Act. That, of course, would condition the way in which the moneys would be spent under that act.

XUM

Senator Byrd. You will be able to supply these criteria within a week?

Mr. McLane. By the end of next week we certainly should be able to, yes, sir.

Mr. Veneman. We are trying to buy time.

Senator Byrd. You might be buying time on the bill.

Will the newly appointed committee headed by Vice President Agnew have a role in this specific program?

Mr. Veneman. Not in this specific program. This program will be administered by the Office of Education. They have looked into the overall problems found by the educational system because of either de jure or de facto segregation, but it is not anticipated that they would be involved in the administration at all.

Activities Supported Under Title II, Economic Opportunity Act

Senator Byrd. What will the money available under these programs be used for? For example, what will OEO money be spent for?

Mr. Veneman. It is rather imperative that we have that authority for this supplemental, because we need the flexibility.

Mr. Cardwell. Mr. Chairman, to a large extent the OEO money would be used for any community participation program. We estimate $15 million in that category. It would also be used for any equipment and minor remodeling. We have no educational authority to do that. There we have an estimate of about $17.9 million; and then possibly there would be another $70 million that would be used in such areas as remedial programs for students, guidance, counseling and testing of students, and work programs that might be developed at the local level to permit a student to work and go to school. We can provide for the record a full list of the kinds of items that will be used under that authority.

Senator Byrd. Very well; do that, please.

(The information follows:)

ACTIVITIES WHICH WOULD BE SUPPORTED UNDER TITLE II OF THE ECONOMIC OPPORTUNITY ACT

Up to $100 million of the $150 million supplemental estimate would be spent under the authority of the Economic Opportunity Act. The inclusion of this authority in the Emergency School Assistance request is critical because it is the principal legislative basis for (1) hiring additional educational personnel, (2) providing special services, such as guidance and counseling services, (3) supporting community participation programs and (4) financing equipment and minor remodeling.

The purpose of the Emergency Program is to fund comprehensive projects which can deal with the broad range of problems facing a school district during the desegregation process. Without this authority, the Emergency Program would be limited for the most part to the support of planning activities, teacher training, curriculum revision and technical assistance, which can be funded under the several Office of Education authorities.

Following, in greater detail, are the activities which require inclusion of the Title II authority:

1. Special educational personnel and student programs: $67,100,000.

The following activities would be supported:

A. *Special personnel*—

Temporary teachers—to provide release time for regular instructional personnel to participate in desegregation workshop activities.

Teacher aides—to reduce pupil-teacher ratios in order to give more attention to individual students.

Special guidance and counseling and testing staff—to assist and counsel principals, teachers, and students in order to provide educational programs that will remedy student deficiencies.

Monitors—parents in the school community to perform services that will reduce potential behavioral problems on school buses and school grounds.

Crossing guards—to provide staff that will maximize safety precautions for children who may be taking new and different routes to school.

Administrative and clerical staff—to provide additional personnel and time for implementation of desegregation plans, e.g., additional month of employment during summer for principals.

B. *Student services*—

Remedial programs—to provide specialists, books and supplies for remediation in all subject areas in which students are deficient.

Guidance and counseling—to provide adequate guidance and counseling staff in order to deal with student adjustment problems resulting from the desegregation process.

Diagnostic evaluation and testing programs—to provide diagnosticians trained to evaluate special sight, hearing and psychological problems of students.

Work-study programs—to provide children from poverty level families with specially-designed school programs that would afford them financial assistance so as to continue their education.

Health and nutrition services—to provide specialized personnel and services for students having health and nutrition deficiencies.

Student relations—to provide special programs designed to assist students on problems such as acceptance, behavior, dress codes, etc.

2. Community participation programs: $15,000,000.

The following activities would be supported:

A. *Public information activities*—

Community information programs for parents, teachers, and students—to provide factual information about the desegregation plan and school programs.

Public information coordinator—to provide for a person on superintendent's staff to promote public information activities.

B. *Community programs*—

Establishment and support of a biracial committee.

School-home visitation programs—an activity to be performed by educational personnel to assist with dissemination of information about school programs and student progress in the desegregated school.

Special parent programs—to provide programs designed to increase parents' involvement with the schools' programs, i.e. PTA, Education Emphasis Week, etc.

Community-relations coordinator—to provide a person on superintendent's staff to plan, organize and implement programs for students and parents involved in the desegregation process.

Special demonstration projects designed to keep communication open, build understanding and develop community support.

3. Equipment and minor remodeling: $17,900,000.

The following activities would be supported:

Procurement and relocation of temporary classrooms (trailers, mobile facilities and demountables).

Procurement and relocation of equipment and classroom furniture, including replacement of obsolete items.

Minor building renovation and remodeling for general upgrading of a facility including painting, modernizing, and partitioning.

Cooperative research

Senator Byrd. What will cooperative research money be spent for?

Mr. Allen. It will be spent for evaluation of these programs for one thing, and for curriculum revision, that sort of thing.

Senator Byrd. Just insert the complete list for the record.

Mr. Allen. It is the justification.

Categories of schools desegregating

Senator Byrd. How much of these moneys will go to districts desegregating under court order or title VI?

Mr. Veneman. There are about 220 desegregating under court order. It will all be under court order or title VI plans in this particular group. How that breaks out between plans that have been developed through HEW versus those that have been developed by order of the court——

Mr. Cardwell. The figure is 220 under court order and 496 under HEW approved plans.

Mr. Veneman. Two hundred and seventy-eight are the recently desegregated group.

Senator Byrd. What about districts desegregating voluntarily and districts offering education in racial isolation? How will the money be broken down to districts desegregating under court order or title VI and those districts desegregating voluntarily and those offering education in racial isolation?

Mr. Veneman. The latter would not be involved under this supplemental. Under court order, 220, and 496 under HEW plans, and the balance of 278 would make up the 994 that we have referred to.

Senator Byrd. Why is not expenditure anticipated for those districts in racial isolation? As I read the President's statement, I gather this is one of the very important features of his program.

Mr. Veneman. That is correct, but that would be authorized under the new legislation. We do not plan to spend funds for this purpose under the supplemental request. We feel we should have the congressional authority before moving in that direction. I think we should point out that this is separable from the new legislation. We anticipate passage of the Administration's Emergency School Aid Act. But in the event it did not go through, this would not be wasted money because this money would be focused on those school districts which are having problems this summer.

Justification

Senator Byrd. We will place your justification in the record at this point.

(The justification follows:)

APPROPRIATION ESTIMATE

Emergency school assistance

For providing emergency assistance to desegregating school districts under part D of the Education Professions Development Act (title V of the Higher Education Act of 1965), the Cooperative Research Act, title IV of the Civil Rights Act of 1964, section 807 of the Elementary and Secondary Education Act of 1965, section 402 of the Elementary and Secondary Education Amendments of 1967, and title II of the Economic Opportunity Act of 1964, as amended, including necessary administrative expenses therefor, $150,000,000 to remain available until September 30, 1970: Provided, That funds appropriated to carry out programs under title II of the Economic Opportunity Act of 1964 shall not be subject to those provisions of the Economic Opportunity Amendments of 1967 and 1969 that set mandatory funding levels: Provided further, That funds appropriated for administrative expenses shall remain available until June 30, 1971."

Explanation of language change

The proposed language is necessary to establish the new appropriation "Emergency School Assistance." The proposed language authorizes funds to support the emergency needs of the 994 school districts which are in the process of desegregation.

XUM

OFFICE OF EDUCATION, EMERGENCY SCHOOL ASSISTANCE

AMOUNTS AVAILABLE FOR OBLIGATION

	1970		
	Presently available	Revised estimate	Increase
Appropriation		$150,000,000	$150,000,000

OBLIGATIONS BY ACTIVITY

	1970					
	Presently available		Revised estimate		Increase	
	Positions	Amount	Positions	Amount	Positions	Amount
1. Special educational personnel and programs				$115,000,000		+$115,000,000
2. Community participation programs				15,000,000		+15,000,000
3. Equipment and minor remodeling				17,900,000		+17,900,000
4. Federal administration and technical assistance			100	2,100,000	+100	+2,100,000
Total obligations			100	150,000,000	+100	+150,000,000

OBLIGATIONS BY OBJECT

	Presently available	Revised estimate	Increase
Total number of permanent positions		100	100
Full-time equivalent of all other positions		12	12
Average number of all employees		97	97
Personnel compensation:			
Permanent positions		$1,200,000	$1,200,000
Positions other than permanent		100,000	100,000
Other personnel compensation			

	Presently available	Revised estimate	Increase
Subtotal, personnel compensation		$1,300,000	$1,300,000
Personnel benefits		97,000	97,000
Travel and transportation of persons		313,000	313,000
Rent, communications and utilities		207,000	207,000
Printing and reproduction		42,000	42,000
Other services		77,000	77,000
Supplies and materials		14,000	14,000
Equipment		50,000	50,000
Grants, subsidies and contributions		147,900,000	147,900,000
Total		150,000,000	150,000,000

Summary of changes

1970 enacted appropriation	
1970 revised estimated obligations	$150,000,000
Total changes	+150,000,000

INCREASES

Program:	
Special educational personnel and programs	115,000,000
Community participation programs	15,000,000
Equipment and minor remodeling	17,900,000
Federal administration and technical assistance	2,100,000

Explanation of Changes

The President, in his message of May 21, 1970, to the Congress of the United States, proposed the Emergency School Aid Act of 1970. Under the terms of this Act, funds would be used to assist local school authorities in meeting special needs incident to both *de jure* and *de facto* segregation.

The $150,000,000 requested in this supplemental appropriation, to be used under existing authorities, will provide immediate assistance to the approximately 994 *de jure* school districts in the 17 southern and border States which have recently developed or which must develop total desegregation plans by September 1970.

Emergency school assistance

Introduction

On March 24, 1970, the President of the United States issued a statement entitled "School Desegregation: A Free and Open Society". In clearly establishing the policies of his Administration in the areas of school desegregation and in restating his firm dedication to equal educational opportunity, the President added the following commitment.

"Words often ring empty without deeds. In government, words can ring even emptier without dollars.

"In order to give substance to these commitments, I shall ask Congress to divert $500 million from my previous budget requests for other domestic programs for fiscal year 1971, to be put instead into programs for improving education in racially-impacted areas, North and South, and for assisting school districts in meeting special problems incident to court-ordered desegregation. For fiscal year 1972, I have ordered that $1 billion be budgeted for the same purposes."

In this same message, the President directed a cabinet-level committee chaired by the Vice President of the United States to develop plans for the effective use of such funds as may be appropriated by Congress in response to his recommendation. One outcome of the efforts of this committee and of the Department of Health, Education, and Welfare, has been a bill requesting Congress for an authorization totaling $1,500,000,000 over fiscal years 1971 and 1972. It was realized, however, that final action on these proposals could not be completed in time to deal with the most pressing problems of school districts which have been desegregating this year or are faced with desegregation in September 1970. These districts have much work to do and many preparations to make this summer and are in need of financial assistance. To meet the emergency needs of such school districts, the President has proposed that Congress appropriate $150 million under six existing legislative authorities to be made available immediately to school districts undergoing desegregation.

Dimensions of the problem

In the 17 southern and border States there are some 4,500 school districts, of which 994 are in the process of desegregation. These include some 220 school districts now under court order calling for complete desegregation by this September, 496 districts, which have submitted are negotiating or are likely to be negotiating desegregation plans under the Department of Health, Education, and Welfare auspices for total desegregation by September; another 278 districts which will be operating under total desegregation plans implemented in 1968 and 1969.

Selection of appropriate authorities

In recognition of the immediate financial needs which desegregation places upon these 994 school districts, the $150 million being proposed for immediate financial aid is requested under six existing legislative authorities which are:

1. *Community development programs:*

Economic Opportunity Act of 1964, Title II, Urban and Rural Community Action Programs. This title's purpose is to help focus available local, State, private, and Federal resources upon the goal of enabling low-income families, and low-income individuals of all ages, in rural and urban areas, to attain the skills, knowledge, and motivations and secure the opportunities needed for them to become fully self-sufficient. Presently funded under this authority are Headstart and Follow Through, among others.

2. *Personnel development programs:*

Education Professions Development Act, Part D, Improving Training Opportunities for Personnel Serving in Programs of Education Other Than Higher Education. Programs or projects under this part are funded to improve the qualifications of persons serving or preparing to serve in educational programs in elementary and secondary schools (including preschool and adult and vocational education programs) or postsecondary vocational schools or to supervise or train persons so serving.

3. *Major demonstrations:*

Cooperative Research Act. This Act authorizes projects for research, surveys, and demonstrations in the field of education, and for the dissemination of information derived from education research.

4. *Dropout prevention:*

Elementary and Secondary Education Act, Section 807. This section authorizes demonstration projects involving the use of innovative methods, systems, materials, or programs which show promise of reducing the number of children who do not complete their education in elementary and secondary schools.

5. *Technical assistance:*

Civil Rights Act of 1964, Title IV. This title authorizes rendering technical assistance to school boards in the preparation, adoption, and implementation of plan for the desegregation of public schools.

6. *Planning and evaluation:*

Elementary and Secondary Education Act Amendments of 1967, Section 402. This section authorizes grants, contracts or other payments for planning and evaluating any programs for which the Commissioner of Education has responsibility for administration.

These particular authorities were selected because they met the following criteria:

Focus on elementary and secondary education

Can be used for student and teacher services

Are discretionary authorities

Do not have formulas which would channel funds away from areas of greatest need

Are designed to support and encourage demonstration activities

Are flexible in the range of activities which can be approved

Are clearly related and appropriate to the needs of school districts undergoing desegregation

Have authorization levels which are sufficiently above current levels of appropriation to permit additional appropriations.

Activities to be supported

To minimize disruption of the educational process and to maintain quality education during the change to a unitary system, a vast array of vital activities must be supported. Teachers need to be trained and made aware of the skills required to teach effectively in integrated classrooms. Teacher aides must be employed and trained to maximize instructional activities for students who may need to catch up academically. Guidance, counseling and testing programs must be redesigned and updated to serve new needs. New and innovative instructional approaches must be designed, including remedial, tutorial, work-study, and bilingual programs, if overall educational quality is to be maintained and enhanced. Community information and communication programs that develop and build confidence in the public education system and promote understanding and acceptance must be designed, staffed and implemented. In addition, facilities must be modified to accommodate school consolidation.

OFFICE OF EDUCATION—EMERGENCY SCHOOL ASSISTANCE

	1970					
	Presently available		Revised estimate		Increase	
	Positions	Amount	Positions	Amount	Positions	Amount
1. Special educational personnel and student programs				$115,000,000		$+115,000,000
2. Community participation program				15,000,000		+15,000,000
3. Equipment and minor remodeling				17,900,000		+17,900,000
4. Federal administration and technical assistance			100	2,100,000	+100	+2,100,000
Total obligations			100	150,000,000	+100	+150,000,000

General Statement

School districts will be encouraged to review carefully the local problems anticipated during the desegregation process, identifying programs and resources to overcome their problems. Funding will be based upon each district's needs rather than a standard program. School districts will be required to carefully plan their programs and build in evaluation components designed to assess the program's effectiveness in meeting stated objectives. State and Federal personnel will be available to provide assistance in the identification of problems, the development of program requirements, and the management of the program.

The following estimates by program activity represent a rough approximation of how the supplemental request will be used. It is based upon the judgments of present Office of Education staff who have been working closely with southern school superintendents. Although needs will vary from one school district to another, it is expected that approvable projects will need to be both large enough and comprehensive enough to make a difference. If the objective of this program—to maintain quality education during desegregation—is to be realized, projects will have to be multi-faceted. Community participation, special personnel and services, administrative and logistical help, and technical assistance are all important elements of a successful program.

A supplemental appropriation of $150 million would provide an average of $150,000 for each of the approximately 1,000 eligible school districts. Assuming an average of 10 schools per school district, this would mean about $15,000 per school.

In total, the target population includes about 7.2 million students, of whom 2.5 million are minority students, and approximately 335,000 educational personnel.

1. Special educational personnel and student programs:

Presently available	
Revised estimate	$115,000,000
Increase	+115,000,000

The following activities would be supported:

A. *Special personnel—*

Temporary teachers—to provide release time for regular instructional personnel to participate in desegregation workshop activities.

Teacher aides—to reduce pupil-teacher ratios in order to give more attention to individual students.

Special guidance and counseling and testing staff—to assist and counsel principals, teachers, and students in order to provide educational programs that will remedy student deficiencies.

Monitors—parents in the school community to perform services that will reduce potential behavioral problems on school buses and school grounds.

Crossing guards—to provide staff that will minimize safety precautions for children who may be taking new and different routes to school.

Administrative and clerical staff—to provide additional personnel and time for implementation of desegregation plans, e.g., additional month of employment during summer for principals.

B. *Student services—*

Remedial programs—to provide specialists, books and supplies for remediation in all subject areas in which students are deficient.

Guidance and counseling—to provide adequate guidance and counseling staff in order to deal with student adjustment problems resulting from the desegregation process.

Diagnostic evaluation and testing programs—to provide diagnosticians trained to evaluate special sight, hearing and psychological problems of students.

Work-study programs—to provide children from poverty level families with specially-designed school programs that would afford them financial assistance so as to continue their education.

Health and nutrition services—to provide specialized personnel and services for students having health and nutrition deficiencies.

Dropout prevention programs.

Student relations—to provide special programs designed to assist students on problems such as acceptance, behavior, dress codes, etc.

C. *Educational personnel development—*

Seminars on problems incident to desegregation—to provide training with skilled experts in the area of human relations so as to minimize problems incident to desegregation.

Seminars on teacher interpersonal relationships—to facilitate positive interpersonal relations among educational personnel through training by skilled professionals in an intercultural understanding.

Utilization of university expertise through institutes and inservice programs to deal with such problems as:

Teaching bilingual children.

Teaching children with speech and dialect deficiencies.

Attitudes and problems of teachers, parents and students involved in the desegregation process.

Upgrading basic skills and instructional methodologies of teachers in English, math, science, social sciences, language arts, etc.

D. *Curriculum development—*

Utilization of expert consultants to shape and design new curricula approaches and to introduce curriculum innovations that would serve children with multi-ethnic backgrounds.

New and varied instructional materials.

Improved evaluation and assessment of student progress.

E. *Special demonstration projects—*

Projects for introduction of innovative instructional methodologies which will improve the quality of education in the desegregated school:

Individualized instruction.

Master teachers.

Team teaching.

Non-graded programs.

Special projects involving community agencies and parents—to develop joint projects between special-interest and civic groups, parents and the schools which would promote understanding among citizens. Such projects could include sponsoring citywide and countywide art and music festivals, public meetings on relevant school problems (drug abuse, behavior, etc.).

Exemplary instructional practices—to operate pilot projects which would demonstrate exemplary instructional practices suitable for systemwide replication and for other school districts involved in the desegregation process.

F. *State and local planning and administration—*

Expand technical assistance capabilities at the State education agency level—to provide additional personnel to assist the local education agency in planning for desegregation.

Temporary staff at the local level to handle administrative details and clerical duties—to provide additional temporary staff to deal with the logistics of changing from a dual to a unitary system. For example, rescheduling of students and teachers, redrawing transportation routes, supervision of necessary physical changes (moving of equipment, building renovation, etc.).

Staff at the local level for planning and supervising the implementation of the desegregation plan.

XUM

2. Community participation programs:

Presently available	-----------
Revised estimate	$15,000,000
Increase	+15,000,000

The following activities would be supported:

A. *Public information activities—*

Community information programs for parents, teachers, and students—to provide factual information about the desegregation plan and school programs.

Public information coordinator—to provide for a person on superintendent's staff to promote public information activities.

B. *Community programs—*

Establishment and support of a biracial committee.

School-home visitation programs—an activity to be performed by educational personnel to assist with dissemination of information about school programs and student progress in the desegregated school.

Special parent programs—to provide programs designed to increase parents' involvement with the schools' programs, i.e. PTA, Education Emphasis Week, etc.

Community-relations coordinator—to provide a person on superintendent's staff to plan, organize and implement programs for students and parents involved in the desegregation process.

Special demonstration projects designed to keep communication open, build understanding and develop community support.

3. Equipment and minor remodeling:

Presently available	-----------
Revised estimate	$17,900,000
Increase	+17,900,000

The following activities would be supported:

Procurement and relocation of temporary classrooms (trailers, mobile facilities and demountables).

Procurement and relocation of equipment and classroom furniture, including replacement of obsolete items.

Minor building renovation and remodeling for general upgrading of a facility including painting, modernizing, and partitioning.

	Presently available		Revised estimate		Increase	
	Positions	Amount	Positions	Amount	Positions	Amount
4. Federal administration and technical assistance: Personnel compensation and benefits			100	$1,397,000	+100	+$1,397,000
Other expenses				703,000	----------	+703,000
Total			100	2,100,000	+100	+2,100,000

An amount of $2.1 million and 100 positions is requested to administer the Emergency School Assistance Program. This new effort will require:

Developing entirely new procedures and regulations which will allow the Office of Education to administer a unified, coordinated program within the six separate authorities under which funds are being requested. This will include notices to potential grantees of the terms and conditions under which grants will be available, unified application forms, regulation notices in the Federal Register, and review, approval, award and accounting procedures.

Assisting schools and other interested parties in the development of applications.

Reviewing and monitoring an estimated 1,000–1,500 projects for assistance.

Providing program assistance and disseminating information to hundreds of State and local school officials.

In addition to these direct program services, a small supporting staff will be necessary in Washington and the regional offices to coordinate program activities, provide general guidance and other necessary administrative functions such as accounting, grants management and personnel.

Of the 100 additional positions requested, 82 will be professional staff and 18 will be secretarial and clerical positions. Eighty-one will be located in the three southern HEW regional offices with 19 in Washington, D.C.

The additional professional positions are required for the following specific purposes:

Project development, review, monitoring and evaluation.—+50 positions.

Fifty education program specialists will be required to handle the several phases of the some 1,000 project applications anticipated. This will mean that each specialist will be handling approximately 20 projects of varying size and scope. Because of the short leadtime involved and the unfamiliarity of many of the target school districts with developing proposals, it is expected that this workload will be quite demanding and fully justify the additional staff requested. Program specialists will need to go out and talk with local school officials, inform them of the assistance available, help them develop acceptable applications, help them with devising educationally sound programs, help with the installation of evaluation components and finally, monitor projects throughout the year, helping to make modifications as plans change and programs develop.

Development of program guidelines, program models and evaluation techniques.—+12 positions.

Twelve program development specialists will help develop materials which can be used by education program specialists in working with local school officials. This will include information on successful projects in other States and communities. The program guidelines and models will indicate, for example, what goes into making a successful guidance and counseling program, bilingual education program, special reading program, etc. These specialists will be educators who have a sound background in these special fields.

Developing uniform grant and contract terms and conditions.—+8 positions.

Eight specialists will be required to help develop common rules and regulations for the award of grants and contracts. These will include such subjects as the disposition and accountability of equipment, determination of allowable costs, etc. This is an extremely important task in view of the several legislative authorities involved. It will be important to develop a common set of rules which will satisfy all the authorities involved.

Management and administrative overhead.—+12 positions.

The above staff will in turn require certain central support in both the regions and Washington. This will include persons in administrative services, accounting, personnel operations, and management. Eight of these positions will be in the regional offices.

It is important to emphasize that while certain minimum Federal requirements on accountability of funds and other matters must be met by all school districts, the program assistance and development will be strictly optional at the discretion of local school officials. There is no intention of having the Office of Education offering gratuitous advice. It is expected, however, that many schools will welcome whatever help is available. Many of the staff involved will be drawn from the local region and will be selected for their judgment, maturity, and experience as well as professional competence.

Even though the program funds will have to be obligated by September 30, 1970, most projects will probably continue throughout the school year. For this reason, a special provision has been included in the appropriation language which will make funds for administrative activities available through June 30, 1971. To launch this program as soon as possible, it is expected that some existing staff will be diverted to start up the program. For this reason, it is expected that the 100 new positions will be on board for approximately 85 percent of the fiscal year.

Administrative funds for emergency school assistance program

Personnel compensation:	
Permanent	$1,200,000
Positions other than permanent	100,000
Other personnel compensation	-------
Subtotal, personnel compensation	1,300,000
Personnel benefits (7.5 percent)	97,000
Travel and transportation of persons (71 employees × $50 per diem × 90 days)	313,000
Transportation of things	-------
Rent, communication, and utilities	207,000
(GSA—100 employees × $900 lapsed 15 percent)	(77,000)
(Utilities—100 employees × $1,300)	(130,000)
Printing and reproduction (100 employees × $420)	42,000
Other services (100 employees × $900 lapsed 15 percent)	77,000
Supplies and materials (100 employees × $140)	14,000
Equipment (100 × $500)	50,000
Total	2,100,000
Total number of permanent employees	100
Full-time equivalent of others	12
Average number of all employees	97
Average cost per man year	$14,410

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—OFFICE OF EDUCATION

EMERGENCY SCHOOL ASSISTANCE

Positions	Grade	Number	Annual salary
Education program officer	GS–15	5	$114,425
Education program specialist	GS–14	16	314,288
Program analyst	GS–14	3	58,929
Education program specialist	GS–13	20	335,200
Grants and contract specialist	GS–13	1	16,760
Education program specialist	GS–12	14	198,688
Grants and contract specialist	GS–12	6	85,152
Education program specialist	GS–11	2	23,810
Management analyst	GS–11	2	23,810
Grants and contract specialist	GS–11	1	11,905
Budget analyst	GS–11	1	11,905
Education program specialist	GS–9	6	59,286
Do	GS–7	2	16,178
Personnel staffing assistant	GS–7	1	8,089
Accounting technician	GS–7	2	16,178
Secretary	GS–6	5	36,470
Do	GS–5	8	52,384
Clerk-typist	GS–4	3	17,559
Do	GS–2	2	9,242
Total		100	1,410,258

Communications From the President

Senator BYRD. We will also place the appropriate and official documents received by the Congress regarding this request in the record at this point.

(The documents follow:)

COMMUNICATION FROM THE PRESIDENT OF THE UNITED STATES

Transmitting a proposed supplemental appropriation for emergency school assistance for fiscal year 1970 in the amount of $150,000,000 in budget authority

THE WHITE HOUSE,
Washington, May 25, 1970.

The PRESIDENT OF THE SENATE.

SIR: I ask the Congress to consider a proposed supplemental appropriation for the fiscal year 1970 in the amount of $150,000,000 in budget authority. These funds are needed to provide immediate assistance to school districts which must desegregate by the Fall of 1970.

These desegregating districts face urgent needs for teachers, education specialists, materials, curriculum revision, equipment and renovation. The proposed supplemental appropriation is requested under existing statutory authorities on an emergency basis and would be used by September 30, 1970.

Another $350 million will be requested for fiscal year 1971 upon enactment of the proposed Emergency School Aid Act of 1970 which I described in my message to the Congress of May 21, 1970.

The details of the proposed supplemental appropriation are set forth in the enclosed letter from the Director of the Bureau of the Budget, with whose comments I concur.

Respectfully yours,

RICHARD NIXON.

Enclosure.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., May 25, 1970.

THE PRESIDENT,
The White House.

SIR: I have the honor to submit for your consideration a proposed supplemental appropriation for the fiscal year 1970 in the amount of $150,000,000 in budget authority, as follows:

"DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—OFFICE OF EDUCATION—
EMERGENCY SCHOOL ASSISTANCE

"For providing emergency assistance to desegregating school districts under part D of the Education Professions Development Act (title V of the Higher Education Act of 1965), the Cooperative Research Act, title IV of the Civil Rights Act of 1964, section 807 of the Elementary and Secondary Education Act of 1965, section 402 of the Elementary and Secondary Education Amendments of 1967, and title II of the Economic Opportunity Act of 1964, as amended, including necessary administrative expenses therefor, $150,000,000 to remain available until September 30, 1970: Provided, That funds appropriated to carry out programs under title II of the Economic Opportunity Act of 1964 shall not be subject to those provisions of the Economic Opportunity Amendments of 1967 and 1969 that set mandatory funding levels: Provided further, That funds appropriated for administrative expenses shall remain available until June 30, 1971."

The proposed supplemental appropriation would provide funds on an emergency basis for immediate assistance to school districts which must desegrate by the Fall of 1970.

As described in your message to the Congress of May 21, 1970, these desegregating districts face urgent needs for teacher training, education specialists, materials, curriculum revision, equipment and renovation.

The $150 million is requested under several authorities in order to provide as broad a range of assistance as possible for maintaining quality education during the desegregation process. Of the $150 million, $100 million is requested under the authority of the Economic Opportunity Act of 1964. The remaining $50 million is requested under authorities vested in the Department of Health, Education, and Welfare and the Office of Education. The entire program of emergency school assistance would be administered by the Department of Health, Education, and Welfare and the Office of Education. The $150 million would be made available to desegregating districts before September 30, 1970.

I recommend that this proposed supplemental appropriation be transmitted to the Congress.

Respectfully yours,

ROBERT S. MAYO,
Director.

AID TO SCHOOLS WITH FINANCIAL PROBLEMS

(Message from the President of the United States transmitting proposed legislation to provide financial assistance to help school districts to meet special problems incident to desegregation in elementary and secondary schools, and to improve education in racially impacted areas, and for other purposes)

[MAY 21, 1970.—Message and accompanying papers referred to the Committee on Education and Labor and ordered to be printed]

To the Congress of the United States:

Successfully desegregating the nation's schools requires more than the enforcement of laws. It also requires an investment of money.

In my statement on school desegregation on March 24, I said that I would recommend expenditure of an additional $1.5 billion—$500 million in fiscal 1971, and $1 billion in fiscal 1972—to assist local school authorities in meeting four special categories of need:

"—The special needs of desegregating (or recently desegregated) districts for additional facilities, personnel and training required to get the new, unitary system successfully started.

"—The special needs of racially impacted schools where *de facto* segregation persists—and where immediate infusions of money can make a real difference in terms of educational effectiveness.

"—The special needs of those districts that have the furthest to go to catch up educationally with the rest of the nation.

"—The financing of innovative techniques for providing educationally sound interracial experiences for children in racially isolated schools."

To achieve these purposes, I now propose the Emergency School Aid Act of 1970.

Under the terms of this Act, the four categories of need I outlined would be met through three categories of aid:

(I) Aid to districts now eliminated *de jure* segregation either pursuant to direct Federal court orders or in accordance with plans approved by the Secretary of Health, Education, and Welfare, for special needs incident to compliance.

(II) Aid to districts that wish to undertake voluntary efforts to eliminate, reduce or prevent *de facto* racial isolation, with such aid specifically targeted for those purposes.

(III) Aid to districts in which *de facto* racial separation persists, for the purpose of helping establish special interracial or intercultural educational programs or, where such programs are impracticable, programs designed to overcome the educational disadvantages that stem from racial isolation.

In all three categories, administrative priority will be given to what I described on March 24 as "the special needs of those districts that have the furthest to go to catch up educationally with the rest of the nation." In all three, also, there will be special attention given to the development of innovative techniques that hold promise not only of helping the children immediately involved, but also of increasing our understanding of how these special needs can best be met.

THE BACKGROUND

The process of putting an end to what formerly were deliberately segregated schools has been long and difficult. The job is largely done, but it is not yet completed. In many districts, the changes needed to produce desegregation place a heavy strain on the local school systems, and stretch thin the resources of those districts required to desegregate. The Federal Government should assist in meeting the additional costs of transition. This Act would do so, not only for those now desegregating but also for those that have desegregated within the past two years but still face additional needs as a result of the change.

The educational effects of racial isolation, however, are not confined to those districts that previously operated dual systems. In most of our large cities, and in many smaller communities, housing patterns have produced racial separation in the schools which in turn has had an adverse effect on the education of the children. It is in the national interest that where such isolation exists, even though it is not of a kind that violates the law, we should do our best to assist local school districts attempting to overcome its effects.

In some cases this can best be done by reducing or eliminating the isolation itself. In some cases it can best be done through interracial educational programs involving the children of two or more different schools. In some cases, where these measures are not practicable or feasible, it requires special measures to upgrade education within particular schools or to provide learning experiences of a type that can enlarge the perspective of children whose lives have been racially circumscribed.

This Act deals specifically with problems which arise from racial separation, whether deliberate or not, and whether past or present. It is clear that racial isolation ordinarily has an adverse effect on education. Conversely, we also know that desegregation is vital to quality education—not only from the standpoint of raising the achievement levels of the disadvantaged, but also from the standpoint of helping all children achieve the broad-based human understanding that increasingly is essential in today's world.

This Act is addressed both to helping overcome the adverse effects of racial isolation, and to helping attain the positive benefits of integrated education. It is concerned not with the long range, broad-guage needs of the educational system as a whole, but rather with these special and immediate needs.

HOW IT WORKS

The procedures under this Act are designed to put the money where the needs are greatest and where it can most effectively be used, and to provide both local initiative and Federal review in each case.

Two-thirds of the funds would be allotted among the states on the basis of a special formula. One-third would be reserved for use by the Secretary of Health, Education and Welfare for especially promising projects in any eligible district. In all cases, whether under the State allotment or not, the grants would be made for specific individual projects with each project requiring approval by the Secretary. Application for grants would be made by local education agencies, with the State given an opportunity to review and comment on the grant application.

The State allotment formula begins by providing a basic minimum of $100,000 in each fiscal year for each State. The remainder of formula funds for each fiscal year would be allotted among the States according to the proportion of the nation's minority students in each State, with those in districts required by law to desegregate and implementing a desegregation plan double-counted. This double counting is designed to put extra money where the most urgent needs are, recognizing that there is a priority need at the present time for the ending of *de jure* segregation swiftly, completely, and in a manner that does not sacrifice the quality of education.

If any given State's allocation of funds is not fully utilized under the terms of this Act, the remainder of those funds would then be reallocated on the same formula basis for use in other States.

Under Category I (*de jure* desegregating), any district would be eligible which is now implementing an approved desegregation plan or which had completed implementing one within two years prior to its application. Those not yet doing so would become eligible upon submission of an acceptable plan. Funds would be available to help meet the additional costs of implementing the desegregation plan itself, and also for special programs or projects designed to make desegregation succeed in educational terms.

Under Category II (*de facto* desegregating), any district would be eligible if it has one or more schools in which minority pupils now constitute more than half the enrollment, or appear likely to in the near future. Funds could be provided to help carry out a comprehensive program for the elimination, reduction or prevention of racial isolation in one or more such schools within the district.

Under Category III (special programs in racially impacted areas), a district would be eligible if it has 10,000 or more minority students, or if minority students constitute 50 percent or more of its public school enrollment. Funds could be provided under this category for special interracial or intercultural educational programs or, where these proved impracticable, for unusually promising pilot or demonstration programs designed to help overcome the adverse educational impact of racial isolation.

In connection with this Category III aid, it is worth noting that such research data as is available suggests strongly that from an educational standpoint what matters most is not the integrated school but the integrated classroom. This might, at first glance, seem a distinction without a difference. But it can make a great deal of difference especially where full integration of schools is infeasible. It means that by arranging to have certain activities integrated—for example, by bringing students from a mostly black school and from a mostly white school together for special training in a third location—the educational benefits of integration can be achieved, at least in significant part, even though the schools themselves remain preponderantly white or black.

In a number of communities, experiments are already underway or being planned with a variety of interracial learning experiences. These have included joint field trips, educational exchanges between inner-city and suburban schools, city-wide art and music festivals, and enriched curricula in inner-city schools that serve as a "magnet" for white students in special courses. Other innovative approaches have included attitude training for teachers, guidance and counseling by interracial teams, and after-hour programs in which parents participated. I cite these not as an inclusive catalogue, but merely as a few examples of the kinds of experimental approaches that are being tried, and that give some indication of the range of activities that could and should be further experimented with.

Examples of the kinds of activities which could be funded under all categories are teacher training, special remedial programs, guidance and counseling, development of curriculum materials, renovation of buildings, lease or purchase of temporary classrooms, and special community activities associated with projects funded under the Act.

THE URGENCY OF ACTION NOW

It is now late in the legislative year, and very soon it will be the beginning of the next school year.

In the life of the desegregation process, the fall of 1970 has special significance and presents extraordinary problems, inasmuch as all of the school districts which have not yet desegregated must do so by then. The educational problems they confront are enormous, and the related problems of community social and economic adjustment are equally so.

Some 220 school districts are now under court order calling for complete desegregation by this September; 496 districts have submitted, are negotiating or are likely to be negotiating desegregation plans under HEW auspices for total desegregation by this September; another 278 districts are operating under plans begun in 1968 or 1969; more than 500 Northern districts are now under review or likely soon to be under review for possible violations of Title VI of the Civil Rights Act of 1964. Quite beyond these matters of enforcement, we also must come seriously to grips with the fact that of the nation's 8.7 million public school students of minority races, almost 50 percent are in school with student populations made up 95 percent or more of minority pupils.

Desegregating districts face urgent needs for teachers, education specialists, materials, curriculum revision, equipment and renovation.

Teachers and education specialists for the fall of 1970 are being recruited now. Materials and equipment must be purchased this summer to be on hand for the opening of school. Curriculum revision requires months of preparation. Contracts for renovation must be entered into and work commenced soon.

Administration representatives are now discussing with members of Congress possible ways of making the first of the funds for the purposes of this Act available when they are needed, which is now, through the use of existing legislative authorities.

Five hundred million dollars will be spent in Fiscal 1971. I recommend that $150 million be appropriated under these existing authorities, on an emergency basis, as "start-up" money. I recommend that the remaining $350 million for Fiscal 1971 and $1 billion for Fiscal 1972 be appropriated under the Emergency School Aid Act itself. It is this Administration's firm intention to spend these funds—$500 million in Fiscal 1971 and $1 billion in Fiscal 1972—in the years for which they are appropriated.

QUALITY AND EQUALITY

If money provided under this Act were spread too thinly, it would have very little impact at all on the specific problems toward which it is addressed. Therefore, the criteria laid down in the Act are designed to insure its use in a manner sufficiently concentrated to produce a significant and measurable effect in those places where it is used.

This is not, and should not be, simply another device for pumping additional money into the public school system. We face educational needs that go far beyond the range or the reach of this Act. But the specific needs the Act addresses are immediate and acute. It represents a shift of priorities. It places a greater share of our resources behind the goal of making the desegregation process work, and making it work now. It also represents a measured step toward the larger goal of extending the proven educational benefits of integrated education to all children, wherever they live.

Properly used, this $1.5 billion can represent an enormous contribution to both quality and equality of education in the United States.

With this help, the process of ending *de jure* segregation can be brought to a swift completion with minimum disruption to the process of education. It is in the interest of all of us—North and South alike—to insure that the desegregation process is carried out in a manner that raises the educational standards of the affected schools.

Beyond this, our goal is a system in which education throughout the nation is both equal and excellent, and in which racial barriers cease to exist. This does not mean imposing an arbitrary "racial balance" throughout the nation's school systems. But it should mean aiding and encouraging voluntary efforts by communities which seek to promote a greater degree of racial integration, and to undo the educational effects of racial isolation.

Nothing in this Act is intended either to punish or to reward. Rather, it recognizes that a time of transition, during which local districts bring their practices into accord with national policy, is a time when a special partnership is needed between the Federal Government and the districts most directly affected. It also recognizes that doing a better job of overcoming the adverse educational effects of racial isolation, wherever it exists, benefits not only the community but the nation.

This legislative recommendation should be read in the context of my comprehensive public statement of March 24 on school desegregation. In that, I dealt with questions of philosophy and of policy. Here, I am dealing with two aspects of the process of implementation: aiding the desegregation process required by law, and supporting voluntary community efforts to extend the social and educational benefits of interracial education.

The issues involved in desegregating schools, reducing racial isolation and providing equal educational opportunity are not simple. Many of the questions are profound, the factors complex, the legitimate considerations in conflict, and the answers elusive. Our continuing search, therefore, must be not for the perfect set of answers, but for the most nearly perfect and the most constructive.

Few issues facing us as a nation are of such transcendent importance: important because of the vital role that our public schools play in the nation's life and in its future; because the welfare of our children is at stake; because our national conscience is at stake; and because it presents us a test of our capacity to live together in one nation, in brotherhood and understanding.

The tensions and difficulties of a time of great social change require us to take actions that move beyond the daily debate. This legislation is a first major step in that essential direction.

The education of each of our children affects us all. Time lost in the educational process may never be recovered. I urge that this measure be acted on speedily, because the needs to which it is addressed are uniquely and compellingly needs of the present moment.

RICHARD NIXON.

THE WHITE HOUSE, *May 21, 1970.*

A Bill to provide financial assistance to help school districts to meet special problems incident to desegregation in elementary and secondary schools, and to improve education in racially impacted areas, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency School Aid Act of 1970".

PURPOSE

SEC. 2. The purpose of this Act is to provide financial assistance—

(a) to aid local educational agencies throughout the Nation to meet the special needs incident to the elimination of racial

XUM

segregation and discrimination among students and faculty in elementary and secondary schools;

(b) to encourage the voluntary elimination, reduction, or prevention of racial isolation in schools with substantial proportions of minority group students in order to improve the quality of education available to such students; and

(c) to aid children in elementary and secondary schools to overcome the educational disadvantages of racial isolation by assisting, in a concentrated manner, school districts with high proportions of minority group students to carry out inter-racial educational programs and other programs to improve the quality of their educational services.

APPROPRIATIONS

Sec. 3. (a) There are authorized to be appropriated for carrying out this Act not in excess of $500,000,000 for the fiscal year ending June 30, 1971 and not in excess of $1,000,000,000 for the succeeding fiscal year.

(b) Funds so appropriated shall remain available for obligation for one fiscal year beyond that for which they are appropriated.

ALLOTMENTS AMONG STATES

Sec. 4. (a) From the sums appropriated pursuant to section 3 for carrying out this Act for any fiscal year, the Secretary shall allot an amount equal to two-thirds thereof among the States by alloting to each State $100,000 plus an amount which bears the same ratio to the balance of such two-thirds of such sums as the adjusted number of minority group children (as defined in subsection (c)) in the State bears to the adjusted number of minority group children in all of the States. The remainder of such sums may be expended by the Secretary as he may find necessary or appropriate for grants or contracts to carry out the purposes of this Act.

(b) The amount by which any allotment to a State for a fiscal year under subsection (a) exceeds the amount which the Secretary determines will be required for such fiscal year for programs or projects within such State which meet the requirements for approval of applications under this Act shall be available for reallotment from time to time, on such dates during such year as the Secretary may fix by regulation, to other States in proportion to the original allotments to such States under subsection (a) for that year but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a fiscal year shall be deemed part of its allotment under subsection (a) for such year.

(c) For the purpose of this section, the term "adjusted number of minority group children" for any State means a number equal to the sum of (1) the number of minority group children (as defined in section 9(d)) enrolled in public schools in local educational agencies in such State which are carrying out a plan of desegregation (A) pursuant to a final order of a United States court, issued within a period not to exceed the two fiscal years preceding the fiscal year for which the allotment under this section is to be made, or (B) pursuant to a determination of the Secretary, made within such period, that such plan is adequate to meet the requirements of title VI of the Civil Rights Act; and (2) the number of minority group children enrolled in public schools in local educational agencies in a State. The adjusted number of minority group children in each State shall be determined by the Secretary on the basis of the most recent available data satisfactory to him.

Eligibility for Financial Assistance

Sec. 5. (a) The Secretary may provide financial assistance (through grant or contract) pursuant to applications approved under section 7—

(1) to assist any local educational agency which is implementing a plan of desegregation to meet the additional costs (as determined under subsection (c) of implementing such plan or of carrying out special programs or projects designed to enhance the possibilities of successful desegregation, and to assist any such agency which has, within two years prior to its application hereunder, completed the implementation of such a plan to carry out such programs or projects;

(2) to assist any local educational agency to meet the additional costs of carrying out a plan to eliminate or reduce racial isolation in one or more of the racially isolated schools (as defined in section 9(g)) in the school district of such agency, or to reduce the number of minority group children in such schools, or to prevent racial isolation reasonably likely to occur (in the absence of assistance under this Act) in one or more schools in such district which are not racially isolated but have a substantial enrollment of minority group children; or

(3) to assist a local educational agency or other public or private agency, institution, or organization (but only through contracts in the case of a private agency, institution, or organization other than a nonprofit one), to carry out inter-racial educational programs or projects involving the joint participation of minority group and non-minority group children attending different schools where such minority group children attend racially isolated schools in a school district in which the number of minority group children in average daily membership in the public schools, for the fiscal year preceding the fiscal year for which such assistance is provided, is (A) at least 10,000 or (B) more than 50 percent of such average daily membership of all children in such schools, except that if such agency demonstrates that, in the case of some racially isolated children, provision for such programs cannot practicably be made, then to carry out unusually promising pilot or demonstration programs or projects to overcome the adverse educational effects of racial isolation upon such children.

(b) In such cases where the Secretary finds that it would more effectively carry out the purposes of this Act, he may make grants to any public or nonprofit private agency, institution, or organization (other than a local educational agency), and contract with any public or private agency, institution, or organization to carry out programs or projects designed to support the development or implementation of a plan, program, or project described in clause (1) or (2) of section 5(a).

(c) The amount of financial assistance to a local educational agency under this section may not exceed those costs which are determined by the Secretary, in accordance with regulations prescribed by him, to result in a net increase in the aggregate operating expenditures of such agency for a fiscal year.

AUTHORIZED ACTIVITIES

Sec. 6. Financial assistance under section 5 shall be available for programs or projects involving activities designed to carry out the purposes of this Act, including—

(a) the provision of additional professional or other staff members (including staff members specially trained in problems incident to desegregation or to the elimination, reduction, or prevention of racial isolation) and the training and retraining of staff for such schools;

(b) remedial and other services to meet the special needs of children in schools which are affected by a plan described in clause (1) or (2) of section 5(a) or are racially isolated, including special services for gifted and talented children in such schools;

(c) comprehensive guidance, counseling, and other personal services for pupils;

(d) development and employment of new instructional techniques and materials designed to meet the needs of racially isolated school children;

(e) innovative inter-racial educational programs or projects involving the joint participation of minority group and non-minority group children attending different schools, including extra-curricular activities and cooperative exchange or other arrangements between schools within the same or different school districts;

(f) repair or minor remodeling or alteration of existing school facilities (including the acquisition, installation, modernization, or replacement of equipment) and the lease or purchase of mobile classroom units or other mobile educational facilities;

(g) the provision of transportation services for public school students, except that nothing in this Act shall be construed to require, nor shall funds be expended to establish or maintain, the transportation of students solely to achieve racial balance;

(h) community activities, including public education efforts, in support of a plan, program, project, or other activity under this Act;

(i) special administrative activities, such as the rescheduling of students, or teachers, or the provision of information to parents and other members of the general public, incident to the implementation of a plan described in clause (1) or (2) of section 5(a);

(j) planning and evaluation activities; and

(k) other specially desiged programs or projects which meet the purposes of this Act.

APPROVAL OF APPLICATIONS

Sec. 7. (a) An application for assistance under this Act may be approved by the Secretary only if he determines—

(1) that such application

(A) sets forth a plan which is sufficiently comprehensive to offer reasonable assurance that it will achieve one or more purposes for which grants may be made under this Act; and

(B) contains such other information, terms, conditions, and assurances as the Secretary may require to carry out the purposes of this Act;

(2) that the State educational agency governing the school district or school districts in which the approved program or project will be carried out has been given reasonable opportunity to offer recommendations to the applicant and to submit comments to the Secretary;

(3) in the case of an application for assistance under clause (3) of section 5, that the program or project to be assisted will involve an additional expenditure per pupil to be served, determined in accordance with regulations prescribed by the Secretary, of sufficient magnitude to provide reasonable assurance that the desired educational impact will be achieved and that funds under this Act will not be dispersed in such a way as to undermine their effectiveness;

(4) that the applicant has adopted effective procedures, including provisions for such objective measurements of educational and other change to be effected by this Act as the Secretary may require, for the continuing evaluation of programs or projects under this Act, including their effectiveness in achieving clearly stated program goals, their impact on related programs and upon the community served, and their structure and mechanisms for the delivery of services and including, where appropriate,

XUM

comparisons with proper control groups composed of persons who have not participated in such programs; and

(5) that the applicant is not reasonably able to provide, out of non-Federal sources, the assistance for which the application is made.

(b) In the case of an application by a combination of local educational agencies for jointly carrying out a program or project under this Act, at least one such agency shall be an agency described in section 5 and any one or more such agencies joining in such application may be authorized to administer such program or project.

ESTABLISHMENT OF PRIORITIES

SEC. 8. (a) The Secretary may, from time to time, set dates by which applications for grants under this Act shall be filed and may prescribe an order of priority to be followed in approving such applications. Any order of priority so perscribed may give special weight to one or more categories of applicants or to one or more categories of programs or projects or to applicants which fall within more than one category of need.

(b) In determining whether to make any grant under section 5 or in fixing the amount thereof, the Secretary shall take into account such criteria as he deems pertinent, including—

(1) the relative need for assistance, taking into account such factors as the extent of racial isolation in the school district to be served and the degree to which measurable deficiencies in the quality of public education afforded in such school district exceed those of other school districts;

(2) the relative promise which the program or project affords in carrying out the purposes of this Act;

(3) the degree to which the program or project is likely to effect a decrease in racial isolation in racially isolated schools; and

(4) the amount available for assistance in the State under this Act in relation to the applications pending before him.

DEFINITIONS

SEC. 9. As used in this Act, except when otherwise specified—

(a) The term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the provision of educational services, such as instructional equipment and necessary furniture, printed, published, and audio-visual instructional materials, and other related material.

(b) The term "gifted and talented children" means, in accordance with objective criteria prescribed by the Secretary, children who have outstanding intellectual ability or creative talent.

(c) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control, or direction, of, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, or a combination of local educational agencies; and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(d) The term "minority group children" means children, aged five to seventeen, inclusive, who are of Negro, American Indian, Mexican, or Puerto Rican origin or ancestry.

(e) The term "nonprofit" as applied to an agency, organization, or institution means an agency, organization or institution owned or operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(f) The term "plan of desegregation" means a plan which has been approved by the Secretary as adequate under title VI of the Civil Rights Act for the desegregation of racially segregated students or faculty in elementary and secondary schools or which has been undertaken pursuant to a final order of a court of the United States requiring such desegregation or otherwise requiring the elimination of racial discrimination in an elementary and secondary school system.

(g) The terms "racially isolated school" and "racial isolation" in reference to a school mean a school and condition, respectively, in which minority group children constitute more than 50 percent of the average daily membership of a school.

(h) The terms "elementary and secondary school" and "school" mean a school which provides elementary or secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(i) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(j) The term "State" means one of the fifty States or the District of Columbia.

(k) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law for this purpose.

EVALUATION

SEC. 10. Such portion as the Secretary may determine, but not more than 1 per centum, of any appropriation under this Act for any fiscal year shall be available to him for evaluation (directly or by grants or contracts) of the program authorized by this Act, and in the case of allotments from any such appropriation, the amount available for allotment shall be reduced accordingly.

JOINT FUNDING

SEC. 11. Pursuant to regulations prescribed by the President, where funds are advanced by the Department of Health, Education, and Welfare, and one or more other Federal agencies, for any project or activity funded in whole or in part under this Act, any one Federal agency may be designated to act for all in administering the funds advanced. In such cases, any such agency may waive any technical grant or contract requirement (as defined by regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

REPORTS

SEC. 12. The Secretary shall include in his annual report to the Congress a full report as to the administration of this Act and the effectiveness of programs or projects thereunder.

GENERAL PROVISIONS

SEC. 13. (a) The provisions of subpart 2 of part B and part C of the General Education Provisions Act (title IV of Public Law 247 (Ninetieth Congress) as amended by title IV of Public Law 230 (Ninety-first Congress)) shall apply to the program of Federal assistance authorized under this Act as if such program were an applicable program under such General Education Provisions Act, and the Secretary shall have the authority vested in the Commissioner of Education by such subpart and such part with respect to such program.

(b) Section 422 of such General Education Provisions Act is amended by inserting "the Emergency School Aid Act of 1970;" after "the International Education Act of 1966;".

LETTER FROM SENATOR NELSON PROPOSING LANGUAGE CHANGES

Senator BYRD. Thank you, Secretary Veneman, Dr. Allen, and gentlemen.

I have received a letter from Senator Nelson expressing some concern on this request. It will be placed in the record at this point.

(The letter follows:)

DEAR BOB: It has come to my attention that the Administration has submitted a request for a supplemental appropriation of $150,000,000 for the purpose of providing emergency assistance to desegregating school districts, and that this request is now before your Deficiencies and Supplemental Appropriations Subcommittee in connection with the Second Supplemental Appropriations for fiscal year 1970 (H.R. 17399).

In submitting the appropriations request in his letter of May 25, the President attached a memorandum from Director of the Budget Robert Mayo. That memorandum makes clear that of the total $150,000,000 requested, $100,000 would be appropriated under the authority of title II of the Economic Opportunity Act. The appropriations language requested in that memorandum contains the following proviso:

"*Provided*, That funds appropriated to carry out programs under title II of the Economic Opportunity Act of 1964 shall not be subject to those provisions of the Economic Opportunity Amendments of 1967 and 1969 that set mandatory funding levels."

The above-quoted language clearly constitutes general legislation in an appropriations bill and would be subject to a point of order on the Senate floor on that basis.

I am chairman of the Subcommittee on Employment, Manpower and Poverty of the Labor and Public Welfare Committee. My Subcommittee has legislative responsibility for the Economic Opportunity Act. Since the language requested by the Administration attempts to remove the earmarking provisions which we included in the Economic Opportunity Amendments of 1969 (and even attempts to do the same for the Amendments of 1967), I must strongly object to inclusion of the above-quoted proviso in the appropriations language.

You will recall that, without my knowledge or that of Congressman Carl Perkins, the chairman of the House Education and Labor Committee, the Administration secured the inclusion of language in the conference report on the regular HEW-Labor-OEO Appropriations bill which, in the relevant portion, was identical to that set forth in the above-quoted proviso. In the Christmas rush the offending language did not come to the attention of Congressman Perkins before the House passed that conference report. However, I learned of the language before the conference report was brought up in the Senate and, although it was too late to raise a point of order against the language since the conference report had already passed the House, I nevertheless did make a motion which carried on a roll-call vote (with your support) that the point-of-order language be sent back to the House for correction. The House concurred in my Senate amendment and the bill that finally went to the President did not contain any such point-of-language.

It should be noted that the proviso requested by the Administration is, by its terms, not even limited to the pending $100,000,000 supplemental for the Economic Opportunity Act. It reads: "Provided, That funds appropriated to carry out title II" (the language does not even say: "such funds" or "funds appropriated in this Act"). Since $1,948,000,000 was appropriated for the Economic Opportunity Act in the regular appropriations bill, of which over half is available for title II of such Act, the Administration seems to be trying once again to get rid of earmarking—or most of the earmarking contained in the authorization bill.

XUM

I recognize that in appropriating a supplemental of $100,000,000 for the specific purpose requested—assisting school districts in the process of desegregation—a limitation to that specific purpose may be desirable. A proviso phrased as a limitation, in contrast with the general legislative language the Administration requested, would, of course, be within the rules and not subject to a point of order.

Consistent with the rules, the section of the authorizing legislation which sets forth the earmarking of funds, begins with the phrase: "Notwithstanding any other provision of law, unless expressly *in limitation* of the provisions of this section" (sec. 102(b) of the Economic Opportunity Amendments of 1969, P.L. 91–177).

I have therefore had counsel draft suitable language for your consideration to make clear that no part of the $100,000,000 appropriated under title II of the Economic Opportunity Act shall be included in the earmarked allocations under section 102(b) of the authorization legislation. The suggested language follows:

"*Provided*, That $100,000,000 of such amount is appropriated for such purpose under title II of the Economic Opportunity Act of 1964: *Provided further*, That, in limitation of the provisions of section 102 (b) of the Economic Opportunity Amendments of 1969, no part of such amount shall be included as part of the amounts appropriated for the purpose of determining allocations for each purpose set forth in clauses (1) through (8) of such section 102(b)."

I appreciate your cooperation, both on the Appropriations Committee and in the Senate leadership, in seeking to work out problems between the appropriations and legislative committees.

Sincerely yours,
GAYLORD NELSON,
Chairman, Senate Subcommittee on Employment, Manpower and Poverty.

Mr. JAVITS. Mr. President, I think that this represents a laudable and provident way in which to handle the matter. As I said, we all understand that a large part of the funds, if appropriated, will go to districts in the 17 Southern and border States which are under orders to desegregate or are imminently under orders within the recent past to desegregate.

I think that in terms of the public policy of America, this is the most direct way to deal with the situation, much more direct and much more sensible than the degree of time and energy which we devote to deciding who is right and who is wrong, about whether there is more or less actual racial isolation or racial imbalance, or de facto segregation in other parts of the country than illegal segregation as produced in these 17 States.

Coming as I do from one of the large States, and one of the great cities of America which is constantly made the yardstick in this kind of debate, I favor strongly the ultimate that we can achieve practicably in progress in terms of equal educational opportunity in States where by tradition and the social order this has been the biggest problem.

I do not care how invidious the comparison becomes thereafter. It may become more invidious than it is now. I still want to see a section of the country brought along into a field which is responsive to the deep feelings of many millions of Americans at the earliest possible time.

My willingness to sponsor this amendment, when I was asked to do so by the administration, was sparked by my deep feeling and conviction that progress in given areas in this particular area, in the southern part of the country, is bound to be beneficial and helpful to the whole Nation in terms of the future, in terms of morality, and in terms of the public tranquility, as well as in the terms of the example which it can set to everyone else in the country.

I would rather emphasize the positive than spend our lives debating the negative. Therefore, this makes these resources available in a way most helpful for the purposes which I feel so deeply and which I believe most of the country feel so very deeply as well.

Mr. STENNIS. Mr. President, one question, while it is at the forefront. To whom will this money be paid? Will HEW pay this money directly to the local school district, or will it be paid to the State department of education?

Mr. JAVITS. I understand that it moves to the local educational agency, school district.

Mr. STENNIS. Directly?

Mr. JAVITS. That is right. That is why I pointed out that there is no allocation formula. The provisos do not apply on any formula basis. This is a matter of assisting directly at the point of the hottest contact, as it were—to the local educational agency.

Mr. STENNIS. Did the Senator explain in his remarks why there were no hearings? This money is based directly on the President's recommendations that came in, as I recall, about the middle of April. I am advised by the Senator from Rhode Island that some hearings, I believe he said two sittings, have been held with reference to the authorization for the second instrument and perhaps the third one, too, but no finalization has been added. There has been a bill introduced, too, that sets out certain definitions. Why was no effort made, if the Senator knows, to hold hearings, get out some kind of direct authorization especially for this type of money? I was looking around, Mr. President, for the Senator from Rhode Island (Mr. PELL) who is chairman of that subcommittee. I would ask him if he were here.

Mr. JAVITS. Mr. President, the hearings on the administration bill are actually being held now by the Education Subcommittee, of which I am a member—indeed, I am the ranking member of the Labor Committee of which that subcommittee is a part.

Under the chairmanship of the Senator from Rhode Island (Mr. PELL), we have received a considerable amount of testimony already, which can very materially support the very amendment which is pending before the Senate.

I would be pleased, if the Senator so desires, to incorporate such testimony as we have already received—which is considerable, in the RECORD.

I have already incorporated the hearings held before the Committee on Appropriations, through its Supplemental Appropriations Subcommittee. Those hearings are already now in the record.

They occurred at two hearings, at one of which Under Secretary Veneman testified.

Mr. STENNIS. Mr. President, my question was why were the hearings not held and a bill brought before the Senate to cover this first increment of $150 million so that there would be some kind of procedural requirements, some kind of definitions, and all the basis upon which the award was to be made?

I have just glanced at the bill that has been introduced on the second increment that speaks of those schools with racially isolated conditions that would receive this money.

First it talks about the segregated schools that are being desegregated. I know what that means in the South. But I did not know how that applied to the North because the North does not have any unlawful segregation there, as the Senator interprets it.

So I judge that is caused by the racially isolated areas, or words like that, that apply to schools outside of the South.

Why can we not have some guidelines or conditions or at least minimum requirements so that the administrator can go by them and we can go by them in our voting.

Is there any reason why that should not apply to the $150 million?

Mr. JAVITS. Mr. President, the bill which I introduced is not the authority for this $150 million, and therefore no such claim is made. And I guess that I am the best one to speak on it, as I am the sponsor of the bill for the administration.

The time did not allow any action on that bill or any justificaiton under that bill. And none is sought.

So, I refer the Senator to page 741 of the hearings on the supplemental before the Appropriations Subcommittee.

Mr. STENNIS. Mr. President, if the Senator would yield, would he give me the number of that bill?

Mr. JAVITS. It is H.R. 17399. That is the supplemental appropriations bill, the one we considered on Monday.

Mr. STENNIS. Mr. President, I am talking about the Javits bill for the second increment.

Mr. JAVITS. It is right here. It is S. 3883. It was introduced as recently as May 26, 1970. That is why I say what I do about the time factor.

I would like to point out that the administration in respect of the hearings on the supplemental at page 741 of the testimony presented "basic policies for administering the emergency school systems appropriations of $150 million now under preliminary consideration by the HEW." It is that memorandum which spelled out what was intended to be done with the money.

I have already explained the authorizing of the authorities respecting authorization, and it was made very clear by the testimony that this would be used essentially in respect of districts which were under order to desegregate or had very recently desegregated pursuant to order.

There was no relevance between this and the matter of racial imbalance or racial isolationism.

Mr. STENNIS. Mr. President, I was

merely illustrating that the second increment in which the areas outside the South are to share does contain the conditions under which it is to be used. However, in this particular one, there are not any kind of limitations or minimum requirements or anything at all that a Senator must go by in voting, as I see it.

With all due deference, I think it means that the HEW could do what it pleased.

Mr. JAVITS. Mr. President, may I point out that the justification is a matter of record. It even goes into the detail of the people who will be used, their position slots, and their salaries. It is very detailed.

Might I point out, too, that the Senator from Mississippi is even more experienced a legislator than I am. And so he knows very well that my bill will look very little like the one I have introduced when it finally becomes authorization for any appropriation.

I do not think it is relevant to import into this particular appropriation anything except that this is a general characterization of the overall program of the President. And we must state, very properly, that this $150 million will move along that road and give us a pretty good idea as to what they are really doing and how well they are likely to administer a very much larger bill if we let them have it.

For that reason, I consider it to be an added benefit that we get out of acting at this time.

XUM

Mr. STENNIS. Mr. President, the Senator from New York is a master of speech. However, he does not specify how this money will be used.

The Senator referred to me as an experienced legislator. He is far better and more experienced than I. However, I believe I do have more experience with reference to this process of the desegregation of schools, because they did desegregate Mississippi. They do not have that experience in New York.

So we know how that works. They hold the money bag and tell someone what he must do and he has to do it.

Mr. JAVITS. Will the Senator allow me to interrupt? One does not have to do it if he does not want to. He does not have to do a thing. One can be just as tight and hardnosed as he likes.

Mr. STENNIS. That is not an answer, though, to providing for the improvement of education.

Mr. JAVITS. I hope so.

Mr. STENNIS. We are entitled to know when we have to deal with HEW and when we have to deal with the Department of Justice. And now we have to deal with both of them. I have been talking to them both today about cases.

I just find here that we do not have these fundamental principles involved.

I want to say this about this matter, that in spite of the Senator's diligent work, it is subject to a point of order, and at the right time I would like to make that point of order. However, the Senator from Louisiana is on his feet and the Senator from Alabama is also. I will not ask any more questions at this time.

Mr. ELLENDER. Mr. President, will the Senator from New York tell us where he obtains the authority for the appropriation of $150 million.

Mr. JAVITS. Mr. President, I will read the authority to the Senator. The authority is found at page 1 of my amendment, beginning at line 3 and going over to page 2 where it ends in the middle of line 2, and it is composed of the following——

Mr. ELLENDER. Under the law cited by the Senator in his amendment, for what use under that law can this money be used?

Mr. JAVITS. The money will be used in accordance with the authority. It cannot be used outside the authorities. I will be glad to read to the Senator the specific authorities in each law.

Mr. ELLENDER. I have that before me.

Mr. JAVITS. That is all the money can be used for.

Mr. ELLENDER. I wish to read some language to the Senator. The law provides for community development programs.

Mr. JAVITS. The Senator is correct.

Mr. ELLENDER. Very well. Economic Opportunity Act of 1964, title 2. That is what the Senator is depending on?

Mr. JAVITS. The Senator is correct.

Mr. ELLENDER. Urban and rural community action programs.

This title proposes to help focus available local, State, private, and Federal resources upon the goal of enabling low-income families and low-income individuals of all ages in rural and urban areas to obtain the schooling, knowledge, motivation. Privately funded under this authority are Headstart and Follow Through, among others.

Is that what this money is to be used for?

Mr. JAVITS. It will be used to the extent the authorization is available for those purposes.

The Senator, I think, read a digest. I am going to read the law. I know. That is a digest.

I am going to read the law to the Senator. The digest is not as good as the law. The Senator will find there is very ample room in this law for the purpose of expending $100 million, which is unappropriated, for aid and for assistance in ways which will aid the desegregation process.

Mr. ELLENDER. But that is not the purpose for which the law the Senator cited was placed on the statute books.

Mr. JAVITS. There are many laws which may have a different motivation, but the courts have held since I was a boy that the law means what it says regardless of our motives when it was placed on the books. This is one of those laws. I refer the Senator to the authorities.

I am now going to read section 102(b), authorization for appropriations in Public Law 91-177. That section reads as follows:

> Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this section, of the amounts appropriated pursuant to subsection (a) of this section * * * the Director shall for each fiscal year reserve and make available not less than * * *

So much money—

> for the purpose of local initiative programs authorized under section 221 of the Economic Opportunity Act of 1964 and the remainder of such amount shall be allocated * * *

There is a long list of allocations relating to work training programs, special impact programs, special work and career development programs, Head Start, Follow Through, comprehensive health, emergency food and medical services, family planning, senior opportunities and services, rural loans, migrant and seasonal farmworkers, and so forth.

Mr. ELLENDER. Those are the purposes for which this money shall be used, and not to desegregate the schools.

Mr. JAVITS. The Senator is quite wrong, for this reason. If the purposes which are authorized promote the desegregation process, then the Department will be able to use those resources for those purposes which will promote the desegregation process and the Department fully intends to do that and feels there is ample latitude under the authorization for that purpose.

That is why it invoked that very section; it invoked others as well, but it invoked that section.

Mr. ELLENDER. As I understand the President's message asking that this money be appropriated, he had in mind the bill that was going to be enacted and not existing law.

I will read from the President's message.

Mr. JAVITS. What date is it?

Mr. ELLENDER. The President's message asked for $150 million.

Mr. JAVITS. That was in May.

Mr. ELLENDER. Yes, it was May 25.

Mr. JAVITS. Very well.

Mr. ELLENDER. This message is based on a bill to be enacted—the bill that the Senator referred to awhile ago, which he is now handling for the purpose of holding hearings—and not the law from which he quoted.

I read from the President's message:

> I ask Congress to consider a proposed supplemental authorization for $150 million in budget authority. These funds are needed to provide immediate assistance to school districts which must desegregate by the fall of 1970. These desegregating districts face urgent needs—

It is my understanding, and I am sure the understanding of the Senator from Mississippi that the sum of $150 million is to be made available and to be spent under the provisions of a bill that the Senate will consider and not under existing law.

Mr. JAVITS. Mr. President, the Senator having invoked an authority cannot defy its plain words. The Senator gave as his authority the letter the President dated May 25, 1970. That letter states "Under existing statutory authority" and this is "existing statutory authority" and the President knew very well on May 25 when he sent us that letter that there was no other statutory authority, under his ideas, for $155 billion, except the existing ones, and the existing ones according to his own department and the advice he got, including the one to which I referred, title 2(b) of the Economic Opportunity Act of 1964.

The department itself feels as follows:

That the broad authority of title 2(b) to establish sound community action programs can be used to fund among others, the following kinds of educational activities:

First. Minor remodeling of school facilities to improve the quality of physical plant;

Second. Parent or community organizations to assist in developing community support for educational change;

Third. Administrative costs incident to reorganization of school systems;

Fourth. Remedial materials, special personnel and health and nutrition services for disadvantaged children;

Fifth. Paraprofessional assistance for classroom teachers.

So they invoke this because this is the kind of things they believe will assist in the educational process; they invoke this as the President said, as existing statutory authority.

Mr. ELLENDER. I have no quarrel if the money is used for that purpose.

Mr. JAVITS. It cannot be used for anything else. Incidentally, I hope the Senator heard me. If not, I would like for him to read this letter from the department. A part from the letter, the amendment I read begins on line 2, page 1:

> For assistance to desegregating local educational agencies as provided—

So the money is confined to purposes consistent with the authorization and I have specified those, for the purpose of assistance to desegregating local educational agencies.

This will not be used for broad scale antipoverty programs because that would be contrary to the law as I have read it.

Would the Senator read this letter from Secretary Veneman. He might find it useful.

Mr. ELLENDER. Has the Senator finished?

Mr. JAVITS. I will yield again if the Senator wishes.

Mr. ELLENDER. Why is it that in the third paragraph of the President's message it is stated:

> Another $350 million will be requested for fiscal year 1971 upon enactment of the proposed Emergency School Act of 1970, which I described in my message to the Congress of May 21, 1970?

That is the act or bill that the Senator will hold hearings on.

Mr. JAVITS. The Senator is exactly right. We are holding them.

Mr. ELLENDER. Will not $150 million be used in the same manner as is proposed in the legislation now under consideration?

Mr. JAVITS. Not necessarily, because I do not know what that act will say when we get through. The fact is we do not have any such act on the books. Presidents can ask and they do ask but we dispose.

I think the general idea around here, as I feel the sentiment of the Senate, is that we would like to see what they do with the money and how they use it before we get into a big-scale operation, and even before we finalize the authorization bill on which we are holding hearings.

So I will say to the Senator from Louisiana that I personally consider, aside from the fact that it is the general road the President wants us to travel, that this $150 million sui generis is not necessarily based on the administration bill, because we do not know what is going to happen to that bill. We may change our minds. This is based on the outline of what they wish to do as laid down before the Appropriations Committee, which I am sure the Senator, who is very diligent, has gone over very carefully, and it is based on the authorities which are contained, as the President has said, in existing law.

Mr. ELLENDER. The bill the President sent up, and on which hearings will soon be held——

Mr. JAVITS. They are being held.

Mr. ELLENDER. Very well. What is the purpose of that act? Can the Senator tell us?

Mr. JAVITS. The purpose of the act is to authorize $1.5 billion—if we pass this amendment it will be $1.350 billion—for the purpose of assisting in the desegregation——

Mr. ELLENDER. Right.

Mr. JAVITS. No; not yet. In both illegal and de facto segregation in school districts all over the United States.

The purpose of this particular $150 million is to zero in on de jure segregation problems of school districts which have de jure school desegration situations and which have been ordered to desegregate, or which have recently desegregated pursuant to order or agreement of Government departments.

It is a rather different situation.

That would be included in the larger bill, but the larger bill would go to a broader area and in a different direction, in addition to which, I do not know what is going to happen to it.

The case I make before the Senate is that the President asks us to appropriate 10 percent of what he thinks the whole program requires, for its general purpose or its general thrust, but asks for authority so we can get to working on the problem as quickly as possible and, second, the experience that it will give in a very practical way.

Mr. ELLENDER. Mr. President, I simply wanted to try to demonstrate to my good friend from New York that the programs to which the money he is now asking for would go are community development programs and personal development programs, but not to desegregate, as is being contended for by the Senator.

I do not think it was ever contemplated, or intended under the law that the Senator is relying upon for authorization, that the money would be used for the purposes he is now referring to.

There is no doubt that the President had in mind that the $150 million was going to be used for the same purposes that the proposed bill the Senator is handling will provide, and not under the laws that the Senator cited in his amendment.

In asking for an expenditure of $1.5 billion heretofore referred to, the President had no intention of using $150 million of that sum to enforce de jure segregation and $1.35 billion to enforce de jure and de facto segregation, as is contended by the senior Senator from New York.

Mr. JAVITS. Mr. President, in the first place, every lawyer finds authority where he can. Years ago, when I was very active in the practice of law, I used to have a client who made many millions of dollars, although he was hardly literate. He had a great expression. His expression was, "There's always a right way to do right." So every lawyer, naturally, will seek authority where he can find it, and the fellows who drafted the law or wrote the decisions may never have dreamed that the authority would be extended to the given purpose for which it was properly invoked.

But we do not go that far here. The fact is that one of the aims of the Economic Oportunity Act is to afford better educational opportunity; that the whole point about desegregation is that it is supposed to offer better educational opportunity in the Economic Opportunity Act, for example, section 221(a), refers to authority to grant financial assistance in order to attain an adequate education.

In addition, the utilization of this particular authority is locked in by the words of the amendment which limit it to assistance for a given purpose and by the representation of the administration as to precisely the way in which the authority admittedly existing in title II–B of the Economic Opportunity Act, if used—and they must use it only that way—will contribute to the desegregation of local school districts.

I specified those, and I will repeat them:

> (1) Minor remodeling of school facilities to improve the quality of physical plant;
>
> (2) Parent or community organizations to assist in developing community support for educational change;
>
> (3) Administrative costs incident to reorganization of school systems;
>
> (4) Remedial materials, special personnel and health and nutrition services for disadvantaged children;
>
> (5) Paraprofessional assistance for classroom teachers.

Mr. STENNIS. Mr. President, will the Senator yield to me for a brief question?

Mr. JAVITS. Certainly.

Mr. STENNIS. The Senator has developed his argument, and I would like to call the amendment to the attention of the Presiding Officer.

My first question is that this is appropriation bill language, of course. The first clause, stating the purpose, states, "for assistance to desegregating local educational agencies"—in other words, that is the purpose of the money that comes at the last—and the money refers to these four or five different authorization acts. Is that not correct, Senator?

Mr. JAVITS. That is correct.

Mr. STENNIS. I think the Senator has explained his amendment, and we have had some colloquy. Will the Senator yield for the purpose of testing this language, to make a point of order?

Mr. JAVITS. Certainly.

Mr. STENNIS. I thank the Senator. That will get us down——

XUM

Mr. JAVITS. That will get us down to cases; that is right.

Mr. STENNIS. I call the Chair's attention to the wording of the amendment, and I make the point of order that this amendment constitutes legislation on an appropriation bill, and is therefore out of order for the following reasons, among others:

The wording of the amendment is that it is for assistance to desegregating local educational agencies as provided under part D, and so forth, and goes on to name the sum of $150 million. It points out on its face that it has taken this authority from Tom, Dick, and Harry, one authorization bill after another. There is no common cause or common theme among those different authorizations.

If I interpret it correctly, I notice one is the Cooperative Research Act. As I remember, that is in the agriculture appropriation bill. I believe there is a title in the agriculture appropriation bill for the Cooperative Research Act. There may be another one.

But anyway, one is title IV of the Civil Rights Act. Then title V of the Higher Education Act, the Elementary and Secondary Education Act of 1965, and so on down the line to title II of the Economic Opportunity Act of 1964, as amended.

My point, Mr. President, is that actually there is no authorization yet for the purpose that is stated at the beginning of this amendment. It is a new program, for a new purpose. The primary purpose here is to assist, as I understand it, in the desegregating of schools. They go to four or five different kinds of acts here—and I am going to be brief—to find the authority and find the conditions under which the money could be spent.

XUM

The applicant would hardly know how to make an application and prove his case. An administrator would hardly know how to pass on the authority, if it can be called authority. It just does not fit the purposes of the amendment.

This is just lock, stock, and barrel a general program. The only reasonable interpretation of it is that HEW can do what they please, and that means that those who work at the school level will largely control the disposition of the money.

Therefore, the authorization fails because of its ambiguities and its lack of certainty and lack of being specific. Until the money is more definitely authorized for the purpose for which it is to be spent, Congress does not have the authority to appropriate the money.

Mr. JAVITS. Mr. President, may I be heard before the Chair rules?

The PRESIDING OFFICER. The Chair will indulge the Senator.

Mr. JAVITS. Mr. President, in the first place, I should like to correct the Senator's reference to the Cooperative Research Act. The Cooperative Research Act is Public Law 531 of the 83d Congress. Section 2(a) of that act is headed "Educational Research and Research Training." So we are not talking about anything in the agriculture statutes. Even if we were, it would not make any difference; but the fact is that we are not.

Second, Mr. President, I should like to cite a precedent that it is not at all unusual for authority, under the Economic Opportunity Act, to be utilized for appropriations in an education bill. The precedent, Mr. President, is the very same appropriation, the Health, Education, and Welfare appropriation for fiscal 1969, which became Public Law 90-557, which included an appropriation for the Office of Education under the heading "Higher Educational Activities," and the appropriation language was "and for grants under part (c) of title I of the Economic Opportunity Act of 1964, as amended."

In addition, Mr. President, education is clearly specified as one of a wide variety of governmental activities supported under the Economic Opportunity Act; and, indeed, it is widely considered that appropriations for the Office of Economic Opportunity are, among other things, directly related to children and to the education of children.

Finally, Mr. President, the only thing that the purport of this amendment has to demonstrate to the Senate in my judgment, is that there are authorizations under existing statutes—incidentally, these are the words of the President—which cover activities that are germane to the purpose of the appropriation, and that there remain authorizations for which there has not been appropriations within those acts.

Mr. President, it seems to me that we have demonstrated that fully with respect to the authorities which we have cited in the amendment—that is, the authorization authorities for the $150 million—including the reference to the Economic Opportunity Act, where I have specified in the debate the precise activities authorized under the Economic Opportunity Act directly contributing to the purpose of this appropriation.

For all of those reasons, Mr. President, I believe that the point of order is not well taken.

Mr. COTTON. Mr. President——

The PRESIDING OFFICER. The Chair will hear the Senator from New Hampshire.

Mr. COTTON. Mr. President, at this point, rather than delay the Senate or take time, may I be permitted, as bearing on this point of order, to file a statement which relates only to the Economic Opportunity Act? I would like to file it with the Chair as bearing on the point, rather than take the time to read it.

The PRESIDING OFFICER. The Chair will accept the statement.

The statement submitted by Mr. COTTON is as follows:

Authority for OEO to furnish funds for special educational assistance currently exists under the Economic Opportunity Act. This bill provides an appropriation to carry out this pre-existing authority. The provision that this appropriation not be subjected to certain earmarking requirements merely reflects authority of the Congress, in appropriation matters, to establish the funding level of authorized programs and in no way includes new legislative authority.

1. Authority for OEO to carry out special programs of the type which would be funded through this Appropriation Act is included in section 222(a) of the Economic Opportunity Act. This is not new authority being legislated in the bill before us today—its purpose is merely to implement authority which has been part of the EOA for some time.

2. This bill merely provides the appropriation to carry out programs under these preexisting authorities.

3. It does so by adding a proviso that frees this appropriation from earmarking restrictions added to last year's authorization act. These restrictions contemplate that funds appropriated under the Economic Opportunity Act shall be allocated among OEO programs in accordance with a prescribed formula. The proviso here simply relieves the funds to be appropriated under this bill—and this bill alone—from the restriction of the earmarking formula. It does no more than permit the funds we appropriate to be used for the purposes we intend under already existing authority. It does not amend the prior authorization.

4. This is a simple matter of appropriations prerogative. It does not involve adding general legislative authority to an appropriations bill, but rather the authority of Congress to enact appropriations in a manner calculated to insure that the appropriated funds are used to carry out the purposes for which they were appropriated.

The PRESIDING OFFICER. Does the Senator from Mississippi wish to be heard further on the point of order?

Mr. STENNIS. If the Senator from New York will yield to me further——

The PRESIDING OFFICER. The Chair is indulging debate on the point of order. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I am not sure I understood. The Senator from New York had the floor, but if he yields to me for a statement——

Mr. JAVITS. Mr. President, I think when a point of order is in the hands of the Chair, it is up to the Chair how much he will hear.

The PRESIDING OFFICER. And the Chair wishes to indulge Senators fully.

Mr. STENNIS. I thank the Chair, and I thank the Senator from New York.

In looking at the list of authorizations in this pick-and-pack-and-pay-and-carry-away system, I find here, in the CONGRESSIONAL RECORD of June 24, 1970, page 21218, where the Senator from New York very kindly put in the RECORD the sources of these alleged authorizations.

First is this "Community development program." There is $100 million taken from that title of the Economic Opportunity Act on urban and rural community action programs. Mr. President, those headings just do not match with education or desegregation of schools, I submit.

The next one there is $9 million, "Personnel development programs." That is the second item listed here. With "Community development programs," that accounts for $109 million of the money.

The next one does have the word "education." Education Professions Development Act, part D.

Then the third numbered item in the list here, is Major Demonstrations, $14 million, from the Cooperative Research Act. It says:

> This Act authorizes projects for research, surveys, and demonstrations in the field of education, and for the dissemination of information derived from educational research.

There is no reference there to desegregation of schools.

Fourth, "Dropout prevention," $5 million. That is the Elementary and Secondary Education Act, section 807, authorizing "demonstration projects involving the use of innovative methods, systems, materials, or programs which show promise of reducing the number of children who do not complete their education in elementary and secondary schools."

The next item is "Technical assistance," $15 million, from the Civil Rights Act of 1964. This is the first time that the word "desegregation" is mentioned.

May I have the attention of the Senate? This last item here is the only time that the word "desegregation" is used, and still they are trying to justify the authorization of $150 million from all these other items.

So I respectfully submit to the Chair that, in spite of the good intentions of the Senator from New York and others, this does not fulfill the minimum legislative requirement."

Mr. ERVIN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Chair is indulging Senators. The Chair is prepared to rule. Did the Senator from North Carolina wish to be heard?

Mr. ERVIN. I wish to make this point——

The PRESIDING OFFICER. The Chair recognizes the Senator to make the point.

Mr. ERVIN. The Senator from Mississippi has pointed out that none of these acts which are cited in the amendment have any reference to education of this nature except the Civil Rights Act of 1964. That act only authorized technical assistance, an appropriation of $15 million, and certainly an authorization for $15 million which has long since been used up by other appropriation bills cannot justify an appropriation of $150 million.

I submit that the Chair should sustain the point of order.

The PRESIDING OFFICER (Mr. GRAVEL). The Chair will now rule. The Chair is ruling on two points here—first, that this is a new item, but that it does comply with rule 16, paragraph 1. The Chair will read the language in the phrase at the end of that paragraph: "or proposed in pursuance of an estimate submitted in accordance with law."

The sum in question is pursuant to a budget estimate that was submitted to the Senate in Senate Document No. 91–83, and provides for that very purpose the sum of money.

As to the second facet, it is the opinion of the Chair that this is strictly a limitation on appropriations provided for in this bill. The language in no way changes existing law, nor does it grant any new legislative authority. It merely places limitations on the use of funds provided for in this bill.

This amendment is considerably different from the one that the Chair ruled out at an earlier date.

Mr. STENNIS. This amendment is what?

The PRESIDING OFFICER. This amendment is different from the one that was ruled out on an earlier date, on the supplemental.

Mr. STENNIS. Mr. President——

Mr. JAVITS. Mr. President, do we have the ruling?

The PRESIDING OFFICER. The point of order is not well taken.

Mr. STENNIS. Mr. President, I respect the sincerity of the Chair and the counsel of the Parliamentarian. I submit, with great deference, that it is an erroneous ruling, but I take it as a ruling and do not propose to appeal.

Does the Senator wish to speak further now?

Mr. JAVITS. Mr. President, I think we ought to have the yeas and nays on this amendment. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. I am prepared to yield the floor.

Mr. STENNIS. Mr. President, I have some other remarks, but if other Senators wish to speak at this time, I will yield the floor for the time being.

Mr. ERVIN. Mr. President, I send to the desk three amendments and ask that they be printed and lie at the desk until they are called up. They are three perfecting amendments to the amendment offered by the distinguished Senator from New York. I have written them out in my own handwriting, and to assist others, I will read them.

The distinguished Senator from New York said that this was to implement the program of the President. Since the President has expressly stated that he is opposed to the busing of schoolchildren for the purpose of altering the racial composition of schools, the first amendment would be this:

> On line 15, page 2, strike out the word "or."
>
> On line 19, page 2, change the period to a semi-colon, and add the following thereafter: "or (d) to finance the busing of school children from one place to another place or from one school to another school, or from one school district to another school district to alter the racial composition of any school."

I offer this as a perfecting amendment, because the President said distinctly in an interview which he gave during the campaign in Charlotte, N.C., that he was opposed to the busing of children for the purpose of altering the racial composition of schools.

He has also stated that he is in favor of the neighborhood schools, so the second amendment I have sent to the desk is this:

> On line 15, on page 2, strike out the word "or."
>
> On line 19 on page 2 change the period to a semicolon, and add the following thereafter: "or (d) to deny any child the right or privilege of attending the school nearest his home which is open to children of his age and educational standing."

Since the Senator from New York invokes title 4 of the Civil Rights Act of 1964 in his amendment, the third amendment I have sent to the desk reads as follows:

> Strike out the word "or" on line 15 on page 2, change the period on line 19 of page 2 to a semicolon, and add the following words thereafter: "or (d) to finance any activity which is inconsistent with any provision of title IV of the Civil Rights Act of 1964."

I ask that these amendments be printed and lie at the desk until called up.

Mr. STENNIS. Mr. President, will the Senator yield briefly?

Mr. ERVIN. I yield the floor at this time.

Mr. STENNIS. Mr. President, I had in mind as an amendment now to strike all that part of the amendment after the words "Economic Opportunity Act of 1969"—to strike everything beginning with the words *"provided further,* that no part of the funds contained herein shall be used," and so forth.

I submit that that amendment could well come before the amendments offered by the Senator from North Carolina, because that leads into another aspect of the bill.

The PRESIDING OFFICER. Does the Senator wish to call it up?

Mr. STENNIS. Will the Chair indulge me for a moment?

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

Mr. JAVITS. Mr. President, it seems to me that the parliamentary situation now dictates we understand what particular amendments, if any, the Senators who oppose my amendment may desire to carry forward, as I wish to take seriously to heart the admonition of the distinguished Senator from Washington (Mr. MAGNUSON) that we have gone over a lot of the ground in substance and it really should not be repeated. I think I have said everything I need to say or should say, and in view of that admonition about the essence of the amendment I have proposed, and the fundamental question that it is properly introduced and stands up against the point of order which has now been decided, I hope very much that the Senator from Mississippi (Mr. STENNIS), the Senator from North Carolina (Mr. ERVIN) and others interested, may go forward with what they desire to propose.

Mr. COTTON and Mr. STENNIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized. Does the Senator wish to call up his amendment?

Mr. STENNIS. Yes, Mr. President, I have the floor. I shall be glad to yield to the Senator from New Hampshire——

Mr. COTTON. No. Go right ahead. I have a parliamentary inquiry afterward.

Mr. STENNIS. All right.

Mr. President, I move that the amendment offered by the distinguished Senator from New York—that everything in the amendment be stricken out beginning in the middle of the amendment with the words "provided further, that no part of the funds contained herein shall be used (a) to assist a local educational agency," and so forth—those words and the rest of the amendment.

The PRESIDING OFFICER (Mr. GRAVEL). The clerk will report the amendment.

The ASSISTANT LEGISLATIVE CLERK. On page 2, line 7, beginning with the words

XUM

"provided further," down to and including line 19.

Mr. STENNIS. Mr. President, I want to call up my amendment now, but first will yield to the Senator from New Hampshire without losing my right to the floor.

The PRESIDING OFFICER. Without objection, the Senator from New Hampshire is recognized.

Mr. COTTON. Mr. President, do I correctly understand from the distinguished Senator from Mississippi that he wishes the first vote to come on his first motion——

Mr. STENNIS. To strike.

Mr. COTTON. All after the words "Provided further" on page 7——

Mr. STENNIS. The Senator is correct.

Mr. COTTON. Mr. President, if the Senator will permit me 1 minute——

Mr. STENNIS. I yield.

Mr. COTTON. As the ranking minority member of the subcommittee that handled this legislation, I want to make it clear that I shall support the adoption of the essential part of the amendment offered by the distinguished Senator from New York. It is the strong desire of the President of the United States and of the administration. It is their view that it is exceedingly essential in trying to deal with the situation which has arisen in some educational areas in the country. I do feel, however, personally, that I find myself in agreement with the distinguished Senator from Mississippi. To me, the part which begins, "Provided further," while I think I understand its purpose, is more or less a self-serving declaration, in my opinion. It confuses and adds confusion and detracts from the clarity of the amendment. Therefore, my intention is to support the amendment now offered by the Senator from Mississippi to strike out the words "Provided further" on line 7 on the second page of the amendment as printed. But I shall, when the opportunity comes, most certainly support the first part of the amendment.

Mr. STENNIS. I thank the Senator. Mr. President, if we may have order and attention of Senators for a few minutes, I shall not take a great deal of time.

Mr. President, do we have printed copies?

The PRESIDING OFFICER (Mr. MANSFIELD). Yes. There are printed copies. No. 737 is the number.

Mr. STENNIS. I thank the Chair.

Mr. President, I direct attention now to line 7 on page 2 of amendment No. 737.

My amendment would strike out that part and the part that follows. This is an emergency bill, it said, and it is put together by various authorizations. It has been held, on the point of order, to be invalid, so that brings us right to the issue that this amendment is before this body. It is to assist in desegregating schools. It is to assist in places where the funds may be needed the most and that includes the poor schools, those without adequate equipment, or which have adjustments which have to be made.

The part we propose to strike out turns right around, then, and goes to putting penalties on someone. That is not the way we really go out to try to help schools or people and bring the level up. It is not only putting a punishment on it but the language still is retroactive in application.

I said here, the night before last, that I would not object to some of this if it was just to be prospective after this becomes law, if it does. But now we want to go back and punish someone because, maybe, a school district has sold a school building and maybe that building was ordered closed by HEW's plan, but if they sold that to someone to try to start a private school, then the mandate of the amendment would be that that little district would never be available for any of this money.

Mr. President, that is something that has happened in the past. And no one except those who have been through it know about the confusion, the dislocation, the necessity for the faculty, the trustees, and everyone concerned to make all kinds of adjustments and try to get a new start.

The school terms were interrupted, some of them for 3 months, some for 4 months, some for 5 months, some for 6 months, and on up. I know of one in which this drastic change was required just 7 weeks before the last term was over.

If we come back here now and say that we are legislating for the neglected, the downtrodden, the lame, and the poor, we cannot then turn around and go to pestering them with these penalties and reprisals and eliminate them from being eligible.

I do not know of any one case in my State where they sold a school building to any group that was trying to form a private school. That might have happened. I do not know. But I am not trying to protect any individual situation. There is a principle involved here.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. MONDALE. Mr. President, we were advised that on September 4, 1969, the Madden School in Leake County, Miss., was sold to a private source for $1,500. It was a 10- or 12-year-old building on 2 acres of land. It had 10 classrooms. It was then resold to a private segregated school for $10.

We have examples like this for Louisiana and elsewhere where not only schools, but also school buses, desks, and textbooks have been lent or given to private all white schools.

Mr. STENNIS. To what would the penalty apply? Would it apply to the Madden School, accepting the facts stated by the Senator to be true. And I do not know and he does not know that they are facts. But accepting that as the case, what would happen to Madden School under the amendment?

Mr. MONDALE. Mr. President, permit me to say that the information on this school and the others to which I made reference is based on direct testimony presented by the National Education Association. That is the basis of the facts which I presented.

The amendment which the Senator from New York (Mr. JAVITS) offered includes a provision which would prohibit any of the $150 million from going to a school district which transferred public property to a private segregated school.

Mr. STENNIS. Mr. President, if these facts are true, Madden School is perhaps part of the school district of that entire county. Under our system, we have county school boards, and with some municipal exceptions, they have jurisdiction throughout the county.

Madden is a very small place, as I recall. I do not know its population.

To whom would this penalty apply—the school board or to all of that county? Perhaps there is no Madden School now. But to whom would the penalty apply?

Mr. MONDALE. Mr. President, I would say that is not a penalty. It denies a reward to a school district that gives away public property to a private source in a way that is clearly unconstitutional. And it would prohibit such funds from going to local education agencies as defined by the Department of Health, Education, and Welfare.

Mr. STENNIS. Mr. President, my question is would it apply to the entire county? This school is just a small part of that county.

Mr. MONDALE. It would apply to the local education agency as defined by HEW. I am not familiar with that particular school district.

Mr. STENNIS. Mr. President, we are entitled to know whether it applies to that entire county or just to the Madden School. I think that every Senator here is entitled to know where that penalty would apply.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, the Senator from North Carolina asked me to yield. I will yield to him first and will yield later to the Senator from New York.

Mr. ERVIN. Mr. President, does not the Senator from Mississippi understand by the statement made by the Senator from New York that this money is to be applied for the benefit of schoolchildren, black and white?

Mr. STENNIS. Yes; the Senator is correct.

Mr. ERVIN. So, here is the Madden School, accepting the statement of the Senator from Minnesota as being correct. The school is gone. The school building is gone. And so, the little children who fall within the jurisdiction of the local education agency which has control of the schools will be denied the benefit of the money, even though that local education agency may be composed of a different group of men at this time. The Javits amendment will deny them the benefit of any of the funds to be appropriated for the purpose of educating the little black and white children in that area.

Mr. STENNIS. Mr. President, the Senator is entirely correct. Madden is just a small town within a rather large populous county.

Mr. ERVIN. Mr. President, we cannot get information as to whether this school district or the whole county is going to be denied the benefit of the funds.

Mr. STENNIS. The Senator is correct.

Mr. ERVIN. That is the kind of amendment we have here. It is offered in the name of education for the black and white children in the South that its supporters profess they are so zealous about. They will deny them the benefit of these funds if a local education agency has done these acts, even though that agency may not now be composed of the same group. It might be composed of an entirely different group of men from the ones who did the alleged wrong. The proponents will let the innocent suffer for the supposed sins of the guilty.

Mr. STENNIS. The Senator is correct.

Mr. ERVIN. Mr. President, that is all done in the name of education. The amendment will deny them funds for their education. Is that not correct?

Mr. STENNIS. That would be the effect of it. And that is why I made the motion to strike.

Mr. ERVIN. And this will be done by an ex post facto law.

Mr. STENNIS. The Senator is correct.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, I will yield first to the Senator from Alabama and then to the Senator from New York.

The PRESIDING OFFICER (Mr. LONG). The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I would like to ask the Senator from Mississippi if it is not a fact that if his amendment is agreed to, it would still leave in the Department of Education the discretion to apply these very same limitations and prohibitions contained in the Javits amendment if, in their judgment, they should be applied?

Mr. STENNIS. I do not think there is any doubt whatsoever about it, because it is authorization. It is as high as the heavens. There is no topside or bottom to it.

Mr. ALLEN. If they wanted to apply the very same limitations contained in the Javits amendment, they could do so, even though the Senator's amendment is agreed to.

Mr. STENNIS. The Senator is correct.

Mr. ALLEN. Mr. President, I have one further question. With respect to the Whitten amendments that we have voted on from time to time here in the Senate, is it not true that they sought to put limitations on the Department of Health, Education, and Welfare and on the Office of Education as to the use for certain purposes of the funds appropriated by that act.

Mr. STENNIS. The Senator is correct.

Mr. ALLEN. And is it not also true then that this amendment of the Senator from New York also seeks to put limitations on the Department on the uses to which the funds appropriated by this bill shall be put. Is that not correct?

Mr. STENNIS. The Senator is undoubtedly correct. That is the effect of it.

Mr. ALLEN. And the Senate in its wisdom saw fit to reject the Whitten amendments which did place those limitations on the Department. And would it not then be logical that the Senate in the exercise of that same wisdom should reject these limitations contained in the Javits amendment?

Mr. STENNIS. Logic and consistency would demand, it, yes.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. STENNIS. I yield now to the Senator from New York.

Mr. JAVITS. Mr. President, I think that Senators are entitled to know what we mean by a local education agency. I think they are entitled to know what this proviso means. I could give the Senators my view of it.

I think that the local education agency referred to in the amendment means the one who did what the amendment hopes it would not do—transfer property for services in order to aid an unlawful process.

If that is a small school board, then that small school board would be unable to get part of these funds.

If it is the whole State then the inhibition would go to the State; if it were a county school agency, then it would go to the county. As to what is a local school agency depends on the State. As the Senator from Mississippi pointed out, the way in which the State is organized, and the State has that duty, determines that question, and that is the way it is applied. That would be the application of this proviso.

I think Senators are entitled to my views on the ex post facto matter. I believe, with the Senator from Tennessee (Mr. BAKER), who unfortunately is not in the Chamber at the present time, but who made a good point, that it is ex post facto unless it is unlawful, but if it is unlawful then it is not ex post facto, because if it is wrong when committed, that wrong continues. That is basic hornbook law. I agree with the Senator from North Carolina. Whether sustained on a point of order I would not want to do anything that was ex post facto so that the innocent person who did something when it was lawful would find himself trapped. I think the intercession of the Senator from Tennessee cures that defect.

Mr. ERVIN. Mr. President, could the Senator from Mississippi ask the Senator from New York who is supposed to get the benefit of this money, whether it is the school board or the children?

Mr. STENNIS. That is a good question. Are we legislating for the school board or for the children?

Mr. JAVITS. We long ago decided when the same argument was made on the Civil Rights Act in 1957. I have been here a long time. We long ago decided that, yes, it may be that some black children would be denied opportunities which they might otherwise have if we did not press this matter, but in the interests of our Nation we decided this was the best policy for them and their progeny; and those marginal cases had to be decided in favor of the desegregation principle.

I would not predict one could not find a particular instance where a black child, or 10, 20, or 30 black children did not do as well in terms of education, but I would warrant if one were to take a vote among black people—adults and children alike—it would be found that something like 100 to 1 or better would say they would want, at long last, if they could get it, an equal break in terms of education with everybody else.

Mr. ERVIN. Mr. President, will the Senator from Mississippi yield to me so I can ask him a question to be asked the Senator from New York?

Mr. STENNIS. I yield.

Mr. ERVIN. I would like to ask the Senator from Mississippi if he will ask the Senator from New York if this amendment will not deny children of that area any benefit of these funds, even though the members of the local agency which perpetrated what it deems to be wrong have been supplanted by other members.

Mr. STENNIS. Suppose the board did commit a moral wrong and sold the building for a nominal sum. This amendment would cut them down. But suppose they did it for $10 and they are succeeded by another board with the opposite view. That is an illustration as to how this could go too far.

Mr. JAVITS. I assure the Senate that this amendment obtains for 1 year. It is for $150 million, in what will be a much bigger program. For that period and the amount of money involved, considering the size of the problem, I do not think I need to shrink from any possible investigation which may be due to an individual board.

I will join with the Senator when we learn more about awarding any board that undoes what a previous board did wrong. I think we need to go into the equities of the case.

Mr. STENNIS. I want to make clear that these school districts in my State, at least most of them are countywide and have jurisdiction over all the schools in the county, 15, 17, whatever the number is, and some municipalities, the largest ones, are excepted. The area school is a relatively small school, and under this proviso, if it were sold I think it would require school board action, but it is very minor. At the same time we were being ordered to close up the building—do not use the school anymore, close it up, and the courts ordered "Close school B, it will no longer be used." The court then adopts a position which says that the school shall be abandoned. I know that happened because I dealt with a school board to which that happened. Of course, the people acted under distress. I am willing to have this prohibition to any future acts, anything in future after enactment.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. TALMADGE. As I read the amendment the penalty provision does not provide any penalty whatever to students of the private schools but only to those remaining in the public schools. Is that the Senator's interpretation?

Mr. STENNIS. That is a good point. It is not getting at the ones in the private schools.

Mr. TALMADGE. Mr. President, will the Senator yield further?

Mr. STENNIS. I yield.

Mr. TALMADGE. It would not be getting at the fugitives, but those who remain in the public school systems.

Mr. STENNIS. That is correct. I think

XUM

very little of this happened anywhere and I did not know of this incident the Senator brought up.

Mr. TALMADGE. Certainly, it will not remedy the situation by shooting the innocent instead of the guilty, will it?

Mr. STENNIS. It is the wrong approach.

I wish to call attention to line 13, paragraph (b) which provides: "to supplant funding from non-Federal sources which has been reduced as the result of desegregation or the availability of funding under this head;"

There is a classic example of where HEW, in making its inquiries and adjustments can take care of any attempted or threatened situation of that kind, because in working this out with the school board to determine the source of income, and if it is going to be a supplemental fund, those things are all worked out in advance and under some operations of State law there is some reduction which automatically happens.

In our State, appropriations by the State legislature are on the basis of average daily attendance. Those records are all sent in and the money is distributed under the law. So here is a school that would have some reduction because of reduced average daily attendance and it would be a question of fact if it was prompted by any of these laws. That is what HEW would be doing.

On page 2 at line 2 it is provided, that no part of any funds appropriated herein to carry out programs under title II shall be used to calculate the allocations (c) to carry out any program or activity under any policy, procedure, or practice that denies funds to any local educational agency desegregating its school under legal requirement, on the basis of geography or the source of the legal requirement.

Frankly, I just could not understand the language. I do not know what situation it is designed to meet. I am glad to yield to the Senator from Minnesota to answer as to paragraph (c), if that is a part of his amendment.

Mr. MONDALE. Mr. President, I thank the Senator from Mississippi. In a moment I hope to get the floor in my own right, but it is true that the nationwide thrust of paragraph (c) was included in the amendments I had intended to offer to the supplemental bill.

Mr. STENNIS. It was not included?

Mr. MONDALE. It was.

Mr. STENNIS. It was?

Mr. MONDALE. Yes.

Mr. STENNIS. I am not commenting on it now, because I have not understood what it means.

Mr. MONDALE. May I respond to that just a moment?

Mr. STENNIS. Yes.

Mr. MONDALE. The purpose of subpart (c) is to make the $150 million program, for which we might appropriate money here tonight available to schools desegregating under legal requirement regardless of their location or the source of the legal requirement, and not just limited to the 17 Deep South and border States, whatever that means.

That limitation does not appear in the legislation. It was simply the expressed intent of the administration before the Appropriations Committee to limit this program to the 17 States.

Some question was raised here the other night as to which 17 States. We have not been told. I do not know. This should be a national bill, and I agree with the Senator from Mississippi that this legislation should have a national thrust to it. I personally feel very strongly about it.

Mr. STENNIS. I thank the Senator, but paragraph (c) is not carrying out the idea of making it a national bill.

Mr. MONDALE. Paragraph (c) would assure that any school district desegregating under a legal requirement—wherever the school district is located or whether it is desegregating as the result of State or Federal law—would be eligible to apply for assistance under this appropriation. The administration has testified that this appropriation would be restricted to school districts desegregating under title VI of the Civil Rights Act of 1964 or Federal court order in the 17 Southern and border States. We do not believe that school districts such as Pasadena, Calif.; Denver, Colo.; South Holland, Ill.; or Pontiac, Mich.; which are desegregating under a Federal court order, or Los Angeles, Calif., which is desegregating under a State court order, should be denied eligibility for assistance under this appropriation.

It is important to understand exactly what amendment No. 704 does, and what it does not do. It does require that a school district desegregating under a legal requirement not be denied eligibility—in other words an opportunity to apply for assistance—solely on the basis of either the location of that district, or the source of the legal requirement. It does not require that any school district desegregating under a legal requirement actually receive assistance, nor does it in any way restrict or remove the authority of the Secretary to deny assistance to a school district for reasons other than its location or the source of the legal requirement. The Secretary would have both the authority and the responsibility to deny funds under this appropriation to any district because its plan does not at least eliminate racial discrimination as required under the Constitution or Federal statute. This amendment would merely require that that district be denied assistance under relevant criteria concerning the merits of its proposal, rather than irrelevant criteria such as the source of that legal requirement or the location of the district.

Mr. STENNIS. Would be eligible or ineligible?

Mr. MONDALE. Would be eligible.

Mr. STENNIS. So paragraph (c) is to make this have a nationwide application?

Mr. MONDALE. That is right.

Mr. STENNIS. I really did not understand it that way. As I told the Senator the other night, on my motion, the Appropriations Committee struck out the language in the report that limited it to the South. I will support the Senator in the idea of making this bill nationwide. I did not really realize that (c) had that purpose. Perhaps the Senator could rewrite it or rephrase it in some way, or I could drop (c) from my amendment.

I yield the floor now to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I would like to commend the Senator from New York for introducing amendment No. 737 which seeks to add to the education appropriations bill $150 million to assist school desegregation efforts this summer and throughout the next school year. I am pleased that in introducing this amendment, Senator JAVITS has included the three amendments to the emergency school desegregation assistance program that I introduced recently on behalf of myself, and 20 of my colleagues.

These amendments which now appear as sections (a), (b), and (c) in the Javits amendment are designed to help insure that the funds under this appropriation are not used to subsidize private segregated academies, and that they are equally available to school districts throughout this Nation that are desegregating under legal requirement. They have the endorsement of the administration, the National Education Association, and the Leadership Conference on Civil Rights.

Section (a) of this amendment prohibits the funding of school districts which engage or have unconstitutionally engaged in the transfer of property or services to private segregated academies. It is identical to my revised amendment to the supplemental appropriations bill that was adopted by the Senate on Monday night by a 63–19 vote.

The need for this amendment has been documented by many witnesses before the Select Committee on Equal Educational Opportunity. Just yesterday, for example, a panel of attorneys associated with the NAACP legal defense fund described numerous examples in which public schools have given, leased, or sold school buildings, textbooks, schoolbuses, and school equipment to segregated private academies that have been established to circumvent school desegregation efforts. One of these witnesses, Mr. Melvin Leventhal of Jackson, Miss., estimated that "between 15 and 20 percent of the school districts of Mississippi that have been required to integrate have transferred property to private schools."

Section (b) of this amendment, which would prohibit funds under this appropriation from supplanting local or state funds, is equally essential. The same attorneys also testified about the way in which school districts have attempted to reduce the public support for the public schools so that more funds would be available to assist these private academies.

Section C of the amendment simply requires that no school district legally required to desegregate shall be denied eligibility under this appropriation on the basis of its location or the source of the legal requirement.

I will support Senator JAVITS' amendment because it includes these safeguard provisions. I hope that they, coupled with the administration's commitment to prevent abuses, can help assure that funds under this appropriation are granted only

XUM

to those districts that are making an honest effort to desegregate.

I sincerely hope that they will help prevent a Federal subsidy of paper compliance.

These three amendments do three simple things:

Part (a) of the first amendment prohibits money under this appropriation to go to school districts which have unconstitutionally diverted or which are diverting public property from those districts into private schools for the purpose of discrimination.

Part (b) prohibits the use of this money in school districts which are using it to substitute for money that would otherwise be spent. It would assure that this money would be used to supplement, not supplant. It would prohibit funds under this appropriation from being granted to districts which have reduced their financial support for public schools as a result of desegregation.

Part (c) makes it a national bill, not restricted specifically to the 17 States of the Deep South and border States, however they are defined by the administration.

On the first point, the diversion of property from public schools is not a technicality, it is a fundamental point. In many areas desegregation is evaded by the establishment of private segregated academies. Many of these communities have difficulty supporting those private segregated academies from voluntarily contributed funds. The way they are able to support these private schools is by obtaining, free or at reduced prices, school buildings, textbooks, desks, teaching equipment, laboratory equipment, bus transportation, and even staff from public schools.

There is no doubt in my mind whatsoever that such efforts are clearly and unquestionably unconstitutional. If there is any question at all about the existence of these practices, may I refer to the testimony by the National Education Association of circumstances in which a 10-year-old school building, with 10 classrooms, located on 2 acres of land—a brick building—was sold to a private segregated academy for $1,500. This has happened in other school districts.

The other day we had testimony by attorneys bringing civil rights suits in the South. They testified very clearly that district after district had pursued this policy of transferring public property to private segregated academies for the purpose of giving public support for an unconstitutional purpose. One attorney said:

> The transfer of textbooks is often made at the expense of students remaining in the public schools.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. MONDALE. In just a moment.

I continue to read:

> We are not talking about just the transfer of surplus books, books that are not going to be used as old textbooks. In certain parish schools that are integrated in early February of this year.
>
> School children showed up and found that their textbooks which they had were last year's textbooks. They were old textbooks they had not even been used in the previous semesters.
>
> The new education editions had gone to private schools. Students both black and white in the public schools found themselves sitting at desks which were far too small for them.
>
> The question arose where are the desks we had last semester? The answer was they were declared surplus and were sent or sold to private schools.
>
> The public school buses in this and every other parish I know of pick up students that go to the private schools at houses and transfer them to the public schools. They provide the best possible service for those students going to private schools.

This testimony, which I shall not repeat, goes on for pages and shows that throughout the areas in which the courts are ordering the end of discrimination, a standard practice is to set up private academies and to substantially fund them by the unconstitutional transfer of public property.

I am glad to yield to the Senator from North Carolina.

Mr. ERVIN. And the amendment does not do anything to deprive the private academies of anything, but it would deny the benefit of the funds to the children who are denied admission to the private academies.

Mr. MONDALE. Well, it discourages a practice——

Mr. ERVIN. Well, is that not a fact?

Mr. MONDALE. No, I think the characterization the Senator makes is not a fact. I think it is the other way around. Not to discourage this practice is to destroy the possibilities of a decent integrated public school system in those districts.

Mr. ERVIN. Let me ask the Senator one or two other questions.

Are not these funds appropriated for the ultimate benefit of the schoolchildren, black and white, in the public schools?

Mr. MONDALE. Yes.

Mr. ERVIN. But this amendment would deny the benefit of the funds to the black and white children who will remain in the public schools, and who may be denied admission to the private academies or be incapable financially of attending the private academies. It would deny them the benefit of these funds, not on account of any sins on their part, but on account of the sins of others.

Mr. MONDALE. May I say to the Senator from North Carolina that if this practice is permitted, the public school children are going to be the losers, because thousands and thousands of dollars worth of public property that had been purchased for their education is being given away and sent to another school. The NEA testified that in one school district, an estimated $55,000 worth of textbooks disappeared one day in the public school, and the next day ended up in the so-called private segregated academies. Does that help those black and white children?

Mr. ERVIN. The bill does this. According to its proponents, the private academies have taken schoolbooks away from them, and the amendment of the Senator from New York would take the money appropriated by this bill away from them also. So the children would be the victims coming and going.

Mr. MONDALE. There is another part of this I would like to mention. Perhaps I can do its best by quoting this attorney. He said:

> The attitude in this district is that the private schools get the best transportation, they get the best textbooks. It seems as if, in many school districts that the aid to public schools is being used in a situation to drive students out of the public schools into the private schools.

In other words, the extent of such transfers is such that the bone has been picked so bare the the few white students who have stayed back there are encouraged to go to the private segregated academies.

Mr. ERVIN. And then the amendment proceeds to take the bone away from the children.

Mr. MONDALE. I would not characterize it that way. The provision earlier to $150 million to be obligated between now and September 30. HEW has said the money will be concentrated—some districts well get no money in any event. Surely where money is to be obligated so quickly, and where there is not enough money for all, those districts which have shown open contempt for constitutional requirements in this manner should be excluded.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. MAGNUSON. I wonder if the Senator, who is chairman of the special committee on this subject—and the Senator from Washington is one of the members, though he has not been too diligent in his attendance, mainly because of this situation—does the Senator know of any reason why the President of the United States waited until May 25 to send this measure up?

Mr. MONDALE. I must say that——

Mr. MAGNUSON. I know that the Senator is probably not any more privy to what goes on down there than I am. But I was wondering if they notified the committee which was set up to look at these things.

All of a sudden, this measure comes up, after we had held hearings on the education appropriations and marked up the bill, telling everybody in the country, "We are going to get this done early and quickly," All of a sudden, here comes another proposal with which I do not disagree, but I do not know why they did not go through the legislative process with this.

Mr. MONDALE. Permit me to say——

Mr. MAGNUSON. Here we are with an appropriation bill, and a good one, and we have had it how long now? Five weeks, and last year everybody criticized everybody else and pointing a finger because it was not completed early.

Now all of a sudden somebody wakes up downtown, and says, "Here is another education proposal."

Now, I agree with what they are trying to do here. I personally agree with it, but I wonder if we are ever going to get an education appropriation bill through this Congress. If we go over till next week, there will be another proposal coming up from somebody, I do not know who.

XUM

We have been trying to get this bill enacted, and they came to us after all the hearings are complete. I want to make this history. They came to us very late in the game. I got a call one day from then Secretary Finch, who wanted to see me and Mr. COTTON. We had the bill marked up already, and they came in and wanted our advice as to how to proceed on this proposal.

Well, Senator COTTON and I said, almost without even looking at one another, "Please don't put it on our educational bill, because we are trying to get the appropriation passed early. When a supplemental comes along, you can word it so that it will be germane."

I suppose this wording would be germane: I do not know.

I agree with the Senator. These are programs I agree with, and I would not vote to strike it out. But I am making a plea in this whole field of education, for some kind of orderly procedure. We will never get an appropriations if this keeps up.

Mr. MONDALE. Permit me to say that——

Mr. MAGNUSON. I think the action I will remember most about this took place recently. I do not know how long ago it was, but we spent 4½ days on this floor, debating an authorization bill for education; $24 billion in new and extended authorizations. And for 4½ days there was not one single voice raised or mention made about the money that was going to be appropriated to meet that authorization and to educate the kids.

XUM

Here we are, all over again with the same type of thing. This is pretty good language, as far as I am concerned. But we were not apprised of this when we had that meeting. Mr. Finch did not show up for the meeting, I think because he was in the hospital at that time.

They did ask our advice, and we said, "Put it on a supplemental bill; we have completed action on existing authorization. We are marking it up, trying to get it along the way."

So all the school districts, including Madden—I do not know where Madden is. Is that in Mississippi?

Mr. STENNIS. Yes.

Mr. MAGNUSON. All right. So all the school districts in the United States, some 24,000 or 25,000 of them, could know how they could effectively plan for the next year under the rules of the game that now exist, and they were very happy about it. They even suggested that we not put in the $1 billion advance funding. They said they would rather have an early bill, and get it over with under the present rules.

So here we are. I just do not understand why this happened, and why somebody—as someone told me today, they must just have wakened up downtown.

The Senator and his committee have been pursuing this matter, and the testimony has been impressive. I approve of it. But I do not know why the Senator from New Hampshire and I—maybe we are unlucky or something, I do not know—we work hard, we hold extensive hearings, hundreds of witnesses appear, and we get what I feel is a good bill. We are going to pass it early this year and we are going to do our job, and exercise our responsibility to the over 52,000,000 schoolchildren of the United States, but we get it all signed and sealed and ready for the Senate floor—where we get a few amendments to increase some of the funding levels—but then we always end up with this same thing where something new is proposed.

Mr. COTTON. May I say that the Senator, in his report, is adhering strictly to the facts, and I will vouch for every word he says.

Mr. MAGNUSON. I am not criticizing anyone about this, but I am making a little plea to get this measure over with under the rules, so that the thousands of school districts, colleges and universities, in the United States, South, East, North, and West, can know what they might expect to get next year, and make their plans to educate the 52 million students of America. This is all I am trying to say.

Mr. MANSFIELD. Mr. President, will the Senator yield to me?

Mr. MAGNUSON. I do not have the floor. The Senator from Minnesota yielded to me for a question, and I made a speech. [Laughter.]

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MONDALE. Mr. President, I am happy to yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, if the Senator will permit me, I would like to propound a unanimous-consent request, which I hope will be acceded to; and, just as the Senator from Washington made a plea, I am making a plea.

I ask unanimous consent that there be a time limitation of 20 minutes on the Stennis amendment and 20 minutes on the Javits amendment, the time to be equally divided between the sponsors of the amendment and the manager of the bill, or whomever he may designate.

The PRESIDING OFFICER (Mr. LONG). Without objection agreed to.

Mr. ERVIN. Mr. President, I object. If they vote on the Javits amendment, my amendments are perfecting amendments to the Javits amendment. I have no objection to the 20 minutes on the Stennis amendment, but I object to anything that would cut off the time on my amendments.

The PRESIDING OFFICER. Does the majority leader limit his request to the first amendment?

Mr. MANSFIELD. I think so, but I am just waiting to see what will happen. Just the first amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. Mr. President, I should like to respond to what I thought were the most appropriate remarks of the Senator from Washington.

I think the difficulty we are having here, in part, is that this legislation should have first been sent up in the form of authorizing legislation.

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The time is now under the control of the Senator from New York (Mr. JAVITS) and the Senator from Mississippi (Mr. STENNIS). Who yields time?

Mr. JAVITS. I yield 3 minutes to the Senator from Minnesota.

Mr. MONDALE. I say to the Senator from Washington that I have used only 5 minutes of the debate time tonight for myself.

I think this is old ground. We have been over it before. Everybody knows what is involved in the proviso. It is legislation we adopted the other night, when the key portion was passed overwhelmingly. It is supported by the National Education Association, the Leadership Conference on Civil Rights, and by this Administration. It is the bare minimum that can be included in this measure to help assure that the money goes for the purpose that is stated.

I hope very much that the Stennis amendment will be rejected and that the Javits proposal, as it stands, will be adopted by the Senate tonight.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I yield 5 minutes to the Senator from Alabama.

Mr. ALLEN. I thank the distinguished Senator from Mississippi. Mr. President, I support the Stennis amendment, which, starting on line 7 of page 2 of the printed amendment, would eliminate the three subsections starting with the words "provided further" and continuing down through the remainder of the amendment. It would eliminate subsections (a), (b), and (c).

These subsections are limitations on the Department of Education. They provide limitations on the expenditure of funds appropriated by this act. In effect, they follow the same theory as the Whitten amendments, which were limitations on the power of the Department of Education to spend funds; and the Senate, in its wisdom, turned down the Whitten amendments, seeking to put limitations on the powers of the department. These three subsections seek to place limitations on the power of the department to spend funds.

So, if it was improper to limit the power of the department under the Whitten amendments, then, under the provisions of the Javits amendment, it is just as improper to limit the power of the department to expend funds. So that it seems to the junior Senator from Alabama that if we adopt the Stennis amendment, we still leave the Department of Education with full power and authority to apply the same limitations that are now provided in the Javits amendment. No power whatsoever is taken away from the department by the Stennis amendment. They will still have carte blanche to do anything they want that is now permitted by law with the funds appropriated by this bill.

So, in speaking for the Stennis amendment, we speak for giving the department a free hand in the expenditure of the funds and not putting limitations on them, just as the Senate refused to put limitations on the department as was proposed under the Whitten amendments.

So, Mr. President, it occurs to me that with the Stennis amendment we will have a better bill, we will not have the department hamstrung, and we will not have the department limited in its course of action by these three provisions, which can cause much confusion, much uncertainty, and much difficulty.

With the adoption of the Stennis amendment, the junior Senator from Alabama would be willing to support the Javits amendment. If the Stennis amendment is rejected, then he will vote against the Javits amendment.

Mr. JAVITS. Mr. President, I yield 2 minutes to the Senator from Rhode Island.

Mr. PELL. Mr. President, the authorizing committee did not consider this measure, as has been pointed out by the senior Senator from Washington. However we are considering S. 3883 which provides for a substantially larger amount of money for this purpose. Because of the so-called emergency nature of this appropriation, trying to get funds to those schools which in good faith are meeting problems resulting from integration with the coming school year, we thought it advisable to accede to this unorthodox procedure of having the matter handled directly by the Appropriations Committee. We therefore raise no objection to the procedure, but we are shocked at the fact that virtually no guidelines were offered by the Department of Health, Education, and Welfare for the spending of this money in the supplemental appropriations hearing and that it was really to be given to them carte blanche.

We felt that there should be some criteria for distribution of these funds, and for that reason the amendments that the Senator from Minnesota (Mr. MONDALE) drew up seemed to us to supply what was needed, especially in view of the fact that there has been no specific authorization legislation.

For this reason, even though we have not had a chance to fully consider the major bill in the authorizing committee, we support the Javits amendment. I suppose my position would be, that if these tightening criteria are not adopted—meaning that there would be no guidelines—then I think we in the authorizing committee would be hard put to support the $150 million, although I would not make a commitment of that sort at this time.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Does the Senator from Mississippi desire to yield back the time?

Mr. ALLEN. Mr. President, will the Senator from Mississippi yield me 1 additional minute?

Mr. STENNIS. I yield 2 minutes to the distinguished Senator from Alabama.

Mr. ALLEN. Mr. President, I offer at this time, for inclusion in the RECORD, pages 22 and 23 of report No. 917 of the Appropriations Committee on the second supplemental appropriation bill. I read briefly from the report:

> Under no circumstance are any of the funds intended to be available to overcome racial isolation or racial imbalance.
>
> As indicated above, the intent of the appropriation is to provide a broad range of financial and technical assistance, but the character and degree of assistance required shall, in every instance, be a matter of local initiative and determination.
>
> Further, the committee believes strongly that these funds must not be used to finance directly or to encourage massive or excessive busing of students. Any transportation of students covered by this appropriation must be a part of either the court order or the approved desegregation plan.

From another paragraph:

> First, consistent with recommendations of the administration, the funds shall be available, on a project grant basis, to assist any public school district under either a court order or with an approved plan to desegregate beginning with the school term that begins in the fall of 1970.

I ask unanimous consent to have these 2 pages printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF EDUCATION

EMERGENCY SCHOOL ASSISTANCE

1790 appropriation	None
Supplemental budget estimate (S. Doc. 91-83)	$150,000,000
House allowance	Not considered
Committee recommendation	150,000,000

The committee recommends $150 million, the same as the supplemental estimate, to meet the additional costs which will be encountered by about 1,000 school districts which are expected to desegregate by September 1970. The request for these funds was transmitted to the Senate on May 25, 1970, and therefore was not received in time for consideration by the House.

The supplemental request is the first part of the President's announced plans to ask for a total of $1.5 billion for this purpose over the next 2 years. The $150 million has been requested as a supplemental in order to make assistance available—on an emergency basis—this summer so that desegregating school districts will be able to maintain educational quality and mimimize disruption of the educational process during the desegregation period which must be underway by this fall.

Under the committee allowance, funds would be available in the form of comprehensive grants to desegregating—and recently desegregated—school districts for the purpose of hiring additional teachers and teacher aides, providing guidance and counseling and other direct services to school children, revising curriculum, purchasing special equipment, undertaking minor remodeling, supporting community programs and financing other additional costs which will contribute to carrying out a successful desegregation plan.

The program funds requested and allowed by the committee would remain available for obligation until September 30, 1970. Administrative support would be available for a full year since many of the projects funded would be operational during the coming school year and will require administrative assistance throughout this period.

A significant share of the appropriation, as much as $100 million, will be expended under title II of the Economic Opportunity Act. This will require a delegation of authority from the Office of Economic Opportunity to the Department of Health, Education, and Welfare. Such delegations are allowable under the Economic Opportunity Act. The remainder of the appropriation, about $50 million, will be expended under authorities vested in HEW and the Office of Education. Administration witnesses testified that use of these several authorities was necessary in order to provide the broad range of services required by desegregating school districts. They indicated that this arrangement represents a one-time, temporary expedient to deal with the immediate problems faced by schools this summer and that the Emergency School Aid Act of 1970, which was introduced in the Senate on May 26, would from the basis for a more permanent future authority. Any further funding for assistance to desegregation by the schools will, according to departmental witnesses, be requested as part of the regular, 1971 and 1972 budgets following congressional action on the new legislation.

In recommending an appropriation of $150 million to be applied under so many different authorities, the committee wants to be certain that there is a clear record of congressional intent as to the purposes for which the appropriation is made and the manner under which it is to be applied. First, consistent with recommendations of the administration, the funds shall be available, on a project grant basis, to assist any public school district under either a court order or with an approved plan to desegregate beginning with the school term that begins in the fall of 1970. Further, the school districts which have desegregated during the last 2 years under either a court order or an approved plan shall also be eligible. All of the funds are to be made available to deal with problems resulting from court orders or plans to overcome segregation.

Under no circumstances are any of the funds intended to be available to overcome racial isolation or racial imbalance.

As indicated above, the intent of the appropriation is to provide a broad range of financial and technical assistance, but the character and degree of assistance required shall, in every instance, be a matter of local initiative and determination.

Further, the committee believes strongly that these funds must not be used to finance directly or to encourage massive or excessive busing of students. Any transportation of students covered by the appropriation must be a part of either the court order or the approved desegregation plan.

The entire program of emergency school assistance would be administered by the Office of Education and the Department of Health, Education, and Welfare.

A proviso is incorporated in this measure stating that no part of any funds appropriated in this measure shall be included as part of the amounts appropriated for the purpose of determining allocations for each purpose set forth in clauses (1) through (8) of section 102(b) of the Economic Opportunity Amendments of 1969. The purpose of this limitation is to make clear that this appropriation is intended to have no effect whatever on the earmarking, allocation, and proration of OEO funds which would be required in the absence of this appropriation. The administration of OEO programs would otherwise be seriously disrupted in view of the lateness in the fiscal year. Further, it is not the intent of this measure, in any way, to inhibit or limit the authorities vested in the Director of the Office of Economic Opportunity under section 616 of the Economic Opportunity Act with respect to the use of funds made available for carrying out programs under that act. On the other hand, this language in no way changes the intent or effect of the provisions of section 102(b) as to all other appropriations for carrying out the provisions of the Economic Opportunity Act of 1964.

Mr. ALLEN. So this money would be on a project grant basis.

If the proposed project did not meet with the approval of the Department, then there would be no requirement that the grant be approved, making the ne-

XUM

cessity for these three subsections that the Stennis amendment seeks to strike absolutely unnecessary.

Mr. JAVITS. Mr. President, I yield myself 2 minutes, only because there may be other speakers.

The PRESIDING OFFICER (Mr. LONG). The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, as this amendment was worked out by the administration, it included these particular provisos, and it was worked out further in the course of Senate debate and by voting. Therefore, the fact that the amendment states what it does as a unit is as it was presented by the administration. That is what I have presented to the Senate. I hope that it will be cleared, and that there is no dearth of structure for the utilization of the money.

I mentioned again, and refer now to the fact that on page 741 of the hearings, on the supplemental appropriation bill, the administration presented its basic policies as to the $150 million, specifying in great detail what it will do with the money. I invite the attention of Senators to pages 741 to 763—about 20 pages odd, and even a list of the officials who will handle the business—100 people required, and their salaries, so that I do not think there is any dearth of implementation.

The reason for the provisos is that the evidence taken by the Select Committee on Equal Educational Opportunity, the special committee headed by the Senator from Minnesota (Mr. MONDALE), of which the Senator from Rhode Island (Mr. PELL) and I are both members, bears out the fact for the need for the provisos, that we would not wish to do this with this money and, therefore, we have a right to tell the HEW that we do not wish that. That is a proper limitation upon the expenditure of funds. They are matters we do not wish to leave up to the HEW.

XUM

The Senator from Alabama (Mr. ALLEN) is quite right that HEW could, if they chose, do this themselves. These are matters, if the Senate desires it, that we do not wish to leave to the HEW. We will decide them. That is why those limitations are there. That is why the point of order was overruled. I respectfully submit that I have presented to the Senate what I consider to be the administration's amendment complete in itself. Whatever arrangements or compromises we have made is our problem. Everyone does that when we consider pieces of legislation. I hope it will be, in toto, sustained.

Mr. ALLEN. Mr. President, will the Senator from New York yield for a question?

Mr. JAVITS. I yield.

Mr. ALLEN. The Senator does not feel that HEW has run at all behind the wishes and actions of Congress in the matter of forcing desegregation in the public schools in the South, does he?

Mr. JAVITS. I am sorry, I did not hear the Senator.

Mr. ALLEN. The Senator from New York does not feel that the Department of HEW has been behind the thinking or actions—that they have run behind the thinking of Congress in the matter of desegregating the public schools in the South? Would it not be advisable to leave the power of fund allocation to the HEW? Is it not just as anxious to desegregate the schools as is Congress?

Mr. JAVITS. I do not think it is a question of intent. Many people complain about some of the things they have done, that they are taking deferments in respect to such plans, and others think that they have been diligent in litigation. Attorney General Mitchell went down into the South himself. I would not want to characterize it or characterize the dual economy.

The PRESIDING OFFICER (Mr. BENNETT). The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent to proceed for 30 additional seconds.

The PRESIDING OFFICER. The Senator from New York is recognized for 30 seconds.

Mr. JAVITS. Mr. President, all I say is that this is presented as a unit. I worked it out with the administration.

Mr. MONDALE. Mr. President, I should like to ask a question of the Senator from Mississippi, but first I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MONDALE. Mr. President, I want to make one point. It is not difficult to understand why the administration wants these three provisions which are sought to be stricken here. They will strengthen HEW in its effort to make the program work for the purposes which I think all of us share.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Mississippi has 5 minutes remaining, and the Senator from New York 1 minute remaining.

Mr. STENNIS. Mr. President, if I may have the attention of the membership. With all deference to everyone, it has been shown here that there is no direct authorization for the purpose that this money is going to be used for.

This is a hodgepodge authorization picked up here, there, and yonder, going back as early as the 83d Congress to find some old, unused authorizations. There has never been any bill presented to any committee of the Senate with testimony on it. There has been a little testimony taken down here with reference to the subject matter but no bill and no report on the bill as such. This whole Javits amendment is an amendment, that my immediate amendment seeks to strike out the provisos here. The first one was the one which was to help the downtrodden schools that do not have enough equipment to carry out or hasten desegregation or going for a host of other things that supposedly they do not have down there, and then we turn right around and put a penalty here. There is some little school, only one, which has been named—a small one down in Mississippi—it sold a little school building for a nominal sum for a public school purpose, as alleged.

The whole county school board has jurisdiction of all the schools in that county. It is the local governing authority. Under the harsh terms of this amendment, that county entirely, or any other county like-situated in the South, would be cut off from all this money by a mandate on a bill, as I have said, that has not had a respectable course through this Chamber and in the committees, with the filing of a report and explanation of what it can mean.

Thus, I submit, we should strike out these provisos, these limitations, these penalties, these restrictions which apply retroactively. It might be that they could be applied in the future but this language goes back and penalizes them and knocks them out because of something that happened in the past, with only one instance proven here on this floor before a committeee.

I just submit to the fairness of the thing and in the spirit of the whole bill itself, that these provisos go off at 180 degrees the other way. In keeping with the spirit of the bill itself, they should be striken out. I hope, and I believe that they will.

Mr. MONDALE. Mr. President, we are not dealing with just detail. What we are dealing with is the transfer of public property to private segregated academies, which is the major strategy now being used to circumvent the orders of the Supreme Court requiring desegregation. If public property, as is now the case, continues to be diverted into private segregated academies, then the hope for a successful end to discrimination and segregation will have largely escaped us.

In one State it is estimated that since September 1969, a significant date because that is the date by which the Supreme Court ordered complete desegregation, the number of white privately segregated schools increased from 35 to 100.

Mr. President, I think if we cannot stop public school systems from subsidizing segregation academies, at the very least we should not reward them with public funds for doing so.

The PRESIDING OFFICER. The Senator from Mississippi has 2 minutes remaining.

Mr. PELL. Mr. President, I would like to clarify some of the questions concerning the appropriation for title III of the Elementary and Secondary Education Act with respect to the programs of supplementary services and centers and guidance and counseling under title III, which arise from language contained in the committee report on page 6.

The Appropriations Committee expresses an expectation that $20,000,000 of the appropriation of title III will be used for guidance and counseling in the States. I think it unclear whether the Committee on Appropriations intended this expectation to be a recommendation that the States allot a greater proportion of their title III allotment for guidance and counseling or whether it is an expectation that the Commissioner of Education would enforce a requirement that the State plans include specific amounts for guidance and counseling which would equal in the aggregate $20,000,000.

It is my hope that the committee intends its expectation to be a recommendation to the States rather than an additional requirement for the approval of State plans. If it were the latter then the authorizing legislation and the intent of the Appropriations Committee would be in conflict and there would be a great deal of confusion in both the States and the agency.

I understand that subsections (b) and (c) of section 131 of Public Law 91–230 set forth the entire legislative authority with respect to appropriations for the purpose of guidance and counseling and testing, and that there is no discretion left either in the appropriations acts or in the Office of Education with respect to enforced expenditures for this purpose.

I am especially concerned with the possibility that the Commissioner of Education may try to implement this expectation, for if he did both State and local educational agencies may wish to invoke the provisions of subsections (e) and (f) of section 305 of title III, which grants them standing to sue if they wished to challenge such a requirement on the part of the Commissioner, and if the Commissioner is taken to court there will be a state of confusion which could prevent title III funds from being used expeditiously for the education of American children.

A second concern of the authorizing committee arises with respect to funds for the National Advisory Council on Supplementary Services and Centers established under section 309 of title III of the Elementary and Secondary Education Act. While it is true that the language of the authorizing legislation could permit the use of funds appropriated to carry out title III to finance the operation of the National Advisory Council, it was the intent of the authorizing committee in enacting the revision of title III in 1967 that the National Advisory Council have independent funding.

It was hoped that there would be a separate line item appropriating funds for the National Advisory Council. Since neither the House nor the Senate Appropriations Committee have provided for a separate line item, I would hope that it be understood that the legislation does permit the use of appropriations for title III ESEA for the National Advisory Council. Counsel advises me that the language of the second sentence of ESEA section 301 and the allotment of funds under ESEA section 302 would permit this procedure.

Thank you Mr. President.

Mr. STENNIS. Mr. President, I have about concluded my remarks. I think that we have made this matter clear.

All we are passing on is the three limitations or restrictions. And we can pass them to any other matter, after the vote on Javits amendment. It does not reduce the money or anything of that kind.

I respectfully submit that a case has not been made out here. Because of one little school building, they propose to put a penalty on the entire county. That county has about 20,000 to 25,000 people living in it. I understand that the population is about 50–50 divided, colored and white.

If Senators want to penalize them and anyone else that might get caught in this mess for a small item like that, why they should vote "no," vote against my amendment.

If Senators want to strike that feature out of the bill—and I assume these would apply prospectively anyway—vote "aye."

The PRESIDING OFFICER (Mr. Bennett). All time having expired, the question is on agreeing to the Stennis motion to strike. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the Senator from Georgia (Mr. Russell). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Connecticut (Mr. Dodd), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. McCarthy), and the Senator from Georgia (Mr. Russell), are necessarily absent.

I further announce that the Senator from New Jersey (Mr. Williams), and the Senator from Texas (Mr. Yarborough), are absent on official business.

I further announce that, if present and voting, the Senator from New Jersey (Mr. Williams), would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. Goldwater), the Senator from California (Mr. Murphy), the Senator from Illinois (Mr. Smith) and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

On this vote, the Senator from South Dakota (Mr. Mundt) is paired with the Senator from Illinois (Mr. Smith). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Illinois would vote "nay".

If present and voting, the Senator from California (Mr. Murphy) would vote "nay."

The result was announced—yeas 28, nays 59, as follows:

[No. 173 Leg.]

YEAS—28

Allen
Bennett
Bible
Byrd, Va.
Cannon
Cotton
Curtis
Eastland
Ellender
Ervin
Fannin
Fulbright
Gurney
Hansen
Holland
Hollings
Hruska
Jordan, N.C.
Long
McClellan
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—59

Aiken
Allott
Anderson
Baker
Bellmon
Boggs
Brooke
Burdick
Byrd, W. Va.
Case
Church
Cook
Cooper
Cranston
Dole
Dominick
Eagleton
Fong
Goodell
Gore
Gravel
Griffin
Harris
Hart
Hatfield
Hughes
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Magnuson
Mathias
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith, Maine
Stevens
Symington
Tydings
Young, Ohio

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, against.

NOT VOTING—12

Bayh
Dodd
Goldwater
Hartke
McCarthy
Mundt
Murphy
Russell
Saxbe
Smith, Ill.
Williams, N.J.
Yarborough

So Mr. Stennis' motion to strike from Mr. Javits' amendment (No. 737) the language beginning with the proviso on line 7, page 2, through line 19, page 2, was rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MONDALE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I would like to propound a unanimous-consent request that there be a 10-minute limitation of time on the pending amendment, the Javits amendment, the time to be equally divided between the Senator from New York (Mr. Javits) and the Senator from Washington (Mr. Magnuson).

Mr. ERVIN. Mr. President, reserving the right to object—and I assure the majority leader that I shall not object—upon mature reflection, I have decided not to call up my amendments, because I do not think they could receive adequate consideration at this hour of the night.

Mr. MANSFIELD. Mr. President, would the Senator be not averse to having a vote right now?

Mr. ERVIN. No.

Mr. MANSFIELD. Mr. President, did we get that order?

The PRESIDING OFFICER. There was no objection to a time limitation of 10 minutes, and it is so ordered.

Mr. JAVITS. Mr. President, I yield myself 1 minute, and I yield back the other 4. We have debated the amendment thoroughly. I think every Senator understands thoroughly the purposes and limitations, and so forth. As for me, I think the fundamental thrust of it has been made clear. I believe what we are doing, and we all understand it, is to see if we can go forward in a more effective way by the use of the money than otherwise. I am ready for a vote.

Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have been.

Mr. MAGNUSON. Mr. President, I yield back my time.

Mr. JAVITS. Mr. President, I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York. All time on the amendment has been yielded back. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Connecticut (Mr. Dodd), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. McCarthy), and the Senator from Georgia (Mr. Russell) are necessarily absent.

I further announce that the Senator from New Jersey (Mr. Williams) and the

Senator from Texas (Mr. Yarborough) are absent on official business.

I further announce that, if present and voting, the Senator from New Jersey (Mr. Williams) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. Goldwater), the Senator from California (Mr. Murphy), the Senator from Illinois (Mr. Smith), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from South Dakota (Mr. Mundt), the Senator from California (Mr. Murphy), and the Senator from Illinois (Mr. Smith) would each vote "yea."

The result was announced—yeas 70, nays 18, as follows:

[No. 174 Leg.]

YEAS—70

Aiken
Allott
Anderson
Baker
Bellmon
Bennett
Boggs
Brooke
Burdick
Byrd, W. Va.
Case
Church
Cook
Cooper
Cotton
Cranston
Dole
Dominick
Eagleton
Fannin
Fong
Fulbright
Goodell
Gore
Gravel
Griffin
Hansen
Harris
Hart
Hatfield
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith, Maine
Spong
Stevens
Symington
Tower
Tydings
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—18

Allen
Bible
Byrd, Va.
Cannon
Curtis
Eastland
Ellender
Ervin
Gurney
Holland
Hollings
Jordan, N.C.
Long
McClellan
Sparkman
Stennis
Talmadge
Thurmond

NOT VOTING—12

Bayh
Dodd
Goldwater
Hartke
McCarthy
Mundt
Murphy
Russell
Saxbe
Smith, Ill.
Williams, N.J.
Yarborough

So Mr. Javits' amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD of West Virginia. Mr. President, I think it should be noted at this time that there was great concern among the members of the committee about campus unrest in general, and in particular, about the recent trend of temporary and early closings of many of our colleges and universities.

This concern was expressed in both the language of the bill, and in the report which accompanied the bill.

Section 205 of the bill reads as follows:

> No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

Page 11 of the committee report states the following:

> It is the sense of the committee that whenever a college or university closes prior to the completion of an academic year, and fails to provide instruction for a comparable number of days of the preceding academic year, the Secretary of Health, Education and Welfare shall reduce proportionately amounts otherwise payable from funds appropriated under this Act to such institutions.

Mr. President, I understand what is troubling many of our college students. Those who differ with Government policy are clearly given the right to disagree by our Constitution, and this right must always be protected. But, the right to disagree does not imply in any sense the right to destroy an institution of learning; nor, does the right to disagree imply that others, who hold different political views, can be prohibited from seeking the education they desire. We must make perfectly clear that there is no relationship between intellectual freedom on our campuses, and destruction in the name of dissent.

Yet, many of our college and university campuses were forced to close this past spring before the normal academic year had been completed. Many university administrators were coerced into yielding to the demands of a handful of radical demonstrators bent on disrupting education activities and on destroying the educational system and our republican form of Government.

These radicals denied the vast majority of students, in many instances who did not take part in rebellious disorders, the opportunity to conclude the course requirements of their schools. The interference—through threats, disorder, and violence—of the normal conduct of our universities is unacceptable and must cease.

No country in the world offers the educational opportunities which the American system provides. This bill alone will provide close to $1 billion for higher educational purposes. These funds will help make the goal of a college education a reality for thousands of Americans.

The intent of the committee regarding campus disorders has been made clear both in the committee report and in the language of the bill. College and university administrators are urged to take immediate action to assure that our federally supported universities and colleges will remain open throughout the entire academic year. The pursuance of an education by our students in an atmosphere congenial to learning must be assured. The rights of the majority of students—students who attend our schools for the purposes of attaining an education and who reject the tyranny of the radicals—will be sustained.

The era of lawlessness and the era of subversion of the best interests of education and the Nation must be brought to an end.

I believe in the essentiality of education. Let it be an education in the normal sense, and not an education dominated by revolutionaries who advocate the tyranny of the left or of the right.

SPECIFIC LEARNING DISABILITIES

Mr. DOMINICK. Mr. President, I wish to call attention to a new program which is proposed for inclusion in this budget. Part G of title VI of the Elementary and Secondary Education Act of 1965 provides for the initiation of a program to deal with specific learning disabilities. H.R. 16916, under "Education for the Handicapped," appropriates $1 million in startup funds for this program.

I am delighted that the Senate is considering this program, even though the funding level is considerably below the $20 million authorized for fiscal year 1971. At least the program can get started with $1 million, and can be in a position to use effectively larger appropriations in subsequent years.

The establishment of this program as a separate entity will do more than simply provide money to get the program started. It will help to establish national visibility and focus on the problems of specific learning disabilities. One of the major deterrents to recognition and treatment of specific learning disabilities has been the invisible nature of these handicaps.

In the past 4 or 5 years there has been a major breakthrough in discovering both the existence and nature of these invisible handicaps which plague thousands of our schoolchildren, seriously impairing their ability to read, write, calculate, or perform other basic skills.

It is of major significance that the Senate recognize the need for national attention, research, and training in the area of specific learning disabilities. I am convinced that this program will more than pay for itself by opening the door to restoration of the educational and occupational birthright of many children who might otherwise become a liability of society.

Mr. MAGNUSON. Mr. President, several Senators have been asking whether there are going to be any more rollcalls tonight, or additional amendments. We have a list here of eight or 10 proposed amendments, most of which will add specific amounts to certain programs in the bill.

I would like to have the proposers of these amendments bring them up now, and if they do not, I am going to ask for third reading.

Mr. MONDALE. Mr. President, I send to the desk an amendment in behalf of myself, Mr. Bayh, Mr. Cranston, Mr. Eagleton, Mr. Montoya, Mr. Murphy, Mr. Kennedy, Mr. Williams of New Jersey, Mr. Harris, and of Mr. Yarborough.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MONDALE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, will the Senator yield for just a moment, while I address myself to the majority leader?

Mr. MONDALE. I yield.

Mr. PASTORE. Could we not have a limitation of debate on this amendment?

Mr. MANSFIELD. I would be delighted? Would 10 minutes be enough?

Mr. MONDALE. This is a composite of four amendments, all directed at the section on elementary and secondary education. Ten minutes is fine by me, but I would ask——

Mr. MAGNUSON. I do not know which amendment this is.

Mr. MONDALE. I would ask Senator CRANSTON and Senator KENNEDY whether they feel more time is needed.

Mr. MAGNUSON. Will the Senator explain so everyone can hear him what his amendment does? The amendment has not been printed.

Mr. WILLIAMS of Delaware. Mr. President, may we have the amendment read?

Mr. MONDALE. Mr. President, I am willing to withdraw my request that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

On page 2, line 22, strike out "($140,393,000)" and insert in lieu thereof "($150,393,000)".

On page 2, lines 22 and 23, strike out "($29,750,000)" and insert in lieu thereof "($33,750,000)".

On page 3, lines 2 and 3, strike out "($1,873,168,000)" and insert in lieu thereof "($1,898,168,000)".

Mr. MONDALE. Mr. President, this is an amendment which adds $25 million to a number of titles and programs within the elementary and secondary education section of the bill.

Mr. MANSFIELD. Mr. President, would the Senator agree to a 20-minute limitation; 10 minutes to a side?

Mr. MONDALE. I do not think we are going to need more than 15 minutes, but to be safe, I will ask for 15 minutes.

Mr. MANSFIELD. All right, a half hour, the time to be equally divided between the Senator from Minnesota and the manager of the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MONDALE. Mr. President, this is an amendment which adds $25 million to the elementary and secondary education section, appearing on page 2——

Mr. COTTON. Mr. President, may we have order, so we can hear the Senator explain his amendment?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MONDALE. This $25 million would be added to the elementary and secondary education section, appearing on page 2 and the top of page 3 of the committee bill.

It is a composite of several amendments, originally introduced as separate amendments, but combined in order that we might request only one change in the total appropriations figure for the Elementary and Secondary Education Act. The first portion is a $10 million amendment, originally offered by the Senator from California (Mr. CRANSTON), which would add $5.5 million for the supplemental services centers and $4.5 million for guidance counseling and testing. He will shortly describe those sections more fully.

The next is a $5 million amendment by the Senator from California (Mr. MURPHY), and me, to bring the dropout prevention up to the administration request of $15 million.

The third section is an amendment by Senator MURPHY to add $5 million to the bilingual education program, and this was joined by the Senators from Texas (Mr. YARBOROUGH and Mr. TOWER).

The last $5 million item is an amendment prepared by the Senator from Massachusetts (Mr. KENNEDY), which would add $4 million to one new part C of title V, authorizing planning and evaluation grants to State and local educational agencies, and adding another $1 million to the bilingual education program, directed toward the new section 706 dealing with such programs for Indian reservation schools.

Together, those items add up to $25 million.

I yield first to the Senator from California (Mr. CRANSTON) to explain his part of the amendment.

Mr. CRANSTON. I thank the Senator for yielding. I commend him for his concern over Federal support of guidance counseling and testing services, which are involved in this amendment. I share his concern, and for that reason have joined him and other Senators in sponsoring this amendment, which provides additional funds for title III of the Elementary and Secondary Education Act, as amended.

Mr. President, the distinguished Senator from Indiana (Mr. BAYH) is the principal sponsor of the portion of the amendment providing the additional funds for title III of the Elementary and Secondary Education Act. Senator BAYH, who is unable to be here tonight, asked me to include in the RECORD his remarks justifying the need for these additional funds. I ask unanimous consent to have Senator BAYH's remarks printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

APPROPRIATIONS FOR ESEA TITLE III

Mr. BAYH. Mr. President, many educational programs overlooked by our colleagues in the other body, have been suitably funded in the Senate version of H.R. 16916. However, I believe that there is one area in this bill—Title III of the Elementary and Secondary Education Act—which deserves particular attention and the amendment which has been proposed would increase the appropriations for this title from the Senate Appropriations Committee recommended level of $140,393,000 to $150,393,000.

President Nixon signed the Elementary and Secondary Education Amendments of 1969, into law on April 13, 1970. This legislation had been deliberated by Congress for over a year and the President's signature concluded the efforts of Congress on this monumental and historic piece of legislation. In this legislation, Congress consolidated into one Title, Title III, two programs previously funded separately in other public laws. The two programs were:

1. Title III of Elementary and Secondary Education Act of 1965—Supplementary Educational Services and Centers.
2. Title V–A of National Defense Education Act of 1958—Guidance, Counseling, and Testing.

Congress extended the authorization of Title III, as well as most of the entire Act, three fiscal years or through FY 1973. Congress further provided in Title III that the purposes of each program, as previously contained in the two former public laws, remained intact in the new Title III. In a further provision Congress authorized $550,000,000 for FY 1971, $575,000,000 for FY 1972, and $605,000,000 for FY 1973 for Title III.

The first program contained in the new consolidated Title III—Supplemental Educational Services and Centers—has benefited more than 11 million children in over 21,000 public school districts and 2,000 non-profit private schools since its beginning in 1965. The projects aided by this program have helped the disadvantaged, the handicapped, the potential dropout, and talented and gifted children in schools throughout the nation.

While the number of children served by this program has increased, appropriations have generally decreased in recent years. The appropriations for year 1968 amounted to $187,876,000 when the program serviced 10 million children. In fiscal 1969, when the program serviced 11,400,000 children, the appropriations were $164,876,000. For fiscal 1970, $130,843,000 was appropriated. For fiscal 1971, the Committee has recommended a total appropriation of $140,393,000. However, of this amount, the Committee indicated that it expects "that $20,000,000 will be available for support of guidance, counseling, and testing." Thus, the recommended total appropriation for what was Title III of the Elementary and Secondary Education Act of 1965 is $120,393,000.

We would hope that $5.5 million of the $10 million which this amendment would add to the appropriation for ESEA Title III would be used by the States for supplemental educational services and centers.

The guidance, counseling, and testing program, also included in Title III of the Elementary and Secondary Education Amendments of 1969, is another worthwhile and expanding program. Again, the appropriations for this program have decreased over the years. For fiscal year 1968, appropriations amounted to $24.5 million. For fiscal 1969, this was reduced to $17 million and, in fiscal year 1970, the amount was reduced again to $14.45 million.

Despite this reduction in funding, the program can be credited with a number of major achievements.

For example, the number of counselors providing guidance and counseling services to public school children and youth has increased sharply. In 1958, there were 13,000 full-time counselors for *secondary* schools with a ratio of 1:960. Ten years later in 1968 there were 36,000 full-time *secondary* school counselors with a ratio of 1:450.

Moreover, support for guidance and counseling programs has been markedly improved. Financial support of these programs, considering local and state support, is more than 27 times greater than when federal assistance began. And, as a result, the federal share of support has decreased from 44.5% in 1958 to less than 8.4% currently. There has been a tremendous "seed money" effect in this program.

The program has also resulted in the provision of more tests and testing programs to identify interests, aptitudes, and abilities: 9 million of the 45 million tests provided students in 1966–67 came from this program (400,000 of this number to non-public school students).

Finally, the program has had a number of other benefits. Minimal and recommended standards for guidance programs have increased; qualifications for State Supervisors of Guidance, Counseling and Testing have been strengthened; certification requirements for counselors have improved, and increased attention has been given to counseling youth in rural areas and the inner city.

These significant achievements and improvements are not sufficient, however. There are many important and serious needs which must be fulfilled. Allow me to mention just a few:

Counselor-student ratios are too high, especially in elementary schools where the ratio is 1:9,600 considering all schools.

In 1975, the secondary schools will need 33,850 more counselors than they now have but will be able to find only ⅔ this number; the elementary schools will need 27,905 more counselors but only ⅓ will be found. These figures are not based on school populations but are practical estimates based on conditions within the States. Stated another way, only 57% of the counselor need in 1975 will be met.

There is a great need for more training programs for counselors (for ghetto, Appalachian and other specialized areas); for training programs for paraprofessionals to fill the counselor gap; for in-service training and supervision of existent counselors; and for broadened experiences in career development concepts, new technology, group work, and human relations training.

Moreover, counselors need more training, practical experience and information in redirecting children and youth to specialty-oriented technical and vocational areas.

Guidance and personnel services are in urgent need of expansion. Guidance services, because of limited funding even though expressly authorized in 1964 for junior colleges and technical institutes, have not been implemented sufficiently.

Finally, more parent programs are needed to lessen the generation gap, to increase the understanding of the parents as to the role of the school in imparting information and discussing controversial subjects.

It is clear that there is good reason to increase the guidance, counseling and testing program. Our amendment for an additional $10 million, $4.5 million of which we hope would be made available for guidance, counseling, and testing, represents a very modest increase in funding.

Section 309(b) of the Elementary and Secondary Education Act Amendments of 1969 provides that each State submitting a plan under new Title III must assure the Commissioner of Education that it will expend for guidance, counseling, and testing, an amount equal to 50% of the amount expended by that State for that purpose in fiscal 1970 from federal funds appropriated pursuant to former Title V–A of the National Defense Education Act. For fiscal 1970, the Commissioner has allocated to all States under former Title V–A of the NDEA, approximately $14 million. Thus, when the States submit their plans under new Title III for fiscal 1971, they must request approximately $7 million for guidance, counseling, and testing.

I have been assured by the Office of Education that if the Committee's recommendation for Title III is accepted, they will view the $20 million dollars recommended by the Committee for guidance, counseling, and testing as including the $7 million dollars mandated by the Act.

As I have indicated, we hope that $4.5 million of the $10 million added by our amendment would be allocated to guidance, counseling, and testing. Thus, the amendment, when taken in conjunction with the additional funds recommended by the Committee, would add only $17.5 million to the $7 million mandated by Title III of the Elementary and Secondary Education Act Amendments of 1969.

Mr. President, the amendment if accepted, would, we hope, make available a total of $24.5 million for guidance, counseling and testing—an amount equivalent to the amount appropriated in FY 1968—and a total of $125,893,000 for Supplementary Services and Centers. The total amount of $150,393,000 represents approximately 29% of the authorization for this consolidated title. I certainly believe that this level of funding is justified.

Mr. CRANSTON. I recently reviewed the impact of the former National Defense Education Act—title V–A in California. A 1969 Office of Education report indicates that guidance and counseling programs have increased substantially in quantity and quality in California in the last few years. This increase is due in considerable part to the "seed money" effect of former NDEA C–A. For example, in fiscal 1959 California expended no funds under NDEA V–A from State or local sources. In the same year, California's share of NDEA V–A funds was $322,601.00. By contrast, in fiscal 1967 expenditures of State funds under NDEA V–A totaled $58,439.00 and $34.6 million from local sources, even though California's share of NDEA V–A funds rose only to $2.2 million. In the same period, the number of full-time public secondary school counselors rose from 2,211 to 4,032.

Former NDEA V–A was recently consolidated with ESEA III under Public Law 91–230, the Elementary and Secondary Education Act Amendments of 1969. Under the provisions of Public Law 91–230, grants for the consolidated programs are to be made by the Commissioner of Education pursuant to approved State plans. To assure continuing Federal support for former NDEA V–A, section 309(b) of the Public Law 91–230 provides that these State plans must include for guidance, testing, and counseling an amount at least equal to 50 percent of the amount which the State received under NDEA V–A in fiscal 1970. Since the fiscal 1970 appropriation for NDEA V–A was $14,450,000.00, the minimum amount which must be included in all State plans for guidance, counseling, and testing services in fiscal 1971 would be $7.25 million.

The Senate Appropriations Committee has recommended $20 for these services. I would hope that of the $10 million we are proposing for ESEA III, the States would use $4½ million of this amount for inclusion in their guidance, counseling, and testing components of their State plans. Such an allocation would bring the funds for these services to the level provided in fiscal 1968 or $24.5 million.

Mr. President, I would like to comment briefly on the testing practices of some California school districts. Some school districts administer placement tests in English to children whose native language is not English. The result is that these children are frequently, and unfairly, placed in classes for the mentally retarded. In some instances, these children have been retested in their native languages. The retesting results have been dramatic. They indicate that these children possess the same potential as their English-speaking peers and that the earlier low test scores can be attributed entirely to their inability to understand English.

I have been advised by HEW that new title VI guidelines recently promulgated prohibit the use of Federal funds for testing programs which are discriminatory. One new guideline states as follows:

> (2) School districts must not assign national origin-minority group students to classes for the mentally retarded on basis of criteria which essentially measure or evaluate English language skills.

I am satisfied that the effective enforcement of the new guidelines will eliminate the unfair testing practices which I have described.

This leads me, Mr. President, to another aspect of the consolidated amendment which we are considering. Included in the $25 million provided by this amendment is $5 million for title VII of the Elementary and Secondary Education Act. Title VI established a bilingual education program designed to meet the special educational needs of children 3 to 18 years of age who have limited English-speaking ability and who come from environments where the dominant language is other than English. As was stated in the Senate report accompanying H.R. 514, the concern is for children in this target group to develop greater competence in English, to become more proficient in the use of two languages, and to profit from increased educational opportunity.

Mr. President, I represent a State with one of the largest Spanish-speaking populations. California is also the home of numerous Orientals and Indians. Many children from homes where English is not the dominant language do not have a sufficient command of English when they enter school to understand what is required of them. The initial embarrassment and alienation which these children feel is often permanent, as is tragically evidenced by the incredibly high dropout rate of these children. This loss is incalculable. It is therefore imperative that we fund title VII to the maximum practical level.

I thank the Senator from Minnesota.

Mr. MONDALE. I yield to the Senator from New Mexico, who will discuss briefly the bilingual education aspects.

Mr. MONTOYA. I thank the Senator from Minnesota.

Mr. President, I wish to express my support for this amendment, adding $5 million to the bilingual education program.

As a cosponsor of the original bilingual education legislation, I have a strong interest in seeing that this program receives sufficient funds to operate effectively. Each year since this legislation was enacted I have appeared before the Senate Appropriations Committee, urging increased amounts for bilingual education. The need for a strong bilingual program has been clearly demonstrated.

Spanish-speaking Americans have a higher dropout rate and drop out from school earlier than any other minority group. We have learned that many non-English-speaking students join the ranks of the school dropouts simply because the language barrier becomes insurmountable. Statistics show that school enrollment of Spanish-speaking Americans drops significantly beginning with the 14-to-15-age group, at which time only 88 percent of the Spanish-speaking eligible population is in school, compared to 94.3 percent of the total population.

Spanish-speaking persons 14 years and over in the Southwest average 3.9 years less schooling than the Anglos and 1.6 years less than the nonwhite population.

Although Spanish-speaking Americans under the age of 25 constitute 15 percent of all persons under 25 in the five Southwestern States, they constitute only 6.2 percent of the total college enrollment.

These alarming statistics clearly reflect the immense language barriers of the Spanish-speaking population. The bilingual education program could be highly successful in erasing these barriers and helping this second largest minority in the country to become useful and contributing members of our society. But this success is largely dependent on our willingness to provide this program with adequate funding.

Unfortunately, bilingual education has never received the funds it needs and deserves.

The recently enacted ESEA Amendments of 1970 authorize $80 million for bilingual education in fiscal year 1971. Yet the President has requested a mere $21,250,000 for the program in the coming fiscal year.

The Senate committee has proposed $25 million for bilingual education. Mr. President, this amount does not even begin to reflect the true need. This level of funding will do little to prevent most non-English-speaking children from facing a lifetime of functional illiteracy, underemployment, and minimal income

Mr. President, I would like to mention the history of the Bilingual Education Act, which I think has served the great interest of many Spanish-speaking youngsters in this country in the last 2 years.

First, I want to thank the Senator from Washington, who has been most sympathetic to this program. Last year, he increased the appropriation above the budget request, and this year he has done the same, increasing it from $21.5 million to $25 million. But because of the great need for this type of program, and because of the great service it has rendered, HEW reports that there is a need for more funding for this program, because the present funding at the rate of $25 million a year is not even adequate to service the applications that are pending before HEW.

I am informed by the U.S. Department of Health, Education, and Welfare that a total of 56 bilingual proposals will be funded in fiscal year 1970—48 have already been funded, and an additional eight will receive money this week. These 56 projects will exhaust all funds appropriated for bilingual education in this year.

Because of the money shortage, the bilingual education program officials asked that the State departments of education be highly selective about sending in proposals this year and that they keep the number down to a bare minimum. Thus, for example, although the State of Texas had planned to submit 300 applications, they sent only 44 following this request. A total of 195 applications were received after the various education departments throughout the Nation weeded out all but those which they felt to be of critical importance. But enough money was available to fund only 56 of these projects.

I would like to mention briefly what bilingual education is and what it means to the youngsters.

The distinguished Senator from California mentioned the dropout rate. We have a large Spanish-speaking population in the five Southwestern States. The dropout rate among this population is higher than that affecting the other segments of our population in the country, and the reason is this:

When they start in school with an English language deficiency, they lag behind in the class. They get discouraged. They feel isolated. Eventually, they drop out from school. That is what causes the high dropout rate among the Spanish-speaking population in this country. Because of the Bilingual Education Act, we have started projects in which we take these children at the age of 5, before they start kindergarten, and we bring them into the school, and there they learn to speak and to read their own Spanish language. They become proud of it; they are imbued with pride about their heritage; and simultaneously they are taught to read to speak the English language, so that when they start in the first grade they start as equals with other children.

Educators now praise this kind of program. They feel that this beginning for these children is going to bring them up to par with the other children in the school and that the dropout rate will recede, and these children will become part of the mainstream in the educational process.

I wish to say, by way of commendation, that the distinguished Senator from Washington has indeed been most helpful and sympathetic to this program. Five million dollars, which is requested under this amendment, is fine, but it will not be adequate. It will not come close to servicing the actual needs that exist to bring these deprived children into the mainstream of education in the United States.

So I am hopeful that the Senate will look with sympathy and approve this $5 million increase for bilingual education.

The bilingual education office estimates that of the remaining 139 unfunded proposals, half of these would have been funded had the money been available. These will have to be resubmitted in the next fiscal year.

The bilingual education annual report submitted to Congress in January of this year states than an appropriation of $400 million would be required in order to meet all the needs. This estimate is based on present costs and takes into consideration the critical need for teacher training.

Quite obviously, the $25 million passed by the House and reported from the Senate committee is entirely inadequate. Besides the unmet needs cited above, a new element has only recently been added, making the need for increased funds even more crucial. On May 25, 1970, former Secretary of Health, Education, and Welfare Robert Finch notified over 1,000 school districts with 5 percent or more non-English-speaking students that they must set up special programs to eliminate the language barriers. This policy statement would serve to end discrimination against national origin minorities under title VI of the Civil Rights Act of 1964. This title prohibits the use of Federal funds for programs that discriminate on the basis of race, color, or national origin.

Those school districts, containing significant numbers of Spanish-surnamed, Chinese, and other national origin minorities are now required to take positive steps to close the language gap.

In the past, however, the bilingual education program has never funded proposals for school districts containing less than 20 percent children who do not speak English at home. This new policy statement, requiring funds for districts with 5 percent or more non-English-speaking students, would place an even greater stress on this already underfunded program. If we are even to begin to carry out this new Department of Health, Education, and Welfare policy designed to end discrimination against the Spanish-speaking and other national origin minorities—and I believe we must—it is essential that we appropriate more funds for bilingual education.

For the reasons cited above I am strongly in support of the amendment adding $5 million to those funds appropriated for bilingual education, bringing the total to $30 million in fiscal year 1971.

I urge my colleagues in the Senate to join in this effort to raise the funding level for this immensely worthwhile program.

Mr. MONDALE. I thank the Senator.

Mr. President, how much time remains?

The PRESIDING OFFICER. One minute.

Mr. MONDALE. I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as a cosponsor of this amendment to add $25 million to the appropriations for the Elementary and Secondary Education Act, I urge its passage.

The $25 million represents a combination and compromise of several individual proposals for additions to ESEA, and I think that we should be very clear on this legislative history so the Commissioner of Education will know exactly how we intend it to be allocated.

The breakdown is as follows: First, $10 million for title III, of which $5.5 million is for supplementary centers and services, and $4.5 million for guidance and counseling. Second, $4 million is for the new part C of title V, authorizing grants to State and local educational agencies for planning and evaluation. Third, $6 million for bilingual education, of which $1 million is specifically for the new section 706, authorizing additional programs for schools on Indian reservations. Fourth,

XUM

$5 million for title VIII dropout prevention.

These are all important programs, and I feel that passage of the amendment would be a substantial gain in trying to bring quality education to every American youth.

When we consider that title III was cut back by $34 million in this last fiscal year, the additions are simply a partial step toward restoring the level of funding in earlier years.

Mr. President, I am particularly interested in the $4 million allocated to comprehensive planning and evaluation. For I am the author of the amendment which Congress added to ESEA earlier this year authorizing $10 million in grants to State and local educational agencies for comprehensive planning and evaluation.

With annual expenditures by local school districts now exceeding $35 billion, some solid long-range planning is essential. But administrators and educators have pointed out time and again that with the day-to-day pressures and immediate demands on the school budgets, such planning and evaluation simply is not occurring at present.

Congress is about to pass close to $1.9 billion for elementary and secondary education. If that money is to be effectively used, we must give every assistance to develop careful, overall planning at the State and local levels.

The $29.75 million already is contained in the bill for title V—but that figure was arrived at before Congress passed the new part C, as well as a new part B for assistance to local educational agencies. I would assume that HEW will allocate the $29.75 million to take account of the new authorities.

Mr. President, I also feel that the $6 million addition to bilingual education is critical.

In the Southwest, the median educational level for Anglos is 12.1. But for Mexican-Americans it drops to 7.1, a gap of 5 years. In my own State of Massachusetts, where an estimated 7,800 Puerto Rican children live in Boston, fewer than half were enrolled in school a year ago.

This year the Office of Education has received 195 new proposals—but it has been able to fund only 54. From Massachusetts alone, 12 school districts made applications for new programs—but only one could be funded.

In addition, the problems of bilingual education in Indian schools are severe. Earlier this week, I introduced an amendment to add money to title VII specifically for Indian schools. The amendment presently before us would earmark $1 million—to be added to the amounts that would otherwise go to Indian schools under the regular title VII appropriation.

As chairman of the Special Subcommittee on Indian Education last year, I was appalled at what we have discovered:

Indian dropout rates are twice the national average in both public and Federal schools;

Some school districts have dropout rates approaching 100 percent;

The achievement levels of Indian children are 2 to 3 years below those of white students.

Mr. President, approximately $700,000 to $800,000 are presently going to Indian-related projects and programs under title VII. This amendment would provide an additional $1 million on top of that. The amount is insufficient, but it is a start.

Finally, the amendment would add $5 million to the title VIII dropout program.

Every school dropout is a potential tragedy—for the individual and for the society which failed him. I have seen estimates that 1 out of 3 fifth-graders today will drop out before completing high school. And the dropout rate is going up.

So I support an increase, and I hope that it will be used for a broad range of new approaches to attack this critical problem.

Mr. President, every one of these increases is urgently needed. The programs are sound. The needs are substantial. The potential returns from our Federal effort are great.

I hope that the Senate will adopt the amendment.

Mr. MAGNUSON. Mr. President, these amendments are five in a group?

Mr. MONDALE. Four.

Mr. MAGNUSON. With the amendment of the Senator from Massachusetts, that would be five.

Mr. PASTORE. No. That is included in the four.

Mr. MAGNUSON. That is spread over a great number of programs, particularly in title I of the Elementary and Secondary Education Act. It is hard to evaluate just how much money we can adequately spend in some of these places, although we know that in the bilingual education, for instance—maybe we should have more. Some people say we should have less.

It is hard to pick an absolute figure out of here. But I know that the committee was almost amazed—I never realized it, I am frank about it—as to how many youngsters there were who needed bilingual education in this country. The number runs over 5 million. I think that the Senator from New Hampshire and I would be glad to accept that part of the amendment, but the Senator has sort of got us up against it on the dropouts and the guidance and the counseling.

The House put more money into the bill over the budget and we put more in than the House on guidance and counseling. I know those additions are justified. There is only one counselor for 1,000 high school students and the ratio for the primary grades is deplorable. It should be one for every 200 or 300 primary students to do the right kind of job.

We cannot separate the consequences of dropouts from the guidance and counseling programs that are available. They go together. So we added $2 million over the House for the dropout program and put more in the guidance and counseling program.

The amendment is reasonable which the Senator from Minnesota proposes, but the Senator from New Hampshire and I are in a little bit of a quandary as to where the emphasis should be placed. They are hard to separate, if not impossible. We heard some excellent testimony on this and, we would be willing to accept that part of the amendment if the Senator from New Hampshire will agree.

Mr. COTTON. Before the Senator leaves that, let me say that I am perfectly willing to take this amendment to conference. But we doubled the amount for the dropout program over 1970. We added $2 million on the dropouts and then we added $3 million on the guidance and counseling, for a total of $5 million, and that is over the budget of the House. I want to make that clear. But these are worthy amendments. If we can get away with it and not run into trouble, I agree with the distinguished chairman that we should take them to conference.

Mr. MAGNUSON. Then the amendment of the Senator from Massachusetts would be included in this amendment.

I want to say for the RECORD that I am willing to talk with the House about this question, because it is a small amount compared to the total in the bill, but I do not view with too much enthusiasm these evaluation and planning things, programs down in the Department. All they do down there is appoint a committee on a commission to study and evaluate the obvious, at the same time, they tell the students, and teachers, and educators—stand aside and wait until we complete our study. We have a whole warehouse full of studies down here.

We will have to spend more money to build another warehouse for studies and reports. They should go about their business. Everyone is planning, evaluating, studying, and appointing commissions. There is some merit to this proposal, however, in that this would allow the States to do their own evaluating rather than down at the Department of Health, Education, and Welfare and, therefore, we accept that amendment with that reservation.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BENNETT). The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GURNEY. Mr. President, I have an amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BENNETT). The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. On page 11, between lines 19 and 20, insert the following:

> SEC. 213. No part of the funds appropriated under this Act shall be paid, as part of a grant, loan, or other financial assistance to any institution of higher education which is closed or classes suspended at any time during the regular academic year for the purpose of allowing students or faculty to engage in nonacademic political activities other than voting.

Mr. COTTON. Mr. President, will the Senator from Florida yield?

Mr. GURNEY. I yield.

Mr. COTTON. I do not wish to usurp the prerogatives of the leadership here, but how does the Senator feel about a limitation of time on his amendment?

Mr. GURNEY. That will be perfectly all right with me. Half an hour, 15 minutes to either side? That would be ample.

Mr. MAGNUSON. Mr. President, I ask unanimous consent—the Senator from New Hampshire and I ask that jointly—that the amendment of the Senator from Florida (Mr. GURNEY) have a time limitation on it of 30 minutes, with 15 minutes to a side, the time to be equally divided between the Senator from Florida (Mr. GURNEY) and the Senator from Washington.

The PRESIDING OFFICER (Mr. BENNETT). Is there objection to the request of the Senator from Washington? The Chair hears none, and it is so ordered.

Mr. GURNEY. Mr. President, this amendment is plain enough. What it does is to prevent any of the moneys in this bill from going to colleges or universities that suspend their classes or close down their institutions during the regular academic session for the purpose of engaging in politics.

Following the Kent State incident and the Cambodian uproar, we saw a great amount of political activity from college campuses. Everyone here I know had visits from students interested especially in the war issue, and they started a movement which has rapidly developed into another kind of thrust; namely, a plan to engage in heavy political activity this fall.

Some very interesting articles have been written on the subject. One was published in yesterday's Washington Evening Star about the whole movement. I will read a few phrases from it. It speaks of scores of such groups now engaging or planning political activity, and I read:

> Another survey by the New Congress Movement indicates that 17 colleges with a total enrollment of 100,000 have agreed to a fall recess allowing students to participate in politics. American University, Brown, City College of New York, Cornell, Haverford, Hollins, MIT, Oberlin, Princeton, Vassar and the University of Pennsylvania are among the 17. Eleven others—Stanford, Notre Dame, University of Chicago, Clark, Duke, Johns Hopkins, Michigan State, Syracuse, Wellesley, Columbia and Sarah Lawrence—are expected to announce such a recess in the future.

Mr. President, so the problem is there. It shows what is intended. It poses a great many serious questions which have been the subject of speculation in many news comments in recent days. I wish I had time—the hour is late and I do not—to go into them at some length. Many editorials have been written. One of the most interesting articles was published in the Washington Post not too long ago. I will not read it all, just cite some of the questions raised by this proposed political activity:

> Are private colleges and universities that appear to lend support to political activities risking challenges to their vital tax-exempt status?
>
> When campus authorities alter or shorten academic calendars, are they inviting demands or even lawsuits from some students or their families for at least partial tuition refunds?
>
> Can students and professors plunge into political work if they are receiving aid from the government or private foundations?

I might point out that in Florida, at the University of Miami, when there was a recent shutdown over the Kent State and Cambodia affair, the president of the university actually did shut down the university and two law students sued in Federal court to have it reopened, and the judge so held. There were many other lawsuits around the country where this happened, so that the lawsuit question is raised as a serious problem, which has already happened.

I continue to read:

> Finally, does the current surge of political activity pose any threats to academic freedom—that cherished right to hold and voice one's individual beliefs without fear of reprisals?

Many papers and editorials have editorialized on that particular point. I think that one of the most interesting I have read was brought to my attention by the Senator from North Dakota (Mr. YOUNG), who had it printed in the RECORD yesterday or today.

This incident involves the University of North Dakota which faced the problem.

I will read the editorial from a North Dakota newspaper. It sums up the whole problem very admirably. This was an action taken by the dean's council, faculty members, and students in dealing with the controversial subject of whether this particular university would shut down this fall.

It reads in part:

> "The University of North Dakota recognizes the importance of, and encourages, participation by individuals in the political, social, and economic affairs of the community, state and nation," the policy statement says. While we respect the deep concern of individual faculty members and students about events and issues which have brought increasing turmoil to our nation and the concomitant desire to participate actively in the fall elections, we must emphasize the distinction between involvement of an individual and involvement of the University as an institution. The University affirms its traditional concern for the well-being of the society; at the same time it must remain outside the political arena. Adjustment of the academic calendar in order to free students, faculty, or other employees to engage in political activity is not consistent with the foregoing affirmation.

In explanation, the statement says, in part:

> In the first place when a student enrolls in the University and pays his tuition and fees, the University is legally committed to a published calendar, with provision for certain kinds of exceptions; there is the implied commitment by the University to deliver certain educational experiences. The calendar does not disallow politically-related programs, e.g., a seminar at Bismarck during the legislative session taught on a non-partisan basis. Other kinds of regular and announced scheduled class and field work programs may be arranged.
>
> The fundamental issue is the corporate involvement of the University and any actions that might involve institutional political commitments. Such actions might create a picture of institutional political unanimity which would not represent the views of all members of the University community.
>
> There is the danger that the University could evolve toward a kind of political orthodoxy, which in certain circumstances might even inhibit and discourage the expression of other opinions.

That is what the editorial or statement said in part regarding this very proposition.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. CURTIS. Mr. President, I would like to ask the distinguished Senator from Florida with reference to the language of his amendment, when he refers to, "which is closed or classes suspended at any time" is it the intention of the distinguished Senator to include only that closing or suspension of classes that occurred hereafter?

Mr. GURNEY. The Senator is correct, hereafter.

Mr. CURTIS. I thank the Senator.

Mr. GURNEY. Mr. President, in reading the summary or the statement of purpose of the University of North Dakota, it seems to me that it sums up the problem.

I do not know any Member of the Senate—certainly not this Member—who is opposed to political activity on the part of students. As a matter of fact, I have had college students and high school students in every one of my four campaigns for Congress who worked very actively in my campaign. And I spoke on the college and high school campuses and encouraged the students to engage in political activity.

What I think is wrong and what the editorial comments in many of the leading newspapers of the country and a great many people who have set their minds to this problem think is wrong is that the university itself should commit itself in the political arena, because once it does that it opens cans of all kinds of worms.

It opens up all kinds of hostile feelings against the university. And this is not the sort of a place where we should have official attitudes taken by the universities and academic communities to hurl the institution as such into the political arena.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. MILLER. Mr. President, the Senator's amendment refers to the "regular academic year." I take it that would not refer to the summer sessions. The Senator is talking more in terms of what we ordinarily understand as the fall semester, trisemester, starting in September of the school year and generally running on until May or early June?

Mr. GURNEY. In answer to the question of the Senator, I would say that would normally be the case. I think that some universities, of course, are not on the old system of two semesters. They are on the three-semester system. If that is their regular system, and they are in full session during the summer season, of course it would apply to them.

Mr. MILLER. Mr. President, there is some talk on the part of a very few colleges and universities, as I understand it, that there might be an adjustment in the academic year, whereby instead of classes starting in September and running straight through until the end of the first semester in January or February, the school year might start in September and then along about the middle of October there would not be any school for a couple of weeks for the purposes of enabling the faculty and students to participate in the fall campaign. Then, after the campaign, along about November 5, classses would resume.

I wonder if such an arrangement would constitute a "regular academic year" or if this would be a device for evading the intention of this legislation.

Mr. GURNEY. Mr. President, in answer to the Senator's question, I would say that if that were part of the regularly published academic year, a recess at a particular time, as the Senator has said, then it would not fall within the purview of this amendment.

If, on the other hand, a college or university had an academic year starting October 1, and its Christmas vacation starting December 15, then a cessation of the classes for a period of time to engage in political activity would be a violation of the amendment.

Mr. MILLER. The Senator seems to say that in the situation I described that, if in a publication it was indicated that classes would start for the fall term, let us say, on September 20, and from the period October 20 through November 5 there would be a "recess" and then classes would resume on November 5 and continue on until the end of the semester on February 1—if that is the way it was handled, it would not be violative of his proposed amendment.

Mr. GURNEY. The Senator is correct. As I understand the question of the Senator, if those at the university understood that that recess was part of the academic year, then it would not be a violation.

If I may continue, one most interesting thing that happened in my office during the visits of the many students in the past several weeks, and more particularly 2 or 3 weeks ago, when students who came to my office, was that I had several who complained to me about their particular colleges and universities shutting down and depriving them of an education.

They did not complain about the students who wanted to take off on their own time and come to Washington to talk to their Senators and Representatives. But they did complain bitterly because the college presidents and faculty and a few universities in some instances had simply closed down the college or university arbitrarily.

These students who were complaining were not able to continue their academic curriculum and that was what they wanted.

I think that a great many students feel that way. As a matter of fact, I think that a great majority of them feel that way and that a great many faculty members also feel that way.

It may be that a great majority of those students should be protected. The various lawsuits which have been filed around the country make it appear that way. Having lawsuits filed by students to keep their schools open so that they may continue going to college is indicative of the kind of students I am speaking of.

I would hope that the very serious question which is obviously being raised—tests, tax status, academic standards, the right of students who want to continue their education—and all of these matters have been raised by a lot of very serious-thinking people around the country in the past 2 or 3 weeks in answer to some of the proposals to close down our colleges and universities this fall.

I hope the Senate will agree with me and vote for the amendment.

Mr. MAGNUSON. Mr. President, I yield such time as he may require to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. COTTON. Mr. President, I sympathize with the motives my friend from Florida has in offering the amendment. He was kind enough to discuss it with me. However, Mr. President, I do wish to say this.

In committee the Senator from New Hampshire offered an amendment. That amendment was not pointed in any way, shape, or form to colleges or to students who participate in political campaigns. The thing that bothered me was closing down the colleges and universities before the year was up and not giving instruction. The amendment the Senator from New Hampshire had in mind was simply to provide that those colleges that did not run approximately the same number of total weeks in the year that they ran the year before this, in a normal year, would suffer a correspondingly proportionate decrease in Federal funds. The committee, and I trust its judgment, was against including the provision in the bill. They did consent to a recommendation by the committee in the report against the practice of closing down colleges and not giving instruction.

In the matter of closing colleges and letting students participate in campaigns, I must say frankly to my friend from Florida I would feel that I was a hypocrite if I voted for or supported the amendment, because shortly after the Cambodian incident, when all these students in groups and droves descended on Washington, I resolved to set aside 5 days and sit down and talk with every group that came in, no matter what State they came from. I am glad I did. I was here over that weekend. It was an extremely interesting experience. There were some students who presented difficulties, but many of them presented some extremely challenging, logical and reasonable ideas. I think it was a good thing for them to feel they had come to see me in my office and that they could have their say.

To every one of those groups that came in I said to them when they talked about our system being wrong and that there has to be a revolution, and that sort of talk, I told them to look at my State of New Hampshire and what happened up there in the presidential primary when the students went out from the colleges in New Hampshire, and probably from colleges outside of New Hampshire, and administered a stunning defeat to the President of the United States, by carrying the primary for EUGENE MCCARTHY in the first primary in the country.

I said to them, "That shows what you can do. If you want to bring your ideals to pass, do it within the system, do it within the framework; you can do it; you can go from door to door and talk to people. No matter whether you are old enough to vote, no matter what your voting age is, you have your influence."

If I were a candidate for office I would hate to have students of the colleges of the State of New Hampshire going up and down the street telling people not to vote for COTTON. I cannot imagine a group I would be more fearful of unless it were the rural mail carriers. I have always had a fear of them. [Laughter.]

Mr. President, this amendment is pointed at the very thing I am compelled to believe it should not be pointed at. I did feel the practice of shutting down the colleges at the end of the year and letting everybody out, promoting them without examinations and refusing instruction to those who might want to stay and receive instruction was wrong. I felt that should be taken into consideration in the grants offered, but that was purely in the discretion of the Secretary of Health, Education, and Welfare.

I will say to the Senator from Florida, while I recognize his complete sincerity, and much can be said for his position, and even though I represent his side of the committee, I cannot possibly support his amendment and I hope that he would not push the amendment to a rollcall vote.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. PASTORE. Mr. President, as a matter of fact, this matter of limiting funds or denying funds, or obtaining funds was discussed at some length in our committee. While I agree with the Senator from New Hampshire, I sympathize with the Senator from Florida who is proposing the amendment. I am afraid we would be setting a bad precedent here because there is no connection between the spirit which motivates us in making these grants and what we are trying to stop. As a matter of fact, I think we are impinging a little on the administration of the colleges and universities. This could lead to abuses and affect the free flow of education at the community level as well. I do not think we should stop the flow of funds to stifle any activity that might be considered political. In the long run that might come back to haunt us.

I thank the Senator for yielding.

Mr. MAGNUSON. Mr. President, I agree with the Senator from New Hampshire and with the Senator from Rhode Island. I appreciate what the Senator from Florida is trying to do, but cannot support him.

Mr. President, the people he talks about, who do those things on campus or off campus are a small minority. Some call them militants, and they will go their way no matter what. They will just leave classes and leave the schools. What I would like to do is encourage those who are the majority to take an active part in the democratic process. No one ever suggested in all these discussions that we close any school at any time. The taxpayers pay for the education and the students go there for an education, and that is what we all want.

XUM

But if someone felt he wanted to get a small amount of time off and the election is on Tuesday, on Wednesday, he would say, "Can I have Friday off if I make it up?" This is all that most of the plans provide from the Princeton plan on.

I think this will be a great program. Then they cannot come back and say, as many of these young people said to us recently, that they have been excluded from the process. Once they have gone out they cannot come back and say they were excluded because they were part and they will take some pride in the part they play. We should encourage that, particularly after the House and the Senate have just voted 18-year-olds the right to vote.

The people who would destroy property or violate the rights of others are not the ones we are talking about. They are a small minority numberwise, believe me. We are trying to reach the vast majority of students so that they might take part in the processes of democracy. When they do, it will be found that they will become excellent citizens.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BENNETT). All time having been used or yielded back, the question is on agreeing to the amendment of the Senator from Florida [putting the question].

The amendment was rejected.

AMENDMENT NO. 654

Mr. NELSON. Mr. President, I call up my amendment, No. 654, which is also sponsored by the Senator from Massachusetts (Mr. KENNEDY), the Senator from New York (Mr. GOODELL), the Senator from Michigan (Mr. HART), the Senator from Oklahoma (Mr. HARRIS), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Ohio (Mr. YOUNG) and the Senator from New Mexico (Mr. MONTOYA).

Mr. MAGNUSON. Mr. President, will the Senator yield for a unanimous-consent request at this time?

Mr. NELSON. I yield.

Mr. MAGNUSON. Mr. President, will the Senator agree to a limitation of 15 minutes on each side?

Mr. NELSON. I have no objection, if the Senator from New York (Mr. GOODELL)——

Mr. MAGNUSON. Or less?

Mr. NELSON. Let us say 15 minutes. The Senator from Massachusetts (Mr. KENNEDY) does not seem to be on the floor. I will take probably 5 minutes.

Mr. MAGNUSON. Is that satisfactory?

Mr. GOODELL. Yes.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that debate on the Nelson amendment be limited to 15 minutes on each side, to be equally divided between the Senator from Wisconsin and the Senator from Washington.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Will the Senator suspend until we get the amendment reported?

The amendment offered by the Senator from Wisconsin for himself and other Senators will be stated.

The assistant legislative clerk read the amendment (No. 654) as follows:

On page 5, line 16, strike out "$30,800,000" and insert in lieu thereof "$40,800,000".

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, I yield myself 4 minutes. The amendment to the Education Appropriations Act, H.R. 16919, that Senators KENNEDY, GOODELL, and I have introduced—amendment No. 654—would add $10 million to the Teacher Corps appropriations so that we can make a modest start on three new programs authorized by Congress this year: A Student Teacher Corps, a correction program for young offenders and an Indian reservation program.

Each of these programs has been carefully tested through pilot projects and enjoys wide support in the education community.

Congress added these programs and increased the authorization for the Teacher Corps by $44 million—from $56 to $100 million—this year after the President had sent up his budget. The act was not signed into law until April. Therefore the administration had no opportunity to take the new authorizations into consideration when making up their budget. We are grateful that the full administration request for the Teacher Corps has been approved both by the House and Senate Appropriations Committee this year. I want to take this opportunity to thank the chairman of the HEW Appropriations Subcommittee, Senator MAGNUSON, for his strong support for the Teacher Corps over the years and to thank the Appropriations Committee for appropriating the full administration request for the Teacher Corps, $30.8 million. However, we believe that the crisis in education is so serious, and the opportunity that the Teacher Corps offers to us for engaging young Americans in working constructively on this problem is so great, that we should move forward as rapidly as possible in expanding the Teacher Corps to fulfill its promise. Therefore we have proposed this modest $10 million amendment to make a start on these three programs for which Congress authorized an additional $44 million this year.

Let me speak briefly about the Student Teacher Corps program.

THE STUDENT TEACHER CORPS PROGRAM

The concept: We cannot afford to wait another 10 years to provide decent education to the young children of poverty. Yet to do the job now requires finding a vast supply of people able and willing to work in our hardest pressed schools. That supply exists in high schools and colleges where bright and dedicated young Americans are searching for ways to make a genuine contribution. The Teacher Corps has demonstrated that their learning skills can be turned into teaching skills if the course work and service programs are carefully built.

The proposal: We propose a national program to bring carefully selected, trained, and dedicated college and high school and junior high school students to work in tutorial programs in our Nation's poverty schools by establishing a Student Teacher Corps, based on the Teacher Corps' experience and structure.

Background: Studies of existing tutoring programs demonstrate that careful training, a strong program structure within the school system, and close cooperation with parents and community groups are essential if student tutorial programs are to be effective. The Teacher Corps, enacted by Congress in 1965, has won strong local support and the endorsement of the National Education Association and the American Federation of Teachers. It is now carrying out a program with about 2,600 members in 135 school districts in 40 States. It has demonstrated that college students can be trained to be effective tutors in teams led by experienced teachers. The Student Teacher Corps Act builds on both that experience and that reputation.

How it would work: Student Teacher Corps tutors will work with regular Teacher Corps programs. Proposals would be developed at the local level by schools and universities working in cooperation with community members and with the approval of the State department of education. The Federal Government would pay training, administrative costs and 90 percent of compensation. After training, Corps members would serve in the schools in teams under a leader from the school system. Kinds of members would include:

COLLEGE VOLUNTEER TUTORS

College students would volunteer, be trained, and serve in teams in schools under the supervision of team leaders. It is hoped regular course credit at the university could be arranged for their tutorial services.

HIGH SCHOOL AND JUNIOR HIGH SCHOOL TUTORS

Recent programs have had great success using high school students from poverty schools—often high school students with learning problems themselves—to tutor younger children. Results show that both high school students and younger children learn well under the programs.

ADULT VOLUNTEERS

Parents and others from the local community, and people from the larger community would be trained and work either part time or full time in tutorial teams. Those working full time would be eligible for subsistence level pay on the scale of regular Teacher Corps interns. Others would be compensated for expenses as volunteers. High school students would be paid only for work done outside of school hours. Many college students working as tutors would be eligible for college work-study programs.

Before closing, I ask unanimous consent to place in the RECORD two editorials from the Washington Post concerning the Teacher Corps and the appropriations amendment before the Senate.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 26, 1970]

A DOMESTIC PEACE CORPS IN EDUCATION

President Nixon signed into law earlier this month a major new program approved by

Congress to expand and strengthen the work of the Teachers Corps. It would enable that useful and imaginative agency to tap the resources of generosity and good will lying so largely unused among the nation's youth; it would give college graduates, high school and college students and others a chance to help disadvantaged inner city children overcome the handicaps which so often thwart their hopes for education. But the program, now authorized, has still to be funded. Appropriation hearings are currently in progress before a Senate appropriations subcommittee. Unless it deals with the Teacher Corps a great deal more generously than the House has done, the whole promising program will amount to little more than another promise broken.

The Teacher Corps as originally conceived operated to improve educational opportunities for poor children by helping colleges to train teachers and helping schools to improve the way teachers are used. It was a boon at once to young college graduates who wanted to make teaching a career and to the overburdened staffs of inner city schools.

A bipartisan group led by Senator Gaylord Nelson and Rep. William Steiger introduced a Student Teachers Corps bill last year which, now that it has been enacted, enables the agency to attract volunteers to serve during the school year, under the direction of trained teachers, as tutors and instructional aides both in schools and in the communities, many of them without any compensation, some with living allowances in much the manner of the Peace Corps and VISTA. This seems in close accord with a hope expressed by President Nixon during his election campaign for "a national Teacher Corps which would bring carefully selected college and high school students into action as tutors in core-city schools."

XUM

The Teacher Corps authorization signed by the President approved the expenditure of $100 million for fiscal year 1971. But before the new authorization had been approved, the administration fixed a budget amount of only $30.8 million for the agency. This is precisely the amount which the House granted. It will suffice at best to finance only the old program—and that on a meager basis. There is a superb opportunity at hand to enlarge the Teacher Corps' contribution to urban life. It would be a shame to let this hope die aborning.

[From the Washington Post, May 24, 1970]

FUNDING THE TEACHER CORPS

The Teacher Corps needs more money if it is to do what Congress has told it to do. The last chance it has to get that money will come tomorrow or the next day when the Senate votes on an appropriation measure for the Office of Education. Senators Nelson, Kennedy and Goodell have proposed an amendment to increase the funds available for Teacher Corps programs by $10 million.

Once a stepchild of the administration, the Teacher Corps now seems to have been made a fullfledged member of the family. The administration proposed to give it an allowance of $30.8 milion for the fiscal year ahead, and the Hopse of Representatives granted this sum without a murmur. The Senate Appropriations Committee approved the same amount in the bill now before the Senate as a whole. But in the meantime—in the period since the budget requests were framed—Congress voted to enlarge the Teacher Corps' responsibilities. Those responsibilities can be discharged only with added money.

Last month Congress passed the Nelson-Steiger bill to create a Student Teacher Corps which would operate to train and supervise college students, high school students and neighborhood people for service in tutorial programs to help inner city children. The idea is a marvelously imaginative and practical one. It would give a big boost to youngsters in culturally deprived and disadvantaged homes—a measure of the head start President Nixon has said is so vital to education. And at the same time it could be immensely valuable in giving the students serving as tutors a chance to put their energies and ideals to constructive use.

Another bill passed by Congress authorizes the Teacher Corps to help universities set up programs aimed at preparing teachers to work with young offenders in reformatories and prisons. This seems another immensely constructive undertaking. So is still another proposal approved by Congress telling the Teacher Corps to provide interns and team leaders for work on Indian reservations.

These programs can produce rich social dividends. Having authorized them, Congress now needs to finance them. The Teacher Corps is ready and eager to get going.

Mr. NELSON. Mr. President, I would like also to place in the RECORD certain excerpts from reports of the Committee on Labor and Public Welfare concerning the Teacher Corps written over the last 2 years, regarding the status of the Teacher Corps.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

REPORT ON HIGHER EDUCATION AMENDMENTS OF 1968—SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE

D.—INDEPENDENT STATUS OF TEACHER CORPS

In drafting the Teacher Corps legislation in 1965, the committee took care to specify that the Director would be equal in pay level to the then current rate for bureau chiefs. It was the committee's intention that the Teacher Corps be independent within the Office of Education reporting directly to the Commissioner.

The committee intended that the Teacher Corps not be an ordinary teacher education program. It recognized that the Teacher Corps needed maximum possible independence and visibility if its full potential as a recruiter of new teachers and an innovator in teacher education was to be reached.

This is the way the program worked until this March when it was placed within the new Bureau of Education personnel development.

During the early years of the program, when funding was uncertain, the Teacher Corps was operated first as a Task Force and then was attached to the Bureau of Elementary and Secondary Education. The committee understands that during this period the Teacher Corps, in effect, reported directly to the Commissioner. Now, however, the committee understands that the Teachers Corps has been made an ordinary division of the new Bureau of Education Personnel Development.

The committee is concerned that with the severely limited independence of a division in a bureau in the Office of Education much of the promise of the Teacher Corps as conceived by this committee may be lost.

REPORT ON ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969—SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE

STUDENT TEACHER CORPS

Section 804 of the bill amends title V–B–1 of the Higher Education Act of 1965, which authorizes the Teacher Corps. The amendments—

(1) authorize a now component, the Student Teacher Corps,

(2) adjust the salary rate for members of the Teacher Corps, and

(3) increase the authorization of appropriations for the program.

In recent years college students have volunteered by the tens of thousands for tutorial programs. However, these programs have often lacked the careful training, selection and integration into school programs and community life essential for success in teaching children from poverty homes.

A new movement has also begun that uses high school, junior high school, and in some cases even elementary school pupils from the higher grades in tutoring their younger school mates. Careful research shows that such tutorial programs are very successful, both for tutor and tutee.

These amendments are designed to provide an opportunity to expand these programs at the local level in conjunction with local Teacher Corps projects.

The Teacher Corps is a suitable vehicle because its present structure requires universities, school systems and community groups to work together in designing and operating innovative training and teaching programs under local control.

Already a number of innovative programs involving both adult and young pupil tutors have been developed as part of ongoing Teacher Corps programs. This new legislation will provide the legislative authority necessary to carry on this work in the 80 projects now supported by the Teacher Corps and in the new projects that the increased authorization would make possible.

The amendment also increases the authorized ceiling for the pay of regular Teacher Corps members to $90 a week. The present level of $75 a week has been ruled taxable income by the Internal Revenue Service since Teacher Corps interns are paid by local schools systems (with 90% federal funds) for more than half time work. In several large cities the resulting take-home pay after deductions amounts to $50 to $60 a week. When Congress established the $75 per week rate, the amount was thought to be comparable to the non-taxable stipends under other teacher training programs. It is not mandatory that all Teacher Corps interns should be paid at the higher rate, but in cases where the costs of living are high the Commissioner would have the discretion of reimbursing school systems for compensating teacher-interns at rates up to the higher figure.

With respect to compensation for the student tutors the amendment provides that tutors and instructional assistants shall be compensated at rates consistent with the practice under comparable work study programs.

In commenting on the Teacher Corps in its report on the Higher Education Amendments of 1968 the Committee reasserted its intention that the Teacher Corps be operated in the Office of Education as an independent "Corps" program. In this report the Committee again emphasizes that this was and is the Congressional intention in setting up this special program.

Mr. NELSON. Mr. President, as this report language makes clear, the Teacher Corps was designed to be a Corps, that is to say an independent program on the model of the Peace Corps; a program with a spirit of innovation very hard to achieve in ordinary bureaucratic programs no matter how efficiently run. It was the intent of the committee in drafting this legislation that the Teacher Corps be as independent as possible within the Office of Education, reporting directly to the Commissioner. Two administrations have seen fit not to operate the Teacher Corps as it was intended but rather to place it within a regular bureau within the Office of Education. I want to take this opportunity to state that I believe this to be a mistake. It is not only contrary to the intent of Congress but, more important, detrimental to the concept of the Teacher Corps itself and a great handicap for the program.

Consider, for instance, the question of staff. The Teacher Corps is now a division of a line bureau in the Office of Education. As such it must compete with other divisions for scarce staff positions and administrative expense funds. As a result the Teacher Corps staff has been cut from 61 in 1968 to 47 today, while its program has increased from $17 million to $30.8 million. The story on expense funds is similar. I do not seek to criticize anyone. It is the administrative arrangements that are at fault. The great success of the Teacher Corps despite this organizational handicap is a tribute to the program and to its administrators and especially to the spirit of young Americans who continue to apply for the difficult Teacher Corps service at the rate of nine applications for every position available.

The Teacher Corps has now proven itself to be enormously effective. It has always had the enthusiastic support of the education community, the National Education Association, and the American Federation of Teachers. It has earned the support of local school officials and of university people who were initially somewhat suspicious of the idea. It continues to have very strong support among young college students. I understand that the Teacher Corps and Peace Corps and VISTA each year send a joint mailing to college seniors and that the Teacher Corps gets as many ressponses to the mailing as both VISTA and the Peace Corps combined.

I want to take this opportunity to urge the administration to take full advantage of the opportunity that the Teacher Corps represents. Not only do I suggest that the Teacher Corps be made as independent as possible, but that the administration request for next year the full $100 million authorized by Congress for the Teacher Corps program. No problem that we face is more serious than education for the children of poverty. Nothing is more desperately needed by this Nation than opportunities to involve its young people constructively in dealing with its social problems. At a time when we seek to reach out to young people to provide them with ways of expressing their social concern through avenues of peaceful and constructive change, the Teacher Corps offers a tested and proven opportunity. I hope that the Senators will support the amendment before them this evening, and I hope that the administration will join with us in providing an opportunity for the Teacher Corps to fulfill its promise.

I yield the floor to the Senator from New York (Mr. GOODELL).

The PRESIDING OFFICER. How much time does the Senator wish?

Mr. GOODELL. Two minutes.

Mr. President, I rise to urge that the Senate pass this amendment—coauthored by Senators NELSON, KENNEDY, and myself—to provide an additional $10 million for the Teacher Corps.

I am extremely pleased that the House and the Senate Appropriations Committees have allowed the full budget request of $30.8 million for the Teacher Corps in H.R. 16916. This is certainly a well-deserved vote of confidence in a program which is now a proven success.

However, the original budget request did not include funds for three innovative and vitally needed programs which were newly authorized by the Congress in the Elementary and Secondary Education Act amendments—Public Law 91-230—approved on April 13, 1970, after the budget was submitted. Neither the House nor the Senate Appropriations Committee have provided funds for these programs either. These three new programs are: Corrections education, Student Teacher Corps, and assistance to Indian children. It is our intention that of the $10 million to be provided by this amendment, $4 million would be spent for the corrections education program, $4 million for the Student Teacher Corps, and $2 million for the Indian program.

In addition to their common legislative origin, each of these programs has been proven successful in projects conducted by the Teacher Corps on a pilot basis. Congress has recognized the value of permanently authorizing these three programs; it should now fulfill its responsibility by providing the means for a modest start in implementing them.

Of particular interest to me is the opportunity afforded by this amendment to provide $4 million for the Teacher Corps corrections education program. With the cosponsorship of 10 Senators, I introduced the amendment to the Elementary and Secondary Education Act which established this program on a permanent, nationwide basis a few months ago.

I introduced that amendment because of my deep concern over the need to improve our correctional system. It is a shocking fact that up to 75 percent of the offenders released from confinement in prisons, jails, juvenile training schools, and probation and parole organizations commit new crimes and return to confinement. Our corrections system does not correct. For young offenders particularly, these institutions offer an unparalleled opportunity to obtain a graduate degree in crime.

The Teacher Corps program provides a sound and viable means of changing this shocking situation. Its basic objective is to encourage colleges and universities and local school systems to establish and expand specialized programs of teacher training for assisting in the rehabilitation of juvenile delinquents and youth offenders in penal institutions and community-based correctional facilities. It is designed to encourage young people to make education in the corrections field a permanent career choice—a step we should have taken long ago. It also will complement the efforts of other Federal, State, and local agencies to provide better education programs for juvenile delinquents and youthful offenders.

The Teacher Corps has demonstrated the success of this program in four pilot projects undertaken since 1968 in the States of New York, Illinois, Connecticut, and Georgia. The results of these pilot efforts are clear proof of the Teacher Corps' ability to initiate effective reforms in an area so crucially related to our national well-being. Presently, there are a significant number of corrections education proposals which have been submitted to the Teacher Corps by various organizations and universities in several States and 10 new programs can be started this year. However, unless this amendment is passed, funds will not be available to implement these programs.

The Student Teacher Corps and the Indian program have also clearly demonstrated on a pilot basis their potential for improving neglected groups in our society. The funds to be provided by this amendment will be of critical importance in expanding the success realized thus far. The Student Teacher Corps program will enable the Teacher Corps to train and use volunteer tutors from colleges, schools, and communities as part of regular Teacher Corps teams. This program will give direction to a movement of recent years in which tens of thousands of college students have volunteered for tutorial programs to aid children of poverty homes. High school, junior high school, and even elementary school pupils from higher grades have also established tutorial programs for younger school mates. In its pilot projects the Teacher Corps has tested and proven the beneficial results of these programs to tutor and tutee alike. With this permanent authorization now established, the necessary direction and training can be offered to expand and improve the delivery of these services. The $4 million provided by this amendment is essential to the needed implementation of this program.

The ESEA amendments also provided that up to 5 percent of the members of the Teacher Corps could be assigned to elementary and secondary schools operated for Indian children by the Department of the Interior. The $2 million provided by this amendment will expand the Indian reservation program pioneered on the Navajo and Hopi reservations in Arizona and Sioux reservation in Nebraska. This was set up to improve reservation schools, while training young Indians for careers in education. The Teacher Corps approach, based on the concept of encouraging Indians to train themselves, has shown promise of tremendous success in this area.

Mr. President, I wish to commend the Senate Appropriations Committee for recommending an increase of $390 million over the House passed level. I regret that this amount is not higher. When I wrote to the Appropriations Committee, urging them to increase the Senate funds over the House level, I stated my firm belief that it is not in our national interest to place excessive budgetary restraints on our education programs. I once again reiterate that belief today. There are far too many authorized education programs on the statute books with no funds to operate and too many more which are inadequately funded far below authorized levels. No matter how many programs we pass, unless we appropriate the money to bring them to life, they are merely rhetorical devices.

I believe that these Teacher Corps programs can make a contribution to the betterment of our society in areas which have too long suffered from undue neglect. It is my hope that the Senate will join with us and appropriate the necessary funds.

XUM

Mr. TOWER. Mr. President, will the Senator yield?

Mr. GOODELL. Mr. President, I ask for 1 additional minute, and I yield to the Senator from Texas.

Mr. TOWER. I understand this was authorized subsequent to the adoption of the budget by the administration.

Mr. GOODELL. That is correct.

Mr. TOWER. Has there been any administration comment on the proposed amendment at all since that time?

Mr. GOODELL. Not to my knowledge. I do not think there is opposition.

Mr. TOWER. There is no administration position?

Mr. GOODELL. There is no administration opposition, to my knowledge. I have talked with administration officials, and I find no opposition to the basic approach authorized. I do not speak in terms of appropriating the funds.

Mr. NELSON. Mr. President, I yield to the Senator from Massachusetts.

The PRESIDING OFFICER. How much time?

Mr. KENNEDY. May I have 3 or 4 minutes?

Mr. NELSON. I yield 4 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I would just like to add my voice, as a cosponsor of the amendment, in support of the amendment. I think it is important in the concern of this great body and the administration in the field of education.

One of the most impressive facts about the Teacher Corps is that 86 percent of the Teacher Corps graduates stay in the field of education. One of the great needs in the field of education is still top quality teachers in poverty-area schools. The Teacher Corps has been one of the most impressive recruiters as a source for individuals who remain in the field of education. Seventy percent of those who have been involved in the Teacher Corps have continued to teach in the poverty areas of this country.

Therefore, I think this is the very minimal kind of support if we are to get people who are interested in the education field in these difficult and challenging areas; namely, in the poverty areas.

I think one of the most challenging statistics is that only one in every nine applicants is accepted, even though they qualify for other reasons, and are actually permitted to join the Teacher Corps. In other words, only one out of nine individuals in this country who are interested in participating in the Teacher Corps and in teaching in the poverty areas—and who will undoubtedly continue in the field of education—is allowed to enroll, because of the limitation of the resources for providing training under this program. We know the dimensions of the needs of the Teacher Corps in Indian reservations and among juvenile offenders and other student teachers.

I feel the committee has done an admirable job in trying to allocate the necessary resources for the Teacher Corps. I would hope that additional resources could be made available, because I feel they are essential in terms of educational experience, particularly in attracting young people to the field of education and, second, this attracting young and old alike in the difficult and challenging urban and rural poverty areas of our country in the field of education.

I thank the Senator for yielding to me.

Mr. NELSON. Mr. President, I reserve the remainder of my time.

Mr. COTTON. I yield myself 5 minutes, Mr. President.

Mr. President, on behalf of the committee, I just want to call attention to the fact, first, that we were very much impressed with the testimony on the Teacher Corps. In the early years of this scrapping about the Teacher Corps, I must admit that I was something of a skeptic. I am not any longer. We were all impressed by it. The distinguished Senator from New York said that he had talked with people downtown, or people connected with the administration, who raise no objection. I have talked with those who are charged officially with the budget, and there is some objection by them on this matter, for this reason:

Last year, the Teacher Corps was part of another line item. It had $21,737,000, or about $22 million. This year, the Bureau of the Budget itself, at the request and urging of HEW and of the administration, increased that amount by nearly $10 million to $30,800,000.

The House of Representatives took the budget figure. The Senate took the House and budget figure, and we did this also: We made it a line item, so that, for the first time, the Teacher Corps has been raised to the prestige of a line item, and has been given the full budget estimate, which is a $9 million jump over last year, to start with.

After all, there is much merit in the suggested amendment. I think if a rollcall had not been demanded, with this amount involved, we might well have taken it to conference, and perhaps obtained a little more from the House; but we are getting to the point where, if we are going to be frozen into positions by rollcalls, I simply have to remind the Senate of one thing:

The Senate bill is now over the budget $850,597,000—almost a billion dollars more than the budget estimate. It is over the House figure by $540,367,000; and it is over fiscal 1970 by $703 million, without counting the last couple of amendments that have been added to it.

Mr. President, this is not in the nature of a threat, because I have no knowledge and do not represent in any sense the administration, and have no knowledge from anyone within 10 miles of the President of the United States, but we know what happened last year, and Senators will remember that the distinguished Senator from Washington, who I think should be credited as being one of the most diligent and dedicated supporters of these humanitarian programs, said in his opening remarks that our committee increased the budget, increased the House figure, and gave to this education appropriation every cent that we felt we could give it in safety, without incurring serious risk of going to another veto, another delay, going until November or December before the school districts know what money they are going to get, and traveling the pathway that we traveled last year. I am not justifying the President's veto, because I supported the bill; I am simply talking facts.

If we keep on increasing it—we have increased it $150 million by the amendment of the Senator from New York; we have increased it some more by adding other additional amounts and if, by a series of rollcalls, the Senate chooses to pad this up farther, I am afraid, Mr. President, we will run into trouble, because your committee has been very, very generous, in going almost a billion dollars over the budget.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLAND. Mr. President, will the Senator yield me 4 minutes?

Mr. COTTON. Certainly.

Mr. HOLLAND. Mr. President, I thoroughly support the statement just made by the distinguished Senator from New Hampshire. Our committee is not a unit in supporting this program through the years, but this year the two leaders of the committee, the Senator from Washington and the Senator from New Hampshire, strongly insisted that we support the entire budget estimate, which was over $9 million more than the appropriation for last year. By looking at page 13 of the report, Senators will see that as a result of this increase in appropriations, 2,200 new corps teachers would be able to be trained and put to work.

Furthermore, Senators will see that in order to make this program stand by itself, our two leaders recommended that this be made a line item and taken away from general teachers' instruction matters, which involved a great many other matters which sometimes ate into this program.

We followed those two recommendations; we put in the more than $9 million addition to what the Bureau of the Budget had put in, and for the first time in this program, we supported the full budget request. We are going along, in good faith, to support this program, and to enable it to serve this 2,200 new teacher training effort. That may not be wise, but the committee decided to do that, and laid aside any personal doubts we had had in order to do it.

I respect the good motives of those who offer this additional increase, but I do not think it is wise. I do not think it gives credit to the two leaders of this committee, who went into this matter very strongly, and were able to sell these two very great changes to the committee as a whole, one stepping up the program by between $9 million and $10 million, the second providing for the training of 2,200 new teachers; and the third thing, which I think is a matter of great importance also, making this a line item, so that it will stand by itself and will have a greater prestige, and give greater promise than it ever has before.

I hope very strongly that the argument of the Senator from New Hampshire will be upheld, and this amendment will be rejected.

Mr. NELSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes. The Senator from Washington has 6 minutes.

Mr. NELSON. Mr. President, let me say again as I say in my prepared re-

XUM

marks, how grateful I am for the great support that has been given to this program by the Appropriations Committee. I am well aware of the support which the Senator from New Hampshire has given it.

Moreover, the Appropriations Committee funded the total amount of the administration request, about $9 million more than it was last year.

My only point was that we authored these three additions to the program after it was too late for the administration to take a position on funding them.

Mr. President, I would be prepared to ask, if the Senator from Washington would take the amendment, unanimous consent to withdraw the request for a rollcall.

Mr. MAGNUSON. Mr. President, I ask the Chair to put the question on the amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin?

Mr. DOMINICK. Mr. President, I object.

Mr. MAGNUSON. I am ready to yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield back the remainder of his time?

Mr. NELSON. The unanimous consent request for the withdrawal of the rollcall has been objected to.

Mr. COTTON. Then let us not yield back our time.

Mr. MAGNUSON. Who objected to it?

The PRESIDING OFFICER. The Senator from Colorado (Mr. Dominick).

Mr. MAGNUSON. How much time do I have, then?

The PRESIDING OFFICER. The Senator has 6 minutes.

Mr. MAGNUSON. Six minutes; I yield to the Senator from New Hampshire whatever time he needs.

Mr. COTTON. I just want to add one thing. Among other things, we restored the impacted area funds which mean so much to so many districts in this country. We restored them completely. The House put some of them back in. We increased over the House by $248.8 million, a quarter of a billion dollars. If we keep chipping away on programs on which we have tried to be as generous as possible, somewhere along the line this has to be cut down. I sincerely hope—knowing how my school districts feel, and I think the school districts of many others Senators—that we will not have to cut it down by yielding to the House and cutting down the impacted area funds, which are the only funds the districts can take and spend as they desire, without strings on them from Washington. That is why I think it is so important.

I am sorry about the objection to the roll call vote, because I think we might have gotten a little more from the House. This is a good program, and we are going to do the best we can. But if we have to have the roll call vote, I sincerely hope the Senate will not force us into a situation which will cause us to run into trouble somewhere along the line and go through what we went through last year.

Mr. MAGNUSON. Mr. President, I yield myself one-half minute.

These are good programs, but here, again, they are programs that did not show up in any recommendations. I think that they should be funded. Perhaps it is wise to try it now and see whether the House will go along with it in conference, because there may not be another chance this year. It is difficult to know just which is the right amount, because the programs that have been discussed are not literally Teacher Corps programs in the sense that we first began the Teacher Corps.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NELSON. I yield time to the Senator.

Mr. MAGNUSON. They have been authorized by the Congress and the President. So I am hopeful that the Senate will vote its will on this, and the Senator from New Hampshire and I will see what we can do.

Mr. NELSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Four minutes.

Mr. NELSON. I yield myself 2 minutes.

I want to emphasize once more that this $10 million appropriation is for three programs that we discussed and approved in both Houses of Congress this year. One of them involves Indian education, an opportunity for training Indians so that they can do the work on the reservations, where help is desperately needed. One is for education work with juvenile offenders who are sentenced to jail for less than a year. Another one is to train high school kids so that they can participate in tutoring those who are in school with them.

All three programs have been tested; all three have been successful. It is a tremendously important investment. I think this is the kind of investment that we ought to make, in helping people who are unfortunate, in providing opportunity for young Americans to serve their country. In helping local schools and prisons do a better job.

I yield to the Senator from New York (Mr. Goodell) whatever time he may desire.

Several Senators. Vote! Vote!

Mr. NELSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Wisconsin. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Bayh), the Senator from Connecticut (Mr. Dodd), the Senator from Mississippi (Mr. Eastland), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. McCarthy), the Senator from Georgia (Mr. Russell), and the Senator from Ohio (Mr. Young) are necessarily absent.

I further announce that the Senator from New Jersey (Mr. Williams) and the Senator from Texas (Mr. Yarborough) are absent on official business.

I further announce that, if pressent and voting, the Senator from New Jersey (Mr. Williams), and the Senator from Texas (Mr. Yarborough) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. Goldwater), the Senator from California (Mr. Murphy), the Senator from Illinois (Mr. Smith) and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Maryland (Mr. Mathias) and the Senator from Kansas (Mr. Pearson) are detained on official business.

If present and voting, the Senator from South Dakota (Mr. Mundt) and the Senator from Illinois (Mr. Smith) would each vote "nay."

The result was announced—yeas 46, nays 37, as follows:

[No. 175 Leg.]

YEAS—46

Aiken
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Church
Cranston
Eagleton
Fong
Fulbright
Goodell
Gore
Gravel
Harris
Hart
Hatfield
Hollings
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Magnuson
Mansfield
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Prouty
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Stevens
Symington
Tydings

NAYS—37

Allen
Allott
Baker
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Ellender
Ervin
Fannin
Griffin
Gurney
Hansen
Holland
Hruska
Jordan, Idaho
Long
McClellan
Miller
Packwood
Percy
Smith, Maine
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NOT VOTING—17

Anderson
Bayh
Dodd
Eastland
Goldwater
Hartke
Mathias
McCarthy
Mundt
Murphy
Pearson
Russell
Saxbe
Smith, Ill.
Williams, N.J.
Yarborough
Young, Ohio

So Mr. Nelson's amendment was agreed to.

DISPOSITION OF CERTAIN FUNDS AWARDED TO THE TLINGIT AND HAIDA INDIANS OF ALASKA BY A JUDGMENT ENTERED BY THE COURT OF CLAIMS AGAINST THE UNITED STATES—CONFERENCE REPORT

Mr. McGOVERN. Mr. President, I submit a report from the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 12858, to provide for the disposition of certain funds awarded to the Tlingit and Haida Indians of Alaska by a judgment entered by the Court of Claims against the United States. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. Bennett). The report will be read for the information of the Senate.

XUM

The assistant legislative clerk read the report as follows:

Conference Report (H. Rept. No. ——)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12858) to provide for the disposition of certain funds awarded to the Tlingit and Haida Indians of Alaska by a judgment entered by the Court of Claims against the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from it amendment.

George McGovern,
Lee Metcalf,
Mike Gravel,
Paul J. Fannin,
Theodore F. Stevens,
Managers on the Part of the Senate.

James A. Haley,
Ed Edmondson,
Roy A. Taylor,
John P. Saylor,
E. Y. Berry,
Managers on the Part of the House.

Mr. STEVENS. Mr. President, it is important to note that although the Senate has receded from its amendments, we did so only after receiving from the conferees acting on behalf of the House a commitment that the question of further supervision of all Alaskan natives, including the Indians who are the beneficiaries of this bill, by the Department of the Interior, will be given thorough consideration by the Congress when the Alaskan Native Land Claims bill is before us.

I commend my colleague, Senator Gravel for having raised the question and even more for his willingness to postpone consideration of this important issue in connection with this bill so that the Tlinget and Harda Indians may have the money to which they are entitled. The Senate conferees have graciously yielded in this instance but I am assured that we will all work together on this serious issue in the future so that our native people may guide their own destiny.

Mr. McGOVERN. Mr. President, as passed by the House, H.R. 12858 authorized the Tlingit and Haida Indians of Alaska to use funds awarded these Indians by the Court of Claims for any purpose and in any manner authorized by the Central Council of the Tlingit and Haida Indians as approved by the Secretary of the Interior. The tribe was awarded approximately $7 million for lands taken by the United States in southeastern Alaska.

The Central Council has submitted a plan for using the judgment money for educational assistance, special aids to the elderly, housing, community and industrial development, and a revolving loan fund. Some $3 million is to be held in reserve.

The Senate Interior Committee held hearings on H.R. 12858, and it was the opinion of the committee that the Tlingit and Haida Indians were competent to administer these programs without supervision by the Secretary of the Interior and the bill was appropriately amended to reflect our confidence in their ability to do so.

The House objected to the Senate amendment and requested a conference, which was held on June 24. After a full and free discussion, the Senate conferees have receded from the position of the Senate in order that Tlingit and Haida Indians may proceed to carry out their program. I regret that the Senate language could not be preserved because I strongly believe that these Indians could successfully operate their program without secretarial control. However, they have waited many years for the settlement of this claim and there should be no further delay in putting into effect their well thought out plan to assist their membership.

Mr. President, I move adoption of the conference report.

The PRESIDING OFFICER (Mr. Bennett). The question is on agreeing to the conference report.

The report was agreed to.

FIRST SPECIAL SESSION OF THE ORGANIZATION OF AMERICAN STATES—APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. Bennett). The Chair, on behalf of the Vice President appoints the Senator from Idaho (Mr. Church) and the Senator from New Jersey (Mr. Case) to attend the First Special Session of the General Assembly of the Organization of American States, Washington, D.C., beginning June 25, 1970.

THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS—APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. Bennett). The Chair, on behalf of the Vice President and in accordance with Senate Resolution 281, 90th Congress, second session, appoints the Senator from Oklahoma (Mr. Bellmon) to the Select Committee on Nutrition and Human Needs.

OFFICE OF EDUCATION APPROPRIATIONS, 1971

The Senate resumed the consideration of the bill (H.R. 16916) making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes.

AMENDMENT NO. 656

Mr. CASE. Mr. President, I call up my amendment No. 656 and ask that it be stated.

The PRESIDING OFFICER (Mr. Bennett). The amendment will be stated.

The Assistant Legislative Clerk. On page 4, line 16, in lieu of "$970,720,000" insert "$998,770,000".

On page 4, line 22, after "technical institutes" insert a comma and "and $28,050,000 for grants for construction of other institutions of higher education,".

Mr. MANSFIELD. Mr. President, will the Senator from New Jersey yield?

Mr. CASE. Let me make two requests for cosponsors and a technical one and then I shall be glad to yield to the Senator from Montana.

Mr. President, I ask unanimous consent that the names of the Senator from New York (Mr. Goodell) and the Senator from Idaho (Mr. Church) be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. Mr. President, I ask unanimous consent further, that the adoption of this amendment shall not preclude further amendment of this same section to the bill during its further consideration.

Mr. HOLLAND. Mr. President, I object.

Mr. KENNEDY. Mr. President——

Mr. CASE. Mr. President——

Mr. KENNEDY. Mr. President, I would certainly hope that we would not have an objection here. We all know the rules—that there can be only one amendment, one increase in any line item of funds. There are a series of amendments here which would increase higher education funds—one amendment of the Senator from New Jersey on construction, and an amendment which I have on student assistance. If there is objection, then we will have to take the amounts in combination in a single amendment, and it will take a long period of time. Now, hopefully, as I understand the request of the Senator from New Jersey, he wanted to consider each amendment one by one so that we could evaluate each amendment on the basis of its merits. If not, we can combine them, which will take a much longer period of time. We can go on into the evening [laughter] and be prepared to talk further—I do not see any reason why we should——

Mr. WILLIAMS of Delaware. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 718

Mr. CASE. Well, Mr. President, then I ask unanimous consent to withdraw amendment No. 656 temporarily and I call up my amendment No. 718 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The Bill Clerk. On page 7, strike out lines 22 through 25 and insert in lieu thereof the following:

That loans may be made during the current fiscal year from the fund to the extent that amounts are available from commitments withdrawn prior to July 1, 1971, by the Commissioner of Education.

Mr. MANSFIELD. Mr. President, will the Senator from New Jersey yield to me now?

Mr. Case. I am happy to yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 20 minutes on the pending amendment, the time to be equally divided between the sponsor of the amendment and the manager of the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HOLLAND. Mr. President, may I ask the Senator a question? Just what does this amendment mean?

Mr. CASE. The amendment has for its purpose permission to use the revolving fund for Federal loans to institutions for higher education for construction of facilities. The chief beneficiary of this—this is to say, the use of these unused funds, which will not add any more money to the bill, will be the smaller colleges which cannot take advantage of the program, which is the chief result on reliance this year—that is to say, the interest subsidy program.

The bigger colleges and universities can do that. They do not need this assistance. But the smaller ones very much need it. This is a revolving fund.

Mr. HOLLAND. Mr. President, could the Senator state how much is involved?

Mr. CASE. Mr. President, it is not really possible to state that. It depends on how much will be unused by the end of the fiscal year. I cannot tell the Senator. However, it does not involve any more new money. The amount recaptured during 1970 has not yet reached the anticipated $25 million. Still, the Office of Education expects the total of $35 million which was envisioned for the fiscal years 1970 and 1971 to be captured by the end of fiscal year 1971.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. COTTON. Mr. President, I personally feel that this is an excellent amendment. I would like to see it taken to conference. I, for one, would be very sincere in supporting it.

Mr. CASE. Mr. President, I appreciate the support of the Senator from New Hampshire.

The PRESIDING OFFICER (Mr. BENNETT). Is there objection?

Mr. MAGNUSON. Mr. President, if the Senator would yield for a minute, I ask unanimous consent to have printed in the RECORD a complete analysis of amendment 718.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

EFFECT OF AMENDMENT NO. 718 TO H.R. 16916, RECOMMENDED BY SENATOR CASE

This Amendment would allow the Commissioner of Education to make direct Federal loans from the Higher Education Facilities Loan Fund to the extent that funds are available from amounts obligated prior to July 1, 1970 but not used. The effect of this Amendment in program terms will be to make sums available for direct loans to small colleges that are unable to negotiate loans from non-Federal sources on acceptable terms and, thus, are unable to participate effectively in the Office of Education's interest-subsidy construction program. It is estimated that approximately $20 million will become available from direct loan commitments withdrawn prior to July 1, 1970. Thus, approximately 25 loans would be supported under the Amendment, compared with about 12 under the Senate Committee bill.

The appropriation language for this Fund provides that Federal loans will be made only to the extent that funds can be made available by withdrawing earlier Federal loan commitments. It is anticipated that some institutions for which direct Federal loans have been committed, but not disbursed, will elect instead to take Federally subsidized, private loans, which are replacing direct construction loans and grants in the Office of Education budget. (Appropriations for Federal interest subsidies are included under the "Higher Education" appropriation.) Since direct loans will be made only to the extent that earlier commitments are withdrawn, these loans will not result in any net increase in Federal obligations or expenditures.

Mr. MAGNUSON. Mr. President, personally I think it is a very good amendment. We would have put it in the bill if it had been discussed in full. It does not add anything to the bill. It merely allows them to recommit loans that they have already made to other colleges, which are usually smaller colleges, and which may be returned. I am sure that the Senator from New Hampshire and I would be pleased to take it to conference.

Mr. RANDOLPH. Mr. President, I would like to be included as a cosponsor of the amendment.

Mr. CASE. Mr. President, I ask unanimous consent that the name of the Senator from West Virginia (Mr. RANDOLPH) be added as a cosponsor of my amendment.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

Mr. CASE. Mr. President, beginning this year there has been a substantial change in the method of financing academic construction under the Higher Education Facilities Act.

Grants and direct loans have been curtailed in favor of using a new annual interest grant program.

For some of our larger colleges and universities, this new interest subsidy program can be a boon. It is expected to be a preferred method for many of them to obtain the funds which all of our institutions of higher education desperately need to build the classrooms and other facilities for rapidly increasing enrollments.

Under the interest subsidy program, a college or a university can finance as much as 90 percent of a project by a subsidized loan while under the older program of direct Government loans the institution can finance only 75 percent of the cost of a project.

But many other deserving colleges, particularly the smaller and poorer ones, are unable to take advantage of the interest subsidy program because private lenders are unwilling to make loans to them at interest rates and over a long enough period to make such loans feasible. That is especially true at this time of soaring interest rates. And it applies particularly to requests for loans to construct buildings which produce no income, such as classrooms and libraries.

In November of 1969, Office of Education officials testified before the Senate Appropriations Committee that they expected wealthier colleges and universities which already had direct Government loans to switch over to the interest subsidy program once that new program got underway. They said they expected to have $25 million in direct loan funds returned to the Office of Education in this manner during fiscal 1970 and another $10 million to be recaptured through unused direct loans in fiscal 1971.

Based on this testimony, the Senate included in the 1970 appropriations bill a provision which authorized the Office of Education to use this returned money to make new direct loans to poor deserving colleges which could not get a loan from any other source.

Because the 1970 appropriations were not approved until earlier this year, however, the amount recaptured during fiscal 1970 has not reached the anticipated $25 million. Still the Office of Education expects the total of $35 million which was envisioned for the fiscal years 1970 and 1971 to be recaptured by the end of fiscal 1971.

Unfortunately, the House, acting on the original premise that only $10 million would be recaptured during fiscal 1971, wrote into the bill pending before us a limitation of $10 million on the amount of recaptured direct loans which could be recommitted during fiscal 1971.

It was the intent of the Senate, I believe, that the Office of Education should be allowed to recommit all of the $35 million expected to be recaptured by July 1, 1971. This is reflected in the fact that the Senate did not put any limit on the amount which could be recommitted in the provision it included in the 1970 appropriation.

My amendment merely applies to the 1971 appropriations the same language which we included in the 1970 bill.

Approval of my amendment would not add anything to the total of the appropriations. It would merely permit the Office of Education to redirect to poor and deserving institutions funds recaptured from loans which other colleges and universities decided not to use. These funds were appropriated in 1968 and 1969 and, I am told, would merely lie fallow in a loan fund if we did not include authority for them to be recommitted.

I urge approval of this amendment.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. DOMINICK. May I ask why the amount of $10 million was put in if we vote to take it out?

Mr. CASE. Mr. President, that was the figure that was expected would be all that would be left. It is now apparent that there will be at least $25 million and probably by the end of fiscal year 1971, $35 million.

Mr. MAGNUSON. Mr. President, that was the best figure we could get when we held our hearings.

The PRESIDING OFFICER (Mr. BENNETT). The question is on agreeing to the agreement of the Senator from New Jersey.

The amendment was agreed to.

Mr. CASE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GRAVEL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 645

Mr. KENNEDY. Mr. President, I call up my amendment No. 645 and ask that it be stated.

The PRESIDING OFFICER (Mr. BENNETT). The amendment will be stated.

The assistant legislative clerk read as follows:

On page 4, line 16, strike out "$970,720,000" and insert in lieu thereof "$1,046,670,000".

XUM

On page 4, line 23, strike out "$167,700,000" and insert in lieu thereof "$185,600,000".

Mr. KENNEDY. Mr. President, the amendment would basically include my amendment to that provision and it would also include the Case amendment to it.

I would hope that my distinguished colleague, the Senator from New Jersey, would explain his part of the amendment and thereby fulfill the requirement of the rules of the Senate.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. HOLLAND. Mr. President, if I understood the amount, it would add $76 million to the bill?

Mr. KENNEDY. The Senator is approximately correct. That would be the total of the two amendments.

Mr. President, I would hope not to delay the Senate this evening for any period of time. But I would hope I would have an opportunity to explain this amendment which is offered by me and also the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Oklahoma (Mr. HARRIS), the Senator from New Mexico (Mr. MONTOYA), the Senator from New Jersey (Mr. WILLIAMS), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Ohio (Mr. YOUNG).

This amendment on which I speak now, would increase this appropriation by $47.9 million.

The thrust of the amendment would increase three student loan programs—the Educational Opportunity Grant program, the Work Study program, and the National Defense Student Loan program.

This would increase the program over 1968, for example, by approximately 28 percent, in spite of the fact that there are increases in student enrollment and inflation which add up to more than 31 percent over 1968.

All we are really attempting to do by the amendment is to aid the current enrollment of students at approximately the same proportion which was initiated during the mid-sixties and carried through to 1968, but which was then cut back in 1969 and then in 1970 through the veto message.

Mr. President, I think this amendment is extremely worthwhile for a number of reasons.

Mr. President, could we have order?

The PRESIDING OFFICER (Mr. BENNETT). There will be order in the Senate.

The Senator from Massachusetts may continue.

Mr. KENNEDY. Mr. President, this is worthwhile for a variety of reasons. First of all, because of the cutbacks we have seen caused by the veto of the HEW budget last year, we found less funds going to colleges and universities. The result of that has been that there has been a cutback in their scholarship programs.

Second, there has been an increase in the unemployment rate throughout this Nation. It has been accordingly difficult for students to obtain the kind of resources to being or continue their higher education.

The guaranteed student loan program has for the most part been effective only for those families who have had some relationship with banks and who have already had some kind of family association with banks. This has been a cause of considerable distress to the Education Subcommittee. What we are finding today is that those students who are being given the guaranteed bank loans are those with families who are already doing business with a parent bank. Because of this apparent problem, the HEW conducted a study. And the study shows that 85 percent of the individuals who are today covered in the guaranteed student loan programs are individuals whose families have some relationship with the banks that they are receiving loans from.

As a result, a number of extremely needy students today are unable to acquire the kind of loans they need.

I would hope that this amendment would be passed, providing an opportunity for students in the work study program, the education apportunity grants, and the national defense student loan program to go to colleges and universities of their choice.

I think it is important to realize that for every dollar that the Senate of the United States and the House of Representatives appropriate to students in this country, more than $14 is actually returned to the Federal Government in terms of taxes paid by those students over a period of years.

I think that economically it is sound. I think there is an extraordinary need for this in all schools and colleges and universities of this country.

Under the bill at present, an estimated 300,000 students with valid requests approved by regional panels of the Department of Health, Education, and Welfare would be denied aid. My amendment would give assistance to an additional 65,300 of these needy students—young people who might otherwise be unable to begin or continue their higher education.

As my colleagues know, National Defense Student Loans are given through institutions to students who evidence a need for financial assistance—with a limit of $1,000 a year for undergraduates and $2,500 a year for graduate students. Loans are repaid at a rate of 3 percent interest, commencing upon completion of college or graduate school.

Educational opportunity grants of not more than $1,000 nor less than $200 a year are made to the most economically disadvantaged students—those whom the college determines would be unable to attend without the grant.

The college work-study supports part-time employment for needy students in the college or in public or private nonprofit institution. The average rate of pay is $1.85 an hour.

Mr. President, the funds sought in this amendment are critically needed. Total estimated requests approved by HEW's own regional panels are $796 million. Yet even with this amendment total appropriations would be only $604 million—or $192 million less than is required. For in an attempt to economize, I have asked for only 20 percent of the difference between the figures in the bill as reported by committee and the actual demand approved by HEW.

The current economic crisis has reduced the ability of families, students, and institutions to finance higher education.

First, with inflation over 6 percent, the increase in other costs leaves families with less for school. Yet at the same time, rises in tuition, fees, and room and board have raised the price tag of college.

In my own State of Massachusetts, for example, Boston College has just announced a tuition increase of $240 effective this coming September. This comes on top of a $400 tuition increase just last year. In addition, room and board costs at Boston College will be raised by $300 at the opening of the fall term.

This is no isolated example. Across the country, tuition and costs are rising at a rate of about 7 percent a year. And the end is not in sight.

I am sure that every single one of my colleagues has received many moving letters from parents and students who cannot find aid, and in many cases have been forced to drop out or not even start college or vocational school.

Second, guaranteed student loans from banks are increasingly difficult to obtain. And they are only a small help to low-income students anyway. Only about one quarter of such loans in fiscal 1970 went to students from families with adjusted incomes below $6,000 a year.

Third, rising unemployment and shortage of jobs reduces outside work for students. Unemployment of 18- and 19-year-olds rose from 11.5 percent in April 1969 to 11.6 percent in January and 13.8 percent this last April. For 20- to 24-year-olds over the same periods it rose from 5.7 to 5.8 to 7.7 percent.

Fourth, with growing deficits, colleges themselves have less money available for scholarships. Since 1962, the debt level for all private institutions of higher education in Massachusetts has more than tripled, to $191.8 million in 1969. Non-Federal sources have simply not been able to keep pace with rising enrollments and costs.

As the dean of the Rhode Island School of Design has written to me:

> The amounts of money needed are far beyond the capacities of college endowments, contributions from foundations and industry, and the proceeds from fund-raising drives. Only the federal government has the vast resources needed to attack this problem.

Without some increases, colleges and universities will simply have to cut off aid to needy and deserving students and let them drop out of school.

Mr. President, in the midst of this financial crisis, the Federal Government has recently fallen behind in its responsibility. In fiscal 1970, the Department of Health, Education, and Welfare did not even spend $33 million of the funds we appropriated for national defense student loans. And we are a long way from the same relative position we were in a few years back.

In 1967, for example, we funded 91 percent of HEW-approved requests, and 83 percent in 1968. This amendment

XUM

would still fund only 76 percent of the HEW-approved requests for 1971.

As I indicated earlier, in the last 3 years, enrollment has increased by 12.7 percent and tuition and costs by over 18 percent. But compared to this combined increase of 31 percent, even under my amendment we will have achieved a 3-year increase in student aid of only 28 percent. So we end up helping a smaller proportion of students and/or meeting a smaller proportion of their costs. This has occured at the very same time that more and more economically disadvantaged students are being encouraged to enter college.

Mr. President, I have received correspondence from over 100 college presidents and financial aid officers from over 30 States and territories supporting my amendment.

It is further supported by virtually all of the higher education organizations. I think that two telegrams from national organizations perhaps summarize as briefly and clearly as possible the vital need for the increased aid. I shall just read these two—copies of which I believe have been distributed to each Senator's desk:

> The American Council on Education strongly supports your amendment 645 to increase student assistance by $47.9 million. Because of growing economic pressure, our institutions have fewer resources for scholarships at the very time that increased enrollment and costs are driving up the demand. Moreover, many financial aid officers indicate that guaranteed student loans are becoming more difficult to get and rising unemployment is reducing the availability of outside jobs for students. Passage of amendment 645 would greatly aid many students by making available money that can come from no other source.
>
> LOGAN WILSON,
> *President, American Council on Education.*

And the second telegram reads:

> On behalf of the 900 member colleges of the Association of American Colleges we strongly support your effort to increase appropriations for financial aid to students. Without such an increase many college will be forced to draw upon their already too meager resources or borrow funds at current interest rates to make good on commitments to their students in September. Rising college costs and current inflation of all costs will make it impossible for many students from poor and middle class families to attend college this year unless increased funds for NDSL loans and EOG and work study grants are appropriated.
>
> FREDERIC W. NESS,
> *President Association of American Colleges.*

Mr. President, last August this body voted 56 to 38 in favor of an amendment to increase fiscal 1971 authorizations for these three programs by $170 million. Passage of the amendment presently before us would be a partial fulfillment of that earlier commitment.

It would help low-income students who so desperately need assistance. For the Carnegie Commission on Higher Education reports that while 48 percent of undergraduates come from the top quarter income bracket, only 7 percent come from the lowest income quartile.

And it would help middle-income students as well, both through more national defense student loans and by freeing up institutional scholarships which in the absence of Federal aid would be needed for low-income students.

I think there is a considerable need. I think the amendment which we suggest is only really following along and meeting the problems of inflation and increased enrollment.

I hope the Senate agrees to the amendment.

Mr. CASE. Mr. President, at this time I would like to set out my part of the amendment, as a joint amendment.

The part of the amendment I had originally introduced as my amendment No. 656, would add $28,050,000 to the bill for grants for construction of higher educational physical facilities at 4-year institutions.

This amount was included by our subcommittee, along with a figure of some $43 million for direct grants for construction at 2-year colleges.

In the full committee the latter amount was retained, but the $28,050,000 for 4-year colleges was not retained. It is that amount that my part of this joint amendment would add to the bill.

The reason for the proposal is the same as my concern to have the full amount of the revolving fund available for loans for this general purpose. These grants will go chiefly to the smaller colleges, to those institutions which although as important as any others to our educational system, nevertheless will not be able to take advantage of this new interest subsidy program and, therefore, will fall between two stools, as far as these educational facilities are concerned.

I believe the subcommittee was right. I hope the Senate will take the same point of view and restore this figure to the bill.

Skyrocketing college expenses are threatening to make a higher education once again the exclusive privilege of the wealthy in this country.

We are long past the time when anyone has to be reminded that we can ill afford to waste the talent of our youth in this manner today.

The education appropriations bill we are considering contains several efforts to offset this trend through various forms of student assistance.

But these efforts to provide financial assistance to put a college education within the reach of everyone capable of benefiting from it are being eroded by steadily increasing tuition and other student charges.

The student charges, in turn, reflect efforts by our institutions of higher education to obtain the funds they need to build the facilities needed to meet anticipated increases in enrollments.

Congress long ago recognized that college construction would not be able to keep pace with demands of increasing enrollments without Federal assistance. In 1963, we passed the Higher Education Facilities Act which authorized loans and grants to our colleges and universities to help them meet the demand for new facilities without pricing a higher education out of the reach of many of our worthy students.

For the current fiscal year, $936 million is authorized under title I of that act.

But beginning this year there has been a substantial change in the method of financing academic construction under the Higher Education Facilities Act. Grants and direct loans have been curtailed in favor of using a new annual interest grant program.

An Office of Education task force endorsed the interest subsidies program in a report issued July 10, 1969. But the task force warned that the program "should be tried out in practice and proved to be broadly feasible before consideration is given to eliminating funds for the direct assistance programs."

Despite this warning, the budget request and the House bill this year place complete reliance on the subsidy program.

The Appropriations Subcommittee which heard the testimony on this bill noted that very little activity has taken place in the interest subsidy program and recognized that it was not completely workable in the current financial market. Many institutions most in need have been unable to take advantage of it.

In the casee of private colleges and universities, the current interest rates are so high that it would take an extremely high subsidy differential to make up the difference between 3 percent and the rate imposed by the bank lender. Many private colleges will not be able to borrow at all from private banking sources, irrespective of interest rates, because many of the buildings, such as library and classroom buildings, are not income-producing and, without a loan guarantee, lenders consider it too risky to grant the loans.

The loan span of 20 to 25 years makes the repayment schedule more than small institutions can afford. It has been estimated, based on surveys, that only about 25 percent of the private institutions of higher education in this country could obtain loans under the interest subsidy program in the present market.

For these reasons, the subcommittee agreed with the Office of Education task force that the interest subsidy program should, at the present at least, supplement, rather than replace, the direct grant and loan programs for academic facilities.

The subcommittee approved my motion to add $71 million to the bill to provide the same funding for direct grants as was provided in the 1970 appropriation—$43 million for 2-year institutions and $28 million for 4-year schools.

Unfortunately, the portion of this assistance provided for 4-year institutions is no longer in the bill as it is now before us.

In answer to an inquiry about the amount of funds available for grants under the 1970 appropriation for title I of the Higher Education Facilities Act, an Office of Education official told the Senate Appropriations Committee than only $9 million had been obligated, out of the total of $71 million.

At the time the report was made, it was correct. Processing applications from State commissions had been held up because of the delay in obtaining final approval of the 1970 appropriations.

XUM

But Office of Education officials have since reported that the entire $71 million will be obligated by the end of this month and applications now on hand total more than $200 million.

My amendment would add $28,050,000 to the pending bill to provide funds for grants for 4-year institutions. It would bring the total available for grants for construction at all institutions of higher education to slightly over $71 million, the same level provided for the current fiscal year.

This would only be enough to meet about 35 percent of the requests now on hand in the Office of Education. It would still be far below the $133 million recommended for the 1971 fiscal year in the Office of Education task force report. It falls short of the $91 million appropriated for grants in fiscal 1969.

But it would provide a minimum amount of funding for grants for both 2-year and 4-year institutions which are unable to take advantage of either the direct loan or the loan subsidy programs.

While I share the concern of Senators about the need to hold down Federal expenditures in order to control inflation, my amendment proposes only a modest investment in the future of the Nation, and I urge that we consider the long-range loss to our economy if we fail to invest in the future.

Mr. MAGNUSON. Mr. President, specifically I wish to refer to the portion of the amendment of the Senator from New Jersey (Mr. Case) and others, and I wish to state the position of the committee.

XUM

We found that further additions to total construction support are necessary. In fiscal year 1971, it is estimated that over $500 million in private construction loans will be available under the Federal interest subsidy program—a lending level exceeded only by totals of $618 million in 1966 and $713 million in 1967.

In addition, the committee added $43 million to the House bill and budget request for grants for community college construction. Grants were approved in this case because many of these schools are new institutions and have more difficulty borrowing than established, 4-year colleges and universities.

For the small number of colleges unable to obtain private loans, the committee has approved an HEW request to replace up to $10 million in existing direct loans with subsidized loans. The funds thus freed will be available for direct loans to colleges in special need.

Mr. President, this is the reason the committee arrived at the figure it did. We think it is adequate and this is what we recommended. Of course, we are all depending upon the success of the highly questionable interest subsidy program. I think there are sufficient funds to do what the Senator from New Jersey is trying to do in his amendment. It is a laudable amendment, but there is no use appropriating more than is necessary or more than the President will allow to be expended. That is the committee position.

Now, on the amendment of the Senator from Massachusetts (Mr. Kennedy), which would add $47,900,000 to the bill, it gets down to a question of basic policy.

The NDSL student loan program suffered the greatest cut by the administration. Relatively both scholarships and fellowships are down also. The effect is to have fewer scholarships and fellowships and to have people go to the bank for loans, as the Senator from Massachusetts pointed out. Personally, the Senator from Washington thinks this is a bad policy. I am not talking about the money.

Then, there is a tendency to dry up the program within the student loan program, in which the educational institution would make the loan. Apparently what they are trying to do is to have everybody go to a bank. I know some banks that suggest to parents when they go there, that they open up an account and do business with them, and if they do not open up an account, at least they get a credit card. Then they will be in debt all the more.

As a matter of policy I thoroughly agree with the Senator from Massachusetts, and the Senator from New Hampshire and I have discussed this matter. On the House side we find a complete brick wall on this policy, and its worse downtown.

I am going to somewhat reluctantly suggest that the Senate not add this money. With all due respect to the Senator from Massachusetts, we did not add anything to the House figure and we kept it their level.

I think the Senator from Massachusetts and his committee should take up this matter and find out if Congress is going to approve what they are doing, as a matter of basic policy.

Scholarships and fellowships are moneys that reach the lower income people, the same people where there is talent and where people cannot afford to go to undergraduate or graduate school because the cost is too high. We are losing all that reservoir of talent by not giving scholarships and fellowships where conditions are so stringent. In many cases that is the only way the student can go to college. In that case he is not about to get the loan from the bank.

The Senator from New Hampshire can relate to the Senate the argument we have had with the House of Representatives on this matter many times.

Mr. COTTON. Mr. President, I refer to page 284 of the hearings when I asked Mr. Muirhead the following question:

> Senator Cotton. Have you any rough estimate of how much repayment money you have in loans for fiscal 1971?
>
> Mr. Muirhead. Yes, In fact, I think we have rather precise estimates on the amount of repayments. Interestingly enough, the NDEA loan program has been operating long enough now so that the repayments are coming back in rather substantial amounts. And our best estimate is that in the college year coming up that there will be about $130 million in repayments to the colleges which they then will have in their revolving fund and will be added, of course, to the Federal capital contribution.
>
> Senator Cotton. The institutions will have that?
>
> Mr. Muirhead. Yes, sir.
>
> Senator Magnuson. The banks wouldn't have this revolving fund?
>
> Mr. Muirhead. No, the bank is not at all involved in the NDEA loan program.

This is coming in addition to all we gave.

Mr. KENNEDY. Mr. President, I would like to mention just a couple of facts and statistics with regard to the student loan program.

As I understand—and I would like to be corrected by the chairman of the committee if this is not correct—only 27 percent of the guaranteed student loans go to those in families with an income of less than $6,000.

Mr. MAGNUSON. I do not know the exact figure.

Mr. KENNEDY. Unquestionably that is correct. The statistics are extremely clear. They are found in the budget justification report of HEW. The findings of the various commissions reporting on the problems of higher education show quite clearly that guaranteed student loans are not aiding students in the lower and middle income families who should be able to participate in these opportunities.

I would like to ask my very good friend if in the last year the administration did not actually cut back in terms of the direct student loan programs, the national defense student loans, by some $33 million.

Mr. MAGNUSON. That is right.

Mr. KENNEDY. In the expenditure of these programs.

Mr. MAGNUSON. I think I mentioned that. The Senator from New Hampshire and I really think we ought to have the money. I do not like this policy and I reject their arguments. The Senator is correct.

Under the loan program, most of these people cannot get loans even if they go down to the banks.

Mr. KENNEDY. We have seen some increases as a result of the Appropriations Committee findings, but if we take the base figures from 1968 to 1969, when this whole program was operating more as intended, in terms of inflation and in terms of student enrollments, from the resources of the budget—and we know the tremendous pressures on it, and I am sympathetic to those factors—we find actually a smaller proportion participating in terms of relative students and costs than there were in 1968.

Finally, I would like to point out and remind my colleagues, if they have had a chance to review the Congressional Record of 2 days ago, that in that Record I placed letters from administrators and presidents of universities. We find that the students in these work-study and opportunity programs and national defense education program are those who are really trying to "keep it cool" in the colleges and universities.

The record is replete with evidence from college administrators and presidents of the universities that if it were not for those students in the colleges and universities, things might be different. They are the ones who are working in the total university structure, and who realize they are to benefit from a university education, and they are "talking things down."

I would hope that we could show at least some additional kind of understandings as to their plight.

Mr. CASE. Mr. President——

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. HOLLAND. Mr. President, I would like to address a question to the Senator from Washington.

Mr. MAGNUSON. I yield.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

Mr. CASE. Mr. President, I should like to make a couple of points in rebuttal. The chairman of the subcommittee and the ranking minority member have been extremely considerate to our concerns for these programs. I am most grateful, as evidenced by my appreciation of the action they took on my previous amendment. But the same principle is involved here. The smaller colleges will not be able to take advantage, under present conditions, of the interest subsidy program, so they must have loans and grants. The 4-year small colleges need them just as much as the community colleges and technical institutions do.

The $43 million we gave for community colleges and technical institutes I think represents admirable action on the part of the committee for that particular purpose, but for the fiscal year ending the end of this month, 1970, we appropriated $71 million for those programs.

That is what my amendment would bring that appropriation to this year—the same amount. That is $20 million less than the amount which was appropriated in fiscal 1969.

There is one reason why I think the Office of Education led the committee to feel that this was unnecessary. When they were up here they said only $9 million had been obligated out of the total of $71 million appropriated. That was, of course, a correct figure at the time, but that was early in the spring. Since then, the fact is that they have reported to us that the entire $71 million appropriated for 1970 will be obligated by the end of this month.

The applications now on hand, in addition to all previous appropriations, total more than $200 million.

I hope that the Senate will consider this a worthy amendment.

Mr. HOLLAND. Mr. President, I would like to address a question to the Senator from Washington, if he will yield to me for that purpose.

Mr. MAGNUSON. Yes. I do not have the floor.

Mr. HOLLAND. Am I correct that the principal part of these student loans is in the direct loan figure?

Mr. MAGNUSON. In NDEA.

Mr. HOLLAND. In NDEA direct loans?

Mr. MAGNUSON. Yes.

Mr. HOLLAND. Am I correct in my understanding, as shown in the report, on page 24, the top line, to that effect, that the budget estimates were $176,925,000 and that the committee, under the able leadership of the Senator from Washington and the Senator from New Hampshire, raised that amount by $52,075,000?

Mr. MAGNUSON. That is correct.

Mr. HOLLAND. I thank the Senator. It seemed to the Senator from Florida that that was extremely generous, and the committee was glad to go along with that recommendation.

Mr. MAGNUSON. That figure is a little deceiving. I may say, because with respect to a direct loan for which, when one has to go to a bank, we did take away from the other type of loans, because the new policy is to have someone go to the bank. But this is the figure, because that is the policy they are going to pursue, and there is not much we can do about it. We cannot change that. We increased the amount, I may say to the Senator from Florida.

Mr. HOLLAND. More than $52 million?

Mr. MAGNUSON. Yes.

Mr. KENNEDY. Mr. President, may I say, in conclusion, the communications I have read, whether from the Association of American Colleges, or other college associations, and various education associations, land grant colleges, and so forth, all indicate that they are in support of the amendment.

Let me make one point, and I will rest my case. Because of the gradual reduction in the student loan programs and the resources to which the students may turn under education opportunity and work study programs, those who are affected most dramatically are the sons and daughters of middle-income families. Because the colleges and universities have felt that, if they are going to continue their scholarship programs, with the limited resources available to them, they should allocate them where the need is greatest, to students from lower income groups. Therefore, as we read into the RECORD some days ago, those suffering most in the last 2 or 3 years are those from middle-income groups.

Mr. MAGNUSON. I just want to take half a second. The Senator from Massachusetts and the Senator from Florida are both right, because the House did drop $17,900,000 from the educational opportunity grants. We did agree to add the $52-some odd million to the direct loans.

So this becomes a question, I think, for the Senate to decide. I wish I knew some way to put an amendment on here to change the policy downtown, but I do not know how we can do it without being subject to a point of order.

Mr. RANDOLPH. Mr. President, will the able Senator from Washington yield?

Mr. MAGNUSON. Yes, I yield, and the Senator has the floor in his own time.

Mr. RANDOLPH. I ask for the attention of the diligent chairman of our Subcommittee on Education of the Committee on Labor and Public Welfare (Mr. PELL).

We have discussed from time to time the guaranteed loan program which is available to students but which requires the participation of our financial institutions; namely, the banks. We have received conflicting information. In some States, the banks have been very cooperative; however, in other States, they have been less than cooperative showing preference for certain types of borrowers. I trust the Senator will give, for the record, what he recalls of the most convincing testimony on this matter, presented to the Subcommittee on Education.

Mr. PELL. In my own State of Rhode Island, and I believe in the Senator's own State of West Virginia, the record was a good one. In the rest of the country, however from all the evidence that came in, it appears that the young people going into the banks received very short shrift unless they had some kind of family connections.

It is for that reason that we support most strongly the NDSL program.

Mr. RANDOLPH. Mr. President, as a member of the Subcommittee on Education, and as a Senator eager to help needy students, that was also my understanding. In West Virginia our record was not bad, as the record in Rhode Island was not bad. And I believe that in some other States the record was also good. But generally, as we carefully considered this subject, we came to the conclusion that it was necessary to do what many of us believe should be done, and that is to help, through means other than direct bank loan, the most needy students.

Mr. KENNEDY. Frankly, Mr. President, I remind the Senate that last year, by a vote of 56 to 38, we actually increased authorizations for these three programs by $170 million. Even if we add this amendment to the increases over last year reported by the committee, we still would only be increasing these programs by just about half what the Senate has already gone on record for.

Several Senators addressed the Chair.

Mr. WILLIAMS of Delaware. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BYRD of Virginia. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD of Virginia. Is the Senator from Virginia correct in his assumption that the amendment before the Senate would add $76 million to the bill?

The PRESIDING OFFICER. The clerk will report the amendment again.

Mr. BYRD of Virginia. Mr. President, I withdraw that parliamentary inquiry. As I understand from the chairman of the committee, the amendment—this one amendment—will add $76 million to the bill now under consideration.

I ask the Senator from Washington, am I not correct?

Mr. MAGNUSON. That is correct. The combined amendment.

Mr. BYRD of Virginia. The Senate will vote on it as one amendment.

Mr. MAGNUSON. Yes.

Mr. BYRD of Virginia. Which will add $76 million.

Mr. MAGNUSON. That is right.

Mr. BYRD of Virginia. Mr. President, I have read the committee report. The committee bill, as reported by the committee, is $703 million, or almost three-quarters of a billion dollars, over the appropriation for 1970. This amendment would add $76 million more.

The Senate has agreed to the amendment offered by the Senator from New York (Mr. JAVITS), and that amendment added $150 million more. Not only that, but that amendment brought in an entirely new program, that is estimated to cost $1.5 billion.

I happen to favor the scholarship programs. I think the scholarship programs are important. But we have heard statements by the distinguished Senator from Florida and the distinguished Senator from Washington that the scholarship programs have been increased, that the committee has gone into this thoroughly, and that the committee has allocated, according to the chairman of the committee, the Senator from Washington, adequate money for this program; and yet we are called upon to vote for an amendment now which would add $76 million to a bill which is already $703 million over last year, and which already has been amended by the addition of $150 million by the adoption of the Javits amendment.

It seems to me, Mr. President, that with the financial condition that faces our Nation, before we continue to vote more and more amendments, and more and more money, on these appropriation bills, we should give some consideration to our overall financial situation. The Secretary of the Treasury and the Director of the Budget have been testifying in the last several weeks as to the condition of the Treasury. There will be a deficit, for the fiscal year ending next week, of $11 billion. They predict another deficit for the following year of $10 billion—and in my judgment, that prediction is way low. Particularly with the way the money is being added to the appropriation bills tonight it will be way low.

So, although I favor the scholarship programs, I shall vote against this amendment, because I just do not believe we can justify adding $76 million more to this bill after we have already added $150 million to it by the Javits amendment, which in itself creates an entirely new program.

ADDITIONAL FUNDING IS NEEDED FOR EDUCATIONAL OPPORTUNITY GRANTS, STUDENT LOANS, STUDENT WORK-STUDY PROGRAMS, AND HIGHER EDUCATION FACILITIES IN IDAHO

Mr. CHURCH. Mr. President, as a cosponsor of amendments Nos. 645 and 656 which have now been joined by the distinguished Senator from Massachusetts (Mr. KENNEDY), and the distinguished Senator from New Jersey (Mr. CASE), I would like to take a few moments to comment on the need for these additional funds for the student work-study program, the student loan program, the educational opportunity grant program, and 4-year institution facilities construction.

First of all, I would like to point out how the work study, student loan, and educational opportunity grant programs operate:

First. The work-study program: Under the college work-study program, a student is given an opportunity to obtain part-time work, either with the college or university or with a private nonprofit organization. Costs of the employment are paid through the program with the college in which the student is enrolled acting as administrator of the funds. Students in this way can work up to 15 hours a week during the school year and up to 40 hours a week during the summer months.

Second. The student loan program: Under the student loan program, a student is allowed to borrow, for up to 10 years, as much as $1,000 per year to pursue undergraduate education and up to $2,500 per year to pursue graduate education programs. These loans are also administered by the college involved. The interest rate is 3 percent and repayment begins upon graduation.

Third. The education opportunity grant program: Under this program a qualified undergraduate student may receive a grant ranging from $200 to $1,000 to pursue his education. Exceptional financial need must be demonstrated and the grant is renewable for up to 4 years of college work. The grant must be matched by other assistance.

Last year, in my State of Idaho, over $2 million was expended under these three programs to aid students.

Amendment No. 645 would add a total of $47.9 million to the appropriation approved by the committee for these three programs. Specifically, it would allot an additional $16 million for the college work-study program, an additional $14 million to the student loan program, and $17.9 million for the educational opportunity grant program. This change would allow these three programs to aid an additional 65,300 students to achieve a quality education.

I have received telegrams from the financial aid officers of two of Idaho's colleges and the head of the Idaho Association of School Aid Administrators in support of these increased funds. I consider these funds vital to allowing our Nation to make good on its promise of quality higher education to all those students in our Nation who seek it. I ask unanimous consent that the three telegrams I received on this subject appear at this point in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

POCATELLO, IDAHO,
May 26, 1970.

Senator FRANK CHURCH,
Senate Office Building,
Washington, D.C.:

Large increases in enrollment are putting tremendous strain on the resources of the Federal Financial Aid Program. Senator Kennedy has introduced an amendment to education appropriations bill increasing the appropriations of the education opportunity grants, student loans, and the college work-study program. We urge your support of this amendment which will enable us to better serve the needs of the students of Idaho.

DAVID C. BLACKWELL,
Director of Financial Aids,
Idaho State University.

CALDWELL, IDAHO,
May 22, 1970.

Senator FRANK CHURCH,
Senate Office Building,
Washington, D.C.:

We encourage you to support the amendment to the HEW appropriation bill for fiscal year 1971 which has been proposed by Senator Kennedy. The additional funding would enable the college of Idaho and other Idaho institutions to assist many students who will be denied aid under current funding levels. For example, we have over 40 eligible students for college work study for whom we have no funds for employment. The jobs are waiting in seven public service agencies and could be confirmed immediately. This would require additional funds in the amount of approximately $30,000.00.

RICHARD H. WINDER,
Financial Aid Office,
The College of Idaho.

POCATELLO, IDAHO, *May 23, 1970.*
SENATOR FRANK CHURCH,
Washington, D.C.:

Idaho Association of Financial Aid Administrators urges your support of Kennedy Amendment No. 645, HEW appropriation bill for next year, increasing amounts for NDSL, EOG and workstudy programs.

RICHARD A. MINOR,
President, Idaho Assn. of Financial Air Administrators.

Mr. CHURCH. Mr. President, we simply cannot allow our national commitment to education to fall by the wayside. These increases amount to less money than we expend in one-half of a day for this Nation's military operations in Vietnam. Even with the increases, only 76 percent of approved requests for student aid this year will be met, compared to 90 percent in 1967 and 83 percent in 1968.

These programs have helped hundreds of young Idahoans obtain a college education. By allowing the student to obtain a grant or a low-interest loan—or by providing the means whereby the student can work part time to pay his way—we make higher education possible for many who could not otherwise afford it. The long-range damage that would result if we cut back on these self-help programs would be immeasurable. Cuts in education are the worst form of false economy.

The second part of this amendment would provide funds for construction grants for 4-year colleges and universities. I should like to point out the crying need in my State for funds to aid construction programs at 4-year colleges and universities.

The Office of Higher Education in Idaho has informed me that there currently exists, in my State, a need for over $6 million in funds to meet immediate construction needs at 4-year institutions. This estimate does not even include long-range needs of Idaho's 4-year colleges and universities. The funding needs expressed to me were broken down in the following manner. Again, I stress these are immediate needs, not long-range needs in Idaho.

University of Idaho—Moscow, Idaho: A need for $4 million for construction of a new law school, agricultural education building, and general classroom building.

Idaho State University—Pocatello, Idaho: A need for $1,150,000 for the renovation of the Swanson Hall classroom building, construction of a new welding shop and a new vocational arts building.

Boise State College—Boise, Idaho: $446,000 for a new music building and a new addition to the science building.

Lewis and Clark Normal—Lewiston, Idaho: $500,000 for a new classroom building.

Northwest Nazarene College—Nampa, Idaho: $400,000 for a new physical education building.

This comes to a total of $6,496,000 in Idaho alone.

The appropriations bill as it is now written contains absolutely no funds for the higher education facilities construction grant program for 4-year colleges and universities. Amendment No. 656 would result in the funding of this program at a level of $28,050,000. This is

XUM

about the same level of funding which was allowed for the present fiscal year.

There can be no doubt that our needs in the area of higher education facilities construction are great. Schools are increasingly hard-pressed for space and facilities in the wake of rising attendance in colleges and increasing interest rates which make borrowing money to meet burgeoning needs prohibitive in many cases.

Even with the adoption of this amendment my State will only receive $113,000. That is quite literally only a drop in the bucket when placed beside Idaho's immediate needs of over $6 million.

I consider this amendment to be the bare minimum which should be granted to continue the construction grant program in 4-year institutions. I urge favorable consideration and passage of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Bayh), the Senator from Connecticut (Mr. Dodd), the Senator from Mississippi (Mr. Eastland), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. McCarthy), the Senator from Wisconsin (Mr. Nelson), the Senator from Georgia (Mr. Russell), the Senator from Mississippi (Mr. Stennis), the Senator from Ohio (Mr. Young) are necessarily absent.

I further announce that the Senator from New Jersey (Mr. Williams) and the Senator from Texas (Mr. Yarborough) are absent on official business.

I further announce that, if present and voting, the Senator from Wisconsin (Mr. Nelson), the Senator from New Jersey (Mr. Williams), and the Senator from Texas (Mr. Yarborough) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. Goldwater), the Senator from California (Mr. Murphy), the Senator from Illinois (Mr. Smith), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from New York (Mr. Javits), the Senator from Kansas (Mr. Pearson), and the Senator from Illinois (Mr. Percy) are detained on official business.

On this vote, the Senator from Illinois (Mr. Percy) is paired with the Senator from South Dakota (Mr. Mundt). If present and voting, the Senator from Illinois would vote "yea" and the Senator from South Dakota would vote "nay."

On this vote, the Senator from New York (Mr. Javits) is paired with the Senator from Illinois (Mr. Smith). If present and voting, the Senator from New York would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 44, nays 36, as follows:

[No. 176 Leg.]

YEAS—44

Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Church
Cranston
Eagleton
Fong
Fulbright
Goodell
Gore
Gravel
Harris
Hart
Hatfield
Hollings
Hughes
Inouye
Jackson
Jordan, N.C.
Kennedy
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Pastore
Pell
Prouty
Randolph
Ribicoff
Schweiker
Scott
Spong
Stevens
Symington
Tydings

NAYS—36

Aiken
Allen
Allott
Baker
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Ellender
Ervin
Fannin
Griffin
Gurney
Hansen
Holland
Hruska
Jordan, Idaho
Long
Magnuson
McClellan
Packwood
Proxmire
Smith, Maine
Sparkman
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NOT VOTING—20

Anderson
Bayh
Dodd
Eastland
Goldwater
Hartke
Javits
McCarthy
Mundt
Murphy
Nelson
Pearson
Percy
Russell
Saxbe
Smith, Ill.
Stennis
Williams, N.J.
Yarborough
Young, Ohio

So the Kennedy-Case amendment was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was adopted.

Mr. CASE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 642

Mr. EAGLETON. Mr. President, I call up amendment No. 642 and ask that it be stated. Also, I ask unanimous consent that both amendments contained therein be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments will be stated.

The assistant legislative clerk proceeded to read the amendments.

Mr. EAGLETON. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendments will be printed in the Record.

The amendments are as follows:

On page 2, line 1, strike out "$673,800,000" and substitute in lieu thereof "$272,480,000".

On page 2, line 6, insert before the colon the following: "and $53,680,000 shall be for payments based on entitlements determined by the Commissioner under clause (A) of paragraph (1) of section 203(c) of said Act of September 30, 1950".

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, I ask unanimous consent that there be a time limitation of 20 minutes on the pending amendment, the time to be equally divided between the sponsor of the amendment and the manager of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLAND. Mr. President, reserving the right to object, what is the purpose of the amendment?

Mr. EAGLETON. The purpose of the amendment is to fund clause (C) of impacted aid—that is, public housing students, who now qualify for funding under impacted aid.

Mr. HOLLAND. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. EAGLETON. Mr. President, amendment No. 642 to H.R. 16916 provides $53,680,000 to fund entitlements under the impacted areas program, Public Law 874, for children living in low-rent public housing projects.

This amendment was originally offered with the cosponsorship of Senators Case, Javits, Mondale, Williams of New Jersey, and Yarborough. I now ask unanimous consent that the names of the following Senators be added as cosponsors: Senators Hatfield, Schweiker, Pastore, Hollings, Hart, Saxbe, Young of Ohio, Cranston, Smith of Illinois, Pell, Hartke, and McGovern.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. McGEE. Will the Senator add my name as a cosponsor?

Mr. EAGLETON. And Senator McGee.

The PRESIDING OFFICER (Mr. Burdick). Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, the elementary and secondary education amendments enacted earlier this year—Public Law 91–230—amended Public Law 874, the impacted areas aid program, to include pupils living in low-rent public housing as federally connected children for the purpose of providing assistance to local school agencies. The amendment also provided for the separate appropriation of funds for payment of entitlements based on public housing children.

No funds for impacted areas assistance for public housing children are provided in H.R. 16916, the Office of Education appropriations bill for fiscal 1971. As stated, amendment No. 642 would provide approximately $53.6 million for this program.

Mr. President, on each Senator's desk is a brief memorandum which explains this amendment, and attached thereto are tables showing the estimated allocation of the funds that would be appropriated by this amendment to each State as well as to a number of major cities for which figures are available. Table A, which is about three pages in length, lists each State and the amount to which each State would be entitled under the Eagleton-Case amendment. Table B contains certain large cities in each State where the figures are available and gives an indication as to how much money will go to each one of those cities.

The enactment of the authorizing legislation for this program marked a recognition by Congress of the burden imposed on local school agencies by the construction of federally funded public housing projects. Like military bases, these proj-

XUM

ects pay no taxes for the support of schools, and the small payments made in lieu of taxes by housing authorities average only $11.61 per child, a small fraction of the cost of education. Moreover, public housing has contributed to attracting the rural poor to cities large and small. Surveys have revealed that school enrollment in some areas doubled because of immigration resulting from the construction of public housing.

Children from nonpublic housing in the school district suffer from this impact as well. Many attend the same crowded and financially pressed schools as public housing students. All of the taxpayers in the district are forced to bear a heavier tax burden for education and receive less for their money.

The amount requested in our amendment is not great in relation to the need—it would provide funding of only 20 percent of public housing entitlement—but it is a beginning. Because funds to pay entitlements for public housing children are separately appropriated, the funds proposed under our amendment will in no way lessen or dilute payments under other parts of the impact aid program. Indeed, by broadening the base of this program, its constituency will be enlarged.

Mr. President, we saw very recently an illustration of the broadening effect that the inclusion of public housing children has on the entire impacted areas program. The Nation's cities have not been noted as leading supporters of the impact aid program, simply because only a very few cities benefited by it in any substantial degree. However, the U.S. Conference of Mayors, at their national meeting in Denver last week, passed a resolution in which the mayors of the Nation's cities commended Congress for its inclusion of public housing children in the impact aid program and urged that support be given to full funding for the program.

Of course the larger cities are not the only beneficiaries of this amendment. In recent years we have seen the spread of public housing projects to all parts of the country and in towns and cities of all sizes. An examination of the tables on your desks will show that a substantial portion of each State's entitlement is derived from areas outside of the major cities.

While the amount we are seeking in this amendment is not small, it is but one-fifth of the total entitlement for public housing children and only about one-thirteenth of the amount that the Senate Appropriations Committee has recommended for "A" and "B" children under Public Law 874.

I should add that this program was first authorized this year by the Elementary and Secondary Education Amendments signed by the President on April 13—1 day before the House passed this appropriation bill. Therefore, it is a new program, enacted after the budget estimates were sent to Congress.

Mr. CASE. Mr. President, Congress, in 1950, recognized that Federal activities could impose a special burden on certain school districts because Federal property is exempt from local property taxes but children living on this property often are educated in local public schools.

To compensate these school districts for the loss of revenue in the face of increased enrollments resulting from Federal activities, Congress approved a law which has become popularly known as the impacted areas aid program. This program provides special Federal financial aid to any district which is affected by Federal activities.

Recently, this program has been subjected to increasing criticism on grounds that it provided assistance to school districts without regard to need. It has been rightly pointed out that some of the richest school districts in the Nation receive the largest amounts of Federal aid under this program.

Earlier this year, we incorporated in the Elementary and Secondary Education Act a provision designed to give greater balance to the impacted areas aid program. This provision authorized the payment of impacted areas aid to school districts based on the number of pupils who lived in low-rent public housing projects which, like Federal facilities, do not pay local property taxes. The small payments made in lieu of taxes by housing authorities average only $11.61 per child, a small fraction of the cost of educating the children who live in these projects.

Indeed, in several areas of my State, local officials specifically rejected low-income public housing projects on grounds that such projects would impose too much of a burden on the local schools.

Amendment 642, which I have joined the Senator from Missouri in sponsoring, would provide $53.6 million to begin in a small way the program we authorized earlier this year. It would provide funding of only 20 percent of the full entitlement for each pupil living in public housing.

It would bring a greater degree of equity to the impacted areas aid program while it would in no way diminish payments under other parts of the program.

I urge adoption of the amendment.

Mr. President, I shall be glad to answer any questions Senators may have which may arise later on.

Mr. JAVITS. Mr. President, the Senator from Missouri (Mr. EAGLETON) and I have sponsored this amendment before the Committee on Labor and Public Welfare and saw it through a conference. I feel exactly as he does about what it symbolizes, that it represents the fact we have become heavily urbanized, that federally impacted areas are no longer confined to Army camps, stations, or similar installations in relatively sparsely settled areas of the country. This is in response to a very real need and I hope very much, especially those interested in impacted aid, that Senators will see the fairness of inclusion of this highly desirable and equitable provision.

I thank my colleague for yielding to me. I, too, am a cosponsor of this amendment.

Mr. EAGLETON. Mr. President, I should like to point out that the mimeographed copies of the tables on each Senator's desk were also included in the CONGRESSIONAL RECORD yesterday. They are thus available in printed form as well as mimeographed.

Mr. ELLENDER. Mr. President, I rise to oppose the amendment.

There are many inequities now in the impacted area law. For instance, in Montgomery County, Md., we are told that the children of Senators and Representatives who live there are entitled to relief.

Here is a program that has been on the statute books for 25 or 30 years—that is the public housing program and the Federal Government appropriates each year around $500 million in order to pay its share for public housing.

We also have on the statute books low-rent housing, aside from public housing, as the Senator from Missouri just stated, and that takes care of 20 percent of the funding. That will amount to, as he stated, $53,460,000.

That, Mr. President, is only a beginning.

Mr. MAGNUSON. Mr. President, may I ask the Senator from Louisiana, did anyone yield him time?

Mr. ELLENDER. There is no time limit now. A time limitation was objected to by the Senator from Florida (Mr. HOLLAND).

Mr. MAGNUSON. Oh, I did not realize that.

Mr. ELLENDER. There is no limit on time right now.

Mr. MAGNUSON. I am sorry. I did not wish to interrupt the Senator.

Mr. ELLENDER. Mr. President, this will mean that the next step that will be taken will be full funding. If that takes place, and there is public housing, full funding will amount to $267,301,285.

If we take in the public housing, we will have to take in the low-rent housing, too, because they are in a similar category.

My guess is that the cost of the impacted areas bill will exceed $1 billion per year.

I just think it is shameful for us at this time to consider a proposal of this kind, considering the many inequities that now prevail in the impacted aid program, which will only be augmented if we add funds for public housing at this time.

I, therefore, hope that the amendment will be rejected.

Mr. MAGNUSON. Mr. President, I apologize to the distinguished Senator from Louisiana.

Mr. ELLENDER. The Senator does not have to do that.

Mr. MAGNUSON. I did not hear the Senator from Florida object. I thought we had only 10 minutes time on this.

I want to suggest that what the Senator from Louisiana had to say just about expresses the sentiments of the committee in this matter. We are having nothing but trouble with the impacted areas program, and this merely adds something else.

Mr. ELLENDER. A new program.

Mr. MAGNUSON. The rent supplement people will come along next, I guess. So that this will finally fall of its own weight, until the time comes when we will probably just write out a check and send it to the school district and say,

XUM

"Here you are, use it for anything you want to"—which they now can do under impacted aid, anyway.

The inequities have been well publicized. This will add another one.

I think that if we need to help out the children in the public housing projects, it ought to be an appropriation to add to the bill for public housing buildings and not impacted aid. It is not impacted aid at all. So, the committee went over this at some length.

I think the vote was practically unanimous. At any rate, there was an overwhelming vote in favor of it. Perhaps one or two Senators did not vote for it.

I would like to add this, but I am afraid it is the one thing that would be put on top of the program that would break the whole program.

I can tell the Senator what the House would do if the Senate were to do this. They would say, "That is fine. If you want to add public housing people, that is OK with us. We will just take and subtract it from the regular impacted aid program. That amount comes off it." That is what they will suggest.

So, I hope that the amendment will be defeated.

Mr. COTTON. Mr. President, I will not take much time.

This amendment would add $53,680,000 to the impact aid appropriation for the education of children residing in low-rent public housing. This program—presently unfunded—was recently authorized as part of the Elementary and Secondary Education Amendments of 1969, Public Law 91–230, signed into law on April 13, 1970.

The amount provided by the amendment would be sufficient to fund about 19 percent of the $289,100,000 estimated as full entitlement for the new program. All eligible applicants under this new authority would receive the same 19 percent prorated share of their individual entitlement.

There are several reasons why the amendment should not be adopted:

First. The extension of the concept of Federal impact to low-rent public housing is tenuous and weak. A recent study of the impact aid program, conducted by the Battelle Memorial Institute, of Columbus, Ohio, concluded that public housing should not be blanketed into the impacted aid program. The study found that "payments for public housing pupils under the current impact aid formula would exceed by a wide margin any revenues lost by school districts because the public housing units are not taxable." In other words, the funding of this new provision would just add to the program's well-publicized inequities.

Second. The Congress is now considering administration legislation to reform the impact aid program and eliminate its inequities. To fund a new provision before this legislation is considered will make reform more difficult.

Third. The amendment would add funds for a new provision while the bill before the Senate does not fully fund existing provisions of the law. The Senate bill provides 90 percent of entitlement for both A and B children, except where A children constitute 25 percent or more of school enrollment, where 100 percent is provided.

Mr. President, in this bill we gave impacted area funds of $659 million, which took care of the A and B children, and those extreme cases.

The chairman of the committee, the Senator from Washington (Mr. MAGNUSON), is exactly right. The House had only put in $425 million in impacted areas, and the administration did not want to put in anything. They were going to send it along in a supplemental. We would have had long white beards before that supplemental ever got here. The administration did not intend that we should have the funds.

I am not talking administration talk now.

If this is agreed to, incidentally, this will take care of 19 percent of it.

A study indicates that in the low quality housing, the cities and communities would derive a considerable profit if that were put in on the scale of impacted area funds.

We cannot have it both ways. We cannot possibly have it both ways, because when we get to the House, knowing that the House is going to cut down on impacted area funds, if we take this, they will cut them down further.

The President does not want impacted area funds. So this is a good way to lose the impacted area funds that every superintendent and every school board and every school official throughout this country really is asking for. It is the only money they get that they can spend where they most need it and not be told down in the Office of Federal Education how to spend it.

I feel more strongly on this than on any other amendment that has been offered.

It opens the doors to all kinds of inequities. This would cost us what we fought for so hard last year and this year. It would cost us a large portion of our impacted area funds.

Mr. EAGLETON. Mr. President, I would like briefly to respond to the commentary of the Senator from Louisiana (Mr. ELLENDER), the Senator from Washington (Mr. MAGNUSON), and the Senator from New Hampshire (Mr. COTTON).

First of all, with respect to the Senator from Louisiana (Mr. ELLENDER), amongst his remarks he said that the Federal Government pays for public housing. He is precisely correct. That is precisely the need for the amendment.

It is under the aegis of the Federal Government that whole areas of inner cities are cleared and taken off the tax rolls. There are superimposed upon that landscape low-rise and high-rise giant edifices, crammed with people, crammed with children. The school districts must educate these children, for which they receive no payment—they receive $11 per child, almost no payment, to educate these children.

The land is taken off the tax rolls under the authority of the Federal Government.

It is because of this colossus originally created by the Federal Government that the need exists.

Second, with respect to the comments of the Senator from Washington (Mr. MAGNUSON)——

Mr. COOK. Mr. President, will the Senator from Missouri yield?

Mr. EAGLETON. In a moment, when I finish.

The Senator from Washington (Mr. MAGNUSON) said that we have enough trouble with impacted areas and that the inequities have been well publicized.

I say that is precisely correct. That is precisely the problem. The aid goes to counties under A and B where no economic need is demonstrated.

The President of the United States, in his veto of the HEW bill, went on nationwide television and cited as one of the reasons for the veto, the old-fashioned impact aid, A and B aid.

He singled out Montgomery County, Md. Montgomery County is one of the richest and most prosperous counties in the United States. It is receiving A and B aid.

The President said that this was unfair. There is no need existing there with reference to impacted aid.

The inclusion of C students introduces a need for aid. There can be no doubt that low-income children in public housing are the ones who have the greatest economic, social, and financial need.

The Senator from Washington said that the President does not want impacted aid. I repeat that he does not want it because of the facts previously mentioned. It is unrelated to social, economic, and educational need. But the inclusion of C students—the poor, the poorest of the poor—does introduce for the first time the concept of need for impact aid.

I think it makes it not only palatable to the President of the United States, but it also makes it palatable to the Congress of the United States which would appropriate money based on tangible and identifiable needs.

I now yield to the Senator from Kentucky.

Mr. COOK. Mr. President, I asked the Senator to yield because he said this was done on the absolute authority of the Federal Government.

I ask the Senator if it is not true that it is not by the authority of the Federal Government. It is by reason of the fact that the city makes application for urban renewal funds to get rid of the slums. It then asks for funds from the Federal Government so that it can build these facilities.

The other day I voted for an increase in urban renewal funds. I suppose by reason of that we are asking for another increase, because we will realize that we have done a halfway job and have to make up for the other inequities we have created by reason of the fact that we have given the money to the cities.

Mr. EAGLETON. Mr. President, I think that what I said was that this was done under the aegis of the Federal Government. But for the law passed by Congress and signed by the President of the United States, there would not have been any public housing in this country. Publice housing is not the creature of the State or of Louisville or St. Louis. It is the Federal Government that created the basis for public housing.

The more public housing we create, the more we authorize and the more land we take off the tax base of the communities and the cities, the more educational need we cause.

Mr. COOK. Mr. President, may I ask who is taking the land off the rolls? It is not the Federal Government. It is the city of Louisville and the city of St. Louis.

Might I ask the Senator one other question. I am perplexed as to whether I should vote for the amendment, because we have already increased the bill by $1,032,900,000 over the budget.

Are we proposing to do this with the idea that we are supposed to accomplish this, or in increasing this over the budget by more than $1 billion, are we trying to give the impression that it is going to stay there or that we are trying to get something done in Congress?

Mr. EAGLETON. Mr. President, was the question whether I think this will remain in the ultimate bill?

Mr. COOK. Mr. President, I merely asked the Senator—if I can put it as bluntly as I can——

Mr. EAGLETON. I wish the Senator would.

Mr. COOK. Mr. President, are we setting this up for a veto or are we not?

Mr. EAGLETON. The Senator would be in a far better position than I to know whether it is being set up for a veto. All I can state is what the President said when he vetoed the last bill, that impacted aid was not a tremendous need. He referred to Montgomery County, and many other counties. I have a child in school in Montgomery County, and that school district is receiving impacted aid because of my presence there, and we all know that I make $42,500 a year.

The reason the President criticized impacted aid—and it was rescued by the Senator from New Hampshire—was because it was unrelated to economic or educational need. The inclusion the Senate made in the Elementary and Secondary Education Act of group C, public housing students, responds to that question of need. There can be no denying that people who live in public housing and the children of people who live in public housing, many without a father in the home, are in the greatest need of educational and cultural assistance.

Also we are talking about which government entity did what to whom. One question is whether the St. Louis and the Louisville school districts had anything to say about where public housing would be located. All they were told, I may say to the Senator, was that once it is built, "Here are the kids; you educate them; but you will not be paid for it because it is on tax-free land."

Mr. COOK. The Senator is wrong when he speaks of my community. I noticed not too long ago Montgomery County was seeking a reduction in taxes while asking the Federal Government to contribute more funds.

Mr. EAGLETON. Montgomery County will never reduce its request for impacted aid. I guarantee that.

Mr. COOK. If the Senator looks at Louisville he will see that it has an occupational tax and everybody pays for the school system in relation to his earnings.

Mr. EAGLETON. I would underscore "in relation to earnings."

Mr. COOK. That is correct.

Mr. EAGLETON. How much public school assistance is received by reason of public housing residents in Louisville, Ky.?

Mr. COOK. Under urban renewal there was an effort to get rid of the slums.

Mr. EAGLETON. It created a financial burden on the city.

Mr. COOK. It also created a better living for the people.

Mr. EAGLETON. And a burden on the budget.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. ELLENDER. Mr. President, I suggest the Senator from Missouri correct the record because he is stating as fact something that is not correct. I happen to have fathered the public housing program back in 1937 and again in 1949. The Senator stated that the city of Louisville was imposed upon by the Federal Government in building public housing. Public housing is not put in by the Federal Government. It is put in by an authority at the local level.

Mr. EAGLETON. The Senator is correct.

Mr. ELLENDER. The city of Louisville, which has public housing, made a request for funds from the Federal Government.

Mr. EAGLETON. The Senator is eminently correct.

Mr. ELLENDER. The Senator did not state that a while ago. I suggest he look at his remarks as they probably need correction. The authority collects subsidy from the Federal Government and it equals about 20 or 25 percent of the rent. That, in itself, on public housing so far constructed, amounts to about $500 million. Aside from that the Federal Government contributes to the taxes that have been taken out by virtue of——

Mr. EAGLETON. $11 per child.

Mr. ELLENDER. I do not know what it amounts to but it is in addition to the subsidy I just mentioned.

Mr. EAGLETON. It averages $11 per child.

Mr. ELLENDER. Whatever it is, it is in lieu of taxes paid by the Federal Government, in addition to the subsidy I mentioned.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. EAGLETON. I shall yield in just a moment. I wish to say to the Senator from Louisiana that if I misspoke myself I did not intend to.

What I meant to say and now reiterate is that public housing comes about by reason of the fact that it was authorized by Federal law in the first place. As the Senator from Louisiana pointed out, he was the father of the act. It also comes about when a city requests it. The Senator from Louisiana is correct. St. Louis must have requested it as we unfortunately did in connection with the Pruett-Igoe housing project in St. Louis, to our shame.

The St. Louis school district, on the other hand, never asked but it received the burden of thousands of children for which they receive $11 a child, which is pretty meager financing in these days of high cost of education.

Mr. COTTON. Mr. President, there are more things I would like to say and that the eloquent Senator from Missouri could say. He has made a fine presentation.

It is my understanding this is the last amendment, the last contested amendment, tonight. There may be one more that the committee is ready to accept and then we can vote on final passage.

Will the Senator agree with me that if I conclude my discussion he will conclude his discussion?

Mr. EAGLETON. Mr. President, I would say to the Senator, as the Senator from Kansas has said, we are both newcomers and maybe this is the time for me to sit down.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The **PRESIDING OFFICER** (Mr. Burdick). The question is on agreeing to the amendment of the Senator from Missouri (Mr. Eagleton). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Bayh), the Senator from Connecticut (Mr. Dodd), the Senator from Mississippi (Mr. Eastland), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. McCarthy), the Senator from Wisconsin (Mr. Nelson), the Senator from Georgia (Mr. Russell), the Senator from Mississippi (Mr. Stennis), the Senator from Maryland (Mr. Tydings), and the Senator from Ohio (Mr. Young) are necessarily absent.

I further announce that the Senator from New Jersey (Mr. Williams), and the Senator from Texas (Mr. Yarborough) are absent on official business.

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. Goldwater), the Senator from California (Mr. Murphy), the Senator from Illinois (Mr. Smith), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from New York (Mr. Goodell), the Senator from Kansas (Mr. Pearson), and the Senator from Texas (Mr. Tower) are detained on official business.

On this vote, the Senator from New York (Mr. Goodell) is paired with the Senator from Texas (Mr. Tower). If present and voting, the Senator from New York would vote "yea" and the Senator from Texas would vote "nay."

On this vote, the Senator from Illinois (Mr. Smith) is paired with the Senator from South Dakota (Mr. Mundt). If present and voting, the Senator from Illinois would vote "yea" and the Senator from South Dakota would vote "nay."

The result was announced—yeas 28, nays 51, as follows:

[No. 177 Leg.]

YEAS—28

Brooke
Cannon
Case
Cranston
Eagleton
Fulbright
Gore
Gravel
Harris
Hart
Hatfield
Hollings
Hughes
Inouye
Javits
Kennedy
Mathias
McGee
McGovern
Mondale
Montoya
Muskie
Pastore
Pell
Ribicoff
Schweiker
Scott
Symington

NAYS—51

Aiken
Allen
Allott
Baker
Bellmon
Bennett
Bible
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Church
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Ellender
Ervin
Fannin
Fong
Griffin
Gurney
Hansen
Holland
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
McClellan
McIntyre
Metcalf
Miller
Moss
Packwood
Percy
Prouty
Proxmire
Randolph
Smith, Maine
Sparkman
Spong
Stevens
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—21

Anderson
Bayh
Dodd
Eastland
Goldwater
Goodell
Hartke
McCarthy
Mundt
Murphy
Nelson
Pearson
Russell
Saxbe
Smith, Ill.
Stennis
Tower
Tydings
Williams, N.J.
Yarborough
Young, Ohio

So Mr. EAGLETON's amendment was rejected.

Mr. COTTON. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. ALLOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 730

Mr. PELL. Mr. President, I call up my amendment No. 730, and ask unanimous consent to dispense with the reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amendment No. 730 is as follows:

On page 5, after line 6, insert the following:

"INITIAL FUNDING OF PROGRAMS

"For carrying out titles VIII, IX, X, and XI of the Higher Education Act of 1965, the International Education Act of 1966, and section 808 of the Elementary and Secondary Education Act of 1965, as amended, $4,500,000, of which $500,000 shall be for said title VIII of the Higher Education Act of 1965, $500,000 shall be for said title IX of the Higher Education Act of 1965, $500,000 for said title X of the Higher Education Act of 1965, $500,000 shall be for said title IX of the Higher Education Act of 1965, $500,000 shall be for said International Education Act of 1966, and $2,000,000 shall be for said section 808 of the Elementary and Secondary Education Act of 1965."

Mr. PELL. Mr. President, in my previous general statement on the pending business I spoke of the many authorized education programs for which no funding has been recommended by the Committee on Appropriations.

To me, this nonfunding is an annulment of the legislative process. Indeed, to my mind, not funding an already authorized program is in effect saying to the American public that we do not support the concept embodied in this program and calls into question the judgment of the Congress when it adopted the various pieces of legislation establishing these nonfunded programs.

Amendment No. 730 would provide for an initial funding of six authorized education programs for which no funding is recommended. Copies of the amendment are available.

The total amount of funds called for by this amendment is $4.5 million and breaks down as follows:

The networks for knowledge program under title VIII of the Higher Education Act of 1965, which provides for grants to encourage colleges to share administrative and technical resources and which has an authorization of $15 million, would be funded at $500,000.

Title IX of the Higher Education Act of 1965, which provides for grants to improve programs of education and fellowships for public service and which has an authorization of $13 million, would be funded at $500,000.

Title X of the Higher Education Act of 1965, which provides for grants to strengthen and improve the quality of graduate programs leading to a doctoral or professional degree and which has an authorization of $10,000,000, would be funded at $500,000.

Law school clinical experience program under title XI of the Higher Education Act of 1965, which provides for contracts with law schools for clinical experience in the practice of law and which has an authorization of $7.5 million, would be funded at $500,000.

The International Education Act of 1966, which provides for grants to establish and support graduate centers as national and international resources for research and education in international studies and which has an authorization of $90,000,000, would be funded at $500,000.

School health and demonstration projects, authorized under the Elementary and Secondary Education Act Amendments of 1969 at a $10,000,000 level to provide for projects to demonstrate model approaches in coordinating Federal, State, and local resources to provide health and nutrition services to children from low-income families would be funded at $2,000,000.

Mr. President, as can be seen from the breakdown of the amendment, except for the health and nutrition figure, the amounts I am asking for are miniscule. Indeed, they are less than 5 percent of the total authorization for each program and in the case of the International Education Act less than 1 percent of the total authorization.

The project grants as envisioned by the authorizing legislation for the six programs could not be funded except in the case of the health and nutrition demonstration projects, at the funding level I am proposing. However, 500,000 for each program would allow for some basic groundwork by the agency in the way of studies and recommendations for future activities in the hope that funds will become more available.

The small grants would also demonstrate to the education community of the Nation the good faith of the Senate, with a commitment to implement legislation on the books. I urge adoption of the amendment.

Mr. MAGNUSON. Mr. President, the Senator from New Hampshire and the Senator from Washington have gone over the amendment very carefully. We came to the conclusion that we will be glad to take it to conference.

Mr. PELL. In view of the wisdom of the Senate, and my faith in the veracity of the manager of the bill, I shall not ask for a rollcall.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment was agreed to.

Mr. MAGNUSON. I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 16916) was read the third time.

Mr. SCOTT. Mr. President, the education of our children is of paramount importance to all Americans. There is no school board in the country which has escaped the close scrutiny of the parents of the children whom it serves. I am proud of the Federal Government's continuing role in this effort and wish, at this time, to express my unqualified support for the pending bill, H.R. 16916, the fiscal 1971 Office of Education appropriations bill. For Pennsylvania, this Senate Appropriations Committee version will provide an additional $20.5 million over last year's total of $130 million.

The U.S. Office of Education operates several different programs in Pennsylvania. Money to educate our elementary and secondary school children will total $93.7 million, an increase of $15 million. Education for the handicapped is increased over fiscal year 1970 spending by $200,000 to $1.9 million. For vocational and adult education programs, Pennsylvania will be receiving an additional $4 million, up from last year's total of $21.9 million, thus providing $25.9 million. Our institutions of higher education are slated to receive $1 million more than last year, bringing it to a level of $26.2 million. Community education programs will be provided $2.8 million, an increase of $400,000 over last year.

Mr. President, the Nixon administration will be living up to its goal of universal education with the approval of this bill. The commitment is there. The money must follow. Pennsylvania stands to gain, in this Senate version of the Office of Education appropriation bill, an additional $20.5 million over last year's total, and I urge my colleagues to pledge their further support to education by voting to provide the necessary funds.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I wish to address a question to the distinguished majority leader. I do not think I need to begin by asking what time it is, but I would like to inquire what time we meet tomorrow, and what is the next order of business.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, it is anticipated that, following the disposal of the pending business, the leadership will lay before the Senate Calendar No. 913, S. 3842, a bill to improve and modernize the postal service, and to establish a U.S. Postal Service. I hope we will not spend too many days on that.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, instead of coming in at 9 o'clock tomorrow, in view of the length of this day, that we come in at 10 o'clock instead. [Laughter.]

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. At that time, we will take up the 17 conference reports on the stockpile bills, and go back over on the pending business, and, at that time, I hope that the Senator from Indiana (Mr. Hartke) will propose his amendment. The Senator from Washington will propose his amendment if he intends to do so, then the Senator from Iowa (Mr. Miller), and others will have their amendments ready.

Whether or not we will meet on Saturday is still an open question, but if Senators have any engagements, keep your options open both ways.

Mr. PASTORE. How about Sunday?

Mr. MANSFIELD. Off.

OFFICE OF EDUCATION APPROPRIATIONS 1971

The Senate resumed the consideration of the bill (H.R. 16916) making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Bayh), the Senator from Connecticut (Mr. Dodd), the Senator from Mississippi (Mr. Eastland), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. McCarthy), the Senator from Wisconsin (Mr. Nelson), the Senator from Georgia (Mr. Russell), the Senator from Mississippi (Mr. Stennis), the Senator from Maryland (Mr. Tydings), the Senator from Ohio (Mr. Young), and the Senator from Arkansas (Mr. McClellan) are necessarily absent.

I further announce that the Senator from New Jersey (Mr. Williams), and the Senator from Texas (Mr. Yarborough) are absent on official business.

I further announce that, if present and voting, the Senator from New Jersey (Mr. Williams) and the Senator from Texas (Mr. Yarborough) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. Goldwater), the Senator from California (Mr. Murphy), the Senator from Illinois (Mr. Smith), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from New York (Mr. Goodell), the Senator from Kansas (Mr. Pearson), and the Senator from Texas (Mr. Tower) are detained on official business.

If present and voting, the Senator from New York (Mr. Goodell), the Senator from South Dakota (Mr. Mundt), the Senator from California (Mr. Murphy), the Senator from Illinois (Mr. Smith), and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 74, nays 4, as follows:

[No. 178 Leg.]

YEAS—74

Aiken
Allen
Allott
Baker
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cranston
Curtis
Dole
Dominick
Eagleton
Ellender
Ervin
Fannin
Fong
Fulbright
Gore
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hatfield
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Packwood
Pastore
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith, Maine
Sparkman
Spong
Stevens
Symington
Talmadge
Young, N. Dak.

NAYS—4

Cotton
Holland
Thurmond
Williams, Del.

NOT VOTING—22

Anderson
Bayh
Dodd
Eastland
Goldwater
Goodell
Hartke
McCarthy
McClellan
Mundt
Murphy
Nelson
Pearson
Russell
Saxbe
Smith, Ill.
Stennis
Tower
Tydings
Williams, N.J.
Yarborough
Young, Ohio

So the bill (H.R. 16916) was passed.

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed in the Record at this point the total floor increases, the total of the Senate bill, the budget estimates, and the House bill, and the figures involved.

There being no objection, the figures were ordered to be printed in the Record, as follows:

Total floor increases	$265,450,000
Total of Senate bill	4,782,871,000
Under Budget estimate (budget estimate including advance funding)	−373,003,000
Over House	+655,757,000
Over 1970	+969,093,350

Mr. MAGNUSON. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Magnuson, Mr. Russell, Mr. Stennis, Mr. Bible, Mr. Byrd of West Virginia, Mr. Holland, Mr. Cotton, Mr. Case, Mr. Fong, Mr. Boggs, and Mr. Young of North Dakota conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, the hour is so late I hesitate taking any additional time of the Senate. However, I cannot let the Senate adjourn before extending to the distinguished senior Senator from Washington (Mr. Magnuson), the deepest thanks of a grateful Senate.

There is no question that Warren Magnuson is unexcelled as a legislator of the greatest skill and ability. Time and again he has proven that simple fact. On this matter, the Nation's education programs were at stake. What could be more vital for the country? Yet, from the standpoint of finding Senator Magnuson carefully and with the greatest skill just steered through the Senate one of the strongest education programs in history.

But, of course, the cooperation of the entire Senate was needed for this achievement. That such cooperation was obtained was most evident. I personally am deeply grateful.

I am grateful especially to the distinguished Senator from New Hampshire (Mr. Cotton). As the ranking minority member of the subcommittee he assisted as always with the strong and deep support that assured this magnificent success.

Again, to Senator Magnuson, to Senator Cotton and to the entire Senate let me say that I appreciate your cooperation, your indulgence and your patience.

THE POSTAL REORGANIZATION ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 912, S. 3842. I do this so that the bill will become the pending business on the "second shift," under the same stipulations as those in relation to the "first shift" bill.

The PRESIDING OFFICER. The bill will be stated by title.

The Bill Clerk. A bill (S. 3842) to improve and modernize the postal service and to establish the United States Postal Service.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service, with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Postal Reorganization Act".

UNITED STATES POSTAL SERVICE

Sec. 2. Title 39, United States Code, is amended to read as follows:

"TITLE 39—POSTAL SERVICE

"Part	Sec.
"I. General	101
"II. Personnel	1101
"III. Modernization and fiscal administration	2101
"IV. Mail Matter	3101
"V. Transportation of Mail	5101

"PART I—GENERAL

"Chapter	Sec.
"1. Postal Policy; Definitions; Application	101
"3. Organization	301
"5. General Authority	501
"7. Private Carriage of Letters	701

"Chapter 1.—POSTAL POLICY; DEFINITIONS; APPLICATION

"Sec.
"101. Postal policy.
"102. Public service cost.
"103. Definitions.
"104. Application.

"§ 101. Postal policy

"(a) The United States Postal Service shall be operated as a basic and fundamental service provided to the people by the Government of the United States, authorized by the Constitution, created by Act of Congress, and supported by the people. The Postal Service shall have as its basic function the obligation to provide postal services to bind the Nation together through the personal, educational, literary, and business correspondence of the people. It shall provide prompt, reliable, and efficient services to patrons in all areas and shall render postal services to all communities. The costs of establishing and maintaining the Postal Service shall not be apportioned to impair the overall value of such service to the people.

"(b) As an employer, the Postal Service shall achieve and maintain compensation for its officers and employees comparable to the rates and types of compensation paid in the private sector of the economy of the United States. It shall place particular emphasis upon opportunities for career advancement of all officers and employees and the achievement of a worthwhile and satisfying career in the service of the United States.

"(c) Postal rates shall be established to apportion the costs of all postal operations to all users of the mail on a fair and equitable basis.

"(d) In determining all policies for postal services, the Postal Service shall give the highest consideration to the requirement for the most expeditious collection, transportation, and delivery of important letter mail.

"(e) In selecting modes of transportation, the Postal Service shall give highest consideration to the prompt and economical delivery of all mail and shall make a fair and equitable distribution of mail business to carriers providing similar modes of transportation services to the Postal Service. Modern methods of transporting mail by containerization and programs designed to achieve overnight transportation to the destination of important letter mail to all parts of the Nation shall be a primary goal of postal operations.

"(f) In planning and building new postal facilities, the Postal Service shall emphasize the need for facilities and equipment designed to create desirable working conditions for its officers and employees, a maximum degree of convenience for efficient postal services, proper access to existing and future air and surface transportation facilities, and control of costs to the Postal Service.

"§ 102. Public service cost

"To provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining, and to prevent either reductions in services or unreasonable increases in postal rates, there shall be appropriated to the Postal Service each year an amount of money which shall represent the public service cost of operating the Postal Service.

"§ 103. Definitions

"As used in this title—

"(1) 'Postal Service' means the United States Postal Service established by section 301 of this title; and

"(2) 'Board of Governors', unless the context otherwise requires, means the 'Postal Service'.

"§ 104. Application

"This title has the same force and effect within Guam as within other possessions of the United States.

"Chapter 3.—ORGANIZATION

"Sec.
"301. United States Postal Service.
"302. Board of Governors.
"303. Members of Congress serving on the Board of Governors.
"304. Assistant Postmasters General and the General Counsel.
"305. Procedures of the Board of Governors.
"306. Advisory Council.
"307. Seal.
"308. Judicial Officer.

"§ 301. United States Postal Service

"There is hereby established, as an independent establishment of the executive branch of the Government of the United States, the United States Postal Service.

"§ 302. Board of Governors

"(a) The exercise of the power of the Postal Service shall be directed by a Board of Governors composed of 15 members appointed in accordance with this section and section 303 of this title. Nine of the members, to be known as Governors, shall be appointed by the President, by and with the advice and consent of the Senate, not more than 5 of whom may be adherents of the same political party. One of the Governors shall be designated as Chairman who shall serve in such capacity at the pleasure of the President. The Governors shall be chosen to represent the public interest generally, and not as representatives of specific interests connected with the Postal Service, and may be removed only for cause. The Governors shall receive a salary of $10,000 a year plus $300 a day for each meeting, and shall be reimbursed for travel and reasonable expenses incurred in attending meetings of the Board.

"(b) The terms of the 9 Governors shall be 9 years, except that the terms of the 9 Governors first taking office shall expire as designated by the President at the time of the appointment, 1 at the end of 1 year, 1 at the end of 2 years, 1 at the end of 3 years, 1 at the end of 4 years, 1 at the end of 5 years, 1 at the end of 6 years, 1 at the end of 7 years, 1 at the end of 8 years, and 1 at the end of 9 years following the appointment of the first of them. Any Governor appointed to fill a vacancy before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

"(c) The Governors shall appoint and shall have discretionary power to remove the Postmaster General, who shall be the chief executive officer of the Postal Service and shall be a voting member of the Board. His pay and term of service shall be fixed by the Governors.

"(d) The Governors and the Postmaster General shall appoint and shall have discretionary power to remove the Deputy Postmaster General, who shall be a voting member of the Board. His term of service shall be fixed by the Governors and the Postmaster General and his pay by the Governors.

"§ 303. Members of Congress serving on the Board of Governors

"(a) Four nonvoting members of the Board of Governors shall be appointed as follows:

"(1) 2 from the United States House of Representatives, 1 of whom shall be appointed by the Speaker of the House and the second by the Minority Leader of the House; and

"(2) 2 from the United States Senate, 1 of whom shall be appointed by the President pro tempore of the Senate and the second by the Minority Leader of the Senate.

"(b) The Congressional members so appointed shall participate fully in the deliberations of the Board, but shall have no executive responsibilities or functions. They shall take whatever action they consider appropriate to insure that—

"(1) the other members of the Board are apprised of Congressional attitudes on the various matters before the Board; and

"(2) Congress is apprised of the progress of the Postal Service, and of problems that might exist in the Postal Service;

to the ends that Congressional oversight of the Nation's postal system shall be fully preserved, as shall the service characteristics of the postal system.

"§ 304. Assistant Postmasters General and the General Counsel.

"There shall be within the Postal Service a General Counsel and such number of Assistant Postmasters General as the Board of Governors shall consider appropriate. The General Counsel and the Assistant Postmasters General shall be appointed by, and serve at the pleasure of, the Board and shall perform such duties as the Board may prescribe.

"§ 305. Procedures of the Board of Governors

"(a) The Board of Governors shall direct and control the expenditures and review the practices and policies of the Postal Service, and perform other functions and duties prescribed by this title.

"(b) Vacancies in the Board, as long as there are sufficient members to form a quorum, shall not impair the powers of the Board under this title.

"(c) The Board shall act upon majority vote of those voting members who are present, and any 6 voting members present shall constitute a quorum for the transaction of business by the Board, except—

"(1) that in the appointment or removal of the Postmaster General, and in setting the compensation of the Postmaster General and Deputy Postmaster General, a favorable vote of an absolute majority of the Governors in office shall be required;

"(2) that in the appointment or removal of the Deputy Postmaster General, a favorable vote of an absolute majority of the Governors in office and the member serving as Postmaster General shall be required; and

"(3) as otherwise provided in this title.

"(d) No officer or employee of the United States may serve concurrently as a Governor. The Governors may hold any other office or employment not inconsistent or in conflict with their duties, responsibilities, and powers as officers of the Government of the United States in the Postal Service.

"§ 306. Advisory Council

"(a) There shall be a Postal Service Advisory Council, of which the Postmaster General shall be the Vice Chairman. The Advisory Council shall have 11 additional members appointed by the President. He shall appoint as such members (1) 4 persons from among persons nominated by those labor organizations recognized as collective-bargaining representatives for employees of the Postal Service in one or more collective-bargaining units, (2) 4 persons as representatives of the public at large. All members shall be appointed for terms of 2 years except that, of those first appointed, 2 of the members representative of labor organizations, 2 of the members representative of major postal users, and 1 member representing the public at large shall be appointed for 1 year. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

XUM

"(b) The Board of Governors shall consult with and receive the advice of the Advisory Council regarding all aspects of postal operations.

"(c) The members of the Council representative of the public at large shall receive for each meeting of the Council an amount equal to the daily rate applicable to level V of the Executive Schedule under section 5316 of title 5. All members of the Council shall be reimbursed for necessary travel and reasonable expenses incurred in attending meetings of the Council.

"§ 307. Seal

"The seal of the Postal Service, filed by the Board of Governors in the Office of the Secretary of State, which shall be judicially noticed, shall be affixed to all commissions of officers of the Postal Service and used to authenticate records of the Postal Service.

"§ 308. Judicial Officer

"A Judicial Officer, appointed by the Board of Governors, shall perform such quasi-judicial duties, not inconsistent with chapter 37 of this title, as the Board may designate. He shall be the agency for the purposes of the requirements of chapter 5 of title 5, to the extent that functions are delegated to him by the Board.

"Chapter 5.—GENERAL AUTHORITY

"Sec.
"501. General powers of the Postal Service.
"502. Delegation of authority.
"503. General duties.
"504. Specific powers.
"505. Printing of illustrations of United States postage stamps.
"506. Postal services at Armed Forces installations.
"507. International postal arrangements.
"508. International money-order exchanges.
"509. Suits by and against the Postal Service.
"510. Application of other laws.
"511. Cooperation with other Government agencies.
"512. Nondisclosure of lists of names and addresses.

"§ 501. General powers of the Postal Service

"The Postal Service shall have the following general powers:

"(1) to sue and be sued in its official name;

"(2) to adopt, amend, and repeal such rules and regulations as it deems necessary to accomplish the objectives of this title;

"(3) to enter into and perform contracts, execute instruments, and determine the character of, and necessity for, its expenditures;

"(4) to determine and keep its own system of accounts and the forms and contents of its contracts and other business documents, except as otherwise provided in this title;

"(5) to acquire in any lawful manner such personal or real property, or any interest therein, as it deems necessary or convenient in the transaction of its business; to hold, maintain, sell, lease, or otherwise dispose of such property or any interest therein; and to provide services in connection therewith and charge therefor;

"(6) to construct, operate, lease, and maintain buildings, facilities, equipment, and other improvements on any property owned or controlled by it, including, without limitation, any property or interest therein transferred to it under section 2102 of this title;

"(7) to accept gifts or donations of services or property, real or personal, as it deems necessary or convenient in the transaction of its business;

"(8) to settle and compromise claims by or against it;

"(9) to exercise, in the name of the United States, the right of eminent domain for the furtherance of its official purposes; and to have the priority of the United States with respect to the payment of debts out of bankrupt, insolvent, and decedents' estates; and

"(10) to have all other powers incidental, necessary, or appropriate to the carrying on of its functions or the exercise of its specific powers.

"§ 502. Delegation of authority

"Except for those powers, duties, or obligations specifically vested in the Governors, as distinguished from the Board of Governors, the Board may delegate the authority vested in it to the Postmaster General or to any other officer or employee of the Postal Service under such terms, conditions, and limitations—including the power of redelegation—as it deems desirable. The Board may establish such committees of the Board, and delegate such powers to any committee, as the Board determines appropriate to carry out its functions and duties. Delegations to officers, employees, or committees shall not be inconsistent with other provisions of this title; such delegations shall not relieve the Board of full responsibility for the carrying out of its duties and functions; and any such delegations shall be revocable by the Board in its exclusive judgment.

"§ 503. General duties

"(a) The Postal Service shall plan, develop, promote, and provide adequate and efficient postal services at fair and reasonable rates and fees. Except as provided in the Canal Zone Code, the Postal Service shall receive, transmit, and deliver throughout the United States, its territories and possessions, and, pursuant to arrangements entered into under sections 506–508 of this title, throughout the world, written and printed matter, parcels, and like materials and provide such other services incidental thereto as it finds appropriate to its functions and in the public interest. It shall serve as nearly as practicable the entire population of the United States.

"(b) It shall be the responsibility of the Postal Service—

"(1) to maintain an efficient system of collection, sorting, and delivery of the mail nationwide;

"(2) to provide types of mail service to meet the needs of different categories of mail and mail users; and

"(3) to establish and maintain postal facilities of such character and in such locations that postal patrons throughout the Nation will, consistent with reasonable economies of postal operations, have ready access to essential postal services.

"(c) In providing services and in establishing classifications, rates, and fees under this title, the Postal Service shall not, except as specifically authorized in this title, make any undue or unreasonable discrimination among users of the mails, nor shall it grant any undue or unreasonable preferences to any such user.

"§ 504. Specific powers

"Without limitation of the generality of its powers, Postal Service shall have the following specific powers, among others:

"(1) to provide for the collection, handling, transportation, delivery, forwarding, returning, and holding of mail, and for the disposition of undeliverable mail;

"(2) to prescribe, in accordance with this title, the amount of postage and the manner in which it is to be paid;

"(3) to determine the need for post offices, postal and training facilities and equipment, and to provide such offices, facilities, and equipment as it determines are needed;

"(4) to provide and sell postage stamps and other stamped paper, cards, and envelopes and to provide such other evidences of payment of postage and fees as may be necessary or desirable;

"(5) to provide philatelic services;

"(6) to provide, establish, change, or abolish special, nonpostal, or similar services;

"(7) to investigate postal offenses and civil matters relating to the Postal Service; and

"(8) to offer and pay rewards for information and services in connection with violations of the postal laws.

"§ 505. Printing of illustrations of United States postage stamps

"(a) When requested by the Board of Governors, the Public Printer shall print as a public document for sale by the Superintendent of Documents, illustrations in black and white or in color of postage stamps of the United States, together with such descriptive, historical, and philatelic information with regard to the stamps as the Board deems suitable.

"(b) Notwithstanding the provisions of section 505 of title 44, stereotype or electrotype plates, or duplicates thereof, used in the publications authorized to be printed by this section may not be sold or otherwise disposed of.

"§ 506. Postal services at Armed Forces installations

"(a) The Postal Service may establish branch post offices at camps, posts, bases, or stations of the Armed Forces and at defense or other strategic installations.

"(b) The Secretaries of Defense and Transportation shall make arrangements with the Postal Service to perform postal services through personnel designated by them at or through branch post offices established under subsection (a) of this section.

"§ 507. International postal arrangements

"(a) The Board of Governors, with the consent of the President, may negotiate and conclude postal treaties or conventions, and may establish the rates of postage or other charges on mail matter conveyed between the United States and other countries. The decisions of the Board construing or interpreting the provisions of any treaty or convention which has been or may be negotiated and concluded shall, if approved by the President, be conclusive upon all officers of the Government of the United States.

"(b) The Board shall transmit a copy of each postal convention concluded with other governments to the Secretary of State, who shall furnish a copy of the same to the Public Printer for publication.

"§ 508. International money-order exchanges

"The Board of Governors may make arrangements with other governments, with which postal conventions are or may be concluded, for the exchange of sums of money by means of postal orders. It shall fix limitations on the amount which may be so exchanged and the rates of exchange.

"§ 509. Suits by and against the Postal Service

"(a) The United States district courts shall have original but not exclusive jurisdiction over all actions brought by or against the Postal Service. Any action brought in a State court to which the Postal Service is a party may be removed to the appropriate United States district court under the provisions of chapter 89 of title 28.

"(b) The provisions of title 28 relating to service of process, venue, and limitations of time for bringing action in suits in which the United States, its officers, or employees are parties, and the rules of procedure adopted under title 28 for suits in which the United States, its officers, or employees are parties, shall apply in like manner to suits in which the Postal Service, its officers, or employees are parties.

"(c) The provisions of chapter 171 and all other provisions of title 28 relating to tort claims shall apply to tort claims arising out of activities of the Postal Service.

"(d) The Department of Justice shall furnish the Postal Service such legal representation as it may require pursuant to section 511 of this title, but with the prior consent of the Attorney General the Postal Service may employ attorneys by contract or otherwise to conduct litigation brought by or against the Postal Service or its officers

XUM

or employees in matters affecting the Postal Service.

"§ 510. Application of other laws

"(a) Except as provided by subsection (b) of this section, and except as otherwise provided in this title or insofar as such laws remain in force as rules or regulations of the Postal Service, no Federal law dealing with public, United States or Federal contracts, property, works, officers, employees, budgets, or funds, including the provisions of chapters 5 and 7 of title 5, shall apply to the exercise of the powers of the Postal Service.

"(b) The following provisions shall apply to the Postal Service:

"(1) section 552 (public information), section 3333 and chapters 71 (employee policies) and 73 (suitability, security, and conduct of employees), and section 5532 (dual pay) of title 5, except that no regulation issued pursuant to such chapters or sections shall apply to the Postal Service unless expressly made so applicable;

"(2) all provisions of title 18 dealing with the Postal Service, the mails and officers or employees of the Government of the United States;

"(3) the following provisions of title 40:

"(A) sections 258a–258e (relating to condemnation proceedings);

"(B) sections 270a–270e (known as the Miller Act, relating to performance bonds);

"(C) sections 276a—276a–7 (known as the Davis-Bacon Act, relating to prevailing wages);

"(D) section 276c (relating to wage payments of certain contractors);

"(E) chapter 5 (the Contract Work Hours Standards Act); and

"(F) chapter 15 (the Government Losses in Shipment Act);

"(4) the following provisions of title 41:

"(A) sections 35–45 (known as the Walsh-Healey Act, relating to wages and hours); and

"(B) chapter 6 (the Service Contract Act of 1965); and

"(5) sections 2000d, 2000d–1—2000d–4 of title 42 (title VI, the Civil Rights Act of 1964).

"(c) Subsection (b)(1) of this section shall not require the disclosure of—

"(1) the name or address, past or present, of any postal patron;

"(2) information of a commercial nature, including trade secrets, whether or not obtained from a person outside the Postal Service, which under good business practice would not be publicly disclosed;

"(3) information prepared for use in connection with the negotiation of collective-bargaining agreements pursuant to part II of this title or minutes of, or notes kept during, negotiating sessions conducted pursuant to such part;

"(4) information prepared for use in connection with proceedings under chapter 37 of this title;

"(5) the reports and memoranda of consultants or independent contractors except to the extent that they would be required to be disclosed if prepared within the Postal Service; and

"(6) investigatory files, whether or not considered closed, compiled for law enforcement purposes except to the extent available by law to a party other than the Postal Service.

"(d)(1) A lease agreement by the Postal Service for rent of net interior space in excess of 6,500 square feet in any building or facility, or part of a building or facility, to be occupied for purposes of the Postal Service shall include a provision that all laborers and mechanics employed in the construction, modification, alteration, repair, painting, decoration, or other improvement of the buildings or space covered by the agreement, or improvement at the site of such building or facility, shall be paid wages at not less than those prevailing for similar work in the locality as determined by the Secretary of Labor under section 276a of title 40.

"(2) The Postal Service and functions of the Secretary of Labor with respect to labor standards enforcement under Reorganization Plan Numbered 14 of 1950, title 5, appendix, and regulations for contractors and subcontractors under section 276c of title 40, shall apply to the work under paragraph (1) of this subsection.

"(3) Paragraph (2) of this subsection shall not be construed to give the Secretary of Labor authority to direct the cancellation of the lease agreement referred to in paragraph (1) of this subsection.

"§ 511. Cooperation with other Government agencies

"Executive agencies within the meaning of section 105 of title 5 and the Government Printing Office are authorized to furnish goods, property, both real and personal, and personal and nonpersonal services to the Postal Service, and the Postal Service is authorized to furnish such goods, property, and services to them. The furnishing of goods, property, and services pursuant to this section shall be under such terms and conditions, including reimbursability, as the Board of Governors and the head of the agency concerned shall deem appropriate.

"§ 512. Nondisclosure of lists of names and addresses

"Notwithstanding any provision of subchapter II of chapter 5 of title 5, section 510 (b) of this title, or any other provision of law, no officer or employee of the Postal Service shall make available to the public by any means or for any purpose any mailing or other list of names or addresses (past or present) of postal patrons or other persons.

"Chapter 7.—Private Carriage of Letters

"Sec.
"701. Letters carried out of the mail.
"702. Foreign letters out of the mails.
"703. Searches authorized.
"704. Seizing and detaining letters.
"705. Searching vessels for letters.
"706. Disposition of seized mail.

"§ 701. Letters carried out of the mail

"(a) A letter may be carried out of the mails when—

"(1) it is enclosed in an envelope;

"(2) the amount of postage which would have been charged on the letter if it had been sent by mail is paid by stamps, or postage meter stamps, on the envelope;

"(3) the envelope is properly addressed;

"(4) the envelope is so sealed that the letter cannot be taken from it without defacing the envelope;

"(5) any stamps on the envelope are canceled in ink by the sender; and

"(6) the date of the letter, of its transmission or receipt by the carrier is endorsed on the envelope in ink.

"(b) The Board of Governors may suspend the operation of any part of this section upon any mail route where the public interest requires the suspension.

"§ 702. Foreign letters out of the mails

"(a) Except as provided in section 701 of this title, the master of a vessel departing from the United States for foreign ports may not receive on board or transport any letter which originated in the United States that—

"(1) has not been regularly received from a United States post office; or

"(2) does not relate to the cargo of the vessel.

"(b) The officer of the port empowered to grant clearances shall require from the master of such a vessel, as a condition of clearance, an oath that he does not have under his care or control, and will not receive or transport any letter contrary to the provisions of this section.

"(c) Except as provided in section 1699 of title 18, the master of a vessel arriving at a port of the United States carrying letters not regularly in the mails shall deposit them in the post office at the port of arrival.

"§ 703. Searches authorized

"The Board of Governors, by letter of authority filed in the Postal Service, may authorize any officer or employee of the Postal Service to make searches for mail matter transported in violation of law. When the authorized officer has reasons to believe that mailable matter transported contrary to law may be found therein, he may open and search any—

"(1) vehicle passing, or having lately passed, from a place at which there is a post office of the United States;

"(2) article being, or having lately been, in the vehicle; or

"(3) store or office, other than a dwelling house, used or occupied by a common carrier or transportation company, in which an article may be contained.

"§ 704. Seizing and detaining letters

"An officer or employee of the Postal Service performing duties related to the inspection of postal matters, a customs officer, or United States marshal or his deputy, may seize at any time, letters and bags, packets, or parcels containing letters which are being carried contrary to law on board any vessel or on any post road. The officer or employee who makes the seizure shall convey the articles seized to the nearest post office, or, by direction of the Board of Governors or the Secretary of the Treasury, he may detain them until 2 months after the final determination of all suits and proceedings which may be brought within 6 months after the seizure against any person for sending or carrying the letters.

"§ 705. Searching vessels for letters

"An officer or employee of the Postal Service performing duties related to the inspection of postal matters, when instructed by the Board of Governors to make examinations and seizures, and any customs officer without special instructions shall search vessels for letters which may be on board, or which may have been conveyed contrary to law.

"§ 706. Disposition of seized mail

"Every package or parcel seized by an officer or employee of the Postal Service performing duties related to the inspection of postal matters, a customs officer, or United States marshal or his deputies, in which a letter is unlawfully concealed, shall be forfeited to the United States. The same proceedings may be used to enforce forfeitures as are authorized in respect of goods, wares, and merchandise forfeited for violation of the revenue laws. Laws for the benefit and protection of customs officers making seizures for violating revenue laws apply to officers and employees making seizures for violating the postal laws.

"PART II—PERSONNEL

"Chapter Sec.
"11. Employment Within the Postal Service 1101
"13. Employee-Management Agreements 1301

"Chapter 11.—EMPLOYMENT WITHIN THE POSTAL SERVICE

"Sec.
"1101. Appointment and status.
"1102. Right of transfer.
"1103. Nonpartisan nature of appointments.
"1104. Officers and employees of the Post Office Department.
"1105. Terms of employment.
"1106. Retirement rights.
"1107. Seniority for employees in rural service.
"1108. Personnel not to receive fees.
"1109. Administration of oaths related to postal inspection matters.
"1110. Oath of office.

"§ 1101. Appointment and status

"(a) Except as otherwise provided in this title, the Board of Governors shall appoint all officers and employees of the Postal Service.

"(b) Officers and employees of the Postal Service shall be in the postal career service, which shall be a part of the civil service. Such appointments and promotions shall be in accordance with the procedures established by the Postal Service. The Postal Service shall establish procedures subject to section 1104 and chapter 13 of this title, to assure its officers and employees meaningful opportunities for promotion and career development and to assure its officers and employees full protection of their employment rights by guaranteeing them an opportunity for a fair hearing on adverse actions, with representatives of their own choosing. Subject to subsection (c) of this section, the provisions of chapter 75 of title 5 shall apply to officers and employees of the Postal Service except to the extent of any inconsistency with—

"(1) the provisions of any collective-bargaining agreement negotiated on behalf of and applicable to them; or

"(2) procedures established by the Postal Service and approved by the Civil Service Commission.

"(c) The Postal Service may hire individuals on long-term employment contracts when necessary, as executive officers and employees. Notwithstanding any such contract, the Postal Service may at its discretion and at any time remove any executive officer or employee. Removal, however, shall be without prejudice to the contract rights of the individual removed.

"(d)(1) Those provisions of title 5 which were formerly known as the Veterans' Preference Act shall apply to the Postal Service. The provisions of section 459 of title 50, appendix (concerning reemployment rights of former military personnel), shall apply to the Postal Service in the same manner and to the same extent as to private employers. Without compromising its basic mission, the Postal Service shall pursue an employment policy designed to extend opportunity to the disadvantaged and the handicapped.

"(2) Officers and employees of the Postal Service shall be covered by subchapter I of chapter 81 of title 5, relating to compensation for work injuries, as that subchapter may from time to time be amended.

"(3) Section 5941 of title 5 shall apply to the Postal Service. For purposes of such section, the pay of officers and employees of the Postal Service shall be considered to be fixed by statute, and the basic pay of an employee shall be the pay (but not any allowance or benefit) of that officer or employee established in accordance with the provisions of this title.

"(e) Notwithstanding section 5533, 5535, or 5536 of title 5, or any other provision of law, any officer or employee of the Government of the United States is eligible to serve and receive pay concurrently as an officer or employee of the Postal Service (other than as a member of the Board) and as any officer or employee of any other department, agency, or establishment of the Government of the United States.

"§ 1102. Right of transfer

"Officers and employees in the postal career service of the Postal Service shall be eligible for promotion or transfer to any other position in the Postal Service or the executive branch of the Government of the United States for which they are qualified. The authority given by this section shall be used to provide a maximum degree of career promotion opportunities for officers and employees and to insure continued improvement of postal services.

"§ 1103. Nonpartisan nature of appointments

"Except as otherwise provided in this title, political recommendations, tests, or qualifications for the appointment of any person to any position in the Postal Service, including postmasters, shall not be taken into account by the President, the Board of Governors, or any person to whom the Board has delegated the authority to make appointments. All appointments, promotions, and transfers shall be made only on the basis of the merit, qualifications, and fitness for duty of the person involved, and with the principal objective of improving postal services. The President and the Board shall have the power to take any action they determine necessary and proper, including suspension, removal from office, or permanent disqualification from the Postal Service, to enforce the provisions of this section.

"§ 1104. Officers and employees of the Post Office Department

"(a) Officers and employees of the Post Office Department on the effective date of this section shall remain officers and employees of the Postal Service under the terms of this title. The provisions of this section shall be inapplicable to the Postmaster General, the Deputy Postmaster General, the Assistant Postmaster General and General Counsel of the Post Office Department, but nothing in this section shall make such persons ineligible for employment by the Postal Service.

"(b) Sick and annual leave, and compensatory time of such officers and employees, whether accrued prior to or after commencement of operations of the Postal Service, shall be obligations of the Postal Service under the provisions of this chapter.

"(c) Compensation, benefits, and other terms and conditions of employment in effect immediately prior to the effective date of this section, whether provided by statute or by rules and regulations of the Post Office Department or the executive branch of the Government of the United States, shall continue to apply to officers and employees of the Postal Service, until changed by the Postal Service in accordance with this chapter and chapter 13 of this title. Subject to the provisions of this chapter and chapter 13 of this title, the provisions of subchapter I of chapter 85 and chapters 87 and 89 of title 5 shall apply to officers and employees of the Postal Service, unless varied, added to, or substituted for, under this subsection. No variation, addition, or substitution with respect to fringe benefits shall result in a program of fringe benefits which on the whole is less favorable to the officers and employees than fringe benefits in effect on the effective date of this section, and as to officers and employees for whom there is a collective-bargaining representative, no such variation, addition, or substitution shall be made except by agreement between the collective-bargaining representative and the Postal Service.

"§ 1105. Terms of employment

"(a) Except as provided under chapters 3 and 13 of this title or other provision of law, the Board of Governors shall classify and fix the compensation and benefits of all officers and employees in the Postal Service. It shall be the policy of the Postal Service to maintain compensation and benefits for all officers and employees on a standard of comparability to the compensation and benefits paid for comparable levels of work in the private sector of the economy, but no officer or employee shall be paid compensation at a rate in excess of the rate of level I of the Executive Schedule under section 5312 of title 5.

"(b) In exercising its authority under this section, the Board shall provide a program for consultation with recognized organizations of officers and employees of the Postal Service other than those subject to collective-bargaining agreements under chapter 13 of this title. Such organizations, upon presentation of evidence satisfactory to the Board that their membership constitutes a substantial percentage of all officers and employees in their occupations or positions, shall be entitled to participate directly in the planning and development of pay policies and schedules, fringe benefit programs, and other programs relating to officers and employees in such occupations. Organizations recognized under this subsection shall be entitled to the provisions of section 1305 of this title relating to deductions of assessments.

"(c) The Postal Service shall have the right, consistent with chapter 13 of this title and applicable laws, regulations, and collective-bargaining agreements—

"(1) to direct officers and employees of the Postal Service in the performance of official duties;

"(2) to hire, promote, transfer, assign, and retrain officers and employees in positions within the Postal Service, and to suspend, demote, discharge, or take other disciplinary action against such officers and employees;

"(3) to relieve officers and employees from duties because of lack of work or for other legitimate reasons;

"(4) to maintain the efficiency of the operations entrusted to it;

"(5) to determine the methods, means, and personnel by which such operations are to be conducted; and

"(6) to take whatever actions may be necessary to carry out its mission in situations of emergency.

"(d) No individual who is a member of a religious sect or division thereof, the established and traditional tenets or teachings of which oppose a requirement that a member of such sect or division join or financially support any labor organization, may be required to join or financially support any labor organization as a condition of employment if such individual pays to the Treasurer of the United States a sum equal to the initiation fees, dues, and assessments uniformly required as a condition of acquiring and retaining membership in a labor organization which is representative of the individual unless the individual and labor organization mutually agree upon some other condition of employment.

"§ 1106. Retirement rights

"Officers and employees of the Postal Service shall be covered by chapter 83 of title 5 relating to the civil service retirement program, as that chapter may from time to time be amended. The Postal Service shall withhold from pay and shall pay into the Civil Service Retirement and Disability Fund the amounts specified in such chapter. The Postal Service, upon request of the Civil Service Commission, but not less frequently than annually, shall pay to the Civil Service Commission the costs reasonably related to administration or fund activities for officers and employees of the Postal Service.

"§ 1107. Seniority for employees in rural service

"Subject to agreements made under chapter 13 of this title, the seniority of an employee of the Postal Service occupying a position whose regular duty involves the collection and delivery of mail on a rural route shall be preserved. Seniority for such employee shall commence on the first day of his service in such a position, or, in the event such an employee transfers to another such position, on the day he enters duty in the other position. Upon initial assignment, such an employee shall be assigned to the least desirable route and shall attain assignment to more desirable routes by seniority. Promotions and assignments for such an employee in such position shall be based on seniority and ability. If ability be sufficient, seniority shall govern.

"§ 1108. Personnel not to receive fees

"An officer or employee of the Postal Service may not receive any fee or prerequisite from a patron of the Postal Service on account of the duties performed by virtue of his appointment, except as authorized by law.

"§ 1109. Administration of oaths related to postal inspection matters

"Officers and employees of the Postal Service performing duties related to the inspection of postal matters may administer oaths required or authorized by law or regulation with respect to any matter coming before them in the performance of their official duties.

"§ 1110. Oath of office

"Before entering upon their duties and before receiving any salary, all officers and employees of the Postal Service shall take and subscribe the following oath or affirmation:

" 'I, ———, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter.'

A person authorized to administer oaths by the laws of the United States, including section 2903 of title 5, or of a State or territory, or an officer, civil or military, holding a commission under the United States or any officer or employee of the Postal Service designated by the Board of Governors may administer and certify the oath or affirmation.

"Chapter 13.—EMPLOYEE-MANAGEMENT AGREEMENTS

"Sec.
"1301. Definition.
"1302. Bargaining units.
"1303. Recognition of labor organizations.
"1304. Elections.
"1305. Deductions of assessments.
"1306. Collective-bargaining agreements.
"1307. Labor disputes.
"1308. Suits.
"1309. Applicability of Federal labor laws.

"§ 1301. Definition

"As used in this chapter, 'guards' means—

"(1) maintenance guards, who are on the effective date of this chapter in key position KP-5, under the provisions of section 3514 of title 39, as such section existed on the day prior to the effective date of this chapter; and

"(2) security guards, who may be employed in the Postal Service and whose primary duties shall include the exercise of authority to enforce rules to protect the safety of property, mail, or persons on the premises.

"§ 1302. Bargaining units

"The National Labor Relations Board shall decide in each case the national unit appropriate for collective bargaining in the Postal Service. Such units shall be national craft units such as those previously recognized under Executive Order 10988. The National Labor Relations Board shall not include in any bargaining unit—

"(1) any management official or supervisor;

"(2) any employee engaged in personnel work in other than a purely nonconfidential clerical capacity;

"(3) both professional employees and employees who are not professional employees unless a majority of such professional employees vote for inclusion in such unit; or

"(4) together with other employees, any individual employed as a security guard to enforce against employees and other persons, rules to protect property of the Postal Service or to protect the safety of property, mail, or persons on the premises of the Postal Service; but no labor organization shall be certified as the representative of employees in a bargaining unit of security guards if such organization admits to membership, or is affiliated directly or indirectly with an organization which admits to membership, employees other than guards.

"§ 1303. Recognition of labor organizations

"(a) The Postal Service shall accord national exclusive recognition to a labor organization when the organization has been selected by a majority of the employees in an appropriate unit as their representative.

"(b) Existing national exclusive recognition and national agreements and supplements entered into by the former Post Office Department pursuant to Executive Order 10988 or Executive Order 11491 shall continue to be recognized until altered or amended pursuant to law.

"(c) When a petition has been filed, in accordance with such regulations as may be prescribed by the National Labor Relations Board—

"(1) by an employee, a group of employees, or any labor organization acting in their behalf, alleging that (A) a substantial number of employees wish to be represented for collective bargaining by a labor organization and that the Postal Service declines to recognize such labor organization as the representative; or (B) the labor organization which has been certified or is being currently recognized by the Postal Service as the bargaining representative is no longer a representative; or

"(2) by the Postal Service, alleging that one or more labor organizations has presented to it a claim to be recognized as the representative;

the National Labor Relations Board shall investigate such petition and, if it has reasonable cause to believe that a question of representation exists, shall provide for an appropriate hearing upon due notice. Such hearing may be conducted by an officer or employee of the National Labor Relations Board, who shall not make any recommendations with respect thereto. If the National Labor Relations Board finds upon the record of such hearing that such a question of representation exists, it shall direct an election by secret ballot and shall certify the results thereof.

"(d) A petition filed under subsection (c)(1) of this section shall be accompanied by a statement signed by at least 30 percent of the employees in the appropriate unit stating they desire that an election be conducted for the purpose set forth in such subsection.

"(e) Nothing in this section shall be construed to prohibit the waiving of hearings by stipulation for the purpose of a consent election in conformity with regulations and rules of decision of the National Labor Relations Board.

"§ 1304. Elections

"(a) All elections authorized under this chapter shall be conducted under the supervision of the National Labor Relations Board, or persons designated by it, and shall be by secret ballot. Each employee eligible to vote shall be provided the opportunity to choose the labor organization he wishes to represent him, from among those on the ballot, or 'no union'.

"(b) In any election where none of the choices on the ballot receives a majority, a runoff shall be conducted, the ballot providing for a selection between the 2 choices receiving the largest and second largest number of valid votes cast in the election. In the event of a tie vote, additional runoff elections shall be conducted until one of the choices has received a majority of the votes.

"(c) No election shall be held in any bargaining unit within which, in the preceding 12-month period, a valid election has been held.

"§ 1305. Deductions of assessments

"If a labor organization holds national exclusive recognition, or if a labor organization was accorded national formal recognition on or before January 1, 1970 by the former Post Office Department, the Postal Service shall deduct the regular and periodic initiation fees, dues, and assessments of the organization from the pay of all members of the organization in the unit of recognition, if the Postal Service has received from each employee on whose account such deductions are made, a written assignment which shall be irrevocable for a period of not more than 1 year.

"§ 1306. Collective-bargaining agreements

"(a) Collective-bargaining agreements between the Postal Service and bargaining representatives recognized under section 1303 of this title shall be effective for not less than 2 years.

"(b) Collective-bargaining agreements between the Postal Service and bargaining representatives recognized under section 1303 may include any procedures for resolution by the parties of grievances and adverse actions arising under the agreement, including procedures culminating in binding third-party arbitration, or the parties may adopt any such procedures by mutual agreement in the event of a dispute.

"(c) The Postal Service and bargaining representatives recognized under section 1303 may by mutual agreement adopt procedures for the resolution of disputes or impasses arising in the negotiation of a collective-bargaining agreement.

"§ 1307. Labor disputes

"(a) If there is a collective-bargaining agreement in effect, no party to such agreement shall terminate or modify such agreement unless the party desiring such termination or modification serves written notice upon the other party to the agreement of the proposed termination or modification not less than 90 days prior to the expiration date thereof, nor not less than 90 days prior to the time it is proposed to make such termination or modification. The party serving such notice shall notify the Federal Mediation and Conciliation Service of the existence of a dispute within 45 days of such notice, if no agreement has been reached by that time.

"(b) In the event the parties fail to reach agreement or to adopt a procedure providing for a binding resolution of a dispute by the expiration date of the agreement in effect, or the date of the proposed termination or modification, the Director of the Federal Mediation and Conciliation Service shall direct the establishment of a factfinding panel which shall consist of 3 persons. For this purpose, he shall submit to the parties a list of not less than 15 names, from which list each party, within 10 days, shall select 1 person. The 2 so selected shall then choose from the list a third person who shall serve as chairman of the factfinding panel. If either of the parties fails to select a person or if the 2 members are unable to agree on the third person within 3 days, the selection shall be made by the Director. The factfinding panel shall after due investigation issue a report of its findings, with or without recommendations, to the parties no later than 45 days from the date the list of names is submitted.

"(c)(1) In the event no agreement is reached within 90 days after the expiration or termination of the agreement or date on which the agreement became subject to modification under subsection (b) of this section, or if the parties decided upon arbitration but do not agree upon the procedures therefor, an arbitration board shall be established consisting of 3 members, not members of the factfinding panel, 1 of whom shall be selected by the Postal Service, 1 by the bargaining representative of the employees, and the third by the 2 thus selected. If either of the parties fails to select a member, or if the members chosen by the parties fail to agree on the third person within 5 days after their first meeting, the selection shall be made by the Director. In the event the parties do not agree on the framing of the issues to be submitted, the factfinding panel shall frame the

XUM

issues and submit them to the arbitration board.

"(2) The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel or by other representative as they may elect. Decisions of the arbitration board shall be conclusive and binding upon the parties. The arbitration board shall render its decision within 45 days after its appointment.

"(3) Costs of the arbitration board and factfinding panel shall be shared equally by the Postal Service and the bargaining representative.

"(d) In the case of a bargaining unit whose recognized collective-bargaining representative does not have an agreement with the Postal Service, if the parties fail to reach agreement within 90 days of the commencement of collective bargaining, a factfinding panel will be established in accordance with the terms of subsection (b) of this section, unless the parties have previously agreed to another procedure for a binding resolution of their differences. If the parties fail to reach agreement with 180 days of the commencement of collective bargaining, and if they have not agreed to another procedure for binding resolution, an arbitration board shall be established to provide conclusive and binding arbitration in accordance with the terms of subsection (c) of this section.

"§ 1308. Suits.

"(a) The courts of the United States shall have jurisdiction in respect to actions brought by the National Labor Relations Board under this chapter to the same extent that they have jurisdiction in respect to actions under title 29.

"(b) Suits for violation of contracts between the Postal Service and a labor organization representing Postal Service employees, or between any such labor organizations, may be brought in any district court of the United States having jurisdiction of the parties, without respect to the amount in controversy.

"(c) A labor organization and the Postal Service shall be bound by the authorized acts of their agents. Any labor organization may sue or be sued as an entity and in behalf of the employees whom it represents in the courts of the United States. Any money judgment against a labor organization in a district court of the United States shall be enforcible only against the organization as an entity and against its assets, and shall not be enforcible against any individual member or his assets.

"(d) For the purposes of actions and proceedings by or against labor organizations in the district courts of the United States, district courts shall be deemed to have jurisdiction of a labor organization (1) in the district in which such organization maintains its principal offices, or (2) in any district in which its duly authorized officers or agents are engaged in representing or acting for employee members.

"(e) The service of summons, subpena, or other legal process of any court of the United States upon an officer or agent of a labor organization, in his capacity as such, shall constitute service upon the labor organization.

"§ 1309. Applicability of Federal labor laws

"(a) Employee-management relations shall, to the extent not inconsistent with provisions of this title, be subject to the provisions of subchapter II of chapter 7 of title 29.

"(b) The provisions of chapter 11 of title 29 shall be applicable to labor organizations that have or are seeking to attain recognition under section 1303 of this title, and to such organizations' officers, agents, shop stewards, other representatives, and members to the extent to which such provisions would be applicable if the Postal Service were an employer under section 402 of title 29. In addition to the authority conferred on him under section 438 of title 29, the authority conferred on him under section 438 of title 29, the Secretary of Labor shall have authority, by regulation issued with the written concurrence of the Board of Governors, to prescribe simplified reports for any such labor organization. The Secretary of Labor may revoke such provision for simplified forms of any such labor organization if he determines, after such investigation as he deems proper and after due notice and opportunity for a hearing, that the purposes of this chapter and of chapter 11 of title 29 would be served thereby.

"PART III—MODERNIZATION AND FISCAL ADMINISTRATION

"Chapter	Sec.
"21. FINANCE	2101
"23. CONVICT LABOR	2301
"25. APPROPRIATIONS AND ANNUAL REPORT	2501
"27. DEBTS AND COLLECTION	2701

"Chapter 21.—FINANCE

"Sec.
"2101. Definitions.
"2102. Capital of the Postal Service.
"2103. The Postal Service Fund.
"2104. Transitional appropriations.
"2105. Obligations.
"2106. Relationship between the Treasury and the Postal Service.
"2107. Public debt character of the obligations of the Postal Service.
"2108. Audit and expenditures.
"2109. Annual budget.

"§ 2101. Definitions

"As used in this chapter—

"(1) 'Fund' means the Postal Service Fund established by section 2103 of this chapter; and

"(2) 'obligations', when referring to debt instruments issued by the Postal Service, means notes, bonds, debentures, mortgages, and any other evidence of indebtedness.

"§ 2102. Capital of the Postal Service

"(a) The initial capital of the Postal Service shall consist of the equity, as reflected in the budget of the President, of the Government of the United States in the former Post Office Department. The value of assets and the amount of liabilities transferred to the Postal Service upon the commencement of operations of the Postal Service shall be determined by the Board of Governors subject to the approval of the Comptroller General, in accordance with the following guidelines:

"(1) Assets shall be valued on the basis of original cost, less depreciation, to the extent that this can be determined. The value recorded on the former Post Office Department's books of account shall be prima facie evidence of asset value.

"(2) All liabilities attributable to operations of the former Post Office Department shall remain liabilities of the Government of the United States, except that upon commencement of operations of the Postal Service, the unexpended balances of appropriations made to, held or used by, or available to the former Post Office Department and all liabilities chargeable thereto shall become assets and liabilities, respectively, of the Postal Service.

"(b) The capital of the Postal Service at any time shall consist of its assets, including the balance in the Fund, less its liabilities.

"(c) The Board, and the Administrator of General Services where properties under the jurisdiction of the Administrator are involved, with the approval of the Director of the Office of Management and Budget, shall determine which Federal properties shall be transferred to the Postal Service and which shall remain under the jurisdiction of any other department, agency, or establishment of the Government of the United States upon the commencement of operations of the Postal Service. The transfer shall be accomplished at the time of or as near as possible to the commencement of operations of the Postal Service and the valuation of the assets and capital of the Postal Service shall be adjusted accordingly. The following properties shall be included in the transfer:

"(1) the mail equipment shops located in Washington, District of Columbia;

"(2) all machinery, equipment, and appurtenances of the former Post Office Department;

"(3) all real property whose ownership was acquired by the Postmaster General under former section 2103 of this title, as in effect immediately prior to the effective date of this section, or which immediately prior to such effective date, is under the administration of the former Post Office Department for the purpose of constructing a postal building from funds appropriated or transferred to the former Post Office Department, together with all funds appropriated or allocated therefor;

"(4) all real property of which 55 percent or more is occupied by and under control of the former Post Office Department immediately prior to the effective date of this section;

"(5) all contracts, records, and documents relating to the operation of the departmental service and the postal field service of the former Post Office Department; and

"(6) all other property and assets of the former Post Office Department.

"(d) After the commencement of operations of the Postal Service, the President is authorized to transfer to the Postal Service, and the Board is authorized to transfer to other departments, agencies, or establishments of the Government of the United States, with or without reimbursement, any property of that department, agency, or establishment and the Postal Service, respectively, when the public interest would be served by such transfer.

"§ 2103. The Postal Service Fund

"(a) There is established in the Treasury of the United States a revolving fund to be called the Postal Service Fund which shall be available to the Board of Governors without fiscal-year limitation to carry out the purposes, functions, and powers authorized by this title.

"(b) There shall be deposited in the Fund, subject to withdrawal by check by the Board—

"(1) revenues from postal and nonpostal services rendered by the Postal Service;

"(2) amounts received from obligations issued by the Board;

"(3) amounts appropriated for the use of the Postal Service;

"(4) interest which may be earned on investments of the Fund;

"(5) any other receipts of the Postal Service; and

"(6) the balance in the Post Office Department Fund established under former section 2202 of title 39 as of the commencement of operations of the Postal Service.

"(c) If the Board determines that the moneys of the Fund are in excess of current needs, it may request the investment of such amounts as it deems advisable by the Secretary of the Treasury in obligations of, or obligations guaranteed by, the United States, and, with the approval of the Secretary, in such other obligations or securities as it deems appropriate.

"(d) With the approval of the Secretary of the Treasury, the Board may deposit moneys of the Fund in any Federal Reserve bank, any depository for public funds, or in such other places and in such manner as the Board and the Secretary may mutually agree.

"(e) The Fund shall be available for the payment of all expenses incurred by the Board in carrying out its functions under this title. Neither the Fund nor any of the funds credited to it shall be subject to ap-

XUM

portionment under the provisions of section 665 of title 31.

"§ 2104. Transitional appropriations

"Such as are necessary to insure a sound financial transition for the Postal Service and a rate policy consistent with chapter 37 of this title are hereby authorized to be appropriated to the Fund without regard to fiscal-year limitation.

"§ 2105. Obligations

"(a) The Board of Governors is authorized to borrow money and to issue and sell such obligations as it determines necessary to carry out the purposes of this title. The aggregate amount of any such obligations outstanding at any one time shall not exceed $10,000,000,000. In any one fiscal year the net increase in the amount of obligations outstanding issued for the purpose of capital improvements shall not exceed $1,500,000,000, and the net increase in the amount of obligations outstanding issued for the purpose of defraying operating expenses of the Postal Service shall not exceed $500,000,000.

"(b) The Board may pledge the assets of the Postal Service and pledge and use its revenues and receipts for the payment of the principal of or interest on such obligations, for the purchase of redemption thereof, and for other purposes incidental thereto, including creation of reserve, sinking, and other funds which may be similarly pledged and used, to such extent and in such manner as it may deem necessary or desirable. The Board is authorized to enter into binding covenants with the holders of such obligations, and with the trustee, if any, under any agreement entered into in connection with the issuance thereof with respect to the establishment of reserve, sinking, and other funds, application and use of revenues and receipts of the Postal Service, stipulations concerning the subsequent issuance of obligations or the execution of leases or lease purchases relating to properties of the Postal Service and such other matters as the Board may deem necessary or desirable to enhance the marketability of such obligations.

"(c) Obligations issued by the Board under this section—

"(1) shall be in such forms and denominations;

"(2) shall be sold at such times and in such amounts;

"(3) shall mature at such time or times;

"(4) shall be sold at such prices;

"(5) shall bear such rates of interest;

"(6) may be redeemable before maturity at the option of the Board in such manner and at such times and redemption premiums;

"(7) may be entitled to such relative priorities of claim on the assets of the Postal Service with respect to principal and interest payments; and

"(8) shall be subject to such other terms and conditions;

as the Board determines.

"(d) Obligations issued by the Board under this section shall—

"(1) be negotiable or nonnegotiable and bearer or registered instruments, as specified therein and in any indenture or covenant relating thereto;

"(2) contain a recital that they are issued under this section, and such recital shall be conclusive evidence of the regularity of the issuance and sale of such obligations and of their validity;

"(3) be unlawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the United States, and the Secretary of the Treasury or any other officer or agency having authority over or control of any such fiduciary, trust, or public funds, may at any time sell any of the obligations of the Postal Service acquired by them under this section:

"(4) be exempt both as to principal and interest from all taxation now or hereafter imposed by any State or local taxing authority except estate, inheritance, and gift taxes; and

"(5) not be obligations of, nor shall payment of the principal thereof or interest thereon bee guaranteed by, the United States, except as provided in subseection (c) of section 2106 of this title.

"§ 2106. Relationship between the Treasury and the Postal Service

"(a) At least 15 days before selling any issue of obligations under section 2105 of this title, the Board of Governors shall advise the Secretary of the Treasury as to the amount, proposed date of sale, maturities, terms and conditions, and expected maximum rates of interest of the proposed issue in appropriate detail and shall consult with him or his designee thereon. The Secretary may elect to purchase such obligations under such terms, including rates of interest, as he and the Board may agreee, but at a rate of yield no less than the prevailing yield on outstanding marketable Treasury securities of comparable maturity, as determined by the Secretary. If the Secretary does not purchase such obligations, the Board may proceed to issue and sell them to a party or parties other than the Secretary upon notice to the Secretary and upon consultation as to the date of issuance, maximum rates of interest, and other terms and conditions.

"(b) Subject to the conditions of subsection (a) of this section, the Board may require the Secretary of the Treasury to purchase obligations of the Postal Service in such amounts as will not cause the holding by the Secretary of the Treasury resulting from such required purchases to exceed $2,000,000,000 at any one time. This subsection shall not be construed as limiting the authority of the Secretary to purchase obligations of the Postal Service in excess of such amount.

"(c) Notwithstanding subsection (d)(5) of section 2105 of this title, obligations issued by the Board shall be obligations of the Government of the United States, and payment of principal and interest thereon shall be fully guaranteed by the Government of the United States, such guaranty being expressed on the face thereof, if and to the extent that—

"(1) the Board requests the Secretary of the Treasury to pledge the full faith and credit of the Government of the United States for the payment of principal and interest thereon; and

"(2) the Secretary, in his discretion, determines that it would be in the public interest to do so.

"§ 2107. Public debt character of the obligations of the Postal Service

"For the purpose of any purchase of the obligations of the Postal Service, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include any purchases of the obligations of the Postal Service under this chapter. The Secretary of the Treasury may, at any time, sell any of the obligations of the Postal Service acquired by him under this chapter. All redemptions, purchases, and sales by the Secretary of the obligations of the Postal Service shall be treated as public debt transactions of the United States.

"§ 2108. Audit and expenditures

"(a) The accounts of the Postal Service shall be audited by the Comptroller General and reports thereon made to the Congress to the extent and at such times as he may determine.

"(b) The Board of Governors shall maintain an adequate internal audit of the financial transactions of the Postal Service.

"(c) Subject only to the provisions of this chapter, the Board is authorized to make such expenditures and to enter into such contracts, agreements, and arrangements, upon such terms and conditions and in such manner as it deems necessary, including the final settlement of all claims and litigation by or against the Postal Service

"(d) Nothing in this section shall be construed as denying to the Board the power to obtain audits of the accounts of the Postal Service and reports concerning its financial condition and operations by certified public accounting firms. Such audits and reports shall be in addition to those required by this section.

"(e) The Board shall obtain, not less than once each year, a certification from an independent, certified public accounting firm, of the accuracy of any financial statements of the Postal Service used in determining and establishing postal rates.

"§ 2109. Annual budget

"The Board of Governors shall cause to be prepared annually a business-type budget which shall be submitted to the Office of Management and Budget, under such rules and regulations as the President may establish as to the date of submission, the form and content, the classifications of data, and the manner in which such budget program shall be prepared and presented. The budget program shall be a business-type budget, or plan of operations, with due allowance given to the need for flexibility, including provision for emergencies and contingencies, in order that the Postal Service may properly carry out its activities as authorized by law. The budget program shall contain estimates of the financial condition and operations of the Postal Service for the current and ensuing fiscal years and the actual condition and results of operation for the last completed fiscal year. Such budget program shall include a statement of financial condition, a statement of income and expense, an analysis of surplus or deficit, a statement of sources and application of funds, and such other supplementary statements and information as are necessary or desirable to make known the financial condition and operations of the Postal Service. Such statements shall include estimates of operations by major types of activities, together with estimates of administrative expenses and estimates of borrowings.

"Chapter 23.—Convict Labor

"Sec.

"2301. No postal equipment or supplies manufactured by convict labor.

"§ 2301. No postal equipment or supplies manufactured by convict labor

"Except as provided in chapter 307 of title 18, the Board of Governors may not make a contract for the purchase of equipment or supplies to be manufactured by convict labor.

"Chapter 25.—Appropriation and Annual Report

"Sec.

"2501. Appropriations.

"2502. Annual report.

"§ 2501. Appropriations.

"(a) There is appropriated to the Postal Service all revenues received by the Postal Service.

"(b) There are authorized to be appropriated to the Postal Service each year out of moneys in the Treasury not otherwise appropriated—

"(1) in order to provide a maximum degree of effective and regular postal service nationwide, in communities where post offices may not be deemed self-sustaining, as elsewhere, an amount equal to the public service cost for that year determined by the Board of Governors under section 3703 of this title;

"(2) an amount equal to the lesser of 10 percent of the annual debt service includ-

XUM

ing interest, amortization or other provision for payment of principal, and amortization of debt discount and expense) on obligations issued under chapter 21 of this title or $100,000,000; and

"(3) a sum for each year determined by the Board to be equal to the difference between the revenues the Postal Service would have received if sections 3302, 3704(1), and 3709 and chapter 35 of this title had not been enacted and the estimated revenues to be received on mail carried under such sections and chapter.

"(c) In its request for funds to be appropriated under subsection (b)(1) of this section, the Board shall present to the appropriate committees of the Congress a comprehensive statement of its compliance with the public service policy established under section 102 of this title.

"(d) Each year after 1975, the Board shall present to the Congress a comprehensive statement on the necessity and desirability of maintaining the amount of public service appropriation specified under section 2501 (b)(1) of this title. The Board may recommend the enactment of legislation providing for a reduction or a graduated elimination of the percentage of public service appropriation if in its judgment such a reduction or graduated elimination will not unreasonably reduce the existing levels of postal service or require significant increases in postal rates and fees.

"§ 2502. Annual report

"The Board of Governors shall report annually to the President and the Congress on the operations and financial status of the Postal Service.

"Chapter 27.—DEBTS AND COLLECTION

"Sec.
"2701. Collection and adjustments of debts.
"2702. Transportation of international mail by air carriers of the United States.
"2703. Settlement of claims for damages caused by the Postal Service.
"2704. Delivery of stolen money to owner.
"2705. Suits to recover wrongful or fraudulent payments.

"§ 2701. Collection and adjustments of debts

"(a) The Board of Governors—

"(1) shall collect debts due to the Postal Service;

"(2) shall collect and remit fines, penalties, and forfeitures arising out of matter affecting the Postal Service;

"(3) may adjust, pay, or credit the account of a postmaster or of an enlisted person of an Armed Force performing postal duties, for any loss of Postal Service funds, papers, postage, or other stamped stock or accountable paper; and

"(4) may prescribe penalties for failure to render accounts.

The Board may refer any matter, which is uncollectable through administrative action, to the General Accounting Office for collection. This subsection does not affect the authority of the Attorney General in cases in which judicial proceedings are instituted.

"(b) In all cases of disability or alleged liability for any sum of money by way of damages or otherwise, under any provision of law in relation to the officers, employees, operations, or business of the Postal Service, the Board shall determine whether the interests of the Postal Service probably require the exercise of its powers over the same. Upon the determination, the Board on such terms as it deems just and expedient, may—

"(1) remove the disability; or

"(2) compromise, release, or discharge the claim for such sum of money and damages.

"§ 2702. Transportation of international mail by air carriers of the United States

"(a) The Board of Governors may offset against any balances due another country resulting from the transaction of international money order business, or otherwise, amounts due from that country to the United States, or to the United States for the account of air carriers of the United States transporting mail of that country, when—

"(1) the Board puts into effect rates of compensation to be charged another country for transportation; and

"(2) the United States is required to collect from another country the amounts owed for transportation for the account of the air carriers.

"(b) When the Board has proceeded under authority of subsection (a) of this section, it shall—

"(1) give appropriate credit to the country involved;

"(2) pay to the air carrier the portion of the amount so credited which is owed to the air carrier for its services in transporting the mail of the other country; and

"(3) deposit in the Postal Service Fund that portion of the amount so credited which is due the United States on its own account.

"(c) The Board, from time to time may advance to an air carrier, out of funds available for payment of balances due other countries, the amounts determined by the Board to be due from another country to an air carrier for the transportation of its mails when—

"(1) collections are to be made by the United States for the account of air carriers; and

"(2) the Board determines that the balance of funds available is such that the advances may be made therefrom.

Collection from another country of the amount so advanced shall be made by offset, or otherwise, and the appropriation from which the advance is made shall be reimbursed by the collections made by the United States.

"(d) If the United States is unable to collect from the debtor country an amount paid or advanced to an air carrier within 12 months after payment or advance has been made, the United States may deduct the uncollected amount from any sums owed by it to the air carrier.

"(e) The Board shall adopt such accounting procedures as may be necessary to conform to and effect the purposes of this section.

"§ 2703. Settlement of claims for damages caused by the Postal Service

"When the Board of Governors finds a claim for damage to persons or property resulting from the operation of the Postal Service to be a proper charge against the United States, and it is not cognizable under section 2672 of title 28, it may adjust and settle the claim.

"§ 2704. Delivery of stolen money to owner

"When the Board of Governors is satisfied that money or property in the possession of the Postal Service represents money or property stolen from the mails, or the proceeds thereof, it may deliver it to the person it finds to be the rightful owner.

"§ 2705. Suits to recover wrongful or fraudulent payments

"The Board of Governors shall request the Attorney General to bring a suit to recover with interest any payment made from moneys of, or credit granted by, the Postal Service as a result of—

"(1) mistake;

"(2) fraudulent representations;

"(3) collusion; or

"(4) misconduct of an officer or employee of the Postal Service.

"PART IV—MAIL MATTER

"Chapter	Sec.
"31. Nonmailable Matter	3101
"33. Penalty and Franked Mail	3301
"35. Free Postage	3501
"37. Establishing Postal Classes and Rates	3701

"Chapter 31.—Nonmailable Matter

"Sec.
"3101. Nonmailable matter.
"3102. Nonmailable motor vehicle master keys.
"3103. Mail bearing a fictitious name or address.
"3104. Delivery of mail to persons not residents of the place of address.
"3105. False representations; lotteries.
"3106. Unlawful matter.
"3107. Detention of mail for temporary periods.
"3108. Prohibition of pandering advertisements.

"§ 3101. Nonmailable matter

"(a) Matter the deposit of which in the mails is punishable under section 1302, 1341, 1342, 1461, 1463, 1714, 1715, 1716, 1717, or 1718 of title 18, is nonmailable.

"(b) Except as provided in subsection (c) of this section, nonmailable matter which reaches the office of delivery, or which may be seized or detained for violation of law, shall be disposed of as the Board of Governors shall direct.

"(c)(1) Matter which—

"(A) exceeds the size and weight limits prescribed for the particular class of mail; or

"(B) is of a character perishable within the period required for transportation and delivery;

is nonmailable.

"(2) Matter made nonmailable by this subsection which reaches the office of destination may be delivered in accordance with its address, if the party addressed furnishes the name and address of the sender.

"(d) Matter otherwise legally acceptable in the mails which—

"(1) is in the form of, and reasonably could be interpreted or construed as, a bill, invoice, or statement of account due; but

"(2) constitutes, in fact, a solicitation for the order by the addressee of goods or services, or both;

is nonmailable matter, shall not be carried, or delivered by mail, and shall be disposed of as the Postal Service directs, unless such matter bears on its face, in conspicuous and legible type in contrast by typography, layout, or color with other printing on its face, in accordance with regulations which the Postal Service shall prescribe—

"(A) the following notice: 'This is a solicitation for the order of goods and/or services and not a bill, invoice, or statement of account due. You are under no obligation to make any payments on account of this offer unless you accept this offer."; or

"(B) in lieu thereof, a notice to the same effect in words which the Postal Service may prescribe.

"(e) Except as otherwise provided by law, proceedings concerning the mailability of matter under this chapter and chapters 71 and 83 of title 18 shall be conducted in accordance with chapters 5 and 7 of title 5.

"§ 3102. Nonmailable motor vehicle master keys

"(a) Except as provided in subsection (b) of this section, any motor vehicle master key, any pattern, impression, or mold from which a motor vehicle master key may be made, and any advertisement for the sale of any such key, pattern, impression, or mold, is nonmailable matter and shall not be carried or delivered by mail.

"(b) The Board of Governors is authorized to make such exemptions from the provisions of subsection (a) of this section as it deems necessary.

"(c) For the purposes of this section, 'motor vehicle master key' means any key (other than the key furnished by the manufacturer with the motor vehicle, or the key furnished with a replacement lock, or any exact duplicate of such keys) designed to operate 2 or more motor vehicle ignition,

XUM

door, or trunk locks of different combinations.

"§ 3103. Mail bearing a fictitious name or address

"(a) Upon evidence satisfactory to the Board of Governors that any person is using a fictitious, false, or assumed name, title, or address in conducting, promoting, or carrying on or assisting therein, by means of the postal service of the United States, an activity in violation of sections 1302, 1341, and 1342 of title 18, it may—

"(1) withhold mail so addressed from delivery; and

"(2) require the party claiming the mail to furnish proof to it of the claimant's identity and right to receive the mail.

"(b) The Board may issue an order directing that mail, covered by subsection (a) of this section, be forwarded to a dead letter office as fictitious matter, or be returned to the sender when the—

"(1) party claiming the mail fails to furnish proof of his identity and right to receive the mail; or

"(2) the Board determines that the mail is addressed to a fictitious, false, or assumed name, title, or address.

"§ 3104. Delivery of mail to persons not residents of the place of address

"Whenever the Board of Governors determines that letters or parcels sent in the mail are addressed to places not the residence or regular business address of the person for whom they are intended, to enable the person to escape identification, the Postal Service may deliver the mail only upon identification of the person so addressed.

"§ 3105. False representations; lotteries

"(a) Upon evidence satisfactory to the Board of Governors that any person is engaged in conducting a scheme or device for obtaining money or property through the mail by means of false representations, or is engaged in conducting a lottery, gift enterprise, or scheme for the distribution of money or of real or personal property, by lottery, chance, or drawing of any kind, the Board may issue an order which—

"(1) directs the postmaster of the post office at which mail arrives, addressed to such a person or to his representative, to return such mail to the sender appropriately marked as in violation of this section, if the person, or his representative, is first notified and given reasonable opportunity to be present at the receiving post office to survey the mail before the postmaster returns the mail to the sender; and

"(2) forbids the payment by a postmaster to the person or his representative of any money order or postal note drawn to the order of either and provide for the return to the remitters of the sum named in the money order or postal note.

"(b) The public advertisement by a person engaged in activities covered by subsection (a) of this section, that remittances may be made by mail to a person named in the advertisement, is prima facie evidence that the latter is the agent or representative of the advertiser for the receipt of remittances on behalf of the advertiser. The Board may ascertain the existence of the agency in any other legal way satisfactory to it.

"(a) As used in this section and section 3106 of this title, the term 'representative' includes an agent or representative acting as an individual or as a firm, bank, corporation, or association of any kind.

"§ 3106. Unlawful matter

"Upon evidence satisfactory to the Board of Governors that a person is obtaining or attempting to obtain remittances of money or property of any kind through the mail for an obscene, lewd, lascivious, indecent, filthy, or vile thing or is depositing or causing to be deposited in the United States mail information as to where, how, or from whom such a thing may be obtained, the Board may—

"(1) direct any postmaster at an office at which mail arrives, addressed to such a person or to his representative, to return the mail to the sender marked 'Unlawful'; and

"(2) forbid the payment by a postmaster money orders or postal notes.

order of either and provide for the return to the remitters of the sums named in the money order or postal note drawn to the to such a person or his representative of any

"§ 3107. Detention of mail for temporary periods

"(a) In preparation for or during the pendency of proceedings under sections 3105 and 3106 of this title, the United States district court in the district in which the defendant receives his mail shall, upon application therefor by the Board of Governors and upon a showing of probable cause to believe either section is being violated, enter a temporary restraining order and preliminary injunction pursuant to rule 65 of the Federal Rules of Civil Procedure directing the detention of the defendant's incoming mail by the postmaster pending the conclusion of the statutory proceedings and any appeal therefrom. The district court may provide in the order that the detained mail be open to examination by the defendant and such mail be delivered as is clearly not connected with the alleged unlawful activity. An action taken by a court hereunder does not affect or determine any fact at issue in the statutory proceedings.

"(b) This section does not apply to mail addressed to publishers of newspapers and other periodical publications entitled to a periodical publication rate or to mail addressed to the agents of those publishers.

"§ 3108. Prohibition of pandering advertisements

"(a) Whoever for himself, or by his agents or assigns, mails or causes to be mailed any pandering advertisement which offers for sale matter which the addressee in his sole discretion believes to be erotically arousing or sexually provocative shall be subject to an order of the Board of Governors to refrain from further mailings of such materials to designated addressees thereof.

"(b) Upon receipt of notice from an addressee that he has received such mail matter, determined by the addressee in his sole discretion to be of the character described in subsection (a) of this section, the Board shall issue an order, if requested by the addressee, to the sender thereof, directing the sender and his agents or assigns to refrain from further mailings to the named addressees.

"(c) The order of the Board shall expressly prohibit the sender and his agents or assigns from making any further mailings to the designated addressees, effective on the thirtieth calendar day after receipt of the order. The order shall also direct the sender and his agents or assigns to delete immediately the names of the designated addressees from all mailing lists owned or controlled by the sender or his agents or assigns and, further, shall prohibit the sender and his agents or assigns from the sale, rental, exchange, or other transactions involving mailing lists bearing the names of the designated addressees.

"(d) Whenever the Board believes that the sender or anyone acting on his behalf has violated or is violating the order given under this section, it shall serve upon the sender, by registered or certified mail, a complaint stating the reasons for its belief and request that any response thereto be filed in writing with the Board within 15 days after the date of such service. If the Board, after appropriate hearing if requested by the sender, and without a hearing if such a hearing is not requested, thereafter determines that the order given has been or is being violated, it is authorized to request the Attorney General to make application, and the Attorney General is authorized to make application, to a district court of the United States for an order directing compliance with such notice.

"(e) Any district court of the United States within the jurisdiction of which any mail matter shall have been sent or received in violation of the order provided for by this section shall have jurisdiction, upon application by the Attorney General, to issue an order commanding compliance with such notice. Failure to observe such order may be punished by the court as contempt thereof.

"(f) Receipt of mail matter 30 days or more after the effective date of the order provided for by this section shall create a rebuttable presumption that such mail was sent after such effective date.

"(g) Upon request of any addressee, the order of the Board shall include the names of any of his minor children who have not attained their nineteenth birthday, and who reside with the addressee.

"(h) The provisions of subchapter II of chapter 5 (relating to administrative procedure) and chapter 7 (relating to judicial review) of title 5, shall not apply to any provisions of this section.

"(i) For the purposes of this section—

"(1) mail matter, directed to a specific address, covered in the order of the Board, without designation of a specific addressee thereon, shall be considered as addressed to the person named in the Board's order; and

"(2) the term 'children' includes natural children, stepchildren, adopted children, and children who are wards of or in custody of the addressee or who are living with such addressee in a regular parent-child relationship.

"CHAPTER 33.—PENALTY AND FRANKED MAIL

"Sec.
"3301. Definitions.
"3302. Penalty mail.
"3303. Endorsements on penalty covers.
"3304. Restrictions on use of penalty mail.
"3305. Accounting for penalty covers.
"3306. Reimbursement for penalty mail service.
"3307. Limit of weight of penalty mail; postage on overweight matter.
"3308. Shipment by most economical means.
"3309. Executive departments to supply information.
"3310. Official correspondence of Vice President and Members of Congress.
"3311. Public documents.
"3312. Congressional Record under frank of Members of Congress.
"3313. Seeds and reports from Department of Agriculture.
"3314. Mailing privilege of former Presidents.
"3315. Lending or permitting use of frank unlawful.
"3316. Reimbursement for franked mailings.
"3317. Correspondence of members of diplomatic corps and consuls of countries of Postal Union of Americas and Spain.
"3318. Franked mail for surviving spouses of Congress.

"§ 3301. Definitions

"As used in this chapter—

"(1) 'penalty mail' means official mail, other than franked mail, which is authorized by law to be transmitted in the mail without prepayment of postage;

"(2) 'penalty cover' means envelopes, wrappers, labels, or cards used to transmit penalty mail;

"(3) 'frank' means the autographic or facsimile signature of persons authorized by sections 3310–3316 and 3318 of this title to transmit matter through the mail without prepayment of postage or other indicia contemplated by sections 733 and 907 of title 44;

"(4) 'franked mail' means mail which is transmitted in the mail under a frank; and

XUM

"(5) 'Members of Congress' includes Senators, Representatives, Delegates, and Resident Commissioners.

"§ 3302. Penalty mail

"(a) Subject to the limitations imposed by sections 3304 and 3307 of this title, there may be transmitted as penalty mail—

"(1) official mail of—

"(A) officers of the Government of the United States other than Members of Congress;

"(B) the Smithsonian Institution;

"(C) the Pan American Union;

"(D) the Pan American Sanitary Bureau;

"(E) the United States Employment Service and the system of employment offices operated by it in conformity with the provisions of sections 49–49c, 49d, 49e–49k of title 29, and all State employment systems which receive funds appropriated under authority of those sections; and

"(F) any college officer or other person connected with the extension department of the college as the Secretary of Agriculture may designate to the Department to the extent that the official mail consists of correspondence, bulletins, and reports for the furtherance of the purpose of sections 341–343, 344–348 of title 7;

"(2) mail relating to naturalization to be sent to the Immigration and Naturalization Service by clerks of courts addressed to the Department of Justice or the Immigration and Naturalization Service, or any official thereof;

"(3) mail relating to a collection of statistics, survey, or census authorized by title 13 and addressed to the Department of Commerce or a bureau or agency thereof;

"(4) mail of State agriculture experiment stations pursuant to sections 325 and 361f of title 7; and

"(5) articles for copyright deposited with postmasters and addressed to the Register of Copyrights pursuant to section 15 of title 17.

XUM

"(b) A department or officer authorized to use penalty covers may enclose them with return address to any person from or through whom official information is desired. The penalty cover may be used only to transmit the official information and endorsements relating thereto.

"(c) This section does not apply to officers who receive a fixed allowance as compensation for their services including expenses of postage.

"§ 3303. Endorsements on penalty covers

"(a) Except as otherwise provided in this section, penalty covers shall bear, over the words 'Official Business' an endorsement showing the name of the department, bureau, or office from which, or officer from whom, it is transmitted. The penalty for the unlawful use of all penalty covers shall be printed thereon.

"(b) The Board of Governors shall prescribe the endorsement to be placed on covers mailed under paragraphs (1)(E), (2), and (3) of section 3302(a) of this title.

"§ 3304. Restrictions on use of penalty mail

"(a) Except as otherwise provided in this section, an officer, executive department, or independent establishment of the Government of the United States may not mail, as penalty mail, any article or document unless—

"(1) a request therefor has been previously received by the department or establishment; or

"(2) its mailing is required by law.

"(b) Subsection (a) of this section does not prohibit the mailing, as penalty mail, by an officer, executive department, or independent agency of—

"(1) enclosures reasonably related to the subject matter of official correspondence;

"(2) informational releases relating to the census of the United States and authorized by title 13;

"(3) matter concerning the sale of Government securities;

"(4) forms, blanks, and copies of statutes, rules, regulations, instructions, administrative orders, and interpretations necessary in the administration of the department or establishment;

"(5) agricultural bulletins;

"(6) lists of public documents offered for sale by the Superintendent of Documents;

"(7) announcements of the publication of maps, atlases, and statistical and other reports offered for sale by the Federal Power Commission as authorized by section 825k of title 16; or

"(8) articles or documents to educational institutions or public libraries, or to Federal, State, or other public authorities.

"§ 3305. Accounting for penalty covers

"Executive departments and agencies, independent establishments of the Government of the United States, and organizations and persons authorized by law to use penalty mail, shall account for all penalty covers through the Board of Governors.

"§ 3306. Reimbursement for penalty mail service

"(a) Except as provided in subsections (b) and (c) of this section, executive departments and agencies, independent establishments of the Government of the United States, and Government corporations concerned shall transfer to the Board of Governors as postal revenue out of any appropriations or funds available to them, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, as determined by the Board, for matter sent in the mails by or to them as penalty mail under authority of section 3302 of this title.

"(b) The Department of Agriculture shall transfer to the Board as postal revenues out of any appropriations made to it for that purpose the equivalent amount of postage, as determined by the Board, for penalty mailings under paragraphs (1)(F) and (4) of section 3302(a) of this title.

"(c) The Library of Congress shall transfer to the Board as postal revenues out of any appropriations made to the Library for that purpose the equivalent amount of postage, as determined by the Board, for penalty mailings under paragraph (5) of section 3302(a) of this title.

"§ 3307. Limit of weight of penalty mail; postage on overweight matter

"(a) Penalty mail is restricted to articles not in excess of the weight and size prescribed for that class of mail receiving high priority in handling and delivery, except—

"(1) stamped paper and supplies sold or used by the Postal Service; and

"(2) books and documents published or circulated by order of Congress when mailed by the Superintendent of Documents.

"(b) A penalty mail article which is—

"(1) over 4 pounds in weight;

"(2) not in excess of the weight and size prescribed for mail matter; and

"(3) otherwise mailable;

is mailable at rates for that class of mail entitled to the lowest priority in handling and delivery, even though it may include written matter and may be sealed.

"§ 3308. Shipment by most economical means

"Shipments of official matter other than franked mail shall be sent by the most economical means of transportation practicable. The Board of Governors may refuse to accept official matter for shipment by mail when in its judgment it may be shipped by other means at less expense, or it may provide for its transportation by freight or express, whenever a saving to the Government of the United States will result therefrom without detriment to the public service.

"§ 3309. Executive departments to supply information

"Persons and governmental organizations authorized to use penalty mail shall supply all information requested by the Board of Governors necessary to carry out the provisions of this chapter as soon as practicable after request therefor.

"§ 3310. Official correspondence of Vice President and Members of Congress

"The Vice President, Members, and Members-elect of Congress, the Secretary of the Senate, and the Sergeant at Arms of the Senate, until the thirtieth day of June following the expiration of their respective terms of office, may send as franked mail—

"(1) matter, not exceeding 4 pounds in weight, upon official or departmental business, to a Government official; and

"(2) correspondence, not exceeding 4 ounces in weight, upon official business to any person.

In the event of a vacancy in the office of the Secretary of the Senate or Sergeant at Arms of the Senate, any authorized person may exercise this privilege in the officer's name during the period of the vacancy.

"§ 3311. Public documents

"The Vice President, Members of Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, and the Clerk of the House of Representatives, until the thirtieth day of June following the expiration of their respective terms of office, may send and receive as franked mail all public documents printed by order of Congress.

"§ 3312. Congressional Record under frank of Members of Congress

"Members of Congress may send as franked mail the Congressional Record, or any part thereof, or speeches or reports therein contained.

"§ 3313. Seeds and reports from Department of Agriculture

"Seeds and agricultural reports emanating from the Department of Agriculture may be mailed—

"(1) as penalty mail by the Secretary of Agriculture; and

"(2) until the thirtieth day of June following the expiration of their terms of office, as franked mail by Members of Congress.

"§ 3314. Mailing privilege of former Presidents

"A former President may send all his mail within the United States and its territories and possessions as franked mail.

"§ 3315. Lending or permitting use of frank unlawful

"A person entitled to use a frank may not lend it or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association. This section does not apply to any committee composed of Members of Congress.

"§ 3316. Reimbursement for franked mailings

"(a) The postage on mail matter sent and received through the mails under the franking privilege by the Vice President, Members, and Members-elect of Congress, the Secretary of the Senate, Sergeant at Arms of the Senate, and the Clerk of the House of Representatives, including registry fees if registration is required, and postage on correspondence sent by the surviving spouse of a Member under section 3318 of this title, shall be paid by a lump-sum appropriation to the legislative branch for that purpose, and then paid to the Board of Governors as postal revenue.

"(b) The postage on mail matter sent through the mails under the franking privilege by former Presidents shall be paid by reimbursement of the postal revenues each fiscal year out of the general funds of the Treasury in an amount equivalent to the postage which would otherwise be payable on the mail matter.

"§ 3317. Correspondence of members of diplomatic corps and consuls of countries of Postal Union of Americas and Spain

"Correspondence of the members of the diplomatic corps of the countries of the Postal Union of the Americas and Spain stationed in the United States may be reciprocally transmitted in the domestic mails free of postage, and be entitled to free registration without right to indemnity in case of loss. The same privilege is accorded consuls and vice consuls when they are discharging the function of consuls of countries stationed in the United States, for official correspondence among themselves, and with the Government of the United States.

"§ 3318. Franked mail for surviving spouses of Members of Congress

"Upon the death of a Member of Congress during his term of office, the surviving spouse of such Member may send, for a period not to exceed 180 days after his death, as franked mail, correspondence relating to the death of the Member.

"Chapter 35.—FREE POSTAGE

"Sec.
"3501. Mailing privilege of members of United States Armed Forces and of friendly foreign nations.
"3502. Mailing privilege of members of United States Armed Forces and of friendly foreign nations in the Canal Zone.
"3503. Matter for blind and other handicapped persons.
"3504. Unsealed letters sent by blind or physically handicapped persons.
"3505. Markings.

"§ 3501. Mailing privilege of members of United States Armed Forces and of friendly foreign nations

"(a) Letter mail or sound-recorded communications having the character of personal correspondence shall be carried, at no cost to the sender, in a manner determined by the Board of Governors, when mailed by—

"(1) a member of the Armed Forces of the United States on active duty, as defined in section 101 (4) and (22) of title 10, and addressed to a place within the delivery limits of a United States post office, if—

"(A) such letter mail or sound-recorded communication is mailed by the member at an Armed Forces post office established in an overseas area, as designated by the President, where the Armed Forces of the United States are engaged in action against an enemy of the United States, engaged in military operations involving armed conflict with a hostile foreign force, or serving with a friendly foreign force in an armed conflict in which the United States is not a belligerent; or

"(B) the member is hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred as a result of service in an overseas area designated by the President under clause (A) of this paragraph; or

"(2) a member of an armed force of a friendly foreign nation at an Armed Forces post office and addressed to a place within the delivery limits of a United States post office, or a post office of the nation in whose armed forces the sender is a member, if—

"(A) the member is accorded free mailing privileges by his own government;

"(B) the foreign nation extends similar free mailing privileges to a member of the Armed Forces of the United States serving with, or in, a unit under the control of a command of that foreign nation;

"(C) the member is serving with, or in, a unit under the operational control of a command of the Armed Forces of the United States;

"(D) such letter mail or sound-recorded communication is mailed by the member—

"(i) at an Armed Forces post office established in an overseas area, as designated by the President, where the Armed Forces of the United States are engaged in action against an enemy of the United States, engaged in military operations involving armed conflict with a hostile foreign force, or serving with a friendly foreign force in an armed conflict in which the United States is not a belligerent; or

"(ii) while hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred as a result of services in an overseas area designated by the President under clause (D)(i) of this paragraph; and

"(E) the nation in whose armed forces the sender is a member has agreed to assume all international postal transportation charges incurred.

"(b) There shall be transported by air, between Armed Forces post offices which are located outside the 48 contiguous States of the United States, between any such Armed Forces post office and the point of embarkation or debarkation within the United States, the territories and possessions of the United States in the Pacific area, the Commonwealth of Puerto Rico, the Virgin Islands or the Canal Zone, on a space available basis, on certificated, scheduled air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 1376 of title 49, the following categories of mail matter:

"(1)(A) letter mail or sound-recorded communications having the character of personal correspondence; and

"(B) parcels not exceeding 5 pounds in weight and 60 inches in length and girth combined;

which are mailed at or addressed to any such Armed Forces post office;

"(2) publications (entitled to a periodical publication rate, published once each week or more frequently, and featuring principally current news of interest to members of the Armed Forces and the general public) which are mailed at or addressed to any such Armed Forces post office (A) in an overseas area designated by the President under subsection (a) of this section, or (B) in an isolated, hardship, or combat support area overseas, or where adequate surface transportation is not available; and

"(3) parcels exceeding 5 pounds but not exceeding 70 pounds in weight and not exceeding 100 inches in length and girth combined which are mailed at or addressed to any such Armed Forces post office where adequate surface transportation is not available. Whenever adequate service by certificated, scheduled air carriers is not available to provide transportation of mail matter by air in accordance with this subsection, the transportation of such mail may be authorized by other than certificated, scheduled air carriers.

"(c) The Department of Defense shall transfer to the Postal Service as postal revenues, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, as determined by the Board of Governors, for matter sent in the mails under authority of subsection (a) of this section.

"(d) The Department of Defense shall transfer to the Postal Service as postal revenues, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, sums equal to the expenses incurred by the Postal Service, as determined by the Postal Service, in providing air transportation for mail mailed at or addressed to Armed Forces post offices established under section 506 of this title, but reimbursement under this subsection shall not include the expense of air transportation (1) for which the Postal Service collects a special charge to the extent the special charge covers the additional expense of air transportation, or (2) that is provided by the Postal Service at the same postage rate or charge for mail which is neither mailed at nor addressed to an Armed Forces post office.

"(e) This section shall be administered under such conditions, and under such regulations, as the Board and the Secretary of Defense jointly may prescribe.

"§ 3502. Mailing privilege of members of United States Armed Forces and of friendly foreign nations in the Canal Zone

"(a) For the purpose of section 3501 of this title, each post office in the Canal Zone postal service, to the extent that it provides mail service for members of the United States Armed Forces and of friendly foreign nations, shall be considered to be an Armed Forces post office established in an overseas area.

"(b) The Department of Defense shall reimburse the postal service of the Canal Zone, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, and sums equal to the expenses incurred by, the postal service of the Canal Zone, as determined by the Governor of the Canal Zone, for matter sent in the mails, and in providing air transportation of mail, under such section.

"§ 3503. Matter for blind and other handicapped persons

"(a) The matter described in subsection (b) of this section (other than matter mailed under section 3504 of this title) may be mailed free of postage, if—

"(1) the matter is for the use of the blind or other persons who cannot use or read conventionally printed material because of a physical impairment who are certified by competent authority as unable to read normal reading material in accordance with the provisions of the first section of the Act of July 30, 1966 (Public Law 89–522; 80 Stat. 330);

"(2) no charge, or rental, subscription, or other fee, is required for such matter or a charge, or rental, subscription, or other fee is required for such matter not in excess of the cost thereof;

"(3) the matter may be opened by the Board of Governors for inspection; and

"(4) the matter contains no advertising.

"(b) The free mailing privilege provided by subsection (a) of this section is extended to—

"(1) reading matter and musical scores;

"(2) sound reproductions;

"(3) paper, records, tapes, and other material for the production of reading matter, musical scores, or sound reproductions;

"(4) reproducers or parts thereof, for sound reproductions; and

"(5) braille writers, typewriters, educational or other materials or devices, or parts thereof, used for writing by, or specifically designed or adapted for use of, a blind person or a person having a physical impairment as described in subsection (a)(1) of this section.

"§ 3504. Unsealed letters sent by blind or physically handicapped persons

"Unsealed letters sent by a blind person or a person having a physical impairment, as described in section 3503(a)(1) of this title, in raised characters or sightsaving type, or in the form of sound recordings, may be mailed free of postage.

"§ 3505. Markings

"All matter relating to blind or other handicapped persons mailed under section 3503 or 3504 of this title, shall bear the words 'Free Matter for the Blind or Handicapped', or words to that effect specified by the Board of Governors, in the upper-right-hand corner of the address area.

XUM

"Chapter 37.—ESTABLISHING POSTAL CLASSES AND RATES

"Sec.
"3701. Authority.
"3702. Postal Rate Commission.
"3703. Calculation of public service cost.
"3704. Rates and classes of mail.
"3705. Temporary changes in rates and classes.
"3706. Postal services.
"3707. Rate and services complaints.
"3708. Size and weight limits.
"3709. Limitations.

"§ 3701. Authority

"Except as otherwise provided, the Governors are authorized to establish reasonable and equitable classes of mail and reasonable and equitable rates of postage and fees for postal service in accordance with the provisions of this chapter.

"§ 3702. Postal Rate Commission

"(a) There is established as an independent expert body within the Postal Service a Postal Rate Commission composed of 5 Commissioners appointed by the President, by and with the advice and consent of the Senate, not more than 3 of whom may be adherents of the same political party and 1 of whom shall be designated as Chairman and shall serve in the position of Chairman at the pleasure of the President. The Commissioners shall be chosen only on the basis of their professional qualifications, shall be covered into the competitive service under title 5 without examination, and may be removed only in accordance with the procedures established under section 7521 of such title.

"(b) The Commissioners shall serve for terms of 6 years except that—

"(1) the terms of the Commissioners first taking office shall expire as designated by the President at the time of appointment, 1 at the end of 2 years, 2 at the end of 4 years, and 2 at the end of 6 years, following their appointment; and

"(2) any such Commissioner appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

"(c) The Commissioners may obtain such facilities and supplies, and appoint and fix the compensation of such officers and employees, as may be necessary to permit the Commission to carry out its functions. The officers and employees so appointed (1) shall be paid at rates of compensation and shall be entitled to programs offering employee benefits, established under chapter 11 or 13 of this title, as appropriate, and (2) shall be responsible solely to the Commissioners. The cost of the facilities and supplies, compensation, and employee benefits shall be paid out of general funds available for the operation of the Postal Service. The Commissioners shall consult with the Governors from time to time to insure that appointments and expenses made and incurred by the Commission are necessary and in the public interest.

"(d) The Commissioners shall promulgate rules and regulations and establish procedures, subject to chapters 5 and 7 of title 5, and take any other action they deem necessary and proper to carry out their functions and obligations to the Government of the United States and the people as prescribed under this chapter. Such rules, regulations, procedures, and actions shall not be subject to any change or supervision by the Board of Governors.

"(e) The Chairman of the Commission shall have the administrative responsibility for assigning the business of the Commission to the other Commissioners and to the officers and employees of the Commission. All final acts of the Commissioners shall be by a vote of an absolute majority thereof.

"§ 3703. Calculation of public service cost

"Each year the Board of Governors shall estimate—

"(1) the total costs (other than any amount authorized to be appropriated under section 2501(b)(2) of this title) including a reasonable reserve for contingencies and depreciation on capital assets that the Postal Service will incur during the next fiscal year; and

"(2) the total income and appropriations (other than amounts appropriated under section 2501(b) (1) and (2) of this title) to be received by or accrued to the Postal Service during the same fiscal year.

The Board shall then reduce its estimate of total costs determined under clause (1) of this subsection by an amount equal to the lesser of 10 percent of such total costs or 10 percent of the sum appropriated to the Post Office Department by Act of Congress for its use in fiscal year 1971 (other than the sum so appropriated for capital improvements), which amount shall be considered the public service cost of operating the Postal Service to be defrayed from funds appropriated under section 2501(b)(1) of this title.

"§ 3704. Rates and classes of mail

"(a) Within 2 years after the effective date of this chapter, the Governors shall establish a mail classification schedule in accordance with the provisions of this section.

"(b) The Postal Rate Commission shall make a recommended decision on establishing or changing the schedule in accordance with the postal policy in section 101(a) of this title and the following factors:

"(1) the establishment and maintenance of a fair and equitable classification system for all mail;

"(2) the relative value to the people of the kinds of mail matter entered into the postal system and the desirability and justification for special classifications and services of mail;

"(3) the importance of providing classifications with extremely high degrees of reliability and speed of delivery;

"(4) the importance of providing classifications which do not require an extremely high degree of reliability and speed of delivery;

"(5) the desirability of special classifications from the point of view of both the user and of the Postal Service; and

"(6) such other factors as the Commission may deem appropriate.

"(c) The Postal Service shall maintain one or more classes of mail for the transmission of letters sealed against inspection. One such class shall provide for the most expeditious handling and transportation afforded mail matter by the Postal Service. No letter of domestic origin sealed against postal inspection which has not been delivered in accordance with the address thereon or in accordance with the instructions of the addressee shall be opened except under authority of a search warrant authorized by law, or by an officer or employee of the Postal Service for the sole purpose of determining an address at which the letter or parcel can be delivered, or pursuant to the authorization of the addressee.

"(d) Following the establishment of a mail classification schedule under subsection (a) of this section, the Board of Governors may from time to time request that the Commission submit a recommended decision on changes in the mail classification schedule.

"(e) From time to time but not less than once every 2 years, the Board shall request that the Commission submit a recommended decision on changes in postal rates and fees if the estimated income and appropriations, determined under clause (2) of section 3703 of this title, are significantly different from the estimated costs reduced by the amount of the public service cost, as determined under such section or if the Board determines that such change would be in the public interest and in accordance with the policy objectives of this title. The Board shall notify the Commission of the amount of the difference, if any, and request that the Commission prepare and recommend a decision to it on such changes in rates of postage, and such changes in rates and fees for postal services, as it may determine to be required to yield estimated income and appropriations as determined under such clause which will equal as nearly as possible the total estimated costs as reduced. To the extent that Congress may fail to make available to the Postal Service all of the funds authorized to be appropriated under section 2501(b) of this title, the Commission shall be requested to prepare and recommend a decision on such changes in rates of postage and rates and fees for postal services as it may determine to be required to yield estimated income which will, as nearly as possible, equal the deficiency. The Board may submit suggestions for rate adjustments which it deems suitable.

"(f) The Commission shall promptly consider a request to establish a mail classification schedule or a request made under subsection (d) or (e), except that the Commission shall not recommend a decision until the opportunity for a hearing on the record pursuant to sections 556 and 557 of title 5 has been accorded to the Board, users of the mails, and an officer of the Commission who shall be required to represent the interests of the general public. In order to conduct their proceedings with utmost expedition consistent with procedural fairness to the parties, the Commission may (without limitation) adopt rules which provide for—

"(1) the advance submission of written direct testimony;

"(2) the conduct of prehearing conferences to define issues, and for other purposes to insure orderly and expeditious proceedings;

"(3) discovery both from the Postal Service and the parties to the proceedings;

"(4) limitation of testimony; and

"(5) the conduct of the entire proceedings off the record with the consent of the parties.

"(g) The Commission shall recommend a decision to the Board on changes in rates of postage and fees for postal services to provide sufficient revenue so that total estimated income and appropriations will equal as nearly as possible estimated total costs. The Commission shall make a recommended decision for changes in rates or fees in each class of mail or type of service, other than those for which appropriations are provided in section 2501(b)(3) of this title, in accordance with the postal policy contained in section 101 (a) and (c) of this title and the following factors:

"(1) the establishment and maintenance of a fair and equitable schedule;

"(2) the value of the mail service actually provided each class or type of mail service to both the sender and the recipient, including but not limited to the collection, mode of transportation, and priority of delivery;

"(3) operating costs, the amount of overhead, and other institutional costs of the Postal Service properly assignable to each class of mail or type of mail service;

"(4) the effect of rate increases upon the general public, business mail users, and enterprises in the private sector of the economy engaged in the delivery of mail matter other than letters;

"(5) the available alternative means of sending and receiving letters and other mail matter at reasonable costs;

"(6) the degree of preparation of mail for delivery into the postal system performed by the mailer and its effect upon reducing costs to the Postal Service;

"(7) simplicity of structure for the entire schedule and simple, identifiable relationships between the rates of fees charged the

XUM

various classes of mail for postal services; and

"(8) such other factors as the Commission deems appropriate.

"(h) (1) The Commission shall transmit its recommended decision in a rate, fee, or classification matter to the Governors, who may approve, modify, or reject the recommendation in accordance with the provisions of this section. The recommended decision shall include a statement specifically responsive to the criteria established under subsection (b) or (g) of this section as appropriate.

"(2) If the Governors reject the recommended decision of the Commission, the Board may resubmit its request to the Commission for reconsideration. Upon resubmission the request shall be considered, and a further recommended decision of the Commission shall be acted upon and subject to review in accordance with the provisions of this subsection relating to original requests for recommended decisions of the Commission, except that, with the unanimous written concurrence of all of the Governors then holding office, the Governors may modify any such further recommended decision of the Commission if the Governors expressly find that (A) such modification is in accord with the record and the policies of this chapter, and (B) the rates recommended by the Commission are not adequate to provide sufficient total revenues as described under subsection (g) of this section.

"(3) The Governors may, under protest, allow a recommendation of the Commission to take effect and (A) seek judicial review thereof under paragraph (5) of this subsection, or (B) return the recommended decision to the Commission for reconsideration and a further recommended decision, which shall be acted upon subject to review in accordance with this subsection relating to original requests for recommended decisions of the Commission.

"(4) The decision of the Governors to approve, modify, or reject a recommended decision of the Commission shall be in writing, and shall include an estimate of anticipated revenue and a statement of explanation and justification. The decision, the record of the Commission's hearings, and the Commission's recommended decision shall be made generally available at the time the decision is issued and shall be printed and made available for sale by the Public Printer within 10 days following the day the decision is issued.

"(5) A decision of the Governors to approve or modify the recommended decision may be appealed within 15 days of its publication by an aggrieved party who appeared in the proceedings pursuant to subsection (b) of this section to the United States Court of Appeals for the District of Columbia Circuit. The court shall review the decision, in accordance with section 706 of title 5, and chapter 158 and section 2112 of title 28, except as otherwise provided in this section, on the basis of the record before the Commission and the Governors. The court may affirm the decision or order that the entire matter be returned to the Commission for further consideration, but the court may not modify the decision. The court shall make the matter a preferred cause and shall expedite judgment in every way. The court may not suspend the effectiveness of the changes, or otherwise prevent them from taking effect until final disposition of the suit by the court. No court shall have jurisdiction to review a decision made by the Commission or Board under this chapter except as provided in this subsection.

"(6) The Board shall determine the date on which the new rates, fees, the mail classification schedule, and changes in such schedule shall become effective.

"(i) If the rates of postage for the classes of mail or kinds of mailers under former sections 4358, 4359, 4421, 4422, 4452, or 4554 of this title, as such rates existed on the effective date of this section are on the effective date of the first rate decision by the Governors less than the rate established by their decision, they shall, notwithstanding the provisions of this chapter, adopt a separate schedule of rates for each class of mail or mailers effective each time rates are established or changed under this chapter, with annual increases as nearly equal as practicable, so that—

"(1) the rates for mail under former sections 4358, 4452(b), and 4554(b) and (c) shall be equal, beginning on the first day of the tenth year following such effective date, to the regular rates that would have been in effect for such mail if this subsection had not been enacted; and

"(2) the rates for mail under sections 4359, 4421, 4422, 4452(a), and 4554(a) shall be equal, beginning on the first day of the fifth year following such effective date, to the regular rates that would have been in effect for such mail if this subsection had not been enacted.

"§ 3705. Temporary changes in rates and classes

"(a) If the Postal Rate Commission does not transmit to the Governors within 90 days after the Board of Governors has submitted or within 30 days after the Board has resubmitted to the Commission a request for a recommended decision on a change in rates of postage or in rates or fees for postal services, or on a change in the mail classification schedule (after such schedule is established under section 3704 of this title), the Board, upon 10 days' notice in the Federal Register, may place into effect temporarily changes in rates of postage, in rates or fees for postal service, or in the mail classification schedule it considers appropriate to carry out the provisions of this title. Any temporary change shall be effective for a period ending not later than 30 days after the Commission has transmitted its recommended decision to the Board.

"(b) If, pursuant to section 3704(h) of this title, a court orders a matter returned to the Commission for further consideration the Board, with the consent of the Commission, may place into effect temporary changes in rates of postage or in rates and fees for postal services or in the mail classification schedule.

"§ 3706. Postal services

"(a) When the Board of Governors determines that there should be a change in the nature of postal services which will have a general effect of reducing service on a nationwide or substantially nationwide basis, it shall submit a proposal for such changes to the Postal Rate Commission for its decision.

"(b) The Commission shall not make or issue its decision on any proposal until an opportunity for hearing on the record under sections 556 and 557 of title 5 has been accorded to the Board, users of the mail, and an officer of the Commission who shall be required to represent the interests of the general public. The decision shall be in writing and shall include a certification by each Commissioner agreeing with the decision that in his judgment the decision conforms to the policy established under section 101(a) of this title.

"(c) The decision of the Commission shall be binding on the Postal Service for a period of 2 years.

"(d) Whenever the Board finds that an emergency exists which does not permit sufficient time for the procedures prescribed in subsections (a) and (b) of this section, it may contemporaneously with or subsequent to submitting the proposed change to the Commission, put such change in effect. A change adopted under this subsection shall conform to the policy of section 101(a) of this title and shall remain in effect until proceedings under subsections (a) and (b) of this section have been completed or for such shorter period as the Board may fix.

"(e) Interested parties who believe the Postal Service is not conforming to the policies of this title may file a complaint with the Commission. If the Commission determines that the complaint is valid, it shall recommend that the Board make an appropriate change.

"§ 3707. Rate and service complaints

"Interested parties who believe the Postal Service is charging rates which do not conform to the policies set out in this title or who believe that they are not receiving postal service in accordance with the policies of this title may lodge a complaint with the Postal Rate Commission in such form and in such manner as it may prescribe. The Commission may in its discretion hold hearings on such complaint. If the Commission, in a matter covered by section 3704 of this title, determines the complaint to be justified it shall, after proceedings in conformity with section 3704(f) of this title, issue a recommended decision which shall be acted upon and subject to review in accordance with the provisions of section 3704(h) of this title relating to original requests for recommended decisions of the Commission. If a matter not covered by section 3704 of this title is involved, and the Commission after hearing finds the complaint to be justified, it shall render a public report thereon to the Board of Governors which shall take such action as it deems appropriate.

"§ 3708. Size and weight limits

"(a) Except as provided in subsection (b) of this section—

"(1) the maximum weight of mail other than letter mail is 40 pounds; and

"(2) the maximum size is—

"(A) 78 inches in girth and length combined before July 1, 1971; and

"(B) 84 inches in girth and length combined on or after July 1, 1971.

"(b) The maximum size on mail, other than letter mail, is 100 inches in girth and length combined, and the maximum weight is 70 pounds if the mail—

"(1) is mailed at, or addressed for delivery at, other than first-class post offices or on rural or star routes, as such offices and routes existed on the day prior to the effective date of this section, as determinated by the Board of Governors;

"(2) contains baby fowl, live plants, trees, shrubs, or agricultural commodities but not the manufactured products of those commodities;

"(3) was mailed under section 4554 of this title, as such section existed on the day prior to the effective date of this section;

"(4) is addressed to or mailed at any Armed Forces post office outside the 50 States; and

"(5) is addressed to or mailed in the Commonwealth of Puerto Rico, the States of Alaska and Hawaii, or a possession of the United States including the Canal Zone and the Trust Territory of the Pacific Islands.

"(c) The Board may establish size and weight limitations for letter mail in the same manner as prescribed for changes in classification under section 3704 of this title.

"§ 3709. Limitations

"No provision of this chapter shall be construed to give authority to the Governors to make any change in any provision of section 3707 or chapter 31, 33, or 35 of this title, or of the Federal Voting Assistance Act of 1955.

"PART V—TRANSPORTATION OF MAIL

"Chapter	Sec.
"51. General	5101
"53. Transportation of Mail by Surface Carrier	5301
"55. Transportation of Mail by Air	5501
"57. Transportation of Mail by Vessel	5701

"Chapter 51.—GENERAL

"Sec.
"5101. Provisions for carrying mail.
"5102. Transportation of mail of adjoining countries through the United States.
"5103. Establishment of post roads.
"5104. Discontinuance of service on post roads.
"5105. Mail transportation.
"5106. Lien on compensation of contractor.
"5107. Free transportation of postal employees.

"§ 5101. Provisions for carrying mail

"The Board of Governors shall provide for the transportation of mail in accordance with the policy established under section 101 (d) and (e) of this title and the provisions of this chapter. Notwithstanding any other provision of this title, the Board may make arrangements on a temporary basis for the transportation of mail when, as determined by the Board, an emergency arises. Such arrangements shall terminate when the emergency ceases and the Board is promptly able to secure transportation services under other provisions of this title.

"§ 5102. Transportation of mail of adjoining countries through the United States

"The Board of Governors, with the consent of the President, may make arrangements to allow the mail of countries adjoining the United States to be transported over the territory of the United States from one point in that country to any other point therein, at the expense of the country to which the mail belongs, upon obtaining a like privilege for the transportation of United States mail through the country to which the privilege is granted.

"§ 5103. Establishment of post roads

"The following are post roads:

"(1) the waters of the United States, during the time the mail is carried thereon;

"(2) railroads or parts of railroads and air routes in operation;

"(3) canals, during the time the mail is carried thereon;

"(4) public roads, highways, and toll roads during the time the mail is carried thereon; and

"(5) letter-carrier routes established for the collection and delivery of mail.

"§ 5104. Discontinuance of service on post roads

"The Board of Governors may discontinue service on a post road or part thereof when, in its opinion, the public interest so requires.

"§ 5105. Mail transportation

"(a) The Board of Governors may obtain mail transportation service—

"(1) from common carriers by rail and motor vehicle as provided in chapter 53 of this title;

"(2) from air carriers as provided in chapter 55 of this title;

"(3) from water carriers as provided in chapter 57 of this title; and

"(4) by contract from any person (as defined in section 5301(6) of this title) or carrier for surface transportation under such terms and conditions as he deems appropriate, subject to the provisions of this section.

"(b) Contracts for the transportation of mail procured under subsection (a)(4) of this section shall be for periods not in excess of 4 years (or where the Board determines that special conditions or the use of special equipment warrants, not in excess of 6 years) and shall be entered into only after advertising a sufficient time previously for proposals.

"(c) A contract under this section may be renewed once at the existing rate by mutual agreement between the holder and the Board. No contract for any specified transportation of the mail may be renewed more than once under this subsection. Procurement of such transportation after the expiration of the renewed contract shall be made only after advertisement for bids.

"(d) The Board, with the consent of the contractor, may adjust the compensation of such contracts for increased or decreased costs occasioned by changed conditions occurring during the contract term.

"(e) Any contract between the Board and any carrier or person for the transportation of mail shall be available for inspection in the office of the Board and either the Interstate Commerce Commission or the Civil Aeronautics Board, as appropriate, and in post offices on the post roads involved, as determined by the Postmaster General, at least 15 days prior to the effective date of the contract.

"§ 5106. Lien on compensation of contractor

"(a) A person who—

"(1) performs service for a contractor or subcontractor in the transportation of mail;

"(2) files his contract for service with the Board of Governors; and

"(3) files satisfactory evidence of performance with the Board;

shall have a lien on money due the contractor or subcontractor for the service.

"(b) The Board may pay the person establishing a lien under subsection (a) of this section the sum due him, when the contractor or subcontractor fails to pay the person the amount of his lien within 2 months after the expiration of the month in which the service was performed. It shall charge the amount so paid to the contract. The payments may not exceed the annual rate of pay of the contractor or subcontractor.

"§ 5107. Free transportation of postal employees

"Anyone engaged in the transportation of mail shall carry on any vessel, train, motor vehicle, or aircraft he operates, upon exhibiting their credentials and without extra charge therefor, persons traveling on duty in charge of the mails.

"Chapter 53.—TRANSPORTATION OF MAIL BY SURFACE CARRIER

"Sec.
"5301. Definitions.
"5302. Applicability.
"5303 Authorization of service by carrier.
"5304. Changes in service; placement of equipment.
"5305. Evidence of service.
"5306. Fines and deductions.
"5307. Interstate Commerce Commission to fix rates.
"5308. Procedures.
"5309. Special rates.
"5310. Intermodal transportation.
"5311. Statistical studies.
"5312. Special contracts.
"5313. Carrier operations, receipts, and expenditures.
"5314. Agreements with passenger common carriers by motor vehicle.

"§ 5301. Definitions

"As used in this chapter—

"(1) 'Commission' means the Interstate Commerce Commission;

"(2) 'carrier' and 'regulated surface carrier' mean a railroad, a freight forwarder, a motor carrier, or an express company;

"(3) 'railroad' means a railway common carrier, including an electric urban and interurban railway common carrier;

"(4) 'freight forwarder' means any regulated freight forwarder which holds itself out to the general public as a common carrier to transport or provide transportation of property as authorized by a permit issued by the Commission;

"(5) 'motor carrier' means any common carrier by motor vehicle, except a passenger-carrying motor vehicle, within the meaning of section 303(a)(14) of title 49, which holds a certificate of public convenience and necessity issued by the Commission;

"(6) 'express company' means any express company engaged in transportation as a common carrier for hire under section 1(3) of title 49;

"(7) 'person' includes any person other than a carrier holding a certificate of public convenience and necessity issued by the Commission; and

"(8) 'mail' includes equipment and supplies of the Postal Service.

"§ 5302. Applicability

"This chapter applies to mail transportation performed by any person or carrier or carrier combination regardless of the mode of transportation actually used to provide the service.

"§ 5303. Authorization of service by carrier

"(a) The Board of Governors may establish mail routes and authorize mail transportation service thereon.

"(b) A carrier shall transport mail offered for transportation by the Board in the manner, under the conditions, and with the service prescribed by the Board. A carrier is entitled to receive fair and reasonable compensation for the transportation and service connected therewith.

"(c) The Board shall determine the trains or motor vehicles upon which mail shall be transported, except that no carrier shall be compelled to transport mail on any train or vehicle which is operated exclusively for the transportation of passengers and their baggage.

"(d) A carrier shall transport with due speed such mail as the Board directs under this section.

"(e) The Board is authorized to make use of the services of any motor carrier for the transportation of mail and the services connected therewith only in the territory the motor carrier is authorized to serve and (1) only after such carrier has submitted a general tender of availability offering its services on all post roads within the territory, and (2) if such carrier operates equipment suitable for the transportation of mail.

"(f) The Board may grant the request of any motor carrier to withdraw a tender of availability.

"§ 5304. Changes in service; placement of equipment

"(a) The Board of Governors may authorize, according to the need therefor, new or additional mail transportation service by carriers at the rate or compensation fixed pursuant to this chapter. It may reduce or discontinue service with pro rata reductions in compensation and indemnity for the loss of reasonable investment in equipment used exclusively for mail.

"(b) A railroad shall place cars used for full or apartment post office service in position at such times before departure as the Board directs.

"§ 5305. Evidence of service

"A carrier shall submit evidence of its performance of mail transportation service, signed by an authorized official, in such form and at such times as the Board of Governors requires. Mail transportation service is considered that of the carrier performing it regardless of the ownership of the property used by the carrier.

"§ 5306. Fines and deductions

"(a) The Board of Governors may fine any carrier an amount not to exceed $500 for each day the carrier refuses to perform mail transportation services required by it at rates or compensation established under this chapter.

"(b) The Board may make deductions from the compensation of a carrier for failure to perform mail transportation service as required under section 5303 of this title. If the failure to perform is due to the fault of the carrier, it may deduct a sum not exceeding twice the compensation applying to such service. Such deductions shall not be made prior to the expiration of 60 days following service upon the carrier by the Board of notice of intention of assessing a fine or making a deduction and of the basis therefor.

"§ 5307. Interstate Commerce Commission to fix rates

"(a) The Commission shall determine and fix, from time to time, the fair and reasonable rates or compensation for the transportation of mail by carrier and the service connected therewith, and shall prescribe the method of computing such rates or compensation. The Commission shall publish its orders stating its determination under this section which shall remain in force until changed by it after notice of hearing.

"(b) For the purpose of determining and fixing rates or compensation under this section, the Commission may make just and reasonable classifications of carriers and where just and equitable, fix general rates applicable to carriers in the same classification.

"(c) In determining and fixing fair and reasonable rates or compensation under this section, the Commission shall consider the relation between the Government and carriers as public service corporations, and the nature of public service as distinguished, if there is a distinction, from the ordinary transportation business of the carriers.

"(d) Initial rates or compensation for mail transportation service by any carrier or carriers shall be those agreed to by the Board of Governors and the carrier or carriers, and such rates or compensation shall continue in effect until such time as the Commission fixes the rates or compensation under subsection (a) of this section.

"§ 5308. Procedures

"(a) At any time after 6 months from the entry of an order stating the Commission's determination under section 5307 of this title, the Board of Governors or an interested carrier may apply for a reexamination and substantially similar proceedings as have theretofore been had shall be followed with respect to the rates or compensation for services covered by the application. At the conclusion of the hearing the Commission shall enter an order stating its determination.

"(b) Except as authorized by sections 5307 (d), 5309, 5310, and 5312 of this title, the Board shall pay a carrier the rates or compensation so determined and fixed for application at such stated times as named in the order.

"(c) The Board may file with the Commission a comprehensive plan, stating—

"(1) its requirements for the transportation of mail by carrier;

"(2) the character and speed of the trains or motor vehicles which are to carry the various kinds of mail;

"(3) the service, both terminal and en route, which carriers are to render;

"(4) what it believes to be the fair and reasonable rates or compensation for the services required; and

"(5) all other information which may be material to the inquiry, but such other information may be filed at any time in the discretion of the Commission.

"(d) When a comprehensive plan is filed, the Commission shall give notice of not less than 30 days to each carrier required by the Board to transport mail pursuant to such plan. A carrier may file its answer at the time fixed by the Commission, but not later than 30 days after the expiration date fixed by the Commission in the notice, and the Commission shall proceed with the hearing.

"§ 5309. Special rates

"Upon petition by the Board of Governors, the Commission shall determine and fix carload or truckload, or less than carload or truckload, rates for the transportation of mail not entitled to high priority in transportation. A carrier shall perform the service at the rates so determined when requested to do so and under the conditions prescribed by the Board.

§ 5310. Intermodal transportation

"The Board of Governors may permit a carrier to perform mail transportation by any form of transportation it deems appropriate at rates or compensation not exceeding those allowable for similar service by the designated form of transportation.

"§ 5311. Statistical studies

"The Board of Governors may arrange for weighing and measuring mail transported on carrier mail routes and make other computations for statistical and administrative purposes to carry out the purposes of this chapter.

"§ 5312. Special contracts

"Whenever the Board of Governors determines that it is in the public interest to waive the advertising requirements of section 5105(b) of this title, it may enter into special contracts with any person, without advertising, for bids and for periods not in excess of 4 years to provide for the transportation of mail on surface mail routes. Such contracts may be negotiated only after reasonable notice has been posted in advance in post offices on the post roads to be served, and other persons have been given an opportunity to offer to negotiate for the transportation of mail.

"§ 5313. Carrier operations, receipts, and expenditures

"The Board of Governors shall request any carrier transporting the mails to furnish, under seal, such data relating to the operations, receipts, and expenditures of such carrier as may, in its judgment, be deemed necessary to enable it to ascertain the cost of mail transportation and the proper compensation to be paid for such service.

"§ 5314. Agreements with passenger common carriers by motor vehicle

"The Board of Governors may enter into contracts under such terms and conditions as it shall prescribe and without advertising for bids for the transportation of mail, in passenger-carrying motor vehicles, by passenger common carriers, or by motor vehicles over the regular routes on which the carrier is permitted by law to transport passengers.

"Chapter 55.—TRANSPORTATION OF MAIL BY AIR

"Sec.
"5501. Authorization.
"5502. Contracts for transportation of mail by air.
"5503. Fines.

"§ 5501. Authorization

"(a) The Board of Governors is authorized to provide for the safe and expeditious transportation of mail by aircraft.

"(b) Except as otherwise provided in section 5502 of this title, the Board of Governors may make such rules, regulations, and orders consistent with sections 1301–1542 of title 49, or any order, rule, or regulation made by the Civil Aeronautics Board thereunder, as may be necessary for such transportation.

"§ 5502. Contracts for transportation of mail by air

"(a) The Board of Governors may contract with any certificated air carrier, without advertising for bids, in such manner and under such terms and conditions as it deems appropriate, for the transportation of mail by aircraft between any of the points between which the carrier is authorized by the Civil Aeronautics Board to engage in the transportation of mail. Such contracts shall be for the transportation of at least 1,000 pounds of mail per flight, and no more than 10 percent, based on weight, of the domestic mail transported under any such contract or 5 percent of the international mail transported under any such contract shall consist of letter mail. Any such contract shall be filed with the Civil Aeronautics Board no later than 90 days before its effective date. Unless the Civil Aeronautics Board shall determine otherwise (under criteria prescribed by section 1302 of title 49) not later than 10 days prior to the effective date of the contract, such contract shall become effective.

"(b) When the Board of Governors deems that the transportation of mail by aircraft is required between points between which the Civil Aeronautics Board has not authorized an air carrier or combination of air carriers to engage in the transportation of mail, it may contract with any air carrier in such manner and under such terms and conditions as it may deem appropriate for the transportation of any class or classes of mail. The transportation of mail under contracts entered into under this subsection is not, except for sections 1371(k) and 1386(b) of title 49, air transportation within the provisions of sections 1301–1542 or title 49. The Board of Governors shall cancel such contract, in whole or in respect to certain points as the certificate shall require, upon the issuance by the Civil Aeronautics Board of an authorization under sections 1371–1386 of title 49 to any air carrier to engage in the transportation of mail by aircraft between any of the points named in the contract, and the inauguration of scheduled service by such carrier.

"(c) If the Board of Governors determines that service by certified air carriers or combination of air carriers between any pair or pairs of points is not adequate for its purposes, it may contract for a period of not more than 4 years, without advertising for bids, in such manner and under such terms and conditions as it may deem appropriate, with any air taxi operator or combination thereof of such air transportation service. Contracts made under this subsection may be renewed at the existing rate by mutual agreement between the holder and the Board of Governors. The Board of Governors, with the consent of the air taxi operator, may adjust the compensation under such contracts for increased or decreased costs occasioned by changed conditions occurring during the contract term. The Board of Governors shall cancel such a contract when the Civil Aeronautics Board authorizes an additional certificated carrier or carriers to provide service between any pair or pairs of points covered by the contract, and such carrier or carriers inaugurate schedules adequate for its purposes.

"§ 5503. Fines

"The Board of Governors may impose or remit fines on carriers transporting mail by air on routes extending beyond the borders of the United States for—

"(1) unreasonable or unnecessary delay to mail; and

"(2) other delinquencies in the transportation of the mail.

"Chapter 57.

"TRANSPORTATION OF MAIL BY VESSEL

"Sec.
"5701. Sea post service.
"5702. Termination of contracts for foreign transportation.
"5703. Transportation of mail by vessel as freight or express.
"5704. Fines on ocean carriers.
"5705. Contracts for transportation of mail by vessel.

"§5701. Sea post service

"The Board of Governors may maintain sea post service on ocean vessels conveying mail to and from the United States.

"§ 5702. Termination of contracts for foreign transportation

"Contracts for the transportation of mail by vessel between the United States and a foreign port shall be made subject to cancellation by the Board of Governors or the Congress.

"§ 5703. Transportation of mail by vessel as freight or express

"The Board of Governors may require that mail be transported by freight or express when—

"(1) there is no competition on a water

route and the rate or compensation asked is excessive; or

"(2) no proposal is received.

A common carrier by water that fails or refuses to transport the mail when required to do so under this section shall be fined not more than $500 for each day of refusal.

"§ 5704. Fines on ocean carriers

"The Board of Governors may impose or limit fines on carriers transporting mail by vessel on routes extending beyond the borders of the United States for—

"(1) unreasonable or unnecessary delay to the mail; and

"(2) other delinquencies in the transportation of mail.

"§ 5705. Contracts for transportation of mail by vessel

"The Board of Governors may contract for the transportation of mail by vessel without advertising for bids for periods of not in excess of 4 years."

CONTINUATION OF EXISTING RATES AND FEES

SEC. 3. The classes of mail, the rates of postage, and fees for postal services prescribed by law or regulation made or adopted prior to the effective date of section 3704 of title 39, United States Code, as added by this Act, shall be in effect according to the terms of such law or regulation until changed in accordance with such section 3704.

TRANSITIONAL PROVISIONS

SEC. 4. (a) There are hereby transferred to the United States Postal Service all the functions, powers, and duties of the Post Office Department and the Postmaster General of the Post Office Department, and the Post Office Department and the office of Postmaster General of the Post Office Department are abolished.

(b) The assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, and allocations of, and other funds employed, held, and used by, arising from, available to, or to be made available to, the Post Office Department are hereby transferred to the Postal Service.

(c) Postal revenues and fees collected on and after the effective date of this section shall be considered assets of the Postal Service.

SAVING PROVISIONS

SEC. 5. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective—

(A) under any provision of law amended by this Act; or

(B) in the exercise of duties, powers, or functions which are transferred under this Act;

by (i) any department or agency, any functions of which are transferred by this Act, or (ii) any court of competent jurisdiction; and

(2) which are in effect at the time the United States Postal Service commences operations, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Board of Governors of the United States Postal Service (in the exercise of any authority respectively vested in it by this Act), by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any department or agency (or component thereof), the functions of which are transferred by this Act; but such proceedings shall be continued before the Postal Service. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Board of Governors of the Postal Service (in the exercise of any authority respectively vested in it by this Act), by a court of competent jurisdiction, or by operation of law.

(c)(1) Except as provided in paragraph (2) of this subsection—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect; and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act has not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, actions, or other proceedings may be asserted by or against the Postal Service or such official of that Service as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which any provision of this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) such department or agency is transferred to the Postal Service; or

(B) any function of such department, agency, or officer is transferred to the Postal Service;

such suit shall be continued by the Postal Service.

(d) The amendment of any statute by this Act shall not release or extinguish any criminal prosecution, penalty, forfeiture, or liability incurred under such statute, unless the amending Act shall so expressly provide, and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such prosecution, penalty, forfeiture, or liability.

(e) With respect to any function, power, or duty transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any department or agency, officer, or office so transferred, or functions of which are so transferred, shall be deemed to mean the officer or agency of the Postal Service in which this Act vests such function after such transfer.

(f) Provisions of title 39, United States Code, in effect immediately prior to the effective date of this section, but not reenacted by this Act, shall remain in force as rules or regulations of Postal Service established by this Act, to the extent the Postal Service is authorized to adopt such provisions as rules or regulations, until they are revoked, amended, or revised by the Postal Service.

TECHNICAL AMENDMENTS

SEC. 6. (a) Section 225(f) of the Act of December 16, 1967 (81 Stat. 643; 2 U.S.C. 356), is amended—

(1) by striking out the word "and" at the end of paragraph (C);

(2) by striking out the period at the end of paragraph (D) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (D) a new paragraph (E) as follows:

"(E) the Governors of the Board of Governors appointed pursuant to section 302 of title 39, United States Code."

(b) Subsection (d)(1) of section 19 of title 3, United States Code, is amended by striking out "Postmaster General,".

(c) Title 5, United States Code, is amended as follows:

(1) Section 101 is amended by striking out "The Post Office Department.".

(2) Section 3304a(a) is amended by striking out "postal field service" and inserting in lieu thereof "United States Postal Service".

(3)(A) Section 3327 is repealed.

(B) The analysis of subchapter I of chapter 33 is amended by striking out item 3327.

(4) Section 4301(1)(ii) is amended to read as follows:

"(ii) the United States Postal Service;".

(5) Section 5102(c)(1) is amended to read as follows:

"(1) employees in the United States Postal Service;".

(6) Section 5303(a)(2) is repealed.

(7) The first sentence of section 5304 is amended by striking out "the provisions of part III of title 39 relating to employees in the postal field service;".

(8) Clause (5) of section 5312 is repealed.

(9) Section 5314 is amended—

(A) by striking out clause (3); and

(B) by inserting at the end thereof the following:

"(55) Chairman, Postal Rate Commission, United States Postal Service."

(10) Section 5315 is amended—

(A) by striking out clauses (21) and (45); and

(B) by inserting at the end thereof the following:

"(93) Members, Postal Rate Commission, United States Postal Service (4)."

(11) Clauses (37), (60), and (123) of section 5316 are repealed.

(12) Section 5541(2)(vi) is amended to read as follows:

"(vi) an employee in the United States Postal Service;".

(13) Section 6301(2) is amended—

(A) by striking out of clause (ii) the first comma thereof and the phrase "except an hourly employee in the postal field service,";

(B) by striking out the final "or" in clause (xi);

(C) by striking out the period at the end of clause (xii) and inserting in lieu thereof a semicolon and "or"; and

(D) by adding at the end thereof the following new clause:

"(xiii) an employee of the United States Postal Service."

(14) Section 6323 is amended—

(A) by striking out of subsections (a) and (c) the phrase "a substitute employee in the postal field service" wherever it appears and inserting in lieu thereof the phrase "an employee of the United States Postal Service"; and

(B) by striking out subsections (b) and (d).

(15) Section 7101 is amended by striking out "postal service" and inserting in lieu thereof "United States Postal Service".

(d) Paragraph seven of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24 seventh), is amended by inserting after "nor to bonds, notes, and other obligations issued by the Tennessee Valley Authority" the words "or by the United States Postal Service".

(e) Title 18, United States Code, is amended as follows:

(1) The analysis of chapter 1 is amended by inserting in item 12, before "Postal" the words "United States".

(2) Section 12 is amended to read as follows:

"§ 12. United States Postal Service defined

"As used in this title, the term 'Postal Service' means the United States Postal Service established under title 39, and every officer and employee of that Service, whether he has taken the oath of office."

XUM

(3) Section 440 is amended by striking out "Post Office Department" and inserting in lieu thereof "Postal Service".

(4) Section 441 is amended by striking out "Post Office Department or the".

(5) The first 2 paragraphs of section 500 are amended to read as follows:

"Whoever, with intent to defraud, falsely makes, forges, counterfeits, engraves, or prints any order in imitation of or purporting to be a money order issued by the Post Office Department or Postal Service, or by any officer or employee thereof; or

"Whoever forges or counterfeits the signature of any officer or employee of the Postal Service, upon or to any money order, postal note, or blank therefor provided or issued by or under the direction of the Post Office Department or the Postal Service, or post office department or corporation of any foreign country, and payable in the United States, or any material signature or endorsement thereon, or any material signature to any receipt or certificate of identification thereof; or".

(6) The last three paragraphs of section 501 thereof are amended to read as follows:

"Whoever makes or prints, or authorizes to be made or printed, any postage stamp, stamped envelope, or postal card, of the kind authorized and provided by the Post Office Department, or by the Postal Service, without the special authority and direction of said Department or Postal Service; or

"Whoever after such postage stamp, stamped envelope, or postal card has been printed, with intent to defraud, delivers the same to any person not authorized by an instrument in writing, duly executed under the hand of the Postmaster General and the seal of the Post Office Department or the Postal Service, to receive it—

"Shall be fined not more than $500 or imprisoned not more than five years, or both."

(7) Sections 612 and 876 are amended by striking out the phrase "Post Office Department" wherever it appears and inserting in lieu thereof "Postal Service".

(8) Section 877 is amended by striking out the phrase "Post Office Department of the United States" wherever it appears and inserting in lieu thereof "Postal Service".

(9) Section 1114 is amended by striking out "postal inspector, any postmaster, officer, or employee in the field service of the Post Office Department" and inserting in lieu thereof "officer or employee of the Postal Service".

(10) Section 1303 is amended by striking out "a postmaster or other person employed in" and inserting in lieu thereof "an officer or employee of".

(11) Section 1341 is amended by striking out "Post Office Department" and inserting in lieu thereof "Postal Service".

(12) Section 1342 is amended by striking out "Post Office Department of the United States" and inserting in lieu thereof "Postal Service".

(13) Section 1463 is amended by striking out "Postmaster General" in section 1463 and inserting in lieu thereof the "Postal Service".

(14) Section 1696(c) is amended by striking out "section 500 of title 39" and inserting in lieu thereof "section 701 of title 39".

(15) Section 1699 is amended by striking out "Postmaster General" wherever appearing therein and inserting in lieu thereof "the Postal Service".

(16)(A) Subsection (a) of section 1703 is amended to read as follows:

"(a) Whoever, being a Postal Service officer or employee, unlawfully detains, delays, or opens any letter, postal card, package, bag, or mail entrusted to him or which shall come into his possession and which was intended to be conveyed by mail, or carried or delivered by any carrier or other employee of the Postal Service, or forwarded through or delivered from any post office or station thereof established by authority of the Postmaster General or the Postal Service; or secretes, or destroys any such letter, postal card, package, bag, or mail, shall be fined not more than $500 or imprisoned not more than five years, or both."

(B) Subsection (b) of section 1703 is amended by striking out the phrase "postmaster or Postal Service employee" wherever it appears and inserting in lieu thereof "Postal Service officer or employee".

(17) Section 1704 is amended by inserting "or the Postal Service" after the words "Post Office Department" wherever they appear.

(18) Section 1707 is amended by striking out "Post Office Department" and inserting in lieu thereof "Postal Service".

(19)(A) Section 1709 is amended to read as follows:

"§ 1709. Theft of mail matter by officer or employee

"Whoever, being a Postal Service officer or employee, embezzles any letter, postal card, package, bag, or mail, or any article or thing contained therein entrusted to him or which comes into his possession intended to be conveyed by mail, or carried or delivered by any carrier, messenger, agent, or other person employed in any department of the Postal Service, or forwarded through or delivered from any post office or station thereof established by authority of the Postmaster General or of the United States Postal Service; or steals, abstracts, or removes from any such letter, package, bag, or mail, any article or thing contained therein, shall be fined not more than $2,000 or imprisoned not more than five years, or both."

(B) The analysis of chapter 83 is amended by striking out—

"1709. Theft of mail matter by postmaster or employee."

and inserting in lieu thereof—

"1709. Theft of mail matter by officer or employee."

(20) Section 1710 is amended by striking out "postmaster or Postal Service employee" and inserting in lieu thereof "Postal Service officer or employee".

(21) Section 1711 is amended—

(A) by striking out the phrase "postmaster or Postal Service employee" and inserting in lieu thereof "Postal Service officer or employee";

(B) by striking out "Post Office Department" and inserting in lieu thereof "Postal Service"; and

(C) by striking out "Postmaster General" wherever appearing therein in section 1711, and inserting in lieu thereof "Board of Governors".

(22) Section 1712 is amended—

(A) by striking out the phrase "postmaster or Postal Service employee" and inserting in lieu thereof "Postal Service officer or employee"; and

(B) by striking out "Post Office Department" and inserting in lieu thereof "Postal Service".

(23) Section 1713 is amended by striking out "a postmaster or other person employed in any branch of the Postal Service" and inserting in lieu thereof "an officer or employee of the Postal Service".

(24) Section 1715 is amended by striking out "Postmaster General" wherever appearing therein and inserting in lieu thereof "Postal Service".

(25)(A) The second, third, and fourth paragraphs of section 1716 are amended thereof to read as follows:

"The Postal Service may permit the transmission in the mails, under such rules and regulations as it shall prescribe as to preparation and packing, of any such articles which are not outwardly or of their own force, dangerous or injurious to life, health, or property.

"The Postal Service is authorized and directed to permit the transmission in the mails, under regulations to be prescribed by it, of live scorpions, which are to be used for purposes of medical research or for the manufacture of antivenom. Such regulations shall include such provisions with respect to the packaging of such live scorpions for transmission in the mails as the Postal Service deems necessary or desirable for the protection of Postal Service personnel and of the public generally and for ease of handling by such personnel and by any individual connected with such research or manufacture. Nothing contained in this paragraph shall be construed to authorize the transmission in the mails of live scorpions by means of aircraft engaged in the carriage of passengers for compensation or hire.

"The transmission in the mails of poisonous drugs and medicines may be limited by the Postal Service to shipments of such articles from the manufacturer thereof or dealer therein to licensed physicians, surgeons, dentists, pharmacists, druggists, cosmetologists, barbers, and veterinarians under such rules and regulations as it shall prescribe."; and

(B) Section 1716 is amended by striking out "Postmaster General" wherever else appearing therein and inserting in lieu thereof "Postal Service".

(26) Section 1716A is amended by striking out "section 4010" and inserting in lieu thereof "section 3102".

(27) Section 1717(b) is amended by striking out "of the United States".

(28) Section 1718 is amended by striking out "Postmaster General" and inserting in lieu thereof "Postal Service";

(29) Section 1721 is amended—

(A) by striking out "postmaster or postal service employee" and inserting in lieu thereof "Postal Service officer or employee"; and

(B) by striking out the phrase "Post Office Department" wherever it appears and inserting in lieu thereof "Postal Service".

(30) Section 1722 is amended by striking out "any postmaster or to the Post Office Department or any officer of the Postal Service" and inserting in lieu thereof "the Postal Service".

(31) Section 1723 is amended by striking out "the Postmaster General" and inserting in lieu thereof "a duly authorized officer of the Postal Service".

(32) Section 1724 is amended to read as follows:

"§ 1724. Postage on mail delivered by foreign vessels

"Except as otherwise provided by treaty or convention the Postal Service may require the transportation by any steamship of mail between the United States and any foreign port at the compensation fixed under authority of law. Upon refusal by the master or the commander of such steamship or vessel to accept the mail, when tendered by the Postal Service or its representative, the collector or other officer of the port empowered to grant clearance, on notice of the refusal aforesaid, shall withhold clearance, until the collector or other officer of the port is informed by the Postal Service or its representative that the master or commander of the steamship or vessel has accepted the mail or that conveyance by his steamship or vessel is no longer required by the Postal Service".

(33) Section 1725 is amended by striking out "Postmaster General" and inserting in lieu thereof "Postal Service".

(34) Section 1729 is amended by striking out "Postmaster General" and inserting in lieu thereof "Postal Service".

(35) Section 1730 is amended by striking out "Postmaster General" and inserting in lieu thereof "Postal Service".

(36)(A) Section 1733 is amended to read as follows:

"§ 1733. Mailing periodical publications without prepayment of postage

XUM

"Whoever, except as permitted by law, knowingly mails any periodical publication without the prepayment of postage, or, being an officer or employee of the Postal Service, knowingly permits any periodical publication to be mailed without prepayment of postage, shall be fined not more than $1,000, or imprisoned not more than 1 year, or both."

(B) The analysis of chapter 83 is amended by striking out—

"1733. Affidavits relating to second class mail."

and inserting in lieu thereof—

"1733. Mailing periodical publications without prepayment of postage."

(37) Section 3061 is amended—

(A) by striking out the section heading and inserting in lieu thereof the following:

"§ 3061. Powers of postal personnel";

(B) by striking out of subsection (a) the words "postal inspectors may, to the extent authorized by the Postmaster General—" and inserting in lieu thereof "officers and employees of the Postal Service performing duties related to the inspection of postal matters to the extent authorized by the Board of Governors—";

(C) by striking out of subsection (b) the words "postal service" and inserting in lieu thereof "Postal Service".

(f) Whenever any reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, record, or document to the Post Office Department, the Postal Service, the postal field service, the field postal service, or the departmental service or departmental headquarters of the Post Office Department, such reference shall be considered a reference to the United States Postal Service. Any reference to any officer or employee of the Post Office Department, the Postal Service, the postal field service, the field postal service, or the departmental service or departmental headquarters of the Post Office Department shall be deemed a reference to the appropriate officer or employee of the United States Postal Service.

(g) Whenever reference is made in any provision of law (other than this Act or provision of law amended by this Act), regulation, rule, record, or document to a postal inspector or chief postal inspector of the Post Office Department, such reference shall be deemed to be a reference to the appropriate officer or employee of the United States Postal Service who performs duties related to the inspection of postal matters.

(h) Whenever reference is made in any law to title 39, United States Code, or provision of that title, as such title or provision existed prior to the effective date of this section, that reference shall be considered a reference to the appropriate provision of title 39, as amended by section 2 of this Act, unless no such provision is included therein.

STUDY OF PRIVATE CARRIAGE OF MAIL

SEC. 7. The Congress finds that advances in communications technology, data processing, and the needs of mail users require a complete study and thorough reevaluation of the restrictions on the private carriage of letters and packets contained in chapter 7 of title 39, United States Code (as amended by section 2 of this Act), and sections 1694–1696 of title 18, United States Code, and the regulations established and administered under these laws. The Board of Governors of the Postal Service shall submit to the President and the Congress within 2 years after the effective date of this section a report and recommendation for the modernization of these provisions of law, and such regulations and administrative practices.

COMPENSATION OF EMPLOYEES

SEC. 8. The Postmaster General, under regulations made by him, shall increase the rates of basic compensation or basic pay of employees subject to sections 3542 and 3543 of title 39, United States Code (as such sections existed on the day prior to the date of enactment of this Act), so that such rates will equal, as nearly as practicable, 108 percent of the rates of basic compensation in effect immediately prior to the effective date of this section.

LABOR AGREEMENTS

SEC. 9. (a) As soon as practicable after the enactment of this Act, the Postmaster General and the labor organizations which as of the effective date of this section hold national exclusive recognition rights granted by the Post Office Department, shall negotiate an agreement or agreements covering wages, hours, and working conditions of the employees represented by such labor organizations. The parties shall commence bargaining for such agreement or agreements not later than 30 days following delivery of a written request therefor by a labor organization to the Postmaster General or by the Postmaster General to a labor organization. Any agreement made pursuant to this section shall continue in force after the commencement of operations of the United States Postal Service in the same manner and to the same extent as if entered into between the Postal Service and recognized collective-bargaining representatives under chapter 13 of title 39, United States Code.

(b) Any agreement negotiated under this section shall establish a new wage schedule whereunder postal employees will reach the maximum pay step for their respective labor grades after not more than 8 years of satisfactory service in such grades. The agreements shall provide that where an employee had sufficient satisfactory service in the pay step he occupied on the effective date of this section to have qualified for advancement to the next highest pay step under the new wage schedule, had such schedule been in effect throughout the period of such service, the employee shall be advanced to such next highest pay step in the new schedule on the effective date of the new schedule.

(c) An agreement made under this section shall become effective at any time after the commencement of bargaining, in accordance with the terms thereof. The Postmaster General shall establish wages, hours, and working conditions in accordance with the terms of any agreement or agreements made under this section notwithstanding the provisos of any law other than title 39.

(d) If the parties fail to reach agreement within 90 days of the commencement of collective bargaining, a fact-finding panel will be established in accordance with the terms of section 1307(b) of title 39, United States Code, unless the parties have previously agreed to another procedure for a binding resolution of their differences. If the parties fail to reach agreement within 180 days of the commencement of collective bargaining, and if they have not agreed to another procedure for binding resolution, an arbitration board shall be established to provide conclusive and binding arbitration in accordance with the terms of section 1307(c) of such title.

(e) Agreements made pursuant to this section and expenditures made under such agreements shall not be subject to the provisions of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665).

(f) For the purposes of this section, references to title 39 and section of title 39 are references to title 39, United States Code, as amended by section 2 of this Act.

SEPARABILITY

SEC. 10. If a part of title 39, United States Code, as amended by section 2 of this Act, is held invalid, the remainder of such title shall not be affected thereby; and if any other part of this Act is held to be invalid the remainder of the Act shall not be affected thereby.

TRANSITIONAL EXPENSES

SEC. 11. Expenses of the United States Postal Service, established under section 2 of this Act, from the date of enactment of this Act until the date of commencement of operations of the Postal Service, shall be deemed to be necessary expenses of the administration of the Post Office Department as now constituted.

APPOINTMENT OF POSTMASTERS

SEC. 12. (a) Between the date of enactment of this Act and the date on which section 3311 of title 39, United States Code, is repealed by section 2 of this Act, the Postmaster General shall appoint postmasters at offices of all classes in the competitive civil service. Enactment of this subsection shall not affect the status or tenure of postmasters in office on the date of enactment of this Act.

(b)(1) In the selection, appointment, and promotion of employees of the Post Office Department after the enactment of this Act and before the effective date of section 2 of this Act, no political test or qualification shall be permitted or given consideration, and all such personnel actions shall be taken on the basis of merit and fitness. Any officer or employee of the Post Office Department who violates this subsection shall be removed from office or otherwise disciplined in accordance with procedures for disciplinary action established pursuant to law.

(2) This subsection does not apply to the selection and appointment of officers whose appointment is vested in the President, by and with the advice and consent of the Senate, or to the selection, appointment, or promotion to a position designated by the Civil Service Commission as a position of a confidential or policy-determining character or as a position to be filled by a noncareer executive assignment.

EFFECTIVE DATES

SEC. 13. This section and sections 8 through 12 of this Act, and sections 302, 303, 305 (b) and (c), 306, 501(2), and 3702 of title 39, United States Code, as enacted by section 2 of this Act, shall become effective on the date of enactment of this Act. Except as otherwise provided in this Act, the other provisions of this Act shall become effective within 1 year after the enactment of this Act on the date or dates established therefor by the Board of Governors and published by it in the Federal Register.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. MOSS:

S. 4028. A bill to authorize and direct the acquisition of certain lands within the boundaries of the Wasatch National Forest in the State of Utah by the Secretary of Agriculture; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Moss when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. RIBICOFF:

S. 4029. A bill for the relief of Soon Ae Kwalk; to the Committee on the Judiciary.

XUM

S. 4028—INTRODUCTION OF A BILL TO ACQUIRE CERTAIN LANDS WITHIN THE WASATCH NATIONAL FOREST IN THE STATE OF UTAH

Mr. MOSS. Mr. President, I introduce for appropriate reference, a bill to authorize the U.S. Forest Service to purchase up to 3,000 acres of private lands to be added to the Wasatch National Forest in Utah.

The land is located in Mill Creek Canyon above the diversion point for the proposed Little Dell Reservoir, and in Little Cottonwood and Big Cottonwood Canyons.

I first introduced this bill in January 1967 because of my growing concern that proposed private development in the areas in question would create serious sanitary and stream pollution problems and would prevent the use of the land for public recreation purposes. My concern was and is shared by the Salt Lake City Commission, which originally asked me to introduce this bill, and by Utah conservationists anxious to act before the land is damaged beyond repair.

At present there are plans for residential subdivisions or other developments on the lands, all of which are close by the major sources of water for Salt Lake City and other populated areas. Both Little Cottonwood and Big Cottonwood Creeks presently are a major water supply source for Salt Lake City, and the waters of Mill Creek are under consideration for use as an additional source of supply through construction of the Little Dell Reservoir.

The Forest Service cannot purchase these private lands—although they recognize the urgency of doing so—because they must give highest priority to holdings at higher elevation. On their war-reduced budget, purchase of even these elevated lands is impossible. Nor can the Salt Lake City Corp. afford to make the necessary investment. Admittedly it would be preferable if the city were able to assume some of the financial burden of purchase, particularly since failure to act will cause a pollution problem which will directly affect Salt Lake County. Nonetheless, since the city cannot, it remains for the Federal Government to take the necessary steps to protect the watershed. The preservation of the vegetation on the Wasatch Front range is essential for flood control, for the prevention of erosion and pollution, and is essential to the stability and continuity of water supplies. This can be accomplished only if the land is not turned over to private developers.

I think this year, as never before, we are aware of the serious problems which have arisen and can still arise because we have not paid proper attention to our environment. The President has recognized the need for a concerted attack on the totality of environmental problems and made clear in his state of the Union address that high priority would be given to alleviating those problems.

I hope Congress will equally be willing to share responsibility for action. I recognize that the problem of watershed protection in the Wasatch Forest is only one small part of the national problem but it is urgent that we begin, step by step, to act now before the damage is irreversible.

Mr. President, I ask unanimous consent that the bill which I introduced today, to acquire certain lands within the boundaries of the Wasatch National Forest, be printed in the RECORD.

The PRESIDING OFFICER (Mr. MONDALE). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4028) to authorize and direct the acquisition of certain lands within the boundaries of the Wasatch National Forest in the State of Utah by the Secretary of Agriculture, introduced by Mr. Moss, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs and ordered to be printed in the RECORD, as follows:

S. 4028

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to promote in a timely and adequate manner control of floods, the reduction of soil erosion and stream pollution through the maintenance of adequate vegetative cover, and the conservation of their scenic beauty and the natural environment, and to provide for their management, protection, and public use as national forest lands under programs of multiple use, the Secretary of Agriculture is authorized and directed to acquire, at not to exceed the fair market value as determined by him, such of the nonfederally owned land, not to exceed three thousand acres, in the area described in section 2 hereof as he finds suitable to accomplish the purposes of this Act.

SEC. 2. This Act shall be applicable to lands within the boundary of the Wasatch National Forest in the watersheds of Mill Creek, Big Cottonwood Creek, and Little Cottonwood Creek, being portions of townships 1, 2, and 3 south, ranges 1, 2, and 3 east, Salt Lake Base and Meridian.

SEC. 3. There is hereby authorized to be appropriated for the purpose of this Act not to exceed , to remain available until expended.

ADDITIONAL COSPONSORS OF BILLS

S. 3941

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Pennsylvania (Mr. SCHWEIKER), I ask unanimous consent that, at the next printing, the name of the Senator from South Dakota (Mr. McGOVERN) be added as a cosponsor of S. 3941, to provide civil penalties for the use of lead-based paint in certain dwellings.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

S. 4000

Mr. GRIFFIN. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from North Dakota (Mr. BURDICK) be added as a cosponsor of S. 4000, to compensate certain growers, manufacturers, packers, and distributors for damages sustained by them as a result of their good faith reliance on the official listing of cyclamates as generally recognized as safe for use in food prior to the unexpected action taken by the United States restricting their future use in foods and drinks.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 671

Mr. GRAVEL. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from New Jersey (Mr. WILLIAMS), the Senator from Oregon (Mr. HATFIELD), the Senator from Minnesota (Mr. MONDALE), and the Senator from Wisconsin (Mr. NELSON) be added as cosponsors of amendment No. 671 to H.R. 15628, the Foreign Military Sales Act.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

SLANTED NEWS REPORT IN BIRMINGHAM, ALA.

Mr. SPARKMAN. Mr. President, a criminal case in Birmingham, Ala., some time ago evoked considerable interest and criticism from different parts of the country. My good friend, Earl M. Morgan, who is the district attorney for Jefferson County, where the trial was held, has written me and has furnished me with a statement dealing with the facts in this case; also, a news item from the Birmingham News of June 14, 1970, telling of Solicitor Morgan's concern over slanted news. He writes me that he has filed a protest with Mr. Wes Gallager, the general manager of the Associated Press.

I ask unanimous consent that there be printed in the RECORD the statement issued by Mr. Morgan, a very able district attorney; and also the news item from the Birmingham News.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATEMENT BY EARL C. MORGAN

On a Saturday afternoon last fall, a seventeen year old girl named Rose Marie Campisi was reported missing and was last seen at a local hospital where she had taken her brother for emergency treatment. Late that afternoon search parties were organized and throughout the following day search continued for this young girl. On Sunday morning, the members of her church, mostly young teenagers, organized a search party under the direction of the church priest and approximately 4 o'clock that afternoon, while searching an isolated and remote rural area, found a charred envelope with the young lady's name on it. An intensive search of the area revealed her automobile at the bottom of a 100 foot ravine over which it had been driven. Upon searching the automobile this young girl was found locked in the trunk compartment, disrobed, beaten and very seriously injured. She was taken to a hospital where she remained for several weeks and suffered permanent injuries from internal infections which developed in her body. Law enforcement agencies of state, county and several municipalities spent days and weeks searching out every possible lead in an attempt to find the culprit. In addition to having been beaten and run over by an automobile, there was every indication that she had been raped.

For months the case went unsolved until

XUM

on January 1, 1970, a young Negro woman made a complaint to the Birmingham Police Department that she had been raped on the previous night. Similarities of description and mannerisms of the culprit in that case resulted in the arrest of John Henry Jones, Jr., and charges being placed against him arising out of offenses committed against both women. Rose Marie Campisi's wrist watch, which had been forcibly taken from her at or about the time of the rape, was recovered from a local pawn shop and John Henry Jones was identified by the operator as being the person who pawned the watch. When arrested, John Henry Jones had the pawn ticket for the watch on his person. Rose Campisi made a positive identification of this defendant from photographs and from personally viewing him among a large group of persons. Additionally, with full constitutional guarantees and the Miranda procedure followed, Jones made and signed a written statement admitting having forced the young girl into her automobile and leaving the hospital area with her but claimed not to remember subsequent events partly because of a high degree of intoxication.

Rose Marie Campisi testified that after the defendant abducted her at the hospital, he drove her to an isolated area in a rural community, where he stopped the car, drug her from it, beat her with his fists, kicked her, stomped her, dragged her seventy feet into the woods, stripped her clothing from her and shot over her head as she struggled to try to prevent him from removing her panties. She further testified that he raped her, drug her back on to the roadway where he tied her hands and feet together, placed her in front of the car and ran the car over her arm and leg, she having succeeded in squirming out of the path of the wheels as they passed over a part of her body. She further testified that the defendant then put her in the trunk of the car in this bound condition, laughed at her, slammed the trunk door on her and she then knew the car was being driven into the ravine because of the crashing and bumping. She remained in the trunk of this automobile for approximately twenty-four hours, being conscious most of the time.

When the car was found it was substantiated that the defendant had obtained all available paper material in the car and set it on fire prior to running the car into the ravine.

John Henry Jones, Jr. was indicted in four separate cases for the offenses of Kidnaping, Assault With Intent To Murder, Rape and Robbery. Under Alabama law the offenses of Rape and Robbery are capital offenses, either one of which carry a penalty from ten years to a maximum penalty of death. Only one case can be tried at a time and the state elected to go to trial on the Robbery case first. Upon a trial of this case on the Robbery charge, the state was permitted to show all the acts of the defendant as set out herein.

[From the Birmingham (Ala.) News, June 14, 1970]

Campisi Case: Slanted News Item Angers Morgan

A Michigan woman wrote to the district attorney in Birmingham about the death sentence given John Henry Jones Jr. in the Campisi case.

"As one human being to another, could you please explain to me the justice in this decision?" Mary Begaert wrote. "Please tell me about why a jury should condemn a man to death for such a crime as robbery."

Mrs. Bagaert enclosed a clipping from her local paper.

The brief wire service story was headlined "$30 Robbery Brings Negro Death Penalty."

Following the head, it said: "Birmingham, Ala. (AP)—An all-white jury has decreed the death penalty for a Negro convicted of robbing a white girl of $30 and a wrist watch.

"The seven women and five men of the Circuit Court jury deliberated less than three hours Thursday night before returning the verdict against John Henry Jones Jr., 23."

The letter and clipping from Mrs. Begaert is just one of many from all over the United States, Canada and one from Italy. Some letters were more accusing or critical than concerned about justice. Stories clipped from other newspapers were much the same.

Jefferson County Dist. Atty. Earl C. Morgan's office is responding individually to the letters with return addresses and giving a short outline of the brutal circumstances of the robbery.

Morgan also wrote Associated Press General Manager Wes Gallager and enclosed a summary of testimony heard by the jury which fixed the death penalty.

The case involved the kidnaping of young Rose Marie Campisi at gun point on a Saturday afternoon last fall; the vicious attack, beating, stomping of the slender girl and the obvious intent to murder her by tying her hand and foot, running the car over her, locking her in the car trunk and starting a fire in the car before rolling it into a remote ravine. These were the circumstances in which the girl was robbed of $30 and her watch.

The victim was found, miraculously alive, and was rescued from the car more than 24 hours later.

Morgan included in his summary to Gallager some of the evidence which tied Jones to the crime.

In his letter to the AP general manager, Morgan wrote:

"I firmly believe that if the full facts had been reported in the press, we would not have been subjected to the unfounded criticisms which we have received.

"It would appear to me that a sense of fair play and good journalism would impel you to disseminate the full facts in this case to your reading public. This type of inaccurate reporting has been responsible for much of the turmoil throughout the country and largely responsible for the misunderstanding which exists about our Southern states."

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 11 o'clock and 51 minutes p.m.) the Senate adjourned until tomorrow, Friday, June 26, 1970, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate June 25, 1970:

U.S. Representative to the International Atomic Energy Agency

T. Keith Glennan, of Virginia, to be the representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

HOUSE OF REPRESENTATIVES—*Thursday, June 25, 1970*

The House met at 12 o'clock noon.

Rev. Thomas L. Guinn, King of Glory Lutheran Church, Arvada, Colo., offered the following prayer:

Your goodness, Lord, never ends.
Great is Your faithfulness.

We wish we could, but we cannot, say that of ourselves with a straight face and get away with it, for there are too many around with good memories, even if for a moment we conveniently forget.

So, humbly we ask to be forgiven, trusting Your never-ending goodness and faithfulness to make what is wrong right between us.

And knowing that You are never content to let it go at that, we ask that You would help us to be much better at being good and faithful people upon whom others can depend, whether riding high or when the bottom is falling out, and through whom You might teach us what we yet may be. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 3908. An act for the relief of Elizabeth B. Borgnino;

H.R. 8512. An act to suspend for a temporary period the import duty on L-Dopa; and

H.J. Res. 1264. Joint resolution making continuing appropriations for the fiscal year 1971, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17138) entitled "An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 and the District of Columbia Teachers' Salary Act of 1955 to increase salaries, and for other purposes."

APPRECIATION TO REV. THOMAS L. GUINN

(Mr. BROTZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROTZMAN. Mr. Speaker, I would like to take this opportunity to express our deep appreciation to Rev. Thomas L. Guinn for offering the prayer today in the House of Representatives.

Reverend Guinn is the minister of the King of Glory Lutheran Church in Arvada, Colo., one of the fine cities in the Second District which I have the privilege of representing in Congress. Prior to

XUM

coming to Arvada 6 years ago, Reverend Guinn served at the Christ Lutheran Church in Springfield Park, Minn., and the Prince of Peace Lutheran Church in Pleasant Hills, Pa. Since his arrival in Arvada, Reverend Guinn has been active in the Denver area ecumenical movement.

Mr. Speaker, I am pleased that Reverend Guinn was able to open our session today, and I am sure I speak for all of my colleagues in expressing the hope that he and his splendid family will be able to be with us again in the near future.

PERMISSION FOR SUBCOMMITTEE ON TERRITORIES AND INSULAR AFFAIRS OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO SIT DURING GENERAL DEBATE TODAY

Mr. **ASPINALL**. Mr. Speaker, I ask unanimous consent that the Subcommittee on Territories and Insular Affairs of the Committee on Interior and Insular Affairs be permitted to sit during general debate today.

The **SPEAKER**. Is there objection to the request of the gentleman from Colorado?

There was no objection.

PERSONAL EXPLANATION

Mr. **KOCH**. Mr. Speaker, I was in my district in New York City on Monday, June 22, the day before the New York primary election, when the House considered S. 2315, and on Tuesday, June 23, the day of the primary election, when the House considered H.R. 11833.

Had I been present, I would have voted "yea" on S. 2315, to restore the golden eagle program to the Land and Water Conservation Fund Act, on rollcall No. 182. I would have voted "yea" on H.R. 11833, the Resource Recovery Act of 1970, on rollcall No. 184.

PERSONAL EXPLANATION

Mr. **DULSKI**. Mr. Speaker, because of obligations in my district, I have missed three rollcall votes. Had I been present and voting, I would have voted "yea" on rollcalls Nos. 168, 182, and 184.

PRESIDENTIAL VETO SHOULD BE OVERRIDDEN

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. **EDMONDSON**. Mr. Speaker, today the House will attempt to override the President's veto of H.R. 11102 providing much needed Hill-Burton funds for our hospitals and other urgently needed health dollars.

I will be voting to override this veto, out of conviction that congressional insistence on high priority for these programs is in the public interest.

The telegrams which follow are typical of the messages from Oklahoma which certify strongly to the need for this action:

OKLAHOMA CITY, OKLA.,
June 24, 1970.

Hon. ED EDMONDSON,
House Office Building,
Washington, D.C.:

Worried concerning presidential veto of Hill-Burton extension (HR 11102) which might set unfortunate precedent for similar action on other health bills exceeding Presidential requests. Strongly urge your action to override veto.

Thank you.

JAMES L. DENNIS, M.D.,
Vice President for Medical Center Affairs, University of Oklahoma Medical Center.

TULSA, OKLA.,
June 24, 1970.

ED EDMONDSON,
House of Representatives,
Washington, D.C.:

To contain hospital cost, Oklahoma hospitals must have the Hill-Burton continued and low interest loans for modernization and expansion. We urge you to support to override the Presidential veto of the Hill-Burton bill.

CLEVELAND ROGERS,
Executive Director, Oklahoma Hospital Association.

VINITA, OKLA.,
June 24, 1970.

Hon. ED EDMONDSON,
New House Office Building
Washington, D.C.:

Craig General Hosp Vinita Okla strongly urges your support on House Resolution bill 11102 Medical Facility Instruction bill.

JACK D. MARTIN,
Hospital Administrator.

OKLAHOMA CITY, OKLA.,
June 24, 1970.

Representative ED EDMONDSON,
House Office Building,
Washington, D.C.:

We urge you vote to override Presidential veto HR 11102 tomorrow. Congress must support and insist on measures to preserve and further health care for the American public. Hospitals need help. We are counting on you. God guide you in your decision.

Sister MARY COLETTA and STAFF,
MERCY HOSPITAL.

NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA OPENING OFFICE IN WASHINGTON

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **DICKINSON**. Mr. Speaker, the prisoner-of-war problem is not a forgotten issue. There are approximately 4,000 wives and relatives of POW's and MIA's working daily to insure Americans that these brave men will be able to return to our soil.

In their efforts to become more effective, better organized, and to have greater coordination among their members, the National League of Families of American Prisoners and Missing in Southeast Asia is opening an office here in Washington. I would like for all Members and their staffs to know of this office and to utilize the facilities of the new headquarters.

Moreover, Mr. Speaker, on behalf of the families, I extend an invitation to all my colleagues to attend the formal opening of the office of the National League of Families of American Prisoners and Missing in Southeast Asia. The office is located in the Reserve Officers Association Building at 1 Constitution Avenue NE. The time for the formal opening will be Tuesday, June 30, from 2 to 3:30 p.m.

I hope every Member will have the opportunity to drop by the opening. This gesture will emphasize our concern, support and interest in the POW situation. Mrs. Iris R. Powers, national coordinator, and Mrs. Joan M. Vinson, assistant national coordinator, are looking forward to welcoming all of us to the new headquarters.

Thank you, Mr. Speaker.

SECRETARY STANS ENDORSES MILLS BILL

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **DORN**. Mr. Speaker, it was a great pleasure to be present when Secretary Maurice Stans endorsed the Mills bill in testimony before the Ways and Means Committee this morning. I commend Mr. Stans and I commend President Nixon for making this recommendation which will enhance early consideration of the Mills textile garment footwear import bill.

It has been a long arduous frustrating period of negotiation with the Japanese since Secretary Stans appeared before the Informal House Textile Committee assembled in the Ways and Means Committee room early last year. It is my understanding that Secretary Stans has had literally scores of meetings with our Japanese friends to voluntarily resolve the import threat to our textile industry and its 2½ million employees. Mr. Stans has labored long and hard, and Mr. Speaker, beyond the call of duty these last 16 months to resolve this pressing problem in a manner mutually advantageous to both the Japanese and the United States.

It is now apparent to all that the Mills bill is the answer. While I regret that the Secretary did not recommend that footwear be included in the Mills bill, I believe that the great Committee on Ways and Means will include footwear with textiles, as these industries are in a special category and the threat of low-wage cheap imports to them is critical.

With 253 Members of the House introducing the Mills bill and a majority of the Ways and Means Committee introducing the Mills bill, and now with the support of the administration, I am confident of favorable consideration by the great Committee on Ways and Means, and overwhelming endorsement by this House.

CALL FOR ACTION ON ANTIBOMB BILL

(Mr. MAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **MAYNE**. Mr. Speaker, I am one of 24 Members who introduced the Nixon

XUM

administration's antibombing bill, H.R. 16699 on March 26. It was assigned to a subcommittee chaired by the distinguished chairman of the Judiciary Committee on April 24. The bill greatly strengthens our laws concerning illegal use, transportation, and possession of explosives, and increases maximum penalties against convicted violators. It was urgently needed when introduced and the need has become shockingly more apparent with each succeeding terrorist bombing which wreaks death and injury on intended victims and innocent bystanders.

Yet, despite the extreme urgency of the bomb threat in this country, the chairman has not yet scheduled hearings on the bill. I call on all Members of the House, regardless of political affiliation, to join me in pressing for immediate favorable action on this very salutary legislation. It should be given high priority by the subcommittee at its meeting scheduled for tomorrow. The American people will hold all of us accountable if we fail to take prompt and firm steps to curb these outrageous attacks on society itself.

VETO OF THE WRONG BILL

(Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, the President vetoed the medical facilities construction and modernization bill. He explains his veto—complaining about section 601—disliking hospital construction grants, and suggests excessive authorization. He would have us rewrite the bill to please his fancy.

I can find nothing in my oath of office, nor the President's, that requires bowing to political expediency to determine whether or not more hospital beds are needed. Nor that funding by this body for hospital care must comply with the President's budget—but I do recall that our oaths pledge us to support and defend the Constitution of the United States.

The President publicly stated that the Voting Rights Act was unconstitutional because of the 18-year-old vote provision—then he proceeded to sign it into law. His rationale was that while he found the 18-year-old vote unconstitutional, a veto would kill the entire bill, which included the voting rights extension. In so doing he approved the voting rights bill, which is an immoral and repressive law, continuing the Southern States in the posture of conquered provinces, denied self-government, and leaving their citizens without 100 percent American status.

The President's test of constitutionality now tracks the political expediency of the anti-South paranoia, so prevalent in our land today, as a means of trading off the rights of southern citizens for bloc votes elsewhere in the Nation.

Now the President seeks support to sustain his veto—but he vetoed the wrong bill.

THE CONGRESSIONAL BASEBALL GAME—A POSTMORTEM

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, the fine crowd that attended last night's ninth annual congressional Roll Call baseball game was rewarded with a great display of good fun, good sportsmanship and, at least, high-spirited efforts by the athletes in this body to master the intricacies of the national pastime.

I do not want to crow over the outcome—except to congratulate my victorious Republican colleagues who performed with magnificence under the great pressure of maintaining our seven-game winning streak.

Our colleagues from the other side of the aisle went all out to win this one for the Speaker, and I commend their effort.

We on the GOP side are not without sentiment on this occasion. I want you to know, Mr. Speaker, that our victory also was sweeter because of your attendance at the game, and we dedicate this victory to you for the years of support you have given us.

Also to be congratulated on the success of this game is the Congressional Secretaries Club and all the other people who contributed their time and effort to make it another memorable one for the Congress and for baseball.

Mr Speaker, next year will be the 10th annual game, a special occasion. I want to alert my baseball opponents at this time that we on the Republican side will start earlier and work harder than ever to prepare for that contest.

For this year, however, I think everyone who participated can be proud of a performance that brought much enjoyment to everyone at RFK Stadium last night.

EXPRESSING THE SYMPATHY AND FRIENDSHIP OF THE HOUSE OF REPRESENTATIVES TO THE PEOPLE OF PERU AND COMMENDING THEIR UNIVERSITIES FOR SERVICES OF RECONSTRUCTION AND RELIEF

Mr. SIKES. Mr. Speaker, I offer a resolution (H. Res. 1116) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1116

Whereas the people of our sister Republic, Peru, suffered a devastating blow as the result of an earthquake on May 31, 1970; and

Whereas the earthquake caused the loss of thousands of lives and the destruction or devastation of many towns and villages, rendering homeless and destitute many thousands of people; and

Whereas the people and government of the United States have opened their hearts and material resources to the needs of the people of Peru in their tragic hour of bereavement and suffering; and

Whereas the universities and institutions of higher learning of Peru and many other dedicated organizations and persons are playing an important part in meeting the reconstruction needs of that country through the full utilization of the technical skills which they have developed and through these services are demonstrating how the people of a nation can rise to noble heights in service to their country: Therefore, be it

Resolved, That the House of Representatives extend its deepest sympathy to the President and the people of Peru in this dark hour of suffering and distress.

Sec. 2. It is the sense of the House of Representatives that the universities and institutions of higher learning of Peru and their students and all others who contributed to this great cause in the name of humanity should be commended for their leadership in helping in the reconstruction of the devastated areas and in resettlement relief.

Sec. 3. It is further the sense of the House of Representatives that attention be directed in all appropriate Executive agencies to the needs of the country and the special role and requirements of the universities and other organizations of Peru in rebuilding their country.

Sec. 4. Copies of the present resolution shall be distributed through appropriate channels to the President of Peru and to the heads of the universities of Peru and to the heads of other participating organizations.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER. The gentleman from Florida is recognized for 1 hour.

Mr. SIKES. Mr. Speaker, the House is, of course, very familiar with the problems of our sister Republic of Peru, caused by devastating earthquakes, and has great sympathy for the people of Peru in the death and destruction visited upon them. We wish to express our deep and sincere feeling, and our desire to be helpful in solving the great problems which confront them.

We realize also, Mr. Speaker, that America's First Lady expects to visit Peru very shortly to demonstrate the very close interest of the administration and the American people in the problems of Peru.

Therefore, Mr. Speaker, it has occurred to me and to others that the House will also want to be on record as expressing our interest in and our sympathy for the people of Peru and our commendation for all those who have labored so diligently to overcome the tragic circumstances accompanying the earthquakes. In particular do we call attention to the outstanding contributions by the university of Peru and their students. In that vein and for that reason, I have offered the resolution for myself, for our beloved Speaker Mr. McCormack, Mr. Albert, Mr. Gerald R. Ford, Mr. Boggs, and Mr. Hanna.

Mr. HANNA. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I yield to my friend, the gentleman from California (Mr. Hanna).

Mr. HANNA. Mr. Speaker, I thank the gentleman for yielding. I am very pleased to join the gentleman in this particular effort.

I would hope with the passage of this resolution it will come to the attention of the appropriate authorities that there is now resting in a warehouse in Los Angeles, Calif., a substantial quantity of materials and goods that could be helpful to the Peruvians. The materials need transport. I would hope the executive department will be able through whatever facilities to put these materials where they will do the good which is intended by the Americans who have made the goods available.

It is my observation, and I am sure the gentleman from Florida joins me in this observation, that although our relationships in some particulars have had problems—vis-a-vis, for instance, the fishing problems and some of the attitudes of a new regime that came into existence in Peru—these things fade away when a real crisis comes in a family or comes in a family relationship between nations. We are, after all, in Peru and in the United States, both American nations, encompassed within the continents of South and North America. The family has come together on the basis of the great crisis that has befallen the people of Peru.

I think out of this will come a great enhancement of our relationship and a deeper understanding of the significance of our long-term interest in each other and the benefits that can be derived from an improvement in and maintenance of the really basic good feeling that has been a part of the history of our two countries.

Certainly I commend the gentleman from Florida for taking the initiative in this matter. I trust the House will give its speedy support to this resolution.

Mr. SIKES. Mr. Speaker, I take great pride and pleasure in restating the fact that our beloved and great Speaker is a cosponsor of this resolution.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. SIKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

CALL OF THE HOUSE

Mr. O'NEILL of Massachusetts. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 187]

Adair
Alexander
Anderson, Tenn.
Andrews, Ala.
Ayres
Berry
Bow
Brown, Calif.
Brown, Ohio
Bush
Caffery
Carey
Clancy
Clark
Conyers
Cramer
Daddario
Daniels, N.J.
Dawson
de la Garza
Dent
Edwards, Calif.
Erlenborn
Esch
Farbstein
Flowers
Foley
Frey
Fuqua
Gallagher
Gaydos
Giaimo
Gilbert
Goldwater
Hall
Hamilton
Hansen, Idaho
Hastings
Hawkins
Hébert
Jarman
Keith
Kirwan
Long, Md.
McMillan
Meskill
Mollohan
Montgomery
Ottinger
Pepper
Pollock
Powell
Price, Tex.
Railsback
Reid, N.Y.
Riegle
Rivers
Robison
Ruppe
Smith, Iowa
Stratton
Teague, Tex.
Tiernan
Waggonner
Watkins
Watson
Whitehurst
Wiggins
Wilson, Charles H.

The SPEAKER. On this rollcall 360 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MEDICAL FACILITIES CONSTRUCTION AND MODERNIZATION AMENDMENTS OF 1970—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER. The unfinished business is: Will the House, on reconsideration, pass the bill, H.R. 11102, an act to amend the Public Health Service Act to revise, extend, and improve the program established by title VI of such Act, and for other purposes, the objections of the President to the contrary notwithstanding?

The gentleman from West Virginia is recognized for 1 hour.

Mr. STAGGERS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the question before the House involves the exercise of one of the most important of our functions under the Constitution. Our Government is based on the principle of separation of the powers, with the President having one role and the Congress another.

Both Houses of the Congress have unanimously passed a bill which the President has now vetoed. Under the Constitution we now have the responsibility of considering the objections made by the President in disagreeing with us, and of deciding whether the national interest will be better served by passing this legislation over the veto.

I disagree with the reasoning contained in the President's veto message, and I think we should pass the bill notwithstanding the veto.

In conference with the Senate on this bill, the House conferees met with the Senate conferees four times and spent some 10 to 12 hours in conference trying to iron out a bill that would be satisfactory to both Houses. One part of that bill, the part the President disagrees to, is section 601, in which the President is directed to spend certain appropriations. The Senate had seven programs spelled out in this section of the bill. We agreed on the House side to take the two most important of these programs to the health of America, and we rejected the other five.

This is the best bargain we could get after hours of negotiation. We accepted the requirement relating to public health, mental health, and mental retardation programs, but we rejected the requirements on the clean air, and solid waste disposal acts, Public Laws 83-568 and 85-151, the Vocational Rehabilitation Act provisions, and title V of the Social Security Act—but we did keep the two programs I referred to earlier.

The President objects in his message to the fact that authorizations are larger than his budget requests. I think the House might find it interesting that the President's proposed Hill-Burton legislation (H.R. 10126) would have authorized for fiscal year 1971 and for fiscal year 1972, and I quote, "such sums as may be necessary." I wonder how it is possible to authorize more money than is authorized by that phrase.

The principal objection to this legislation contained in the President's message is directed at section 601 of the bill, which would prevent administratively imposed expenditure ceilings from applying to certain health programs. Mr. Speaker, there are some programs which are, or should be, of such high priority that they should not be subject to expenditure reductions such as we have seen in recent years. This section 601 was not in the House bill, but we found it necessary to agree to a modification of it in order to obtain agreement from the Senate in the conference.

I, for one, opposed this provision in conference—as did the other House conferees—but in order to get a bill, we had to agree on something.

This section says that the Congress finds that certain health programs are of such high priority that expenditure limitations should not be applied to them. The President disagrees, and in his veto message says in substance that the Congress should leave him free to reduce appropriations made for these programs.

What are these programs? They are the following:

Research and training activities of the National Institutes of Health. This, by the way, is where our cancer research program is being carried out, as well as research into the other killing and crippling diseases of mankind.

The Hill-Burton program.

The program of grants for construction and operation of medical schools and other health profession schools, together with loans and scholarships for students at those schools.

The program of increasing supplies of trained nursing manpower, as well as manpower in other fields.

The heart, cancer, and stroke program.

The program of grants for a portion of the costs of construction and staffing of community mental health centers.

The program of grants for a portion of the costs of construction and staffing of mental retardation facilities.

Mr. Speaker, the President has vetoed this bill because the Congress has attempted to tell him that we do not want him reducing appropriations for these programs which, in my opinion, are among the most important programs we have that come out of this Congress.

The SPEAKER. The time yielded by the gentleman from West Virginia has expired.

Mr. STAGGERS. Mr. Speaker, I yield myself 1 additional minute.

This section does not apply to authorizations, Members understand—not to any authorization we make. This section applies to appropriations. After the Appropriations Committee has considered all the details of the President's budget, this section says the appropriations should be spent in the most important programs that affect this land in any way.

Mr. Speaker, we need to pass this bill now. I would say, since this bill has been vetoed, we have before us now a railroad bill, and numerous other measures. We laid aside all health bills and all other things affecting the Nation for this bill on railroads, so important that the Administration asked us to take it up immediately. We have decided to do that, at their request. We have many other urgent measures before us.

I do not know when we could get back to this bill. In talking to a ranking member on the other side, I was told they are so busy that he does not know when they can get their health committee together again on this. In other words, if we do not pass this bill, today we may not have a bill this session of the Congress, I know we would try, but let me point out to this body, that we have a large workload ahead of us.

These are some of the things Members have to face when they vote today. I believe the Hill-Burton Act is one of the most important acts we have on our books, one that has been received very well all over the land, and for that reason, the President's veto should be overridden.

The **SPEAKER**. The time yielded by the gentleman from West Virginia has again expired.

Mr. **STAGGERS**. Mr. Speaker, I yield 7 minutes to the ranking minority Member on our committee, the gentleman from Illinois (Mr. SPRINGER).

Mr. **SPRINGER**. Mr. Speaker, I would yield to no man in this body in support of the Hill-Burton program.

I am one of the authors of the last three Hill-Burton extensions. I served for years as the ranking Republican on the Subcommittee on Health and Safety. Through the years we have added to and improved on the original Hill-Burton Act—to provide beds that were needed to take care of Americans who have become ill.

The legislation which we are considering today insofar as the Hill-Burton Act is concerned, is an improvement over any other extension of the Hill-Burton Act. Not only have we improved the bill to serve better more Americans, but we have increased substantially the authorization for funds available.

When we presented the legislation to the House, it was overwhelmingly accepted. When it was passed in the Senate, the same result was achieved.

I wish to point out at this time that section 601 of the bill you are considering today was not in the House version when it passed the House. That was added in conference over the strenuous objections of many of us on the House side. I considered it objectionable then and I mentioned that in my report to you when the conference report was considered in the House.

Sometime ago the House passed and sent over to the Senate a statutory limitation on the amount of money which could be spent by the President. We set a figure in that legislation and ordered the President to comply. That legislation has been voted out of the Senate committee handling it and is presently pending in the Senate:

> Expenditures and net lending—budget outlays—of the Federal Government during the fiscal year ending June 30, 1971, shall not exceed $200 billion, 771 million.

I have quoted exactly from title V of the Supplemental Appropriations Act passed May 7, 1970, in the House. The record rollcall vote on this was 333 in favor and 6 nays.

This indicates that the overwhelming majority of the Members of this body favored that legislation. Any of you who wish to check your voting record on limiting Federal expenditures for the year ending June 30, 1971, to the above figure, will find it in the CONGRESSIONAL RECORD of May 7, 1970, at page 14580.

Now, let us come to the conference report which was ordered printed June 9, 1970, and came to the floor of the House on June 10, 1970, as the conference report on H.R. 11102. If you will take the report at page 17, title VI—Availability of Appropriation, we have the following section 601:

> Notwithstanding any other provision of law, unless enacted after the enactment of this Act expressly in limitation of the provisions of this section, funds appropriated for any fiscal year ending prior to July 1, 1973, to carry out any program for which appropriations are authorized by the Public Health Service Act (Public Law 410, Seventy-eighth Congress, as amended) or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (Public Law 88-164, as amended) shall remain available for obligation and expenditure until the end of such fiscal year.

The President vetoed the legislation pending before you today. The order of the business is whether or not the House shall override the President's veto.

What is the reason the President has vetoed this bill?

The far and overriding reason rests with section 601 of this legislation. On one hand, we have given him, as of May 7, 1970, an order to stay within the stipulated figure which shall not exceed $200 billion, $771 million for fiscal year 1971. The President has said that section 601 will—

> (1) Significantly restrict Presidential options in managing Federal expenditures,
>
> (2) Isolate the financing of one group of Federal programs as untouchable without assessing its merits against the financial needs for other programs, and
>
> (3) Encourage pressures to extend this provision to other areas—and thereby further complicating management of the Federal budget.

The President also has said that one of the most unacceptable provisions of the bill is in section 601. In this section, the Congress insists that funds appropriated for any fiscal year through 1973 in this legislation must be spent in full. In addition to restricting flexibility in management of Federal expenditures, this provision would interfere with his ability to comply with the limitation on total 1971 spending that has already passed the House of Representatives:

> This kind of provision puts the Congress in the position of withdrawing with one hand the authority necessary to do what it requires with the other. I ask the Congress to eliminate Section 601.

I am sure that I have simplified this so that anyone in this body can understand that section 601 is directly contrary to the legislation on the limitation of spending for fiscal year 1971 which we passed on May 7, 1970.

I am sure that any reasonable person understands that we cannot as a legislative body limit the President's spending and then take away from him the right to make adjustments and reductions which have been ordered.

We simply cannot have it both ways.

For this reason, I hope that you will vote today to sustain the President's veto.

Probably some of you have been receiving letters as if the Hill-Burton program would vanish. Nothing is further from the truth.

I have introduced yesterday the Hill-Burton Act exactly as it was passed here in the conference report on June 10, 1970, except that I have deleted section 601. I am sure that this House wants an adequate Hill-Burton Act which we can all support and to give the President the power he needs to stay within the limitations which we have put on him by virtue of our legislation of May 7, 1970.

I would see no reason for further hearings. We could bring the bill to the floor immediately. The Committee on Interstate and Foreign Commerce has heard this matter in detail. It has been debated twice on the floor of the House—in its original passage and in the approval of the conference report.

If the leadership so wished, this matter could be brought to the floor and disposed of within an hour beginning the week of June 29. There is no disagreement that any of us has beyond the elimination of section 601.

Your vote today is not on Hill-Burton. It is on the issue of whether or not you wish to eliminate section 601 from this legislation. By eliminating section 601 and repassing this bill, we will then have eliminated the inconsistencies which we have put on the President by reason of our limitation on fiscal year 1971 spending as of May 7, 1970, and our conference report as of June 10, 1970. Surely, there can be nothing unreasonable in correcting these two conflicting orders to the President of the United States.

I know that some will raise the matter of other points in the veto message. The President raised at least one of those while our committee was considering the legislation in the committee. The other objections are not of such a nature as to necessitate a veto. Section 601 standing with the limitation provision is conflicting.

I think I can assure the House that if we pass the legislation without section 601 in it, you would have every reason to know that the bill would be signed.

Mr. **MAHON**. Mr. Speaker, will the gentleman yield?

Mr. **SPRINGER**. I am glad to yield to

XUM

the distinguished chairman of the Committee on Appropriations.

Mr. MAHON. I want to say to the gentleman that he is discussing a feature of the bill which deeply concerns me. This section 601 ought not to be in this bill and it ought not to be in any other bill. It violates the position which was taken by President Kennedy, by President Johnson, and now by President Nixon. So, without discussing the merits of the veto, I want to say that the gentleman is hitting the nail on the head with respect to section 601. In expressing my strong opposition to section 601, I am, of course, making reference to only one feature of the extensive measure. Other factors must, of course, be taken into account in determining the course of action which should be followed.

Mr. SPRINGER. I thank the distinguished chairman of the Committee on Appropriations for his comments.

Mr. Speaker, I just want to say that I think we can remedy this situation in a very short time by bringing the bill which I have introduced back in here without section 601 and passing it and sending it down to the White House.

Mr. STAGGERS. Mr. Speaker, I yield 5 minutes to the distinguished majority leader, the gentleman from Oklahoma (Mr. ALBERT).

Mr. ALBERT. Mr. Speaker, I rise to urge the House to override the President's veto of H.R. 11102.

There is no argument about the fact that the Hill-Burton program has from its very inception a quarter of a century ago enjoyed widespread support by the medical profession and by the public. Here in the Congress there has been no program that has been less partisan. The vetoed measure was a truly bipartisan congressional product with practically no guidance or assistance from the administration.

Mr. Speaker, our Committee on Interstate and Foreign Commerce, under the able leadership of the gentleman from West Virginia, evolved H.R. 11102 as a measure acceptable to all groups.

I would remind the House that the President in his 1971 budget recommended zero—that is correct, exactly zero—dollars for hospital construction. H.R. 11102 was hailed by all as a far-reaching comprehensive health measure. It passed the House on June 4, 1969, on a rollcall vote of 351 to 0. In the other body the bill received the same type of widespread support, having been approved on April 7, 1970, by a rollcall vote of 79 to 0. The conference report was approved by the Senate without controversy by a voice vote on June 8 of this year, while the House gave its final approval 2 days later by a rollcall vote of 377 to 0.

Mr. Speaker, I can appreciate the concern of the distinguished gentleman, my friend from Illinois (Mr. SPRINGER) about the action we took in May, but on June 10 we voted 377 to 0, and the distinguished gentleman from Illinois was recorded in favor of the vote and so was our distinguished minority leader. We have taken this action subsequent to the action which we took in May.

Mr. Speaker, I think the Senate amendment as worked out in the conference report has strengthened the bill and certainly it has strengthened the hand of the Congress and the position of the Congress in determining what the future course of action of the Hill-Burton program will be, and how it will be administered in this country.

The provisions of this bill must still go to the Committee on Appropriations and the Committee on Appropriations can, of course, make such adjustments in the various categories as it deems correct and sufficient.

Mr. Speaker, this Congress has striven mightily to reorder this Nation's priorities. If this Nation is to achieve its full potential, if it is successfully to discharge its many self-evident responsibilities in the coming decade, it is incumbent upon us to attain the reordering without further delay. Our efforts to provide more resources for the public sector however have consistently been fought, resisted, and frustrated by the administration. Last year the Congress acted to increase the appropriation for waste treatment plants from $214 million to $800 million. To date the President has permitted only a small portion of these funds to be disbursed. This year he failed to recommend the appropriation of a single dime for this program.

Yesterday, the House, I am happy to say, rejected the administration position opposing any money for fiscal year 1971, and provided a billion dollars for waste treatment plants. Again, in the case of the water and sewer line program which is complementary to the treatment plant program, the President requested this year a paltry $150 million. Here too, the House recognizing the overwhelming need acted to up this appropriation to $500 million. This was accomplished only, however, over vigorous administration opposition. As to education, in the 1970 Labor-HEW appropriation bill, the Congress endeavored to meet this country's educational crisis by providing a billion dollars above the President's request. This exceedingly modest attempt to divert a few more dollars for the education of our children met with a Presidential veto. The President has in a similar vein chosen to reject the hospital needs of the sick.

That these needs are not debatable is established beyond any shadow of a doubt. Information furnished by State agencies administering the program indicates a present need for an additional 85,007 acute care hospital beds, 893 public health centers, 164,430 additional long-term beds, 872 diagnostic and treatment centers, and 388 rehabilitation facilities, with a total estimated cost of $5.3 billion. In addition 455,130 acute and long-term care beds require modernization at an estimated cost of $10.5 billion.

Mr. Speaker, the President has termed the vetoed bill a "long step down the road to fiscal irresponsibility." It would appear that, as was the case in the President's criticism of the Congress for having failed to act on a nonexisting housing communication, the President has been the victim of faulty staff work. I have done a little research comparing the appropriation for fiscal year 1963 for the Hill-Burton program with what the situation would be if full funding were to be obtained under H.R. 11102. The 1963 total appropriations for the overall Hill-Burton program were $220 million. The vetoed bill before us provides for $382.5 million for 1971. However, stated in terms of 1963 dollars this figure is reduced to $222 million a sum almost identical with that we provided 8 years ago. For hospital construction, we appropriated in 1963, $150 million. The bill before us today authorizes for 1971, $147.5 million but stated in 1963 dollars, this sum shrinks to $85.5 million. For nursing homes, in 1963 we provided $42 million. In terms of 1963 dollars, H.R. 11102 would provide $49 million in 1971. For rehabilitation facilities, 1963 saw $10 million appropriated while the vetoed bill, in terms of 1963 dollars, would permit but $8.7 million in 1971. I think it is rather obvious from these figures, that far from indulging in anything approaching fiscal irresponsibility the Congress may very well have been too timid in its approach in H.R. 11102.

Certainly, in authorizing funds, which, if appropriated, would do nothing more than keep the Hill-Burton hospital construction program at the level of 8 years ago, means that we certainly have not been imprudent. It is likewise clear that the President's efforts to label this measure as fiscally irresponsible are in themselves the height of rhetorical irresponsibility.

The President's rejection of the needs of the sick who need hospitalization stands in sharp contrast to his statement last July that the Nation faced a health crisis and that the problem was one of not enough doctors and hospital beds. The President's ill-advised veto, if permitted to stand, would make certain a continuation of that shortage of hospital beds and thus compound the health crisis facing the Nation.

Mr. Speaker, for compelling personal reasons a number of our colleagues are unable to be here today to vote on this important matter. I talked earlier today with the distinguished gentleman from New York (Mr. CAREY) who is one of those who is prevented from being here. Despite his wife's serious illness, Congressman CAREY intended to fly to Washington today to vote on this matter. Unfortunately, due to an air traffic delay he was unable to secure a flight which would get him here in time for the vote.

Mr. Speaker, since the gentleman is unable to be here for the reasons I have just mentioned, I would like to read to the Members a portion of the statement made to me when I talked with him earlier today:

> As one who is intimately familiar with hospital conditions in the New York City area, the problem of obtaining adequate health care and admission to a hospital when required, I can only assume that the President is either lacking in knowledge of such conditions not only in our City but throughout the country or he regards the pocketbook as more important than human welfare.
>
> I am hopeful, therefore, that our colleagues will vote to override this untimely and unjustifiable Presidential veto, as I would do were I able to be present.

XUM

Mr. Speaker, when the Presidential veto is voted on in the House in a few minutes, it is my hope that it will be overwhelmingly overridden.

The SPEAKER. The time of the gentleman has expired.

Mr. STAGGERS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Speaker, I have listened with more than ordinary care to the remarks just made by my distinguished colleague from Illinois (Mr. SPRINGER). I know of no one in this House who has a better understanding of what is involved in this legislation than does the gentleman from Illinois (Mr. SPRINGER) as the ranking minority member of the Committee on Interstate and Foreign Commerce. He has time and again demonstrated, as he has here today, his detailed knowledge of all the proposals brought before his committee.

I hope the House will give more than ordinary attention to what the gentleman said and sincerely hope it will act accordingly on what he has proposed.

The gentleman from Illinois (Mr. SPRINGER) has pointed out what seems to me to be the basic issue before us. He called attention to the action which we took here in this House on May 7. By an almost unanimous vote we set a ceiling on Government spending for the fiscal year 1971. We said: "Mr. President you can spend only so much money in fiscal year 1971." Now, in this bill we are saying "you must spend so much money." On the one hand we place a restriction, and well we should, on how much can be spent by the President and, on the other hand, we are mandating under the terms of this legislation that he spend every single cent appropriated.

We simply cannot have it both ways. In any case, the question I would like to have answered is how the hospitals in this country can get one dime more or one dime less than the Committee on Appropriations in the House, with the concurrence of the House, say that they can have in any given fiscal year. If someone will answer that question for me it will contribute to a better understanding of what is involved. How can any hospital in this country seeking modernization, or any proposed new hospital to be constructed under the Hill-Burton Act program, get one dime more or one dime less than the Congress appropriates? Regardless of the terms of this bill, I for one am not going to be in the inconsistent position of saying to the President "you must spend—you must spend—so many dollars" in complete disregard to the fact that earlier in the year we voted—and it was a record vote—to place a ceiling on what he could spend.

I recall that during the Kennedy administration our Committee on Armed Services was disturbed that the President had not undertaken a certain bomber program for which we had authorized and the Congress had appropriated funds to have undertaken. We sought to write into an authorization bill language which not only authorized but directed the President to spend money for a specific bomber program. President Kennedy objected to our mandatory language. The end result was we made the language permissive. Instead of saying he "shall" spend so much for such and such, we left it to his discretion, although it was abundantly clear to him what our committee felt should be done.

President Kennedy viewed our approach as representing an intrusion upon his prerogatives as President. He pointed out that to follow this course of directing the President to spend whatever Congress authorized and appropriated would establish a precedent that could have serious consequences. He was not confronted in those days with an overall expenditure ceiling such as confronts President Nixon.

What is involved here is not question as to the merits of the program. The question at issue is fiscal responsibility. It is on this basis and this basis alone that the President vetoed the bill and I believe we should sustain that veto. Control of Government expenditures is the first essential for bringing inflation under control.

Mrs. REID of Illinois. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentlewoman from Illinois.

Mrs. REID of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. REID of Illinois. Mr. Speaker, I rise in opposition to the motion to override President Nixon's veto of H.R. 11102, the Medical Facilities Construction and Modernization Amendments of 1970. As my colleagues know, I have always supported the Hill-Burton program and believe that it is one of the most successful Federal-State programs in existence. I know the goal of increasing hospital beds is even more critical today than it was when the program was instituted.

However, the vote today is not a vote for or against health care. In fiscal year 1971 there will be at least a 28-percent increase in health outlays. There will be increases in outlays for cancer and heart research, family planning, alcoholism, and drug abuse, and a revision of medicare and programs providing medical aid to the poor. As a member of the Subcommittee on Labor-HEW appropriations, I support these programs.

The President's objection to H.R. 11102 is not to the high priority Congress has given Hill-Burton funds, but, rather to that section of the bill—section 601—which requires that all funds appropriated be spent. The President considers this to be an unacceptable and illegal restriction upon the prerogatives of the executive branch in the management of its overall programs. This section was not in the original bill passed by the House and it would set an unreasonable precedent for other legislation.

Furthermore, the Congress has set a limitation on overall spending by the executive department for fiscal year 1971; yet, this bill requires that every cent be spent. This kind of provision puts the Congress in the position of withdrawing with one hand the authority necessary to do what it requires with the other. Therefore, in my opinion, the veto should be sustained.

On the other hand, I would hope that action will be taken immediately on the bill—H.R. 18200—introduced by our colleague, the gentleman from Illinois (Mr. SPRINGER), who is the ranking minority member of the House Committee on Interstate and Foreign Commerce. His bill is identical to H.R. 11102—the vetoed bill—except that it deletes section 601. The new bill provides for a 3-year $2.79 billion authorization for construction and modernization of health facilities. I am confident it will give the program the needed impetus to meet its objectives without placing undue restrictions on the President—and I shall give it my unqualified support.

Mr. STAGGERS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MOSS), a member of the committee.

Mr. MOSS. Mr. Speaker, I am going to answer the question that the gentleman asked in the well a moment ago.

We are not asking to have it two ways. We are exercising a legitimate and constitutionally granted prerogative of the Congress in saying to the President that in this instance in two programs, mental retardation and the Public Health Service Act, you shall spend the money that the Committee on Appropriations provides for those programs.

What is wrong with that? Are we to the point where we have abdicated any rights to mandate action of this Government?

Must we always knuckle under to the President, to the executive?

I have been charged many times by representatives of the party on that side of the aisle with being a rubberstamp. Well, I was not. I advise my friends in the minority: Do not open the door for us to give you that label, because that is precisely what you do if you reverse yourselves today and sustain the veto. When you adopted the conference report without a single dissenting vote, and upon the recommendation firmly made by the distinguished ranking member of the Committee on Interstate and Foreign Commerce which reported this bill, and the Member who recommended also to this House that we adopt the conference report notwithstanding the provisions of section 601, you committed yourselves to the same bill now before us for override—Mr. SPRINGER's advice was good advice then. It is good advice now.

Let us move on with the business of meeting some, and only some, of the urgent health needs of this Nation.

The SPEAKER. The time of the gentleman has expired.

Mr. STAGGERS. Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky (Mr. CARTER), a member of the committee.

Mr. CARTER. Mr. Speaker, as it happens, I am a member of the subcommittee which helped to formulate the House version of the bill that is now being considered.

The subcommittee worked very carefully to develop a good bill. I strongly support the House version.

When this bill went to the other body, it was so modified that it is not acceptable to the administration in that it limits the prerogatives of the President.

As most of the Members of the House know, I have always supported health legislation. I have even been accused of being generous in such authorizations, and to this I offer no denial.

I am interested in and support in all phases of the health programs and projects throughout our country. However, I do feel that the addition of section 601 by the Senate should be deleted. The presidential prerogative in this critical time should not be abridged.

With the distinguished gentleman from Minnesota (Mr. NELSEN) and many others, I am cosponsoring the exact resolution which passed this House without section 601, and I feel that our committee is not too busy to consider it and report it immediately.

Therefore, I will vote to sustain the President's veto and urge other Members to do likewise.

Mr. STAGGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. HAYS).

Mr. FRIEDEL. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman.

Mr. FRIEDEL. Mr. Speaker, I concur in the remarks of the majority leader and the chairman of the Committee on Interstate and Foreign Commerce and hope that we override the veto. The extension of the outstanding Hill-Burton program and the expansion of this program that was passed by both bodies of the Congress without a dissenting vote cast in either body is a measure that certainly no President exercising any reasonable sense of priority could have possibly sought to veto or set aside.

As I said the day after Mr. Nixon took his regrettable action, I simply cannot understand just how the White House's sense of priority and importance works these days. The same week that the administration saw fit to veto a measure that was passed by the Congress unanimously, it sent to the committee that I have the honor to serve on, the Interstate and Foreign Commerce Committee, a measure that could make $750 million worth of taxpayer money available to the railroads. It is sadly ironic that the same committee that reported the Hill-Burton legislation to the House in 1969 would be the one this week to be asked by the administration to pass on this measure.

When the Interstate and Foreign Commerce Committee, under the wise leadership of my dear friend and colleague, Chairman STAGGERS, reported on the Hill-Burton program, it advised of the tremendous backlog of applications for Federal assistance to modernize, expand, and improve existing hospital facilities that had deteriorated over the years, and construct new ones. We have a $6-billion backlog in requirements for hospital beds and modernization, not to mention the enormous requirements for other medical health care related facilities. The bill that Mr. Nixon saw fit to veto would have met about half of this need. We have now been told that this was fiscally irresponsible. Now really, Mr. Nixon, who is kidding who?

The Nation heard a year ago that the inflation which is daily robbing the savings, futures, and incomes of millions of Americans was about to be controlled. We heard from the Nixon administration about how price increases were slackening and how policies were working, but today, of course, the prices continue to go up faster than ever, business is off, and unemployment in my fair city of Baltimore has reached a new high. Interest rates are higher than ever and we have just witnessed one of the biggest stock market slides in our history and the largest commercial bankruptcy in our history. The administration's anti-inflation policies are not working.

Over the last 2 days I have also called the Members of this House's attention to a larger aspect of the health care crisis that the Nation is facing. Not only in the area of new or improved facilities, but also in the absolutely essential ingredient of adequate medical health care, the production and training of the required and essential professionals. Here again the administration's sense of priority seems to be absolutely haywire.

The administration purportedly recognizes the health care crisis but has asked for only one-tenth the amount actually needed for hospital construction in the coming fiscal year and at the same time requested the Congress to commit four times that amount of money to bail the railroads or their banks out of trouble. Where, oh where, are our priorities? Is it inflationary to care for the sick but not inflationary to rescue sick railroads?

The President, in his veto message, told us that the hospitals ought to go out and borrow money to build their own facilities but as I said in my remarks on the crisis in health care Tuesday, they simply cannot do so. They have reached the bottom of the barrel. Interest rates have never been higher than they are now and as far as I know the money has never been so scarce. If the Penn Central Railroad, which purportedly has $7 billion in assets, cannot borrow from existing money sources, where do our nonprofit university-related hospitals have a chance to find mortgage money?

As I have said support to relieve our crisis in health care simply must be borne by the Federal Government. The small but significant progress that we have made over the last 10 or 15 years was due primarily to the awareness within the Congress and past administrations that what was needed in the area of health care was a massive Federal commitment backed up by adequate appropriations.

I profoundly hope and pray that all Members of this body, without regard to party, will think quite seriously about this matter and contemplate the future of our society without the proper allocation of resources for medical care. I am sure that if they do so, they will agree that the President's unfortunate veto must be overridden today.

Mr. HAYS. Mr. Speaker, I was interested in one of the reasons the President gave for asking that his veto be sustained. He said that if it were not, he could not manage the budget.

Do you realize that the President sent up here a reorganization plan to add at least 60 and probably more people in a super-duper budgetary agency whose salaries will probably cost in the end as much as the money we are talking about here? What is this Bureau of the Budget? Who elects them? Nobody. To whom are they responsible? Nobody.

Are we going to abdicate our responsibility to the people of our districts who need hospitalization? I say to you that when this House passed this bill unanimously, those of you who are planning to change your votes should have taken a walk through any hospital in your district and seen the hundreds of people who are lying in the hallways of those hospitals unable to get a bed in a room, and then figure how many people cannot even get into the hallways.

As I said the other day, it seems to me that the administration's priorities are showing and if we cannot find in a $200 billion budget some place to cut out a little to take care of the Hill-Burton money, then I would say the President has put the wrong 60 super grades into this super grade budget outfit that he got through this House just a few weeks ago.

Mr. STAGGERS. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. NELSEN).

The SPEAKER. The gentleman from Minnesota is recognized for 5 minutes.

Mr. NELSEN. Mr. Speaker, the blame rests with the conference committee on the House side that did not stay with the position that everybody admits they should have. This includes the chairman of the committee who just said in his own statement that he did not agree with the Senate. GEORGE MAHON pointed out that he supported the separation of powers and we should not delve and dab into the power of the President and his assigned responsibility.

The other day, after the veto message came to the Congress, I started to join with others in offering a bill that would do exactly what we did by conference committee with the exception of the mandatory spending feature, which should never have been in the bill in the first place, and the conferees are to blame because we yielded. I was one of the last to give in on that point. Every other section but 601 is identical to the conferee bill. Every dollar figure is also the same.

I want to point out that the President has emphasized the guaranteed loan approach on hospital construction. This idea came to me from the manager of the hospital at Mankato a number of years ago. Senator Lister Hill was one of those who advocated the same theory, and in the bill considered 2 years ago I had an amendment and tried to get it into the conference report and almost made it at that time. We needed more studies, then but the language is finally in this bill.

You can raise money faster and quicker by way of guaranteed loans than you can by Hill-Burton, waiting your turn, waiting your turn, waiting your turn, and the President was of the opinion that this method would be better and less of a drain on the taxpayer, and that might well be true. But in this conference committee report the chairman, HARLEY STAGGERS, JOHN JARMAN, WILLIAM SPRINGER, and myself were in agreement that the provision that is now so objectionable should not be in the bill.

I remember a statement to the effect that, "Well, they do not have to pay any attention to it anyway. It has been done before."

So we finally caved in and finally permitted this language to go into the bill, which everyone here agrees should not be in it. As far as that committee is concerned, I have worked in the committee in some of the areas of mental retardation and mental health.

This has been a field in which I have worked for many years, going back to my service in the State legislature. I do believe we in the Congress need to recognize the issue before us, and that issue is: Do we tell the President: "You must do this?" And if we endorse that kind of policy, we then will be faced with similar action in looking on into the future.

There has been a statement made that we would not have time to consider this bill. This is a ridiculous thing to say, because we have considered this bill. We would not need 5 minutes to handle it in the committee, I am sure the Rules Committee would give us a rule immediately, and I am sure we would pass the bill with exactly the same provisions as we passed before, but deleting the objectionable language.

I attended a little reception last night for a fine Christian gentleman, the chairman of our committee. I remember what he said:

> In our Interstate and Foreign Commerce Committee we do not work as Republicans or as Democrats, we work together.

XUM

Mr. Speaker, I think if this decision had been made in our committee as to what we do about this, I think we would have sent another bill out, and we would pass it on the floor. But this is a political year, and there is a little mileage involved here, and I regret it, because it has always been my policy as a member of the District Committee and as a member of the Interstate and Foreign Commerce Committee, wherever we would vote, to vote and legislate in an objective and favorable way in the public interest—and this should be our objective. In my judgment we are deserting a little from that. It is my feeling we should pass the identical bill we passed before with the exception of this objectionable language.

May I say the Members will recall, when we were considering this bill on the floor, that amendments came to our attention from downtown, and we ignored them because we thought our bill was a good one. I recommend that we accept the President's decision and adopt the bill without the provisions to which he objects. That could be done in no time.

Mr. STAGGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. MADDEN).

Mr. MADDEN. Mr. Speaker, it is indeed unfortunate that debate on this important Presidential veto on H.R. 11102, extending the Hill-Burton hospital construction program is limited to 1 hour. Possibly over 300 Members on both sides of the House would like to publicly express their minds on this unfortunate veto, but are barred by House rules.

According to surveys made, practically every urban center in the United States over 5,000 population is destitute of sufficient hospital beds to accommodate the victims of illness, accidents, and other afflictions, and so forth. This demand is not confined to the elderly, but to all segments of our people. Thousands of unfortunate citizens of our country are suffering in their homes or nursing centers often conducted by fake health "experts" who reap large sums from folks who cannot afford to pay $50 to $100 per day for hospital services, and cannot rent hospital space at those inflated profiteering prices. The Hill-Burton program has been one of the great steps taken by the Congress to contribute partially toward relieving the hospital crisis that affects our Nation. The American people are unanimously in favor of expansion of the Hill-Burton program and the expenditure of whatever money it takes to aid the sick of our people.

Hospital and medical expenditures by this Congress meet the same almost unanimous endorsement of everybody and is on a par with education insofar as public ratification and endorsement are concerned. The veto legislation which we are considering this afternoon will no doubt meet with the same widespread disapproval as the education veto of January 26, 1970.

My primary purpose in taking this time is to call the attention of the newer Members of the House and to remind the older ones that this is almost a replay of a 2-day debate which took place on the floor of the House back in the Eisenhower-Nixon administration on July 23, 1957. I am incorporating with my remarks some excerpts from the House debate which occurred on that date when we were considering approximately $2 billion for Federal school construction. In 1957, we had the same battle over hospital construction as school construction and about the same arguments were used to defeat that much-needed school construction bill in July 1957 as will be used to defeat this hospital construction expansion legislation today. The only difference is that money much needed for hospital construction affects the health and physical needs of our population, while the education expansion affects only the education of millions of American youth.

I have in my hand the President's veto message read to the Congress yesterday. I shall read verbatim the last paragraph setting out his opposition to this increase for hospital construction Congress enacted unanimously. Mr. Nixon said:

> In these times there is no room in this massive program—or in any other program—for the kind of needless and misdirected spending represented in H.R. 11102. I again call upon the Congress to join me in holding down government spending to avoid a large budget deficit in Fiscal Year 1971.

Those words are almost synonymous with the President's television veto of the education bill on the evening of January 26, 1970.

If you remember the President reemphasized to the American people that the approximately $1 billion increase Congress added to his budget for education expansion would create a great threat to the inflationary spiral. Also while the President reemphasized the $1 billion increase for education, he did not remind the American people that the Congress reduced his budget of almost $80 billion on armaments request by approximately $5 billion and the Congress also reduced his budget request on foreign aid by approximately $2 billion. This total of almost $7 billion reduction on the part of the Congress certainly offset any inflationary damage that an increase of approximately $1 billion would have on education expansion.

In his veto message Tuesday he says:

> This bill authorizes direct grants which are more than $350 million in excess of the budget which I presented to the Congress for Fiscal Year 1971.

When the President neglected to tell this to the American people in his television veto of the education bill it might have been an oversight. In my opinion, if it were an oversight on the education veto on January 26 he should have given the Congress credit for the $7 billion reduction on armaments and foreign aid in his veto message which we are now considering.

Mr. Speaker, I am hereby incorporating with my remarks excerpts from the CONGRESSIONAL RECORD of July 30, 1957, when the same arguments that were used against the much-needed school construction are being presented today in favor of the President's veto against the much-needed hospital construction.

Mr. Speaker, during our debate on Federal aid for school construction on July 23, 1957—17 years ago—we had powerful opposition from banks and bond lobbies. That $2 billion aid for school construction was defeated by this House by only five votes.

Indiana taxpayers in the industrial Calumet region are still paying exorbitant interest on school bonds extending over 20 and 30 years. In our area we continue to exist in a critical hospital and school construction crisis.

This same powerful lobby no doubt is opposed to Federal aid to expand our hospital shortage along with our school and educational problems.

I incorporate with my remarks a statement of Congressman McCULLOCH on the school bond situation in Ohio, as it existed in his State 17 years ago:

> **Mr. McCULLOCH. I am very happy to give the gentleman some of the latest completely dependable figures on the State of Ohio, which covers a number of years. From January 1, 1946, to January 1, 1956, the people of the State of Ohio voted $910,293,396 worth of bonds for the building of classrooms in that State. From July 1, 1956, to July 1, 1957, the voters of the State of Ohio voted $122,568,055 worth of bonds for classroom construction. In my home district, which is made up of 7 rural counties, in that last 12-month period ending July 1, 1957, we voted upon ourselves $7,664,000 worth of bonds to build classrooms.**

Mr. Speaker, the American people are alarmed about unrest growing throughout the Nation. The majority of this discontent generates from the neglect of our domestic need. Lack of hospital facilities and educational expansion are in the forefront of the causes of unrest, discontent, riots, and so forth.

The House of Representatives has an opportunity today to overcome some of the mental attitudes of the public by

rejecting this veto of much-needed hospital construction.

Mr. STAGGERS. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker and Members of the House, we have just heard the gentleman from Indiana, my colleague on the Rules Committee, Mr. MADDEN, warn us that there are going to be serious political repercussions in November if we do the thing I believe most of us realize in our hearts we ought to today, and that is to sustain the President of the United States on this veto.

If I thought for 1 minute I were standing up before this House and recommending the final interment of the Hill-Burton hospital construction program I would confront that task with some fear and trepidation, but I do not believe there is a single Member in this body who believes that either the Senate of the United States or the House of Representatives is going to let that program which has been on the statute books of the United States since 1936 expire.

I was among those who joined the ranking member of the Committee on Interstate and Foreign Commerce yesterday in introducing a bill that is identical in every respect to the bill that came out of the conference committee with the single exception that we delete the one objectionable provision of this bill, section 601.

I would commend the very distinguished chairman of the House Committee on Appropriations, the gentleman from Texas (Mr. MAHON), who realizes that this is not a partisan matter at all, that whether it be President Johnson or President Kennedy or any other President, he would object to having his hands tied in the kind of fashion that we would propose to do by this particular section.

I would repeat: The issue is not Hill-Burton; the issue is whether we want to lose credibility as Congressmen in the eyes of the country by passing legislation with this kind of a provision.

I would submit that when we have earlier spoken, as we have done, and said that we are imposing a spending ceiling on the administration, and then we turn around in the very same session of Congress, a few weeks later, and say, "We direct you now, Mr. President, to violate the very ceiling we sought to impose," we look less than sincere in the eyes of the American people.

Yes, there may be, Mr. MADDEN, some repercussions in November, but I believe the American people are going to register their support and their approval of an administration that regardless of political consequences has the courage—has the courage, I repeat—to be constant in the battle against inflation.

Let me point out another matter which was raised earlier this week by the gentleman from Illinois (Mr. MICHEL), a member of the Appropriations Committee. The administration is not abandoning Hill-Burton. Indeed, if Members will look at the veto message they will find this statement by the President:

> There are many excellent provisions in this bill and I shall be happy to approve a financially responsible bill without delay.

What the administration seeks to do is to redirect this program in such a manner that we can build more hospitals, that we can provide more hospital beds and better hospital care for the people of this country in those areas where they are most needed, with loan guarantees and with interest subsidies that would generate an even greater volume of funds to carry out the construction of more hospitals than we are presently able to do under the current program.

There is not any question at all in my mind this afternoon that we are doing the financially responsible thing. This is not a question of partisanship. It is simply a question of being consistent in our approach to the whole fiscal problem which confronts the Nation.

In answer to my friend from California, Mr. Moss, when he says that we ought to have the right to set priorities, I yield to no Member of this body—to no Member—in my desire to uphold the prerogatives of the Congress in doing that very thing. Yet let me point out that when we come later to bills on the environment, when we come to bills on education, when we come to the bills in literally a half dozen different fields I could mention, we could make the very same argument that in respect to all those bills we ought to put on a section like section 601 to tie the President's hands.

I believe we ought to vote to sustain the President's veto in this case.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Speaker, I have looked up some definitions in my dictionary of the "constant battle against inflation," and I find the following definitions:

Under the heading of "fiscal responsibility" I find "firing a cost accountant, A. Ernest Fitzgerald, from the Pentagon because he revealed to the American taxpayers that they were being overcharged $3.5 billion on one airplane contract."

Under "Fiscal irresponsibility" I see this definition:

> Appropriating just one-third the amount of that overcharge to help build hospitals all over the United States.

Mr. Speaker, ever since I was a little boy, whenever I have thought of the President of the United States, I have thought of one who would drive the money changers from the temple and help heal the sick.

What ever has happened to us?

Mr. STAGGERS. Mr. Speaker, I yield 5 minutes to the minority leader, the distinguished gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, the vote to be taken very shortly is not a question of support for or opposition to the Hill-Burton program. Members on both sides of the aisle over a long, long period of time have voted for the authorizations and voted for the appropriations. A vote to sustain the veto today is really a reaffirmation of the bill that was passed by the House, and it is a denial of the bill passed by the other body. The issue is really only section 601. As a matter of fact, the issue here today is not the Congress vis-a-vis the President; it is the House and the President against the other body. If we are to uphold our House position, we should vote to sustain the President here today.

The distinguished majority leader made the observation a few moments ago that the President had not requested funds for Hill-Burton for fiscal year 1971. The facts are that the President submitted a program and proposed legislation that had far broader application and would have provided far broader help and assistance financially.

In the bill, as I understand it, submitted on behalf of the President's program by the distinguished gentleman from Illinois and many others, the President recommended "whatever sums are necessary to carry out the President's loan guarantee program and the other parts of that particular bill." So, the President has and does support a hospital construction program.

Mr. Speaker, comment has been made that on June 10 of this year the House unanimously supported the conference report. That is true but there is a good explanation and justification for a different vote today. The House on June 10 was in a position where they either had to vote yes or no on the conference report, because the other body had taken the papers first and they had ahead of the House approved the conference report. When the matter came back to the House of Representatives we either had to vote it up or down. We had no choice, no option at that point to send that conference report back to conference. At that time the choice was clear. We either had to approve or disapprove the whole conference report. We had no choice to attempt to eliminate section 601.

In defense of the distinguished gentleman from Illinois in his comments on the floor of the House that day, let me read what he said.

He warned everyone of us that there was this dangerous provision, section 601, in the conference report.

The language of the gentleman from Illinois is as follows:

> A requirement in the Senate bill that all money appropriated for health programs of all sorts be spent within the year was considered a dangerous incursion into Executive prerogatives by your conferees.

Yes, Mr. Speaker, the House was appropriately warned that an undesirable provision was in the conference report.

Let me emphasize the point that has been made by several here today. On May 7 of this year the House of Representatives approved a spending ceiling and voices were raised in this body on behalf of economy in Government and we were proud of our accomplishment. We thought this was a great move to hold down Federal spending on the basis, allegedly, of fighting inflation.

However, about 6 weeks later we are faced with a rather crucial test. Do you mean what you said on May 7 or do you not? It seems to me we ought to be consistent. We cannot have it both ways when on May 7 we voted one way and

XUM

now turn around and blithely vote the other way on June 25.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. SPRINGER. Mr. Speaker, I wonder if the distinguished chairman of the Committee on Interstate and Foreign Commerce will yield the minority leader an additional 2 minutes?

Mr. STAGGERS. Yes. I am sure we have additional time here and I shall be glad to yield 2 additional minutes to the distinguished minority leader.

Mr. GERALD R. FORD. I thank the gentleman from West Virginia.

Let me say, Mr. Speaker, some of my friends on the other side of the aisle allege that this vote will be a political issue. I do not think it will be as they want it. There will be a far more important political issue, and that is the question of inflation. Everyone knows that excessive Federal spending has caused the inflation which we are experiencing today. The excessive Federal spending over the last few years has fueled the flames of inflation and if we add more Federal spending to the economy it will inevitably increase the problem and not lick the problem.

So, those who vote today to increase Federal spending through the adoption of this mandatory provision, section 601, can be charged and charged legitimately with helping to increase inflation and those who vote to sustain the President can claim credit in trying to do something affirmatively about inflation.

One final point, Mr. Speaker: There is a remedy. Sustain the President. The House Committee on Interstate and Foreign Commerce under the able leadership of the distinguished gentleman from West Virginia (Mr. STAGGERS) will report out this bill which was basically their bill, with the exclusion of section 601. I daresay that if this course is followed it will go on the Consent Calendar and be approved by the House at the next call of the Consent Calendar. If not, it could be programed by the distinguished Speaker and the distinguished gentleman from Oklahoma, the majority leader, on the next suspension calendar date and it would be approved overwhelmingly.

Mr. Speaker, there is a remedy. It can be done if we sustain the President's veto.

I think the House of Representatives ought to stand with the President against the wrong provision that was included in this legislation by the other body.

Mr. WYLIE. Mr. Speaker, my initial reaction to the President's veto of H.R. 11102—Medical Facilities Construction and Modernization Amendments of 1969—was unbelievable. How could the President veto an authorization for the construction of hospital facilities? Then, too, Hill-Burton has a reputation of being one of the best Federal-State programs. In Ohio for over 24 years the Federal Government has provided more than $155 million which has been matched with $544 million by local communities. There is no question as to the current need for hospital facilities.

In addition, I voted for the bill when it passed the House and for the conference report.

I must admit that I was not aware of the mandatory language in section 601 which was added by the Senate and adopted by the House-Senate conferees. Even if I had known about the language, I probably would have said Congress cannot enact language which would be legally binding on the President anyhow so it does not mean anything. We saw this in the case of the highway trust funds where President Johnson just simply did not issue the checks and there was no way he could be forced to do so.

President Nixon regards the language of section 601 as being mandatory. In my judgment, it is not good practice to say that a certain amount of money must be spent in a certain period of time. As a matter of fact, the authorization is $350 million above the budget request.

It takes many months to get plans and specifications ready for a hospital. The planning and development of a hospital is a complicated process, and just to authorize an appropriation does not build the building. But, to say that $350 million above the budget request must be spent before a deadline could not help but lead to waste and might, in fact, jeopardize what has been one of the truly great Federal/State assistance ventures.

If we delete the mandatory language, I will vote for a similar bill which has been introduced by members of the Interstate and Foreign Commerce Committee, although I would prefer an authorization for appropriations closer to the budget figure.

Returns from a recent questionnaire which I sent out indicate that the people of my district feel that the most important problem confronting the country today is not environmental pollution, crime and violence, or Vietnam. It is inflation. So I will vote to sustain the President's veto.

Mr. STAGGERS. Mr. Speaker, I yield 7 minutes to the gentleman from Louisiana (Mr. BOGGS).

Mr. TAYLOR. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from North Carolina.

Mr. TAYLOR. Mr. Speaker, I hold in my hands a copy of the Asheville Citizen and call attention to a headline which reads, "Veto by Nixon of Hospital Bill May Boost Rates." Destroying the Hill-Burton hospital grant program will boost hospital rates and the people know it.

In his veto message, the President argued that direct grants should be replaced with guaranteed loans. Most hospitals are already in financial trouble and are not in position at this time to assume the added burden of repaying long-range construction loans.

Constantly rising medical and construction costs have made it increasingly difficult for most hospitals to keep even. I have personally talked to many hospital administrators in western North Carolina who assure me that their institutions are definitely not in position to borrow money to meet their needs. In many cases, long-range construction plans have been based on assurances that continued grants will be available under the Hill-Burton program. Many towns and counties and hospital boards of trustees have issued local bonds or raised millions of dollars through donations in expectation of matching Hill-Burton funds for the construction of badly needed local hospital improvements. In my opinion, it is unwise and unfair to change the rules in the middle of the ball game and deny them the Hill-Burton matching grants that they had every reason to expect.

In my congressional district in a small town in a rural-type county, a new hospital is badly needed and some 2 years ago the local people raised through donations $1 million to meet this need—$850,000 had been promised from Hill-Burton funds, some from the Duke endowment, and some from the Appalachian Regional Commission. The architect is now finishing preparation of the plans and suddenly the community is told that no Hill-Burton grant money is available. I ask you is it fair and proper to jerk the rug out from under their plans and hopes in this manner?

Certainly if these grants are to be terminated the program should be phased out gradually over a period of years so as to keep faith with obligations made in situations like the one above.

This is a valuable and popular program which has produced local interest and made possible many needed hospital improvements in all sections of America and I hope that the House will override the President's veto.

Mr. ROGERS of Florida. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from Florida.

Mr. ROGERS of Florida. Mr. Speaker, if the gentleman would permit, I would like to make two or three points.

Mr. BOGGS. The gentleman knows that I have very limited time.

Mr. ROGERS of Florida. First of all, somebody in this country has to stand up and speak up for the health of the people of this Nation.

And I think that the House will stand up for better health in this Nation. The fact that the House, by a nonpartisan, unanimous vote of 377 to 0, passed this bill indicates that we are equal to our responsibility for improving the health conditions of this Nation.

We know that there is a present need for an additional 85,000 acute care hospital beds, 893 public health centers, 164,000 additional long-term hospital beds, 872 diagnostic and treatment centers and 388 rehabilitation facilities and modernization of 455,000 acute long-term beds.

This comes at a time when the average cost per day of a hospital stay is more than $55. Doctors have told us that the cost per day in many areas is already over $100 per day and this is expected to be the pattern all over the Nation in the near future unless action is taken. We know of instance after instance where people are forced to wait for hours in emergency wards and other people are put into hallways because there are not enough beds.

It would take an estimated $5.3 billion to build what we need right now and an additional $10.5 billion for modernization of the 455,000 acute and long-term beds. So if we drafted a bill and asked for the money we need just to get this far, we would need more than $16 billion. But the bill we are voting on now calls for only a fraction of this because that is all we can provide right now.

In addition, I would point out that this is not, I repeat, not, an appropriation bill. This is an authorization bill. This bill sets out the needs which your committee has found to be most urgent. It does not supply the funds to meet the needs.

The history of health legislation shows us that unfortunately the appropriations seldom match the authorization. Health has been relegated too long to a very low priority.

We have heard from the President, and from his Secretary of HEW that a crisis in health exists. I agree. And I think that we must put a halt to the sliding priority which has been assigned to health.

I would also mention that of late there has been much concern about the cutbacks in cancer research. Last year alone more than 323,000 Americans died from cancer. Yet we are not putting enough money into research which will bring us a solution to this national problem. In fact, we have seen the budget cut in cancer research. The National Cancer Institute has testified that it can utilize $257.8 million in fiscal 1971. But the Administration has cut this and asked for only $202 million.

We know that more than a quarter of a million people are going to die from cancer next year. But we are doing very little to speed a cure.

The Congress must assert the initiative to finance the research for this country concerning cancer, heart and stroke and other diseases. There were no funds requested to build acute hospital beds, no funds requested to build any community mental hospital centers. The highest inflation in the country is occurring in the health field, up 17 and 18 percent. Unbelievable. If we do not have a sufficient program to deliver services to the people, that is where inflation is going to really rise. We must do something about building hospitals and facilities so that there will be facilities available when people are sick and need help. If the shortage of health facilities continue in such large numbers as outlined above, then the costs of medical care will rise even more than before. This will affect everyone's pocketbook, particularly those who do not have the means to pay $100 a day in hospital expenses. To fight inflation requires action to try to reduce costs in the most inflationary sector of our economy, and that is in the health field. If you get sick and have to go to a hospital today, you will really know what inflation is. Shortages of beds and facilities, means higher prices for each family who has a sick member.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from Texas for an observation.

Mr. PICKLE. Mr. Speaker, I thank the gentleman for yielding.

This administration made no request for new hospital construction in the 1970 or 1971 budgets. When you do not have money for new hospital construction in the Hill-Burton program you are literally taking the heart out of that program. Therefore it is needed, and we must have it. There is a place for mortgage loans, but if we had depended on mortgage loans alone we would not have one-third of the hospital facilities we have today. We need the legislation.

Mr. BOGGS. Mr. Speaker, there have been several words bandied here this afternoon, and the two which have impressed me most are "consistency" and "credibility."

A poet once said, "Consistency, thou art a jewel." To me it is incomprehensible to have the distinguished gentleman from Illinois (Mr. ANDERSON) and the distinguished minority leader (Mr. GERALD R. FORD) argue that a vote to sustain the President is consistent.

We passed the conference report without a single vote against it. Now where does the consistency come in when you reverse yourself? If that be consistency, then I would cite another poet, Ralph Waldo Emerson, who said, "Consistency is the hobgoblin of small minds." And let me repeat the words of my dear friend, the gentleman from Illinois (Mr. SPRINGER) when this conference report was up, and when he recommended that the House approve the conference report, and he said this, and I quote his statement from the RECORD:

> The conference report embodies several compromises but we feel—

Meaning the conferees—

> that the essential elements of the House bill have been preserved.

And then he said, with reference to section 601:

> In order to come back with a bill it was finally agreed to retain the requirements for three programs only. They are Hill-Burton, mental health, and mental retardation.

I am quoting the gentleman from Illinois. At that time he recommended adopting the conference report, and it was adopted unanimously with his vote and all of his Republican colleagues.

Now what makes him think if we adopt a new bill, with the proposed changes, that the other body is going to take the language in the new bill? How does he get that idea? Have they given him that assurance? I would not think so.

The idea that the appropriations requirements of this bill are something new or different or inconsistent is entirely wrong. In truth and in fact, we have dedicated funds and required the President to spend the funds, for many, many years.

Former Senator Lister Hill of Alabama, a distinguished Member of the other body, was a sponsor of that amendment many years ago. In addition to that, we have all kinds of dedicated programs in the federal system. We have just established a brandnew one—the Aviation Facilities Expansion Act—which includes a similar dedicatory provision.

We have had it for years in social security.

We have had it for years in the Veterans' Administration.

We have had it for years in the Railroad Retirement Fund.

We have had it for years in civil service retirement.

We have had it for years in many other programs of this Government.

The chief counsel of this Department of Health, Education, and Welfare rendered an opinion to Secretary Finch in January of this year which was incorporated in the CONGRESSIONAL RECORD, volume 115, part 1, page 1487, by the distinguished gentleman from Minnesota (Mr. QUIE). I will give you a direct quote from the opinion:

> The Hill-Burton program is clearly a mandatory program both with respect to the allotment of the entire appropriation.

And so, the dedicatory provisions of this bill are entirely legal.

But this is not the central issue of our debate here today. The real question is whether Congress is going to provide adequate hospital facilities for our sick and aged.

At this moment we need 85,000 acute-care hospital beds and 165,000 long-term-care hospital beds in this country.

Several weeks ago, when this question was before us, Congress gave its answer: We passed this bill without a single dissenting vote. I do not think we can do any less today.

I intend to vote to override the President's veto and I urge all my colleagues to join me.

Mr. BARRETT. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I shall be glad to yield to my friend, the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. Mr. Speaker, President Nixon's veto of H.R. 11102, which would have extended the Hill-Burton hospital construction program, as well as providing additional funds for the construction of hospitals and for the guarantee and subsidy of hospital loans, was an outrageous slap at the American public. There is a crisis, as everyone knows, on the American health scene. Too few hospital beds, too few doctors, too few nurses, too few medical technicians, and too few efforts on the part of the Federal Government to provide adequate health care facilities for the public are facing this country today. With this situation, President Nixon demonstrated outrageous contempt in vetoing this bipartisan-supported hospital facilities bill.

The cost of hospitalization is fast approaching the average of $100 a day in almost every section of the country due mainly to the expensive operations of inadequate and old hospitals and medical facilities. Unless this veto is overridden, we can surely expect the cost of hospitalization to rise even higher. Mr. Speaker, the President's veto of this bill is all a part of this same strategy, failure to take the proper economic steps to provide adequate housing for American citizens, the calloused attitude to permit unemployment to rise, and utter disregard for much needed Federal aid to education around the country. The President himself stated last July that this Nation faced a health crisis, yet 1 year later the President has apparently forgotten this statement because of his vital concern over "fiscal irresponsibility." Well, Mr. Speaker, the irresponsibility is not in fiscal matters, but in the administration's domestic policy. I urge that this House overwhelmingly override the unfortunate veto of a vital bill.

Mr. STAGGERS. Mr. Speaker, I yield

one-half minute to the gentleman from North Carolina.

Mr. BROYHILL of North Carolina. Mr. Speaker, for the 8 years I have served as a Member of the House of Representatives, I have viewed with increasing concern the need for expanded and modernized health-care facilities. In fact, I strongly believe that these broad needs require the most urgent priority and, for that reason, I support this legislation as it has been written and submitted to the President.

As a member of the House Interstate and Foreign Commerce Committee, I believe that the bill developed by the committee significantly improved the measure submitted by the administration some time ago. In fact, I have been distressed with the administration's desire to rewrite the Hill-Burton program to replace the concepts of grants-in-aid with a system of guaranteed loans. This is a new and untried concept which may possess great potential as a device for financing health care facilities requirements. However, our committee strongly believed that abandoning the grants-in-aid program could have serious and unsatisfactory repercussions. Nothing has happened to weaken that view as I evaluate the issues in this debate.

Certainly, we must welcome new approaches to old problems and the plan for guaranteed loans ought to be explored, but the progresison of needs for the Nation's health care facilities will not stand still while we experiment with a new concept. That is why I so strongly supported the balanced judgment which the House version of this bill contained. It did not deny the opportunity to explore the plans for guaranteed loans. At the same time, it did not abandon a long and successful program, such as Hill-Burton, which through a quarter of a century of use has brought into being hospitals where none existed previously and where the likelihood for such facilities would have been dim, indeed, without it.

We must be frank, I think, in expressing the basic concerns which many Members of the House feel about what is involved here. I, for instance, have no wish to interfere with the legitimate prerogatives of the executive branch: But, neither do I believe that latitude should be extended by the Congress to allow the abandoning of a necessary program.

There is an unfortunate implication in the veto of this bill that the grant-in-aid program for Hill-Burton could be nullified by the simple expedient of refusing to commit funds provided for this purpose.

It is important to the Nation, I believe, that the integrity of the Hill-Burton program be preserved. That appeared to be the overwhelming sentiment in the House on June 10 when it approved the conference report on this bill by a vote of 377 to 0. I hope that the House will reassert its support of this measure now so that it can be enacted into law.

Mr. STAGGERS. Mr. Speaker, I yield to the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS of Florida. Mr. Speaker, I want to make a point that I do not think really has been made.

This is not an appropriation bill. If an appropriation bill were to come out and up the limit, the President can veto that bill.

This is simply putting a limit on what can be spent. There is no money in the bill.

As you may know, last year the Congress appropriated $176 million out of an authorization of $295 million.

So, therefore, this argument fails insofar as raising that kind of issue on this bill.

It is on an appropriation bill where the issue of spending or not spending should be raised. The bill authorizes limitations on the amount that the Appropriations Committee could recommend that the Congress appropriate for the President to spend.

Mr. CEDERBERG. Mr. Speaker, I yield to no one in my support for the Hill-Burton program. My record clearly indicates that I have always supported and will continue to do so. The issue today is not the merits of the program but only the provision which requires the President to expend within the fiscal year the amounts appropriated. While in my opinion the President already has the right to determine the rate of expenditure up to appropriation levels. The President feels this authority may not be clear. I intend to vote to sustain the President's veto because I believe it will not in any way hinder the program but that it assumes proper fiscal order.

For anyone to interpret my vote as being against the Hill-Burton program would clearly be a distortion of my record and intent.

Mr. TIERNAN. Mr. Speaker, yesterday, in vetoing the Hospital and Medical Facilities Construction and Modernization Amendments, President Nixon termed the bill a "long step down the road to fiscal irresponsibility."

Can it be termed irresponsible for a Nation that is spending $30 billion a year on a war of destruction in Southeast Asia to now spend $865 million over a 3-year period on hospital and medical facilities? This means that less than 9/10 of 1 percent of our war expenditures will be spent on needed hospital beds, out-patient facilities, extended care services and loan programs for the construction or modernization of these facilities.

The President said that the bill he had vetoed would significantly restrict Presidential options in managing Federal spending. This of course is a direct reference to the section of the bill that would prevent administratively imposed freezes, reductions and rollbacks from applying to health programs authorized under this act. The Congress, by this amendment, demands that the health needs of our citizens must come before bombs and SST's. The President obviously objects.

The time has long since come that the Congress stand up and be counted. This bill passed the Congress by a combined vote of 430 to 0. We must not now sit aside and watch this needed legislation die.

Mr. ADDABBO. Mr. Speaker, the Hill-Burton program has been our primary weapon against critical hospital bed shortages for the past 25 years. Without this program, the health crisis which exists in our Nation today would be beyond solution.

The Congress has always recognized this fact and this year both the House and the Senate unanimously approved the Hospital and Medical Facilities Construction and Modernization Amendments of 1970. This legislation authorizes $2.79 billion over a 3-year period for construction and modernization of health facilities. Of this amount $1.29 billion was earmarked for grants and $1.5 billion for federally guaranteed and direct loans.

This commitment by Congress to meeting the health crisis in America must be upheld and I urge my colleagues to join with me in voting to override the President's veto.

This is the second time this year that the President has tried to kill vital social legislation—first in the field of education and now in the field of health. The time for establishing new and clear priorities is now and Congress should be proud that it has chosen education and health as basic starting points.

The unanimous vote of the Congress should be sustained and I hope that the vote to override the veto will also be unanimous.

In my own community and other parts of my district there are areas of population of over 200,000 without adequate hospital facilities within 10 miles.

Mr. HOWARD. Mr. Speaker, I rise today to urge my colleagues to override the President's veto of the Medical Facilities Construction and Modernization Amendments of 1970. The override of this veto would do more than provide desperately needed funds for medical services of this Nation—it would emphasize the need and intent of this Congress to provide a reordering of our national priorities, and a long overdue reordering at that.

It would appear that the present administration is very long on concern in its speeches, but very short on concern when it comes down to hard cash. The President has spoken eloquently on the growing medical crisis in our Nation. But he refuses to accept our concern as evidenced by our authorization of these funds. These funds will not solve that medical crisis; but the death of this legislation will increase the crisis to incomprehensible proportions.

Mr. Speaker, recent figures indicate that it costs approximately $50,000 for each bed in hospital construction. Our communities cannot provide that kind of money, but they must have adequate health care facilities. At this cost, in a 200-bed hospital, running at a norm of 80 percent occupany, it costs each patient $5.60 each day, in interest costs on a $3 million loan for construction of that hospital. Is it any wonder our citizens cannot afford decent medical care?

In my own area of New Jersey we are desperately in need of additional hospital bed space. Presently, there are two hospitals under construction, but the Freehold General Hospital will not be completed for another year, and the Bayshore Community Hospital in Holmdel, will not be ready for almost 2 years. By that time, even these two hospitals will be inadequate to meet the needs of our continually growing population.

We ask here: What will passage of

this bill mean to these two hospitals, and other planned or under construction in the State of New Jersey? Well, in the first place, this legislation will bring approximately $7.9 million into the State for direct grants to hospitals. It will also make $18 million available for guaranteed loans, with a 3-percent interest subsidy.

Considering that the Bayshore Hospital has currently a $3.5 million loan outstanding, and the Freehold Hospital has a $4 million loan, both at 9 percent interest rates, the assistance provided by these Hill-Burton funds will be enormous. Placing these two hospitals under these programs will make their effective interest rates only 6 percent, and will consequently reduce the cost of care for each patient admitted to those hospitals.

It is frightening to realize the hospitals in our area are running from 90 to 100 percent occupancy. The occupants of these hospital beds are primarily urgent cases. Urgent cases are distinguished from "elected" cases. It should be noted that a person who has "elected" to have an operation to remove a cancerous tumor is in the latter category. Patients in this category must place their names on a waiting list for admission, and these lists are running from 4 to 6 weeks behind. This time lag can mean literally the difference between life and death for these patients.

The President has called this legislation "fiscally irresponsible." I call it an answer to urgent need. Unfortunately, the President has determined that war and armaments are our sole priorities. The Congress today has a responsibility to order new priorities. If the President wants to save money I would submit there are many areas in which he could do so, without damaging the prospect of health care for the entire Nation. I would suggest that he save money by reducing the military budget for useless items and outrageous cost overruns. I would suggest that he save money by supporting our efforts to reduce the farm subsidies. I would suggest that he use his veto power on such unnecessary programs as the Federal development of the supersonic transport plane.

No one is more aware of the need for fiscal responsibility and reduced Government spending than I am. My argument lies, however, in the necessity to choose carefully the places where the reductions occur. I do not believe this country can afford to stop spending money on health care for our citizens. I urge my colleagues to consider this carefully in their decision today to override this irresponsible veto of H.R. 11102, the Medical Facilities Construction and Modernization Amendments.

Mr. RYAN. Mr. Speaker, I will vote to override the President's veto of H.R. 11102, the Medical Facilities Construction and Modernization Amendments of 1970.

Once again the House has before it a bill that has been vetoed by the President on the ground that it is "financially irresponsible" and "inflationary."

Once again the bill that the President has vetoed deals with one of the most serious problems facing our Nation—that of the health and welfare of our citizens.

At the same time, the President has given priority to other programs which we must assume he feels are fiscally responsible and noninflationary. His support of an expanded war in Southeast Asia, an expressive military budget, and the SST gives them preferential treatment over our Nation's health and welfare needs.

The bill before us had the unanimous support of both the House and the Senate. The House passed H.R. 11102 by a rollcall vote of 351 to 0; the Senate by a vote of 79 to 0.

This bill provides for the continuation of the 25-year-old Hill-Burton program—a program which has in the past helped to promote the development of hospital and medical health care facilities.

I need not tell my colleagues about the crisis in medical care which exists in this Nation today.

I need not tell them about serious overcrowding and lack of facilities in our medical care centers.

I need not tell them of the inadequacy of emergency facilities in areas throughout the Nation.

This bill provides $1.2 billion for hospital and medical care facilities. This is not nearly enough to solve our health crisis.

How can the administration justify some $70 billion for weapons of death and destruction and at the same time refuse a little over a billion dollars for health care and lifesaving?

It has been said that there will be an increase in Federal health outlays of 28 percent in fiscal year 1971, and thus the administration is committed to health care problems. I do not agree.

It has been suggested that the only objection the President has to the bill is section 601—which requires all funds to be spent. The argument goes that he does not object to the high priority given to Hill-Burton, but only to the fact that all appropriated funds must be used. How can the administration say it supports the program and then refuse to support full use of the appropriated funds?

I am as concerned about the state of the economy as the President. I am concerned about what Americans are being forced to pay in taxes. I would suggest to the President, however, that, if he is really concerned about inflation and fiscal irresponsibility, that he veto bills whose benefits do not accrue to all Americans, such as parts of the military budget and the SST.

Mr. HUTCHINSON. Mr. Speaker, on June 4, 1969, I voted in favor of H.R. 11102, a bill extending the Hill-Burton program of hospital construction and establishing a loan program for hospitalization modernization. The grant program for new hospital construction was a 3-year program authorizing the appropriation of $937 million over that 3-year period.

The bill then went to the Senate, where the authorized cost of all programs within it were greatly increased. The House-passed $937 million grant program over a 3-year period, for example, became a 5-year program authorizing a total of $3,305 million—a figure wholly irresponsible in terms of the budget.

The Senate also wrote into its version of the legislation an availability of appropriations title, which required that all appropriations for health programs in any fiscal year be spent in that year, thus preventing expenditure control by the executive branch.

The two versions of the legislation House and Senate, were submitted to a protracted conference. In the end, agreement was reached by unanimous vote of the conferees, and on June 10, 1970, I voted in favor of the conference version along with all other Members of the House voting on the issue.

The conference version, so far as the Hill-Burton grant program was concerned, continued the traditional distribution formula. It was a 3-year program authorizing the appropriation of a total of $1,202 million. While the conference amount was $265 million above the bill the House passed a year earlier, it was little more than a third of the Senate-passed figure.

When the conference committee presented its case to us on June 10, I, for one, thought the House conferees had done a pretty good job to bring the Senate back from $3,305 million to a figure less than $300 million above the original House bill.

There was no indication that the administration was displeased with the compromise, no indication that the amount so far exceeded the President's budget as to threaten a veto.

The conferees also brought back the Senate availability of appropriations provision, modified in such a way that instead of all health programs, it would reach only three—Hill-Burton, mental health, and mental retardation.

Here again there was absolutely no indication that the administration opposed such a provision. No hint of veto was heard in these Halls.

In his veto message the President writes that the grant program at $1,202 million exceeds his budget by $350 million. Equally important, the availability of appropriations title, section 601, is so restrictive in the management of Federal expenditures as to make it impossible for the President to exercise control within the limits of the expenditure ceiling imposed upon him by Congress.

In this case there has been a complete breakdown in communication between the President and his leadership in the House. The membership was not told that the administration was opposed to the final version of the bill. In fact, the administration's leadership here supported the conference report. Neither a word was said nor a vote cast against it.

We are told that if the veto is sustained the Congress will promptly pass a bill identical except for the deletion of the availability of appropriations section 601. I have introduced a bill to accomplish that. The issue immediately before the House is thus narrowed to whether the President should be compelled to spend all the money Congress appropriates. If it is good policy to compel a certain level of expenditure for three health programs, it would be equally good policy to compel expenditure in most, if not all, programs throughout the Government. If Congress were effectively organized to make those judgments, that would be one thing. Regrettably, it is not. And the only mechanism for expenditure control

XUM

now existing is in the Executive. There must be a management of Federal expenditures. Congress cannot on the one hand impose an expenditure ceiling on the President and on the other hand deny him flexibility in expenditure management, unless Congress is ready to completely manage every expenditure. But Congress cannot do that, at least not now.

So, Mr. Speaker, I shall vote to sustain the veto. I do so believing this Congress will pass legislation continuing the Hill-Burton program. I do so also with the plea that the President will not again veto legislation with popular support without suggesting to his leadership here at the time of House debate his disagreement with the bill.

Mr. PODELL. Mr. Speaker, at the very time that the U.S. health services are on the verge of important breakthroughs in their research, the money for the support of such programs is being denied them. We hear of plans by the Federal Government to eliminate the division of chronic disease of the Public Health Service with the resulting loss of the Bureau of Cancer Control. To some, it seems insignificant that this Bureau has been responsible for training or specialists for the early detection and the treatment of cancer. Yet, I believe that President Nixon's veto on Monday of the bill appropriating funds for the construction and the modernization of medical facilities is the most serious setback that health care has received thus far.

Let Congress appropriate $290,000,000 for the supersonic transport plane and the White House will shout "bravo." Let Congress appropriate grants for hospital construction and modernization and the White House cries "fiscal irresponsibility." It is once again time to raise the issue of this administration's seeming lack of concern with the health and well-being of its citizens.

The United States has traditionally thought of itself as the richest and the healthiest Nation on this earth. Statistics, however, prove otherwise. Twelve nations rank better on the rate of infant mortality than does the United States; 29 nations have higher male life expectancy; six have better life expectancy among their female population. Obviously, our efforts until this time have left much to be desired, and those efforts are in serious danger of being reduced still further because of the lack of funds. Despite all this, the President still terms hospital construction "fiscally irresponsible."

Community health centers in this country have traditionally provided an invaluable service in their excellent treatment of the mentally disturbed. These centers have become integral parts of the communities they serve, and we need more of them. We must also insure that the quality of the staff that they hire remains high.

These centers have made important breakthroughs in the treatment and the rehabilitation of narcotics addicts, and have the ability and the facilities to expand such service if they are given adequate funds.

Yet, the administration's proposed 1971 level of funding falls far below that of last year. It provides for no new "initiation and development grants," and will not permit any new construction of mental health facilities. In addition, no money has been allotted for the child mental health programs that the centers presently administer.

Our medical and dental schools have had to ask the Federal Government for more money. Many have seen their endowments eaten up by the high cost of educating the future doctors and dentists that this country needs so desperately. We decry the shortage of such health professionals only to find that the Government meets these needs with too little, too late. In the views of numerous deans of our medical schools, Federal initiatives have been far from sufficient.

Is it too much to ask that a nation as rich as ours be given the best of health care? Is it too much to ask that a nation as rich as ours not have its citizens make appointments to have operations when there is a "free bed" rather than when there is need to have an operation?

Our Nation is in the midst of a serious economic situation; there is nobody that can deny that fact. However, our Nation is also in the midst of a serious health crisis, and we do not have to appoint another commission to tell us that. Doctors have come to my office in Washington to tell me that their research money has been cut off. Some have said that they were on the brink of a discovery of the relationship between cholesterol, high blood pressure, and heart disease, only to find their project suddenly canceled because of the lack of funds.

Mr. Speaker, we have money for guns and for armaments. We pay people not to produce wheat; we spend a small fortune on a commercial aircraft that will be used by only a tiny percentage of our population. Yet, we cut off funds for heart research.

Mr. Speaker, I believe that there is something seriously wrong with a nation that turns its back on the real health problems of today. This Congress, because of the Presidential veto, has been given still another chance to reaffirm its commitment to the health and well-being of its citizens. I urge that this Congress act to overturn the Presidential veto and to pass the appropriation for the construction and modernization of our hospitals.

Mr. OBEY. Mr. Speaker, I am frankly amazed that the President has vetoed H.R. 11102, extending the Hill-Burton program for hospital construction and modernization.

In his veto message to the Congress, the President said that his legislative proposals regarding hospital construction "faced the need to determine priorities in the uses of limited Federal dollars." The legislation Congress passed, the President continued, "avoids facing up to the choice that has to be made."

Mr. Speaker, let us look for a minute at the priorities which seem to be of concern to this administration.

We know, for example, from State health agencies administering hospital construction programs, that a present need exists for an additional 85,000 acute care hospital beds, 893 public health centers, 164,430 additional long-term beds, 872 diagnostic and treatment centers, and 388 rehabilitation facilities, with a total estimated cost of $5.3 billion.

In his 1971 budget, the President asks for only $89 million for grants and loans for hospital construction, obviously a totally inadequate amount to finance present needs.

But while the President asks for only $89 million for hospitals for the 1971 fiscal year, he sought just a few days ago a $200 million loan guarantee for Penn-Central Railroad—a little welfare program from the Federal Tresaury for a $7 billion corporation.

Certainly, Mr. Speaker, I am just as interested as the President in cutting unnecessary spending, but why in heaven's name cannot we cut back on unnecessary moon spending, cut back on SST subsidies, cut back on foreign aid to political dictatorships like Greece, and cut back on subsidies to private corporations rather than gouging it out of the hides of small and large communities throughout this country which are badly in need of health care facilities.

The President's action in vetoing H.R. 11102 can legitimately lead us to question whether this administration has any strenuous commitment at all in the field of health care. That veto will certainly hamper future construction to meet our health care needs. I do not support that veto and I urge this House not to.

Mr. GOODLING. Mr. Speaker, I want to go on record as supporting President Nixon in his veto of the Medical Facilities Construction and Modernization Amendments of 1970.

For one thing the bill provides $350 million in excess of the amount requested by Mr. Nixon in his budget for fiscal 1971, and, in the process, puts awry the President's efforts to cut back on Federal spending and hew to the line of fiscal responsibility.

One could easily forgive this excess in spending, however, on the grounds that the money is being assigned to a good cause if there were not other negative aspects associated with the measure.

For one thing, the bill prevents the President from managing Federal expenditures in a prudent manner by compelling him to spend money whether or not it is needed, and this compulsion would be in effect for an extended period of time.

For another thing, the bill, by forcing the President to spend in one area, prevents him from spending in other areas that might have a greater need for financial support.

And a final consideration is that this compulsion aspect on Federal spending could perform as a precedent, setting the stage for binding the President with respect to other Federal programs.

In summary, I could support this bill, and I feel sure President Nixon could, too, providing the "forced spending" provision was not a part of the legislation. With this provision in the measure, the good features of the bill are too greatly diluted.

Mr. ROSTENKOWSKI. Mr. Speaker, on Monday, when the President vetoed the Hill-Burton Hospital Construction Act, he noted that to do otherwise would have been to take "a long step down the road to fiscal irresponsibility." It is regretful that the President has chosen

XUM

this legislation to demonstrate his newly developed concern for the condition of our economy. The Hill-Burton Act has been, since its inception in 1946, one of the most productive pieces of health legislation ever enacted by the Congress. The funds derived from this act have made possible the construction of numerous health facilities throughout our Nation. Recent statistics provided by the various State agencies administering this program, indicate there exists today, a dire need for an additional 85,000 acute care hospital beds, 893 public health centers, 872 diagnostic centers, and 164,430 additional long-term beds. By vetoing this bill, the President has chosen to cut costs at the expense of the millions in our Nation who so desperately need hospital care. I find this a very disturbing choice. The ability to provide health care is meaningless without adequate health facilities.

I am aware, as I am sure all of my colleagues are, of the need to cut unnecessary expenses at this time. Ways must certainly be found to slow the inflationary spiral, but the President's choice is totally unacceptable.

In 1961, in his message to Congress on health and hospital care, President Kennedy said:

> As long as people are stricken by a disease which we have the ability to prevent, as long as people are chained by a disability which can be reversed, as long as needless death takes its toll, then American health will be unfinished business.

Mr. Speaker, we still have this unfinished business before us and therefore, cannot let this historical act expire. I urge my colleagues to override this Presidential veto in order that the benefits which have emanated from this act may continue.

Mr. WYATT. Mr. Speaker, the Presidential veto of the Hill-Burton Act opens wide the door for the demagog for irresponsible charges both against President Nixon and against those voting to sustain the President's veto.

The Hill-Burton program for much-needed hospital construction work is a great program, and one which I have always supported strongly. The issue is not, as some would attempt to make you believe, whether you support this act or dissapprove of it.

The critical facts are these: The President in his budget requested a continuation of the Hill-Burton program, at the same time laying emphasis on the advantages of weaving in improvement and expansion of existing hospitalization facilities along with new construction as being the most practical way of providing in the fastest possible way the maximum number of new hospital beds so badly needed in America today. Congress increased the total appropriation authorization by $350 million. Congress at the same time required the President to spend every nickel of this money. Meanwhile, Congress is continuing to impose an overall spending limitation on the President.

So, we have the spectacle of Congress trying to force expenditures, while it is ordering that strict limitations be placed on expenditures.

The very same people who are criticizing the President for not making more progress in the fight against inflation are trying to make success impossible, by adding an additional $350 million to his budget request, and then requiring that it all be spent.

If we are to be responsible, and if we are to aid the President in the fight against inflation, we should maintain his budget levels, and permit him flexibility in managing our fiscal affairs. To do otherwise is an assumption of full blame for the consequential inflationary results.

As for the Hill-Burton program itself, it will continue and all programs now underway or contemplated will continue. A new bill has been introduced with numerous sponsors, including myself, without the additional inflationary $350 million, and I have no doubt that responsible Members of Congress will see that prompt action is taken to continue the Hill-Burton program. It will be continued on the same basis as before, and on a basis that will now throw gasoline on the present hot flames of inflation.

I shall support the renewal of the Hill-Burton Act with vigor and enthusiasm.

Mr. PELLY. Mr. Speaker, I have given much thought as to my vote on whether or not to sustain or override the President's veto on the bill which would extend for 3 years the Hill-Burton hospital construction and modernization program. I continue, as in the past, to be a strong supporter of the Hill-Burton program. It has been one of the most successful programs of Congress to increase the number of hospital beds in the Nation, which have been inadequate for the needs of the people.

Mr. Speaker, I want to briefly discuss each of the points I think the Members of the House should consider today.

One of these is the need for the Government to practice restraint in spending on account of inflation. The second point at issue is the special need now for hospitalization and the acute problem throughout the Nation. Also, there is the objection of the President that the Senate added language to the House bill which made the amounts appropriated by Congress under this authorization mandatory.

As to the matter of inflationary spending, it should be remembered that this legislation was passed by the House on a rollcall vote of 351 to 0. At that time I considered the inflationary aspects of the bill and supported it because it was an authorization and not an appropriation. I think the proper time to cut inflationary spending is when appropriation bills are considered. Of course, it is the Appropriations Committee which scrutinizes legislative programs and weighs the priorities and attempts to keep the overall total spending in line. So, as I say, I think when we consider the appropriation bill we should decide the proper amount which should be spent.

Mr. Speaker, on the subject of Federal expenditures, the Nation now faces a conflict between unemployment and the need to stimulate the economy, and on the other hand the desirability of cooling the economy by restraint on spending. In the First Congressional District of the State of Washington, which I have the honor to represent, unemployment, I am told, exceeds 8½ percent.

Eight and one-half percent plus employment is not a recession, it is a depression. I think that in areas such as my district inflation must be secondary and that the Federal Government should not freeze Federal projects; instead it should go ahead with projects that are needed. For example, I understand that at the present time 34 percent of my carpenters are unemployed. Hospital construction would help this situation. So I support the full amount of the Hill-Burton authorization and hope that there will be construction of this nature in the Seattle area.

Mr. Speaker, the second point involves health needs of the Nation. I have checked and find that my constituents are confronted with shortages and overcrowding of hospital facilities and that there is a shortage of emergency and outpatient facilities. So, I think the program should have a high priority.

And finally, Mr. Speaker, the President has objected to this legislation because of its mandatory language. I recognize this problem; it came up in connection with the veto of the HEW appropriation bill. At that time we had a total ceiling on spending. For 1971, however, such a ceiling has not been enacted, although the House passed one. As to whether or not Congress can force the President to spend money, Mr. Speaker, I assumed when this matter came up before that the HEW formula was mandatory, but I do not believe the Congress can make the President spend money on any project.

If the President does not spend the money there is nothing Congress would or could do about it. But meanwhile I very much doubt, under the Constitution, that the Congress has the right to force the President to spend money that he does not want to spend. So, as I say, I have given this matter great thought and have come to the conclusion that I could not properly represent my constituents if I voted to sustain the veto. I feel especially that the House is right in this case because we passed the bill without any objection from the executive branch as to the inflation factor involved, and later with the mandatory language in it we passed the conference report with no notice that the President objected.

Mr. Speaker, I want to support my President whenever I can do so. But, in this case the needs of the people in my congressional district are such that this legislation should become law.

I include at this point a telegram from the Washington State Director of Public Health in support of this program:

> Since its inception the Hill Burton program has been most successful and efficient means of getting federal dollars down to the local level where it is most needed, of any program yet conceived. Practically all areas in the state have received federal assistance in the construction of health facilities. The Hill Burton program provided the leadership and incentive for the establishment of health facilities planning and construction and licensing programs of our state. There is still great need for federal assistance in this state. For the past three fiscal years we have had applications for over $71 million of Hill Burton participation in construction costs totalling almost $2 billion. Total allocation for past three fiscal years has been $9,476,763 which is ap-

XUM

proximately 13% of the $71 million plus which has been applied for. Facilities have become outmoded and obsolete. Approximately 50% of our existing facilities do not conform to Federal standards. As Director of the Washington State Department of Health, I strongly urge you to vote to continue the Hill Burton program at reasonable level, including the loan provision.

WALLACE LANE,
Director, Washington State Department of Health.

Mr. KLEPPE. Mr. Speaker, I am today introducing legislation identical to that sponsored yesterday by the gentleman from Illinois (Mr. SPRINGER) which is identical to the Hill-Burton bill with one exception—title VI, section 601, is eliminated.

The dollar amount of the program is not changed. The mandatory spending requirement—the major reason the President vetoed the measure—would be removed.

I have always been a strong supporter of the Hill-Burton program and will continue to be. I am sure an overwhelming majority of the Members of this body share my thinking, however, that the mandatory spending requirement places an illegal and unjust restriction upon the executive branch.

When the House initially passed the Hill-Burton bill, the mandatory spending provision was not in the bill—it was added in the Senate. After 5 weeks of attempting to hammer out an acceptable compromise, and after having reduced the bill over $1 billion from the level approved by the Senate, the House conferees reluctantly agreed to accept title VI—the mandatory spending provision. When the conference report was before this body, it was pointed out that a dangerous precedent was being set by including this provision, but acceptance was apparently the price of passage.

The President, in his veto message, pointed out that the restriction on his flexibility would be drastically impaired. A limitation on total 1971 spending has already been passed by the House and reported out by the Senate Appropriations Committee. By insisting that the President spend the funds appropriated for the Hill-Burton program over the next 3 years, and at the same time limiting what the President may spend in total outlays for fiscal 1971, the Congress has withdrawn with one hand the authority necessary to do what it requires with the other.

I urge my colleagues to vote to sustain the President's veto of the Hill-Burton bill, H.R. 11102, on the basis of title VI, section 601.

I further urge my colleagues to work for immediate passage of the new legislation which I and many others have already introduced—legislation which is identical to the vetoed Hill-Burton bill, with the exception that title VI, section 601 is removed.

By immediate action on this legislation—a program that has had bipartisan support throughout the years—we will show that we recognize the logic in the President's veto while at the same time show our strong and overwhelming support and interest in maintaining the Hill-Burton program.

Mr. GALIFIANAKIS. Mr. Speaker, I support the effort today to override the President's veto of the Medical Facilities Construction and Modernization Amendments of 1970.

In the President's first exercise of the veto power last winter, when he refused to sign the Labor-HEW appropriations bill for fiscal year 1970, it was estimated that North Carolina lost nearly $25 million that it would have had under the bill originally passed by the Congress.

Nearly $4 million of that total would have been used for hospital construction and renovation—the same programs which would suffer again if the President's latest veto is sustained.

Mr. Speaker, North Carolina and the rest of the Nation cannot afford to lose money for these purposes again. The Congress realized this when it enacted the 1970 amendments without a dissenting vote. We were unanimous then, and I hope we will be unanimous today.

If the Congress sustains the President's veto it will not be a disaster for health care in North Carolina, but it will be a crippling blow. Many of our hospitals are already on their knees. We should not push them down further.

When you walk into a hospital today and see patients backed up in the halls because of inadequate room space for beds, when you see whole sections of old hospitals literally crumbling with the patients inside them, then you recognize the need for full Hill-Burton funding.

In North Carolina alone, this veto would at least reduce the funds available for a new county hospital to be built in Durham, and it would affect needed hospital renovation in 10 other cities.

I do not think the patients, or the doctors, or the nurses, or the staff in these hospitals will tolerate less than complete renovation.

What other choice is there? Do you renovate only the rooms, and leave the laboratory in an unsatisfactory condition? Do you remodel the laboratories and rooms, but leave inadequate fire escapes? Or do you stretch your money out and try to renovate everything, but do an incomplete job?

Mr. Speaker, I cannot understand the reasoning behind the veto of this bill. I do not understand how the administration on one day can ask the Congress for $750 million to bail out the Pennsylvania Railroad and then on the next day veto a hospital bill.

Surely we have a mistaken sense of priorities if the health of a railroad is more important than the health of the Nation.

To be sure, the administration has improved its position on Hill-Burton funds since the day when it proposed that the program be terminated and the costs transferred to medicare. And I do not question the fact that the President has a real interest in medical care and in remodeling the Nation's hospitals. We all do.

But a genuine interest is not enough, not if the funds to implement that interest are withheld. It is of little comfort to a patient in an outmoded hospital that his leaders in Washington are interested in his plight.

Mr. Speaker, we must have full funding for this program. The judgment of every Democrat and every Republican in the Congress was not wrong. I urge that each of my colleagues vote to override the veto this afternoon.

Mr. TAFT. Mr. Speaker, I shall vote against overriding the President's veto. When this measure passed the House originally, I voted for it and was happy to support the Hill-Burton program for continuing improvement of our hospitals and other health care facilities as I always have in the past. The bill, as it passed the House, was a far better bill than that before us now, and it would have updated and strengthened the program in a number of ways. Moreover, it would have done so without imposing upon the President the straitjacket mandating expenditures now found in section 601. As President Nixon has said, "it would interfere with my ability to comply with the limitation on total 1971 spending already passed by the House of Representatives."

Unfortunately, while recognizing the need for continuing to build and improve our hospitals, which I will support in new legislation if this veto is sustained, I recognize also that health care in this country has suffered greatly from inflation. In all measures that come before us here, we have to realize and take into account that mandated expenditures by the Federal Government can be a major factor in pouring more fuel on the fire, since they remove the judgment of the executive branch as to timing and priorities of particular projects.

In any event, the funds authorized would have to be appropriated, and this provision in the authorization bill may make it more difficult to get the appropriations desired.

Mr. OTTINGER. Mr. Speaker, this Nation is facing a very serious health crisis. The administration has already contributed to the worsening of this crisis with drastic cutbacks in Federal programs of aid for medical education, research, and health manpower. This past Monday, President Nixon struck what is perhaps the most serious blow of all when he vetoed the Medical Facilities Construction and Modernization Amendments Act. This veto must be overridden.

Medical experts all agree that the most serious weakness in our health effort is our failure to deliver health services to the people, particularly to the lower and middle-income families. That was the problem that the legislation attacked.

It is vitally needed legislation. I am proud that I was able to play a role in shaping it and equally proud of the fact that many of the reforms that I suggested have been carried into the act that was sent to the President.

The bill that President Nixon has vetoed would have made $3 billion available over a 3-year period for a broad program for the construction and modernization of urgently needed health facilities of all types. In vetoing it, the President has demonstrated callous disregard for our grave domestic problems that was demonstrated in his recent veto of the education bill.

The medical facilities bill made important new breakthroughs in meeting the desperate health needs of the average American family. Not only did it provide a billion dollar program for the construction and modernization of public and nonprofit hospitals and extended

XUM

care facilities, but it provided the first significant funding for the creation of outpatient facilities, public health centers, and rehabilitation facilities.

Under this bill we would, for the first time, be able to make a start to bring full and effective health care to the middle- and lower income communities in both rural and urban areas.

At this time the vast majority of middle- and lower income families are denied these services.

The terrible price of this denial can be seen in one set of simple statistics. Men in 22 nations have a longer life expectancy than the average American male, and the infant mortality rate in the United States ranks 14th in the world.

A significant advance made under this bill was the change of the outdated Hill-Burton formula under which hospital construction funds were allocated principally to rural southern communities. The legislation which the President vetoed would have removed this restriction. It would have permitted us, for the first time, to allocate health facilities where the greatest need is. It would have allowed the States to determine where their portion of the funds were to be spent. It would permit a State like New York to use the funds to meet the desperate needs of its growing urban centers.

One of the most serious problems that has stood in the way of effective delivery of health care to the American people is the inability of many economically deprived communities to raise the local share necessary for the construction of health facilities. The only alternative for these communities was to raise the cost of health care in order to pay for the construction of the facilities.

The gross inequity is clear.

If the families in these communities could afford the increased cost of health care, they could have afforded to raise their local share. Under existing law, the burden falls heaviest upon those who can least afford to bear it. The result has been not only increased cost, but failure to construct health facilities where they are most needed.

In some hospitals across the country, the per diem rate exceeds $100. Last year, the national average was $65 a day, an increase of 12 percent over the preceding year—and the cost is rising rapidly.

This bill made an important advance toward relieving this inequity and reducing the cost of health care. It gives the States the option of increasing the Federal share of construction up to 90 percent for projects that offer potential for reducing health care costs through shared services, interfacility cooperation, or independent ambulatory facilities.

The President, in vetoing this bill, has come out against the effort to fight the rising cost of health services.

The States reported to the President that their urgent needs for the construction of new health facilities required an investment of $6 billion and their need for modernization $10.5 billion.

The President in his veto has offered them nothing.

In his veto message, the President said:

> The major requirements today are to modernize existing but obsolete hospitals, particularly in the inner cities, and, in the face of sky-rocketing medical costs, to expand other types of medical facilities which can serve as more efficient and economic alternatives to hospital care.

This statement is true. But it represents the same empty rhetoric that the Nixon administration has applied to all of our domestic programs, for the legislation that the President proposed to replace the bill which he has vetoed—H.R. 10126 introduced by Congressman GERALD FORD, the minority leader—contains not 1 cent to accomplish this goal.

Instead, it provides for a system of Federal guarantees for loans from the private sector at existing interest rates. There is no single proposal that could contribute more to the already sky-rocketing cost of health care than the President's proposal.

The American people must no longer be deprived of the essential health services that we now recognize to be their right. We have the resources to see that these health services are made available to all. The Congress of the United States made an important forward step toward achieving this goal in the enactment of the Medical Facilities Construction and Modernization Amendments Act. President Nixon's veto of this legislation must be overridden.

Mr. MINISH. Mr. Speaker, from its inception in 1946, the Hill-Burton program has been the prime instrument for Federal support of construction and modernization of public and private nonprofit health facilities.

Since that time, the need for improved health facilities within urban areas has expanded greatly. When the program began, many of the hospital shortages were in rural areas. However, the problem has shifted greatly from lack of facilities in outlying areas to obsolete facilities within the cities. Moreover, hospital equipment has become more specialized and more expensive.

The increased cost of equipment coupled with the inflationary costs of hospital equipment and supplies calls for increased funding. Nonetheless, aware of the need for improved health facilities and although admitting that we are in the midst of a "grave health crisis," the administration has seen fit to veto this measure. One of the reasons given was the increase in authorization above the budget.

The Congress, however, believes that the budget request was too low, for it not only increased the authorization but passed the measure unanimously in both the House and Senate. Such bipartisan support of necessary health facilities can hardly be called "fiscal irresponsibility."

An overview of the measure demonstrates that its provisions and authorizations will permit the Nation's health facilities to remain functional in spite of inflationary costs of medical and health facilities. It is paramount that we adequately support this vital program.

The present administration places a low priority on health care needs, in spite of our acknowledged health crisis, by disapproving this measure. Moreover, this is the second bill the President has vetoed; the HEW appropriations measure was the first. Both pieces of legislation provided for health services.

In fact, although the administration finds unacceptable a hospital grant authorization $350 million above the budget request, I recall that the budget allocated $290 million for the supersonic transport, a high-speed pollution machine.

The evidence is overwhelming that the administration will support unnecessary technological development to the detriment of vital health needs, and it is up to the Congress to insure that such lopsided priorities are balanced.

Mr. PRICE of Illinois. Mr. Speaker, I am pleased to have this opportunity to go on record as supporting H.R. 11102, the Medical Facilities Construction and Modernization Amendments of 1969, as adopted by Congress, and to urge Congress to override President Nixon's veto of this bill.

I recently attended a meeting of hospital administrators in my area. Although the purpose of this meeting was to discuss the difficulties two inner city hospitals have in meeting daily operating costs, attention was also directed to the urgent need for new and improved medical facilities. The communities in my area and throughout the Nation are experiencing many difficulties in trying to meet ever-increasing medical needs. The hospitals have attempted to meet these needs through extensive modernization funded by the Hill-Burton program and by private loans. However, the Hill-Burton program is oversubscribed to and the current high interest rates coupled with the burden of rising hospital and medical costs have limited the effectiveness of their efforts.

Greater participation by the Federal Government is needed if the required medical facilities can be made available. The appropriations authorized by this bill will be used to construct and remodel needed hospitals, to reduce the high amount of interest that hospitals are required to pay on loans, and to give hospitals the means to purchase lifesaving equipment, such as kidney machines, that are now financially unobtainable.

The authorizations adopted by Congress exhibit foresight and concern and do not demonstrate fiscal irresponsibility. The appropriations are not excessive but meet only the health care needs now required by communities. If these requirements are not met now, the future needs will provide us with an almost impossible task to accomplish.

Adequate health care facilities have always been a high priority of this country. Gentlemen, I urge that we maintain this as a priority and override the veto.

Mr. DERWINSKI. Mr. Speaker, having voted for H.R. 11102 and having introduced a bill, H.R. 16359, which would provide grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, my record is clear as to the support I give to effective and manageable programs to improve health services to all of our citizens.

I will be pleased to support the bill introduced yesterday by my colleague, Mr.

XUM

Springer, which would carry out the expanded program the President envisions in this field. I note, of course, the fact that health outlays for fiscal 1971 are substantially higher than previous years and thus we are giving necessary priority to this field.

However, taking into account the overall deficit in the Federal budget, the adverse effect of a deficit on the economy and the purchasing power of our citizens, and recognizing the great responsibility the President has for maintaining a sound governmental fiscal status, I cast my vote against overriding the President's veto.

Mr. DADDARIO. Mr. Speaker, the Hill-Burton Act and its provisions have been of such importance to Connecticut in coping with the need for additional hospital space in the last decade—a need that demands continuing attention—that I have received and wish to place in the Record at this point a sample of communications regarding this question:

Hartford, Conn.,
June 24, 1970.

Emilio Q. Daddario:

The June 25 consideration of Hill Burton appropriation has important impact on orderly development of health care at a reasonable cost. Connecticut urgently needs more than 1000 additional hospital and long-term care beds and needs modernization of more than 11000 of the existing 28000 beds. Cutting off Hill Burton funds will set back this work.

Franklin M. Foote, M.D.,
Commissioner of Health.

New Haven, Conn.,
June 24, 1970.

Emilio Q. Daddario:

Strongly urge that you override President Nixon's veto on Hill-Burton legislation hospital in Connecticut desperately need capital dollars in order to continue to meet the growing health needs of Connecticut citizens.

Bliss B. Clark, M.D.,
President,
Connecticut Hospital Association.

Hartford, Conn.,
June 24, 1970.

Hon. Emilio Q. Daddario:

I read with amazement today that the President had vetoed unanimously-passed a bill for construction and modernization of medical facilities (H.R. 11102). It hardly seems possible, in face of all Government's and our efforts to improve care, to increase members of health personnel, and to modernize facilities that crippled blow would be dealt. I urge you to do all in your power to override this veto. If we fail, the consumers, not the providers will be those who will suffer most.

I. Stewart Hamilton, MD.,
President and Executive Director Hartford Hospital and Chairman, Counsel of Teaching, Hospital Association of American Medical.

New Haven, Conn.,
June 24, 1970.

Congressman Emilio Daddario:

Presidential veto of H.R. 11102 augurs disastrous short and long term effects on health services already in crisis nationwide. Urge you to take action to override veto.

Dr. F. C. Redlich,
Dean, Yale School of Medicine, Yale University.

New London, Conn.,
June 25, 1970.

Representative Emilio Daddario:

Most urgently request you to override the President's cancellation of Hill-Burton program which has been a most successful and beneficial use of funds.

Chester W. Kitchings,
President, Lawrence and Memorial Hospital.

Mr. VANIK. Mr. Speaker, I cast my vote today to override the President's veto of H.R. 11102, the Hospital and Medical Facilities Construction and Modernization Amendments of 1970.

The last several weeks have demonstrated an appalling insensitivity by this administration to the human needs of the American people.

Less than a month ago we were asked to appropriate an additional $290 million for the development of the supersonic transport—a project which will eventually cost the taxpayer somewhere between $1.3 billion and $4 billion.

In a recent Defense procurement bill, which totaled $20 billion, we were asked to appropriate funds for the B-1 bomber—a manned bomber on which we will spend a projected $2.25 billion to build five planes.

The last several months have seen this administration ask for a several hundred million dollar contingency fund to support Lockheed Corp.—to assist in paying for some of the $3.5 billion cost overrun on the construction of the C-5A—a plane which may now have wing fatigue problems.

For the last week the administration has been asking for support for the Penn Central Railroad to keep this corporation, which has some $7 billion in corporate assets from "insolvency." The request was not in the President's budget.

In the last month we have been asked to expand the ABM program from two to eight sites at a cost of $365 million with billions more to come.

The list of proposals to support corporations, to build unproven, useless, military hardware, and subsidy research on a new plane that will be used by only a few while damaging the environment of all seems to go on and on without end.

Yet when the Congress passes an extension and improvement of the Hill-Burton Hospital Aid Act, the President objects. He vetoes it.

In vetoing this bill, the President fails to consider the mental and physical health of the rural and inner city populations of America whose only contacts with a hospital are the already understaffed and underequipped emergency wards of our overcrowded hospitals. In vetoing this bill, the President struck down the $20 million provided to begin a program of emergency ward improvement and modernization.

In vetoing this bill, the President strikes down a new loan guarantee program which would attract non-Federal funds for construction and modernization of needed health facilities—and health facilities are desperately needed.

America's hospitals are today lacking 455,000 acute and long-term beds. Each year some 31,000 hospital beds become obsolete. In all, American hospitals are in need of a capital investment of $16.5 million.

The following table highlights the disastrous hospital facilities situation facing America.

HEALTH FACILITY CAPITAL NEEDS

[In million of dollars]

Category	Total	Modernization	Additional capacity
All	16,505	10,580	5,925
General	10,195	7,220	2,975
Long-term care	3,800	2,145	1,655
Rehabilitation facilities	485	135	350
Public health centers	710	500	310
Diagnostic and treatment centers	1,315	680	635

Source: Health Facilities Planning and Construction Service, DHEW, Sept. 3, 1969.

I believe that in the world's richest Nation, each citizen should have the right to the best possible health care.

The Hill-Burton legislation which the President vetoed would go a long way toward providing better health care. It is desperately needed.

Mr. DONOHUE. Mr. Speaker, I most earnestly urge and hope that, after very careful reflection, this House will substantially vote to override the President's veto of H.R. 11102, extending for 3 years the Hill-Burton program of grants for hospital construction and modernization. The real and basic question involved in our action here in this matter is, I think, whether immediate human needs should be placed above all other needs in our determinations and allocations of the proper spending of the taxpayers' money.

Of course, I very deeply believe that the correct and prudent answer to that question is that human needs should come first before anything else and that human needs in the fundamental areas of health, medical care, and medical facilities, especially for the poor and the elderly, should be given one of the very highest priorities for Federal spending.

Mr. Speaker, since the President's veto action I have received a continuous flow of messages and personal appeals from the most reputable individual and organizational medical sources earnestly requesting that the full appropriations provided in the original bill be approved today because otherwise it will be practically impossible to give adequate health care to the general public in this country and carry forward the comprehensive health planning programs that have been effectively operating to meet the Nation's vastly expanding health needs.

Let us remember that this is in no way a bipartisan matter or issue. The original bill was passed in this House on June 4, 1969, by a recorded vote of 351 to 0. It passed in the Senate last April 7, 1970, by a recorded vote of 79 to 0.

The further conference report was approved in the Senate by a voice vote without any controversy last June 8, and on June 10, this House expressed its final approval of the bill by a recorded vote of 377 to 0. It would appear, Mr. Speaker, if there was ever a measure that was given bipartisan approval in both Chambers of the Congress then H.R. 11102 is that bill.

Mr. Speaker, all the authoritative evidence on this subject that was presented to the committee and that has been revealed here by the executive department, as well as independent expert sources, overwhelmingly demonstrates that this Nation faces a health care crisis and fail-

XUM

ure to take the comprehensive steps contained in H.R. 11102, to meet that crisis, would not only be a denial of proper medical care to untold thousands of American citizens but would also be greatly imprudent because the construction delay would mean the expenditure of vastly greater sums in the future.

In summary, Mr. Speaker, there can be no doubt that the hospital construction, modernization of medical facilities and improved medical services that would be made possible by the enactment of H.R. 11102, are urgently needed and in the national interest. It appears equally clear that this House and this Congress has the responsibility to insure that modern health and medical care is made available to the American people even and unfortunately when it is necessary to override a Presidential veto to do so.

Mr. GRIFFIN. Mr. Speaker, in the President's veto message, he expressed concern over Congress invading the Executive powers he holds under our Constitution. This is very strange because the constitutional question of whether the President can withhold funds appropriated by Congress was settled in George Washington's administration. He can refuse to spend appropriated funds.

Apparently, the real reason the President objected to the bill extending the Hill-Burton Hospital Construction Act is that he wants a guaranteed loan program rather than a grant program requiring current appropriations.

Mr. Speaker, I wish to point out some of the dangers of guaranteed loans. First, these loans are not reflected in the budget even though they are obligations of the Federal Government. Since these obligations do not show up in the current budget, the administration is trying to have its cake and eat it, too.

Guaranteed loans in HUD alone amount to nearly $50 billion. We are saddling future taxpayers with a potential debt of enormous proportions, while not having it reflect in current bookkeeping. This is hardly an honest way to do business. It amounts to fiscal irresponsibility.

The veto message mentioned the ceiling on expenditures which the Congress may enact. There are many wasteful programs in foreign aid and OEO. There are many costly and unnecessary programs such as the Nixon welfare plan. The President should sharpen his spending knife and whack away at these items, instead of penalizing the old and afflicted.

Furthermore, it is difficult for me to understand why he vetoed the hospital construction bill when he signed the day before a bill which he said was clearly unconstitutional. I refer to the measure lowering the voting age. His total inconsistency is hard to believe.

The shortage of hospital beds in Mississippi is an acute problem. All levels of government—county, State and Federal—must do their part in providing hospital care to the sick. I shall assume my responsibility in this matter by voting to override the Presidents' veto.

Mr. FULTON of Tennessee. Mr. Speaker, the decision as to whether or not to vote to override a Presidential veto is a difficult one.

However, I have no reluctance in doing so in support of H.R. 11102. The House has already approved the bill as is by a vote of 377 to 0, so it would seem to me that there is a good deal of opinion here that this is a generally fine bill.

But the President says he does not like the bill. He says it has too much money in it, some $350 million more than he requested in his budget for fiscal year 1971. However, nowhere in the veto message does the President say or allege that these additional moneys are not needed. Certainly no one would deny the high cost of hospital confinement can be attributed in part to a shortage of hospital beds and a surplus of outmoded hospital facilities, which this bill is designed to help alleviate.

And I would venture to guess that just about every Member of this body, as well as the general public, would not deny that these "excess" funds are just as important as the $950 million the administration recently was willing to underwrite to bail out the bankrupt Penn Central Railroad. While I do not deny the Penn Central had an urgent need, I do feel that it was no more important or pressing than the need for hospital construction and modernization, which this bill is designed to help meet.

In the 22 years that the Hill-Burton program had been operative through 1969, it had helped finance 413,797 inpatient beds in a total of 9,549 projects. This represented an expenditure in excess of $10 billion, with the Federal share coming to just over $3 billion.

Despite these advances the State agencies administering this program estimate that today we need an additional 85,000 acute care hospital beds, nearly 900 public health centers, 165,000 additional long-term beds, 872 outpatient facilities, and 388 rehabilitation facilities. In terms of dollars these needs amount to $5 billion while it is estimated an additional $10 billion is required for modernization for almost half a million acute and long-term care beds.

This morning I received a number of telegrams from physicians and educators in my district representing two medical schools, five hospitals and one medical care center from the State of Tennessee. They all, without exception, have urged that the House vote to override this veto. These funds are critical to the development of these institutions and new facilities not only in Nashville, Tenn., but throughout the Nation.

In his message on the economy of June 17, President Nixon said:

> Whenever a Member of the Congress displays the imagination to introduce a bill that calls for more spending, let him display the courage to introduce a bill raising the taxes to pay for that program.

Very well, Mr. Speaker, I am perfectly willing to sponsor legislation, if required, which would place a fine on every polluter of our air, water, or any other portion of our environment. Not only would this more than offset these additional moneys but it would, I am certain, reduce significantly the crowded conditions in many of our hospitals today which have been created, in part, through illness and disease caused from the pollution that threatens this Nation.

Mr. Speaker, this veto should be overridden.

Mr. STEIGER of Wisconsin. Mr. Speaker, I rise to sustain the President's veto. It is never easy to have to come to grips with an issue such as that posed by the previous veto by President Nixon on this one.

But the issue today is not Hill-Burton which I support but rather section 601 which imposes an intolerable burden on the executive branch in its efforts to stabilize the economy.

Why should only hospitals be singled out for protection? Why not any number of other important activities in HEW? I simply cannot support an effort which would make more difficult the needed job of controlling federal spending.

Thus the President has correctly urged the Congress to sustain the veto and I support this effort. To do otherwise would complicate the job of both the Congress and the President to hold spending within bounds. If we were to adopt the mandatory expenditure as proposed in section 601 other worthwhile programs will suffer.

Mr. Speaker. I am fearful of the precedent which will be established if the veto is not sustained. I am convinced Hill-Burton will be passed quickly once section 601 is deleted and I support that effort.

Mr. MIZELL. Mr. Speaker, I have reached a decision to vote to uphold the veto that President Nixon has placed on the Medical Facilities Construction and Modernization Amendments of 1970.

I made this decision only after President Nixon concluded the language of the bill would force him to spend these funds whether they were needed or not.

Because I strongly support the Hill-Burton program, I have done all I possibly could do to insure the continuance of this program without any unnecessary delays. I have today introduced legislation calling for all the provisions set forth in these amendments, except the one that explicitly forces the President to spend the entire authorization included in this bill.

Because of my belief that fiscal responsibility should be the watchword of this Congress and this Nation in a day of economic upheaval, I could not conscientiously support a measure that forbids the President to exercise his judgment in regard to the fiscal stability of this country.

I am convinced that the provision in question would prove to be a dangerous precedent in limiting—and even usurping—the President's efforts to restore a measure of sanity to our Nation.

The 91st Congress has voted to set a limit on Government spending, and I strongly supported that measure.

But then the same Congress presumptiously orders the President of the United States to spend these moneys regardless of need.

Again, I strongly support the Hill-Burton program itself, and I shall strongly support it when it reaches the appropriations stage.

But I cannot in good conscience vote to tie the hands of the President in his

XUM

efforts to restore a stability to our national economy.

Mr. WILLIAM D. FORD. Mr. Speaker, I rise in favor of the motion to override President Nixon's veto of the Medical Facilities Construction and Modernization Amendments of 1970—the extension of the Hill-Burton program for hospital construction.

It is both tragic and ironic that we should even be considering this action, in light of the fact that the bill passed both the House and the Senate by unanimous votes.

President Nixon, in his veto message, told us that this legislation would take us "down the road to fiscal irresponsibility." This argument has a familiar ring. We heard it before when the President vetoed our request for adequate levels of Federal funding for local school districts. I voted to override that veto, and I will vote the same today.

I argued during the first veto fight that we should not try to shift the burden of fighting inflation onto the shoulders of those least able to carry it.

I fully recognize the serious and severe problems that inflation is causing for the people of this Nation. But I would not agree in January to fight inflation at the expense of our children, and I will not agree now to fight inflation at the expense of the sick and injured.

I asked then, and I ask now, why does not the President try to curb inflation by reducing our inflated military budget, by reducing the outrageous subsidies that we pay to corporate farmers, by reducing our appropriations for the supersonic transport, for the space program, for the foreign aid program?

The burden of inflation has fallen especially hard on the elderly and the ill. The cost of medical and health care has risen by 17 percent in the past year, far more than the cost of any other vital service.

I contend that it would be both insensitive and foolhardy to cut back on hospital construction at such a time, and transfer a heavier burden to the sick and their families who are already so hard pressed.

In my congressional district, some 20 years ago, a group of communities banded together to form the Peoples Community Hospital Authority, and the residents voted to tax themselves to help build adequate hospital facilities. The Hill-Burton program made this possible. An $800,000 grant in 1955 helped construct the Outer Drive Hospital, in Lincoln Park, and the Annapolis Hospital, in Wayne. A $240,000 Hill-Burton grant in 1958 helped construct the Seaway Hospital, in Trenton, and a $900,000 grant in 1961 helped finance expansion of these hospitals.

The authority recently received approval of a $250,000 grant, scheduled for next spring, as part of a $1,600,000 program to build a central laundry facility and make other improvements.

The balance of the money was to come from tax assessments and from fees paid by patients using the hospitals. If we uphold President Nixon's veto, we will be asking the already hard-pressed taxpayers to dig deeper, and asking the patients to pay even higher charges for their hospitalization.

Mr. Speaker, I contend that it would be a real abdication of our constitutional responsibility to uphold this veto, and back off on our commitments, when the American people are already staggering under peak local tax loads and medical costs that are the highest in our Nation's history.

The program that President Nixon has vetoed would authorize $2.79 billion, over the next 3 years, to construct and modernize hospitals, to create public health centers, and provide badly needed outpatient facilities and rehabilitation services.

Mr. Speaker, the misery and tragedy of disease has no geographic, economic, or racial boundaries. Cancer, heart disease, diabetes, and other ailments strike equally at rich and poor, black and white, farmer and city dweller, old and young. There are few Americans who have not, or will not, need hospitalization during their lifetimes.

This Nation's resources, financial and intellectual, have and are being used to explore space, to fly faster than the speed of sound, to assist underdeveloped nations throughout the world.

Can we not apply these same resources to make certain that our own people have the necessary facilities when illness or accidents strike, and make hospital care necessary?

Mr. Speaker, this should not be and is not a partisan, political issue. The Members of this House voted 377 to 0 only a few days ago to approve the bill as written by the House and amended in conference. Not one member of either party voted against it. Why are some members of the Republican party arguing today to uphold the veto? Are they saying that they were wrong in approving the legislation in the first place? Or are they willing to admit that White House arm twisting has forced them into this about-face, and that they are voting the party line in opposing this important piece of social legislation?

Mr. EDMONDSON. Mr. Speaker, the urgent need for the legislation we are considering today is clearly and amply illustrated by the response of Oklahoma's health and medical leaders to President Nixon's veto.

Yesterday and today I have received many telegrams from medical leaders and hospitals in Oklahoma urging that I vote to override this veto, which of course, I will.

I have heard from the State commissioner of health, the Oklahoma Hospital Association, and the Oklahoma State Nurses Association. I have heard from large hospitals in Oklahoma City and Tulsa, and I have heard from smaller hospitals in county seat towns in my district. A telegram from Stilwell, Okla., was signed by the president of the hospital board, the president of the chamber of commerce, and the president of the Kiwanis Club.

Mr. Speaker, these telegrams make an eloquent case and they speak for themselves. I include a number of them for the Record.

Oklahoma City, Okla., *June 24, 1970.*

Hon. Ed Edmondson,
U.S. Representative,
House Office Building,
Washington, D.C.:

Your continued support in vote Thursday on extension of Hill Burton H.R. 11102, essential to progress in Oklahoma of construction and modernization of health facilities. These amendments to the Public Health Service Act will give great impetus to changing priorities. Oklahoma now has recognized need of $90 million for construction. First year share under provision of H.R. 11102 will be $4,222,011 for grants and $4,128,900 for guaranteed loans.

A. B. Colyar, M.D.,
Oklahoma State Commissioner of Health.

Oklahoma City, Okla.,
June 25, 1970.

Hon. Ed Edmondson,
Washington, D.C.:

The President veto of Hill-Burton could not have come at a worse time for our hospital. Our preliminary building plans have been drawn based on Hill-Burton participation. Please help override the President's veto and retain superior health facilities for Oklahoma.

Joseph G. Brum,
Administrator, Oklahoma General Hospital.
Glenn T. Dewberry,
Medical Director, Western Oklahoma TB Sanitarium.

Oklahoma City, Okla.,
June 25, 1970.

Hon. Ed Edmondson,
Washington D.C.:

We urge you to support HR 11102 (grant monies for hospital construction and replacement). There are still many unmet needs for hospitals and services in Oklahoma.

The Oklahoma State Nurses Association,
Donna Barlow,
President.

Stillwell, Okla.,
June 25, 1970.

Hon. Ed Edmondson,
House Office Building,
Washington, D.C.:

We are deeply distressed over the presidential veto of House Bill 11102, Hill-Burton program. The City of Stillwell is desperately in need of replacing its outdated, inadequate hospital with a new and larger facility. Your help is urgently needed. The Hill-Burton program is the only way this can be accomplished, therefore, we sincerely urge you and your colleagues in the Congress to override the presidential veto of the Hill-Burton program.

Stillwell Municipal Hospital Board of Trustees,
Dr. John Carson,
President.
Stillwell Chamber of Commerce,
Bob Baker, *President.*
Stillwell Kiwanis Club,
H. D. Gound, *President.*

Oklahoma City, Okla.,
June 25, 1970.

Hon. Ed Edmondson,
Washington, D.C.:

I urge you to support the Hill-Burton program.

Dan E. Tipton.

Oklahoma City, Okla.,
June 25, 1970.

Representative Ed Edmondson,
Rayburn Building,
Washington, D.C.:

We are most concerned over the President's veto of H.R. 11102 (Hill-Burton amendment) and urge you to override the veto.

JACK W. SHRODE,
Administrator, Presbyterian Hospital.

TULSA, OKLA.,
June 25, 1970.

Congressman ED EDMONDSON,
Rayburn House Office Building,
Washington, D.C.:

Have just learned that President Nixon vetoed H.R. 11012 being a bill extending the Hill-Burton Act. Urgently request that you use every effort to override such veto since if permitted to stand it could set an unfortunate precedent for other health bills.

LLOYD J. VERRET.

OKMULGEE, OKLA.,
June 24, 1970.

Hon. ED EDMONDSON,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN EDMONDSON: Urge your support and favorable vote on the reconsideration of the Hill-Burton amendment.

Sincerely,
OKMULGEE MEMORIAL HOSPITAL,
B. JOE GUNN,
Administrator.

TAHLEQUAH, OKLA.,
June 25, 1970.

ED EDMONDSON,
Washington, D.C.:

Please override the President's veto on House Bill No. H.R. 11102.

CORENA KESSELRING.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I rise to announce my opposition to the motion to override the Presidential veto of the Hospital and Medical Facilities Construction and Modernization Amendments of 1970.

I yield to no one in the Congress when it comes to support and encouragement for the continued growth and improvement in the quality of medical care in the Nation's hospitals. I consider the Hill-Burton program extremely important and valuable and I would certainly oppose any effort to weaken the program. We must recognize, however, that a strong, stable, economy is essential if we are to meet the growing need for outstanding medical care.

The rapidly rising cost of health care is to be deplored. If we are to be successful in reducing the rate of increase we are going to have to bring the present inflationary trend under control. We can only do so if the President has sufficient flexibility in his economic policies to meet the changing conditions in the economy.

At any given time there are billions of dollars in Federal spending authority already in the pipeline. These funds are held for pending projects for which contracts have not been awarded or grants not approved. To require the President to spend all of these funds in a specified time period would set a dangerous precedent and severely restrict the use of Federal outlays for the benefit of the economy.

If this requirement stands it is not too difficult to foresee a last-minute allocation of funds with the result that valuable health-care dollars would be spent hastily and in a wasteful manner. We need to spend vast amounts to upgrade health care but we must be sure we spend wisely. The taxpayer expects his representatives to make certain his tax dollars are spent prudently and he receives full value for them. I, for one, intend to work toward that goal.

The issue at hand is not one of health care. The authorization bill is not an appropriations bill so the funding of any pending or future application will not be affected. If the veto is upheld today a new authorization will be before this body next week in the same form except for the provision requiring the President to expend all the funds within a certain time span.

The issue we are facing and must face up to is the issue of our commitment to a strong economy. Unless we can stabilize our economic situation we will never be able to reach our goal of outstanding medical care for all Americans.

I do want to make clear that I am very disturbed by the fact that the President gave the Congress no indication of his objections to the bill until his veto message. I have been advocating for a long time an increased degree of consultation between the executive and the legislative branches of our Government in the formulation of policy. I shall continue to press for more frequent and more effective communication between the White House and Capitol Hill. Unless we can improve our communication we are going to continue to have less than satisfactory relationships between the branches of Government. This will be extremely harmful to our efforts to enhance the quality of life at home and abroad.

Mr. JACOBS. Mr. Speaker, the following is a clarification of President Nixon's message on the veto of the Hill-Burton authorization.

President Nixon's Hill-Burton veto message:

> Let no one interpret this veto as in any way lowering the high priority that this administration has placed on the very important field of health. Health outlays for 1971 will be almost 28 percent higher than in 1969.

The administration in its 1971 budget refers to medicare-medicaid outlays as "relatively uncontrollable." In order to gage an administration's commitment to health one must examine the increase in the controllable portion of health outlays. The nonmedicare-medicated portion of these 1971 health outlays represent a 10-percent increase over 1969, not a 28-percent increase. A goodly portion of this 10-percent increase is being taken by pay increases and inflation.

President Nixon's Hill-Burton veto message:

> We have proposed a new program concept of family health insurance which will benefit more than four million poor families as a part of the Family Assistance Program.

The administration has forwarded to the Congress no such plan and won't until at least next year.

President Nixon's Hill-Burton veto message:

> We have proposed substantial increases in high priority areas of bio-medical research: such as heart and cancer.

Research grants for the National Cancer Institute in the 1971 budget request are 3.5 percent lower than in 1969. During this same time period the number of post doctoral fellowships awarded in cancer research have been cut by 24 percent, the number of career development fellowships awarded have been cut by 26 percent.

President Nixon's Hill-Burton veto message:

> We have proposed significant expansion of programs to alleviate major national problems of alcholism and drug abuse.

Dr. Stanley F. Yolles was fired as Director of the National Institute of Mental Health for speaking out on these major national problems of alcoholism and drug abuse. Dr. Yolles who had been Director of the National Institute of Mental Health for 6 years has accused the administration of "substitution of rhetoric for monetary support in federal drug abuse and alcohol control programs."

President Nixon's Hill-Burton veto message:

> We have proposed expansion of family planning programs which provide counseling and assistance to millions of women who want but cannot afford such services.

While the 1971 budget request for family planning activities does represent an increase, the amount requested for this effort is substantially less than the administration's request for the Pentagon public relations effort. The use of the term "millions of women" is perhaps a bit expansive—according to the official budget request, 1.5 million women will receive family planning services. This figure is the result of State and Federal efforts.

President Nixon's Hill-Burton veto message:

> We have proposed major increases in funds to curb air pollution.

The President has requested an increase in funding for air pollution control, yet the entire Clean Air Act funding for 1971 is exceeded by the supersonic transport request by over 2½ times.

The President had a chance to do something about air pollution last year when a Federal grand jury in Los Angeles found cause to believe that the three major automobile companies had conspired to suppress research on an effective antipollution device for auto exhaust systems. The administration asked for and received a consent decree rather than a public trial.

Mr. RANDALL. Mr. Speaker, I have on several other occasions observed that, although our President is of a political persuasion differing from mine, he is still my President and the only President any of us have. I will support him on matters of foreign policy. I will support him on domestic matters when I think he is right. But in the matter of H.R. 11102, to extend medical and hospital benefits under the Hill-Burton Act, I cannot vote to sustain his veto. I disagree when he calls the Congress "irresponsible." It must be noted that this bill was subject to four separate votes in the Congress—when it passed the House and then the Senate, and when the Conference Report was agreed to in the two Houses. Three of these votes were on rollcalls and not one single vote was cast against the bill. If passing this bill and sending it to the White House was possessed of any element of irresponsibility at any stage of its consideration that irresponsibility would have been revealed somewhere along the line in the form of at least some protesting or negative votes.

The Hill-Burton Act extension was an enactment by the House and Senate that reflected a very rare quality seldom found in a congressional action: It has always been bipartisan. It has always been a bill for the good of all the people.

It has been said that only the very rich and the very poor can afford to be sick. The very rich may still be able to afford the high costs of medical attention. Medical attention has been available to the very poor through some of the $40-odd billion we spend each year on various kinds of Federal assistance programs. But the great mass of middle-income Americans have had to face their medical crises with their own resources until such time as these resources disappeared, at such time they become eligible for some of the funds we have made available to the poorer people of this Nation. This bill will help the middle-income Americans and our poorer Americans.

At the annual meeting of the American Medical Association, a day or two before the President's veto of this bill, it was said that the Nation is facing a serious shortage of doctors and other trained medical personnel. The Association of American Medical Colleges reported that 61 of the Nation's 107 medical schools have been totally dependent upon special Federal grants to meet emergency situations of financial distress. The emergencies will continue to grow. If Federal aid for medical purposes is not kept at a level sufficient to meet minimum needs then the already acute shortage of funds for hospital operating costs, medical research, personnel training grants and construction money for hospital and medical facilities will reach truly emergency proportion. When this happens, it will not be just the very poor, or the very rich or only the great mass of people between the two extremes who will suffer. In truth and in fact everybody will suffer. Conversely, if we pass this bill over the ill-considered objections of the President, then we will have passed a bill for the benefit of all Americans.

The bill vetoed by the President actually funds the Hill-Burton programs at the 1963 level when the inflationary increment is taken into account. In light of increased population since 1963, the vetoed bill is worse than inadequate.

One of the President's supporters said on this floor yesterday, and I quote from the CONGRESSIONAL RECORD, June 24, 1970, page 21289:

> I do not blame the President for refusing to accept this illegal legislation.

Let me refer once again now to the fact that not a single negative vote was cast on this measure in two rollcalls in the House or in the one record vote in the other body. How, then, can this bill be illegal today when it seemed to be unanimously legal on June 4, 1969, when the House passed the original bill by 351 yeas with no dissenting votes, and then again on June 10, 1970, when the conference report was agreed to 377 to 0?

A year ago the President told the Nation of "our massive crises" in medical care. In his veto message on H.R. 11102, he said "the Nation's health must take rank among all the competing priorities." I agree with the President in both of his statements. In fact I agree with what our President says so much that I will vote to override his veto. I intend to be certain that what he urges and advocates for our Nation's health to be accorded the highest priority may be carried into reality notwithstanding the ill-advised veto.

Mr. BIAGGI. Mr. Speaker, I supported the efforts of this body today to override the President's veto of the Hospital and Medical Facilities Construction and Modernization Amendments of 1970 for several reasons. The President's arguments that the bill was inflationary and unnecessary are, in my judgment, totally unfounded.

This program, popularly called the Hill-Burton program, has been responsible for providing medical care facilities in areas where no such facilities were prevously available. In a great many other areas, old and outdated hospitals and medical centers have been competely refurbished.

The conference report which was approved unanimously by this body just 2 weeks ago combined the best of the House and Senate versions of the original measure. As a result of this legislation, both public and private health care delivery systems will receive the much needed Federal aid in the form of direct grants and loans guaranteed without interest subsidies.

The agreement of the conferees to the House provision for a 3, instead of a 5-year, extension was noteworthy. It is essential that Congress maintain the proper overview of this vital program. Three years allows sufficient flexibility to correct any deficiencies along the way.

Along these lines, the acceptance of the Senate amendment which provides for a portion of the appropriations to be spent on program evaluation was an important provision of the bill. This will provide Congress with the necessary information to make complete and accurate analysis of all aspects of the Hill-Burton program 3 years from now.

I would also like to make one further point that is of special interest to me. I have long advocated special programs relating to the serious drug problems facing our Nation. A provision of this bill would provide for an annual report to Congress concerning current information on the health consequences of marihuana with recommendations for legislative and administrative actions. The major problem this body has faced in dealing with drug control legislation is a lack of adequate information. This amendment will help solve that problem.

With all these essential programs involved, it is hard to understand why the President could have vetoed such an important and worthwhile measure. The tremendous need for adequate medical care facilities for the sick and elderly of our country makes the enactment of this measure necessary.

The fact that the conference report was unanimously adopted by the people's Representatives in the House apparently did not influence the President's decision to veto this bill. It appears that perhaps the rumors warning us of the President's increasing isolation from the people are true. The logic of his action, economically, socially, and morally appears to escape me and I am sure the other Members of this House who voted to override his veto in the interest of the health of our citizens feel the same as I do.

I will continue to vote in favor of sensible legislation appropriating funds for improved medical care facilities and increased medical benefits for all Americans who are in need of such services. Until we develop a health care delivery system that will meet the requirements of all those in need of care, I will continue to support financial assistance for improving medical facilities at all government levels. When it comes to the health and well-being of our citizens, I find it extremely difficult to understand why the President should worry about spending for much needed health facilities especially in the face of a $200 billion plus Federal budget. We should not accept an anti-inflationary justification for action that may ultimately result in the loss of lives.

That is why, Mr. Speaker, I am pleased to have voted along with the great majority of my colleagues to override President Nixon's unconscionable veto of this vital hospital facilities construction legislation.

Mr. STAGGERS. Mr. Speaker, I yield the remaining time to the distinguished Speaker of the House of Representatives, the gentleman from Massachusetts (Mr. MCCORMACK).

Mr. McCORMACK. Mr. Speaker, the gentleman from Illinois (Mr. ANDERSON) made an observation that I know I am in complete agreement with, when he said that this is not a partisan matter.

Certainly, the health of the people of our country should not be a partisan matter because all human beings in the journey of life sometimes get sick and require hospitalization. They go into the hospital with the hope that they will recover in whole or in part.

So I strongly stress the fact that this is not a partisan matter.

My dear friend, the gentleman from Michigan, the minority leader, and I am sorry I will not be here next year, when he will continue as minority leader—I admire and respect him very much—he is a dear friend of mine—the gentleman from Michigan said that a vote today sustaining the veto is a reaffirmation of the bill that was passed by the House.

That, in my opinion, does not convey the whole story, because after the bill passed the House, the Senate amended it and the bill went to conference. The conferees brought back their report, and what we shall vote on today is the very bill in that conference report. So our vote will determine whether or not we will reaffirm the vote on the conference report, as I see it, and not on the bill as it passed the House.

In connection with health, there seems to be some great evil in the minds of a few—I withdraw the word "evil," for that is not correct and it would be wrong to use that word. I always like to be fair, even when I have strong views. But in the minds of some there seems to be a sinister connotation when the word "mandatory" is used in connection with a bill of the kind we are discussing.

Might I call the attention of my colleagues to the fact that we have passed mandatory provisions before. This is nothing new. We passed mandatory provisions in the field of education and they are on the statute books now. While I have the greatest respect for the importance of education, though not for the small percentage of those engaged in campus disorders, I believe that health is of even greater importance than education, and that is a matter of major importance. So if it is all right to provide mandatory provisions in the field of education, certainly it is all right, in this limited amount, to carry the mandatory provisions into the field of health—the building of hospitals, providing for the elderly, and all the other categories that are covered by the Hill-Burton Act.

I come back to my previous statement agreeing with my dear friend from Illinois that this is not a partisan question. Certainly an issue is involved. To me it seems to be whether we are going to vote for dollar values today or for human values, and that has been the time-honored fight that I have carried on during the 42 years that I have been a Member of the Congress of the United States. Only a few weeks ago the conference report was before the House and a rollcall was asked for; 377 Members, Democrats and Republicans, voted for the conference report. My friends on the Republican side voted for the report that is before us today.

I wonder if my dear friend from Michigan and my dear friend from Illinois were consulted by the President before the fact? I am not criticizing the President. I would never do that. I might disagree, but I will never impugn the motives not only of the President but any of my colleagues. I can disagree without impugning. But I know if a Democratic President were considering this bill and he asked the Democratic Leadership to come down to discuss it with him, I would holler vigorously and oppose vigorously any proposed veto of such a meritorious bill. And, without knowing the facts, I have every confidence, by inference, that if the gentleman from Michigan and the gentleman from Illinois were called down to the White House, they would have urged President Nixon not to veto this bill.

The SPEAKER. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The question was taken; and there were—yeas 279, nays 98, answered "present" 2, not voting 50, as follows:

[Roll No. 188]

YEAS—279

Abbitt
Abernethy
Adams
Addabbo
Albert
Anderson, Calif.
Andrews, Ala.
Annunzio
Ashbrook
Ashley
Aspinall
Baring
Barrett
Beall, Md.
Bennett
Bevill
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Button
Byrne, Pa.
Cabell
Casey
Celler
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Conable
Conte
Conyers
Corbett
Corman
Cowger
Culver
Daniel, Va.
Davis, Ga.
Delaney
Dellenback
Diggs
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Eilberg
Evans, Colo.
Evins, Tenn.
Fallon
Fascell
Feighan
Flood
Flynt
Foley
Ford, William D.
Fountain
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gettys
Gibbons
Goldwater
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Gubser
Gude
Hagan
Haley
Halpern
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrington
Hathaway
Hays
Hébert
Hechler, W. Va.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Howard
Hull
Hungate
Hunt
Ichord
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
King
Kluczynski
Koch
Kyros
Landrum
Latta
Leggett
Lennon
Long, La.
Lowenstein
McCarthy
McCulloch
McDade
McDonald, Mich.
McFall
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Martin
Mathias
Matsunaga
Meeds
Melcher
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Monagan
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Randall
Rarick
Rees
Reid, N.Y.
Reuss
Rivers
Roberts
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Roybal
Ruth
Ryan
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Snyder
Staggers
Steed
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Thompson, N.J.
Tunney
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Watts
Weicker
Whalen
White
Whitehurst
Whitten
Winn
Wold
Wolff
Wright
Wyman
Yates
Yatron
Young
Zablocki

NAYS—98

Anderson, Ill.
Andrews, N. Dak.
Arends
Belcher
Bell, Calif.
Berry
Betts
Blackburn
Bray
Brock
Brown, Ohio
Broyhill, Va.
Burke, Fla.
Burton, Utah
Byrnes, Wis.
Camp
Carter
Cederberg
Collier
Collins
Colmer
Coughlin
Crane
Cunningham
Davis, Wis.
Denney
Dennis
Derwinski
Devine
Dickinson
Edwards, Ala.
Eshleman
Findley
Fish
Fisher
Ford, Gerald R.
Foreman
Frelinghuysen
Goodling
Grover
Harsha
Harvey
Heckler, Mass.
Hosmer
Hutchinson
Johnson, Pa.
Jonas
Kleppe
Landgrebe
Langen
Lloyd
Lujan
Lukens
McClory
McCloskey
McClure
McEwen
McKneally
MacGregor
Marsh
May
Mayne
Michel
Mizell
Morse
Morton
Nelsen
Poff
Quie
Quillen
Reid, Ill.
Reifel
Rhodes
Ruppe
Schneebeli
Schwengel
Scott
Smith, N.Y.
Springer
Stafford
Stanton
Steiger, Ariz.
Steiger, Wis.
Taft
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Vander Jagt
Wampler
Whalley
Widnall
Williams
Wilson, Bob
Wyatt
Wydler
Wylie
Zion
Zwach

ANSWERED "PRESENT"—2

Kuykendall
Kyl

NOT VOTING—50

Adair
Alexander
Anderson, Tenn.
Ayres
Bow
Bush
Caffery
Carey
Clancy
Cramer
Daddario
Daniels, N.J.
Dawson
de la Garza
Dent
Erlenborn
Esch
Farbstein
Flowers
Frey
Gaydos
Giaimo
Gilbert
Hall
Hamilton
Hansen, Idaho
Hastings
Hawkins
Jarman
Keith
Kirwan
Long, Md.
Mann
Meskill
Mollohan
Montgomery
Pepper
Pollock
Powell
Price, Tex.
Railsback
Riegle
Robison
Smith, Iowa
Teague, Tex.
Tiernan
Watkins
Watson
Wiggins
Wilson, Charles H.

So, two-thirds having voted in favor thereof, the bill was passed, the objections of the President to the contrary notwithstanding.

The Clerk announced the following pairs:

On this vote:

Mr. Kyl and Mr. Pollock for, with Mr. Bush against.

Mr. Kuykendall and Mr. Smith of Iowa for, with Mr. Bow against.

Mr. Flowers and Mr. Caffery for, with Mr. Cramer against.

Mr. Riegle and Mr. Tiernan for, with Mr. Long of Maryland against.

Mr. Pepper and Mr. de la Garza for, with Mr. Price of Texas against.

Until further notice:

Mr. Daddario with Mr. Meskill.

Mr. Carey with Mr. Hastings.

Mr. Mann with Mr. Hall.

Mr. Daniels of New Jersey with Mr. Robison.

Mr. Alexander with Mr. Adair.

XUM

Mr. Dent with Mr. Watkins.
Mr. Gaydos with Mr. Railsback.
Mr. Teague of Texas with Mr. Clancy.
Mr. Gilbert with Mr. Wiggins.
Mr. Giaimo with Mr. Ayres.
Mr. Montgomery with Mr. Watson.
Mr. Charles H. Wilson with Mr. Esch.
Mr. Anderson of Tennessee with Mr. Hansen of Idaho.
Mr. Jarman with Mr. Frey.
Mr. Mollohan with Mr. Erlenborn.
Mr. Hamilton with Mr. Keith.
Mr. Farbstein with Mr. Hawkins.
Mr. Kirwan with Mr. Powell.

Mr. KYL. Mr. Speaker, I have a live pair with the gentleman from Texas (Mr. Bush). If he were present, he would vote "nay." I voted "yea." I therefore, withdraw my vote and vote "present."

Mr. KUYKENDALL. Mr. Speaker, I have a live pair with the gentleman from Ohio (Mr. Bow). If he were present, he would vote "nay." I voted "yea." I, therefore, withdraw my vote and vote "present."

Mr. BUCHANAN changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will notify the Senate of the action of the House.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks after the vote just taken, and also to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

THE PRESIDENTIAL VETO—PERSONAL ANNOUNCEMENT

Mr. PEPPER. Mr. Speaker, the able gentleman from California, the Honorable Charles E. Wiggins, and I were in New York this morning where hearings of the House Select Committee on Crime began on the subject of drug traffic and organized crime's involvement in it. To be able to get to the House so as to vote on the bill extending Federal aid for hospital construction—the Hill-Burton Act—vetoed by the President, we adjourned the hearing at 11:30 a.m. and would have been here in ample time to vote had not our plane sat on the runway at LaGuardia Airport for 45 minutes. That delay prevented us reaching the floor of the House until 7 minutes after completion of the vote on the veto message.

Had I been present I would have voted to override the President's veto and to pass this most meritorious bill.

I was one of the sponsors of this bill in the Senate when it was first enacted. Its enactment was first recommended by the Senate Committee on Wartime Health and Education of which I was chairman and Senator Hill was a member of my Wartime Health and Education Committee.

I think this measure has immeasurably contributed to the health and happiness of countless numbers of people of this country and immensely helped to further the well-being of our Nation. I am glad to see the House by an almost 3-to-1 vote adhere to its previous position reporting this bill notwithstanding the veto of the President.

I did have a live pair in case I did not get back in time for the vote so that my vote counted in overriding the veto as if I had been here and voted.

Mr. Speaker, I ask that this statement appear in the body of the Record immediately following the vote on the veto message.

SECOND SUPPLEMENTAL APPROPRIATIONS, 1970

Mr. MAHON. Mr. Speaker, I call up the conference report on the bill (H.R. 17399) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 24, 1970.)

The SPEAKER pro tempore (Mr. Holifield). The gentleman from Texas (Mr. Mahon) is recognized.

Mr. MAHON. Mr. Speaker, I yield myself such time as I may consume.

SUMMARY OF THE AMOUNTS INVOLVED

Mr. Speaker, this is the conference report on the second supplemental appropriation bill which passed the House on May 7. As it now stands, the bill contains about $6 billion in new budget obligational authority. The largest single item in the bill relates to statutory pay increases for military and civilian personnel—about $4.3 billion. There are other items included, but pay costs are the single largest item of cost.

The budget estimates which were submitted to the House in connection with the bill total $5.9 billion.

The budget estimates considered by the Senate total nearly $6.6 billion. Some $662 million in the budget estimates were not considered by the House; they were sent by the executive directly to the Senate after the bill passed the House.

The House-passed bill provided $5.7 billion, plus.

The Senate approved $6.7 billion. The Senate bill exceeds the House bill by $938 million.

I include a summary of the totals:

Summary of conference report on second supplemental bill, 1970 new budget (obligational) authority

Budget estimates to the House	$5, 918, 073, 131
Budget estimates to the Senate	6, 580, 171, 902
Estimates not considered by House	+662, 098, 771
Passed House	5, 764, 115, 791
Passed Senate	6, 702, 375, 083
Senate over House	+938, 259, 292
Conference action (that is, excluding the two amendments in disagreement)	6, 021, 535, 005
Conference action compared to—	
Budget estimates (cut includes $275 million for military credit sales and $150 million for emergency school assistance)	−558, 636, 897
House bill	+257, 419, 214
Senate bill (cut reflects omission of $8.8 million on National Science Foundation, Amendment No. 13, and $587.5 million in amendment No. 16 for urban renewal programs)	−680, 840, 078

Mr. Speaker, these are the summary figures on new budget—obligational—authority—or, in other words, new appropriations. There are many transfers, and some additional contracting authorities for housing programs that are not added into these totals but which are in some respects significant. I include a more detailed itemization of the figures:

SUMMARY STATEMENT OF CONFERENCE ACTION—SECOND SUPPLEMENTAL APPROPRIATION BILL, 1970 (H.R. 17399)

Chapter No.	Department or activity	Budget estimate	House bill	Senate bill	Conference action	Conference action compared with— Budget estimate	Conference action compared with— House bill	Conference action compared with— Senate bill
	TITLE I—GENERAL SUPPLEMENTALS							
I	Agriculture:							
	Temporary appropriation—1971			($300, 000, 000)	($300, 000, 000)	(+$300, 000, 000)	(+$300, 000, 000)	
	By transfer	($597, 000)	($597, 000)	(425, 000)	(425, 000)	(−172, 000)	(−172, 000)	
II	Defense:							
	New budget (obligational) authority	99, 000, 000	99, 000, 000	99, 000, 000	99, 000, 000			
III	District of Columbia:							
	Federal funds: New budget (obligational) authority	7, 124, 000	1, 293, 000	7, 124, 000	5, 290, 000	−1, 834, 000	+3, 997, 000	−$1, 834, 000
	District of Columbia Funds	(21, 466, 000)	(4, 078, 475)	(14, 889, 910)	(12, 335, 910)	(−9, 130, 090)	(+8, 257, 435)	(−2, 554, 000)
IV	Foreign Assistance:							
	New budget (obligational) authority	480, 880, 000	205, 880, 000	205, 880, 000	205, 880, 000	−275, 000, 000		
	Increase in limitation	(349, 000)				(−349, 000)		

Footnotes at end of table.

Chapter No.	Department or activity	Budget estimate	House bill	Senate bill	Conference action	Conference action compared with—		
						Budget estimate	House bill	Senate bill
V	Independent offices—Housing and Urban Development:							
	New budget (obligational) authority:							
	1969	$13,616,000	$13,616,000	$13,616,000	$13,616,000			
	1970	984,198,600	797,110,000	1,552,330,600	[2] 955,547,600	$-28,651,000	+$158,437,600	-$596,783,000
	Total	997,814,600	810,726,000	1,565,946,600	969,163,600	-28,651,000	+158,437,600	-596,783,000
	New annual contract authorizations, increase in limitations	(55,500,000)	(75,000,000)	(75,000,000)	(75,000,000)	(+19,500,000)		
VI	Interior: New budget (obligational) authority	56,015,000	55,715,000	56,037,000	56,037,000	+22,000	+322,000	
VII	Labor-Health, Education, and Welfare:							
	New budget (obligational) authority	406,980,000	204,597,000	315,630,078	256,927,000	-150,053,000	+52,330,000	-58,703,078
	By transfer	(43,000)	(43,000)	(43,000)	(43,000)			
	Limitation (trust fund—Administrative expenses)	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)			
VIII	Legislative branch:							
	New budget (obligational) authority	1,131,555	731,555	731,555	731,555	-400,000		
	By transfer			(345,000)	(345,000)	(+345,000)	(+345,000)	
IX	Public works:							
	By transfer	(6,563,000)	(6,563,000)	(6,563,000)	(6,563,000)			
X	State, Justice, Commerce, and Judiciary:							
	New budget (obligational) authority:							
	1969	300,000	300,000	300,000	300,000			
	1970	28,776,500	21,330,000	22,825,000	22,825,000	-5,951,500	+1,495,000	
	Total	29,076,500	21,630,000	23,125,000	23,125,000	-5,951,500	+1,495,000	
XI	Transportation:							
	New budget (obligational) authority	84,189,000	84,189,000	83,939,000	83,939,000	-250,000	-250,000	
XII	Treasury-Post Office:							
	New budget (obligational) authority	15,703,000	14,033,000	15,567,000	15,567,000	-136,000	-1,534,000	
XIII	Claims and judgments:							
	New budget (obligational) authority	23,478,461	6,591,406	23,478,461	23,478,461		+16,887,055	
	Total Title I:							
	New budget (obligational) authority:							
	1969	13,916,000	13,916,000	13,916,000	13,916,000			
	1970	2,187,476,116	1,490,469,961	2,382,542,694	[2] 1,725,222,616	-462,253,500	+234,752,655	- 657,320,078
	Total	2,201,392,116	1,504,385,961	2,396,458,694	[2] 1,739,138,616	-462,253,500	+234,752,655	-657,320,078
	By transfer	(7,203,000)	(7,203,000)	(7,376,000)	(7,376,000)	(+173,000)	(+173,000)	
	Limitation increases (administrative expenses)	(10,349,000)	(10,000,000)	(10,000,000)	(10,000,000)	(-349,000)		
	New annual contract authorization, increase in limitations	(55,500,000)	(75,000,000)	(75,000,000)	(75,000,000)	(+19,500,000)		
	Temporary appropriation, 1971			(300,000,000)	(300,000,000)	(+300,000,000)	(+300,000,000)	
	TITLE II							
	Increased pay costs:							
	New budget (obligational) authority	3,028,779,786	2,909,729,830	2,955,916,389	2,932,396,389	-96,383,397	+22,666,559	-23,520,000
	By transfer	(42,263,000)	(42,181,900)	(42,223,900)	(42,223,900)	(-39,100)	(+42,000)	
	Limitations on administrative and nonadministrative expenses	(37,927,000)	(36,225,700)	(36,280,700)	(36,280,700)	(-1,646,300)	(+55,000)	
	TITLE III							
	Increased pay costs—Federal Employees Salary Act of 1970 (indefinite)	[1] 1,350,000,000	[1] 1,350,000,000	[1] 1,350,000,000	[1] 1,350,000,000			
	Recapitulation: Grand total, titles I, II, and III:							
	New budget (obligational) authority:							
	1969	13,916,000	13,916,000	13,916,000	13,916,000			
	1970 definite	5,216,255,902	4,400,199,791	5,338,459,083	[2] 4,657,619,005	-558,636,897	+257,419,214	-680,840,078
	1970 indefinite	[1] 1,350,000,000	[1] 1,350,000,000	[1] 1,350,000,000	[1] 1,350,000,000			
	Total	6,580,171,902	5,764,115,791	6,702,375,083	[2] 6,021,535,005	-558,636,897	+257,419,214	-680,840,078
	By transfer	(49,466,000)	(49,384,900)	(49,599,900)	(49,599,900)	(+133,900)	(+215,000)	
	Limitations on administrative and nonadministrative expenses	(48,276,000)	(46,225,700)	(46,280,700)	(46,280,700)	(-1,995,300)	(+55,000)	
	New annual contract authorizations, increase in limitations	(55,500,000)	(75,000,000)	(75,000,000)	(75,000,000)	(+19,500,000)		
	Temporary appropriation—1971			(300,000,000)	(300,000,000)	(+300,000,000)	(+300,000,000)	

---

[1] Estimate of cost for the 6 months the 6 percent retroactive pay bill would be in effect during fiscal 1970. Under the bill language, transfers of certain unobligated balances are authorized to help meet the added costs, and some absorptions otherwise are probable. Thus, the aggregate additional appropriation under this provision may actually be less than $1,350,000,000. Note.—In terms of the February budget aggregates for 1970, the net additional amount is $1,175,000,000, after taking account of the $175,000,000 allowances in the February budget total related to a postal pay raise.

[2] Senate amendments, No. 13 to provide $8.8 million for the National Science Foundation and No. 16 to provide $587.5 million for Urban Renewal Programs, are reported in disagreement and are, therefore, excluded from the conference action totals.

AMENDMENTS IN DISAGREEMENT

The main controversy in this bill concerns the sum of $587.5 million for additional funds for urban renewal added on the floor of the other body. It is unbudgeted. When we reach that amendment following the adoption of the conference report itself, I would assume that there will be some discussion, and I will at that time discuss in some detail the additional sum added by the Senate and opposed by the House, and which is brought back in disagreement by the House. It is amendment No. 16.

Amendment No. 13, concerning the National Science Foundation, is also in disagreement.

If Members want to have a thumbnail statement as to just what is involved in the amendment concerning urban renewal, which will be discussed after adoption of the conference report, copies of the amendment and a statement as to the facts are here on the committee table

Mr. Speaker, I now yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Speaker, the conference report was signed by all representatives of the House after a full and extensive conference. I support the conference report and urge its adoption.

We will discuss the items in controversy when we get to the motions of the gentleman from Texas.

Mr. MAHON. Mr. Speaker, I thank the gentleman from North Carolina.

Mr. Speaker, I yield to the gentleman from New York (Mr. Ryan).

Mr. RYAN. Mr. Speaker, I am especially concerned about two amendments. No. 16, which I understand will be the subject of discussion when we reach the amendments which are in disagreement, relates to urban renewal. I urge the House to recede and concur in the Senate amendment No. 16 which will provide an additional $587.5 million to fully fund the urban renewal program.

FUNDS FOR SUMMER JOBS FOR YOUTH

I am also concerned about amendment No. 21, which is not in disagreement and which would appropriate $50 million for manpower development and training activities. This is 50 percent of the amount proposed by the Senate, which was $100 million. This is intended for the Neighborhood Youth Corps summer program.

That is a summer program which is of dire importance to our major urban areas, where teenagers without this program simply have no opportunity for any gainful employment during the summer. Thousands of young men and women will be forced to spend the summer in idleness without the wages needed to sustain themselves and their families.

The $100 million which the Senate included in this bill would have provided, I believe, 227,000 slots for jobs in the summertime, which means that this bill, at the rate of $50 million, would provide approximately half of that, or 114,000 slots.

Teenage unemployment is disastrous—twice that of adult unemployment. In the black communities teenage unemployment stood at the rate of 32.7 percent in April. Young men and women must have the chance to help themselves.

I do want to express my disappointment that the House conferees did not accept the full amount which the Senate had proposed. In fact, I previously introduced H.R. 18068 to provide $100 million additional for the Neighborhood Youth Corps.

Mr. MAHON. The gentleman refers to amendment No. 21. The other body added $50 million above the President's request for summer jobs for youths. The administration advised that probably $50 million could be used for summer jobs, and sent up a budget request for the $50 million.

What the conferees did was to agree to the $50 million budget request made by the President. At this period of the year, in view of the delay in the passage of this bill, it seemed to the conferees that perhaps not even $50 million can be used. Nevertheless, we did provide the total budget estimate of $50 million.

Mr. RYAN. Let me assure the chairman that the $50 million can and will be used. As a matter of fact, we could use the total amount in the city of New York right now.

CIVIL SERVICE RETIREMENT SUPPLEMENTED

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. GROSS. Do I correctly understand that the administration's supplemental budget figure was $5.9 billion?

Mr. MAHON. The House considered budget estimates involving $5.9 billion. Additional budget estimates were sent directly to the Senate after the House acted. So, budget requests considered in this bill total nearly $6.6 billion.

Mr. GROSS. And was the amount, whatever it was, for the Civil Service Commission included in that figure?

Mr. MAHON. The amount for the Civil Service Commission, to strengthen the retirement fund, was not before the House, but it was added in the other body based upon a budget estimate. The total amount involved is about $157 million.

Mr. GROSS. $157 million?

Mr. MAHON. Yes; as authorized by recently enacted legislation.

Mr. GROSS. And that was a budget figure, again, from the administration?

Mr. MAHON. Yes.

Mr. GROSS. This bill is how much above the House figure?

Mr. MAHON. The Senate bill is above the House figure by $938 million, but I must say that the other body considered $662 million of estimates which were not before the House.

URBAN RENEWAL ADDITION BY SENATE

Mr. GROSS. The $587 million for urban renewal which is in disagreement is not a part of the figure the gentleman just gave, or is it?

Mr. MAHON. The gentleman is correct; it is not in the budget requests because it was not requested. It is not in the conference total, of course. This was added on the Senate floor. We will have a discussion of that when we come to amendment No. 16, following adoption of the conference report.

Mr. GROSS. I thank the gentleman from Texas for yielding to me and for his explanations.

Mr. MAHON. I would say to the gentleman, that of course the $587.5 million is in the Senate passed total.

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman.

Mr. JONAS. I was just going to make that point. The $587 million that will be discussed later is included in the $938 million figure, which shows in the bill as it passed the Senate above our figure.

Mr. MAHON. The gentleman is correct.

Mr. COHELAN. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from California.

Mr. COHELAN. Will the gentleman explain today a little more about amendment No. 16 reported in disagreement with respect to this $587 million? Do I understand you are going to explain it to us now, or when will you?

Mr. MAHON. As I indicated, we propose to discuss that when we reach amendment No. 16 on a separate motion after the conference report itself is adopted.

Mr. COHELAN. I thank the gentleman.

Mr. OBEY. Mr. Speaker, during the Senate debate on this supplemental appropriation bill for 1970, the Senate adopted an amendment proposed by Senator Proxmire of Wisconsin to add $8.7 million in funds to help complete the construction of 35 hospitals throughout the country. These hospitals were hurt particularly hard when the Congress voted last year, at the insistance of the President, to cut by $82 million the appropriation for hospital construction and modernization under the Hill-Burton program.

With that cutback in funds there has been a halt in the construction of some hospitals which are already in various phases of construction. In some cases, contractors may not be paid, and in many local communities they are finding it necessary to obtain funds in other ways to refinance these projects.

The Proxmire amendment would have helped those local communities which have already started construction or modernization projects, which have been led to believe they would receive funds, and which have been counting on these funds during the 1970 fiscal year so that the projects could proceed and in some cases be completed.

Unfortunately, Mr. Speaker, that amendment was not accepted by the House in the conference committee. I regret that decision. The Proxmire amendment was passed by the Senate in an attempt to fulfill the promise on the part of the Federal Government to provide a certain level of assistance to local communities for hospital construction in this fiscal year. By not accepting this amendment Congress has let these communities down. I believe this bill would have been a far better piece of legislation had it contained that amendment.

Mr. SCHADEBERG. Mr. Speaker, on behalf of the people in the area of Beloit I express regret that the conferees saw fit to delete the item of $8,703,078 for hospital modernization and construction which I had attempted unsuccessfully to have included in the House version of the second supplemental appropriation bill of 1970 but which was included in the Senate version.

While I can understand the action of the conferees I am disappointed that this item was deleted. I do express a hope that the Subcommittee of the House dealing with appropriations for Hill-Burton funds for 1971 will include the $8,703,078 for the 35 hospitals which have started construction under the modernization program but have not received their full funding.

If for some unfortunate reason the funds these hospitals have full reason to believe would be received under the Hill-Burton Act are not included in the 1971 appropriation bill I will seek to have the funds included by amendment and trust the House in its wisdom will recognize its responsibility to fulfill its moral, and what I believe legal, commitment to these hospitals.

Mr. MAHON. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore (Mr. Albert). The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment numbered 2: Page 2, line 13, insert:

"FOOD AND NUTRITION SERVICE

"FOOD STAMP PROGRAM

"For necessary expenses of the Food Stamp Program pursuant to the Food Stamp Act of 1964, as amended, for the period July 1, 1970, to September 30, 1970, $300,000,000, to be charged to the amount appropriated under this head in H.R. 17923, when enacted."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 2 and concur therein with an amendment, as follows: In lieu of the date of September 30 named in said amendment insert "October 31".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment numbered 10: Page 4, line 18, insert "*Provided*, That $374,500 shall be available for construction services by the Director of General Services or by contract for architectural engineering services, as may be determined by the Commissioner."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 10 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment insert "$318,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment numbered 12: Page 6, line 8, insert:

"GENERAL SERVICES ADMINISTRATION

"REAL PROPERTY ACTIVITIES

"SITES AND EXPENSES, PUBLIC BUILDINGS PROJECTS

"For an additional amount for 'Sites and expenses, public buildings projects', $371,000, to remain available until expended."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 12 and concur therein

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment numbered 13: Page 6, line 14, insert:

"NATIONAL SCIENCE FOUNDATION

"SALARIES AND EXPENSES

"For expenses necessary to carry out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), $8,800,000, to remain available until expended."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House insist on its disagreement to the amendment of the Senate numbered 13.

PREFERENTIAL MOTION OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. MILLER of California moves to recede from the disagreement to Senate amendment No. 13 and concur therein.

SENATE ADDITION FOR NATIONAL SCIENCE FOUNDATION

Mr. MAHON. Mr. Speaker, a floor amendment adopted in the other body provided an additional $8.8 million for the National Science Foundation for fiscal year 1970.

The Congress last year enacted legislation denying the Department of Defense funds to support basic research on any item other than that directly germane to defense programs.

It is now contended that about $8.8 million in federally supported research in the universities was eliminated as a result of the operation of this legislation, and the purpose of amendment No. 13 is to restore such research support, but do so through the National Science Foundation. That is what amendment No. 13 is designed to do.

Mr. EVINS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. Mr. Speaker, I would say to my distinguished friend, the chairman of the Appropriations Committee, that I shall not disagree with his position and that of the distinguished gentleman from California, but I certainly think this item needs some explanation.

Our Subcommittee on Independent Offices, which recommends funds for the programs of the National Science Foundation, proposed $495 million for next year in the bill that passed the House on May 12. This is a $57 million increase over the $438 million appropriation of the previous year. The bill reported by the committee in the other body yesterday proposes $511 million for next year, or an increase of about $73 million over 1970.

I might say that the so-called Mansfield amendment adopted in the other body on the Military Procurement Authorization Act last year provided, in substance, that the Defense Department shall not engage in support of scientific research projects not relating to defense. We suspected that there would be a transfer of a lot of nonrelated projects over to the National Science Foundation. However, the testimony of Dr. John Foster of the Department of Defense research program states that none have been transferred as of now. Therefore, I do not see the need for an emergency appropriation in this supplemental bill at this time, particularly at the close of the fiscal year and when the new fiscal year begins next Wednesday.

So, Mr. Speaker, this is not an emergency item for scientific research, and especially so when the National Science Foundation is generously funded for the new year.

But in view of the position taken by others, I shall not insist upon a vote on the matter. However, I think the National Science Foundation is more than generously funded at this time, and certainly does not need the additional sum for this fiscal year that will expire before this bill is enacted.

Mr. MAHON. Mr. Speaker, I have no very strong feelings about this matter. It is true that certain basic research efforts formerly financed by the Department of Defense can no longer be financed by that Department. I am advised that about $8.8 million is involved. I am advised that this matter is covered in a report of inquiry prepared by the General Accounting Office, submitted to the Senate a couple of days ago. I have not had opportunity to study it. I would be glad to yield to the distinguished chairman of the committee which handles the authorizing legislation for the National Science Foundation for whatever statement he wishes to make.

Mr. MILLER of California. I thank the distinguished gentleman from Texas.

Mr. Speaker, this is a very touchy subject. This law reads that the Department of Defense cannot do certain research that it has heretofore done. The only place they can really turn to is the National Science Foundation. Some of this research may not be directly in line with defense activities, but it is so closely related to them that we must have an outlet or some place where this research can be done. What we are trying to do is to protect not only the whole field of science but to make it possible in an emergency for the National Science Foundation to fulfill its obligation and to pick up the cost of this matter of research.

Mr. MAHON. I again say, Mr. Speaker, that I do not have any very strong feelings on the matter. Clearly various colleges throughout the country are interested in this activity.

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from North Carolina.

Mr. JONAS. I thank the chairman for yielding.

Mr. Speaker, I concur in the view expressed by the distinguished gentleman from Tennessee (Mr. EVINS). We think this supplemental item of $8.8 million should be considered in the regular bill.

We have already provided in the House $495 million for the National Science Foundation. That bill has not been acted on by the other body. I am surprised that a fight should be made to add $8.8 million in a supplemental bill, especially when the fiscal year will end on next Tuesday night. We think this item should be considered under normal, ordinary procedure and should have gone over for consideration in the fiscal year 1971 bill that is now pending on the other side of the Capitol.

But if the gentleman from Tennessee is not disposed to insist on the position

XUM

the House conferees took, I will concur in his decision.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, it would be unconscionable to put $8.8 million into a supplemental appropriation bill for this purpose with the year expiring when? Next Tuesday or Wednesday?

Mr. MAHON. Next Tuesday night.

Mr. GROSS. That just does not make a nickel's worth of sense. I am astounded that the move has been made here today to put this money in under the circumstances that exist, especially in view of the fact that Congress has already approved $495 million for the National Science Foundation. I urge that the House waste no further time in defeating the motion now pending.

Mr. MAHON. Mr. Speaker, I move the previous question on the preferential motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the preferential motion offered by the gentleman from California (Mr. Miller) to recede from disagreement to the Senate amendment No. 13 and concur therein.

The preferential motion was rejected.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas that the House insist on its disagreement to the Senate amendment No. 13.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment numbered 15: On page 7, strike out:

"Council on Environmental Quality

"SALARIES AND EXPENSES

"For expenses necessary for the Council on Environmental Quality in carrying out its functions under the National Environmental Policy Act of 1969 (Public Law 91-190), including hire of passenger motor vehicles and partial support of the cabinet committee on environmental quality, and the Citizens' Advisory Committee on Environmental Quality, established by Executive Order 11472 of May 29, 1969, or any amendatory order, $100,000."

And insert:

"Council on Environmental Quality and Office of Environmental Quality

"SALARIES AND EXPENSES

"For expenses necessary for the Council on Environmental Quality and the Office of Environmental Quality, in carrying out their functions under the National Environmental Policy Act of 1969 (Public Law 91-190) and the Environmental Quality Improvement Act of 1970 (Public Law 91-224), including hire of passenger vehicles, and partial support of the Cabinet Committee on the Environment and the Citizen's Advisory Committee on Environmental Quality, established by Executive Order 11472 of May 29, 1969, as amended by Executive Order 11514 of March 5, 1970, $400,000."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 15 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment insert "$350,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 16: Page 9, line 4, insert:

"URBAN RENEWAL PROGRAMS

"For grants for urban renewal, fiscal year 1970, as an additional amount for urban renewal programs, as authorized by title I of the Housing Act of 1949, as amended (42 U.S.C. 1450 et seq.) and section 314 of the Housing Act of 1954, as amended (42 U.S.C. 1452a), $587,500,000, to remain available until expended: *Provided*, That no part of any appropriation in this Act shall be used for administrative expenses in connection with commitments for grants aggregating more than the total of amounts available in the current year from the amounts authorized for making such commitments through June 30, 1967, plus the additional amounts appropriated therefor."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House insist on its disagreement to the amendment of the Senate numbered 16.

PREFERENTIAL MOTION OFFERED BY MR. COHELAN

Mr. COHELAN. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Cohelan moves that the House recede from its disagreement to Senate amendment No. 16, and concur therein.

SENATE ADDITION OF $587.5 MILLION UNBUDGETED FOR URBAN RENEWAL PROGRAMS

Mr. MAHON. Mr. Speaker, we are now confronted with a matter involving $587.5 million for urban renewal programs.

The House and the other body continue to support urban renewal programs. On May 12, the House, in the appropriation bill managed on the floor by the gentleman from Tennessee (Mr. Evins) and the gentleman from North Carolina (Mr. Jonas) approved the full budget estimate of $1,000,000,000 for urban renewal for the fiscal year 1971 which begins next Wednesday.

Congress also provided $1 billion for this program for the current fiscal year 1970.

In my judgment, there cannot be any possible defense for concurring in the Senate amendment now before us. I would like to read that amendment. It states, on page 9, amendment No. 16:

For grants for urban renewal, fiscal year 1970—

Well, the fiscal year 1970 ends next Tuesday. It provides funds for the fiscal year which ends next Tuesday:

as an additional amount for urban renewal programs, as authorized. . . $587,500,000, to remain available until expended: Provided, that no part of any appropriation in this Act shall be used for administrative expenses . . .

And so forth.

So, in the very dying hours of the current fiscal year, this is simply to provide—for this current fiscal year—an additional sum of $587.5 million for urban renewal, on top of the $1 billion already provided for the current fiscal year.

It is above the budget.

There were no committe hearings in either the House or Senate on the matter in connection with this bill.

If additional funds are desired, this is not the bill in which to add a $587.5 million unbudgeted supplement that cannot be obligated in the current fiscal year which ends next Tuesday night. Any additional funds at this time could not be obligated until fiscal 1971.

As I said, the House-passed fiscal year 1971 appropriation bill contains $1 billion.

The Committee on Appropriations of the other body has reported a bill adding $300 million above the budget—and above the $1 billion—for the fiscal year 1971 which begins next Wednesday.

The 1971 bill is the appropriate and orderly place and time to decide the funding level for urban renewal—not at the last minute in a supplemental bill that will expire before the funds can be obligated.

Of course, the other body will have its opportunity to do what it wishes with respect to the fiscal year 1971 program. The House provided $1 billion. The other body will provide whatever sum it desires to provide. Then we will go to conference with the Senate to determine what the final figure will be for the fiscal year 1971 which begins next Wednesday.

It would be utterly indefensible and utterly inexcusable for us to provide for the fiscal year which ends next Tuesday an additional half billion dollars plus for urban renewal.

So, I stoutly support the motion I have offered to insist on our disagreement to the Senate addition of $587.5 million. And I urge the House to vote down the preferential motion offered by the gentleman from California.

Mr. Speaker, I now yield 5 minutes to the gentleman from California (Mr. Cohelan) to speak on his motion.

Mr. COHELAN. Mr. Speaker and Members of the House, I regret that because of last minute developments it remains for me to call to the attention of the House the serious needs for this urban renewal money.

I did not realize what had happened in the conference until this morning. It is only because of the fact that I am familiar with some of our procedures that I agreed to introduce the motion to recede and concur in the Senate amendments.

Now how did I get into this act?

This morning I got a call from many of the mayors in California. They told me about what they thought was their victory in the Senate. They said they had been frustrated by the action of the conference. They were in Washington and testified before the gentleman's committee. The committee was told of the tremendous problems facing our cities, of the huge backlog and the enormous need.

On the basis of the call this morning, I tried to find out more about it and, of course, I became more convinced that it was necessary to dicuss this problem in the House this afternoon and try to restore the funds.

Today, however, urban renewal faces

a financial crisis which could jeopardize its orderly continuation. There is currently a $3 billion backlog of urban renewal applications at the Department of Housing and Urban Development; all funds for fiscal year 1970 have been exhausted. Unless additional funds are appropriated, hundreds of communities across the Nation will be forced to postpone, or worse, cancel urgently needed renewal projects.

Mr. Speaker, on Monday the Senate recognizing the pressing need for prompt action to avert this crisis, approved by an unprecedented vote of 70 to 12, an amendment to the supplemental appropriation bill (H.R. 17399) adding $587.5 million for urban renewal. This is the additional authorized amount not appropriated for fiscal 1970.

The decision to concur with the Senate's action or to eliminate the full $587.5 million appropriation for urban renewal is now before this body. It is, in my mind, imperative for us to agree to this figure. Nearly every Member of the House has pending urban renewal projects in his district. Without the additional money, the chance that these projects will be funded in the next year will significantly decrease.

To indicate the extent of this crisis, let me cite briefly four comments from some city officials on their desperate need for additional urban renewal money:

Stamford, Connecticut—Local efforts cannot be sustained on a continuing basis with the paralyzing effects of periodic interruptions in the availability of federal dollars.

Nanticoke, Pennsylvania—If we don't get our funds we'll have to close up shop.

National City, California—The citizens, property owners, Chamber of Commerce, City Council, and everyone connected with the project are sorely disappointed because many acute physical and environmental deficiencies in the neighborhood will not be corrected as a result of the cut in funds.

Hot Springs, Arkansas—It's a dangerous situation when you start a program and then stop it. The community is interested and enthusiastic about our programs. The job ultimately will have to be done. By postponing it, we will only have to do more—at greater cost—when we eventually tackle the problem.

Mr. Speaker, the accomplishments of urban renewal are well known to most of us. We have seen the construction of new moderately priced housing in what was once a dilapidated and deteriorated neighborhood. We have witnessed the construction of new industrial parks within our cities which have generated new jobs and additional city revenues. We have watched as code enforcement or rehabilitation programs helped to maintain good neighborhoods which would have been transformed into slums if left unaided.

Nationally, the statistics are impressive. Over 1,000 communities are now participating in the program in every State. It is a program which assists communities of all sizes; in fact, over one half of the participating communities have a population of less than 25,000.

In housing, over a quarter of a million new or rehabiblitated housing units have already been started or completed, 53 percent of which are low and moderate income housing. In addition, when all redevelopment in programs approved through fiscal year 1969 are completed, nearly 1.3 million housing units, 66 percent low and moderate income, will have been generated.

In employment and commerce, over 5,000 commercial, industrial and institutional structures have been completed or are under construction as a result of renewal. This has already generated about half a million permanent jobs. When presently planned redevelopment is completed, an additional 2.2 million jobs will result.

The assessed tax valuation of land and improvements has increased an average of 240 percent in completed renewal projects, thus expanding the local tax base.

In the investment of other funds, one Federal renewal dollar will generate $5.30 of local private and public money.

While these statistics are impressive, there is another set which are depressing if Congress does not appropriate additional renewal funds. The National League of Cities and U.S. Conference of Mayors have compiled a list of pending and proposed urban renewal applications using data from the Department of Housing and Urban Development and the National Association of Housing and Redevelopment Officials. Current needs for the 50 States exceed 3¾ billion. There are currently a total of 1,325 applications from cities in 49 States. Mr. Speaker, at this time I wish to submit this document for insertion in the Record.

Therefore, Mr. Speaker, the need is obvious. The fiscal 1971 appropriation, which will be between $1 billion and $1.7 billion will be inadequate to meet this $3.75 billion demand. The additional appropriation of $587.5 million is an absolute necessity.

I urge the acceptance of the Senate addition of urban renewal funds.

Mr. BARRETT. Mr. Speaker, will the gentleman yield?

Mr. COHELAN. I yield to the gentleman from Pennsylvania who is very knowledgeable in this field.

Mr. BARRETT. Mr. Speaker, I thank the gentleman for yielding, and I certainly want to say to the chairman of the Committee on Appropriations that while the fiscal year is ending, and he thinks it would not be helpful to put this $587.5 million in the bill at this time. Unless this money is included in this appropriations bill it will cut off any of the urban renewal money today.

I hope this House this afternoon will sustain the preferential motion made by the gentleman from California.

So Mr. Speaker, I urge the House to adopt the preferential motion to add funds for urban renewal in the supplemental appropriations bill. The Senate added to the supplemental appropriations bill an amendment which provided an additional $587.5 million for urban renewal. This addition of funds for urban renewal will bring the total urban renewal funds up to what Congress authorized for fiscal year 1970. The Congress has authorized, but not appropriated a total of $2.287 billion, which includes $400 million authorized for the current fiscal year in addition to the $1 billion already appropriated; $187 million authorized for renewal in model cities areas, and $1.7 billion authorized for fiscal year 1971. The administration has asked the Congress for a $1 billion appropriations for fiscal year 1971, which falls short by $1.287 billion of what Congress itself has said it needed.

The Department of Housing and Urban Development has estimated that as of March 31, 1970, actual applications pending from some 500 cities totals almost $2.1 billion. This figure does not include projects now being developed locally and not yet submitted for funding.

Mr. Speaker, I am sure that most of the Members here today have been contacted by their mayors, who have pleaded with us for more renewal funds. Many of our cities are having their urban renewal programs severely restricted because of the administration cutback in renewal funding. I know that the distinguished Speaker's home city of Boston has had its urban renewal program almost brought to a halt. The same situation exists in my own city of Philadelphia where the urban renewal program again has been brought to a halt. Mr. Speaker, as Chairman of the Housing Subcommittee and as one who has been vitally concerned with the operation of the urban renewal program over the past 20 years, I am very familiar with the need for funds for this program. I strongly urge and support the adoption of the preferential motion offered by the gentleman from California (Mr. Cohelan).

Mr. COHELAN. I thank the gentleman.

Mr. SCHEUER. Mr. Speaker, will the gentleman yield?

Mr. COHELAN. I yield to the gentleman from New York.

Mr. SCHEUER. This measure is vital to the free enterprise community, which we all support.

The building industry in this country is in desperate straits. Mortgage money is virtually impossible to obtain at reasonable rates. So are construction funds. These funds will enable us to move ahead and put into housing production vacant cleared land—blocks and blocks in our cities which have become the favorite neighborhood dumping ground for garbage, abandoned cars, beds, chairs, refrigerators, bicycles and the like.

These cleared lots—fast becoming festering eyesores—are dramatic evidence of our lack of national will and purpose to rebuild our cities and provide low- and moderate-income housing for the poor, and the middle-class people who do not want to be forced out of our cities to suburbia. Let us pass this measure and get on with the job.

Mr. COHELAN. Mr. Speaker, I urge an "aye" vote.

Mr. MAHON. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. Williams), 2 minutes.

Mr. WILLIAMS. Mr. Speaker, I thank the distinguished gentleman from Texas for yielding to me. I do want to correct the gentleman from Pennsylvania who says that Mr. Mahon's motion involves $50 million. Actually it involves a sum in excess of $500 million.

I would also like to remind the Mem-

XUM

bers of the House that the wealth of this country is concentrated in the urban areas, and I happen to reside in and represent one section of an urban area. If we are going to raise taxes to help urban areas, those taxes must in good part come from the urban areas in which the wealth of this country is located. I know that the cities have not been doing as much to help themselves as they can. I would like to suggest to my distinguished colleague from California that perhaps the cities have been taught to expect to get something for nothing, and that could be the root of our trouble.

I certainly hope that Mr. MAHON's motion will be sustained.

Mr. MAHON. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Speaker, I urge my colleagues to support the preferential motion by the gentleman from California to recede and concur in Senate amendment No. 16. This supplemental appropriation of $587.5 million is essential to fully fund the urban renewal program. The urban renewal program and other housing programs have been underfunded for too long. This gives us an opportunity to match the authorization with appropriations in this fiscal year. The crisis in our cities is so extreme, urban blight is having such a devastating impact not only in terms of deteriorating housing, but in terms of the intolerable conditions under which people are living, that all manner of disastrous consequences result.

XUM

I urge that we support this motion. There is a $3 billion backlog now pending in urban renewal applications. Let us get on with the task of solving the crisis which concerns us in the major cities. New York City and every other major city can use all the funds which Congress can appropriate.

It has been said that no committee hearings were held in connection with this appropriation. I would like to remind the Chairman, however, that on April 8, I appeared before the Subcommittee on Independent Offices and Department of Housing and Urban Renewal of the Appropriations Committees. My testimony may be found at pages 521-26 of the hearings. And more specifically, my comments in regard to a supplemental appropriation for the urban renewal program may also be found at that location.

In the course of my testimony, and in calling for full funding of the urban renewal program—as provided in my bill H.R. 15643 (companion bills H.R. 15729 and H.R. 15844), I stated the urgent need for additional funds for urban renewal:

> Urban Renewal is at the very core of the governmental effort to clear our Nation's slums and halt urban blight. Decay of our cities is not going to stand still awaiting adequate Federal funds to combat it; it continues, it persists, and it grows in severity.

Obviously, even the $587,500,000 which the other body has added to the second supplemental appropriation bill for fiscal year 1970 will not be able to fill the enormous $3 billion backlog. But Senate amendment No. 16 is a significant step.

Let me briefly review this program, which provides Federal financial assistance to local communities to absorb part of the cost of local programs designed for neighborhood redevelopment, rehabilitation, or conservation.

Since 1949, over 1,000 communities—in all 50 States—have participated or are participating in the urban renewal program. Over half of these communities have a population below 25,000; and over $8.2 billion has been approved in Federal grants to assist the over 1,000 participants.

Under the urban renewal program over a quarter of a million new or rehabilitated housing units have already been started or completed, 53 percent of which are low- and moderate-income housing. When all redevelopment in programs approved through June 30, 1969, is completed, it will have generated nearly 1.3 million housing units, of which 66 percent are low and moderate income.

Urban renewal activity has generated about 500,000 permanent jobs. When present planned redevelopment is completed, over 2.2 million jobs will have been generated. Approximately $5.30 of local private and public investment has been generated for each urban renewal dollar. The assessed tax valuation of land and improvements has increased an average of 240 percent in completed renewal projects, thereby expanding the local tax base.

Urban renewal is a sound investment in the future of America. The preferential motion should be adopted.

Mr. MAHON. Mr. Speaker, there is a crisis in the cities and there is a crisis in the rural areas, but there is also a crisis in the fiscal affairs of our country as well as an inflationary crisis—and no one knows this inflationary crisis better than the people in the cities and urban areas.

We may well have a $12 billion deficit for the forthcoming fiscal year when we omit account of the $8 billion-plus that will be borrowed from the social security and highway and the other trust funds, so if we are going to try to look after the cities and the rural areas, we have to try to look after the fiscal stability of our country, because if money is not going to be stable and supportable, then we will not be able to buy much with it.

I would hope that the gentleman from North Carolina would make some detailed reference to what we are doing for the cities. Believe me, we are doing much for the cities.

Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina.

Mr. JONAS. Mr. Speaker, as the distinguished gentleman from Texas has said, we all know there is a crisis in the urban areas, but one listening to the proponents of this preferential motion would think we are not doing much about it. The contrary is the case. We are doing a great deal to assist the cities in solving their problems. The citation of a few facts and figures should make this clear to all fairminded people.

Mr. BARRETT. Mr. Speaker, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Speaker, in 1970, we will have approximately 1,200 applications pending for ruban renewal projects, asking for funds.

Mr. JONAS. Mr. Speaker, let me say to my friend from Pennsylvania that the Urban Renewal Administration—and I would like the members of the committee to hear these facts, because they are accurate and are taken from the record—has on hand now $2 billion of undisbursed urban renewal appropriations. That money has to be raised. It is not in the bank. We have to go out into the money market to raise it. But the pertinent point is that HUD has $2 billion in previously appropriated but undisbursed urban renewal funds.

What else has been done for urban renewal?

We have reported out of our committee, and this House passed last April, a bill providing $1 billion for urban renewal—and that is another billion dollars to add to the $2 billion on hand and unspent. We gave them $1 billion last year, and we are giving them another billion for fiscal year 1971 in a bill that already passed the House and pending in the other body. The Senate committee has increased that to $1.3 billion.

As the gentleman from Texas has said, here we are in the closing days of a fiscal year which will end next Tuesday night, and suddenly the other body comes up with $587 million of additional funds above the $1 billion already provided. We have to superimpose that on top of the $1 billion in the 1971 bill already cleared by the House. This is only for urban renewal—$2 billion in undisbursed funds, $1 billion provided in the 1970 regular bill and another $1 billion in the House passed bill for 1971, and yet they are asking the taxpayers to put up another $587 million in the supplemental for a fiscal year that will end in 4 days.

Mr. MAHON. Mr. Speaker, will the gentleman yield for a moment?

Mr. JONAS. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Speaker, is it not true that under the wording of the continuing resolution for fiscal 1971 which cleared the Congress yesterday, that regardless of this bill, this additional $1 billion will become available next Wednesday morning?

Mr. JONAS. That is correct. That was provided in the continuing resolution which cleared the House yesterday.

Mr. COHELAN. Mr. Speaker, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from California.

Mr. COHELAN. I should like to keep the record clear, because we can all learn something. Either the gentleman is correct and we have a plethora of funds or something is wrong, because these fellows calling me from California are saying there is a $3 billion backlog. They argued this over in the Senate. The Senate vote indicates they must consider the argument overwhelming. There is an enormous and critical unmet need, as I understand it.

If the gentleman could persuade me—I have high regard for the gentleman, as he well knows—I would be the first to go along and explain it to these people. It seems to me they must know that there is something wrong.

Mr. JONAS. If the gentleman will bear with me, I hope to be able to give him some facts he can use in discussing this issue with the mayors. If they know the facts I believe they will quit complaining about Congress being niggardly with funds for the cities.

Mr. McDADE. Mr. Speaker, will the gentleman yield?

Mr. JONAS. I yield to my colleague on the committee from Pennsylvania.

Mr. McDADE. On the point which the gentleman from North Carolina is making, it is interesting to note that in the figures we have been supplied in the committee, actual expenditures for urban renewal alone by fiscal year 1969 were $2.9 billion, and by fiscal year 1971 HUD estimates actual spending on urban renewal is going to be in excess of $5 billion, almost double. So, there is an increasing level of effort. In light of this fact, it seems most inappropriate to add this large sum without even a moment of hearings, and just before the close of the fiscal year.

Mr. JONAS. That is right. Yet, it continues to be said we are not providing much money for urban renewal and other programs for the cities. I do not understand what it will take to satisfy the critics.

The SPEAKER pro tempore (Mr. HOLIFIELD). The time of the gentleman from North Carolina has expired.

Mr. MAHON. Mr. Speaker, I yield 5 additional minutes to the gentleman from North Carolina.

Mr. RYAN. Mr. Speaker, will the gentleman from North Carolina yield?

Mr. JONAS. Will my friend from New York allow me to use about 4 of my 5 additional minutes, and then I shall be glad to yield.

The gentleman from California is talking about applications. I am talking about funds that have to be raised by the Treasury to take care of the contracts that are let.

The gentleman may be correct. There are, indeed, many applications on file for additional projects. But I am talking about a spending level, which used to be about $750 million a year. Now we have it up to $1 billion, and that does not satisfy them.

I say to the gentleman that the testimony before the committee indicates they have $2 billion in unexpended funds that have previously been appropriated for urban renewal, funds that they do not have in the bank. They will have to go out into this tight money market to raise those funds to go ahead with the contracts.

Mr. COHELAN. Mr. Speaker, if the gentleman will yield, I understand that. Is it not true that that money is already committed? I understand that. It is obligated money.

Mr. JONAS. It is obligated on the books, but it has not been spent. It has not been raised and it is not in the Treasury.

Mr. COHELAN. That is earmarked money. I understand that. It is in escrow, as it were.

Mr. JONAS. The difference between the gentleman from California and the gentleman from North Carolina is that the gentleman from California thinks it does not make any difference how many applications are filed, we have to put up the money to fund them all at one time. I do not believe we can afford to do it.

Mr. COHELAN. I say to the gentleman from North Carolina with the greatest of respect, we have to in this country respond to what is a critical need.

Mr. JONAS. Now may I go ahead and put on the record some other figures which I believe ought to be considered before we vote on this?

We hear a lot of complaints that we are neglecting the cities. I have just discussed the tremendous effort being made for urban renewal—involving a billion dollars a year and $2 billion in unspent funds. That is only one program for the cities.

What about the $575 million put up for model cities in the bill we passed last April?

What about the $291 million we have already appropriated this year for metropolitan development?

What about the $654 million we put up this year to pay the 1 year subsidy on the 900,000 public housing units that we are contracted to continue to subsidize for 40 years, the total cost of which could go to $35 billion?

What about the $170 million authorized in new contract authority for additional public housing units? The cost of that item alone for 40 years will be $6.8 billion.

What about the additional $50 million in rent supplement contract authority that we have already voted this year? When I mentioned that please understand you have to multiply by 40 because that is a contract obligating the taxpayers to pay $50 million a year for 40 years. This program could cost the taxpayers $6.8 billion if we stop it right now and do not make a new contract.

What about the $130 million of new contract authority we have granted this year for home ownership assistance? If you multiply that by 30 years, you have an obligation there of $3.9 billion. That program alone, if it ends this year, without another new contract, could cost the taxpayers $10 billion.

What about the $135 million of new contract authority we have granted this year for the rental assistance program? That is for low-income people. All of these programs are for urban citizens who are seeking housing. But urban renewal, where you are trying to add $575 million, will not build a single house. You tear down houses with urban renewal; you do not construct houses.

I am saying to you that you cannot make a case, if you look at the record, against Congress for being parsimonious in its dealings with the cities.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MAHON. Mr. Speaker, I yield the gentleman 3 additional minutes.

Mr. JONAS. As a matter of fact—my distinguished friend from Tennessee will agree with this—these four programs I have enumerated here involve an obligation on the part of the American taxpayers of about $65 billion. Yet people stand on the floor and say we are not doing anything for the cities. Here are a half dozen programs we are appropriating money and granting new contract authority for, and I do not think we deserve the criticism that the Congress is receiving from the mayors and from some of our colleagues who charge that we are doing nothing for the cities.

Mr. BARRETT. Mr. Speaker, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. I thank the gentleman for yielding.

I just want to point out this: I know the gentleman is very economical and has a very good approach to economy, but I think the gentleman knows better than anyone else in this House, in spite of all the concessions and statements relative to what you have done for the cities, I think you will agree, if you do not put money into the urban areas, the deterioration will become greater and the cost of rescuing our cities will become astronomical.

Mr. JONAS. Does my friend think that $1 billion is an insignificant sum for one program for 1 year—when you superimpose that on all of these other programs? What I am objecting to is the fact that so many people say we are doing nothing for the cities when the record shows we will spend about $44 billion for social and welfare programs, mostly for urban dwellers, during this current year.

Mr. RYAN. Mr. Speaker, will the gentleman yield?

Mr. JONAS. I promised to yield first to the gentleman from Illinois (Mr. COLLIER).

Mr. COLLIER. I just want to reiterate what the gentleman just said in evaluating the assistance to the cities. We cannot afford to overlook the amount of money put into the urban mass transit system and, in fact, even the impacted aid goes primarily to the schools in the urban areas.

But, I would like to clarify this point: My friend, the gentleman from Pennsylvania (Mr. BARRETT), said there were 500,000 applications pending. If they were all meritorious and if there was not the necessity for screening these and if each of these were approved in the sum of $20,000, we would need $10 billion just to take care of those applications. That, of course, is absolutely unrealistic.

The SPEAKER pro tempore (Mr. HOLIFIELD). The time of the gentleman from North Carolina has again expired.

Mr. MAHON. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Iowa.

Mr. GROSS. Let me commend my friend from North Carolina for his opposition to this motion. It is my understanding that HUD does not want this added money at this time; is that correct?

Mr. JONAS. This money is not even budgeted. No one in the administration has asked for it. No request has been submitted for it by HUD.

XUM

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, is there any money in this supplemental appropriation bill with which to buy furniture for welfare mothers to use to break out windows and the glass doors of public buildings as they did here in Washington a couple of days ago?

Mr. JONAS. No.

Mr. RYAN. Mr. Speaker, will the gentleman now yield?

Mr. JONAS. I now yield to the gentleman from New York.

Mr. RYAN. The fact remains that the $2 billion about which the gentleman spoke is already committed. It is money in the pipeline. There is now a $3 billion backlog in pending applications. What this $587.5 million does is to close the gap between the money which has already been authorized by the Congress and the money appropriated. Amendment No. 16 will provide full funding. That is the point.

Mr. JONAS. In the final seconds remaining to me, I wish to join my distinguished chairman, the gentleman from Texas (Mr. MAHON), in the remarks he made. If this preferential motion should not be voted down on its merits—and I think it should be because I think the committee and Congress has been very generous in providing funds for these programs but, if it should not be voted down on its merits, it ought to be voted down as a procedural matter because this is not the place, this is not the time to put a $587 million unbudgeted item in a supplemental appropriation bill for fiscal year 1970 which will end next Tuesday.

Mr. MAHON. Mr. Speaker, the distinguished gentleman from North Carolina has just made a very wise statement, that it would seem preposterous to put over a half billion dollars in this bill at this time for the fiscal year which ends next Tuesday.

I inquired of the Secretary of the Department of Housing and Urban Development, Mr. Romney, about the position of the Department in regard to this matter. I was told that Secretary Romney was out of the city. However, it is pretty well known, I think, that Secretary Romney is rather sympathetic to spending Federal dollars for urban problems, and Congress has given him a lot of support in those programs. I was told by the representative of the Secretary that he hoped that it would be possible to maintain the House position and oppose the half-billion-dollar Senate addition.

The chairman of the Subcommittee on Independent Offices Appropriations, who has worked for years with this program and who is responsible for guiding appropriations for tens of millions of dollars through the Congress, should be heard and I now yield 5 minutes to the gentleman from Tennessee (Mr. EVINS).

Mr. EVINS of Tennessee. Mr. Speaker, I rise in opposition to the preferential motion of the gentleman from California (Mr. COHELAN) and to support the position of the gentleman from Texas (Mr. MAHON).

The gentleman from California referred to coming before our committee. He did come before our committee and he and the mayors appeared in support of funds for the next fiscal year which begins July 1. We know he and the mayors are very much interested in urban renewal programs.

The gentleman can advise his mayors that there will be $1 billion in new funds for 1971 for urban renewal programs, which will arrive on Wednesday of next week. What we are talking about now is a supplemental appropriation for the fiscal year that is just ending.

A total of $1 billion has already been provided for urban renewal programs in the current year. This is the full budget request.

I want to say further that we have provided substantial sums for the urban renewal program for many years, along with funds for many other programs for the cities. Urban renewal only a short time ago was funded on the basis of about $750 million annually. The House has already approved $1 billion for 1971, and that is the full amount requested by the Department. A total of $10,037,500,000 has presently been made available for urban renewal programs through the current fiscal year.

The $587,500,000, we are talking about now should not be in this bill. The other body did not have hearings on it in connection with this bill. It was added by an amendment on the floor of the other body. I hope we all understand the matter, and that we have been funding this program for many years.

Last year $1 billion was provided. Next year it will be at least $1 billion because the Senate committee has added $300 million to the amount which passed the House.

Now, regarding money that is going into the cities, we have the budget statement which indicates that about $44 billion of Federal financial commitments are being provided to the cities annually. This is no small amount, as we pointed out in our report on the 1971 bill, we want the House to understand about the aid that is presently going into the cities. This is more substantial when considered in total than many realize.

The $3 billion in appropriations that are provided in the regular bill for HUD programs in 1971 is only the tip of the iceberg. This includes $1 billion for urban renewal, $655 million for public housing, $575 million for model cities, and funds for many other programs. Homeownership, rental housing assistance, rent supplements, and other programs provide billions in long-term obligations for payments over the next 20, 30, or 40 years. These programs will continue to provide increasingly greater assistance to the people in urban centers. As I have mentioned, there is presently an estimated $44 billion in Federal support going into the cities each year.

Of course, you cannot satisfy all of the demands of some of the mayors. There is not enough revenue to do so. They want to get as much money as possible from Washington, and will continue to send telegrams. All of us have received telegrams.

The gentleman from California should explain to his mayors that he testified in support of funds for next year, which begins July 1. There is $1 billion in the House bill. There is $1.3 billion in the Senate bill.

I repeat, there were no hearings on this item. There is no budget estimate. It was added on the floor of the Senate, and it should be denied. The preferential motion of the gentleman from California should be voted down.

Mr. MAHON. Mr. Speaker, I strongly agree with the gentleman from Tennessee that the preferential motion offered by the gentleman from California (Mr. COHELAN) should be voted down.

The Committee on Appropriations has tried to do a good job helping the House find the right road to follow in fiscal matters, and we have been as generous as we could be under all the circumstances in these various programs. The budget is in the red, even after borrowing about $8.5 billion from the trust funds.

The pending $587 million is, as has been said repeatedly, for the fiscal year 1970 which ends next Tuesday.

It could not be used in this fiscal year 1970.

It is above the budget.

The new fiscal year begins next Wednesday. It would seem to me that the House would not at the end of the fiscal year, while talking about economy, and being very much concerned about inflation—it would seem unbelievable that the House would want—for the fiscal year 1970—to go nearly $600 million above the President's budget on this program. It just cannot be defended in the circumstances.

I hope that the preferential motion offered by the gentleman from California (Mr. COHELAN) will be voted down, and that when the vote comes the Members of the House will vote "No," and that the House managers will be sustained in their position to insist upon denying the $587.5 million added by the other body.

Mr. MAHON. Mr. Speaker, I move the previous question on the preferential motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the preferential motion offered by the gentleman from California (Mr. COHELAN) that the House recede from its disagreement to Senate amendment No. 16 and concur therein.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. COHELAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 137, nays 236, not voting 56, as follows:

[Roll No. 189]

YEAS—137

Adams
Addabbo
Albert
Anderson, Calif.
Annunzio
Ashley
Aspinall
Barrett
Biaggi
Bingham
Boggs
Boland
Bolling
Brademas
Brasco
Brown, Calif.
Burke, Mass.

XUM

Burton, Calif.
Button
Byrne, Pa.
Celler
Chisholm
Clark
Clay
Cohelan
Conyers
Corman
Coughlin
Cowger
Culver
Diggs
Dingell
Donohue
Dulski
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Fallon
Fascell
Feighan
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Gibbons
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gude
Halpern
Hanley
Hansen, Wash.
Harrington
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Holifield
Horton
Howard
Jacobs
Johnson, Calif.
Karth
Kastenmeier
Kluczynski
Koch
Kyros
Leggett
Lowenstein
McCarthy
McFall
Macdonald, Mass.
Madden
Matsunaga
Meeds
Mikva
Miller, Calif.
Minish
Mink
Monagan
Moorhead
Morgan
Morse
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
O'Hara
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Pepper
Perkins
Philbin
Podell
Price, Ill.
Rees
Reid, N.Y.
Reuss
Rodino
Roe
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roybal
Ryan
St Germain
Scheuer
Sisk
Staggers
Stokes
Stratton
Sullivan
Symington
Thompson, N.J.
Tunney
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Weicker
Whalen
Wolff
Yates
Yatron
Zablocki

NAYS—236

Abbitt
Abernethy
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biester
Blackburn
Blanton
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Byrnes, Wis.
Cabell
Camp
Carter
Casey
Cederberg
Chamberlain
Chappell
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins
Colmer
Conable
Conte
Corbett
Crane
Cunningham
Daniel, Va.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Denney
Dennis
Derwinski
Devine
Dickinson
Dorn
Dowdy
Downing
Duncan
Edmondson
Edwards, Ala.
Edwards, La.
Eshleman
Evans, Colo.
Evins, Tenn.
Findley
Fish
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Foreman
Fountain
Frelinghuysen
Fuqua
Galifianakis
Gettys
Goldwater
Gonzalez
Goodling
Griffin
Gross
Grover
Gubser
Hagan
Haley
Hammerschmidt
Hanna
Harsha
Harvey
Henderson
Hicks
Hogan
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Kee
King
Kleppe
Kuykendall
Kyl
Landgrebe
Landrum
Langen
Latta
Lennon
Lloyd
Long, La.
Lujan
Lukens
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McKneally
MacGregor
Mahon
Mailliard
Marsh
Martin
Mathias
May
Mayne
Melcher
Michel
Miller, Ohio
Mills
Minshall
Mize
Mizell
Morton
Mosher
Myers
Natcher
Nelsen
Nichols
Obey
O'Neal, Ga.
Patman
Pelly
Pettis
Pickle
Pike
Pirnie
Poage
Poff
Pollock
Preyer, N.C.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Randall
Rarick
Reid, Ill.
Reifel
Rhodes
Roberts
Rogers, Fla.
Roth
Roudebush
Ruppe
Ruth
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stafford
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Taft
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Vander Jagt
Waggonner
Wampler
Watts
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wold
Wright
Wyatt
Wydler
Wylie
Wyman
Young
Zion
Zwach

NOT VOTING—56

Adair
Alexander
Anderson, Tenn.
Ayres
Baring
Blatnik
Bow
Brock
Bush
Caffery
Carey
Clancy
Cramer
Daddario
Daniels, N.J.
Dawson
de la Garza
Dent
Erlenborn
Esch
Farbstein
Flowers
Frey
Gaydos
Giaimo
Gilbert
Hall
Hamilton
Hansen, Idaho
Hastings
Hathaway
Hawkins
Jarman
Keith
Kirwan
Long, Md.
McMillan
Mann
Meskill
Mollohan
Montgomery
Passman
Patten
Powell
Price, Tex.
Railsback
Riegle
Rivers
Robison
Rosenthal
Smith, Iowa
Teague, Tex.
Tiernan
Watkins
Watson
Wilson, Charles H.

So the preferential motion was rejected.

The Clerk announced the following pairs:

Mr. Teague of Texas with Mr. Adair.
Mr. McMillan, with Mr. Bow.
Mr. Daniels of New Jersey with Mr. Ayers.
Mr. Dent with Mr. Watkins.
Mr. Mollohan with Mr. Robison.
Mr. Carey with Mr. Hastings.
Mr. Rivers with Mr. Hall.
Mr. Montgomery with Mr. Clancy.
Mr. de la Garza with Mr. Price of Texas.
Mr. Anderson of Tennessee with Mr. Keith.
Mr Alexander with Mr. Watson.
Mr. Daddario with Mr. Meskill.
Mr. Long of Maryland with Mr. Erlenborn.
Mr. Patten with Mr. Esch.
Mr. Flowers with Mr. Frey.
Mr. Hamilton with Mr. Hansen of Idaho.
Mr. Giaimo with Mr. Riegle.
Mr. Smith of Iowa with Mr. Cramer.
Mr. Passman with Mr. Bush.
Mr. Baring with Mr. Brock.
Mr. Blatnik with Mr. Mann.
Mr. Hawkins with Mr. Farbstein.
Mr. Kirwan with Mr. Powell.
Mr. Caffery with Mr. Gaydos.
Mr. Gilbert with Mr. Charles H. Wilson.
Mr. Hathaway with Mr. Jarman.
Mr. Tiernan with Mr. Rosenthal.

Mr. FALLON and Mr. O'KONSKI changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas that the House insist on its disagreement to the Senate amendment No. 16.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 20: Page 12, line 11, insert "including $172,000 to remain available until expended."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 20 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 22: Page 13, line 17, insert:

"TRADE ADJUSTMENT ACTIVITIES

"For an additional amount for 'Trade Adjustment Activities', $2,330,000, together with such amount as may be necessary to be charged to the subsequent year appropriation for these expenses for any period subsequent to March 31 of the current year."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 22 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 24: Page 16, line 3, insert:

"SENATE

"CONTINGENT EXPENSES OF THE SENATE

"INQUIRIES AND INVESTIGATIONS

"For an additional amount for 'Inquiries and Investigations', fiscal year 1970, $345,000, to be derived by transfer from the appropriation, 'Salaries, Officers and Employees', fiscal year 1970."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 50: Page 48, line 15, insert: "*Provided*, That $200,000 of this appropriation shall be available only upon enactment into law of S. 2694, Ninety-first Congress, or similar legislation;".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 50 and concur therein with an amendment, as follows: In lieu of the bill number S. 2694 named in said amendment insert: "H.R. 17138".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 51: Page 51, line 21, insert:

"APPALACHIAN REGIONAL COMMISSION

" 'Salaries and expenses', $42,000, to be derived by transfer from the appropriation for 'Appalachian regional development programs';"

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 51 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 62: On page 63, line 20, insert:

"SEC. 604. Funds appropriated, or otherwise made available, by this Act for the fiscal year 1970, shall remain available for obligation until July 1, 1970, or for five days after the date of approval of this Act, whichever is later, unless a longer period is specifically provided: *Provided*, That all obligations incurred in anticipation of such appropriations and authority for the fiscal year 1970 as well as those for longer periods as set forth herein are hereby ratified and confirmed if in accordance with the terms hereof."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 62 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just agreed to and also amendment No. 13, pertaining to the National Science Foundation, and amendment No. 16, pertaining to urban renewal programs for fiscal year 1970.

The SPEAKER pro tempore (Mr. PRICE of Illinois). Is there objection to the request of the gentleman from Texas?

There was no objection.

EMERGENCY HOME FINANCE ACT OF 1970

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1094 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1094

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17495) to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 17495, the Committee on Banking and Currency shall be discharged from the further consideration of the bill S. 3685, and it shall then be in order in the House to move to strike out all after the enacting clause of said Senate bill and insert in lieu thereof the provisions contained in H.R. 17495 as passed by the House.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH) pending which I yield myself such time as I may consume.

Mr. Speaker, I know of no particular controversy on the rule. Of course, the bill that it would make in order does have some controversy. The rule is an open rule providing for 2 hours of general debate. It provides that the bill be read by title. It also provides that at the conclusion of consideration of the bill under the 5-minute rule, at the conclusion of the proceedings, it would be possible to send the bill to conference.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I concur in the statements made by the distinguished gentleman from Missouri in explanation of House Resolution 1094, the rule providing for consideration of H.R. 17495, the Emergency Home Finance Act of 1970.

The purpose of the bill is to increase the availability of mortgage credit for the financing of the home building industry.

Interest rates today are at historic high levels. Even at such rates money is in extremely short supply. The effect has been to tie up home construction. Low- and middle-income families cannot afford to pay the interest rates and many others cannot find available money at a reasonable price.

The bill seeks to alleviate these problems by: First, reducing interest charges for members of the Federal Home Loan Bank System—the savings and loan associations; second, establishing secondary markets for conventional mortgages under the Federal National Mortgage Association and the Federal Home Loan Bank Systems; third, authorizing an additional funding for the Government National Mortgage Association special assistance activities concerning secondary mortgage purposes; and fourth, extending the authority for setting FHA and VA interest rates at levels high enough to insure continuation of mortgage money in these two programs; and fifth, permitting investment of commercial bank reserves in housing mortgages.

Mr. Speaker, additional views in this matter have been filed by the gentleman from Texas (Mr. PATMAN) objecting to deletion of title V from the bill, the title creating a National Development Bank authorized to provide $4 billion a year to guarantee funding to construct 200,000 housing units for lower- and middle-income families, no loan to carry interest rates in excess of 6½ percent. The bill as originally proposed provided for establishment of this National Development Bank, the main source of funds of which would be the annual compulsory assessment of up to 2.5 percent of assets of pension funds and private foundations.

The proposal is of doubtful constitutionality. The provision was opposed by the administration and deleted by the Committee on Banking and Currency. I support the committee action to delete section 505.

I think we should keep in mind, Mr. Speaker, if I understand the parliamentary situation, that the language of the committee in this bill is actually a committee amendment, so in order to make certain that title V is not retained in the bill, if that is the position we take—and that is the position I take—we will have to be certain to vote in support of the committee amendment, which deleted title V.

We may end up by getting two or three votes on this. We will get a vote in the Committee of the Whole House. We may get a vote in the House on it, and I am not certain who will handle the motion to recommit, but we could get a vote on it. To be certain, if we want to keep this proposal of the gentleman from Texas out of the bill, as the committee voted, we should vote to support the committee amendment.

Mr. Speaker, I support the adoption of the rule.

I yield to the gentleman from Illinois (Mr. ANDERSON), such time as he may consume.

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in support of H.R. 17495, the Emergency Home Finance Act of 1970. I do so with a sense of urgency because I think this legislation is long overdue. You will recall that the other body passed a similar measure back in April of this year, and even at that time the housing crisis was extremely critical. The seasonally adjusted annual rate for new housing starts was approximately 1.3 million last year; and keep in mind that the national need, as defined in the 1968 Housing Act was 2.6 million new starts per year over the next decade. We are falling dangerously behind in meeting the shelter needs of our citizens, and the pinch is being felt throughout this great land of ours.

The villain in this whole piece is not difficult to identify; he has been with us for over 4 years now and goes by the name "inflation." In the old-fashioned melodramas the villain was one who went around foreclosing mortgages on homes. Our modern-day villain, inflation, is much more ruthless and malicious for he has successfully prevented people from even securing mortgages in the first place. The extent of this success is reflected in a passage from the committee report on this bill, and I quote:

The homebuying public, the mortgage lending institutions, and the homebuilding industry are confronted with the highest interest rates in a century and an extreme

XUM

> scarcity of mortgage credit. This situation has caused a sharp turndown in new housing starts and has priced the cost of homeownership beyond the means of most of the families in America today.

Mr. Speaker, I would not want to suggest that by passing this bill we will somehow manage to permanently drive this villain from our doorstep. This is obviously not a panacea for our national housing crisis, and let us not deceive ourselves into thinking that it somehow is. This is simply a short-term, stop-gap measure to stimulate new housing starts. Yet it is a very significant and essential action which must be taken while we continue to wage a war on inflation and while we continue to work for more adequate long-term solutions to our housing problem.

The bill before us today would increase the availability of mortgage credit for home financing; it provides for a reduction in interest charges for members of the Federal Home Loan Bank System; it would establish secondary markets for conventional mortgages under Fanny Mae and the Federal Home Loan Bank System; it would authorize additional funds for Ginny Mae's special assistance functions; it would extend the flexible interest rate authority for FHA–VA mortgages; and it would permit investment of commercial bank reserves in housing paper.

To elaborate, let me point out that title I of this bill would authorize an appropriation not to exceed $250 million for the purpose of enabling the Federal Home Loan Bank Board to reduce the interest rates charged by member banks on short-term loans and long-term loans to member associations. This would promote an orderly flow of funds into residential financing, both to finance the purchase of new and existing housing. I fully agree with the committee report which states:

> To the maximum extent possible, the reduced interest rate benefits of the title should be passed on to individual consumers.

Those low- and middle-income families which are hardest pressed. And if my memory serves me correctly, I believe the gentleman from New Jersey (Mr. WIDNALL) testified in the Rules Committee that the funds authorized under title I alone could mean a difference of 280,000 housing units this year. Put in more human terms, that means that by our action today we will make it possible for 280,000 American families to purchase homes this year—families who otherwise could not, due to tight money and high-interest rates.

Title II of this bill would create a secondary market for conventional mortgages by expanding Fanny Mae's purchase authority beyond federally assisted mortgages, now confined, for the most part, to FHA and VA mortgages.

Title III would establish still another secondary mortgage market facility by creating a Federal Home Loan Mortgage Corporation under the direction of the Federal Home Loan Bank Board. The Corporation would have authority to purchase residential mortgages and it would supplement the authority of Fanny Mae as expanded under title II of this bill.

Title IV would provide a $1.5 billion increase in Ginny Mae's special assistance authority. The bulk of these funds would be used to buttress tandem plan operations and thereby provide significant support for various Government-subsidized housing programs.

Title VI of the bill would, for 1 year, give the Secretary of Housing and Urban Development flexible interest rate authority with regards to rate ceilings on FHA and VA housing programs.

Mr. Speaker, in the time remaining, let me say a few words about title V as proposed by the gentleman from Texas (Mr. PATMAN). First, on the procedural question, it is my understanding that we will be voting on the committee's amendment to delete title V which is known as the National Development Bank. Therefore, a vote for the committee amendment is a vote against the National Development Bank concept.

Keeping that in mind, let me say that I intend to vote for the committee amendment to delete title V. I think the committee was wise in rejecting this idea and I would urge my colleagues to vote to uphold the committee's decision. In the first place, this bill is supposed to be an emergency home finance measure. And yet, as the gentleman from New Jersey (Mr. WIDNALL) testified in the Rules Committee, it would take 1 year alone just to set up the bureaucracy envisioned in the National Development Bank proposal. This is hardly consistent with the real nature of this bill which is to provide immediate emergency relief to the housing market.

But beyond that objection, let me say that I have more substantive reservations about the National Development Bank concept. The gentleman from Texas claims that this new bank, working with a minimum of $4 billion annually, could provide upward of 200,000 additional units per year. Now certainly, at first blush, that seems to be a very commendable objective, and I am just as interested as the gentleman from Texas in providing this Nation with as many new housing units as we possibly can.

But where will the money come from to fund this new National Development Bank? Well, the bill would make it possible to obtain the loan funds from a number of different sources. Congress could simply appropriate the funds. The Treasury could purchase the Bank obligations. Obligations of the Bank could be sold in the open market. Or, private pension funds and foundations having assets over $4 million could be required to purchase Bank obligations in annual amounts up to 2.5 percent of their assets.

This latter source, pension funds and foundations, is both the heart of the National Development Bank concept and its most controversial feature. When Secretary Romney testified before the Banking and Currency Committee on this legislation, he had this to say about the National Development Bank concept as it relates to pension funds and foundations:

> I believe they should become a major source of housing funds. Perhaps the only way to achieve this is through some form of legislation. But, in my opinion, we have not yet given the pension funds a practical opportunity to do this voluntarily. For the present we should try a voluntary approach within the framework of a basically free-market system before considering other steps.

Secretary Romney went on to explain that his optimism over the viability of the voluntary approach was not unfounded because HUD is now geared up to generate mortgage-backed securities guaranteed by GNMA—an instrument specifically designed to attract pension fund money. The first issues were sold in February, exclusively to pension funds, and since that time the sales have been going quite well. In Secretary Romney's words:

> This instrument should be given a chance to prove its value.

I would simply want to second what Secretary Romney has said on this issue. It seems to me that we too frequently and too quickly resort to such compulsory approaches before giving voluntary approaches adequate opportunity or incentive to prove themselves.

Commenting further on the National Development Bank concept, Secretary Romney said:

> I believe we already have an effective facility for housing finance in FNMA and GNMA, and that a new institution for basically similar operations is unnecessary.

The Secretary went on to acknowledge that our 10-year housing goal calls for some 6 million subsidized housing units and that this year's goal is to raise production of these above 450,000. But, in the Secretary's words:

> I believe the most appropriate way to help the rest of the population is to control inflation and all interest rates through effective fiscal, monetary, and other economic policy actions—rather than to steadily broaden Federal subsidy programs until they cover virtually the whole population. But if there is to be a broadening, I believe it should be done through the established 235 and 236 programs, instead of through some totally new institution.

Let me simply reiterate my full concurrence with Secretary Romney on that point and again urge my colleagues to support the committee amendment to delete title V as offered by the gentleman from Texas (Mr. PATMAN).

Back on January 21 of this year, President Nixon issued a statement on the Nation's housing problem, in which he said:

> Lack of mortgage money is perhaps one of the most pressing immediate restraints on housing. Needed housing must and will be financed and built. All financial institutions—commercial banks, mutual savings banks, savings and loan associations, life insurance companies, pension funds and trust funds—should recognize the investment opportunities that will exist in this field over the years ahead. They should seek now to move affirmatively into a better position to capitalize on these opportunities.

I think it has been due to the appeals by men like the President and Secretary Romney for this kind of voluntary assistance that we have seen a resurgence of interest on the part of these groups to making a greater contribution in the area of housing. In a letter we all received from Mr. Hilton Davis of the U.S. Chamber of Commerce dated May 28, he points out that—

> Banks, insurance companies, and pension funds have recently pledged an additional $2 billion in backing for residential mortgages this year. The voluntary approach to attracting pension and profit sharing funds to the mortgage market is far more preferable than a coercive approach.

He makes one other point which I think we would all do well to keep in mind in considering the advisability of coercive pension fund contributions or assessments, and that is this could set a very dangerous precedent which could well lead to a point at which all investment of private pension funds would be federally controlled. It seems to me this is something which we must vigilantly guard against if we are to preserve the freedom and independence of our private institutions and the spirit of voluntary action which they have promoted.

President Nixon has pledged that the housing of our people is and must be a top national priority." The Emergency Home Finance Act of 1970 is a measure of the urgency which we attach to that priority. I would therefore urge its passage so that we might provide our Nation with the emergency housing relief which this would afford.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17495) to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes.

The SPEAKER pro tempore (Mr. PRICE of Illinois). The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 17495, with Mr. SISK in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. PATMAN) will be recognized for 1 hour, and the gentleman from New Jersey (Mr. WIDNALL) will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the decision before the House of Representatives today centers on the question of whether Members of this body are going to live up to their responsibility to take effective action to meet the Nation's nearly overwhelming housing crisis.

That crisis is focused on the lack of available mortgage funds at reasonable rates, resulting in a reduction in housing starts to an annual average rate of 1.2 million units, only 46 percent of the volume required to meet our annual housing goals. Unemployment in the construction industry has reached a depression era level of nearly 12 percent.

Two-thirds of the Nation's families have been priced out of the housing market and the housing industry, which has suffered a nearly 50 percent reduction in activity in the past 18 months alone, is in a state of shambles. While almost every other industrialized nation in the world is moving rapidly forward to meet housing needs, the United States, the most powerful nation of all, is moving backward.

Mortgage interest rates during the past year and a half have been allowed to climb to the insanely damaging level of 9 percent and more. This alarming situation now confronting the Nation centers on the fact that the opportunity for homeownership is now extended only to those families with gross incomes of $13,000 to $15,000 a year. Data made available by the Department of Housing and Urban Development and the Census Bureau reveals that a minimum net income of $10,800 is necessary to afford the monthly payments on a house carrying a $20,000, 30-year, FHA mortgage. In short, purchasing a home is something that only the affluent can now enjoy.

A solution to the housing crisis can only be achieved if a large additional source of mortgage funds at reasonable rates is made available to the people who are prevented from entering the housing market. H.R. 17495, the Emergency Home Finance Act of 1970, provided that solution when it was reported to the full Banking and Currency Committee by the Housing Subcommittee. Title V, the heart of the bill, would establish a National Development Bank for housing to provide a minimum $4 billion a year to finance about 200,000 housing units a year for moderate- and middle-income families who cannot obtain mortgage loans from conventional lending institutions because of the shortage of funds, or who cannot afford the high cost of what few loans are available. Interest on Development Bank housing loans would not exceed 6½ percent a year.

Mr. Chairman, H.R. 17495 ceased to be an Emergency Home Finance Act in any real sense of the word when, by a close vote of 21 to 15, title V was deleted from the bill by amendment during full committee markup sessions. The money sections that remain in the bill provide funds for interest rate subsidies, but completely fail to bring one new dollar into the mortgage market. As a result, the bill, with title V deleted, tends to subsidize high interest rates and does not expand the capacity of the mortgage market to any appreciable extent. I do not mean to condemn interest rate subsidies. During periods when normal economic conditions prevail and adequate mortgage funds are available, interest rate subsidies have proven very useful in efforts to provide housing for low- and moderate-income families. But interest rate subsidies are of little help when mortgage loans are not available in the first place. Moreover, economic experts both in and outside the Government emphatically agree that demand for credit will substantially exceed the money stock during much of this decade. Our housing crisis is by no means an overnight situation.

This is why restoration of title V, establishing the National Development Bank for housing, is crucial to realizing a solution to this enormous housing problem.

Loan funds for the National Development Bank could be provided through congressional appropriations, the sale of Bank obligations to the Treasury and on the open market and, when necessary to achieve adequate levels, the required purchase of Bank obligations by private pension funds and privately controlled foundations. Bank obligations would have yields comparable to Treasury obligations, be fully negotiable and fully and unconditionally guaranteed by the Federal Government.

Designed in this way, funding the Bank for loan purposes need not be inflationary since purchase of its obligations could be done with funds that would be available for investment purposes in other areas of the economy having far less priority. By the same token, purchase of Bank obligations by pension funds and foundations would be without risk or sacrifice and would in fact constitute a superior investment, especially in terms of today's market conditions, for these institutions.

Maximum investment in Bank obligations by pension funds and foundations would not exceed 2.5 percent of the value of their total assets during any given year. This indeed is an extremely small requirement for institutions which have total assets valued at $156.2 billion and which enjoy enormous tax advantages. All title V really says is that private pension funds and foundations may have to invest in Bank obligations in amounts equal to sums they would have to pay in Federal taxes if they did not enjoy their present advantages in this area. But, instead of paying taxes, these institutions are merely being required to make a sound, prudent, completely risk-free investment.

In this connection, it should be noted that the Tax Reform Act, approved by Congress last year, removed the tax exempt status of privately controlled foundations, but only in a token way. These institutions are now required to pay a minute 4-percent income tax, which is about as burdensome as carrying a feather around. The Tax Reform Act also requires privately controlled foundations to give away all their earned income after taxes or 6 percent of their assets, whichever is greater. This is another way of saying that Congress has seen to it that the foundations are now doing what they should have been doing all the time in order to serve the purpose for which they were supposedly created and to be worthy of tax advantages which they enjoy.

The provisions of title V will not hinder the operation of foundations in any way. All it requires is that when necessary these institutions will have a very small part of their portfolios made up of Development Bank obligations which are

XUM

a far better investment than most of the assets they now hold.

Mr. Chairman, a large part of the opposition to title V stems entirely from failure to fully understand all of its provisions. Letters have been received by many Members of the House from persons objecting to the Development Bank because they think pension funds would not benefit from the purchase of Bank obligations. This is clearly not the case. The yields on Bank obligations would be far greater than the rate of return earned from investments and the sale of assets by these institutions. This is especially so when it is recognized that noninsured private pension funds, which comprise the bulk of pension institutions, have 55 percent of their assets, nearly $48 billion, in common stock which has experienced fantastic losses in the market during recent months.

The ability of the Development Bank to provide sound investment opportunities while furnishing desperately needed financial resources to meet the Nation's housing crisis for moderate and middle income families, has been fully recognized by the AFL–CIO, which has given its unreserved endorsement to title V. It hardly needs to be pointed out that this, the largest branch of organized labor in the world, represents 13.5 million workers, almost all of whom are beneficiaries of pension funds which are subject to the provisions of the title regarding investment in Bank obligations. Moreover, a member union of the AFL–CIO, the International Brotherhood of Electrical Workers, long ago abolished arguments against pension fund investments in residential housing. IBEW has more than 50 percent of its pension fund assets in just such investments. The fund is thriving and more than able to meet the requirements of its beneficiaries. The same can be said of other unions, such as the International Ladies' Garment Workers.

Mr. Chairman, the importance given to the National Development Bank for housing by the home building industry in general, the building trade unions and by the AFL–CIO itself is clearly indicated by the fact that the leadership of organized labor considers today's vote on title V to be the key vote on housing legislation this year. They see the Development Bank as the only meaningful thing in the Emergency Home Finance Act of 1970 in terms of meeting the Nation's housing crisis. By the same token, they are sharply aware, in this year of climbing unemployment, of the hundreds of thousands of new job opportunities Development Bank loans would create, particularly in the building industry.

Some opponents of title V also assert that it is unconstitutional. Nothing could be further from the truth. The American Law Division of the Library of Congress, in researching the question, reported that precedents supporting the validity of title V make it clear that the reach of the commerce power given the Federal Government by the Constitution includes this situation. The Law Division's opinion goes on to state that the Supreme Court has explicitly said the power of the Government "embraces regulations designed to promote the public convenience or the general prosperity, as well as regulations designed to promote the public health, public morals or public safety." Title V, the Law Division said, would stimulate the housing market and cause improvements in the economy through loans, grants and guarantees, and is a reasonable, rational exercise of power.

Still another equally invalid argument offered by opponents of title V is based on the assertion that it would take some time to organize the Development Bank and, therefore, it is not an immediate answer to the housing crisis. They talk as if the housing crisis can be eliminated next month, if not next week. A realistic view of the situation leads inescapably to the conclusion that the Nation is going to have a housing crisis on its hands for years to come. The universally recognized goal of 26 million housing units in just 10 years and our abysmally slow progress toward achieving that goal make that undeniably clear. Whether the Development Bank takes 6 or 8 months to organize and function is a small factor in terms of the time it will take to meet our housing goals. The real question is whether we will even approach our housing goals without an institution like the Development Bank for housing.

The question answers itself if we are left to rely on the remaining provisions of H.R. 17495 to meet the urgent housing needs of moderate and middle income families. Let me explain by citing other titles of the bill which are useful but limited, and under no circumstances provide a realistic answer to the Nation's housing crisis.

Title I authorizes a $250 million appropriation to subsidize loans from Federal home loan banks to member borrowers, chiefly savings and loan associations. The original draft of the title restricted the use of these funds to moderate income families and required that interest on mortgage loans be made available at rates no higher than 1 percent more than the rate paid by lending institutions themselves. These restrictions have been all but removed and there is no real guarantee now that the benefits of that $250 million subsidy will be passed to the people who need it most rather than the people who need it least.

Titles II and III establish secondary markets for conventional as well as federally insured and guaranteed mortgages, but there is no assurance—to say nothing of requirement—that any greater emphasis than presently exists be placed on mortgages for low-, moderate-, and middle-income families. These secondary markets will provide for a greater turnover of mortgage funds and, in this sense, they are beneficial to housing in general but not to the crisis area of our housing needs—low-, moderate-, and middle-income family housing.

Title IV makes available $1.5 billion for the Government National Mortgage Association special assistance program for low and moderate income families. But this is simply a case of providing increased interest rate subsidies without providing more mortgage loan funds to utilize those subsidies, even if the full authorization is appropriated.

Title VI simply continues for 1 year the temporary authority of the Secretary of Housing and Urban Development to set maximum allowable interest rates for FHA and VA federally insured and guaranteed mortgages. Continuation of the authority is necessary but in no way is it related to meeting the housing crisis.

Title VII has the potential for great assistance in meeting the housing crisis, but I am afraid that under present circumstances its potential may remain completely unrealized. This section of the bill authorizes the Federal Reserve Board to voluntarily relax reserve requirements of Reserve system member banks to provide additional funds for housing. Unfortunately, the Chairman of the Federal Reserve Board strongly opposes the title and I doubt that it will be utilized until he and other Federal Reserve Governors change their minds—whenever that is.

Finally, title VIII is a miscellaneous section which provides some desirable items, but in no sense is it addressed to the job of overcoming the housing crisis.

I would like to make one observation, however, about section 808. The purpose of this amendment is simply to give insured savings and loan associations that have not yet reached their 20th year of insurance additional time, up to 10 years, in which they have to reach the 5 percent reserve requirement.

With dividend rates at an all-time high, the younger institutions are not able to compete with the older institutions who have already accumulated reserves in excess of 5 percent; and this amendment will permit the under-20-year-old associations to continue to make loans and pay a competitive dividend rate. These associations are operating under exceptional circumstances and need this additional time.

The basic effect of title V is to allocate credit for moderate- and middle-income housing. It is the only section of H.R. 17495 which does this by providing a large, additional source of mortgage credit at reasonable rates on a continuing basis, year after year. The Development Bank is designed to guarantee the availability of this credit regardless of budgetary problems, the economic climate or the competition of funds in both the public and private sector. This approach is the only method of overcoming the Nation's housing crisis.

Mr. Chairman, I must point out here that amendment of the bill to delete title V, the National Development Bank for housing, is largely if not entirely due to the opposition of the administration, which is apparently operating under a system of double standards. Last year this Congress gave the President authority for credit controls in order to provide the financial resources at reasonable rates that are required to meet the priority needs of the Nation—including the most pressing need, housing.

The President's adamant refusal to exercise that authority is matched by the administration's opposition to title V. Yet, at the same time, the administration has shown itself willing to bend over

XUM

backwards in its attempts to bail out the big bank creditors and wealthy stockholders of Penn Central Railroad after mismanagement by the Nation's sixth largest corporation had led the line straight into bankruptcy.

The contract between the administration's attitude toward the critical housing needs of the Nation and its pandering to a $7 billion corporation is appalling to say the least. If the President can move to give priority classification to the financial needs of the Nation's largest railroad, he ought to at least make an equal effort to meet the housing needs of two-thirds of the Nation's population—that part of our population which is priced out of the housing market. I know that most of the Members of the House on both sides of the aisle must feel this way.

Mr. Chairman, before ending this statement, I wish to point out that two perfecting amendments will be offered to title V at the proper time.

One terminates at the end of 10 years the authority of the Development Bank's Board of Directors to require the purchase of Bank obligations by pension funds and foundations. As it is now, the title leaves the authority open ended. The 10-year lifespan of the authority was chosen because it coincides with the time frame projected to fulfill the national housing goals of 26 million new and rehabilitated housing units.

The other amendment imposes a mandatory requirement that the Bank exempt from the required purchase of obligations those pension funds and foundations which are making voluntary investments in the type of housing which would be provided by the Development Bank. The amount of the exemption would be equal to the amount of voluntary investments.

XUM

In conclusion, Mr. Chairman, I wish to point out that, under the rules of the House, the amendment deleting title V, as reported by the committee, is subject to approval by Members of the Committee of the Whole. At the appropriate time I shall oppose this committee amendment, calling on House Members to decline deletion of title V. This is the only action possible to make the Emergency Home Finance Act of 1970 more than a hollow gesture by this Congress to meet the crushing housing needs that exist in the districts of every Member of the House.

I would like to note two corrections in the committee report.

On page 8 of the committee report, strike out the last two sentences beginning with "In addition" and ending "the Federal Government" and insert:

> The Corporation would be exempt from taxation, Federal, State, and local, except for real estate taxes imposed by any State or local taxing authority.

On the top of page 9, strike out all that follows subsection (b) and insert:

> If for such periods and in such circumstances as FNMA may require, the seller agrees to repurchase or replace the mortgage upon demand in the event of a default, or . . .

Mr. WIDNALL. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I share the chairman's desire for expeditious action on the Emergency Home Finance Act. It is unfortunate that the history of this bill's origins appears to be as mysterious to some as the statuary on Easter Island. But it would be even more unfortunate for the people of the United States if partisan feelings engendered by misstatements were allowed to delay passage of this vital bill.

Let me set the record straight. This bill is the product of a bipartisan effort in the other body. It was enacted there by a vote of 72 to 0. It was in this same spirit that 72 Republicans and Democrats cosponsored an identical measure here. While the bill before us today is one introduced by the gentleman from Texas, it is laid before you with committee amendments reflecting a bipartisan effort to present a bill which is deserving of prompt enactment. The record will show that our concern has been to get this legislation enacted soon enough that it can be effective during this construction season.

Notwithstanding the fact that this bill is principally the product of congressional efforts, it is supported by the administration and several of its provisos were requested at one time or another by administration officials.

Title I of the bill is one of these. It will grant authority to the Federal Home Loan Bank Board to make minimal reduction in the costs of advances to member savings and loan associations and authorizes the expenditure of $250 million to encourage continued borrowing from the Board.

Savings are again beginning to flow into our savings and loan institutions. As inflationary pressures relax, this inflow will accelerate. When this happened back in 1967, associations used $2.633 billion of the $3.821 billion of new savings to repay borrowings from the Home Loan Bank Board. The program authorized under title I will encourage associations to keep present loans outstanding, using the funds instead to make additional mortgage loans. This can make $4 billion of new mortgage loans available.

Some have criticized our failure to set specific limits on eligible recipients of these loans establishing maximum incomes or maximum loan amounts. Let me say that after 36 years of trying to keep such limits current on FHA loans, we are moving toward administrative flexibility on these programs and could not see starting this program in this manner.

On the other hand, the record is clear that the assistance provided under this authority is expected to be directed to low and middle income families. The Chairman of the Home Loan Bank Board has assured us that administrative safeguards will be established to see that this intent is carried out.

Titles II and III of the bill authorize FNMA and a newly created Federal Home Loan Mortgage Corporation, under direction of the Federal Home Loan Bank Board, to operate secondary market facilities for conventional mortgages.

These facilities will serve a need long recognized.

Title IV will authorize additional funds for the Government National Mortgage Association's special assistance support of lower income housing. Because it had less budget impact, we would have preferred the version of this title enacted by the other body but yield here to the majority.

Title VI will extend until October 1, 1971, the present authority of the Secretary of Housing and Urban Development and the Administrator of Veterans' Affairs to establish maximum interest rates to meet mortgage market conditions. This is a poor substitute for the comparable provision of S. 3685—which is section 601. It does nothing to advance our efforts to eliminate the insidious practice of discounts. It disregards the recommendations of the Commission on Mortgage Interest Rates and other study groups which have endeavored to find ways to increase flows of mortgage funds, eliminate discounts, or reduce rates.

Our colleagues in the other body have taken a step forward by authorizing a trial until January 1, 1972, of a dual interest rate maximum as recommended by the Commission on Mortgage Interest Rates. We would much prefer to follow this course.

Under this dual rate arrangement, the present authority to establish maximums and permit the charging of discounts would be continued. But additional authority would be granted under which the lender and borrower could negotiate the interest rate freely and discounts would be prohibited.

Title VII is another controversial provision which we have opposed unsuccessfully in committee. We will have more to say regarding it during discussion of the committee amendments.

Title VIII is the normal conglomeration of miscellaneous provisions.

Mr. Chairman, though we feel that some provisions in this bill could better have been omitted, and some that are omitted would have proved useful, it is on balance a good bill and badly needed. It is an emergency measure in the truest sense and I am hopeful that we will here today conform our version as closely as practical to S. 3685 in order to minimize the problems of resolving differences and present this bill quickly to the President for signature.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, I thank the gentleman for yielding, and just in the interest of time, I think the gentleman will agree with me that we have full agreement on titles I, IV, and VII, and if we can all agree on them and I think that we can move very rapidly up to title V, and probably use a little time on that. That would cover the bill, because I would say that titles I, IV, and VII are the guts of the bill, excluding title V. And I think all of us, working harmoniously, can conclude action on the bill.

Mr. WIDNALL. I might say to the gentleman that I am somewhat limited in the amount of time I have.

Mr. BARRETT. I will say to the gentleman that I will give him my time because I am going to yield my time back so we can move faster. And as I said, I think if we can move in harmony here we could finish the bill in less than an hour's time.

I thank the gentleman for yielding.

Mr. WIDNALL. I would agree with the gentleman from Pennsylvania on what he says: That we could finish the bill in less than an hour's time, but I cannot agree with the gentleman when he says that titles I, IV, and VII can just be accepted without any debate. There will be controversy on title VII.

Mr. Chairman, I reserve the balance of my time.

Mr. PATMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. Mr. Chairman, the Nation's economy continues to deteriorate: Gains in gross national product are wiped out by inflation; unemployment rises to more than 5 percent nationally, and even higher in many major labor market areas; and the consumer price index reaches higher and higher levels, without the slightest slackening.

And as usual, the Nation's housing industry bears the major role in the Federal Government's efforts to slow inflation and provide a balanced economy. Many administrations have grappled with this problem, but this administration has shown remarkable ineptitude in its efforts to protect housing from the impact of traditional fiscal and monetary tools. In January 1969, the beginning of the Nixon administration, housing starts had reached a level of 1.9 million units; by December 1969, the seasonally adjusted annual rate of housing starts had fallen to 1.3 million units. After a brief increase in early 1970, housing starts have again begun to drop; from nearly 1.4 million units in March, to 1.215 units in April, and now to 1.2 million units in May.

Clearly, there must be a tremendous upsurge in homebuilding during the second half of 1970, even to reach the 1.4 million level predicted by HUD Secretary Romney early this year. It is truly shocking for a Nation as wealthy as the United States to produce 1.4 million housing units when the demand for housing is at its highest level since the end of World War II, and when its most foremost housing experts talk constantly of the need for an annual rate of at least 2 million units.

The Emergency Home Finance Act of 1970 will provide some assistance to a beleaguered industry, but significant help to meet housing's short-term and long-term needs must wait until this administration and this Congress are ready to direct funds into housing. During our deliberations on H.R. 17495, two efforts were made by committee members to direct a substantial amount of funds into the mortgage market—Chairman PATMAN's National Development Bank proposal and Congresswoman SULLIVAN's Federal Home Loan Mortgage Corporation. Both of these novel approaches were defeated by the strong opposition of the administration and the great majority of the Republican members of the committee. Clearly, the administration is not willing to support the recommendation of Federal Reserve Board Chairman Arthur Burns, who wrote in a letter to the Senate:

> The Board believes that any new subsidies that are needed for housing should be included in the budget so that the Congress may weigh them against other Federal outlays and reduce other outlays or increase revenues to cover their cost.

Nor is the President ready to face the issue squarely as he himself recommended in a letter to the Senate:

> If the Congress wants to go beyond these programs, it should face the issue squarely by voting the needed subsidy in the budget and then taking whatever additional steps are needed to secure the funds by cutting other expenditures or raising taxes.

The administration is, therefore, content to permit Adam Smith's "invisible hand," and insignificant fiscal and monetary adjustments, to remain the chief weapon of our Federal Government in combating the mortgage crisis. Members of Congress, of course, realize that eventually we must face the recurring dilemma presented by the uneven impact of fiscal and monetary policy on our efforts to house the American people. Eventually, we must vote the necessary funds to do the job.

EXPLANATION OF THE BILL

TITLE I—REDUCTION OF INTEREST CHARGES FOR MEMBERS OF THE FEDERAL HOME LOAN BANK SYSTEM

This title would authorize up to $250 million to be used by the Federal Home Loan Bank Board to reduce the interest rates charged by Federal home loan banks on short-term and long-term loans to savings and loan associations to promote an orderly flow of funds into residential financing. These subsidy funds will be disbursed by the Board in accordance with the purposes of the title to help savings and loans maintain and increase their rate of mortgage lending.

The funds may be used to help finance the purchase of both new and existing housing. However, it should be made clear that, in view of the lowest vacancy rates since the end of World War II, the committee expects the Board to give primary emphasis to the financing of new or rehabilitated housing.

The bill contains a provision which was the subject of considerable controversy in committee. Under the bill reported by the Subcommittee on Housing, loans by savings and loan associations to individual homebuyers would bear interest at not more than 1 percent above the rate on advances subsidized by the Board; however, the bill as reported has modified this provision to permit the Board to establish the effective interest rate savings and loan associations may charge to potential homebuyers.

In addition, the subcommittee bill included a provision restricting the annual income of home buyers to benefit from the bill to those below the median family income in the area where the property is located. Although this administration, in H.R. 16643, has proposed that only those below median income be permitted to receive the benefits of Federal housing subsidies, the Chairman of the Federal Home Loan Bank Board, Mr. Martin, strongly opposed this provision and urged that the Board would take the necessary steps to assure that the benefits of this title were made available to low- and middle-income families. The committee strongly urges the Board to take such action. To the maximum extent possible, the reduced rate benefits of this title should be passed on to individual home buyers.

Loans made by savings and loan associations under this title would be limited to the maximum mortgage amounts applicable under the FHA section 203(b) or section 207 unsubsidized housing programs. In addition, not more than 20 percent of the funds appropriated under this title could be disbursed in any one Federal home loan bank district.

TITLE II—AUTHORITY FOR THE FEDERAL NATIONAL MORTGAGE ASSOCIATION TO PROVIDE A SECONDARY MARKET FOR CONVENTIONAL MORTGAGES

This title would expand the purchase authority of the Federal National Mortgage Association to include conventional mortgages, in addition to the federally underwritten mortgages it now purchases and sells. These purchases would be limited to mortgages with a loan-to-value ratio of not more than 75 percent unless first, the seller retains a participation in the mortgage of at least 10 percent, second, for such periods and in such circumstances as FNMA may require, the seller agrees to repurchase or replace the mortgage upon demand in the event of a default, or third, the excess above such 75 percent is privately insured or guaranteed. It is the committee's expectation that any one of the three alternatives, in the discretion of the seller, will be acceptable.

FNMA would not be permitted to borrow in the capital markets to finance its activities under this title at any time that the Secretary of Housing and Urban Development determines that an offering of FNMA securities at that time would unduly inhibit the financing by the Government National Mortgage Association of its special assistance functions with respect to low- and moderate-income housing. In periods of high mortgage interest rates, the Federal Government's programs for low- and moderate-income housing should have priority over FNMA's secondary market activities in conventional mortgages.

The committee believes that FNMA has done an outstanding job in creating and operating a secondary market facility for FHA and VA mortgages. It has been the primary support for that market during the extreme credit conditions of the past 2 years. However, if, as seems likely, the current money market situation should continue for some time, the committee believes that FNMA should not implement this authority immediately. It should prepare for carrying out its new activity by establishing an appraisal system, drafting uniform mortgage documents, and making other preparations. The more effectively these activities are carried out now, the more effective market for conventional mortgages can be created when the pressure on the FHA and VA market has eased.

TITLE III—FEDERAL HOME LOAN MORTGAGE CORPORATION

This title would authorize the establishment of a secondary mortgage market facility, called the Federal Home Loan Mortgage Corporation, under the direction of the Federal Home Loan Bank Board. The Corporation would be a supplement to, and would have parallel authority to, the Federal National Mortgage Association under the expanded authority in title II of the bill.

The Corporation could purchase or make commitments to purchase residential mortgages secured by new or existing housing and by homes or by rental property.

Eligible mortgages would be as follows:

First. All Government insured or guaranteed mortgages.

Second. Conventional mortgages limited to ceilings comparable to FHA section 203(b) or 207 ceilings, with a loan-to-value ratio of 75 percent or less.

Third. Conventional mortgages limited to ceilings comparable to FHA section 203(b) or 207 ceilings, with a loan-to-value ratio of more than 75 percent if—

First, the seller retains a participation of not less than 10 percent in the mortgage; or second, for such periods and in such circumstances as the Corporation may require, the seller agrees to repurchase or replace the mortgage upon demand in the event of default; or third; that portion of the unpaid principal balance of the mortgage which is in excess of such 75 percent is guaranteed or insured by a qualified private insurer.

As is applicable to FNMA, the committee expects that any of the alternatives, at the discretion of the seller will be acceptable.

Like FNMA, the Corporation would be prohibited from borrowing to finance its activities under this title at any time the Secretary of Housing and Urban Development determines that an offering of the Corporation's securities would unduly inhibit the financing by the Government National Mortgage Association of its special assistance functions with respect to low- and moderate-income housing.

TITLE IV—GOVERNMENT NATIONAL MORTGAGE ASSOCIATION SPECIAL ASSISTANCE FUNDS

This title would provide the most direct assistance to housing construction contained in this bill. It would provide an increase of $1.5 billion in GNMA special assistance authority to become available immediately under the direction of the President to increase purchases of mortgages underwritten by the Federal Government which require special assistance. The bulk of these funds will be used under the tandem plan to support the very active sections 235, 236, and rent supplement programs. If fully utilized, this authority will provide for the financing of approximately 200,000 homes and apartment units.

The need for these funds is evident from the President's recommendation that $1.5 billion be shifted from the congressional allocation of special assistance funds to the Presidential allocation.

These funds, authorized by the Housing and Urban Development Act of 1969, should remain available and be utilized by the administration for those mortgages specifically designated by the Congress for low-cost-sales housing. The FHA low-cost single-family home program is as important to many of the Nation's citizens as the programs assisted under the tandem plan.

TITLE VI—FLEXIBLE INTEREST RATE AUTHORITY

This title would extend from October 1, 1970, to October 1, 1971, the authority of the HUD Secretary and the VA Administrator to waive the statutory interest rate ceiling on FHA and VA housing programs and to set maximum interest rates as the Secretary finds necessary to meet mortgage market conditions. The committee members deplore the fact that mortgage interest rates have risen to their highest levels in history: interest rates on FHA mortgages have reached 8½ percent, and many lenders insist on charging discounts in addition to such high rates. However, in most cases, the loan could not be made at all if the Secretary were not given this authority to set interest rates at the levels he determines necessary to meet the mortgage market. The inevitability of the need for this provision demonstrates again the need for Congress and the administration to take adequate long-range actions to assure mortgage credit to our citizens at reasonable costs.

TITLE VII—COMMERCIAL BANK RESERVES—INVESTMENT IN HOUSING

This title, sponsored by Congressman REES of California, could provide immediate and substantial benefits to the homebuilding industry, if the Federal Reserve Board exercises the broad and flexible authority provided by the committee. The FED would be given discretionary authority to permit member banks to use a portion of their required reserves as investments directly or indirectly to finance the construction or acquisition of residential real property.

Under the amendment, banks would be allowed to invest, for example, 10 percent of the approximately $30 billion now held in reserves in obligations of FNMA and the Federal home loan banks. The banks would, of course, earn income on what are now non-income-earning assets; however, in addition, substantial amounts of funds would be channeled into the home financing institutions.

Federal Reserve Board Member Sherman J. Maisel calculates that in 1966 the home construction industry bore 70 percent of the impact of the Nation's tight-money policy, although it accounted for only about 3 percent of the Nation's gross national product. This title of the bill represents a constructive effort to enable the industry to escape such an insensitive policy. If enacted into law and properly used by the FED, this title would provide significant help to the homebuilding industry, without in any way jeopardizing the central bank's vaunted independence.

TITLE VIII—MISCELLANEOUS

This title includes a number of provisions designed to make our housing laws more effective and enable savings and loan associations to better meet the Nation's housing needs.

Section 801 directs the HUD Secretary and VA Administrator to prescribe standards governing the amounts of settlement costs allowable in any area in connection with the financing of FHA- and VA-assisted housing. These FHA and VA standards would be consistent with each other and would be based on the HUD–VA estimates of the reasonable charges for necessary services involved in closings. In addition, HUD and VA would undertake a joint study and make recommendations to the Congress with respect to additional legislative and administrative actions needed to reduce and standardize new costs.

Sections 804 through 809 make various amendments to the laws governing savings and loan associations: section 804 permits saving and loan associations to provide collateral security for public funds deposited in saving and loan associations savings accounts; section 805 eliminates a prohibition in existing law regarding transactions between a savings and loan holding company and any of its affiliates, in order to permit the making of loans to affiliates or third parties on low and moderate housing projects developed by the affiliate; section 806 extend from 2 to 5 years, until February 14, 1971, the time during which divestiture must take place under the Savings and Loan Holding Company Act, which provided for the divestiture of nonqualified affiliates of savings and loan holding companies; section 807 authorizes federally chartered savings and loan associations to engage in statewide lending in States where State-chartered associations are allowed to engage in such lending; section 808 increases from 20 to 30 years the amount of time saving and loan associations may be given by the Federal Savings and Loan Insurance Corporation to build up their reserves to 5 percent of all insured accounts; and section 809 authorizes Federal savings and loan associations to accept, and act as trustees of trusts for, retirement funds of self-employed persons—Keogh-Smathers funds.

The committee believes these amendments will enable saving and loan associations to improve their operations and enable them to more effectively compete for savings funds.

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Chairman, this bill is known as the "Emergency Home Finance Act of 1970." It should perhaps be entitled instead the "Discovery Act of 1970." For at some point along the way, between the time the Democrats on the House Committee on Banking and Currency began working on such legislation and began pleading with the administration to help us write an effective bill to solve the emergency in home financing, and the time we finally got a bill out of committee in late May, President Nixon discovered that there was an emergency in home financing in the United States and that this bill had to be passed promptly.

XUM

His "great" discovery, like that of Columbus, was marred just a bit by the fact that he was mistaken in what he had discovered. He thought this was his bill, and that he had sent it up to us on February 2 and we had not done anything with it.

The President never did send us an emergency housing bill. Nor, as I said, did he or his officials give us any real help in writing this one. The administration did send us a recommendation for one title of this bill—a provision to subsidize the savings and loans in extending mortgages at the current market rate—or thereabouts—which will certainly do very little to expand the home mortgage market or reduce interest rates.

The emergency in home financing has grown entirely out of the high rates of interest this administration has not only condoned, but has encouraged. A $250,000,000 subsidy to the savings and loans contained in title I—will neither reduce rates nor build more than a tiny fraction of the new housing we need.

Nevertheless, because we were anxious to explore every possible avenue toward solving the mortgage crisis and enabling the people of this country to build or buy homes, the Democrats on the Banking Committee agreed to incorporate the only proposal the administration sent to the Congress for the savings and loan subsidy among all of the other provisions of the emergency bill we were working on. And so it is in this bill—for whatever good it can do. Few of us have any expectation that it will provide much of a solution. But it is there, and the President can take all the credit for it. We did not meddle with it, or cripple it in any way. If it accomplishes much in providing some additional homes, I will be the first to admit that President Nixon's housing bill—or his part of this housing bill—brought unexpected dividends to the home purchaser. We shall see.

Title II of the bill sets up a secondary mortgage market for conventional loans. We included just such a provision in the emergency credit control bill the House passed last fall, but the Senate conferees asked to have more time to consider this proposal. Now the Senate has agreed to what we had proposed in this area last year. So we are back where we were in December on this point.

Title III sets up additional secondary market facilities through another new instrument, the Federal Home Loan Mortgage Corporation. Under it the savings institutions will have an additional outlet for mortgage paper in order to recover capital to use for new loans. All of these things can help.

Title IV expands the special assistance authority of the Government National Mortgage Association by $1,500 million. This will help low income families, for whom we have voted extensive new programs in recent years to enable them to buy homes with subsidized mortgages, or to rent housing built with subsidized mortgages. This is a continuation and an expansion of successful programs instituted in previous years.

But after listing all of these provisions, we come to the one title of this bill which can really be considered an Emergency Home Finance Act proposal, and it is the only thing in the bill which can help the average American family obtain a home. Unfortunately, the committee voted largely on partisan lines to strike it from the bill.

Title V must be restored to the bill, by defeat of the committee amendment striking this title, if we are to end up with an effective emergency bill to assist the housing industry and the average family. It provides for a very substantial flow of brandnew money into the home mortgage field—a minimum of $4 billion a year—from sources not now participating in home mortgage financing. This money would be raised by a proposed National Development Bank which would receive its funds from bonds purchased by pension funds and foundations, funds which either pay no taxes at all, or virtually none, and which now account for a vast pool of $150 billion of investment money.

The $4 billion a year which would be made available to the National Development Bank through sale of bonds to pension funds and foundations would be available for direct loans to families which cannot obtain financing—at reasonable rates of interest—in the regular mortgage markets.

The direct-loan provisions of title V grew out of a bill originally introduced by me, with Chairman BARRETT of the Housing Subcommittee as cosponsor, to establish the Home Owners Mortgage Loan Corporation, H.R. 13694. We introduced that bill last September, and I offered it—unfortunately unsuccessfully—as an amendment to the Housing Act of 1969. It failed to attract a single Republican vote, which was too bad, and undoubtedly contributed to the feeling most Americans have developed over the years that the Republican Party, as a party, does not concern itself with this kind of problem of helping the average family to obtain better housing. Some Republican Members of Congress have done fine work in the housing field, but none of them voted for this proposal last fall. I hope they have given further thought to the importance of this kind of approach to the problem of decent housing for the families which pay most of the income taxes, and do most of the work in this country, and subsidize everyone else.

I shall do everything I can to restore title V to the bill. If we defeat the committee amendment, I will then offer a perfecting amendment to limit the interest which can be paid by the new National Development Bank to the pension funds and foundations required to invest a very small portion of their funds in the securities of the new mortgage bank.

Remember, only 2½ percent of the assets of any pension fund or foundation would have to go into this special area of mortgages. I feel that a 6-percent return, on bonds that can extend as long as 50 years, is a pretty good long-term investment for those funds—far better than they have averaged on their other investments, and far, far more than they have realized from their extensive investments in common stocks.

But that is a secondary issue to the main issue of getting title V restored to the bill. I hope every Democratic Member of the House will recognize that this is the only portion of the bill which can really breathe life into the home mortgage field, to meet the emergency in housing which President Nixon belatedly discovered last month when he called upon us to pass the bill he thought he had sent to us in February.

If title V is not restored to the bill, I intend to offer H.R. 13694 as a substitute device for getting mortgage money to the average income family—to those earning up to $12,000 a year, to obtain mortgages up to $24,000 at interest rates they can afford, that is, at 6½ percent or less.

This is not a vague or untested idea. We had weeks of hearings in the Banking Committee on this issue. And the administration's only substantive objection to it was that it would have a budget impact of $2 billion a year for 5 years. But this is money which would all come back to the Treasury at a higher rate of interest than the Treasury pays on any long-term bond outstanding, and a higher rate than it pays on the average on all public debt obligations. If we can afford to make long-term loans to Japan at 6 percent, we should be able to lend the mailman and the policeman and the teacher $24,000 at 6½ percent to buy a home. He will pay it all back, and we will get some housing in the meantime.

I urge this body to vote down the committee amendment striking title V from the bill.

Mr. BARRETT. Mr. Chairman, will the gentlewoman yield?

Mrs. SULLIVAN. I am happy to yield to my colleague.

Mr. BARRETT. Mr. Chairman, is it not true that in title V, known as the National Development Bank, there would be no subsidies in it whatsoever?

Mrs. SULLIVAN. There is absolutely no subsidy. The gentleman is correct.

Mr. PATMAN. Mr. Chairman, I yield to the gentleman from Illinois (Mr. ANNUNZIO).

Mr. ANNUNZIO. Mr. Chairman, I rise in support of H.R. 17495, the Emergency Home Finance Act of 1970.

This bill attempts to lessen the crisis in the mortgage credit market by various subsidies to mortgage lenders and by means to improve the market for conventional mortgages. The bill, which is before the House this afternoon, does not contain any long-term program to provide new sources of funds for mortgages.

The Committee on Banking and Currency held 4 weeks of hearings earlier this year and asked the administration to come up with some kind of a package to assist the crisis in the mortgage credit markets. It is already on the record of this House that the administration's response was not known until late March and early April. The administration presented us with no immediate plan except for a suggestion that we provide funds to subsidize obligations of the Federal Home Loan Bank System so that they might make advances to member savings and loan associations so that the associations might continue to make mortgages.

XUM

I am sorry to see this bill become involved in a political donnybrook, but I do hope it can be passed this afternoon to include Chairman PATMAN's National Development Bank, which I believe will go a long way in providing money so that American families may buy their homes in times of high interest rates and tight money.

Title I of the bill authorizes an appropriation not to exceed $250 million to be used by the Federal Home Loan Bank Board to reduce the interest rates charged by regional home loan banks on short-term and long-term loans to member associations in order that these associations might continue to provide an orderly flow of funds into residential mortgage financing. I certainly hope that the House will include language in the bill to assure that funds are used to assist low- and middle-income families to share fully in the benefits resulting from the disbursement of the subsidy funds.

Titles II and III of H.R. 17495 authorize the establishment of a secondary market for conventional mortgages to be set up under the Federal National Mortgage Association and the Federal Home Loan Bank Board. The purpose of these two titles is to provide a secondary market operation for the purchase and sale of conventional mortgages, such as we already have for FHA and VA mortgages.

I must admit that these two provisions will not provide immediate assistance in the mortgage credit market, but will go a long way to make the mortgage instrument more easily negotiable and to make the mortgage document much more uniform nationwide. FNMA in administering their secondary markets operations has done an outstanding job in creating and operating a secondary market for FHA and VA mortgages. I certainly hope that they shall continue to be primarily engaged in the FHA and VA mortgage market. But, their experience in these markets should enable them to provide a good operating secondary market for conventional loans. Also, the operations to be set up under the Federal Home Loan Bank Mortgage Corporation will be able to draw on the long-term experience of the savings and loan industry in handling conventional mortgages.

Title IV of the bill provides for an increase of $1.5 billion in GNMA special assistance authority to become available immediately. These additional funds would be used by GNMA under the direction of the President to increase its purchases of federally assisted mortgages. The President has stated that he can use $1.5 billion in GNMA special assistance, but would rather use funds available under existing authorization which we provided in last year's housing bill for the purpose of the purchase of single family FHA and VA mortgages. We all know that the moderate income families in America who live in these single family homes are in desperate need of assistance if they are to own their own homes. So I oppose the reallocation of the funds which we approved last year to this other category of the special assistance function, and I support the provision of this bill that would provide new funds that the President says he needs to purchase these Federally assisted mortgages.

As I have stated earlier, the most important provision of this bill is the National Development Bank, which was stricken from the bill by the Banking and Currency Committee. I shall vote to include it in the bill on the floor this afternoon. This provision will provide for the establishment of a National Development Bank to provide the needed funds for mortgage credit for low and moderate income American families. This provision establishing the National Development Bank specifies that the bank would issue obligations fully guaranteed by the Government at market interest rates to be purchased by private pension funds and foundations. This bank will provide a minimum of $4 billion a year, which would guarantee the funds necessary to purchase 200,000 housing units a year for low- and moderate-income families. No loans would be made by this Bank having an interest rate exceeding 6½ percent. The assets of these pension funds approximately amount to $130 billion, and I think it is about time that they begin to invest some of their tax-free funds into housing.

Title VI of H.R. 17495 extends the flexible interest rate authority of the Secretary of Housing and Urban Development and the Administrator of the Veterans' Affairs to waive the statutory interest rates ceiling on FHA and VA housing programs for 1 year.

Title VII, which was introduced by my distinguished colleague from California (Mr. REES) is an interesting and new concept that would provide discretionary authority to the Federal Reserve Board to permit member banks to use a portion of their required reserves as investments directly or indirectly to finance the construction for acquisition of residential real property. I certainly concur with the gentleman from California's amendment and would hope that the Federal Reserve would begin experimental use of this program.

Title VII of the bill contains various miscellaneous provisions. The most important one, I believe, is the provision to direct the Secretary of Housing and Urban Development and the Administrator of Veterans' Affairs to prescribe standards covering the amounts of settlement costs allowable in any area in connection with financing of FHA and VA housing. We are all well aware of the tremendous costs and ridiculous payments involved in the settlement of a mortgage. Reasonable standards and costs are desperately needed to be established. A number of savings and loan association amendments are contained in the bill which I strongly support. Among them is a provision to provide collateral security for public funds deposited in savings and loan associations. Most States and local governments require financial institutions in which public funds are deposited to provide collateral backing for such deposits in order to assure withdrawals. This provision would allow savings and loan associations to provide such collateral backing so that they might attract funds from public bodies, and thereby increase their mortgage lending. Section 808 of the bill was my amendment which increases from 20 to 30 years the amount of time insured associations may be given by the Savings and Loan Insurance Corporation to build up their reserves to 5 percent of all insured accounts. This longer term may permit additional associations to pay maximum dividends, thereby, attracting additional funds.

Mr. Chairman, I urge enactment of this bill and hope that the House will include the National Development Bank. If the Development Bank provision is included, then we here in Congress have come a long way to make sure that moderate-income families all across the country will always have an institution to provide mortgage funds at reasonable interest rates.

Mr. WIDNALL. Mr. Chairman, I yield to the gentlewoman from New Jersey (Mrs. DWYER).

Mrs. DWYER. Mr. Chairman, the need for increased availability of mortgage credit is such that our country cannot afford another day's delay in enactment of the emergency measures which are now before the House.

Not in over 100 years have Americans paid such high interest rates as they are paying today. The high cost of money and rising construction and land costs have spiraled the price of housing out of reach of over half of America's families. In most areas of the country houses priced at $15,000 are no longer being built, and houses which cost twice that amount are difficult to find. Lenders are charging home buyers as much or more than 9 percent, and it is not unusual for nearly two-thirds of a homebuyer's payments to go into interest charges.

The reason for this situation is that housing has been the special victim—the whipping boy—of general inflation. Credit restraints are designed to diminish the flow of capital. Unfortunately, mortgages suffer the most. They lack uniformity and cannot be easily sold, bought, commingled. Nor do they have a central market. Mortgages are not as liquid as corporate shares, bonds, or treasury notes. It is estimated that whereas the home construction industry accounts for approximately 3 percent of the gross national product, 70 percent of the impact of anti-inflationary measures fall upon the construction industry.

Traditionally, savings and loan associations and mutual savings banks have provided most of the residential mortgage credit which is supplied by financial institutions. However, when interest rates rise, savings and loan associations have difficulty bidding for savings because they are, by the nature of their investments, tied into fixed rates of return with relatively low yields. Savings and loan institutions need additional help to perform their traditional function in times of inflation when they are subject to this built-in disadvantage.

One important provision of H.R. 17495, the Emergency Home Finance Act of 1970, authorizes an appropriation of not more than $250 million to be used by the Federal Home Loan Bank Board to

XUM

reduce the interest rates charged by the Federal home loan banks on loans to member associations. This assistance is to be channeled by the Board so as to emphasize financing of new or rehabilitated housing with primary attention to the needs of low- and moderate-income families.

Other important provisions authorize the Federal National Mortgage Association to provide a secondary market for conventional mortgages and authorize the establishment of a secondary mortgage market facility for the Federal Home Loan Bank system which will parallel that of the Federal National Mortgage Association. These new secondary-market provisions will also help to increase the supply of mortgage credit.

Further, the bill provides for an increase of $1.5 billion in special assistance funds to be used by the Government National Mortgage Association for support of the publicly assisted, privately built programs for low- and moderate-income families, particularly the popular interest-rate subsidy programs for homeownership and rental housing.

This administration has expressed its concern and urged the passage of emergency measures since the beginning of this year. We in the Congress must do all we can to make certain that realistic solutions are put into effect. We cannot substitute the catharsis of politics for progressive action.

The need for housing has been spelled out over and over again. The National Advisory Commission on Civil Disorders, the President's Committee on Urban Housing, and the National Commission on Urban Problems concurred as to the general magnitude of the need—26 million units before 1978.

The alarming fall in housing starts gives further evidence of the need for immediate increased availability of mortgage credit. In April, housing starts ran at a seasonally adjusted annual pace of 1,181,000, down over 14 percent from March's upward revised 1,384,000. A year ago starts were running at over 1,500,000.

The inadequacy of this rate is painfully obvious when it is compared to the rate required to meet the housing goals which were set forth in the landmark Housing and Urban Development Act of 1968. Evidently, if this goal is to be achieved and decent housing and a suitable living environment is to become a reality for our people, we must raise the rate of housing starts to over 2,500,000.

The Emergency Home Finance Act must be passed immediately as a first step and as a prerequisite for further action. That is why I today rise in its support.

(Mr. WYATT, at the request of Mr. Widnall, was granted permission to extend his remarks at this point in the Record.)

Mr. WYATT. Mr. Chairman, I rise in support of this very vital legislation. It is important not only to the entire Nation, but doubly so to my home State of Oregon which is so dependent on the lumbering industry.

Mr. Chairman, every day I receive letters and telephone calls expressing deep concern over the economy in Oregon.

Every day I get reports of lumber and plywood mills being forced to either sharply curtail their operations, or close down entirely.

Because of the stagnant home building market, unemployment in my State is running far above the national average and in some areas is running as high as 12 and 15 percent.

I can sympathize with President Nixon's efforts to get a handle on inflation. But I feel it is unfair that Oregon must bear a double burden because the high interest rates strike first at the lumber industry.

As you know, the bill releases an additional $250 million to member institutions of the Federal Home Loan Bank system to increase the availability of mortgage credit for the financing of urgently needed housing.

The net effect will be to reduce interest rates, and in turn generate additional funds through the expansion of mortgage loans by the member institutions. The funds will be made available for housing for low- and middle-income families, where the need is greatest.

This bill is not the ultimate solution to our housing woes. But is a very positive, and very welcome, relief both for the housing industry and for the lumbering business. The interest subsidy provided in this bill will make available approximately 200,000 additional individual mortgages.

Mr. WIDNALL. Mr. Chairman, I yield to the gentleman from New York (Mr. Halpern).

Mr. HALPERN. Mr. Chairman, I rise in support of this legislation. It is essential that this House lose no further time in enacting this vitally needed, long overdue bill.

I fervently appeal to my colleagues to vote against the committee amendment striking out title V and trust that this much-needed Development Bank will be restored to this legislation.

Mr. WIDNALL. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. Stanton).

Mr. STANTON. Mr. Chairman, H.R. 17495, the Emergency Home Finance Act of 1970, is a bill to increase the availability of mortgage credit for the financing of urgently needed housing. Our distinguished ranking minority member (Mr. Widnall) has done an outstanding job of explaining the titles of this bill.

Within the framework of this legislation is an attempt to reduce interest charges for members of the Federal Home Loan Bank system and establish secondary markets for conventional mortgages under the Federal National Mortgage Association and the Federal Home Loan Bank system. In addition, it authorizes additional funds for the Federal National Mortgage Association and it extends the flexible interest rate authority for FHA–VA mortgages.

Mr. Chairman, the Emergency Home Finance Act of 1970 is primarily the effort of the Federal Home Loan Bank Board Chairman, Preston Martin. Mr. Martin has stated clearly that with an appropriation of $250 million for the Federal Home Loan Bank Board, the money would be used to adjust interest rate charges to members to promote the orderly flow of funds into residential construction.

The $250 million authorization would permit us to raise advances through savings and loan associations and to increase mortgage lending of $4 billion a year. This can mean 240,000 housing starts. The secondary market provision for a Federal Home Loan Mortgage Corporation could provide $2 billion a year additional funds for home mortgages. This would be the equivalent of about 80,000 additional family homes.

Mr. Martin has assured the Congress that he is ready to move just as soon as this money is appropriated and this legislation is passed.

Mr. Chairman, this legislation before us passed the other body on April 16th by a 72-to-0 vote. It is nonpartisan in its approach. Its passage is strongly urged by all concerned parties involved in building additional homes in our country. It is my sincere hope that it will receive an overwhelming vote in the House of Representatives today.

Mr. Chairman, during the Banking and Currency Committee's executive sessions on the emergency home finance bill, I asked that certain language relating to the use of special assistance funds for the benefit of Guam be included in the committee report on the bill. The language read as follows:

> The Committee recognizes the need and desirability for continuing the Program II Special Assistance Fund for Guam, particularly in light of the fact that the Government National Mortgage Association has apparently determined to restructure the program to ensure that the funds will be primarily devoted to financing housing for lower income families. The Committee asks that the President give consideration to allocating not less than $25 million out of the funds authorized by Title IV of this bill to Guam.

Unfortunately, this language was inadvertently omitted from the committee report due to the committee's efforts to report the bill to the House prior to the Memorial Day recess.

I would like to ask the distinguished chairman of the subcommittee, the gentleman from Pennsylvania, to confirm the intent of the committee relating to the use of special assistance funds for Guam, and to confirm that the language I have read should be regarded as if it were contained in the committee report.

Mr. BARRETT. Yes, I agree with the gentleman from Ohio. He is absolutely correct.

Mr. STANTON. I thank the gentleman from Pennsylvania. I yield back the remainder of my time.

Mr. PATMAN. Mr. Chairman, I yield to the gentleman from California (Mr. Hanna) such time as he may require.

Mr. HANNA. Mr. Chairman, I rise as a member of the Banking and Currency Committee to support the committee version of this emergency legislation and to urge its prompt passage. Members of this House in general are painfully aware of the financial crisis in the construction industry. Those of us serving on the committee with general jurisdiction over housing legislation are even more acutely affected by the seriousness of these conditions. The bill before you although

XUM

not a panacea and certainly with no claim to perfection in detail affords several channels of relief to those financial institutions peculiarly designed and originally intended for service to the housing industry.

It should be noted that the bill as passed by the other body created no new institutions and originated only one new type program. Interestingly in the conflict in committee the members including a majority on both sides of the aisle rejected the new institution suggested by Chairman PATMAN and at the same time deleted the new program which had come over as the Proxmire last minute compromise, forged in floor debate. What has emerged is a sensible accommodation to the emergency. A series of provisions provide funds and extend authority to the already operating agencies. This will insure quick reaction and the earliest predictable improvement of meaningful money flow for new housing with great emphasis on moderate and low-income shelter.

Members can comfortably commit their support to the committee version with knowledge that it has maximum support and minimum objections from Government and private sources. We need action and need it as soon as possible. This bill as recommended by the majority of the committee holds the best promise of an answer to the need and to the speed.

Mr. PATMAN. Mr. Chairman, I yield whatever time he may require to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Chairman, I thank the gentleman for yielding. The Emergency Home Finance Act of 1970 which we just considered was originally intended to provide needed mortgage funds for low- and moderate-income families. the amendment added in committee unfortunately struck title V, which would have established the vehicle for providing greatly needed assistance for people who have been locked out of the private home market.

In introducing similar legislation, I was greatly concerned about the low- and middle-income American who was both unable to compete for conventional private home financing, and also unable to qualify for federally assisted housing programs.

These Americans—and believe me, there are many of them—find themselves trapped in the twilight zone of the residential mortgage market.

The able chairman of the House Banking and Currency Committee, the gentleman from Texas (Mr. PATMAN) sought to reinstate the title V provision for a national development bank. If reinstated, this bank would have provided a minimum of $4 billion a year for low- and moderate-income purchasers of private dwellings.

The best feature of this provision was that it would not cost the taxpayers a cent. The funds would have been raised through the sale of bank obligations to tax exempt private pension funds and nearly tax exempt private foundations.

Proper safeguards were written into the measure to assure that present mortgage markets would not be adversely affected by the infusion of new money. The provisions were aimed solely at those Americans who are not able to acquire mortgage funds for private homes.

It is a tragedy that a majority of my colleagues failed to support the Patman amendment reinstating the title V provisions. The need for new mortgage money is denied by no one in this body. This measure would have been an excellent first step toward closing the home mortgage money gap and helping many of our low- and middle-income Americans see the possibility of new housing in their future.

Mr. Speaker, I would further add that had this amendment passed, the gentlewoman from Missouri (Mrs. SULLIVAN) would then have introduced an amendment limiting the maximum rate of interest the development bank would have charged for these mortgages.

I strongly supported her efforts to limit that rate to 6 percent. However, a rate pegged to the yield on Government bonds, or a rate based on the lower of the two taken into consideration together, would also have been acceptable and beneficial.

The key here is that the individual who is unable to buy his own home because he cannot afford the present high conventional mortgage loans, or who is found unacceptable by a bank for such a loan, has to be helped. The only way to help this low- or middle-income person is by making available the necessary mortgage funds and then fixing the rate of interest low enough to permit him to meet his monthly payments. The private market cannot do this alone. Some form of Government assistance is necessary. Both proposals by Mr. PATMAN and that by Mrs. SULLIVAN greatly merited the favorable consideration and acceptance by this body.

While the passage of H.R. 17495 is a step forward, I will continue to seek legislation that will do more to help the low- and middle-income Americans buy their own home. Further measures are necessary if the tight private home mortgage money market is to be eased soon. And, at the same time, we must establish procedures to reduce the high mortgage interest rates now facing the prospective private home buyers in this income group.

Mr. WIDNALL. Mr. Chairman, I yield whatever time he may require to the gentleman from Idaho (Mr. MCCLURE).

Mr. McCLURE. Mr. Chairman, this bill is concerned with the construction of housing and addresses itself to financing such construction. It does not, however, even touch on an underlying problem which will become all too apparent if the financing provided proves effective in its stated aims. Our housing needs have been identified as 25 million to be constructed in the next 10 years. This has been reduced to an average of 2.5 million housing starts each year. While I do not really believe that this legislation will result in fully meeting this goal immediately, it can go a long way toward it, and I cannot state too strongly my belief that we must do so. I do want to point out, however, that we will have put a tremendous strain on our building supplies long before we approach that goal.

Earlier this year this House had an opportunity to fully discuss this problem when it had under consideration the National Timber Supply Act. Unfortunately the attention of Members was diverted from this basic problem by charges that the legislation was aimed at destroying the multiple use of our public lands. Most of the discussion was directed to this contention and the House disposed of the proposal on that basis. The problem remains, however, and must someday be faced. Until we confront the necessity of increasing production of forest products we will not be able to meet our building needs. However, I will not attempt to solve that problem now.

There is another problem which is inextricably interwoven with that of the supply of building materials, and that is the question of exports of logs. The rising volume of log exports to Japan poses a very serious threat to the forest products industry and to housing construction. This threat became so severe that a limitation on exports from public lands of the Western United States was enacted by the Congress. The problem persists, however, and the limitation will soon expire. It had been my intention to offer language to extend the limitation as an amendment to the pending legislation. Although I do not necessarily agree, I was advised by the House parliamentarian that my amendment would be subject to a point of order, and I have, therefore, decided not to offer it at this time. This, too, is an issue which must be confronted soon if we are really serious about meeting our housing goals. The gentleman from Oregon (Mr. DELLENBACK) has offered separate legislation to accomplish this end and I am joining in that effort. I am sure others will join, too. I call this to the attention of all Members and urge that it be given early and favorable consideration.

Mr. WIDNALL. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I rise to ask the gentleman from Texas about the language on page 10 of the bill which states in part: "to determine its necessary expenditures and the manner in which the same shall be incurred, allowed, and paid, and appoint, employ, and fix and provide for the compensation and benefits of officers, employees, attorneys, and agents, all without regard to any other law except as may be provided by the Corporation or by laws hereafter enacted by the Congress expressly in limitation of this sentence. Nothing in this title or any other law shall be construed to prevent the appointment, employment, and provision for compensation and benefits, as an officer, employee, attorney, or agent of the Corporation, of any officer, employee, attorney, or agent of any department, establishment."

My question: is this normal in the establishment of a new Government corporation that the number of employees, compensation, and conditions of employment are left to the determination of officials of the corporation without regard to civil service?

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Texas.

Mr. PATMAN. I would like to suggest to the gentleman that this is a part of the HLBB secondary market and does not involve public funds. It involves private funds. To that extent it is different from the situation outlined by the gentleman from Iowa, but I certainly concur in what he said.

Mr. GROSS. I see. So there will be no civil service conditions with respect to employment under the terms of this bill. Is that correct?

Mr. PATMAN. I understand a motion will be made to put the civil service requirements back into the bill.

Mr. GROSS. In this section of the bill? In this title of the bill?

Mr. PATMAN. Yes.

Mr. GROSS. That is helpful.

Let me ask about the General Accounting Office and its authority to audit the books of this Corporation. Do I understand that an amendment will be offered to give the GAO such authority?

Mr. PATMAN. I understand an amendment will be offered to eliminate that part.

Mr. GROSS. To eliminate the restrictive language in the bill?

Mr. PATMAN. That is correct, and the appearance before Congress for clearance, and so on.

Mr. GROSS. I thank the gentleman.

Mr. DELLENBACK. Mr. Chairman, the passage of H.R. 17495 is vitally important. This bill would significantly increase the availability of mortgage credit for home financing. Its passage would be a vital stimulant for the housing industry throughout the Nation and for the economy of the State of Oregon.

The extremely long period of time which it has taken to bring this bill before the House for action is most unfortunate. The Senate acted on this measure more than 2 months ago. In the crisis economic situation in which we find the Nation at this time, surely the leadership of the House could and should have had this bill before us for our approval long before today.

The absolutely imperative fight to control inflation has hit homebuilding and my district, the Fourth District of Oregon, disproportionately and unfairly hard. We need this help and we need it now.

I urge my colleagues to join in supporting the passage of H.R. 17495.

Mr. PRICE of Illinois. Mr. Chairman, I rise to express my concern over the current housing crisis caused by the unavailability of mortgage credit.

My district is in desperate need of housing. Today, in the pressure of inflation, mortgage loan funds are tight. It has become virtually impossible for homebuyers to secure mortgage loans. It is of utmost importance that measures are taken now to ease credit. This bill is a means to make the needed credit for the financing of housing more readily available.

Provisions are included to reduce interest rates, to provide special assistance funds and means to establish secondary markets for conventional mortgages. Of great importance is the provision that permits the investment of bank reserves, because this will provide immediate relief to the residential construction industry.

There is a present crisis in housing. Mortgage credit must be eased. There must be prompt relief from the high interest rates. The administration has taken no action to resolve this crisis. The time has long since passed when the administration can give more than vocal support for any housing measure. Any positive action to be taken is entirely up to Congress. This bill will afford some relief. I urge that it be adopted.

Mr. UDALL. Mr. Chairman, I would like to make some brief remarks in reply to those who criticize establishment of the National Development Bank for housing on the grounds that required purchase of bank obligations by private pension funds and privately controlled foundations would damage these institutions.

Several months ago Chairman PATMAN presented a statistical analysis of the 100 largest noninsured pension funds in the Nation in the CONGRESSIONAL RECORD. It disclosed that two-thirds of the funds had a rate of return of less than 4 percent in 1968; 27 funds earned between 4 and 5 percent and only seven funds had a rate of return in excess of 5 percent. I should add that the assets held by these pension funds constitute nearly 40 percent of the assets of all noninsured private pension funds in the conutry.

The rate of return was based on income earned from assets and the sale of assets. The analysis did not utilize unrealized gains from appreciated value of stock, something that would be very interesting to look at during the latter half of last year and the first 6 months of this year.

As an example, the Joint Economic Committee compiled a list of 15 stocks in which private pension funds have large holdings, showing the value of the stock when it reached its 1969 peak and the value in May of this year. In all but two cases, the value of the stock had dropped at least 50 percent and in half the cases there had been a drop of at least 75 percent.

Mr. Chairman, I would like to hear a pension fund administrator or the trust officers of large banks which handle pension fund assets explain how these investments have been such a good thing for the beneficiaries of private pension funds while the purchase of Development Bank obligations, which would have market yields, be fully negotiable, and fully and unconditionally guaranteed by the Federal Government, would be such a bad thing.

To correct their own mistakes, the administrators of private pension funds would have done much better to have come to Capitol Hill to support title V if only as an act of contrition for their own lack of judgment and concern for the beneficiaries of the funds.

Mr. ICHORD. Mr. Chairman, I rise in support of H.R. 17495 which is drastically needed by this country in order to increase the availability of mortgage credit for the financing of urgently needed housing.

It is very depressing when you realize that FHA overall mortgage rates have jumped from 7.99 percent in February 1969 to approximately 9.29 percent. As George Meany, president of the AFL–CIO recently told President Nixon, rising interest rates have practically stopped the housing industry in its tracks. Homes go unbuilt and thousands of Americans are denied one of the fundamental rights of every American—adequate and decent housing. Today, fewer than 20 percent of our families can afford a house priced half way between the cheapest and the most expensive. Housing Secretary George Romney admits it. Indeed, he says a new house priced at the national median would cost $27,000.

What does a typical new median-priced house cost, financial with a 30-year, 8½-percent mortgage? It would cost more than $290 a month, including taxes, insurance, utilities, maintenance and repair.

To afford such a house without stretching beyond reason, how much would a family need to earn? $14,000 a year? Fewer than one family in five has this high an income. Contrasted to this, just 5 years ago, two families in five (not just one in five) could afford the median-priced home.

This bill should be passed as quickly as possible. We have already dilly-dallied too long while the situation continues to worsen. However, I would caution that this measure does not solve the long-range problems of the housing industry and I express the hope that the committee will soon bring before this body legislation that will provide new sources of funds for mortgage credit on a long-term basis.

Mr. BRASCO. Mr. Chairman, I rise in support of H.R. 17495 and would like to point out that section 809 is the result of an amendment I offered in full committee. This section would give Federal savings and loan associations authority to act as trustees for the retirement funds of self-employed persons under the 1962 Keogh-Smathers law. The Internal Revenue Code already provides that savings and loan associations are eligible to handle these funds, but certain enabling legislation must be enacted which would modify the basic Federal savings and loan statute.

This amendment would enhance the ability of Federal savings and loans to finance homes. It would permit these institutions to obtain these long-term retirement funds which properly should be invested in long-term home loans. The laws of 11 States already permit State-chartered associations to act as trustee for these funds. These States are Arizona, Illinois, Maine, Maryland, Nevada, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, and Texas. This amendment would permit Federal savings and loan associations to do likewise and over the years would increase their home lending ability by millions of dollars.

Mr. ROTH. Mr. Chairman, housing again has become the special victim not only of inflation but also of the particular mix of monetary and fiscal policies which have been employed to keep infla-

XUM

tion under control. The President has recognized this situation and spoken out, as has the Secretary of the Department of Housing and Urban Development, the Honorable George Romney.

However, this is not a partisan issue, as we can see from the Senate vote on April 16. On that day the Senate passed S. 3685, the Emergency Home Finance Act of 1970, by a vote of 72 to 0. On April 30, I cosponsored an identical bill, H.R. 17381. The bill before us today, H.R. 17495, is a similar bill. Introduced on May 6, it was reported out of the Banking and Currency Committee on May 28 with amendments. Today I urge the immediate enactment of H.R. 17495 to help in supplying much needed emergency relief to that half of our population which is now unable to finance the purchase of a mortgage at current interest rates.

H.R. 17495 would authorize $250 million for interest subsidy for advances to savings and loan associations from the home loan bank system. Traditionally, savings and loan associations and mutual savings banks have provided the major portion of the residential mortgage credit which is supplied by financial institutions. However, today, when interest rates have risen to heights unprecedented in over 100 years, savings and loan associations have difficulty bidding for savings because they are tied to fixed rates of return and relatively low yields by the very nature of their investments. The subsidy to be used by the home loan bank system would help the savings and loan associations to perform their traditional function despite their inherent disadvantage in the present period of inflation.

The bill also provides for setting up a secondary market for conventional mortgages in both the Federal Home Loan Bank Board and the Federal National Mortgage Association, which currently provides a secondary market for mortgages insured by the Federal Housing Administration only. These two new secondary mortgage markets would also increase liquidity in the mortgage market and assist in the easing of mortgage credit.

The current shockingly high rate of interest is taking its toll. In most areas of the country houses at $15,000 are no longer being built and houses at $30,000 are hard to find. At these rates of interest it has been estimated that nearly two-thirds of the payments of today's homebuyer will go into interest.

This situation is reflected in our figures on housing starts. Recently released figures show that housing starts have declined again in May, the 13th drop in 16 months. New starts fell last month to a seasonally adjusted rate of 1,200,000 units from a year-earlier pace of 1,533,000. That these rates are patently inadequate is obvious when we compare them to the annual rate for housing starts which is required if we are to achieve the goal of a decent home and a suitable living environment set forth as our goal in the Housing and Urban Development Act of 1968, 2,600,000 units.

We can reverse this trend of decline by enacting H.R. 17495, which, as estimated by the administration, could produce about 200,000 more starts than we would otherwise get. It would be irresponsible for us to fail to do so.

Mr. GALIFIANAKIS. Mr. Chairman, the Emergency Home Finance Act before the House today is the most positive step so far to meet the housing crisis facing the United States.

It has been estimated that, in the next 10 years, the United States must build 26 million new housing units to stay even with the needs of our population. Yet, in 1969, the combined total of public and private housing units was 1,496,000, more than 50,000 less than the year before.

The bill we are considering today will do much to relieve our present housing crisis. It will help many Americans buy their own homes at a time when mortgage credit is often unavailable because of high interest rates and a tight-money policy.

This bill will not only help those who want to buy their own homes, but it will help the homebuilders, realtors, the savings and loan companies, and the insurance industry, as well as all other related businesses.

I realize that there are disagreements over certain provisions of this bill. But I am confident that the House will not let those disagreements halt the passage of this vitally needed legislation.

Whether this bill will have a permanent effect on mortgage credit, or instead will simply postpone our problems, is something that time will tell. I am sure that our home credit problem will remain with us until the Congress acts to control the cause of the difficulty: the rising inflation.

In the next few years, with the additional housing pressure caused by veterans returning to the United States, we will undoubtedly have to enact other pieces of legislation.

But this bill will help those who are having trouble in securing homebuilding credit today. And if we do not begin by helping the people who cannot buy their own homes right now, we will fall further and further behind, until we arrive at a housing calamity.

Mr. Chairman, I urge every Member of the House to support this bill.

Mr. BRADEMAS. Mr. Chairman, there has been much discussion recently of the serious housing shortage currently confronting the Nation. Inflation and high interest rates are making it impossible for the United States to meet its national housing goals.

Not only low-income families but moderate-income families as well are increasingly unable to find housing which they can reasonably afford.

The Emergency Home Finance Act of 1970 represents an effort to relieve this housing crisis and to provide assistance to the Nation's crippled housing industry by increasing the availability of mortgage credit.

Mr. Chairman, several weeks ago I had the opportunity to address the Mid-Year Conference of the Mobile Housing Association of America. At that time I stressed the severity and urgency of the current housing crisis. I also pointed out several respects in which the mobile homes and modular housing industry can make significant contributions toward the solution of this housing problem.

Mr. Chairman, because my remarks on that occasion are, I believe, relevant to the current debate on the housing crisis and to the bill under consideration, I insert my address at this point in the RECORD:

ADDRESS OF CONGRESSMAN JOHN BRADEMAS

It is a great pleasure to meet with you here today. I am particularly pleased to be with you * * * because of the importance of your industry to my Congressional District because of the emerging role of the mobilehome industry in the efforts of Congress to cope with the national housing problem.

ELKHART, INDIANA—MOBILE HOME CAPITAL OF THE WORLD

As you may know, a major city in my district, Elkhart, Indiana, has emerged as the "mobilehome capital of the world." Indiana now produces more than 1/6 of the nation's total output of mobile housing, and mobilehome production is Indiana's fifth largest industry.

Arthur J. Decio, President and Chairman of the Board of Skyline Corporation, the nation's largest manufacturer—is a prominent civic leader in my District and in the mobilehome industry nationwide. Indeed, just last month Arthur Decio was elected president of the Mobile Homes Manufacturers Association, a recognition of the imaginative leadership which he has been giving to the American mobilehome industry.

Today I would like to discuss with you three major topics. One of these is the worsening dimensions of our nation's housing problem . . . another, the legislative and administrative efforts to deal with this housing crisis . . . and the final issue is the unique and crucial role which your mobile housing industry can and must play in the solution of this problem. For many Americans today, mobile and modular housing is the only path to home ownership which they can reasonably afford.

RECENT MOBILE HOUSING LEGISLATION

Last fall, for the first time, the mobile housing industry command national legislative attention. Senator Fritz Hollings of South Carolina in the Senate, and I in the House, introduced legislation which permits the FHA to guarantee loans for the purchase of mobile housing. The provision became law as part of the Housing and Urban Development Act of 1969.

Federal regulations governing the administration of the provision were just published on March 31. Under the regulations, buyers will be able to borrow up to $10,000 to buy a mobilehome. The loans may be for terms up to 12 years, with an effective annual interest rate ranging from 7.9 percent to 10.5 percent.

The regulations require a down payment of 5% of the total price up to $6,000, plus 10% of the price above $6,000. The loan may cover accessory items, transportation of the unit to the site where it will be occupied and the initial insurance premium on the home. Lenders will be insured for up to 90% of any losses they might sustain in making mobilehome loans.

Because the Farmers Home Administration (FmHA) has traditionally been the rural counterpart to the FHA in urban areas, I have recently introduced an amendment to the Housing Act of 1949 (introduced in the Senate by Senator Fred R. Harris of Oklahoma as S. 3524) to make FmHA direct and insured loans readily available for the purchase of mobilehomes in rural areas. The bill has been referred to Committee; hearings will probably be held in the next few months together with hearings on the Nixon Administration's entire housing package.

But in my opinion, these legislative gains

XUM

are only a start in the direction of finding an adequate solution to the Housing Problem, and they only begin to tap the potential contribution of the mobile housing industry to the solution of that problem.

DIMENSIONS OF THE NATIONAL HOUSING PROBLEM

Stated simply, the housing problem facing this nation today represents a dual task: first, that of providing decent or adequate housing for that portion of our population now living in substandard dwellings; and, second, that of producing sufficient housing units to accommodate the anticipated population increase between now and the end of this century.

We are all familiar with the current and unprecedented dimensions of the "shelter shortage". A 50% population rise will increase the population of the United States by 100 million people by the year 2000. Vacancy rates were down to 4.7% in the fourth quarter of 1969, the lowest rate since the housing shortage immediately after World War II. And rising affluence in some sectors of the American economy demands an increasing number of new dwelling units.

To satisfy these needs, the housing industry must produce as many dwellings in the next thirty years as have been built since this continent was first settled. Specifically, 26 million additional units of housing must be constructed or rehabilitated by 1978, of which 6 million units are required for low and moderate income families. These estimates are the concurring results of studies by The National Advisory Commission on Civil Disorders, the President's Committee on Urban Housing, and the National Commission on Urban Problems.

POPULATION INCREASES

More than half the total of the new or rehabilitated housing is needed just to keep pace with the growth in population. We need the rest to replace or modernize dilapidated or generally substandard housing. The need for adequate housing among our lower income citizens has been spelled out over and over again. The National Commission on Urban Problems found at least 11 million substandard and overcrowded units in the U.S.—approximately 16% of the total inventory.

SUBSTANDARD RURAL HOUSING

Today's housing problem touches the rural poor as well as urban families. Three-fifths of the 11 million substandard units are estimated to be located in rural areas, and 36% of all rural housing is substandard, compared with only 10% of all urban housing.

The rural housing problem has deepened since the 1965 Department of Agriculture Report, "Rural People in the American Economy". That report found 1½ million rural families living in dilapidated housing and another 3½ million living in housing in need of major repair and deteriorating. For example, one out of every 3 rural homes does not have a bath, 1 out of 5 does not have running water, and 3 out of 5 are without central heating. It was indeed this very data on the condition of rural housing which convinced me of the need for the amendment I earlier discussed to permit the FHA to extend loans and to guarantee mortgages on the purchase of mobile homes in rural areas.

MODERATE-INCOME HOUSING SHORTAGE

But the Housing Problem is by no means limited to lower income families. A recent article in Fortune Magazine states that families with incomes of around $8,000 are being left high and dry because houses selling for $15,000 are no longer being built in most parts of the country. Not only have prices risen, but the percentage required as down payment has also crept up and the period of amortization has been shortened. It was only two weeks ago that Secretary Romney of the Department of Housing and Urban Development told the MHMA that "fewer that 20% of the nation's families can afford a house priced half-way between the cheapest and the most expensive."

With mortgage rates the highest in history and many a banker demanding that a new home buyer put down anywhere from ⅓ to ½ of the purchase price in cash, the young, the elderly, the retired, the middle class and the poor are thwarted. The "shelter-shortage" cuts a wide path across many segments of our nation and society.

HOUSING PROBLEM IS WORSENING

The current housing shortage is only one dimension of today's housing problem, however. All indications are that the housing shortage is actually worsening rather than improving.

Since 1950, housing's share of the Gross National Product has steadily and precipitously declined. While housing production represented 6.7% of GNP in 1950, that percentage had fallen to 4.5% by 1960 and fell further to 2.9% in 1969. But housing production has declined in absolute terms as well. 1.9 million new units were started in 1950. Yet the most optimistic projection for 1970 is 1.4 million conventional units, and 1.2 million starts now appears to be a more realistic estimate. If the present trend continues, by year end we may see the industry, exclusive of mobilehomes, producing at a seasonally adjusted annual rate of less than one million units.

LAG IN SUBSIDIZED HOUSING

Just as total housing production has lagged far behind targets, so has subsidized housing failed to keep up with need and with the projections for various Federal construction programs. Two hundred thousand units of subsidized housing were produced during fiscal year 1969—a production figure falling 30% below the target. And roughly 310,000 subsidized units will be produced during fiscal year 1970—almost 40% away from the target of 500,000 units.

PAST EFFORTS AT DEALING WITH THE HOUSING SHORTAGE

What, then, has been done, and what can be done to alleviate the housing shortage? Going back for a minute to the National Housing Act of 1949, we find that the Congress established as a national objective a decent home with a suitable living environment for every American. Yet only one year after that act became law, housing starts attained their all-time high of 1.9 million units. In the intervening years we have actually lost ground in the effort to provide enough decent housing.

This gradually worsening situation led the 90th Congress to pass the 1968 Housing and Urban Development Act—the Magna Carta of housing. This Act not only reaffirmed the 1949 objective of a decent home in a suitable living environment for every American, but also confirmed the goal of producing 26 million dwelling units by 1987. It established for the first time a national plan for meeting our housing needs, and it provided extensive modifications and additions to existing housing programs all aimed at making achievement of the goals a possible reality.

EFFORTS OF THE NIXON ADMINISTRATION

But what is the Nixon Administration doing today to alleviate the "shelter shortage"? Far from contributing to the solution of the housing problem, the Administration's efforts have tended to accentuate the problem rather than to solve it. The Administration has relied on a series of stop-gap measures designed to increase the supply of money going into mortgage markets. Yet stop-gap financial policies which run against the prevailing economic conditions have not produced additional housing, even though they have produced rising expectations of additional housing.

OPERATION BREAKTHROUGH

One aspect of the Administration's housing program which bears directly on the mobile-home industry is Operation Breakthrough, launched by the Department of Housing and Urban Development within the past year. This program is intended to be a major effort to arrest past cost trends and develop new ways of volume production of new housing at costs American families can afford.

According to the Report on Housing Goals, the aim of Operation Breakthrough is the development not only of new and innovative housing system concepts and production methods, but also realization of better management and maintenance methods, broader financing opportunities, more efficient use of labor, and an overcoming of the many restrictive local zoning and building codes in effect across the country. The full scope of results that should accrue from Operation Breakthrough cannot yet be readily determined. There clearly is an opportunity for some overall cost reduction and specific saving of labor, lumber and land which have been in short supply. Equally important, the program has shifted the industry's focus from construction to production and from two-dimensional to three-dimensional thinking.

Such a technological answer to the problem is entirely in character for an industrialist-turned-government leader like George Romney. But we cannot rely exclusively on Operation Breakthrough to produce a solution for the problem of low-income housing in this country. Such a reliance would effectively delay, and may already be delaying, getting on with the task of housing our low-income families.

Several points need to be made that seem to be ignored by the advocates of Breakthrough's current technocratic approach. First, housing expense would not be reduced proportionate to lower building costs, since building cost is only a portion of total cost. A 50% decline in building cost would be translated into monthly savings to an owner-occupant of 25–30%. Monthly mortgage payments might be cut in half, but other housing expense items such as heat, utilities, and maintenance would remain unchanged and local property taxes would still have to be maintained for the support of essential local services.

The task of housing low-income families has very little to do with the initial cost of construction, but it has everything to do with monthly family housing expense. Second, there is much doubt that Breakthrough will demonstrate any new ways of producing more housing in less time; the assembly line technique is not new, and other technologies involved in Breakthrough are already well-known in the pre-fabricated housing industry, which has been around for over a generation. Third, land must be available in large quantities, in the right locations, at reasonable prices if mass development is to occur. And Operation Breakthrough cannot create more land. Fourth, housing must be supported by an intricate and costly system of public services. Yet such services presently fall beyond the scope of the Breakthrough operation. In short, an attack on house production costs is, at most, a partial answer to providing decent housing and community services for all segments of the American population.

HOUSING MEASURES PASSED BY THE 91ST CONGRESS

While the Administration has presided over the strangulation of the housing industry, all the time uttering pious incantations about private initiative and impending "Breakthroughs," the 91st Congress has attempted to extend some measure of relief. Last year's housing legislation, passed 339-9 by the House, made $2 billion available to the Government National Mortgage Association to purchase FHA and VA mortgages on low-cost housing. The release of these funds would provide over 100,000 units of new housing to those most acutely in need of shelter—low-income and moderate-income families. The President, however, has refused to utilize these funds. The Congress also gave the President authority to impose selective credit controls. Such credit controls would permit the channeling of available credit into those activities which national policy requires, such as low- and moderate-income housing. At the same time, other forms of credit, such as commercial paper, which are far more inflationary, could be sharply curtailed, thus reducing inflationary pressures.

Although this measure received the near-unanimous approval of the House, 358-4, the President, in signing the legislation, declared he would never exercise the authority to establish credit controls. Congress will continue to concern itself with the housing needs of all the American people. The House Banking and Currency Committee, for example, already has begun hearings on the entire problem of mortgage credit and interest rates. But we cannot expect Congress to undo the injury inflicted by a recalcitrant Administration's total reliance on stop-gap solutions to the ever-more pressing housing problem.

A REORDERING OF PRIORITIES IS NEEDED

What is lacking is a real commitment and a high sense of priority for the solution of the nation's housing problem. The absence of a real housing priority is revealed by figures disclosing the diminishing share of GNP which housing has occupied in recent years. The simple fact is that if the U.S., the wealthiest nation in history, is to be able to provide for one of the most basic and essential needs of her citizens—namely shelter—the U.S. must begin immediately to reorder drastically her national priorities. By 1974 we will put more than 300 passengers in an 1800 mph supersonic jet . . . for only $660 million . . . But what is the deadline for putting a low-income family of six into a decent house? The Housing Department budget proposed for Fiscal Year 1971 is $3.0 billion, compared with $2.3 billion for fiscal year 1969.

The Defense budget grew to its maximum in fiscal year 1969 to a total of $81.2 billion. The budget estimate for fiscal year 1971 is $73.4 billion, which is a reduction of $7.7 billion from the peak of the 1969 figure. That is, housing has inched forward by $700 million in two years, sharing some of the reduction in the Defense budget of $7.7 billion. What we do about housing in this decade will determine the quality of life in America as much or more than what we do about the rest of our environment.

PRESIDENT NIXON'S HOUSING PRIORITIES

On January 21, President Nixon stated his housing priority as follows: "I pledge that this Administration will take every possible step to solve this most serious housing problem consistent with the overriding need to contain inflation. The Housing of our people is and must be a top national priority." Essentially the Administration has told us this: We will start to achieve our goal of producing 26 million dwelling units by 1978 as soon as inflation stops. The tragedy about this whole situation is that tenants—the old, the young, and the poor—cannot wait until inflation stops. They need housing now. Details on the President's priorities are provided by the Second Annual Report on the National Housing Goals. While mouthing the need for reordering of priorities, the Report's conclusions lack real commitment to such a reordering and understate the worsening condition of the housing supply and of the housing industry.

The Report states: "The basic conclusion to emerge... is that the likely claim on the economy involved in reaching the housing goal is certainly modest. Indeed, it is well within the share of national production that has gone into housing during much of the post World War II period." In spite of the rhetoric, the promises, the goals, and the "Breakthrough" jargon, three facts remain which are of growing concern to people who are involved in housing, and to people who are without housing which they can afford. These facts are that the population is increasing, the mortgage interest rate and other costs of producing housing are going up or staying at historically high levels, and the rate of home building is going down.

MOBILE HOUSING INDUSTRY—BRIGHT SPOT IN A GLOOMY HOUSING PICTURE

However, in this aura of gloomy predictions and predictably poor performance, your mobile housing industry stands out almost alone as a striking exception to slack production. The mobilehome industry has now grown so large that it can no longer be ignored. 80% of all new housing units produced under $15,000 are mobilehomes; last year 96% of all the single family dwellings priced at $10,000 or less were mobilehomes.

Sales of mobilehomes currently account for over 40% of the sales of all single-family housing starts. And, for the first time in history mobilehome sales in 1970 may match or exceed sales of new conventionally constructed one-family homes. A recent survey has revealed widespread satisfaction on the part of mobilehome owners with mobilehome life. The survey has indicated that 70% of those persons surveyed were "extremely" or "very satisfied" with mobilehome life.

Your industry appears to have made substantial progress from the "trailer days" of not too many years ago. For the first time this year, the President's Second Annual Report on National Housing Goals has concluded that mobilehomes production must be included in national housing production if the nation's ten-year housing goal is to be reached. At least 4 million mobilehomes must be produced by 1978 if the 26-million-unit goal is to be attained. The Second Annual Report on National Housing Goals has concluded: "Mobilehomes at present constitute a major, if not the largest single source of acceptable new housing available at prices which moderate income families can afford."

CRUCIAL ROLE OF MOBILE HOUSING IN SOLVING NATIONAL HOUSING CRISES

But mobile housing is more than merely a bright spot in the overall gloomy housing picture. There is good evidence that the mobilehome industry today may well offer the only opportunity to most Americans to become homeowners.

Today, less than 6% of all new conventionally built single-family homes can be purchased for less than $15,000, the price generally regarded as the lowest for which a non-mobilehome can be constructed on a permanent site by the housing industry. Yet, nearly half of all American families cannot afford to pay more than $15,000 for a home. For this half of our nation, then, mobile housing is the only path to home ownership—only your industry can produce a home for less.

Today you are a thriving industry. But these needs of half of our nation confer on you a new responsibility. You represent the only hope in the foreseeable future for adequate housing at prices which half the nation can afford to pay. Your industry has not sought this burden. Rather, the seriousness of the nation's housing problem, and the imaginativeness of your product has brought the burden upon you. But your early contribution is not a total solution to the housing problem. Nor does it come close to exhausting the range of contributions which your industry can offer in terms of new solutions to the problem.

MOBILE HOME INDUSTRY RESPONSE TO HOUSING CHALLENGE

The question, then, is how the mobile housing industry will meet the challenge of providing shelter for half a nation. A few minutes ago I discussed recent legislation, passed and pending, designed to make mobilehomes and mobilehome financing more available. Aside from financial barriers to the purchase of mobilehomes, we must anticipate technological barriers between the mobile housing industry and the demands of half a nation.

The President's recent report on National Housing Goals anticipates an actual decline in mobilehome production after 1971. The report warns that mobilehome producers must be ready to shift to modular production and that "operation breakthrough" may point the way to the use of new technologies in production and distribution. The report also predicts that a shortage of sites will inhibit mobilehome sales during the middle 1970's.

The President's recent Housing Goals Report concludes: "Certain positive measures will have to be implemented to keep land prices from rising at a faster rate than all other components of the housing package. Among these will be a more rational use of land, including acceptance and development of more 'cluster' developments, and a continuing high proportion of multi-family development."

MINIMIZING LAND USAGE

Mobile housing, which has always used a minimum of land, has recently introduced the high-rise mobilehome park, with elevators for lifting the mobilehomes into place.

Modular unit construction and "cluster zoning" provide additional alternatives to the conservation of land and open space. "Cluster zoning" permits a given tract of land to be used for single-family homes, town houses and apartment buildings—with a substantial area kept for greenery and open use.

STACKING

Further innovation is now coming to the mobilehome industry through the concept of stacking which depends upon forming combinations of mobile units either vertically, horizontally or both.

At Reston, Virginia a new town 30 miles from downtown Washington a carefully worked out three-story stacked system of cantilevered units was designed to provide housing at a level comparable to rent levels of Section 221 (d) (3) housing for moderate-income families, without recourse to a Federal interest rate subsidy.

And at Michigan City, Housing Research, Inc., designed three factory produced modules—a living room unit, a bedroom unit and a vertical core. The bedroom unit and the living room units are stacked in a pinwheel pattern to three stories around the central utility core unit.

Other designers have taken the view that the mobile origin of the unit should be emphasized rather than obscured. Units may be hung or stacked around a central core or inserted in a framework as a drawer in a bureau. Architect Paul Rudolph has placed his emphasis on units set in frames.

At Charlottesville, Virginia, a proposal for university housing sets units into a complex system of redwood platforms set in precast concrete forms. "The units cascade down a steeply inclined site, one projecting over the next, thus providing terraces for each other" and providing housing of considerable density with maximum consideration for the natural contour of the land. For New York

XUM

City, Rudolph proposed a plug-in unit for an immense framework core to form a pinwheel design at a high-rise scale.

THE FUTURE

What, then, do all these experiments portend for the future? Well, stacked units show great potential for helping to meet new markets for lower and moderate income persons. If the mobilehome industry can take the new design concepts first presented for the world to see at Habitat '67 in Montreal and combine such concepts with the advantages of a going production system, flexible financing arrangements, and lower labor costs through factory production, the industry can contribute greatly to the challenges of today's society.

Time limits further discussion. But I suggest that, working within the limits of possible cost reduction through technological innovation, the mobilehome industry is already off to a head start.

Let me summarize. We are the wealthiest nation in history. We have many achievements to our credit. But satisfactorily meeting our Nation's needs in housing is not one of them. To a large extent, it is in the hands of American industry to show whether the wealthiest nation in history can provide for one of the most basic human requirements—the housing—of her population.

Mr. WIDNALL. Mr. Chairman, I have no further requests for time.

Mr. PATMAN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the bill by titles.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Home Finance Act of 1970".

TITLE I—REDUCTION OF INTEREST CHARGES FOR MEMBERS OF THE FEDERAL HOME LOAN BANK SYSTEM

SEC. 101. (a) There is authorized to be appropriated not to exceed $250,000,000, without fiscal year limitation, to be used by the Federal Home Loan Bank Board for disbursement to Federal home loan banks for the purpose of adjusting the effective interest charged by such banks on short-term and long-term borrowing to promote an orderly flow of funds into residential construction. The disbursement of sums appropriated hereunder shall be made under such terms and conditions as may be prescribed by the Board to assure that such sums are used to assist in the provision of housing for low- and middle-income families, and that such families share fully in the benefits resulting from the disbursement of such sums. No member of a Federal home loan bank shall use funds the interest charges on which have been adjusted pursuant to the provisions of this section to make any loan, if—

(1) the effective rate of interest on such loan exceeds the effective rate of interest on such funds payable by such member by more than 1 per centum per annum;

(2) the annual income of the borrower exceeds the median family income for the area in which the property is located, as determined by the Board, with appropriate adjustments for smaller and larger families; or

(3) the principal obligation of any such loan which is secured by a mortgage on a residential structure exceeds the dollar limitations on the maximum mortgage amount, in effect on the date the mortgage was originated, which would be applicable if the mortgage was insured by the Secretary of Housing and Urban Development under section 203(b) or 207 of the National Housing Act.

(b) Not more than 20 per centum of the sums appropriated pursuant to subsection (a) shall be disbursed in any one Federal home loan bank district.

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the title be dispensed with, that it be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas.

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, strike line 22 through line 6 on page 3, and insert the following: "by such member by a percentile amount which is in excess of such amount as the Board determines to be appropriate in furtherance of the purposes of this section; or

"(2) the principal obligation of any such loan which".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II—AUTHORITY FOR THE FEDERAL NATIONAL MORTGAGE ASSOCIATION TO PROVIDE A SECONDARY MARKET FOR CONVENTIONAL MORTGAGES

SEC. 201. (a) Section 302(b) of the National Housing Act is amended—

(1) by inserting "(1)" immediately following "(b)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) For the purposes set forth in section 301(a), and with the approval of the Secretary of Housing and Urban Development, the corporation is authorized, pursuant to commitments or otherwise, to purchase, service, sell, lend on the security of, or otherwise deal in mortgages which are not insured or guaranteed as provided in paragraph (1) (such mortgages referred to hereinafter as 'conventional mortgages'). No such purchase of a conventional mortgage shall be made if the outstanding principal balance of the mortgage at the time of purchase exceeds 75 per centum of the value of the property securing the mortgage, unless (1) the seller retains a participation of not less than 10 per centum in the mortgage; (2) the seller agrees to repurchase or replace the mortgage upon demand of the corporation at any time within six years from the date of execution of the mortgage that the mortgage is in default; or (3) that portion of the unpaid principal balance of the mortgage which is in excess of such 75 per centum is guaranteed or insured by a qualified private insurer as determined by the corporation. The corporation shall not issue a commitment to purchase a conventional mortgage prior to the date the mortgage is originated, if such mortgage is eligible for purchase under the preceding sentence only by reason of compliance with the requirements of cause (A) of such sentence. The corporation may purchase a conventional mortgage which was originated more than one year prior to the purchase date only if the seller is currently engaged in mortgage lending or investing activities and if, as a result thereof, the cumulative aggregate of the principal balances of all conventional mortgages purchased by the corporation which were originated more than one year prior to the date of purchase does not exceed 10 per centum of the cumulative aggregate of the principal balances of all conventional mortgages purchased by the corporation. The corporation shall establish limitations governing the maximum principal obligation of conventional mortgages purchased by it which are comparable to the limitations which would be applicable if the mortgage were insured by the Secretary of Housing and Urban Development under section 203(b) or 207 of the National Housing Act.

"(3) The corporation may not make any public offering of securities to finance its secondary market operations in conventional mortgages at any time that the Secretary of Housing and Urban Development determines that such an offering would unduly inhibit the financing by the Government National Mortgage Association of low and moderate income housing in implementation of its special assistance functions."

(b) Section 5202 of the Revised Statutes (12 U.S.C. 82) is amended by adding at the end thereof the following:

"Eleventh. Liabilities incurred in connection with sales of mortgages, or participations therein, to the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.".

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, line 21, strike "(1)" and insert "(A)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, line 23, strike beginning with "(2) the seller" down through "mortgage" in line 1 on page 5, and insert the following: "(B) for such period and under such circumstances as the corporation may require, the seller agrees to repurchase or replace the mortgage upon demand of the corporation in the event".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 5, line 5, strike "(3)" and insert "(C)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III—FEDERAL HOME LOAN MORTGAGE CORPORATION

SHORT TITLE

SEC. 301. This title may be cited as the "Federal Home Loan Mortgage Corporation Act".

DEFINITIONS

SEC. 302. As used in this title—

(a) The term "Board of Directors" means the Board of Directors of the Corporation.

(b) The term "Corporation" means the Federal Home Loan Mortgage Corporation created by this title.

(c) The term "law" includes any law of the United States or of any State (including any rule of law or of equity).

XUM

(d) The term "mortgage" includes such classes of liens as are commonly given or are legally effective to secure advances on, or the unpaid purchase price of, real estate under the laws of the State in which the real estate is located, together with the credit instruments, if any, secured thereby, and includes interests in mortgages.

(e) The term "organization" means any corporation, partnership, association, business trust, or business entity.

(f) The term "prescribe" means to prescribe by regulations or otherwise.

(g) The term "property" includes any property, whether real, personal, mixed, or otherwise, including without limitation on the generality of the foregoing choses in action and mortgages, and includes any interest in any of the foregoing.

(h) The term "residential mortgage" means a mortgage which (1) is a mortgage on real estate, in fee simple or under a leasehold having such term as may be prescribed by the Corporation, upon which there is located a structure or structures designed in whole or in part for residential use, and (2) has such characteristics and meets such requirements as to amount, term, repayment provisions, number of families, status as a first lien on such real estate, and otherwise, as may be prescribed by the Corporation.

(i) The term "conventional mortgage" means a mortgage which is not insured or guaranteed by a department or agency of the United States.

(j) The term "security" has the meaning ascribed to it by section 2 of the Securities Act of 1933.

(k) The term "State", whether used as a noun or otherwise, includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

XUM

ESTABLISHMENT OF THE CORPORATION

Sec. 303. (a) There is created the Federal Home Loan Mortgage Corporation, which shall be a body corporate and shall be under the direction of a Board of Directors composed of the members of the Federal Home Loan Bank Board, who shall serve as such without additional compensation. The Chairman of the Federal Home Loan Bank Board shall be the Chairman of the Board of Directors. The principal office of the Corporation shall be in the District of Columbia or at such other place as the Corporation may from time to time prescribe. The Corporation shall be a member of each Federal home loan bank and, except as otherwise provided by the Federal Home Loan Bank Board, shall have all the benefits, powers, and privileges, and in the exercise thereof shall be subject to all liabilities, conditions, and limitations (except those relating to Federal home loan bank stock and subscriptions thereto and those under provisions of the Federal Home Loan Bank Act preceding section 9) which are provided by the terms of such Act or other Federal statute for members of any such bank.

(b) The Corporation shall have power (1) to adopt, alter, and use a corporate seal; (2) to have succession until dissolved by Act of Congress; (3) to make and enforce such bylaws, rules, and regulations as may be necessary or appropriate to carry out the purposes or provisions of this title; (4) to make and perform contracts, agreements, and commitments; (5) to prescribe and impose fees and charges for services by the Corporation; (6) to settle, adjust, and compromise, and with or without consideration or benefit to the Corporation to release or waive in whole or in part, in advance or otherwise, any claim, demand, or right of, by, or against the Corporation; (7) to sue and be sued, complain and defend, in any State, Federal, or other court; (8) to acquire, take, hold, and own, and to deal with and dispose of any property; and (9) to determine its necessary expenditures and the manner in which the same shall be incurred, allowed, and paid, and appoint, employ, and fix and provide for the compensation and benefits of officers, employees, attorneys, and agents, all without regard to any other law except as may be provided by the Corporation or by laws hereafter enacted by the Congress expressly in limitation of this sentence. Nothing in this title or any other law shall be construed to prevent the appointment, employment, and provision for compensation and benefits, as an officer, employee, attorney, or agent of the Corporation, of any officer, employee, attorney, or agent of any department, establishment, or corporate or other instrumentality of the Government, including any Federal home loan bank or member thereof. The Corporation, with the consent of any such department, establishment, or instrumentality, including any field services thereof, may utilize and act through any such department, establishment, or instrumentality and may avail itself of the use of information, services, facilities, and personnel thereof, and may pay compensation therefor, and all of the foregoing are hereby authorized to provide the same to the Corporation as it may request.

(c) Funds of the Corporation may be invested in such investments as the Board of Directors may prescribe. Any Federal Reserve bank or Federal home loan bank, or any bank as to which at the time of its designation by the Corporation there is outstanding a designation by the Secretary of the Treasury as a general or other depositary of public money, may be designated by the Corporation as a depositary or custodian or as a fiscal or other agent of the Corporation, and is hereby authorized to act as such depositary, custodian, or agent. When designated for that purpose by the Secretary of the Treasury, the Corporation shall be a depositary of public money, under such regulations as may be prescribed by the Secretary of the Treasury, and may also be employed as fiscal or other agent of the United States, and it shall perform all such reasonable duties as such depositary or agent as may be required of it.

(d) The Corporation, including its franchise, activities, capital, reserves, surplus, and income, shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority, except that any real property of the Corporation shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed. The provisions of this subsection shall be applicable without regard to any other law, including without limitation on the generality of the foregoing section 3301 of the Internal Revenue Code of 1954, except laws hereafter enacted by Congress expressly in limitation of this subsection.

(e) Notwithstanding section 1349 of title 28 of the United States Code or any other provision of law, (1) the Corporation shall be deemed to be an agency included in sections 1345 and 1442 of such title 28; (2) all civil actions to which the Corporation is a party shall be deemed to arise under the laws of the United States, and the district courts of the United States shall have original jurisdiction of all such actions, without regard to amount or value; and (3) any civil or other action, case, or controversy in a court of a State, or in any court other than a district court of the United States, to which the Corporation is a party may at any time before the trial thereof be removed by the Corporation, without the giving of any bond or security, to the district court of the United States for the district and division embracing the place where the same is pending, or, if there is no such district court, to the district court of the United States for the district in which the principal office of the Corporation is located, by following any procedure for removal of causes in effect at the time of such removal. No attachment or execution shall be issued against the Corporation or any of its property before final judgment in any State, Federal, or other court.

CAPITAL STOCK

Sec. 304. (a) The capital stock of the Corporation shall consist of nonvoting common stock which shall be issued only to Federal home loan banks and shall have such par value and such other characteristics as the Corporation prescribes. Stock of the Corporation shall be evidenced in such manner and shall be transferable only to such extent, to such transferees, and in such manner, as the Corporation prescribes.

(b) The Federal home loan banks shall from time to time subscribe, at such price not less than par as the Corporation shall from time to time fix, for such amounts of common stock as the Corporation prescribes, and such banks shall pay therefor at such time or times and in such amount or amounts as may from time to time be fixed by call of the Corporation. The amount of the payments for which such banks may be obligated under such subscriptions shall not exceed a cumulative total of $100,000,000.

(c) Subscriptions of the respective Federal home loan banks to such stock shall be allocated by the Corporation.

(d) The Corporation may retire at any time all or any part of the stock of the Corporation, or may call for retirement all or any part of the stock of the Corporation by (1) publishing a notice of the call in the Federal Register or providing such notice in such other manner as the Corporation may determine to be appropriate, and (2) depositing with the Treasurer of the United States, for the purpose of such retirement, funds sufficient to effect such retirement. No call for the retirement of any stock shall be made, and no stock shall be retired without call, if immediately after such action, the total of the stock not called for retirement and of the reserves and surplus of the Corporation would be less than $100,000,000. The retirement of stock shall be at the par value thereof, or at the price at which such stock was issued if such price is greater than par value. No declaration of any dividend on stock of the Corporation shall be effective with respect to stock which at the time of such declaration is the subject of an outstanding retirement call the effective date of which has arrived.

MORTGAGE OPERATIONS

Sec. 305. (a)(1) The Corporation is authorized to purchase, and make commitments to purchase, residential mortgages from any Federal home loan bank, the Federal Savings and Loan Insurance Corporation, any member of a Federal home loan bank, or any other financial institution the deposits or accounts of which are insured by an agency of the United States, and to hold and deal with, and sell or otherwise dispose of, pursuant to commitments or otherwise, any such mortgage or interest therein. The operations of the Corporation under this section shall be confined so far as practicable to residential mortgages which are deemed by the corporation to be of such quality, type, and class as to meet generally the purchase standards imposed by private institutional mortgage investors.

(2) No conventional mortgage shall be purchased under this section if the outstanding principal balance of the mortgage at the time of purchase exceeds 75 per centum of the value of the property securing the mortgage, unless (A) the seller retains a participation of not less than 10 per centum in the mortgage; (B) the seller agrees to re-

purchase or replace the mortgage upon demand of the Corporation at any time within six years from the date of execution of the mortgage that the mortgage is in default; or (C) that portion of the unpaid principal balance of the mortgage which is in excess of such 75 per centum is guaranteed or insured by a qualified private insurer as determined by the Corporation. The Corporation shall not issue a commitment to purchase a conventional mortgage prior to the date the mortgage is originated, if such mortgage is eligible for purchase under the preceding sentence only by reason of compliance with the requirements of clause (A) of such sentence. The Corporation may purchase a conventional mortgage which was originated more than one year prior to the purchase date only if the seller is currently engaged in mortgage lending or investing activities and if, as a result thereof, the cumulative aggregate of the principal balances of all conventional mortgages purchased by the Corporation which were originated more than one year prior to the date of purchase does not exceed 10 per centum of the cumulative aggregate of the principal balances of all conventional mortgages purchased by the Corporation. The Corporation shall establish limitations governing the maximum principal obligation of conventional mortgages purchased by it which are comparable to the limitations which would be applicable if the mortgage were insured by the Secretary of Housing and Urban Development under section 203(b) or 207 of the National Housing Act.

(3) The sale or other disposition by the Corporation of a mortgage under this section may be with or without recourse, and shall be upon such terms and conditions relating to resale, repurchase, guaranty, substitution, replacement, or otherwise as the Corporation may prescribe.

(b) Notwithstanding any other law, authority to enter into and to perform and carry out any transaction or matter referred to in this section is conferred on any Federal home loan bank, the Federal Savings and Loan Insurance Corporation, any Federal savings and loan association, any Federal home loan bank member, and any other financial institution the deposits or accounts of which are insured by an agency of the United States to the extent that Congress has the power to confer such authority.

OBLIGATIONS AND SECURITIES

Sec. 306. (a) The Corporation is authorized, upon such terms and conditions as it may prescribe, to borrow, to give security, to pay interest or other return, and to issue mortgage-backed securities guaranteed by the Government National Mortgage Association in the manner provided in section 306 (g) of the National Housing Act. Any obligation or security of the Corporation shall be valid and binding notwithstanding that a person or persons purporting to have executed or attested the same may have died, become under disability, or ceased to hold office or employment before the issuance thereof.

(b) The Corporation may, by regulation or by writing executed by the Corporation, establish prohibitions or restrictions upon the creation of indebtedness or obligations of the Corporation or of liens or charges upon property of the Corporation, including after-acquired property, and create liens and charges, which may be floating liens or charges, upon all or any part or parts of the property of the Corporation, including after-acquired property. Such prohibitions, restrictions, liens, and charges shall have such effect, including without limitation on the generality of the foregoing such rank and priority, as may be provided by regulations of the Corporation or by writings executed by the Corporation, and shall create causes of action which may be enforced by action in the United States District Court for the District of Columbia or in the United States district court for any judicial district in which any of the property affected is located. Process in any such action may run to and be served in any judicial district or any place subject to the jurisdiction of the United States.

(c) The Federal home loan banks shall, to such extent as the Board of Directors may prescribe, guarantee the faithful and timely performance by the Corporation of any obligation or undertaking of the Corporation on or with respect to any security (which term as used in this sentence shall not include the capital stock referred to in section 304 of this title).

(d) The provisions of this section and of any restriction, prohibition, lien or charge referred to in subsection (b) shall be fully effective notwithstanding any other law, including without limitation on the generality of the foregoing any law of or relating to sovereign immunity or priority.

(e) The Corporation may not make any public offering of securities to finance its secondary market operations in conventional mortgages at any time that the Secretary of Housing and Urban Development determines that such an offering would unduly inhibit the financing by the Government National Mortgage Association of low- and moderate-income housing in implementation of its special assistance functions.

MISCELLANEOUS PROVISIONS

Sec. 307. (*a*) All rights and remedies of the Corporation, including without limitation on the generality of the foregoing any rights and remedies of the Corporation on, under, or with respect to any mortgage or any obligation secured thereby, shall be immune from impairment, limitation, or restriction by or under (1) any law (except laws enacted by the Congress expressly in limitation of this sentence) which becomes effective after the acquisition by the Corporation of the subject or property on, under, or with respect to which such right or remedy arises or exists or would so arise or exist in the absence of such law, or (2) any administrative or other action which becomes effective after such acquisition. The Corporation shall be entitled to all immunities and priorities, including without limitation on the generality of the foregoing all immunities and priorities under any such law or action, to which it would be entitled if it were the United States or if it were an unincorporated agency of the United States.

PENAL PROVISIONS

Sec. 308. (a) Except as expressly authorized by statute of the United States, no individual or organization (except the Corporation) shall use the term "Federal Home Loan Mortgage Corporation", or any combination of words including the words "Federal", and "Home Loan", and "Mortgage", as a name or part thereof under which any individual or organization does any business, but this sentence shall not make unlawful the use of any name under which business is being done on the date of the enactment of this Act. No individual or organization shall use or display (1) any sign, device, or insigne prescribed or approved by the Corporation for use or display by the Corporation or by members of the Federal home loan banks, (2) any copy, reproduction, or colorable imitation of any such sign, device, or insigne, or (3) any sign, device, or insigne reasonably calculated to convey the impression that it is a sign, device, or insigne used by the Corporation or prescribed or approved by the Corporation, contrary to regulations of the Corporation prohibiting, or limiting or restricting, such use or display by such individual or organization. An organization violating this subsection shall for each violation be punished by a fine of not more than $10,000. An officer or member of an organization participating or knowingly acquiescing in any violation of this subsection shall be punished by a fine of not more than $5,000 or imprisonment for not more than one year, or both. An individual violating this subsection shall for each violation be punished as set forth in the sentence next preceding this sentence.

(b) The provisions of sections 215, 607, 658, 1011, and 1014 of title 18 of the United States Code are extended to apply to and with respect to the Corporation, and for the purposes of such section 658 the term "any property mortgaged or pledged", as used therein, shall without limitation on its generality include any property subject to mortgage, pledge, or lien acquired by the Corporation by assignment or otherwise.

(c) The term "bank examiner or assistant examiner", as used in section 655 of such title 18, shall include any examiner or assistant examiner who is an officer or employee of the Corporation and any person who makes or participates in the making of any examination of or for the Corporation.

(d) The term "bank", as used in subsection (f) of section 2113 of such title 18, shall be deemed to include the Corporation, and any building used in whole or in part by the Corporation shall be deemed to be used in whole or in part as a bank, within the meaning of such section 2113.

(e) The terms "agency" and "agencies" shall be deemed to include the Corporation wherever used with reference to an agency or agencies of the United States in sections 201, 202, 203, 205, 207, 208, 209, 286, 287, 371, 506, 595, 602, 641, 654, 701, 872, 1001, 1002, 1016, 1017, 1361, 1505, and 2073 of such title 18. Any officer or employee of the Corporation shall be deemed to be a person mentioned in section 602 of such title 18 within the meaning of sections 603 and 606 of such title.

(f) The terms "obligation or other security" and "obligations or other securities", wherever used (with or without the words "of the United States") in section 471 to 476, both inclusive, and section 492 of such title 18, are extended to include any obligation or other security of or issued by the Corporation. Any reference in sections 474, 494, 495, and 642 of such title 18 to the United States, except in a territorial sense, or to the Secretary of the Treasury is hereby extended to include the Corporation. Section 477 of such title 18 is extended to apply with respect to section 476 of such title as extended by the first sentence of this subsection (f), and for this purpose the term "United States" as used in such section 476 shall include the Corporation.

TERRITORIAL APPLICABILITY

Sec. 309. Notwithstanding any other law, this title shall be applicable to the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

CONSTRUCTION AND SEPARABILITY

Sec. 310. Except as otherwise provided in this title, or as otherwise provided by the Corporation or by laws hereafter enacted by the Congress expressly in limitation of provisions of this title, the powers and functions of the Corporation and of the Board of Directors shall be exercisable, and the provisions of this title shall be applicable and effective, without regard to any other law. Notwithstanding any other evidences of the intention of Congress, it is hereby declared to be the controlling intent of Congress that if any provision of this title, or the application thereof to any person or circumstances, is held invalid, the remainder of this title, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read,

XUM

printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 7, line 25, strike "and" and insert the following: "or which comprises or includes one or more condominium units or dwelling units (as defined by the Corporation) and".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 8, lines 8 and 9, strike "which is not insured or guaranteed by a department or agency of the United States" and insert the following "other than a mortgage as to which the Corporation has the benefit of any guaranty, insurance, or other obligation by the United States or a State or an agency or instrumentality of either."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 12, immediately below line 5, insert the following: "(e) All notes, bonds, debentures or other obligations of the Corporation, or other securities (including stock) of the Corporation, and the interest, dividends, or other income therefrom, shall be exempt from all taxation (except estate, inheritance and gift taxes) now or hereafter imposed by any territory, dependency, or possession of the United States, or by the Commonwealth of Puerto Rico, the District of Columbia, or any States, county, municipality, or local taxing authority. The foregoing exemption from taxation shall include exemption from taxation measured by such obligations or securities or by such interest, dividends, or other income, and from inclusion of such obligations or securities, or such taxation."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 12, line 19, strike "(e)" and insert "(f)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 15, line 25, strike beginning with "the seller agrees" down through "gage" in line 3 on page 16, and insert the following: "for such period and under such circumstances as the Corporation may require, the seller agrees to repurchase or replace the mortgage upon demand of the Corporation in the event".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 17, line 23, immediately following "issue" insert the following: "notes, debentures, bonds, or other obligations, or other securities, including without limitation".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 20, line 2, insert "(a)" immediately following "SEC. 307.".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 20, immediately below line 19, insert the following:

"(b) The first two sentences of paragraph (6) of subsection (c) of section 18 of the Federal Home Loan Bank Act are amended to read as follows: 'Notwithstanding any other provision of law, the financial transactions of said corporation shall be audited by the General Accounting Office in accordance with title II of the Government Corporation Control Act, and banking and checking accounts of said corporation and said board shall be maintained in accordance with section 302 of that Act. Except as now or hereafter provided by this section, no provision of law other than this act or title IV of the National Housing Act shall be applicable to obligations, expenditures, lending, or payments of said board or corporation, or, to such extent as said board may provide, to personnel or positions thereof, but that activities of the board and of the corporation shall be the subject of an annual review by Congress.'"

SUBSTITUTE AMENDMENT OFFERED BY MR. BARRETT FOR THE COMMITTEE AMENDMENT

Mr. BARRETT. Mr. Chairman, I offer an amendment as a substitute for the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. BARRETT as a substitute for the committee amendment: On page 20, line 20, insert:

"(b) The financial transactions of the Corporation shall be subject to audit by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files and all other papers, things, or property belonging to or in use by the respective corporation and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians. A report on each such audit shall be made by the Comptroller General to the Congress. The Corporation shall reimburse the General Accounting Office for the full cost of any such audit as billed therefor by the Comptroller General."

Mr. BARRETT. Mr. Chairman, in the interest of time, what this does, literally, is to give the GAO authority to audit the books of the Federal Home Loan Bank Board, the FSLIC, and the FHLB Corporation.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BARRETT. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. When the gentleman's substitute was read I did not hear the Clerk read "(b)," which I believe ought to preface the amendment, because we already have (a). We should have a (b).

Mr. Chairman, I would ask unanimous consent that the "(b)" be inserted just prior to the language of the substitute.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Thes CHAIRMAN. The correction will be made in the amendment, as indicated.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. BARRETT. I am glad to yield to the gentleman from Michigan.

Mr. BROWN of Michigan. Will the gentleman explain to us how the language of his amendment differs from the language presently in the committee amendment? What is the purpose of the change?

Mr. BARRETT. It is in order to give the GAO an opportunity to come in and audit the books of the Home Loan Bank system. We are striking the language with this amendment, and putting in language which gives GAO the authority to audit. The language presently in the bill would not give them the authority.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. BARRETT. I yield to the gentleman from Texas.

Mr. PATMAN. It substantially restores it to the present law; in other words, this was an attempt to change the law and the gentleman is restoring it in the substitute.

Mr. BARRETT. That is correct.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. BARRETT. I am glad to yield to the gentleman from Ohio.

Mr. STANTON. To my knowledge this amendment was not discussed in the committee. I wonder if it was discussed with the Chairman of the Home Loan Bank Board. Does the gentleman have his approval?

Mr. BARRETT. The amendment, as I am offering it, is in the present law and it has been studied. The language of the bill would take away the authority from the General Accounting Office of coming in and auditing the books. This language puts that authority back and gives them the necessary authority to make the audit.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. BARRETT. I am glad to yield to the gentleman.

Mr. WIDNALL. I do not see any reason why the language contained in the committee amendment on page 20 cannot be retained in the bill and what you are proposing then could become a new section, that is, section 307(c), stating exactly what you have said in your amendment.

Mr. BARRETT. You mean 307(b).

Mr. WIDNALL. No. This would be (c). If (b) is retained in the present committee amendment and it is accepted by the Committee of the Whole, then we keep that in the bill and we add 307(c), which is your amendment. Then you will accomplish what you want and we will accomplish what we want.

Mr. BARRETT. I just cannot comprehend why you would want to keep that language in. It adds nothing. We are putting in language here that is in the present law. If there were any reason to retain the language that would be beneficial to the bill or the program, I would say, fine. I would be glad to go along with it. But what I am doing here is putting back GAO audit authority.

Mr. WIDNALL. The existing language in subsection (b) of section 307 on page 20 gives the right to the General Accounting Office to audit the financial transactions of said corporation in accordance with title II of the Government Corporation Control Act, and I do not see actually what you are trying to get at in addition to that, because we have already granted permission to the General Accounting Office. If you feel it is necessary, I would suggest that you add section 307(c) to what is already in the bill with the committee amendment.

Mr. BARRETT. You can amend it to that extent, or if you want me to change the amendment, I can.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. BARRETT was allowed to proceed for 1 additional minute.)

Mr. MIZE. Mr. Chairman, will the gentleman yield to me?

Mr. BARRETT. I am glad to yield to the gentleman.

Mr. MIZE. I cannot for the life of me understand what you are trying to achieve.

Mr. Chairman, it is already in that section beginning on line 22 and ending on line 10, page 21.

Mr. BARRETT. What I am trying to do here, as I pointed out before, is this: The language in the present bill strikes out the language which was originally in the law. I am merely putting back into the bill the right to audit the books.

Mr. MIZE. But where does the committee amendment strike it? It is right there.

Mr. BARRETT. On page 20, line 20, down to line 10 on page 21. This is what I am striking and replacing that language with this amendment.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. PATMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. PATMAN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania (Mr. BARRETT). It occurs to me that the gentleman from Pennsylvania is right about this. But if by chance there is any mistake about it, obviously this bill will go to conference and any change in language will be considered.

I think we are all pretty well in agreement as to what we want done. It is just a question of the language used and as to whether or not some language is contradictory to other language.

I would like to say to the minority Members as well as the other Members, if you let this go—let the Barrett amendment pass—with the understanding that if there is any mistake about it it will be considered in conference and will be corrected to carry out the intent of both the gentleman from New Jersey (Mr. WIDNALL) and the gentleman from Pennsylvania (Mr. BARRETT) that will be all right.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. Yes, I yield to the gentleman from New Jersey.

Mr. WIDNALL. There is no similar language elsewhere.

Mr. PATMAN. I still think that in view of the fact that we are having this confusion on the floor now does not preclude the fact that we can insert both sections, what is now currently the committee amendment, approve that, and add section 307(c) and when we go to conference that can be ironed out.

Mr. WIDNALL. I think in view of the fact that it will go to conference it might be acceptable.

Mr. REES. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from California.

Mr. REES. If you will look at the bill, I would like to point out the fact that on page 20 you have what I think is a minimal audit by the General Accounting Office, but then you get over to page 21, starting on line 3, and it reads:

> Except as now or hereafter provided by this section, no provision of law other than this act or title IV of the National Housing Act shall be applicable to obligations, expenditures, lending, or payments of said board or corporation, or, to such extent as said board may provide, to personnel or positions thereof, but the activities of the Board and of the Corporation shall be the subject of an annual review by Congress.

So what I think you will find here is a minimal audit which appears in the language beginning on line 20 on page 20 to line 3 on page 21 and then you have a restriction saying that no other law giving the GAO the right to audit the books of the department is applicable. I think that is the restriction in the bill.

So, what the substitute amendment would do would call for a broad GAO audit not restricted by the language on page 21.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman from California is exactly right. It is the exception in the amendment, the committee amendment, that does the damage. I wholeheartedly support the substitute amendment offered by the gentleman from Pennsylvania (Mr. BARRETT), because without his amendment the General Accounting Office will be seriously circumscribed in its ability to go into the books of this new corporation. Therefore, I earnestly ask that the substitute amendment be adopted.

Mr. PATMAN. Since there is no comparable language in the Senate bill, it is necessary to put this in. So, I think the gentleman from New Jersey made a good suggestion, along with the gentleman from California (Mr. REES) and the gentleman from Iowa (Mr. GROSS) and I think it ought to be included. If there is any mistake about it, it can be corrected in conference.

Mr. WIDNALL. Mr. Chairman, if the gentleman will yield further, is the gentleman proposing that the substitute amendment which has been offered by the gentleman from Pennsylvania (Mr. BARRETT) include what the gentleman has just said?

Mr. PATMAN. Yes. I thought it was understood we would adopt it and put both of them in and then we can harmonize them in conference.

PARLIAMENTARY INQUIRY

Mr. REES. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. REES. Is the amendment of the gentleman from Pennsylvania a substitute to the committee amendment or in addition to the committee amendment?

The CHAIRMAN. It is the Chair's understanding that the language offered by the gentleman from Pennsylvania is a substitute for the language now contained in the bill which starts on line 20, page 20, and goes through line 10 on page 21.

Mr. REES. I thank the Chair.

Mr. WIDNALL. Mr. Chairman, I do not think that the gentleman from Texas (Mr. PATMAN) and I by agreement on the House floor can change the content of the bill.

We can accept an amendment as offered, but there is no amendment offered at the present time to incorporate both the committee amendment and the one offered by the gentleman from Pennsylvania (Mr. BARRETT).

The amendment offered by the gentleman from Pennsylvania (Mr. BARRETT), was to expunge what had happened in committee and substitute his proposal. My suggestion was that both be incorporated and that his suggestion be amended to include that.

Mr. PATMAN. I would suggest that, if the gentleman will yield.

Mr. WIDNALL. Yes.

Mr. PATMAN. I suggest he change his amendment to commence at the end of the other, and they will both be in in that way.

Mr. REES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I believe the only way that we can attack this is to have Mr. BARRETT's amendment substituted for the committee amendment. Because in the committee amendment there is language that excepts a government corporations from an effective audit by the GAO.

If you believe that the GAO should audit the Government corporation you would vote for the amendment that substitutes for the committee amendment. But if you add Mr. BARRETT's amendment to the committee amendment I do not believe it would have any force because it would be expected by the exception which is on page 21, lines 3 through 10. I think you would come up with a bill that in the issue of a Government audit there would be two diametrically opposing sections.

If Mr. BARRETT's amendment is a substitute to the committee amendment I would advise a "yea" vote. If it is in addition to the committee amendment I would advise a "nay" vote.

XUM

Mr. PATMAN. Mr. Chairman, will the gentleman yield for a question?

Mr. REES. I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, like it is now, it is proposed as a substitute, by this language. I think that we will go to conference, and any changes can be made to carry out the will of the Members, the conferees, which is the will of this House, that the audit be allowed.

Mr. REES. Mr. Chairman, if it is in the nature of a substitute to the committee amendment I would support it.

Mr. PATMAN. It is in the nature of a substitute now. But the gentleman from New Jersey (Mr. WIDNALL) suggested that both be put in, and I thought it was a good idea, but I see the point raised by the gentleman in that it would be a little bit inconsistent.

Mr. REES. I think, Mr. Chairman, that the Committee of the Whole House should work its will on the floor now. I think the will of the House should be as a substitute.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. Mr. Chairman, I think we have some confusion here which could be resolved if the gentleman from Pennsylvania (Mr. BARRETT) would simply request that his proposal be revised so as to make it an amendment, rather than a substitute for the committee amendment. Then you would vote on both the committee amendment and the amendment by the gentleman from Pennsylvania, and you would be conforming with the understanding between the gentleman from Texas and the gentleman from New Jersey.

But the gentleman from Pennsylvania first has to ask unanimous consent, it seems to me, to change his proposal from a substitute to an amendment. If the gentleman from Pennsylvania will do that, they I think the understanding between the gentleman from Texas and the gentleman from New Jersey could be agreed to. Why does not the gentleman do it?

The CHAIRMAN. If the Chair may clarify the understanding that the Chair has, the gentleman from Pennsylvania (Mr. BARRETT) has offered a substitute for the committee amendment starting on line 20 on page 20 through line 10 on page 21, and that is the substitute to the committee amendment that is now pending before the House.

Mr. BARRETT. Mr. Chairman, I ask unanimous consent to withdraw my amendment offered as a substitute to the committee amendment, and to reoffer it as an amendment.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to withdraw his substitute.

Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to offer an additional amendment now to the committee amendment?

Mr. BARRETT. Mr. Chairman, I offer this amendment now as an amendment to the committee amendment as an additional subsection beginning at the end of line 10 on page 21.

Mr. PATMAN. Mr. Chairman, it is the same amendment that has been read and I ask unanimous consent that the reading of it be dispensed with due to the fact that it is pending.

The CHAIRMAN. The Chair wishes to understand clearly exactly what is being done.

The gentleman from Pennsylvania (Mr. BARRETT), as the Chair understands, is now offering an amendment which would occur after line 10, on page 21, which would be subparagraph (c). Is that correct?

Mr. BARRETT. It would be a new subsection.

The CHAIRMAN. Then including the language which the gentleman heretofore offered as a substitute for the committee amendment.

AMENDMENT OFFERED BY MR. BARRETT

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BARRETT: On page 21, following line 10, insert:

"(c) The financial transactions of the Corporation shall be subject to audit by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files and all other papers, things, or property belonging to or in use by the respective corporation and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians. A report on each such audit shall be made by the Comptroller General to the Congress. The Corporation shall reimburse the General Accounting Office for the full cost of any such audit as billed therefor by the Comptroller General."

Mr. PATMAN (during the reading of the amendment.) Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The question is on the amendment to the committee amendment offered by the gentleman from Pennsylvania (Mr. BARRETT).

Mr. REES. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. REES. Mr. Chairman, is the amendment offered by the gentleman from Pennsylvania an amendment to the miscellaneous provisions?

The CHAIRMAN. The gentleman will restate the parliamentary inquiry.

Mr. REES. Is the amendment an addition to the miscellaneous provisions which start on page 20?

The CHAIRMAN. The amendment offered by the gentleman from Pennsylvania (Mr. BARRETT) to the committee amendment starts at page 21 on line 10, after the committee amendment and adds a new subsection and inserts that as an amendment to the committee amendment.

Mr. REES. Has this Committee of the Whole House voted yet on the committee amendment that starts on page 20 and goes over to page 21?

The CHAIRMAN. That has not been decided yet.

Mr. REES. So a vote on the amendment offered by the genleman from Pennsylvania (Mr. BARRETT) will not preclude a vote of this Committee on the Banking and Currency Committee amendment?

The CHAIRMAN. If the Chair may clarify the situation.

The vote first will occur on the amendment offered by the gentleman from Pennsylvania to the committee amendment. Once decision is made on that amendment, the vote will then occur on the committee amendment, as amended.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. BARRETT) to the committee amendment.

The amendment to the committee amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE IV—GOVERNMENT NATIONAL MORTGAGE ASSOCIATION SPECIAL ASSISTANCE FUNDS

SEC. 401. Section 305(c) of the National Housing Act is amended by striking out "by $500,000,000 on July 1, 1969" and inserting in lieu thereof "by $2,000,000,000 on July 1, 1969".

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that title IV be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 25, line 3, insert "(a)" immediately following "Sec. 401.".

Page 25, immediately below line 6, insert the following: "(b) Section 305(g) of such Act is amended by striking out everything in the first sentence after 'exceed' and inserting in lieu thereof 'the dollar limitation on maximum principal obligation that would be applicable to such mortgage if insured under section 235(i) of this Act.' ".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE V NATIONAL DEVELOPMENT BANK

§ 501. Short title

This title may be cited as the "National Development Bank Act".

§ 502. Findings and purpose

The Congress finds that inflation and high interest tight money conditions are making it impossible to meet the national housing goals for low and moderate income families and related purposes. Accordingly, the

Congress finds it necessary to establish a National Development Bank which will be a lending institution for credit worthy borrowers who are unable to obtain adequate funds or are unable to obtain adequate funds at reasonable rates because of economic conditions which curtail the availability of and raise the cost of loan funds from conventional lending sources.

§ 503. Definitions

(a) The definitions set forth in this section apply for the purposes of this title.

(b) The term "private pension fund" means a pension plan to which section 401(a) of the Internal Revenue Code of 1954 applies.

(c) The term "private foundation" means an organization subject to the excise tax imposed by section 4940 of the Internal Revenue Code of 1954.

§ 504. Establishment

There is created a body corporate to be known as the National Development Bank (referred to in this title as the Bank).

§ 505. Board of Directors

The management of the Bank shall be vested in a Board of Directors consisting of the Secretary of the Treasury, the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of Labor, and ten other persons who shall be appointed by the President, with the advice and consent of the Senate. Of the ten persons so appointed, one shall be an elected or an appointed official of a State government, one shall be an elected or appointed official of a local government. All of the other persons so appointed shall be from the private sector. Two shall be from among representatives of organized labor, two shall be from among representatives of business and finance, two from among representatives of social welfare organizations dealing with the problems of low income urban residents and two shall be from among representatives of rural organizations dealing with economic and social problems of depressed rural areas. The directors shall serve at the pleasure of the President.

§ 506. Appointment of officers and employees

The Board of Directors of the Bank shall appoint a president of the Bank and such other officers and employees as it deems necessary to carry out the functions of the Bank. The president of the Bank shall be an ex officio member of the Board of Directors and may participate in meetings of the board except that he shall have no vote except in the case of an equal division. No individual other than a citizen of the United States may be an officer of the Bank. No officer of the Bank shall receive any salary or other remuneration from any source other than the Bank during the period of his employment by the Bank.

§ 507. Conflict of interest

(a) No director, officer, attorney, agent, or employee of the Bank shall in any manner, directly or indirectly participate in the deliberations upon or the determination of any question affecting his personal interests, or the interests of any corporation, partnership, or association in which he is directly or indirectly personally interested.

(b) The Bank shall not engage in political activities nor provide financing for or assist in any manner any project or facility involving political parties, nor shall the directors, officers, employees, or agents of the Bank in any way use their connection with Bank for the purpose of influencing the outcome of any election.

§ 508. General corporate powers

Except to the extent inconsistent with the provisions of this title, the Bank shall have the general corporate powers of a corporation organized and existing under the laws of the District of Columbia.

§ 509. Principal office, field offices

(a) The principal office of the Bank shall be located in the District of Columbia and the Bank may establish agencies or field offices in any city in the United States.

(b) Whenever necessary to fulfill the purposes of this title, the Bank is authorized to utilize the facilities and personnel of the field offices of appropriate Federal Government agencies and departments.

§ 510. Bank obligations generally

The Bank may issue bonds, notes, and other obligations whose maturity shall not exceed fifty years. All obligations of the Bank shall be fully and unconditionally guaranteed by the United States, and any securities evidencing such obligations shall state upon their face that they are so guaranteed. All obligations of the Bank shall be eligible for purchase by the Secretary of the Treasury, and the purposes for which the Secretary of the Treasury may issue obligations of the United States under the Second Liberty Bond Act are extended to include such purchases. In the event the Bank fails to pay any obligation when due, the Secretary of the Treasury shall pay the amount thereof and be subrogated to all the rights of the holder.

§ 511. Purchase by foundations and pension funds

(a) Any private foundation or private pension fund having assets in excess of $4,000,000 at the end of any calendar year shall in the following year purchase from the Bank obligations of the Bank in accordance with this section.

(b) Obligations purchased under this section shall have an average maturity at the time of purchase not exceeding ten years except at the request of the purchaser.

(c) Any obligation purchased under this section shall have a yield determined by the Board of Directors of the Bank to be consistent with yields on marketable obligations of Federal agencies then outstanding.

(d) The amounts and timing of purchases of obligation under this section shall be determined under rules prescribed by the Board of Directors of the Bank, but such rules may not require the purchase in any year by any purchaser of an aggregate amount greater than 2.5 per centum of that purchaser's assets (valued at market) at the end of the preceding year.

(e) Any private foundation or private pension fund which fails to purchase any obligation which it is required to purchase under this section shall be liable to the Bank in an amount equal to twice the rate of interest on the obligation for the period from the date upon which purchase should have been made to the date on which purchase was actually made or the date of maturity of the obligation, whichever is earlier. The liability under this section may be enforced by civil action in any court of competent jurisdiction.

(f) The Board of Directors of the Bank shall exercise their authority under this section, in the light of the actions taken by the Congress under section 528 of this title, the Secretary of the Treasury under section 510 of this title, and the Board of Governors of the Federal Reserve System under section 19(g)(2) of the Federal Reserve Act, in such a manner as to produce an aggregate capital of at least $4,000,000,000 or such lesser amount as may result from the limitation contained in subsection (d).

§ 512. Investment of commercial bank reserves

Section 19(g) of the Federal Reserve Act (12 U.S.C. 1465) is amended by inserting "(1)" immediately after "(g)" and by adding at the end thereof the following new paragraph:

"(2) In the determination of the amount of any reserve balance required under this section for any type or types of deposits specified by the Board for the purposes of this paragraph, there may be deducted, in whole or in such part as the Board may prescribe, any investments in obligations specified by the Board issued by Federal agencies for the purpose of directly or indirectly financing the construction or acquisition of residential real property."

§ 513. Purchase of assets by Treasury

The Secretary of the Treasury is authorized to purchase from the Bank any asset of the Bank at such price as may be agreed upon between the Secretary and the Board of Directors of the Bank.

§ 514. Discount by Federal Reserve banks

(a) The several Federal Reserve banks are authorized to purchase or discount any note or bond held by the Bank.

(b) Obligations of the Bank are eligible for purchase by the Federal Reserve banks at the direction of the Federal Open Market Committee.

§ 515. Investment status of the obligations of bank

All obligations issued by the Bank shall be lawful investments for, and may be accepted as security for, all fiduciary, trust, and public funds the investment or deposit of which is under the authority or control of the United States or of any officer or officers thereof.

§ 516. Utilization of federally insured financial institutions

The Bank shall utilize, to the maximum extent practicable, the services of any insured bank as defined in section 3 of the Federal Deposit Insurance Corporation or any insured institution as defined in section 401 of the National Housing Act as its agent to make or service any loan which the Bank is authorized to make under this title. The Bank may permit any such bank or institution to charge to the Bank a service fee of up to one-half of 1 per centum per annum on the average outstanding loan balance.

§ 517. Loans to middle-income families

(a) The Bank may make a mortgage loan in accordance with the provisions of this section to any mortgagor whose family income at the time of the acquisition of the property exceeds the maximum family income limits established under the provisions of section 235 of the National Housing Act, but does not exceed the median family income for the area in which the property is located, as determined by the Bank, with appropriate adjustments for smaller and larger families.

(b) A loan made under this section shall—

(1) be fully amortized and have a maximum maturity not exceeding thirty years,

(2) bear interest at a rate not exceeding 6½ per centum per annum,

(3) involve a single-family dwelling which has been approved by the Secretary prior to the beginning of construction of a one-family unit in a condominium project (together with an undivided interest in the common areas and facilities serving the project) which is released from a multifamily project, the construction of which has been completed within two years prior to the filing of the application for a loan with respect to such family unit and the unit shall have had no previous occupant other than the mortgagor, except that not more than 10 per centum of loans made under authority of this section may be made for the purpose of purchasing existing single family dwellings,

(4) involve a single family dwelling whose appraised value, as determined by the Secretary, is not in excess of $20,000 (which amount may be increased by not more than 50 per centum in any geographical area where the Secretary authorizes an increase on the basis of a finding that the cost level so requires), and

(5) be executed by a mortgagor who shall have paid in cash or its equivalent on account of the property (A) 3 per centum of the first $15,000 of the appraised value of the

XUM

property, (B) 10 per centum of such value in excess of $15,000 but not in excess of $25,000, and (C) 20 per centum of such value in excess of $25,000.

§ 518. Loans to eligible section 235 applicants

The Bank may make mortgage loans eligible for insurance under section 235(i) of the National Housing Act to applicants eligible for assistance under such section, but who cannot, due to the shortage of mortgage credit, obtain a mortgage loan with respect to which assistance payments can be made. Such loans by the Bank shall meet all the requirements of section 235(i), except that the rate of interest on such loans shall not exceed 6½ per centum per annum.

§ 519. Loans for low- and moderate-income rental and cooperative housing

The Bank may make mortgage loans to mortgagors eligible for assistance under the programs for low- and moderate-income rental and cooperative housing administered by the Department of Housing and Urban Development and the Farmers Home Administration, but who cannot, due to the shortage of mortgage credit, obtain such loans. Such loans by the Bank shall meet all the requirements of the program administered by such Department and Administration, except that the rate of interest on such loans shall not exceed 6½ per centum per annum.

§ 520. Construction loans

The Bank may make loans, under such terms and conditions as it may prescribe, to eligible applicants to finance the construction of low- and moderate-income rental housing projects assisted under programs administered by the Department of Housing and Urban Development and the Farmers Home Administration.

§ 521. Construction loans

The Bank may make or guarantee loans to developers, contractors, subcontractors, and other persons to finance the construction of low- and moderate-income housing.

§ 522. Technical and other assistance

(a) The Bank may provide to those borrowers and lending institutions utilizing the provisions of this title whatever assistance, technical or otherwise, it considers necessary to protect its investment and to carry out the purposes of this title.

(b) To assure fulfilling the purposes of this title, the Bank shall direct an adequate number of Bank staff members to seek out and confer with representatives of State and local governments, public agencies, nonprofit private organizations, companies, corporations, partnerships, and individuals, in order to provide information about the services furnished by the Bank to provide whatever assistance is necessary for full utilization of such services.

§ 523. Security

The Board of Directors of the Bank may authorize the Bank to make fully secured, partially secured, and unsecured loans and guarantee full secured, partially secured, and unsecured loans made by conventional lending institutions to carry out the purposes of this title.

§ 524. Guaranteed loans

The Bank may fully guarantee the entire principal of any loan made by any bank, savings bank, trust company, building and loan or savings and loan association, insurance company, mortgage loan company or credit union, which is made to carry out the purposes of this title and whose terms and conditions are approved by the Board of Directors of the Bank.

§ 525. Exemption

(a) Private pension funds and private foundations which have made investments in low- and moderate-income housing (as defined by the Board of Directors of the Bank for the purposes of this title) during any year following enactment of this title may apply to the Board of Directors of the Bank to be exempt from the purchase of Bank obligations in the amount of their investment in such low- and moderate-income housing mortgages or securities backed by low- and moderate-income housing mortgages authorized under the assisted homeownership and rental housing programs of the Department of Housing and Urban Development, the Veterans' Administration and the Farmers Home Administration of the Department of Agriculture.

(b) An exemption from the purchase of Bank obligations may be granted by the Board of Directors of the Bank if evidence presented by private pension funds and private foundations applying for such exemptions is satisfactory proof to the Board of Directors that such investments in low- and moderate-income housing mortgages or mortgage-backed securities have in fact been made—

§ 526. Taxable status

The Bank, its property, its franchise, capital, reserves, surplus, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority; except that (1) any real property and any tangible personal property of the Bank shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any and all obligations issued by the Bank shall be subjected both as to principal and interest to Federal, State, and local taxation to the same extent as the obligations of private corporations are taxed.

§ 527. Audit by General Accounting Office

The General Accounting Office shall audit the financial transactions of the Bank, and for this purpose shall have access to all its books, records, and accounts.

§ 528. Authorization of appropriations

(a) There are authorized to be appropriated annually such sums as may be necessary to pay the difference, if any, between the interest paid by the Bank on its obligations and the interest received by the Bank on its loans, and to reimburse the capital of the Bank to the extent of any defaults.

(b) There are authorized to be appropriated for the permanent capital of the Bank such sums as may be deemed necessary in the interest of sound fiscal management.

(c) There are authorized to be appropriated such sums as may be necessary to provide for the compensation and expenses of officers, directors, and employees of the Bank, and for office facilities and similar items necessary to conduct the business of the Bank.

Mr. PATMAN (During the reading.) Mr. Chairman, I ask unanimous consent that title V and the rest of the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. WIDNALL. Mr. Chairman, I object.

Mr. PATMAN. Mr. Chairman, I ask unanimous consent that just title V be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 25, strike line 12 and all that follows down through line 22 on page 38.

Mr. PATMAN. Mr. Chairman, I rise in opposition to the committee amendment to title V.

The CHAIRMAN. The gentleman can be recognized in opposition.

Mr. PATMAN. It has been considered as read.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes in opposition to the committee amendment.

Mr. PATMAN. Mr. Chairman, this is the amendment that is known as a National Development Bank. It provides for a source of funds for housing for low-income groups. It provides that pension funds and foundation funds may be used up to the extent of 2½ percent each year for the purpose of furnishing funds for this type of housing.

The reasoning behind that is that pension funds amount to a lot of money in this country. It goes into hundreds of millions of dollars. Housing needs a source of funds, and this is one source of funds. Certainly it would be unfair for us just to take 2½ percent of the pension funds. But some of the managers of pension funds, the biggest ones in the Nation, testified before our committee that our proposal was very fair, that their funds are tax-exempt, and any time the Government grants a tax exemption, the Government has a right to require something in the public interest that is not excessive or unduly burdensome.

So to these tax-exempt funds the Government is saying, "We want to require you to invest 2½ percent each year in the National Development Bank for housing for the low-income groups." The witnesses before our committee thought it was an ideal situation because most pension fund investments are not guaranteed by the Government. They have no guarantee of any kind. Under this plan they would be guaranteed up to the point that they invested in the National Development Bank, a guarantee by the Federal Government.

In addition to that, they would get a fair rate of interest. They would get the rate of interest that people receive on Treasury bills. Now they are at about 6.60. So at all times they would get the going current rate of interest on those investments.

The people in charge of these funds seem to think that is very fair. They would have not only a good return for the beneficiaries of their fund, and the beneficiaries certainly are in favor of it. So that makes it a double reason for not objecting to it.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. KYL. The gentleman has said that when the Government gives a tax exemption, it has some right to make demands on the funds generated which are tax-free. What is the statutory basis of that?

Mr. PATMAN. There is no statutory basis for that. It is a question of what is right and what is wrong. If you exempt from taxation funds which normally would be taxable, you are giving them something. We need $4 billion a year, at least, for housing for low- and mod-

XUM

erate-income groups. This will not hurt the funds at all because these investments are guaranteed by the Government and have a fair return.

Mr. KYL. Mr. Chairman, will the gentleman yield further?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. KYL. Further to clarify this matter, the tax exemption is not predicated on any further condition?

Mr. PATMAN. Not at all. They have a free ride.

Mr. MIZE. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Kansas.

Mr. MIZE. Mr. Chairman, we removed this title in the committee, as the gentleman pointed out in his opening remarks in the debate. The reason for that was (1) this is an emergency Home Finance Act.

Mr. PATMAN. Yes.

Mr. MIZE. The establishment of a National Development Bank is going to take a long time. That is one thing wrong with title V.

Now (2) it is terribly dangerous to start a program such as this committee stricken title would provide. Imposing on pension fund trustees, foundation trustees, some trust officers—Federal Government regulations on their investment policies is dead wrong and frightening.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. PATMAN was allowed to proceed for 3 additional minutes.)

Mr. MIZE. Mr. Chairman, if the gentleman will yield further, it is terribly dangerous to start a program where the Government is going to start telling the pension funds and trustees that they have to invest in anything, regardless of how worthy the program may sound. If we get away with this, perhaps in time we will say they must invest in college dormitories, and we will tell the trustees they may have to invest in such worthy things, as hospitals, the SST, and I am sure the gentleman from Illinois (Mr. YATES) will not approve of that, or any other area. This could wreck sound investment policies of trustees.

If we can leave this title out of the bill as recommended by the committee and we can get an emergency housing bill to the President and make a real contribution to the solution of the housing problem.

Mr. PATMAN. May I say in that case we will not have any emergency funds for housing. This is the only source of funds. This is $4 billion a year. This is a substantial source of funds. If we keep this in, we are sure of it.

The gentleman said it would take so long to get a National Development Bank into operation. It will take from now to the first of the year, but the housing shortage is going to be with us for years and years, and the question of a few months to get the Bank started is not as important as to try to start a plan to cure or to remedy the extreme shortage for low- or middle-income groups, so I think that should receive more consideration.

I hope this title V is adopted and that the amendment passed by the Committee on Banking and Currency is not agreed to; in other words, by not agreeing to the amendment we are restoring title V to the bill.

Mr. WIDNALL. Mr. Chairman, I rise in support of the committee amendment. The gentleman from Texas asserted that only this proposed National Development Bank, of which the Chairman speaks, will provide additional capital funds for the mortgage market and that the rest of the bill merely consists of various "interest subsidy" programs. It should be noted that the only new capital for mortgages made available in this proposal is that currently held by private pension funds.

The means by which this "new" capital would be obtained, however, is by coercion, by requiring pension funds to invest annually in the obligations of the bank under threat of civil liability and penalties. I wholeheartedly agree with the other Members who have pointed out that granting a Federal agency such a power over private savings is both unwise and dangerous.

If we remove this undesirable element of compulsion from the proposal, however, what have we left? We have an authorization to create a new bureaucracy and a new layer of housing programs beyond those we now have. It is difficult for me to see how this new bureaucracy will be different from, or an improvement over, our existing housing programs and institutions.

The bank could not do more than can be done presently through the Federal National Mortgage Association and the Government National Mortgage Association. FNMA is fully able to raise funds in the private market in the same way that the proposed bank would do. And the GNMA–FNMA tandem plan is fully able to absorb part of an unduly high effective interest cost on mortgages on assisted housing units. The need for a new institution to absorb a similar interest rate differential escapes me.

In addition to duplicating existing institutions and methods it should be emphasized that this proposed bank, because of the inevitable delay before it could be established, offers little help in alleviating our current housing crisis.

It is a housing emergency this House is addressing itself to today. The relevant measures for consideration are those which will provide some immediate relief, not long-range and questionable measures such as this proposed National Development Bank.

For these reasons, Mr. Chairman, I shall vote for the committee amendment.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Texas.

Mr. PATMAN. Attempting to get money through FNMA will not provide a new source of funds. This National Development Bank is a new source of funds.

Furthermore, FNMA, in getting funds for housing, will be in competition with the corporations, and they are getting 12 or 14 or 15 percent for their money.

The gamblers and the speculators and all those people do not care about the interest rate. So FNMA would have to pay interest at the going market, at the market price, as they call it.

We are trying to establish a lower rate, a reasonable rate that people can pay. This would be a source of funds.

I respectfully say to the gentleman from New Jersey that he is not proposing a new source of funds. He is just proposing further competition in the marketplace, where the homeowner cannot compete.

Mr. WIDNALL. In section 1 of the bill there will be some $4 billion to $6 billion available for new mortgage credit. Another section of the bill provides $1,600 million. Some other sections will provide substantial millions also.

I urge adoption of the committee amendment.

Mr. BARRETT. Mr. Chairman, I rise in favor of the amendment for the National Development Bank and against the committee amendment.

I believe our Members, both here on the floor and in our committee, have been screaming about subsidies for many years. The gentleman from Texas inaugurated an approach to get reasonable interest rates, 6½ percent, without any interest subsidies under this proposal.

As he stated, this would establish an agency which would have money available at all times when interest rates go out of proportion. We can at all times have adequate money to meet the housing money needs.

We can accomplish under this bank provision probably 200,000 units per year. We need that much housing per year in order to meet our obligations and our responsibility for accumulating 26.2 million homes in the next 10 years. We are now producing only 1.2 million homes a year under present conditions.

There is a great demand for housing; there is a great demand for money. The great demand for housing is not being met because people know there is no mortgage money for it.

Everybody, back in 1935, opposed social security. It was something new, and they did not want to have anything to do with it. Today everybody will take credit for it.

While people are opposing this new approach today, to get mortgage money, I would say that 10 or 15 years hence they will be taking credit for it.

It is a responsibility of the Congress to get housing for the needy people in America. There are 6 million people living in substandard housing. We can take care of those 6 million people in about 7 or 8 years if we get this available money.

Ladies and gentlemen, I believe we ought to exercise our responsibility here today and vote down the committee amendment and support the amendment for the National Development Bank.

Mr. PATMAN. Mr. Chairman, may I ask if we can get an agreement on time for voting on title V? I wonder if 30 minutes from now would be sufficient?

The CHAIRMAN. Does the gentleman from Texas make a unanimous consent request?

Mr. PATMAN. Suppose we agree to vote at 6:05 p.m. or at 6 o'clock?

Mr. Chairman, I ask unanimous

XUM

consent that all debate on title V and all amendments thereto close at 6 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. BROWN of Michigan. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

MOTION OFFERED BY MR. PATMAN

Mr. PATMAN. Mr. Chairman, I move that all debate on title V and all amendments thereto close at 6 o'clock.

The CHAIRMAN. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ANNUNZIO).

Mr. ANNUNZIO. Mr. Chairman, the membership of the House hardly needs to be reminded that the general unemployment rate for the Nation has reached 5 percent and is expected to go higher, and that the unemployment rate for construction workers is nearly 12 percent and is expected to go higher.

But I think something that should be pointed out in this debate is the economic impact that will be produced by establishment of the National Development Bank to finance 200,000 housing units for moderate- and middle-income families.

A special study conducted for the U.S. Savings and Loan League, which represents the Nation's savings and loan associations, states that the economic impact of a given amount of residential construction is not limited to the expenditure that directly results from this activity. The income received by individuals as a result of such expenditures appears again and again in the economy in the form of income to others as each set of recipients pays it out in consumption expenditures or taxes. The situation is commonly referred to as the multiplier effect.

The savings and loan study indicates that when the multiplier effect is brought into the picture the economic impact of $4 billion a year for housing can mean a total impact of twice that amount, $8 billion.

To illustrate:

Construction of 200,000 homes means a direct expenditure in housing of $2.7 billion.

Some $400 million will go into site preparation.

Related construction requires expenditures totaling $600 million.

Sales and closing costs come to $180 million.

And related retail sales amount to $600 million.

Moreover, the study shows that about 90 man-hours of labor are produced by each $1,000 of residential construction. This translates into 190,000 onsite construction jobs. It also means 254,000 offsite jobs, or a total of 444,000 jobs a year as the total employment impact of $4 billion in Development Bank loans for housing construction.

Mr. Chairman, the total amount of new employment opportunities that would be created through the Development Bank is almost half the total number of people who have joined the unemployment lists in the last 6 months. To put it bluntly, this Congress must not fail to restore title V to the Emergency Home Finance Act of 1970.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. JOHNSON).

Mr. JOHNSON of Pennsylvania. Mr. Chairman, I urge the Members to support the committee amendment which struck title V.

If title V is reinstated, it will be the first time that a nongovernmental private business entity would be required by law to invest its assets in certain securities. This requirement is unconstitutional.

Laws by the various States do proscribe investments that fiduciaries may voluntarily make which are called investments legal for trust funds.

If a trustee properly invests in those securities, he cannot be surcharged if a loss occurs. However, here we have a provision requiring a private financial entity to make a proscribed investment, or else suffer a penalty.

This purchase requirement is obviously a taking of property without due process of law and in violation of the fifth and 14th amendments of the U.S. Constitution.

The sovereign can regulate any situation within the so-called police powers. To regulate within this power the matter legislated against must be against the health, safety, or morals—welfare—of the public.

Now, obviously, the police power would not warrant this unreasonable use of power by the Government as provided in title V.

If foundations and pension funds can be forced to make these investments, then they must be fully indemnified for losses by reason of a decline in market value of the securities, even though payment at maturity is guaranteed by the U.S. Treasury. If title V is reinstated, I will offer an amendment indemnifying a forced purchaser from loss.

It is true that the Federal savings and loan associations can be required to make certain investments.

This is because they are creatures of statute, are licensed by the sovereign as Federal institutions and the sovereign can lay down rules for their granting them a charter: Foundations and pension funds are not creatures of statute, or set up by a governing body.

I, therefore, am against this involuntary purchase amendment because:

First. It is an unreasonable invasion of the privacy of those institutions.

Second. It is contrary to the fifth and 14th amendments—the taking of property without due process of law.

Third. There is nothing in the operations of foundations or pension funds that call on the exercise of the police power of the sovereign, at least not in this instance.

Fourth. The amendment requires asset purchases but does not indemnify the contributing purchaser for losses due to decline in the market value or any other financial hazard.

Fifth. It establishes a dangerous precedent in the field of private enterprise.

Sixth. It is an unwarranted raid on trust funds held by pensions of employees which are sacred funds whose security should not be jeopardized.

Seventh. The requirement that funds and foundations must buy these obligations is not based on any expressed Federal jurisdiction such as: The fact that they are federally chartered or federally insured, or because they rely on interstate commerce; actually there is no possible avenue of the use of Federal powers.

Eighth. If one argues that the amendment is constitutional because they accept some form of tax immunity, then this type of provision, if it is ever espoused, should be passed on by the Ways and Means Committee.

Ninth. If one argues that this investment requirement is an exercise of the right of eminent domain, that argument is unsound, because of the lack of public purpose, as required before eminent domain will lie, and no standard in the amendment to fix just compensation.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. BARRETT).

(By unanimous consent, Mr. BARRETT yielded his time to Mr. PATMAN.)

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. STANTON).

Mr. STANTON. Mr. Chairman, I rise in support of the committee amendment.

While I agree with the fundamental objective of inducing more investment in housing, I believe that the means proposed by Chairman PATMAN for doing this are both dangerous and undesirable. Although a variety of methods are provided for funding the proposed development bank, we should not be misled into thinking that any but one would ultimately be used.

Given the current inflation coupled with a shortage of capital in all sectors of our economy it is difficult to believe that Congress will appropriate the capital necessary for this proposed development bank or that the bank itself will be successful in raising the vast sums required in the private market. The purchase of bank obligations by the Treasury or the Federal Reserve System on the scale required is also unlikely and would certainly be unwise at this time for the effect of such purchases would be to further exacerbate current conditions of inflation and tight money. This leaves the assets of private pension funds as the real source of financing for the proposed development bank.

To me, it would be most undesirable if the managers of private pension funds, with their enormous responsibilities to their investors were deprived of the power to invest their funds as they deem best.

I believe most strongly that it is improper for the Federal Government, even in the guise of a federally chartered corporation, to assume direction of the investment of these billions of dollars of private funds. Ours is a mixed economy and it is essential that we maintain a balanced and proper relationship be-

XUM

tween the public and private sectors. In this respect I believe that this proposal upsets that balance and sets a most dangerous precedent.

If this proposal is proper for pension funds, what does this bode for the integrity of other private funds such as corporate funds or even labor union funds?

Mr. Chairman, while fully supporting the desire to help the housing situation, I must vote against this particular proposal as being both dangerous and unwise.

(By unanimous consent, Mr. STANTON yielded the remainder of his time to Mr. WIDNALL.)

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Mr. Chairman, I rise in opposition to the committee amendment and use this time to ask a question of the chairman.

Mr. Chairman, is it not true that the pension funds today have certain tax advantages?

Mr. PATMAN. Yes, sir, they are tax exempt.

Mr. WOLFF. Does this not place a greater responsibility upon these pension funds to contribute toward trying to solve the social problems of the Nation?

Mr. PATMAN. Yes, especially social responsibilities, and they recognize that. The witnesses who appeared before our committee recognized that and they said it was a good thing. It guaranteed their funds and gave them a good interest rate which also relieved them of a great responsibility. So it is good for both.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, I rise in support of the committee amendment.

No one doubts that the housing industry is temporarily in a depressed condition and relief must be granted. We do that by this bill. I do feel, however, that we must pass a bill that offers a solution without endangering other important economic interests.

Title V is highly objectionable because it would require, by compulsion of law, that private pension funds and foundations invest a portion of their assets in obligations of the National Development Bank. In a free society with a market economy based on the law of supply and demand, this is an unwarranted and unnecessary Government coercion in its worst form. This would be just beginning.

Pension funds and foundations were established and authorized by law for the purpose of fulfilling highly beneficial social ends. Foundations provide many philanthropic and research services. Millions of Americans depend on pension funds for security in their retirement years. To insure proper performance, the law imposes a fiduciary responsibility on those who administer the assets of these trusts. The trustees have an absolute duty to invest the assets in a manner insuring the highest economic return consistent with prudent management.

If this amendment becomes law, the trustees would be hindered in discharging their fiduciary responsibility to the beneficiaries. It requires little imagination to envision a situation where sound investment opportunities superior to the National Development Bank obligations, would exist. Under the Chairman's proposal, the trustees may be required to invest in Government obligations yielding a lower return than interest rates available in the free market. The whole process of prudent and effective trust management would be undermined. The net effect would be to shift the burden of supporting housing to the beneficiaries of pension plans and foundations, such as retired workers and financially pressed educational institutions. Title V could surely work against the best interests of those who are often dependent on a trust for their livelihood.

In addition, the bank's obligations, being fully guaranteed by the United States, would be subject to the Federal debt limit and thereby require either an increase in that limit or a contraction of other priority projects.

Also, these provisions pose serious questions concerning the constitutionality of a forced investment requirement:

> Mr. WYLIE: The unlawful taking by the State concept., Art. V, Amend. U.S. Const. ". . . nor shall private property be taken for public use without just compensation."

Most significantly, this approach will be a flagrant and arbitrary violation of the free investors market. To insure long-range economic benefits for the housing market, foundations, and pension funds, the free market mechanism should be allowed to determine generally the appropriate rates of interest to attract funds. For these compelling reasons, I urge my colleagues to vote against the amendment.

Mr. MIZE. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Kansas.

Mr. MIZE. On this matter of the tax status of these foundations, and pension funds, and so forth, it seems to me if their tax status is to be questioned then this should be faced directly by the Committee on Ways and Means rather than indirectly through some effort to finance the mortgage market or any other kind of investment.

Mr. WYLIE. I think the gentleman from Kansas has a valid point.

The CHAIRMAN. The Chair recognizes the gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Chairman, I rise in opposition to the committee amendment to strike title V. This title, as I said earlier in the general debate, is the heart of the emergency home finance bill. Without this title in the bill, we will have a legislative empty shell with an impressive but misleading title. We will have another so-called truth-in-packaging bill without anything inside the package.

I do not know at what stage of the committee process on this legislation that the administration decided it did not want any measure enacted which would really result in an upsurge in home construction and the renewed purchase of homes. Perhaps the fear was that if people built or bought homes, it would be inflationary. For this is the one area of economic management in which the administration has been able to claim complete victory in its anti-inflation battle—it has stopped homebuilding and homebuying.

In any event, this title of the bill now before us—title V—was stricken in committee on partisan lines. All of the Republicans voted to strike. Nearly all—but not quite enough—of the Democrats voted not to strike this title. Now we are asking the House to reverse this defeat in committee.

Since only Democrats in the committee supported this title, I will direct my remarks on it largely to this side of the aisle. We want Republican support; we would welcome it. But I think the Democrats are going to have to bear the brunt on this one. After all, title V originated in committee as a Democratic proposal—to do something about housing and high interest rates, not just deplore the situation.

Title V grew out of two separate proposals which were supported by the Democratic caucus of the Banking Committee. One was Chairman PATMAN's proposal to tap the resources of pension funds and foundations, to require these tax-sheltered funds to invest a small portion of their vast assets in U.S. Government securities which are fully protected and guaranteed by the United States, and which are intended to channel funds into home mortgages. The other proposal which was endorsed by the Democratic caucus of the Committee on Banking and Currency was my bill, cosponsored by Housing Subcommittee Chairman BARRETT of Pennsylvania, for a direct loan program to middle-income American families not able to obtain mortgages in the normal money markets at reasonable rates of interest.

We decided to put these two proposals together into one—into what is now title V. We have Chairman PATMAN's proposal for raising funds from foundations and pension funds, and my proposal for direct loans to middle-income or moderate-income families—for long-term mortgages at rates of no more than 6½ percent.

There are two main objections to title V—one, that it forces or coerces pension funds and foundations to invest a very tiny portion of their assets—only 2½ percent—in a certain type of Government obligation. Well, of course, we already force the member banks of the Federal Reserve to do the same thing. But that is the first objection. The second is that the interest rate of 6½ percent which would be charged for the direct loans to middle-income families represent a subsidy.

That rate represents a subsidy, Mr. Chairman, only if you are ready to concede that for the next 30 years the Government will be paying more than 6½ percent for all of the money it borrows. The average interest on the entire national debt is less than 6 percent. On long-term bonds, of course, it is far less. Are we legislating today on the assumption that we will from this day forward—

for 30 years—be experiencing today's tight money interest rates? God help America if that happens.

If a citizen of average or median income buys a home today under one of the direct Government loans, provided for in title V, and pays 6½ percent interest to Uncle Sam on his mortgage, the citizen would receive a real break in terms of present mortgage interest rates, while the Government would be getting a better return than it is receiving now on the money it lends to Japan, Peru, Morocco, Saudi Arabia, Great Britain or any of our other commercial national borrowers.

If we can lend Japan $200,000,000 as we did last year, to buy various types of equipment in the United States, and charge Japan only 6 percent, can we not lend $20,000 to worthy families in our congressional districts at 6½ percent for 30 years? I think we can.

Mr. Chairman, I call upon every Democrat in this House who has made speeches, or cosponsored bills, or joined in ad hoc committees, or endorsed caucus resolutions opposing high interest rates or who has assured his homebuilders and constituents that he is opposed to the Nixon tight money high interest rate no-housing policy, to stand up and vote for those sentiments by voting against the committee amendment to strike title V.

And if any Republicans want to risk the displeasure of the President and possibly invoke the fiery ire of the Vice President by voting to provide housing—not promises but housing—for the American middle class, here is the best opportunity you will have to do so on this bill. If the committee amendment is sustained in Committee of the Whole House on the State of the Union, I am sure we will have a rollcall vote on it. I imagine a record vote to strike title V and destroy the chance to obtain vast new sources of mortgage funds for middle-income families at reasonable rates of interest would be a hard one to explain in an election year.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, I rise in support of the committee amendment which strikes title V. The fact of the matter is that this entire matter was considered very, very carefully in committee, and a majority of the committee members decided that title V should be stricken. Title V actually sets up the National Development Bank, which is simply another public corporation, just another bureaucracy. You have heard the distinguished gentleman from New Jersey (Mr. WIDNALL), describe the dangers of this title V. In addition to requiring pension money to be invested in this National Development Bank, this title V also contains very stringent penalties for any pension fund which fails to meet the requirements.

Mr. Chairman, I trust that the Committee as a whole will support the committee amendment to strike title V.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Chairman, and members of the committee, let us get right down to the heart of this title V. Title V establishes a National Development Bank which is purely a facade to impose a 2.5-percent investment levy upon every private foundation and upon every private pension fund on an annual basis. It violates every investor's rule. It may be unconstitutional. But if we are going to impose the 2.5-percent investment levy on private foundations and private pension funds it should be done as a condition to their maintaining their tax-exempt status and as such, it would be a matter to be considered by the Committee on Ways and Means.

There are numerous other objections to this proposal, but Foundations are deeply concerned about section 511 and for the following reasons:

Government should not undertake to specify how private funds should be invested. The compulsory purchase provisions of section 511 would replace, by Federal statute, the investment judgment of independent trustees, and managers of foundations and pension funds, who have fiduciary obligations firmly established under law. They would give the Government unprecedented control over the investment of private funds. The precedent could readily be used to extend governmental control over the investments of other private organizations, or subject more and more of the assets of private foundations and pension funds to government use.

Section 511 would restrict and reduce funds available to charity. Investment portfolios of foundations and pension funds, which are now managed to produce the best economic return for charity and pensioners, would be subject to artificial restraints to the potential detriment of the beneficiaries of the funds. Since H.R. 17495 allows private foundations and pension funds to substitute certain types of government obligations for the obligations required to be purchased under the bill, it is not even clear that section 511 would lead to any increase in housing funds.

Section 511 ignores the impact of the Tax Reform Act of 1969 on foundations. The Tax Reform Act already imposes a 4 percent tax on foundation investment income and contains compulsory payout provisions. Section 511 represents an additional potential reduction of private philanthropic resources. The Tax Reform Act also contains provisions to encourage private foundations to produce maximum rates of return on their investments; Section 511 would impose artificial restraints upon the management of foundation portfolios which could prevent a maximum return on investment.

Section 511 raises difficult Constitutional questions which have not been fully considered. To require private organizations to invest a portion of their assets in specified Government securities is an unprecedented government policy which requires careful scrutiny. Important Constitutional questions exist relating to the protection of private property, due process, and taking without just compensation. Moreover, Section 511 raises a serious question of equal protection under the laws since only private foundations and pension funds are subject to the provisions of the bill; no mention is made of the portfolios of universities, churches and of other tax-exempt organizations.

Mr. Chairman, I urge that the committee amendment be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. WIDNALL).

Mr. WIDNALL. Mr. Chairman, I would just like to urge upon the House approval of the committee's action with respect to title V. I think it would be tragic if we adopted the original bill as submitted, and if it included a bite of 2.5 percent on the pension funds of the Nation.

We have had no urging by any of those involved with pension funds to adopt the course of action suggested by our chairman, to take, beginning for the first year, 2.5 percent of the funds with a possible 2.5 percent added each year thereafter. This could become a precedent for every committee in this House seeking this source of revenue to support pollution bills, education bills, medical bills and the like, all for good purposes.

The National Development Bank, as I said before, could not possibly be fully organized and running with its own bureaucracy before 1 year. The title of this bill is the Emergency Home Finance Act of 1970. It is perfectly ridiculous to be talking about this now, and wanting to spend so much money now, that if adopted right now cannot produce one single new unit of housing before the expiration of a year.

What came out of the committee can do the job, and can get things moving immediately. I urge adoption of the committee amendment.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman.

Mr. CONYERS. Mr. Chairman, the crushing weight of this Nation's housing crisis is centered primarily in just two areas of this country—the inner cities and the far outlying rural areas. The problem rests there largely because very little mortgage credit for moderate income housing is available from conventional lending institutions in either area.

Anyone who knows anything about the problems of our cities knows that conventional lending institutions located in the cities are funneling almost all of the mortgage funds into the affluent suburbs where people can afford the otherwise strangling mortgage interest rates that are being charged.

Banks located in small rural communities have always maintained that they do not have the capacity to make mortgage loans in any volume and meet the other credit needs of their clientele. What money is being provided for mortgages is coming from the Farmers Home Administration which is grossly underfunded and understaffed.

Mr. Chairman, title V of the Emergency Home Finance Act is a real attempt at answering the housing problems in both the inner cities and rural areas. It is the only provision in the bill that pro-

XUM

vides any real hope for home ownership for not only moderate income families, but low income families as well.

Last year the Department of Housing and Urban Development said that this country needs 26 million new dwelling units by 1978. To date, housing starts have declined to an average annual level of less than 1.2 million units. This describes an emergency housing situation and title V is the only provision in H.R. 17495 which would truly make it an emergency home financing bill. Title V is the only section of this bill with the potential to change existing mortgage lending patterns and get housing money at reasonable rates into the areas where it is most needed. I strongly urge that title V be restored to this legislation. Congress must begin to meet its commitment set over 20 years ago—"a decent home and suitable living environment for every American family."

Mr. CLAY. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman.

Mr. CLAY. Mr. Chairman, the administration, for reasons I find impossible to understand, is opposing title V of the Emergency Home Finance Act of 1970.

This is a posture that I find more than a little ironic in view of the statements of the Secretary of Housing and Urban Development, George Romney. Secretary Romney has clearly stated that private pension funds can and should constitute a major source of mortgage funds to meet the Nation's housing crisis and that they should be required to make such investments if they fail to do so to a significant degree on a voluntary basis. He gave a May date as the cutoff point for trial of voluntary purchase.

Secretary Romney has had at least two meetings with pension fund officials and the trust officers of large banks which administer most of the Nation's private pension funds. He was told at the first meeting that pension funds were not at all interested in increasing investments in this area. He came away from the second meeting with a commitment for an additional investment of $500 million in mortgages by these institutions.

That $500 million commitment, if it is ever fulfilled, represents an investment equal to slightly more than half of 1 percent of the total assests of noninsured private pension funds.

When compared to the total assets of both noninsured and insured private pension funds, it amounts to less than four-tenths of 1 percent of these assets.

One could hardly say the private pension funds have shown themselves willing to cooperate in meeting a critical priority need of the Nation in return for the enormous tax advantages they enjoy.

In my judgment, the least these institutions should do is to make investments in federally insured and guaranteed paper for low, moderate and middle-income housing in amounts equivalent to the tax advantage they now enjoy. Title V does not even require them to do that and title V, let me remind you, imposes no sacrifice or risk in order to raise loan funds for the National Development Bank for housing that it would create. The obligations it would market are fully negotiable, fully and unconditionally guaranteed, and would provide market yields equivalent to the yields on Treasury securities.

In effect, Development Bank obligations constitute an investment which is superior to the mortgages and the mortgage-backed securities that Secretary Romney thinks should be attractive enough for voluntary purchase by private pension funds.

Mr. Chairman, Secretary Romney himself has demonstrated the need for title V. It should remain what it was designed to be, the heart of the Emergency Home Finance Act of 1970.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. PATMAN) to close debate.

Mr. PATMAN. Mr. Chairman, 75 percent of these pension funds are administered by banks. It is a very lucrative business. I do not blame them for wanting to keep it. They do not want any policy made that would use part of these funds for anything else. It is in their interest that they stop it if they can.

But we are in an embarrassing position here in the United States. The Federal Reserve with their money managers have charge of the Government's credit.

That amounts to billions of dollars a year. But they are not alloting anything to housing.

It occurs to me that as much money as they have, they certainly could agree to let housing have some money but they will not do it.

We tried to get an RFC type organization organized which was so successful for 22 years and which gave people money for housing. But we were unable to do it.

We tried to utilize Federal Reserve credit and this pension bill. It seemed to be satisfactory to the people who had furnished the money. We thought it was ideal. It would be no more than 2½ percent of assets a year, guaranteed funds, and give them a fair rate of interest.

If this amendment to strike title II is agreed to, we have no source of housing funds.

Now what is offered for housing funds? The people who oppose this bill have made no offer of housing funds. It is the only source of funds that is proposed in either House of the Congress, and if we do this what can you tell the people who want housing funds? This is the only approach that is proposed and if we defeat that, what do you propose for housing funds?

It is very important that we have housing funds at a reasonable rate of interest. I trust you will give this matter great consideration. In case of doubt, vote for it and let it go to conference. The other body will vote on it and they would not agree to it unless there was something good proposed, and unless every question today is answered. So you cannot run any risk by voting for this. It will go to conference between the two Houses and the conferees will have an opportunity to act upon it.

The CHAIRMAN. All time has expired.

The question is on the committee amendment to strike out all of title V.

The question was taken; and on a division (demanded by Mr. PATMAN) there were—ayes 86, noes 38.

Mr. PATMAN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. PATMAN and Mr. WIDNALL.

The committee again divided, and the tellers reported that there were—ayes 114, noes 58.

So the committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE VI—FLEXIBLE INTERSTATE RATE AUTHORITY

SEC. 601. Section 3(a) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968, is amended by striking out "October 1, 1970" and inserting in lieu thereof "October 1, 1971".

COMMITTEE AMENDMENT

The Clerk read as follows:

Committee amendment: Page 39, immediately below line 9, insert the following:

"TITLE VII—INVESTMENT OF COMMERCIAL BANK RESERVES

"§ 701. Amendment of section 19(g), Federal Reserve Act

"Section 19(g) of the Federal Reserve Act (12 U.S.C. 465) is amended by inserting '(1)' immediately after '(g)' and by adding at the end thereof the following new paragraph:

" '(2) In the determination of the amount of any reserve balance required under this section for any type or types of deposits specified by the Board for the purposes of this paragraph, there may be deducted, in whole or in such part as the Board may prescribe, any investments in obligations specified by the Board issued by Federal agencies for the purpose of directly or indirectly financing the construction or acquisition of residential real property.' "

Mr. WIDNALL. Mr. Chairman, I rise in opposition to the committee amendment.

The CHAIRMAN. The gentleman from New Jersey is recognized in opposition to the committee amendment.

Mr. WIDNALL. Mr. Chairman, this amendment would effect a most serious and potentially far-reaching change in basic banking policy.

Mr. PATMAN. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. WIDNALL. I yield to the Chairman.

Mr. PATMAN. I ask unanimous consent that all debate close in 10 minutes, the time to be divided so that the gentleman from New Jersey will have 5 minutes and there will be 5 minutes in opposition.

Mr. WIDNALL. Mr. Chairman, I object.

Mr. Chairman, without any statutory limitations or standards whatsoever the Federal Reserve Board would be granted the power to direct the flow of bank reserve funds into a specific sector of the economy. If this precedent is established for housing, who among us will be able to justify not also permitting reserve deductions for bank ownership of municipal obligations, for farm credit obligations, or for small business credit obligations?

Meanwhile, what would happen to the

XUM

value of the dollar? I will tell you what could happen. I can see pressures on the Federal Board to give each sector of our economy access to the reserves of our banking system becoming so enormous that the Board will be unable to pursue any meaningful monetary policy. I do not like tight money any more than other Members of this House. But I recognize that we need it sometime to prevent runaway inflation. I certainly don't want to do something here that would make it impossible for the Federal Reserve to implement the kind of overall monetary policy it feels is appropriate.

The Board does not want this authority. It has even expressed doubt that the mortgage market would gain significantly from its operation. The administration does not want it. In my opinion, the only parties who would be certain to gain from such a proposal are the banks, who would be handed hundreds of millions in windfall profits.

Mr. Chairman, I strongly oppose this amendment and urge that it be struck from the bill.

Mr. REES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment is certainly not a dangerous amendment. It is not a crackpot amendment, or anything like that.

This method of directing of reserves is used by central banks throughout the world. If we remember, in 1966 there were many builders who came to our offices, saying they did not have any money, and many savings and loan associations came to our offices saying they had to have money for housing. I think this year we have been receiving delegations from the housing industry and from the banks and from the savings and loans and from the building trades saying they are practically out of business, that housing is lower now than it has been for years. Unemployment is going higher in the housing business.

What happens? Why is it that every few years we just cannot build housing? How come every few years the housing business hits rock bottom?

The reason is that every time we have a tight money policy, we find long-term money, the money we need for mortgages, the money we need to build houses, is changed into short-term money. We cannot find a loan to buy a house because long-term money has been translated into short-term money, which doesn't build houses. The person who has money is investing in the 60- to 90-day money market, because money rates are changing so much that he is not willing to bet on long-term money market that mortgages depend on.

We have to do something to counter this cycle. We have to have some type of countercyclical device, and that is exactly what title VII is. It is a countercyclical device. So if the Board feels that tight money is drying up long-term money hitting the home building industry, the Board can tell the banks, "You can invest 10 percent of your reserves, which are not now making money, in Government housing paper created to stimulate housing." That is all this does.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Is it not true that if they use 10 percent of their reserves we can get approximately 150,000 units? Just using 10 percent of the reserves would provide approximately $3 billion.

Mr. REES. The gentleman is correct. I believe it would be far more than $3 billion.

This would not cost the U.S. Treasury anything. It would not create a new Government corporation. All it would do is take money which is not presently being used, not earning interest, not now in the economy, and translate this money into long-term investments to take care of the problem of the housing industry and of the average American who would like to buy a home but cannot buy a home.

This is not mandatory. It says that the "Federal Reserve Board may."

A member of the Federal Reserve Board is appointed for 14 years, and I think has the security of position to make a well thought out rational decision.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman from Michigan.

Mr. CONYERS. If this is a discretionary authority, and cities like the one which I am proud to represent, Detroit, are crippled because of the housing shortage, why would anyone object to giving discretionary authority for the use of this money? I do not understand the opposition to the gentleman's position.

Mr. REES. It is hard for me to understand, because a member of the Federal Reserve Board is in a nonpolitical position. He is appointed for a 14-year term. I believe he should have the courage to say "No" if he does not believe this is the right policy.

Mr. CONYERS. Did not this idea come from Gov. Andrew Brimmer, who originally conceived it?

Mr. REES. Governor Brimmer, I believe, has been a pioneer in the Federal Reserve Board in discussing a method by which the Federal Reserve can push long-term money back into the economy.

Mr. PATMAN. Mr. Chairman, I move to strike the last word.

May I invite the attention of Members to an article just off the ticker:

> WASHINGTON.—The federal home loan bank system has begun the purchase of government-backed mortgages from its member savings and loan associations and mutual savings banks as a move to channel more money into the home mortgage market.
>
> Chairman Preston Martin of the Federal Home Loan Bank board said the 12 regional banks have undertaken "for the first time in the system's 38-year history a new form in our commitment to the nation's critical housing needs."
>
> The purchase of mortgages insured by the Federal Housing Administration and guaranteed by the Veterans' Administration will provide the saving and loan associations with additional funds for new mortgage lending.
>
> Martin said the regional banks would accumulate the purchased mortgages until they have enough to form a pool of $200 million to $300 million, at which time bonds will be sold by the government national mortgage association, backed by the mortgages.

Listen to this, my friends, for this is astounding:

> A pricing committee of the regional banks decided on a price of 97 percent for 8½ percent FHA and VA mortgages, 93.50 percent for 8 percent mortgages and 90 percent for 7½ percent mortgages.

That means that the amount of interest for FHA will be 12½ percent, and on the Veterans' Administration mortgages it will be 14 percent. That is where interest rates are going.

It occurs to me that there is a challenge to this House. If we vote down the only source of funds that is proposed, we should propose something else in the way of a source of funds for housing, for people to have shelter.

We talk about environmental quality. You cannot have environmental quality in this country unless you take into consideration our 55 million families. They are the ones we should keep in mind. Anything, of course, that helps them is fine, but anything that hurts them is against the interests of our country and we should be against it. You cannot have environmental quality unless you have a decent home or you permit a person earning a fair salary to acquire a home at a reasonable price, a decent home for himself and his family, and particularly his children of school age.

So, Mr. Chairman, I expect to ask for a record vote on title V, and I believe it would be a great mistake for Members to vote against title V or, in other words, to vote to sustain the committee amendment and to strike it out of the bill without proposing an alternative.

Where are you going to get the money? What is your proposal? We have suggested ours. If you are against the suggestion, then suggest something that is better.

Mr. CONYERS. Mr. Chairman, I rise in opposition to the amendment.

I do not know what the property picture is in the rest of the 434 congressional districts, but let me tell you what it is like in the First Congressional District in Detroit. We cannot get mortgages. We are short of new housing. We cannot get them built. Every member of the Michigan delegation knows that to be the fact. What I want each of you to ask yourself is why are we resisting a very simple, well constructed provision that would give discretionary authority to the Federal Reserve Board to do something that we claim we are so concerned about; namely, loosening up the money and make it more available to the citizens of this country who want to build homes? I do not understand what this House of Representatives is doing today. If we delete this important provision sponsored by the gentleman from California (Mr. REES) from this bill, I think we will have callously ignored one of the most serious problems in our society. I am astounded that my colleagues from the Michigan area who know the problems in the Detroit area are not helping us keep the Rees amendment in the bill.

Mr. WYLIE. Mr. Chairman, I rise in opposition to the amendment.

This amendment must be defeated. This amendment gives complete discretion to the Federal Reserve Board to allo-

XUM

cate a portion of the cash reserves in our commercial banks to the housing industry. If they can be allowed to do this with the housing industry, then why not do it for other logical and legitimate purposes? This would just be the beginning, a foot in the door. What is the purpose of a cash reserve; to make it available to the depositors in case of emergency? I submit that this would be a dangerous precedent-setting step if we allow this amendment to be adopted.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. In just a moment, if you please.

The Federal Reserve Board Chairman, Mr. Burns, strongly opposes this proposal. After expressing doubt that the mortgage market would gain sufficiently from the operation, he pointed out, in his words, and I quote: "The process by which the free market allocates resources in accordance with the public preferences would be jeopardized."

I submit that the words of Chairman Martin deserve to be paid attention to. As I said before it would be a dangerous precedent, and we should not allow this amendment to be passed.

Mr. CONYERS. Will the gentleman yield now?

Mr. WYLIE. I am glad to yield to the gentleman.

Mr. CONYERS. Will you tell me, sir, just exactly what is wrong with the idea of giving discretionary authority to the Federal Reserve Board to provide money for Americans to buy homes? We are providing assistance to business and industry in countless numbers of ways, as you well know. We are subsidizing most corporations that are successful and some that are not. Why can we not loosen up some money for the American people?

Mr. WYLIE. If the gentleman please, we do not allow the Federal Reserve Board the discretion now to divert money from cash reserves for any purpose.

Why not for environmental pollution? Why not for one of many other laudable purposes?

Mr. CONYERS. Because no one has asked that this be done for environmental pollution.

Mr. WYLIE. That is exactly the point I am making. However, that could be the next step.

Mr. CONYERS. May I say to the gentleman from Ohio we have before us for consideration a housing bill which many prospective homeowners look to as a possible means to be afforded a small measure of relief in a viciously tight money market. We are not talking about ecology. But I wonder if my colleague will be as intransigent on that subject as he is on this one. But, let us talk about housing. Let us assume a minimum amount of responsibility and free some money for Americans to buy homes.

Mr. WYLIE. That is what this bill does.

Mr. CONYERS. I have a growing number of constituents who want to buy homes but cannot afford to do so because of the tight money market, and I suspect that the same situation may obtain in your own district.

Mr. WYLIE. This bill would generate at least $7.5 billion according to the witnesses. It is essential that this bill pass as an emergency measure. This section was not in the bill which passed the Senate by a vote of 72 to 0.

Do we want an emergency housing bill or do we want to become bogged down with other things? I might ask the gentleman what is the purpose of the cash reserve?

Mr. CONYERS. We are not bogged down in anything and the gentleman knows it. This provision was passed in the committee on which you serve. That is why if necessary, there is going to be a record vote on it. It is about time that we give the public some consideration and act as if we are vaguely aware of a housing crisis that worsens as we balk at every new means of aiding home buyers.

Mr. WYLIE. Do we want a housing bill now or do we want delay.

Mr. CONYERS. Well, let me tell you what it is. We desperately need a housing bill that goes far beyond these modest emergency provisions, at best only a small portion of our citizenry who seek better housing opportunity will be affected. Everyone in this Chamber knows the Congress has yet to develop a program that will show that we are sincere in our rhetoric and that we realize the terrible price that will continue to be paid for our indifference to the needs of our people.

Mr. HANNA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to make a couple of observations and bring to the attention of the House what we are really talking about. It is a mistake to say if you do this for housing, you will have to do it for small business or many others. As a matter of fact, if we do this for VA and FHA housing we are doing it for mortgages which are guaranteed by the Federal Government that puts up the money.

The big problem we have in the United States today—and anyone who knows the true situation knows we have a liquidity problem because there just simply is not enough money. It seems to me it would be well advised under these circumstances that there be a source of liquidity in the cash reserves that are held by the banks and even required by the Government under a mortgage guaranteed by the Government which is a comfortable area into which we can move. We can loosen some of the liquidity, however, in the system. And, if you do not think we have a liquidity problem in the United States going clear across the board, just think about the situation with reference to Penn Central and think of the many, many other corporations which have this same problem. There is an old country saw to the effect that "if you want cherries you must go where the cherries is." The truth of the matter is that there is not enough money to go around and we are trying to allocate available liquidity under these reasonable restraints. A. Only 10 percent of cash reserves, B. Only when the Federal Reserve Bank agrees it should be done.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. HANNA. I yield to the gentleman from Wisconsin.

Mr. REUSS. I would like to ask the gentleman from California this. Is not the effect of this permissive language to insure that the Fed, if it has the will to use the language, will see that that money is going into housing, and not into building new gambling casinos in the Bahamas, or into funds for conglomerate take-overs, and so on? Does it not involve a value judgment which this Congress is capable of making?

Mr. HANNA. The gentleman from Wisconsin makes a very good point. One of the problems we face in this country as you know right now is the pressure on the Fed to loosen up somewhat so that there will be a growth in the money supply. Gentlemen, you cannot change the growth in the money supply without a basic increase in the wealth of the country. And, what the gentleman from Wisconsin points out is the fact that in the building of housing, you have the most assured long-term investment that you could obtain. This would justify some increase in the money supply. We are now trying to get out of a dilemma because there is a liquidity problem both in the private and public sectors. The only way you can unravel this skein which has been woven in the dark of night with no one guiding the hands who are doing the knitting is to develop the utilization of what you have in liquidity to build our wealth in such a manner that you can justify the money supply increase.

So I think that the gentleman's suggestion is not so novel; is not such a departure that you should be afraid of it. It is something that is done in some of the leading countries throughout the world. Their central banks are already doing this, so it is not something we are asking our central bank to do that does not have a history.

So I suggest you think about this very seriously in terms of what you are doing to try to break through the liquidity crisis and try to create a new basic wealth on which new money supplies can be built, and in which the people can have confidence. I think you can depend on your Federal Reserve Governors to utilize this authority using very sensible judgment that will justify your confidence in their ability and their understanding of the problem this country is facing.

Mr. PATMAN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

Mr. WILLIAMS. Mr. Chairman, I object.

MOTION OFFERED BY MR. PATMAN

Mr. PATMAN. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 10 minutes.

The motion was agreed to.

The CHAIRMAN. The Chair recog-

XUM

nizes the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Chairman, I oppose the committee amendment.

Title VII of H.R. 17495, as reported, provides that banks that are members of the Federal Reserve System may, to the extent allowed by the Board of Governors, treat their investments in obligations of housing-related Federal agencies the same as deposits at their Reserve banks for purposes of meeting their reserve requirements. Since the member banks receive no return on their deposit balances at their Reserve banks, the prospect of switching from a nonearning asset to an earning asset would seem to serve as a powerful inducement for them to invest in these agency issues, thereby increasing the flow of funds into housing.

This proposal, however, has drawbacks not apparent at first blush. Suppose reserve requirements were not changed, and each member bank were allowed to meet 10 percent of its reserve requirement in this fashion. If total reserves of the banking system are not to rise under those conditions, then reserve balances at the Federal Reserve banks would have to fall by 10 percent or roughly $2 billion. To achieve this the Reserve banks would have to sell $2 billion of Treasury securities in the open market.

Such sales would, of course, tend to drive up interest rates on Treasury securities, as well as other money market instruments. Besides raising the costs of Treasury borrowing, this would tend to make it more difficult for thrift institutions to attract savings funds. And it would also add considerably to the pressures now evident in financial markets.

Another alternative would be simply to allow bank reserves to increase by $2 billion. This would mean an increase in money and credit of several times that amount—clearly a prescription that encourages inflation.

A third alternative would be to raise reserve requirements by the amount that the member banks are expected to add to their holdings of agency issues under this proposal. That, of course, would seriously impair the attraction of the proposal for the banks, although it might be managed in such a way as to force the banks to add to their holdings of agency issues as the least costly way of meeting their increased reserve requirements. Under such a policy of forced investments in agency issues, banks would have to make corresponding reductions in their other loans and investments, such as Treasury bills, municipal bonds, or mortgages. The consequences in financial markets could be much the same as those discussed under the first alternative, above.

In a letter dated May 12, 1970, to Chairman PATMAN, Federal Reserve Chairman Burns strongly opposed this proposal. After expressing doubt that "the mortgage market would gain significantly from the operation," he pointed out that the proposal would impair "the process by which the free market allocates resources in accordance with public preferences" and would result in mounting demands for similar special assistance from other borrowers such as State and local governments and small businesses.

As is pointed out in the individual views filed by Congressman BROCK in the committee report, not one word of testimony was had on this most important and potentially far-reaching change in basic banking policy. It is an incredible grant of authority to the Federal Reserve Board without any statutory limitations or standards whatsoever.

This committee amendment should be rejected.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. REES).

Mr. REES. Mr. Chairman, this amendment is simple. It says the Federal Reserve Board, if they wish, can allow banks to invest, for example, 10 percent of their current reserves in housing paper, Government guaranteed housing paper. All they do is exchange paper dollars for guaranteed Government paper.

What this means is you have a counter cyclical device to be used in periods of tight money, when money is not going into housing. A redirection of a small part of bank's general reserves into long-term housing paper. It does not come into force—and I repeat, it does not come into force—until the members of the Federal Reserve Board, who are appointed for 14 years, vote and decide to use this device, and set up the rules and regulations. It is a simple amendment. It does not create a new Government corporation. It does not take any money out of the Treasury; it redirects priorities during periods of tight money.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman from Georgia.

Mr. STEPHENS. Mr. Chairman, I would ask the gentleman if I am correct that it is my understanding—and I would like the gentleman to verify this—that this does not require the Federal Reserve to do anything, it gives them permission, and so they can make rules and regulations, but it does not make it mandatory for them to do anything?

Mr. REES. It is purely permissive.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PATMAN. Mr. Chairman, I ask unanimous consent that my time be allotted to the gentleman from California (Mr. REES).

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. REES).

Mr. REES. Mr. Chairman, I make the point again that this is purely permissive. It calls for a minor redirection of funds from a short-term money market in a period of tight money into a long-term market.

If we had had this type of provision before, I think we could have eased considerably the slump that occurred in the housing industry. I think we could have made sure that middle America would have been able to buy a home at reasonable interest rates.

Mr. HANNA. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman.

Mr. HANNA. Is it not true also that there is a safeguard here provided by this very bill that has not been available up to now, in that we are expanding the secondary mortgage capabilities in this country. If the banks in particular or peculiar circumstances want to reconvert back in cash, we actually have by this bill a broader market for the secondary field than was ever available before.

They would be able to do that with only a slight loss in terms of their yield; is that not correct?

Mr. REES. The gentleman is correct. With this type of amendment, there would not be any need for the type of Treasury financing we have in the bill before us.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. COLLIER).

(By unanimous consent, Mr. COLLIER yielded his time to Mr. WILLIAMS.)

The Chair recognizes the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, the gentleman from California says that this is a simple amendment.

I want to tell you that this is an extremely dangerous amendment, because in this amendment we are tampering with the liquidity of the commercial banks of this country.

Title VII—Investment of Commercial Bank Reserves—is referring directly to cash reserves.

The Federal Reserve Board requires banks to keep on hand a cash reserve that has a relationship to the deposits in the banks. Just as soon as we start to tamper with the cash reserves, which the banks need for their day-to-day operations, we are endangering the banking system of this country.

All we would have to have is a recession and a run on the banks, and the banks with insufficient cash reserves will be closing their doors and we will be precipitating another disaster such as we experienced in 1929 and 1930.

There are ways to handle this. I have already said that the Federal Reserve Board requires cash reserves based on their deposits. We could change that by requiring banks to retain cash reserves based on their investments, and the Federal Reserve Board has the right to do it right now.

The Federal Reserve could require lower cash reserves on housing paper and higher cash reserves on high return corporate paper or other investments. This would be an incentive for commercial banks to invest more money in residential housing mortgages without reducing their cash reserves.

Incidentally, this amendment was adopted without any witness before the committee asking to be heard on this section or asking to make a comment on it. It was put in on the very last day in an executive markup session.

Mr. Chairman, this amendment has not received the proper consideration. It is dangerous and I urge the defeat of the amendment.

The CHAIRMAN. The Chair recog-

XUM

nizes the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I will ask the sponsor of the amendment a question. As the chairman of this committee has said—it costs a homeowner in today's high interest rates—$58,000 to buy a $22,000 house over the life of his mortgage. To what extent would this amendment help to bring that cost down. How would it help bring interest rates down?

Mr. REES. I think this amendment could cut the interest rate approximately 1.5 percentage points and I think that on a $58,000 house there is a substantial reduction in the overall cost of that house when you amortize your interest.

Mr. PUCINSKI. You mean on a house that only costs $22,000, which is the price range for the average middle-income family. But when you are through adding the carrying charges and the interest rates on the loan for that house over the life of the loan, it would come out to $58,000. You say this amendment would bring that total cost down; during the life of the mortgage. Is that correct?

Mr. REES. I think we are talking about a saving of about $10,000.

Mr. PUCINSKI. That would be $10,000 that the home buyer could save if this amendment is adopted?

Mr. REES. The cost would come down that much.

I think the amendment would cut the interest rate approximately 1½ percentage points. I think in reference to a $58,000 house, there would be a substantial reduction in the over-all cost of the house.

Mr. PUCINSKI. You mean the $58,000 which includes the carrying charge. The house is only $22,000, which is what the average family hopes to pay, but when it gets through adding the carrying charges and the interest rates over the life of the loan, it comes out to $58,000, and this would bring that down?

Mr. REES. I think you are talking about around $10,000.

Mr. PUCINSKI. A $10,000 saving?

Mr. REES. Yes.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. BLACKBURN).

Mr. BLACKBURN. Mr. Chairman, I would just ask the members of the Committee to consider for a moment what we are doing here. What we are doing is passing an emergency housing act. We are not attempting here to tamper with the basic banking and monetary system which has served this country so long and so well.

This proposal goes to the very heart of our whole banking system. It is now proposed that we completely eliminate the liquidity that exists in the banking system. It is proposed that we take away from the Federal Reserve the tool that the Federal Reserve uses to regulate the supply of money in our economy.

I do not think any one of us, in the complete absence of any expert testimony, in the complete absence of hearing from the Federal Reserve or any other experts in the field of finance, is willing to tamper with anything as basic and as fundamental as the monetary and banking system that we are all dependent upon if our economic system is to continue to thrive and do well. I would urge the Members to vote down the committee amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. BARRETT) to close the debate.

Mr. BARRETT. Mr. Chairman, I just want to point out that the proposed action would not put the banks' reserves in jeopardy. It would not interfere with the liquidity of the banks. So, all that we are hearing here is absolutely fallacious. The bank would be far better off because whatever it would put into the housing program would be guaranteed by the Government. It would be making money instead of the 16 percent reserve standing still. Whatever percentage the Federal Reserve tells them to put into the mortgage market will make money for the bank, instead of the bank's money standing idle.

The CHAIRMAN. All time has expired.

The question is on the committee amendment.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. REES. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. PATMAN and Mr. WIDNALL.

The Committee divided, and the tellers reported that there were—ayes 90, noes 90.

The CHAIRMAN. The Chair votes "yea."

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

TITLE VII—MISCELLANEOUS

§ 701. Settlement costs in the financing of Federal Housing Administration and Veterans' Administration assisted housing

(a) With respect to housing built, rehabilitated, or sold with assistance provided under the National Housing Act or under chapter 37, United States Code, the Secretary of Housing and Urban Development and the Administrator of Veterans' Affairs are respectively authorized and directed to prescribe standards governing the amounts of settlement costs allowable in connection with the financing of such housing in any such area. Such standards shall—

(1) be established after consultation between the Secretary and the Administrator;

(2) be consistent in any area for housing assisted under the National Housing Act and housing assisted under chapter 37, title 38, United States Code; and

(3) be based on the Secretary's and the Administrator's estimates of the reasonable charge for necessary services involved in settlements for particular classes of mortgages and loans.

(b) The Secretary and the Administrator shall undertake a joint study and make recomendations to the Congress not later than one year after the date of enactment of this Act with respect to legislative and administrative actions which should be taken to reduce mortgage settlement costs and to standardize these costs for all geographic areas.

§ 702. Emergency relief from interest rate conflict between Federal law and State law

Notwithstanding any other law, from the date of enactment of this title until July 1, 1972, loans to local public agencies under title I of the Housing Act of 1949 and to local public housing agencies under the United States Housing Act of 1937 may, when determined by the Secretary of Housing and Urban Development to be necessary because of interest rate limitations of State laws, bear interest at a rate less than the applicable going Federal rate but not less than 6 per centum per annum.

§ 703. Treasury borrowing authority for New Communities Program

Section 407(a) of the Housing and Urban Development Act of 1968 is amended by adding at the end thereof the following: "The Secretary may issue obligations to the Secretary of the Treasury in an amount outstanding at any one time sufficient to enable the Secretary to carry out his functions with respect to the guarantees authorized by this title. The obligations issued under this subsection shall have such maturities and bear such rate or rates of interest as shall be determined by the Secretary of the Treasury. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Secretary issued under this subsection, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under such Act are extended to include purchases of the Secretary's obligations hereunder."

§ 704. Security authorized for public funds deposits

Section 5(b)(2) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(b)(2)) is amended by inserting before the period at the end thereof the following: ", and may give security for the safekeeping and prompt payment of public funds deposited in savings accounts (including certificates of deposit)".

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that title VIII, which I understand is the last title, be considered as read, printed in the RECORD, and open to amendment at any point.

Mr. GROSS. Mr. Chairman, reserving the right to object—and I do not intend to object—at what point is the amendment to be offered dealing with civil service coverage of the employees of this new Corporation?

Mr. PATMAN. Mr. Chairman, I do not know to which part the gentleman is referring.

Mr. GROSS. The gentleman told me earlier in the general debate that there would be an amendment offered for that purpose.

Mr. PATMAN. That is the one offered by the gentleman from Pennsylvania (Mr. BARRETT), to which I was referring. That is the only one I knew of, I will say to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I withdraw my reservation of objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 40, line 3, strike "VII" and insert "VIII".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 40, line 4, strike "§ 701." and insert "§ 801.".

XUM

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 41, line 5, strike "§ 702." and insert "§ 802.".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 41, line 16, strike "§ 703." and insert "§ 803.".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 42, line 12, strike "§ 704." and insert "§ 804.".

The committee amendment was agreed to.

The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 42, line 16, strike "the safekeeping and prompt payment of".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 42, line 17, insert "(as defined by the Board)" immediately following "public funds".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 42, immediately below line 18, insert the following:

"§ 805. Savings and loan holding company assistance for low and middle income housing

"Section 408(b)(4) of the National Housing Act (12 U.S.C. 1730a(d)(4)) is amended by striking the semicolon in the last sentence and inserting in lieu thereof ', however, upon prior written approval of the Corporation the foregoing prohibitions may be waived to the extent such transactions make sums available to be used to assist in the provision of housing for low and middle income families;'.

"§ 806. Extension of time for continuance of certain activities.

"Section 408(c)(2) of the National Housing Act (12 U.S.C. 1730a(c)(2)) is amended by striking 'two' and inserting in lieu thereof 'five'.

"§ 807. State-wide lending for Federal Savings and Loan Associations

"Section 5(c) of the Home Owners' Loan Act of 1933 is amended (1) by adding after 'their home office' in the first sentence the following: 'or within the State in which such home office is located'; and (2) by substituting the word 'section' for the word 'proviso' used in the last clause of the second proviso.

"§ 808. Federal Savings and Loan Insurance Corporation reserve

"Section 403(b) of the National Housing Act is amended by changing 'twenty' in the third sentence to read 'thirty'.

"§ 809. Savings and loan associations as pension trustees

"Section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)) is amended by inserting before the next to the last paragraph a new paragraph as follows:

"'Any such association is authorized to act as trustee of any trust created or organized in the United States and forming part of a stock bonus, pension, or profit-sharing plan which qualifies or qualified for specific tax treatment under section 401(d) of the Internal Revenue Code of 1954, if the funds of such trust are invested only in savings accounts or deposits in such association or in obligations or securities issued by such association. All funds held in such fiduciary capacity by any such association may be commingled for appropriate purposes of investment, but individual records shall be kept by the fiduciary for each participant and shall show in proper detail all transactions engaged in under the authority of this paragraph.'"

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ANNUNZIO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, during the House Banking Committee's executive session on H.R. 17495, the full committee adopted an amendment I offered which increases from 20 to 30 years the time in which insured savings and loan associations have to accumulate at least 5-percent reserves.

This amendment was adopted without opposition. It merely gives the younger savings and loan associations—that is, those who have not been insured for 20 years—additional time in which to accumulate minimum reserves. This amendment is necessary because of the exceptional circumstances facing these savings and loan associations at this time. The interest or dividend rates paid by savings and loans today range between 5 and 6 percent. At the same time, these savings and loan associations have in their portfolio a large number of home mortgages which themselves return between 4½ and 6 percent. Thus, the earning squeeze is such that, even though the association puts into reserves the required percentage of income, the income is not sufficient to build the reserves to the required 5 percent.

This provision of 5 percent in 20 years was written into the law more than 35 years ago. At that time, interest rates were much lower. This amendment will permit savings and loan associations which have been insured for less than 20 years to continue in the loan market by permitting them to pay the competitive rates on savings accounts. If these institutions were required to place all of their earnings into a reserve in order to meet the 5-percent requirement, many would not be able to pay a competitive dividend rate and would therefore lose savings and would have to stop making loans.

The Federal Home Loan Bank Board maintains the authority to set forth required reserve allocations. Reserves will continue to build but the associations will have some additional time—up to 10 years—in which they can accumulate the minimum 5-percent reserve requirement. This amendment gives associations more flexibility at a time when interest rates have reached unforeseen heights.

Mr. BLACKBURN. Mr. Chairman, I move to strike the requisite number of words.

I should like to ask the chairman of the committee to answer some questions.

Mr. Chairman, with respect to section 801, which deals with settlement costs and attempts to standardize such settlement costs, I have in my hand a communication from the Department of Housing and Urban Development in which the Secretary of Housing and Urban Development states that his intention in implementing this section is to continue his current administrative practice of reviewing closing costs to see that they are consistent with the accepted standards in each local area. Is that your understanding?

Mr. PATMAN. It is my understanding. It should be done.

Mr. BLACKBURN. I understand further, Mr. Chairman, that the purpose of this section is to permit the Secretary of Housing and Urban Development to determine just what are settlement costs and what are escrow costs, insurance, taxes, attorneys' fees, and other matters that are a part of closing costs.

Mr. PATMAN. That is right.

Mr. BLACKBURN. I thank the gentleman, and attach for the benefit of the members of the committee some information from the Department of Housing and Urban Development:

SECTION 801—SETTLEMENT COSTS IN THE FINANCING OF FHA AND VA ASSISTED HOUSING

This section would implement the recommendations of the Commission on Mortgage Interest Rates with respect to settlement costs on FHA and VA assisted housing.

It is anticipated that in implementing this section:

1. The Secretary of HUD would continue his current administrative practice of reviewing closing costs to see that they are consistent with the accepted standards in each local areas. Section 801 reaffirms the Secretary's authority to carry out such activities.

2. The Secretary and VA Administrator, in conducting the study on possible actions which should be taken to reduce and standardize closing costs would consult fully with all parties involved in a closing transaction including mortgage lenders, attorneys, title insurance companies etc. While institutional practices in different States and localities are a primary determinant of many of the charges made at a mortgage loan transaction the study would *also* focus on other important factors involved. For example, both Senate and House Committee reports urge that a thorough study be made toward developing a simplified method of locally controlled recording and guaranteeing of real estate titles to speed up and reduce the cost of real estate transfers.

3. In developing standards, the primary focus in the early stages will be to insure that prospective homebuyers are informed and have reliable estimates of closing costs within a reasonable time prior to the loan closing in order that they will have an opportunity to shop around for less expensive services if they so desire. Standards governing allowable costs will be developed as findings are made under the joint study of the Secretary and Administrator. These standards will be based on estimates of the reasonable charge for necessary services in-

XUM

volved in settlements for particular classes of mortgages and will only be developed after full consultation with lenders, attorneys and other parties involved.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. STEPHENS

Mr. STEPHENS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEPHENS: On page 44 insert the following new section after line 10:

"SEC. 810. Section 401(f)(2) of the Housing Act of 1950 is amended by striking out all that follows 'increased by' and inserting in lieu thereof '$6,300,000 on July 1, 1970.'"

Mr. STEPHENS. Mr. Chairman, this amendment would provide an additional $2,100,000 in authorization for college housing interest grants. This additional authorization is necessary to provide for the full budget request for fiscal 1971 now pending before the Congress. I believe this amendment will be acceptable to the other body since it has already acted on this item in Senate Journal Resolution 196.

The House and Urban Development Act of 1968 authorized a cumulative total of $20 million for college housing grants to educational institutions to provide for a grant between the market rate of interest on obligations issued to finance housing and related facilities and the 3-percent rate which would have been applicable if a direct Federal loan were made instead.

Because of the much reduced budgetary impact of the grant program as compared with the program of direct loans, the college housing program has been phasing into an interest grant program as fast as is practicable.

In the Housing and Urban Development Act of 1969, to provide for rising construction and interest costs, the Congress enacted an additional $4.2 million of authorization for a cumulative total through 1971 of $24.2 million.

However, it is currently estimated that the program levels authorized by Congress for 1969 and 1970 will require a supplemental contract authorization. A $5 million supplemental for this purpose is currently pending in the second supplemental appropriation bill for 1970.

The budget request for 1971 is for a $300 million program—the same level as for the last several years—to be supported by interest grants of $9.3 million. This amount, together with the amounts estimated to be used through 1970, would bring the total contract authority requirement to $26.3 million which is $2.1 million in excess of the amount authorized. If the additional funds are not authorized, the maximum that can be included in the appropriation bill is $7.2 million which is sufficient to support only a $250 million program. The following table shows the utilization of the authority and the additional authority necessary:

Contract authority in appropriation acts

Fiscal year 1969, enacted	$5,500,000
Fiscal year 1970, enacted	6,500,000
Fiscal year 1970, supplemental	$5,000,000
Fiscal year 1971, budget estimate	9,300,000
Total requirements through fiscal year 1971	26,300,000
Contract authority included in section 401 of Housing Act of 1950, as amended	24,200,000
Additional authority required	2,100,000

I ask that this amendment be adopted.

Mr. WIDNALL. Mr. Chairman, this side will agree to the amendment proposed by the gentleman from Georgia. It is something that is wanted by the administration.

Mr. PATMAN. Mr. Chairman, we support the amendment on our side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. STEPHENS).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. SULLIVAN

Mrs. SULLIVAN. Mr. Chairman, I offer an amendment, and ask unanimous consent that the amendment be considered as read.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Missouri?

Mr. STANTON. Mr. Chairman, reserving the right to object—and I am thinking of objecting—is it the intention of the gentlewoman from Missouri to substitute a bill that is nine pages in length and ask the Committee of the Whole to consider the bill as read?

Mrs. SULLIVAN. The gentleman is correct. This bill has been discussed in committee and has been through the hearings and the Housing Subcommittee knows about it and so does the full committee.

Mr. GROSS. Mr. Chairman, further reserving the right to object, do I understand that this has a $10 billion price tag on it?

Mrs. SULLIVAN. In 5 years; yes.

Mr. GROSS. Then, I think we ought to hear it read.

Therefore, I object, Mr. Chairman.

The CHAIRMAN. Objection is heard. The Clerk will read.

The Clerk read as follows:

Amendment offered by Mrs. SULLIVAN:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Home Owners Mortgage Loan Corporation Act".

FINDINGS AND PURPOSE

SEC. 2. The Congress finds that the many programs of Government, intended to assure good housing for the American family at prices it can afford, are incapable of achieving their goals during recurring periods of tight money and high interest rates. Many creditworthy families are being and have been denied mortgage financing on reasonable terms, not because of their inability to repay the obligation but because private funds needed for home financing have been diverted into other investment avenues. Such funds as are available for home mortgages are frequently offered only at unconscionable rates of interest. It is therefore the policy of this Act to stabilize mortgage availability and establish machinery for assuring moderate income families access to mortgage financing within their means, and thus to enable the average family to achieve its goal of home ownership, by providing direct housing loans through a Federal instrumentality to individuals in those instances where private enterprise cannot or will not extend loans at reasonable rates to credit-worthy applicants.

CREATION OF HOME OWNERS MORTGAGE LOAN CORPORATION

SEC. 3. There is hereby established in the executive branch of the Government an independent agency to be known as the Home Owners Mortgage Loan Corporation (hereinafter referred to as the "Corporation").

STRUCTURE AND MANAGEMENT OF CORPORATION

SEC. 4. (a) All the powers and duties of the Corporation shall be vested in a Board of Directors (hereinafter referred to as the "Board"), which shall consist of the Commission of the Federal Housing Administration and eight members appointed by the President with the advise and consent of the Senate. The Board shall consist of at least five public members who are not officials or employees of any branch of government, Federal, State, or local. Members of the Board other than the Federal Housing Administration Commissioner shall be appointed for terms of six years; except that (1) any members appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of office of the members first appointed shall expire, as designated by the President at the time of appointment, three at the end of two years, three at the end of four years, and two at the end of six years, after the date of the enactment of this Act. The Board shall annually elect a Chairman and Vice Chairman from among its members. Public members shall be paid $100 per day for each day of work, plus travel expenses.

(b) Subject to the provisions of this Act, the Board shall determine the general policies which shall govern the operations of the Corporation, and shall have power to adopt, amend, and repeal bylaws governing the performance of the functions, powers, and duties granted to or imposed upon the Corporation by law.

(c) The Board shall select and appoint qualified persons to serve as the officers of the Corporation, with such functions, powers, and duties as may be prescribed by the bylaws or by the Board; and such persons shall discharge all of the executive functions, powers, and duties of the Corporation. The Board shall also provide for the appointment of such additional officers and employees as may be necessary for the exercise of the Corporation's functions, powers, and duties.

(d) The Board shall meet at the call of its Chairman or a majority of its members, but not less often than once each month.

(e) The Corporation shall maintain such offices as may be necessary or appropriate in the conduct of its business.

(f) No person shall serve as an officer or employee of the Corporation, while he is serving as a full-time officer or employee of any other department, agency, or instrumentality of the Federal Government.

(g) In the performance of and with respect to the functions, powers, and duties vested in it by this Act, the Corporation shall (in addition to any authority otherwise vested in it) have the same functions, powers, and duties as those prescribed for the Secretary of Housing and Urban Development by section 402 (except subsection (c)(2)) of the Housing Act of 1950.

HOUSING LOANS

SEC. 5. (a) It shall be the function of the Corporation, in order to carry out the purpose of this Act, to make loans to assist in the purchase or construction of housing by individuals and families of moderate income who are unable to meet their housing needs at reasonable interest rates with the financing or other assistance which is available from other sources.

(b) A loan under this section may be made only for the purchase or construction of a single-family dwelling (or for the purchase of a single-family unit in a cooperative or condominium project) to be owned and occupied by the borrower, and may be made only to an individual or family who—

(1) has an annual income of not more than $12,000 unless the Board after full consideration determines a higher or lower maximum income level is advisable to carry out the purpose of the Act;

(2) is unable to secure the necessary funds from other public or private sources in the community at an interest rate considered by the Board to be reasonable and in no case higher than 6½ per centum per annum;

(3) would be an acceptable credit risk for purposes of whichever mortgage insurance program under title II of the National Housing Act involves housing of the most comparable type; and

(4) satisfies the requirements of this Act and such additional requirements and standards as may from time to time be prescribed and published by the Board.

(c) Any loan made under this section shall be in a principal amount not exceeding $24,000 and shall be secured by a first mortgage on the property. The Corporation may require the borrower to make a downpayment (not exceeding the downpayment which would be required if the housing were being purchased with the assistance of a mortgage insured under section 203(b) of the National Housing Act).

(d) Any loan made under this section shall be repayable within such period not exceeding thirty years as the Board may determine; and shall bear interest at a rate which shall be determined by the Board.

(e) Under arrangements to be entered into by the Corporation and the Secretary of Housing and Urban Development, loan applications under this section shall be processed by the Secretary on behalf of the Corporation, which shall pay to the Secretary (in advance or by way of reimbursement) the costs incurred therein.

HOME OWNERS MORTGAGE LOAN FUND

SEC. 6. (a) There is hereby created a revolving fund to be known as the Home Owners Mortgage Loan Fund (hereinafter referred to as the "Fund"), which shall be available to the Corporation without fiscal year limitation for carrying out the provisions of this Act.

(b) The moneys in the Fund shall be used for making and servicing loans under section 5, including the cost of processing loan applications as provided in section 5(e) (but not including any other administrative expenses which may be incurred by the Corporation in the exercise of its functions, powers, and duties under this Act).

(c) The Fund shall be credited with appropriations made pursuant to subsection (d), with all repayments of principal and interest on loans made under section 5, and with any other amounts which may be received in connection with the program under this Act. Any amounts in the Fund not needed for current expenditure may be invested in obligations issued or guaranteed by the United States.

(d) To provide the capital for the Fund, there is authorized to be appropriated the sum of $2,000,000,000 in each of the first five fiscal years ending after the date of the enactment of this Act, and such additional sum in each fiscal year thereafter as may be necessary to insure that the total amount received in the Fund during that year (including repayments and other receipts) will be at least $2,000,000,000. Any portion of the amount authorized to be appropriated in any of the first five fiscal years ending after the date of the enactment of this Act which is not so appropriated may be appropriated in any subsequent fiscal year.

CONSULTATION WITH OTHER AGENCIES

SEC. 7. In carrying out its functions, powers, and duties under this Act the Corporation shall regularly and fully consult with the Secretary of Housing and Urban Development and all other Federal departments, agencies, and instrumentalities having functions related to those of the Corporation, in order to ensure that the purpose of this Act is carried out efficiently, effectively, and without unnecessary duplication of effort.

ANNUAL REPORT

SEC. 8. The Corporation shall prepare and submit to the President and to the Congress each year a full and complete report of its activities, together with any recommendations it may have for additional legislative, administrative, and other action to achieve the purpose of this Act.

AUTHORIZATION OF APPROPRIATIONS FOR ADMINISTRATIVE EXPENSES

SEC. 9. There are authorized to be appropriated such sums as may be necessary for the administrative expenses incurred by the Corporation in carrying out this Act.

AMENDMENTS TO OTHER LAWS

SEC. 10. (a) Section 101 of the Government Corporation Control Act is amended by inserting "Home Owners Mortgage Loan Corporation;" after "Government National Mortgage Association;".

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"(92) Members, Board of Directors of the Home Owners Mortgage Loan Corporation."

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with, and that it be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The gentlewoman from Missouri (Mrs. SULLIVAN) is recognized for 5 minutes.

Mrs. SULLIVAN. Mr. Chairman, we have gone through a bruising battle on title V to set up a National Development Bank, and we have lost.

But I am now offering an additional choice in solving this serious crisis in housing—the bill to set up the Home Owners Mortgage Loan Corporation. Instead of compelling anyone—banks, pension funds, foundations, or other such groups—to finance this program through compulsory purchase of the bonds of yet another Government corporation or bank, my amendment would depend upon appropriations to finance the initial operations of the lending corporation.

I would rather see us get the money in the fashion purposed by title V but the House would not go along.

All right. What does that leave us as an effective alternative? I believe the time has come to make direct Federal loans at reasonable rates of interest to moderate-income families when there is no other way to provide such loans for housing. We do it for the farmers and rural area people. We do it under the VA program. We do it for the very low-income. But we have frozen out the family which pays its own way and still cannot afford to buy a house because of the finance costs—not the cost of the house, high as it is, but the interest charges on the mortgage.

My purpose is twofold: to meet the urgent need for mortgages for moderate-income families and also to serve as a means to push interest rates down. The President will not use controls on interest rates or on unnecessary credit. He has the power and will not use it.

So we must devise a means for direct loans for use in those periods of time, such as the present, when interest rates are too high for families with incomes above the poverty level and up to $12,000 a year to get mortgages they can afford. This program would operate only when we are in the kind of credit inflation we are in right now. An independent board of directors, appointed by the President and confirmed by the Senate but not subject to administration discipline and control, would decide when the program should operate. Congress has a firm control over it through the appropriation process. If we do not vote the money, we are then responsible. But if we do vote the funds, the board of this agency, appointed by the President and confirmed by the Senate, would make the operating decisions.

If this idea is no good, then the Farmers Home Administration program is no good. And the VA direct loan program is no good. The loans under all of these programs can be made only when there are not other sources of mortgages at reasonable rates in the commercial market for the people who qualify. If you put this amendment into effect, you will be able to establish a fair yardstick of what is a reasonable rate. Then when the banks and savings and loans are willing to lend money at a reasonable rate, the Home Owners Mortgage Loan Corporation does not have to extend loans.

Mr. Chairman, I ask the Members to search their consciences and look at this from the standpoint of the people who are the backbone of their district—the skilled workers, the subprofessionals, the civil servants, the teachers, the policemen and firemen, the mailmen, the busdrivers, the computer operators, who make a good wage or salary or income—enough to have to pay high taxes but not enough to afford a mortgage on a home.

We have poured our efforts into Fannie Mae and Ginny Mae, and now they are offering investors 5-year bonds at over 8 percent. How does that help the people we are concerned about? What do they have to pay? Ten percent? In Australia the rate is 12 percent on housing. It is a boom economy. There are more jobs than people, more opportunities for investment than funds to invest. That is not our situation today. Unless we act, we are holding funeral services for our prosperity.

That is why I say we have to step in and save the moderate income family from this mortgage money famine. This amendment provides a mechanism—not some strategy but a mechanism—to get

XUM

mortgages to the people in your districts who are now frozen out.

Even if you have misgivings about some technical feature of this bill—and nobody in this whole administration found anything to criticize in this bill except the fact that, they had a better idea—their idea being to subsidize the savings and loans like we are now subsidizing the banks on college loans—but they had no criticisms in our hearings of the mechanics of this bill now offered as an amendment—and so I say to the Members if you have misgivings about any feature of it, let us discuss the provisions and see what the objections might be.

The only real objection I have heard is that it adds to the budget. The question on that is the same question we have to face on any expenditure—is it worthwhile and necessary? The answer is "yes"—these direct loans are worthwhile and necessary. But all this money will be returned to the Treasury with the repayment of the mortgages by the homeowners.

Over the 30-year life of these direct loans, the Government will get back its full principle, plus 6½ percent interest a year. There is no long-term Government loan in existence which returns 6½ percent to this Government over 30 years. Right now, the rate of return on these loans would be less than the Government pays in interest. But how long can we let the Government continue to pay 8 and 9 percent on its obligations—particularly when we can let the same Government lend money to Japan—one of the richest countries in the world—at only 6 percent? I urge adoption of my amendment.

Mr. WIDNALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this matter that is now so casually being taken up involves the expenditure of $10 billion through the appropriation process, directly affecting the budget of the United States, and would have a tremendous impact with respect to our obligations.

We all agree on the housing needs, and we all want to do something about them, but we also know how urgent the need is to keep from getting the country obligated into billions of dollars more of spending before we have the income to meet those obligations.

I would urge, and sincerely urge, the defeat of this amendment. It can certainly be considered when we have the omnibus housing bill, which is under consideration of the full committee at this time.

I hope we will vote down the amendment very quickly.

The CHAIRMAN pro tempore (Mr. HOLIFIELD). The question is on the amendment offered by the gentlewoman from Missouri (Mrs. SULLIVAN).

The question was taken, and the Chairman pro tempore announced that the noes appeared to have it.

Mrs. SULLIVAN. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. WIDNALL

Mr. WIDNALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. WIDNALL: Add a new section at the end of the bill, to read as follows: Title IX of the Housing and Urban Development Act of 1968 is amended by adding after section 911 the following new section:
>
> "STATE REGULATION
>
> "SEC. ——. Nothing contained in this title shall preclude a State or other local jurisdiction from imposing, in accordance with the laws of such State or other local jurisdiction, any valid nondiscriminatory tax, obligation or regulation on the partnership as a taxable and/or legal entity, but no limited partner of the partnership not otherwise subject to taxation or regulation by or judicial process of a State or other local jurisdiction shall be subject to taxation or regulation by or subject to or denied access to judicial process of such State or other local jurisdiction, or be so subject or denied access to any greater extent, because of activities of the corporation or partnership within such State or other local jurisdiction."

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WIDNALL. Mr. Chairman, I offer a technical amendment concerning the National Housing Partnership.

In title IX of the Housing and Urban Development Act of 1968, Congress provided the legislative framework for the creation of a new private mechanism by which firms not now engaged in the development of housing for low- and modate-income families could enter the field on a sound business basis. Title IX envisaged the creation of National Corporation for Housing Partnerships, a District of Columbia corporation and the National Housing Partnership, a District of Columbia limited partnership of which the corporation would be the sole general partner.

Pursuant to the terms of title IX, incorporators named by President Johnson and confirmed by the Senate organized National Corporation for Housing Partnerships in December 1968.

After President Richard Nixon took office, he asked the incorporators to continue their task of establishing the partnership and providing for the commencement of their business operations.

In June of 1969 President Nixon named Carter L. Burgess as Chairman and Chief Executive Officer of the Corporation.

In January of 1970, the Corporation made a public offering to raise necessary private capital for the Corporation and the partnership. More than 250 industrial and labor organizations, insurance, financial, and banking institutions subscribed for investments totaling more than $42 million.

These investors are stockholders in National Corporation for Housing Partnerships and limited partners in the National Housing Partnership. On June 11, 1970, the National Housing Partnership was formed as a limited partnership under the laws of the District of Columbia.

The Corporation and partnership, with funds and staff, are now undertaking their congressionally created task of encouraging and developing the construction of low- and moderate-income housing.

Under the organizational concept contemplated by the Congress the National Housing Partnership will become a minority partner in local limited partnerships which will actually develop, construct, and operate the housing for low- and moderate-income families. It was anticipated that each local partnership and the National Housing Partnership, as such, will be fully subject to whatever local tax and local process is generally applicable in the jurisdiction. It was not anticipated that the 250 or more limited partners in the National Housing Partnership would, by virtue of their remote and indirect interest in local partnerships, become subject to State and local taxation and process merely by virtue of their limited partnership status in the national organization.

Nevertheless, some industrial corporations and banks which have invested in the National Housing Partnership have expressed concern that they could complicate their exposure to State and local taxation and jurisdiction solely because of their interest as a limited partner in the National Housing Partnership.

The technical amendment offered would reaffirm the authority of State and local governments to tax and regulate local limited partnerships and their members including the National Housing Partnership. It assures limited partners in the National Housing Parnership that their participation in a congressionally sponsored private enterprise, created to help solve cur national housing problem, would not, of itself, expose them to unanticipated responsibilities and risks of State and local taxation and process.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, I would ask the gentleman from New Jersey if this is the amendment that is sponsored by Edgar Kaiser.

Mr. WIDNALL. I believe so.

Mr. PATMAN. Mr. Chairman, we have gone into the matter concerning this amendment, and we are willing to accept it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Jersey (Mr. WIDNALL).

The amendment was agreed to.

(Mrs. HECKLER of Massachusetts (at the request of Mr. WIDNALL) was granted permission to extend her remarks at this point in the RECORD.)

Mrs. HECKLER of Massachusetts. Mr. Chairman, I vigorously support passage of the Emergency Home Finance Act of 1970. The word "emergency" was not applied to this bill without reason and forethought. Housing is a stricken industry, which is reason enough to offer it emergency assistance. The home construction season is underway, which justifies immediate and urgent action to ease the availability of funds for the housing market.

The average, would-be American

XUM

home buyer is nearly helpless in the face of unrelenting inflation and its destructive effects on housing. He cannot find a lender to give him a mortgage loan on the home he needs. Nor can the builder find the money he needs today. I think the urgency of responding to this critical situation should not have to be spelled out. The Banking and Currency Committee was cognizant of the severe problems afflicting housing when, after our many long hours of deliberation, it wisely and prudently reported a bill to the floor which essentially takes a significant step toward providing the emergency assistance that is required today.

I consider it appropriate to call attention to the words of the distinguished Chairman of the Federal Home Loan Bank, Preston Martin, who asserted in a statement on June 15:

> I am convinced that the Emergency Home Finance Act of 1970 will give us the tools we need to turn housing around.

In addition, his statement to the presidents and other officers of the Federal Home Loan Bank System described the present crisis:

> Mortgage funds are so scarce and so expensive today that lenders cannot meet their obligations to their borrowing public and to builders. The cost of funds has driven the rate paid by borrowers for housing to levels unprecedented in recent years. The moderate income family and the low income household are priced out of the market today.

None of this is to imply that I will not support prudent amendments to the bill which some of my colleagues may offer. But I think Chairman Martin is right. It will give us the tools to turn housing around. I come from a State, Massachusetts, which has a large and active savings and loan industry. I have received countless letters from these fine people stating that their need for funds for mortgage lending is indeed desperate. Other commercial lenders, the banks and thrift institutions, have the same complaints.

This bill is intended to assist the traditional mortgage sources. It will stimulate private investment in mortgages. It supplies the Federal agencies with new funds and new tools to help housing. Chairman Martin states that the $250 million authorization to the Home Loan Bank Board to adjust interest rates to members to promote the orderly flow of funds into residential construction would have the following effect:

> The $250 million authorization would permit us to raise advances through savings and loan associations into increased mortgage lending of $4 billion a year. This can mean 240,000 housing starts.

He further asserts that the provision to create a Federal Home Loan Mortgage Corporation can lead to provision of an additional $2 billion a year for home mortgages, equivalent to financing about 80,000 family homes.

Surely, the other body, in voting 72 to 0 in April to enact a similar bill, was as concerned as we must be with the emergency in housing and especially the dire needs of the middle- and low-income families today.

Mr. Chairman, the only sure solution to the housing crisis lies in the efforts to control and end inflation. But housing should not be jeopardized because of a tight money market. It is too basic a commodity and too significant an industry.

Until inflation substantially eases, the Emergency Home Finance Act of 1970 can provide necessary relief. I again strongly urge its passage.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HOLIFIELD, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 17495) to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes, pursuant to House Resolution 1094, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The **SPEAKER**. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. **PATMAN**. Mr. Speaker, I demand a separate vote on the title V amendment.

The **SPEAKER**. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The question is on the amendments.

The amendments were agreed to.

The **SPEAKER**. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

> Amendment on page 25, line 12, strike out all of title V.

The **SPEAKER**. The question is on the amendment.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. **PATMAN**. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

PARLIAMENTARY INQUIRY

Mr. **GERALD R. FORD**. Mr. Speaker, a parliamentary inquiry.

The **SPEAKER**. The gentleman will state it.

Mr. **GERALD R. FORD**. The committee amendment on which we are called to vote now seeks to strike title V of the bill reported by the committee; an "aye" vote is to strike title V, a "no" vote is to keep title V in the bill.

The **SPEAKER**. The gentleman's statement, according to the understanding of the Chair, is correct.

Mr. **GERALD R. FORD**. I thank the Speaker.

The question was taken; and there were—yeas 216, nays 112, not voting 101, as follows:

[Roll No. 190]

YEAS—216

Abbitt
Abernethy
Anderson, Ill.
Andrews, Ala.
Arends
Ashbrook
Aspinall
Baring
Beall, Md.
Belcher
Bennett
Betts
Bevill
Biester
Blackburn
Blanton
Boland
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Button
Byrnes, Wis.
Cabell
Carter
Casey
Cederberg
Chamberlain
Chappell
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conable
Conte
Crane
Cunningham
Daniel, Va.
Davis, Wis.
Delaney
Dellenback
Denney
Dennis
Derwinski
Devine
Dickinson
Dorn
Dowdy
Downing
Duncan
Dwyer
Edmondson
Eshleman
Evins, Tenn.
Fascell
Fish
Fisher
Flynt
Foley
Ford, Gerald R.
Foreman
Fountain
Frelinghuysen
Fulton, Pa.
Fuqua
Galifianakis
Gettys
Goldwater
Goodling
Green, Oreg.
Griffin
Gross
Gubser
Hagan
Haley
Hall
Hammerschmidt
Hanna
Harsha
Harvey
Hébert
Hechler, W. Va.
Henderson
Hogan
Horton
Hosmer
Hull
Hunt
Hutchinson
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
King
Kyl
Landgrebe
Landrum
Langen
Leggett
Lennon
Lloyd
Long, La.
Lukens
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McKneally
McMillan
Mahon
Mailliard
Marsh
Martin
Mathias
May
Mayne
Melcher
Michel
Miller, Ohio
Mills
Minshall
Mize
Mizell
Monagan
Morse
Morton
Mosher
Myers
Nichols
O'Hara
O'Konski
O'Neal, Ga.
Pelly
Pettis
Pickle
Pirnie
Poage
Poff
Preyer, N.C.
Pryor, Ark.
Purcell
Quie
Quillen
Rarick
Reid, Ill.
Reid, N.Y.
Reifel
Rhodes
Roberts
Rogers, Colo.
Rogers, Fla.
Rooney, Pa.
Roth
Roudebush
Ruppe
Ruth
Sandman
Satterfield
Schadeberg
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Springer
Stafford
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Taft
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Vander Jagt
Vigorito
Waggonner
Wampler
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Winn
Wold
Wyatt
Wydler
Wylie
Wyman
Zwach

NAYS—112

Adams
Addabbo
Albert
Anderson, Calif.
Annunzio
Barrett
Biaggi
Bingham
Boggs
Bolling
Brademas
Brasco
Brooks
Brown, Calif.
Burke, Mass.
Burton, Calif.
Byrne, Pa.
Chisholm
Clay
Collins
Conyers
Corman
Culver
Diggs
Dingell
Dulski
Eckhardt
Edwards, Calif.
Evans, Colo.
Feighan
Flood
Ford, William D.
Fraser
Friedel
Fulton, Tenn.
Gallagher
Garmatz
Gibbons
Gonzalez
Gray
Green, Pa.
Halpern
Hansen, Wash.
Harrington
Hathaway
Helstoski
Hicks
Holifield
Howard
Hungate
Ichord
Jacobs
Jones, Ala.
Karth
Kastenmeier
Kazen
Kee
Koch
Kyros
Lowenstein
McCarthy
McFall
Macdonald, Mass.
Madden
Matsunaga
Meeds
Mikva
Miller, Calif.
Minish
Mink
Moorhead
Morgan
Moss
Murphy, Ill.
Natcher
Nedzi
Nix
Obey
Olsen
O'Neill, Mass.
Ottinger
Patman
Patten
Perkins
Philbin
Pike
Price, Ill.
Pucinski
Randall
Rees
Reuss
Rodino
Roe
Rooney, N.Y.
Roybal
Ryan
Scheuer
Slack
Staggers
Stokes
Sullivan
Symington
Thompson, N.J.
Tunney
Ullman
Van Deerlin
Vanik
Wolff
Wright
Yates
Yatron
Zablocki

NOT VOTING—101

Adair
Alexander
Anderson, Tenn.
Andrews, N. Dak.
Ashley
Ayres
Bell, Calif.
Berry
Blatnik
Bow
Brock
Broyhill, Va.
Bush
Caffery
Camp
Carey
Celler
Clancy
Cohelan
Corbett
Coughlin
Cowger
Cramer
Daddario
Daniels, N.J.
Davis, Ga.
Dawson
de la Garza
Dent
Donohue
Edwards, Ala.
Edwards, La.
Eilberg
Erlenborn
Esch
Fallon
Farbstein
Findley
Flowers
Frey
Gaydos
Giaimo
Gilbert
Griffiths
Grover
Gude
Hamilton
Hanley
Hansen, Idaho
Hastings
Hawkins
Hays
Heckler, Mass.
Jarman
Johnson, Calif.
Keith
Kirwan
Kleppe
Kluczynski
Kuykendall
Latta
Long, Md.
Lujan
MacGregor
Mann
Meskill
Mollohan
Montgomery
Murphy, N.Y.
Nelsen
Passman
Pepper
Podell
Pollock
Powell
Price, Tex.
Railsback
Riegle
Rivers
Robison
Rosenthal
Rostenkowski
St Germain
Saylor
Scherle
Sisk
Smith, Iowa
Snyder
Stratton
Teague, Tex.
Tiernan
Udall
Waldie
Watkins
Watson
Weicker
Wiggins
Wilson, Bob
Wilson, Charles H.
Young
Zion

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Mann for, with Mr. Eilberg against.

Mr. Bell of California for, with Mr. Hawkins against.

Mr. Coughlin for, with Mr. Daniels against.

Mr. Cowger for, with Mr. Blatnik against.

Mr. Saylor for, with Mr. Carey against.

Mr. Watkins for, with Mr. Murphy against.

Mr. Bob Wilson for, with Mr. Podell against.

Mr. Snyder for, with Mr. Celler against.

Mr. Corbett for, with Mr. Farbstein against.

Mr. Finley for, with Mr. Cohelan against.

Mr. Gude for, with Mr. Rostenkowski against.

Mr. Kuykendall for, with Mr. Rosenthal against.

Mrs. Heckler of Massachusetts for, with Mr. Gilbert against.

Mr. Erlenborn for, with Mr. Dawson against.

Mr. Bow for, with Mr. Dent against.

Mr. Weicker for, with Mr. Fallon against.

Mr. Hastings for, with Mr. Hanley against.

Mr. Price of Texas for, with Mr. Hamilton against.

Mr. Andrews of North Dakota for, with Mr. Kirwan against.

Until further notice:

Mr. Ashley with Mr. Adair.

Mr. Caffery with Mr. Camp.

Mr. Kluczynski with Mr. Ayres.

Mr. Alexander with Mr. Broyhill of Virginia.

Mr. Jarman with Mr. Clancy.

Mr. Flowers with Mr. Edwards of Alabama.

Mrs. Griffiths with Mr. Grover.

Mr. Pepper with Mr. Frey.

Mr. St Germain with Mr. Hansen of Idaho.

Mr. Donohue with Mr. Keith.

Mr. Giaimo with Mr. Latta.

Mr. Mollohan with Mr. Nelsen.

Mr. Rivers with Mr. Luzon.

Mr. Anderson of Tennessee with Mr. Railsback.

Mr. Teague of Texas with Mr. Robison.

Mr. Passman with Mr. Scherle.

Mr. Charles H. Wilson with Mr. Wiggins.

Mr. Stratton with Mr. Riegle.

Mr. Sisk with Mr. Zion.

Mr. Davis of Georgia with Mr. Watson.

Mr. Gaydos with Mr. Pollock.

Mr. Daddario with Mr. Meskill.

Mr. Tiernan with Mr. MacGregor.

Mr. Long of Maryland with Mr. Esch.

Mr. Udall with Mr. Bush.

Mr. Young with Mr. Brock.

Mr. Hays with Mr. Berry.

Mr. Edwards of Louisiana with Mr. Johnson of California.

Mr. Waldie with Mr. Powell.

Mr. Smith of Iowa with Mr. de la Garza.

Mr. Cramer with Mr. Kleppe.

Mr. ROONEY of Pennsylvania changed his vote from "nay" to "yea."

Mr. PHILBIN changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 324, nays 2, answered "present" 1, not voting 102, as follows:

[Roll No. 191]

YEAS—324

Abbitt
Abernethy
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Baring
Barrett
Beall, Md.
Belcher
Bennett
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Boggs
Boland
Bolling
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Carter
Casey
Cederberg
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins
Colmer
Conable
Conte
Conyers
Crane
Culver
Cunningham
Daniel, Va.
Davis, Wis.
Delaney
Dellenback
Denney
Derwinski
Devine
Dickinson
Diggs
Dingell
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Feighan
Fish
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gettys
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Gross
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hammerschmidt
Hanna
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hébert
Hechler, W. Va.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
King
Koch
Kyl
Kyros
Landgrebe
Landrum
Langen
Lennon
Lloyd
Long, La.
Lowenstein
Lukens
McCarthy
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Marsh
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Monagan
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
Olsen
O'Konski
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Roberts
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Roth
Roudebush
Ruppe
Ruth
Ryan
St Germain
Sandman
Satterfield
Schadeberg
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stubblefield
Stuckey
Symington
Taft
Talcott
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tunney
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Winn
Wold
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zwach

NAYS—2

Martin
Sullivan

ANSWERED "PRESENT"—1

Roybal

NOT VOTING—102

Adair
Alexander
Anderson, Tenn.
Andrews, N. Dak.
Ayres
Bell, Calif.
Berry
Blatnik
Bow
Brock
Broyhill, Va.
Burton, Utah
Bush
Caffery
Camp
Carey
Celler
Clancy
Cohelan
Corbett
Corman
Coughlin
Cowger
Cramer
Daddario
Daniels, N.J.
Davis, Ga.
Dawson
de la Garza
Dennis
Dent
Donohue
Edwards, Ala.
Edwards, La.
Eilberg
Erlenborn
Esch
Fallon
Farbstein
Findley
Flowers
Frey
Gaydos
Giaimo
Gilbert
Griffiths
Grover
Hamilton
Hanley
Hansen, Idaho
Hastings
Hays
Heckler, Mass.
Jarman
Johnson, Calif.
Keith
Kirwan
Kleppe
Kluczynski
Kuykendall
Latta
Leggett
Long, Md.
Lujan
MacGregor
Mann
Meskill
Mollohan
Montgomery
Murphy, N.Y.
Nelsen
Passman
Pepper
Podell
Pollock
Powell
Price, Tex.
Railsback
Riegle
Rivers
Robison
Rosenthal
Rostenkowski
Saylor
Scherle
Sisk
Smith, Iowa
Snyder
Stratton
Taylor
Teague, Tex.
Tiernan
Udall
Waldie
Watkins
Watson
Weicker
Wiggins
Wilson, Bob
Wilson, Charles H.
Wright
Zion

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rostenkowski with Mr. Adair.

Mr. Jarman with Mr. Bow.

Mr. Hays with Mr. Ayres.

Mr. Edwards of Louisiana with Mr. Camp.

Mr. Dent with Mr. Corbett.

Mr. Murphy of New York with Mr. Grover.

Mr. Mann with Mr. Dennis.

Mr. Giaimo with Mr. Bob Wilson.

Mr. Donohue with Mr. Weicker.

Mr. Fallon with Mr. Saylor.

Mr. Hanley with Mr. Robison.

Mr. Flowers with Mr. Price of Texas.

Mr. Pepper with Mr. Latta.

Mr. Mollohan with Mr. Lujan.

Mr. Anderson of Tennessee with Mr. Kuykendall.

Mrs. Griffiths with Mrs. Heckler of Massachusetts.

Mr. Sisk with Mr. Hastings.

Mr. Rivers with Mr. Watkins.

Mr. Charles H. Wilson with Mr. Wiggins.

Mr. Wright with Mr. Cowger.

Mr. Tiernan with Mr. Coughlin.

Mr. Teague of Texas with Mr. Andrews of North Dakota.

Mr. Carey with Mr. Clancy.

Mr. Caffery with Mr. Esch.

Mr. Blatnik with Mr. Finley.

Mr. Alexander with Mr. Zion.

Mr. Cohelan with Mr. Riegle.

Mr. Daddario with Mr. Meskill.

Mr. Passman with Mr. Keith.

Mr. Montgomery with Mr. Broyhill of Virginia.

Mr. de la Garza with Mr. Edwards of Alabama.

Mr. Daniels of New Jersey with Mr. Erlenborn.

Mr. Long of Maryland with Mr. Hansen of Idaho.

Mr. Taylor with Mr. Snyder.

Mr. Stratton with Mr. Nelsen.

Mr. Waldie with Mr. Bell of California.

Mr. Corman with Mr. Frey.

Mr. Udall with Mr Watson

Mr. Johnson of California with Mr. Scherle.

Mr. Kluczynski with Mr. Railsback.

Mr. Hamilton with Mr. Pollock.

Mr. Gilbert with Mr. Kleppe.

Mr. Podell with Mr. MacGregor.

Mr. Eilberg with Mr. Burton of Utah.

Mr. Gaydos with Mr. Bush.

Mr. Farbstein with Mr. Berry.

Mr. Rosenthal with Mr. Brock.

Mr. Davis of Georgia with Mr. Cramer.

Mr. Dawson with Mr. Powell.

Mr. Celler with Mr. Kirwan.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HOLIFIELD). Pursuant to the provisions of House Resolution 1094, the Committee on Banking and Currency is discharged from further consideration of the bill, S. 3685.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. PATMAN

Mr. PATMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PATMAN moves to strike out all after the enacting clause of S. 3685 and insert in lieu thereof the provisions of H.R. 17495 as passed, as follows:

That this Act may be cited as the "Emergency Home Finance Act of 1970".

TITLE I—REDUCTION OF INTEREST CHARGES FOR MEMBERS OF THE FEDERAL HOME LOAN BANK SYSTEM

SEC. 101. (a) There is authorized to be appropriated not to exceed $250,000,000, without fiscal year limitation, to be used by the Federal Home Loan Bank Board for disbursement to Federal home loan banks for the purpose of adjusting the effective interest charged by such banks on short-term and long-term borrowing to promote an orderly flow of funds into residential construction. The disbursement of sums appropriated hereunder shall be made under such terms and conditions as may be prescribed by the Board to assure that such sums are used to assist in the provision of housing for low- and middle-income families, and that such families share fully in the benefits resulting from the disbursement of such sums. No member of a Federal home loan bank shall use funds the interest charges on which have been adjusted pursuant to the provisions of this section to make any loan, if—

(1) the effective rate of interest on such loan exceeds the effective rate of interest on such funds payable by such member by a percentile amount which is in excess of such amount as the Board determines to be appropriate in furtherance of the purposes of this section; or

(2) the principal obligation of any such loan which is secured by a mortgage on a residential structure exceeds the dollar limitations on the maximum mortgage amount, in effect on the date the mortgage was originated, which would be applicable if the mortgage was insured by the Secretary of Housing and Urban Development under section 203(b) or 207 of the National Housing Act.

(b) Not more than 20 per centum of the sums appropriated pursuant to subsection (a) shall be disbursed in any one Federal home loan bank district.

TITLE II—AUTHORITY FOR THE FEDERAL NATIONAL MORTGAGE ASSOCIATION TO PROVIDE A SECONDARY MARKET FOR CONVENTIONAL MORTGAGES

SEC. 201. (a) Section 302(b) of the National Housing Act is amended—

(1) by inserting "(1)" immediately following "(b)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) For the purposes set forth in section 301(a), and with the approval of the Secretary of Housing and Urban Development, the corporation is authorized, pursuant to commitments or otherwise, to purchase, service, sell, lend on the security of, or otherwise deal in mortgages which are not insured or guaranteed as provided in paragraph (1) (such mortgages referred to hereinafter as 'conventional mortgages'). No such purchase of a conventional mortgage shall be made if the outstanding principal balance of the mortgage at the time of purchase exceeds 75 per centum of the value of the property securing the mortgage, unless (A) the seller retains a participation of not less than 10 per centum in the mortgage; (B) for such period and under such circumstances as the corporation may require, the seller agrees to repurchase or replace the mortgage upon demand of the corporation in the event that the mortgage is in default; or (C) that portion of the unpaid principal balance of the mortgage which is in excess of such 75 per centum is guaranteed or insured by a qualified private insurer as determined by the corporation. The corporation shall not issue a commitment to purchase a conventional mortgage prior to the date the mortgage is originated, if such mortgage is eligible for purchase under the preceding sentence only by reason of compliance with the requirements of clause (A) of such sentence. The corporation may purchase a conventional mortgage which was originated more than one year prior to the purchase date only if the seller is currently engaged in mortgage lending or investing activities and if, as a result thereof, the cumulative aggregate of the principal balances of all conventional mortgages purchased by the corporation which were originated more than one year prior to the date of purchase does not exceed 10 per centum of the cumulative aggregate of the principal balances of all conventional mortgages purchased by the corporation. The corporation shall establish limitations governing the maximum principal obligation of conventional mortgages purchased by it which are comparable to the limitations which would be applicable if the mortgage were insured by the Secretary of Housing and Urban Development under section 203(b) or 207 of the National Housing Act.

"(3) The corporation may not make any public offering of securities to finance its secondary market operations in conventional mortgages at any time that the Secretary of Housing and Urban Development determines that such an offering would unduly inhibit the financing by the Government National Mortgage Association of low and moderate income housing in implementation of its special assistance functions."

(b) Section 5202 of the Revised Statutes (12 U.S.C. 82) is amended by adding at the end thereof the following:

"Eleventh. Liabilities incurred in connection with sales of mortgages, or participations therein, to the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.".

TITLE III—FEDERAL HOME LOAN MORTGAGE CORPORATION

SHORT TITLE

SEC. 301. This title may be cited as the "Federal Home Loan Mortgage Corporation Act".

DEFINITIONS

SEC. 302. As used in this title—

(a) The term "Board of Directors" means the Board of Directors of the Corporation.

(b) The term "Corporation" means the Federal Home Loan Mortgage Corporation created by this title.

(c) The term "law" includes any law of the United States or of any State (including any rule of law or of equity).

(d) The term "mortgage" includes such classes of liens as are commonly given or are legally effective to secure advances on, or the unpaid purchase price of, real estate under the laws of the State in which the real estate is located, together with the credit instruments, if any, secured thereby, and includes interests in mortgages.

(e) The term "organization" means any corporation, partnership, association, business trust, or business entity.

(f) The term "prescribe" means to prescribe by regulations or otherwise.

(g) The term "property" includes any property, whether real, personal, mixed, or otherwise, including without limitation on the generality of the foregoing choses in action and mortgages, and includes any interest in any of the foregoing.

(h) The term "residential mortgage" means a mortgage which (1) is a mortgage on real estate, in fee simple or under a leasehold having such term as may be prescribed by the Corporation, upon which there is located a structure or structures designed in whole or in part for residential use, or which comprises or includes one or more condominium units or dwelling units (as defined by the Corporation) and (2) has such characteristics and meets such requirements as to amount, term, repayment provisions, number of families, status as a first lien on such real estate, and otherwise, as may be prescribed by the Corporation.

(i) The term "conventional mortgage" means a mortgage other than a mortgage as to which the Corporation has the benefit of any guaranty, insurance or other obligation by the United States or a State or an agency or instrumentality of either.

(j) The term "security" has the meaning ascribed to it by section 2 of the Securities Act of 1933.

(k) The term "State", whether used as a noun or otherwise, includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

ESTABLISHMENT OF THE CORPORATION

SEC. 303. (a) There is created the Federal Home Loan Mortgage Corporation, which shall be a body corporate and shall be under the direction of a Board of Directors composed of the members of the Federal Home Loan Bank Board, who shall serve as such without additional compensation. The Chairman of the Federal Home Loan Bank Board shall be the Chairman of the Board of Direc-

XUM

tors. The principal office of the Corporation shall be in the District of Columbia or at such other place as the Corporation may from time to time prescribe. The Corporation shall be a member of each Federal home loan bank and, except as otherwise provided by the Federal Home Loan Bank Board, shall have all the benefits, powers, and privileges, and in the exercise thereof shall be subject to all liabilities, conditions, and limitations (except those relating to Federal home loan bank stock and subscriptions thereto and those under provisions of the Federal Home Loan Bank Act preceding section 9) which are provided by the terms of such Act or other Federal statute for members of any such bank.

(b) The Corporation shall have power (1) to adopt, alter, and use a corporate seal; (2) to have succession until dissolved by Act of Congress; (3) to make and enforce such bylaws, rules, and regulations as may be necessary or appropriate to carry out the purposes or provisions of this title; (4) to make and perform contracts, agreements, and commitments; (5) to prescribe and impose fees and charges for services by the Corporation; (6) to settle, adjust, and compromise, and with or without consideration or benefit to the Corporation to release or waive in whole or in part, in advance or otherwise, any claim, demand, or right of, by, or against the Corporation; (7) to sue and be sued, complain and defend, in any State, Federal, or other court; (8) to acquire, take, hold, and own, and to deal with and dispose of any property; and (9) to determine its necessary expenditures and the manner in which the same shall be incurred, allowed, and paid, and appoint, employ, and fix and provide for the compensation and benefits of officers, employees, attorneys, and agents, all without regard to any other law except as may be provided by the Corporation or by laws hereafter enacted by the Congress expressly in limitation of this sentence. Nothing in this title or any other law shall be construed to prevent the appointment, employment, and provision for compensation and benefits, as an officer, employee, attorney, or agent of the Corporation, of any officer, employee, attorney, or agent of any department, establishment, or corporate or other instrumentality of the Government, including any Federal home loan bank or member thereof. The Corporation, with the consent of any such department, establishment, or instrumentality, including any field services thereof, may utilize and act through any such department, establishment, or instrumentality and may avail itself of the use of information, services, facilities, and personnel thereof, and may pay compensation therefor, and all of the foregoing are hereby authorized to provide the same to the Corporation as it may request.

(c) Funds of the Corporation may be invested in such investments as the Board of Directors may prescribe. Any Federal Reserve bank or Federal home loan bank, or any bank as to which at the time of its designation by the Corporation there is outstanding a designation by the Secretary of the Treasury as a general or other depositary of public money, may be designated by the Corporation as a depositary or custodian or as a fiscal or other agent of the Corporation, and is hereby authorized to act as such depositary, custodian, or agent. When designated for that purpose by the Secretary of the Treasury, the Corporation shall be a depositary of public money under such regulations as may be prescribed by the Secretary of the Treasury, and may also be employed as fiscal or other agent of the United States, and it shall perform all such reasonable duties as such depositary or agent as may be required of it.

(d) The Corporation, including its franchise, activities, capital, reserves, surplus, and income, shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority, except that any real property of the Corporation shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed. The provisions of this subsection shall be applicable without regard to any other law, including without limitation on the generality of the foregoing section 3301 of the Internal Revenue Code of 1954, except laws hereafter enacted by Congress expressly in limitation of this subsection.

(e) All notes, bonds, debentures or other obligations of the Corporation, or other securities (including stock) of the Corporation, and the interest, dividends, or other income therefrom, shall be exempt from all taxation (except estate, inheritance, and gift taxes) now or hereafter imposed by any territory, dependency, or possession of the United States, or by the Commonwealth of Puerto Rico, the District of Columbia, or any States, county, municipality, or local taxing authority. The foregoing exemption from taxation shall include exemption from taxation measured by such obligations or securities or by such interest, dividends, or other income, and from inclusion of such obligations or securities, or such taxation.

(f) Notwithstanding section 1349 of title 28 of the United States Code or any other provision of law, (1) the Corporation shall be deemed to be an agency included in sections 1345 and 1442 of such title 28; (2) all civil actions to which the Corporation is a party shall be deemed to arise under the laws of the United States, and the district courts of the United States shall have original jurisdiction of all such actions, without regard to amount or value; and (3) any civil or other action, case, or controversy in a court of a State, or in any court other than a district court of the United States, to which the Corporation is a party may at any time before the trial thereof be removed by the Corporation without the giving of any bond or security, to the district court of the United States for the district and division embracing the place where the same is pending, or, if there is no such district court, to the district court of the United States for the district in which the principal office of the Corporation is located, by following any procedure for removal of causes in effect at the time of such removal. No attachment or execution shall be issued against the Corporation or any of its property before final judgment in any State, Federal, or other court.

CAPITAL STOCK

SEC. 304. (a) The capital stock of the Corporation shall consist of nonvoting common stock which shall be issued only to Federal home loan banks and shall have such par value and such other characteristics as the Corporation prescribes. Stock of the Corporation shall be evidenced in such manner and shall be transferable only to such extent, to such transferees, and in such manner, as the Corporation prescribes.

(b) The Federal home loan banks shall from time to time subscribe, at such price not less than par as the Corporation shall from time to time fix, for such amounts of common stock as the Corporation prescribes, and such banks shall pay therefor at such time or times and in such amount or amounts as may from time to time be fixed by call of the Corporation. The amount of the payments for which such banks may be obligated under such subscriptions shall not exceed a cumulative total of $100,000,000.

(c) Subscriptions of the respective Federal home loan banks to such stock shall be allocated by the Corporation.

(d) The Corporation may retire at any time all or any part of the stock of the Corporation, or may call for retirement all or any part of the stock of the Corporation by (1) publishing a notice of the call in the Federal Register or providing such notice in such other manner as the Corporation may determine to be appropriate, and (2) depositing with the Treasury of the United States, for the purpose of such retirement, funds sufficient to effect such retirement. No call for the retirement of any stock shall be made, and no stock shall be retired without call, if immediately after such action, the total of the stock not called for retirement and of the reserves and surplus of the Corporation would be less than $100,000,000. The retirement of stock shall be at the par value thereof, or at the price at which such stock was issued if such price is greater than par value. No declaration of any dividend on stock of the Corporation shall be effective with respect to stock which at the time of such declaration is the subject of an outstanding retirement call the effective date of which has arrived.

MORTGAGE OPERATIONS

SEC. 305. (a)(1) The Corporation is authorized to purchase, and make commitments to purchase, residential mortgages from any Federal home loan bank, the Federal Savings and Loan Insurance Corporation, any member of a Federal home loan bank, or any other financial institution the deposits or accounts of which are insured by an agency of the United States, and to hold and deal with, and sell or otherwise dispose of, pursuant to commitments or otherwise, any such mortgage or interest therein. The operations of the Corporation under this section shall be confined so far as practicable to residential mortgages which are deemed by the corporation to be of such quality, type, and class as to meet generally the purchase standards imposed by private institutional mortgage investors.

(2) No conventional mortgage shall be purchased under this section if the outstanding principal balance of the mortgage at the time of purchase exceeds 75 per centum of the value of the property securing the mortgage, unless (A) the seller retains a participation of not less than 10 per centum in the mortgage; (B) for such period and under such circumstances as the Corporation may require, the seller agrees to repurchase or replace the mortgage upon demand of the Corporation in the event that the mortgage is in default; or (C) that portion of the unpaid principal balance of the mortgage which is in excess of such 75 per centum is guaranteed or insured by a qualified private insurer as determined by the Corporation. The Corporation shall not issue a commitment to purchase a conventional mortgage prior to the date the mortgage is originated, if such mortgage is eligible for purchase under the preceding sentence only by reason of compliance with the requirements of clause (A) of such sentence. The Corporation may purchase a conventional mortgage which was originated more than one year prior to the purchase date only if the seller is currently engaged in mortgage lending or investing activities and if, as a result thereof, the cumulative aggregate of the principal balances of all conventional mortgages purchased by the Corporation which were originated more than one year prior to the date of purchase does not exceed 10 per centum of the cumulative aggregate of the principal balances of all conventional mortgages purchased by the Corporation. The Corporation shall establish limitations governing the maximum principal obligation of conventional mortgages purchased by it which are comparable to the limitations which would be applicable if the mortgage were insured by the Secretary of Housing and Urban Development under section 203(b) or 207 of the National Housing Act.

(3) The sale or other disposition by the Corporation of a mortgage under this section may be with or without recourse, and shall

XUM

be upon such terms and conditions relating to resale, repurchase, guaranty, substitution, replacement, or otherwise as the Corporation may prescribe.

(b) Notwithstanding any other law, authority to enter into and to perform and carry out any transaction or matter referred to in this section is conferred on any Federal home loan bank, the Federal Savings and Loan Insurance Corporation, any Federal savings and loan association, any Federal home loan bank member, and any other financial institution the deposits or accounts of which are insured by an agency of the United States to the extent that Congress has the power to confer such authority.

OBLIGATIONS AND SECURITIES

Sec. 306. (a) The Corporation is authorized, upon such terms and conditions as it may prescribe, to borrow, to give security, to pay interest or other return, and to issue notes, debentures, bonds, or other obligations, or other securities, including without limitation mortgaged-backed securities guaranteed by the Government National Mortgage Association in the manner provided in section 306 (g) of the National Housing Act. Any obligation or security of the Corporation shall be valid and binding notwithstanding that a persons or persons purporting to have executed or attested the same may have died, become under disability, or ceased to hold office or employment before the issuance thereof.

(b) The Corporation may, by regulation or by writing executed by the Corporation, establish prohibitions or restrictions upon the creation of indebtedness or obligations of the Corporation or of liens or charges upon property of the Corporation, including after-acquired property, and create liens and charges, which may be floating liens or charges, upon all or any part or parts of the property of the Corporation, including after-acquired property. Such prohibitions, restrictions, liens, and charges shall have such effect, including without limitation on the generality of the foregoing such rank and priority, as may be provided by regulations of the Corporation or by writings executed by the Corporation, and shall create causes of action which may be enforced by action in the United States District Court for the District of Columbia or in the United States district court for any judicial district in which any of the property affected is located. Process in any such action may run to and be served in any judicial district or any place subject to the jurisdiction of the United States.

(c) The Federal home loan banks shall, to such extent as the Board of Directors may prescribe, guarantee the faithful and timely performance by the Corporation of any obligation or undertaking of the Corporation on or with respect to any security (which term as used in this sentence shall not include the capital stock referred to in section 304 of this title).

(d) The provisions of this section and of any restriction, prohibition, lien, or charge referred to in subsection (b) shall be fully effective notwithstanding any other law, including without limitation on the generality of the foregoing any law of or relating to sovereign immunity or priority.

(e) The Corporation may not make any public offering of securities to finance its secondary market operations in conventional mortgages at any time that the Secretary of Housing and Urban Development determines that such an offering would unduly inhibit the financing by the Government National Mortgage Association of low- and moderate-income housing in implementation of its special assistance functions.

MISCELLANEOUS PROVISIONS

Sec. 307. (a) All rights and remedies of the Corporation, including without limitation on the generality of the foregoing any rights and remedies of the Corporation on, under, or with respect to any mortgage or any obligation secured thereby, shall be immune from impairment, limitation, or restriction by or under (1) any law (except laws enacted by the Congress expressly in limitation of this sentence) which becomes effective after the acquisition by the Corporation of the subject or property on, under, or with respect to which such right or remedy arises or exists or would so arise or exist in the absence of such law, or (2) any administrative or other action which becomes effective after such acquisition. The Corporation shall be entitled to all immunities and priorities, including without limitation on the generality of the foregoing all immunities and priorities under any such law or action, to which it would be entitled if it were the United States or if it were an unincorporated agency of the United States.

(b) The first two sentences of paragraph (6) of subsection (c) of section 18 of the Federal Home Loan Bank Act are amended to read as follows: "Notwithstanding any other provision of law, the financial transactions of said corporation shall be audited by the General Accounting Office in accordance with title II of the Government Corporation Control Act, and banking and checking accounts of said Corporation and said board shall be maintained in accordance with section 302 of that Act. Except as now or hereafter provided by this section, no provision of law other than this act or title IV of the National Housing Act shall be applicable to obligations, expenditures, lending, or payments of said board or corporation, or, to such extent as said board may provide, to personnel or positions thereof, but the activities of the Board and of the Corporation shall be the subject of an annual review by Congress."

(c) The financial transactions of the Corporation shall be subject to audit by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the respective corporation and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians. A report on each such audit shall be made by the Comptroller General to the Congress. The Corporation shall reimburse the General Accounting Office for the full cost of any such audit as billed therefor by the Comptroller General.

PENAL PROVISIONS

Sec. 308. (a) Except as expressly authorized by statute of the United States, no individual or organization (except the Corporation) shall use the term "Federal Home Loan Mortgage Corporation", or any combination of words including the words "Federal", and "Home Loan", and "Mortgage", as a name or part thereof under which any individual or organization does any business, but this sentence shall not make unlawful the use of any name under which business is being done on the date of the enactment of this Act. No individual or organization shall use or display (1) any sign, device, or insigne prescribed or approved by the Corporation for use or display by the Corporation or by members of the Federal home loan banks, (2) any copy, reproduction, or colorable imitation of any such sign, device, or insigne, or (3) any sign, device, or insigne reasonably calculated to convey the impression that it is a sign, device, or insigne used by the Corporation or prescribed or approved by the Corporation, contrary to regulations of the Corporation prohibiting, or limiting or restricting, such use or display by such individual or organization. An organization violating this subsection shall for each violation be punished by a fine of not more than $10,000. An officer or member of an organization participating or knowingly acquiescing in any violation of this subsection shall be punished by a fine of not more than $5,000 or imprisonment for not more than one year, or both. An individual violating this subsection shall for each violation be punished as set forth in the sentence next preceding this sentence.

(b) The provisions of sections 215, 607, 658, 1011, and 1014 of title 18 of the United States Code are extended to apply to and with respect to the Corporation, and for the purposes of such section 658 the term "any property mortgage or pledged", as used therein, shall without limitation on its generality include any property subject to mortgage, pledge, or lien acquired by the Corporation by assignment or otherwise.

(c) The term "bank examiner or assistant examiner", as used in section 655 of such title 18, shall include any examiner or assistant examiner who is an officer of employee of the Corporation and any person who makes or participates in the making of any examination of or for the Corporation.

(d) The term "bank", as used in subsection (f) of section 2113 of such title 18, shall be deemed to include the Corporation, and any building used in whole or in part by the Corporation shall be deemed to be used in whole or in part as a bank, within the meaning of such section 2113.

(e) The terms "agency" and "agencies" shall be deemed to include the Corporation wherever used with reference to an agency or agencies of the United States in sections 201, 202, 203, 205, 207, 208, 209, 286, 287, 371, 506, 595, 602, 641, 654, 701, 872, 1001, 1002, 1016, 1017, 1361, 1505, and 2073 of such title 18. Any officer or employee of the Corporation shall be deemed to be a person mentioned in section 602 of such title 18 within the meaning of sections 603 and 606 of such title.

(f) The terms "obligation or other security" and "obligations or other securities", wherever used (with or without the words "of the United States") in sections 471 to 476, both inclusive, and section 492 of such title 18, are extended to include any obligation or other security of or issued by the Corporation. Any reference in sections 474, 494, 495, and 642 of such title 18 to the United States, except in a territorial sense, or to the Secretary of the Treasury is hereby extended to include the Corporation. Section 477 of such title 18 is extended to apply with respect to section 476 of such title as extended by the first sentence of this subsection (f), and for this purpose the term "United States" as used in such section 476 shall include the Corporation.

TERRITORIAL APPLICABILITY

Sec. 309. Notwithstanding any other law, this title shall be applicable to the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

CONSTRUCTION AND SEPARABILITY

Sec. 310. Except as otherwise provided in this title, or as otherwise provided by the Corporation or by laws hereafter enacted by the Congress expressly in limitation of provisions of this title, the powers and functions of the Corporation and of the Board of Directors shall be exercisable, and the provisions of this title shall be applicable and effective, without regard to any other law. Notwithstanding any other evidences of the intention of Congress, it is hereby declared to be the controlling intent of Congress that if any provision of this title, or the application thereof to any person or circumstances, is held invalid, the remainder of this title, or

XUM

the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

TITLE IV—GOVERNMENT NATIONAL MORTGAGE ASSOCIATION SPECIAL ASSISTANCE FUNDS

SEC. 401 (a) Section 305(e) of the National Housing Act is amended by striking out "by $500,000,000 on July 1, 1969" and inserting in lieu thereof "by $2,000,000,000 on July 1, 1969".

(b) Section 305(g) of such Act is amended by striking out everything in the first sentence after "exceed" and inserting in lieu thereof "the dollar limitation on maximum principal obligation that would be applicable to such mortgage if insured under section 235(i) of this Act."

TITLE VI—FLEXIBLE INTEREST RATE AUTHORITY

SEC. 601. Section 3(a) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968, is amended by striking out "October 1, 1970" and inserting in lieu thereof "October 1, 1971".

TITLE VII—INVESTMENT OF COMMERCIAL BANK RESERVES

§ 701. Amendment of section 19(g), Federal Reserve Act

Section 19(g) of the Federal Reserve Act (12 U.S.C. 465) is amended by inserting "(1)" immediately after "(g)" and by adding at the end thereof the following new paragraph:

"(2) In the determination of the amount of any reserve balance required under this section for any type or types of deposits specified by the Board for the purposes of this paragraph, there may be deducted, in whole or in such part as the Board may prescribe, any investments in obligations specified by the Board issued by Federal agencies for the purpose of directly or indirectly financing the construction or acquisition of residential real property."

TITLE VIII—MISCELLANEOUS

§ 801. Settlement costs in the financing of Federal Housing Administration and Veterans' Administration assisted housing

(a) With respect to housing built, rehabilitated, or sold with assistance provided under the National Housing Act or under chapter 37, United States Code, the Secretary of Housing and Urban Development and the Administrator of Veterans' Affairs are respectively authorized and directed to prescribe standards governing the amounts of settlement costs allowable in connection with the financing of such housing in any such area. Such standards shall—

(1) be established after consultation between the Secretary and the Administrator;

(2) be consistent in any area for housing assisted under the National Housing Act and housing assisted under chapter 37, title 38, United States Code; and

(3) be based on the Secretary's and the Administrator's estimates of the reasonable charge for necessary services involved in settlements for particular classes of mortgages and loans.

(b) The Secretary and the Administrator shall undertake a joint study and make recommendations to the Congress not later than one year after the date of enactment of this Act with respect to legislative and administrative actions which should be taken to reduce mortgage settlement costs and to standardize these costs for all geographic areas.

§ 802. Emergency relief from interest rate conflict between Federal law and State law

Notwithstanding any other law, from the date of enactment of this title until July 1, 1972, loans to local public agencies under title I of the Housing Act of 1949 and to local public housing agencies under the United States Housing Act of 1937 may, when determined by the Secretary of Housing and Urban Development to be necessary because of interest rate limitations of State laws, bear interest at a rate less than the applicable going Federal rate but not less than 6 per centum per annum.

§ 803. Treasury borrowing authority for new communities program

Section 407(a) of the Housing and Urban Development Act of 1968 is amended by adding at the end thereof the following: "The Secretary may issue obligations to the Secretary of the Treasury in an amount outstanding at any one time sufficient to enable the Secretary to carry out his functions with respect to the guarantees authorized by this title. The obligations issued under this subsection shall have such maturities and bear such rate or rates of interest as shall be determined by the Secretary of the Treasury. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Secretary issued under this subsection, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under such Act are extended to include purchases of the Secretary's obligations hereunder."

§ 804. Security authorized for public funds deposits

Section 5(b)(2) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(b)(2)) is amended by inserting before the period at the end thereof the following: ", and may give security for public funds (as defined by the Board) deposited in savings accounts (including certificates of deposit)".

§ 805. Savings and loan holding company assistance for low and middle income housing

Section 408(d)(4) of the National Housing Act (12 U.S.C. 1730a(d)(4)) is amended by striking the semicolon in the last sentence and inserting in lieu thereof ", however, upon prior written approval of the Corporation the foregoing prohibitions may be waived to the extent such transactions make sums available to be used to assist in the provision of housing for low and middle income families;".

§ 806. Extension of time for continuance of certain activities

Section 408(c)(2) of the National Housing Act (12 U.S.C. 1730a(c)(2)) is amended by striking "two" and inserting in lieu thereof "five".

§ 807. Statewide lending for Federal savings and loan associations

Section 5(c) of the Home Owners' Loan Act of 1933 is amended (1) by adding after "their home office" in the first sentence the following: "or within the State in which such home office is located"; and (2) by substituting the word "section" for the word "proviso" used in the last clause of the second proviso.

§ 808. Federal Savings and Loan Insurance Corporation reserve

Section 403(b) of the National Housing Act is amended by changing "twenty" in the third sentence to read "thirty".

§ 809. Savings and loan associations as pension trustees

Section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)) is amended by inserting before the next to the last paragraph a new paragraph as follows:

"Any such association is authorized to act as trustee of any trust created or organized in the United States and forming part of a stock bonus, pension, or profit-sharing plan which qualifies or qualified for specific tax treatment under section 401(d) of the Internal Revenue Code of 1954, if the funds of such trust are invested only in savings accounts or deposits in such association or in obligations or securities issued by such association. All funds held in such fiduciary capacity by any such association may be commingled for appropriate purposes of investment, but individual records shall be kept by the fiduciary for each participant and shall show in proper detail all transactions engaged in under the authority of this paragraph."

SEC. 810. Section 401(f)(2) of the Housing Act of 1950 is amended by striking out all that follows "increased by" and inserting in lieu thereof "$6,300,000 on July 1, 1970."

"STATE REGULATION

SEC. 811. Nothing contained in this title shall preclude a State or other local jurisdiction from imposing, in accordance with the laws of such State or other local jurisdiction, any valid nondiscriminatory tax, obligation, or regulation on the partnership as a taxable and or legal entity, but no limited partner of the partnership not otherwise subject to taxation or regulation by or judicial process of a State or other local jurisdiction shall be subject to taxation or regulation by or subject to or denied access to judicial process of such State or other local jurisdiction, or be so subject or denied access to any greater extent, because of activities of the corporation or partnership within such State or other local jurisdiction."

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. PATMAN).

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 17495) was laid on the table.

APPOINTMENT OF CONFEREES ON S. 3685, EMERGENCY HOME FINANCE ACT OF 1970

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the bill (S. 3685) to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Mr. PATMAN, Mr. BARRETT, Mrs. SULLIVAN, Mr. REUSS, Mr. WIDNALL, Mrs. DWYER, and Mr. JOHNSON of Pennsylvania.

HOW CAN YOU VOTE NO ON A HOUSING BILL?

Mrs. SULLIVAN. Mr. Speaker, I worked hard on the so-called emergency home finance bill just passed by the House. That measure has taken the full time and attention of all of us on the Housing Subcommittee, and of all of the senior members of the full Committee on Banking and Currency, for a long time. And we have now ended up—after 6 months of intensive effort—with a bill which

XUM

subsidizes the savings and loans, but does virtually nothing for the average American family. This has been a tragic waste of everyone's time, for the bill is now an empty shell.

As I said in the debate, President Nixon can claim any credit he wants to for the one administration proposal in the bill—title I to subsidize the lenders by $250 million so that they will continue to lend money at current rates of interest. There is no provision in the legislation indicating any concern over who gets the mortgages which this title would finance. They can be rich people, or subsidized very poor people, but the fellow in the middle will get no help. He can not afford a mortgage at today's interest rates. And he would not be any better off under this bill than he is now.

Reluctantly, therefore—for I hate to devote 6 solid months of hard work to a bill which is so weak that it does no good—I had to vote no.

This bill will be hailed as a great victory for the administration's housing program, but what it adds up to, as a result of the votes in the House today on specific provisions, is a big round zero—costing the taxpayers $250 million to subsidize lenders to lend to the rich.

"How can you vote no on a housing bill?" On this one, as it was mangled in the House, it was not hard to vote no.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed and to include relevant extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I have requested this time for the purpose of asking the distinguished majority leader the program for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the distinguished minority leader's inquiry, we will ask to go over upon the announcement of next week's program, which is as follows:

We are listing these bills for Monday and the balance of the week, which means Monday, Tuesday and Wednesday.

H.R. 17825, Omnibus Crime Control and Safe Streets Act Amendments of 1970, under an open rule with 3 hours of debate.

H.R. 16065, to amend the National Foundation on the Arts and the Humanities Act of 1965, under an open rule with 1 hour of debate.

S.J. Resolution 88, to create a Commission to Study Bankruptcy Laws, under an open rule with 1 hour of debate.

The Independence Day recess, as previously announced, will be from the close of business on Wednesday, July 1 until Monday noon, July 6.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time and that any further program may be announced later.

There may also be some unanimous-consent bills but I am not sure at this time.

Mr. GERALD R. FORD. I thank the distinguished majority leader.

ADJOURNMENT TO MONDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER pro tempore (Mr. HOLIFIELD). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that any business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AUTHORITY FOR CLERK TO RECEIVE MESSAGES AND THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DULY PASSED BY THE TWO HOUSES AND FOUND TRULY ENROLLED

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERSONAL EXPLANATION

Mr. PATTEN. Mr. Speaker, on rollcall 189, I was present all the time but did not answer to my name. Had I voted, I would have voted "aye."

PERSONAL EXPLANATION

Mr. GUDE. Mr. Speaker, during rollcall No. 190 this afternoon I was unavoidably detained on business with constituents outside the Chamber. Had I been present I would have voted "yea."

EQUAL TV TIME GIVEN TO DEMOCRATS TO REBUT PRESIDENT'S SPEECH

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. THOMPSON of Georgia. Mr. Speaker, this Congressman was interested in the decision of the three major TV networks to grant equal time to the Democratic Party to rebut the speeches of the President.

Clearly, this has never before been done. A similar courtesy was not shown the Republicans when the Democrats were in office. However, Mr. Speaker, if it is determined that this is fair, then I think we should be completely fair and forthright in time allotted the various parties.

Mr. Speaker, when the President speaks he is simultaneously covered by all the networks. The news programs that day give excerpts of this simultaneous coverage. The President, in effect, has one exposure though it is covered by all the networks.

Under the procedure which the networks are making available time to the Democrats, they will have a great deal more news exposure for the simple reason that the time is not granted simultaneously. Senator MANSFIELD has just yesterday spoken out on one of the networks. The radio and television stations last night carried excerpts of what he stated as news coverage. Now we must look forward to the same thing occurring a second and a third time as the other networks grant time for rebuttal.

It is obvious, Mr. Speaker, that this gives a much greater exposure, because of the three separate time intervals, than did the President's original simultaneous coverage.

It is for this reason, Mr. Speaker, that I have today requested the Chairman of the FCC to look into this matter and determine whether the spirit of the fairness doctrine is being violated by the networks through their failure to grant simultaneous rebuttal time.

Additionally, Mr. Speaker, I have also requested today of the FCC an opinion as to whether or not the fairness doctrine may also be applied to equal time for both antiadministration Democrats and proadministration Republicans in news programs. To even the most casual observer, it is very evident that antiadministration Democratic Members of the other body such as Senators FULBRIGHT, MCGOVERN, et cetera, receive a disproportionate amount of national newscasting time as related to proadministration Republicans.

If the networks are going to interpret the fairness doctrine to require their granting equal time to antiadministration Democrats to rebut the President of the United States, then I feel it is only fair and equitable that the fairness doctrine also be interpreted to require the networks to affirmatively seek out proadministration Republicans and allot them equal time to that given the critics in the news programs.

XUM

ABSURDITY OF DISTRICT OF COLUMBIA COUNCIL ACTION ON MARIHUANA PENALTIES

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, early this year it will be recalled that the District of Columbia City Council Chairman Gilbert Hahn, Jr., and Councilman Henry Robinson proposed easing the marihuana laws to the point of being a practical nullity. At that time I said:

> Certainly, if the enlightened thought is that the drug abuse problem will be resolved through educaton, no amount of effort will counter what the law tends to condone.

Earlier this week the District of Columbia Council gave preliminary approval to a proposed regulation that would make the "use" or "being under the influence" of marihuana a misdemeanor with a punishment, upon conviction, of no more than $300 fine and/or 10 days in jail. In addition, no police records would be kept on anyone convicted under the regulation, regardless of age or the number of convictions.

While crime in the District and elsewhere continues to be a problem of major proportions, one may well wonder why the city council finds it necessary to preoccupy itself with seeking new ways to circumvent existing drug laws by going off on a questionable tangent. Already applicable to the District of Columbia is the Marihuana Tax Act of 1937 which proscribes the sale of marihuana except as provided by the act. In addition, the already very lenient District of Columbia Uniform Narcotics Act penalizes the possession of marihuana by a fine of not less than $100 nor more than $1,000 and/or not more than 1 year in jail for the first offense. The U.S. attorney's office now has the option to recommend prosecution under either act, and its option would extend to the new regulation if finally adopted by the council.

Council Chairman Hahn suggests that the proposed regulation is an exercise of the council's police powers in an area that is not preempted by Congress. Such a position is very tenuous at best. More importantly, however, is the fact that the two new violations defined by the council's regulation are not as susceptible of readily obtainable proofs as are existing violations. The underlying purpose of the council's action, therefore, emerges as a thinly disguised attempt to provide for an alternative prosecution for which the proofs would be sufficiently difficult that a recommendation by the U.S. attorney's office to turn a case over to the District of Columbia Corporation Counsel for prosecution under the proposed regulation would have the practical effect of letting the accused off with hardly a scratch. It would certainly seem to me that the council majority should be somewhat more than casually concerned that the Acting Corporation Counsel has termed the proposed regulation "highly objectionable" as written.

I commend Councilmen Phillip J. Daugherty and the Reverend Carlton W. Veazey for their commonsense objections to the regulation and hope they can impart enough of this sense to the other council members before the final vote on the regulation is taken next week.

For the sake of comparison it may be of interest to note the comparable State laws in nearby Maryland and Virginia for possession of marihuana. Neither State has penalties for violations described by the proposed District of Columbia Council regulation as "use" or "being under the influence of" marihuana. For a first offense in Maryland, the new law enacted this year provides for penalties upon conviction of not more than $15,000 fine and/or not more than 5 years' imprisonment. Virginia's law specifies first offense penalties for possession of marihuana of up to $1,000 fine and/or 3 to 5 years' imprisonment. In both States, the violation is declared to be a felony. It would seem that the District of Columbia Council is asking for trouble by attempting to downgrade marihuana penalties relative to those in surrounding States.

THE GAO MEAT INSPECTION REVELATIONS

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MELCHER. Mr. Speaker, I have been deeply disappointed as a result of newspaper accounts of General Accounting Office finding during its investigation of contamination of meat products at 40 Midwest and Southwest packing plants.

I have not had an opportunity to study the report, but I have been looking into the meat inspection situation here in the United States, as well as inspection of imported meat, because I believe that it is crucial, both to consumers and to the welfare of our whole meat industry, from farmers and ranchers to retail stores. Unless the American housewife has complete confidence in the meat products offered for sale, the industry is going to suffer, and our diets will suffer.

One thing I know: if meat inspection is weak, we have some responsibility for it right here in Congress. Adequate inspection requires adequate appropriations for inspectors. I am very fearful that with our topsy-turvy sense of values and priorities in the current war period, the administration has failed to ask, and we have failed to appropriate, the funds necessary to build up our inspection staffs to a level adequate to make fully effective the Wholesome Meat Act.

We do not have enough inspectors either on imported meat inspection, to which I have referred before, nor do we have enough to handle the current amount of domestic work to be done, without the increasing responsibilities given the service by the Wholesome Meat Act.

Inspection service, because it is a matter of protection of consumers, is supposed to be provided by the Government. Packers are supposed to pay the Government for the service only when they extend operations from 8 to 10 or 12 hours a day for a brief period, or when there is a temporary unscheduled need for extra inspection service.

Because of a shortage of Government-supplied inspectors, however, these overtime assessments of packers are being built into regular operations.

I am told some packing plants which operate around the clock—24 hours a day—are supplied only enough inspectors for 16 hours. As a consequence, each inspector has to be on the job 12 hours, and the packer regularly has to pay for 4 hours of work from each of them at the overtime rate.

In spite of the shortage of Federal inspection manpower, the inspection staff is being reduced by attrition. I have objected vigorously that we have only 15 inspectors who travel abroad to keep check on 1,100 foreign packing plants which export to this country. I am now told that the number is 14, not 15. A reduction of one inspector may not seem very important but it is when it is one of just 15.

My attention has also been called to an article in the April–May 1970 issue of the Federal Veterinarian, which carries revealing that over the last 9 months, although the Consumer Protection Service responsibilities continue to grow, the number of veterinarians in the program has been reduced by 18. There were 85 appointments and 103 resignations, retirements, and deaths.

Since the healthfulness and sanitation of food products is involved, this is a situation that needs our immediate attention.

I shall talk with the appropriate committee chairman about it, but I hope other Members of the House—and certainly those who represent predominantly consumer districts—will join me in an effort to quickly provide sufficient funds so there can be no alibis for anything short of rigid inspection and maintenance of food standards in this Nation.

We must not allow our Federal inspection service to become as inadequate and imperfect as the General Accounting Office says it is.

TRUCK, AIR, MARINE, AND RAIL CARGO THEFT AND PILFERAGE

(Mr. WOLFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLFF. Mr. Speaker, there is a great and growing problem of theft and pilferage in truck, air, marine, and rail cargo shipments. While exact figures are not available because of inadequate reporting procedures, combined estimates for the four means of cargo shipments indicate a total loss last year of almost $1 billion.

It has been my privilege to work in this area of concern with the distinguished senior Senator from Nevada (Mr. BIBLE) who, as chairman of the Senate Select Committee on Small Business, has led a thorough and far-reaching investigation into this problem. Just this week the Senator has resumed his comprehensive and productive hearings into this area.

To help provide us with the means of gathering needed information about the extent and causes of the problem of cargo theft and pilferage and to provide recommendations to solve this problem,

XUM

the Senator has drafted legislation to create a Commission on Security and Safety of Cargo. I am pleased to be able to introduce a companion bill in the House today.

It is time that the available resources of the Federal Government and appropriate organizations in the private sector were joined in a total effort to solve this problem. This legislation provides us with the means for coordinating such a unified and thorough effort.

Finally, Mr. Speaker, it should be emphasized that the problem of stolen and pilfered cargo shipments is proving to be a serious drain on the economy. Small businessmen who are unable to insure shipments because of the prohibitive premiums are seriously hurt by this situation. And of course, as is always the case in situations such as these, it is the consumer who ultimately must pay the bill for business losses in interstate and foreign shipments. For if businessmen did not pass a significant portion of the cost onto the consumer they would be hard put to remain in business.

Now, under leave to extend my remarks, I would like to include in the RECORD a copy of an article from today's Journal of Commerce regarding stepped up efforts to control cargo thefts:

U.S. READIES WAR AGAINST CARGO THEFT

(By Robert F. Morison)

WASHINGTON, June 24.—The Treasury Department today disclosed a three-pronged attack on cargo pilferage in the country's ports and raised the additional possibility of establishing special security measures in high risk areas with the licensing of truckers entering these areas.

Assistant Secretary of the Treasury Eugene T. Rossides, who described the Treasury/Customs Bureau attack drew from Sen. Alan Bible (D-Nev.), chairman of the Senate's Small Business Committee, the comment that the Administration appeared to be "beginning to come to grips" with the pilferage problem that is estimated to be taking more than $700 million worth of goods annually from trade channels.

HAVE PROPOSAL

Mr. Rossides said Treasury/Customs had already proposed regulations for a uniform carrier reporting system which makes the disclosure of theft of imported merchandise more certain and may relieve carriers of the necessity of paying duty on such goods. Helen D. Bentley, chairman of the Federal Maritime Commission, testified that the probable need to pay duty on imported goods even though stolen and not landed discouraged such reporting.

Admiral Goehring, like Mr. Rossides and other witnesses, stressed again that "there is a lack of real definitive information in this whole area."

Mrs. Bentley, while claiming under present law FMC lacks direct responsibility for policing this type of theft, said her agency is "acutely aware" of its impact and "very definitely" plans to work out a reporting system so the extent of pilferage may be learned. "The cost of our exports are going up too much," she added, to tolerate any extra push from such a cause as theft.

She also noted that many containers are now opened and restuffed at U.S. ports, under labor contracts between employers and especially the International Longshoremen's Association in Atlantic and Gulf ports, thus offering "opportunities for more pilferage," at those points. By contrast, she said, foreign countries, although lagging behind the United States in containerization, "move them like they should" from inland point to one country right through into international trade channels.

Mrs. Bentley was not the only witness to observe that containerization—viewed once as a means of lessening theft and damage "hasn't improved" the pilferage situation "as it was expected to do."

Leonard M. Shayne, president of the National Customs Brokers & Forwarders Association of America, Inc., who called Treasury's program a "very important step in the right direction," also described the failure of containers to halt theft. Mr. Shayne suggested a number of remedial steps, including increasing the force of customs inspectors, closer supervision of cargo landing procedures by carriers, and stiffer and more uniform penalties for theft.

Mr. Rossides told the committee that about 5 to 10 per cent of the thefts that occur do so while freight is being unloaded from vessels and aircraft, some 15 per cent while such goods are warehoused, and 75–80 per cent "through collusion between truckers and the carriers' cargo handlers in delivering goods at the warehouse dock."

Mr. Rossides was quite emphatic that "organized crime is undoubtedly a significant factor in theft of cargo."

He also described customs experiment at JFK International Airport starting last April in which very tight security measures were applied.

BEHIND THE MEAT IMPORT DRIVE—AMERICAN ABSENTEES

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. MELCHER. Mr. Speaker, the meat import lobby continues to swarm over the Capital, both downtown and up here on the Hill, in garb intended to present the image of a great friend of the American consumer—folks just intent on helping poor people in America get cheap meat.

The Department of Agriculture pulled some of the sheep's clothing off the wolf recently when it banned mutton imports from Australia. USDA finally demanded that they get the dirt, ingesta, and other undesirable matter out of the meat, and that they quit butchering emaciated ewes with caseous lymphadenitis, which they bone out and then send the mutton over here to be put in hotdogs and coldcuts.

The Western Livestock Reporter, published at Billings, Mont., has just pulled a little more of the sheep's clothing off in an article in their June 11 issue by Editor Clark E. Schenckenberger, revealing that American capitalists are already a large factor in Australia and are trying to gobble up Crown pastoral lands and low-cost freehold lands there to raise meat—for export, of course.

Mr. Schenckenberger's article reveals that U.S. capital is behind one venture that now controls 4 million acres of Australian Crown lands, and behind another with 2.9 million acres of the pastoral property. They are also buying up private lands at $50 an acre capable of supporting a cow per acre—a fraction of land cost for cattle operations here.

It would be a 20th century bonanza if these operators could acquire a substantial part of Australia—which the Australians do not like a bit—and produce meat which they can ship to the United States under inspection standards distinctly inferior to ours, further enhancing their profits.

According to the Western Livestock Reporter article, the Australians are now attempting to block further land grabs in the Crown pastoral lands, but they cannot stop purchase of relatively inexpensive freehold, or private, land.

I want to serve notice that at least one U.S. Congressman who, as a veterinarian, knows something about the livestock and meat inspection business, has no intention of letting them get by with the export of meat to the United States that is produced under standards one bit inferior to ours in America in relation to the healthfulness, sanitation, or chemical residue standards.

The Minister of Primary Industries in Australia has talked of reaching a "compromise" with our meat inspectors.

We are not going to compromise on sanitation, healthfulness, or chemical poison content a bit; our law says their slaughter methods, inspection and standards must be "equal" to ours. A compromise is not "equal." We would be doing the real Australian people themselves a disservice to permit American capital to set up, at the expense of both Australians and our own consumers, a mechanism to escape the quality meat standards that we maintain in the United States.

The maintenance of our meat import limitations can very well be a boon to the native Australian people and prevent a speculative land boom that will displace their people from the land with tragic consequences.

The facts in the Western Livestock Reporter remove some of the sheep's clothing, the disguise, from the meat import lobby. It certainly begins to explain the large sums of money that are being invested in the employment and maintenance of a large stable of lobbyists here in Washington demanding repeal of our meat import law.

The Western Livestock Reporter article follows:

LAND RUSH OF SIXTIES DOWN UNDER

(By Clark E. Schenkenberger)

Australians fear take over by well financed Americans and other foreign interests, not only of Crown pastoral lands, but freehold lands as well. Their fears are well founded. The big get bigger and the lure of buying ranches at $50 per cow unit is strong, politics, the press and public opinion notwithstanding.

Last week in the first of this series of articles, we pointed out how one of our readers with connections in Australia had brought in to us considerable information about American money and technology in Australia.

One company, the Australian Land and Cattle Company, LTD (ALCO) is one of the largest and most active outfits down there, utilizing American money and knowhow to acquire leases on Australian pastoral land, develop it and make it profitable.

ALCO is not the only American company or organization functioning in Australia, but it was the activities of this company that stirred concern and awareness in the Australians.

The state of Western Australia and particularly the area in WA called the Kimberleys attracted the interest of ALCO.

During 1968 ALCO acquired control of several stations (ranches) in the Kimberley area. As 1969 wore on, it acquired more and

XUM

at year's end it became evident to the Australians that ALCO now controlled more than 4,000,000 acres in the Kimberleys; 4,270,000 acres to be exact.

At that point, Australians realized that Americans controlled more than 20 percent of the pastoral leases in the Kimberleys. In addition, an article in the Wall Street Journal pointed out that Americans owned or lease a great share of Australia's north. This included areas not only in Western Australia, but in Northern Territory and Queensland.

And it appeared obvious to the Australians that the Americans weren't going to stop there, but would move into the freehold lands (deeded lands) along the coastal areas and in higher rainfall areas.

"A veritable land rush of the '60's" one Aussie writer called it.

At this point, Australians were also worrying about inroads by other countries, not just American. British interests are large too, and could shortly make American involvement look like chicken feed

But Lands Director for the Northern Territory Y. O'Brien said that Americans controlled more than 43,000 square miles in the Northern Territory, or about 50 percent of greener top end.

But back to the topic of buying or leasing land.

While ALCO was gathering up the reins on over 4,000,000 acres, another company named Kimberley Cattle Pty Ltd. was busily gathering up control of nearly 3,000,000 more acres in the same area.

This company, Kimberley Cattle Pty, is 50 percent owned by two Australians; A.M.P. Society and Thomas Borthwick & Sons. Kaiser Aluminum and Chemical Corp. owns 25 percent and Placer Developments Ltd., Canada owns the other 25 percent.

This group picked up control of five stations with a combined acreage of 2.9 million.

Now the politicians got into it.

Australia has a law, the Land Act, which was amended to put a 1 million acre limit on pastoral holdings. In other words, the law said no one person or company could control over 1 million acres of pastoral land.

Yet here are two companies, ALCO and Kimberley Cattle Pty. who controlled 4.27 and 2.9 million acres respectively.

It should be mentioned here that the 1 million acre limit was put on after ALCO acquired their holdings, but before Kimberley Cattle got theirs.

But a government politician Lands Minister Bovell said the Kimberley Cattle Pty deal did not contravene the Land Act provisions because of the varied ownership of Kimberley Cattle Pty.

Opposition leader Tonkin, another politician, did not agree. He also referred to the ALCO deals as a circumventing of the law.

Lands Minister Bovell countered by saying ALCO had government approval before the Land Act was amended to strengthen the 1 million acre limitation, and had in fact inspired the strengthening of the Land Act.

About this same time a man named Court, who is Minister of the North-West, came out in favor of the development plans of ALCO in the Kimberleys. He felt the irrigation projects would go a long way towards turning that region into an important grain sorghum producing area.

But not everyone felt as Mr. Court did.

Now that ALCO and Kimberley Cattle Pty activities were out in the open and Mssrs. Bovell and Tonkin had squared off in disagreement, the Australian press picked it up.

The Australian press generally sided with the philosophies of Mr. Tonkin and felt Bovell and the Australian government had been remiss in allowing so much land to fall into foreign control.

Statements began to appear in the press like these: "With (Australian) government blessing, American interests, specifically the U.S. financed Australian Land and Cattle Co., will pick the eyes out of some of the best grazing country in the Kimberleys".

And "The (Australian) government has slammed the stable door with a resounding thump but the horse is galloping away over four million acres of Kimberley pastorial lease land".

So the Australians were vocally concerned over the loss of their prime grazing land to foreigners.

The American had ceased to be a savior and was now an exploiter.

In this atmosphere, ALCO made another application to gain control of several more stations totaling over 2.2 million acres. It was refused by the government.

Texas Oil Millionaire Nelson Bunker Hunt made a bid to gain control of a large land holding. It too was denied.

Incidentally, when ALCO applied to gain control of this additional 2.2 million acres, a station which our reader-informant was part owner was included.

He told us that ALCO's offer was $115,000. Later on our friend said they sold their station to an Australian group, for $65,000, which implied, is about what it was worth.

"The Americans are creating a tremendously inflated land market" he said.

Our informant said he also thought one of the ranches the Linkletters own was involved in the ALCO offer. (This would fit as Jack Linkletter, in his statement in the May 27 WLR, said they were negotiating the sale of one of their Australian ranches.)

But the real concern of the Australians spilled over into the area of freehold (deeded) lands. Prime, developed grazing land in the coastal areas will support one cow per acre with no supplemental feed. An acre sells for about $50.

And Americans are trying to buy this as fast as they can.

Think of it. An Australian deeded ranch at around $50 per cow unit. What do you have to pay in the U.S.? $800? $1000? $1200?

This, our friends tells us, is where the Australians are gripped by a deep seated concern that borders on fear and anger. The small Aussie rancher is being forced out of the ball game by big American money coming and buying up freehold lands as they become available. He can't afford to expand in the inflated land climate and like any other businessman, he must grow to prosper.

"Shucks", our friend told us, I sold my interest in the station up north, but I'm going back to Australia to see if I can't get some of the $50 an acre stuff before it's all gone."

He has his sights set for the area around Perth, in the extreme southwestern corner of Western Australia.

He spoke in glowing terms of the belly deep green lush grass, the clean countryside and the gumtree lined roads and driveways. "It's beautiful country".

But he pointed out that Australians think so too, and what's more, they want it for Australians.

Can you blame them? No, no more than you can blame the American cattleman for wanting the American beef market for American beef.

THE KOREAN WAR IN REVIEW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Feighan) is recognized for 10 minutes.

Mr. FEIGHAN. Mr. Speaker, today is the 20th anniversary of the commencement of the Korean war. When North Korea invaded the Republic of Korea on June 25, 1950, the U.S. forces retaliated with a successful beachhead at Pusan, and a landing at Inchon. Later, Chinese Communist intervention forced Allied forces back from the Manchuria-Korea border, but limited objective offensives by Allied forces from a new line near the 38th parallel created havoc with enemy forces until they requested a cease-fire. We accepted, and the negotiations lasted 2 years before an armistice was concluded. Many phases of the Korean war now remind us of our problems in Vietnam. We still maintain two divisions in Korea to keep the peace. And if for no other reason, than for our involvement in Vietnam, I commend to every Member of Congress a reading of a brief account of the Korean war.

As the Soviet Union was consolidating its empire in Eastern Europe, it pursued its objectives in Asia and the Pacific by using the Yalta agreements to occupy Manchuria, North Korea down to the 38th parallel, Sahkelien, and the Kuriles. Later, as China was becoming Soviet oriented, the Soviet Union set the stage for further expansion in Asia by organizing aggression in North Korea to take over the entire Korean peninsula.

To provide a political base for this objective the Soviets in 1948 sponsored the formation of a 'Peoples Republic" in North Korea, with the capital in Pyongyang, under their puppet Kim il Sung. This "People Republic" was organized under the direction of a Communist party, controlling all echelons of government, to exploit the human and material resources of North Korea. Further preparations included the training and equipping of 11 combat divisions with supporting tanks and artillery, two brigades, an air force, and a navy. During this training period a Soviet general staff was located in Pyongyang with advisers assigned to North Korean troops down to battalion level. Meanwhile the most modern technical comunications system was established between Pyongyang, North Korea, Changchun, Manchuria, and Khaborask, Siberia, to coordinate future plans and actions for this new military force.

By early 1950 there were signs of aggressive intent by North Korea. Maneuvers were held in the forward areas near the 38th parallel, patrols engaged in skirmishes with South Korean units on the border, and Radio Pyongyang assumed a strident tone against U.S. imperialism and the Republic of Korea. General Roberts, Chief of the U.S. Military Mission in Seoul, supervising the training and equipping of the South Korean security forces of 50,000 men, signaled Washington of these developments and warned that South Korea would be unable to withstand an invasion. Other ominous signs appeared when General Derevyanko, the Soviet representative on the Four Power Allied Council in Tokyo, and Jacob Malik, the Soviet member on the Security Council of the United Nations in New York both left their posts so that they would not be accountable for impending developments.

The climax came at 4 a.m., on Sunday, June 25, 1950, when enemy forces crossed the 38th parallel, invaded the Republic of Korea, overran the inferior South Korean forces in their path, and within 3 days occupied the Capital City of Seoul. Although the Republic of Korea Govern-

XUM

ment made its escape to the south, it was now abundantly clear the enemy possessed the capability and intention to occupy all of Korea, seal off the Sea of Japan, secure advanced air and naval bases, and threaten Japan, the main defensive link in our Western Pacific strategic frontier. This frontier provided the Americans with a defensive geographic arc extending from Alaska, through the Aleutians, Japan, Okinawa, Taiwan—Formosa—the Philippines, and the Marianas where Guam is located.

The United States was ill prepared for these developments. The country was undergoing peacetime adjustments, curtailment of its Military Establishment, and was placing abiding faith in the United Nations organization to maintain world peace. As a result our Army, air, and naval bases in the Western Pacific had become undermanned and weak. Our divisions in Japan were lacking in technical personnel and equipment and for the most part personnel in the ranks were enlistees with only 3 to 11 months' experience from the time of their induction in the United States.

Nevertheless, President Truman ordered General MacArthur, commander of U.S. Far Eastern Forces, to take all possible action to engage the enemy, and protect the sovereignty of the Republic of Korea. Simultaneously, the Security Council of the United Nations in New York passed a resolution condemning the enemy's aggression in Korea, and called upon the members of the United Nations to aid the Republic of Korea. When we went to war, the London Daily Express commented rather prophetically when it stated:

XUM

> Not much is known about that far-off land of Korea, but before the fighting is over, there is a very good chance that Korea will be a household word before the fighting is over.

To stem the tide while a beachhead was prepared, light arms were flown into Korea to establish blocking positions at points of contact, the Air Force flew missions from Japan and Guam to harass the enemy wherever they could be found, and the Navy blockaded the east and west coasts of the peninsula to prevent enemy enveloping operations on the South Korean coasts. For 6 weeks our troops fought from foxholes with rifles, hand grenades, and light rocketry, making every enemy advance a costly one. Our casualties were very heavy, but among those who lived, many were cited for extraordinary bravery beyond the call of duty. This enabled the establishment of the Pusan beachhead with a perimeter of some 170 miles, while more troops and heavy equipment were brought in from Japan and the United States, and the South Korean forces were regrouped. With the passage of time this beachhead held off the major portion of the North Korean forces.

Concurrently with the stabilization of the Pusan beachhead, preparations were made for an amphibious attack by the 10th Corps on Inchon 150 miles to the rear of the bulk of enemy forces lodged against the Pusan beachhead. This landing at Inchon involved practically every disadvantage known to specialists on amphibious warfare. There was an unusual tidal range of over 29 feet which would permit use of the beaches for only 3 hours in 12; at low tide there was a wide expanse of mud flats in front of the difficult beaches; the channel was narrow and the port facilities inadequate.

But a landing at Inchon had the prime strategic advantage of trapping the main elements of the North Korean Army, and cutting its major north-south supply arteries. This enveloping action on September 15, 1950, succeeded when it caught the enemy by surprise, and gathered over 170,000 prisoners. Gen. Alan Brooke, head of the British Imperial General Staff, has referred to this landing as the most brilliant strategic maneuver in modern military history.

With the capital of Seoul once again restored to the Government of the Republic of Korea, the American and South Korean forces were joined by welcome additions from the Philippines, Australia, Turkey, Thailand, and the Netherlands, Canada, France, and the United Kingdom. Personnel shortages in American units were made up by incorporating South Korean soldiers, serving the double purpose of bringing the U.S. units up to adequate strength, and providing training for the South Koreans which they could later pass on to their own forces which were undergoing expansion. The total United Nations combat ground forces now numbered about 420,000 of whom 177,000 were Americans and approximately 200,000 were South Koreans.

The defeat of the major forces of the enemy at Inchon created a stir in Moscow and Peking, but there was no change in their objectives in Korea, as new and massive aid was generated into the picture. On September 20, 1950, a joint Sino-Soviet Council met in one of the ancient ceremonial halls of the former Manchu rulers in the forbidden city of Peking and decided that: First, Communist China would aid the North Koreans with a task force of 800,000 troops organized from the ready divisions of their 1st, 2d, 3d, and 4th field armies stationed in Manchuria and North China; and, the Soviets to contribute a Russian-manned air force in the initial stages of the intervention, with three divisions of battle-hardened Siberian Koreans which had served in Europe in the Second World War. Within 1 month the Chinese Communists assumed positions of combat in the mountain fastnesses of North Korea.

Although these Sino-Soviet actions were unknown to us at the time, their possible intervention in the Korean war with volunteers was inherent in the situation. Therefore, in order to seal off the Manchuria-Korea border, mop up the remaining North Koreans, and bring the war to an early close U.N. forces with three columns made a dash for the Yalu River. This was approved by Washington.

During the first week of November 1950, the United Nations forces made contact with Chinese Communist troops in the high mountains and deep gorges near Manchuria, and it was soon apparent that our troops were forced into conditions to which modern means of war are less adaptable. Subzero weather, and the enemy's heavy fire from mountain positions stalled our attempts to reach the border, and much of our equipment was lost. It was now an entirely different kind of war, and an enemy offensive forced our retreat which became one of the most grievous periods of our military history.

There has been much discussion as to why the Chinese Communists were able to obtain such surprise in crossing the North Korean border. The fact of the matter is political intelligence failed to penetrate the Iron Curtain and provided no substantial information of enemy intent. Field intelligence was handicapped by the severest limitations. Aerial reconnaissance beyond the Manchuria-Korea border, which would have been our normal source of field intelligence, was forbidden. Avenues of advance from border sanctuary to battle area, only a night's march, provided the enemy with natural concealments. This left ground reconnaissance in force as the proper, indeed, the sole expedient. Here lies the basic reason for our debacle, otherwise, if aerial reconnaissance had been allowed beyond the Manchurian-Korean border, the United Nations command could well have detected the enemy's tactical plans, and taken precautionary measures.

The United Nations forces withdrew to a line, east to west, through Wonju, south of Seoul. From here our forces launched a series of limited objective offensives. The objectives were several: to regain the initiative; to keep the enemy off balance through our unremitting pressure; and to inflict upon him the heaviest possible losses in men and material. These successful limited objective attacks were known as operations Thunderbolt, Ripper, and Killer. Operation Killer during the month of May 1951, caused the enemy to suffer approximately 250,000 casualties, and it was known as the May massacre. The enemy lines of communications and supply had become overextended, and he was hurting.

Jacob Malik, the Soviet representative on the Security Council, who had returned to his seat on the Council, proposed a cease-fire on a nationwide broadcast. We agreed because the Korean war was costing too much, the homefront was tired of the war, and it had become a major issue in domestic politics. The rest of this brief story on the Korean war, without going into the details, covers over 2 years of agonized travail in negotiating an armistice. During this period the fighting continued along a fluid front between the 37th and 38th parallels, and our casualties were comparable to the formal period of the war.

To the Communists, acts of brutality, dishonor, and bad faith can be committed during the negotiations of a cease-fire or truce. These are their basic tactics. Just as coalition government in Communist practice is aimed at the continuation of the war by other means at the conference table. Since there is no limit to the aim, there is no limit to the methods. Negotiations for an armistice with this type of adversary is just no academic matter.

In previous speeches on the Vietnam War I have given lengthy commentaries on the problems of negotiating a truce on Vietnam, and I have made suggestions on how to avoid the travails of lengthy and misleading discussions. Among these I have suggested a fixed agenda when discussing a truce or armistice, a deadline on the discussion of any one item on the agenda, and strict supervisory methods in carrying out the terms of an armistice or peace settlement.

If we try these suggestions we may lessen our disappointments in talks with the adversary.

AN EXAMPLE OF HOW CERTAIN NEWS REPORTS DISTORT THE NEWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. FISHER) is recognized for 30 minutes.

Mr. FISHER. Mr. Speaker, the recent factfinding mission to Vietnam and Cambodia was the subject of some strange reporting by certain news media. I was one of the four Members of the House of Representatives who joined with three Senators, three Governors, and two White House aides, in making that trip—the sole purpose of which was to obtain the most accurate information currently available regarding certain aspects of our military operations in those countries.

Strange as it may be, the group had hardly been named before certain Senators, liberal press agents, and other regular war protesters attacked the credibility of the members and the usefulness of the mission.

"The committee is stacked!" the critics screamed. This blast was aped by an ultraliberal freshman Congressman, in what was probably one of his brighter moments, who gratuitously informed the public that "the facts had already been decided upon before the committee left Washington."

And so it went. The professional war protesters, an array of moratorium marchers, the critics of the Cambodian action—all became extremely disturbed because a factfinding mission was going to Vietnam. These people were unwilling to withhold judgment—not even until the facts were collected and a report of findings was made.

Being perhaps a bit naive, it was difficult for me to understand why anybody—would object to a mission designed to clear confusion by collection of facts. Down where I came from, we assume people are honest and on the level until proven otherwise. And we are understandably suspicious of those who without reason question the good faith of others.

It will be recalled that this trip followed by some 3 weeks the strike of U.S. and ARVN troops into Cambodian sanctuaries, which triggered some confusion as to the effects of the border crossing.

On the one hand the President had told the Nation the objective was to knock out vast storehouses of food and war materials, hidden in areas which had previously been treated as untouchable sanctuaries; that these supplies had been massed there for use in killing Americans and disrupting our Vietnamization and withdrawal plans. He gave assurance the strike would be swift and that all our forces would be out of Cambodia by June 30. This, he felt, would over the long pull save many American lives.

On the other hand, there were those whose first reaction was to interpret the action as an escalation of the war, who sincerely felt that it was not a wise move and could have the effect of prolonging and expanding the conflict. I am speaking of those who were sincere, who would listen to reason and welcome more light on the subject.

But as I have pointed out, there were some—a minority group—who appeared to be allergic to light and became nervous and disturbed by a factfinding mission going to Vietnam. Included were some segments of the press.

It was in this backdrop of conflict and confusion that the President sought an on-the-spot inspection and a revelation of the facts.

In Vietnam we got right down to business. We were briefed by our Ambassador in Saigon and his staff; by General Abrams and his staff; by his subordinates in the field; and by the top ARVN generals at their various headquarters. That included Lt. Gen. Do Cao Tri, known as "the Patton of Parrot's Beak" for his slashing World War II-type charges through the Communists' former sanctuaries. We visited several villages in the Mekong Delta area, met with village chieftains, local home guard police, and we talked extensively with defectors.

In addition, by helicopters we flew into Cambodia at two points, conferred with the Governor of Cau Doc Province, inspected bunkers and caches on Shakey's Hill, inside Cambodia, and we lunched with U.S. troops in another outpost where an intensive search and seizure of caches was in progress—and proving quite successful. At various places we saw tons of captured military equipment and medical supplies.

Before our departure from Saigon, we conferred for more than an hour with President Thieu.

Our probe included studies of enemy supply routes in Cambodia, leading into sanctuaries, and his ability to replenish the depleted military and food supplies, and to reorganize his scattered forces.

I have described the general scope of our coverage.

Mr. Speaker, at this point I include in my remarks a consensus report of our findings which, with the exception of a few reservations by one member of the party, was unanimous. Each of us contributed to the composition of the findings, which upon our return was presented to President Nixon.

The report follows:

REPORT OF THE PRESIDENT'S FACTFINDING COMMISSION ON SOUTH VIETNAM, JUNE 10, 1970

At the request of the President, our group undertook a whirlwind journey to Southeast Asia, leaving Washington, D.C. on June 3, 1970.

From June 5 through June 8, we met in South Vietnam and Cambodia with senior U.S. and South Vietnamese civilian and military leaders and with American and ARVN soldiers in the field. We visited villages and hamlets. We met with enemy defectors. We ranged into active battle areas. We visited with Cambodian soldiers. We were at liberty to see and talk with anyone we wished in regard to any aspect of the war.

Some of the group concentrated on the pacification program while others went into battle areas. Others visited Cambodia's capital. Some consulted veteran reporters in the area. While the visit was much too brief to be conclusive, most of us are agreed on the following broad points.

1. The Cambodian operations are militarily successful, certainly for the short term. Huge quantities of enemy arms, equipment, ammunition and foodstuffs have been captured. More than 10,000 of the enemy forces in Cambodia—an estimated one-fourth of the total—have been destroyed. Enemy command and logistical systems have been disrupted. Especially in the III and IV Corps Tactical Zones, the enemy's capability to conduct large-scale operations within South Vietnam has been substantially reduced for at least six to eight months. The confidence and morale of South Vietnamese forces have been undergirded by their proven mettle in battle and—as one top U.S. leader reported to us—as they have demonstrated a capability for combined force operations not deemed obtainable for at least two more years. The American servicemen we encountered also responded enthusiastically to this combat initiative.

We are agreed that the attack on the sanctuaries has produced important immediate dividends for the U.S. and South Vietnam.

2. We are most favorably impressed with the leadership of our own and ARVN military forces, and with the competence and dedication of State Department personnel in Saigon. Ambassador Bunker and General Abrams are extraordinarily able and effective leaders for our country. Our troops in the field are magnificent.

3. Military planning in Saigon, as in Washington, is firmly set on the removal of American forces from Cambodia by the June 30 deadline set by the President. All leaders we met with agreed that, due at least in some measure to the Cambodian operation, the scheduled U.S. troop withdrawals can safely and surely proceed. We conceive and hope that in coming months an acceleration of withdrawals may even become possible. Some ARVN forces will likely remain in Cambodia for an additional time to complete the very arduous task of locating enemy caches and removing or destroying the captured materiel. South Vietnamese leaders, both military and civilian, disavow any intention to position ARVN troops permanently in Cambodia or to allow any of their Cambodian activities to impair the Vietnamization and pacification programs within South Vietnam. They firmly state, however, that an enemy attempt to reconstitute the sanctuaries will provoke an ARVN re-entry.

4. U.S. embroilment in a wider war in Cambodia is not contemplated or expected by any of the top American or Vietnamese leaders we consulted on this trip. To the contrary, all of these leaders freely acknowledged the fact that June 30 is the deadline for the removal of all U.S. ground forces, including advisers, from Cambodia. ARVN forces will not be employed in Cambodia, according to our authorities, without the consent of the Lon Nol government. We are assured that U.S. support for ARVN forces will not be allowed to underwrite adventurist efforts in Cambodia by the ARVN at the expense of our objectives for South Vietnam.

5. There is noteworthy progress in the military and civilian aspects of Vietnamization, auguring well for U.S. disengagement and the long-term viability of South Vietnam.

On the military side, 115,000 Americans have left, and 150,000 more are to come home by next May. The Vietnamese are pridefully

XUM

taking their place. We were greatly pleased by the confidence—indeed, eagerness—of Vietnamese military leaders to assume their expanding role, despite the consequent marked reduction in U.S. casualties and the sharp increase in theirs. The Delta area—"the backbone of the nation," as a top American leader described it to us—is now wholly under Vietnamese military direction, our 9th Division having been withdrawn. Other important military areas have been moved under Vietnamese direction, including the defense of the Saigon area. Vietnamese military training has been increased by 30 percent and their military trainees in the U.S. tripled, including especially Air Force pilots—a skill at which the Vietnamese excel, according to reports volunteered by a number of our own military leaders.

On the civilian side of Vietnamization—the pacification program—progress is also encouraging. Our meetings with province and hamlet chiefs and our visits to representative villages were particularly rewarding in revealing the crucial role of local courage and leadership in regaining control in this nation so long undermined by subversion, terrorism, and war. The Vietnamese Popular Force units, roughly comparable to our civilian components, are sharply on the increase. Some 350,000 of the People's Self-Defense Force are now armed, forcing the Viet Cong to wage war on the people as well as on regular military units. Territorial Security Forces, now more than 500,000 men, are attaining a 3–1 weapons capture ratio today as contrasted to a 1–3 ratio only two years ago. The roads, the waterways, the railroads are improved and are increasingly secure in ever wider areas.

Enemy recruitment in South Vietnam is sharply down, so that almost three-fourths of enemy combat strength in this region now consists of North Vietnamese—a proportion almost exactly reversed from what it was in earlier phases of the war. Enemy defections were almost 40,000 last year, and our leaders anticipate tens of thousands more this year. Elections have been held in over 90 percent of the villages and hamlets and other important elections are near at hand—a presidential election next year, half of the Senate this fall, and 44 provincial councils this month. President Thieu is pressing for more election improvements, including a runoff requirement for the presidential election in 1971, and is attempting to develop coalition groups to reduce the political party proliferation in South Vietnam.

Noteworthy, indeed, we believe, is the continuing enthusiasm of village and hamlet chiefs to stand for election despite the obvious perils of these leadership positions targeted by the Viet Cong. In IV Corps we learned that despite an assassination rate of 8–12 a month, 82 percent of these 16,000 elective officials chose to run again, and 50 percent of them were reelected. Significant also is the fact that the newer leaders are younger and better trained.

In sum, we have both seen and felt an increasing vitality and confidence in this hard-pressed country. We share the conviction of our leaders in Vietnam that the present prospects are more promising than at any previous time during our long involvement in this war.

6. We were pleased especially by reports given us by our own leaders and President Thieu on the "Land to the Tiller" program, which promises to have a revolutionary social and economic impact throughout this country. This program, signed into law by President Thieu on March 26, is devised to end land tenancy and ultimately will distribute 2.5 million acres—60 percent of the cultivated riceland in Vietnam—to more than 800,000 rural families. Next month a series of two-week training programs will begin for 4,000 village officials who must administer this program. President Thieu expressed great enthusiasm for this far-reaching effort both for its intrinsic merit and for its countervailing influence against Communist land-redistributing propaganda. Our group commends his initiative and shares his enthusiasm.

7. Despite the heartening advance of Vietnamization, the improved operational capabilities of the RVNAF, the potential of land reform, the severe logistical embarrassments of enemy forces, the immediate tactical success of the Cambodian operations and the gathering strength of the Vietnamese political structure, we must not exclude the possibility of significant setbacks in the progress we have noted in Vietnam. Historically, there have been heartbreaks there, and this young republic will doubtless suffer more of them as an implacable enemy persists for an indeterminate time. An important indicator in coming months will be the manner in which the Republic of Vietnam measures up to these adversities. From the indications available to us, we deduce that the South Vietnamese have the tenacity and courage, and now hopefully have the time, to win their long struggle for survival.

8. Particularly for those among us who have been previously in Vietnam, the evidence of progress, military, economic, and political, is plainly evident. The clear impression we carry away with us from this brief but intensive survey is that at last in South Vietnam one can discern a genuine prospect for self-defense, a strengthening promise of political viability, and a growing spirit of confident nationhood. We prayerfully hope, and most of us believe, that all of this will be enhanced by the bold move into enemy havens in Cambodia.

9. On leaving this tormented region, we conclude that the objective of our country must continue to be neither military victory nor an indefinite continuance of our participation, and assuredly not an enlargement or broadening of our military role in Southeast Asia, but rather an orderly withdrawal of American personnel in phase with the mounting capability of the South Vietnamese to assure their own security and lead their own lives in their own way.

Mr. Speaker, I also include a copy of ome of my own findings, which supplemented the consensus report:

STATEMENT BY REPRESENTATIVE O. C. FISHER CONCERNING FACTFINDING TRIP TO VIETNAM

The group which went to Vietnam on a fact-finding mission spent four days in a search for information that would throw light on issues that have evolved out of the war, and particularly the action in Cambodia.

As a result of extensive briefings, travels into the hamlets and into Cambodia, I feel ve were able to nail down a considerable number of facts—facts which can hardly be disputed. And there is nothing quite as obstinate as a fact.

1. To begin with, it is a fact that there was a joint military move into Cambodia, where Communists were deeply imbedded in sanctuaries from which they were able to launch major military attacks against U.S. and ARVN forces, and also to supply Viet Cong operations inside Vietnam.

2. It is a fact that as a result of that military move into Cambodia, vast storehouses of military equipment and rice were captured before the enemy had time to move it. This included several complete hospitals, many tons of medical supplies, some 12-million rounds of rifle and machine-gun ammunition, and many tons of rifles, mortars and artillery pieces. And additional discoveries are being made each day as the search over a wide area is continued.

3. It is a fact that in much of the sanctuary areas the native Cambodians had during the past year been evicted by the Communists and were forced to seek other places in which to live.

4. It is a fact that 10,000 of the enemy were killed or captured during the Cambodian operation.

5. It is a fact that both U.S. and ARVN troops which participated in the Cambodian campaign performed exceedingly well, according to all accounts.

6. It is also a fact that in areas where native Cambodians were encountered, the visiting forces were well received. In fact, some Cambodian soldiers joined the South Vietnamese in the search for hidden Communist weapons.

7. It is a fact that the replacement, of both men and supplies, for the Communists will be very difficult, if not impossible to fully accomplish. That is due to the closing of the port at Sihanoukville, through which from 80 to 90 percent of the captured material had been received. The other alternative is the circuitous Ho Chi Minh Trail, adversely affected by floods and distance.

8. It is a fact that Communist forces which had enjoyed the unmolested tranquility of the Cambodian sanctuaries, now appear to be in considerable disarray as a result of the hasty retreat to avoid confrontation with U.S. and ARVN troops, which adds to the disruption of their war plans.

9. It is a fact that, according to every responsible authority, the Vietnamization program is proceeding even better than had been expected.

10. It is also a fact that, according to all responsible authorities, the Pacification program—particularly in Zones III and IV, which we visited—is progressing remarkably well. Many evidences confirm that fact, including the control now enjoyed by the South Vietnamese of the Mekong River and the delta area, as well as many other areas which were previously largely under VC domination. The VC-controlled hamlets dropped from 39.7% in 1967 to only 8.1% in April of this year.

11. It is a fact there were more than 30,000 defections from enemy ranks last year, and thus far this year there have been 14,000.

12. In general, it is a noteworthy fact that the people enjoy more security in their hamlets than in many years. They travel with more safety on most of the roads and waterways. More of their schools are open. Their commodities are in most of the hamlets being marketed with relatively little interference. They are more prosperous than in many years. They now, more than at any time in the past, enjoy and participate in free elections. Indeed, 90% of local hamlets and villages elect their officials through the democratic processes, which is more than twice the percentage of only two or three years ago.

In conclusion, these were some of the demonstrable facts which the mission to Vietnam was able to confirm and ascertain. Based upon what I saw and learned on the trip it is my opinion that, aside from the abortive Communist Tet offensive of 1968—the U.S.-ARVN strike into Cambodia has proven to be the enemy's greatest disaster of the war.

It will undoubtedly save many American lives; it will enhance the Vietnamization program, and it will, in my opinion, enable U.S. troops to be withdrawn probably even sooner than had been planned.

ERRONEOUS NEWS ACCOUNTS

Mr. Speaker, some of the news accounts covering our 4 days in Vietnam and Cambodia were quite ludicrous. Some I have read were biased, slanted, or distorted—obviously designed to discredit the mission and downgrade the validity of the findings. A study of the criticism which preceded the trip reveals a noticeable similarity to the tone of these slanted news reports.

To illustrate what I mean, I shall cite an example. Peter R. Kann, an on-the-scene reporter for the Wall Street Journal, called ours a typical VIP visit which he said had something of a "see Europe in 7 days" quality about it. "The VIPs," he revealed, "inspected three armies—American, Vietnamese, Cambodian—in the course of a single day."

Mr. Kann's obvious purpose was to give the mission the appearance of a glossed-over, hit-and-run approach, giving it a carnival-like touch. It was the sort of reporting one would expect from a typical war protester who condemns the kernel because he sees no good in the shell. That viewpoint automatically discredits any net gain that might be demonstrated from the Cambodian action. And the reporting is geared accordingly.

Now, in respect to the above quotation, what were the facts? The facts are that at no time did our group inspect any American Army, or any part thereof; no Vietnamese Army, and no Cambodian Army. Yet this news item was reported with a straight face.

The same writer referred in a disparaging tone to our visit to Shakey's Hill, in the Cambodian mountain jungle where a concentration of vast storehouses of enemy guns, ammo, and medical supplies were captured after having been bitterly defended by Communist die-hards. It was in fact a prize of major proportions. We went there to see for ourselves some of the bunkers and caches, and to learn more about the link-up of concealed Communist supply routes which fingered their way through that jungle vastness. But the Journal's alert reporter, who accompanied us in a helicopter, transmitted nothing that could be considered on the plus side and an indicator of successful aspects of the Cambodian strike. Figuratively speaking, he simply turned his head the other way and featured low morale among our troops—a condition which in my opinion was in reality nonexistent.

On Shakey's Hill the writer claimed:

> A young U.S. Army lieutenant looked over the names of the VIPs and commented: "Kind of looks like the President has programmed his feedback."

If there was a way of knowing, and if I were disposed to gamble, I would wager sizable odds that Mr. Kann drew heavily upon his own imagination. It sounded more like a subtle way the reporter had of expressing his own personal attitude.

That same reporter, pursuing his evident purpose to tone down the accomplishments of knocking out the sanctuaries, added:

> The men say they were told on May 2 that they were going off on a 3-day operation; they haven't been back to their base since. "Morale is bad, man; we're dragging," says one of a group of 10 G.I.s. Others agree. "We are bashed and we're scared," says another.
>
> The men . . . say they were moved into this area of jungled hills from their normal operating area in the flat and open Mekong Delta and that they aren't trained to fight in this terrain.

I do not know if Mr. Kann heard such statements. What I do know is that I talked for several minutes with a dozen G.I.s, including a half-dozen Texans. Other members of our party talked with others. There could not have been more than a hundred men on the hill when we were there. Those with whom I talked were enthusiastic and excited about their mission. I have seen lots of troops under varied conditions, and I know for a fact that the morale of these men was very high. A company of them had been deployed there from the delta, not on a combat mission as such but to retrieve the guns and ammo from the deep bunkers.

More than one of them, of their own volition, said to me:

> I don't understand why this (invasion of sanctuaries) was not done long ago. It'll save lots of American lives.

I feel certain that had Mr. Kann talked to the same men I did he would have received the same answers. But would he have included such comments in his news story? What do you think?

Then to cap off and show his true colors, Mr. Kann concludes with this:

> One wonders whether COSWN (Communist Central Office for South Vietnam) has its VIP visitors to contend with.

It would seem that the great Wall Street Journal could surely do better than this.

Incidentally, I heard one trooper say, in the presence of a dozen or more reporters, that in his viewpoint he would rather "discover and retrieve the guns and ammo and take it back with me than to leave it here and let the Communists send it to me."

There is no point in belaboring this matter and citing other examples of the same type of reporting which was encountered. That is, of course, the business of the media, but the public should have some sort of access to the other side of what actually happened and be alerted to this manner of reporting.

Nor shall I comment on a CBS TV report on our visit to Shakey's Hill. I saw a copy of the script used. Without taking the time to analyze it, I can say it contained far more fiction than fact. It was obviously done purely for showmanship and entertainment, hardly related at all to what was seen, heard, and done during our visit to Shakey's Hill.

Upon our return to Washington, when the plane landed at nearby Andrews AFB, a number of reporters and cameramen had already set up an array of microphones. One would think they were seeking light—some of the impressions gained on the trip. But instead it turned out that as the Governors and Senators appeared before the mikes they were subjected to a withering round of obviously hostile questions, innuendoes, and unfounded assumptions.

Setting the tone of the questioners, one of the interrogators asked one of our group:

> Governor, now that you are to make a favorable report on your findings over there, do you think the President will offer you a high spot in his Administration?

Mr. Speaker, there must be many highly reliable news reporters stationed in Vietnam. Perhaps some of those who accompanied us over there had become so bored with the war they had quit looking for or being impressed by those things which meant a great deal to me, in my own assessment of the Cambodian action and the present conditions as I found them in Vietnam.

VA APPROPRIATION ACCEPTANCE URGED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, I was delighted to learn today that the Senate Appropriations Committee approved the $9,085,528,000 budget for the Veterans' Administration for fiscal year 1971 adding $100 million to the House version of this legislation for the 1971 medical care budget. I fervently appeal to my colleagues in this body who will serve on the Senate-House conference committee to accept this increase. Anything short of this added sum would be a travesty for the American veteran.

Commendable as the bill approved by the House may be, it is still tragically inadequate to meet the ever-rising costs of medical services and the required facilities.

Although the proposed $1.7 billion budget approved by the House is a record sum for the VA's medical services, a careful scrutiny of the budget indicates that actually it is at best a stand-still budget. And it may well be a regressive budget.

The VA's proposed budget without the Senate increases, represents a $222 million increase over spending for VA medical treatment this fiscal year. But the 7.5-percent increase barely meets the enormously inflationary cost of providing medical care.

And it certainly does not come even close to dealing adequately with what I can only characterize as a dangerously enlarging crisis in the VA medical care system. Even the Senate's $100 million increase falls short of the need to eradicate many of the deplorable conditions at some of the veterans hospitals. And the excuse that further increases would be inflationary is unconscionable.

A double sacrifice of wounded Vietnam servicemen is being imposed. The war they are fighting is itself a principal cause of inflation. To use inflation now as an excuse for denying these veterans the level of services and benefits they deserve, is intolerable.

Since July 1, 1969, more than 50,000 Vietnam veterans were admitted to the VA hospitals and made 500,000 visits for outpatient medical care. The first problem of the VA hospitals is lack of staff.

The VA estimates its proposed budget increase would augment the staff by 5,000 persons, and the proposed Senate increase would be almost double this number. 1,100 persons should be trained in particular to treat spinal-cord injuries. I strongly recommend subprofes-

XUM

sionals to meet needs because of a shortage of physicians and registered nurses in local communities.

The GI's who have served their Nation so valiantly and who require medical services deserve the best we can offer. And the least we can do, as the representatives of the American people, is to provide them with the most modern facilities and finest medical expertise available.

NATIONAL SAFE BOATING WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CHAMBERLAIN) is recognized for 30 minutes.

Mr. CHAMBERLAIN. Mr. Speaker, recreational boating continues to grow as more and more of our Nation's people participate each year. The latest estimates for 1969 show a total boat population of over 8½ million; close to $4 billion spent for boats, associated equipment, and services; and about 43 million people participating in some form of boating each year—one-fifth of the population. Recognizing the potential growth of boating, the 85th Congress passed Public Law 85-445, calling for the annual observance of National Safe Boating Week. In accordance with this law, the President of the United States issued the following proclamation:

A PROCLAMATION

The pleasures of boating are known to many. Unfortunately, the potential hazards of boating are not so well known. As thousands of our fellow citizens take to the already-crowded waters each year, the potential danger to themselves—and to those who have enjoyed this pastime for many years—becomes increasingly apparent. Boating is and should be enjoyable, but it will remain that way only if the safety of all those engaged in boating is insured by knowledge and practice of boating safety rules.

Recognizing the need for emphasis on boating safety, the Congress, by a joint resolution approved June 4, 1968—72 Stat. 179—has requested that the President proclaim annually the week which includes July 4 as National Safe Boating Week.

Now, therefore, I, Richard Nixon, President of the United States of America, do hereby designate the week beginning June 28, 1970, as National Safe Boating Week.

The theme for National Safe Boating Week 1970 reminds us, "safe boating is no accident." As insurance against accidents, I urge the American boatmen to take advantage of the numerous courses available in boating safety.

I also invite the governors of the States and the Commonwealth of Puerto Rico and appropriate officials of all other areas under the U.S. flag to provide for the observance of this week. And to the many fine organizations who will voluntarily give of their time during this year's observance, I offer my appreciation in advance.

In witness whereof, I have hereunto set my hand this 21st day of January in the year of Our Lord, Nineteen Hundred and Seventy, and of the independence of the United States of America the one hundred and ninety-fourth.

THE PROBLEM

The emphasis placed on boating by this proclamation is clearly necessary when we examine the annual boating statistics report released by the U.S. Coast Guard on May 1. The report is required by the Federal Boating Act of 1958. This act provides for a standardized system for the numbering and identification of undocumented vessels, including pleasure boats of more than 10 horsepower, uniform accident reporting, and participation in these programs by the States. Since the effective date of this legislation, April 1, 1960, every jurisdiction but the States of Alaska, New Hampshire, Washington, and the District of Columbia have provided for numbering systems which have been approved by the U.S. Coast Guard and meet the standards set forth in this act.

There was a slight increase in boating fatalities in 1969—1350 as compared to 1342 in 1968. In its annual report, the Coast Guard revealed that 18.7 percent or 252 of the boating accident deaths last year involved rowboats, canoes, sailboats and other small craft without engines. These types of craft are not required by Federal law to carry lifesaving devices. During the same period the boats numbered in all States and territorial possessions of the United States reached an all time high of over 4.8 million.

Capsizing, as in past years, still remains responsible for the largest number of recorded deaths. In 1969, capsizing resulted in 41 percent of the total number of lives lost in boating accidents. This figure is about the same as the 1968 percentage. Of the 1,350 fatalities, drowning accounted for 1,260 victims, and 734 of the drowned either did not have or did not use lifesaving devices.

Last year a total of 5,239 vessels were involved in 4,067 boating accidents involving at least $100 property damage, an injury which incapacitates anyone for over 72 hours, or death. This is 128 less than in 1968. 1058 of these vessels were involved in fatal accidents, while 670 were in accidents resulting in injuries. The amount of property damage was over $6.3 million.

Since 1965 the estimated number of boats has grown 10 percent while the number of accidents has increased 8.8 percent. During the same 5-year period fatalities remained about the same. Even though the number of fatalities, accidents, and injuries have remained relatively small over the past few years, the number of boats in operation has increased appreciably. It has taken dedicated effort by the Coast Guard, the States and many fine volunteer organizations to accomplish this. What has been done, however, is not enough. The Coast Guard, with its responsibility for safety on navigable waters, and the States must do more in order to reduce these accident figures. We can hardly expect the number of accidents to remain stable, much less decrease, without additional resources and the proper legislative tools.

The Coast Guard has embarked on a four-pronged attack on the problems of boating safety called the 4E's—engineering standards, education, enforcement, and environmental concerns.

A boatman should expect that the boat he buys meets minimum safety standards. This is not the situation at present. While there are some safety requirements that can be enforced by the Coast Guard, they are not adequate and are too specific to adapt to new technology. The basis for these requirements is the Motorboat Act of 1940—responsive at the time but now woefully inadequate. Boats that comply with safety standards also help protect the public by breaking the chain of events that leads to operator error. The Coast Guard is seeking new legislation that is broad enough in scope to protect the public against the range of today's hazards.

This legislation is the Federal Boat Safety Act of 1970—H.R. 15041, S. 3199. Among other things, it provides for establishing minimum Federal safety standards for boats and associated equipment based on a documented need. For the first time the responsibility for building a safe boat will be placed upon the manufacturer. The boatman, of course, will still be responsible for the safe operation and proper maintenance of his craft. I support this bill and urge every member of Congress to do likewise.

Educating the boatman in the hazards of a relatively unfamiliar environment is another effective safety tool. The States, Coast Guard Auxiliary, U.S. power squadrons, American National Red Cross, National Safety Council, Boy Scouts of America, and many other organizations assist the Coast Guard in the enormous task of education.

To be effective, the millions of individuals comprising the boating public must be reached. The Coast Guard through boating films, safety publications, Coast Guard Auxiliary programs and utilization of boating safety detachments in public education activities, takes advantage of every opportunity to stress the practical aspects of boating safety. The Coast Guard also has close coordination with the boating industry, the National Safety Council, and other such vital organizations.

The Boating Safety Center is a new program designed to better provide boatmen with valuable educational materials and information. The Centers provide a single mobile location where the boatmen can obtain environmental information, a safety check of his boat, information on local conditions, legal requirements, and advice from the experienced and knowledgeable.

President Nixon has emphasized the critical need for decentralizing government. Historically, the concept of a Federal police force has been repugnant and has been consistently rejected. The Coast Guard therefore minimizes Federal involvement in law enforcement actions directly involving the individual. On waters of the United States where both Federal and State authorities have jurisdiction, they look to State and local jurisdictions to enforce those safety requirements with which the operator must comply. Federal enforcement is provided only where reasonable State capabilities are unavailable—particularly in coastal waters—or where safety violations are observed by Coast Guard forces.

This policy is reflected in the use of the Coast Guard's 41 boating safety detachments. These detachments are three-man teams which visit navigable lakes, rivers and other waters where boating activities are concentrated. The detachments, as well as 164 shore stations are the principal forces presently carrying out a safety patrol concept. This is a roving waterborne patrol designed to deter, detect, and report unsafe practices as well as educate the public. The mission of this enforcement and education, is to minimize unsafe practices such as speeding in congested areas, overloading, improper loading, operating while under the influence of liquor, operating in swimming areas, and operating in posted dangerous areas. The safety patrol concept will continue to be stressed on all water fronts this year.

Boating safety detachments have an effective broad impact because of their mobility and flexibility. Their effectiveness is not to be measured in the number of boardings accomplished, but rather in whether or not our waterways are made any safer; whether the boating public is better educated in safe boating procedures by the apprehension of the reckless or negligent operator; and finally whether the accident rate decreases. The Coast Guard plans to triple the number of boating safety detachments over the next 5 years. I strongly support this plant and urge those responsible to make every effort to increase the number of these detachments so vital to the boating safety program.

Water is the boatman's environment. While we cannot control the environment insofar as preventing storms or bad weather, the boatman can be provided with the best possible information while on the water. The Coast Guard has a study underway to provide better ways of warning the boatman about the weather. Much has already been done to expand the present systems as well.

BOATING SAFETY A JOINT EFFORT

The Coast Guard Auxiliary is extremely active in the education of the boating public in safe boating practices. As a voluntary nonmilitary organization, the auxiliarists' purpose is to promote safety in recreational boating. I congratulate the auxiliary on its dedicated and unselfish efforts to keep America's pleasure boaters safe. Its 28,000 members are experienced boatmen, amateur radio operators, or licensed aircraft pilots. The three basic programs carried out by the auxiliary are courtesy motorboat examination, public instruction, and operations: 418,450 persons were instructed in three safe boating courses last year; 192,011 courtesy motorboat examinations were performed; over 4,000 regattas were patrolled; and almost 10,000 cases of assistance were recorded.

In addition to the auxiliary, many other fine organizations participate heavily in safe boating activities. The U.S. Power Squadrons, American National Red Cross, and Boy Scouts, are just a few.

The States are also very much involved in boating safety and very concerned about what the future will bring. Educational efforts by the States are increasing as rapidly as limited funds permit. The Coast Guard works closely with the States on every aspect of boating safety. This can be easily seen in the number of State jurisdictions—41 with three pending—that have signed cooperative agreements with the Coast Guard. These agreements directly affect the coordination and effectiveness of safety patrols and enforcement activities. The encouragement of uniformity and comity among the different States regarding these boating laws is of vital importance to everyone involved with boating. The Congress, in the Federal Boating Act of 1958, established this, and Coast Guard policy encourages the principle. The mechanics of uniformity however are often complicated by the inadequacies of existing Federal laws.

NATIONAL SAFE BOATING WEEK

National Safe Boating Week—focusing attention upon the need of pleasure boatmen to know and comply with safe boating practices and regulations—begins June 28 this year as stated in the proclamation. Its objective is to emphasize efforts urging the more than 43 million people using boats on our waters to help keep boating safe; to teach important fundamentals of safe boating to newcomers; and to remind experienced operators as well as the novice to practice commonsense and courtesy afloat. The basic theme for this year's observance of the week is "Safe Boating Is No Accident."

National Safe Boating Week also pays tribute to the many persons and organizations who have contributed toward maintaining boating's fine safety record. Almost 2,000 Coast Guard auxiliary flotillas, U.S. power squadrons, boating clubs, States and other boating and safety minded organizations are expected to participate in the national Safe Boating Week observance in communities throughout the country. The concerned individual is truly the backbone of the effort.

Assisting the local organizations is the national safe boating committee, sponsor of National Safe Boating Week, principally by distributing promotional material; 7,500 promotional kits have been sent to local organizations all over the country. Promotional material has also been distributed to practically every major news media organization. The committee includes representatives from the U.S. Coast Guard, the U.S. Coast Guard Auxiliary, the American Boat and Yacht Council, the American National Red Cross, the American Power Boat Association, the American Water Ski Association, the Boat Owners Association of the United States, the Boat Owners Council of America, the Boy Scouts of America, the Corps of Engineers, the Environmental Science Services Administration, the National Association of Engine and Boat Manufacturers, the National Association of State Boating Law Administrators, the National Boating Federation, the National Fire Protection Association, the National Safe Boating Association, the National Safety Council, the Outboard Boating Club of America, the U.S. Power Squadrons, the Marine Division of Underwriters Laboratories, Inc., and the Young Men's Christian Association. To all of these organizations safety in boating is as important as it is to the individual and his family. To all of those national and local committees actively participating in National Safe Boating Week, I extend my congratulations. I urge all others interested in boating safety to join in making this an even more effective National Safe Boating Week than the successful ones in the past. Let us continue the good practices set forth by National Safe Boating Week throughout the year.

FEDERAL BOAT SAFETY ACT OF 1970

One final point Mr. Speaker, as I have mentioned previously, there are several inadequacies in existing boating law. I again urge Congress to support the Federal Boat Safety Act of 1970. With the tools in this bill, the Coast Guard and the States will be better able to keep our boating public safe.

DAY OF BREAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PURCELL) is recognized for 10 minutes.

Mr. PURCELL. Mr. Speaker, I am pleased to join with the gentlewoman from Washington (Mrs. MAY), the gentleman from Montana (Mr. OLSEN), the gentleman from Washington (Mr. FOLEY), the gentleman from Michigan (Mr. BROWN), the gentleman from Idaho (Mr. HANSEN), the gentleman from South Dakota (Mr. REIFEL), the gentleman from South Carolina (Mr. MANN), the gentleman from Illinois (Mr. ANDERSON), the gentleman from Nebraska (Mr. DENNEY), the gentleman from New Jersey (Mr. WIDNALL), the gentleman from California (Mr. TALCOTT), the gentleman from Texas (Mr. CABELL), the gentleman from Hawaii (Mr. MATSUNAGA), the gentleman from Mississippi (Mr. MONTGOMERY), the gentleman from Montana (Mr. MELCHER), the gentleman from North Carolina (Mr. LENNON), the gentleman from New York (Mr. HALPERN), the gentleman from Pennsylvania (Mr. ROONEY), the gentleman from Maine (Mr. HATHAWAY), and the gentleman from Maryland (Mr. FRIEDEL) in the introduction of a House joint resolution. It calls on the President to proclaim October 6, as a Day of Bread, and that week as Harvest Festival Week.

Last year we approved a similar resolution which resulted in a Presidential proclamation and a series of very successful observances here and abroad.

As chairman of the Livestock and Grains Subcommittee of the Committee on Agriculture, I am keenly aware of the need for closer cooperation within agriculture. In the case of the Day of Bread, we have an excellent example of wheat producers, millers, and bakers working together in the interest of their products. More importantly, the concept of a day of bread is spreading to other countries and to some degree will help foster international understanding. It is significant that bread and the other products of wheat provide more nourishment for the world than any other food, serving as a staple in the diets of 43 countries with a total population of almost a billion people.

Mr. Speaker, I hope that we will give speedy approval to this joint resolution

XUM

so that the wheat industry can move ahead with its plans for nationwide observances on October 6.

WALLINGFORD TERCENTENARY

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MONAGAN. Mr. Speaker, the town of Wallingford, Conn., is this year celebrating the 300th anniversary of its founding. In honor of the town's tercentennial a program of festivities has been scheduled from June 27 to July 4, including a parade on June 27 which will feature 100 bands and marching units and 70 floats. The town of Wallingford, England, is sending approximately 150 of its citizens, including members of its common council, to take part in the celebration. Wallingford, Conn., is in the Fifth Congressional District, which I represent. It is located 13 miles northeast of New Haven and has an estimated population of 35,900. The town's chief industries include the manufacture of silverware, instruments, electrical equipment, specialty steels, plastic resins, and apparel. Agriculture, particularly the growing of fruits and vegetables, is also of importance to the town. Choate, a famous preparatory school which has produced many of the country's outstanding leaders, is located there. For the benefit of my colleagues I should like to outline the colorful historical development of the town.

Like many towns in Connecticut, Wallingford was named after a town in Great Britain. The name "Wallingford" is derived from the Saxon word "Guallhenforde" meaning the "crossing by the old fort." Wallingford, Connecticut's British counterpart, was formerly surrounded by a wall and dominated by a Norman castle on the Thames River. Today what remains of the wall has been attributed to the work of Alfred the Great. The Norman castle was destroyed after its inhabitants gave their support to Charles I in the middle of the 17th century.

XUM

The town of Wallingford, Conn., dates its beginnings in early British Colonial America. The year 1660 brought the restoration of the monarchy in Great Britain thus foreshadowing an upheaval in British politics. The people who played dominant roles in the revolution which resulted in the execution of Charles I were forced to flee to either Europe or America. Two of the regicides who were high ranking members in the armies of Parliament were Edward Whalley and William Goffe. Along with John Dixwell both fled the immediate jurisdiction of the restored king and arrived in Boston on July 27, 1660. They were favorably treated by Governor Endicott and other high officials of the Boston colony until it was learned that these men were personally obnoxious to King James II and should be apprehended and executed as traitors. Upon learning of the order for their arrest the regicides fled the Massachusetts colony and sought the aegis of the adherents of Oliver Cromwell located in New Haven. On March 26, 1661, they passed through Wallingford on their way to New Haven. When the news of the royal mandate requiring their arrest reached New Haven, they were again forced to flee. Until they left Milford on October 13, 1684, where they had stayed for 2 years, they had been concealed in many places in the area. After leaving Milford they went to Hadley, Mass., which was then a remote frontier town where they hoped that their presence would not be suspected. According to an Indian deed of 1664, the place on which the town of Wallingford now stands was once known as "Pilgrim's Harbor." The area became known by this name because the regicides camped there for several days in order to obtain the security of the swampy wilderness. The name "Pilgrim's Harbor" was given to it by the early settlers in honor of the shelter and security the area provided for these men who while being regarded as traitors at home were regarded as patriots by the Colonial Americans.

A primary reason for the settlement of Wallingford by the English was the Indian menace. A bellicose tribe of Indians known as the Pequots inhabited the eastern part of the State, however, their power was felt west of the Connecticut River. Many of the other tribes in the surrounding area had been conquered by the Pequots after which dominion was established and a tribute was exacted. The Pequots held control over the Mohegans and Quinnipiacks thus extending their power as far west as Branford. It is not surprising that the Indians of western Connecticut welcomed the settlement of the English among them as a means of maintaining peace by affording them protection from the hostile attacks of other tribes. In the first treaty in 1638 concluded between Theophilus Eaton, John Davenport, and the sachem Mamauquin for the sale of New Haven it was specifically stated in the treaty that the Indians desired English settlement for protection. A second purchase of a tract of land was made on December 11, 1638, which encompassed an area 10 by 13 miles and which now includes the towns of New Haven, Branford, Wallingford, East Haven, Woodbridge, Cheshire, Hamden, and North Haven.

An attempt to settle Wallingford was first made in 1669, however, because of hostile Indians settlement was deferred until 1670. The earliest settlers came from Boston and New Haven and besides the threat of hostile Indians had to face such hardships as wolves, famine, and disease. The Court of Election held at Hartford on May 12, 1670, confirmed a grant of land made by the town of New Haven for the establishment of the town of Wallingford.

Lyman Hall was born in Wallingford, Conn., on April 12, 1724. He was graduated from Yale in 1747 and in 1751 he began the study of medicine. In 1757 he moved to Midway Settlement in Georgia where he became a prominent physician. At the time of the First Continental Congress political opinion was divided in Georgia with the denouement that no representatives from Georgia were sent to it. Lyman Hall was a popular and influential member of St. John's parish in Georgia. At first the people of St. John's parish tried to ally themselves with the town of Charlestown, S.C., however, their request was denied. Lacking any other alternative the people of St. John's parish elected Lyman Hall in March 1775, as their delegate to the First Continental Congress. He was accepted as a delegate from St. John's parish in the colony of Georgia on May 1, 1775. Lyman Hall's example as a delegate resulted in Georgia's appointment of a full delegation including Lyman Hall to the Continental Congress. He participated in the deliberations which led to the composing of the Declaration of Independence and was one of its signers. He retired from the Continental Congress in 1781 and in 1783 became the first Governor of Georgia.

The town of Wallingford was an early supporter of self-determination for the colonies. In September 1763, the British Parliament passed the hated Stamp Act which made it a requirement that all paper used in the transaction of business should be stamped and a tax paid. Among the colonists it was felt that this tax was inconsistent with the principles of freedom based on the English Constitution. In January 1766, a town meeting was held in Wallingford where it was voted that anyone using the stamps on any documents would be liable for a fine of 20 shillings which would be collected by the town selectmen for the amelioration of the poor. The resultant unpopularity of the Stamp Act caused its repeal in March 1766. In response to the passage of the Boston port bill which had the sole purpose of destroying Boston's trade, the people of Wallingford in November 1774, voted to appoint a committee to collect donations to be sent to Boston for the relief of the indigent sufferers of the port bill. On his way to take command of the Continental Army, George Washington passed through Wallingford in 1775, and he returned again after he had become President. On March 31, 1777, the town voted that each citizen of Wallingford who served in the Continental Army would receive a bounty of 5 pounds per year for 3 years service. The town established a tax on December 16, 1777, for the purpose of obtaining revenue to aid the soldiers and their families.

Wallingford, Conn., has participated in the growth and development of the United States. The town has not only participated in this historical development of this great country but has helped to spread the industrial revolution throughout the United States. Modern Wallingford continues to exhibit the energy and imagination which so ably characterizes the town's development in the last 300 years. I salute the town of Wallingford on its tercentennial and offer my best wishes for its continued growth and prosperity.

THE CURE MAY BE WORSE THAN THE DISEASE: THE CASE OF UNSAFE DRUGS ON THE MARKET

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, we are all aware that the human body is a very delicate and complex instrument. We know, too, that it is extremely sensitive to both stress and changes in its environment.

Today that environment is changing almost daily, and the change, in every instance, has been for the worse. Stress on the human body has increased accordingly. Our air is contaminated by harsh chemicals; the water in our rivers and streams is filled with sewage and industrial wastes, and the body is exposed to all these poisons.

A team of researchers has found that a close association exists between continued exposure to air pollution and eczema and asthma in children under 15. There is known to be a relationship between air pollution and cancer in the stomach. The human body has thus become the victim of its surroundings.

But today, I would like to talk about something that is receiving less publicity than the threat of the environment, but which also poses a serious threat to the health and well-being of our citizens. I am talking about the drugs and medications that are taken by so many of our citizens—drugs that, at some later date, are suddenly found to be harmful to their health.

Anyone who lives and who eats in our society cannot but be aware of the large amounts of artificial chemicals that have been introduced into our daily diets. The old adage that you are what you eat has changed from a pleasant homily to a frightening thought.

Some chemicals appear in the form of food additives—the most famous, of course, being cyclamate, the artificial sweetner that was recently found to be the cause of cancer in laboratory animals. In other cases, doctors have prescribed drugs to treat a specific illness only to find that the cure had worse effects on the patient than the disease

The Government has the obligation to protect the health and the safety of its citizenry. By allowing the sale of such harmful drugs, it is obvious that the Government is not living up to that obligation.

By its inaction, the Government has become a partner to a serious wrong that is being committed on the public. Both the public and their doctors have not been provided with information about the nature of the substances that they have been consuming or prescribing in such large quantities. Rather, the public has become the victims of overanxious drug companies putting their "wonder-drug. But in the past, the conferring of knowledge of their possible effects. The Government in most cases has stood by silently, or has reacted only after the drug has caused damage.

If a drug is given "investigational status" by the Food and Drug Administration, it means that the Bureau has not given its unqualified approval to the drug. But in the past, the conferring of such investigational status has meant "open season" for the widespread use and sale of the specific item. Thalidomide was a case in point.

At the exact time when drugs and medications are entering our market in increasing numbers, we find that the proposed Government budget is cutting funds for drug research. If adequate money is not provided for such research, we will once again have what we had in the case of thalidomide—the lack of rigorous testing prior to sale and the hit-or-miss discovery that the drug was harmful.

What is needed is a new scheme for the rigorous testing of drugs before they are placed on the market. I personally believe that such testing requires no less than an independent drug testing unit where true professionalism could be brought to bear.

Traditionally, the drug industry has maintained a great deal of pressure on the Food and Drug Administration, and too often, the drug industry has looked upon the results of the tests for a specific drug in purely economic terms. In fact, under present regulations, the drug industry has been the tester of its own drugs. Yet the industry has not always adhered to the highest standards of investigation. It has not always picked the best investigators nor has it provided these individuals with the fullest information on the range of hazards that may be expected.

I believe that it is time to take the element of luck out of drug testing. It is time to look into the long-term potential and dangers of a drug and rest content with the fact that it appears to have no immediate harmful effects.

We must once and for all remove the threat of having another thalidomide on the market. We must bring an end to the abbreviated and deficient drug-testing studies of the drug manufacturer. For as long as these old procedures remain intact, the threat of an unsafe drug on the market remains all too real.

In November of last year, with several of my colleagues in the House, I introduced a bill authorizing the creation of a National Drug Testing and Evaluation Center. This National Drug Testing Center would assume the responsibility for the testing of new drugs that is now in the hands of the drug manufacturers.

I believe it crucial that an outside and professional organization carry out such testing—an organization free from political pressure and free from the pressure of the drug industry. Only in this way will more objective and more complete research and reporting go into drug testing.

Unfortunately, no action has yet been taken on this bill, so at this time the work of the Center remains only potential. Yet we continue to hear of unsafe drugs and food additives being bought and sold on the market; we hear of only limited formal testing; we hear of drugs that have been used by millions of people suddenly being declared "unsafe."

It is time to have some action from this Congress. I am asking the House to act to retain the strictest standards for drugs, to allot more money for drug testing, and to promptly consider the measure creating the National Center for Drug Testing and Evaluation. The well-being of our citizens requires that no less be done.

FEDERAL BROKER-DEALER INSURANCE CORPORATION

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, 10 months have elapsed since legislation was introduced calling for the creation of a Federal Broker-Dealer Insurance Corporation. The urgent need for such an insurance corporation has been highlighted by the recent failure of seven major brokerage houses. Over $15 million have been lost as a result of these sudden failures. Millions more will be lost unless this Congress acts quickly and decisively.

This legislation authorizing the creation of the FBDIC does not seek to merely analyze the problems of the brokerage industry. We have had enough analysis, and now it is time to act. This action would protect the investors who are in danger of great financial loss if a brokerage house fails.

A broker is not merely a buying and selling agent whose responsibility to the customer ends with the termination of each individual transaction. These balances are used by the broker to finance the operation of his business in the same manner that banks use their cash reserves.

If a brokerage firm should go bankrupt due to operational or financial difficulties, the investor's credit balance vanishes as does the broker's other assets.

The current condition of the securities industry is a serious one. In addition to the seven brokerage houses which have already failed, 62 other firms are under observation as being in poor financial condition. Every day there are rumors of more insolvencies.

At present, there is no form of protection for the innocent investor who finds himself the victim of his broker's bankruptcy. It is the purpose of this bill to provide such protection.

Once the FBDIC is established investors need not be penalized if their brokerage houses fail. In the event that a broker should become insolvent, the FBDIC would immediately make complete payment of all insured customer accounts either by cash or by the securities to which the customer is entitled under section 7(b).

Under section 5(a), every broker would be assessed by the FBDIC at a rate of one-half of 1 percent of the broker's net capital each year. Fifty percent of this assessment would then be transferred to the corporation's capital account, and would thus contribute toward payment of their next year's assessment—section 6(a).

The FBDIC would be further financed by $200 million in the form of capital stock, which would be subscribed for by the Treasury Department—section 11(a).

Thus, the insurance would be of no extra cost to either the taxpayer or the investor.

Recognizing the gravity of the situation, the brokerage industry itself has come up with some tentative proposals.

The New York Stock Exchange is considering expanding its trust fund to $100

XUM

million, to protect its customers against brokerage house failures. The present NYSE trust fund has been depleted by recent bankruptcies to only $1.6 million.

The SEC has approved a $15 surcharge on all transactions of less than 1,000 shares, to increase the cash reserves of brokerage houses.

An industry task force has proposed creation of a private insurance corporation to deal with the problem.

However, we have heard that potential losses may be of such magnitude that we can no longer rely entirely on funds raised by the securities industry. If the credit of the Federal Government is made available through an insurance corporation, it will restore investor confidence and help the securities market out of its current slump. The full credit of the U.S. Government would be available under this bill.

Furthermore, if we are to establish fair insurance coverage for all investors, we must extend that coverage not only to those who have invested with brokers on the major stock exchanges, but to those whose savings have been entrusted to brokers who are not members of any of the major exchanges.

While testifying on this very subject, Mr. Hamer Budge, president of the SEC said:

> The trust funds set up by the exchanges are voluntary, and the exchanges have asserted that they have no legal obligation to the customers of their member firms in this regard. Moveover, customers of broker-dealer firms which are not members of any of the exchanges are not afforded the benefit of any trust fund.

Mr. Budge went on to further endorse the concept of an FBDIC saying:

> There would seem to be little question that some form of comprehensive insurance system would be indicated.

The stock market today is no longer the private territory of the rich. The man of middle income has also invested heavily. Thus, we must assume measures which will protect not only large investors, but will extend protection to the small investors who are seriously hurt by brokerage failures. In the last year, off lot trading, an accurate gauge of small investor participation, has decreased by 45 percent, indicating that the small investors are being forced to the sidelines by the tremendous losses they have had to absorb. Only the Federal Government has the resources to provide the necessary protection as well as restore investor confidence in the securities market.

The Federal Bank Deposit Insurance Corporation, like the Federal corporation which insures savings deposits, will serve a dual purpose: It will protect individual investors from the disastrous effects which follow the failure of financial institutions, and it will increase the soundness of these institutions and restore public confidence in them.

The speedy adoption of such legislation is imperative to our economic wellbeing.

STATE ATTORNEYS GENERAL AND THE SACB

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, I have introduced a bill to strengthen the internal security of the United States by amending the Internal Security Act to provide the means by which the attorney general of a State or Commonwealth may, when he has reason to believe any organization is a Communist-action organization or a Communist-front organization, file with the Subversive Activities Control Board and serve upon such organization a petition for a determination by the Subversive Activities Control Board for a determination that the organization is either a Communist-action or a Communist-front organization.

It has been approximately 20 years since Congress passed the Internal Security Act and in that period of time the act would appear to have been utilized less then was envisioned by the framers of the legislation.

Law enforcement officers in many parts of the country are resourceful and dedicated in connection with duties vested in them by State law. My bill, H.R. 18204, will serve as a useful tool in our Federal-State concept of law enforcement and justice.

There exists in many of our large cites a branch of the police department whose duty it is to maintain surveillance over suspected subversive activity. I would surmise that the main power and effort supported by the taxpayers for local intelligence operation are considerable. It does appear to be a waste that those efforts cannot at this time be utilized in an appropriate Federal forum.

In the case of *Pennsylvania* v. *Nelson*, 350 U.S. 497 (1956) the Supreme Court reversed a State sedition conviction on ground that the Smith Act preempted that area. My bill would provide a method by which State officials concerned with subversive activity in their jurisdiction could secure a hearing before an independent board set up by the Congress as an independent quasijudicial agency with considerable expertise in this specialized field.

In the operation of this proposal, if enacted, I would contemplate that a screening process would be implemented which would assure that each and every request by the State Attorney General would receive initial study before hearings. The General Counsel of the Subversive Activities Control Board could conduct an executive session hearing to determine if merit exists in the request from the State and then certify it to the Chairman of the Board for appropriate action. While I would anticipate that no specious requests would be made, it is entirely consistent with our efforts to assure that all actions are completely justified to include this safeguard.

The text of the bill follows:

H.R. 18204

A bill to strengthen the internal security of the United States

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled that the Internal Security Act of 1950 (title 50 U.S.C.) is hereby amended by adding a new section as follows:

"(1) Immediately after the last word of section 13(a) the following new subsection 13(a)(1)—

" 'The Attorney General of a state or commonwealth shall have power to initiate cases before the Subversive Activities Control Board. This power of a state or commonwealth Attorney General shall be co-extensive with and shall be exercised in the same manner as, the similar power conferred upon the Attorney General of the United States by this Act. Proceedings before the Board, and with respect to Board action, upon a petition filed by the Attorney General of a state or commonwealth pursuant to the authority herein granted and the powers and duties of the Board with respect thereto, shall be the same in every respect as such proceedings upon, and the powers and duties of the Board with respect to, a similar petition filed by the Attorney General.' "

DOES THE AEC LIE? WELL—YES, NO, MAYBE, NOT QUITE

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, in the current issue of one of the newest magazines devoted to the foibles of the Federal Establishment—executive, legislative, and judicial—The Washington Monthly, there are two articles dealing with our Government's great sacred cow—the Atomic Energy Commission.

For one who has spent no fewer than 12 years trying to get the Congress to review and investigate the policies of the superagency—my current bill is House Joint Resolution 83—it is a considerable comfort to learn that the public and the news media are finally beginning to examine the workings of one of the Nation's most powerful yet nearly invisible agencies.

The tenor of the first article I bring to your attention, "Atomic Power Abuse: The AEC in Colorado" by Anthony Ripley, is found in one of the truest statements I have ever heard about the AEC. Mr. Ripley quotes a Boulder biochemist as saying:

> The AEC publicity doesn't tell outright lies, it tells that part of the truth which is favorable to the AEC and ignores the rest.

The article goes on to explain other "coverups" practiced by the AEC concerning the Rocky Flats facility, and the Rulison project blunders, and the cancer deaths of the uranium miners. Mr. Speaker, to think that an agency of the Federal Government can get away with this type of antipublic behavior is, I am afraid to admit, a terrible indictment of the inattention of the Congress to the nuclear genie we have allowed to roam unattended throughout the land.

Speaking of a dangerous situation such as at the Rocky Flats facility, I am reminded that the news media is still maintaining its "golden silence" on the explosion which occurred in May at the Enrico Fermi plant near Monroe, Mich., which I mentioned on the floor of the House on June 18.

The other article from the Washington Monthly I bring to your attention today is, "Atomic Power Abuse: The Marginal Nuclear Utilities," by Richard Karp. I do not need to review the article for you here, however, I would like to point out that had the Congress adopted my resolution concerning an investigation of the civilian nuclear powerplant program any time during the last 12 years, we might not now have to be reading articles such as Mr. Karp's on the economics—or lack of same—of nuclear powerplants.

Mr. Speaker, there is of course a way for the public to be reassured about our nuclear program, but we in Congress will have to overcome our reluctance to take on the mighty bureaucracy represented by the Commission, the industry, and the Joint Committee, that is, the Atomic Establishment Complex. Perhaps we will now that the news media is beginning to show the warts on the heretofore shining visage of the AEC.

The two articles from the Washington Monthly follow and I recomend they be studied closely by all concerned Members of Congress:

ATOMIC POWER ABUSE: THE AEC IN COLORADO

(By Anthony Ripley)

They were stinging words that Colorado's Lieutenant Governor Mark Hogan aimed at the mighty and once-sacred Atomic Energy Commission. "The AEC has gone too far," Hogan said. "It's back is going to have to be broken." The agency's officials, he charged, "if they are not telling falsehoods, are talking in ways that are meant to deceive."

Such harshness is expected from political mavericks or sandwich-board fanatics. Mark Hogan is neither. He is a blue-eyed, handsome, organization Democrat—a careful, studied, ambitious politician. But Hogan's attack on the AEC is a measure of the rapidly rising doubt felt in Colorado about the benefits of the atom and about the operations of the federal agency whose power and expertise in this arcane field have in the past gone virtually unchallenged, and whose insistent claims about its own safety precautions have been generally accepted. The doubt and concern are intense enough, in fact, so that Hogan, running for governor this fall against popular incumbent Republican John A. Love, has felt secure in making atomic energy an issue in his campaign.

Agitation over the workings of the AEC is not confined to Colorado. Groups in other states across the country have been raising questions and voicing qualms about the agency, which was established in 1946 to bring atomic power under civilian control. Elsewhere, though, the major focus has been on the safety and environmental hazards posed by nuclear-powered generating plants. But the people of Colorado have a greater variety of nuclear worries.

Hogan's attack, for instance, was prompted by the publication of a report, drawn up by non-agency scientists, which revealed that the AEC's Rocky Flats plant, located on a high, windswept rise between Denver and Boulder, had leaked highly toxic plutonium oxide into the surrounding countryside. The fire-prone plant, which makes plutonium triggers for hydrogen bombs, is operated by Dow Chemical Company. Its plutonium oxide leak came on May 11, 1969, during one of the most costly industrial fires in the nation's history. The AEC and Dow at first denied there was any release of radioactivity but later were forced to admit it.

Also troubling people in Colorado are the effects of Project Rulison, an underground nuclear explosion set off last September under the western slope of the Rocky Mountains, near Grand Junction. Rulison was to be the first of several hundred underground shots in the same area aimed at freeing deposits of natural gas by cracking rock deep beneath the surface. The initial explosion cracked things above ground, too. By the beginning of May, over $76,000 had been paid in property damage claims from the tremors of the blast. The gas produced, tainted by radioactivity, will be burned off, releasing some radioactivity to the atmosphere. The exact amount involved and its danger is a matter of controversy.

In Grand Junction itself, the Colorado Department of Health is installing new radiation sampling equipment in private homes, offices, and businesses. Its purpose is to monitor radioactivity given off by the gray, sand-like wastes from uranium milling which builders, until the practice was stopped in 1966, used as fill under concrete slabs and basements. These wastes, called tailings, produce a radioactive gas that seeps through concrete. Radioactivity levels in some houses, with 24-hour-a-day exposure, are well beyond what is permitted for miners on an eight-hour shift in a uranium mine. Other tailings have washed into rivers, bringing radioactive pollution downstream. In all, there are about 15 million tons of such tailings piled around the area of the Colorado River basin.

Another radiation problem, the state's oldest, is the high death rate among uranium miners on the Colorado Plateau. Of 6,000 men who have mined uranium, health officials predict 600 to 1,100 will die of lung cancer by 1985. It is a tragic replay of the lung cancer deaths in Europe among miners who dug radioactive ores for Pierre and Marie Curie.

If the range of nuclear-related problems in Colorado is broader, however, the concern wider spread, and the furor correspondingly more vigorous than elsewhere in the country, the behavior of the AEC in all of this has been different merely in degree, not in kind, from what it has been in other states. The evasiveness, the absence of genuine consultation, the reluctance to accept responsibility, and, above all, the mistakes in judgment demonstrated by the agency may have been exacerbated by the scope of its activities, but with the constantly expanding use of atomic power, there is every indication that what has been happening in Colorado is a portent, not an aberration. The implications for the rest of the country are only too clear.

Some of the protest against the AEC in Colorado grew from the work of the Colorado Committee for Environmental Information, one of a number of non-profit information groups run by scientists across the nation. Dr. H. Peter Metzger, a Boulder biochemist, is president of the Committee. He believes the AEC record in the state has been "tragic." There is no way to argue or explain away, he says, the deaths of the miners, the plutonium leak, the property damage from Rulison, or radiation from the tailings piles. But the agency's officials have tried, and in soft pedalling their problems in the state they opened a substantial credibility gap. "AEC publicity doesn't tell outright lies," says Dr. Metzger. "It tells that part of the truth which is favorable to the AEC and ignores the rest. The AEC people simply create an incorrect impression in the mind of the listener and allow it to remain there. Only the technically sophisticated questioner can get the whole truth out of them. Let's face it. Congress has charged the AEC to promote atomic energy. We don't expect other promoters to tell the whole truth. Why should we expect it from the AEC?" And more than the credibility gap is involved. The agency, says Dr. Metzger, operates in secrecy, is self-policing, and controls its own information. "That," he adds, "is a recipe for corruption."

The Dow Rocky Flats plant incident justifies all Dr. Metzger's severity. Dow is proud of its industrial safety record. "There are," it point out, "only three industrial records which surpass the Rocky Flats mark," set seven years ago, of 2,122 consecutive days without a disabling injury. What the pamphlets don't mention is that plutonium is pyrophoric—spontaneously combustible—and that fires have been a constant trouble at the plant. The May 11 blaze created an additional and particularly pesky kind of trouble. "After some 18 years of relative obscurity," states a 1970 Plant Information Summary, "the Rocky Flats plant in 1969 was thrust into headlines across the nation."

The plant had been obscure by design: secret weapons work was being done there, which the management did not much like to talk about, any more than it had talked about the fires—almost all of them plutonium—which had preceded the big one, or more than it would talk about those that were to follow it. The leap to national attention was not immediate, however. There were reports about the May 11 fire in the local newspapers, but not until several months had passed and some interesting Congressional testimony was released did the fire make page one headlines. Then it was revealed that nine days after the blaze Defense Department and AEC weapons experts had gone to Congress for a $45 million emergency appropriation. The fire, they said, had entirely halted United States nuclear warhead production (Rocky Flats is one of eight interlocking plants manufacturing the warheads).

None of the first official utterances on the subject of the fire indicated the true extent of the damage or gave any hint that there had been contamination of the surrounding area. On this latter point there was, in fact, outright denial. Less than a month after the blaze occurred, Lloyd M. Joshel, Dow's general manager at the plant, issued a statement declaring that "there was no radioactive plume of smoke and there was no other type of release of radioactivity to the atmosphere or the environment." As things developed, it was an unfortunate limb to climb out on.

A November report from the AEC investigating team found evidence of "slight exterior contamination" on the roofs of two buildings although it stated that "there is no evidence that plutonium was carried beyond the plant boundaries." But this, too, it turned out, was less than the truth. On January 13, a team of investigators for the Environmental Information Committee, headed by former West Pointer Dr. Edward A. Martell, sent a report to Glenn T. Seaborg, chairman of the AEC. It was this report which provoked Lieutenant Governor Hogan's outburst: it relayed the discovery of substantial amounts of plutonium in soil samples taken at distances up to four miles from the plant. Dow and the AEC, the Martell group contended, had used insensitive monitoring equipment and thus had missed the plutonium releases, or had failed to follow up on the possibility that danger might exist. For shortly after the Martell report, an AEC paper entitled "Safety Consideration in the Operations of the Rocky Flats Plutonium Plant" conceded that "smoke from the fire was seen at various times to have drifted off at a low angle to the south." The AEC finally admitted that the fire had indeed released some radiation beyond the plant boundaries. But in contrast to the Martell group, which charged that the releases were extensive enough to "pose a serious threat to the health and safety of the people of Denver," the agency insisted that the amount was not "significant."

There is general agreement, in which the AEC concurs, that plutonium is terribly dangerous if inhaled—it can, among other things, produce lung cancer. Since its half-life is over 24,000 years, the pollution it brings about is essentially permanent. On the other hand, there is some scientific debate about what constitutes a "safe" level of inhaled plutonium, and the AEC is evidently reluctant to act too hastily. Though the Martell report dwelt on the questionable wisdom of having a major plutonium plant 16 miles from downtown Denver, no such doubts seemed to beset the agency. Rather than

XUM

moving the fire-prone plant, the AEC was, at the time of the report, busily engaged in repairing it and had started construction on a new $75 million production building.

On May 2, the Rocky Flat plant held its first family day in 19 years, to counteract some of the bad publicity.

Project Rulison was a different sort of episode. On September 10, 1969 a 40-kiloton fission bomb was exploded 8,442 feet below the surface in a draw leading up to Battlement Mesa, about 45 miles east of Grand Junction. It was not a military test but one aimed at freeing underground supplies of natural gas. It was part of the AEC's Plowshare program, which tries to find useful civilian work for atomic bombs. The industrial co-sponsor was the Austral Oil Company of Houston with CER Geonuclear Corporation of Las Vegas hired as manager.

Before the explosion, much of the opposition centered on the danger that any gas produced by the underground shot might be radioactive. The aim of the test was to crack heavy rock formations which contain natural gas but which release it much too slowly for profitable commercial development. In other gas and oil fields the cracking is accomplished with hydraulic pressure or conventional explosives. Critics argued that with a nuclear explosion, the gas produced would chemically combine with a form of radioactive hydrogen, called tritium, and become radioactive itself. Other tritium, in the form of water vapor, is released in small quantities. In addition, a quantity of krypton 85, a non-mixing radioactive gas, would be thrown off.

AEC officials said the radioactivity involved would be extremely small. The underground cavity created by the blast, they said, would trap most of the solid radioactive elements, which would mix with the melted rock and form a glass at the bottom of the cavity. Other critical radioactive elements such as iodine 131 decay quickly, and contamination could be avoided by keeping the well shut for six months. The officials pointed to Project Gasbuggy, a 26-kiloton explosion which had been set off in a gas-bearing rock formation near Farmington, New Mexico: the radioactive releases there, they said, had been well within AEC safety limits. In addition, gas drawn off the Gasbuggy well and flared (burned) gradually appeared to flush out its radioactivity as the flaring continued.

Opponents of Rulison included the American Civil Liberties Union, which led a series of court battles to try to have it barred, and various groups of Colorado conservationists and outdoorsmen. Uproar over the project was particularly fierce in Aspen, the ski resort 55 miles east of ground zero, where the city council voted 4–0 against the shot. A public relations panel of experts was sent in—"a traveling dog and pony show", AEC Test Manager Robert Thalgott called it after weathering about 40 such meetings and speeches in the state. Like all the others, the Aspen meeting was strictly for information; the shot was ready to go and would not be stopped. The men from AEC, Austral Oil, CER Geonuclear, the U.S. Public Health Service, and the U.S. Geological Survey concentrated their arguments on their past safety record (at the time, the AEC had more than 450 atomic explosions behind it) and the caution with which the event was being approached. The largely gray-haired, pipe-smoking group tried a friendly, smiling, easy approach, as men of vast experience. "Do me a favor and stop smiling," an Aspen resident told AEC public relations man David Miller, who brought an angry chorus later when he suggested a generation gap was behind the protests. A middle-aged woman said, "You're playing God with generations yet unborn." Thalgott said that if an atom from the explosion fell on anyone in Aspen, they wouldn't know it and it wouldn't hurt them.

Because of the uproar, Rulison promoters were particularly pleased when the test went off successfully. At first, reports showed "minimal" ground motion. A hailstorm broke over ground zero about an hour after the shot, just as the promoters were gathering in the aluminum trailers at the control point, two-and-a-half miles away. Hailstones rattled off the metal roofs with a roar as Thalgott and the others raised plastic foam cups of domestic champagne and shouted congratulations to each other over the din. The celebration was a bit premature.

The AEC had predicted "no significant damage" from ground motion. The area chosen for the blast had been thoroughly researched by geologists: "A literature search for Colorado earthquakes of magnitude greater than 3 was performed by the Environmental Science Services Administration, U.S. Coast and Geodetic Survey," the Rulison Effects Evaluation Report noted before the explosion, "and of the 300 earthquakes identified, none had epicenters within 50 miles of the Rulison site. This lack of seismic activity further reduces the probability of detectable aftershocks from Rulison."

But predictions did not hold. Geological Engineer David M. Evans of the Colorado School of Mines said the school's Cecil H. Green Seismic Observatory recorded tremors and earthquakes for 17 days following the explosion. Two days after the blast, he reported, a natural earthquake recorded at 3.5 on the Richter scale. During the 17 days there were two magnitude 4 earthquakes and several in the 3.5 range, along with a number of other smaller tremors, all in a 50-mile radius around the blast sites. Clearly, he said, the area was "geologically adjusting" to the explosion.

Anxiety about radioactive contamination faded temporarily from the forefront in the clamor over property damages caused by the blast. In a sense, though, the new complications served to intensify the original uneasiness. Unexpected earth movement was only a minor error in the calculations. But the crumbling chimneys and cracked plaster cast shadows over the safety of the entire project. If the AEC had been wrong on that score, reasoned the critics, what basis was there for trusting their other assurances? And the wrangling involved in the settlement of the claims created bitterness and anger on the part of many independent-minded farmers and ranchers.

The questions about radiation from Rulison are still largely unanswered. In contrast to the case at Rocky Flats, however, there seems to be a possibility that the AEC may have to come to grips with them more satisfactorily before proceeding with business as usual. The decision of Denver's Federal District Court to permit the shot does not apply to the 200-odd additional explosions of which it was slated to be the forerunner, and in the next inevitable round of court tests the opposition's ammunition is bound to be more formidable than before.

No such optimism is warranted in the matter of the uranium tailings, chiefly because it is too late to wipe out the damage already done. But if the AEC cannot be faulted for failing to take appropriate action now, its initial contribution to the problem provides perhaps the most dramatic example of its lack of foresight and responsibility. The nine uranium mills (out of 17 in the Colorado River Basin) which have left the huge piles of leftovers from the ore-grinding process around the state were established in direct response to the agency's needs. Only two of the mills remain open, but the hazards produced by the early carelessness will if anything become more grave as the years go on.

Uranium is always found with its "daughter" products—the new elements formed as it gives off radiation and decays. Thorium 230 and radium 226 are some of these daughters. Radium, in its turn, decays and gives off radon gas, which decays still further into polonium and radioactive forms of bismuth and lead. All of these elements are found in the tailings. And breathing radon daughters has been acknowledged since the turn of the century as a prime cause of lung cancer, notably among miners.

At the Old West town of Durango, two piles totaling 1.7 million tons sit on rock ledges over the Amimas River. They are just across the river from downtown and from the picturesque narrow gauge railroad that hauls tourists up the mountains to the old mining town of Silverton. Before the Foote Mineral Company was forced to grow grass on the pile, the dusty tailings used to blow, when the wind was right, directly over the downtown section. Some tailings also slid from their precipitous location and almost made it into the river. Others were washed down by rains. A Federal Water Pollution Control Agency study in 1966 reported dissolved radium concentrations immediately downstream from the mill were about four times above permissible levels. Twice as much as the permissible level was measured 30 miles downstream, while near-maximum levels were found 60 miles away.

The AEC, noting that it is not charged with the supervision of tailings, has taken only an occasional interest in the problem. It likes to emphasize the brighter side, preferring to quote from another section of the same 1966 water pollution study. The part it uses states: "There is currently no significant immediate hazard associated with uranium milling activities anywhere in the Colorado River Valley." The quotation is taken from a section in the report called "Background." But the preface makes clear that significant immediate hazard was not the subject of the report: "The FWPCA wishes to emphasize that it is not especially concerned regarding immediate hazards from abandoned uranium mill tailings. Rather, the Administration is concerned with the potential problems that appear to be associated with the tailings because of their extremely long-lived radioactivity." It recommends "interim" measures covering the next 10 to 20 years.

But the piles are a long-time proposition. Radium 226 has a half-life of 1,620 years, thorium 230, 80,000 years, and lead 210, 22 years. Plans of an appalling long range will have to be drawn up. At the insistence of Colorado health officials, most of the piles have now been covered, and new pollution to the rivers is within acceptable limits. But as far as radon gas is concerned, covering the piles with grass is roughly comparable to wrapping an onion in gauze.

In Grand Junction the tailings situation is even more complex and troublesome. For 15 years, until the practice was stopped in 1966, builders removed tailings from the American Metal Climax, Inc., uranium-vanadium mill. Now shut down, the mill gave tailings away free, and builders used them for fill under homes, offices, business, and public buildings. The tailings, spread eight to 12 inches thick, give off radon gas. The gas itself has a half-life of only 3.8 days, but that is enough time for it to seep through the concrete before producing its radioactive daughters, which remain suspended and can be inhaled. At least 3,000 buildings put up during a 15-year period are believed to have tailings under them. Of 345 identified buildings tested, about 150 have shown advanced readings, according to Robert D. Siek, of the Colorado Department of Health.

The highest reading in a Grand Junction building has been 1.8 working levels, 180 times above a recommended level of 0.01. This reading was based on a preliminary, or "grab" sample—a quick technique which is often inaccurate and usually too low. More complex sampling equipment is being installed in a number of buildings to test the full effect of radioactivity. The Colorado Bureau of Mines attempts to keep mine work-

XUM

ing areas below 1 working level. Between 1 and 2 working levels, fans are required to ventilate the mine shafts. At 2 working levels, the area is cleared of all workmen. This eight-hour occupational exposure five days a week compares to a 24-hour-a-day exposure seven days a week in a private home.

Clearly, if the early "grab" sample readings begin to prove out, there will have to be some evacuation of buildings in Grand Junction. There has been none thus far. The situation is especially critical in school buildings and homes with young children, who are more susceptible to radiation-induced cancers than adults. For the most part, however, symptoms do not show up for 20 or 25 years. There is no "significant immediate hazard," so the city, though a trace worried, mostly ignores the problem for now. And the AEC has done nothing to alert it to the full extent of the danger or to discourage attitudes like that of Barclay Jameson, news director of the Grand Junction *Sentinel*, who complained in a March 8 article that the radon scare story "seems to be whipping up more frenzied excitement the further you get from Grand Junction. . . . ABC came up with a report that left the viewers with the impression that Grand Junction was turning into a ghost town. . . . That last bit drove me into the fit of temper I often end up in when dealing with the provincial jackasses back east. . . ." It was a good-natured article, kidding outside reporters who sat smoking at his desk and asking questions about radon. "I should think that they personally would be a lot more worried about getting zapped by those cigarettes they are smoking than by the sand underneath a concrete slab in a burg out west."

A related area in which the AEC has shown a bizarre and frightening casualness is the mortality rate among miners carving out the ore for its needs. The figures on cancer deaths from radon daughters go back to the turn of the century and the mines in Schneeberg, Austria, and Joachimsthal, Czechoslovakia. At Schneeberg, miners digging pitchblende for early radium experiments, had lung cancer rates 54 times those of the general population. At Joachimsthal, where permissible working levels were about half as high as at Schneeberg, the rate was 29 times that of the general population. Warned by such figures, the U.S. set still more stringent working levels, but they were only loosely applied. In several mines on Navajo Indian lands, for example, natural ventilation alone was used along with wet drilling to keep dust down. Naturally, radon daughter levels were reported alarmingly high. Not surprisingly, 170 miners have already died of lung cancer attributed to radon daughters, according to the U.S. Public Health Service, with an expected 600 to 1,100 more to come.

Here, too, the AEC prefers to look on the bright side. While stressing that it has no legal responsibility in the matter, the agency stated in a recent staff paper (written to rebut criticism by Dr. Metzger) that things seemed to be improving among miners. The paper then listed—incorrectly—figures compiled on cancer deaths. "We believe it is important to note that 12 new cases were reported by Dr. Geno Saccomanno, pathologist, St. Mary's Hospital, Grand Junction, Colorado, in 1967 [the actual number was 16], 11 in 1968 [again it was 16], and 10 in 1969 [this time it was nine]." The same paper took an encouraging view of the results of increased mine ventilation. Such enthusiasm, however, was hardly characteristic of a recent report to the Western Interstate Nuclear Board by E. L. Kaufman, radiological health supervisor for the state of New Mexico. Some mines in the state, he said, are moving 300,000 cubic feet of air per minute into a working area, compared with 20,000 cubic feet a few years ago, and the death rate still has not gone down. The massive ventilation has caused bizarre scenes of miners working in 35-mile-an-hour winds in temperatures of 50 degrees below zero with snow falling underground, he said.

The sensitivity of the radon issue was reflected by the Federal Radiation Council, a group of Presidential Cabinet officers with a technical staff which advises the President and the AEC on radiation safety. In December, 1968—those lame-duck days of an Administration when controversial subjects can be brought up with little political repercussion—the Council sent a memo to President Johnson which said in part: "We do not know at precisely what exposure level uranium miners may be exposed without significantly increasing the risk of lung cancer. But we do know that the mortality rates from the disease in the lower exposure categories are higher than the expected rate." The Department of Labor this year cut permissible exposure from 1 to 0.33 working levels. Such cuts drive up the cost of uranium mining, so delays have been granted while the Arthur D. Little Company studies the impact of the cut on the uranium industry. The $200,000 study is financed by the AEC.

This April, nearly a year after the Rocky Flats fire, an editorial in the *Town and Country Review*, a Boulder County weekly newspaper, stated: "Dow's policy or lack of policy in disseminating information has increased suspicion that they have something to hide . . . The public is no longer prepared to accept the "big brother attitude" on the dangers of plutonium pollution or anything else for that matter . . . At present the AEC seems to maintain that the public must prove a facility to be dangerous before any action is taken. The reverse should be true . . ." In the same month, Cal Queal, the environment editor of the Denver *Post*, wrote in his column: "The real story of Rulison has nothing to do with kilotons, cubic feet or microcuries . . . It's a story of people who are frightened and angry. It's a story of a triumph of modern press agentry. Sadly, it's the story of an outrage committed by the government against its own people."

Candidate Hogan is not yet completely comfortable with the politics of the whole thing. "It's still something of a lost cause at this point," he says. "I wish more people were concerned about it, and I hope it catches up by November." But, he adds, "I'm beginning to get the benefit of being an early prophet."

In any case, Coloradians may soon have some other atomic projects to worry about. The state is getting its own nuclear electric generator, which, having weathered a storm of early objections, is now under construction north of Denver. The Health Department's Robert Siek, who is chief of the radiological health division, has said that the gas-cooled, high-temperature reactor being built for the Public Service Company of Colorado will probably meet stringent new pollution standards. But the department, he says, is still looking with misgivings at a year-old proposal to build an atomic graveyard in the state to bury radioactive wastes. Such graveyards are similar to the tailings piles—they will be around for many generations to come.

Meanwhile, Dr. Martell, who worked on the plutonium study at Rocky Flats, tells visitors occasionally that he wonders if man was ever meant to dabble in the transuranium elements—those man-made elements like plutonium beyond uranium on the periodic chart. And other concerned people display bumper stickers reading: "Colorado, Playground of the AEC."

Atomic Power Abuse: The Marginal Nuclear Utilities

(By Richard Karp)

The Atomic Energy Commission is headed for increasing trouble on two fronts: environmental and economic. Over the past few years, the environmentalists' sallies against the agency have been slowly gaining ground, despite the AEC's contention that concern over thermal pollution is unnecessarily morbid ("thermal enrichment" is the agency term for waterways overheated by radioactive wastes), that fear of reactor explosions ("incidents") is unfounded, and that apprehension over the effects of radioactive smoke is somehow a mark of hypochondria (there is no evidence, the AEC says, that the smoke is harmful).

Now the AEC's balance sheets are beginning to look as bad as its radioactive emissions. The agency's efforts to develop nuclear-powered electricity have failed; utility companies, burned more than once by AEC nuclear reactors, are going back to conventional sources of electricity. But the agency—true to its mission as promoter of things radioactive—has responded by asking Congress for funds to launch another kind of reactor, the "fast breeder," that is technologically dubious and economically unsound—and extremely hazardous besides. The fast-breeder will not provide cheaper electricity; it will, however, contain the potential for accidental nuclear explosions that would dwarf any of the incidents that have taken place so far.

Such is the sorry state of the dream born in 1945, that atomic power could somehow be harnessed to provide us with virtually infinite amounts of electrical power. In 1946, Congress created the Atomic Energy Commission with unique authority to regulate, promote and operate atomic power—a virtual government monopoly over a potential industry. In the following few years the AEC devoted itself to one task—building atomic bombs for the Department of Defense. With the Cold War providing lots of business for the bomb-makers, the early enthusiasm for a civilian nuclear industry had all but disappeared.

By the early 1950's, however, the AEC realized that if it continued to make bombs only, it might eventually have to go out of business. The problem was expressed by one AEC Commissioner of the time, who queried, "How much can you improve a toothbrush?" The opportunity to go commercial came in 1953, when Eisenhower appointed Lewis Strauss chairman of the AEC. Strauss had been a partner in Kuhn, Loeb & Co., a Wall Street firm with heavy investments in utilities. He wanted to get utilities interested in nuclear power, and to do so he used a carrot and stick technique. Under a device called the "Access Permit Program," the AEC gave classified information to consortia of manufacturers, utilities, and scientists, in the hope that they would see industrial potential in the information. At the same time, an Industry Advisory Committee began to entice industry with promises of financial aid. The stick part of the strategem was a slightly veiled threat that if industry didn't invest in nuclear power, the AEC would use its unique powers to promote a government-owned atomic-powered utility business.

When, in December, 1953, President Eisenhower gave his famous "Atoms for Peace" speech before the United Nations, the AEC was ready to move ahead quickly with its civilian reactor program. But, in order to proceed, the AEC needed Congressional permission to allow private enterprise to build and own nuclear facilities. That permission came in the form of the Atomic Energy Act of 1954, which gave the AEC authority to grant licenses to manufacturers and utilities to build and operate nuclear reactors. The 1954 act expressly forbade the government to sell or distribute electricity for commercial use. If nuclear energy began to look good to the utilities, the law made it possible for them to get government money. If they didn't want nuclear industry, they did not have to fear government competition. In effect, private industry would to a great extent control the process of nuclear development. And for the next couple of years they sat on it.

PROMOTING ATOMIC LEMONS

By 1957 it was apparent to the AEC that utility companies were not interested in nuclear power. Part of the reason for their lack of interest was that no utility could get more than $60 million insurance for an atomic plant. The "Brookhaven Report" had estimated that damages resulting from an accident in a reactor could total $7 billion. In order to remove this obstacle to nuclear development, Congress passed what came to be known as the Price-Anderson Act. The act guaranteed to utility companies an additional $500 million of federal insurance. More importantly, the act limited liability for nuclear accident claims to $560 million and thus removed entirely that element of risk to the industry.

Though the road was now cleared of obstacles, it was still necessary to get profit-minded industry to invest in the dubious nuclear field. So the AEC began in the late Fifties its "Power Demonstration Program," a device for giving equipment manufacturers huge sums of money for "research and development" and enticing them to invest their own money in the hope of future monopolies in a lucrative market. To spark active interest on the part of the utilities, the AEC rushed to completion in 1958 the first commercial nuclear power station, at Shippingport, Pa. It turned out to be an economic failure, producing far too little electricity at a far from competitive price. The AEC has kept this model reactor in operation by pouring about $120 million in subsidies on top of the original investment.

Looking at the Shippingport lemon, the utilities again lost interest in nuclear power. But by that time, the early Sixties, nuclear power had become a vested interest. Manufacturers, who had been getting subsidies through the "Power Demonstration Program" had by now waxed enthusiastic and were investing significant amounts of their own funds. Companies like Westinghouse, General Electric, Babcock-Wilcox, and consortia such as Atomic International had sunk millions into reactor development. They could recover their portion of nuclear investments only by selling or leasing reactors to utility companies.

The nuclear contractors decided to take part in another AEC effort to get utilities interested in "going nuclear." The first step was taken in 1962 when the AEC issued a carefully worded report admitting that the reactors that had been built were economic duds. The trouble was that the reactors were too small to be economic; what is needed is a reactor 3 or 4 times the current size, said the AEC "Scaling-up" would do the trick. Manufacturers began high-pressuring utility companies to buy large reactors. To break the ice with the utilities and to win public acceptance of reactors as "good neighbors," the Consolidated Edison Company of New York City was persuaded to ask the AEC for a license to build a large reactor in Ravenswood, Queens, a section of New York about a mile from Times Square. The idea of a nuclear reactor going up in the middle of New York City raised such a public furor that the plans were aborted in 1963.

A safer strategy was taken by General Electric when in 1962 it offered New Jersey utilities a reactor so large that it would "overcome the unit cost" problem. It would be built at Oyster Creek, a desolate part of the New Jersey shore and be 2½ times as big as the biggest existing reactor. GE would do all the work of building and then for $68 million would turn over the key to Jersey Central Power and Light. Oyster Creek was hailed as the biggest breakthrough in nuclear development. While Oyster Creek was going up, manufacturers were out selling their reactors to utilities at less than cost, hoping to recoup their initial losses later when the whole country was expected to "go nuclear." The result was that, by 1965, nuclear industry experienced its first—and last—boom. The utility companies had begun to flood the AEC with requests for licenses.

The boom did not last long, and by 1968 it was over. As reports came in of successive breakdowns, unexpected costs and poor performance, nervous manufacturers began raising their prices to recoup their losses and even more nervous utilities began cancelling their orders. When environmentalists began to disclose 20 years of mismanagement and insufficient safety standards, the utilities grew even warier of nuclear investments. And when the Oyster Creek plant turned out to be an economic fiasco, they started a full retreat. The Oyster Creek experience was fairly typical of the utilities' repeated disappointment with the promise of nuclear power. Even with the federal subsidy to bring down the cost of the equipment, the utilities could not make a go of it because operating costs were too high—at Oyster Creek the costs ran double what had been predicted. One major factor in the high operating cost is that none of the reactors has been able to run at its promised capacity; some, after a decade, are running at less than half capacity.

Ironically, as the utilities were again deciding that nuclear power plants spell economic disaster, Senators George Aiken and Clinton Anderson set out to remove the nuclear business's government cushions. Last year they introduced a bill to "put the atomic power industry under the anti-trust laws just like other business enterprises." Aiken contends that it is high time the AEC acted under a 1954 provision requiring it to inform the President if it finds nuclear reactors to be of "practical value." Although the AEC has promoted nuclear reactors as a commercially competiitve power source, it has never issued a commercial license, the procedure that follows a finding of "practical value." Instead, the 16 operating reactors, the 48 under construction, and others which are only in the planning stage have each been issued a license under a medical therapy and research provision in the law. If the bill were to become law, the AEC and the nuclear industry would be faced with an embarrassing dilemma, since the 1954 Act expressly forbids the AEC to help finance reactors licensed under the "practical value" clause. By granting research licenses exclusively and by negotiating cost-plus contracts with a half-dozen of America's largest manufacturers, the AEC has paid for 60 to 70 per cent of the cost of reactor development. Oddly enough, despite the fact that all this has been done in the name of research, the Securities and Exchange Commission has authorized the utilities buying those reactors to issue stock on the basis that they are economically feasible.

The utilities moved quickly to disabuse Congress (and the stock market) of the notion that nuclear power could be profitable, and in so doing they contradicted 20 years of AEC optimism. At the November, 1969, hearings on the Aiken bill, the Joint Committee on Atomic Energy listened to Philip Sporn, retired president of the American Electric Power Company and an old-time advisor to the Joint Committee. Sporn said:

"During the past two years there has taken place a remarkable and ominous retrogression in the economics of our nuclear power technology. The lightwater moderated reactor [conventional kind], which two years ago offered potentials for nuclear power generation competitive with fossil fuel . . . has today lost position. . . ."

Regarding the failure of the Oyster Creek plant, Sporn contended that, if allowed to operate until 1980, the reactor would "constitute a burden on the national economy of $3.5 billion." So inefficient have reactors proven to be that "if something serious happened to the continuing supply . . . of coal and nuclear energy were called upon to pick up the burden . . . the nuclear industry would simply fall flat on its face." But, added Sporn, a drop in the supply of fossil fuel is not likely in the near future. Sporn concluded that the whole nuclear business "should be subject to soul-searching inquiry."

Indeed, "soul-searching" of a kind is just what the nuclear industry has been doing in the last couple of years. After an initial rush of orders for atomic reactors by utility companies that began in the mid-1960's and peaked in 1967, business has gone steadily downhill. As against a peak of 25,780 megawatts of nuclear power placed on order in 1967, orders declined in 1968 to 16,044 megawatts, and in 1969 to 7,190 megawatts. Moreover, in the last two years many utilities have decided to complete fossil-fuel power plants ahead of scheduled atomic units, and in some cases utilities have scrapped their plans to go nuclear altogether and are planning to resume building coal plants.

A number of reactor manufacturers have decided to pull out of the nuclear industry and cut their losses. One such case seems to point directly to the core of the trouble in the nuclear industry. Allis-Chalmers Company of Milwaukee recently announced that it was "phasing out" its AEC-backed nuclear reactor program after 20 years. The net result of the company's 20 years of research and development was the LaCrosse Reactor, which it recently sold to a power cooperative in Wisconsin. Carl Clamp, senior vice president of Allis-Chalmers, when asked in an interview if after 20 years Allis-Chalmers had developed a reactor that was economical, replied, "I don't know. You would have to ask the operating utility." How much federal money did Allis-Chalmers get in its 20 years of work for the AEC? "We don't give out that kind of information," said Clamp. The AEC takes a very dim view of Allis-Chalmers' recent decision. A. N. Tardiff, director of the AEC's Liquid Metal Fast Breeder Reactor Program, says, "Allis-Chalmers went out of [the nuclear power] business because they were doing lousy work."

The Aiken-Anderson bill is not the only current attack on the status quo at AEC. A number of other Senators have introduced measures calling for broad investigation of the civilian nuclear power program, and, under pressure from Senator Edmund S. Muskie, the Federal Radiation Council has agreed to review its radiation standards for the first time in a decade. Late last year, the state of Minnesota took the AEC and a local utility to court. The state had set radiation emission standards on a nearly-completed reactor that were just two per cent of the level permitted by the AEC. When the AEC insisted that it alone could set radiation standards, 15 other states joined Minnesota in the suit, which, since it raises the issue of states' rights, seems likely to go eventually to the Supreme Court. Most recently, the Administration proposal for the creation of a new federal environmental protection agency, with authority over radioactive pollution, would deprive the AEC of its present power to regulate the nuclear operations which it also promotes.

SCIENCE TO THE RESCUE

The dim prospects for conventional nuclear reactors place the AEC in a situation comparable to the mid-1950's, when the agency feared extinction. Unlike bomb production—the successful "toothbrush" of the last decade—conventional reactors face abandonment because of failure. Such abandonment would, of course, be unpalatable to the AEC; and therefore the search for a replacement has already begun. The AEC, remembering the source of its original business, looks to the scientists for salvation. And theoretical physics has provided what to the AEC is a new frontier of bureaucratic survival.

XUM

A quarter-century ago physicists discovered a function of nuclear fission which, if perfected, could have an impact on mankind as profoundly beneficial as the atomic bomb was destructive. What they had discovered was the technical possibility of "perpetual motion," embodied in the concept of the "fast breeding" nuclear reactor. The conventional reactors which have been developed and built over the years are able to use only 0.7 per cent of the uranium ore as fuel. That is, only that tiny fraction (U235) of uranium ore (mainly U238) which is naturally radioactive is utilized in reactors. On the other hand, a reactor using the "breeding" process could transform the bulk of uranium ore (U238) into the fissionable fuel plutonium 239. If such a reactor could produce or "breed" plutonium 239 at a rate greater than it uses up U235, it will have produced more fuel than it has used. According to a recent study by the RAND Corporation, "This (process) in effect increases the world's fuel reserves by almost a factor of 100."

It was just such a possibility that emboldened the early physicists to boast that they had found the "key to the universe." A more earthbound enthusiast of the early days simply promised the world that in the future "there would be no more need for electric meters." In actuality, very little has been done in the last 20 years to promote the development of the breeder reactor. The AEC, busy promoting conventional "light water" reactors, has done little to promote research into breeder technology. Of the $2.3 billion that the AEC has funneled into its Civilian Reactor Developemnt Program, only about $1 billion has gone into breeder research. Breeder development has, in the words of one AEC spokesman, "been very low-keyed."

And there are good reasons. One is that breeder reactors require a technology very much more difficult than that of the conventional reactors, one which nuclear physicists have never been able to master. An AEC spokesman concedes, "We are still unfamiliar with breeder technology." Another reason, closely connected with the technological problem, is that breeder reactors are potentially and inherently, very hazardous. A breeder reactor, if it could ever be made to work, would produce and utilize enormous quantities of plutonium 239. Plutonium is the stuff they make atomic bombs with—it is a man-made element, extremely active, and deadly toxic. The chain reaction of a bomb would actually take place in a breeder. A reactor-shattering explosion would release into the air enough plutonium to kill hundreds of thousands of people in the vicinity of the electric plant. Another fact that makes such a catastrophe all the more possible is that breeders use liquid sodium instead of water to transfer heat from the reactor core to the steam turbines. Liquid sodium is so volatile that it explodes upon contact with water.

The recognized hazards of breeders are such that Lewis Strauss, when he was chairman of the AEC, warned enthusiasts that breeders were "the most dangerous of reactors." This note of caution coming from one of the most tireless (to many, notorious) promoters of nuclear enregy is matched by another statement made 10 years later by an even more ardent devotee of atomic power. In 1965, Edward Teller, father of the hydrogen bomb, speaking about reactors in general, told an audience of potential investors in nuclear energy:

"In principle, nuclear reactors are dangerous. A gently seeping nuclear reactor can put its radioactive poison onto a few hundred square miles in a truly deadly fashion. In my mind, nuclear reactors do not belong on the surface of the earth. Nuclear reactors belong underground."

The few experiments conducted in the field of breeder reactors have not been very successful. Of the four tiny reactors that the AEC built to experiment with different aspects of the breeding process, one, known as the Experimental Breeder Reactor No. 1, went haywire and exploded. Luckily for the people in the surrounding Idaho towns, the explosion did not breach the reactor's outer containment walls. An AEC manual on the Breeder Reactor Program refers to this accident in a section called "Specific Highlights of the U.S. Fast Breeder Reactor Program"; "A partial core meltdown in EBR 1 during a transient experiment in 1956, with no serious effects outside the plant."

WHAT ALMOST HAPPENED

Far more frightening is what almost happened at the Enrico Fermi Fast Breeder Reactor. The Fermi reactor was the first, last, and only attempt to build a large-scale commercial breeder reactor for a power station. The Fermi reactor was the brainchild of a man named Walker Cisler, chief engineer of the Detroit Edison Company, and friend of Lewis Strauss. In 1956, Cisler organized the "non-profit" Power Reactor Development Corporation (PRDC), an association of 21 companies led by Detroit Edison. The PRDC asked the AEC for a license to construct and operate a 200 megawatt breeder reactor about 30 miles outside Detroit. The AEC's blue-ribbon Advisory Committee on Reactor Safeguards, composed of leading atomic scientists, advised against building the reactor. Strauss suppressed the report. When it leaked out, Senator Anderson, chairman of the Joint Committee on Atomic Energy, accused the AEC of "star chamber" proceedings, and another committee member, Congressman Chet Holifield, accused Strauss of "recklessness." Detroit's United Auto Workers union took a suit against the building of the reactor to the Supreme Court, which ruled in favor of the Fermi reactor.

Ignoring the turmoil, the AEC issued the PRDC a construction permit on August 4, 1956, with the promise that the government would buy all the plutonium 239 it produced at the inflated price of $40 a gram. Unlike the conventional light-water reactors, which were financed primarily by the AEC, the Fermi breeder would be built by the PRDC solely. As a result, the Michigan Public Service Commission allowed the PRDC to charge off its expenditures as a research and development undertaking.

Originally estimated at about $40 million, the Fermi plant cost $124 million to build. In August, 1966, during a 60-hour test run, the first electric power generated by nuclear energy from Fermi flowed through the Detroit Edison lines. After a shutdown for some minor repairs, another test run began on October 4. At 3:09 p.m. on October 5, high-radiation alarms sounded in the building housing the reactor. The chain reaction had gone out of control and the reactor had to be "scrammed," or shut down by emergency methods. The Fermi reactor has been shut down ever since.

Had Fermi's engineers not been able to "scram" the reactor in time, an explosion might have occurred, with catastrophic consequences. A study of the safety of the Fermi reactor, commissioned by the PRDC and conducted by the University of Michigan, estimated that 133,000 persons would be killed in an explosion like the one which almost occurred. The AEC discounts such an accident as being only "remotely possible."

WHAT WILL FERMI BREED?

What the AEC does not discount is the fact that this $120 million machine has produced $303,000 worth of electricity, and, in the words of a critic, "nary a gram of plutonium." Yet, despite Fermi's signal failure, the PRDC, minus 19 of its 21 members who have pulled out of the enterprise, is rushing to start the reactor up by this summer. There is little doubt that behind the rush is pressure from the Atomic Energy Commission, and with good reason.

Now before Congress is the AEC's FY 1971 appropriations bill, and it contains about $250 million for development of the breeder reactor, the first installment of a 20-year, $3 billion "Liquid Metal Fast Breeder Reactor Program." After 20 years of neglect, the AEC has suddenly decided to make "breeder developemnt" its priority goal, and at a cost equal to all previous civilian reactor development expenditures. Actually, according to critics of the AEC, the breeder program might cost more like $5 billion when it's over. Moreover, the breeder, providing it can ever be built, would have a cost-benefit ratio of between minus-10 and plus-10 per cent. That is, the most that can be hoped for is a 10 per cent return on the investment in the breeder.

The AEC hope for the investment in the breeder is a modest 7 per cent—quite a comedown from those days in which breeder power was going to eliminate the electric meter. And even that figure is a wishful one. The AEC assumes that it can develop the breeder technology. But the technology is not ready yet, and no one knows what operating problems it will entail. Applying the agency's own track record to its present forecasts would lead one to expect higher costs and much less electricity. The breeder is dubious on other grounds. For one thing, a 7 per cent return, in the unlikely event it materialized, is hardly enough to justify investment of tax money—compared to the private industry yardstick of 12 to 20 per cent. More important, fuel costs are shifting against the nuclear reactor. Uranium is getting more expensive, while the price of coal has been dropping; should the Administration decide to drop the quotas on oil imports, oil-fueled electric plants would be cheaper than nuclear ones.

What the AEC is proposing, then, is investment in a losing proposition that, as its chief side effect, will dot the nation with plants like Enrico Fermi at Detroit—each one of which will lessen the odds against a massive nuclear accident.

Against that impressive list of liabilities, what reason remains to build the fast breeder? Only that, after the failure of the conventional reactor, the fast breeder is the AEC's only hope for continuing its reactor operations. For 25 years, the agency, veiled in secrecy, protected by its Congressional committee, has been assuring the American people that nuclear power is both safe and inexpensive. And now those assurances are coming home to roost.

IRS AGENT DECIDES TO MAKE AS WELL AS ADMINISTER GUN CONTROL AID

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, there has come to my attention a lengthy speech made by Harold A. Serr, Director of the Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service, before a national conference of State liquor law administrators at Hot Springs, Ark., May 20, 1970. I found this speech an incredible performance for an official of the Government of the United States. Mr. Serr went to speak to liquor law administrators, no doubt at the expense of the taxpayers; he might have been expected by them and by the public to impart some information of value concerning the administration of liquor laws. Instead, he devoted 80 percent of his speech to a series of controversial and debatable arguments for stronger Federal controls

XUM

on firearms. While firearms do, in fact, come under the administrative office of this official, the subject was obviously irrelevant to the occasion. Nevertheless, he seized the occasion to express a series of opinions as to what the law on firearms should and should not be.

Here, I submit, is a serious breach of propriety, impinging on the legislative process, by an official of the executive branch. Mr. Serr is paid to administer the law, not to make or alter it. It is no part of his function, or the function of other like officials, to travel the countryside telling various audiences what laws the Congress should pass.

But the question goes beyond the overt action of one official. The statements made by this official were clearly at a policy level and presumably reflected not only his views but the views of others. The question is: What others? Who did the speaker consult prior to making this speech? With what higher officials was it cleared? Or if it was not cleared, why was it not cleared, in view of its evident policymaking content?

The Alcohol, Tobacco, and Firearms Division comes under the Internal Revenue Service. Was Mr. Randolph W. Thrower, the Commissioner of Internal Revenue, consulted in advance on this speech? Was the Deputy Commissioner of Internal Revenue, Mr. William Smith, consulted? Was Mr. K. Martin Worthy, the Chief Counsel of IRS, consulted? The Internal Revenue Service maintains a staff or corps of public relations experts, I understand. Were they consulted? Who was consulted?

I am informed that the Alcohol, Tobacco, and Firearms Division has increased its staff of field investigators from less than 300 to more than 600 to implement the 1968 Gun Control Act. In the budget for the next fiscal year, I understand that the Division requests an appropriation for 100 additional field investigators. Question: What are these men going to do? Administer and enforce the law, or go around making speeches demanding additional gun controls? Until the Internal Revenue Service can make a clear and full and satisfactory answer to the questions raised by the conduct of one of its officials, I, for one, shall feel compelled to oppose any expansion of the operation conducted by its Alcohol, Tobacco, and Firearms Divison.

PROTECTION OF THE RIGHT TO VOTE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, although the House has accepted the Senate amendments of the Voting Rights Act of 1965, extending the right to vote in Federal, State, and local elections to citizens 18 years of age, and that measure by the signature of the President has now become law, I thought it would be interesting for the record to show that the National Council of Senior Citizens unanimously, at its ninth annual convention on June 13, 1970, in Washington, endorsed the Senate amendments to the Voting Rights Act of 1965 and the amendment permitting citizens 18 years of age to vote in all Federal, State, and local elections.

Mr. Speaker, I include in the Record at this point a copy of this meaningful resolution by the National Council of Senior Citizens:

The Protection of the Right To Vote and Extending That Right to Age 18

Whereas: The House of Representatives and the Senate have passed HR 4249 which extends the Voting Right Act of 1965—an Act that has been dramatically effective in extending the franchise to our fellow Black Americans in the south.

Whereas: This Voting Right Bill—HR 4249—was amended by the Senate to reduce the voting age to 18 and is currently waiting concurrence by the House in the Senate's action.

Whereas: The current generation of young Americans is the best educated group of 18- to 21-year-olds in the nation's history. Over 78 percent are high school graduates and more than 47 percent are enrolled in colleges and universities.

Whereas: The participation of young people in recent political campaigns speaks for their concern about political issues. Lowering the voting age would make their concerns more meaningful to politicians.

Whereas: Nearly one-half of American fatalities in Vietnam since 1961 have been young men between the ages of 18 and 21. A nation which allows its young people to bear the brunt of death in war should allow its young people to participate in the political processes which influence American foreign and military policy.

Whereas: The injustice of "taxation without representation" applies to the 20th century as it did to the 18th. Young adults between the ages of 18 and 21 pay heavily in income and property taxes but have no representation in the halls of government.

Whereas: The 10 million young Americans between the ages of 18 and 21 have been unfairly judged by the actions of a rebellious few. Stereotyping young Americans is as unjust as stereotyping minority groups.

Now therefore be it resolved, That this convention endorse extension of the 1965 Voting Rights Act as embodied in HR 4249.

Be it further resolved, That this convention endorse the granting of the right to vote to citizens at age 18 and urge that the House of Representatives concur in HR 4249 and the Senate amendment that allows all 18 year olds to vote in all elections beginning in 1971.

THE VIEW FROM MADDOX COUNTRY

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I am pleased to commend this article from the Nation of April 27, 1970, written by Reese Cleghorn, which I feel will be of interest to my colleagues, all of whom I know are interested in the Nation's continued commitment to achieve social equality. Mr. Cleghorn is a distinguished southern journalist. The article follows:

The View From Maddox Country

(By Reese Cleghorn)

Atlanta.—Some years ago, when I was sitting in a restaurant in Oxford, Miss., a plastic place where William Faulkner usually jerked out the juke box plug before dining, it occurred to me that at least some of the problems of mankind might be solved by a very simple plan. It was during one of the neap tides of integration crisis at the University of Mississippi, and the restaurant was filled with students. The pleasantries and *non sequiturs* of their conversations drifted over the booths; there was an appealing kind of soft inexactitude about it all, whether the subject was dormitory life or a misspent weekend. I had recently returned to the South after a period in New York, during which I had encountered City College students, head-on. What, I remember thinking, would happen if one could bundle up half the students of Ole Miss and deliver them to City College, to be replaced by a like number of City College students? It was, I thought at the time, a plan of such great potential benefit to all that it should be brought to the attention of the highest authorities in the land: perhaps even the chief federal marshal. The soft under-craniums of Oxford obviously needed the abrasiveness and intellectual effrontery, and of course the liberalism, of those Northern cousins; and clearly City College students could profit from any softening influence whatever.

Now I realize that, far ahead of my time, I was thinking about the biggest bussing scheme of them all, something neither Abraham Ribicoff nor George Wallace would tolerate for a moment. Besides, I am no longer at all sure that the plan has merit. Southern liberals have traditionally been "kept in their place" with apparent evidence that their models and superiors, the folks to be emulated and the ones whose respect ought to be earned, were of another breed: the men of the North. I now doubt my Ole Miss-City College plan because I am no longer sure that tough Eastern under-craniums produce anything better than soft Southern under-craniums. Maybe, in the spirit of the times, I am becoming a Southern ethnic.

As I look at school integration seven years later, I am aware that it is more than ever a subject whose appearance varies, depending upon where you sit. To be exact and not altogether frivolous: I sit in an old house on Peachtree Way in Atlanta. We are just around the corner from a handsome little white building of Corinthian grace, which was the national headquarters of the Ku Klux Klan in its glory days; now it is a Catholic rectory. I am a WASP; this is a kind of Catholic ghetto. Atlanta is a Southern city; it has a Jewish Mayor and a black Vice Mayor. Not many blocks from us is a new $5 million, neo-ante-bellum governor's mansion which would have done justice to Kwame Nkrumah in his palmiest days. It is inhabited by a man who, according to official Georgia protocol, is His Excellency—Gov. Lester G. Maddox. In my yard, an albino squirrel is at play; one white squirrel among the gray.

That is where I sit, not in the "rational" confines of a university or a court of law but surrounded by a Southern sea of work-a-day incredibilities, and they are visible. Most of the nation's people live amid absurdities and incredibilities and irrationalities at least as great, but they are not as visible. And so I am less startled than some people to see Senator Ribicoff and Senator Stennis arm in arm; Governor Maddox and Roy Innis pulling at the oars together; "militants" like Julius Hobson concurring with George Wallace, and Prof. Alexander Bickel of Yale advancing propositions very much like those advanced by the Great Constitutional Lawyers who used to be hired by Southern states to fight for the preservation of white supremacy. (They did not purport to be arguing against equality or against Negroes, but simply for "equal treatment for the South," for consideration of the wishes of the [white] people, for a realistic, nonemotional acceptance of the fact that integration would not work.)

My view is from "Maddox country." Some of the more obstreperous and enduring political segregationists on my particular turf

XUM

are immensely enjoying the thought that the Nixon Administration, despite recent protestations, is engaged in "craven retreat" (Leon Panetta's accurate words) and "benigan neglect" (Daniel P. Moynihan's words) in dealing with racial problems, now that the 1970 Congressional elections draw near. They may enjoy the spectacle even more in 1972, when George Wallace probably will sweep those Deep South Presidential votes which the "Southern strategy" is intended to capture. It does not occur to them that the Nixon Administration is simply trying "to be fair to the South" because it is now pretty well integrated. This does not occur to them because it is absurd and they are realist, if anything. They sit where I sit, in "Maddox country," and they know what is going on in the South.

They know and enjoy political scheming of the most craven variety. They know the Administration's descriptions (and most Southern Senators' descriptions) of the civil rights retreat are mere self-serving piffle. They do not believe the explanations fool even Connecticut Senators: the white supremacist spirit of the South is rising again, isn't it, and Senator Ribicoff would like to be elected Vice President or appointed to the Supreme Court, wouldn't he? So their reasoning goes. My Senator, Herman E. Talmadge, has just praised Senator Ribicoff as a courageous man.

That is the view from Maddox country. Our Governor's more savvy admirers are not deceived about what is going on politically and, really, neither is a single Southern liberal that I know, black or white. On home ground they, the same old crowd of white supremacists, and we, the same old crowd of hypocritical, bleeding-heart liberals, are familiar with the politics of the absurd (a state palace for Lester Maddox to live in) and the politics of the craven (a federal government trading the welfare of children for Republican Congressional candidates and electoral votes down South). It is not nearly as difficult to believe what the Nixon Administration is doing, when you view it from Maddox country, as it seems to be when seen from more civilized and less traumatized observation points. It is old stuff. Low profile or not, it is routine political venality.

The admirable efforts of Leon Panetta, while he was still with HEW, and others to enforce the civil rights laws (aren't those the real "strict constructionists"?) have been rebuffed. Now a Cabinet-level committee has been established to negotiate with the white supremacists of the South, with Vice President Agnew as chairman and a 1964 "Southern strategy" Goldwaterite, Robert Mardian, as staff director. The Supreme Court is being changed. It is now clear that Senator Ribicoff's move in assisting Senator Stennis' efforts to weaken the pressure for school desegregation in the South has had a falling-domino aftermath.

Professor Bickel's now celebrated *New Republic* article urging compromise with Southern white supremacists and black separatists—and that was the true thrust of it, whatever he now says—has established an intellectual fabric—squishy soft in its reasoning and erroneous in its facts about South and North, but respectable in its origins—which will be used for bad ends by many lesser men. From Maddox country it is also clear what a federal policy of "benign neglect" would mean: a repetition of the Compromise of 1877, so that "local control" in the form of the Maddoxes and Wallaces could survive. What we would get, in reality, would be benign neglect of the Constitution, as we had for a century after enactment of the Fourteenth Amendment. President Nixon's recent policy statement on school desegregation stressed that local boards frequently can handle these matters better than the federal government. The statement was, with a few exceptions, a declaration of nonleadership rather than of leadership at the federal level; and there is every evidence that the action will not match the words even on the matter of eliminating the deeply rooted results of almost a century of *de jure* segregation in the South. It was exactly this matter of trying to eliminate *de jure* segregation in the South that brought about the removal of Panetta, the surrender of Finch and the rise of Mardian.

There is even a new respectability for old arguments that Negroes are intellectually inferior: Dr. Arthur Jensen's conclusions on race and IQ might have received little notice five years ago, and none at all if they had come from the University of Mississippi; but they came by way of Berkeley and Harvard, and thus their susceptibility to misuse is greater—as is being demonstrateed by the white Citizens Councils (which, incidentally, have recovered from a decade of decline and are growing in strength).

Within the South, these national trends already are damaging the forces for progressive change. Gov. Linwood Holton of Virginia, Gov. Robert Scott of North Carolina, Gov. Robert McNair of South Carolina, Gov. Winthrop Rockefeller of Arkansas, had all strongly urged their publics to accomplish school desegregation in reasonable and orderly fashion; and until the national trend of recent weeks their positions were not fanning the old flames of resistance. Holton and Rockefeller (both Republicans elected with heavy black support, not by the segregationist "Southern strategy") move on as before, but Scott and McNair have had to hedge a bit to protect themselves politically. Perhaps more significantly, Gov. John McKeithen of Louisiana took for a time a more or less moderate position on race; now he is trying to outdo Wallace as an advocate of the neo-segregationist position. Wallace is claiming credit for moving the Administration, and Gov. Albert Brewer is forced once again to be a yes man to Wallace's position, even while running against him for another term. In Georgia, Maddox's style often offends the increasingly middle-class electorate, but his position on school desegregation has been strengthened; opponents no longer can argue that his posturing is ridiculous because the battle is over.

As if to assert that the nation may yet be converted to a Southern point of view—not the growing Southern viewpoint that integration is right and fair but the old view that was thought to be dying—Governor McKeithen recently put full-page ads in *The New York Times, Newsweek* and other publications. His pitch cynically lifted the thoughts, and even the words, of some Northern liberals and used them to justify the South's worst inclinations.

"Full Partnership," the ad's headline proclaimed, by which it meant that Louisiana wanted full partnership in the Union. Louisiana has attempted to obey the law, the ad said, and now all it asks is that it "be treated the same as any other state in the nation." Governor McKeithen, whose photograph accompanied the copy, even italicized these words: *"We believe in civil rights."* But if the Governor of Louisiana now believes in civil rights, he does not believe in federal efforts to secure them, and he cannot truthfully cite any substantial Louisiana state efforts to secure them in places where they are denied by strong white supremacist elements.

Not long ago one would have supposed, and probably Governor McKeithen would have supposed, that the nation would scorn such sophistry. But it is exactly the kind of sophistry that is emanating now from some of the country's most prominent newspaper columnists, intellectuals and liberal politicians. I suspect that the Governor's ads, paid for by "voluntary donations from thousands of Lousianans and their neighbors" (just which highway contractors and/or which oil companies operating in Louisiana?) have had some impact.

The worst part of the South has always benefited from an unwillingness on the part of civilized men to believe that anyone in America could be as politically craven as politicians frequently are in the South on matters of race. Simply to grant that a man like John Stennis is sincere when he says integration should come to the whole country is outrageous. But Stennis is being believed, so why not believe McKeithen, Wallace or Maddox when they say they believe in civil rights? It was a blessing that Maddox went to Washington, carrying ax handles and causing a scene, just as more dignified Southern spokesmen there were beginning to win their case on the Hill. Governor Maddox's mere presence with his ax handles showed people what it was all about.

Craven politics: The newspapers of Jackson, Miss., and Columbia, S.C., which now have unusually good White House contacts, were the first to report the forthcoming dismissal of Leon Panetta as HEW's chief civil rights enforcement officer. When Jack Nelson of the *Los Angeles Times* called the Republican chairmen of South Carolina, Alabama, Mississippi and Louisiana for comment on Panetta's dismissal, all four laughed. All said they had expected it.

For months the White House staff had been sending memoranda bearing Southern segregationist complaints to the offices of HEW Secretary Robert Finch and Panetta. Now we have confirmation that Paul Jones, who was Georgia's Republican chairman at the time, had even sent a message that if HEW would restore federal school funds for one recalcitrant Georgia school system, he was sure large party contributions from several donors could be obtained in return. The White House sent the message to Finch's office. The message was clear.

In February, a Georgia "freedom-of-choice" group (how ironic that term seems when it describes, as it usually does, those who would not have tolerated freedom of choice in the days of impregnable segregation) visited the White House to speak for its "neighborhood school concept." Harry Dent told them, according to an *Atlanta Constitution* report on February 20, that President Nixon intends to use the Agnew Cabinet-level committee to take command of the Administration's desegregation policies. "And Dent indicated that the President's policies would not make the Georgians unhappy." The group left the White House "reassured," a spokesman said.

So the battle cries of the segregationists are growing stronger, and with good reason. Roy Harris, an old-line Georgia white supremist and Citizens Councils leader, currently revels in the developments he can report in his weekly political newspaper, the *Augusta Courier*. In a recent issue he noted that Senator Ribicoff had exposed Northern hypocrisy; said white supremacists may win now because of Northern fears of bussing ("a new word on the tongues of nearly everybody); quoted Vermont Royster of *The Wall Street Journal*, who had written that "the attempt to integrate this country's schools is a tragic failure"; happily reported words from black "militants" Dan Watts and Julius Hobson that seemed to echo his own segregationist viewpoint; and quoted Professor Bickel's article at length. Addressing himself to his segregationist readers, Harris added: "Now, we shouldn't reach the conclusion that the fight is won."

The battle isn't over . . . All this means is that we are making some progress and that if we are willing to stand up and fight with sledge hammers instead of powder puffs we are obliged to win. . . . All of us who have been in the thick of the fight from 1954 until now have believed it would take from two to three generations to win this fight. We knew we couldn't win it by ourselves.

XUM

We have known all along that we had to have the help of the white people outside of the South.

There is no doubt that Harris and others of his viewpoint will verbally "fight with sledge hammers," and some, of course, will physically do it with ax handles, as they did recently in Lamar, S.C. Harris has been consistent. He always did say the fight would take a long time, but that it would be won when real integration began to come outside the South. And it is true that the Southern resistance has frequently outsmarted the federal effort which never truly has been very strong and consistent, precisely because the enforcers always thought the battle was about over, and the resistance always knew it was not.

What is happening now within the South is that Nixon's "Southern strategy" has rekindled all the dying fires. But it is not true, as Harris and Bickel both argue, that integration currently is imposible on a national scale and that, this being the case, it should not be pressed hard in the South. Bickel asked whether it is right to require a small, rural and relatively poor segment of the nation's population (the rural and small-town South, that is) to "submit" to a kind of schooling "that is disagreeable to them (for whatever reasons, more or less unworthy)." This argument revives the "invisible man." A large part of that small, rural and relatively poor area is black, does not feel that it is being forced to "submit," and usually has found nothing disagreeable about the fact that at last it has begun to make real progress toward school integration.

Yes, we are told, but the "vanguard" of black opinion in the nation is no longer interested in integration. Is Roy Innis "vanguard" and Julian Bond, who disagrees with Innis' kind of separatist position, not? Someone is putting us on. When Innis came to Atlanta recently, he conferred with Governor Maddox and reported the Governor's response to his separatist views on schools was "very heartening and encouraging." He did not consult with Bond, also a Georgia state official; Bond would not have heartened him. Vanguard?

Innumerable examples of successful school integration can be cited. One thinks of Greenville, S.C., where white students welcomed blacks with banners and decent local leadership made things work; or Jackson, Miss., where the school superintendent could report "extremely smooth" transition in a system 47 per cent black; or scores of others. The fact is that the number of places in the South where integration has been self-defeating, once it has arrived, is relatively small.

But these numerous examples are being ignored. Some are dismissed on grounds that they do not involve a high percentage of blacks or are in places where resistance was not strong. Aberdeen, Miss., is a small town with a high school that has been 50 per cent black since last September. There were no incidents when Aberdeen closed an all-black high school and fully integrated grades 10, 11 and 12. Very few whites departed. Despite the big educational lag of black high school students who had never been to a good school, education has proceeded at Aberdeen High School. Team teaching, individual instruction and a number of other devices have been used by a school administration determined to make integration work.

The brightest white students have not been penalized; they have benefited from the increase in individual attention, and apparently they are generally making faster progress than were their counterparts a year ago. The achievement levels of the black students, meanwhile, have been rising. (Remember the Coleman Report?) There have been no unusual disciplinary problems. A black student was elected president of the student body, with a majority, without a run-off against two white students. The athletic teams are fully integrated, and the school has taken pains to see that blacks and whites have shared alike in such hallowed endeavors as the selection of cheer leaders and homecoming queens and maids of honor. A lively student newspaper, far from being mousy about the biggest subject in the local high school, has done a complete job of reporting on the changes and on student and adult opinions about it all.

What is the real message of Aberdeen? It is not that the majority of the town's white people wanted school integration or that it was successfully achieved through some extraordinary assistance in funds and other aid from outside. The real message is that school administrators and officials, confronted finally with integration, and knowing they must make it work or have no public school system, have used all their considerable skills to make it effective.

What happens now to such conscientious people? Enemies of the change may scold them for moving along, questioning whether even in the face of a court order they had to make things go well. If they had stalled, or encouraged the private school, or discriminated within the building, or made life unpleasant for the new arrivals, maybe now the fight against integration could be won. Maybe Aberdeen could have gotten by with token integration. That is the local spin-off from the "Southern strategy."

Except for the spectacle of seeing one of the two national political parties openly playing race politics as Southern demagogues have played it (not the "nigger-nigger" and States'-rights Southern demagogues but their successors, who speak of belief in civil rights and disbelief in guidelines, or racial balance or federal force), the most disturbing aspect of the new national trend is the blithe adoption of Southern segregationist termniology and terms of discussion. Now we hear nationally, not just in "Maddox country," that the goal should be "quality education." That should always be the goal of education, of course; but now the term is used to oppose integration, as Southern demagogues have always used it.

Now we also hear that it is "time to end the civil war," as Geoffrey and Roscoe Drummond wrote in a recent newspaper column. By this is meant that the federal government should stop leaning hard on the South (if it ever did); and this in turn means it should stop leaning hard on white supremacists in the South. We now hear frequent references to school integration as "racial balance," a term which usually is altogether misleading because it describes a goal and a result hardly ever involved in plans abolishing the dual school systems of the South. And finally, bussing is now at the center of debate, although school integration in the South has steadily reduced bussing. What has happened to the terms of the national discussion? They, too, have been captured by the Southern neo-segregationists.

There is another dimension in this shifting of the terms of debate. It has to do with emphasis on "lowering our voices," to use President Nixon's term, at the moment when voices should be raised. People who raise their voices loudly against the politicizing of the school desegregation process—people who, like Panetta, rightly call it "craven retreat"—are now dismissed, even in some liberal quarters, as intemperate zealots. We are urged not to attribute the worst motives to the Nixon Administration, the nation racial situation being so delicate.

On the contrary, voices should be raised, loudly, *because* the racial situation is delicate and because this playing politics with children further widens the racial gap. It is no service to the country to counsel a quiet rationality that does not permit calling political opportunism exactly that and which is too refined to entertain the thought that Richard Nixon and Lester Maddox can operate with the same motivations.

All of these developments (the developments in the media and academic worlds may do more than the "Southern strategy" to reverse the nation's progress) suggest that the South is once again being cut adrift. And of course the white supremacist element—which is hardly ever called that now, although the country is quick to name black power when it appears—wants the South adrift. Then we can have "local control," "self-determination" and "neighborhood schools." Do Southern liberals have a right to expect those at the end of their life lines, those in places of power in Washington and New York and other cities outside the South, to continue to hold on?

I don't think white Southern liberals have any such right; with relatively few exceptions they have not been the real heroes or the real sufferers in the struggle. But black Southerners can claim that right. The nation still has not made good on the promissory note they hold. People in power, whether it be governmental, intellectual or communications power, ought to be garnished to make good. Those in places of influence who do not think so ought to be moved out of the way.

And I think they will be. In Maddox country it is clear that the struggle, as Roy Harris says, is not over. He is calling in his reinforcements. So should we. Behind those who are tired and discouraged and prone to tacitly accept the racist underpinnings of arguments made by John Stennis and Roy Innis, there are younger replacements, many of whom have been tempered in the Southern civil rights movement. They know that reconstruction sometimes must precede reconciliation, and that as long as John Stennis represents a million Mississippi blacks our concern must be mainly for them, not for him.

There seems to be good evidence that the current activism of college students, generally described as student radicalism, is progressing not mainly toward a major force of organized radicalism in America but toward a tough new reformism with *perspectives* that are, in the present milieu, radical. The student radicalism already has yielded perspectives of truth, but not yet a functional politics. On the other hand, liberalism is ineffectual today exactly to the extent that it lacks those radical perspectives. We have learned that, without them, liberals are capable of producing Vietnams and Chicagos, and the kind of reasoning process that now has shifted the terms of debate on the schools.

Liberals who lack a radical perspective—a perspective slicing through the nation's erroneous pretensions about itself, its institutions and the world, and comprehending that civics books are usually filled with facts that add up to lies about how government works—are incapable of dealing effectively with the main processes of public life in America. Let them be replaced by an influx of the new liberals (the label "liberal" perhaps will not be used): people who are not radically destructive but creative. If that happens the earlier liberalism, which for a time became our national orthodoxy, will not be followed by a middle American copout or a drug-culture dropout but by a liberalism that has been made functional again.

Mr. Nixon's "silent majority" did, after all, give him less than half the votes in the 1968 Presidential election, and this after eight years of Democratic rule and in the midst of one of the most unpopular wars in American history. What is there to prove that the nation, though it may have been ready for a pause, will long accept a retreat that is patent political opportunism? I may be wrong, viewing the scene through all the strange prisms of Maddox country, but even in the disarray of liberalism Spiro Agnew does not look like the wave of the future.

RESOLUTION OF THE KIWANIS CLUB OF FORT LAUDERDALE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the fight against cancer should become one of the first priorities of our country. I have long spoken of the urgency of this problem. Since my years in the Senate, and while in the House, I have taken steps in the effort to obtain more funds for cancer research.

In 1937 I joined in the introduction of the resolution in the Senate setting up the first National Cancer Institute. In 1946 I attempted to get more funds for cancer research by introducing a resolution in the Senate to provide $100 million to enable the President to bring together the outstanding scientists of the world, knowledgeable in this area, at some place for sustained research on cancer.

This Congress, I have joined my colleagues in sponsoring legislation calling for the appropriation of $650 million annually for 10 years for the nationwide cancer program and for the construction of five new research institutes.

Several organizations are directing their efforts to see that the Federal Government assists in every possible way in finding the cause and cure of cancer. I am proud to place in the RECORD a resolution unanimously adopted by the Kiwanis Club of Fort Lauderdale on June 16, 1970:

RESOLUTION UNANIMOUSLY ADOPTED BY THE KIWANIS CLUB OF FORT LAUDERDALE ON JUNE 16, 1970

Whereas, Cancer strikes one out of four Americans and is a threat to the world and nation and in 1969 alone caused the death of 323,000 citizens, and

Whereas, a concerned group of Americans have formed the Citizens for the Cure of Cancer who are making every effort through petitions and other means to gain support for increased medical research and to effect a cure for Cancer, and

Whereas, the members of the Kiwanis Club of Ft. Lauderdale are in unanimous agreement with the goals of this group of citizens.

Therefore, we hereby resolve that this Club join with the Citizens for the Cure of Cancer and call upon all Kiwanis Clubs in the Florida District to do so, in making it our objective to convince our government and its people that we must make the commitment to a cure for Cancer a national priority.

GENE A. WHIDDON,
President, Kiwanis Club of Fort Lauderdale.

REPORT ON THE HOUSE PUBLIC WORKS COMMITTEE

(Mr. JONES of Alabama asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JONES of Alabama. Mr. Speaker, in the summer 1970 issue of Water Spectrum, a publication of the U.S. Army Corps of Engineers, there appears an article entitled "Hearing in Session." The author is our esteemed colleague and chairman of the Committee on Public Works, the Honorable GEORGE H. FALLON of Maryland. It is an excellent account of how and why committees operate, with the accent on the Public Works Committee.

Throughout his 25-year career in the Congress, Chairman FALLON has been the leader in the concept of reasoned development—development which considers environmental values in relationship to public need.

I commend this to the Members:

HEARING IN SESSION

(By Hon. GEORGE H. FALLON)

I have often wondered exactly when the first committee was formed. Toying with the thought, I'm almost convinced that it probably came about when the wheel was invented and a group of bystanders appointed themselves the "wheel committee" to decide, by vote, which direction it should roll.

However it began, the direction of modern, democratic man has been guided by committee action with the committees becoming more numerous as community environment became more complex.

The heart of our congressional system is the committee. Each Congressman is, in essence, acting as the chairman of his constituent group when he votes on legislation. As an individual, his membership on the various congressional committees is of vital importance to the total legislative machinery.

In the House of Representatives, standing committees were structured in their present form by the Legislative Reorganization Act of 1946. Rule XI outlined the "Powers and Duties of Committees," and stated that: "All proposed legislation, messages, petitions, memorials and other matters relating to the subjects listed under the standing committees named below shall be referred to such committees, respectively." The specific area of responsibility for each standing committee is delineated and committee procedure is detailed.

Every committee chairman feels that his particular committee is just a little more important than the rest. I, too, have this feeling about the Public Works Committee. Not that within the total legislative context it is more important—yet its recommended actions affect every American either directly or indirectly.

Under the previously cited House Rule XI, the Committee on Public Works was given jurisdiction over the following areas:

Flood control and improvement of rivers and harbors.

Public works for the benefit of navigation, including bridges and dams.

Water power.

Oil and other pollution of navigable waters.

Public buildings and occupied or improved grounds of the United States generally.

Measures relating to the purchase of sites and construction of post offices, customhouses, Federal courthouses, and government buildings within the District of Columbia.

Measures relating to the Capitol Building and the Senate and House Office Buildings.

Measures relating to the construction or reconstruction, maintenance and care of the buildings and grounds of the Botanic Gardens, the Library of Congress and the Smithsonian Institution.

Public reservations and parks within the District of Columbia, including Rock Creek Park and the Zoological Park.

Measures relating to the construction or maintenance of roads and post roads.

The Committee on Public Works, which has 34 of the most competent and knowledgeable members of the Congress, and represents every section of the United States, is organized into a structure consisting of five standing subcommittees:

Rivers and Harbors, Flood Control, Roads, Public Buildings and Grounds, and Watershed Development; plus the Special Subcommittee on the Federal-Aid Highway Program (investigative), the Ad Hoc Subcommittee on Appalachian Regional Development, and the Special Subcommittee on Economic Development Programs.

The Public Works Committee is basically concerned with environment and development. In the minds of some people these two areas are diametrically opposed. We know, however, that development is necessary to provide the food, water, transportation and economic well-being necessary for our growing population. We take as our approach that *reasoned development* is essential—development which considers environmental values in relationship to public need.

The Committee's long history as a guardian of our environment is evidenced by its pioneering work in water pollution control. Prior to the Reorganization Act of 1946 there had been some legislation enacted in this general field—The Refuse Act of 1899, The Public Health Service Act of 1912 and The Oil Pollution Act of 1924. However, it was not until after the Committee on Public Works was established and considered the problem of water pollution control to be sufficiently serious for national attention that, in 1948, the first comprehensive measure aimed specifically at that problem was enacted. This landmark legislation was Public Law 80–845.

Public Law 80–845 essentially had a fivefold purpose:

1. Authorized the Surgeon General to assist in and encourage state studies and plans, interstate compacts, and creation of uniform state laws to control pollution.

2. Supported research.

3. Authorized the Department of Justice to bring suits to require an individual or firm to cease practices leading to pollution—suits could be brought only after notice and hearing, and only with the consent of the State.

4. Established the Federal Water Pollution Control Advisory Board.

5. Provided authorization for funding.

a. $22.5 million a year for Fiscal Years 1949–1953 for low interest (2 percent) loans for construction of sewage and waste treatment works. Loans limited to $250,000 or one-third the cost of the project.

b. $1 million a year for Fiscal Years 1949–1953 for grants to States for pollution studies.

c. $800,000 a year for Fiscal Years 1949–1953 for grants to aid in drafting construction plans for water pollution control projects.

Public Law 82–579, enacted in 1952 extended the provisions of the 1948 Act for an additional three years through Fiscal Years 1954–56.

The emergence of the national water pollution control program as a permanent program came about with the enactment of Public Law 84–660 in 1956. This Act, which was brought about by the efforts of the Public Works Committee, despite the vigorous opposition of the executive department, provided legislation of a comprehensive nature and permitted Federal participation in a wide variety of activities, including Federal-State cooperation in developing comprehensive programs, increased technical assistance, intensified and broadened research, provided $3 million a year in grants for Fiscal Years 1957–1961 to assist in the preparation of State plans for pollution control $500 million for grants to help local communities build sewage treatment plants for Fiscal Years 1957–1966, and modified and simplified enforcement measures for controlling pollution of interstate waters.

Without belaboring the point, an example of how far the Committee was moving forward almost unilaterally in the area of environment was evidenced by the fact that when President Dwight D. Eisenhower signed

XUM

this legislation on July 9, 1956, his comments of disapproval of the $500 million grant program were met by almost total silence by the public.

In the Budget Message in 1959, President Eisenhower urged the Congress to reduce, and, after 1960, eliminate the construction grant program. He argued that the responsibility for sewage treatment building costs should be returned to the States and localities altogether. However, this Committee refused to go along with that view and urged the Congress to increase the Federal participation to $100 million annually for ten years. Eventually H.R. 3610 passed the Congress providing for a $900 million grant program for the next 10-year period. Unfortunately, H.R. 3610 was vetoed by President Eisenhower and the attempt to override the veto on February 25, 1960, in the House of Representatives fell 22 votes short of the two-thirds majority needed. However, the vote of 249–157 to override the veto was encouraging to the Committee as a sign that the water pollution control program was finally obtaining national attention.

In 1961, the Nation was beginning to realize the need for an active and accelerated water pollution control program. After considerable hearings, the Public Works Committee recommended to the Congress H.R. 6441 and this eventually became enacted as Public Law 87–88.

The major provisions of that Act were as follows:

1. Vested administration of program in Secretary of Health, Education, and Welfare (previously Surgeon General).

2. Authorized grants to local communities for sewage treatment plants of:

a. $80 million in Fiscal Year 1962

b. $90 million in Fiscal Year 1963

c. $100 million in Fiscal Years 1964–1967.

3. Raised Federal contribution to 30 percent of total cost or $600,000 whichever was less (formerly 30 percent of $250,000).

4. Permitted Federal grants as high as $2.4 million where communities unite to build one project.

5. Authorized seven regional laboratories for research and demonstration in improved methods of sewage treatment and control.

6. Permitted the HEW Secretary, through the Justice Department, to bring court suits to require an offender to cease activities causing pollution in interstate waters without seeking permission of the State.

7. Extended pollution abatement procedures of the Act to navigable intrastate and coastal waters, but required permission of owners before Federal enforcement suit could be brought to stop activities in such waters. (Previously, abatement procedures applied only to interstate waters).

The water pollution control program as we know it today was put into the present shape by enactment of The Water Quality Act of 1965 and The Clean Waters Restoration Act of 1966.

Under the Water Quality Act of 1965, the States were given the initial opportunity of adopting by June 30, 1967, water quality standards for their interstate waters, and plans to implement and enforce the standards for approval by the Secretary of Interior as Federal standards. (The Reorganization Plan No. 2 which was effective May 10, 1966, transferred the Federal Water Pollution Control Administration, as well as most of the functions of the Secretary of HEW authorized by the Federal Water Pollution Control Acts, to the Secretary of the Interior.) If a State fails to adopt adequate criteria and plans, the Secretary is authorized to initiate Federal actions to establish standards.

The Water Quality Act of 1965 also provided for grants for research and development in better methods of controlling pollution from stormwater and combined sewer overflows and for increased amounts for constructing sewage treatment works ($150 million for Fiscal Year 1966 and 1967.)

The Clean Water Restoration Act of 1966 authorized a massive Federal participation in the construction of sewage treatment grants. The legislation authorized a total Federal expenditure of $3,550,000,000 during Fiscal Years 1967–1971. Unfortunately, despite the demonstrated need for such Federal expenditures, the appropriations for Fiscal Years 1967–1970 have been just a little over 50 percent of the authorized amounts.

By the time this article is published the Congress will no doubt have approved another major water pollution control bill which I had the privilege of authoring—H.R. 4148. This legislation has major provisions concerning oil pollution from vessels and on-shore and off-shore facilities, Federal permits and licenses, sewage pollution from vessels, and hazardous substances discharged into the waters of the United States. In addition, one of the most important provisions is the creation of the Office of Environmental Quality to furnish staff support for The Council of Environmental Quality established pursuant to Public Law 91–190. This staff will monitor the national Federal pollution control efforts and I am certain it will be in the forefront of our national effort to preserve our environment.

By discussing in such detail the history of the water pollution control program, I do not mean to disparage in any way the tremendous contribution to our environment that our developmental programs have made.

One of the outstanding accomplishments of the Committee was, of course, its action in moving forward the 1956 Federal-Aid Highway legislation which established the National System of Interstate and Defense Highways. This tremendous undertaking, the largest public works venture in the history of the world, is producing a modern access system for this Nation which is approached nowhere else on this earth. Presently designated at 42,500 miles, its ultimate cost will be in the neighborhood of $60 billion. The program is conducted by the States under the administration of the Secretary of the Department of Transportation. It presents an excellent example of State-Federal relationship at its best.

The regular Federal-Aid program of primary, secondary and urban roads, although dwarfed by the Interstate program, is an undertaking of major scope in its own right. Currently authorized at a rate of approximately one and a half billion dollars per year it is expected to expand drastically upon completion of the Interstate System in the late seventies. The Committee authorizes this program on a biennial basis and keeps close track of all activities and procedures involved in its progress.

The Federal-Aid Highway Acts since 1956 have included important provisions to protect and enhance our environment. The Federal-Aid Highway Act of 1968, for example, included a provision for the preservation of parklands. The Secretary of Transportation is forbidden to approve the use of pubicly owned parklands for highway projects unless there is "no feasible and prudent alternative," and if such lands must be used, all possible planning must be instituted to minimize harm to such lands. Section 24 of that Act requires the State highway departments before submitting proposals for highway locations, to consider the social effects, environmental impact, and consistency with the goals and objectives of urban planning promulgated by the community of such locations, in addition to consideration of the economic impact of such locations.

At the urging of this Committee, the Federal Highway Administration has undertaken numerous activities to assure the compatibility of the highway and its environment. I believe we ought to note a few of these efforts.

1. Environmental Development Division. Almost two years ago, an Environmental Development Division was created in the Bureau of Public Roads. It is a multidiscipilinary group, staffed with architects, city planners, landscape architects, sociologists, economists, appraisers, engineers, and others. This division is concerned with the following elements.

a. Consideration of social, economic, and environmental factors, with special emphasis on those factors significant to a highway decision;

b. Optimum utilization of the joint development potential of a highway project and its environment, including multiple use of the highway right-of-way;

c. Use of multidisciplinary design groups as staff advisors to agencies and jurisdictions responsible for highway and community programs;

d. Use of intergovernmental policy groups in a comprehensive highway project planning process, to develop integrated and coordinated highway and environmental plans and programs; and

e. Use of citizen and unofficial groups as community and neighborhood advisors to agencies and jurisdictions responsible for highway and community programs.

2. Environmental Design Group. In order to better recognize and integrate economic, social and environmental factors, design concept teams were established. Major design concept team efforts are being made in such places as Baltimore, Chicago, Boston, New York, and Phoenix. A number of highway departments, additionally, have established an internal multidisciplinary staff capability involving the environmental design approach. The objective of all of these efforts is to make sure that adequate attention is given to preservation and enhancement of the quality of the environment, and related social and economic factors. Substantial dollar resources are involved.

3. Joint Development and Multiple Use. More than four years ago, the idea of joint development and multiple use was initiated. The objective of these programs is to make double and triple use of highway rights-of-way and highway dollars, establishing uses compatible and complementary to the transportation corridor. It also assists communities in the attainment of their other stated goals. It restores taxable property and provides services of all kinds to communities. Over 500 requests from almost every State and the District of Columbia for the permissive joint use of highway land for nonhighway purposes have been processed. This program alone offers fantastic opportunities for preserving and enhancing the community environment.

4. Metropolitan Development and Intergovernmental Review. Based upon a longtime tradition of intergovernmental cooperation, the Federal Highway Administration was one of the first to fully implement the Intergovernmental Cooperation Act of 1968 and its predecessor legislation. The objective is to conform highway projects with environmental and metropolitan development. Environmental elements are an important segment of these activities. This activity has been extended to non-metropolitan and rural areas as well.

5. Acquisition in Limited Vertical Dimension. In an increasing number of instances, the Federal Highway Administration is encouraging acquisitions in limited vertical dimension, either above or below a resource that is sought to be preserved. This could leave a park, open space, stream, wildlife area, battlefield, or similar resource intact.

The Committee on Public Works (and its predecessor Committees on Rivers and Harbors and Flood Control) has had jurisdiction over the civil works program of the Army Corps of Engineers since the earliest involvement in the development and maintenance of the nation's waterways for navigation and related purposes in 1824.

As in the highway program, this Committee has insisted on consideration of environmental values in water resource development programs for many, many years. A healthy environment and natural beauty are values which require proper consideration in any action program for water resource development. The well-being of all of the people is the primary determinant in planning the best use of water and related land resources. The Committee has insisted that in preauthorization studies and subsequent preconstruction planning, full consideration be given to the impact of engineering works upon their habitat, and to measures for protection and improvement of environmental resources. Provision is required to be made for development of the recreation potential of water projects by construction and maintenance of facilities for recreational use of, and public access to, the water areas.

Under basic authorities originating from the Committee on Public Works, the Corps of Engineers is becoming increasingly involved in activities related to general environmental quality. Some examples are:

Measures for preservation and enhancement of fish and wildlife resources;

Land management practices for reforestation, soil erosion control, forest and watershed cover management, and other conservation practices to improve the environment and increase the value of such areas for conservation, recreation, and other beneficial uses;

Storage in reservoir projects for streamflow regulation and water quality control;

Consideration of various ecological, cultural, historical, and archaeological values;

Protection of existing recreation resources created by water resource development projects.

The comprehensive study of the Chesapeake Bay is one of the best current examples of the joint interest of the Committee on Public Works and the Corps of Engineers to understand and protect our environment. I had the privilege of introducing the legislation which became section 312 of the River and Harbor Act of 1965. The study, which is now estimated to cost $15 million, consists of a complete investigation and study of water utilization and control of the Chesapeake Bay Basin, including the waters of the Baltimore Harbor and including but not limited to navigation, fisheries, flood control, control of noxious weeds, water pollution control, water quality control, beach erosion, and recreation. A hydraulic model of the Chesapeake Bay Basin and associated technical center was authorized to be constructed, operated, and maintained in the State of Maryland for this purpose. The model and center are to be utilized by any department, agency, or instrumentality of the Federal Government, the States of Maryland, Virginia, and Pennsylvania in connection with any research investigation or study they conduct on any aspect of the Chesapeake Bay Basin.

Chesapeake Bay is the largest tidal inlet along the Atlantic coast and has a surface area of approximately 4,300 square miles and tidal shore line of about 4,600 miles. The Chesapeake Bay seafood industry supports the livelihood of about 20,000 persons. Approximately 150,000,000 tons annually of waterborne commerce moves out of the bay and its tributaries. The metropolitan areas of Baltimore, Washington, D.C., and Norfolk, Va., are located in the basin area; and, using the now obsolete census of 1960 as a basis, the population of the area at that time was about 5,500,000.

As I have previously noted, the Chesapeake Bay study is a comprehensive estuarine study, multi-disciplinary in scope, encompassing engineering and the physical, chemical, biological, and social sciences. The first year of the study, Fiscal Year 1967, was used in developing broad concepts and constraints for this study of unprecedented scope and magnitude. The second year was used for a more detailed evaluation of procedures for accomplishing the study, for interagency coordination, and for a public hearing at which the views of affected local interests were obtained.

Many urgent problems challenge the environment of Chesapeake Bay. Waste disposal is a pressing problem. The Baltimore-Washington urban complex had a population of approximately 3.8 million people in 1960, a number which is expected to double in 25 years. Little study has been done concerning the intricate relationship between exploding urbanization and the estuarine environment. The Washington area places 8 million pounds of phosphorous and 25 million pounds of nitrogen in the Potomac River annually. These quantities will double in 25 years. The Patuxent River receives the wastes of 78,000 people, and has lost 10 species of fish. The rapidly expanding rate of urbanization provides the additional threats of increased thermal loads and other very hard to manage compounds. There are numerous other threats including the destruction of wetlands, interbasin diversion of fresh water inflows, the invasion of noxious weeds, land and shore erosion, and silt inflows as a function of increased urban development, agricultural activity, and navigation projects.

The study, when completed, will project economic development within the bay area and the consequent resource demands. The final report will serve as a viable management guide to maintaining the environmental integrity of the Chesapeake Bay while encouraging beneficial resource use and enjoyment.

I have not attempted in this article to discuss the other major programs originated by the Committee on Public Works such as the small watershed program of the Department of Agriculture's Soil Conservation Service, the Tennessee Valley Authority, the St. Lawrence Seaway Development Corporation, the public buildings program of the General Services Administration, the Department of Transportation's Highway Safety Act of 1966, The Highway Beautification Program, or the economic development programs of the Appalachian Regional Commission, the six Economic Development Regional Commissions, and the Department of Commerce's Economic Development Administration. However, the mere enumeration of these programs discloses the fact that these are "people programs"—programs concerned with the well-being of people and their environment.

It is the policy of the Committee on Public Works to establish goals in the major areas of our responsibilities. We attempt to state these goals clearly in the authorizing legislation and in all cases we consider these objectives attainable.

Thus in the water pollution control program we state our goal as providing a supply of water of adequate quality for all beneficial purposes including public water supply, propagation of fish and aquatic life, recreational purposes, and agricultural and industrial uses. In the area of economic development we recognize the objective of enhancing the national economy by assisting areas of substantial and persistent unemployment and underemployment to achieve lasting economic improvement through the establishment of stable, diversified, and strengthened local economies.

However we state the goals of specific programs, the goals of all our programs may be briefly stated as providing for the development of necessary projects to accommodate our present and future population in harmony with our environment.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Saylor (at the request of Mr. Gerald R. Ford), for today through July 13, on account of official business.

Mr. Price of Texas (at the request of Mr. Gerald R. Ford), for today, on account of official business.

Mr. Pepper (at the request of Mr. Albert), from June 25 through June 29, on account of official business.

Mr. Jarman (at the request of Mr. Albert), for today on account of death of father.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Fisher, for 30 minutes, today, to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. McClure) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Hogan, for 5 minutes, today.

Mr. Halpern, for 5 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

Mr. Hechler of West Virginia, for 5 minutes, today.

Mr. Chamberlain, for 30 minutes, today.

(The following Members (at the request of Mr. Daniel of Virginia) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Purcell, for 10 minutes, today.

Mr. Harrington, for 30 minutes, on July 1.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Aspinall in two instances, and to include extraneous material.

Mr. O'Neill of Massachusetts in eight instances, and to include extraneous material.

Mr. Edmondson in three instances, and to include extraneous material.

Mr. Madden, in two instances, and to include extraneous matter.

Mr. Wylie, to extend his remarks after those of Mr. Gerald R. Ford today on the President's veto.

Mr. Mahon, to revise and extend his remarks on the conference report on H.R. 17399 and to include extraneous material and tables.

Mrs. Sullivan following the vote on H.R. 17495 and to include extraneous matter.

Mr. Randall in two instances and to include extraneous matter.

Mr. Macdonald of Massachusetts in two instances and to include extraneous matter.

(The following Members (at the request of Mr. McClure) and to include extraneous matter.)

Mr. Robison.

Mr. Duncan in two instances.

Mr. Burton of Utah in five instances.

Mr. Zwach in two instances.

Mr. Stafford.

Mr. Arends in two instances.
Mr. Foreman in two instances.
Mr. Johnson of Pennsylvania.
Mr. Scherle in four instances.
Mr. Hunt.
Mrs. May.
Mr. Lukens in two instances.
Mr. Wyman in two instances.
Mr. McDade.
Mr. Mize.
Mr. Hosmer in two instances.
Mr. McClure in two instances.
Mr. Reifel.
Mr. Bray in three instances.
Mr. Ashbrook in two instances.
Mr. Langen.
Mr. Chamberlain in two instances.
Mr. Dellenback.
Mr. Pelly in five instances.
Mr. Brock in two instances.
Mr. Anderson of Illinois in three instances.
Mr. Derwinski in two instances.

The following Members (at the request of Mr. Daniel) and to include extraneous material:

Mr. Rarick in two instances.
Mr. Abbitt.
Mr. Tiernan.
Mr. Albert in two instances.
Mrs. Griffiths.
Mr. Wright in five instances.
Mr. Patman in two instances.
Mr. Olsen.
Mr. Downing in two instances.
Mr. Howard.
Mr. Moss.
Mr. Purcell in two instances.
Mr. Bennett of Florida in two instances.
Mr. Roybal in six instances.
Mr. Waldie in three instances.
Mr. Tunney in two instances.
Mr. Jacobs in two instances.
Mr. O'Hara.
Mr. Fountain.
Mr. Kluczynski in two instances.
Mr. Bingham in two instances.
Mr. Daniel of Virginia.
Mr. Blanton in two instances.
Mr. Matsunaga.
Mr. Daddario in five instances.
Mr. Biaggi in 10 instances.
Mr. Cohelan in three instances.
Mr. Dorn in six instances.
Mr. Diggs in two instances.
Mr. Brooks in two instances.
Mr. Culver.
Mr. Chappell.
Mr. Griffin.
Mr. Ryan in three instances.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a Joint Resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 17138. An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 and the District of Columbia Teachers' Salary Act of 1955 to increase salaries, and for other purposes; and

H.J. Res. 1264. Joint resolution making continuing appropriations for the fiscal year 1971, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

On June 24, 1970:

H.R. 16516. To authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

On June 25, 1970:

H.R. 17138. To amend the District of Columbia Police and Firemen's Salary Act of 1958 and the District of Columbia Teachers' Salary Act of 1955 to increase salaries, and for other purposes; and

H.J. Res. 1264. Making continuing appropriations for the fiscal year 1971, and for other purposes.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 19 minutes p.m.), under its previous order, the House adjourned until Monday, June 29, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2147. A letter from the Deputy Secretary of Defense, transmitting the fiscal year 1969 annual report and combined statement of income and expenditures of the American National Red Cross, pursuant to the provisions of 33 Stat. 599, as amended; to the Committee on Foreign Affairs.

2148. A letter from the Chairman, Indian Claims Commission, transmitting a report of the final judgment of the Commission on Docket No. 253, the Miami Tribe of Oklahoma, also known as the Miami Tribe et al., plaintiffs, Docket No. 131, Ira Sylvester Godfroy, William Allolla Godfroy, John A. Owens, on relation of The Miami Indian Tribe and Miami Tribe of Indiana, and each on behalf of others similarly situated and on behalf of the Miami Indian Tribe and various other bands and groups, of each of them, comprising the Miami Tribe and Nation, plaintiffs, and Docket No. 314–D, the Peoria Tribe of Indians of Oklahoma and Amos Robinson Skye on behalf of the WEA Nation, plaintiffs, versus the United States of America, defendant, pursuant to the provisions of the Indian Claims Commission Act, as amended; to the Committee on Interior and Insular Affairs.

2149. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting requesting the withdrawal of a case involving suspension of deportation now pending before Congress; to the Committee on the Judiciary.

2150. A letter from the Secretary of Transportation, transmitting the 1970 annual report on urban area traffic operations improvement programs, pursuant to the provisions of section 10 of the Federal-Aid Highway Act of 1968; to the Committee on Public Works.

2151. A letter from the Secretary of Transportation, transmitting the 1970 annual report on fringe parking facilities, pursuant to the provisions of section 11 of the Federal-Aid Highway Act of 1968; to the Committee on Public Works.

2152. A letter from the Secretary of Transportation, transmitting the 1970 annual report on highway relocation assistance, pursuant to the provisions of section 33 of the Federal-Aid Highway Act of 1968; to the Committee on Public Works.

2153. A letter from the Administrator of General Services, transmitting a prospectus for the revision of the post office and vehicle maintenance facility project authorized as Van Nuys, Calif., pursuant to the provisions of section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works.

Received From the Comptroller General

2154. A letter from the Comptroller General of the United States, transmitting a report of weak enforcement of Federal sanitation standards at meat plants by the Consumer and Marketing Service, Department of Agriculture; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DAWSON: Committee on Government Operations. A review of the inequitable monetary rate of exchange in Vietnam (Rept. No. 91–1228). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. U.S. economic assistance to transportation in Latin America (Rept. No. 91–1229). Referred to the Committee of the Whole House on the State of the Union.

Mr. HUNGATE: Committee on the Judiciary. S. 3564. An act to amend the Federal Youth Corrections Act (18 U.S.C. 5005 et seq.) to permit examiners to conduct interviews with youth offenders (Rept. No. 91–1239). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 17133. A bill to extend the provisions of title XIII of the Federal Aviation Act of 1958, as amended, relating to war risk insurance (Rept. No. 91–1240). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of New York: Committee on the Judiciary. S. 2427. An act for the relief of Cal C. Davis and Lyndon A. Dean (Rept. No. 91–1230). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 10150. A bill for the relief of certain individuals employed by the Department of the Air Force at Kelly Air Force Base, Tex.; with amendments (Rept. No. 91–1231). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 10704. A bill for the relief of Samuel R. Stephenson; with amendments (Rept. No. 91–1232). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 15272. A bill for the relief of David L. Kennison; with amendments

(Rept. No. 91–1233). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 15415. A bill for the relief of George F. Mills (Rept. No. 91–1234). Referred to the Committee of the Whole House.

Mr. SANDMAN: Committee on the Judiciary. H.R. 15478. A bill for the relief of Mrs. Fernande M. Allen Rept. No. 91–1235). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 17734. A bill for the relief of Sherman Webb and others; with amendments (Rept. No. 91–1236). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on Judiciary. House Resolution 108. Resolution 108. Referring H.R. 1390 to the Chief Commissioner of the Court of Claims; with an amendment (Rept. No. 91–1237). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 4982. A bill for the relief of Thomas J. Beck; with amendments (Rept. No. 91–1238). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROSENTHAL (for himself, Mrs. Dwyer, Mr. Holifield, Mr. Erlenborn, Mr. Blatnik, Mr. Brown of Ohio, Mr. Jones of Alabama, Mr. Findley, Mr. Dawson, Mr. Reid of New York, Mr. Brooks, Mr. Horton, Mr. Fountain, Mr. Wydler, Mr. Garmatz, Mr. Cowger, Mr. Moss, Mr. Gude, Mr. Fascell, Mr. McCloskey, Mr. Reuss, Mr. Weicker, Mr. Monagan, Mr. Macdonald of Massachusetts, and Mr. Moorhead):

H.R. 18214. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. BUCHANAN:

H.R. 18215. A bill to amend the Public Health Service Act to revise, extend, and improve the program established by title VI of such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Florida:

H.R. 18216. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. BURTON of Utah:

H.R. 18217. A bill to amend the Public Health Service Act to revise, extend, and improve the program established by title VI of such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. COUGHLIN:

H.R. 18218. A bill to amend the Public Health Service Act to revise, extend, and improve the program established by title VI of such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DENNIS (for himself, Mr. Landgrebe, Mr. Zion, Mr. Roudebush, Mr. Bray, Mr. McClory, and Mr. Hutchinson):

H.R. 18219. A bill to amend the Public Health Service Act to revise, extend, and improve the program established by title VI of such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GERALD R. FORD:

H.R. 18220. A bill to amend the Public Health Service Act to revise, extend, and improve the program established by title VI of such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GOODLING (for himself, Mr. Edwards of Alabama, Mr. McEwen, Mr. Zwach, Mr. Johnson of Pennsylvania, Mr. Eshleman, Mr. Mizell, Mrs. May and Mr. Ruth):

H.R. 18221. A bill to amend the Public Health Service Act to revise, extend, and improve the program established by title VI of such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KLEPPE:

H.R. 18222. A bill to amend the Public Health Service Act to revise, extend, and improve the program established by title VI of such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MacGREGOR:

H.R. 18223. A bill to amend the Public Health Service Act to revise, extend, and improve the program established by title VI of such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MORTON:

H.R. 18224. A bill to amend the Public Health Service Act to revise, extend, and improve the program established by title VI of such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. OBEY:

H.R. 18225. A bill to amend the Tariff Schedules of the United States with respect to the method of determining what articles fall within the additional import restrictions set forth in part 3 of the appendix of such schedules; to the Committee on Ways and Means.

By Mr. TEAGUE of California:

H.R. 18226. A bill to provide veterans residing 100 miles or more from Veterans' Administration facilities the option to receive hospital care in facilities other than Veterans' Administration facilities, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ULLMAN:

H.R. 18227. A bill to amend the act authorizing the establishment of the Nez Perce National Historical Park in the State of Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. VANDER JAGT:

H.R. 18228. A bill to amend the Public Health Service Act to revise, extend, and improve the program established by title VI of such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WYATT:

H.R. 18229. A bill to amend the Public Health Service Act to revise, extend, and improve the program established by title VI of such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDREWS of North Dakota:

H.R. 18230. A bill to amend the Interstate Commerce Act in order to provide for the rail transportation of freight for the Department of Defense in general purpose boxcars owned by the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. BARING:

H.R. 18231. A bill to preserve the domestic gold mining industry and to increase the domestic production of gold; to the Committee on Ways and Means.

By Mr. BROYHILL of North Carolina:

H.R. 18232. A bill to authorize the lease and transfer of Burley acreage allotments; to the Committee on Agriculture.

By Mr. HOGAN (for himself, Mr. Nelsen, and Mr. Pollock):

H.R. 18233. A bill to establish a national catastrophic illness insurance program under which the Federal Government, acting in cooperation with State insurance authorities and the private insurance industry, will reinsure and otherwise encourage the issuance of private health insurance policies which make adequate health protection available to all Americans at a reasonable cost; to the Committee on Interstate and Foreign Commerce.

By Mrs. MINK:

H.R. 18234. A bill to provide for the addition of certain property to Hawaii Volcanoes National Park in the State of Hawaii, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 18235. A bill to amend the Public Works and Economic Development Act of 1965 so as to include the Trust Territory of the Pacific Islands; to the Committee on Public Works.

By Mr. PATMAN (for himself, Mr. Barrett, Mr. Reuss, Mr. Ashley, Mr. Moorhead, Mr. Stephens, Mr. Hanna, Mr. Rees, Mr. Harrington, Mr. Widnall, Mr. Halpern, Mr. Stanton, Mr. Mize, and Mr. Brown of Michigan):

H.R. 18236. A bill to amend the Inter-American Development Bank Act to authorize the United States to participate in increases in the authorized capital stock and resources of the Fund for Special Operations of the Inter-American Development Bank, and for other purposes; to the Committee on Banking and Currency.

By Mr. ROSENTHAL (for himself, Mrs. Dwyer, Mr. Eckhardt, Mr. Ryan, Mr. Burton of California, Mr. Edwards of California, Mr. Kastenmeier, Mr. Fraser, Mr. Conyers, Mr. Brown of California, and Mr. Koch):

H.R. 18237. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. RUPPE:

H.R. 18238. A bill to amend the Public Health Service Act to revise, extend, and improve the program established by title VI of such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN:

H.R. 18239. A bill to ban the manufacture and importation of leaded gasoline; to the Committee on Interstate and Foreign Commerce.

H.R. 18240. A bill to amend title 23 of the United States Code to authorize the inclusion of the cost of providing replacement housing as part of the construction costs of federally aided highway projects; to the Committee on Public Works.

By Mr. STANTON:

H.R. 18241. A bill to appropriate an additional amount to carry out section 102 of the Manpower Development and Training Act of 1962; to the Committee on Appropriations.

By Mr. TUNNEY:

H.R. 18242. A bill to amend the National Environmental Policy Act of 1969 to establish an Environmental Action Corps and an Environmental Legal Services Office under the direction of the Council on Environmental Quality, and to create the Office of Environmental Ombudsman; to the Committee on Merchant Marine and Fisheries.

By Mr. WOLFF:

H.R. 18243. A bill to establish a Commission on Security and Safety of Cargo; to the Committee on Interstate and Foreign Commerce.

By Mr. CORBETT:

H.J. Res. 1278. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. PURCELL (for himself, Mrs. May, Mr. Anderson of Illinois, Mr. Andrews of North Dakota, Mr. Berry, Mr. Brown of Michigan, Mr. Cabell, Mr. Camp, Mr. Cleveland, Mr. Dellenback, Mr. Denney, Mr. Dulski, Mr. Duncan, Mr. Findley, Mr. Foley, Mr. Friedel, Mr. Halpern, Mr. Hansen of Idaho, Mr. Hathaway, Mr. Horton, Mr. Kleppe, Mr. Kyl, Mr. Lennon, Mr. Mann, and Mr. Matsunaga):

H.J. Res. 1279. Joint resolution requesting the President of the United States to issue a proclamation calling for a "Day of Bread" and "Harvest Festival"; to the Committee on the Judiciary.

By Mr. PURCELL (for himself, Mrs. May, Mr. McKneally, Mr. Melcher, Mr. Montgomery, Mr. Olsen, Mr. O'Neill of Massachusetts, Mr. Quie, Mr. Reifel, Mr. Rooney of Pennsylvania, Mr. Sebelius, Mr. Talcott, Mr. Widnall, and Mr. Winn):

H.J. Res. 1280. Joint resolution requesting the President of the United States to issue a proclamation calling for a "Day of Bread" and "Harvest Festival"; to the Committee on the Judiciary.

By Mr. REID of New York:

H. Con. Res. 667. Concurrent resolution to establish a joint congressional committee to carry out a study and investigation for the purpose of making recommendations for the solution of the problems of the Nation's railroads; to the Committee on Rules.

By Mr. TEAGUE of Texas:

H. Con. Res. 668. Concurrent resolution expressing the sense of Congress that no further troop withdrawals should take place until an agreement for the exchange of prisoners has been reached by the United States with representatives of the North Vietnamese and the Vietcong; to the Committee on Foreign Affairs.

By Mr. ALBERT:

H. Res. 1117. Resolution relating to the compensation of two positions created by House Resolution 543, 89th Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 18244. A bill for the relief of Stella Fenesia; to the Committee on the Judiciary.

By Mr. HARRINGTON:

H.R. 18245. A bill for the relief of Rocco D'Alessio, Lucia Di Biase D'Alessio, and Angelo D'Alessio; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

525. By the SPEAKER: Petition of George V. Gotschall, et al., Savanna, Ill., relative to Col. Charles R. Fish, commanding officer, Savanna Army Depot; to the Committee on Armed Services.

526. Also, petition of the Naha City Assembly, Okinawa, Ryukyu Islands, relative to the removal of poison gas weapons from Okinawa; to the Committee on Armed Services.

527. Also, petition of the Baltic-American Committee, Los Angeles, Calif., relative to the 30th anniversary of the Soviet occupation of Lithuania, Latvia, and Estonia; to the Committee on Foreign Affairs.

528. Also, petition of Eugene Lynch, Oakland, Calif., relative to redress of grievances to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

NEW YORK POST ENDORSES NATIONAL SERVICE ACT

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. BINGHAM. Mr. Speaker, in a June 16 editorial, the New York Post endorsed my proposal to create a National Service System to replace our present military draft—H.R. 18025. It applauds the recent Supreme Court draft decisions as a "major step toward reconciliation of the rules governing conscientious objection with the historic doctrine of separation of church and state" but also recognizes the difficulties in administering these decisions. I commend this editorial to my colleagues as a fine statement in support of the National Service System. The text of the editorial follows:

[From the New York Post, June 16, 1970]

CONSCIENCE AND THE SUPREME COURT

The Supreme Court has taken another major step toward reconciliation of the rules governing conscientious objection with the historic doctrine of separation of church and state. Its latest decision—an extension of a position first enunciated several years ago—declares more clearly than before that young men whose ethical opposition to violence is clearly demonstrated merit the same protection as those who invoke religious pacifism.

Admittedly the decision raises difficult questions of enforcement. It also leaves unresolved the question of the right to resist participation in a specific war, such as Vietnam. In the long run all those issues may be clarified only when we accept the proposition, embodied in legislation being pressed by Rep. Bingham (D-N.Y.), that youths be given a choice between military duty and constructive forms of national service. Until we adopt that program (or finally achieve a world in which armies cease to be necessary), there will be infinite complexity in sifting the true objector from the faker.

But that ambiguity has long existed. Some unconscientious young men may cynically use the new court decision as a shelter just as others have discovered refuge in religion after receiving induction notices. The acceptance of such risks differentiates a free society from tyranny.

THE PRESENT AGE, A THREAT TO OUR CONSTITUTION

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, I would like to take this opportunity to call to the attention of my colleagues a fine speech by an outstanding graduate of Arlington Catholic High School in Massachusetts. Michael Gallagher is to be congratulated for the fine use he has made of his writing and speaking talents. He is the 1970 American Legion National Oratorical Champion, the Boston Catholic Youth Organization High School Boy Champion, and the Elks State 1970 oratory champion. Michael Gallagher's manner of expression and the thoughts he provokes are indeed exemplary of an alert and well-informed young citizen. He deserves much credit for his achievements as does Sister Silverius who is a coach of champions.

The speech that follows was the one for which Michael won the coveted American Legion National Oratorical championship. I had the pleasure of hearing Michael deliver this speech at a testimonial dinner for Mrs. Marie Howe, an outstanding Massachusetts State Legislator. Michael pointed out that legal and active participation by all citizens is necessary for the continuation and betterment of our democratic Republic. I commend the text of Michael Gallagher's speech to my colleagues. His words are worth reading and his thoughts deserve attention.

The speech follows:

THE PRESENT AGE, A THREAT TO OUR CONSTITUTION

In 1789, when Benjamin Franklin was leaving Independence Hall in Philadelphia, following the signing of the Constitution, a woman stopped him and asked, "What kind of government have you given us, Mr. Franklin?" To which Franklin replied, "A Republic, madam—if you can keep it!"

But Franklin said something more, something we could take to heart today. He added that the Constitution gave us a government high in positive powers, with its checks and balances to prevent misuse, but fundamentally, so much a government of the people that its ultimate character would be determined by the character of the people.

But is the character of the American people today a caricature of a "sick society", torn apart by violence, devisiveness and moral decay? Is our character becoming one of apathy and lethal indifference? Indeed my friends, it is hard to view events on the domestic scene without feeling that the present age is indeed a threat to our Constitution.

We have, in the tradition of this nation, a well tested framework of values, our Constitution, which puts into focus our duties, obligations and rights. Our problem is to be faithful to the values we profess, namely, those expressed in our Constitution; and it is a challenge for us to remember that the stature of America will only equal the measure of the American people themselves.

Often we hear the expression that "history repeats itself," and truly we can take lessons from the past. Last October, the NBC news media presented a two hour commentary on some events and trends of the sixties. Some of you may have seen it. In it, an array of newsmen recaptured a decade of hopes and heartbreaks. They reviewed our ten years of technological progress and problems that have thrust a full measure of blessings, and yes, even curses into our laps.

As I watched this worlds best chronicler of history I kept tossing about two questions. First, is all this a result of the Constitution or a result of a disregard for the Constitution? Secondly, did we accomplish all this?

I kept wondering about this as I was so forcibly reminded that this was the decade that had slain its prophets from Dallas to Memphis to Los Angeles. This was the past that had polluted land, sky and water all around us but which also had taken, "One small step for a man, one giant leap for mankind." Blessings and curses!

Yes, I convinced myself these things had been done; these things Americans had done. Yet a shadow crossed my mind as I recalled that we also killed a president—stumbled into a quicksand war in Vietnam—rioted in Watts and Detroit—and dabbled in nudity and mind blowing drugs. I kept returning to the horrible thought that when people, for whatever reason-oppression or complaceny or laziness take no part in their institutions, the institutions themselves decay at an accelerating rate. Are the principles set forth in our Constitution decaying because of gross indifference to American tradition in our present age.

Are Dante's words in his Divine Comedy applicable—or necessary for our survival when he said, "The hottest places in hell are reserved for those who in time of great moral crisis, maintain their neutrality."

Yes the soaring sixties had it's Apollo rocket, it's off-shore oil derrick, it's rock band drawing thousands regardless of the elements and words like, "I've been to the top of the mountain, and my eyes have seen the glory of the coming of the Lord!" The soaring sixties should give us hope and remind us as Alfred Lord Tennyson once said, "Each new day brought forth a fresh chance, and each chance brought forth a noble knight."

The past history of America has been one etched in blood, yet glorious in victory. It has seen the spirit of '76 carried through as we bravely took our place in the fight for freedom. But will the new emphasis on personal rights and the dedication to a new concept of personal freedom bring us broken dreams and lost hopes?

A noted clergyman has told us that, "The traumatic repetition of acts of violence to realize this new concept of personal freedom must end."

Ladies and gentlemen, I believe that our Constitution which means so much to our way of life must also be identified with our way of life. Our new goals should be justice, peace and human dignity for all men. We must have the realization of the inadequacies of imperfect yesterdays but still maintain hopes for a better tomorrow. In retrospect, let us listen to a man, a great political figure of the past who because of dedication to principle lost his political position and his head, Sir Thomas More, when he said, "Let us not abandon the ship in tempest, because we cannot control the winds." So to, let us not abandon our ship of state because it is constantly guided by a ray of hope, our Constitution.

My friends, the years immediately ahead will test our Constitution as seriously as any we have known in our history. For as the late President John Kennedy has told us,

> "Now the trumpet summons us again,
> Not as a call to bear arms though arms we need,
>
> Not as a call to battle, though embattled we are
>
> But a call to bear the burden of a long twilight struggle:
>
> A struggle against the common enemies of man,
> Tyranny, poverty, disease, and war itself."

Ladies and gentlemen, the present age is indeed a threat to our Constitution and the trumpet is summoning us again, to bear the burden in this long, twilight, struggle.

SENATE—*Friday, June 26, 1970*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou creator and re-creator of life, when days grow long and wearisome and the hours are tense and contentious, come to us this morning hour as the restorer of the energies that are spent. Regenerate us by Thy holy spirit and fit us for this day. Keep our minds keen, our thinking straight, our judgments sound, our speech chaste, our wills resolute, and our demeanor magnanimous. When insight falters let obedience be firm. What we lack in faith and work may we repay in love.

To Thy care and direction we commend our spirits this day and forever. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. RUSSELL).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 26, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, June 25, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the disposal of the stockpile bills, which will be taken up shortly, the distinguished Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 20 minutes.

The ACTING PRESIDENT pro tempore. The Chair would inform the Senator from Montana that the order has already been entered.

Mr. MANSFIELD. I thank the Chair.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

AMBASSADORS

The bill clerk proceeded to read the nominations of ambassadors.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

AGENCY FOR INTERNATIONAL DEVELOPMENT

The bill clerk read the nomination of Maurice J. Williams, of West Virginia, to be Deputy Administrator of the Agency for International Development.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. MANSFIELD. Mr. President, while the distinguished acting minority leader is in the Chamber, I should like to state that in view of the extremely good progress the Senate made yesterday and the 15-hour session which it endured, it is hoped that the same kind of accommodation and cooperation will prevail today, so that we can adjourn at a reasonable hour this evening. At the same time, hopefully, all the amendments to the postal reform bill may be disposed of, except those dealing with the right-to-work issue.

On that basis, if things work out accordingly, the Senate will not be in session tomorrow, Saturday.

ORDER FOR ADJOURNMENT UNTIL 11 A. M. ON MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns today—with the hope just mentioned above—that it stand in adjournment until 11 a.m. on Monday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Subsequently, this order was modified to provide for the Senate to adjourn until 9 a.m. on Monday.)

THE CALENDAR

Mr. MANSFIELD. Mr. President, with the permission of the distinguished Senator from Delaware (Mr. WILLIAMS), and awaiting the arrival of the distinguished Senator from Nevada (Mr. CANNON), I should like to call up the unobjected-to bills on the calendar.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar, beginning with No. 946, and that the remaining measures be considered in sequence.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MRS. WANDA MARTENS

The bill (S. 783) for the relief of Mrs. Wanda Martens was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 783

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Federal Employees' Compensation Act, as amended, Mrs. Wanda Martens of Havre, Montana, widow of Jesse Otha Martens, shall be deemed to be entitled to receive payments of benefits and compensation under such Act, from and after the date of the death of the said Jesse Otha Martens, in like manner as if the Secretary of Labor had found that the death of the said Jesse Otha Martens on July 9, 1960, resulted from an injury sustained by him while in the performance of his duties as an Immigrant Inspector, Immigration and Naturalization Service, Department of Justice.

SEC. 2. Any amounts payable by reason of the enactment of this Act with respect to any period prior to the date of such enactment (including funeral and burial expenses) shall be paid in a lump sum within sixty days after the date of enactment of this Act.

SEC. 3. The provisions of section 23 of the Federal Employees' Compensation Act, as amended, shall be applicable with respect to any claim for legal services or for any other services rendered in respect to any claim for benefits or compensation by the said Mrs. Wanda Martens covered by the preceding sections of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report, No. 91–943, explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to provide that in the administration of the Federal Employees' Compensation Act, as amended, Mrs. Wanda Martens, of Havre, Mont., widow of Jesse Otha Martens, shall be deemed to be entitled to receive payments of benefits and compensation under such act, from and after the death of the said Jesse Otha Martens, in like manner as if the Secretary of Labor had found that the death of the said Jesse Otha Martens on July 9, 1960, resulted from an injury sustained by him while in the performance of his duties as an immigrant inspector, Immigration and Naturalization Service, Department of Justice.

STATEMENT

The Department of Labor opposes the enactment of the bill.

The Department of Justice has advised the committee of the facts in the case as follows:

"The decedent, Jesse Otha Martens, suffered a fatal heart attack, after returning home from the performance of his duties as officer in charge of the Immigration and Naturalization Service office at St. Thomas, Virgin Islands. As indicated by the personnel records of the Service, Mrs. Martens filed a formal claim with the Bureau of Employees' Compensation, Department of Labor, which was considered and initially denied January 7, 1964. On appeal to the Employees' Compensation Appeals Board, this decision was affirmed October 8, 1964, on the ground that the fatal heart attack was not causally related to the employment. The purpose of the bill, therefore, is to overrule the administrative decision."

The Department of Labor in opposing the bill has said:

"One of the objectives of the Federal Employees' Compensation Act is to provide uniform and equal treatment of civil employees of the United States injured in the performance of their duty. There appears to be no justification for the preferential treatment afforded by S. 783 for the consequences of heart disease not causally related to employment. Accordingly, we oppose its enactment."

The position of the Department of Labor is set forth well in the opinion of the Employees' Compensation Appeals Board as follows:

"[Docket No. 64–272; Hearing June 25, 1964; Issued Oct. 8, 1964, U.S. Department of Labor, Employees' Compensation Appeals Board]

"IN THE MATTER OF WANDA MARTENS, CLAIMING AS WIDOW OF JESSE O. MARTENS, AND DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALIZATION SERVICE, ST. THOMAS, V.I.

"Appearances: Robert W. Healy, Esq., for appellant; Morton I. Schwartzman, Esq., for the Director, Bureau of Employees' Compensation.

"Decision and order

"Before Theodore M. Schwartz, E. Gerald Lamboley, James A. Broderick.

"The issue on appeal is whether the employee's fatal heart attack of July 9, 1960 was causally related to his employment.

"The employee was hired as a patrol inspector by the employing establishment on August 1, 1940. Except for about 3 years of military service, he was assigned to Havre, Montana, from 1940 to 1956, and to Helena, Montana from 1956 to 1959. He was transferred to Calais, Maine, in November 1959 in a supervisory position. Because of the illness of the officer in charge at Calais, the employee was responsible for the duties of his own position and those of the officer in charge until June 1, 1960. He was conscientious, capable and a willing worker. During the 7 months he was assigned to Calais, the employee worked a considerable number of Sundays and holidays, in addition to his regular 40 hour work week. Also, he often arrived early at the office and stayed late without recording the overtime hours worked. The climate in Calais, Me., was similar to that in Montana. Weather Bureau reports show that during June 1960 in Woodland, Maine, which is considered representative of Calais, the average maximum temperature was 76.4 degrees and the average minimum temperature was 51.5 degrees.

"Beginning June 15, 1960, the employee was reassigned to Charlotte Amalie, St. Thomas, V.I., as officer in charge. He was responsible for the supervision of all activities on St. Thomas and St. Croix, V.I. There were eight employees under his supervision on St. Thomas and two on St. Croix. All of the employees were experienced except two recently assigned investigators on St. Thomas, who were formerly with the Border Patrol but who had to be trained in the work to be done in the Virgin Islands. Office hours were from 8:30 a.m. to 5:00 p.m., 5 days a week, however, because of a backlog of work and the employee's need to orient himself to the new work, he frequently remained at the office after the regular working hours.

"When the employee arrived on St. Thomas, the office was in the process of being remodeled, the patrol boat was not in operating condition, and the two houses which were provided as living quarters for the employee and the two new investigators had not been vacated by their predecessors, making it necessary for them and their families to live in hotels at considerable expense for about 10 days. Thereafter, the employee felt obligated to assist in finding living quarters for one of the investigators, as there was not room for the two investigators and their families in the one-bedroom house available to them. The office building was air conditioned, but the unit in the employee's office was not working properly. The living quarters were not air conditioned.

"On July 8, 1960, the employee was required to travel to San Juan, P.R., to receive oral information of a classified nature. After working his regular 8-hour day, he left Charlotte Amalie by airplane at 6:30 p.m. and arrived at Suan Juan at 6:54 p.m. He attended a conference, which ended at 8:30 p.m., had dinner with several of the conferees, and sat up until about midnight, talking with three other officers. After staying overnight in San Juan, he left for Christiansted, St. Croix, at 8:20 a.m., arriving at 9:07 a.m., to give oral instructions to his staff in Christiansted. He left Christiansted at 11:25 a.m. and arrived at Charlotte Amalie at 11:50 a.m. Weather Bureau records show that the temperature in San Juan, P.R., on July 8, 1960, was 88 degrees maximum and 74 degrees minimum. On July 9, 1960, in St. Thomas, V.I., there was a maximum of 89 degrees and a minimum of 79 degrees.

"After he reached home on July 9, the employee complained of exhaustion. He took a nap for about 3 hours, then went shopping for groceries, took another nap, had a light supper, and went back to bed. He got up to answer five telephone calls between 6:00 and 6:55 p.m. A few minutes later, appellant heard him gasping for breath; by the time she reached him, the employee had died. An autopsy showed an enlarged heart and advanced arteriosclerosis of the coronary arteries, with far advanced atheromatous plaques. The anterior descending branch of the left coronary artery contained a pinpoint lumen which was occluded, partly by subintimal hemorrhage and partly by a fresh thrombus. There was a small scar on the myocardium, probably representing an old infarct. The death certificate showed the

XUM

cause of death as 'thrombosis of anterior descending branch of left coronary artery due to sclerosis of coronary arteries.'

"Appellant contends that the employee's fatal heart attack was caused by overwork and by the extreme heat which he encountered in the Virgin Islands after working for 20 years along the Canadian border from stations in Montana and Maine.

"In support of her claim, appellant submitted reports from Dr. William S. Harper, a specialist in internal medicine, who treated the employee in October 1959 for a duodenal ulcer. He reported that a complete physical examination at that time, which included an electrocardiogram and a chest X-ray, did not disclose any signs of cardiac disease. After learning from appellant of the events preceding the employee's death and the autopsy findings, the doctor stated:

" 'While coronary heart disease is common to most men, and would certainly have to be considered a preexisting condition in this case, it has been generally held * * * that undue stress, either physical or mental, is often a precipitating factor in a subsequent myocardial infarction.'

"He expressed the opinion that the circumstances of the employee's death indicated that the heart attack was precipitated by chronic fatigue and exhaustion.

"A medical adviser for the Bureau of Employee's Compensation reviewed the case record and stated that the employee had extensive atherosclerotic cardiovascular disease, which is progressive and irreversible in nature. He indicated that there was no evidence of extraordinary activities, either physical or emotional, competent to aggravate the preexisting condition. The doctor stated that in 3 weeks the employee should have become acclimatized to the change in temperature. He pointed out that fatigue is a common complaint in progressive coronary disease. The doctor expressed the opinion that the death of the employee was due to the normal progression of his disease.

"The Bureau referred the case record, with a statement of accepted facts, to Dr. Reno R. Porter, a specialist in cardiovascular disease, for review, analysis and opinion as to causal relation between the working conditions and the fatal heart attack. The doctor concluded that there was no relation between the working conditions and the fatal attack. He described the progressive nature of arteriosclerotic heart disease pointing out that it is characterized by atheromatous changes in the coronary arteries which develop gradually over a period of many months and years, leading to progressive narrowing of the arterial lumen until the circulation in the involved coronary artery becomes insufficient to supply the heart muscle. He noted that the autopsy findings indicated extensive atheromatous changes in the coronary artery of long standing, existing for years prior to the employee's transfer from the Canadian border to the Virgin Islands, and that the condition, therefore, was not caused by conditions of the employment. The doctor stated that the precipitation of death by the occurrence of a hemorrhage and a thrombus in an already narrowed coronary artery can occur spontaneously as the natural progression of the preexisting disease, or can occur from aggravation of the underlying coronary artery disease by unusual or strenuous physical exertion or acute emotional disturbances. However, he stated that it has not been established that chronic anxiety and worry, long hours and exhaustion are factors which can cause or aggravate underlying coronary artery disease. The doctor discussed studies which have been made on the possible effects of climatic environmental factors on the cardiovascular system. He stated that extremes of temperature appear to be associated with an increased incidence of myocardial infarction; however, he pointed out that in such cases these factors are associated with unusual physical exertion and the infarction occurs immediately after the climatic change and not after a period of acclimatization. The doctor noted that in this case the fatal heart attack occurred more than 3 weeks after the change in climate, by which time there should have been adequate acclimatization, that there was no unusual physical exertion involved, and that the heat was not excessive. He expressed the opinion that there was no causal relation between the climatic environment and the fatal heart attack.

"Thereafter, appellant submitted a report from Dr. Donald C. Overy, a specialist in cardiovascular disease, who concurred in the description of the process of coronary artery disease given by Dr. Porter, but expressed the opinion that the environmental factors, including emotional strain, unpleasant living conditions, an unusually heavy workload and a sudden change in temperature and humidity, were sufficiently severe and adequately timed to be influential in the precipitation of the sudden coronary occlusion.

"To assist in resolving the conflict in medical opinion, the Bureau referred the case record, with an augmented statement of accepted facts, to Dr. George E. Burch, a specialist in cardiovascular disease who had conducted special studies relating to the effect of climatic conditions on heart disease. After a review of the case record, the doctor concluded that neither the overtime work nor the climate in the Virgin Islands was competent to precipitate the fatal heart attack or to aggravate the coronary disease in any way. He stated that it is generally accepted that acclimatization is completed within 2 weeks or less and that, in any case, the change in weather could not have produced within 3 weeks the enlarged heart, arteriosclerosis and fibrosis shown by the autopsy. The doctor stated that the record showed the employee to be conscientious and hard working, but that he found no evidence that the overtime work performed by the employee or the climate produced the arteriosclerosis or the ischemic heart disease or contributed in any way to the employee's death.

"In a case such as this, the resolution of the question of the relationship between the employee's death and the conditions of employment rests primarily within the realm of the medical expert. The Board finds that the weight of the medical evidence is represented by the opinions of Doctors Reno R. Porter and George E. Burch, which establish that the fatal heart attack on July 9, 1960, was not causally related to the employment.

"The compensation order of the Bureau of Employee's Compensation, dated January 7, 1964, is hereby affirmed.

"Dated Washington, D.C., October 8, 1964.

"THEODORE M. SCHWARTZ,
"*Chairman.*
"E. GERALD LAMBOLEY,
"*Member.*
"JAMES A. BRODERICK,
"*Member.*"

It is the position of the sponsor of the legislation, the Honorable Mike Mansfield, that it is a well-established rule of law that where a compensation case decision is equally balanced on both sides the compensation will be awarded; that since there is no appellate review of the Employees' Compensation Board's decision, this rule has not been extended to provide protection for Federal employees; that it is within the proper jurisdiction of the Congress in its consideration of private relief legislation to rectify any inequities in the application of the law; and that in this case, the claimant has a just and substantial claim.

The committee believes that the bill is meritorious and recommends favorable consideration.

Attached hereto and made a part of this report are (1) a letter from the Department of Justice, dated April 5, 1967; (2) a letter from the Department of Labor, dated April 1, 1969; and (3) a letter from the Honorable Mike Mansfield, dated June 11, 1969.

KATHRYN TALBOT

The bill (S. 2661) for the relief of Kathryn Talbot was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2661

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Kathryn Talbot, of Chaumont, New York, is relieved of all liability for payment to the United States of the sum of $5,458.13, representing the amount of cash and stamps, in her custody as clerk-in-charge of the Chaumont Post Office, which were taken from such post office in a burglary occurring over the weekend of July 22–23, 1967, the taking of such cash and stamps having arisen out of conditions existing at the post office prior to the time the said Kathryn Talbot became responsible for the cash and stamps. In the audit and settlement of accounts relative to such sum, credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Kathryn Talbot the sum of any amount received or withheld from her on account of the loss referred to in the first section of this Act.

(b) No part of any amount appropriated by this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same is unlawful, any contract to the contrary notwithstanding. Violation of this section is a misdemeanor punishable by a fine not to exceed $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–944), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to relieve the claimant of liability for payment to the United States of the sum of $5,458.13, the amount of cash and stamps lost in a burglary at the Chaumont, N.Y., Post Office.

STATEMENT

The Post Office Department has no objection to the enactment of the bill.

In its report the Post Office Department has set forth the facts of the case as follows:

The bill would relieve Mrs. Kathryn Talbot of liability for payment of the sum of $5,458.13 to the United States, representing the amount of cash and stamps taken from the Chaumont, N.Y. Post Office when that office was burglarized during the weekend of July 22–23, 1967.

An investigation disclosed that at the time of the burglary proper safeguarding precautions had not been taken to secure the subject funds and stock and that the door to the safe had not been fully locked as required by postal regulations (Postal Manual, sec. 442.221). Since the maximum available protection was not used to secure

XUM

the funds and stock of the post office, Mrs. Talbot, as clerk-in-charge was held accountable for the loss.

The case was submitted by the Department to the General Accounting Office with a recommendation that the claim for credit be allowed on the basis that the improper practices at the Chaumont Post Office that gave rise to the loss existed prior to the time Mrs. Talbot was designated clerk-in-charge. However, the General Accounting Office affirmed the Postal Data Center ruling disallowing the claim on the grounds of negligence.

Mrs. Talbot was clerk-in-charge of the post office incident to the disability retirement of the former postmaster. The accountability for the office was transferred to her as of the close of business June 26, 1967.

Clerk-in-Charge Talbot stated that on July 5, 1967, the combinations on the office safe were changed, that the only persons who knew the combination in addition to herself were two other clerks; that she never gave the clerks any instructions on the closing of the safe since both were employed at the post office prior to the time she assumed charge and she assumed that the former postmaster instructed them in this matter. Further, that when she is on duty she always closes the post office safe, and she therefore never witnessed the other clerks closing it.

The former postmaster was interviewed so as to ascertain if he was familiar with the letter of instruction to postmasters dated February 24, 1967, relating to the protection of funds, stock and registered mail. The former postmaster was unable to recall the specific letter. Further, he could not remember if he brought the letter to the attention of his employees.

It is our opinion that Mrs. Kathryn Talbot performed her duties conscientiously and to the best of her ability; that she was neither a participant nor an accessory in the burglary; and that the improper practices at the office giving rise to the loss existed before she was clerk-in-charge. Accordingly, the Department has no objection to the enactment of S. 2661.

The Bureau of the Budget has advised that there is no objection to the submission of this report to the committee from the standpoint of the administration's program.

The committee believes that the bill, S. 2661, is meritorious and recommends it favorably.

ARLINE LOADER AND MAURICE LOADER

The Senate proceeded to consider the bill (S. 2514) for the relief of Arline Loader and Maurice Loader which had been reported from the Committee on the Judiciary, with an amendment on page 2, line 4, after the word "of," strike out "20 per centum" and insert "10 per centum"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $20,000 to Arline Loader and Maurice Loader, of Yachats, Oregon, in full settlement of their claims against the United States based upon the deaths of their sons, Maurice G. Loader and Frederic M. Loader, on October 15, 1944, as the result of the explosion of thirty-seven-millimeter armor-piercing shell which United States military personnel negligently left at an abandoned firing range and which was found by such sons.

SEC. 2. No part of the amount appropriated in this Act in excess of 20 per centum *10 per centum* shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with claim, and the same is unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-955), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE AMENDMENT

The purpose of the amendment is to limit any lawyer's fee to 10 percent of the claim.

PURPOSE

The purpose of the bill, as amended, is to pay to Arline and Maurice Loader, of Yachats, Oreg., $20,000 for the death of their sons, Maurice G. Loader and Frederic M. Loader, on October 15, 1944, as the result of the explosion of a 37-millimeter, armor-piercing shell found by the children on a firing range.

STATEMENT

A similar bill for these claimants in the 90th Congress, H.R. 1971, was passed by the House of Representatives but no action was taken in the Senate. In its favorable report on the bill, the Committee on the Judiciary of the House of Representatives said:

"The bill, H.R. 2016, was the subject of a subcommittee hearing on May 5, 1966. The testimony at that hearing and material submitted to the committee in support of the claim indicates that on the afternoon of October 15, 1944, four children, Maurice G. Loader, Jr., age 14; Frederic M. Loader, 13, Eleanor Loader, age 5; and Clifford Harp, age 14, were playing in the Loader's garage located in Montara, Calif., a small coastal town approximately 20 miles south of San Francisco. The children were repairing a toy wagon and took from a tool box a 37-millimeter, armor-piercing shell which had apparently been found by a playmate of the oldest Loader child and brought into the Loader's garage unknown to the parents, Maurice and Arline Loader. The shell exploded, killing Maurice G. Loader, Jr., and Frederic M. and injuring the other two children. The information available to the committee indicates that the shell had been found on the Montara firing range, which had been used by the U.S. Army for anti-invasion maneuvers during World War II. The firing range, although encircled by a three-strand wire fence, was not adequately guarded notwithstanding that, previous to the tragedy, unexploded shells and grenades had been found on the range by children residing in Montara.

"As is noted in the Army Department report, a newspaper account of the tragedy outlines with considerable detail the facts of the explosion. That report also notes that the Army recognized the responsibility of the Government by paying $711 for funeral expenses relating to the two children killed in the blast.

"The Army has referred to the fact that the Congress has on a number of occasions passed bills granting similar compassionate relief to the parents of children killed or injured in similar accidents. Notwithstanding the outline of the facts in the Army report, that Department states that it did not have the information necessary to confirm or deny the facts of the case. The committee must disagree with this conclusion. The fact that the deaths resulted from an explosion of military ordnance is not controverted in any way. The records of the Army confirm that the Army recognized the claim to the extent then possible under the law by authorizing a payment of the funeral expenses for the dead children. In this connection, it is also clear that a release secured by the Army at that time was a prerequisite to payment of the only amount available and cannot now be taken as a reason for a denial of compassionate relief by legislative action. It cannot be denied that there has been a long delay in presenting and recognizing this claim but this does not lessen the loss to the parents. Under these circumstances and in the light of the fact that Congress has granted relief previously in similar cases, the committee recommends that the bill be considered favorably."

The committee believes that the bill is meritorious and recommends it favorably.

KIMBALL BROS. LUMBER CO.

The bill (H.R. 13740) for the relief of Kimball Bros. Lumber Co. was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-953), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay the Kimball Bros. Lumber Co., of Dexter, Oreg., a partnership composed of Clyde K. Kimball, Clayton Kimball, Kendall V. Kimball, Edgar Dowdy, and Arthur Lindley $13,726.62 in full satisfaction of all claims of the partnership against the United States for the cost of road construction incurred by it under a timber sale contract numbered 18-997 with the Forest Service, Department of Agriculture. The road costs were to be offset against the price charged for the timber in accordance with the contract but were not so amortized because the contract was canceled after fire destroyed most of the timber before it was removed, but after the road had been constructed.

STATEMENT

In its favorable report, the Committee on the Judiciary of the House of Representatives said:

"The Agriculture Department in its report to the committee on the bill stated it would have no objection to its enactment if it were amended to provide for a payment of $13,726.62. The committee has recommended that the bill be amended to provide for the payment of that amount.

"The contract referred to in the bill was entered into between the Forest Service of the Department of Agriculture, and Kimball Bros. Lumber Co. on November 23, 1965.

"The contract involved in H.R. 13740 (No. 18-997, November 23, 1965) covered the sale of an estimated 2,450 M board feet of National Forest timber. The timber sale was awarded to Kimball Bros. Lumber Co. after it bid successfully against eight other bidders. During 1966 the company completed the access road into the sale area (0.95 mile). Timber felling began in 1967. By early August of that year an estimated 2,000 M board feet, on about 34 acres, had been felled and bucked. A small volume of timber in the form of logs had been removed from the sale area.

"On August 8, 1967, lightning set a fire in the felled and bucked timber. The fire was controlled essentially on the sale area boundary. Company crews assisted in the control actions although the company was not operating when the fire started. Because of the extended drought preceding the fire, it burned intensely. Most of the remainder of the standing timber was damaged to some extent. The felled and bucked timber was damaged severely. Forest Service estimates made shortly after the fire indicated that the volume of merchantable felled and bucked timber had been reduced 50 to 60 percent as a result of the fire. Much of the loss occurred in the outer high-quality portions of the logs.

"On September 22, 1967, Kimball Bros. Lumber Co. requested the Forest Service to cancel the sale or to reappraise the timber and establish new rates which reflected the loss in volume and value. Inasmuch as the timber sale contract did not provide for rate redetermination as a result of fire or other catastrophe, the Forest Service considered only the merits of cancellation. The burned timber was again examined and results of the preliminary examination were confirmed. Not only had there been a significant volume loss but also the volume destroyed included the clear, high-quality portions of the logs. In subsequent discussion the company officials stated that the logs were so badly damaged that they could not be used to produce the high-quality products in which the company specialized. Therefore to complete the sale they would be forced to sell the burned logs to other mills. However, other mills were unwilling to pay much for the logs. At the highest offer the company could obtain, they expected to lose about $60,000. On the other hand, if the sale were canceled, the company's loss would be about $25,000 which would consist of the unamortized cost of the road and the costs incurred to fell and buck the timber. The company apparently decided upon requesting cancellation as the lesser of two evils for in the discussions, local forest officers pointed out to the company officials, that if cancellation were approved, the Forest Service had no authority to reimburse the company for these losses. At no time during the discussion did company officials indicate that they intended to submit such a claim, and from the foregoing statement it is clear that this would have had no effect because of the rights of the parties as defined under that particular contract.

"In light of the fact that the value of the timber had been materially reduced as a result of the fire, the regional forester approved the Kimball Bros. request and canceled the sale contract on December 21, 1967.

"The burned timber and some adjacent green timber were combined in a new offering and sold on June 13, 1968. The road constructed by Kimball Bros. Lumber Co. is being used to remove the timber in the new sale and in the future will be used to remove adjacent timber. The committee feels that this subsequent use of the road shows that the Government has benefited from this particular road construction.

"In Forest Service timber sale contracts, including the contract executed by Kimball Bros. Lumber Co., the amount of road cost to be amortized is based on an estimate made prior to offering the sale and stated in the contract. Under certain circumstances the stated amount may be adjusted to reflect construction of alternate roads or other changed conditions, but may not be adjusted because the purchaser's cost is different from the estimate whether his cost was less or whether it was more. In the subject contract the estimated road cost was $15,010. Kimball Bros. constructed the road as planned. Thus $15,010 was the maximum amount which could have been amortized, regardless of the company's cost. At the time of the fire some amortization had been accomplished on volume which had been removed and paid for. This was as follows:

Species	Volume thousand board feet	Amortization rate per thousand	Amortization amount
Douglas-fir	154.05	$8.27	$1,273.99
Hemlock and others	2.89	3.25	9.39
Total	156.94		1,283.38

"Thus the maximum amount of amortization which the company could have received on remaining timber was:

"Total estimated road cost	$15,010.00
Less amortized to date of fire	1,283.38
Remaining to amortize	13,726.62

"For this reason the Department recommended that the amount to be paid to Kimball Bros. Lumber Co. should not exceed $13,726.62. This is the amount the company would have recaptured for the completed roadwork if the sale had proceeded to conclusion.

"The committee has concluded that the facts outlined above and in the comments of the Department of Agriculture provide a clear basis for legislative relief. The company contracted in good faith to construct the road in the belief that the cost of the construction would be offset against the amounts to be paid for the timber. Through no fault on its part fire destroyed the value of the timber to the degree that further performance under the contract would produce a serious loss. This was recognized by the Government which terminated the contract, but admittedly nothing could be done about the costs already incurred for the road. The Department has noted that a subsequent contractor was able to use the road in logging the burnedout timber. Further the road will be of continuing benefit to the Government in logging adjacent timber. Clearly it is unequitable to impose this loss on this company under these circumstances for the Government has benefited by the construction of the road. It is recommended that the bill, amended to conform to the recommendations of the Department of Agriculture, be favorably considered.

"The Committee is advised that an attorney has rendered services in connection with this matter, and therefore the bill carries the customary language limiting attorney's fees."

The committee believes that the bill is meritorious and recommends it favorably.

1ST SGT. ALBERT F. THOMPSON, U.S. ARMY (RETIRED)

The bill (S. 3994) for the relief of 1st Sgt. Albert F. Thompson, U.S. Army (retired) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3994

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That First Sergeant Albert F. Thompson, United States Army (Retired), of Columbia, South Carolina, is relieved of all liability for repayment to the United States of the sum of $1,064.20, representing the amount of overpayments of basic pay he received from the United States during the period from March 28, 1960, through November 13, 1968, as the result of administrative error in determining his years of service for pay purposes. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said First Sergeant Albert F. Thompson, the sum of any amounts received or withheld from him on account of the overpayment referred to in the first section of this Act.

(b) No part of any amount appropriated under this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Violation of this subsection is a misdemeanor punishable by a fine not to exceed $1,000.

KONRAD LUDWIG STAUDINGER

The bill (S. 737) for the relief of Konrad Ludwig Staudinger, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 737

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of paragraph (9) of section 212(a) of the Immigration and Nationality Act, Konrad Ludwig Staudinger may be issued an immigrant visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such Act. This Act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of enactment of this Act.

CURTIS NOLAN REED

The bill (S. 3212) for the relief of Curtis Nolan Reed was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Curtis Nolan Reed may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, and notwithstanding the provisions of section 204(C) of the said Act, a petition may be filed pursuant to section 204 of the Act in behalf of the said Curtis Nolan Reed by Mr. and Mrs. H. Nolan Reed, citizens of the United States: *Provided,* That no brothers or sisters of the said Curtis Nolan Reed shall thereafter, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-945), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate

XUM

relative status of an alien child adopted by citizens of the United States, notwithstanding the fact that the adoptive parents have previously had the maximum number of petitions approved.

MARIA PIEROTTI LENCI

The bill (S. 3263) for the relief of Maria Pierotti Lenci was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3263

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Maria Pierotti Lenci, the widow of a citizen of the United States, shall be held and considered to be within the purview of section 201(b) of that Act and the provisions of section 204 of such Act shall not be applicable in this case.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-946), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of an immediate relative to Maria Pierotti Lenci which is the status she would be entitled to were it not for the death of her husband, a citizen of the United States.

DR. AMADO G. CHANCO, JR.

The bill (S. 3461) for the relief of Dr. Amado G. Chanco, Jr., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3461

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Amado G. Chanco, Junior, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 9, 1962.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-947), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

MING CHANG

The bill (S. 3675) for the relief of Ming Chang was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3675

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Ming Chang may be classified as a child within the meaning of section 101(b)(1)(F) of such Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Shurman Y. Chang, citizens of the United States, pursuant to section 204 of such Act. The brothers or sisters of the said Ming Chang shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-948), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the adjustment of status as an immediate relative of the alien child adopted by citizens of the United States.

ALFREDO CAPRARA

The bill (H.R. 1695) for the relief of Alfredo Caprara was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-950), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who is mentally defective in behalf of the son of a U.S. citizen. The bill provides for the posting of a bond as assurance that the beneficiary will not become a public charge.

JOSEFINA POLICAR ABUTAN FULIAR

The bill (H.R. 2315) for the relief of Josefina Policar Abutan Fuliar was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-951), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to qualify for first-preference status as the unmarried daughter of citizens of the United States.

ADMISSION TO THE UNITED STATES OF CERTAIN INHABITANTS OF THE BONIN ISLANDS

The bill (H.R. 4574) to provide for the admission to the United States of certain inhabitants of the Bonin Islands was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-952), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States of not to exceed 205 inhabitants of the Bonin Islands and certain of their children within 2 years after enactment of this act. The bill further provides that such aliens may petition for naturalization upon completion of the residence and physical presence requirements of section 316(a) of the Immigration and Nationality Act.

STATEMENT

This proposed legislation was first introduced in the House of Representatives and Senate in the 90th Congress as a result of an executive communication. The proposal was embodied in the Senate bill, S. 3488, during the 90th Congress, which was passed by the Senate on June 12, 1968, but did not receive approval in the House of Representatives. The need for legislation results from the transfer of the administration of the Bonin Islands from the United States to Japan. On November 15, 1967, the President of the United States and the Prime Minister of Japan issued a joint statement agreeing to enter into immediate consultation regarding the restoration of the Bonin Islands to Japan. The United States had administered the affairs of the Bonin Islands under the terms of the September 8, 1951, Treaty of San Francisco.

The Bonin group of islands is composed of Muko Jima Retto, Chichi Jima Retto, and Haha Jima Retto. The residents of these islands, although Japanese nationals, trace their ancestry to Yankee sailors and have a real sense of identity with the United States. In 1944 all noncombatant inhabitants of the Bonin Islands were evacuated to Japan; however, in 1946 those persons of nonoriental origin were returned by the United States to the islands where they were placed under U.S. Navy administration. The Navy employed the islanders, subsidized their economy, and provided education in English. The economy of the Bonins was dependent upon the U.S. Navy for over two decades.

On June 26, 1968, the Bonin Islands reverted to the Japanese Government and the transfer of administration created difficult problems of adjustment for the residents. There is dispute over land ownership as well as a problem for the youth to adapt to the now-required Japanese language. A number of the islanders are presently serving in the U.S. Armed Forces, others are attending school in the United States and Guam. For these reasons, it is deemed appropriate to provide the islanders an opportunity to immigrate to the U.S. territory. This special legislation is necessary because the present numerical limitation, under the provisions of the Immigration and Nationality Act, will not provide a possibility of immigration in the near future.

Section 1 of the bill would exempt not to exceed 205 of the islanders, and certain of their children, from most of the restrictions, limitations, and requirements under the immigration laws with respect to admission to the United States if they are in possession of a valid identity certificate issued by the Military Governor of the Bonin Islands or by a U.S. consular officer in Japan. They would not be exempted from the classes of aliens who are subject to exclusion from admission because of criminal, immoral, narcotics, or subversive grounds, nor would they be exempted from the provisions which relate

XUM

to the deportation of aliens excludable at the time of entry or deportable on subversive grounds. They would also remain subject to travel controls imposed on aliens and citizens in time of war or national emergency.

Section 2 limits the application of the provisions of the bill generally to: (1) natives of the Bonin Islands or of Japan who are nationals of Japan and who resided in the islands on November 15, 1957, including an inhabitant temporarily absent from the islands on that date; and (2) any inhabitant of the Bonin Islands who was born to eligible parents after November 15, 1967, but before the expiration of 2 years after the enactment of the bill and who continued to reside in the islands.

Section 3 provides a means by which the islanders who immigrate to the United States may proceed to naturalization after a period of stay which would satisfy the residence and physical presence requirements of section 316(a) of the Immigration and Nationality Act. If the alien islander resides in the United States continuously for 5 years and has been physically present for 2½ years of that time and has been a resident in the State in which he intends to petition for naturalization for 6 months, he shall be deemed to have been lawfully admitted for permanent residence for naturalization purposes. The islander would then be in a position to petition for naturalization but would have to satisfy all the requirements applicable to any other petitioner.

AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT

The bill (H.R. 14118) to amend section 213 of the Immigration and Nationality Act, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–954), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to strike from section 213 of the Immigration and Nationality Act the requirement that cash accepted by the Attorney General, under his discretionary authority to admit certain excludable aliens upon the giving of a bond or posting of cash, be deposited in the postal savings system. The postal savings system was abolished in 1966. The bill would provide that cash received as security on bonds be deposited in the Treasury with interest thereon payable at a rate not to exceed 3 percent per annum.

STATEMENT

Section 213 of the Immigration and Nationality Act presently provides that any alien excludable because he is likely to become a public charge or because of a physical disability other than tuberculosis in any form, leprosy, or a dangerous contagious disease may, if otherwise admissible, be admitted in the discretion of the Attorney General upon the giving of a suitable bond or undertaking. The Attorney General may set the bond in such amount and prescribe such conditions as he finds necessary to hold the United States and all States, territories, and local governmental units harmless against such alien becoming a public charge. Presently, when cash in lieu of bond is deposited, section 213 provides that such amount shall be deposited by him in the U.S. postal savings system with interest accruing on the deposit to be paid to the person furnishing such sum.

The U.S. postal savings system was discontinued effective April 27, 1966 (Public Law 89–377). It is therefore necessary to make some other statutory provision for the receipt, holding, and payment of interest upon cash received as security for immigration bonds. To accomplish this change H.R. 14118 provides for a redrafting of section 213 of the Immigration and Nationality Act with reference to the postal savings system omitted. Additionally, a new section, section 293, is incorporated in the act to provide for deposit of such bonds in the Treasury.

The bill also conforms the language of section 213 to section 11 of the act of September 26, 1961 (Public Law 87–301; U.S.C. 1182(a)(6)) by eliminating the specific reference to affliction with tuberculosis or leprosy since those afflictions are now embraced within the category of dangerous contagious diseases.

KIMOKO ANN DUKE

The Senate proceeded to consider the bill (S. 3167) for the relief of Kimoko Ann Duke, which had been reported from the Committee on the Judiciary with an amendment, strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, Kimoko Ann Duke shall be held and considered to be within the purview of section 323(c) of such Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–956), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended is to enable the beneficiary to proceed to naturalization. The purpose of the amendment is to delete section 1 of the bill, inasmuch as it is unnecessary.

MRS. ANITA ORDILLAS

The Senate proceeded to consider the bill (S. 3265) for the relief of Mrs. Anita Ordillas, which had been reported from the Committee on the Judiciary with an amendment, strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, Mrs. Anita Ordillas, the widow of a citizen of the United States, shall be held and considered to be within the purview of section 201(b) of that Act and the provisions of section 204 of such Act shall not be applicable in this case.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–957), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of an immediate relative to Mrs. Anita Ordillas which is the status she would be entitled to were it not for the death of her husband, a citizen of the United States. The bill has been amended in accordance with established precedents.

DR. JORGE RAUL JOSE BRUNO MARTORELL Y FERNANDEZ

The Senate proceeded to consider the bill (S. 3364) for the relief of Dr. Jorge Raul Jose Bruno Martorell y Fernandez (Jorge R. Martorell) which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 7, after the word "of", strike out "June 26, 1947, and the periods of time he has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of such Act." and insert "November 30, 1963"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Jorge Raul Jose Bruno Martorell y Fernandez (Jorge R. Martorell) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of November 30, 1963.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–958), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended to reflect the proper date upon which he last entered the United States.

ORDER OF BUSINESS

Mr. MANSFIELD. That concludes the call for the calendar, Mr. President, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

DISPOSAL OF CERTAIN MINERALS AND MATERIALS FROM THE NATIONAL AND SUPPLEMENTAL STOCKPILES—CONFERENCE REPORT

Mr. CANNON. Mr. President, I submit reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H.R. 12941, to authorize the release of

XUM

4,180,000 pounds of cadmium from the national stockpile and the supplemental stockpile;

H.R. 15021, to authorize the release of 40,200,000 pounds of cobalt from the national stockpile and the supplemental stockpile;

H.R. 15831, to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile;

H.R. 15832, to authorize the disposal of castor oil from the national stockpile;

H.R. 15833, to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile;

H.R. 15835, to authorize the disposal of magnesium from the national stockpile;

H.R. 15836, to authorize the disposal of type A, chemical grade manganese ore from the national stockpile and the supplemental stockpile;

H.R. 15837, to authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile;

H.R. 15838, to authorize the disposal of shellac from the national stockpile;

H.R. 15839, to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile;

H.R. 15998, to authorize the disposal of Surinam-type metallurgical grade bauxite from the national stockpile and the supplemental stockpile;

H.R. 16289, to authorize the disposal of natural Ceylon amorphous lump graphite from the national stockpile and the supplemental stockpile;

H.R. 16290, to authorize the disposal of refractory grade chromite from the national stockpile and the supplemental stockpile;

H.R. 16291, to authorize the disposal of chrysotile asbestos from the national stockpile and the supplemental stockpile;

H.R. 16292, to authorize the disposal of corundum from the national stockpile;

H.R. 16295, to authorize the disposal of natural battery grade manganese ore from the national stockpile and the supplemental stockpile;

H.R. 16297, to authorize the disposal of molybdenum from the national stockpile.

Mr. President, these bills authorize the disposal of commodities from the national stockpile and the supplemental stockpile and for other purposes.

I ask unanimous consent for the immediate consideration of these reports en bloc.

(For conference reports, see House proceedings of June 16, 1970, CONGRESSIONAL RECORD.)

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the reports?

There being no objection, the Senate proceeded to consider the reports en bloc.

Mr. CANNON. Mr. President, I have a brief statement to make in regard to the action of the conference committee in regard to the 17 stockpile disposal bills before us. As we will recall, these bills were reported by the Committee on Armed Services last March 13 in the format proposed by the administration and specifically provided that the commodities covered by the legislation may be disposed of only after publicly advertising for bids unless the Administrator of the General Services Administration determines that methods of disposal other than by public advertising are necessary to protect the United States against avoidable losses, or to protect producers, processers, and consumers against avoidable disruption of their usual markets. The latter is in accordance with the basic Stockpile Act. We will further recall when these bills were considered on the floor of the Senate last April 2, the senior Senator from Delaware offered an amendment to each of them which limited the disposal of these commodities to a single method of disposal—namely, to the highest responsible bidder after publicly advertising for competitive bids.

The House conferees were adamant in their opposition to these amendments. They pointed out that during their committee consideration of these bills, representatives from the interested Government agencies and industry testified that disposal of commodities in this manner in every instance would be disruptive to the ordinary marketing of these materials because it could upset the stable price structure of these materials in the market and could cause a decline in the market price. They further stated it could upset distribution patterns and could cause a disruption to the market generally in some instances. More importantly, they pointed out that it would eliminate the flexibility needed by the General Services Administration in its method of sale and preclude them from complying with existing law.

The General Services Administration prefers and does use competitive bidding practices whenever possible, but there are situations when some flexibility is needed. Of the 17 bills before us, General Services Administration proposes to use competitive bidding in 11 instances. However, if this method should prove unsuccessful, they would be barred from using any other method should the amendment of the senior Senator from Delaware prevail.

In the President's budget message for fiscal year 1971, he called for the sale of some $750 million worth of excess stockpile materials. These are, in effect, frozen assets which he hope to convert to cash. The 17 bills which are the subject of the conference reports before the Senate today represent about $150 million of this amount. It is estimated that for each one million dollars' worth of stockpile materials sold, the Federal Government saves an annual charge of $70,800 in storage costs and interest on Government borrowing alone. Now, Mr. President, it became apparent in the conference committee that if the amendment of the senior Senator from Delaware prevailed, there would be no stockpile bills passed this year, the President's budget objective would not be achieved insofar as stockpile disposals are concerned, and the charges I have referred to, which amount to a substantial sum would continue.

Accordingly, the Senate conference had no alternative but to recede to the position of the House.

Mr. WILLIAMS of Delaware. Mr. President, I cannot understand why in a country which has been founded on the free enterprise system, there is so much lack of support for the competitive bidding system, a system that is used in private industry for the disposal of many of these products.

There can be but one excuse for it, as I see it, and that is that the Government now wants to pass these minerals back as bargains to the same people they bought them from.

In the first place, the minerals were first accumulated under the National Stockpile Act, which was supposed to authorize the purchasing and accumulating of these strategic minerals which in the event of war or national emergency would be needed for the security of our country.

Certain objectives were stated for the various minerals. But soon we achieved those objectives so that we had all the minerals in the stockpile which the Government stated could possibly be needed in the event of a full-scale 5-year war. The stockpiling objectives were achieved very early.

Then those selling those minerals realized that there was a low market price for minerals and not quite as much demand, and they wanted Government purchases continued. The Government was then persuaded to continue to purchase these minerals which, in effect, turned the stockpile program into a price support program for the various products.

To make this program even more costly the support prices were ofttimes far in excess of the prevailing market prices and far in excess of the world market prices at which these minerals could have been purchased.

During that time when we were accumulating those minerals I was a Member of the Senate. I argued on the floor of the Senate many times that if the Government was going to continue to buy these minerals, which I did not think was wise, they should at least buy them at the prevailing market price, the lowest price for which the Government could buy them, just as any industry would do.

But there was no reason why they should be paying for tungsten about two and one-half times the price that tungsten was selling for in the domestic market on the same day.

All of these minerals continued to be purchased by the Government at prices substantially higher than the prevailing price on the market.

It was a bonanza type program for the producers of these metals. As a result we have accumulated over $6 billion worth of so-called strategic minerals in the stockpiling program. In addition, the Government has in inventory $1.5 in agricultural products. But most of the inventory consists of minerals.

These range all the way from castor oil

XUM

to tungsten and aluminum. For instance, we have several million pounds of castor oil that we have no use for.

We have $286 million worth of rubber, $213 million worth of silver, and over $600 million worth of tin.

We have more than half a billion dollars tied up in tungsten. There was never any excuse for our purchasing these large quantities, and when we purchased this tungsten we paid about two to three times what the material was selling for at the prevailing price on the market.

We found many instances where the domestic producers were importing tungsten. They were importing it at the low world price and then putting it in the mines and selling it to the Government at two or three times the imported price, selling it as if it were domestic production. I think this is a national scandal.

Now as a result of the war and inflation throughout the world the prices of these minerals have increased to the point where the Government, in some instances, could actually get a profit in selling some of these minerals. Apparently the thought of a profit accruing to the Government on these minerals was so shocking in some quarters that they figured they could not stand it and that the Government had no right to make money on these minerals.

So what is the plan? Instead of selling it under a competitive bid system, where they could make a profit, they want to sell at a negotiated bid, at prices far below today's market price.

Mr. President, I cite as one example the plan to sell platinum some years ago. I was able to stop that movement. The Government was planning to sell about $200 million worth of platinum in the private market. They objected to my amendment to require competitive bids, but we were able to prevail at that time. However, it developed, and we established, that at the time the bill was being considered they had plans with private industry as to what the Government was going to get on negotiated prices. Private industry would divide up a $100 million windfall. Company A, company B, and company C were to get a certain percentage. The benefits in that case were about $100 million below the market, and under a developed plan this was going to be divided among certain groups in industry. As I have said, we were able to stop that plan.

Today I realize we have before us 12 or 13 bills with the same principle involved in each of them. I realize they are going to try to stampede these through, but I see no reason why we should not reject these conference reports and insist upon the Senate amendments, which would have required selling to the highest responsible bidder. I am ready to vote.

Mr. President, I ask for a division, that we stand by the Senate position and reject the conference report.

The ACTING PRESIDENT pro tempore. Is the Senator requesting a division?

Mr. WILLIAMS of Delaware. A division on the question.

Mr. CANNON. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk called the roll, and the following Senators answered to their names:

[No. 179 Leg.]

Allen
Allott
Anderson
Bellmon
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Dominick
Eagleton
Ellender
Fannin
Fong
Hatfield
Holland
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Mansfield
McClellan
McGee
McIntyre
Metcalf
Muskie
Proxmire
Schweiker
Scott
Smith, Maine
Thurmond
Williams, Del.
Young, N. Dak.
Young, Ohio

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Mexico (Mr. MONTOYA), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Mississippi (Mr. STENNIS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH) are absent on official business.

Mr. GRIFFIN. I announce that the Senator from Kansas (Mr. PEARSON), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Nebraska (Mr. HRUSKA), the Senator from California (Mr. MURPHY), the Senator from Ohio (Mr. SAXBE), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Maryland (Mr. MATHIAS), and the Senator from Vermont (Mr. PROUTY) are detained on official business.

The ACTING PRESIDENT pro tempore. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken
Baker
Bennett
Brooke
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Eastland
Ervin
Fulbright
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hollings
Kennedy
Long
Magnuson
McGovern
Miller
Mondale
Moss
Nelson
Packwood
Pastore
Pell
Percy
Randolph
Spong
Stevens
Symington
Talmadge
Tydings

The PRESIDING OFFICER (Mr. BYRD of Virginia). A quorum is present.

Mr. CANNON. Mr. President, the order has already been entered that these items be considered en bloc. I ask unanimous consent to separate H.R. 15839, the bill for the disposal of certain tungsten from the stockpile, that the Senate consider it separately, and that it be laid before the Senate and made the pending business.

The PRESIDING OFFICER. Without objection, the clerk will report.

The ASSISTANT LEGISLATIVE CLERK. A report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill, H.R. 15839, to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile.

Mr. CANNON and Mr. WILLIAMS of Delaware asked for the yeas and nays.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, we will call the roll in a few minutes. We discussed this issue of competitive bidding very clearly at the time the bills passed the Senate. It was discussed by the Senator from Nevada and me earlier today.

The one issue involved here is not the question of whether the Government should dispose of these surplus products, which I think it should do, but I point out that we have $8½ billion tied up in surplus products. These products were purchased by the Government in excess of national defense needs. At the time of the purchases this program operated somewhat as a support program for minerals. In purchasing them the Government paid not only the prevailing market price but oftentimes far above the prevailing market price.

For example, on tungsten, the Government paid an average of over double the market price at the time it was accumulating this mineral. I protested that strenuously at the time we were accumulating tungsten and said it was a support program for the mining industry.

All that is behind us now. The Government should get rid of the surplus stocks, but it should try to get the best price possible and thereby protect the taxpayers interests.

Certainly the Government, which is operating at a deficit averaging around one billion dollars per month, needs the money. The mining industry was subsidized once when these minerals were purchased. Why should it receive another subsidy as they are being sold?

As a result of inflation and war conditions throughout the world the price of minerals has advanced to the point where the Government by competitive bids can sell this at the market price and get its money back, or even make a little money. There is nothing wrong with the Government's making a profit.

I merely propose that in disposing of these products, the Government must exercise the same protection for the taxpayers as if individuals owned it themselves. The Government can, by advertising and by competitive bids, sell the material to the highest responsible bidder. The Government retains its right

XUM

to reject all bids. If there are no bids then the Government would have the right to negotiate the bid to its best advantage. But if there were competitive bids and they were acceptable, the Government would sell to the highest responsible competitive bidder. That is the issue involved.

Mr. President, I am perfectly willing to have a vote on this question.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. JAVITS. Mr. President, when the Senator says that they would accept all bids, he means that if they had two, three, or four bids, all of which they considered to be inadequate, they could throw them all out.

Mr. WILLIAMS of Delaware. The Senator is correct.

Mr. JAVITS. Mr. President, once they have tried the bid route and have found it to be unsuccessful, could they then go through a negotiated sale? A yardstick has been established obviously. They would have to get more money than the highest offer on the bid.

Mr. WILLIAMS of Delaware. They could do either. They could ask for new bids or negotiate, but in negotiating, the price would have to be higher than the highest bid they rejected.

Mr. JAVITS. Mr. President, is it fair to say, in other words, that they retain flexibility in relationship to the sales procedure except for the intermediate step of requiring bidding in the first instance?

Mr. WILLIAMS of Delaware. The Senator is correct.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. CANNON. That is, I think, an incorrect representation. Under the amendment of the Senator from Delaware, it could not be sold to people through negotiation. It would still have to be resold under a sealed bid procedure.

It is very clear as to what the amendment provides. I think that the Senate should properly understand the amendment. It provides only for sealed bid procedures and allows no other method to be followed.

Mr. WILLIAMS of Delaware. I think I do understand it, and both industry and the administration understand it. I have had this same amendment considered many times before. It was discussed with the administration, and at the time it was passed this was stated very clearly as the intent. The amendment was drafted as intended. Certainly we cannot make the people bid. Conceivably there would be but one bid, and if they did not want to accept it they could then negotiate with that bidder for a higher price.

My amendment as first approved by the Senate would merely carry out simple business practices on the part of the Government, the same way as anyone else would.

Mr. President, I am willing to vote.

Mr. CANNON. Mr. President, if we want stockpile disposals, the conference report should be accepted, because it is quite clear that if the amendment of the Senator from Delaware is agreed to there will be no stockpile disposals this year.

The House made that abundantly clear. The administration supports the bills as they are in the conference report, because they have stated, and the committee found, that it does not give them the needed flexibility to follow an orderly disposal program.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. Byrd of Virginia). The Senator will state it.

Mr. CANNON. Mr. President, is a yea vote a vote to sustain the conference report?

The PRESIDING OFFICER (Mr. Byrd of Virginia). The Senator is correct.

Mr. WILLIAMS of Delaware. Mr. President, I am asking that the conference report be rejected and that there be a negative vote. The conferees could then be instructed to go back to conference and insist on the Senate amendment, which would require competitive bids.

The PRESIDING OFFICER (Mr. Byrd of Virginia). The question is on agreeing to the conference report. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. JORDAN of Idaho (after having voted in the negative). On this vote I have a pair with the Senator from Nebraska (Mr. Hruska). If he were present and voting, he would vote "yea." I have already voted "nay." I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. Bayh), the Senator from North Dakota (Mr. Burdick), the Senator from Connecticut (Mr. Dodd), the Senator from Tennessee (Mr. Gore), the Senator from Iowa (Mr. Hughes), the Senator from Hawaii (Mr. Inouye), the Senator from Minnesota (Mr. McCarthy), the Senator from New Mexico (Mr. Montoya), the Senator from Connecticut (Mr. Ribicoff), the Senator from Georgia (Mr. Russell), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from Mississippi (Mr. Stennis), the Senator from New Jersey (Mr. Williams), and the Senator from Texas (Mr. Yarborough) are absent on official business.

I further announce that, if present and voting, the Senator from North Dakota (Mr. Burdick), and the Senator from Connecticut (Mr. Ribicoff) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kansas (Mr. Pearson), the Senator from Arizona (Mr. Goldwater), the Senator from New York (Mr. Goodell), the Senator from Nebraska (Mr. Hruska), the Senator from California (Mr. Murphy), the Senator from Ohio (Mr. Saxbe), the Senator from Illinois (Mr. Smith), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Vermont (Mr. Prouty) and the Senator from Maryland (Mr. Mathias) are detained on official business.

If present and voting, the Senator from South Dakota (Mr. Mundt), the Senator from California (Mr. Murphy), and the Senator from Texas (Mr. Tower) would each vote "yea."

The pair of the Senator from Nebraska (Mr. Hruska) has been previously announced.

On this vote, the Senator from Illinois (Mr. Smith) is paired with the Senator from New York (Mr. Goodell). If present and voting, the Senator from Illinois would vote "yea" and the Senator from New York would vote "nay."

The result was announced—yeas 53, nays 21, as follows:

[No. 180 Leg.]

YEAS—53

Allott
Anderson
Bellmon
Bennett
Bible
Brooke
Byrd, W. Va.
Cannon
Church
Cook
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Gravel
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Jackson
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Moss
Muskie
Packwood
Pastore
Pell
Percy
Randolph
Schweiker
Scott
Smith, Maine
Stevens
Symington
Talmadge
Young, N. Dak.
Young, Ohio

NAYS—21

Aiken
Allen
Baker
Boggs
Byrd, Va.
Case
Cooper
Cotton
Fulbright
Griffin
Gurney
Hansen
Javits
Miller
Mondale
Nelson
Proxmire
Spong
Thurmond
Tydings
Williams, Del.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Jordan of Idaho, against.

NOT VOTING—25

Bayh
Burdick
Dodd
Goldwater
Goodell
Gore
Hruska
Hughes
Inouye
Mathias
McCarthy
Montoya
Mundt
Murphy
Pearson
Prouty
Ribicoff
Russell
Saxbe
Smith, Ill.
Sparkman
Stennis
Tower
Williams, N.J.
Yarborough

So the conference report on H.R. 15839 was agreed to.

Mr. CANNON. Mr. President, there is an order for consideration en bloc of the remaining 16 stockpile conference reports. The issue is exactly the same. I think the pattern is the same. I am not going to request a rollcall vote, but I am ready to vote.

Mr. WILLIAMS of Delaware. Mr. President, I agree with the Senator from Nevada that the Senate has made its decision. I am not going to ask for a rollcall vote. I am willing to abide by the decision of the Senate although I regret very much that we have made this decision. We have about $6.5 billion invested in so-called strategic minerals, many of them in excess of our stockpile needs. It has been conservatively estimated that we could get at least 10 to 15 percent more from those minerals if we sold them from the stockpile, and certainly the Government could use the $600 million to $1 billion extra from those sales.

Mr. Paul Douglas, former Senator from Illinois, made a study once of what would

XUM

be saved by the Government if the competitive bidding principle could be established for the Defense Department in its procurement policies. As a result of the study which he and I asked for it was ascertained that the Government could save at least $3 billion annually in buying its defense procurement through a competitive bidding system. Yet, repeatedly we have been unable to get the competitive bidding system established by the Congress, either in procurement or in sales programs. Negotiated bids are insisted upon.

I regret that the Senate today has again made this decision. While I respect its decision and will abide by it, I think the taxpayers should have been protected just a little better. I regret that was not done, but I am willing to proceed to a vote and accept the decision of the Senate on the remaining conference reports en bloc.

The **PRESIDING OFFICER**. The question is on agreeing to the remaining conference reports en bloc.

The reports were agreed to en bloc.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that there be a brief period for the conduct of routine morning business, with a limitation of 3 minutes on statements therein.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Acting President pro tempore (Mr. Allen):

H.R. 3908. An act for the relief of Elizabeth B. Borgnino;

H.R. 8512. An act to suspend for a temporary period the import duty on L-Dopa; and

H.J. Res. 1259. Joint resolution to extend the effectiveness of the Defense Production Act of 1950 to July 30, 1970.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The **ACTING PRESIDENT** pro tempore (Mr. Allen) laid before the Senate the following communication and letters, which were referred as indicated:

Proposed Amendment to the Budget, 1971, for the Inter-American Social Development Institute (S. Doc. No. 91-93)

A communication from the President of the United States, transmitting an amendment to the requests for appropriations transmitted in the budget for the fiscal year 1971, involving the Inter-American Social Development Institute (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

Report on American Indian Tribal Claims

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on the final conclusion of judicial proceedings regarding the Miami Tribe of Oklahoma (with an accompanying paper); to the Committee on Appropriations.

Report of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the costs of operating the nuclear merchant ship *Savannah*, Maritime Administration, Department of Commerce, dated June 26, 1970 (with an accompanying report); to the Committee on Government Operations.

Suspension of Deportation of Aliens—Withdrawal of Name

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, withdrawing the name of Reyes Rodriguez-Rodriguez from a report relating to aliens whose deportation has been suspended, transmitted to the Senate on July 1, 1969 (with an accompanying paper); to the Committee on the Judiciary.

Prospectus for Proposed Construction

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus which revises the post office and vehicle maintenance facility project authorized at Van Nuys, Calif. (with an accompanying paper); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the **ACTING PRESIDENT** pro tempore (Mr. Allen):

A resolution adopted by the Legislature of Erie County, N.Y., praying for the enactment of legislation to appropriate funds for cancer research and treatment; to the Committee on Appropriations.

A resolution adopted by the Common Council of the City of Lockport, N.Y., praying for the enactment of legislation to appropriate funds for cancer research and treatment; to the Committee on Appropriations.

A resolution adopted by the Naha City Assembly, Naha, Okinawa, praying for the immediate and complete removal of poison gas weapons; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. **EASTLAND**, from the Committee on the Judiciary, without amendment:

H.R. 914. An act for the relief of Hood River County, Oregon (Rept. No. 91–977);

H.R. 2047. An act for the relief of Roseanne Jones (Rept. No. 91–978); and

H.R. 5000. An act for the relief of Pedro Irizarry Guido (Rept. No. 91–979).

By Mr. **EASTLAND**, from the Committee on the Judiciary, with an amendment:

S. 703. A bill for the relief of Arthur Jerome Olinger, a minor, by his next friend, his father, George Henry Olinger, and George Henry Olinger, individually (Rept. No. 91–980); and

S. 1785. A bill for the relief of Irene Sadowska Sullivan (Rept. No. 91–981).

By Mr. **LONG**, from the Committee on Finance, without amendment:

H.R. 17802. An act to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act (Rept. No. 91–982).

By Mr. **RANDOLPH**, from the Committee on Public Works, without amendment:

H.R. 15712. An Act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971 (Rept. No. 91–984).

By Mr. Kennedy, from the Committee on Labor and Public Welfare, with an amendment:

H.R. 16595. An act to authorize appropriations for activities of the National Science Foundation, and for other purposes (Rept. No. 91–983).

By Mr. **BIBLE**, from the Committee on Appropriations, with amendments:

H.R. 17619. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91–985).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. **EASTLAND**, from the Committee on the Judiciary:

William E. Miller, of Tennessee, to be a U.S. circuit judge, sixth circuit (Executive Rept. No. 91–21).

Mr. **MAGNUSON**. Mr. President, as in executive session, I report favorably sundry nominations in the Environmental Science Services Administration which have previously appeared in the Congressional Record and I ask unanimous consent, to save the expense of printing them on the Executive Calendar, that they lie on the Secretary's desk for the information of any Senator.

The **PRESIDING OFFICER** (Mr. McIntyre). Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Kenneth A. MacDonald, and sundry other persons, for permanent appointment in the Environmental Science Services Administration.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. **YOUNG** of North Dakota:

S. 4030. A bill for the relief of certain individuals and organizations; to the Committee on the Judiciary.

By Mr. **BOGGS** (for himself and Mr. Muskie):

S. 4031. A bill to establish a national catastrophic illness insurance program under which the Federal Government, acting in cooperation with State insurance authorities and the private insurance industry, will reinsure and otherwise encourage the issuance of private health insurance policies which make adequate health protection available to all Americans at a reasonable cost; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Boggs when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. **HARRIS**:

S. 4032. A bill to establish a National Advisory Commission on American Indian Education; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Harris when he introduced the bill appear later in the Record under the appropriate heading.)

S. 4031—INTRODUCTION OF THE NATIONAL CATASTROPHIC ILLNESS PROTECTION ACT OF 1970

Mr. **BOGGS**. Mr. President, I have the honor to introduce, with the cosponsor-

XUM

ship of the distinguished Senator from Maine (Mr. Muskie), a bill that will relieve a measure of the burden that befalls a family when catastrophic illness strikes.

This legislation does not prevent such tragedies. It cannot relieve the pain for a child stricken with an incurable disease, or resuscitate a family's spirit when the father or mother lies dying of cancer.

But by seeking to ease the financial problems for such families, this legislation will ease their burden. And by enabling every American family to obtain insurance coverage for such extended illnesses, this proposal would guarantee the best possible medical attention for the afflicted.

In the words of the bill, its purpose is—

> To establish a national catastrophic illness insurance program under which the Federal Government, with the cooperation of the States and their insurance authorities and with the active participation of the private insurance industry, will encourage the issuance of private policies which offer adequate health insurance protection on such terms and conditions as will guarantee that such protection is available to all Americans, including those who cannot afford it under existing programs and policies, and will reinsure such policies on terms and conditions calculated to provide the maximum encouragement to insurance companies to participate in the program either individually or through insurance pools established for the purpose.

Specifically, this legislation would encourage the insurance industry to offer policies that would provide coverage for catastrophic illnesses. This legislation would foster the creation of insurance pools, supported with Federal reinsurance; such insurance pools should make certain that every American father can, at relatively modest cost, protect himself and his family against the costs of a catastrophic illness.

XUM

This legislation, the National Catastrophic Illness Protection Act of 1970, was introduced earlier this month as H.R. 18008 in the House of Representatives by the distinguished gentleman from Maryland, Mr. Hogan. It has since been cosponsored by a number of his colleagues. Congressman Hogan's description and analysis of the proposal is a most valuable one. Therefore, Mr. President, I ask unanimous consent that Congressman Hogan's remarks, as well as the text of the bill, be included at this point in the Record, together with a section-by-section analysis of the bill.

The PRESIDING OFFICER (Mr. Cook). The bill will be received and appropriately referred; and, without objection, the bill, remarks, and analysis will be printed in the Record.

The bill (S. 4031) to establish a national catastrophic illness insurance program under which the Federal Government, acting in cooperation with State insurance authorities and the private insurance industry, will reinsure and otherwise encourage the issuance of private health insurance policies which make adequate health protection available to all Americans at a reasonable cost; introduced by Mr. Boggs (for himself and Mr. Muskie), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S. 4031

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—GENERAL PROVISIONS

SHORT TITLE

Sec. 101. This Act may be cited as the "National Catastrophic Illness Protection Act of 1970."

FINDINGS AND PURPOSE

Sec. 102. (a) The Congress finds and declares that, despite the great advances in health insurance programs which have been made within both the public and private sectors of the economy, many individuals are still unable to secure adequate health insurance protection or to secure such protection at rates which they can afford. The Congress further finds that few of our citizens are protected from catastrophic illness and that provisions are generally lacking which would allow for such protection in the future.

(b) It is therefore the policy of the Congress and the purpose of this Act to establish a national catastrophic illness insurance program under which the Federal Government, with the cooperation of the States and their insurance authorities and with the active participation of the private insurance industry, will encourage the issuance of private policies which offer adequate health insurance protection on such terms and conditions as will guarantee that such protection is available to all Americans, including those who cannot afford it under existing programs, and policies, and will reinsure such policies on terms and conditions calculated to provide the maximum encouragement to insurance companies to participate in the program either individually or through insurance pools established for the purpose.

DEFINITIONS

Sec. 103. When used in this Act (unless the context otherwise requires)—

(1) the term "extended health insurance" means insurance against all costs paid or incurred for medical care (as defined in section 213(e) of the Internal Revenue Code of 1954 and the regulations issued thereunder);

(2) the term "costs of medical care" includes, with respect to any individual, all of the expenses of medical care (as so defined), incurred by or on behalf of persons covered by such individual's extended health insurance policy, which are deductible by such individual under section 213 of the Internal Revenue Code of 1954 (or would be deductible by such individual under section 213 of such Code but for the percentage limitations contained in such section) for the taxable year in which such expenses are paid or incurred;

(3) the term "insurer" includes any insurance company, or group of insurance companies under common ownership, which is authorized to engage in the insurance business under the laws of any State;

(4) the term "pool" means any pool or association of insurance companies in any State which is formed, associated, or otherwise utilized for the purpose of making extended health insurance more readily available;

(5) the term "person" includes any individual or group of individuals, corporation, partnership, association, or other organized group of persons;

(6) the term "reinsured losses" means losses on reinsurance claims under this Act and all direct expenses incurred in connection therewith, including, but not limited to, expenses for processing, verifying, and paying such losses;

(7) the term "Secretary" means the Secretary of Health, Education, and Welfare;

(8) the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa; and

(9) the term "year" means a calendar year, fiscal year of a company, or other period of twelve months designated by the Secretary.

TITLE II—ESTABLISHMENT OF PROGRAM; STATE PLANS

PROGRAM AUTHORIZATION

Sec. 201. The Secretary is authorized to establish and carry out a national catastrophic illness insurance program as provided for in this Act.

STATE CATASTROPHIC ILLNESS INSURANCE PLANS

Sec. 202. (a) The national catastrophic illness insurance program shall be designed to carry out the purpose of this Act through the establishment of statewide plans providing extended health insurance and the reinsurance by the Federal Government of the insurers and pools of insurers who offer extended health insurance under such plans.

(b) Each insurer which is reinsured under this Act (or which is a member of a pool reinsured under this Act) shall cooperate with the State insurance authority in each State in which it is to acquire such reinsurance in establishing and carrying out the plan of such State described in subsection (a).

(c) Each statewide plan described in subsection (a) must be approved by, and administered under the supervision of, the State insurance authority, or be authorized or required by State laws, and shall be designed to make extended health insurance more readily available to all individuals in the State and particularly to those who would be unable to secure adequate and complete health insurance protection at reasonable rates without coverage by extended health insurance policies meeting the requirements of this Act which are issued and made available under such plan. Such plans may vary in detail from State to State because of local conditions, but all plans shall contain provisions that—

(1) extended health insurance issued by insurers under the plan will be available to all eligible individuals (as defined in section 203) at reasonable premiums (as determined under section 204), subject only to a deductible or deductibles meeting the requirements of section 205;

(2) if any insurer declines to write a policy of extended health insurance covering one or more eligible individuals making application therefor in accordance with this Act, or agrees to write the policy only at surcharged rates or subject to specified conditions, such insurer will promptly notify both the applicant and the State insurance authority, which shall take such action as may be necessary or appropriate to provide for the issuance of the policy by a pool or by otherwise allocating the risk to be insured to two or more insurers (acting through the all-industry placement facility described in section 206 or otherwise);

(3) all extended health insurance policies for which application is made by eligible individuals under the plan will be promptly written after such application and the payment of initial premium and will be separately coded so that appropriate records may be compiled for purposes of performing loss prevention and other studies of the operation of the plan;

(4) such reports as the Secretary shall by regulation prescribe will be submitted to the State insurance authority and to the Secretary setting forth information, by individual insurers, including the number of risks insured under the plan and such other information as the State insurance authority or the Secretary may request;

(5) notice will be given to the policy holder a reasonable time prior to the cancellation or nonrenewable by an insurer of any policy written under the plan (except in case of

nonpayment of premium), in order to allow ample time for an application for new coverage to be made and a new policy to be written under the plan; and

(6) a continuing public education program will be undertaken by the participating insurers, agents, and brokers to assure that the plan receives adequate public attention.

(d) Each plan shall in addition contain such terms, conditions, requirements, and other provisions as the Secretary shall determine to be necessary or appropriate to carry out the purpose of this Act.

ELIGIBLE INDIVIDUALS

SEC. 203. For the purpose of this Act, and for the purpose of any State plan submitted under section 202 and the insurance policies issued thereunder, an individual shall be an eligible individual if (1) he resides in the State submitting such plan, and makes application for extended health insurance coverage under such a policy in such manner and form as the State insurance authority (in accordance with regulations of the Secretary) shall direct, or (2) he is not an eligible individual under clause (1) but is a member of the household of a person who is an eligible individual under clause (1), and is such person's spouse, child, grandchild, parent, or grandparent.

PREMIUMS

SEC. 204. (a) The Secretary is authorized to undertake and carry out such studies and investigations and receive or exchange such information as may be neccessary to estimate—

(1) the premium rates for extended health insurance which, based on consideration of the risks involved and accepted actuarial principles, would be required in order to make such insurance available on an actuarial basis, and

(2) the rates, if less than the rates established under paragraph (1), which would be reasonable, would encourage prospective insureds to purchase extended health insurance, and would be consistent with the purpose of this Act.

(b) On the basis of estimates made under subsection (a) and such information as may be necessary, the Secretary shall from time to time prescribe by regulation the premium rates which may be charged for extended health insurance under policies issued by insurers under State plans approved under section 202. Such rates may vary according to the number of individuals in the insured individual's family who are covered by the policy, and on the basis of such other factors as the Secretary may find to justify rate differences (whether based on differences in the risks involved in the coverage or otherwise). Losses sustained by insurers and pools charging premium rates prescribed under this subsection which are lower than the corresponding estimated risk premiums determined under subsection (a)(1) shall be compensated for by premium equalization payments made as provided in section 504.

(c) Premium rates prescribed under subsection (b) shall, insofar as practicable, be—

(1) based on a consideration of the risks involved in the coverage, including differences in risks due to family size or composition;

(2) adequate, on the basis of accepted actuarial principles, to provide reserves for anticipated losses, or if less than an amount adequate to provide such reserves, consistent with the objective of making extended health insurance coverage available so as to encourage prospective insureds to purchase such insurance and with the purpose of this Act; and

(3) stated so as to reflect the basis for such rates, including the differences (if any) between the estimated risk premium rates determined under subsection (a)(1), the estimated rates determined under subsection (a)(2), and the rates actually prescribed under subsection (b).

DEDUCTIBLES

SEC. 205. (a) The total amount payable to or with respect to any eligible individual on account of costs of medical care paid or incurred in any year under an extended health insurance policy issued by an insurer or pool under a State plan approved under section 202 may be reduced by a deductible equal to so much of such costs, actually paid or incurred by such individual, as does not exceed the amount determined under subsection (b).

(b) The deductible for any individual or family for purposes of subsection (a), with respect to costs of medical care paid or incurred in any year, shall be—

(1) 50 per centum of the amount by which the adjusted income of such individual or family for such year exceeds $1,000 but does not exceed $2,000, plus

(2) 100 per centum of the amount by which the adjusted income of such individual or family for such year exceeds $2,000.

No deductible may be imposed in the case of an individual or family whose adjusted income does not exceed $1,000.

(c) Notwithstanding any other provision of law, the deductible applicable with respect to any individual or family for any year under this section shall be reduced by the amount of any payments made toward the costs of medical care of such individual or the members of such family under title XVIII or XIX of the Social Security Act or under any other public or private health insurance policy covering such medical care.

(d) As used in this section with respect to any individual or family for any year, the term "adjusted income" means the gross income of such individual or family for purposes of chapter 1 of the Internal Revenue Code of 1954, reduced by the aggregate amount of the personal exemptions allowed such individual or the members of such family for such year under section 151 of such Code.

(e) For purposes of subsections (a) and (b), if an individual pays or incurs costs of medical care in any year with respect to a specific illness or injury which began in a previous year and continued without interruption until the time such costs are so paid or incurred, such costs shall be considered to have been paid or incurred in such previous year.

ALL-INDUSTRY PLACEMENT FACILITY

SEC. 206. Any plan under this title shall include an all-industry placement facility doing business with every insurer participating in the plan in the State, and shall provide that this facility shall perform certain functions including, but not limited to, the following:

(1) seeking, upon request, to distribute the risks involved in the issuance of any extended health insurance policy or class of policies equitably among the insurers with which it is doing business; and

(2) seeking to place insurance up to the full insurable value of the risk to be insured with one or more insurers with which it is doing business, except to the extent that deductibles, percentage participation clauses, and other underwriting devices are employed to meet special problems of insurability.

INDUSTRY COOPERATION

SEC. 207. (a) Each insurer seeking reinsurance under this Act shall file a statement with the State insurance authority in each State in which it is participating in a plan under this title, pledging its full participation and cooperation in carrying out the plan, and shall file a copy of such statement with the Secretary.

(b) No insurer acquiring reinsurance under this Act shall direct any agent or broker or other producer not to solicit business through such a plan, nor shall any agent, broker, or other producer be penalized by such insurer in any way for submitting applications for insurance to an insurer under the plan.

PLAN EVALUATION

SEC. 208. (a) In accordance with such rules and regulations as the Secretary may prescribe, each State insurance authority shall—

(1) transmit to the Secretary any proposed or adopted plan, or amendments thereto; and

(2) advise the Secretary, from time to time, concerning the operation of the plan, its effectiveness in providing extended health insurance, and the need to form a pool of insurers or adopt other programs to make extended health insurance more readily available in the State.

(b) The Secretary may by rules and regulations modify the plan criteria set forth under this title, if he finds, on the basis of experience, that such action is necessary or desirable to carry out the purpose of this Act. The Secretary may also, with respect to any State, waive compliance with one or more of the plan criteria, upon certification by the State insurance authority that compliance is unnecessary or inadvisable under local conditions or State law.

TITLE III—REINSURANCE COVERAGE

REINSURANCE OF LOSSES UNDER EXTENDED HEALTH INSURANCE POLICIES

SEC. 301. (a)(1) The Secretary is authorized to offer to any insurer or pool, subject to the conditions set forth in section 303, reinsurance against losses under extended health insurance policies under the plan or plans of any one or more States.

(2) Reinsurance shall be offered to any such insurer or pool only on all extended health insurance written by it or by its members.

(b) Reinsurance coverage under this section may be provided immediately following the enactment of this Act to any insurer or pool in any State on a temporary basis, and on such terms and conditions as may be agreed upon, and coverage under such terms and conditions may be bound with respect to any such insurer or pool by means of a written binder which shall remain in force not more than ninety days and shall expire at the earlier of either—

(1) the termination of such ninety-day period, or

(2) the effective date of any governing contract, agreement, treaty, or other arrangement entered into between the insurer or pool and the Secretary under section 302 for the purpose of providing reinsurance coverage against losses under extended health insurance policies.

(c) No reinsurance shall be offered to any insurer or pool in a State after the expiration of the written binder entered into under subsection (b), unless there is in effect in such State a plan as set forth under title II and the insurer or pool is participating in such plan, and unless, in the case of an insurer in a State where a pool has been established pursuant to State law, the insurer is participating in such a pool.

REINSURANCE AGREEMENTS AND PREMIUMS

SEC. 302. (a) During the first year following the date of the enactment of this Act, the Secretary is authorized to enter into any contract, agreement, treaty, or other arrangement with any insurer or pool for reinsurance coverage, in consideration of payment of such premiums, fees, or other charges by insurers or pools as the Secretary deems to be adequate to obtain aggregate reinsurance premiums for deposit in the National Catastrophic Illness Insurance Fund established under section 503 in excess of the estimated amount of losses under extended health insurance policies during such first year, and thereafter the Secretary may increase or decrease such premiums for reinsurance if it is found that such action is necessary or appropriate to carry out the purpose of this Act.

XUM

(b) Reinsurance offered under this Act shall reimburse an insurer or pool for its total proved and approved claims for covered losses under extended health insurance policies during the term of the reinsurance contract, agreement, treaty, or other arrangement, over and above the amount of the insurer's or pool's retention of such losses as provided in such reinsurance contract, agreement, treaty, or other arrangement entered into under this section.

(c) Such contracts, agreements, treaties, or other arrangements may be made without regard to section 3679(a) of the Revised Statutes of the United States (31 U.S.C. 665(a)), and shall include any terms and conditions which the Secretary deems necessary to carry out the purpose of this Act. The premium rates, terms, and conditions of such contracts with insurers or pools, throughout the country, in any one year shall be uniform.

(d) Any contract, agreement, treaty, or other arrangement for reinsurance under this section shall be for a term expiring on April 30, 1971, and on April 30 each year thereafter, and shall be entered into within ninety days after the date of the enactment of this Act or within ninety days prior to April 30 each year thereafter, or within ninety days after an insurer is authorized to write insurance eligible for reinsurance in a State which it was not authorized to write in the preceding year.

CONDITIONS OF REINSURANCE

SEC. 303. (a) Subject to the provisions of subsection (b), reinsurance shall not be offered by the Secretary in a State or be applicable to insurance policies written in that State by an insurer—

(1) after one year following the date of the enactment of this Act, or, if the appropriate States legislative body has not met in regular session during that year, by the close of its next regular session, in any State which has not adopted appropriate legislation, retroactive to the date of the enactment of this Act, under which the State, its political subdivisions, or a governmental corporation or fund established pursuant to State law, will reimburse the Secretary, in an amount up to 5 per centum of the aggregate extended health insurance premiums earned in that State during the preceding calendar year on insurance reinsured by the Secretary in that State during the current year, such that the Secretary may be reimbursed for amounts paid by him in respect to reinsured losses that occurred in that State during a calendar year in excess of (A) reinsurance premiums received in that State during the same calendar year plus (B) the excess of (i) the total premiums received by the Secretary for reinsurance in that State during a preceding period measured from the end of the most recent calendar year with respect to which the Secretary was reimbursed for losses under this Act over (ii) any amounts paid by the Secretary for reinsured losses that occurred during this same period;

(2) after thirty days following notification to the insurer that the Secretary finds (after consultation with the State insurance authority) that there has not been adopted by the State, or the extended health insurance industry in that State, a suitable program or programs, in addition to plans under tile II, to make extended health insurance available, and that such action is necessary to carry out the purpose of this Act; except that this paragraph shall not become effective until two years after the date of the enactment of this Act, or at such earlier date as the Secretary, after consultation with the State insurance authority, may determine;

(3) after thirty days following notification to the insurer that the Secretary, or the State insurance authority, finds that such insurer is not fully participating—

(A) in the plan in the State;

(B) where it exists, in a pool; and

(C) where it exists, in any other program found by the Secretary to aid in making extended health insurance more readily available in the State: *Provided*, That the Secretary shall not make any such finding with respect to any insurer unless (i) prior to making such finding the Secretary has requested and considered the views of the State insurance authority as to whether such finding should be made, or (ii) the Secretary has made such a request in writing to the State insurance authority and such authority has failed to respond thereto within a reasonable period of time after receiving such request;

(4) following a merger, acquisition, consolidation, or reorganization involving one or more insurers having extended health insurance in the State reinsured under this Act and one or more insurers with or without such reinsurance, unless the surviving company—

(A) meets the criteria of eligibility for reinsurance, other than as provided under section 302(d); and

(B) within ten days pays any reinsurance premiums due; or

(5) upon receipt of notice from the insurer or pool that it desires to cancel its reinsurance agreement with the Secretary in the State.

(b) Notwithstanding the foregoing provisions of this section, reinsurance may be continued for the term of the policies written prior to the date of termination or nonrenewal of reinsurance under this section, for as long as the insurer pays reinsurance premiums annually in such amounts as are determined under section 302, based on the annual premiums earned on such reinsured policies, and for the purpose of this subsection, the renewal, extension, modification, or other change in a policy, for which any additional premium is charged, shall be deemed to be a policy written on the date such change was made.

RECOVERY OF PREMIUMS; STATUTE OF LIMITATIONS

SEC. 304. (a) The Secretary, in a suit brought in the appropriate United States district court, shall be entitled to recover from any insurer the amount of any unpaid premiums lawfully payable by such insurer to the Secretary.

(b) No action or proceeding shall be brought for the recovery of any premium due to the Secretary for reinsurance, or for the recovery of any premium paid to the Secretary in excess of the amount due to him, unless such action or proceeding shall have been brought within five years after the right accrued for which the claim is made, except that, where the insurer has made or filed with the Secretary a false or fraudulent annual statement, or other document with the intent to evade, in whole or in part, the payment of premiums, the claim shall not be deemed to have accrued until its discovery by the Secretary.

TITLE IV—GOVERNMENT PROGRAM WITH INDUSTRY ASSISTANCE

FEDERAL OPERATION OF THE PROGRAM IN NONCOOPERATING STATES

SEC. 401. (a) If at any time, after consultation with representatives of the insurance industry, the Secretary determines that operation of the national catastrophic illness insurance program as provided in the preceding provisions of this Act cannot be carried out in any State, or that such operation in any State, in itself, would be assisted materially by the Federal Government's assumption, in whole or in part, of the operational responsibility for extended health insurance under this Act (on a temporary or other basis), he shall promptly undertake any necessary arrangements to carry out such program in that State through the facilities of the Federal Government, utilizing, for purposes of providing extended health insurance coverage, either—

(1) insurance companies and other insurers, insurance agents and brokers, and insurance adjustment organizations, as fiscal agents of the United States,

(2) officers and employees of the Department of Health, Education, and Welfare, and such other officers and employees of any executive agency (as defined in section 105 of title 5 of the United States Code) as the Secretary and the head of any such agency may from time to time, agree upon, on a reimbursement or other basis, or

(3) both the alternatives specified in paragraphs (1) and (2).

(b) Upon making the determination referred to in subsection (a), with respect to any State, and at least thirty days prior to implementing the national catastrophic illness insurance program in such State through the facilities of the Federal Government, the Secretary shall make a report to the Congress and such report shall—

(1) state the reasons for such determination,

(2) be supported by pertinent findings,

(3) indicate the extent to which it is anticipated that the insurance industry will be utilized in providing extended health insurance coverage under the program, and

(4) contain such recommendations as the Secretary deems advisable.

ADJUSTMENT AND PAYMENT OF CLAIMS

SEC. 402. In the event the program is carried out as provided in section 401, the Secretary shall be authorized to adjust and make payment of any claims for proved and approved losses covered by extended health insurance, and upon the disallowance by the Secretary of any such claim, or upon the refusal of the claimant to accept the amount allowed upon any such claim, the claimant shall have the right of judicial review as provided by section 501(b).

TITLE V—PROVISIONS OF GENERAL APPLICABILITY

CLAIMS AND JUDICIAL REVIEW

SEC. 501. (a) All reinsurance claims for losses under this Act shall be submitted by insurers in accordance with such terms and conditions as may be established by the Secretary.

(b)(1) Upon disallowance of any claim under color of reinsurance made available under this Act or any claim against the Secretary under section 402, or upon refusal of the claimant to accept the amount allowed upon any such claim, the claimant may institute an action against the Secretary on such claim in the United States district court for the district in which the insurer's principal office is located or the insured individual resides (or resided).

(2) Any such action must be begun within one year after the date upon which the claimant received written notice of disallowance or partial disallowance of the claim, and exclusive jurisdiction is hereby conferred upon United States district courts to hear and determine such actions without regard to the amount in controversy.

FISCAL INTERMEDIARIES AND SERVICING AGENTS

SEC. 502. (a) In order to provide for maximum efficiency in the administration of the reinsurance program under this Act, and in order to facilitate the expeditious payment of any funds under such program, the Secretary may enter into contracts with any insurer, pool, or other person, for the purpose of providing for the performance of any or all of the following functions:

(1) estimating or determining any amounts of payments for reinsurance claims;

(2) receiving and disbursing and accounting for funds in making payments for reinsurance claims;

(3) auditing the records of any insurer,

XUM

pool, or other person to the extent necessary to assure that proper payments are made;

(4) establishing the basis of liability for reinsurance payments, including the total amount of proved and approved claims which may be payable to any insurer, and the total amount of premiums earned by any insurer in the respective States for reinsured extended health insurance; and

(5) otherwise assisting in any manner provided in the contract to further the purpose of this Act.

(b) (1) Any such contract may require the insurer, pool, or other person, or any of its officers or employees certifying payments or disbursing funds pursuant to the contract, or otherwise participating in carrying out the contract, to give surety bond to the United States in such amounts as the Secretary may deem appropriate.

(2) In the absence of gross negligence or intent to defraud the United States—

(A) no individual designated pursuant to a contract under this section to certify payments shall be liable with respect to any payment certified by him under this section; and

(B) no officer of the United States disbursing funds shall be liable with respect to any otherwise proper payment by him if it was based on a voucher signed by an individual designated pursuant to a contract under this section to certify payments.

NATIONAL CATASTROPHIC ILLNESS INSURANCE FUND

SEC. 503. (a) To carry out the program authorized under this Act, the Secretary is authorized to establish a National Catastrophic Illness Insurance Fund (hereinafter called the "fund") which shall be available, without fiscal year limitations—

(1) to make such payments as may, from time to time, be required under reinsurance contracts under this Act;

(2) to make premium equalization payments as provided in section 504; and

(3) to pay such administrative expenses as may be necessary or appropriate to carry out the purpose of this Act.

(b) The fund shall be credited with—

(1) reinsurance premiums, fees, and other charges which may be paid or collected in connection with reinsurance provided under title III;

(2) interest which may be earned on investments of the fund;

(3) such amounts as may be advanced to the fund from appropriations in order to maintain the fund in an operative condition adequate to meet its liabilities; and

(4) receipts from any other source which may, from time to time, be credited to the fund.

(c) If, after any amounts which may have been advanced to the fund from appropriations have been credited to the appropriation from which advanced, the Secretary determines that the moneys of the fund are in excess of current needs, he may request the investment of such amounts as he deems advisable by the Secretary of the Treasury in obligations issued or guaranteed by the United States.

(d) An annual business-type budget for the fund shall be prepared, transmitted to the Congress, considered, and enacted in the manner prescribed by law (sections 102, 103, and 104 of the Government Corporation Control Act (31 U.S.C. 847–849)) for wholly owned Government corporations.

PREMIUM EQUALIZATION PAYMENTS

SEC. 504. (a) The Secretary, on such terms and conditions as he may from time to time prescribe, shall make periodic payments to insurers and pools in recognition of such reductions in premium rates under section 204(b) below estimated risk premium rates under section 204(a) (1) as are required in order to make extended health insurance available on reasonable terms and conditions.

(b) Designated periods under this section and the methods for determining the sum of premiums paid or payable during such periods shall be established by the Secretary.

RECORDS, ANNUAL STATEMENT, AND AUDITS

SEC. 505. (a) Any insurer or pool acquiring reinsurance under this Act shall furnish the Secretary with such summaries and analyses of information in its records as may be necessary to carry out the purpose of this Act, in such form as the Secretary, in cooperation with the State insurance authority, shall, by rules and regulations, prescribe. The Secretary shall make use of State insurance authority examination reports and facilities to the maximum extent feasible.

(b) Any insurer or pool acquiring reinsurance under this title shall file with the Secretary a true and correct copy of any annual statement, or amendment thereof, filed with the State insurance authority of its domiciliary State, at the time it files such statement or amendment with such State insurance authority.

(c) Any insurer or other person executing any contract, agreement, or other appropriate arrangement with the Secretary under section 302 or section 502 shall keep reasonable records which fully disclose the total costs of the programs undertaken or the services being rendered, and such other records as will facilitate an effective audit of liability for reinsurance payments by the Secretary.

(d) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of investigation, audit, and examination to any books, documents, papers, and records of any insurer or other person that are pertinent to the costs of any program undertaken for, or services rendered to, the Secretary. Such audits shall be conducted to the maximum extent feasible in cooperation with the State insurance authorities and through the use of their examining facilities.

GENERAL POWERS

SEC. 506. In the performance of, and with respect to, the functions, powers, and duties vested in him by this Act, the Secretary shall (in addition to any authority otherwise vested in him) have the same functions, powers, and duties (including the authority to issue rules and regulations) as those vested in the Secretary of Housing and Urban Development under section 402, except subsections (c) (2), (d), and (f), of the Housing Act of 1950. Any rules or regulations of the Secretary shall only be isued after notice and hearing, if granted, a required by the Administrative Procedure Act.

SERVICES AND FACILITIES OF OTHER AGENCIES—UTILIZATION OF PERSONNEL, SERVICES, FACILITIES, AND INFORMATION

SEC. 507. The Secretary may, with the consent of the agency concerned, accept and utilize, on a reimbursable basis, the officers, employees, services, facilities, and information of any agency of the Federal Government, except that any such agency having custody of any data relating to any of the matters within the jurisdiction of the Secretary shall, to the extent permitted by law, upon request of the Secretary, make such data available to the Secretary.

ADVANCE PAYMENTS

SEC. 508. Any payments which are made under the authority of this Act may be made, after necessary adjustments on account of previously made underpayments or overpayments in advance or by way of reimbursement. Payments may be made in such installments and on such conditions as the Secretary may determine.

TAXATION

SEC. 509. The National Catastrophic Illness Insurance Fund, including its reserves, surplus, and income, shall be exempt from all taxation now or hereafter imposed by the United States, or by any State, or any subdivision thereof, except that any real property acquired by the Secretary as a result of reinsurance shall be subject to taxation by any State or political subdivision thereof, to the same extent, according to its value, as other real property is taxed.

APPROPRIATIONS

SEC. 510. There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act.

The remarks and analysis, presented by Mr. BOGGS, are as follows:

[From the CONGRESSIONAL RECORD, June 10, 1970]

NATIONAL CATASTROPHIC ILLNESS PROTECTION ACT OF 1970

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 30 minutes.

Mr. HOGAN. Mr. Speaker, I have today introduced a bill (H.R. 18008) on which I have been working for several months and which I consider to be an extremely important piece of legislation.

The legislation, the National Catastrophic Illness Protection Act of 1970, would, if enacted, allow our Nation's families to protect themselves against the scourge of catastrophic illness. The bill would provide the mechanism for such protection in a manner which would involve a very small Federal expenditure.

Catastrophic illness, by definition, would comprise those illnesses which require health-care expenses in excess of what normal basic medical or major medical coverage provides protection for. Once a family finds itself faced with having to pay for health-care costs of an extended nature, they are saddled with a financial burden that is staggering to comprehend.

Imagine, if you will what it means to finance for years hospital care which will run between $80 and $100 a day after your routine insurance has been exhausted. For middle-income Americans who earn too much to receive welfare and who are not rich enough to even begin to meet such obligations, the result of catastrophic illness is instant poverty. The family is driven to its knees.

Such a family, which has probably already watched one of its members incapacitated and perhaps destroyed medically, also finds that its financial stability has disintegrated Usually, private hospitals cannot afford to provide care after the family can no longer afford to pay for the hospital's services. This means that the afflicted member of the family must be transferred to whatever public facility exists to treat patients under such circumstances. Unfortunately, these public institutions are often understaffed, underequipped, and horribly overcrowded. All too often they become depositories where families must leave their children or other loved ones, because the doors of all other possible assistance have been slammed in their faces.

Catastrophic illness does not refer to a specific or rare disease. It is any disorder—from the exotic calamity to the common coronary. It is the fall from a step ladder in a home, a highway accident, or even the untimely sting of a bee, which cost one family over $57,000. It is anything that happens to any

XUM

of us that causes medical expense in excess of what the actuaries tell us we should expect. Virtually every family becomes medically destitute when that point is reached. Fortunately only a small portion of medical cases are of such magnitude. But for the thousands of families who, through no fault of their own, find themselves pummeled into such an abyss, there is—currently—no hope.

While catastrophic illness is nondiscriminating in whom it attacks, when it attacks and where it attacks, it seems that a tragically high number of these cases involve children. When a child is the victim, the parents are often young marrieds who find themselves depriving their healthy children of a wholesome family life in order to finance the health care of a sick child. Often, the havoc is so great that the young couples must watch their dreams go down the drain as all present and future planning is marshaled toward the single goal of finding the money to pay for their ill child's care. While nearly all of the pediatric diseases that are catastrophic are individually rare in the aggregate they afflict more families than most of us would imagine. The list of obscure diseases such as Tay-Sachs disease, Niemann-Pick disease, Gaucher's disease, Fabrey's disease, metachromatic-leukodystrophy, leukemia, muscular dystrophy, myasthenia gravis, and the scores and scores of other maladies that destroy our people at enormous emotional and financial cost to their families appears endless.

Obviously, when catastrophic illness strikes the head of a household—the breadwinner—the diaster is compounded.

We are too great a nation to stand idly by—leaving our families that are victimized by catastrophic illness to their own devices. They have no devices. They are alone.

The legislation which I am proposing will go along way toward mitigating against the problems of catastrophic illness because it will stimulate our insurance industry to provide coverage that will allow any family to protect itself fully against the costs of catastrophic illness. The legislation would foster the creation of catastrophic illness—or extended care—insurance pools similar to those that have been successful in making flood insurance and riot insurance feasible.

Because all participating insurance companies would be required to promote the plan aggressively, and because we would be dealing, statistically, with a small minority of all claims, the cost per policy should be low. As more people buy this new protection as part of their health care program, thereby spreading the risk, the cost should drop even more. The Federal role would be limited to reinsuring against losses in those instances where insurance companies paid out more in benefits than they took in in premiums. As the insurance industry gained experience under the plan they would be able to sharpen their actuarial planning so that such losses should be limited, if they occur at all.

We have taken careful steps to preserve the State role in insurance administration and to allow the Secretary of Health, Education, and Welfare to participate in the actuarial review of the policy rate structure in order to assure that the rates charged for those new policies are fair to all parties concerned.

Perhaps the most attractive feature of this legislation is that it would be free of all of the constraints that are plaguing existing federally funded health care programs. We would not be overburdening an already overburdened social security system in order to finance the plan. Families who choose not to participate in the program would not be required to do so. However, on the other hand, families desiring to secure this protection would be assured of an opportunity to do so.

Under my program a deductible formula would be used to stimulate each family to provide basic health care protection. It would only be when this deductible level had been exceeded that the catastrophic insurance protection plan would be utilized. Under our formula, a family with an adjusted gross income of $10,000 would have to either pay the first $8,500 of medical expense or have provided themselves with $8,500 worth of basic insurance protection to offset the deductible requirement. Coverage from existing basic health and major medical plans would generally be sufficient to satisfy this deductible amount. However, if a family with an adjusted gross income of $10,000 incurred expenses during the period of a year that exceeded $8,500, our catastrophic or extended care program would be available to see the family through the period of financial burden when they would ordinarily be left on their own without help.

Again, because relatively few families would experience medical costs of this magnitude in a single year, the costs for this insurance should be quite reasonable—especially as more and more of our citizens availed themselves of its protection.

In developing this legislation I have met with many individuals uniquely experienced in the problems of catastrophic illness. I have discussed this proposal at great length with members of the medical community and have consulted leading members of the insurance community. More important, I have met with families that have been victimized by catastrophic illness. I have studied their plight in great detail. I know that it is wrong that these families are, in effect, abandoned—almost as a small boat adrift in stormy water.

I know that we can do something to help them and we do not have to spend ourselves into Federal bankruptcy to do it. All we need do is utilize a concept that has been tested successfully in other analogous areas.

I know someone who has watched a rare, truly catastrophic illness, strike and ravage a son—my good friend and former partner, Harold Gershowitz. He, incidentally, suggested the idea for this legislation. In watching his young son slowly die he has chronicled many of his thoughts during this experience in a book of verse. One of his entries seems particularly appropirate to the business before us.

Harold Gershowitz observed that we all seem too busy with the tumultuous pace of day-to-day living to take the time to reflect about those whom life is passing by.

Let me share with you his poem entitled "Beautiful Children":

"Everyone seems busy
Shopping, working, driving, dating—
While beautiful children lie patiently waiting.

"Highways are paved, homes are built
And life keeps rushing ahead—
While beautiful children
Live out their lives having never left their bed.

"The seasons come and the seasons go
And we hope for the good times they bring—
While beautiful children
  Wait . . . having never known the Fall
And having never seen the Spring.

"Our cities are filled with streets and playgrounds
Where boys and girls run and shout,
But there are also institutions filled
With beautiful children
Who have no idea what life is about.

"Life can be hectic and full of petty problems
With which we seem too busy to cope,
But there are all these beautiful children
And we busy people are their only hope."

There are indeed, all these beautiful children, and there are their families—the teenagers, the adults, and the senior citizens some of whom are victims—and all of whom are candidates for catastrophic illness.

Indeed, we busy people here in this Chamber are their only hope.

I urge my colleagues to support the national catastrophic illness protection bill.

NATIONAL CATASTROPHIC ILLNESS PROTECTION ACT OF 1970

(Introduced by Representative LAWRENCE J. HOGAN (Republican of Maryland) June 10, 1970)

PURPOSE AND ORGANIZATION OF LEGISLATION

The proposed National Catastrophic Illness Protection Act of 1970 is designed to encourage private health insurers, with the assistance of the Federal Government, to provide adequate health insurance protection for persons who cannot otherwise afford such protection, or whose medical and health expenses are such that extended health insurance protection is not available. According to the findings outlined by Congress in the proposal, "many individuals are still unable to secure adequate health insurance protection or to secure such protection at rates which they can afford" and "few of our citizens are protected" from the costs of "catastrophic illness."

To deal with these problems, the bill would create a Federal health reinsurance program designed to encourage the development by the private insurance industry of policies which would afford individuals extended protection. Working with the industry, the Government would reinsure policies on terms and conditions calculated to provide maximum encouragement to insurance companies to participate in the program, either individual or through pools established for the purpose.

The legislation contains five titles designed to meet the program's objectives. Title I contains general provisions relating to the program, including the statement of Congressional findings and a section setting forth the definitions used in the proposal. Title II establishes the National Catastrophic Insurance Program by means of State-wide plans providing extended health insurance coverage through a program by which the Federal Government reinsures losses of insurers or pools of insurers offering extended health insurance policies. Title III contains the Federal reinsurance mechanism for protecting insurers against losses incurred by plans provided under title II of the bill. Title IV of the legislation establishes a separate reinsurance program to operate in those States where a State-wide plan is not developed in accordance with title II of the bill. Title V of the proposal contains general provisions relating to claims and judicial review procedures and Federal financial obligations in connection with the reinsurance programs established under titles II and IV of the bill.

SECTION-BY-SECTION ANALYSIS

Title I—General Provisions

Section 101—*Short Title*. Provides that the legislation may be known as the "National Catastrophic Illness Protection Act of 1970."

Section 102—*Findings and Purposes*. Sets forth the findings of the Congress that there are still many individuals who cannot secure or cannot afford adequate health insurance protection and that very little insurance protection is available to help meet the costs of catastrophic illness or disease. Establishes as the policy of Congress the need for a National Catastrophic Illness Insurance program to encourage States and private insurers in the development of policies which will meet the problems set forth in the statement of findings.

Section 103—*Definitions.* Defines certain terms used in the Act, such as "extended health insurance," "costs of medical care," "insurer," "pool" and "reinsured losses." Among the definitions are:

(1) *Extended health insurance,* meaning insurance against all costs paid or incurred for medical care as defined in the Internal Revenue Act.

(2) *Costs of medical care,* include expenses of medical care incurred by or on behalf of persons covered by an extended health insurance policy which are deductible in accordance with provisions in the IRS Code.

(3) *Insurers,* include any insurance company or group of companies under common ownership authorized to engage in the insurance business under laws of a State.

(4) *Pool,* meaning association of insurance companies in a State formed or organized for the purpose of making extended health insurance more readily available.

(5) *Reinsured losses,* meaning losses on reinsurance claims under this Act and all direct expenses incurred in connection with such claims, including processing, verifying, and paying such losses.

Title II—Establishment of program; State plans

Section 201—*Authority.* Authorizes the Secretary of Health, Education and Welfare to establish and carry out a National Catastrophic Illness Insurance Program.

Section 202—*State Plans.* Provides that the program shall involve the creation of Statewide plans providing extended health insurance, and that the Federal Government will reinsure insurers and pools of insurers who offer such insurance. Each insurer (or pool of insurers) will work with the State insurance authority in carrying out the Statewide plan. All plans would have to include:

(1) that extended health insurance be available to all eligible individuals, as defined in Sec. 203, and at a cost which is reasonable, as defined in Sec. 204, subject only to deductibles authorized in Sec. 205.

(2) that where an insurer does not agree to write a policy of extended insurance, or does so under various limiting conditions, the State authority is notified. The policy would then be placed with a pool or otherwise assigned to insurers by the "all-industry placement facility," provided for in Sec. 206.

(3) that data be compiled and studied in connection with the operation of the Statewide plan.

(4) that certain reports be submitted to the State insurance authority by individual insurers.

(5) that any cancellation of a policy provide for reasonable notice to permit coverage under a new policy to be written under the plan.

(6) that public information about the plan be readily distributed.

Further, each plan would have to contain such terms, conditions, requirements and other provisions determined to be necessary to carry out the purpose of the program.

Section 203—*Eligible Individuals.* In order to be eligible for policies issued under a State-wide plan, an individual would have to be a resident of the State and make appropriate application, or be a member of the household of such a person and his spouse, child, grandchild, parent or grandparent.

Section 204—*Premium Setting.* Premium rates would be set on the basis of a study of the risks in question and accepted actuarial principles. These rates would be promulgated by the Secretary for use by States and insurers in charging for extended health insurance issued under plans approved under Sec. 202 above. Rate differentials would be authorized on the basis of the number of persons covered in a family, or by other factors approved by the Secretary, including the different risks involved in various coverage arrangements. Where insurers established rates lower than those promulgated by the Secretary, any losses sustained by these insurers or pools of insurers would be compensated by "premium equalizers" provided for in Sec. 504 of the bill.

Section 205—*Deductibles.* Provides that, before payments are made under an extended insurance policy, a deductible must be satisfied through an equal amount of medical expenses paid or incurred by such individual. The amount of such deductible is determined by relating the extent of medical expenses to adjusted income and is equal to one-half of the amount by which a person's or family's adjusted income exceeds $1,000 but does not exceed $2,000; *plus* all of the amount by which such adjusted income exceeds $2,000. (A person with an adjusted income of $10,000 would have a deductible of $8,500.)

For the purposes of this section, the term "adjusted income" means the gross income of an individual or family for tax purposes less the aggregate amount of personal tax exemptions allowed the individual or family.

For satisfying the deductible, costs paid and incurred with respect to an illness which began in the previous year and continued uninterrupted until such costs were paid or incurred, shall be considered to have been paid or incurred in such previous year.

The deductible would be reduced by the amount of any payments, for the costs of care covered by the Medicare and Medicaid programs, or by any other public or private health insurance policy covering such care.

Section 206—*All Industry Placement Facility.* A State-wide plan must provide for an all-industry placement facility which would have the responsibility of distributing equitably the risks involved in the issuance of extended health insurance and which would seek to place insurance up to the full insurable value of the risk to be insured.

Section 207—*Industry Cooperation.* Provides that certain statements pledging participation and cooperation with the State insurance authority would be required of insurers seeking reinsurance under the program. In addition, no insurer shall direct any agent or broker not to solicit business through such a plan, nor penalize agents or brokers in any manner for submitting applications under the plan.

Section 208—*Plan Evaluation.* Provides that the State plan shall be evaluated from time to time in accordance with criteria established by the Secretary.

Title III—Reinsurance coverage

Section 301—*Reinsurance of Losses under Extended Health Insurance Policies.* Provides that the Secretary is authorized to reinsure against the losses which might be incurred under extended health insurance policies. Temporary reinsurance would be authorized immediately after enactment, but at the expiration of such temporary period, only permanent reinsurance is available to insurers participating in a State-wide plan as provided for in title II.

Section 302—*Reinsurance Agreements and Premiums.* Authorizes the Secretary to make agreements with insurers and pools for reinsurance in consideration of payments of reinsurance premiums deposited in the National Catastrophic Illness Insurance Fund provided for in Sec. 503 of the bill. Reinsurance offered would pay an insurer or pool for total proved and approved claims for losses in connection with the provision of extended health insurance over and above the retention of such losses by insurers which were required in accordance with the reinsurance contract. Terms would be made annually in connection with any reinsurance contract.

Section 303—*Conditions of Reinsurance.* Provides a detailed procedure for implementation of the reinsurance program in a State within specified time requirements, taking into account certain State and local factors which might affect such implementation.

Section 304—*Recovery of Premiums; Statute of Limitations.* Provides that the Government may recover in the courts any unpaid premiums lawfully payable to the Government by an insurer under provisions of a 5-year statute of limitations.

Title IV—Government program with industry assistance

Section 401—*Federal Operation of Program in Noncooperating States.* Authorizes after certain determinations that, where a Statewide program cannot be carried out, or that the objective of the program would be materially assisted by the Federal Government's assumption of the plan, arrangements for operation by the Government may be carried out. Insurers would deal directly with the Federal Government as fiscal agents of the United States.

Section 402—*Adjustment and Payment of Claims.* If a Federally-operated program is provided for, the Secretary is authorized to adjust and pay claims for proved and approved losses covered by extended health insurance.

Title V—Provisions of general applicabiltiy

Section 501—*Claims and Judicial Review.* Provides procedures for judicial review of disallowances for claims for losses under the reinsurance program, whether State-wide or operating by the Federal Government.

Section 502—*Fiscal Intermediaries and Servicing Agents.* Authorizes the Government to enter into contracts and other arrangements for claims review, receiving and disbursing funds for making payments, etc.

Section 503—*National Catastrophic Illness Insurance Fund.* Provides for the creation of a fund for purposes of receiving premiums for reinsurance, paying claims, and so on.

Section 504—*Premium Equalization Payments.* Provides that the Secretary may make periodic payments to insurers and pools in recognition of reductions in premium rates below estimated risks as provided for in Sec. 204.

Section 505—*Records, Annual Statement, and Audits.* Self-explanatory.

Section 506—*General Powers.* Authorizes the Secretary of HEW to exercise certain powers vested in the Secretary of HUD under the Housing Act of 1950, in addition to powers provided in this proposal.

Section 507—*Services and Facilities of Other Agencies.* Provides that the Secretary may, on a reimbursable basis, utilize the services of other Government agencies.

Section 508—*Advance Payments.* Authorizes necessary payment adjustments in connection with the program.

Section 509—*Taxation.* Exempts the National Catastrophic Illness Insurance Fund from Federal taxation, except that any real property acquired by the Secretary as the result of reinsurance would be taxable by States or political subdivisions.

Section 510—*Appropriations.* Authorizes such appropriations as are necessary to carry out the provisions of the bill.

APPLICATION OF THE DEDUCTIBLE UNDER THE NATIONAL CATASTROPHIC ILLNESS PROTECTION ACT OF 1970

The deductible, or the amount of medical costs which must be incurred or paid in one year before benefits begin under this insurance, is based on individual or family income and would be as follows:

Adjusted income:	*Deductible*
$1,500	0
2,000	$500
2,500	1,000
3,000	1,500

XUM

3,500	2,000
4,000	2,500
4,500	3,000
5,000	3,500

And so on up the scale.

"Adjusted income" means the gross income of an individual or family for tax purposes less the aggregate amount of personal tax exemptions allowed.

The deductible would be reduced by the amount of any payments, for the costs of care covered by the Medicare and Medicaid programs, or by any other public or private health insurance policy covering such care.

Example: A family with an adjusted income of $10,000 would during a year be required to pay or incur medical expenses to the extent of $8,500 (or to have insurance coverage to meet those expenses in whole or in part; Medicare or Medicaid payments would reduce the deductible similarly). At that point all medical expenses regardless of the extent, during that year, or for any lengthy illness or injury the treatment of which extends into another year, would be covered under such a policy.

S. 4032—INTRODUCTION OF A BILL TO ESTABLISH A NATIONAL ADVISORY COMMISSION ON AMERICAN INDIAN EDUCATION

Mr. HARRIS. Mr. President, the cause of the American Indian, Eskimo, and Aleut is in no field more pressing and deserving than in the vital field of education. The need for added funds and changed thinking has never been more urgent. I have lately called this to the attention of the Senate Appropriations Committee, now considering these matters. I ask unanimous consent that my testimony be printed in the RECORD and that a related bill which I herewith introduce may be received and appropriately referred.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). The bill will be received and appropriately referred; and, without objection, the testimony will be printed in the RECORD.

The bill (S. 4032) to establish a National Advisory Commission on American Indian Education, introduced by Mr. HARRIS, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The testimony, presented by Mr. HARRIS, is as follows:

Statement of Senator Harris

Mr. Chairman and members of the Subcommittee, I thank you for this opportunity to present testimony on the appropriations for the Education Services of the Department of the Interior. The increase of $25,993,000 in the 1971 budget along with the $150,000 increase by the House of Representatives for the education of American Indians, Eskimos and Aleuts is encouraging and is desperately needed; but it is still not adequate.

I come today to request additional funding. The basis of my request is need—dire and urgent need for changes and improvement in the education of young American Indian people.

These are the statistics that convey some idea of the depth of the problem:

Ten percent of all American Indians over fourteen years of age have had no schooling at all; sixty percent have less than an eighth grade education; and the average schooling of Indian children is only five years. The average school drop-out rate is fifty percent, compared with a national average of only twenty-nine percent.

Only 57 percent of Indian men are in the labor force, compared with seventy percent for non-Indians—a reflection of levels of education and skills. The rate of unemployment for American Indians remains close to forty percent, reaching eighty percent in some areas at certain seasons. The median income of Indian men is only a little over one-third the median income for non-Indian men.

These are not just abstract figures and statistics. They stand for human beings with less than a full chance to achieve the American promise. They should disturb us greatly and move us to action. And action means, most importantly, more money.

But, I am also convinced that the most generous funding to perpetuate the present system and basic philosophy would still be unsatisfactory. In every other way, except finances, we have done too much, too much of it wrong.

An illuminating story tells of a mother who was teaching her son the concept of choice and sharing. She gave him two apples, a large one and a small one, with the instruction that he give his little sister first choice. Later, the mother saw the girl eating the small apple. Curious, she asked the child if her brother had given her a choice. "Oh, yes," said the child. "He told me I could have the little apple or none at all."

Many American Indians feel this is similar to the choice they have had from the beginning: either become a white man and have a chance, or stay an Indian and suffer.

For five hundred years many Indians have preferred to suffer. Alvin Josephy, in his book, *The Indian Heritage of America,* calls the survival of American Indians one of the most miraculous facts of the mid-twentieth century. "Despite almost five hundred years of a history marked generally by attempts to exterminate American Indians or force them, by one means or another, to adopt the cultures of their conquerors, they—and their attachment to their Indian heritage—are far from extinct."

During the sixties we have begun to see the rise in new streams of thought. American Indians have become more vocal, demanding their right to self-determination without the fear of termination. More non-Indians have begun to understand that the either/or choice for American Indians has been no choice at all.

Angie Debo, an outstanding Oklahoma historian, studied the early education systems of the Choctaw and the Cherokee Indian tribes when they controlled their own schools and wrote of the Choctaws:

"As a result of its excellent public schools system the Choctaw Nation had a much higher proportion of educated people than any of the neighboring states; the number of college graduates one encounters in any contemporary record is surprising; and the quality of written English used by the Choctaws in both their officials and private correspondence is distinctly superior to that of the white people surrounding them."

Angie Debo has written that the Cherokee Nation in Oklahoma in the 1880's had a literacy level in English that surpassed that of the White population in neighboring Texas and Arkansas.

This is what existed a hundred years ago, before control of Indian schools and tribal governments was assumed by the federal government, and the trap of dependence was first sprung.

Where are the Indian school boards Congress approved last year? Funds that were to be used for that purpose have been withheld by the Administration. I can only take this to mean that the government still has not grasped the core of the basic problem, the right and necessity of American Indians to have a real say about the education of their young people. As a beginning step, it is mandatory that we again approve the $300,000 we appropriated last year for this purpose. The money should be used to set up such Indian school boards and provide for expenses in connection therewith.

The rest of my recommendations are for increase of funds in certain areas. We must consider Indian children who attend both reservation and nonreservation public schools. Today, 32.6 percent of Indian children go to BIA schools, and the problems extend beyond the special and tragic problems relating to boarding schools, which I shall discuss later.

Language difficulties, lack of professional guidance and counseling assistance, lack of adequate kindergarten and Head Start programs and other factors have all been suggested as being partially responsible for our failures, and all have contributed to them. I was, therefore, pleased that the 1971 Budget request included a $2,400,000 increase in kindergarten funding for teacher training, visiting coordinators, and other related programs, as well as increases in funding for supplies and materials.

Nevertheless, there are specific programs which I believe should receive additional funding in excess of that requested in the 1971 Budget.

First is the need to double the $1,200,000 requested increase for financial aid to Indian college students. In the Department of the Interior Budget Justifications, FY 1971, it is set forth that there has been a "sharp increase in the number of applications for scholarship aid." It is further set forth that one of the major reasons for Indian students leaving college has been a lack of adequate funding. Even with the 1971 increases for scholarship aid, the average grant per student will only be $1100. This is $100 less than the $1200 average set for grants in 1970 and is substantially below what is provided students in vocational training. Because of the inadequacy of scholarship funds, many married Indian students have not been able to secure scholarships, and those that do, find that they are inadequate. The Indian members of the National Council on Indian Opportunity, earlier this year, stated the need for more Indian teachers. They rightly recognized that one way to solve this problem is to strengthen the scholarship aid program. I, therefore, request that the $1,000,000 increase for the scholarship program voted by the House be retained and increased to $1,200,000.

Secondly, funds are needed for training programs for school teachers, dormitory counselors and others in the local Indian cultures and value systems. When the Choctaws and Cherokees were running their own educational systems, the teachers, of course, understood the backgrounds and ways of the children. Today, teachers without this understanding or training may interpret shyness as lack of ability. The Indian members of the National Council on Indian Opportunity in discussing this problem stated:

"There is no excuse for a quiet, shy Indian child being labeled and treated as dumb and un-responsive by an uncomprehending teacher."

It would be highly beneficial if a training program in the local Indian cultures and value systems could be provided, and I, therefore, recommend that $200,000 be added to the Budget for this purpose.

Thirdly, I recommend that Indian studies courses in the languages, histories and cultures of American Indians be established in all Indian schools or schools of high Indian population—as well as in similar colleges

XUM

and universities. As a part of this request, funds should be made available to provide better and more relevant, less derogatory textbooks and other teaching materials concerning American Indians, Eskimos and Aleuts.

A recent article in the *Saturday Review*, entitled, "A Usable History for the Red Man," sets forth the urgent need for this funding. For the benefit of the Subcommittee, a copy of this article is attached, and I ask that it be printed at the conclusion of my remarks.

$200,000 would provide a beginning step this year for the establishment of these much-needed courses and materials. The program should then be expanded as we gain experience.

Fourth, I recommend that the $7,701,000 item in the Budget for operation of Federal schools and dormitories should be increased and should be considered in connection with the urgent need to change our thinking about Indian education.

The purpose of this item is set forth at page IA-16 of the Department of the Interior Budget Justifications, FY 1971, in which it is stated in part:

Without increases in appropriations to offset rising costs, Bureau schools have been forced to curtail purchases of textbooks and instructional supplies, postpone replacement of dormitory furnishings and supplies, and operate schools with inadequate staffing. Pupil-teacher ratios of 30 to 1 are common. Pupil personnel services (guidance and counseling, recreation, school social work, psychological services and special education) are extremely limited. The only meaningful pupil personnel services are guidance and counseling in secondary schools and these are staffed at less than half of national standards for public schools. Textbooks and other educational and dormitory supplies have been depleted, and summer program activities were drastically curtailed. The increases requested will permit the Federal school system to operate at minimum adequate standards—giving schools sufficient text books and teaching supplies to meet needs of the students, allowing for filling of vacancies, and providing furnishings in dormitories at a level adequate to create a homelike atmosphere and acquainting the students with desirable standards of living as well as to make their surroundings safe and comfortable.

Quite obviously, the $7,701,000 is a much-needed item in the Budget, but there is little reason for rejoicing, since only "minimum adequate standards" are assured. Furthermore, even though the high teacher-pupil ratio is admitted and there is obvious inadequacy in guidance counseling, no funds are asked for meeting these needs in the breakdown of the $7,701,000 shown at pages IA-17 and 18.

I would think that, as a minimum, an additional $2,000,000 should be provided for more teachers and for more counseling and guidance personnel.

Fifth, I recommend two rather small increases in the amounts for contracts with state departments of education and public school districts for partial costs of educating increased numbers of Indian students and to meet increased operational costs.

An increase of $501,500 is provided in the Budget request for such counseling and guidance service contracts, but, as set forth in the Budget Justication, that amount "does not provide for any expansion of these services." This program has proved to be beneficial and needed and a commitment to expand it should be made.

An increase of $63,000 is asked in the Budget for teacher aides in public schools contracts. Here, again, apparently no increase is asked in the number of teacher aides, despite the fact that the Budget Justification contains the following comment:

"Indian-speaking aides have proven invaluable in primary groups of Indian-speaking children."

Both of these programs have much merit and should in keeping with increases in enrollment, be expanded. I, therefore, recommend that the items in the Budget for these programs be at least doubled.

These recommendations are essential if we are going to improve the educational opportunities for American Indian, Eskimo and Aleut children in government and public schools.

Even though the funds asked in the President's 1971 Budget and the increases which I requested, are absolutely required, it is still true that the boarding school system will be continued. To be completely realistic, we know at the moment that the only alternative to the boarding school in many areas is no schooling at all.

What does it take for Congress to make a commitment to begin systematically to eliminate boarding schools? The facts that are available should be a sufficient impetus to cause Congress to take drastic action.

Forty-thousand Indian children now attend boarding schools. Of this number, nine-thousand are nine years or under. Unfortunately, many of the boarding schools are not located near enough to the homes of the children to permit even week-end, holiday or occasional weekday visits by parents.

At the present time, only 163 of the 1025 students attending Chilocco Indian School in Oklahoma are from Oklahoma, the remainder being primarily from the Northwest and Alaska. Only 185 of the 322 students attending Concho Indian School in Oklahoma are from Oklahoma. Only 88 of the 275 students at Fort Sill Indian School in Oklahoma are from Oklahoma. And only 71 of the 347 students attending Riverside Indian School in Oklahoma are from Oklahoma.

What are we doing to the Indian child and to his parents by transferring these children hundreds and thousands of miles from home at such young ages? While the rate of suicide for all Indian youth is tragic enough, three times the national average, the average for Indian boarding school students is five to seven times the national average!

The frustrations and heartaches of the Indian parents are intolerable. The following account is all too typical:

"My boy's in Albuquerque Indian School. He's learning to drink. Now the Principal wrote me a letter that he was drinking. He also stole. Was put in jail one night. That's why we want to build a school over there ourselves. We run a school ourselves. Many things to teach them at home—how to farm and put saddles on horses . . . We want our children to write English too. We want our children back."

Another parent after learning of trouble that her Indian daughter had experienced said:

"If she had not had to go hundreds of miles from home this would never have happened."

The thought of sending nine year-old children off to boarding schools away from their homes and the plea to have "our children back" have almost led me to believe the only alternative to boarding schools, no schooling at all, may be preferable if it would force us to wake up to the commitment which is needed to solve this problem.

We know there are solutions. The Ramah High School at Ramah, New Mexico will be reopened for the next school term permitting 150 Indian students to attend school in their own community.

I, therefore, propose that funds be added to the 1971 Budget to establish a National Advisory Commission on American Indian Education that would be directed as follows:

1. to present to the Congress within six months a step-by-step plan for the elimination of Indian boarding schools within a very short period, actually stated. Perhaps other uses could be made of the boarding school facilities such as for vocational training and other such educational uses agreeable to the Indians involved;

2. to draft a comprehensive Indian Education Act to meet the full educational needs of all Indian, Eskimo and Aleut children, not only in government schools, but also in public schools, and providing for better coordination of all Indian education programs;

3. to devise and recommend methods to achieve faster action to permit and encourage greater control of Indian schools by Indians and to increase their participation in decision-making in the public schools; and

4. to recommend ways of utilizing modern educational communication techniques, bilingual methods and other programs to improve educational opportunities of Indian youth as a showcase of the finest education America can provide.

Based on funds provided for similar commissions, I recommend that the sum of $500,000 be provided for this purpose. I am introducing separate authorizing legislation to create this Commission, and I ask that a copy of it be printed at the conclusion of my statement. The Indian members of the National Council on Indian Opportunity recognized the need to completely restructure the "basic educational concepts" of Indian education, stating:

"A full generation of Indian adults have been severely damaged by an unresponsive and destructive educational system. At a time when economic survival in society requires increasing comprehension of both general knowledge and technical skills, Indians are lost at the lowest level of achievement of any group within our society. We must not lose this generation of Indian children as well."

Mr. Chairman, that is the plea—that is our challenge.

In 20th century America, can a people retain their individuality, their unique pride in their past, and still participate fully in the promise of this country? Not simply for the sake of American Indians, but for every minority group, for every individual, for all of us who proudly call ourselves Americans, the answer is "yes," and I hope that this Committee will move to make this possible at last by funding Indian education at a proper level.

ADDITIONAL COSPONSORS OF BILLS

S. 3295

Mr. NELSON. Mr. President, I ask unanimous consent, that at the next printing, the names of the Senator from South Dakota (Mr. McGOVERN) and the Senator from New Hampshire (Mr. McINTYRE) be added as cosponsors of S. 3295, to amend sections 201(s) and 409 of the Federal Food, Drug, and Cosmetic Act, as amended, relating to food additives.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Without objection, it is so ordered.

S. 3604

Mr. KENNEDY. Mr. President, I ask unanimous consent that, at the next

XUM

printing, the name of the Senator from California (Mr. MURPHY), be added as a cosponsor of S. 3604, to authorize the establishment of an older worker community service program.

The PRESIDING OFFICER (Mr. LONG). Without objection, it is so ordered.

S. 3724

Mr. McGEE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Alabama (Mr. ALLEN), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from Colorado (Mr. DOMINICK), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Florida (Mr. HOLLAND), the Senator from South Carolina (Mr. HOLLINGS), the Senators from Montana (Mr. MANSFIELD and Mr. METCALF), the Senator from Utah (Mr. MOSS), the Senator from Kansas (Mr. PEARSON), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Alaska (Mr. STEVENS), the Senator from Georgia (Mr. TALMADGE), the Senator from South Carolina (Mr. THURMOND), the Senator from Texas (Mr. TOWER), and the Senator from North Dakota (Mr. YOUNG) be added as cosponsors of the bill (S. 3724), to amend the Internal Revenue Code with respect to ammunition recordkeeping requirements.

The PRESIDING OFFICER (Mr. LONG). Without objection, it is so ordered.

S. 3867

Mr. NELSON. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New Jersey (Mr. WILLIAMS) be added as a cosponsor of S. 3867, to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Without objection, it is so ordered.

S. 3974

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Virginia (Mr. SPONG), I ask unanimous consent that, at the next printing, the names of the Senator from California (Mr. CRANSTON), the Senator from California (Mr. MURPHY), the Senator from Delaware (Mr. BOGGS), the Senator from Iowa (Mr. HUGHES), the Senator from New York (Mr. JAVITS), and the Senator from Wisconsin (Mr. NELSON) be added as cosponsors of S. 3974, to provide support for the health manpower needs in the medical and dental educational programs for private nonprofit medical and dental schools in the District of Columbia.

The PRESIDING OFFICER (Mr. COOK). Without objection, it is so ordered.

IMPROVEMENT AND MODERNIZATION OF THE POSTAL SERVICE—AMENDMENTS

AMENDMENT NO. 742

Mr. HARTKE submitted amendments, intended to be proposed by him, to the bill (S. 3842) to improve and modernize the postal service and to establish the U.S. Postal Service, which were ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 609

Mr. McGOVERN. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of amendment No. 609 to H.R. 17123, to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

AMENDMENT NO. 720

Mr. BYRD of West Virginia. Mr. President, at the request of the able Senator from Oregon (Mr. HATFIELD), who now presides over the Senate, I ask unanimous consent that, at the next printing of amendment No. 720 to H.R. 15628, to amend the Foreign Military Sales Act, the name of the junior Senator from Oregon (Mr. PACKWOOD) be added as a cosponsor.

The PRESIDING OFFICER (Mr. LONG). Without objection, it is so ordered.

AMENDMENT NO. 739

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the names of the Senator from North Carolina (Mr. JORDAN), the Senator from Massachusetts (Mr. BROOKE), and the Senator from Oregon (Mr. HATFIELD) be added as cosponsors of amendment No. 739 to S. 3842, to improve and modernize the postal service and to establish the U.S. Postal Service.

The PRESIDING OFFICER (Mr. COOK). Without objection, it is so ordered.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

AMENDMENT NO. 742

Mr. JAVITS. Mr. President, I send to the desk an amendment to the Foreign Military Sales Act, and ask that it be printed under the rule.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. JAVITS. Mr. President, the purpose of my amendment is to clarify the situation created by the adoption of amendment 708—the so-called second Byrd amendment.

I opposed amendment 708, as did the Senator from Arkansas (Mr. FULBRIGHT) chairman of the Foreign Relations Committee, because I feel that it has the unfortunate potential for being interpreted as Senate acquiescence in the concept of virtually self-defined power devolving on the President, as Commander in Chief, in the world of "undeclared" wars in which we now live.

My misgivings about the potential effect of the second Byrd amendment, as perhaps prejudicing a definition of the respective war powers of the Congress and the President as Commander in Chief, are shared by others within the Senate, and without.

The Cooper-Church amendment, in my judgment, is an historic move in the Senate to use the Congress' power of appropriations to affect warmaking power. I do not believe anyone has, or could, challenge the clear constitutional power of Congress over appropriations.

In a broader sense, however, the issue before the Senate and the Nation is a new and modern delineation in practice of the respective war powers of the Congress and the President, in the current circumstances. The basic constitutional war powers involved are those specified to the Congress in article I, section 8 of the Constitution, over and above the power of the purse which is not in any dispute whatsoever.

In my judgment, it is most important that Senate action should not have prejudiced the debate, and final delineation, of the policy war powers in dealing with the Cooper-Church amendment which relies on the appropriations power. Yet, I regret to say I believe that the second Byrd amendment has a very serious potential for prejudicing the final outcome of this most vital issue; hence the amendment I now offer.

For, whatever interpretation Senators may put upon the language of amendment 708, the crucial interpretation in practice will be the interpretation of the President who has the sole Executive power to implement the Foreign Military Sales Act.

The purpose of my amendment is to balance off the potentially prejudicial nature of the second Byrd amendment. The Byrd amendment reserves the broadest possible definition of Presidential power.

The problem that I found with it—and I was one of the very few, unhappily for me, who voted against the Byrd amendment—was that it tended to leave to the President the definition of the term "anywhere in the world," in determining what he could do with the Armed Forces of the United States. If a Marine guard's life in an Embassy in Nepal, for example, were in danger, we were really saying to the President, "If you say that you have to engage in military operations to protect that man, we now construe your powers to mean that you can."

My amendment reserves in full the delineation of Congress constitutional powers respecting warmaking. The net effect is to leave for future consideration a full and open disposition, unprejudiced either way, of the respective war powers of the Congress and the President.

I have introduced a bill, S. 3964, which I feel offers a good solution to the broader question of the division of the war powers. I hope the Senate will have an opportunity to consider the whole historic constitutional issue in connection with S. 3964 and any other bills which might be introduced on this subject. It is too important a matter to be disposed of through any controversial language which imperils, by definition, the division, and balance of the warmaking powers.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. I ask for just 1 minute more, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. To declare war and to regulate the Armed Forces of the United States.

We are all, in this matter, servants of the Senate. I feel it my duty to submit the question. We will debate it. Let us see what the Senate wants to do. But in the meantime, I should like Senators to feel that they can have a look at it and especially the Senator from West Virginia (Mr. BYRD).

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. BYRD of West Virginia. Mr. President, my first and cursory examination of the amendment which has been offered by the Senator from New York (Mr. JAVITS) leads me to believe that there will be no objection to the amendment, and no opposition.

Certainly there was nothing meant in the language of the Byrd-Griffin amendment No. 708 which was meant to impugn the constitutional powers of Congress. As was stated so many times during the debate, nothing we could add to the language of the bill would in any way add to or detract from the constitutional powers of the President. It was only the fear that we might say something in the Cooper-Church language that would adversely affect or restrict the proper exercise of those constitutional powers by the President as Commander in Chief.

May I say, anent the Senator's reference to the President's power under the Byrd amendment—I believe the Senator indicated that we were leaving up to the President the decision as to when an emergency situation would arise which would necessitate action on his part to protect the lives of American troops. I think the President would have to make that determination.

Mr. JAVITS. Mr. President, would the Senator forgive me for interrupting?

Mr. BYRD of West Virginia. Yes. The Senator has the floor.

Mr. JAVITS. That was not my point. I agree with the Senator in that. The Commander in Chief does have broad Executive and command authority. My point was, "How long, O Lord, and at what cost?"

Mr. BYRD of West Virginia. Once we agree, and I think all sides have agreed, that if there is a dire situation imperiling the lives of American troops, and it is so imminent that it would be impracticable for the President to consult with Congress, then he must act, because he has the constitutional authority and the duty to act, to protect the lives of our servicemen.

Once we open that door, once we admit that he has this power and authority, then I think it becomes academic, because who would decide when such an emergency situation has arisen? Certainly not the 535 Members of Congress, but only the Commander in Chief, under the Constitution, could and would make that decision.

That is what we were saying in the Byrd amendment.

Mr. JAVITS. Mr. President, I think that by expressing himself—and I am very grateful to the Senator for his fairmindedness—as he has on this amendment, he relieves me considerably. My objective is that we should all agree.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. One more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I will tell the Senator my fundamental purpose: I think this power to put us into war and to wage war is so awesome that we must share it. That is what I am saying. And that is what the Constitution says, in its deep wisdom.

We have not abdicated our power specified in the Constitution.

Mr. BYRD of West Virginia. I simply wish to assure the Senator from New York again that my examination of his verbiage causes me no concern.

Mr. JAVITS. I thank the Senator.

Mr. CHURCH. Mr. President, I ask unanimous consent that I may have 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. First, I commend the Senator from New York for the amendment he has offered. It brings back into focus a matter which has become confused.

As I recall, it was the distinguished Senator from North Carolina (Mr. ERVIN) who observed earlier that the provisions of the Constitution exist whether Congress gives explicit recognition to them or not. Senators recognize that the Constitution confers certain powers upon the President, including his function as Commander in Chief. Some Presidents have defined their powers largely; some Presidents have defined them narrowly. The scope of definition is a legitimate subject of debate.

Nothing is said about that in the Cooper-Church amendment. The power the President has as Commander in Chief, whatever it might be, continues to exist. Nothing in our amendment—and we could not do it anyway—impugns such constitutional powers as the President may have as Commander in Chief.

The new amendment offered by the Senator from New York simply treats Congress as we have treated the Presidency. It would make explicit what was already implicit. Thus, we would assert that nothing in the Cooper-Church amendment impugns the constitutional powers that belong to Congress with respect to declaring war, to provide for the Government and regulation of the Armed Forces of the United States, and so forth. The Javits amendment gives proper balance to the proposition that the Constitution vests certain war powers in the Presidency and certain war powers in Congress. That is all.

Let us not lose sight of the fact that the Cooper-Church amendment is an exercise of the power of the purse, an exclusive power of Congress. Only Congress can deny or prohibit the use of public money. If the Cooper Church amendment is agreed to, then the Senate will have said that no public money will be available after July 1 to do particular things in Cambodia. This is Congress' exclusive right. No Senator in the debate has said that the President may spend money in ways prohibited by Congress. No Senator has said that control of the public purse belongs to the President as Commander in Chief.

The PRESIDING OFFICER. The time of the Senator from Idaho has expired.

Mr. CHURCH. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. If the Cooper-Church amendment were to become law, Congress, in exercising its exclusive power over the purse, will have declared that after July 1, 1970, no public money will be available for retaining American forces in Cambodia, for sending in American military advisers or instructors, for hiring mercenaries, or for entering into aerial combat above Cambodia in support of Cambodian forces. This was the original substance and thrust of the Cooper-Church amendment, and, after 7 weeks of debate, this remains its substance and thrust.

Hopefully, the Senate will see fit to adopt the amendment when the final vote takes place on Tuesday afternoon.

I commend the Senator from New York for what he has done.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed for 5 minutes to answer questions.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. COOPER. Mr. President, the Senator from Idaho has clearly expressed the position of the sponsors of the Cooper-Church amendment. After the first Byrd amendment was defeated, several amendments were proposed by the Senator from West Virginia to the sponsors of the Cooper-Church amendment. As I recall, three or four such amendments were suggested. In each case, we said to the Senator from West Virginia (Mr. BYRD) that we could not go along with the amendments he proposed because they related specifically to and would limit our amendment, and would affect its operative sections.

XUM

Senators will remember that the first Byrd amendment would have amended subsection 1 and, was an exception to subsection 1, providing in substance that if the President so determined, nothing would preclude him from using such powers as he thought were necessary to protect our forces to facilitate their withdrawal from Vietnam. In the cosponsors' views, it was an escape clause.

We agreed that as the Mansfield amendment, in a comprehensive but general way, stated that the powers of the President as Commander in Chief should not be impugned and that recognition of the President's power to protect U.S. forces was implicit in the Mansfield amendment, the approval of the second Byrd amendment was appropriate to state the power explicable. It is a part of the Mansfield amendment. It cannot affect our sections 1, 2, 3, and 4, which depend upon the denial of funds for the operations we have described in sections 1, 2, 3, and 4.

So I do not accept the statement made by the distinguished chairman of the Committee on Foreign Relations (Mr. FULBRIGHT) and his interpretation of the language of the Senator Byrd amendment, which has no operative effect on the Cooper-Church amendment. There was not time enough to respond to his statement that day.

President Nixon, as he came into office, inherited a war, and there inured to him all the powers of the Commander in Chief, whatever they are. We have generally agreed in this debate that they are defensive in nature. They could not incude the authority to make a new war in Cambodia in support of Cambodia. That is our position. I would be very much surprised if Senators would argue that the power to protect our forces would include the authority to make a new war in Cambodia, for Cambodia, without the consent of the Congress. I think the position taken by the New York Times in its editorial this morning is correct. President Johnson could not wage war in South Vietnam simply because of the SEATO Treaty. That treaty could only become operative article IV, through the constitutional processes of the United States. It is my view, and I expressed it in the 2 days of debate on the Tonkin Gulf resolution when it was adopted, that the resolution we acted under article IV of the treaty to give President Johnson wide powers. Now that the resolution is on the way out, whether by the amendment offered by the Senator from Kansas (Mr. DOLE) or, later, by approval of the Mathias resolution from the Committee on Foreign Relations, I think it is clear that the President's powers are defensive in nature, and applicable to his plan of withdrawing our forces.

So I have no objection to the amendment submitted by the distinguished Senator from New York (Senator JAVITS), because it states congressional constitutional authority. Also, as he has said, "It will serve to remove doubts." The Senator is thoughtful and helpful.

Senator BYRD has stated that he did not interpret the language of his second amendment in such a way as approving engagement in a war for Cambodia or in a new commitment for war in South Vietnam.

Mr. JAVITS. Mr. President, I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, I should like, first of all, to commend the distinguished Senator from New York for this balance, this clarification, which I feel is needed in the Cooper-Church amendment. I should like to ask the Senator, however, this question: We are dealing now with a declaration of war. To declare war is simply to proclaim, to say aloud, to make known what we are doing. But that does not necessarily mean that we are dealing with the power to make war. We live in a world where there is no declaration of war any more. I will be satisfied that it is the intention of the distinguished Senator to recommend that we do proceed with the process of debate which has been described by the majority leader.

The PRESIDING OFFICER. The hour of 12 o'clock having arrived——

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, notwithstanding that the morning hour has expired, that the period for the transaction of routine morning business may be extended for a while, with statements therein limited to 3 minutes, after which the unfinished business will be immediately laid down.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The Senator from Illinois may proceed.

Mr. PERCY. Mr. President, we do not mean in any way by this amendment that we are detracting from the discussion that should take place on S. 409 which I have introduced, and the amendment offered by the distinguished Senator from New York, on the warmaking powers, where we are not talking about a declaration of war which we apparently do not do as nations any more, but where we make war because, after all, we were in a war in Korea under orders of President Truman for a long period of time. It was several months before we ever even knew. We certainly did not proclaim it. We did not know in this country that we were engaged in an armed conflict. There is a great deal of clarification of the Constitution and the practices now of nations to make war without declaring it. This is certainly not, as I interpret it, a substitute for that subsequent debate which should be carried on separately.

Mr. JAVITS. Certainly not. It is only asserted as a basis upon which that debate can take place substantively, not just academically, to research the power which we will try to define, by the fine initiative set by the Senator from Illinois, and by what I have tried to do along the same line in S. 3964.

Mr. MILLER. Mr. President, I thought that the Senator from Illinois was going to ask a question similar to the one I had in mind, but I must say that I would like to premise my question on the fact that I must insist that when the Constiution requires that Congress declare war, it means exactly what it says. I am not ready to suggest, certainly in the case of a limited war, that Congress should not carry out its constitutional power on that point.

The Senator from New York well knows that when he refers to the power of Congress to declare a war, there is no requirement that there be a formal declaration of war, that what is required is that Congress evidence its will.

My question is whether there is any intention to elaborate upon the meaning of a declaration of war by Congress during discussion on the legislative history of his amendment. Some well meaning citizens think that the Constitution requires a formal declaration of war which, of course, could trigger off all kinds of international law implications and which, I would guess, most Members of Congress would be very much opposed to; but, on the other hand, that does not mean there cannot be a de facto declaration of war which satisfies the Constitution but does not at the same time trigger off some of the international law implications which would be contrary to our national interest.

Mr. JAVITS. May I say to the Senator that I agree thoroughly with the fundamental thrust of his thinking. I am not so sure about a de facto declaration of war. I do not know that there is such a thing. But I agree with him in general terms. All I am trying to do here is to retain without prejudice a basis for further legislating, if we wish to. I am not seeking in any way to define, not even in the limited way the Byrd second amendment does concerning the President's Commander in Chief power, to define what are the powers of Congress. I feel that, as we did go ahead with some definition of the President's powers, we had better balance that off by saying it does not mean we are giving anything up so far as the war powers given to Congress in the Constitution are concerned.

Mr. MILLER. We should understand that any time an amendment like this is introduced, there are certain people who imply certain things from it and, unfortunately, sometimes the implications are contrary to the intention of the authors themselves.

The PRESIDING OFFICER (Mr. MCINTYRE). The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, in making this unanimous-consent request, I am indebted to other Senators who have indulged me; thus I only feel it proper that I ask unanimous consent to proceed for another 5 minutes and hope that the Senators concerned will help me. I will not say anything, if they will help me by curtailing their time.

Mr. President, I ask unanimous consent to proceed for another 5 minutes.

The PRESIDING OFFICER (Mr. MCINTYRE). Without objection, it is so ordered.

Mr. MILLER. If I may continue, I should like to have the distinguished Senator from New York affirm what I think is in his mind, that he does not

XUM

have any suggestion or implication in the amendment that there must be a formal declaration of war by Congress——

Mr. JAVITS. That is correct.

Mr. MILLER. To satisfy the Constitution——

Mr. JAVITS. That is correct. But Congress can, and I believe that we will, find other ways and means by which Congress can act. But I think that all these ways will be premised upon the power of Congress as stated in the Constitution.

Mr. MILLER. May I add this, that the Senator from Iowa has stated many times the Gulf of Tonkin resolution was, for all practical purposes, a declaration of war, especially when we take into account the legislative history made here on the floor of the Senate in the colloquy between the distinguished Senator from Kentucky and the chairman of the Foreign Relations Committee.

When the Senator from Kentucky, in going through the resolution, said, "Do I understand that the powers authorized by this resolution could lead to a war?" the answer by the Senator from Arkansas was: "That is the way I interpret it."

Now, with that legislative history and the recitals in the Gulf of Tonkin resolution, it seems to me that the constitutional requirements were satisfied. I am afraid, however, that some people think we have to have a formal declaration of war, which I personally have always opposed, because of the international law implications. I appreciate the Senator stating that there is nothing in the offer of his amendment, or in the amendment itself, which implies there should be a formal declaration of war to satisfy the constitutional requirement.

Mr. JAVITS. I do not believe that Congress need have a formal declaration of war every time it lends itself to war.

Mr. SPONG. First, Mr. President, I want to commend the distinguished Senator from New York for introducing this language. I concur with the interpretation by the Senator from Kentucky of the second Byrd amendment. I should like to say to the Senator from New York that while the introduction of his amendment is prompted by the adoption of the second Byrd amendment, its balancing factor relates to the Mansfield amendment as modified by the second Byrd amendment. Is that correct?

Mr. JAVITS. I think it would balance both, but I would not wish to exclude either.

Mr. SPONG. As to the questions posed by the distinguished Senator from Iowa, the Senator from New York seeks to grant no new power to anyone?

Mr. JAVITS. That is correct.

Mr. SPONG. But merely to state what all of us recognize the constitutional prerogatives presently to be, before further definition?

Mr. JAVITS. That is correct. Nothing already defined precludes us from defining our policy.

Mr. GURNEY. Mr. President, this amendment is offered in the whole context of the discussion we have had here in the Senate during the past 5 or 6 weeks on the Cooper-Church amendment, the Byrd amendments and the Mansfield amendment, all of which relate to Southeast Asia on widening or contracting the war, the powers of the President as Commander in Chief, and the role of Congress.

The questions asked the sponsor of the amendment so far have been directed to the powers of Congress to declare war.

Mr. question is this: The other part of the amendment states:

> Nothing contained in this section shall be deemed to impugn the Constitutional powers of the Congress including the power to declare war and to make rules for the government and regulation of the Armed Forces of the United States

Now, as I say, this amendment in the context of the war in Southeast Asia. May I ask the Senator from New York what does he mean by this language—

> Nothing contained in this section shall be deemed to impugn the Constitutional powers of the Congress including the power to declare war and to make rules for the government and regulation of the Armed Forces of the United States.

Insofar as this debate and the war in Southeast Asia is concerned?

Mr. JAVITS. I can explain that, I hope quickly. In the first place, my amendment closely parallels the the Mansfield-Byrd language. More pertinently, it closely paraphrases the Constitution. That is what the Constitution says.

The Senator from West Virginia's amendment says that the President, as Commander in Chief, can react when the troops are endangered, wherever deployed. I agree. But there is a point at which that power ceases or, at least, the power of Congress comes into dominant play. I am not trying to define that point now. I am preserving our right to do it under the Constitution. That is all.

The PRESIDING OFFICER (Mr. McIntyre). The Senator's time has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator be permitted to continue for an additional 3 minutes.

The PRESIDING OFFICER (Mr. McIntyre). Without objection, it is so ordered.

Mr. GURNEY. Mr. President, if I may proceed a bit further, in all honesty and fairness I do not see that the Senator has answered my question as to what he means by injecting the language, "rules for the government and regulation of the Armed Forces of the United States." I can understand that first part of it. That is simple enough.

Mr. JAVITS. Mr. President, I can answer the question by saying that I think the Vietnam war is sui juris, once we have cleared the books of the Tonkin Gulf resolution. Once we have done that, the President has such powers and only such powers as the Constitution gives him.

I believe that we can curtail the powers of the President in Vietnam by the power of the purse, the power to declare war and make rules for the Government and regulation of the Armed Forces. I think that we have those constitutional powers. However, the Cooper-Church amendment does not try to do that. It uses only the power of the purse. The so-called McGovern amendment does not do that. But I believe we do continue to have the war powers reserved to Congress in article I, section 8, of the Constitution, as well, and that we can, and must, learn to use those powers in the contemporary context.

Mr. GURNEY. Mr. President, I certainly agree with the Senator as far as the power of the purse is concerned. No one disputes that. But is the Senator saying that under the language, "make rules for the Government and regulation of the Armed Forces of the United States" that we as a Senate could make tactical decisions to say that the President should make this move or that move and not make this move or that move in the conduct of the war in Southeast Asia?

Mr. JAVITS. Mr. President, I am not prepared to say that we cannot make "tactical" decisions. I am not saying that Congress should. It depends on what we may decide to do to make rules for the Government and regulation of the Armed Forces. For example, in the Selective Service Act of 1940, we forbade the President from deploying draftees outside the Western Hemisphere.

That was considered to be an exercise of the power to make rules for the Government and regulation of the Armed Forces. There are other examples, such as the Neutrality Act restrictions. I do not want to preclude Congress from exercising any of its powers. I will not give away anything in deference to the word "tactical."

I do want to yield to the Senator from West Virginia. The Senator from Michigan has been very patient.

What the Senator from Florida says bears out what I said when I began. I hope that Senators will read this and think it over very carefully. I am not for driving now for passage. We should think it over and discuss it.

I am more than willing to do that. However, I have made my purpose very clear.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. McIntyre). The Senator from West Virginia is recognized.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

The PRESIDING OFFICER (Mr. McIntyre). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I do not see any need for any large scale or extended debate on this amendment. It was for that reason that I sought to confine the discussion of the amendment to the period for transaction of routine morning business, so that we would retain control over the time under the 3-minute limitation.

Let me emphasize the statement made by the able Senator from Kentucky (Mr. Cooper). There should be no room for interpretation of the Byrd amendment to the effect that it would allow the President—in the name of acting to protect American troops in an emergency—

XUM

to enter into any new commitment or to enter into any new war.

That was all clearly set forth in the legislative history preceding the vote on that amendment.

I do not see any need to plow that ground again.

The Senator from Idaho (Mr. Church) is correct in his statement that the Cooper-Church language says that no funds shall be expended, et cetera, et cetera.

I must hasten to state, however, that the Senate and the House of Representatives can act 2 weeks subsequent to the passage of this act, if it is enacted into law, and appropriate money. And that subsequent act will take precedence over this act.

We cannot in this act foreclose Congress 2 weeks later, or a month later, or a year later from making appropriations for the funding of any exigency that might arise subsequent to the passage of this act.

I shall now refer to the language in the amendment offered by the senior Senator from New York:

> Nothing contained in this section—

Meaning section 47 of the Foreign Military Sales Act—

> shall be deemed to impugn the constitutional powers of the Congress.

Who can quarrel with that? What are those constitutional powers of the Congress? They are set forth in paragraphs 11, 12, 13, 14, 15, 16, and 18 of section 8 of article I of the Constitution.

XUM

The warmaking powers of the President are set forth in paragraph 1, section 2 of article II of the Constitution.

The amendment that was offered by me, the Senator from Michigan (Mr. Griffin), the Senator from Virginia (Mr. Spong), and other sponsors dealt with the war powers of the President. This amendment—offered by Mr. Javits—deals with the war powers of the Congress, and when his amendment says, "constitutional powers of the Congress including the power to declare war and to make rules for the Government and regulation of the Armed Forces of the United States," it embraces all of the war powers of the Congress as set forth in the paragraphs which I have already enumerated.

In one of those paragraphs, the Founding Fathers made reference to the powers of the Congress to declare war; in another, to raise and support armies; in another, to provide and maintain a Navy; and in another, to make rules for the Government and regulation of the land and naval forces.

So, the Javits amendment is all-inclusive of the war powers of the Congress under the Constitution, and he explicitly emphasizes two of those powers. However, in emphasizing two of those powers, he does not exclude the other powers as set forth in section 8. He explicitly mentions the power to declare war and the power to make rules for the Government and regulation of the Armed Forces of the United States.

Nothing we can do in the Senate by statute would amend the Constitution. The Senator is simply stating that the constitutional war powers of the Congress shall remain what they are now and what they have been for almost 200 years.

He is speaking of the war powers of Congress, and he states that they shall remain what they are.

They are set forth in paragraphs 11, 12, 13, 14, 15, 16, and 18. From among those he singles out these two.

Mr. President, I see nothing in the amendment that I would be opposed to.

Mr. GRIFFIN. Mr. President, will the distinguished Senator yield?

Mr. BYRD of West Virginia. Mr. President, I would be very glad to yield to the distinguished cosponsor of the Byrd amendment.

The PRESIDING OFFICER (Mr. McIntyre). The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER (Mr. McIntyre). Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I speak only for the purpose of indicating my agreement with the analysis and the statement of the distinguished Senator from West Virginia.

If we were to vote against the amendment, as I read it, we would be voting against the Constitution of the United States.

Mr. BYRD of West Virginia. Exactly.

Mr. GRIFFIN. The amendment uses the exact words of the Constitution and merely declares and reaffirms what the powers of the Congress are in the words of the Constitution. So, I would think it would be something that we would not have to spend very much time on. We could very quickly agree to the amendment

Mr. BYRD of West Virginia. Mr. President, as far as I am concerned I am ready to vote on the amendment.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. DOLE. Mr. President, I wish to associate myself with the remarks just made by the Senator from Michigan (Mr. Griffin), and earlier by the Senator from New York (Mr. Javits), the Senator from West Virginia, and others.

We have had much discussion here about the rights and powers of the President in the last 4 or 5 weeks during this debate. Many of us have made clear that we cannot change those rights and powers by legislative action, nor can we change the rights and powers which Congress retains or has under the Constitution.

I certainly support the efforts of the senior Senator from New York, as outlined by him, and as just stated by the Senator from West Virginia. I see no reason why we cannot adopt the amendment without further debate.

Mr. MILLER. Mr. President, I think we should make clear that nobody is going to argue about affirmation of the Constitution in this body. I think we overlook the fact that many people who are not Members of this body are concerned about our interpretation of that Constitution, and the President's interpretation of the Constitution. They are concerned about the specific applications, not the glittering generalities which no one can vote against or be against.

That is why I pointed out in my colloquy with the Senator from New York that some people are "hung up" over the constitutional power of Congress to declare war, and where they get this "hang up" I do not know, but some of them think that means a formal declaration of war right out here on the floor of the Senate, and it does not mean that at all. It means evidencing a will on the part of Congress that the country enter a war, but I think it would be most unfortunate if anybody would draw from favorable reaction on this amendment the implication that the Senator from New York says is not there at all—that there be a formal declaration of war by Congress, because if that was the constitutional requirement it would be contrary to our national interest, and I think every Member believes it would be contrary to our national interest to have a formal declaration of war because of the international law implications.

Mr. MANSFIELD. Mr. President, I have listened to this debate with interest. It appears that what the Javits proposal seeks to do is to state in regard to Congress what the Mansfield amendment stated with regard to the Presidency. I think it is a good amendment. I think it is a good way to express our views. Too many of us strain at gnats, trying to find things in a simple resolution which are not there. That practice has been quite prevalent in the last 6 weeks. I think that we are raising questions which indicate an inherent insecurity or a lack of concern with the constitutional rights of the Senate.

I stress that it is under the Constitution that the President operates, and it is under the Constitution that the Senate and Congress operate.

I am one of those who is not willing to forgo a congressional declaration of war. I am one of those who did not look upon the Gulf of Tonkin resolution as a declaration of war. I want my position understood because there are certain responsibilities and rights which reside in the Congress and which I never want to see this Senate or the Congress abandon. I think the Congress is as important in its way under the Constitution as are the Presidency and the judiciary. I hope all of us would keep these considerations in mind because they are fundamental.

We are one of the foundations on which this Republic stands. If you start crumbling this foundation, it will not be long before the other two branches will go and the Republic will collapse.

Mr. President, I ask unanimous consent that I be added as a cosponsor of the amendment of the Senator from New York (Mr. Javits).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I wish to express to the distinguished majority leader my gratification for what he has just said. It is a refreshing thing for the country and I hope all of our people, especially the young, will hear and take to heart what the distinguished majority leader has said.

Mr. MANSFIELD. Mr. President, would the Senator from New York consider the possibility of calling up his amendment when we conclude the morning hour under the time limitation?

Mr. JAVITS. I certainly would. I would like to fix a time early in the afternoon.

Mr. MANSFIELD. It has been discussed. We could pass on it in 10 or 20 minutes.

The PRESIDING OFFICER. The Senate already has a pending amendment, the amendment of the Senator from Colorado (Mr. Allott).

Mr. MANSFIELD. I would ask unanimous consent if an agreement could be reached because the pending amendment will be voted on at a time certain on Monday.

The PRESIDING OFFICER. Is there further morning business?

AMERICAN PRISONERS OF WAR

Mr. DOLE. Mr. President, in this morning's New York Times there was published an article entitled, "Hanoi Said To Confirm List Putting Prisoners at 334." The article indicates that North Vietnam has reportedly declared that a list of 334 American prisoners, compiled by a peace group in New York, is a complete list of all prisoners held in North Vietnam and has insisted that it does not hold any men that are not on the list.

> Information on Hanoi's position has come from a delegation of 3 Americans who have just visited Hanoi. The list was compiled by the Committee of Liaison With Families of Servicemen Detained in North Vietnam.

Mr. President, I wish to state that this is an incomplete list, this is an unofficial list, and it does not cover Laos or Cambodia.

It appears that this might be an effort by Hanoi to dim the hopes and prayers of hundreds of mothers, fathers, children, and wives of servicemen who are held prisoners in Southeast Asia, because I believe hundreds of names were omitted.

Mr. President, at this point I ask unanimous consent to have printed in the Record a memorandum issued this morning by the Department of Defense with reference to the news article and with reference to official actions and statements of Secretary of Defense Melvin Laird and others in the Department of Defense.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

Memorandum for Correspondents

We have been asked for comment on news stories concerning names of prisoners of war in North Vietnam. The following statement was made today by Daniel Z. Henkin, Assistant Secretary of Defense for Public Affairs, on behalf of the Department of Defense:

"The purported list of prisoners of war held in North Vietnam released unofficially in recent days by a group of private individuals, some of whom have been invited to visit Hanoi, is incomplete and unacceptable. This list, for example, does not include the names of at least 40 men whom we carry as being 'captured.' Our official designation has been made on the basis of information previously received, including men shown in propaganda newsreel films, and photographs released by Hanoi, radio broadcasts, identification by the nine men who have been released, and from other sources.

"Also, it should be noted, this privately compiled and unofficially released list makes no reference to our men held prisoner by Hanoi and its agents in South Vietnam, Laos, and Cambodia.

"On behalf of the Secretary of Defense Melvin R. Laird, I want to state that the Department of Defense will press unrelentingly for full adherence by Hanoi to the provisions of the Geneva Convention. What we want from the enemy is a complete and official identification of all men who are prisoners, including civilian newsmen, and a full accounting of all military and civilians who are missing.

"The Geneva Convention, to which Hanoi is a signatory, requires the prompt official identification of all men who are held prisoners. It also provides for impartial inspection of prisoner of war camps, a regular flow of mail, and the repatriation of sick and wounded.

"The unofficial release of an inaccurate and incomplete list of names from unofficial sources can only add to the great anguish of the hundreds of wives, children and parents of the more than 1500 servicemen who are listed as missing or captured."

ADDITIONAL STATEMENTS OF SENATORS

A TRIBUTE TO SENATOR MANSFIELD

Mr. METCALF. Mr. President, among the most interested of the audience in the Senate gallery yesterday when tributes were paid to Senator Mansfield for his tenure as majority leader longer than any man in history, were a group of more than 30 4–H boys and girls from Montana and their escorts. Certainly they were the proudest of the listeners. When they left the gallery, Patricia Sias, one of the group, left me the following message for my valued and beloved colleague from Montana. I am pleased to share it with my colleagues. She asked me to tell Senator Mansfield on behalf of the group:

> We wish to convey our most sincere best wishes and we look with pride at the honor being bestowed on our Montanan. We sincerely wish you many more years as Senate Majority Leader. Montana 4–H Delegation.

My own comment is that if the rest of the States do as well as Montana in the forthcoming November elections there will be a Democratic majority for Mike to lead and Mike will be there, too.

CONGRESSMAN JOHN MELCHER KNOWS WHEREOF HE SPEAKS

Mr. MANSFIELD. Mr. President, my distinguished colleague, friend and associate, Congressman John Melcher of Montana was the subject of a commentary by Joseph McCaffrey of ABC. John Melcher points up a very pertinent issue, Joe McCaffrey explains it very well, and I approve of it thoroughly.

I ask unanimous consent that Joe McCaffrey's commentary be placed at this point in the Record.

There being no objection, the commentary was ordered to be printed in the Record, as follows:

Commentary of Joseph McCaffrey, June 20, 1970

Not enough attention was paid to a speech given several weeks ago by Congressman John Melcher of Montana. The Congressman happens to be the only veterinarian in the Congress.

He was talking about United States inspection of meat which is imported into this country. He called the inspection "an inadequate sort of random-selection roulette" which is conducted by a too small staff of inspectors on an inadequately small sample of the meat coming from abroad. Imported meat inspection, said Mr. Melcher, "falls a thousand miles short of the high, stringent inspection which United States meat must pass."

The Congressman said that imported meat standards accept one minor defect in every thirty pounds of meat, one major defect in four hundred pounds, and one critical defect in each three thousand pounds.

The defects range from harmless extraneous matter to blood clots, insects, stomach contents, and manure.

And the Congressman asked his fellow House members, "How do you like that in your hamburger?"

What's the problem? Well, mainly the federal government has only fifteen veterinarians abroad checking more than one thousand one hundred plants authorized to ship meat to this country compared to more than six thousand full-time inspectors or veterinarians checking eleven hundred and four meat and poultry slaughter and processing plants here in this country.

Says Melcher, "Rather than pushing for more imports, we had better get adequate inspection of what is already coming in."

THE CONFERENCE ON MATERIALS FOR IMPROVED FIRE SAFETY

Mr. ANDERSON. Mr. President, recently I received from Dr. Thomas O. Paine, Administrator of the National Aeronautics and Space Administration, a paper summarizing a conference on materials for improved fire safety that was held May 6–7 in Houston, Tex. The purpose of this conference was to pass on to commercial, Government, and professional organizations what NASA has learned about nonflammable materials. The interest in this conference was extraordinary—and no wonder—as NASA had some extraordinary things to pass along about fire safety.

One of the benefits of the space program is the technological or scientific fallout from the program. With regard to such fallout, we sometimes hear the question: If the same amount of money had been spent on specific investigations in safety, medicine, transportation, ecology, and so forth, would we not get even better results? I doubt that we would because there are so many specific problems in so many different disciplines that without a common goal the usual institutional arrangements do not focus effort. Consequently, the investigation of specific problems in specific disciplines do not generate the same kind of an interdisciplinary approach that is often used in the space program.

The Apollo program because of this interdisciplinary approach has pushed the technology of fire safety far ahead

XUM

and its effects will be felt in virtually every aspect of our lives: aircraft will be safer; firemen will have better protective clothing; and our homes will be more fireproof. One of the industries most interested in the development of nonflammable materials has been the airlines. At the conference in Houston, an airlines official is quoted as saying:

> You have accomplished more in a few years than has been done over many years in the past.

This is what is meant by technological fallout.

Mr. President, I ask unanimous consent that the brief report which describes some of the direct benefits of our space program related to fire protection be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

CONFERENCE ON MATERIALS FOR IMPROVED FIRE SAFETY

After the Apollo fire early in 1967, NASA took a leading role in the development of materials for improved fire safety. Last month a conference was held in Houston, Texas, to pass on what we have learned to commercial, government, and professional organizations.

The interest in this conference was extraordinary. There were 587 attendees, representing 290 organizations. They spent two days listening to detailed technical discussions and observing practical demonstrations. Among those attending were representatives from: 7 federal agencies concerned with fire protection; 11 airlines; 59 aerospace companies; 15 insurance companies; 6 construction companies; 42 manufacturers of steel, electronic, glass, and paper products; 3 manufacturers of tires; 69 chemical manufacturers; 5 manufacturers of automobiles; 17 textile manufacturers; 9 small aircraft firms; 41 research companies; 16 universities; 11 international firms; and 5 oceanographic firms.

Examples of fire safety materials that were discussed and demonstrated include:

Fabrics that will not burn;

Paints that protect the surface beneath them;

Nonflammable electrical switches, circuit breakers, and wiring;

Spray coatings that prevent combustion on protected surfaces;

Noncombustible plastic foams used for insulation; and

Paper products that are nonflammable.

Commercial, household, and military applications of these new nonflammable materials were discussed, including clothing, bedding, carpeting, upholstry, and automobiles and aircraft furnishings and accessories.

The response to the conference has been overwhelming. Some representatives reactions were:

An airline official has stated: "You have accomplished more in a few years than has been done over many years in the past." NASA will assist this airline in the search for nonflammable substitutes or processes for aircraft interior materials, and will instruct airline personnel in the application of nonflammable coatings to aircraft interiors.

The Air Force has requested support for "adapting some of the flameproofing techniques used by the Apollo Program in operational USAF aircraft."

The International Association of Firefighters has asked for help in developing protective clothing for firemen. NASA is already developing an improved protective garment for the fire department at the Manned Spacecraft Center in Houston, Texas.

The National Association of Homebuilders is seeking applications to home construction. The Department of Housing and Urban Development has requested further detailed information in their technology utilization program.

NASA has stopped procurement of Nomex flight coveralls for pilot and astronaut personnel in favor of coveralls made of Durette material, which has improved fire resistant qualities.

A manufacturer of wall paper is attempting to obtain American rights to a nonflammable paper developed for possible use in Apollo by a firm in the Federal Republic of Germany.

The Downtown Airpark of Oklahoma City is refurbishing an Aero Commander with a nonflammable material.

These are only a few examples of the requests for help we have received, and applications that are already underway. NASA will provide additional information and support to all who have a bona fide need for these direct benefits from our space program.

DEATH OF E. WASHINGTON RHODES, OF PENNSYLVANIA

Mr. SCOTT. Mr. President, yesterday, E. Washington Rhodes, the distinguished publisher of the Philadelphia Tribune, a leading attorney, and a distinguished Negro leader in Philadelphia died.

I knew Gene Rhodes for many years, and my association with him in Philadelphia had always been most rewarding. His columns for the Tribune reiterated the point again and again that violence was an impediment to racial justice, but Mr. Rhodes never let up on his fight for equal justice for all Americans. He emphasized job training and opportunities, and practiced what he preached.

Mr. President, I ask unanimous consent that this article from the Philadelphia Inquirer be printed in the RECORD. His leadership, his courage, and his dedication to the causes of the black minority will be greatly missed in Philadelphia and in the Nation.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

E. WASHINGTON RHODES DIES; PUBLISHER, LAWYER, NEGRO LEADER

E. Washington Rhodes, publisher of the Philadelphia Tribune, attorney and Negro leader, died Wednesday in Mercy-Douglass Hosptial. He was 74 and lived at 1708 Addison St.

A graduate of Lincoln University in Chester County and a graduate of Temple University Law School, he became editor of the Tribune in 1926. He was also a former U.S. attorney.

BAR PRESIDENT

Mr. Rhodes has been president of the National Bar Association, a member of State Legislature and a member of the Philadelphia Board of Law Examiners. He was among the organizers of Philadelphia Citizens Committee Against Juvenile Delinquencies and Their Causes.

In 1941 Mr. Rhodes took on the additional duties of publisher of the Philadelphia Tribune. In 1947 he founded Philadelphia Tribune Charities, Inc., which he served as treasurer.

IMMEDIATE AID

At that time, he explained that Tribune Charities didn't take the place of any welfare or social agency. Its primary purpose, he said, was to provide immediate assistance to those in dire need.

Born in Camden, S.C., Mr. Rhodes had always dreamed of becoming a lawyer. He often spoke of how his town had no high school for Negroes.

The nearest school was 32 miles away in Columbia, the state capital. So determined, he went there and enrolled in a college preparatory course.

CIRCULATION JUMPED

After he became publisher of the Philadelphia Tribune, a predominantly black biweekly, published Tuesday and Friday, the circulation rose to more than 100,000. Shortly before his death, he was planning to print the paper three times a week.

Mr. Rhodes did not believe in preaching a philosophy he did not practice. He integrated his news staff. He once said: "If I'm going to discriminate, how can I protest discrimination?"

He and the columns of the Tribune reflect the view that blacks must fight for equal justice as American citizens. He regarded violence as an impediment to racial improvement and equality.

JOB TRAINING

The importance of job training, activities of the Opportunities Industrialization Center, hiring, training and advancement programs of industry, were subjects he emphasized.

Besides his wife, the former Jeanne Simmons, he is survived by a sister, Mrs. Mamie Campbell of Florida.

VIETNAM DOES NOT AFFECT AMERICAN SECURITY

Mr. CHURCH. Mr. President, it was recently my pleasure to read a letter to the editor of the Lewiston Morning Tribune, one of Idaho's finest daily newspapers, written by Mr. Vernon Morton of Lewiston, concerning American involvement in Southeast Asia.

In the letter, Mr. Morton very accurately and succinctly points out that:

> With 7,000 miles of ocean separating the Communists in Asia from the U.S., it does take some stretch of the imagination to consider them a direct threat to the security of the U.S., especially while we tolerate a Communist armed camp only 90 miles from our shores in Cuba.

The other major point that Mr. Morton makes is the futility of trying to fight a ground war in Asia with Communist China at the backdoor. His insight is particularly valuable in light of American intrusions into Cambodia to destroy Communist sanctuaries.

Mr. Morton writes:

> The Communists have the ultimate sanctuary of China itself if the U.S. should choose to chase them that far. Up to this point, the government of North Vietnam has been very hesitant to invite millions of Chinese to come through their country to fight in the South, for she knows when the Russians liberated Czechoslovakia, Poland, and Hungary from the Germans, they just stayed there and China might get the same idea. However, should the U.S. get too victorious they could predictably change their minds.

Mr. President, I commend Mr. Morton's letter to Senators and ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

A GENERAL'S WARNING

Could the U.S. ever really hope to win a ground war in Asia? General MacArthur, one of the outstanding military strategists of our time, stated the U.S. should never get involved in a ground war in Asia.

It is hard for this man to draw a parallel between containing communism in Korea and in Indochina. The Korean war was fought on a 110-mile front, in a land of flat plains and barren mountains where the terrain was quite suitable for modern warfare. Opposing China was the U.S. and several other nations belonging to the U.N.

In contrast, the U.S. is fighting the Asian war nearly on its own, where the war front could extend to more than 700 miles with great portions of this being swamps and jungles. Thailand, Laos, North and South Vietnam and Cambodia are clustered together on a peninsula with a land mass probably 15 times greater than South Korea.

Secret documents captured from the Viet Cong revealed Red China has urged them to keep the U.S. bogged down in hit-and-run jungle warfare until such time as they have an adequate stock of hydrogen bombs. China has offered millions of volunteers to join North Vietnam in the war should they be asked for. China reasons that with her unlimited hordes of manpower, nothing could stop them from pushing the U.S. out of Asia, except should the U.S. resort to the use of nuclear weapons. China is now stockpiling nuclear bombs and delivery systems as a deterrent to the U.S. ever being able to resort to them in Asia.

The Communists have the ultimate sanctuary of China itself if the U.S. should choose to chase them that far. Up to this point, the government of North Vietnam has been very hesitant to invite millions of Chinese to come through their country to fight in the South, for she knows when the Russians liberated Czechoslovakia, Poland and Hungary from the Germans, they just stayed there and China might get the same idea. However should the U.S. get too victorious they could predictably change their minds.

For several years, our government justified our presence in Asia for the purpose of containing communism, but in recent times, they seem ever more to justify our staying there because there is no way to unilaterally withdraw without losing face. If this is the last and only reason we are continuing to wage this seemingly endless war, then I offer the following as a way to save face: Declare that the practice of jailing and imprisoning political opponents in Saigon is undemocratic and intolerable to the U.S., and because our pleas to free them have been ignored repeatedly, we can no longer justify supporting their dictatorial regime.

Billions of dollars have been spent on the Vietnam war, and should the U.S. disengage itself tomorrow, a devastating effect on the U.S. economy would result; for hundreds of thousands of wage earners are employed by armament and war materiel manufacturers. In order to keep pouring the billions of dollars into our economy, something would have to be substituted to take the place of the war. At war's end, we could guarantee the millions of people now involved in the war effort jobs on badly needed national projects such as vastly improving the state highway programs, or streamlining our educational systems, or launching gigantic public construction projects.

And finally, with 7,000 miles of ocean separating the Communists in Asia from the U.S., it does take some stretch of the imagination to consider them a direct threat to the security of the U.S., especially while we tolerate a Communist armed camp only 90 miles from our shores in Cuba.

VERN MORTON.

LEWISTON, IDAHO.

UNDERSEA RESOURCES GIVEAWAY

Mr. HANSEN. Mr. President, I have previously commented here on a recommendation by President Nixon for a treaty under which we would renounce America's rights to seabed resources adjacent to our shores that are potentially the greatest source of energy remaining to our Nation.

As I stated shortly after the President announced the plan, I do not believe he was fully or adequately informed of the international implications, nor of the far-reaching effects of the proposed treaty, nor of the vital need of every possible source of energy we can develop for America's future needs.

Mr. President, this share-the-wealth plan advocated by the Department of State would, indeed, be a generous and noble gesture on our part. The free-trade advocates of the State Department have already made America the world's dumping ground for the surplus products of every nation in the world—developed and undeveloped. Many industries and most of agriculture are suffering the consequences of U.S. liberal trade policies resulting from the Trade Expansion Act of 1962. The U.S. balance-of-payments deficit has assumed alarming proportions as we continue to "bargain off" what little—if any—trade advantage we have left.

On the one hand, we have a State Department official telling a group of independent oil men recently that this country must not become dependent upon foreign oil and, on the other hand, another one recommending to the President that we should give away a good part of what may very well be the greatest source of oil and gas we have left—our Outer Continental Shelf.

Mr. President, a recent column published regularly by the Southern States Industrial Council, Sensing the News, expressed grave concern over what the author, Thurman Sensing, executive vice president of the council, termed the "Undersea Resources Giveaway." I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNDERSEA RESOURCES GIVEAWAY

In recommending a treaty under the provisions of which the United States would renounce all rights to undersea resources beyond the depth of 200 meters (218.8 yards), the Nixon administration proposes the most colossal giveaway in the history of this country. It is hard to believe that President Nixon, in view of his strong national interest stand on many issues, has been fully advised of the implications and effects of the treaty proposed by his administration.

The sea floor pact statement released by the White House said the proposed treaty would call for establishment of "an international regime for exploitation of seabed resources" beyond the 200 meter depth. This international organization would "provide for the collection of substantial mineral royalties to be used for international community purposes, particularly economic assistance to developing countries."

What must be impressed upon the American people is that the proposed treaty would deny to the United States vast wealth to which it is entitled and which it is particularly well equipped to acquire.

The United States is the leader in ocean technology, especially ocean engineering. Hundreds of taxpaying, free enterprise companies in the U.S. have developed the equipment and the techniques for oil drilling and mining in the depths. Since 1946, more than 9,000 offshore wells have been drilled by companies. President Truman, in 1945, asserted American jurisdiction over the continental shelf, thereby assuring protection of a vital national asset.

But technology is moving at a rapid rate. The National Petroleum Council pointed out last year that within less than five years, technology will allow drilling and exploration in water depths of 1,500 feet (457 meters). Within 10 years, technical capabilities will allow drilling and oil producing in water depths of 4,000–6,000 feet (1,219–1,829 meters).

Given America's technological know-how and investment by American shareholders, this country should be able to develop a vast new source of wealth on the continental slope and adjacent ocean floor areas. These submerged lands, where there is "waiting wealth," are part of the North American continent. They just as much belong to the United States as the cold regions of Alaska. The American people are entitled to the wealth that lies off the coasts of the United States and that can be obtained by the know-how of U.S. free enterprise.

It would be tragic beyond words for this wealth to be turned over to an international regime for distribution to countries around the world, many of them incompetent to run their own affairs or antagonistic to the United States and its free society. It is hard to believe that the American people, considering their vital interests and real needs, want the country to propose or sign a treaty that would yield their assets to an agency of the United Nations or anything similar. Yet that is in the cards unless there is a strong grassroots protest.

The National Petroleum Council, in a definitive study of undersea resources, has said that "the continental shelf is the frontal edge of the submerged continent . . . it is the logical starting point for localizing the approximate outer limit of coastal-state jurisdiction." The Council said that the United States "should promptly and forthrightly assert (its) rights" over the continental slope and at least the landward portion of the continental rise. To do otherwise would be to deprive the American people of wealth to which they are entitled. The denial would be for all time.

It is dismaying and shocking that the administration failed to heed the words of the Council and instead has adopted a position virually identical with the resolution advanced by Malta in the United Nations.

The mini-states of the world—and many of the large but dependent countries—see in internationalization of seabed resources an opportunity for unlimited and enduring subsidization of their regimes. This subsidy would come "out of the hide" of the American people, for the U.S. is better equipped than any other nation to develop seabed resources.

In short, the establishment of an international regime for seabed resources would be a cruel and utterly unnecessary tax on the American people. The sea floor pact goes far beyond even the most extravagant foreign aid plan in envisioning permanent subsidies for backward lands—all at the cost of the USA. This proposed undersea giveaway would deprive the American people of tremendous benefits that would be derived from development of the seabed by taxpaying, free enterprise companies.

The sea floor pact represents a Louisiana Purchase in reverse—a loss of rich submerged lands that rightfully belong to the American people.

THE FIGHT AGAINST CRIME

Mr. SCOTT. Mr. President, I was delighted to announce yesterday that a total of $19,403,575 in Federal and State crime fighting funds will assist Pennsylvania and its local governments in improving and strengthening law enforcement and criminal justice.

XUM

A $10,591,000 Federal action grant was awarded to Pennsylvania in my Senate office. Present at the ceremony were: Pennsylvania's Attorney General, William C. Sennett; Charles Rinkevich, executive director, Pennsylvania Criminal Justice Planning Board; Richard Velde and Clarence M. Coster, Associate Administrators, Law Enforcement Assistance Administration, the Federal agency which administers Federal crime fighting programs under the Omnibus Safe Streets and Crime Control legislation. The $19,403,575 total consists of the $10,591,000 Federal share, $7,703,687 in State and local government matching funds, and $998,000 in Federal planning funds and $110,888 in State planning funds already allocated.

Pennsylvania's law enforcement and criminal justice improvement program is one of the finest in the Nation. These millions of Federal, State, and local dollars will greatly improve and strengthen law enforcement programs in Pennsylvania. I use the word law enforcement in its broadest sense, to include our courts and our prison systems as well as our police.

The Law Enforcement Assistance Administration has now approved Pennsylvania's "action plan," and these funds will be spent on action programs. Attorney General Sonnett and Executive Director Rinkevich deserve praise for doing an excellent job in preparing a plan for crime fighting action.

The Federal funds, with State and local matching funds, will be distributed throughout the State. Emphasis will be given to special crime problems faced by our urban population centers as well as the unique law enforcement problems confronted by our less populated areas. The Commonwealth's "action" plan emphasized the upgrading of police services as the number one priority for 1970.

This money will be used to combat organized crime, to improve our courts, correctional and rehabilitation systems, to deter juvenile delinquency and gang wars, to prevent riots and civil disorders, to improve police-community relations and to seek innovative methods for protecting citizens and apprehending criminals. Pennsylvania received the third highest total Federal funds, after New York and California. Today's official approval of the Pennsylvania action plan means that over $15,000,000 in Federal funds has been earmarked to fight crime in Pennsylvania since the safe streets legislation became law.

As a ranking member of the Senate Judiciary Subcommittee on Criminal Laws and Procedures, I helped to draft and guide through the Senate the safe streets legislation which authorized these funds. Pennsylvanians should be aware that this massive input of Federal funds, coupled with the comprehensive State and local planning which has gone on during the past months will do much to combat crime in Pennsylvania. We are announcing action funds today which will produce immense and favorable results for the citizens of Pennsylvania. Federal, State, and local governments have joined together in a mutual partnership to combat crime in our Commonwealth. I am most encouraged that every Federal, State, and local dollar will be well spent.

I ask unanimous consent that the following materials be printed in the RECORD:

First. A breakdown of 10 major action program categories included in the Pennsylvania plan and the amount of funds allocated for each program.

Second. A description of the eight Pennsylvania criminal justice regional planning areas and the amount of funds that will be allocated to each region.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I. Major action program categories

Improvement of detection and apprehension of criminals	$4, 158, 375
Upgrading law enforcement personnel	1, 501, 785
Improvement of prosecution, court activities and law reform	859, 260
Increase in effectiveness of correction and rehabilitation	1, 739, 220
Reduction of organized crime	677, 235
Prevention and control of riots and civil disorders	433, 638
Prevention of crime	272, 747
Prevention and control of juvenile delinquency	425, 128
Improvement of community relations	185, 612
Research and development (including evaluation)	338, 000
Total	10, 591, 000

II. Pennsylvania criminal justice regional planning areas—Description and fund allocations

Total action funds (Federal)	$10, 591, 000
Funds to be passed on directly to local units of government	7, 943, 250

This $7,943,250 will be allocated as follows:

Region and counties	Federal action funds	Percentage of total
(I) Southeast:		
Bucks, Chester, Delaware, Montgomery	$1, 112, 058	14
(I–A) Philadelphia: Philadelphia	2, 621, 272	33
(II) Northeast:		
Berks, Bradford, Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne, Wyoming	635, 460	8
(III) South Central:		
Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry, York	397, 162	5
(IV) Central:		
Bedford, Blair, Cambria, Centre, Clinton, Columbia, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Snyder, Somerset, Union	397, 162	5
(V) Southwest:		
Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Washington, Westmoreland	397, 162	5
(V–A) Allegheny: Allegheny	1, 985, 872	25
(VI) Northwest:		
Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Potter, Venango, Warren	397, 162	5
Total	7, 943, 250	100

LIST OF AMERICAN PRISONERS OF NORTH VIETNAM

Mr. McGOVERN. Mr. President, a matter of continuing concern to all Americans is the plight of several hundred American prisoners held in North Vietnam. One of the reasons I have been urging support for the amendment to end the war is that I see no other way to secure the early release of these suffering American prisoners.

Today's New York Times carries a list of names by States of the American prisoners held in Vietnam, as reported by a New York-based peace group headed by Mrs. Cora Weiss. The government of Hanoi has verified the accuracy of this list, although our Department of Defense believes the list should include 376 names instead of 334 as reported by Mrs. Weiss.

For the convenience of Members of the Congress and other concerned citizens, I ask unanimous consent that the news article relative to the prisoner list and the list itself, as reported in the Times, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HANOI SAID TO CONFIRM LIST PUTTING PRISONERS AT 334

North Vietnam has reportedly declared that a list of 334 American prisoners, compiled by a peace group in New York, is a complete list of all prisoners held in North Vietnam and has insisted that it does not hold any men who are not on the list.

Information on Hanoi's position has come from a delegation of three Americans who have just visited Hanoi. The list was compiled by the Committee of Liaison With Families of Servicemen Detained in North Vietnam, a New York-based peace group headed by Mrs. Cora Weiss.

Hanoi's claim that it is holding only 334 American prisoners was disputed by spokesmen for the Defense Department and the Department of State. The Defense Department says, 376 Americans are prisoners of war in North Vietnam but has never published its list:

A Government official asked about the peace group's list, said:

"This in no way changes our own thinking, which is based on very clear information obtained over five years. We believe there are other men there. Some have been identified by the nine former prisoners who were released by Hanoi, some by press conferences and some by pictures."

The disclosure by Hanoi is considered significant because it is the first time that North Vietnamese officials have termed a list complete.

The men who visited Hanoi were Kenneth Kirkpatrick of the American Friends Service Committee in Seattle, Mark S. Patshne, professor of biology at Harvard University, and Egbert W. Pfeiffer, professor of zoology at the University of Montana. They traveled as private individuals.

According to the Pentagon, 790 men are officially listed as missing in North Vietnam, with a total of 1,525 missing in all of Southeast Asia. Five hundred men are believed to be missing in South Vietnam and 220 in Laos. The list of 334 includes only prisoners held in North Vietnam.

LIST BASED ON LETTERS

The list was compiled by the Committee of Liaison over a period of time from letters sent by prisoners to their families. The committee was established last December after an agreement between the North Vietnamese and its co-chairman, Mrs. Weiss, who lives in Riverdale, the Bronx, to facilitate communication between prisoners and their families.

Under the agreement all prisoners were to be allowed to write one letter on a six-line form every month and to receive one package every other month. Since then the committee has received 1,004 letters, which it has transmitted to the families.

The list, which includes the names of prisoners who wrote before December 1969, was delivered to Hanoi last April but the North Vietnamese did not indicate then that it was complete.

According to a spokesman for the three Americans who visited Hanoi, the prisoners are safe in North Vietnam and will be returned when the war is over.

The Americans were told that it is useless for the families of other men to go to Paris, Vientiane and elsewhere to inquire about them because North Vietnam holds only those on the list.

The North Vietnamese also said that they could not accept 476 letters of a total of 769 letters that the Americans carried to Hanoi on behalf of families of missing servicemen because the letters were addressed to men whose names did not appear on the list.

The letters were given to Professor Pfeiffer to carry back to the United States. It is believed to be the first time that the North Vienamese returned mail addressed to men it says it does not hold.

Government officials in Washington explained that the Pentagon regularly notified the families of any men it believed to be held captive. But they added that the Government would not publish its owns list because of concern for the welfare of other men who might be held prisoner.

Names of 334 Captives on List Accepted by Hanoi

(Note.—Following, as provided by the Committee of Liaison With Families of Servicemen Detained in North Vietnam, is a list of 335 American prisoners, described by the North Vietnamese as complete data on all the Americans they hold.)

ALABAMA

McCuistion, Michael K., 71416, Montgomery.
Ringsdorf, Herbert Benjamin, FR75446, Elba.
Terrell, Irby David, 3035168, Anniston.

ARIZONA

Berg, Kile Dag, 3103302, Glendale.
Bomar, Jack Williamson, FV2251452, Mesa.
Carrigan, Larry Edward, 3119604, Scottsdale.
Crecca, Joseph Jr., FR83481, Phoenix.
Gutterson, Laird, 26408, Tucson.
Madison, Thomas Mack, 2249519, Phoenix.
Moore, Dennis Anthony, 541532, Scottsdale.
Pitchford, John Joseph Jr., FV2245522, Scottsdale.
Shattuck, Lewis W., 3036821, Mesa.
Tomes, Jack H., FR65155, Chandler.
Tyler, Charles Robert, 58050, Phoenix.
Vanloan, Jack Linwood, 65085, Tucson.

ARKANSAS

Lamar, James Lasley, 1909733, Little Rock.

CALIFORNIA

Abbott, Wilfred Keese, 3081739, San Diego.
Alvarez, Everett Jr., 644124, Santa Clara.
Andrews, Anthony Charles, FR3146561, Chico.
Baldock, Frederick C. Jr., 666620, Lemon Grove.
Barnett, Robert W., FR31021, Hawthorne.
Black, Cole, 594387, San Diego.
Boyer, Terry Lee, FR3153642, Visalia.
Brazelton, Michael Lee, FV3148690, Long Beach.
Butler, Philip Neal, 647398, La Jolla.
Butler, William Wallace, 3133430, San Rafael.
Chambers, Carl Dennis, FV3133401, Yuba City.
Chauncy, Arvin Roy, 614788, Lemoore.
Clower, Claude Douglas, 60547, San Diego.
Collins, James Quincy, 27908, Atherton.
Cronin, Michael Paul, 668952, Berkeley.
Daniels, Verlyne Wayne, 554745, Hayward.
Estes, Edward Dale, 605484, Lemoore.
Fer, John, 63823, San Pedro.
Flesher, Herbert Kelly, 32199, Sacramento.
Ford, David Edward, FV3122074, Sacramento.
Fowler, Henry Pope, FR3148574, Palo Alto.
Gillespie, Charles R. Jr., 542951, Miramar.
Haines, Collins H., 593915, San Diego.
Hickerson, James Martin, 561065, Lemoore.
Kopfman, Theodore Frank, 597544, Lemoore.
Lasiter, Carl William, 66064, San Diego.
Lewis, Earl Gardner Jr., 683095, San Diego.
Lurie, Alan Pierce, FR65266, Apple Valley.
McGrath, John Michael, 659291, San Diego.
McIwain, George P., 697713, Montrose.
McKamey, John B., 614791, Lemoore.
Martin, Edward Holmes, 584587, Coronado.
Merritt, Raymond James, 44729, Colton.
Miller, Edison Wainwright, 054602, Santa Ana.
Mobley, Joseph Scott, 701867, Manhattan Beach.
Moore, Ernest M. Jr., 553659, Lemoore.
Mullen, Richard Dean, 584928, LaJolla.
Nasmyth, John H., Jr., FV3120117, South San Gabriel.
Osborne, Dale Harrison, 614229, Hanford.
Pirie, James Glen, 614186, Lemoore.
Propilet, Leo T., 506413, Pala Atlo.
Pyle, Darrell Edwin, FV3145936, Santa Ana.
Rehmann, David George, 698502, Lancaster.
Rivers, Wendell Burke, 555144, Oxnard.
Rollins, David John, 633926, San Diego.
Russell, Kay, 563567, San Diego.
Rutledge, Howard Elmer, 506435, San Diego.
Schultz, Paul Henry, 616785, San Diego.
Schweitzer, Robert James, 571894, Lemoore.
Shankel, William L., 664281, Jackson.
Shumaker, Robert Harper, 548955, LaJolla.
Southwick, Charles Everett, 544716, Cupertino.
Stackhouse, Charles David, 647984, Lemoore.
Stavast, John Edward, 52944, Claremont.
Stier, Theodore Gerhard, 669500, San Diego.
Stirm, Robert Lewis, FV3036919, Foster City.
Stockdale, James Bond, Coronado.
Stratton, Richard Allen, 602087, Hanford.
Tarleton, Harry Jr., 504424, Lemoore.
Thorton, Gary L., 700903, Porterville.
Wideman, Robert Earl, 689553, Westminster.
Woods, Brian Dunstan, 618063, Lemoore.

COLORADO

Burroughs, William David, FR27184, Aurora.
Singleton, Jerry Allen, 64076, Greeley.

CONNECTICUT

McCleary, Read Blaine, 678398, Old Greenwich.

DELAWARE

Doremus, Robert Bartsch, 597366, Wilmington.

FLORIDA

Browning, Ralph J., FR78556, Orlando.
Brunstrom, Alan L., A03023441, Miami.
Coffee, Gerald L., 625308, Sanford.
Cordier, Kenneth Williams, 71341, Tampa.
Crumpler, Carl Boyette, 27705, Orange Park.
Dunn, John Howard, 059941, Jacksonville.
Finlay, John Stewart 3d, 19805, Satellite Beach.
Fisher, Kenneth, 67431, Sebring.
Fuller, Robert Byron, 542942, North Miami Beach.
Gaither, Ralph Ellis, 686365, Miami.
Glenn, Danny E., 668152, Jacksonville.
Gray, David Fletcher Jr., 3158230, Tampa.
Gruters, Guy Dennis, 78680, Sarasota.
Guarino, Lawrence N., 52573, Satellite, Beach.
Hall, Keith Norman, FR61501, Fort Walton Beach.
Hall, Thomas Renwick Jr., 682719, Pensacola.
Hardman, William Morgan, 625171, Center Hill.
Heilig, John, 667042, North Miami Beach.
Hinckley, Robert Bruce, 3146679, Fort Walton Beach.
Hivner, James Otis, 50815, Tampa.
Hutton, James Leo, 602748, Lakeland.
James, Charles Negus Jr., 544080, Sanford.
Keirn, Richard Paul, A0936812, Tampa.
Key, Wilson Denver, 669207, Jacksonville.
Ligon, Vernon Peyton Jr., 33825, Melbourne Beach.
McCain, John Sidney, 62487, Orange Park.
Perkins, Glendon W. FV3101454, Orlando.
Peterson, Douglas Brain, FR54627, Marianna.
Schoeffel, Peter Van, 584717, Naples.
Simonet, Kenneth Adrian, 23521, West Palm Beach.
Smith, Bradley E., 682780, Eagle Lake.
Smith, Wayne Ogden, FR80670, Dunedin.
Sterling, Thomas James, FR45475, Fort Walton Beach.
Tangeman, Richard George, 668370, Sanford.
Waddell, Dewey Wayne, 54772, Fort Walton Beach.
Williams, Lewis Irving, 694463, Tampa.
Young, James Faulds, FR46611, Hollywood.

GEORGIA

Ellis, Leon Francis Jr., 3171887, Hull.
Halyburton, Porter A., 677514, Decatur.
Hyatt, Leo Gregory, 613640, Albany.
Lane, Michael Christopher, FV3134159, Atlanta.
Norrington, Giles Roderick, 690103, Atbany.
Parrott, Thomas Vance, FV3103992, Dalton.
Swindle, Orson G., 078193, Camilla.

HAWAII

McKnight, George G., A03051289, Honolulu.

IDAHO

Chesley, Larry James, 3145798, Burley.
Waltman, Donald Glenn, FR53895, Kellogg.

ILLINOIS

Barrett, Thomas Joseph, FV120130, Lombard.
Borling, John L., 69907, Chicago.
Frederick, John William Jr., 082847, Tremont.
Norris, Thomas F., 77071, Godfrey.
Sigler, Gary Richard, FV3157864, Table Grove.

INDIANA

Brenneman, Richard, FV3158661, Mishawake.
Buchanan, Hubert Elliott, 3148428, Austin.
Byrne, Roland Edward Jr., 27821A, Kokomo.
Kasler, James Helms, FR24551, Indianapolis.

IOWA

Burns, Michael Thomas, 31089503, Mount Pleasant.
Naughton, Robert John, 646287, Sheldon.
Spencer, Larry Howard, 674085, Earlham.

KANSAS

Boyd, Charles Graham, FR72601, Wichita.
Hornick, Ramon Anton, FR49644.
Hubbard, Edward Lee, FV3122827, Overland Park.
James, Gobel Dale, FR3008133, Overland Park.
Johnson, Harold Eugent, FR72372, Overland Park.
Mastin, Ronald Lambert, FR79450, Overland Park.
Plumb, Joseph Charles Jr., 678505, Overland Park.
Stutz, Leroy William, 78935, Cummings.

XUM

KENTUCKY

Purcell, Robert Baldwin, 53786, Louisville.
Smith, Dewey Lee, 64990, Valley Station.

LOUISIANA

Barbay, Lawrence, 3054027, Baton Rouge.
Jones, Murphy Neal, PR69506, Baton Rouge.
Lockhart, Hayden James Jr., 62669, Alexandria.
Seeber, Bruce Gibson, 47135, West Monroe.

MAINE

Biss, Robert Irwin, FV3103220, Bangor.
Carpenter, Allan Russell, 657951, Sanford.
Gartley, Markham L., 703644, Greenville.
Ingvalson, Rofer Dean, FR30713, Sanford.

MARYLAND

Bell, James Franklin, 515877, LaVale.
Burer, Arthur William, 3087646, Rockville.
Stafford, Hugh Allen, 614922, Cambridge.
Talley, Bernard Leo Jr., 3129281, Baltimore.

MASSACHUSETTS

Brown, Paul Gordon, 094576, Newton.
Eastman, Leonard Corbett, 624192, Bernardson.
Greene, Charles Edward, Jr., 3081054, Needham.
Lengyel, Lauren Robert, FR3081654, West Peabody.
North, Kenneth Walter, 53694, Wellfleet.
Purrington, Frederick Raymond, 680259, North Dartmouth.
Sullivan, Timothy Bernard, 686505, Springfield.

MICHIGAN

Abbott, Robert Archie, FR81453, Sawyer AFB.
Gideon, Willard Selleck, 3025283, Mount Clemens.
Neuens, Martin James, FR98831, Iron Mountain.
Iodell, Donald Eugene, FV3057281, Mount Clemens.
Shanahan, Joseph Francis, FR72120, Grand Rapids.
Warner, James Howie, 092816, Ypsilanti.

MINNESOTA

Bolstad, Richard Eugene, FR81278, Minneapolis.
Everson, David, FR56893, Coon Rapids.
Wheat, David Robert, 677374, Duluth.
Winn, David Williams, 36646, Minneapolis.

MISSISSIPPI

Bailey, James William, 684790, Carthage.
Collins, Thomas Edward, 3d, 68082, Jackson.
Harris, Carlyle Smith, 46663, Tupelo.

MISSOURI

Brodak, John Warren, 3108628, Jennings.
Clark, John Walter, 70474, Columbia.
Spoon, Donald Ray, 78929, Pleasant Hill.
Woods, Robert Deane, 632730, Garden City.

MONTANA

Knutson, Rodney Allen, 667751, Billings.

NEBRASKA

Ratzlaff, Richard Raymond, 6817476, Stromsburg.

NEVADA

Dutton, Richard Allen, FR22497, North Las Vegas.
Smith, Richard Eugene, Jr., 57992, Las Vegas.
Sullivan, Dwight Everett, 3025678, Las Vegas.
Waggoner, Robert F., 3065137, Reno.

NEW HAMPSHIRE

Temperly, Russell Edward, FR59025, Concord.

NEW JERSEY

Abbott, Joseph, Jr., FV3057099, Alloway.
Coker, George Thomas, 669409, Linden.
Dramesi, John Arthur, 65320.
Ellis, Jeffrey Thomas, FV3135610, Madison.
Forby, Willis Ellis, 3040351.
Jones, Robert Campbell, FR81333, Chatham.
Miller, Edwin Frank, Jr., 706510, Oakland.
Milligan, Joseph Edward, 3155216, Ammandale.
Sima, Thomas William, FV3038065, Riverton.
Venanzi, Gerald Santo, FV3173807, Trenton.
Webb, Ronald John, FR72828.

NEW MEXICO

Hughes, James Lindberg, FR43211, Santa Fe.
Sumpter, Thomas Wrenne, Jr., 32044, Holloman AFB.

NEW YORK

Brudno, Edward A., 78285A, Harrison.
Cormier, Arthur, AF12454730, Bay Shore.
Donald, Myron L., FR80331, Ossining.
Goodermote, Wayne, 69319, Berlin.
McDaniel, Norman Alexander, FR55957, New York City.
McManus, Kevin Joseph, 78805, Brightwaters.
Mehl, James Patrick, 543070, Hauppauge.
Pollack, Melvin, FV3149044, Long Beach.
Rice, Charles Donald, 710266, Setauket.
Suhoski, Charles P., 691560, Jamesport.

NORTH CAROLINA

Ballard, Arthur T., Jr., 31816, Lake Lure.
Bridger, Barry Burton, 3131623, Bladenboro.
Crayton, Rendar, 529039, Charlotte.
Gaddis, Norman Carl, 26772, Winston Salem.
Hatcher, David Burnett, 304002, Mount Airy.
Hiteshew, James Edward, FR46668, Goldsboro.
McNish, Thomas Mitchell, FR78806, Franklin.
Marvel, Jerry Wendell, 070296, Newport.
Robinson, William Andrew, AF14782798, Robersonville.
Wells, Norman Louross, FV303/386, Goldsboro.

NORTH DAKOTA

Topkelson, Loren Harvey, FV3155656, Crosby.

OHIO

Baugh, William Joseph, 65597, Piqua.
Campbell, Burton Wayne, FR70664, Amherst.
Chapman, Harlan Page, 071437, Elyria.
Flynn, John Peter, 15760.
Kari, Paul Anthony, 66675A, Spencer.
Mechenbier, Edward John, FR78807, Dayton.
Mow, Thomas Nelson, 3175200, Columbus.
Nix, Cowan Glenn, 74953, Warrensville Heights.

OKLAHOMA

Franke, Fred A. W., Jr., 513370, Midwest City.
Kramer, Galand D., FV3155965, Tulsa.
Monlux, Harold DeLoss, FV3161422, Tulsa.
Pyle, Thomas Shaw 2d, FV3103812, Cordell.
Risner, Robinson, 26905, Oklahoma City.
Walker, Herbert Clifford, Jr., 3145724, Tulsa.

OREGON

Sehorn, James Eldon, 3132084, Forest Grove.

PENNSYLVANIA

Alcorn, Wendell Reed, 658707, Kittanning.
Anderson, Gareth Laverne, 682482, Kane.
Black, Arthur Neill, AF12666475, Bethlehem.
Burns, John Douglass, 613414, Paoli.
Carey, David Jay, 677935, Jeanette.
Davies, John Owen, 3152430, Reading.
Davis, Edward Anthony, 658959, Leola.
Driscoll, Jerry Donald, 69973, Canton.
Duart, David Henry, FV3057321, Canon.
Myers, Glenn Leo,3141931, Pittsburgh.
Reynolds, Jon A., FR68584, Bala-Cynwyd.
Ruhling, Mark John, FV3139169.
Sawhill, Robert Ralston Jr., FR24101, Carnegie.
Trautman, Konrad W., FV1969945, Steelton.

SOUTH CAROLINA

Austin, William Renwick 2d, 71588, Simpson Viele.
Bagley, Bobby Ray, FV3034566, Sumter.
Fant, Robert St. Cair Jr., 653848, Anderson.
Hoffson, Arthur Thomas, FV3152442.
Means, William Harley Jr., 3058903, Sumter.
Morgan, Herschel Scott, 3057445, Sumter.
Runyan, Albert Edwards, FR49475, Sumter.

SOUTH DAKOTA

Friese, Laurence Victor, 091579, Huron.
Lebert, Ronald Merle, FV3176215.
Thorsness, Leo Keith, FV3026937, Sioux Falls.

TENNESSEE

Lawrence, William Porter, 543032, Nashville.
Peel, Robert D., A03117963, Paris.
Tanner, Charles Nels, 588973, Covington.
Vohden, Raymond Arthur, 586702, Memphis.

TEXAS

Baker, Elmo Cinnard, 3062432, San Antonio.
Blevins, John Charles, 82666, San Antonio.
Bliss, Ronald Glenn, FR78537, Temple.
Burns, Donald Ray, FR27184, Mineral Wells.
Clements, James Arlen, FV3021015, Queen City.
Copeland, H. C., 3015953, Austin.
Curtis, Thomas Jerry, 47753, Houston.
Daigle, Glenn H., 667122, Corpus Christi.
Daughtrey, Robert Nolan, AJ3056890, Del Rio.
Hall, George Robert, 25106A, Waco.
Jayroe, Julius Skinner, 3058698, San Antonio.
Jeffrey, Robert Duncan, FV3117985, Dallas.
Johnson, Samuel Robert, FR25936, Plano.
Larson, Gordon Albert, FR26473, San Antonio.
Lilly, Warren Robert, 57557, Dallas.
Makowski, Louis Frank, FR47317, Midland.
Meyer, Alton Benno, 74897, College Station.
Myers, Armand Jesse, FR47337, Universal City.
Ray, James Edwin, 80893, Conroe.
Sandvick, Robert James, 47755, Farwell.
Storey, Thomas Gordon, 73117, Austin.
Terry, Ross Randle, 622502, Lake Jackson.
Uyeyama, Terry Jun, 3085365, Austin.
Wendell, John Henry Jr., FR61974, Houston.
Wilson, Glenn Hubert, FR54287, Universal City.

UTAH

Hess, Jay Criddle, 3038594, Bountiful.
Jensen, Jay Roger, FV3033604, Layton.
Luna, Jose David, 3122671, Roy.

VERMONT

Stockman, Hervey Studdie, 50436, Manchester.

VIRGINIA

Bean, James E., 35014, Arlington.
Berger, James Robert, FV3119242, Lexington.
Brady, Allen Colby, 542856, Virginia Beach.
Cherry, Fred Vann, 45554A, Suffolk.
Christian, Michael Durham, 673624, Virginia Beach.
Coskey, Kenneth Leon, 571080, Virginia Beach.
Crow, Frederick Austin, Jr., 26569, Hampton.
Denton, Jeremiah A. Jr., 485087, Virginia Beach.
Doss, Dale Walter, 591159.
Fleenor, Kenneth R., FR27797, Hampton.
Galanti, Paul Edward, 659047, Richmond.
Hill, Howard, 80413, Alexandria.

McDaniel, Eugene M., 602046, Virginia Beach.

Mulligan, James Alfred, 504324, Virginia Beach.

Shuman, Edwin Arthur, 3d., 5B4738, Virginia Beach.

Tschudy, William Michael, 66081, Virginia Beach.

Vogel, Richard Dale, FR49594, Hampton.

Wilber, Walter Eugene, 539459, Virginia Beach.

WASHINGTON

Brunhaver, Richard M., 67418, Moxee.

Kerr, Michael Scott, 83644, Sequim.

Schierman, Wesley Duane, 3058242, Spokane.

Vissotzky, Raymond Walter, 3006144.

Writer, Lawrence D., FV3156989, Olympia.

WEST VIRGINIA

Mayhew, William John, 691368, New Manchester.

WISCONSIN

Doughty, Daniel James, 3037760, Ladysmith.

Flom, Fredric R., 3157103, Appleton.

Gerndt, Gerald Lee, 3163167, Suring.

Heliger, Donald Lester, 55023, Madison.

Metzger, William John Jr., 684589, Wisconsin Rapids.

NOT DESIGNATED

Hughey, Kenneth Raymond, 3152.

BELGIUM

Newcomb, Wallace Grant, 3130931, Liege.

ENGLAND

Craner, Robert R., FV3034313, Formby, Lancashire.

ITALY

Kirk, Thomas Henry, Jr., 20794, Trieste.

WE ALWAYS HAVE UNEMPLOYMENT FOLLOWING WARS

Mr. YOUNG of North Dakota. Mr. President, some of the most sensible, down-to-earth thinking takes place in the more rural areas of this country, and much of this is particularly well expressed by the editors of the weekly newspapers.

I was impressed with the thoughts expressed in an editorial titled "We Always Have Unemployment Following Wars," by Mr. D. J. Shults, editor of the Adams County Record, a weekly newspaper published in Hettinger, N. Dak.

Mr. President, I think it is very appropriate that this editorial be placed in the Record, and I ask unanimous consent that this be done.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

We Always Have Unemployment Following Wars

(By D. J. Shults)

We will hear a lot from politicians before the forthcoming election about unemployment in the nation.

Most of us regret any excessive unemployment in the nation. It seems a shame when there is no work available to some who wish to work.

The truth of the matter is, however, that we're bound to have more unemployment in the year or two ahead.

At least a million men will be released from the armed forces during that period and at least another million will be released from jobs in war production plants and other establishments having to do with war.

We ask these politicians crying out about this temporary period of unemployment: "Do you want more war or do you want to advocate our nation to go through a rather tough period of readjustment with temporary unemployment? You can't have both. Are you warmongers in action and politicians in words seeking votes?"

Wars cause a worker shortage and, when they are over, cause temporary unemployment in reajustment periods.

We are old enough and have had enough experience to know that any national leader can solve any unemployment problem by getting us into a war.

In 1939 Franklin D. Roosevelt, after seven years in office as president, had 9,000,000 unemployed in this nation, which had considerable less population at that time. Then WW2 broke out and in 1941 we got into it. Our unemployment problem was solved.

We have an unemployment of about 5% in the nation at this time. We can remember that Harry S. Truman said in the late 1940's that a 5% unemployment was healthy for the nation. Anyway, we got into the Korean War shortly thereafter. Our unemployment problem of that period was solved.

In the early 1960's under John F. Kennedy our unemployment percentage was higher than it is today. Kennedy went into the Vietnam War in a small way and his successor, Lyndon B. Johnson, vastly escalated it. Presto, our unemployment problem was solved.

We tell you people who read this, you can easily solve our present unemployment problem. Just escalate the present war or start another one. The solution is very simple. Tragic, of course, but very simple.

So far as we are concerned, we'll take a short time unemployment problem than have war. And we'll keep right on crying out against politicians crying out against unemployment caused by a de-escalation or cessation of war. We hope the readers of this column feel likewise.

That does not mean, however, that we must not work to solve our unemployment problems. Indeed, just as soon as possible, we should establish the solving of our unemployment and other coming post-war problems as one of our first priorities.

Our present complaint is against these double-tongued and two-faced politicians who seek votes by crying out against unemployment when, if they have any brains and are sincerely interested in you people (providing of course, you prefer a tough period of unemployment to war) they know that every post-war period has its readjustment problems, one of which is short time unemployment.

We are hopeful that our readers believe as we do, and that they will strongly rebuke in words or by their vote those politicians who wittingly or unwittingly permit a war to develop as a solution to any labor or economic temporary problems, as has been done in the past. Such people are not fit to represent the people of this nation who are against foolish wars. Of course, if any of those who read this are for wars to solve unemployment or other of our economic problems, such politicians are aptly fit for them.

In conclusion, a few final words to all politicians, both Democrat and Republican: Fairly attack the president or any of your political opponents on any of a lot of issues all you wish. But don't attack on any issue that might have to do with worsening this war or the results induced by it. If you do, this writer will join many thousands of others in working three times as hard for your defeat.

PRESIDENT URGED TO BAN DDT

Mr. NELSON. Mr. President, yesterday Senators Hart, Cranston, Ribicoff, Case, Goodell, McIntyre, and I wrote to President Nixon urging him to instruct the Department of Agriculture not to oppose a court-ordered ban on the persistent pesticide DDT.

The U.S. Court of Appeals of the District of Columbia has ordered the U.S. Department of Agriculture to show cause why the registration of DDT should not be suspended. We asked the President to instruct Agriculture Secretary Hardin to withdraw his Department's opposition to banning immediately the unnecessary uses of the pesticide.

The Mrak Commission report of the Department of Health, Education, and Welfare on Pesticides and Their Relationship to Environmental Health documented the evidence establishing that DDT is a cancer-causing agent, is contaminating the Nation's food supply, and is causing serious harm to fish and wildlife populations.

Also of great significance are the recent findings of the Wisconsin Department of Natural Resources. After a long series of hearings in which DDT manufacturers presented evidence supporting the uses of the pesticide and conservation groups documented its hazards to the environment, the department classified DDT as a water pollutant subjecting it to regulation under Wisconsin's Water Quality Act. After reviewing thousands of pages of testimony the department announced:

> While ingestion and dosage (of DDT) cannot be controlled, minute amounts of the chemical have biological, pharmacological, and neurophysiological effects of public health significance.

The Department of Agriculture has authority to suspend the registration of pesticides if they are found to be an "imminent hazard to the public." Congress provided the suspension for cases precisely like DDT where the evidence on damage to the environment and wildlife and the dangers to human health have been thoroughly documented.

The immediate suspension of unnecessary uses of DDT would be an environmental milestone and would set the stage for further enhancement of our environment.

THE U.S. INITIATIVE IN THE MIDDLE EAST

Mr. JACKSON. Mr. President, President Nasser is reported in today's New York Times as responding to the latest U.S. initiative in the Middle East by characterizing it as "a bloody, malicious declaration against the Arab world's future."

This brief Times dispatch will certainly prove of interest as events surrounding the new initiative unfold in the near future; I ask unanimous consent that this article, entitled "U.S. Proposals for Arab-Israeli Peace Are Rebuffed by Nasser," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

U.S. Proposals for Arab-Israeli Peace Are Rebuffed by Nasser

(By Raymond H. Anderson)

Cairo, June 25.—President Gamal Abdel Nasser tonight rebuffed the latest United

XUM

States plan designed to bring about a peaceful settlement between the Arabs and Israel.

Speaking at a rally in Benghazi, Libya, the Egyptian leader declared: "There is talk about a plan for the evacuation of Israel from all Arab territories except the Golan Heights of Syria, but I tell you in the name of your brothers in Egypt, that evacuation from Golan must be first."

Mr. Nasser's remark appeared to confirm reports that the United States formula included a provision for Israeli withdrawal from all occupied Egyptian and Jordanian teritory seized in the six-day war of June, 1967, but made no reference to the Golan heights. Syria has not yet announced acceptance of the 1967 United Nations Security Council resolution for a Middle East settlement.

The latest United States peace formula, it is reported, is focused on obtaining a settlement in accordance with the resolution, which calls for Israeli withdrawal from occupied Arab areas and Arab recognition of secure boundaries for Israel.

Addressing a wildly cheering crowd in the capital of Cyrenaica Province, Mr. Nasser said:

"I tell you, in the name of your brothers in Egypt, who refuse any compromises for withdrawal, that withdrawal must be from the Golan heights before Sinai. If we had wanted only withdrawal from the Sinai, we could have agreed with the United States on this two years ago. But we have declared more than once that withdrawal must be from Golan first, and Jerusalem as well."

Last fall, the United States submitted a plan to Cairo involving an Israeli withdrawal from the Sinai Peninsula under security arrangements and a negotiated settlement for the Gaza Strip and Sharm el Sheik, the outpost controlling the entrance to the Gulf of Aqaba.

The Egyptian leadership objected to the provisions on the Gaza Strip and Sharm el Sheik as infringements on the country's sovereignty.

Cairo also objected that the plan was an attempt to lure Egypt away from a united Arab stand against Israel.

MILITANTS DENOUNCE PLAN—P

(By Eric Pace)

BEIRUT, LEBANON, June 25.—Militant Arab governments and Arab guerrilla groups denounced today Washington's plea to "stop shooting and start talking about peace" in the Middle East.

The Syrian authorities said that the United States peace efforts, formally announced by Secretary of State William P. Rogers, were really "a bloody, malicious declaration against the Arab world's future."

Both the Egyptian and Jordanian Governments kept silent about the substance of the proposals, however, and the anti-American rioting that had been widely feared failed to materialize by nightfall.

Mr. Roger's refusal to discuss the matter of providing American warplanes to Israel evidently dissuaded Arab commandos from fomenting the disorders they had threatened—particularly in Amman—in protest of American backing for Israel.

Major commando groups contented themselves with continuing their criticism of the American proposals as they were reported earlier. A spokesman for the dominant organization, Al Fatah, said here that Washington's peace efforts merely showed "that we have to continue our struggle."

In Amman, the Popular Front for the Liberation of Palestine, considered the third strongest commando group, said that it rejected the American proposals. Its leader, Dr. George Habash, threatened reprisals against American interests.

The Baghdad newspaper Al Jomhuria, which speaks for the left-wing Iraqi regime, said that the American proposals used peace "as a mask" to deceive and divide the Arab peoples. The proposals were criticized by both the Damascus radio and Al Baath, the organ of Syria's ruling Baath party.

The Lebanese Government, however, even praised what was construed here as a hint from Mr. Rogers that additional planes for Israel would not be forthcoming. The Information Minister, Osman Dana, said, "this is a good initiative on the part of the U.S. not to give Israel military assistance." "If the United States came to us one day with demands that we were convinced could be fulfilled only at peril to ourselves, we would oppose them."

The Premier, who was addressing students at Migdal Haemek, a settlement near Nazareth, added, however, "Neither the United States nor any other country demands that we retreat just like that without a peace that guarantees the inviolability of our frontiers."

"Such a demand," he added, "comes only from the Arab countries and from the Soviet Union and its satellites."

The Cabinet met this afternoon in Tel Aviv in what was called an extraordinary session, shortly before Mr. Rogers held his news conference. It decided to summon Itzhak Rabin, the Israeli Ambassador to the United States, home for consultations. He is expected in Israel tomorrow.

Many private citizens here expressed astonishment that Mr. Rogers chose to keep the details of the American proposal secret. It is considered almost certain that there will be widespread disappointment here that he deferred any announcement about Israel's request for 125 more American jets.

FOOD STAMP FUNDING

Mr. McGOVERN. Mr. President, I would like to take a few moments to clarify what I believe is a misunderstanding about funding needs of the food stamp program in the next 2 fiscal years. Last Monday my colleague from Louisiana, chairman of the Agriculture Committee and acting chairman of the Senate Appropriations Committee, Senator ELLENDER, proposed a contingent appropriation for the food stamp program during the first 3 months of the next fiscal year. He proposed the program be permitted to operate at a level of $100 million a month for that period of time.

During a brief colloquy regarding Senator ELLENDER's proposal, it was stated that this level of $100 million a month is "slightly less" than what the Senate authorized for the program in its food stamp bill passed last September.

I was not on the floor at the time when this discussion took place and when the Senate agreed to the contingent appropriation at that level.

I think it is important to make clear that the Senate actually authorized $2 billion for the food stamps in the coming fiscal year and $2.5 billion in the fiscal year following that. The contingent appropriation of $100 million, figured on an annual basis, only adds up to some $1.2 billion, a full $800 million short of what the Senate authorized. I know that the Senate will not feel that by having agreed to this contingent appropriation it has in any way compromised its right to insist on the full $2 billion that it authorized when the issue of regular appropriations come before it. There should be no question in anyone's mind that the full $2 billion is desperately needed.

In this regard, I would bring to the attention of my colleagues a hearing that the Select Committee on Nutrition and Human Needs, of which I am chairman, held on Friday, June 19 with Assistant Secretary of Agriculture, Richard Lyng. During this hearing, it was clearly established that the administration's original $1.25 billion budget request for fiscal 1971 would bring its efforts to continue expanding the food stamp program almost to a halt. Secretary Lyng agreed with me that, in order to expand the program in the coming year as it has been expanded in the past year, the $2 billion authorized by the Senate is the minimum necessary. I hope that the administration will see fit to accept Mr. Lyng's judgment by coming forward with an increased budget request equal to the amounts authorized by the Senate last September. I further hope that this needed request will be made before the Senate Appropriations Committee completes its action on food stamp funding for the next 2 fiscal years.

Mr. President, in May of last year the President sent a message to Congress in which he stated:

> The moment is at hand to end hunger in America itself for all time.

Unless the President and the Congress support the full amounts authorized by the Senate last September, that moment will not come for many years. Years in which millions of Americans will continue to suffer from inadequate diets and the ill health that results.

CBW IV—THE CHANCE OF ACCIDENT

Mr. PROXMIRE. Mr. President, there are those who hold that CBW weapons are so horrible that no nation could ever use them. But even if we were to accept the premise that these weapons are too horrible to be used—is there not always the possibility of severe error?

A Harvard Medical School professor was recently quoted in a Look magazine article as saying:

> It is a well known principle in the use of dangerous materials that anything that can go wrong will eventually go wrong if the materials are used often enough, despite the most elaborate safety precautions.

The Look magazine article documents some of the errors that have already occurred from U.S. CBW activities.

In March of 1968 nerve gas was sprayed from an airplane at the Dugway Proving Grounds, some 80 miles from Salt Lake City. The gas drifted some 45 miles off target and killed 6,400 sheep in Skull Valley. As the article notes:

> Only rain and evening snow that brought the killing cloud to earth prevented the gas from floating over heavily traveled Highway 40. A wind shift could have blown the gas to Salt Lake City. Dugway experts reported all danger had passed four days after the accident. But scientists who tested the forage 23 days later discovered the residues of nerve gas still killed sheep.

XUM

Calves are still being poisoned near Dugway.

In July of last year on Okinawa 23 soldiers and a civilian were victims of nerve gas poisoning. While none was permanently affected, it was made known for the first time that gas was stored on Okinawa. Similarly it was disclosed that the United States was storing gas in West Germany and making open air tests on Hawaii.

In the fifties contaminated waste from the Rocky Mountain Arsenal was dumped into ponds where it fed into nearby streams and killed livestock and destroyed crops.

Recently it has come to public attention that the Army has been taking unnecessary risks in the storage, shipment and destruction of obsolete gas agents. Even without these unnecessary risks there is always a danger of an accidental disaster of major proportions.

Mr. President, the United States must take the lead in an international effort to halt all production, testing, and storage of CBW. Whether used on purpose or by accident these weapons could bring about inconceivable destruction. We must set an example not only by renouncing production and testing of chemical weapons—we have already done so for biological weapons—but by ratifying the Geneva Protocol of 1925. I hope the President keeps his promise to resubmit the protocol to the Senate and that the Senate gives its prompt consent.

CORPORATE EXECUTIVES COMMITTEE FOR PEACE

Mr. McGOVERN. Mr. President, on yesterday 100 executives from some of the Nation's most important corporations came to Washington to urge support for the amendment to end the war. These men, some of the most respected business leaders in the Nation, strongly support the amendment which we will be examining in full when the military procurement bill comes to the floor this summer.

It should be reassuring to all those who are convinced that the war in Indochina must end now that the leaders of the business community have come to that conclusion.

I ask unanimous consent that an article in today's New York Times reporting on the efforts of the business executives be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WAR IS PROTESTED IN CAPITAL BY NEW YORK EXECUTIVES

WASHINGTON, June 24.—One hundred executives from almost as many national corporations flew from New York to the capital today in a move to bring an end to the Vietnam war.

The marketing and advertising executives, with American flags on their lobbying kits and flag-pins in their lapels, announced "we're pro peace" to newsmen and set out to lobby selected Senators in favor of Hatfield-McGovern proposal to set a deadline for the end of American involvement in Vietnam.

Paul Woolard, executive vice president of Revlon, Inc., told reporters that the executives were neither pro-right nor pro-left. He said they were "believers in the defenders of the system" and they wanted to "end the war by Dec. 31, 1970."

Mr. Woolard said that the group was "like the tip of an iceberg" in the business community and expressed the belief that thousands of business executives would soon move to end the war.

"The best thing we can do for our economy and our country is liquidate this war," he said.

350 EXECUTIVES IN GROUP

The Corporate Executive Committee for Peace, which organized about six weeks ago, is made up of more than 350 executives in the top levels of business.

They represent themselves as men and women who have never taken direct political action before but who are familiar with the system and use of power to achieve their goals.

The executives have said they want the war to end by Dec. 31 and to pull all troops out of Vietnam by July 30, 1971. The mid-1971 pullout date would be required under a proposal of Senators George S. McGovern, Democrat of South Dakota, and Mark O. Hatfield, Republican of Oregon.

To achieve their end, the executives have announced plans to use their knowledge of business communication and money in backing selected candidates this fall, in mobilizing the business community and in "issue" advertising.

Senator Charles E. Goodell, Republican of New York, met the executives on the Capitol steps and told them their presence "means a great deal to those of us who are working in the peace movement."

He said the executives would have an "advantage" over student lobby groups, "stigmatized unfairly by the few who are radical," and could have a real impact because of their obvious patriotism and belief in the capitalistic system.

WHITE HOUSE MEETING

The executives went in prearranged teams to meet with selected Senators. A group of nine executives was quickly gathered when a White House telephone call invited members to a meeting with a Presidential Assistant, Peter M. Flanigan, and a member of the Council of Economic Advisers, Herbert Stein.

The group emerged from the White House after an hour of discussion about the war and the economy and expressed optimism over this first contact.

Hal Davis, president of Grey and Davis, reported that the conversation had centered on the membership of the group and its reasons for being in Washington. He said he expected more meetings with White House staff members and emphasized that the executives expected some of their number to meet with President Nixon when he returns from California.

In reference to some former advertising executives now on the President's staff, Mr. Davis said, "We told them to tell the J. Walter Thompson alumni that we have some J. Walter Thompson executives in our group, too."

E. Patrick Healy, a former Peace Corps and Job Corps official who is now vice president for personnel at Young & Rubicam, said that all the executives were optimistic about their ability to influence Congress and the Administration

"I think we can make an effect now because we're a new force, we're businessmen who wield some economic power," he said. "I hope the Congressmen and Senators will be impressed that this many businessmen gathered to come here in only six weeks."

ANNIVERSARY OF POZNAN WORKERS UPRISING

Mr. KENNEDY. Mr. President, Sunday commemorates the 14th anniversary of the Poznan workers' uprising of June 28, 1956. We take time today to salute these valiant people who dared to seek their freedom despite the overwhelming power of their adversary.

At first this seemed to be a mere disturbance triggered by disgruntled factory workers. But soon it became evident that this seemingly spontaneous uprising was the outward expression of deep-seated discontent with strong political implications. Although the uprising was rather easily quelled, and the demands of the workers were met by the authorities, its political significance loomed large then and it looms even larger 14 years later.

Poznan, an important communications center halfway between Berlin and Warsaw, was tightly held by the Soviets. In addition to the presence of Soviet occupation troops, the police-state tactics of the Polish authorities became more and more intolerable. Early in 1956, the government had proclaimed amnesty for the many political prisoners, but the implementation of this amnesty was delayed. While the laborers were told to work more and produce more to meet their production quotas, their demands for adequate pay were ignored. Meanwhile, momentum built up among factory workers to make their demands heard. Finally, frustrated by the indifference of the authorities, these workingmen were forced to take their cause to the streets of Poznan.

On June 28, 1956, many thousands of workers started marching in the principal street of the city. In a few hours their ranks were swelled by tens of thousands. They kept themselves in good order, and no looting or vandalism took place. They went to the city prison and there political prisoners were set free. During all this there was very little opposition between the security force and the marchers, which indicates that even the Polish police were in sympathy with the marchers, Actual fighting only began with the arrival of Russian troops, during the course of which 50 were killed and some 250 wounded. The authorities then agreed to negotiate with the leaders of the people.

Subsequently some of these leaders were tried; but all were given light sentences, and then these were suspended. Furthermore, the Government agreed to raise the pay of factory workers, improve their working conditions, and make adequate provisions for their dependents. On all these just demands the workers won, and they all felt that the mass uprising was justified.

But more important was the change of heart on the part of the authorities. They felt that they could not hereafter ignore complaints of the people, and had to be cautious in all their moves. The Poznan uprising of June 28 also impressed the Soviet authorities. They came to recognize that the Poles could not be pushed easily, and that a certain amount of

XUM

freedom had to be allowed to the Polish Government. This meant considerably less dependence on Moscow.

Considering these gains on both the economic and political fronts, the Poznan uprising of June 28 was a significant event in the contemporary annals of Poland. We observe the 14th anniversary of that uprising as a milestone in the continuing struggle against Communist tyranny.

THE DISTRICT OF COLUMBIA CRIME BILL—A DRASTIC OVERREACTION TO A CRITICAL PROBLEM

Mr. JAVITS. Mr. President, the District of Columbia crime bill, now before the Senate-House conferees, has the noble goal of reducing crime in the District of Columbia. Unfortunately, it uses means which should give all of us grave concern. All too often the problems of the District of Columbia have been given little attention by the Congress, and often the attention given did more harm than good. The House-passed bill, H.R. 16196, fits into that category—it raises grave threats to constitutional liberties with little assurance that it will, in fact, reduce crime.

Certain of the provisions in H.R. 16196 dealing with court reorganization in the District, and expansion of the Bail Agency and the Public Defender System are valuable tools in the fight against crime and should be enacted into law. These provisions were in the series of bills that passed the Senate last fall. However, many other provisions which were not in the Senate bill but are in H.R. 16196 seriously infringe rights which should be guaranteed to all our citizens—including the citizens of the District of Columbia. I find the following provisions the most objectionable:

PREVENTIVE DETENTION

H.R. 16196 provides that a person may be detained prior to trial when a judicial officer determines, after a hearing, by clear and convincing evidence that no condition or combination of conditions of release will assure the safety of any other person or the community.

Persons subject to the provision must be either charged with a dangerous crime; charged with a crime of violence if the crime was allegedly committed while the person was on bail or other release from another crime of violence or was convicted of such a crime within the last 10 years; charged with any offense if threats to jurors or witnesses are involved; or a narcotics addict charged with a crime of violence.

At the hearing, representation by counsel would be afforded, and there would be a right to testify, present evidence, examine and cross examine witnesses. However, the traditional rules of evidence would not apply, and testimony given by the defendant could be used for impeachment purposes in any subsequent proceeding.

Persons detained under the bill's provisions, to the extent possible, are to be given an expedited trial. After the expiration of 60 days, the person must be treated in accordance with the provisions of the Bail Reform Act. In certain cases, this would not necessarily result in the release of an individual.

The preventive detention proposals raise serious constitutional questions in the areas of due process and the right to bail in noncapital cases. At this time, the issue of the constitutional right to bail under the eighth amendment has not been fully resolved by the Supreme Court, although the Court has recognized the traditional importance of bail.

However, serious fifth amendment questions of due process are raised, whatever may be the resolution of the eighth amendment question. The proof required at the detention hearing would not be based on objectively reviewable evidence but rather on evidence which can be assembled quickly and which can be very speculative since the rules of evidence do not apply. Preventive detention should not be based on this type of evidence.

Another drawback to the preventive detention proposals is that the courts undoubtedly will become even more congested, with the additional hearings required and attempts to get 60-day trials for all who are detained.

Based on the study commissioned by the Department of Justice itself, preventive detention is not justified. The study shows that 17 percent of all persons charged with a felony and released before trial are rearrested, but only 7 percent are rearrested for a second felony. Further, only 5 percent of those charged with a violent or dangerous crime under the new standards of the preventive detention provisions were rearrested for a second violent or dangerous crime.

A final drawback to the preventive detention proposals was pointed out by Charles V. Bennett, former director of the U.S. Bureau of Prisons, who stated that confining people to prisons and jails would only add to the crime problem because of the deplorable conditions that now exist, affecting the future behavior of all who are committed.

While some sort of civil commitment for the treatment of addicts might be desirable—if adequate facilities could be provided—jail detention of addicts will work in reverse. For all of the above reasons, the preventive detention proposals should be deleted from the bill.

More use could and should be made of supervised releases, expedited trials, and daytime work releases before resorting to preventive detention as it appears in H.R. 16196.

NO-KNOCK WARRANTS

H.R. 16196 contains a no-knock provision which would authorize breaking and entering into premises by law enforcement officers without any prior notice to the occupant, with a warrant or without a warrant if the officer reasonably believes that his identity of purpose is known, notice would be likely to result in evidence being destroyed or concealed, or notice would be likely to endanger the life of the officer or to enable the party to escape.

This provision must be viewed in light of its effectiveness and its limitation on the rights of us all—and not just on the rights of criminals. This no-knock procedure is primarily of use in the capture of narcotics and gambling equipment, even though it applies to all crimes. This is a drastic remedy which would not solve as many problems as it would cause. The most serious drawback is that it is a gross invasion of privacy. Furthermore, it would endanger the life of the officer breaking and entering. The black community of the District bitterly resents this as another device to be used against their liberties, and several leaders have called for shooting first in case of a break-in. Before we resort to such invasions we should search diligently for other solutions to the problem of narcotics and gambling. I do not believe this has been done. Therefore, I oppose the no-knock provisions in the bill which seek to expand the traditional common law circumstances for use of such searches.

WIRETAPPING

H.R. 16196 also contains provisions to allow wiretapping and other interception of communication after permission is obtained from a judge. Judicial authority for a tap can be sought for any number of offenses such as abortion, arson, blackmail, burglary, destruction of property in excess of $200, obstruction of justice, receiving stolen property in excess of $100, and other specified offenses. In cases of national security or in a conspiracy connected with organized crime, a wiretap could be conducted on the authority of a law enforcement officer, provided an application for order is made within 48 hours.

This provision would expand considerably the present wiretap authority which has heretofore been used primarily in national security and in organized crime cases. Under the bill, wiretaps can be used in a variety of offenses which are not generally planned in advance and do not lend themselves to detection by the use of such taps.

Again, this is an unwarranted invasion of privacy which will not materially aid in reducing crime and should be eleminated from the bill.

MANDATORY SENTENCES

The bill provides that upon a first conviction of a crime of violence while armed with a pistol or other firearm or imitation thereof, the offender shall be sentenced to a minimum of 3 years and a maximum of three times the minimum sentence normally imposed for the offense up to life imprisonment. After one prior conviction of a crime of violence, the minimum sentence must be 15 years. There is also a provision for mandatory life sentences for persons convicted of a violent crime for the third time, with no eligibilty for parole for 20 years. In the category of offenses covered by the mandatory life sentence fall assaults to commit an offense punishable by more thant 3 years in prison and burglaries. Senator ERVIN has pointed out that upon conviction of a third crime of pursesnatching, a mandatory life sentence would be provided by the bill.

I believe that it is most unwise to remove discretion in sentencing from

XUM

judges and to preclude consideration of the individual's background in sentencing. There is no evidence that longer sentences deter crime. In fact, the evidence seems to be that prison inevitably keeps individuals locked into a life of crime.

JUVENILE PROCEEDINGS

H.R. 16196 proposes that any child 16 or over who is charged with a serious crime be treated as adult and taken out of the jurisdiction of the juvenile court. There is no reference made to the past record of the child or to the strength of the evidence against the child. The bill also provides for a waiver to criminal court of juveniles 15 years or older who are alleged to have committed what would be a felony if committed by an adult. In order to avoid waiver, it must be shown that there are reasonable prospects for rehabilitation, and this places a heavy burden of proof on the child. Once waived to the criminal court, the juvenile court loses jurisdiction over the child for all future delinquent acts of any kind.

The bill also establishes a civil standard of preponderance of the evidence instead of the proof beyond a reasonable doubt to determine guilt in juvenile cases. The Supreme Court in the case of In re Winship has recently held that the proof beyond a reasonable doubt standard must be used in juvenile trials. I assume that the bill will be changed to conform to the Court's ruling.

In short, the provisions relating to juvenile offenders attempt to treat these offenders more harshly and tend to deemphasize the rehabilitative aspects upon which the juvenile court system is based. I do not believe that crime will be reduced by treating young children as adults and subjecting them to adult prisons.

PHYSICAL EVIDENCE

H.R. 16195 permits the performance of chemical, scientific, medical or other tests or experiments on designated premises, vehicles, objects or persons, incident to a search warrant. The provision would allow many persons to be detained and subjected to tests of all types when there might not be probable cause to make an arrest. The Supreme Court has suggested that a person might be fingerprinted in the absence of probable cause to arrest but the bill would sanction much more far-reaching practices which could very easily lead to abuse. The unwarranted invasions of privacy which would result outweigh any possible usefulness those tests might have in solving crimes.

COMMUNICATIONS WITH BAIL AGENCY

The bill contains a provision which permits information received by the Bail Agency to be used for impeachment purposes, in perjury proceedings and in trials for offenses committed during the period of pretrial release. This provision would surely undermine the effectiveness of the Bail Agency since defendants would be reluctant to say anything that conceivably could be used against them. The value of this type of information appears small since much other information is usually available for the purpose of impeachment. Thus, this provision probably will do a great deal of harm to the Bail Agency with a small benefit to be gained in return.

SUITS FOR UNLAWFUL ARREST

The bill provides that, in civil suits brought against a police officer for damages resulting from an unlawful arrest, reasonable attorneys' fees shall be awarded to the police officer whether he wins the suit or not. This will result in many citizens not daring to bring legitimate suits against police officers because of the additional cost it will involve. Municipal reimbursement of such costs, where the police officer wins and he has had no government defense, is preferable.

CONCLUSION

I have listed certain of my objections to H.R. 16196 which seeks to reduce crime in the District but in its present form may create more problems than it solves. I firmly believe that what is needed are effective police action and greater use of the many weapons which are already available to the courts, the police and law enforcement agencies. Finally, it should be pointed out that the black community of the District, which represents over 70 percent of the population, greatly fears and distrusts many provisions of H.R. 16196 on the basis of their long experience with the police. The fact that many of the provisions in the bill will be used only in the District at this time tends to confirm their suspicions. Police-community relations play a vital role in law enforcement and these provisions would greatly undermine whatever good relations may exist at the present time.

Therefore, I urge the Senate conferees to seek to eliminate these undesirable provisions contained in H.R. 16196.

HEALTH BUDGET CRISIS—SCHOOLS OF THE HEALTH PROFESSIONS

Mr. KENNEDY. Mr. President, the economic plight of our schools of the health professions has reached crisis proportions. At a time when we need greater numbers of health professionals to improve health care, the administration's budget request for such schools falls far short of the need that exists.

An excellent analysis of the problem and the unmet need is contained in the testimony last Monday by Dr. John A. D. Cooper, president of the Association of American Medical Colleges, before the Senate Appropriations Subcommittee. The statement sets forth clearly and strongly the problems that our medical schools face, and I believe it will be of interest to all of us concerned with the quality of health care in America. I, therefore, ask unanimous consent that Dr. Cooper's testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF DR. JOHN A. D. COOPER, PRESIDENT, ASSOCIATION OF AMERICAN MEDICAL COLLEGES, WASHINGTON, D.C.

Mr. Chairman and Members of the Subcommittee: I am John A. D. Cooper, President of the Association of American Medical Colleges. I am grateful for this opportunity to comment on some of the elements of the Labor-HEW Appropriations Bill for Fiscal Year 1971 and their critical importance for medical education, biomedical research, and the institutions involved.

First, for the Subcommittee's information, I should like briefly to describe the Association of American Medical Colleges which we represent. The AAMC is the national organization encompassing all of the 107 medical schools of the nation, 390 of the major teaching hospitals, and 38 academic medical societies which represent the faculties of these institutions. The primary objective of the Association is to advance the medical education, research, and the health service functions of the institutions involved as a vital and essential component of the effort to improve the health and well being of the people of this Nation and mankind as a whole. Our purpose in speaking here today is to contribute to the development of policies and levels of support which will make the achievement of this overall objective possible as a prime matter of national interest. We sincerely believe, and we hope to convince you, that the fulfillment of this objective is a matter of the highest priority for the nation as a whole.

Our constituent medical schools and their teaching hospitals are responsible for the undergraduate and graduate education of all the physicians this country produces. Their graduate programs in the medical sciences prepare most of the scientists, clinicians, and teachers upon whose shoulders the further development of medical education and research rests.

As a by-product of these educational activities, large numbers of individuals are trained in other health professions increasingly vital to modern health services. This Subcommittee knows well the role played by medical schools in research and in the advancement of knowledge and technology, which are eventually translated into better health services for all Americans. Measured in terms of national expenditures, better than four-fifths of the nation's medical research is carried out in the laboratories and clinics of our constituent medical schools and their hospital affiliates. This deep ongoing involvement in research has continued to produce the diagnostic, therapeutic, and preventive advances that have revolutionized the nature and enhanced the effectiveness of the nation's health services. It is this research activity that has made American medicine the finest in the world.

The teaching hospitals and clinics which provide the setting for the clinical experience essential to medical education and the laboratory setting for the study and treatment of diseases also make a substantial and little-appreciated contribution to the nation's health services and to the rendition of medical care. Involving 220,227 beds, admitting 5,305,275 patients per year, and providing service through 30,787,967 out-patient visits, these institutions represent—in addition to their primary teaching role—a significant segment of the nation's community service both in terms of the proportion of the care they provide and in the exemplary and innovative nature of the services themselves.

Mr. Chairman, I have set forth this summary description only to be able to emphasize in my following remarks the critical connection that exists between the funding levels proposed in the HEW appropriations bill and the vital role in the national health setting served by the community of institutions for which we speak today. In this context, I should now like to turn my remarks to the relationship between the provisions of this bill and the key health problems which these institutions must face and attack.

THE PROBLEM OF THE SHORTAGE OF PHYSICIANS

Of all the problems that combine to constitute what the President and many others have referred to as the "Crisis in Health,"

XUM

the shortage of trained manpower is generally acknowledged to be the most acute. Most critical of these shortages is the M.D. shortage, which persists despite a long-standing public awareness and continued efforts to remedy it. The initial legislation authorizing national action to expand the number of physicians graduated, the Health Professions Education Assistance Act, was enacted in 1963 and amended in 1966 and 1968. In the seven years that have elapsed, substantial increases in the number of students entering medical schools have been achieved.

Based on admission activity thus far, it is estimated that the entering medical school class in the fall of 1970 will total 10,500 students. This constitutes an increase of 2738 first-year places over the first year enrollment in 1963 of 8772 students. In other words, under the institution and expansion program authorized in 1963 and with the aid of the newly inaugurated Physician Augmentation Program, the entering class capacity of U.S. medical schools has been increased by over 31 percent in the past seven years.

This record, Mr. Chairman, presents us with the key question: Why, after these seven years of apparently sustained effort to increase the numbers of physicians, is the nation still confronted with a serious and apparently growing shortage of M.D.'s? It is of the greatest import that this Subcommittee understand some of the reasons underlying this situation. Permit me to suggest three of the most obvious.

First: Demand for physicians' services has increased at a dramatic and unprecedented rate during the last decade. Two major factors contributed to this accelerated growth: Thanks to the latest advances in medical science, medicine has achieved a much-increased capability in dealing with disease and has generated a very high degree of public expectation that all people may share in the benefits of this progress. In addition, major financial barriers to full access to medical care, especially for the aged and the needy, have been removed for the most part by programs like Medicare and Medicaid; this has resulted inevitably in a much greater requirement for physicians' services. These dual developments are, in their way, a kind of testimonial to this nation's progress in medicine, one owing to biomedical research, and the other to political and social advance. These are obviously changes for the better; but they pose challenges which must be met if the change for the better is to be fully realized.

Second: Progress in medical capability and in the removal of arbitrary financial barriers to sound care has served to reveal clearly and sharply the limitations and inadequacies of our traditional methods for meeting the health-care needs of our population. The most serious fault in the current pattern in health services is the poor utilization of both manpower and facilities. In a time of increased demand for physician services, we have no means to assure that the increased number of physicians being trained will be distributed where they are most needed or that their services will be most effectively utilized. The solution to this problem is clearly not within the scope of medical education, since the medical schools have no means of insuring a better distribution of M.D.s. Obviously, a whole new consensus on the scope of national action in the health field will have to be achieved, perhaps to be reflected through the institution of programs of special subsidy, before any inroads on the distribution can be made

Third: Admitting the contribution of the two previous factors to the continuing problem of the M.D. shortage, I believe that the single most crucial determinant of the situation we face is our utter failure as a nation to make the M.D. shortage a high-priority item in the expenditure of our efforts and resources. In other words, gentlemen, we simply haven't put enough money into existing programs to accomplish the task before us; and this is what brings me directly to the purpose of our appearance before you today.

Despite all of the statements that have been made about the shortage of physicians and despite the best and wisest intentions of the Legislature in providing needed authorizations, the Executive Branch has never requested sufficient funds nor has the Congress appropriated the amounts required to enable medical schools to launch the kind of swift, head-on, and concerted attack that would effectively close the widening gap between supply and demand.

CONSTRUCTION OF TEACHING FACILITIES

Since the passage of the Health Professions Education Assistance Act in 1963, the cumulative total of the annual appropriations authorized therein for the construction of teaching facilities for the health professions through Fiscal Year 1970 amounts to $678,100,000. Corresponding authorizations amount to $825,000,000. I think it is generally agreed that at the time of enactment those authorizations were regarded as barely adequate to meet the needs then perceived, let alone the needs of this present day.

In the bill now before the Subcommittee, the appropriations request for the construction of teaching facilities for the health professions totals only $118,110,000, which is $107 million below the Fiscal Year 1971, authorized ceiling of $225 million for this program. It is also disconcerting to note that this FY 1971 request represents only 55 percent of the authorized level, a sharp down ward contrast to the 70 percent relationship between appropriations and authorizations in FY 1970.

The utter inadequacy of these levels of funding is clearly conveyed by the fact that the NIH now has before it applications for construction assistance which have been recommended for approval by the National Advisory Council totaling $600 Million against the 1970 fund level of $118.1 million, or $126.1 million if we include nursing schools.

Permit me to convey the inadequacy of these funding levels even more clearly, more graphically. On May 5 of this year, only a few weeks ago, NBC devoted a portion of its First Tuesday program to a documentary analysis of some of our health care problems. How many members of this Subcommittee saw the crumbling, makeshift classroom of a leading Mid-western medical school? How many saw a group of graduate medical students in the corridor of a teaching hospital attempting in vain to get some information from their cardiology professor over the noise and bustle of their hectic surroundings? Better yet, how many Americans who have become, quite properly, accustomed to thinking of this country as the most prosperous and perhaps the most medically sophisticated nation in the world, were treated to the sorry spectacle of the dilapidated facilities which, in too many parts of the country, have come to characterize the physical plant of our health establishments? I think, Mr. Chairman, that we can do better in 1970 in these United States where our Gross National Product verges on $1 trillion, than to re-create the physical conditions for medical education which prevailed in many an underdeveloped country at the turn of the twentieth century. But we can only do it if we have more money.

As I emphasized in my previous appearance before this Subcommittee, this grant program for the construction, renovation, and alteration of teaching facilities for the health professions is the backbone of our efforts to expand physician production. If the medical schools are to do the job of increasing their enrollments, at a rapid pace, they must be able to expand their existing facilities at a similar pace or else the job cannot get done. We desperately need more classrooms, more lecture halls, and more facilities for self-instruction.

Not only do we require the expansion of existing facilities, but, if the facts are to be accorded any weight, we require the building of completely new ones; for instance, there are still five states in the nation without a medical school or teaching hospital. The Carnegie Commission on Higher Education, in response to this situation and in recognition of the overall predicament we face, has recently called for the establishment of at least ten new medical schools beyond those new schools now under development.

Moreover, we are gravely concerned that the appropriations for the Health Professions Educational Assistance Program which is under consideration by this committee are inadequate for another major reason. It has been indicated that the Administration has recommended a program reduction of $33 million in the 1971 obligation level to reflect a transfer of support for construction grants to teaching hospitals and to substitute for these grants eligibility for guaranteed loans to teaching hospitals through the Hill-Burton program. The Association believes that this recommendation, if implemented, will seriously cripple the attempts which teaching hospitals are currently making to expand their educational and service responsibilities. There are two primary reasons which we believe particularly persuasive in this consideration.

One, several state statutes prohibit borrowing and/or the funding of depreciation by state institutions. Such institutions could not utilize a guaranteed loan mechanism. Secondly, most teaching hospitals have operating losses which prohibit them from using depreciation income to amortize loans because these funds must be used to cover operating deficits.

Mr. Chairman, I submit to the Subcommittee the impossibility of meeting our obligation to expand the physical plant of medical education at the levels of funding envisaged in the Administration budget for FY 1971. In view of the economics and the urgent task ahead of us in supplying the nation's need for M.D.s, I ask that the Subcommittee recommend an appropriation of $225 million; namely, the authorized ceiling for the construction of teaching facilities for the health professions in FY 1971.

INSTITUTIONAL AND SPECIAL PROJECT GRANTS

Health professional education has always been the most expensive area of higher education; costs have increased at a substantial rate throughout the post-war period. The inflationary price-wage trend has, of course, been an important factor in these increases. Perhaps of greatest influence, however, has been the effect of the vast changes in the functions, programs, and services involved in present-day medical education. These changes are impressively reflected in the magnitude and diversity of the activities of the present-day university medical center. Thus, present-day medical education is enveloped in an extraordinarily complex and inter-related sets of educational, research, and service activities serving many public needs. This process of expansion has been supported through many diverse sources not the least of which is represented by federal funds. There have been two salient consequences of this development:

The rate of change has been so rapid that it has been almost impossible to take note of the instability which has continued to characterize the funding of the educational function,

The whole structure of the academic medical center is so unitary, that any diminution of support for one of its programs, must have immediate and pervasive effects upon the integrity of the entire structure and its capability to perform its many other functions.

XUM

Mr. Chairman, this is the dilemma which American medical schools confront today; operating costs have risen at unprecedented and unanticipated rates; the substantial and heretofore stabel flow of funds for research support is being cut back.

Fiscal needs and social pressures are drawing the schools into an ever deeper involvement with community health problems thus adding a whole new dimension of community service responsibilities, for which there is little new support, to their burdens. The national clamor for more health manpower has called forth little recognition of the perilous financial instability of the entire framework of medical education. The chief point, then, of this summary is the completely inadequate and unrealistic relationship between, on the one hand the levels of support already provided and newly proposed for Fiscal Year '71 under the Institutional and Special Project Grant programs of the NIH and on the other hand, the ultimate value and needs of these programs in the context of the institutional problems I have just described.

The Institutional and Special Project Grant programs provide the only direct Federal support to offset the increasing operating costs of medical schools thus enabling them to expand their enrollments and to improve their educational programs. In short, the Institutional and Special Project Grants are the very lifeline of sustenance for the advancement of medical education. Again, the cumulative appropriations for these programs since their inception in 1966 have fallen far short of the minimum needs reflected in the existing authorizations: $263,982,000 appropriated versus $317,000,000 authorized.

While we are pleased to note the proposed increase of $12,250,000 in the FY 1971 request for Institutional and Special Projects Grants, the total amount of $113,650,000 is still only 70 percent of the 1971 authorization of $168,000,000. Last year's appropriation, in contrast, represented 87 percent of the authorized ceiling.

As the subcommittee knows, institutional grants made under this program are distributed over all the health professions schools: medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, and veterinary medicine. The funds provided to date, of which only 45.7% on the average goes to the medical schools, are so inadequate as to thwart completely the chief purposes for which the program was brought into being.

The Special Project Grant provides the basic means to support the development of programs in new fields, to innovate in curriculum and teaching, and to assist schools in serious financial straits. Just as an indicator of the grim financial plight afflicting our medical schools, I can inform the Members of the Subcommittee that 61 medical schools, more than one-half of the total in the nation, have been awarded Special Project Grants on the basis of some condition of financial distress. This fact alone suggests the utter inadequacy of our basic support arrangements for medical education as they are presently conceived.

We hope that there will be a thorough examination of this grave problem during the legislative considerations to be given to the extension of the Health Professions Education Assistance Act in the coming year. A more realistic formulation for basic institutional support must be devised. In the meantime, unless we can provide support at the full levels authorized for Fiscal Year 1971, the need to offset financial distress will severely diminish the funds available to finance sorely-needed innovation, curriculum changes, and other new developments under the special Project Grants program.

Mr. Chairman, we hope that out of the legislative consideration soon to be given the extension of the Health Professions Education Assistance Act will emerge a set of support arrangements that will provide for basic operational costs as well as new program development, and thus prevent further competition between these two separate and distinct areas of need. In the meantime, these needs must be met in a way that minimizes such conflict; and this can only be accomplished through full funding. We therefore urge this Subcommittee to recommend the appropriation of the authorized ceiling for the Institutional and Special Project Grants, under Section 770 of the Public Health Service Act, namely $168,000,000.

SUPPORT OF MEDICAL RESEARCH AND TRAINING

Our academic medical centers are the single most important source of research activity and research information in medicine and the life sciences. The great progress in medicine that we have witnessed in our lifetime has been the direct consequence of the expanded scientific effort to discover the nature of disease and decipher the mystery of life. These advances have transformed our overall prospects for health and radically changed the character and quality of medical care and health services. Telling examples of the effects upon life-expectancy and health service demands made possible by the quiet advances of research are many.

The nation is now involved in major spending of substantial sums to care for people, especially children, suffering from mental retardation and other crippling congenital defects as a consequence of German measles. This should be viewed against the new possibility for the eventual total elimination of this health burden through the widespread use of newly developed vaccine against the German measles virus. The scientific knowledge that has made possible the successful development of this vaccine was accumulated over fifteen years in programs of wide-ranging fundamental research on the nature of viruses, the genetics of viruses, and the means to propagate them safely in the large quantities needed for vaccine production.

Similarly, Parkinson's disease, a progressive disabling disorder of the nervous system, long has made enormous demands upon the nation's health facilities and health personnel to provide the long-term nursing and domiciliary care required for thousands of victims of this disease. Federally supported research has now shown that the drug L-dopa is highly effective in controlling the debilitating manifestations of Parkinsonism. As a consequence many who suffer from this affliction will now become self-reliant and will be able to return to near normal activity, greatly relieving the need to care for them as invalids.

Beyond these examples, there is a long list of crippling diseases whose care under presently available knowledge and technology consumes a substantial portion of the nation's health expenditures because they afflict such a large proportion of the population. Included amongst these is rheumatoid arthritis, which, although now explicable under a newly developed viral theory that may one day lead to a preventive vaccine, continues to afflict better than 10 million people in the United States; diabetes mellitus, commonly referred to as diabetes, with approximately 5 million cases in the United States; and arteriosclerosis, a slow but sure killer of which there may be more than 50 million cases in the United States. In addition to their high cost, these diseases cause untold human misery and sorrow and kill off highly productive people in their prime.

The considerable dimensions of the essentially unnecessary and potentially controllable incidence of disease, disability, and death with which we must now contend is reflected by the fact that:

People under the age of 65 comprise two-thirds of all short-term acute hospital patient days.

On any given day, an average of 1,684,000 people in the nation's employed labor force are absent because of illness.

Forty-four percent of the entire population of the United States suffer from some chronic condition that imposes some degree of disability.

Fifty percent of all deaths are below age 70—the Biblically allotted life span.

Medical ability to prevent, treat or cure these diseases altogether is seriously impaired for want of any useful explanation of their cause or development.

Thus, our chief hope of halting the rising costs of medical care, diminishing the burden of illness or disability and forestalling premature death, lies in continued and substantial programs of medical research. Only through the acquisition of new knowledge and its application in more sophisticated technology can we hope to deal effectively with all aspects—prophylactic, diagnostic and therapeutic—of disease.

Government support for the scientific exploration of disease during the past two decades has brought us to the threshold of an era of unparalleled potential for biomedical research. From 1955 to 1967, largely through the programs of the National Institutes of Health, increasing annual commitments of Federal funds for research, education of biomedical scientists, and construction of research facilities made it possible for American universities and medical schools to broaden the scientific base for preventive and therapeutic medicine. The United States assumed undisputed leadership in biomedical and health research, evolving a system which was to become a paradigm for the entire world.

In order to retain that position of leadership we must endeavor to preserve the structural and procedural devices which have made that leadership possible. It would therefore be sheer folly in our otherwise commendable efforts to translate long-term research gains into immediate health care benefits, to sacrifice, by way of trade-off, the integrity of our biomedical research establishment. Unfortunately, the current parsimonious trend in budgeting for Federal health programs more than suggests the grave possibility that this nation's continued investment in the long-term advancement of the scientific base of medicine and health may be progressively dismantled.

In the five-year period 1965 through 1969, the total national expenditure, public and private, for medical care and health purposes increased from $38,900,000,000 to $63,000,000,000. The Federal share of this expenditure rose from $4.6 billion to $15.1 billion, an increase of over 330 percent. During this period of rapidly increasing health service expenditures, the nation's investment in medical research increased only 40 percent, from $1.8 billion in 1965 to $2.6 billion in 1969.

In proportion to total health expenditures, medical-research spending actually declined from a level of 5 percent in 1965 to barely 4 percent in 1969. Federal medical research expenditures, as a proportion of total Federal health expenditures, dropped from 24 percent to 11 percent in the same period.

This cutback in support for biomedical research was continued in the appropriations for Fiscal Year 1970 and is implicit in the President's request for Fiscal Year 1971. What is clearly overlooked in the budgetary planning which generated these figures, is the effect of wage-price inflation which has been conservatively estimated to be increasing at a rate of 6 percent per annum. The effects of this inflationary factor on funding for medical research is reflected in the following comparison between the budget levels proposed for the research programs of the National Institutes of Health and in Fiscal Years 1969, 1970, and 1971 with the amounts required to maintain the 1969 program level under a 6 percent wage-price increase:

XUM

	President's budget	Requirement to maintain 1969 level of research activity	Deficit in budget allowances
Fiscal year:			
1969	$1,002,537		
1970	973,749	$1,062,689	$88,940
1971	1,035,548	1,190,351	154,803

For Fiscal Year 1971, the figures include in addition to the inflationary allowance, the special programs increases proposed.

Beyond the failure to offset the function of inflation in substantially reducing the actual level of these vital research programs, the appropriation request for Fiscal Year 1971 now before the Subcommittee will have other unfortunate effects:

1. The General Research Support Program will be cut back by $12 million. If this cut is allowed to stand, it will result in the major erosion of a program which for almost 10 years has constituted the single most important source of institutional funds for the development and fortification of graduate research and educational programs along those lines best suited to each institution's particular needs and capabilities. This program has been the *sine qua non* for advancing the overall stability of the research and research training programs of our nation's medical schools and the proposed cut-back would be a dangerously retrogressive step in Federal university support policies.

2. The Administration budget proposes further reductions in the Fellowship and Training Grant Programs of NIH. These programs are the major sources of support for graduate and post-doctoral training in the medical sciences. The individuals trained under these programs form the first manpower pool from which the research investigators, education leaders, and clinical faculty needed to staff the new and expanded medical schools and their institutional counterparts in the other health professions must be drawn. Consequently, these cuts conflict directly with the efforts that would be undertaken under other programs supported in this bill to increase health manpower.

3. For the second year in a row, the President's budget makes no provision for the construction of research facilities. This program together with the research training programs of the NIH represents our investment in the nation's future medical capability. If we are to reap the promise of the progress we have made in the medical sciences thus far, we must continue the expansion of the basic resources required to insure further progress. Cessation of research facility construction will effectively halt the further growth of medical research in this nation because the need for new and expanded research space as well as the repair and renovation of existing space are at a critical stage. A recent nationwide study of the existing medical-research plant of the nation shows that to carry out urgently needed repairs and renovations, to relieve overcrowded facilities, and to assure proper housing of research animals, an addition of 14.8 million net square feet of space is required, estimated to cost $1.7 billion. This is to provide for our existing research programs without any provision for future expansion. Last year, and now this year under the President's budget, no new funds are available for this most essential program.

Thus in summary, the cumulative results of the abrupt slackening of financial support for biomedical research and training that commenced four years ago and the steady erosion of the system by inflation are becoming alarmingly evident:

Ongoing research programs of high quality and demonstrated merit have been curtailed; some are now threatened with termination by lack of funds.

Teams of scientists and technicians painstakingly organized over many years are being disbanded as their productivity is hampered by fiscal stringency.

Younger scientists are finding increasing difficulty in obtaining support for exploration of exciting new areas of great promise.

Training and educational programs, the vital sources of the academic cadre required to meet the nation's urgent and growing needs for more health professionals, are faltering; some have been forced to shut down completely because the support which brought them into existence has dropped below the point that enables them to remain viable and productive.

The vital base of medical education and research, which are indisputably symbiotic, is threatened with a growing instability dangerous to the continued operation of many schools.

Highly significant alternative approaches to the control of important diseases remain unexplored simply because there are no funds to sustain forward movement.

It would be tragic and at the very least ironic, if we were to allow this nation's long-standing and highly productive investment in medical research to dissipate by default and neglect at precisely that moment in history when our governmental commitment to the health care of the country's children, aged citizens, and disadvantaged groups is finally being nailed down and translated into ever-widening programs. How can the better delivery of health care to these groups especially, constitute anything like a medical "Bill of Rights" if that health care proceeds in the absence of the latest scientific knowledge? And what is the source of that knowledge, if not research? It is particularly ironic that it is this very commitment to health services that is offered as the reason for limiting budgets for health research. The educational and scientific lead times for improving health care are long, and false economy today can lead to the deterioration of our capability to cope with the problems of tomorrow.

We therefore urge the Committee to recommend that the appropriations for the Research Institutes and Divisions of the National Institutes of Health be increased by the amounts necessary to offset the 6 percent annual increase in price and wage costs over the Fiscal Year 1969 base. In doing so, we do not mean to imply that the 1969 figures were by any means optimal, but they at least represent the last consensus of legislature and executive on those levels of support which, in the context of a war-time economy and a severe inflation, could be justified as not incompatible with the survival of our biomedical research establishment. I might add here that the Association of American Medical Colleges has recently established a Biomedical Research Policy Committee under its Council of Academic Societies. This Committee is embarking on a thorough study of the question of the appropriate levels of support for biomedical research in this country. Through this means, we hope to provide a more rational basis for the development of national policy in respect to the support of the biomedical sciences. We shall be pleased to present the results of this examination to this Subcommittee when the study is completed.

In addition to an increase of 6 percent in the basic programs, we would like to see preserved intact the Administration-recommended increases over 1970 for the special emphasis research programs in the selected disease and health problems area, which hold the promise of immediate advance in our capability to manage them, i.e., major breakthroughs in the conquest of disease and disability. The Administration has very wisely singled out these programs for special fiscal support through additional funding.

We urge also that the General Research Support Programs be continued at a full funding level, meaning the same 6 percent annual increment, and that the full authorization of $30 million be appropriated for the Health Research Facility Construction program under Section 704 of the Public Health Service Act.

Student assistance

Adequate financial assistance for medical students is an inseperable part of the problem of expanding medical-school enrollment. We are committed to the view that such expansion should be based on the principle that all qualified students should be given a place in a medical school.

We believe American medicine should reflect the full ethnic, socio-economic, and geographic distribution of the American population. We are bending every effort to that end, at the same time that we are striving to maintain the very high standards of medical education.

A major effort is now being made to increase the matriculation into medical education of students from minority and disadvantaged backgrounds. This problem has just been submitted to intensive study by a group representing physicians, hospitals, minority groups, and medical educators. The report of this group recently released emphasizes that long-standing, arbitrarily imposed barriers to full equality of opportunity for the pursuit of careers in medicine must be promptly eliminated; to that end the report sets the goal of quadrupling (2.8% to 12%) the proportion of minority students in medical classes by 1975; it goes on to identify the main barrier to minority student enrollment in the medical schools as the inadequacy of financial aid available to them.

The levels of support for the Student Assistance Program in the Health Manpower budget for Fiscal Year 1971, can only work to aggravate what was already a severe situation in Fiscal Year 1970; these levels of support are so inadequate as completely to thwart the objective just stated, and to result additionally in the exclusion of students from middle income families from entering or continuing upon the rolls of our medical schools. Mr. Robert Shannon of the Student American Medical Association in testimony presented to this Subcommittee, states our position on student assistance, but we should like to emphasize the following elements for your consideration:

The Health Professions Scholarship and Loan Programs, initiated under the Health Manpower Amendments of 1965, as amended, authorize appropriations of $35 million for the loan programs and an amount for scholarship programs equal to $2,000 multiplied by 10% of the total health professions enrollment. Since there will be approximately 84,000 students enrolled in health professions schools in the academic year 1970-71, the authorization for this scholarship program would total $16,800,000.

Against the authorization of $35 million, the President's budget proposes $12 million for student loans, which is a reduction of $3 million from the $15 million level appropriated in 1970 and $14,500,000 from the $26,500,000 level of 1969. At the present time, the health professions schools of the nation have reported loan applications from students in excess of $43 million, almost four times the budgetary level proposed.

While the Administration proposed $15 million as the budget level for 1971 for the scholarship program, the amount required to meet the authorized allocation formula is $16,800,000. Thus, for these two critical student assistance programs, whose authorized levels total $51,800,000, the 1971 budget proposals would only allow $27 million, a deficit of approximately $25 million.

This level of financing for student assistance programs, in the face of persistent demands to expand medical school enrollments in a manner that increases the pro-

XUM

portion of minority and disadvantaged students, can only be viewed as unrealistic, if not disastrous in what it portends for the accomplishment of these objectives. It has been widely rumored that the Administration's intention here was to substitute the President's amplified guaranteed loan program, as outlined in his Higher Education Message of this year, for the Health Professions Scholarship and Loan Program which is the subject of this appropriation. I have references here to the guaranteed loan program under Title IV, Section 425 of the Health Education Act of 1968. Unfortunately however, this is just not a viable substitution because the guaranteed loan program, by its very nature, discriminates against the medical student with his long training period and uniquely high educational costs.

The maximum amount that a student may borrow under the guaranteed loan program is $1,500 a year with a ceiling of $7,500 upon a student's total borrowing power over the entire course of his undergraduate and professional education. These numbers must be set against the fact that in the academic year 1969–70, the average annual expenses for a medical student were approximately $5,000, or a total of $20,000 for the four-year M.D. program only, and these costs are expected to increase. The incompatability of the levels of support under the guaranteed loan program with the realities of a student's needs in financing medical education is all too clear. Moreover, if the President's revision of the guaranteed loan program becomes law (and his proposal would in no event take effect sooner than fiscal '72), the $2,500 annual ceiling coupled with a revised total borrowing ceiling of up to $12,500 annual loan ceiling coupled with a revised total borrowing ceiling of up to $12,500, would not be much more realistic in meeting the rapidly rising costs of medical education. Furthermore, as the guaranteed loan program is conceived, a student borrowing as an undergraduate may have used up all of his borrowing power before he even gets to medical school. This further militates against the substitution of this program for the health professions student assistance programs under discussion today.

Therefore, the need for substantially raising the levels of support in the President's budget for the health profession scholarship and loan programs, is clearly urgent; otherwise there arises the real danger that opportunities for medical education will be limited to those who can afford the high costs involved or bear the burden of borrowing in an inflationary expensive capital market, or yet to those very few needy students who can meet the eligibility requirements for the limited amount of money available under government loans and subsidies. As a result, a great number of potential students from middle-class families will, for the most part, be excluded. In the past, medical schools have been able to admit the most qualified applicants regardless of socioeconomic backgrounds. Now schools are being increasingly forced to use another admissions criterion—the ability to pay for one's own education.

We therefore urge, that the Committee recommend appropriation of the full authorizations for the Loan and Scholarship Programs and emphasize that these funds be administered to serve all needy students in the interest of assuring full representation of all Americans in medical school classes without the use of income limitations or other arbitrary devices that would have unavoidable discriminatory effects upon the medical schools' student body. An investment in human beings which allows them to work up to the limits of their intellectual potential, without reference to their ability to pay, is clearly a most worthwhile and essential national expenditure.

NATIONAL LIBRARY OF MEDICINE

The advance of medical education and research, and particularly the improvement of medical care and health services are heavily dependent upon the prompt and accurate communication of the latest scientific information stored in such a way as to allow for easy access by the entire biomedical and health community.

The National Library of Medicine and its programs stand at the center of this process. The enormous collection of medical writings held by the Library, its world-wide acquisition program, coupled with its bibliographic activities, notably the Index Medicus and MEDLARS, constitute the basic intelligence process of medicine not only for the United States but for the world medical community.

The influence of the National Library has been greatly extended through its grant program, which constitutes a key component in the continued growth of medical-library capability and resources throughout the nation. A new and exciting program of the National Library of Medicine is the development of a biomedical communications network through the Lister Hill National Center for Biomedical Communications. This program is aimed at linking all medical information sources across the nation through a system of modern communications and computer technology in a way as to permit a more complete sharing of theoretical knowledge and technological know-how. This system, not only promotes the best in medical education, research, and service but through the elimination of overlap and duplication of effort, makes possible substantial savings in money and utilization of manpower and facilities. Expanded support for this program would bring to American medicine the full benefit of contemporary information handling and communications technology.

A major setback in the development of the extramural programs of the NLM is the absence for the second year in a row of any budget request for the construction of library facilities. This is a grave loss for American medicine. In the midst of the information explosion, the failure to provide for an adequate framework of medical library facilities to serve education and research needs, as well as the more pressing needs of the physician and his other partners in the health services, can only be described as shortsighted and counter-productive.

We urge the Committee to increase the funding of the grant functions of the library of medicine by at least the 6% inflation factor over the FY '69 base to fund the operations of the Library at the level requested in the budget. The funds for the Lister Hill Center for Biomedical Communications should be doubled, and the programs for construction of medical library facilities around the nation should be given the full $11 million authorized for fiscal '71 under Section 393(1) of the Public Health Service Act, as recently amended by PL 91–212.

Hill-Burton program

The rising demands for admission to hospitals and for the services provided by outpatient clinics and emergency rooms are so well known they need little emphasis to the Members of this Committee. It does seem desirable to emphasize the critical importance of a great many hospitals, such as the members of the Council of Teaching Hospitals of the AAMC, as a setting for the education of medical students, interns and residents, nurses, technologists, and therapists in a number of disciplines. Expanding the capacity of hospitals to participate in the education of these health professionals is a critical part of the national effort to provide additional health personnel. The needs of the teaching hospitals to renovate or replace existing facilities or build new ones are very great, and the cost of construction continues to rise.

We believe that the appropriation request contained in the administration budget for support of the Hill-Burton program is unrealistic. There is authorizing legislation which has been agreed upon by both bodies of Congress, titled Hospital and Medical Facilities Construction and Modernization Amendments of 1969 (H.R. 11102) that addresses itself in a more positive manner to the urgent needs for hospital facilities. We urge this Committee to appropriate the authorized amounts contained in this legislation of $402,500,000 for the Hill-Burton grant program and $6 million for interest subsidies necessary to support the $500 million loan guarantee program. The Administration request of $5 million for interest subsidies for this program is based upon their recommendation of a $400 million loan guarantee program. A portion of the $5 million would also be used to subsidize loans to publicly owned health facilities under a a new program by which the public facility would issue the obligation representing the loan back to the Department of Health, Education and Welfare, which will increase the interest rate, guarantee the obligation, and sell it to a private investor on a taxable basis. An additional $30 million as a revolving fund will be required to purchase these obligations.

HEALTH SERVICES

The whole national effort to strengthen and expand medical education and to advance scientific knowledge and capability in the medical sciences through research is meaningful only as it helps to create a body of health services which can assure that the health needs of the American people will be met; in other words, that every person will have the opportunity to achieve the maximum possible physical and mental well being. The academic medical centers and teaching hospitals are an integral part of this process. Beyond their traditional role of training health manpower and conducting research, the medical schools through their teaching hospitals, clinics and medical care programs, are now involved directly in the community health scene. A major part of this involvement is centered around the delivery of health services; as noted in the earlier part of this statement, a significant proportion of all health services rendered in this nation is provided through these teaching facilities.

Medical centers and their affiliated teaching hospitals, are coming increasingly to play a role in the development of new methods and arrangements for providing medical care and health services. Their participation in the establishment of the neighborhood health center is only one instance of this activity. In addition to these activities, academic medical centers have assumed broad responsibilities in the area of continuing education and the on-going effort to improve the quality and scope of community health services.

These functions of the medical center are dependent upon the activities of Federal programs funded in this appropriations measure. Regional Medical Programs have provided the means for academic medical centers to translate the latest developments in diagnosis, therapy, and rehabilitation, as they have emerged in the academic setting, into broad applications on the community scene in such a way as substantially to diminish the toll taken by the major chronic diseases.

Comprehensive Health Planning has provided the framework for medical centers to participate in local and regional cooperative efforts to reap the maximum benefit from health facilities and resources and to provide for a more rational, tightly integrated structure in the delivery of community health services.

The National Center for Health Services

Research and Development has provided the leadership and support to extend the same kind of scientific approach to the problems of health services which has already been so successful in advancing the scientific understanding of disease, life processes, and therapeutic possibilities.

The programs of the National Institute of Mental Health have permitted academic medical centers to expand their capability in dealing with the acute problems of the mentally ill and to participate more fully in community efforts to understand and control behavioral problems such as drug abuse and alcoholism.

Thus, full funding for these key national programs in the health service area is essential to the nation's overall progress toward the objectives which form the basis of the national health expenditure.

SUMMARY

In this statement we have tried to identify those elements of the HEW appropriations bill before the Subcommittee which have a crucial impact upon the further development of medical education, medical research, and our national effort to improve health services. In the face of these great needs, we have urged a series of specific actions of the Subcommittee to take.

In summary, we urge that appropriations for the programs supporting the construction of health professions, teaching, research, and library facilities be funded at the full level of their authorizations. In like manner, we urge that the programs supporting institutional and special project grants for health professions educational institutions and for student assistance in the health professions area be allowed full authorizations. In respect to medical research, we have urged that the Subcommittee use Fiscal Year 1969 as a base year reflecting levels of support that were the free result of the Executive and Legislative action on budget requests and that this level be increased for Fiscal Year 1971 at a rate of 6 percent per annum in order to maintain a comparable level of research activity and offset the costs of inflation.

We have also urged full recognition of the vital part played by the programs of the National Library in medical education, research, and service; we have also stressed the innovative role and the even greater innovative potential of the Lister Hill National Center for Biomedical Communication, and have therefore advocated a doubling of its 1970 level of support. We have also asked the Subcommittee to accord full recognition of the seminal role of key programs of the Health Services and Mental Health Administration, since they constitute an indispensable component of our national effort to improve the public health. This Subcommittee's determination to meet these needs will articulate well with the unstinting effort that is being made by the nation's medical centers to serve the public demand for the realization of its medical Bill of Rights. The additional funds we request are therefore nothing less than the minimum acceptable investment in the rising stock of a healthy America.

Thank you, Mr. Chairman.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The PRESIDING OFFICER (Mr. McINTYRE). Two hours having expired the Chair lays before the Senate the unfinished business, which the clerk will state.

The LEGISLATIVE CLERK. A bill (H.R. 15628) to amend the Foreign Military Sales Act.

The Senate resumed consideration of the bill.

Mr. ERVIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. ALLOTT. Mr. President, I believe there is a unanimous-consent order of the Senate for the Senator from Colorado to be recognized at this time.

Mr. MANSFIELD. The Senator is correct.

The PRESIDING OFFICER. There is a previous order for the recognition of the Senator from Colorado.

Mr. MANSFIELD. Mr. President, will the Senator withhold briefly?

Mr. ALLOTT. I am happy to yield.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, the following request has been cleared on all sides. I ask unanimous consent that the Senate go into executive session to consider a nomination which was reported earlier today.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER (Mr. McINTYRE). The nomination reported earlier will be stated.

U.S. CIRCUIT COURT

The legislative clerk read the nomination of William E. Miller, of Tennessee, to be a U.S. Circuit Judge, Sixth Circuit.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate resumed the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. ERVIN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from North Carolina?

Mr. ALLOTT. Mr. President, may I inquire of the Senator from North Carolina for what purpose he wishes me to yield.

Mr. ERVIN. I want to make a speech.

Mr. ALLOTT. Mr. President, I am sorry. I also wish to make a speech.

The PRESIDING OFFICER. In accordance with the previous order the Chair recognizes the Senator from Colorado.

Mr. ERVIN. Mr. President, I ask unanimous consent that I may be recognized when the Senator completes his remarks.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, reserving the right to object, and I shall not object, I do want to bring up this matter this afternoon. How much time does the Senator request?

Mr. ERVIN. I would assume it would take me about 30 minutes or something like that.

The PRESIDING OFFICER. If there is no objection, the Chair will recognize the Senator from North Carolina at the conclusion of the remarks of the Senator from Colorado.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. ALLOTT. I am happy to yield.

Mr. BYRD of West Virginia. Mr. President, I think I have cleared this request with all sides.

I ask unanimous consent that beginning at 1:30 p.m. the amendment offered by the able Senator from Colorado be temporarily laid aside for 30 minutes and that there be controlled time on the amendment offered by the Senator from New York——

Mr. JAVITS. Make it 2 o'clock.

Mr. ERVIN. Mr. President, I object, because we have another order that I be recognized when the Senator from Colorado concludes.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD of West Virginia. Mr. President, will the Senator hear me out?

Mr. ERVIN. Yes; I will hear the Senator out, but I may state that I have been trying to get the floor for several days.

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, the proposition has been made that we try to take up the Javits amendment at this time. Perhaps the Senator from West Virginia (Mr. BYRD) will want to propose a unanimous-consent request. I have no objection to yielding the floor temporarily for the purpose of taking this amendment up for 30 minutes, provided I am recognized at the conclusion thereof.

The PRESIDING OFFICER. Is there objection?

Mr. ERVIN. Mr. President, reserving the right to object, what is the unanimous-consent request?

The PRESIDING OFFICER. Will the

Senator from Colorado repeat what the Chair took to be a unanimous-consent request?

Mr. ALLOTT. No; I think it is for the Senator from West Virginia to make the request. I simply said that I would have no objection to yielding the floor temporarily for such a request and the granting of it.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, beginning now, there be a time limitation of 30 minutes on the amendment offered by the able Senator from New York (Mr. JAVITS), the time to be equally divided between the author of the amendment (Mr. JAVITS) and the majority leader or whomever he may designate, and that at the close of the 30 minutes there be a vote on the Javits amendment, with the further understanding that the amendment offered by the senior Senator from Colorado be laid aside during that time, and that immediately following the remarks of the able Senator from Colorado, the able senior Senator from North Carolina (Mr. ERVIN) be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, if the Senator will yield, I would like to have a quorum call, either now or at the end of the debate, so I can have the yeas and nays ordered.

Mr. BYRD of West Virginia. The Senator can have them ordered now.

The PRESIDING OFFICER. That right exists.

Mr. ALLOTT. Mr. President, reserving the right to object, I think I am correct in saying that the yeas and nays may not be requested while this present unanimous-consent request is pending. I just want to be sure that part of the understanding is that I have the right to resume the floor after that.

The PRESIDING OFFICER. Under the agreement proposed, the Senator from Colorado would have that right.

Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The Chair will first ask the clerk to state the amendment.

The legislative clerk read the amendment, as follows:

> On page 5, between lines 17 and 19, after the language added by amendment No. 708, insert the following new sentence:
>
> "Nothing contained in this section shall be deemed to impugn the Constitutional powers of the Congress including the power to declare war and to make rules for the government and regulation of the Armed Forces of the United States."

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

Mr. President, the amendment basically to reserve without prejudice the powers of the Congress as they are set forth in the Constitution. I would like to read the words of the Constitution into the RECORD, because I think that is the way in which to make my purpose very clear:

The war powers of Congress are specified in section 8 of article I. The critical powers, which I feel are most pertinent to this debate, are as follows. First:

> To declare War, grant Letters of Marque and Reprisal and make Rules concerning Captures on Land and Water.

Second, Mr. President:

> To make Rules for the Government and Regulation of the land and naval Forces.

Those are the particular powers to which my amendment refers. There are other, equally important powers in this section of the Constitution. My amendment makes reference to all of them. It singles out these two because, I feel, they are most pertinent to potential adverse interpretations of the language of the Byrd amendment.

I am deeply indebted to my legislative assistant for foreign policy, Peter Lakeland, who has been indispensable in the development of this thinking.

My amendment comes in response to the contiguity of the Byrd amendment and the amendment of the distinguished majority leader, and the possible prejudice impact of that cumulative language.

It will be remembered that the majority leader's amendment read:

> Nothing contained in this section—

That, is the famous Cooper-Church amendment—

> shall be deemed to impugn the Constitutional power of the President as Commander in Chief.

I supported that, Mr. President, because I thought that the President was entitled to that, in view of the rather new exercise of the power to limit his actions in Cambodia through the use of the appropriations power.

Then, Mr. President, the language of the Senator from West Virginia (Mr. BYRD) came along, and that said:

> including the exercise—

The word "including" is very important—

> of that constitutional power which may be necessary to protect the lives of United States armed forces wherever deployed.

I found that idea appealing at first glance as did many Members of the Senate. However, I thought more, and voted against the amendment.

On deeper reflection, I was very deeply troubled by what I considered to be our moving into yet another field, which was to define what the Commander in Chief's power meant, because we were not at the same time defining what the power of Congress meant. Also, by saying what it does, that is, recognizing, an authority of the President to protect the lives of U.S. forces wherever deployed, I thought, we were again writing a blank check. The language certainly left too much open to the President, in terms of defining his authority as broadly as he saw fit.

The Senator from Arkansas (Mr. FULBRIGHT) was, I think, quite right when he said, "This is like Gulf of Tonkin; it looks good; it is appealing. You find it difficult to vote against it. And yet, when you read it literally, it worries you, just as Gulf of Tonkin did."

The President, under Gulf of Tonkin, was given the authority to use the Armed Forces of the United States open-endedly and pretty much as he chose in Southeast Asia.

As I pointed out in discussing it in the debate here awhile ago with the Senator from West Virginia and with others, it is not the fact that I question the duty of the Commander in Chief "to protect the lives of U.S. Armed Forces wherever deployed." Of course the Commander in Chief has that duty, as does the commander of a company or a squad.

But, Mr. President, it is the question of no ceiling on the exercise of this duty that has worried me so much. Is there any? Or can a President, simply by getting himself into a situation "designed to protect the lives of U.S. Armed Forces wherever deployed"—and remember we have forces deployed virtually everywhere—do whatever he thinks fit, with no checks or balances? When he gets into such a situation, as I said a minute ago, "At what cost, Lord, and how long?" Is there any limit at all?

The whole system of our Government is designed the other way—the whole historic system of checks and balances. And, the most careful, explicit, and detailed checks on the Executive written into the Constitution are those dealing with the war powers.

If Congress would utilize its constitutional powers, it could impose a ceiling in time, a ceiling in treasure, through the appropriations power.

The Congress has many other powers under the Constitution. I feel that if we are going to make special reference to his duty as Commander in Chief to protect the lives of U.S. Armed Forces wherever deployed, we must say that Congress by so stating is not defining away its own powers.

Mr. President, I hope very much that we will define these congressional powers. I detect a real feeling in this Chamber in favor of that objective. This, too, may involve tremendous debate, but it will be a historic point of departure for our country. And it will be a historic point of departure in world history, because the tragic history of our world has been drenched with blood by wars made by rules rather than by peoples, and, that is really what we are trying to cope with in invoking these constitutional powers.

So, Mr. President, all that my amendment seeks to do—as I developed in the colloquy with the Senator from Iowa (Mr. MILLER), the Senator from West Virginia (Mr. BYRD), the Senator from Kentucky (Mr. COOPER), the Senator from Illinois (Mr. PERCY), and many other colleagues, with the fine statement of the Senator from Idaho (Mr. CHURCH)—is to make it clear that the definition, in practice under contemporary conditions, of the respective war power is a task which remains to be faced. It must be faced without prejudice to the powers of either side.

XUM

I thought that the Byrd amendment language, if left unbalanced, might be prejudicial.

I felt that if we tried in any way to qualify what Senator BYRD has written, we could be in worse trouble. So the best way to do it is simply, for the present, to reassert and reserve without prejudice the constitutional power we have; to state explicitly that we have given none of it away by virtue of what we said in the Byrd amendment.

We will come, in my judgment, to the ultimate decision as to the delineation of the respective war powers, how they should be defined, and what we do in the modern day, when it may be unwise, in juridical and in policy terms, to declare war. The Constitution does not give us clear guidance as to how this should be done, in our present circumstances.

Soon we must face the task of redefining—or defining, because we have never defined them before—what powers are the powers of the Commander in Chief, what powers are the powers of Congress, where one stops and the other begins. I have introduced a bill, S. 3964, which could do this—in a way I feel satisfactory to all sides. In the meantime, we must at least preserve the situation unimpaired, unprejudiced by anything which we may do while we find our way out of the immediate emergency, which is the Vietnam war.

That is the purpose of this amendment. It has no other purpose. I hope very much that, as apparently is the case, it will find general favor with the Senate.

Mr. CHURCH. Mr. President, I, too, hope that the amendment offered by the distinguished Senator from New York will find unanimous favor with the Senate today. I could not vote against it, because a vote against it would be a vote against the Constitution. I could not vote against the Mansfield amendment, as modified by the Byrd amendment, because I believed a vote against it would be a vote against the Constitution.

Inasmuch as we chose to adopt the Mansfield-Byrd amendments, we should proceed, in the interest of balance, to adopt the Javits amendment, thus giving explicit recognition to the fact that the Constitution does confer certain powers upon the Presidency and certain powers upon Congress when it comes to warmaking.

As the Senator from New York has pointed out, Congress should proceed, in the coming months, to a more precise definition of these powers. As for now, however, I am happy to see that the Senator from New York has proposed this amendment. It brings back into proper equilibrum our consideration of the Cooper-Church amendment.

As originally proposed, the Cooper-Church amendment was not to define the warmaking powers of Congress, whatever they may be; nor was it to define the powers of the President as Commander in Chief, as conferred upon him by the Constitution. The purpose of the Cooper-Church amendment, from the beginning, was to assert a certain power that everyone recognizes belongs to Congress. The Cooper-Church amendment was to impose certain limitations upon the use of public money. No one argues that the President can spend public money in ways which Congress prohibits. I do not know why this should be such an obscure point.

If, for example, the Constitution conferred upon the President the right to occupy the White House, then it would follow that Congress could not deny the President occupation of the White House. Yet, it does not follow that the President could then pay, with public money, all the bills associated with the heat, the lights, the servants or the gardeners, unless Congress chose to furnish the public money with which to do so.

Such is the case with Cooper-Church amendment. Looking explicitly to those powers that belong to Congress alone, we have said that on and after July 1, 1970, no public money shall be available in this or any other act for the purpose of retaining American forces in Cambodia, for the purpose of furnishing American advisers or instructors to Cambodian forces, for the purpose of hiring and paying for mercenaries to fight for Cambodia, or for the purpose of engaging in combat activity in the air above Cambodia in support of Cambodian forces. What could be clearer than that?

The money is simply not available, unless it be contended that the President has inherent powers to spend public money regardless of limitations imposed by Congress. This is a proposition that no constitutional authority, certainly no Senator, has stood for at any time durnig the debate. Perhaps we can return to the real substance of the Cooper-Church amendment, which remains untouched. The four substantive provisions of the Cooper-Church amendment are the same now as they were on the day the amendment was brought to the floor of the Senate 7 weeks ago.

There has been much confusion, much distortion, and much beclouding of the issue. Ambiguity and subtlety usually accompany constitutional discussion. However, the substance of the amendment remains unimpaired, and I hope that this will be clear, when we come to a final vote next week. We are engaging in the exercise of a power that belongs exclusively to Congress—the power to determine how and under what circumstances public money will, or will not, be spent; the power to prohibit the expenditure of public money for certain purposes.

These purposes, of course, are well known. Our objective is to set the outer limits, by pulling tight the purse strings against the creeping involvement of American forces in a widening war in Indochina. We permit the current operation in Cambodia to be completed, after which we provide that no public money will be available for the particular activities that are specified in the amendment, the kind of activities that drew us, step by step, into the bottomless morass in Vietnam.

We do not want Cambodia to become another Vietnam; we do not make public money available for that purpose. We say, in effect, to the President, "If you want to send American forces back into Cambodia, opening up a new front there; if you want to send them back in force for any protracted period of time; if you want to send American military advisers into Cambodia; if you want to hire mercenaries to fight for Cambodia; or if you want to engage the United States Air Force above Cambodia in support of Cambodian forces—if you want to take any of these steps which we think will entangle the United States in a new war on a new front in Southeast Asia, then you must come back to Congress and make your case. You must ask Congress to lift the limitations that are imposed by this amendment."

I am very happy that the distinguished senior Senator from New York helps to place this whole picture in proper balance again. I hope the Senate will adopt his amendment, as it has adopted the Mansfield-Byrd amendments. We can, at last, proceed to a final determination of the real question on the substance of the Cooper-Church amendment.

Mr. JAVITS. Mr. President, I thank the distinguished Senator from Idaho. I should like the RECORD to show that I hope the amendment will be referred to as the Javits-Mansfield amendment.

Mr. MANSFIELD. I am deeply honored, because I think it should be known as the Javits amendment.

Mr. CHURCH. Mr. President, I yield 3 minutes to the distinguished Senator from Arkansas, chairman of the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, I wish to pay my compliments to the distinguished Senator from New York for having thought of this language which I think puts the Byrd amendment into proper perspective. I am one of those who were extremely disturbed about the way the Byrd amendment would be ultimately interpreted. There were those who believed it would have no effect at all; that it was an innocuous repetition of what was obvious. But having seen how other laws or resolutions have been distorted in the past, and taking into consideration the circumstances of its attachment to the Cooper-Church amendment, I was extremely disturbed about it, as I expressed the other day.

So it gives me a great deal of satisfaction to see that the Senator from New York has brought in this additional amendment, which restores, I think, the balance between the legislative and executive branches, just as was contemplated by the Constitution itself.

As so often happens, if we carry on a debate long enough in this body, no matter how confused the discussion may at times become, sooner or later some Senator out of the 100 will have an inspiration that will find a way to clarify the situation. I think the Senator from New York has done that in this case.

He has stated what is obviously true—that we do not intend to impugn the proper role of the Senate in our constitutional system, a role the Senate sought to reaffirm last year when it passed the commitments resolution. Nearly everything we have done in the past year or so in this area has been a groping by the Senate to try to reestablish a balance in our constitutional system.

To digress a moment, it seems to me that the continual prosecution of war is absolutely antithetical to the preservation of a democratic system. I do not believe that we can preserve our democratic system if we continue to wage war around the world.

War is not compatible with democracy. I think that should be obvious from what is happening to this country. Most of the world today is ruled by military or other forms of dictatorships. As a matter of fact, it is doubtful that they can be ruled more satisfactorily in any other way. I sympathize with rather than criticize them for it because I do not think countries that have recently changed to military governments in a world dominated by huge military establishments can possibly make a democratic system function. Democracy flourishes only under peaceful conditions. The thrust of the Cooper-Church amendment and some of the other pending amendments is to hasten the reestablishment of peace. I think that is essential if we are to preserve our democratic system.

There are many ominous signs creeping into our national dialog these days. This morning in the Washington Post there are extensive extracts from recent statements of the Vice President. The Post likens him to a former Member of this body. I do not think that is a correct analogy. The Vice President is not a member of the legislative branch. Senator Joseph McCarthy was one of 100 Senators. While he could cause a great deal of consternation and unhappiness by his words, he was not a member of the executive branch and he did not speak for the real executive power in this country that could actually intimidate and directly control our citizens, or our business enterprises. There is a vast difference between the Vice President and Senator Joseph McCarthy. Vice President AGNEW speaks for the executive. He speaks for "the" executive power—the power backed by the FBI, the Department of Justice and all the courts and marshals of this land, and above all by 3½ million men armed by the most powerful weapons ever devised by the human mind and a vast technological establishment.

Speaking as he does as a member of the executive it is a far more dangerous situation, than when any Member of the Senate speaks or even has a hearing. What can the Senator do. The role of the Vice President is more reminiscent of Dr. Joseph Goebbels in the thirties than of Joseph McCarthy in the fifties, because he speaks for a different branch of Government than did McCarthy. It is a very dangerous way to approach public affairs if we wish to preserve our democratic system. Heavyhanded threats by members of the executive is not conducive to freedom of speech, free debate, or in short to the practice of democracy.

I believe that the amendment offered by the Senator from New York will put back into its proper perspective insofar as this bill is concerned the relative powers of the executive and the legislative.

I was deeply disturbed about the possible—and probable, I believe—interpretation of the Byrd amendment. The apparent acceptance of the concept that the Commander in Chief has all the power he needs without the approval of Congress to do anything he likes with our military forces, which now number some 3½ million men. To me, that would mean the end of our constitutional system, if it should be carried out to that extent.

I do not say that the sponsors intended it to be interpreted that way, but this sudden and almost unanimous flocking to the concept that the Commander in Chief can do anything he likes to protect our soldiers, wherever they may be, and that he can deploy them wherever he wishes—they are already deployed all over the world—leads to the conclusion that there is no practical limit to what he might do on his own initiative without consulting Congress.

I reject that view and I believe it is contrary to the Constitution.

There was even an intimation that it would be improper for the Senate to withhold any funds from him.

Accordingly, Mr. President, I congratulate the distinguished Senator from New York on his constructive amendment.

Mr. JAVITS. I thank the Senator from Arkansas.

Mr. President, I yield the remainder of my time to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. McINTYRE). The Senator from New York has no more time remaining. The Senator from Idaho has 5 minutes remaining.

Mr. CHURCH. Mr. President, I yield the remainder of my time to the Senator from West Virginia.

Mr. JAVITS. Mr. President, would the Senator from Idaho save 1 minute for the Senator from Colorado?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be 1 additional minute allotted to the Senator from Colorado.

The PRESIDING OFFICER. Without objection, 1 additional minute will be allotted to the Senator from Colorado.

Mr. BYRD of West Virginia. Mr. President, the war powers are shared by the President as Commander in Chief and the Congress.

Those war powers are set forth, insofar as the President is concerned, in paragraph 1 of section 2 of article II of the Constitution of the United States.

The war powers of Congress are set forth in paragraphs 11, 12, 13, 14, 15, 16, and 18 of section 8 of article I of the Constitution of the United States.

Mr. President, the Byrd amendment dealt only with the war powers of the President.

The Mansfield amendment recognized that nothing in this section—meaning section 47 of the bill—shall be deemed to impugn the constitutional powers of the President as Commander in Chief, period.

The Byrd amendment not only went to the recognition of Presidential war powers, as the Mansfield amendment did, but the Byrd amendment also recognized the authority of the President properly to exercise those war powers, under the Constitution, as Commander in Chief.

The amendment which has been offered by the able Senator from New York (Mr. JAVITS) reasserts the war powers of Congress under the Constitution of the United States.

I shall read, in part, the verbiage of the Javits amendment:

> Nothing contained in this section—

Again referring to section 47 of the Military Sales Act—

> shall be deemed to impugn—

Webster defines the word "impugn" as "to assail, cast doubt upon, to question, or to deny." So, in reality, Mr. JAVITS is saying in this amendment that nothing contained in this section shall be deemed to question or cast doubt upon or to deny or assail the constitutional powers of the Congress.

What are those constitutional powers? The able Senator from New York goes on to refer explicitly to certain of those powers: He says: "including the power to declare war."

That is a reference to paragraph 11 of section 8 of article I of the Constitution.

The Senator goes on: "and to make rules for the government and regulation."

That is a reference to paragraph 14 of section 8 of article I of the Constitution. The only change made in the precise verbiage of paragraph 14 by the Senator from New York in his amendment is in the words . . . "Armed Forces of the United States."

The Constitution makes reference to "the land and naval forces."

Thus, the amendment offered by the able senior Senator from New York merely reasserts the warmaking powers of Congress under the Constitution of the United States.

There was legislative history on the Byrd amendment. I think the intent of its cosponsors was clearly expressed in that legislative history. Nowhere did any of the cosponsors of the amendment express an intent to give the President any imagined powers to enter into new commitments, to enter into any new war, or to enter into any war for Cambodia. That intent was very clearly stated by the cosponsors of the Byrd amendment.

Thus, there should not be any question about the intent of the Byrd-Griffin amendment, inasmuch as such intent was stated in the debate preceding the vote thereon.

In summation, the amendment offered by the able Senator from New York does nothing to affect the Byrd amendment, which has already been adopted by a rollcall vote. The Byrd amendment went to the constitutional war powers of the President acting as Commander in Chief.

The Javits amendment goes to the war powers of Congress as set forth in the Constitution.

So, Mr. President, I wholeheartedly support the Javits amendment. I think it does bring a proper balance to the legislative history in connection with both amendments. I support the Senator's

XUM

amendment. I hope that the vote thereon will be unanimous.

Mr. President, I ask unanimous consent, if I may do so, with the approval of the able senior Senator from New York, (Mr. Javits) to have my name added as a cosponsor of his amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that the Senator from West Virginia (Mr. Byrd) be added as a cosponsor of my amendment.

The PRESIDING OFFICER (Mr. McIntyre). Without objection, it is so ordered.

The Chair recognizes the Senator from Colorado for 1 minute.

Mr. ALLOTT. Mr. President, in the minute I have, I want to make one or two observations. First of all, I concur with the general remarks just made by the distinguished Senator from West Virginia as to the effect of the Byrd amendment and the relation of this amendment to it.

I can support this amendment wholeheartedly. I asked for this 1 minute to explain this thought, that having done this now and reasserted the powers of each respective branch of the Government, I think it would be wise for us all to take a very good, hard look at the situation and try to avoid situations again where we have to start to try to define the powers of any department of the Government under the Constitution.

The interpretation and misinterpretation and the understanding and misunderstanding of the words can only stir up a lot of mischief which in the long run, I am sure, disturb the people of the United States as much as they disturb some Members of the Senate.

I hope the amendment will be agreed to.

The PRESIDING OFFICER (Mr. Cranston). All time having expired, the question is on agreeing to the amendment of the Senator from New York. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY: I announce that the Senator from Indiana (Mr. Bayh), the Senator from North Dakota (Mr. Burdick), the Senator from Connecticut (Mr. Dodd), the Senator from Louisiana (Mr. Ellender), the Senator from Tennessee (Mr. Gore), the Senator from Iowa (Mr. Hughes), the Senator from Washington (Mr. Jackson), the Senator from Minnesota (Mr. McCarthy), the Senator from Minnesota (Mr. Mondale), the Senator from New Mexico (Mr. Montoya), the Senator from Connecticut (Mr. Ribicoff), the Senator from Georgia (Mr. Russell), the Senator from Alabama (Mr. Sparkman), the Senator from Maryland (Mr. Tydings), are necessarily absent.

I further announce that the Senator from Mississippi (Mr. Stennis), the Senator from New Jersey (Mr. Williams), the Senator from Texas (Mr. Yarborough) are absent on official business.

I further announce that, if present and voting, the Senator from Louisiana (Mr. Ellender), the Senator from Iowa (Mr. Hughes), the Senator from Washington (Mr. Jackson), the Senator from Connecticut (Mr. Ribicoff), and the Senator from New Jersey (Mr. Williams) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kansas (Mr. Pearson), the Senator from Arizona (Mr. Goldwater), the Senator from New York (Mr. Goodell), the Senator from Nebraska (Mr. Hruska), the Senator from California (Mr. Murphy), the Senator from Vermont (Mr. Prouty), the Senator from Ohio (Mr. Saxbe), the Senator from Illinois (Mr. Smith), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from New York (Mr. Goodell), the Senator from Nebraska (Mr. Hruska), the Senator from South Dakota (Mr. Mundt), the Senator from California (Mr. Murphy), the Senator from Illinois (Mr. Smith), and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 73, nays 0, as follows:

[No. 181 Leg.]

YEAS—73

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Moss
Muskie
Nelson
Packwood
Pastore
Pell
Percy
Proxmire
Randolph
Schweiker
Scott
Smith, Maine
Spong
Stevens
Symington
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—27

Bayh
Burdick
Dodd
Ellender
Goldwater
Goodell
Gore
Hruska
Hughes
Jackson
McCarthy
Mondale
Montoya
Mundt
Murphy
Pearson
Prouty
Ribicoff
Russell
Saxbe
Smith, Ill.
Sparkman
Stennis
Tower
Tydings
Williams, N.J.
Yarborough

So Mr. Javits' amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Colorado (Mr. Allott) is recognized.

Mr. ALLOTT. Mr. President, I yield to the majority leader.

ORDER FOR ADJOURNMENT TO MONDAY, JUNE 29, 1970, AT 9 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9 o'clock Monday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PELL ON MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the disposition of the Journal, the distinguished Senator from Rhode Island (Mr. Pell) be recognized for not to exceed 40 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO ON MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the remarks by the distinguished Senator from Rhode Island (Mr. Pell), the distinguished Senator from Ohio (Mr. Young) be recognized for not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MATHIAS ON MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the remarks of the distinguished Senator from Ohio (Mr. Young), the distinguished Senator from Maryland (Mr. Mathias) be recognized for not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BYRD OF WEST VIRGINIA ON MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the remarks by the distinguished Senator from Maryland (Mr. Mathias), the distinguished Senator from West Virginia (Mr. Byrd) be recognized for the calling up of the conference report on the supplemental appropriation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIMITATION OF DEBATE ON CONFERENCE REPORT ON THE SUPPLEMENTAL APPROPRIATION BILL

Mr. MANSFIELD. I ask unanimous consent that at that time on the consideration of the report—and this has been cleared, I believe—there be a limitation of time of 30 minutes, to be divided equally between the minority leader and the manager of the bill (Mr. Byrd of West Virginia).

The PRESIDING OFFICER. Without objection, it is so ordered.

XUM

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

The PRESIDING OFFICER. Under the previous order, the Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, we are nearing the end of a long and important debate. This debate has been very thorough, as befits a debate that concerns issues of constitutional importance. Further, this debate has aroused strong passions on all sides. This, too, is fitting and proper.

We are dealing with the question of how to achieve what we all consider the most precious and most fragile thing which government can provide—stable and honorable peace. We would do no credit to our convictions, or to ourselves, if we did not invest our debate with a vigor appropriate to important discussions.

This debate has generated heat, and that is not bad, especially because this debate has also generated light on great issues. I, for one, have profited from a very gratifying series of letters from scholars who have been anxious to share their reflective judgments on the various issues we have been confronting.

It is very important that we understand the nature of the issues that are in dispute. There are really two kinds of issues.

On the one hand, we are dealing with constitutional issues. We are debating some measures which would make serious changes in the settled and proven role of the Commander in Chief. On this issue there are deep and serious and sincere disagreements. We cannot and should not ignore these disagreements.

But it is important to note that these deep disagreements have been revealed only because of a current disagreement about one part of American foreign policy in one section of the world. That is, we would not be engaged in this thoughtful debate on constitutional questions were some Members not deeply disturbed by the President's current approach to disengaging the Nation from the long war he inherited a year and a half ago.

There is a curious irony here. It is rare that Senators become so deeply divided on constitutional issues. Yet the current deep division stems from a relatively minor disagreement over means to an end.

Let us be very clear about this. One hundred U.S. Senators long for peace. They share with the President an intense desire to free American men from dangerous service in Vietnam. The differences that divide us are real enough, but they concern questions of means.

Still, these are very important questions and it is important for us to demonstrate that we can cope with them. It is important because frustration sometimes manifests itself in severe criticism of our governmental processes.

There are those who say that the American system does not work. They are alienated from the national political process for two reasons.

First, they say the institutions of the Government are unresponsive to the desires of the people.

Second, they say that the men who hold office in the institutions are inclined to place their own political interests over the national interest. They argue that the men in political offices at the national level are frequently more interested in advancing their private political fortunes than they are in advancing the public good.

Now let me be very clear about one thing. I think both of these contentions are absolutely wrong. I think the people who make such allegations are grievously mistaken. They are sadly underestimating the vitality of our institutions and the high dedication of the men in high public office. In addition, those who make such allegations against the men in public life are really making a severe and unfair accusation against the American people. They are saying that the American people elect bad men and tolerate inferior institutions.

Mr. President, I disagree with all of this. But I do not disagree with the fact that there is a significant minority among the young who do endorse these important misdescriptions.

Therefore, I think it is in the interest of the whole Nation that we demonstrate our responsiveness to large public concerns. We must demonstrate that there is more to our pronouncements than rhetoric. We must demonstrate a willingness—indeed a desire—to come to grips with matters that are complex and controversial.

Mr. President, that is what we should do. It is equally clear what we must not do. We must not appear to be dallying on great issues. We must not appear unwilling to confront the great on which we speak with most fervor. We must not allow a widening gap between our rhetoric and our performance. Most important of all, we must never do anything that would make it appear that we were holding up Senate business for private political profit.

Mr. President, I am confident that no Senator would contemplate holding up any Senate business for reasons of private political aggrandizement. Further, I am doubly confident that no Senator would allow private political considerations to make him reluctant to take up a piece of business which he considers of maximum importance.

I am even more confident still that no Senator would allow private considerations to control his readiness to consider a piece of important business when that Senator feels very strongly that there is a crying need to demonstrate to the young—the skeptical young who are watching us so closely—that we are ready to stand up and be counted on the issues of burning importance.

If we do not allow the pending amendment—the McGovern-Hatfield amendment—to come to a final vote—up or down—it seems to me that we encourage some persons to make false, but damaging and harsh judgments, about the ability—or willingness—of the Senate to respond in times of crises. If we fail to respond in moments like these we do nothing more than encourage frustration and cynicism among larger and larger segments of the national community.

Mr. President, despite what has been said on this floor these last few days, I do not think there are any cynical Senators. I am confident that only exhaustion, or the inevitable passion that accompanies a great debate, could lead one Senator to accuse other Senators of being cynical. I only hope that this sort of unfortunate lapse from courtesy will not incline the watching young people to ignore the generally high level of this vital debate.

More important, I hope that charges of cynicism do not encourage the young to look for cynicism in our dealings. I must speak frankly about my fears in this regard.

I am afraid that many of the young people who are watching the Senate may be very puzzled, indeed, if we terminate the current debate about Vietnam without giving comprehensive consideration to all relevant measures. This is especially vital in light of the fact that some of the relevant measures have attracted so much attention among the young. Moreover, some of these relevant measures have been backed by the energetic support—and the moneys—of citizens both young and old.

I do not think these measures are wise. Nor do I think they are backed by anything like a majority of the American people. On the contrary, it is clear that the majority of the American people support the President's disengagement policy and they endorse the traditional understanding of the broad powers attaching to the office of Commander in Chief—and, I might say, the powers of Congress as well. But one thing is clear. These sincere and honorable citizens have a right to expect that the measures they have so energetically and generously supported—and I am speaking specifically about the so-called McGovern-Hatfield amendment—will receive our prompt attention as integral parts of our systematic review of American policy on this bill.

Any failure to do so at this time would encourage several thoughs about cynicism. It would encourage some people to become cynical about the ability of Congress to engage in useful and orderly and comprehensive discussions of foreign policy. Obviously if Congress cannot do this, then it can have little role in the setting of such policy. Thus if we fail to act now on all relevent measures, we will weaken the credibility of Congress.

Second, if the amendment I proposed is not allowed to be voted up or down, many citizens—young and old—who are watching us now will conclude that there are some persons who do not want the Senate to make its feelings known. This will puzzle and sadden them. And it will be especially puzzling when they notice that some persons who favor passing this measure do not want to allow it to come to a vote.

Mr. President, I am afraid that their puzzlement may give way to cynicism, and even to anger, when they realize that some of the persons who will not let this matter come to a vote are per-

XUM

sons who just find it inconvenient to vote right now. And I am very worried lest they make a judgment—a judgment I think is quite false—that these people oppose a vote now because it would disrupt a conspicuous and successful drive for financial support.

To discourage such cynical judgments, and to demonstrate to the young our willingness to stand up and be counted, I hope we will all vote our convictions on this matter. I hope the Senate will vote to kill the amendment, and decisively defeat the amendment which I have offered.

Mr. President, I should like to say an additional word. I have before me a UPI news bulletin. I shall quote from it in part, but first I ask unanimous consent that the entire dispatch be printed in the Record.

There being no objection, the dispatch was ordered to be printed in the Record, as follows:

UPI News Bulletin

The Senate put off a vote until 1 p.m. Monday on the Allott amendment. At that time, opponents of the war will offer a motion to table it.

McGovern said there was no chance he and other sponsors of the original end the war amendment would let the Allott copy come to a vote Monday. He said he expected the tabling motion to be approved since many Senators on both sides of the issue do not want a vote now.

McGovern again attacked Allott's maneuver, calling it a "cynical power play" and warning that it would feed the doubts of student dissenters about the workability of the democratic system.

Mr. ALLOTT. Mr. President, I read, in part, from the bulletin:

> McGovern again attacked Allott's maneuver, calling it a "cynical power play" and warning that it would feed the doubts of student dissenters about the workability of the democratic system.

Mr. President, it is exactly this point to which I have addressed myself this afternoon. It has been said by proponents of the McGovern amendment that they want to offer it to the military procurement bill, and that I have been indulging in some kind of political hanky-panky on the floor of the Senate.

First, I quoted from the Record yesterday three instances—I could have quoted a couple of dozen—in which this kind of action has been taken, not only by the senior Senator from Vermont (Mr. Aiken), but also by the distinguished majority leader (Mr. Mansfield). I recall also that it was done by the late Senator Dirksen and many other leaders in the Senate.

A point I want to make is that I hope that whoever reads this statement will be clear that if there is justification for attaching this amendment to any bill at all, or choosing one bill over another, it does not lie to the military assistance bill; it does not lie to the military construction bill, to which its proponents say they want to attach it; but it probably lies as much to the defense bill. It lies either to the defense bill or to this very bill.

This amendment overhangs the conscience and the emotions of the people of the United States. This amendment has caused disruption in the United States. It misleads our enemy. It misleads him as to our purposes. Let no one make any error about it. There will never be any meaningful negotiations in Paris so long as an amendment of this type hangs over the heads of the U.S. Senate and, indirectly, over the heads of the people of the United States and over the powers of the President to disengage us from a very, very distasteful war, a war from which he would like to disengage himself as much as any other citizen of the country does.

Mr. YOUNG of North Dakota. Mr. President, will the Senator from Colorado yield?

Mr. ALLOTT. I am happy to yield to the distinguished Senator from North Dakota.

Mr. YOUNG of North Dakota. Mr. President, I commend the distinguished Senator from Colorado for bringing this issue to a vote. Our Nation has been badly divided, and it is becoming increasingly so, over the war in Vietnam.

The longer an amendment like this is pending in the Senate, the more our people will be divided. It is time that the Senate took a position on this question, so that the people of the country and the people of the world will know what the position of the U.S. Senate is.

I was opposed to our getting into this war, and I spoke out against it long ago. I do not believe we can set a date certain when we are going to get out of this war, and expect our enemies to negotiate either for a satisfactory end of the war or for the release of our more than 1,500 prisoners.

Mr. President, I ask unanimous consent to have printed at the end of my remarks a news report to the people of my State, explaining why I am opposed to this type of resolution. The report contains quotations of mine over the last 16 years in opposition to a war in Indochina. I particularly want that part included, which gives my reasons against setting a date certain as to when we must be out of Vietnam. Some persons now paint me as a war hawk, when my whole record has been the opposite. My thinking as to getting involved in this war remains the same—I differ with many though as to how we get out.

There being no objection, the news report was ordered to be printed in the Record, as follows:

On Capitol Hill With Senator Young—A Personal Report to the People of North Dakota

Everyone wants to end the war in Vietnam and bring our troops home at the earliest possible time. The only difference of opinion is how to do this.

Unfortunately, two former Presidents and other national figures mistakenly thought that we could win a decisive military victory in a matter of just a few months by use of American troops and with little help from the South Vietnamese army. Many of the same people who supported our involvement in South Vietnam have now completely reversed their position. They not only want to get out right away, but they want to set a specific date by which all of our troops must be out. Setting a specific date would, to me, be unwise. Knowing this, the enemy would certainly fight on at all costs until that date and would have little incentive to negotiate a settlement or do anything about releasing our more than 1500 prisoners.

I want to get out of this war, too, and at the earliest possible time. It is my hope that, after all our great sacrifices in blood and money, we will not just walk away from this war when there now is a good opportunity to salvage something from it.

While the Thieu-Ky government leaves considerable to be desired, it is by far the best that South Vietnam has had. In the past two years President Nixon's policy of helping the Vietnamese army become a strong fighting force with real confidence in its own ability has succeeded far beyond the expectations of most. President Nixon's Cambodian military operation has been very successful.

There have been many other favorable developments in Indochina in the last year, not the least of which has been the anti-Communist uprising in Cambodia. This has helped immeasurably in cutting off the source of supplies to the Viet Cong and North Vietnamese operating in South Vietnam.

President Nixon has already withdrawn 115,000 of our troops from Vietnam. With these new developments, South Vietnam is in a much stronger position to fight its own war, and now is the opportune time to step up our withdrawals. I shall urge President Nixon to accelerate our withdrawal of troops from Vietnam beyond his announced schedule of an additional 150,000 by May 1 of next year.

Because of my refusal to support legislation that would set a date certain for withdrawal—which I cannot help but feel would encourage the enemy to fight on until that date—many now are charging that I am a war hawk and not interested in ending this war. This is something I deeply resent. I spoke out against this war as far back as 1954 and many times since. This was when many of today's most vocal doves were enthusiastic supporters of this unwise venture.

Following are excerpts from several of my newsletters going back more than 16 years. These were sent to more than 50,000 North Dakotans and to the press both in North Dakota and Washington:

April 27, 1954. "We must count our foreign policy as a failure if nine years after World War II we cannot find enough people among the teeming millions of the Far East willing to fight the battle against Communist aggression. . . . I am unalterably opposed to sending our troops to another 'Hell hole' on the Continent of Asia." (This was when the French were losing their war in Indo-china.)

March 24, 1965. "It would be courting disaster to become involved in a jungle war with the hordes of Asiatic Communists in this, the most militarily untenable area in the entire world for us to fight."

June 30, 1965. "After all, it is the Vietnamese people who will have to win this war. . . . We will have to fight Communism for many years to come. The problem is so serious and the struggle so desperate that we simply cannot afford to dissipate our strength in areas such as Vietnam or the emerging nations in the jungle area of Africa."

January 26, 1966. "It is entirely possible that our forces will have to be expanded to 500,000 or possibly even more, depending on how deeply involved Communist China may become in this war. (This was at a time when we had 200,000 troops in Vietnam.) . . . There is probably no place in the world where the Communists have more advantages and we more disadvantages. This is one of the reasons why I was opposed to becoming involved in this jungle war. We must oppose the spread of Communist aggression, but I have always strongly felt that, with our limited manpower and financial resources, we should be more selective as to whom we help and where we fight the Communists.

XUM

> I have expressed my views through these newsletters and even in a personal visit with President Johnson early last year.
>
> "I am very much opposed to the President's request for $3.25 billion more than Congress provided last year for the Great Society programs. Sacrifices will have to be made if we are to successfully prosecute this war and not have run-away inflation or excessive new taxes."
>
> *April 13, 1966*. "Those who advocate that we must seek out and fight Communists in every rathole in the world should consider what importance it may have to our own national security, the cost involved, and our limited manpower and economic resources."
>
> *February 7, 1968*. "Our role in trying to police the entire world is getting us more deeply and seriously involved, and particularly in Southeast Asia and Korea. . . . Our military force there is one of the best the United States has ever put on a battlefield. They are doing a superb job under impossible circumstances. As important as the bombing is, this war will have to be won on the ground in the jungles of South Vietnam. Our peace offensive has not been as aggressive or as effective as our military efforts. While I was strongly opposed to our involvement in this war, I am not one who believes we can just walk away from it."

Mr. ALLOTT. Mr. President, I thank the distinguished Senator from North Dakota. It is a fact that his record is as he has stated. Having served with him on the Subcommittee on Defense Appropriations, I know that that is a fact.

The point he makes is true. So long as the McGovern resolution overhangs the Senate and the people of the country, we will never be able to negotiate seriously in Paris. By not acting on the resolution—and this is the reason I have called it up in the manner in which I have—we are saying to the North Vietnamese and to the National Liberation Front, if we adopt this amendment, "All you have to do is wait until 1970. You will not have to do anything; just sit awhile; we are going home. Then you can rush in and do as you please."

It is not likely that a boxer in the ring would tell his opponent that he was going to punch him in the nose with a left hook. One does not box that way.

When we are dealing with American lives, it is necessary to use all the strategy and acumen possible. I am sorry to say that relatively few Members of the Senate understand the oriental mind, understand the brilliance of their strategy—and it has been brilliant—and how the failure to appreciate it and meet it has led us to our present state of affairs.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. ALLOTT. I am glad to yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I commend the distinguished Senator from Colorado and support the action he has taken. The offering of the Allott amendment is an important step in the efforts to insure that the Senate will take a public position on the war in Southeast Asia.

It is impossible for me to determine what position the Senate will take. I do know that the Members of this body have deeply held and widely differing views regarding policies in Southeast Asia. But any power which the Senate may have over foreign relations is the power of the full Senate. It is not the power of any individual Member, group of Members, or particular committees. Therefore it is important that the position of the full Senate regarding foreign policy be expressed.

In the years I have been in the Senate, I have never questioned the sincerity of a Senator's position or attempted to impugn the motives of a Senator. While I disagree strongly with some of my colleagues concerning the war in Southeast Asia and have stated so publicly, I have on numerous occasions expressed my high esteem for the consistent position of many Senators with whom I disagree. I would hope that they will likewise respect the sincerity of my beliefs.

I was not a Member of Congress in 1964, when the Senate passed, with only two dissenting votes, the Gulf of Tonkin resolution in response to the President's call. Since I became a Member of the Senate, many Senators have called on the Senate to more positively exert its constitutional powers over foreign affairs. I do believe that the Senate should exert its constitutional powers just as I believe the President should be permitted to exercise his constitutional powers in an effort to meet the responsibilities given him by the Constitution.

But the powers which the Senate can exercise over foreign affairs must be exercised in a responsible manner. The Senate must take a position. The subject cannot remain unresolved forever.

The Senate is now engaged in its sixth week of intensive debate on the subject of our involvement in Southeast Asia. Southeast Asia has been a major concern to every Member of this body for years. I know of no Senator who has treated this subject lightly and who does not devote a major portion of his time to consideration of this subject. Therefore, I can think of no better time for the Senate to stand up and take a position expressing itself in Southeast Asia.

Wednesday the distinguished chairman of the Foreign Relations Committee, in reference to the McGovern-Hatfield amendment, stated:

> Whether you are for or against it, it is a matter of great importance because it involves the war; it involves 100 deaths a week of our boys and billions of dollars in money.

Wednesday, the able junior Senator from South Dakota said we should not be "playing fast and lose with the life and death issue of this kind which involves the safety and well-being of our forces in Southeast Asia." I heartily endorse both of these statements. For that very reason the subject should no longer be postponed. We must stand up and take a position now.

Our fighting men in Vietnam are entitled to know the position of the full Senate, as voted by its Members. The people of the United States are entitled to know the position of the Senate as a body. The President of the United States is entitled to an expression by the Senate. Our allies certainly are entitled to the same. And our enemies in Hanoi and their allies should be aware of the position of the full Senate.

The action of the senior Senator from Colorado gives the Senate an opportunity to take a position. The Senate should consider all proposals regarding Southeast Asia which are now pending and take action on them. When the Foreign Military Sales Act is passed by the Senate, I would like to be able to say the Senate has considered all of the proposals and, as of that time, has reached a decision which is the official position of the U.S. Senate as determined by the full Senate, exercising the powers granted to it over the foreign affairs of the United States.

It is my earnest hope that such Senate action will put an end to speculation throughout the world as to support or lack of support in the U.S. Senate for President Nixon's conduct of the Vietnamization program and withdrawal of American forces from Vietnam. Our fighting men would know where we stand and our enemies should not be misled.

The enemy should not be permitted to pick and choose among the various statements of our public officials to find those which may be twisted to serve Hanoi's goals and then maintain that these statements represent the views of the Senate.

The Senate should express itself. The Senate now should consider all the pending proposals and I support the Senator from Colorado's courageous step to see that this is done.

I thank the distinguished Senator from Colorado for yielding to me.

Mr. ALLOTT. I thank the distinguished Senator from Wyoming for his support. I concur wholeheartedly in his views.

Mr. ERVIN obtained the floor.

Mr. BYRD of West Virginia. Mr. President, will the Senator from North Carolina yield without losing his right to the floor?

Mr. ERVIN. With that understanding, I yield to the Senator from West Virginia.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, at the request of the distinguished Senator from South Dakota (Mr. McGOVERN), I ask unanimous consent that on Monday next, at the conclusion of the remarks by the able Senator from Maryland (Mr. MATHIAS), the Senator from South Dakota be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the remarks of the able Senator from South Dakota on Monday next, there be a period of the transaction of routine business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I further ask unanimous consent that on Monday next, in the event that the morning hour of 2 hours will have expired before the transaction of routine morning business will have ended, the period for the transaction of routine

XUM

morning business may continue until closed, and that at that time—but no later than 11 a.m.—the conference report on the supplemental appropriation bill be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. We have already entered into a time agreement on that conference report.

Mr. COOPER. Mr. President, reserving the right to object—there will be a vote on Monday morning?

Mr. BYRD of West Virginia. Oh, yes. All I am saying is that, on Monday next, upon expiration of the 2 hours which will comprise the morning hour, the unfinished business not then be laid before the Senate. We have already agreed to take up the supplemental appropriation conference report on Monday morning next under a 30-minute limitation. I want to make it clear that all special orders will have expired before the unfinished business is laid before the Senate on Monday next, which will be no later than 12 o'clock noon.

The PRESIDING OFFICER (Mr. CRANSTON). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. I thank the Senator for yielding to me.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. ERVIN. Mr. President, on May 18, I made some remarks in the Senate on the subject which has been under debate in this body for some weeks. In those remarks I detailed the circumstances of history which account for our presence at this moment in South Vietnam.

I also set forth my views with respect to the war powers of Congress and the powers of the President as Commander in Chief of the Armed Forces of this Nation.

I also set forth in detail my opposition to the Cooper-Church amendment and stated in essence that I supported the policy announced by President Nixon for the withdrawal of American forces from South Vietnam.

I do not wish to reiterate everything I said on that occasion. I do wish, however, to make my position clear on this matter.

To that end, I ask unanimous consent to have printed in the RECORD portions of my remarks on May 18.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

In January 1969, President Johnson was succeeded in the Presidency by President Nixon. After President Nixon's inauguration, our military policy began to change, with the word "victory" being replaced by the word "Vietnamization" of the war.

With this change of policy, President Nixon assumed the delicate and difficult task of extricating the United States from the war, while saving South Vietnam from military and political collapse.

President Nixon stated his views with respect to how we can extricate ourselves from South Vietnam in a way which would be consistent with what he deems to be sound principles. As I understand the policies which he has proposed, and is attempting to follow, he is determined, if possible, to secure a negotiated settlement with the North Vietnamese and the Vietcong which will bring an end to the fighting in South Vietnam and lay at rest the various problems existing there in a manner satisfactory to all the people involved. These problems have arisen in Southeast Asia as a result of all these years of fighting which have engulfed that unfortunate portion of this earth.

As I further understand President Nixon's policies, he proposes an alternative course of action for this Nation to pursue in disengaging itself from further combat in Southeast Asia and in extricating our Nation from this war.

This alternative policy, as I understand it, is that in case the United States and South Vietnam are unable to negotiate a satisfactory settlement of the war and all of the problems associated with it, the United States will train the South Vietnamese to such an extent that we can reasonably hope they will be able to defend their own country against aggression from North Vietnam, and we will thereby be enabled to withdraw all of our ground combat forces from South Vietnam and return them to their homes in this country.

Pursuant to these policies 115,000 combat troops have been withdrawn from South Vietnam and returned to America; and the President has announced his purpose, if existing events permit such action, to return another 150,000 combat troops from South Vietnam to America within the next year. So much for the history of our involvement in South Vietnam prior to what may be called the Cambodian exercise.

Before dealing with that subject I wish to say something about charges which have been made and are now being made to the effect that President Johnson and President Nixon have exceeded their constitutional powers in some of the military operations they have undertaken in Southeast Asia. This necessitates a consideration of relevant constitutional provisions.

Section 8 of article I of the Constitution declares that Congress shall have the power to declare war. Section 10 of article I of the Constitution contains a provision that no State shall, without the consent of Congress, engage in war unless actually invaded or "in such imminent danger as will not admit of delay." Section 4, of article IV of the Constitution provides that the United States shall guarantee to every State in this Union a republican form of government and shall protect each of them against invasions.

Mr. President, the provisions of the Constitution which I have just read make these things clear. First, Congress and Congress alone has the power to declare a national or foreign war; and second, that the United States or even a State may engage in war without waiting for the consent of Congress when the United States or the State so acting is invaded or threatened with imminent invasion.

It seems to me that these propositions are made extremely plain by the words of the Constitution itself. The question which arises in respect of the war powers of the United States is this: Who is to direct the tactical operations of the military forces of the United States when a war is being fought? As I analyze the Church-Cooper amendment it asserts, in effect, that the Congress has some power to direct the actual operations in war of American troops in the theater of operations.

Mr. President, I submit that the Founding Fathers were not foolish enough to place the command of American troops engaged in combat operation in a Congress of the United States which is now composed of 100 Senators and 435 Representatives. I cannot imagine anything that would more nearly resemble bedlam than to have a council of war composed of 100 Senators and 435 Representatives to determine where the enemy is to be attacked or how the defeat of the enemy is going to be undertaken, or how to protect American forces from destruction by an armed enemy.

We have had some historic filibusters in the Senate but the longest of those filibusters would, by comparison, constitute just a few laconic remarks if we were to undertake to have a war council composed of 535 different men with different notions. The Founding Fathers were wiser than that, so they put a provision in the Constitution to determine that the Commander in Chief of the Armed Forces of the United States was not to be the Members of the Senate and the Members of the House of Representatives, and it was not to be the Members of the Senate and Members of the House of Representatives acting in conjunction or in opposition to the President.

To make this plain, the Constitution of the United States declares, in section 2 of article II, that—

> "The President shall be commander in Chief of the Army and Navy of the United States, and of the Militia of the several states, when called into the actual service of the United States."

To be sure, no President and no power on earth can declare war, that is, put the United States in a national or foreign war, except the Congress of the United States; but after the Congress of the United States declares war, the President of the United States becomes the Commander in Chief of the Armed Forces of the United States and has the power to direct the action and practical operations of those forces in the theater where war is being waged.

This power is usually exercised by the President by way of delegation to militarily trained men. It may be noted, however, that on certain occasions President Washington undertook to direct the forces of the United States himself, as in the case of the Whisky Rebellion, and that President Lincoln on several occasions during the War Between the States undertook to direct, to a more or less limited degree, the actual operations of the Union forces.

I have high admiration and deep affection for those who are proponents of the Church-Cooper amendment, but I cannot escape the abiding conviction that this amendment, if adopted, would represent an attempt upon the part of the Congress of the United States to usurp and exercise, in part at least, the constitutional powers of the President of the United States as the Commander in Chief of our Army and Navy.

The Supreme Court declared, in an early case, *Fleming* v. *Page*, 9 Howard (U.S.) 603, that as the Commander in Chief—the President—is authorized to direct the movement of the naval and military forces placed by law at his command, and to employ them in the manner, he may deem most effectual to harass, conquer, and subdue the enemy. It goes without saying that the President has the right to employ military forces in the manner he deems most effectual to protect them from destruction by an armed enemy.

The President, of course, has the advantage of the intelligence received by him from the intelligence sources on the scene in South Vietnam. He also has the advantage of the advice of men who have spent their lives studying military matters, and who for that reason are quite competent to give advice and assist in reaching conclusions as to what actual tactical operations should be undertaken at a specific time and at a specific place.

If the Church-Cooper amendment should be adopted by Congress, it would forbid the President from acting as Commander in Chief and it would forbid every military man acting under his command from putting a foot within the borders of Cambodia after the enactment of the amendment, even though such action was necessary to protect the American forces from annihilation. The amendment would also constitute the granting of an assurance by Congress that the North Vietnamese and the Vietcong can use the borders of Cambodia, even against the will of the people of Cambodia, to their hearts' content as sanctuaries for operations against American and South Vietnamese troops and the people of South Vietnam, and that the United States, as far as Congress can prescribe, will not do anything to molest them in such activities, even though such activities would threaten the destruction of American soldiers serving under the flag of our country in that far off corner of the earth to which they have been sent by the President, with the consent of Congress.

Mr. President, when I first rose to speak, I mentioned a book by one of our most distinguished constitutional lawyers and constitutional historians, Edwin S. Corwin, entitled "The President: Office and Powers, 1787–1957." On page 228 of this book, he quoted a statement made on this subject by Alexander Hamilton in Federalist No. 69. I will not trespass upon the time of the Senate to read Alexander Hamilton's entire statement, but I should like to state to the Senate the interpretation placed on that statemen by Professor Corwin. Professor Corwin makes this statement on page 228 of his book:

"Rendered freely, this appears—"

That is, Alexander Hamilton's statement—"to mean that in any war in which the United States becomes involved—one presumably declared by Congress—the President will be top general and top admiral of the forces provided by Congress, so that no one can be over him or be authorized to give him orders in the direction of the said forces; but otherwise he will have no powers that any military or naval commander not also President might not have.

In the succeeding pages of this book, Professor Corwin proceeds to demonstrate that Alexander Hamilton was something of a piker when he said that the President will have no powers that any high military or naval commander not also President might not have.

The succeeding pages of Mr. Corwin's book demonstrate the great extent to which the powers of the President as Commander in Chief of the military forces of this Nation in time of war have been expanded. I would suggest to some of our friends, who are not willing to accord the President the power to direct the actual operation of troops in combat, to read Professor Corwin's book and see how the powers the President as Commander in Chief have been expanded by interpretations placed upon this provision in the Constitution by the Supreme Court in subsequent days and particularly during the First and Second World Wars.

* * * * *

Mr. President, let us see what words the framers used in setting out the congressional power to declare war. They said, "Congress shall have the power to declare war."

Now there is no obscure meaning in the word "war." There is no obscure meaning in the word "declare."

Anyone can pick up a dictionary and find that the word "war" means:

"A state of open, armed conflict carried on between nations, states, or parties."

He will also find that the word "declare" means—

"To state officially or formally, to state with emphasis or authority."

It also means—

"To affirm."

Now, Mr. President, I maintain that the Gulf of Tonkin resolution, which is technically known as the Southeast Asia resolution, constitutes a declaration of war in a constitutional sense.

What does that resolution say?

It asserts in its preamble—

"Whereas naval units of the Communist regime in Viet Nam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace;"

That is one of the assertions in the preamble, a preamble passed by both Senate and House with only two dissenting votes.

"The next assertion is that—

Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Viet Nam has been waging against its neighbors and the nations joined with them in collective defense of their freedom."

Thus, here in the preamble of the Southeast Asia resolution, the Congress of the United States declares two significant facts. First, that the naval vessels of the United States have been deliberately and repeatedly attacked by North Vietnamese naval forces; and, second, that the attacks were a part of a deliberate and systematic campaign of aggression that North Vietnam is waging against South Vietnam.

Then, after the account of those recitations and those facts, it states:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress approves and supports the determination of the President, as Commander-in-Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression."

Mr. President, there is no other way that has ever been devised by the mind of man to repel an armed attack except by force. Thus, Congress expressly stated in the first paragraph, following the preamble to the Southeast Asia resolution, that the President was empowered to take all the necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression. Now, "aggression" as mentioned in the resolution means the aggression of North Vietnam upon its neighbors and the nations joined with them in collective defense of their freedom.

Section 2 of the resolution states that—

"Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

Mr. President, that is strikingly in harmony with the declaration that the United States made when it went to war with Spain in 1898.

On April 20, 1898, after the sinking of the battleship *Maine* in the harbor of Havana, the Congress of the United States passed the following resolution, which every one who has studied the subject admits to being a declaration of war. It is strikingly similar to the Southeast Asia resolution and even contains the same assertion made in the closing paragraph of the Southeast Asia resolution, that the United States has no territorial ambitions:

"Whereas the abhorrent conditions which have existed for more than three years in the island of Cuba, so near our own borders, have shocked the moral sense of the people of the United States, have been a disgrace to Christian civilization, culminating, as they have, in the destruction of a United States battleship, with two hundred and sixty-six of is officers and crew, while on a friendly visit in the harbor of Havana, and can not longer be endured, as has been set forth by the President of the United States in his message to Congress of April 11, 1898, upon which the action of the Congress was invited: Therefore,

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* First. That the people of the island of Cuba are, and of right ought to be, free and independent.

"Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

"Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

"Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished to leave the government and control of the island to its people."

Let us see what it takes to declare war. A very learned scholar, W. Taylor Reveley, III, wrote an interesting article which appeared in the Virginia Law Journal for November, 1969, entitled, "Presidential War-Making: Constitutional Power or Usurpation."

I read this statement from pages 1283 and 1284:

"It seems reasonably clear from proposals made and rejected at the Constitutional Convention, from debates there, subsequent statements by the Framers and from practice in early years that the Drafters intended decisions regarding the *initiation* of force abroad to be made not by the President alone, not by the Senate alone, nor by the President and the Senate, but by the entire Congress subject to the signature or veto of the President."

Mr. President, in other words Mr. Reveley says in substance that the Congress declares war when it authorizes the initiation of the use of the military force of the United States in lands lying outside of the United States. He then adds, on page 1289 the following:

"Congressional authorization need not be by formal declaration of war:"

In other words, the Congress does not have to pass a resolution saying: "Congress hereby declares war."

Mr. Reveley adds further in the Virginia Law Journal:

"'[N]either in the language of the Constitution, the intent of the framers, the available historical and judicial precedents nor the purposes behind the clause' is there a requirement for such formality, particularly under present circumstances when most wars are deliberately limited in scope and purpose. A joint resolution, signed by the President, is the most tenable method of authorizing the use of force today. To be meaningful, the resolution should be passed only after Congress is aware of the basic elements of the situation, and has had reasonable time to consider their implications. The resolution should not, as a rule, be a blank check leaving the place, purpose and duration of hostilities to the President's sole discretion. To be realistic, however, the resolution must leave the Executive wide discretion to respond to changing circumstances. If the legislators wish to delegate full responsibility to the President, it appears that such action would be within the constitutional pale so long as Congress delegates with full awareness of the authority granted."

XUM

I am certain that when Congress passed the Gulf of Tonkin joint resolution, it was aware of what authority it was granting to the President of the United States. This is made exceedingly clear by a statement which one of the opponents of the resolution made on the floor of the Senate.

Former Senator Wayne Morse made this statement:

"We are, in effect, giving the President of the United States warmaking powers in the absence of a declaration of war. I believe that to be an historic mistake."

Former Senator Morse stated that by passing the Gulf of Tonkin joint resolution Congress was giving to the President warmaking powers. I agree with that statement of former Senator Morse to that extent. But I disagree with the statement that Congress was doing it without a declaration of war, because I contend that the Gulf of Tonkin joint resolution is clearly a declaration of war.

Let us now examine another facet of this situation. When the resolution was under consideration in the Senate, the Senator from Kentucky (Mr. COOPER) put this question to the distinguished Senator from Arkansas (Mr. FULBRIGHT), the floor manager of the Gulf of Tonkin joint resolution:

"Mr. COOPER. Does the Senator consider that in enacting this resolution we are satisfying that requirement of Article IV of the Southeast Asia Collective Defense Treaty? In other words, are we now giving the President advance authority to take whatever action he may deem necessary respecting South Vietnam and its defense, or with respect to the defense of any other country included in the treaty?

"Mr. FULBRIGHT. I think that is correct.

"Mr. COOPER. Then looking ahead, if the President decided it was necessary to use such force as could lead into war we will give that authority by this resolution?

"Mr. FULBRIGHT. That is the way I would interpret it."

Mr. FULBRIGHT added:

"If a situation later developed in which we thought approval should be withdrawn it could be withdrawn by concurrent resolution."

Mr. President, there are two interesting cases in which the Supreme Court passed on the question of what is a declaration of war. The earliest of these cases is entitled Bas against Tingy, 4 Dallas, page 36. The question involved the rescue of an American vessel and the right to certain compensation. The amount of compensation depended upon whether the rescue was from an enemy. The question arose in this case as to whether or not this American vessel, which had rescued another vessel from the French—who were then giving us a good deal of trouble by seizing vessels on the high seas—was entitled to a high rate of compensation because the rescue occurred in time of war. The Supreme Court unanimously decided that the rescuing ship was entitled to the higher compensation because the rescue occurred during a war between the United States and France.

Now, Congress had never passed any act or any resolution declaring war against France in so many terms, but it had passed laws providing that Americans could seize vessels operated by the French, something in the nature of letters of marque and reprisal. In that case Judge Chase said:

"What, then, is the nature of the contest subsisting between America and France? In my judgment, it is a limited, partial war. Congress has not declared war, in general terms; but congress has authorized hostilities on the high seas, by certain persons, in certain cases. There is no authority given to commit hostilities on land; to capture unarmed French vessels, nor even to capture French armed vessels, lying in a French port; and the authority is not given indiscriminately to every citizen of America, against every citizen of France, but only to citizens appointed by commissions, or exposed to immediate outrage and violence. So far it is, unquestionably, a partial war; but, nevertheless, it is a public war, on account of the public authority from which it emanates."

This statement appears on page 43 and clearly recognizes that where Congress authorized certain Americans to carry on hostilities against French vessels that Congress had declared war within the purview of the section of the Constitution vesting in the Congress the power to declare war.

Another case is *Marks* v. *United States*, 161 U.S. 297. I will read the opinion of Justice Brewer on page 301:

"As war cannot lawfully be commenced on the part of the United States without an Act of Congress, such an Act is, of course, a formal official notice to all the world, and equivalent to the most solemn declaration."

Now, manifestly when Congress passed the Southeast Asia Resolution, it solemnly declared, in effect, that our naval vessels were being attacked by North Vietnam, that this attack was part and parcel of the aggression which North Vietnam was inflicting upon South Vietnam, that pursuant to the Constitution, the Charter of the United Nations, and our obligations under the SEATO Treaty, Congress was authorizing the President to take all necessary measures, including the use of armed forces to repel attacks on our ships, and aggression on South Vietnam and the other nations covered by the SEATO Treaty. When Congress declared these things, it was certainly declaring that a state of war existed. Congress was declaring that it consented for the President to initiate hostilities and the use of our Armed Forces in South Vietnam and Southeast Asia. Nothing could be plainer than that.

A study of this very question was made and is set forth in the Notes in the Harvard Law Review for June, 1968, entitled "Congress, the President, and the Power to Commit Forces to Combat." This is a long article and deals with the war powers of Congress and the President. I wish to read a statement from page 1804, in which the writer of the Notes made this declaration:

"The second section, however, proclaims that 'the United States is . . . prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.' This rather comprehensive language certainly supports the interpretation given it by the administration that it is a functional equivalent of a declaration of war and as such the President may conduct the war as he sees fit."

I do not see how anything can be plainer than the fact that when Congress adopted the Tonkin Gulf resolution, or the Southeast Asia resolution, as it is sometimes called, it declared war on North Vietnam and authorized the President of the United States to use our Armed Forces to protect the Armed Forces of the United States, and to repel aggression from North Vietnam.

Mr. President, I digress here for a moment to note that a plausible case can be made for the proposition that when Hanoi declared, in 1960, that it would—

"Liberate South Vietnam from the ruling yoke of United States imperialists and their henchmen,"

Hanoi declared war upon the United States and upon its forces then stationed in South Vietnam.

This brings us to the question whether or not President Nixon exceeded his constitutional and legal powers when he ordered our Armed Forces in Vietnam to join the South Vietnamese in wiping out the sanctuaries which the North Vietnamese and the Vietcong had established on the borders of Cambodia fronting on South Vietnam.

* * * * *

Charges have been made that this was the initiation of a new war. I controvert that charge. This is just the same war with the same enemy. For 5 years the North Vietnamese have been using these sanctuaries along the border of South Vietnam. They have been sallying forth and making attacks, destroying American lives and destroying the lives of South Vietnamese troops and the lives of South Vietnamese civilians, and then running back to the sanctuaries where the United States had been giving them total exemption from the hot pursuit doctrine which prevails in wars.

Cambodia is a neutral country, or has attempted to be a neutral country, but it has been compelled to permit the North Vietnamese and the Vietcong to use these sanctuaries as a base of military operations against U.S. forces and South Vietnamese forces for 5 years.

In my honest judgment, President Nixon, as the Commander in Chief of the American military forces in Vietnam, and as the individual charged above all others with responsibility for protecting the American forces, as far as possible, against unnecessary deaths and wounds, had a perfect, legal right—a perfect constitutional right—to put American troops in action to wipe out these sanctuaries of our enemy in Cambodia along the border of South Vietnam.

Also, President Nixon had a right to do this under international law. International law places upon every neutral country the duty to protect its neutrality, that is, to deny the use of its territory by a belligerent nation as a base for its military operations. If a neutral country is unable to enforce its own neutrality, then, under international law, a belligerent which is being injured by the use of the territory of the neutral nation by an opposing belligerent has a right to enter such territory and take such steps as are reasonably designed to put an end to this unlawful use of the territory of the neutralist nation by the opposing belligerent nation. This is what the United States has done in going into Cambodia.

During previous years, I have received many requests from fine and well-meaning persons that I rise upon the Senate floor and denounce our presence and conduct in South Vietnam as illegal and outrageous.

Even if I were sure that these persons had complete possession of all the truth on the subject, I would be reluctant to do this for one reason and incapable of doing it for another.

While I am always ready to participate in efforts to persuade our National Government to pursue wise policies or abandon foolish ones, I am ever reluctant to denounce my country in respect to its contests with foreign foes. This is true because I was nurtured on the brand of patriotism which prompted Senator Crittenden to make this statement while the Mexican War was raging:

"I hope to find my country in the right; however, I will stand by her, right or wrong."

My incapability to stand upon the Senate floor and denounce the United States for its presence and conduct in South Vietnam arises out of this consideration: My action in so doing would lend aid and comfort to North Vietnam and the Vietcong because it would tend to engender in them the belief that America's will to fight is weak and that they will be masters of South Vietnam if they prolong the war and slay more Americans.

I think that the Church-Cooper amendment is unconstitutional, in that it attempts to have Congress usurp and exercise some of the powers to direct the military forces in the theater of operations which belong, un-

XUM

der the Constitution, to the President of the United States.

But apart from any question of constitutionality and any question of legality, I would say that we should remember what St. Paul said in I Corinthians chapter 10, verse 23:

"All things are lawful for me, but all things are not expedient: all things are lawful for me, but all things edify not."

My dictionary informs me that the word "edify" means "to instruct or enlighten so as to encourage moral and spiritual improvement."

I do not think it would encourage moral or spiritual improvement, and therefore it would not edify, for the Congress of the United States to pass a resolution which would tend to destroy the last hope we have of achieving a just and lasting peace in South Vietnam by negotiations now being carried on in Paris between the representatives of the United States and the representatives of the South Vietnamese Government and the representatives of North Vietnam and the Vietcong or the National Liberation Front.

The passage of a resolution of this character would say that the United States, in effect, has lost the will to carry on, and that the enemy can take over everything there after we depart which will be soon. That is the inference they will draw from it.

I think it would not be edifying for the Congress of the United States to say that American troops cannot put a foot across the borders of Cambodia to destroy sanctuaries of the enemy, but that the enemy, as far as Congress is concerned, can use those areas as sanctuaries from which to make sudden surprise attacks upon American soldiers.

I think that the country is in no mood to seek a military victory in South Vietnam, and for that reason it should undertake to withdraw in a sound and sensible manner—in a manner which would make that area we have been trying to protect as safe as possible from our enemy, in a way which would contribute to future peace and security.

I remember, between the First and the Second World Wars, when Hitler and Mussolini came to power in Germany and Italy. They began to rattle their sabers. Americans did not want to be involved in another world war, as they had been involved in the First World War; so they decided that they would contrive some way to make certain that we would not be involved in another world war if Hitler and Mussolini saw fit to plunge the world into darkness again. So Congress passed the Neutrality Act. It passed that act with good motives; it passed it with the desire to keep America out of any new world war.

The Neutrality Act declared that we would be neutral, that we would not assist any nation, even though it was fighting for its ultimate liberty, and that we would not even furnish any supplies to help a nation fighting for its liberty against Hitler or Mussolini with our material of war unless that nation came here, in its own ships, and paid us cash on the barrelhead for those materials.

That act was passed with good motives. It was passed to keep us from becoming involved in another world war. But is was exactly what Hitler and Mussolina were looking for, that is, having the assurance from Congress that Europe could go hang so far as the United States was concerned. After passage of that act, Hitler and Mussolini believed that they could extinguish the liberties of the peoples of Europe, and they need not fear the intervention of the United States.

Hitler and Mussolini went to war, and the declarations of the Neutrality Act, which were passed in good faith, with the noble purpose of keeping us out of war, were the things which prompted Hitler and Mussolini to plunge the world into the Second World War; and it contributed, by so doing, to the deaths, the untimely deaths, of millions of helpless men, women, and children.

What will happen if Congress passes resolutions such as the Cooper-Church amendment and tells the enemy, "You can use the sanctuaries to kill our boys," but our boys cannot invade the sanctuaries to protect their own lives? If we pass such resolutions, regardless of whether there has been any peace agreement and regardless of what the conditions are, we will be attempting to repeal history, and to repeal past mistakes. It cannot be done. I said at the beginning of my argument that the Creator of the universe made it impossible for either a nation or an individual to repeal mistakes or the consequences of mistakes. I think that is undoubtedly true. As the Persian poet said:

"The Moving Finger writes: and, having writ,
Moves on: nor all your Piety nor Wit
Shall lure it back to cancel half a Line,
Nor all your Tears wash out a Word of it."

We cannot wash out our involvement in the war. We cannot escape the mistakes of history. We must try to minimize those mistakes.

One of the worst mistakes we could make would be to withdraw from Vietnam without getting a peace treaty or without having the South Vietnamese troops trained to the point that we could reasonably hope that they could defend their own country.

I am in favor of trying to settle this war by negotiation. I am in favor of withdrawing from Vietnam if we can do so in a safe and sound manner. If we cannot come to an agreement by negotiation, then let us train the South Vietnamese troops in order that they might be able to defend their own country. Let us not precipitately flee from South Vietnam merely to avoid the risks of this moment. It will not contribute to the future peace or the future safety of our country. Instead of doing that, it will be sowing the seeds of future wars.

Mr. ERVIN. Mr. President, we have heard a lot of discussion about the Constitution in the course of this debate. We have even adopted amendments which proclaim that the Constitution still lives. I confess that I am somewhat saddened by the notion that anyone should think it necessary that the Senate should adopt a resolution to the effect that the Constitution of the United States still prevails and has any control over the decisions of this body.

I do not believe that the provisions of the Constitution which are relevant are obscure, as they have been portrayed to be in much of this debate.

I reiterate that, in my opinion, the Constitution speaks clearly with respect to the powers of Congress concerning wars, and with respect to the powers of the President as Commander in Chief of the Armed Forces of this Nation.

The Gulf of Tonkin resolution was repealed, insofar as it can be repealed by a vote of the Senate acting alone, upon the supposition that the power of Congress to declare war has become obsolete, and that the President of the United States, as the Commander in Chief of the Army and Navy, can go about the surface of the earth making war at any time, and in any place, with any nation, without any consent of Congress.

It was exactly this notion which Alexander Hamilton, who was one of the most brilliant men to participate in the writing of the Constitution, undertook to dispel in Federalist Paper No. 69. In that remarkable document, he said, in about as clear words as can be found in the English language, that a fundamental distinction between the President as Commander in Chief of the Armed Forces of this Nation and the King of England, as Commander in Chief of the armed forces of that nation lay in the fact that the King of England could declare war, whereas the power to declare war is vested by our Constitution in Congress and not in the President.

The underlying assumption of those who believe that the power of Congress to declare war has become obsolete is that the Constitution cannot operate in an atomic age and cannot be effective in a day when, in many instances, wars suddenly erupt without formal declarations of war.

The men who drafted the Constitution were far wiser than they have been given credit to being during the course of this debate. They recognized that there were two kinds of war: Namely, offensive wars and defensive wars. They also recognized that the fundamental power of carrying on a war should be vested in the National Government and not in the States as such.

The draftees of the Constitution took pains, however, not only to make provision to secure the Nation against a sudden attack by a foreign enemy, but even to allow a State to protect itself against a sudden attack by a foreign nation.

Article I, section 10, clause 3, of the Constitution provides:

> No State shall, without the consent of the Congress . . . engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

And article IV, section 4 provides:

> The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion.

The execution of the Constitution is an Executive power which belongs to the President. In the two provisions of the Constitution to which I have just referred, it is especially provided in words of unmistakable meaning that the President of the United States in one case and the Governor of a State under circumstances of emergency proclaimed in the other case have a right to use the armed forces of the Nation or the armed forces of the State to repel an attack by a foreign nation.

This power to repel an attack by a foreign nation is to be exercised without the consent of Congress, because the Founding Fathers recognized it is a power which would have to be exercised without waiting for the consent of Congress at a time of danger if the nation which they were creating was to endure.

With all due respect to those who say that the Constitution is not effective to protect the United States against sudden attacks without warning from other countries, I must respectfully disagree. I do so because the Constitution declares in express words the power of the President to use the Armed Forces of this Nation without the consent of Congress and without waiting for the consent of Congress to protect this Nation against armed attack from abroad.

There is another relevant provision of the Constitution, that is article I, section 10, clause 3. This section says that the Congress shall have the power to declare war.

Now, manifestly every word and every clause are inserted in the Constitution for a purpose. And inasmuch as article I, section 8, clause 11 and article IV, section 4 deal in an adequate manner with the power of the Nation or the power of the State, acting through their respective executive officers, to defend our Nation or a State against armed attack without a declaration of war or act of Congress, article I, section 10, clause 3 makes it clear as the noon day sun in a cloudless sky that what the Constitution is dealing with here is an offensive war—that is, a war which is not necessary to the actual defense of the United States against an armed attack which threatens invasion, destruction, or injury to our Nation.

So, I say with all due respect to those who entertain that view that it is absurd to say that the power of Congress to declare war has become obsolete. The Constitution itself says that nothing in the Constitution becomes obsolete unless it is removed therefrom by an amendment in the manner specified in article V.

Not only are these provisions of the Constitution which I have discussed not obsolete, but they are just as workable today as they were when they were written by the Founding Fathers and adopted by the people of the Thirteen Original States.

XUM

There is another provision in the Constitution which has been much discussed during the course of these debates. That is article II, section 2, which declares, "The President shall be the Commander in Chief of the Army and Navy of the United States."

During the course of the remarks I made on May 18, I pointed out what I conceive to be indisputable that when the Congress of the United States authorizes the President of the United States to place the military forces of the United States in combat in a foreign war, the President in his capacity as Commander in Chief of our Armed Forces has the power and the duty to direct the actual operations of those Armed Forces in combat in the theater of operations.

I took the position on May 18, and I take the position now, that as the Commander in Chief of the Armed Forces of the United States, operating under the authority of the Tonkin Gulf resolution, President Nixon had undoubted powers as Commander in Chief of our forces in South Vietnam to order those forces to make an incursion into the sanctuaries which the Vietcong and the North Vietnamese had been occupying in Cambodia and using as bases for making armed attacks upon the American troops and their allies in South Vietnam.

I also took the position at that time, and I take the same position now that the Cooper-Church amendment represents an attempt on the part of Congress to usurp and exercise in part the powers of the President, as Commander in Chief, to direct the tactical operations of our forces in Southeast Asia.

In saying this I am not unaware of the contentions of the proponents of the amendment that it contemplates the mere exercise of the congressional power of the purse in prohibiting further operations on the part of the American military forces in Cambodia after the 1st of July 1970. Undoubtedly Congress has the power of the purse, but Congress does not have the right to exercise the power of the purse as a means of coercing or inducing the President to refrain from exercising any of the powers he possesses as Commander in Chief to direct tactics in combat operations in the theater of war.

Mr. COOPER. Mr. President, will the Senator yield at that point?

Mr. ERVIN. I am delighted to yield to the Senator from Kentucky.

Mr. COOPER. Does the Senator contend that the Executive can send our troops and Armed Forces into Cambodia to support Cambodia, a country to which this country owes no obligation at all? That deals with subsections 2, 3, and 4.

Mr. ERVIN. The first section does not.

Mr. COOPER. I know, but I am asking now about sections 2, 3, and 4.

Mr. ERVIN. I do not think sections 2, 3, and 4 are germane to my present argument.

Mr. COOPER. That does not answer the question.

Mr. ERVIN. I am speaking about the use of American forces in the sanctuaries to protect American forces in South Vietnam.

Mr. COOPER. I followed the Senator's argument carefully. I have great respect for the Senator's views. The Senator has made a very strong case.

I gather from the Senator's argument that Congress delegated powers to the President through the Gulf of Tonkin resolution. Am I correct about that?

Mr. ERVIN. Oh, yes. I might add that the Senator from Kentucky, as I understand it, has always taken a forthright position with respect to that matter. In fact, I think he was the first Member of the Senate to point out, when the Gulf of Tonkin resolution was under consideration, the extent of the power which that resolution gave to the President.

Mr. COOPER. I thought it did. Now, I ask my question.

Does the Senator argue that the Executive, whoever he might be, has the authority to commit the United States to war to defend Cambodia, a country, as I have said, to which we owe no obligation by treaty, or, as far as I know, by executive agreement?

Mr. ERVIN. While I think that matter is not germane to my discussion, which is based on section 1 of the amendment, I would call the attention of the distinguished Senator from Kentucky to the fact that the SEATO Treaty, as the Senator from Kentucky and I both agree, did not place any obligation or power on the President to use armed forces in Southeast Asia without the consent of Congress and without observance of what the treaty calls our constitutional processes.

But I call the attention of the Senator to these words in the second section of the Gulf of Tonkin resolution:

> Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

While I do not think the matter is germane to my present discussion, with emphasis on section 1, I would have to say that since the SEATO Treaty expressly declared that the protocol nations were the free regions of Vietnam, meaning South Vietnam, and Laos, and Cambodia, the President under the Gulf of Tonkin resolution would have had the power originally to have sent our forces into Cambodia to defend Cambodia if Cambodia had so requested him.

Mr. COOPER. I am familiar with that provision and I am familiar with section 2 of the Gulf of Tonkin resolution. The Senator has been arguing that unless Congress provided the authority the Executive can wage only a defensive war, and for him to take offensive action he must have the authorization of Congress. SEATO, by its terms, did not give the Executive any authority to wage war in Indochina.

Mr. ERVIN. The Senator is undoubtedly correct. But the Gulf of Tonkin resolution gave express authority to carry out the SEATO Treaty, and one of the provisions of SEATO is that by the exercise of our constitutional processes the United States could send Armed Forces into these procotol states.

Mr. COOPER. The Senator will recall that Cambodia denounced the SEATO Treaty. Second, the Secretary of State himself said that there is no request by Cambodia for our Armed Forces. With all due regard, I think the Senator is arguing against his position if he states that the Executive has authority to wage war without the consent of Congress for the protection of Cambodia.

Mr. ERVIN. If the Senator inferred from anything I have said that I entertain such opinion, one of my major purposes in making this speech is to demonstrate I do not entertain that opinion.

Mr. COOPER. Then I think we agree on something.

Now, I proceed to subsection (1). I am not going to argue against the Senator's basic argument as to subsection (1), but I believe Congress has the authority to limit a military action which, in its judgment, it thinks unwise by denying funds. All the writers agree with that. The Senator is certainly familiar with that.

Mr. ERVIN. Yes, it can just deny funds; but when Congress grants funds and then undertakes to deny them on the condition that the President refrain from exercising his powers as Commander in Chief to direct the actual tactics on the ground in the theater of operations, or taking steps necessary to protect American forces, I do not agree.

Mr. COOPER. So far as subsection (1) is concerned, when the U.S. Armed

Forces are back in Vietnam, our amendment would deny funds for their reentry into Cambodia. The Senator knows we can deny the funds, but we cannot deny the power of the President to take defensive action to protect his forces.

Mr. ERVIN. I think the Senator from Kentucky is overlooking the fact that we gave the President authority by the Tonkin Gulf resolution. That was a resolution that required concurrence of both the Senate and the House of Representatives for its validity.

Article 1, section 7, clause 3 of the Constitution of the United States reads:

> Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

I do not think Congress can declare war and thereby make the President the Commander in Chief of the Armed Forces of the United States in combat, and then repeal or nullify his authority to act as such except by the concurrence of the President, under this provision of the Constitution.

Mr. COOPER. I read the speech the Senator from North Carolina made the other day. I thought it was a fine one. The Senator is not going to change his viewpoint, is he, in the speech made the other day, which, as I recall, was that if Congress should properly repeal the Gulf of Tonkin resolution, the President will have no power to press an offensive war?

Mr. ERVIN. If the Senator will look at my remarks, I think he will find I said, in opposition to the Dole amendment to repeal the Tonkin Gulf resolution by a statute as distinguished from a resolution, that Congress had reserved the right to repeal the Tonkin Gulf resolution by a concurrent resolution, and that the effort to repeal it should be directed to that course, instead of by legislative enactment.

I have never undertaken to express any opinion on the power of the Congress to repeal a resolution which had required the concurrence of both the Senate and the House without the consent of the President. I think the clause of the Constitution which I just read would preclude that.

Mr. COOPER. Assuming the Tonkin Gulf resolution would be, as the Senator would find it, properly approved, what in the Senator's judgment would then be the power of the President of the United States as far as war is concerned?

Mr. ERVIN. I think when Congress declares war, which necessarily requires the concurrence of the Senate and the House of Representatives, the power of the President to wage that war continues until his power is rescinded by a resolution which is passed by both Houses of Congress and signed into law by the President or which is passed over the President's veto by two-thirds of both bodies.

Mr. COOPER. The Senator does not think the provision in section 3 of the Tonkin Gulf resolution has any meaning?

Mr. ERVIN. I doubt its validity, because if the provision of the Constitution which I have just read means what it says, it reserves the power to do so subject to the veto of the President or the approval of the President.

Mr. COOPER. I am glad to have the Senator's opinion.

Mr. ERVIN. But I would say to the distinguished Senator from Kentucky that I personally would not favor the President's undertaking actual engagement in operations in Cambodia which had no connection with the effort to protect the American forces in South Vietnam. I would be opposed to that as a matter of policy. On one occasion in the past I voted for an amendment offered by the Senator from Kentucky which precluded the use of our ground forces outside of South Vietnam, if the Senator will recall.

Mr. COOPER. I recall it. I think our positions and policies are the same. I thank the Senator.

Mr. ERVIN. Mr. President, for the reasons I have stated I had reached the conclusion, which I still entertain, that the Cooper-Church amendment undertakes to usurp and exercise some of the constitutional powers of the President as the Commander in Chief of the American forces to direct actual tactical operations on the ground and to protect the lives of American soldiers from attacks from the enemy coming out of the sanctuaries in Cambodia.

Having that view, I had prepared an amendment to the Cooper-Church amendment which provided as follows:

> The prohibitions set forth in this section shall become inoperative if the military forces of North Vietnam and the Viet Cong occupy their former sanctuaries in Cambodia and use them as bases for operations against the military forces of the United States and its allies in South Vietnam and the President acting as Commander in Chief finds that such action imperils the safety of United States forces operating in South Vietnam.

The purpose of my amendment was to make it clear that it was not the objective of the Cooper-Church amendment to deny to the President of the United States the power to enter the sanctuaries in Cambodia if they were reoccupied by the enemy and the enemy's action in so doing imperiled the safety of American forces or their allies in South Vietnam.

I shall not offer my amendment, however, because I believe that the amendment of the distinguished Senator from West Virginia (Mr. BYRD), which was adopted by the Senate by an overwhelming vote, accomplishes the same result.

As the Cooper-Church amendment has been amended by the amendment of the distinguished Senator from West Virginia, it reads in part as follows:

> Nothing contained in this section shall be deemed to impugn the constitutional power of the President as Commander in Chief, including the exercise of that constitutional power which may be necessary to protect the lives of United States Armed Forces wherever deployed.

That is the end of the portion of the amendment as amended by the amendment of the distinguished Senator from West Virginia.

In my judgment, the amendment of the distinguished Senator from West Virginia has exactly the same effect as the amendment which I had drafted and had proposed to offer, and for this reason I do not expect to offer my amendment.

I think there can be no doubt of the fact that our involvement in Vietnam is one of the most tragic experiences that this country has ever had. I might state further in connection with the Byrd amendment that I intend still to vote against the Cooper-Church amendment for a reason I shall presently state.

When I spoke to the Senate on May 18 I called the attention of the Senate to a remark made by one of America's greatest constitutional authorities and historians, Edwin S. Corwin, which appears on page 259 of his illuminating book entitled "The President—Office and Powers, 1787–1957":

> Actually, Congress has never adopted any legislation that would seriously cramp the style of a president attempting to break the resistance of an enemy or seeking to assure the safety of the national forces.

I think that notwithstanding the Byrd amendment, which expressly recognizes the constitutional powers of the President as Commander in Chief to protect our Armed Forces wherever deployed from annihilation or injury at the hands of an enemy, the Cooper-Church amendment does constitute, for the first time in the history of this Nation, an effort on the part of Congress seriously to handicap a President in exercising his powers as Commander in Chief under the Constitution.

I say that our experience in South Vietnam has been a very tragic experience for our Nation. But the fact is that the President of the United States acted as Commander in Chief of the Armed Forces of this Nation in Southeast Asia with the consent of Congress, and that consent was given by all of the Members of both Houses of Congress who voted for the Tonkin Gulf resolution. Every Member of the Republican Party in both Houses of Congress voted for the Tonkin Gulf resolution, and every Democratic Member of both Houses of Congress except Senators Morse and Gruening voted for the Tonkin Gulf resolution.

I voted for the Tonkin Gulf resolution, on the representation made to Congress by President Johnson, acting through the Chairman of the Joint Chiefs of Staff, Gen. Earle Wheeler, through the Secretary of State, Dean Rusk, and through the Secretary of Defense, Mr. McNamara.

I have had very little to say publicly, in times past, concerning South Vietnam. I have said much in private, to the civilian authorities who actually directed the commanders of our military and naval forces in that area of the world as to what kind of operations—that is, tactical operations—they should permit our forces to carry on in that area.

I have always recognized and supported the principle that civilian authorities have supremacy over the military authorities insofar as the control and

XUM

direction of the overall strategy of a war is concerned; but I do not think that that principle can be wisely extended to the actual tactical operations on the ground in a theater of war. I think that good sense demands that the actual tactical operations in combat, in a theater of war, must be left to the military and the naval commanders who are on the scene and who know the true situation, and who have spent their lives studying tactics and warfare. Sometimes I think it would be a good thing if those in possession of power were to read documents which hold more wisdom regarding the crucial affairs of mankind than political platforms. It is a tragedy that the civilian authorities in charge of the direction of the war in South Vietnam were not more conscious of the good advice which Polonius gave to his son, Laertes, on the occasion when Laertes was leaving Denmark for Paris. He gave Laertes this fatherly advice:

> Beware of entrance to a quarrel; but being in, bear't, that the opposed may beware of thee.

Unfortunately, the advice which Polonius gave to his son Laertes was not followed by the civilian authorities of our Government exercising control of the war in South Vietnam.

On a number of occasions, in private, I have remonstrated with those civilian authorities, and told them that in my honest judgment, they should give the boys that we sent to South Vietnam a reasonable opportunity to win the war and bring the hostilities to a close.

I was told that we were trying to fight a limited war in South Vietnam. Upon being told that, I said, "The trouble with a limited war, being fought in the manner in which this war is being fought, is that those who die in it die in a most unlimited manner."

The civilian authorities of our Government actually forbade the military authorities in South Vietnam to destroy surface-to-air missile bases during the course of their construction. These authorities must have known the bases would be responsible for shooting down American pilots in hostilities. Besides, the civilian authorities actually forbade the military authorities to drop bombs on the airfields, and the airplanes of North Vietnam sitting on those airfields. They forbade the military from ordering sorties to drop bombs on North Vietnam and its vital installations without advance authority from Washington.

These authorities actually forbade our military and naval forces in that area of the world to bomb or to blockade Haiphong and the other ports of North Vietnam, through which North Vietnam was receiving the weapons and ammunitions necessary to enable it to carry out the war of aggression on South Vietnam and the war against the American military forces there.

When I protested this in private, I was asked by the civilian authorities whether I wanted to get us involved in trouble with Red China or Russia. My response to that was that a nation which is reluctant to get its feet wet ought not to cross the Rubicon. I do not believe Red China or Russia would have done anything beyond supplying arms to the enemy.

So the upshot of the whole thing is that as a result of the manner in which this war has been fought, the boys of this Nation have been sent into battles to die in a war which the civilian authorities having control of these matters were unwilling to give them a fair opportunity to win. I ought not to say that, perhaps, but it is the stark and naked truth.

A great many knowledgeable people entertain the view that the United States could have won this war 3 or more years ago if it had allowed the military and naval commanders on the scene to have had actual control of the tactics on the ground. I must confess that I entertain that view. I have always entertained the opinion that when the politicians or the statesmen—whatever one may choose to call them—fail in their endeavors to such an extent that war comes, they ought to take a back seat and let the generals and the admirals in control of the Armed Forces on the scene determine how the day-to-day tactics of the struggle should be conducted. They refused to do this in respect to our operations in Southeast Asia, and that accounts for the present unfortunate plight of that unhappy region.

On May 30, 1970, the Charlotte, N.C., Observer published a letter written by Mrs. Tom W. Dana, of Hickory, N.C., which voiced this same opinion. In the course of her letter, Mrs. Dana quoted from a letter from her son, Capt. Gary L. Dana, of the U.S. Air Force, who later made the supreme sacrifice in South Vietnam. His letter was written in 1967 and had reference to the sanctuaries of the enemy in Cambodia.

Captain Dana said this:

> We got into another big fight on the 12th. A lot of NVA (North Vietnamese Army) were killed, but they managed to kill a lot of Americans. They pick the time and the place they want to fight and the unit that is hit has to be very lucky not to suffer heavy casualties.
>
> It really makes me sick how we are made to fight this war. Those kids wander around the jungle for months, then Charlie—

the North Vietnamese army—

> zapps them and runs back across the border where we can't touch him. One of these days, people will wise up to what is going on over here, I hope, and get rid of the people who are responsible for it. We could win in a few months if they would just let the military fight.

Captain Dana is one of the 40,000 American boys who were sent into battle in South Vietnam by the President of the United States pursuant to the authority given him by the Tonkin Gulf resolution. In the words of the poet Rupert Brooke:

THE DEAD

Blow out, you bugles, over the rich Dead!
There's none of these so lonely and poor of old,
But, dying, has made us rarer gifts than gold.
These laid the world away; poured out the red
Sweet wine of youth; gave up the years to be
Of work and joy, and that unhoped serene,
That men call age; and those who would have been,
Their sons, they gave, their immortality.

As I said a moment ago, I have had very little to say publicly about Southeast Asia. I have voiced in private, to those who had the power to alter that policy, my criticism of the way in which the war was being fought. That is not the fault of Congress, because Congress is not the Commander in Chief of the Armed Forces of the Nation. All Congress can do is to authorize the use of those forces by the President and provide the funds necessary to defray the cost of such use by the President. I have not spoken publicly on this matter, simply because I could not think of a thing I could say that would lend any encouragement to the American boys who were being sent into combat by the President pursuant to the Gulf of Tonkin resolution.

I do not claim to be in complete possession of all the truth on this baffling subject. I do not claim that my concern exceeds that of any other Member of the Senate. Moreover, I do not lay any claim that my sincerity in this matter is greater than that of any other Member of the Senate. I know that we are all trying to do the best by our country under circumstances which are unprecedented in our history. The problems that confront us are not easy or pleasant of solution.

I say with sorrow and, I believe, with truth that the civilians who had control over our Armed Forces in Vietnam made it virtually impossible, for these boys to win a military victory notwithstanding their valor and their sacrifices.

Besides, I believe that a substantial portion of our people have become unwilling to seek a military victory in that area.

As a consequence, I have reached the conclusion that the wisest course of action for this Nation is to disengage itself from actual warfare on the continent of Asia, if it can do so in a safe and sound manner without forfeiting the respect and the confidence of those who have trusted in the plighted word of America to assist them in saving their liberty in this precarious world.

Alfred Tennyson said in his great poem Ulysses:

> I am a part of all that I have met.

This is true of all of us.

Mr. President, I had the privilege of serving in combat with the infantry in World War I. During the turmoil and controversy which has attended our activities in Southeast Asia, I could not help feeling that I could sense how our boys felt who had been sent there by this Nation. I have attempted, insofar as it lies within my power to do so, to see that our boys were encouraged in their hours of travail rather than being discouraged by anything said or done by me. Hence, I have given them all the support in my power, and have deplored the fact that they were not given a fair opportunity to achieve a military victory.

I cannot vote for the Cooper-Church amendment because I think it would be tragic for our boys in South Vietnam to be informed that it is the sense of the Senate of the United States that the enemy can occupy sanctuaries in Cambodia and issue forth from those sanctuaries into South Vietnam to kill and maim them, and that they cannot enter those sanctuaries even to save themselves from destruction unless Congress passes another law on the subject.

The Constitution made the President Commander in Chief of the Armed Forces and denied that power to Congress because the Founding Fathers knew that no military force can act effectively under a multitude of commanders of varying views. As I said in my remarks on May 18, if we had a council of war composed of all the Senators and all the Representatives to decide upon tactical operations in Southeast Asia, the most historic filibusters in the Senate would seem to be but a few laconic remarks compared with what would be said by the members of that council of war. For this reason, the Founding Fathers acted with great wisdom when they made the President rather than the Congress the Commander in Chief of our Armed Forces.

I was very much surprised by the action of the Senate in voting to repeal the Gulf of Tonkin resolution. I was especially surprised that the move was apparently sanctioned by the President of the United States. The President has not told me that, so I cannot confirm it as being a fact, but I draw that inference from the fact the amendment which culminated in that vote was proposed by the distinguished Senator from Kansas (Mr. DOLE) who has been one of the spokesmen for the administration in this debate.

If I am right in my interpretation of the Constitution, that Congress has the same power to declare war now as it had in 1789 when the Constitution first became effective, and that the President is without authority to put American soldiers in combat in foreign lands in a foreign war without a declaration of war by Congress, repeal of the Gulf of Tonkin resolution will leave the American forces in Southeast Asia in a peculiar constitutional quandary.

I think the administration should have taken the position that the President has no power to commit troops to action in a foreign war without a declaration of war by Congress or its equivalent, and that the Gulf of Tonkin resolution was the equivalent of a declaration of war and authorized the President to take such action as Commander in Chief as was required, for example, with regard to the sanctuaries in Cambodia.

In my judgment, the administration should have placed itself squarely against repeal of the Gulf of Tonkin resolution and relied upon it as authority for the action which the President took in the sanctuaries in Cambodia and for the actions which the President's announced program for disengagement in Southeast Asia will require.

Mr. President, I could not vote for the amendment repealing the Gulf of Tonkin resolution because I could not help sensing how the boys in South Vietnam would feel. I am satisfied that they were not made happy by the repeal of the only authority given by Congress to the President under the Constitution for them to be in combat there.

As stated at the beginning of my remarks, the justification urged for repeal of the Gulf of Tonkin resolution was that the President of the United States as Commander in Chief has the power to wage war anywhere on the face of the earth, without the consent of Congress. I respectfully submit that there is no warrant for that belief to be found anywhere in the Constitution of the United States; but on the contrary, the Constitution of the United States forbids the President to place men in combat in foreign wars without the consent of the Congress.

Why the administration would countenance the repeal of the only authority that the President ever had for placing troops in combat in Southeast Asia is something which exceeds my feeble comprehension.

The Gulf of Tonkin resolution gives the President the authority to act as Commander in Chief in Southeast Asia. It gives him the power to command the American forces there. Its repeal presents us with a constitutional quandary which is without precedent in our Nation's history.

As stated, I have always done what I could as a Member of the U.S. Senate to sustain the actions of those boys in South Vietnam. As I see it, it is our duty to back those boys in defending themselves against the enemy until they can be withdrawn in a sound and safe manner. And that I propose to do.

I oppose the repeal of the Gulf of Tonkin resolution at this time because I believe such action would make obscure the powers of President as Commander in Chief in Southeast Asia and his powers as such to protect the lives of our men in South Vietnam. I see no good in making these powers obscure.

Before I close, I wish to say how I am going to vote on the so-called McGovern-Hatfield measure which, as I construe it, provides that on a certain day we will get out of Vietnam regardless of what the state of the world's condition may be at that time. I oppose the repeal of the Gulf of Tonkin resolution under the circumstances now existing, and I oppose the McGovern-Hatfield measure for the same reason. I think that the repeal of the Gulf of Tonkin resolution and that the enactment of the McGovern-Hatfield measure will be interpreted by our enemies to mean that the United States will abandon South Vietnam and our allies there, regardless of the conditions which exist in that unhappy land at the time of the abandonment. That is one of the reasons why I cannot understand why the administration backed the repeal of the Tonkin Gulf resolution.

I stand by the President on his announced position which, as I understand it, is that we should try to negotiate a settlement at Paris, or, on failure thereof, should train the South Vietnamese so that they can defend their own land or have a reasonable hope of so doing and so that we can gradually withdraw our forces from South Vietnam.

Unfortunately, the Senate's effort to repeal the Tonkin Gulf resolution and, I believe, the pendency of the McGovern-Hatfield measure give assurance to our enemies that it is not necessary for them to attempt to negotiate a settlement, because we will abandon the field to them very soon.

As I see it, those things represent attempts to repeal history. Unfortunately, we cannot repeal history any more than we can repeal the deaths of the 40,000 Americans who have died in South Vietnam.

The Creator of this universe made it impossible for us to repeal history. He made it impossible for us to repeal our mistakes. He does make it possible, however, for us to repent of our mistakes, and He gives us an opportunity to minimize the consequences of our mistakes as much as possible.

That is the reason why I favor the President's program. I think it is the best plan that has been devised under existing circumstances to put a sound, safe, and honorable end to our involvement in Southeast Asia. But it is going to require some patience and some self-restraint to implement.

Furthermore, there is more involved here than the question of withdrawal from Southeast Asia. As I see it, there is also involved the question as to the effect a precipitate withdrawal from Southeast Asia would have upon those nations of the earth which have relied upon us to keep our pledged word to assist them in keeping the lights of their liberties from being extinguished.

I support the President's program, because I think, as disastrous as some of its effects upon the image we enjoy in the world may be, it affords the best way in which we can extricate ourselves from Southeast Asia in a safe and sound manner without sacrificing totally our image in the minds of the peoples of other nations.

When Mark Antony stood by the body of Caesar and delivered his great funeral oration, he said, "But yesterday the word of Caesar might have stood against the world."

Yesterday the word of the United States might have stood against the world. I pray the good Lord that the Congress of the United States may not take any action of a precipitate nature which will make it probable that the word of the United States will not stand anywhere tomorrow.

I yield the floor.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA APPROPRIATIONS, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate

XUM

proceed with consideration of Calendar 939, H.R. 17868, making appropriations for the government of the District of Columbia, and other activities. The request to take up this bill meets with approval on both sides and on that basis it is taken up.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 17868) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1971, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection the Senate proceeded to consider the bill.

Mr. PROXMIRE. Mr. President, on behalf of the Committee on Appropriations, I report to the Senate the fiscal year 1971 appropriations bill for the District of Columbia, H.R. 17868.

The committee recommends a Federal payment in the amount of $108,938,000 of which $105 million is payable to the general fund. There has been no new revenue bill and the amount recommended is the full amount of the authorized Federal payment. It is also the amount recommended by the House.

I might say that I am hopeful there will be a revenue bill and when that revenue bill is reported we will be able to do much more than we can do for the District now. We are strapped because there has been no revenue bill enacted. We were determined this year to report a bill before the end of the fiscal year, which is next Tuesday. We still have an outside chance to do that because if the Senate approves this bill this afternoon we can go to conference the first of next week and have the bill before the President shortly thereafter. But in doing that we could not follow this course if we waited for the revenue act, which might not be enacted for several months.

The committee recommends $670,493,000 in District of Columbia funds. These are broken down as follows:

Operating expenses	$563,049,000
Repayment of loans and interest	15,563,000
Capital outlay	91,881,000

The total amount recommended for operating expenses is identical to the House allowance but allocated slightly differently. The amount recommended for repayment of loans and interest is identical to the House allowance and the amount recommended for capital outlay is $27,587,000 over the House allowance.

Major changes in the committee's recommendations for operating expenses are an increase of $987,900 to allow the full budget request for the Narcotics Treatment Agency—page 30 of the report—an increase of $432,300 for a stepped-up program of tax collection and enforcement in the Department of Finance and Revenue—page 18 of the report—and $50,000 to establish an Office of Spanish Affairs—page 28 of the report. In order to finance these three programs a number of relatively small reductions were made together with a reduction in annualization of previously authorized positions in the Department of Public Welfare—page 29 of the report—and a decrease from 400 to 300 in the police cadet program—page 20 of the report.

The committee recommends a total of $91,881,000 in capital outlay projects. This amount is $27,587,000 over the House bill and funds the full amount requested for the subway ($34,178,000). This is the principal difference between the House and the Senate. They did not fund the subway; we did. There is one other difference. We provide an amount sufficient to begin the first phase of an improved pollution control center at Blue Plains—$15.6 million. The House did not provide for that.

Only $103 million was available to the committee for new capital outlay projects and in order to allow these two priority projects reductions were made in other areas. The detail of this action is outlined on page 38 of the report and the table which follows.

Language has been included in the bill which would make it necessary for the District to rejustify capital outlay projects for which funds are not obligated within 2 years—page 10 of the bill—and limit chauffeur overtime payments for District officials to 25 percent of annual base pay—page 7 of the bill. Total salaries for chauffeurs in excess of $17,000 per year per chauffeur were uncovered in hearings last year and report language and my floor statement calling for correction of these excesses failed to remedy this situation.

The Bureau of the Budget and the District of Columbia failed to produce a balanced budget as requested by letter jointly signed by the chairman of the House Subcommittee on Appropriations (Representative NATCHER) for the District of Columbia and by me as chairman of the Senate subcommittee. The President did not even submit the District of Columbia budget until March 31. Nevertheless the subcommittee began early hearings in order to produce a timely bill and is proud to recommend one that can be financed with revenues available from existing legislation and do so before the first of the fiscal year. If differences can be resolved in conference and the bill enacted before July 1, which will be difficult to do it will be the first time in the last 10 years that this has been accomplished. If additional revenues become available and I earnestly hope they will, they can be considered for appropriation in a supplemental bill.

In order to clarify committee action on the District of Columbia budget, I ask unanimous consent to insert in the RECORD tables showing first, fiscal 1971 cash flow statement for the District of Columbia based on committee recommendations; second, available loan authority; and third, salaries of chauffeurs assigned to District of Columbia officials.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

DISTRICT OF COLUMBIA GOVERNMENT—CASH FLOW PROJECTIONS, ALL FUNDS, 1971

[In thousands]

	General funds	Highway fund	Water fund	Sanitary sewage works fund	Metropolitan area sanitary sewage works fund	Total all funds
OPERATING						
Estimated funds available:						
Opening cash balance	$13,850	$1,161	$665	$22	$141	$15,839
Revenues: Collections	409,800	27,528	9,709	8,593	145	455,775
Federal payment: Appropriated	105,000		2,506	1,432		108,938
Temporary advances	40,000					40,000
Total estimated funds available	568,650	28,689	12,880	10,047	286	620,552
Estimated funds required:						
Expenditures from prior year appropriations	$39,539	$1,544	$821	$616	$9	$42,529
Current year budget recommended	526,365	18,985	10,164	7,519	16	563,049
Debt service	8,651	4,905	1,452	555		15,563
Temporary advances	40,000					40,000
Provisions for reserves:						
Pay raise—Classified	7,500					7,500
Capital outlay transfers		4 500	500	1,000		6,000
Current year obligations paid after close of fiscal year	−53,415	−1,899	−1,016	−752	−2	−57,084
Total estimated funds required	568,640	28,035	11,921	8,938	23	617,557
Estimated closing cash balance	10	654	959	1,109	263	2,995

CAPITAL OUTLAY BUDGET ESTIMATES RELATED TO AVAILABLE LOAN AUTHORITY, FISCAL YEAR 1971

	Projected authorized and unappropriated loan balance	Authorized and unappropriated loan balance necessary to fund projects authorized in prior years	Balance available to fund 1971 capital outlay program	Fiscal year 1971 capital outlay estimate
General fund:				
Public works	192.0	124.4	67.6	115.2
Rapid rail transit	34.2		34.2	34.2
Total	226.2	124.4	101.8	149.4
Highway fund	(1)	19.1		11.4
Water fund	6.2	[2] 4.2	2.0	6.7
Sanitary sewage works fund	[3] 11.7	17.9		41.5
Metropolitan area sanitary sewage works fund	.3	[4] .2	.1	

[1] Annual excess operating revenue over operating expenses currently estimated at $4,500,000.

[2] Annual excess operating revenue over operating expenses currently estimated at $1,000,000

[3] Annual excess operating revenue over operating expenses currently estimated at $500,000.

[4] Annual excess operating revenue over operating expenses currently estimated at $900,000.

DISTRICT OF COLUMBIA CHAUFFEURS SALARIES (INCLUDING OVERTIME)

	Fiscal year 1969 actual	Fiscal year 1970 estimate
Commissioner:		
Johnson, Aulin:		
Regular pay	$6,684.80	$7,006.40
Overtime pay	10,805.60	10,498.76
Total	17,490.40	17,505.16
Deputy Commissioner:		
Young, Samuel (retired Oct. 31, 1969):		
Regular pay	6,684.80	2,368.80
Overtime pay	5,570.09	1,620.38
Total	12,254.89	3,989.18
Mance, Charlie (effective Nov. 1, 1969):		
Regular pay		4,570.40
Overtime pay		4,983.02
Total		9,553.42
Total, Deputy Commissioner	12,254.89	13,542.60
Chairman, City Council:		
Waters, Montrose:		
Regular pay	6,684.80	7,006.40
Overtime pay	7,405.97	8,799.16
Total	14,090.77	15,805.56
Vice Chairman, City Council:		
Hackney, Jerome (effective June 8, 1969):		
Regular pay	374.40	6,736.00
Overtime pay	312.29	6,510.46
Total	686.69	13,246.46
Pool car service:		
No. 1 Mance, Charlie (through Oct. 31, 1969):		
Regular pay	$6,428.80	$2,275.20
Overtime pay	1,081.86	697.57
Total	7,510.66	2.972.77
No. 2 Jones, Alexander:		
Regular pay	6,479.20	6,749.60
Overtime pay	563.73	197.88
Total	7,042.93	6,947.48
No. 3 Flood, James:		
Regular pay	6,479.20	6,749.60
Overtime pay	377.68	80.26
Total	6,856.88	6,829.86
No. 4 Barnes, William A. (transferred Feb. 7, 1970):		
Regular pay	6,131.20	3,958.40
Overtime pay	54.72	
Total	6,185.92	3,958.40
Grand total:		
Regular pay	45,947.20	47,420.80
Overtime pay	26,171.94	33,387.49
Total	72,119.14	80,808.29

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc; that the bill as thus amended be regarded, for purposes of amendment, as an original text; provided, that no point of order shall be considered to have been waived by reason of agreement to this order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, line 16, after the word "expenses", strike out "$48,406,000" and insert "$48,894,700".

On page 4, line 4, after the word "limitation", strike out "$144,641,000" and insert "$143,991,000".

On page 5, line 14, after the word "Recreation", strike out "$11,141,000" and insert "$10,894,400".

On page 5, line 20, after the word "Health", strike out "$156,677,000" and insert "$157,164,900".

On page 7, line 15, after the word "only", strike out "$19,759,000" and insert "$19,679,000"; in line 16, after the word "which", strike out "$13,340,800" and insert "$13,280,800"; and, in line 20, after the word "vehicles", insert a colon and "*Provided further,* That this appropriation shall not be available for payment of premium pay to any employee assigned as a chauffeur for the Commissioner, the Deputy Commissioner, or the Chairman of the City Council which exceeds in the aggregate 25 percent of the annual rate of basic pay applicable to such employee."

On page 9, at the beginning of line 15, strike out "$64,294,000" and insert "$91,881,000"; in the same line, after the amendment just above stated, strike out "of which $500,000 shall be payable from the highway fund, and $1,745,000" and insert "of which $1,500,000 shall be payable"; at the beginning of line 18, strike out "further,"; in line 20, after the word "That", strike out "$3,389,300" and insert "$2,915,100"; and, on page 10, line 2, after the word "Services", insert a colon and "*Provided further,* Notwithstanding the foregoing, all authorizations for capital outlay projects for which funds are provided by this paragraph, shall expire on June 30, 1972, except authorizations for projects as to which funds have been obligated in whole or in part prior to such date. Upon expiration of any such project authorization the funds provided herein for such project shall lapse: Provided further, Notwithstanding any other provision of law, any authorization for a capital outlay project for which funds have heretofore been appropriated shall expire two years from the date of the Act making such appropriation unless prior to the expiration of such period funds for such project were or will have been obligated in whole or in part. Upon expiration of any such project authorization the funds appropriated therefor shall lapse."

Mr. COOPER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. COOPER. Mr. President, I understand the bill is reported unanimously by the committee.

Mr. PROXMIRE. The Senator is correct. Yes, indeed.

Mr. COOPER. Have the majority leader and the Republican whip been advised?

Mr. PROXMIRE. Yes, the leadership on both sides has been advised. The Senator from Montana is anxious that we report the bill promptly because we have a chance to go to conference before the end of the fiscal year and have it on the desk of the President by July 1, and we are anxious to do that, if we can.

Mr. COOPER. I thank the Senator.

The PRESIDING OFFICER. The bill

is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 17868) was read the third time.

The PRESIDING OFFICER. The bill having been read the third time the question is, Shall it pass?

The bill (H.R. 17868) was passed.

Mr. PROXMIRE. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. COOK) appointed Mr. PROXMIRE, Mr. YARBOROUGH, Mr. MONTOYA, Mr. RUSSELL, Mr. EAGLETON, Mr. PEARSON, and Mr. YOUNG of North Dakota conferees on the part of the Senate.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. COOK) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations received today, see the end of Senate proceedings.)

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate resumed the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas (Mr. FULBRIGHT).

Mr. MANSFIELD. Mr. President, will the Senator yield briefly?

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question before the Senate is the Allott amendment.

Mr. FULBRIGHT. Mr. President, in anticipation of the offering by the Senator from Michigan of an amendment relevant to a portion of the Cooper-Church amendment having to do with the payment of troops of other countries to fight in Cambodia, I wish to make some comments today on the subject of the experience we have had of paying foreign troops to fight in Vietnam.

This distortion of our values caused by the Vietnam war has not been limited to the destruction of small countries in order to save them.

Our own Government appears to be fast reaching a point where it can no longer judge the rationality of its actions or the implications for the future that such actions contain. In this context I could talk about "defensive invasions," "protective reaction raids," or even "secret wars."

Today, however, I want to discuss two other situations that, looked at objectively, represent activities undertaken by our Government—not just this administration but the past one also—directly contrary to the traditions and heritage of our country's history.

I am speaking first about the practice of paying extraordinary individual overseas allowances to third country forces from Thailand and South Korea, who are now fighting in South Vietnam. Second, I wish to discuss the negotiations, apparently underway between ourselves and the Thais, on the amount of financial support we will provide them if they enter the fighting in Cambodia.

I believe the time has come to stop the practice of making it profitable for countries to send troops to fight wars we believe ought to be fought in order to protect their countries.

The complete record of the Symington subcommittee makes clear that neither South Korea, Thailand, nor the Philippines would have sent troops to South Vietnam if they had not been able to tell their individual soldiers they would get double or more their regular salaries—plus American-style PX privileges, which is a very important element if they "volunteered." Whether, in the case of the Philippines, the soldiers got that extra money is under investigation. We agreed to pay them and turned the money over to officials of their government.

It is not by chance that the State Department has required key portions of the negotiations with these countries to be kept secret by deleting from the record for publication. The real story of the use of mercenary forces in South Vietnam is a questionable practice on our already blotted record in this war.

At this point, I would like to place in the RECORD a table showing what the Philippine and Thai soldiers received from their own governments and what they received from ours. The Korean figures, which will become available when the Symington subcommittee record is published next month, show the same story.

I also have a table showing what we pay our soldiers and their overseas allowances, just by way of contrast, and I ask unanimous consent that both tables be printed in the RECORD at this point.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

	Monthly base pay and quarters allowances paid by Philippines	Monthly including per diem and overseas allowances paid by United States	Total
Brigadier general	305	210	515
Colonel	235	195	430
Lieutenant colonel	195	180	375
Major	153	165	318
Captain	125	150	275
1st lieutenant	102	135	237
2d lieutenant	90	120	210
Master sergeant	53	76	129
Sergeant 1st class	53	45	98
Corporal	43	36	79
Private 1st class/ Private	43	33	76

	Monthly base pay paid by Thailand	Monthly overseas allowance paid by United States	Total
Lieutenant general	370	450	820
Major general	330	390	720
Special colonel	240	330	570
Colonel	190	300	490
Lieutenant colonel	140	240	380
Major	98	180	278
Captain	70	150	220
Lieutenant	50	120	170
Master sergeant	48	69	117
Sergeant	38	60	98
Corporal	33	50	83
Lance corporal	30	45	75
Private	26	39	65

Note: Quarters and rations paid by United States.

U.S. PAY AND OVERSEAS ALLOWANCES

	Average [1] base pay	Overseas [2] allowances	Total
Lieutenant general	$2,426.70	$65.00	$2,491.70
Major general	2,180.20	65.00	2,245.20
Colonel	1,425.30	65.00	1,490.30
Lt. Colonel	1,209.30	65.00	1,274.30
Major	962.40	65.00	1,027.40
Captain	870.00	65.00	935.00
1st Lieutenant	731.40	65.00	796.40
Master sergeant (E-9)	903.60	22.50	926.10
Sergeant (E-5)	395.40	16.00	411.40
Corporal (E-4)	330.60	13.00	343.60
Private (E-1)	124.50	8.00	132.50

[1] U.S. Armed Forces are paid according to the number of years of service they have accumulated. Thus, there is a varying pay scale within each rank. The above figures were supplied by the Department of Defense based on the average number of years a person has served when he attains the given rank.

[2] In addition to the above amounts, which represent an allowance for "combat pay," the salaries of enlisted men serving in Vietnam are exempt from income tax and officers' salaries are exempt up to $500.

Mr. FULBRIGHT. Mr. President, I want to point out that a Thai lieutenant gets $120 a month from the United States and only $50 a month from his own country—if he serves in Vietnam.

Of course, he gets the same allowances by his own country if he serves in Vietnam. So we pay to the Thai lieutenant from our own funds twice as much as his country does to induce him to volunteer for service in South Vietnam.

The record shows that there is dissatisfaction among the Thai military who do not get a chance to receive the perquisites of a tour of duty in Vietnam. Those left behind to fight the insurgency in Thailand are paid only regular salaries—no bonus and they have no PX privileges.

I would note also, to put this pay in perspective, that the average annual income in Thailand is $167, according to the Department of State.

I would contrast the average annual income of a citizen of Thailand with what we pay a general in the Thai Army in 1 month, $450, which is more than twice as much as the average annual pay of a citizen; that is, our pay alone, not to mention what the Thais pay. Our pay to a Thai major to serve in Vietnam is more for a single month than the average annual income in Thailand.

We can see the significance of the relatively enormous pay we give them, exclusive of the PX privileges, which have come to mean more to most of the Philippine and Thai soldiers than their total pay.

And how do the Thais in Vietnam fight—soldiers sent to Vietnam only after we agreed to pay the allowances? According to news reports, we had to build a special PX at the Thai base camp because the Thais were coming to Saigon and buying out PXs used by Americans stationed there. Recently, according to the news reports, the Thais have been turning more from defensive to offensive operations. Some 200 Thais have been killed in Vietnam since 1966.

Mr. President, I ask unanimous consent to have printed in the Record an article from the New York Times of December 3, 1969, dealing with this subject.

There being no objection, the article was ordered to be printed in the Record, as follows:

U.S. Officer Says Thai Unit in War Is Worth the Cost

(By Ralph Blumenthal)

Camp Bearcat, South Vietnam.—When the first combat troops from Thailand arrived at this base at Longthanh two years ago in a gentle rain, they were greeted by a South Vietnamese navy band blaring out "Colonel Bogey's March."

The music has since been replaced by the thunder of heavy artillery. The Thais have left dead on the battlefield. They have killed Vietcong. They have learned something about insurgency. For better or for worse they have thrown in their lot with the Americans and the South Vietnamese and they have earned respect as soldiers.

Congressional sources in Washington have reported that the Bangkok Government got $1-billion in military reimbursements and grants for joining the war.

Furthermore Thai soldiers have been known to augment their American pay by reselling to black marketeers American goods purchased at the post exchanges.

American salaries for the Thais range from $1.30 a day for a private to $4 for a lieutenant, $6 for a major, $8 for a colonel, and $10 for a general.

THEY ALSO GET THAI PAY

In addition to their American pay, Thai career soldiers continue to receive their regular salary from Thailand which, for a colonel, amounts to about $3 a day.

Thai soldiers questioned today at Camp Bearcat in the presence of their officers asserted they had not volunteered for Vietnam because of the money.

"I did it for the king and queen, to save his majesty from communism," said Choompol Dungprasird, a 23-year-old private who was in the hospital from an enemy grenade wound.

Some American officers who have fought alongside the Thais say the costs have been worth it.

"They are infusing their army with experience they could never get in their own homeland," said Col. Joseph A. Griffith, the senior American liaison officer here.

"They are coordinating their own piece of real estate. They are running operations with Australians, Vietnamese and Americans under them. They are doing here what the South Vietnamese should have done years ago."

A Thai battalion commander, Lieut. Col. Taweepong Yotintr, said he had come to South Vietnam because "I like to know what tactics the VC are using."

"If my country ever has the same subversion, I'll have to fight there," he added. "I want to practice here."

The 11,547 Thai troops, all volunteers except for a few sea and air units, are charged with guarding an area of 500 square miles east of Longthanh, which is 20 miles east of Saigon.

The swampy, overgrown flatland is used by the Vietcong as a staging area for forays against bases at Longbinh and Bienhoa.

The Thais began ground operations in September, 1967, with 2,200 troops attached to the United States Ninth Division at Camp Bearcat. However, the Thais have been providing air and sea support since 1964.

In July, 1968, the Thai force was expanded to 6,000 men, and last January a second brigade doubled the force to a light division.

Since August, 1968, the Thais have reported killing 1,192 Vietcong while suffering casualties of 146 killed and 887 wounded, half of whom had to be evacuated to hospitals. Thai battle deaths since their arrival total 204.

Camp Bearcat was turned over to the Thais and their 28 American liaison officers last July 8 when the Ninth Division left Vietnam under the United States withdrawal plan.

While one American at the camp conceded that the Thais have not been "fantastically aggressive," he said they have been turning more and more from defensive to offensive operations.

In the last five months, he said, 95 per cent of the Thais' contacts with the enemy were initiated by the Thais.

One of the most successful operations, according to Colonel Yotindr, took place last month. He said his troops had killed 33 enemy soldiers and wounded 20, destroyed 38 bunkers and captured 7 hand weapons and a 22,000-pound rice cache, all without suffering any casualties.

"When the Thais say they killed a VC," said Colonel Griffith, "they are ready to lay the body on your desk to prove it."

The Thais are equipped with the new M-16 rifle and modern field weapons. Although they have been given only eight small two-man OH-13 helicopters and eight small observation planes so far, they are able to call in American aircraft for fire support and evacuation.

In addition to the Thai force, the 479,000 United States troops and the Saigon Government's million-man armed forces are augmented by 7,600 Australians, 48,500 South Koreans, 550 New Zealanders, 30 Taiwanese and 1,500 Filipinos.

Congressional testimony made public Nov. 18 showed that the United States paid the Philippines $38-million to finance, equip and send a 2,200-man Filipino construction battalion to South Vietnam in 1966.

The Thais, like the Americans, are paid in United States military scrip, paper certificates enabling them to buy at the American post exchanges. The scrip, corresponding to regular dollar notes, is issued to keep dollars out of the hands of the South Vietnamese. But this was apparently not enough to avoid black-market operations.

Until recently, on a typical morning at the main American post exchange in the Cholon section of Saigon, lines of Thai soldiers would wait at the check-out counters with baskets filled with tubes of toothpaste, cartons of cigarettes and tins of food. Often these items found their way to the black market.

In one publicized incident in October United States military investigators keeping watch outside the post exchange challenged some Thais carrying out television sets and other appliances. In an ensuing argument, shots were fired. The facts have never been fully disclosed.

To cut down on illegal resale, the Thai troops at Camp Bearcat were given their own post exchange at the camp in April. There each soldier is limited to six cartons of cigarettes and three cases of beer a month.

The big Cholon post exchange is now open only to Americans and the limited number of foreign troops serving in the joint allied command camp in Saigon.

Mr. FULBRIGHT. The Koreans, on the other hand, have gained a reputation for fighting along with their already-recognized PX-power. But as the Symington subcommittee record will show—individual Koreans are sending millions of dollars back from Vietnam and when they return home themselves they are permitted to take a measured ton of goods, most of it from PX purchases.

I have never heard a satisfactory answer as to why these extra large allowances should be paid by the United States when it is the security of Thailand and South Korea that is more directly affected.

They are paid, of course, because that is the only way we could get these soldiers to Vietnam.

This system leads to distortion of our values. The American people for years—unaware of the nature of the allowances—were continually told by their leaders that the Free World forces in Vietnam represented recognition that all Asian nations had a stake in the outcome in Vietnam.

That stake—it now turns out—was in good part money.

For that reason, I am opposed to the amendment submitted by the junior Senator from Michigan which would have the effect of removing the prohibition on paying allowances to allies to fight in Cambodia. I believe such payments also should be stopped now in South Vietnam and prevented in the future. To accomplish that end I would hope that when the appropriate legislation reaches the Senate floor an amendment will be offered along the following lines:

> Funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (1) Vietnamese and other Free World Forces in Viet Nam, (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1971 on such terms and conditions as the Secretary of Defense may determine, Provided, that none of the funds appropriated pursuant to this Act shall be used to permit special allowances or per diem payments or other similar bonuses to such forces in addition to their regular base pay supplied by their government.

How many of our citizens know that for American troops sent to Vietnam the highest monthly special combat allowance is $65 no matter what their rank? Yet at the same time the United States pays almost twice as much combat pay to Thai and Korean officers in Vietnam as it pays to its own brave men who actually do most of the heavy fighting.

The Senate has before it in section 3 of the Church-Cooper amendment language which simply says that before the United States uses its taxpayers' money to pay allowances or other special funds to the Thais or any other third country force going into Cambodia, the administration must come to the Congress—in the normal manner—and have such a program authorized and funded.

If we are to give foreign allied troops combat pay twice as large as that we give American troops, Congress should so decide.

Those who try to portray this Cooper-Church language as prohibiting Asians from helping Asians are distorting the facts.

There is nothing in the law today or in the Cooper-Church amendment that prevents the Government of Thailand—if it believes it is in its interest—from sending its own forces into Cambodia to assist the Cambodian Government. Yet we read in the paper that the United States is involved in negotiations with the Thais over the number and type of troops they are to supply for Cambodian fighting and how much we must pay them.

As I understand the present situation, the Thais are free to use equipment which the United States has provided them through the Defense budget—and perhaps even to take other support assistance—for any force it sends into Cambodia. What it cannot automatically expect, however, is that the excessive and ill-conceived allowances that we are now paying them for going into Vietnam will also be available for those troops going into Cambodia.

If the Thais will not order their troops into Cambodia without special allowances, or if the Thai troops themselves will not go if they are so ordered without special allowances, it would seem to me proof that the Thais themselves do not believe their own security requires them to take such a step.

If this is the case, I believe it to be unwise for us to provide a financial incentive to undertake military activities that they seem unwilling to undertake on their own.

Mr. President, there is, furthermore, the question of self-deception involved when we seek to fool ourselves that these allowances only permit countries such as Thailand, South Korea, and the Philippines to do what they otherwise might not be able to do. Our policymakers have forgotten that it was money that brought them into the battle in the first place and look upon their presence as a voluntary allied effort to defeat communism. This kind of misconception colors all our thinking and inhibits the making of policies and decisions in the interest of the American people.

There also is the false assumption that by making it financially attractive for the Thais to go into Cambodia we are substituting their boys for some American boys who otherwise will have to go in there and fight. This, I believe, is the most deceptive of assumptions.

The fact of the matter is that we have no legitimate interests in propping up the Government of Cambodia. It is not in the interest of the people of the United States to preserve the Government of Cambodia with our own troops, so why is it in our interest to pay others to attempt it for us?

And what of Thailand itself? Using their troops in Cambodia puts that country in the further danger of having the Communists stir up an already existing, though minimal, insurgency in Thailand just to keep them busy at home. And will not our responsibilities to Thailand be increased for having urged them to enter yet another foreign adventure?

These are just a few of the thoughts we must consider when discussing the cost of mercenaries and their allowances. It is a practice that the previous administration encouraged and should bear great responsibility for. It is one that this administration appears to be adopting without fully considering its implications.

Mr. President, I believe it is time that we stop making mercenaries out of allies and allies out of mercenaries. We must prevent our money from distorting the ability of countries to determine their own national interests. We must stop deceiving ourselves as to what our own interests are in Cambodia and in all of Southeast Asia. The first step in this process should be to prevent Cambodia from becoming a profitable mercenary war for the Thais or anyone else. A second step would be to apply the same policy to Laos and to Vietnam.

Mr. President, in a recent article in the Wall Street Journal—which is noted for being a conservative, moderate, and thorough newspaper, I believe, in the way it prepares its articles—there was published an article written by Robert Keatley, entitled "Recruiting—And Paying—Our Asian Allies." This article appeared in The Wall Street Journal of June 24, 1970. I shall read two brief excerpts from the article. It says:

> On the scene, the Philcag set records of sorts; the average sergeant spent twice his annual salary in American PXs, indicating a healthy penetration of the profitable black market. Militarily, most observers agree the Philcag probably didn't set back the war effort very much before it recently went home again.

Then, with regard to the Thai troops:

> The Thais are shrewd and, as former U.S. Ambassador Graham Martin testified, had few illusions about the usefulness of their contribution when asked to help. They went because they figured former President Johnson was finding going it alone "increasingly uncomfortable," Mr. Martin explained.
>
> But they didn't go cheaply. Their colonels, for example, got a full $300 monthly extra from the U.S., and total cost to Washington so far exceeds $230 million. Though Thailand sent more men (11,000) than did the Philippines and has done more fighting, the overall impact hasn't been decisive—just as Bangkok knew all along.

Mr. President, I ask unanimous consent to have printed in the Record the entire article entitled "Recruiting—and Paying—Our Asian Allies," written by Robert Keatley and published in the Wall Street Journal of June 24, 1970.

There being no objection, the article was ordered to be printed in the Record, as follows:

RECRUITING—AND PAYING—OUR ASIAN ALLIES

(By Robert Keatley)

WASHINGTON.—"A man getting drunk at a farewell party should strike a musical tone, in order to strengthen his spirit . . . and a drunk military man should order gallons and put out more flags in order to increase his military splendor."

The late Evelyn Waugh read this instruction from a Chinese sage and found "Put Out More Flags" an excellent title for a novel. But one might conclude that former President Lyndon Johnson also read it and found much more—a policy for Southeast Asia. At least, that conclusion is tempting after studying assorted documents issued recently by Sen. Fulbright's Committee on Foreign Relations.

For it appears Washington a few years ago became seized of the urge to put out more flags in Vietnam when it grew tired of taking the rap alone for an unpopular war (however justified it believed the combat to be). Thus it created something called Free World Forces, which U.S. propagandists once cited—interminably—as visible proof that crushing the Communist foe there had broad international support.

AN INDISCRIMINATE PEACE?

The organization has accomplished certain things. It fills a large and costly office building in Saigon, and in fact has all possible flags flying out front. Its tough South Korean contingent even fights the Reds and remains responsible for security in a vital area—though some say it keeps peace by a rather indiscriminate system of deciding just which Vietnamese are enemies.

But unfortunately for the publicists, some unflattering truths about these forces have been emerging lately, thanks to the Senator's committee, which is no friend of the Vietnam war.

The Philippines, for example, were persuaded to send a 2,200-man construction battalion (the Philcag) only after the U.S. spent $39 million getting it organized. Terms included extra salary payments from the American exchequer to Filipinos in Vietnam, such as $195 monthly per colonel. However, U.S. investigators haven't been able to trace just where all the money really went, and the suspicion lingers that some Manila officials—not known for probity—may have pocketed a healthy share.

On the scene, the Philcag set records of sorts; the average sergeant spent twice his annual salary in American PXs, indicating a healthy penetration of the profitable black market. Militarily, most observers agree the Philcag probably didn't set back the war effort very much before it recently went home again.

Other disclosures, about Thailand, show the ante can be raised when additional flags are desperately desired. The Thais are shrewd and, as former U.S. Ambassador Graham Martin testified, had few illusions about the usefulness of their contribution when asked to help. They went because they figured former President Johnson was finding going it alone "increasingly uncomfortable," Mr. Martin explained.

But they didn't go cheaply. Their colonels, for example, got a full $300 monthly extra from the U.S., and total cost to Washington so far exceeds $230 million. Though Thailand sent more men (11,000) than did the Philippines and has done more fighting, the overall impact hasn't been decisive—just as Bangkok knew all along.

Then there is the intriguing story of how the government of Honduras once joined the ranks of Saigon's friends. According to official accounts sent to Congress, a Honduran air force plane once voluntarily flew 3,100 pounds of supplies to South Vietnam—a laudable act indeed.

But the gesture was a bit more complicated than that.

The airplane, it appears, actually was an aging American C-54 on loan—repainted for the journey with Honduran colors. It did fly from Tegucigalpa to Saigon in 1967, taking along 26 passengers, and using about 17 days to travel each way (permitting rest stops in Honolulu, Hong Kong, Tokyo and Taipei). The U.S. paid such expenses as the $235 per hour it took to operate the plane. It also provided three navigators, because the Hondurans lacked necessary skills.

Perhaps it all did some good. Presumably, the clothes and drugs were needed. A few South Vietnamese may be reassured knowing they have friends in Honduras, if they know where that is. And the 19 Honduran military men who flew to Saigon perhaps learned about combat; last year their tiny country (the poorest in Central America) managed to go to war with neighboring El Salvador after a riot at a soccer match. Most likely, their 12 airworthy planes—piloted by the former Saigon visitors—played a role in this "football war," which ended in a draw.

ADDING ANOTHER CHAPTER?

Unfortunately, Washington may now add another chapter to this tale.

For the U.S. once again wants more flags flying in Southeast Asia, namely in Cambodia. It asks South Vietnamese forces to swoop across the border to help the shaky Lon Nol regime, a feat Saigon says may cost the U.S. an extra $200 million per year. Washington also encourages Bangkok to leap in once more, which the Thais say they will do for a price. And the Pentagon looks longingly at Indonesia's Siliwangi division and Malaysia's good police forces when considering who else might be useful in Cambodia.

But one wonders if the activists here have considered just what good this help might accomplish. Many Free World Forces have had a marginal impact in South Vietnam at best, cost a great deal and created political problems.

Referring to the mid-1960s, Ambassador Martin rather wryly noted that "this was not a period which we would probably wish to cite as an historical precedent for the complete devotion to logic." Perhaps that hasn't changed completely, and unpleasant logic may be shoved aside again as the drive to put out more flags resumes.

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE POSTAL REORGANIZATION ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 913, S. 3842, so that it may again become the pending business of the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 3842) to improve and modernize the postal service and to establish the U.S. Postal Service.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the pending business is taken up on Monday next there begin a time limitation of 1 hour on each amendment, with the exception of the Fannin amendment, the time to be equally divided between the sponsor of the amendment and the manager of the bill or by whomever he may designate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent agreement reduced to writing is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That effective on Monday, June 29, 1970, during the further consideration of S. 3842, a bill to improve and modernize the postal service and to establish the United States Postal Service, debate on any amendment, except an amendment by the Senator from Arizona (Mr. FANNIN), be limited to one hour, to be equally divided and controlled respectively, by the mover of the amendment and the manager of the bill or his designee.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, can the distinguished majority leader give us further information for the rest of the week and following action on the postal reform bill?

Mr. MANSFIELD. Mr. President, we will complete action on the pending business, an act to amend the Foreign Military Sales Act, on Tuesday next. It is anticipated that we will be on the currently pending business, the postal reform legislation, the rest of the day, Monday, Tuesday, and that on Wednesday it will become the pending business itself, when we return to a one-shift basis in the schedule.

Perhaps on Wednesday or Thursday it may be possible to take up the extension or the raising of the debt ceiling. I am not at all sure that is the case, but if we cannot, then I would recommend to the distinguished minority leader that consideration be given to a 1 month's extension so that the ceiling will not revert back to what it was but will remain at the present level.

Mr. SCOTT. Mr. President, I think we should agree to a month's extension if we cannot otherwise dispose of the debt limit ceiling legislation.

At this time, we may as well restate what we have agreed on as the rest of the program. As I understand it, at 1 o'clock Monday there is an agreement to vote on the Allott amendment to the Military Sales Act. We have an agreement to vote at 2 o'clock on Tuesday on the Cooper-Church amendment, on 4 o'clock that day to have a final vote on the Military Sales Act, and at 5:30 p.m. on that day to take up and dispose of the veto of the President on the so-called Hill-Burton Act, where a vote will be either to sustain or override.

Mr. MANSFIELD. Yes; and in the period between the vote on the Allott amendment on Monday and the final vote on Tuesday, other amendments may be offered, but they will be on a 1-hour limitation.

Mr. SCOTT. As previously agreed.

Mr. MANSFIELD. Yes. Then, following the legislation already considered, I would like at some time to get to S. 1830, an act to provide for the settlement of certain land claims of Alaska natives, and for other purposes.

I would also like to dispose of two bills, S. 26 and S. 27, having to do with parks and recreation in Utah.

Then there is S. 3074, having to do with minimum standards for electrical, mechanical, and thermal equipment.

All this will not come before the Fourth of July—it would be too much—but I would hope we could get to the Interior appropriations bill before the Fourth, and after the Fourth the independent offices appropriations bill and the Agriculture appropriations bill.

This is a hit-or-miss answer, and we will work it out more exactly, but somewhere in this legislation we hope to get to the concurrent resolution to terminate certain joint resolutions authorizing the use of the Armed Forces of the United States in certain areas outside the United States.

Mr. SCOTT. Did not we get rid of that?

Mr. MANSFIELD. In a haphazard manner, but we want to nail it down to the Mathias proposal on a concurrent resolution bias which would not require the signature of the President.

I will try to straighten this out for the RECORD, but we have a lot to do up to the time the recess begins on Thursday next, and we will have a lot to do from the day we come back from that recess.

Mr. SCOTT. Mr. President, I welcome the recess, brief though it may be, because it will save some speeches from being made on the Senate floor which might better be made on the hustings.

"WIB" CHAPMAN—A MAN OF THE SEA

Mr. PELL. Mr. President, I have learned with great sadness of the death of Dr. Wilbert M. Chapman, one of the truly great men in the history of oceanology.

"Wib" Chapman was known to virtually everyone interested or involved in marine science activities and affairs of this Nation, and indeed, of the world.

He started his career as a marine biologist, but through experience and study, he became what can best be described the complete man of the oceans.

In the past decade, there has been no oceanologic meeting or conference of any significance to which Wib Chapman did not contribute his knowledge, his sage advice, and his delightful presence.

He was one of a small number of men who constituted the oceanologic establishment of this country, an establishment whose legitimacy and influence is based not on power, but on well-earned and deserved respect.

One of Wib Chapman's great dreams and objectives was the establishment of a U.S. national oceanologic program worthy of this great maritime country. He campaigned tirelessly for creation of a unified oceans agency in the Federal Government. His death comes at a time when significant steps

XUM

toward realization of that goal are in sight.

Mr. President, I had the privilege, in October 1968, of presenting to Wib Chapman the first Sea Grant College Award, established to honor men whose career and work exemplifies the purposes of the national sea grant college program. I ask unanimous consent that a portion of my tribute to Dr. Chapman at that time be printed in the Record at this point.

There being no objection, the tribute was ordered to be printed in the Record, as follows:

Presentation of the First Sea Grant College Award

(By Claiborne Pell)

The recipient of this first Sea Grant College Award is a man whose career and work exemplifies the purposes of the award and the Sea Grant College Program.

Dr. Wilbert M. Chapman is known wherever men of the sea gather to discuss their problems and prospects. First and foremost, by training and long experience, he is a scientist. But he is a scientist who has not been content with expanding our technical knowlege of the sea. Dr. Chapman has insisted that this knowledge be applied to benefit mankind. He has insisted that the fruits of scientific research be reflected in public policy, and to this end he has persistently explored those areas where education, economics, law and public and foreign policy mingle and mix with the sciences of the sea.

In the process, Dr. Chapman has become more than a scientist. He has become an educator, an administrator, a valued consultant, an economist, a prolific author and—though perhaps he might wince at the word—a diplomat.

XUM

Most of you, I think, have some knowledge of Dr. Chapman's career, but permit me to touch briefly on some of the highlights. As a biologist, he worked for his native state of Washington and for the U.S. Fish and Wildlife Service; and as curator of Fisheries for the California Academy of Sciences. After duty during World War II as a fisheries development officer in the Pacific, Dr. Chapman returned to the University of Washington as director of the School of Fisheries. He then served for three years as special assistant to the Under Secretary of the Department of State for Fish and Wildlife.

There followed eight years as director of research for the American Tunaboat Association and two years as director of the Resources Committee, concerned with the application of science and technology to fisheries development. Since 1961, Dr. Chapman has been director of marine resources for the Ralston Purina Company.

The breadth of his influence and the high esteem in which he is held among people involved with problems of ocean utilization is reflected in the fact that he is now serving as chairman, member or consultant to a dozen national, international and state commissions and boards and committees. He has also served as a member or consultant to practically every international conference conducted in recent years touching on ocean problems. Somehow, between his committee and commission meetings and his full-time job, Dr. Chapman has also managed to produce nearly 200 papers on ichthyology, fishery development, the law of the sea, fishery economics, and ocean science.

In his address to that First Sea Grant College Conference three years ago, Dr. Chapman offered the thesis that there is a distinct difference between what he calls "sea people" and "land people". He said, "The ocean weeds out from all of the races of mankind that come upon it to make a living a certain type of person. This type of person stays with the ocean and the rest are cast back ashore to deal with the land people."

It is quite clear that the ocean did not cast Dr. Chapman back to shore. He is indeed one of the sea people.

CONVICTION OF ALAN McSURELY AND MARGARET McSURELY FOR CONTEMPT OF CONGRESS

Mr. McCLELLAN. Mr. President, Alan McSurely and Margaret McSurely were each convicted today on both counts of their identical indictments for contempt of Congress in the U.S. District Court for the District of Columbia. District Judge John Lewis Smith, Jr., presided. The trial lasted for 4½ days. The jury deliberated for approximately 1 hour and 20 minutes before returning its verdict.

The McSurelys were convicted as a result of refusing to furnish to the Senate Permanent Subcommittee on Investigations certain records in their possession which were the subjects of subpenas duces tecum by the subcommittee. The contempt occurred in an executive session of the subcommittee held on March 4, 1969. They appeared at the hearing on that date and testified that they would not produce the records and that they had not brought the documents with them for the purpose of producing them. They were then given a further opportunity to produce the records by being directed to bring them to the subcommittee by noon on Friday, March 7, 1969. On that date they failed to appear, and this failure was the basis for the second count in each of their indictments for contempt of Congress.

The Permanent Subcommittee on Investigations thereafter met on March 24, 1969, and voted unanimously to seek citations of contempt against Alan McSurely and Margaret McSurley through the Committee on Government Operations.

The Committee on Government Operations, thereafter, on April 30, 1969, met and unanimously voted a resolution to present to the-U.S. Senate to permit the U.S. attorney to proceed against the McSurelys.

On May 5, 1969, the Senate voted to cite the McSurelys for contempt of Congress. The committee's investigation which involved the McSurelys was related to the riots which occurred in Nashville, Tenn., in April 1967.

I may further state that Mr. David G. Bress, formerly U.S. attorney for the District of Columbia, was appointed special assistant to the Attorney General to act as prosecutor in those trials.

I have found after more than 15 years of experience in conducting investigations in the areas of which the Committee on Government Operations has jurisdiction, and which it has received a special mandate from this body to conduct, that there is nothing pleasant in the performance of an official duty of this kind. We get all types of people before us as witnesses. When we really dig into some of the problems and try to get the truth for the record and try to get information that Congress needs upon which to premise legislation, it is characteristic that we run into all kinds of obstructions. Often witnesses take the fifth amendment; on other occasions they will talk, as in this instance, about defying Congress, and then they will hire the best attorneys they can get to try to confuse the issues, perplex the juries, and mislead them into bringing in verdicts of acquittal.

That effort was made by defense counsel in this case. In my judgment, he did not try to seek the facts, but simply tried to conduct a smear effort in his defense of his clients, instead of dealing with the issues. He injected into the trial names that did not belong there, and he made insinuations that were not only improper but untruthful, in my judgment. As a result of the trial, however, which lasted 4½ days, the jury, after deliberating for an hour and 20 minutes, found the defendants guilty on each count of the indictment. I do not know what the sentence will be; I have simply referred to this case to show that when the Senate gives a committee authority, jurisdiction, and direction to make an investigation, such as the committee did in connection with the riots that were occurring all over the country, to try to find out the causes of the riots, the extent of them, and whether they arose instantaneously, or were planned or were the result of a conspiracy—when we dig into these factors, quite often we find our work very difficult. We run up against a wall of resistance that is very difficult to penetrate or to go around.

Often it is necessary to try to obtain documents from certain people, documents that would reveal or give a clue to what had been discussed at meetings, so as to determine the objectives of those meetings. That situation prevailed in Nashville, Tenn. Some meetings held there were attended by groups which included Communists. Speeches were made, emotions no doubt were aroused, and people were incited to actions that, in my judgment, contributed to the outbreak of disturbances and rioting a day or two thereafter.

No one likes to see people punished, but we are at the point in America where, if we cannot enforce the law, subversive elements in the country are going to defy the courts, defy Congress, and defy decent society. If we are to continue to maintain the tie that binds our society, we find that we have no alternative except to resort to our courts and hope that justice may be done. I believe that justice was done in this case.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate proceed to the consideration of bills on the calendar beginning with Calendar No. 965 and continuing with the rest of the calendar in sequence.

The PRESIDING OFFICER. Without objection, it is so ordered. The first bill will be stated.

THE MID-ATLANTIC STATES AIR POLLUTION CONTROL COMMISSION

The Senate proceeded to consider the joint resolution (S.J. Res. 53) to consent to and enter into the Mid-Atlantic States Air Pollution Control Compact, creating the Mid-Atlantic States Air Pollution Control Commission as an intergovernmental, Federal-State agency which had been reported from the Committee on the Judiciary with amendments on page 2, after the preamble, strike out the resolving clause and, in lieu thereof, insert:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States hereby consents to, and joins in States of Connecticut, New Jersey, and New York in the following compact:

On page 26, after line 9, insert a new section, as follows:

SEC. 3. (a) Notwithstanding any other provision of this Act, nothing contained in this Act or in the compact shall be construed as superseding or limiting the functions, under any other law, of the Secretary of Health, Education, and Welfare or of any other officer or agency of the United States, relating to air pollution.

(b) Nothing in this compact or this Act shall be construed as conferring jurisdiction on the commission over an air quality control region or regions under section 1857(a)(2) of title 42, United States Code, not wholly within the boundaries of the compacting states.

(c) Nothing in this compact or this Act shall be construed as requiring that the commission established by this compact serve as the air pollution control agency for any interstate air quality control region designated by the Clean Air Act, as amended by the Air Quality Act of 1967 (42 U.S.C. 1857a(c), 42 U.S.C. 1857(a)(2), 42 U.S.C. 1857c(a)(3), 42 U.S.C. 1857c–1(a), 42 U.S.C. 1857(b)(2), and 42 U.S.C. 1857h(B)(4)).

And on page 27, after line 3, insert a new section, as follows:

SEC. 4. The right of Congress to alter, amend, or repeal this Act is hereby expressly reserved.

So as to make the joint resolution read:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States hereby consents to, and joins the States of Connecticut, New Jersey, and New York in the following compact:

"COMPACT

"Whereas, the signatory parties recognize that they have certain serious problems in common with respect to pollution of the atmosphere by man-made contaminants; and

"Whereas, the nature an sources of air pollution are such that the states' efforts can be effectively supplemented by control measures applicable to regional airsheds which cut across state boundaries; and

"Whereas, the signatory parties recognize that the protection and improvement of the quality of their common atmosphere is vested with local, state and national interests, for which they have a joint responsibility; and

"Whereas, the signatory parties have determined to establish a federal-interstate agency, with jurisdiction and powers adequate to cope with interstate air pollution problems;

"Now, therefor, the states of New Jersey and New York and the United States of America, and if any of them should join herein, the states of Delaware, Connecticut and the Commonwealth of Pennsylvania, respectively, hereby solemnly covenant and agree with each other, upon the enactment of concurring legislation by the congress of the United States and by the respective state legislatures, having the same effect as this part as follows:

"ARTICLE I

"SHORT TITLE, DEFINITIONS AND FINDINGS

"SECTION 101. SHORT TITLE.—This act shall be known and may be cited as the 'Mid-Atlantic States Air Pollution Control Compact'.

"SECTION 102. DEFINITIONS.—For the purposes of this compact, and of any supplemental or concurring legislation enacted pursuant thereto, except as may be otherwise required by the context:

"(1) 'Commission' shall mean the commission established by this compact;

"(2) 'Region' shall means the territorial limits of the states which are or become parties to this compact;

"(3) 'Compact' shall mean Part I of this act;

"(4) 'Federal government' shall mean the government of the United States of America, and any appropriate branch, department, bureau or division thereof, as the case may be;

"(5) 'Signatory party' shall mean a state, commonwealth, or the federal government, which has become a party to this compact by enactment of concurring legislation;

"(6) 'District' shall mean any area established, identified or defined by the commission in connection with the abatement or control of air pollution;

"(7) 'Air contaminant' shall mean dust, fumes, mist, smoke, or other particulate matter, vapor, gas, odorous substance, or any combination thereof;

"(8) 'Air pollution' shall mean the presence in the outdor atmosphere of one or more air contaminants in such quantities and duration as is or tends to be injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or property.

"(9) 'Emission' shall mean a release into the outdoor atmosphere of air contaminants.

"SECTION 103. FINDINGS OF FACT.—It is hereby found and declared that:

"(1) The tremendous growth of population and industry has resulted in substantial increases in atmospheric waste and air pollution over the entire region;

"(2) Air pollution does not respect political boundaries, and persons far removed from its sources and having no responsibility for or control over its creation endure health hazards, discomfort and inconvenience and experience property damage and economic loss;

"(3) Air pollution is associated with such important respiratory diseases as lung cancer, emphysema, chronic bronchitis and asthma, and is a general hazard to the public health and welfare, agricultural crops, livestock and other property;

"(4) It is necessary and desirable to abate existing air pollution and prevent future air pollution so as to secure and maintain air quality which is consistent with the public health and welfare, the propagation and protection of plant and animal life, and the protection of property and other resources of the region;

"(5) In the present state of the art, there are no public facilities for collection and disposal of atmospheric waste comparable to facilities to cope with liquid and solid waste, and the effects of emissions differ greatly among air resource uses and users, under the various meteorological and geographic conditions, which disregard state boundaries;

"(6) Air pollution can best be controlled and abated at its sources, and, while such prevention, control and abatement is the primary obligation of the states, counties or municipalities in which it originates, the problems of interstate air pollution can be more readily and effectively solved under a coordinated regionwide agency of the State and Federal Government.

"SECTION 104. EXISTING AGENCIES; CONSTRUCTION.—It is the purpose of the signatory parties to preserve and utilize the functions, powers and duties of existing offices and agencies of government to the extent not inconsistent with the compact and the commission is authorized and directed to utilize and employ such offices and agencies for the purpose of this compact to the fullest extent it finds feasible and advantageous.

"ARTICLE II

"ORGANIZATION AND ADMINISTRATION

"SECTION 201. COMMISSION CREATED.—There is hereby created the Mid-Atlantic States Air Pollution Control Commission as a body politic and corporate, with perpetual succession as an agency and instrumentality of the respective signatory parties.

"SECTION 202. COMMISSION MEMBERSHIP.—The commission shall consist of the governors of the signatory states, ex-officio, and one commissioner to be appointed by the President of the United States, to serve during the term of office of the President appointing him and until the appointment and qualification of his successor.

"SECTION 203. ALTERNATES.—Each member of the commission shall appoint an alternate to act in his place and stead, with authority to attend all meetings of the commission, and with power to vote in the absence of the member. Unless otherwise provided by law of the signatory party for which he is appointed, each alternate shall serve during the term of the member appointing him, subject to removal at the pleasure of the member. In the event of a vacancy in the office of alternate, it shall be filled in the same manner as an original appointment for the unexpired term only. In the event of the temporary absence or disability of an alternate, the member of the commission may appoint another qualified person to act as his alternate for the duration of such temporary absence or disability.

"SECTION 204. COMPENSATION.—Members of the commission and alternates shall serve without compensation from the commission but may be reimbursed for necessary expenses incurred in and incident to the performance of their duties.

"SECTION 205. VOTING POWER.—Each member shall be entitled to one vote on all matters which may come before the commission. No action of the commission shall be taken at any meeting unless a majority of the membership shall vote in favor thereof.

"SECTION 206. ORGANIZATION; PROCEDURE.—The commission shall provide for its own organization and procedure and shall adopt rules and regulations governing its meetings and transactions. It shall organize annually by the election of a chairman and vice-chairman from among its members. It shall provide by its rules for the appointment by each member in his discretion of an advisor to serve without compensation, who may attend all meetings of the commission and its committees.

"SECTION 207. JURISDICTION.—The commission shall have, exercise and discharge its functions, powers and duties within the region. It may by contract or otherwise act jointly, concurrently, or in cooperation with any other agency or instrumentality of government within or without the region for the purpose of effectuating the purposes of this compact.

"SECTION 208. RETAINED JURISDICTION OF SIGNATORY PARTIES.—(a) Unless authorized by laws of the signatory States other than this compact, the commission shall not have power to require licenses or permits for the construction, establishment, installation, maintenance or operation of any air pollution source or other equipment, device or facility; to require commission approval of any of the foregoing; or to confer upon the commission any other power of licensure.

"(b) Nothing in this compact shall be construed to abrogate, impair or in any way prevent the enactment or application of any State or local law, code, ordinance, rule or regulation not inconsistent with this compact, or with any standard, rule or regulation of the commission; and any such State or local law, code, ordinance, rule or regulation may be more restrictive than any requirement in effect pursuant to this compact.

"(c) Nothing in this compact shall be construed to affect any aspect of employer-employee relations, including without limitation, statutes, rules or regulations governing industrial health and safety.

"ARTICLE III

"POWERS AND DUTIES OF THE COMMISSION

"SECTION 301. GENERAL POWERS.—The commission shall:

"(1) Investigate the causes and sources of air pollution, identify air contaminants, and provide for research and the compilation and analysis of information relating thereto;

"(2) Establish, after consultation with the appropriate agency of the signatory parties, standards for air quality and requirements for the control of emissions of air contaminants to abate existing air pollution and to prevent future air pollution, subject to the provisions of article four of this compact;

"(3) Provide and administer plans and programs to effectuate such air quality standards and emission control requirements;

"(4) Promote, sponsor and conduct technical, educational and research programs and projects to identify and evaluate air contaminants and to develop and apply methods, systems and procedures for the abatement and prevention of air pollution;

"(5) Enforce or provide for the enforcement of the compact and rules and regulations lawfully promulgated thereunder; and

"(6) Furnish technical service, advice and consultation to agencies of the signatory parties: *Provided,* That the costs of such services may be reimbursed whenever the parties deem appropriate.

"SECTION 302. AUXILIARY POWERS.—In furtherance of the powers and duties elsewhere prescribed in this compact, the commission may:

"(1) Sue and be sued in a court of competent jurisdiction;

"(2) Have a seal and alter the same at pleasure;

"(3) Acquire, hold and dispose of real and personal property by gift, purchase, lease, license or other similar manner for its corporate purposes and accept grants and comply with the conditions thereof;

"(4) Provide for the organization and administration of the commission staff and retain and employ counsel and private consultants on a contract basis or otherwise;

"(5) Administer and enforce the provisions of this compact;

"(6) Make and enforce such rules and regulations as the commission may deem necessary to effectuate the purposes of this compact or to prevent the circumvention or evasion thereof;

"(7) By its members and its properly designated officers, agents and employes, administer oaths and issue subpenas throughout the region to compel the attendance of witnesses and the giving of testimony or the production of other evidence;

"(8) Have for its members and its properly designated officers, agents and employes, full and free access, ingress and egress to and from all property, premises and places in the reigon, for the purpose of making inspection or enforcing the provisions of this compact, where there is reasonable cause to believe there is a violation of this compact or of any rule or regulation lawfully made thereunder; and no person shall obstruct or in any way interfere with any such member, officer, employe, or agent in the making of such inspection, or in the enforcement of the provisions of this compact or in the performance of any other power or duty under this compact; and

"(9) Cooperate with and receive from any department, division, bureau, board, commission, or agency of any or all of the signatory parties, or of any county or municipality thereof, such assistance and data as will enable it properly to carry out its powers and duties hereunder, and may authorize and request any such department, division, bureau, board, commission or agency, with the consent thereof, to execute such of its functions and powers as the public interest may require.

"ARTICLE IV

"AIR QUALITY STANDARDS AND EMISSION CONTROL REQUIREMENTS

"SECTION 401. GENERALLY.—The commission shall have jurisdiction to abate existing air pollution and to prevent and control furture air pollution in the region, and to this end it shall:

"(1) Prepare and develop standards of air quality and emission control requirements for the region as required to protect the public health and welfare and prevent air pollution which would unreasonably impair the beneficial use of the air of the region. To this end, it shall encourage and conduct studies, investigations and research relating to air pollution and its causes, prevention, control and abatement.

"(2) For the purpose of such standards, the commission may establish and delineate districts and airsheds, seasonal requirements, and classifications of air contaminants by type and source, for general or selective application of such standards and emission controls.

"(3) Prior to the adoption of standards or emission control requirements, the commission shall hold public hearings upon due notice of the proposed standards, and all interested persons shall be given an opportunity to be heard at such hearing. After such notice and hearing, the commission may adopt and from time to time amend and repeal standards in the form of rules and regulations to prevent or control future air pollution and to abate existing air pollution, and to require the installation of such measures, systems and procedures for the abatement or prevention of air pollution as may be required to protect the public health, safety, property rights, and general welfare. Any such rule or regulation, amendment or repeal thereof shall take effect not less than sixty (60) days after its adoption by the commission and filing as required by law.

"SECTION 402. MONITORING; WARNINGS; EMERGENCIES.—The commission shall:

"(1) Provide for a uniform, comprehensive and integrated system for monitoring atmospheric waste in the region, the measurement and forecasting of air pollution, and the identification of significant meteorological, geographical, and ecological factors within the region, its districts or airsheds;

"(2) Establish and administer warning and alert procedures and systems with respect to impending and existing conditions of severe and immediately dangerous air pollution;

"(3) Upon authorization by any one of the signatory states, exercise emergency powers within those portions of the region lying within the authorizing state to require the reduction or cessation of emissions of air contaminants, and to require the taking or refraining from any other measure as may be necessary in the public interest to alleviate or abate the immediate danger.

"SEC. 403. ENFORCEMENT.—(a) The commission may, after such notice and hearing as may be required by due process of law, issue an order or orders to any person or public or private corporation, or other entity, to cease and desist from any emissions which it determines to be in violation of such rules and regulations as it shall have adopted for the prevention and abatement of air pollution. Any such order or orders may prescribe a schedule, including a reasonable time for the construction and installation of any necessary systems, methods and procedures, on or before which the emission of air contaminants shall be wholly or partially discontinued, modified or treated, or otherwise required to conform to the standards established by the commission. Any court of competent jurisdiction shall have jurisdiction to enforce by injunction in a summary manner against any person, public or private corporation, or other entity, any and all provisions of this article or of any such order. The commission may bring an action in its own name in any such court of competent jurisdiction to compel compliance with any provisions of this compact, or of any rule, regulation or order issued pursuant thereto, according to the practice and procedure of the court.

"(b) In the case of air pollution not within an interstate district or airshed as established by the commission, the commission shall give priority to enforcement proceedings by other agencies of the signatory parties; provided, however, that the provisions of this subdivision may not be asserted as a defense in any action or proceeding brought by the commission.

"SEC. 404. HEARINGS; SUBPOENAS.—(a) The commission shall establish by appropriate regulation the procedure to be followed in the conduct of its hearings. Neither the commission nor any person designated by it to conduct a hearing shall be bound by common law or statutory rules of evidence or by technical or formal rules of procedure in the conduct of such hearings.

"(b) The commission, or such member or officer of the commission as may be designated by the commission for that purpose, shall have the power to issue subpoenas effective throughout the region to compel the attendance of witnesses and the giving of testimony or production of other evidence, and to administer oaths in connection with any such hearing. It shall be the duty of the commission or of such member or officer of the commission as it may designate to issue subpoenas at the request of and on behalf of any party to a hearing before the commission. Subpoenas issued by the commission shall be enforced by any court of competent jurisdiction of the signatory parties, according to the practice and procedure of the court applicable to subpoenas issued in proceedings pending before it.

"SECTION 405. PENAL SANCTION.—Any person, association, or corporation who violates or attempts or conspires to violate any provision of this compact or any rule, regulation or order of the commission duly made, promulgated or issued pursuant to the compact, in addition to any other remedy, penalty or consequence provided by law, shall be punishable as may be provided by statute of any of the signatory parties within which the offense is committed: *Provided,* That in the absence of such provision, any such person, association or corporation shall be liable to a penalty of not less than fifty dollars and not more than one thousand dollars, for each such offense to be fixed by the court, which the commission may recover in its own name in any court of competent jurisdiction, and in a summary proceeding where available under the practice and procedure of such court. For the purposes of this section in the event of a continuing offense, each day of such violation, attempt or conspiracy shall constitute a separate offense.

"SECTION 406. JUDICIAL REVIEW.—Any order or determination of the commission under this article shall be subject to judicial review in any court of competent jurisdiction as provided by the law of a signatory party.

XUM

"ARTICLE V

"PERSONNEL AND PROCEDURES GENERALLY

"SECTION 501. POWERS OF THE COMMISSIONERS.—The commissioners, subject to the provisions of this compact, shall:

"(1) Serve as the governing body of the commission, and exercise and discharge its powers and duties except as otherwise provided by or pursuant to this compact;

"(2) Determine the character of and the necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed and paid subject to any provisions of low specifically applicable to agencies or instrumentalities created by compact;

"(3) Provide for the internal organization and administration of the commission;

"(4) Appoint or provide for the appointment of the principal officers of the commission and delegate to and allocate among them administrative functions, powers and duties;

"(5) Create and abolish such offices, employments and positions as it deems necessary for the purposes of the compact, and subject to the provisions of this article, fix and provide for the qualification, appointment, removal, term, tenure, compensation, pension and retirement rights of its officers and employes;

"(6) Let and execute contracts to carry out the powers of the commission.

"SECTION 502. REGULATIONS: ENFORCEMENT.—The commission may:

"(1) Make and enforce reasonable rules and regulations in the form of an air pollution code or otherwise, for the effectuation, application and enforcement of this compact; provided that any rule or regulation, other than one which deals solely with the internal management of the commission, shall be adopted only after public hearing and shall not be effective unless and until filed in accordance with the law of the respective signatory parties applicable to administrative rules and regulations generally; provided further, that a certified copy of any such rule or regulation, attested as true and correct by the commission, shall be presumptive evidence of the regular making, adoption, filing and publication thereof; and

"(2) Designate any officer, agent or employe of the commission to be an investigator, and such person shall be vested with the powers of a peace officer of the state in which he is duly assigned to perform his duties.

"SECTION 503. CONFIDENTIAL INFORMATION.—Any records or other information furnished to or obtained by the commission in the exercise of its powers, functions and duties from any private person, corporation or other entity which records or information, as certified by the owner or operator, relate to production or sales figures, or to secret processes or production, or which if made known to others would tend to affect adversely the competitive position of such owner or operator, shall be retained solely for the use of the commission and its employes, in the administration and enforcement of this compact, and for the use of air pollution control agencies of the signatory parties in the administration and enforcement of state or federal law, and shall not be published or disclosed for any other purpose by any officer or employe of the commission or any other person without the written consent of such owner or operator.

"SECTION 504. OFFICERS GENERALLY.—(a) The officers of the commission shall consist of an executive director and such additional officers, deputies and assistants as the commission may determine. The executive director shall be appointed and may be removed by the affirmative vote of a majority of the full membership of the commission. All other officers and employes shall be appointed in such manner and under such rules of procedure as the commission may determine.

"(b) In the appointment and promotion of officers and employes for the commission, no political, racial, religious or residency test or qualification shall be permitted or given consideration, but all such appointments and promotions shall be solely on the basis of merit and fitness. Any officer or employe of the commission who is found by the commission to be guilty of a violation of this section shall be removed from office by the commission.

"SECTION 505. MEETINGS; RECORDS.—(a) All meetings of the commission shall be open to the public.

"(b) The minutes of the commission shall be a public record open to inspection and copying at its offices during regular business hours, subject to the law relating to public records of the signatory states in which such minutes are located.

"SECTION 506. PROHIBITED ACTIVITIES.—(a) No commissioner, officer or employe shall:

"(1) Be financially interested, either directly or indirectly, in any contract, sale, purchase, lease or transfer of real or personal property to which the commission is a party;

"(2) Solicit or accept money or any other thing of value in addition to the compensation or expenses paid him by the commission for services performed within the scope of his official duties;

"(3) Offer money or any thing of value for or in consideration of obtaining an appointment, promotion or privilege in his employment with the commission.

"(b) Any officer or employee who shall willfully violate any of the provisions of this section shall forfeit his office or employment.

"(c) Any contract or agreement knowingly made in contravention of this section shall be void.

"(d) Officers and employes of the commission shall be subject in addition to the provisions of this section to such criminal and civil sanctions for misconduct in office as may be imposed by federal law and the law of the signatory state in which such misconduct occurs.

"SECTION 507. AUDIT.—The Commission shall provide for an annual independent audit of its accounts and financial transactions by a certified public accountant, and for the publication of the report of such audit.

"SECTION 508. TORT LIABILITY.—The commission shall be responsible for claims arising out of the negligent acts or omissions of its officers, agents and employes only to the extent and subject to the procedures prescribed by law generally with respect to officers, agents and employes of the government of the United States.

"ARTICLE VI

"GENERAL PROVISIONS

"SECTION 601. COMMISSION BUDGET.—The commission shall annually adopt a current expense budget for each fiscal year, and shall apportion the amount required to balance the expenditures therein, less estimated revenues from all sources, to the signatory parties in accordance with such equitable cost-sharing formulae as the members of the commission may adopt by unanimous vote. Following the adoption of its annual budget, the commission shall transmit certified copies of the budget to the budget officer of the respective signatory parties at such time and in such manner as may be required under their respective budgetary procedures. The signatory parties covenant and agree to include the amount so apportioned for the support of the commission's current expense budget in their respective budgets next to be adopted, subject to such review and approval as may be required by their respective budgetary processes. Such amounts shall be due and payable to the commission in equal quarterly installments during the commission's fiscal year.

"SECTION 602. COOPERATION.—Each signatory party pledges faithful cooperation in the control of air pollution in the region and consistent with such object to enact (or if enacted, to keep in force and where necessary to amend) laws which will:

"(1) Enable it to secure and maintain standards of air quality at least equal to those prescribed by the commission;

"(2) Accomplish effectively the objectives of this compact, and enable its officers, departments, boards and agents satisfactorily to accomplish the obligations and duties assumed by the party under the terms hereof; and

"(3) Enable it to provide technical and administrative services to the commission upon request, within the limits of available appropriations, and to cooperate generally with the commission for the purposes of this compact, provided that the cost of such services may be reimbursable whenever the parties deem appropriate.

"SECTION 603. WITHDRAWAL FROM COMPACT.—(a) A signatory party may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall become effective until two (2) years after the chief executive of the withdrawing party has given notice of the withdrawal to the commission and to each commissioner.

"(b) No withdrawal shall affect any obligation of a signatory party or any person therein accruing prior to the effective date of the withdrawal, nor any abatement order of the commission issued prior to such effective date nor shall any proceeding initiated for the enforcement thereof be invalidated or otherwise affected thereby. The jurisdiction of all appropriate courts and agencies for the enforcement of any such order shall continue, notwithstanding the fact that the effective date of the withdrawal may have passed.

"SECTION 604. AMENDMENTS AND SUPPLEMENTS.—Amendments and supplements to this compact to implement the purposes thereof may be adopted by legislative action of any of the signatory parties concurred in by all of the others.

"SECTION 605. CONSTRUCTION AND SEVERABILITY.—The provisions of this compact and of agreements thereunder shall be severable and if any phrase, clause, sentence or provision of this compact or such agreement is declared to be unconstitutional or the applicability thereof to any signatory party, agency or person is held invalid, the constitutionality of the remainder of such compact or such agreement and the applicability thereof to any other signatory party, agency, person, or circumstance shall not be affected thereby. It is the legislative intent that the provisions of such compact be reasonably and liberally construed.

"SECTION 606. EFFECTIVE DATE; EXECUTION.—(a) This compact shall become binding and effective thirty days after the enactment of concurring legislation by the federal government and the state of New Jersey. The compact shall be signed and sealed in six duplicate original copies by the respective chief executives of the signatory parties. One such copy shall be filed with each of the signatory parties in accordance with the laws of the party in which the filing is made, and the remaining copies shall be filed and retained in the archives of the commission upon its organization.

"(b) Thereafter, the compact shall become binding and effective separately as to each of the states of Connecticut and Delaware and the Commonwealth of Pennsylvania thirty (30) days after enactment of concurring legislation by such states or commonwealth."

SEC. 2. The President and the Congress or any committee thereof shall have the right to require the disclosure and furnishing of

XUM

such information by the Mid-Atlantic Air Pollution Control Commission as they may deem appropriate and shall have access to all books, records, and papers of the Commission.

Sec. 3. (a) Notwithstanding any other provision of this Act, nothing contained in this Act or in the compact shall be construed as superseding or limiting the functions, under any other law, of the Secretary of Health, Education, and Welfare or of any other officer or agency of the United States, relating to air pollution.

(b) Nothing in this compact or this Act shall be construed as conferring jurisdiction on the commission over an air quality control region or regions under section 1857(a)(2) of title 42, United States Code, not wholly within the boundaries of the compacting states.

(c) Nothing in this compact or this Act shall be construed as requiring that the commission established by this compact serve as the air pollution control agency for any interstate air quality control region designated by the Clean Air Act, as amended by the Air Quality Act of 1967 (42 U.S.C. 1857a(c), 42 U.S.C. 1857(a)(2), 42 U.S.C. 1857c(a)(3), 42 U.S.C. 1857c-1(a), 42 U.S.C. 1857(b)(2), and 42 U.S.C. 1857h(B)(4))."

Sec. 4 The right of Congress to alter, amend, or repeal this Act is hereby expressly reserved.

The amendments were agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was amended, so as to read:

"Whereas the States of Connecticut, New Jersey, and New York have enacted the Mid-Atlantic States Air Pollution Control Compact substantially as hereinafter set forth, creating an intergovernmental, Federal-State agency for the control and abatment of air pollution in the Mid-Atlantic region; and

Whereas by its terms said compact will come into effect after the adoption of concurrent legislation by the Federal Government and the said States of Connecticut, New Jersey, and New York and may thereafter be entered into by the States of Delaware and the Commonwealth of Pennsylvania; and

Whereas the Congress favors the objectives of said compact and finds that its effectuation is in the public interest: Now, therefore, be it

The preamble as amended was agreed to.

XUM

HOLDING TERMS OF THE U.S. DISTRICT COURT FOR THE SOUTHERN DIVISION OF THE SOUTHERN DISTRICT OF MISSISSIPPI AT GULFPORT, MISS.

The bill (S. 3122) to provide for holding terms of the U.S. District Court for the Southern Division of the Southern District of Mississippi at Gulfport, Miss., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3122

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of section 104(b)(4) of title 28 of the United States Code is amended to read as follows:

"Court for the Southern Division shall be held at Biloxi and Gulfport."

THE WESTERN INTERSTATE NUCLEAR COMPACT

The bill (S. 1628) granting the consent of Congress to the Western Interstate Nuclear Compact, and related purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to be the national policy to encourage and recognize the performance of functions by the States with respect to the peaceful use of nuclear energy in its several forms. The Federal Government recognizes that many programs in nuclear fields can benefit from cooperation among the States, as well as between the Federal Government and the States. The importance of the interstate compact as one means for promoting such cooperation is hereby declared as part of the intention of Congress, already expressed in part in Public Law 86-373 and 87-563, to facilitate the use of State jurisdiction in and over portions of the development and regulatory nuclear field.

Sec. 2. The Congress hereby consents to the Western Interstate Nuclear Compact, which compact is as follows:

"Article I. Policy and Purpose

"The party states recognize that the proper employment of scientific and technological discoveries and advances in nuclear and related fields and direct and collateral application and adaptation of processes and techniques developed in connection therewith, properly correlated with the other resources of the region, can assist substantially in the industrial progress of the West and the further development of the economy of the region. They also recognize that optimum benefit from nuclear and related scientific or technological resources, facilities and skills requires systematic encouragement, guidance, assistance, and promotion from the party states on a cooperative basis. It is the policy of the party states to undertake such cooperation on a continuing basis. It is the purpose of this compact to provide the instruments and framework for such a cooperative effort in nuclear and related fields, to enhance the economy of the West and contribute to the individual and community well-being of the region's people.

"Article II. The Board

"(a) There is hereby created an agency of the party states to be known as the 'Western Interstate Nuclear Board' (hereinafter called the Board). The Board shall be composed of one member from each party state designated or appointed in accordance with the law of the state which he represents and serving and subject to removal in accordance with such law. Any member of the Board may provide for the discharge of his duties and the performance of his functions thereon (either for the duration of his membership or for any lesser period of time) by a deputy or assistant, if the laws of his state make specific provisions therefor. The federal government may be represented without vote if provision is made by federal law for such representation.

"(b) The Board members of the party states shall each be entitled to one vote on the Board. No action of the Board shall be binding unless taken at a meeting at which a majority of all members representing the party states are present and unless a majority of the total number of votes on the Board are cast in favor thereof.

"(c) The Board shall have a seal.

"(d) The Board shall elect annually, from among its members, a chairman, a vice chairman, and a treasurer. The Board shall appoint and fix the compensation of an Executive Director who shall serve at its pleasure and who shall also act as Secretary, and who, together with the Treasurer, and such other personnel as the Board may direct, shall be bonded in such amounts as the Board may require.

"(e) The Executive Director, with the approval of the Board, shall appoint and remove or discharge such personnel as may be necessary for the performance of the Board's functions irrespective of the civil service, personnel or other merit system laws of any of the party states.

"(f) The Board may establish and maintain, independently or in conjunction with any one or more of the party states, or its institutions or subdivisions, a suitable retirement system for its full-time employees. Employees of the Board shall be eligible for social security coverage in respect of the old age and survivors insurance provided that the Board takes such steps as may be necessary pursuant to federal law to participate in such program of insurance as a governmental agency or unit. The Board may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

"(g) The Board may borrow, accept, or contract for the services of personnel from any state or the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, person, firm or corporation.

"(h) The Board may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services (conditional or otherwise) from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm, or corporation, and may receive, utilize, and dispose of the same. The nature, amount and conditions, if any, attendant upon any donation or grant accepted pursuant to this paragraph or upon any borrowing pursuant to paragraph (g) of this Article, together with the identity of the donor, grantor or lender, shall be detailed in the annual report of the Board.

"(i) The Board may establish and maintain such facilities as may be necessary for the transacting of its business. The Board may acquire, hold, and convey real and personal property and any interest therein.

"(j) The Board shall adopt bylaws, rules, and regulations for the conduct of its business, and shall have the power to amend and rescind these bylaws, rules, and regulations. The Board shall publish its bylaws, rules, and regulations in convenient form and shall file a copy thereof, and shall also file a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

"(k) The Board annually shall make to the governor of each party state, a report covering the activities of the Board for the preceding year, and embodying such recommendations as may have been adopted by the Board, which report shall be transmitted to the legislature of said state. The Board may issue such additional reports as it may deem desirable.

"Article III. Finances

"(a) The Board shall submit to the governor or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that jurisdiction for presentation to the legislature thereof.

"(b) Each of the Board's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. Each of the Board's requests for appropriations pursuant to a budget of estimated expenditures shall be apportioned equally among the party states. Subject to appropriation by their respective legislatures, the Board shall be provided with such funds by each of the party states as are necessary to provide the means of establishing and maintaining facilities, a staff of personnel, and such activities as may be necessary to fulfill the powers and duties imposed upon and entrusted to the Board.

"(c) The Board may meet any of its obligations in whole or in part with funds available to it under Article II(h) of this compact, provided that the Board takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in this manner. Except where the Board makes use of funds available to it under Article II(h) hereof, the Board shall not incur any obligation prior to the allotment of funds by the party jurisdictions adequate to meet the same.

"(d) Any expenses and any other costs for each member of the Board in attending Board meetings shall be met by the Board.

"(e) The Board shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Board shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Board shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become a part of the annual report of the Board.

"(f) The Accounts of the Board shall be open at any reasonable time for inspection to persons authorized by the Board, and duly designated representatives of governments contributing to the Board's support.

"Article IV. Advisory Committees

"The Board may establish such advisory and technical committees as it may deem necessary, membership on which may include but not be limited to private citizens, expert and lay personnel, representatives of industry, labor, commerce, agriculture, civic associations, medicine, education, voluntary health agencies, and officials of local, State and Federal Government, and may cooperate with and use the services of any such committes and the organizations which they represent in furthering any of its activities under this compact.

"Article V. Powers

"The Board shall have power to—

"(a) Encourage and promote cooperation among the party states in the development and utilization of nuclear and related technologies and their application to industry and other fields.

"(b) Ascertain and analyze on a continuing basis the position of the West with respect to the employment in industry of nuclear and related scientific findings and technologies.

"(c) Encourage the development and use of scientific advances and discoveries in nuclear facilities, energy, materials, products, byproducts, and all other appropriate adaptations of scientific and technological advances and discoveries.

"(d) Collect, correlate, and disseminate information relating to the peaceful uses of nuclear energy, materials, and products, and other products and processes resulting from the application of related science and technology.

"(e) Encourage the development and use of nuclear energy, facilities, installations, and products as part of a balanced economy.

"(f) Conduct, or cooperate in conducting, programs of training for state and local personnel engaged in any aspects of:

"1. Nuclear industry, medicine, or education, or the promotion or regulation thereof.

"2. Applying nuclear scientific advances or discoveries, and any industrial commercial or other processes resulting therefrom.

"3. The formulation or administration of measures designed to promote safety in any matter related to the development, use, or disposal of nuclear energy, materials, products, byproducts, installations, or wastes, or to safety in the production, use and disposal of any other substances peculiarly related thereto.

"(g) Organize and conduct, or assist and cooperate in organizing and conducting, demonstrations or research in any of the scientific technological or industrial fields to which this compact relates.

"(h) Undertake such nonregulatory functions with respect to nonnuclear sources of radiation as may promote the economic development and general welfare of the West.

"(i) Study industrial, health, safety, and other standards, laws, codes, rules, regulations, and administrative practices in or related to nuclear fields.

"(j) Recommend such changes in, or amendments or additions to the laws, codes, rules, regulations, administrative procedures and practices or local laws or ordinances of the party states of their subdivisions in nuclear and related fields, as in its judgment may be appropriate. Any such recommendations shall be made through the appropriate state agency, with due consideration of the desirability of uniformity but shall also give appropriate weight to any special circumstances which may justify variations to meet local conditions.

"(k) Consider and make recommendations designed to facilitate the transportation of nuclear equipment, materials, products, byproducts, wastes, and any other nuclear or related substances, in such manner and under such conditions as will make their availbility or disposal practicable on an economic and efficient basis.

"(l) Consider and make recommendations with respect to the assumption of and protection against liability actually or potentially incurred in any phase of operations in nuclear and related fields.

"(m) Advise and consult with the federal government concerning the common position of the party states or assist party states with regard to individual problems where appropriate in respect to nuclear and related fields.

"(n) Cooperate with the Atomic Energy Commission, the National Aeronautics and Space Administration, the Office of Science and Technology, or any agencies successor thereto, any other officer or agency of the United States, and any other governmental unit or agency or officer thereof, and with any private persons or agencies in any of the fields of its interest.

"(o) Act as licensee, contractor or subcontractor of the United States Government or any party state with respect to the conduct of any research activity requiring such license or contract and operate such research facility or undertake any program pursuant thereto, provided that this power shall be exercised only in connection with the implementation of one or more other powers conferred upon the Board by this compact.

"(p) Prepare, publish and distribute (with or without charge) such reports, bulletins, newsletters or other materials as it deems appropriate.

"(q) Ascertain from time to time such methods, practices, circumstances, and conditions as may bring about the prevention and control of nuclear incidents in the area comprising the party states, to coordinate the nuclear incident prevention and control plans and the work relating thereto of the appropriate agencies of the party states and to facilitate the rendering of aid by the party states to each other in coping with nuclear incidents.

"The Board may formulate and, in accordance with need from time to time, revise a regional plan or regional plans for coping with nuclear incidents within the territory of the party states as a whole or within any subregion or subregions of the geographic area covered by this compact.

"Any nuclear incident plan in force pursuant to this paragraph shall designate the official or agency in each party state covered by the plan who shall coordinate requests for aid pursuant to Article VI of this compact and the furnishing of aid in response thereto.

"Unless the party states concerned expressly otherwise agree, the Board shall not administer the summoning and dispatching of aid, but this function shall be undertaken directly by the designated agencies and officers of the party states.

"However, the plan or plans of the Board in force pursuant to this paragraph shall provide for reports to the Board concerning the occurrence of nuclear incidents and the requests for aid on account thereof, together with summaries of the actual working and effectiveness of mutual aid in particular instances.

"From time to time, the Board shall analyze the information gathered from reports of aid pursuant to Article VI and such other instances of mutual aid as may have come to its attention, so that experience in the rendering of such aid may be available.

"(r) Prepare, maintain, and implement a regional plan or regional plans for carrying out the duties, powers, or functions conferred upon the Board by this compact.

"(s) Undertake responsibilities imposed or necessarily involved with regional participation pursuant to such cooperative programs of the federal government as are useful in connection with the fields covered by this compact.

"Article VI. Mutual Aid

"(a) Whenever a party state, or any state or local governmental authorities therein, request aid from any other party state pursuant to this compact in coping with a nuclear incident, it shall be the duty of the requested state to render all possible aid to the requesting state which is consonant with the maintenance of protection of its own people.

"(b) Whenever the officers or employees of any party state are rendering outside aid pursuant to the request of another party state under this compact, the officers or employees of such state shall, under the direction of the authorities of the state to which they are rendering aid, have the same powers, duties, rights, privileges and immunities as comparable officers and employees of the state to which they are rendering aid.

"(c) No party state or its officers or employees rendering outside aid pursuant to this compact shall be liable on account of any act or omission on their part while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

"(d) All liability that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

"(e) Any party state rendering outside aid pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries and maintenance of officers, employees and equipment incurred in connection with such requests: provided that nothing herein contained shall prevent any assisting party state from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such services to the receiving party state without charge or cost.

"(f) Each party state shall provide for the payment of compensation and death benefits to injured officers and employees and the representatives of deceased officers and employees in case officers or employees sustain

XUM

injuries or death while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within the state by or in which the officer or employee was regularly employed.

"ARTICLE VII. SUPPLEMENTARY AGREEMENTS

"(a) To the extent that the Board has not undertaken an activity or project which would be within its power under the provisions of Article V of this compact any two or more of the party states (acting by their duly constituted administrative officials) may enter into supplementary agreements for the undertaking and continuance of such an activity or project. Any such agreement shall specify the purpose or purposes; its duration and the procedure for termination thereof or withdrawal therefrom; the method of financing and allocating the costs of the activity or project; and such other matters as may be necessary or appropriate.

"No such supplementary agreement entered into pursuant to this article shall become effective prior to its submission to and approval by the Board. The Board shall give such approval unless it finds that the supplementary agreement or activity or project contemplated thereby is inconsistent with the provisions of this compact or a program or activity conducted by or participated in by the Board.

"(b) Unless all of the party states participate in a supplementary agreement, any cost or costs thereof shall be borne separately by the states party thereto. However, the Board may administer or otherwise assist in the operation of any supplementary agreement.

No party to a supplementary agreement entered into pursuant to this article shall be relieved thereby of any obligation or duty assumed by said party state under or pursuant to this compact, except that timely and proper performance of such obligation or duty by means of the supplementary agreement may be offered as performance pursuant to the compact.

"(d) The provisions to this Article shall apply to supplementary agreements and activities thereunder, but shall not be construed to repeal or impair any authority which officers or agencies of party states may have pursuant to other laws to undertake cooperative arrangements or projects.

"ARTICLE VIII. OTHER LAWS AND RELATIONS

"Nothing in this compact shall be construed to—

"(a) Permit or require any person or other entity to avoid or refuse compliance with any law, rule, regulation, order or ordinance of a party state or subdivision thereof now or hereafter made, enacted or in force.

"(b) Limit, diminish, or otherwise impair jurisdiction exercised by the Atomic Energy Commission, any agency successor thereto, or any other federal department, agency or officer pursuant to and in conformity with any valid and operative act of Congress; nor limit, diminish, affect, or otherwise impair jurisdiction exercised by any officer or agency of a party state, except to the extent that the provisions of this compact may provide therefor.

"(c) Alter the relations between and respective internal responsibilities of the government of a party state and its subdivisions.

"(d) Permit or authorize the Board to own or operate any facility, reactor, or installation for industrial or commercial purposes.

"ARTICLE IX. ELIGIBLE PARTIES, ENTRY INTO FORCE AND WITHDRAWAL

"(a) Any or all of the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming shall be eligible to become party to this compact.

"(b) As to any eligible party state, this compact shall become effective when its legislature shall have enacted the same into law: *Provided*, That it shall not become initially effective until enacted into law by five states.

"(c) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until two years after the Governor of the withdrawing state has given notice in writing of the withdrawal to the Governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

"(d) Guam and American Samoa, or either of them may participate in the compact to such extent as may be mutually agreed by the Board and the duly constituted authorities of Guam or American Samoa, as the case may be. However, such participation shall not include the furnishing or receipt of mutual aid pursuant to Article VI, unless that Article has been enacted or otherwise adopted so as to have the full force and effect of law in the jurisdiction affected. Neither Guam nor American Samoa shall be entitled to voting participation on the Board, unless it has become a full party to the compact.

"ARTICLE X. SEVERABILITY AND CONSTRUCTION

"The provisions of this compact and of any supplementary agreement entered into hereunder shall be severable and if any phrase, clause, sentence or provision of this compact or such supplementary agreement is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact or such supplementary agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact or any supplementary agreement entered into hereunder shall be held contrary to the constitution of any state participating therein, the compact of such supplementary agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of this compact and of any supplementary agreement entered into pursuant thereto shall be liberally construed to effectuate the purposes thereof."

SEC. 3. Pursuant to Article II(a) of the Western Interstate Nuclear Compact, there shall be one representative of the Federal Government on the Western Interstate Nuclear Board. The representative shall be appointed by the President and he shall report to the President either directly or through such agency or official as the President may specify. His compensation shall be in such amount as the President shall specify: *Provided*, That if the representative be an employee of the United States, he shall serve without additional compensation. The compensation, travel expenses, office space, stenographic, and administrative services of the representative shall be paid from any available appropriations selected by the head of such agency or agencies as may be designated by the President to provide such expenses.

SEC. 4. The Atomic Energy Commission; the National Aeronautics and Space Administration; the Secretary of Health, Education, and Welfare; the Secretary of Commerce; the Secretary of Labor; the Secretary of Agriculture; and the heads of other departments and agencies of the Federal Government are authorized, within available appropriations and pursuant to law, to cooperate with the Western Interstate Nuclear Board.

SEC. 5. Copies of the annual reports made by the Western Interstate Nuclear Board pursuant to article II(k) of the Western Interstate Nuclear Compact shall be transmitted to the President and to the Joint Committee on Atomic Energy of the Congress.

SEC. 6. The consent to the Western Nuclear Compact given by this Act shall extend to any and all supplementary agreements entered into pursuant to article VII of such Compact: *Provided*, That any such supplementary agreement is only for the exercise of one or more of the powers conferred upon the Western Interstate Nuclear Board by article V of such compact.

SEC. 7. The right to alter, amend, or repeal this Act is expressly reserved.

SEC. 8. The right is hereby reserved to the Congress or any of its standing committees to require the disclosure and furnishing of such information or data by the Western Interstate Nuclear Board as is deemed appropriate by the Congress or any such Committee.

MARCOS ROJOS RODRIGUEZ

The bill (S. 1187) for the relief of Marcos Rojos Rodriguez, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Marcos Rojos Rodriguez of San Antonio, Texas, the sum of $15,000, in full satisfaction of all claims of the said Marcos Rojos Rodriguez against the United States for compensation for permanent personal injuries suffered by him as the result of the accidental explosion of practice ammunition which United States Army Air Corps personnel negligently lost in a farm area and which was found by the said Marcos Rojos Rodriguez, in May 1925, while being employed as a farm laborer in such area: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of service rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-965), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to authorize and direct the Secretary of the Treasury to pay Marcos Rojos Rodriguez $15,000 in full satisfaction of his claims against the United States for injuries suffered by him as the result of the accidental explosion of practice ammunition, negligently lost in a farm area by U.S. Army Air Corps personnel, and found by Marcos Rojos Rodriguez in May 1925.

The facts of the case are as follows:

The Department of the Army is not opposed to the enactment of this legislation.

Department of the Army records disclose that bills for the relief of Marcos Rodriguez were introduced, but not enacted, in the 69th, 70th, 71st, 72d, and 73d Congresses. These bills would have awarded Juan Rodriguez, father of Marcos Rodriguez, $900 for injuries sustained by his son and expenses incurred as a result of an explosion of a bomb in a field at Kelly Aviation Field, San Antonio, Tex., on May 28, 1925.

Department of the Army records also disclose that a claim for $3,000 was filed by Juan Rodriguez for injuries to his son that resulted from the May 28, 1925, explosion. The incident was investigated and the facts developed were reported to the War Department. The claim file was referred to The Judge Advocate General for advice. The Judge Advocate General summarized the claim file as follows:

"The papers in reference show that Marcos Rodriguez, 13 years old, the son of the claimant, found, on May 28, 1925, a Mark I bomb fuse (Barlow type) in a potato field immediately north of and adjacent to Kelly Field, Tex.; that the child pounded the fuse upon a wagon wheel causing it to explode in his right hand and blowing off the thumb and first and middle fingers thereof; that the commanding officer at Kelly Field on June 4, 1925, appointed a board of officers under Army regulations to consider claims for damage or loss of private property; that this board met at Kelly Field, Tex., on July 13, 1925, to consider the claim of Juan Rodriguez; that the claimant under date of July 3, 1925, presented in writing a claim in the sum of $3,000 for the injury to his son; that the testimony before the board of officers shows that the fuse found in the potato field by young Marcos Rodriguez was a Mark I bomb fuse (Barlow type) and that the condition of the same indicated that it had been lying [sic] out in the weather for some time, possibly 2 or 3 years; that no evidence was adduced to account for the presence of the bomb fuse in the potato field; that the board found that Marcos Rodriguez, 13 years old, son of Juan Rodriguez, lost a thumb and first two fingers of his right hand by reason of the explosion of a Mark I bomb fuse (Barlow type) which he found on a potato field immediately north of and adjacent to Kelly Field, Tex.; that the claim was one the settlement of which was not provided for by any specific law and should be considered in accordance with paragraph 10, Army Regulations 35–7020; that the injuries received by Marcos Rodriguez in the opinion of the board reasonably supported a claim for $900; that the injury was not due wholly or in part to any fault or neglect on the part of the claimant or his son, but was probably due in part to ignorance and lack of experience on the part of the child; that the injury was not due wholly or in part to any fault or negligence of officers or employees of the Government; that the board recommended that the Secretary of War submit to the Congress a draft of proposed legislation for relief of the claimant in the sum of $900; that the proceedings of the board were approved by the commanding officer at Kelly Field and forwarded through military channels; that on August 17, 1925, the claimant, Juan Rodriguez signed a writing in which he stated his willingness to accept $900 in full settlement of the damages."

It was not clear to the Secretary of War whether the claim submitted by Juan Rodriguez was for damages sustained by him or his son, Marcos Rojos Rodriguez, and the Secretary did not forward the claim to Congress as the claims board recommended. On January 11, 1927, Congressman Wurzback of Texas introduced H.R. 16204, 69th Congress, to award Mr. Rodriguez $900. In response to a request for the views of the War Department on H.R. 16204, the Secretary of War forwarded Congress a copy of the claim file and neither favored nor opposed the bill. A copy of the claim file has not been found in Department of the Army records, however, a copy is in the National Archives files on H.R. 16204, 69th Congress.

The Department of the Army has no objection to the compensation of Mr. Rodriguez for his injuries. It is observed that $900 (the amount recommended by the claims board and the amount mentioned in the previous bills) invested in 1925 at 6 percent compounded annually would now amount to more than $10,000. Had the $900 been invested in appreciating property producing 6 percent income reinvested annually, the present worth would exceed $15,000. A study of Texas jury verdicts for the period 1900 to 1960 indicated that, had Mr. Rodriguez been able to obtain a judgment of $15,000 for his injuries, the judgment, while generous, would not have been excessive.

Prior to 1943, Mr. Rodriguez could obtain no compensation for injuries incurred in this manner other than by congressional action. None of the five bills introduced for his relief was enacted. When administrative settlement of noncombat personal injury claims was authorized in 1943 (act of July 3, 1943, 57 Stat. 372), administrative relief was limited to the reasonable medical and hospital expenses actually incurred. Although a claimant might petition Congress for additional compensation, administrative settlement of claims for other than reasonable medical and hospital expenses actually incurred was not authorized until the enactment of the act of September 2, 1958 (72 Stat. 1461). Damages for noncombat personal injury claims are now determined under the laws of the place where the act or omission causing the injury occurs (10 U.S.C. 2733, par. 11, AR 27–21).

In view of the foregoing, an award of $15,000 for the damages suffered by Mr. Rodriguez is not unreasonable and enactment of the bill would not be, under the circumstances, preferential or precedential.

The committee, after a study of all of the foregoing, concurs in the report of the Department of the Army and recommends that the bill, S. 1187 be considered favorably.

THE PUBLIC MARINE FISHERIES COMPACT

The bill (H.R. 13407) to consent to the amendment of the Public Marine Fisheries Compact was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–973), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 13407 is to grant the consent and approval of the Congress to amendments to the Pacific marine fisheries compact.

The amendments to the compact would have the effect of (1) recognizing the adherence of the States of Idaho and Alaska to the compact in addition to the three original member States (California, Oregon, and Washington); (2) modifying the reference to the Pacific Ocean by the additional wording "and adjacent waters" in recognition of the State of Alaska's jurisdiction over the Bering Sea; and (3) providing a more equitable way of apportioning costs of the activities of the Pacific Marine Fisheries Commission.

STATEMENT

The House Report on H.R. 13407 relates the following:

Legislative background

The Pacific marine fisheries compact, which provides for the establishment of a Pacific Marine Fisheries Commission, was enacted by California, Oregon, and Washington in their 1947 legislative sessions. In accordance with article I, section 10, of the Constitution of the United States, in July of 1947 the Congress ratified the compact (61 Stat. 419).

In October of 1962 the Congress enacted Public Law 87–766, which added a new article XII to the compact to permit the States of Alaska and Hawaii and any other State having rivers or streams tributary to the Pacific Ocean to become members. The State of Idaho became the fourth member of the compact in 1963 and Alaska became the fifth in 1968.

The purposes of the compact are to promote the better utilization of fishery resources which are of mutual concern to the member States and to develop a joint program of protection and prevention of the physical waste of such fisheries.

H.R. 13407 was introduced August 7, 1969, by Congressmen Pelly, Wyatt, and Pollock and Congresswoman Hansen of Washington.

The Subcommittee on Fisheries and Wildlife Conservation held hearings on the legislation on September 22, 1969. All witnesses testifying at the hearings enthusiastically supported the legislation and all departmental reports filed on the legislation were favorable.

Your committee was unanimous in recommending passage of H.R. 13407.

BACKGROUND AND NEED FOR THE LEGISLATION

The fishery resources of the Pacific Ocean are abundant, yet not inexhaustible, and there are many problems associated with achieving coordinated development and conservation of the fishery resources of the Pacific Ocean. A great part of this resource is migratory, such as the salmon, which moves freely and without regard to State or international boundaries.

If the depletion of the Pacific fishery resources is to be prevented there must be, in addition to effective international agreements, wholehearted cooperation and coordination among the States which contribute to the fishery resources of the Pacific Ocean.

The Pacific Marine Fisheries Commission, which was established by the compact, consists of representatives from each of the member States. The Commission serves to focus attention on fishery problems of concern to two or more member States. Its annual meetings provide an excellent opportunity for fishery officials to discuss their programs and to coordinate research and management activities.

In recent years the Commission has called to the attention of regulatory and legislative bodies such matters as seismic exploration and oil drilling operations off the coast of Oregon and Washington, problems relating to salmon migration in the Columbia River, support for the Bureau of Commercial Fisheries' efforts to develop a viable hake fishery, and to problems arising from off-reservation salmon fishing by various Indian tribes.

The Commission has no regulatory powers but is essentially an investigating and research body with authority to submit specific recommendations to the respective States for adoption by the legislature or State agency having authority to act. The fishery research agencies of the compact States act in collaboration as the official research agency of the Commission. Since its inception, the Commission has coordinated extensive research activities on groundfish, pelagic fish, salmon, and shellfish; status reports have been provided on established and developing fisheries; statistics have been compiled on otter trawl landings; recommendations have been made for concurrent action by coastal States to modify gear and alter regulations to conserve the resource; and miscellaneous data on salmon, herring, and halibut has been supplied at the request of the Office of International Affairs, Bureau of Commercial Fisheries.

The expenses of the Commission are paid by the member States. The annual contributions are made according to the primary market value of the products of their fisheries, as recorded in the latest published reports (5-year average). No State may contribute less than $2,000 annually toward the cost of the Commission.

AUTHORIZING THE SECRETARY CONCERNED TO MAKE PARTIAL PAYMENTS ON CERTAIN CLAIMS WHICH ARE CERTIFIED TO CONGRESS

The bill (H.R. 4247) to amend section 2743 of title 10, United States Code, to authorize the Secretary concerned to make partial payments on certain claims which are certified to Congress and to provide equivalent authority for administrative settlement and payment of claims under section 2733 of title 10, and section 715 of title 32, United States Code, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–972), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to amend section 2734 of title 10 of the United States Code, so that when a foreign claim is found to be meritorious in excess of the $15,000 figure authorized as the maximum amount for administrative settlement under the section, the Secretary can make a payment in that amount and certify the balance to Congress for payment.

The amended bill provides that the authority for payment of military claims under section 2733 of title 10 be increased to $15,000, the amount authorized for foreign claims under section 2734, and that a similar provision for partial payment be provided for such claims. The amended bill further provides that the provisions of section 715 of title 32 of the United States Code be amended to provide the same authority for parallel provisions governing claims arising from certain National Guard duty or training activity.

STATEMENT

The House Report on H.R. 4247 relates the following:

"The Department of the Air Force in behalf of the Department of Defense in a report to this committee on the bill recommended that authority be granted the Secretary concerned to make a partial payment of $15,000 where a claim under section 2734 of title 10 is found meritorious in an amount in excess of the $15,000 limit fixed in that section. The section in subsection (d) now requires that a claim in excess of that amount must be certified to the Congress for payment and no payment can be made on the claim until the Congress has acted. This, of course, imposes a hardship on persons who have suffered the greater losses, for if a claim is settled for a lesser amount, it can be paid administratively. The report of the Department of the Air Force notes that the military claims provisions of section 2733 of title 10 authorize partial payments in connection with claims settled under the authority of that section. This partial payment provision originated as a bill before this committee in the 85th Congress and the committee is satisfied that this procedure has proven to be a practical and valuable aid in the settlement of claims. Under this procedure, when a service has come to an agreement with the claimant concerning the amount to be paid and has received a signed claims settlement agreement, section 2733 authorizes a partial payment up to $5,000 and the balance is certified to Congress for payment. The committee agrees that it is logical that a partial payment provision be included in the provisions of section 2734 of title 10 concerning claims which arise as the result of noncombat activities of our military forces in foreign countries or as the result of damage or injury which is caused by a member or civilian employee of our military forces in a foreign country.

"The bill, H.R. 4247, was the subject of a subcommittee hearing on Wednesday, March 26, 1969. At that time, representatives of the Army, Navy, and Air Force appeared to testify in support of the bill. The testimony presented by the witnesses on that date referred to the facts outlined above concerning the purpose and scope of the amendment proposed in the bill. The testimony at the hearing further pointed out that the enactment of this provision will not result in increased cost to the United States. The difference, of course, is that the partial payments will be paid from appropriations of the department concerned with the balance certified to Congress for payment by later appropriation. Presently direct appropriations by the Congress are made for the full amount of the amount of the settled claim. It was also suggested that the words 'to Congress' be added to the bill following the word 'excess' on line 8 of page 1. The committee notes in this respect this would conform the language of subsection (d) of section 2734 to the language presently found in subsection (d) of section 2733 and subsection (d) of section 715 of title 32 of the United States Code.

"At the hearing on March 26, 1969, reference was made, as has been noted, to section 2733 of title 10, the section known as the Military Claims Act. A similar provision concerning National Guard claims, section 715 of title 32 of the United States Code, was also referred to at the hearing. The two sections just mentioned are similar in that they relate to claims arising from military activity. Section 715 was enacted into law in 1960 and the bill which proposed this addition to title 32 originated as a bill before the committee. The provisions of section 715 were patterned after the provisions of section 2733 and provide parallel authority for settlement of claims arising from certain training activities and duty by National Guard personnel. At the hearing the witnesses were questioned as to why authority had been provided for the settlement of claims by foreign nationals up to $15,000 when the provisions of section 2733 of title 10 and section 715 of title 3 limited administrative authority for the payment of claims to $5,000. It was pointed out that the latter provisions relate to claims by citizens of the United States and that the provisions of section 2734 expressly exclude claims by our own nationals. It is also relevant to note that the Military Claims Act provisions of section 2733 are worldwide in their application and it is conceivable that in a foreign area an incident may give rise to claims by foreign nationals under section 2734 and by our own nationals under section 2733. It is illogical and also unfair for the limitations for administrative payment to be different. The information supplied to the committee concerning the value and application of section 2734 in the settlement of claims overseas demonstrates that this has been a valuable and important piece of legislation. The prompt and fair settlement of claims under the authority of that section has often been an important factor in limiting the adverse effects of unfortunate accidents and incidents overseas which might otherwise have increased resentment on the part of foreign nationals and caused difficulty for the United States. Testimony at the hearing on March 26, 1969, referred to the settlement of claims arising out of the Palomares incident in Spain. Numerous claims were asserted when two U.S. aircraft collided over Spain. In that claims settlement program, the authority for settlement was provided in section 2734. The authority provided in section 2733 is a valuable means for the settlement of military claims. On a number of occasions special legislation has passed the Congress removing the limitation on administrative settlement in section 2733 in order to permit the settlement of a group of claims resulting from the crash of aircraft within the United States. The most recent of such bills is Public Law 89–65, which permitted the settlement of claims arising out of the crash of an Air Force aircraft at Wichita, Kans. The experience in connection with special legislation as well as the experience referred to above in connection with the claims program associated with the claims at Palomares, Spain, demonstrates in the minds of the committee that the amendment proposed to section 2733 of title 10 and section 715 of title 32, to increase settlement authority to $15,000 and provide partial payment authority in that amount of claims adjudicated in greater amounts, is a logical and needed step. It is therefore recommended that the bill be amended to provide such authority as well as adding the words 'to the Congress' recommended by the Air Force, and that the amended bill be considered favorably."

The committee after a review of all of the foregoing concurs in the action taken by the House of Representatives and recommends that the bill, H.R. 4247, be considered favorably.

DISCONTINUANCE OF ANNUAL REPORT TO CONGRESS ON ADMINISTRATIVE SETTLEMENT OF PERSONAL PROPERTY CLAIMS OF MILITARY PERSONNEL AND CIVILIAN EMPLOYEES

The bill (H.R. 4246) to discontinue the annual report to Congress as to the administrative settlement of personal property claims of military personnel and civilian employees was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–97), explaining the purpose of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to repeal section 3(e) of the Military Personnel and Civilian Employees Claims Act of 1964 so as to permit Federal agencies to discontinue annual reports to Congress of administrative settlements of personal property claims of military personnel and civilian employees.

STATEMENT

The House report on H.R. 4246 relates the following:

The Department of the Army in its report to the committee in behalf of the Department of Defense strongly recommended the favorable consideration of the bill. This position was cleared and approved by the Bureau of the Budget and therefore represents the position of all departments and agencies included within the coverage of the Military Personnel and Civilian Claims Act of 1964, as amended, 31 U.S.C. 240, 241, and 242.

Subsection (e) of section 3 of the act now requires that the head of each agency must report each year to Congress on claims settled under this section. The Department of the Army in its report noted that these detailed reports are burdensome and expensive to prepare and are of doubtful value. The report must include for each claim the name of the claimant, the amount claimed, and the amount paid. Other claims statutes administered by the military departments do not require such a detailed annual report to Congress. Similar reporting requirements were formerly contained in the so-called Maritime Claims Settlement Act (10 U.S.C. 4805 and 9805) and the so-called Federal Tort Claims Act (28 U.S.C. 2673) but these requirements were repealed by the act of June 29, 1960, Public Law 86–533 (78 Stat. 247), and the act of November 8, 1965, Public Law 89–348 (78 Stat. 1310), respectively.

In considering this legislation, the committee has reviewed the legislative history of Public Law 86–533 and Public Law 89–348. In the report of the House Committee on Government Operations (H. Rept. 1458 of the 86th Cong., second sess.) on S. 899, the bill which became Public Law 86–533, the committee discussed the reasons justifying discontinuing the reports then required under sections 4805 and 9805 of title 10, United States Code. These sections required reports concerning admiralty claims settled under sections 4802, 4803, 4804, 9802, 9803, and 9804 of that title. Sections 4802 and 9802 permit the settlement and payment of claims against the United States for $500,000 or less, with provision for certification of claims which exceed that amount to the Congress for payment. Sections 4803 and 9803 concern admiralty claims by the United States and provide authority for settlement when the amount to be received by the United States does not exceed $500,000. Sections 4804 and 9804 concern settlements and receipt of payment for claims by the United States for claims for salvage services performed for a vessel by the Army or Air Force, respectively. The purpose of these sections have been detailed to show the nature of potential claims that were involved. It was concluded in 1960 that the reports required in sections 4805 and 9805 of title 10 were unnecessary and the Government Operations Committee noted that the records concerning the claims would be maintained and the information would continue to be available to Congress. It was further noted that from a practical standpoint, there was no need for the reports.

The other precedent referred to by the report of the Department of the Army on the present bill is that of the deletion of a requirement of annual reports of administrative settlements of tort claims pursuant to section 2672 of title 28. This section, which then permitted settlements up to $2,500, now permits the settlement of claims by the head of each Federal agency or his designee in the amount of $25,000 or less, or, when prior approval is given by the Attorney General, in any amount. As has been noted, in 1965, section 2673, the section which required annual reports of settlements under section 2672, was repealed by Public Law 89–348. In House Report 1169 of the 89th Congress, first session, the Committee on Government Operations stated concerning the report under section 2673 "Such reports are of no value to preparing agencies and of no known use to Congress. Data relating to each claim are reviewed by the General Accounting Office and are available for review by the Congress whenever such action may be desired."

The committee has concluded that both of the laws referred to above can be taken as precedents for the repeal of the reporting requirement contained in section 3(e) of the Military Personnel and Civilian Claims Act of 1964. The bill, H.R. 4246, was the subject of a subcommittee hearing on March 18, 1969. The testimony presented at that hearing established that the conclusions of the Government Operations Committee in connection with the changes effected in 1960 and 1965 are applicable to this reporting situation. The witnesses at the hearing pointed out that complete data as to each claim settled by the departments and agencies will be available to the Congress. This point was also made in the report of the Department of the Army. That report also noted that information concerning the number and amount of claims settled by the military departments under the Military Personnel and Civilian Claims Act of 1964 is furnished to the Congress each year in support of the annual budget estimates.

The Army noted in its report that enactment of this bill will result in substantial savings in administering the Military Personnel and Civilian Claims Act of 1964. The elimination of this report will result in a saving of material, storage space, and manpower, all of which the Army observed could be used for more essential governmental purposes. At the hearing the Army witness stated that the report prepared by the Army Claims Service is based on information submitted by claims approval and settlement authorities in the field. The Army report for fiscal year 1968 included over 37,000 claims and consisted of approximately 1,000 single spaced typed pages. It was estimated that the actual preparation of the report requires the services of personnel equaling one-half of a man-year or a cost of approximately $4,850. It was further noted that additional man-days are required for checking the report for completeness and accuracy. These figures did not take into consideration the number of man-hours spent in field offices in compiling the specific information necessary for this report. While the military departments handle a larger percentage of claims under this statute than do many of the other departments and agencies, it may be concluded that the preparation of each report requires a proportionate expenditure of time and effort by their personnel. This cost and effort on the part of Government personnel should be balanced by the utility and value of the report received. This committee has found that other than indicating the number of claims involved and giving some indication of the average size of the claim the information has not been of marked value to the committee.

The Military Personnel and Civilian Claims Act of 1964 was amended in 1965 as a result of the enactment of a bill which originated before this committee. Subsequent to that time the committee, and particularly its subcommittee with jurisdiction over claims, has considered the application and possible implementation of the act. In each instance the committee secured specific information from departments and agencies concerning claims settled under the act, and the committee's experience bears out the statements in the Department of the Army report that information of this sort is readily available to the Congress whenever it is needed.

In view of the factors outlined in this report and in the report of the Department of the Army which is set out following this report, the committee recommends that the bill H.R. 4246 be considered favorably.

The committee after a review of all of the foregoing concurs in the action taken by the House of Representatives and recommends that the bill, H.R. 4246, be considered favorably.

PIERRE SAMUEL DU PONT DARDEN

The bill (H.R. 3348) for the relief of the estate of Pierre Samuel du Pont Darden was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–970), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to permit the administrator of the estate of Pierre Samuel du Pont Darden to file a claim for credit or refund of overpayment of Mr. Darden's Federal income taxes for the taxable year 1959 at any time within 1 year after the bill's enactment, and would permit a credit or refund of any such overpayment notwithstanding any period of limitations or lapse of time.

STATEMENT

House Report 1692 of the 90th Congress of the House Judiciary Committee relates the facts of the case as follows:

The bill, H.R. 7502 was the subject of a subcommittee hearing on June 19, 1968. The testimony at that hearing indicated that a tax refund claim referred to in the bill is based on the fact that there was an actual overpayment of the estimated tax paid by Pierre Samuel du Pont Darden for the year 1959 in April of that year. In its report on the matter, the Treasury Department has indicated that it is opposed to legislative relief in granting authority for the consideration of a refund claim on the ground that such relief would be discriminatory in that it would extend relief in an individual case where similarly situated taxpayers would not have the same relief. The committee has carefully considered this objection and feels that the circumstances of this particular case are sufficiently unique that it would not have the precedential effect ascribed to it by the Treasury Department.

First of all this case deals with an estimated taxpayment which was subsequently determined to have been greater than the amount which would have been due on the basis of a tax return filed by the executor of the taxpayer's estate after the taxpayer was held to have lost his life at sea. The circumstances of the death were the complicating factors which delayed the refund claim in this case. In substance, they were based on these facts:

In late November of 1959, Mr. Darden left his home in Norfolk, Va., stating that he and a friend were going to Florida by way of the inland waterway in a boat named *White Puss*. It later developed that he had advised an uncle that he was going to Bermuda but was not advising any member of his immediate family of the same. Since that time, Mr. Darden has not been heard from although the U.S. Coast Guard, Navy, Air Force, and merchant vessels made an extensive search in December of 1959.

The committee was advised that a Coast Guard report dated August 19, 1960, made several conclusions, conclusion 12 being "that on the basis of the evidence available in this case, no reasonable conclusion as to the whereabouts or status of the *White Puss* or its occupants can be reached at this time.

Mr. Colgate W. Darden, Jr., father of Pierre S. du Pont Darden, in 1961 or early 1962, discussed the legal problems involved with his lawyer and no conclusions were reached because of the law in Virginia that requires the passage of 7 years before presumption of death.

The father was contacted by phone at least twice by representatives of the Internal Revenue Service and on one occasion a representative of the IRS called at his home looking for Pierre S. du Pont Darden and was told the facts and appeared satisfied.

The testimony at the hearing indicated that from November 1959 until March 1965, when an administrator was appointed by court and date of death fixed, November 24, 1959, that no person was clearly charged with the care of the property of Pierre Darden.

The Treasury Department report indicated that prior to the actual court determination that Samuel du Pont Darden had lost his life at sea in November of 1959, there were some actions relating to the financial

XUM

affairs of the decedent. At the hearing, considerable testimony was presented in explanation of these particular actions. It appears that these were routine matters that were consistent with a temporary absence and consisted primarily of a deposit of certain checks to Samuel du Pont Darden's checking account. The transfer of fractional shares of stock indicated in the Treasury Department report to have been made by the father was stated at the hearing to have been accomplished by the company involved without any direction or authorization on the part of the father. In summary, it appears that the circumstances of the disappearance of the son plus the complex issues concerning the date of death or the presumption of death under applicable law served to complicate the filing of the refund claim which is the subject of this bill. Under these unusual circumstances, the committee feels that legislative relief is appropriate and accordingly, it is recommended that the bill be considered favorably.

The committee is in agreement with the conclusions reached by the House Judiciary Committee that this bill be favorably considered. Accordingly, the committee recommends favorable consideration of H.R. 3348 without amendment.

JOHN THOMAS COSBY, JR.

The bill (H.R. 2275) for the relief of John Thomas Cosby, Jr., was considered, ordered to a third reading, read the third time, and passed.

JOECK KUNCEK

XUM

The bill (H.R. 1698) for the relief of Joeck Kuncek was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–968), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve Joeck Kuncek of all liability to the United States in the amount of $11,462.23, representing overpayments of retired pay made in the period from July 26, 1954, to January 1, 1967, as the result of administrative error. The bill would further authorize a refund of any amounts repaid or withheld by reason of this liability.

STATEMENT

The Department of the Army in its report on the bill stated that in view of the hardship imposed on the retired officer, the Department would not oppose the bill. The Comptroller General in a report on the same bill questioned legislative relief but stated that relief in this instance involves a matter of policy for the Congress to decide.

Mr. Joeck Kuncek enlisted on July 16, 1924, and served continuously until honorably discharged on October 27, 1942, in the grade of master sergeant to accept a commission as a second lieutenant, Army of the United States. On April 11, 1944, he was promoted to the grade of first lieutenant. On March 7, 1947, he was released from active duty as an officer and on March 10, 1947, he reenlisted in the Regular Army. On May 31, 1947, he was placed on the retired list and transferred to the Enlisted Reserve Corps, under Public Law 190, 79th Congress (now codified as 10 U.S.C. 3914), with credit for 22 years, 10 months, and 5 days active Federal service for basic pay purposes. On July 25, 1954, he was discharged from the Army Reserve, with 30 years of active and inactive service, and advanced to the grade of first lieutenant on the retired list under section 203(e), Public Law 810, 80th Congress, as amended (now codified as 10 U.S.C. 3964). Upon his advancement on the retired list he was entitled to retired pay based upon the basic pay for the grade to which advanced and his 23 years of active Federal service (a fraction more than one-half counts as a year). In recomputing his retired pay, Kuncek was erroneously credited with 30 years active federal service and paid 75 percent (30 times 2½ percent) of the basic pay for a first lieutenant instead of the authorized 57½ percent (23 times 2½ percent). As a result of this error, Kuncek was overpaid retired pay in the total amount of $11,462.23.

The facts outlined above and detailed in the departmental report demonstrate that the overpayment in this instance occurred as the result of an administrative error on the part of Government personnel in computing retired pay. The confusion occurred when combined active and inactive service were taken as a basis for the computation rather than the 23 years of active Federal service which should have been the basis for the computation. As has been noted this error was continued over the extended period of more than 12 years. The Department of the Army in its report states that its investigation had disclosed that these overpayments resulted solely from administrative error by the Department of the Army personnel. The Army further found that there was no indication that Mr. Kuncek was not justified in relying on the retired pay computation made by Army personnel. Similarly, the Army found that there was nothing to indicate a lack of good faith in receiving the monthly checks. The committee has further concluded that the fact that Mr. Kuncek is now approaching 66 years of age and other factors outlined in the Army report demonstrate that repayment is a clear hardship on the retired officer. In 1967, the Army stated that Mr. Kuncek's wife had suffered a heart attack 2 years previously and Mr. Kuncek had to negotiate a substantial personal loan to pay hospital and doctors' fees. The Army found that Mr. Kuncek had no property except a car given him by his children and that he has no source of income other than his retirement pay. In view of these circumstances the Army did not oppose the bill.

This bill is similar to many that the committee has favorably considered in the past few years. The overpayments to the serviceman were made through administrative error. The claimant received the overpayments in good faith and repaying the amount paid would impose undue financial hardship on the claimant. In view of these facts, the committee is of the opinion that the bill is meritorious and recommends it favorably.

Attached hereto and made a part hereof are the reports on a similar bill from the Department of the Army and the Comptroller General to the House Judiciary Committee.

THE PLYMOUTH-PROVINCETOWN CELEBRATION COMMISSION

The bill (S. 2916) to establish the Plymouth-Provincetown Celebration Commission was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the three hundred and fiftieth anniversary, in 1970, of the landing of the Pilgrims at Provincetown and Plymouth, which lead to permanent settlements whose influence on our history, culture, law, and commerce extends through the present day, there is hereby established the Plymouth-Provincetown Celebration Commission (hereafter referred to as the "Commission"), for the purpose of developing suitable plans for, and conducting the celebration of, such anniversary in 1970.

Sec. 2. (a) The Commission shall be composed of fifteen members as follows:

(1) five Members of the Senate, to be appointed by the President pro tempore of the Senate;

(2) five Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

(3) five members to be appointed by the President.

(b) The President shall, at the time of appointment, designate one of the members appointed by him to serve as Chairman.

(c) The members of the Commission shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Commission.

(d) Within ninety days after the termination of such celebration, the Commission shall furnish a report of its activities, including an accounting of funds received and expended, to the Congress. Upon submission of such report to the Congress, the Commission shall terminate.

Sec. 3. In order to carry out the purposes of this Act, the Commission is authorized—

(1) to appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(2) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $100 per diem;

(3) to accept and to utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(4) to solicit and to accept gifts of money or property;

(5) to procure supplies, services, and property, and to make contracts, without regard to the laws and procedures applicable to Federal agencies;

(6) to request the assistance and advice of, and to cooperate with, civic, historic and patriotic bodies, institutions of learning, and State and local governments;

(7) to request the cooperaton and assistance of such Federal departments and agencies as may be appropriate;

(8) to invite the participation of such other nations as may be appropriate, with the assistance and advice of the Department of State; and

(9) to make such expenditures as it may deem advisable from funds appropriated or received as gifts.

Sec. 4. Any property acquired by the Commission remaining upon termination of such celebration is the property of the United States and may be used by the Secretary of the Interior for purposes of the national park system or may be disposed of as surplus property. The net revenue, after payment of Commission expenses, is the property of the United States and shall be deposited in the Treasury of the United States.

Sec. 5. There is hereby authorized to be appropriated the sum of $100,000 to carry out the purposes of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–961), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to create a 15-member Plymouth-Provincetown Celebration Commission for the purpose of developing suitable plans for, and conducting the celebration of the 350th anniversary of the landing of the Pilgrims at Provincetown and Plymouth, which led to permanent settlement whose influence on our history, culture, law, and commerce extends through the present day.

STATEMENT

This Nation will celebrate the 350th anniversary in 1970 which recalls the courage of men who explored the New World. On September 6, 1620, the square-rigged English vessel *Mayflower* cleared Plymouth, England, carrying 101 passengers bound for America.

It seems fitting that the Congress should involve the Nation in the planning of the 350th anniversary of Provincetown—the site where the *Mayflower* first anchored and where the historic Mayflower Compact was drafted—and Plymouth, Mass.—the first settlement in English-speaking America.

To carry out the commemoration of this event the proposed legislation creates a 15-member Commission composed of five Members of the Senate to be appointed by the President pro tempore, five Members of the House of Representatives to be appointed by the Speaker of the House, and five public members to be appointed by the President of the United States, one of whom will be designated to serve as Chairman. The members of the Commission shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Commission.

Within 90 days after the termination of such celebration, the Commission shall furnish a report of its activities, including an accounting of funds received and expended, to the Congress. Upon submission of such report to the Congress, the Commission shall terminate.

Section 5 of S. 2916 would authorize an appropriation of $100,000 to carry out the purpose of this act. The committee has been advised that so far $134,000 has been received in private donations, $30,000 from the State of Massachusetts, $30,000 from the city of Plymouth and $20,000 from the city of Provincetown.

The committee has been furnished a justification for the $100,000 of Federal funds to carry out the purposes of the bill. The expenses of the Commission and the justification are as follows:

1. Funding of 1920 celebration compared to 1970 celebration

In 1920, the following funds were appropriated:

State funds	$300,000
Local funds	300,000
Federal funds	500,000

To date, the following funds have been appropriated or raised:

	1970
Private donation	$134,000
State funds	30,000
Local funds (yearly appropriation):	
Plymouth	30,000
Provincetown	20,000
Federal funds requested	100,000

2. Use of appropriated Federal funds

(a) Administrative expenses	$33,000–$40,000
Executive director	12,000–15,000
Assistant director	8,000–10,000
Secretary	6,000–8,000
Travel expenses	2,000
Office expenses	5,000
(b) Program expenses	60,000–67,000

1. *Capital improvements.*—The community of Plymouth plans to build a Pilgrim fountain to honor the founders of Plymouth. Total cost of the fountain $75,000. The Commonwealth of Massachusetts has agreed to absorb 50 percent of the cost. The Federal Government could bear 25 percent of the cost and the town of Plymouth would contribute 25 percent.

In addition, the town of Plymouth wishes to purchase privately held land which now separates two parcels of publicly owned land. Purchase of the land would allow the community to establish a large park within walking distance of Plymouth Rock.

2. *Program expenses.*—The Federal Government could assume the cost of producing a reenactment of "The Pilgrim Spirit"—a play written for the 300th anniversary celebration.

The Federal Government could assume the cost of informing the American people about the anniversary and encourage the participation of every State.

The Federal Government could assume the cost of planning and conducting the 350th anniversary of Thanksgiving, in November of 1971.

The Federal Commission could assist the local communities by gaining the aid and interest of appropriate Federal agencies and councils in program development for the anniversary celebration.

It is difficult to specifically enumerate the amounts of money such program involvement would require. It is also important to allow the Commission, once established, to develop its own ideas and programs to help focus national attention and foster national participation in this most significant historic anniversary.

The committee has been informed that England and Holland have already indicated their interest in participating in the 350th anniversary and both nations have planned their own celebrations to commemorate their ancestors' role in the successful voyage of the Mayflower and in the settling of the Plymouth Colony.

The committee after a review of the foregoing believes that the bill is meritorious and recommends favorable consideration of S. 2916, without amendment.

CARLETON R. McQUOWN

The resolution (S. Res. 193) to refer the bill (S. 1418) entitled "A bill for the relief of Carleton R. McQuown" to the Chief Commissioner of the Court of Claims for a report thereon, was considered and agreed to, as follows:

S. Res. 193

Resolved, That the bill (S. 1418) entitled "A bill for the relief of Carleton R. McQuown", now pending in the Senate, together with all the accompanying papers, is hereby referred to the Chief Commissioner of the Court of Claims; and the Chief Commissioner of the Court of Claims shall proceed with the same in accordance with the provisions of section 1492 and 2509 of title 28, United States Code, and Report to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States and the amount, if any, legally or equitably due from the United States to the claimant.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–974), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of this resolution is to refer the bill, S. 1418, entitled "A Bill for the Relief of Carleton R. McQuown," now pending in the Senate, together with all the accompanying papers to the Chief Commissioner of the Court of Claims, to authorize the Chief Commissioner of the Court of Claims to proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal, or equitable, against the United States and the amount, if any, legally or equitably due from the United States to the claimant.

Specifically, this resolution would send to the Court of Claims the question of whether the claimant is entitled to certain compensation payments from the United States for his undisputed overtime work while employed as an investigator by the Alcohol and Tobacco Tax Division, Internal Revenue Service, during the period from July 1, 1945, through June 30, 1955.

STATEMENT

Legislation authorizing Government compensation payment for the extensive overtime work of the claimant was introduced in the 87th, 88th, and 89th Congresses. In the 87th Congress a bill for relief was introduced, reported favorably by the House Judiciary Committee, and placed on the calendar. However, no floor action was taken. In the 88th Congress no action was taken on the bill. In the 89th Congress the bill was introduced again, and postponed in committee, primarily on the ground that no individual bill should be passed to compensate for overtime services until "a comprehensive study" of the matter were made.

Because of the difficulty involved in reintroducing this legislation in the House due to the adverse action in previous Congresses, and especially in view of the recent "study" by the U.S. Court of Claims,[1] a bill with an accompanying resolution referring the case to the Chief Commissioner of the Court of Claims was introduced in the Senate in the 90th Congress so that a report might be compiled on the merits. No action was taken by the Senate.

This bill and resolution are identical to those introduced in the 90th Congress.

The facts of the case as set forth in the 87th Congress by the House Judiciary Committee which reported the similar bill favorably after an extensive hearing regarding this claim, are as follows:

Mr. Carleton R. McQuown, Mr. Thomas A. Pruett, and Mr. James E. Rowles have appealed to Congress for overtime compensation for services they rendered the Alcohol and Tobacco Tax Division of the Internal Revenue Service. The nature of their work was such that these three employees found it impossible to work set hours or to confine their workday to the normal 8-hour day. These facts were discussed in a hearing held in connection with the bill H.R. 4950 on May 23, 1962. The testimony at that hearing indicated that they were often compelled to keep an illegal distillery under surveillance for hours at a time until the operators of the distillery appeared. It was the understanding of Mr. McQuown, Mr. Pruett, and Mr. Rowles when they assumed their duties with the

---

[1] *Tabutt et al.* v. *United States,* 121 Ct. Cl. 495 (1952); *Arnvid Anderson et al.* v. *United States,* 136 Ct. Cl. 365 (1956); *Albright et al.* v. *United States,* 161 St. Cl. 766 (1963); *Adams et al.* v. *United States,* 162 Ct. Cl. 766 (1963); *Byrnes* v. *United States,* 163 Ct. Cl. 167 (1963).

XUM

Alcohol and Tobacco Tax Division that in fact no regular working hours could be maintained and further that they would be subject to call at all hours of the day and night as the situation might require. The men were, therefore, under the impression that they had no choice in the matter but to perform their services without regard to time limitations. In this connection, the following statement was filed with the committee on the day of the subcommittee hearing:

"Re H.R. 4950 (Carleton R. McQuown, Thomas A. Pruett, James E. Rowles).

"*To Whom It May Concern:*

"I, W. Knox Johnston, former supervisor in charge of the Alcohol and Tobacco Tax Unit, U.S. Treasury, State of Georgia, with headquarters in Atlanta, Ga., having been appointed to the position of supervisor in 1934, and having served in said position until my retirement in 1954, had during this period of time, Carleton R. McQuown, Thomas A. Pruett, and James E. Rowles working under my immediate supervision.

"When they began working in the Alcohol and Tobacco Tax Unit, I instructed them that no regular working hours could be maintained, that they would be subject to call at all hours during the 24-hour day, and when assigned to an investigation, they would be required to complete the investigation regardless of the amount of time involved. All investigators who worked under my supervision were subject to 24-hour call, if necessary.

"When the Congress passed the overtime pay bill in 1945 covering Government employees, there was some question as to how it would apply to the men in our unit. As the particulars were not clear, I instructed the men that they were to continue working as in the past, as the work done by the investigators could not always be completed in a regular 8-hour workday. The men under my supervision were expected to continue their work until the assignment was completed regardless of the hours required.

"My office prepared a weekly statement of the number of hours of overtime worked by each investigator and it was submitted to the district office of the Alcohol and Tobacco Tax Unit.

"Should an investigator have failed to perform his duty as instructed, he would have been subject to reprimand, suspension, dismissal, or some other punitive action.

"This 16th day of February 1962.

"W. Knox Johnston."

At the hearing on the bill, Mr. McQuown appeared and testified in behalf of his own claim. Mr. McQuown was questioned as to their understanding regarding their entitlement to overtime and whether they made any effort to claim it during the period in which it was performed. Mr. McQuown replied:

"We never did anything because we were told—we were told that our overtime was being reported, and we were told that we would have to work or we would be fired; and we made no effort whatsoever to put ourselves in a position where our jobs would be jeopardized because I was at an age, if I was left out, I couldn't have gotten a job."

Subsequently, the men did submit claims and they were rejected by the Treasury Department.

The report of the Department of the Treasury on the bill opposed relief on the ground that the work performed by these men was "voluntary." This is the position adopted by the Comptroller General in disallowing the claims of Mr. McQuown, Mr. Pruett, and Mr. Rowles.

In view of the facts brought out in the hearing and in the material submitted to the committee, it is recommended that the bill be considered favorably.

The Secretary of the Treasury has consistently opposed enactment of this legislation as is evidenced in its reports in the 87th Congress and the 90th Congress.

The main issue raised in the case seems to be one of interpreting a statute, a question of law or equity. This would indicate that the proper procedure here would be to refer the case to the Chief Commissioner of the U.S. Court of Claims for his interpretation of the statute and its applicability to the particular facts of this case.

Therefore, in view of the question of law involved, the differences of opinion within the three branches of the Government, the resultant discrepancies in compensation awarded for overtime agency work, the equities of the particular situation, and the many recent decisions of the U.S. Court of Claims, this committee feels that, both practically and constitutionally, the case should be referred to the Chief Commissioner of the U.S. Court of Claims for a report on the merits since he would have more expertise on the subject and would be more capable to decide questions raised by this particular case. Accordingly, this committee recommends that the resolution be agreed to.

THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

The Senate proceeded to consider the bill (S. 3630) to amend the joint resolution establishing the American Revolution Bicentennial Commission, which had been reported from the Committee on the Judiciary with an amendment, strike out all after the enacting clause and insert:

That the joint resolution entitled "Joint resolution to establish the American Revolution Bicentennial Commission, and for other purposes", approved July 4, 1966, 80 Stat. 259), as amended, is further amended—

(1) by adding in section 2(b)(3) the words "the Secretary of Housing and Urban Development and the Secretary of Transportation," after the words "the Secretary of Commerce,";

(2) by deleting in section 6(c) everything after the word "section" and inserting in lieu thereof the words "3109 of title 5, United States Code.";

(3) by adding an additional section 6(g) to read as follows:

"Sec. 6. (g) Whoever, except as authorized under rules and regulations issued by the Commission, knowingly manufactures, reproduces, or uses any logos, symbols, or marks originated under authority of and certified by the Commission for use in connection with the commemoration of the American Revolution bicentennial or any facsimile thereof, or in such a manner as suggests any such logos, symbols, or marks, shall be fined not more than $250 or imprisoned not more than six months or both: *Provided*, That this section shall be applied upon publication in the Federal Register of notification of certification hereunder by the Commission with respect to each such logo, symbol, or mark.";

(4) by deleting section 7(a) and inserting in lieu thereof the following:

"Sec. 7. (a) There is authorized to be appropriated not to exceed $373,000 for the period through fiscal year 1971."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–976), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF AMENDMENT

The purpose of the amendment in the nature of a substitute is to incorporate new language suggested by the Commission to carry out its purposes, and limit the authorization to $373,000 for fiscal 1971.

PURPOSE

The purpose of the proposed legislation, as amended, is to amend the joint resolution establishing the American Revolution Bicentennial Commission so as to add the Secretary of Housing and Urban Development and the Secretary of Transportation as members of the Commission and to authorize appropriations not to exceed $373,000 for fiscal year 1971.

STATEMENT

The American Revolution Bicentennial Commission was established on July 4, 1966, under provisions of Public Law 89–491 (80 Stat. 259). The statute places on the Commission the responsibility of planning, encouraging, developing, and coordinating the commemoration during the bicentennial era.

Broadly representative of both the Government and private citizens, the Commission has 35 members. Four are Members of the Senate who are appointed by the President of the Senate and four are Members of the House of Representatives appointed by the Speaker of the House. Also as members are the Secretary of State, the Attorney General of the United States, the Secretaries of the Interior, Defense, Commerce, and Health, Education, and Welfare, the Librarian of Congress, Secretary of the Smithsonian Institution, Archivist of the United States, and Chairman of the Federal Council on the Arts and Humanities.

Seventeen members are appointed by the President from private life, one of whom is designated by the President to serve as Chairman of the Commission.

Four of the 17 members appointed to the Commission by President Johnson in January 1967, are serving today. Three other members who were among the initial appointees have recently resigned from the Commission because of more pressing business commitments.

Central to the effective discharge of its responsibilities is the development by the Commission of a national plan of commemorative activities throughout the Nation. This is to be in the nature of a report to the President to be transmitted to the Congress recommending activities and observances during the bicentennial era which are appropriate to the bicentennial.

The original legislation establishing the Commission required this report to be submitted on or before July 4, 1968, subsequently extended by amendment to July 4, 1970. The amended legislation authorized appropriations and Congress appropriated $150,000 to the Commission in fiscal year 1969, $77,000 of which has been carried over to the current fiscal year. Fiscal year 1970 appropriations for the Commission amounted to $175,000, giving the Commission a total of $252,000 available during this fiscal year.

The first elements of the staff were organized during January 1969. New members of the Commission were appointed and others continued by President Nixon on July 3, 1969.

Since July 4, 1969, the full Commission has held five meetings and numerous meetings of its subcommittees. It has been given authority by the Bureau of the Budget to increase the size of its staff paid from its own funds from four to 10 full-time permanent employees.

The Commission is mindful that, as stated in the joint resolution, the bicentennial should be predicated on the ideas and principles on which the Nation was founded. The bicentennial offers America a compelling opportunity to review 200 years of freedom, to recall with justifiable pride the heritage, the growth, and the accomplishments of two centuries, and to look forward to the Nation's third century, committing Americans, individually and collectively, to the fulfillment of those national goals which have not yet been achieved. As the Commission has stated, "Some of this work will be solemn—some will be festive, because the 200th birthday of our country should be at once a joyous celebration and a solemn rededication."

To be successful, however, the celebration of the bicentennial must be a truly national occasion, with a role and sense of personal involvement for every citizen, every community, and every organization. It is this sense of involvement that the Commission seeks to encourage in the discharge of its responsibilities.

The Commission's major efforts to date have been devoted to the collection of information and formulation of ideas to be included in the National Bicentennial Plan which will be submitted to the President. The plan will catalog programs and activities which are representative of the types of events appropriate to the occasion. The Commission and its staff are in contact with interested individuals and organizations in many fields of endeavor at the local, State, national, and international levels.

Indicative of the broad scope of the Commission's efforts to develop a coordinated program of commemorative activities throughout the Nation are the following:

1. The Governor of each State, territory, and of the Commonwealth of Puerto Rico has been asked to establish a bicentennial commission to work with the Commission and its staff in developing program plans and in generating a sense of involvement on the part of the people. Sixteen States and territories thus far have created such organizations. In addition, 23 Governors have appointed a representative in anticipation of the establishment of similar commissions. A number of cities have also established bicentennial commissions, and recommendations from all of these groups were to be submitted to the Commission by April 1, 1970.

2. The Commission has established six committees comprised of its members to work with national organizations in the fields of (*a*) arts and humanities; (*b*) commerce, agriculture, and labor; (*c*) events and expositions; (*d*) media; (*e*) patriotic, voluntary and service organizations; and (*f*) sciences, Recommendations from these committees were to be submitted by April 1, 1970.

3. Approximately 100 prominent citizens have been asked for their individual recommendations concerning the commemoration of the bicentennial.

4. Sixty Federal agencies have been asked to identify which of their programs and activities fall within the framework of the national plan.

5. The ex officio members of the Commission who represent the 10 departments and agencies are preparing their recommendations for participation in the bicentennial.

The Commission is seeking the broadest possible range of concepts appropriate for commemorating the Nation's bicentennial at National, State, local, and international levels. The results of these efforts are now beginning to bear fruit.

COMMEMORATION OF THE 100TH ANNIVERSARY OF YELLOWSTONE NATIONAL PARK

The joint resolution (H.J. Res. 546) authorizing the Secretary of the Interior to provide for the commemoration of the 100th anniversary of the establishment of Yellowstone National Park, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–962), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the joint resolution is to designate the Secretary of the Interior to request the President to issue a proclamation designating the year 1972 as "National Parks Centennial Year," in recognition of the establishment on March 1, 1872, of the world's first national park, Yellowstone, and to plan the centennial activites. The resolution establishes a 15-member special Commission to prepare and execute plans for the commemoration of the 100th anniversary of the world's first national park, and provide host services for the world conference on national parks in 1972.

STATEMENT

To commemorate the 100th anniversary of the beginning of the national park movement, the joint resolution requests the President to issue a proclamation designating 1972 as "National Park Centennial Year" and creates a 15-member special Commission composed of four Members from the Senate, four Members from the House of Representatives, the Secretary of Interior, and six nongovernmental members appointed by the President from among persons having outstanding knowledge and experience in the fields of natural and historical resource preservation and public recreation. One of the Presidential members shall be appointed as Chairman of the Commission.

The Secretary of the Interior in a letter to the chairman of this committee states in part as follows:

We believe it is appropriate to designate the 100th year following the establishment of Yellowstone National Park as "National Park Centennial Year." We believe it is fitting that representatives of other nations be invited to participate in the national park centennial, since 1872 was also the beginning of a worldwide movement for national parks. A world conference on national parks, to be held at Yellowstone and Grand Teton National Parks in 1972, would be the appropriate vehicle for bringing together the knowledge and experience of all nations of the world in this field.

The joint resolution would establish a special Commission and would prepare and execute the plans for the commemoration of the 100th anniversary of the establishment of the world's first national park, and provide host services for the world conference on national parks in 1972. We expect that the Commission will develop and maintain special exhibitions on the national park system throughout the Nation, undertake important studies of the system for publication and distribution to schools and libraries, and encourage the development of nationwide and worldwide educational programs to promote the national park concept. This Department intends to recommend to the Commission that it include in its agenda such items as the preservation of natural habitats, protection of endangered species of fauna and flora, and education on conservation practices and problems required to maintain the national park concept. Of course, the Commission will have complete authority over what matters will be placed on the agenda.

The estimated annual cost of the Commission's activity in planning and executing the centennial celebration is expected to range from about $40,000 in the early years to $110,000 in 1972. These expenditures will include the costs of advance planning, travel, research, publications, and exhibits, and assistance in hosting a world conference on national parks. We estimate that approximately $850,000 will be needed for all aspects of the Commission's work. The joint resolution provides, however, that not more than $250,000 may be appropriated to carry out its provisions. We expect that a substantial amount of funds will be donated for purposes of the Commission and of the world conference, because of the national international significance of the national park centennial. The $250,000 authorized to be appropriated under this joint resolution will provide the funds for the initial establishment and operation of the Commission. The remaining costs will be provided from non-Federal sources.

The Secretary of the Interior estimates that approximately $850,000 will be needed for all aspects of the Commission's work. House Joint Resolution 546 as passed by the House of Representatives provides, however, that not more than $250,000 shall be appropriated out of Federal funds to carry out the provisions of this joint resolution. It is expected, in accordance with the plans of the Department of Interior, that the remaining $600,000 will be donated from non-Federal sources because of the national and international significance of the national parks centennial. It should be noted that the $250,000 of Federal funds would not be made available until the Commission first collected $300,000 from non-Federal sources.

This committee in accordance with the views of the Secretary of the Interior believes it is appropriate to designate the year 1972 as "National Parks Centennial Year." This committee also believes that it is appropriate to establish a Commission to carry out the purposes of the joint resolution. Accordingly the committee recommends favorable consideration of House Joint Resolution 546, without amendment.

COMMEMORATION OF THE 100TH ANNIVERSARY OF THE OHIO STATE UNIVERSITY

The concurrent resolution (H. Con. Res. 573) commemorating the 100th anniversary of the Ohio State University, was considered and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–963), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

Purpose of the concurrent resolution is that the Congress sends congratulations and greetings to the Ohio State University on the occasion of the 100th anniversary of its founding, and extends the hope of the people of the United States that the Ohio State University will continue to grow and prosper in centuries to come.

STATEMENT

In 1970, the centennial year of the Ohio State University, the people of Ohio salute with pride their land-grant university for the many contributions it has made to the lives of people during its first 100 years.

Under the leadership of Dr. Novice G. Fawcett, president since 1956, the university has become one of the major centers of higher education in the world. In partnership with trustees, faculty, governmental officials, alumni, and friends of the university, President Fawcett has been instrumental in the development of teaching, research, and public service.

Ohio State's program attracts students from every county in Ohio, every State in the

Nation, and from 87 countries of the world. Enrollment in this centennial year will reach 50,000 students. The number of living graduates will reach 150,000 as Ohio State annually adds new alumni to serve in all the major fields of business and professional endeavor.

The university is a major resource for the future progress and well-being of the people of Ohio and of the Nation. To help insure that the full benefits of this great resource are available to the people, Ohio State has undertaken a centennial development fund. The fund is designed to make possible, through private gifts, the extra measure of financial support which can open the way to a new century of unprecedented service.

For its record of accomplishment during its first century; for its great potential for future contributions; for its able faculty and staff and its distinguished president, Dr. Novice G. Fawcett, the Ohio State University merits the commendation and support of the people of Ohio and of the Nation.

The committee is of the opinion that this concurrent resolution has a meritorious purpose and accordingly recommends favorable consideration of House concurrent resolution 573 without amendment.

CONGRATULATIONS AND GREETINGS TO OHIO NORTHERN UNIVERSITY ON THE 100TH ANNIVERSARY OF ITS FOUNDING

The concurrent resolution (H. Con. Res. 575), that the Congress sends congratulations and greetings to Ohio Northern University on the occasion of the 100th anniversary of its founding and extends the hope of the people of the United States that Ohio Northern University will continue to grow and prosper in centuries yet to come, was considered and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-964), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

Purpose of the concurrent resolution is to provide that the Congress sends congratulations and greetings to Ohio Northern University on the occasion of the 100th anniversary of its founding and extends the hope of the people of the United States that Ohio Northern University will continue to grow and prosper in centuries yet to come.

STATEMENT

Ohio Northern University, of Ada, Ohio, will observe its centennial year from August 14, 1970, through August 13, 1971. The university of the United Methodist Church has 2,300 students enrolled in colleges of liberal arts, engineering, pharmacy, and law. It is one of the few institutions in the country combining a liberal arts curriculum with colleges of engineering, pharmacy, and law.

Since it was founded in 1871 by Dr. Henry Solomon Lehr, Ohio Northern University has graduated more than 20,000 persons. Today there are more than 11,000 living alumni serving their communities and the Nation in all 50 States in the Nation and in many foreign countries.

The following Ohio Northern University degree holders are currently serving in the U.S. Congress: William M. McCulloch, Delbert Latta, Frank T. Bow, and Jackson Betts. At one time four Ohio Northern University graduates were concurrently U.S. Senators: Frank B. Willis, Simeon D. Fess, Arthur J. Robinson, and John M. Robison.

One-third of the pharmacists in Ohio completed their college work at Ohio Northern University. More than 1,100 attorneys with law degrees from Ohio Northern University are serving in Ohio and neighboring States. In excess of 12,000 engineering graduates are employed by private industries, State, and county offices, as well as at the Federal level. And many hundreds of teachers, business leaders, and housewives are devoted alumni of this independent university.

The university has grown from a normal school serving northwest Ohio to one of the complex private universities in the State of Ohio. It has survived depressions which threatened it financially; it has survived wars which took its students; it has survived today's campus turmoil by standing on its principles. The university seeks to graduate students imbued with Christian ideals, accomplished in scholastic achievement, inspired with a desire to contribute to the good of mankind, and committed to a way of life that will result in a maximum of personal and social worth.

In recent years, the university has grown at an unprecedented rate in every way: academically, physically, and financially. A new liberal arts curriculum has gained widespread interest among educators. More than 42 percent of the 168 full-time faculty members have the doctorate degree and have attended more than 150 different colleges and universities. Ohio Northern University has a teaching faculty with research playing a secondary role.

The university is governed by a board of trustees of 42 members who determine the major basic policies. The trustees select the president of the university, who is Dr. Samuel L. Meyer, and delegate to him the authority and responsibility for the operation of the university.

The university is in the midst of a $6,910,000 development campaign. The campaign is expected to be successfully completed by the end of the centennial year in August of 1971. Funds will provide new buildings, operating funds, and more endowment.

The committee is of the opinion that this resolution has a meritorious purpose and accordingly recommends favorable consideration of H. Con. Res. 575.

THE POSTAL REORGANIZATION ACT

The Senate resumed the consideration of the bill (S. 3842) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COOK). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, may I ask the Chair, what is the pending business?

The PRESIDING OFFICER (Mr. COOK). The pending business is S. 3842, an act to reform the postal service.

Mr. McGEE. Mr. President, I send to the desk a series of amendments to the bill S. 3842, and ask that they be considered en bloc.

All but two of these amendments are technical, correcting typographical errors in the bill as reported.

Two amendments are substantive: One to limit the 8 percent salary increase for employees in the postal field service to a rate not higher than the rate now in effect for level V of the Executive Salary Schedule, which is $36,000 a year; and the other to permit a retired employee of the Government of the United States who is receiving a civil service retirement annuity to serve as a Governor on the Board of Governors of the U.S. Postal Service without having his salary reduced by the amount of his civil service retirement annuity, as is now done in the case of any reemployed annuitant.

The purpose of this amendment, in essence, is to permit the appointment of a retired postal officer or employee, whose expertise would undoubtedly serve the new agency well, to the Board of Governors without charging him a very substantial, or in some cases, a complete, reduction in his $10,000 a year salary as a Governor on the Board. By the same token, the amendment would prohibit such a reemployed annuitant to receive additional retirement credit based on his service as a Governor of the Board of Governors.

I ask that the amendments be agreed to.

The PRESIDING OFFICER (Mr. COOK). Without objection, the amendments will be printed in the RECORD, and without objection, the amendments are considered and agreed to en bloc.

The amendments agreed to en bloc are as follows:

On page 188, line 4, amend paragraph (6) so as to read:

"(6) may be redeemable before maturity in such manner, at such times, and at such redemption premiums as the Board may determine;".

On page 189, line 8, after the word "inheritance" delete the period and insert a comma in lieu thereof.

On page 196, between lines 1 and 3, in the small type indicating the subjects of the sections, in the line beginning "2701., delete the final "s" in the word "adjustments".

On page 209, line 14, delete the comma after the word "address".

On page 227, line 24, delete the hyphen between the words "upper" and "right-hand" so as to read "upper right-hand".

On page 230, line 16, strike out "other than any" and insert in lieu thereof "less an amount equal to the".

On page 237, lines 10 and 11, delete the words "recommended decision to the Commission for reconsideration and a further".

On page 244, line 6, strike out the number "3707" and insert in lieu thereof the number "3708".

On page 246, at line 15, strike out "(6)" and insert "(7)" in lieu thereof.

On page 251, line 3, delete the word "and".

On page 255, at line 25, insert the words "carrier or" after the word "any".

On page 256, at line 5, insert the words "carriers or" after the word "other".

On page 265, line 17, insert the word "the" after the word "of".

On page 268, between lines 18 and 19, insert the following:

(16) Section 8331(1) is amended—

(A) by striking out "or" at the end of clause (viii);

(B) by striking out the period at the end of clause (ix) and inserting in lieu thereof a semicolon and the following: "and"; and

(C) by adding at the end thereof the following:

"(x) a Governor of the Board of Governors of the United States Postal Service.".

XUM

(17) Section 8344 is amended by adding at the end thereof the following new subsection:

"(c) This section does not apply to an individual appointed to serve as a Governor of the Board of Governors of the United States Postal Service."

On page 271, lines 18 and 24, delete the word "the".

On page 280, line 22, insert "(a)" before "The".

On page 281, between lines 4 and 5, insert the following new subsection:

"(b) No rate of basic pay or compensation, in excess of the rate of basic pay for level V of the Executive Schedule in section 5316 of title 5, United States Code, shall be paid by reason of the enactment of this section.".

On page 283, line 8, add the letter "s" to the word "section".

On page 232, line 11, after the period insert the following:

"The rate for each such class shall be uniform throughout the United States, its territories and possessions.".

On page 232, line 13, insert "of such a class" after the word "letter" and strike out all after the word "origin" down through the word "addressee" in line 16.

On page 232, line 19, strike out the words "or parcel".

Mr. McGEE. Mr. President, I am reluctant to read a statement on the floor of the Senate because it violates a deep principle of mine, and I have never been caught in that act before. However, because of the occasion this is, and the subject at hand, it is especially forgivable that I do so because there are so few Senators in the Chamber at this late hour that it would do no violence to anyone's patience and I believe it is important that the carefully worded language of the description of this measure and its implications, in light of the committee's action, be made explicitly clear.

For all these reasons, I shall read the draft in order to lay the groundwork for the debate that will follow in the wake of laying down this bill, debate that will get underway, by agreement, sometime on Monday next.

Mr. President, the bill which the Committee on Post Office and Civil Service recommends for enactment by the Senate today, S. 3842, to improve and modernize the postal service and to establish the U.S. Postal Service is based on the critical needs which our Nation's postal system has faced for several years and the answers to these problems which the committee considers to be the most effective resolution to insure long-range improvement of all aspects of postal operations.

For many, many years officials of the Government and the public generally have taken too little notice of the gradually increasing problems of the Post Office. We have relied upon inefficient and expensive solutions of a short-range nature. It is neither relevant nor helpful to cite that 30 years ago, postal clerks and letter carriers were often recruited from among the ranks of college graduates; or that a postal job in a town of 5,000 or 6,000 people was always eagerly sought after because of its pay and security; or that the postal system will run itself if management will just leave the workers alone; or any of the other meaningless homilies, however well intended, which have been uttered in reference to the postal service in the past, as well as the present.

To paraphrase Mark Twain on the weather, everybody talks about poor postal service, but nobody does anything about it. I might inject the extra complication that we have about 200 million postmasters general in the United States. Each person has his own solution for the one part that seems to affect him. The legislation we recommend in S. 3842 will reverse that—we will do something about it.

The recent history of the Post Office Department is fairly well known. The Chicago mail strike at Christmas, 1966, alerted the Nation to the problem of a serious mail service breakdown. Larry O'Brien, then the Postmaster General, recommended the conversion of the Post Office Department from its historic position as a Cabinet-level executive department with a Postmaster General nominated by the President and confirmed by the Senate, and with most of its managerial officials appointed on the basis of political affiliation, to an independent, government-controlled corporation divorced as far as possible from the influence and pressures of partisan political considerations.

President Johnson appointed a Presidential commission, known as the Kappel Commission, which conducted a searching inquiry into all aspects of postal operations. In May 1968, the Commission confirmed Mr. O'Brien's recommendation that the Post Office be established as a public service agency outside of the normal channels of political government.

After several months' study in 1969, the Post Office Department in the Nixon administration endorsed the O'Brien-Kappel recommendation, proposing a government corporation to operate the postal service. In October 1969 the Senate committee began its public hearings and during most of this year the committee, either formally or informally, has been developing legislation to enact into law basic structural reform and reorganization.

In March of this year, postal workers in New York City and a few other large metropolitan areas walked off the job, and the Nation felt the first real paralysis of a postal strike. The Postmaster General and Deputy Postmaster General sat down with the representatives of the AFL–CIO craft unions in the postal service and negotiated an agreement to resolve the dispute. The first portion that agreement, a 6-percent increase in postal pay retroactive to the last pay period in December, was enacted into law in April, Public Law 91–231. The last portion of the agreement, establishing a new postal system and a further 8-percent increase in postal pay, is embodied in H.R. 17070, which recently passed the House, and S. 3842, the pending bill.

In the meantime, on March 19, the ranking minority member of the Senate Committee on Post Office and Civil Service (Mr. FONG) and I jointly sponsored S. 3613, a postal reorganization bill of our own making, and after numerous executive sessions and considerable discussion with the Postmaster General and the Deputy Postmaster General, the bill evolved into the form presented in S. 3842, as we introduced that measure on May 14. On June 3, the committee reported S. 3842 with an amendment in the nature of a substitute, but only the provisions relating to transportation of mail differ significantly from the bill as it was originally introduced by the Senator from Hawaii and me.

In the committee's judgment, there are four general problem areas in the postal system today that need to be resolved. Our bill is designed to meet those specific needs and give the new U.S. Postal Service the power, as well as the duty, to fulfill their delegated responsibility to operate a postal system as Congress, by article 1, section 8, of the Constitution is empowered to establish.

The four problem areas are these:

First. The organization of the Post Office as a Cabinet-level department of the executive branch, under the control of the incumbent political administration and subject to annual reviews of programs and spending by the Congress through its legislative oversight as well as its appropriations process;

Second. The lack of any significant control by the Postmaster General over either revenues or expenditures of the postal system;

Third. The inability to develop long-range postal modernization planning and to finance such planning on other than an annual basis subject to review by the Bureau of the Budget and the appropriations process; and

Fourth. The frequent change of the individuals serving in policymaking and administrative positions in the headquarters and regional offices of the Postal Service, which diminishes the effectiveness of management to understand and resolve problems.

My statement this afternoon will relate to the nature and effect of these problems and how the committee recommendation in S. 3842 proposes to solve them.

POSTAL ORGANIZATION

Mr. President, the first broad area requiring legislative change is that of the basic organization and structure of the Post Office Department. Since before the Constitution was ratified and our Government was established, the Post Office has existed as a Cabinet-level Department of the executive branch. The Postmaster General has always been a Member of the President's Cabinet and the dignity of his office has always been equated with the highest level of presidential appointments. To change that system involves a major policy judgment, but unless that system is changed we believe that the nature of our political institution will continue to make the Post Office heavily reliant upon the policies and programs of the encumbent political party and administration. Because we believe that policies and program developments are a negligible factor in the operation of the Post Office, we recommend the transfer of the postal service from a Cabinet department to an independent agency.

As part of the reorganization of the

XUM

system, another problem we faced was that of removing the post office from what is called partisan politics. As a politician, I find nothing wrong with politics in Government, any more than there is anything wrong with politics in business or education or anywhere else. I am confident that there will be politics in the Post Office whether it is a Government corporation or a subcommittee of the PTA. But what we specifically attempt to achieve, first of all, is to eliminate political affiliation or political recommendations from being a predominant or even an influential factor in the selection of people to work in the Post Office, whether such a person is the son of a county chairman or the president of a bank.

No Postmaster General, including Benjamin Franklin, was ever appointed to the job because he was an expert in postal operations. The role of political endorsement in the selection of postmasters and rural carriers and even the promotion of employees to supervisory positions, is historic and well known. In some cases, the selection from the civil service register as a clerk or carrier has been made on the basis of political endorsement over other equally well-qualified applicants. Regional directors, high-level headquarters officials, and most other jobs or positions above the rank-and-file echelon have been filled, at least most of the time, on the basis of what national party won the most recent election.

The Senate has expressed its judgment on this point on several occasions. In 1967, S. 355, which passed this Chamber by a vote of 72 to 9, included a provision to abolish the Senate confirmation of postmasters. In 1969, S. 1583 passed the Senate unanimously, eliminating political considerations in the appointment of all postal employees.

Establishing a system for nonpolitical appointments of individuals to positions in the Postal Service is just the first step in creating the agency structure necessary to insure postal modernization. Federal statutes relating to contracts, employment policies, apportionment of appropriations, the development and submission of budgetary requests to the Congress for its consideration, and the acquisition and disposition of real and personal property impose restrictions which in our view are not desirable if we intend to operate the Post Office as an independent public service agency of the Government. Laws which are appropriate to governmental management generally, which insure compliance with policies which Congress has determined to be in the best public interest for Government agencies generally, are not the best method of control in the case of the post office. They have proven to be a hindrance to postal modernization.

Annual budgets and annual appropriations for all aspects of postal operations prevent the Postmaster General from establishing long-range modernization programs and a blueprint for postal progress which he and his subordinates can be assured will continue in effect beyond the fiscal year. Until just a few years ago, there was no such thing as a 5-year plan in the post office, such as characterizes the planning of every major industry in the United States. The irony of this is that the post office is the largest business enterprise in the country. It has more than 30,000 post offices, about 10,000 additional contract stations, some 30,000 rural routes and more than three-quarters of a million employees; it handles more than 80 billion pieces of mail a year, and will next year spend close to $8 billion. Yet planning for the future is extremely difficult and in all cases subject to the restrictions, limitation, modification, and personal predilections of the Bureau of the Budget and the four committees of the Congress which render the final judgment on postal operations.

Critics of postal reorganization point out that all other agencies of the Federal Government operate under the restrictions of applicable law and annual budgetary review and appropriations procedures. The committee's judgment is that that point is not really an answer, and that even if it were, the nature of the postal service is such that it will be improved by removing it from that process. Delivering the mail is simply not in the same category of policymaking and program-development as foreign policy, national defense, housing, highway construction, or health and education assistance to State and local governments. It is an essential, business-oriented service. The committee has no intention of establishing any postal system which does not have a direct and continuing responsibility to the people and to Congress, but we do believe that its role can be fulfilled with a greater degree of efficiency if it is removed from the ordinary channels, administrative controls, and legislative restrictions of other agencies in the executive branch.

S. 3842 does that by establishing the U.S. Postal Service as an independent establishment of the executive branch—neither an ordinary Federal agency or Department nor a Government corporation. The executive authority shall be vested in a nine-man Board of Governors nominated by the President and confirmed by the Senate to serve a term of 9 years each, with a new member being appointed every year. The Governors, in turn, will appoint the Postmaster and the Deputy Postmaster General to serve as the chief executive officers of the Postal Service.

The purpose of this system of organization is to establish a buffer between operating management in the Post Office and either the President in the executive branch or the Congress in the legislative branch. The function of the Board of Governors is to insure independence for operating management. All authority shall be vested in the Board, and almost all authority may be designated to the Postmaster General or other subordinate officers. The only matters in which the Governors themselves must in all cases exercise their responsibility is in the approval of postal rate commendations are made inapplicable to the Post Office and in the selection or removal of the Postal Rate Commission, and in the selection or removal of the Postmaster General and the Deputy Postmaster General.

Except as specified in the bill, all laws relating to public works, contracts, employment, appropriations, budgeting, and any other laws governing agency operations are made inapplicable to the Post Office. The laws which are retained and made applicable include Federal standards for wages and hours, employment of retired military officers, security clearance and employment checks on applicants, the prohibition against employees striking against the Government, freedom of information for the public, veterans preference, and laws relating to labor management, which will be discussed in greater detail in a moment.

We believe this organizational structure will work. The key factor in reaching our decision has been the committee's desire that the Post Office be freed from its own past; that the new U.S. Postal Service be given a clean slate, and a real opportunity to correct all of the errors, as well as to benefit by all of the experiences of the past, and to plan anew to establish a postal system that will do the job well.

CONTROL OVER EXPENDITURES AND REVENUES

The second major area of postal reform is that the Postmaster General and his subordinate officers do not have the power to control to any significant degree either the expenditures or the revenues of the postal system. They do not set the rates charged users of the mail except for the relatively small, and legislatively controlled, costs attributable to parcel post operations and a few fees for special delivery stamps and things like that; and they do not set wages or any other monetary benefits for postal employees. This, I ought to add, refers to the existing Postmaster General and his subordinate officers. Wages, including fringe benefits, for fiscal year 1969 cost $5,826 million; while revenues in the same fiscal year amounted to $6,114 million. So it is obvious that the lack of control can present a very serious problem for the Postmaster General.

Except when a postal emergency arises of catastrophic proportions, he cannot embargo mail because the volume is overwhelming. He has only limited authority, and most of that through persuasion, to require large volume mailers to comply with the demands of peaks and valleys and the day-to-day operations of the Post Office. He is subject to the whim of the public—often difficult to anticipate—which may flood the mails with packages at Christmastime, cards on Valentine's day, or letters to Members of Congress complaining about poor postal service. As Postmaster General O'Brien told the House Appropriations Subcommittee several years ago, he has virtually no control over the business which he is appointed to operate.

About 80 percent of postal costs are for the payroll of 750,000 postmasters, supervisors, clerks, letter carriers, mail handlers, rural mail carriers, and other employees, all of whom are paid at rates established by law enacted by Congress. If the Congress decides that postal employees are entitled to a 6- or 8-percent-pay increase, then we enact it; and unless the President vetoes it and Congress does not override the veto, the Postmaster General is required to pay an additional 6 or 8 percent out, without having exercised any control over the expense thus incurred.

A 6-percent-pay increase today costs the Post Office about $370 million a year. So it is obvious that the lack of control over payroll costs is a serious deficiency in the managerial ability of any Postmaster General.

But it is more than just a deficiency: it is a positive, ever present weakness in the system of management in the Post Office. For a Postmaster General who knows that he cannot control his costs, that nothing he does has binding effect on his costs, will have a very difficult time developing and maintaining the kind of management attitudes for successful operations. His efforts to achieve effective operational control, however noble and sustained, can be undercut on a moment's notice by the enactment of programs which, however well guided or misguided, may alter his best plans for economical, effective operations.

The other side of the coin is that the Postmaster General does not have any control over his revenues, either. He may propose rate increases to the Congress and make some effort to lobby them through both Houses, but it is never politically popular to increase postal rates; and the Postmaster General knows that if Congress does not enact a rate increase, he has the unlimited authority to draw the money necessary for postal operations directly out of the Treasury. As one Postmaster General remarked not too long ago:

> It doesn't make a damn bit of difference to me whether Congress enacts a rate increase or not. I can get all the money I need out of the Treasury.

Postal rates generally meander their way through Congress in 18 months to 2 years, if at all. A record was set in 1967 when the bill went through both Houses and was signed into law in just 12 months. Postmaster General Blount proposed a postal rate increase in April 1969, and although some hearings have been held in a subcommittee of the House of Representatives, there is no reliable evidence at this time to indicate that a rate bill is alive and well. As a matter of fact, a bill to increase postal rates has not even been introduced in either House.

The postal deficit for fiscal year 1969 was approximately $1.4 billion, divided about evenly between public service costs, which are written off for ratemaking purposes, and actual operating deficit, which is taken into account in recommending rate increases. Despite this growing disparity between revenue and costs, the Postmaster General is without authority to reduce the deficit. Since July 1, 1968, salaries for postal employees have increased by an average of 15.7 percent, costing about $950 million. Postal rate increases enacted in Public Law 90-206, which have become effective since July 1, 1968, have produced additional postal revenue at the rate of $65.2 million a year. Thus the difference between revenues and expenditures has increased by $885 million a year. The additional 8 percent salary increase recommended by President Nixon and included in the committee recommendation in this bill would add about $500 million to that deficit.

There is something basically demoralizing about that kind of powerlessness in a Cabinet officer charged with directing the course of action of the largest civilian agency in the Government. Four congressional committees have substantial control over the development and financing of any program the Postmaster General may wish to establish, or eliminate. Postal workers know that the Postmaster General, is really not the man with control over their pay and meaningful employment benefits. Because while he may sign a collective bargaining agreement under the labor relations Executive order issued by the President with recognized employee organizations, every single aspect of postal employment for individuals involving the payment of money, either directly or indirectly, is established by Congress—pay, health insurance, retirement, life insurance, leave, overtime, severance pay, injury compensation, holiday pay, night differential—everything.

About the only thing left to bargain for, about the only bargaining tool the Postmaster General has, is setting vacation schedules and determining seniority job assignments. Those issues are important, but they are not bread and butter issues. This, then, becomes a frustration for a man whose responsibility it is to run the Department effectively.

S. 3842 vests in the new U.S. Postal Service the complete authority to control costs and revenues. The role of Congress in setting pay and establishing postal rates is eliminated. We play no role at all. Only through our inherent constitutional power vested in the Senate and the House of Representatives in the first sentence of the Constitution do we retain direct control over the Postal Service.

We establish by law the basic policies for postal operations, and the guidelines, specific and general, which the Postal Service shall follow in determining its course of action. But beyond that we do not go. Postal pay shall be established for rank-and-file workers in accordance with collective bargaining procedures designed to achieve comparable pay and fringe benefits with the private sector of the economy. For supervisors, postmasters, and other managerial employees, pay will be set after appropriate consultation with these employees, and in line with private enterprise. Postal rates shall be established by the Postal Service without any supervision or final judgment rendered by the Congress.

In our judgment, this separation from congressional control is necessary to give the Postal Service the freedom to make significant improvements in the postal service. If, as Postmaster General O'Brien said, and as Postmaster General Blount has reiterated, the Post Office is hamstrung by a multitude of laws, traditions, rules, and congressional restrictions upon its authority to act, then it will no longer be hamstrung; because our bill does truly remove almost all restrictions. Except for a small handful of policies, which the committee believes are so integral a part of postal policy that they must be followed in order to give the American public the best kind of postal service, the Postal Service will have a clean slate for future operations.

POSTAL MODERNIZATION AND FINANCING

The third area of postal problems which the committee considered is the need to modernize the Post Office and the need to acquire the funds necessary to modernize without relying upon the vagaries of the Bureau of the Budget, the appropriations process, and the chance changes in fiscal policy which hold up modernization from time to time.

Unfortunately, postal modernization receives more applause that money. Everyone is for postal modernization and an improved postal system, but when it comes down to authorizing and appropriating the money necessary to build a modern postal system the votes are hard to find. The facts of life are that it would take about $4 or $5 billion right now to build the needed postal facilities, to install the kind of modern sorting equipment, and to acquire other necessary machines and techniques to insure keeping up with the ever increasing volume of mail and to achieve postal excellence.

Every Member of Congress knows that it is simply unrealistic to hope for an appropriation of that size over any reasonable period of time. The Post Office Department has never got the approval of the Bureau of the Budget for that much in a 4- or 5-year period; and the Congress, in establishing priorities for Federal expenditures, simply would not appropriate it. I have had the honor and pleasure of serving on the Appropriations Committee for nearly 12 years, and I have seen very little evidence that a $5-billion modernization appropriation for postal construction either is on the horizon or would have a prayer of a chance.

Nevertheless, the program is vital. Most of the mail in this country is handled by about 75 large post offices. New York City, Chicago, and Los Angeles handle a staggering proportion of all mail in the entire postal system, and the statistics show that about 75 percent of all the 80-odd billion letters, papers, and parcels this year will originate in or be delivered in the 300 largest post offices.

Most of these post offices are not mechanized properly, even though some of them are not very old. Delays in planning and construction, freezes upon the expenditure of public construction money, changes of political administrations, and other good and sufficient causes for delay postpone the building of new post offices or modernization of older post offices for years at a time. This simply must not continue.

Most of our post offices were built during the New Deal by the Public Works Administration as employment projects to get people back to work. But since the beginning of the buildup for the Second World War, the amount of money spent for postal construction and modernization has been totally inadequate. From 1937 through 1945 no financial obligations of any significance were incurred. From 1945 through 1958 the Post Office Department requested $367.6 mil-

XUM

lion for modernization and actually spent about $295.3 million—an average of about $20 million a year.

I ask unanimous consent to have printed at this point in the RECORD a table showing postal modernization requests, approvals, and expenditures from fiscal year 1969 until the present time.

There being no objection, the table was ordered to be printed in the RECORD, as follows: absent.

The total amount of money requested by the Post Office Department or the appropriate agency for buildings and postal modernization for each year since 1958, with the total amount approved by the Bureau of the Budget, the total amount appropriated by Congress, and the total amount actually spent

Fiscal year	Request	Bureau of Budget approved	Congress approved	Estimated obligations
1959	$85, 123, 000	$73, 628, 000	$73, 292, 000	$72, 618, 000
1960	158, 515, 000	158, 515, 000	140, 630, 000	147, 436, 000
1961	142, 290, 000	142, 290, 000	130, 087, 000	122, 978, 000
1962	140, 262, 000	133, 950, 000	109, 264, 000	108, 731, 000
1963	169, 829, 000	134, 732, 000	100, 927, 000	98, 493, 000
1964	147, 858, 000	122, 910, 000	119, 218, 000	[1] 133, 761, 000
1965	148, 850, 000	98, 542, 000	86, 351, 000	81, 564, 000
1966	$174, 232, 000	$136, 932, 000	$112, 822, 000	$112, 587, 000
1967	191, 040, 000	166, 636, 000	147, 861, 000	146, 508, 000
1968	238, 428, 000	218, 062, 000	207, 401, 000	206, 219, 000
1969	320, 806, 000	238, 407, 000	213, 407, 000	212, 377, 000
1970	311, 563, 000	226, 766, 000	221, 005, 000	
1971	253, 184, 000	241, 205, 000		

[1] Includes fund transfers from surplus funds in other appropriations under existing transfer authority (77 Stat. 62) to cover increases due to accelerated modernization program.

Mr. McGEE. Mr. President, these figures demonstrate beyond doubt that postal modernization is a long way from home so long as the present system for budgetary review and annual appropriations is continued. Let me cite one example, fiscal year 1969, which began shortly after Congress approved a $900 million increase in postal rates in order to finance modernization and improvements under Public Law 90–206:

Postmaster General O'Brien requested that the Bureau of the Budget approve $320.8 million for modernization.

The Bureau of the Budget approved and permitted the Postmaster General to ask the Congress for $238.4 million, a reduction of about 25 percent before the request even saw the light of day.

The Congress approved $213.4 million, a further reduction of about 10 percent of the amount approved by the Budget.

The total reduction achieved through the budgetary and appropriation process equaled 33 percent of the amount which the Postmaster General requested as being necessary to establish the beginnings of a good modernization program for just 1 fiscal year.

To resolve this continuing problem, S. 3842 would authorize the Postal Service to borrow money outside of the normal budgetary process by issuing bonds, which may be purchased by the Secretary of the Treasury or may be sold on the open market to public investors. They may or may not be guaranteed as Government obligations. The total amount outstanding at any one time may not exceed $10 billion; and the Postmaster General may require the Secretary of the Treasury to purchase up to $2 billion outstanding at any one time.

The Secretary of the Treasury will consult with the Postal Service as to the issuance and interest rates, but in the final analysis he will not have the absolute control over the issuance of the bonds because, if he did, the Postal Service would obviously not truly be free to insure compliance with the modernization program.

The committee has given very careful consideration to the provisions of bonding. Some of us felt that going on the public market was unwise and would result in interest rates that were higher than Government bonds generally have to pay. Because the bonds may not be guaranteed in all cases, investors would necessarily want a higher rate in return on their investment. But in my judgment, that should be considered to be a specious argument. Nobody in his right mind would seriously contend that the Congress of the United States would permit the postal service to default on its revenue bond obligations. Nobody is going to put a padlock on the Post Office in Cheyenne, Wyo., in Honolulu, or anywhere else.

It is vitally important for the officers of the new postal service to keep in mind that even though their bonds may represent nothing other than the postal service itself, they will not be operating in a vacuum or on Mars, and they should drive a very hard bargain with any investor who might hope for a 10 to 12 per cent return on his money simply because the Federal debt ceiling precludes the Secretary of the Treasury from guaranteeing the bonds. Whatever the Secretary thinks about them, we here in Congress know that the postal service is always going to have the full faith and credit of the Government.

The committee is confident that those who assume the management of the post office will recognize the difficulties the Post Office will encounter in attempting to borrow money if its financial structure is not sound and its spending practices are not proven. The committee has approved the administration's recommendation but here cautions the Board of Governors that borrowed money should not be used to meet current operating expenses. This is an important caution. The use of bond revenue should be restricted to postal modernization. The basic purpose in authorizing the sale of bonds by the postal service is to avoid the annual battle between the Post Office Department and the Bureau of the Budget.

This year, the Tennessee Valley Authority, which has a 37-year history of successful operations in the generation of electric power, sold $100 million in bonds due in 1995 for capital improvements in the TVA system on the bond market at a cost to TVA of 8.99 percent. U.S. Government bonds of comparable maturity sold at the same time at 6.56 percent. Thus the electric power customers of the TVA will pay a premium of 2.43 percent because the TVA bonds are not Government-backed bonds. TVA bonds have a current rating of AAA on the bond market. The TVA enabling act requires the TVA to increase its rates to maintain a satisfactory reserve for the payment of all expenses including bonds; nonetheless, 8.99 percent is the current cost to TVA of borrowing money. In the case of TVA, the cost is absorbed directly by the distributors which purchase electricity from the Authority. The general public pays the cost of interest indirectly and only to the extent that it is passed on from the distributors.

The general public of the United States will pay the full difference between the cost of Government bonds and the cost of postal revenue bonds through postal rates. Because the post office has an absolute monopoly on the transmission of correspondence, there will be no alternative for the average American citizen who uses the mail, and who, with only rare exception, uses only letter mail.

Thus in approving the administration request on bonding authority, the committee expresses its very firm hope, indeed expectation, as well as its caveat, to the postal service and the Board of Governors that they will give the highest consideration to the public interest in the entire matter of selling bonds and using bond revenue.

CONTINUITY OF MANAGEMENT

The fourth general problem area which the committee faced in developing a reorganization bill was that of establishing a system which will provide a greater degree of continuity of management in the postal service. Although the rank-and-file employee up through the level of postmaster are career employees in the civil service, above that level individuals charged with substantial responsibility have traditionally been adherents of the political party in power. Good jobs in regional offices and in the headquarters in Washington have, one way or another, been passed out to the party faithful. There may not be anything wrong with such a system—all Government agencies have some degree of political influence in selecting applicants for policy and supporting positions—but there is no doubt that the situation in the post office is much more political than it is in most other Government agencies.

A number of years ago, the Congress created the position of Deputy Postmaster General, in an effort to provide a career position at the highest level of postal management, so that the Postmaster General could continue to be a political appointee, but his immediate deputy, responsible for running the postal service, would be a career man. That effort failed completely. Although we have had a number of very fine

Deputy Postmasters General, all of them were appointed mostly on the basis of the political relationships, not their expertise in postal affairs. The other high-level officials in the Department, the Assistant Postmasters General, the General Counsel, and their deputies, assistants and aides, are in almost all cases the party faithful.

The great weakness in the system is not that Jacksonian democracy prevails in the Post Office, but that the tenure of these individuals is too brief and too uncertain; by the time they learn something about the Post Office, they are ready to resign and return to private employment, their law practice, or somewhere else, or they are required to move on because of the fate of their political party in the most recent election. A new group comes in or a new Assistant Postmaster General is appointed and the bureaucracy begins anew to educate him to the problems of the postal service. In Hamlet's words—

> Enterprises of great pith and moment with this regard their currents turn awry, and lose the name of action.

The committee recommends that the nature of the postal service as a bureaucracy be designed not only to eliminate political recommendations, but to create an organization encouraging tenure and promotion from within or selection from without based on qualifications for the job at hand. We do this by isolating the postal service from Presidential or congressional control over its program activities, and by protecting the Chief Executive officials from political influence through the Board of Governors. Salaries for officers and employees of the Postal Service can be higher than policy and supporting positions in other Federal agencies, although no salary may exceed that of a Secretary of a Department. This should offer sufficient economic benefit to attract and retain executive officers with the highest qualities without belaboring the ancient argument of a citizen's obligations to give up money in order to serve his country. Time has proven that in most appointed positions in the executive branch, that argument wears thin after a year or two of financial sacrifice.

OTHER MAJOR PROVISIONS OF S. 3842

Those four points are the major grounds for our recommendation. To resolve those problems is the whole purpose of the bill. The manner in which we resolve them, the intricate details of a very complicated new Federal agency should at least be highlighted in order to clear up some of the more significant misunderstandings or outright misrepresentations which have been said of the administration's proposal or the committee's recommendation.

POSTAL RATEMAKING

Of greatest consequence to the Post Office and all mail users is the system for setting postal rates. The system is very simple today: Congress sets almost all rates by law and appropriates annually whatever extra money is needed to run the Post Office. Except for first-class mail, no class of mail comes anywhere close, right now, to paying its fair share of the costs. The postal subsidy is nearly one and a half billion dollars, half of which we write off as a public service attributable to preferred classes of mail, and rural postal services which are not self-sustaining; and the other half is simply an operating deficit, mainly caused by continually increased salaries and other expenses.

The administration recommended that this system be changed in three ways. First, that the Board of Directors of their postal corporation set postal rates as they see fit, requiring only that each class of mail pay a rate which the accountants described as "at least demonstrably related costs."

Second, that preferred rates continue to be set by Congress and that Congress annually appropriate to the post office the difference between the preferred rate and the regular rate.

Third, that for a so-called transitional period, ending by 1978, Congress appropriate additional funds, meaning subsidies, to soften the blow of having the break even.

The committee recommendation is based in part on the administration's proposal. In some instances, we go much farther toward liberating the Post Office from its historic apron strings to the Congress; and in other instances, we maintain some degree of congressional oversight.

First of all, we establish in the U.S. Postal Service, as an independent entity, the Postal Rate Commission, composed of five Presidentially appointed professional rate experts, confirmed by the Senate, who have the power to recommend all rates and all classifications for all mail. Their judgment shall be final, except in a case where the Board of Governors unanimously determines that a modification of the Commission's recommendation is necessary to comply with the specific criteria of the statutes and in order to raise sufficient revenue to operate the Postal Service.

Second, in our proposal, the subsidy for preferred classes of mail is phased out. Under existing law, second- and third-class mail sent by any religious, educational, scientific, philanthropic, agricultural, labor, veterans, or fraternal nonprofit organization, plus a few other special types of mailers, are entitled to mail at rates substantially less than the regular rate—and the regular rate itself is very low, particularly for second-class mail.

The committee believes that if Congress is to separate itself from the periodic battles over rate adjustments, we should make the separation complete. We should get the Congress out of the clutches of the lobbyist. To retain any ratemaking power is to insure that our halls will be filled with the representatives of special interest groups who will, as they always have, attempt to convince the Members of Congress that the world will truly come to an end if we raise the rate on their mail.

Obviously, whenever the Postal Rate Commission in the future undertook to raise rates as recommended in the administration's proposal, all mailers of all kinds, except ordinary citizens who pay their bills and write letters to their friends and relatives, would come to the Congress to lobby for a special exception for their kind of mail simply to avoid the rate increase proposed by the Commission.

My colleagues in this Chamber know quite well the meaning of rate increases.

A one-tenth of a cent increase in the rate applicable to presorted and zip-coded third-class mail means about $15 million a year in revenue to the Post Office; $15 million can finance a very large crying towel. So I repeat: The separation of the Congress from ratemaking must be complete, or it will be meaningless.

At the same time, we are not unmindful of the very preferential treatment which churches and schools and libraries and labor unions and other mailers have received at the hands of congressionally established rates, and we would be grossly unfair to those mailers, and genuinely adverse to the public interest to "throw them to the wolves" in the first day of the Postal Service's operations. In many instances, it would literally mean bankruptcy, and unfortunately, those classes of mail which would be most adversely affected are those very classes of mail which Congress has protected as a true public service.

It costs a nickel to mail a book from a county library to a farmer, and a nickel for him to mail it back when he has read it. The cost for mailing that book obviously is very much more than a nickel; but to encourage reading, education, and social development in this country, we have for decades paid out of the Federal Treasury a portion of the cost. So although we recommend that Congress, by law, get out of the ratemaking business, we at the same time will provide a graduated period of time of up to 10 years for preferred mailers to adjust to the impact of the new rate increase.

If the Postal Rate Commission, for instance, determines that the value of a book, or a church newsletter, or a labor union newspaper is socially important enough to receive the benefit of a rate less than commercial rates, and if that rate is 8 cents for a book mailed to the farmer instead of 5 cents, then a 10-year grace period will automatically take effect and the county library will be able to amortize that 3-cent rate increase over a 10-year period—that is, three-fifths of a cent additional postage each year.

By the end of that period, perhaps the rate will be 10 cents or even 12 cents or if postal efficiency is as improved as some advocates claim, perhaps the rate will just be 2 cents; but in any case the grace period is set by law, and the economic impact will be very substantially diminished.

The grace period will apply to any mailer whose rate is increased to a rate higher than the existing law on the date of enactment of this law, except first-class mail and parcel post. The grace period for any ordinary mailer or any commercial mailer, in the business world, for example, is 5 years. The grace period for the preferred mailers is 10 years.

Some of my colleagues have undoubt-

XUM

edly been contacted by representatives of libraries, churches, or charity organizations emphasizing the desperate need to maintain their preferred status. I have had a few calls myself, believe me. Let me say this in response. If we amend this bill for one preferential rate for any group, we might as well cave in entirely and call for an independent rate commission. The Committee decided, and we earnestly recommend that all statutory preferences be abolished, that Congress get out of the ratemaking business. To do otherwise is to pass a postal reform bill that is truly no reform at all in the ratemaking field, but remains hollow, indeed.

The third aspect of our ratemaking recommendation is the subsidy. This is one of its saving graces. There has been a considerable amount of misunderstanding and misrepresentation on this point, particularly between the waring factions of second- and third-class mail users. The subsidy we recommend is not designed to benefit any particular group of mailers. It is designed to retain a very important public aspect of postal operations and to retain some reasonable degree of congressional supervision through an annual review of postal operations and an annual appropriation of money to insure that public services, particularly outside of the major metropolitan areas, will be maintained. I see nothing whatever wrong with Congress continuing a partnership of that limited nature with the Post Office, even though the Post Office is a national monopoly. The National Aeronautics and Space Administration has managed to go to the moon several times and NASA comes to Congress twice a year, once for an authorization for operations, and the second time for an appropriation of money. It is not the Congress which prevents the Post Office from doing an exceptionally fine job; it is the will in the executive and legislature to determine that it shall be done. Shakespeare is again appropriate—

> The fault is not in the stars,
> But in ourselves. . . .

To insure that postal service in rural areas will not be diminished, to maintain the post offices in the little towns, which sometimes are the lifeblood of a community and have great social significance, we authorize the appropriation of 10 percent of the annual operating costs, limited to 10 percent of the amount appropriated for fiscal year 1971. Similarly, 10 percent of modernization costs financed through bonds will be paid for directly by appropriations.

This subsidy is aimed at no class of mail and no group of mailers. It is a general contribution by the Congress to insure continued postal service where "businesslike" judgments, in order to save money, might otherwise dictate the closing of a small post office or the elimination of a rural route. The public service should be paramount in this respect. Where costs, economies, and efficiency meet head-on with adequate public service, it shall be the duty of the postal service to prefer public service.

The tendency of the Post Office Department is to ignore this mandate. When I was appointed to be a member of the Senate Committee on Post Office and Civil Service, in 1963, there was almost exactly 10,000 fourth-class post offices in the United States. Today there are about 6,000. Some have graduated to be third-class post offices, but most have been abolished, and little towns in Wyoming, Texas, New York, and elsewhere have dried up. The elimination of a post office can destroy community identity, and the demise of a village or a hamlet follows quickly.

TRANSPORTATION

Another major consideration are the provisions of our bill relating to transportation. These considerations are of extreme significance. Under existing law, railroads are required to carry the mail—they have been since 1916. They may carry the mail at Interstate Commerce Commission rates or they may negotiate contracts with the Postmaster General at rates lower than ICC rates. About 75 percent of the mail carried by railroads today is at negotiated rates. But other than that, there are no negotiated contracts for transportation of mail. Our 12,000 star route contracts are all put out at competitive bid, and air mail transportation is controlled by the Civil Aeronautics Board.

The administration reocommended that the Postmaster General be authorized to negotiate contracts with any carrier, surface or air, at whatever rates the market would permit. The House of Representatives very clearly rejected that recommendation by striking out all provisions permitting negotiated contracts for air transportation. Your committee recommends a limited degree of contracting authority.

For surface transportation, negotiated contracts may be made, but any common carrier or any other person—and by that we mean star route carriers—must have notice that the Postmaster General intends to negotiate such a contract and they must have a fair opportunity to offer to negotiate.

The star route cases, made infamous in the Grant administration, must not be allowed to reoccur. The Post Office in its contracting must be particularly careful to avoid the implication of "secret deals" or rewards to favored carriers. The very best way to do that is to make all contracts competitive, but that imposes a restriction upon mail transportation which we believe is too severe. The committee recommends a compromise that we believe is in the best public interest.

Similarly, in the negotiation of contracts for air transportation, the committee recommends that the historic role of the Civil Aeronautics Board be continued, that all negotiated contracts be submitted to the Board and that the Board be given an opportunity to disapprove the contract if it determines that it should be disapproved, within 90 days. The contracts must provide that not more than 10 percent of the mail, by weight, be letter mail—or what is now first-class mail—and that at least a thousand pounds be shipped on each flight.

The purpose of these two limitations is twofold: First of all, it would not be fair to nickel and dime the airlines to death with small, lightweight shipments which impose a high cost on the airlines to handle and a low profit on the already low rate paid under contract. Second, the percentage limitation is designed to require the Post Office to use air transportation to a greater advantage than it has in the past. Our committee report spells out our viewpoint on this subject. Contracting authority must not be used merely to reduce costs. Transportation is simply not that much of a cost. We recognize and appreciate that rates for air mail and airlift of first-class mail are pretty high. Thirty-six cents a ton-mile for airmail is a substantial rate, and the Civil Aeronautics Board, in our judgment, should see to it that that rate comes down. But we do not believe that the Postal Service should be authorized to cut the rate in half, or to go shopping for cheap transportation, at the expense of the airline industry which does a very good job of transporting mail and for which the sudden curtailment of that revenue would truly be an economic disaster.

To protect the legitimate interest of airlines generally and to insure that the Post Office makes a little more effort to improve service than it has in the last year or so, the committee recommends these limitations on contracting authority.

LABOR-MANAGEMENT RELATIONS

The final point in our bill that has received a great deal of notoriety are the provisions relating to the negotiation of labor-management agreements between the Postal Service and the employee unions. The National Right To Work Committee, and other antiunion groups, have laid out very distorted and grossly inaccurate descriptions of the administration's proposal.

President Nixon and Postmaster General Blount, who was the President of the U.S. Chamber of Commerce the year before he became Postmaster General, recommended to Congress that the Postal Service be authorized to negotiate with postal unions on all issues, including the issue of whether union membership should be a prerequisite to permanent employment in the post office, just as it is in most States in the private sector of the economy. In order to insure that postal employees be treated no different than employees in the private sector, but remain as closely alike as the employees of the private sector. The President and the Postmaster General proposed that section 14(b) of the Labor-Management Relations Act, those provisions of title 29 commonly known as the "right-to-work" section of the Taft-Hartley Act, be made applicable to the Postal Service. In Wyoming, Texas, or any other of the 19 States which have a law permitting an individual the freedom not to join a labor union in order to be permanently employed, the State law would be paramount to the Federal law.

Opponents of the President's recommendation branded this as "compulsory unionism." The publicity campaign carried on against the President's position has been effective. A great deal of mail has come in, some of it, even from postal

XUM

employees. The committee, nonetheless, recommends that the agreement signed by the Postmaster General and postal unions be honored. We believe in freedom, including the freedom of the postal workers to negotiate effectively with management. The overwhelming majority of all postal employees are members of a union or an association.

The "right to work" is a spurious issue and irrelevant to the Post Office. The union which wins a majority of votes in an election to see who represents the letter carriers, or the mail handlers, is going to represent those workers. Nearly 100 percent of postal workers are members of a union. It is unfair to the union and it is unfair to the members of a union to have some employees receiving the benefits of collective bargaining for wages, hours, and working conditions without contributing towards the costs of the organization which represents them. If they have a religious conviction against membership in a union, we have provided an exception, and they may pay their dues directly into the treasury. But if they just want a free ride, we do not believe their argument is justified.

The representation that this is compulsory unionism is not true. Not only is there no mandatory unionism contained in this bill, but it goes out of its way to make sure that we do not make it simply a postal reorganization bill and rewrite the law in this regard. We simply abide by the laws of the land now.

Thus, where we have right to work laws in the States, those will be left intact. Where we do not have right to work laws, the resulting agreement simply allows that if any of the unions want to go through the regular process of a vote leading toward a union shop, they have the right to do so.

This seems to be a legitimate balance of the willingness of the postal unions in the negotiations to readily give up the right to strike.

If we are going to move these people more and more over into the parallel of the private sector not only with wages, but also with other conditions of work, it seems only equitable and reasonable that for the relinquishment of the right to strike because of the national implications of the postal service, it is only fair that they have the comparable concession of the right to vote for a union shop in those areas where it is legal and permissible.

Mr. President, I repeat once more that the right to work is a "phonyation" in this particular bill. There is no attempt to strike the right to work principle and there is no attempt to try to force unionism on any area that does not want it. It is simply designed to accord with a labor-management negotiation, which seemed to the committee to be in fair balance, the quid pro quo between giving up the right to strike on the one hand to the right to ask for an election under regular procedures in the labor law.

We worked on this particular bill for a year and we believe we have a very tightly built-in reorganization plan that we are submitting. We think its broad considerations are constructive and that we will have established a very effective postal system in the land.

Because of our committee conviction in this regard we ask that our colleagues in this body weigh it carefully and we would hope it would give us the license to go to conference with the House—the House has passed a different bill from the Senate bill—and resolve our differences at that level.

We make that request because the House spent over 1 year digging deeply on its postal bill; and the Senate spent about a year digging into the considerations at stake in this bill. Because of the homework that has been done in both the Senate and the House we think it would be useful and productive to resolve the differences meaningfully in conference rather than to try to rebuild the Post Office of the United States on the floor of the Senate of the United States. We think the latter would be a jerry-built hatchwork that would emerge. We hope this body will enable us to go to conference to complete the final act of postal reorganization that will serve the country well.

Mr. President, we believe we have a good recommendation. We have not satisfied everyone and I am confident a bill of this magnitude, a complete reorganization of the largest civilian agency of the Government of the United States, would be very difficult to draft to achieve 100-percent support. I am convinced that we have improved immeasurably upon the original recommendation of the Kappel Commission and the administration's bill as introduced in the House last year. We also have a bill referred from the House. We have a conference ahead of us. We have postal employees who are anxious to see their Congress act on their badly needed pay adjustment. I hope the Senate will act with dispatch to consider this bill fairly and to enact postal reform.

Mr. FONG. Mr. President, I wish to commend the distinguished and able senior Senator from Wyoming for his very excellent remarks in support of S. 3842. I wish to associate myself with the statement he has just made.

The able Senator is to be complimented for the patient, tireless, and capable leadership he has given to the committee in bringing forth this very fine piece of progressive legislation.

It was my privilege, as ranking minority member, to work very closely with him in writing this legislation. I want to say it was a pleasure for me to work with him as my chairman.

Mr. President, this is a very comprehensive postal reform bill. S. 3842 is one of the most far-reaching pieces of legislation the Senate has ever considered on Government reorganization. If enacted it will be landmark legislation; it is very progressive legislation, and it will affect the lives of all Americans—every man, woman, and child. It will do away with political consideration in appointments and promotions in the postal system and drastically change the organization of our postal system, a system that had its beginnings in American history dating back to 1639.

Although our present system has served our people quite well for over 200 years, the time has now come because of the tremendous increase in mail volume and obsolete facilities to modernize the system to meet the needs of today and the future.

At this point I would like to recite the interesting story of our postal system.

HISTORY OF THE POST OFFICE DEPARTMENT

The first official notice of a postal service in colonial America appears in a 1639 ordinance of the General Court of Massachusetts, designating Richard Fairbanks' tavern in Boston as the official repository for mail brought from or sent overseas.

In 1691, when the population of the American Colonies had grown to 200,000, Thomas Neale, a favorite of the Court, persuaded King William to grant him a patent to set up and maintain a postal system in the colonies for a term of 21 years.

Neal commissioned Andrew Hamilton of Edinburgh, Scotland, as his Deputy Postmaster to organize the postal system. Even though most of the Colonies with Hamilton, Neale died, heavily in debt, in 1699, after assigning his interests in America to Andrew Hamilton and another Englishman named West. In 1707, the British Government bought the rights of West and Mrs. Hamilton, and appointed Andrew's son, John Hamilton, as Deputy Postmaster General for America. He served until 1730 when Alexander Spotswood, a former Governor of Virginia, became Postmaster General. Probably Spotswood's most notable achievement was the appointment in 1737 of Benjamin Franklin as Deputy Postmaster at Philadelphia.

Head Lynch succeeded Spotswood in 1739, and in 1743 Elliot Benger followed Lynch. When Benger died in 1753, Benjamin Franklin and William Hunter, Deputy Postmaster at Williamsburg, Va., were apointed by England as Joint Postmasters General for the Colonies. Hunter died in 1761 and John Foxcroft of New York succeeded him, serving until the outbreak of the Revolution.

Benjamin Franklin effected many important, lasting improvements in the colonial posts. Immediately after his appointment, he went on a long tour inspecting all of the post offices in the North and went as far south as Virginia. He made new surveys, laid out new and shorter routes, and increased the speed of travel on old lines. He placed milestones on principal roads, carried the mail by night between Philadelphia and New York and provided more frequent and speedier service between those two points and between Philadelphia and Boston. In 1755, he established a packet line direct from England to New York and later operated one from Falmouth, England to Charleston, thus giving the Southern colonies direct communication with England. Before he left office, post roads operated from Maine to Florida and from New York to Canada, and mail between the Colonies and Mother England operated on a regular schedule.

Franklin served as joint Postmaster General for the North British Colonies in America until 1774 when he was dismissed for sympathizing with the cause of the colonists. Then, on July 26, 1775,

XUM

the Continental Congress appointed him head of the American postal system at a salary of $1,000 a year. He served until November 7, 1776. Historians generally accord him major credit for establishing the basis of a sound, efficient, and reliable postal service in the United States.

PURPOSE OF THE POST OFFICE DEPARTMENT

The Journals of the Continental Congress, May 27, 1773, show that the original purpose of the Postal System was to provide "the best means of establishing posts for conveying letters and intelligence through this continent."

CREATION AND AUTHORITY

Article IX of the Articles of Confederation—1778—gave Congress "the sole and exclusive right and power of . . . establishing and regulating post offices from one State to another . . . and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office." These provisions were adopted by the Ordinance of October 18, 1782, regulating the postal service.

Following the final adoption of the Constitution in March 1789, an act of September 22, 1789 (1 Stat. 75) temporarily established a post office and created the Office of the Postmaster General under the Treasury. On September 26, 1789, George Washington appointed Samuel Osgood of Massachusetts as the first Postmaster General under the Constitution. The postal service was temporarily continued by the act of August 4, 1790 (1 Stat. 178) and the act of March 3, 1791 (1 Stat. 218). An act of February 20, 1792 made detailed provisions for the operation of the Post Office Department.

Subsequent legislation enlarged the duties of the Department, strengthened and unified its organization, and provided rules and regulations for its development.

In 1829, upon invitation of President Andrew Jackson, William T. Barry became the first Postmaster General to sit as a Member of the President's Cabinet. On June 8, 1872 (17 Stat. 283; 39 U.S.C. 301, 302) the Post Office Department became an executive department.

Mr. President, I ask unanimous consent to have printed in the RECORD some important data in our postal service history, a list of the Postmasters General, a brief summary of the present financial and mail volume picture of the service, together with other data and a summary of the June 1968 report of the President's Commission on Postal Organization.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IMPORTANT DATES IN POSTAL SERVICE

1639: Fairbanks' tavern became repository for overseas mail.
1775: Benjamin Franklin, 1st Postmaster General under Continental Congress.
1789: Samuel Osgood, 1st Postmaster General under Constitution.
1825: Dead letter office.
1829: Postmaster General became Cabinet post.
1847: Postage stamps.
1855: Registered mail.
1855: Compulsory prepayment postage.
1858: Street letter boxes.
1860: Pony Express.
1862: Experimental railway mail service.
1863: City delivery service.
1863: Uniform letter rate regardless of distance.
1864: Railway mail service.
1864: Postal money orders.
1869: Foreign money orders.
1873: Postal cards.
1874: Universial Postal Union (originally General Postal Union).
1879: Classification system for domestic mail.
1885: Special delivery.
1896: Rural delivery.
1911: Postal savings initiated.
1912: Village delivery.
1913: Parcel post, including insurance and collect-on-delivery service.
1918: Air mail.
1920: Metered postage.
1921: First transcontinental air mail flight.
1925: Special handling service.
1927: Foreign air mail service.
1939: Experimental autogiro service.
1941: Highway postal service.
1943: Zoning system.
1948: Parcel post international air service.
1948: Parcel post domestic air service.
1953: Piggy-back mail service by trailers on railroad flatcars.
1953: Airlift service.
1955: Certified mail service.
1963: ZIP Code program.
1964: First 24-hour self-service post office.
1965: 552 Sectional Centers activated to accommodate changing transportation patterns.
1965: Optical Scanner (ZIP Code Reader).
1966: Postal savings ended.
1967: Mandatory presorting by ZIP Code for second- and third-class commercial mailers.
1967: Postal Source Data System.
1968: Postal Service Institute.
1969: Removed patronage factor in appointments to postmaster and rural carrier positions.
1970: Combination letter-telegram.

LIST OF POSTMASTERS GENERAL AND THEIR DATES OF APPOINTMENT—1775 TO DATE

Benjamin Franklin: July 26, 1775.
Richard Bache: November 7, 1776.
Ebenezer Hazard: January 28, 1782.
Samuel Osgood: September 26, 1789.
Timothy Pickering: August 12 ,1791.
Joseph Habersham: February 25, 1795.
Gideon Granger: November 28, 1801.
Return J. Meigs, Jr.: March 17, 1814.
John McLean: June 26, 1823.
Amos Kendall: May 1, 1835.
John M. Niles: May 19, 1840.
Francis Granger: March 6, 1841.
Charles A. Wickliffe: September 13, 1841.
Cave Johnson: March 6, 1845.
Jacob Collamer: March 8, 1849.
Nathan K. Hall: July 23, 1850.
Samuel D. Hubbard: August 31, 1852.
James Campbell: March 7, 1853.
Aaron V. Brown: March 6, 1857.
Joseph Holt: March 24, 1859.
Horatio King: February 12, 1861.
Montgomery Blair: March 5, 1861.
William Dennison: September 24, 1864.
Alexander W. Randall: July 25, 1866.
John A. J. Creswell: March 5, 1869.
James W. Marshall: July 3, 1874.
Marshall Jewell: August 24, 1874.
James N. Tyner: July 12, 1876.
David McK. Key: March 12, 1877.
Horace Maynard: June 2, 1880.
Thomas L. James: March 5, 1881.
Timothy O. Howe: December 20, 1881.
Walter G. Gresham: April 3, 1883.
Frank Hatton: October 14, 1884.
William F. Vilas: March 6, 1885.
Don M. Dickinson: January 16, 1888.
John Wanamaker: March 5, 1889.
Wilson S. Bissell: March 6, 1893.
William L. Wilson: March 1, 1895.
James A. Gary: March 5, 1897.
Charles Emory Smith: April 21, 1898.
Henry C. Payne: January 9, 1902.
Robert J. Wynne: October 10, 1904.
George B. Cortelyou: March 6, 1905.
George von L. Meyer: January 15, 1907.
Frank H. Hitchcock: March 5, 1909.
Albert S. Burleson: March 5, 1913.
Will H. Hays: March 5, 1921.
Hubert Work: March 4, 1922.
Harry S. New: February 22, 1923.
Walter F. Brown: March 5, 1929.
James A. Farley: March 4, 1933.
Frank C. Walker: September 10, 1940.
Robert E. Hannegan: May 8, 1945.
Jesse M. Donaldson: December 16, 1947.
Arthur E. Summerfield: January 21, 1953.
J. Edward Day: January 21, 1961.
John A. Gronouski: September 10, 1963.
Lawrence F. O'Brien: November 3, 1965.
W. Marvin Watson: April 26, 1968.
Winton M. Blount: January 22, 1969.

Finances (Fiscal Year 1969 unless otherwise noted).

Revenue, $6,114,398,000, up 11.1% from FY 1968.

Costs, or Obligations, $7,228,111,000, up 8.9% from FY 1968.

Deficit (on Obligation basis), $1,113,714,000.

Deficit (after deduction public service costs), $326,966,000.

Payroll, $5,862,403,000.

1970 Appropriations, $7,678,595,000.

1971 Estimated Appropriations, $8,278,259,000.

VOLUME, FISCAL YEAR 1969

Overall: 82 billion pieces.

First Class (personal & business), 46.4 billion pieces.

Domestic Air Mail, 1.7 billion pieces.

Second Class (newspapers & magazines), 9.2 billion pieces.

Controlled Circulation, 579 million pieces.

Third Class (commercial), 19.6 billion pieces.

Fourth Class (parcel post, etc), 1.0 billion pieces.

Penalty Mail (government agencies), 2.3 billion pieces.

Franked Mail (Congressional, et al), 191 million pieces.

Free for the Blind, 18 million pieces.

Total International, 827 million pieces.

Projected:

FY 1970, 84.3 billion pieces.
FY 1971, 86.3 billion pieces.
FY 1981, 120.3 billion pieces.
FY 1991, 166.5 billion pieces.

Per Capita:

1847, 6 letters.
1970, 413 letters.

TEN LARGEST POST OFFICES IN VOLUME AND RECEIPTS FY (1969)

New York: Volume, 5,041,170,710; receipts, $370,256,420.

Chicago: Volume, 4,774,824,316; receipts, $289,310,462.

Washington, D.C.: Volume, 2,673,734,172; receipts, $77,088,233.

Los Angeles: Volume, 2,041,097,416; receipts, $139,174,730.

Philadelphia: volume, 1,861,916,311; receipts, $103,483,662.

Boston: Volume, 1,393,273,172; receipts, $91,421,564.

Detroit: Volume, 1,164,954,790; receipts, $75,655,659.

Columbus, Ohio: Volume, 1,085,087,347; receipts, $33,070,312.

San Francisco: Volume, 1,080,101,800; receipts, $78,646,078.

St. Louis: Volume, 1,018,253,641; receipts, $63,809,460.

Longest Rural Route, 152.35 miles, Ocilla, Georgia.

Shortest Rural Route, 7.8 miles, Long Island, Maine.

Longest Star Route, 2,499 miles, Seattle, Wash. to Anchorage, Alaska.

Westernmost Post Office, Koror, Caroline Islands, or Pago Pago, Samoa, near the International Date Line.

Easternmost Post Office, Majuro, Marshall Islands near the International Date Line or Cruz Bay on St. John in the Virgin Islands.

Northernmost Post Office, Barrow, Alaska.

Southernmost Post Office, Pago Pago, Samoa, near the International Date Line or Naalehu, Hawaii.

Highest Post Office, Climax, Arizona.

Lowest Post Office, Death Valley, California.

Coldest Area in Postal System, Wainwright Alaska, 180 miles north of Arctic Circle.

Hottest Area in Postal System, Death Valley, California.

ZIP CODE

Usage (March, 1970), 84.8% of all categories of domestic mail.

Lowest ZIP Code, 00601—Adjuntas, Puerto Rico.

Highest ZIP Code, 99929—Wrangell, Alaska.

VEHICLES

Total Number Vehicles in Use: 188,072.

Owns and operates, 70,000.

Hires, manned by employees, 36,000.

Contracts for vehicle & driver in city, 30,000.

Contracts for rural routes, government employees providing car, 31,072.

Drive-out agreements, providing carriers transportation to and from routes, 21,000.

Railway Post Offices, (covered), 10,089,000 miles.

U.S. Flag Carriers, (moved), 1,250 million ton-miles.

Money Orders, (issued), 189 million.

Revenue from Money Orders, $60 million.

Dead Mail, 36,363,344 letters and 1,235,000 parcels.

Postal Problems Summary of the June 1968 Report of the President's Commission on Postal Organization

The United States Post Office faces a crisis. Each year it slips further behind the rest of the economy in service, in efficiency and in meeting its responsibilities as an employer. Each year it operates at a huge financial loss. No one realizes the magnitude of this crisis more than the postal managers and employees who daily bear the staggering burden of moving the nation's mail. The remedy lies beyond their control.

Although the Post Office is one of the nation's largest businesses, it is not run as a business but as a Cabinet agency of the United States Government.

The Post Office has always been operated as if it were an ordinary Government agency; its funds are appropriated by Congress, its employees are part of Civil Service, its officials are subject to a host of laws and regulations governing financial administration, labor relations, procurement and purchase of transportation. Major managerial decisions are made through the legislation process: Congress sets postal rates and wages, governs Postmaster appointments and approves or rejects construction of individual post offices.

In what it does, however, the Post Office is a business: its customers purchase its services directly, its employees work in a service-industry environment, it is a major communications network, it is a means by which much of the nation's business is conducted.

Furthermore, it is a big business. In Fiscal Year 1967 the Post Office collected $4.96 billion in revenues and spent over $6.3 billion. (The $1.17 billion deficit was made up by the Federal Treasury.) Its 716,000 employees, working in over 44,000 facilities in virtually every city and town in the land, processed almost 80 billion pieces of mail last year, three-fourths of which was originated by business. Within ten years total volume is expected to exceed 110 billion pieces.

This Commission has concluded that the challenges faced by this major business activity cannot be met through the present inappropriate and outmoded form of postal organization.

The postal system must be given a management system consistent with its mission if it is to meet its responsibilities as a supplier of a vital service, improve the working conditions and job opportunities of its employees and end a huge and completely unnecessary drain on the Federal budget. Piecemeal changes to the present system will not do the job: a basic change in direction is necessary.

Were the postal system being started today, it might well be operated by a privately-owned regulated corporation not unlike the companies which operate other communication and transportation services in this country. We have concluded, however, that a transfer of the postal system to the private sector is not feasible, largely for reasons of financing; the Post Office should therefore continue under Government ownership. The possibility remains of private ownership at some future time, if such a transfer were than considered to be feasible and in the public interest.

There is a way, however, within the compass of Government, to give the Post Office an organizational structure suited to its mission.

We recommend that a Postal Corporation owned entirely by the Federal Government be chartered by Congress to operate the postal service of the United States on a self-supporting basis.

We recommend that the Corporation take immediate steps to improve the quality and kinds of service offered, the means by which service is provided and the physical conditions under which postal employees work.

We recommend that all appointments to, and promotions within, the postal system be made on a nonpolitical basis.

We recommend that present postal employees be transferred with their accrued Civil Service benefits, to a new career service within the Postal Corporation.

We recommend that the Board of Directors after hearings by expert Rate Commissioners, establish postal rates, subject to veto by concurrent resolution of the Congress.

The Nation's Reward: The United States postal system is in serious trouble today because of decades of low priorities assigned its modernization and management needs. Years of lagging productivity have created a gap between postal performance and that of other industries—a gap which represents at the same time a hazard and an opportunity.

We have already witnessed a postal collapse in a major American city. This Commission is convinced that a similar breakdown could occur again in any part of the country. The risk will continue as long as the Post Office is denied the authority and the resources to put its house in order.

On the other hand, a great opportunity exists to improve postal service, cost performance and the circumstances under which postal employees work.

The Commission and its contractors have examined postal operations carefully. It is our considered judgment, based on first-hand observation, that postal costs can be reduced by at least 20% if the normal investment and operating practices used in private industry are made available to postal management.

Several years after the Corporation is under way, therefore, it should be able to eliminate entirely the postal deficit, releasing over a billion dollars a year of tax money to other purposes. The long-run potential for improvement, furthermore, is so high that we are reluctant to estimate its size.

The cost savings we expect would not jeopardize the employment of any present postal employee. In recent years total postal employment has increased sharply with the rise in mail volume. The introduction of cost saving practices in the face of ever greater mail volumes should mean that employment will rise more slowly. Even if employment ultimately declines, the high rate of personnel turnover (23% per year) assures today's employee that steps toward improved financial performance do not threaten his job tenure.

We must point out that adoption of our recommendations will produce no overnight miracles. Heavy investment, financed both by appropriations and by borrowing in the market, will be required. It is unlikely, of course, in an era of rising costs that rate increases can be entirely avoided. What lies ahead, however, after the new Corporation's shakedown period is:

Dependable postal service, at fair prices, fully responsive to the public's needs;

A soundly financed and self-supporting postal system;

Better working conditions and greatly increased career opportunities for one of the nation's largest work forces.

If the Post Office is given a single goal of providing the nation with a superb mail service, and given as well the management capacity and operating freedom to achieve that goal, the energies of workers and managers can be turned to the creation of a postal service appropriate to a vigorous economy, an innovative society and a purposeful nation.

Mr. FONG. Mr. President, President Nixon, in May of last year, sent to the Congress an initial proposal to correct many of the deficiencies in the postal service. Other proposals have also been made.

After many hours of hearings and deliberations, the Senate Post Office and Civil Service Committee has recommended to the Senate its version of Senate bill 3842.

The committee has taken the Postmaster General out of the President's Cabinet and has made the Post Office Department an independent executive agency. Under the committee-approved bill the new Postal Service would be operated by a 15-member Board of Governors—nine would be appointed by the President with the advice and consent of the Senate and would serve for 9-year terms. Two more Board members would be chosen by the nine Presidentially appointed Governors—they would serve as Postmaster General and Deputy Postmaster General. Four additional Governors would come from the Congress as serving without the compensation received by the other Board members. The Members of Congress would serve in an advisory capacity and would not have the right to vote on matters coming before the Board.

The Postmaster General and his Deputy would serve at the pleasure of the Presidentially appointed Board members or as their contracts of employment with the new Postal Service required.

There would also be established by this bill a Postal Service Advisory Council consisting of representatives from postal labor unions, organized mail users, and the general public.

XUM

In the area of employee relations the bill transfers all of the present postal employees into the postal career service which shall be a part of the civil service.

Political influence in the appointment and promotion of postal employees is specifically prohibited and the appointments shall be made on the basis of merit, qualifications, and fitness for duty with the principal objective of improving postal services.

The postal employees shall continue to participate in the Federal retirement program as at the present time. However, their wages, fringe benefits, and other working conditions are to be subject to collective bargaining.

The committee bill continues the prohibition against strikes by postal employees. In its place, should an impasse occur in the collective-bargaining process, the bill authorizes binding arbitration.

Mr. President, the committee approved the agreement worked out in early April between the Post Office Department and its AFL–CIO postal unions. I ask unanimous consent to have printed in the RECORD a copy of the memorandum agreement.

There being no objection, the memorandum of agreement was ordered to be printed in the RECORD, as follows:

MEMORANDUM OF AGREEMENT ON THE POSTAL REORGANIZATION AND SALARY ADJUSTMENT ACT OF 1970

Memorandum of Agreement between United States Post Office Department hereinafter referred to as "Department" and the AFL–CIO; National Association of Letter Carriers, AFL–CIO; National Association of Post Office and General Services Maintenance Employees, AFL–CIO; National Association of Post Office Mail Handlers, Watchmen, Messengers and Group Leaders (Affiliated with Laborers' International Union), AFL–CIO; National Association of Special Delivery Messengers, AFL–CIO; National Federation of Post Office Motor Vehicle Employees, AFL–CIO; National Rural Letter Carriers Association; United Federation of Postal Clerks, AFL–CIO; hereinafter referred to as "Unions".

Pursuant to the earlier agreement of April 2, 1970 between the Department and the above-named unions, the parties have jointly developed, through the collective bargaining process, proposed legislation which provides for a major reorganization of the Post Office Department and an 8% pay increase for postal employees. It shall be known as the "Postal Reorganization and Salary Adjustment Act of 1970". The parties have jointly agreed to support this legislative package without qualification and that together they will urge the Congress to enact this legislation without change. The agreed-upon legislative proposal provides, amongst other things, for the following:

ORGANIZATIONAL STRUCTURE

Reorganized United States Postal Service becomes an independent establishment within the Executive Branch of the Government.

Postmaster General appointed by and serves at the pleasure of the Commission on Postal Costs and Revenues, which has 9 public members named by the President and confirmed by the Senate.

LABOR RELATIONS

Enable collective bargaining under a statutory framework establishing methods for conducting elections, providing one or more methods for resolving negotiating impasses, and requiring collective bargaining over all aspects of wages, hours, and working conditions including grievance procedures, and in general, all matters that are subject to collective bargaining in the private sector.

Ban on federal employee strikes continues; binding arbitration if bargaining impasse persists 180 days from start of bargaining.

National Labor Relations Board to supervise representation elections and enforce unfair labor practice provisions.

FINANCE, RATES, AND RATEMAKING

Post Office can borrow up to $10 billion from the Treasury or general public.

Rate changes subject to public hearing before 3-man Postal Rate Board named by President; final rate decision by Commission on Postal Costs and Revenues, but subject to veto by two-thirds vote of either the U.S. House of Representatives or the U.S. Senate.

Post Office to be generally self-supporting by January 1, 1978.

POSTAL PAY INCREASE

8% pay increase for employees of the Post Office Department effective as of the date when this enabling legislation becomes law.

Promptly after enactment, collective bargaining will be required on wages, hours, and working conditions, and to compress to 8 years the time for postal employees to reach the maximum step in whatever labor grade may be established through collective bargaining. When the new schedule becomes effective, an employee will immediately be advanced to the next step in the schedule if at that time he has been in his present step for the period provided in the new schedule.

It is the understanding of the parties that the Administration will recommend to Congress the necessary legislation to effectuate this Agreement.

It is the further understanding of the parties that no disciplinary action will be initiated by the Post Office Department at any level against any postal employee with respect to the events of March 1970, until discussions have taken place between the Department and such employee's union on the policy to be followed by the Department.

Mr. FONG. Mr. President, the committee also approved the administration's long term borrowing authority recommendation. Under the provisions of chapter 21 of the bill the Board of Governors is authorized to borrow money through bond issues sold to the Secretary of the Treasury or on the open market in an amount not to exceed $10 billion outstanding at any one time. However, it would be subject to an annual limitation in debt increase of $1.5 billion for capital improvements and $500,000,000 for operating expenses. The bond revenues could be used for any purpose as the Board of Governors determines is proper in behalf of the Postal Service.

The Congress would pay 10 percent of the debt service on postal revenue bond issues through appropriations. The remainder of the debt will be paid out of postal revenues.

The committee recommends the establishment of an independent Postal Rate Commission composed of five members appointed for 6-year terms. They would be appointed by the President with the advice and consent of the Senate. The Commission's responsibilities would be to make recommendations for postal rate changes and to hear complaints on postal service.

Whenever the Postmaster General found that his costs, less the appropriations from the Congress for 10 percent of the bond debt and the public service cost—10 percent of estimated expenditure or 10 percent of 1971 Post Office Department appropriation less amount for capital improvements, whichever is less—as authorized in section 3703 of the bill, and less the appropriations for revenues foregone in section 2501(b)(3), were more than his revenues he was to ask the Rate Commission for a rate increase. The Commission would hold hearings, consider the testimony and make its recommendations for rate changes. The Board of Governors could then accept, reject, or with a unanimous vote of the Board modify the Rate Commission's recommendations.

The Board would set the effective date for any new rate changes.

Under present law there are generally two groups of mail rates applicable to second-, third-, and fourth-class mail—a regular rate and a preferential rate for nonprofit groups.

Under this bill when a rate increase is ordered, that new rate for what is presently second-, third-, or fourth-class mail shall be phased-in over a period of 5 years in annual equal increments. For any mail entitled to a preferential rate under present law, the new rate shall be phased-in over a 10-year period in annual equal increments.

The rates adopted by the Board of Governors would be subject to complete judicial review should an aggrieved mail user feel the rate was improper. There is also a provision in the bill for interim rates should at any time the Rate Commission fail to come up with a rate increase recommendation within 90 days after an initial request was submitted to the Commission by the Postmaster General or within 30 days after rejection of a recommended rate increase by the Postmaster General.

The field of mail transportation is complicated by existing laws in the general field of rail, motor, and air transportation. Since much of the mail must be moved by commercial transportation, the Post Office Department has had to move mail at rates set by the ICC or CAB according to the type of carrier being used.

The committee bill does make some modifications in the laws applicable to mail transportation by giving the Postmaster General more flexibility than he presently has in contracting for carrier service. However, I do not think it gives sufficient leeway to the Postmaster General in this regard.

I made my objections in the Senate committee but was overruled and I shall not make them here on the floor. However, the committee report on S. 3842 does suggest that the Senate Commerce Committee, which has jurisdiction over our Nation's transportation laws, make a thorough study of the mail transportation problem and possibly approve changes allowing certain carriers now prohibited from carrying the mail to participate in this service.

The measure we are now considering also authorizes an 8-percent salary increase for postal employees effective the date of enactment and reduces the number of years necessary to move from the first step in the postal field service salary schedule to the 12th step. Under present

XUM

law it takes 21 years to move to the top step in any one PFS grade. The bill would reduce this to 8 years.

S. 3842 also restates a number of provisions presently in law dealing with the mails. Among them are the prohibition against sending pandering advertisements through the mail; free mail for the blind, the handicapped, and our military men serving in combat areas; franking mail privileges; and other laws.

I believe S. 3842 is a good bill. It does contain substantially most of the provisions desired by those who have advocated reforms.

The Committee on Post Office and Civil Service under the wise and effective leadership of its chairman, the senior Senator from Wyoming (Mr. McGee), has worked hard and long to come up with effective and practical postal reform bill. The many hours of meetings with administration officials, employee and mail user representatives, and committee hearings and executive sessions has resulted in this meaningful postal reform measure.

To be sure, there will be refinements to what has been proposed in this reform bill. Nevertheless, what we have before us today is a result of the best efforts of the Committee on Post Office and Civil Service working with the information presently at hand.

I am proud to have had a part in writing the committee bill. I think it is an excellent piece of legislation considering the great number of problems which we faced and were attempting to solve. I am confident that the recommendations made by the Committee on Post Office and Civil Service in this measure will substantially do what they are intended to do—improve our postal service.

I strongly urge my colleagues to approve this historical postal reform bill.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. FONG. I am happy to yield.

Mr. McGEE. Mr. President, I want to say that we have lots of interesting experiences in this body and as divided as we are in two parties, and sometimes more than that, we find the real measure of an individual's character and judgment.

I want the Senator from Hawaii (Mr. Fong), the ranking minority member on the committee, to know that I do not know how, with two different parties, anyone could have worked more closely and constructively and helpfully to the chairman than he has worked.

His knowledge in this field has been second to none, and the time that he has been willing to take—and that is the key, the digging and homework—has paid very rich dividends, especially for me, because I have received a liberal education at his feet.

Mr. FONG. Mr. President, I thank the distinguished Senator from Wyoming for his very laudatory remarks. It was through his very excellent and farseeing leadership, and his willingness to forgo politics, that we have been able to arrive at this very progressive legislation. Much of the credit for this bill belongs to the chairman of the committee. I commend him and the Nation should commend him for his very fine work on this legislation.

Mr. McGEE. I thank the Senator.

AIRPORT AND AIRWAY REVENUE ACT OF 1970

Mr. LONG. Mr. President, on Wednesday of next week the excise tax on airline passengers' tickets will increase from 5 to 8 percent. This increase in tax was approved by Congress on February 26, 1970, in order to finance an airway construction and airway safety program under the Aviation Facilities Expansion Act of 1969. An important feature of this new higher tax is the "single fare concept." This single fare concept was calculated to facilitate passenger service at airports and to insure that airlines and travel agents fully inform air travelers of the cost of their transportation.

Unfortunately, these consumer-oriented objectives are being misunderstood, and perhaps purposely misconstrued, by some travel agents. They suggest there is something sinister about the new law which they charge hides the tax from the consumer.

In order to fully inform Senators and Members of the House of the situation, I take this opportunity to review the legislative history of the Airport and Airways Revenue Act of 1970.

As I have stated, the tax is to be increased from 5 to 8 percent on the price of the ticket. The House bill, which came to the Senate late in 1969 with provisions increasing this tax, also included provisions to repeal the exemption for State and local governments, education organizations, and certain others. While the bill was in the Senate, the argument was made that the repeal of these exemptions raised a constitutional question as to whether the Federal Government could tax air transportation tickets purchased by State and local governments for their officials traveling on official business.

Like the House, the Senate Finance Committee desired to end these exemptions, agreeing that this would make the levy truly a user charge. However, we were disturbed about the constitutional question. We avoided it in the Finance Committee and in the Senate by shifting the imposition of the tax from the purchaser of the ticket to the airline selling the ticket. Under the Senate bill, this approach initiated the single fare concept, which was subsequently agreed to by the conferees.

But there were other matters which indicated the desirability of the single fare concept. Members of Congress and others who do considerable traveling are painfully aware of the long lines which back up the ticket counters of every major airline during the busy portions of the day. The Committee on Finance discussed this constant and recurring irritant to air travelers. We felt that one of the problems contributing to the slow pace of passengers past the ticket counter was the three-step calculation of the price which the airlines have employed for many years.

This involves first an entry showing the cost of the ticket. After the 5-percent tax has been computed, a second entry is made showing the amount of the tax. Then, a third entry is made when the two are added together. Commonsense tells us that it takes less time to make one entry on a ticket than it does to make three. Multiply that by 300 or 400 passengers waiting to board a Boeing 747, and you have saved all the passengers considerable time at ticket counters. Perhaps we have even made it possible for the flight to take off on time.

We felt this archaic system was not adaptable to the jet age. With the advent of the jumbo jets and air buses bringing literally hundreds of people to the same airline ticket counter at the same time, we felt that anything we could do to speed the ticket-issuing process would be in the best interest of airline passengers.

The committee was convinced that the single-fare concept would facilitate the issuance of airline tickets, a goal we can all agree is desirable.

In addition, instances have been called to the committee's attention of advertising air transportation fares to specified locations at one price—but then, when a customer comes to buy a ticket, he would be charged a higher price. When he complained, he was told that the difference was tax.

For example, the airlines will advertise in the newspapers that a ticket to New Orleans is $50, but when the passenger goes to the airport he finds that the cost of the ticket is $52.50 because they had to add a 5 percent tax. Under the new bill the cost of the ticket would be advertised at the true price of $54, which is the $50 plus the 8 percent tax. Which is misleading advertising? Is it misleading when the ticket is advertised at $50 and when the passenger gets to the airport he finds he has to pay $50, or to advertise the cost at $54 when it is $54? It seems to me it makes better sense that the price that is advertised and the price that is charged should be the same. To do it otherwise, we thought, would be misleading.

We felt this sort of false and misleading advertising of airline ticket prices should be stopped. We believed that an airline passenger had the right to know what the full cost of his ticket was going to be. Again, the single fare concept accomplished this desirable goal.

When the bill was sent to conference, the House conferees, at the urging of the airlines, insisted that the tax remain on the airline passenger. The airlines were in favor of higher taxes, but they wanted them imposed on the ticket purchaser. They argued that the ticket purchaser was the true user of the airway system. Although the airlines agreed with the single fare concept in the Senate bill, they did not like the idea of a tax being imposed on them.

When we advised the House conferees of why we felt the single-fare concept was a considerable improvement over the existing situation, they tended to agree with us. However, they felt the constitutional question raised in the Senate against the House version of the bill was invalid. They were willing to accept the single fare concept, but they insisted that the tax remain on the purchaser. Thus, it was necessary in conference when we went back to the House approach, to

XUM

write in specific language spelling out the single-fare concept. This was unnecessary under the Senate version of the bill. The single-fare concept was inherent in our approach of taxing the gross receipts of the airline.

Because of the drafting technique required to reflect the conference agreement, a sanction had to be added to the bill to insure the validity of the single-fare concept. This sanction requires that advertisements of airline fares show only the total amount charged for the flight being advertised. It requires that airline tickets show only the total price of the ticket, including the tax.

It is perfectly acceptable under the new statute, and I would encourage it, for the ticket to contain a statement that the price includes an 8-percent Federal excise tax. It is also perfectly satisfactory, and I would encourage it, for an airline or a travel agent to advise any inquirer of the amount of tax involved in any ticket. The sanction applies only to the three-step computation on the ticket itself, or in advertising with respect to airline transportation.

In my opinion, those who charge that the tax is being hidden from the public are doing a great injustice to the airline passengers of America and to their own profession. The amendments we enacted were designed with the consumer in mind.

The misinformation being spread by the travel agents strikes me as an effort by travel agents to completely snarl the orderly sale of air transportation tickets at airline ticket counters in order to enhance their own position as ticket sellers. I suspect they view the new bill, which makes it easier for passengers to deal directly and honestly with the airlines, as a threat to their business. Their actions come with poor grace.

Mr. President, there would be no problem with the new regulations if it were explained to all people traveling on the airlines that these tickets include 8 percent for the transportation tax to pay for airway safety.

In addition, even though the new law is not in effect, the airlines have already said that the way they would do business under the bill makes such good sense that, although the law does not now require it, they are already doing business that way.

For example, here is an airline ticket I just bought. Instead of stating that the price is $40 and then adding $2 and coming up with $42, it states the price is $42.

It makes no sense with people standing in line 20 passengers deep, some getting on one plane and some on another plane, to have to stand in line for 30 minutes while some clerk computes the fare, and then the tax, and about that time she finds that in her haste she made a mistake and she has to tear it up and start all over, that person who is 20 people deep in line has to miss his airplane because someone in front of him is waiting for this clerk to go through all these calculations. It makes better sense to print a single fare on the ticket. State also that it includes an 8-percent tax. I gather the airlines would put this note on the back. It would be all right with me to have it on the front. It would state there is included 8 percent to pay for airway construction and airway safety under the Aviation Facilities Expansion Act of 1969.

Then people will know what the total price is. As far as misleading advertising is concerned, it is more honest to advertise what the full price is rather than have a passenger think he is going to pay $50 to go somewhere when he has to pay $54.

PROGRAM

Mr. BYRD of West Virginia. I would like to announce the program for Monday with respect to the orders that have already been entered.

The Senate will convene at 9 o'clock on Monday morning, and immediately upon the disposition of the reading of the Journal, the distinguished Senator from Rhode Island (Mr. PELL) will be recognized for 40 minutes.

Following the remarks of Mr. PELL, the able Senator from Ohio (Mr. YOUNG) will be recognized for 20 minutes, following which the able Senator from Maryland (Mr. MATHIAS) will be recognized for 20 minutes, to be followed by the able Senator from South Dakota (Mr. MCGOVERN) who will be recognized for not to exceed 15 minutes.

After the remarks by Mr. MCGOVERN, there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

At the close of morning business on Monday next, but not later than 11 o'clock a.m., the conference report on H.R. 17399, the second supplemental appropriation bill for fiscal 1970, will be called up. There will be a time limitation thereon of 30 minutes, at the close of which a vote will occur on the conference report. It could very well be a voice vote.

Following the vote on the conference report, action will resume on H.R. 15628, the Foreign Military Sales Act, but no later than 12 o'clock noon.

Beginning at 12 o'clock noon on Monday next, there will be a time limit of 1 hour, to be equally divided, on the amendment which has been offered by Mr. ALLOTT. A vote will occur at 1 p.m. on the Allott amendment or on a motion to table. Other than that amendment there will be a limitation of 1 hour on each amendment, amendments thereto, appeals, and motions with the exception of a motion to lay on the table.

On Tuesday afternoon next, there will be a vote on the third committee amendment, the so-called Church-Cooper amendment as amended at 2 o'clock; and at 4 o'clock in the afternoon of Tuesday, there will be a vote on final passage of H.R. 15628, the Foreign Military Sales Act.

At 5:30 p.m. on Tuesday next, a motion will be made to override the President's veto of H.R. 11102. The time between the vote on final passage of the Foreign Military Sales Act and the vote on the motion to override the President's veto of H.R. 11102 will be equally divided between the majority and minority leaders.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9 A.M. MONDAY, JUNE 29

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until Monday at 9 a.m.

The motion was agreed to; and (at 5 o'clock and 44 minutes p.m.) the Senate adjourned until Monday, June 29, 1970, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 26, 1970:

IN THE ARMY

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be major

Addiss, Daniel A., 264-44-9838.
Foley, Raymond J., 150-22-3561.
Goff, Lee A., 390-22-9280.
Johnson, Ernest B., 242-20-3048.
Johnson, Vernon E., 229-22-9566.
Johnston, Norbert B., 193-22-3292.
Kaye, John P., 094-26-6215.
Kowsky, John J., 067-18-0760.
Labarrie, John H., 370-28-8469.
Miller, Janie R., 427-48-7843.
Miyamoto, Atsushi A., 557-42-7052.
Newman, Max E., 308-24-2215.
Patten, John L., 012-24-9770.
Sain, David B., 429-56-5989.
Scott, Richard H., 554-40-5032.
Wallace, Robert J., 099-22-1703.
Young, James H., Sr., 015-26-4069.

To be captain

Alexander, Harold L., 412-50-3633.
Blubaugh, Thomas C., 300-28-8409.
Burgin, Max E., 242-48-7926.
Butcher, Richard D., 084-28-6102.
Kirk, Marion R., 508-38-3250.
Clanton, Charles T., 409-52-9117.
Cooley, Virgil T., 418-38-2279.
Courson, Donnie C., 252-62-8796.
Craft, Jack J., 560-42-4959.
Crawford, Roscoe D., 235-52-3650.
David, Lawrence T., 250-40-1452.
Deal, Thomas L., 207-26-1795.
Edwards, Leroy E., Jr., 165-30-3106.
Ellison, Joe M., 467-20-2352.
Fiser, Robert H., Jr., 429-76-5520.
French, Johnny B., 525-82-2656.
Frost, Robert W., 020-26-7152.
Goodwin, Thomas R., 022-26-0364.
Green, Robert L., 424-46-3181.
Greenburg, Alcuin E., 507-34-0860.
Groen, Douglas J., 480-56-0307.
Groover, Ralph H., Jr., 259-26-8090.
Hammond, Glenn E., 479-40-4261.
Hatch, Billy F., 432-70-8701.
Hertzog, Robert W., 216-38-3261.
Hessian, Patrick J., 474-24-0086.
Jackson, James T., 255-48-8789.
Johnson, Leroy, 439-24-4272.
Johnson, Mitchell C., 461-26-3786.
Lacy, Nelson C., 422-48-3996.
Laster, James F., 492-42-4726.
Law, Sherrill G., 262-54-9119.
Lewis, Ronel L., 242-64-9175.
Little, Lorem E., 504-40-2407.

Lollini, Lance O., 300-32-6627.
Marchi, John D., 223-50-3652.
McCain, Williston B. P., 445-36-9861.
McMillan, Andrew D., 263-44-0055.
McWilliams, James L., 489-40-6660.
Mentzer, Frederick F., 224-40-5599.
Merrill, Thomas R., 220-28-1022.
Miller, Richard M., 449-50-9177.
Moss, James L., III, 249-64-2728.
Murja, Milan, 517-30-1227.
Newton, James F., 207-28-9917.
Nix, Virgil L., 422-40-2395.
Ohashi, David K., 521-44-2589.
Peacock, William L., 254-38-7263.
Peck, Ernest B., 416-38-3509.
Pendergraft, Joe E., 486-42-3069.
Perliss, Herbert, 116-28-0265.
Pertain, George H., Jr., 140-26-1137.
Phillips, Charles N., 458-56-3959.
Phinney, Bruce A., 058-30-0239.
Pirkle, John E., 255-64-0956.
Pratt, Donald E., 464-52-6860.
Privette, Foy E., Jr., 244-42-3028.
Privitera, Charles R., Jr., 101-34-2190.
Schneider, Robert L., 474-44-3858.
Scott, Eugene W., 566-54-7938.
Shea, Donald W., 516-38-6461.
Sheppard, John B., 231-36-8948.
Smith, Harold B., 450-58-2502.
Steffey, Chester R., II, 377-30-5839.
Stewart, Vivian L., 576-28-8123.
Stoy, Thomas A., 208-22-2313.
Thompson, Thomas R., 248-58-8308.
Toomer, Charles E., 256-52-1516.
Trahan, Frank W., 461-36-5618.
Torp, John P., 178-24-8173.
Turner, Frederick C., Jr., 432-64-4951.
Vander Wende, Martin J., 156-26-8785.
Whelan, Patricia A., 189-30-0840.
Wilson, Chester, 285-32-8848.

To be first lieutenant

Allen, Robert A., 229-56-3396.
Alvord, Charles H., III, 226-58-5585.
Andersen, Allen D., 389-42-8276.
Angell, Gary M., 544-46-1697.
Anton, John J., Jr., 093-34-1457.
Baird, Thomas F., 362-46-9633.
Barnes, Darvin E., 526-54-7009.
Barsh, John E., 208-32-1425.
Basta, Patricia J., 523-46-1286.
Bennett, George C., 123-32-7567.
Berthold, Andrew C., 306-36-8023.
Biegen, William K., 085-36-1325.
Biesemeier, Paul A., 341-34-9529.
Bode, Howard J., 323-36-3434.
Brehm, Robert L., 069-34-7606.
Bullard, Ponce D., Jr., 253-62-9519.
Busch, Brian J., 336-14-3950.
Butler, John C., 259-56-3880.
Campbell, Vernon A., 006-42-1730.
Carter, Hubert C., 239-70-2747.
Childs, Norman R., 528-52-1467.
Clark, David W., 027-28-8606.
Clarke, Harold R., Jr., 552-66-5980.
Collier, Ronald O., 264-60-8000.
Cotter, Harold M., Jr., 025-30-2542.
Dabney, James F., 574-12-3798.
Daskal, James A., 235-56-3615.
Davis, Ronald C., 573-50-5915.
Deen, Don E., 439-46-5290.
De Mont, Francis T., Jr., 431-72-5661.
Dix, Leslie F., Jr., 577-56-2337.
Dresin, Sanford L., 050-34-6432.
Duedall, Robert L., 541-44-0957.
Duke, Earl L., 528-48-9543.
Eason, Lewis C., 260-58-7030.
Edwards, Gilbert R., 400-56-7469.
Elrod, Thomas W., 247-66-0172.
Eubanks, Bobbie R., 496-42-8639.
Everett, Harry, Jr., 257-48-0723.
Eyler, Christopher B., 365-40-2367.
Farr, James E., Jr., 249-62-5376.
Ferland, Paul E., 007-32-0805.
Forrester, Thomas R., 409-70-5655.
Frazier, Robert E., 090-28-4184.
Fuller, David W., Jr., 465-74-4715.
Fulton, James W., Jr., 240-70-3126.
Gantt, Stephen Y., 247-60-0260.
Godina, William J., 516-50-2667.
Goligoski, Josephine A., 516-36-9595.
Grauel, Richard L., 442-44-7773.
Greenwell, Bernard J., Jr., 213-36-6781.
Grice, Richard L., 585-09-3383.
Grove, Robert B., 248-66-8813.
Guthrie, Charles T., 523-56-8631.
Hampton, Ralph C., Jr., 263-68-1699.
Hartman, John D., 309-46-0937.
Hartong, John M., 351-34-1645.
Haynes, Thomas R., 440-40-5252.
Henry, Thomas F., 015-34-9367.
Herbster, Kenneth J., 145-26-5571.
Hering, Gregory D., 287-40-5037.
Hill, Dale R., 235-60-0725.
Hill, Leroy, 240-58-7567.
Holverson, John E., 325-30-2344.
Howard, Robert M., 016-32-3881.
Jarvis, Larry E., 485-38-9546.
Johnson, Dennis H., 517-46-9815.
Johnson, Henry H., Jr., 251-62-5655.
Johnson, John J., 232-64-3745.
Jones, James H., 525-96-6536.
Kilbane, Joseph A., 031-28-6563.
Kilpatrick, Claude M., Jr., 247-56-9000.
Knapp, Robert D., 474-38-1011.
Konitzer, Thomas J., 338-36-1079.
Koontz, Ronald D., 480-52-3184.
Kraus, James W., 325-30-9016.
Kuhlman, Kenneth D., 386-32-8982.
Kuhn, John B., 092-34-5744.
Kutter, Wolf D., 280-38-7133.
La Croix, Francis A., 030-26-0577.
Lake, Roy G., 329-30-5522.
Lamback, Samuel P., Jr., 254-64-9790.
Land, Henry P., 262-54-0486.
Latella, Donald D., 144-34-9098.
Le Claire, George H., Jr., 244-52-5141.
Limmer, Bobby L., 454-70-3219.
Lively, Robert W., 571-60-5869.
Lowry, Larry K., 566-50-9001.
Luedee, Rene, 046-24-1341.
Magee, Gerry A., 399-42-2854.
Marrs, Glen E., Jr., 455-66-0759.
Martin, John T., III, 147-32-6309.
Maxwell, Otis C., 358-34-5335.
McBride, Reid A., 529-42-3958.
McCarthy, Michael J., 119-24-8270.
McCarty, Alan J., 464-62-1914.
McCleary, William D., 544-40-9416.
McMinn, Hubert W., Jr., 401-58-3818.
Mertel, Paul T., Jr., 417-58-1809.
Mitchell, Robert C., 412-68-6878.
Murphy, Mortimer J., III, 103-32-0399.
Mutter, Glen H., 459-60-7083.
Nation, Charles E., 234-66-5422.
Neil, George M., Jr., 156-28-9994.
Nieland, John B., 480-40-8864.
Noel, Lloyd A., 217-42-9540.
Patterson, David L., 253-72-3044.
Payne, Thomas H., 448-40-4430.
Pennell, Clifford R., 403-54-4206.
Perkins, William M., 450-62-3968.
Phelan, Edward W., 501-44-1109.
Pipes, David G., 562-56-5272.
Poole, Walter A., Jr., 254-48-3706.
Rawls, Jimmie D., 430-72-5106.
Richardson, Eugene B., 202-30-0486.
Roberge, Leo A., 047-30-6908.
Russell, Earl L., III, 510-46-4005.
Russell, James R., 423-50-2485.
Schmus, Richard J., 106-30-8737.
Schulz, Bruno, 282-38-3768.
Sever, Kenneth C., 200-32-9040.
Sharp, Billy R., 452-54-5692.
Shaver William G., 414-66-5324.
Shepard, James G., 526-54-7353.
Siemon, Patrick G., 364-42-9829.
Sims, Stuart D., 459-56-5890.
Smiley, Francis E., 521-58-2916.
Snider, John E., 486-36-7993.
Snyder, David L., 163-34-6821.
Sobecke, James B., 340-36-7315.
Sosnowski, John J., 141-30-2107.
Stone, Alan E., 572-66-5230.
Stone, Edwin S., III, 454-64-8333.
Sullivan, John E., Jr., 429-76-1170.
Swenson, Peter C., 144-32-5475.
Szlachetka, Marion E., 059-36-2180.
Tatum, Timothy C., 545-54-7045.
Tedeschi, Emeric R., 075-32-8276.
Temo, James M., 177-36-1939.
Templer, Thomas W., 452-66-3985.
Thompson, Conley C., 442-42-8337.
Tooke, Michael S., 541-46-5646.
Thrall, James H., 550-56-9942.
Varosy, Paul S., 564-56-9412.
Vedrani, Ronald W., 020-30-2189.
Voegeli, Albert H., Jr., 226-58-3202.
Walden, Charles C., 579-62-5030.
Walsh, William G., 139-34-1511.
Wasserman, Harold, 142-34-3225.
Welch, Alfred C., 148-28-1180.
Whaley, David A., 037-28-8033.
White, John T., 486-40-7466.
Willette, Larry J., 416-52-1253.
Williamson, Cline H., Jr., 247-68-2057.
Wilson, Edward E., 244-58-9369.
Wilson, Norris A., II, 484-52-2383.
Wray, Christopher P., 255-68-2361.
Yanchar, Joseph J., 473-46-2526.
Zalar, Joseph, Jr., 215-38-8417.

To be second lieutenant

Banzhoff, Ernest L., 219-44-3259.
Barcellos, Terrance D., 530-28-9987.
Barry, John J., Jr., 045-36-4574.
Beals, Bruce S., 567-56-6872.
Botelho, Michael J., 260-66-4064.
Brooks, Donald P., 237-70-7203.
Charlton, Donald G., 261-70-4488.
Gerhards, William F., 511-44-7539.
Harris, Charles W., III, 227-60-1116.
Hirschman, Norman J., 445-44-2278.
Hogan, Lawrence G., 515-42-0490.
Ison, Constance G., 522-60-6835.
Kessler, Craig M., 509-46-1771.
Ladensack, Joseph C., 526-74-0713.
Lander, Walter E., Jr., 552-56-4528.
Lingle, William R., 243-70-0051.
Mahoney, Larry G., 560-64-3394.
Malewski, Edward, 194-32-9316.
Marcotte, Robert G., 031-30-4764.
McAllister, John M., 429-84-9999.
McClelland, Robert C., III, 454-70-3762.
Mutarelli, John C., 159-56-1972.
Parrott, George E., 562-58-8096.
Parrott, Leon F., 247-64-0034.
Patton, John E., 533-40-6651.
Powell, Frank L., III, 424-54-8437.
Rudewick, William K., 194-38-9145.
Shestok, Michael J., 165-36-6290.
Sodetz, Frank J., Jr., 324-32-9285.
Stone, Sandra L., 483-46-2864.
Tarvin, Lee T., 350-34-9514.
Thomas, James B., 419-54-6892.
Thomas, John D., Jr., 185-36-4220.
Thompson, Paul M., 454-72-8432.
Watson, Raymond T., 263-68-4488.
Watt, Robert L. III, 239-80-6434.
Whitt, Sandra S., 238-48-0336.
Wilgen, Michael C., 457-78-2940.
Winters, James M., 051-34-2769.
Worthen, George G., 432-78-4697.

The following-named scholarship student for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Szymanski, Dennis, 058-42-3160.

CONFIRMATIONS

Executive nominations confirmed by the Senate, June 26, 1970:

Diplomats and Foreign Service

Robert McClintock, of California, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Venezuela.

Roswell D. McClelland, of New York, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Niger.

Agency for International Development

Maurice J. Williams, of West Virginia, to be Deputy Administrator, Agency for International Development.

U.S. Circuit Judge

William E. Miller, of Tennessee, to be a U.S. circuit judge, sixth circuit.

XUM

EXTENSIONS OF REMARKS

THE AGRICULTURAL ECONOMY

HON. MILTON R. YOUNG

OF NORTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Thursday, June 25, 1970

Mr. YOUNG of North Dakota. Mr. President, the Food and Agriculture Act of 1965 expires at the end of the current crop year. The extension and revision of this legislation is of major concern, not only to wheat, feed grain, and cotton producers, but to all American farmers and ranchers and consumers as well.

The agricultural economy of our Nation has a tremendous influence on the overall economic well-being of all Americans. I know we are all concerned over the need to maintain a stable farm economy. A great deal of time and effort has been expended by members of the Agriculture Committees of both the House and the Senate toward passage of new farm legislation.

In a recent speech before the meeting of the American Agricultural Editors Association, the distinguished Senator from Kansas (Mr. Dole) very clearly spelled out the problems to be overcome in writing new farm price support legislation as well as some of the problems in telling the true story of American agriculture.

This speech is an excellent review of farm legislation and agricultural public relations by one of the ablest and most knowledgeable Senators in the field of agriculture. It is a discussion which should be of interest to all Members of Congress and others. I ask unanimous consent that it be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of Hon. Bob Dole

Many of our nation's citizens have assumed that technical advances in agriculture, irrigation, fertilizer and agri-chemicals have erased the risk in growing a crop.

Dr. Cecil Wadleigh, who directs soil and water research for the Agricultural Research Service of the U.S. Department of Agriculture in Beltsville, Maryland—and is probably as knowledgeable of what it takes to produce a crop as anyone—emphasized the importance of weather to the production of a crop in a paper he prepared for a seminar at Iowa State University in 1964.

Dr. Wadleigh's paper entitled, "The Need To Evaluate Weather," discusses "iffiness" in his analysis of a heat grower in Stanton County, Kansas, who plants his grain in the fall. Dr. Wadleigh tells how the farmer can expect a bumper crop the following summer:

"If there is a good supply of available moisture in the subsoil at the end of the fallow period;

If rains occur in September and October to provide surface moisture essential for germination and seedling growth;

If leaf rust does not appear during the fall as a result of extensive dewfall or rainy weather with resultant weakening of the young plant;

If fall weather does not foster an infestation of "green bugs" which seriously weaken the young plants for tolerating winter cold;

If warm weather during the fall does not abet an infestation of mites that transmit the "mosaic" virus which can wipe out a crop;

If the plants are not winter-killed by sudden cold snaps following warm periods in the absence of snow cover;

If the plants are not blasted by soil blowing as a result of dry surface soil and high wind velocities during early spring;

If late spring frosts during anthesis do not bring about sterilization of the flowers;

If there is an adequate amount and distribution of late spring rains to provide necessary soil moisture to carry the grain through to maturity;

If heavy dews and rainy periods in the spring do not foster an infection of leaf and stem rust, which damage or even kill the plants;

If not weather with desiccating winds does not occur during the time of filling resulting in low test weight of the grain;

If hot, dry weather does not foster a scourge of voracious grasshoppers to devour the crop;

If convective storms during late spring and early summer do not bring on a barrage of hail to destroy or severely damage the crops;

Finally, if the wheat grower could be liberated from all the preceding "ifs," he would "have it made."

The foregoing list of suppositions does drive home a formidable array of imponderables that the wheat grower must face over the course of a season in his planning of operations."

CONGRESSIONAL REPRESENTATION

A comparable list of imponderables could be drawn if you examine the topic assigned this panel today, "trends in agricultural representation." Let us suppose:

If you count the number of representatives from congressional districts that contain 25 percent of the farm population, you would have only 31 out of 435 House Members.

If you were to lower that figure to those districts containing 15 percent of the farm population or more, you would still have only 83 House Members.

If the food and nutrition welfare programs can be related to farm legislation, the farm program might be passed on the coattails of the popular, all important urban programs.

If the majority party could count on farm legislation support from all the Democrat members of Congress, it could pass the Democrat farm bill.

If the farm organizations of this Nation were to unite into one voice, they could certainly provide more guidance for the Congressmen trying to pass farm legislation.

If the U.S. Senate had sole authority to pass a farm bill without the concurrence of the House of Representatives, American agriculture would have a very liberal farm bill.

I could go on and on, but I am sure you see the point—wheat crops and farm legislation are affected by weather and congressional representation in much the same ominous manner.

Our farmers do face a problem today in the passage of any farm legislation by Congress. You know the score in the House of Representatives regarding agriculture. The Senate, however, is somewhat different. As a Member of the House for eight years and as a member of the Agriculture Committee then and now in the Senate, I can say agriculture has many friends in the U.S. Senate. Most of the distinguished Members of the Senate have important agricultural production within the States they represent. A general consensus is that a farm bill could be readily passed in the Senate, however, it must pass the close scrutiny of the urban dominated House. I am sure you are more than aware of these implications after your discussions earlier today with members of the House specifically concerning farm legislation.

FARM ORGANIZATIONS

A second segment of agricultural representation is that of farm organizations. These farm organizations are trying to lobby through Congress farm legislation to benefit their constituencies. They are working hard, but at the same time they are fighting each other—much the same way farmers in history opposed each other about water rights, fence lines and other disputes. They are honest, sincere, and hardheaded. Many of us in Congress wonder who or which group really represents the will of the farmer. We must conclude they all do.

Now we are faced with the farm coalition made up of several farm organizations, several larger national organizations and some regional and State groups. This coalition has commanded new respect in an attempt to produce a unified voice of the farmer. Members of Congress appreciate this effort, but are confused when the Farm Bureau, which claims to represent more farmers than all the coalition groups together is opposed to the coalition effort.

Organizations representing producers of farm commodities are often opposed by organizations formed by processors of those farm commodities. Too often the producer gets too occupied opposing the processor and vice versa, or two farm groups argue so bitterly they lose sight of the ability to compromise toward a common goal. Agricultural representation in Congress and by farm organizations needs to rise above the battle ground, the conference table, the disputed premise to obtain an overview of agriculture in respect to all of society. This is what Chairman Bob Poage of Texas has tried to do in the House Agriculture Committee this year. I know this man and respect him. He is willing to take this overview and adjust farm legislation to meet a compromise of rural and urban interests.

FARM PUBLICATIONS

Let us look now at a third segment of agricultural representation—a segment that more accurately represents the agricultural producer of today than either Congress or farm organizations. That segment is you—the editors of this Nation's agricultural press.

Your farm publications keep us posted. You keep us on our toes. More importantly, you act as a direct voice from the producer to everyone. Your stories about the big producer, the innovative farmer, the diversity of crops today, the dreams of tomorrow's agriculture, the problems in maintaining an existence in rural America today—all these help us relate to our farm constituency.

When we have been talking to each other too long, or to farm lobbyists, reading your publications can often put us back on the right track. Most of your informative feature stories are about farmers—on the farm where you interview him while he works. It seems to me that is the best place to talk to a farmer. Too often when he puts on his suit and flies to Washington to call on his Congressman or Senator as a representative of his favorite farm organization, he becomes a "professional" farmer. He tells his Congressman what will be best for all the producers and tries to do the best job for all farmers. I think this is different than the way I read his requests in your publications.

I feel the agricultural publications of this Nation, by and large, are still reporting factually, and editorial interpretation is reserved for the editorial columns. Other segments of

XUM

your journalistic profession are not doing as well. Their objectivity is lost in their obligation to provide the reader with the full implication of the news.

An example of this occurred recently when we discussed meat imports on the floor of the Senate. Much of the furor that has surfaced in recent months was the result of a report given to a House subcommittee indicating the Nation would face a shortage of beef by 1975. When this story moved on the Associated Press wire, it was picked up by major metropolitan newspapers and headlined "Beef Shortage Predicted!" Lobby groups immediately started pressuring the President to suspend import quotas and agreements and let unlimited imports of beef into the country to assure low hamburger prices for the consumer.

Luckily the farm groups were awake and the American National Cattlemen's Association and the National Feeders Association got the word out that the reported need for 4 (four) million more cattle by 1975 was more than half way reached in 1969 alone with an increase of two and one-half million head.

Late last month the Department of Agriculture admitted an error in one multiple used in figuring the projection they had reported to the subcommittee last fall. Another Associated Press story was filed reporting the error. The corrected story assured an ample supply of beef. Very few big city newspapers carried that story, and even then the headlines were small. This is the type of representation Agriculture cannot afford.

To summarize these three segments of agricultural representation, those few members of the House of Representatives from congressional districts with some rural influence are having difficulty obtaining cooperation from urban influence in that body to pass a farm bill. The Senate, therefore, is observing and awaiting action by the House so they may interpret and possibly improve it. In essence, the Senate is backing up the House's unfavorable urban dominance.

Agricultural representation through farm organizations has come a long way in the unity several are displaying in the farm coalition. However, until some compromises can be reached that project less diverse points of view, the struggle between farm bureau and farm coalition only serves to make decision determination by Members of Congress more difficult. These farm organizations could provide more creative assistance by convincing urban America of what a bargain it is getting from the Nation's agricultural production.

Agricultural publications maintain a direct two-way link between the individual farmer and his congressional representation and farm organization representation. An example of the value of farm publications appeared in the May issue of *Top Op*. Norman Cavender takes a positive approach to a real problem in his article, "Political Power You Aren't Using." It is this type of constructive approach to agricultural representation that keeps the faith of the farmers in the congressional and farm organization segments of representation.

INFANT MURDER TOLERATED IN OUR NATION'S CAPITAL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. RARICK. Mr. Speaker, infant murder continues on the increase in our Nation's Capital even as the court order striking down the abortion statute, enacted by Congress, is on appeal to the U.S. Supreme Court.

Those who regard slaughter by abortion as some so-called civil rights program should realize that if permitted to proceed, abortion by personal whim can develop into compulsory abortion, with the Federal bureaucracy ordering the abortions—who, when, and where—all, of course, "in the best interests of humanity and the American people."

There can be no solution by fighting effects. Murder by abortion does not curb nor cure the cause.

I include a newsclipping and a paper prepared by Dr. Brendan F. Brown, of the Natural Law Institute, Loyola Law School, in the Record:

[From the Washington Post, June 24, 1970]

Abortion Policy Refused; Doctors Here Cite Sensitivity of Liberal Plan

(By Stuart Auerbach)

The D.C. Medical Society has refused to endorse a liberalized abortion policy, favored by 76 percent of its members answering a poll, "because of the sensitivity of the issue."

This policy, which would make abortions a matter between a woman and her doctor with the concurrence of one other physician, was recommended to the society's executive board by a special committee studying the problem.

Despite this recommendation and the results of its membership poll, the executive board refused to take a stand "since it cannot and should not speak for all members."

The official Medical Society poll was answered by 1,204 of its 2,300 members.

Meanwhile, abortions are being performed in increasingly greater numbers at hospitals in the Washington area.

D.C. General Hospital, which was attacked in a court suit for refusing to do abortions, has set up a special clinic. Medical Director Dr. John P. Nasou said the hospital performed 11 abortions in May and 12 so far this month—compared to three or four in previous months.

The hospital has hired a special doctor to operate the abortion clinic. Nasou said any woman who is medically fit and wants an abortion can get it there. "All they have to do is really want it," he said.

Washington Hospital Center doctors reported performing 300 abortions a month there. In Johns Hopkins University Hospital in Baltimore doctors are performing 200 abortions a month—61 per cent on unmarried women under 21 years old.

And in Chicago, the American Medical Society's House of Delegates is debating a new national policy on abortions that is more liberal than the one the D.C. Society refused to endorse.

The AMA trustees recommended than an abortion simply be a matter between a woman and her doctor, with no other consultation required.

Previous policy called for the concurrence of two other doctors as well as "documented evidence" of medical need. In practice, therapeutic abortions are done mostly on psychiatric grounds to protect the mental health of the patient.

The AMA trustees' recommendation was attacked at the House of Delegates meeting Monday by members of the National Federation of Catholic Physicians Guilds, some of whom linked abortion to murder.

The debate within the D.C. Medical Society also has reflected this split between many Roman Catholic doctors, who consider abortions immoral, and physicians who feel that unwanted children hurt the mental health of a mother and add to the nation's population explosion.

In language that is unusually sharp for a debate among doctors, these differences have surfaced in the Medical Annals of the D.C. Society.

Drs. Edward J. Connor and Orhan H. Aydinel, both of Cafritz Hospital, concluded in the March issue that "There are too many therapeutic abortions being done in the District of Columbia."

This article was attacked in other issues of the Annals by Dr. Leon Yochelson, head of the Department of Psychiatry at George Washington University Medical School, Dr. Zigmond M. Lebensohn, a member of the board of trustees of the American Psychiatric Association, and Dr. Edward W. Nicklas of Sibley Hospital.

Yochelson called the Connor-Aydinel article "biased" and said it "demonstrates little knowledge of the psychiatric aspects of therapeutic abortions."

While doctors have been debating the issues, courts and state legislatures have been taking action on their own. Hawaii, Alaska and New York have passed laws allowing women to get abortions on demand while Maryland Gov. Marvin Mandel vetoed a new liberal abortion law.

The U.S. Supreme Court has agreed to consider the constitutionality of the District's abortion law, which was questioned in a decision by District Court Judge Gerhard A. Gesell last November.

[From the Washington Post, May 4, 1970]

District of Columbia General Abortion Ward Slated

An abortion clinic expected to handle 1,000 cases annually will open at D.C. General Hospital within a month, according to Dr. William Washington, associate director of the District Health Department.

Dr. Washington said the abortion ward will contain 8 to 10 beds and will be staffed by two part-time doctors.

"Our statistics lead us to believe at this time that we will have 1,000 cases a year, but there may be a hidden number that will tax our resources," he said.

He said the clinic will operate under guidelines "consistent with good medical practice and without any conflict with the court's directive."

A recent court order was issued to make abortions easier for poor women to obtain after a doctor at D.C. General Hospital refused to abort a 21-year-old because she had no history of mental illness.

Despite the order, the woman was still refused an abortion and several hospital officials received contempt of court citations.

Recent Statutes and the Crime of Abortion

INTRODUCTION

This paper will give an appraisal of recent abortion legislation in the United States from the point of view of Natural Law legal philosophy. Manifestly, its conclusions will differ from those reached by other types of philosophy, for example, the Realist. If a realist is convinced that man is no more than a ganglion, a baboon, or a grain of sand, then there is little if any difference between aborting a baboon and a human being, and hence abortion has no moral implications. Its social, political, and juridical implications are only a matter for determination by a majority of the voters who make the decision. But for the scholastic natural law jurist, every human being has an intrinsic, sacred dignity, not given by other men, but by the Creator of nature. Hence, abortion is not only a great moral wrong, but also a crime. This is so because it is the concern of each individual in society. It lessens the value of human life, and invites inevitable sanction as the breaking of a fundamental part of the natural law.

Until 1967, all of the fifty states of this country, and the District of Columbia, justi-

XUM

fied abortion to save the life of the mother, and five for health reasons.[1] Since that time, ten states,[2] led by Colorado, have passed statutes purporting to justify abortion in other situations, i.e., on medical or psychological grounds, such as body injury to the mother, or the impairment of her physical or mental health, or on eugenic grounds, as where the child might be born with grave physical or mental defects, or on criminal grounds, as where the pregnancy resulted from rape, incest, or other felonious intercourse.[3] These states were influenced by the official draft of the Modern Penal Code of the American Law Institute (1962), which had incorporated the Scandinavian type of abortion laws, effective in 1939.[4] Most of these eleven states prescribe time limits for legal abortions. Some have residence requirements.

Two additional states, namely Hawaii and New York, have gone further and made abortion a private matter between physician and patient. Hawaii's statute went into effect in March of 1970. It prescribed a ninety day residence requirement. New York's statute will go into effect July 1, 1970. The New York statute establishes no residence requirements and permits abortion for any reason within twenty-four weeks of conception.[5] The legislature of Maryland has passed a statute similar to the one in New York, but it has not yet been signed by the Governor, Marvin Mandel.[6] If he signs it, Maryland will join Hawaii and New York in reducing the status of an unborn child to the level of an appendix, a kidney, or an aching tooth.

The action of Hawaii, New York and possibly Maryland, abolishing all laws against abortions by licensed physicians for any reason verifies the forecast that once moderate liberalization of abortion laws begins, the ultimate goal is abortion unlimited. This is the avowed objective of the American Civil Liberties Union in its model statute of 1967. This is the technique of "creeping legislation".[7] Thus proponents of moderate abortion laws, in California and Maryland, after their enactment, suddenly became severe critics of such laws and clamored for unrestricted abortion. They have already prevailed in Hawaii, New York, and perhaps in Maryland.

In evaluating these recent statutes with reference to the crime of abortion, it is submitted that all direct abortion is unjustifiable homicide, the direct killing of the unborn child, as such, anytime from the moment of conception.. Hence, homicide by direct abortion may not be justified by the legal order under the guise of reason. Such abortion is a criminal act under natural law, and hence must be punished by society through the state and its legal order for the common good. Failure to punish the crime of homicide must eventually destroy a fundamental postulate of American civilization, namely, the intrinsic dignity of the individual and the sacredness of all human personality. Finally, the recent abortion statutes must be repealed to insure the integrity of the American way of life.

I. Abortion is homicide, the killing of a human being

Pregnancy begins with zygote, a fertilized ovum, a single cell. Although this cell is neither differentiated or specialized, it is a new life. According to the new science of molecular biology, this cell is a human being, with all the gene structure of the fully grown and highly complex adult. The zygote is not just a part of the mother. It is not a parasite. It is the conviction of Dr. Hebert Ratner, physician and lecturer, and the Public Health Director of Oak Park, Illinois, that the zygote is an "independent, functioning organism". He writes: [8]

> Of course, the embryo depends upon the mother for nutriment and an environment conducive to growth, but so does the suckling babe. . . . From the moment of zygote formation, the characteristics of a highly individualized human organism are established by the inter-mixture and combination of the genes, chromosomes and cytoplasm contributed by the parental human egg and sperm. . . . This new, individualized human life starts to grow immediately, and after several days, begins to implant itself in the womb. The implantation process itself is not significant vis-a-vis the embryo's humanity. A bird, in or out of the nest, is still a bird.

The latest scientific research in the field of molecular biology shows that the human organism from zygote to birth is never a mere chaotic mass of cells.[9]

During the first two months of pregnancy, the unborn child is known as an embryo, and during the next seven a fetus. The principal difference is that in the period of the embryo, the basic parts are structured and their relationships established. The second or fetal period is one of growth. At no time during pregnancy is the blood of the mother and child mingled. A study of the operation of the placenta, defined as a "fleshy complexus of blood vessels and membranes,[10] has shown that the blood of the mother flows into the placenta, and is drained off by the uterine veins, while the child's blood flows into the placenta through two arteries, but returns through a large vein." In the words of Dr. Granfield: [11]

> While the two blood supplies are in close contact, the fetal villi through the permeable walls of the blood vessels absorb from the maternal blood all that the fetus needs and gets rid of all that it does not want . . . The proverbial sharing of blood between mother and child is a biological myth. Mother and child have separate blood supplies and circulation.

The zygote is not merely a genetic package. Microbiology, by means of radioactive tracers, as well as the ultracentrifuge and the electronic microscope, has revealed the intricacies of the zygote, and conclusively points to the fact that the zygote has an individuating life principle, plus a physical body, a cell unique in structure, method of unfolding, and ultimate destiny. Its chromosomes and genes differ in quantity and quality from the fertilized ovum of the organisms of other mammals.[12] Hence, the unborn child is never a fish, a protozoan, amphibian, tadpole or primitive mammal. Rather, it is endowed with a rational life principle or theologically speaking, a soul, which is "the architect of its own dwelling".[13] Professor Noonan of the University of California has cited as authorities the famous fetologist H. M. I. Liley and Dr. Cesell, founder of the Clinic of Child Development at Yale University for the conclusion that the "process of mental development which characterizes the ten-year-old child, or the one-year-old child, also characterizes the embryo who is only one month old".[14] It follows that every one who reads this sentence was at one time a zygote, in the same sense that he or she was a baby, a fetus, and an embryo.

It is submitted, therefore, that abortion, or the killing of the unborn child, is homicide or the taking of human life. It is not obvious, therefore, why in the words of Dr. Jeffcoate, written in the British Medical Journal in 1960: [15]

> The destruction of the living embryo offends something fundamental in human nature, and the most scientifically detached gynecologist cannot fail to approach the operation with a uneasiness which has been variously accredited to "primordial revulsion" and "subtle, archaic motives".

Obviously, neither embryo nor fetus has reached the same development as a newly born child, but neither has such a child attained the maturity of a man. Is it not inconsistent for physicians to take the oath of Hippocrates not to produce an abortion, and yet to include abortion in their medical practice?

II. Homicide by direct abortion may not be justified by the legal order

Direct abortion is the intentional taking of the life of the unborn child, as such, as distinguished from the non-intended killing of the child, for example, as part of a necessary operation to save the life of the mother.[16] Thus an abortion is direct when the sole, immediate result of the activity is to destroy the unborn child. Abortion is indirect when it is the "by-product of a procedure which is immediately directed to the cure of a pathological condition of the mother".[17] Thus if during the course of an operation on account of cancer of the uterus, it became necessary to kill the child, the abortion would be indirect.

It is submitted that indirect abortion may be justified by the legal order, but not direct abortion. According to the true interpretation of the principle of double effect, indirect abortion is tolerated because the cancer operation as such is not wrong; the primary purpose of the surgeon is not to abort, indeed, he will try to avoid this effect, if possible. The end result of the killing of the child, is not the direct cause of the good, i.e., the saving of the mother's life, and the preservation of her life is as important as that of the child.[18] But the principle of double effect would not be relevant to direct abortion, where the surgeon unequivocally intends the death of the child, with no possibility that he may avoid it. The respective lives of mother and child are equal, so that the end of saving the life of the mother can never justify the means of directly taking the life of the child, a concept which is embodied in the legal systems of all civilized peoples.

In so far as statutes allow direct abortion, they are contrary to the dictates of objective natural law, which not only recognizes the intrinsic sacredness of human life, but also affirms the equality of the value of the lives of all innocent human beings, whether born or unborn. At the same time, it is understandable how the conscience of the American people missed the distinction between direct and indirect abortion, which involves exact reasoning in the philosophical and juristic fields. But it is not understandable how the conscience of the legislators of certain states since 1967 have undertaken to justify abortion by law for reasons which are totally alien to the Anglo-American legal system. The privilege of self defense in that system has never been extended to justify the taking of human life because that life happened to interfere with the killer's health or socio-economic status. Innocent human life has been balanced against a criminally guilty human life in favor of the former, but never has physical life in this connection been balanced against less.

Attempts made by new abortion legislation since 1967, until the action taken by Hawaii, New York, and possibly Maryland, indicate that some value has been attached to the life of the unborn child, so that it may not be taken without some kind of an appeal to reason, however illusory. This position is to be sharply distinguished from the extreme position, which completely denies the protection of the legal order to the unborn child. Both positions are in conflict with natural law thinking, despite the fact that the greater conflict is with abortion on request.

In the first place, abortion except to save the life of the mother is not medically necessary. Dr. Eastman has written [19] in his book on *Therapeutic Abortion* "that pregnancy, if properly managed, seldom aggravates organic disease". Pregnancy is a natural, normal condition. Abortion is not a disease. Dr. Murdock has stated [20] "that pregnant women are more apt to make a satisfactory recovery from their

---

Footnotes at end of article.

XUM

psychosis . . . and more promptly, than comparable patients who are not pregnant".

The subjective belief of one or more surgeons as to the necessity of an operation to preserve the physical or mental health of the mother can always be contradicted by the subjective belief of an equal number of other surgeons that it is not necessary. Indeed, today physicians and surgeons differ widely as to the medical justification of abortion. In the words of physicians Heffernan and Lynch: [21]

> Anyone who performs a therapeutic abortion is either ignorant of modern methods of treating the complications of pregnancy or is unwilling to take the time to use them.

It is even more difficult to justify abortion scientifically on psychological grounds. What is mental illness, and how serious must it be to justify an abortion? Here the decision of the surgeon is even more subjective than when the grounds are medical. According to Drs. Arbuse and Schedtman,[22] "an abortion may have a deleterious effect that is more harmful than the continuation of pregnancy" to a mentally ill woman. According to Dr. Gebhard, unfavorable consequences result in more than fourteen percent of the cases.[23]

In theory, the recent statutes, which justify abortion in certain situations, admit the value of unborn life, but in practice, the results are often the same as those reached by abortion on request. The standard of the reasonable man who is a physician or surgeon is not required, but only a good faith subjective opinion.[24] In practice, the distinction between the two types of abortion statute is only verbal.

The psychiatric standards are too vague. Usually the ordinary physician, untrained in psychiatry, is incompetent to make the abortion decision. Several factors render diagnoses and prognoses uncertain, such as deception of the psychiatrist by the patient, or deception of the patient herself by misrepresentation of consequences by her family or friends, or deception of the patient by the subconscious conviction that she has symptoms which require the abortion. The chief psychiatric ground is the threat of suicide; but according to a study made in Sweden by Dr. Lindberg, sixty-two of the three hundred and four women who were refused an abortion, had threatened to commit suicide, but none did.[25] Dr. Barno has argued [26] that "psychiatrists would accomplish more by using the available modalities of their specialities in the treatment or rehabilitation of the patient instead of recommending the destruction of another . . ."

Rather often the physical and mental health factors involve a relationship to such non-medical grounds as future undue strain upon the physical or economic conditions of the mother. Since this strain would not exist in a family with a higher economic status, however, the reason for the abortion is ultimately not medical, but socio-economic.

Another ground incorporated into recent abortion statutes is the criminal, namely, where the unborn child is the result of rape or incest. Mere proof of rape or incest is sufficient under these statutes to warrant abortion. The mental or physical health of the woman, or her moral guilt are not relevant.

Statistics show that the percentage of possible pregnancies from rape is very limited. The possibility of a woman's being raped during a fertile period is only about ten percent. Dr. Granfield has written:

"Of those ten women out of a hundred, some are too old, some are too young, some are pathologically sterile, some are taking contraceptive pills, some use spermicidal measures immediately after the rape, some are raped by men . . . who are sterile."

He added that the emotional shock of rape suppresses ovulation.

The so-called humanitarian purpose of aiding a woman who is pregnant as a result of rape or incest may not contradict the fact that the unborn child of the rape is not guilty of any crime. While the destruction of the sperm of the rapist before conception is allowable, because it is part of his body and hence is as much an aggressor as he is, nevertheless once conception has taken place, the zygote is no longer part of the body of the rapist, but a new human life. The interest of society in upholding the sacredness of human life must outweigh the individual interest of the woman. She has the option of giving the baby to the proper authorities for adoption after it is born.

Thirdly, the new abortion statutes have incorporated justification on eugenic grounds. These shift the emphasis from the mother to the child. It assumes that the life of an unborn child should be taken if it has foreseen defects, because life with such defects is not worth living. This is a false assumption. Who is to be the judge of whether the life of another, however handicapped he may be, is worth living? The existentialist, Victor Frankl, once wrote: "Only God can know how many saints were concealed behind the miens of idiots." Genius might also exist in the handicapped child.

However, the superman philosophy of Nietzsche, which treats defectives as non-humans, to be destroyed as social outlaws, opens the door to the next demands, i.e., infanticide, euthanasia, and genocide. It is rather well known that Governor Reagan of California told the legislature of that state that he would not sign the abortion bill which it had passed, until it had deleted the fetal defects provision. He said that such a provision was "only a step away from what Hitler tried to do." Indeed, as yet the prediction of deformity cannot be certain. Again, it might only be slight. There is the risk of killing unborn children who actually might have been born healthy.

III. Abortion is a criminal act under natural law, and hence must be punished by society through the State and its legal order

The recent action of Hawaii, New York, and possibly Maryland, of abandoning qualified abortion in favor of abortion on request raises the issue whether the destruction of unborn human life is only a moral matter, or in addition, a criminal one? Is it strictly a moral matter, within the inner forum of conscience, or is it also one within the outer forum, involving the common good of society. Objective natural law thinking places abortion in the latter category. Natural Law is that rationally discovered, objectively existing body of principles for the governance of man's conduct, geared to his nature.

Abortion is a crime because it is the refusal to respect the basic good of another human being, and hence in last analysis it is an attack on the common good of society through its rejection of human dignity. It is unscientific to state that it is a crime without a victim. The Second Vatican Council articulated natural law when it stated that abortion is an unspeakable crime. The Lutheran Church takes the same position.

Indeed, abortion is a greater crime against nature than homosexuality, because it destroys human life itself, whereas homosexuality destroys the subhuman life of the sperm. It is also a grave injustice against the father of the unborn child, opposing the abortion. He has contributed twenty-three chromosomes to the child, the same number as the mother, but she is now being legally empowered to wipe out his equity against his will. It is the duty of the State to protect the right of the unborn child to life by law. Is it not inconsistent for the law to have rather recently developed a sensitivity to the dignity of the human person in the area of racial justice, and with regard to those accused of crime, and the poor, and now in several states to have moved in the opposite direction? Is this to be attributed to the fact that the unborn have no votes, cannot lobby, cannot demonstrate in the streets, and cannot gain access to the communication media? Or is it the result of legislative action based on error, created by misrepresentation of biological, political, juridical, and socio-economic facts. I prefer to believe that it is the latter.

It is a fundamental principle in our law that no person accused of crime may be convicted and put to death under the doctrine of capital punishment if there is a reasonable doubt that he is innocent. The reasonable doubt principle should be extended to the situation where certain physicians and surgeons are not convinced that a zygote is a man, or that at one time, they were a zygote, before becoming a baby. Even though they may not be convinced with certainty, the recent scientific evidence about the humanity of the zygote is enough to raise a reasonable doubt in their minds in this regard, sufficient to deter them from performing an abortion. When the destruction of human life is involved, men may never act on the basis of reasonable doubt.

IV. The recent statutes must be repealed

In any event, the recent abortion statutes must be repealed to assure the integrity of the American way of life. Failure to punish the crime of homicide by abortion must eventually destroy a fundamental postulate of American civilization, namely, the autonomy of all human personality. Communist civilization has long and easily accommodated itself to the doctrine of abortion on request. Would it not be ironical for this nation to adopt the communist way of life in the important matter of abortion, and yet continue to be ready to make any sacrifice to prevent the acceptance of lesser aspects of the communist *modus vivendi?*

These statutes must be repealed despite several specious arguments to the contrary notwithstanding. All of these arguments beg the question. One is that there are now many illegal abortions performed by persons who lack surgical skill so that there is a high mortality rate. It is argued that by legalizing abortion, or placing it outside the control of the legal order, this condition would be corrected. The answer is that Society may not remove obstacles in the way of criminals, just because in the commission of the crime, they happen to be injured.

Another argument is that penal sanctions should be lifted from the act of abortion, because there are many illegal abortions. The answer is that all criminal laws are repeatedly broken, some more than others. But this has never been a reason for their abolition. Laws against abortion have been and are being enforced.

A third argument is that abortion laws discriminate against the poor, especially poor Negroes, because they do not have the money to employ a skillful abortionist, while the rich do. The answer is that society has never abolished a criminal law just because some who broke it could afford to buy better outside assistance than others. Tax laws have not been abolished because some tax evaders can employ better lawyers and accountants to assist them than others can afford.

A fourth argument is that there should be no laws against abortion because they are an invasion of privacy between man and woman. The answer is that the constitutional right of privacy may protect against acts of immorality, which do not have immediate societal consequences, but never against conduct which has far reaching results against the common good, such as homicide. The sphere of the positive law extends to that part of the moral order which requires implementation for adequate social control and discipline.

A fifth argument is that laws against abortion are unconstitutional since they violate

---

Footnotes at end of article.

the First Amendment of the Constitution of the United States, which forbids the establishment of religion. The answer is that these laws do not establish religion, which can only mean the supernatural law of a specific theology of a particular church, such as Catholic, Protestant, Jewish, Mohammedan, and the like. Laws against abortion do establish or implement the objective natural law, but this is as universal as humanity itself, according to such authorities as Blackstone, and is the basis upon which the Constitution itself rests.

A sixth argument is that abortion upon request should be allowed for socio-economic reasons, either as a backup to birth control, to reduce the population, or rid society of defectives, who would be dependent upon state support. The answer is that once the doctrine is accepted that innocent human life depends for its worth upon judgments based on social utility, there is no authority to resist demands for the killing of persons suffering from incurable diseases, the liquidation of anyone deemed to be a burden to society, and finally genocide. The way leading to Hitler's gas chambers had been prepared by acceptance of the expendability of innocent human life, and of the destruction of those declared unfit to live, because they were Jews or defectives, or because there were too many people in Germany.

A seventh argument is that millions of dollars earned each year by persons performing illegal abortions find their way into the pockets of the underworld. The answer is that greater sums of money are made in such illegal activities as the numbers racket, and that this money also promotes organized crime. But there is no public clamor to legalize this activity, or even to initiate a national lottery.

An eighth argument is that a child has a right to be born into a family where it is wanted. The answer is that this right is subordinate to its right to life, upon which all other rights depend. The child may always be given in adoption. Many persons who oppose capital punishment would kill the unwanted child, but would not kill the unwanted murderer, much more unwanted than the unwanted child.

The movement for abortion is part and parcel of the over-all drive to break down the moral fabric of the nation. Other objectives of that drive is the effect to legalize marijuana, to do away with all obscenity laws, and to place homosexuality beyond the concern of the law. The movement for abortion gives aid and comfort to the permissiveness which encourages disorders on the campus and the street.

CONCLUSION

It is recognized in this paper that recourse to abortion is a great temptation to many for the solution of certain problems, and that human nature is often weak and does not resist evil. Indeed, the woman who seeks to kill her unborn child, as well as the surgeon who acts as executioner in performing the operation, may in good faith really believe that no moral or criminal wrong is being done. In that case, they are not subjectively culpable or deserving of personal censure, but on the objective level of the natural law, they are guilty of crime, although invincibly in error.

Certainly, there are other ways to cope with the problems which the crime of abortion purports to solve. Is it necessary to adopt the easy way of crime, which is always negative and leads to ultimate unhappiness, because it is the denial of man's own rational nature? Cannot medical and psychiatric science work a little harder and come up with constructive ways of dealing with physical and mental illness? Cannot greater state involvement in removing the economic reasons for abortion be worked out in this era of ever-expanding social justice? In the present national war on crime, the basic philosophy is to eliminate it by removing its causes. Should not this same philosophy be applied to the elimination of the crime of abortion?

FOOTNOTES

[1] Granfield, *The Abortion Decision* 78 (1969). The law of Louisiana is unique in that abortion is made a crime by 14:87 of the Revised Statutes, with no exceptions specified, but the exception is contained in 37:1285 (6) where it is stated that the procuring, ordering, or abetting in procuring an abortion will not result in the suspension or revocation of the certificate of a physician or surgeon if it is "done for the relief of a woman whose life appears in peril after due consultation with another licensed physician." According to a private survey, "virtually no therapeutic abortions are performed in Louisiana". The one or two a year that are performed, for example, in Charity Hospital in New Orleans, are carried out "incidental to other operations". Montjoy, *Abortion and the Law: A Proposal for Reform in Louisiana,* 43 Tulane L. Rev. 834 at 848 (1969).

[2] Namely, Arkansas, California, Colorado, Delaware, Georgia, Kansas, Maryland, New Mexico, North Carolina, and South Carolina. See The *New York Times,* Monday, April 13, 1970, at p. 1, and *Time,* April 20, 1970 (Medicine). For a recent summary of state laws with reference to abortion, see footnote six in *Abortion: Due Process and the Doctor's Dilemma,* by Richard D. Holper, 9 *Journal of Family Law* 301–302, 1970.

[3] The abortion laws of several states have been declared unconstitutional, such as in Wisconsin. The United States District Court for Eastern Wisconsin declared the Wisconsin law of abortion unconstitutional under the 9th amendment. It held that the decision whether to abort an unquickened fetus is the pregnant woman's and not her state government's. *Babitz* v. *McCann* USDC E. Wis. (three-judge court) 3/5/70, 6 The Criminal Law Reporter, 2435–2436; No. 25, March 25, 1970.

On Monday, April 27, 1970, the Supreme Court of the United States agreed to hear arguments on the constitutionality of the District of Columbia's abortion law. That law was voided last November by U.S. District Judge Gesell, who ruled that its wording was too vague to enable a physician to determine legal right from wrong. The law had prohibited abortion except when necessary for preservation of the mother's health. The word "health" was not defined. Previously the U.S. Supreme Court had declined to hear a California abortion case in which a state law had been declared unconstitutional on similar grounds. Thus the Supreme Court has stepped into the nation-wide dispute over abortion laws. The hearings will be held next fall. See *New Orleans States-Item,* April 27, 1970, p. A, col. 8, and also the *New Orleans Times-Picayune,* Tuesday Morning, April 28, 1970, section 3, p. 2, col. 1–3.

[4] Granfield, *op. cit. supra.* footnote 1 at 88.

[5] *New York Times, supra,* footnote 2 at 1.

[6] *The Catholic Review,* Baltimore, Md., Friday, April 3, 1969, sec. 1, p. 1—Headline.

[7] Granfield, *op. cit. supra,* footnote 1, at 179.

[8] Cited by Byrn, *The Abortion Question: A Non-Sectarian Approach,* 11 The Catholic Lawyer 316 at 317, 318, Autumn, 1965, as personal communication from Dr. Ratner. See also, The Bishops of Illinois, *A Statement on Abortion* March 20, 1969, 15 The Catholic Lawyer, 259 at 260, Summer, 1969.

[9] Granfield, *op. cit. supra,* footnote 1, at 19.

[10] *Idem* at 25.

[11] *Ibid.*

[12] *Idem* at 34.

[13] *Idem* at 32.

[14] Noonan, *Amendment of the Abortion Law: Relevant Data and Judicial Opinion,* 15 The Catholic Lawyer 124 at 126, Spring 1969.

[15] *Abortion Legislation and the Establishment Clause,* 15 The Catholic Lawyer 108 at 120, Spring, 1969.

[16] *Note: The Current Trend to Liberalize Abortion Laws—An Analysis and Criticism,* 10 The Catholic Lawyer 161 at 170–171, Spring, 1964.

[17] Kelly, Medico-Legal Problems, pt. 3 at 9 (1951), cited in footnote 108 to *The Current Trend to Liberalize Abortion Laws—An analysis and Criticism,* 10 The Catholic Lawyer 161 at 171.

[18] *Note: The Current Trend to Liberalize Abortion Laws—An Analysis and Criticism, op. cit. supra,* footnote 16.

[19] Byrn, *The Abortion Question: A Non-Sectarian Approach, op. cit. supra,* footnote 8, at 318, quoting from Eastman, *Obstetrical Foreword* to Rosen, Therapeutic Abortion at xix (1954), (note 17).

[20] *Ibid.* note 19, citing Murdock, *Experiments in a Psychiatric Hospital* in Rosen, *Therapeutic Abortion* 203 (1954).

[21] *Is Therapeutic Abortion Scientifically Justified?* 19 Linacre Q., 24 (1952), cited in Note 75, pt. 167 of: *Note: The Current Trend to Liberalize Abortion Laws—An Analysis and Criticism, op. cit. supra,* footnote 8.

[22] *Neuropsychiatric Indications for Therapeutic Abortion,* 1 Am. Pract. 1969 (1950), cited in note 80 at 168 of *Note: The Current Trend to Liberalize Abortion Laws—An Analysis and Criticism, op. cit. supra,* footnote 8.

[23] Gebhard, Pomeroy, Martin and Christenson, *Pregnancy, Birth, and Abortion* 205 at 219 (1958) cited in note 85 at 186 of *Note: The Current Trend to Liberalize Abortion Laws—An Analysis and Criticism.*

[24] *The Abortion Decision* 77 (1969)

[25] *Idem* 104.

[26] *Idem* 105.

DR. BRENDAN F. BROWN, VITA

Dr. Brendan F. Brown has been Professor of Law in New Orleans at Loyola University School of Law since 1954. Previously, he had been Dean for twelve years at the Law School of the Catholic University of America in Washington, D.C. He received the A.B. and LL.B. degrees from Creighton University, and the J.U.D. degree from the Catholic University of America, and in 1932, he was awarded a doctorate in the Philosophy of Law by Oxford University in England. He is an international exponent of Natural Law philosophy, which he has implemented in several books and scores of articles. Among his many publications is the *Natural Law Reader.*

THE NATURAL LAW INSTITUTE

The Saint Thomas More Law Club of the Loyola University School of Law was established in 1935. It began an annual series of Natural Law Institutes in 1958. The purpose of these Institutes has been to provide a forum of discussion of how the Natural Law philosophy relates to the solution of contemporary problems of justice.

Traditionally, the Institute has been a forum in which representatives of the various schools of legal philosophy discuss topics of current interest. Two of the four panelists approach the solution of the problem from the point of view of Natural Law. The other two panelists apply different types of legal philosophy. The panelists who participate in the institute are invited because of their special qualifications and interest in the topic.

Dr. Brendan F. Brown has participated in all the programs of the Institute, either as a moderator or panelist.

THE CAMPUS CONFRONTATION

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Thursday, June 25, 1970

Mr. TALMADGE. Mr. President, the May issue of the Atlanta Economic Review contains an article entitled "The Campus Confrontation" that thoughtfully deals with student thinking and activities today on the Nation's college and university campuses.

The author of the article, Willys R. Knight, director, bureau of economic research, Georgia State University, poses the question:

> Is there a group of our nation's students and faculty members who believe themselves to be an elite due special privileges and dispensations?

I found Dr. Knight's article interesting and thought provoking. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Is Elitism the Real Danger?

(By Willys R. Knight)

Some time, and preferably now, this whole question has to be brought out into the open: Is there a group of our nation's students and faculty members who believe themselves to be an elite due special privileges and dispensations?

Does such a group think it can never be wrong, and that nobody else can ever be right?

Is it contemptuous of the viewpoint of the undoubted majority, which moves much more slowly but surely and steadily—and democratically!—towards desired change?

And is the elite too arrogant?

Those of us with more reason than rage (and that includes countless sincere but peaceful demonstrators) recognize that we are at another frontier in 1970. The widespread uncertainty in our people, epitomized in the wave of campus upheaval, is the mood which precedes significant social change.

It is not possible to predict what the change will be, but we may be sure that economics and business will be affected. The conduct of economic affairs is such a large part of our total society that it must be affected whenever the total culture undergoes change.

Sometimes a nation—or indeed a whole series of nations—can arrive at a new frontier without realizing it. Only later, when we take stock, does it dawn upon us that the boundary has been crossed, that no return is possible.

So it was shortly before 1930 when credit in Central Europe collapsed, share prices on the New York Exchange tumbled, world trade became confused, private investment shrank, unemployment lines formed. There was turmoil, political upheaval, talk of revolution.

In the 1940s, looking back one found New Deal type governments had taken over all countries in the Western World, ushering in the new age, that of the Welfare State.

The changes, for better or for worse, were wrought by the will of all the people. And no one needs reminding how little dissent, peaceful or otherwise, would be possible today if the elitists of *that* time had had their victory.

Destructive, baffling, and dangerous as they are, the violent campus upheavals of this day are uncovering some new weeds in university gardens that have been hidden from view too long. A major undertaking for the 1970s will be to understand their structure, means of nourishment and propagation.

Early investigations suggest four important features of these weeds:

1. They have sprung up worldwide, simultaneously, despite widely differing soils;
2. Their root systems extend far out drawing nourishment from both within and without the campus;
3. They can be found in gardens outside of universities;
4. Early efforts to control them were ineffective because they have unusually deceptive characteristics.

Important headway has been made in the last year in becoming aware that we are dealing with a complex phenomenon which will require inquiries in depth.

The necessary research cannot be performed in a year or two. Time is a necessary element in this kind of study because the phenomenon reveals surprising new phases from one year to the next. It may take five years before we can be quite sure what it is that we are beholding.

Our understandings in 1980 will be quite different than those we form now—*but we must make a start, to try to understand.*

And the words, not only of the articulate but frustrated and inexperienced young, but of the acknowledged great and controversial thinkers of the day, must be taken at much more than their face value.

Recent lecturers of note, participating in the Lyceum Series here at Georgia State University, have inevitably discussed the phenomenon. Earlier this month, Arthur M. Schlesinger, Jr., Historian and former special assistant to President Kennedy, pointed out clearly and properly that the spreading antagonism of the young must be viewed in terms of its international dimensions. Viewed this way, easy generalizations arising from the American experience will not hold water.

An international perspective undermines notions dear to elders, such as "the Dr. Spock generation" of permissive child rearing, and "children of affluence."

Equally, it renders anaemic a view cherished by the under-thirties, namely that the basic root of our bitter differences is the military draft which sends one segment of our people to a futile, "immoral" war in Viet Nam. The fact is that the widespread antagonism of the young for their various societies is found where there is *not* affluence or permissive child rearing or *any* Viet Nam involvement.

If these "reasons" for the alienation of the young are put aside, what is left? Is it something which a vocal and arrogant minority—a self appointed elite, in fact—has been able to sell to a wider youth audience in each nation? Schlesinger is one who does not think so, and warns against adopting such a view. He particularly stressed that a society must not assume an attitude of disgust for its young.

He went on to enumerate and discuss the following points as basic to the alienation phenomenon:

1. Instability in modes of living arising from the stimulus of vast new horizons opened by jet airplanes and television;
2. As instability in life-style increases (usually caused by contact with other cultures), the gap between parents and children expands;
3. The emergence of huge organizations (both public and private) possessing internal power and logic of their own, which require "organization" men;
4. Technology itself (especially television and the computer);
5. The world population boom;
6. A moral revolution, ill-defined but real.

Professor Schlesinger credited General de Gaulle as having defined the problem most succinctly: Modern society, characterized by technology and consumerism, does not offer a sense of idealism which young people require; and we must make the young real participants in the various agencies which make fundamental decisions.

What about the New Left, and its attack on the older "liberalism"? That the New Left has hold of some truth cannot be denied, yet Schlesinger disagreed strongly with a number of their views and tactics. Further, he warned that if the fabric of society is threatened, as many of them clearly intend, the result will not be the takeover which they desire, but rather a reaction in which the Right will emerge wholly triumphant. Also, he said, it is merely wishful thinking to believe that big organizations can be removed from modern life.

Since the demolishing of a "corrupt" society, as the New Left preaches, is not a feasible alternative, Schlesinger arrived at the "essential proposition of our time," namely, the necessity of bringing alienated groups into the mainstream of participation and decision-making.

Just how this is to be done he did not elaborate. However, his answers in response to student questions indicated that his chief device would be political activism of the older "liberal" sort.

Two days before Dr. Schlesinger spoke, in another Lyceum speech at Georgia State University Professor John Kenneth Galbraith related the alienation of students to the present economic and social order as he sees it: that is, large bureaucracies in government and in private industry, having a powerful logic of their own and inevitably seeking to preserve themselves and to accomplish related goals, making their own basic decisions without the participation of the broad public.

This is not the action of wicked or selfish men, nor is it a feature of capitalism—rather, it is the inevitable development as a society ascends the scale of economic sophistication.

The main point is, however, that the alienation and helplessness which students feel, is a perception of reality, not an illusion, nor a half-baked reaction of children raised under affluent conditions.

In view of his general analysis, it seemed surprising that he did not urge students to aim for positions of leadership in the big organizations because that is "where the action is." Rather, his advice to students seemed to indicate a belief that political activism is the chief avenue of hope; specifically, he advised that they exert themselves to remove certain powerful southern Senators and Congressmen from office.

I want to make these comments on the two speeches.

Both men were remarkably unbiased in their prepared presentations—and both added luster in the finest tradition of universities.

However, in response to audience questions, which were usually related to the Viet Nam war and not often to the issues discussed in the prepared papers, these excellent men revealed other viewpoints. Because their actions and writings are frequently covered in the nation's news media, these viewpoints were generally known by the audience. Being true to themselves, they could not but respond in ways which to others, like myself, seemed biased.

And, once more, a suggestion of elitism comes to mind.

I had the distinct feeling both Professor Galbraith and Schlesinger were speaking to college students as if they were an elite body. Although neither man flattered them in any overt way, nor was any reference made to any elite quality (like superior intelligence or destiny for leadership), yet an implication remained all the same.

Both had a slight messianic aura, a quality qualifying them, *and* the college students (with whom they have much rapport) to lead America along a true highway. Political activism (in the Democratic Party and with a bow each morning toward Hyannisport) was assumed to be the most fruitful avenue for making the world better.

The failure of either to stress the obvious—Get a piece of the action; become a professional manager! Make big organizations serve the public interest better—is a matter to be pondered.

Other (and widely different) interpretations of campus tumult were made recently by two noted educators, at the annual convention of the American Newspaper Publishers Association. One view was presented by S. I. Hayakawa, President of San Francisco State College: "There is something very pernicious about liberal arts education."

He claimed that many liberal arts students are tinged with an "aristocratic elitist bent" and inclined toward a profound contempt for democracy. Implicit in their positions is a belief, never stated openly by either themselves or their teachers, of being educated-to-rule.

This might explain their apparent sense of moral and intellectual superiority and their unwillingness to participate actively in existing institutions unless revolutionized to meet their notions of the moment.

On the other hand, Kingman Brewster, Jr., President of Yale, called for greater sympathy and acceptance of student dissenters. He viewed them as "potentially destructive critics, skeptics and heretics" who, unless given the assurance of acceptance, would "join the ranks of those enraged destructivists who would tear down the system."

Brewster said that "most students are smart enough to know there are no easy answers, but they would like their elders to admit the questions are real."

President Brewster did not discuss the question of an alleged elite group (or an elite group of New England colleges and universities), but the great respect which he displayed for the potential of these students suggests an implicit elitism.

The whole question really has to be brought out into the open. And this must be faced too: Are the social and political views of students majoring in sociology and anthropology at Yale more significant than those of a student majoring in chemical engineering or management at the University of Wisconsin? Or in some branch of technology at Southern Tech?

Is there any evidence that professors in sociology or literature at Yale impart greater wisdom for the conduct of American statecraft than do members of the engineering faculty at Cal Tech?

There is no evidence that liberal arts students have better values or greater general wisdom for the conduct of society than have those from professional schools.

Now I turn to some very significant insights into the problem through the eyes of a Briton. They appeared in a recent *Atlanta Economic Review* article by a British professor, Archie Donald, head of the department of professional and business studies at Southeast London Technical College ("How I found the Strong Unsmiling System," April issue).

Professor Donald highlights factors which have seemingly escaped our attention, namely the difference between full-time and part-time college students. His views arise from the situation in England, but they are relevant to the U.S. scene as well.

Having jobs and career plans, part-time students, he says, reveal a commitment to existing society. They want to progress in their chosen occupations, enrolling generally in programs having some relation to their careers.

Of full-time students, he wrote: "Having no paid permanent job, they are unintegrated and therefore liable to be uncommitted to existing society. Many are taught and some absorb the academic game of 'criticism,' and I am doubtful whether this can be applied in the mass education of society." Generally, these students attend a university on government grants studying philosophical, historical, literary, and speculative subjects. ". . . As the balance of full-time courses in technical Colleges increases, so the uncommitted element increases and some disruptive tendencies may occur. In my own situation in a Technical College of 10,000 students, with 2,000 full-time students, I am conscious of this pull between the aims of different groups of students."

The English professor goes on to raise a basic question which colleges and universities in the Western World have not been willing to confront to date: "I find myself reflecting on what percentage of innovative and disruptive elements a given society can absorb, and I feel to teach academic criticism of a discipline may well be best suited to the education of an elite. This is a key question in education. . . . Traditionally, all industrial societies of the present have trained an elite to lead them and probably only a fraction of this elite was a progressive element. Are such teaching methods transferable to mass education? What percentage of innovation and disruption can an ongoing society absorb? Little research appears to have been done either in the U.K. or U.S.A. on this subject, it being taken for granted that a society can absorb just as much innovation and disruption as it is able to produce either internally or externally. I am not against some measure of innovation and disruption. I merely wonder as a businessman, educationalist, and accountant why we have chosen to unleash forces of large-scale technical innovation, disruption to social values, and questioning of moral values without doing any research on the amount or rate of change at which a society can absorb them."

Last year Prof. Donald traveled 11,000 miles throughout the U.S. visiting 36 universities and colleges. His observations on the unrest of the U.S. college students deserve our close attention:

I listed and counted up at least eight distinct and somewhat conflicting strands of the students' disenchantment with the existing state of society's affairs and with education. But all these points, in my estimation, add up to a single plea, *a concern for the quality of life.*

There was an appreciation of the shrinking of a vast land to manageable proportions and a sensitivity of the approaching need for a change in society's direction and the need to get together—regardless—and work out solutions to problems as a group rather than sitting on his own doorstep with a rifle across his knees.

Youth, for those few short years before being completely absorbed into the existing system, act as the nation's conscience, and through their protests—often confused and often conflicting—draw attention to the problems of the near future when they exhibit a growing concern for the quality of life.

Our economics and our accounting systems are all at present geared to measuring quantity: volume of sales; marginal costing which shows us that unit costs decrease as volume of production increases. Nothing wrong with that! The whole of our present day life is based on such well-known precepts. The criticism is that double-entry bookkeeping, even cost/benefit analysis, has not enough dimensions to keep account of the quality of daily life . . . and as an accountant myself I accept the criticism.

To combat this situation, I found in my travels a strong subculture of personal friendly contact; but always behind, *the strong unsmiling system* that occasionally breaks through and certainly cannot be influenced or beaten by the student or man-in-the-street.

Our problem becomes a paradox:

Growing cities need a firmer technological grasp on their expansion so that they remain liveable in; and

Daily lives need a gentler touch to give back the quality to life.

Our educational problem is to relate these two aspects within the same person; for unless it is the same person who carries out both these functions, then there will be some form of dictatorship.

Let us assume that Professor Donald's insights are basically true (I happen to believe they are). The implications are deeply disturbing because the questions which are basic have been virtually untouched in all the demonstrations, rallies, manifestoes, etc., to date.

Note that Professor Donald, like Hayakawa would draw our attention to the problem of an elite group—intellectuals trained to be critical of society and imbued with a great sense of importance, indignant of others who fail to appreciate their wisdom and hunger for leadership.

Socrates is a great hero of university professors because he chose to take the hemlock rather than relent for one moment from "shaking the tree." To a large degree, in academe professors make their individual reputations by challenging the conventional wisdom in their particular areas of study. Also, some research has shown that they tend to have "permissive" personalties (at odds with "authority"). This helps to explain why they are constant critics of society, which in any time or place is always "conformist" and in many instances funny or even ridiculous.

But shaking the tree of our society is a far cry from chopping it down.

Let us face now the peril of an elite who think their views are so important that they are entitled to unusual privileges—like committing acts of violence in the expectation that countermeasures should not and will *not* follow.

Specifically, that they can burn campus buildings, break windows, burn banks, insult other people (but show shock if the reverse should occur), and demand that they "be heard" (*and obeyed*).

Is America rotten if it fails to accept their views and policies?

Whether the right word is "elite," there is a peculiar subculture phenomenon involved which deserves most careful study. It is bound to raise most serious questions of educational policy and practices.

Of this we can be sure, whatever the real forces are, they go far beyond the demand "to be heard."

RESOURCE RECOVERY ACT OF 1970

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. BINGHAM. Mr. Speaker, I was unavoidably absent during the House consideration yesterday of the Resource Recovery Act of 1970—H.R. 11833. I am pleased that this important legislation passed the House without a single dissenting vote, and had I been present I would have voted for it.

I am very much concerned with the need to take creative steps immediately to get at the sources of environmental pollution. Solid wastes pose a particularly acute problem in the fight to save our environment, and I feel strongly that we must take action to encourage the recycling of the thousands of solid wastes modern societies produce. Simply dumping these wastes in open areas, which we have done with most of them for so long, is no solution—it is part of the problem. The research, development, and demonstration projects on solid waste disposal, recovery, and reuse authorized by H.R. 11833 constitute a valuable intensification of our attack on this serious problem.

I certainly intend to press for appropriation of the full amount of funds authorized by this legislation, and I want to commend the Committee on Interstate and Foreign Commerce for reporting it to the House.

AGRICULTURAL LEGISLATION

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. CONTE. Mr. Speaker, I want to call to the attention of my colleagues an excellent article on the present status of farm legislation, written by Mr. Jamie Heard of the National Journal in its June 20, 1970, issue.

After providing the background which explains the present logjam in the committee, Mr. Heard expresses his judgment that my amendment to limit farm subsidies to $10,000 per crop for each producer "will almost certainly pass." This is also my own feeling.

I think it is particularly instructive to note Mr. Heard's analysis of the situation in the other body. Although in the past the Senate has failed to accept my amendments, Mr. Heard notes that, based on last year's Senate votes and recent developments, there are now at least 45 Senators we can expect to support a rigorous ceiling. With this solid base of support I am confident that this year we will succeed in putting an end to these scandalously huge payments.

I hope my colleagues will also note Mr. Heard's comments about comprehensive food stamp legislation which has been languishing in the House Agricultural Committee. Mr. Heard suggests that this unjustified delay—a tactical device designed to secure urban support for a farm bill—might not work, indeed "could even lose votes."

I have repeatedly called for the prompt reporting of food stamp legislation. This administration has done a tremendous job in expanding the program under existing legislation. The time has come for this body to accept its responsibility and provide the tools to complete the job of eliminating hunger and malnutrition in this land of plenty. The article follows:

Agriculture Report: Upset of Farm Price Support Legislation Could Lead to Less Income, Big Surpluses

The Administration's year-long effort to win congressional and farm group approval for new farm legislation has reached an impasse.

In a surprise move, the House Agriculture Committee on June 2 overrode the objections of its own leadership, and adopted wheat and feed grains support proposals backed by farm organizations but opposed by the Administration.

Unless repaired, the division between committee and Administration could delay passage—something neither wants. Both the department and the committee leadership agree on the need for consensus before taking a bill to the House floor, where new farm legislation faces further trouble over the politically sensitive issue of windfalls for large farmers.

Without new legislation to replace the 1965 agricultural act, which expires Dec. 31, the Agriculture Department will be forced to fall back on pre-1965 legislation. This could depress farm income, trigger excess production and fill government warehouses with surplus commodities.

Committee action: For nearly a year, Agriculture Secretary Clifford M. Hardin and his principal assistants have been meeting with the committee. They have agreed on new wool and dairy legislation; the June 2 vote on wheat, feed grains and cotton was to have been the last major committee action before reporting a bill. The committee was expected to approve a program Hardin and the committee leadership had developed.

The committee instead dealt a blow to the department and to committee chairman W. R. Poage, D-Tex., the man who took primary responsibility for developing a workable consensus on the new legislation. By a 17–14 record vote on a motion offered by Rep. Thomas S. Foley, D-Wash., the committee substituted a wheat and feed grains plan known as committee print No. 4 for the Administration-backed plan, known as committee print No. 7. The committee did not vote on cotton provisions.

Reversal—The livestock and feed grains subcommittee had approved print No. 4 on Feb. 24 for full committee action; but after Hardin informed Poage and Rep. Page Belcher, R-Okla., the ranking minority member on the committee, that this was unacceptable to the Administration, the subcommittee reversed itself on April 8. Poage and Belcher, who are ex officio voting members of all subcommittees, provided the margin which sent print No. 7 to the full committee instead of print No. 4.

The full committee's June 2 action reaffirmed the subcommittee's initial approval of print No. 4.

Committee print No. 7—The Administration-backed proposal guarantees 100 per cent of parity for the 48 per cent of wheat produced for domestic consumption. Parity, a complex formula designed to assure farmers an income comparable to income individuals receive in the non-farm sector of the economy, is now $2.81 a bushel for wheat.

The department originally wanted to sever the relationship between parity and price supports, and to support wheat and other crops at a fixed level for the next three years. But bowing to committee and farm group sentiment, it decided to retain parity for domestic wheat. This approach would allow wheat support payments to rise because, as farm costs increase every year, so does the parity figure.

For feed grains, however, the department opposed continuing price supports pegged to parity. Instead, it agreed to support 50 per cent of the base corn acreage at $1.35 a bushel, which is 75 per cent of current parity. It also agreed that the payment will be not less than 32 cents a bushel on the 50 per cent.

Committee print No. 4—For wheat, the major difference between print No. 4 and print No. 7 is that the former guarantees a minimum "blend price" or average price of $1.84 a bushel for 208 per cent of the domestic allotment. This, in effect, gives wheat farmers a guaranteed minimum price for their entire crop.

Another difference is that committee print No. 4 sets the payment for domestic wheat as the difference between the loan rate and 100 per cent of parity, whereas committee print No. 7 sets the payment as the difference between the market price and parity. (Commodity Credit Corporation loan rate is the price which CCC will pay a farmer for wheat and feed grains if he cannot sell his crop on the commercial market for more than the loan rate. The loan rate is set by the Secretary.)

Since the market price is always higher than the loan rate, the payment under print No. 4 would be higher. For example, with parity at $2.81, the loan rate at $1.10 and the market price at $1.15, the payment would be 5 cents higher under committee print No. 4.

The feed grains section of committee print No. 4 also places an income floor under feed grains by setting the support level for 80 per cent of the base corn acreage at 65 per cent of parity. Most committee members who voted for print No. 4 did so because it linked feed grains supports to parity, a cherished concept among most farmers. But as it turns out, the Administration's proposal provides more support: supporting 50 per cent of the base acreage at $1.35 a bushel is the same as supporting 80 per cent of the base acreage at $1.23 a bushel. With corn parity now at $1.77 a bushel, the comparable figure for 80 per cent of the base acreage under committee print No. 4 would be $1.15 a bushel. And, because the Administration plan would guarantee a minimum payment of 32 cents a bushel (committee print No. 4 does not), as soon as the market price rose above $1.03 a bushel, the spread would be even greater.

Comparison—Despite the June 2 vote, the split between the committee and the department is not great. Hardin has promised to put the same amount of money into wheat, feed grains and cotton support programs for the next three years as is currently being spent. This comes to approximately $840 million a year for cotton, $850 million a year for wheat and $1.5 billion a year for feed grains.

The differences are mainly over how to deliver program benefits. As one committee source put it, they are "more of shading and nuance than of hard substance."

Both committee prints give Hardin the two major features he has insisted new farm legislation contain. They authorize him to institute a mandatory acreage "set-aside" to retire excess farm land from production. They also authorize him to set loan rates for wheat and feed grains between 0 and 90 per cent of parity.

Hardin and his principal economic adviser, Donald A. Paarlberg, director of agricultural economics, contend that lowering the loan rates will give U.S. farmers a larger share of the world market by encouraging them to sell there rather than to the CCC. This also would save the CCC money, since it would be handling less of the total crop.

Farm group: Farm groups consider the committee's maneuverings to be a critical stage in developing new farm legislation. The House or Senate may vote new farm legislation up or down, but the odds are that whatever new legislation is adopted will be the product of negotiations between the department and the House and Senate agriculture committees.

A likely exception, however, is the issue of farm subsidies; floor amendments will be offered in both the House and the Senate to set them lower than the Administration has proposed.

Farm coalition—With the exception of the American Farm Bureau Federation—which favors massive land retirement and phasing out of price supports and payments—all major farm groups have banded together to form an ad hoc farm coalition. Led by Fred Heinkel, president of Midcontinental Farmers Association, the coalition consists of 33 farm organizations representing all sections of the country and every major commodity.

The coalition favors retention of high price support loans tied to parity, and increased payments for wheat and feed grains.

The group has strong support on the House Agriculture Committee. Rep. Graham Purcell, D-Tex., chairman of the livestock and feed grains subcommittee, which drafted committee print No. 4, is an outspoken sup-

XUM

porter. The coalition's influence is reflected in the June 2 vote: 7 of 14 Republicans on the House Agriculture Committee deserted the Administration and voted for committee print No. 4, which the coalition favors over the Administration's print No. 7.

That victory does not represent the end of the coalition's efforts for higher supports. In a June 2 statement, Heinkel called the vote "a long step toward the objectives set by the coalition to bring needed additional income into the farm economy." Yet he termed print No. 4 only "a compromise between what the Nixon Administration wants and what we believe is necessary."

Even its staunchest supporters on the House Agriculture Committee, however, are not talking about giving the farm coalition additional concessions. Foley and Purcell talk only in terms of convincing Poage and the Administration to back committee print No. 4.

The coalition has more support in the Senate. Anti-farm sentiment there has not been as strong as in the House; and Senate Agriculture and Forestry Committee Chairman Allen J. Ellender, D-La., is sympathetic to the coalition's point of view.

Farm Bureau—At its June 11 regular quarterly meeting in Chicago, the Farm Bureau's board of directors announced its "vigorous opposition" to both proposals. It termed the two schemes "camouflaged extension(s) of the discredited, ineffective, and expensive" 1965 act. As it has done repeatedly in the past, the Farm Bureau called for a return to a competitive marketing system free of payments, acreage allotments and other government controls.

Although the Farm Bureau is the largest farm organization in the nation (1.8 million farm families), its proposals are viewed by House, Senate and Administration farm policy makers as too drastic a departure from current policy.

Subsidies: The biggest battle over the farm bill is yet to come: the annual effort to put a ceiling on farm subsidies.

For the last two years, the House has passed a $20,000-per-farm subsidy ceiling. The margin was 70 votes in 1968 and 82 votes in 1969. But each time the Senate declined to accept the limitation, and the ceiling was dropped in conference.

This year, the department and the House and Senate Agriculture Committees have agreed that a limitation is needed if new farm legislation is to pass.

Hardin proposal—Hardin has proposed a limitation of $110,000 per major crop (wheat, feed grains, cotton) for each producer. The House Agriculture Committee has not yet voted on the subsidy question, but Poage and other committee members have agreed that some sort of limitation is necessary.

However, skirmishing already has begun over a proposal to set the limit at a much lower level. Rep. Paul Findley, R-Ill., a leading subsidy opponent, introduced an amendment to the fiscal 1971 agricultural appropriations bill (HR 17923) June 9 to limit direct payments to $20,000 a farm for each major commodity. Findley's amendment was rejected by voice vote—but only because most House members prefer to write the limitation into the farm bill rather than attach it to an appropriations measure.

Conte amendment—The real test will come when the farm bill reaches the House floor. Then, Rep. Silvio O. Conte, R-Mass., another leading subsidy critic, will offer an amendment to limit the payments to $10,000 a farm for each of the major commodities.

Given the wide margin by which ceiling amendments have passed the House the last two years and also given that this is an election year, the House will almost certainly pass Conte's amendment.

Senate action—The Senate drive this year to make the House action stick is much better organized than in the past. Sens. Birch E. Bayh, D-Ind., and Charles E. Goodell, R-N.Y., are spearheading an effort to impose the same $10,000 ceiling. Bayh and Goodell maintain their amendment will save $338 million a year. They say Hardin's will save only $53 million.

There is wide support in the Senate for some kind of ceiling. Last year 34 Senators voted for a $20,000-per-farm limitation sponsored by Sen. John J. Williams, R-Del. Seven Senators who did not vote on that measure announced themselves in favor of it. Three additional Senators who did not vote for Williams' amendment voted for a $10,000 ceiling proposed by Goodell. And Sen. Ralph T. Smith, R-Ill., appointed to fill the unexpired term of the late Sen. Everett M. Dirksen, has announced he favors a $20,000 ceiling. This comes to 45 senators who have voted for or otherwise approved of a limitation of either $10,000 or $20,000.

Food stamps: The other important issue to be resolved when the farm bill reaches the House floor or shortly thereafter is reform of the food stamp program. Last Sept. 24 the Senate passed a comprehensive food stamp reform bill (S 2547), sponsored by Sen. George McGovern, D-S.D., and other members of the Senate Select Committee on Nutrition and Human Needs.

Poage has refused to report the bill out of committee.

In years past, the committee chairman has traded food stamp concessions for badly needed urban votes for farm legislation. Poage may resort to this strategy again this year. But—compared to the McGovern bill—the food stamp proposal he and the committee have formulated is so unattractive to most Members who favor fundamental food stamp reform that it is unlikely to win more than a handful of votes for the farm program. It could even lose votes.

The McGovern bill authorizes free food stamps for the very poor, sets national eligibility standards, requires that the poor pay no more than 25 per cent of their income for food stamps and allows self-certification by affidavit instead of the lengthy investigations that often take place now.

Poage's bill makes few changes in benefits, provides for no free stamps and requires states to pay 10 per cent of costs or drop out of the program. It requires the unemployed to be willing to take jobs available through state employment offices in order to qualify for food stamps; and it disqualifies students for food stamps.

Whether Poage decides to bring the food stamp bill out of committee with the farm bill or after, anti-hunger lobbyists, together with their allies in the House, will try to amend it to make it as similar to the McGovern bill as possible.

Outlook: The committee has not yet resumed deliberations to report out a farm bill, nor has it resumed negotiations with the department. In the words of one committee source: "Poage has scheduled other things and has taken the position (towards the committee majority), 'If you don't want a farm bill, that's all right.' "

After the June 2 vote, Hardin issued a statement expressing his disappointment, but said he hoped a compromise still could be worked out.

If agreement is not reached and a new farm bill is not passed, the department will go back to pre-1965 legislation. The likely result would be lower farm income and excessive production: The older legislation does not provide for direct payments and it lacks strict production controls.

Hardin told the Senate Agriculture and Forestry Committee March 3 that if new legislation is not adopted, feed grains production next year would outrun use by 20 million to 40 million tons; cotton production would exceed use by 6 million bales, and wheat production could exceed use by as much as 300 million bushels. He estimated that farm income could fall as much as $1.3 billion next year without new legislation.

Already the department is preparing for a wheat marketing quota referendum, which must be held by Aug. 1 if new legislation is not passed. Wheat farmers voted down quotas by a 2–1 margin in 1963, the last time a referendum was held.

CAPTIVES FOR 30 YEARS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. DULSKI. Mr. Speaker, it now has been more than 30 years since the Soviets invaded and occupied Lithuania, Latvia, and Estonia.

It was in June 1940 that the Soviets invaded the Baltic States, and the brave Baltic peoples have been suffering since under the burden of Russian Communist slavery.

These three peoples have been victims all these centuries of the accident of geography which placed them between the Russians and the Germans. They are ethnically related to neither.

After the Nazis and Soviets smashed Poland in September 1939, the Kremlin moved troops into the Baltic republics and annexed them in June 1940. So-called elections were held under Red army guns and the Kremlin then claimed that Lithuania, Latvia, and Estonia voted for inclusion in the Soviet empire.

This was the start of one of the most brutal occupations of all time. Hundreds of thousands of Balts were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic or Siberia.

Since June 15, 1940, these three nations have lost more than one-fourth of their entire population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Despite Soviet Russian occupation the Balts have waged an intensive fight for freedom. During the period between 1940 and 1952 alone, some 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders.

The cessation of armed guerrilla warfare in 1952 did not spell the end of the Baltic resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

The case of the Baltic States is not a question about the rights of self-rule of Lithuania, Latvia, and Estonia, since this is established beyond any reasonable doubt. The question is how to stop the Soviet crime and restore the freedom and independence of these countries.

At a time when the Western powers have granted freedom and independence to many nations in Africa, Asia, and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia, and Estonia.

Congress took a step in the right direction in 1966 by adopting House Concurrent Resolution 416 that calls for freedom for Lithuania, Latvia, and Estonia. All freedom-loving Americans should urge the President to implement this legislation by bringing the issue of the liberation of the Baltic States to the United Nations.

Mr. Speaker, for reference, following is the text of House Concurrent Resolution 416:

CONCURRENT RESOLUTION

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effect to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (*the Senate concurring*), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

A TOP SPELLER

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. BRAY. Mr. Speaker, it is indeed heartening to see a revival of interest in this country in spelling contests among students. The following editorial from the June 6, 1967, Indianapolis News, pays deserved tribute to an Indianapolis champion, Terry McCarthy:

A TOP SPELLER

We venture an opinion that not many people could have advanced as far as Terry McCarthy did in a contest in Washington, D.C.

The youngster from St. Lawrence Catholic School here spelled "polyglot," "noblesse," "jingoist," "superannuate" and "harrier," as well as other tough words, before he slipped up on the comparatively simple "homburg."

Terry was in a national spelling bee, representing a 24-county area in Central Indiana. He had spelled down entrants from 445 schools to win the trip to Washington and the right to compete against other winning spellers from all parts of the nation.

His visit to Washington, on which he was accompanied by his mother, Mrs. Fred McCarthy, 4513 Edmondson, was the climax of the annual spelling bee which is sponsored in this area by The News. It is a revival of an old-time event that meant much to school children in early days in Indiana.

In recent years the spelling bee has attracted increasing interest and spectators have found it to be exciting. They have cheered, just as in an athletic contest when a contestant has completed his performance successfully.

An ability to spell correctly is as important an asset in modern life as it was in pioneer days. If the spelling bees sponsored by The News have helped to stimulate an interest in spelling, they are worthwhile.

Terry McCarthy has already found that knowing how to spell is helpful. It won him his first flight on a jet plane, a visit to the nation's capital and at least $50 in prize money. We congratulate him on his championship.

WASTE AWAY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. DINGELL. Mr. Speaker, I insert in the CONGRESSIONAL RECORD an excellent discussion by Russell McKee on the problems of solid waste disposal. The article entitled "Waste Away" appeared in the Michigan Natural Resources publication of May–June 1970:

WASTE AWAY

(By Russell McKee)

If you own a hole in the ground, don't throw it away—you have a valuable piece of property. And the bigger the hole, the more value it has. Holes these days are hard to find, most having been filled in recent years with garbage and litter from nearby communities. As a matter of fact, because of new laws, holes in the ground are now in demand more than ever before. Here's why:

Open burning at municipal dumps is coming to an end because of air pollution control laws—both state and federal—that have been passed in the last few years. That means the enormous quantities of paper, trash, bottles, cans, and other garbage constantly being produced by our society can no longer be reduced in bulk through burning. It means that we are now filling more holes faster, and that the search for new disposal areas will be intensified in the years ahead. Also, laws controlling water pollution require burial of all garbage and trash in locations where it will not contaminate ground water supplies. That means many lowlands and marshes formerly scheduled as dumping grounds will now be spared that fate. Instead, deep holes located where contact with ground water can be kept to a minimum are now the prime targets for solid waste disposal areas. There, all the cast-off material of our rich society can be herded together and covered with dirt in what is euphemistically called a sanitary landfill. That phrase does not mean that the material is sanitary, merely that the surrounding air, land and water will remain more or less uncontaminated after the material is buried.

On the other hand, if you have a hill, that too is valuable, and can with diligence and large amounts of garbage be changed from an ordinary Michigan hill into a modestly large mountain, useful for skiing, tobogganing, and sledding. Riverview, Michigan, is creating just such a winter sports area out of waste material.

Elsewhere around Michigan, however, solid waste disposal is more a problem than an opportunity. Many local dumps have had to close because costs of operating a sanitary landfill are too high. It was one thing to have one man stationed at a dump to collect fees and set fire to the trash that accumulated each day; it is quite another to keep a bulldozer operating, to import dirt by trucks, and to engineer the operation in such a way that pollution and health hazards are prevented.

"We used to run the Meridian township dump for about $2000 per year," said Robert Robinson, former supervisor of the Ingham county township, at East Lansing. "But last year it cost the taxpayers of Meridian $30,000 to operate that dump as a landfill, and it wasn't entirely satisfactory at that." Robinson, who is now director of legislative affairs for the Michigan Townships Association, says that other townships throughout Michigan are experiencing the same rising cost problems.

State Department of Public Health and county health authorities have been enforcing the new pollution control laws with increasing vigor, believing that there has been ample time for local officials to adjust to these laws, most of which were passed in the last three to five years. The impact of such control efforts, however, are just now being felt in the form of new costs for many residents and increased costs for others.

At present, the pattern of waste disposal efforts is varied. However, nearly all waste materials generated in Michigan at this time are being buried. Some open dumps are still operating, some open burning continues illegally, some incinerators are still in use where temperature and smoke emission controls are borderline. But most such operations have been discontinued, others are being closed down, and most waste material is now simply being buried.

The City of Marquette has a fairly typical community program. Superintendent of Public Works James Palmer says that two city trucks make two runs each day to the city-owned landfill southwest of town. There the material is dropped into a hole and covered with sand. A large tractor with caterpillar treads and a front end scoop moves the sand for the fill work. This tractor also flattens junked autos by the simple practice of driving over them. The dump gets 4 to 6 cars per week. The cost of this operation is about $58,000 per year for day-to-day operation, plus equipment. For the 21,000 people of Marquette served by the system, the cost will lie somewhere around $3 per person per year.

At the suburban town of Riverview, southwest of Detroit, enterprising community leaders decided they could solve their own city garbage costs, create recreation, and control community growth in a desirable way through the unique ski hill program mentioned above. They sought, and got, voter approval of a $3.5 million bond program to purchase a total of one square mile of land inside the city, to be used for garbage disposal, school development, parks, and other community purposes. Then they negotiated garbage contracts with nearly 50 neighboring communities, industries, and private collection companies, and with that flow of garbage began to build a recreation area on part of the land. Their ski hill is growing and this fall they will open a 45-foot high sledding and toboggan hill on one part of the area. When completed, the ski hill itself will be 220 feet high and have a 1200-foot downhill run. The money obtained from the garbage contracts is offsetting costs of developing the area, plus adding a small amount to the total project. Jack Shoup, coordinator of special projects for the city, says the program is about two years old, and that it will take about 15 years to complete. The recreation area will include a 30- to 40-acre lake, a 240-acre golf course, and lodge, and the ski and toboggan areas—all built on garbage.

Success of the Riverview project, however, depends on sufficient local population to provide the bulk of garbage and trash necessary for the development, on support for the local bond proposal, and on later heavy use of the ski hill to offset development and operation costs. Outstate, where the population is more scattered, the picture is far different. Van Buren County, for example. There the county board of health and the county department of public works have in recent months had to close down half a dozen local dumps that had been operating in violation of state and federal laws. A few others in the county will be closed soon, or will shift to sanitary landfill operations.

To remove the flood of waste materials which can no longer flow into those dumps, a county wide system of "containerization" will be set up. That is, special garbage containers will be located at several points in the county. Each will hold 40 cubic yards of material. Residents will take their trash to these containers and dump it in. When full, a trucking firm, under contract to the county, will exchange an empty container for the full one, carry off the full one by truck, and dump it at a sanitary landfill in a neighboring county.

"We certainly don't believe this is the end of the problem," says Les Brown, Director of Environmental Health for Van Buren County. "It's only a stopgap. Within three to five years, the nation will be moving rapidly toward recycling and re-use of these waste products. We simply have to. People already resent having landfills near their residences, and anyway we're running out of places to put the stuff."

Fred Kellow, of the Division of Engineering for the Michigan Department of Public Health, agrees with Brown. "I think this is mainly a matter of money," Kellow says. "The people of Michigan are either going to have to pay for waste disposal through local taxes, or through some system of local per-capita use fee. In the past, most local governmental units in Michigan have operated open dumps, where waste materials collected in their community usually have been burned. Of course open dumps and burning are outlawed now, and so those that can afford it have gone to sanitary landfills. Other units of government are going to transfer stations or are banding together to support central county-wide land fills."

Transfer stations, Kellow explained, are locations where 20-yard garbage trucks may dump their loads into 40, 60, and 80 yard containers which can be removed to an outlying landfill on a single large truck. Transfer stations are particularly useful in large cities where space is at a premium and distance to the closest burial site is great.

"The real sting in this entire situation," Kellow notes, "is that people are now being forced to face the fact that control of environmental pollution is going to cost money. In the past, local officials have operated open dumps at low cost. Now they simply can't do this any longer, and the public wonders why.

"The plain unvarnished truth of the matter is that we are going to have to pay more if we want to enjoy a clean environment."

Kellow, however, believes the present direction is only an emergency solution. "We have got to re-use many, if not all, of these waste materials," he says, "and I think we are already moving in that direction. I also think the public will become accustomed to these higher costs as we begin to see improvements in the environment. Our collection techniques will have to be streamlined and improved, but most of all, I think industry will take the lead in moving toward programs that will re-use many if not most of these waste materials. Industrial leaders want to control their own development, and they see restrictive federal legislation coming at them if they fail to make better use of packaging materials and waste products."

Federal legislation already is in the works. Senator Gaylord Nelson of Wisconsin has introduced a bill into Congress designed to establish national standards for all packaging. The bill also would require industries to pay a solid waste fee for product packaging that is not recycled into the economy or is not easily disposable. A fund would be established under the bill to provide local governmental units with money to handle solid waste management programs. Called the Packaging Pollution Control Act of 1970, the bill would direct the secretaries of HEW, and Treasury to set packaging charges that reflect the effect of each type of packaging upon the environment.

Already, a number of recycling experiments are proving interesting. Glass jars and bottles have been crushed and used as a highway paving material called "glassphalt." Garbage has recently been used as one important ingredient in production of writing paper. Old autos are increasingly being chopped up and used in the manufacture of new autos. Aluminum beverage containers can be melted down and reused if collection techniques can be worked out. And of course, waste paper has been used for many years as one component in new paper and cardboard production.

A key difficulty in recycling of such waste materials, however, is collection and separation. Autos cannot be chopped up until motors, transmissions, gas tanks, and tires have been removed. Bottles must be separated from cans, and all hard material must be separated from garbage. Even here, a research technique using a form of upright wind tunnel is being investigated. It works like this: All garbage, bottles, papers, and cans are chopped up into small pieces. This mix is then dumped in the top end of the tube-shaped wind tunnel. At the bottom a powerful blower drives a blast of air against the material as it falls through the tube. Lighter material such as paper is driven out of side doors at one level; heavier garbage is driven out at a lower level; tin cans and glass being heaviest fall closest to the blower before being driven off at lower levels.

It remains to be seen how effective such re-cycling techniques can become, yet most specialists in the waste disposal field are convinced that re-use of materials is the only final solution to the problem. Of course re-cycling will also cut down on the rapid and heavy depletion of critical natural resources, particularly basic metals, and will lead to an entire new philosophy of industrial production.

Waste products have been termed "resources out of place." Getting them back into their proper places looks like a big job, but it also looks as though Michigan—and the nation—will be moving in that direction in the very near future.

ACTION NEEDED ON AIR BAG

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. ROSENTHAL. Mr. Speaker, large numbers of Americans continue to be killed and maimed each year on our Nation's highways. This is an intolerable situation. In an effort to eliminate these senseless deaths and injuries, the Department of Transportation, under the leadership of Secretary John Volpe, has proposed that all new cars sold after January 1, 1973, be equipped with an inflatable occupant restraint system, known as the air bag.

This restraint system, according to auto safety experts, is one of the most effective safety devices ever perfected to protect passengers from injury in automobile accidents. It can, these experts say, save 20,000 Americans each year from highway deaths.

As an expression of support and great interest in this effort, 79 of my colleagues, whose names are listed below, have joined me in writing to Secretary Volpe and National Highway Safety Director Douglas Toms, in support and praise of their work in curbing this needless loss of life.

Our letter follows:

GENTLEMEN: Congress has been gravely concerned with the intolerable toll of deaths and injuries on our Nation's highways. There is strong Congressional support for your proposal, announced in the Federal Register May 7, 1970, to require the automobile industry to equip all cars sold after January 1, 1973 with the inflatable occupant restraint system, popularly known as the air bag.

I am joined by my colleagues listed below, in this expression of interest and concern.

We are informed that your office has studied both the prospects and possible problems associated with the use of the air bag system, and that you have arrived at the following conclusions:

That the air bag system, in its present state of development, has high reliability and will be effective in protecting occupants in most crash situations.

That at least 20,000 lives will be saved annually, when the system is installed in all vehicles in use.

That while the proposed installation timetable places members of the auto industry under considerable pressure to design, produce and test the system in a short period of time, the projected benefits of the system far outweigh these short-term costs to the industry.

In view of these conclusions, any further delay in the effective date of the air bag requirement is without justification. You should stand firmly by your current timetable.

Moreover, we hope that your investigation into the possibilities of retrofitting the system into vehicles sold before January 1, 1973 will point to the feasibility of a requirement that all cars on the road be equipped with the air bag system by 1975 or before.

We appreciate the new vigor you have brought to the task of reducing the senseless loss of life and property on our Nation's streets.

Sincerely,

Senators Birch Bayh; Alan Bible; Edward W. Brooke; Howard W. Cannon; Alan Cranston; Thomas F. Eagleton; and Charles E. Goodell.

Senators Vance Hartke; Warren G. Magnuson; Walter F. Mondale; Frank E. Moss; Edmund S. Muskie; Thomas J. McIntyre; and Gaylord Nelson.

Senators John O. Pastore; James B. Pearson; Abraham Ribicoff; Joseph D. Tydings; Harrison Williams; and Stephen M. Young.

Representatives Joseph P. Addabbo; Glenn M. Anderson; Jonathan B. Bingham; Richard Bolling; John Brademas; Frank J. Brasco; and George E. Brown, Jr.

Representatives Phillip Burton; Daniel E. Button; James C. Corman; Emilio Q. Daddario; Dominick V. Daniels; Bob Eckhardt; and Don Edwards.

Representatives Joshua Eilberg; Leonard Farbstein; Donald M. Fraser; Samuel N. Friedel; James G. Fulton; Kenneth J. Gray; and Seymour Halpern.

Representatives Michael Harrington; William D. Hathaway; Augustus F. Hawkins; Wayne L. Hays; Ken Hechler; Henry Helstoski; and James J. Howard.

Representatives Andrew Jacobs, Jr.; Harold T. Johnson; James Kee; Robert L. Leggett; Allard K. Lowenstein; Richard D. McCarthy; and Spark M. Matsunaga.

Representatives Abner J. Mikva; William S. Moorhead; Bradford F. Morse; Robert N. C. Nix; James G. O'Hara; Arnold Olsen; and Thomas P. O'Neill, Jr.

Representatives Richard L. Ottinger; Bertram L. Podell; Adam C. Powell; Roman C. Pucinski; Thomas M. Rees; Henry S. Reuss; and Howard W. Robison.

Representatives Peter W. Rodino, Jr.; Fred B. Rooney; Edward R. Roybal; Philip E. Ruppe; William F. Ryan; James H. Scheuer; and Robert O. Tiernan.

Representatives John V. Tunney; Morris K. Udall; Lionel Van Deerlin; Charles H. Wilson; Sidney R. Yates; and Benjamin S. Rosenthal.

STATEMENT OF THE LITHUANIAN CONSTITUTIONAL ASSEMBLY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. DERWINSKI. Mr. Speaker, it is necessary that we reemphasize the fact that the Soviet Union is a colonial power maintaining control over peoples and nations that have been deprived their rights of self-determination. The Baltic States have been subject to extreme Soviet-Russian domination and I insert into the RECORD a statement issued on May 15, 1970, by members of the Lithuanian Constitutional Assembly and also a memorandum prepared by the Americans for Congressional Action To Free the Baltic States which traces the enslavement of Lithuania, Latvia, and Estonia by the Soviet Union over the past 30 years:

DEAR SIR: May 15, 1970 was the 50th Anniversary of the Lithuanian Constitutional Assembly. We are enclosing, for your information and files, a Memorandum prepared by the last living members of that important body. We hope that you will find this material useful on any occasion you discuss Soviet Russia and the injustices it has done to its neighbors, especially the freedom loving countries of Lithuania, Latvia and Estonia.

Sincerely yours,

EUGENE A. BARTKUS,
President, Lithuanian American Council, Inc.

To the Members of Upper Houses and the Senates of Respective Countries.

To the Members of Commons, Houses of Representatives, Parliaments or similar Institutions of Democratic Representations of Respective Countries.

GENTLEMEN: On the occasion of the fiftieth anniversary of the historic first meeting of the Lithuanian Constituent Assembly we, the undersigned, its former members living in the free world, submit the following to your kind attention:

The Lithuanian Constituent Assembly, elected in 1920 by popular vote and endowed with the mandate of the Lithuanian people, proclaimed on May 15, 1920, the accomplished fact of the restoration of an independent and sovereign Republic of Lithuania, free from any ties whatsoever with Russia or any other state. The Constituent Assembly also ratified the Lithuanian Peace Treaty with Soviet Russia, whereby the latter proclaimed that she "recognized without reserve the sovereignty and independence of the Lithuanian State with all of the judicial consequences resulting from such recognition, voluntarily and forever renouncing all sovereign rights possessed by Russia over the Lithuanian people and territory."

In 1939, however, the USSR joined with Nazi Germany in a conspiracy against Poland, Rumania, Finland, and the Baltic States. As a result of this Soviet-Nazi collusion, the so-called "mutual assistance pact" was imposed upon Lithuania, several Soviet military bases were established there and, on June 15, 1940, the armed forces of the Soviet Union invaded and occupied the country.

Seeking to camouflage these acts of unprovoked aggression against Lithuania the USSR, after banning all non-Communist parties and arresting over 2,000 prominent Lithuanian leaders in the political, cultural, and economic fields, staged on July 14, 1940, the so-called "elections to the People's Diet," whose candidates were selected by the Kremlin. With the Red Army omnipresent and non-voters exposed to overt threats, the electorate had no choice but to "vote" for the "proposed" slate of candidates.

On July 21, 1940, one hour and three minutes after the opening of its first session, the "People's Diet" adopted a resolution introducing the Soviet system into Lithuania and declaring Lithuania a Soviet Socialist Republic. After a brief intermission, to permit the translation of the next resolution from Russian into Lithuanian, the "People's Diet" adopted a second resolution petitioning the Supreme Soviet of the USSR to admit Lithuania into the USSR, as a constituent republic.

However, all the attempts by the USSR to disguise its aggression have not deceived the world. In its conclusion, the report of the Select Committee of the United States House of Representatives (83rd Congress, H. Res. 346) states:

"Any claim by the USSR that the elections, conducted by them in July 1940, were free and voluntary or that the resolutions adopted by the resulting parliaments petitioning for recognition as a Soviet Republic were legal,—are false and without foundation in fact."

And in its Report on the Baltic States (August 23, 1960, Doc. 1173), the Council of Europe revealed that:

"Moscow is trying to persuade the free world that the Lithuanian nation has joined the group of Soviet-enslaved peoples by its free volition and that the Lithuanian people have made appreciable economic and cultural progress under Soviet domination. . . In fact, however, Soviet propaganda has failed to produce any international legal act or contractual provision in support of its contention. The statements made by the Soviet rulers are misleading and contradict the factual situation in Lithuania."

We express our deepest gratitude to the Governments and the parliamentarians of all those countries, which firmly adhere to the policy of non-recognition of the forcible and illegal annexation, however camouflaged, and which support the right of self-government for all nations. We also extend our thanks to the Governments, parliamentarians, and individuals in the free world who support the Lithuanian people in the defense of their human rights and in their fight for Lithuania's freedom and independence.

At the same time we appeal to the Governments, parliamentarians, as well as to all freedom loving people to exert their influence on every appropriate occasion to:

(1) insure that no international institution, conference, or treaty explicitly or implicitly lend recognition or international legality to the Soviet acts of aggression;

(2) demand that the USSR withdraw its military and police forces as well as its administrative apparatus from occupied Lithuania and the other Soviet-occupied countries, enabling their respective peoples to exercise their rights of self-determination and the free choice of government.

Members of the Lithuanian Constituent Assembly:

ELIZIEJUS DRAUGELIS,
Farmers Union.
MAGDALENA GALDIKIENE,
Christian Democratic Party.
MYKOLAS KRUPAVICUS,
Christian Democratic Party.
KAZYS SKIRPA,
Peasant Populist Union.
ANTANAS MILCUS,
Labor Federation.
JONAS PAKALKA,
Social Democratic Party.
JUOZAS PRONSKUS,
Peasant Populist Union.

NEW YORK, *May 15, 1970.*

RED TERROR IN LITHUANIA, LATVIA AND ESTONIA (ENSLAVEMENT OF THE BALTIC STATES BY THE SOVIETS FOR 30 YEARS)

The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of the Baltic nations—Lithuania, Latvia and Estonia—shows this to be a cruel fiction. The Communist regime did not come to power in the Baltic States by legal or democratic process. The Soviet Union took over Lithuania, Latvia and Estonia by force of arms. The Soviets invaded and occupied the Baltic States in June of 1940, and the Baltic peoples have been suffering in Russian-Communist slavery for 30 years.

The Balts are proud peoples who have lived peacefully on the shores of the Baltic from time immemorial. For instance, this year marks the 719th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251.

The Lithuanians, Latvians and Estonians have suffered for centuries from the "accident of geography." From the West they were invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Balts, it should be kept in mind, are ethnically related *neither to the Germans nor the Russians.*

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into the Baltic republics and annexed them in June of 1940. In one of history's greatest frauds, "elections" were held under Red army guns. The Kremlin then claimed that Lithuania, Latvia and Estonia voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Balts were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic or Siberia. The Baltic peoples have never experienced such an extermination and annihilation of their people in their long history through centuries as during the last three decades. Since June 15, 1940, these three nations have lost more than one-fourth of their entire population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet Russian occupation, however, the Balts have waged an intensive fight for freedom. During the period between 1940 and 1952 alone, some 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of the Baltic resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania, Latvia and Estonia by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Government of the Baltic States. Since June of 1940, when the Soviet Union took over Lithuania, Latvia and Estonia, all the Presidents of the United States (Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon) have stated, restated and confirmed our country's nonrecognition policy of the occupation of the Baltic States by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering Baltic epople to get rid of the Communist regimes in their countries.

The case of the Baltic States is not a question about the rights of self-rule of Lithuania, Latvia and Estonia, since this is established beyond any reasonable doubt, but the question is how to stop the Soviet crime and restore the freedom and independence of these countries. The Select Committee of the House of Representatives to Investigate the Incorporation of the Baltic States into the U.S.S.R., created by the 83rd Congress, after having held 50 public hearings during which the testimony of 335 persons were taken, made a number of recommendations to our Government pertaining to the whole question of liberation of the Baltic States. According to the findings of this House committee, "no nation, including the Russian Federated Soviet Republic, has ever voluntarily adopted communsim." All of them were enslaved by the use of infiltration, subversion, and force. The American foreign policy toward the Communist enslaved nations, the aforesaid House committee stated, must be guided by "the moral and political principles of the American Declaration of Independence." The present generation of Americans, this committee suggested, should recognize that the bonds which many Americans have with enslaved lands of their ancestry are a great asset to the struggle against communism and that, furthermore, the Communist danger should be abolished during the present generation. The only hope of avoiding a new world war, according to this committee, is a "bold, positive political offensive by the United States and the entire free world." The committee included a declaration of the U.S. Congress which states that the eventual liberation and self-determination of nations are "firm and unchanging parts of our policy."

At a time when the Western powers have granted freedom and independence to many nations in Africa, Asia and other parts of the world, we must insist that the Communist colonial empire in the world. By timidity, we independence to the peoples of Lithuania, Latvia and Estonia whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire likewise extends freedom and invite further Communist aggression.

Recently the U.S. Congress has made a right step in the right direction by adopting H. Con. Res. 416 that calls for freedom for Lithuania, Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union is surely intolerable.

THE PHYSICIAN'S ASSISTANT PROGRAM

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. ROSENTHAL. Mr. Speaker, for the past 5 years, Duke University has been developing a physician's assistant program as part of the long overdue answer to today's problems of medical care delivery. With the cooperation of all clinical departments at Duke, this experiment is breaking new ground in the operation of health care services.

The basis of the program is the training of personnel to relieve physicians of some of the more mundane parts of their massive workloads, thus freeing them for more specialized responsibilities.

There is no single category of assistant, for a number of new varieties have emerged in the last few years. Neighborhood health aides, office assistants, or independent assistants serving in the public health system all form parts of this growing profession. Such people can be crucial. In a disadvantaged central city neighborhood, a neighborhood aide who can serve as an educator and medical expediter might be the most valuable person possible. In a small isolated rural community with no physician in residence, a weekly prenatal and well-baby clinic conducted by a nurse-practitioner might best serve the community's needs. In the office of an overworked primary physician, a physician's assistant might best serve the needs.

Drs. E. Harvey Estes, Jr., and D. Robert Howard of Duke have delivered a paper on this subject at the annual meeting of the Association of American Medical Colleges last November. I believe with them that if we see the need for extended, improved, and more equitably distributed physicians' services, we must be willing to modify health care delivery patterns in order to accomplish these objectives. It is difficult to envision any such modification that does not include the new classes of health manpower. I include the doctors' paper at this point:

POTENTIAL FOR NEWER CLASSES OF PERSONNEL: EXPERIENCES OF THE DUKE PHYSICIAN'S ASSISTANT PROGRAM [1]

(By E. Harvey Estes, Jr., M.D.[2] and D. Robert Howard, M.D.[3])

In speaking about the potential for newer classes of personnel in delivery of health care, we speak from experience with the Physician's Assistant Program, a truly cooperative effort involving all clinical departments at Duke. It began in the Department of Medicine, and now resides in the Department of Community Health Sciences, with major input from Surgery, Medicine, Pediatrics, Radiology, Pathology, Psychiatry, and Obstetrics. Any program that can evoke cooperation between this number of departments can't be all bad!

A presentation of the Physician's Assistant (P.A.) Program always evokes a variety of responses and guarantees a vigorous discussion period. Some view it as a dangerous throwback to pre-Flexnerian times and visualize poorly controlled or non-controlled journeyman practitioners as a result. Others view it as an obvious and long-overdue answer to a real need, and an obligatory part of tomorrow's medical practice pattern. Some say "be careful," and others say "full speed ahead."

The answers remain for the future to determine, but the answers will never come until the experiment is performed. We can raise questions and speculate about effects, but in order to settle the issues, such individuals must be trained; they must operate in the health care system; and the effect must be determined.

This is the context in which we view the Duke P.A. Program. The program has been under way for five years, and we have recently graduated our third class. We now have twenty-nine graduates. The program has now reached the point at which the real experiment can begin. We must study the acceptance of this new manpower category by both physician and patient. We must study the effect of such persons on both the numerical output and the quality of services offered by physicians. We must study the economic impact of such individuals on both physician income and patient cost. We must study educational methods, educational standards, certification, licensure, academic degrees, and many other matters. Such studies are already under way, and a few answers are beginning to emerge; but these answers should still be viewed as early and tentative. In some areas the signals are so strong that we feel we can predict outcome, but please don't forget the present stage of the experiment.

Assistants are by no means a recent addition to the medical scene. Indeed, delegation of tasks to competent persons is the mark of a good organizer. All of us in this room are here because we have delegated our duties to others, some of whom are not qualified by formal training to make decisions which they will be called upon to make in our absence.

The physician has traditionally utilized secretarial assistants, professional nurses, and on-the-job trainees in his office environment; and in the hospital he has utilized hospital based nurses, technicians, and house officers. In the patient's home, he has usually had no assistants. These assistants are of variable quality, and some are completely unknown to the physician, yet each performs tasks which enable the physician to function more efficiently. The question is not whether an assistant will be utilized. It is: can a person be specifically trained to assist the physician in all these geographic areas, and to assume tasks which have not traditionally been delegated in order to further increase his efficiency?

There is no single variety of assistant to the physician. A number of new varieties have emerged in the last few years. The neighborhood health aide is one such category. This person is generally drawn from the neighborhood to be served, trained for

---

[1] Delivered by Dr. Estes at the Plenary Session on "Some Educational Solutions" at the 80th Annual Meeting of the Association of American Medical Colleges, Cincinnati, Ohio, November 2, 1969.

[2] Professor and Chairman, Department of Community Health Sciences, Duke University Medical Center.

[3] Assistant Professor, Department of Community Health Sciences and Director, Physician's Assistant Program.

XUM

about six months, and returned to his neighborhood to serve as an interface between the health care system and the people served.

Another fairly distinct category is the dependent assistant, such as the physician's assistant. He works with the physician and under his authority, yet he assumes some tasks, such as physical examination, which have traditionally been the exclusive province of the physician. The training is somewhat variable but generally includes at least four years of work (two years of college plus two years of professional training, or several years of previous experience plus two years of professional training). The exact duties of this category vary with the physician-employer, but generally they include history taking and examination of the patient, plus patient instruction and directed treatment.

Some institutions are also training independent assistants who usually serve within the public health system, extending medical services to areas in which no physician services are available. The Colorado nurse-practitioner is such an individual. She has received additional instruction, and is able to carry out routine well-baby examinations, referring abnormal findings to the next level of the system. The Labrador frontier nurse is another example of this type assistant.

It is our opinion that all these types of assistants will be needed and will be a part of tomorrow's health care system. In some locations one will be more suitable and others less suitable. In a disadvantaged central city neighborhood, a neighborhood aide who can serve as an educator and medical expediter might be the most valuable person possible. In a small isolated rural community with no physician in residence, a weekly prenatal and well-baby clinic conducted by a nurse-practitioner might best serve the community's needs. In the office of an overworked primary physician, a physician's assistant might best serve the needs.

If one believes, as most do, that physician services must be extended, improved, and more equitably distributed, then one must be willing to modify health care delivery patterns in order to accomplish these objectives. It is difficult to envision any such modification which does not include several classes of new health manpower. We again emphasize that careful research must be done on each of these manpower innovations, and that this research requires that health care delivery systems be established using these innovations. This requires that such individuals be trained, and this establishes a mandatory time lag of three to five years. We are already several years behind, largely because some are unwilling to concede that change is required.

We would next like to describe the Duke Physician's Assistant Program, and tell you of some of our experiences with the program.

The program is now in its fifth year. It recruits its students from those who have had previous health care experience, either in the armed forces as medical corpsmen, or in civilian life as practical nurses. About ninety percent are men, and the large majority of these are from the armed forces. This experience requirement is important in our opinion. Our candidates are older men and women—usually mid-twenties or older, and most have families. They are mature, have worked with patients, and have decided they want to pursue a career in the health field. They are hungry for an opportunity to contribute and to be rewarded a living wage for their contribution.

Recruitment has never been a problem. We have always had many times more qualified candidates than we could accept. A high school diploma is the minimal educational requirement, but most have had one or more years of college. The candidates are carefully selected. Transcripts of all high school and college work are reviewed, and letters of recommendation from teachers, employers, and others are reviewed in order to reduce the applicant pool to a workable number, usually two to three times the number eventually accepted. These come for interviews and a battery of tests, including both psychological and intelligence tests. From these the final selection is made. We have deliberately included candidates from varying educational backgrounds. It would be possible to fill most classes with students who have completed two or more years of college, but this has been resisted.

The course is two years in length, with a total of about one month off during the period. It leads at this time to a certificate, not a degree. We hope to achieve a degree option within the next few months, giving the graduate the option of completing work for a B.S. degree after the awarding of the certificate.

The first nine months of the course are primarily didactic. Six weeks are spent in lectures in medical terminology, medical history and ethics, and basic laboratory procedures. Six months are spent in an integrated series of lectures, arranged by organ systems and covering anatomy, physiology, disease states and principles of therapy. During the last half of this period, instruction in history taking and physical examination is begun. The last six weeks are spent in an introduction to radiology and electrocardiography, plus an introduction to the public health system.

The remaining fifteen months are spent in a series of clinical rotations. An inpatient ward rotation, an outpatient rotation including emergency room experience, and a rotation in the office of a community practitioner are all required. The remainder are arranged to fit the interests and career choice of the trainee.

Instruction is carried out by faculty members of the School of Medicine, except for the laboratory instruction, which is done by a graduate physician's assistant with many years experience in laboratory procedures. The clinical instruction is also done by medical school faculty, but instruction is coordinated in each clinical service by a graduate P.A. who makes certain that each student learns those procedures and diagnostic techniques which are felt to be important in his future work. Each clinical service has one faculty member designated to assume primary responsibility for physician's assistant training.

They are taught to take a history, to do a physical exam, to record their findings, and to present them in an organized way to the physician. They are taught to do technical procedures and to instruct patients. They are also able to carry out emergency cardiorespiratory support procedures, intubations, venepunctures, arterial punctures, minor suturing, and many other tasks. They know how to approach the patient, to gather data, and to organize the data so as to make the physician's job easier, then to follow his instructions regarding treatment.

To date we have graduated twenty-nine P.A.'s. We have twelve students who have completed one year of work and forty who have just begun training. Of the twenty-nine graduates, fourteen remained at Duke and fifteen have gone elsewhere. We encouraged the first classes to remain in the medical center, so that we could study performances more carefully and resolve some of the legal problems. We are now encouraging our graduates to seek employment with outside physicians. Ten of the twelve most recent graduates followed this advice.

Two of the fourteen P.A.'s remaining at Duke work in research laboratories, conducting clinical research. The rest work in combined administrative-patient care activities. Their patient care activities, though not full-time, are similar to those of their counterparts in physicians' offices outside the medical center.

In practice settings, the P.A.'s duties vary with the activities of the physician. In a typical internist's setting he performs and records histories and physical examinations, helps with patient instructions, records laboratory data, completes forms, follows patients in the hospital, etc. In a general practice setting, he may also suture minor lacerations, change dressings, and remove casts. In an endocrinologist's setting he might assume responsibility for arranging and performing complex tests involving precise timing and precise methods of sample collection. Any duty which the physician does repetitively might be assigned to a well-trained assistant. The assistant works long hours, usually fifty or more a week, and his beginning salary is about $10,000 per year.

The acceptance of this concept by physicians can only be judged indirectly, through the reaction to the idea in meetings and personal contacts. Those whose are using such persons have obviously accepted the idea, so they are, by definition, a biased group. We do have the distinct impression that physicians are much more supportive and enthusiastic today than they were one or two years ago. This attitude is presumably related to the fact that they now realize that there are no other solutions in sight. Acceptance by nurses has been more reserved than that of physicians, but this too seems to be improving. Most objections have arisen from organizations rather than from individuals and have centered on a concern that nurses might be asked to take orders from an assistant rather than from the physician himself.

Acceptance by patients has been uniformly good. There have been no known instances in which a patient has rejected the P.A. A study by Dr. Louis Pondy and colleagues at Duke has revealed that the economic status of the patient has some correlation with the degree of acceptance. The lowest and highest income groups were more reserved in their acceptance than the middle income group. The lowest income group is suspicious that the assistant is being utilized because of his inability to pay, while the highest income group tends to feel that they should receive the services of the senior physician exclusively. Educational background also correlates with acceptance, the higher levels being more positive in acceptance than lower levels.

Several related observations have led us to the opinion that a decision to utilize a P.A. must be followed by a well-laid plan for public and professional education within the community, plus a planned "shakedown" period for both physician and P.A. First, the P.A. is better accepted when his role is clearly known and understood by the patient. Second, the introduction of a P.A. into the medical community always causes questions and concerns on the part of the physicians, other hospital medical staff members, hospital administrators, hospital trustees, local liability insurance underwriters, and others. This may require newspaper articles, meetings with civic clubs, meetings with hospital boards, telephone calls to individuals, etc. These activities are time consuming but extremely important at this stage of the program.

Optimal utilization of the P.A. must be learned by the physician, and weeks or months may be required for this initial period of adjustment. The most important process for the physician during this initial period is that of learning the capabilities of the individual assistant. The physician must check his work repeatedly so as to become familiar with his qualifications and insure his reliability. The assistant must learn the techniques and the preferences of the physician as well. There may be techniques and routines which must be learned in entirety during this period. As the physician learns to trust the observations of the assistant, he

XUM

is usually willing to delegate more and more functions. It is anticipated that there will be occasional physicians who are unwilling or unable to delegate and who are, therefore, unable to use an assistant effectively.

We also see the necessity for refresher courses for the P.A., so that he can learn new techniques, or review areas previously learned but not used. In this respect the P.A. is the same as the physician. His education is never complete. He must always be a learner.

Most physicians are concerned about the legal status of the P.A. and about their own legal responsibility when utilizing such an individual. Hospital administrators are also concerned, since most physicians will want their P.A. to work with their patients in the hospital as well as in the office. The closely intertwined problems of legal status, licensure, and control of the activities of the P.A. have been the subject of considerable study.

It is our opinion that a separate practice act and a separate license for the P.A. is not the answer. This would require fifty separate laws, one for each state, and would require that we clearly define the tasks which can be done by the P.A. The ambiguities created by a profusion of overlapping categories is best seen in the practice acts for nursing, in which the Master's degree R.N., the B.S. degree R.N., the A.A. degree R.N., the advanced level L.P.N., the L.P.N., and the patient care aide are all performing bedside care, sometimes without a discernible difference in function. In addition, the official definition of limits of performance permitted by each category may further fragment the delivery of health care and impede the achievement of smoothly functioning systems of delivery. These laws would also become outmoded and could hamper the future expansion of the assistant's functional sphere. We feel that there are workable alternates and that these will be acceptable. One such alternate would be a minor revision of medical practice acts so as specifically to authorize delegation of tasks by physicians to trained assistants, plus a registry of assistants under supervision of a national body such as the A.M.A., the National Research Council, or the A.A.M.C.

XUM

The fears of the hospital administrator can be assuaged when the proposed new standards for accreditation of hospitals now being considered by the Joint Commission of Accreditation of Hospitals are adopted. In these proposed standards, the medical staff can delineate the rules and regulations governing P.A.'s with parallel delineation of the responsibilities of the medical staff utilizing them.

The impact of a P.A. on the throughput of a given office practice depends in large measure on the physician and his willingness to delegate. The number of graduate P.A.'s in practice settings has been, until very recently, so limited that no meaningful average could be determined. Estimates have ranged from 30 percent to 100 percent increase in throughput, the latter figure being a very special case in which a P.A. joined a group after the death of one of the physician-partners. After one year the number of patients seen by the group was the same as that seen the previous year with one additional physician.

In certain practice settings, achievement of an improved throughput is less important than the fact that each patient can receive more personal attention. In many busy offices, the pressure of inadequate time causes the physician to omit many of the questions and many of the examinations he once considered "routine." In such cases the P.A. can carry out these functions and improve the quality rather than the quantity of patient work-ups.

From the vantage point of the medical educator, there are several points which have caused us to reexamine our methods and goals in medical education. The P.A. trainee, with little or no basic science preparation, can learn to manipulate the language of medicine, can master the concepts of disease, and can perform skilled tasks in a highly competent fashion. In fact, he can probably learn today's facts and master today's skills as well as the medical student. We feel that there are differences in judgment and that the medical students' depth of scientific knowledge will enable him to renew and extend his knowledge more readily than the P.A. in future years.

Most instructors are impressed by the maturity and eagerness of the P.A. trainees, and they are often described as being "hungry for knowledge." Most have become interested in a health career during their period of military service, and for many learning has become, for the first time, a relevant pursuit. While medicine seems too difficult and too remote to be a practical goal, a career as a physician's assistant seems an attainable and satisfying alternate. They pour enthusiasm and hard work into their studies and soon develop both pride and an esprit de corps which makes them a pleasure to teach.

The presence of P.A. trainees in the mix of learners in the medical centers has, in our opinion, made an impact on the attitude of the medical students and house officers toward delegation of tasks. This concept is readily accepted and supported by this group. Thus, instead of competing with one another in the teaching environment, these various groups learn the functions of the other groups and learn to work together.

From the vantage point of the administrator, it is well to know that the training of a P.A. costs about the same amount per year as the training of a medical student. If one notes that the teaching techniques are very similar, and the faculty the same, this result could be easily predicted. The total cost of training a P.A. is, of course, much less than the cost of training a physician because of the shorter total duration of training. Administrators should also know that funds for training such individuals are almost nonexistent. Almost all the funds supporting such ventures have come from the foundations rather than government. Josiah Macy Jr. Foundation supported the early development of our program, and the Carnegie Corporation and Commonwealth Fund are providing essential administrative support at this time. Federal financing under present laws for the training of allied health manpower is restricted to those programs leading to a college degree. Funding of experimental programs is theoretically possible, but this generally requires that prospective answers, definitions, and reassurances be supplied which can, in reality, only be derived retrospectively. The fact that we have been permitted to proceed with a controversial program in the absence of assured funding is a tribute, in my opinion, to an enlightened, progressive academic administration, as well as a dedicated clinical faculty.

A recent P.A. graduate suggested that our program motto should be, "Ask the man who owns one." Perhaps this could apply to the educational institution as well. A measure of both the overall acceptance of the concept at Duke and the willingness of the clinical staff to assume the responsibility of training is seen in the fact that the program began in one department and has now spread to all clinical departments.

The question is—should other medical schools and teaching hospitals become active in the training of new classes of health care personnel? Some have—such as Bowman Gray and the University of Colorado. But should the uncommitted majority consider such a move? In our opinion the use of such personnel is an obligatory part of any practical future modification of the health care system. It is only through their use that we can make maximal use of scarce and expensive professional manpower. We also have the strong opinion that the physician must train his own assistants, just as he must be responsible for their correct use. Our answer logically follows these opinions. If newer types of personnel are a necessary part of tomorrow's medical care pattern, and if the physician must be responsible, then medical schools and teaching hospitals must be involved. We can promise hard work and low pay, but the rewards are worth the effort!

CASTRO CUBA—ANOTHER DISTINGUISHED AMERICAN CALLS FOR NEW COMMITMENTS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. RARICK. Mr. Speaker, barely 2 years ago a thoughtful and thought-provoking statement urging new leadership from the United States on the Communist threat from Castro Cuba was published by a prominent and respected American.

It was entitled "Cuba, Castro—Communism" and clearly advocated the constructive change that all informed people knew was both possible and necessary in countering, if not eliminating, communism in the Western Hemisphere.

This author recognized Castro Cuba as a base of operations to continue widespread insurrection and wage guerrilla warfare against the nations of Central and South America—a serious and continuing problem on our own doorstep—in fact, just 90 miles from the southernmost tip of the United States.

In this article, of just 2 years ago, the facts, the reasoning, and the conclusion were absolutely correct.

They still are.

The Communist regime, centered in Havana, remains a sanctuary for aggression and the base for the export of terror to other lands because we failed to follow the advice of Richard Milhous Nixon—then a private citizen, but now the President of the United States.

I include "Nixon on the Issues" and a newsclipping in my remarks at this point:

NIXON ON THE ISSUES

CUBA

Castro communism

They [people of Latin America, including young revolutionaries] do not want to impose on Latin America what Castro has imposed on Cuba. This is one of the exciting things about Latin America's development since the Cuban revolution. Communism as an "ism," as a method, no longer has appeal in Latin America, because it's made a depressed area out of Cuba. All over Latin America, the new revolutionaries talk against Castro, because they realize what he has done to the economy of Cuba and that without Soviet help, he would have failed completely.

A new administration will bring into office a new awareness of the continuing problem to our south. It will listen to our Latin friends and neighbors who recognize the danger and are confronted with the aggression and terror and who seek American partnership in forging common economic, political and diplomatic programs to deal with it.

We do not seek a new crisis or heightened tensions in the Caribbean. But the communist regime there must made to understand that Havana cannot remain forever a sanctuary for aggression and a base for the export of terror to other lands.

Cuba is not just a bankrupt communist regime. It has become the center for external aggression and the export of revolution to the Western Hemisphere under Castro's direct guidance. It operates with an ambitious strategy to create widespread insurrection and wage guerrilla warfare against the nations of Central and South America.

With American attention focused upon Vietnam—and Eastern Europe and the Middle East—we have tended to overlook the serious and continuing problem on our doorstep.

In the search for alternatives to Caudillos and Communists, we would do well to keep in mind that Castro-Communism constitutes a threat, not because it is strong, but because its target is weak. To meet this threat, what Latin America really needs is fewer marching feet and more helping hands.

Economic quarantine

The Cuban situation, unfortunately, is at a point now where, in effect, we cannot do what we could have done much earlier . . . As a result of our failure to move in at the time of the Bay of Pigs, as a result of our failure during the Cuban confrontation to use our power effectively, we're now in a position that to mount any kind of a military operation would be extremely difficult, and extremely hazardous, and might risk a confrontation with the Soviet Union. Now, on the other hand, there are some things we can do. And I think what we must do is to maintain and tighten the economic blockade on Castro's Cuba . . . we have to find other areas, economic and diplomatic, other than military, in order to effect a change in the Cuban regime.

I think the U.S. policies toward Cuba have to tighten the economic quarantine. And here is where the policies toward Cuba need a great assist from our friends in other parts of the world. Here is where I think some new diplomatic moves must be made with our European friends and our Canadian friends and the rest.

This is the only leverage we currently have on Castro . . . Castro is exporting his revolution throughout the hemisphere. Therefore, U.S. foreign policy requires—and foreign policy of all other nations in the world interested in peace requires—this kind of government be quarantined; quarantined for the sake of peace.

Efforts to boycott his regime have met with minimal success. Some western nations have all but ignored our leadership in this. New leadership in the United States is committed to do better.

NIXON FORGETS PLEDGE CONCERNING CASTRO

KEY WEST.—While campaigning in 1968, Richard Nixon said of Cuba: "The Communist regime there must be made to understand that it cannot remain forever a sanctuary for the export of terror to other lands."

Nixon pledged to tighten the quarantine of Cuba—"A quarantine for the sake of peace."

Actually, the Castro regime has stepped up its role in America's race violence and is active in the murder of diplomats in Latin America. Nixon has sat idle while hundreds of American students have gone to Cuba to help Castro harvest his sugar crop. (In some instances these Red students receive federal subsidies from the Nixon administration.)

The quarantine: It is more non-existent than ever before.

The U.S. Citizens Committee for a Free Cuba has called upon Nixon to make good his campaign promises. The group suggests that he:

1. Impose comprehensive sanctions on all shipping to and from Cuba to include all vessels of any line sending any ship to Cuba.
2. Impress upon our NATO "allies" the threat that Cuba poses to the free world, and use full persuasion to see that they embargo trade with this aggressor nation.

Nixon seems unconcerned about Cuba. But meanwhile he has enforced severe economic sanctions against Rhodesia, an anti-communist nation whose only crime is that it is an oasis of civilization in a continent of cannibalism, poverty, disease and savagery.

CONGRESSMAN CHARLES H. WILSON SUPPORTS HOUSE ACTION ON POSTAL REFORM

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. CHARLES H. WILSON. Mr. Speaker, I rise today to congratulate the House of Representatives for passing H.R. 17070, the postal reform bill which would improve and modernize the postal service by reorganizing the Post Office Department. I feel H.R. 17070 is a solid bill on which to build a properly reformed postal service which will adequately serve the Nation's needs.

In my CONGRESSIONAL RECORD statement of June 15, I urged my colleagues to support meaningful postal reform and pointed out that for H.R. 17070 to be meaningful, it was necessary that it retain three essential reforms:

First, an 8-percent pay raise, retroactive to April 18, 1970;

Second, a reduction in the time it takes the postal worker to reach the top step of his labor grade to 8 years rather than 21 years—commonly referred to as compression; and,

Third, the establishment of an area wage system for postal employees.

I was very pleased that these vital constituents were accepted by the House of Representatives by an overwhelming vote. As I stated earlier, there are other aspects of H.R. 17070 which I strongly support, but it cannot be overemphasized that the retroactive pay raise, grade compression, and area wage provisions of the bill have to be the substance of any endeavor to lixiviate the postal crisis. There is no doubt in my mind that until the postal workers are treated as first-class citizens, no amount of postal modernization can effect veritable postal reform. While I think most of us, both on the Post Office and Civil Service Committee and in the full House would agree that the bill is not perfect or ideal, it is nevertheless a comprehensive and worthwhile piece of legislation which many of us worked long and hard to produce; its adoption is clearly in the best interest of our Nation. I can only hope that when the Senate and House conferees finally reach a resolution on the postal reform, they will not emasculate the bill by striking these vital reforms.

Mr. Speaker, I therefore urge my colleagues on the other side of Capitol Hill to move unhesitatingly and decisively so that we might have postal reform legislation before the President in the very near future.

"LIB" NOT FOR NEGRO WOMEN

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. STOKES. Mr. Speaker, many observers have noted the absence of Negro women from the "Women's Liberation" movement. Various theories have been forwarded to explain this lack of participation, and undoubtedly a number of factors have combined to cause it.

Stella White, a good friend and fine columnist, recently wrote a most analytical and revealing piece on the subject in the Cleveland Plain Dealer. Stella's credentials as a social commentator are unimpeachable, and I am sure that a number of my colleagues will be interested in reviewing her thoughts. Consequently, I insert the column here as a part of the RECORD:

"LIB" NOT FOR NEGRO WOMEN

(By Stella G. White)

Currently there is much to-do about the Women's Liberation Movement. Mention often is made of the fact that the movement has attracted relatively few Negro women. It consists mainly of middle-class white women.

The Negro woman has been forced to exist in a matriarchal society, ethnically speaking. As an aside, Negro men usually were referred to as "Mary's James" or some other appropriate designation identifying them as being not worthy of the respect of being men in their own right.

The liberation movement will not attract many Negro women because it has been the Negro women who had been able to get at least some of the better paying jobs, while the Negro male until very recently was restricted to menial work.

From "Blacks In America" by Dr. Edgar A. Toppin: "Since blacks (men) were consigned to lower-paying jobs, more black women and children had to go to work to help provide a decent income for the family. In 1890 . . . 57% black Americans were gainfully employed, about 36% . . . black women . . . Prejudice and discrimination contributed to the black man's low economic status . . . Discrimination in licensing craftsmen forced blacks (men) to work as low-paid helpers even when they were as skilled as licensed white craftsmen. Barred by unionists, many blacks (men) worked as strikebreakers, increasing friction between the races.

From the beginning of the century Negro women were accepted in positions such as school teachers, librarians, social workers, and, of course, for the always available jobs as domestics.

Most Negro families in the middle and upper middle-class recall all too vividly a maiden aunt or sister who refused to or was not allowed to marry "out of her class." These women often held PhD's. Many others had earned master's degrees.

Because so many jobs at the professional level were not open to the Negro male, he did not go to college. Many who did go to college found employment, other than menial labor, only in the post office. It has been said that mail in the United States has been handled by more college trained personnel than anywhere in the world.

The Negro woman with a college degree often was denied marriage simply because there was no one of equal status to marry. Some brave women married men with limited education, then helped their husbands get a college education, but these women were not kindly regarded by others in their

XUM

economic class. The college-educated Negro woman often waited for marriage until one or both her parents had died. The parents would have bitterly opposed such a "step down."

A women's Liberation-type movement could appeal to Negro males because they seek equal opportunities with Negro women as to pay and type of position of employment.

The Negro woman would not be interested in the movement because for too many generations she has borne the burden of supporting the family, much to the humiliation of the Negro male.

The Negro woman has long been willing to relinquish the matriarchal role. She wishes it never had happened. She desires to be feminine in all this encompasses.

REPRESENTATIVE HENRY P. SMITH III ANNOUNCES RESULTS OF 1969 QUESTIONNAIRE

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. SMITH of New York. Mr. Speaker, with the critical domestic and international issues that face our Nation today, I find that the views of my constituents are invaluable at this time in helping me decide which course of action I will pursue in the months ahead.

I have just received the final results of a nine-part questionnaire which I submitted last month to each family and boxholder in the 40th Congressional District. I am pleased and proud to report that more than 25,000 completed questionnaires have been returned, many with additional comments and accompanying letters.

Mr. Speaker, I have always found the results of my questionnaires to be interesting and helpful, and I am sure that the other Members of the House will agree. The following is a percentage breakdown of the final tabulated results of my questionnaire:

[Answers in percent]

1. As of today, which course of action would you favor in Vietnam?

a. Stepped up military activity in an effort to end the war: yes, 32; no, 19.

b. pursue present U.S. withdrawal schedule and Vietnamization of the war: yes, 39; no, 15.

c. immediate and complete U.S. withdrawal: yes, 30; no, 20.

2. In Israeli-Arab crisis, U.S. should:

a. assist Israel only: yes, 20; no, 22.

b. treat both sides alike: yes, 16; no, 18.

c. withhold all military assistance and urge Israelis to negotiate peaceful settlement of dispute: yes, 66; no, 9.

3. Do you favor the busing of school children to achieve racial balance? yes, 9; no, 89; no response, 2.

4. Would you approve higher taxes if you knew that the money were earmarked for:

a. better education: yes, 30; no, 42.

b. pollution control: yes, 55; no, 31.

c. slum clearance: yes, 31; no, 41.

5. If Nixon's Family Assistance proposals are substituted for welfare, should persons receiving assistance who are physically able be required to accept any work available? yes, 91; no, 7; no response, 2.

6. should wage and price controls be used to help stop inflation? yes, 75; no, 20; no response, 5.

7. Would you favor lowering the voting age to 18? yes, 45; no 53; no response, 2.

8. With regard to widespread marihuana problem, would you favor:

a. reduction in penalty for use and possession: yes, 20; no, 43.

b. increased penalties for selling: yes, 89; no, 6.

9. How would you rate President Nixon's overall performance in office: good, 38; fair, 23; poor, 39.

MUST UNITED STATES PLAY HOST TO ITS ENEMIES

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. BRAY. Mr. Speaker, I recently saw a report that East Germany, North Korea, and North Vietnam might wish to send delegations from their respective countries to the United States, to attend and participate in the United Nations' 25th anniversary celebration in October of this year.

Following is a letter I wrote yesterday to the Secretary of State, asking for the Department's opinion on this matter, if the report is indeed true, and strongly protesting granting of such permission if it has been, or will be, sought by these governments:

JUNE 23, 1970.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: It came to my attention there may be some interest on the part of East Germany, North Korea, and North Vietnam in sending delegations from their respective countries to the United States, to attend and participate in the United Nation's twenty-fifth anniversary celebration in October of this year.

As I understand the matter, under agreements between the UN and our Government, permission for non-member states to visit this country for UN functions or ceremonies must be granted by the United States, specifically, and in effect their representatives are granted visas on more or less the same basis as any other foreign visitor. Therefore, final approval for the delegations I mentioned above would have to be granted by the Department of State.

I would very much like to know what your Department has under consideration in this matter if, as has been reported, these countries wish to send delegations here at that time. For myself, I cannot see how the interests of world peace could possibly be served by granting this permission if it is sought. The UN itself, I believe, has long ago passed from being an objective body; Moscow recently stated that the attitude of the present Secretary-General, U Thant, on Vietnam, was quite in accord with Soviet thinking. This in itself indicates that the twenty-fifth anniversary observances might possibly be turned into an anti-U.S. forum, as far as the Vietnam situation is concerned.

East Germany's present contribution to world peace and stability is the Berlin Wall, and the bodies along that wall, or on it, of those who have tried to escape. North Korea's seizure and inhumane treatment of the PUEBLO crew, plus, the shooting down of the EC–121, plus its constant belligerency and threats toward South Korea, scarcely commend it as a valuable member of a world organization devoted to peace. North Vietnam's record of wanton aggression against its neighbors is still being written and with over forty thousand Americans dead as a result. I can see no reason whatsoever to let the homeland of these men play host to their killers. Nor, I submit, would their parents, widows and orphans look kindly and tolerantly upon it.

I do not believe the American people are of a mood to see the American Republic serve as host country on this occasion for representatives of these countries. I believe the American people are owed prompt and solid assurance that this will not take place.

Sincerely,

WILLIAM G. BRAY,
Member of Congress.

U.S. REPRESENTATIVE ROBERT L. F. SIKES NOW DOCTOR OF LAWS

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. BENNETT. Mr. Speaker, the dean of the Florida Congressional Delegation who holds the record for longevity of service in the U.S. Congress from the State of Florida, has just been awarded an honorary doctor of laws degree from the University of West Florida, Pensacola, Fla. All of Florida is proud of Congressman SIKES and I wanted to bring this new distinction for him to the attention of the House of Representatives because Congressman SIKES deserves the highest esteem and tribute of his colleagues.

There is no Congressman who is more beloved in Congress than Congressman SIKES. He is an astute master of the legislative processes, a real leader among leaders. It is no wonder that his district chooses him, year after year, to represent them in Washington. He does this representation with exceptional ability and success, both for his district and for the country as a whole.

I include in the CONGRESSIONAL RECORD a news story on the commencement exercises at the University of West Florida and the honorary degree awarded to BOB SIKES. I also include a biographical sketch of our distinguished leader:

[From the Pensacola (Fla.) News-Journal, June 14, 1970]

UWF WILL HONOR SIKES, CULPEPPER

(By Mike Henderson)

Congressman Robert L. F. Sikes and Dr. J. Broward Culpepper, former chancellor of the State University System of Florida, are to receive honorary degrees at University of West Florida commencement exercises at 2 p.m. Sunday.

President Harold B. Crosby will confer honorary doctor of laws degrees on the two men during exercises in the new physical education building.

UWF will be graduating the largest class since opening its doors in 1967 with 545 of the 1,246 members expected to participate in the exercises.

Sikes, senior member of the Florida delegation and ranking member in the U.S. House of Representatives, is being honored for his long career as a legislator and for his role in national defense matters, education, forestry, conservation, health and recreational programs.

He is a member of the House Committee on Appropriations. The congressman is chairman of the Subcommittee on Military Construction and is vice chairman of the De-

XUM

fense Subcommittee and the Subcommittee on the Departments of State, Justice, Commerce and the Judiciary.

BIOGRAPHY OF HON. ROBERT L. F. SIKES

Honorable Robert L. F. Sikes, Democrat, of Crestview, Okaloosa County, Florida, U.S. Representative from the First District, was born in Isabella, Georgia, on June 3, 1906. He received his Bachelor of Science Degree from the University of Georgia in 1927, and his Masters Degree from the University of Florida in 1929. On March 15, 1969, he was awarded an Honorary Degree of Doctor of Laws from Stetson University, on April 26, 1969 an Honorary Degree of Doctor of Humane Letters from St. Leo College, and on June 14, 1970 an Honorary Degree of Doctor of Laws from the University of West Florida. He is a Major General AUS (Ret.) and was awarded the Legion of Merit.

Married, (Mrs. Sikes is the former Miss Inez Tyner, Laurel Hill, Florida); two children, (daughter, Mrs. Bobbye S. Wicke, Oldsmar, Florida, publisher of Tampa Tracings, a course on cardiology; son, Robert K. Sikes, Martin Marietta Corporation, Orlando, Florida).

He was twice elected to the Florida Legislature, representing Okaloosa County in the 1937 and 1939 sessions. He was elected to Congress in 1940 and has been reelected in 14 successive elections, and is currently serving his 15th term. He is the senior member of the Florida Delegation in Congress, and holds the record for longevity of service in the Congress from the State of Florida. He has also served as Chairman of the Okaloosa County Democratic Committee; Chairman, Okaloosa Planning Committee; Member of Congressional Democratic Committee; Chairman of the Florida Delegation to the Democratic National Convention, 1956 and 1960.

He is a member of Kiwanis; honorary member of Rotary, Lions, and Civitan Clubs, Retired Officers Association, National Association of Supervisors, American Federation of Government Employees, United Federation of Postal Clerks, National Association of Master Mechanics and Foremen, American Society of Arms Collectors; honorary life member of Fleet Reserve Association and the Navy League; life member, National Rifle Association, and Director from 1965 to 1967; member Moose, Elks, V.F.W., American Legion, 40 and 8, Military Order of the World Wars, and Reserve Officers Association. He was President of the Florida Press Association in 1937, and Lieutenant Governor of Kiwanis in 1940. Honorary member Order of Ahepa.

Congressman Sikes is a 33d Degree Scottish Rite Mason, and an Honorary Member and Inspector General of Scottish Rite for the Southern Jurisdiction of the U.S. He is a member of the Red Cross of Constantine of York Rite of Freemasonry, York Rite College; Royal Order of Scotland, KCCH; Knights Templar; Shrine; Grotto; National Sojourners; Knights of Pythias. He is a charter member and First Ambassador on Hadji Shrine Temple of Pensacola, Florida, and Grand Orator of the Masonic Grand Lodge of Florida for 1968–69.

He is a member of Phi Kappa Phi, Alpha Zeta, Sigma Delta Chi, Phi Sigma, Alpha Gamma Rho, and Blue Key.

Member, Board of Trustees of the Naval Aviation Museum Association; Member, Board of Directors, Florida Historical Society; Member, Board of Visitors, Civil Air Patrol; National Vice President and National Director, National Rivers and Harbors Congress, 1959–70.

He has served as Delegate to Pan American Roads Conference, Caracas, Venezuela, 1954; Delegate to Inter-Parliamentary Conference, Warsaw, Poland, 1959; Delegate to the Sixth World Forestry Congress, Madrid, Spain, 1966.

He is the recipient of the National Affairs League's Leadership Award, 1951; Distinguished Service Award of the Reserve Officers Association of the United States, 1958; American Gun Dealers Leadership Award, 1959; Governor's Conservation Award, 1960; Guatemalan Order of Merit, 1961; Florida Young Democratic Clubs' Award, 1961; American Legion Distinguished Service Award, 1962; Navy Times Good Neighbor Award, 1962; Humanitarian Award from Children's Asthma Research Institute, 1963; Florida National Guard Outstanding Service Award, 1963; Reserve Officers Association "Minute Man Hall of Fame" Award, 1964; Distinguished Service Award of Reserve Officers Association, 1966; George Washington Memorial Award, National Rivers and Harbors Congress, 1966; Good Government Award by Pensacola Realty Board, 1966; Defender of Free Enterprise Award by Life Underwriters, 1966; Reserve Officers Association "Man of the Year" Award for Contributions to National Defense, 1967; Honorary State Farmer Award by Florida Association of the Future Farmers of America, 1967; Alpha Gamma Rho Alumni Award, 1968; UPI's Florida Public Service Award, 1968; Order of Ahepa Award, 1969; AMVETS Special Meritorious Commendation, 1969; Air Force Association Special Citation, 1970.

An Honorary Faculty Chair in Government has been designated in Congressman Sikes' name at Okaloosa-Walton Junior College, Niceville, Florida.

VIEWS FROM THE 14TH CONGRESSIONAL DISTRICT OF CALIFORNIA

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. WALDIE. Mr. Speaker, the events of this past May have brought about a profound change in the American people. The myth of the "silent majority" has been shattered, hopefully, for good.

I have found that the response to my annual questionnaire has been the highest since my coming to the Congress. Additionally, the number of questionnaires returned with comments was much higher than in previous years.

The people are concerned, and they are deeply concerned about the U.S. policy in Indochina.

They are unconvinced that the "Vietnamization" policy has been successful. In fact, 62 percent of those who returned questionnaires stated that this policy has not worked to the point where the 1,200,000-man South Vietnamese Army equipped with armor and air, can handle combat assignments against 250,000 Viet Cong and North Vietnamese enemy who possess no armor or air, without the assistance of American troops.

A majority, 58 percent, of those respondents, consistent with the above view, agree that American troops had to be sent into Cambodia to eliminate enemy sanctuaries. However, 61 percent indicated that they are opposed to reentry of American troops even if the sanctuaries were reoccupied by the enemy.

A majority of those respondents, 58 percent, set a deadline of 1 year or less, for the South Vietnamese to find the will and ability to take over the military operations in that country. Thirteen percent were willing to wait 2 years, 3 percent for 3 years, and 26 percent said they approved maintaining American fighting forces in Vietnam "as long as required."

Indicating an unwillingness to further expand the war in Indochina, 14th District residents overwhelmingly—65 percent to 35 percent—said that they were opposed to sending American troops into Laos to eliminate sanctuaries in that country.

There were a number of other issues listed on the questionnaires, Mr. Speaker, and I include the questions and the percentages of response for publication in the CONGRESSIONAL RECORD.

The final tabulation follows:

RESULTS OF QUESTIONNAIRE

(1) Do you believe "Vietnamization" has worked and that the South Vietnamese armed forces are now capable of defending South Vietnam without American combat troops? Yes, 38 percent; no, 62 percent.

(2) Do you believe American troops had to be used to eliminate the Cambodian sanctuaries? Yes, 58 percent; no, 42 percent.

(3) If the "sanctuaries" are re-occupied, would you approve American troops again being used to eliminate them? Yes, 39 percent; no, 61 percent.

(4) How long would you be willing to await a total take-over of combat operations by the South Vietnamese?

(a) 1 Year, 58 percent.
(b) 2 Years, 13 percent.
(c) 3 Years, 37 percent.
(d) As long as is required, 26 percent.

(5) Should we commence bombing North Vietnam again? Yes, 43 percent; no, 57 percent.

(6) Should we invade Laos to destroy enemy sanctuaries in that country as we have sought to do in Cambodia? Yes, 35 percent; no, 65 percent.

(7) Should the U.S. announce a total withdrawal from Southeast Asia by a date certain? Yes, 44 percent; no, 56 percent.

(8) Do you believe we should continue our Space Program at the present level of funding? Yes, 38 percent; no, 62 percent.

(9) Do you support President Nixon's Welfare Plan based on work incentives and guaranteed income? Yes, 63 percent; no, 37 percent.

(10) Do you support lowering the voting age to 18? Yes, 45 percent; no, 55 percent.

(11) Should Third-Class Mail Rates be increased substantially even at the risk of preventing its use by many mailers? Yes, 83 percent; no, 17 percent.

(12) Do you support increasing First-Class Mail to 8c in order to assist in financing the Postal deficit? Yes, 48 percent; no, 57 percent.

(13) Should we continue the Farm Subsidy Program? Yes, 23 percent; no 77 percent.

(14) Should Wage and Price Controls be applied to fight inflation? Yes, 67 percent; no 38 percent.

(15) Which three National Problems seem most critical to you:

(a) 23 percent: The Indo-China War
(b) 15 percent: Crime
(c) 10 percent: Racial Division
(d) 8 percent: Student Alienation
(e) 12 percent: Taxes
(f) 8 percent: Poverty
(g) 15 percent: Environmental Problems
(h) 9 percent: Drug Abuse

(16) Which solution to Crime seems most feasible to you?

(a) 18 percent: Harsher penalties
(b) 7 percent: Greater Numbers of Policemen
(c) 11 percent: Better Prisoner Rehabilitation
(d) 38 percent: More attention to Poverty and Education in High Crime Areas
(e) 25 percent: Tougher Judges

XUM

THE TOLERANCE OF VIOLENCE ON THE CAMPUS

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. COHELAN. Mr. Speaker, I am greatly disturbed that the current turmoil brought on by the continuation of the Indochina war, and a lack of attention to our domestic problems by this administration may destroy the university. I am fully in favor of the searching inquiry and political activism now being demonstrated by our youth, but am afraid that the attendant disruption of our universities may lead to the destruction of higher education in the United States.

Our centers of learning are being attacked from both the left and the right. Rather than serving as centers for intellectual discovery and dispassioned reasoning, our colleges are being turned into platforms for anti-intellectual posturing. The search for relevance has all but foreclosed the search for reason. This will, of course, bring on an equal degree of repression as exhibited by the board of regents of the University of California in their recent decision to bar the rehiring of an associate professor because of her political beliefs.

I recommend to my colleagues the recent article by Prof. Alexander M. Bickel of the Yale Law School. This is a most cogent discussion of the possible fate of higher education in this country if present trends continue.

The article follows:

THE TOLERANCE OF VIOLENCE ON THE CAMPUS

(By Alexander M. Bickel)

Among academics and other intellectuals, let alone "poets, yeggs and thirsties," it is not merely fashionable, it is required to speak apocalyptically of the country in crisis. There is a crisis and it went from bad to worse this spring. But it is not only, it is not even chiefly, the crisis that fashion requires us to shake our heads about. The war has got to stop, the march into Cambodia is a gruesome error, the cities are a mess, our rivers and our air smell awful, and the blacks will not and ought not stand for being forgotten again. But there is another crisis that will incapacitate us from dealing with the ones I have just mentioned. It is not the crisis of allegiance on the part of downtrodden blacks and not the tinderbox of conflict between them and the lower-class whites who confront them, but the crisis of the abandonment of reason, of standards, of measure, the loss of balance and judgment by intellectuals and their audiences. The symptoms of this crisis are the incivility and even violence of rhetoric and action that academics and other intellectuals have domesticated into their universe of discourse, and the interdiction of objective discussion of certain problems that they have increasingly tolerated.

I write from the vantage point of a university—Yale—that has by and large kept its head. Violence and disruption are not a regular feature of our lives. No Nobel prize winner has been forcibly denied access to his laboratory, as was Dr. Isidor Rabi at Columbia recently. There has been only one significant seizure of a building, and that last fall and very brief. Students were more or less on strike for a few weeks this spring, but many parts of the university were continued normally in session just the same, and all parts were open. No students will receive credit for work that has not been evaluated. Since the move into Cambodia, numerous students have put all they have of dedication, energy and talent—and they have breathtakingly much—into political action. They have organized a lobbying effort and executed it soberly and with high intelligence. They have committed themselves to the nitty-gritty work of campaigning this summer and fall. And at the law school they have labored day and night over legal memoranda dealing with the constitutional division of war-making power between President and Congress.

Yet here is what happened at Yale in the weeks immediately before. Some blacks, members of the Panther party, including Bobby Seale, the party's chairman, are under arrest in New Haven, charged with murder. The trial has not yet begun. Preliminary motions are being heard and decided. So much of the evidence as has emerged in the course of these preliminary hearings indicates that a brutal murder has indeed been committed. While the accused are of course to be presumed innocent, the state has made out enough of a case against them to obtain an indictment, and to convince a judge to hold all but one of them without bail, as in a capital case he may. Two of the accused have pleaded guilty to second-degree murder. Proceedings thus far have raised some legal issues—most cases do—but there has been no showing of gross or plain violation of anyone's rights. There was one minor disturbance in the courtroom, and the presiding judge summarily imposed six-month contempt sentences on two members of the Black Panther party who were in court as spectators and on whom the disturbance centered. This was, in the view of many impartial observers, a grave overreaction. Within a few days, the judge corrected himself and commuted the sentences. Everything else has gone along regularly, peaceably and with decorum.

Nonetheless The Movement, the amorphous collection of radicals, SDS, Yippies, whathaveyou, pressing an alliance with the Black Panthers which the latter accept apparently only on occasion, mounted an agitation to stop the trial and free the accused. The call went out to come to New Haven for a May Day demonstration. Many of the groups or grouplets from whom the call issued or to whom it went took it as a call to bring Yale to its knees by violence: Come to New Haven and see it burn. Very few if any of Yale's students and faculty accepted the call to violence. For a dominant portion of the student body, however, the issue was not the violence that was offered the city and the university by thousands of people about to descend on them. The issue was the trial as an instance of repression. The crisis was not the open threat of fire, death and destruction to a university and a city. The crisis was a trial for murder, even though there's no doubt a crime has been committed, no basis whatever at this stage for the surmise that the trial will be unfair, and no possibility other than the trial of dealing with an occurrence—the murder—which would be monstrous to ignore.

Over this trumped-up crisis of the trial hundreds upon hundreds of students whipped themselves to a pitch of hysteria, finally voting to strike. Interestingly enough, the passions raged in the college and in some measure in the graduate school. The law school—training still tells a little—was virtually untouched. On April 23, the faculty of Yale College met, and having heard the President of the University express his skepticism that black revolutionaries can get a fair trial anywhere in the United States, voted to countenance the strike. I was at the meeting and so voted, and did not really feel ashamed until I walked out through the crowd of students, who we had known were out there, whom we had heard, and who now cheered us.

We did not call off school. Most faculty and many students continued to attend class, and there was little attempt to bring pressure on them. Nothing, we could have done would have likely dispelled the hysteria of a large mass of undergraduates, and many things we might have done would have heightened it. The difference between recognizing the situation, as we could not but do, and countenancing it, as we did, can be seen as minor. To countenance the condition that prevailed among our students might spare the university the kind of experience that Harvard had last spring and that has come to other places.

We were spared. But there is cause to be ashamed. We did not return a rational answer to our students, because we were too alone and it was too late. If we had said what is true, that the trial was no crisis, that it was inconceivable not to let it proceed, and that there is no reason to equate the police in Chicago with the courts in New Haven and with the state and federal courts that sit to correct the errors of courts in New Haven; and if we had added that the university would continue to function, its members being held to no more than their normal duties (which do not include constant attendance at class) and no less—if we had said all that we would have been denounced as rigid, unresponsive, authoritarian; we would have risked riots and destruction, and been saddled with responsibility for possible police overreaction. That is what it has come to. Truth and the function of the university are irrelevant and dangerous. They are pitfalls. I have to be grateful, and I am grateful, that we avoided these pitfalls, and that we had steady and shrewd leadership which saved us whole.

But we should realize where we have arrived, and try to know how and why. I suggest we have listened and talked ourselves into the situation we are in. We have listened—quietly, even solemnly, as if it were rational—to incredibly loose talk about the obsolescence and rottenness of our society and all our institutions, and have come to parrot it in order to propitiate a sizable number of young. It all started with the war, which does represent a malfunction of the system, because a democracy must not wage wars with the assent merely of a simple majority. Large and intense minorities have, and of right should have a veto against war, and there is no higher national interest than the speedy liquidation of a war that has been so vetoed. Lyndon Johnson never understood that, and Mr. Nixon's understanding of it has been revealed as imperfect. Hence the insufferable war continues, and leads quite naturally and reasonably to talk of systemic crisis.

But it is not reasonable to extend a systemic indictment to the entire structure of government, to the electoral process itself, to the administration of justice, to every debatable action that a new national administration thinks it has a mandate to take, and to every type of institution, including universities. Everything can be improved, even radically improved, and change is the law of life. But not everything can be improved instantly, and not all change is good. And destructive nihilism is evil no matter how motivated. These things it is now unfashionable for intellectuals and their audiences to say and hear. What is fashionable is the apocalypse and filthy and violent rhetoric.

We listen to the rhetoric as if it were the statement of a position, of one side of an issue, and we respond by disagreeing perhaps, but by accepting the premise of apocalyptic crisis. The reward we hope for is not too much violence. In New Haven there were three small fires, obviously set, in the law school, and a bombing in Ingalls Rink. But the peace was kept, by speakers who advised

XUM

the crowd that the time was not ripe for violence, yet. The University is full of slogans painted and stenciled all over it. These stenciled and spoken slogans and threats are called dissent. But they are in truth vandalism, a kind of aggression almost physical, in content most often a series of curses which do not pretend any attempt at persuasion. No principle of a free society requires public, let alone private, institutions to allow this sort of verbal violence to take place on their walls or orally within their precincts. Yet we observe it and listen to it respectfully, and thus legitimate it. Nothing is unspeakable, and hence nothing is really undoable. The university, we hear it said and assented to, is thoroughly unworthy, and so is the entire legal order. Therefore the university and the society may not use force to protect themselves against violence, let alone the threat of it, but force may justly be used against them.

There has been an appalling use of deadly force at Kent State, in Augusta, Ga., and in Jackson, Miss., which we must punish as criminal and which we must bend every effort to prevent in the future. The President was rightly criticized for reacting to the Kent State killings by saying in effect that violence will breed violence. To have said only that was not enough and is not the whole truth. But what the President did say was nevertheless true. It is probably statable in the form of an equation that so many rampages, so many bricks and bottles thrown, and even so many epithets hurled will eventually, in one or another corner of the country, produce so many innocent victims. It is probably also statable in the form of an equation that so much talk of the rottenness and sickness of men and institutions, solemnly countenanced by so many apparently rational people, will produce so many rampages and bottles and rocks, and so much incendiary counter-rhetoric like the Vice President's, as well as some counter-rampages. No sane person can condone riots by construction workers or by police, and certainly not killings. But a price is inevitably going to be paid for destroying the order of society. If the streets belong to the people, they are going to belong to all the people, not just young radicals. If all we say about Kent State is that it is an instance of brutal repression for which the Vice President and the Attorney General and an isolated and insensitive President are responsible, we are not telling the truth, and by not doing so we will help bring on more Kent States.

What, in the title of one of Lenin's pamphlets, is to be done? We must restore conditions in which slogans and mass emotions do not drown out and drive out reasoned analysis; in which passionate assertion is not automatically seen as high-minded and presumptively right, while dispassionate judgment is denounced as insensitive and presumptively immoral. The young are right about the war in Indochina, because the majoritarian political process alone does not legitimate a war. The President must stop it, and Congress must make him stop it. The young are right too about a great deal of racism, and about the debasement of values by commercialism. But many of the young are wrong about repression. The society is free and open, if flawed and gravely troubled. What repression there is is imposed, as often as not, by the young in the universities, where their pressure for ideological orthodoxy and a kind of emotional solidarity threaten to achieve what Joe McCarthy never did.

Our domestic problems can be solved or alleviated only through the democratic political process, which is slow, and out of which no one gets all he wants. The political process is not only slow, it is prone to error, and it carries a high frustration factor. But revolution would produce only something less responsive to claims of social justice and infinitely more coercive and oppressive. All this many of the young may not believe, but it is not disproved by epithets and demonstrations. Of course, the objective situation in the United States, as the Marxists would say, and as the true Marxists probably do say, is such that violent repression is much more likely than violent revolution. But if we are to have neither, we must have order—order under law, which means freedom to question the law and test it and freedom to seek a higher justice than the law may embody; but which means also freedom from coercion and violence, physical or verbal.

The place to begin restoring order in speech and action is the university. No single university can do it, and virtually all have slid so far into disorder that they must in fairness give notice of intention to return to earlier ways before acting to do so. The heads of leading universities should convene publicly and reassert standards of civility of speech and conduct. Instead of commiserating with each other under various pious auspices about a supposed crisis of irrelevance in higher education, they should announce their intention to institute a reform which is the precondition of all other reforms: the use of disciplinary power to keep discourse and action within the bounds of order. No more vandalism; no more assultive, vicious speech; no more incitement to violent action; no more bullying, simulated or actual. If the reassertion of this minimum of authority should bring strife and violence in the short term, as it may, it will be less strife and less violence than is otherwise in store for us.

WHAT IS RIGHT WITH AMERICA

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. DANIEL of Virginia. Mr. Speaker, the community of Martinsville, Va., was shocked and saddened last Friday by the untimely death of a valued and personal friend, Mr. Dan A. Greene. Dan Greene was a man who gave of himself untiringly, unstintingly, and unselfishly for the benefit of others and in the interest of the community and the State in which he lived. His passing has left a void which will be difficult to fill.

On June 22, there appeared in the Martinsville Bulletin an editorial concerning the late Dan Greene and I insert this in the Record:

Dan Greene Will Long Be Known For His Contributions to All

To say the least, our community was shocked by the news of the sudden illness and death of Dan A. Greene.

He had lived here since 1940, or for 30 years. Yet he was still a relatively young man when he died of a heart attack at the age of 54 last Friday evening.

Nonetheless, those 54 years were filled with incomparable contributions to his neighbors and friends. And they numbered in the many thousands because his work and concern embraced citizens of all ages and walks of life.

Recognized as a highly successful businessman, Dan A. Greene will be remembered longer, however, as a civic leader whose compassion and interest embraced about every facet of community life.

He was interested in our youth. This was evidenced by his activity in and support of the Boy Scout movement, his original efforts in helping to organize and continued support of baseball programs for youngsters of all ages, and his assistance in the organization of the Martinsville Recreation Association.

He was interested in the needy, as evidenced by his efforts in organizing Christmas Cheer and his subsequent election by its members as a lifetime director.

He was interested in racial harmony and community progress. He was interested in everything that stood to benefit his fellowman; and he was not only generous with his time and leadership but was equally as generous with his financial assistance to every worthwhile civic and community project.

Ebullient and gregarious, he made friends easily and warmed their hearts with his vitality and interest in their personal lives and successes.

He was both the champion of the underdog and an admirer of the qualities possessed by the true champion, whatever his field.

He was a sentimentalist and a sensitive man, particularly when and if he detected what seemed to be an intrusion of injustice, bias and prejudice or oppression and exploitation. But he was a courageous man, too, and worked against all those things with the same sort of fervor and determination that marked all his contributions to his fellowman.

He was not a good loser in that he accepted attacks on or reversals of his principles without a hard fight. He believed any game worth playing was worth winning; any project started, worth completing.

This community will miss Dan Greene—and greatly. But it has profited more than we can relate here for having had him as a citizen and neighbor for the past 30 years; and for that, we are extremely grateful.

To his fine family, The Bulletin expresses its heartfelt sympathy, knowing that we express the sentiments of thousands and thousands of others who are appreciative of the vital part Dan Greene played in giving us a better community.

Mr. Speaker, Dan Greene was especially interested in the wholesome development of young people. Shortly before his death he delivered a speech to the youth of his area. In the address, Dan Greene discussed an aspect of the Vietnam war which is all too seldom publicized. He classified the war in Southeast Asia as merely one stage of a much longer and more extensive confrontation—the war between the free world and the Communists. This battle between ideologies has been raging in many places since the origin of the Communist doctrine. If its form has differed from time to time, the change was instituted only to serve the immediate situation. For the goal of the Communists remains that of world domination.

Mr. Speaker, I insert in the Record Mr. Green's speech which he entitled "What's Right With America":

What's Right With America

Hippies, Yippies, new left, student unrest, radicals, SDS, beatniks, peaceniks, protesters, draft card burners, militants, anarchists, dissenters, activists—these are some of the emotion filled terms often used today in reference to the young people of the world.

As a result there is a large bridge of misunderstanding between a significant portion of our young people and many of their elders. The distrust, conflict and frustration that has seemingly grown up between the generations needs to be underscored to be resolved.

Why do we have this thing called "the generation gap" and why is there so much unrest among young people and the student class? These same questions are being asked not only in the U.S. but, in Mexico, Japan, Germany, Italy, Spain and Iran and in practically all other democratic lands around the world.

No generation has been more examined, probed or less understood than todays younger generation. Our young people are called the "Now" generation, and with good reason. They find it hard to relate to the past. They find it easier to relate to the future. They are different from any other generation that has gone before, with a difference that goes beyond the fact that they are better fed, healthier, educated and certainly more sophisticated.

We also live in an age of youth not just because there are so many young people, but because our entire society is directed towards extending youth. We have made youth the "Ideal." Youth has become a major economic, social, and political factor. Our clothes, cars, entertainment and other facets of daily living all have the youth accent.

Young people demonstrate today not only because they believe in causes, but because demonstrations work. Young people generally feel that the older generation has not done a proper job in particularly two fields—the field of world peace and that of social progress.

Certainly we see today in more articulate young people, the intellectual and sensitive ones, a preference for a more humanistic and democratic society. They are showing it in the accent on people related jobs—social science, social service, the ministry and humanities.

Unfortunately too much of the attention of our news media and some of our leaders has been directed towards the minority of our young people. The ones who through their actions in sit ins, violence, utter disregard for the other persons rights, their abuse of their God given freedom to destroy freedom, and other demonstrations tend to bestow a mantle of shame upon all young people. Our adult generation needs very much to reform ourselves in order to eliminate this generation gap.

Speaking as one of this so called adult generation I am asking your help and understanding as future leaders of our great country to control this radical minority that is bent on destroying everything precious in this world of ours.

Wars cannot be abolished. It is true that one of the main reasons the younger generation is so disturbed is that they never really understood the true meaning of America's presence in Southeast Asia. Likewise, many millions of citizens who have read adverse comments on the war or in the press or heard the criticisms of the administration on television are not aware of the background of the vital issues.

We all agree that the universal question today is how to end the war in Vietnam. It must be and is the major concern of our national leadership. The whole world is watching, waiting and wondering. There has never been a popular war particularly with the men who fought it. But I doubt if there has ever been a more unpopular war nor a war more criticized. But it is a war and we are in it. It is a real war to the thousands of boys who have been killed so far and it is real to their families. It is real in the sense that it is costing over 2 billion a month. It is real to the over half a million men in Vietnam and Cambodia today.

It is real to the extent of turmoil it is creating among ourselves. It is real, it is tragic. Worse still it seems to be no closer to the end than when we started, although we have been told we will be out of Cambodia by July 1st and 150,000 of our boys will be out by next year.

I don't know how many of you feel as I do that the war in Vietnam is part of a much larger and much longer war—a war between the Communists and the Free World. It was declared by the Communists. It was declared by Karl Marx before there was a Communist country in the world. It was declared by Lenin. It was waged by Stalin, it has been relentlessly waged by every communist leader since. It is being waged on many fronts in many forms. It is both a cold and a hot war. It is an economic war and a political war. It is a propaganda war and an ideological war. It is waged according to a Communist timetable on battlefields of their own choosing. It has a single objective, Communist control of the entire world. So far our generation has seen a divided Germany; a sectored Berlin; a Russian occupation of Eastern Europe, Northern China, Poland, Hungary, Turkey, Czechoslovakia; invasion of South Korea; Missile crisis in Cuba; Algeria, and the forcing of the French to withdraw from Southeast Asia. Our determination to help free people to maintain their free institutions and their national integrity and to prevent Communism from carrying out their threat to *encompass the world* is without any doubt the main reason we are in this present conflict.

We are the world's one hope to contain communism until it destroys itself. We must not fail the freedom loving people throughout the world.

Everyone of us, whether we be young or old, is sickened by war. Evangelist Billy Graham in a talk recently before 3000 business leaders attending the Annual Convention of the U.S. Chamber of Commerce said "As long as we have one man in the world who hates, who has prejudice and intolerance, we have the danger of another world war that could tear civilization apart. Something is wrong with the human race that civilization has not solved, something that culture has not solved, something that social opportunities and economic advantage have not solved. It is man who must solve the problem of himself before he can solve the problems of the world in which we live. The only solution to this dilemma is to regenerate human nature so that hate is replaced by love, intolerance by charity, so that prejudice, lust and hate are taken away and men will not fight in wars nor resort to violence."

This is easy for Billy Graham to say. But, can we actually do anything about it. First, we must realize that man must create his own happiness. A man is not mature until he relates himself to the universe. He is not educated until he has disciplined his emotions. Whenever one goes counter to the basic strong currents of life, he shall one day find that he was merely deluding himself. This challenge demands more than understanding and sympathy, more than just token performance. It demands the developing of the sense of personal responsibility and initiative to bring order to a heartsick world. However, in trying to do our personal thing to help bring about this order we must act orderly.

In every game or situation throughout life there must be a set of rules. We cannot as we call it play the game unless these rules are clearly defined and then lived up to.

Someone in authority has set out the rules and regulations of all the sports represented;—be it baseball, tennis, track or golf which we must respect in order to play correctly. Ignorance especially in this special world of sports is no excuse.

Today the word rules is a real "red flag" term to some people. They don't like "rules" and they let the world know how they feel about them.

It is human nature to resist barriers. It seems to irritate our urge or drive for self survival. Even animals don't like cages or restrictions of any sort. They want to be free. Man usually desires freedom of expression. When this is stymied he resists it in various ways. Therefore, it is easy to see why some people react unfavorable to any type of rules and regulations. In a civilized society man can be free only when he obeys laws and abides by rules.

Order makes life possible. Order is hooks for hats, racks for shoes, procedures for traffic and a place for everything. Order is the frame without which all values lose shape. Order is the ground beneath our feet. Those who cry for immediate and drastic changes at the time of disorder and violence should recall that without order no one can have anything. Order is rules and regulations that are so vitally necessary to preserve our liberty. The youth minority that I spoke of earlier feel that this precious liberty that we have and are fighting so hard for means doing just what they please. Don't allow them to confuse you.

The Liberty of one person ends where the liberty of other persons begins. In order to have liberty there must be responsibility and observance of laws. Rules and regulations are vitally necessary for the preservation of law and order. Any other means will lead to chaos and disorder. Liberty does not confer the privilege of infringing on the rights of others. It must be exercised within reason, kept under control. It must be within the law. As good Americans, proud of our country we must be ever ready to defend our rights, and under God, exercise our heritage as law abiding citizens.

Today the greatest thing in the world is not money, not big buildings, nor armies of atomic power but character.

When Horace Greeley was dying he exclaimed "Fame is a vapor, popularity an accident, riches take wings, those who cheer today will curse tomorrow only one thing endures, character!"

These weighty words bid all remember that life's one task is the making of manhood—our world is a college, events are teachers, happiness is the graduating point, character is the diploma God gives man.

This world of ours needs men who can be depended upon, who puts others before themselves and who are not afraid to be counted. Those who are able to add something to the uplifting of political life, something to the brotherhood of social life, something to the practical efficiency of spiritual life, the ability to agree to disagree without being disagreeable and the good old common sense to weigh all the values before making a decision. Then and only then will we have done mankind a real service.

Life is good if we play according to the rules. But we cannot live and make ourselves better for ourselves alone. While self preservation is a fundamental instinct of human nature, consideration for others is a primary law of society. This primary law should be our doctrine in our quest and hope for the blessings of a real and lasting peace.

The noted critic John Mason Brown gave vivid testimony to the joy of service in these words and I quote: "No one I am convinced, can be happy who lives only for himself, better, more enduring and worthier than we are. People, ideas, causes—these offer the one possible escape not merely from selfishness but from the hungers of solitude and the sorrows of aimlessness."

The pitiful people are those who in their living elect to be spectators rather than participants; the tragic ones are those sightseers who turn their backs deliberately on the procession. The only true happiness comes from squandering ourselves for a purpose. In the struggle in which the free world is now engaged there is no assurance that we shall survive, unless as individual men and women we possess those qualities of character which determine, finally whether a civilization lives or whether it dies. So my friends, lets get involved, but lets remember the rules. Our future is unlimited to the extent of what we can do as civilized human beings, as good members of our community, as good Americans imbued with the doctrine of the four freedoms to further and expound the precepts and ideals of peace, brotherly love, democracy and "Whats right with America" for all mankind.

XUM

THE AGE OF AQUARIUS

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. ALBERT. Mr. Speaker, I desire to call the attention of the Members to a speech, "The Age of Aquarius," delivered by Miss Betsy Ballard, a freshman student at East Central State College, Ada, Okla., in my district. Miss Ballard is considered one of the most gifted contestants ever to participate in the 24-year-old Third District Oratorical Contest.

There are six colleges in my district, four of which are 2-year colleges, and two 4-year. Each college is eligible to send a freshman or sophomore representative to this event which is hosted each year on a different campus.

The 1970 first-place winner is a speech and drama major and an accomplished debater. Her speech was delivered from notes, and at my request was written in essay form from memory. Her theme, the problems of self-identification and communication, while not unusual, is dealt with in a highly original manner, which to my mind indicates that the writer has no problem in either area. Miss Ballard's oration follows:

THE AGE OF AQUARIUS

(By Betsy Ballard)

"When the moon is in the seventh house, and Jupiter aligns with Mars, then peace will guide the planet and love will steer the stars." Perhaps when you heard these words from the Broadway musical, *Hair*, you wondered, as I did, just when this magical "Age of Aquarius" is ever going to take place. Maybe you listened to those lyrics which proclaimed a beautiful future time when everyone is going to get along perfectly, there aren't going to be any problems—no strife; and then you picked up a newspaper and read the headlines and realized that things are not getting any better. They're getting worse. Maybe then you realized, as I did, that this situation stems, in part, from the individual; that the individual faces two staggering problems in today's society: self-identification and communication.

First of all, how do you find your own particular self? I'm sure that everyone here at one time or another has wondered to himself, "Who am I? Will I ever be able to make a place for myself? Will I ever belong?" These questions are by no means new, but in today's highly complex society where pressures to conform are always increasing and machines seem to be turning out more and more carbon copies of people, this search for identity has become increasingly important. The futility of finding one's self was once summed up in a short poem by e. e. cummings:

> "To be yourself
> in a world that is doing its best
> night and day
> to make you someone else
> means to fight the hardest battle
> that any human being can fight
> and never stop fighting."

But now some people have stopped fighting, and that's where the trouble lies. An example of this is the extreme polarization of the age groups. In an effort to achieve some security, many young people have turned to drugs, dirt and long hair. They have joined the youth movement so that they may hold up a mask to the world and say, "This is me. This is where I belong." But they haven't really come any closer to finding themselves. They haven't really solved any problem. They have given up their individuality for a false sense of belonging, for a comforting semblance to present to the world.

But the older people are just as guilty, in their own way. In their search for identity, many of them have joined what is now termed the "Silent Majority." They wear their conservative suits, drive their reasonably-priced cars and condemn anything new, better or different, as radical. They, too, have not found themselves. They, too, are hiding behind a mask.

But let's say that you are lucky enough to find your own particular self; what happens then? You run up against the second problem: communication. How do you stand up and say, "This is how I will be accepted,"? It isn't easy. This is evidenced by the recent segregation disagreements. The children in the buses are saying, "We want to be educated. We want to go to school here. This is us: accept us." While the adults outside throwing the bricks are saying, "This is our school. This is our system. We don't want you here. Accept that." Both groups are desperately trying to be heard, but neither is trying to hear. This lack of communication has been satirized in a popular song, "The Rapper," which states that people today don't ever touch—they rap. They never really become part of anyone else.

Perhaps by now you're wondering, "Just what can I do to help? What would my one little effort accomplish?" Well, I wondered the same thing and I came up with a few solutions. You can do one of three things: first, you can do one stupid thing a day. Now, it has to be something stupid. It can't have any purpose or meaning, just something to help let off steam. Speaking from personal experience, I'll show you how this works: I stayed up very late one night, finishing a research paper over Adolph Hitler and the concentration camps. I was really depressed when I finished it, both because of the subject matter and the time I spent on it. In a way, I felt somehow responsible for what had happened to the Jews during world War II. Anyway, I finished it and turned it in the next day, and I was walking across campus with my arms full of books I'd used to research the subject, when all of a sudden it hit me: I'm done with the thing! And I just had to do something, so I threw all my books into the air and watched them fall and fell to my knees in the grass, screaming and praising the Lord. And you know, that was a stupid thing to do, but I felt better than I had in weeks—I felt released. Now someone is always going to point to the holes in this; they would have pointed out to me that the library book cover I ripped off cost me two and a half dollars, and that the people in the classes that I disturbed with my yelling were really annoyed. But I think that if I weighed the cost of that library book and the disturbance I caused against the feeling of relief I experienced, I'd find out that I came out ahead, and I'd do it again.

But I'm not saying that that will work for everyone. If you don't want to do that, you can adopt a slogan to live by. Just some simple phrase that will help you when the pressures build up. The Trappist Monks in Kentucky have one: theirs is "Work and pray" and that seems to work for them. But yours doesn't have to be anything serious, it could be "Prunes will conquer the world" or "Purple bunny rabbits are far superior to white ones" or anything that strikes your fancy.

But if you don't want to do either of those things, if you go in for something difficult, something meaningful, greet one person a day sincerely, from your heart. I believe the greeting in the times of the apostles went, "The blessings of God be upon you and your family." Try and put that amount of sincerity into your greeting. Just go up to someone you know, or someone you don't know and say, "Hello, friend," and watch what they do. They might walk away, they might not even look at you. But they might answer you, "Hello, friend." And for that one brief moment, you won't have rapped—you'll have touched; you will have become a part of someone else. You will have communicated.

My advice was once summed up by a far more capable source when, in *Hamlet*, old Polonius says to his son Laertes, "To thine own self be true. Thus it must follow, as the night the day, thou canst not then be false to any man."

Well, I started out with *Hair*, then moved from E. E. Cummings to Shakespeare; perhaps it might be well to wind up with *Hair*. The rest of the song goes: "Harmony and understanding, sympathy and trust abounding. No more falsehoods or derisions—golden living dreams of visions. Mystic crystal revelations and the mind's true liberation."

It's a beautiful dream, isn't it? But, you know, it's never going to happen, not until the problems of self-identification and communication are answered. And I can't answer them because they are such purely personal problems. I can't offer an all-encompassing solution that will work for everyone—the ones I offered are purely superficial; they won't solve the problems of segregation or bridge the generation gap. They won't accomplish anything until there is a change in people. Until there is a change in me and a change in you to make us realize the supreme of recognizing and becoming the individual and of striving for and achieving true communication. But maybe some day this will take place; maybe some day this will actually happen. And then "to be yourself" won't be "the hardest battle any human being can fight." Maybe then we will find ourselves living in the Age of Aquarius.

RESOURCES AND THE ENVIRONMENT

HON. WAYNE N. ASPINALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. ASPINALL. Mr. Speaker, there is a little need for me to comment on the importance of maintaining a proper environment in this Nation, and indeed throughout the world, if man is to continue to live in comfort and security on the planet earth. A great deal has been written on this subject in recent months. Much of this material has been excellent but some, unfortunately, has not been accurate and, in my opinion, it has missed the mark by indicating that man alone is the only factor that has caused a degradation in our environment. Man certainly has caused changes in the environment, and many of these changes have been thoughtless and unnecessarily harmful. However, it seems to me that what we must strive to achieve is not a static environment, not one in which there is no change or progress, but rather one in which there is a balance between the needs of man and the needs of nature. I do not look forward to the time when industrial or technological progress and advancement must stop and I do not think it is necessary that they stop. Redirected, yes, but not stopped.

It was my privilege recently to appear at the commencement exercises at

XUM

the Colorado School of Mines at Golden, Colo. One of the participants on that occasion was Dr. William T. Pecora, Director of the U.S. Geological Survey. Dr. Pecora's remarks on the environment and the need for balance between the needs of man and those of nature struck me as being both objective and pertinent and I commend them to my colleagues.

Mr. Speaker, I insert the address by Dr. Pecora in the Record:

RESOURCES AND ENVIRONMENT—QUEST FOR BALANCE

(By W. T. Pecora, Director, U.S. Geological Survey)

Ancient man lived in harmony with nature. His existence was precarious but he accepted the good and the bad as qualities beyond his control and he stood in awe at natural phenomena he could not understand. From this humble beginning evolved our present society which now indicts man for all environmental ills and assumes that nature can be shaped to meet his every need. The ability to maintain an acceptable environment can be hindered by failure to recognize basic earth processes and quality patterns beyond our control. With the intellectual development now achieved by man, it is inexcusable that we should fail to predict responses of nature consequent to our own development. Environmental degradation is a natural process on earth. Man, however, is beginning to contribute to that degradation in large measure in certain areas. Man has begun to develop an awareness that better housekeeping of the earth must be practiced as he continues to take from the earth the things he needs and uses.

PLANET EARTH IS MAN'S ABODE

For some 5 billion years the planet Earth has revolved about the sun; and there is good reason to believe its journey will extend beyond another 5 billion years. Throughout this period the earth has undergone constant change—mountains have risen where oceans formerly existed; animal and plant species have flourished and become extinct; earthquakes and volcanoes have always been with us; rivers and plains have appeared and reappeared; and glaciers have covered large segments of the planet many times. Although on Earth but a few million years at the most, man has in the past 200 years unraveled a great deal of earth history and learned how to use the planet to meet his growing needs for survival.

As earthbound residents, we look constantly, nevertheless, to other planets. One, the moon, satellite of the earth, has already been visited and found to be totally hostile to man. The surface of Venus is too hot for us, and Mars offers little, if any hope. The other planets are simply out of the question. Man, indeed, is earthbound and we must learn to accept this inescapable circumstance.

Of the billions of galaxies that exist in the universe, perhaps there is at least one other solar system like ours with a planet in the same solar position. Wherever that may be, it is beyond our reach, however great our expectation. We must learn to live on this planet throughout our full existence as one species.

CIVILIZATION ALWAYS MOVES FORWARD

Man has achieved phenomenal advance over 10,000 years in the face of a world population increase from a few million then to 3½ billion today. The complex development of society over this period was accomplished because man has an intellect that could innovate, plan, acquire information, store it, pass it along to succeeding generations, and increase the level of its systemic intellect through research and development. What has often been called intellectual curiosity, as directed toward our total environment, is really a necessity by society if it is to avert disaster.

Man now truly inhabits the entire planet. He has crossed mountains and oceans, explored the poles, and burrowed deeply underground. The simple but astute primitive observer of nature and natural processes has developed into the creative scientists who serves man's mind in seeking to feed the technologic engines of modern society. Those unique quinqueremes of ancient times have developed into jet aircraft; simple mathematical devices that were developed separately in different civilizations have grown into complex modern computer systems; signal drums have blossomed into telecommunications systems that link hemispheres. Real time for man now has real meaning, and you are part of all of this. You cannot ignore nor escape your role. Your generation will do deeds only dreamed of by mine, just as my generation made a giant step from my father's. The status quo may have meaning for other species on earth; but for man there is no status quo because of his intellectual capability.

PROJECTED RESOURCE NEEDS OF THE UNITED STATES

Let's take a look at the resource needs of the society that makes up the United States of America. We are at the apex of civilization, and yet within the life span of 200 million people now living in the United States, this nation will consume from the earth:

6½ quadrillion gallons of water
7½ billion tons of iron ore
1½ billion tons of aluminum ore
1 billion tons of phosphate rock
100 million tons of copper and so forth.

In 40 years, our population will double. Just think of the added requirements of the next generation!

Water usage will triple by the year 2,000

Energy requirements will triple by the year 2,000

By the year 2,000 we will have to construct as many houses and other facilities as now exist in the United States.

This staggering amount of natural mineral resources upon which the sustenance of the Nation depends imposes a tremendous task of new discovery, and new development. How can we do this without changing the character of our environment; for society must also provide against excessive noise, excessive pollution, excessive degradation of the landscape, water-scape, and sea-scape. We do want the best of all worlds!

If this be the situation for the United States, certainly resource needs for the rest of the world command even greater attention. Developing nations seek fulfillment in health and economic betterment. The crust of the earth is worldwide and knowledge gained in one country can be used to good advantage by scientists and engineers in others. The crust of the earth has full potential to provide for man's needs if we have the motivation to procure and develop. The problem for mankind is universal—planetary—not national. Certainly international competition cannot go on forever; wars must cease and man's society must be planetized if the species, Homo sapiens, shall persist on this earth.

If we must therefore take from the earth to provide for ourselves we must employ value judgment and trade-off concepts in deciding how much to take from our environment, where to take it, and how to leave it in the taking and using. Take and use we must or we cannot survive as a species on earth.

THE NEED FOR RESEARCH

If the earth shall provide the materials for the survival of man's society, then a prudent society must provide for an intimate understanding of the earth, inquiry into geologic processes that have operated over the span of earth history, and operate today, continuing inventory of current and potential resources, and continuing effort to develop new techniques for information-gathering systems. Research and technologic development are costly investments; but they pay off handsomely in long term benefits. Too often a society thinks only of "now." The cumulative benefits of early endeavors, on hindsight, are superb demonstration that today's long term is tomorrow's short term. Time, for man, is a long continuum.

The best example of this is the basic mapping systems that have been developed in the past. These include base topographic maps, geologic maps, hydrologic maps, geophysical maps, geochemical maps, and thematic, environmental, special subject maps. All of these are the products of intensive research effort. I am concerned that the pace of doing this kind of work has slowed down in recent years and I predict that our society will suffer for it. Our priorities will have to be reordered because of increasing needs of a World society that has a divine right under God to utilize our planet's total resources and to better the lot of man on earth.

PRIMARY NATIONAL RESOURCES GOAL

The United States, from its very inception, has been accused of placing too much emphasis upon the accumulation of wealth and too much effort in raising, through industry, its so-called standard of living. This view was first stated unequivocally in 1831 by Alexis de Tocqueville, a French Nobleman who visited this country when it had 24 states and 13 million people. Similar views are being stated today, as we have grown to 50 states and 200 million people. The American democracy and its free enterprise system is a great and successful experiment, the first of its kind in the history of civilization. I, personally, see nothing wrong with dedication of individuals, or groups, toward amassment of wealth through honest industry. But in the process of achieving these goals our society unwittingly, or knowingly, has permitted deterioration of other values, not measurable in dollars or numbers, and which affect the quality of individual life in many ways. The growth of science and technology in discovery and utilization of our basic resources has failed in some ways and in many places to retain or fortify man's natural environment.

SOME MYTHS OF OUR ENVIRONMENT

It is believed by many people in this country that man alone is degrading and polluting his environment because of our modern industrial society. Some myths, however, need to be destroyed. Let me cite a few natural earth processes to demonstrate that natural processes are by far the principal agents in modifying our environment. This is not to excuse or put aside what man does, but rather to put man's actions in proper natural perspective. Those individuals who speak about restoring our inherited environment of pure air, pure rain, pure water, pure lakes, and pure coastlines ignore the inevitability of nature.

It has been calculated that more than 100 million tons of fixed nitrogen in the form of ammonia and nitrates is annually transferred from the atmosphere to the surface of the earth as part of a natural precipitation process. In the United States alone there falls upon the face of our land annually more than 4 million tons of table salt, 2½ million tons of sodium sulphate, and 36 million tons of calcium compounds—all in rain water.

Particulate matter and natural gasses dispersed from the volcanoes is a continuing phenomenon. From three eruptions alone, the Krakatau eruption in Java (1883), the Mount Katmai eruption in Alaska (1912), and the Hekla eruption in Iceland (1947) more particulate matter in the form of dust and ash and more combined gases were ejected into the atmosphere than from all of mankind's activity. Add to current volcanic processes the normal action of winds, forest fires, and evaporation from the sea, and we can readily conclude that man is an insignificant agent in the total picture, although he is becoming an important agent in extremely local context.

We have long been led to believe that water issuing from natural springs is pure and beneficial to health because of its purity. The springs issuing into the Arkansas and Red Rivers carry 17 tons of salt per minute. In the Lower Colorado River salt springs carry 1,500 tons of salt per day. The Lemonade Springs in New Mexico carry 900 pounds of sulphuric acid per million pounds of water, which is ten times the acid concentration of most acid mine streams in the country. Hot Springs in Yellowstone Park is likewise many times more acidic than the typical acid stream in a coal mining district. The Azure Yampah spring in Colorado contains eight times the radium that the Public Health Service sets as a safe limit. These are but a few examples of the kind of pollution that goes on continually from natural springs.

The lakes and ponds throughout geologic history have gone through a life cycle of birth, maturity, old age, and disappearance. No lake is truly permanent. Some of our inland lakes during their mature stage become more salty than the ocean itself. The Great Salt Lake is nearing its dying stages. Once 20,000 sq. mi. in area, (Lake Bonneville), it is now only 950 sq. mi. in area. Many thousands of years ago it was essentially a fresh water lake, fed during the pluvial period of the Great Ice Age, and now it is about ten times as salty as sea water.

We frequently hear that Lake Erie is dead. This is pure rubbish. Lake Erie is the shallowest of the Great Lakes, was created about 20,000 years ago and, barring another Ice Age, has several thousand of years yet to go before senility. The western part of the lake is extremely shallow and receives a large amount of natural organic material transported from the surrounding terrain. Here is where the algae growth has always been present. Lake Erie has continually produced about 50% of the fish catch of the entire Great Lakes system, consistently over the past 100 years. This is not a mark of a dead lake. Green Bay, of Lake Michigan, so named by the first settlers because of the green color of the algae so prevalent in the Bay is, like the western shallow part of Lake Erie, the source of a great amount of organic matter. The food supply for aquatic life is high in these environments. The oxygen supply, unfortunately, diminishes as algae growth increases, as this portion of the lake becomes more and more shallow and as organic material is swept into the water, whether from natural or human sources. Every lake or pond, whether natural or man-made, faces a similar life history. Man can certainly better or worsen a natural situation like this.

The rivers of our nation are being called dirty because of the works of man. We must understand that the river systems of the land are the natural transport systems for sediment washed downhill by the rains that fall upon the land. It is estimated that the Mississippi River carries into the Gulf a load of more than 2 million tons of sediment per day. This is equivalent to the load of 40,000 freight cars. The Colorado River carries into Lake Mead about 40,000 tons per day. The Paria River in Arizona is probably the dirtiest river in the world. It carries 500 times as much sediment as the Mississippi River per unit volume of water. This is a continuing condition year after year. Chemicals are also transported by streams in phenomenal amounts. The Brazos River of Texas, for example, transports 25,000 tons of dissolved salt per day. Peace Creek in Florida carries twice the concentration of fluoride that is harmful to teeth. Many rivers and streams throughout the nation have natural qualities that do not meet the public health standards for drinking water.

The ocean has been the natural waste sink for the large-scale, natural pollution process of the earth. The character of the ocean itself has changed slowly throughout geologic time, while it has continually supported abundant life of all varieties.

MAN AS A GEOLOGIC AGENT

It must be quite evident that, although natural earth processes dwarf the actions of man in a total context, man can become a major geologic agent in a specific or local context. This inter reaction of man with nature is without question a most important issue of future years. In a society that has reached maturity in the industrial sense, the issue of environmental alteration becomes more and more acute. It is within this framework that certain actions 100 or 200 years ago are now considered sinful.

The philosophy of engineering project costs is being modified to allow for certain actions which in the past were not factored into our cost analyses. A mineral resource, for example, should not be developed unless it is rich enough to support proper restoration or reutilization of the land. A major pipeline traversing Alaska some 800 miles should not be constructed without added safeguards to protect the natural environment. Offshore drilling for petroleum should not be endorsed without the added cost of providing maximum safeguards against pollution. Cities and industries should not use the water available from natural sources without factoring in the cost of returning the water to a usable state. The smokestacks of our refineries and energy plants must not treat materials that put unwanted matter into our air. Reservoirs are constructed and rivers are diverted. These problems and others like them are familiar to all of you. The science and technology which has made possible the great advance of mankind can surely pay attention to these matters and resolve them.

Who will bear the cost, however? Who will make the policy decisions? We know that government agencies have been urged by the people to regulate these matters, but who will pay the cost, I ask, for what I am convinced science and technology can do to ameliorate the situation. It must be the people. Whether through their tax participation or whether it be in the higher cost of a product, the people must pay the cost both in dollars and in landscape changes for taking from the environment what mankind needs. We who represent science and technology can show how resources can be utilized with minimal alteration or degradation of the environment. We can do this, however, only by making a complete inventory of cause and effect—in other words—spelling out our costs and trade offs in more than just dollars. President Nixon and Secretary Hickel have spoken of this on many occasions.

A GREATER ROLE FOR ENGINEERING

Throughout history engineering accomplishment has been a magnificent measure of human achievement, particularly where new challenges were posed. Daring projects, planned on basic natural laws, carefully monitored in the design and construction stages, became on hindsight well-conceived operations. For those times the ancient irrigation system of Mesopotamia, the Roman aqueduct, the pyramids were utterly fantastic operations. The hot water supply at Bath, England still functions perfectly almost 2,000 years after its construction. Today the Hoover Dam, the Open Pit at Bingham, Utah, the Golden Gate Bridge or the Hudson River Tunnel mark great ventures of our own era.

Although the engineering profession today is recognized as one which gets things done, it is also recognized as one that is essentially pragmatic in acquiring maximum integrity of structure and function at minimum cost. A new ethic for engineering is evolving. More and more concern is being directed to areas of social impact arising from waste products disposal and environmental degradation.

In the 1969 Christmas Pageant of Peace in Washington, D.C. pine trees marked a path for the States of the Union—each tree for a state. These trees had been supplied by a private company in the Midwest and grown on restored lands where ugly coal strip mines had disrupted the landscape. The mining venture here was but an incident in a time plan. How proud I was to see this; but so few people know of it and other cases like it. So many are angry over chemical wastes dumped into lakes and rivers and gaseous products from smelters and coal-burning smoke stacks emitted to the air. And their numbers are increasing!

The value of the extractive mineral resources in the United States is currently in the order of $30 billion annually. This includes both the energy and hard mineral resources. The impact of that part of the engineering profession responsible for this mineral production, and its subsequent use in the economy, is profound on the maintenance of our way of life. American industry is in trouble, however, because of past abuses to the environment which admittedly have been magnified or distorted by some critics. Profit has become an ugly word and the concept of service to mankind derived from engineering practice is being ridiculed in many places. We are in the midst of a conflict between the need to develop our resources and the need to preserve our environment—both for the benefit of mankind. In your chosen profession of engineering you will be very much involved—you will be subject to pressures from both sides and you must be responsive. Do not be silent under attack.

You young graduates will one day be leaders in your profession. The principal obligation of leadership is to be alert to the issues, to make tough value judgments, to be forthright in your expressions to management and to the community, to seek facts but, in the absence of total facts, to have the courage to make gut decisions with a constant edge toward people and people's problems. This is your quest—a quest for balance.

You may have read the words expressed by H. L. Keenleyside of Canada before a United Nations Scientific Conference. They came from a poem of James Russell Lowell in his tribute to Cromwell. More than anything else they represent the philosophic view I am presenting to you today. Let me give those words to you now:

"New times demand new measures and new men;
The World advances, and in time outgrows
The laws that in our father's day were best;
And doubtless, after us some better scheme
Will be shaped out by wiser men than we,
Made wiser by the steady growth of truth."

God be with you in your life's endeavor. Never, Never, shade the Truth. Thank you!

WESTERN UNION SERVICE TO CONGRESS LAGS

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. PELLY. Mr. Speaker, on many occasions in recent months, I have dis-

XUM

covered that important telegrams from constituents were arriving in my congressional office after the vote occurred in the House. As the pattern continued, I began to check carefully only to discover that the timelag between the time some telegrams arrive and the time they are delivered is inconceivably long, and so long as to render them useless.

The most glaring example occurred just today. I requested important information from my State on pending legislation. As the vote approached, the telegraphed information still had not arrived, so I telephoned the Governor's office and had the text of the telegram dictated.

The telegram finally arrived, dated as having been received at 12:58 a.m., yet it was not delivered to my office until 3:45 p.m. At the same time, a telegram was delivered that had been received by Western Union at 8:31 a.m.

Mr. Speaker, this is deplorable service from a company that is trusted by the sender for speed and accuracy. I suggest that the Committee on House Administration investigate this service, and if my experiences are being shared by other Members, that they join me in this complaint.

VIOLENCE IN THE DISTRICT OF COLUMBIA

HON. RAY BLANTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. BLANTON. Mr. Speaker, the right to assemble to petition the Government is a basic democratic privilege of a free people. In the United States, it is guaranteed by the Constitution.

As much as I respect and cherish this right of the people, I have become alarmed at the violence which permeates antiwar demonstrations here in Washington, D.C.

Mr. Speaker, I requested the District of Columbia government to compile statistics for me, which indicate the number of arrests made during recent demonstrations, and the cost to the taxpayers in terms of damage to public and private property, police overtime, and cleanup details. The point I want to make is that the right to peaceful assembly is worth the cost to the taxpayers in the protection we should afford demonstrators as well as the necessary cleanup which follows any massive gathering of people. But the taxpayers should not have to pay for people who by design provoke violence and who abuse their rights.

Since January of last year, antiwar demonstrations which started with the inauguration ceremonies of the President have cost the taxpayers $1,581,236 in police overtime and cleanup alone, not to mention the thousands of dollars in time consumed in courts and administrative procedures prior to and following demonstrations.

Damage to public property and to private property in Washington, D.C., has exceeded $450,000. At least 39 police officers sustained injuries and at least 730 demonstrators and on-lookers.

These figures cover four demonstrations, including those at the inauguration, the October and November moratorium demonstrations and the most recent May 1970 antiwar demonstrations.

Mr. Speaker, I am greatly concerned about reports reaching me that veteran, professional demonstrators are telling prospective demonstrators that they can come to the Nation's Capital and participate in demonstrations, and if they are arrested during violence of any type, they can get off with very minor penalties. A look at the statistics on arrests and disposition of cases unfortunately confirms the fact that most participants arrested do indeed get off lightly.

It is a practice in the District of Columbia for the Board of Judges to set a "collateral" for arrests of various offenses. The standard collateral used during demonstrations ranges from $5 to $25. Only recently, during the demonstration at American University here was the collateral raised to $50, and it was done so during the last day of the nearly week-old confrontations which took part in the American University area.

The rather ridiculously low collateral amounts to a small fine. The arrested individual puts up the $5, $10 or $25 in lieu of being taken into custody. He can forfeit it, and that is the end of his case.

It is no small wonder that less than 20 percent of the arrested persons during demonstrations actually went to court, during the last four demonstrations.

Mr. Speaker, I believe my colleagues will agree that perhaps we need to study the feasibility of legislation which will limit the discretionary power of the Board of Judges to set such low collateral penalties. As a more effective deterrent, we may need a $50 minimum across the board on offenses, or a selective procedure whereby at least some of the offenses, such as the throwing of missiles, destruction of property and defacing of property, have a higher collateral requirement. I note with particular interest that while there is a Federal statute setting a rather stiff penalty for mutilation of the U.S. flag, five persons during the inaugural demonstrations forfeited a mere $25 collateral and that was the full extent of their punishment. If we are to have respect for the law, then laws must be obeyed and violators must be prosecuted, and I wonder why these five persons were allowed such light penalties.

A look at the charts will bring immediately to mind the thought that it is no wonder why people come to demonstrations in Washington, D.C., and have little fear of participating in unlawful or destructive activity.

It appears to me that the Corporation Counsel's Office should review their procedures, and I encourage them to recommend to the Board of Judges more adequate steps to deal with unlawful activities during demonstrations, and in particular, procedures regarding collateral. Likewise, I believe Congress needs to make a full study of the procedures used, and perhaps legislation in this field is not only warranted, but long overdue.

Mr. Speaker, I include the following charts in this text. I am including figures for the 1967 demonstration along with the January 1969, October 1969, November 1969, and May 1970 antiwar demonstration, along with injuries and cost figures. I am enclosing, as a sample of the breakdown of cost figures, a chart showing the cost to the District of Columbia government for the antiwar demonstration in May of this year, and November of last year.

Vietnam war moratorium and Three Sisters Bridge, Oct. 15, 1969

Charge—Disorderly:	*Number*
Arrests	135
Elect to forfeit $10	126
Forfeit in court $10	4
Juveniles turned over to the youth division	5

INAUGURAL ARRESTS JANUARY 18, THROUGH JANUARY 20, 1969

Charge	Total	Elect forfeit $10	Elect forfeit $25	Elect forfeit $5	Nolle pros	No paper	Guilty	Juveniles turned over to youth aid
Disorderly	75	70			1			4
Destruction of property	4	1					(1)	1
Mutilation of U.S. flag	3		2				(2)	
Pedestrian violation	9			9				
Depositing trash	1	1						
Placing advertisement	1		1					
Burning of U.S. flag	3		3					
Throwing missiles	2		2					
C.D.W	2					1		1
Assault on police	1					1		
Total	101	72	8	9	1	2	3	6

---

[1] 1-$100 or 30 days—1 to 30 days.

[2] 1 to 60 days.

NEW MOBILIZATION AND VIETNAM EMBASSY DEMONSTRATIONS NOV. 14 THROUGH NOV. 17, 1969

Charge	Total	Elect forfeit $10	Forfeit in court	No papers	Nolle pros	Not guilty	Dismissed	Continued in court	Juveniles turned over to youth aid	Guilty
Disorderly	172	105	38	11	7	2		1	8	
Destruction of property	2								1	(1)
Mutilation of U.S. flag	2			1					1	
Unlawful entry	2					2				
Demonstrating within 500 feet of an embassy	19				15	1	3			
Pedestrian violation	21	20	1							
Dangerous Drug Act	1							1		
Defacing Washington Monument	1		1							
C.D.W., knife	1					1				
Assault on police	3				2	1				
Trespassing	3			2					1	
Impeding traffic	1	1								
Unlawful assembly	2		1						1	
Total	230	126	41	14	24	7	3	2	12	1

[1] 1 to 180 days.

PEACE MARCH, AMERICAN UNIVERSITY DEMONSTRATION, AND HEW DEMONSTRATION, MAY 8 THROUGH MAY 14, 1970

Charge	Total	Elect forfeit $10	Elect forfeit $25	Forfeit in court	Guilty	Not guilty	No papers	Nolle pros	Continued in court	Juveniles turned over to youth aid	Turned over to ASPD
Disorderly	365	174	19	133	1	1	25	3	3	4	2
Destruction of property	3			2					1		
A.D.W	1						1				
Assault on police	1								1		
P.P.W	1						1				
Dangerous Drug Act	1								1		
Throwing missiles	1			1							
Indecent exposure	5		4	1							
Violation police line	10	5		5							
Improper riding auto	3	2		1							
No driver's permit	1			1							
Pedestrian violation	1	1									
Total	393	182	23	144	1	1	27	3	6	4	2

INJURIES/COST—ANTIWAR DEMONSTRATIONS IN WASHINGTON, D.C.

	October 1967	January 1969	October 1969	November 1969	May 1970
Injuries:					
a. To police officers	13	(1)	None	26	13
b. To military personnel	10	(1)	None	0	0
c. To demonstrators/onlookers	24	(1)	None	[2] 580	[2] 150
Estimated damage to public and private property	(1)	(1)	None	$244,130 to $268,130	$185,325
Estimated cost to Government for police overtime and cleanup	$129,475	$265,100	$27,422	$688,714	$600,000

[1] Unknown.

[2] Major portion were those treated for exposure to tear gas.

SUMMARY OF COSTS TO THE DISTRICT OF COLUMBIA, ANTIWAR DEMONSTRATION OF MAY 9-10, 1970

Agency	Direct costs	Indirect costs	Total costs	Funds absorbed by agency	Additional funds needed
Office of the Commissioner	$253		$253	$253	
Public Affairs Office	268		268	268	
Corporation Counsel	1,909		1,909	181	$1,729
Personnel Office	417		417	417	
Office of Community Services	71		71	71	
Department of General Services		$1,283	1,283	1,283	
Office of Civil Defense	2,722		2,722	2,722	
Department of Economic Development	2,217		2,217	2,217	
Youth Opportunity Services	396		396	396	
Coroner's Office	199		199		199
Zoning Commission		60	60	60	
Metropolitan Police	528,821		528,821	528,821	
Fire Department	$1,083		$1,083	$1,083	
Juvenile Court	82		82	82	
Department of Corrections	15,000		15,000		
Recreation Department	4,198		4,198		$4,198
National Park Service	27,572		27,572	27,572	
Vocational Rehabilitation	187		187	187	
Public Health	5,418	$958	6,376	6,376	
Public Welfare	498	133	631	631	
Department of Highways and Traffic	11,402		11,402		11,402
Sanitary Engineering	8,697		8,697		8,697
Total			613,844		

Source: Office of Budget and Executive Management, May 22, 1970.

ANTIWAR DEMONSTRATION OF NOV. 13-15, COSTS TO THE DISTRICT OF COLUMBIA

Agency	Direct costs	Indirect costs	Total costs	Funds absorbed by agency	Additional funds needed
Corporation Counsel	$3,399		$3,399	$3,399	
Department of General Services		$3,979	3,979		$3,979
Department of Economic Development	232		232	232	
Office of the Coroner	445		445	445	
Metropolitan Police	544,502		544,502	101,220	443,282
Fire Department	5,642		5,642		5,642
Office of Civil Defense	2,969	26	2,995		2,995
Legal Aid Agency	22		22	22	
D.C. Bail Agency	232		232	232	
Department of Corrections	10,500	630	11,130		11,130
Public Schools	$107	$830	$937	$937	
Recreation Department	4,209		4,209		$4,209
National Park Service	41,725		41,725	41,725	
Department of Public Health	33,989	1,806	35,795	15,795	20,000
Department of Public Welfare	9,508		9,508	9,508	
Department of Highways and Traffic	17,956		17,956	17,956	
Department of Sanitary Engineering	6,006		6,006		6,006
Total	681,523	7,191	688,714	191,471	497,243

Source: Office of Budget and Executive Department. Nov. 26, 1969.

XUM

THE SOYBEAN REVITALIZATION TOOK COURAGE—A TRIBUTE TO THE HARDIN AND PALMBY POLICIES

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. ARENDS. Mr. Speaker, to those who are interested in the prosperity of the soybean producer, I wish today to call attention to some basic facts about soybeans and especially the current market prices for soybeans. Today's Wall Street Journal indicates that the free market price is about 10 cents per bushel above the 1969 level. The current market price structure is a reflection of the basic fact that a market oriented price support policy and astute market expanding operations replaced the previous uneconomic market destroying policies. For the wisdom of this new policy, I am today paying tribute to Secretary Hardin and his excellent Assistant Secretary Palmby.

If we are to fully appreciate the dimensions of the accomplishment of this team, we must understand the problems left by the previous administration. Let us examine the following adverse inherited factors:

First. Soybean carryover stocks had leaped to 324.4 million bushels—nine times greater than the September 1, 1966 carryover—and over three times the level considered as a desirable carryover by several study groups.

Second. The September 1, 1969 investment by CCC, under loan and in inventory, covered about 337 million bushels with a value of $857 million. Annual interest and storage alone was costing $100 million.

Third. Until 1966, when the price support was raised from $2.25 to $2.50 per bushel, soybeans had been experiencing steady growth in markets and production. Demand had been increasing at a 9 percent annual rate through 1965, but in the 1966–68 period, the increase dropped to only 4 percent. The uneconomic loan level created stagnation in a commodity which had been the fastest growing one among all the crops.

Fourth. Primarily as a result of the uneconomic loan for soybeans in the United States, Russian sunflower and Canadian and European rapeseed production were stimulated. The expanded production and exports of oil from these foreign oilseed crops were made possible because of lower prices than U.S. produced soybean oil. The result was a considerable loss of hard-won dollar markets for oil. Some oil was actually imported.

Fifth. Under present legislation, when soybeans are supported, cottonseed must also be supported in a fair relationship to soybeans. Under this related program, CCC acquired from the 1968 crop about 300 million pounds of cottonseed oil and about 140,000 tons of cottonseed meal—at a cost of about $50 million.

Sixth. Imports of competitive fishmeal increased sharply with deleterious effects on our balance of payments.

Facing this adverse combination of factors, Secretary Hardin declared:

> Continuation of trends prevailing for the past two years could, in the long run, have a destructive effect upon the soybean industry and upon producer income from the crop. Further, if the current price-support level is continued another year, the resulting CCC investment in soybeans could prove to be disastrous.
>
> Economists estimate that continuation of the program as it was for the past two years with support at $2.50 per bushel would cause a buildup in carryover stocks of soybeans to $600 million bushels or more by the end of the 1970–71 marketing year. Such a carryover would mean a CCC investment and cost exceeding $1.5 billion and would force soybean prices to remain under loan levels. While the dollar volume of all commodities owned by CCC is not at a record-high level, the CCC price-support loan inventory of all commodities is at an all-time high volume since the start of the price-support programs.

It took a rare type of courage to adjust the price support level to realistic levels. The wisdom of this action is now apparent—both domestic disappearance and exports have increased sharply. The extent and the significance of this development is revealed in the following statistics:

First. In the current marketing year, following the adjustment in the loan, U.S. soybean processing will increase by about 115 to 125 million bushels to about 725 million bushels—the largest 1-year increase in history. The result will be a cash purchase by crushers from farmers and the CCC amounting to $1.75 billion—an increase of $275 million over a year earlier.

Second. In the 10 years prior to 1966, U.S. soybean exports increased an average of 18 million bushels each year. But in 1966 through 1968, the average increase was only 12 million bushels. In the current marketing year—under a reduced loan—exports will increase almost 115 million bushels—the largest 1-year increase in history. Soybean exporters will increase their cash purchases from farmers and CCC to almost $1 billion—an increase of over $250 million. Flexibility is the key.

Third. Dollar exports of soybeans and products will be a plus factor to our balance of payments of about $1.5 billion. Soybeans are the largest earner of dollar exchange of any agricultural commodity.

Fourth. Stocks of soybeans hanging over the market will decrease by about 75 million bushels by September 1, 1970.

Fifth. Rather than being a drain on the budget, CCC is receiving some $400 million from sales of soybeans to the trade at prices not less than 110 percent of the loan plus carrying charges plus some $50 million from sales of cottonseed products.

I do not wish to leave the impression that all of this resulted from the price support adjustment. Rather it was a combination of events which when added to the flexibility introduced by Messrs. Hardin and Palmby enabled the soybean pricing structure to remain flexible enough to respond to changes in demand.

The demand for U.S. soybeans and soybean products rises and falls with overall changes in demand for fats and oils and available competing products. This relates not only to changes in weather conditions, but also to long-term influences, such as expansion in palm and coconut plantations, butter and lard production, and overall trends in available supply, including monopolistic decisions made in the U.S.S.R. with respect to sales of sunflower oil. We must never overlook the competition. We must be able to meet the challenges and overcome them.

Reduced Russian sunflower seed and Peruvian fishmeal supplies improved U.S. trading opportunities.

Everything possible was done to work with producers, exporters and foreign importers in the field of market development. This included technical assistance, improved grade standards and promotional activities.

However, there were additional actions taken and proposed actions resisted which have meant much to attaining these effective and excellent results.

ADDITIONAL ACTIONS TAKEN

First. Public Law 480: For the first time Public Law 480 agreements for edible oils were announced prior to and during harvest so that farmers could share more fully in the price and income benefits of the program.

Second. Cottonseed product sales: The economic sophistication of the Hardin-Palmby team and knowledge of the interrelationships between the various fats and oils are further demonstrated by the manner in which cottonseed oil sales were handled. Over 300 million pounds of CCC-owned cotton oil from the 1958 crop have been sold for export to special markets at rising prices. No cottonseed oil is overhanging the market.

Third. The lard export subsidy: The EEC common agricultural policy for lard came into effect on July 1, 1967. The EEC Commission announced an export subsidy of 2.72 cents per pound for lard effective July 1, 1967. Effective January 1, 1968, the subsidy on lard was increased to 3.02 cents per pound. On February 27, 1968, the export subsidy on lard was increased to 3.18 cents per pound, and on May 27 the subsidy was further increased to 3.35 cents per pound.

This policy adversely affected the competitive position of the United States in foreign lard markets, particularly the U.K. which accounts for a major share of the world's lard imports. Total U.S. exports of lard declined from 459 million pounds—55 percent of world lard trade—during 1961–63 to less than 30 percent in the 1968 fiscal year.

The effect of the EEC lard export subsidy on world markets resulted in very serious injury to U.S. farmers in terms of income loss from international trade. The loss of markets to subsidized lard exports, forced large quantities of lard back into U.S. consumption channels, and not only displaced edible oils in many formulations, but also depressed lard and edible oil prices.

The United States discussed the implications of the EEC lard export subsidy with the Common Market during 1968. We requested them to eliminate this subsidy because of the adverse effects on the United States. We were unsuccessful

XUM

in this effort. The conclusion was reached in December 1968 that a U.S. export subsidy of 2 cents per pound was essential—if we were not to be even further disadvantaged.

The new administration reviewed this program on the basis of the supply-demand situation and decided that the program could be well implemented by a 50 percent reduction in the export subsidy—with great savings to the taxpayer. Exports and shipments of lard are expected to exceed 400 million pounds this marketing year.

The current export subsidy program has enabled us to recapture much of our normal share of the U.K. market. It has been of major significance in increasing farm income from hog production—possibly as much as $70 to $80 million. These exports are being paid for in hard currency, thus assisting in meeting our balance-of-payments problem.

RESISTANCE TO PRESSURE FOR ALLOTMENTS

This administration has resisted the proponents of high price supports and acreage limitations for soybeans. As recently as August 10, 1969, the American Soybean Association—the major soybean producer group, passed the following resolution:

> We favor continuing to keep soybeans free of acreage allotments and marketing quotas.

The National Soybean Processors Association has come to similar conclusions.

The Hardin-Palmby team recognizes that the American Soybean industry must be flexible enough at all times to respond quickly to changes in demand. There is no indication anywhere that any other country would share in the burden of acreage limitation. The effect of acreage allotments on our part would be to concede a major part of the total market growth to our competition. Acreage controls would restrict markets rather than expand them. Also, fundamentally adding another crop to the list of those invloved in acreage limitation would place a needless obstacle in the way of efficient farm operation.

If the soybean industry is to continue to expand, price support policies need to be such that soybeans, oil and meal can be offered in the market at competitive prices. Support at levels which price soybeans, oil or meal out of the market plus acreage restrictions would soon mean loss of markets to competitive products. In the longer run this could result in loss of income for soybean producers. In the shorter run the domestic feeders would have to pay substantially higher prices for soybean meal. Labor use at U.S. processing plants and in the transport industry would decrease.

Thirty-five years of Government price supports have already demonstrated that high price supports inevitably bring rigid controls to an agricultural commodity. The net result is usually a ceiling over an industry's growth and market opportunity. The net result is usually high Government costs. Worst of all, farmers end up with loss of market outlets to competing commodities, including synthetics. High support levels subsidize competitors at home and abroad.

Acreage controls for soybeans with attendant loan rates above competitive levels would provide an umbrella for foreign expansion of oilseed production, large imports of fishmeal, and use of a synthetic feed—urea.

EEC PROPOSALS FOR TAXES ON SOYBEAN PRODUCTS

On December 9, 1968, Mr. Sicco Mansholt—vice president of the Commission of the European Community and its principal agricultural spokesman—announced that the commission was about to propose a consumption tax of $60 per metric ton on vegetable oils and $30 per metric ton on cake and meal. This measure would be designed to help solve the mounting butter surplus problem in the Community by adversely affecting non-EEC members.

In response to this, the Hardin-Palmby response was to tell the officials of the Community that their proposed action would reduce sharply the Community's imports of oilseeds and oilseed products and would result in a massive impairment of the present access available to American imports under GATT. They made it clear that this would leave the United States no choice but to retaliate on a large scale against the products their countries sell us. Our retaliation might include such important exports as European automobiles, typewriters, office equipment, wines, and similar items that Americans buy from them in large amounts.

The response to the community said that what it does to its agriculture is more than an agricultural matter—it concerns the whole economy of Western Europe. If the cost to help European agriculture is high, then let their industry pay the expense—but not ask the United States to pay it. Swift reprisal will result from such a violation to the GATT.

There is strong support of American agricultural and trade groups in efforts to keep Community markets open. The Federal Government continues to make strong representation to the Community through all available channels. This is a very important matter on which we in the Congress stand together with the executive branch.

Our latest information is that the European Community will not institute these taxes this year. We, as the elected representatives of hundreds of thousands oilseed producers, will continue to watch this situation most carefully. We continue an extremely strong position in opposition to the proposed taxes.

INTERNATIONAL AGREEMENT ON FATS AND OILS

On another front, there continues to be expressions of support in some foreign quarters for the development of a type of international fats and oils agreement even in face of the failure of these types of agreements. I support the vigorous opposition of the U.S. Government to this concept as an inhibition upon the natural ability of U.S. soybeans and soybean products to compete effectively in world markets. Restrictions upon international trade in commodities, through such agreements, only imposes upon producers and processors of such commodities, the denial of the benefits of free trade.

Not only is there a side range in competition and sources of supply, but most of the major oils are byproducts. As a result, the technical complexity in the market for oils and fats is so great that the fixing of market prices, quotas, or market shares is unworkable.

I have devoted considerable thought to the major significance of this great crop to U.S. agriculture and agribusiness and especially the major positive contributions of the Hardin-Palmby team. I trust that my colleagues will study these matters, especially in view of the relative and growing importance of this commodity—the No. 2 source of cash receipts from sales of all crops.

RECYCLING PROGRAMS NEED PUBLIC SUPPORT

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. CHAMBERLAIN. Mr. Speaker, on June 19, the House passed the Resource Recovery Act authorizing an intensified Federal effort to encourage new and better ways of meeting the problems of solid waste disposal. This much-needed legislation had my support. What is also needed, however, is for efforts in this area from the private sector as well, and in this regard I was encouraged by the editorial appearing in the Jackson Citizen Patriot, Jackson, Mich., Saturday, June 20, 1970, drawing attention to cleanup programs recently launched in Michigan, dealing directly with problems of junk cars and throw-away bottles. Because of the widespread interest in these areas, I am pleased to insert the editorial in the RECORD:

RECYCLING PROGRAMS NEED PUBLIC SUPPORT

Showcase environmental clean-up programs were launched this week in two Michigan cities and the final results could give some indication of what industry and the public can do to help solve pollution problems.

In the Traverse City area, General Motors is financing a program to collect and scrap abandoned or non-operable autos.

In the Ann Arbor area Owens-Illinois is paying one cent a pound for waste glass and cars are lined up waiting to dispose of those non-returnable bottles.

Both waste collection programs are innovative attempts at recycling the waste products of our industrial and commercial society.

Cars in the Traverse City area that are beyond repair will be hauled to a scrap yard at General Motor's expense and later melted down and the metal reused.

Owens-Illinois plans to melt down the throwaways and form them into new glass containers. Part of the glass will also be used in an experimental paving material called "glasphalt."

Recycling of society's wastes has always been an exciting concept, but one that has met little success except on small scale plans.

The use of industrial by-products to make additional new products has met with more success and resulted, in some cases, in cheap new raw materials.

The Ann Arbor and Traverse City projects are relatively small in scale and admittedly, the results are not in.

The public in both locales seems to have embraced the projects, something that is vitally necessary when all the public hot air on environmental pollution has cooled.

For without public concern and cooperation, the projects are doomed to failure. In Ann Arbor the cars were lined up at a shopping center where the glass bottles were being collected.

The newness of the projects may prompt immediate response; the question remains what the public response would be if the project continued for a period of months or years.

It is estimated that there are 2,000–3,000 inoperable automobiles in the Traverse City area. In a small section of Philadelphia this year concerned citizens counted that many abandoned automobiles on their streets and hauled them away.

Junk dealers in Traverse City who are the immediate benefactors of the car reclamation project so far are skeptical. They don't think the public will respond in any way like General Motors would like it to respond.

They think the project will claim a few hundred cars and then peter out as the enthusiasm wanes.

Their skepticism is reflectant of many environmental observers and scientists who feel the debate over environmental ruin has generated a lot of rhetoric but little action on the part of the public. Everyone says they want to play the game but they haven't learned the rules.

The shoe that pollution militants have been trying to put on industry is about to be on the public.

It will be up to the public to see if the shoe fits.

MALAGASY REPUBLIC INDEPENDENCE DAY ANNIVERSARY

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. DIGGS. Mr. Speaker, I would like to take this opportunity to make note of the 10th anniversary of the independence of the Malagasy Republic which will be celebrated on June 26, 1970. In actuality, Madagascar's tradition of independence goes much further back than 10 years, for it existed as a kingdom in the precolonial period. Since 1867, when the United States concluded a commercial convention with the traditional ruler of the island, we have had an unbroken friendship with the people of Madagascar.

At this time in history the Malagasy Government is supporting our efforts for peace and freedom around the world, and has shown its support for our exploration of space by generously allowing us to use Malagasy soil for a space tracking facility. The island of Madagascar is an important supplier of vanilla and cloves to the United States. We also import graphite, mica, and coffee from the Malagasy Republic.

Madagascar's illustrious President—who has held his post since independence—is Philibert Tsiranana, a staunch friend of the West. I congratulate him and the people of Madagascar as they complete the first 10 years of their Republic's cherished independence.

XUM

OUR HEALTH CARE CRISIS

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mrs. GRIFFITHS. Mr. Speaker, the growing crisis in our health care delivery system profoundly affects not only the welfare of each of us today but the quality of life of generations of Americans to come.

Following are the interesting and candid remarks of Dr. Robert Q. Marston, Director of the National Institutes of Health, concerning the alarmingly low priority assigned to health care programs within the Department of Health, Education, and Welfare; and the increasing politicization of appointments to key health positions in HEW. Dr. Marston's comments appeared in an article written by Victor Cohn of the Washington Post:

AMERICA'S HEALTH CRISIS HELD TRACEABLE TO HEALTH, EDUCATION, AND WELFARE

(By Victor Cohn)

America is in a health crisis, but health is eternally third in attention at the troubled Department of Health, Education and Welfare.

Welfare and education, costing more, inevitably come first in a secretary's attention.

The result is that a full-scale federal attack on health problems has never been developed, even while the country faces serious crises of health manpower, organization and costs.

These are opinions of Dr. Robert Q. Marston, director of the National Institutes of Health, and a conspicuous lone survivor among a "big three" of operating agency heads at the stormy department.

He stated them in a two-hour interview. Just doing so may have taken some courage. The past six weeks have seen the firing of both Dr. Joseph English, director of the Health Services and Mental Health Administration, and Dr. Stanley Yolles, director of the National Institute of Mental Health.

Both resigned at Nixon administration request after criticizing some of its health policies and bucking injection of politics into health jobs.

Marston said he too has quarreled with some such injections, while accepting others. There have been persistent rumors—called "untrue" by some sources—that he too has been "slated to go," and that his job, like the one English held, will be changed from a career to a political appointment.

Marston said, "I have been asked to stay," and "I have heard nothing, except in the newspapers," about any change in job status.

"I would not accept a Schedule C Job"—that is, a political one—he said flatly.

MALEK CALLED "REASONABLE"

He said he has opposed department attempts to set new policy on some issues. But he also said he has found "a reasonable attitude" in the office of Deputy Under Secretary Frederic V. Malek—viewed by some as one of the administration's main political manipulators in HEW—despite several recent "concerns" and "problems."

These, he said, include having to get department approval of both NIH administrators and NIH advisers in fields like cancer and heart disease. They include trying to get more money for such health needs as rescuing medical schools in danger of going broke.

Marston is 47 years old, a handsome and personable man, a former medical professor and dean named NIH head by HEW Secretary Wilbur Cohen in 1968.

The academic medical community, NIH's main constituent, strongly supports him. "We think he's done a very good job," said Dr. John Cooper, president of the Association of American Medical Colleges.

Cooper said "we are terribly disturbed" at the administration's making English's old job "a political rather than professional appointment," and "we strongly oppose any such action regarding the heads of NIH or NIMH." He made it clear that the nation's medical school deans have serious reservations about some of the acts of top HEW officials.

Marston spoke no ill at all of anyone higher. Point by point, he said:

He believes a basic problem of U.S. health is simply that any HEW secretary must, by dollar and political importance, pay first attention to welfare (which includes Medicare and Medicaid, second to education and third to health. But health problems need more attention than they are getting, he believes, and the chief health official—now merely an assistant secretary—"should be" a full under secretary.

There is "general agreement now with the secretary's office" that Marston and colleagues will be allowed to pick scientific members of NIH advisory councils, but "we will expect more review and suggestions" on public, non-medical members. However, he conceded, there have been delays in approval of even scientific advisers.

There is also more screening now of NIH officials. Under previous administrations, Marston said, all career appointments from GS 16s up—the "supergrades"—had to be cleared by the secretary's office. Now this has been extended to GS 15s (officials who start at $22,885 a year; they include deputy or assistant directors of NIH research institutes). But "I haven't been turned down on a recommendation," Marston said.

There have been no drastic effects at NIH of HEW decentralization efforts. At NIMH, these have plucked most of the control of community mental health centers from NIMH chiefs. This met furious Yolles opposition. So far at NIH, Marston said, only a "small," $200,000-a-year Public Health Services traineeship program has been put under HEW regional offices.

He quoted a Malek letter "assuring" him there will be no loss of authority over NIH research grants or of NIH's celebrated "peer reviews" (by which other scientists judge which scientists should get grants). There has been serious concern in medical schools about any "erosion" of this system.

UNCERTAIN FUNDING

None of these subjects but "the uncertainty of funding" for research and training has been "our biggest problem since 1967," Marston reported.

NIH expenditures started a downhill slide in 1967, especially in real dollars after inflation. The fall of 1969 saw suddenly enforced research cuts that produced consternation in many universities. On short notice, scores of projects had to be curtailed and research assistants and technicians fired.

The President has recommended a fiscal 1971 NIH authorization of $1.524 billion, up $104 million from 1970. If this sum is voted, and there are no new administration holdbacks, "we will be in much better shape," Marston said. But any new reductions on short notice, he added, "would again be reflected in chaos in the universities."

The 1969 chaos, many of Marston's deputies maintain was caused not just by trouble in the U.S. economy but by "the whole system" in which health has the low priority it possesses in HEW.

Many of these deputies are far more critical than he of what they consider department "interference" and "kibitzing," and of what they call "weak leadership" in the face of this from the Assistant Secretary for Health and Scientific Affairs, Dr. Roger Egeberg.

All eyes in the health field are now on new HEW Secretary Elliot Richardson—to see what he does about politics in health appointments, about health priorities, about U.S. health.

A question Dr. Marston raised—should there be an under secretary of health?—may be broadened by many to ask: in a country with financially shaky medical schools and $100-a-day hospital care, should there now be a full-scale secretary of health to help design a national plan?

OUR IMPROVING ENVIRONMENT

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. DAVIS of Wisconsin. Mr. Speaker, we hear so much discouraging talk about our environment these days that an optimistic report from a knowledgeable source is encouraging. A. T.—Lex—Miller of Badger Meter Co., Milwaukee, is such a knowledgeable source, and he has prepared a delivered paper which I believe will be a source of useful information, and of interest to the Members of the House. It is entitled "Our Improving Environment."

The item follows:

OUR IMPROVING ENVIRONMENT

(By A. T. Miller)

INTRODUCTION

In the beginning and for thousands of years, man's environment was extremely hostile, barely yielding enough sustenance for survival. Man, clearly, was at the mercy of his environment.

However, at scattered times and places throughout history, man has demonstrated an ability to adapt and to substantially control and improve his environment.

Environment is usually thought of in physical terms such as air, water, climate, food and shelter, other people, natural resources, etc. But in considering total environment I would add those conditions that have affected the achievement of the historic goals of men which have been and still are: freedom and the opportunity to improve their well being—as they see it—not as someone prescribes it for them.

I mentioned occasions in history where men and life flourished. These included Sumer, Athens, Carthage, Rome, Venice, Florence, Kiev, The Saracens, England and America. The conditions that were present in each of the instances were freedom of action and commerce as well as security of the lives and property of the citizens.

Free men have always reacted creatively to a hostile situation.

PROBLEM AND THESIS

Today we seem to be in an age of crises: international, crime, youth, housing, population, food and pollution.

A generation ago it was the school shortage, automation, why can't Johny read, the sputnik gap and others. Every generation has had its crises which is partly a result of the headline syndrome (Every day there must be a headline).

A current crisis that is causing concern among many people is our alleged deteriorating environment.

I disagree with their concern and would like to present and support the following thesis:

Man's total environment has been improving from the time he developed the first tools and that during the past generation the rate of improvement has increased.

I mentioned some examples where mankind flourished and where there was, at least in those locations, a rapid improvement in the total environment. Obviously the improvement in the environment worldwide has not been continuous as only two of those flourishing societies are left.

Nevertheless, the number of people sharing the improved environment is increasing. West Germany and Japan have certainly been a good example of this during the past 25 years. And more reecntly Hong Kong, Taiwan, Singapore and others have achieved rapid rises in their standards of living.

Furthermore we know what the preconditions are and can use this knowledge to evaluate instances of environmental deterioration to determine corrective action.

I would like to examine some specific examples of alleged environmental deterioration in the light of today's concern for the population explosion and the pollution of our ecological community.

WATER RESOURCES

First, let me say that there is no water shortage and very likely never will be except where distribution systems are inadequate. Water is used, not consumed. Therefore there is just as much water in the world today as there ever was. There are approximately 2½ billion gallons of fresh water available per person in the world today. This is more than one million times what we are using each day. And yet there are people who insist that inevitably we will run out of water.

I will agree that in spite of all the water being available, much of it is beginning to look used. It is obvious that there is a lot of polluted water. However, except for man caused silting of the waterways of the world and for some recent isolated changes in the availability of aquatic food, water pollution constitutes only a minor economic and health problem. The Milwaukee River for example, has been polluted for over 100 years but only recently has there been any significant expression of concern.

Secondly, let me dispel some pollution lore. It is quite evident that chemical and biological pollutants, in sufficient concentration can cause destruction of at least a part of the natural state of a river or lake. Thermal pollution may cause a local change but is not likely to cause destruction. It is also evident that regardless of the concentration of pollutants, every moving body of water has the capability of eliminating the effect at some point downstream. Furthermore there is no evidence whatsoever to indicate that any body of moving water, including Lake Erie, can be polluted to a point where it cannot eventually restore itself if the introduction of pollutants is sufficiently reduced. As with an area of polluted air, an area of polluted water eventually becomes diluted as it moves on.

A pertinent question that might be asked is—how did pollution get this bad? Since rivers and lakes have been considered public property, the concept of protecting private property from the actions of others (a precondition for a free society) has not been applicable. Therefore the waterways simply have become unchallenged dumping grounds.

All that is needed is for all of the polluters—municipal, industrial and agricultural, to reduce their polluting to a level where the waters can clean themselves to whatever level is desired.

The ultimate cost of pollution abatement must be born by the polluters and passed on to their customers, whether industrial, municipal or agricultural.

Although some new developments would be helpful in reducing costs, such as continuous flow sewage treatment, the technology exists today to abate nearly all of the water pollution. It is simply a matter of enforcement to achieve clean waters and this is what has been lacking. For example, a Federal law passed in 1899 is just now being effectively enforced in various parts of the country.

Pollution control is primarily a state and local problem. Where effective local enforcement has occurred dramatic results have been achieved in many parts of the world. For example, fish that have not been seen for generations have returned to the Thames in the London area. Game fish are again being caught in San Francisco Bay. Furthermore these improvements required no sacrifice in the standard of living.

Beyond the setting of standards for federal, interstate and other navigable waterways and some personnel for monitoring, there seems to be no more justification for a Federal bureaucracy concerned with water pollution abatement than for a Federal bureaucracy concerned with garbage collection.

Unfortunately the almost frantic effort to federalize a local matter has restrained the development of effective local pollution abatement programs.

However, it is obvious from steps already taken and others scheduled that our environment *is* improving. The next few years will witness a reversal of centuries of water pollution.

AIR RESOURCES

Air pollution is probably more serious than water pollution because we don't clean it before we use it and it is more difficult to evade. But the magnitude of the hazard is not known. That is, we really don't know very much about the long-term effect of different combinations and concentrations of impurities in the air. However, since we can see it and smell it, air pollution has become a social problem and therefore a political matter.

One of the incongruities of our laws pertaining to property is that the air rights do not include the air itself. However, this inconsistency is beginning to change and as a result, along with water the environmental problem of air pollution is rapidly yielding to local corrective action. I again emphasize "local action."

The technology for air pollution abatement does exist and is being applied. Furthermore it is improving rapidly as the innovators go to work. There was little incentive for innovation in the past as there was limited opportunity due to limited enforcement.

As in the case of water pollution abatement, wherever effective local enforcement of air pollution laws has occurred, dramatic results have been achieved.

Pittsburgh with a local program experienced significant improvement years ago. London has had pollution control laws for 400 years but erratic enforcement until recently. They have had no serious fog in seven years.

The head of the Los Angeles County Air Pollution Control District announced in March that he is retiring because, he says "there's nothing much left for me to do here." Air pollution in the Los Angeles basin is at its lowest point since 1954 and still declining without an erosion of the standard of living. Open air burning has been banned. Industry has complied with local air pollution abatement laws. California motor vehicle emission laws became effective in the early 1960's. Since then, because of the pollution control devices, hydrocarbon emissions per car have been reduced 80% and carbon monoxide emissions per car have been reduced 70%. In spite of the improvement some people continue to predict that Los Angeles smog will cause mass deaths by 1975.

With effective local enforcement of air

pollution laws, our environment will continue to improve.

POPULATION

The alleged population explosion, if true, would certainly be an important factor in our total environment. However I think that it is nonsense to project recent population growth rates without considering what caused the rise or what could change it.

The population problem is essentially a matter of people, space and food. Shelter and clothing are also important but, while their availability may be marginal, they are not critical in the areas where the population pressures are the greatest. As for people, the world population has been rising rapidly during the past century primarily due to a rapid reduction in death rates, not to a rise in birth rates.

The Western World with its series of economic scientific and technological advances witnessed a slow, gradual transition over many generations, from high death rates and high birth rates to low death rates and low birth rates concurrent with an improvement in the standard of living. During this time the rate of population growth did not change significantly.

But in parts of Asia, Africa and Latin America mortality rates have dropped substantially in the last few generations without a corresponding change in economic conditions or birth rates. This obviously led to a rapid rise in the rate of population growth. However we may view the result, one of the key factors contributing to the sharp drop in death rates in tropical countries has been the effective and continuing use of DDT in controlling insect carried diseases.

On the brighter side of the population problem, growth rates have been dropping in the technically and economically advanced nations of Europe and North America. In the United States for example, the population growth rate is down to less than 1% and still declining. The Census Bureau reported that the population increased 154,000 during March to an estimated 204,663,000. This is at the annual rate of 9/10 of 1%. The population of the United States is stabilizing without government coercion.

Furthermore, birth rates and therefore population growth rates have been falling rapidly for several years in such developing nations as Taiwan, Hong Kong, Trinidad-Tabago and Singapore. These are not isolated cases but rather dramatic examples of the effect of market economies, the infusion of capital and a resulting rise in the standard of living. Also, birth rates are beginning to fall in Ceylon, Maylasia, Jamaica and Costa Rica for the same reason.

Japan has halted its program to reduce birth rates as there is concern about the long run labor requirements for their expanding industries. West Germany, Australia and others are promoting increases in population.

The environment in the free world *is* improving.

As to the availability of space for an expanding population there is not much to say beyond the fact that there is plenty of it. However, in order to take advantage of the open land we may have to break or at least bend the tradition of the central city. After all, the central city in this country was rendered obsolete over a generation ago by the automobile. All of its traditional functions have been diffused into outlying areas except the function of serving as a political base.

FOOD

More than seven thousand years of overgrazing and poor farming methods throughout the Middle East, North Africa and parts of Asia have caused eroded slopes, silted rivers and paralyzed food production. Changes in ancient civilizations and empires in this area parallel disastrous grain farming methods.

There have been some interesting highlights during this time. The Sumerians, whom I mentioned earlier, over 4000 years ago developed irrigation technology within an environment of private property and a market economy. The early Egyptians harnessed the ox, thereby increasing productivity to a point where people were available for building programs. The Romans implemented and expanded the soil and water conservation technology of the Carthaginians. The Saracens improved it still further and developed what became known as scientific farming. In more recent times the English have been steadily increasing wheat productivity for many centuries. With a few other exceptions already mentioned the rest of the world went hungry most of this time.

Even today population growth threatens to exceed food production in some parts of the world where Malthus is again a vogue. In other parts however, food production is increasing far more rapidly than population.

It is interesting to note the variations in food production and productivity in different parts of the world. Since land is a fixed resource, the only valid measure of productivity is production per unit of land.

Wheat. The previous chart shows the productivity in bushels per acre for the United Kingdom from the 13th Century through 1968. Other nations are shown on the U.K. line with their yields as of 1963. In addition, the world population line is shown without the 14th Century plague dip.

You will note that for the United Kingdom there was slow growth until the yield takeoff in the 1940's.

Also note the position of other countries on the U.K. line. The United States and Canada are relatively low because of averaging in the nonirrigated lands in the plains area where yields are erratic. Actually many Midwestern areas exceed the U.K. in yields. Of interest—Yugoslavia is one of the most market oriented of the Eastern Bloc nations.

There have been a few changes in productivity since 1963. France moved up to 53 bushels in 1968. The United States with 13 bushels per acre in the 1930's and 20 bushels in the 1950's is now at about 30 bushels. Russia is still at about 17 bushels per acre.

Malthus wrote his first book in 1798 long before the takeoff.

Agricultural economists contend that certain conditions are necessary for a "yield takeoff" of a nation's primary food crop:

1. A high degree of market orientation in agriculture.

2. Relatively high level of literacy.

3. Per capita income levels far enough above subsistence levels to provide capital for investment in yield-raising capital inputs.

4. Higher level of development of the nonagricultural sector.

While these four conditions have existed wherever a yield takeoff has occurred I suspect that the last three items are less important since yield takeoffs are beginning to occur in developing nations where only the first condition is dominant.

The reasons for the yield takeoff in any food crop are typically the effective use of mechanization, chemicals and appropriate strains of the plant. The chemical revolution has produced new types of nutrients, herbicides, fungicides, insecticides and bioregulants. These are all part of the new technology of our improving environment as are the breakthroughs in the genetic design of new strains and varieties of crops.

New strains of wheat have yielded over 100 bushels per acre. Hybridization of wheat is just now getting started nearly forty years after corn. A synthetic species called triticales, combining wheat and rye, outproduces both in yield per acre and protein content.

Wheat production in this country has been rising faster than consumption for many years. As a result of persistent wheat surpluses, the national wheat acreage allotment has been significantly reduced in recent years. The government's 1970 wheat program calls for a 12% cut in acreage from the 1969 level. It is expected that in 1970 approximately 44 million acres will produce 1.3 billion bushels of wheat. This compares with 74 million acres producing less than 1 billion bushels fifty years ago.

While we are cutting acreage, Russia is still increasing acreage although total output in 1969 dropped 5% from the 1968 level.

Corn. The chart below shows the productivity line for the United States where about half of the world's supply is produced. The yield takeoff started in the late '30s and became fully effective in the early '40s. It was due to hybridization, fertilizers, weed control and higher plant densities.

Although the average yield has reached nearly 80 bushels per acre, many farms have exceeded 100 bushels. Over 300 bushels have been achieved experimentally with some new technologies yet to be tried.

In 1880 it took an average of 48 hours of work to produce one acre of corn. Today, with modern equipment, it takes only two hours. In that same period the yields per acre increased from 25 bushels to 80. The productivity of the farmer increased 24 times but the productivity of the land increased only 3 times. It is that land that is now becoming more productive.

As a matter of interest it has been estimated from contemporary records that the American Indians were achieving corn yields of between 15 and 20 bushels per acre at the time of the arrival of white men.

Rice. Rice is the chief food for half the world's population. This chart shows the productivity line for Japan where the yield takeoff occurred considerably earlier than in other rice producing countries. Note the position of the other nations with market economies that are not too far behind.

With a limitation on available land the Japanese, following the formation of their first national government, promoted an early takeoff after a thousand years of slow growth in productivity. The yield per acre increased from about 2200 pounds per acre to more than double that level today. As a result Japan is now exporting rice and has embarked on a program of reducing rice acreage 10% per year for three years.

The International Rice Research Institute in the Philippines, sponsored by the Ford and Rockefeller Foundations, has developed some exciting new strains of rice. With IR–8, one of the new strains, the Philippines in 1969 not only became self sufficient but achieved a surplus. Unfortunately they could not sell all of the surplus because of the glut in the world rice markets. Note on the chart where the Philippines were in 1963. The individual Philippine farmers who are using 1R–8 and appropriate chemicals have achieved in just a few years a yield increase that required over 1000 years to accomplish in Japan.

Rapid conversion to the new strains is taking place throughout Southeast Asia and the Western Pacific. The new strains of rice permit heavier fertilizing and not only have higher yields, but at least one and possibly two extra crops each year. They take four months or less to mature as against up to seven months for the old strains. Where weather conditions permit multiple cropping, the increase in production per year can be several times that of old types.

A yield takeoff now requires less time to implement where takeoff conditions are met. This is largely due to better communications which is another part of our improving environment.

While mechanization has helped increase wheat and corn yields it is not that important to increasing rice yields in Asia.

As with wheat and corn, the production of rice in the free world is increasing much faster than population.

The environment in the free world *is* improving.

India has high hopes, but also has rigid price controls on rice at levels below the free market price. This of course has discouraged the production of rice. Average yields per acre are still at the levels of 1900 with no indication of a national yield takeoff.

Other Food Crops. Recent yield takeoffs in the free world are not confined to the primary grain crops. For example, in the United States the yield per acre of grain sorghum, and soybeans has more than doubled since the 30's while the yield of potatoes has more than tripled in many areas.

In summarizing the food situation the unmistakable facts are these:

In the nations with market oriented agriculture, food production is increasing more rapidly than population while in the nations with socialized agriculture the opposite is true.

The capitalist nations are experiencing problems of increasing food surpluses. The developing nations with market economies that are effectively applying new technologies are rapidly achieving self-sufficiency. On the other hand the developing nations with planned economies and limited effectiveness of new technology are facing serious food shortages as are the major socialist nations: Russia, China, and India.

The United Nations Food and Agricultural Organization (FAO) stated in its annual report released in January "The food problem facing the world in the near future is more likely to be surpluses rather than starvation."

As a word of caution, not all developing agricultural nations are ready for a yield takeoff of their primary food crop. However, it will occur sooner if the preconditions are met.

Nevertheless, a higher percent of the free world's population is living above the subsistence level than ever before in history.

Another point, the world's total potentially arable land, using today's technology, is over three times the area actually harvested. Furthermore, throughout the world land is being reforested faster than timber is being cut, strip-mined land is being reclaimed faster than it is being mined, and many areas of land ruined centuries ago are once again blooming.

Our environment is improving.

In looking ahead, there are many exciting things being developed for the next wave of the agricultural revolution. The following are just a few:

1. Lower costs for desalting sea water as well as surface and subsurface brackish water.

2. Implementation of subirrigation techniques in which all nutrients and other chemicals are applied at the root level using only ⅓ as much water as with surface irrigation. This would eliminate chemical runoff and reduce soil runoff. This technique, together with Number 1 above, may very well be the answer to the salt buildup in the Imperial Valley of California.

3. Increased use of plastic shelters for cold weather farming. Many garden crops such as tomatoes are now grown in this manner.

4. Growing acceptance of the elimination of plowing to maximize yields and minimize topsoil runoff.

5. Lower unit costs and prices following the inevitable shift to corporate farming. The elimination of price supports and acreage restrictions will accelerate this shift.

6. I should also acknowledge and provide for the countless innovations, large and small, that have not yet emerged.

SUMMARY

I mentioned in the beginning that the goal of men throughout history, as clearly indicated by many voluntary emigrations and migrations has been freedom and the opportunity to improve their well being as they see it. Freedom for one implies freedom for all—which means security of life and property. These conditions, which promote the most effective utilization of human energy, represent a favorable total environment.

The evidence is overwhelming that the environment is improving. The free nations of the world, with rising standards of living for an increasing number of their citizens, illustrate the most favorable total environment the world has ever known.

Malthus who was more of a reporter than a prophet could no more visualize the real effect of new technology developed and creatively applied by free people than Karl Marx could. Both have been proven wrong.

Some people will say about food that "the problem is not a shortage but a matter of distribution." If they would only inquire into the matter they will find that there really are shortages. They will find free nations in all stages of development that have food surpluses, stabilizing populations, rising standards of living and the will to achieve control over their physical environment. They will also find nations with planned economies facing critical food shortages, and a wide range of population growth rates, level or declining standards of living and little concern for their physical environment. Those who inquire will become aware of the universal failure of planned agriculture.

Others say that the gap between the haves and have nots is increasing and that somehow the capitalist nations are responsible and should feel guilty. This is really the wrong comparison. It is not a question of have or have not but rather how well they are using what they have. Without question there is a gap that is widening. But it is between nations that have conditions conducive to rising standards of living and nations that have conditions that limit the rise in the standards of living. For example, compare the widening gap between East and West Germany remembering that both started from the same pile of rubble 25 years ago. Compare the widening gap between Japan and India. Compare the fortunes of Cuba and Mexico over the past generation with the gap now widening in favor of Mexico. These widening gaps are to the credit not the blame of the free nations.

If I were to consider an appropriate objective for this age of increasing awareness of our environment, I would say let us first identify and understand those conditions which will provide the best total environment for the greatest number.

For the nations with free societies the total environment is better and is continually improving. Individual economic freedom seems to be the key. Never before in history has there been such a great opportunity to extend these free world concepts to all the people of the world. Never before have the comparisons between the free and controlled societies been so obvious nor the communications to make them known so effective.

For those who want to take a personal part in environmental improvement I would suggest that after they acquire an understanding of the preconditions of an improving environment they actively promote the implementation of these conditions wherever they are lacking. On a local basis they should seek enactment and effective enforcement of appropriate environmental improvement laws based on the concepts covered earlier under water and air resources.

For purposes of pollution abatement, food production and an improvement in other environmental factors, let us use the new technologies effectively—not abandon them. There is much to be done.

Personally I am very confident that by the year 2000, for the free world there will be clearer thinking on the matter of improving the total environment. There will be a realization that effective control and improvement in our environment requires no decline in our standard of living. On the contrary it should continue to improve if all conditions are met. As a result of effective local programs there will be cleaner air and water. Food production capability will continue to exceed population growth. The trend, that has already started, toward a stabilization of the world population will be continuing—voluntarily.

Obviously I cannot foresee future events, but I am certain that given the condition of freedom many more contributions to an improving total environment will be made by creative and productive individuals of this and future generations.

A CHANGE IN THE FISCAL YEAR?

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. LANGEN. Mr. Speaker, the end of this fiscal year is close at hand and it is obvious that few of our appropriation bills will be enacted before that time. This fact is borne out all the more because of the continuing appropriation bill which had to be considered by the House yesterday.

This inability on the part of the Congress to conduct its business in a timely fashion according to the old tradition of a 6-month legislative session has not passed unnoticed and I would like to insert the following editorial from the Journal of Commerce in New York, June 24, 1970, in the RECORD for the benefit of all my colleagues:

A CHANGE IN THE FISCAL YEAR?

If the Senate majority leader is correct in his predictions, the Senate will take only a two-week election break this year and then try to complete its labors by next Jan. 3. Not since that chamber returned from a recess to vote on the censure of Sen. Joseph R. McCarthy, in 1954, has it met following congressional elections. But since its appears very likely to do so this year, as Senator Mansfield predicts, it is pertinent to raise once again the question of whether it makes any sense to maintain a fiscal year that begins on July 1 and ends June 30.

Back in 1843, when the present fiscal year was established, it seemed a good idea to give Congress some extra time to pass appropriations bills. Congress then convened on the first day in December (something it continued doing up until 1934), and obviously didn't have enough time to sift through requests for appropriations and debate other urgent issues if tied to a calendar year expiring the minute the clock ushered in the new year.

A six-month extension seemed adequate, for Capitol Hill was largely deserted in summer. In fact, as late as 1946 it still seemed logical, for the Legislative Reorganization Act of that year provided that "except in time of war or during a national emergency proclaimed by the President, the two houses shall adjourn sine die not later than the last day (Sundays excepted) in the month

XUM

of July each year unless otherwise provided by Congress."

In retrospect this looks a little silly. Only on two occasions since 1946 (in 1952 and 1956) has Congress met its own adjournment deadline. The last time adjournment came as early as September was nine years ago. Since then it has ricocheted between October and December, the tardiest adjournment having been Dec. 30 in 1963.

The congressional workload has certainly increased along with the population, with the growing complexity of the problems facing American society and with the deepening penetration of the Federal Government into areas heretofore considered as being largely out of its province. Another factor is that, for all practical purposes, the nation is engaged in war. During all the years of World War II, Congress remained in session through most of December. The session beginning Jan. 3, 1950, actually lasted into Jan. 2, 1951, largely because of the Korean War.

This does not, of course, mean that Congress has been taxed beyond its limits in the more recent years. Last year its Monday and Friday sessions were distinguished largely by the scarcity of legislators in attendance. Moreover, it voted itself an extended summer vacation, even though a great many rather urgent measures, including appropriations measures, had not been decided. Some of them had barely been discussed.

Our purpose in bringing this up is not to chide the House and Senate on being lackadaisical as much as it is to point to the disrupting effect these lags have on national economic planning.

Last year, when the administration was beginning to take very much to heart the need for a drive to restrain inflation, the knowing just how much Congress was going to cut spending, if at all. Months after the new fiscal year began, key appropriations bills still awaited action under ad hoc measures called "continuing legislation" which allowed everyone to go on spending what he had planned to spend pending final congressional action.

One result of this was that the President and the Bureau of the Budget were virtually stymied in drawing up the budget for fiscal 1971. So were a great many economists and businessmen who were unable to make any definitive judgments on whether the commitments not yet voted on by Congress would produce another inflationary budget or something a little more hopeful.

This year, alas, things don't look very much better. The House has been doing its chores with fair regularity, but the Senate has seemed as preoccupied with the President's current ventures in Indochina as it did last year with ABM, MIRV and matters relating to a proposed new super battle tank.

All this, we agree, is quite within the Senate's province. But while the debate over national defense policy goes on, all manner of bread-and-butter legislation is left untouched, including over a dozen major appropriations bills and including such time-consuming programs as welfare reform, electoral college reform, the defense procurement authorizations, the debt limit increase, bank holding company bills and the like. Since the omnibus farm bill has not yet been acted upon by the House, the Senate will ultimately have to take that up, too.

So in view of the incontrovertible evidence that Congress is unable to act on most key money bills by the end of June, why maintain any longer the fiction that July 1 is an appropriate beginning for a new fiscal year? The Bureau of the Budget agreed as far back as last October that it isn't. Phillip S. Hughes, its deputy director, then said plainly that his agency favored a change. Sen. Warren Magnuson and Rep. Odin Langen have sponsored legislation that would push it six months ahead to coincide with the calendar year.

This, to us, would make sense. It would take into account the realities of the legislative timetable. It would end the six-month hiatus which occurs when approximately one-half a fiscal year expires before anyone knows for sure just how much Congress is going to spend in the course of the second half.

In such circumstances, of course, the President's annual budget message would have to be postponed for a few months. But that, in effect, is what is happening now.

FIGHTING DRUG ABUSE

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. McDADE. Mr. Speaker, all of us are aware of the growing problem of narcotics, principally among the young in this Nation. We have read with distress the many stories of young people using not only such drugs as LSD and marihuana, but also of their turning to hard narcotics in the heroin class.

The Alcoholism and Drug Abuse Council of Northeastern Pennsylvania, under the leadership of Mr. Tom Rice, Sr., is pursuing a remarkably intelligent program to fight the problem of drug addiction; and it is pursuing this fight through a program of educating the young.

At the request of the Alcoholism and Drug Abuse Council of Northeastern Pennsylvania, and through the cooperation of Microdramas Co. of California, 15 stations in northeastern Pennsylvania scheduled for 1 week, June 8 through June 12, a series of five programs dealing with drug abuse. These stations programed the identical material at the exact same time. This effort is, indeed, unique and has received the highest praise from health officials, law enforcement personnel, and in particular, from ADAC.

Three of the programs were written and produced by Jory Sherman of Rialto, Calif. Two other 15-minute features included an interview with Art Linkletter, whose daughter committed suicide as a result of a flashback suspected from the drug LSD. This program feature was furnished through the cooperation of the National Broadcasting Co. Another program made available through NBC was the actual testimony of Craig Gardner who recorded his reaction to drug usage just minutes before he took his own life as "an easy way out."

The stations involved in this unique educational approach included all program formats, including classical music.

This remarkable example of cooperation was under the leadership of Tom Rice who is not only president of the ADAC but is also president of WSCR radio in Scranton. Mr. Rice remarked that:

> It is highly commendable for a broadcaster to interrupt his station's normal programming and, in some instances, go against station policy in participating in this total effort in calling attention to the drug abuse problem.

I am sure that all of my colleagues here in the Congress will join me in commending these stations, just as Mr. Rice commended them. By programing the educational material at the same time, there was a saturation effort which must surely have a profound impact on all of the young people who spend so much of their lives listening to the radio.

The radio stations which participated in this program are: WICK, WSCR, WWDL-FM in Scranton; WBRE-AM/FM and WYZZ-FM in Wilkes-Barre; WCDL-AM/FM in Carbondale; WTTC-AM/FM in Towanda; WPEL in Montrose; WVPO-AM/FM in Stroudsburg; and WAZL in Hazelton. WARM and WEJL in Scranton are scheduling the program at a different time.

It is my sincere hope that the Commissioners at the Federal Communications Commission will take note of this remarkable and unique effort, and will commend each of these radio stations for the great public service they have rendered all of us.

OPINION POLL

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. McCLURE. Mr. Speaker, in recent days many Americans have expressed in one form or another their views on national and international issues of our Government.

Many in the press have established and completed surveys of their readers in regard to our Government's commitments in Southeast Asia, the Middle East conflict, college turmoil and our overall troop placement in Europe.

Recently "The Daily Idahonian", in Moscow, Idaho, under the managership of Mr. Jack Marineau, undertook a sampling of opinion concerning these issues.

I commend to my colleagues the results of this survey and insert them in the RECORD:

RESULTS OF OPINION POLL

[Percent]

	Yes	No
1. Should President Nixon have sent troops into Cambodia?	69.65	30.34
2. Are you in favor of the immediate withdrawl of all American troops from Southeast Asia?	31.94	68.05
3. Should National Guard troops with loaded guns be allowed to come on to college campuses to quell violence?	72.92	23.07
4. Should the United States sell more airplanes and war material to Israel?	55.47	44.52
5. Should the United States withdraw its troops from Europe at this time?	20.71	79.28

Mr. Speaker, perhaps the significance in this poll lies in the fact that it was conducted in a college community. Moscow is the home of the University of Idaho.

XUM

PENN CENTRAL CASE AND U.S. POLICY

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. HOWARD. Mr. Speaker, the financial debacle of the Penn Central has been a cause of great concern to me and the thousands of commuters who live in my district. The history of railroading has been full of stories of financial wheeling and dealing and the Penn Central fiasco is another depressing chapter in this story. A stinging analysis of the Penn Central case and the failure of last minute efforts by management to get the Government to bail out a railroad they had led to bankruptcy was written by Milton Viorst and appeared in the Washington Star of June 23. I believe that the Government should take sensible steps to assist the railroad industry—and I hope the House will act soon on the Rail Passenger Service Act—but I do not think that ill advised, hastily arranged loans are the right answer. While I would not yet favor the drastic solution of nationalization that Mr. Viorst advocates, I think it is clear that unless the railroad industry puts its own house in order, this is a result they may inevitably face. As the Penn Central case shows, the public which has been too often damned by the railroads, has finally gotten damned mad. The article follows:

PENN CENTRAL CASE AND U.S. POLICY

(By Milton Viorst)

When Deputy Defense Secretary David Packard told a closed session of the House Appropriations Committee some weeks ago that the financial solvency of the Penn Central Co. was vital to the national security, his audience laughed sardonically at him.

When he said that the Navy, as a defense requirement, would guarantee $200 million in loans to Penn Central, hardly anyone doubted that the money was as good as lost.

Had Packard not taken the transaction to the committee as a fait accompli, he would probably have received congressional sanction. After all Congress has historically been as tolerant as administrations of the curious ways of railroads.

But President Nixon, after months of secret talks, had made a private deal with Penn Central, and Congress resented it. On Friday, he was forced to back out. On Sunday, Penn Central got even by declaring itself bankrupt.

No tears, however, are required. The trains will continue to run, despite Packard, at their customary level of inefficiency. And the company's stock will be traded, in recognition of Penn Central's possession of $7 billion in assets that it chose not to liquidate.

Actually, what the administration proposed was to give Penn Central $200 million to perpetuate its tradition of incompetent management and disdain for the public interest.

The proposal was in the grand tradition of collusion between the nation's railroads and federal agencies, particularly the agency held responsible by law for railroad regulation, the Interstate Commerce Commission.

The previous Democratic administrations, despite the anti-trust laws, sanctioned the merger of the Pennsylvania and the New York Central, though Penn Central gave notice at the time of a cutback in service by projecting declining passenger and freight demand.

Needless to say, the prophecy was self-fulfilling. As service was reduced, demand indeed shifted to trucks and airplanes, leaving Penn Central free to diversify into a giant conglomerate.

From Penn Central's point of view, the logic was obvious: Why invest in new railroad cars, track and station facilities if there's a better return in pipelines and luxury hotels?

The railroads' contempt for passenger traffic is, of course, legendary. Anyone who has taken a train recently has had that confirmed. But Penn Central managed even to undo its profitable freight business.

Under law, the ICC has always had the power to compel Penn-Central to run a better railroad. But as one commissioner put it recently, "We do not intend to use that jurisdiction in requiring heavy investment . . ."

Rep. Richard Ottinger, whose New York district depends on Penn-Central, has said the ICC and the railroads maintain a "working economic and personal relationship, which frequently involves the most insidious possible influence by an industry upon an agency holding the public trust."

Rep. John Dingell of Michigan has charged that the ICC's dealings are riddled with conflict of interest.

In the end, however, even the ICC's indulgence didn't save Penn Central from its own blundering. It had invested so poorly that it lost its liquidity, and became the first major victim of the 1970 recession. It couldn't even make a deal with a President who would come through on his word.

What was particularly irritating to Congress was that the government demanded nothing in return for its generosity.

It is inconceivable that Packard did not promise, at the least, a complete government examination of Penn Central finances.

Nor did he suggest that, as a condition of the loan, Penn Central would start showing some concern for the public.

The administration did ask for legislation authorizing a total of $750 million in rail loans, but there was no indication that any of the money had to be directed at improved service.

What Nixon did propose—with railroad approval, of course—was a public corporation to run unprofitable passenger lines. But as long as we contemplate nationalization, why not go all the way and take over the entire industry?

Deep down, the trouble is that federal transportation policy is insane. The 1971 budget contains $4.6 billion for roads and $1.35 billion for aviation. It has $23 million to improve the railroads.

No wonder Penn Central concluded that no one cared about rail service, and that it could get away with anything it wanted, including bankruptcy.

A TRIBUTE TO GORDON CANFIELD "MAN OF THE YEAR"

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. HUNT. Mr. Speaker, on June 9, 1970, the Kiwanis Club of Paterson, N.J., awarded its Man of the Year Award to Gordon Canfield in appreciation of his excellence in public service. As many of you in this Chamber will remember, Gordon Canfield served in this body with distinction for 20 years from 1941 to 1961 when he retired.

His devotion to duty and his sacrifices as a dedicated public servant were well stated in the inscription accompanying the award:

> Outstanding among men of all religions and political faiths;
>
> Righteously indignant against all forms of discrimination;
>
> Dedicated to God and his native land;
>
> Openly, without evasion or mental reservation;
>
> Now, yesterday and tomorrow.

The inscription went on to cite Gordon Canfield's awareness of his responsibilities in the community and the Congress as well as his devotion to his family and friends.

More than 300 attended the award luncheon given in his honor representing all religious faiths and political persuasions. It is my pleasure and honor to include at this point in my remarks the text of the "Tribute to Gordon Canfield" delivered by Dr. William P. Tolley, chairman of Mohawk Airlines and chancellor emeritus of Syracuse University:

As I look at this wonderful company of friends of Gordon and Dorothy Canfield, I am reminded of the comment of the little girl on her first day at school. Her mother was with her, and as she looked at the warm and cheerful classroom, the happy, chattering children and the smiling teacher, she turned to her mother and said, "The room says, 'yes'."

This room says "yes," and we all say "yes" in gratitude, respect and love.

Walt Whitman once said, "This is the city and I am one of the citizens.

"Whatever interests the rest, interests me, politics, war, markets, newspapers, schools.

"The mayor and councils, banks, tariffs, steamships, factories, stocks, stores, real estate and personal estate."

In honoring Gordon Canfield as Man of the Year, Kiwanis honors the principle of good citizenship.

We take the words of Walt Whitman as an expression of our own interest, loyalty and commitment as citizens—"This is the city and I am one of the citizens. Whatever interests the rest, interests me."

It is a privilege for me to be here as it is for all the members of the Canfield family. I have known Gordon since 1915. We were students together in the Binghamton Central High School in Binghamton, New York. Gordon had been a newsboy and in high school he worked long hours as a newspaper reporter. But we knew him as a brilliant student, a natural leader, our finest debater, and by far our most gifted orator. He had won the state oratorical contest and a four-year scholarship at Columbia University—a scholarship he was unable to take because of the family finances. I remember the tremendous reception we gave him at the Lackawanna Station when he returned from New York City. Public speaking was a major activity in our high school and Gordon won all the public speaking contests and all the debates. To Mr. Greengard, our teacher and debate coach, there never was a debater with the forensic skill of Gordon Canfield.

I followed with interest Gordon's experience with Western Union, his service in World War I, his work as a reporter for the old Passaic Daily News, his service as secretary for 17 years to the late Congressman George Seger, his study at night to earn his law degree, and then his brilliant career as Congressman from the Eighth District for twenty years—retiring ten years ago as Dean of the New Jersey delegation.

We worried about Gordon's safety as he served as an ordinary seaman on an oil tanker on the Atlantic in World War II. We read with excitement and concern his first hand reports of visits to Buchenwald, Hiroshima and the Korean War Front. We listened to his prophetic words about drug addiction as a national problem and his vigorous leadership in Congress of the war on narcotics. He was Chairman of the Treasury-Post Office Appropriations Subcommittee. I should like to think that the recent postal strike would not have occurred if Gordon were still in Congress. It would not have occurred because the legitimate grievances of the postal workers would have been met long before.

Gordon was a key figure in providing for the needs of refugees from Hitler and the war zones. He had a deep interest in the race problem and all the problems of the little man. In his concern for the disadvantaged and the poor, he helped to make possible the present program of social security. He was the enemy of both facism and communism. And he knew what was needed to keep America strong. He had a special interest and concern for the Coast Guard. I remember a visit to the Coast Guard Academy as a speaker. I was treated courteously. When, however, I mentioned to the Commandant that I had married Gordon Canfield's sister, he jumped to attention. "Why," he said, "Congressman Canfield is the Father of the Coast Guard Reserve. No one in public life has done so much for so many years for the Coast Guard."

In the decade since his retirement from Congress, Gordon has spent his exceptional talents in community service for the First National Bank of Passaic County, The Church of the Covenant, Rotary, The Passaic Valley Chapter of the American Red Cross, The Paterson Council on the Aging, The First Federal Savings and Loan Association of which he is a Director, and as an active member of the distinguished board of the John F. Kennedy Center for the Performing Arts in Washington.

As a Republican running for office in a heavily Democratic district, Gordon was unbeatable. There were many reasons for this: his warm personality, his love for people, his gift for friendship, his concern for justice, his unfailing kindness and courtesy, his sincerity and integrity, and, of course, his knowledge of government, his long and wide experience and his eloquence as a speaker.

Gordon is one who lets nothing stop him—not even the loss of health. He is a perfectionist. He is a tremendous worker. He leaves nothing to chance. He puts his heart into everything he does. He takes pride in that extra effort that spells the difference between what is good and what is outstanding.

What an example his life is in a day when so many suffer from an acute case of underachievement. This is a time of carelessness in dress and conduct. We have a youth culture where the peer-pressure is to conform to the lowest standards and aims. The accent is on obscenity in speech, rudeness in manners and mediocrity in performance. Dishonesty is condoned because there is so much of it. Violence is excused because of the greater violence of war. Immorality is defended as the new freedom and the new morality. Whatever is common and cheap becomes the norm. And youth captures youth and exploits it.

What we have forgotten is the distinction between right and wrong and between what is and what ought to be. We have forgotten that what is common may be unworthy of us, that what is average is not good enough. We have forgotten that a low aim in life has disastrous consequences for all who choose it.

Today we honor a man who is not common and who is not average. His life reflects the discipline and habit of a search for excellence. It was Browning who wrote, "The aim if reached or not, makes great the life." The high aim of Gordon Canfield makes great his life.

Gordon is one who believes that God is not dead, that the miracle of spring does not just happen each year, and that the conquest of space is possible because the laws of nature do not change.

Joined to this belief in a universe under law is Gordon's belief as a lawyer, legislator and citizen in an ordered society. In his thirty-seven years at Washington he came to see more clearly than most of us the role of the courts, of the President and of the Congress in a free society which makes its progress under law.

The mood of some of our social activists is that they will choose the laws to obey while still expecting the full protection of the American legal system. But the law, like an ordered society, is surprisingly fragile. It is like an umbrella. One can't punch holes in an umbrella and then expect protection from the rain.

Gordon has lived by his belief in an ordered universe, an ordered human society and an ordered morality. And the three are related.

There is no answer to the search for happiness in drug addiction and promiscuity. There is no happiness in the philosophy that anything goes. When anything goes, everything goes.

Nihilism in the field of morals means just what it does in society—the destruction of all law and order. Man cannot live in such a world. He must have a tradition, a standard, an ideal, a canon, an example, a moral belief, a moral law. There will be no great society without character, without the self-discipline and restraint of high ideals and moral values.

At this point Gordon would protest that we have said too much, but we have not. We need the example of men of character. And Gordon has been an example to all of us.

When we honor a man like Gordon, it is an exercise in responsible citizenship. It is a recognition that, "This is the city and I am one of the citizens. Whatever interests the rest, interests me."

At Syracuse University we make a great deal of the Athenian Oath. It is engraved on the wall of Maxwell Hall and it reads as follows: "We will ever strive for the ideals and sacred things of the city, both alone and with many. We will increasingly seek to quicken the sense of public duty; we will revere and obey the city's laws. We will transmit this city not only less, but greater, better, and more beautiful than it was transmitted to us."

Dorothy and Gordon have faithfully discharged the obligations of their oath of citizenship. As concerned and loyal Americans we should do the same. This is the meaning of what Kiwanis has done in Paterson today. In our commitment to good citizenship is our perfect tribute to Gordon and Dorothy Canfield.

THE LAND OF ENCHANTMENT

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. FOREMAN. Mr. Speaker, those of us from the Southwestern United States, and New Mexico in particular, were most appreciative of the very kind and thoughtful editorial in the June 19, 1970, issue of Life magazine written by Life's managing editor, Mr. Ralph Graves. We extend a warm, hearty welcome to all Americans, easterners and others, to come visit the Land of Enchantment—enchanting scenery, history, and people. It is not only a great place to visit, but a wonderful, healthy place to live.

The editorial follows:

THE PLEASANT, FRIENDLY SOUND OF GOOD MANNERS

I have recently come back from west Texas, where I lived for a while many years ago, and from Arizona and New Mexico, where I had never been at all. It is customary for visitors to the Southwest to be impressed by the vastness and splendid emptiness of the country. To go there direct from the high-rise, car-choked world of New York City is indeed an experience in total contrast. Only someone who has been repeatedly trapped in traffic jams on six-lane "turnpikes" and "thruways," traffic jams caused by one car in one lane running out of gas, can appreciate the joy of driving a two-lane highway through open country for 100 miles—and seeing three cars. There is so much open space in this land, and it is such a pleasure to be a relaxed and inconsequential part of it.

It was only after several days of traveling and visiting and talking that I began to be aware of something more important than spaciousness. I was a stranger in every sense, not only because I didn't know anymore, but because the landscape and the towns and cities and even many of the place-names stopped, I was made to feel welcome. It did not matter whether I was meeting someone as an editor of Life or as a customer at a restaurant or drug store or just asking directions in the ignorant way of all strangers. I kept encountering friendliness and courtesy and goodwill. An oil executive who certainly did not agree with LIFE's view of oil pollution was nevertheless a gracious host. An Arizona businessman who thought Spiro Agnew had exactly the right view of "the Eastern press" made a special effort to arrange meetings and appointments for a visitor from the Eastern press. An artist I had never met simply dropped his work for two days to show me his country. A state governor who had just suffered a bitter political disappointment invited me out to his house at the end of a very bad day and never mentioned his troubles. On a more casual level, whenever I bought a tank of gas or a cup of coffee. I was never just handed my change. It was invariably accompanied by "Come back and see us" or "Have a nice day" or "Good luck now." All of these occurrences were more than good business or good politics; they were good manners.

When I realized what an extraordinarily pleasant thing was happening over and over again. I began to watch for examples of *bad* manners, of ordinary, everyday rudeness. I kept right on watching till the end of the trip, and I am embarrassed to report that my solitary exhibit after 10 days of alert attention was a cab driver—the New York City cab driver who took me home from Kennedy Airport to Manhattan.

I don't want to suggest that the people who live in Alpine and Albuquerque and Roswell and San Patricio and Pecos and Phoenix are nicer than Americans elsewhere. In fact, another LIFE editor who has made a similar trip through the South insists that for courtesy and kindness he will match the people he met against the people I met. But I am reminded by this experience—as perhaps many of us need to be reminded these days—that this country, for all its current disharmony, and protest and shouting, is inhabited by people who prefer to be decent to one another.

HOUSING NEEDS GROW MORE ACUTE

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mrs. MAY. Mr. Chairman, the housing needs of our country are continuing to grow more acute, and to meet the demands for shelter, the homebuilding industry and the finance industry need help now.

The Emergency Home Finance Act of 1970 is designed to deal with this situation and my only regret is that it has taken so long for the bill to reach us on the floor.

In consideration of these needs, I am favorably impressed with an editorial on the bill which appears in the July issue of Professional Builders, the Nation's largest housing publication. The editor, James J. Shapiro, believes that passage of the Emergency Home Finance Act now will help spur housing production and the ability of people to buy and rent decent shelter.

The editorial follows:

EMERGENCY HOUSING ACT—NO WAY TO LIGHT MY FIRE

To spur up more action during a skidding housing year, Congress has put final touches on a 1970 houshing bill. It's called the Emergency Home Finance Act because the original purpose was to quickly pass a few key money measures and help a deteriorating emergency credit situation facing our industry.

The bill has important provisions, namely: (1) An appropriation of $250,000,000 to be used by the Federal Home Loan Bank Board. This would help inch downward S&L rates to builders. (2) An expansion (by about $750,000,000) of special assistance funds that can be used by the Government National Mortgage Association at the discretion of the President. And HUD Secretary Romney has testified that the President would use the funds. (3) Establishment of a Federal Home Loan Mortgage Corporation within the Federal Home Loan Bank System to handle conventional mortgages. This would provide a secondary market for conventional mortgages held by commercial banks, mutual savings banks and most S&Ls. It would also serve as a stimulus for a uniform mortgage instrument between FHA and conventional mortgages. (4) A subsidy of $60,000,000 for this new Mortgage Corp. making up the difference betwen seven percent mortgages which it would acquire and average borrowing cost. Loans could be either FHA, VA, or conventional and would be a big boost for housing in the $20,000-to-$30,000 range for middle-income families.

The bill is solid and packed with goodies, so what's the beef? The problem is really not the bill but its lack of emergency action. The Senate first acted on the bill in early April, but the House has fiddled and delayed, and the entire package will probably not be passed until late June or early July.

This is despite aggressive testimony by NAHB and individual lobbying efforts during the May Spring Board meeting in Washington. I might add that without NAHB's pushing, the bill would probably have been delayed even further.

Many provisions of the bill such as the establishment of the Mortgage Corporation are excellent, but emergency legislation is not the place for a broad, far-reaching concept. Congress, particularly the House, should have quickly passed key money portions (like the FHLBB's $250 million) and left the more complex programs for later debate.

The delay has put a further crimp in credit instead of alleviating it and has widened the credibility gap between builders and the Administration which has promised to "do something" about the housing situation. Now the ugly spectre of party politics enters the picture. Some Washington insiders say the situation has gone so long without decisive action that Democrats may delay real help at this time in order to point a pre-November-election accusing finger at Republicans who have "carried us into a housing depression."

During a recent trip to Washington, I had a chance to talk with long-time legislative pro in housing affairs, Joseph McGrath, staff vice president of NAHB. Joe's analysis: "This bill contains very helpful financial programs—but it just may be too late."

Is that any way to handle emergency housing matters?

OUR ENVIRONMENT A NEW NATIONAL COMMITMENT

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. JOHNSON of Pennsylvania. Mr. Speaker, pollution is a very serious problem in this Nation. A few days ago I received a special report published by my colleague the gentleman from Michigan (Mr. McDONALD) which I thought reflected the severity of the problem, and the dedication to which we all are committed. The report, titled "Our Environment: A New National Commitment," is a brief, and to-the-point synopsis of pollutions' causes and hopefully its cures. I commend Mr. McDONALD for his efforts in this report, and offer my thanks to him for making this copy available to me. I wish to share this report with all of my colleagues, and offer at this time a copy to be printed in the RECORD. Portions of the report include a Flintstone cartoon by Hanna and Barbera, reprinted with permission from McNaught Syndicate, Inc., a Joe Palooka cartoon by Ham Fisher, reprinted by permission from McNaught Syndicate, Inc., and a photograph of Mr. McDONALD with Federal Water Quality Administration Commissioner, David Dominick.

The report follows:

THE JACK McDONALD CONGRESSIONAL REPORT

OUR ENVIRONMENT: A NEW NATIONAL COMMITMENT

America the beautiful?

The genuis that in less than a century has made us the most affluent nation in history has given us an unwanted byproduct—polluted air and waterways and an incredible mass of litter.

Thousands of factories and millions of cars, symbols of our fantastic productivity, daily poison the air we breathe. Our waterways are polluted by industry and government alike. Our countryside is used as a trash can for millions of articles hurled from speeding cars. Our entire population of more than 200 million is in some manner affected.

And so the Seventies have been declared the "decade of the environment," a time for the American people to devote greater attention and more of our wealth to the problems of pollution so that our very affluence will not be our destroyer.

This new national dedication comes none too soon, for as we have grown so have we sown the seeds of potential disaster.

The vastness and wealth of our nation have been largely responsible for our current plight.

We have had as much—and continue to find so much more—that we have been unconcerned about the wise use of our resources. And we grew so quickly as an industrial nation we did not stop to consider the consequences of our ever-expanding wealth.

Thus today we have industries and communities polluting our rivers, lakes and harbors because we have lagged in providing controls.

We find these same sources polluting the air we breathe, along with the millions of motor vehicles that are the foremost symbol of our national wealth.

In sum, we find today that the very things that have given us the highest standard of living in the annals of man have also come perilously close to making this a hollow achievement.

So it is not difficult to understand that we are in trouble.

To grasp the magnitude of the challenge, let us look closely at the sources and effects of pollution and the efforts to conquer it.

IS THIS THE AMERICAN GENIUS?

"The family which takes its mauve and cerise, air-conditioned, power-steered and power-braked automobile out for a tour passes through cities that are badly paved, made hideous by litter, blighted buildings, billboards and posts for wires that should long since have been put underground. They pass on into a countryside that has been rendered largely invisible by commercial art . . . They picnic on exquisitely packaged food from a portable icebox by a polluted stream and go on to spend the night at a park which is a menace to public health and morals. Just before dozing off on an air mattress, beneath a nylon tent, amid the stench of decaying refuse, they may reflect vaguely on the curious unevenness of their blessings. Is this, indeed, the American genius?"—JOHN KENNETH GALBRAITH in "The Affluent Society"

THE 1970 QUESTIONNAIRE

Results of my fourth annual questionnaire will be announced shortly in the press. For the first time, the results will also reflect the views of the 18-to-21 age group.

THE DEADLY NATURE OF OUR AIR AND WATER

Air pollution can be as lethal as the cyanide pellet used in the gas chamber. Water pollution not only kills millions of fish but denies us the use of scores of recreation areas. Solid wastes can be both eyesores and health hazards.

In Donora, Pa., in October 1948, a blanket of fog lifted after four days, leaving 6,000 of the town's 14,000 residents ill and 20 dead.

A similar incident in December 1952 killed 4,000 Londoners in one week.

These tragedies are grim enough, but let us consider the long-term effects of air pollution. These include ills and diseases from the cold to cancer.

Studies have linked air pollution to colds and have shown a striking difference between urban and rural mortality rates for lung cancer.

Here are some other effects of air pollution:

It obscures visibility, creating hazards to air, land and water transportation.

XUM

It causes metals to tarnish, corrode, crack, weaken and discolor.

It sometimes forces electrical equipment manufacturers to use gold for electrical contacts because other metals, such as silver, corrode in sulfur atmospheres and corroded metal resists electrical current.

It injures and kills plants.

Every major river system in our country is polluted. Millions of fish die annually in the Mississippi; eels in the Hudson cling to wastes and sometimes attack sanitary engineers taking water samples; blood from slaughterhouses discolors and pollutes the Missouri.

About 8 million people are drinking from municipal water systems that contain more bacteria than is considered "safe" under federal standards.

Besides the bacteriological danger, we should consider the matter of pesticides. It is known, for instance, that the concentration of pesticides builds up as they move through the food chain, from water to seaweed to fish to birds to mammals—to man. DDT residues have been found in penguins, polar bears and in fish in the far Pacific.

Recreational areas are destroyed when pollution produces a great excess of such nutrients as phosphates and nitrates which produce algae and clog waterways.

The rapid buildup of nutrients is blamed for aging Lake Erie, biologically, 15,000 years since 1920.

The solid waste disposal problem may soon approach the air and water pollution crises. Some 80 percent of the population is in some way affected by refuse storage, collection, transportation and processing. More than 330,000 people handle urban wastes alone.

Disposal space is diminishing. A year's refuse from 10,000 persons covers an acre of ground seven feet deep. The space problem is worst in urban areas, which also must bear rising collection costs. Present annual collection costs nationally are $4.5 billion. The average cost per person is $7 a year. And facilities are becoming inadequate.

Today, the town dump is a haphazard and inefficient operation, due principally to local apathy. The U.S. Public Health Service estimates that 94 percent of the dumps and 75 percent of the incinerators in use are inadequate with respect to sanitation and pollution. Only 5 percent of refuse is diposed of by the sanitary landfill method in which six inches of dirt is dumped over each day's collection.

As an indication of the scope of this problem, one former federal official has charged that half the communities with more than 2,500 inhabitants are not doing even a "minimally acceptable" collection and disposal job.

SOME GENERAL STATISTICS

Water—Every river system in our nation is polluted to some extent. Both treated and untreated industrial discharges into our waterways equal the raw sewage from almost 170 million people.

More than 15 million fish were killed last year by more than 18 billion gallons of industrial and municipal wastes, according to the Interior Department.

Many recreation and swimming areas along the Great Lakes have been closed because the water is unsafe. Lake Erie is practically dead, its oxygen content nearing zero, as 3 million tons of filth and debris pour into it daily.

Air—37 million tons of sulfur dioxide pour out of industrial chimneys each year. Over 90 million cars add 66 million tons of carbon monoxide. Another 5 million tons comes from electrical incinerators.

Solid wastes—Each day, we discard millions of tons of garbage, rubbish, automobile hulks, abandoned refrigerators and slaughterhouse refuse. Enough is discarded annually to fill the Panama Canal four times. One example is the aluminum can, produced at the rate of 48 billion a year. Another 28 billion bottles and jars are produced annually.

Today, 70 percent of our people live on 2 percent of our land. The average American is responsible for 1,800 pounds of solid waste each year—almost one ton—and that output is rising 4 percent each year.

A MULTITUDE OF VILLIANS AT THE SOURCE

The sources of pollution seem endless.

Our rivers, harbors and lakes are contaminated by municipal sewage and industrial waste; by overflow from septic tanks, discharges from ships, pesticides, silt, detergents and fertilizers.

More than half our air contamination consists of carbon monoxide. More than one tenth is hydrocarbons. These are the emissions of motor vehicles. Home and factory combustion of sulfur-containing coal and oil produces the second most plentiful gas pollutant.

Our land is about to be engulfed by solid waste. Monuments of our civilization may become heaps of auto hulks, glass bottles, tin and aluminum cans, used packaging, discarded tires and other rubbish.

The causes are easy to find.

When we think of water pollution, it is shocking to realize that one third of the 19,200 communities with municipal water systems fail to meet existing U.S. Public Health Service standards and that more than 1,300 communities discharge wastes without treatment.

Industrial pollution is twice as great a problem, and it is an indication of the task ahead that a major steel complex—supposedly a showcase for control efforts—is still responsible for 10 percent of the total wastes emptying into Lake Erie.

The pesticide menace has become so widespread it has led to a ban on all but essential use of DDT within the next few years. Detergents and fertilizers often escape even secondary waste treatment and are a major source of phosphate pollution which results in fertilization of vegetation in our waterways. This can eventually end animal and plant life.

Thermal pollution caused by atomic reactors is a more recent concern. Extensive damage and destruction of marine plant and wildlife are feared as a result of the discharge of atomic wastes and "hot" water used to cool reactors.

When we consider the solid waste problem we must bear in mind that in only 20 years our population has increased 30 percent—but solid waste loads have increased 60 percent. Our annual accumulation is currently 200 million tons.

This alarming rise is due not only to the increase in population but to greater consumption and affluence. Thus, today we are more inclined to throw away what we once saved.

An illustration of our sloppy habits may be seen in a spot check of a one-mile stretch of Kansas highway. Found, among other things, were 770 paper cups, 730 empty cigarette packs, 590 beer cans and 130 soft drink bottles.

Recycling benefits

The U.S. Bureau of Mines, which is involved in research in resource recovery, estimates that if all solid waste were properly incinerated, it would yield salvageable metals worth more than $1 billion each year.

One ton of recycled waste paper can provide wood pulp equivalent to 17 pulped trees.

MY SEVEN PROPOSALS FOR A CLEANER ENVIRONMENT

The pollution problems we've discussed can be solved—but the task is a massive one that will demand the utmost of every American.

In the congressional area, we can formulate the over-all policy, encourage research and cooperation and provide a portion of the necessary funding.

In an effort to accelerate our total effort, I have introduced as a prime sponsor the bills recommended by the President as part of his comprehensive environmental improvement program.

Clean Water Financing Act—H.R. 16049 provides an initial $10 billion for municipal waste treatment plants and interceptor sewers, with state and local governments paying $6 billion. The bill also revises the present rigid allocation formula to give special emphasis to need and prospects for water quality improvement.

Environmental Financing Authority—H.R. 16048 provides for purchase of bonds if a municipality cannot sell at a reasonable rate. The EFA would then sell its own bonds on the taxable market. The municipal bond market's condition in 1969 was such that 509 issues totaling $2.9 billion were unsalable.

Industrial Pollution—H.R. 16050 and H.R. 16051 are amendments to the Federal Water Pollution Control Act and deal primarily with industrial pollution. While standards presently are established in general terms and federal jurisdiction is limited to interstate waters, H.R. 16051 extends the Secretary of Interior's authority to preparation of water quality programs for all navigable waters. The bill also broadens the secretary's enforcement authority.

H.R. 16050 provides for research, investigations, experiments, demonstrations and studies relating to the causes, control and prevention of water pollution. Federal grants are provided to state and interstate agencies to assist them in enforcement.

Clean Air—H.R. 16047, the Clean Air Act Amendments of 1970, authorizes tests on motor vehicles and engines; regulates the contents of fuel and fuel additives, and proposes establishment of nationwide standards governing industries, power plants, furnaces, incinerators and other stationary sources of air pollution. The bill also provides severe penalties for violators.

Solid Waste—H.R. 16046, the Wastes Reclamation and Recycling Act of 1970, calls upon the Council on Environmental Quality to study various means and regulatory measures to accelerate reclamation and recycling of such discards as junk automobiles which might be re-usable.

Parks and Recreation—H.R. 16045 amends the land and Water Conservation Act of 1965 to carry out administration recommendations dealing with parks and public recreation.

It authorizes the Secretary of Interior to sell surplus federal property to state and local governments for park and recreation purposes at public benefit discounts up to 100 percent.

One third of all land in the United States—more than 750 million acres—is owned by the federal government. Vast amounts of such land with great potential as recreation areas are owned by agencies that could be located elsewhere.

SINCE 1955: A NOTE ON PROGRESS

In 1955, Congress passed legislation calling on state and local governments to take the basic responsibility for prevention of air pollution and giving the Department of Health, Education and Welfare authority to devote itself to research and technical support.

The Federal Water Pollution Control Act of 1956 established the basic federal responsibilities in this area. Subsequent legislation has broadened the federal involvement and established standards to be met by states.

The Solid Waste Disposal Act of 1965 created the forerunner of HEW's Bureau of Solid Waste Management.

In 1967, the Air Quality Act paved the way for a regional approach to the problem. HEW has designated 57 such regions under the National Air Pollution Control Administration. States are expected to develop air quality standards and implementation plans for coordination on a regional basis.

WHIRL IS KING

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. DOWNING. Mr. Speaker, in my native State of Virginia, the George C. Marshall Research Foundation, dedicated to the memory of our great Chief of Staff of the U.S. Army during World War II and subsequent Secretary of State, has as its executive director the eminent Dr. Forrest C. Pogue. Dr. Pogue was honored twice during the recent college commencement season, on June 5 by Washington & Lee University, Lexington, Va., with a Litt.D. and the following day by his alma mater, Murray State University, Murray, Ky., with a LL.D. Dr. Pogue was the commencement speaker on the latter occasion, and I am pleased to include his address in the RECORD:

WHIRL IS KING

(Commencement address at Murray State University, June 6, 1970, by Forrest C. Pogue)

"Whirl is king, having driven out Zeus." With this quotation from Aristophanes, Walter Lippmann began a volume on the whirling confusion of his day which followed the sweeping away of moral authority and traditions. Huxley was right, he says, when he declared: "A man's worst difficulties begin when he is able to do as he likes."

What most distinguishes the generation who have approached maturity since the debacle of idealism at the end of the war is not their rebellion against the religious and moral code of their parents, but their disillusionment with their own rebellion. It is common for young men and women to rebel, but that they should rebel sadly and without faith in their own rebellion, that they should detest the new freedom no less than the old certainties—that is something of a novelty. As Mr. Canby once said, "At the age of seven they saw through their parents and characterized them in a phrase. At fourteen they saw through education and dodged it. At eighteen they lost respect for their home towns and at twenty they saw that our social system is ridiculous. At twenty-three the autobiography ends because the author has seen through society to date and does not know what to do next."

"They have seen through the religion of nature to which the early romantics turned for consolation. . . . They have seen through the religion of beauty because, for one thing, they are too much oppressed by the ugliness of Main Street. They cannot take refuge in an ivory tower because the modern apartment house, with a radio loudspeaker on the floor above and on the floor below and just across the courtyard will not permit it. They cannot make a religion of science . . . because they do not understand modern science. They never learned enough mathematics and physics. . . . As for religion of progress, that is preempted by George Babbitt and the Rotary Club, and the religion of humanity is utterly unacceptable to those who have to ride in the subways during the rush hour."

". . . The eager search for new religions, the hasty adherence to cults . . . are confessions that to modern man his activity has no place in any rational order. His life seems mere restlessness and compulsion, rather than conduct lighted by luminous beliefs. He is possessed by a great deal of excitement amidst which, as Mr. Santayana once remarked, he redoubles his effort when he has forgotten his aim."

Having recently put down this volume of criticism on a troubled period of history, I picked up another, a novel on the generation gap—of the difficulties between fathers and sons. The story opens with the visit of a young student and his best friend, on the way home from university, to the estate of the former's father, who, while completely out of date, tries to keep up to some extent with the new generation. The father's brother, living more in the past, finds it difficult to cope with the new ideas.

The older visitor, a medical student, is brash, sure of himself, almost contemptuous of the older generation. "Your father is a nice old man," he tells his college friend, "but his day is done." We are thoroughly prepared for the argument which follows between representatives of the two generations. The student starts one argument by declaring that "negation is the most useful thing of all." Angered, the brother of the host retorts, "You deny everything, or, speaking more precisely, you destroy everything . . . But one must construct too, you know." "That's not our business now," said the student impatiently, "The ground must be cleared first." "But do you destroy without knowing why," came the question. "We shall destroy because we are a force."

The two books might have been written this week. But the former Lippmann's "Preface to Morals," I first read forty years ago in Dr. Lowry's Sociology class, and the second, Turgenev's "Fathers and Sons," appeared in Russia more than 100 years ago. But the problems they describe are completely contemporary. I have been amused on rereading them to find that I have reacted differently since the first reading. I read Lippmann as a junior and felt somewhat irritated at his viewpoint toward youth. The Turgenev I read in 1932, a few months out of graduate school, with a Master's degree and no job—returned to my home in a tiny West Kentucky town—reduced to killing boredom by turning through the pages of Everyman classics. I was inclined then to feel that the great society of my day had blundered into a staggering depression that was upsetting the entire whole economy—and particularly preventing me from getting a job—and that it needed to be swept away so that we could begin again properly. Quite aged, a few months past twenty, I was certain that some changes needed to be made; that they needed to be made now.

Three things stand out from the books by Lippmann and Turgenev concerning the young: (1) their desire to change eveything at once and to start fresh, (2) the tendency to grow bored and world weary with the changes they have begun, and (3) impatience with authority.

Extravagance and youth go together. It makes each new generation interesting and difficult for the generation passing off the stage. The extravagance is made bearable for the old because of the knowledge—as one critic writes of Fathers and Sons—that in twenty years the son will himself understand what it is to be called out-of-date.

Although Turgenev's young student occasionally attacked the romantic ideas of the age just past, he showed many of their attitudes in the extravagance of language. From the time of Byron to that of Hugo, the young intellectuals and artists had attacked tradition in ideas as they did in dress. Long locks, oddities in clothing, became the fashion as conformity in non-conformism became the rage. At one stage they won the nickname "Les Incroyables" (the incredibles or unbelievables) for their eccentricities. Their writings, music, and art were marked by a breaking away from classic forms, by a deep melancholy, admiration of the noble savage, a desire to escape to nature, a love for the morbid, and a certain preoccupation with death. The medical student who preached Nihilism spoke of an age of science but his exuberant talk of sweeping everything away and starting over had a Romantic wildness about it which appealed to a generation of Anarchists who sought to purge old sins and discarded ideas by bombing or shooting a number of high officials, including in twenty years the murders of the Tsar of Russia, shortly after he emancipated the serfs, the President of France, the King of Italy, the Empress of Austria, and the President of the United States. Convinced that the removal of those in authority and the destruction of police stations, banks, and government offices would overnight bring the millenium, they cheerfully blew up themselves along with their victims or surrendered happily to the police. One can understand the killing of a tyrant or the bombing of a monster when their removals might bring a better life. But the anarchistic terrorists made no distinction between bad and good men. All authority was bad and it must be removed in every form.

The student of the past may well be concerned by the violence of the last few years and will agree that universities are in a state of crisis. But he will not concede that this is unparalleled in modern history. His concern is that through neglect of the study of history, the young will ignore some lessons and some warnings.

Few young militants in the universities realize or care how painfully the modern university system has been developed and freedom of instruction and discussion in classrooms won. Early universities grew up around small communities of students which had been established near a cathedral where churchmen taught intepretations of the scriptures or canon law. The power to give licenses to teach was conferred on the churchmen in charge by popes, kings, and emperors. Some rulers and churchmen, in order to aid poor students, set up endowments which helped to provide subsistence. Students found their own lodgings, usually near the lecture rooms, and made their own arrangements for lectures with professors, sometimes swearing, according to tradition, that they would not use their knives or swords on professors if they failed their examinations. One took what the professor was inclined to teach and accepted the conditions laid down by the church.

Many university students were older than the average student of the present day and were not always gentle in their manners. Over pots of ale and glasses of wine in taverns, they engaged in quarrels, and some were seized for theft of purses and for swordplay. To avoid inevitable clashes between Town and Gown and to prevent local authorities from entering the lecture rooms to haul out students for punishment, the universities in time lodged their students within walls and established curfews and rules for their comings and goings. Except in such matter as murder and sacrilege, the city authorities tended to leave to university officials the keeping of order within their precincts. One can see in Heidelberg the university jail where youthful offenders were kept. He can also see a copy of a proclamation addressed by the Tsar of Russia to his troops, when they came through Heidelberg during the Napoleonic wars, forbidding them to stable their

XUM

horses or billet their men in the buildings and yards of the university.

In the period between the early Middle Ages and the wars of Napoleon, nearly every major country of Europe had developed universities, adding to the original faculty of theology other faculties of philosophy, medicine, and law. Even though they became powerful, administrators became aware that their rights did not extend to making attacks against the emperor or king nor to teaching heresy. Professors and students attacking the authority of the state could be hanged and those guilty of heretical teachings could be jailed or even burned. Cautious schoolmen learned to avoid touchy topics of state and advanced interpretations of the scriptures. Or often they learned to hide attacks on a modern tyrant in a classics course involving the history of Rome and Greece.

When liberal ideas in the universities came in touch with a liberal movement within a country, an opening was made which permitted students unaccustomed latitude. Thus, the Napoleonic wars, with their spreading of nationalism and demands for unity in historically divided states such as Italy and Germany encouraged students and professors in lands opposed to the French Emperor to preach unification of their countries in the classroom. Students in several of the smaller German states organized clubs where, after taking fierce oaths of brotherhood, they read fiery attacks on Napoleon and sang stirring songs of German unity. After Waterloo they continued their demand for German unity although it, in effect, involved opposition to the rulers of Austria, Russia, and Prussia who desired that the German states remain numerous and weak.

It was in this climate of reaction that German students in 1817, still tasting the heady wine of German nationalism, organized a festival at Wartburg Castle, associated with Luther's 16th century defiance of the Pope. It was no Woodstock but it frightened the authorities. In the spirit more of a pep rally rather than of conspiracy, or should we call it "living theater", they tossed into a blazing bonfire a wig, a corporal's cane, a copy of Prussian police regulations, and the plays of Kotzebue, a German conservative dramatist, who was suspected of being in the pay of Russia. The burned symbols represented the courts, hidebound restrictions, the Army, the State, Prince Metternich, as representative of the Emperor of the Austro-Hungarian empire, who had assumed the task of keeping Conservative forces in control of Europe, watched warily this student movement. When some months later, a half crazed student killed Kotzbue, Metternich acted quickly. Summoning representatives of neighboring nations to Carlsbad he persuaded them to put into effect strong decrees against freedom of instruction and of the press. Special curators were appointed to oversee universities, guards were placed inside classrooms, and in many schools special subjects, such as history and philosophy, were suppressed or kept under special surveillance. (It is interesting to note that history, a topic which periodically some of our university friends propose to toss out as irrelevant to the present day, was always a topic which despotic monarchs suppressed first as dangerous to the monarchy.)

There were stirrings in 1830 among students and workers but little of a profound revolutionary nature came until 1848—the year of revolution throughout Europe. The prime participants were members of the burgeoisie, workers, and students. In Paris after the government of Louis Philippe had forbidden a banquet on Washington's birthday, students of the university joined the workers and middle class representatives in demonstrations against the king. Fired on by troops protecting the royal palaces, the dissidents threw up barricades in the streets. Frightened, and disheartened the king fled and the surprised rioters proclaimed a Republic. The news from Paris spread through Europe where capital after capital, long weary of repressive rule, rose in revolt.

A student march in Vienna asking freedom from censorship helped to spark the rising in that city. In panic, the emperor permitted arms to be given to students who organized an "Academic Legion" and passed the summer pleasantly attempting to run the government of the city. Exuberant students joined with revolutionists across Europe in movements in which they hoped to bring autonomy to some, unity to others, extend the right to vote to the middle class, and obtain better wages and hours for workers. Following a pattern which was to become commonplace in later risings, the coalition of moderate and left wing elements soon fell apart. Demands by the workers frightened the middle class, extravagant statements and recriminations drove many moderates into the arms of the reaction. When the workers refused to moderate their demands, officers of the new republic called in troops. Within a short time some 3000 radicals—part of them students—were shot or hanged. Having ventured outside their gates, the students received no quarter. In Vienna, a large military force, encouraged by Russia, drove out the liberal government with much bloodshed. By the end of 1848 the revolution was at an end with few gains for liberalism. The republic was retained in France, but in the hands of the nephew of the Napoleon I. Within three years, Louis Napoleon had made himself Emperor of the French.

In the years that followed students split along class lines. Students of the aristocracy and the upper middle class abstained from revolt; some of the poorer joined Marxist groups or slipped swiftly from school life into Bohemian quarters of great cities to engage in talk and dreams of the Revolution. Although students furnished fighters to political riots in the late 19th and early 20th centuries, leaving their wounded or dead in bloody skirmishes in the streets, they left the leadership and the main work to the working class. At times, there was an attempt to aid in peaceful picketing or in demonstration in favor of imprisoned laborers, but a lack of community understanding and cooperation existed between those who had gone from the secondary schools and academies into universities and their worker counterparts who had left school in the lower grades to enter the factories and the mills. A cleavage developed which has never been completely closed.

For the most part, the American universities developed without the European tradition of violent confrontations with police and troops. Often deliberately placed in small communities away from cities or set apart from the community in which they lived by dormitory and club life, American students tended, until recently, to be onlookers rather than participants in the upheavals in political and economic life. Only after graduation, when they had found their way into professions did they become linked with activist groups.

To some degree, the universities in the United States owned their economic support to a certain neutralism in political and economic strife. The private institutions depended on gifts by the wealthy to pay for buildings and instruction while the state institutions, dependent often on the goodwill of governors and legislatures, found it expedient to court the favor of state authorities. In a sense, there was a reversion to the compromise of the Middle Ages—the Town respected the rights of the Gown as long as the latter kept its criticisms within its walls.

For some reason student activists of the present day have never understood this compromise and have assumed that presidents and deans are free agents who can be forced to grant not only changes within the universities proper but also made into agents who can coerce the state. Although within the past fifty years, administrators and older professors have won great freedom of action in their own affairs and have built up considerable immunity against alumni and legislative censorship of their programs, they are dependent on a continued flow of income from increased endowments and legislative appropriations.

In a period of inflated costs and increased demands on private universities by student groups, the private institutions are particularly vulnerable. Student demonstrations which frighten conservative or moderate donors place the universities in intolerable situations. Their traditions of free speech favor the students; their practical will to survive favors refusal of excessvie demands. Small wonder that administrators appear vacillating to both sides.

The state universities are in almost even worse plight, despite rather generous appropriations in recent years. Without large endowments, required to admit ever increasing numbers of state residents, the state schools have struggled to provide new classrooms, dormitories, greatly enlarged faculties amid spiraling costs. Legislatures already overwhelmed by demands for funds for public school education, for highways, for social welfare programs look increasingly for a place to cut appropriations.

In this situation, militants must face the fact that while they may be able to burn down a school, drive presidents and deans from their offices and even their homes, and seize buildings, they cannot coerce the legislatures of the states. These men have been threatened by experts. But they react poorly to demonstrations. uch more effective are the returns from the precincts.

At the last rally in Washington, which serious-minded college organizers kept peaceful despite the efforts of a small group to make it violent (those student marshal pigs were worse than the cops some militants declared), the main theme was that the next student move would be in the fall elections. A few ruled out this move and called for revolution. This last group made two fundamental errors in judgment—one a failure to see that the revolution has been made and the other a failure to see that the base for the more violent revolution they desire does not exist.

It is difficult for a student born 18–20 years ago to realize the tremendous revolution that has swept this country in one college generation. And it has come in the case of concessions to Black people and to students, not because of rallies or marches but because a great many people—black and white, young and old, conservative and radical—have known in their hearts for years that changes were required. The rallies and the dramatizations of injustices have played their part, but they would have come to nothing but for the fact that there was silent support from the moderates.

Gandhi, shriveled, toothless, half-naked, dressed in rough cloth that he had spun himself, mobilized a people against a mighty empire in the 1920s and 1930s. He did it not by violence nor by invective but by catching the conscience of the British people. He was safe from clubbings because his calm nonviolent protests made uneasy a people which had treasured independence. Their support gave him victory.

Isn't this the way continued change must come? Does not deep revolutionary change in our ways and institutions, as opposed to revolution "for the hell of it", require a broader base than student protest? How can students drawn from every state in the land, dependent on scholarships, family allowances, or government-backed loans continue to close down universities? Millions of older people are as uneasy or as outraged as students are about many of the national and

XUM

international problems that we face. But the small band of activists by their clowning, their flouting of every rule of free discussion, their Marcusian scorn for tolerance and moderation, are depriving their movement of the sentimental advantage that American students have possessed for generations. Although students have upset their parents and neighbors for centuries, there has been a wry tolerance and a forgiving approach to college pranks and extravagant actions through the years. That advantage is drying up.

Where is the working class support that a successful revolution requires? Where is the backing of a solid ethnic group which might reinforce student demands? The worker made his own fight for more than fifty years—with little assistance from students I would note—in strikes and organization and bloody encounters at first for decent working hours, and then for better wages, and finally for security for his old age. Now that he has them he does not react well to accusations that he is a crass materialist. Having skimped and saved to send his children to a college which he never had a chance to attend, he is outraged when students invite his help in closing it down.

At times in the past there has been a tacit community of interest between most students and some Blacks. But can the white students from well-to-do homes mobilize the majority of the Blacks against materialism? Many Blacks resent the efforts of the student militants to tell them what is good for them. The student leaders who announce their intent to stage future revolutions might well ponder the reaction of a Black worker at the time of the recent demonstration in Washington: "Revolution is the latest fad with those white college kids. They know their daddies can afford it."

The danger is that the excesses of the student militants—the mind-blowing type where "Whirl is king"—can bring repression and indefinite postponment of the true and deep revolution—justice for the Blacks, constructive changes in the educational system, in depth attack on poverty, environmental polluton war, overpopulation—the whole list of contemporary ills. In a manner reminiscent of the young student in Turgenev's book, some of the militant leaders have recently reeled off a number of summer pastimes for settling the world's problems—infiltration of factories where they can stage showdowns, causing widespread power shortages, contaminating water supply, blocking main traffic arteries (that was done for several days recently at the University of Maryland, aiding the campaigns of all the candidates who promised law and order). This type of approach to solving crucial problems is equivalent to advocating the burning down of medical schools as the cure for cancer.

There is, of course, no easy answer to the problems which seriously divide this country. War, disarmament, race, pollution have been with us for generations and they will not be solved by a nihilistic approach. I believe that the progress we have made has come in part because professors such as Doctor Lowry here have examined problems with their students, have spoken out in the classroom and to clubs where they were invited, have taken time to talk with genuinely troubled students in their offices, and have educated a group of citizens whose voices have been decisive in their communities.

I realize that this process seems unduly slow. But I would preserve the right of free discussion. I would condemn the swollen-faced extremist, full of rage and hate, who screams himself hoarse with cries of "Communist rat" or "Fascist pig." I am old-fashioned enough to believe that problems must still be approached with reason. I believe that there is still a place in the quiet of the university community where a wise professor and a thoughtful group of students can come closer to solutions than in angry confrontations.

In this climate, there must be a disposition on the part of those in authority to make adjustments required by changing times. But there can be no free discussion on the basis of non-negotiable demands. Neither can there be useful dialogue on the basis of topics which are ruled out of order. I have been encouraged in recent weeks by the way in which the students, faculty, and administration of Murray State have handled the crisis which followed the tragedy at Kent State. There was an attempt to examine the issues and to let representatives in Washington and elsewhere know their views.

Particularly encouraging has been the decision by many students to turn their energies in the coming months to the ballot box. More effective than any shouting match is a carefully run campaign. But victories at the polls demand more than sudden improvisation. And candidacies can be wrecked by violence on the eve of elections. The frightening thing is that some students have said "We will give the system one more chance" as if there must be instant success, or else. It is a bit like kicking a slot machine because it doesn't pay off the first time you put in your quarter.

I believe our extremely serious problems deserve a more thoughtful answer than that. Because we are dealing with civilization and the decisions we make may be fatal ones. We shall need a broad coalition to make our ideas work. I often hear repeated nowadays, the powerful lines of William B. Yeats, written a half century ago:

"Things fall apart; the centre cannot hold;
Mere anarchy is loosed upon the world,
The blood-dimmed tide is loosed, and everywhere
The ceremony of innocence is drowned;
The best lack all conviction, while the worst
Are full of passionate intensity."

Kenneth Clark repeats that verse in his book, Civilization, which was published recently. He makes the point that civilization, seemingly strong, is actually quite fragile and that it can be destroyed by a number of factors. It is endangered by a number of fears such as war, invasion, plague or famine. It is stifled by those who oppose growth or change. It is doomed by exhaustion or by feelings of hopelessness. Civilization, he continues, requires confidence—(1) a confidence in the society in which we live, (2) a belief in its philosophy, (3) a belief in its laws, and (4) a confidence in one's mental powers. Above all, there must be a sense of permanence, Civilized man, he argues, must feel he belongs somewhere in time and space, consciously looking forward and back. All of these, one might add, are aided by the free university.

Such a society must be based on a knowledge of our mistakes and our successes. It requires a courage that does not drop out, a tolerance that does not shout down those with whom we disagree, a willingness to testify to one's beliefs, an ability to work patiently for a desired end. Let us hope that the tremendous energy that has been shown in the protests of the past year can be brought to the building of a constructive program that can affirm rather than deny.

In a thoughtful column the other day, James Reston made an appeal which we might all think about in an era when it is easier to scream at an opponent than to discuss his position. Declaring that we suffered from inflated language and despair, he suggested that we turn to the following statement by the philosopher, Alfred North Whitehead:

"It is the first step of wisdom to recognize advances in civilization as processes which all but wreck the society in which they occur . . . the art of free society consists, first, in the maintenance of the symbolic code; and secondly, in a fearlessness of revision . . . those societies which cannot combine reverence to their symbols with freedom of revision, must ultimately decay."

Twenty-six years ago today, I was aboard a landing craft in the English Channel, part of a follow-up force which was to go in after the beaches of Normandy (in our case, Omaha Beach) had been secured. In the previous five days, as we waited anxiously on our LST, there had been time to think of the coming attack and what it meant for us and our generation. We had had years of confusion, of moral doubts, of internal division. For years "Whirl" had indeed been king. Now we were united and our minds and hearts were set on one thing. All our energies were set on victory.

There were some who felt that the outcome of the battle would determine whether Western Europe regained its freedom and whether the right to speak, write, and teach freely would be restored. There was the question whether young Europeans, then in Labor battalions, in the Resistance, or in prisons, would again have the chance to go to school or to pursue their professions. We were not happy at the prospect of what the coming battle might bring to us personally. But we felt that it was right that we should be there. And from that we gained an abiding strength.

We still have fearful struggles at home and abroad. We still need the unity of purpose that sustained us in 1944. Let us hope—let pray—that we shall soon find a cause that will enlist our best efforts for our country and for man.

AGRICULTURE—WHO SUBSIDIZES WHO?

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. ZWACH. Mr. Speaker, one of the reasons we are without a new farm bill at this late date is the misunderstanding surrounding this complex problem. Many people think our producers are living a life of ease on Government subsidies.

This misunderstanding usually does not exist in the countryside where the people are closer to the situation.

As a case in point, I would like to insert in the CONGRESSIONAL RECORD an editorial by Tom Licklider of the Renville Star Farmer, in our Minnesota Sixth Congressional District.

As Editor Licklider points out, "one of the biggest subsidies taking place in the country today is the subsidy by agriculture of the consumer."

Mr. Speaker, I commend the reading of this editorial to my colleagues:

AGRICULTURE—WHO SUBSIDIZES WHO?

Generally speaking, agriculture has been considered a subsidized industry. Government has poured billions of tax dollars into ill-advised farm programs—programs that millions of farmers would like to see scrapped in favor of more reliance on a free market in place of the restrictions that inevitably accompany government subsidies.

Farmers simply do not like the idea of being looked upon as beneficaries of taxpayer handouts. In fact, a farm industry representative has rejected the notion that taxpayers are subsidizing farmers. He says, ". . . One of the biggest subsidies taking place in the country today is the subsidy by agriculture of the consumer." He argues that farmers subsidize the cities of America with brainpower. "Rural youth finish high school and college at great expense then go to the cities to make their contributions," he commented. A second subsidy, the farm spokesman declared, is the tremendous amount of food and fiber farmers provide to the consumer at less cost in proportion to wages than any other area in the world. The points made by this farm leader throw a new light on a little understood industry.

MANY MEMBERS PARTICIPATE IN EFFORT TO SAVE TAXPAYERS MONEY IN PENN CENTRAL CASE

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. PATMAN. Mr. Speaker, the decision to abandon the loan guarantee to bail out the Penn Central Transportation Co. was a relief to the American taxpayer.

Under the circumstances there was no way to justify the arrangements which the administration had set up for this huge corporation. The decision against the loan guarantee probably saved the American taxpayer at least one-half billion dollars. The effort to reverse the administration's decision involved many Members of the House and Senate. Many Members participated in educating the administration officials over the past 10 days. I have been happy to have the opportunity to work with these other Members in what I consider to be a vital effort to protect the public interest.

In this connection, Mr. Speaker, I insert in the RECORD a copy of a telegram which six members of the Banking and Currency Committee sent to Secretary of the Navy Chafee regarding this loan on June 17. I also insert in the RECORD a letter which eight members of the House Commerce Committee sent to Secretary of Defense Melvin Laird objecting to the loan guarantee.

Without these and other efforts, I am convinced that the administration would have gone through with its ill-advised loan guarantee and the taxpayers would have lost hundreds of millions of dollars.

The telegram and letter follow:

HOUSE COMMITTEE ON BANKING
AND CURRENCY COMMITTEE,
June 17, 1970.

Hon. JOHN HUBBARD CHAFEE,
Secretary of the Navy,
Department of the Navy,
Washington, D.C.:

Because of serious questions being raised about the propriety and legality of the approval of up to $200 million in loan guarantees by your agency under Section 301 of the Defense Production Act, we urge you to delay approval of such loan guarnatees until after the House Banking and Currency Committee has had an opportunity to hold hearings on this subject in connection with renewal of the defense production act next week.

Among the many questions that must be answered prior to approval of such an unprecedented loan is the legality of such a loan under the standards set forth in the defense production act. Legislative history reveals that DPA was intended primarily to assist small businesses in fulfilling defense contracts for the procurement of specific military hardware. At least for the last several years loans have been made only for this purpose. DPA also requires that your agency must find that a DPA loan guarantee is "necessary to expedite production and deliveries . . . for the national defense." Can you demonstrate either that Penn-Central would be impaired in expediting deliveries of defense items if operating in receivership under Section 77 of the Federal Bankruptcy Act or that the many existing alternative transportation facilities could not expedite deliveries of defense items now carried by Penn-Central.

Other serious questions, such as the use to which the $200 million loan to Penn Central will be put and whether the true purpose of the guarantee is only to bail out numerous commercial banks and other corporations holding large amounts of Penn-Central debt, as well as officers and directors of Penn-Central with large blocks of Penn-Central stock, rather than the stated purpose of expediting delivery of defense items, should be answered before any such loan guarantee is approved.

We therefore urge that you delay any final action on this matter until after the House Banking and Currency Committee has had a chance to thoroughly investigate this proposal.

WRIGHT PATMAN,
Chairman.
WILLIAM A. BARRETT,
MRS. LEONOR K. SULLIVAN,
HENRY S. REUSS,
THOMAS L. ASHLEY,
WILLIAM S. MOORHEAD,

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 18, 1970.

Hon. MELVIN R. LAIRD,
Secretary, Department of Defense,
Washington, D.C.

DEAR MR. SECRETARY: Together with the Departments of Treasury and Transportation, the Department of Defense has announced plans for Government guarantees of an immediate $200 million in bank loans on behalf of the Penn Central Company before June 30, 1970. Additional financial assistance from as yet unspecified sources could be made available at a later date. The short-term credit guarantees would be provided under the "V" loan provisions of the Defense Production Act.

As you no doubt are aware, we are gravely concerned about the action proposed. It appears to us that the use of the Defense Production Act for the purposes outlined is of extremely questionable legality. Accordingly, we urge that no action be taken until the legal issues are clearly resolved and we request that you furnish us with a full report thereon.

Apart from the issue of legality, we would like to emphasize the rapidly declining quality and quantity of passenger train facilities which would be available for national defense purposes in the event of a nation-wide mobilization. In 1944, the American railroads had 46,588 passenger train cars including 8,751 Pullman cars in the service of Class I railroads. By 1960, this number had been reduced to 28,305 cars including 2,650 Pullman cars. In 1969, only 12,800 passenger cars, none of which were Pullman cars, were available for passenger use. Many of these cars are quite old and lack many of the conveniences essential for defense purposes. In the event the action is taken to award the guarantees, we strongly urge you to take all possible steps to assure that sufficient passenger facilities are maintained in adequate working condition so that the railroads, and particularly the Penn Central and its affiliates, can service the public needs, including transportation of military personnel, in the event of national emergency. Furthermore, if the guarantees are made the Department of Defense should demand as a *quid pro quo* some measurable improvement in facilities and the implementation of plans for the immediate expanded utilization of the railroads by the Department.

In closing, we want to emphasize our concern both as to legal propriety of the loan guarantees and to the inadequacy of railroad facilities for national defense purposes, and we invite your comments.

Sincerely,
JOHN E. MOSS,
JOHN D. DINGELL,
TORBERT H. MACDONALD,
RICHARD L. OTTINGER,
ROBERT O. TIERNAN,
LIONEL VAN DEERLIN,
BROCK ADAMS,
BOB ECKHARDT,
Members of Congress.

BEWARE THE ANGER OF THE LEGIONS

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. BRAY. Mr. Speaker, Marine Cpl. Ronald Vinson, of Shelbyville, Ind., is now serving in Vietnam and has recently voluntarily extended his tour for another 6 months. He recently wrote to his parents, Mr. and Mrs. Maurice Vinson, of Shelbyville, giving his views on unrest in the streets and on the campuses of this country, and, as the following letter shows, he has some very definite ideas about it all.

His parents sent the letter to the editor of the Shelbyville News, where it appeared on Monday, June 22, 1970. Mr. Vinson graciously gave me permission to include it in the CONGRESSIONAL RECORD.

I find this letter to be quite out of the ordinary, for a good many reasons. It needs all the publicity it can possibly get, primarily because it seems major news media print nothing and give publicity to nothing except letters from men opposing what is going on in Vietnam, and who go to great lengths to sharply criticize our country's policy there.

Let me make one thing quite clear: It is their right, to put what they please into letters. It is also the right of major newspapers to give publicity to what they wish. However, I think it must be admitted that by far the greater amount of attention is given to the opposite side; rarely, if ever—and I cannot offhand recall anything—has a major newspaper given, or have the TV commentators lavished much of their high-paid time upon a letter such as Corporal Vinson's. So in fairness, the other side should be heard, especially when they write with such obvious deep belief in, and commitment to, what they see as their duty. And also, when they make it so very clear indeed how they view what is going on in this country, in many places, today.

The letter is also unusual in another rather strange respect. History repeats itself; this is said so often it is almost a cliche. But when I read this letter in the Shelbyville paper, I had the definite feeling I had read something very much like it, somewhere else. Checking, I found I had part of a letter written by Marcus Flavinius, in the second century A.D., to his cousin Tertullus, in Rome. Flavinius was a centurion in the Second Cohort, Augusta Legion, on guard at one of Rome's farflung outposts.

Flavinius' letter follows that of Corporal Vinson's. Indeed, as almost 2,000 years ago, we have the same thing today: Beware the anger of the legions. I wish both letters could go side by side in every university in the country.

The letters follow:

Corporal Vinson's Letter

To the Editor:

The following was received in a letter from our son, U.S. Marine Cpl. Ronald Vinson of Shelbyville, who is stationed in South Vietnam.

Mr. and Mrs. Maurice Vinson.

Many of us here in Vietnam have been following the stories about unrest on the Nation's campuses and streets, with subdued anger. It is demoralizing to read about our ignorant counterparts vandalizing campus buildings, manhandling institution leaders, depriving others of the education they have paid for, and so much need and deserve.

It is painful to the less pampered thousands of students here who have taken their lessons from instructors dressed in black pajamas and sandals and the classrooms are sandbagged, hot and sweaty jungle clearings. Where the Saturday night date is a cold beer and a letter from home. Where the grades are not a's or b's or c's but sudden death, crippling wounds, or maybe victory. But we don't expect you people back in the United States to be concerned. You did your share in '41 or was it '52 and now you are too tired to do more than mutter. Well, what is this world coming to?

Well, don't worry, because someday soon this war will be over and over half a million angry men are going to descend on the 50 states with dreams of homes, families, educations, and jobs. When these men hit the campuses and streets, I sincerely hope that someone tries to stop an ex-Marine from going to class, or that some smelly, flaky, social reject tries to plant a Viet Cong flag next to an artificial leg of a SeaBee, or spits in the burned face of an Army Medic or a Navy Corpsman.

I guarantee it will only happen once.

Cpl. Ronald Vinson.

Centurion Marcus Flavinius' Letter

We have been told, on leaving our native soil, that we were going to defend the sacred rights conferred on us by so many of our citizens settled overseas, so many years of our presence, so many benefits brought by us to populations in need of our assistance and civilization. We could verify that all this was true, and because true, we did not hesitate to shed our share of blood, to sacrifice our youth and hopes. We regretted nothing, but whereas we over here are inspired by this frame of mind, I am told that in Rome factions and conspiracies are rife, that treachery flourishes, and that many in their uncertainty and confusion lend ready ear to the dire temptations of relinquishment and vilify our actions. . . . Make haste to reassure me, I beg you, and tell me that our fellow citizens understand us, support us, and protect us, as we ourselves are protecting the glory of the Empire. If it should be otherwise, if we should have to leave our bleached bones on these desert sands in vain, then beware the anger of the Legions.

JACK DEMPSEY'S BIRTHDAY

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. DORN. Mr. Speaker, one of the really greatest Americans it has ever been my privilege to know is world heavyweight champion Jack Dempsey. In my book he is still the champion of champions and the king of kings in the boxing world. Jack Dempsey was the idol of every schoolboy in the roaring twenties when Dempsey, Babe Ruth, and the Four Horsemen were everyday conversation. His life meant much to me personally and to thousands and even millions of American boys. Jack Dempsey is a patriot who believes in the destiny of our Nation. He is a great and good American.

Mr. Speaker, yesterday was Jack Dempsey's birthday. I just want to join his friends and many admirers in wishing him a happy birthday, many more happy years, and the best always. The Evening Star here in Washington carried an excellent article on Jack Dempsey on his birthday which I commend to the attention of my colleagues and the people of this country:

Ex-Champ 75 Today: Dempsey Gets His Kicks Just Being Nice to People

New York.—Jack Dempsey is 75 today and, if there is anybody in the world he is keeping it a dark secret.

"I think a heavyweight champion has an obligation to be an example," he said, "of clean living, being nice to people and helping people.

"When you are fighting, you are out to win with no holds barred. It's either you or the other guy. But being nice to people doesn't cost anything. Every time you sign an autograph you make a friend."

Dempsey spends his time these days, signing autographs on postcards, menus and albums in the same Broadway restaurant in which he has operated since 1938. For the last 10 days he has been busy helping others celebrate his birthday at boxing arenas, race tracks and hotels. Tonight they will honor him at his own restaurant.

LONELY LANDMARK

As Dempsey sat in a window booth Tuesday afternoon, scores of tourists and old friends came up to shake hands. A group of young girls sang him a "Happy Birthday" from the street.

Dempsey's is fast becoming a lonely landmark in its area on Broadway. Lindy's is gone. The Latin Quarter is a movie house. A shiny 48-story skyscraper is rising on the corner of 50th and Broadway.

"Times have changed," said Dempsey. "On Saturday and Sunday it used to be so crowded that people walked in the street. They couldn't even get on the sidewalk. Now people are afraid to go out nights."

In the old days an occasional visitor with too much sauce under his belt would challenge Dempsey. They don't do that any more.

"A couple of guys tried to mug me on Third Avenue a few months ago," said Dempsey. "They tried to rob me but I flattened them."

Jack Amiel, his partner in the restaurant, chimed in to say:

"Just the other day at the Luxor Baths, a guy wanted to give Jack $5,000 just to take a knockdown so he could tell people he did it."

FIGHT GAME IN LIMBO

Dempsey spends most of his time at his New York apartment, visiting the restaurant at the lunch and dinner hours. He likes to take the sun on the terrace and watch baseball and news on television. He makes an occasional trip to California to visit his two daughters and seven grand daughters.

What does Dempsey think about the fight game?

"There is no place to start and no place to go," he said. "Only one club in California runs every week. Kids go to football, baseball, hockey, basketball, where the money is. Maybe, if I came along now, I might go where the money is, too.

"In the old days a fighter got great exposure with so many newspapers and so many writers. Tex Rickard used to insist, before you fought for a title, you had to lick every contender.

"But I am very grateful for the fight game. Whatever I have I owe to the fight game and my friends. I will never be able to pay back all I owe to it."

FEELS SORRY FOR CLAY

And how about Cassius Clay?

"I feel sorry for him, honestly," said Dempsey. "I feel he was forced to do things he didn't want to do. He was a good boxer, an excellent boxer."

Dempsey considers his victory over Jess Willard in 1919 that gave him the world title his greatest boxing accomplishment. The moment he remembers best is the first round of the 1923 fight with Luis Firpo when he was knocked out of the ring. "The newspaper fellows saved me by pushing me back into the ring," he said.

And would Dempsey do anything different if he had it to do all over again?

"Well," he said, pausing for an instant, "We all make some mistakes. But the Good Lord has been good to Jack Dempsey."

MEMORIAL TO ROBERT E. McCORD

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. BRADEMAS. Mr. Speaker, today marks the sad occasion of the funeral of one of the Education and Labor Committee's most valuable staff members, Robert E. McCord.

I first met Bob McCord when I came to Congress in 1958. At that time he was staff director of the Education Subcommittee chaired by my late distinguished colleague, the Honorable Cleveland Bailey of West Virginia.

Bob came to Congress in 1956 and served with great ability and dedication both the House of Representatives and the Education and Labor Committee, of which he was chief clerk and senior specialist at the time of his death this past Sunday, June 21.

The news was a great shock to all of

XUM

us. We shall miss him. Bob was always willing to help members of the committee through our legislative trials and tribulations.

Like my other colleagues on the Committee on Education and Labor, I knew Bob McCord as a man always ready to do his job. He was a good and generous man. I take this opportunity to extend my deepest sympathy and sincerest wishes to his family and friends.

CHARTERING GROUPS ALARMED OVER PROPOSED CAB REGULATIONS

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. MOSS. Mr. Speaker, I want to share with our colleagues a letter I have directed to the Honorable Secor Browne, Chairman of the Civil Aeronautics Board, concerning proposed regulations, EDR–183, issued on May 13, 1970. The regulations have the effect of eliminating many leading civil, fraternal, and social organizations from charter eligibility because of membership size.

I feel the regulations will have a severe impact on the consumer and the charter carriers.

The letter follows:

JUNE 22, 1970.

Hon. SECOR BROWNE,
Chairman, Civil Aeronautics Board,
Washington, D.C.

DEAR MR. CHAIRMAN: The Civil Aeronautics Board's proposed regulations EDR–183 issued May 13, 1970 has caused considerable consternation among chartering groups throughout the country.

It is my understanding that EDR–183 constricts charter eligibility imposing arbitrary criteria which determines whether or not a group is charterworthy. This action has the effect of eliminating many leading civil, fraternal and social organizations because of membership size from charter eligibility. This will have a severe impact not only upon the consumer, the organization, but equally upon charter carriers who have developed a low-cost system of air travel which has benefitted the American public.

It appears to me that the Board action is neither in keeping with the duty of the Board as expressed in the Federal Aviation Act "to promote air transportation" nor in keeping with the Administration's policy as expressed in the International Policy Statement issued today by the President.

This matter is currently being reviewed by myself and other members of the Congress with a view toward holding hearings with regard to this proposal as well as other matters affecting air transportation. In view of this, it is requested that the Board either withdraw this proposed rule pending completion of legislative hearings or in the alternative, suspend the procedural dates until such time as legislative hearings have been held and a report issued.

I am advised there is ample precedent for this request and that the Board suspended or postponed its proposed rulemaking concerning charters for dependent military personnel at the request of a member of the Armed Services Committee.

I am convinced that much of permanent value is added by the Charter operations, that they aid materially in broadening the number of persons who accept air transportation as a safe and convenient mode of travel and therefore strengthens all air carrier operations.

I would appreciate being advised of the action of the Board at the earliest possible date.

With warm personal regards, I am
Most Sincerely,
JOHN E. MOSS,
Member of Congress.

THE RAILROADS: A STUDY IN POWER

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. OLSEN. Mr. Speaker, when I sat in the Post Office and Civil Service Committee listening to testimony from all sides supporting the call to convert the Post Office Department to a public corporation answerable to a Post Office Commission, I could not help be reminded of the experience we in Montana have had at the hands of the Interstate Commerce Commission.

The railroads ask for a freight rate increase and the Interstate Commerce Commission approves. So, in an environment where there is no serious freight competition, the rates have continued to skyrocket and it now costs more for a Montana wheat grower to ship his product to the west coast than it does for a North Dakota grower.

I contend there is more patronage, more mutual back-scratching, more nest-feathering in the insulated and isolated Commissions like the ICC, the FCC, and the CAB than anywhere in government. Speaking from personal experience, I know it is practically impossible for even a Member of Congress to get to see a Commissioner. Once in a while we are privileged to present our views to one of the layers of insulation in the person of a hearing examiner.

Mr. Speaker, the National Farmers Union Washington Newsletter this week contains an excellent capsule analysis of the problems raised by such a Commission. I recommend it to my colleagues for reading with the prediction that the message contained here will likely be applicable to the new post office. It certainly suggests the responsibility of the Congress to get to the bottom of the mess created by the strange creature represented by the ICC and the railroads:

THE RAILROADS: A STUDY IN POWER

The railroads provide a revealing case study of huge concentrations of economic power control and corrupt political institutions. The American people created the railroads by investing enormous tracts of land. Yet we have lost control of our investment. Transportation is the artery through which the economy flows. Freight rates are a tax on the economic bloodstream. The rates are set by a government agency. It has been corrupted from service to the people to service of the railroads. The power of the railroads swells into corruption of other agencies of government.

The railroads, in a massive assault on the American economy, have managed to increase their taxing rate more than 20 percent in the past 35 months. This has increased railroad income $2 billion a year in that period, of which about $400 million is on agricultural products.

The Interstate Commerce Commission, the oldest government "regulatory" agency, has become a classic example of the fox guarding the chickens. It has granted these rate increases solely on the railroads' requests—sometimes with hearings and sometimes without. The hold of the railroads over the ICC has been the subject of much comment. It led Ralph Nader to recommend abolition of the agency. But railroad influence does not stop with the ICC. The other day leaders of Congress and the Administration agreed that the American people should underwrite a $200 million loan for one railroad, the Penn Central. The railroad's acquisitiveness and mismanagement have created a cash flow emergency. Penn Central is the nation's largest real estate company and owns one of the most expensive luxury resorts in the world at Boca Raton, Fla. The rush to bail out Penn Central, with its $7 billion in assets, is an impressive indication of its political power. (Consider for a moment the "cash flow" problems of American agriculture . . .)

Railroad power is enhanced by the fragmentation of efforts to deal with it. The USDA, for example, is directed under the Agricultural Marketing Act of 1946 to "assist in improving transportation services and facilities in obtaining equitable and reasonable transportation rates and services and adequate transportation facilities for agricultural products and farm supplies by making complaint or petition to the Interstate Commerce Commission, the Maritime Commission, the Civil Aeronautics Board, or other federal or state transportation regulatory bodies with respect to rates, charges, tariffs, practices and services, or by working directly with individual carriers or groups of carriers."

This is a decisive mandate. And indeed, transportation efforts by the USDA have been one of the brighter spots in the Department. But these efforts are hampered by fragmentation into at least seven agencies. The Consumer and Marketing Service is virtually the only agency that does a creditable job. Significantly, the Office of the General Counsel has only one lawyer who works on transportation. Transportation research services are weak, or nonexistent. There is no coordination of effort whatever. Considering that 23 percent of all rail freight is agricultural, it would seem that transportation might deserve an Assistant Secretary of Agriculture to coordinate efforts. (One might also argue that the ICC should have agricultural representation.) No wonder the USDA—despite convincing legal arguments before the ICC—has failed to win, or appreciably influence, the major rate cases that have enriched the railroads since 1967. It is inconceivable that the fragmentation of transportation efforts of the USDA are the result of oversight.

One can argue that the ICC should be more responsive to the public interest, that perhaps it should have a farmer on the Commission, and that the USDA should coordinate implementation of its mandate under the law. But until the enormous political power of the railroads is broken to the halter, such arguments will be fruitless.

DAY OF PRAYER FOR OUR PRESIDENT

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. MIZE. Mr. Speaker, Pastor Fred Hollomon of the First Southern Baptist

Church, Manhattan, Kans., believes prayer is better than protest and he has written me to suggest a day of prayer for our President on Sunday, July 5.

Pastor Hollomon makes a most convincing case for this type of action at this particular time and I wish to share his reasoning with my colleagues because this is an idea which could appeal to other ministers and other congregations in cities and towns across the Nation.

Under leave to extend my remarks, I wish to place in the RECORD a copy of the letter I received from Pastor Hollomon and I commend its contents to one and all for serious study:

DAY OF PRAYER FOR OUR PRESIDENT

In our country, frustration is not limited to those who feel they have no influence on White House decisions.

Frustration for many of us is having to stand by as wave after wave of protest bombards the White House with no sign of a letup.

Frustration is having to listen to relentless verbal attacks on the President and Vice-President, much of which cannot possibly be termed constructive.

Frustration is having to endure seemingly endless accusations against the Administration tempered with little, if any, humility.

Frustration is having to watch our elected officials become targets of ridicule for every cynical citizen on and off the tax rolls—regardless of how ridiculous an alternative he has to offer—if any.

Personally, I do not agree with all of President Nixon's policies. He made a decision recently which, in my opinion, was ill-advised and potentially dangerous. However, my ultimate frustration is to observe all the dissent and protest, and criticism and accusations and attacks and ridicule—and to know all along that there is a better way of dealing with those in authority . . . prayer.

Many of us believe that prayer is better than protest because:

Prayer recognizes that neither the President nor the protestor has a monopoly on what is right;

Prayer acknowledges that there is a Wisdom which exceeds that of both Administration and population;

Prayer engages the power of One who surpasses the strength of all soldiers and strikers;

Prayer offers help to the President rather than criticism.

As a Christian and a minister of the gospel, I am committed to the teachings of the New Testament. In I Timothy 2: 1,2 these words are found: "I exhort therefore, that, first of all, supplications, prayers, intercessions, and giving of thanks, be made for all men; For kings, and for all that are in authority; that we may lead a quiet and peaceable life in all godliness and honesty."

Perhaps the reason our nation is not leading "a quiet and peaceable life . . ." is because we are doing more protesting than praying.

On Saturday, July 4, this nation celebrates the birthday of its independence. I believe that Sunday, July 5, would be an appropriate "Day of Prayer for Our President." I really believe that a lot of Americans would welcome the opportunity to relieve some of their frustration.

However, those of us who have witnessed the power of prayer would have a much higher motive than the relief of frustration. We would expect President Nixon to feel the impact of such a united prayer effort. In fact, it seems to me that those who believe that prayer changes things would subscribe to a united prayer effort regardless of their feelings toward the President and his policies.

I have asked the church pastor to make our place of worship available on Sunday afternoon, July 5, for all those who wish to drop in for a few minutes of prayer. Perhaps other churches would like to do the same.

I realize that there are some people who would consider this idea an effort to counteract the protestors and/or solicit the plaudits of the so-called silent majority. Although such a Day of Prayer might have this effect, this is not my primary aim; and since my motives will be judged by a far more capable Authority, that kind of reaction will be of no concern to me.

I just believe that President Nixon needs more prayer and less protest.

OPERATION MATCH, INC.

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. LUKENS. Mr. Speaker, in these days of love-ins, hippies, and seeming decay of the moral fiber, it is a pleasure to discover an organization believing in the old values of affectionate friendship and the concept of bringing people together in a dignified, decent manner to meet members of the opposite sex.

Years ago the church, the community center, and friends provided the means for "singles" to meet. In today's fast-paced society these sources have proved inadequate and our "unattached" people, including those who have the misfortune to be widowed or divorced, find themselves without the opportunities to meet new acquaintances, make new friendships, and develop the lasting type of relationship that are so important to us all, especially to those who find themselves single, like myself.

There does exist a company which was the first to use the advanced technology of our computer age to bring members of our society together. It is Operation Match, Inc., known to millions of Americans as the very first "computerized dating" service ever organized.

The story is familiar. It is the story of America itself. Two young men came up with an idea and have developed it into a very attractive business. But more than business, it provides an opportunity in today's world for people to meet, get to know each other and to spend time with people with whom they share mutual interests. Most importantly, it works.

Thousands of people have already met and married through Operation Match. Millions more have had their lives made a little fuller through the people they have met. Opportunities are presented for unmarrieds to travel together with members of the opposite sex on cruises and at key vacation resorts in our country. Reaction to this project has been widespread, with almost every major newspaper and magazine in our country noting this unusual phenomena favorably.

Their philosophy is "The nice way to meet nice people in your area." They have the capability, through this computer operation to match people anywhere in our great country; this organization and others like it should be commended for the remarkable service they are providing to our citizens.

I submit the same questions of this "computer people" business for the edification and interest of those who may desire a closer look at one manifestation of this "Computer Age" in which we live.

QUANTITATIVE PERSONALITY PROJECTION TEST XXVII

SECTION I: ABSOLUTE FACTORS

1. My race is:
(1) Caucasian (white)
(2) Oriental
(3) Black
(4) Spanish-American
2. My date may be a Caucasian:
(1) Yes
(2) No
3. My date may be an Oriental:
(1) Yes
(2) No
4. My date may be Black:
(1) Yes
(2) No
5. My date may be Spanish-American:
(1) Yes
(2) No
6. My religious background is:
(1) Protestant
(2) Catholic
(3) Jewish
(4) Other denominations
(5) unaffiliated
7. My date's religious background may be Protestant:
(1) Yes
(2) No
8. My date' religious background may be Catholic:
(1) Yes
(2) No
(9) My date's religious background may be Jewish:
(1) Yes
(2) No
10. My date's religious background may be "other denominations":
(1) Yes
(2) No
11. My date's religious background may be unaffiliated:
(1) Yes
(2) No
12. I am presently:
(1) working full-time
(2) working part-time
(3) in the armed forces
(4) attending school full-time
(5) attending school part-time
(6) both working part-time and attending school part-time
(7) retired
(8) not working
13. My highest level of educational attainment is:
(1) some elementary school
(2) completed elementary school
(3) completed junior high school
(4) some high school
(5) completed high school
(6) some college
(7) completed college
(8) graduate study
14. My date's highest level of educational attainment should be:
(1) some elementary school
(2) compelted elementary school
(3) completed junior high school
(4) some high school
(5) completed high school
(6) some college
(7) completed college
(8) graduate study

The way in which you answer the questions in this section will help determine the requirements your potential matches must meet before the computer will further examine them.

15. My height is (refer to the table below):

16. The best height for my date is (refer to the table below):
(1) 5' or under
(2) 5' to 5'2"
(3) 5'2" to 5'4"
(4) 5'4" to 5'6"
(5) 5'6" to 5'8"
(6) 5'8" to 5'10"
(7) 5'10" to 6'
(8) 6' to 6'2"
(9) 6'2" or above

17. The ideal age for my date is:
(1) ten or more years older than I
(2) five to ten years older than I
(3) three to five years older than I
(4) one to two years older than I
(5) my age
(6) one to two years younger than I
(7) three to five years younger than I
(8) five to ten years younger than I
(9) ten or more years younger than I

18. I am:
(1) Single
(2) Widow or widower—with no children at home
(3) Widow or widower—with children at home
(4) Divorced—with no children at home
(5) Divorced—with children at home

19. My date may be single:
(1) Yes
(2) No

20. My date may be widowed—with no children at home:
(1) Yes
(2) No

21. My date may be widowed—with children at home:
(1) Yes
(2) No

22. My date may be divorced—with no children at home
(1) Yes
(2) No

23. My date may be divorced—with children at home.
(1) Yes
(2) No

24. Folk music
25. Popular music
26. Classical music
27. Jazz
28. Dancing
29. Art and painting
30. Literature
31. Opera
32. Theatre
33. Travel
34. Medicine
35. Law
36. Agriculture and gardening
37. Community service
38. Bridge
39. Swimming and water sports
40. Skiing (snow)
41. Bowling
42. Golf
43. Tennis
44. Movies
45. Television
46. Photography
47. Playing a musical instrument
48. Spectator sports (for example, baseball)

49. How important is it to you that your date share your interests?
(1) unimportant
(2) slightly important
(3) moderately important
(4) very important

SECTION III: ATTITUDES

50. My religious convictions are:
(1) strong
(2) average
(3) weak

51. I believe in a God who answers prayers:
(1) always
(2) sometimes
(3) never

52. I prefer to associate with people who go to church and believe in God:
(1) always
(2) sometimes
(3) never

53. How important is it to you that your date share your attitudes towards religion?
(1) very important
(2) moderately important
(3) slightly important
(4) unimportant

54. Romantic love in marriage is:
(1) very important
(2) moderately important
(3) slightly important
(4) unimportant

55. For my age I consider myself:
(1) Very sexually experienced
(2) Moderately sexually experienced
(3) Somewhat sexually experienced
(4) Sexually inexperienced

56. My ideal date should be:
(1) Very sexually experienced
(2) Moderately sexually experienced
(3) Somewhat sexually experienced
(4) Sexually inexperienced
(5) Doesn't matter

57. Which of the following questions do you find most interesting to think about?
(1) Who am I?
(2) What will I be like in ten years?
(3) Should I get married in the next few years?
(4) What is the meaning of life?

SECTION IV: SITUATIONS

58. A married couple with whom you are friendly has invited you over to dinner in order to introduce you to another single friend of theirs. They believe you might get along well together and would be interested in dating one another. Would you feel that your friends are:
(1) Meddling in your affairs?
(2) Just trying to be helpful, but it would be better if they don't interfere?
(3) Doing you a favor for which they deserve your thanks?

59. Imagine yourself facing three doors. Behind the first door is $20. Behind the second door is either $5 or $30. Behind the third door is either $40 or someone ready to throw a pail of cold water. You may open any door but you must face the consequences. Which do you open?
(1) The first door
(2) The second door
(3) The third door

60. Two friends of yours who are in love are considering living together for a while to "try out" the relationship before getting married. They come to you for your opinion about their plan. Your advice is:
(1) This might ruin their relationship—it's morally wrong.
(2) If they were really in love, they would get married.
(3) You would encourage them to do it with some reservations.
(4) You would tell them enthusiastically to go ahead.

61. You have just gone to a dance with a date. You soon see that there are many opportunities for making new friends of the opposite sex. You:
(1) Deliberately try to enlarge your circle of romantic possibilities.
(2) Don't run after anybody but don't turn off possibilities either.
(3) Feel a conflict between your desires and your commitment for the evening.
(4) Remain with your date for the evening.

SECTION V: PSYCHOLOGICAL VALENCE

62. I believe people involved in serious dating should be informed about birth control.
(1) True
(2) False

63. Once I make up my mind, I seldom change it.
(1) True
(2) False

64. I don't like things to be uncertain or unpredictable.
(1) True
(2) False

65. I often wish people would be more definite about things.
(1) True
(2) False

66. I am sometimes irritated by people who ask favors of me.
(1) True
(2) False

67. I am always polite, even to people who are disagreeable.
(1) True
(2) False

68. I have never deliberately said something to hurt someone's feelings.
(1) True
(2) False

69. I am interested in having (more) children.
(1) True
(2) False

70. I have sometimes considered seeing a psychiatrist about a personal problem.
(1) True
(2) False

74. My political affiliation is:
(1) Republican
(2) Democratic
(3) Left of Center
(4) Right of Center

75. My date's political affiliation should be:
(1) Republican
(2) Democratic
(3) Left of Center
(4) Right of Center
(5) Doesn't Matter

76. I smoke:
(1) heavily
(2) moderately
(3) never

77. My date may smoke:
(1) heavily
(2) moderately
(3) never
(4) doesn't matter

78. I drink:
(1) often
(2) occasionally
(3) never

79. My date may drink:
(1) often
(2) occasionally
(3) never
(4) doesn't matter

80. I presently attend religious services:
(1) once a week or more
(2) once or twice a month
(3) once or twice a year
(4) never

81. My date should attend religious services:
(1) once a week or more
(2) once or twice a month
(3) once or twice a year
(4) never
(5) doesn't matter

82. My income is:
(1) under $3,000
(2) $3,000 to $5,000
(3) $5,000 to $7,500
(4) $7,500 to $10,000
(5) $10,000 to $15,000
(6) $15,000 to $25,000
(7) over $25,000

83. My date's income should be:
(1) under $3,000
(2) $3,000 to $5,000
(3) $5,000 to $7,500
(4) $7,500 to $10,000
(5) $10,000 to $15,000
(6) $15,000 to $25,000
(7) over $25,000
(8) doesn't matter

84. My social class is:
(1) upper
(2) upper middle
(3) middle

(4) lower middle
(5) lower

85. My date's social class should be:
(1) upper
(2) upper middle
(3) middle
(4) lower middle
(5) lower
(6) doesn't matter

86. Relative to other person of my age, my general intelligence is considered:
(1) very superior
(2) superior
(3) above average
(4) average
(5) below average

87. My date's general intelligence should be:
(1) very superior
(2) superior
(3) above average
(4) average
(5) below average
(6) doesn't matter

88. My father's education:
(1) compelted grade school
(2) completed high school
(3) completed college
(4) completed graduate training

For each of the following pairs of opposite words or phrases choose the one which better describes you most of the time. Although individual items may present difficult decisions, choose the answer which is more appropriate and enter the number in the appropriate box on the answer sheet.

89. (1) Usually talkative, (2) Usually a better listener

90. (1) Read a lot, (2) Don't read very much

91. (1) Very close to my family, (2) Not very close to my family

92. (1) Athletic, (2) Not athletic

93. (1) Politically concerned, (2) Politically indifferent

94. (1) Politically liberal, (2) Politically conservative

95. (1) Do not like children very much, (2) Like children very much

96. (1) Emotional, (2) Rational

97. (1) Well-groomed, (2) Not concerned with appearance

98. (1) Interested in marriage partner, (2) Not interested in marriage partner

99. Of the following types of movies, I most enjoy:
(1) Dramas
(2) Adventures
(3) Westerns
(4) Musicials
(5) Comedies

100. Of the following men, I most admire:
(1) Winston Churchill
(2) Prof. Albert Einsten
(3) Dr. Albert Schweitzer
(4) Joe Namath

101. I would most like to visit:
(1) Italy
(2) Japan
(3) Greece
(4) Russia

102. Of the following television programs, I like most:
(1) Bonanza
(2) Mission Impossible
(3) Dean Martin Show
(4) Johnny Carson "Tonight" Show

SECTION VII: PHYSICAL INVENTORY

103. My hair is:
(1) blond
(2) brown
(3) black
(4) red
(5) gray
(6) I am bald

104. I prefer my date's hair to be:
(1) blond
(2) brown
(3) black
(4) red
(5) gray
(6) doesn't matter

105. My eyes are:
(1) blue
(2) brown
(3) green
(4) hazel

106. I prefer my date's eyes to be:
(1) blue
(2) brown
(3) green
(4) hazel
(5) doesn't matter

107. Members of the opposite sex consider me:
(1) very attractive
(2) attractive
(3) average
(4) unattractive

108. My date should be:
(1) very attractive
(2) attractive
(3) average
(4) unattractive
(5) doesn't matter

109. Physical attractiveness is:
(1) unimportant
(2) slightly important
(3) moderately important
(4) very important

110. I expect my Operation Match dates to be:
(1) very successful
(2) fairly successful
(3) as good as any blind date
(4) unsuccessful

All data provided Operation Match Inc. is the property of Operation Match Inc., and will be kept strictly confidential. Thank you for participating.

INTERNATIONAL AIR TRANSPORT POLICY

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. MILLER of California. Mr. Speaker, I call to your attention and that of my colleagues the recent action of President Nixon on June 22 in approving a new international air transport policy. This is an unprecedented action long overdue and in my judgment will set the stage for further development of our air transport industry during the decade of the 1970's. For the first time the advantages of low-cost charter transportation, which millions of Americans have enjoyed, has been recognized and placed on a parity with sheduled individually ticketed services. This, I am sure is welcome news to the consumer as well as to the charter specialists who have long pioneered the development of this concept.

Mr. Speaker, the policy clearly establishes that group-charter transportation is in the public interest that supplemental as well as scheduled carriers must have a fair and equal opportunity to compete in this market. It also recognizes, again for the first time, that the rights of charter carriers must be set forth in intergovernmental agreements with the rights of the U.S. carriers and foreign carriers—both scheduled and independent—covering charter services included in these agreements and that any attempt to restrict U.S. carrier operations abroad should be vigorously oppossed.

Mr. Speaker, the policy speaks for itself and I insert in the RECORD the policy statement of the President together with the statement by the President in accepting that policy.

In summary, I would like to quote for emphasis the final statement of the President in his acceptance of this policy:

> I am directing that this new statement of policy guidance be used henceforth by responsible officials of the government in dealing with international aviation problems.

I hope, Mr. Speaker, that the Civil Aeronautics Board will be guided by this statement and immediately withdraw its proposed rule EDR 183 which it has promulgated and on which comments are due by July 30, as that proposal is directly in opposition to the new policy and I further hope that without additional direction of Congress, the board will on its own immediately set out to implement the policy by according equal rights in bulk transportation to the supplemental carriers and that the board will adopt a simplified set of rules governing charters in group transportation which the President has called for, and eliminate the archaic rules presently in existence. Simplified rules are needed to protect the consumer and to insure his right to low-cost air travel.

The items follow:

PRESIDENT NIXON'S ANNOUNCEMENT

WASHINGTON, D.C., June 22, 1970.—President Nixon's announcement today of the new International Air Transportation Policy should mark the beginning of concerted action to "oppose foreign restrictions on U.S. carriers."

Speaking for America's charter airlines, Edward J. Driscoll, President of the National Air Carrier Association, commended one of the key policies in the Presidential statement: "Attempts to restrict U.S. carrier operations abroad should be vigorously opposed, and where required, the U.S. should take appropriate measures against the carriers of foreign countries restricting U.S. carrier operations in violation of bilateral agreements or of the principle of reciprocity.

"We urge immediate consultations with foreign governments to obtain acceptance of your policies on a workable basis at the earliest possible time," Driscoll told the President in presenting the views of U.S. charter airlines.

Driscoll noted that for the first time in aviation history the role of the supplemental air carriers—the charter specialists—has been recognized as being on a parity with scheduled airlines.

"The White House statement that 'additional uniformity and simplification of charter rules is desirable' reinforces the position NACA has taken for several years in condemning Civil Aeronautics Board charterworthiness rules as archaic, confusing, and against the interests of the traveling public," said Driscoll, who told the President that the CAB appears to be "out-of-step with your announced policy."

Though the new statement leaves other actions to be taken, Driscoll acknowledged that many of the positions were milestones in national aviation policy. Among these, he said, were the following statements:

"Charter services have been useful in holding down fare and rate levels and expanding passenger and cargo markets . . . they can provide low-cost transportation of a sort fitted to the needs of a significant portion of the traveling public.

"Attempts to restrict U.S. carrier operations abroad should be vigorously opposed,

XUM

the foreign landing rights for charter services should be regularized as free as possible from substantial restriction.

"The economic and technological benefits we seek can best be achieved by encouraging competition and by a relative freedom from government restriction.

"The U.S. should work for the broadest range of profitable services, designed to appeal to the broadest consumer market and based on the lowest cost of operating an efficient air transportation system.

"We expect both scheduled services and charter services to have important roles throughout the coming decade."

The President by his action today "has reestablished the principle that every American has the right to travel at the lowest possible cost," said Driscoll. He expressed the hope that this statement would reverse the trend by some U.S. agencies "to strangle the low-cost charter concept. The U.S. should not stand by idly as the international aviation cartel gets more and more foreign countries to discriminate against U.S. supplemental airlines."

Driscoll spoke on behalf of the following 10 airlines:

American Flyers Airline Corporation.
Capitol International Airways, Inc.
Modern Air Transport.
Overseas National Airways, Inc.
Purdue Airlines.
Saturn Airways, Inc.
Southern Air Transport, Inc.
Trans International Airlines, Inc.
Universal Airlines, Inc.
World Airways, Inc.

The text of his wire to President Nixon follows:

"Your announcement today of the new International Air Transport Policy can begin the long overdue action needed to create an expanded and prosperous air transport industry that will better serve both consumer needs and our country's national goals.

"In behalf of the supplemental airline industry, which developed the low-cost charter concept for both passenger group and cargo markets, and thereby caused a shift in the U.S. favor in our balance of payments on North Atlantic transportation, we appreciate the government's recognition of the fact that both scheduled and charter airlines have equally important future roles as part of a vital U.S. air transportation system.

"We hope that you will provide strong leadership in enforcing a policy that favors less regulation and more competition, and opposes foreign restrictions on U.S. carriers. In the public interest, present trends contrary to these polices must be reversed.

"As you know, recent actions and proposals by the Civil Aeronautics Board appear to be out-of-step with your announced policy. We urge your initiative in encouraging legislation that will give your recommendations the force of law. We also urge immediate consultations with foreign governments to obtain acceptance of your polices on a worldwide basis at the earliest possible time.

"On our part, we pledge renewed effort to work as a part of the total airline industry in providing the American and foreign traveler with the quality and variety of services and fare structures that will meet public needs and assure stability of both segments of the airline industry."

EDWARD J. DRISCOLL,
President,
National Air Carriers Association.

STATEMENT OF INTERNATIONAL AIR TRANSPORTATION POLICY

Public policies operate in a steadily changing technical, economic, and social environment. For sustained progress toward broad national goals we must reexamine our policies regularly to assure that relevant changes are taken into account. This is especially important in fields like international air transportation, where changes are rapid.

United States policies with regard to international air transportation were last given comprehensive review in 1962–1963, as high capacity jet aircraft were coming into service. In the meantime, international aviation has expanded greatly. This dramatic growth has generated new policy questions and changed the dimensions of others. Renewed attention must now be paid to such problems as airway and terminal congestion, the liability of carriers for passengers and cargo, and the cost burden of the facilities needed for safe international flight. Our policies with regard to competition need reappraisal in the light of the substantially expanded market for international services, and its projected further growth. This market has now warranted certification of two United States round-the-world carriers. It has sustained the recent strong traffic growth of the United States supplemental airlines. It is the type of market which attracted an unprecedented eighteen United States carrier applications for route awards in the Transpacific case. At the same time, it is a market in which prospects of excess capacity or other dislocations are seen from various quarters, and these concerns are made the more acute by the appearance of the wide-bodied jets and anticipation of supersonic aircraft.

The present review of United States international air transportation policy is an effort to take account of current conditions, and the prospective circumstances of the 1970s, in a way which best serves our fundamental interests in international air transport. These interests, as expressed in the Department of Transportation Act of 1966 and the Federal Aviation Act of 1958, are (1) promote international ar transportation that is "fast, safe, efficient and convenient . . . at the lowest cost consistent therewith and with other national objectives, including the efficient utilization and conservation of the nation's resources" and (2) to encourage and develop "an air transportation system properly adapted to the present and future needs of the foreign and domestic commerce of the United States, of the postal service, and of the national defense."

Clearly, such a policy must seek to achieve a number of objectives and take into account a number of constraints. It must aim to develop and maintain a sound system of international air transportation that carries people and goods safely, efficiently, and economically. It should promote an expanding, innovative, economically and technologically efficient international air transport system which (1) provides that passengers and shippers share in the benefits through improved service and reduced fares and (2) assures U.S. air carriers a fair and equal opportunity to compete in world aviation markets so as to maintain and further develop an economically viable service network wherever a substantial need for air transportation appears.

These purposes cannot be realized until aircraft hijackings are stopped. By any standard, air piracy is reprehensible. We support measures designed to end this terrible practice.

Our international air transportation policy must recognize a number of other U.S. objectives or principles; these may at times be served by the policy or at times be constraints upon it. Thus, the policy must be appropriatey mindful of U.S. strategic and political interests, the international military air transportation interests of the U.S., and the prospective effect of the policy on the U.S. balance of payments. It must take into account legitimate air transport interests of other countries and recognize that in the final analysis the policy cannot be viable without international acceptance. It should recognize that the United States historically has believed that the economic and technological benefits we seek can best be achieved by encouraging competition (the extent of competition to be determined on a case-by-case basis) and by a relative freedom from governmental restrictions. The policy must also reflect our concern about the quality of the environment, and our determination that adequate efforts are made to preserve and enhance that quality as we continue to develop the technology of air transportation.

Proceeding from the premises set out above, our review has led us to the following conclusions with regard to the central aspects of this nation's international air transportation policy.

1. The exchange of air transport rights: The basic system of exchanging air transport rights through a structure of bilateral agreements embodying the Bermuda provisions[1] should be continued although further studies should be made as to the feasibility of exchanging rights on a multilateral basis. The rights exchanged in these agreements should be designed both to meet the needs of the public for air transportation and to assure U.S. air carriers the opportunity to achieve benefits no less than those available to the foreign air carriers. However, in the negotiation of agreements, care should be taken not to pay an excessive price for rights for which there is little near-term requirement. In order to avoid the wasteful introduction of excess capacity, caution should be exercised in granting routes on which the traffic potential is limited. The Bermuda capacity provisions have served both the United States and international air transportation well in providing a liberal economic environment for the conduct of international air services. Attempts to restrict U.S. carrier operations abroad should be vigorously opposed, and where required, the United States should take appropriate measures against the carriers of foreign countries restricting U.S. carrier operations in violation of the terms of bilateral agreements or of the principle of reciprocity.

2. Charter operations and the role of supplemental carriers in relation to scheduled services: Since 1963 international charter services by scheduled and supplemental carriers have grown in importance, have been increasingly accepted by the public, and now form an integral part of some markets. While the roles of scheduled and supplemental carriers are different as described in this Statement, there has nonetheless developed in certain areas competition between them. This may, indeed, increase.

We expect both scheduled services (individually ticketed and individually waybilled) and charter services (whether offered by supplemental carriers or scheduled carriers) to have important roles throughout the coming decade. The growth rates of both services make it appear likely that both will have substantial markets.

Scheduled services are of vital importance to air transportation and offer services to the public which are not provided by charter services. Only scheduled services are expected to offer regular and dependably frequent schedules, provide extensive flexibility in length of stay, and maintain worldwide routes, including routes to areas of low traffic volume. Substantial impairment of scheduled services could result in travelers and shippers losing the ability to obtain these benefits. Accordingly, in any instances where a substantial impairment of scheduled services appears likely, it would be appropriate, where necessary to avoid prejudice to the public interest, to take steps to prevent such impairment.

---

[1] In general, under Bermuda principles each airline is free to decide the number of flights it will operate on agreed routes, subject to *ex post facto* review of its operations to assure that they conform to certain general principles: (1) the airlines have a fair and equal opportunity to compete; (2) the airlines of one country do not operate so as to affect unduly the operations of the airlines of the other country; (3) the air services bear a close relationship to public requirements; and (4) the primary objective of air services is to carry traffic to and from an airline's homeland.

Charter services by scheduled and supplemental carriers have been useful in holding down fare and rate levels and expanding passenger and cargo markets. They offer opportunities to exploit the inherent efficiency of planeload movement and the elasticity of demand for international air transport. They can provide low-cost transportation of a sort fitted to the needs of a significant portion of the traveling public. Charter services are a most valuable component of the international air transportation system, and they should be encouraged. If it appears that there is likely to be a substantial impairment of charter services, it would be appropriate, where necessary to avoid prejudice to the public interest, to take steps to prevent such impairment.

Additional uniformity and simplification of charter rules is desirable, and an effective charter enforcement program should be maintained.

Both scheduled carriers and supplemental carriers should be permitted a fair opportunity to compete in the bulk transportation market. We consider passengers traveling at group rates on scheduled services to be part of that market. Regulatory and promotional policies should give greater recognition to the dimensions, characteristics and needs of the bulk transportation market, as such, and less emphasis to the type of carrier that is serving that market. However, the Government should not allow enjoyment of the right to perform both scheduled service and charter service to result in decisive competitive advantages for scheduled carriers.

Licensing tools (geographic limitations, charter definitions, volume restrictions, etc.) can be utilized to adjust the competition between scheduled services and charter services. However, the widespread public acceptance of charters warrants care in taking any restrictive actions. A determination whether to impose restrictions upon charter services should consider principally the extent to which the ability to obtain frequent and regular travel would otherwise be prejudiced. If it is necessary to restrict charter services because it is found that only scheduled service can provide the required convenience, and it is the charter services that make impossible the maintenance of the scheduled service, the restrictions should be the minimum necessary to have the required effect.

The foreign landing rights for charter services should be regularized, as free as possible from substantial restriction. To accomplish this, intergovernmental agreements covering the operation of charter services should be vigorously sought, distinct, however, from agreements covering scheduled services. In general, there should be no tradeoff as between scheduled service rights and charter service rights. In negotiating charter agreements, the continuation of and the nature of the charter rights of foreign carriers will be at issue.

3. Rates and fares and the role of the International Air Transport Association (IATA): Under existing United States policy the Civil Aeronautics Board has permitted U.S. carrier participation in IATA subject to various conditions and disciplines. Within that framework the Board has encouraged pricing policies, including experimentation with promotional fares, whch would make air services available on the lowest economic basis to the widest possible market. To this end, the Board has also encouraged aggressive and free competition in charter pricing by the supplemental carriers.

This approach has been successful in the past five years in bringing about substantial improvement in the level and structure of North Atlantic fares, and traffic growth has been rapid. However, IATA has not made similar progress on North/Central Pacific routes, where normal fares remain well above justifiable levels and there are no individual economy class excursion fares or certain other promotional fares comparable to those in effect across the North Atlantic. The Board is handicapped by its lack of authority to regulate international rates, authority which other governments assert.

The U.S. should work for the broadest range of potentially profitable services designed to appeal to the broadest consumer market and based on the lowest cost of operating an efficient air transport system.

Innovative experimentation with promotional fares and varying service concepts should be encouraged to take full advantage of technological developments.

The U.S. should continue to accept IATA as the machinery for pricing scheduled services, subject to continuing safeguards, but supplemented by increased direct informal exchanges between governments. Continued support should also be given to the establishment of IATA and non-IATA charter rates on a free competitive basis. The effectiveness of the Board in its dealings both with IATA and governments should be enhanced by vesting it with authority to regulate rates and fares between the U.S. and foreign points, subject to Executive review.[2]

4. Competition among and between U.S. carriers and foreign carriers: Competition among air carriers, as in other areas of economic activity, tends to improve the quality and variety of service to the public, keeps prices reasonable, and enlarges the market for all carriers. The concept of a single carrier or chosen instrument for the United States remains as undesirable today and in the future as in the past.

The United States should maintain a flexible policy on certificating competition among U.S. carriers on international routes. This policy should take into account the public's need for additional or improved air services, including new direct services from U.S. points other than major gateways and improved service to points abroad where this is necessary to meet the challenge of changing market patterns. At the same time, our policy on competition must take account of the economic viability of the additional or improved air services, including a consideration of the probable foreign carrier competition and the new factors of charter competition and wide-bodied jets. The policy should also distinguish between point to point competition of U.S. carriers and services to a particular foreign country from different sections of the U.S. Within this framework, there may be future route possibilities for new U.S. carriers, as well as incumbent carriers.

Every effort should be made to improve U.S. carrier competitive performance vis-a-vis foreign flag carriers in some markets, particularly the North Atlantic. Continuing to improve the quantity and variety of services in such markets would enhance our competitive standing.

U.S. carriers should adequately serve the international routes for which they are certificated. All appropriate U.S. Government agencies should cooperate with the CAB in developing criteria and procedures to assure that the public convenience and necessity is served. The result should be improved U.S.-flag service and a general increase in economic efficiency which in the final analysis could be translated into lower costs to the public and should result in an improvement in the United States carriers' competitive standing in international air transportation markets.

Generally, economic cooperative arrangements such as revenue or traffic pools between U.S. and foreign air carriers are anticompetitive and as a rule should continue to be discouraged. The United States should continue its flexible policy with respect to other forms of economic cooperative arrangements, such as blocked-space agreements, when these are shown to be in the public interest, improve the air service network, and otherwise meet U.S. international aviation policy objectives.

The United States recognizes that significant benefits to the public can and do result from competition by foreign air carriers. It is important, however, to assure that this competition is fair, non-discriminatory, and in keeping with the provisions of our air transport agreements. There is some evidence that the incidence of air services by foreign air carriers from points behind their home countries may continue to increase. This situation should be kept under review and appropriate consultative and other steps taken as necessary.

5. All-cargo certification and rights: The international all-cargo services of U.S. flag carriers constitute an important national transportation capability serving commercial as well as national defense needs. Demand for cargo airlift will continue to increase. Further operating economies are promised by the new wide-bodied jets.

The U.S. cargo-only carriers are a useful force in the international air transportation market and should continue to be encouraged.

Cargo routing flexibility is an operating right valuable to both combination and cargo-only carriers. The government should be prepared to negotiate for the right as the need arises and to anticipate the need in the negotiation of new or amended agreements.

The exchange of all-cargo rights on the basis of cargo-only bilaterals is neither feasible nor desirable. The present bilateral system for exchanging all-cargo and other rights should be continued.

6. Carrier liability: United States policy on carrier liability for personal injury or death of passengers has recently been reappraised in connection with the prospective revision of the Warsaw Convention as amended by the Hague Protocol. The U.S. position embodies our primary objectives in this field: certainty, speed, and sufficiency of recovery by the injured party. That posture should be maintained.

The present policy of the United States concerning carrier liability to persons and property on the ground is reflected in our position with respect to the Rome Convention on Damage caused by Foreign Aircraft to Third Parties on the surface.

If the Warsaw Convention is revised in a manner which achieves United States objectives, the United States should move ahead as fast as feasible with work on the Rome Convention, and particularly with a view of expanding it to cover the liability of operators in event of aerial collisions and the liability of air traffic control agencies.[3]

There is an ever-increasing number of operations involving internationally leased aircraft. The United States should therefore urge an ICAO review of international aviation Conventions in order to determine how international leasing affects the responsibilities of States and aircraft operators.

---

[2] Since 1966, the CAB has favored Executive notification rather than Executive review.

[3] We also believe that the Warsaw Convention limits on cargo liability should be reviewed, and we support the recent recommendations of the Senate Select Committee on Small Business that the CAB investigate whether the liability of the carrier for cargo loss and damages is too low.

7. Insurance: At the present time, certain foreign carriers of marginal financial resources are not required to maintain statisfactory minimum liability insurance coverage. This results in a lack of assurance for Americans that all carriers can cover losses promptly and sufficiently. A new policy should be adopted and implemented expeditiously, under which the Civil Aeronautics Board would require such foreign carriers to maintain satisfactory minimum amounts of liability insurance. The present requirement that liability insurance be carried by certain groups of carriers (U.S. supplemental and air taxi carriers) should be reviewed by the CAB in the near future to determine whether the minimum coverage limits are still adequate in view of inflation and possible increases in Warsaw liability limits. If it is determined that aviation insurance needs for the 1970's will severely strain the capacity of the worldwide market, attention should be given to measures, such as amendments to tax laws, that would encourage the expansion of the American market. At least to meet defense needs, the war risk insurance program should be extended.

8. Facilitation: We should continue to adopt all practicable measures to facilitate international air movement and to prevent unnecessary delays to aircraft, crews, passengers, baggage and cargo. We should continue to support collaborative efforts in the International Civil Aviation Organization to adopt and implement international standards, recommend practices, and procedures dealing with international aviation facilitation, except that the ICAO endorsement of preclearance procedures is being reviewed[4] in view of the priority program to combat smuggling of narcotics and dangerous drugs. Where U.S. statutes preclude compliance with such international standards, special efforts should be made to change such laws at the earliest practicable moment unless such action is determined to be detrimental to the national interest. We should urge international airlines and operators to collaborate with inspectional agencies in improving clearance facilities and associated services at U.S. airports while present preclearance operations are being reexamined. We should, as circumstances warrant, use the occasion of the negotiation of bilateral air transport agreements with other nations, or consultations under existing agreements, to discuss serious facilitation problems facing the U.S. flag carriers. Any measures taken by other nations which are unreasonable or discriminatory and which hamper or impede the international operations of U.S. international air operators should be strenuously opposed. We should maintain close liaison with regional aviation bodies and the facilitation programs of such groups. The past meetings between U.S. and Canadian government and industry facilitation experts have been fruitful and these meetings should be continued. Any similar efforts to arrange meetings with other appropriate countries should be supported.

9. User charges, fees, and taxes: Existing and proposed U.S. policies are considered to be essentially sound. They seek equitable recovery of federal aviation facility expenditures from special beneficiaries; in doing so, they avoid unduly burdening the general taxpayer. They seek an efficient allocation of national resources among alternate programs; in doing so, they promote needed facility implementation and long-range planning. They assist the U.S. in achieving reasonable facility financing policies in other States and in reaching international agreement through the International Civil Aviation Organization (ICAO); in doing so, they give greater assurance of equity for U.S. international air operators. By exempting State aircraft from charges, they help us to eliminate impediments to U.S. military aircraft movements overseas. Finally, through active U.S. participation in ICAO user charge programs, sound financing policies by other Governments are encouraged; in doing so, U.S. international aviation overseas is more effectively protected from charging inequities. In light of the foregoing, current U.S. policies in this area should continue to be pursued, and the United States should vigorously oppose inequitable charging of U.S. carriers abroad.

10. Balance of payments: U.S. policy on international air transportation, as in numerous other areas, must give especially close attention and careful consideration during the 1970's to potential effects on the balance of payments.

This will require, first and foremost, an active and on-going balance-of-payments consciousness on the part of all agencies concerned.

A second major requirement is that it must reflect a balanced and comprehensive assessment of potential policy effects on the three major payments accounts which are directly affected by international air transport activities—air transportation, overseas travel, and aircraft exports—as well as the effects of air cargo policies on the foreign trade account generally. In carrying out such assessment, the most important point to be kept in mind is that by far the largest part of the possible effects of air transport policies on all three of these accounts must be expected to relate to, and result directly from, their expected influence on the general growth rate of total international passenger traffic and/or the relative numbers of American, as compared with foreign, travelers making up this total traffic.

Taking account of these balance-of-payments considerations while, at the same time, recognizing the importance of encouraging economically sound growth of air transport activities as a basic objective of U.S. aviation policy, the following further guidelines are also recommended.

U.S. air transport policy during the 1970's should recognize that actions which improve the U.S. flag share of international air traffic also provide some benefit to the U.S. payments.

It should also make a continuing effort (in conjunction with, and support of, other Government and private-sector efforts on this subject) to give some extra stimulus to a faster growth of inbound, relative to outbound, travel by: maintaining a margin of necessary flexibility for, and giving sympathetic and imaginative consideration to various possible means of providing limited directional encouragements. This is especially desirable when incremental costs are lower in a given direction.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

THOSE BRITISH ELECTIONS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. RARICK. Mr. Speaker, the Conservative Party of England has gained a landslide victory in their recent election and, if we are to believe the news commentators, the Conservative Party leaders do not even understand why they won.

The answer to most informed citizens is suggested from the dodges and distortions attempted by the news media to hide the facts—labor. The working people revolted against the Labor leaders and turned to the Conservatives for leadership out of the morass.

The English workingman has become disenchanted with socialization, controls, and inefficiency. The workers did not bolt the Labor Party—the party leaders abandoned them.

The attempts to explain away the results of the British election by talking around the plain facts with such assertions as belittling the role of Enoch Powell by calling him the George Wallace of England, and discounting the vote from disenchanted Laborites. Few can accept the reports that such a landslide victory was simply the result of the dull campaign waged by Prime Minister Heath.

Judging from Prime Minister Heath's reactions, he refuses to understand the opportunity given to his party. For the Conservatives and Mr. Heath to stay in power, their efforts must include jobs and resistance to communism. South Africa, Rhodesia, and other nations have been denied commercial exchange with England under the Laborites. Mr. Heath, by refraining from Wilson's picayunishness toward former colonies and reestablishing England's role in the world export market, will find jobs created for the working people of England.

The political ingredient of success was forgotten by Mr. Wilson and his Labor Party until after the votes were counted.

I include several news clippings:

[From the Washington Post, June 19, 1970]

POWELL DOUBLES PREVIOUS MAJORITY

WOLVERHAMPTON, ENGLAND, June 19.—Conservative Enoch Powell, who injected the race issue into British politics, doubled his previous majority in Britain's national elections yesterday despite denunciations from opponents and repudiations from his own party leadership.

The outspoken Tory campaigned for curbs on non-white immigration into Britain and was elected for the seventh time to represent Southwest Wolverhampton in the House of Commons.

Powell, 58, polled 26,220 votes to 11,763 for his labor opponent.

Powell was asked if he was responsible for the surprise Conservative victory nationwide.

"I would like to see my result in the context of the results throughout the country before I attempt to draw any conclusions about it."

Even before the voting began, he complained bitterly that Edward Heath's Tory leadership had turned its back on him. Heath had expelled him from the Conservative high command in 1967 and condemned his assertions that unchecked nonwhite immigration would produce violence in Britain.

---

[4] It should not be inferred that the review is designed necessarily to eliminate preclearance.

A classical scholar and army general as well as a politician, Powell aroused passions wherever he spoke during the campaign. Epithets greeted him and he frequently was the target of stink bombs and tomatoes.

When his victory was announced at the Wolverhampton election hall, Tory and Laborite women fought each other, pulling hair, scratching and biting.

Meanwhile, Dr. David Pitt, 56, the Labor Party's leading black candidate, failed to retain his seat from the South London borough of Clapham. Pitt, a West Indian, lost by nearly 3,000 votes to the Conservative challenger in what was a significant triumph for the Tories in a traditional Labor area.

[From the Washington Post, June 19, 1970]

CONSERVATIVES WIN SURPRISE VICTORY IN BRITAIN

Virtually every serious political observer in Britain—discounting the formal predictions of victory made by the Tory leaders and candidates—had assumed that Wilson would perform the hat trick, winning three successive elections, with a smashing majority. The virtual unanimity of the polls, which began to show Labor majorities as early as late last winter, had apparently deceived them—and almost everyone else in Britain.

Under British law, the newly-elected government may remain in power for five years from the day of taking office. It may, however, call for a dissolution of Parliament at any time it chooses—for example, in the event of a major vote against it or, alternately, at a time it deems favorable to its chances for reelection. Wilson called this election 11 months before the legal deadline.

Wilson had run a campaign on a "don't rock the boat" theme. He argued that Britain had "put right" its chronic economic dilemma of a deficit in the balance of payments, and that the future looked bright, with a deluge of recent wage increases having put something like 12 per cent more money in the workers' pockets.

Heath and his top lieutenants had branded the forecasts as fraudulent and the prosperity only temporary, to be blighted by an inevitable inflation and a return to a balance of payment crisis.

His campaign, conducted largely over television plus a series of sorties to major British cities, had been deemed dull and unconvincing. But in the last week it appeared much more vigorous and, as Friday morning's results showed, it obviously caught fire.

So devastating were the Labor losses on the basis of the constituency results reported by early morning that some of its notable figures were retired from Parliament. Among them were Sir Dingle Foot, one of Britain's most renowned barristers, and Mrs. Anne Kerr, one of the most vocal and prominent of the party's extreme left wing.

Early speculation centered on the extent which the last week's fiery campaign of Tory Enoch Powell, champion of the anti-immigration movement, had on the results. Trading on the feeling against the entry on nonwhite immigrants in recent years, Powell appeared to have increased the swing to the Tories, particularly in the industrial Midlands, where feeling runs highest.

His own majority, in his Wolverhampton constituency, showed an increase of 9 per cent over 1966, one of the highest among the 270 districts so far reported. In a television interview when his own victory in Bexley in Kent was announced, Heath himself conceded, in roundabout language, that Powell's action may have influenced results "in certain areas of the country."

Heath fired Powell in April, 1968, from his shadow cabinet when Powell launched his first strident anti-colored speech. Heath has repeatedly declared he would not include Powell in his Cabinet if the Tories won and formed the government.

The small Liberal Party, with 13 members in the last Parliament, lost four seats in the early counting. Among them was that of its whip, the popular Eric Lubbock.

Speculation immediately began over the composition of Heath's government. It was assumed that Sir Alice Douglas-Home, foreign minister in the last Tory government, could have his old post back if he wanted it. Sir Keith Joseph or Ian MacLeod were being touted for chancellor of the exchequer, Reginald Maudling for home secretary and Quintin Hogg for leader of the House. Whether these in fact will be their jobs is not certain, but that all of them will hold high office in the new government seems assured.

Despite Tweeledum, tweedledee charges against the Labor and Conservative parties, it is clear that the new Tory government will bring many changes to Britain, not the least of them in the style of government.

Heath, 54, has stood for a far more activist, innovative role for his party, a more competitive and less protective system of economics at home and a more forceful role aboard.

Among the specifics the Conservative Party has pledged:

A lessening of direct taxation—which is to say income tax—and repeal of the fiercely unpopular selective employment tax payed by nonmanufacturing employers on their payrolls. But the inevitable corollary is higher indirect taxes, very probably the value added, or transaction, tax, obtaining within the Common Market countries.

Labor relations legislation, including elements of the American Taft-Hartley law. The proposal will be bitterly fought by Britain's trade unions. The issue may very probably lead to massive strikes and provide one of the earliest tests of Heath's courage and firmness.

The reversal of Labor's promise to return all British forces from East of Suez. Heath would keep some naval and marine force in the Persian Gulf, and land troops in Singapore and South Asia.

The Tories have sworn not to introduce a system of direct wage and price controls, but it seems clear—unless they are totally unfaithful to their promises and economic forecasts—that they must take some steps to effect wage restraint and forestall, to the extent it remains possible, the inflation that looms ahead, for late this year if not sooner.

Voters, both Labor and Conservative, will doubtless find cause for rejoincing—on the principle that it is always agreeable to see the mighty humbled—at the inaccuracy of the opinion polls.

Besides the 1 per cent Tory forecast of the Opinion Research Center, the final call of the others—all Labor majority predictions—were: Marplan, 9.6; Gallup, 7; Harris, 2; National Opinion Poll, 4.1.

[From Newsweek, June 22, 1970]

BRITAIN: DOWN TO THE WIRE

"Wake up, Britain! Wake up! Throw off your anesthetized slumber!" So pleaded Quintin Hogg, the rambunctious Conservative M.P., as he and other Tory candidates struggled to arouse the British public. But as this week's general election drew near, few voters appeared to pay Hoggs much heed. For one thing, the World Cup soccer matches in Mexico seemed of more immediate importance, particularly after England, the defending champion, narrowly managed to advance into the quarter-finals. A distinctly un-British heat wave also served to take people's minds off politics. And besides, no matter what the outcome of the balloting, droves of Britons would soon be taking off for summer holidays at the seashore or on the Continent.

The weather and the holiday mood of his countrymen did nothing, however, to dampen the outlook for Labor Prime Minister Harold Wilson, who puffed away at his pipe and beamed benignly as he campaigned around the country. And there was reason enough for Wilson's optimism. Recent polls have consistently predicted that Labor would regain control of the House of Commons by a comfortable margin, and the latest sampling last week gave Wilson a stunning 12 percent lead. Beyond that, the Prime Minister's cause was bolstered by word that Britain had earned a balance-of-payments surplus of nearly $1.5 billion in the fiscal year ended March 31—a figure that compared rather nicely with the $1.9 billion deficit with which the Tories had ended their last term of office in 1964.

As the Conservatives saw it, of course, there were other, more important, statistics to talk about—ones that reflected spiraling consumer prices, the highest unemployment since World War II and the heaviest tax burden in history. But somehow, try as he might, Tory leader Edward Heath simply was not getting the message across. "With all this gloom," a heckler shouted at Heath recently "don't you think you'd be better off running an undertaker's parlor?" Adding to Tory woes was the fact that for four days, a printers' walkout shut down the nation's newspapers—most of which are pro-Tory or at least critical of Labor's record during the past six years. With that, Tory prospects seemed to drop to their lowest point yet and at the end of the week British bookies made Heath a 10–1 underdog.

ODD MEN OUT

Paradoxically, three of the most interesting candidates in the British election are men from outside the mainstream of political power. These three—Jeremy Thorpe, leader of Britain's tiny Liberal Party, Tory maverick Enoch Powell and Northern Ireland's fire-breathing preacher, the Rev. Ian Paisley—are the odd men out of British politics. Together, they could at best affect the election results in only twenty or so constituencies, a tiny number in a Parliament of 630 members. Yet each man wields influence far beyond the limits of his own parochial stamping ground.

Race: In some ways, the most enigmatic of the three is Enoch Powell, 58, the former Minister of Defense in the Tory "shadow Cabinet" who emerged as a sort of British George Wallace two years ago, when he issued dire warnings that Britain would one day be swamped by immigrants from the West Indies, Pakistan and India. Now, Powell is running on a platform that is sharply opposed to that of his own party on the race issue, for he demands an end to all immigration into Britain. And in a particular vitriolic speech last week, he even hinted that British immigration officials were deliberately abetting the black influx.

Powell hardly fits the stereotype of a rabble-rouser. He is, for one thing, a brilliant academician, a professor of Greek at the age of 25, a linguist with a command of ten languages, a poet and a historian. But he does look like a prophet of doom in his black pin-striped suit, black boots, black waistcoat, black Homburg pulled down over an ash-gray face, his eyes a chilling blue, his voice flat and rasping. And both major parties take Powell very seriously indeed. The polls show him a shoo-in for election in his industrial Wolverhampton constituency, and although civil servants and race-relations experts have ridiculed his warnings, there is no doubt that Powellism is taking root as gospel in the sooty factory cities of England's Midlands.

XUM

For Labor, therefore, the fear is that Powell's appeal to racial distrust could slice away at traditional bastions of Labor support in the cities. And the Conservatives are equally fearful that Powell might so tar the Tory party as to produce a solid immigrant vote for the Labor Party in several marginal constituencies.

Powell, however, is not alone in appealing to fear and prejudice. Across the Irish Sea, Ian Paisley, the hulking, Bible-thumping spokesman of the extreme Protestant movement in Ulster, has been campaigning hard for a seat in the British House of Commons ever since he was elected to Northern Ireland's Parliament last April. And in Ulster, where hatred between the Protestant majority and the Catholic minority constantly threatens to explode into renewed strife and violence, Paisley finds receptive audiences as he rants against the Catholics. "He's a man who says what a lot of people feel," explained a leathery-faced Protestant farmer last week in the village of Ballintoy, where crowds were cheering Paisley's fire-eating speech. Carefully avoiding the Protestant crowd, a Catholic housewife cautioned: "It's best to stay inside when they get like that. He brings out terrible passions in people."

The Wilson government, which dreaded a Paisley victory in the Ulster elections last April, is doubly in dread of a Paisley victory in the general election—not just because of the impact he might have at Westminster but because his success would seriously increase the chances for renewed violence in Ulster, where some 7,700 British troops already stand on guard.

Heritage: In happy contrast to Powell and Paisley stands Jeremy Thorpe, 41, the cheerful, blue-blooded leader of Britain's once-great Liberal Party—a party that held 398 seats in the House of Commons on the eve of World War I but now controls only thirteen. Despite his aristocratic heritage—he is a product of Eton and Oxford, the descendant of a fourteenth-century Lord Chancellor of England and the son and grandson of Tory M.P.'s—Thorpe has long given evidence of a leftward bent. As a youngster during World War II, he delighted in wearing Roosevelt buttons in order to annoy the Republican family with which he was living in the United States. And as leader of the Liberal Party, he has earned the nickname "Bomber" for advocating air attacks against the railways of rebel Rhodesia.

Thorpe expects Labor to win the general elections this week, and he fears that his party's parliamentary strength may be even further eroded. That fear is quite probably justified. But if, unexpectedly, the election should prove close, Thorpe would be prepared to form a coalition government with either major party.

[From the Washington Star, May 19, 1970]

British Voting Set June 18; Labor Elated by Poll Returns

London.—Britain's Labor government today went into its campaign for the party's first consecutive third term in its history with a narrow lead in the last public opinion poll taken before announcement of the general election June 18.

In a survey taken over the weekend and published today in the Times, Prime Minister Harold Wilson's government led the Conservative opposition 47.2 percent to 44.5. That much of a lead on election day would give Labor a majority of 60 in the 630-seat House of Commons.

Wilson's announcement yesterday on the election date, coupled with seven previous opinion polls favorable to Labor, sent bettors rushing to the book makers to put their money on Labor. Late last night the bookies made Labor a 2-1 favorite to win, which would make Wilson the first prime minister in more than 250 years to win three straight terms.

HEATH OPTIMISTIC

Conservative party leader Edward Heath said last night after the election date was announced that he was "aching for this fight." He predicted confidently: "We will win."

Despite Labor's consistent showing in the recent opinion polls, a number of factors made the election outcome uncertain.

For one thing, about 50 seats are in marginal districts decided in the 1966 election by 2,500 votes or less. There is no certainty yet how they will go this time.

Nearly 2 million young people between 18 and 21 are voting for the first time, and nobody knows how they will line up.

ECONOMIC TROUBLE POSSIBLE

Britain's economic recovery, the trump card in Labor's campaign deck, could be set back by inflation, strikes, the slump in the United States and rising unemployment.

New violence threatens between Roman Catholics and Protestants in troubled Northern Ireland, which is part of the United Kingdom.

Campaign platforms are expected to be ready by next week. Both Wilson and Heath gave previews last night on the BBC.

Labor claimed credit for Britain's strong foreign trade surplus of $1.2 billion, a key to economic recovery.

"We now have practically the strongest balance of payments in the world," Wilson asserted.

JOBLESS ISSUE RAISED

Heath concentrated on economic danger signals—booming wage increases, strikes up 60 percent over last year, and "the highest unemployment in this country since the '30s—over 600,000."

Missing this time are the more emotional socialism vs. capitalism issues of past campaigns. The welfare state and nationalization of some key industries are now generally accepted. Labor yesterday dropped a bill to nationalize the ports, the last plank in its program to extend government control of industry.

TAX PROGRAM SIDETRACKED

A controversial Labor proposal to tax capital holdings also is expected to be shelved.

The two parties agree on most key foreign policy issues, including British entry into the European Common Market. They divide on British's future role east of Suez, with the Laborites pledged to withdraw British forces from the East by the end of 1971 and the Tories promising to keep them there if elected.

MOURNING THE DEATH OF BOB McCORD

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. REID of New York. Mr. Speaker, I join with my colleagues on the Committee on Education and Labor in mourning the death of Bob McCord last Sunday. Members on both sides of the aisle benefited from Bob's smooth running of the committee operations and from his expertise and skill in so many areas. No matter what the problem, Bob was always happy to offer assistance and helpful information. We will miss his ability and his good cheer, and I extend my deepest sympathy to his family.

CHAIRMAN DANIELS DISCUSSES FEDERAL EMPLOYEE BENEFITS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. DULSKI. Mr. Speaker, a few days ago the National Association of Retired Civil Employees held its 11th biennial national convention in my home city of Buffalo, N.Y.

I was honored to serve as the congressional host and only regret that the press of legislation from my Committee on Post Office and Civil Service made it necessary to leave for Washington before all the meetings were concluded. As you know, House debate on controversial postal reform legislation was scheduled by the House leadership.

The Buffalo convention got off to a fine start with a Sunday breakfast session where the principal speaker was my good friend and colleague on the committee, the gentleman from New Jersey (Mr. Daniels), chairman of the Subcommittee on Retirement, Insurance, and Health Benefits.

Chairman Daniels made an excellent report to the convention on Federal employee benefits, a report which I believe is of interest to every Member. Following is Chairman Daniels' text:

Remarks of Chairman Daniels to 11th Biennial National Convention of the National Association of Retired Civil Employees, June 14, 1970, Buffalo, N.Y.

It is my pleasant privilege to bring to you the greetings and best wishes of my colleagues on the House Committee on Post Office and Civil Service, and still more pleasant, to be here myself.

As many of you know, this is not the first time I have had the privilege of taking a small part in a national convention of the National Association of Retired Civil Employees.

In the performance of the congressional responsibilities imposed upon me as a member of two House Committees, and having the honor of chairing two of its subcommittees, the occasions are numerous for my meeting with a variety of people, from various walks of life, and with widely varying interests.

With the Federal retiree group I have the feeling of "being right at home"—in a special kind of way. So, I hope it will not be the last time you invite me.

I looked forward with particular pleasure to being with you this year for two additional reasons—one, that your convention is being "hosted" by my good friend, *my* leader on the Post Office and Civil Service Committee, Chairman Thad Dulski; the other, that it is being presided over by my dear friend, *your* leader, Tom Walters.

LEGISLATIVE GAINS OVER YEARS

In saying this, I do so in all sincerity. Through Chairman Dulski's leadership and support, and with the cooperation and dedicated efforts of Tom Walters, not only during his term of office as a national president of your fine organization, but over the years that he has been on the Washington scene, we have made remarkable gains in legislation of benefit to Federal retirees and employees.

I hasten to add, however, that without your backing we could not have been quite so successful.

XUM

Since your last biennial convention a landmark legislative endeavor was enacted into law on October 20, 1969. It is a source of gratification and humble pride to me that, after laboring long and hard for two years, President Nixon approved Public Law 91–93, commonly known as the Daniels-McGee Act.

In the observance of the Golden Anniversary of the enactment of the Civil Service Retirement law last month that accomplishment was singled out as "a masterful and bipartisan accommodation to the divergent pressures for strengthened financing, improved benefits, and a more responsible approach to future changes."

FINANCIAL ASSURANCE

Through the mutual efforts of the Congress, the Executive Branch, the various employee organizations, and this association, the Civil Service Retirement System will be assured of the financial ability to meet its obligations to annuitants and survivors—on time and in full.

Your retirement system has evolved over the years with a mixture of both insurance and humanitarian concepts. With respect to the adjustment of benefits after retirement, fundamental insurance principles would guarantee that whatever annuity the employee had earned upon retirement should be maintained without change.

Humanitarian considerations, however, would urge that the economic welfare of the retiree is of primary concern, and that the earned annuity should be adjusted in response to changing needs. The latter theory has prevailed through congressional action, despite the difficulties of putting that theory into actual practice.

As you know, especially those of you who retired prior to 1965, the Congress had tried a varicty of devices to cope with the problem that inflation was causing persons living on retirement income.

Not until 1965 was a really effective method of annuity adjustment achieved—an achievement to which "NARCE", then under the leadership of our good friend Clarence Tarr, can point with pride and to which it can lay claim to much credit of enactment.

BENEFITS IN BETTER BALANCE

By virtue of the 1965 and 1969 acts, benefit values are now in better balance, on the whole, than at any time in previous years. Automatic adjustments are recurring annually, and it is apparent that all annuities will be further increased on August 1st by at least 5½ percent.

In the early days of the current session of the 91st Congress the Subcommittee on Retirement, Insurance, and Health Benefits committed itself to promptly pursuing its second paramount legislative objective—a major health benefits bill. This morning I can report to you that we are making favorable progress.

My bill, H.R. 16968, has been unanimously adopted by the Subcommittee and was overwhelmingly approved by the full Committee last month. I recently appeared before the Committee on Rules to arrange for the necessary rule to bring the bill to the House Floor.

I am happy to inform you that a rule was granted a few hours before my departure from Washington on Thursday. That action will pave the way for the bill to be programmed for consideration by the House within the next few weeks.

CONSENSUS ON U.S. PAYING HALF

As many of you who were still in active Federal service when the health benefits program was established in 1959 will recall, it was the consensus of opinion that the Government should pay at least half of the premium charges.

However, because we had no experience in this new field at that time, the Bureau of the Budget prevailed upon the Congress to set a dollar limitation.

That ceiling turned out to represent only 38 percent of total premium costs at the very outset, with employees and annuitants paying the remaining 62 percent.

We all know the unfortunate history, which found the dollar limit forcing the Government's share ever downward—and the enrollee's burden ever upward."

You know, as well as I, that today it has deteriorated to a point where the Government pays less than 25 percent, while the annuitant and employee picks up the tab for over 75 percent.

GOVERNMENT SHOULD MATCH INDUSTRY

Although it is my personal view that the Government should strive to match the trend in private industry, where the employers are providing their workers cost-free health insurance—and many of my colleagues agree—we all have to be practical when dealing with the taxpayers' dollars.

In fact, we must be especially practical when faced with the strenuous opposition of the Budget Bureau and other executive offices to adequate fringe benefits for active and retired employees in the Federal sector.

So, as a practical matter my Subcommittee proposed a 50–50 sharing of premium charges. This long-overdue improvement will mark a real breakthrough in terms of Government participation.

Final approval should put $10 or more each month in the annuity checks of married retirees, and about half that amount in the checks of single retirees and widows.

BATTLES STILL NOT WON

I would be less than honest with you if I failed to tell you that the battle is far from won. Spokesmen for the Administration have intimated that an equal sharing of premiums is unacceptable because of cost.

So, it will take all of our joint energies to insure that this worthy legislation becomes law—in spite of that opposition.

I would be somewhat remiss if I neglected to comment upon our efforts with respect to the pre-1960 retiree health benefits program. The Committee took full cognizance of the favorable experience of that plan.

At the insistence of President Walters, we recommended the improvement of the benefits provided under that plan, without any increase in the annuitants' premiums.

I am pleased to report to you that the Civil Service Commission concurs in our recommendations, and contemplates such action in the next few months.

HEARINGS BEGUN ON H.R. 3661

I can also report to you that while awaiting the next step in the legislative process on the health benefits bill, the opportunity arose for the Subcommittee to begin hearings on Congressman Dulski's bill, H.R. 3661—sometimes referred to as "NARCE's" "second-spouse" bill.

The foremost supporter of that proposal—your national president—appeared before the Subcommittee as the lead-off witness last Wednesday, with some very compelling arguments for its favorable consideration and in support of extending its provisions to cover other cases of relative equity.

It was one of the most revealing and stimulating hearings that I have ever had the pleasure of conducting, and the hearing room was overflowing with members of your fine organization. I can assure you that further witnesses will be scheduled to present their testimony at the earliest practicable date.

While it is too early to hazard a guess as to what provisions will be embodied in the Subcommittee's final version of this legislation, I am quite confident that our deliberations will result in the elimination of many of the inequities which still prevail in the retirement law.

GREAT STRIDES SINCE 1920

To be sure, the machinery of Government is not perfect. Nor is the mechanics of your Civil Service Retirement System—nothing human ever is. But, it is a giant step forward over the insecurity that prevailed before its inception in 1920.

Whatever problems beset these programs, we all have a stake in their proper solutions. I have every confidence that by working together we can make them more responsive to our changing times and changing needs. This is what our democratic system demands of all of us.

I could not help being impressed with a portion of your president's biennial report, which appeared in the latest issue of your magazine, "Retirement Life", wherein he prescribes a tonic for loneliness and boredom, and cajoles your membership into "getting involved" in community and political activities.

That is good advice.

AN OBSERVATION

If there were any words of a philosophic or inspirational nature that I might add to that this Sunday morning, it might be this:

One of the famed Greek philosophers once said that "if all men were to bring their miseries together in one place, most would be glad to take his personal troubles back home with him, rather than return with his share of the common stock".

When we become discouraged with our condition in life, we might like to think about this. Everybody has troubles, apparently. Consider the people here—and elsewhere—whose problems dwarf ours.

If we knew about it there are probably people right next door to us with troubles that would astonish us. Every day we pass scores of persons with whom we wouldn't trade our troubles, if we knew theirs.

LIKE LOAD OF FIREWOOD

One writer has likened the worries that come to a person in the course of daily living to an armload of firewood—too heavy to carry sometimes—if you try to lift all of the logs at once.

The trick to handling such a load, it seems to me, is to handle them one at a time. Lift today's troubles today. Leave tomorrow's for tomorrow.

In leaving you with that thought, I pledge you my best endeavors toward further progress to provide for better, happier, more enriching lives in the retirement years of those who serve and have served their country well and long.

Thank you, and best wishes for a fruitful and successful convention.

IN MEMORIAM: WILLIAM HENRY BATES

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. ARENDS. Mr. Speaker, just 1 year ago many of us made a lonely and sad trip to Salem, Mass., to pay homage at the final resting place of our late, great, and noble colleague, Bill Bates, in the district he loved and served so well.

The recently published memorial book, one of the most formidable in the history of the Congress, contains lasting evidence of the exceptionally high regard in which Bill was held by those from all stations in life, of all races and creeds, and of diverse political interests. It was repeated by countless numbers that Bill

Bates would be sorely missed in the Sixth Massachusetts District, in Congress, and throughout the Nation. But little did we realize during those sad hours in that month of June how truly prophetic would those eulogies be until we experienced the void in our personal and public lives through each passing day.

We had said then that Bill's death was beyond our belief. Now, 1 year later, it seems the more so by a thousandfold. But we had said, also, that many of us were richly blessed in our close association with a noble friend and there would remain for us a wonderful treasury of cherished memories: For me, hardly a day has passed in which I have not drawn on that store of priceless recollections, a store that has grown and grown over these passing months to soften the shock of an indescribable loss.

Mr. Speaker, we do miss Bill Bates, and especially his wise counsel that would be so priceless during this most difficult period of change in the history of our great country.

Thus, Mr. Speaker, we again memorialize the passing of that great American, and I know that all who had the high privilege of serving with Bill Bates join in this hour of recollection and tribute.

ROBERT E. McCORD

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1970

Mr. UDALL. Mr. Speaker, I share the views expressed by my colleagues on the untimely passing of Bob McCord.

In this great institution it is the Members themselves who get virtually all the attention. As far as the public is concerned, whatever Congress does is done by elected representatives of the people. But those of us who toil in these halls know that the great bulk of research, bill drafting, report writing, and general conduct of congressional business is done by the staffs of Members and the staffs of our committees. And among the real "pros" in these ranks was Bob McCord.

In the 16 years that Mr. McCord served on the staff of the Committee on Education and Labor tremendous changes have occurred in the country and in that committee. Once the graveyard for progressive legislation in the fields of education and labor—bills like general aid to education—that committee was transformed into one of the most effective committees of the Congress during the years of Mr. McCord's service. While this is a tribute to the Members who have served on that committee, it is also a measure of the contribution made by Bob McCord in his capacity as chief clerk and staff director.

I regret the loss of this fine professional staff member to the work of the Congress and the many unfinished tasks facing us in the cause of improved educational opportunity and labor relations in this country. He will be missed by all who knew him and worked with him these many years.

COMMUNICATIONS LEGISLATION

HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. MACDONALD of Massachusetts. Mr. Speaker, the Subcommittee on Communications and Power of the House Interstate and Foreign Commerce Committee, of which I am privileged to serve as chairman, is the congressional committee in the House which deals with communications legislation. In view of transcending importance of communications in the lives of the American people, I wish to call to the attention of my colleagues an excellent summary of communications matters which were the subject of hearings and reports during the 91st Congress. The report was prepared by Erwin G. Krasnow, chairman of the Committee on Legislation of the Federal Communications Bar Association and cochairman of the Committee on Communications Law of the Federal Bar Association.

The report follows:

COMMUNICATIONS LEGISLATION, 91ST CONGRESS

APPROPRIATIONS

On February 18, 1969, the Subcommittee on Independent Offices and Department of Housing and Urban Development of the House Committee on Appropriations held hearings on the FCC's budget for fiscal year 1970. The Bureau of the Budget's request for the FCC was $23,950,000. On June 19, 1969, the House Committee on Appropriations reported H.R. 12307, a bill appropriating funds for fiscal 1970 for 20 independent agencies and executive offices and the Department of Housing and Urban Development (H. Rept. No. 91–316). Under H.R. 12307, the FCC was allotted $21,600,000. On June 24, 1969, the House passed H.R. 12307. On June 25, 1969, the Subcommittee on Independent Offices of the Senate Appropriations Committee held hearings on the FCC's budget. On November 6, 1969, the Senate Committee on Appropriations reported an amended bill (H.R. 12307) which allocated $22,850,000 for the FCC (S. Rept. No. 91–521). On November 11, 1969, the Senate passed and sent to conference with the House H.R. 12307, as amended by the Senate Committee on Appropriations. The Conference Report (Rept. No. 91–649) was filed on November 17, 1969, and budgeted $22,225,000 for the FCC. On November 18, 1969, both the House and the Senate adopted the Conference Report on H.R. 12307. The bill was signed by the President on November 26, 1969 (Public Law 91–126).

On February 16, 1970, the House Subcommittee on Independent Offices and Department of Housing and Urban Development held hearings on H.R. 17548, which included a budget request of $24,900,000 for the FCC for fiscal 1971. On May 7, 1970, the House Committee on Appropriations reported H.R. 17548, which included a budget of $24,750,000 for the FCC (H. Rept. No. 91–1060). On May 12, 1970, H.R. 17598 was passed by the House. The Senate Independent Offices Subcommittee held hearings on the FCC budget on May 21, 1970.

BROADCAST COVERAGE OF HOUSE HEARINGS

On November 6, 1969, the Special Subcommittee on Legislative Reorganization of the House Rules Committee held a hearing on coverage of House proceedings by radio and television. On April 13, 1970, the Subcommittee favorably reported H.R. 17654, the Legislative Reorganization Act of 1970, which contains a provision (Title I, Section 116) which would for the first time allow broadcast coverage of House Committee hearings. Under H.R. 17654, the decision as to coverage would be decided by majority vote of each committee; commercial sponsorship of live broadcasts would be prohibited; and witnesses who were subpoenaed could not be televised without their consent.

CATV

On April 17, 1969, Congressman Stratton introduced several bills (H.R. 205, H.R. 10268, H.R. 10510) to suspend the Commission's interim procedures and rules concerning CATV systems and to amend the Communications Act to limit the FCC's authority over CATV systems. Several other Congressmen sponsored a concurrent resolution (H.C.R. 87) to suspend the proposed CATV rules to permit Congress to consider possible legislation. A hearing on this legislation was conducted by the Subcommittee on Communications and Power of the House Interstate and Foreign Commerce Committee on May 19, 20, 21, 22, and 23, 1969. The hearings were suspended because of the pressure of other legislative activities. It is anticipated that they will be resumed before the end of the second Session.

On March 25, 1970, Senator Pastore introduced S. 3635, a bill to amend the Communications Act to provide for the regulation of CATV systems. The bill was drafted by the FCC in response to a request by the Senate Communications Subcommittee that the agency review Section 111 of S. 543, the Copyright Revision Bill, and determine the impact passage of the bill would have on the Commission's television–CATV regulatory policies. The bill provides clarifying legislation concerning the FCC's authority to regulate CATV systems. S. 3635 would direct the Commission to effect "the orderly accommodation of both the community antenna and broadcasting industries, in order to secure maximum diversity of programming through the maintenance and expansion of broadcasting and the provision via community antenna systems of multiple reception, origination and related services".

On December 10, 1969, the Senate Subcommittee on Patents, Trademarks and Copyrights reported, without recommendation, S. 543, the Copyright Revision Bill, to the full Judiciary Committee. The bill proposes a complete revision of the 1909 Copyright Law. Section 111 pertains to CATV systems and includes a compulsory licensing arrangement for all systems on a graduated scale from 1% to 5%; a "basic television service" quota of signals for the top 50 markets and another quota for all other markets; the unlimited use of aural signals; a surcharge of 1% of gross revenues for each distant signal above the allotted quota; and the "grandfathering" of signals presently carried.

CIGARETTE ADVERTISING

On April 15, 16, 17, 18, 21, 22, 23, 24 and 25, 1969, the House Committee on Interstate and Foreign Commerce held hearings on H.R. 1237, to restrict the broadcasting of cigarette advertisements; H.R. 6543, to extend a clause in the Federal Cigarette Labeling and Advertising Act of 1965 (Public Law 89–92) prohibiting any federal, state or local government from requiring health warnings in cigarette advertising; and related bills. The House Interstate and Foreign Commerce Committee held further hearings on H.R. 6543 on June 10, 1969 (H. Rept. No. 91–289). On June 18, 1969, the House passed H.R. 6543, a bill requiring a strong health warning on cigarette packages[1] but preventing advertising restrictions for 6 years.

---

[1] "Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous to Your Health and May Cause Lung Cancer or other Diseases."

XUM

On July 22, the Subcommittee on Consumers of the Senate Commerce Committee held hearings on H.R. 6543 (S. Rept. No. 91–566). On December 12, 1969, the Senate amended H.R. 6543 in the following significant respects: changed the statement required on cigarette packages to read "Warning: Cigarette Smoking Is Dangerous to your Health"; revised the preemption provisions to prohibit health-related regulation or prohibition of cigarette advertising by any State or local authority; and banned all cigarette advertising on radio and television on or after January 1, 1971.

On March 10, 1970, the Senate passed the Conference Report (Rept. No. 91–897) on H.R. 6543, the Public Health Cigarette Smoking Act of 1969, with an amendment that would ban all cigarette advertisements on radio and television as of January 2, 1971,[2] and require a new warning on cigarette packages that would read: "Warning: the Surgeon General Has Determined that Cigarette Smoking is Dangerous to Your Health." The health warning must be on cigarette packages six months after the President signs the bill. In addition, the bill would allow the Federal Trade Commission to require warnings on printed cigarette advertisements after July 1, 1971. The Conference Report was passed by the House on March 18, 1970. The bill was signed by the President on April 1, 1970 (Public Law 91–222).

COMMUNICATIONS SATELLITE CORPORATION

On January 29, 1969, the Senate Commerce Committee reported S. 17, an amendment to the Communications Satellite Act which modifies the provisions for election of the board of directors of the Communications Satellite Corporation so as to reflect more accurately the relative holdings of stock by stockholders who are communications common carriers, and stockholders who are not communications common carriers (S. Rept. No. 91–6). The bill was requested by Comsat and was supported by the State Department and the FCC. The Senate passed the bill on January 31, 1969.

Hearings on H.R. 4214, a companion bill, were held by the House Interstate and Foreign Commerce Committee on February 3, 1969 (H. Rept. No. 91–24). The House passed S. 17 on February 19, 1969, together with a Committee clarifying amendment. On February 19, 1969, the Senate passed S. 17, as amended by the House. The bill was signed by the President on March 12, 1969 (Public Law 91–3).

DOCUMENTARIES—DECEPTIVE PRACTICES

On March 20, 1969, the Special Subcommittee on Investigations of the House Committee on Interstate and Foreign Commerce filed a 47-page Report entitled "Deceptive Programming Practices" (H. Rept. No. 91–108). The Report is subtitled "Staging of Marihuana Broadcast—'Pot Party at a University' ".[3]

The Subcommittee on Investigations has also held a series of executive hearings in 1969 and 1970 on the events surrounding the preparation by CBS of a network news documentary on an attempted invasion in the Caribbean, and their implications on present law and policy.

EDUCATIONAL RADIO AND TELEVISION

On April 30 and May 1, 1969, the Senate Commerce Committee held hearings on S. 1242, a bill to amend the Communications Act to extend for 5 years a program of grants for construction of educational television and radio broadcasting facilites and to authorize the appropriation of $20 million in fiscal 1970 for the Corporation for Public Broadcasting. The bill was reported to the Senate without amendment on May 8, 1969 (S. Rept. No. 91–167), and was passed on May 13, 1969. The Subcommittee on Communications and Power of the House Interstate and Foreign Commerce Committee held hearings on June 18 and 19, 1969. The Committee report (H. Rept. No. 91–466) recommended amendment of S. 1242 to provide for a three-year extension of the program for construction of public broadcasting facilities instead of the five-year extension provided for in the original bill and further recommended the appropriation of $15 million for each of the three years. The House passed S. 1242, as amended, on October 9, 1969. The Senate approved the amended bill on May 14, 1969, whereupon it became Public Law 91–97 on October 17, 1969.

On April 1 and 2, 1970, the Senate Communications Subcommittee held hearings on S. 3558, the Public Broadcasting Financing Act of 1970, which would authorize annual appropriations for the Corporation for Public Broadcasting from fiscal 1971 through fiscal 1973 for "such sums as may be necessary". The bill would encourage private contributions where a portion of the federal funding of the Corporation is to be based on money from private sources. The bill was ordered favorably reported by the Commerce Committee on April 22, 1970 (S. Rept. No. 91–879). On May 19, 1970, the Senate passed S. 3558, as amended by the Committee.[4]

On April 14 and 15, 1970, the Communications and Power Subcommittee of the House Interstate and Foreign Commerce Committee held hearings on H.R. 16338, a bill identical to S. 3558. On April 27, 1970, the Subcommittee reconvened to consider whether improper outside influence was exerted on WETA–TV, a Washington, D.C. ETV station, to fire a newsman whose wife had been hired as a secretary to Attorney General John N. Mitchell's wife, Martha.

FAIRNESS DOCTRINE

On May 19, 1969, the Special Subcommittee on Investigations of the House Committee on Interstate and Foreign Commerce filed a 159-page Report entitled "The Fairness Doctrine and Related Issues" (H. Rept. No. 91–257). The Report examined the FCC's policies on the presentation of controversial issues of public importance, broadcast defamation and the equal time provisions of Section 315 of the Communications Act.

GOVERNMENT AGENCY FOR UTILITY CONSUMERS

On February 17, 18, March 10–13, 17, 19–21 April 21, 22, 25, May 12–15, June 26, 27, 30 and July 9, 1969, the Subcommittee on Intergovernmental Relations of the Senate Government Operations Committee held hearings on S. 607, a proposal to establish an independent agency known as the United States Office of Utility Consumers' Counsel which would represent the interests of the Federal Government and consumers before Federal and State regulatory agencies on matters pertaining to electric, gas, telephone, and telegraph utilities. The bill would also provide for grants and other Federal assistance to State and local governments for the establishment and operation of State and local utility consumers' counsels. No report has been issued to date.

HYDE CONTEMPT CITATION

On October 30, 1969, the House Committee on Interstate and Foreign Commerce met in executive session and voted 20 to 13 to report and refer the refusal of Rosel Hyde, Chairman of the Federal Communications Commission, to grant access to records subpoenaed by the Special Subcommittee on Investigations together with all the facts in connection therewith to the House of Representatives with the recommendation that he be cited for contempt of the House of Representatives for his refusal to comply with a subpoena to the end that he may be proceeded against in the manner and form provided by law. The Subcommittee had requested and then subpoenaed confidential grant of a short-term renewal to WIFE AM–FM, Indianapolis.

INVESTIGATION OF NEWS REPORTING

The Special Subcommittee on Investigations of the House Committee on Interstate and Foreign Commerce investigated the facts behind the television reporting of the 1968 Democratic National Convention in Chicago. The results of their inquiry were presented in a staff report entitled "Television Coverage of the Democratic National Convention, Chicago, Illinois, 1968" (Committee Print).

JOINT BOARD ON SEPARATIONS

See Uniform Procedures on Separations.

LAND MOBILE ALLOCATIONS

On June 9, 10, 11 and July 25, 1969, the Subcommittee on Activities of Regulatory Agencies of the House Select Committee on Small Business held hearings on the allocation of radio frequency spectrum and its effect on small business. The focus of the hearings was on the additional need for spectrum created by new technology. Subsequently, on April 7, 1970, the Committee filed a Report entitled "The Allocation of Radio Frequency Spectrum and Its Impact on Small Business" (H. Rept. No. 91–982).

XUM

LICENSE RENEWAL PROCEDURES

On April 29, 1969, Senator Pastore introduced S. 2004, which would amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for the renewal of broadcast licenses. The bill would bar competing applicants for radio or television licenses unless the licensee had his license revoked by the FCC for failure to serve the public interest. The bill was co-sponsored by 25 Senators. In the House, 114 bills similar or identical to S. 2004 have been introduced. The Subcommittee on Communications of the Senate Committee on Commerce held hearings on August 5, 6 and 7, and December 1 through 5, 1969. No further action has been taken by the Subcommittee. Subsequently, on January 15, 1970, the FCC, by a vote of 6 to 1, adopted a "Policy Statement on Comparative Hearings Involving Regular Renewal Applicants". Both the Chairman and the senior Republican on the Senate Communications Subcommittee have indicated that they want to observe the effect of the new FCC policy on license renewals before determining whether or not to report legislation. No hearings have been scheduled by the House Committee on Interstate and Foreign Commerce.

MEXICAN TREATY

The Senate Committee on Foreign Relations held hearings on May 27, 1969, on the radio broadcasting agreements between the

---

[2] The cutoff date was changed from January 1 to January 2, 1971, to permit cigarette advertisements on the telecasts of football bowl games on New Year's day, 1971.

[3] On April 15, 19, May 9, 10, and June 17, 1968, the Subcommittee held hearings on "Pot Party at a University", a program broadcast by WBBM–TV, Chicago, on November 1, 2 and 3, 1967, as a special news report.

[4] The Committee amendment contained the following provision: "In order to assure compliance with this section and with other provisions of this Act requiring fair treatment of matters in the public interest, the Commission shall prescribe such regulations as may be appropriate to require that broadcast stations which receive assistance under this title (1) keep records, including audio recordings, for a reasonable period of time of each program broadcast which involves an issue of public importance, and (2) furnish such records to the Commission at its request. The Commission shall make such records available to the public at the requesting party's cost under such circumstances and conditions as may be reasonable and appropriate."

United States and Mexico concerning radio broadcasting in the standard broadcasting band (535–1605 kHz) and pre-sunrise and postsunset operation (Ex. B., 91st Cong., 1st Sess.). Both agreements were approved by the Senate on June 19, 1969.

MOTION PICTURE CLASSIFICATION SYSTEM

Senator McClellan has announced that the Subcommittee on Patents, Trademarks and Copyrights of the Senate Judiciary Committee will conduct hearings on film classification prior to the end of the Second Session. During the First Session, he sent a questionnaire to motion picture producers and the Motion Picture Association inquiring whether they contemplate offering for sale to television stations films which have been classified as unsuitable for viewing by minors. He also sent a questionnaire to the National Association of Broadcasters, the National Cable Television Association, the networks and commercial television stations inquiring whether they believe that the showing of such films on television would be consistent with their responsibility to act in the public interest.

NEWSPAPER PRESERVATION ACT

On January 30, 1970, the Senate passed S. 1520, the Newspaper Preservation Act, which would exempt local newspapers from the antitrust laws and permit them as separate entities to combine their mechanical and routine operations in the interests of enabling failing newspapers to remain in business (S. Rept. No. 91–535). The Senate, by a vote of 63 to 13, rejected an amendment submitted by Senator McIntyre, which would redefine the term "newspaper owner" to mean a person who owns or controls a single newspaper publication, but who does not own or control any other newspaper publication or any radio or television station, and is not a party in a joint venture in any such business activities.[5] The bill now awaits action in the House, where the Antitrust Subcommittee of the House Judiciary Committee favorably reported a similar measure (H.R. 279) on May 19, 1970.

OFFICE OF TELECOMMUNICATIONS POLICY

On February 9, 1970, President Nixon submitted to Congress Reorganization Plan No. 1 of 1970, which would establish an Office of Telecommunications Policy in the Office of the President (H. Doc. No. 91–222). The new Office would serve as the President's principal adviser on domestic and international telecommunications policy and would help formulate policies and coordinate operations for the federal government's communications system. The new office would not acquire any prerogatives or functions of the FCC, but would take over the functions of the Director of Telecommunications Management in the Office of Emergency Preparedness. The Subcommittee on Executive and Legislative Reorganization of the House Committee on Government Operations held hearings on President Nixon's Reorganization Plan on March 9 and 10, 1970. The hearings also included consideration of a resolution of disapproval (H. Res. 841) introduced by Congressman Gallagher. On March 19, 1970, the Committee issued a report rejecting H. Res. 841 (H. Rept. No. 91–930). Under 5 U.S.C. § 906, Reorganization Plan No. 1 became effective on April 20, 1970, since neither the Senate nor the House voted to disapprove the Plan within 60 days after its submission to the Congress.[6]

PAY TV

Twenty-two bills were introduced in the House during the First Session which would prohibit the FCC from authorizing pay television operations. The Subcommittee on Communications and Power of the House Interstate and Foreign Commerce Committee held hearings on this legislation on November 18, 19, 20, 21, 24, and December 9, 10, 11, and 12, 1969.

On April 29, 1970, the House Committee on Interstate and Foreign Commerce, by a vote of 15 to 13, reported favorably to the House H.R. 16418, amended, a bill to amend the Communications Act of 1934 so as to provide for the regulation of subscription television broadcasting in the public interest (H. Rept. No. 91–1110). Under H.R. 16418, as amended by the Committee, subscription television authorizations would be limited to communities having at least four conventional commercial television stations. STV stations would be prohibited from carrying commercial advertisements and would be required to broadcast at least 8 hours a day. The bill also provides that not more than 45% of total STV programming for any day, and not more than 60% in the period from 7 p.m. to 11 p.m., may consist of feature films and sports events.

PHONOGRAPH RECORD PAYMENTS

Section 114 of S. 543, the Copyright Revision Bill, would require broadcasting stations to make an additional payment of 2% of their gross income to be divided between record manufacturers and recording artists. This would be in addition to the stations' payments to ASCAP, BMI, and SESAC. As noted in the CATV section, *supra*, on December 10, 1969, the Subcommittee on Patents, Trademarks and Copyrights of the Senate Judiciary Committee reported, without recommendations, S. 543, to the full Judiciary Committee.

QUESTIONING OF FCC COMMISSIONERS

See Yearly Review.

REDUCED POLITICAL RATES

The Senate Subcommittee on Communications held hearings on October 21, 22, and 23, 1969 on S. 2876, the Campaign Broadcast Reform Act, a bill to amend the Communications Act to provide candidates for Congressional offices opportunities to purchase broadcast time from television stations at reduced rates (S. Rept. No. 91–751). On March 25, 1970, the Senate Commerce Committee reported S. 3637, a bill which removed the "equal time" provisions of Section 315 for Presidential elections and lowered the maximum amount broadcasters could charge political candidates to the station's lowest charge for the same amount of time in the same time period. On April 14, 1970, the Senate, by a vote of 58 to 27, passed S. 3637 after adopting amendments requiring broadcast stations to maintain records of station unit charges and establishing a formula to govern the maximum amount which may be expended on electronic media in behalf of Presidential, Vice-Presidential, and Congressional candidates in general elections.

On June 2, 1970, the Subcommittee on Communications and Power of the House Committee on Interstate and Foreign Commerce will hold hearings on H.R. 13721 and identical bills and S. 2876.

SATELLITE COMMUNICATIONS

The Subcommittee on Space Sciences and Applications of the House Science and Astronautics Committee held hearings on December 16, 17, 18, and 19, 1969, on the assessment of space communications technology and the applications of satellites to domestic U.S. communication. Comsat and AT&T were the principal witnesses. On March 3, 1970, the House Committee on Science and Astronautics filed a Report entitled "Assessment of Space Communications Technology" (H. Rept. 91–859).

The Subcommittee on National Security Policy and Scientific Developments of the House Committee on Foreign Affairs held hearings on May 13, 14, 15, and 22, 1969 and April 23, 28, and 30, 1970, on international issues in satellite communications. In addition to the testimony of the witnesses who appeared before the Subcommittee, the hearings contain a report entitled "Analysis and Findings", written statements submitted by experts at the Subcommittee's request, copies of pertinent documents on space broadcasting, and a bibliography compiled by the Legislative Reference Service of the Library of Congress.

"TRAFFICKING"

On May 19, 1969, the Special Subcommittee on Investigations of the House Interstate and Foreign Commerce Committee filed a Report (H. Rept. 91–256) entitled "Trafficking in Broadcast Station Licenses and Construction Permits".[7] Subsequently, on June 30, 1969, Congressman Staggers, Chairman of the Committee, introduced H.R. 13257 which would permit the transfer of station licenses or construction permits only after the FCC made additional findings and held additional proceedings before approving the transfer.

TV RADIATION

The Public Health and Welfare Subcommittee of the House Interstate and Foreign Commerce Committee held hearings on television radiation hazards of electronic products on May 23, 1969. Testimony was received concerning the administration of the Radiation Control for Health and Safety Act of 1968 (Public Law 90–602).

UNIFORM PROCEDURES ON SEPARATIONS

On December 9, 1969, the Senate Commerce Committee held hearings on S. 1917, a bill to amend the Communications Act to establish a Federal-State Joint Board to prescribe uniform procedures for determining what part of the property and expenses of communications common carriers shall be considered as used in interstate and intrastate telephone service. On February 24 and 25, 1970, the Subcommittee on Communications and Power of the House Interstate and Foreign Commerce Committee held hearings on H.R. 12150, a companion bill introduced by Representative Rooney. Neither Committee has acted on this legislation because of the efforts of the FCC to create a Federal-State Joint Board on separations with the National Association of Regulatory Utility Commissioners (NARUC). On May 6, 1970, the Commission, acting pursuant to the provisions of Section 410 of the Communications Act, convened a Joint Board to preside over a rulemaking proceeding on jurisdictional separations procedures. The Joint Board will be composed of the Commission's three-member Telephone Committee and four state commissioners nominated by NARUC and approved by the FCC.

VIOLENCE ON TELEVISION

Twelve joint resolutions sponsored by seventy-four Congressmen were introduced

---

[5] On January 19, 1970, Senator McIntyre introduced S. 3305, the Independent Media Preservation Act, a bill to aleviate the trend toward concentration in the newspaper and broadcast media in the United States by prohibiting the ownership by a daily newspaper station located in the same standard metropolitan statistical area in which the paper is published. The bill has been referred to the Antitrust and Monopoly Subcommittee of the Committee on the Judiciary and is still awaiting action.

[6] As of May 31, 1970, the President had not submitted to the Senate nominations for the offices of Director and Deputy Director of the Office of Telecommunications Policy.

[7] The Special Subcommittee conducted hearings on the D. H. Overmyer acquisition and transfer of five UHF television station construction permits on December 15, 1967, July 16, 17, 19, 31 and August 1, 1968. The above Report was subtitled "Acquisition and Transfer of Five Overmyer Television Construction Permits."

XUM

in January and February 1969 to direct the FCC to conduct a comprehensive study and investigation of the effects of the display of violence in television programs. All resolutions were referred to the House Committee on Interstate and Foreign Commerce and await action.

On March 12, 19, and 20, 1969, the Subcommittee on Communications of the Senate Commerce Committee held a hearing on the effect which television programs with crime and violence have on young people and the Surgeon General's study on this problem. At the hearings, Surgeon General William H. Stewart announced that the National Institute of Mental Health would sponsor a year-long, $1 million study on the effects of televised violence. On December 30, 1969, the Surgeon General submitted to the Senate Commerce Committee an interim progress report on the study.

In March 1969, the Senate Commerce Committee released a staff report entitled "Analysis of the Character of Violence in Literature and Violence as Expressed through Television". The report was prepared for the Subcommittee on Communications by the Library of Congress.

WELLS AND BURCH NOMINATIONS

The Senate Committee on Commerce held hearings on October 15 and 27, 1969, on the nominations of Dean Burch and Robert Wells to be members of the Federal Communications Commission. The Senate confirmed the nominations on October 30, 1969.

X-RATED FILMS

See Motion Picture Classification System.

YEARLY REVIEW OF FCC ACTIVITIES

On March 4 and 5, 1969, the Subcommittee on Communications of the Senate Committee on Commerce held hearings for the purpose of receiving a progress report on the activities of the Federal Communications Commission during the past year. On March 6, 1969, a review of activities of the Federal Communications Commission during 1969 was also the subject of hearings by the Subcommittee on Communications and Power of the House Committee on Interstate and Foreign Commerce. Chairman Hyde and several other Commissioners appeared before both Committees and reported on the activities and problems of the FCC during the past year.

PENDLETON FARMERS' SOCIETY

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. DORN. Mr. Speaker, the Pendleton Farmers' Society is the oldest agricultural society in America. John C. Calhoun once belonged to this society. Mr. Speaker, a few days ago I noticed an article which first appeared in the February 16, 1927, Summerville, S.C., Journal which will be of interest to many agriculturalists and historians throughout the South. This article is as follows:

PENDLETON FARMERS' SOCIETY

Pendleton, February 16—America's oldest farmer's organization, the Pendleton Farmers' society, held its 112th annual meeting here last week, electing officers, thirty new members, two honorary members and voting to turn over several historical books, 200 years old, to the library of Clemson College.

The two honorary members elected were Wilton E. Hall, editor Anderson Independent, and Hubert F. Lee, Columbia newspaperman.

Officers elected were Rev. W. H. Mills, of Clemson College, president; James Hunter, Pendleton, vice-president; J. J. Sitton, Pendleton, secretary and treasurer while Professor W. H. Barre, of Clemson College, was elected to succeed Col. J. C. Stribling as corresponding secretary.

Colonel Stribling, famed for action with his company of "Red Shirts", the first to wear that color during the troublesome days of '76 has been instrumental in keeping the Farmer's Society intensively active and has served as its president.

SPEECH TO THE TEXAS BREAKFAST CLUB BY RANDY PENDLETON

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. WRIGHT. Mr. Speaker, a group of Texans gathers for breakfast in the Rayburn Building on alternating Thursdays, and at the most recent meeting we were privileged to have as our guest speaker, Hon. Randy Pendleton, director of State-Federal relations for Gov. Preston Smith.

Since Randy Pendleton accosted the problems of politics in such a lighthearted vein, and since many of our colleagues are notoriously in need of some new jokes, I thought they might enjoy reading these remarks, which I include at this point in the RECORD:

SPEECH BY RANDY PENDLETON

First, I want to dispel the rumors that this inflated $2.25 price includes a $2 breakfast and a two-bit speaker. This speech is worth every penny I'm being paid for it. I also want to thank you Hutch for that well prepared, well presented and well deserved introduction. Seldom, (if ever), have I heard anything that I enjoyed more or agreed with so completely.

You know, introductions are always interesting—I recall one gentleman who used that old phrase "The next speaker needs no introduction—he went on to add "even if I told you all there is to know about him—you still wouldn't remember him".

Even at that its better than the M.C. of a political rally who decided to liven things up by allowing the opponents to introduce each other. As a matter of fact, the first introduction took twenty of the thirty minutes allotted for his opponent's speech. He evidently knew too much about his opponent—what a crook he was, how loose his morals were, what a long line of horse thieves he came from—as a matter of fact he told everything! After the introduction his opponent arose and said, "I don't know that I can add anything about myself that my opponent hasn't talked about except my nationality—I am a Philistine and I've just been slain by the jaw-bone of an ass!

I first began preparing my speech to tell you what I, as Director of State-Federal Relations do in Washington. We operate from crisis to crisis—the important matters ranging from who manufactures the pickled okra served at a San Antonio convention to oil imports, to natural disasters. My duties are so diverse they are difficult to relate. I sometimes feel I am the most underpaid legal researcher in Washington and at other times I feel like the most overpaid errand boy. Nevertheless, I want to say at the outset that the assistance, guidance and cooperation I have received from our Texas delegation has made the past eleven months a great experience.

Having exhausted the first topic I then thought I'd tell you about what I know about our Federal Government and its operation, but then I was at a loss as to how we could kill the next twenty-five of my thirty minutes.

So I finally decided to tell you something that I know a *great deal about* and which requires *no expertise—Texas politics!*

I could talk the rest of the day about the brilliant and unsurpassed record I made during my eight years in public office. I like to speak on this subject wherever there is the slightest interest in it, and frankly you have shown the slightest interest of any group I ever appeared before. Like the first Texas political casualty of Medicare, I left the political arena because of "illness and fatigue"—the voters were "sick and tired of me."

I actually retired a winner—as a matter of fact I was the only man from the 73rd Legislative District to ever run unopposed for three consecutive terms. I wasn't much, but I was all they had. Recently my dad was asked, "Has Randy's being in politics had any real value?" Dad replied, "Yes, it cured his mother from bragging about him".

I remember what a sage old member told me when I first went to the Texas House,

"The first six weeks you will walk around in amazed wonderment asking yourself what in hell you are doing here—then you'll spend the rest of your time wondering what the hell ole so-and-so is doing here."

I have heard some voice a concern that we are producing few statesmen and I think I have found the reason why. We put them in debt running for office in ridiculously expensive campaigns; run them to death going to unimportant, ill-planned meetings and ceremonial affairs; keep them in debt with extra travel, office expenses and expected increased living standards; make a messenger boy of them by non-duty related demands; pay them poorly and furnish them with inadequate help; give them no time to meditate, plan, create or actually administer the affairs of office. We then destroy their effectiveness as well as their reputation by subjecting them to vulgar, irresponsible and vicious campaigns; and are too willing to believe slander, libel and unjustified criticism of them after they take office.

Frankly, Texas and Texans have been getting a lot better public officials and government that we deserve.

I hope the *luck holds* or that someday soon the people will decide to stop playing games and will resolve to start thinking and investigating and will clean-up a hodgepodge of archaic statutes and constitutional restrictions and demand that our Ouija board selection system will be supplanted by a dignified and in-depth discussion of the real issues confronting our State; and accord to those in public office, the respect due what should be a worthy profession and a noble calling. I remember two of my mother's friends told me they didn't vote for me. Disappointedly I asked why. They responded that I was a fine young man and they didn't want me ruined by service in the Texas Legislature. They weren't joking like the fellow at the drug store who said he would vote for the Devil before he'd support me. I responded by asking for his support in the event his friend declined to run. Really don't think his first preference could have afforded the campaign anyway.

However, I was lucky—I ran four times and spent less than $2500 (the last three were unopposed). The election came and went and the people of Texas so universally recognized ability and merit that I was accused of stealing votes.

Luckily, I didn't have to raise money because nobody wants to gamble on a twenty-four year old who hadn't proven himself. It should be noted for the record, that there are a large number of sincere, public-spirited citizens in Texas who understand campaign costs and related expenses and who donate money because they want to keep good men

XUM

in office in order that Texas might continue to have responsible government.

Unfortunately, there aren't enough to go around and with campaign and other expenses skyrocketing, it becomes more and more of a problem. Will Rogers once said, "Politics has got so expensive that it takes lots of money to even get beat with". He should be around today!

A man's conduct, background and moral scruples seem to be of little value in a campaign. I remember asking a gentleman for his support and with the vilest of language he told me he wouldn't vote for me if I were St. Peter. That was obvious—if I were St. Peter there was no way he could have lived in my district.

In governing the conduct of men and women in office, there is a point at which the law stops and the public official proceeds on moral conscience. That area of conduct too, should have some written standards or guides embodied in a practical but strict code of ethics.

I am sure that you would say an official should accept nothing from those who have matters pending in his office, but what about those who have no pending matters or none anticipated? There are many in the latter category in Texas. What about the appreciation dinners that are now being sponsored, coupled with widespread solicitation for high-priced tickets to help raise campaign and related expense money? Are they proper vehicles to pay a deficit; if so, should the deficit include unusual living or office expenses?

Busy people require relaxation. Is it proper for a public official to accept a deer hunting, football game or fishing trip from an individual or corporation? Should a public official accept an honorarium for making a speech? Would the nature of the organization affect your answers?

To what extent should an office holder assist constituents and where does it become undue influence peddling by him or his staff? I leave these questions for you to answer because your elected officials face them daily.

Let me say that most public officials I have known have been dedicated, honest, sincere and hardworking men and women. In fact, many of them could be making much more money in business and could at the same time have a more pleasant life. Public officials work under more pressure than a deep sea diver—take more criticism than a poor man with an ambitious mother-in-law—suffer greater temptations than a shoplifter in Fort Knox—and are expected to be everywhere at once—with his eyes like a chaperone at a prom on a warm spring night.

A public official must have the eyes of an Indian Scout so he can follow the trail of public opinion—avoid being ambushed along the way—and cover his tracks from the voters.

It helps for the public official to have a good appetite so he can eat crow, with humble pie for dessert—a big mouth is an occupational necessity so he won't be too uncomfortable when he puts his foot in it!

Sometimes a good public official must be a busybody and at other times he must be like a stubborn mule—having a strong will and stronger *won't*. Now and then it means getting mad and very often standing alone in the belief that you are right and the crowd is wrong. It means being a wet blanket and sacrificing your popularity on the altar of self-respect.

It isn't easy to be a good public official and a real leader when every issue has two sides with good people—and perhaps campaign contributors—standing on both of them. It even gets tougher at election time when there are two sides to every office—*inside and outside*.

A good public official must be as lively as a cheerleader so he can be up in the air one minute and flat on his face the next, and still have the voters roaring for him.

He has to be a contortionist too, so he can keep his ear to the ground, his finger on the pulse, his shoulder to the wheel, his nose to the grindstone, and straddle the fence all at the same time.

When an individual makes a commitment to public service, he should be reconciled to the fact that he and his whole family must live in an open-doored glass house with the windows clean and the curtains open. He has to be adept at dodging rocks and it takes only a short time until he questions whether it is a glass house or a dog house.

The hardest thing for me to get used to was unjust criticism— and I'm still not used to it. I don't mean differences of opinion, criticism of the way a public official votes, runs his office or what he says—these are and should be fair game.

I mean the "loose talk", rumors and outright lies about public officials and the all too prevalent belief that a person turns crook the minute he enters public office. I realize the truth in Harry Truman's statement, "If you can't stand the heat, stay out of the kitchen", but a fellow just passing through shouldn't get scorched. Holding public office is hard on the families too. The wife has to learn early that every morning she has to keep her temper and be content to stare at the Want Ads on the back of the political section until her husband reads what everybody says about him. How is it possible for wives to understand politics when they have to depend almost entirely on their husbands for their political education? Fran has learned something since coming to Washington. She proudly explained. "If a conservative doesn't understand something he opposes it, whereas a liberal supports it". Too bad we can't simplify things to where somone could understand.

I know at this point you don't understand why I chose this topic.

I chose it for three reasons:

(1) all of you are interested in Texas

(2) all of you are interested in politics

(3) all of you have experienced some of the things I have talked about—or will if you stay around the political arena

My speech teacher in college told us if we couldn't be informative in public speaking, be kind enough to select a subject you have in common with your audience.

Texas Politics—I've planned to write a book but my publisher looked at my material and suggested we keep it a secret. Rumors are part of the stock and trade as well as a trial and tribulation of office holding. Who's going to run for what? Did you know that so-and-so was out to get whatcha call him?

Therefore, as all good speakers say in closing—I'll leave you with two thoughts. For those of you *not* holding public office, you have to be careful in Washington not to get to believing your own rumors. For those of you holding public office, I ask you to remember, a statesman makes the occasion, but the occasion makes the politician.

THE 25TH ANNIVERSARY OF THE UNITED NATIONS

HON. WAYNE N. ASPINALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. ASPINALL. Mr. Speaker, I have, on occasion, submitted for publication in the CONGRESSIONAL RECORD, the work of Colorado's poet laureate, Milford E. Shields. Mr. Shields has written a poem in recognition of the 25th anniversary of the United Nations and I include it in the RECORD:

OUR MARCH OF HEARTS

The minds of men march on in conclave
here,
The words of science cadencing the tune;
They weigh the masses moving high and
clear,
They count the strata of the modest moon.

They know there is a rhythm still to find,
For there is tension in the static air;
There is an essence that is unconfined,
Companionate to science and as fair.

A quality completes the lives of men
In which their tauting tensions find release;
The history of life defines again
The longing, searching excellence of peace.

The hearts of men must move in cadence
sweet,
They must mark love upon ascending scroll;
Our marching hearts must make this world
complete—
Lord God of Love, make Thou our nations
whole.

COMMENCEMENT ADDRESS BY DANIEL P. MOYNIHAN

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, it gives me great pleasure to introduce for the consideration of my colleagues the commencement address given by Daniel Patrick Moynihan at Fordham University. His concern centers on the necessity for everyone to be reminded of the need for truthful discussion of issues and intellectual tolerance. Mr. Moynihan is to be commended for making these points very clear.

We all know of Mr. Moynihan's authoritative and respected works in the field of social science. His understanding of the complexities of society deserve recognition. Mr. Moynihan's attempts to offer insight into society and subsequent channels for solutions to our problems are meritorious. Since his concern is exemplified by his desire to understand the direction of society and offer suggestions to make America a healthier country, we must attend his remarks and value his insight.

The address follows:

COMMENCEMENT ADDRESS BY DANIEL P. MOYNIHAN

Some years ago the Al Smith Dinner, which the New York Archdiocese gives in support of its hospital program, took place on an occasion that Cardinal Spellman's presence was required in Rome. Father Gannon substituted as host and upon rising confronted at the outset what had to be the disappointment of the bespangled, affluent assembly gathered at the Waldorf for the annual ritual. "I can imagine how you feel," said he. "Here you've paid a hundred dollars apiece to see a bird of paradise, and what do you get but an old black crow in a protestant suit."

You might well be thinking similar thoughts of your commencement speaker. Not exactly what you paid for. But I would ask that you consider my plight. For years I was thought too radical to be invited to Fordham. Of a suddent I am not radical enough to be assured a welcome. Life, as President Kennedy used to say, is not fair.

But there is something to be learned from everything, and I would like to set this subject of differing perceptions of a single reality as the subject of my address.

A quite striking instance of this phenomenon, or so it seems to me, occurred early in the life of the present administration. Secretary Rogers arrived at the Department of State to find that part of his daily routine was an early morning briefing by a young Foreign Service Officer on world events of the preceding twenty-four hours. Day after day went by, and while the principal topics of the briefing occassionally changed, the central message was singular and sustained. Everywhere, everything was going wrong. Always, the United States was to blame. One morning the Secretary's cheerful nature rebelled. "Don't you," he asked, "have any good news?" The young Foreign Service Officer paused, shuffled through his papers, and then in a flat voice replied, "Well, Mr. Secretary, there is an item here that the Aswan Dam is leaking."

Anyone who has been much involved with government or public affairs in, say, the last decade is likely, I believe, to have pondered this phenomenon. It is not just a matter of one man's gain being another's loss. That is the least of it. Rather it has to do with a gestalt of politics in which the summation of the same set of events for one individual or group produces a wholly different result than that for another. It is the clash of perception just as often as the clash of interest that shapes the politics of a society such as ours. It is a subject worthy of greater attention.

There has not, I think, been a time in recent history in which this phenomenon has been more in evidence. It is, I further believe, an essential clue to the nature of the American crisis.

That there is such a crisis no one need doubt. But it is not, as some seem to believe, and others behave as if they believed, an instantaneous crisis, the work of a very few men, and a very few events. It is rather a condition that has built up over some years of the past, and which we must not expect to recede, if indeed it is to recede at all, for some years to come.

Those who seek to anticipate movements in the politics and culture of a society such as ours are exposed to the perverse danger that when, on occasion, one is right, the events anticipated arrive with something less than the impact of reality. I would imagine this to be the experience of those—I was not among them—who early perceived what would be the inevitable course of military involvement in Southeast Asia. One recalls Benjamin V. Cohen refer, in 1962, to Vietnam as the "Top Secret War" or Richard Goodwin leaving Washington in 1965 with a terrible certainty as to what would happen. One wonders if there has not been, for them, an almost *deja vu* quality to the reality as inexorably it has come to pass.

I can attest to something of this sense with respect to the matter of youthful protest. In the spring of 1967, I gave the Phi Beta Kappa oration at Harvard University. I began with a simple assertion. "One of the defining qualities of the period of current history that began, roughly, with the assassination of President Kennedy has been the emergence of widespread, radical protest on the part of American youth." The generation was already marked "by the belief that its government is capable of performing abhorrent deeds." A central problem, as I saw it, was trust. Trust was eroding. I cited Richard Rovere on the state of Washington, a capital he described as "awash with lies and deceptions."

In a series of commencement addresses in 1968 I returned to the theme, this time with greater conviction. I had just returned from California where I had campaigned for Robert F. Kennedy. I had been shaken—I believe that is a fair word—by the intense distrust even of Kennedy that one countered among students. A year ago at Notre Dame, I said it all over again, adding only that our institutions were beginning to be changed by the fear and axiety around us. Academic freedom had diminished on our campuses, and would diminish further, the result not of external but rather internal forces oppressing dissident opinion in the name of an increasingly virulent ideology that combined the comforts of orthodoxy with the exhilaration of seeming dissent.

Now it is 1970, and things are even worse than I, certainly, ever expected. Still, having expected them to be bad enough, the reality does have a certain disembodied quality. This makes for insufficient passion, perhaps, but possibly also for a measure of detachment in seeking to understand what went wrong, and in trying to analyze what might make things, if not right, at least better.

What went wrong, what is going wrong, is that the fund of public trust has been grievously depleted. It is a good rule of social science that the most important thing to know about a man is the things he takes for granted. This is true of society as well. The most important thing about our society over the generations is that citizens have more or less routinely taken for granted that the appearance of things could be trusted, that their principal institutions, and the men who embody them, were truthful.

Once that presumption erodes, or disappears, all things are changed. "Changed utterly," as Yeats wrote. I don't think we have reached quite that point in America, but I think we are near enough to it to warrant a cry of genuine alarm and a plea for a greater recognition of what is going on.

The matter may be put simply. For a long period the distrustful responses of youth, and of others of course, to national events and the seeming course of national policy was essentially rational. Much begins, more than we yet know, with the assassination of President Kennedy. A whole generation was marked—and in ways deformed—by the crashing recognition that the world was not a safe or pleasant place at all, that the world was blind, destructive, unheeding.

Then came the war. The same generation learned that things need not be what they seem if they are coming out of Washington. And so outrage and distrust mounted.

But in retrospect, it would appear that from the outset the outward, and in ways aggressive emotions and actions elicited by the war have been mixed with a measure of genuine, if often suppressed, fear. The unavoidable impression of events of the past several months is that this fear has come to be a pervasive emotion among great elements of educated, or educating, youth. If it sometimes expresses itself as plain fury, the true emotion is surely more involved. There are doubtless many and complex sources of this state, but at bottom it derives from and manifests itself as a growing distrust of all social institutions.

The precise danger is that this response is increasingly nonrational—even irrational. Increasingly it is not anything government does, or anything that actually happens, that triggers responses of rage and anxiety, rather it is imagined events that do. Less and less is organized society seen as a disaster. More and more it is seen as a conspiracy.

How could this have come to pass? Easy enough. Attend the work of Erving Goffman. For some time now, in his careful, quiet, undemanding way, he has been telling us that the foundations of rationality are far less secure than we have supposed. The irrational is not opposite to the rational, it is rather tangential. A very slight tilt of perception can turn a seemingly orderly and benevolent environment into a nightmare fantasy of peril and threat.

This condition is epidemic on American campuses at this moment. It commands our concern. I do not know, at this moment do not care, who is responsible for bringing it about. Blame is precisely what is not at issue. What *is* at issue is the question of how we are to respond to the fact that a great many young persons at this moment in our history, persons to whom so much has seemingly been given, have been somehow denied the one essential a society must give to youth, which is to say trust in that society. (If you are a revolutionary, you will not think that. But I am not a revolutionary.)

I would offer an example, of no greater or lesser consequence than a dozen others that could be cited, but one for which there is rather more documentation. I refer to the belief, now rampant on American campuses, that the administration, using radical student protest as a pretext, is planning to cancel the 1972 elections.

This is not a paranoid fantasy of a few unbalanced extremists. It is rather a proposition seriously believed, or at least seriously entertained, by educated persons all across the land. To my knowledge, it was raised by a delegation of Harvard Law School students in a meeting with administration officials. More recently, a group of young White House staff men, returning from visits to campuses across the land, reported having encountered the belief, or at least rumor, in every college or university they'd been to.

The etiology of the rumor is mildly interesting, but what is important is the degree to which it illustrates Goffman's principles, and by extension, the very great difficulty we must expect in the effort to restore confidence and trust.

The story began this spring with an item in the Washington News Scope, a feature distributed by the Newhouse National News Service. On April 5th, this appeared in the Staten Island Advance as a four-paragraph story. The wire service had reported, "The White House is ordering up several hush-hush security studies and one of them is reported to address the question: What would happen if there is no Presidential election in 1972?" The President's Advisors were said to be concerned with "the chances of radical elements disrupting governmental operations including the national elections." The Rand Corporation had "apparently" undertaken the study.

Now this is not so. Or at least I think it is not so. And this is the point.

Without exception, everyone in a position to know denies that there is any truth whatever in this proposition. The President of the Rand Corporation, a distinguished economist who went to Washington with President Kennedy, flatly denies it. "The Rand Corporation," he writes, "has not undertaken such a study; it does not contemplate making such a study; nor has it been approached by anyone with a proposal for such a study." Equivalent statements have been forthcoming from others in similar positions.

Reassuring? Not at all. *Not if you consider the possibility that Henry Rowen may be lying.* And the more you think about it—if you once begin thinking this way—the more grounds there are for doing so. After all, if Rand was doing the study, it would be essential that it deny doing it, wouldn't it? Does it not then follow that the denial is *evidence* that the study is going on?

It is possible to think this way. People do.

The story spread. A reporter on the Village Voice picked it up from "a man whose girl friend had heard about it from a Staten Island cab driver." He called Washington and got hold of the reporter who had filed the story. The Newhouse reporter stuck to it, adding that "the wife of a Rand Corporation executive had been overheard talking about such a study." The Village Voice reporter then called the White House, where an assistant press secretary allowed that he

XUM

had received some queries on the subject, but had checked it "and I haven't found anything to this story at all." The follow-up story nonetheless appeared April 16, with two critical paragraphs. Reporting his conversation with the press secretary, the Village Voice article reported:

> I asked him whether, if the report actually existed, and was highly secret, he would have to issue a denial anyway. He told me that "if the report were secret the Rand Corporation would have called me and said 'we are doing this thing and this is how we're brushing off inquiries' so that we could get our stories straight, but Rand called and and said they had been getting calls they didn't know anything about it."
>
> I decided it would be futile to ask him whether, assuming the report did exist and the Rand Corporation did call him and say "this is how we're brushing off inquiries," he would then tell me, "Yes, the Rand Corporation called me to tell me it exists and this is how we're brushing off inquiries." Too metaphysical.

The story concluded that we won't know whether the November 1972 elections will be cancelled—until November 1972.

And that, alas, is true. It is by definition true. We will not know whether the sun will rise tomorrow morning, *until* tomorrow morning. But the implication of the article was that something is going on, and as the story spread to the more politically radical press, all doubts on that score disappeared. By late May the rumor hardened—barely six weeks having passed—and the belief was to be encountered on just about every campus in the nation. The Rand Corporation has done its best to knock it down, but the odds are simply against doing so in the present climate. One quite respectable West Coast newspaper, having run the original story, carried a retraction which began, "The Rand Corporation has denied any connection with a study reportedly being made for the White House on possible disruption of the 1972 elections." Oh? Perhaps then it's not Rand that is doing the study. The Hudson Institute? Who?

This is the situation that confronts us. The erosion of trust in the nation has reached the point that the most confirming, cleansing events are the ones most feared, most misinterpreted, precisely because if they were other than they appear they would be so dangerous. A respectable, responsible man denies he is doing something, and that is taken as evidence that he is. For how better to conceal such an activity than to entrust it to a person with a reputation for concealing nothing?

I do not know what we are to do about this, but I think it well that everyone understand that this is where things have got to. For all the seeming aggression, there is a mood of fear and helplessness abroad that we simply must respond to, as individuals and as a society. Much of it results, surely, from the nature of electronic communications, a genuine discontinuity in human experience. David Kiesman has recently remarked that, "it is possible that our instantaneous knowledge in the absence of instantaneous remedy increases our sense of helplessness." Certainly it confirms it. But widespread distrust of society is not a modern phenomenon; it is a recurrent one; and it has ever been a harbinger of bad times, indeed.

At least we can try to understand what is happening. From the student's point of view there is, as it were, evidence that a study is being made. (And evidence also for a dozen dozen not less grotesque fantasies.) After all, hasn't Harry Rowen denied it? It would then seem to be incumbent on all persons whose actions are watched for such signals to behave with a maximum sensitivity to such responses. (For example, as a young man in the White House put it to me recently, surely the argument could have been made that anyone who is orderly enough to think of such a study would be much too careful to contract it out.) And there is at least one other possibility. The desire to listen to youth, who have much that is true to say, has perhaps inhibited older persons in offering other truths in exchange. Of these, the transcendent one is that to think of the world in paranoid terms is a form of work avoidance. That the idea of conspiracy is a vulgar idea. That submission to nameless fears is a form of concession to those anything but nameless elements who wish very little good for this society and who are capable of doing it endless, even permanent, damage.

If this society is to be made whole again, we need a period of sustained, systematic truth telling. But these, too, are among the truths that need to be told.

CONGRESSMAN GLENN CUNNINGHAM

HON. BEN REIFEL

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. REIFEL. Mr. Speaker, station KETV, the ABC affiliate in the Omaha-Council Bluffs and Lincoln television area, carries as its motto "Responsible Broadcasting."

In the station's editorial on June 17, 1970, it could not have produced a more responsible and effective piece of newscasting than its tribute to the past and present dedicated service of a great American and neighbor of mine, the distinguished colleague and gentleman from Nebraska, Congresman Glenn Cunningham.

Glenn has ably and effectively labored for his State and the Nation for the past 14 years during his service in the House of Representatives. It has been my distinct honor, pleasure, and privilege to have his wise counsel and guidance for the past 10 of those years he has spent in Washington.

So that my other colleagues in Congress might know of this fine tribute to Glenn, I am including this editorial with my remarks:

Congressman Glenn Cunningham

A big part of Nebraska's history is going to pass us by soon . . . and it shouldn't leave us without giving more than a footnote of thought to it. Congressman Glenn Cunningham is leaving his post of serving Nebraska in Washington at the end of this year. Congressman Cunningham has served as Second District Representative longer than any other person in history in that post. His years of service have not been spotlighted with oratory aimed at getting headlines. He has been described as a work horse . . . and not a show horse.

During this past campaign he was called back to Washington to work on the Postal Reform Bill. He was badly needed during that crucial time of postal strikes because of his long seniority on the Post Office and Civil Service Committee . . . and his efforts may have a great effect on the future of the Post Office and its service to the people. His work against smut peddlers will lead to a decent future for America's children . . . and adults. Through the years, many opponents have called Cunningham a do-nothing Congressman . . . but his record would prove them wrong. He has introduced many bills to stop flooding in Nebraska, for conservation . . . on drugs . . . crime . . . social security . . . higher education . . . on draft dodgers and persons who desecrate the American Flag . . . to help Indians . . . education . . . protect consumers . . . and on and on.

Although in the last election, there was campaign oratory criticizing the fact that Cunningham has been in office too long, hopefully Nebraskans will be able to find another such person who would devote fourteen years to the people . . . instead of using the job for a stepping stone to higher aspirations . . . or a showcase for self interests.

NATICK TOWN TREASURER RETIRING

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mrs. HECKLER of Massachusetts. Mr. Speaker, I regret that a highly esteemed resident of the 10th Congressional District of Massachusetts, which I serve, Richard Potter, has announced his intention to retire as town treasurer of Natick, Mass. His retirement is some time off, but the Natick Bulletin has paid him a well-deserved editorial tribute which I am inserting in the Record. He has been an outstanding public official, and I think the editorial clearly indicates his dedication and contributions to his community.

Natick will, of course, miss Dick Potter's services. I think he has set an example which other town officials might seek to emulate. I want to wish him continued success as his term expires, and for his retirement. The text of the editorial follows:

Town Treasurer To Retire

This week Town Treasurer Richard Potter announced that he would retire from his municipal post at the conclusion of his term next March.

Few men in the Commonwealth are as knowledgeable about municipal fiscal details as the Natick Treasurer and few have experienced the enormous changes that have come to a growing community over the past sixteen years.

In 1954, when he succeeded the late Walter Leavitt, it was the practice to "post" approximately 20,000 checks annually by hand. Today more than 60,000 checks are issued from the local treasurer's office each year.

In talking about his retirement Treasurer Potter said, "I wanted to announce it in sufficient time so that the Finance Committee or the Selectmen could propose legislation to the voters if they wanted to combine certain offices as recommended by the government study report." He also suggested that the work is becoming more time-consuming so that it is necessary to devote several hours on Sundays, Saturdays and in the evenings.

Few men have been more civic-minded than the Treasurer. During the past thirty-five years he has served several terms on the school committee, has been chairman or a member of six or seven building committees and has seldom missed a town meeting. When he was initially elected the treasurer's salary was $1800 as compared with $4100 today. Four years ago State statute made all municipal treasurers the fiscal officer of the Town's retirement system. His initial income from this source was $750 and today it is $1500.

"Dick" invariably topped the ballot on election day and this is an indication of the esteem in which he has been held by his fellow townspeople.

STRATEGIC ARMS LIMITATION TALKS

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. ROYBAL. Mr. Speaker, the urgent importance of achieving success in the current SALT negotiations now being conducted in Vienna with the Soviet Union was recently highlighted in an excellent editorial appearing in the Los Angeles Times on Sunday, June 14.

After outlining the tremendous economic cost and increasing military danger posed by the spiraling world arms race, the Times' editorial writer concludes, "it is in the interest of both countries to make the SALT negotiations succeed. We and the Russians should have better things to do with our money than to pour it into an arms race that, in the long run, will produce less rather than more security for us all."

The editorial follows:

RUSSIA MAY FORCE OUR HAND

Defense Secretary Melvin Laird told a NATO meeting in Venice a few days ago that the United States has just 18 months in which to decide what to do about the increasingly ominous buildup in nuclear striking power by the Soviet Union.

The Nixon Administration, he said, will be basically marking time in 1971, postponing decisions on new weapons systems to give the strategic arms limitations talk a chance.

But if the Soviet buildup continues, Laird indicated that the United States in 1972 will have to take the necessary steps to preserve our side of the nuclear balance.

One hopes that his words will have a salutary effect on the arms control talks—the so-called SALT negotiations—which are currently under way between U.S. and Soviet representatives in Vienna.

Laird's warning also deserves attention in this country, where there has been a widespread reluctance to face up to the fact and the implications of growing Russian military power.

Thanks in part to the cost of our Vietnam involvement, the United States has been pretty much holding down our side of the nuclear arms race since 1965. The Soviets have not.

Five years ago, we had five times as many land-based ICBMs as the Russians. Today, they have substantially more than we do.

Five years ago, the Soviets had no Polaris-type submarine fleet worthy of the name. Today, Russian missile-firing subs are on station in the Atlantic, and the latest estimate is that they will pass us up in this field by 1975.

To put it in monetary terms, the Soviet Union since 1968 is estimated to be outspending us on strategic offensive and defensive forces by a ratio of $2 to $1.

We all hope, of course, that the Russians' main concern has been to overcome the massive U.S. superiority which existed before—and that, now having achieved parity, they will be willing to taper off their side of the arms race.

Unfortunately, however, evidence to support such a hope is still lacking.

Their factories and shipyards are still turning out ICBMs and Y-class, missile-firing submarines.

Since the first round of the SALT talks opened last fall in Helsinki, the Soviets have test-fired more than twice as many strategic missiles as we have.

And, with a gross national product only half of ours, the Soviet Union is now outspending us on defense-related research and development by a margin of $2 or $3 billion a year.

As President Nixon told key congressional leaders at a White House briefing not long ago, "If present trends continue, the United States, a very few years hence, will find itself clearly in second position—with the Soviet Union undisputably the greatest military power on earth."

The campaign to tilt the nuclear balance of power in the Soviet Union's favor has been accompanied by a parallel buildup of conventional military capabilities.

There is a strong Soviet naval presence in the Mediterranean. Soviet warships prowl the Indian Ocean and, occasionally, the waters around Cuba. Helicopter carriers and marine infantry units are being added to the Soviet fleet, suggesting a growing new capability for armed intervention in places far removed from the traditional Russian sphere of influence.

It will be a long time, if ever, before Soviet seapower is, in the total sense, a match for ours. The worry, however, is not that the Russians will drive us from the seas, but that the buildup may reflect a dangerously adventurist mood in the Kremlin.

Signs of such a mood can be read most clearly in the Middle East, where Soviet pilots and missile men are playing a direct role in the Arab-Israeli confrontation. Reports that three long-range Soviet bombers are now stationed in Cuba are disquieting, too.

In short, it seems that the Nixon Doctrine, under which this country is trying to reduce its overseas involvements, may coincide unhappily with an era of Soviet expansionism.

The danger is that the Russians will misread the current mood of neo-isolationism in this country for weakness. This, in turn, could lead to miscalculations—in the Middle East, the Caribbean or elsewhere—which could bring on a Big Two confrontation which nobody really wants.

The chances of this happening are all the greater if the Soviets are allowed to acquire an intimidating edge in the nuclear balance of power. It becomes important, therefore, that a true balance be maintained.

The best way of going about this, of course, is through an arms control agreement that would effectively prevent the balance from slipping too far in either direction.

The Nixon Administration has an obligation to try very hard to get such an agreement—with appropriate safeguards—at the SALT talks.

Failing that, the United States will have no choice, as Laird indicated, but to look after its own side of the nuclear power equation.

Surely it is in the interest of both countries to make the SALT negotiations succeed. We and the Russians should have better things to do with our money than to pour it into an arms race that, in the long run, will produce less rather than more security for us all.

ROBERT E. McCORD

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. MOLLOHAN. Mr. Speaker, the death of Robert E. McCord last Sunday is of special significance to me because besides being the highly qualified senior specialist of the House Education and Labor Committee he was a longtime and wonderful friend.

Bob was a native of Wellsburg, W. Va., which I represent in my First Congressional District. He and I, plus other members of his family, have enjoyed a warm friendship for many years. He was a loyal native son and maintained the closest ties possible to his home area.

West Virginia has good reason to be proud of Bob's work with the House Education and Labor Committee. So, too, are the many Members of Congress who sought his guidance and counsel and imagination when attempting to draft effective legislation to improve our labor, welfare, and education systems.

To his wife, Audry, his brother, George, and to other members of his family, I extend my sincere and heartfelt sympathy in their sorrow.

MINE SAFETY FUROR

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. PUCINSKI. Mr. Speaker, Mr. Rand Guffey, a staff reporter for the Wall Street Journal, has brought to the attention of the American people the scandalous mismanagement of the 1969 Coal Mine Health and Safety Act recently enacted by Congress.

Mr. Guffey deserves the highest commendation for his laborious research and shocking revelations.

The Coal Mine Health and Safety Act came out of my subcommittee and throughout the proceedings, I had warned time and again that the Bureau of Mines could not be trusted to properly administer this act.

Mr. Guffey's excellent article tends to support my view when he says:

> The law appears trapped in a web of politics, controversy, confusion and in the view of some critics, bureaucratic bungling.

I have said before that if there is another major disaster like the one we saw near Farmington, W. Va., I shall urge a Federal grand jury to seek indictments against all those public officials who are charged with the administration of this law, but who are failing to carry out their responsibility.

It is quite apparent that in the interest of serving the coal mine industry, those responsible for the administration of this act are cowering under threats and recriminations, and we have a right to ask how long will the White House tolerate this situation.

Must there be another Farmington, W. Va., or another Centralia, Ill., before the administrators of this act will finally realize the extreme hazards to which coal miners are exposed every day and take effective steps to remedy them? If there is another tragedy in this country and deaths or severe injury ensue, we shall not permit the Bureau of Mines and all other parties having anything to do with coal mine safety enforcement to plea that they do not have the tools with which to

crack down on dangerous coal mine operators.

Those in the Federal Government charged with the responsibility now have all the laws they need and there shall be no more excuses. I reemphasize that I am serving notice now that I shall seek indictments against those responsible for mine safety enforcement and full prosecution if there are any future disasters which could have been avoided by effective enforcement of the act.

I did not labor long hard months on this act to see it now scuttled by the special vested interests who apparently have pursuaded the bureau to forfeit its responsibility under this act.

Mr. Guffey's excellent article follows:

MINE SAFETY FUROR: ENFORCING OF NEW LAW BOGS DOWN, STIRRING UPROAR IN COALFIELDS

(By Rand Guffey)

Laboriously and cautiously, squads of searchers are digging through the methane-filled tunnels of Consolidation Coal Co.'s No. 9 mine near Farmington, W. Va., where 78 miners died in an underground explosion and fire on Nov. 20, 1968.

The five-man recovery teams had been making good progress until a week ago, when they encountered massive rock falls that may take months to dig through. The search mission began 10 months ago but has turned up only two corpses. The remains of 76 other miners still are sealed in the mine nearly 19 months after the worst U.S. mine disaster since 1951.

There is a grim irony to this tragic recovery mission. The deaths of the 78 miners prompted a public outcry for a safer working conditions in the coal mines and led directly to the passage of the 199 Coal Mine Health and Safety Act. But, just as the bodies of the men remain trapped deep in the earth, the law that their deaths inspired appears trapped in a web of politics, controversy, confusion and, in the view of some critics, bureaucratic bungling.

A RANGE OF PROBLEMS

A formidable list of problems is keeping the Federal law from becoming the effective prescription for protecting miners' lives that Congress intended. The problems range from White House delay in picking a man to enforce the law to a shortage of mine inspectors. Most observers believe it will be many months, if not longer, before the problems can be overcome.

The nation's coalfields are seething with anger and disappointment over the new law. This feeling, combined with a bitter feud within the United Mine Workers union boiled over in an outbreak of wildcat strikes that closed scores of mines in several states this week.

The coal mine law, signed by President Nixon last December, covers the general areas of safety and health. Its safety provisions include bans on underground smoking and open-flame lighting, both of which can cause explosions of the methane gas often found in coal mines. It also calls for clearly marked escape routes and requires spark-free electrical equipment, adequate ventilation and other technical improvements.

The key health section is aimed at reducing coal dust levels to fight pneumoconiosis, or "black lung," a common respiratory disease among miners.

TEMPORARY REGULATIONS

The passage and signing of the law did not mean that it could automatically be put into effect. First, the Interior Department's Bureau of Mines had to write a set of detailed regulations implementing the broad provisions of the law. The detailed regulations took effect on April 1—but only temporarily.

The coal industry immediately complained that the regulations would "paralyze" it because they were too tough. A number of mines were shut down, and a lawsuit filed by mine operators in Virginia won a delay there in implementation of the regulations.

In response to all this, the Bureau of Mines had suspended enforcement of most of the new safety regulations. Similar delays are expected to develop in enforcing the health provisions, which are scheduled to take effect July 1.

The stop-and-start enforcement, coupled with personnel problems at the Bureau of Mines, has triggered charges and countercharges from all sides in the controversy. Industry executives charge the Bureau of Mines' inspectors with unneeded stringency in the early enforcement, forcing nine closings. Safety advocates charge the bureau didn't gear up properly for enforcement and backed off too fast when the coal men complained.

SOME UNCONTESTED FACTS

Whatever the merits of these and other charges, some uncontested facts help explain the situation:

President Nixon, only a month before the new law was to go into effect, fired its chief enforcer, John O'Leary, who had headed the Bureau of Mines since 1968. Democrat O'Leary, a holdover from the Johnson regime, was disliked by the coal industry and was expected to be a tough enforcer of the law. "He was the one man at the bureau who knew the law and had the backbone to stand by it," claims Rep. Ken Hechler, a West Virginia Democrat who is an outspoken critic of the industry. A coal industry official who is highly critical of the new law says Mr. O'Leary's firing was "the best news" he had heard in a long time.

Since Mr. O'Leary's departure on March 1, the bureau has remained leaderless. Mr. Nixon waited more than two months before nominating J. Richard Lucas, head of the mining engineering department of Virginia Polytechnic Institute, for the post. But that nomination has run into stiff Congressional opposition that threatens to delay indefinitely the installation of a full-time boss at the bureau.

The complex, highly technical safety regulations written by the Interior Department to implement the law weren't made public until March 28—only two days before they were to become legally binding and nearly four weeks after a deadline set by Congress. A bureau spokesman, calling the regulation-writing "an enormous task," contends the writers did well to get them out as soon as they did.

Though the Bureau of Mines estimates that it needs about 1,100 safety inspectors to enforce the new law, it currently has only about 220, plus another 80 trainees. Officials say a recent crash recruiting program will provide only about half the number they need; it netted about 300 qualified applicants, who won't be in the field till early next year.

A Federal district judge in Virginia, acting on a request from local coal mine operators, enjoined enforcement of the belated safety regulations in late April on the ground that the Government didn't publish them 30 days before putting them into effect as the law requires. The court order, which legally applies only to that district of Virginia, is to run at least until Sept. 1, while an appeals court panel studies the case.

The Interior Department puzzled and angered safety advocates with its decision to suspend enforcement of the safety regulations throughout the nation. Critics contend the move proves the department caves in too easily to coal interests. But the Interior Department responds that it would have faced similar lawsuits all around the country if it had tried to continue enforcement.

WORSE OFF?

The Bureau of Mines' undermanned inspection staff is continuing to inspect mines, but it isn't assessing any penalties because of the court order. Under a 1952 mine safety law, however, it can still order the closing of mines where it finds "imminent danger."

Some critics say miners are actually worse off now than they were before the new law was passed. "There is much less Federal enforcement (of mine safety) now than there was before" the new law, contends Joseph A. (Chip) Yablonski, lawyer for a UMW reform group called Miners for Democracy and son of the late Joseph (Jock) Yablonski, who ran unsuccessfully for the union presidency last year and was later shot to death with his wife and daughter. Chip Yablonski charges the Interior Department with "raging stupidity" in making the Virginia Judge's order, in effect, a nationwide "reprieve" for the coal industry.

"BUREAUCRATIC LAG" CHARGED

A spokesman at UMW headquarters in Washington blames much of the trouble on the Bureau of Mines itself, which he calls "a monster of bureaucratic morass." He acknowledges that the bureau hasn't been given the money and manpower that it needs to do the job, but he says it also seems to suffer "bureaucratic lag" in getting on with it.

It's clear that the new regulations had some impact in the short time they were in effect. In the first 10 days after they became effective April 1, the Bureau of Mines reports, a total of 272 mines closed. There are varying explanations, depending on whose point of view is involved.

The coal industry contends that the closings prove the law is harsh, punitive and unworkable. Some coal executives complain that a combination of Federal and state laws cause inspectors to be "one on top of another."

Many of the closings involved small, nonunion mines that employed only a handful of miners each. But some big mines shut down, too, triggering temporary layoffs or permanent unemployment for hundreds of miners.

VOLUNTARY CLOSINGS

The Bureau of Mines reports that only 10 of the 272 mine closings in the early days of enforcement were ordered by Federal inspectors. The bureau says the rest of the closings were voluntary. Harry Perry, acting deputy director of the bureau, says, "Miners were confused about the provisions of this act and didn't want to be fined. A good many have reopened, and it is my understanding now that less than 100 still are closed."

Some critics of the industry contend that the voluntary closedowns are part of an industry plot, perhaps backed by the bureau and the union, to sabotage the law by making it appear so harsh as to be unworkable and in need of softening.

"It's very peculiar," says Rep. Hechler. "It almost seems like some people at the coal companies and at the Bureau of Mines don't want to make the law effective." Specifically, he charges that a "cozy little group" that includes small-mine operators, the National Coal Association, the UMW and the bureau itself are "sabotaging" the new law. They deny any conspiracy.

For their part, some coal industry officials claim to see another kind of consipracy. Says John Kilcullen, an attorney for the National Independent Coal Operators Association: "Those legislators who railroaded this bill through are finding out that it can't be enforced—if they didn't know that already—and they're not going to stand by and take the blame when it comes." They "are going to do a political hatchet-job on the Administration—on (Interior Secretary) Hickel and Nixon—and blame them for not enforcing a law that can't be enforced," he asserts.

UNAVAILABLE EQUIPMENT

One reason Mr. Kilcullen and others contend the law is unenforceable is that some of the equipment required simply isn't available. They say that some items, such as automatic brakes for underground haulage cars, haven't even been developed yet; other equipment is in production but at rates of output that would take months or years to supply all the coal mines needing it.

Despite the controversy over mine closings, the economic impact so far is small. Actually, coal production nationally has run 3% ahead of the 1969 pace since April 1, though individual coal companies and mining associations claim their operations have been hampered.

The controversy and confusion swirling about the new law are likely to increase next month, when the provisions intended to combat black lung are scheduled to take effect. They prescribe that mine air should contain no more than three milligrams of coal dust per cubic meter and that this level should be reduced to two milligrams within three years.

DUST STANDARD TOO RIGID?

A large proportion of U.S. mines currently have dust levels far in excess of the proposed limits, and mine operators say that at present the technology for reducing dust isn't available. Strict enforcement of the dust standards will force widespread mine closings, coal operators say, and this time their critics appear to agree.

Dr. Ronald Rasmussen, a West Virginia physician known as a crusader against black lung, admits the dust standard is "technically a little too rigid now." But reducing the dust level to the 3.0 milligram standard "has really got to be done" as soon as possible, he insists. Many observers believe that the court battles and controversy over the safety standards will be repeated soon over the health standards.

Amid all this turmoil, one set of statistics underscores the lack of progress in coal mine safety so far. These numbers come from the Bureau of Mines, and there's no debate over them: In April and May of 1969, before the new safety law was passed, there were 29 fatalities in U.S. coal mines. In April and May of this year, the first two months after the law was scheduled to begin saving lives, 34 miners were killed on the job.

GOLDEN EAGLE PASSPORT PROGRAM

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. BROCK. Mr. Speaker, I am delighted that the House of Representatives renewed the Golden Eagle passport program by an overwhelming vote of 314 to 1.

According to the American Automobile Association, more than 40,000 sales of the Golden Eagle passport, amounting to $282,000 in revenues for the land and water conservation fund were made in 1969 alone. Since more and more families have learned to enjoy a vacation of camping in our great national parks it seems to me we should do everything possible to encourage this wholesome, family-type vacation.

I have been especially interested since some of the most beautiful national parks in the Nation are in my home State of Tennessee and the Great Smokies welcome thousands of visitors from the other 49 States every season. I hope the continuation of this program will encourage them to continue to enjoy the parks in our Southland and the famed hospitality of the Volunteer State. Unfortunately, previous commitments prevented my presence in the House when the vote on this legislation was brought up and for this reason I want to again express my support of the Golden Eagle passport program and say "Ya'll Come."

THE EASY WAY COULD BE OUR UNDOING

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. RANDALL. Mr. Speaker, the quality of being steadfast is not always given the commendation or claim it deserves. Far too frequently it is easy for a person to let their anxieties overcome them. It is far easier to succumb to a mood of frustration than it is to stand fast and hold on as the going gets rough.

One of the editors that publishes a paper in our congressional district that has hit the nail on the head is Les Simpson, editor of the Holden Progress of Holden, Mo. in his column called "Progressing."

Mr. Simpson so correctly points out that those who argue once the Vietnam war is over all of our problems will be solved and we will be on the way to unprecedented prosperity. He is so right when he says the Communists and the far left and other agitators will have new problems to rant and rave about and that it just may not be true that billions now spent in Vietnam will suddenly become available for the domestic front and everybody will be happy again.

My hat is off to Mr. Simpson for his charge against those few dove Senators and Congressmen who feel it is no longer important that we should remain strong in the world and cut back militarily so we can spend all the money on the home front. Our good editor friend points out we are dealing with a cruel and relentless enemy and once the Soviets get the upper hand in technical weapons it will be all over for the United States.

The easy way out could be our undoing. It is a privilege to share this excellent editorial with my colleagues.

The editorial follows:

PROGRESSING

The American people are experiencing a mood of frustration and no one seems genuinely happy or contented. So many things are happening in the course of a day that no one seems to have an answer to the problem of what ails America.

To some the Vietnam war is the key to all our problems—end the war and our Nation will be on her way to unprecedented prosperity. These people have the idea all the billions now spent on war will go to the domestic front and everybody will be happy again.

The Communists and the far left group are not about to let us wax prosperious and contented. With the war's end these agitators will be constantly bringing up new problems to rant and rave about.

America is due for a long period of unrest until all of us get back on the path of sanitary in our everyday lives.

To those who are of the opinion this country is the aggressor in Vietnam a recent item in the Metropolitan Press should be enlightening. The Soviets are earmarking more than a billion dollars to North Vietnam to keep the war going. To the Commies this is a sound investment as they want to weaken American public opinion to the point they will not only win in Southeast Asia but it will be a prelude for takeover of this Nation within the next twenty years.

A few dove Congressmen and Senators now feel it is not important for us to be the dominant Nation of the world and that we should cut back militarily and spend the money on the home front.

This would be good reasoning except we are dealing with a cruel and relentless foe and once they (the Soviets) get the upper hand in technical weapons it will be all over for the United States.

Never in our history have we needed a more united front in the cause of freedom and for our own lives. Listening to those who advocate the easy way out could be our undoing.

BAN LEADED GASOLINES NOW

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. RYAN. Mr. Speaker, on June 10, H.R. 17255, the Clean Air Act Amendments of 1970, was before this House. All amendments offered were defeated, despite the fact that many of them put effective teeth into the fight against air pollution. This was extremely unfortunate. Rhetoric deploring pollution is merely form without substance. It is easy enough to say that our air must be cleaner and our water cleaner and our land cleaner. But effective, forceful legislation, followed by action of like kind, is what will make the difference.

One place where action is possible and where it can have significant effect is in the area of leaded gasolines. The perils which the current automobile gasolines pose are too great to delay action. This is why I proposed in H.R. 17113, my bill amending the Clean Air Act, that leaded gasolines be banned within 1 year of passage of the legislation. Lead-free gasoline is technologically and economically feasible. The fact that at least one company currently markets such a product establishes his clearly.

While the 1970 amendments have now passed the House, there is no reason why further amendments cannot be enacted into law. For that reason, today I have introduced legislation to ban leaded gasoline within 1 year of passage of this bill.

A recent article by Edward Olsen, curator of mineralogy at the Field Museum of Natural History in Chicago, graphically explains the need for this legislation. Mr. Olsen, in the June 1970 bulletin of the museum, explains that since the late 1940's, the amount of lead particles in snow samples from the Arctic has increased by 300 percent. This enormous increase is due to leaded fuels. As Mr. Olsen reports, over 103 billion gallons of leaded gasoline are consumed in the Northern Hemisphere every year. This consumption generates over 310,000 tons of lead annually.

In our urban areas, the concentration of lead is particularly high. For example, in Chicago in 1968 auto fuels generated about 2¾ tons of lead per square mile. In a recent study conducted in New York City, the lead content of the air on 45th Street was almost ten-millionths of a gram per cubic yard at street level during rush hours. This is about 200 times higher than natural levels.

Edward Olsen reports that for many Americans the blood level concentration of lead is about 0.25 parts per million. According to Mr. Olsen, the threshold for classical lead poisoning is considered to be 0.8 parts per million. However, there are eminent medical authorities who place it at 0.5 parts per million. As Mr. Olsen says, "These numbers are clearly too close together for comfort."

His excellent—and frightening—article follows:

GEOCHEMISTRY—A STUDY OF AIRBORNE LEAD POLLUTION

(By Edward Olsen)

Among the several major branches of the geological sciences the one called *geochemistry* is perhaps the most rapidly growing. The word itself means *chemistry of the earth*, and since the earth consists entirely of chemical combinations of elements into liquids, gases, solid minerals, and biological forms there is very little it doesn't cover. It overlaps such divers disciplines as mineralogy, petrology, petroleum geology, and economic ore geology; and is currently pushing into subject matter traditionally considered the reserve of paleontology.

Traditionally geochemists have considered such problems as where various chemical elements are situated in the internal make-up of the earth. In more recent years they have become more and more concerned with the chemistry of the earth's exterior as well: the dissolved and suspended chemicals in the oceans, lakes, and ground waters; chemistry of the atmosphere; chemistry of soils; chemistry of the ice caps.

Because of current interest in the polar regions more and more data have been gathered concerning them. Probably one of the most interesting and disturbing of recent arctic geochemical studies has been the work of the geochemist, Dr. Claire Patterson of the California Institute of Technology.

In making borings into the Greenland ice it is possible to see each year's accumulation of new snow by the banding that occurs. Thus, by boring out a column one can tell the year in which a given layer was deposited by counting backward, layer by layer, from the present year. The ice for each layer can next be sliced out, melted, and analyses made for the chemicals contained in it. Dr. Patterson has examined a number of such samples and his findings with respect to their year-by-year content of the element *lead* are remarkable. In the graph [graphs do not appear in RECORD] we see the lead content in northwestern Greenland ice plotted against year from 800 B.C. to the present.

The first question that arises is: From where do these small amounts of lead originate? Besides lead, analyses were made for other elements—sodium, magnesium, silicon, etc. Some of these are due to sea salts blown inland from the nearby North Atlantic; some are due to clay dusts blown in from adjacent unglaciated land and islands. Lead, however, is not a significant constituent in any of these sources. It has been known for a long time that there are large rotating systems of air that rise in equatorial regions, and because of the high solar heat levels there, move towards the poles at high altitudes. Then by cooling off they fall slowly to low altitudes and break into systems of surface weather patterns and move slowly southward again. On their way northward any warm rising air can add itself to this giant air movement and be carried poleward also.

Large urban areas are areas of rising warm air due to the heat output from the many sources of energy that men utilize in heating, making electricity, transportation, and normal human activity. Thus, some of the many gases and dust particles that arise from populous areas are added to these poleward moving air masses and portions of them are carried all the way to the arctic regions where some fall out with snows and rains and become incorporated into the seas, and icecaps. Thus the yearly icecap accumulations can act as a sort of natural sample collection system which can show relative changes over periods of historic time.

Mankind has been extracting and using lead since about 2500 B.C. It was about the mid 18th century when industrialization began to grow. This growth was steady with western-world population increases, and demand grew for more kinds of products made of metals, of which lead is a significant one. It is utilized in ceramic glazes, paints, machine bearings, insecticides, fungicides, alloys of many kinds, ammunition, solders, plumbing fixtures, and indirectly in photography and coinage systems. As demand grew more lead has been mined and smelted from its ores. Because lead is easily vaporized in any process that heats it, such as smelting, a certain amount goes up the smelter chimneys, is added to the air, falls in adjacent areas with, however, a little of it being carried aloft and ending up in northern snows. The graph in Figure 1 reveals this steady increase in utilization of lead; around 1750 it shows an upward change in slope. The graph, in addition, shows a dramatic feature. In the late 1940's there is a sudden upward spurt in lead in these ice samples. In less than 20 years it increased by 300%.

It was in the late 1940's that automotive manufacturers began building cars with higher and higher horsepower. Gasoline engine horsepower can be increased in two ways: one way is to increase what is called the compression ratio; the other way is to increase the size of the engine. The manufacturers have done both. To obtain the best efficiency from such engines it is necessary to operate them on fuels that have high octane ratings. We will not go into the meaning of this term here but only point out that the octane rating of a gasoline is a rough measure of how much efficiency one can obtain from a high compression engine. Such engines require gasolines rated near 100 octane. Natural gasoline fractions from petroleum crude oils are about 55 octane. To bring up the rating to the desired level it is necessary to perform some chemical changes on the natural gasoline.

The major change involves a process called cracking. By repetitions of this process, plus performing distillations, it is possible to produce 100, or even higher, octane fuels. In 1920 a chemist, Thomas Midgely, made a synthetic metal-organic compound called tetraethyl-lead. It is a chemical combination of the elements lead, carbon, and hydrogen. It was found that addition of less than 1% by volume of this compound to gasoline the octane rating could be raised by as much as fifteen octane points. Tetraethyl-lead was less costly to produce than other means of obtaining the same octane increase. It was natural then that it be added to gasolines in the late 1940's.

Gasolines are usually marketed in two forms: so-called "regular," which is around 90 octane, and what is called "premium" (or "high-test" or "ethyl") which is around 100 octane. Both forms contain tetraethyl-lead. Although there are limitations on the amount of tetraethyl-lead that can be added to aircraft fuels, there are no limitations for automotive fuels. In general, auto gasolines contain about 3 cubic centimeters of tetraethyl-lead per gallon. In terms of the actual lead content this amounts to slightly over 3 grams (about one-tenth oz.) of lead per gallon.

When gasoline burns in the engine the tetraethyl-lead decomposes and the lead is released. In order to remove it so that it will not form thick deposits, compounds called ethylene dibromide and ethylene dichloride, are put in the gasoline also. The lead combines with these to form lead bromide and chloride. These, and other lead compounds, come out the exhaust system where they cool in the air, combine with oxygen and moisture, and form several bromine and chlorine acids, and a dust of lead oxide so fine that some of it can be carried along in the air, even as far as the arctic snows.

The pronounced effect of this use of lead on the Greenland snows appears remarkable. The average gasoline automotive vehicle (cars and trucks) runs about 13 miles on a gallon of gas and releases only 3 grams of lead in the process. The great impact lies in the fact that over *103 billion gallons* of such fuel are consumed in the northern hemisphere every year. This generates over 310,000 *tons* of lead. In Figure 2 the graph shows the total of tetraethyl-lead used since 1920. At first its use was small; however, by the late 1940's its annual increase is more and more marked. In total from 1920 to 1970 over 5 million tons of lead have been utilized in auto engines in the northern hemisphere. Averaging this over the hemisphere it comes to 120 pounds of lead per square mile!

Such an average is of course quite high for some low population, rural areas that are not crossed by many roads. On the other hand, it is far too low for city areas. In Chicago, for example, in 1968 auto fuels generated about 2¾ tons of lead per square mile!

The question arises where all this unrecoverable lead goes, besides the relatively small amount that finds its way into the upper atmosphere and then to the arctic. In an area such as Chicago, where the output is very high, a great deal of it settles out in the city dust that covers the streets and gets into homes. The black, oily dust of a typical Chicago windowsill has small amounts of lead in it. Most of it, however, is flushed away by prevailing winds into the Lake Michigan water supply and beyond. Rain water carries down a portion of it into the rivers and then to the sea. Ultimately most of this lead ends up in the oceans. Some of this lead, however, is absorbed by all creatures that breathe air, including people.

It is well-known that lead is a poison. Public health officials point out that lead poisoning falls into two categories: toxic poisoning and chronic poisoning. Toxic poisoning is the result of extreme exposure to inhaled or ingested lead compounds. It usually results in death. A great deal of medical information is available on toxic lead poisoning. Not so much is definitely known, however, about chronic poisoning, which is due to continued exposure to small amounts

XUM

of lead. It is known to affect the central nervous system, blood vessels, and intestinal tract, as well as other organs. At present there are no clear data on the effect of long term exposure to small amounts of lead. It is known, however, that lead compounds which are swallowed, either directly from the air or with food and water, are only poorly absorbed by the body. Less than 10% of ingested lead is actually absorbed into the blood stream. In terms of ingested lead man is exposed to it in water supplies, canned foods, paints, some dishware, cigarette smoke, most fresh fruits, etc. Unfortunately the lungs are much less discriminating. 25–50% of inhaled lead compounds are absorbed into the blood stream. Inhaled lead seems to be the largest source for it in the human body.

When tetraethyl-lead was originally introduced into auto fuels there were considerably fewer cars, so the problem of adding lead to the air was not considered serious. In addition, it was believed that the body had the ability to eliminate lead (below toxic levels) as fast as it was absorbed. As time has gone on, however, the number of cars has increased. We have also learned that lead builds up in the body. The natural body content of lead, of a primitive man thousands of years ago, was about 2 milligrams. Today the average in the United States is about 100 milligrams, with some city dwellers running as high as 200 milligrams. About 91% of this is deposited in the bones. The bone content of lead increases with age. This, in itself, means that there is no body balance for lead, that is, it cannot be totally eliminated as it is absorbed, otherwise beyond some certain age everyone older than that would have a similar amount in their bones. Instead it keeps accumulating with age—the older you are the more you have. If you live in an urban area, as most Americans do these days, you are exposed to higher amounts and accumulate it faster.

Because the great majority of Americans live in cities where the exposure to lead in the air is great, a number of recent studies have been made to determine the exposure levels. On the average there is about 1 millionth of a gram of lead per cubic yard of city air as opposed to a natural level of about 50 billionths per cubic yard. That is, the city air averages about twenty times higher! In a recent study on 45th St. in New York City, the lead content of the air was almost 10 millionths of a gram per cubic yard at street level during rush hours. This is about 200 times higher than natural levels. Rural dwellers are exposed to only a fraction of such amounts except, however, in highly agricultural areas during the growing season when crops are sprayed with certain lead compounds that act as fungicides and insecticides. Because of such agricultural uses on tobacco crops, smokers expose themselves to more inhaled lead than non-smokers.

The effects of such exposures are not certain by any means. Public health and industrial health doctors vary in their view of it. In reality there are no good scientific data giving a measure of the effect on humans. It is known that for many Americans the blood level concentration of lead is about 0.25 parts per million. The threshold for classical lead poisoning is considered to be 0.8 parts per million, and some medical authorities place it at 0.5 parts per million. These numbers are clearly too close together for comfort!

The question arises whether this addition of lead to the air is necessary? Clearly it is not. Reduction of auto horsepower would allow lower octane ratings and tetraethyl-lead could be eliminated. On the other hand, additional refining and chemical changes can make high octane gasoline without tetraethyl-lead. At least one major petroleum company in the eastern United States sells both regular and high-test *unleaded* gasolines of high octane ratings for high compression engines, *and* at competitive prices. Thus, it is not a matter that would greatly increase the cost to the consumer.

Early this year one major auto manufacturer announced that in the 1971–72 period it would begin production of a lower horsepower engine that does not require leaded fuels. Unfortunately this step is being taken for the wrong reason. Anti-smog devices (required on vehicles by many states) become quickly clogged with lead oxide deposits and require frequent cleaning to operate properly. It is for this reason the change is being made.

In any event, numerous public health officials, as well as university researchers, are becoming alarmed by the addition of lead to the air, which goes eventually to the oceans. Each year over 250,000 tons of lead are added to the seas to be absorbed by fish and lower forms of life. Dependence on the sea for food will increase over the next century. In addition, from certain microscopic sea plants comes the bulk of the world's supply of oxygen. Addition of known toxic elements to the sea can have effects that last forever.

With Dr. Patterson's work the field of geochemistry seems to have entered a new area—the area of public health. The dramatic effect which man's use of lead has had on the geochemical record, as seen in Figure 1, is a clear illustration of the fact so often overlooked: we are living in what is called a closed system. Nothing goes "away"—it only goes somewhere else. Lead is only a part of the picture. It is but one element that man in concentrating, utilizing, and allowing to accumulate ultimately in the oceans. Elements such as mercury, bismuth, and tin are significant elements that are less obvious in their use and less understood in their cycles through the biological world.

If a clear-cut case could be made that lead had no effect on human and other life its use in fuels would never be an issue. With the long-term effects unknown it seems to be folly to continue its use only to learn the effects the hard way.

AN ADDRESS BY HON. MICHAEL COLLINS, ASSISTANT SECRETARY OF STATE AT ST. MICHAEL'S COLLEGE, WINOOSKI, VT.

HON. ROBERT T. STAFFORD

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. STAFFORD. Mr. Speaker, it has been called to my attention by the distinguished president of St. Michael's College, Mr. Bernard Boutin, that that great college's commencement address was delivered by the Honorable Michael Collins, Assistant Secretary of State.

This meritorious address deserves the utmost recognition as an excellent presentation of the hope and optimism that is so necessary for the growth of our great Nation. As the Assistant Secretary pointed out, this hope and trust in the success of our country is not unfounded but is realistically based upon the efforts of those Americans who creatively participate in this democracy. Truly, deeds are what count.

The address referred to follows:

ADDRESS BY THE HONORABLE MICHAEL COLLINS, ASSISTANT SECRETARY OF STATE, JUNE 8, 1970

Some years ago Albert Camus, in ceremonies in Stockholm, received the Nobel Prize for literature.

As he accepted the award, he spoke briefly saying, "What makes work a vocation is the service of truth and the service of society . . ."

And I believe that Saint Michael's for over sixty years has been serving both the cause of truth and society.

For you have graduated men who have become teachers and researchers, business executives and government servants—men who in Cardinal Newman's words, "are clear-headed and common sense people 'who see things as they are . . . who go right to the point' . . . people 'who are on common ground with every class and who are at home in any society.' "

It has served the cause of society because it has trained people to assume the professional tasks of teaching the young, managing our commerce, running our public services.

It has served the cause of truth because it has prepared students to question the status quo, to analyze conditions and to seek for better solutions.

And God knows better solutions are needed today to keep ahead of tomorrow's burgeoning problems.

But Graduation should be a happy time, and I am darned if I am going to stand up here and preach Doom and Gloom, because I don't believe it, not one whit.

This age has been described (it doesn't seem possible, does it, to make it through a commencement address without describing an age) as the Age of Aquarius, the Age of Disillusionment, the Age of Despair.

I think the Age of Introspection, or better the Age of Sensitivity, would be a more apt description, because God knows today we are aware (super-aware, thanks to the various media) and sensitive to the many imperfections we see around us.

Despite these imperfections, I took upon 1970 as the beginning of an Age of Optimism, and I say this not as a starry-eyed idealist but as one who considers himself a fairly hard-bitten pragmatist.

Everywhere I look I see small steps backward and large steps forward.

I see the people of Alabama voting with a jaundiced and prejudiced eye cast back over their shoulders, but I see the great majority of the country outraged and closing ranks against inflammatory politics and racial discrimination.

I hear the clamor over the President's decision to deny the enemy privileged sanctuaries in Cambodia, but I see the reality of massive troop withdrawals—on schedules as promised.

I see smoke emerging from many chimneys—as it has for years—but I see for the first time the determination to fight the resulting pollution of our atmosphere.

I hear our young wailing that they are unheard, but I see real progress toward lowering the voting age to eighteen.

Unfortunately, the small steps backward seem to receive much more attention than the large ones forward.

In a way I suppose it is good for us to impose on ourselves a double standard, to look down one end of the telescope at our faults and down the other end at our accomplishments.

But somehow we must be able to see our world in perspective.

Perhaps one of the most overlooked, but nonetheless significant contributions of the space program is that it has allowed us to see ourselves, for the first time, from without ourselves.

You have all seen the pictures of the tiny blue and white sphere, a fragile voyager through the black expanse of space.

No longer does the earth appear infinitely large, with resources to be squandered.

No longer does it seem large enough to allow people on one side of it to ignore those on the other.

XUM

No longer can we pretend to either solve our problems or move off somewhere.

Move where, the moon?

In a curious way, then, going to the moon has focused attention on the earth and its many problems.

How will you, the new graduate, fit into all this?

Above all, I am supremely optimistic that you will have plenty of challenges, and ample opportunity to transfer your college-acquired skills to practical problems.

Who knows where your life will take you?

As the caterpillar said as he saw the butterfly go by overhead, "You'll never get me up in one of those danged things!"

I don't propose, incidentally, that you go up in one of them, or go to the moon, but I think it might not be a bad idea to consider for a moment how we did go, and whether our methods might not be of value to you in planning your own ventures.

First off, our objectives was clearly and starkly defined, with no possibility of misunderstanding: to land men on the moon and return them safely to earth before the end of this decade.

How clearly are your objectives defined?

It is a wonderful and satisfying thing to be able to work toward a goal, to be able to measure your progress toward what you have selected as your objective.

Give it some thought.

Take some time off and really think about what your objective in life is.

Second, the Apollo program—complicated as it was—had to use *all* available talent in this country.

No source was left untapped: universities, government, industry—all provided the experts required.

You can do the same.

Once your objective is defined, *Think about* what resources will be required, what talents needed to achieve your goal.

You will probably find that you yourself possess most of what you need, but if not, others do and will certainly help you if properly approached.

Third, take some time from the hustle bustle of everyday life to reflect, to plan ahead, to ask yourself "what happens if . . ."

In our preparations for going to the moon, we daily pondered the "what happens if" question and quite literally wrote libraries of detailed answers to that most basic question.

The value of that library was made dramatically clear during Apollo 13's recent emergency.

It was a lifesaver.

Now libraries of this type you don't need, but a page or two wouldn't hurt a bit.

And I'm not talking about your life insurance plans either, I'm talking about alternate paths you may be forced to take to the goals you have defined for yourselves.

Fourth, and last: work to construct, not destruct.

In the space program we have had some horrendous arguments such as should we reach the moon by an earth orbit rendezvous or lunar orbit rendezvous technique, but once the decision was reached, all hands pitched in to build on that decision, not to tear it apart.

I don't mean to imply that criticism is not warranted; dissent if you must, but always keep in mind your objective in doing so.

Dissent reminds me of the airline story about the old navigator who was trying to break in a new pilot.

To get back on course, he said, turn starboard one degree.

Impossible, said the pilot, no one can fly this old tub that accurately—give me a decent correction.

OK, said the navigator, "turn starboard six degrees."

Much better, said the pilot, pleased with himself.

Fine, said the navigator, now turn port five degrees.

In similar fashion, dissent and counter-dissent rock our country back and forth, with little overall change of direction.

(Which way has New York moved in response to student and hard hat demonstrations?)

This is plainly no way to fly an airplane or guide a nation.

In the great majority of cases, the time and energy would be better spent in quietly presenting views to our elected representatives, as so many young people have been doing lately.

This is a form of communication which those representatives understand and need.

But it is not the only type of communication needed today.

I am appalled by the fact that in this age of instant and total communication, when we can hear voices clearly from the moon (¼ million miles away), we apparently cannot hear what is being said right here in this country.

Oh—there is a lot of talk, but most of it is within groups, not across them.

Farmers speak to farmers, students to students, business leaders to other business leaders, but this intramural talk serves mainly to mirror one's beliefs, to reinforce existing prejudices, to lock out opposing views.

Now good schools like Saint Michael's require, for a diploma, a broad base of education, a store of knowledge which stretches across many academic disciplines.

When you look at that diploma, remember that it permits—indeed demands—that you keep an open mind and open lines of communication with others who may not share your background or viewpoints.

The world today is so complex that specialization is required in most jobs, and success requires an even widening dedication to an ever narrowing field of endeavor.

In other words, the tendency is to learn more and more about less and less.

Some people even know everything about nothing.

Don't be that kind of specialist; don't become so engrossed in your job that you haven't time to explore, to expose yourself to the new and different, whether it be a new and different viewpoint or friendship or hobby or political commitment.

I am frankly jealous of you, today's graduate, and the opportunities you face.

I don't share the Doomsday view so popular today among some students and press.

As I said before, I am an optimist, and I am optimistic that you will be able to make great contributions to our society.

You will find our country at a point in its history where constructive changes are welcomed as never before.

If you define your objectives clearly, use all the resources available to you, and prepare a plan for meeting personal setbacks, I don't see how you can fail, not only in meeting your personal goals but in helping reach national ones as well.

Of course, talk is cheap.

Deeds are what count, just as grades are required for graduation, and I wish you high grades all your lives.

Whether you get them or not is your decision, and yours alone.

Centuries ago a wise man was presented with a cruel dilemma.

An enemy appeared before him, to discredit him, holding in his hand a small bird.

The question put to the wise man was this: was the bird dead or alive?

If the wise man said dead, the bird would be released and allowed to fly away; if he said alive, the bird would be crushed and dropped lifeless to the ground.

The wise man hesitated only a moment and replied, "Sir, the decision is in your hands."

RESEARCH FUNDS URGENTLY NEEDED IN CANCER FIGHT

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. DULSKI. Mr. Speaker, the fight against cancer goes on, with prospects of a cure brighter than ever.

One of the world's foremost research centers, Roswell Park Memorial Institute in my home city of Buffalo, N.Y., has developed what appears to be a cure for certain types of skin cancer.

The institute, which already has made great strides in cancer research, has many other projects in various stages of development. As with most any type of research on unknown factors, no one knows when the final clues will emerge.

The research must go on and our national budget must carry its share of the load in finding the answer to this scourge against mankind. There are many demands on our Federal pocketbook, but none has reason for a higher priority than cancer research.

Budget requests for the new fiscal year beginning July 1 are still under consideration by the Committee on Appropriations of the House. There is no indication yet of the committee's recommendation for the National Cancer Institute. I hope the recommendation will be generous.

Mr. Speaker, the legislature of Erie County, my home county, has adopted a resolution urging adequate research funds for Roswell Park. The resolution was offered by legislator Frank C. Ludera and has my full backing. Following is the text:

A RESOLUTION

JUNE 15, 1970.

Whereas, the Roswell Park Memorial Institute appears to have developed a cure for certain types of skin cancer, and

Whereas, such method of treatment could well be of great value in attacking other forms of malignant diseases, and

Whereas, financial resources are inadequate to forward the investigation of the usefulness of such treatment in attacking other forms of the diseases, and

Whereas, the sum of $15.6 million is necessary at this time to further the development of the aforesaid treatment from a research tool to a routine procedure, and

Whereas, Dr. Edmund Klein, Chief of the Department of Dermatology at Roswell Park Memorial Institute has made a statement explaining the above facts to the Congress of the United States, and

Whereas, the development of such a cure would benefit all mankind, Now, Therefore, Be It

Resolved, that this Honorable Body memorialize the Congress of the United States to appropriate the funds necessary for research to develop the aforesaid treatment for cancer and that a certified copy of this Resolution be forwarded by the Clerk of this County Legislature to the United States Senate and House of Representatives and to this County's Representatives therein.

FRANK C. LUDERA.

XUM

"THE FACTS PROVE OTHERWISE"

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. ZWACH. Mr. Speaker, as we approach the birth date of our beloved country, it would be well for us to dwell for a few moments on what America means to us, what it stands for in the eyes of the world.

The United States has been much maligned the past few years by ungrateful people at home and abroad. One of the favorite charges is that we are an imperialistic Nation.

This charge was very adequately answered in a recent editorial appearing in Publisher Ed. Morrison's the Morris Tribune in our Minnesota Sixth Congressional District.

With your permission, I insert this editorial in the CONGRESSIONAL RECORD where it may be read by my fellow Congressmen and all of the other people who read this journal:

THE FACTS PROVE OTHERWISE

This is not exactly a Flag Day editorial, but it concerns a subject that can appropriately be discussed at this time. Charges that our government is following an imperialistic line in world affairs have been leveled against this nation by some of its own citizens, some of whom certainly ought to know better.

A look at the events which have transpired in the world during the past 25 years ought to dispel any such notions. In May, 1945, when the European phase of World War II ended, the allied armed forces, principally supported by the United States, had absolute control of much of Western Europe including all or most of the following countries: Italy, France, Austria, Czechoslovakia, Germany, Belgium, Holland and Luxembourg. If we had imperialistic designs, we could have at least attempted to subjugate these peoples indefinitely.

In August, 1945, when the Japanese surrendered, we had control of most of the oriental Far East, as well as the Philippines and sundry other islands in the Pacific. If we had territorial designs, we could have permanently dominated these countries as well.

Instead, what did the United States do? It immediately undertook a massive foreign-aid program, which in large measure was responsible for rebuilding these nations. We restored their industrial capabilities with machinery and equipment more modern than our own. Then, not only did we allow these nations to resume foreign trading, we also permitted them to compete for the U.S. dollar in our own country in competition with American manufacturers.

The other major allies of the United States, with the exception of Russia, began a process of divestiture which culminated with independence being granted to the majority of these countries' colonial possessions. Notable among these were India, Pakistan and the African states.

Russia, on the other hand, maintained dominance over Eastern Europe, politically, economically and militarily. When the neocolonial possessions of the Soviet Union tried to assert their inalienable right of self-determination, they were immediately invaded and their quest for freedom from Russian domination was thwarted. Hungary was invaded and its freedom fighters were annihilated. Czechoslovakia was overrun.

This review of history for the past quarter of a century clearly indicates the imperialistic motivation of the Soviet Union and the absolute absence of such motivation so far as this country is concerned.

This is not to say that we may not have made some mistakes, that there is nothing we might have done differently given the benefit of what we know now. Questioning the wisdom of some of the moves we have made is perfectly proper. Charging us with improper, imperialistic motivation just is not substantiated by the facts.

SUPREME SACRIFICE OF YOUTH A TRIBUTE IN MEMORIAM

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. TUNNEY. Mr. Speaker, Nettie Brown is a newspaper publisher in the Imperial Valley of California. She is a constituent of mine and a longtime friend. She has demonstrated remarkable courage in singlehandedly raising a large family of seven children with only her own earnings. As she so often has told me:

> I don't know how not to work. I refuse to go on welfare as long as there is a vibrant sinew in me.

Mrs. Brown is not only courageous but she is also a very talented writer. Her understanding of the human condition and the pathos and irony which plays such a large role in the lives of so many of us is displayed week after week in her newspaper, the Imperial Hometown Review. Her sensitive awareness of the deep tragedy confronting parents of a fine young man killed in Vietnam is found in the following editorial which appeared in her newspaper June 16, 1970. I want each of my colleagues to have a chance to read this editorial:

SUPREME SACRIFICE OF YOUTH—A TRIBUTE IN MEMORIAM

(By Nettie Brown)

Throughout the Nation young and old, in different ways, have been protesting the war in Vietnam. Some through accepted means and some through violence that has often led to mass riots and more bloodshed.

But there are times when students gather with older folks when there is mutual understanding—and yet a disbelieving lack of understanding—as the war protests of both young and old take the form of tears . . . Bitter, grief-stricken tears that fall on flag-draped coffins of young men who will never return to their mothers and fathers, the loving relatives and friends and sweethearts who had been waiting for them . . .

On Tuesday there was such a scene at the First Baptist Church of El Centro when a military guard of honor brought in the casket of Army 1st Lt. Dennis Dotson, 20.

The only son of Bill and Joyce Dotson, who had been only recently promoted for his valorous actions in leading his men in Cambodia, was in a helicopter that was shot down and burned in the jungles of Vietnam on June 5.

Many students, school and Sunday school chums of Dennis Dotson, were among the nearly 300 persons in attendance. Lovely, tender-hearted girls wept openly, while long-haired boys dabbed at their eyes . . . as did the older people present.

After the flag denoting his service to this Nation—for which he made the supreme sacrifice—had been removed from the casket, three young girls, crying audibly, covered it with sprays of roses. Then, as the military honor guard, composed of buddies of the fallen soldier, played taps, the tears of everyone present mingled with those of his bereaved family and special friends.

Why? Why this brilliant young man who was a well-liked leader in his school and church before the military recognized these leadership qualities? Why this helpful, outgiving youngster who had volunteered to serve his country while still a boy, just out of high school?

A young life cut short . . . leaving broken hearts . . . ended dreams . . . a shattered family.

But the same strength that Dennis showed when he helped those near him while here, and then led him to volunteer to serve his country in a war he didn't quite understand, will help those left behind to pick up the pieces of their lives and try to fill the void his passing made, in the best ways they can . . .

On an individual basis, of course, longevity is not the measure of the value of a person's life. And the reasons why the very young are often called to a higher life after a few years on earth will be revealed only in the great beyond.

Also, on an individual basis those who make the supreme sacrifice, even in a war which they or their families do not understand, have not made that sacrifice in vain. Rather, it has added to the sum total of human freedom, for no one can be secure in liberty while his brothers are being subjected to fear and exploitation.

Many of us whose sons or husbands or brothers are still in Vietnam, or did suffer there, have come to realize this truth.

The tragedy is that it is mainly the very young who pay the price of war with their life's blood . . .

We of the older generation, who do not understand all the protests about life today by the young, may point with pride to our accomplishments. We have mechanized most of the earth, banished many dread diseases, and reached the moon . . .

But we have not conquered that most dread disease which has taken the cream of the youth of each succeeding generation—war.

Many of us were born about the time our fathers or uncles were fighting in World War I; and had barely reached adulthood when our brothers, sons, husbands, or ourselves personally were called to combat in World War II. And since that time there has been few years of peace.

But what would the future of America have been had no one answered the Nation's call to service in these wars? Would ours now be a free or slave nation?

Many have paid the supreme sacrifice of their lives in our Nation's wars—and it is for us who were left to carry on to make sure that we never betray those whose blood has guaranteed our freedoms; that we do not allow our dearly won liberties to be eroded away because we are too apathetic to hold our flag and our principles high—and defend them on our streets as Dennis and thousands of youth like him have defended them in the war-torn jungles of Cambodia and Vietnam.

THE FRANKENSTEIN LITIGATION IS HERE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. WALDIE. Mr. Speaker, ever since 1960, when the voters of California barely approved a gigantic bond issue to com-

XUM

mence construction of the State water project, there has been talk of a massive lawsuit to clear up what opponents of the water project consider to be legal deficiencies of the entire plan.

Last week, in San Francisco, the first of what promises to be a number of such water litigations was filed in the U.S. district court.

The specter of this litigation has hung over the water project with such ominousness that worried officials have termed it "The Frankenstein Lawsuit."

Those officials, Mr. Speaker, have every reason to be concerned. I believe that the State water project is not only deficient of water and funds, but is indeed culpable of legal deficiencies.

Though this lawsuit is the first, I do not think it will be the last.

The "Frankenstein Suit," Mr. Speaker, is stirring. An excellent article on the most recent development in this matter was in the June 17 edition of the Sacramento Bee.

The article follows:

SUIT CLAIMS RECLAMATION LAW VIOLATION

(By Lee Fremstad)

SAN FRANCISCO.—Four San Joaquin Valley growers filed suit yesterday afternoon charging that federal reclamation law is being violated to the benefit of large agricultural corporations in the west side of the valley.

The lawsuit in US District Court challenges the legality of water deliveries to growers served by the San Luis unit of the State Water Project who have holdings far in excess of the 160 acres permitted under federal law.

The attack is regarded as a continuation of efforts by conservationists led by Alvin Duskin, San Francisco dressmaker, to "bury the project in litigation."

The sale of $200 million in bond anticipation notes to continue construction went ahead yesterday in Sacramento despite the service of a court summons on State Treasurer Ivy Baker Priest.

A suit was filed earlier in San Joaquin County by Douglas Morris, a taxpayer, contesting the state's right to sell the bonds at an interest rate higher than 5 per cent. The voters in the June 2 primary authorized a boost in the interest to 7 per cent on state bonds and bond anticipation notes.

William R. Gianelli, state director of water resources, called the San Joaquin suit "just another effort by those who are trying to frustrate the purposes of the project."

He charged the San Francisco federal court suit is "out of line because the state project is not a federal reclamation project" and Congress and the courts have already ruled that this is so.

The thrust of the 32-page complaint is that because of a federal investment of more than $250 million in the State Water Project the west side growers must be bound by the 160-acre limitation.

Sought is a permanent injunction restraining federal and state governments from supporting such joint undertakings until the federal reclamation laws are applied to all users.

Plaintiffs are Victor Bowker, who grows oranges, lemons and avocadoes on about 150 acres near Porterville, Tulare County; Berge Bulbulian, who with his father grows raisins and grapes on 150 acres near Sanger, Fresno County; Gus Stamenson, who owns 40 acres planted to almonds and walnuts near Livingston, Merced County, and Mary Mendes Bettencourt, with 80 acres near Hanford, Kings County, where she grows cotton and alfalfa.

Bowker, Bulbulian and Mrs. Bettencourt receive Central Valleys Project water which, as a federally financed project, restricts their holdings to a maximum of 160 acres. The suit is a class action on behalf of all growers simularly situated.

Named defendants are Interior Secretary Walter Hickel; Floyd E. Dominy, commissioner of the US Bureau of Reclamation; Lt. Gen. William F. Cassidy, chief of the Army Corps of Engineers, and William R. Gianelli, director of the California Department of Water Resources.

The growers are represented by James D. Lorenz Jr. acting in this case as a private attorney and on his own time. Lorenz is a staff attorney for California Rural Legal Assistance.

"This inconsistent enforcement of the federal reclamation laws is the main thing we are complaining about," declared Bowker.

"Why should the smaller farmer be bound by the antiland monopoly provision of the reclamation laws but not the big agribusiness corporation on the west side?

"In fact, the antiland-monopoly provisions should apply most of all to the big operations."

In a related development Duskin has published full page advertisements in San Francisco newspapers and the Wall Street Journal soliciting money for a legal effort to halt the California Water Project altogether.

The implication in the ad is that Duskin's conservation organization is financing this lawsuit but Lorenz said late yesterday his four clients are solely supporting the litigation. Duskin's "Legal Committee to Stop the California Water Plan" has offered financial help with subsequent appeals, however, Lorenz declared.

The attorney also noted that his effort, unlike Duskin's, is not to stop the project, but only to have the 160-acre limitation apply consistently.

The suit is a threat to the so called "State Service Area" of the San Luis unit. The area includes more than 700,000 acres, about the size of the State of Rhode Island, said Lorenz in his heavily documented complaint.

In addition there are another 300,000 acres of farmlands in the Sacramento Valley and Southern California which the complainants contend will receive State Water Project water financed in part by federal funds.

"This represents the most substantial evasion of the federal reclamation laws that has ever been perpetrated in the United States," says the complaint.

It charges that most of the land in the service area is owned by 34 corporations. Tenneco Corp. owns about 162,000 acres, Standard Oil about 100,000, Tejon Ranch has 54,000 acres and Southern Pacific has 37,000 acres, said Lorenz.

According to the lawsuit the 1959 San Luis Act as adopted by Congress provides that the secretary of the interior is to be governed by all federal reclamation laws.

"Incredibly, approximately a year and a half after the San Luis Act was passed, the US Department of the Interior issued a legal opinion determining that the act could be interpreted to allow exemption of the state service area from the requirements of the federal reclamation laws," said the plaintiffs.

"The opinion grossly and invalidly disregarded the congressional action of 1959. It circumvented the long-established prohibitions against windfalls gain and land monopoly."

The complaint estimates that the value of arid land once irrigation is available increases by $577 to $750 an acre. Assuming an average appreciation of $577 an acre the Tenneco holdings appreciated at least $93 million, Lorenz computed.

Said Bulbulian: "We find ourselves in a curious position for, as federal taxpayers, we are helping to subsidize the development of vast corporate holdings on the west side which have thus far not been limited by the federal reclamation laws.

"Those large corporations are then turning around and competing with farmers like myself. We are paying a double subsidy, one for the water and one for the crops grown by the water."

The suit seeks a declaratory judgment that all federal or state spending on the State Water Project is illegal until the 160-acre limitation is enforced. It asks also a judgment that federal reclamation laws apply to the State Water Project, including the "State Service Area."

HARTUNG SAYS GIFTS MUST REPLACE TAX FOR SCHOOL GROWTH

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. McCLURE. Mr. Speaker, in the June 10 issue of the Idaho Statesman, there appeared an article concerning the problem of funding our State colleges and universities.

It was predicted that the Nation's colleges will have to depend more on voluntary contributions from alumni and others for any expansion rather than on tax funds. Idaho is in the 10 top States as far as money spent for higher education compared to personal income, and the University of Idaho gets 86 percent of its income from the State. The solution expressed in this article is that individual contributions will have to increase. President Ernest Hartung of the University of Idaho is to be commended for his forthright analysis of the problem.

I feel this article is relevant to most State supported colleges and universities and I include it at this point in the RECORD:

HARTUNG SAYS GIFTS MUST REPLACE TAX FOR SCHOOL GROWTH

(By Jerry Gilliland)

Idaho's colleges will have to depend on voluntary contributions from alumni and others for any expansion rather than on tax increases, University of Idaho President Ernest Hartung predicted Tuesday.

Hartung told the State Board of Education in Boise he feels Idahoans are "over a barrel" as far as financing of higher education is concerned and will be unwilling to pay any increased taxes for expansion of the state's colleges.

The board also approved plans for construction of a new stadium at the University of Idaho.

He said the state already is in the "top 10 states" as far as money spent for higher education compared to personal income.

His solution: "the individual has got to be taught to contribute."

The University of Idaho gets 86 per cent of its income from the state, which is "much too high" a percentage, Hartung said.

He cited the census figures which showed an increase in population in Idaho of only 30,000 over the past 10 years which, he said, indicates the tax base is not increasing to match need for higher education.

The University already is initiating programs to raise money privately and hopefully will raise some $30,000 in its first alumni fund drive this year, Hartung said.

He also proposed that the permanent building fund tax, the "head tax" of $10 levied on state income tax forms, be increased to perhaps $15.

The university alone could use all the money in the Permanent Building Fund for

XUM

needed buildings, such as a new administration building, computing center, museum and others, he said.

The same situation exists at Boise State College and Idaho State University, he said.

In other action, at the meeting at BSC, board member Steele Barnett, Boise, objected to the hiring of either a director of intercultural programs or an advisor to American Indians attending the University of Idaho.

He said filling such positions now will mean they will have to be included in the university budget for 1971. He questioned whether money will be available then.

Later in the university's agenda, Barnett criticized the university's proposal to have a part-time fraternity adviser at the school.

"We have had suggestions that we have a full-time fraternity adviser," Barnett said.

Hartung replied that the position could be made full-time if the state board wished but "it is our feeling that we should spend more of our energies (in counseling) in the dormitories."

A "student bill of rights" was proposed to the board by university student body officers. The proposal, which spells out the rights of students, will be considered at the state board's July meeting.

The state board approved hiring an executive officer for State Advisory Council for Vocational Education who will coordinate evaluation of vocational education programs in Idaho.

Also approved was a study by Rulon Garfield Associates of Ogden of Idaho's vocational education system. Cost for the study will not exceed $17,000.

Dr. James Taylor, Twin Falls, chairman of the advisory council, said both the salary of the executive secretary and the cost of the study will be paid by federal funds and both are required by the federal government in order for federal vocational education funds to be expended in the state.

STRONGER MEDICINE NEEDED FOR THE ECONOMY

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. ULLMAN. Mr. Speaker, President Nixon has at last publicly recognized the seriousness of the Nation's economic problems. His announcement last week of a plan to create a National Advisory Commission to spotlight inflationary price and wage increases is commendable. But, in my judgment, this move alone is too little, too late.

The administration's "Inflation Alert" plan is a timid response when the need is for strong action. Unacceptable increases in prices and wages should be spotlighted for the public's benefit, but they should also be combatted by an effective Federal system that will prevent future increases.

Joseph R. Slevin, in an article this week in the Washington Post sums up the weakness of the administration's approach:

> The way to discourage outsized wage and price boosts is to call attention to them before they happen, rather than afterwards, but that is what the Nixon alert carefully does not do.

The plan points in the right direction, but again the administration makes the mistake of approaching only one aspect of the problem. As I have said before, we cannot repair today's economy without employing all the available tools.

I urge the administration immediately take the following four steps:

First. Place a tight ceiling on price and wage increases by establishing clear and firm Federal guidelines.

Second. Control available credit in the financial markets by implementing the authority granted by Congress last year under Public Law 91–151. This law gives the President authority to request the Federal Reserve Board to control all aspects of credit, including interest rates and down payments. It also directs the administration to funnel additional funds into the area of small business and housing which are suffering from tight money policies.

Third. With these controls firmly fixed to limit inflationary side effects, the administration should then expand Federal spending through an accelerated public works program, infusing up to $10 billion into the economy for schools, antipollution projects and other programs of social priority. This would be accomplished through open-market purchases by the Federal Reserve Board.

Fourth. Combine this move with a real, long-range effort to cut back our spending overseas. This means a commitment to review our military posture in Western Europe and sharply reduce its scope where our national security will allow. It also means a commitment to an irreversible withdrawal of all American forces from Southeast Asia on a clear timetable consistent with maintaining the safety of our troops.

This may sound like strong medicine. But the economy is not healthy, and it is not improving.

A prescription of lesser strength is not likely to provide a cure, as Slevin observes in his article. I commend it to the attention of my colleagues:

NIXON PLAN WILL NOT STOP INCREASES

(By Joseph R. Slevin)

President Nixon is setting up an "Inflation Alert" that will be about as useful as a burglar alarm that rings six weeks after the robbers have left the scene.

The "Inflation Alert" won't stop excessive wage and price increases and it wasn't meant to. Nixon tossed it into last Wednesday's television speech as a sop to those who have been urging him to bolster his anti-inflation program with a system of wage and price restraints.

The way to discourage outsized wage and price boosts is to call attention to them before they happen, rather than afterwards, but that is what the Nixon alert carefully does not do.

The President's Council of Economic Advisers is ordered, instead, to spotlight big wage and price increases in periodic, after-the-fact reports to a new 23-man National Commission on Productivity. The Commission then will publish the CEA analyses.

The Nixon plan is a heart-breakingly weak response to Federal Reserve Board Chairman Arthur Burns and a small cadre of Administration officials who have been urging the President to shorten the time it will take to stop inflation by adopting a mild income policy to check wage and price increases.

Nixon did do some jaw-boning in his speech. He belatedly reversed the handsoff policy he adopted at his first press conference, in January, 1969, and told labor and management it will be in their own best interest to lower their demands.

But it was what the White House calls "preaching" and a "soft jawbone." It fell short of the attempt to rally the country in a cooperative self-restraint campaign that once might have been expected of a President who made much of voluntary national efforts during his campaign for the White House.

What Nixon forgets is that the original attempt to muster national support for reasonable wage and price standards came not from his immediate Democratic predecessors, Presidents Johnson and Kennedy, but from President Eisenhower.

It was Eisenhower who tried to slow wage-price inflation in the late 1950s by telling the country that wage boosts must "remain within the limits of general productivity gains."

That was the guideline that Kennedy's CEA later made specific when it pointed out that the national average gain in productivity has been 3.2 per cent.

But Nixon never gave guidelines a chance in his speech. He misrepresented their nature by misleadingly talking of using guidelines "to dictate specific prices and wages without authority of law" which they do not do and which Eisenhower, certainly, never intended.

Establishing standards to suggest the point at which wage increases become inflationary is one thing. Having a President intervene in individual wage and price situations is something quite different, as Nixon, who rammed through the inflationary 1960 steel settlement, well knows.

Yet Nixon and an Administration official who briefed reporters at the White House, repeatedly talked of guidelines and overt Presidential intervention as though they were the same.

The briefing official twice identified guidelines with bringing labor leaders and businessmen into the White House and "vilifying" them.

For this part, Nixon spoke to the American people about "grandstanding" and the "dangerous misuse of the power of Government" that comes with having an "individual businessman or labor leader called on the carpet and browbeaten by Government officials."

But there must be standards, and when the CFA begins its "Inflation Alert" operation, it doubtless will discover—and belatedly report—that some prices have gone up because companies tripped productivity gains. It would have been more useful, though, if those same facts had been pointed out before the inflationary acts were committed.

UTAH SALUTES EUGENE JELESNIK

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. BURTON of Utah. Mr. Speaker, we need not remind ourselves that we are living in a period of deep social trial. About 2 years ago, the sensitivity of the times was expressed in simple nobility by a young lady who stood in a crowd in an Ohio railroad station holding a sign which read "Bring Us Together Again." These few words deeply moved a man who at the time was a candidate for the highest office his country can offer—the Presidency of the United States.

Since then, the words have moved

XUM

many other Americans, but none, perhaps, as much as Eugene Jelesnik, a Russian-born professional musician who loves his adopted land as few can. Mr. Jelesnik, in collaboration with the noted lyricist Jack Meskill, amplified the words of the young lady, Vicki Lynn Cole, and put them to music in a song entitled "Bring Us Together Once Again."

The words, in part, express the hope of a nation:

Things are looking brighter than they ever
did before
Ev'ryone is waiting, hoping, praying
As we all unite behind our country more
and more
Suddenly you hear the voices saying
Bring us together once again. . . .

We in Utah are proud of Eugene Jelesnik. He is a man who speaks with his heart. He is a man whose personal ideology reflects his feeling for all humankind. And he is a man who has continually endured the challenges our Nation has faced during the past three decades by participating in the cause of liberty the best and most rewarding way he knows how—entertaining our troops around the world.

Mr. Jelesnik has traveled hundreds of thousands of miles with professional USO shows to perform before countless servicemen in three wars. In each case, his show played to combat troops near the frontline.

For his efforts in World War II, he was awarded the Civilian Service Award Ribbon. As the result of his activities during the Korean conflict, he received the Silver Medal Citation. After performing for servicemen in Vietnam, he was awarded a Certificate of Appreciation signed by Gen. W. C. Westmoreland.

It is in this spirit of patriotic devotion that Mr. Jelesnik has created a musical composition dedicated to the hope of a nation, as expressed in the words of an Ohio teenager.

Indeed, if all Americans were as conscientiously committed to the welfare of their communities and their country as Eugene Jelesnik, the fulfillment of that young lady's prayer would be a reality. This talented Russian immigrant, who came to our shores as a young man in 1925, has truly enriched his new land, not with his musical gift alone, but also his humanitarianism.

Traditionally, he leads an entourage of musicians from his Salt Lake Philharmonic Orchestra into local hospitals to play for patients at Christmas time.

His contributions to his community are now beyond measure, but his untiring pursuit of wholesome entertainment was recently rewarded when he was honored at a luncheon by the Benevolent and Protective Order of Elks, Salt Lake Lodge No. 85.

Perhaps the words of the citation received by Eugene Jelesnik offer the sum of his existence:

> Mr. Jelesnik exemplifies the four principles of the Benevolent and Protective Order of Elks—brotherly love, justice, charity and fidelity. By such actions he has extolled the privileges of living in America, repairing and renewing America and the greatest privilege of all—the privilege of loving America.

We who know this man, and we all do, one way or another, owe him an immeasurable debt of sincere gratitude. Long before we even start to repay our obligation, however, I am confident it shall have increased beyond our capacity to amortize it. The State of Utah and this great Nation give their thanks to Eugene Jelesnik.

PROBLEMS OF WITHDRAWAL

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. HANNA. Mr. Speaker, it will be recalled that I cosponsored the house resolution which established the House Select Committee on Southeast Asia. This committee has now undertaken the investigation which this resolution called for.

However, prior to the committee's departure for Southeast Asia, I, as others did, responded to the request by the committee for suggested directions for the investigation. I had cosponsored the original resolution on grounds not popularly entertained by many in the country. I am concerned over the practical aspects and ingredients of our withdrawal from Southeast Asia and I spelled out these concerns in my letter to the chairman of the select committee, my good friend, Congressman MONTGOMERY. I would now like to draw the attention of the Congress and of the general public to these areas and am, therefore, including the text of my letter in the RECORD at this time:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C.

Hon. GILLESPIE V. MONTGOMERY.

DEAR SONNY: Thank you for your letter requesting my observations as to the directions for the Select Committee formed by H. Res. 976.

The questions in need of consideration at this time are not related to the efficacy or inefficacy of the troop withdrawals or the Cambodian invasion. These matters are history and as such, and of extreme importance regarding the coming directions of America at home or abroad, should be logically considered in the formulation of those policies. I am much more concerned over the state of the country we will leave behind for the Vietnamese when we have completed our withdrawal.

The most significant aspect of this approach must be the impact our withdrawal will have on the economy of South Vietnam and on the socio-economic infrastructure which has developed under our tutelage. Specifically, we must know what steps are being taken to permit the necessary adjustments in the economy of South Vietnam when the input of American dollars—in 1969, this input exceeded $345 million—is terminated. We must know, for example, what provisions, if any, are under consideration for finding employment for the 150,000 South Vietnamese now working on American bases who will gradually be "laid off" as our commitment of troops decreases.

In a more substantive vein, it is important for us to explore the impact on South Vietnam's international trade of the loss of American dollars which have literally been pouring into the country since 1965. The suspension of this most vital financial resource will have untold effects on South Vietnam's balance of trade and balance of payments.

Finally, we must face a certain unpleasant fact about our involvement. To too many in this country, the loss of more than 50,000 of our finest young men cannot be explained or rationalized. This Committee should not expend precious energy on this fruitless task. In another area, however, this Committee has a very definite responsibility, both to the American people and to the South Vietnamese people. Since 1965, the United States has spent more than $258,789,000 on public works in South Vietnam. The South Vietnamese have grown to expect a given standard of living which these roads, sewers, buildings, and so forth have made possible. This Committee must determine what will happen to this expenditure when our withdrawal is completed. Will the United States terminate its material and financial aid to these projects or will it assume the responsibility it has brought upon itself to show the American taxpayer some return on his investment and to permit the South Vietnamese to continue their ongoing economic and social growth?

These are but a few of the areas which I feel this Committee must concentrate on and to which it must pledge its limited time and energies. I do sincerely appreciate being given this opportunity to relate some of my feelings on this matter. I wish you success on your journey and in your investigation and look forward to hearing your usual comprehensive and conscientious report to the House on your return.

With best good wishes, I am
Yours sincerely,
RICHARD T. HANNA,
U.S. Congressman.

LEGAL SERVICE LAWYERS SPLIT OVER EMPHASIS OF PROGRAM'S GOALS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. PUCINSKI. Mr. Speaker, the highly distinguished columnist for the Washington Post, Mr. William Raspberry, has written an excellent article which shows the depth of intrigue which exists here in the District of Columbia against the local Director of the Neighborhood Legal Services Program.

Mr. Raspberry has performed an outstanding public service in showing how a group of renegade lawyers are conspiring against Director James W. Hill, who obviously is trying to do an honest and sincere job in providing legal services for those people in the District who otherwise could not afford legal counsel.

I am comforted by the fact that this whole legal services program is up for review by Congress in the not too distant future and there is no question in my mind that Congress will surely want to restructure this entire program in the light of the skullduggery which presently exists and obviously is being tolerated by the National Director of the Legal Services Program in the Office of Economic Opportunity.

Mr. Raspberry's penetrating article follows:

[From the Washington Post, June 23, 1970]

Legal Service Lawyers Split Over Emphasis of Program's Goals

(By William Raspberry)

Racial dissension at the local Neighborhood Legal Services Program has stolen the headlines, but the real source of the program's internal problems may be more philosophical than racial.

This is not to suggest that race isn't a problem: It is. An evaluation report done by the Office of Economic Opportunity, which finances the NLSP, indicated as much.

But what really is splitting the local NLSP staff is the question of whether the program's emphasis should be on legal service to poor people or on law reform.

And one of the reasons NLSP Director James W. Hill has been the target of criticism from his staff—some of whom suggested that he resign—is that he places the emphasis on service.

The question is a real one. Some poverty lawyers, including many of the white lawyers who make up about four-fifths of Hill's staff, contend that law reform should be central.

If the emphasis is on day-to-day legal service, they say, poor people will be no better off after NLSP goes out of business than they are now. They see run-of-the-mill service as a band-aid approach with few long-term benefits.

Law reform, they insist, is the only NLSP contribution that can outlive the NLSP itself.

On the other side of the question are those lawyers who contend that poor people suffer not so much from a failure to establish new case law but from the unavailability of lawyers to help them garner the benefits of existing law.

They see the emphasis on law reform as taking away from what they consider the real NLSP function—providing the same quality of service to poor people that private lawyers routinely provide for paying clients.

Both sides, insist, of course, that service and reform are needed. But they butt heads over the question of emphasis.

Hill himself declares a need for both, but he acknowledges that his emphasis is on service.

"I take the position that we've got to do both," he said. "It's important to remember that we work out of neighborhood centers located in (nine) neighborhoods where there is a need for legal service.

"Imagine rejecting a client because his problem doesn't raise any significant constitutional issues. When you do get significant issues, you haven't got any clients."

The only way for NLSP to build credibility in the neighborhoods it is supposed to serve, Hill believes, is for it to provide services on the basis of need alone.

But he insists that to emphasize service is not to deemphasize reform. "When you give service, you get reform," he said. "But when you sit around and wait for a test case, you don't get anything at all."

The philosophical quarrel goes beyond the question of emphasis, however. It inevitably involves personalities and jealousies.

Several NLSP lawyers seem to be interested in poverty cases primarily because they offer the opportunity for precedent-setting case law—which is to say, they give a young lawyer a chance to build a reputation for himself. Some members of the local staff already are building reputations in housing and welfare rights law.

And this is where the jealousy comes in. The bulk of the 47 lawyers are "in the field," with only seven or eight assigned to the law reform unit.

When a "field" lawyer uncovers a case with potential for a legal breakthrough, he usually turns it over to the law reform unit—partly because such cases can be so time-consuming that they leave little time for the day-to-day services.

But when the case hits the papers, it is the reform lawyer who gets the credit, although practically any lawyer in the program could have done the same work.

The resultant of jealousy has been the source of much of the increasingly public name-calling.

The white lawyers, one hears more and more, don't want to perform the routine drudgery of fighting garnishments and ghetto merchants and slum lords, they want only the glamorous stuff that builds reputations.

While these charges are as misleading as most generalities, they do highlight a very real conflict.

To use a medical analogy, some physicians choose to seek a cure for cancer while others see their role as treating sick people.

Hill's problem is that he has to do both.

CURBING NARCOTICS TRAFFICKING

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. ROBISON. Mr. Speaker, the eighth article in the Christian Science Monitor's series on the international narcotics traffic deals with the ineffectiveness of the United Nations in controlling this problem. In the final analysis, however, this is a problem which can only be solved if each nation which is involved decides to take firm steps to stop the smuggling of illegal narcotics. I was pleased to read recently that the United Nations has implemented new policies by means of which they hope to assist in the control of narcotics. Those announced efforts of the United Nations not only include giving training to police officers to equip them with additional narcotic-detection skills, but also provides moneys to "sweeten the pot" by helping governments develop other farm crops to replace opium. It is hoped that these United Nations' efforts will encourage the various governments to take firm steps to stop the flow of illegal narcotics.

The article by John Hughes follows:

Onus for Antinarcotic Action Rests on Individual Governments

(By John Hughes)

GENEVA.—At first glimpse, Geneva seems far removed from the sordid world of the drug trafficker.

It is a city with all the well-ordered stability of the Swiss.

Parks are trim. Streets are spotless. Traffic flows without a hitch along the shores of Lac Leman. Officials are polite, hotel service impeccable.

Geneva's busy burghers are steeped in the traditions of industry, economy, propriety, and can hardly, one imagines, provide the local police force with much in the way of electrifying crime or midnight shenanigans.

Occasionally some African delegate to the United Nations swirls through town in a blaze of golden kente cloth. Or there is the flash of exotic Oriental silk on some Asian emissary to one or other of the international conferences to which Geneva plays host.

Yet this peaceful city is in one sense the headquarters of the international effort to cut back the world's narcotics traffic. The action takes place at the European headquarters of the United Nations, on the outskirts of the city.

LEGAL PRODUCTION TABULATED

This is the home of the UN's Commission on Narcotic Drugs, and of the International Narcotics Control Board. The commission is the UN's watchdog on narcotics. It drafts international treaties on narcotics and oversees their application. The International Control Board monitors legal production for medicinal purposes.

As the basis for their operations, the two agencies draw on a string of international conventions and agreements over the years, consolidated in the 1961 Single Convention on Narcotic Drugs. This agreement limits narcotics to medical and scientific use. It provides international supervision over production, trade, and possession.

Countries which legally produce raw narcotics are obliged to keep the control board informed of estimated production and stockpiles. The board also keeps close tabs on legal requirements throughout the world. When production exceeds demand, the board is supposed to negotiate cutbacks with the producing countries involved.

Valuable though all this may be, it does nothing to touch the vast illegal narcotics production. This production, according to the International Control Board, is "extensive and prolific" and "constitutes an enormous reserve."

Thus the UN assessment is gloomy.

Many narcotics-growing areas are remote and beyond the reach of their respective governments. In some countries, such as Laos, Burma, and Thailand, opium is the growers' livelihood. their sole cash crop.

A problem of this scale and intricacy, says the control board, will not yield to "preemptory treatment." It is too much to expect that progress toward its solution can be other than "very gradual indeed."

All this makes an early start more imperative. Both UN agencies involved in the antinarcotics campaign have repeatedly called on governments to tackle a problem which "year by year becomes more imperatively urgent."

Herein lies the rub. Though the UN agencies may have done good work, they are themselves toothless and without real power. The UN is no more than a collection of diverse governments. Upon the sincerity and energy of those individual governments depends the vigor with which the campaign against illegal production and trafficking is prosecuted.

USEFUL MACHINERY

Over the years the UN agencies have built up some useful antinarcotics machinery. UN laboratories at Geneva undertake important research. By analysis, chemists can detect which country, and sometimes which region, a specific shipment of narcotics came from.

Experts and chemists from different countries are brought to Geneva for periods of specialized training. The UN itself assigns experts in various phases of narcotics control to countries which welcome them.

The UN agencies are also able to exert pressure in their various reports. A country which does well in limiting narcotics production gets a public bouquet. Lebanon's attempts to replace hashish-producing cannabis with sunflowers has drawn warm comment. India has been complimented for its incentive system of licensing, under which its 170,000 opium farmers get higher rates for higher yields turned over to the state.

By contrast, the UN agencies have been thoroughly put out with Iran for resuming legal opium-production after banning it for 13 years. The International Narcotics Control

Board called the decision a "sharp disappointment."

Afghanistan is another country rebuked. The control board says it is "much disquieted" by the extensive flow of illegal opium out of that country.

Nevertheless, diplomatic delicacies make the finger-pointing necessarily cautious.

As their weapons, the UN agencies have persuasion of member governments, publicity for defaulters, support and encouragement for countries making special efforts. These are slender weapons. If governments choose to ignore the UN's exhortations and injunctions, there is little in the way of UN muscle to make them comply.

The UN's own reports are littered with complaints from the Secretariat about governments which have failed to submit statistics on narcotics production, or whose reports are inadequate.

The control board reports bleakly that it is without information from Communist China (which creates a "lacuna of great importance") and North Vietnam. Some governments are late sending in their required reports. Others "fail for no apparent reason to reply, perhaps for several months, to requests from the board."

The control system, it warns, can only succeed "if all national administrations can be brought to a reasonable standard of efficiency and recognize that wholehearted participation is an obligation which they owe to others."

Despite cajoling, nudging, and judicious snapping, by the UN, it is thus upon individual governments that the responsibility for cutting back narcotics production primarily falls. Only one, that of the United States, has the inclination and the finances to send narcotics agents of its own beyond its own borders.

American agents are stationed in such cities as Paris, Marseille, Rome, Istanbul, Beirut, Bangkok, Hong Kong, and Mexico City. In many other countries, the tendency is to dismiss the narcotics traffic as an "American problem." The argument is that as most illegal drugs are consumed in the United States, it is the responsibility of the United States, not the producing country, to halt the flow.

This attitude changes sharply when addiction figures soar at home. A number of West European countries now are taking much keener interest in the problem, following the discovery of a burgeoning addiction problem within their own borders.

TROUBLE IN SWEDEN

One country particularly afflicted by the use of synthetic drugs, especially the amphetamines, is Sweden. Swedish officials have reported to the UN Commission on Narcotic Drugs that a "grave situation" has been created in their country. Thousands of young Swedes are dissolving amphetamine tablets in water and taking them by intravenous injection. This, say the Swedes, has created "acute health problems."

According to the official Swedish report, the effect among many users has been one of "hyperactivity which was almost maniac, accompanied by feelings of omnipotence, and lack of judgment."

The Swedish report described users as becoming aggressive, roaming the streets, driving dangerously, causing accidents, and even attacking peaceful pedestrians.

Sweden has thus been one of the most vigorous proponents of a new international treaty to control the so-called psychotropic drugs—LSD, the amphetamines, and barbiturates. If enacted, this would place them under similar international control to that presently applied to opium and other "hard" drugs.

The U.N. Commission on Narcotic Drugs hammered out a draft treaty in Geneva early this year. This has been passed to the UN's Economic and Social Council. Next step would be a conference, early next year, to adopt the treaty. It could be in force within a year or two.

One controversial aspect is likely to be the control over barbiturates, or sleeping pills. Some countries with major pharmaceutical industries—the United States among them—are ready to argue that less stringent controls should be applied to barbiturates than to amphetamines and the hallucinogenic drugs like LSD.

Such measures as the new treaty on psychotropic drugs underline the constructive aspects of the UN role. But the UN can only draft the laws and guidelines. It has no power at its disposal to enforce them.

There is little prospect of the UN's becoming its own policeman of the international narcotics traffic. That puts the ball right back in the laps of individual governments.

ADDRESS BY THE HONORABLE JOHN E. HORNE

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. PATMAN. Mr. Speaker, a few days ago a person well and favorably known to nearly every Member of this body made an important speech at the annual meeting of the Pacific Northwest Conference of Savings & Loan Associations.

I refer to John Horne, immediate past Chairman of the Federal Home Loan Bank Board and now chairman of Investors Mortgage Insurance Co., an insurer of conventional home mortgage loans. As many of you know, John was an outstanding Chairman who, prior to joining the Board, had established an enviable reputation by his dedicated work with Congress and the executive branch in support of programs to assist small businesses and to make possible a better housed America.

He was appropriately introduced by the president of the conference, James A. Sinclair, who is also president of First Federal Saving & Loan Association of Twin Falls, Idaho.

I ask that Mr. Sinclair's introductory remarks and John's speech be printed in the CONGRESSIONAL RECORD:

INTRODUCTION BY JAMES A. SINCLAIR

Our next speaker is John E. Horne, Chairman of the Board of Investors Mortgage Insurance Company, an insurer of conventional home mortgage loans. He is a longtime friend of our industry. He first went to Washington in 1947 as Administrative Assistant to Senator John Sparkman of Alabama, a powerful and influential member of Congress who also has benefitted greatly the entire housing industry including those of us who supply home financing.

John Horne was appointed a member of the Federal Home Loan Bank Board by President Kennedy in 1963 and was made Chairman by President Johnson in 1965. Both while with Senator Sparkman and as a member and Chairman of the Board, John worked closely with Congress in developinng legislation that is greatly benefitting our industry. In fact John contributed in great part to many of the programs that are proving so helpful to our industry today.

Fortunately he retains a deep interest in our behalf and continues to assist in promoting legislation designed to benefit the thrift industry.

John is also a former Administrator of the Small Business Administration, and a Phi Beta Kappa graduate of the University of Alabama. He was granted an Honorary Doctor of Laws degree by that institution on May 31, just a few days ago. He is listed in Who's Who in America. We are glad to hear from a friend of many years.

SPEECH BY JOHN E. HORNE

President Sinclair, the Honorable Hal Clarke, Chairman Robert Holmes, President John Kleeb, ladies and gentlemen.

I appreciate the gracious introduction, and I share your pride in your Regional Bank, its Board of Directors, and President Kleeb and his excellent staff. Also, I congratulate the members of the Seattle District Bank for your superior performance and integrity of operations. It is good that Hal Clarke, who is doing an excellent job on the Board in your behalf, can attend your convention and get at first hand the flavor of the excellent record you have made over the years.

On your program this morning I am following a real student of your industry, Norman Strunk—a trade executive of which there is none better. You'll understand if I feel some slight misgivings in speaking after one who has just given an outstanding talk.

It is hardly necessary for me to say that I appreciate being on your program. I do. Ever since 1947 when I became Administrative Assistant to Senator John Sparkman, working with the homebuilding and home financing industries has been a way of life with me.

My activities, though, as you know have largely been legislative and administrative. Like you who have managed associations, I have experienced both frustration and satisfaction. And also like you I consider it a privilege to have labored over the years to enable the citizenry of this nation to practice thrift in safety and to have a decent place in which to live.

While the great amount of effort expended by so many in and out of government has meant a better life and improved home surroundings for tens of millions of our people, the job is far from being completed. Unfortunately, there are periods such as 1966 and 1969, when not only is progress retarded but the gap between what is needed and what accomplished is widened.

It was suggested that I express my views on the shortrange and the longrange outlook of housing generally and the savings and loan industry in particular. Understandably I am a bit timid in this undertaking because conditions change too rapidly these days for even the most erudite to predict with exactness. I'll begin with the statement that there is no reason now to believe the year 1970 will show improvement over 1969 in housing starts. In fact, many experts, including the National Association of Home Builders, forecast housing starts will be about 1¼ million or 15 percent less than the 1969 levels. Early in the year, though, I forecast approximately 1,400,000 starts, and recently Secretary Romney suggested the same number. Neither figure would be adequate and, as I have indicated, the condition of our economy is so uncertain that one can only guess.

As a well known housing economist wrote a few days ago under a heading entitled *The "Heaven Help Us" Phase:*

"We are now at a stage in the current business cycle when patience is running out, confidence is weakening, frustration is epidemic, and apprehension is growing. The pervasive misgivings stem from the seeming ineffectiveness of measures so far taken to bring about a greater degree of price stability without disrupting orderly economic growth. Has the timing gone awry? Is the approach taken by the Administration a mistaken one? Can a recession be avoided? Must inflation be

XUM

accepted as a way of life? Such questions have recently been raised in numerous Congressional committee sessions. In virtually every such inquiry, the concern has focused on the downtrend in mortgage lending activity and residential construction, which have been the most obvious although by no means the sole victims of monetary restraint; and a major point at issue has been that of how to relieve this troubled sector of the economy."

As you know, Congress is showing concern over the critical housing shortage. The Executive branch is also evidencing a deeper interest, and this is a primary reason I am somewhat more optimistic than are some others as to the number of housing starts in 1970.

I confess, though, that my optimism may be unfounded. Obviously, the Administration's strategy is not developing as planned. There is disturbing evidence that inflation and accompanying loss of purchasing power will continue throughout the year. There is also evidence that the recent ease in credit and the overall increase in savings inflows will not be sustained.

In this regard, as you know, there is complaint that despite prodding from most of the Republican Senators as well as Democrats, at least one Cabinet member, labor leaders, business leaders, the Chairman of the Federal Reserve Board, and nearly all segments of the home building industry including both Leagues of your industry, the President so far has refused to utilize any part of the powers given him by Congress to impose credit controls, or wage and price controls.

Speaking personally, the use of such powers to halt inflation would not be a partisan matter. Members of both major political parties, in and out of government, have urged the use of these weapons. Of course their use has also been opposed, but this is the first time during this century that this nation has waged an expensive war without some form of credit or price and wage controls. Admittedly they are not palatable to many of us if to any, but they are more acceptable in my opinion than is rapid erosion of purchasing power, spiraling unemployment, higher and higher prices, and all the other disadvantages that ever increasing inflation entails. So far the economy has been slowed down, but not inflation. I read a quip a few days ago from one concerned person. He said, "The way inflation is running now, old folks can file for Social Security and bankruptcy at the same time."

Well, we have not reached that stage to any large degree, but because of factors to which I have made reference, and others, the Federal Reserve System most likely will not relax credit curbs as much as it otherwise would.

Most certainly there will be less money than would otherwise be available for mortgages, and home interest rates will decline less impressively, if at all, than predicted by some Administration spokesmen. And as you well know the cost of land, labor and building materials continues to rise and more and more families are frozen out of the residential market, be it single homes or apartments.

The major burden imposed by these conditions has fallen on the home builder, those who finance homes, and those in need of shelter. Perhaps current conditions were best summed up by my former boss and mine and your friend, Senator John Sparkman, on the Senate floor while managing the Emergency Housing Bill of 1970 a few days ago. He said, "The drop-off in housing starts comes at a time when (1) housing demand is at its highest level since World War II, (2) vacancy rates are the lowest since World War II, and (3) interest rates are the highest since the Civil War." He also pointed out, "This situation reflects poorly on the money managers of our economy. We seem to have plenty of money for office buildings, new plants, and for all kinds of consumer frivolities, but not for homes."

Senator Sparkman's bill would afford needy relief. A bill similar to the Sparkman measure but one that in some respects includes more help for your industry has been cleared by the Banking and Currency Committee of the House. That Committee, as you know, is chaired by another true friend of your industry, Congressman Wright Patman. Since you have already been told their contents, I won't repeat what the two bills include. I will say that I believe many of the provisions will substantially benefit savings and loan associations and indeed all sectors of the home building industry. My guess is that the differences between the House and Senate versions will be easily resolved and the bill will be signed into law late this month or in early July.

Despite, though, growing inflation and unemployment and other impeding factors, I still predict that residential starts in 1970 will not fall far behind that of 1969—perhaps no more than 100,000 units. Among the reasons that influence my thinking are the following:

1. Wider utilization of the Housing Act of 1968. Rent and interest subsidies; improved methods to tap pension funds (GNMA); and the savings and loan packages that accord your industry many advantages never available before are just several of the many tools offered by that Act.

2. Continued financial assistance insofar as they can supply it from FNMA and the Federal Home Loan Bank System.

3. Improved savings flow to the thrift industry. This could be temporary, but in my judgment the total net savings for 1970 will be appreciably greater than in 1969.

4. Increased commitments to housing in 1970 ($2 billion) made by commercial banks, insurance companies, and pension funds.

5. The action taken in early 1970 to set higher minimums on Board and FNMA issues and Treasury bills in order to reduce the outflow of funds from the thrift industry. FNMA and the Farmers Home Administration restrict their issues to $25,000. Maybe the other agencies and the Treasury will raise their present denominations to a higher level.

6. This being an election year, both Congress and the Administration are more likely to respond to pressures for housing. The 1970 bill to which I have already referred is one of several evidences already shown.

Time is slipping by though—already five months of 1970 are behind us—and somehow we must build a head of steam or Secretary Romney and I will have predicted incorrectly. A chief problem now is to find buyers who can afford the high prices. Another is to bridge the time lag that inevitably occurs when there is a huge drop in homebuilding volume. Even so, it is obvious that most of your industry, at least today, feel more comfortable than a year ago.

As to the longrange outlook for home building and home financing, there are simply too many considerations even to list to say nothing of discussing them.

Will Operation Breakthrough succeed?

How can we better utilize land and thus reduce the cost of homes?

How can we restore and maintain the inner city?

What can be done to disperse both workers and industry from their present and often inadequate locations but have the two located close together to minimize the transportation problem?

Until this is solved, how can we transport existing employees to their jobs?

Can we build adequate shelter at prices they can afford for those families—about one-half the total—now priced out of housing?

Do we have the will to establish a priority for housing and do whatever is necessary to meet that priority even though there will be less money for other purposes? Far too long, builders and homebuyers have stood at the end of the credit line.

Should we restructure our mortgage lending facilities and procedures, including our specialized institutions?

These are just a few of the many questions concerning housing which this nation has to answer in the years immediately ahead.

Perhaps some light on home financing will come from the Commission to be appointed by the President to study financial institutions and their role in the nation's economy.

Personally I have always believed that there is a compelling need for specialized institutions whose major responsibility is to finance housing. I also believe that such institutions restricted in investment authority as they are, are entitled to special consideration by state and federal legislative authorities. In some ways special consideration has been granted, but not enough. For example, your industry must have more flexibility in action and broadened investment authority and in time you will have it. The legislation to which I have referred will be helpful, but it is not all inclusive as regards your needs.

There is one more question I want to pose, and briefly discuss. If this industry is to continue to be the main source of home financing, if it is to remain a highly significant force in housing our citizens, it must have money.

The question is—from where is that money to come, or how is it to be obtained?

It cannot be secured by discontinuing Regulation Q, at least not until savings and loan associations have been granted powers and concessions not now available to them. It is true that during the 1960's a long list of new investment authorities was given you. Among these is the authority to invest your liquidity in several items and not just government bonds and thus to increase your earnings; to finance mobile homes; and to establish service corporations which themselves open many opportunities not otherwise permissible. But these and the others are not enough to enable you to pay as high rates for savings as banks could pay if Regulation Q is removed. For many reasons, including their much greater permission to make short term investments, banks can earn more and thus pay more for deposits than can the thrift industry.

Wider investment authority than presently allowed, tax reduction on interest paid depositors, and all those things that make for full family services are among the added changes I have in mind. Several members of Congress have already introduced legislation that would exclude from taxation the first $750 of interest earned on deposits. The opposition to such legislation is based on the loss of tax revenue, but more tax revenue rather than less could be the result because of the resulting higher employment and increased profits made by various sectors of the home building industry. If currently proposed tax credit plans are rejected, perhaps we should get behind another plan adopted by some European countries. Under that plan, tax credit is given only to those depositors that invest in a home within five years after opening a savings account. However, there are many variations of a tax credit plan—the important consideration is that we all support the principle and persuade Congress and the Administration to approve something that will be helpful.

Competing institutions are increasingly becoming more like financial supermarkets. Your associations must move in that direction even if they do not go all the way.

The 1966 experience taught several lessons. One is that under then existing restrictions on your industry, the commercial banks could drain your savings and otherwise impair your viability. It was necessary for you to be allowed to pay more for savings than could banks and for bank rates to be set low enough that you can afford the differential. Fortunately, the Federal Reserve Board and the Federal Deposit Insurance Corporation, once they had the facts, understood the necessity and agreed to it. As I have stated, during the 1960's legislative and administrative decisions were made that have moved your industry into a much stronger competitive position. However, the new advantages are not yet sufficient, in my opinion, to enable you as an industry to withstand wholly unrestricted bank competition for funds.

As much as I believe in utilizing the Home Loan Bank System for funding both for withdrawal and for expansion, I caution that we exploit even more fully than in the past the building of savings accounts. The Central Banking System and FNMA performed exceptionally well in 1969 even though unfortunately part of the funds raised by those sources came from your associations. Fortunately, also, the Board began 1969 with a surplus of between $1½ and $2 billion. I know from experience, though, that there are times when the System cannot raise all the money desired. The needs of the Treasury must always come first, and with the heavy funding that Department has to undertake the last half of this year I am afraid that the Federal Home Loan Bank Board and FNMA would experience great difficulty in increasing their outlays to the degree they achieved in 1969. Let us hope your savings gains will make such an undertaking unnecessary.

Moreover, the cost of System money is usually in excess of that paid depositors. The excess cost may appear to be compensated for by a subsidy, but we should bear in mind that the subsidy comes either from the stockholder of the regional Bank, the undivided profits of the Bank, or as is now proposed in the 1970 Emergency Housing Act from Congressional appropriation. You may know that System borrowers have been subsidized since 1966, but understandably there is a limit as to how long and how much the System can sustain a subsidy. Thus I repeat, let us use the System as necessary, but also let us make every effort to develop other sources of funds.

One such source is funds from public authorities. Provision for this would be made in the bill recently approved by the House Banking and Currency Committee. Another possible source is Treasury accounts. Hundreds of millions of dollars of such accounts are maintained in banks. It seems appropriate that some of the funds be deposited in associations. Deposits of public funds and Treasury accounts could be handled in a manner to avoid liquidity problems.

Still another source is to generate savings from all sectors of the home building industry—the builder, the mortgage banker, the product manufacturer, the unions, and all their employees. My company is working intensively to encourage these sources to open savings accounts with the thrift industry. With a concerted effort on the part of us all, the results can be substantial.

However, I continue to believe that we must continue to make supreme efforts to raise money from depositors. It was with this in mind that, among other provisions, we included in the Housing Act of 1968 the authority to permit a great variety of savings instruments in order to appeal to various groups; that we authorize consumer loans on many items of home furnishings, yet to be implemented by regulation; and that we authorize change in terminology from share accounts to deposits and from dividend to interest.

I am fully aware that during very recent years, you have lost some of the advantages you once enjoyed over other sources of competition. I see no likelihood that these advantages will be restored soon if ever. I hope, though, that you can avoid, and I think you can, becoming nothing more than a conduit of funds raised by sources other than your own associations.

In this connection I fear we have not done as effective a job of appealing to the youth market as we can. I know that the Savings and Loan Foundation has stressed the importance of this. Some of you have, and much of my Company's expenditures are directed toward this area. The youth market is the major source of your potential growth and survival both for savings and for home sales in the years ahead.

Already 52 percent of our population is 30 years of age or under. Twenty-five percent is between 18 and 34 years old. During the 1970's population growth is projected to be 26,000,000 with the fastest gain between 20 and 34 years of age. In fact, nearly 60 percent of the growth will occur in the young adult group—the age bracket in which people take their first jobs, get married, start families, and borrow and spend in a big way. It is estimated that 90 percent of this age group will buy their first home by age 35.

The importance of reaching this market is further demonstrated by the fact that the average age of association savers today is between 45 and 50 years of age. These savers of course should not be neglected. To the contrary they, too, should be courted, but to sustain your savings it is necessary that those of younger age be tapped.

It will be more difficult because they have far greater access to credit than did their elders. They have never experienced a depression. In many ways they simply have different thoughts and use a different language than do your present savers. Yet people who want to do business with them today, or tomorrow, better learn how to talk to them today. We may not always agree with them, but we need them. They are a large part of our population, a major part of today's market, and all of tomorrow's.

Just imagine! If even 5,000,000—less than one-fifth of those between 20 and 35 years of age—could be persuaded to save $25 per month the monthly inflow into your industry would be $125,000,000. The annual inflow would be $1,500,000,000. A savings of $50 per month would, of course, double this amount. For all practical purposes this would be new savings to you because hardly any of this age bracket has a savings account today.

Or to give you another possibility: there are fifty-one million families in the United States. Twenty-two million of these families, or 43 percent, are in the 25 to 40 age group—a group among which there are relatively few savers. More than 40 percent of these twenty-two million families have incomes in excess of $13,000. Let us assume that 25 percent of them (5½ million)—and this appears to be a conservative assumption—will buy a home costing at least $30,000 this year or in the near future, and that the only way they can buy it is to save a 10 percent down payment. This means saving $3,000 each or $16,500,000 total.

The potential plainly exists. The problem is how to reach them. There is proof that they can be reached, but *how* is another speech within itself. Other businesses are reaching them through various means.

As I have stated, to persuade the youth market to save systematically for a down payment on a home, or whatever the cause may be, will not be easy. It is a challenge, though, that I commend to you.

The Bank System and the industry have changed greatly during the last ten years—even the last five. The Regional Banks have been called upon to offer a greater variety of services to its members. This is as it should be. More case-by-case supervision is now possible, and this enhances a more liberal branching and merging policy. In fact in 1968, 68 mergers were approved out of 71 applications.

Associations are being asked to help house the socially and financially disadvantaged. You can do so safely under the 1968 Housing Act.

If you do not meet these and other challenges that encompass the whole panorama of housing, other institutions will be created, and your industry could be relegated to financing mainly the upper income groups.

Finally I want to emphasize that in my opinion the savings and loan industry is in its infancy as regards its potential growth and contribution to the national well-being. We need only to have the vision and the will to accept change, in fact to create change, in keeping with the nation's needs, and to persuade federal and state authorities that efforts to make possible an adequately housed America under the private enterprise concept should be channeled largely through the thrift industry.

RUSTY'S LETTER FROM VIETNAM

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. RANDALL. Mr. Speaker, in a recent issue of the Examiner there appeared a letter from Pfc. Walter R. Wade, a young constituent of ours who lives in Independence, Mo., but who is presently serving with Company C, 46th Engineer Battalion in South Vietnam.

The parents, Mr. and Mrs. David Wade, 608 Ponca Drive, Independence, Mo., asked the consent of their son to publish his letter, which in my opinion, is one of the most revealing letters of the attitude of our servicemen about what it is really like in Vietnam. It tells how our brave young Americans wonder whether the Congress will cut off the money to provide them with supplies and the necessary funds to be assured they will have a chance to return home safely.

Young Walter Wade is known to his parents as "Rusty." In his letter he explains how badly he felt to have to kill a human being. He hastened to point out it was a matter of shoot and run and with six fellow Americans with him in a bunker he emphasized you do not run.

I thought it was significant that Rusty told his parents that the South Vietnamese were good friends and believe they could win. In the next breath he asked himself the question, will the American public let us win? He indicated that we were so close to winning that if the Congress cut off the money and the people back home did not care any more about their troops in Vietnam, than to stop the funds, when he was discharged, he would feel like emigrating to Australia.

Finally, our friend Rusty said some things in his letter to his parents that need to be said over and over and that is that our demonstrators over here should realize that every demonstration encourages "Charlie"—the Vietcong—to hold on 1 more day. One more day means

XUM

35 or 40 more American lives. No one could put it more eloquently than young Rusty Wade when he said the peace marches and moratoriums are killing my friends as surely as if they were Vietcong who pulled the triggers.

In the newspaper account following the letter Mr. and Mrs. Wade added a note addressed to the editor. Therein they suggested they were not certain how much of the letter the editor would want to print, but they were certain their son and all the other sons deserve better than a riotous college minority complaining about their presence in Southeast Asia. Mr. and Mrs. Wade emphasize these young soldiers are not in combat by their own choice. They are trying to do the job that, because of physical limitation of age and infirmity, those who are described as the establishment cannot accomplish. They added that it is most important that the older generation support these men all the way to see they are brought back home safely.

The letter from Rusty Wade to his parents follows:

LETTER FROM PFC. WALTER "RUSTY" WADE

DEAR MOM AND DAD: Its monsoon here, and raining 24 hours a day with 10-minute dry breaks. I'm back on full duty after my injury last month, but I may have to go in and get my back worked on. I can sit only leaning forward, otherwise I get a hard pain right in the center of my back. And I can only sleep on my side. I have some new scars, but my hand looks better than I thought it would. The scars are where the shrapnel went through my left palm and out again—first one small, the second larger. But no booby traps have been set lately. We think Charlie's hurting for explosives. But it is hard to sleep. I got two sticks of 60 percent nitro and wired it to the blasting cap off a trip flare and set it on my doorway when I go into the shack at night. But it blew the front of the shack off and cracked some roof beams when a rat tripped it. We were able to fix things up with some tin, though.

I got back from medevac just in time for a three-hour mortar attack followed by a "human wave" ground assault. And I finally killed a human being when on guard week before last—maybe I got two, it was so quick. They each carried two pounds of C-4 (an explosive) with grenade blasting caps, and it was shoot or run—and with six of our guys on a bunker with me, you don't run. But it still took some thinking about. Not for long, though, because they came right back in short order, and I spotted and killed about a dozen more. We later counted 54 dead outside the perimeter fence, but no bodies there by morning. It was pretty bad—the first really bad attack we've had here. They say that if I get one more zip (wound) I'll be eligible for three days off (R & R), but can't go anywhere. I could probably sleep three days—if the back would let me, and they'd slow up on the shelling.

It's funny—I started out not wanting to get to know anyone over here. Now I keep getting shocks as old faces are gone and new recruits take their places. Seems a long time since I came over last December. We just got four new corba (helicopter) gunships (ours are in Cambodia) and that'll help. And you might tell our congressmen and senators that if they really want to be quitters, they can start by quitting their jobs. Over here, we need more money and weapons, not less.

We live in a bog of angle-deep mud, and the monsoon has two more months to go. Maybe not much is going to happen now that the mud is here, although radio Hanoi says next month will see stepped-up attacks against American bases in South Vietnam. But if Charlie gets me I'll have earned my own ticket. I can't tell you now how many I've got, but its a two-figure number and the first number is high. I don't get sick about it anymore, although each alert I wonder if my number might come up today. I take it easy in the club, though (Serviceman's Club) I never have more than two beers each night. We don't have sodas anymore. I definitely don't think that any more than two beers around here shows any sense. It's for sure being drunk during an alert has cost some people the ultimate price. But I can understand it. It's so hard to sit through a two-hour mortar attack and not die of fright. I don't want to be a hard-core V.C. hater, but dammit, they keep pushing and shelling, and all we want to do is build a simple little road and get the hell out of here. Dad, I know you've been through this. What does one do when all I want to do is sleep, or mostly come home to my wife and six-month old baby girl, and forget this place ever was? But what can I do—we can't quit here. The ARVNs (South Vietnamese Army) that built the asphalt plant beside us are good friends, and they believe we can win. But I wonder—will the American public let us? What a mess if we come so close only to have Congress cut off the money. If they do I'll feel like emigrating to Australia or some place when I get out of the army, if the people back home don't care more than that.

If they think they're tired and sick of this war, how about us over here? And we want to win. Why, oh why don't they bomb North Vietnam? And how can Cambodia be a V.C. staging and supply area and a neutral country at the same time? They just help to keep us always on edge with their snipers and mortars and infiltrating. We never get as much as a couple of days rest. I'm terrified each morning that I'll trip a booby trap, and thankful each night I didn't.

Doesn't every demonstrator over there realize he helps Charlie hold on one more day, at the cost of 35 to 40 U.S. lives, 70 to 80 wounded, and three or four missing or presumed dead? Damn them with their peace marches and moratoriums. They're killing my friends as sure as if they were V.C. and pulled the triggers.

But hell, I guess its nothing to write you folks about. Better close, and love,

Your son,

"RUSTY."

NATURAL GAS SITUATION

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. BOW. Mr. Speaker, the potentially chilling fact in the natural gas situation is the drop in proved reserves in this country during the past 2 years.

This means that while consumption is on the increase, our future ability to sustain that consumption is a matter of serious concern. Unless something is done quickly, shutdowns of industrial production in cold periods will occur in many Northern States, as they did in parts of Ohio last winter. More importantly, it will not be possible to expand the use of natural gas in industry in pursuit of our efforts to reduce air pollution. We are approaching an extremely serious problem, the nature of which is forecast in the following press release:

NATURAL GAS PROVED RESERVES DROP; PRODUCTION CLIMBS TO PEAK FIGURE

NEW YORK, April 5.—The urgency of stepping up oil and gas exploration was underscored today when the American Gas Association reported the nation's proved natural gas reserves declined in 1969 for the second year in a row.

The A.G.A. Committee on Natural Gas Reserves estimated year-end proved reserves at 275.1 trillion cubic feet compared with 287.3 at the end of 1968. The committee, which has reported annually since 1946, is presently headed by John C. Jacobs, senior vice president, Texas Eastern Transmission Corp., Houston.

This 4.2 percent drop resulted when production climbed 7.0 percent to a record 20.7 trillion cubic feet, while gross additions to reserves totaled 8.4 trillion, compared with 13.7 trillion a year earlier.

"We are disappointed but not surprised by the reserve figures," said J. W. Heiney, A.G.A. president. "Unless this situation is corrected, the natural gas industry will be severely hampered in its efforts to expand output to meet the rapidly growing demand. Similiarly, its contribution to combating air pollution, by providing a clean-burning fuel, will suffer."

Mr. Heiney, president of Indiana Gas Co., Inc., Indianapolis, emphasized that such a brake on the industry's ability to play its full part in the energy economy would be an artificially-induced shortage. Although proved gas reserves have declined, potential gas reserves—that is, gas believed to be in the ground but yet to be discovered—are larger now than ever before.

The Potential Gas Committee, in a study released last summer by the Colorado School of Mines, estimated potential gas supply—in addition to proved reserves—to be 1,227 trillion cubic feet. Nearly double the committee's estimate of two years earlier, this would be sufficient supply to meet indicated needs into the 21st century.

Proved reserves in Alaska, where vast potential gas deposits are believed to exist, are currently reported at 5.2 trillion cubic feet. This amount does not include estimates for the Prudhoe Bay area because of nonavailability of data the committee requires to make such estimates.

The gas industry has consistently urged Congress to strengthen exploration incentives. It is also in favor of retaining a quota system on oil imports, rather than adopting a tariff system which it believes would further discourage U.S. petroleum exploration and development. "Any decline in the search for oil would automatically reduce the search for gas," Mr. Heiney said. "Yet, as the reserves figures show, what the industry needs now more than anything else is more, not less, exploration."

The reserves committee also estimates that natural gas liquids reserves declined 455 million barrels to 8.1 billion barrels with production reaching a record 736 million barrels.

Canadian reserves, the Canadian Petroleum Association reported, climbed from 47.7 to 52.0 trillion cubic feet despite peak production of 1.6 trillion.

The five leading natural gas states experienced reserves declines as follows: Texas, down from 119.0 trillion to 112.2; Louisiana, from 88.0 to 85.1; Oklahoma, from 18.3 to 17.6; New Mexico, from 15.1 to 14.3; and Kansas, from 14.5 to 14.1.

Concurrent with the A.G.A. report on natural gas reserves, the American Petroleum Institute's annual report indicated a continuing decline in crude oil reserves.

"The oil experience," continued Mr. Heiney, "reminds us that this nation has an overall energy supply problem. In recent weeks several officials of the national administration have called attention to problems with electric power, coal, and oil. There isn't just a

XUM

gas shortage. There's an energy shortage. And, as I have indicated, there are compelling public interest reasons why the solution to our particular part of the energy shortage should have top priority."

Summary, natural gas reserves

(Millions of Cubic Feet—14.73 psia, at 60° F.)

Total proved reserves as of December 31, 1968	287,349,852
Extensions and revisions of previous estimate during 1969	4,562,228
New reserves discovered in 1969	3,812,776
Net changes in underground storage during 1969	107,169
Total proved reserves added and net changes in underground storage during 1969	8,482,173
Total proved reserves as of December 31, 1968, and additions during 1969	295,432,025
Deduct production during 1969	20,723,190
Total proved reserves of natural gas as of December 31, 1969	275,108,835

Natural gas liquids reserves

(Thousands of Barrels of 42 U.S. Gallons)

Total proved reserves as of December 31, 1968	8,598,108
Extensions and revisions of previous estimate during 1969	213,007
New reserves discovered in 1969	68,021
Total proved reserves added in 1969	281,028
Total proved reserves as of December 31, 1968, and new proved reserves added in 1969	8,870,136
Deduct production during 1969	735,962
Total proved reserves of natural gas liquids as of December 31, 1969	8,143,174

MINORITY LEADER GERALD FORD CALLS FOR ACTION ON ENVIRONMENTAL LEGISLATION

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, I wish to call to the attention of my colleagues the excellent speech of the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD) to the Water and Wastewater Equipment Manufacturers Association yesterday.

The minority leader has candidly reported that the four major administration water pollution bills are languishing in the House Public Works Committee. This is true in spite of the fact that the legislation is vital to a national attack on pollution.

The minority leader has also stated some hard facts about the economics of controlling pollution. He notes that the individual American is going to have to pay for controlling pollution whether it is through bond issues, increased taxes, or increased prices for consumer products. The basic issue of pollution control is, therefore, in the words of GERALD FORD:

> The extent to which Americans are willing to pay for restoring our environment.

I commend this excellent statement to my colleagues in the House and I insert it in the RECORD following my remarks:

ADDRESS BY REPRESENTATIVE GERALD R. FORD BEFORE THE WATER AND WASTEWATER EQUIPMENT MANUFACTURERS ASSOCIATION AT THE SHERATON PARK HOTEL, WASHINGTON, D.C., JUNE 24, 1970

We meet in exciting—and trying—times.

These are times when momentous decisions must be made—decisions today which will determine the quality of our lives tomorrow.

This is a time for realistic assessment of our problems—a time for a resolve to solve those problems as quickly and expertly as possible.

It is a time for positive action, for leadership, for creativity, and for boldness.

The challenge of our times is to confront the great problems and to employ the American genius needed to overcome them.

How are we to do this? There must be created in our country a new feeling—a two-way cooperation between government and the people, a working together of one with the other toward needed solutions.

Our federal government spends money in three basic areas: Defense, social welfare, and the environment.

During the last few years our expenditures in these three areas have gotten out of balance.

Now we are cutting defense expenditures. We are spending more on human resource needs. And we are moving toward vast new expenditures aimed at restoring our environment.

What we are witnessing today is the gradual self-destruction of life as we know it on our planet.

We have sent men to the moon but we have downgraded life on spaceship earth. Unless we spend the next few years putting a tremendous effort and a large slice of our resources into housekeeping—into cleaning up the air we breathe and the water we drink—then life on our planet will cease to exist as we know it today.

This isn't a job that government officials or nation's lawmakers can do by themselves. If the people aren't with us—if the people are not willing to pay the price—all is lost.

I personally believe that the Nation has been aroused. I believe that during the last third of this century—perhaps by 1980—we can bring nature back into balance and start dealing effectively with the problems of our environment.

The struggle begins with preservation of the natural resources and natural beauty of the land, and with the control of environmental pollution. It must extend to consideration of population control, the use of leisure, the pace and space of life.

There is reason to feel encouraged. We have a national commitment to a restoration of our environment.

On February 7, 1970, President Nixon proposed seven major bills designed to carry out pledges and recommendations he had set forth in his State of the Union and Environmental Messages to the Congress.

The House has already approved two of those bills—the Clean Air Act, which strengthened federal air pollution control programs, and the Resource Recovery Act, which authorizes a three-year program to recommend incentives and regulations for reducing the volume of wastes by encouraging the recycling or easy disposal of consumer products.

The parks and recreation legislation is still pending in the House Government Operations Committee, however, and no action has been taken on the four environmental bills turned over to the House Public Works Committee.

The water pollution control legislation awaiting in the House Public Works Committee is vital to a massive national attack on pollution of our lakes and streams.

One of the bills would establish a $10 billion federal-state-and-local program for the construction of waste treatment facilities over the next four years, with a reassessment of future needs in 1973.

Another would establish an Environmental Financing Authority to ensure that all municipalities needing treatment plants are able to finance local costs.

A third would authorize the Secretary of Interior to develop comprehensive water quality programs and would grant the authority for swift enforcement.

The fourth would authorize research, investigation, training and demonstration projects to improve State and interstate pollution control programs, with greater flexibility provided for the grant programs.

President Nixon has promised to "put modern waste-treatment plants in every place needed to make our waters clean again." He needs the help of Congress to keep that promise.

Today I have some doubts that any of the four water pollution control bills will be enacted into law this year. Probably the only action in the House Public Works Committee will be hearings on the two financing bills. Although I am informed prospects may be brightening in the House Committee on Public Works. I hope so.

Meantime the House—this very afternoon—is taking up a public works appropriation bill which includes $1 billion in new funds for construction of water waste treatment plants, with a carryover of $440 million from the current fiscal year.

Assuming House approval of the committee recommendations, about $1.44 billion would be available for waste treatment construction grants to the states during the next fiscal year.

Up to $200 million of the new funds could be used to reimburse states like my own state of Michigan which have moved ahead rapidly to attack water pollution and are hoping the Federal Government will catch up with its share of the costs.

As you probably know, Federal funds cover 30 to 55 per cent of the cost of state and municipal water treatment plants.

I am expecting an attempt on the House floor this afternoon to increase the appropriation for waste treatment plant construction from $1 billion to $1.25 billion, the full amount of the authorization.

The appropriation will be made under the Clean Waters Restoration Act of 1966, which required states to establish standards for maintaining the quality of interstate and coastal waters. When approved by the Federal Government, the standards become laws that the Federal Government can enforce if the states fail to adhere to them.

The Administration enforcement bill fashions new Federal weapons to fight water pollution. It extends the Federal-State Water Quality Standards to include precise standards for all industrial and municipal sources and provides court action for violation of the standards. Fines for violation of the standards could run as high as $10,000 a day.

The bill also extends pollution control authority to include all navigable waters, both interstate and intrastate, and provides operating grants of up to $30 million by 1975 to state pollution control agencies.

We must have effective enforcement of our pollution control laws if our talk of pollution control is not to be just that—talk.

One of the most serious defects in our present system of water pollution control is the delay in taking an individual polluter to court. It now takes 18 months or longer to go through all the procedures involved before court action is possible. The hearing stage is at the root of the delaying action.

XUM

President Nixon would eliminate the hearing stage and take a case directly from an enforcement conference to the courts. I applaud this move.

I also favor the President's attempt to give enforcement more clout by empowering the courts to impose fines of up to $10,000 a day for non-compliance with responsible water quality standards.

Citizens groups across the country are clamoring for action on environmental problems. I fail to understand how the Congress can in all conscience put off action on the President's water pollution control program until next year.

Concern has been building for some time about the environment. It is absolutely inexcusable that water pollution control legislation should be left on the shelf at a time when the problem is reaching crisis proportions.

The environment has become a major political issue—and properly so. I hope the conservationists who have been demanding action will take note as to just who is sitting on the Administration's much-needed water pollution control bills.

We know that the cost of adequate water pollution control will be astronomical. That is all the more reason why we should begin the cleanup job in earnest now—not next year, but now.

It is estimated that a really thorough job of cleaning the environment and protecting areas not yet damaged by man will be far more expensive than sending men to the moon.

A report issued by the General Accounting Office indicates that an expenditure of $5.4 billion to reduce water pollution in the past 12 years has left the nation's rivers and lakes as badly polluted as they were prior to the expenditure of those billions. This would indicate that we are paying out billions in water pollution control costs just to keep the pollution of our lakes and streams from getting worse.

There is no question that Congress has been laggard in supplying sufficient funds to cover the Federal cost-share of the water pollution control effort.

Of the $450 million authorized for 1968, Congress appropriated $203 million; of a $700 million authorization for 1969, $214 million was appropriated; of an authorized $1 billion for 1970, Congress appropriated $800 million.

What is needed now is a massive program of municipal waste treatment plant construction and a sharply accelerated program of pollution abatement through the prosecution of individual polluters.

According to the Federal Water Pollution Control Administration, bringing the nation's streams and lakes up to Federal standards would entail expenditures by 1973 of $8 billion for sewage treatment plants, $6 to $7 billion for sanitary collection sewers, and $2.6 to $4.6 billion for facilities to treat industrial waste. These estimates do not include the cost of separating existing storm and sanitary sewer systems, or debt service and operating costs.

It is encouraging to note that industrial expenditures for pollution abatement have risen at a rate of 30 to 35 per cent in recent years.

Of course a major problem in industrial pollution is that pollution abatement adds to the cost of doing business and affects profits.

It should be emphasized at this point that industry's emissions of wastes into public waterways are twice the volume of domestic wastes, and in some areas are even greater. Yet the average American thinks of water pollution control almost entirely in connection with construction of sewage disposal plants.

The Congress is very much aware of industrial pollution of our lakes and streams and it is for that reason that the Federal tax reform law allows for a five-year amortization of certain pollution control facilities.

The cost of controlling pollution is central to our environmental effort.

Let us be honest about it. The individual American is going to foot this huge bill no matter how we decide to assess the cost.

He will pay for it through bond issues and increased taxes, and he will pay for it in the increased price of consumer products.

How willing is he to pay for cleaning up our environment? That is the question that must be answered as we embark on this environmental mission which is more costly than sending men to the moon.

We can observe Earth Day ever year. We can listen to endless rhetoric about the very survival of mankind being at stake. But what is really at issue here is the extent to which Americans are willing to pay for restoring our environment.

We had better be willing to pay the price, whatever it may be. For unless we move without delay to halt the destruction of our land, our water, and our air, our own children may see the last traces of earth's beauty crushed beneath the weight of man's waste and ruin.

Our goal is clear: Cleaner water, cleaner air, cleaner countrysides, cleaner cities, cleaner suburbs—in short, a cleaner America.

We had all better take our talents and our treasure and join with others in giving ourselves back America the beautiful.

This will only come about through the power of the government and the people working together—through the power of the heart and the mind, the power of conscience and intellect, and the power of personal responsibility.

This is the power that will clean our water and air. This is the power that will restore the America that our forefathers knew—America the Beautiful.

A NATURAL GAS SHORTAGE

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. BOW. Mr. Speaker, in my continuing study of the serious implications of a natural gas shortage, I have come upon an excellent statement on the situation by Herbert D. Clay, president of the National Fuel Gas Co., to the House Committee on Interior and Insular Affairs.

The statement relates to the effect of imports, but it deals in the general situation as well and certainly indicates that positive governmental action is an immediate requirement if we are to avoid shutdowns of industry during the cold snaps next winter and thereafter.

The statement follows:

HEARINGS ON OIL IMPORT CONTROLS

Mr. Chairman, my name is Herbert D. Clay. I am President of the National Fuel Gas Company and Chairman of the Government Relations Committee of the American Gas Association. I am appearing today on behalf of A.G.A. and the National Fuel Gas Company. Both organizations are greatly concerned about the domestic natural gas supply situation and our ability to satisfy rapidly increasing consumer demands. We feel that any national policy on Oil Import Controls will materially affect that supply situation.

We have today offered for the record a more detailed statement of our position on Oil Import Controls. However, I would like to emphasize a few principal points in about a 10-minute summary.

A primary purpose of this brief oral statement, Mr. Chairman, is to attempt to give this Subcommittee a concise, chronological account of the facts—especially those over the past year and one-half—which give rise to this growing concern, which in turn reaches its very peak today with the announcement of the proved gas reserves estimates for 1969.

First a word about those for whom I speak today.

National Fuel Gas Company is a Public Utility Holding Company, whose subsidiary companies operate properties in Northwestern Pennsylvania, Western New York, and a small section in Eastern Ohio. This system provides retail gas service to over 635,000 customers in 468 communities with an estimated population of 2,300,000. The business and industrial centers of Buffalo and Niagara Falls in New York State, and of Erie and Sharon in Pennsylvania, are key markets in the service area.

The American Gas Association is comprised of 345 member companies, including 254 gas distribution companies, 60 gas and electric distribution companies, 31 gas transmission companies and several thousand individual members. Over 41.5 million homes, businesses and industries in all 50 states are served with gas; the distribution companies in this Association serve 92% of these customers which include some 145,000,000 of our population.

Thus, I am speaking essentially for the distribution segment of the gas industry. While some distributors have corporate diversifications which are related to oil and gas production, these are few in number, and comprise a very small portion of their total operations. So I believe I am on sound ground in making the statement that A.G.A. members have no significant monetary axe to grind in this oil import issue—except the very vital one of adequate gas supply and the ability to continue to serve our consumers.

This was our position in testimony last year before the House Ways and Means Committee and Senate Finance Committee on petroleum industry tax incentives. It was reaffirmed in our statement filed with the Oil Import Task Force on July 14, 1969. It is our position here today .

But the matter of domestic natural gas supply is one of increasingly vital concern. It is a concern that did not develop overnight, but over an extended period of debate. Let me recount a few significant dates and points.

During the late 1950's and the 1960's, the question of a possible gas supply problem was argued vigorously. And during this period, the drilling and exploration trends of the domestic petroleum industry declined sharply. Wildcat drilling and geophysical activity, which are considered the most sensitive measure of exploration operations, dropped 40% and 56% respectively between 1956 and 1968; total wells drilled declined 43%, and the number of active rotary rigs was off 55%. There was also a drastic drop in exploratory wells completed as gas producers from 909 in 1959 to 429 in 1968, a decrease of 53%. A frequently discussed parameter of supply and demand, the reserves-to-production ratio, also drifted steadily downward from over 21 in 1956 to less than 15 in 1968.

Then on December 16, 1968, about a year and a half ago, the American Gas Association, through a letter from its then President W. Morton Jacobs to the Federal Power Commission, took what was admittedly an extraordinary step. As Commissioner John Carver pointed out in a speech last month on March 5, this was one of four major "turning points, or new direction dates" since passage of the Natural Gas Act of 1938.

The A.G.A. letter said distributors were having difficulty in contracting for increases in long-term gas supplies and recommended that the Federal Power Commission act to provide additional economic incentives for

XUM

exploration and development. This meant higher field prices which most distributors had in the past vigorously resisted. Mr. Carver noted that "its significance was recognized by the Commission. Until then, the distributor group had been aligned as an adversary of the producer group."

This was neither a timid nor a reckless step by A.G.A. There were many known and predictable ramifications. It was taken only after very careful consideration. In major public interest or government matters, no one likes to do an about face. But it was deemed necessary at that time, and events have supported that decision.

This "extraordinary step" was followed by the annual report of the A.G.A. reserves committee in April 1969 which, for the first time since reserves had been reported over the past 23 years, revealed a deficit. By deficit, I mean that the gross additions to proved reserves were less than gas produced—and by a very substantial 40%. Production in 1968 was 19.4 trillion cubic feet and only 13.8 trillion cubic feet of new reserves were added, a deficit of 5.6 trillion cubic feet.

This was a very significant development. Even though the reserves-to-production ratio was declining to what many thought were dangerously low levels, there were numerous and prominent voices in the gas industry which contended that there was no real cause for concern so long as new reserves added each year kept up with actual production. So in April 1969, we reached that point of "real cause for concern," because reserves added did not keep up. We found less than we produced—40% less.

Then in June 1969, 10 distributor executives, representing about 40% of the total meters served by the gas industry, met with the full Federal Power Commission at the Commission's invitation, and reaffirmed that they could experience actual—although isolated—shortages this past winter (1969–70) and real problems this coming winter.

These predictions of some shortages this winter were borne out. Certain gas companies in the heart of the industrial midwest curtailed their activities for new business and began to deny accounts which they had sought for years. One company had to shut down some major industrial plants for 6 days during the peak January cold spell—the first time that had ever happened. A north-central pipeline withdraw a major expansion proposal for lack of supply. Evidence of actual shortage was no longer theoretical or prospective. It was here!

As to the real problems of next winter—and in future years—I cite the 1969 estimates of the A.G.A. Gas Reserves Committee, which were released today. This release date is only coincidental with my appearance here, but I hope it will help me to illustrate the domestic gas industry's supply concern.

Production in 1969 was 20.7 trillion cubic feet. Additions to reserves were only 8.4 trillion cubic feet. This is the second consecutive annual deficit, and this time by a startling 12.3 trillion cubic feet, or 60%.

Suffice it to say, there is no doubt whatsoever that we have a serious domestic natural gas shortage. We think this is a problem capable of solution. But the most economic and the most expeditious solution is a timely drilling effort aimed at the vast domestic potential natural gas supplies. Estimates of this potential for the "lower 48 states," that is, excluding Alaska, range upward from 750 trillion cubic feet. This compares with present proved reserves of 275 trillion cubic feet. But this vitally needed domestic drilling effort will only be further set back if a change in oil import controls attracts capital away from the domestic scene and towards foreign supply areas.

We in the gas industry used to worry a lot about acknowledging our supply problems for fear that our competitors would take advantage and gain the marketing momentum even after we had solved our problems. Now we find that our competitors seem to have equal or greater supply problems. Various government officials have commented on this recently.

There isn't just a gas shortage. There's an energy shortage. And there are impelling public interest reasons why the solution to our particular part of the energy shortage should have top priority.

In addition to the fact that gas is a convenient, dependable, and economical fuel, it offers a very positive contribution to the growing national concern about environment. Natural gas is clean burning. It doesn't create air or water pollution. As to aesthetics, gas facilities seldom offend the eye because the 890,000 mile pipeline network is almost entirely underground from wellhead to burner tip.

Natural gas is a most valuable domestic natural resource. In this era when environment and consumerism are national bywords, the discovery and development of natural gas should be encouraged, not discouraged. It is our position that the proposed tariff system on oil imports would only serve to discourage the badly needed development of gas reserves.

GOD SAVE THE GOOD OLD "DELTA QUEEN"

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. CULVER. Mr. Speaker, the paddlewheel boats which plied the Mississippi and other major rivers of this Nation played an important role in the opening of the West and the growth of our country.

In many ways they were also the center of life for the inhabitants of the river towns, providing entertainment and a tie with other parts of the land.

There remains in the United States only one overnight passenger paddlewheel steamboat. She is the *Delta Queen* and regularly makes the trip up and down the Mississippi, affording the opportunity for a few lucky passengers to catch a glimpse of the beauty of America's past.

Her superstructure is of wooden construction, in the traditional fashion, but she will soon be forced off the river unless Congress acts swiftly, because the Safety at Sea Act requires steel. The provisions of this act should never have been applied to the *Delta Queen* in the first place. They were designed for ocean-going vessels.

I recently introduced a bill which would correct this legislative mistake by exempting the *Delta Queen* from this act and preserving her from extinction. I have been gratified by the support I have received in this effort. In Clinton, Iowa, for example, over 900 people signed a petition to save the *Delta Queen*.

I sincerely hope that this bill will receive speedy and affirmative action by the Congress so that the *Delta Queen* may continue to inspire future generations of Americans.

Mr. Speaker, a recent article in the Davenport, Iowa, Times-Democrat vividly describes what the *Delta Queen* means to America.

The article follows:

God Save the Good Old Delta Queen

(By Jenkin Lloyd Jones)

Unless Congress does something between now and Nov. 2, the Delta Queen, the last real packet on the Mississippi River system, gets the ax from Uncle Sam.

The reason is ridiculous. A government agency has decreed that the "safety-at-sea" regulations, which outlaw any ship carrying more than 50 overnight passengers if it is not built entirely out of steel, must apply to riverboats as well.

For four years the Delta Queen has been operating under a temporary congressional reprieve. The Queen's hull is steel. But its superstructure, in the tradition of riverboats, is wood. The noble curved staircase is mahogany trimmed with brass. The deck is hand-pegged ironwood. The 28-foot stern wheel is made of planking, and the cabins are paneled in oak.

The Green Line of Cincinnati, which sends the Delta Queen on cruises down the Ohio and Mississippi and up the Tennessee and Cumberland, has made a valiant effort to meet the government demands.

Only two shipyards even bid on plans for an all-steel, diesel-electric monstrosity. The estimated cost was $10 million. Not many American river-lovers could afford the fares necessary to amortize such an investment.

The safety-at-sea regulations were designed to protect passengers hundreds of miles from land and hours from help. A riverboat runs between river banks. Sure, there's some fire danger in a wooden superstructure. There is also a little danger in stacking up a dozen 707s over O'Hare on a night when the birds are walking. There's some danger in walking the streets of Washington in daylight.

To knock off the Delta Queen because of a law designed for ocean liners would be like pulling down the Tower of London because it doesn't meet city fire escape regulations for public places.

No one would think of allowing passengers to hang on the outside of a New York City bus, but people hang all over San Francisco's wonderful cable cars. If we are going to keep any flavor in America, somewhere there must be an area of common sense.

The Delta Queen, as all river buffs know, was not born to the inland rivers at all. She started life in 1926 on the overnight Sacramento-San Francisco run. Still, she looks like a riverboat except to us purists who would prefer the pilot house farther aft behind twin smokestacks abreast. She has a calliope, so she's really a hybrid of the Eclipse and the Cotton Blossom.

The Delta Queen goes eight miles an hour. She would drive the jet set bats. In his "life on the Mississippi." Mark Twain claims that he served as pilot on the John J. Roe, a boat so slow that they changed watches three times in a five-mile stretch. When the boat finally sank, he swore it was five years before the owner heard of it.

Even the Robert E. Lee, in its record-breaking 1870 race with the Natchez, took three days, 18 hours and 14 minutes to run the 1,218 miles from New Orleans to St. Louis.

The river is not for speed, but for an experience unlike any other travel adventure. On a boat breasting a stiff current, go-go types glare at the banks and chew their nails. River-lovers are relaxed. Steamboat captain Fred Way puts it this way:

"They exist on a continent of their own, secure and steadfast; the boat is stationary; the shores do the moving, advancing, sliding by, retreating. The mountains slide apart and close again. You will wonder as you step ashore, suitcase in hand, whether you are entering the world of reality or departing from it."

I never rode the Delta Queen, although I've been aboard her at Cincinnati and New Orleans. But once I helped pilot 600 feet of gasoline barges from Louisville to Baton Rouge, and by the time the five days ended I was a mainline addict.

The Ohio and the Mississippi above Alton are a series of beautiful slack-water lakes divided by dams and locks. But the lower Mississippi is a fractious beast for which charts are useless—gnawing at Tennessee, building up Arkansas, eating islands, piling up reefs, cutting new chutes, leaving isolated oxbows.

Most of the time you float through utter wilderness, for the flood plain between the levees is chancy land, given over to cypress and cottonwood, mysterious pools and Spanish moss. Beyond the levees there may be cities and super roads and locomotive horns and people standing in line. The river hears only the call of the heron, the splash of the muskrat and the gurgle of brown waters around the snag.

We need these things.
God save the Delta Queen

PRINCE EDWARD ACADEMY GRADUATION EXERCISES

HON. WATKINS M. ABBITT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. ABBITT. Mr. Speaker, on Friday night, June 5, I had the privilege of attending the graduation exercises of the seniors of the Prince Edward Academy at Farmville, Va. I am indeed proud of the academy and the wonderful work that it is doing in educating many of the young people of Prince Edward County and some of the young people in adjoining areas.

When we are informed by the news media of the criminals assaulting citizens on our streets with impunity, crowds blocking the thoroughfares with demonstrations and marches, mobs burning and looting in our cities, students disrupting education in schools, colleges, and universities, I fear for the future of our Nation but sitting there in the audience during the graduation exercises of the Prince Edward Academy, I realized that many, many of our young people are dedicated to America and its great heritage. Here were a group of students who desired an education, who worked to obtain an education, whose parents sacrificed that these children might receive an education, that these young boys and girls might be equipped to go out into the world as God-fearing, liberty-loving, loyal citizens of America equipped to measure up to their responsibilities, duties, and obligations as citizens of a great nation coming from an area whose people inherently believe in good government, in law and order and that the best governed are the least governed, that it never was intended that the Government should take care of the people but rather that the people should support the Government. These young men and women were graduating from one of the finest schools in the Commonwealth of Virginia, made possible by the work, determination, and sacrifice on the part of many, many people who under great hardship and handicaps developed an educational system from scratch and second to none in our area.

I commend the graduates and all those who had a part in making these graduation exercises possible.

Mr. Speaker, an intricate part of the graduation exercises was an outstanding address by one of the students, Fred Hutcheson Hanbury, senior class speaker and treasurer of his class. The address is well prepared. It points out some of the problems confronting our people today. It impressed me so that I would like to share that address with all the Members of the Congress and others who read the CONGRESSIONAL RECORD. He is a young man who has done better than well in school pointing out to us the pitfalls and giving us some sound advice. I commend it to those who are interested in the young people of today and who are determined to make tomorrow a better place in which to live.

Mr. Speaker, the address of Fred Hutcheson Hanbury, who is a wonderful student and is to be commended for applying himself so well, is as follows:

Mr. Helms, Dr. Hargrove, Mr. Redd, Mr. Kindle, Faculty, Parents, Guests, and Fellow Classmates:

It seems strange that we should use the word "commencement" to designate the day on which we set aside the school work we have carried for so many happy years. "Completion" would seem to be a more appropriate term.

But that would not be life, for in this world, everything that marks an end, also marks a beginning. The end of a day is the commencement of another. The end of a task, the beginning of a new one. The tree blossoms, bears fruit, sheds its foliage, and immediately begins preparation for another crop.

So it is with our education. What we have learned at school, valuable as it is, is only the beginning. The end of our school work merely means the commencement of these experiences which will put to the test the principles we have learned.

Tonight, graduating classes all over the country are entering a world of student unrest and campus disorders, which are a major concern to all of us. With this in mind, some people tend to denounce the younger generation as the cause of it all. Others take the opposing viewpoint that the on-coming generation is far superior in education and in knowledge of current affairs than their parents were at that time.

The real question is the underlying cause of the campus troubles today. It appears that students have become the self-appointed destroyers. They are aware of injustice: they want action; and action without experience simply means destruction. Having learned to destroy, they feel that's all it takes. DESTROY! Two very popular answers to this question are over affluence and a permissive society. Even though we are speaking of a very small minority here, it is said that the youth of today are over indulged with benefits such as cars and allowances. The same applies to the permissive restrictions placed on them by parents which allow them total freedom in making their own decisions.

With this background picture of society, our Senior Class selected a very positive motto which it feels is indicative of its youth. "We believe in minds that think, hearts that love, and hands that work." Let us analyze each portion of this motto as it applies to our lives.

First, We Believe in minds that think. Whether or not we have derived all the benefits from our classes is a matter between us and our conscience. Up to this time, our work has been directed and made as easy and beneficial as trained minds could make it. From now on we must rely more and more upon our own efforts. The good we derive from our high school work will depend entirely on us. The success we make of our careers will likewise be due to our own initiative.

We have seen minds like Von Braun, Roosevelt, Lincoln, Edison, and Jefferson make their contribution to this world. These original thinkers seem to have certain things in common. First, there is the desire and ability to create—to do something original—something no one has ever done before. Second, there is the quality of persistence, the urge to keep going until it is finished, regardless of surroundings, poverty, or health. Third, there is that dissatisfaction which seems to be standard equipment of these men. Regardless of how outanding their work appears to the world, they themselves were never satisfied with it and were sure that if they had it to do over they could have done a better job. Thinking minds are the blueprint for action. As we are controlled and completely governed by our thoughts, far greater care should be given to what we put into our minds than to what we eat and wear.

We have millions who are affected with mental laziness—those who are satisfied. They are easy thinkers. When a raw thought is given to them, they find it much easier to agree than to question it. And this is dangerous, especially if the idea is a bad one.

In the final analysis, we alone are responsible for our thoughts. We alone decide upon the choice of thinking that completely controls our life. We decide whether our thoughts are to be constructive or destructive, or whether they will be translated into good or evil action.

The Edisons and Einsteins were the long range thinkers of yesterday. What we want from the 1970 graduating class: Some long range thinkers of today.

The second portion of our motto: We believe in hearts that love. Several years ago there was a very popular song entitled "What This World Needs Is Love". Included in its lyrics was the phrase "That's the only thing there is too little of." What we need as graduating seniors is love—love for country and fellowman. Why is it so unfashionable to choke up with tears as the flag goes by? Why is it so unfashionable to beam with pride as our nation achieves greatness? Why is it so unfashionable to pray for the safety of our astronauts and soldiers in Vietnam?

As 8th graders read Edward Hale's "The Man Without A Country". Philip Nolan was a hot-headed youth with a sharp tongue. He made a rash statement before a military court as he said, "Dam it. I wish I may never hear of the United States again. Dam the United States." His wish was carried out as he spent a lonely life on a vessel at sea. When he died, the Captain found a slip of paper on which was written the following, "He loved his country as no other man has loved it, but no man deserved less at her hand." Philip Nolan did not appreciate his country until it was taken from him. We, as the Class of 1970, must not be apathetic. We must be willing to fight and even die, and love it as those before us have done. If Americans don't wake up, they will soon discover their nation has been snatched from them. Then it will be too late to appreciate her.

Our world today is bound together by a system of communications. We can no longer ignore the fate of people half-way around the world nor can we live in an isolated state. In the story of the Good Samaritan we are told to be a neighbor to all mankind, regardless of religious beliefs, race, color or creed. As Seniors, we must accept the challenge to love our fellowmen. May we be like Lee who loved his Virginia, Churchill who loved his England, and Schweitzer who loved his Africa. Grant that we may put out of our hearts all the hatred, prejudice, and selfishness, and make love the ruling motive of our lives.

The final portion of our motto: "We believe in hands that work." Man must work. But he can either work grudgingly, or he may work gratefully; he may work as a man, or he may work as a machine. There is no work so rude that he may not exalt it; no work so impassive that he may not breathe a soul into it; no work so dull that he may not enliven it.

Let's divide the people of the world into three classes: There are few who work and make things happen; There are many who watch things happen; and the vast majority who have no idea of what happens. We need more people who are willing to work to make things happen. Creative, inventive, original work is grueling hard work. It involves a persistence and a love of work with which few men are gifted, and is seldom accomplished except under pressure.

We frequently hear expressed the statement that pioneering days are over; that all the land and water have been discovered; all the wilderness explored, and all the great machines invented, however, our educational system is the result of all this work. It is like the foundation of a building which we fix ready for our use. We have only to accept it; to take advantage of the work of others over the centuries which have preceded us, building as high as we wish, and giving our structure what form we desire it to take.

In the true sense, we are still pioneers in a world yet filled with adventure and romance. As long as we have ambition and dreams, there will be pioneers in every field of endeavor. When such dreaming stops, civilization will cease to be. If we wish to be one of these pioneers, the surest way to attain that end is to accept the work already done by those who preceded us. Then we must continue to work. The better the foundation we lay now, the better will be the structure which we can build upon it. In speaking to the Class of 1970, we must be willing to work for our dreams and goals. There is no record of anybody ever being drowned in sweat.

With our motto: "We believe in minds that think, hearts that love, and hands that work," we are well equipped. The fact that we are receiving our diplomas tonight proved that we have intelligence, that we are concerned, that we know how to work, and that we are ambitious. These qualities should carry us far. This is best illustrated in the words of Robert Browning as he said, "A man's reach must exceed his grasp or what's a heaven for."

As we leave the school doors for the last time and commence to a larger life, may our hopes and dreams be realized to the fullest degree. In years to come, may our names reflect credit upon Prince Edward Academy which has been our home during the formative period of our life. Thank you.

PRIVACY AND THE AGE OF COMPUTERS

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mrs. HECKLER of Massachusetts. Mr. Speaker, in the process of legislative reorganization, computer services will become increasingly important assets to the Congress. This is not only the space age, but we are also invloved in "the computer age." The computer will provide fantastic benefits to mankind in increasing the efficiency of man's work and in supplying him with ready and almost instant access to the accumulated knowledge of history.

Of course, the computer also poses a potential threat to our privacy without adequate controls of the use of such information.

This subject, which is both fascinating and important, is discussed in what I believe was an excellent speech by Robert P. Henderson, vice president and general manager of the Electronic Data Processing Division of Honeywell, Inc., on June 9 before a national symposium of the National Archives and Record Service—GSA—in Washington, D.C. His company, which is a national leader in the computer field, is located in Wellesley Hills, Mass., in my district. I am privileged to insert the speech in the RECORD.

It is thought provoking, and a major contribution to our understanding of the possibilities ahead in "the computer age." I recommend it strongly as important reading to my colleagues. The text follows:

RECORDKEEPING IN THE SPACE AGE

(By Robert P. Henderson)

It is a great pleasure to be here with all of you today, and to have this opportunity to discuss some of the problems and opportunities that we share in this very vital area of "Recordkeeping in the Space Age."

Space age? Yes, we certainly have entered this most adventurous era in man's history. But I can't help feeling that an even more meaningful description of the time in which we now live is "The Computer Age."

I don't say that just because computers are my field and my overriding interest. I say it because I think that the computer already exerts—and will increasingly exert—a more compelling influence on the life of the average citizen than the exploration of space—as thrilling as that may be. In fact, it hardly needs saying that there would *not be* any space program without the technological advances which we loosely lump under the heading of "computers."

Precisely because the computer's potential effects on society are so important, it has generated a good deal of controversy.

On the one hand the computer is seen as the great servant of mankind. It has come along just when it is most needed to help solve many of the complex social and economic problems which threaten to overwhelm us today. It is a miraculous extension of man's intellect, with implications so broad that no one can even begin to predict its ultimate uses.

That's one view of the computer—but by no means the only one.

The man on the street, with only a vague comprehension of it as some sort of mechanical brain, may regard it as a threat to his job. Or he may see it as an impersonal compounder of errors that show up from time to time on various printed statements—an inhuman device designed to frustrate him by his inability to get past it to the very human person who is really responsible for the mistakes.

If that sort of view represented the only criticism of the computer, there wouldn't be too much for us to worry about. It is easy to demonstrate that computers create far more jobs than they eliminate. And the errors blamed on them are indeed chargeable to people who probably would have committed them even if the computer had never been invented.

There is criticism, however, of an entirely different sort that *does* worry me. It comes from some very learned and thoughtful people. They don't see the computer as a monster, which it is not. They don't see it as the ultimate master of mankind, which it will never be. They see it, rather, as facilitating radical realignment of knowledge—and therefore of power. This they regard as a very dangerous possibility—and so do I: a new sort of computerized power politics. But I don't regard it as *inevitable,* so what I'd like to get across to you today are some personal observations about future computer developments in four areas:

First, the great benefits that lie ahead of us;

Second, the dangerous side effects that could threaten some of our prized individual freedoms;

Third, what can be done—and *must* be done—to avoid that sort of perversion of computer technology; and

Fourth, steps already being taken to insure that the computer always serves the individual and never the other way around.

In their potential benefit to society, computers today are ready to take off in a big way. Most of our ideas about them in the '60s need to be discarded or at least radically revised. Arthur Humphreys, managing director of International Computers, Limited, in England, has pointed out that we must stop thinking of computers merely as a way to *save money*. In their ability to perform far more demanding and complex assignments than they have ever been given, computers have become a means of *making* money—of creating new wealth.

In the past a great deal of effort has been directed toward making the most efficient use of computers *as they existed*. This was fine for miscellaneous back office applications, but now managers must think of developing computer systems that are specifically geared to *their needs* and the needs of the people who work for them. It is the decision-making process that should receive major attention. Some observers—including Mr. Humphreys—even forsee the old functions of programming passing from the picture.

How will this happen? We will see systems analysts working directly with individual line managers. By learning to understand managers' problems in the light of practical day-to-day business, the analysts can evolve appropriate solutions through the establishment and manipulation of data by computer.

Thus it will be people who best understand management's problems who see a data system through from conception to implementation. With this close user involvement, there will be little or no need for intervening technical or programming specialists.

Up to now the computer industry has had very limited success in persuading management to utilize computer-processed data in their decisionmaking. And I think much of management's resistance has been because they didn't know how to change the way they called for information. New management information systems will be more practical. They will conform to the reality of the human beings they are devised to serve. And the result will be an invaluable data base for an organization's operational and planning activities. In fact, I would hope to see it providing information on day-to-day operations to a point where managers feel unable to function efficiently without constant updating of the data base.

In this way the computer will become a true management innovation, giving executives the time for deeper and more astute consideration of their decisions. You might say it will even put them a bit on the spot—by relieving them of any excuses for not exercising the highest degree of creative thinking and good judgment. Flying by the seat of your pants will be out.

Another extremely significant development in the '70s will be the linking together of the isolated and independent computer systems of the last decade. Data and pro-

XUM

grams will begin to flow together in enormous national—and even international—data grids.

This becomes possible through two important advances in computer technology:

First, new time-sharing potential permits simultaneous on-line access to many users at remotely located terminals;

Second, mass memories are becoming available with a capacity for files of almost unlimited size.

One of the great benefits of these large new computer systems will be their ready access to many people in both a physical and intellectual way. Terminal devices through which people can communicate with the computer systems will enable them to converse with the data bank as easily and familiarly as with their human colleagues. In effect, each man will be able to use the computer as a means of building upon the work of others. Just as he will use data generated by the activities of others, he can generate his own data for their use.

The result can be an eventual pyramiding of man's knowledge and intellectual accomplishment that is staggering to consider. There are those who even foresee a time—we are no longer speaking of the '70s, of course—when all of the information available in the world can be stored and constantly updated in computer memory. From terminals in every large city in every country scholars and others could query the computer to search its memory on any subject—and thereby instantly find and receive the required information. Where a Harvard graduate student, for example, now enjoys the privileged position of working within that institution's great library stacks, that same capability—and even better—would become available to anyone who wanted it wherever he might be.

In a modest way, this sort of thing is already being done. The Library of Congress provides computerized bibliography service on its some 70 million books and documents. The Smithsonian Institution now keeps track of its multitude of exhibits and specimens by computer. Aspen Systems has the legal statutes of all 50 states computerized by subject matter and can provide immediate summaries for any jurisdiction.

Today a brilliant lawyer may diligently track down some remote case history that will favor his side in a trial. Tomorrow vast computerized legal files could produce such histories quickly and easily for all lawyers, freeing their time for other constructive activities. The result could not only help to clarify our laws and their interpretation. It could reduce the costs of cases and relieve our overtaxed court facilities by enabling them to dispense justice more rapidly and efficiently.

Another important area of our lives where computer data banks can benefit us is in the maintenance of our health. Every citizen's complete medical history can be recorded within a national data network. Wherever he may go, from coast to coast, this history will always be immediately available to any doctor or any hospital should he suffer an accident or illness. No more mistakes involving blood type or allergy to certain drugs or lack of information on past disabilities. And oceans of correspondence and paper work in triplicate will be eliminated from the burden carried by our overworked medical profession.

Doctors may also use data banks to assist them in making a patient diagnosis, in much the same way that lawyers could obtain help in plotting a case. Today if you take a complaint of illness to your doctor, he will make his diagnosis by running through his memory to search out similarity of symptoms. He may refer to certain books in his library or call in other consultants who can search through their memories and thereby assist him with *their* experience.

But suppose we have a vast computerized file of case histories at your doctor's disposal. Within minutes the computer can search *its* memory against a given set of symptoms and list every possible diagnosis for the doctor's consideration. This is not to say that the computer will *make* the diagnosis. That will always remain a human function, but as an extension of the human memory, the computer can play an invaluable role.

Since I don't want to spend all of my time with you today in presenting the positive benefits available to us through rapidly advancing computer technology, I will mention only one more example—education.

Even the most gifted teacher cannot simultaneously satisfy the individual needs of each student in a class—particularly when the student population explosion gives us classes of from 30 to 100 or more. But consider a computerized instructional system which supplies each student with material controlled by a program specifically suited to his needs. Again we are not replacing people with computers. But we are giving the teacher the equivalent of dozens of personal assistants whose work with students can be monitored by the teacher and modified as he may deem necessary. At the same time the teacher would have more time to give direct help to students as required.

In considering all the benefits of a computerized society, we must remember that they depend primarily upon two developments:

vastly increasing the capacity, complexity and accessibility of computer systems;

and, storing within their memories not only an infinite amount of academic information, but also a great deal of highly personal information about *us*—the people who will be looking to these new systems for assistance.

For example, we obviously cannot solve a problem such as poverty without maintaining extensive records about the recipients of welfare programs, job training programs, educational programs. And only a computer can take records of such size and scope and help us reach coordinated decisions and conclusions.

As the same time, there is a natural human dislike of becoming a statistic—particularly when the statistic grows into a lengthy dossier providing more or less intimate details about one's person and one's daily living habits. And even more particularly when that dossier is secreted within a vast, impersonal, electronic information system to which any number of unknown persons may have access for any number of unknown reasons.

Privacy is one of our most precious human rights, and in today's crowded and disorderly environment, it may be one of the hardest to maintain. Long before the pressures of 1970, Louis Brandeis described privacy as "the right to be let alone, the most comprehensive of rights and the right most valued by civilized man."

The computer does not in itself create any invasion of privacy. Its role is no more active in this respect than the old-fashioned filing cabinet. The threat to privacy posed by surveillance and record-keeping has been a fact of life for centuries.

The only new element introduced into this picture by the computer is fantastic efficiency. I believe that is what people really fear, and that is the problem that must be faced. For there is no way to halt computerization any more than the Luddites of 19th century England could halt the Industrial Revolution.

As Professor Robert Fano of MIT has said, "You can never stop these things. It is like trying to prevent a river from flowing to the sea. What you have to do is to build dams, to build waterworks, to control the flow."

It is toward building those dams and controlling that flow of information that I want to address the rest of my remarks. Because I feel very deeply that computer manufacturers are among those who must assume heavy responsibility in the matter, responsibility which needs to be defined and implemented.

We have too many examples around us today of how technology failed to look ahead at problems which it might accelerate, even if it did not really create them. Pollution of our environment is one, and now we must reckon with the human consequences of pollution of privacy.

The computer industry cannot solve the problem alone, but there is a great deal that it can do, both technically and ethically.

Technically we can build safeguards into system design. We can make it possible to limit those who are allowed to put information into a system We can even have the machines check data against a given set of values and reject questionable information. In fact, all input could be classified as it is received, ranging from material of public record to top secret. Sensitive information then could be encoded during the input process.

Similarly, there can be ingenious safeguards in the delivery of information. The computer can require a password or answers to a series of questions before printing out. It could require several persons to be present, each possessing separate parts of a code. According to the password a person possessed, the computer could limit access to a specific type of information. It could have intelligence built in to detect any unusual pattern of access request—hesitation, for example. It could record each request so as to pinpoint blame later if information is misused. It could be constructed to read badges and other forms of physical identification—or even compare the user's voice to a "voice print" stored within it.

There are many more possible examples of technical security systems which I might describe—not to mention increasingly ingenious ones which may be developed in years to come. Yes, our machines can do a lot to protect the privacy of computerized records—particularly if you compare them to a flimsily locked filing cabinet or even a safe. But really determined men, unfortunately, can find ways to get around the best security systems. Practically speaking, we regard Fort Knox as inviolable. In an absolute sense, of course, it is not. The late author, Ian Fleming, even wrote a James Bond thriller, I recall, suggesting an imaginative means of attack.

So we must consider more than physical safeguards. Obviously the trustworthiness of the operating personnel is an important factor, and management should exercise sensitive control here. What goes into files is also a management decision, and perhaps the question needs to be asked more frequently, "Is this information really necessary?" Do employers, for example, really need to know all about the emotions, personal habits, attitudes and beliefs of their employees—or could they be satisfied to judge their work performance objectively?

The burden of answering questions from all sides is growing for the average man. All of us are leaving a longer and longer trail behind us of information gained by birth records, employment records, Social Security, Selective Service, police, hospitals, credit bureaus, Internal Revenue Service, the Census.

Credit cards establish in the checkless society where we eat and shop and how much we spend. In the cashless society to come, even the smallest transactions may be fed instantly into central computers to put every detail of our daily life on record. If you knock off work mid-afternoons to take in a movie or go out to the golf course, that tiny transgression may be irrefutably noted when your account card is processed at the box office or club house.

If we cannot stop this relentless flow of

XUM

information about ourselves into central files, we can do as Professor Fano suggests—build a dam here, a filtering system there to control it. For example, trivial information—such as that visit to the movie or the golf course—could be recorded on independent data systems which are periodically erased. A time limit on *all* personal data might be a good idea—so that a youthful indiscretion wouldn't haunt a man's records for the rest of his life.

Frankly I feel that we will need some new legislation in this area. Our old legal framework may not be adequate to defend our privacy against these new techniques of data collection and record-keeping.

Perhaps the most important new legal safeguard would provide a citizen with the ability to challenge in court the release of private data about him without his consent. *Without his consent*. Those are very meaningful words.

Professor Alan Westin, in his widely read book "Privacy and Freedom," has defined privacy as "the claim of individuals, groups or institutions to determine for themselves when, how, and to what extent information about them is communicated to others . . . (although he adds) The individual's desire for privacy is never absolute, since participation in society is an equally powerful desire."

Professor Westin's point is that circumstances may determine whether a man wants to share or withhold information about himself—even information which may be stored in some remote computer system. If he is to have any control, he must be aware that it is there and have the right to examine it and challenge it. He must be able to know who has access to the information and to what outside agents it may be released.

These are some of the things, I believe, that would have to be covered by new legislation. Such legislation might make personal information a property right, with all of the protections and guarantees of due process that our laws have devised for our property. This could involve criminal penalties for improper conduct in gathering, storing or releasing personal information.

In addition to new statutory laws, there is one other area which deserves our attention. You might call this "public education" in a very broad sense. This may sound strange, coming from a representative of the computer industry, but I believe that it is important to get the general public involved in thinking about and discussing the problems generated by computerized record-keeping.

The weight of public opinion can do a great deal toward influencing constructive public policies, voluntary ethical codes among users of computer systems, and standards of practice among businesses, government agencies, labor unions, universities, research projects and various other organizations.

Happily there are some strong, constructive forces already at work. The Russell Sage Foundation is funding several projects including an in-depth study on data banks and personal privacy by the National Academy of Sciences. Professor Westin is directing the project assisted by a distinguished group of advisers.

The Business Equipment Manufacturers Association has a new Committee on Matters of Privacy and Security which is actively seeking to find feasible solutions to the problems. For we are concerned and want to contribute positively to resolving these complex issues which can have such a profound effect on our personal freedom and the operation of our society. As members of the world's fastest growing industry, there is no reason why we cannot exert a strong influence on the ethical standards governing the use of our products.

Very simply, there are two directions in which computerized and centralized information systems can take us. One would lead us to a rigid, automated bureaucracy with great knowledge and power but little regard for the human consequences of its program.

The other would enlist the power of computers in the service of individuals, enabling them to cope more successfully with the complexities of modern life and increasing the opportunities for successful fulfillment of their talents.

It is never enough just to invent something—the printing press, the automobile, television, or computers. It is how we use these products that counts. Technological advances must be adapted to serve *people*, and good intentions will not suffice.

It the time ever comes when the misuse of computerized record-keeping leads man to fear being curious, daring, and willing to deviate from the norm in order to experiment, it would not be a case of the machine triumphing over man, as some people fear. It would be a case of man *becoming* the machine.

May I say again that the computer manufacturing industry feels a heavy responsibility in this regard. We believe that society has no choice but to use computer aids in relieving the tensions and solving the problems of our age. We are thankful that our products now have the capacity to help achieve these beneficial results. And we see no reason why personal privacy and human dignity should be sacrificed in the process. Thank you.

THIS HALLOWED GROUND

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. DERWINSKI. Mr. Speaker, an appreciation of our national heritage rightfully includes knowledge and respect for the contributions made to America by immigrants from abroad. Mr. Henry Archacki, noted historian, recently produced a story dealing with contributions of early Polish immigrants to this country. The article was carried in the Guard, the official weekly of the Polish National Union in Scranton, Pa.:

THIS HALLOWED GROUND

(By Henry Archacki)

Memorial Day gave most of us cause to remember those near and dear who have passed beyond the veil.

Our own thoughts went back to another May 30, 1884 when the life of one Paul Sobolewski ended in his one room habitat in Chicago.

In our day Paul Sobolewski is just another name. In the life and times of Sobolewski (1817–1884), the man himself was unique!

Born in Poland on June 16, 1817 Pawel Sobolewski was a delight to his parents. He was a precocious child. His intelligence and interest exceeded his years.

At age 14 young Pawel dropped out of school to join the Polish Uprising of 1831. By the time he was 17 Sobolewski had fought and was imprisoned for his part in the Insurrection. He became the youngest of the 234 Polish exiles shipped to America in 1834 by the Austrian government.

First in Philadelphia and later New York, the precocious Paul had mastered the English language and with his fellow exile, a talented engraver, Eustache Wyszynski, launched the first English-Polish periodical titled "Poland," which appeared in 1842. It was beautifully printed and illustrated and sold for fifty cents per issue.

FATHERED AMERICAN POLISH JOURNALISM

The "Poland" publication lasted through four issues and folded but in time history was to call 26-year-old Paul Sobolewski the Father of Polish American Journalism!

Sobolewski was to father other firsts: He translated "Jeszcze Polska Nie Zgineia" into English and put out the words and music in a handsome folio form . . . He authored the first Polish-English dictionary, the manuscript was lost on a ship that sank on its way to England where it was to be printed . . . As a poet he became intimate with Longfellow and Whittier . . . His feeling for Polich poetry was to prompt him into publishing the first volume of "Poets and Poetry of Poland" in English translation—a handsome 500 page edition. That effort came in the apex of his life when Sobolewski found himself in Chicago where he became mentor to the growing Polonia there. Here he fathered the first Polish theatre. Here he lived long enough to enjoy a reunion with some of his exiled compatriots when the first big Polish parade in America marked the 200th anniversary of Sobieski's victory over the Turks at Vienna. He wrote the program notes for that occasion.

Here too, Paul Sobolewski was to die on May 30, 1884—a proud Pole but as poor as a church mouse!

The precocious child had more than fulfilled his promise—but not in terms of monetary gain.

Under the circumstances a pauper's grave would have awaited the mortal remains of Paul Sobolewski. But one of the older Polish exiles, Edward Wilkoszewski, had bought in 1857 a plot of twelve graves in Graceland Cemetery in Chicago. He buried some of his children there and eventually sold the plot to Stanislaw Kociemski who buried a daughter, Florentyna Kociemska there April 29, 1878.

It was Stanislaw Kociemski who offered a last resting place for Paul Sobolewski. Before Kociemski was laid to rest in this plot, he was to carve out a name for himself as a civic leader.

STANISLAW KOCIEMSKI, SECOND PNA PRESIDENT

Stanislaw Kociemski came to Chicago in 1854. In 1866 he was one of the founders of "Gmina Polska." With the founding of the Polish National Alliance of North America, in 1880, Kociemski became its first cashier or treasurer. Two years later he was elected second president of the PNA succeeding Maximilian Kucera. Kociemski was reelected in 1883 and 1884 and once again in 1889, this time as Fifth PNA President.

These were the formative and crucial years of the Polish National Alliance and thanks to Kociemski's leadership the fledgling fraternal organization took root and grew into the greatest such Polish American institution in the country.

Stanislaw Kociemski died on February 15, 1904, and was buried next to the man who had served as his mentor, neighbor and inspiration in all things Polish—Paul Sobolewski.

The last burial in this Graceland Cemetery was that of Stefan Kociemski who died August 6, 1913. This Kociemski plot now housed nine adults and twelve children. Only a family friend, Antoni Drezmal, who died May 27, 1901, had a marker put up. Over the rest, the earth was to lay silent for a quarter century until the young historian, Edmund L. Kowalczyk, working as Mieczyslaw Haiman's assistant in the PRCU Museum and Archives, went out to Graceland Cemetery and then wrote a short article on his findings.

Another fifteen years was to pass before this hallowed ground came to the attention of the undersigned, who then was serving as National Chairman of the American Polish Civil War Centennial Committee. Paul Sobo-

XUM

lewski, at 46, tried to volunteer for the Union Cause in Illinois but his age and a bad left eye prevented that. So he did the next best thing. Being a lecturer, he turned over the proceeds to Civil War widows and orphans. That seemed cause enough to render Sobolewski an APCWCC tribute.

AN UNMARKED GRAVE

This tribute became even more manifest when it was learned that Paul Sobolewski lay in an unmarked grave. Therefore the APCWCC asked its Mid-West Coordinator, Dr. Edward C. Rozanski, to raise a suitable headstone and have it unveiled with appropriate ceremony. Dr. Rozanski fulfilled this assignment with rare dedication.

The Paul Sobolewski Memorial Stone was unveiled on October 24, 1966 in an hour long ceremony distinguished by the representation of many military, fraternal and civic organizations—but in paying tribute to Paul Sobolewski, it was learned that Stanislaw Kociemski, Second and Fifth President of the Polish National Alliance also lay in this hallowed ground without visual recognition.

SEQUEL

This year, four years later, a sequel is about to take place.

Marking the 90th anniversary of the founding of the Polish National Alliance, it has been decreed by President Aloysius Mazewski and the PNA Board that an appropriate marker be erected over the grave of Stanislaw Kociemski and dedicated with proper ceremonies . . . Dr. Rozanski once again, heads the Committee.

Thus this hallowed ground which has lain fallow for so many years will now bloom with memorials to two of Polonia's finest sons:

Paul Sobolewski, 1817–84.
Stanislaw Kociemski, 1827–1904.

AFTER TROOP WITHDRAWAL—A REALISTIC APPRAISAL BY COMMANDANT CHAPMAN

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. BROOKS. Mr. Speaker, this past Tuesday, June 23, 1970, I had the privilege of attending a luncheon at the National Press Club at which the Commandant of the Marine Corps, Gen. Leonard F. Chapman, Jr., was the principal speaker.

General Chapman spoke very realistically of the situation that our country is faced with today in regard to Vietnam and our withdrawal of forces in that area and, specifically, where this leaves our great country and its inherent requirement and dependence on seapower. His comments related to the future situation that will face this country, rather than to the past or current situation.

I highly recommend that all concerned with the future defense posture of our country read the Commandant's speech and the subsequent questions and answers.

Mr. Speaker, I include General Chapman's speech, with questions and answers, including his introduction by Michael Hudoba, president of the National Press Club, in the CONGRESSIONAL RECORD:

ADDRESS BY COMMANDANT CHAPMAN

Michael Hudoba, President of National Press Club: Ladies and gentlemen . . . our guest speaker today is Chief of the world's best volunteer fire department . . . namely 281,301 United States Marines.

As such, he sits in council with other military chiefs as a trusted advisor . . . to a former Navy Lieutenant. And since all three of our most recent Commanders-in-Chief have been former Navy Lieutenants, one wonders what moral that draws for young officers in the Marine Corps and Navy.

As the Commander of 41,000 gallant young fighting Americans in South Vietnam, he brings to his position a special understanding and sympathy . . . having served with heroism in World War II, the Korean conflict and Viet Nam.

When not in the combat zones, he was known for his heroism in fighting computers and politicians in the Pentagon.

Our guest was born in Key West, Florida in 1913. In 1935, there was a single Marine Commission open for a University of Florida graduate . . . and our speaker successfully jumped at it. He is a distinguished product of the ROTC program.

He has always had a remarkable relationship with the press . . . for a general . . . and that may stem from the fact that his father was a newspaperman.

His convictions on the conflict in South Viet Nam are deep and personal. Two of his sons have served there, and one has been wounded there.

After a series of responsible positions with the Marine Corps, divided about equally between staff and combat, our speaker became the 24th Commandant of the Corps in January, 1968.

As Commandant, he has favored, among other things . . . cutting the Corps back to an elite all-volunteer force.

We note, General, that things are changing within the Corps. Not only is longer hair allowed . . . but a more liberal policy on marital status is now in force.

Our speaker met his wife, Emily, at his first duty station at Quantico. In those days . . . Marines were not permitted to marry during the first two years, and Lieutenants were not allowed to have wives. Since Lieutenant Chapman had to cool it a bit then, we shall no longer delay him on this occasion.

It is my privilege to present the Commandant of the United States Marine Corps . . . General Leonard F. Chapman, Jr.

General Chapman:

Well, distinguished guests, gentlemen, I want to thank you Mr. President for that introduction. I'm just glad you pronounced my name clearly because I wasn't sure I was the one you were talking about.

When I came into the Marine Corps 35 years ago, one of the first things I was told was that if the Marine Corps had wanted me to have a wife they'd have issued me one. But I find that has changed quite a bit. As a matter of fact, I seldom enter a hazardous situation without thinking about the support my wife has given me all these many years. Without her, I wouldn't be here today. As a matter of fact, she's in another room listening to what I say just to be sure!

Well after that laudatory introduction, Mr. Hudoba. I understand better what Will Rogers said quite a number of years ago after he had been introduced in a similar fashion. "I really appreciate those kind words," he said, "I'm just sorry that my parents weren't here to hear them because my father would have enjoyed them and my mother would have believed them."

But being here today before this distinguished audience, an audience which has the capacity to influence public opinion to a degree that's formidable and unparalleled, I can think of another statement that that Oklahoma Sage made many years ago when he was speaking to a group of horse breeders. "There aren't many people that know as much about horses as I do," he said, "It's just my bad luck to have all of you here this afternoon."

And that's why I have here with me today the Marine I always want with me in every hazardous situation—a veteran of three wars, the wearer of many decorations for valor, the Sergeant Major of the Marine Corps, Sergeant Major Joseph Dailey. If I find a question I can't answer, I'm sure the Sergeant Major can.

And I want to take this opportunity, on a very serious note, however, to salute one of your own members. A fine Pulitzer Prize winning reporter, a member of the National Press Club, a gallant Marine, Jim Lucas, who at this time is fighting the last great battle. He's fighting for his life stricken with cancer.

I am sincerely grateful for this opportunity to be with you today—for the chance to be able to talk to you about some of the problems affecting American defense. You are expert observers of these problems; you have seen them grow and develop; you know their sources and their powers. And now, because you are expert observers, I think I can get right to the basics. And today, in 1970, these problems are basic only in their positions, not in their structures.

America's place in a new world; the contemporary American social thrust; communications between the American people and their armed forces; money and equipment; manpower and the draft; purpose and quality—all of these are problems that affect the present and future defense of this great country of ours. And, of course, there is *the* major overriding problem of American defense—indeed of American life itself—and that's the war in Indochina.

"The war in Indochina." The newness of that term is an incongruity in itself. The plain and simple truth is, that this conflict has been "the war in Indochina" since long before the American entrance. Ever since Hanoi began applying military pressure against the Republic of Vietnam, against Cambodia, and against Laos—first with auxiliary guerrilla forces, and finally with full-scale regular divisions—North Vietnam has been making war all through Indochina.

When the United States entered this war with ground forces in 1965, we committed ourselves to blocking the invasion of the Republic of Vietnam, and neutralizing Hanoi's grip on that country. We, and our allies, stepped into a war limiting ourselves to the area under attack. But only we were restricted by these limitations, not Hanoi. Hanoi's limits were simply set by the length of her reach, and Hanoi has made the very most of this freedom of movement.

This free movement has, for these many years, curved and stretched through the entire area of Indochina. How effective that freedom has been is evidenced in the massive number of troops and weapons that have been transported from the north through Laos and Cambodia, and employed at will against Americans and Vietnamese who were themselves limited to the bulls-eye of the Republic of Vietnam.

How limited Hanoi's war had been, can best be described perhaps by the Vietnamese and Americans who have managed to bring peace to regions within our limited area of operations, only to see that peace torn to shreds again and again by the North Vietnamese and Viet Cong forces pouring in at will, from their out-of-bounds sanctuaries. There have been some terrible examples of that recently, including a rise in assassinations. And I imagine that the captured Americans and Vietnamese who have been transported from the Republic of Vietnam to prison camps in Cambodia, Laos, and North Vietnam would also have some comments on the newness of the term "the war in Indochina."

Well, American participation in the war in Indochina *is* drawing to a close. Vietnamization *is* working, and it's working well in my opinion. And because we have been able to

XUM

destroy enemy supplies and bases in Cambodia, Vietnamization is going to work even better and faster in the next several months.

At the height of the American commitment in Vietnam, the Marine Corps was short by only one regiment of having three Marine divisions—with accompanying air, artillery, and logistics support—actually in Vietnam. Now since this past March, when the 26th Marine Regiment came home, we have been down to one Marine division, one Marine aircraft wing, and the normal supporting forces for those units, left in that country. And, in the months ahead, more Marines will come out as part of the President's continuing redeployment plan. Now, this is only a percentile picture of the overall American effort in Vietnamization. By order of our President, and in accordance with the wishes of the majority of the American people, we are departing Vietnam. And in accordance with the tenor of that command and those wishes, we are departing—not deserting.

But even after the last American has departed Vietnam, and this war has become a past issue, it's still going to remain a problem of American defense. It will remain a problem not because of its cause, its purpose, or its results—but because of its timing. Timing in that its duration has stretched far beyond the experience of other American conflicts.

For Americans are tired of war—and not just this war, but all war. Americans are tired of the preparations for war—and tired of the hardware and the posture such preparations impose. But that hardware and that posture is necessary for defense, too.

And yet it's no wonder we are weary. For 30 years, ever since 1940, we have had to work hard toward preparations for defense. For more than 12 of these 30 years, American fighting men have actually been engaged in combat. Because of this we are sincerely looking for new ways to establish a lasting peace. Some Americans are even to the point of considering the possibility of stacking all weapons, and simply announcing "we quit." Well that's a fresh approach in the 20th Century, and it might work. But what if it doesn't work? Where would the hope of a new America be, if quitting our defenses invited destruction?

For this is indeed a new world, totally different than the world of 1940-to-1960. And America is finding a new place in this new world. But I want to point out its very newness presents some new dangers.

Now, as we disengage from combat in Vietnam and look inward in our country, other nations are looking outward. Now, as we grow tired of our defensive machinery and begin a reduction in force, other countries are building up their military and their naval power. Well, if we *are* going to look inward, and seek a new level of defensive strength, we must look very carefully, and we must match that strength to the possible test that it may have to face.

So at this point, I'd like to cut away some of the rhetoric growing so abundantly in our national garden on this subject. Because behind that rhetoric is the single and simple purpose of American arms in the 1970's. And that purpose, quite simply, is the defense of the American people. I think that purpose is strong enough to stand without the aid of a great many adjectives. And I think that purpose is honest enough to survive the fashionable accusations of today. But as strong and as honest as the purpose of American defense may be, it must constantly seek its probable level of useful application in a real environment.

Well, our *real environment* is that of a giant island. Surrounded by the two largest oceans of this earth, and blessed with the best of warm water ports, we have traditionally looked to the sea for our security and for strength. In our past our environment provided us with the very real security of space and time. The sea presented a mass of space to be overcome by any potential enemy, and that gave us time to prepare.

Because of friendly space and time, we were able to develop a doctrine of "wait it out." But now, that period of American defense has passed. Now, technology has compressed space and has rushed the clock. Space and time can no longer be counted as mainstays of American security.

But the sea, the great oceans are still there, and we still have the capability of using them as an ally. There are two very good reasons for this, I think.

First, a rough nuclear parity now exists between the two major powers of the world. It's a parity both in hardware and I think in human desire. We have made it crystal clear that it is not our policy to consider a first nuclear strike. And we sincerely hope, and we really don't believe, that any nation would be insane enough to unleash the destruction of mankind.

And that same rough parity secondly covers—to a lesser degree—the possibilities of a full confrontation of large armies and air forces in massive land war.

And this parity shall remain as long as we can maintain a sufficient defense against these threats.

So we are again back to our oceans, technically much narrower, but they're still there to serve us. But it isn't the lonely sea anymore; we find—in 1970—that after centuries of false starts, Russia has made her way into the oceans. Now, along with missiles, a first class army, and a powerful air force; Soviet Russia has become a sea power.

There is no doubt that Russia has developed her navy to the point that it dares challenge our position on the high seas. In April of this year, the Soviet Navy conducted a world-wide naval exercise involving more than 200 ships. And there are more. Sleek and fast new cruisers, destroyers, and large torpedo boats—all missile armed—have shown themselves in strong, bold formations in the Mediterranean, in the Indian Ocean, and even the sea historians love to call "an American lake"—the Caribbean. More than 350 Soviet submarines, nuclear as well as conventional, show themselves little, but they make their presence felt all over the world.

Among these new Soviet vessels are two rather unusual looking ships, the Moscow and the Leningrad—they're helicopter carriers. Obviously fitted out and operating as antisubmarine warfare ships, they each have a collateral purpose that *I* find particularly interesting. They are capable of putting ashore by helicopter, self contained Soviet Marine landing forces.

Yes, Russia does have Marines. Actually they are called Soviet Naval Infantry, and they have reemerged, after years of deactivation, as an elite force of 7 well-trained brigades. Cruising with Soviet ships, this force of naval infantry gives a new depth to Soviet foreign policy—a depth the world has already felt.

Transported in tank landing ships, much like our own LST's, the Soviet Naval Infantry battalions each number about 500 men. Equipped with amphibian tanks, and seagoing tracked amphibian personnel carriers, their presence with the fleet gives the Soviet Navy the ability to project its strength ashore. Their existence provides Russia with a force in readiness capable of establishing a beach head, and forcing entry onto any shore far beyond the land mass of Europe and Asia. This, backed up by powerful landing and air forces capable of exploiting an amphibious landing, adds a new dimension to the sea on our flanks.

And despite recent internal turmoil and confrontations with the Soviet Union, Communist China continues to grow in strength. Already possessing a nuclear capability and increasing missile power, Red China stepped into the space age two months ago when she launched her first space satellite. She too, is blessed with good ports, and always looking for other means of world influence, and it's only a matter of time before she too looks seaward.

But, gentlemen, the sea is not primarily a place of war. It is, in its truest form, a means of commerce and of world trade, a highway. True seapower is not calculated only in the number of weapons that a nation can keep afloat. Seapower is strength at sea, and that strength is measured in the depth of control that a country is able to exercise over the use of deep water for its needs.

Right now the naval power of the United States and the naval power of the Soviet Union face each other in a contest of presence. But if the naval powers of our two countries struggle only in the ability to present themselves on the seas, then our merchant fleets have been struggling in the reality of world trade since the end of World War II. And in the process of that competition, the Soviet Union is not only gaining from her efforts—we are rapidly losing ground in a national let-down of our own efforts.

In 1960, just 10 years ago, the United States had about 3,000 commerce carrying ships actually plying the seas, as opposed to less than 900 Russian merchantmen. At the close of 1969, 10 years later, we had shrunk to 1,000 ships while the Soviet Union had increased her merchant marine to more than 1,600 cargo-carrying bottoms. But even more significant is the fact that in 1969 this country put 21 new ships to sea, while Russia added 89 to her merchant fleet.

The contest goes on. Now it is obvious the Soviet Union intends not only to maintain her lead over us, but finally to overwhelm us. In 1950, 42 per cent of all American trade was being carried in American ships. Last year, 20 years later, that figure slipped to a meager 6 per cent—6% of American trade carried in American ships. The new National Maritime Program initiated by the President is intended to reverse this trend.

But merchant shipping has more than just a partial relationship to this nation's security. It is the life-blood of defense to a country that is surrounded by deep water. If Japan or Germany could have stopped our logistics shipping in World War II, the final outcome of that conflict might well have been quite different. With this in mind, I think it significant that the Soviet Union has now surpassed our own merchant marine in the number of active, individual cargo-carrying vessels; and their naval arm poses a greater potential threat to our logistics shipping than we've ever faced before.

But the strength of the Soviet Union at sea doesn't stop with ships-of-war and merchantmen. Russian fishermen can be found on all the open seas of the world, serving not only the commerce of Russia, but its naval strength as well. As naval observation-reporting units, these trawlers gather and report invaluable information, ranging from foreign naval movements, to updated hydrographic and oceanographic facts.

Now, in that last field, the Soviets are even more active and determined. They have more oceanographic vessels and scientists working at sea, than any other nation of the world. At present, some 200 vessels and some 4,500 scientists and technicians are actively employed by Russia, as compared to 3,000 of our own.

And in looking at the overall picture of Soviet seapower, it is significant that her navy, merchant marine, her fishing fleet, and her oceanographic efforts—unlike ours—are *not* loosely related. Her seapower is integrated, mutually supporting, and is centrally controlled through state ownership.

So this is what we face as we again look to our oceans for a means of security, and as a highway. But our Navy-Marine Corps Team still surpasses any other in the world today, and as long as we keep our strength up to the test of the 1970's, the great oceans can

XUM

still serve this counrty. Now I'm not talking about a holding force merely prepared to buy time while we fill out our strength at home. That time has passed.

The Navy-Marine Corps Team of this new decade of the 1970's must be a complete force—a highly mobile line of outposts, capable of moving to any critical area instantly. The mobility and proven worth of carrier-based aviation, surface vessels, submarines, and Fleet Marine Forces can keep our oceans broad—and can keep a fight from our own shores.

But there is yet another area in which we must be careful in maintaining our defenses. It is an area no enemy has ever been able to penetrate, and yet, the danger is always present. I'm talking about *quality*—not quality in hardware, but quality in people.

Certainly we will continue to require top quality equipment, weapons, aircraft and ships. But they can only be as good as the men who will man them. For that is our real defense, the Americans who will serve this country in uniform.

If we are to eliminate the draft, cut defense spending, and still hope to meet the increasing demands of the security of this country, then every American who wears a uniform must count full measure. Each individual must offer quality service, professional ability—and most of all dedication.

Well, so far, in this war that no one wanted, we have received more than a full measure of all of these qualities from the American fighting man. Every service; Army, Navy, Air Force, Coast Guard, Marines; has had more than a share of brave, complete effort by the Americans who have worn our uniform. And in spite of the discussions here at home, and in spite of a fashion that would seem to approve avoiding service—still they serve, and they serve so well.

Violence on the campuses of our universities, intimidation, and a general state of chaos have not stopped young graduates from seeking service as officers. And this isn't the conformity of "joining the team" of past wars. These young men have had to not only think out the dangers of their possible service, they have had to search deeply for a philosophical rationale. More have found it than not.

And the young man who enlists—or even accepts induction—is making a decision that does not meet with what is now known as "total peer approval." But still they come, they fight, they return home, and they quietly find their places in their country. And it is certainly *their* country. I believe they will be heard from in the years to come. I often think of a sign I saw by a Marine's foxhole during the battle of Khe Sanh. He'd written it with pencil on a C ration carton, and it said:

"For those who have fought for them, life and freedom have a flavor that the protected never know."

But these young Americans are, after all, a part of the overall fabric of our American life. And the stresses and strains of contemporary American life are felt. If this country does not return the dignity of service to the serving, then our defenses will truly be endangered. Now I'm not suggesting a show of saccharine and theatrical emotion—I mean a mere sincere acceptance of service, a respect. It wouldn't take much, only the acceptance at face value of real heroism.

Thank you and now, may I answer your questions?

QUESTION AND ANSWER PERIOD

Question: General Chapman, a clarification. Someone asks, is it 7 Soviet Naval brigades or battalions?

Answer: Brigades—total force of about 10,000 men . . . but growing.

Question: In the light of world facts, do you think that our best practical policy in the interest of survival is an armed to the teeth or crawling in our hole or something in between?

Answer: Well, obviously it's going to have to be something in between, I think we need adequate and sufficient strategic offensive and defensive forces. Then I think we have to have sufficient general purpose forces to control the seas and be able to protect our power wherever we need to go in the defense of this country. I don't think it's necessary to arm to the teeth. It is necessary, however, to maintain a balance of armed forces that are sufficient to deter. I think that's what we must do, and it's what we're in danger of not doing.

Question: President Nixon's gamble in Cambodia raised a howl in the U.S. Congress and Senate. Was the gamble worthwhile? Will we be out by June 30?

Answer: We will be out by June 30. The effort in Cambodia is the result of a very brave, a very courageous decision on the part of our Commander-in-Chief . . . that's number one. Secondly, there weren't any great military risks involved, but there were other kinds of risks. I think we've succeeded in doing a number of things, and we've done them well. First, we've destroyed the sanctuary concept that the North Vietnamese Army has relied on and that's a severe loss to him. He has used the sanctuary concept, the storehouse concept, for many years now and we've succeeded in disrupting his base area, his storehouse of weapons, equipment, rice, and supplies. We've torn up parts of his command and control, his training area. We've discovered some hospitals, and just in general, we've destroyed the sanctuary concept that he depended on to wage war within the Republic of Vietnam.

Second, we've preempted his rainy season plans. He no doubt had plans all set and the stores and the men ready to implement those plans. We've disrupted them.

Thirdly, I think it's clear that there's been a tremendous lift in the morale, the spirit, of the Army of the Republic of Vietnam. They, for a long time, have had to fight inside their own country and now for the first time they're invading the enemy's sanctuaries. The results are that their morale and their spirit are very good and, conversely, there's been a loss of morale and a loss of face on the part of the North Vietnamese and the Viet Cong.

We've diverted the NVA effort. Instead of being able to operate from their sanctuaries, they now have to put a tremendous effort into rebuilding them, attempting to rebuild the supplies and stocks that they've lost.

And they've lost quite a number of men in this process.

All in all I would say Cambodia can be best described by one word. It's a word that I almost hesitate to use because it's going out of fashion, and it's even frowned on these days, and that word is a very simple one: *victory*.

Question: Sir, you say the war in Indochina is drawing to a close. When will it end?

Answer: It could end tomorrow if the North Vietnamese would go home where they belong and stay there. But short of that, I, of course, don't know. Of course, the plans are all very carefully worked out for winding the war down as the level of violence permits and as Vietnamization improves, which it's doing steadily. As I've said, I think we're winning. I think we are going to be successful. I'm confident of it. I can't put any exact date on it, but I'm very optimistic and confident of the final results. I think it really hangs on the perseverance and the will of the American people, whether or not we have the courage to stick it out in this country and see it through. We're going to accomplish what we went over there to do and I want to point out, gentlemen, that it's going to be a tremendous achievement, an unprecedented achievement in world history. We have gone across many thousands of miles of ocean and for unselfish reasons attempted to assist a small country in establishing itself, in creating a viable and endurable structure, and developing an armed force that can defend itself against outside aggression. And if that occurs, and I think it will, then those who've taken part in it, those who supported it, are going to be able to feel very proud in the years to come.

Question: General Chapman, do you believe the South Vietnamese Marines and Army are good enough to take over fighting the war now?

Answer: Well they're fighting a good part of that war already. The 1st ARVN Division is alone, almost alone, up below the DMZ where the 3rd Marine Division used to be. It's a first class fighting outfit. Some of the Vietnamese Marines are fighting heavily in IV Corps and in Cambodia. And they are fighting very well. There's nothing wrong with the individual RVN soldier. He's just like a soldier anywhere. He fights well, if he's got good leaders, and he doesn't fight so well if he doesn't. The question is leadership and it's leadership they're developing and they're developing it well. Certainly they can fight. They are fighting now and they will continue to fight. Some of their units are not up to the standards of the others, but as I said, their efforts in Cambodia have provided a tremendous uplift to their morale, and I think we'll see a faster improvement in the months to come. I have a high regard for the fighting quality of the well-trained, well led, South Vietnamese units. In the days and years to come, they're going to be some of the best.

Question: Sir, the original purpose of the U.S. Marine Corps was a limited one. Today, in Indochina, the Marines have been used as a strike force. Do you favor this new use? Do you hope the original concept will return?

Answer: Well, the mission of the U.S. Marine Corps is laid down by law. The first, of course, is to provide landing forces for amphibious assault. That's our primary mission and there are two or three intermediate missions. Then we finally get down to the last one which says the Corps will perform such other duties as the President may direct. Believe me, that one's kept us pretty busy over the years. We've learned that if we organize, train and equip for our primary mission for the amphibious assault, one of the most difficult operations there is—using modern techniques of the main assault by air, by helicopter—if we can do that, then we can do almost anything else. All the other things we might be called on to do are what you might call lesser included functions. If we're organized, trained and equipped for that and then if we're ready—and readiness is our watchword—we have everything we want. We want to be fully ready at all times and under all circumstances. We stress readiness, readiness of our supplies, our equipment, our training, of our troop units in all respects, and above all we stress readiness as a state of mind. An eagerness to go, a desire to go, the opposite of the plank owner idea. If we're properly organized, trained and equipped and if we're ready, then when the crisis comes, we're going to get into the fight. I don't think there's any doubt about that. History proves that. When the real crunch comes, anybody that's ready is going to get called on. It doesn't make much difference what the plans or the missions say. We think our principle role is to provide a small, elite and highly professional force. We want to be lean, and frugal and hard. We want to be completely combat ready, and we want to be a fighting force. And we have no doubt if that's what we are, that we'll perform a real service for the American people.

Question: Last week the Vice-President compared the Cambodian operation with General MacArthur's landing of the Marines at Inchon. Are there other similar Ma-

XUM

rine operations that should be attributed to the Army?

Answer: Well, I'll just make the one comparison that the landing at Inchon and the attacks on the sanctuaries in Cambodia can both be described as the same one word I used previously—Victory. And I'm not at all worried about who gets the credit for it. I'm just glad we've accomplished it.

Question: How soon after the U.S. leaves Vietnam do you think that Red China or Russia will take over the Far East politically and economically?

Answer: Well, I'm afraid I don't know the answer to that question. They've got plenty of internal problems, of course, but they've got tremendous potential. I'm sure they'll try to use it. I'm sure they think in long range terms as is characteristic of oriental philosophies. When it may be, of course, I don't know. I'll just repeat what I've previously said—I think we've got to keep our powder dry.

Question: Does the American Press help to frustrate the military and political objectives in Southeast Asia when it headlines the activities of dissident groups?

Answer: Well I don't think the Soldiers, Marines, Sailors, Coast Guardsmen, and Airmen in Vietnam pay much attention to the described activities of the dissenters back here. They're really too busy. The overwhelming majority of them believe in what they're doing, in my opinion, and they're anxious to get on with it and bring it to a successful conclusion. I think it bothers them more when they come back home. But I don't believe it bothers them very much over in Vietnam.

Question: Does General Chapman consider the verdict in the case of the Marine convicted for murder justified by the evidence or is it unjustified by a soldier's obligation to obey orders.

Answer: I'm sure that refers to the court martial that was just completed in Danang and another one just started involving four or five young Marines who are under allegations of various kinds of murder with respect to Vietnamese villagers—women and children. It would be very improper, in fact it's prohibited by law, for me to make any comment whatever on those judicial proceedings because there's the possibility of command influence. So I don't think I care to comment on that. I'll just say that it's a very very difficult situation in which we place our young soldiers and Marines over there. On the one hand, they must fight the enemy and on the other, they must take care not to harm the friendly people that we're over there to protect. In many cases it poses a real dilemma for them and in many cases we have suffered wounded and even killed Marines because they waited that last minute to try to be sure that they were enemy rather than friendly and got hurt in the process. I think they deserve a lot of respect. We put a tremendous effort into training them to meet this problem when they go over there. We've improved our training over the years and today all of our instructors are Vietnam veterans. I think we give them the best possible training. I think those young men deserve a tremendous amount of respect and support from the American people for this very difficult war we've been fighting.

Question: Sir, do you think that the Marine Corps can remain an all volunteer force? Are you still able to maintain your standards for recruitment?

Answer: The answer to both those questions is yes. I'm confident we can stay an all volunteer force. We took our last draftees in February of this year, and we're not going to take any more. The ones that we did take during the course of this war were taken in order to maintain an even recruit input each month of the year and to achieve the peak buildup that we went through during the first year of the war. Let me say, by the way, there's nothing wrong with those draftees. They're some of the best Marines we've ever had. And many of them have shipped over in the regular Marine Corps. As to the future, with the smaller Marine Corps that I advocate—and I'm the foremost advocate of a smaller Corps—I don't have any doubt we can get the necessary number of high quality young men to volunteer for the Corps. We may have more difficulty with our reserves and with our officer procurement in the all volunteer force concept, but I'm sure we can make it with the young enlisted men.

Now as to standards, what's happened in the last four or five months since we've been back on the zero Marine draft is pretty good evidence. Other than the mental group fours that we're required to take, we're getting 75% four-year enlistments and they're all top mental groups. We're very proud of these young men.

Question: As the regular forces decline numerically, will increased reliance be placed on reserve forces, particularly the Marine Corps Reserve? Would you comment on the Marine relationship to the reserve Marine? Is there honestly a commitment to a one Marine concept, active and reserve?

Answer: Absolutely. I can't think of anything we are more deeply committed to than that. We organize, train and equip our reserve division and our reserve wing identically with our regular division and wings. They have exactly the same hardware, the same T/O's and T/E's, the only exception is that they don't have all the modern first line aircraft that our regular wings have. But they're getting that. Furthermore, we handle reserve matters in Headquarters Marine Corps in exactly the same way we handle regular matters. I guess the most recent example of that is the fact that we ordered one of our reserve major generals on active duty to take over as Director of Reserve for the summer months. That, of course, is Charlie Duchein who is here with us today. We believe in it very much, and I'm confident that any Marine reserve will tell you that we truly practice it.

Now as to the need for reserves. It seems quite clear that we're going to need military reserves, more ready reserves, *truly* ready reserves, more so in the future than we have in the past. We are cutting down on our regular active forces, but the threat is not decreasing. As I tried to make clear in my original remarks, we don't have the time anymore. What we're going to need are active reserve forces that are truly ready, and I can assure you that our Reserve Division/Wing team is ready. If there's a need for it, we're capable of bringing it on active duty and putting it into combat in a short period of time. If an emergency comes, I'm confident that it's going to look just as good as any regular Marine outfit we've ever seen. In fact we're very proud of our reserve.

Question: Many American colleges and universities are abolishing ROTC. Are you opposed, and what is the value of the ROTC to the United States.

Answer: Well, I think the value is pretty obvious. That's where the other services, particularly the Army, get the bulk of their officers. In fact, that's where the Marine Corps got their present Commandant, and I hope that's some sign of the value of the ROTC. Most of our general officers today are graduates of the ROTC. As to the decline in the number of ROTC units, that's more than offset by the creation of new ones. We're about to activate a new unit at the Citadel in Charleston, South Carolina, this coming fall. It'll be one of the Naval ROTC units, but it will be primarily Marine oriented and we'll have a Marine as the professor of Naval Science and Tactics there. There's a strange thing to me about this move to evict the ROTC and that is that the very people who propose it are the ones who advocate an all volunteer armed force. At the same time they attempt to prevent recruiting of volunteers on the college campuses which is essential if we're to have high quality young men to lead our platoons, batteries and companies in combat. And that's what we must have. We've got to have discipline. We've got to have a high order of it because of the many problems which face our young uniformed members of the services. I can't stress that idea of discipline too much, either. I just want to point out that the greatest danger to a democracy is an undisciplined military. I think everyone ought to remember that.

Question: Does the Corps now have a greater disciplinary problem than at any other time in your experience? Do you advocate stronger measures to maintain discipline?

Answer: Well, I think the measures are adequate. We're employing the laws, the rules, and the regulations strictly, and I think they're perfectly adequate. They have not changed very much over the last several years, many years in the case of our fundamental concepts of discipline. We haven't changed anything with regard to our recruit training or anything in regard to the training and the discipline we require Marines to display after they leave boot camp. I don't think we have any great problem. Any problem we do have is primarily due to the tremendous turbulence and turmoil that's going on the Marine Corps. I don't believe most people realize how heavily the Marine Corps has been committed or how big it's become. We often think of World War II as the era of the biggest Marine Corps. At peak strength it was nearly half a million and about 600,000 Americans wore the Marine Corps green in World War II. In the Vietnam War 700,000 already have worn the Marine Corps green and it's not over yet. So it's a very big war for us, and further it's the longest we've ever fought, and finally it's our heaviest commitment. We've had a third of the Marine Corps overseas, in combat and in deployed status, one Marine out of three, for about four years now. The turbulence and the turmoil has just been tremendous. But we're getting back to a smaller size now. The commitment's now diminishing and we're going to return in all respects to those very high standards that we've been proud of in the past. So, if there is any change I think that's the reason. I think that under these circumstances and with this heavy commitment, the Marine Corps has done a good job for the country in this war.

Question: We know of no Commandant who has presided so cheerfully and willingly over a contraction in the size of the Marine Corps. Does that mean that you are secretly a dove?

Answer: Well, I don't think I'm a dove, in fact, I'm sure of it. I just want to get away from a very large Marine Corps. It is no larger than it had to be to carry the load we've been carrying, but I want to get back as quick as we can to a small, hard, lean Marine Corps, all volunteer, elite, completely ready and a fighting outfit. I don't know of any Marine that doesn't support me wholeheartedly in that objective.

Question: Sir, The United States has been sued for one million dollars in a Baltimore federal court under the Federal Tort Claims Act for the alleged negligence of the Marine Corps for prematurely releasing one John Lawson from a Naval mental hospital in Philadelphia. How many more cases of that type are there presently pending?

Answer: Well, I wasn't aware of that. I get sued frequently, and I've got an office full of lawyers who are charged with keeping track of the suits that I'm defending myself against that I don't even know about. I really don't know the answer to your question. To my knowledge, there are no other of that type that are currently pending.

President of National Press Club: General Chapman, before asking the final question and on behalf of the National Press

Club, it's my privilege to present a certificate of appreciation for your service to the Press Corps and commemorating your visit with us.

General Chapman: Thank you, Mr. President.

President of National Press Club: I regret that it doesn't have the Marine colors, scarlet and gold, but here's a press club necktie. And now for the final question:

Question: Do you think that Beetle Bailey will ever make sergeant?

Answer: I'd like to call on the Sergeant Major of the Marine Corps to answer that question . . . Sergeant Major. Sergeant Major Dailey says he doesn't think so. Gentlemen, it's been my pleasure to be here.

SPECIFIC RECOMMENDATIONS FOR FUTURE TRADE POLICY

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. BROCK. Mr. Speaker, a refreshing new approach to U.S. foreign trade policy was suggested by Dr. N. R. Danielian, president of the International Economic Policy Association, in recent testimony before the Ways and Means Committee. He cites the concern of the International Economic Policy Association for the continuing deficit in the U.S. balance of payments, and the steady downward trend of our trade surplus, and the U.S. share of world trade. In seeking solutions to this crucial problem, Dr. Danielian rejects the old approach of the United States delivering first in reduction of trade barriers and calls for us to use every resource in our bargaining for reciprocal action.

Because of the great importance of this subject to our economic well-being, I would like to bring to the attention of my colleagues and the Nation the initiatives that Dr. Danielian recommends we take in the foreign trade area. I insert at this point in the Record an extract of the testimony containing Dr. Danielian's specific recommendations:

Specific Recommendations for Future Trade Policy

I would like to touch briefly upon four areas for U.S. future trade policy which are of paramount importance. If the United States is to maintain its economic position in the world, we will sooner or later have to address ourselves to these items.

1. Establishment of a Council on International Economic Policy: For some time now, I have advocated the establishment of a Council on International Economic Policy. Just as we now have a Domestic Council, an Urban Affairs Council, an Environmental Council, and a Council of Economic Advisors which mainly deals with U.S. internal economic problems, we should also have a Council on International Economic Policy.

The Council would advise the President and the Congress on all aspects of U.S. international economic and financial relations. It would develop programs and strategies for achieving economic objectives in the external relations of the United States. It would have final responsibility, subject to the approval of the President, in defining the content of the negotiating posture with other trading blocs. The Department of State, of course, would still carry on international negotiations, within the guidelines and programs defined by the Council, as approved by the President.

2. Foreign Economic Budget: One of the first tasks of this Council should be to submit to the Congress an annual foreign exchange budget for the United States. We often hear the argument that since U.S. exports of goods and services are about 6 percent of GNP, any imbalance in our international payments is of little significance. This, Gentlemen, is an erroneous assumption.

The proper comparison is not between our foreign exchange earnings and GNP, but between what we earn abroad and what we spend abroad. For more than a decade, the United States has continuously run high balance of payments deficits. This means that many of the things we do abroad are done with money borrowed abroad. To bring our payments in balance we must either earn more or spend less, and within this context, it is vitally important that we plan for the future by means of a proposed foreign exchange budget. We should include all estimated foreign exchange earnings and all estimated foreign exchange costs, and the Council on International Economic Policy should develop programs for bringing them into balance. In this way the United States will be able to determine its priorities given the foreign exchange available, without continual increases in U.S. liquid liabilities abroad.

3. Bilateral negotiations between major blocs: In the economic relations with other countries, including our trade relationships, the United States should strive for bilateral negotiations between major blocs: The European Economic Community (EEC), the European Free Trade Association (EFTA), the British Commonwealth, Japan, the Latin American Free Trade Area (LAFTA), and the Central American Common Market (CACM).

The significance of trading blocs is that, for trade negotiating purposes, the concept to nation-state has lost its importance. In its most vital aspect, the unconditional-most-favored-nation principle, GATT is being violated by the expansion of these blocs. And the *national* treatment principle is being constantly modified in all parts of the world. If practical results are to be achieved, negotiations must be on a bilateral basis between these blocs.

4. Negotiations should include all pending economic and financial issues: In any negotiations that the United States undertakes with major trading blocs, we should include all pending economic and financial issues such as trade, mutual security expenditures, foreign aid, investments, balance of payments adjustments, freedom to travel, landing rights, etc. To limit any negotiations with trading blocs to a commodity-by-commodity or factor-by-factor approach, will only lead to future maladjustments.

5. Reciprocity as a condition of most-favored-nation treatment: In any bloc negotiations we should strive for reciprocity as a condition of most favored nation (MFN) treatment. This reciprocity should cover not only trade but also mutual security costs, national treatment of investments, freedom of movement of travelers, sharing of foreign aid, fair and equal treatment of travelers and industrial property rights.

If I were to make one single recommendation, it would be this: Recognize the existence of trading blocs, make the most favored nation treatment *conditional* on reciprocity, and broaden the concept of reciprocity to include sharing of foreign aid and security costs, national treatment of investments and taxation, mutual protection of industrial property rights and the fulfillment of obligations undertaken by Treaties of Friendship, Commerce and Navigation.

A moment's thought about the implications of this, Mr. Chairman will persuade that with this kind of policy approved by legislation, many of the issues which other countries refuse to negotiate will soon become negotiable.

HARMFUL EFFECTS OF HERBICIDES

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. DELLENBACK. Mr. Speaker, in February and again in March, I inserted into the Congressional Record articles by Thomas Whiteside on the use of 2,4,5–T and other chemical herbicides, both in the United States and in Vietnam. The June 20, 1970, New Yorker carries a third article by Mr. Whiteside concerning the sale of 2,4,5–T, the ineffectualness of the Department of Agriculture in prohibiting its use, and the potential health menace that it presents.

In addition, Whiteside discusses the possible harmful effects of other herbicides now available, such as 2,4–D. Because these chemicals could have potentially disastrous effects on the environment and on our food supply, their proper use should concern us all. Therefore, I would like to bring Mr. Whiteside's latest piece to the attention of my colleagues:

Department of Amplification,
New York, N.Y., June 7, 1970.

The Editors,
The New Yorker.

Dear Sirs: In the issues of February 7th and March 14th of this year, I presented in *The New Yorker* some of the mounting evidence regarding the dangerous teratogenic, or fetus-deforming, effects of the herbicide 2,4,5–T, which has been used in huge amounts over the past decade as a defoliant in Vietnam and as a weed killer here at home. What seemed particularly alarming, as I reported, was the seemingly unavoidable presence in 2,4,5–T of a highly toxic and teratogenic contaminant belonging to a group known commonly as dioxins. I also pointed out the reluctance of the government, despite its apparent awareness of the dangers, to eliminate or drastically restrict the use of this herbicide.

On April 15th, the Surgeon General of the United States, Dr. Jesse L. Steinseld, appeared before a Senate subcommittee, headed by Senator Philip A. Hart, of Michigan, that was investigating the safety of 2,4,5-T and announced, on behalf of the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Health, Education, and Welfare, a number of measures that were being taken to limit the use of 2,4,5-T in this country. These measures included the immediate suspension of the Department of Agriculture's registrations of liquid formulations of 2,4,5-T used around the home and of all formulations used for killing vegetation around lakes, ponds, and irrigation ditches. The Surgeon General also announced that the Department of Agriculture was about to cancel its registrations of non-liquid formulations of 2,4,5-T for use around the home and on food crops, including corn, barley, oats, rice, rye, apples, and blueberries. On the same day, Deputy Secretary of Defense David Packard announced the immediate suspension of the use of 2,4,5-T in Vietnam.

Against a background of evidence accumulated since 1966 that 2,4,5-T, or material with which is it ordinarily contaminated to some degree, exerts a fetus-deforming effect on the offspring of experimental animals, and a background, too, of extraordinary reluctance on the part of government agencies, including the office of President Nixon's own Science Adviser, Dr. Lee DuBridge, to inform the public in a forthright manner about the potential hazards of 2,4,5-T to human health, the statement by the Surgeon General appeared to signal clear and unequivocal action at last against the widespread use of 2,4,5-T. Federal law requires that all pesticides and herbicides be registered with the Department of Agriculture before they can be marketed in interstate commerce, and the conclusion that citizens could reasonably be expected to draw from the Surgeon General's statement was that cancellation and suspension of these registrations had put an immediate stop to the sale and use of 2,4,5-T here.

That conclusion, I regret to say, is not justified. The word "cancellation," which has such an air of finality about it, and which seems to signify drastic action, is really one of the weaker words in the federal-regulatory lexicon—far weaker than the word "suspension," which the Department of Agriculture has applied to its action on the registrations of liquid formulations of 2,4,5-T used around the home and around lakes, ponds, and irrigation ditches. To illustrate one of the powerful distinctions implicit in this upsidedown bureaucratic language, when the Department of Agriculture *suspends* the registration of a product for certain uses, the suspension takes force immediately, and under federal law shipments of the product in interstate commerce must stop; in effect, the flow of the product from manufacturer to ultimate user is immediately pinched off at a point reasonably close to the source of supply.

When the Department of Agriculture *cancels* the registration of a product for certain uses, however, the movement of the product in interstate commerce is brought to no such automatic halt. A company given a cancellation order is told that after thirty days it can no longer ship its product across state lines, but the company has the right to appeal the order, and if it does appeal, this action has the effect of staying the order. During the lengthy process of appeal, the company can continue to produce, ship, and sell the cancelled product. A company whose product's registration is suspended has no such recourse.

Approximately six weeks after the Surgeon General's announcement concerning 2,4,5-T, I stopped at several garden stores in the New York area. I found that a number of 2,4,5-T formulations—weed killers, poison-ivy sprays, and lawn food—were still on sale. Since the Surgeon General had sited as one of the primary reasons for federal actions against 2,4,5-T the government's wish to afford "maximum protection to women in the child-bearing years" by preventing them from being exposed to the herbicide, this state of affairs startled me, particularly since May and June are the months of maximum use of herbicides.

The disturbing fact is that the Department of Agriculture has no power to compel manufacturers to recall from retail stores products whose registration for certain uses the Department has either cancelled or suspended. There is no federal law against a retailer's selling such a product or against a customer's buying it. The law does provide that stocks of it can be seized by Department of Agriculture inspectors. However, the number of retail establishments selling herbicidal formulations for home use runs into the scores of thousands, whereas the number of retail-store inspectors employed by the Department of Agriculture, I recently discovered, is exactly thirty-two.

On a practical level, then, the power of the Department of Agriculture to prevent the retail sale of such products is almost nonexistent. Furthermore, not only is it legal under federal law for a homeowner to buy a product whose registration for certain uses has been officially cancelled or suspended but it is legal for him to use it, and use it in any way he pleases. Without breaking any federal law, he can dump concentrations of 2,4,5-T on his lawn in such a way that some of it enters his or his neighbors' water supplies.

Similarly, a farmer can continue to use 2,4,5-T on his crops without breaking any federal law even though that use has been the subject of a Department of Agriculture cancellation order. The only risk he faces is that of seizure by Food and Drug Administration inspectors of any of his crops shipped in interstate commerce that are found to have detectable amounts of 2,4,5-T residue on them. The risk isn't a very great one, since these inspections take place at retail outlets—supermarkets, and so on—where F.D.A. inspectors collect samples of foodstuff and send them back to the F.D.A. for analysis, which takes time. The bureaucratic machinery is creaky, and if any detectable residue of 2,4,5-T is found on the food stuff—say blueberries that the farmer has sprayed with 2,4,5-T—the chances are that by the time the Department is ready to seize the stock of blueberries in the store (which, after all, is probably only one of many stores to which berries from this batch have been shipped) the blueberries have been bought and eaten. In any event, only the blueberries can be found guilty—not the farmer or the shipper. And the farmer can go right on using 2,4,5-T as he pleases, because the cancellation powers and suspension powers of the Department of Agriculture apply not to the basic chemical compound of 2,4,5-T as such but only to the formally registered *uses* for which it is intended.

In effect, this means that there is federal control only over the wording of labels on the cans, bottles, or drums of these chemicals. It is true that the Department has asked manufacturers of 2,4,5-T products whose registration for certain uses have been cancelled or suspended to recall the products from retailers, but this will have to be done strictly on a voluntary basis if it is done at all. Even if it actually is done, and the products are back in the manufacturers' hands, the recall does not mean that the 2,4,5-T will be destroyed.

For the most part, it means merely that the 2,4,5-T formulation will be relabelled, with the cancelled uses deleted, and sold over again in the same form, and even in the same containers. And since the label on the container has no binding force on the purchaser, there is no guarantee at all that 2,4,5-T will not continue to be applied in ways that the public might reasonably suppose to have been stopped dead by the government.

Further examination reveals that the measures against the use of 2,4,5-T that appear to be so sweeping actually apply to about ten per cent of the total amount of 2,4,5-T used in this country—that is, only to 2,4,5-T used around homes, gardens, and aquatic areas and on food crops. And since 2,4,5-T products are still being sold freely in garden-supply stores, I estimate that so far the cancellation and suspension orders have affected no more than two or three per cent of the total amount.

About ninety per cent, in any case, is used for the control of woody plants in such areas as rangeland and pastureland and along railroad and electric-line rights-of-way. These uses remain unaffected by the new federal orders because the Departments of Agriculture, H.E.W., and the Interior agreed that in such areas, many of which are remote from dense population, 2,4,5-T does not constitute an imminent hazard to women of child-bearing age.

I believe that this conclusion deserves reexamination. As studies with experimental animals have shown, 2,4,5-T is a fetus-deforming agent both in its relatively pure form, which has so far been formulated only under laboratory-test conditions, and in the form in which it is ordinarily sold to users. Because certain factors are apparently impossible to eliminate in its production, the latter form is a contaminated one, the contaminants being present in amounts that have up to now been considered tolerable. The name of the principal contaminant in 2,4,5-T is symmetrical 2,3,6,7-tetrachlorodibenzo-*p*-dioxin, and it has been found to be both extremely toxic and, in certain tests on living creatures, teratogenic. In tests on chick embryos, this form of dioxin, in a pure state, has the capacity to deform embryos at levels of a trillionth of a gram per kilogram of the egg—a level only one-millionth as great as that required to achieve a comparable effect in chick-embryo experiments with the notorious teratogen thalidomide.

And in tests involving a mixture of dioxins in which the symmetrical tetrachlorodibenzo-*p*-dioxin predominated, conducted by the Food and Drug Administration on pregnant hamsters, a dosage of 9.1 millionths of a gram per day (for five days) per kilogram of the mother's body weight produced an incidence of eighty-two per cent mortality and eighty-two per cent abnormality among live offspring.

Dioxins are also known to have untoward effects on human beings. In factories where 2,4,5-T is produced, the dioxin appears as a contaminant in an intermediate stage of the manufacturing process, and some of it remains in the finished product. In 1964, workers in a Midland, Michigan, factory of the Dow Chemical Company, one of the largest producers of 2,4,5-T, contracted an illness through exposure to the dioxin contaminant. The symptoms of this illness were described as follows by Dr. Julius E. Johnson, a vice-president of Dow Chemical and its director of research and development, in testimony he gave in mid-April before the Senate subcommittee investigating 2,4,5-T:

"The most sensitive toxic reaction observed in humans to this impurity [the tetra dioxin] was manifested by a condition known as chloracne, a skin disorder mostly prevalent on the face, neck and back. It is similar in appearance to severe acne often suffered by teenagers."

The way Dr. Johnson described chloracne before the Senate subcommittee, it does not sound like a very serious condition. However, the way he described it before the subcommittee is not quite the way Dr. Benjamin Holder, the director of the medical department at Dow's Midland Division, had described it two months earlier during a meeting with government chemists. According to a memorandum originating in one of the regulatory agencies involved, Dr. Holder said that about sixty people had contracted the disease at the Dow plant, and that its onset had been slow—four to six weeks. The memorandum continued:

"Early symptoms [according to Dr. Holder] include fatigue, lassitude and depression, and early signs include the appearance of comedones on the face and body . . . and weight loss. . . . Severe exposure results in effects involving internal organs and nervous system disorder (polyneuritis). . . . Dr. Holder discussed the examination and treatment of exposed workers. He said that six months were required for marked recovery to begin and complete recovery required up to several years."

According to a paper published in a German scientific journal a year before the Dow people made these observations, the symptoms of chloracne associated with the intermediate stage of manufacture of 2,4,5-T include mental depression, reduced power of recall and concentration, disturbed sleep, irritability, reduced libido, and impotence. And another scientific paper, so far unpublished, on an outbreak of chloracne that occurred in another 2,4,5-T factory (not a Dow factory) in the United States, describes the continued existence of serious mental disturbance among affected workers some six years afterward.

The reason I emphasize the presence and the extremely hazardous nature of the dioxin contaminant in 2,4,5-T is that while the Dow people claim that 2,4,5-T is readily

XUM

decomposable in soil and by the action of sunlight after it has been applied, neither they nor anyone else has ever shown that the dioxin contaminant, as distinct from a theoretically pure 2,4,5–T, is biologically degradable; that is, that it does not persist in the environment or accumulate in animal tissue.

On the contrary, the characteristics of dioxine-related chloracne poisoning, far from resembling those of the transient acne of teen-agers, include effects that are surely indicative of a serious toxic influence that is stobbornly persistent in the human body and its central nervous system. And, according to Dr. Jacqueline Verrett, of the Food and Drug Administration (Dr. Verrett's chick-embryo studies contributed to the discovery that the cyclamates widely used as sugar substitutes were carcinogenic substances), studies of the effects of dioxins on chicks and small mammals indicate that dioxin may very well accumulate in animal tissue more or less as DDT does—the difference being that dioxin is infinitely more toxic.

In the absence of positive proof that dioxin is not persistent and cumulative, the continued virtually unrestricted spraying of 2,4,5–T on pastureland and rangeland seems to me to constitute a serious potential hazard to human health. In spite of manufacturers' claims, there appears to be no evidence that the dioxin contaminant does not persist in the sprayed area long after the 2,4,5–T itself has broken down.

The amounts of dioxin that would thus remain would, admittedly, be very small in relation to the amount of 2,4,5–T originally laid down—the Dow people, for example, claim that the dioxin content of their 2,4,5–T is less than one part per million—but the potency of dioxin is so extreme that a serious question arises whether traces of dioxin remain on sprayed pastureland and may be ingested by beef cattle, dairy cows, and sheep, with the result that dioxin builds up in the tissues of these livestock and enters the human food chain through meat or milk.

The relentlessness of the cumulative process involving DDT and other pesticides is well known by now, when human milk contains more DDT than federal law permits in cow's milk crossing state lines, and when virtually every sample of drinking water tested throughout the country by the Environmental Control Administration has contained traces of pesticide. The only precaution recommended by the Department of Agriculture against possible contamination of dairy cattle feeding on pastureland sprayed with 2,4,5–T is that the land not be grazed for seven days after a spraying.

Since the Department's own calculations of the persistence of 2,4,5–T—calculations that take no account whatever of the persistence of the dioxin contaminant—are that 2,4,5–T takes about five months to break down in soil, these precautionary measures as they relate to grass growing from the soil or water holes on its surface hardly seem adequate for the ultimate protection of the public against a herbicide that has been demonstrated to be a serious potential health hazard even in a laboratory-purified form. As for precautions against the ingestion of dioxin, there simply aren't any, because as far as federal regulations are concerned dioxin does not exist. In the case of grazing beef cattle, the Department of Agriculture does not recommend withholding the land from use for as much as a day after a 2,4,5–T spraying.

In Texas alone, more than a million acres of rangeland and pastureland are being sprayed with 2,4,5–T this year; probably at least a quarter of a million head of cattle will graze on that sprayed land; and the cattle will produce something like a hundred and fifty million pounds of meat that will be sold to Americans as edible—all in the absence of a solitary meaningful restriction imposed by the federal government on either the spraying or the grazing, and also in the absence of a solitary scientific study, either by industry or by any government agency, concerning the stability, the persistence, and the cumulative capacity of the dioxin contaminant in the bodies of living creatures.

Next year, the total area sprayed with 2,4,5-T throughout the couuntry may well be greatly increased rather than decreased. The use of herbicides in this country has been increasing at a considerably greater rate than that of pesticides, and it is only because military priorities for defoliation programs in Vietnam cut the available supply of 2,4,5-T quite drastically that this country has been spared the much more extensive use of 2,4,5-T on rangeland and pasture land. In Vietnam, a total of about forty million pounds of 2,4,5-T has been dropped on the countryside. The suspension, under public pressure, of the use of 2,4,5-T there will probably bring about the release in the coming year of huge amounts of it in the domestic market, and a logical target of chemical-company salesmen for disposal of the surplus would be the cattle industry and the United States Forest Service.

Also, to my knowledge, no proper investigation has ever been made of the possibility that, quite aside from the dioxin already present in 2,4,5-T sprayed on vegetation, *further* amounts of dioxin may be created, and released into the environment, through the breakdown process of 2,4,5-T as it is affected by sunlight and by heat. Heat strong enough to create new dioxin can occur under conditions that are not highly unusual. Brush that has been killed, whether by 2,4,5-T or other means, is certainly a fire hazard, especially in a hot, dry climate, such as that of Texas, where so much 2,4,5-T spraying is going on, and a brush fire over a large sprayed area containing 2,4,5-T residues could conceivably generate considerable quantities of dioxin and release it into the atmosphere.

It seems most likely that the hazards of pollution of the environment by dioxins extend far beyond the use of 2,4,5-T. This herbicide is only one of many products derived from polychlorinated phenolic compounds that contain dioxins or are the precursors of dioxins. These products range from pesticides to deodorants. It appears that when any chlorophenol is heated sufficiently it can be converted into a dioxin. This fact raises questions about the release of dioxins into the environment merely through the burning of many commonly used products. For example, one of the polychlorinated phenolic compounds, pentachlorophenol, is widely used as a fungicide and as an antibacterial preparation. It is used in preserving wood and in controlling slime in the manufacture of paper. In 1968, more than tweny-seven million pounds of pentachlorophenol and its salts were used in the United States to preserve wood.

Since the fate of most timber is to be burned sooner or later, and since it is reported that when five grams of pentachlorophenol is heated at a temperature of three hundred degrees for twleve hours it is capable of generating one and a half grams of octachlorodibenzo-*p*-dioxin, the possibility that considerable amounts of dioxin will be released into the atmosphere from wood treated with this preservative presents a potential health hazard of very alarming dimensions. The same thing may be said of the burning of paper that has been treated with pentachlorophenol.

Aside from any hazard created by burning, the extreme toxicity of pentachlorophenol was discussed some years ago in an article in the *British Medical Journal* on some sawmill workers in Borneo who handled wet timbers that had been freshly treated with a solution of sodium pentachlorophenate, a salt of pentachlorophenol. The people involved, who are described in a Monsanto Chemical Company manual on pentachlorophenol as "nine undernourished, scantily clothed native workers," were not wearing protective garments—a circumstance that the Monsanto manual calls a "complete violation of safety precautions for handling Penta [a Monsanto trade name] materials." They died as a result of handling the timbers.

Pentachlorophenol is used in a wide variety of products, including paints and shampoos. It is put in laundry starches as a preservative, and it has been used in other laundry products. The extreme hazards posed by the injudicious use of this chemical, which is buried in so many consumer products, can be perceived in a scientific paper that appeared in the *Journal of Pediatrics* last August, entitled "Pentachlorophenol Poisoning in a Nursery for Newborn Infants."

The paper describes the cases of nine infants between six and fourteen days old who were all born in a small hospital for unmarried mothers in St. Louis and who were all admitted to St. Louis Children's Hospital with a severe form of an unusual and undiagnosed illness marked by excessive sweating, increased heart rate, respiratory difficulty, and enlargement of the liver. Two of the infants died shortly after being admitted to Children's Hospital; the rest were given blood transfusions and other treatment and survived. The cause of the poisoning was traced to an antimicrobial laundry neutralizer that had been used in excessive amounts in the laundry of the hospital where the children were born.

The neutralizer contained sodium pentachlorophenate, and traces of pentachlorophenol that remained in diapers and other clothing after laundering had penetrated the skins of the infants and entered their systems. The insidious nature of pentachlorophenol can be illustrated further by the fact that after the use of the rinse was discontinued, traces of pentachlorophenol continued to be found in the blood of newborn children and of expectant mothers. It turned out that although the infants were no longer directly exposed to pentachlorophenol, the mothers-to-be had continued to use linens that had been rinsed with it. There is speculation that the pentachlorophenol traces in the linens used by the expectant mothers became absorbed into their systems and crossed the placental barrier into the systems of the unborn babies.

Such facts led me to become curious about other commonly used products that contain polychlorinated phenolic compounds. One of these is the household disinfectant Lysol, which contains a chlorophenol compound. Another polychlorinated phenolic compound that is widely used is hexachlorophene. The basic material for hexachlorophene originates in 2,4,5-trichlorophenol, which is also the precursor of 2,4,5-T in the manufacture of the herbicide. Hexachlorophene is very widely used as an antibacterial agent, and is an ingredient of toilet soaps, of skin lotions for babies, and of cleaning powders used for washing diapers and infants' laundry. It is used in deodorant creams and sprays, and it is a principal active ingredient of pHisoHex, a sudsing antibacterial agent for the skin that is universally used in hospitals and widely used in homes. (In hospitals, it is used in scrubbing up before surgery.)

A relatively small number of people appear to be sensitive to such hexachlorophene preparations when they are applied to the skin, but the undoubted benefits of the preparations are generally considered to far outweigh this known disadvantage. Manufacturers of soap claim that hexachlorophene does not readily penetrate the natural barrier of the human skin.

However, it may be another matter when hexachlorophene preparations are used where the natural skin barrier has been broken down. In 1965, at the Shriners' Burns Institute, a hospital in Galveston, affiliated with the University of Texas, that is devoted to the treatment of severe burns, nine children had their wounds cleansed with a three-percent solution of hexachlorophene in detergent in preparation for skin grafts. Six of the children soon developed generalized convulsions. To determine the cause of the convulsions, a study was subsequently made in which hexachlorophene was sprinkled into skin incisions in rats. All the rats died.

More recently, Dr. Verrett has made studies of the effects of hexachlorophene on chick embryos, and her observations concerning one of her experiments have led her to conclude that hexachlorophene is so toxic that when it is injected into the embryos in a concentration of half a milligram per kilogram of egg it kills sixty per cent of the embryos. In another study, in which hexachlorophene was injected into the eggs at this same concentration, Dr. Verrett found signs of teratogenicity—including a significant incidence of cleft palate, eye and beak defects, and an incidence of leg deformations and edemas, or body-fluid swellings—similar to the teratogenic effects she had found in comparable chick embryo studies of 2,4,5-T, of the dioxin contaminant, and of 2,4,5-trichlorophenol.

Hexachlorophene has been manufactured for commercial purposes for about thirty years, and last year between two and three million pounds was produced in this country; much larger quantities are expected to be available in 1970, again because of the suspension of the use of 2,4,5-T in Vietnam. The Food and Drug Administration places no restrictions on the use of hexachlorophene in such consumer products as toilet soap and deodorants.

Yet, as far as I can determine, not one single series of formal tests has ever been completed either by any corporation or by any government agency to determine whether this chemical is teratogenic, whether it causes mutations or whether it produces cancer in experimental animals. Regardless of this lack of data, the Department of Agriculture permits the use of hexachlorophene in certain pesticides used on farm produce. It is sprayed on certain fruits and vegetables to cut down bacterial action that might encourage spoilage. Its use is permitted in quite high concentrations in water drunk by livestock, as a means of preventing liver flukes in cattle. If it is effective against liver flukes in cattle, it presumably penetrates to the liver, and since beef and calf's liver wind up on the dinner table, one wonders about other ways in which hexachlorophene might possibly be ingested by humans.

One route might be through drinking water. With the huge amounts of hexachlorophene used in soaps and such consumer products, regardless of whether, as soap manufacturers claim, very little of the hexachlorophene is absorbed into the human body through the skin, the hexachlorophene that remains outside the skin is for the most part drained away in waste water. Since much waste water in this country is reused, after treatment, as drinking water, it seems reasonable to question whether traces of hexachlorophene are indigested by human beings in this way.

Both the ubiquity of polychlorinated phenolic compounds in the environment and their apparent ability to accumulate in the systems of living creatures are suggested by the contamination caused by a group of polychlorinated phenolic compounds known as polychlorinated biphenyls, or, more commonly, PCBs. These materials, which are known to be highly toxic, and are potential sources of dioxins in themselves, are used for a wide variety of purposes. They are used in rubber products and insulating materials, in paper coatings, in brake linings, in asphalt tiles and other asphalt compounds, in paints and varnishes, in inks for high-speed presses, in waxes, and also in pesticides. In this country, PCBs are manufactured by the Monsanto Chemical Company under the trade name Aroclors. According to a recent article by Dr. Robert Risebrough, of the Institute of Marine Resources of the University of California at Berkeley, in the magazine *Environment*, PCBs have been found in North American peregrine falcons in amounts as great as 1,980 parts per million parts of body fat, and, in Sweden, in the fat of the white-tailed eagle in the amount of 17,000 parts per million. Traces of PCBs have been discovered in fish in Lake Michigan, and it may therefore be assumed that PCBs have found their way into the human food chain. In tests of samples of mothers' milk from Los Angeles and Berkeley that were analyzed late in 1968 by Dr. James Enderson, of Colorado College, every sample tested contained traces of PCBs.

Of the polychlorinated phenolic herbicides used in the United States, the most widely used is 2,4-dichlorophenoxyacetic acid, or 2,4-D. In 1968, approximately fifty-seven million pounds of 2,4-D was used in this country, in compounds that ranged from agricultural sprays to lawn foods and preparations for removing dandelions. As far as the Department of Agriculture is concerned, 2,4-D may be sprayed on virtually any crop or area—with minor restrictions as to intervals before harvesting, and so on. Last year, probably fifty-seven million acres of agricultural land was sprayed with it, and probably more than a million pounds of it was used on turf alone.

Over the past ten years, close to half a billion pounds of 2,4-D has been laid down on vegetation in this country, and today every garden store is full of compounds containing it; about a hundred and seventy-five companies produce 2,4-D preparations, and the chemical appears in somewhere between five hundred and eight hundred products currently in use. In spite of the Department of Agriculture's almost completely permissive attitude toward the use of 2,4-D, this herbicide has never been proved to be non-hazardous to public health. Last year, 2,4-D was characterized in a report by the Bionetics Research Laboratories, in Bethesda, Maryland—the original discoverer of the teratogenic qualities of 2,4,5-T—as "potentially dangerous" and "needing further study."

Recently, a screening study conducted by Dr. Verrett on the effects of purified 2,4-D on chick embryos showed the 2,4-D to have teratogenic effects. And preliminary observations in a study, also made within the F.D.A., of the effects of commercially produced 2,4-D given orally at high dosage levels to pregnant hamsters are said to show an incidence of birth abnormalities, including skeletal abnormalities, higher than that in studies of the effects of purified 2,4,5-T given to pregnant hamsters at comparable dosage levels. But the Department of Agriculture has made no move either to warn the public of these ominous findings or to restrict 2,4-D's registered uses.

The potential hazards of 2,4,5-T and 2,4-D were further underlined this spring by a report concerning the fate of a herd of six hundred reindeer on government rangeland near Lulea, in northern Sweden, which had been sprayed last July with a mixture of one part 2,4,5-T and two parts 2,4-D at the rate of a little less than two pounds per acre. A few weeks after the animals had eaten large amounts of sprayed foliage, a hundred of them died and another hundred and fifty disappeared—the presumption being that many of the missing ones also succumbed. Among the surviving animals, forty females had miscarriages.

Analysis of the reindeer carcasses by the National Swedish Veterinary Institute showed significant residues of 2,4-D and 2,4,5-T in their kidneys and livers. In view of this report, the almost complete lack of restrictions by our Department of Agriculture on the use of 2,4,5-T and 2,4-D on rangeland and pastureland seems particularly disturbing.

The acute effects on human beings of high dosages of PCBs are evident from a series of outbreaks of poisoning, traced to cooking oil extracted from rice hulls, that occurred two years ago in western Japan, in which at least ten thousand people were affected. The outbreaks involved both an abnormal incidence of miscarriages and stillbirths among women in the affected population and abnormally dark skin pigmentation in infants.

The victims of the poisoning showed the classic symptoms of chloracne, and in several very serious cases they also showed symptoms of jaundice and other liver damage. Polychlorinated phenolic compounds are known to be used in Japan as herbicides on paddy fields, and the causative agent of the poisoning was identified as a PCB. Yet our Department of Agriculture permits the use of PCBs as additives in between thirty and forty registered pesticide products and has taken no action to protect the public against the dangers of these additives.

It seems to me clear from all this that the whole family of polychlorinated phenolic compounds is one that, scientifically speaking, consistently produces very bad news. In spite of this, the federal agencies charged with regulating the use of such substances to protect public health have taken virtually no effective steps either to investigate the harmful potential of these compounds or to protect the public from such possible harm. The Department of Agriculture, which has jurisdiction over the pesticidal and other non-drug uses of all sterilizing, disinfecting, germicidal, and antibacterial chemicals sold in this country—and most of the polychlorinated phenols are in one or more of these categories—has not, during all the years in which it has permitted the use of these substances, completed one laboratory study of dioxin contamination or of dioxin generation by any polychlorinated phenol.

After almost a quarter of a century during which the Department has authorized the virtually unrestricted use of a herbicidal agent as powerful as 2,4,5-T, and in the face of well-established facts about the alarming teratogenicity both of 2,4,5-T and of its dioxin contaminant, none of the scientists employed by the Department have completed a single working experiment on the prevalence and generation of dioxins. Although they have gone so far as to draw up a list of seventeen polychlorinated phenolic compounds that they believe should be studied, they do not know, at the time this is written, even how many formulations of these compounds are on the market, what quantities of them are being sold, and what uses they are being put to.

I became aware of this when, before writing this letter, I called the Pesticides Regulation Division of the Department of Agriculture and asked for a list of registered products containing polychlorinated phenolic compounds. According to the assistant director of the Pesticides Regulation Division, the Department has no such list and no list of formulators in whose names the products have been registered, nor has it a list of the uses to which the compounds in interstate commerce are being put. No one had ever before asked for such a list, he said, and the only way the Department could compile one for me would be by making a manual search through files containing some fifty thousand pesticidal-product registrations—which would, of course, be very expensive and complicated.

Clearly, in the polychlorinated phenolic compounds, we are confronted with substances in our environment that, even though we may be exposed to any of them in almost undetectable quantities, cumulatively

XUM

and collectively pose frightening potential hazards to public health and involve the serious question of possible effects on the unborn. Considering the striking contrast between the urgency of the problems and the apparent inability of federal regulatory agencies to take prompt action to protect the public against these hazards, it seems to me that a drastic change in methods is essential. The existing pattern of inertia is attributable to a complex set of circumstances that includes inadequate statutory authority to deal with potentially hazardous products on the necessary environmental scale—all the way from their creation in factories, through their movement in interstate commerce, to their use and their eventual disposal or decomposition. A second factor is the very inadequate funding by Congress of the regulatory agencies. The Food and Drug Administration, for example, is supposed properly to regulate various activities of businesses that gross some three hundred billion dollars a year on an annual departmental budget of sixty million dollars, while the Department of Agriculture, as I have pointed out, has those thirty-two retail-store inspectors to cover the whole country. These conditions account, in part, for the passive attitude that agencies often take toward the industries they are supposed to regulate.

Once a product has been registered as acceptable for use in interstate commerce, it tends to acquire such status that if subsequent questions arise about its safety, the burden of proof concerning this is really placed upon the federal regulatory agency rather than on the producer of the product. Since the agency too often does not have adequate facilities, money, or manpower to offer such proof, general foot-dragging or tired surrender to industry pressure by the agency people is naturally encouraged.

It seems to me grossly improper that doubts raised about the safety of complex chemical substances put out by large companies for extensive public use should be so often resolved by federal regulatory agencies in favor of the welfare of these companies rather than of the welfare of the public. It does appear to me that in the case of the present uses of 2,4,5-T, 2,4-D, and other polychlorinated phenolic herbicide or pesticide compounds, such doubts can best be resolved by simply imposing a full suspension of all uses of these chemicals until it has been shown, as clearly as science can demonstrate through the necessary chemical, biological, and environmental testing, that the employment of these substances or their contaminants or breakdown products will not be harzardous to public health.

Sincerely,

THOMAS WHITESIDE.

THE KREMLIN'S MIDEAST GAMBLE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. CRANE. Mr. Speaker, after my private trip to the Middle East in February, I reported to the President that our Government should supply the military hardware which Israel requested to maintain a balance of power in that troubled area of the world.

In the same report, I noted that the Soviet Union had been intensifying its efforts to dominate the Middle East.

More recently, I have again urged the President to sell jets to Israel by joining with my colleagues in writing the President on two separate occasions.

If any further evidence is needed of Soviet aims in the Middle East, I would suggest that the following indepth article from the June 1 issue of Newsweek be carefully read.

The article follows:

THE KREMLIN'S MIDEAST GAMBLE

To the untrained eye, it looked like a bleak and blasted landscape, shattered by countless bursts of artillery shells and bombs. But to experienced Israeli intelligence officers back in Tel Aviv, the withered terrain told an electrifying story. Scattered along a 60-mile stretch of the Suez Canal's badly battered west bank ran a string of 40 heavily reinforced concrete bunkers covered with thick layers of dirt. All the telltale signs were there. And last week the Israelis disclosed that they were sure the bunkers were core sites for the emplacement of highly advanced Russian SAM-3 surface-to-air missiles—weapons so sophisticated that all-Soviet crews are required to fire them. If the Israelis were right, the Soviet Union was engaged in its boldest geopolitical gamble since former Premier Nikita Khruschev tried to smuggle Soviet missiles into Cuba eight years ago.

Indeed, reports out of Egypt seemed to confirm that, with Washington embroiled in another war at the other end of the world, Moscow was moving rapidly toward a bold new commitment of its own men and matériel in the highly volatile Middle East. As Soviet pilots, ground troops and equipment flowed into Egypt (following story), Israeli Foreign Minister Abba Eban flew to Washington to express his government's alarm over the mounting Soviet buildup and to renew its request for more American arms. And even while Eban was making his plea events back home seemed to underscore the gravity of escalating tensions. In Israel itself, twelve people were killed and 20 wounded—most of them children under the age of 10—when Arab guerillas launched a point-blank-range bazooka attack on a school bus 100 yards from the Lebanese border. In retaliation, Israeli artillery shelled four Lebanese villages, killing twenty and injuring 40. Meanwhile, in artillery duels along the canal, seven Israeli soldiers died in a single day—and the endless chain of killing and retaliation seemed as far from being broken as ever.

On the contrary, the trend of events suggested that Soviet airmen and soldiers might soon be joining the toll. For the Israelis have made it clear that they intend to engage Russian-flown MIG's and to knock out any SAM-3 system along or near the canal—Soviet crews or no (page 40). Precisely where that kind of confrontation might lead is anybody's guess, though for the moment Washington did not seem to be publicly exercised over the risk of being sucked into a direct confrontation with Moscow in the Mideast. "We have decided to play it cool," remarked one senior State Department official last week. "The U.S. obviously will have to reaffirm its position in the area, but we will do so in measured fashion." Such words were cold comfort for Eban, who left the U.S. amid conflicting reports as to whether any part of his request for 25 additional F-4 Phantom jets and 100 A-4 Skyhawks would actually be met. But having rushed precipitously into one volatile situation in Cambodia, Washington seemed ill-inclined to jump headlong into another quite so soon.

VACUUM

That was something Moscow seemed to understand only too well. For with the U.S. preoccupied in Indochina and Britain withdrawing from its colonial domains in the Persian Gulf, the Russians slipped almost naturally into the Middle East vacuum—the least risky area in the world, from Moscow's viewpoint, for the expansion of Soviet influence. And more than anything else, the Arab-Israeli conflict paved the way. Only fifteen years ago, the Russians counted few friends in the area outside of Israel. Today, Soviet troops and technicians have become the mainstay of several Arab regimes. This is particularly true of Egypt, the largest and most powerful of the Arab states and the one in which Soviet investment has been greatest. But Syria, Iraq, Yemen and South Yemen also lean heavily on Soviet economic and military largess, and even Jordan's conservative monarchy is reportedly being tempted by Soviet offers of anti-aircraft and long-range artillery weapons.

All this pleases the Arabs, of course, but what do the Soviets gain? There are a number of experts who believe they gain very little in a positive sense and that their real motivation is the negative one of reducing Western influence in an area that abuts their own backyard. The Russians have traditionally had an interest in reaching the Mediterranean, obtaining warm-water outlets and in extending their influence over Turkic and Arabic lands. But with a surplus of their own to sell, the Soviets can hardly be interested in Middle East oil—except to the extent of depriving Western Europe of its source. Nor are they bent on an ideological campaign designed to convert the Islamic world to the glories of Communism—not when every Arab nation they aid has outlawed the Communist Party and clapped its leaders in jail. The most obvious strategic prize of interest to the Russians would be control over the Suez Canal, a waterway increasingly important to their growing Indian Ocean and Mediterranean fleets and their efforts to turn NATO's southern flank. In that sense, any Soviet move up to the canal's west bank could be interpreted as a step toward the waterway's eventual recovery and reopening, possibly under Soviet domination.

CHALLENGE

Whatever the motivation, Russia's sudden emergence as an active participant in the Arab-Israeli conflict poses a hard challenge to U.S. policy. As one official remarked last week: "This is a coup of great magnitude. Moscow has now firmly established its position in the Mediterranean and the Red Sea." On that score, in fact, both Israel and the U.S. seemed in agreement. Their differences, as Abba Eban pointed out, lay in what the response should be. Israel's inclination was to act, if only through a new agreement under which the U.S. would undertake to supply Israel with the arms it seeks. Washington favored caution. "I will accept the proposition that the Egyptians are digging along the canal for some purpose, and that they may be pouring concrete," said one official. "But I think we can wait to see whether they install SAM missiles."

The fact is that the Soviet challenge comes at a time of reassessment and uncertainty in Washington. Only a few weeks before, the Administration had acted swiftly and decisively in ordering a U.S. ground invasion of Cambodia. American officials had underscored the global implications of that decision and specifically its implications for the Middle East, where the introduction of Soviet pilots into Egypt was cited as a factor arguing for an American show of strength. But the events at Kent State and the widespread domestic protest that followed drained the Administration's decision of its intended global impact—if anything, weakening the image of resolve that Washington had sought to project. And far from calling a halt to their military buildup in Egypt, the Russians responded by speeding its pace.

CAUTION

In Washington, however, the atmosphere of certainty and toughness that had prevailed on Cambodia gave way to one of bureaucratic caution on the Middle East. The Soviets, it was argued, were behaving with relative restraint in Southeast Asia and were

XUM

still pursuing strategic arms limitation talks in Vienna without polemics; therefore, the U.S. should give them the chance to stop short of a dangerous confrontation along the Suez Canal. Thus, instead of making a swift, demonstrative gesture on the Middle East, the Administration put its policy reassessment through the bureaucratic system—the same system so notably bypassed in the decision-making process on Cambodia. But whether, in this case, there was time for the slow machinery of government to come up with an appropriate response was open to serious question. For by now the Soviets had drastically altered the strategic equation in the Mideast, and any further sign of hesitation on the part of the U.S. might embolden them to push their luck to the brink of the Suez Canal.

The issue would perhaps be academic now were it not for indications that the U.S. Government, which always opposed the raids, now tends to see the Soviet move as merely a defensive reaction on behalf of its main client state in the Middle East. As one American diplomat put it to me: "So long as the Russians stay within the delta, they have not really escalated the conflict." And the Israelis themselves insist that they can live with the present level of Soviet participation. "The Soviets may have solved Egypt's problem in the Nile Delta," one senior Israeli staff officer told me recently, "but it has no impact on the essential thing: our position along the canal."

The big question is, what is the next step? The Russians could stay where they are and say to the Egyptians: "We are protecting your heartland. And if you do not attack the Israelis along the canal, they will not attack you there either." In other words, they could work to establish an undeclared cease-fire, and then—within that framework—threaten to regenerate the crisis unless the U.S. brought massive pressure to bear on Israel to withdraw voluntarily from the canal.

WITHDRAWAL

But that Soviet approach is unlikely. For the Egyptians cannot afford to permit the Israelis to sit peaceably along the canal in hopes of an eventual withdrawal. They fear that Israeli's de facto presence would become de jure. And so, most Israelis fear that the Russians may try to expand their military role into the canal area in the hopes of pressuring Israel into a withdrawal. "The Russian move has set a precedent for them," explains one Israeli military man. "It is too serious for just a stopgap operation, an operation limited merely to the Nile Delta. It does not in fact further the objective the Russians share with the Egyptians—which is to achieve our withdrawal from the canal."

There is then a strong likelihood that the Russians will try to extend their air-defense system to the canal area as an umbrella beneath which the Egyptians can intensify their war of attrition. If successful, Egyptian artillery might be able to inflict an unacceptable number of casualties on the Israelis and thus force a withdrawal. The Russians might even provide the air cover for an Egyptian beachhead across the canal. Or, they might simply threaten this, and hope that the U.S. —tired of crisis—will prevail on the Israelis to withdraw.

ESSENTIAL

One way or the other, a withdrawal from the canal—barring a peace settlement—would be a considerable victory for the Egyptians. And it is one that the Israelis are determined to deny them. "For us, it is essential to hold the canal," says one Israeli strategist. And I am convinced that the Israelis will, without question, fight the Russians if they try to move to the canal zone. In terms of existing Soviet and Egyptian strength along the canal, the Israelis are convinced that they could win a limited conflict in the area. "It would not be simple for the Russians to come in with large masses of aircraft," explains one Israeli. "There is not much room for these to manuever over the canal. And how good, we wonder, are the Russian pilots anyway?"

The Israelis still hope, of course, that the Russians will not risk a potentially humiliating encounter at the canal. And should the U.S. grant Israel the planes it needs and take a firm stand against further Soviet intrusions into the Middle East, the Israelis are convinced that Moscow will tread carefully. But one way or the other, the Israelis are determined to stand their ground. As Moshe Dayan has said: "We would not be another Czechoslovakia . . . We would be a fighting Finland."

RED STAR OVER THE NILE

The old coin-fed telescopes atop the concrete-latticed Tower of Cairo provide a commanding view of the countryside surrounding Egypt's ancient capital. And nowaday's for an extra 5 piasters, a solicitous attendant will train one of the instruments on what he thinks you are looking for—not the pyramids at Giza but the Soviet surface-to-air missile installations that have sprouted on the Mokattam Hills to the east of the city and beyond the pyramids to the west. Any closer look can be dangerous. On a recent drive past the pyramids into the desert, my car came to an abrupt halt a mile and a half from a missile compound when the crack of a warning shot echoed across the sand. Through my field glasses I could see the "squat eye" radar making its several revolutions a second and the eight tips of the 19-foot SAM–3 missiles protruding from the site's twin launchers.

In Alexandria, SAM–3 watching is much easier. A room at the Windsor or Cecil Hotel, a meal at Abu Kheir's seafood restaurant or a swim in the Mediterranean—all provide close-up views of the military paraphernalia that is changing the strategic equation in the Arab-Israel conflict. To be sure, few Egyptians know what a SAM–3 is. And fewer still know what it can do. But everyone seems to believe that the days when Israel enjoyed virtual impunity to strike by air deep into Egypt's heartland are gone forever. Even the Israelis, who have refrained from any raid into the Nile Delta since April 13, seem to be seconding the view. "What happens if the Israelis resume their deep penetration raids?" a Western ambassador asked an Eygptian general at a recent diplomatic reception in Cairo. "Let them come," the general answered. "We would welcome such an attack. You'll see."

The Eyptians have every reason to feel cocky. If Israel decides to resume its raids into the Nile Delta, it will have to tangle with the elaborate new Soviet air defenses that are rapidly abuilding. That means Soviet airmen piloting advanced MIG–21 jet fighters in the air and Soviet missilemen manning sophisticated SAM–3s on the ground. Few doubt that Israel could do it if Jerusalem decided. As one foreign military observer in Cairo puts it: "Israeli pilots could even teach the Russians a thing or two." But for Israeli strategists, this begs the real question: has Russia's new air-defense system deprived Israel of its ability to launch a pre-emptive strike if the Egyptian Army should, sometime in the future, mass for a major offensive across the canal?

The answer is that such a strike, increasingly difficult for Israel to pull off since the six-day war because of growing Egyptian awareness of the need for plane dispersal and fortified shelters, would be prohibitive today and may become well-nigh impossible before the year is out. Russia's first 22 SAM–3 sites are already in place near Alexandria, Baltim, Cairo, the Aswan dam and Cairo West, the current hub of the Soviet military buildup that includes a big airport and the headquarters of the recently arrived Soviet air defense division.

SITES

But that is just the beginning. An additional 23 sites are now under construction, and another seventeen installations projected, including some near the Suez Canal, for a total of 62. By the time this network is completed (target date: Sept. 1), the Russians plan to have 480 new surface-to-air missiles in place, manned by some 15,000 Soviet military personnel. Including the 3,000 military advisers and 2,500 civilians who were already there before the SAM–3 buildup began, more than 20,000 Russians should be in Egypt by the end of the year, and one well-connected military attaché in Cairo puts the figure as high as 28,000.

Moscow, in short, is beginning to run the show. In theory, the Egyptians continue to be responsible for their own airspace. In practice, however, a Russian general and his Soviet staff will now make all the decisions, and Soviet personnel will do most of the firing. Russians will decide, for example, how an intruder is to be engaged—whether by Egyptian or Russian-flown MIG–21 interceptors, or by Egyptian-manned SAM–2s, or by Russian-manned SAM–3s, or by Russian or Egyptian-fired 100-mm. anti-aircraft guns (which will soon ring every key military site in Egypt). On the ground and in the air, the Russians operate and defend their own installations. They have deployed machine-gun nests and sown mines against an Israeli ground attack. They have taken over early-warning radar, including some installations close to the canal. And to cap it all, they have set up their own communications system, which keeps U.S. listening posts on Cyprus working around the clock.

Evidently, the Soviets have decided that even with thorough training Egyptians are not capable of operating the highly complex gadgetry of a modern air defense network. "An Egyptian university graduate would require two years of training in the Soviet Union before he could fit into the system," explains one Russian. "And there isn't time." In a sense, of course, the old Egyptian-manned SAM–2 system chalked up a creditable record of kills—though only one of them turned out to be an Israeli intruder. The rest of the bag reportedly consisted of two Soviet-supplied Egyptian troop transports, one Egyptian MIG–19, one small Egyptian reconnaissance plane and an Ethiopian Airlines Dakota flown by a French crew. Left unsaid, also, is the fear that anything turned over to the Egyptians runs the risk of winding up in Israeli hands. Such was the case last year with the Israeli capture of an entire SAM–2 radar installation and its four Soviet advisers in the bargain. (They were later released through the Rumanian Embassy in Jerusalem.) All in all, during Israeli attacks on SAM–2 sites last year, the Russians are said to have lost twelve advisers killed and 29 wounded.

Having invested heavily in SAM–3s manned by their own crews, the Soviets apparently also concluded that they could not provide an effective air defense screen without their own interceptors responding to Russian controllers on the ground. Soviet Ambassador to Egypt Sergei Vinogradov (who has been dubbed by his diplomatic colleagues "the High Commissioner") was once adamantly opposed to such missions because of the attendant risk of escalation.

SIEVE

Vinogradov reportedly won his case with the Kremlin. But when the Soviet military heard the Israelis were putting most of their pilots through a crash training course designed to penetrate or circumvent the SAM–3s (by flying at Mach-1 speeds as low as 200 feet at night), they argued that without their own interceptors the SAM–3s could go the way of the SAM–2s—making the air-defense system more of a sieve than a screen. So Vinogradov was reversed.

And Soviet pilots poured in. Before the SAM-3 influx there were 80 Soviet airmen in Egypt, principally instructors and crews for the TU-16 bombers that fly surveillance missions out of Cairo West over the U.S. Sixth Fleet. In recent weeks three new squadrons of MIG-21s have arrived, accompanied by 90 pilots (roughly, two pilots per plane as opposed to the Egyptian ratio of two planes per qualified pilot). The Russians have already taken over five of the 28 air bases formerly shared with Egyptians. And some Western experts estimate that for a truly effective defense of the Nile Delta the Soviets will need ten MIG squadrons, or 150 planes and 300 pilots, and exclusive use of fifteen airfields. Many are betting that eventually the Russian commitment will reach that level.

MISSIONS

Many also bet that the rising commitment will bring a rising temptation to broaden the ground rules of the fighting. As of the moment. Moscow and Cairo have agreed that Soviet pilots should confine their defensive missions behind a line 30 miles west of the Suez Canal. The message to Israel is clear: don't tangle with our interior defenses and we won't cross the line. But no Western military expert believes this sort of arrangement can hold up very long. "It doesn't make sense," said one observer with vast combat experience. "For an effective air defense you must go forward. They will need air patrols to meet the enemy, and it's a safe bet that th Soviet military agitating in Moscow for such authority right now." Said another expert: "If I were the Soviet general in charge of air defense, I would want to neutralize the four forwardmost Israeli airfields in the Sinai—much as the Israelis neutralized SAM-2 sites last year."

In fact, the Russians appear to be training for just such a contingency. TU-16 bombers have been spotted firing air-to-ground missiles in the desert in upper Egypt. At a "standoff" range of 50 miles, the TU-16s could fly just west of the canal and fire at Israeli planes taxiing for take-off from forward Sinai bases. In addition, some 75 MIG-21s, originally designed as defensive interceptors, have been given an offensive capability—bigger bomb and rocket loads, extra fuel tanks, longer combat radius.

"If Israel persists in attacking Egypt she will have to be taught a lesson," a high Soviet official told me. "And that lesson can only be a dose of the same medicine. It won't be long before the Egyptians are capable of bombing targets in Israel the way Israel bombs targets in Egypt. Then, hopefully, Israel will at last realize that this war must be stopped and the occupied territories evacuated." What would happen, I asked, if the Israelis shot down Soviet pilots? "We are a major power—a superpower as you Americans call us—and superpowers do not like to be humiliated," he replied. "In that respect, we are no different from the United States. If Israel wishes to escalate, we can also escalate."

There is no question that the Russians mean business, as even the Egyptians are finding out. When the Soviets discovered that Israeli reconnaissance planes had been sneaking through Egyptian radar on the tail of civilian passenger flights, they ordered a detour of all incoming traffic through Matruh, 300 miles northwest of Cairo on the Mediterranean coast. When they found, to their further exasperation, that the detour was failing to deter Israel's long-range Phantoms, which still showed up on radar scanners as part of the blip of civilian airliners, they asked the Egyptians to drastically reduce all civilian flights. Cairo demurred, arguing that it could not afford to lose contact with the outside world.

TRACT

The Russians have also taken over a vast tract between Matruh and the Libyan border, putting a Soviet general in command. Russian dredgers are deepening the harbor at Matruh. And the Soviet Deputy Defense Minister and naval chief of staff have put the arm on Nasser to persuade Libya's Col. Muammar Kaddafi to give the Soviets naval facilities at Tobruk and an air base at El Adem—both recently evacuated by the British. Encouraged by the French to resist, Kaddafi is said to be equivocating. He told Nasser during an all-night session in Cairo that he didn't get rid of the Americans and the British to turn his country over to the Russians.

Such qualms are shared by many educated Egyptians, as well. Says a Cairo journalist: "How we will ever get rid of [the Russians] is a question we ask each other all the time." In fact, there are various signs that the Soviet presence in Egypt is getting to be a little too close for political comfort. In a classic balancing act, Nasser recently revamped his Cabinet, moving several well-known anti-communists into important positions. And the Egyptian President's long-waged campaign against internal Communists still shows no sign of slackening.

STAKE

Even so, the Soviets have made their intentions clear: they will not let the Egyptians go down to defeat again, even if they have to run the country themselves to prevent it. Why has Moscow moved as far and as fast as it has? Most veteran diplomats in Cairo feel the Soviets had no choice. After fifteen years of heavy investment, they could not afford to see Nasser's regime go down the drain—a distinct possibility had Israel's deep penetration raids into Egypt's heartland gone on unabated. Further humiliation in Egypt could also have had dire consequences for the men in the Kremlin—the same men who kicked out Nikita Khrushchev, in part for the humiliation Russia suffered in the Cuban missile showdown in 1962. To put it bluntly, Egypt has now become as important to Moscow as Czechoslovakia was in 1968, and the Russians are determined to keep their stake alive.

Most observers agree that the next move is up to Israel. A direct confrontation with the Soviets has always been Defense Minister Moshe Dayan's most chilling nightmare. The only reason he hesitated about the Golan attack at the end of the six-day war was because of the number of Soviet advisers reported to be with Syrian troops on the heights. But how much longer can the confrontation be avoided? Israel can slow down the new Soviet commitment, but it cannot turn that commitment back. If Israel resumes the attack on Egypt's heartland, the Russians will be drawn promptly into the fighting. But to leave the Nile Delta alone can only mean, from the Israeli viewpoint, that Egyptian preparations for a major new offensive will move ahead with impunity. Suddenly, the long-promised Arab counterattack has shifted from the realm of fantasy to the realm of a distinct possibility.

In Israel: Cruel Deaths, Grave Doubts

What stung the average Israeli most painfully last week was not the threatening Russian presence in Egypt but events closer to home. Only two weeks ago, the Israeli Army launched a massive search-and-destroy operation into southern Lebanon in an attempt to disrupt a string of guerrilla bases there. But then, after the presumably successful Israeli foray, the guerrillas struck back—and in a particular ruthless way. Their target was an Israeli school bus that ran each day along a country road near the Lebanese border. Hiding in a clump of bushes, the Arabs waited until the bus was only 20 yards away, then fired four bazooka shells directly into the passing vehicle. By the time rescue crews arrived, eight Israeli schoolchildren, three teachers and the bus driver lay dead in the bloody wreckage.

At the funeral service for the children, Deputy Premier Yigal Allon warned: "The arm of Israel's army is very long, and its blows are heavy, and those responsible for this crime will pay for it." In a sense, the bus incident symbolized Israel's central frustration. For although the Jewish state has demonstrated time and again its stunning tactical ingenuity (as in the recent raid into Lebanon), its over-all strategy of bludgeoning the Arabs into passivity has proved a complete failure. Now, as a result of the major Soviet buildup in Egypt, Israel is faced with the chilling prospect that even its tactical superiority may eventually be challenged along the Suez Canal. From Jerusalem, Newsweek correspondent Michael Elkins reports on the Israeli dilemma:

Few Israeli officials would agree—and none publicly—that the Israeli deep-penetration raids earlier this year into the Nile Delta heartland provoked, or even contributed to, the Russian decision to escalate their military involvement in Egypt. But that view is held by many foreign observers and—privately—by some prominent Israelis. And it was all too apparent that Foreign Minister Abba Eban himself was none too happy with the raids. Publicly, he supported them as a necessary response to Gamal Abdel Nasser's war of attrition. But in Cabinet meetings he proposed to his fellow ministers that the raids be stopped in exchange for an Egyptian agreement—even a tacit one—to reinstate the ceasefire along the canal. It may have been unlikely that Nasser would have agreed, but in any event Eban's associates voted him down.

REMOVING THE TAX EXEMPTIONS OF UNIVERSITIES

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, I find no pleasure in having to include the following letter in the Record. This letter concerns actions of the Internal Revenue Service that I find appalling and reprehensible. The IRS has made known that it is considering removing the tax exemptions of universities which allow students to participate in campaigns this fall. The ramifications of this are profound. My letter of protest to Commissioner Thrower of the IRS outlines some of the detrimental effects that the IRS decision to terminate tax exemptions would have.

The foundation of our country is embedded in our educational system and our building blocks of the future are dependent on this foundation. Such threats by the IRS are appalling and could cause unparalleled harm.

The implied threat of the IRS to remove tax exemptions would force the universities into a corner. The universities either would be faced with the prospect of having to close—no university could operate for long without the tax exemption—or would be compelled to prohibit students from campaigning. Neither prospect is acceptable. The latter would be disastrous because academic freedom would be curtailed.

If the IRS is trying to politically blackmail the universities, it is essential that

XUM

public attention be called to this. This veiled threat must be exposed, and the IRS must state its intentions immediately to the public.

The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 25, 1970.

MR. RANDOLPH W. THROWER
Commissioner, Internal Revenue Service, Washington, D.C.

DEAR COMMISSIONER: I understand that the Internal Revenue Service is considering the possibility of lifting tax exemptions for Universities that allow students two weeks this fall to campaign. I am writing to express my distaste for such political intimidation. As we know, Universities receive their tax-exempt status because they are educational institutions. Since the Universities as institutions have not committed themselves politically, the Universities in no way suggest a threat to the educational atmosphere. Furthermore, the students are not taking time "off" instead, they are sacrificing one week of summer vacation and one week of Christmas vacation to provide two weeks of their own time to campaign. Moreover, campaigning is an educational experience recommended for years in political science courses. I have often found that students gain more practical experience by participating in such programs than they would by studying the machinery of government in school.

The IRS has known of the possibility for nearly two months that Universities were considering making changes in the academic calendar to provide a period of two weeks for students to campaign. If the IRS were contemplating a decision to remove the tax exemption for Universities which allow students to campaign on their own time, the IRS should have been considerate enough to notify the Universities immediately. By waiting to make its decision public, the IRS has created abhorrent problems for Universities. The Universities have already made final changes in their academic calendar, and some students have made commitments to campaign. It would have been fair to the Universities had the IRS made its decision known prior to any plans contemplated by the Universities and students with respect to campaigning.

The IRS, by refusing to make known its position, has put a sword of Damocles over the heads of college administrators and students. If the IRS had waived this tax exemption status one or two months ago, the Universities would have had the benefit of a judicial decision on the legality of such a removal. Moreover, the students would have rulings on two issues—arrangements to use college facilities and using their own time to campaign. If the action contemplated by the IRS is a veiled threat to keep students in school instead of campaigning, I would consider it deplorable.

It is ironic and inconsistent for students to be encouraged, on one hand, to participate in politics and are told that established political institutions can be used as vehicles for positive change, while students are told, on the other hand, that Universities may lose their tax-exempt status because students are campaigning to effectuate change through established channels within the political system. Congress has striven hard to instill trust in the students of today by passing the 18 year old vote. By waiving the tax exemption of Universities, the IRS would do much to dismantle the faith and confidence we have attempted, and I think successfully, to establish.

With every good wish,
Sincerely,
THOMAS P. O'NEILL, Jr.,
Member of Congress.

XUM

WHAT IS TREASON?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. RARICK. Mr. Speaker, the Black Panthers, in urging a Revolutionary People's Constitutional Convention to write what they call a new constitution, continue to serve as dupes of a few white left wingers who are attempting to create a public image that they are moderate middle-of-the-roaders.

What is treason? Consider the use of a national monument in our Nation's Capital, by a little band of mercenary seditionists, to denounce our people and our Government and scream:

> For the salvation, liberation, and freedom of our people, we will not hesitate to either kill or die!

Mr. Speaker, I ask that a news account entitled "A White Party for Black Panthers," a clipping concerning Mr. J. Edgar Hoover, and the "Message to America," by the Black Panther Party, follow my remarks:

[From the Washington Post, June 18, 1970]

A WHITE PARTY FOR BLACK PANTHERS

(By Sally Quinn and Hollie West)

Dr. and Mrs. Fern Wood Mitchell last night gave the first known white-sponsored benefit cocktail party in Washington for the Black Panther Defense Fund.

The middle-aged chemist and his wife threw the party at their spacious red brick house at 3834 Fulton St. NW.

Although this was the first known party for Black Panthers in Washington, there have been several parties for the Panthers in other cities, particularly New York.

Last January, conductor Leonard Bernstein and his wife, Felicia, threw a party to raise money for the Panthers Defense Fund at their Fifth Avenue apartment. 100 socialites, artists, musicians and members of the jet set flocked to the Bernsteins to hear the Panthers speak, munch roquefort morsels, and drop thousands of dollars into the hat for the Defense Fund.

The party was reported in the papers and the Bernsteins were beseiged with mail. The party also prompted New York Magazine to devote an entire June issue to an article by writer Tom Wolfe exploring the phenomena he labeled "Radical Chic."

The Mitchells' party had few parallels with the Bernsteins' party. It was for the Panthers and it was hosted by middle-class and middle-aged whites. But the whites at the Mitchells' party were not the wealthy, Beautiful-People types that graced the Bernsteins'. They were instead, people for whom commitment to a cause is a more serious business. Some were dedicated members of SANE. Some had worked in the civil rights movement. None was wealthy.

The printed invitations to the party were sent out to more than a hundred friends. On the cover was a grimacing black man with a raised arm, clinched first and a broken chain on his wrist. The invitation promised the appearance of Panthers David Hilliard, chief of staff; Big Man, minister of information, and Jim Williams and Willie Dawkins, members of the Washington Panthers.

"This is not Lennie's," and hostess Mrs. Mitchell, referring to the Bernstein party. "We're not serving roquefort morsels tonight." The Panthers are worried for the sake of their brothers who are in jail, and so are we. This is not a social event—it's a way to raise some bread."

The medium-height Mrs. Mitchell wore a beige robe with a native hand woven sash over one shoulder and sandals. Her gray hair was professionally coiffed.

Mrs. Mitchell was active in the peace group SANE (National Committee for a Sane Nuclear Policy) several years ago.

She said: "We are early fiftyish people. We're sincere. My husband is a native of Alabama. That means he ain't no radical. When the news came that Pearl Harbor had been bombed, he was one of the first to volunteer. That's the kind of man he is. We came to this kind of thing through the peace movement. It sounds pretty peculiar—a guy working for a large company and doing this kind of thing. I grew up in Washington. My parents read the Reader's Digest. I have impeccable credentials. I'm a straight lady, you know what I mean. I take baths."

Mitchell, a tall distinguished gentleman with long gray and curly sideburns, works for the W. R. Grace and Co. in Clarksville, Md. He declined to disclose the nature of his work.

"We used to work for SANE, but now that's like kicking a dead horse."

At midday yesterday, the hostess, Mrs. Mitchell, had no objections to having the fund-raiser covered by the press. Indeed, invitations had gone out to several members of the press. But the benefit organizer and former 1966-67 chairman of SANE, Mrs. Gabrielle Edgcomb, had second thoughts and suggested the Panthers be consulted. Panther Charles Bronson, contacted by phone at the National Committee to Combat Fascism, indicated that there should be no coverage.

The party, which was to be from 6 to 8 p.m., drew only about 20 to 30 guests, modestly dressed, and the only sign of wealth was a glass jar full of dollar bill contributions on the bar, which was manned by a white bartender. Pots of fern, which the Fern Wood Mitchells grow, hung from the ceiling in the dining room where the bar was set up.

They included one of the Chicago Seven, Rennie Davis, and his brother Dick and Milton Kotler, a fellow at the Institute for Policy Studies.

Rashid Aalloway, formerly with the Sierre Leone foreign service and cousin of John J. Akar, the Ambassador to the U.S. from the Sierre Leone; Austin Scott, reporter with the Associated Press, and Fred Gale, former disc jockey with radio station WWDC. They all wore conventional dress and ties. The women were in long Indian prints or simple minis.

At 7:45 p.m. several Panthers arrived, including Willie Dawkins, and deputy minister of information and editor of the Black Panther newspaper, Big Man.

Many Panthers from all over the country are converging on Washington for a mass rally that will take place Friday at Lincoln Temple Congregational Church.

Willie Dawkins, in a white knit T-shirt and striped trousers, accompanied by an unidentified Panther in a blue body shirt, black vest and trousers spoke to the press.

"We don't welcome you," he said. "We don't consider this event newsworthy. There has been a news blackout on the Panthers and the press are only the ideological lackeys for the man. I certainly share this view with Dr. Mitchell.

"You (the press) have made your own shoe and you're going to wear it.

"Why do you come here to the mother country to talk to us. Why don't you go down there to where our oppression really is. You are more concerned with where our resources come from. Why don't you write about our brothers down on death row."

With that, Willie Dawkins made an indignant exit.

"I'm so sorry," said Dr. Mitchell. "They really are very serious. But they're the only bridge we've got, you understand. They're our only means of communication. They're the only goddam blacks who are doing something."

[From the Baton Rouge (La.) State-Times, May 8, 1970]

HOOVER ATTACKS BLACK PANTHERS

(By William Barton)

WASHINGTON.—FBI Director J. Edgar Hoover says law enforcement agencies were not to blame for confrontations between the Black Panther party and police.

Testimony released today by a House appropriations subcommittee quoted Hoover as saying police in several cities have been "wrongly accused of harassment by many well intentioned but uninformed voices echoing outright lies generated" by the Panthers.

"A free society is in trouble when blatant propaganda so overshadows the truth that the rule of law is jeopardized," Hoover said in his testimony March 5.

Although Hoover strongly defended police in each instance, a special federal investigation is still under way in connection with the fatal shootings of two Black Panthers last December by Chicago police.

But Hoover attributed Panther-police clashes in both Chicago and Los Angeles to the militant black organization's "intense hatred of and vindictive hysteria against local police."

He described the Panthers as a "black extremist organization" consisting mostly of "hoodlum-type revolutionaries," who stockpile weapons, espouse Marxist-Leninist doctrines and terrorize black communities.

While condemning the Panthers, Hoover also attacked "prominent individuals" who, he said, have made "substantial contributions" to legal defense funds for party members accused of crimes.

SPECIFICALLY NAMED

Specifically, he named composer-conductor Leonard Bernstein, film director Otto Preminger, black entertainer Dick Gregory and the wives of orchestra leader Peter Duchin and film director Sidney Lumet.

"Let us clear away the rhetoric and confusion purposely generated to shroud the Black Panther issue and get it back into proper perspective," Hoover said.

MESSAGE TO AMERICA

(Delivered on the 107th anniversary of the Emancipation Proclamation at Washington, D.C., Capitol of Babylon, World Racism, and Imperialism June 19, 1970, by the Black Panther Party)

As oppressed people held captive within the confines of the Fascist-Imperialist United States of America, we Black Americans take a dim view of the position that we, as a people, find ourselves in at the beginning of the 7th decade of the Twentieth Century.

We find ourselves in a very dangerous world-situation. White America has always adhered to a very racist attitude in its policy towards people who have color. This has been true in the past and it is true today. We see very clearly that whereas White America has escalated its policy of repression and containment of Black people inside the United States itself, on a world scale, the United States is playing the leading role in organizing the White race against the people of the world who have a color. Resolving contradictions between White Protestants and White Catholics, between White Christians and White Jews, between White Capitalists and White Communists, between White Eastern Europeans and White Western Europeans, between White Archeo-Colonialists and White Neo-Colonialists, wherever we look, the picture is one and the same. White racist America, which domestically has adopted the policy of open fascism in order to put down the uprisings of oppressed people of color and those few Whites who take a stand against the grizzly reality of the Babylonian scene, this same White racist America has projected its domestic racist perspective onto the international scene and has organized world imperialism along racists lines. Within the domestic confines of the United States of America, we see clearly that a well-planned, calculated Fascist Genocidal Conspiracy is being implemented against our people.

Black people within the domestic confines of the U.S.A. have reached another cross road. This is a time for the most serious decisions that we, as a people, have ever been called upon to make. The decisions that we make in our time, the actions that we take or fail to take, will determine whether we, as a people, will survive or fall victims to genocidal extermination at the hands of the Fascist Majority which the Nixon clique are rapidly mobilizing into a beastly vigilante weapon to be unleashed against us.

THE U.S.A. MONSTER

The United States of America is a barbaric organization controlled and operated by avaricious, sadistic, blood-thirsty thieves. The United States of America is the Number One exploiter and oppressor of the peoples of the whole world. The inhuman capitalistic system which defines the core of reality of the U.S.A., is the root of the evil that has polluted the very fabric of existence within the U.S.A. Exploitation of man by man; the rule of man over man instead of the rule of the laws of Human Rights and Justice; savage wars of aggression, mass murder, genocide, and shameless slaughter of the people of the world; impudent, arrogant White Racism; and a naked, brazen attempt to perpetuate White Supremacy on a world scale—these are a few of the unsavory characteristics of the U.S.A. Monster with which we have to deal.

We did not ask for this situation. We did not create it. And we do not prefer it but we must deal with it.

THE EMANCIPATION PROCLAMATION

Today, June 19th, is the anniversary of the issuance by President Abraham Lincoln of The Emancipation Proclamation during the Civil War, officially dated January 1, 1863. The end result of the Emancipation Proclamation was supposed to be the freedom and liberation of Black people from the cruel shackles of chattel slavery. And yet, 100 and 7 years later, today, Black people still are not free. Where is that freedom supposedly granted to our people by the Emancipation Proclamation and guaranteed to us by the Constitution of the United States?

Is it in the many "Civil Rights Bills" that have been passed to try to hide the irrelevance of the Constitution for Black People?

Is it in the blood-shed and lives lost by Black People when America brings "Law and Order" to the ghetto in the same fashion and by those same forces that export "Freedom and Democracy" to Korea, to Vietnam, to Africa, Asia, and Latin America?

Is it the right to "political activity" when the U.S.A. attempts to legally murder Bobby Seale, Chairman of the Black Panther Party, for his political beliefs?

Where was that right when brother Malcolm was murdered, when Martin Luther King was gunned down?

Where is Freedom when a peoples right to "Freedom of Speech" is denied to the point of murder? When attempts at "Freedom of the Press" brings bombings and lynchings?

Where is Freedom when the right to "peacefully assemble" brings on massacres? Where is our right to "keep and bear arms" when Black People are attacked by the Racist Gestapo of America? Where is "religious freedom" when places of worship become the scene of shoot-ins and bomb-ins? Where is the right to vote "regardless of race or color" when murder takes place at the voting polls? Are we free when we are not even secure from being savagely murdered in our sleep by policemen who stand blatantly before the world but yet go unpunished? Is that ". . . equal protection of the laws"? The empty promise of the Constitution to "establish Justice" lies exposed to the world by the reality of Black Peoples' existence. For 400 years now, Black people have suffered an unbroken chain of abuse at the hands of White America. For 400 years we have been treated as America's footstool. This fact is so clear that it requires no argumentation.

THE CONSTITUTION

The Constitution of the U.S.A. does not and never has protected our people or guaranteed to us those lofty ideals enshrined within it. When the Constitution was first adopted we were held as slaves. We were held in slavery under the Constitution. We have suffered every form of indignity and imposition under the Constitution, from economic exploitation, political subjugation, to physical extermination.

We need no further evidence that there is something wrong with the Constitution of the United States of America. We have had our Human Rights denied and violated perpetually under this Constitution—for hundreds of years. As a people, we have received neither the Equal Protection of the Laws nor Due Process of Law. Where Human Rights are being daily violated there is denial of Due Process of Law and there is no Equal Protection of the Law. The Constitution of the United States does not guarantee and protect our Economic Rights, or our Political Rights, nor our Social Rights. It does not even guarantee and protect our most basic Human Right, the right to live!

IMPLEMENTING POINT NO. 10 OF THE BLACK PANTHER PARTY PLATFORM AND PROGRAM

Point No. 10 of the Black Panther Party's Platform and Program addresses itself to the question of the National Destiny of Black people. We feel that, in practical terms, it is time for Black people as a whole to address their attention to the question of our National Destiny.

Black people can no longer either respect the U.S. Constitution, look to it with hope, or live under it. The Constitution is the social contract that binds the American people together into a sovereign nation and defines authority and the distribution of power, rights, and privileges. By shoving the Constitution aside, rendering it null and void, in order to carry out fascist oppression and repression of Black people, the fascists have, by that very fact, destroyed even the false foundations of authority in this society. We live in a lawless society where racist pigs have usurped the Legislative, Judicial, and Executive branches of government and perverted them towards the prosperity of their private interests. We repudiate, most emphatically, all documents, Laws, Conventions, and Practices that allow this sorry state of affairs to exist—including the Constitution of the United States.

For us, the case is absolutely clear: Black people have no future within the present structure of power and authority in the United States under the present Constitution. For us, also, the alternatives are absolutely clear: the present structure of power and authority in the United States must be radically changed or we, as a people, must extricate ourselves from entanglement with the United States.

If we are to remain a part of the United States, then we must have a new Constitution that will strictly guarantee our Human Rights to Life, Liberty, and the Pursuit of Happiness, which is promised but not delivered by the present Constitution. We shall not accept one iota less than this, our full,

unblemished Human Rights. If this is not to be, if we cannot make a new arrangement within the United States, then we have no alternative but to declare ourselves free and independent of the United States. If it is our national destiny to follow the latter course, then we must declare ourselves into self-governing machinery, and seek the recognition of the freedom-loving nations of the world.

The Black Panther Party fully realizes that the two roads upon to us as set forth above involve monumental undertakings. But we are trapped in a monstrous situation that requires a monumental solution. And no task, however great, is too much to deal with when the very welfare, survival, and national destiny of our people are at stake. Having already struggled up from the dismal depths of chattel slavery, no obstacles can be too high for us to surmount in order to liberate our people and take back the freedom and security that was taken away from us and denied us for so long.

CALL FOR A REVOLUTIONARY PEOPLE'S CONSTITUTIONAL CONVENTION

The hour is late and the situation is desperate. As a nation, America is now in the middle of the greatest crisis in its history. The Black Panther Party believes that the American people are capable of rising to the task which history has laid before the nation. We believe that the American people are capable of rejecting the fascist solution to the national crisis which the fascist Nixon clique, the George Wallaces', Lester Maddoxes', Ronald Reagans', Spiro Agnews', etc. hold out to the people.

We therefore, call for a revolutionary people's constitutional convention, to be convened by the American people, to write a new Constitution that will guarantee and deliver to every American citizen the inviolable human right to life, liberty, and the pursuit of happiness!

We call upon the American people to rise up, repudiate, and restrain the forces of fascism that are now rampant in the land and which are the only real obstacles standing between us and a rational resolution of the national crisis.

We believe that Black people are not the only group within America that stands in need of a new Constitution. Other oppressed ethnic groups, the youth of America, women, young men who are slaughtered as cannon fodder in mad, avaricious wars of aggression, our neglected elderly people all have an interest in a new Constitution that will guarantee us a society in which Human Rights are supreme and Justice is assured to every man, woman, and child within its jurisdiction. For it is only through this means that America, as a nation, can live together in peace with our brothers and sisters the world over. Only through this means can the present character of America, the purveyor of exploitation, misery, death, and wanton destruction all over the planet earth, be changed.

WARNING TO AMERICA

We are from 25 to 30 million strong, and we are armed. And we are conscious of our situation. And we are determined to change it. And we are unafraid. Because we have our guarantee. If the American people, as a whole, do not rise up, reverse the present course of this nation, which, if unchecked, holds out only fascist repression and genocide for Black people, then we, Black people, will be forced to respond with a form of War of Salvation that in the chaos of carrying it out and the attempt to repress it, will gut this country and utterly destroy it. Before we accept Genocide, we will inflict Total Destruction upon Babylon.

It had best be understood, now, that the power we rely upon ultimately, as our only guarantee against Genocide at the hands of the Fascist Majority, is our strategic ability to lay this country in ruins, from the bottom to the top. If forced to resort to this guarantee, we will not hesitate to do so.

For the salvation, liberation, and freedom of our people, we will not hesitate to either kill or die!

All power to the people.

HON. GLENN M. ANDERSON SAYS WE MUST DO MORE FOR VETERANS, THEIR WIDOWS AND DEPENDENTS

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. MATSUNAGA. Mr. Speaker, there must have been 10,000 speeches delivered on Memorial Day, 1970. No doubt some of them were great speeches. But one which many who heard believed most thought-provoking, was delivered by our colleague from California, the Honorable GLENN M. ANDERSON.

Speaking at the Nisei Veterans' Memorial Hall in Gardena, Calif., at the memorial services sponsored by the Veterans of Foreign Wars, Post No. 1961, Congressman ANDERSON stressed the need for doing more for the disabled veterans, veterans' widows, and their dependent children. In pointing out the dire need in which many disabled veterans, war widows and dependents find themselves, he said, "We can and must do better."

Underscoring the need to intensify our quest for peace, Congressman ANDERSON, told his primarily Nisei audience, "We should see our highest glory, not so much in battles won as in wars prevented."

Because I know my colleagues and readers of the CONGRESSIONAL RECORD will be as impressed as I was by the thoughts as expressed by Congressman ANDERSON. I submit his address for inclusion in the RECORD:

MEMORIAL DAY ADDRESS BY CONGRESSMAN GLENN M. ANDERSON

It is a real pleasure for Mrs. Anderson and me to be here with you on the occasion of Memorial Day. I am honored to have been invited to speak with you.

It is on this day that we stop, reflect, and pay tribute to the courage, endurance, and patriotism of those brave Americans to whom we owe the most—those who have made the supreme sacrifice and whose names are written indelibly upon every battle monument.

On the solemn occasion of Memorial Day, some may argue that Spring—such a pleasant time of year—is not an appropriate time for honoring our war dead.

I cannot accept that view. In observing Memorial Day on the finest day of the year, we are even more aware of the fruits of life which we as American citizens enjoy and which we continue to enjoy only because in every period of our history there have been young men willing to make the sacrifice in defense of our country and our way of life.

On this day, we are, of course, reminded of the battles fought. Without the valor of our American soldiers and regiments, many of these wars might yet be in full progress. Such regiments as the 442nd Regimental Combat Team—formed in early 1943 and composed mainly of Japanese-Americans from detention camps in the West—proved that the blood of all citizens, regardless of their race, color, creed, or national origin runs red. This unit, which was credited by General MacArthur with saving millions of American casualties in action against the enemy, won acclaim as the most decorated unit in American history for its size and length of service. It also won fame as "the Purple Heart regiment," for its troops suffered more than 300% casualties in terms of its initial complement of troops.

But when our battles are over and when the conflicts are concluded, we are reminded on this day that the American people—so given to peace—are a people who have, when aroused, a power of resistance sufficient to meet any need, however great. Shake them rudely, or menance their freedom and put them in fear, and there is no confronting them.

Nor can we fail, on this Memorial Day, to be reminded of our own individual service—such as it was, and of our sons and comrades—whose honorable discharges were given them by a bullet in battle or fever in jungles; whose bones lie in shallow graves on the plains of Antietam, on the craggy slopes of Midway, in the mountains of Korea, on the bluffs of Normandy, and in the steaming jungles of Pleiku. It is for their memory that we have resolved to honor them each Memorial Day—to salute them martially with the roll of drums and thunder of cannons—so that our fallen comrades are remembered, and will never be forgotten—and that we will never forget what they did.

I come today, not to glorify war—for as our own General Sherman said: "You want to know what war is? War is Hell."

Anyone who has seen war would agree. True, war sometimes develops noble and heroic qualities in individuals or a people. But war is Hell for all that it destructs—for all that it wastes.

We should see our highest glory, not so much in battles won as in wars prevented. By seeking to influence mankind—not by heavy artillery and nuclear weapons—but by good example and wise counsel. In doing this, other nations will instinctively turn to us as their mutual friend and preserver of peace.

In short, our manifest destiny rests upon peace—peace with honor. It is the noblest aspiration of Americans who love their country. It is for this cause that our sons and comrades have given themselves in battle.

The goal of peace, and the achievements of our country are also the truest monuments and highest tributes we can pay the memory of those fallen heroes who have served our nation so well. For their contribution toward saving our republic, and their great deeds and duty, so nobly completed, will never cease to be prized by a grateful country.

There comes to mind on this Memorial Day, the words of Abraham Lincoln: "Let us strive on to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow and orphan."

Lincoln was reminding us that it was not enough that we should merely remember those who died in our behalf. We have an additional obligation. While we have little power to repay our war dead directly, we can and should honor them by making certain that we have adequately provided for their families and for their comrades who survive.

We have taken some steps in paying this debt—but we must realize that much remains to be done. Present medical care is not adequate; Present levels of pensions and compensation are not sufficient; educational assistance benefits are not at a level to cover the cost of education.

MEDICAL CARE

Our Veterans deserve medical care of the finest quality. I don't have to tell you that our Veterans hospitals are under funded and thus, they are short changing our servicemen; That a lack of funds results in a lack of trained personnel, a lack of facilities, and a lack of adequate treatment due to over crowded condition. Therefore, I would say—

on this Memorial Day that we rededicate ourselves in Their Memory to do much better.

Approximately 3.1 million veterans are receiving either a pension or compensation from the Veterans Administration. 80% also receive Social Security benefits. With the combined benefits of Social Security, Veterans Administration pensions, and all other outside income, about ½ of our eligible veterans—veterans who are totally disabled and have no dependents, are living on less than $200 a month. We can and must do better.

A veteran's widow, who is receiving a pension on the basis of need, is in even worse financial condition. Half of the eligible widows of veterans (those with no dependents) are living on a scanty $135 a month budget, and those with one dependent are living on less than $150 a month.

In memory of those—to whom we are paying tribute today—we can and must do better.

I know you are aware that in order to compete in today's job market, a Veteran needs an education, a skill and a trade. We are obligated to encourage our returning servicemen to resume their schooling—we are obligated to encourage returning Veterans to seek the best education and training he can attain.

And yet—Statistic's tell us that 23% of our enlisted separatees, from Military Service in 1969 were High School Drop Outs.

And only 6.1% of these eligible High School Drop Outs have taken advantage of our Educational Program. That is less than one in 16. Obviously, in the area of Veteran education we can and must do better.

And so, on this lovely day in Spring—when we stop to reflect and pay tribute to those who have made the supreme sacrifice, we should remind ourselves—that in addition to paying our respect to their memory—we ourselves—have certain responsibilities, certain obligations that we owe them.

We must honor them not only for their individual acts of courage and patriotism—we must honor them for their dreams—dreams of peace, dreams of justice, dreams of brotherhood—dreams yet unfulfilled.

REAFFIRM THE TRUTH

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. DERWINSKI. Mr. Speaker, as plans develop for the great Fourth of July commemoration here in Washington many Members look forward to returning home to participate in our national Independence Day festivities. The emphasis will be placed on legitimate reflection on our national heritage and reaffirmation of our confidence in our national destiny.

An editorial emphasizing this very point was carried in the Southwest Messenger Press of Cook County, Ill., Thursday, May 28 commenting on the Flag Day commemorations but the commentary so effectively would cover the Fourth of July commemorations as well that I place it in the RECORD at this point and compliment the publisher, Walter Lysen, on the impressiveness of the article:

REAFFIRM THE FAITH

Serious observers are questioning the durability of the American system. One of these is columnist Stewart Alsop who commented recently that, "A good many normally sensible people . . . are beginning to ask themselves whether the American system might not come apart one of these days, rather like Oliver Wendell Holmes' wonder one-hoss shay. The one-hoss shay, it will be recalled, 'was built in such a logical way, it ran a hundred years to a day.' But it 'went to pieces all at once—all at once, and nothing first, just as bubbles do when they burst'." Mr. Alsop concludes that the odds are high that the American system will surmount present difficulties as it has other difficulties in the past.

These reflections of a leading and highly competent viewer of the contemporary scene should make everyone pause and search for little ways in which to exhibit a reaffirmation of faith in the U.S. An obvious opportunity will present itself on June 14 during the nationwide observance of Flag Day. It was on June 14, 1777 that the United States' Flag was adopted. For nearly 200 years, it has been a symbol of freedom and justice. On countless occasions, it has rallied the patriotic and unified the nation in the vast crucible of human existence where only the fittest can survive. The right to fly the American Flag before our homes and places of businesses is a high honor at anytime—and doubly so on the Anniversary of the birth of the Flag.

MEDICAL CARE FOR VETERANS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. DULSKI. Mr. Speaker, the Committee on Veterans' Affairs, of which I am a member, has been delving deeply into the shortages of manpower and services in our Veterans' Administration hospitals.

Remedial legislation is being drafted and the committee hopes to be able to act on this matter shortly.

I have pointed out previously the shortage of registered nurses and other professional persons.

These conditions cannot be allowed to continue. We must act to see that our VA hospitals are adequately staffed so that our deserving veterans can be assured of medical attention second to none.

Mr. Speaker, Miss Mildred Spencer, capable and award-winning medical writer for the Buffalo, N.Y., Evening News has written an excellent five-part series on caring for the veteran at the VA hospital in my home city of Buffalo.

Following are her articles:

PERSONNEL ARE SCARCE IN BUFFALO VA HOSPITAL; FACILITIES AMONG BEST

(By Mildred Spencer)

The walls are all an off-white and there are no draperies to offset their dull sameness. Some are dingy and in need of repairing.

But the rooms are clean. There are television sets in many and reclining lounge chairs in those set aside for heart patients.

There are no porterhouse steaks or lobsters on the menu, but food is plentiful, well-balanced and tasty. No one goes hungry. And there are special diets for patients whose physicians order them.

There are vacancies on the medical staff. Physiatrists (specialists in rehabilitation medicine) and psychiatrists are needed—but they are in short supply everywhere.

And patients know that the physicians who care for them are specialists in their fields, either qualified by their specialty boards or eligible for such qualification in most cases.

The likelihood is great that they are also members of the teaching faculty of the State University of Buffalo Medical School. The services of other members of the faculty are readily available when consultation is needed.

TOO FEW NURSES

More serious is the shortage of registered nurses. There are too few of them to give the patients much more than the routine attention their conditions demand. But they give what they can—and there are 700 volunteers to help out with the TLC (tender loving care) that patients need and want.

It looks worse than it is sometimes. A visitor seeing two oldsters eating their lunch in a busy corridor near the nurses' station asks why they are there. Why not a dining room or, if that is not feasible, why not their own rooms?

A nurse explains that they need watching—that they may forget to eat or wander off somewhere. "And besides," she adds, "the busy atmosphere of the hall is stimulating to them. Here they can watch what is going on, enjoy an occasional word from a nurse or another patient. They aren't just lying in their beds staring at the ceiling."

NATIONAL ATTENTION

Patients have the advantage of the latest and best in diagnostic and treatment procedures, ranging from open-heart surgery to the fitting of artificial limbs.

A cobalt unit is being installed for the treatment of cancer patients.

The implanted heart pacemaker was developed here, and here a hyperbaric chamber was first used for the experimental treatment of senility—a program that has attracted nationwide attention.

This, then, is the Buffalo Veterans Hospital—one of 166 throughout the United States, a network whose financial needs have attracted considerable attention in Congress and nationally-circulated news media in recent months.

"MORE GOOD THAN BAD"

Eugene E. Speer Jr., named director last year, admits that Buffalo, like other hospitals, has its problems, principally in attracting qualified personnel.

"We get complaints, yes," he says, "but we get more compliments. I read or listen to them all—and there are more of the good than the bad."

The complaints are concerned mainly with failure to get into the hospital and with the shortage of nurses.

The compliments come from those who enter seriously ill or injured and believe, as one young veteran told The Buffalo Evening News, "without this hospital I wouldn't be here today."

BUFFALO'S VA HOSPITAL FACES NEW CHALLENGES AS TIME BRINGS CHANGE

The 961-bed Buffalo Veterans Hospital will be 20 years old in January.

It was built as part of a post-World War II effort by the VA to upgrade its hospitals from domiciliary to active patient-care institutions, from dumping grounds for those who had nowhere else to go to teaching-research-treatment hospitals that would be the equivalent of others in the communities where they were located.

To make what Donald E. Johnson, administrator of veterans affairs, calls the "best and most sophisticated medical care" available to veterans, the VA determined that as many of its hospitals as possible must become affiliated with medical schools.

For this reason the new hospital was built on the grounds of the Grover Cleveland Golf Course, across from the site of the new University of Buffalo Medical School.

An agreement was reached with the school that all physicians named full-time heads of service would have the approval of the school, and serve on its faculty, and that the services of other faculty members would be available, on a fee-for-service basis, for patient treatment and consultation.

XUM

TEN VETERANS FROM 1898

Today the Buffalo hospital, like the 165 others in the system, has a full three-year accreditation from the Joint Commission on Hospital Accreditation.

That is the body that inspects and approves—or disapprove—all hospitals on the basis of their physical plant, staffing and patient care, and is composed of Medical and Hospital Associations, College of Physicians and College of Surgeons.

Although the Buffalo hospital still has 10 veterans of the Spanish-American War, including a nurse who will be 99 in July, and although one patient has been there since 1953, it is no longer primarily a domiciliary institution.

ADVANTAGE FOR WOMEN

Its patients this week also included 213 veterans of World War I, 368 of World War II, 46 of the Korean conflict, 57 of Vietnam and 24 others, including veterans of peacetime service and men on active duty who became ill on leave or are about to be discharged.

Eighteen are women—and the National Organization for Women will be happy to know that in the Veterans Hospital, at least, it pays to be a woman. If you are, the chances are that you will be assigned to your own private room with bath. At most you will go into a four-bed women's ward.

Men, on the other hand, are assigned rooms on the basis of the seriousness of their illness—and when they improve are moved on to a larger room, eventually one of the 16-bed wards separated by a curtain into two eight-bed units.

STRICT ADMISSIONS

This past year the hospital gave 290,000 days of inpatient care, 69 per cent to veterans whose illness was non-service connected. Of 32,000 outpatient visits, 15,000 were non-service connected.

Contrary to popular belief, not every veteran can be admitted to a veterans' hospital for whatever ails him.

A veteran with a disability that is service-connected is assured of both inpatient and outpatient treatment for that disability.

But if his disability is non-service connected, he must meet certain strict criteria for treatment.

In the first place, physicians on the hospital staff must agree with him, or his family physician, that treatment is necessary.

STEPS OUTLINED

Take a patient whose family physician says that he needs a gall bladder operation.

He goes to the hospital and a physician there examines him.

If he, too, feels that surgery is called for, he orders the necessary further laboratory tests, which are done on an outpatient basis.

A hospital representative then sits down with the veteran and explains to him what the surgery and requisite hospitalization will probably cost in a community hospital. He questions him about his insurance coverage and other assets.

If the veteran attests that he cannot afford the surgery elsewhere, and is willing to sign a paper to that effect, the hospital will admit him and the operation will be done there.

CAN'T CHOOSE DOCTOR

The patient has no choice of physician. He must accept whoever is assigned to that service at the time his operation is scheduled.

After discharge, the veteran comes back to the hospital on an outpatient basis for follow-up care, if needed—but only for the procedure for which he was hospitalized.

Until a few years ago, outpatient care was not provided for non-service connected disabilities. Its availability today has been helpful in reducing the length of stay for many hospitalized patients.

Length of Stay at VA Hospital Drops, but Occupancy Rises

The average length of stay in the Buffalo Veterans Hospital is 23 days for surgical patients. And 30 days for medical patients in comparison with an average of 9.5 days in other local hospitals.

But figures can be misleading.

The length of stay is obtained by dividing the total number of days of care rendered to patients who either die or are discharged by the number of such patients.

In the average acute-disease hospital, few patients stay longer than two to three weeks. Some stay only two or three days.

But in the Veterans Hospital, the death of a single patient who has been hospitalized for ten years—more than 36,500 days—or the discharge of a patient who has been treated for tuberculosis or psychiatric reasons for a year or more—can send the average length of stay skyrocketing. And there are many such cases.

Then, too, Director Eugene E. Speer Jr. points out, physicians may discover, after admitting a veteran for treatment of one condition—say an acute gall bladder—that he also has badly infected teeth.

A community hospital would discharge him after his gall bladder surgery to seek dental treatment elsewhere. The Veterans Hospital may keep him until the teeth have been removed and dentures fitted.

And there may be a necessary lapse between the time one procedure is finished and the other can be started.

Yet despite these considerations, the average stay is going down. It dropped three days for surgery and four for medicine in the past year.

One reason is the availability of outpatient care before and after surgery for non-service-connected disabilities. Previously a patient would have been admitted to the hospital at the time of diagnosis and kept until no further after-care was necessary.

Another reason is the removal of the budgetary club once employed by the federal government to control costs. Hospitals were asked to estimate their occupancy for the year and their budgets were predicated on those estimates. If occupancy dropped below the estimated figure, funds were withheld.

This fact led to such strategems as keeping patients in the hospital over Christmas, even though they were well enough to go home, rather than let hospital occupancy drop to a level that would cost the hospital part of its budgetary allotment.

Today the hospital needs employ no subterfuge to keep occupancy up. It was 89.3% during the last fiscal year, and is now running about 84.6%—but because of shorter stays the numbers of patients treated has increased from 8368 to 8500.

The trend to shorter stays and more patients means more acutely-ill patients. And such patients require more care from a hospital that is already shortstaffed.

A Shortage of Personnel, Especially Nurses, Plagues VA Hospital

The Buffalo Veterans Hospital has only 1.37 employes per patient.

Other hospitals in the community average 2.41 and those which like the Veterans, are affiliated with the State University of Buffalo Medical School, more than 3 per patient.

Other veterans hospitals throughout the country average 1.5—slightly more than the Buffalo institution.

Hospital Director Eugene E. Speer Jr. attributes Buffalo's plight to three factors—a tight budget, shortages of professional personnel and the unwillingness of such personnel to "devote their lives" to institutional work.

Shortages are particularly acute in two medical fields—physiatry (rehabilitation medicine) and psychiatry.

NOT ON VA TIME

Physiatry, a specialty of particular concern to the Veterans Administration, recently lost its chief to the central administration in Washington. The hospital has been unable to find anyone to take his place.

The position of chief of psychiatry has been vacant for some time, and the department is operating under an acting chief.

Top salaries for physicians in the hospital range from $19,555 to $29,752, considerably less than most men could make in private practice, though they represent a big jump over the top of $12,800 paid in 1953.

Full-time physicians are allowed to supplement their income by outside practice or teaching—but they cannot do it in time paid for by the VA.

Other institutions, including universities, are often more lenient in their interpretations of "full-time." They may allow physicians to see patients on a consultant basis, for example, during the hours they are supposedly devoting to institutional work.

WELL-QUALIFIED

The physicians on the Buffalo Veterans Hospital staff are generally well-qualified.

There are 39 "full-time equivalents," a category that includes both physicians who work full-time and part-time. (Two part-time physicians, for instance, would count as one full-time equivalent.)

Twenty-six of the 39 have been certified by their specialty boards. Most of the others, Dr. William J. Ford, chief of staff, points out, have had extra training and are eligible to take board-qualifying examinations.

NURSING SHORTAGES

The hospital also has a roster of 141 attendants and consultants—members of the Medical School faculty who are available for patient care or consultation on a fee-for-service basis.

And it has 38 resident physicians and six dental residents who care for patients as part of their training to attain specialty status.

But it is in nursing that the greatest problems exist.

The hospital, whose ceiling for registered nurses is 177, has been able to fill only 140 positions. To meet its nursing needs, it has increased the number of licensed practical nurses to 55 and nursing assistants, who have had 13 weeks of intensive training in basic nursing, to 185, for a total of 240, or three over a ceiling of 237 for these two categories.

The ceiling for RNs will go up to 180 on July 1. Nineteen will be joining the staff in coming weeks, mostly students from the UB and D'Youville Schools of Nursing who obtained part of their training at the hospital and are now graduating. Others have been obtained as a result of an intensified recruitment drive.

CLERKS HIRED

To reduce the demands on nurses and give them more time for bedside care, the hospital has hired clerks to take over desk duties and to service the central supply. The dietetics department serves trays and the hospital pharmacy issues ward supplies—tasks once carried out by nursing personnel.

Salaries and the benefits at the Veterans Hospital aren't bad. RN salaries range from $8266 to $15,478, depending on experience and education. Licensed practical nurses get $5212 to $8510 and nursing assistants $4621 to $7608. Registered nurses get 30 days of vacation beginning the first year, the other range from 2½ to five weeks, depending on the time they have been employed. They have group hospitalization, partially paid for, and a Civil Service retirement program.

HEAVY TURNOVER RATE

But the turnover in registered nurses has increased from 30 percent in 1965 to 36.7 percent during the last fiscal year, and that for nursing assistants from 24.4 percent to 33.7 percent.

Working conditions—some the result of

the shortage, some attributable to VA policies—are blamed.

A nurse cannot choose to work days only. If she could, Mrs. Rose Kennedy, chief of nursing service points out, the day shift would be over-staffed and there would be almost no one on nights or evenings.

So a nurse who wishes to work days is required to work three or every six work weeks either nights or evenings, at her choice, in order to be assured of three weeks on days. If she chooses nights or evenings in the first place, she need not rotate.

NO OVERTIME

Because of the shortage, nurses may be called to work ten days out of a two-week pay period without a day off. Sometimes they are asked to work a double shift. Under VA rules they cannot be given overtime pay but must accept compensatory time off.

Rep. Thaddeus J. Dulski, Buffalo Democrat who is a member of the House Veteran Affairs Committee, is supporting a bill to require pay differentials of 15 to 30 percent for nurses who work evenings, nights, weekends and holidays and make it possible for hospitals to pay for overtime.

Such a policy, he estimates, would cost the Buffalo Veterans Hospital nearly $200,000 more a year.

Director Eugene E. Speer Jr. believes that it would be a major step towards solving some, if not all, of the hospital's staffing problems.

VA PATIENT-CARE COST WELL UNDER OTHER HOSPITAL RATES

The average cost of caring for a patient for one day in the Buffalo Veterans Hospital is less than one-half the cost in other Buffalo area general hospitals—$37.54 including physicians' services.

At Meyer Memorial Hospital, where such services are also computed as part of the over-all cost, the average ranges from $96.08 in psychiatry to $91.74 in the general hospital to $53.06 in the tuberculosis wing.

Other large Buffalo hospitals, where patients pay their physicians separately, also have higher costs per patient day. Buffalo General's, as of Dec. 1, were $73.64; Sisters' $65.62; Deaconess' $61.52 and Millard Fillmore's $57.49.

The difference is largely accounted for by the staffing pattern. Veterans Hospital employs only 1.37 persons per patient as compared with an average of 2.4 in the other hospitals.

Staff salaries are a major part of any hospital's budget—ranging from 66 to 80 per cent. The higher figure is reached at Veterans, which has funds for few luxuries such as window draperies or carpeting, and buys many of its supplies and much of its food at reduced prices through a central purchasing system for all veterans hospitals.

BUDGET AT HIGHEST

Donald E. Johnson, the administrator of veterans affairs, has pointed out that the basic VA medical care budget for the current fiscal year is the highest in all VA history.

The budget for the Buffalo hospital has risen from $13 million last year to $15 million this year and will be approximately $16 million next year.

But the increase is being more than eaten up by higher salaries and increases in the cost-of-living that are wreaking havoc with home budgets. Salaries and wages alone increased $335,000 last year, $874,000 this year, and will increase an estimated $500,000 next year.

If hospital programs are to be improved and more personnel added, greater budgetary increases are going to be necessary.

Meanwhile, the hospital's new director, Eugene E. Speer, Jr., is doing all that he can to work within present limitations.

FIRE HAZARD

He has assigned ten men to paint walls that have grown dingy. New, brighter lighting is being installed. He hopes within the year to have fireproof draperies installed in patient rooms and activity areas. A major deterrent to the use of draperies in the past has been the fire hazard, since many veterans are heavy smokers.

The 30-bed psychiatric ward has been closed down for lack of staff and—to some degree—reduced demand. To compensate, the hospital has opened a psychiatric day center, as yet unfunded. Here patients come by day to work with psychologists, social workers and volunteers, returning at night to their homes.

The hospital has recently been named a prosthetic center to make and fit artificial limbs for other veterans' hospitals throughout the area under a special funding program. It is also an open heart center for such area hospitals.

A new cobalt facility will provide the latest and best in cancer radiation therapy to veterans, and new diagnostic X-ray equipment will speed and improve the accuracy of diagnostic procedures.

NURSING HOMES

A 17-bed intensive care unit is being constructed on the second floor for general medical and surgical as well as coronary patients.

Mr. Speer would like to see some loosening of the government's ceiling of $16.50 per day which the hospital can pay to place veterans in nursing homes in the community. Most such homes which meet government standards, he points out, have a daily rate of $20 or more a day and are unwilling to take veterans for less.

The hospital has its own nursing home unit of 36 beds, but many other long-term patients, he feels, would benefit from placement in a nursing home environment.

"We have our problems," he admits, "but we're doing our best to solve them. Our veteran patients get the very best care that we are capable of giving them with our limitations—and those limitations are gradually being overcome.

"Come back next year and I think you will be surprised and impressed with what has been accomplished."

A BOOMING TECHNOLOGY—A BETTER ENVIRONMENT—CAN WE HAVE BOTH?

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. BURTON of Utah. Mr. Speaker, I commend to the attention of my colleagues the following thoughtful and extremely articulate article on the environment written by Morris Tanenbaum, a Western Electric general manager in engineering, who has been with the Bell System since 1952. The article appears in the May/June 1970 issue of the Bell Telephone magazine and comments at length on the need to reassess our priorities in our search for means to reestablish a quality environment:

A BOOMING TECHNOLOGY—A BETTER ENVIRONMENT—CAN WE HAVE BOTH?

(By Morris Tanenbaum)

Although, from a pedantic point of view, technological innovation began in the Stone Age, it is only in the past few hundred years that man has developed the ability to use technology to make major changes in his environment, and only in the last century that this control has gained global proportions.

Today there is little question that many of the dominant physical characteristics of the modern world are the direct result of technology. Thus, technological innovation is a major determinant of man's environment, and I use the term environment in its broadest sense, reflecting not only the physical sphere but the social, political and economic as well.

In addition, today the quality of our environment is a matter of increasing attention and concern in the public's mind. And, as the realization grows that technology is the dominant tool in man's ability to change his environment, public attention focuses on technology and the technologist in a manner which is new and unfamiliar in its intensity and direction.

This new attention creates new problems for the generators and managers of technological innovation. It produces fundamental changes in the boundary conditions which have guided innovation in the past. It creates new criteria against which innovation is judged. And these new criteria are different in fundamental ways.

Technological innovation is the novel application of physical knowledge and technique to make premeditated changes in the physical aspects of the environment.

By any measure, technological innovation in this sense has been one of man's most important and successful social inventions. Over the centuries we have developed a complex system of institutions and methodologies for probing and understanding physical phenomena, for developing this understanding into useful artifacts and systems, and for evolving social, political and economic methods for distributing and applying the products of technological innovation to major sections of society. Indeed, our systems for producing technological innovation are one of the principal successes of western civilization.

There are many measures of this success. The pervasiveness of technology throughout our everyday life is objective evidence of how successful technological innovation has been in gaining society's acceptance. In addition, an opinion survey of the willingness of individuals to forego past or future fruits of technology would show that relinquishing past benefits is essentially unthinkable and that the average person's future expectations are even greater than the benefits which he experiences today.

Even the most jaundiced critic of technological abuses and excesses would be unwilling to forego technology's contributions altogether. Those most concerned about the population explosion would be very reluctant to give up modern medical care. Those most concerned about water pollution would be loath to trade today's crop yields for ancient agricultural methods, or surrender the water closet for the privy. Those most concerned about the automobile's part in air pollution would be unhappy to return to the horse and buggy days.

However, the fact that we can identify major problems such as the population explosion and water and air pollution, suggests that all is not well with man's use of technological innovation—that there are technological abuses and excesses that are matters of growing concern in an increasing number of minds.

Man's ability to affect his environment has grown to the point where he can produce massive changes on a global scale. And in some cases the changes could be irreversibly damaging. Nuclear war is an obvious example, but there are more subtle possibilities of great concern. For example, a straightforward prediction of our power requirements for the 1980s indicates that with present technological trends about 25 per cent of the total surface water in the United States will pass through the cooling coils of our power generating plants. Without sufficient knowledge and foresight this could produce a significant change in the steady state temperature of our surface waters, with effects

XUM

on biology and climate which are not readily predictable.

These hazards are not confined to political boundaries. As we increase the chemical and thermal pollution burdens of the atmosphere and the oceans, the problems become of international concern. We are reaching the point today when we must carefully think through the broader and longer-range consequences of our actions to change the environment in which we live, so as to assure that the changes which we produce are, indeed, the changes that we desire for the future.

Of course, one solution to the problems of the misapplication of technology is to decide that we've had sufficient technological change and to halt or substantially retard future technological innovation. To my mind—this is a completely unacceptable alternative.

Many of our present social and environmental problems such as under-employment, air and water pollution, can be corrected with the help of technology. Indeed, much of the basic knowledge and technology required is now available. What is lacking is the economic and political means to stimulate its further development and application.

If we wish to continue to solve mankind's problems, I predict there will be an increasing pace of technological advance in our future. However, it is also increasingly clear that this advance must be made with more care and forethought than in the past.

There are those who despair of our ability to guide technology. It is not uncommon to hear warnings that man has been enslaved by his technical creations and that he has lost the power to control his technological Frankensteins. These fears can be placed in perspective by remembering that although technology has created unprecedented power, the technology itself is only a tool. Sir Peter Medawar expressed this clearly in his Presidential address to the British Association for the Advancement of Science. He said, "There is, of course, a sense in which science and technology can be arraigned for devising new instruments of world warfare, but there is another and more important sense in which it is the height of folly to blame the weapon for the crime. I think it is more accurate to say that in the management of our affairs we have too often been bad workmen and like all bad workmen we blame our tools."

Obviously, technology in itself does not possess the ethical qualities of "good" or "bad." It is only in man's application of technology that these qualities arise. Determining how technology will be used has its technical aspects. However, it also has its economic, political and moral aspects. Thus, the decisions which guide innovation must reflect the viewpoints of many segments of society. The technologist and the entrepreneur play a critical role, but they cannot function alone in today's technology-dominated world.

The pace and complexity of our national growth call for modifications in the ways in which we establish standards and set priorities to guide the systems which generate technological innovation. Technology has become too important for us to ignore and its future growth too essential for us to deny the most careful and considered judgments.

Of course, these matters have not been ignored. In certain major areas, such as defense and space technologies, there has been essentially complete control by our society's chosen instrument of public interest, the Federal government. In other areas such as foods, drugs, communications, power and transportation, special public agencies have been established which seek to assure that the public interest is dominant in technological evolution and application.

However, as technology becomes more pervasive, conflicts in priorities arise. Because of practical limits in our economic and technological resources; emphasis on one area such as defense denies emphasis in other areas such as housing and transportation. Because our natural resources such as water are limited, pollution by agricultural chemicals interacts with urban pollution, industrial pollution and the thermal pollution of power plants. We begin to realize that our past mechanisms for guiding technology were similarly limited in their focus of attention and have not been structured to react to this impinging of interests.

Simultaneously we realize the tremendous new complexity that these interactions have created. The ubiquity of technology creates a universal interest in its effects. This greatly complicates the tasks of assuring that all importantly affected people are heard and contribute to the decisions that determine the paths of technological innovation.

We cannot overlook the fact that the systems that create and apply new technology are complex and include many segments of society. They include the university laboratory and the retail marketplace, the international tariff systems and the municipal licensing agencies, the financial stockholder and the industrial employee.

These innovation-generating systems have evolved to accommodate themselves to the environment in which they must function. Indeed, just as there is a complex ecology of man as a biological creature in his physical environment, there is also a complex ecology of technological innovation in its intellectual, social, political and economic environment.

Significant changes in any part of this ecological system can have substantial effects on its input requirements and on its output. The limnologist knows that a change in the temperature of lake water can cause some biological species to disappear and others to flourish. Similarly, a change in market taste, in capital availability, in basic university research or in government regulation can emphasize one direction of technological innovation, perhaps at the expense of another. We must be aware that there are hazards as we develop new guides for technology.

The implications of these changes are vital, particularly in the developing affluence of our society. Today as man's age-old problems of food and shelter are disappearing from the conscious concern of the majority of our citizens, we are beginning to develop new definitions of the quality of our environment and life. We are beginning to suggest that we might accept some decrease in the rate of growth of our material abundance in order to retain and restore some of our natural inheritance, such as our water resources, our forests, the purity of our air.

In the eyes of many, our concern is overdue. It can be demonstrated that in important areas we have already caused undesirable changes in the condition of some of our lakes and rivers, our woodlands and atmospheres. Fortunately, it is within the power of present technology to reverse these changes if we are willing to pay the costs. However, we must also solve the social and political problems of determining what price we are willing to pay and, of particular importance, how these costs should be distributed.

Important as our current problems are, however, our major problems lie in the future. As our concepts of the quality of life continue to evolve, technological innovation will continue to be the principal tool for providing the material abundance necessary to implement changes in that quality. In the past this technological innovation in our society has been guided most effectively by economic imperatives associated with short-range economic rewards for innovators which were granted by a relatively free and individualistic market. Such imperatives will no longer serve.

Today there are new and crucial questions:

Will small modifications in our present guides be adequate to encourage technological innovation in the directions that we wish for the future?

If not, what new kinds of guides will be required?

How will these new guides be developed?

And how will the new guides interact with the established ecology of technological innovation?

To a large degree these questions place the proverbial cart before the horse. One cannot intelligently devise guides until one has determined goals.

We must first derive a consensus position on priorities. When that is accomplished, we must develop guides to lead technology toward these priorities in a thoughtful way. Guided by wise men, technological innovation will continue achieving a social milieu of increasing material abundance and expanded individual freedom and choice.

WELFARE REFORM

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. ROYBAL. Mr. Speaker, the House-passed welfare reform bill was a long-overdue effort to revise and reorient the Nation's public assistance programs.

By recognizing that welfare is a national, not a purely local problem, the measure was a step in the direction of relieving State and local taxpayers of the major financial burden of supporting the country's fast-growing public assistance programs, while attempting to establish a national minimum floor for family assistance, combined with work incentive and job training features.

Constantly rising public assistance costs now exceed the funding capability of many of our local jurisdictions to handle by any further increases in sales, income, or property taxes.

They have about reached their limit, and the Federal Government must step in to assume its rightful share of financial responsibility in this area.

In addition, the Supreme Court-mandated elimination of residency requirements for welfare recipients adds an element of urgency to the need for action to help solve the acute fiscal crisis facing already overburdened State and county governments in trying to meet the mounting cost of caring for those eligible for the Nation's public assistance programs.

With the Senate now considering the bill, together with the administration's proposed revisions, it is vital that final congressional action be taken this year to pass a comprehensive welfare reform measure.

In my opinion, national welfare reform is must legislation, if property taxpayers in metropolitan centers like Los Angeles are ever to be able to look forward to meaningful tax relief.

The urgent necessity for prompt congressional action is well illustrated by a fine editorial entitled, "Local Welfare Burden Can Be Eased," from the June 17 edition of the Los Angeles Times, which I include in the RECORD at this point:

XUM

LOCAL WELFARE BURDEN CAN BE EASED

Issue.—Is there any reason for further delay in Senate action on the Nixon Administration's proposed welfare reform plan?

County supervisors rightly complain that a major source of the strain on the property tax is the soaring welfare burden.

In Los Angeles County, for example, some 842,000 persons—or one out of every nine people—will be on welfare in the fiscal year which begins July 1.

The total bill will be an estimated $888 million. Of this, the federal government will put up some $440 million and the state will throw in another $269 million. But $178 million must come from the property taxpayers of Los Angeles County.

Since the latter figure represents a $54 million increase over the current fiscal year, a property tax boost is necessary. In fact, of the increase of 94 cents per $100 assessed valuation which is proposed by the supervisors, 57 cents is attributable to growing welfare costs.

In the long run, as The Times has pointed out before, the answer is the federalization of the welfare program—a step which would release massive state and local resources for education, urban transit, property tax relief and other purposes.

The Nixon Administration's proposed welfare reform program—the so-called Family Assistance Plan or FAP—would represent an important step in this direction. The net increase in the federal contribution to California has been estimated at $143 to $173 million.

The welfare reform measure passed the House in mid-April, but stalled in the Senate Finance Committee when objections were raised as to how the proposed FAP would mesh with other programs for aid to the poor—specifically Medicaid, food stamps and public housing.

The major complaint was that, since these benefits can be abruptly cut off as a beneficiary increases his earnings, there would in some cases be an actual incentive for FAP beneficiaries to hold their incomes below the cutoff level.

The senators had a point, and the Administration has properly been trying to come up with some correctives. The proposed changes announced a few days ago are the result.

Most important would be the removal of FAP beneficiaries from the Medicaid program—called Medi-Cal in California. In its place, there would be created a federally subsidized system of health insurance for the poor. One result would be a saving of up to $250 million a year in this state's outlay for Medi-Cal.

The proposed changes, being complex and controversial, perhaps cannot be acted upon until next year. If action on the basic welfare reform plan is allowed to slide that long, however, it could become irretrievably bogged down. The Senate should act on the basic package now.

THE IMPORT SITUATION

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the excellent letter of Roger S. Ahlbrandt, president of Allegheny Ludlum Industries, Inc., regarding the import situation in stainless and other specialty steels. As I believe the import situation is critical, I am also placing in the RECORD statements by George A. Stinson, chairman of the American Iron and Steel Institute and president and chief executive officer of National Steel Corp.:

ALLEGHENY LUDLUM INDUSTRIES, INC.,
Pittsburgh, Pa., June 22, 1970.

Hon. JAMES G. FULTON,
House Office Building,
Washington, D.C.

DEAR JIM: In a recent appearance before the House Ways and Means Committee, George A. Stinson, Chairman of the American Iron and Steel Institute, called the import situation in stainless and other specialty steels "particularly critical."

In the event you may not have noted these points made by Mr. Stinson, I wish to take this opportunity to underscore them.

"As far as the high performance steels are concerned," Mr. Stinson said, "the Voluntary Restraint Program (negotiated with Japanese and German producers) has been *almost totally ineffective*. If foreign producers had adhered to the provisions of the Voluntary Restraint Program regarding product mix, imports of stainless and tool steels would have *decreased* by 24% from 1968 to 1969. Instead, they *rose* nearly 7%, and imports of these key grades of steel exceeded the level implied in the Voluntary Program by 41%. Furthermore, *this situation is continuing in 1970*. If imports keep on at the same rate as in the first three months, they *will exceed* the Voluntary Restraint *level by 50% for the year 1970 as a whole.*"

Mr. Stinson's import statistics relate to the overall market. In certain product lines and geographic areas, the effect of imports has been completely devastating of our markets. Here are some examples: imports of stainless steel wire rod in the first quarter of 1970 captured 70% of the domestic market; imports of cold rolled stainless sheet took 33% of our markets in the same period; and for stainless steel totally, the annualized trend indicates an 11% increase for 1970 over 1969. The accompanying charts show the heavy inroads which imported specialty steels have made in our markets through 1969 and continuing through the first quarter of 1970.

There are still other factors in the world trade picture which raise questions as to how American producers can plan for the needed improvement and expansion of their plants, keep skilled American workmen on their jobs and maintain a viable industry capable of producing specialty steels critical to the nation's defense.

Government policies relating to stockpiles of critical materials have caused artificial shortages, inflationary price increases, and chaotic market conditions for some materials. A government embargo against Rhodesian sources of chrome ore and unwise overseas sales of government-stockpiled tungsten have resulted in shortages and skyrocketing prices for these commodities. Excessive foreign purchases of nickel-bearing scrap have had the same effect on supplies of this vital material.

Needless to say, these are materials critical to the defense of this country, and our national resources are weakened not only by their diminished supply, but by the disruption of normal market patterns and the inflationary price spirals which they feed.

In short, we believe there are fundamental defects in our nation's foreign trade policies and in the administration of foreign trade affairs, and that this poses a continuing threat not only to American manufacturers and their employees but to the very security of the nation as well. We believe it is absolutely essential to develop a better understanding between industry and government of the critical nature of these problems.

We feel that it is important for you to know how serious the foreign trade situation is with respect to specialty steel producers. We are also concerned about the growing flood of fabricated products coming from Japan and Europe, which also has the effect of cutting into our markets for specialty steels.

Although the basic steel industry is asking only for extension and improvements to the Voluntary Restraint Program, I believe the time has come when we in the specialty steel industry must seek some kind of legislated relief and/or tariff protection.

We earnestly solicit your support of our contention that the United States must completely reevaluate and update its foreign policies if it is to reverse the declining position of American industry in its own and world markets.

Sincerely,

ROGER.

TABLE 1—TONS STAINLESS IMPORTS

	3 months 1969	3 months 1970	3 months 1970 vs 3 months 1969 (percent)	1969	Estimated 1970 (3 months at annual rate)	Estimated increase AR 1970 vs 1969 (percent)
Strip:						
HR						
CR	2,220	3,119	+40	11,908	12,476	+5
Total strip	2,220	3,119	+40	11,908	12,476	+5
Sheet:						
HR	332	595	+79	1,993	2,380	+19
CR	13,388	20,462	+53	62,739	81,848	+30
Total sheet	13,720	21,057	+53	64,732	84,228	+30
Plates	1,174	2,775	+136	7,153	11,100	+55
Bars:						
HR	899	2,266	+152	6,507	9,064	+39
CF	898	1,857	+107	6,121	7,428	+21
Total bars	1,797	4,123	+129	12,628	16,492	+31
Tubes	1,406	1,672	+19	7,929	6,688	−16
Wire	2,201	4,780	+117	13,966	19,120	+37
Wire rod	1,935	3,478	+80	14,864	13,912	−6
Total wire	4,136	8,258	+200	28,830	33,032	+15
Semifinish	14,870	9,543	−36	49,044	38,172	−22
Total stainless	39,323	50,547	+29	182,224	202,188	+11

TABLE 2—STAINLESS STEEL IMPORTS, COUNTRY OF ORIGIN COMPARISON

Country	Total: 1Q 1970: Tons	Total: 1Q 1970: Percent of total	Total: Year 1969 percent of total
Japan	29,097	57.6	47.3
European Economic Community:			
Belg-Lux	436	.8	1.1
France	4,533	9.0	7.8
Italy	289	.6	.8
Netherlands			
West Germany	390	.8	.8
Total EEC	5,648	11.2	10.5
Austria	98	0.2	0.2
Canada	10,850	21.5	30.1
Sweden	3,474	6.8	8.6
United Kingdom	1,105	2.2	2.8
All other	275	.5	.5
Total	50,547	100.0	100.0

TABLE 3.—STAINLESS IMPORTS AS A PERCENT OF THE DOMESTIC MARKET

	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1Q 1970
Strip:													
HR													
CR	.1	.1	.4	.1	.2	1.1	2.1	2.1	3.2	3.0	4.4	4.1	5.5
Total strip	.1	.1	.3	.1	.2	1.0	1.9	1.8	2.9	2.8	4.1	3.7	4.8
Sheets:													
HR							5.5	6.1	7.5	4.0	3.8	6.6	11.5
CR	.3	.6	1.6	1.7	8.1	15.3	14.2	17.7	20.1	23.6	28.0	22.7	33.1
Total sheets	.2	.4	1.0	1.3	6.8	12.8	12.9	16.6	19.2	22.1	26.0	21.0	31.4
Plates						.2	1.3	1.2	2.4	5.9	8.4	9.6	15.9
Bars:													
HR							2.4	2.8	4.7	7.4	10.9	11.8	16.5
CF							1.9	2.8	2.7	5.4	4.7	5.7	7.4
Total bars	.4	.7	1.2	1.0	.9	1.7	2.1	2.8	3.4	6.2	6.9	7.8	10.6
Tubes	6.2	4.9	9.0	9.6	11.1	10.5	6.0	7.8	8.0	16.6	20.4	22.0	17.9
Wire	.5	2.2	3.3	4.1	5.2	8.0	16.6	19.3	21.6	29.1	31.6	35.4	50.6
Wire rod	.1	2.1	6.4	15.9	19.9	28.8	40.3	36.9	42.0	53.2	63.7	59.2	70.5
Total wire	.4	2.2	4.3	8.5	10.9	16.8	26.0	26.6	20.5	38.2	44.8	44.7	57.4
Semifinish	3.2	4.9	8.8	6.3	13.1	26.7	33.2	32.4	37.6	41.0	40.1	44.1	36.5
Total stainless	.8	1.1	2.6	2.3	4.4	8.5	10.2	12.0	13.4	16.2	18.3	17.3	21.6

TABLE 4.—TOOL STEEL IMPORTS AS A PERCENT OF THE DOMESTIC MARKET (NET TONS)

Year	New industry shipments	Imports	Exports	Domestic market	Imports as a percent of domestic market
1Q 1970	27,985	4,507	400	32,092	14.0
1969	113,921	15,253	2,725	126,449	12.1
1968	106,366	15,162	1,606	119,922	12.6
1967	109,929	18,859	1,639	127,149	14.8
1966	121,345	17,614	1,775	137,184	12.8
1965	118,242	12,954	1,652	129,544	10.0
1964	102,379	9,081	2,275	109,185	8.3

STATEMENT BY GEORGE A. STINSON, CHAIRMAN, AMERICAN IRON AND STEEL INSTITUTE AND PRESIDENT AND CHIEF EXECUTIVE OFFICER OF NATIONAL STEEL CORPORATION

INTRODUCTION

My name is George A. Stinson. I am President and Chief Executive Officer of National Steel Corporation. I am also Chairman of the American Iron and Steel Institute, a non-profit trade association of 65 member companies which account for about 95 percent of the raw steel produced in the United States.

I wish to express my appreciation and that of the steel industry for the opportunity to present this statement on the proposed Trade Act of 1969 and other trade issues.

Although I am appearing here on behalf of the steel industry, I don't intend to dwell on the particulars of our own trade problems. This is not to say that these problems have disappeared, as many would have you believe. Rather, they have been partially submerged in a sudden and temporary flood tide of steel demand throughout the world. When this flood tide recedes, they will surface again as a serious and continuing threat to the health of our steel industry and its ability to support the national security.

But the specifics of our case have been documented before this Committee and others on numerous occasions, and I'm sure you are quite familiar with them. Furthermore, steel's problems are symptomatic . . . or even prophetic . . . of a more pervasive and deep-seated illness which is affecting one American industry after another, with the results that more and more of them are steadily losing position in the world markets.

Consequently, I want to address my remarks today to this broader problem, and to the need for change in the policies and objectives, both domestic and foreign, which affect the international trade position of the United States.

The world economic and political environment in which international trade takes place has changed drastically since the inception of our current trade policy many years ago. President Nixon's trade message last November anticipated a continuing of this trend and calls for new responses and new initiatives to meet the significantly different trade problems that will clearly occur during the 1970's.

The steel industry concurs wholeheartedly in these conclusions. However, the Trade Act of 1969 just begins to scratch the surface of the problem, and more far-reaching measures will be necessary to achieve balanced trade expansion between the United States and the rest of the world. The President, in his trade message, indicated a similar awareness. He described the bill as "a necessary beginning," but added, "As we look further into the Seventies, it is clear that we must reexamine the entire range of our policies and objectives."

It is my intention, through this testimony, to expand upon this theme in the hope of encouraging Congress as well as the Administration to examine thoroughly the assumptions on which our present trade policies are based, the conditions under which international trade is likely to take place during the coming decade, and the inter-relationship between our domestic requirements and policies and those governing international trade.

TRADE DETERIORATION

The vital need for attuning our foreign trade and economic policies to the realities of the Seventies is made appallingly clear when we see what has happened to our trade balance. Persistent deterioration of the position of the United States in international trade is evident in nearly every context in which such comparisons are made. In terms of total world trade, the U.S. share has been

XUM

in a downtrend throughout the post-World War II period.

Some downward adjustment in our share of world exports was to be expected following the rebuilding of the war-ravaged economies of Europe and Japan. However, the slippage has persisted to the point where the merchandise trade balances which used to offset the cost of our foreign aid programs and overseas military operations have practically faded into oblivion. In 1964 our merchandise trade surplus peaked out at around $7 billion. By 1968, it had dwindled to only $800 million and rose slightly to $1.3 billion last year. However, if only commercial exports are counted (i.e., excluding government-financed AID and PL–480 shipments) the surplus disappears completely, and we find that our commercial trade balance was in deficit by $1.4 billion in 1968 and an estimated $800 million in 1969.

The growing obsolescence and inadequacy of U.S. foreign trade policy is further evidenced by statistics which show a deteriorating trade surplus or an actual deficit in nearly every manufactured goods category. Between 1960 and 1968, the only major commodity group showing a significantly greater rise in exports than in imports is chemicals. Country-by-country comparisons also lend added support to the thesis that United States policies are clearly out of step with the realities of the 1970's.

These trade policies, rooted in the worldwide depression of the Thirties and the aftermath of World War II, were formulated under vastly different economic and political conditions that exist today. The emergence of strong, managed economies and supranational trading blocs has significantly reduced the once overwhelming advantages held by the United States in the form of abundant natural resources, a highly educated work force, vast supplies of capital, superior technology, mass markets and a well-developed distribution system.

With the narrowing of these advantages, the failure of our trade policy to adapt to the changing conditions of trade is causing serious dislocations in the U.S. economy.

It is no longer valid to view such dislocations as minor, transitory occurrences easily remedied by palliative measures on the part of government, such as those embodied in H.R. 14870, but rather as permanent dislocations whose prevention requires a trade philosophy in tune with the new circumstances that exist today.

Another factor frequently overlooked by proponents of the classical theory of free trade, but which was pointed out by a group of economists from the academic world during testimony before this Committee in 1962, is that free trade was never meant to operate in a vacuum, but only within the context of certain conditions which would guarantee that the flow of trade between countries results from natural rather than artificial economic influences.

Some of the more important prerequisites for *mutually beneficial* free trade are:

That there be full and complete convertibility of currencies, and a free market in exchange rates.

That there be no restrictions on the international movement of capital and labor.

That no country be given a special advantage over the others by virtue of its tax structures, use of subsidies, or laws governing domestic monopolies and cartels.

That there be no quantitative restrictions on trade.

That the countries involved follow roughly parallel fiscal and monetary policies.

That unit labor costs be increasing at approximately the same rate within the area of free trade.

Unless these conditions are present—and I am sure you would agree that few, if any, of them are today—free trade can only work to the detriment of those countries who are at a disadvantage with respect to the conditions listed, and whose industries therefore risk exploitation by their competitors abroad.

INTERNAL FACTORS IN TRADE POLICY

Fundamental solutions to the deterioration of the United States trade position must go beyond what has long been considered as the traditional approach. There has been a tendency in the past to treat domestic economic policies and international trade policies as two quite separate matters, and our declining competitive strength in world markets reflects this short-sighted viewpoint. In the overall national interest, they must be considered together.

Our country's citizens will not be well served by international trade policies which increase the difficulty of dealing effectively with such major issues as environmental pollution, poverty and urban decay. Our well-being will not be enhanced by trade policies which may weaken the economic and social base on which our security depends. The costs associated with solving our domestic social and environmental problems cannot be met in the face of competition from producers abroad who do not have to bear similar costs, or whose export prices do not have to reflect them. In short, we *must* harmonize our domestic and foreign economic policies if we are to advance the well-being of our citizens during the coming decade.

Foremost in need of examination and reevaluation among domestic policies that impinge on our international trade posture are those which result in inflation. Restoration of fiscal stability through a reordering of national priorities so as to achieve better balance between Federal Government spending and income is of utmost importance. Tax policy that unduly penalizes investment also inhibits productivity gains which are needed to restrain inflation and to help restore the competitive ability of U.S. producers in world markets. Depreciation policies in the United States need to be reexamined in the light of practices and policies followed by other major industrialized countries.

Consideration needs to be given to the appropriate balance between fiscal and monetary policy in restraining inflation. Excessive reliance on monetary policy at the moment appears to be masking underlying weakness in the balance of payments. Resulting high interest rates have attracted capital inflows recently which may just as easily become outflows when domestic economic conditions require a less stringent credit posture by the Federal Reserve System.

In contrast with the highly coordinated trade policies of countries that manage their economies to a greater or lesser degree, United States trade policy is fragmented and diffused throughout many Government agencies. The objectives of U.S. policy are ill-defined, vague, and may actually be contradictory, in stark contrast with those of countries like Japan. Therefore, it would seem that action needs to be taken to bring about a more centralized, cohesive and lucid United States trade policy and administration thereof.

EXTERNAL FACTORS IN TRADE POLICY

Putting our domestic house in order is a necessary first step in strengthening our competitive ability in world markets, but by itself, it cannot solve the problem of an eroding trade surplus and its consequences for companies, communities and workers. Foreign competitors must be made to realize that in today's changed economic environment, further expansion of world trade rests heavily on the establishment of conditions which promote *fair* trade.

It is an unarguable fact that international trade and competition can bestow benefits too great to be foregone, much the same as our own domestic trade and competition have done, and their expansion should be encouraged. But domestic trade is conducted within a framework of laws and regulations that are constantly reviewed and revised when necessary to insure *fair* trade. Unfortunately, the same is not fully true in the case of international trade.

As tariffs have been reduced to expand trade, non-tariff barriers in foreign countries have assumed even greater importance. Such barriers take a variety of forms, but their purpose and effects have one feature in common . . . to effectively insulate the domestic markets of their originators. Trade flow is then artificially diverted to countries having relatively open markets, of which the United States is the foremost example.

In Japan, for instance, import controls, as well as export stimulants, are effectively implemented through both open and hidden rules. Secretary Stans has identified Japan as the most restrictive major industrial country in the free world, in both trade and investment. The AFL-CIO confirms this, stating that Japan maintains import quota controls on more commodities than any other country. They go on to say, however, that the "administrative guidance" of the Japanese government is the most important barrier to imports and spur to exports.

In the European Economic Community, border taxes are one of the main roadblocks to imports. These add substantially to the cost of entry for foreign goods. On the other hand, such taxes are rebated on exports, thus constituting a significant stimulus to the sale of Common Market goods to other countries. The rebate of these taxes is especially injurious with respect to our efforts to compete in non-EEC countries. Harmonization of the system of value added taxes within the EEC at a higher level than exists today will magnify the adverse impact on the United States. The Comomn Market countries will then be able to make larger tax rebates, increasing the subsidy effect on exports while further burdening imports into those nations.

There are many other devices used abroad to block imports or to give exports an artificial competitive edge in world markets. These have been catalogued many times before, and I'm not going to subject you to another recitation. Suffice it to say that they directly contravene the concept of "fair" trade which has to be a prerequisite for "free" trade.

Progress in eliminating these inequities has not been just painfully slow, it is practically non-existent. In this connection there appears to be a "credibility" gap between the United States and other major trading nations as to the serious one-sided effect these practices have on United States trade. We believe that the President should have significantly increased means at his disposal for dealing with the problem of their prompt removal.

THE TRADE ACT OF 1969

Considering the momentum of our deteriorating trade balance, and recognizing that fundamental solutions involving both domestic and foreign policy issues will take time, the steel industry believes that interim measures are necessary to prevent the irreversible decline of vital U.S. industries. For that reason we support the Trade Act of 1969, but only as a first step toward fundamental reform of the conditions that make such assistance necessary in the first place. Our endorsement presumes, of course, that the provisions for remedial action against harmful imports would be administered more stringently and effectively than they have in the past.

As indicated earlier in this statement, it is apparent that nearly every important industry in the United States is losing ground in the struggle against foreign competition. Thus, the assumption that principal reliance on adjustment assistance for injured industries and their employees will adequately compensate for dislocations caused by rising imports no longer has much validity, since opportunities for shifting resources to less impacted industries are shrinking. Therefore, we cannot stress strongly enough our deep belief in the need for positive action to establish the conditions leading to fair as well as free trade, rather than the adoption of palliatives which deal with individual problems but fail to get at the root causes. At an appropriate time, we would be pleased to offer suggestions for strengthening certain provisions of H.R. 14870.

OTHER RECOMMENDATIONS ON TRADE MATTERS

The steel industry recognizes, as President Nixon did, that H.R. 14870 is only the "beginning" of a program to update our trade policies. Intelligent and realistic future trade policy cannot be formulated in a welter of conflicting claims, nor within a framework of outmoded economic assumptions. We urge, therefore, that comprehensive studies be undertaken promptly to provide answers to the following questions:

1. What are the causes, both domestic and foreign, of the decline in competitive strength of important American industries?

2. How effective are the existing mechanisms for adjusting imbalances in international trade in terms of the overall interests of the United States, and what new ones—both internal and external—are needed to serve those interests in the future?

3. Until more responsive and realistic adjustment mechanisms have been adopted, what should be done in light of the realities of international trade and the interests of the United States to prevent the irreversible decline of vital domestic industries?

Such studies should go well beyond what has been thought of traditionally as "trade" policies, but should delve into domestic issues that affect foreign trade indirectly or through linkages not readily apparent to casual observers of the problem. They should also investigate bold new approaches to the many related segments of our foreign trade problem . . . free exchange rates as a substitute for current international monetary mechanisms, for example.

Still others might include means of improving the collective bargaining process so as to achieve a better balance between wage and productivity gains, and to avoid waves of imported products in import-prone industries during the period of contract negotiations.

Where *fair* foreign competition may be rendering companies or industries economically obsolete, the studies should explore the feasibility of Government assistance in redirecting effort of diversifying so as to reemploy both the assets and workers of affected companies.

The present procedure for remedial action in the case of import damage leaves much to be desired. Relief from the debilitating effects of unfair trade practices is more often than not "to little, too late." The studies should look into the desirability of a single government agency to hear, investigate and act upon complaints under significantly shorter time limits than now exist.

As indicated earlier in this statement, there is need of a more centralized, cohesive and lucid foreign trade policy in the United States. This, too, should be considered in the studies.

Studies of such far-reaching dimensions will take time, and we are under no illusions that broad reform of United States trade policies can be accomplished easily or quickly. Reconciliation of diverse interests and the intertwining of other domestic and foreign policy objectives with the problem of international trade necessarily contribute to its delay. In the meantime, the problem continues to grow and interim measures are necessary to insure the continued welfare and security of all Americans.

XUM

H.R. 14870 is a stop-gap measure which contains substantial improvements over the Trade Expansion Act of 1962. It does not, however, deal with the causes of our growing difficulties in the foreign trade area. Until more fundamental and lasting solutions are found, Congress should take additional action to insure that import-injured industries are given temporary relief through voluntary limitations by exporting countries, government-to-government agreements, or legislative measures to provide for orderly trade as in H.R. 16920, H.R. 3 and similar bills.

In particular, the steel industry supports and urges negotiations to extend and improve the Voluntary Restraint Program on exports of steel to the United States. That program, now in the second year of its three-year life, will expire in 1971. In the absence of conditions that would assure a continued reasonable balance in world steel trade beyond then, an *improved* Voluntary Restraint Program literally becomes the lifeline of the domestic steel industry.

The need for improvements is clearly evidenced by the fact that imports of several important products actually *increased* last year, instead of declining as was to be expected from the Voluntary Restraint Program. The situation in stainless and other specialty steels is particularly critical, and I would like to elaborate on it briefly. Because of the seriousness of this problem, we have also included a more complete discussion as an Appendix to this statement.

As far as these high performance steels are concerned, the Voluntary Restraint Program has been almost totally ineffective. If foreign producers had adhered to the provisions of the Program regarding product mix, imports of stainless and tool steels would have *decreased* by 24 percent from 1968 to 1969. Instead, they *rose* nearly 7 percent. As a result, imports of these key grades of steel exceeded the level implied in the Voluntary Program by 41 percent. Furthermore, this situation is continuing in 1970. If imports keep on at the same rate as in the first three months, they will exceed the Voluntary Restraint level by *50 percent* for the year 1970 as a whole.

Imports of some carbon steel products also exceeded the Voluntary Restraint level last year. However, the failure of the Program with respect to specialty steels is particularly serious since producers of these grades tend to be smaller companies which are especially vulnerable to damage by continually increasing imports. Many of them have neither the production and sales alternatives, nor the financial resources, to withstand the loss of basic markets over an extended period of time.

Returning now to the Voluntary Program as it applies to all steel mill products, there were also deviations with respect to geographic distribution. Imports into the Pacific Coast were 25 percent greater than the level to be expected under the Program.

Therefore, if the Voluntary Restraint Program is to be truly effective in preventing irreparable damage to the steel industry or important segments thereof, it must include firm commitments as to maintenance of distribution by product categories and market areas. Similarly, the 5 percent annual growth factor is substantially higher than the long term rate of growth in the market here, and must be brought more into line.

CONCLUSION

In conclusion, Mr. Chairman, we in the steel industry believe that:

The current foreign trade policy in the United States is based on archaic assumptions that are out of line with present day realities and the conditions upon which free trade is supposed to be based.

The domestic and foreign economic policies of the United States are inseparably related in their effect on our competitive position in world trade, and that both must be subjected to intense study in developing a new foreign trade policy appropriate to today's world.

A more realistic and tough-minded approach must be taken in convincing other countries that "fair" trade must precede "free" trade.

We do not pretend to know all the answers to the thorny trade problems confronting this nation; that is why we have suggested that studies be initiated in great breadth and depth. But we are confident that a pragmatic approach to domestic and international policy that is based upon economic realities of today rather than theoretical hopes of the past will result in an easing of the difficulties which this nation has encountered in its international trade and payments.

I thank you again for this opportunity to appear here today, and on behalf of the steel industry I offer our full cooperation and resources in the search for a modern, equitable and more effective international trade policy.

APPENDIX TO STATEMENT BY GEORGE A. STINSON, PRESIDENT AND EXECUTIVE OFFICER OF NATIONAL STEEL CORPORATION, AND CHAIRMAN, AMERICAN IRON AND STEEL INSTITUTE

THE SPECIALTY STEEL IMPORT PROBLEM

The specialty steel industry

The import problem is particularly severe in specialty steels. The voluntary restraint arrangements have not reduced imports of specialty steel mill products, and recent trade trends reflect a shift in imports into these higher grade, more expensive steels.

Specialty steels are thought of as stainless steels, tool steels, high temperature steels, and refractory, reactive, and electronic metals. This Appendix concentrates primarily on the stainless and tool steel segments of the specialty steel industry because these steels are readily identifiable in available statistical data published by the American Iron and Steel Institute and the U.S. Department of Commerce.

It is generally recognized that specialty steels are a distinct and readily identifiable part of the overall steel industry in the United States. In 1969 American producers of tools and stainless steel accounted for 1.1 per cent of net industry shipments of total steel mill products. These specialty steel products, however, represented approximately 7 per cent of total steel industry dollar sales.

Specialty steels are designed and produced for use in extreme environments requiring exceptional hardness, toughness, tensile strength, resistance to heat, corrosion, or abrasion, or a combination of these factors. These steels contain substantial amounts of expensive alloys such as chromium, nickel, molybdenum, titanium, columbium, tungsten, vanadium, cobalt, and other elements which provide their unique characteristics.

Because of the technological properties and alloy content of these sophisticated steels, specialty steels are difficult and costly to manufacture. Moreover, these steels are frequently produced to the specific requirements of individual customers. They are generally sold in pound weights rather than in tons.

Rising imports of specialty steels are a critical problem for American specialty steel producers. The voluntary restraint arrangements involving Japan and the EEC countries, which helped reduce total steel mill product imports to 14 million tons in 1969, have not produced a reduction in specialty steel imports. While the program of voluntary restraints is in effect, the strict adherence of foreign producers to their commitment not to change greatly the existing product mix is essential to prevent the continued loss of domestic specialty steel markets to imports and the disruption of the domestic specialty steel industry.

Foreign trade trends in specialty steel mill products

Approximately 90 percent of identifiable specialty steel mill product imports are stainless steels; the remaining 10 per cent are primarily tool steels which can be separated into two groups: high speed and other alloy tool steels. Between 1964 and 1969 imports of these specialty steel mill products rose rapidly from 88.4 thousand net tons to 197.5 thousand net tons, an average rate of 17.4 per cent annually. Imports increased their participation in the U.S. market for specialty steel mill products during this period from 10.2 per cent to 17.1 per cent, as shown in attached Table 1S. The steadily rising trend of specialty steel imports was discernible in the late 1950's and became significant between 1959 and 1964. Comprehensive statistical data on U.S. foreign trade in specialty steel mill products, however, was not published by the U.S. Department of Commerce until 1964. Therefore, references to the import problem before 1964 reflect general import trends indicated by the limited information available at the time.

Market penetration and product mix

Imports of stainless steel mill products have increased every year, rising from 79.4 thousand net tons in 1964 to 182.2 thousand net tons in 1969 as illustrated in Table 2S. Throughout this period imports of stainless steel mill products increased at an average rate of 18.1 per cent annually, while the corresponding rate of growth for domestic shipments was only 3.4 per cent. This large continuing disparity between the rates of growth of imports and domestic markets and the absorption of a significant share of the net growth in these markets by imports in recent years. For example, imports of stainless steel mill products rose from 10.5 per cent to 19.2 per cent of apparent consumption between 1964 and 1968, dropping only to 17.7 per cent in 1969, still the second highest level of import penetration on record. In this six year period, apparent consumption of stainless steel increased 276 thousand net tons. Stainless steel imports captured 103 thousand net tons, or 37.2 per cent of the growth in the domestic market.

By 1964 imports of stainless steel mill products had made significant inroads into virtually every product line. Products imported in largest volume were cold rolled sheets, semi-finished products, were rods, round wire, and strip and flat wire, as illustrated in Table 3S. This table also shows the shift of stainless steel imports from lower to higher value products. Imports of flat-rolled products now account for 46 per cent of total stainless imports, whereas in 1964 their share represented 41 per cent. Imports of other, more sophisticated products such as bars and pipe and tubing also have increased while the share of total imports represented by semi-finished products and wire rods has receded.

With respect to tool steels, imports of these products rose sharply from 9 thousand net tons to over 15 thousand net tons during the 1964–1969 period. The growth in imports occurred at an average annual rate of 10.9 per cent per cent while the rate of growth of domestic tool steel shipments increased only 2.2 per cent annually. Imports as a percentage of apparent consumption increased steadily, from 8.3 per cent in 1964 to a high of 14.8 per cent in 1967 and 12.1 per cent in 1969 as shown in Table 4S. Apparent consumption of tool steel increased from 109 thousand net tons in 1964 to 126 thousand in 1969, an increase of 15.8 per cent. Imports captured 6 thousand tons, or over 35 per cent of the 17 thousand ton growth in the domestic market.

Imports of each of the two groups of tool steel, high speed and other alloy tool steels, increased rapidly in the 1964–1969 period, as shown in Table 5S. Imports of high speed tool steels increased from 2.7 thousand net tons in 1964 to approximately 5 thousand net tons in 1969, an increase of 87 per cent. Growth of imports has been substantial in most high speed tool steel products. Table 5S shows the largest increase in tonnage have occurred in bars and wire rods.

Imports of other alloy tool steel during the 1964–1969 period increased from approximately 6.4 thousand net tons to 10.2 thousand net tons, an increase of 60 per cent. Table 5S indicates most of the increased tonnage has been in hot rolled bars.

Country of origin imports

Japan is the largest supplier of stainless steel mill product imports to the United States, accounting for better than 45 per cent, on the average, of total imports. Imports from Japan rose from 34 thousand net tons in 1964 to 86 thousand net tons in 1969, an increase of 153 per cent. While it is generally believed that some of the Canadian tonnage is processed and re-exported, Canada is still a major supplier with 30.1 per cent of total imports in 1969. Sweden ranks third with 8.6 per cent of total imports, followed by France with 7.8 per cent, and the United Kingdom with 2.8 per cent, as shown in Table 6S. Imports from every major foreign supplier of stainless steel mill products have increased steadily through the 1964–1969 period. In 1969 more than 40 per cent of our stainless steel mill product imports were supplied by countries not participating in the voluntary restraint program.

In tool steels, Sweden, Austria, Canada, and Japan, in that order, are the major suppliers of both high speed and other alloy tool steels, as indicated in Tables 7S and 8S. Again more than two-thirds of tool steel imports in 1969 came from countries which did not participate in the voluntary restraint program.

Port of entry and imports

Since 1964 there has been a major shift in the geographic distribution of stainless steel imports. The greatest volume of imports in this period entered through the Great Lakes and other ports of entry along the Canadian border. In 1969 the import tonnage through this area was 73.3 thousand tons, or 40.3 per cent of total imports. The second largest customs regions is the Atlantic Coast through which 73 thousand tons, or 40.1 per cent of total imports, entered the United States in 1969. However, as Table 9S illustrates, in the last six years the share of total imports into these two largest customs regions dropped off, while the share of total imports into the Pacific and Gulf Coasts increased. The most significant gain took place in Pacific Coast imports which represented only 8.1 per cent of total imports in 1964 but accounted for 14.3 per cent in 1969.

In tool steels imports expanded steadily into all major custom regions through 1967. The Atlantic Coast received the largest share of tool steel imports, followed by the Canadian border and Great Lakes region. In 1968 and 1969, however, imports into these regions declined while imports to the Pacific Coast increased, as shown in Table 10S.

Impact of specialty steel imports

The specialty steel industry includes many comparatively small business enterprises, as measured by volumes of production and sales. Although some of the large carbon steel producers also produce specialty steels, it is estimated they account for no more than one-third of total industry shipments of stainless and tool steel mill products.

Specialty steels are high-fixed-cost products, and high operating rates must be maintained to minimize unit production costs. Changes in the volume of production, which in turn reflect the market demand for specialty steels, quickly influence profitability. The steady loss of the domestic market to imports could result in the eventual curtailment of production or the inability of the specialty steel industry to grow and modernize. These effects are particularly severe on small companies since many have neither the production and sales alternatives nor the financial resources with which to minimize the negative impact on their operations of the loss of basic markets over an extended period of time.

The fundamental reason for the loss of domestic markets to imports is price. In recent years prevailing import prices for specialty steel products have been substantially below comparable domestic prices. An indication of the magnitude of this disparity is shown in statistics on stainless steel published by the U.S. Bureau of the Census. The average domestic sales realization for all stainless grades of steel mill products was $1,130 per net ton in 1967, the latest year for which the information is available. The comparable f.o.b. value of imports of stainless steel mill products was $673 per net ton. Adding an average duty of $93 and freight, handling, and insurance costs of $29 brings the estimated average delivered price of imported stainless steel to $795 per ton. This average import price is 30 per cent, or $335, below the average domestic price for stainless steel.

The prevailing market price of individual transactions may vary substantially from these averages, depending upon the specifications of the product and other competitive factors. However, the magnitude of the disparity between domestic and import prices indicated by these general averages demonstrates the competitive dilemma which confronts the domestic specialty steel producer. On the one hand, when the price differential between import and domestic specialty steels is at least four times greater than the average rate of return on sales for the domestic industry, the possibility of profitable competition by across-the-board alignment of domestic prices with prevailing import prices is foreclosed to the domestic producer. On the other hand, the magnitude of this price differential is a strong inducement to consumers to purchase foreign steel, particularly during inflationary periods. This latter condition is readily apparent in the steady deterioration of the balance of trade in specialty steel mill products from a surplus of $31 million in 1964 to a deficit of $70 million in 1969, as illustrated in Table 11S.

As a greater share of the domestic market is relinquished to imports, the United States is becoming increasingly dependent upon imports as a source of supply for specialty steels. Because of the strategic importance of specialty steels in our contemporary industrial economy, national military, economic, and political considerations suggest that an equitable balance should be achieved between imports and domestic production.

National requirements for specialty steels

The national requirements for specialty steels are best classified into two groups: those industrial needs of the United States which are necessary to maintain both the civilian economy and a strong industrial base in peacetime and in emergencies and those defense needs which bear directly on military preparedness. Many uses of specialty steels in these two areas are interrelated, and often manufactured products containing specialty steels can be used for both civilian and military purposes. However, the needs of our civilian economy and our defense operations are dependent upon the ability of this nation to maintain a strong, viable industrial base. Impairment of this industrial base is a direct threat to our national security.

With respect to the industrial needs of the United States for specialty steels, our industrial economy is dependent upon these steels because there are many critical applications for specialty steels for which there is no economic, or readily available, substitute material. To keep the highly mechanized and broadly diversified economy of this country running smoothly, specialty steels are an indispensable basic material used by many industries in producing goods and services for the American people.

For example, the electrical power system of the United States could not function without specialty steels because there is no economic, or readily available, substitute for these steels in the shafting, buckets, blades, and other parts of the giant turbines, which are the basic power unit of the electrical power system. To prevent the immobilization of part of the nation by a massive power failure such as the East Coast blackout in the fall of 1965, jet turbine engines, which cannot be made without specialty steels, are now being used as standby and auxiliary units. In the nuclear power industry also, specialty steels are standard in certain equipment applications such as pool liners and tubing for condensation and feedwater exchange processes.

The aircraft industry must have specialty steels. Applications of specialty steels in this industry vary widely from jet engines to aircraft firewalls, exhaust systems, heating units, and engine cowlings. Another critical application is found in sensitive electronic instrumentation devices which are essential to the performance of the aircraft and the identification and regulation of the flow of air traffic. For the United States, air travel has become not only a basic transportation system for passengers and freight but also a vital force in the nation's defense system.

Technological advancement in the aviation industry and in other industries has resulted in the need for new, high temperature, critical performance specialty steels. One of the crucial factors in developing steels for new applications is that time required to translate metallurgical and technological knowhow and materials into a quality-performance product. The benefits of technological development are cumulative. Therefore, the United States must not only preserve but also build on its present reservoir of knowledge about the production and application of specialty steels in our industrial society. There is no better example of this requirement than the space industry which is, itself, an outgrowth of the aviation industry. The moon shot and other space projects would be impossible wihout specialty steels for rocket engines, mobile launching stations, lunar landing modules, electronic instrumentation devices, and related instruments, machinery, and equipment.

The magnetic and electronic properties of some specialty steels are invaluable in all types of contact-switches, and none of these applications is more essential, or more mundane, than the simple telephone switch. Many semiconductor devices, including transistors and integrated circuits, require electronic glass sealing alloys. The uses of the vacuum tube in electronic applications are countless.

Specialty steels are used widely in the food processing industry, including the dairy industry, because the corrosion resistance properties and the fabricating characteristics of these steels reduce contamination and facilitate the sanitary handling of foods. There are many uses of specialty steels in this industry for which there is no generally acceptable substitute material, and there are some equipment applications in meat packing equipment, dairy handling equipment, and milking machines where specialty steels are required by law.

Critical bearing applications, gears, valves and valve stems, gauge parts, pump parts, dies, and cutting tools are essential to industry and science. Specialty steels are used extensively in these applications.

The foregoing examples point up a few of the basic civilian and industrial requirements of the United States which must be met with specialty steels because there is no economic, or readily available, substitute material. This list of critical applications is by no means exhaustive; however, these examples illustrate three basic conclusions with respect to the importance of specialty steels to the nation.

1. The national security of the United States starts with the ability of this nation to maintain a viable industrial base and civilian economy both in peacetime and in a period of national emergency.

2. Specialty steels are an indispensable industrial material, and, therefore, this domestic industry is a strategic national resource.

3. This nation should maintain an adequate level of self-sufficiency, not only in the production and supply capability of the domestic industry, but also by maintaining a contemporary reservoir of technology and a skilled, experienced, and adequate labor force. In short, the national security requirements of the United States are best met by providing an economic climate in which the domestic specialty steel industry will continue to grow and to expand.

The higher price of domestic specialty steel in comparison with prevailing import prices includes not only the cost of our security but also the price of our prosperity. These domestic prices reflect fundamental social and economic costs: the cost of full employment, the cost of good government, the cost of capital, and the cost of basic economic gains such as profits, growth, and expansion. As former Secretary of Commerce Smith said on September 18, 1968, "Disruptions in the country's ability to produce can threaten our security from within. The billions of dollars we spend on education, health, manpower training, and other social purposes will disappear unless the private sector produces the revenue base for these programs. And, without funds for worthy purposes, domestic disquiet can reduce our capacity to defend our borders. . . .

". . . Without a healthy economic base, much of our leadership in outer space becomes forfeit, scientific and technological gains slide out of reach, our prestige and influence in world councils diminishes.

"There is much, in short, that we need to do and continue to do by way of national defense, but little achievement will be possible without the foundation—economic strength."

With respect to our national defense requirements for specialty steels, the Department of Defense estimates that 9.5 per cent of total industry shipments of stainless steel in 1968 were needed to meet military requirements for these steels. Future projections for the mid-1970's, made by the Office of Emergency Preparedness in accordance with its planning assumptions, indicate that 10.4 per cent of total industry shipments of stainless steel will go to direct defense applications. These applications primarily include: aircraft, missiles, ships, tanks, automotive vehicles, weapons, ammunition, electronics, and construction uses. A few examples illustrate the importance of specialty steels in these applications. For instance, specialty steels are essential for the manufacture and transportation of nitric acid. The anti-spike innersole of the combat boot now being worn in Vietnam is a specialty steel. The major parts of the Minuteman 2 and 3, the Poseidon, as well as other smaller missile systems are made from specialty steel.

Increasing dependence upon imports of specialty steels is perilous should the availability of imports be disrupted. The production of specialty steels in Canada and Mexico is small. Consequently, these countries cannot now be considered as adequate, contiguous sources for specialty steels in the event that the inflow of steel from Europe and Japan is impeded. Self-sufficiency in specialty steel production is imperative for the United States, and a reasonable balance between imports and domestic production will ensure the stability and viability of this essential industry.

The U.S. Government stockpiles strategic metallic elements, among which are chromium, nickel, molybdenum, tungsten vanadium, and cobalt, to ensure the availability of these materials for the production of specialty steel and other products in the event of a national emergency. Impairment of our domestic production capability from excessive imports is inconsistent with the purpose of this national security objective of guaranteeing a raw materials base for U.S. industry.

The military requirements for specialty steels cannot be met without a permanent, viable domestic source of production since it is impossible to predict the advent, or duration, of a national emergency and since military security involves a perpetual state of readiness and forward planning. Furthermore, military security is contingent upon the maintenance of a minimum, essential civilian economy in the United States during national emergencies. This implies the ability of the civilian economy to meet the general economic requirements of the population, as well as the productive capability of industry.

The voluntary restraint arrangements

The voluntary restraint program has not reduced imports of specialty steel mill products, in 1969 imports of stainless and tool steels not only exceeded the targets of the voluntary restraint program but also increased substantially over the 1968 level of imports as illustrated in Table 12S. Similarly, total imports from Japan, the EEC, and the category of "all other" countries were over the voluntary restraint targets. With the exception of tool steel imports from Japan and stainless steel imports from the EEC, imports from these countries also exceeded 1968 imports.

In general product categories 1969 imports of all stainless steel mill products, shown in Table 3S, were over their voluntary restraint levels even though imports of stainless steel wire rods, hot rolled bars, cold rolled sheets, and strip and flat wire receded from 1968 imports. In tool steels, 1969 imports of other alloy tool steel products, shown in Table 5S, were both over the voluntary restraint target and over the level of imports in the previous year. In high speed tool steels, not rolled bars and wire were substantially below the voluntary targets, but cold finished bars and plates and sheets were above both the targets and 1968 levels.

Imports of specialty steel mill products did not follow the 1968 pattern of geographic distribution. In stainless steel there was a significant shift in imports to the Canadian border and Great Lakes customs region and to the Pacific Coast ports, as illustrated in Table 9S. The shift in tool steels was toward the Atalntic Coast for imports of high speed tool steels and the Atlantic Coast and Pacific Coast for imports of other alloy tool steels, as shown in Table 10S.

The import record for 1969 indicates strongly that compliance with, and possibly renegotiation of, the voluntary restraint ar-

rangements is essential to the welfare of the specialty steel industry. More supplying nations, specifically Canada, Austria, Sweden, and the United Kingdom, must be encouraged to participate in this program, and the product mix and geographical distribution patterns must be more rigorously observed in order to avoid serious dislocations of specialty markets.

TABLE 1-S.—U.S. FOREIGN TRADE IN TOTAL SPECIALTY STEEL (STAINLESS AND TOOL STEEL)

[In net tons]

Year	Net industry shipments	Imports	Exports	Apparent consumption	Imports as a percent of apparent consumption	Exports as a percent of net industry shipments
1969	1,023,374	197,477	63,599	1,157,252	17.1	6.2
1968	925,408	189,193	89,258	1,025,433	18.5	9.6
1967	947,009	168,180	117,658	997,531	16.9	12.4
1966	1,054,286	155,004	90,979	1,118,311	13.9	9.6
1965	997,412	126,414	94,717	1,029,109	12.3	9.5
1964	873,621	88,433	98,276	863,778	10.2	11.2

Source: U.S. Bureau of the Census.

TABLE 2S.—U.S. FOREIGN TRADE IN STAINLESS STEEL [1]

[Net tons]

Year	Net industry shipments	Imports	Exports	Apparent consumption	Imports as a percent of apparent consumption	Exports as a percent of net industry shipments
1969	909,453	182,224	60,874	1,030,803	17.7	6.7
1968	819,042	174,031	87,652	905,421	19.2	10.7
1967	837,080	149,321	116,019	870,382	17.2	13.9
1966	932,941	137,390	89,204	981,127	14.0	9.6
1965	879,170	113,460	93,065	899,565	12.6	10.6
1964	771,242	79,352	96,001	754,593	10.5	12.4

[1] Includes heat-resisting steels.

Source: U.S. Bureau of the Census.

TABLE 3S.—IMPORTS OF STAINLESS STEEL BY PRODUCT GROUPS

[In net tons]

Year	Total	Semi-finished	Wire rods	H.R. bars	C.F. bars	Round wire	Plates	H.R. sheets	C.R. sheets	Strip and flat wire	Pipe and tube
Net tons:											
1969	182,224	49,044	14,864	6,507	6,121	13,966	7,153	1,993	62,739	11,908	7,929
1968	174,031	39,602	15,925	8,003	4,640	11,364	5,198	860	69,012	12,736	6,691
1967	149,321	41,658	13,227	4,391	5,405	12,012	3,787	722	53,066	7,787	7,266
1966	137,390	44,091	12,688	5,006	2,903	9,156	1,899	1,320	47,228	8,967	4,132
1965	113,460	44,110	9,073	2,251	2,463	6,625	884	1,317	37,245	5,902	3,590
1964	79,352	28,993	8,076	1,112	1,375	5,028	786	1,662	24,985	5,230	2,105
Percentage of total:											
1969	100.0	26.9	8.1	3.6	3.4	7.7	3.9	1.1	34.4	6.5	4.4
1968	100.0	22.8	9.2	4.6	2.7	6.5	3.0	.5	39.6	7.3	3.8
1967	100.0	27.9	8.9	2.9	3.6	8.1	2.5	.5	35.5	5.2	4.9
1963	100.0	32.1	9.2	3.6	2.1	6.7	1.4	1.0	34.4	6.5	3.0
1965	100.0	38.9	8.0	2.0	2.2	5.8	.8	1.1	32.8	5.2	3.2
1964	100.0	36.5	10.2	1.4	1.7	6.3	1.0	2.1	31.5	6.6	2.7

Source: U.S. Bureau of the Census.

TABLE 4S.—U.S. FOREIGN TRADE IN TOTAL TOOL STEEL

[Net tons]

Year	Net industry shipments	Imports	Exports	Apparent consumption	Imports as a percent of apparent consumption	Exports as a percent of net industry shipments
1969	113,921	15,253	2,725	126,449	12.1	2.4
1968	106,366	15,162	1,606	119,922	12.6	1.5
1967	109,929	18,859	1,639	127,149	14.8	1.5
1966	121,345	17,614	1,775	137,184	12.8	1.5
1965	118,242	12,954	1,652	129,544	10.0	1.4
1964	102,379	9,081	2,275	109,185	8.3	2.2

Source: U.S. Bureau of the Census.

TABLE 5S.—IMPORTS OF TOOL STEEL BYPRODUCT GROUPS

	High-speed tool steel (net tons)						Other alloy tool steel				
Year	Wire rods	H.R. bars	C.F. bars	Plates and sheets	Wire	Total high-speed tool steel	Wire rods	H.R. bars	C. F. bars	Total other alloy tool steel	Grand total tool steel
1969	1,390	1,410	1,180	477	550	5,007	1,606	7,584	1,056	10,246	15,253
1968	916	2,319	980	172	1,717	6,104	1,393	6,911	754	9,058	15,162
1967	650	1,667	1,262	105	1,890	5,574	1,830	10,589	8,661	13,285	18,859
1966	600	1,908	1,664	478	379	5,029	2,497	9,297	791	12,585	17,614
1965	254	1,831	635	134	326	3,180	3,774	5,555	445	9,774	12,954
1964	90	1,202	462	132	788	2,764	1,773	4,214	420	6,407	9,081
	Percentage of total high-speed tool steel						Percentage of other alloy tool steel				
1969	27.7	28.1	23.6	9.6	11.0	100.0	15.7	73.8	10.5	100.0	
1968	15.0	38.0	16.0	2.8	28.2	100.0	15.4	76.3	8.3	100.0	
1967	11.7	29.9	22.6	1.9	33.9	100.0	13.8	79.7	6.5	100.0	
1966	11.9	38.0	33.1	9.5	7.5	100.0	19.8	73.9	6.3	100.0	
1965	8.0	57.6	20.0	4.2	10.2	100.0	38.6	56.8	4.6	100.0	
1964	3.4	44.9	17.3	4.9	29.5	100.0	27.7	65.8	6.5	100.0	

Source: U.S. Bureau of the Census.

TABLE 6-S.—U.S. IMPORTS OF STAINLESS STEEL BY COUNTRY OF ORIGIN

Year	Japan	Canada	Sweden	United Kingdom	France	Belgium-Luxembourg	West Germany	Italy	EEC total[1]	Austria	Other	Total[1]
Net tons:												
1969	86,235	54,790	15,615	5,099	14,222	2,098	1,422	1,385	19,129	397	959	182,224
1968	83,141	42,609	17,599	5,641	16,881	3,036	1,481	1,819	23,218	1,483	340	174,031
1967	67,989	46,204	13,965	3,077	12,522	1,173	1,737	1,513	16,972	511	603	149,321
1966	65,299	46,778	10,225	1,789	10,013	722	1,223	781	12,759	140	400	137,390
1965	51,929	44,454	6,171	1,343	7,761	264	808	230	9,063	175	325	113,460
1964	34,155	30,050	5,889	1,037	6,526	484	679	89	7,840	270	111	79,352
Percentage of total:												
1969	47.3	30.1	8.6	2.8	7.8	1.1	0.8	0.8	10.5	0.2	0.5	100.0
1968	47.8	24.5	10.1	3.2	9.7	1.7	0.9	1.0	13.3	0.9	0.2	100.0
1967	45.5	30.9	9.4	2.1	8.4	0.8	1.2	1.0	11.4	0.3	0.4	100.0
1966	47.5	34.1	7.4	1.3	7.3	0.5	0.9	0.6	9.3	0.1	0.3	100.0
1965	45.8	39.2	5.4	1.2	6.8	0.2	0.7	0.2	8.0	0.2	0.3	100.0
1964	43.1	37.9	7.4	1.3	8.2	0.6	0.9	0.1	9.9	0.3	0.2	100.0

[1] Includes negligible tonnage from the Netherlands.

Source: U.S. Bureau of the Census.

TABLE 7S.—U.S. IMPORTS OF HIGH SPEED TOOL STEEL BY COUNTRY OF ORIGIN

Year	Sweden	Austria	Canada	Japan	United Kingdom	West Germany	Belgium-Luxembourg	France	EEC[1] Total	Total[1]
Net tons:										
1969	1,756	737	620	549	231	717	----------	383	----------	5,007
1968	1,361	930	995	751	663	529	653	218	----------	6,104
1967	1,053	1,205	744	706	28	599	751	161	----------	5,574
1966	1,058	1,367	1,128	716	45	209	146	348	----------	5,029
1965	700	827	882	540	35	123	----------	73	----------	3,180
1964	418	759	328	421	81	284	----------	78	----------	2,674
Percentage of total:										
1969	35.1	14.7	12.4	11.0	4.6	14.3	----------	7.7	----------	100
1968	22.4	15.2	16.3	12.3	10.9	8.6	10.7	3.6	----------	100
1967	18.9	21.6	13.3	12.7	0.5	10.7	13.5	2.9	----------	100
1966	21.0	27.2	22.4	14.2	0.9	4.2	2.9	6.9	----------	100
1965	22.0	26.0	27.7	17.0	1.1	3.9	----------	2.3	----------	100
1964	15.6	28.5	12.3	15.7	3.0	10.6	----------	2.9	----------	100

[1] Includes negligible tonnage from other EEC countries not listed.

Source: U.S. Bureau of the Census.

TABLE 8S.—U.S. IMPORTS OF OTHER ALLOY TOOL STEEL BY COUNTRY OF ORIGIN

Year	Sweden	Austria	Canada	Japan	United Kingdom	West Germany	Belgium-Luxembourg	France	EEC[1] Total	Total[1]
Net tons:										
1969	2,978	2,417	1,854	911	637	810	----------	463	----------	10,246
1968	2,444	1,892	1,887	1,490	393	626	20	145	----------	9,058
1967	3,254	2,057	4,724	1,269	404	1,302	96	168	----------	13,285
1966	3,690	2,628	1,645	2,190	358	1,419	152	486	----------	12,585
1965	2,389	1,796	977	228	424	2,236	1	1,706	----------	9,774
1964	2,016	776	783	296	492	340	4	1,700	----------	6,407
Percentage of total:										
1969	29.0	23.6	18.1	8.9	6.2	7.9	----------	4.5	----------	100
1968	27.0	20.9	20.8	16.4	4.3	6.9	.2	1.6	----------	100
1967	24.5	15.5	35.6	9.6	3.0	9.8	.7	1.3	----------	100
1966	29.3	20.9	13.1	17.4	2.8	11.3	1.2	3.9	----------	100
1965	24.4	18.4	10.0	2.3	4.3	22.9	----------	17.5	----------	100
1964	31.5	12.1	12.2	4.6	7.7	5.3	.1	26.5	----------	100

[1] Includes negligible tonnage from other EEC countries not listed.

Source: U.S. Bureau of the Census.

TABLE 9S.—U.S. IMPORTS OF STAINLESS STEEL BY REGION OF ENTRY

	Net tons						Percentage of total					
	1969	1968	1967	1966	1965	1964	1969	1968	1967	1966	1965	1964
Atlantic coast	73,062	79,369	64,259	56,058	43,273	32,736	40.1	45.6	43.0	40.8	38.1	41.2
Canadian border and Great Lakes	73,311	64,053	61,820	63,575	57,109	38,532	40.3	36.8	41.4	46.3	50.3	48.6
Pacific coast	26,064	20,217	16,221	12,926	9,932	6,391	14.3	11.6	10.9	9.4	8.8	8.1
Gulf coast	9,182	9,899	6,813	4,625	3,012	1,569	5.0	5.7	4.6	3.4	2.7	2.0
Offshore	605	493	208	206	134	124	.3	.3	.1	.1	.1	.1
Total	182,224	174,031	149,321	137,390	113,460	79,352	100.0	100.0	100.0	100.0	100.0	100.0

Source: U.S. Bureau of the Census.

TABLE 10S.—U.S. IMPORTS OF TOOL STEEL BY REGION OF ENTRY

	Net tons						Percentage of total					
	1969	1968	1967	1966	1965	1964	1969	1968	1967	1966	1965	1964
High speed tool steel:												
Atlantic coast	3,158	3,386	3,168	2,843	1,730	1,997	63.1	55.5	56.8	56.5	54.4	74.7
Canadian border and Great Lakes	1,598	2,059	1,788	1,698	1,373	671	31.9	33.7	32.1	33.8	43.2	25.1
Pacific coast	207	422	197	379	38	3	4.1	6.9	3.5	7.5	1.2	.2
Gulf coast	3	173	384	78	39	----------	.8	2.8	6.9	1.6	1.2	----------
Offshore	41	64	37	31	----------	3	.1	.1	.7	.6	----------	----------
Total	5,007	6,104	5,574	5,029	3,180	2,674	100.0	100.0	100.0	100.0	100.0	100.0
Other alloy tool steel:												
Atlantic coast	3,862	4,773	6,176	6,631	5,238	4,615	37.7	52.7	46.5	52.8	53.6	71.9
Canadian border and Great Lakes	4,881	3,200	6,345	5,019	4,187	1,553	47.6	35.3	47.8	39.9	42.9	24.2
Pacific coast	1,320	1,004	682	781	348	239	12.9	11.0	5.1	6.2	3.5	4.9
Gulf coast	183	81	79	144	1	----------	1.8	1.0	.6	1.1	----------	----------
Offshore	----------	----------	3	10	----------	----------	----------	----------	----------	----------	----------	----------
Total	10,246	9,058	13,285	12,585	9,774	6,407	100.0	100.0	100.0	100.0	100.0	100.0

Source: U.S. Bureau of the Census.

XUM

TABLE 11S.—BALANCE OF TRADE OF TOTAL SPECIALTY STEEL (STAINLESS AND TOOL STEEL)

[Dollar amounts in thousands]

Year	Imports		Exports		Balance	
	Net tons	Amount	Net tons	Amount	Net tons	Amount
1969	197,477	$139,782	63,599	$69,485	−133,878	−$70,297
1968	189,193	132,783	89,257	67,083	−99,936	−65,700
1967	168,180	112,950	116,659	85,059	−51,521	−27,891
1966	155,004	$99,004	91,079	$80,043	−63,925	−$18,961
1965	126,414	76,887	94,717	84,267	−31,697	+7,380
1964	88,433	50,037	98,276	81,407	+9,843	+31,370

Source: U.S. Bureau of the Census.

TABLE 12S.—IMPORTS OF STEEL MILL PRODUCTS BY GRADES, YEARS 1969 AND 1968

	Year 1969 (net tons)	Percent of total	Year 1968 (net tons)	Percent of total	Voluntary restraint level	Percent change 1969 versus	
						Year 1968	Voluntary restraint level
Carbon steel	13,498,656	96.18	17,471,248	97.28	13,633,334	−22.7	−1.0
Japan	5,997,597	95.92	7,078,617	97.05	5,580,072	−15.3	+7.5
EEC	5,151,469	99.08	7,046,079	99.28	5,708,473	−26.9	−9.8
All other	2,349,590	90.99	3,346,552	93.79	2,344,789	−29.8	+0.2
Stainless steel	182,224	1.30	172,168	.96	130,512	+5.8	+39.8
Japan	6,236	1.38	82,664	1.13	65,364	+4.3	+32.3
EEC	19,129	.37	22,133	.31	17,941	−13.6	+6.7
All other	76,859	2.98	67,371	1.89	47,207	+14.1	+62.8
Tool steel	15,262	.11	13,106	.07	9,511	+16.5	+60.5
Japan	1,460	.02	1,576	.02	1,242	−7.4	+17.6
EEC	2,387	.04	1,738	.02	1,408	+37.3	+69.5
All other	11,415	.44	9,792	.27	6,861	+16.6	+66.4
Other alloy steel	338,145	2.41	302,790	1.69	226,643	+11.7	+49.2
Japan	167,322	2.68	131,069	1.80	103,322	+27.7	+61.9
EEC	26,472	.51	27,375	.39	22,178	−3.3	+19.4
All other	144,351	5.59	144,346	4.05	101,143	....	+42.7
Total steel	14,034,287	100.00	17,959,312	100.00	14,000,000	−21.9	+0.2
Japan	6,252,615	100.00	7,293,926	100.00	5,750,000	−14.3	+8.7
EEC	5,199,457	100.00	7,097,325	100.00	5,750,000	−26.7	−9.6
All other	2,582,215	100.00	3,568,061	100.00	2,500,000	−27.6	+3.3

Source: BDSA and AISI.

BAN DDT EVENTUALLY—WHY NOT NOW?

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. OBEY. Mr. Speaker, just about a week ago 39 of my colleagues and I either signed or indicated that we support the intent of a letter which was sent to President Nixon asking him to direct the Secretary of Agriculture to comply with a U.S. Court of Appeals ruling by immediately suspending the registration of DDT and preventing its shipment in interstate commerce.

Support for this action has come from many sources; from housewives who may have a new interest in the protection of our environment and from respected conservation groups which have long sought to protect the birds, fish, and wildlife with which this country is graced.

Support for this action has now come from one of the major newspapers in the Nation—the New York Times. In an editorial with respect to this ban a few days ago, the Times asked "why not now?" Those of us who wrote to the President feel the same way.

The Court of Appeals decision has given the administration the opportunity to act quickly to rid our environment of this hazardous pesticide. I urge the President again to act now in the interest of environmental protection by suspending the registration of DDT now.

A copy of the New York Times editorial follows:

EVENTUALLY—WHY NOT NOW?

To prevent the "law's delay" from deepening the silence of successive springs, killing off millions of fish and possibly raising the toll of cancer in humans, President Nixon has only to order his Secretary of Agriculture to suspend immediately the use of DDT. Appeals from the Department's ruling of last November to that effect could then take their long and tortuous course without harm to man or beast.

That ruling ordered the phasing out of DDT, except for a few stipulated uses, by 1971. But hopes that the decision would soon eliminate this most dangerous of all pesticides were quickly dashed when six manufacturers of the product appealed. A move to arrest the damage that prolonged legal delays would entail was then made by a group of conservation organizations—the Environmental Defense Fund, the Sierra Club, the West Michigan Environmental Council, the Audubon Society and the Izaak Walton League.

All these agencies asked was the removal of DDT from the market while the case was pending. But Secretary Hardin denied the petition on the ground that they did not have legal standing in the matter. On May 28 Chief Judge David Bazelon of the U.S. Court of Appeals wisely ruled otherwise: "the interest of the public in safety" was as good a ground for legal action as the manufacturers' commercial interest. The Secretary was given thirty days to suspend registration of the pesticide for interstate shipment or give the court his reasons.

If Mr. Hardin is looking for reasons to keep DDT on the market a while longer, he will doubtless find them—as well as grounds for appealing an adverse decision by the court. But surely there is little validity in such action—and grave danger. The Olin Corporation, which produces some 20 per cent of the DDT manufactured in the country, is so sure that the compound will be banned in the next few years that it has already announced its intention to stop production at the end of this month. Secretary of the Interior Hickel has virtually banned the use of hard pestides on Federal lands, approximately a quarter of the land area of the United States.

If the courts should eventually favor the pesticide, which we can hardly conceive, manufacturers can always resume its production; if they do not, a suspension now will have spared the earth that much more of needless affliction. Here is a clear case where "if it were done when 'tis done, then 'twere well it were done quickly." The President has only to give the word.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

HOUSE OF REPRESENTATIVES—*Monday, June 29, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Say to them that are of a fearful heart, be strong, fear not: behold your God will come and save you.—Isaiah 35: 4.

Almighty and everlasting God, quiet our hearts and strengthen our spirits as we wait upon Thee in prayer. During trying times like these keep us stedfast and strong and renew in us the assurance that goodness never fades, truth never falters, love never fails. May there come to us the lift of life that is given to those whose talents are dedicated to noble purposes and whose lives are devoted to the welfare of our country.

We pray for our beloved America that in this day of decision she may be delivered from all envy and greed, all misunderstanding, and ill will which are the seeds of division and be led to a finer spirit of unity and a greater desire to serve which will make her quick to welcome every adventure in cooperation and open wide the doors of opportunity to all men: To the glory of Thy holy name. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, June 25, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills, joint resolution and concurrent resolutions of the House of the following titles:

H.R. 1695. An act for the relief of Alfredo Caprara;

H.R. 1698. An act for the relief of Joeck Kuncek;

H.R. 2275. An act for the relief of John Thomas Cosby, Jr.

H.R. 2315. An act for the relief of Josefina Policar Abutan Fuliar;

H.R. 3348. An act for the relief of the estate of Pierre Samuel du Pont Darden;

H.R. 4246. An act to discontinue the annual report to Congress as to the administrative settlement of personal property claims of military personnel and civilian employees.

H.R. 4247. An act to amend section 2734 of title 10, United States Code, to authorize the Secretary concerned to make partial payments on certain claims which are certified to Congress and to provide equivalent authority for administrative settlement and payment of claims under section 2733 of title 10 and section 715 of title 32, United States Code;

H.R. 4574. An act to provide for the admission to the United States of certain inhabitants of the Bonin Islands;

H.R. 13407. An act to consent to the amendment of the Pacific Marine Fisheries Compact;

H.R. 13740. An act for the relief of Kimball Bros. Lumber Co.;

H.R. 14118. An act to amend section 213 of the Immigration and Nationality Act, and for other purposes;

H.J. Res. 546. Joint resolution authorizing the Secretary of the Interior to provide for the commemoration of the one hundredth anniversary of the establishment of Yellowstone National Park, and for other purposes;

H. Con. Res. 573. Concurrent resolution commemorating the 100th anniversary of the Ohio State University; and

H. Con. Res. 575. Concurrent resolution that the Congress sends congratulations and greetings to Ohio Northern University on the occasion of the 100th anniversary of its founding and extends the hope of the people of the United States that Ohio Northern University will continue to grow and prosper in centuries yet to come.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 15733. An act to amend the Railroad Retirement Act of 1937 to provide a temporary 15 per centum increase in annuities, to change for a temporary period the method of computing interest on investments of the railroad retirement accounts, and for other purposes;

H.R. 16916. An act making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes; and

H.R. 17868. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1971, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 16916) entitled "An act making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes"; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Magnuson, Mr. Russell, Mr. Stennis, Mr. Bible, Mr. Byrd of West Virginia, Mr. Holland, Mr. Cotton, Mr. Case, Mr. Fong, Mr. Boggs, and Mr. Young of North Dakota to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 17868) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1971, and for other purposes"; request a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Proxmire, Mr. Yarborough, Mr. Montoya, Mr. Russell, Mr. Eagleton, Mr. Pearson, and Mr. Young of North Dakota to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17399) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 2, 10, 15, and 50 and recedes from its amendments numbered 13 and 16, to the foregoing bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12858) entitled "An act to provide for the disposition of certain funds awarded to the Tlingit and Haida Indians of Alaska by a judgment entered by the Court of Claims against the United States."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the House of the following titles:

H.R. 12941. An act to authorize the release of 4,180,000 pounds of cadmium from the national stockpile and the supplemental stockpile;

H.R. 15021. An act to authorize the release of 42,200,000 pounds of cobalt from the national stockpile and the supplemental stockpile;

H.R. 15831. An act to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile;

H.R. 15832. An act to authorize the disposal of castor oil from the national stockpile;

H.R. 15833. An act to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile;

H.R. 15835. An act to authorize the disposal of magnesium from the national stockpile;

H.R. 15836. An act to authorize the disposal of type A, chemical grade manganese ore from the national stockpile and the supplemental stockpile;

H.R. 15837. An act to authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile;

H.R. 15838. An act to authorize the disposal of shellac from the national stockpile;

H.R. 15839. An act to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile;

H.R. 15998. An act to authorize the disposal of Surinam-type metallurgical grade bauxite from the national stockpile and the supplemental stockpile;

H.R. 16289. An act to authorize the disposal of natural Ceylon amorphous lump graphite from the national stockpile and the supplemental stockpile;

H.R. 16290. An act to authorize the disposal of refractory grade chromite from the national stockpile and the supplemental stockpile;

H.R. 16291. An act to authorize the disposal of chrysotile asbestos from the national stockpile and the supplemental stockpile;

H.R. 16292. An act to authorize the disposal of corundum from the national stockpile;

H.R. 16295. An act to authorize the disposal of natural battery grade manganese ore from the national stockpile and the supplemental stockpile; and

H.R. 16297. An act to authorize the disposal of molybdenum from the national stockpile.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 737. An act for the relief of Konrad Ludwig Staudinger;

S. 783. An act for the relief of Mrs. Wanda Martens;

S. 1187. An act for the relief of Marcos Rojos Rodriguez;

S. 1628. An act granting the consent of Congress to the Western Interstate Nuclear Compact, and related purposes;

S. 2514. An act for the relief of Arline Loader and Maurice Loader;

S. 2661. An act for the relief of Kathryn Talbot;

S. 2916. An act to establish the Plymouth-Provincetown Celebration Commission;

S. 3122. An act to provide for holding terms of the U.S. District Court for the Southern Division of the Southern District of Mississippi at Gulfport, Miss.;

S. 3167. An act for the relief of Kimoko Ann Duke;

S. 3212. An act for the relief of Curtis Nolan Reed;

S. 3263. An act for the relief of Maria Pierotti Lenci;

S. 3265. An act for the relief of Mrs. Anita Ordillas;

S. 3364. An act for the relief of Dr. Jorge Raul Jose Bruno Martorell y Fernandez (Jorge R. Martorell);

S. 3461. An act for the relief of Dr. Amado G. Chanco, Jr.;

S. 3630. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission;

S. 3675. An act for the relief of Ming Chang;

S. 3994. An act for the relief of 1st Sgt. Albert F. Thompson, U.S. Army, retired;

S. 4012. An act to extend the Clean Air Act, as amended, and the Solid Waste Disposal Act, as amended, for a period of 60 days;

S.J. Res. 53. Joint resolution to consent to and enter into the Mid-Atlantic States Air Pollution Control Compact, creating the Mid-Atlantic States Air Pollution Control Commission as an intergovernmental, Federal-State agency; and

S.J. Res. 201. Joint resolution to extend the reporting date of the National Commission on Consumer Finance.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

June 26, 1970.

The Honorable the Speaker,
U.S. House of Representatives.

Dear Sir: Pursuant to authority granted on June 25, 1970, the Clerk received from the Secretary of the Senate today the following message:

That the Senate passed without amendment the Joint Resolution (H.J. Res. 1259) entitled "Joint Resolution to extend the effectiveness of the Defense Production Act of 1950 to July 30, 1970."

Respectfully yours,
W. Pat Jennings,
Clerk, U.S. House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Thursday, June 25, 1970, he did on June 26, 1970, sign the following enrolled bills and joint resolution of the House:

H.R. 3908. An act for the relief of Elizabeth B. Borgnino;

H.R. 8512. An act to suspend for a temporary period the import duty on L-Dopa; and

H.J. Res. 1259. Joint resolution to extend the effectiveness of the Defense Production Act of 1950 to July 30, 1970.

APPOINTMENT OF CONFEREES ON H.R. 17868, DISTRICT OF COLUMBIA APPROPRIATIONS, 1971

Mr. NATCHER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 17868) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1971, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs. Natcher, Giaimo, Patten, Pryor of Arkansas, Obey, Mahon, Davis of Wisconsin, Riegle, Wyatt, and Bow.

APPRECIATION TO THE FIRST LADY, MRS. RICHARD NIXON

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, today I should like to express my appreciation for the First Lady of the United States who has traveled by Presidential aircraft to Peru with a mercy shipment of supplies for the stricken survivors of the recent Peruvian earthquake which claimed some 50,000 lives.

In this expression of genuine compassion and heartfelt concern, Mrs. Nixon and her mission of mercy symbolize that which is best in this Nation. May her journey serve as a reminder everywhere that a great nation is a grateful nation, neither calloused by the accounterments of its own well-being nor impervious to the worldwide fellowship of suffering, but sensitive to the needs of humanity and anxious to share of its own beneficent abundance with those whom misfortune has visited so cruelly.

Symbolically the First Lady represents today the best and deepest natural impulse of the American people which is not to be the envy of the world, but rather in simple acts of human kindness to be an inspiration to the world, faithful to the teaching of Him who said:

> Inasmuch as ye have done it unto one of the least of these, my brethren, ye have done it unto me.

CONFERENCE REPORT ON H.R. 12858, DISPOSITION OF FUNDS AWARDED TO TLINGIT AND HAIDA INDIANS, ALASKA

Mr. HALEY submitted the following conference report and statement on the bill (H.R. 12858), to provide for the disposition of certain funds awarded to the Tlingit and Haida Indians of Alaska by a judgment entered by the Court of Claims against the United States:

Conference Report (H. Rept. No. 91-1241)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12858) to provide for the disposition of certain funds awarded to the Tlingit and Haida Indians of Alaska by a judgment entered by the Court of Claims against the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendment.

James A. Haley,
Ed Edmondson,
Roy A. Taylor,
John P. Saylor,
E. Y. Berry,
Managers on the Part of the House.

George McGovern,
Lee Metcalf,
Mike Gravel,
Paul J. Fannin,
Theodore F. Stevens,
Managers on the Part of the Senate.

Statement

The Managers on the Part of the House on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 12858, to provide for the disposition of certain funds awarded to the Tlingit and Haida Indians of Alaska by a judgment entered by the Court of Claims against the United States, submit this statement in explanation of the action recommended and adopted in the accompanying conference report.

The Senate amendment deletes the requirement that the Secretary of the Interior must approve the purposes and the manner of expending or using the claims judgment recovered by the Tlingit and Haida Indians. The amendment places complete control over the money in the Central Council of the tribe.

The Conference Committee recommends that the Senate recede from its amendment and agree to the bill in the form it passed the House. This follows the consistent practice adopted by the Congress when authorizing the use of other judgment funds by other tribes.

James A. Haley,
Ed Edmondson,
Roy A. Taylor,
John P. Saylor,
E. Y. Berry,
Managers on the Part of the House.

AGRICULTURE ACT EXPIRES TOMORROW

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, the present Agriculture Act expires tomorrow and apparently, the administration's philosophy of "benign neglect" has broadened to include the Nation's farmers.

This is a tragedy of unmeasured consequences. It is an indication of national neglect that holds the potential for disaster. If we do not pass a farm bill soon, the farmers have every right to rise up in outrageous protest.

The farmer needs help from Congress and understanding from the public they feed. Farmers do not need the hypocrisy we read in leading newspapers. Farmers do not need the headline-hunting charges from urban representatives. Farmers do not need the stubbornness of this administration that refuses any farm bill but its own. And farmers do not need the present division within the Agriculture Committee.

What we need is a viable, workable

XUM

farm bill. The lack of national concern is staggering. Even after hearings for more than a year, we are not one acre closer to a good farm program, or at least we are apparently fields apart.

Mr. Speaker, I have confidence in the leadership of our colleagues, W. R. POAGE and PAGE BELCHER. I want to have confidence in Secretary Hardin. But I am afraid my confidence is not shared by the farmers of this Nation. And it will not be shared until we demonstrate that we can draft a good farm program. We in Congress must listen—and help.

STRAIGHT FROM THE HEARTLAND

(Mr. **MARTIN** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTIN. Mr. Speaker, I would like to take this opportunity to call to the attention of my colleagues, a special one-half hour program to be televised tonight, June 29, at 10:30 e.d.t., over the American Broadcasting Co. network, entitled "Straight from the Heartland." This is a one-half hour documentary film segment of ABC network's "Now" series, which each Monday evening probes major issues of our society with in-depth reporting.

"Straight from the Heartland" was filmed recently in Grand Island, Nebr., a community located in the Third Congressional District of Nebraska, which I represent. Grand Island is near the center of Nebraska, and was chosen for this documentary by ABC, because of its location near the geographical center of the United States.

The program to be shown tonight is concerned with whether or not there is a "silent majority" of the population in the United States. In connection with the program, ABC commissioned a private firm to survey the thoughts, feelings, and opinions of Middle America. Those opinions are expressed in the documentary, from more than 500 interviews for this survey in a typical Midwestern small city. It includes opinions on major national issues ranging from the war in Asia and state of the economy, to civil rights, drugs, and youth of today.

I think that my colleagues will find this program interesting and informative as it reflects the thoughts and sentiments of millions of people throughout the Nation who are part of the silent majority, and I commend it to my colleagues for viewing.

CONTINUING SUSPENSION OF DUTIES ON MANGANESE ORE AND AMENDING SOCIAL SECURITY AMENDMENTS OF 1969

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 14720) to continue until the close of June 30, 1973, the existing suspension of duties on manganese ore—including ferruginous ore—and related products, with Senate amendment thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, after line 8, insert:

"Sec. 2. (a) (1) Section 1006 of the Social Security Amendments of 1969 is amended by—

"(A) inserting '(1)' immediately after 'paid to any individual';

"(B) striking out '(1)' and inserting in lieu thereof '(A)';

"(C) striking out '(2)' and inserting in lieu thereof '(B)'; and

"(D) by inserting immediately before the period at the end thereof the following: '; or (2) as annuity or pension under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935, if such amount is paid in a lump-sum to carry out any retroactive increase in annuities or pensions payable under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935 brought about by reason of the enactment (after May 30, 1970 and prior to December 31, 1970) of any Act which increases, retroactively, the amount of such annuities or pensions'.

"(2) The heading to such section 106 is amended by inserting immediately before the period at the end thereof the following: 'AND OF RAILROAD RETIREMENT BENEFIT INCREASE.'

"(b) (1) Section 1007 of the Social Security Amendments of 1969 is amended by—

"(A) striking out 'July 1970' and inserting in lieu thereof "November 1970";

"(B) inserting '(1)' immediately after 'also receives in such month';

"(C) inserting immediately before the period at the end thereof the following: ', or (2) a monthly payment of annuity or pension under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935 which is increased as a result of the enactment (after May 30, 1970, and before December 31, 1970) of any Act which provides general increases in the amount of the annuities or pensions payable under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935, the sum of the aid or assistance received by him for such month, plus the monthly amount of such annuity or pension received by him in such month (not including any part of such annuity or pension which is disregarded under section 1006), shall (except as otherwise provided in the succeeding sentence) exceed the sum of the aid or assistance which would have been received by him for such month under such plan as in effect for March 1970, plus the monthly annuity or pension which would have been received by him in such month without regard to provisions of the Act enacted by such enactment, by an amount equal to $4 or (if less) to such increase in his monthly annuity or pension under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935 (whether such excess is brought about by disregarding a portion of such annuity or pension or otherwise)'; and

"(D) by adding at the end thereof the following new sentence: 'If, in the case of any individual, the provisions of both clauses (1) and (2) of the preceding sentence are applicable to him with respect to any month, any increase in the annuity or pension (referred to in clause (2) of the preceding sentence) of such individual for such month shall, for purposes of such sentence, be treated as a additional increase in the amount of his monthly insurance benefit under title II of the Social Security Act for such month in lieu of an increase for such month in his annuity or pension (as so referred to).'.

"(2) The heading to such section 1007 is amended by inserting 'AND RAILROAD RETIREMENT RECIPIENTS' immediately after 'RECIPIENTS'."

Amend the title so as to read: "An Act to continue until the close of June 30, 1973, the existing suspension of duties on manganese ore (including ferruginous ore) and related products, and for other purposes."

Mr. MILLS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the Senate amendments be dispensed with and that they be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, we could proceed, I suppose, with a discussion, but I reserve the right to object to yield to the gentleman from Arkansas for an explanation of the minor Senate amendments adopted.

Mr. MILLS. Mr. Speaker, I appreciate the gentleman's yielding.

Mr. Speaker, the Senate Committee on Finance added a new section to the bill, H.R. 14720, which, as you will recall, would continue until the close of June 30, 1973, the existing suspension of duties on manganese ore—including ferruginous ore—and related products. The new section relates to the present provision of the Social Security Act that requires the States to assure that social security beneficiaries who are also public assistance recipients under the programs of aid to the aged, blind, and disabled receive an increase of at least $4 a month in their combined income from social security and public assistance.

This provision, the so-called $4 pass-along requirement, which accompanied the 15-percent social security benefit increase enacted last December applies only to months prior to July 1970. It was enacted as a temporary provision in order to allow Congress an opportunity to consider the matter in connection with its work on major welfare proposals this year. This matter has already been considered and acted upon by the House. The proposed Family Assistance Act of 1970, H.R. 16311, which passed the House on April 16, 1970, would make the $4 pass-along requirement permanent. Since the Senate has not yet completed action on H.R. 16311, it added to the bill now under consideration a provision extending the $4 pass-along requirement for an additional 4-month period, through October of 1970, to permit the Congress time to act on a permanent extension of the requirement as part of its major welfare legislation.

In addition to extending the pass-along provision for another 4 months, the Senate amendment also provides that the requirement would apply to public assistance recipients who receive an increase in railroad retirement benefits. The House of Representatives has already passed H.R. 15733 which would increase railroad retirement benefits by 15 percent effective January 1970. Thus, equal treatment would be granted to railroad retirement recipients under the Senate amendment.

Mr. Speaker, each of the States has taken action to implement the $4 pass-along provision either by providing that $4 of the 15-percent benefit increase enacted in December be disregarded in determining eligibility for benefits under the aged, blind, or disabled programs or

XUM

by increasing their standards used in determining eligibility under the programs by at least $4 a month.

I believe that the House should accept the Senate amendment in order that the $4 pass-along provision may be kept in force until Congress has had an opportunity to complete its action on the legislation which would enact the provision permanently.

Mr. BYRNES of Wisconsin. Mr. Speaker, I would add only that I believe we should bear in mind, so far as the amendment added by the Senate is concerned, the House has gone on record favoring the principle of the amendment. In fact, we went on record as favoring it as a permanent proposition rather than the limited proposition of 4 months as contained in the Senate amendment.

Mr. MILLS. The gentleman is correct.

Mr. BYRNES of Wisconsin. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 17825, LAW ENFORCEMENT ASSISTANCE AMENDMENTS

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1111 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1111

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17825) to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. Smith), pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 1111 provides an open rule with 3 hours of general debate for consideration of H.R. 17825, Law Enforcement Assistance Act amendments of 1970.

The purpose of H.R. 17825 is to make the law enforcement assistance program more responsive to local crime problems, insure greater participation by local governments in the planning processes, and enable the most effective use of Federal crime control funds in programs where they can have the greatest impact. The bill would amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 that established the Federal law enforcement assistance program.

Under the present act, the powers, duties and functions of the Law Enforcement Assistance Administration—LEAA—are vested in a three-man Board composed of an Administrator and two Associate Administrators appointed by the President with the advice and consent of the Senate. H.R. 17825 would amend the act to abolish the triumvirate system and substitute a single Administrator. This should improve the administrative efficiency and staff capabilities.

In order to convince the States and cities that they can rely on the intent and continuity of the Federal undertaking, the Federal financial share is enlarged to expedite needed improvements and reform. The bill authorizes $650 million for fiscal year 1971, $1 billion for fiscal year 1972, and $1.5 billion for fiscal year 1973. The House in May approved H.R. 17575 approving an appropriation of $480 million for LEAA for fiscal year 1971. This authorization would enable them to request additional funds.

A new grant program would be established for improving correctional facilities. Grant funds designated for planning, implementation of construction and renovation programs would be distributed to States and local units. Fifty percent of the funds would be allocated to State planning agencies according to their respective needs. The other 50 percent would be available for direct grants to State agencies or local units. The share of Federal expenditures for construction under this program would be upped from 50 percent to 75 percent.

The bill amends the 1968 act by making LEAA approval of a State plan for law enforcement assistance dependent on an express finding that the plan provides for the allocation of an adequate share of assistance to deal with law enforcement problems in areas of a high crime rate. The States would be required to contribute a part of the non-Federal share of the cost of the programs to assist local units under the so-called matching requirement.

Mr. Speaker, I urge the adoption of the rule, House Resolution 1111.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, as stated by the distinguished gentleman from Texas (Mr. Young) House Resolution 1111 does provide an open rule with 3 hours of debate for the consideration of this bill (H.R. 17825) known as the Law Enforcement Assistance Act amendments.

The purpose of the bill is to authorize appropriations for the act for a 3-year period, through fiscal 1973, to reorganize the administrative operation of the program, to establish a program of grants to construct and modernize correction facilities and to require the States contribute one-quarter of the non-Federal share of funding needed to support local government projects which receive Federal assistance.

The bill authorizes $650,000,000 for fiscal 1971; $1,000,000,000 for 1972; $1,500,000,000 for 1973. This is a large increase over current spending—$268,000,000 for fiscal 1970—but the progress of the States and local governments in getting their planning underway on comprehensive crimefighting, as well as the magnitude of problems facing our Nation due to crime, require that we attack the problem head on.

The bill sets up a new program in connection with authorizing the States to construct or modernize their correctional institutions. We will take 75 percent of that cost.

The bill is supported by the administration, as is evidenced by a letter from the Attorney General to the Speaker contained in the report.

Mr. Speaker, there are no minority views.

Mr. Speaker, I supported this program when it started some 3 years ago. Crime, however, still continues on the increase.

Mr. Speaker, this bill, if enacted, provides a considerable amount of money. If money will stop crime, we certainly are on the road toward doing it in this bill.

As I said 3 years ago when we started this program, until such time as the courts and judges and juries and prosecutors and probation officers, ministers, parents, teachers, and everyone else decide they want to improve our moral fabric, we will not be able to stop the increases in crime.

Mr. Speaker, I imagine that next year when they come up for appropriations we will not have experienced much of a reduction in crime and until we start treating criminals as criminals and until we reach that point, we will not be able to stop the increase in crime.

Mr. Speaker, I urge the adoption of the resolution.

Mr. YOUNG. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. YOUNG. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON H.R. 12941, TO RELEASE CADMIUM FROM THE NATIONAL STOCKPILE

Mr. PHILBIN. Mr. Speaker, I call up the conference report on the bill (H.R. 12941) to authorize the release of 4,180,000 pounds of cadmium from the national stockpile and the supplemental stockpile, and ask unanimous consent

XUM

that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the distinguished gentleman from Massachusetts if in this entire list of 17 bills to be considered by unanimous consent, it is true that the other body receded in all areas on all 17 of the bills and added no amendments; and that there is nothing in the form of a nongermane amendment to the House-passed legislation?

Mr. PHILBIN. Mr. Speaker, if the gentleman will yield, I may say that the distinguished gentleman from Missouri is correct in every respect.

Mr. HALL. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 16, 1970.)

Mr. PHILBIN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

XUM

CONFERENCE REPORT ON H.R. 15021, TO RELEASE COBALT FROM THE NATIONAL STOCKPILE

Mr. PHILBIN. Mr. Speaker, I call up the conference report on the bill (H.R. 15021) to authorize the release of 40,200,000 pounds of cobalt from the national stockpile and the supplemental stockpile, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, reserving the right to object, I do so in order to propound a parliamentary inquiry.

Is there any way under the rules of the House whereby these reports might be considered en bloc and disposed of rather expeditiously by unanimous consent?

The SPEAKER. The Chair will state to the gentleman from Iowa in response to his parliamentary inquiry that under the mechanics of the rules of the House it will not be possible at this time to consider these conference reports en bloc because each report must be acted upon individually.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 16, 1970.)

Mr. PHILBIN (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts.

There was no objection.

Mr. PHILBIN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 15831, RELEASE OF BISMUTH FROM STOCKPILE

Mr. PHILBIN. Mr. Speaker, I call up the conference report on the bill (H.R. 15831) to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 16, 1970.)

Mr. PHILBIN (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 15832, RELEASE OF CASTOR OIL FROM STOCKPILE

Mr. PHILBIN. Mr. Speaker, I call up the conference report on the bill (H.R. 15832) to authorize the disposal of castor oil from the national stockpile, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 16, 1970.)

Mr. PHILBIN (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 15833, RELEASE OF FLUORSPAR FROM STOCKPILE

Mr. PHILBIN. Mr. Speaker, I call up the conference report on the bill (H.R. 15833) to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 16, 1970.)

Mr. PHILBIN (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 15835, RELEASE OF MAGNESIUM FROM STOCKPILE

Mr. PHILBIN. Mr. Speaker, I call up the conference report on the bill (H.R. 15835) to authorize the disposal of magnesium from the national stockpile, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 16, 1970.)

Mr. PHILBIN (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 15836, RELEASE OF MANGANESE ORE, TYPE A, FROM STOCKPILE

Mr. PHILBIN. Mr. Speaker, I call up the conference report on the bill (H.R. 15836) to authorize the disposal of type A chemical grade manganese ore from the national stockpile and the supplemental stockpile, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 16, 1970.)

Mr. PHILBIN (during the reading).

Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 15837, RELEASE OF MANGANESE ORE, TYPE B, FROM STOCKPILE

Mr. PHILBIN. Mr. Speaker, I call up the conference report on the bill (H.R. 15837) to authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 16, 1970.)

Mr. PHILBIN (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 15838, RELEASE OF SHELLAC FROM STOCKPILE

Mr. PHILBIN. Mr. Speaker, I call up the conference report on the bill (H.R. 15838) to authorize the disposal of shellac from the national stockpile, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 16, 1970.)

Mr. PHILBIN (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispened with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 15839, RELEASE OF TUNGSTEN FROM STOCKPILE

Mr. PHILBIN. Mr. Speaker, I call up the conference report on the bill (H.R. 15839) to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 16, 1970.)

Mr. PHILBIN (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 15998, RELEASE OF SURINAM-TYPE BAUXITE FROM STOCKPILE

Mr. PHILBIN. Mr. Speaker, I call up the conference report on the bill (H.R. 15998) to authorize the disposal of surinam-type metallurgical grade bauxite from the national stockpile and the supplemental stockpile, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 16, 1970.)

Mr. PHILBIN (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 16289, RELEASE OF NATURAL CEYLON AMORPHOUS LUMP GRAPHITE FROM STOCKPILE

Mr. PHILBIN. Mr. Speaker, I call up the conference report on the bill (H.R. 16289) to authorize the disposal of natural Ceylon amorphous lump graphite from the national stockpile and the supplemental stockpile, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 16, 1970.)

Mr. PHILBIN (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 16290, RELEASE OF REFRACTORY GRADE CHROMITE ORE FROM STOCKPILE

Mr. PHILBIN. Mr. Speaker, I call up the conference report on the bill (H.R. 16290) to authorize the disposal of refractory grade chromite from the na-

XUM

tional stockpile and the supplemental stockpile, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 16, 1970.)

Mr. **PHILBIN**. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 16291, RELEASE OF ASBESTOS FROM STOCKPILE

Mr. **PHILBIN**. Mr. Speaker, I call up the conference report on the bill (H.R. 16291) to authorize the disposal of chrysolite asbestos from the national stockpile and the supplemental stockpile, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 16, 1970.)

Mr. **PHILBIN**. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 16292, RELEASE OF CORUNDUM FROM STOCKPILE

Mr. **PHILBIN**. Mr. Speaker, I call up the conference report on the bill (H.R. 16292) to authorize the disposal of corundum from the national stockpile, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 16, 1970.)

Mr. **PHILBIN**. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 16295, RELEASE OF MANGANESE ORE, BATTERY GRADE, FROM STOCKPILE

Mr. **PHILBIN**. Mr. Speaker, I call up the conference report on the bill (H.R. 16295) to authorize the disposal of natural battery grade manganese ore from the national stockpile and the supplemental stockpile, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 16, 1970.)

Mr. **PHILBIN**. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 16297, RELEASE OF MOLYBDENUM FROM STOCKPILE

Mr. **PHILBIN**. Mr. Speaker, I call up the conference report on the bill (H.R. 16297) to authorize the disposal of molybdenum from the national stockpile, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 16, 1970.)

Mr. **PHILBIN**. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

STOCKPILE DISPOSAL BILLS

Mr. **PHILBIN**. Mr. Speaker, this completes final action on 17 stockpile disposal bills with a current market value of nearly one-half billion dollars.

As we recall, these bills were passed by the House in the format proposed by the Administrator of General Services Administration and specifically provided that the commodities provided by the legislation may be disposed of only after publicly advertising for bids, unless the Administrator determines that methods of disposal other than by public advertising are necessary to protect the United States against avoidable losses, or to protect producers, processors, and consumers against avoidable disruption of their usual markets. When these bills were considered on the floor of the Senate an amendment was introduced to each bill which limited the disposal of these commodities to a single method of disposal, namely, to the highest responsible bider after publicly advertising for competitive bids. During the committee's consideration of these bills representatives from the interested Government agencies and industry testified that disposal of commodities in this manner in every instance would be disruptive to the ordinary marketing of these materials because it could upset the stable price structure of the materials in the market and could cause a decline in the market price. More importantly, it would eliminate the flexibility needed by the General Services Administration in its method of sale and preclude them from complying with existing law.

In view of the restrictions placed on General Services Administration by the Senate amendments, the House conferees were adamant in their opposition to these amendments and the Senate conferees receded from the Senate amendments, agreeing to the original House language.

The conference reports on the 17 stockpile bills approved by the House today will enable the Government to convert these excesses to revenues in the amount of approximately one-half billion dollars, thus acting as an effective weapon against inflation.

CALL OF THE HOUSE

Mr. **KLEPPE**. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

Mr. **ALBERT**. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 192]

Adair
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Ashbrook
Ashley
Aspinall
Ayres
Baring
Bell, Calif.
Berry
Biaggi
Bingham
Blanton
Blatnik
Bolling
Bow
Brasco
Brock
Brooks
Brown, Mich.
Buchanan
Burton, Utah
Bush
Carey
Cederberg
Clancy
Clark
Clausen, Don. H.
Clay
Conyers
Corbett
Coughlin
Cramer
Culver
Daddario
Dawson
de la Garza
Denney
Dent
Dickinson
Diggs
Dingell
Dorn
Dulski
Eckhardt
Edwards, La.
Esch
Evins, Tenn.
Fallon
Farbstein
Findley
Fish
Flowers
Ford, William D.
Fraser
Frelinghuysen
Frey
Fulton, Tenn.
Galifianakis
Gallagher
Gaydos
Gilbert
Gray
Green, Pa.
Griffin
Halpern
Hamilton
Hansen, Idaho
Harrington
Hastings
Hawkins
Hays
Hébert
Hosmer
Jarman
Jonas
Jones, Tenn.
Karth
Keith
Kirwan
Koch
Kuykendall
Latta
Long, La.
Lowenstein
McCloskey
McClure
Macdonald, Mass.
MacGregor
Mann
Mathias
May
Meeds
Mollohan
Monagan
Montgomery
Moorhead
Morton
Murphy, N.Y.
O'Neill, Mass
Ottinger
Passman
Patman
Pepper
Pirnie

XUM

Poff
Pollock
Powell
Price, Tex.
Pryor, Ark.
Rarick
Rivers
Robison
Rooney, N.Y.
Roudebush
Ruth
Ryan
St Germain
Sandman
Saylor
Sikes
Smith, Iowa
Taft
Teague, Tex.
Thompson, N.J.
Tunney
Udall
Vander Jagt
Vigorito
Waldie
Watson
Weicker
Wilson, Charles H.
Wold
Wydler
Wyman
Yatron

The SPEAKER. On this rollcall 291 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

HONOR AMERICA DAY

Mr. SCHERLE. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 669) recognizing the importance of Honor America Day, and ask unanimous consent for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 669

Whereas the Congress wishes to lend support to the rekindling of the American spirit of patriotism and respect for the individual liberties that made America great; and

Whereas the Congress wishes to underscore the fact that though Americans face problems as individuals and as a nation they are proud of their country and welcome the opportunity to honor America: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress recognizes the importance of the July 4, 1970, Honor America Day celebrations and calls upon the people of the United States to observe such celebrations with appropriate ceremonies and activities.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

LAW ENFORCEMENT ASSISTANCE AMENDMENTS

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17825) to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 17825, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New York (Mr. CELLER) will be recognized for 1½ hours and the gentleman from Ohio (Mr. MCCULLOCH) will be recognized for 1½ hours.

The Chair recognizes the gentleman from New York.

Mr. CELLER. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, today the fear as well as the fact of crime haunts America. The increasing numbers of armed robberies, muggings, and forcible assaults have become the immediate terrifying concern of all our citizens. Controlling crime in a democratic society as our own presents a number of distinct challenges. Crime in America is essentially defined by State and local law. The vast bulk of these acts are investigated, prosecuted, tried, and convictions are had through State and local institutions. Local law enforcement agencies are basically the "front line," as it were.

The law enforcement and assistance program established 2 years ago was designed to provide Federal financial assistance to State and local governments to improve law enforcement capability. The program aims at public safety, to make our streets safe and to improve the quality of criminal justice. Each State must devise a comprehensive plan of law enforcement with the aid of Federal funds channeled through States, cities, municipalities, and counties. The moneys are allocated to States on a population basis. The State plans must envisage coordination of the various components of our criminal justice system—that is, the police and criminal court activities and the correction systems—prisons, probation, and parole. The program emphasizes that law enforcement is the responsibility of local governments with the States aiding.

The program generally has been relatively well received, but the program is still in its infancy. Plans must still be translated into action. More time and effort is needed therefore. During the brief time the plan was in operation there appeared to be need for some changes. Hence this bill, which provides for the necessary amendments.

All the amendments that are offered to the existing law in the bill before the Members have the approval of the administration and of the Department of Justice. The bill has administration approval, and it is interesting to note in a letter received by the Judiciary Committee, that the Attorney General enthusiastically endorses the bill. I emphasize the word "enthusiastically" because that is the word he used.

There is no minority view to the bill. The bill was unanimously adopted by the Judiciary Committee. More than 25 members of the Judiciary Committee have sponsored the bill. So there is widespread support for the bill before us. The bill amends the Crime Control and Safe Streets Act of 1968, first by the amount of authorized appropriations. We provide for $650 million for the fiscal year ending June 30, 1971, $1 billion for the fiscal year ending June 30, 1972, and $1.5 billion for the fiscal year ending June 30, 1973.

These are large sums, I admit, but they are not too large if we can make our streets safe and materially cure and prevent crime. For example, the New York City police budget, currently provides for $568.4 million, and yet we spend, for example, less than 2 percent of all Government revenues on our justice processes, including all police, all courts, and all corrections. So the amount generally, which may loom large before us, is not in comparison too great.

But may I say this. This problem is so gigantic that we must supply the necessary funds to cope with this problem. We can no longer be hesitant or lethargic on the crime problem. We must be active and resolute and determined as a rock. We cannot falter for the mere lack of funds. Any reasonable cost, though high, should not stand in our way. Nor can we be cynical about the situation, cynical about the cost. A cynic once was described as one who knows the cost of everything but the value of nothing.

I say to conquer crime and to imprison criminals is of inestimable value. The $650 million is not too much to pay for the fiscal year ending June 30, 1971, for these purposes. We cannot be penurious. It would be unconscionable not to authorize this sum.

Even the public must have a conscience and the public should be slave to that conscience. There is an old saying: It is not that money makes everything good; it is that no money makes everything bad.

This bill also reorganizes the management of the Law Enforcement Assistance Administration. As the situation now exists, there is a three-man board, one Administrator and two Associate Administrators, and they must unanimously agree on most issues, no matter how important and no matter how trivial. Such a troika cannot work and it has not worked. It is inappropriate for any agency responsible for allocating vast sums of Federal aid. We provide that there shall be but one Administrator and two assistants. One officer shall be in control with the aid and assistance of two administrators.

There is an old saying, if I may be privileged to use that again, when two men ride a horse one man must ride behind. When three men ride a horse, indeed, two men must ride behind.

We abolished the so-called troika and establish a single administrator with two assistants.

We also establish a new program for the construction and renovation of correctional facilities, and provide that the Federal share shall pay up to 75 percent of the costs. Construction of other facilities are to be financed 50 percent from Federal funds and 50 percent from local funds. The Federal funds are the so-called action funds. The locality must match the Federal sum.

In the case of training, recruitment, and education, the Federal-local match is 75 percent Federal funds and 25 percent local funds. The bill also provides that not less than 25 percent of the total appropriations for LEAA shall be devoted to corrections, probation, and parole. This is highly important, because we have been most neglectful on those phases of the criminal justice system—corrections, probation, and parole.

Under the bill before us we also require that the States contribute one-fourth of the non-Federal share of the funding needed to support local government programs receiving Federal assistance. Heretofore the States generally were disinclined to contribute anything for local projects. They did not want to contribute a red cent. The mayors who appeared before us, the heads of local communities, bitterly complained. Trying to get help by contribution from the States to them seemed utterly impossible, despite the fact that most of these local communities were impoverished, on the verge of bankruptcy, and could not fully participate in this program because they could not adequately match the funds.

The State Governors, in many instances, said, "Let the Federal Government fund and let the cities match the funding. We will not contribute anything, not even a thin dime."

Only a handful of States have helped local governments. I would say that trying to get State help was as difficult as trying to get a penny from a miser by a beggar. Worse than that, in many instances it was utterly impossible. It was as useless as trying to fish in a desert.

We amended the bill by requiring that the States contribute one-fourth, at least, of the non-Federal funds, one-fourth of the amount that the localities must pay.

There is great need for a change in the overhauling of our prison systems. We provide for that in this bill. We provide for the setting up of new methods and processes for improving our correctional facilities. Entirely too many crimes are committed by persons who have already been in prison. Recidivism has greatly increased.

It is interesting to note some of the testimony of Mr. James Bennett, former head of the U.S. Bureau of Prisons. He said:

> Because too many crimes are committed by persons who have already been through some part of the correctional process much of the blame for the rising crime rates is being focused on our penal institutions, probation and parole. This is logical and perhaps proper when it is realized that from fifty to seventy per cent of those who leave our prisons go out to commit another and perhaps more serious crime than those which brought them to prison in the first place.
>
> In addition to approximately 3500 county and city facilities, there are now 398 state penal, and correctional institutions for adults in the United States, and 220 state institutions for juveniles. All but a handful are archaic, grim and devoid of all but token facilities for training and rehabilitating their inmates. Sixty-one of the larger prisons were opened before 1900. Twenty-five of these are more than 100 years old.

A recent case, Holt against Saruer, in the U.S. District Court for the Eastern District of Arkansas, decided in February of this year, held that in certain respects confinement in the Arkansas penitentiary system amounts to cruel and unusual punishment.

That surely points up the dire need for remedies in this regard. We strive in these new provisions to supply that need. We ask, of course, that the localities do their fair share.

So, my good friends, we hope that you will look with a kind eye on the amendments we have offered. We think they are fair and we think they are just.

We also require—and I should have mentioned this before—that LEAA approval of a State plan be based on an express finding that areas of high crime incidence receive an adequate share of assistance. The bill also authorizes the LEAA to support regional and national training programs, workshops, and seminars and in order to instruct and teach local law enforcement personnel advanced police tactics and processes.

Mr. Chairman, H.R. 17825 embodies amendments proposed by the Department of Justice as well as provisions which the committee, on the basis of its hearings and studies, has concluded are essential to strengthen the law enforcement assistance program.

The law enforcement assistance program established by the Congress 2 years ago is designed to provide Federal financial assistance to States and local governments to improve their law enforcement capabilities. This program marks a substantial Federal commitment toward improving not only the public safety of our citizens but also the quality of criminal justice throughout the United States. The program requires that each State shall adopt a comprehensive law enforcement plan under which the Federal funds are to be distributed to the State and thereafter to cities and counties. A major goal of the program is to foster law enforcement planning on a broad basis and to improve the coordination of the various components of the criminal justice system—police, corrections, and courts.

The law enforcement assistance program, I believe, represents the most promising technique by which the Federal Government can contribute to reduce the prevalence as well as the mounting incidence of crime in our streets. It is based on the recognition that law enforcement is essentially a responsibility of local government. It attempts to mobilize the resources of the States and the cities to control and prevent crime. Appropriations authorization for this program expires June 30, 1970. Thus, additional statutory funding authority is required to continue the Federal program. H.R. 17825 provides such additional authority for the next 3 fiscal years; it authorizes future funding at substantially increased levels, however, it limits the amount and duration of appropriations in order to enable the Congress to maintain legislative oversight of the program.

H.R. 17825 also seeks to make the Federal effort more effective, as the level of future funding increases, by making several revisions in the administrative and management structure of the program itself. Consequently, the bill abolishes the present three-man board which manages the Law Enforcement Assistance Administration—LEAA—and substitutes in its place a single Administrator. The requirement of unanimous tripartite decisions, the committee concluded, placed an intolerable burden upon the agency responsible for the allocation of vast sums of Federal law enforcement assistance. Other provisions of the bill, recommended by the Department of Justice, are intended to improve the staff capabilities of the Federal agency.

Mr. Chairman, it may also be helpful if I itemize several other important provisions of the bill. These include:

First. A new program for the construction, acquisition, and renovation of correctional facilities with provision that Federal grants may be up to 75 percent of the cost of a particular project. The bill also earmarks 25 percent of total appropriations for the purposes of corrections, including probation and parole;

Second. A requirement that LEAA approval of a State plan for law enforcement assistance be based on a finding that areas of high crime incidence receive an adequate share of assistance;

Third. A requirement that the State contribute one-quarter of the non-Federal share of funding for programs of local government receiving assistance under the State plan;

Fourth. A revision of the limitations on Federal expenditure share—so-called matching requirements—for discretionary grants to permit Federal funds to pay up to 90 percent of such program costs—and in certain circumstances authority to pay up to 100 percent if LEAA determines that the applicant is unable to provide any funds;

Fifth. LEAA authority to develop and support regional and national training programs, workshops, and seminars in such fields as organized crime to instruct State and local law enforcement personnel.

The enactment of this legislation, the committee believes, will forcefully indicate the seriousness and continuity of the Federal commitment to improving law enforcement. The establishment of a new program for the construction, renovation and acquisition of new correctional facilities should be of substantial assistance to State agencies which bear a large responsibility for the operation and maintenance of prisons and penitentiaries, and permit them to undertake long overdue programs. City and local governments that bear the substantial responsibility of fighting crime in the streets and that today carry increasingly severe fiscal burdens can expect some relief from provisions of the bill that require the States to defray a portion of the cost borne by local governments in matching Federal assistance. The bill requires that the States contribute a part—at least one-fourth—of the non-Federal share of the cost of law enforcement programs undertaken by the cities and counties under a State plan. This method of relieving units of local government of some of the burdens they would otherwise experience—as the level of Federal expenditure increases—was adopted in preference to reducing or eliminating the matching requirements of existing law. This was done because the committee believed that matching requirements serve as desirable incentives to assure continuity of State and local support of innovative programs. Matching requirements also serve to assure greater State and local involvement in the planning and execution of such programs.

Mr. Chairman, the amendments to the law enforcement assistance program proposed by H.R. 17825 are intended to substantially increase the level of Federal as well as State and local investment in the

XUM

criminal justice system, to make the entire program more responsible to local crime problems, and to insure greater participation by local governments in their planning process. The bill—H.R. 17825—was unanimously reported by the Committee on the Judiciary and has been endorsed by the Attorney General of the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CELLER. Mr. Chairman, I yield myself 3 additional minutes.

Mr. Chairman, that in a nutshell comprises the amendments we have offered to a bill already salutary, but we believe this will make it even more salutary through the amendments we have offered.

Mr. GROSS. Mr. Chairman, may I ask the gentleman a few questions?

Mr. CELLER. Why, certainly.

Mr. GROSS. Is there any provision in the bill, restrictive provision, that would prevent the allocation of funds to a State in the absence of legislative action on the part of the State?

Mr. CELLER. There is nothing in the bill containing anything of that sort. This leaves it to the State planning agencies. I take it that the State has to set up planning agencies. I presume that before they can do that they must have legislation for that purpose, so that the action and planning funds can be allocated by the States. They are passed through by the States to the local authorities. No State legislation is necessary for that purpose. The bill itself is the legislative authority.

Mr. GROSS. The State of Iowa will not have a legislative session until next year.

Mr. CELLER. Iowa would not have any authority to determine how much shall go to Iowa. The State of Iowa shall have authority to determine how much it shall give to the various cities in the State and the localities in that State, and I presume would be under the control of the Governor or the State planning agency of Iowa in that regard.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, I do not want to see the State of Iowa or any other State precluded from participating in the program without having had the opportunity, if it were predicated upon legislative enactment, to qualify.

Mr. CELLER. Within the authority which I indicated, the gentleman is correct.

Mr. RHODES. Mr. Chairman, will the chairman yield to me?

Mr. CELLER. Yes; I yield to the gentleman from Arizona.

Mr. RHODES. I would like to continue the questioning along the line of the gentleman from Iowa (Mr. Gross).

I have a letter from the Governor of Arizona in which he expresses grave concern over the requirement contained in this bill as he interprets it at least that there be State funds available to match up to 25 percent in non-Federal funds which the State would not get under the bill and the point is not that he does not feel that the State should be required to match, but the most important part I think is the fact that the State legislature has already adjourned and there are not funds available for this matching purpose and there will not be funds available, presumably, until the next session of the legislature.

Mr. CELLER. Well, I think there could be a special session; although that is possible, it probably is not probable.

Mr. RHODES. No; it is not probable.

Mr. CELLER. I do not think there would be any trouble in working this out through your State planning agency and the LLEA. That is the working out of the modus operandi.

Mr. RHODES. Mr. Chairman, if the gentleman will yield further, is it the chairman's understanding that funds like this must be available before the end of the next fiscal year; in other words, June 30, 1971; or would funds which were made available after that time be applicable?

Mr. CELLER. I think both is the correct answer.

Mr. RHODES. In other words, funds appropriated at the next session of the legislature, which would be in January 1971, would be available?

Mr. CELLER. Yes; I think that is correct.

Mr. McCULLOCH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I should like to say that I agree completely with the Chairman's answer to the question of the gentleman from Arizona (Mr. Rhodes).

Mr. Chairman, I rise in support of H.R. 17825, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968.

The responsibility for controlling crime is not Federal. It belongs to State and local government. However, in the last decade, the rate of violent crime in our country has doubled. It is quite apparent that the efforts by State and local government have not been adequate to the challenge.

The Federal program was enacted in the belief that the anticrime effort was neither qualitatively nor quantiatively sufficient. As the Violence Commission indicated, the criminal justice system is not really a system. It is fragmented and disorganized. And the financial commitment of $5 billion a year fulfills only about one-half of our Nation's needs.

It is generally agreed that the Federal Government should not be primarily responsible for detecting and apprehending criminals. On the other hand, local governments are not in a position to organize themselves and self-impose a system of criminal justice.

And so it is the States that must lead the effort. In 1968, the act declared that policy. Today, H.R. 17825 restates and confirms that policy. The block-grant approach is not only preserved but strengthened. State responsibility is not only retained but enlarged.

Two important amendments are designed to make the block-grant program more responsive to local needs. One amendment would require that each State plan provide for "the allocation of an adequate share of assistance to deal with law enforcement problems in areas of high crime incidence."

What does that mean? I call your attention to page 11 of the accompanying report, No. 91-1174, where it says the following:

> The purpose of this amendment is to assure that the benefits of Federal assistance are focused within each State in those areas where major crime is more prevalent. It is not the purpose of this provision to require the adoption of any arbitrary mathematical formula designed to tie the distribution of Federal funds to the relative incidence of crime in a particular area. What is required is that comprehensive law enforcement plans in each State shall generally correlate the benefits of anticrime efforts with the incidence of crime in particular areas.

The point is that benefits of anticrime effort—not anticrime dollars—are to be channeled where the crime is. For example, a correctional institution maintained at State expense which services an urban area with a relatively high rate of crime does provide assistance to that area without providing any dollars.

Any other construction of the amendment would fly in the face of the committee's purpose of fostering increased State responsibility in the war on crime. It should be noted that this construction of the amendment allows it to be equally relevant in Vermont, where 72 percent of the total expenditures for police and corrections are made at the State level, as in New York, where the percentage is only 17 percent. In both cases the State obligation is the same: to allocate the benefits of the Federal program—not dollars—to local governments in general accordance with the incidence of crime.

The other amendment that increases State responsibility with regard to local governments would require that the State pay at least one-fourth of the local matching requirement on programs receiving Federal aid from the State.

The committee believes that if the States "run the show," they should pay at least part of the costs. The States set the policies. The States establish the priorities among local governments. But 45 of the 50 States—hearings, page 605—decided that they only wanted to rule but not to pay. Instead, they passed on the obligations to match Federal moneys to their creatures—the local governments.

The words of Mr. Daniel L. Skoler, director of law enforcement programs at LEAA, quoted from his article entitled "State Implementation of the Omnibus Crime Control Act" which appears at page 417 in the Council of State Governments "Book of the States 1970–71," are appropriate here:

> In the initial year of program activity, most States saw fit to pass on matching burdens totally to local government, despite the opportunity to solidify state leadership by providing some financial support to local units hard pressed to meet required matching contributions. This does not mean that the option is or should be closed. State subsidies, alongside of federal subsidies, may be a "must" to maintain the forward momentum of law enforcement improvement in face of the mounting financial crisis in the cities.

However, this amendment is not only prompted by a desire to affirm State responsibility and solidify State leadership in the war on crime, it also recognizes the present inability of local governments to raise revenues, an inability

XUM

often imposed by State law. As one mayor testified, at page 676 of our hearings:

> Local governments across the Nation . . . are caught in a severe fiscal crisis between State-imposed restrictions preventing broadening of the local revenue base and increasing demands for service by local citizens.
>
> Even if a city is completely committed to action to control crime, the city may not be a free agent to collect and dedicate the necessary resources to achieve this purpose.
>
> Local revenue raising capability and, to some extent, local spending choices are severely constricted by State law.

Moreover, the committee recognizes that in many instances it is undesirable to localize tax increases. The attempt is often counterproductive because the people can easily sidestep the impact of a tax increase. This only aggravates the financial crisis of local governments.

Since 1959, the Advisory Commission on Intergovernmental Relations has been studying how the three levels of government in our system should operate. Since 1964, this bipartisan and balanced Commission has recommended that the State pay at least one-half of the local matching requirement under Federal programs. In 1968, Congress adopted the principle when it enacted the Juvenile Delinquency Prevention and Control Act—Public Law 90–445. In October 1969, the Commission restated its recommendation in a report entitled "Urban America and the Federal System." I quote from page 6 of that report:

> The Commission has proposed that Federal funds for urban purposes flow through the state where, and only where, two basic conditions are met: The state provides adequate administrative machinery and supplies from state general revenues at least half the non-Federal share of required funds. If the state chooses not to meet these two conditions, a Federal-local relationship should obtain with respect to the particular program.

All too often in the past the States have treated political subdivisions as foreign powers so that aid to subdivisions was viewed as a gratuity rather than as a political obligation. I hope that this attitude is changing. If so, we can expect the States to make contributions in excess of the 25 percent requirement contained in the amendment.

It should be noted that with the adoption of this amendment, the incentives that are built into the act will finally have a chance to be effective. Section 301 of the act states the Federal share of funds for a program of riot control may be up to 75 percent of the cost but that the Federal share for a program to improve police-community relations may be up to only 60 percent. If the non-Federal share of the cost is borne entirely by the local government, of what effect is the congressional inducement to favor one kind of program over another when the decision as to priorities is made by the State, which has passed along the financial consequences of its decision to the local government? It has had little, if any, effect. The adoption of this amendment will rectify that defect in the scheme of the act.

The amendment would require that the State pay at least one-fourth of the local matching requirement for each project or program. If locality A and locality B each have approved programs to improve police-community relations each costing $100,000, the Federal Government would pay $60,000 on each or a total of $120,000. Locality A would pay $30,000, as would locality B. The State would pay $20,000, but $10,000 would have to be earmarked for each program. The State would not fulfill its pledge to abide by the statutory conditions of the act if it paid $20,000 for locality A and $0 for locality B.

The committee is aware that one locality might be more needy than another and that a State might rationally distinguish. But that factor seems to be more than offset by the experience of localities in other cases of State aid. The point is made in a report of the American Assembly which is entitled "The States and the Urban Crisis" on page 171:

> Most urban states give less per capita aid to their cities than to areas outside the cities. (See also a study entitled Cities and Suburbs—The Case for Equity, Parts I and II, which was prepared by the Social Science Research Associates of the State University of New York at Albany.)

Such a practice in an anticrime program would be tragic in view of the fact that the cities have more crime per capita—hearings, 595—and spend more per capita to fight crime—hearings, 548. For those reasons, it is preferable to adopt a uniform percentage requirement per program than to continue the practice of some States which, in the area of crime fighting, would countervail the policy of the LEAA program.

Two additional amendments would also benefit local governments. However, unlike the first two amendments I have discussed, they could equally be a financial benefit to the States. The first of these is the reduction of the non-Federal share of the cost that must be borne by the recipient of a discretionary grant. Presently, such a recipient must pay the same percentage as it would if the grant were a block grant. However, since it was thought desirable that LEAA have maximum flexibility in deciding to whom and when discretionary grants should be made, the matching requirement has been lowered to 10 percent, and even that is waivable in dire situations. The matching requirement is not totally abandoned because it was thought generally desirable to expend State or local resources so as to necessitate State or local budgetary oversight and thus guard against waste.

The other amendment would relax the present limitations on Federal subsidies for State and local law enforcement personnel. The relaxation would be complete with regard to discretionary grants and partial with regard to block grants. This is the compromise position recommended by the administration. The partial relaxation with regard to block grants would not free the regular, operational personnel serving in any of the law enforcement areas, be it police, courts, or corrections. The committee recognized that personnel costs consume a lion's share of State and local anticrime funds and that the need for additional funds is great. However, at this time, our Federal financial commitment is limited. Our Federal purpose is limited. It is not the Federal purpose to assume the burden of law enforcement across this land. Rather, it is our purpose—and our steadfast hope—to modernize State and local law enforcement. Thus personnel costs incurred in modernization programs, such as training, research, development, and demonstration programs, are not subject to the limitations. But the day-to-day personnel costs are subject to limitations. One reason—sufficient in itself—for that result is that if it were otherwise the temptation would be to use Federal moneys for short-term salary needs, which are pressing, and to ignore the long-run advantages of experimenting with advanced techniques and practices in law enforcement. In other words, if the limitation were totally relaxed, I fear that the entire LEAA program might be transformed.

I believe the committee reasonably accommodated competing interests in adopting this amendment. It allows for salary subsidies without changing the character of the LEAA program.

So far I have discussed the significant amendments made to part C of the act, which treats with action grants. But a significant amendment was also made to part B, which treats with planning grants.

A study of the operation of the act made by the Advisory Commission on Intergovernmental Relations and released just 11 days ago reveals that 45 States districted their respective States and established regional units to plan how the LEAA moneys would be spent. In 29 of those 45 States, it was found that the States did not give a cent of the Federal planning grants to any municipality or subdivision but rather gave all the planning money to the regional planning units.

It is obvious that if this is the way that the plans will be made to spend the block-grant money, it is imperative that hopeful recipients—such as large cities teeming with crime—share in that process.

I am not critical of the establishment of regional planning units. I believe they serve to coordinate a fragmented anticrime effort. However, I do believe, as does the committee, that the regional planning units should be representative of units of local government under the jurisdiction of the planning unit. A study conducted by the Urban Coalition found that areas of high crime incidence were often unrepresented or underrepresented on the regional planning unit—hearings, 727. The committee amendment to part B would cure this deficiency and require that regional planning units be representative.

A sixth amendment would create a new program to aid in the construction of correctional institutions. Grants would be made to State and local governments, not on the basis of any population formula, but on the basis of need. At least 50 percent of the funds have to be allocated to the State planning agencies. Since the States bear 68.7 percent of the costs of non-Federal corrections—

XUM

see table, hearings, 661—it is expected that the States will get much more than the required 50 percent. And it should be noted that there is no statutory requirement that the State "pass through" any percentage of a grant to local governments nor that the State help pay the local matching requirement. Moreover, on all grants under this new program, the Federal share of the cost may be up to 75 percent.

Perhaps this amendment helps illustrate why the Attorney General found H.R. 17825 to be a well-balanced bill. For just as the amendment, discussed before, which requires that the State defray a part of the local matching requirement on the block grants passed through to local governments may be viewed as helping local governments, so, too, may this corrections amendment be viewed as helping the States.

A seventh amendment would abolish the troika form of administering the program. Such a reform is quite necessary.

A letter written by the former Administrator of LEAA was introduced into evidence last week during hearings on this bill before the Senate Subcommittee on Criminal Law. The former Administrator indicated that LEAA had been "crippled" and "demoralized" by the requirement that the three Administrators had to agree unanimously, even on mundane operational matters.

The committee agreed that the unanimity requirement was a burden too great to bear. The committee recognized that a decisionmaker might wish to seek the advice of high-level deputies. Thus the committee amendment would abolish no positions but would bestow the authority to make decisions to one man. It should be noted that section 502 of the act makes that authority delegable. Thus the only change that the amendment necessitates is the abandonment of the requirement of unanimity in making policy and operational decisions.

Finally, the bill would authorize an appropiration of $650 million for the next fiscal year. The present appropriation is $268 million. The House has already passed an appropriation of $480 million for the next fiscal year.

I do not believe that such a sum is sufficient.

Last October 9, I introduced H.R. 14296 which called for an authorization of $650 million. Thereafter, the Justice Department indicated that $650 million was necessary and that the States could effectively use such a sum but no more. But the Bureau of the Budget, apparently for economic reasons, decided on the lower figure of $480 million.

I have a long and clear record of economy in government. But at a time when the rate of violent crimes is streaking upward and our good people are afraid to walk the streets or visit the parks or to go downtown at night, at a time when property crimes take billions of dollars from our taxpayers and crime against the person inflict suffering beyond measure, I do not believe we can afford anything less than $650 million.

One of the fundamental purposes of government is to insure domestic tranquillity. To insure that end, we must not dedicate ourselves halfheartedly. We cannot postpone that task. If we spend billions to fight a potential threat thousands of miles away, why cannot we spend the millions it takes to fight an actual threat that is pounding at our door at this very moment?

The committee reported this bill favorably by a 30–0 rollcall vote. The Justice Department enthusiastically endorses this bill. I quote from the Attorney General's letter:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., May 26, 1970.
Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I was extremely pleased to learn that the committee voted today to favorably report a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, and that the bill includes most of the amendments submitted by the Department of Justice. Although the bill departs in some few respects from the Department's requests, on the whole it is an extremely good and well balanced bill. The Department of Justice enthusiastically endorses it and urges its passage by the House of Representatives.

Your personal attention to this important matter and the fine work of your committee are very much appreciated.

Sincerely yours,
JOHN MITCHELL,
Attorney General.

Mr. Chairman, I too, urge the passage of H.R. 17825.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I thank the gentleman for yielding. I wish to commend the Judiciary Committee for reporting this bill out and I rise in support of H.R. 17825.

Mr. Chairman, the fact that a woman can no longer walk on the street alone at night, that a man may be mugged coming home late, that any elderly or infirmed person does not have much of a chance on our streets is a clear indication to me that H.R. 17825, the law enforcement assistance amendments must be supported.

All of this fear and the need for protection in a supposedly free society is appalling to me. When people feel they must stay home behind closed curtains, we no longer live in a free society. Every crime committed relates to each of us. Each murder, each robbery, each senseless beating inches away our freedoms.

With the sweeping insidiousness of crime tearing our society apart, we have become aware that the rights of the individual must be protected. The needs of our country at this time should be apparent to all of us. We must stop this wave of crime.

I heartily congratulate Hon. EMANUEL CELLER, chairman of the Judiciary Committee, ranking minority member WILLIAM M. MCCULLOCH, and the committee members for the outstanding bill we are considering today, H.R. 17825, the law enforcement assistance amendments. It is one that does respond to the needs of our society.

The Omnibus Crime Control and Safe Streets Act has been in effect since 1968. It was certainly needed then, and it is certainly needed now. These amendments to the act apply the experience of the 2 years the law has been in existence.

Critics of the Omnibus Crime Control and Safe Streets Act have stated that cities are not receiving the proper share of Federal funds. They say that since the majority of crimes are committed in urban areas, the cities, therefore should receive a proportionate amount of funds.

A section of the bill that will correct this situation is a requirement that law-enforcement assistance approval of a State plan must be based on a finding that areas of high crime rates receive an adequate share of assistance.

In my own city of Rochester, Mayor Stephen May says the city is eligible for $150,000 in law-enforcement assistance, but would not be able to take advantage of this amount because of the requirement that the city match this amount by 40 percent—$100,000.

I am extremely pleased with a portion of the bill that for the first time stipulates that the State must pay at least a fourth of the non-Federal share of funding for programs of local governments. I am certain this will enable more cities to take advantage of available funds.

A second objection has been that too much money has been spent on police programs, depriving other areas such as the courts and correctional institutions of their proper share.

Experience has shown us that a large number of criminals are nurtured and improve their craft in our penal institutions. Those who serve time are often released to commit bigger and better crimes.

I think we all realize we must reach the roots of the problem, and one way to do this is to reform our system of correction. The law enforcement assistance amendment takes a big step in this direction. It earmarks 25 percent of the total appropriation for corrections, including probation and parole.

It also stipulates that Federal grants may be made up to 75 percent of the cost of construction, acquisition and renovation of correctional institutions. Provision is expressly made for rehabilitation programs, and for staffing facilities with personnel meeting advanced standards of training and education.

In addition, the bill authorizes almost $350 million more for 1971 than was authorized for 1970. It extends the appropriation authorization for 3 years, instead of two, which will add continuity to the program. It authorizes $650 million for fiscal year 1971, $1 billion for fiscal year 1972, and $1.5 billion for 1973. I feel that the level of the authorization reflects the ability of localities to effectively use the funds available.

Mr. Chairman, this bill responds to the needs of our society and it has been worked out through 2 years of experience. I plan to fully support it, and I urge my colleagues to do the same.

The CHAIRMAN. The gentleman from Ohio (Mr. MCCULLOCH) has consumed 9 minutes.

Mr. CELLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. FEIGHAN).

Mr. FEIGHAN. Mr. Chairman, it is

XUM

indeed a sad commentary on life in these United States when for the most part it is unsafe to be on the streets in most areas of our country when darkness falls.

That is particularly so in the more densely populated communities because the incidence of crime is much greater proportionately where the population is more dense.

It is a deplorable situation. This bill, while it does not have all the answers, at least is a step in the right direction. If this bill passes and is properly implemented, it will at least be an improvement of efforts to make our streets safe.

I urge the adoption of his bill and subsequently the proper implementation by appropriations of significant amounts.

The rising crime rate threatens the safety of our citizens, and the problem is growing worse day by day. H.R. 17825 provides for the Federal Government to make a larger effort to coordinate with the State and local governments our battle against crime.

The thorough hearings conducted by subcommittee No. 5 of the Judiciary Committee show that improvement is needed in at least three areas which the Omnibus Crime and Safe Streets Act of 1968 has not adequately covered. H.R. 17825 provides substantially more money. It assures that more money will be allocated where the crime is greatest and therefore more needed. It authorizes the expenditures of funds for improvement of correctional institutions.

The bill authorizes appropriations of $650 million for fiscal year 1971, $1 billion for fiscal year 1972, and $1.5 billion for fiscal year 1973. This is the minimum acceptable level of Federal participation in the war against crime.

On March 19, I stated before Subcommittee No. 5 of the Judiciary Committee:

> Funds are being dissipated at state and regional levels and are not reaching local governmental units in high crime, urban areas.

The city of Cleveland, the larger part of which I represent, is a very good example. In 1969, the State of Ohio received $1.2 million under the Omnibus Crime and Safe Streets Act, yet Cleveland, which is the State's largest city and which has the ninth highest crime rate in the Nation for cities over 250,000, received only $158,000. It is imperative that crime-ridden areas like Cleveland receive their fair share of Federal funds. The bill will amend the Safe Streets Act to require a greater percentage of funds to go directly to those local communities where the need is greatest.

Proper reform of our correctional system—prisons, probation, and parole—has been neglected far too long. Most crime is committed by recidivists. It is time to put increasing emphasis on the correctional institutions, juvenile treatment, narcotics control, and court reform. Unfortunately, the grants of the Omnibus Crime and Safe Streets Act have been used almost exclusively for police expenditures and the purchase of equipment. The bill would amend this act by establishing a separate Federal program for assisting in the construction, renovation, and acquisition of correctional facilities and the development of improved corrections programs. I believe that such a program would lessen the number of persons who, after release from prison, continue to engage in criminal activities.

Mr. Chairman, I urge favorable action on H.R. 17825.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Chairman, it was my privilege to participate as a member of the subcommittee which heard the extensive testimony and considered the amendments to the omnibus crime bill of 1968 which has now come to the House for consideration.

The measure as originally introduced has been revised and come before us as a "clean bill," H.R. 17825. In my opinion, it accomplishes part—if not all—of the needed improvements which appear to be indicated at this time. Let me say further that the measure is consistent with the President's declaration in his 1970 state of the Union message:

> In referring to budget cuts, there is one area where I have ordered an increase rather than a cut—the requests of those agencies with the responsibility for law enforcement.
>
> We have heard a great deal of over-blown rhetoric during the sixties in which the word "war" has perhaps too often been used—the war on poverty, the war on misery, the war on disease, the war on hunger. If there is one area where the word "war" is appropriate it is in the fight against crime. We must declare and win the war against the criminal elements which increasingly threaten our cities, our homes, and our lives.

The measure before us authorizes an appropriation of $650 million for the next fiscal year, in contrast to the $248 million authorized for the last fiscal year. Furthermore, a sum of $1 billion is authorized for the ensuing fiscal year and $1.5 billion for the following 2 fiscal years.

A great deal of testimony before the subcommittee concerned the control which the Federal Government might exercise with regard to distribution of these funds. On the part of the Governors of all of the 50 States, it was represented that the block grant principle which is inherent in this legislation has been eminently successful. Notwithstanding the complaints which were expressed in behalf of some city governments, it is clear that State governments have demonstrated a capacity to act responsibly with regard to improvements in law enforcement and that cooperation between State and local governments has been achieved in most instances. While the bill before us retains the block grant principle and continues the requirement that 85 percent of all funds shall be distributed in accordance with State plans, the measure now before us requires that 40 percent of a State's planning funds and 75 percent of its action funds shall be made available to units of general local government or combinations of such units of government.

There is the familiar charge leveled in some quarters today that the Congress is advancing so-called repressive legislation. In the consideration of the measure now before us, we find a sharp refutation of that familiar charge.

What are the elements which characterize this legislation insofar as changes in emphasis or direction are concerned?

The amendments authorize funds for the construction, acquisition, and renovation of "correctional facilities" with a provision that Federal funds up to 75 percent of the cost of a particular project may be expended. In this connection, the authority for appropriations require that 25 percent of the total appropriations shall be for the purposes of correction—including probation and parole. As the committee report indicates, the "provision is expressly for rehabilitation programs." In addition, it is stated in the report that "facilities will be staffed with personnel meeting advanced standards of training and education."

While it is estimated that 95 percent of all correctional funds are now expended for custody, it is clear that the emphasis of this legislation is directed toward rehabilitation and full restoration of offenders to productive and law-abiding activities.

It is obvious to all observers that various parts of the Law Enforcement Assistance Administration have encountered difficulties in administering the new program which was devised in the 1968 omnibus crime bill. In my opinion, the attempt to administer the overall program by a three-man board accounts, in part, for some of the program's deficiencies. The measure before us changes this concept by authorizing a single administrator who is primarily charged with responsibility for administering the program, assisted by two associate administrators. This change should enable the program to operate more efficiently.

Some of the Members may recall the amendment which I offered in 1968 to establish a National Institute of Law Enforcement and Criminal Justice. This part of the 1968 bill was changed in the other body, and the concept is not as clearly delineated or as fully authoritative as I would like it to be. It had been my hope that such an agency might fulfill two important and appropriate Federal goals: research and training.

The entire philosophy of the measure before us—including the amendments which are being considered today—is that law enforcement is essentially a local and State responsibility. Indeed, the fact that the Congress has adopted the block grant principle is in itself a recognition that most decisions as to where and how funds should be spent to meet local law enforcement problems must be made at the local and State levels. However, the Law Enforcement Assistance Administration serves as the coordinating agency to assure that programs and practices developed anywhere in the Nation shall be available to benefit every other part of the Nation. This applies to innovative techniques, utilization of scientific advances, and training programs which are ongoing or developed at the local or regional level.

However, it is clear from legislation, that the LEAA is concerned primarily

XUM

with planning grants and action grants. It is the purpose of the National Institute to develop an agency devoted primarily to "research" in all of its aspects. This should include research directed at crime prevention as well as to crime detection and law enforcement. It should cover rehabilitation as well as the testing of sophisticated equipment and systems. It should train personnel for handling demonstrations as well as for detecting and apprehending hardened criminals. The National Institute has not, in my opinion, been fully understood, and its activities have been sharply limited by administrative and budgetary restraints. I have a table of the grants which have been made by the National Institute. The 99 studies, many of which are still underway, appear to be directed essentially at research problems which can help produce answers to the complex problems of crime in our Nation. All of these research studies appear to have application to and can potentially benefit our crime-ridden communities. At the same time, none of these studies would appear to impinge on any State or local prerogatives. This, it seems to me, identifies an appropriate and highly significant Federal program in relation to the problem of crime in America—an area which deserves increased attention and overwhelming support.

It is my feeling that the National Institute deserves greater autonomy and increased stature in the Department of Justice. If one of the Associate Administrators of LEAA should be assigned to serve as Director of the National Institute—this might improve its operations. In any event, it deserves adequate funds. Last year the National Institute had an appropriation of $7.5 million. This year, the Attorney General requested an appropriation of $19 million. However, as was stated to the House at the time the Justice Department appropriation bill was being considered, the appropriation committee report specified that the total appropriation—of $480 million—should be applied to "action grants." Such a requirement could effectively destroy the National Institute before it has been given a chance to demonstrate its utility.

It is possible that some may inquire as to the practical value of a project designed to understand the role of the vehicle in relation to police departments, and from this understanding to develop a better vehicle for policy use, as well as for a better policy for its use, and a better program for its procurement, replacement and operation. Of course, such a project can result in making the police vehicle a far more serviceable and useful element in police work.

A project dealing with the evaluating of the benefit of methadone in the treatment of criminal narcotics addicts is highly essential if such a program is to be adopted in meeting the increased problem of dope addiction.

Studies directed at communications, including detailed studies where a large number of alarms are involved, can be of specific benefit. Several projects which are concerned with new techniques for identifying dried blood subgroups hold the promise of extraordinary benefits in the detection and apprehension of criminal offenders.

During its brief existence, and with its extremely limited budget, the National Institute has divided its activities into five research centers which are described in the first annual report of LEAA. These include: First, the Center for Crime Prevention and Rehabilitation; second, the Center for Criminal Justice Operations and Management; third, the Center for law and Justice; fourth, the Center for Special Projects; and fifth, the Center for Demonstration and Professional Services.

For the next fiscal year, the National Institute hopes to develop a more refined priority list of research activity. Included in these plans are: First, a continuing evaluation of past and present activity including the monitoring and assistance of research activity conducted both inside and outside the Government; second, the establishing and testing of standards in law enforcement equipment—this function can enable the researching and testing of product capabilities and can serve as a coordinating agency of local, State, and Federal governments in order to increase the effectness of products and equipment designed to assist in law enforcement; third, development of criminal justice education, including curriculum needs in institutions offering degrees for police and correction officials; and fourth, the furnishing of technical information in all of the various fields of criminal justice service—including service to scientists, engineers, administrators and researchers on a comprehensive basis.

When one considers the multibillion-dollar program of research for weaponry and various other defense purposes, as well as the research budgets for health and the various scientific disciplines, it seems quite unbelievable that we should be discussing here today the need for a research agency and a modest allocation of funds to devise new and better methods for meeting the challenge of crime in America.

While satisfied with the overall provisions of this measure, I am convinced that greater understanding and additional support for the goals and purposes of the National Institute are essential if we are to gain the advantages which this agency can and should provide.

Mr. ROGERS of Colorado. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill—H.R. 17825—now before the House, I believe, represents one of the most important pieces of legislation that will come before the 91st Congress. The program that it represents—law enforcement assistance—offers the greatest promise of improving the effectiveness of the system of criminal justice and reducing crime in America.

For decades we have neglected the criminal justice system. Today, many police are underpaid, poorly trained, and ill equipped. Criminal courts are unorganized, understaffed, and unable to cope adequately with the burgeoning number of cases before them. Our prisons are overcrowded and many believe actually manufacture crime.

The crime statistics for 1968 show that of approximately 4 million serious crimes, 85 percent were committed within the Nation's metropolitan areas. Robberies per capita in cities occur 10 times more frequently than in adjacent suburban police jurisdictions and 35 times more frequently than in rural areas. Urban rates per capita of almost every category of serious crime are greater than in the suburban and rural areas. But the rate of crime has increased everywhere.

The enactment of the Omnibus Crime Control and Safe Streets Act of 1968 marked the beginning of a major Federal grant effort to help solve the urban crime problem. The act establishes a program of planning and action grants to State and local governments to improve all aspects of their criminal justice systems. All planning grants, and 85 percent of action grants, are required to go through the States according to a population formula in the act. Fifteen percent of the action grants may be allocated directly to the States or to units of local governments within the discretion of the Law Enforcement Assistance Administration—LEAA. The act also seeks to assure that local governments will participate in the planning and funding of programs. The statute requires that the States pass through 40 percent of planning funds and 75 percent of block grant action funds to units of general local governments.

Mr. Chairman, money alone will not provide a solution to the crime problems confronting America, but without a Federal financial commitment, we can expect little progress. In addition to money, it is essential that the Congress establish priorities and improve the administrative management of this Federal grant program. H.R. 17825, the bill reported by the Committee on the Judiciary, contains a number of amendments to existing law which are designed to make the block grant approach more responsive to urban crime needs.

Twelve days of extensive hearings before a judiciary subcommittee, which includes testimony from a number of Governors, mayors, and local law enforcement officials, provide a comprehensive review of the operations of the law enforcement assistance program to date and document the achievements, as well as the shortcomings, of the program from its inception.

Mr. Chairman, the first 2 years of operation of the law enforcement assistance program indicate that a beginning has been made in planning law enforcement improvement. Thus far, however, the program has failed to decrease the rate of crime or reduce its prevalence. Testimony before the committee dramatically illustrates that many States in their planning have failed to take into account the specialized and urgent crime problems of the major urban areas. H.R. 17825 contains several amendments which are intended to focus Federal funds in those areas of high crime incidence. The bill amends existing law by making LEAA approval of a State plan dependent on an express finding that the plan provides for the allocation of an adequate share of assistance to deal with law enforcement problems in areas of high crime incidence. The bill also requires the States to participate in the funding obligations imposed on units of local government. This State-local partnership is accomplished by a requirement in the bill that the States defray a portion of the costs now borne entirely by local government in matching the Federal aid they receive. The bill requires that the States contribute at least one-fourth of this non-Federal share of funding.

I share the view reached by the committee that State interest in and concern for the operation of local police, local courts, as well as the corrections systems, will result in a much more effective law enforcement program. The latest figures we have for law enforcement expenditures are for fiscal 1968. They show that the State governments allocated only 2.7 percent of their total expenditures to the criminal justice system; whereas the Nation's 43 largest cities and 55 largest counties allocated 12.5 percent and 11.9 percent of their total general expenditures to criminal justice activities. State support alongside of Federal support to local units hard-pressed to meet matching requirements will maintain the forward momentum of law enforcement improvement.

Mr. Chairman, I have only touched upon two aspects of this legislation. One other amendment proposed by the bill deserves brief mention. This provision would abolish the present three-man management board which administers law enforcement assistance at the Federal level. It seems clear that funds alone will not yield the improvements needed to combat crime. Effective administration is essential. The committee has concluded that a three-man board requiring unanimity of decision is an inappropriate method of allocating vast sums of Federal assistance. H.R. 17825, therefore, abolishes the present troika and substitutes in its place a single administrator.

Mr. Chairman, I believe that the amendments contained in this bill will insure greater participation by local governments in the planning processes and in the utilization of Federal funds. The measure was approved unanimously by the Committee on the Judiciary. Its passage by the House is recommended by the Attorney General of the United States. I urge my colleagues to approve H.R. 17825.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. HUTCHINSON).

(Mr. POFF, at the request of Mr. HUTCHINSON, was granted permission to extend his remarks at this point in the RECORD.)

Mr. POFF. Mr. Chairman, the bill we are considering today—H.R. 17825, to amend the Omnibus Crime Control and Safe Streets Act—is a compromise measure which was developed by the Judiciary Committee under the splended leadership of Chairman EMANUEL CELLER. It is a well-balanced bill which resulted from the sifting of a great number of proposals which were put forth and examined during 8 weeks of hearings and a number of executive sessions. I think the amendments will greatly increase the efficiency and effectiveness of the Federal anticrime program.

We are all quite familiar with the ever increasing crime rate in our Nation and with the many problems which have been produced by the longstanding existence of uncoordinated segments of a criminal justice system which for the most part is understaffed, undertrained, and undercompensated. In the short period of its existence, the Law Enforcement Assistance Administration has made an impressive start toward alleviating these conditions and laying the foundations for a successful nationwide effort to bring crime under control. Attorney General Mitchell paid tribute to the Law Enforcement Assistance Administration in his testimony before the House Judiciary Committee on March 12 in responding to criticism of the block grant approach which is the keystone of the LEAA program. In his testimony Attorney General Mitchell stated:

> I think that LEAA can take substantial credit for this new progress in coordinating the various segments of the criminal justice system. I also think that the LEAA is responsible, in some measure, for the new awareness among public officials that there must be a working relationship between the city, the county and the state.
>
> Our staff has worked very hard to show the necessity for city-county-state cooperation for system-wide improvement. Police forces are basically under the control of city government. Court systems tend to be under county or state governments. Short term incarceration facilities are generally under city or county governments while long term correctional facilities are generally under state governments.
>
> Thus, under the impetus of LEAA, we are seeing the emergence of regional planning commissions working with state planning commissions. For the first time, on a nationwide basis, an attempt is being made to evaluate, coordinate and integrate the hundreds of different criminal justice agencies and their programs in each state.
>
> We have also been pleased that the states and the cities are utilizing federal funds in the broad range of functions which Congress intended—for the training of existing personnel and the hiring of new personnel; for new equipment; for the improvement of existing facilities and the construction of new facilities; for pilot research projects and for communications and educational projects.
>
> The result is that today the Law Enforcement Assistance Administration—the federal government's major program to reduce lawlessness—is achieving unprecedented goals in the nationwide war against crime. It has started a wave of criminal justice reform all across the nation, from the small towns to affluent suburbs to the largest cities. It is building a new corps of public-minded experts in the field of law enforcement and criminal justice. It is improving existing institutions and experimenting with new pilot projects. And perhaps most importantly, it is building the optimism and the hope of success against the crime problem which, I think you will agree, a year ago many of us believed was beyond control.

There has been criticism of the program. The National League of Cities and the U.S. Conference of Mayors have criticized the block grant approach for not delivering enough money to the large cities. However, even these two organizations have felt compelled to acknowledge the cooperative spirit of the LEAA officials during their early trying months of initiating a new Federal grant-in-aid program. Their joint report of February 1970, noted:

> During the NLC and USCM examination of the Safe Streets program, LEAA officials have always been willing to discuss the issues of the Safe Streets program—its successes and failures—with an openness and candor which is refreshing. Though we have not always agreed with decisions made by LEAA, we believe that LEAA . . . has been among the best of the Federal agencies administering grant-in-aid programs.

I believe a comment by the National Governor's Conference in its September 1969, report entitled "Response to the Challenge of Crime" exemplifies the most prevalent reaction by State and local officials to the LEAA program. In this report the Governor's conference said:

> The National Governor's Conference commends the Administrators and staff of the Law Enforcement Assistance Administration for their extensive and helpful cooperation with the states in implementing the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351). Their actions in fostering the development of qualified staff at the state level, providing wide latitude to the states in developing plans for improving the entire criminal justice system, and generally supporting the State-Federal partnership required in a block grant program, sets an outstanding example that could well be emulated by other federal departments. Their efforts to insure the success of this first program embodying a true block grant approach to an intergovernmental problem are noteworthy.

Although the bill reported by the committee reflects some concern that adequate funds should be made available to our large metropolitan areas, the bill retains the basic block grant approach adopted by the Congress in 1968. I believe the criticism which has been expressed by representatives of large cities has proved to be unjustified for the most part, and premature in the light of the circumstances surrounding the initiation of this new program. Most of the criticism about the allocation of funds by the State planning agencies was aimed at the subgrants made during the first year of funding under the program in fiscal 1969. In that year, only $25 million was available for block grants to the States, 75 percent of which was required to be made available to local units of government. This small amount of money could not reasonably be expected to make overnight changes in a national criminal justice system that costs $6 billion annually. As funding has increased, the amounts of funds available to large cities have greatly increased and will continue to increase under the projected funding levels for the program during coming fiscal years.

The bill does make some significant changes in the safe streets legislation. For the most part the changes are substantially those requested by the Department of Justice, all of which I believe to be meritorious and enthusiastically support. Those amendments include:

First, authorization of funds for the next 3 fiscal years, such funds to remain available for obligation until expended;

Second, a new block grant program for the construction, acquisition, and renovation of correctional facilities;

Third, a revision of the "matching" requirements for discretionary grants to permit Federal funds to pay 90 percent of the cost of discretionary programs, with authority to pay 100 percent if LEAA determines that the applicant cannot provide any funds;

Fourth, expansion of the law enforcement education program;

Fifth, authority for LEAA to develop and support regional and national training programs, workshops and seminars for State and local officials in specialized law enforcement fields; and

Sixth, amendments to increase the administrative efficiency and staff capability of LEAA.

The bill authorizes the appropriation of $650 million for fiscal year 1971, $1 billion for fiscal year 1972 and $1.5 billion for fiscal year 1973. These funds may remain available for obligation until expended. This is an extremely important provision. LEAA experienced difficulties in getting all of its fiscal year 1969 funds obligated by the close of the fiscal year due to the fact that its appropriation was approved late in the fiscal year leaving a substantially shortened period for the completion of the application and grant cycle.

This situation has recurred in fiscal year 1970, since the appropriation was not approved until December 1969, in effect compressing the second-year program into 6 months. It would therefore be extremely helpful to have the June 30 deadline for fund obligation removed so that LEAA need not rush through the application and grant procedures. An additional advantage would accrue in the utilization of discretionary funds. If LEAA did not have a June 30 deadline to meet in awarding these funds, it could wait until all block grant applications are received and approved, and then structure its discretionary grant awards to complement the block grant program. In this way, discretionary funds could be used to support programs and activities that have not received enough block grant funds through the States and local units, and to augment especially worthy State plans or programs.

Aside from the authorization of funds, perhaps the most important part of the bill is the new part E added to title I of the act authorizing a program of grants to States and local units for the purpose of the acquisition, construction, or renovation of correctional institutions and facilities, the improvement of the programs and personnel standards of such institutions, and planning activities in the areas of correctional construction and program improvement.

The so-called correctional institutions—the jails, juvenile detention facilities and prisons have been grossly neglected for generations and in the opinion of many experts are a considerable factor in themselves in the generation of confirmed criminals. Because of the years of neglect, failure to replace outmoded facilities or build facilities where they are needed, a staggering requirement for construction has accumulated. This type of construction is typically very expensive, running in recent years upward of $20,000 per inmate capacity, and increasing in cost at the rate of 15 percent per year. The unfortunate fact is that because of the accumulation of needs and the extreme expense of this type of construction, most States, counties, and communities in this country simply cannot afford to finance new facilities. The job will not be done unless the Federal Government provides financial assistance on a massive scale.

Although block grant funds awarded under part C of the act may be used for corrections, such funds have not been sufficient in view of the competing demands for funds for other components of law enforcement. In addition, since correctional systems are supported primarily at the State level in virtually every State, local units utilize very little of their 75 percent local funds for correctional programs. The result is that this major component of law enforcement is supported in most States solely or substantially out of the State's 25-percent share of block grant funds. Even at anticipated increased part C funding levels, the cost of necessary correctional construction and improvements will absorb virtually the entire 25 percent shares of most of the States unless relief is afforded by funding from another grant source.

Under the proposed amendment grant funds especially earmarked for planning and implementation of correctional construction and renovation programs would be distributed to the States and local units of government. At least 50 percent of these funds would be allocated in block grants to the State planning agencies of the States, according to their respective needs as determined by LEAA. State applications for such funds would be incorporated in the comprehensive plans now required to be filed under the act and block grants for corrections would be made to the State planning agencies now administering the block grants made under part C of the act. The remaining funds would be available for direct discretionary grants by LEAA to States or to units of local government, or combinations of States or local units.

Because of the very high cost of this type of construction, the matching formula for these grant funds would be 75-25 instead of the 50-50 basis now provided in the act. Among other requirements, applicants, in order to obtain these funds, would have to provide assurances that the design of facilities would be modern and innovative, that due provision would be made for rehabilitation programs, that the facilities would be staffed with personnel meeting the most desirable standards of training and education prevalent in the United States, and that the availability of funds under this new part would not reduce the amount of part C funds allocated to corrections programs. Natural geographical groupings of communities or counties would be encouraged to pool their requirements where convenient and build joint facilities. Similar encouragement would be given contiguous States with mutual problems and interests of this kind.

I believe that the construction program authorized by this amendment will provide the funds to enable the States to make significant inroads on the many correctional problems and deficiencies that have made our jails and prisons revolving doors in the vicious circle of criminal recidivism that has plagued us for so long.

The bill includes a new, more lenient, matching formula for discretionary grants. Such grants are now subject to the same matching requirements set forth in the act for block grants—that is, States and cities must pay 40 percent of the cost of most programs and projects funded from the grants. This has severely limited LEAA's authority to fund programs of benefit to grantees who cannot meet these matching requirements. The outstanding example is the typical Indian tribe, which has severe law enforcement problems but which has literally no funds to contribute to the cost of LEAA programs designed to solve those problems.

This change is accomplished by section 4(3) of the bill which recasts section 301(c) of the act so as to free discretionary grants from the block grant matching requirements, and section 8 of the bill which inserts a new discretionary grant matching formula in section 306 of the act. Under this new formula, recipients of discretionary grants would be required to contribute only 10 percent of the cost of grant programs, and LEAA would have discretion to pay 100 percent of the cost of such programs if it determined that the grant applicant could not provide any funds at all. The bill also amends the act to provide that the limitations on the use of block grant funds for the compensation of personnel will not apply to discretionary grants, in order to further increase LEAA's flexibility in utilizing discretionary funds.

The bill makes a number of changes and additions to the provisions under which LEAA makes grants to colleges and universities for loans and grants to persons enrolled in law enforcement studies—either persons already employed in law enforcement or students desiring to pursue law enforcement careers. This law enforcement education program has been one of the most popular and successful of the LEAA programs, with some 730 schools making over 100,000 loans and grants by the close of this fiscal year. The LEAA Office of Academic Assistance which administers the law enforcement education program has already received applications from more than 950 schools for fiscal year 1971.

While administering this program, LEAA has received numerous suggestions from participating institutions and from students who have been the beneficiaries of this financial assistance regarding minor changes in the language of the academic assistance provisions which would increase the effectiveness of the program. The most meritorious of those changes are included in the bill. The first change would make the language describing the type of programs in which a student may enroll identical in both the grant section and the loan section of the act.

The different language in these two sections has created a considerable

XUM

amount of confusion on the part of many of the institutions participating in the law enforcement education program. The second change would make it clear that grant funds which are made available to full-time law enforcement employees can be used for the purchase of books as well as the payment of tuition and fees. The third change would provide that full-time teachers or persons preparing for careers as full-time teachers of courses related to law enforcement will be eligible to participate in the law enforcement education program. The final change authorizes LEAA to make curriculum development grants to institutions of higher education for the purpose of developing and improving graduate and undergraduate law enforcement curricula. These grants will provide up to 75 percent of the cost of the programs and projects which are funded pursuant to this section.

The bill adds a new section to the act authorizing LEAA to develop and support regional and national training programs, workshops, and seminars to instruct State and local law enforcement personnel in improved methods of law enforcement. Such training programs would be designed to complement the training activities of the States and local governments, and would be restricted principally to regional training programs and to training activities, such as organized crime, training, which individual cities and States rarely are able to develop for themselves.

From its inception, through June 15, 1970, LEAA has developed and funded 30 training projects for State and local personnel of operating law enforcement agencies and personnel involved in law enforcement planning. These projects, involving total awards of approximately $1,040,000, were funded through State and local governments utilizing 15 percent discretionary funds appropriated under part C of the act. The success of these projects has established clearly the need for a continuing program of training in a wide range of substantive areas related to law enforcement. The amendment would enable LEAA to support such a training program for funds appropriated expressly for that purpose, so that large sums of discretionary funds need not continue to be diverted from their primary purpose of supporting short-term innovative or experimental programs.

The amendment would provide explicitly that LEAA's training activities would not duplicate the authority of the Federal Bureau of Investigation under section 404 of the act.

In addition to the above amendments to substantive program provisions, the bill includes a number of amendments to the administrative provisions of the act. The first of these is an amendment to section 515 of the act to make it clear that LEAA may render technical assistance to the States and cities by grant as well as by contract. Although I believe the original intent of section 515 was to authorize LEAA to discharge its technical assistance obligations either directly by utilizing its own staff or through grant or contract agreements with third parties, the language of the section does not expressly authorize grantmaking. It appears advisable, therefore, to clarify this ambiguity by appropriate amendment.

A second administrative amendment inserts language in section 516(a) of the act to make it clear that LEAA funds may be used to pay the transportation and subsistence expenses of persons attending conferences or other assemblages, such as technical assistance conferences, notwithstanding the provisions of section 551 of title 31, United States Code. Title 31, United States Code, section 551 provides that "unless specifically provided by law" no public funds appropriated for any purpose shall be used for "lodging, feeding, conveying, or furnishing transportation to, any convention or other form of assemblage or gathering to be held in the District of Columbia or elsewhere"—government employees are exempt from the prohibition. LEAA has been advised informally that the General Accounting Office interprets this limitation as applying to technical assistance conferences and other such assemblages sponsored by LEAA. The amendment, recommended by GAO attorneys, would expressly exempt technical assistance awards and awards for similar purposes from 31 U.S.C. 551. Again, I am satisfied that Congress originally intended LEAA to have authority to use its funds for this purpose and thus I consider the amendment to be a perfecting one.

A third administrative amendment would change the deadline for submission of LEAA's annual report to the President and the Congress from August 31 to December 31. LEAA's grant cycle ends with the close of the fiscal year on June 30. Since it requires approximately a month for the Government Printing Office to print copies of annual reports, LEAA is now left with 1 month in which to collect a vast amount of statistical information for analysis and inclusion in the annual report. This has proved not to be enough time. Moving the submission date back to December 31 would afford LEAA enough time to include in its annual report sufficient information to fully advise the President and the Congress concerning all activities of the previous year. LEAA's submission date would then coincide with the submission date for the annual report of the Department of Justice.

Another administrative amendment would amend section 521 of the act to provide expressly that LEAA's audit and inspection authority entitles it to inspect the books and records of second-tier grantees and contractors who do not deal directly with LEAA, such as a subgrantee who receives funds from a State planning agency. The language of the section is not entirely clear on this point and, in the course of its audit activities to date, LEAA has confronted a number of indirect recipients of assistance who were reluctant to grant access to their books and records and who relied on a narrow reading of section 521 in support of their position.

On one occasion, an attorney representing a contractor of a State planning agency had given an opinion to the contractor to the effect that section 521 did not require the contractor to open his books and records to LEAA. Although LEAA managed eventually in all of the above cases to obtain access to books and records for audit purposes, the problem can be expected to recur frequently as audit activities are stepped up significantly as planned. For this reason it is deemed desirable to have section 521 amended so that LEAA's auditors can point to a provision of law expressly authorizing them to have access to the books and records of all recipients of title I assistance, whether received directly or indirectly from LEAA.

Three other amendments are designed to improve the administrative efficiency and staff capabilities of LEAA. They include authority to place 15 positions in GS-16, 17, and 18, authority to appoint individual experts and consultants, and authority to pay consultants and members of technical advisory committees at the maximum daily rate of compensation payable by other Federal agencies. The Department of Justice requested authority to place 25 LEAA positions in GS-16, 17, and 18 and I would prefer to grant them 25 positions. However, the committee disagreed and revised the number to 15 positions.

Before discussing the provisions of the bill with which I am not in accord, Mr. Chairman, I would like to clarify one change made by the committee which I feel may be subject to misinterpretation. The present act, as section 601(a), defines "law enforcement" to include "all activities pertaining to crime prevention or reduction and enforcement of the criminal law." The committee amended the definition to include "all activities pertaining to the administration of criminal justice, including, but not limited to, police efforts to prevent crime and to apprehend criminals, activities of the criminal courts and related agencies, and activities of corrections, probation, and parole authorities."

This revision, I am afraid, can be construed as a narrowing of the range of activities included within the scope of the act. The use of the term "administration of criminal justice," particularly in light of the examples included in the definition, seems to suggest that activities outside of the formal, official functions and processes of the police, the courts and correctional institutions and authorities are excluded from coverage. I wish to make it clear that I do not understand, and I do not think the committee understood, that the revision would narrow the scope of law enforcement related activities included within the scope of the old definition. Any number of nonofficial activities of persons other than law enforcement officials could be included so long as they relate to crime prevention and reduction.

I support H.R. 17825. I am one of its coauthors. I support it because I think it is a well-balanced bill, one which improves the content of the law and functional utility of the program. However, the bill contains four provisions with which I disagreed in subcommittee and in the full committee.

First, I think it is unwise to dismantle the tripartite directorate without a fair opportunity for it to prove itself. The

XUM

September 1969 report of the National Governors' Conference praised the administration of LEAA as one which "sets an outstanding example that could well be emulated by other Federal departments." The February 1970 report of the National League of Cities and the U.S. Conference of Mayors complimented LEAA for its administration of the program and called the agency among the best of Federal agencies administering grant-in-aid programs.

As an alternative, I suggest that the tripartite directorate be retained; that decision authority with respect to all administrative matters be vested in one of the three who would be designated "Administrator"; and that decision authority on all substantive program matters—such as fund allocation, grant making, contracts, and so forth—be vested in the vote of a majority of the three Administrators.

Such an alternative would have the virtue of expediting operation and management while retaining the benefit of collective judgment, experience, and expertise. Particularly in the field of law enforcement, it is wiser to collectivize the judgment of many and disperse command authority among many rather than concentrate decisionmaking power in the hands of one man.

Second, I have grave doubts about the workability of section 4(5) of the bill which would deny approval of any State plan which fails to provide "an adequate share of assistance to deal with law-enforcement problems in areas of high-crime incidence."

Aside from the obvious problem of defining what is an "adequate" allocation for a given area, the amendment might be interpreted to require States to base their subgrant allocations principally upon crime statistics. Although the committee report disclaims any purpose of requiring the adoption of an arbitrary allocation formula based on crime incidence, the report—page 11—does state that the purpose is to focus funds in areas where major crime is most prevalent and interprets the amendment as requiring that each State "shall generally correlate the benefits of anticrime efforts with the incidence of crime in particular areas." Mr. Chairman, this requirement surely will foster "statistical crime waves" as cities within each State vie with each other in compiling high crime statistics in order to claim entitlement to larger shares of title I funds. It will also restrict the freedom of a State to consider all factors—relative needs, existing resources and population distribution, for example—in allocating funds within the State in the most effective manner to achieve comprehensive statewide improvement in law enforcement.

The present act requires that LEAA approve a State plan only if it adequately takes into account the needs and requests of all local units within the State and provides for an "appropriately balanced" allocation of funds to all local units. I believe that these provisions of the present law are sufficient and are preferable to the committee provision which inevitably will have the effect of causing the States to stress crime incidence to the exclusion of other relevant factors.

Third, I am concerned about a provision in the bill which would require each State to provide at least one-fourth of the non-Federal funding for all programs and projects implemented by local governmental units within the State. Although I agree with the general principle that the States should assume a greater financial responsibility for local programs and projects, I believe the committee provision compelling instant compliance is premature by several years. Most of the States are now voluntarily increasing their appropriations for title I programs as rapidly as they can and many States are assuming an increasing share of the non-Federal cost of local programs and projects. The new requirement would mean that some States might not be able to qualify to receive block grants, either because their budgets and appropriations for the next year or two are already fixed or because they simply will not be able to find the funds to meet the increased level of matching.

For these reasons, I urged in the committee that this provision be deleted and that LEAA be permitted to continue its present, increasingly successful efforts to persuade the States to voluntarily increase their financial commitments to LEAA programs, including a voluntary assumption of a greater share of the cost of local projects. Since my efforts were not successful, I am hopeful that the other body will delete the provision or, in the alternative, will delay its effective date for at least 2 years to give the States enough time to reassess their budgets and appropriation projections in order to comply.

Fourth, there is one troublesome provision in the amendment to section 520—the authorization section. That provision requires that not less than 25 percent of the funds appropriated to LEAA shall be devoted to the purposes of corrections, including probation and parole. I favor priority treatment for corrections reform. However, I cannot understand how LEAA can as a practical mathematical exercise, enforce such a provision on a nationwide basis.

Under the block grant approach of the LEAA program, the States and cities order their own priorities and decide on their own allocations of funds among the various components of law enforcement. What happens if LEAA adds up all of the applications at the end of the year and discovers that they are $5 million short of the 25-percent figure? Do they call some State agency and try to persuade it to add another $5 million to its corrections programs? Or do they assess each State, or perhaps some combination of several States, pro rata share? I simply do not believe the requirement can be logically administered.

More importantly, I believe the provision inevitably will be taken by the States as an indication that no more than 25 percent of their funds should be devoted to corrections each year. What is intended as a floor might become a ceiling. I would prefer to delete the provision and leave the States free as they now are to allocate their funds among the various components of law enforcement according to their own priorities, so long as their plans are comprehensive. This might mean that the total nationwide commitment to correctional programs would considerably exceed 25 percent in some years—as is expected to be the case next year—but might be less than 25 percent in other years.

As an alternative to the deletion of the provision, I would prefer that it be changed to provide that 25 percent of appropriated funds be allocated to part E—the new correctional construction program. Or perhaps specific dollar authorizations might be included for part E.

Mr. Chairman, I will not offer amendments addressed to the provisions I have named. I believe that, on balance, the bill is a good bill, and I would like to see it passed by the House of Representatives as promptly as possible. I would not want to do anything which might jeopardize its passage and which might involve this body in lengthy debate.

Mr. HOGAN. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from Maryland.

(Mr. HOGAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HOGAN. Mr. Chairman, as a former law enforcement official and one who is deeply concerned over the increasing crime rate in this area as well as throughout the Nation, I wholeheartedly support H.R. 17825, amending title I of the Omnibus Crime Control and Safe Streets Act of 1968. This bill, which will authorize substantial appropriations for the Law Enforcement Assistance Administration for the next 3 years, and reorganization of the administration of the LEAA by substituting an administrator for the present three-man board, will, I believe, greatly further the purposes of the Omnibus Crime Control and Safe Streets Act and aid local and State law enforcement agencies in effectively combating crime in this country.

I am particularly pleased to see that these amendments include authorization for a new program for the construction, acquisition, and renovating of correctional facilities, and earmarks one-quarter of the entire appropriation for the purposes of correction.

It has long been my belief that we can make revolutionary gains in the practices of what we do with the criminal once we have removed him from society. In fact we must make changes and improvements in the present correctional systems. Statistics indicating that 50 to 70 percent of those who leave our prisons go out to commit another and perhaps more serious crime than those which brought them to prison in the first place, have led the experts to conclude that our grossly neglected and inadequate correctional institutions have been a factor in promoting confirmed criminality.

The committee's report points out that the U.S. District Court for the Eastern District of Arkansas held in a decision that in certain respects confinement in the Arkansas penitentiary system amounts to "cruel and unusual punishment."

Incarceration should be humane and the most modern techniques of rehabilitation should be employed. I think it is archaic to lock a man in a cage for a specified length of time and then unlock the cage and expect him to be reformed.

Pilot projects designed to evaluate the effects of well-planned rehabilitation programs have proved beyond any shadow of a doubt that many offenders can be salvaged if we get to them in time. Offenders can be taught to have new values. They can be taught skills. Moreover, they can be converted from being life's losers into being life's winners. Unfortunately, there are few well-planned professionally conceived rehabilitation programs in our Nation's prisons.

We must vastly increase the psychiatric care which is available to inmates. In Federal prisons we have about one psychiatrist for every 1,500 inmates, while in State prisons the figure is about one in 5,000 inmates. If there is any one segment of our society which needs psychiatric care, it is our prison population.

In addition to psychiatric care, we must expend more effort to teach inmates new work skills to equip them to lead productive lives in society after they have fulfilled their prescribed terms.

Everyone has a role to play in the job that must be done. The Federal Government, through the Labor Department's Bureau of Apprentice Training, must make a major commitment toward providing the necessary resources to train our prison population in usable skills.

The time has come for men in prison to be trained on a huge scale as plumbers, sheet metal workers, barbers, computer programers and for the hundreds of jobs which a growing America will demand. Organized labor, business firms and organizations all must play a role in this job-training program.

I am pleased to note that in order to qualify for correctional funds under this bill, applicants will be required to provide assurances that the design of facilities will be modern and innovative, that provision is expressly made for rehabilitation programs, and that facilities will be staffed with personnel meeting advanced standards of training and education.

I agree with the members of the committee that, of all the activities within the criminal justice process, corrections appear to contain the greatest potential for reducing crime. Then, if we are to wage an effective battle against crime, this is necessarily an important part of the strategy. Obviously no small amount of funds and emphasis will compensate for the effect of many years of neglect on our correctional systems. Therefore, it is appropriate that one-fourth of the funds appropriated for the Law Enforcement Assistance Administration are required to be expended for correctional purposes.

As the sponsor of legislation providing a program of grants to State and local governments for the construction or modernization of correctional institutions, I am happy that the Judiciary Committee has seen fit to extend the provisions of the LEAA to include such authority in this area.

Another provision of the bill which is of particular interest to me is that which requires the States to take into consideration and to provide adequate assistance to those areas having high crime incidence.

I am well aware of the economic impact of high crime incidence upon the governments in the Washington metropolitan area, including my own Prince Georges County, Md.

While I fully recognize that the primary responsibility for controlling crime rests with local government, its efforts to cope with the problem are hampered to a great extent by inadequate financial resources. Realizing this, I cosponsored legislation known as the Police Assistance Act of 1970 which would provide direct Federal assistance in the form of grants to those cities and countries having primary responsibility to provide police services in major urban areas. I represent such an area.

The legislation before us today in no way restricts funds to urban areas, but clearly requires the States to assist those areas which have high crime incidence whether they be large or small.

These are two of the provisions of the legislation before us which I find particularly desirable. I would like to reiterate my support for the entire bill and urge my colleagues to vote for its passage.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Chairman, many Members no doubt recall the words of my predecessor, Mr. Cannon, when he was a Member here. He had a statement which I believe was very true. I think about it in connection with bloc grants to the States. He used to say that when one sent a dollar to Washington only 50 cents came back.

It seems to me that when we sift it back through the State government, as opposed to the local unit of government where the funds are needed, we simply lengthen the trip of the money back to the people, and perhaps diminish the amount they receive.

In line with this, the mayor of the largest city in my congressional district, James Eagan, of Florissant, testified, and I should like to call attention to some of the comments he had to the Congress.

He spoke not only as the mayor of Florissant, Mo., but also on behalf of the Missouri Municipal League, to which some 380 cities belong, and as a member and representative of the National League of Cities and the U.S. Conference of Mayors.

Some of his statements, I believe, are appropriate to this problem we face of grants to the cities and bloc grants to the States.

He stated:

> Local governments across the Nation, and Florissant, Mo., is no exception, are caught in a severe fiscal crisis between State-imposed restrictions preventing broadening of the local revenue base and increasing demands for service by local citizens.
>
> Even if a city is completely committed to action to control crime, the city may not be a free agent to collect and dedicate the necessary resources to achieve this purpose. Local revenue-raising capability and, to some extent, local spending choices are severely constricted by State law:
>
> States tell cities what taxes they may raise, and in some cases how high they may raise them.
>
> States designate who may and who may not be taxed.
>
> States set limits on how much debt may be incurred and what interest rates may be paid, and
>
> States sometimes mandate services which must be performed and what people must be paid to perform them.

In this connection I am pleased that the act has been amended this year. This proposed statute would include the requirement of a 25 percent local contribution from the State government, so if we had a project on which the contribution was 60 percent Federal and 40 percent local the State government would put in at least 25 percent of that, or 10 percent of the total cost of the project. I would think this would be progress. Hopefully, we can make more.

I quote again from Mr. Eagan, who pointed out the need for local funds to be handled at the local level and that their position was:

> If any mayor takes this money and buys Cadillacs for his police department, he is not going to get reelected. We have to stand and be counted the same as you do and the same as the State officers. I think the mayors in the State of Missouri are intelligent, competent men, and we can do away with a lot of the paperwork and a lot of supervision, though certainly remain accountable to you gentlemen for the money that you send to us. But to spend weeks and months filling out forms and dotting "i's" and crossing "t's" does not fight crime. Send us the money and then with men like our chief and the other chiefs throughout the State, we will have the tools to do the job and not have to hire three and four clerks to type out seven copies of this and five copies of that and hire a director at $20,000 a year to say how he is going to work a committee to pass out this money.
>
> We think that the best thing that you can do for us would be to give the money directly to the cities. Hold us accountable to you and, at the same time, what you are doing is holding us accountable to our voters because if we take the money and use it promiscuously and not in the best interests of our people, you won't have to take action against us because we won't be in office.

That ends his statement. I would urge support of this legislation.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Chairman, in passing the Omnibus Crime Control and Safe Streets Act of 1968, the 90th Congress stated in title I of that act that—

> Crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively.

As the Judiciary Committee's report is entitled, what we are today considering is the revision and extension of Federal law enforcement assistance to State and local governments.

When our Nation's Government was first formed under the Constitution there were only a very few Federal crimes men-

XUM

tioned, such as treason, counterfeiting, and piracy. Since the common-law crimes have been held not to apply against the Federal Government, it is literally true that to a very great extent, the State and local governments have defined various crimes and are also charged with the enforcement of such criminal laws.

If there is one common characteristic in nearly everyone's ideas about Government, it is a desire that the Government be close in proximity and hopefully understanding. Even if it were possible to establish that the very best police force system in terms of efficiency would be a national police force, I doubt whether very many of us would want such a system.

The growing awkwardness of an overburdened centralized Federal Government has been demonstrated in ways so numerous so as to nearly defy categorization. The presence of dedicated caseworkers and secretaries in our own offices is living proof of such problems. It seems to me absolutely necessary that the States assume new responsibilities and bring Government closer to the people.

We have seen in recent years a series of Federal efforts to aid and assist State and local levels of government. Indeed, the business at hand is to renew the program of assistance to law enforcement at State and local levels. Congress has declared crime to be an area in which it is necessary and proper for Federal assistance to be made available to the State and local law enforcement efforts, and I doubt whether many would quarrel with that determination.

Basic to the operation of this program of Federal assistance to law enforcement is the block grant concept wherein a State makes a thorough review of crime and law enforcement within its borders and prepares a comprehensive plan for improving the situation. Upon review and approval at the Federal level, funds to be spent in furtherance of such comprehensive plans are made available to the States.

My own State of Illinois, under the inspiring leadership of Gov. Richard B. Ogilvie, has been a pacesetter and has established a model or blueprint for action which can be of significant guidance and direction to other States. Governor Ogilvie, in testfying before the Judiciary Committee on behalf of the National Governor's Conference earlier this year regarding the legislation before us today, stated:

> Under the Federal act, you have looked to the States for planning leadership in strengthening our system of criminal justice. I feel that this is most appropriate since the formation and administration of the organic criminal law is constitutionally the responsibility of the States. In Illinois, we have taken this responsibility seriously.

The record of Illinois is indeed impressive. Faced with a proliferation of 102 counties with sheriffs and 800 municipalities with police departments—Cook County alone having 121 municipal police departments, and the need to make some comprehensive plan and order out of these separate local law enforcement entities, the first executive order issued by Governor Ogilvie established the Illinois Law Enforcement Commission—ILEC—as the official State agency for purposes of the 1968 act.

The ILEC has 32 members representing every facet of the State's system of criminal justice. Under the commission are 36 regional planning units. The chairman of the ILEC is Arthur J. Bilek, whose experience includes higher education as well as operational experience at many levels of law enforcement. He was chief of the Cook County police and is a full professor at the University of Illinois, where he directed the criminal justice curriculum at that institution.

Of the 32 members of ILEC, five are mayors and elected officials, 10 are representatives of law enforcement, two are judges, two represent the city of Chicago, three represent minority groups, eight are from corrections, one from the clergy, five are citizen representatives, and two are academicians.

The greatest allocation of planning funds by ILEC has gone to the city of Chicago. The State has consistently exceeded the requirements of the Federal act. Illinois was the first State whose legislature made a strong financial commitment to the program. The State appropriated over $3 million for the matching requirements for Federal funding, but to that figure, the State added $5 million for statewide programs to supplement the comprehensive State plan. One extremely desirable result has been the ability of the State to supplement the financial resources of local governments which are unable to develop their own matching funds.

In discussing the highly rewarding experience of the State of Illinois under its own as well as the Federal block-grant program, Governor Ogilvie strongly opposed substantial deviation or cut back in the block-grant concept. I quote from his testimony to the Judiciary Committee, at page 88 of the printed hearings, as he stated frankly and forthrightly that—

> In view of the record of progress in Illinois, therefore, I must oppose any amendment which would cut back the block grant concept. Such an amendment would, first of all, take from the States much of the means by which they can discharge their primary responsibility for creating and administering the criminal laws. It would diminish the degree of accountability which should be demanded of the States, and in effect set up another co-equal level or responsibility which conceivably could work at cross purposes with State efforts. It would deny to communities some of the expert assistance now available through Illinois by our Law Enforcement Commission.
>
> It would create twin paths for fund applications, and would further confuse local officials in their efforts to meet Federal requirements.
>
> The strong statewide probram in Illinois is rooted in a high degree of local autonomy, coupled with effective statewide planning and assistance. Our entire program is oriented in community action, under local control.
>
> And I would be less than candid with you if I did not say today that we have created a workable system, a system that enjoys a high degree of support, a system that is getting the job done with a minimum of friction between State and local governments.
>
> We have taken the hand you extended to us in 1968, and we have in turn extended our hand and our own funds to our communities.

Several major accomplishments have been noted as unimpeachable evidence that the Illinois program is working well. I would like to briefly list some as follows: First, $1 million has been made available to an Action Now program to quickly put into the hands of local police departments funds to have management studies of their departments. The ILEC was the first State planning agency to implement such a program; second, a statewide public defender project was begun with funding of $2.2 million and places Illinois in the company of a very few States with such programs; third, a youth guidance program was funded by ILEC to attack the dropout problem. The Chicago Board of Education participated in this effort; fourth, to establish police community relations offices, an operation store front was granted an award by ILEC. Several storefronts are presently open and functioning and acting as a bridge to the communications gap between the police and the communities; fifth, a model curriculum for police recruit training was made possible by an ILEC grant to the Illinois Law Enforcement Officers Training Board. In smaller communities officers had been placed on duty with no prior training and such an intolerable situation is being corrected; sixth, with the cooperation of the University of Chicago a survey has been completed of the Illinois jails. For the first time in Illinois' history, it is felt that there is factual data regarding local jails which can be used for planning and reform; seventh, a grant of $108,000 to a legislative counsel on the diagnosis and evaluation of criminal defendants is part of a recodification project to transform the corrections statutes into a modern correctional code.

I would say then to my colleagues, that the State of Illinois has proven that our legislative effort in the 1968 act was well designed to provide the incentive for effective State action and improvements in law enforcement throughout the Nation. That law is in its infancy and the funds have only recently begun to flow to the States under their comprehensive plans. The Judiciary Committee has seen fit to authorize the continuation of this program for 3 years and at increasing levels of authorization. We are on the brink of making possible very real and tangible progress. The leadership of the State of Illinois is a source of some pride to me and can serve as an example to other States. It is up to this body to make further progress a reality by accepting the Judiciary Committee recommendations without adding any destructive or counterproductive amendments.

(Mr. ANDERSON of Illinois, at the request of Mr. RAILSBACK, was granted permission to extend his remarks at this point in the RECORD.)

Mr. ANDERSON of Illinois. Mr. Chairman, I rise today in support of a most significant series of amendments to title I of the Omnibus Crime Control and Safe Streets Act of 1968. I believe I can say that we have all been pleased with the efforts of the Law Enforcement Assistance Administration to aid local and State agencies in their battle against the rising tide of crime in this Nation. But

XUM

with every new program and administrative apparatus there are many bugs and hitches that need to be ironed out before real effectiveness is achieved. This is the purpose of this present set of amendments, and I am confident they will do much toward tooling up the LEAA for more effective action in the war against crime.

One of the most desperate failings of the first 2 years of operation of this new program is the fact that funds were not very well zeroed in on the target. I was shocked to find that in one State a large city of 200,000 with a very severe crime problem received only $188 in LEAA support while a village of 10,000 in the same State received nearly $20,000. I am sure, of course, that this is one of the more egregious examples of poor allocation, but it points to the fact that we must be more discriminating in the future. The present amendments seek to accomplish just that by making LEAA approval of a State plan for assistance contingent upon the express finding that an adequate share of the Federal funds will be directed to areas of high crime incidence.

Mr. Chairman, another significant change contained in this bill is the requirement that States meet at least one-fourth of the non-Federal share of LEAA grants going to local law-enforcement agencies. During the first 2 years of operation the States almost uniformly left the local unit of government to pick up the entire non-Federal tab. When we consider the alarming fiscal pinch in which many of our communities and municipalities find themselves, it becomes obvious that this practice is in need of sharp alteration. Moreover, the localities which most badly need law-enforcement assistance—our central city and core urban areas—are least able to bear the non-Federal share alone because of their shrinking tax bases and rising education and welfare costs. I believe the requirement that the States bear their fair share along with the stipulation that funds be more rationally allocated will enable our beleaguered central city enforcement agencies to more adequately cope with the inhumanly difficult tasks we have called upon them to perform. And we all have an interest in the success of efforts to combat crime in the central cities, whether we live there or not, because crime like any other virus tends to infect the entire body to which it attaches itself.

Two other provisions of this bill are also quite significant. One of these is the loosening of the limitations on the portion of a recipient's LEAA funds which can be expended for salary purposes. While we certainly do not want to get into the business of federally supporting the salaries of regular law-enforcement personnel at the State and local level, there is nevertheless a strong need and justification for aid to the specialized and auxiliary personnel required to cope with the increasingly complex problem of crime control. Though the present stringencies were probably well intended, it is clear that they have in many cases encouraged investment in sometimes quite superfluous gadgets and equipment to the neglect of more pressing priorities. The present bill remedies this by removing all restrictions upon the use of discretionary grants and relaxing the limitations on the portion of block grant aid which may be used for salary support.

Another important innovation in this bill is a greatly stepped up program for the improvement of our correctional facilities. Recidivism is probably the main contributor to our rising crime rates, and unless something is done to ameliorate the scandalous situation in which 50 to 70 percent of those serving prison terms are rearrested, we will never get the criminal forces in this society under control. This bill takes a step in that direction by increasing to 75 percent the Federal share for grants for the construction of correctional facilities, and requiring that recipient institutions employ the most modern and advanced personnel and program practices.

Finally, Mr. Chairman, this bill greatly increases the funding authorization for the LEAA. There has been much hue and cry about the need for law and order, and indeed there should be considering the enormity of the crime problem. But we must face the fact that a successful war on crime can not be financed on a bargain basis. Repressive laws, lack of police restraint, the abridgement of individual rights and compromise of judicial process may appear as less costly alternatives; but in my opinion they will not solve the problem, and they are most definitely repugnant to our cherished values of individual liberty and constitutional government. The way to truly combat crime and restore order and security to our streets, parks, businesses, and homes is through the upgrading, modernizing, and professionalizing of our entire law enforcement and criminal justice system. As the Eisenhower Commission pointed out, the price tag for such an effort will not be low; but by passing this measure today I think we will be showing that a vigorous and unrelenting effort to restore law and order is perfectly compatible with the attainment of higher levels of justice and the preservation of our democratic system of individual liberty.

Mr. CELLER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. HANLEY).

Mr. HANLEY. Mr. Chairman, one of the most pressing problems our local police departments are facing in this day and age is a startling decline in the per capita personnel engaged in law enforcement work. Most of our larger cities and metropolitan areas are now engaged in a program of early retirements after 20 years, as a result thousands of dedicated, experienced policemen are leaving their respective police forces in the prime of their careers. I would like to see the Justice Department determine on a nationwide basis the feasibility of assisting local government in establishing police reserve units at the community level.

I have spent considerable time in conference with law enforcement officials in my hometown and I am aware of the acute personnel problems they are facing. Right today, in Syracuse, N.Y., the police department could use 100 more officers. But, like most cities, Syracuse does not have this kind of money on hand.

My suggestion could enable the Federal Government to assist local police departments in establishing a reserve pool of retired police officers who would be physically capable of part-time work and whose talent and experience might otherwise stagnate.

This is not a national police force. Nor would these local units be responsible to the Federal Government. They would be completely under the jurisdiction of their respective communities and they would be responsible to the police authorities in those communities.

The staggering crime rise in our cities and the collateral decline in per capita police personnel ought to tell all but the most foolhardy that the cities need help. But I do not know of one major city in the country that has the wherewithal to cope with this problem. While it is a local problem, it is national in scope, and so we as national legislators have a moral and political responsibility to assist the cities in their dilemma.

The community police reserves would act as supplementary manpower to our already beleaguered law enforcement personnel. They would free many of our cities' younger policemen from administrative details and a host of other para-police activities, while at the same time enabling local police departments to take advantage of the experience of retired officers who are still in the prime of life.

In city after city policemen are retiring in their middle and late forties. They are still physically and mentally capable and they have a great deal to offer their communities. They should be allowed to share these capabilities up to age 60. Beyond their natural desire to serve their communities, most of them, I believe, would enjoy remaining active in police work, if only on a reserve basis.

Now it stands to reason that an incentive ought to be discussed and I am suggesting for example that a $1,200 stipend per year be considered in the council.

I do not think there is a Member in this Chamber who is unaware of the proliferation of hard drug use and of the startling increase in street crimes, muggings, rape, and burglary in our urban and suburban areas. Nor do I think that anyone here fails to realize that a basic component in this problem is the shortage of police manpower. It is not the whole answer, to be sure, but I think my suggestion could go a long way toward a responsible solution to the situation.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. HANLEY. I yield to the distinguished chairman of the Committee on the Judiciary.

Mr. CELLER. I think the gentleman has made a very interesting suggestion. It is something I believe the various coordinating councils might consider seriously. I hope your message will go forth to these councils to the end that they might embrace some part if not all of the idea that the gentleman has just suggested.

Mr. HANLEY. I thank the gentleman so much for his observation.

The CHAIRMAN. The gentleman from

XUM

New York (Mr. HANLEY) has consumed 6 minutes.

Mr. McCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Chairman, while I rise in general support of this bill, there is one provision which it seems to me contains great peril for many States. I want to alert my colleagues of the House who are from States which do not have their legislatures in session at the present time or who will not have the legislature in session before next year, that there is a great peril, it seems to me, that they will be barred from participation in this program by reason of the paragraph which appears on page 4 of the bill, lines 16 to 20, which for the first time imposes a requirement on the State of providing not less than one-fourth of the non-Federal funding.

My State of Iowa is one of those which is in this very vulnerable situation because our legislature is not in session and will not be in session until next year.

We have an outstanding program under the Omnibus Crime Control and Safe Streets Act of 1968 in our State under the leadership of our Governor, Robert D. Ray. There is an excellent ongoing program there. For example, at the request of Governor Ray and the Iowa Crime Commission, the Iowa General Assembly earlier this year appropriated $300,000 for Iowa's share of an action program which is upgrading the Iowa Narcotics Bureau, and which set up a new State criminalistic laboratory and a new State criminal conspiracy unit. The Iowa legislature appropriated $80,000 as Iowa's share of new corrections and rehabilitations programs administered by the State Department of Social Services. An appropriation of $33,000 was provided by the General Assembly as Iowa's share of a Law Enforcement Assistance Administration aided project to revise the Criminal Code of Iowa.

Separate from these efforts to provide State funds to match LEAA Federal funds for these important projects, the Iowa General Assembly has also enacted legislation improving the various State law enforcement agencies and increasing appropriations for those agencies wherever it was felt necessary for the struggle against crime. Among the many State-sponsored and financed programs to improve law enforcement at every level have been schools for law-enforcement officers to train them in use of breath-testing devices, State schools for prosecutors, and other programs too numerous to cite in detail at this time. Governor Ray appointed a fine panel to the Iowa Crime Commission which has been designated the State Planning Agency under the basic act. It drafted and submitted in February an excellent State plan which the Law Enforcement Assistance Administration approved on April 21, 1970. The Law Enforcement Assistance Administration has allocated $2,460,000 to Iowa for the Federal share of action programs under this approved State plan, and earlier allocated $241,000 for the Federal share of the cost of planning.

But now for the first time with this requirement in subparagraph (6) on page 4 requires that with respect to any such program or project, the State must provide not less than one-fourth of the non-Federal funding. This places my State, and I fear many other States, in considerable peril of losing any participation in this program whatsoever.

I will, therefore, at the appropriate time, offer an amendment which will postpone the effect of this one-fourth contribution requirement for a period of 1 year. That amendment will be on page 4, line 20, after the word "funding," and will insert the words "for each fiscal year ending on or after June 30, 1972."

If your State does not have a legislative session this year, it may under the present form of this bill, H.R. 17825, if it is passed without amendment, be unable to qualify for Federal grants under H.R. 17825 during the fiscal year 1971.

The bill, as presently drafted for the first time requires States to provide not less than one-fourth of the non-Federal funding for law enforcement programs or projects.

I have had a very urgent telegram from the distinguished Governor of my State, Robert D. Ray, saying the cost of a special session, or to call our legislature into session so they could comply with this requirement, would be prohibitive.

Leaders of our State legislative body have advised me that this cannot be done retroactively next year. No possible harm can be done, I submit to my colleagues, if this particular provision requiring a one-fourth State contribution is deferred for a period of 1 year, and I therefore hope that this very simple, corrective amendment I intend to offer will have widespread support and can obviate what would be a severe blow to law enforcement in many States.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. MAYNE. I am happy to yield to my colleague from Iowa (Mr. KYL).

Mr. KYL. I would like to clarify that a State—the State of Iowa, for instance—is not opposed to the idea of having State participation, or forcing the State to contribute. I know in my own case I do not oppose that idea or philosophy either. But the sole object, I repeat, in this case, as the gentleman has said so well, is the fact that if this language is left in the bill a number of States just will not be able to participate under any circumstances at all.

Mr. MAYNE. As I have stated to the House, Governor Ray has provided strong leadership in implementing the effective use in Iowa of Federal law enforcement assistance grants under the Omnibus Crime Control and Safe Streets Act of 1968. In view of his fine record in this field, it is highly significant that I have just received a telegram from him in which he states that if this bill is passed today without amendment and goes into effect affecting the fiscal year which starts on Wednesday of this week, it is his considered judgment it will be impossible for Iowa to continue to participate in this heretofore highly successful law enforcement program. All appropriations affecting the fiscal year 1971 have already been established by the legislature when it was in session earlier this year. The proposed legislation, H.R. 17825, would, in the opinion of my Governor, effectively prevent Iowa from participating in the crime control program throughout the entire fiscal year 1971 which ends June 30, 1971. This can be obviated by the amendment I will offer postponing the 25-percent contribution for 1 year but not delaying the operative provisions of the bill in any way.

I ask the support of my colleagues when this amendment is offered.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. McCULLOCH. Mr. Chairman, I yield 3 additional minutes to the gentleman from Iowa.

Mr. MAYNE. I thank the distinguished gentleman from Iowa for yielding me additional time.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. MAYNE. I am happy to yield to the gentleman from Illinois.

Mr. RAILSBACK. I wish to commend the gentleman on his statement. I believe that all of us are aware that Iowa has done a very good job under its Governor. I would merely like to ask a couple of questions of the gentleman.

Has the State of Iowa to date appropriated any funds toward their law enforcement assistance program? I am just curious.

Mr. MAYNE. Yes, they have.

Mr. RAILSBACK. Do you know what percentage those funds would represent as far as the total funding of the Iowa law enforcement assistance program?

Mr. MAYNE. I do not have those exact figures available to me now, but I will be more than happy to get them for the gentleman from Illinois.

Mr. RAILSBACK. The reason I ask is I think that would be most relevant, because it may be that Iowa has appropriated substantial funds that might come close to the requirement.

Mr. MAYNE. But Iowa has not appropriated funds under a formula such as this, which for the first time imposes a mandatory, indispensable requirement for participation in the Federal program of 25-percent contribution. Such funds as our legislature has appropriated have been for independent law enforcement activities of the State of Iowa, and they do want to go ahead under this program and are perfectly willing to contribute 25 percent, but they are unable to do so until the fiscal year 1972. It seems a great pity to me to have Iowa cut out of this program for the first year of the one-fourth requirement. And it is not just Iowa. I am advised there are 45 States that do not have sessions between now and next January which may be in the same predicament.

I ask the distinguished gentleman from Illinois what possible harm can come from deferring this one-quarter requirement for 1 year so that we can be sure these States will not be excluded?

I yield now to the gentleman from Illinois.

Mr. RAILSBACK. Mr. Chairman, first of all it is my understanding the Iowa Legislature does meet next year. Under the existing program, the appropriation funds from the Federal Government

XUM

come due about May or June of our fiscal year, which would mean at that time, there would have to be matching funds available. This is the information given to me, and I hope it is correct. There are only two States which cannot meet this.

Mr. MAYNE. Does the gentleman mean to say to me that the urgent action which the House takes today will not put one dime into the States under this bill until May almost a year hence?

Is that urgent action by the Congress of the United States? Is that what the gentleman is saying?

Mr. RAILSBACK. I think that may very well be the case.

Mr. MAYNE. That is a mighty slow timetable to take care of the urgent problem of crime in America today.

Mr. RAILSBACK. But if that is true, it would permit the Iowa State Legislature to take action, and I think all but two of the State legislatures meet at the beginning of 1971.

When I am asking these questions, I am not taking issue with the gentleman. I am trying to get information myself. I am interested in how these programs will work, and I am interested in what the gentleman will say. The information given to me was that all but two States will be able to meet this.

Mr. CELLER. Mr. Chairman, I yield to the gentleman from Illinois (Mr. Mikva).

Mr. MIKVA. Mr. Chairman, I would like to respond to my distinguished colleague, the gentleman from Iowa, in connection with his concern about the State supplementing and providing a portion of the funds for these programs. There are many of us on the Judiciary Committee who would have preferred to see a stricter formula, which would have seen more of these moneys going directly to the local governments which suffer from the bulk of the crime problem. We yielded our proferences on the assurances that this kind of formula or approach would see to it that many States, including my own where the impact of the LEAA funds on the larger urban areas has been very small, will provide a larger portion of the funds to the cities where the crime problem is at.

Many of us consider this the counterpart of the block grant program as a whole. It seems to me that it comes with ill grace from some of the Governors who were so enthusiastic for block grants to oppose requirement that these crime-fighting funds will go to where the crime problems are, namely the urban areas of the States.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, when are the funds provided in this bill distributed?

Mr. MIKVA. I would yield to the gentleman from Illinois on the timing. It would seem to me they would come in at the end of this fiscal year, which would be any time after July 1.

Mr. KAZEN. Would this be by July 1 of next year or 1972?

Mr. MIKVA. No. The grant comes in July of this year. I think the question solely is the timelag involved as to when States put in their requests, and the local governments put in their requests and when the funds come into the particular area for a particular project. There is a timelag, but not under the bill.

Mr. KAZEN. For all practical purposes, there would be a 1-year timelag because, as has been pointed out, very few of the legislatures will meet before next January.

I know that if the legislature of my State passes an appropriation bill providing the State's share at the next session, and if that bill does not receive a two-third record vote, the money will not be available until about September of 1971 which would mean a year's delay in continuing this program.

Mr. MIKVA. Is the gentleman aware his State of Texas does not provide any such funds?

The States came in and said they want the money to come in in block grants. They said the block grants programs are going well. How are they working well if Texas is one of the States which does not provide any help to its local communities? I would be reluctant to say that.

Mr. KAZEN. I would be too. But I want this bill to be effective as soon as possible. Why call this an emergency fund measure if there is to be a 1-year lag before the money is to go into the local communities where the problem exists?

Mr. MIKVA. The provisions of this bill go into effect immediately and if, in fact, Texas has been denying funds to its local communities with which to take advantage of the law, if that is the situation in Texas, then I would say that it is their problem to make it possible for this to be more immediately effective.

That is not a problem with this bill. This bill will become effective July 1, 1970.

Mr. CELLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. Brademas).

Mr. BRADEMAS. Mr. Chairman, the latest crime statistics released by the FBI reveal an alarming increase in the incidence of serious crime in the United States and in my own State of Indiana.

The national index of serious crime rose by 13 percent in the first 3 months of 1970 over the first quarter of 1969. In Indiana, the serious crime rate leaped 22.4 percent in the first quarter of 1970 over this period last year. And major crimes in my home community of South Bend rose 20 percent over the same interval.

The law enforcement assistance amendments now before the House are aimed at aiding State and local police officials do a more effective job of coping with this alarming problem.

If we are to wage effective war on crime, we must do more than give lip service to supporting law enforcement authorities.

We must provide substantial financial assistance for education and training of police officials, for building and modernizing correctional facilities, and for improving all aspects of our criminal law system.

The action of the judiciary committee in approving $650 million in Federal funds for law enforcement assistance during fiscal year 1971 reflects a more realistic appraisal of the extent of the increasing crime problem than does the administration's request for only $480 million for the same period.

Mr. Chairman, the bill reported by the judiciary committee recommends that a total of $3.15 billion be spent over the next 3 years for law enforcement assistance. In addition to the $650 million which the committee recommends for fiscal year 1971, the committee recommends expenditure of $1 billion and $1.5 billion respectively in the following 2 fiscal years.

This total recommended expenditure, Mr. Chairman, comes close to the $3.5 billion contained in law enforcement assistance legislation which I introduced in February.

Mr. Chairman, I believe that it is essential that the House pass this bill to prevent and control crime.

I would also urge, Mr. Chairman, that prompt action and support be forthcoming for two other bills aimed at preventing and controlling crime—the Pretrial Crime Reduction Act and the Correctional Services Improvement Act, bills which I cosponsored earlier this year.

Mr. CELLER. Mr. Chairman, I yield myself 5 minutes.

In the first instance, it is very essential that the States make some allocation of a portion of this program. We provide that the States shall contribute at least 25 percent of the non-Federal funds, so that the entire burden shall not be on the localities.

Most of the cities and most of the countries are broke. Let us not forget that. They implored the States for help. The States very imperiously said "No, not a thin dime."

That cannot continue. The States must assume some responsibility in this tremendous program. There can be no delay.

The amendment suggested would delay this emergency program. The crooks and the thieves and the muggers do not delay. They brook no delay. They act immediately on impulse.

We should not delay. We should do nothing that would impede the free flow of funds so that we can tackle and conquer this dreadful scourge, the crime which is besetting our Nation.

There is talk about State legislatures not meeting. Only two State legislatures will not meet; that, Kentucky and Virginia. But Virginia has already appropriated funds without earmarking them necessarily, which can be used for this very purpose under the terms of this bill. The only State, really, that is left is Kentucky.

Most States have interim appropriations. They make appropriations for contingency funds that can be used for emergency purposes.

We cannot be stymied here because of some archaic provisions of the States. We have to go forward with this program. There should be no delay. I hope any amendment that involves delay will be decisively voted down.

Mr. MAYNE. Mr. Chairman, will the gentleman yield?

XUM

Mr. CELLER. I yield to the gentleman from Iowa.

Mr. MAYNE. I should like to point out to the distinguished chairman of the committee that those of us who support this amendment are not asking for delay in the program proceeding. We are only asking that the mandatory requirement that the State contribute one-fourth be deferred for 1 year, because we believe it is impossible for many States to comply with that requirement.

Mr. CELLER. But the effect will be delay, d-e-l-a-y. I cannot see it any other way.

For that reason, I will vigorously object to any amendment of that character. Let the States devise something. Why should one State or two States or three States stymie this program? Let the States rise to their duty here. Let the States really understand, and the State legislatures really understand, how gigantic and how perilous the fiscal problems of local governments are.

There should be no delay. This amendment should be decisively voted down when it comes before us.

Mr. McCULLOCH. Mr. Chairman, I yield myself such time as I may consume.

I have a doubtful feeling about the postponement which is sought in this case. While we are not now debating the amendment, I would have great hesitancy and reluctance in delaying such provision of this legislation for 1 year.

Of course, Mr. Chairman, I am not skilled in the knowledge of the law in Iowa and I do not want to leave the slightest impression that I know what the law of Iowa is. However, I would find it hard to believe that the State of Iowa could not take advantage of a grant from the Federal Government pursuant to a law that was passed in June or July or August when that legislature met in January the following year and could then proceed with appropriations in the regular course.

I do, however, think I know what the law is in my State. In my State the legislature meets in odd years. That means sometime on or before the 10th of January of 1971 the legislature of the State of Ohio will meet. They can appropriate money immediately thereafter to meet requirements that will occur immediately or during the biennium.

Mr. Chairman, if the States could not take advantage of grant-in-aid programs of the Federal Government such as the LEAA program with this provision then we would not have had the success in so many programs that were enacted into law at the Federal level in the last 30 years.

I do not see how the State of Iowa could fail to benefit if they moved promptly after the legislature convened in 1971.

Mr. CELLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I thank the very distinguished chairman of the committee for yielding to me, principally to ask some questions.

On page 4 of the bill, line 10, section 303, it reads:

> (5) Section 303 is amended by inserting after the first sentence thereof the following new sentence: "No State plan shall be approved unless the Administration finds that the plan provides for the allocation of an adequate share of assistance to deal with law enforcement problems in areas of high crime incidence."

The question I wish to direct to the chairman with respect to this particular amendment is this: Was this amendment born of the need that apparently is reflected in the experiences that some of us have had in some States where we do have areas of recognized high incidence of crime but have been unable for one reason or another to get State agencies to allocate the proportionate amounts of money? Will this amendment take care of that?

Mr. CELLER. Yes indeed. We had very concrete evidence brought before the committee that in innumerable instances where there was a high incidence of crime there was not sufficient attention paid by the State planning agency with reference to the allocation of funds. They were woefuly and inadequately treated in that regard.

Mr. GONZALEZ. I compliment the chairman and his committee for taking care of this through this amendment. And, I take this opportunity to express myself in favor of the adoption of this measure and to compliment the committee.

Mr. CELLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. ADAMS).

Mr. ADAMS. I thank the Chairman for yielding to me and I rise in support of H.R. 17825—the Omnibus Crime Control and Safe Street Act Amendments.

Mr. Chairman, I particularly want to compliment the committee for having raised the amount of money from the original request of $493 million to over $650 million.

Many of us feel that it should have been even a higher figure than that. However, we are very pleased that the committee has gone this far.

I think also that the committee is to be complimented upon seeing to it that an allocation is being made for the correctional institutions in the various States. They are in a deplorable condition. In my opinion we will find in the course of the next 2 or 3 years that unless the moneys do go to these institutions we will have a continuing series of scandals, particularly in State institutions which might be called correctional institutions but which do not function as such.

It is also my hope that the proposed amendment to shift the National Institute of Law Enforcement to the Department of Justice will be defeated and further that the committee requirement that State funds be used to sustain the local communities to the extent of 25 percent of the matching funds will be upheld.

Many of us felt originally that Federal money should go directly to the local law enforcement agencies and to the local communities because this is where the problem must be met. If the State is going to run the program through block grants to the States, then the State should contribute.

I might further point out that we have to have some vehicle to require the State to contribute to this program because there is a great area, namely, the correctional institutions and the courts, which are often under State control and of course we must expect that the States are going to take up this part of the burden of handling the problem of crime.

I think the committee has done an excellent job. This, actually, is far and away the most important anticrime bill of the entire year. It is the one that deals with crime at the local level in the communities and the cities where the muggings and attacks take place on the streets. This is the only program which the Federal Government has for sending substantial amounts of money to the local level in order to assist the local communities in their fight against crime. We spend most of the Federal efforts on other very difficult areas of Government and have not devoted enough in handling the problem of crime because law enforcement is a local function.

Mr. Chairman, I hope we will move very quickly in future years under this program toward matching the $5 billion in local expenditures presently being made. Then we will begin to really do something about home and street crime.

I thank the chairman very much for yielding to me. I hope the bill passes in the form in which it has been presented to the Committee of the Whole.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. I thank the gentleman for yielding. Mr. Chairman, I commend the Judiciary Committee for its excellent work in increasing and refining the program authorized for the Law Enforcement Assistance Administration. I have followed the activities of the LEAA in Maryland and the Washington metropolitan area with great interest. Assistance has been granted for projects as varied as the needs of the system of criminal justice. Chief among these needs are the requirements for better training for personnel in the field of criminal justice, modern management of law enforcement institutions, and better techniques for the correction or treatment of offenders.

In the field of personnel, LEAA funds assist students enrolled in the criminal justice curriculum at Montgomery College in my district. At the State level, a prosecutor training coordinator is being established to upgrade standards of performance by all Maryland State prosecutors. On the management side, the International Association of Police Chiefs has received support for its pioneering work in analysis and promotion of advanced police administration and operation. Maryland is participating with the help of LEAA in Project Search, a demonstration project to test the feasibility of a computerized criminal information system for easy access to offender records. The new Narcotics Treatment Agency in the District of Columbia has received a substantial grant for its important work.

The research arm of LEAA, the National Institute of Law Enforcement and Criminal Justice has awarded grants for research in neglected fields such as the

XUM

problem of student violence in higher education, and the special problems of an urban judicial system.

I am particularly pleased that the committee has approved a new grant program to improve correctional facilities, as recommended by the administration. The President's Task Force on Prisoner Rehabilitation recently reported that there are plenty of promising new ideas in the field of corrections, but very few of them have been tested or implemented for lack of funds. What money is spent on corrections now goes almost exclusively for custody and administration. Nothing has been left for the critical personnel requirements that must be met for rehabilitation of offenders. As the task force recommended, Federal funds to aid in upgrading correctional systems should help encourage cooperation among communities or States where joint facilities would be convenient and efficient.

I have read the committee's report on these amendments with a feeling of optimism. By and large, the States and localities have responded with new efforts to deal with crime. We have not yet seen dramatic results in only 2 years, but I think the LEAA and cooperating States and communities have laid some of the groundwork for solid progress in the seventies.

Mr. McCULLOCH. Mr. Chairman, I have no further requests for time.

Mr. CELLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. I thank the chairman for yielding some time to make some inquiries. It goes without saying I will support the Law Enforcement Assistance Act extension as provided by H.R. 17825. However, I must observe that in my home city of Independence, Mo., which is a city of 110,000 population, our chief of police has had very serious difficulty in receiving a grant. As a matter of fact, as channeled through the State, our city has received almost nothing.

My inquiry is whether this extension of the act will provide some safeguards built in which allow for some right of appeal.

The problem is somewhat as follows: Independence is a suburb. Those who commit crimes come from the big city to the west, Kansas City, Mo. The criminal comes into our city, commits an offense and proceeds to get away. Later the criminal may be apprehended for some other crime in Kansas City, Mo. The record shows no crime was committed in Independence, which is not the true situation. Because the criminal is prosecuted in Kansas City, Mo., the suburb city is denied grants for training and other purposes because statistics erroneously indicate we do not have a high crime incidence. I wonder if the distinguished chairman could address himself to that problem?

Mr. CELLER. If the gentleman will yield, I believe we had a great deal of discussion along those lines, in the course of 12 days of hearings on this legislation. The bill does provide that areas of high incidence of crime deserve an adequate share of assistance. But that does not preclude aid being given to other areas. I think the gentleman need have no apprehension on that score.

Mr. RANDALL. I am grateful for the assurances of the chairman.

Notwithstanding the fact remains that there is a definite need for a better definition to establish some kind of standard of what constitutes an "adequate share of assistance" as set out in H.R. 17825. It is my understanding that there will be an abandonment of the geographical-population basis. Instituted in its place will be a new formula based on need. I suppose this means there is not much of a change, in fact, because the areas of high crime incidence are also the areas of large population. If that is true, then this amendment is more a change in form that in substance.

Mr. Chairman, we all know too well that there is a high crime incidence in the high population areas. The complaint from our suburban area has been that the places with a high density of population receive all the funds and the other areas receive none. Certainly this is unfair and unrealistic, because a criminal pays no attention to political subdivisions or boundaries of a city which actually appear only on a piece of paper which we call a map or by a small city limits sign at the side of a road. Certainly policemen in the suburbs should be just as well trained and equipped to apprehend and overtake those who have committed a crime and are making a getaway as those who have chased them out of the big city. Many times the hideaway for hoodlums is beyond the perimeter of the city, or out in the suburbs. Many criminals hole up in the rural areas. In the past few years, under State allocation the lions' share has been allocated to the big cities to the almost complete neglect of the smaller cities in the suburbs and rural areas.

I am hopeful that a way may be found in order that the Federal funding to the smaller communities may be increased either by better State allocation or some way provided for an appeal to the Law Enforcement Assistance Administration of the Department of Justice. There should be some kind of safeguard or, put differently, a right of appeal, from the interpretation of what constitutes an adequate share of assistance. Even under the new act such a phrase may be too vague and open to too many different interpretations. I am hopeful that the new distribution procedures will be more responsible to the law enforcement needs of small cities. Certainly it could not be any less responsive than at present based upon the record of allocation to many of our smaller cities in the 2 years just passed.

Mr. Chairman, I shall listen very carefully to any proposed amendments that may be offered providing for specific allocations that may be helpful to our smaller cities.

Let us not forget that law enforcement is not keyed to some boundary as it appears on a map. Law enforcement is a matter of preventing the violation of law if possible and then most certainly apprehending and punishing the offender. Certainly none of these activities by enforcement officials fit nicely into geographical boundaries.

Mr. Chairman, while H.R. 17825 needs some changes, it is most encouraging that the effort is being made to extend the Omnibus Crime and Safe Streets Act of 1968 for a period of 3 years, and include some much needed amendments to the 1968 act. I know we are all grateful to the committee for its increased appropriations to $650 million for fiscal year 1971. It should have been higher. Law enforcement should enjoy a very high priority among our expenditures; $1 billion for fiscal year 1972 is not too high a figure considering the thousands of allocations for the use of these funds. While $1½ billion for fiscal year 1973 may be subject to question, it should be remembered that this is an authorization bill and experience gained through the intervening years will indicate the needs for the actual appropriation. It is a privilege to support H.R. 17825.

Mr. CELLER. Mr. Chairman, I yield such time as he may consume to our distinguished Speaker, the gentleman from Massachusetts (Mr. McCORMACK).

Mr. McCORMACK. Mr. Chairman, this bill is a marked step in the right direction. It is a bill to attack crime on the local level through the State and local police enforcement agencies, and it is, indeed, a recognition of the fact that 97 or 98 percent of all crimes are local in nature, and about 2 percent of the crime, certainly not more than 3 percent of the crimes, relate to Federal criminal statutes.

So this is a bill that is of vital importance, and will be after it becomes law, and is administered effectively—and I am not making an observation with regard to what administration might be in power, because we all know that we can pass the most effective law in a certain field or activity, and if it is not administered effectively it does not meet the objectives that the Congress has in mind and the objectives that are capable of being achieved under the law, or under the bill once it is enacted into law.

I also want to say a few words for some forgotten people, and they are very important people in connection with the safety of you and me, and all Americans. I want to say a few words about the members of the various police departments throughout the country.

We do not hear too much about them. They are called names by some who want to use insulting references about them, and to downgrade them. I can remember when I was a kid we called them "cops," but this was not a derisive reference. Most of the police officers I knew, when they caught some of us stealing a ride on a streetcar, would give us a good, swift kick where we felt it. And this we preferred, rather than have them report the incident to our parents, because then we would get a more severe punishment at home.

I also remember as a kid that police officers were judges in the first instance—as they are today. The role of a police officer is more than enforcing the law.

In a sense he is a judge in the first instance, if somebody commits a misdemeanor which may not be serious, of whether to report it to his parents and let them know or bring them into court where the youngster might get a record which he will carry throughout his life. So the role of a police officer is more than that of wearing a uniform and enforcing the law.

Where would we be without them? If we did not have police enforcement agencies and police officers, there would be chaos. In every hamlet and in every city and in every part of our country.

I think if public officials would speak up more in support of our police departments, it would stimulate them to carry out their duties and to enforce the law. I cannot conceive of anything that is more discouraging to a police officer or to the police department than a situation where one who enforces the law immediately becomes the defendant and is charged with police brutality or some other charge.

So it is my purpose today to say a few words for the man who wears the uniform. None of us is perfect—and certainly they are not perfect. But their devotion to duty is about as near perfect as any human agency can be—remembering the tens and tens of thousands of police officers and other enforcement officers who work on the Federal, State, and local levels.

We cannot ignore the fact that there is widespread fear throughout the country because of crime. That fear is in the minds of our womenfolk and naturally and properly so. When our womenfolk are in fear that fear is transmitted to our loved ones, our wives and children, if one is blessed with children.

I know every morning when I leave the hotel, I say to Mrs. McCormack, "Mother, put the double lock on the door." I do not like to say that. Then I say, "Do not open the door unless you know it is the voice of someone who might be knocking," like one of the boys who has been working there for years and who has become sort of a member of the family.

So we are dealing with that fear—widespread fear. Such widespread fear can bring about mass frustration. Mass frustration can be harmful to the very institutions of our Government. We have seen it happen in other countries.

I think some of us should say a good word for the man who wears the police uniform—this is the right and constructive thing to do and we should encourage it. I think if people in public life would let it be known that they are going to enforce the law and want the law enforced, and then back up the police officers, it would have a tendency to reduce crime.

So far as I am concerned, as Speaker of the House, about 3 or 4 years ago, there was a mass march where they were going to come up on the Hill. These were not people acting emotionally—these were people with trained minds—cold and calculating minds. They were going to march up to Capitol Hill in Washington from all over the country. They had their battle plans prepared. They were going to march up the Hill and take over the House of Representatives. They were called the "Unrepresented Congress"—they always have a high sounding name. They were going to take over this very Chamber. If they had taken it over, even if they took it over for a minute, they would be taking over a part of our Government.

I wish their plans had been for the Senate, then it would not have directly been my job as Speaker but it would have been the job of the Vice President or of the leadership over there, to cope with that problem. But it was the House of Representatives. I had several meetings with the gentleman from Michigan (Mr. GERALD R. FORD) and other leaders.

They included the Attorney General, representatives of the FBI, representatives of the Metropolitan Police and our own police. I gave the Chief of Police three instructions and they stand today. They will stand until I leave as the Speaker:

First, I shall not stand for defiance of the law;

Second, I expect the police to enforce the law;

Third, and most important, I will back you up.

Those are the instructions that I gave on that occasion, and those are the instructions that the Chief of Police of our Police Department have to this very minute, so far as I am concerned as Speaker, and I apologize to no one. When we have a breakdown of law tyranny starts; there is a direct attack upon the institutions of the Government that we love and that we believe in.

So today I am thinking of those thousands of men who have wives, families, and children. When they are murdered, their wives and children suffer keenly the anguish of the death of a loved one. Today, talking extemporaneously, I want to say a few words for the police and the enforcement agencies of our Government, Federal, State, and local, with the hope that public officials will back them up when they enforce the law and not put the police officer in the position of feeling that he is the defendant instead of the man who is arrested.

Mr. CELLER. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I rise today to express my strong support for H.R. 17825, the bill developed by the Judiciary Committee to extend and improve the Omnibus Crime Control and Safe Streets Act of 1968.

You can readily appreciate my concern and interest in this legislation, for I am a resident of the city of Newark, N.J., which unhappily was listed by the FBI in the crime index of cities with populations of over 250,000 as first.

In developing the Omnibus Crime Control and Safe Streets Act 2 years ago, we fully recognized that the crimes which most concern all Americans are local in nature and properly the responsibility of local and State law enforcement agencies.

Homicide, robbery, rape, aggravated assault—these constitute an insidious menace that spreads through every street and every alley in every neighborhood, forcing people to determine their activities not by choice or desirability but by fear. They have, in effect, severely limited the lives of our citizens, and particularly those who live in the urban areas, where the threat of crime is greatest.

The Omnibus Crime Control and Safe Streets Act was established to provide desperately needed financial assistance to aid local and State police in carrying out law enforcement and criminal justice programs to bring under control the street crime which is of such immediate and terrifying concern to us all.

The beginnings made so far have been impressive.

In New Jersey, with the small amount of action grant money—$860,000—made available last year some very worthwhile programs were undertaken, including one that took a narcotics education project directly into the schools, another that sought to improve the response time of police to radioed calls and one that enabled the State police to hold a unique school on organized crime.

A large sum of the initial year's funds went to implement the "ALERT" System (Allied Law Enforcement Radio Tie), a portable radio system reserved for emergency use and operating on the same frequency regardless of location, that implements a prime recommendation of three special commissons: the 1967 President's Crime Commission, the 1968 Kerner Commission and the 1968 Lilley Commission in New Jersey. I was delighted to learn that a $100,000 discretionary grant has been approved, for the 12-month period beginning July 1, 1970, to expand the project. The grant will extend this emergency communication system to eight additional sites, an expansion which is necessary to keep pace with the changing pattern and nature of civil disorders. Also, an "ALERT" radio system coordinating control center will be developed and installed in the New Jersey State Police Division Headquarters.

However, with the limited funds available 21 applications had to be denied.

Thus, it is imperative that we approve this legislation to increase funds for use under the act, particularly in view of projected multiyear plans which must be submitted by the States.

This legislation is also urgently needed to make law enforcement assistance more directly responsive to the needs of high crime areas and to insure more local community participation in the planning and expenditure of funds.

Mr. Chairman, there are a number of other areas of crime which need assistance, and I am glad to say that Judiciary Subcommittee No. 5, of which I am a member, is now holding hearings on proposals to deal with organized crime.

However, overriding all problems is the menace of street crime. It must be eradicated if we are to have a free and safe society and not a nation of terrified individuals scuttling in fear between work and home, and living behind locks and bars.

I believe the bill before us will greatly improve the Omnibus Crime Control and Safe Streets Act so it will more effectively and expeditiously provide the aid our law enforcement officials throughout the country most desperately require, I urge its unanimous approval.

Mr. HUNT. Mr. Chairman, will the gentleman yield?

XUM

Mr. RODINO. I yield to the gentleman from New Jersey.

Mr. HUNT. I take this occasion to commend the dean of the New Jersey delegation, Mr. Rodino, for his remarks, and I want to add my voice in support of this bill. Many of you know that the State of New Jersey has been in the newspapers consistently for the past 3 or 4 months on matters of criminal activity. They are beginning to clean up some sectors that have needed it for a number of years.

They are beginning to clean up some sectors that have needed correction for a number of years. This bill would be of tremendous assistance to New Jersey. I can think of no other place which is more or less a bedroom for a criminal element who come in there to live but who ply their nefarious trades elsewhere in addition to New Jersey.

This is not a true New Jersey picture per se, because many of the people who move into our State and who have come in there have done so because we have been unable to trace their previous activities by name and description very rapidly, but we do have that situation staring us in the face.

We have excellent police departments, in fact, some of the finest are in our cities, but they have been handicapped, and we need some bloc grants. We need all the support we can get.

When New Jersey comes to face the test financially and we look at the situation as far as the Federal levies are concerned, we must take note of the fact that New Jersey is the No. 1 contributor, and we pay more money into the Federal Government to get back a Federal dollar than any other State in the Nation.

This bill will mean the difference in handling the criminal element properly, in getting better training for our police departments, and in getting better equipment which they need so badly.

Last, but not least, I am hopeful it will enable us to get the support we need, and perhaps to get the judiciary to work more than 4 or 5 hours a day for more than 4 or 5 days a week, so we can get our backlog cleaned up.

Mr. RODINO. Mr. Chairman, I thank the gentleman from New Jersey.

Mr. CELLER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. Biaggi).

Mr. BIAGGI. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, before I comment on the bill, I want in behalf of the police of the Nation, having represented the policemen as I have been nationwide for a number of years, to extend my heartfelt thanks and commendation to the Speaker of the House for his very warm and laudatory and pertinent remarks.

He recounted an incident that occurred here a few years ago, at a time when there was a threat by a group to unlawfully take over possession of the House of Representatives. He spoke to the Chief of Police, ordered him to enforce the law, and gave him the authority to do so. Even more important, he assured him that he would sustain the officer in his actions. That element of trust and support, Mr. Speaker, is what has been lacking over the last several decades throughout this country. That element is, in my judgment, the prime cause of the conditions that we find today in our Nation. The public officials of the Nation have abdicated their responsibility—if not completely, at least they permitted an erosion of their responsibility. Imperceptibly but inexorably, they permitted their authority to erode, and that reflected itself on the police. The police today find themselves in a position where they are required to enforce the law from, not a single standard, but a multistandard base. The end result is confusion in the ranks.

What makes the situation even more disastrous is that there is confusion among the people. We had a perfect illustration of that in the city of New York. We have it still to this day. I am a product of that police department, having retired after 23 years of service, and I am proud of it as any policeman would be, but I know the conditions, and those of us who have viewed it over the past few years know the disaster that has resulted. This bill would provide additional moneys, but moneys are but a single step of what should be a multifaceted approach on the part of all responsible officials in authority.

I suggest strongly that the authorities look to their responsibility and discharge it properly. They are wrong in their belief that making concessions or taking backward steps or relinquishing the old standards will help. There has been fruitless compromise with a principle that brooks no such action.

Let me tell the Members this attitude is a fallacy; they believe they are paying tribute or at least making concessions to the minority groups. That is the least the minority groups wish. They want law enforcement. I know during the last presidential campaign there was volatile and hostile rhetoric throughout the country. I understood it.

I understood why the minority groups resented the law and order slogan—it was only because it assumed an evil connotation. Right after the election, and following the time when the rhetoric subsided, the minority groups themselves vigorously solicited public officials for law enforcement, and they, themselves, assumed vigilante positions in order to provide safety in the streets for their women and children.

Yes, it was in the very heart of Harlem, in my town. And that is only a sample. In my judgment it is typical of what is occurring all across the Nation.

One can go to Philadelphia, where there is a tremendous police commissioner, who assumed a firm position. He gave no quarter. Despite the fact that there was great resistance at the outset, with the passage of time and the display of a fair and equitable enforcement of law, the minority groups accepted it and said, "This man is fair; he is firm but he is fair."

That is the answer. We can provide all the money we want in the Congress, but unless that money is properly utilized, unless the public officials in positions of authority assume a firm, honest, and forthright position and commitment to professional law enforcement, the money will be wasted.

I suggest very strongly that we listen carefully to the words given by the Speaker this afternoon. He said it in very simple terms. It was simply stated, but it is profound in its results. It is profound in its results.

We should give the police officers the authority and the support that they deserve, and they will manifest their dedication in a good, honest to goodness law enforcement fashion, with the result being that the people of the Nation will benefit.

There will be a diminution of fear, because there will be an increase in the respect the people have for police officers—not just the law abiding, but also the lawless. There will be a rededication and a renewed effort on the basis of this knowledge, which will only naturally result in more productive police officers—

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I am privileged to yield to the distinguished Speaker of the House.

Mr. McCORMACK. I should like to make another observation.

As we study history down through the ages, we find that eternal effort and struggle toward the establishment of a government of laws as distinguished from a government of men. Where law ceases, tyranny starts; there is no question about it.

Whether it is in my office, with a gang takeover, or in this Chamber, in a town, in a city, in a State, in a college or university, or in the Nation it is the same.

It seems strange to me that those who call themselves liberals—I am a progressive, with a better liberal-progressive record than most of the liberals and as good as any of them—do not realize that where law ceases tyranny starts. That is just the entire opposite of what mankind has been fighting for for countless generations—for centuries, in fact—the emancipation from absolutism in government and the establishment of a government of laws as distinguished from a government of men.

I agree with what the gentleman from New York has said. What we have said is fundamental. It goes to the very existence of democratic institutions of government.

Mr. BIAGGI. I thank the Speaker.

Furthermore, it is the type of law enforcement that we require from our police officers that is involved. That is where this money becomes essential. Police officers today do not need solely police training per se as we have known it. Today they need a new perspective. They have it in many places throughout the Nation, but there should be a greater emphasis on community relationships, on human relationships with people.

In the process of law enforcement and in the process of this training the deeprooted prejudicies of man must be eliminated.

I say this because without the elimination of those prejudices there is the fear that they will manifest themselves under some adverse conditions. That is where

XUM

we have the difficulty between the races and the difficulty between the different ethnic groups. We have conditions today in the city of New York that point this up. We have Unity Day where Americans of Italian origin complain about alleged intimidation and harassment and group guilt by association. They suggest that this is a matter of policy. I went there today and spoke in order to bring this matter into focus, because in my judgment it is not a matter of policy anywhere in the Nation or in any department within the Nation but is just a matter of human failure on the part of some individuals. I know administrators, when they learn of this, proceed with disciplinary action or try to correct the condition in some manner as they should. But the fact is that this exists. Now, whether it be against Americans of Italian origin, blacks, Puerto Ricans, Irish, Germans, or any other group is not the point. If it is against any individual, it is wrong. No police department, if it examines itself closely, can absolve itself completely of any blame for these practices. They are all a little guilty. But it is not as a matter of policy but, rather, on the basis of an individual's conduct and mentality.

Mr. Chairman, this is where this money should be spent—in training, training, because without decent human relationships then ordinary police actions become a secondary matter.

We are living now in the age of civil rights—the civil rights of all people in every field. I could not emphasize the importance of this bill today any more than this. I am not sure that it provides enough, but I believe it is a step in the right direction. If we can train our people philosophically and psychologically in connection with their responsibility to their fellow men, to the people they supervise, if you will, and whose protection they are charged with, if you can do that substantially, then we will have made a great stride toward providing our people in this country a little more and help the cities in some measure with their fiscal difficulties.

(Mr. EDWARDS of California (at the request of Mr. CELLER) was given permission to extend his remarks at this point in the RECORD.)

Mr. EDWARDS of California. Mr. Chairman, I am one of the cosponsors of H.R.17825 which continues the Omnibus Crime Control and Safe Streets Act enacted in 1968. Judiciary Subcommittee No. 5 held extensive hearings on this bill. Although there are some provisions in the legislation which I would like changed, generally it is a good bill and I intend to support it.

The increasing crime rate in the United States is an important subject and an issue that must be faced squarely. The increasing crime rate is a menacing cloud darkening the Nation. It takes many shapes, has many causes, and will require many solutions. I think we would agree that the rate of increase is intolerable—that it must be reversed. That we cannot accept an America where cities must close down at night because of muggings, housebreakings, rapes, robberies and other acts of violence. It is traditional in America that the task of controlling crime is the responsibility of local and State governments. This is the way it should be. Local people should run their own affairs wherever it is possible and this most emphatically includes running the police departments and courts.

There is a Federal role, however, and it is critically significant. The Federal sector provides a model to State and local police and courts. Increasingly and rightly so, more money is going to the 50 States to help local governments beef up their police departments, courts and correctional systems.

The Omnibus Crime Control Act of 1968 was a giant step forward in the Nation's fight against crime. In the 2 years since the act was signed into law, Federal anticrime expenditures have doubled. It is estimated the Federal Government will spend $1.257 billion on crime control during fiscal year 1971. Some 41 percent of that will go to State and local jurisdictions, compared with 16 percent in fiscal 1969. By any standard, that is a very substantial commitment to local crime-fighting efforts and undoubtedly a welcome relief to local jurisdictions caught in the bind between burgeoning crime statistics and voter resistance to property tax increases. But the important thing is not the dollars involved so much as the recognition and acceptance of Federal responsibility for helping to make our streets safe for all citizens. Traditionally, this has been a local responsibility, but it is obvious that local jurisdictions can no longer carry the burden alone and that they will lose ground steadily in the fight against crime unless they receive more Federal help. It is a new role for the Federal Government. We are sailing in uncharted waters and must feel our way cautiously. We have made a good beginning. The bill before us today takes off from this good beginning and deserves support.

Quick, fair criminal justice, rehabilitation, elimination of the social and economic causes of crime and adequate law enforcement are the cornerstones of the solution to crime in the streets. Of all the activities within the process of criminal justice, corrections has by far the greatest potential to reduce crime. The reason is clear. Probably four-fifths of all serious crime is committed by repeaters, criminal persons convicted before by crime. At least half of these people could have been rehabilitated and most of the others kept from harm's way. But we fail to even try. Ninety-five percent of every dollar that we spend in penology is for custody. Five cents is for rehabilitation and crime reduction. We manufacture crime in the prisons and jails of America. Little wonder we suffer so much crime.

I am therefore pleased that H.R. 17825 increases the amount for correction, probation, and parole to 25 percent of the appropriated funds. At present, the bulk of the funds has been committed to enforcement—crime laboratories, equipment, automation, and so forth. It should be self-evident that this use of funds will provide only short-term gains. A broader use of the funds is essential if long-lasting results are to be achieved.

Finally, the controversy over block grant awards to the States continues. While the block grant concept appears to be entrenched, at least for the moment, alternatives should be considered. The figures of the A.C.I.R. indicate that many urban centers with disproportionately high crime indices, are not receiving a proportionate share of funds. In California, the San Francisco bay area cities of Oakland and San Francisco received only 23.4 and 15 percent, respectively, of the fiscal year 1969 funds they would have gotten if funds had been distributed according to crime index, while Los Angeles received 122.1 percent of the amount by crime index. The distribution of funds in California was patently unfair and needs a close reexamination. If the block grant concept was responsible for this malapportionment, it should be carefully reexamined.

Another weak point of the block grant approach to funding is the proportion of funds that went to nonurban areas. Crime in the streets is predominantly, overwhelmingly an urban problem and if the act fails to acknowledge this fact it is in serious need of amendment.

Crime is a stubborn problem. There is no easy or cheap way, no tough talk, no repressive action that will cause it to vanish. Crime tarnishes the quality of life in America today.

H.R. 17825 is a major step in the right direction but it is not enough. It will take strong leadership on a national scale, determined efforts and vast resources to reduce crime. We must dedicate ourselves to this aim.

Mr. CELLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. EDMONDSON).

Mr. EDMONDSON. Mr. Chairman, I thank the chairman for yielding me this time.

Mr. Chairman, I rise in support of this bill. I want to compliment the distinguished chairman of the committee and the members of the committee for the thoughtful and constructive improvements that have been added by this legislation to the Omnibus Crime Control and Safe Streets Act of 1968.

I believe that the 1968 act undoubtedly was a milestone in the development of effective law enforcement in this country. I believe the additions that have been made in this bill represent a very significant additional forward step in this critical area. I particularly appreciate the fact that the committee is now making the requirement that State plans must provide for the allocation of an adequate share of assistance to deal with law enforcement problems in all areas of high crime incidence. I think this is an improvement that is very helpful in connection with State planning for law enforcement. I am proud of the fact that the committee is continuing to emphasize through its legislation the importance of training and of the availability of training to the officer out in the precincts and across the country. I happen to believe that the National Police Academy operated by the FBI is a great institution, but it has always been extremely limited in the number of officers able to take advantage of it and able to benefit from it. It has simply not been able numerically to do the job of training

XUM

that is needed across this country if we are going to have effective law enforcement. I think that this bill is a step further in that direction, and I want to congratulate the committee again for a fine piece of work and express my full support of the bill.

Mr. CELLER. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR. Mr. Chairman, I, too, rise in support of this legislation which is designed to assist in providing better law enforcement by increasing Federal appropriations for training and equipping police departments, sheriff's departments, and other law enforcement agencies in our Nation. It should assist States and local units of government in controlling crime and violence and improving the quality of criminal justice.

We do not want a Federal police department. Hitler had one. We see danger in it; but this aid to the States, counties, and cities is badly needed. A section in a recent questionnaire that I sent to my constituency permitted them to recommend more, less, or the same spending for various purposes. In response, most people recommended spending more money for crime control.

I desire to commend the Speaker on his challenging statement a few minutes ago. I agree with him that the public should back up our officers when they are trying to enforce the law. Part of the trouble today is the officers are not getting the support that they deserve and too often the officer rather than the criminal finds himself on trial.

In my home State of North Carolina and in most other States, an officer is legally justified in using such force as is necessary—even to taking a life—in order to prevent the commission of a felony and to prevent the escape of a felon. If the officer is doing his duty, he is supported by most of the people. On the other hand, here in Washington if an officer has to take a life even to save his own while doing his duty he is suspended and put on trial and condemned by the press. Nothing could be more demoralizing to law enforcement.

Officers need to be better trained and this legislation should help. They need to be better equipped and, again, this legislation should be helpful. And, they need to be better supported by all citizens.

Our people are fed up with crime and disorder. They are demanding effective action to restore law and order to our streets and homes. It is time for someone to speak out for the rights of the majority who obey the law, work, and pay taxes to provide a better way of life for those less fortunate. We cannot continue with crime outstripping the population growth by 11 to 1.

If today's riots and law violations continue and become worse, those who are demanding unrestrained freedom will find that they have lost all freedom for themselves and for other citizens as our democracy will be replaced by martial law in our cities and curfews will be imposed in cities across the Nation. Two years ago Eric Sevareid said in a TV editorial:

> History is pretty certain that any given community will prefer tyranny to anarchy if it comes to that choice because in a state of anarchy everyone is helpless.

The criminal has long received all the protection to which he is entitled under the Constitution. The Supreme Court has seen to that. Now is the time to protect the rights of law-abiding citizens.

Mr. CELLER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, I too add my voice to my colleagues who have commended this committee for a splendid job well done.

In our Nation today the concern of our citizens for their bodily safety, in their homes, in their apartment house lobbies, or on the streets, even on some of the main thoroughfares, is a debilitating and corrupting factor that cuts through all income levels, all racial and ethnic groups. It is a corrosive element in our society this fear of bodily safety.

This bill meets the problem intelligently, thoughtfully and, while perhaps, with not the volume of resources that many of us would like, it is still nevertheless a good, solid step forward.

I believe it is a very healthy thing that this Congress is united in support of this bill. Mr. Chairman, 3 or 4 years ago the gentleman from Illinois (Mr. McCLORY) and I joined in sponsoring the National Institute for Law Enforcement and Criminal Justice. It is my opinon that BOB McCLORY can feel proud, as I do, of the fine work that that institution has done.

I had an amendment prepared that I was planning to present to this House that would have given the National Institute 4 percent of all LEAA funds which would have given them a dollar funding of approximately what the Attorney General requested in his testimony before the House Judiciary and Appropriations Committees. The gentleman from Illinois (Mr. McCLORY) also had another amendment about which some of us had reservations that would have transferred the institute from LEAA into the the Office of the Attorney General. Because of his fine statesmanship in deferring action on his amendment, I am going to defer action on mine, respecting his view that all minor elements of discord should be removed from our consideration of this legislation today, and that it be considered on a totally nonpartisan basis as an indication that this Congress can stand firmly behind this first-class piece of legislation that the distinguished chairman and his hard-working committee members have brought forth.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I am delighted to yield to the distinguished gentleman from New York.

Mr. CELLER. I share with the gentleman from New York the view that the National Institute of Law Enforcement should get better recognition and that they should receive appropriations from the Committee on Appropriations to a greater extent than they have heretofore been accorded. Therefore, I shall be very glad to assist the gentleman—I know the gentleman is of like mind—in getting funds sufficient for the effective carrying out of the purpose of that institute.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I will be delighted to yield to my honored colleague.

Mr. McCLORY. Mr. Chairman, I want to thank the gentleman for his generous remarks, his very constructive suggestions, and his cooperation throughout the history of this legislation in helping to establish the National Institute of Law Enforcement and Criminal Justice. I share with the gentleman his thoughts as to the shortcomings which the National Institute has shown, including the current difficulties it is having with respect to adequate funding. I think there are two basic problems that confront the National Institute. It should have greater stature and perhaps greater autonomy and professional status. Second, the National Institute should have adequate funds to carry out its primary objectives, principally in the area of research and development in all of the various aspects of the problems of crime in America, and in handling the fundamental responsibility with respect to training in the various aspects of the training of law enforcement members and related disciplines with regard to the problems of crime.

I am hopeful that the subject of appropriations can be ironed out during this session, and that either in this session or in future sessions that the full status and the full realization of the responsibilities and aspirations of the National Institute can be obtained.

Again I want to commend the gentleman for his initiative, for his support, and for his constructive work in behalf of this concept.

Mr. SCHEUER. Mr. Chairman, I thank my distinguished colleague.

Mr. Chairman, I would like to emphasize the point the gentleman from Illinois (Mr. McCLORY) made, and the chairman made, in regard to spending more money on law enforcement. The important goal toward which we must strive is not just to spend more money on law enforcement—not just to add larger gobs of the same medicine to cure an illness that does not respond satisfactorily to our current cures. The real answer must be to spend more money more wisely, more effectively, and with more insight, than we have in the past.

My colleague, the gentleman from New York (Mr. BIAGGI), spoke about the need for better police-community relations. We are going to have to do a great deal more thinking before we know exactly how to produce these better police-community relations. Some of the things that we have done in the past are quite insufficient to today's needs. The business of buying ice cream cones for the kids, or a boat ride up the river, or a regular Saturday afternoon ball game, the traditional police athletic league activities, beneficial as they are and constructive as they are, fall far short of the need to devise sensitive and relevant programs to bring the police into a better relationship with the communities which they are supposed to serve, and indeed which they want to serve.

And I agree totally with the gentleman from New York (Mr. BIAGGI) that there is no policy, there is no consensus among the 400,000 law enforcement professionals of America, that there is any particular group or element in our society who they do not feel as concerned about as other groups.

In our cities, specifically, we are going to have to do things differently so far as recruitment of police professionals are concerned, so far as extending the ladder of opportunity to engage in police work down into the communities, particularly the low-income and the minority communities—we are going to have to devise means of creating in the police training programs sufficient opportunities for on-the-job training, promotion and advancement for those who want to go into law enforcement activities, and make a career out of law enforcement, initially with less than full professional skills.

We must make advances in employing neighborhood people in jobs they can usefully perform, as many cities have already done. Indeed, some of the cities that have the best police-community relations are those cities which have succeeded in integrating minority group members, both into our law enforcement professional ranks and into our civilian law enforcement personnel, in the station house, and on traffic, ticketing, and non-crime-fighting activities inside and outside of the police station.

In Los Angeles at the present time, for example, no police professional is involved in a station house in any chore that does not involve the command function. In that city a station house job that involves answering a telephone, taking fingerprints, keeping files, typewriting and the like is carried on by neighborhood residents, many of whom are black or Mexican-American.

Likewise on the streets in Los Angeles, no police professional is involved in traffic work. No police professional is involved in parking ticketing. Both of these chores that do not involve crime fighting on the streets, and in the station house are largely given over to paraprofessional employees from the neighborhood. Great strides have been made in improving police-community relations, when neighborhood residents—many minority group members—can be seen by their neighbors to be filling meaningful jobs in the criminal justice system.

One of the last concerns is that of police hardware, systems and techniques. We have failed miserably in this country to apply the extraordinary benefits of science and technology to our police work.

We have done it in other areas. We have done it for our space effort. We have done it for our military and we have done it for our industry. But it is extraordinary to me that we have done so little to give the police special assistance to help them to carry on their work.

Only a couple of weeks ago on the floor of the House, in fighting for larger funds for the Institute, I described in a colloquy with another colleague from New York the need for better police transportation. I stated that, while we had dozens and dozens of special purpose vehicles for the Air Force, Navy and Army, what we give to the police to perform their exacting and anxiety-ridden duties was a family car with a searchlight on top, a two-way radio and maybe in some cases a shotgun rack in the back. I described on the floor of this House how three or four punks or hoods could surround a police car and could immobilize it with an ice pick, could set it on fire with a quart of kerosene or gasoline, and could bash in the windshield or the windows with a baseball bat and leave these police professionals totally vulnerable to an angry mob.

Here not a week later what I suggested became the appalling truth as it was reported on the front page of the New York Times of June 25, which described an occasion that took place in an upstate college in New York.

This was on the front page of the New York Times of June 25:

> At one point, the Ontario County Sheriff reported, the students surrounded three police cars and trapped the policemen inside while they sheared off radio antennas, deflated tires and smashed hoods, roofs and mirrors on the vehicles.

So, even forgetting the very valid points my colleague, the gentleman from New York (Mr. BIAGGI) made about the urgent need to improve police-community relations—and even forgetting the highly desirable priority that this bill places on producing better rehabilitation and correctional systems—and turning just to hardware, to police communications and police transportation, to alternatives to the policeman's lethal weapons, to better means of identification such as unique blood prints, unique antibody prints, unique fingerprints and voice prints, to the application of the computer to the law enforcement process, to the instantaneous identification of fingerprints, and to the trial process—Mr. Chairman, we have not even begun to scratch the surface.

So I hope in the years to come, as the National Institute begins to provide some fallout from the initial year or two of research and development which is being carried on now, that our colleagues in both the House and Senate will realize that the problem of crime in the streets in America cannot simply be solved by providing vastly more of the same, but that we must use our experience, our science and our technology; yes, the professors in our universities, the technicians in our space age industries, the police professionals in our law enforcement agencies—all of them working in concert, to produce systems that are more scientific, more sophisticated, more responsive to the needs of the 400,000 devoted and dedicated police professionals in our Nation who are trying desperately to enable us to walk our streets safely.

In the meantime, this bill constitutes an excellent step forward, and I urge my colleagues across party lines to support the bill.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina.

Mr. MIZELL. Mr. Chairman, I rise in support of H.R. 17825. This is one way in which we can assist the local law enforcement agencies not only in upgrading their equipment but also in training their men in law enforcement. Everyone recognizes the need today to combat crime at all levels. Certainly we do not want a Federal law enforcement agency, but we want to help our local and State law enforcement agencies wage an effective war on crime and to truly make our streets safe for the law-abiding citizens.

Mr. McCULLOCH. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, I would like to associate myself with what the distinguished Speaker and other Members have said here this afternoon about the importance of the police officer and the importance of law enforcement, to all of which I thoroughly subscribe.

I would also like briefly to call attention to another provision of the bill which I think has received little attention in the debate this afternoon, and that is the provision that grants may be made to a State planning agency if there is incorporated in the State's plan a comprehensive statewide program for the improvement of correctional programs and practices throughout the State, and the accompanying provision that—

> Not less than 25 percent of the amounts appropriated under this measure shall be devoted to the purposes of corrections, including probation and parole.

These provisions make this a forward-looking measure because thereby it goes to both of the important phases of the problem: detection of crime and enforcement of the law on the one hand, and the importance of rehabilitation and correction on the other.

It so happens that I have had a certain amount of exposure to the criminal law, both as a prosecuting attorney and as a defense counsel. I became convinced through that experience that much of the time we are not really doing anything except removing people from circulation, which in certain instances may have a limited virtue. But that is temporary. We are not getting at the real causes and roots of the evil. Most of these folks whom we remove from circulation get back on the street, and the problem remains with us.

I was a vigorous prosecutor when I was prosecuting as a young man, but I sometimes wondered what I was accomplishing. When I became more associated with the defense, particularly in the case of the defense of a young man or a person without a criminal record, I was often encouraged in my defense by the fact that I knew that if he were convicted, we would not do him or society any good.

One of the things I like about this bill is that it provides that under the programs which qualify, personnel standards and programs of the institutions and facilities must reflect advanced practices, and that the States must improve recruiting organization, training, and education of personnel in correctional activities, including probation, parole, and rehabilitation.

These provisions form the second and equally important half of the crime and safe streets program. While my philosophy is such that I am always skeptical about what can be accomplished through legislation, nevertheless, if we could spend some money and really do some good to give serious scientific study to correction and probation and parole and to improvement of our very, very, very unsatisfactory penal institutions in our States, which institutions are really schools for crime and disorder; if we could do that under this bill, and make even a little progress toward that goal, the measure woull be highly worthwhile.

Mr. McCULLOCH. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Chairman, as has so often been said, ours is a society of laws and not of men.

I commend the gentleman from New York (Mr. BIAGGI) and also our distinguished Speaker, the gentleman from Massachusetts (Mr. McCORMACK), for their remarks in this general field of the necessity for urgent support of the law enforcement side of the ledger.

We must have an orderly society, otherwise we are going to have tyranny or anarchy or chaos in this Nation. We have certain guidelines within which to govern ourselves as citizens in this country. Let us go clear back to Holy Scriptures and some of the Members will remember the 20th chapter of Exodus wherein we will find what is known as the Ten Commandments, wherein it is enumerated: "Thou shalt not steal, thou shalt not kill, thou shalt not covet," and so forth.

These are basic laws of society, as a framework within which we must conduct ourselves, so as not to encroach upon the rights of others. Law enforcement people are merely the tools to insure that these rights are not violated. We in the Congress pass Federal laws, the States pass State laws, and the city councils pass ordinances, and all are passed as a framework within which society can exist.

Some of my colleagues know I have been a college football official for nearly 25 years. In that capacity—and I am sure there are many football fans who know this—if a halfback is running down the sideline and his foot just touches the sideline, he is out of bounds, and the ball is dead, and it stops there.

Why? That is the rule.

On the other hand there may be some baseball fans who know that if a batter hits a ball down the baseline and it hits the chalk, it is a fair ball, and it continues in play. Why? That is the rule.

We have these rules as a framework for our society, and within which we can live. Some of our college students are dissidents and say, "Let us violate the law, and let us not agree." Then we have riots and tyranny and chaos and anarchy. That is why we must do more than just enact the laws; mere enactment will not do the job.

I heard one reference to college administrators, and I heard it said that it is more difficult to install backbone into a college administrator or into a judge than it is to do a heart transplant these days. A large portion of our problems come through some of our courts and some at the highest levels. They seem to be preoccupied with the rights of the wrongdoers, to the exclusion of the rights of 96 to 97 percent of the hardworking law-abiding, responsible citizens in our society. If the judges would have some backbone and courage—or guts, if you please—many of our problems would be resolved. Too many have an "uncle dogooder" complex, and in trying to create an image of compassion and humanitarianism, turn loose vicious criminals to again and again prey on society.

Mr. HUNT. Mr. Chairman, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from New Jersey (Mr. HUNT).

Mr. HUNT. Mr. Chairman, I commend the gentleman from Ohio for his statement in that respect. Insofar as the backbone of the judiciary is concerned, we have been subjected over the past several years to a new trade, where the skyjackers have been running planes at knife or gunpoint into Cuba. Several weeks ago we had an incident where one of the members of the judiciary saw fit to impose a very light fine and prison sentence upon a skyjacker, only 2 years, and then make some ridiculous remark that it should be suspended, that the poor fellow knew not what he did.

The contention is that we should extend mitigating circumstances to this man who has committed a criminal act, notwithstanding the fact that the law enforcement people worked arduously to run down the thing and that many people who were passengers on that plane that day had their lives placed in jeopardy.

The gentleman from Ohio has hit upon the crux of the matter. It is that the judiciary is not supporting law enforcement and meting out proper punishment when the time arises. Pretty soon we are going to get to the ridiculous posture of handing out sacks of lollipops to kidnappers or to people who commit crimes with guns.

Mr. DEVINE. I thank the gentleman for his contribution.

This again gets back to the very purpose we are here in the Committee of the Whole today on this law enforcement act.

I want to commend the Committee on the Judiciary for reporting this bill out. It is important for the continuation of our orderly society. I believe it will contribute in great measure to the training of police personnel on the local level, with a Federal contribution of three-fourths to one-fourth by the local communities.

We must build respect for law enforcement agencies. This is one measure we can use to implement that purpose.

I am reminded that the Los Angeles Police Revolver and Athletic Club recently, in response to epithets put on law enforcement officials, calling police officers "pigs," has turned this around. They have taken the letters of the word "pig" and transposed them into the sign of the pig, making it a symbol of respect, using the initials as "Pride, Integrity and Guts."

I believe that applies to law-enforcement officials, who lay their lives on the line every day to protect society.

Mr. Chairman, let us give the law enforcement agencies the proper tools to do this very difficult and unrewarding job. Let us pass this bill with an overwhelming vote.

Mr. McCULLOCH. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Chairman, today in the District of Columbia, so far as the treatment of juvenile offenders is concerned, the greatest single need we have is for coordination of effort in the existing agencies. No number of new agencies, no vast input of millions of dollars is going to replace the need for a youth coordinating council.

We have 20 or 30 groups in the District of Columbia interested in youngsters, and one does not know what the others are doing. Frequently there are jealousies among the agencies. So the children still fall through the cracks. Fifty or sixty percent of youthful offenders become criminals at adult age.

We even have problems in respect to helping youngsters, because of misplaced concern for civil rights. Let me give an illustration. If we are going to help a youngster who is in trouble, all those people who are involving in trying to help him have to have at their disposal the fullest possible information.

Under current policy, if a schoolchild gets in trouble with the law, the police officer, the enforcement agency, cannot even tell the schoolteacher, who spends 6 or 8 hours a day with that youngster, the nature of the violation by that youngster. The teacher does not know about the fact that the youngster is in trouble. She cannot give him proper guidance.

This kind of an emphasis on civil rights, noble as the motivation, cannot help that youngster.

We need a coordination of these efforts. We need a complete dissemination of information among all of the elements which are trying to help that youngster, or he will not be helped, no matter how many more agencies we create and no matter how much more money we provide.

Mr. ALEXANDER. Mr. Chairman, let me commend my colleagues on the House Judiciary Committee for their excellent work in bringing H.R. 17825 to the floor of the House. This is an excellent bill which will both reaffirm our commitment to provide protection to our citizens and which will strengthen the law enforcement system in this Nation.

The passage of the Organized Crime Control and Safe Streets Act 2 years ago was one of the most important steps ever taken by the Congress in asserting our dedication to the elimination of crime. The act was doubly wise because it took into consideration the reality that the control of crime is a responsibility of local governments, but that the Federal Government has a responsibility to aid the efforts made by our local law enforcement agencies.

H.R. 17825 continues to recognize that basic fact. It recognizes that the development of strong law enforcement programs at all levels of government

XUM

will take time. It recognizes that the criminal tide in this Nation cannot be turned around overnight.

Most importantly, however, this bill recognizes that we must do more, that our commitment must be strengthened and our support must be increased. I am pleased to see that the committee has recommended considerably increased funding for the law enforcement assistance administration for the coming 3 years.

Mr. Chairman, the citizens of this Nation have the right to walk the streets of this Nation in safety, they have the right to be free from fear of organized crime, they have the right to be protected from muggers, thieves, and robbers. The crime rates, which have increased beyond all justification in recent years, must be reversed, for they represent one of the saddest measures of the state of our society.

I am pleased to report to my colleagues that Arkansas has done an outstanding job so far of organizing its resources to combat crime on an effective, workable, and realistic basis. With the continued support which will be provided in H.R. 17825, we can make significant progress in fulfilling our goal of providing safe streets for the citizens of our State.

This bill has my strong support. With the passage of this bill, we in the Congress can say once again that we have no intention of permitting crime to grow or the criminal to prosper as long as we have the resources to fight it. The people of this Nation expect and will accept no less.

Mr. OBEY. Mr. Chairman, I rise in support of the Law Enforcement Assistance Amendments, which will expand and strengthen Federal support for the war on crime waged by State and local governments.

The LEAA's mission is to help them hire more policemen, purchase patrol cars, illuminate city streets, improve rehabilitation, probation and corrections work, build better facilities, improve the administration of justice—in short, to help them do whatever needs to be done.

Recent court decisions have given the estimated 40,000 local police departments new responsibilities in helping to enforce the law—responsibilities which require sensitivity and judgment, not to mention adequate funding and support.

The LEAA is an effort to help them meet these responsibilities, and these amendments should make the LEAA even more constructive. I commend the committee for its hard work and foresight in drafting these amendments.

I am especially pleased by the new program to improve correctional facilities and programs that was recommended by the Department of Justice and endorsed by the committee.

Our prisons, probation and parole have been neglected, and have, in fact, encouraged criminal behavior instead of correcting it. As a result, more than half of those released from our prisons go on to commit another crime.

Only a paltry amount of present law enforcement expenditures goes for corrections, and almost all of that meager sum is spent on custody, rather than rehabilitation. The law authorizes grants for corrections purposes, but competing demands for these funds have left little for corrections. Of the acting grants awarded to States in fiscal 1969, only 13.8 percent went for corrections.

These amendments should make possible the development of new correctional facilities and the improvement of correctional programs, both of which are long overdue.

The war on crime takes in prevention, detection, apprehension, solution, conviction, and correction. These amendments, and the special provision for new emphasis on the correctional phase enable the Federal Government to help State and local governments on all fronts in waging and winning this war.

Mr. CHAPPELL. Mr. Chairman, the crime rate in this country has become so frightening that concerned citizens are looking to every source possible for solutions to this awful situation.

Today, we are considering the Omnibus Crime Control and Safe Streets Act Amendments of 1970—a measure designed to help combat crime. This act authorizes a $3.2 billion outlay over the next 3 years to provide grants for research, education, training, upgrading correctional institutions, and other law enforcement purposes.

While this bill is certainly not perfect, we feel it is a measure that will prove beneficial to our law enforcement agencies across the land and ultimately be helpful in the reduction of crime.

We have reached a time in the history of this country when people are terrified to be on the streets at night. Organized crime and narcotics claim more victims daily. As much as 75 percent of the street crime is attributed to the drug addict, and juvenile arrests involving the use of drugs rose 800 percent in the United States between 1960 and 1967. There is not much the drug addict will not do to support his $100-a-day habit.

Crime has risen over 120 percent since 1960—11 percent alone in 1969. While most crime previously has been in poor and ghetto areas, the largest increase now is in suburban and even rural areas. The cost of crime zoomed past $31 billion in 1968. And one of the most heartrending statistics we have noted is that 75 percent of the serious crimes are committed by the under-25 age group.

There can be no doubt that our Nation is in the grips of a wave of lawlessness and subversion which can only be combated by immediate action against those who would act wantonly without regard for the just laws and ideals of order upon which this country was founded.

Mr. Chairman, let us hope this bill will help solve some of our problems on crime and let us hope it is the first in a series of measures designed to rid this country of the crime wave we have been subjected to over the last decade. I urge its passage.

Mr. KARTH. Mr. Chairman, one of our traditions has been to put money where it is both needed and can do the most good. The original Omnibus Crime and Safe Streets Act of 1968 while well motivated fails this basic tradition and demand. The statement of Detroit's mayor before the Judiciary Committee well demonstrates the need to put the money where it will do the most good. The mayor pointed out that Detroit has 19 percent of the State's population and 40 percent of the State's crime. Yet, Detroit received less than 6 percent of the planning funds that came to Michigan last year—and less than 18 percent of the action funds. Much the same thing has been true in Minnesota's major cities.

While the idea of funneling grants on the sole basis of population looked good at the time, our attempts to achieve an equity produced an even greater inequity.

I certainly do not call for the elimination of funds to lower crime areas—a lower crime rate in some areas may be tied to moneys received through our 1968 action. But to ignore high crime areas for the sake of an arbitrary mathematical formula does little to fight the worst of the problem. The requirement that the States allocate adequate assistance to localities where the volume of crime is the greatest is good sense and good legislation.

Mr. MIZELL. Mr. Chairman, I rise today in support of the Omnibus Crime Control and Safe Streets Act Amendments of 1970, H.R. 17825.

Law enforcement has always been, and remains today, essentially a local responsibility. We cannot effectively stem the alarming rise in crime nationally without assisting law enforcement agencies on the local level.

My colleagues and I are charged with the responsibility of seeing that potential or real crimes against the Nation are combated, but, in the last analysis, it is the cop on the beat who must daily risk his life in his efforts to prevent crime in the streets, and to curb crimes against our society.

This bill provides the training and equipment necessary to wage the battle against crime in this country on that all-important local level.

The block grants provided to the States for use on local levels can be meted out as local conditions dictate, and this method is an obviously superior course to any national guidelines that this body or the Department of Justice, or any other Federal law enforcement agency might impose.

There could be no better time for passage of legislation providing for more sophisticated, more effective means to fight crime than in this day of spiraling crime rates, when fear of bodily harm is the constant companion of our Nation's citizens as they walk our Nation's streets.

The training of local law enforcement officers provided for in this bill will enable them to secure arrests of dangerous criminals despite the recent rulings of our courts that make such arrests almost impossible through sheer technicality.

And when an arrest is made by an officer who follows every procedure ever demanded by any court, then, even under the most liberal judicial review, there will be no writ of certiorari by which an arrest can be overturned.

It will then be incumbent on judges at every level to uphold the convictions that will make punishment of crime commensurate with the crimes committed. This will make our streets all the more safe,

XUM

and make good our constitutional mandate to insure domestic tranquillity by reducing the threat and the incidence of crime.

To insure the success and effectiveness of the bill, I also intend to support the amendment offered by the gentleman from Iowa (Mr. MAYNE) which will delay State contributions under this act for 1 year.

Mr. BENNETT. Mr. Chairman, I have been a consistent supporter of the Law Enforcement Assistance Act, which has contributed to the anticrime program in my hometown and Third Congressional District of Jacksonville, Fla. It is a good and sound program and I urge the House to approve the amendments to the act we are considering today.

There is one section of the proposed bill before the House of Representatives today which I would like to comment on. Part E of the amendments to the Law Enforcement Assistance Act, contained in H.R. 17825, provides for a new program for the construction, acquisition, and renovation of correctional facilities, with provision that Federal grants may be made up to 75 percent of the cost of a particular project. This I believe to be a key element in eliminating crime in the United States.

I first introduced a bill to accomplish this in June 1966, in the 89th Congress, and a similar bill in the 90th Congress, much of the thrust of which was included in the Law Enforcement and Criminal Justice Assistance Act of 1967. These two bills along with my present bill, H.R. 13902, of the 91st Congress have been supported by the American Correctional Association and many local and State officials who feel the need for many improvements in our present prison system.

For almost 150 years our Nation has mostly "put away" its criminals and violators of the law, placing them behind thick walls and metal bars. In this way they have been said to pay their debt to society.

Over 40 percent of those who have paid their debt this way have ended up right back where they started from: right back behind bars.

In 1968, I held a seminar on law and order in my congressional district. At that time, former Federal Bureau of Prisons Director Myrl E. Alexander said:

> The treadmill of arrest, imprisonment, release and re-arrest is too well known by us all. So long as recidivism remains the rule and not the exception, the entire system of criminal justice will have failed.

The main reason we have crime "repeaters" is, as most corrections and law enforcement officials believe, that many of our correctional institutions are antiquated museums. These age-old prisons and correctional institutions have been built with only one thing in mind, maximum security. According to James V. Bennett, former Director of U.S. Bureau of Prisons, there are approximately 3,500 county and city facilities and correctional institutions for adults in the United States, and 220 institutions for juveniles. All but a handful are archaic, grim and devoid of all but token facilities for training and rehabilitating their inmates. Sixty-one of the larger prisons were opened before 1900. Twenty-five of these are more than 100 years old.

The facilities where our criminals are incarcerated are the tools we use to train these people to be good citizens. We need adequate, modern, and functional facilities, not dungeons.

My present bill, which would establish a program to provide grants to State and local governments for the construction or modernization of certain correctional institutions, is along the lines of the Hill-Burton hospital plan and would in fact be an important part of the answer to help stop the rising crime rate which costs our Nation some $27 billion annually.

Mr. Chairman, I hope the House of Representatives will pass the amendments to the Law Enforcement Assistance Act, including the corrections facilities construction program, patterned after my bill H.R. 13902, and previous legislation I have sponsored and supported in this field. These improvements are long overdue.

Mr. GROSS. Mr. Chairman, I intend to support this bill although I have grave doubt that the expenditure of $3.1 billion which it authorizes will have the result of reducing crime as predicted.

This bill will not unshackle and free the law-enforcement officers of the Nation from the court decisions that have made them all too often impotent to halt the criminals. Neither will it do anything to compel the courts to mete out sentences commensurate with the crimes and expedite the trial of criminals.

It will do nothing to bring about swift and certain punishment of so-called white collar criminals who all too often these days escape punishment or are treated much too leniently by the courts and prosecutors.

I support the bill for the good that it will do but here again the problem cannot and will not be solved simply with a deluge of money. It will take the combined best efforts of judges, prosecutors and law-enforcement officers as well as the public.

Mr. PRICE of Illinois. Mr. Chairman, today the current appropriations for the support of title I of the Omnibus Crime Control and Safe Streets Act will expire. Crime, however, is still a significant problem. Appropriations must be authorized that not only would continue law enforcement assistance, but would also strengthen the program.

This bill includes provisions that provide for several fundamental improvements. Of greatest consequence is the emphasis that this bill places on rehabilitation. This area of crime control has too long been ignored. If a substantial number of those persons now in prisons could be rehabilitated, crime statistics could be radically reduced. After all, research has shown that 50 to 70 percent of those once convicted and released later commit another crime. If more effort and money were directed toward correction, this trend, perhaps, could be retarded.

This bill aids in achieving this by designating funds for the establishment of a program to construct and renovate correctional facilities and by recognizing the importance of probation and parole in a program of effective law enforcement. A further innovation is the authorization granted LEAA to make grants to States for the establishment of a criminal justice coordinating council for any unit of local government. If any program, including one of law enforcement, is to be successful, there must be complete interaction of all sectors at all levels.

Finally, the requirement of partial State funding of local government programs will increase the involvement of States in law enforcement. This will help to insure the development of a law enforcement program having the greatest impact.

Crime is a problem that cannot be ignored. If this problem is to be ameliorated, more comprehensive efforts are needed now. For these reasons, I urge the passage of this bill.

Mr. ABBITT. Mr. Chairman, all of us recognize that crime and violence pose one of the biggest problems facing our Nation today. It is imperative, in my opinion, that we take some positive steps in dealing with this crisis, lest we soon realize that the scope of the problem has broadened far beyond our capacities to deal with it.

There has been much talk about fighting crime and the means by which this might be accomplished. There is almost unanimity in the desire among law-abiding citizens to make our streets and highways safer and to protect our homes and families from the menace of crime and violence. The question is—how can this best be done?

The rate of crime continues to climb all over America. Most major crimes have multiplied several times in recent years—and there is a direct ratio between the rate of increase and the confusion in the public's mind as to how crime should be attacked. It goes without saying that law enforcement authorities cannot do the job alone. It is also clear that law enforcement officials have a much harder task today than they did a decade ago—despite the fact that there are more police, using better equipment and techniques and receiving better pay than ever before.

There has, of course, been a great increase in the activity of the lawless element of society. They have been encouraged by some hairline decisions by a majority of the Supreme Court, in recent years, and these decisions, in turn, have caused the general public to lose interest in and respect for the law. Such actions and decisions have been nothing short of encouragement to the criminal element. It is disturbing for certain lawless elements of society to know more about their rights than the general public, simply because word gets around among those who are the benefactors of leniency in the courts.

There must be a partnership between government and private citizens to wage an all-out war on crime and violence in America and this must be greatly expanded and encouraged now, if it is to be effective in stemming the tide which is now causing such havoc in many parts of our country. Money alone cannot solve the problem of crime in America. Money may be an incentive for harder police

XUM

work and improving the techniques of fighting crime, but there is no substitute for apprehending criminals and seeing that they are speedily tried and punished for their misdeeds.

We must stop placing undue restrictions on our police, many of which go far beyond the limits of reasonableness. We want to—and should—protect the rights of the accused, but restrictions of the type which have been imposed in recent years are barriers to prosecution and do not provide proper safety for the public at large; they simply aid those who are bent on criminal actions and are used successfully by elements of society which seek to tear down what the majority of our people work hard to build.

I feel that the amendments to the Omnibus Crime Control and Safe Streets Act of 1968, which we now have before us, are a step in the right direction but I would frankly like to see something done of a concrete nature in allowing our police and other law enforcement authorities more leeway in dealing with the problem. We need more stringent action to strike some fear in the minds of those who now think they can get away with crime, disorder, violence, and harassment of society. It is my feeling that present laws are adequate to deal with the situation, but the fact of the matter is that law enforcement authorities are handcuffed in their operations to such an extent that the effectiveness of the law is greatly reduced.

The Law Enforcement Assistance Administration is providing helpful funds under the 1968 act, and the bill before us would authorize appropriations for the next 3 years, so that local and state officials may beef up their police and crime detection activities. This will be useful, but I cannot help but be critical of the approach taken by far too many people at the highest levels of government who still think that money alone will do the job.

Government's biggest assets in fighting crime and violence are intangibles, such as public support, cooperation between State, Federal, and local law enforcement authorities and proper interpretations of our laws. Something must be done to restore the public's cooperation in this multilateral campaign.

Television, radio, and newspapers—all communications media—can play a vital role in creating a better climate for law and order in our Nation. More emphasis should be given to the public's role and less to the idea that the criminal element has somehow attained a hero status because they more frequently come out on top than do the law enforcement authorities. We must remember that far more crimes are committed than are ever reported and the number that is reported becomes less and less significant year after year because bystanders and witnesses refuse to give police the evidence which would aid in prosecutions and convictions.

Public responsibility is perhaps the key ingredient in fighting crime and violence and should be encouraged. Some Federal judges—and, particularly, certain members of the Supreme Court—have apparently lost all awareness of this fact and seem to be preoccupied with the rights of the criminal, regardless of the consequences to society at large. Unless this philosophy is reversed, we cannot expect victories in the war on crime, no matter how much money we appropriate or how much new equipment we provide. The roadblock to success in fighting crime is clearly in the philosophy which the former majority of the Supreme Court has foisted upon the American people and which has permeated law enforcement from Maine to California.

Mr. FOUNTAIN. Mr. Chairman, I rise in support of this legislation (H.R. 17825), although I must confess that I continue to have reservations over the extent and manner of Federal participation in local and State law enforcement. Federal participation and Federal funds can lead to even more centralization in Washington. Just look at what has already happened to public education in this country. The Federal Government, through the use of Federal funds, has become the dictator of many of our public school policies.

Certainly we are justified in our efforts to provide proper assistance to local and State authorities in their own efforts to prevent and control ever-increasing crime in our streets and throughout our Nation. But it must be a partnership responsibility. We must avoid the kind of help that could result in the Federal takeover of all law enforcement in this country. Such centralized control of law enforcement, if it should ever come to pass, could lead to a dangerous state of affairs, resulting in a police state as dangerous as crime itself.

However, our people are deeply disturbed, and rightly so, over the inadequacy of State and local funds to enable our police forces to do the job that must be done.

Our policemen play a vital role in preserving the stability of our communities. In this connection, I want to point out that, after a violent decade, sprinkled with riots and other forms of disorder, we could justifiably expect to see the turbulence of the times mirrored in the casualty reports of the Nation's police forces.

And so the FBI figures, which show that 557 policemen lost their lives in the performance of their duties between 1957 and 1970, are not surprising.

Whenever loose talk about killing "police pigs" occurs—as is all too frequently reported in the news—we ought to recognize that it may not be idle, empty-headed conversation. Because all too often such talk does result in the loss of life.

In the first 2 months of this year, the FBI reports the deaths of nine policemen. Police officers badly injured stood at 2,394. Most such injuries and deaths result from old-fashioned crime, but some stem from more modern causes symptomatic of the age we live in.

The many-faceted stresses tugging at our Nation today should make us realize that it is not indestructible. Americans could, if they so chose, do just as Samson did—pull the columns of society down around their heads.

Destroying the America we know and love would not be an easy task, but it could be done. Other great and powerful nations in history have been destroyed by their own people—often by the aggressive action of a small minority and the indifference and complacency of a substantial "silent majority." And there are self-proclaimed revolutionaries abroad in the land, such as the Chicago Seven, who have assumed for themselves just such a task.

These people are either ignoring or overlooking the fact that the United States has the most nearly complete freedom and liberty—the best, the most humane, the most tolerant, and fairest system of justice, and the greatest degree of equality of opportunity in all the world. None of these things are perfected, for that is a constant struggle which goes on in countless ways.

And in addition to all this, we have achieved the kind of material prosperity which the world heretofore only dreamed of. With only 5 percent of the people of the world, we utilize 50 percent of the world's resources. The list of American "firsts" in material things is, of course, no surprise, and contains, among many other things, such items as more and better food and clothing and shelter, and more cars, more trucks, more planes, more telephones, more television sets, more radios, and doubtless more homes and churches and school facilities than any other nation in the world.

But, of course, American "firsts" in freedom and liberty and justice are far more important. But without peace within our Nation and among our people, these cherished freedoms cannot long survive, and regrettably they are already being seriously threatened. We need and must have internal peace, free of irresponsible, forcible, and destructive dissent.

Of course, everyone in this country should, beyond any question—and does—have freedom of speech and should not hesitate to express themselves openly, freely, and fully.

But, we should be "eternally vigilant" against those who would degrade our freedoms by using them as a cloak for terroristic activities more reminiscent of czarist Russia in 1905, or Japan of 1930, or Germany of 1932, than of America in 1970.

The peaceful processes of society cannot long continue without the existence of basic order. And so, no one gains when police are defamed or attacked, except the small but vocal bands of revolutionaries who seem to be so adept at gaining and being afforded access to the television cameras of the networks and to the front pages of many big-city newspapers.

Respect for the police, the protectors in many ways of civilized society, the guardians against lawless elements always lurking in the shadows, used to be axiomatic. It was an accepted fact of life. Children were taught when in trouble and in need of a friend—to seek out a policeman. Unfortunately, this kind of teaching is not so prevalent today in modern America. The news of recent years seems to indicate otherwise.

There must be a return to basics in the homes and schools of America and

XUM

to the fundamental Christian principles upon which this Nation was founded, and without which, it cannot continue to survive.

Five hundred and fifty-seven men killed on the firing line of American civilization is indeed a heavy toll to pay. Hats off to the law enforcement officers of the United States. Like all humans, they make mistakes, but they have a tough and vital job to do and they desperately need, not just adequate compensation, and not the silent—but rather the active support, good will and sympathetic understanding of the overwhelming majority of Americans.

Let us make no mistake about it, to whatever extent we fail them, we fail and can blame ourselves.

Mr. BIAGGI. Mr. Chairman, I wholeheartedly support the expanded authorizations for the Law Enforcement Assistance Administration provided for in the bill before us now. Additionally, the elimination of the three-man board of administrators and increased emphasis on correctional facilities help make the measure an excellent piece of legislation in the criminal justice field. I commend the Judiciary Committee and its able chairman (Mr. CELLER) for their fine work.

There is, however, one area which I do not feel the present bill develops fully. Although virtually all Members of this body recognize that our major cities are afflicted with a higher incidence of crime in relation to the other parts of the country, this bill, H.R. 17825, does not fully address itself to that aspect of the crime problem.

There is a requirement that LEAA approval of a State law enforcement assistance plan be based on a finding that areas with a high incidence of crime receive an adequate share of assistance. But this is only a very small step in an area where we should be taking leaps and bounds.

It is in the cities that the Federal Government should be concentrating its efforts to fight crime. The cities are the headquarters for most criminal syndicates. The cities are the central distribution points for illegal goods, including dangerous drugs, narcotics, and pornography. And the cities are, unfortunately, the training grounds for young criminals of all types starting with street gangs, through car theft rings to the organized crime units.

Yet, despite the fact that the criminal element concentrates its efforts in the cities, we here in Congress have chosen to spread our limited resources over a much broader area based on population. The result is the general population is not served as efficiently as it should be in the fight against crime. Rather than allocating funds based on the number of people in general, we should be allocating funds based on the number of criminals in the various jurisdictions. Let us fight crime where crimes are being committed. That is the most efficient approach.

Nevertheless, the measure on balance is a good one and indicates this body's interest in allocating more Federal dollars to help solve a serious and perplexing crime problem.

I would like to comment on two particularly good provisions of the bill which will assure us that LEAA will be more instrumental in influencing change in our criminal justice system.

An important aspect of the bill is the increased emphasis placed on improvement of correctional facilities. Too often the poor quality of our prisons contributes substantially to the rising crime rate. Unless we improve all aspects of our criminal justice system, no one aspect will be as effective as it should be.

I would point out that this section would permit discretionary grants by LEAA directly to localities where the need is greatest. It further provides that special emphasis be given to areas with a high incidence of crime.

This is particularly important to the city of New York which at present is unable to satisfy adequately the demands placed upon its correctional system. The situation is growing worse every day. As the number of criminals processed through the present jails and prisons increases, the number of second- and third-time offenders also increases.

The direct relationship between a poor correctional facility and the rising number of repeat offenders in the area has been clearly established. If we are to cut down on the number of recidivists moving through our criminal justice system, the best place to start is to improve our correctional facilities. I firmly believe an improved prison system that placed emphasis on rehabilitation rather than retention would have a significant downward effect on the crime rate in New York City.

A second important aspect of the bill mandates a changeover from a three-man board of administrators to just one administrator. This provision is essential if LEAA is to function as an efficient body in administering this increased Federal allotment. The present arrangement results in a strangulation of the decisionmaking functions since unanimous agreement has proven much too difficult to obtain. The bill wisely retains the posts of associate administrators functioning as deputies, thus reaping the benefits of collective judgment, experience and expertise.

Mr. Chairman, the Law Enforcement Assistance Administration properly administrated can be one of our most successful tools in the fight against crime. LEAA has laid new milestones in a continuous effort to upgrade the effectiveness of the law enforcement officer, improve the functioning of the judicial processes and develop truly rehabilitative correctional facilities. I strongly urge my colleagues to approve this measure by a large margin.

Mr. RYAN. Mr. Chairman, H.R. 17825, the Omnibus Crime Control and Safe Streets Act Amendments of 1970, of which I am a cosponsor, amends title I of the present act, which established a Federal assistance program aimed at crime reduction and prevention.

There are significant problems with the present law and its implementation. I make no claim that H.R. 17825 adequately addresses all of these problems. Nor does it even completely resolve those problems which it does address. It does succeed, however, in moving in the right direction, and given the nature of some of the legislation dealing with crime which is being considered in this Congress, that in itself is a distinction, albeit not a very satisfactory one.

One of the most persistent problems, and one which H.R. 17825 does address, concerns grants for law enforcement purposes—so-called action grants. Unfortunately, the block grant concept, which was embodied in the Omnibus Crime Control and Safe Streets Act of 1968 despite the opposition of many of us, remains. This concept enables moneys to go to the States, which in turn pass on a percentage of these funds to units of local government.

I had very serious reservations about this block grant approach in 1968, and I think history has borne out the validity of these reservations. The block grant approach simply does not enable the cities, which experience the highest crime and which are the most strained for funds to fight this crime, to receive sufficient amounts of moneys. A study undertaken by the National League of Cities-United States Conference of Mayors, and published in February of this year, very succinctly states the situation:

> The program, as presently administered by the states, will not have the necessary impact vitally needed to secure improvements in the criminal justice system. The states, in distributing funds entrusted to them under the block grant formula of the Safe Streets Act, have failed to focus these vital resources on the most critical urban crime problems. Instead, funds are being dissipated broadly across the states in many grants too small to have any significant impact to improve the criminal justice system and are being used in disproportionate amounts to support marginal improvements in low crime areas

I should have preferred total abolition of the block grant approach. We were not able to achieve this, but H.R. 17825 does remedy the problem to some extent. The bill amends the present law to require that LEAA approval of a State plan for law enforcement assistance must be based on a specific finding that the plan allocates adequate funds to deal with law enforcement problems in areas of high crime incidence. Thereby, more funds than in the past will be funneled into the high crime urban areas.

In addition, under H.R. 17825, the States will be required to provide not less than one-fourth of the non-Federal funding with respect to each program or project undertaken by units of general local government, or combinations of such units. It simply is not credible to contend that the cities, faced with enormous problems of every nature which require the expenditures of massive amounts of funds, should be required to bear alone the burden of finding the matching funds for Federal grants. They cannot do so. They need help. H.R. 17825 requires that they at least get a modicum of such help. Given the facts that crime is really a problem which extends far beyond artificial municipal boundaries and that the cities often pay out far more in State taxes than they receive back in services from the State governments, this is entirely warranted and necessary.

Additional key elements of H.R. 17825 are those establishing a new grant program to improve correctional facilities, and requiring that 25 percent of all appropriations made for law enforcement assistance be committed to the purposes of correction activities.

The American correctional system handles approximately 2.5 to 3 million admissions a year. And yet, given the enormous number of individuals affected, and the enormous role the correctional system can play in achieving rehabilitation of criminals, the President's Crime Commission describes conditions which "are often a positive detriment to rehabilitation" and it depicts life in many penal institutions as "at best barren and futile, at worst unspeakably brutal and degrading." The Commission's report describes local jails, which handle misdemeanants, as follows:

> Not only are the great majority of these facilities old but many do not even meet the minimum standards in sanitation, living space, and segregation of different ages and types of offenders that have obtained generally in the rest of corrections for several decades.

H.R. 17825 offers no really effective solutions, for the corrections system requires massive overhaul. New ideas and new approaches must be tried. Obviously, if the moneys authorized by this bill are merely used to build new fortress-like structures to isolate convicted men and women, all we will wind up with are new buildings. The old problems and the old failures will still be around. While H.R. 17285 is a step in recognizing some of the problems, it is just a start. We cannot fail to continue, once this bill is passed.

Let me mention two other provisions contained in H.R. 17825. Under the Omnibus Crime Control and Safe Streets Act of 1968, the Law Enforcement Assistance Administration was established with a three-man administrative set-up. Unanimous decisions of the three-man board were required to initiate and effectuate major policies. Such an administration was simply unworkable, and H.R. 17825 abolishes it in favor of a one-man chief.

The other provision of H.R. 17825 to note is the significant increase in authorizations for the next 3 fiscal years. The authorization for fiscal year 1971 is set at $650 million; at $1 billion for fiscal year 1972; and at $1.5 billion for fiscal year 1973. It is absolutely essential that adequate funds be available. I make no claim that authorizations set by H.R. 17825 are sufficient. They are not. But, once again, they signal a step in the growing recognition that the fight against crime and the struggle to reclaim criminals for society, are won by money, effort, and dedication and not by the rhetoric of repression and vindictiveness.

H.R. 17825 should be passesd. It is not a perfect bill. It does not provide the magic key to criminal prevention. But it is a step in the right direction. And, if this bill is passed, and if poverty is eradicated, and if opportunity is offered to every American to obtain a decent job, and if decent housing is provided for every person, then we will be fighting crime effectively and intelligently.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 17825

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Omnibus Crime Control and Safe Streets Act Amendments of 1970".

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

SEC. 2. Section 101(b) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"(b) The Administration shall consist of an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate. The Administrator shall exercise the functions, powers, and duties vested in the Administration by this title. The Administrator shall be assisted in the exercise of his functions, powers, and duties by two Associate Administrators who shall be appointed by the President, by and with the advice and consent of the Senate."

PLANNING GRANTS

SEC. 3. The third sentence of section 203(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows: "The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement agencies, units of general local government, and public agencies maintaining programs to reduce and control crime."

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to take this time to ask the gentleman from New York (Mr. CELLER) if it is proposed to go on with this bill this evening and, if so, it is the intention to read the entire bill, or what is the program?

Mr. CELLER. Well, the agreement among most Members was that there would be no final vote until tomorrow. However, I did not anticipate we would complete general debate so soon. So I feel we might go on and read a few sections of the bill so as to dispose of as much of the bill as we possibly can in order to shorten the period of time for the consideration of the bill tomorrow. I would suggest we go on for 1 hour reading the bill, if that is agreeable with the gentleman.

Mr. GROSS. Reading the bill? Why would we want to do that? Let me ask the gentleman this question, Why there is to be no vote today on this bill?

Mr. CELLER. There is no vote today.

Mr. GROSS. Well, but why?

Mr. CELLLER. You might address that question to the leadership.

Mr. GROSS. But it is the intention of the gentleman to read this entire bill?

Mr. CELLER. I did not say the entire bill.

Mr. GROSS. Why consume time by reading the bill? I cannot quite understand the program. Are we merely killing time by reading the bill? Why not consider the bill as read and open to amendment at any point?

Mr. CELLER. I will be glad to do that if the gentleman will not object, I will be glad to make that request now.

Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The remainder of the bill is as follows:

GRANTS FOR LAW-ENFORCEMENT PURPOSES

SEC. 4. Part C of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) Section 301(b)(4) is amended to read as follows:

"(4) Renting, leasing, and constructing buildings or other physical facilities which would fulfill or implement the purpose of this section, including local correctional facilities, centers for the treatment of narcotic addicts, and temporary courtroom facilities in areas of high crime incidence."

(2) Section 301(b) is amended by adding at the end thereof the following new paragraph:

"(8) The establishment of a Criminal Justice Coordinating Council for any unit of general local government or any combination of such units within the State to assure improved coordination of all law enforcement activities, such as those of the police, the criminal courts, and the correctional system."

(3) Section 301(c) is amended by—

(A) striking out "amount of any Federal grant made under" and "amount of any grant made under" each place they appear and inserting in lieu thereof "portion of any Federal grant made under this section for the purposes of";

(B) striking out "amount of any other grant made under this part" and inserting in lieu thereof "portion of any Federal grant made under this section to be used for any other purpose set forth in this section"; and

(C) striking out "construction of" and inserting in lieu thereof the following: "renting, leasing, or constructing".

(4) Section 301(d) is amended by—

(A) striking out "part" and inserting in lieu thereof "section";

(B) by inserting immediately after "compensation of" in the first sentence the following: "police and other regular law enforcement"; and

(C) striking out the period in the third sentence and inserting in lieu thereof the following: ", nor to the compensation of personnel engaged in research, development, demonstration, or other short-term programs.".

(5) Section 303 is amended by inserting after the first sentence thereof the following new sentence: "No State plan shall be approved unless the Administration finds that the plan provides for the allocation of an adequate share of assistance to deal with law enforcement problems in areas of high crime incidence."

(6) Paragraph (2) of section 303 is amended by striking out the semicolon and inserting in lieu thereof the following: ", and that with respect to any such program or project the State will provide not less than one-fourth of the non-Federal funding;".

(7) Section 305 is amended to read as follows:

"SEC. 305. Where a State has failed to have a comprehensive State plan approved under this title within the period specified by the Administration for such purpose, the funds allocated for such State under paragraph (1) of section 306(a) of this title shall be available for reallocation by the Administration under paragraph (2) of such section 306(a)."

(8) Section 306 is amended to read as follows:

"SEC. 306. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

XUM

"(1) Eighty-five per centum of such funds shall be allocated among the States according to their respective populations for grants to State planning agencies.

"(2) Fifteen per centum of such funds, plus any additional amounts made available by virtue of the application of the provisions of sections 305 and 509 of this title to the grant of any State, may, in the discretion of the Administration, be allocated among the States for grants to State planning agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the Administration determines consistent with this title.

Any grant made from funds available under paragraph (2) of this subsection may be up to 90 per centum of the cost of the program or project for which such grant is made; however, if the Administration determines that the applicant is unable to provide sufficient funds the amount of such grant may be up to 100 per centum of the cost of such program or project. No part of any grant for the purpose of renting, leasing, or constructing buildings or other physical facilities shall be used for land acquisition.

"(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State for that fiscal year for grants to the State planning agency of the State will not be required by the State, or that the State will be unable to qualify to receive any portion of the funds under the requirements of this part, that portion shall be available for reallocation under paragraph (2) of subsection (a) of this section."

TRAINING, EDUCATION, RESEARCH, DEMONSTRATION, AND SPECIAL GRANTS

SEC. 5. Part D of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) Section 406 is amended—

(A) by striking "in areas directly related to law enforcement or preparing for employment in law enforcement" in the first sentence of subsection (b) and inserting in lieu thereof "in areas related to law enforcement or suitable for persons employed in law enforcement";

(B) by striking out "tuition and fees' in the first sentence of subsection (c) and inserting in lieu thereof "tuition, books, and fees"; and

(C) by inserting at the end thereof the following new subsections:

"(d) Full-time teachers or persons preparing for careers as full-time teachers of courses related to law enforcement or suitable for persons employed in law enforcement, in institutions of higher education which are eligible to receive funds under this section, shall be eligible to receive assistance under susbections (b) and (c) of this section as determined under regulations of the Administration.

"(e) The Administration is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the development or demonstration of improved methods of law enforcement education, including—

"(1) planning for the development or expansion of undergraduate or graduate programs in law enforcement;

"(2) education and training of faculty members;

"(3) strengthening the law enforcement aspects of courses leading to an undergraduate, graduate, or professional degree; and

"(4) research into, and development of, methods of educating students or faculty, including the preparation of teaching materials and the planning of curriculums.

The amount of a grant or contract may be up to 75 per centum of the total cost of programs and projects for which a grant or contract is made."

(2) Part D is further amended by inserting after section 406 the following new section:

"SEC. 407. The Administration is authorized to develop and support regional and national training programs, workshops, and seminars to instruct State and local law enforcement personnel in improved methods of crime prevention and reduction and enforcement of the criminal law. Such training activities shall be designed to supplement and improve, rather than supplant, the training activities of the State and units of general local government, and shall not duplicate the activities of the Federal Bureau of Investigation under section 404 of this title."

GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

SEC. 6. (a) Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting immediately after part D the following:

"PART E—GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

"SEC. 451. It is the purpose of this part to encourage States and units of general local government to develop and implement programs and projects for the construction, acquisition, and renovation of correctional institutions and facilities, and for the improvement of correctional programs and practices.

"SEC. 452. A State desiring to receive a grant under this part for any fiscal year shall, consistent with the basic criteria which the Administration establishes under section 454 of this title, incorporate its application for such grant in the comprehensive State plan submitted to the Administration for that fiscal year in accordance with section 302 of this title.

"SEC. 453. The Administration is authorized to make a grant under this part to a State planning agency if the application incorporated in the comprehensive State plan—

"(1) sets forth a comprehensive statewide program for the construction, acquisition, or renovation of correctional institutions and facilities in the State and the improvement of correctional programs and practices throughout the State;

"(2) provides satisfactory assurances that the control of the funds and title to property derived therefrom shall be in a public agency for the uses and purposes provided in this part and that a public agency will administer those funds and that property;

"(3) provides satisfactory assurances that the availability of funds under this part shall not reduce the amount of funds under part C of this title which a State would, in the absence of funds under this part, allocate for purposes of this part;

"(4) provides for advanced techniques in the design of institutions and facilities;

"(5) provides, where feasible and desirable, for the sharing of correctional institutions and facilities on a regional basis;

"(6) provides satisfactory assurances that the personnel standards and programs of the institutions and facilities will reflect advanced practices;

"(7) provides satisfactory assurances that the State is engaging in projects and programs to improve the recruiting, organization, training, and education of personnel employed in correctional activities, including those of probation, parole, and rehabilitation; and

"(8) complies with the same requirements established for comprehensive State plans under paragraphs (1), (3), (4), (5), (7), (8), (9), (10), (11), and (12) of section 303 of this title.

"SEC. 454. The Administration shall, after consultation with the Federal Bureau of Prisons, by regulation prescribe basic criteria for applicants and grantees under this part.

"SEC. 455. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

"(1) 50 per centum of the funds shall be available for grants to State planning agencies.

"(2) The remaining 50 per centum of the funds may be made available, as the Administration may determine, to State planning agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the Administration determines consistent with this part.

Any grant made from funds available under this part may be up to 75 per centum of the cost of the program or project for which such grant is made. No funds awarded under this part may be used for land acquisition.

"(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds granted to an applicant for that fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 509 of this title, that portion shall be available for reallocation under paragraph (2) of subsection (a) of this section."

(b) Section 601 of such Act is amended by inserting at the end thereof the following new subsection:

"(l) The term 'correctional institution or facility' means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses."

(c) Part E and part F of title I of such Act are redesignated as part F and part G, respectively.

ADMINISTRATIVE PROVISIONS

SEC. 7. Part F of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (as redesignated by section 6(c) of this Act) is amended as follows:

(1) Section 515 is amended by inserting at the end thereof the following new sentence:

"Funds appropriated for the purposes of this section may be expended by grant or contract, as the Administration may determine to be appropriate."

(2) Section 516(a) is amended by striking out the period and inserting in lieu thereof the following: ", and may be used to pay the transportation and subsistence expenses of persons attending conferences or other assemblages notwithstanding the provisions of the Joint Resolution entitled 'Joint Resolution to prohibit expenditure of any moneys for housing, feeding, or transporting conventions or meetings', approved February 2, 1935 (31 U.S.C. sec. 551)."

(3) Section 517 is amended to read as follows:

"SEC. 517 (a) The Administration may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates of compensation for individuals not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of tite 5, United States Code.

"(b) The Administration is authorized to appoint, without regard to the civil service laws, technical or other advisory committees to advise the Administration with respect to the administration of this title as it deems necessary. Members of those committees not otherwise in the employ of the United States, while engaged in advising the Administration or attending meetings of the committees, shall be compensated at rates to be fixed by the Administration but not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5 of the United States Code and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized

XUM

by section 5703 of such title 5 for persons in the Government service employed intermittently."

(4) Section 519 is amended by striking out "On or before August 31, 1968, and each year thereafter," and inserting in lieu thereof the following: "On or before December 31 of each year".

(5) Section 520 is amended to read as follows:

"SEC. 520. There is authorized to be appropriated $650,000,000 for the fiscal year ending June 30, 1971, $1,000,000,000 for the fiscal year ending June 30, 1972, and $1,500,000,000 for the fiscal year ending June 30, 1973. Funds appropriated for any fiscal year may remain available for obligation until expended. Not less than 25 per centum of the amounts appropriated shall be devoted to the purposes of corrections, including probation and parole."

(6) Section 521 is amended by inserting at the end thereof the following new subsection:

"(c) The provisions of this section shall apply to all recipients of assistance under this Act, whether by direct grant or contract from the Administration or by subgrant or subcontract from primary grantees or contractors of the Administration."

DEFINITIONS

SEC. 8. Section 601 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) Subsection (a) is amended to read as follows:

"(a) 'Law enforcement' means all activities pertaining to the administration of criminal justice, including, but not limited to, police efforts to prevent crime and to apprehend criminals, activities of the criminal courts and related agencies, and activities of corrections, probation, and parole authorities."

(2) Subsection (d) is amended by striking out "or" the second place it appears and by striking out the period and inserting in lieu thereof the following: ", or any agency of the District of Columbia government performing law enforcement functions in and for the District of Columbia. Funds appropriated by the Congress for the activities of such agencies of the District of Columbia may be used to provide the non-Federal share of the cost of programs or projects funded under this title."

SEC. 9. Section 5108(c) of title 5 of the United States Code is amended by inserting at the end thereof the following new paragraph:

"(10) the Law Enforcement Assistance Administration may place a total of 15 positions in GS-16, 17, and 18."

AMENDMENT OFFERED BY MR. MAYNE

Mr. MAYNE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MAYNE: Page 4, line 20, after "funding" insert "for each fiscal year ending on or after June 30, 1972".

(Mr. MAYNE asked and was given permission to revise and extend his remarks.)

Mr. MAYNE. Mr. Chairman, I want to emphasize at the outset that the purpose of this amendment is to make it possible for all States to participate in this program as soon as possible. The amendment certainly will not delay the war on crime or defer the operative sections of this bill going into effect in any way. Not one whit. The only thing which it will delay is the new mandatory requirement in this bill which requires States to furnish one-fourth of the non-Federal funding. All that my amendment will do will be to defer that particular requirement being imposed on the States during the fiscal year 1971, which begins this Wednesday, July 1 and ends June 30, 1971.

If my amendment is not adopted, many States may not be able to join in the Federal grants contemplated by the bill until a year from now when fiscal 1972 begins.

There is a real danger, as I pointed out during general debate, that those States which do not have legislatures in session at the present time and will not have them in session until next year, will be cut out of all Federal grants under this bill during fiscal 1971. Now, this can be obviated through the adoption of my amendment which can do no possible harm but which will insure that those States that have not yet passed the necessary legislative appropriation may nevertheless participate in the program authorized by this bill without having to wait an entire year.

Now, Mr. Chairman, in this language which appears in subsection 4(6), lines 16 through 20, on page 4 of the bill, there is a requirement which requires each State plan to provide that the State provide not less than one-fourth of the non-Federal funding for programs and projects to be developed and implemented by units of general local government with the assistance of Law Enforcement Assistance Administration grants. Under the bill as presently written, if a State fails to submit a State plan providing such 25-percent State contribution, or if the State fails to come through with the 25-percent State contribution once its State plan has been approved, then the funds which would have been allocated to the State through the block grant formula go instead to the pool of funds distributed by the Law Enforcement Assistance Administrator in his discretion.

The intention of this provision was not, of course, to wreck the block grant program, but to encourage each State to contribute to local government programs and projects to improve and strengthen law enforcement. I strongly support the principle of this provision.

However, I am fearful that the effect of subsection 4(6) as it now appears in the bill, rather than being to increase and strengthen the block grant program and State participation, may well be to kill the block grant idea if my amendment is not adopted.

A relatively small number of the States—some authorities say as few as five—now contribute to local programs and projects now receiving law enforcement assistance grants through State planning agencies. Most of the States, including Iowa, do not now have any State legislation authorizing State contribution to such local law enforcement programs and projects or appropriating funds for this next fiscal year for such programs and projects—and practically all of these States, including Iowa, will not be holding any session of their respective legislative bodies until January 1971. Most of these States, again, in that January 1971 session would not, either by constitution of the State or by practicality, be able to enact authorization legislation and appropriations permitting a State contribution of 25 percent of local law enforcement programs and projects for fiscal year 1971, although many could enact such legislation for fiscal year 1972 and thereafter.

I am advised by Members of this body who have had a great deal of experience in State legislatures that the appropriations committees of many State legislatures customarily defer their work until fairly late in their legislative sessions. It is not unusual for State legislatures not to take final action on appropriations until after July 1, and many State legislatures are so set up that that is the last thing done. It seems clear that States whose legislatures meet next year but do not pass appropriations for this purpose prior to July 1 could not qualify for receiving law enforcement assistance grants from the Law Enforcement Administration for fiscal year 1971—and the funds that would have been allocated under the basic act to these States if they had approved State plans and met the 25-percent State contribution requirement would flow instead into the general pool of funds which is distributed according to the discretion of the Law Enforcement Administrator directly to local programs and projects, not through State planning agencies. Thus, the State block-grant approach would be lost and there would be no assurance that a particular State would not suffer a substantial reduction in Federal funds. I believe that the Governors and the State planning agencies generally agree that this would be disastrous. I have already referred in general debate to the strong message I received from the distinguished Governor of Iowa, the Honorable Robert D. Ray, on this subject urging that the effective date of subsection 4(6) be deferred to the start of fiscal 1972 which is July 1, 1971, as provided in the Mayne amendment. This would enable all States except one—the legislature of which does not meet in 1971—to enact legislation meeting the 25-percent State contribution requirement in sufficient time to avoid deprivation of the very necessary anticrime grants of this bill. No possible harm can come from this amendment and Members should vote for it to make sure that their States will be able to participate. The Mayne amendment will not delay or impede the war on crime one iota. It will insure an opportunity for participation by those States which will not have their legislatures in session until sometime next year.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Iowa (Mr. MAYNE).

When this bill was considered in committee it was unanimously voted out of the committee. I want to emphasize, as I did in my direct statement, that the Attorney General said that he enthusiastically endorsed the provisions of the bill. That meant he endorsed the bill without the amendment offered by the gentleman from Iowa. The amendment was never discussed in the committee. It comes to us out of the blue.

All Members realize the need for a State contribution. Now we are told the State of Iowa wants to put off the time this year. When next year comes around

XUM

they will want to put it off for 1 year. When next year comes around I suppose there will be some other excuse for delay. Now the need for immediate State participation is overwhelming. The need brooks no further delay. The amendment spells out 1 year's delay in postponement. A delay of 1 year may be fatal. You do not have the extortionists, the armed robbers, and the muggers waiting for a year. The cities and counties cannot wait a year. The cities are anxious to put up their allocated portion. The counties are willing to do the same thing. But the State of Iowa wants to hold off.

Now, no State as far as I know is unwilling. There have been sporadic objections. Objection is made that the cities do not need such funding. I will tell the gentleman from Iowa that he has made much out of nothing. He has sought to balloon nothing into great proportions. His own State meets annually. Does the gentleman know that?

Mr. MAYNE. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Does the gentleman from Iowa know that his own State meets annually?

Mr. MAYNE. Will the gentleman yield?

Mr. CELLER. Yes, I yield to the gentleman from Iowa.

Mr. MAYNE. Mr. Chairman, I have been advised by my Governor and leading members of the State legislature that my amendment is vital and necessary to make the State be able to participate in this program. And it will not in any way delay the operative features of this act, despite the statement which was made by the distinguished chairman. You go right ahead with all of the Federal programs, the only thing that is delayed is the one-quarter requirement on the States for 1 year. It will not delay anything one iota.

Mr. CELLER. But that is the very backbone of this legislation—the one-quarter contribution. Now, the State of Iowa meets annually. The only other States that do not meet next year I think are Kentucky and Virginia. The gentleman has talked to a Member from the State of Kentucky, Mr. PERKINS, and Kentucky does not complain. Also Virginia does not meet, but Virginia has a method by which it appropriates interim funds to cover situations of this sort.

Who in the world is Iowa that Iowa can stand out against 49 other States and be reluctant to make the contributions to local governments in view of the enormity of this situation? I cannot appreciate that.

Mr. MAYNE. Will the gentleman yield further?

Mr. CELLER. In just one moment.

And since the argument is made that the State legislature will not meet—and we know the State legislation of Iowa does meet, then let the State of Iowa get busy and do that which is needful here, and that which is the desire of the State of Iowa.

I have great respect for the State of Iowa. It has made substantial contributions to our Nation. I do not mean to disparage Iowa or its legislators, or any citizen of that distinguished State, not in any sense of the word. But I think there is a clear misunderstanding here, and I think the gentleman who has taken the floor to offer this amendment does not appreciate the situation. I am trying to inculcate upon his mind the need, the real urgency that exists in this regard.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, evidently the gentleman from New York (Mr. CELLER) thinks that the State of Iowa should go to the expense of a special session of the State legislature. That is the only possible way Iowa and other States can qualify, because most of the legislatures have adjourned for this year.

We in Iowa are well aware of the fact that our legislature meets once every year, and I do not understand why the gentleman would question our knowledge of the Iowa legislature.

Now so far as Kentucky is concerned, if Iowa could get just a part of the poverty funds that go to that State, we might be able to move some of those funds around and to take care of the situation.

I do not understand why the gentleman takes the attitude that he does toward any state which cannot possibly qualify under the terms of this bill for some of the funds. All we seek is justice and equity.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. CELLER. Although Iowa meets in January, it is not essential for Iowa to act immediately.

Mr. GROSS. On the contrary, we would expect the legislature to act as quickly as possible to either qualify or not to qualify. We have no desire to delay anything.

Mr. CELLER. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. Yes; of course.

Mr. CELLER. First, there must be appropriations by the Committee on Appropriations and after the appropriation is passed by the House, there must be arrangements made with the States for them to set forth and promulgate such plans.

All of this takes time. During the interim the State of Iowa or any other State would have plenty of time to make its arrangements to make its payment of its share.

So I do not see how this could inconvenience a bit the State of Iowa or any other State. That is the plea I am making in view of the importance of this.

Mr. GROSS. Is the gentleman saying the new program formula will not become operative until sometime next year, apparently in mid-year? Is this what the gentleman is saying—that any State or government will have approximately a year in which to qualify without suffering any penalty of being denied any funds?

Mr. CELLER. If there is no inordinate delay and there is no unreasonable delay in the promulgation of these plans. But they cannot just be run out of thin air. There must be deliberations and hearings on those plans. That takes time which the State of Iowa must have, as to what its views may be of the appropriation of funds to the extent of 25 percent like any other State.

Mr. GROSS. Then if what the gentleman is saying to me is true, there can be no possible reason—no valid reason for opposing the amendment. With the amendment in the bill—and I support it—it would be made certain that Iowa and other States in a similar predicament would not be passed over or deprived of funds for lack of timely legislative action.

Mr. McCLORY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I understand this proprovision was put into the bill because there was sharp controversy in the committee with regard to the percentage of allocation to the States in the application of the block-grant principle which is involved here.

I supported the retention of the formula which we have now, which grants to the States 85 percent of LEAA funds. But it seems to me that by providing the States with this block-grant authority, to use Federal funds substantially as they choose, the States, in turn, should assume responsibility for allocating a certain amount of State funds for local governments' use. This 25 percent appears to be a percentage contribution that is acquiesced in by the State governments themselves. I understand, too, that when the the original act was passed, it became necessary for States to implement the program, even though they had already met and even though a part of the fiscal year had passed before the program was fully implemented.

I understand that in the application of the block-grant principle, the 75-percent contribution by the Federal Government is given to the States in reliance upon their providing the additional 25 percent. But there is no reason why it would delay receipt of funds by the States, and no reason why, after the fiscal year had begun, which it will have begun in almost every instance, the States cannot ultimately appropriate the portion of the funds that they are required under this provision to provide. I cannot conceive of any State receiving the funds on the basis of this law and then not fulfilling its obligation. I think that is the only thing that they have to concern themselves with.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Iowa?

Mr. KYL. There has been a lot of hedging on the actual question that is involved here, so I would like to ask the gentleman this question: If the Congress adopts the bill which we have before us and the President signs that bill into law and, we will say for the sake of the hypothetical situation, the bill becomes law on August 1, 1970, would the Federal Government distribute any of the funds under this bill to a State which had not in fact, through its legislative process, set up machinery to contribute the 25 percent called for under the bill?

Mr. McCLORY. Yes, I believe they would.

Mr. KYL. In other words, whether the

XUM

State has acted to contribute 25 percent, the State would still get the block grant?

Mr. McCLORY. Yes, sir; that is my understanding. They would have an obligation to fulfill the 25-percent contribution ultimately, but they would not have had to contribute it in advance. The States cannot act on this until after we have passed it.

Mr. KYL. Mr. Chairman, will the gentleman yield further?

Mr. McCLORY. I yield to the gentleman from Iowa.

Mr. KYL. Would the gentleman permit me to ask the chairman of the committee, or would he ask the chairman of the full committee if he agrees with that?

Mr. McCLORY. I will yield to the Chairman for his response to that inquiry.

Mr. CELLER. Mr. Chairman, will the gentleman repeat his inquiry?

Mr. KYL. The question is this, Mr. Chairman: If this bill becomes law, if it passes the House and is signed by the President, say, on August 1, 1970, would the Federal Government distribute funds under this bill to a State which had not through its legislative process agreed to contribute the 25 percent?

Mr. CELLER. No, it would not. The State would have to agree.

Mr. KYL. If the gentleman will yield further, this is exactly the problem with which we are concerned. The State of Iowa has had its legislative session for the year. I want all to understand that they have had an excellent crime program which has been given great, good publicity in the State of New York, as a matter of fact. But we are afraid that since the legislature will not meet until January of next year, and there are a number of other States in the same position, those States would be obviated from participation in the program.

Mr. McCLORY. It is my understanding that after the States have received the Federal money or at the end of the fiscal year, would assume the obligation imposed on them to provide for the appropriation of the 25 percent funds. They do not do it in advance. They could not do it now. They could not have done it in anticipation of the enactment of this law.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. McCLORY was allowed to proceed for 1 additional minute.)

Mr. McCLORY. It is my understanding of that, following the enactment of this bill, and following the application for these funds, it will be the obligation of the States to enact laws which will implement the program through the 25-percent contribution.

Mr. FOUNTAIN. Mr. Chairman, will the gentleman yield so that I may ask a question?

Mr. McCLORY. I yield to the gentleman from North Carolina.

Mr. FOUNTAIN. The State legislature in my State will meet in January.

If my State legislature passes enabling legislation to take advantage of these funds prior to next July, the end of the fiscal year beginning July 1 of this year, will they be able to take advantage of the funds?

Mr. CELLER. Yes, definitely.

Mr. FOUNTAIN. If they do not pass legislation prior to the end of the fiscal year, July 1, 1971, they will not be able to take advantage of them?

Mr. CELLER. They will not.

Mr. FOUNTAIN. I thank the Chairman.

Mr. McCLORY. Mr. Chairman, I think the gentleman from New York (Mr. CELLER) has answered now quite consistently with the way I answered the question posed by the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Chairman, I must again ask the gentleman from New York, will the State be granted any funds from the Federal Government before the State passes that enabling legislation?

Mr. CELLER. As a condition precedent, the States must supply a plan which is consistent with the statute. They must supply the plan first. The State must take action.

Mr. KYL. If the gentleman will yield further, if this is the case, then the response given to the gentleman who just preceded me is not an accurate response. No money could go to his State until they have enabling legislation.

Mr. CELLER. The State must come forward with the form of a plan. That is specifically mentioned in this bill, and that is a condition precedent to any funds.

Mr. McCLORY. That is in the law today, and as it has been since 1968. The only change being made in retaining the same formula for distribution of the bloc grants to the States—which is something we want to retain—that we impose on the States an obligation to contribute 25 percent of the grants that go to the local governments. This could be fulfilled by the end of the fiscal year. It does not have to be fulfilled in advance. Is that correct?

I yield to the gentleman from New York.

Mr. CELLER. That is correct.

Mr. ZWACH. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I am convinced that with this amendment we will speed up tremendously the use of our Federal funds for the fighting of crime. I am also convinced that without the amendment our Federal input will be held in abeyance until at least January, February, March, or April, until the legislatures act. So we are going to have our Federal funds tied up here until we get final action by the various State legislatures.

I am convinced that to speed up our fight against crime and to get the advantage of our Federal input now, we have to have this amendment or we are going to hold up our Federal funds until the States have acted. While they can act rapidly in comparison to the Congress generally, it is a cinch it will be next year, in February, March, or April before my State is going to be able to comply with the requirements in this act. Our Federal share will be tied up here and held in escrow until then.

Mr. LENNON. Mr. Chairman, will the gentleman yield?

Mr. ZWACH. I yield to the gentleman from North Carolina.

Mr. LENNON. Mr. Chairman, we all know this act expires tomorrow night at midnight. There is no guarantee, if the language of the bill and the report is veritable, and the distinguished chairman has said the States must come in with their plan in hand, but he overlooks that it requires the plan in one hand and money in the other hand—that is, the 25 percent. Most of the legislatures convene in the States next year. It will be that way in my State. Another fiscal year will have expired before the money will be in the hands generally of these States so they can come up and participate in this plan.

Can we yield to the chairman to say something on that?

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. ZWACH. I yield to the gentleman from New York.

Mr. CELLER. That is not quite accurate.

Mr. LENNON. How inaccurate is it?

Mr. CELLER. The State must present its plan to the LEAA, and then it does not follow that when it presents its plan it must have the money in its hand. That is not true. The money it contributes, the 25 percent, can be contributed by the State subsequently. There is no time limit. There is nothing in the bill which says when it shall be paid.

Mr. LENNON. If the gentleman will yield further, let me ask another question. Assume the State comes in, comes forward and offers its plan until September of this year, comes in then with its plan, does it have to wait until next May or July or June to get the money in its hand?

In the meantime, the grant cannot be considered, can it? It will be delayed that long.

Mr. CELLER. Oh, I believe that the LEAA would ask from the State in that regard a pledge. The LEAA would say, "Are you willing to defray one-quarter of these non-Federal funds?" If the State planning agency said it would, I do not believe the LEAA would be a shylock and demand a pound of flesh immediately.

Mr. LENNON. Will the distinguished chairman tell the gentleman how we can answer for the members of the several State legislatures? How can the administrator at the State level answer for action of the State legislature? One cannot do that. We cannot answer for the Congress, much less the State legislatures.

Mr. CELLER. Of course, the State legislature would have to make some appropriation.

Mr. LENNON. It cannot do it until it convenes.

I believe the chairman ought to accept this amendment as being fair and just and, as somebody said earlier, an honorable amendment.

Mr. CELLER. But there is no time set when the legislature must meet. That is a matter for the LEAA to determine with the State planning agency.

Mr. LENNON. Those States whose legislatures are in session this year, who can act quickly, will be given priority. I believe the distinguished chairman knows that.

XUM

Mr. CELLLER. I do not think there would be priority.

Mr. LENNON. I thank the gentleman for yielding.

Mr. CELLER. If the gentleman's State would pledge payment of 25 percent, and my State would actually pay the cash, I do not believe my State would get any preference over the gentleman's State.

Mr. LENNON. But I call attention to the fact that the gentleman cannot pledge that until the legislatures of the various States state their positions.

Mr. CELLER. There are always funds available in the States. The Governors know how to work these things. There are plenty of ways they can devise to cover this situation. We have the same situation, more or less, now.

(Mr. ZWACH asked and was given permission to revise and extend his remarks.)

Mr. KYL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to seek a complete clarification of this issue, and I would direct a few questions to the chairman of the full committee, the gentleman from New York.

The State of Iowa is not in an unusual or unique situation. Our legislature has met for this year. It has adjourned this year's session. It will not go back into session unless called into a special session. The Governor would not call the legislature into special session this year to consider this one matter, because the cost of doing that would exceed the amount of money involved in the program we contemplate.

These are by questions: The Iowa Legislature will not meet until January 1971. Obviously, then, it will not have had an opportunity to comply with the regulations, the policies under this bill, until 6 months after the start of fiscal year 1971. It will not have had an opportunity to present an overall plan, nor will it have had an opportunity to say, "Yes, we will contribute one-fourth of the amount of money to the local governments for crime control." Will the Federal Government, in this period between the time the bill passes and becomes law and the time the legislature sets up its own program and agrees to contribute the 25 percent, send any funds to the State of Iowa or another State in the same position? Will it send those funds in the regular amount specified by the law? Can the State participate in this program prior to the time the State legislature takes the action prescribed by this law?

Mr. CELLER. Well, until a proper plan is submitted Iowa will get no funds. There must be a plan submitted and it must be a proper plan according to the decision. That is the situation under the present statute.

Mr. KYL. Let me repeat what the gentleman said.

Mr. CELLER. Iowa must present a proper plan before it gets its proportion of funds based on population.

Mr. KYL. Let me ask the gentleman this question: Does the plan under which Iowa is operating today and which has been approved—does that plan constitute sufficient basis for participation under the bill we are debating today?

Mr. CELLER. There would have to be an additional plan under this new bill.

Mr. KYL. What the gentleman is telling me, then, is this: If the State legislature does not meet this year or if it has already met and adjourned, then that State cannot participate under the program until it has met and passed the enabling law and that law has been approved by the Federal Government?

Mr. CELLER. I hate to think that the people of Iowa are so shortsighted that they do not have emergency funds to take care of the very situations that have developed which we are talking about.

Mr. KYL. I say to the gentleman from New York that the State of Iowa, like the other 49 States, has a constitution under which it operates. There is no provision for using funds of this kind unless they are earmarked. There are no contingency funds available. As the gentleman has said, there is no way for that State or one in the same position to participate until next year under this bill unless we adopt this amendment.

Mr. KAZEN. Will the gentleman yield?

Mr. KYL. I yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

I think he has put his finger on the crux of the matter under discussion. I keep hearing that you have to have a plan and you cannot get the money unless you have a plan. Suppose under the facts that the gentleman in the well stated that the State of Iowa or any other State that has not made provisions for the one-quarter State participation comes up with a plan, let us say, in October of this year pursuant to the provisions of this bill. Even then no funds would be forthcoming from the Federal Government until the legislature passed the bill. Is that not correct?

Mr. KYL. That is the way I understand the gentleman's remarks.

Mr. KAZEN. Regardless of how good their plan may be. They may have a plan, but it will not be approved unless the legislature already appropriated its share.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. KYL was allowed to proceed for an additional minute.)

Mr. KYL. Mr. Chairman, I want to point out again to the gentleman from New York, that the State of Iowa has not been negligent in this matter. As a matter of fact, its program under the current Federal legislation has received wide acclaim in the gentleman's own State of New York as being a model program. There is nothing selfish about the State of Iowa. We approve the idea of putting in 25 percent. But the point is that under this law and under the explanation that the gentleman made, there is no way in which we can participate at all unless we adopt the amendment offered by the gentleman from Iowa (Mr. MAYNE).

Mr. CELLER. Will the gentleman yield?

Mr. KYL. I yield to the gentleman.

Mr. CELLER. I must respectfully differ with the gentleman, because the State planning agency can make its plans even without the legislature's approval. The legislature will approve later on if money is involved.

Mr. KYL. Can we get the funds?

Mr. CELLER. The LEAA will take from the State planning agencies a pledge or a promise that if and when the State legislature appropriates, then the 25 percent will be available. That is the way this is done.

Mr. HUNGATE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think I understood the amendment until it was explained.

I would like to ask the gentleman from Illinois (Mr. MIKVA) if he will respond to a few questions concerning this bill.

In the overall picture it seems to me we have reached the ultimate situation, where we are now protesting because the Federal Government does not make funds available before the States ask for it. Do I understand it correctly, I ask the gentleman, if a State has plans, they can submit the new plan before they get the money? Is that correct?

Mr. MIKVA. Will the gentleman yield?

Mr. HUNGATE. I am glad to yield to the gentleman.

Mr. MIKVA. That is correct. Under the act, as I read the section and report, it is very clear that if they submit the plan tomorrow and their plan had to meet given conditions and the State provided 25 percent to the local government for their share, that plan could be approved and any specific project under it could be approved and funds could start flowing immediately.

Mr. HUNGATE. And, the first step in any part of this program would be to submit a plan, a different plan, a new plan or an additional plan, and this can still be done and can be done until July 1, 1971, and many States such as Iowa and Missouri where the State legislatures do not meet until next year, the plan would be submitted by the law enforcement agency of the State; Is that correct?

Mr. MIKVA. That is correct.

Mr. HUNGATE. Now, the next problem is with reference to the 25 percent of the local share. Let us see exactly what we are talking about. Many of these projects I understand are 60 percent federally financed and 40 percent State financed.

Mr. MIKVA. That is correct.

Mr. HUNGATE. In other words, 60 percent is going to be Federal and is to be paid by the Federal Government, 30 percent by the city or municipality and 10 percent of the total cost is all the State would be required to pay; Is that correct?

Mr. MIKVA. That is correct.

Mr. HUNGATE. We have a few fiscal year starting July 1, 1970, in a couple of days, which will run until June 30, 1971. The plan could be submitted any time during that year, could it not? It could be submitted by the State of Iowa or the State of Missouri or any State between now and the end of the year and at the end of that time when the State legislature meets could it appropriate the funds necessary to support the State's 25-percent contribution any time between then and June 30, 1971?

Mr. MIKVA. This is absolutely correct. And, in that interim time the Federal funds could flow to the States on the basis of the plan that had been sub-

XUM

mitted and the projects under that plan to which the State is to provide that assistance could be carried out.

Mr. HUNGATE. When the original bill was passed, is it not true it was passed near June 30, near the end of the fiscal year?

Let me ask if that delayed in any way the State plans to go on and submit plans and provide funds, if available?

Mr. MIKVA. No, it did not. Many States will appropriate money just as they will here in order to achieve the purposes of the program.

Mr. HUNGATE. May I ask the distinguished minority member, the gentleman from Ohio (Mr. McCulloch), if what the gentleman from Illinois (Mr. Mikva) explains is generally true?

Mr. McCULLOCH. The explanation is absolutely correct. Iowa and other States have sufficient time to act for fiscal 1971. The program in Iowa got off to a good start following the June 1968 enactment of this legislation, and the situation is exactly the same here. If Iowa could not have acted in a year in fiscal 1969, Iowa would not have participated in the program. But it did act quickly then, and can act quickly this time—if it wants to.

Mr. HUNGATE. I thank the gentleman from Ohio for his comment.

Mr. McCULLOCH. Mr. Chairman, if the gentleman will yield further, there is clear authority for the way we propose to proceed. If the law, as stated by the gentleman from Iowa were correct, we could never have started this program in fiscal 1969 in Iowa, where it is so highly complimented. This is sound legislation, and the amendment ought to be defeated. We ought to proceed in accordance with the experience we received in fiscal 1969. States can act fast when they want to.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

(By unanimous consent, Mr. Hungate was allowed to proceed for 1 additional minute.)

Mr. HUNGATE. Mr. Chairman, I would ask the chairman of the committee—and I have discussed the matter with the gentleman from Illinois (Mr. Mikva) and the distinguished minority leader on the committee, the gentleman from Ohio (Mr. McCulloch), is the chairman's understanding of the provisions of the bill the same as that of the distinguished gentleman from Ohio (Mr. McCulloch) and the gentleman from Illinois (Mr. Mikva)?

Mr. CELLER. I am absolutely in accord with the statement of the gentleman from Illinois (Mr. Mikva) and the gentleman from Ohio (Mr. McCulloch).

Mr. HUNGATE. I thank the chairman for his statement.

Mr. SCHERLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a former member of the Iowa State Legislature for four terms, I am very concerned this afternoon as to the hardship which faces my State.

Normally the legislature does not appropriate funds until perhaps near the close of the session. Because of the increase cost to the State in order for it to stay in the program the additional sum cannot be appropriated. However, I talked to the crime commissioner in Iowa, George Orr, this morning. He says that if this amendment offered by my good friend, the gentleman from Iowa (Mr. Mayne), is not adopted, we will absolutely be forced out of the program, and it is a program for which we have a high regard and have had great success.

We have been talking about a State plan here this afternoon. That is not the problem we are faced with in Iowa at the present time, because we can always come up with a State plan, what we cannot come up with right now is the 25 percent. We have absolutely no way of transferring the funds in the State of Iowa from one department to another at this time.

The next session of the State legislature will not convene until January of next year, and it will probably be June or July of next year before the 25 percent that we need to participate in this program can be granted. We want this program. It has served a great purpose in Iowa. The amendment is urgently needed in order to comply with the law as it is written. The State of Iowa only ask that we be allowed to participate. And it is not only just one State, but there are other States who are affected by this.

These matching funds of 25 percent are critical, we know. We are willing to participate and come up with our share in the program. We just ask at this time that you take into consideration the fact that our legislature has not met and will not meet until next January. The funds could not be available until the summer of 1971. Give consideration to our plight, and that of the other States, and adopt this amendment.

Mr. SCHWENGEL. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Iowa (Mr. Mayne). While there may be some long-range benefits from the changes contemplated by the bill in paragraph 2 of section 303, the short-range effects on many States would be devastating. It would be virtually impossible for Iowa, and for many other States to meet the matching fund requirements this coming fiscal year, or perhaps even the following year. It would seem clear that the States would have to match Federal funds in fiscal year 1971 in order to continue to qualify for funds under the act. Mr. Chairman, it would be impossible for Iowa to meet this requirement without calling a special session of the general assembly.

It seems to me that there is one question which should always be asked when we deal with legislation of this type. That question is, "What will be the effect of this legislation on the States, not only from a substantive standpoint, but also from an administrative standpoint?" Too often we forget to ask this question.

Mr. Chairman, we must at a minimum delay the effective date of this legislation. I prefer the language contained in the amendment offered by the gentleman from Iowa (Mr. Mayne) providing complete elimination of the proposed changes. If this is done we can go back and determine more accurately the effect of the proposed change on the various States.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. Mayne).

The question was taken; and on a division (demanded by Mr. Scherle) there were—ayes 23, noes 26.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Jacobs: On page 15, line 18 after "Sec. 9" insert "(a)".

On page 15, after line 20, add the following new subsections:

"(b) Section 8191 of title 5, United States Code, is amended to read as follows:

" '§ 8191. Determination of eligibility

" 'The benefits of this subchapter are available as provided in this subchapter to eligible public safety officers (referred to in this subchapter as "eligible officers") and their survivors. For the purposes of this Act, an eligible officer is any person who is determined by the Secretary of Labor in his discretion to have been on any given occasion—

" '(1) employed as a law enforcement officer or fireman by a State or a political subdivision of a State,

" '(2) an officially recognized or designated member of a legally organized volunteer fire department, or

" '(3) serving without compensation as an officially recognized or designated member of a legally organized law enforcement agency of a State or political subdivision of a State thereof,

and to have been on that occasion not an employee as defined in section 8101(1), and to have sustained on that occasion a personal injury for which the United States would be required under sub-chapter I of this chapter to pay compensation if he had been on that occasion such an employee engaged in the performance of his duty.'

"(c) The heading at the beginning of subchapter III of chapter 81 of title 5, United States Code, and the item relating to such subchapter in the table of sections at the beginning of such chapter are amended by striking out 'LAW ENFORCEMENT' and inserting in lieu thereof 'PUBLIC SAFETY'.

"(d) The amendments made by the first section of this Act are effective only with respect to personal injuries sustained on or after the date of enactment of this Act."

Mr. CELLER (during the reading of the amendment). Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

Mr. JACOBS. Mr. Chairman, reserving the right to object, I think it would be beneficial if the committee knew the subject matter of the amendment.

Mr. CELLER. Mr. Chairman, I withdraw the unanimous-consent request.

The Clerk concluded the reading of the amendment.

POINT OF ORDER MADE BY MR. CELLER

Mr. CELLER. Mr. Chairman, I make a point of order against the amendment on the ground that it is not germane. It refers to compensation and to personal liability and it has no relation whatsoever to the bill under consideration, which concerns law-enforcement assistance.

The CHAIRMAN. Does the gentleman from Indiana (Mr. Jacobs) desire to be heard on the point of order?

Mr. JACOBS. Yes, I do, Mr. Chairman.

Mr. Chairman, the amendment that is proposed would simply extend to any

XUM

policeman or fireman in the United States who is killed or totally disabled in line of duty benefits under the Federal Employees' Compensation Act.

The amendment is offered as an amendment to section 9 of the pending legislation. Section 9 of the pending legislation deals with title V of the United States Code, which contains the Employment Compensation Act.

The Honorable Henry S. Boutell of Illinois, while sitting as chairman of the Committee of the Whole House on the State of the Union, ruled on May 22, 1902, on an amendment to provide for an educational test for immigrants to a bill to regulate the immigration of aliens in the United States:

> The Chair would point out in passing on this question that an examination of this bill shows that it is a general immigration measure, the title being "to regulate the immigration of aliens into the United States." Section 35 repeals all of the laws inconsistent with this law. Any amendment to the bill in the opinion of the Chair which is clearly and distinctly connected logically with the general scope and intent of the bill would be germane. . . .
>
> It is not the province of the Chair to pass on the merits or demerits of any amendment, or its wisdom or justice. It appears to the Chair that this amendment is clearly, distinctly, and logically connected with the general scope of a bill regulating the immigration of aliens into the United States, and under these circumstances the Chair feels constrained to overrule the point of order and hold that the amendment is germane to the bill.

Mr. Chairman, title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 which the instant legislation seeks to amend says as follows:

> Congress finds that the high incident of crime in the United States threatens the peace, security, and general welfare of the nation and its citizens. To prevent crime and to ensure the greater safety of the people, law enforcement efforts must be better coordinated, intensified, and made more effective at all levels of government.

XUM

Under the rule laid down by Mr. Boutell that the amendment must be "clearly and distinctly connected logically with the general scope and intent of the bill," the policeman and fireman amendment would be germane in the sense that it is offered as an amendment ultimately to the Omnibus Crime Control and Safe Streets Act of 1968.

This amendment, to provide survivor benefits to families of police and firemen killed in the line of duty, would provide essentially a form of additional compensation. Section 301, subsection (b) of the Safe Streets Act allows that up to one-third of any grant made under this section may be expended for compensation of personnel, which shows a germaneness, and I urge the Chair not to hold in one sense that this legislation before the committee is germane, that it is in order to provide assistance to police officers as they fight crime, but that their widows and children are not germane to this legislation if it seeks to compensate them if they fall in the battle against crime.

The CHAIRMAN. The gentleman from Indiana (Mr. JACOBS) has offered an amendment to the bill to which the gentleman from New York (Mr. CELLER) has raised a point of order on the grounds that the amendment is not germane.

The Chair has studied the bill and the amendment. The bill amends the Omnibus Crime Control and Safe Streets Act of 1968 to assist States and local government to control crime and violence. It authorizes appropriations for 3 additional years; changes management from the 3-member board to a single administrator; sets up a new matching grant program relating to correctional facilities; and provides for matching grants for enforcement assistance and education.

The amendment of the gentleman from Indiana proposes that upon a determination by the Secretary of Labor to make State and local policemen, as-well-as firemen, or their survivors, eligible for benefits under the Federal employee compensation for work injuries statutes.

The Chair does not believe that the amendment of the gentleman from Indiana is germane to the bill and therefore sustains the point of order.

Mr. FASCELL. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Florida is recognized.

Mr. FASCELL. Mr. Chairman, I want to compliment the committee for bringing out an outstanding piece of legislation. In addition to authorization for 3 years, which for planning purposes is absolutely essential at the local level, and the increase in funds, I think perhaps the most significant change, other than the construction program, is the fact that recognizing the impossible administrative quandary this organization was in under a three-man board, this committee grabbed a very difficult problem and reversed the situation, appointing a single administrator, so that he could go on with the very important work which must be done.

As part of this entire program, I introduce a bill, H.R. 16133, Mr. Chairman, which will have authorized the establishment and conducting of a permanent training program for prosecuting attorneys at the Federal, State, and local level, specifically dealing with organized crime. I want to compliment the committee because in section 407 of their bill they have instituted a training program for law enforcement at the State and local level.

I would like to ask the chairman of the committee this question: Turning to page 8, section 407—

> SEC. 407. The Administration is authorized to develop and support regional and national training programs, workshops, and seminars to instruct State and local law enforcement personnel in improved methods of crime prevention and reduction and enforcement of the criminal law.

In the report I note the committee cites as the prime example of the type of program they wish to see emphasized as one against organized crime. Am I correct that the language of section 407 is broad enough to include prosecutors?

Mr. CELLER. The gentleman is correct in that regard and in his reference to the report.

Mr. FASCELL. As I understand it, Mr. Chairman, section 407, of course, does not include Federal prosecutors either in an organized crime effort or in any other effort.

Mr. CELLER. That is correct.

Mr. FASCELL. But we now have an informal, in-house training program for Federal prosecutors.

Mr. CELLER. That is correct.

Mr. FASCELL. I would hope that at some proper time we could give special emphasis to the program now ongoing in the Department with respect to special training in fighting organized crime, in techniques for our Federal prosecutors. I know we do that, but I think it is important to follow the lead which the gentleman's committee has set with respect to State and local law enforcement officers, and to follow that same lead with respect to the training of Federal prosecutors in fighting organized crime, in the techniques of enforcement, by recognizing it specifically in legislation and giving it the emphasis which only the gentleman's great committee can give it, and make it positive that funds will not be removed from this program. If we give them legislative authority at some point, then we can be sure the Department will continue that program.

Mr. CELLER. Mr. Chairman, I compliment the gentleman from Florida for his statement. I think his statement is the result of a considerable amount of research the gentleman has done. It is a point well taken.

We are now in the throes of consideration of a bill involving organized crime. I can assure the gentleman undoubtedly we will consider the suggestions the gentleman made with respect to Federal attorneys anent organized crime, and the seminars and the methods of instruction and the techniques, and so forth, to which the gentleman made reference.

Mr. FASCELL. Mr. Chairman, I thank the distinguished chairman.

Mr. Chairman, I wonder if I might ask the ranking minority Member to comment on this suggestion I have made?

Mr. McCULLOCH. Mr. Chairman, if the gentleman will yield, I compliment the gentleman from Florida for discussing this matter today. I think it brings into focus something that needs to be brought into focus, and we need to continue the activity, which has produced so much in the State and local prosecutors' fields, also in the Federal field.

I am pleased to say I shall bend whatever effort I can summons to that end for that legislation.

Mr. FASCELL. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Florida has expired.

(By unanimous consent, Mr. FASCELL was allowed to proceed for 2 additional minutes.)

Mr. FASCELL. Mr. Chairman, I asked for the time because I want to get into the RECORD the fact that the concept of this legislation as a program that should be made permanent in law with emphasis on training in fighting organized crime, in techniques for the Federal prosecutors involved, which is involved in a bill which I have introduced, a great part of which is now in the pending legislation, and the Federal part of it, that is, a training program for the Federal prosecutors will be under consideration by the Committee on the Judiciary, has the support of the following organizations: The National League of Cities, the National Council on Crime and Delinquency, the National District Attorneys' Association, the International Association of Chiefs of Police, the International Narcotic Enforcement Officers Association, and the International Conference of Police Associations. It also has the support of some distinguished eminent gentlemen in the law-enforcement field, such as Virgil Peterson, the former chairman of the Chicago Crime Commission, and Milton R. Wessel, who was a member of a special group appointed by the Attorney General.

Mr. BRASCO. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from New York.

Mr. BRASCO. Mr. Chairman, I join the distinguished chairman of the Judiciary Committee in complimenting the gentleman in the well for the very fine statement he has made. I associate myself with the gentleman's remarks.

Mr. Chairman, I rise in support of H.R. 17825, the Law Enforcement Assistance Act Amendments.

The 11th Congressional District which I represent is one of many within the confines of New York City.

Like every other large city in our country, New York City is experiencing increasing difficulty by virtue of the ever rising crime rate.

New York is unable to withstand alone the fear, injury to person, loss of property, and the financial drain produced through the commission of crime.

So all eyes are turned to the Federal Government in search of some relief.

At the outset I want to say that the cost figure for the entire country, of $650 million for fiscal year 1970, is way below what is necessary to begin to do the job of making our streets safe. However, there are several portions of the bill which I believe will be most helpful.

The Law Enforcement Assistance Administration, established under the bill, may make grants to States having comprehensive State plans approved by it for the following purposes:

First. Public protection, including the recruiting of law enforcement personnel, the training of personnel in law enforcement, and the development, evaluation, implementation, and purchase of methods, devices, facilities designed to improve and strengthen law enforcement and reduce crime in public and private places.

Second. The organization, education, and training of special law enforcement units to combat organized crime.

Third. The organization and education of special law enforcement units for the prevention, detection, and control of riots and other violent civil disorders including the acquisition of riot control equipment.

Fourth. The recruiting, training, and education of community service officers to assist law enforcement agencies in the discharge of their duties and provide community identification with local law enforcement officials.

Fifth. To assist in the construction, renting, or leasing of State facilities including local correctional facilities, centers for the treatment of narcotic addicts, and temporary courtroom facilities in areas of high crime incidence.

Further, this line establishes a Criminal Justice Coordinating Council to assure improved coordination of all law enforcement activities.

While there is still much to be done this bill is a step in the right direction.

Therefore, Mr. Chairman, I urge immediate passage of H.R. 17825.

Mr. FASCELL. Mr. Chairman, I thank my colleague, the gentleman from New York.

Mr. Chairman, I thank the chairman of the committee and the members of the committee for their very great consideration which they gave me in connection with my legislative proposal pending before that committee.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 17825) to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes, pursuant to House Resolution 1111, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that further proceedings on this bill be put over until tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS

The Speaker laid before the House the following communication from the chairman of the Committee on Public Works; which was read and referred to the Committee on Appropriations:

JUNE 23, 1970.

Hon. JOHN W. MCCORMACK,
Speaker of the House, The Capitol, Washington, D.C.

MY DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, the Committee on Public Works of the House of Representatives on June 23, 1970, approved the following public building projects:

Fort Lauderdale, Florida: Post Office and Vehicle Maintenance Facility.

Miami, Florida: Post Office and Vehicle Maintenance Facility.

Albany, Georgia: Post Office and Vehicle Maintenance Facility.

Honolulu, Hawaii: Post Office, Waikiki Station.

Chicago, Illinois: Post Office and Vehicle Maintenance Facility.

Lansing, Michigan: Post Office and Vehicle Maintenance Facility.

Buffalo, New York: U.S. Courthouse (Alteration).

New York City Metropolitan area: (a) Foreign Surface and Bulk Mail Facility; and (b) Preferential Mail Handling Facility (Alteration).

Washington, D.C.: Post Office and Vehicle Maintenance Facility.

Sincerely yours,
GEORGE H. FALLON,
Chairman.

CONFERENCE REPORT ON S. 1519, NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

Mr. PERKINS. Mr. Speaker, I call up the conference report on the bill (S. 1519) to establish a National Commission on Libraries and Information Science, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. GROSS. Mr. Speaker, reserving the right to object, let me ask the gentleman a couple of questions.

Are all amendments to the bill germane?

Mr. PERKINS. The House is acting first, the conference report could be amended. The Senate provisions were germane.

Mr. GROSS. All amendments are germane.

Mr. PERKINS. All amendments adopted to the bill were germane.

Mr. GROSS. What is the difference in the money figures in the two bills?

Mr. PERKINS. The Senate bill increased the authorization to $750,000 for fiscal year 1971. The House amendment maintained the authorization at $500,000. The House amendment placed no ceiling on appropriations.

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield so that I may respond?

Mr. GROSS. I yield to the gentleman from Indiana.

Mr. BRADEMAS. I thank the gentleman.

The Senate bill had $750,000 for the second and third years, and $500,000 for the first year. The House had $500,000 for the first year and an open-ended authorization in the second and third years. The conference report provides $500,000 for the first year and $750,000 in the second and succeeding years.

Mr. GROSS. Then the total amount was increased in conference by the other body; is that correct?

Mr. BRADEMAS. That is correct, with respect to the actual dollar amounts.

Mr. GROSS. By how much?

Mr. BRADEMAS. The difference between $500,000 and such sums as may be authorized in the second and third years, which are of course open. The total amount would be $2 million over 3 years in the Senate bill and in the conference report.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. GERALD R. FORD. As I understood the House version, it was $500,000 the first year and an unlimited authorization thereafter.

Mr. BRADEMAS. The gentleman is correct.

Mr. GERALD R. FORD. The Senate

version was $500,000 the first year and $750,000 for the next 2 years.

Mr. BRADEMAS. That is correct.

Mr. GERALD R. FORD. If the conference report provides $500,000 in the first year and $750,000 the next year and the year after that in contrast to an open-ended authorization, it seems to me the conference report is more restrictive rather than more liberal.

Mr. BRADEMAS. The gentleman is absolutely correct. The gentleman from Iowa asked his question in terms of specific amounts, but the gentleman from Michigan is absolutely correct in that the conference report does impose greater limitations on the amounts spent.

Mr. GERALD R. FORD. Would the gentleman from Iowa yield further?

Mr. GROSS. Of course.

Mr. GERALD R. FORD. I would like to ask the distinguished chairman of the committee, the gentleman from Kentucky, or the gentleman from Wisconsin (Mr. STEIGER) is there any mandatory expenditure provision in this conference report?

Mr. PERKINS. There is no mandatory spending provision in this bill.

Mr. GROSS. But it is an increase of about a half a million dollars?

Mr. PERKINS. That is correct. It is an increase.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 24, 1970.)

XUM

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. PERKINS. Mr. Speaker, I am pleased to present to the House today the conference report on the bill to establish a National Commission on Libraries and Information Science and for other purposes, S. 1519 (H.R. 10666).

Except for a few minor points the conference report adopts the principal features of H.R. 10666 as it passed the House by a vote of 259 yeas to 11 nays on April 20, 1970.

In the legislation that passed the House of Representatives the Commission was established as a separate and independent agency from any agency or department of the Government.

In the Senate version of the legislation the Commission was to be identified and associated directly with the Department of Health, Education, and Welfare.

The members of the committee and, indeed, the Members of the House felt very strongly that the House approach to the establishment of the Commission was the soundest in view of the many agencies and libraries and library science interests that were not connected with the Department of Health, Education, and Welfare. To cite a few: The AID Libraries, business libraries, Department of Defense libraries, Library of Congress, National Archives, National Agricultural Library, Smithsonian Institution, and special libraries such as museums, and historical associations.

All of these do not come within the purview of the Department of Health, Education, and Welfare administration and direction.

I am very pleased that the conference report retains this significant feature of the House-passed bill.

Unlike the House bill the Senate measure authorized the Commission to accept contributions and to disburse the same for the purposes of the Commission.

The conference report contains this provision.

In other aspects the resolution of differences were as follows:

First. The Senate bill provided that the Commission shall have responsibility for developing or recommending plans for the national policy, while the House amendment limited the function to developing plans. The conference report adopts the provision of the Senate bill.

Second. The Senate bill explicitly included language relating to special library and informational needs of rural areas, while the House amendment did not. The conference report adopts the provision of the Senate bill.

Third. The Senate bill required an appraisal of resources and services, while the House amendment confined the appraisal to resources. The conference report adopts the Senate provision.

Fourth. The House amendment stated that the Commission shall appraise "deficiencies" of library and information resources, as well as their "adequacies," while the Senate bill did not. The conference report adopts the House provision.

Fifth. The Senate bill required that the Commission advise Federal, State, and local agencies regarding libraries and information sciences. The House amendment contained no comparable provision. The conference report contains the provision of the Senate bill but modifies it to authorize, but not to require the Commission to furnish such advice.

Sixth. The Senate bill required reporting through the Secretary to the President and to Congress. The House required reporting directly to the President and Congress. The conference report adopts the provision of the House amendment.

The Senate bill set January 31 as the reporting date, while the House amendment specified January 1. The conference report contains the provisions of the Senate bill.

Seventh. The House amendment authorized reports in addition to the annual report while the Senate bill did not. The conference report adopts the provision of the House amendment.

Eighth. Section 6 of the Senate bill and section 6 of the House amendment specified the composition and membership of the Commission. They differed in a number of respects and substantively in the following particulars:

Both bills provided for a 15-member Commission. The Senate bill specified that the Librarian of Congress be a statutory member of the Commission while the House amendment did not.

The Senate bill provided that at least five members of the Commission be professional librarians or information scientists while the House amendment set five as the maximum number of such professionals.

The Senate bill but not the House amendment required that at least one member of the Commission be knowledgeable with respect to the technological aspects of library services.

The conference report rewrites section 6 with the resolution of these differences as follows:

The conference report provides a 15-member Commission and specifies that the Librarian of Congress be one of the members of the Commission with the other members of the Commission being appointed by the President with two to serve initially for 1 year, three to serve initially for 2 years, three to serve initially for 4 years and three to serve initially for 5 years. After the expiration of such terms the conference report provides that the terms of office of the members of the Commission shall be 5 years.

The conference report provides that only five members of the Commission shall be professional librarians or information scientists and the remainder shall be persons having a special competence or interest in the needs of our society for library and information services. The conference substitute requires that at least one member of the Commission be knowledgeable with respect to the technological aspects of library services.

Ninth. The Senate bill increased the authorization to $750,000 in fiscal year 1971, while the House amendment maintained the authorization at $500,000. Both the Senate bill and the House amendment authorized an appropriation of $500,000 for fiscal year 1970. The Senate limited the appropriation in the following fiscal years to $750,000 each year. The House amendment placed no ceiling on appropriations for fiscal years after fiscal year 1970. The conference report adopts this provision of the Senate bill.

Mr. BRADEMAS. Mr. Speaker, it is important to note that the bill to establish a National Commission on Libraries and Information Science was cosponsored by 25 Members of both sides of the aisle, was reported unanimously out of the Education and Labor Committee, and was passed by this body on April 20 by a vote of 259 to 11.

The establishment of the National Commission on Libraries and Information Science fulfills one of the major recommendations of the National Advisory Commission on Libraries which was initiated by the President in 1966 under the chairmanship of Douglas Knight, former president of Duke University. In addition to establishing the Commission, this bill affirms that the Federal Government will cooperate with State and local governments and public and private agencies to insure that adequate library instructional services are provided to all our citizens.

The legislation as agreed to in conference establishes the 15-member Commission as an independent agency, with administrative services to be provided by the Department of Health, Education, and Welfare.

The Commission would carry out the following responsibilities:

First. Advise the President and Congress on the implementation of national policy in the area of library services and information science;

Second. Conduct studies, surveys, and analyses of the needs of the Nation in this area and the means by which these needs can be met;

Third. Evaluate present resources and programs;

Fourth. Develop and coordinate plans and activities for meeting these needs;

Fifth. Promote research and development activities;

Sixth. Report to Congress and the President on its activities; and

Seventh. Publish other reports and materials as deemed appropriate.

The establishment now of a National Commission may very well save us many times its small cost in future years.

I respectfully urge adoption of the conference report.

Mr. STEIGER of Wisconsin. Mr. Speaker, as one of the conferees for the House I rise in support of the adoption of the conference report on the National Commission on Libraries and Information Science Act.

The conference report upholds the House position and should be passed promptly. The major issue was the location of the Commission and while some felt the Commission should be in the Department of Health, Education, and Welfare, I believe an independent commission best serves the needs of the Commission and of libraries throughout the Nation.

This bill has been long in coming since the Commission headed by Dr. Douglas Knight first made the recommendation which this legislation implements. The Commission can play a major role in advising and appraising the Congress and executive branch of the needs in this vital field.

I urge the adoption of the conference report.

Mr. PERKINS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

GENERAL LEAVE

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 17825.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

AID FOR COLLEGE PENSION PLAN

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FEIGHAN. Mr. Speaker, the existence of sound and innovative pension programs is of essential importance to the achievement of our national retirement goals. It has clearly been the policy of this Nation to support and encourage such programs. The outstanding pension system in higher education is supremely deserving of such encouragement and support.

H.R. 9010 has been introduced to protect this system from obstacles which threaten to impair its continued effective operation. This bill has received tremendous and widespread support throughout the country. One of the most recent expressions of approval for this measure is an editorial entitled "Aid for College Pension Plan" appearing in the April 19, 1970, issue of the Plain Dealer. Published in Cleveland, with a circulation of over 500,000, the Plain Dealer is a respected journal. Its editorial is an effective and just presentation of the merits of H.R. 9010 and the remarkable pension system that bill would protect:

Aid for College Pension Plan

> Granting federal charter status to a nonprofit pension system for higher education would be to the benefit of some 300,000 teachers and administrators at more than 2,000 colleges and universities.
>
> Companion bills to grant such status are now in the judiciary committees of both houses of Congress and we think they should be approved.
>
> The pension plan of the Teachers Insurance and Annuity Association College Retirement Equities Fund was created in 1906 with a grant from philanthropist Andrew Carnegie. Recent developments in insurance laws would mean that without federal charter status the plan would be increasingly subjected to separate regulations in each state of the nation.
>
> Testifying in behalf of the bill in the House, a spokesman for the American Association of University Professors (AAUP) said: "Without timely relief the effect upon the system may be the destruction of that uniformity which is absolutely critical both to the individual teacher and to higher education as a whole. The heart of education's pension program is its uniform availability throughout the nation . . ."
>
> It is important that this plan be preserved in its present form. It helps give financial security to higher education personnel and makes it possible for them to change jobs without losing pension benefits. The TIAA-CREF plan has proved its value.

THE CHICAGO TRUCKING STRIKE

(Mr. LANDGREBE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LANDGREBE. Mr. Speaker, a news article in this morning's Washington Post indicated that six Chicago trucking companies have agreed to a wage pact substantially higher than the national agreement which was ratified by the majority of Teamster members in the country some weeks ago. This Chicago settlement followed on the heels of last week's rejection by two Chicago Teamsters locals and one independent union of a pact which was in keeping with the national agreement.

The new agreement by these six Chicago carriers, if followed by the rest of the Chicago carriers, could lead to disaster for our already harassed national economy. When the national agreement was negotiated in May, it was stipulated by both the International Brotherhood of Teamsters and Trucking Employers, Inc., the bargaining arm for the Nation's truckers, that if the majority of Chicago truckers agreed to a pact higher than the national agreement, the national contract would automatically be reopened. In short, Mr. Speaker, whatever the majority of Chicago truckers agree to will set the standard for the Nation disregarding the fact that the national contract has already been submitted to and ratified by the Teamster rank-and-file.

This may sound hard to believe, but it is true. Since April 1, the Chicago locals have been on strike at an astounding cost to the Nation's economy, and please note that I say Nation's economy, not just the Chicago economy. It is now estimated that the nationwide dollar loss from the Chicago strike is close to $2 billion. The strike has and is affecting not only truckers but more importantly manufacturers and other shippers who simply cannot get their goods to market or receive the raw material so essential in manufacturing.

Appeals have been made to the President to intercede in this dangerous situation. It is known that the administration has sent mediators including Mr. J. Curtis Counts, Director of the Federal Mediation and Conciliation Service, to Chicago but to no avail. The situation is simply a power play to undermine the leadership of Mr. Frank Fitzsimmons, president of the IBT. On the other hand, the Nation's trucking companies are financially assisting the Chicago carriers to resist a higher settlement for fear the national contract would be reopened. I realize and applaud the administration's desire to keep their hands off the collective bargaining process and to allow insofar as is possible the affected parties to settle their differences peacefully, but the situation has gotten out of hand.

We have a national emergency. We could face the prospect of an inflationary contract settlement between the majority of the Chicago truckers and the three unions and then watch helplessly as the IBT and the Trucking Employers, Inc., reopen the national agreement which will subject the country to another series of violent and costly strikes. The Chicago situation has become a symbol of the labor unrest existing in the country today. Many responsible people have called for constructive labor law reform. Coalition bargaining and industrywide bargaining has lead us down the path to the present perilous predicament we are faced with. We, the Congress, should seriously consider this question.

More importantly, we should, and I do,

call upon the President to use the powers granted him under Taft-Hartley to call an 80-day injunction and to use his office to settle this dispute.

Now, some people will say, "Well, why not just settle the dispute by agreeing to the higher settlement even on a national basis. The trucking companies are free to petition the Interstate Commerce Commission for relief in the form of increased rates." I ask you—who pays these increased rates? The public does, and the public is sick and tired of having to pay the price for irresponsible action on the part of a handful of union officials and companies who care not one whim for the welfare of the public.

To put it in simple terms, the national agreement calls for a wage increase of $1.10 per hour spread over 39 months. The agreement the six Chicago carriers agreed to calls for a wage increase of $1.65 an hour spread over only 36 months. That is 50 percent higher. Add to that additional fringe benefits demanded by the Chicago unions, and you have a frightening picture. There are approximately 450,000 Teamsters involved in this question and such a settlement would bring added costs in the billions. A suffering economy cannot be expected to withstand such pressures.

Again, this situation was brought about by internal union politics and an unwise decision by the Trucking Employers, Inc., to make an unheard of agreement which totally disregards the wishes of hundreds of thousands of truck drivers who have said, "We like the national contract, and we will work under it." Now, they face the prospect of being told there has been a mistake, and we are going to renegotiate your contract. Be prepared to go out on strike.

I feel that immediate action must be taken to save our country from a nationwide catastrophe. Therefore, in closing, I request and urge that the President use the powers of his office available to him under the Taft-Hartley law to bring about an end to this costly dispute.

Mr. Speaker, I insert in the Record the above-mentioned article from the Washington Post and the New York Times article of June 27, 1970, relating to the same subject:

[From the New York Times, June 27, 1970]

Chicago Drivers Reject New Offer

Chicago, June 26.—Truck drivers and terminal workers in the Chicago area have overwhelmingly rejected a proposed new settlement of their 78-day combination strike and lockout, thus continuing their threat to upset a national master freight truck settlement reached April 2, it was announced today.

The national agreement provided pay increases of $1.10 an hour over 39 months and $4 a week in fringe benefits. However, it contained a stipulation that the agreement would be reconsidered if the Chicago area truck drivers won a larger settlement.

The national agreement, which came after a series of wildcat strikes was reached by Frank E. Fitzsimmons, acting Teamster Union president, and Ray F. Beagle, chief negotiator for Trucking Employers, Inc. Involved were 450,000 truck drivers. The Chicago drivers rejected it.

The latest trucking industry offer here was for an increase of $1.65 an hour over 45 months. The local union leaders had recommended rejection and according to the vote announced today, the members went along, 23,813 to 6,478.

SAME FOR 39 MONTHS

Under this proposal from five major trucking associations, the Chicago pay increase over the first 39 months could have been identical with the national settlement, and it could have averted new national negotiations.

The unions, including the independent Chicago Truck Drivers Union and several teamster union locals, have been demanding a raise of $1.65 an hour over 36 months.

"This vote represents the feeling of the drivers, dock workers and office personnel in the Chicago area," said Ray Schoessling, president of Chicago Teamsters Joint Council 25. "This conflict will go on for some time unless the employers realize we're not going to settle for less."

According to the union's estimates, only 10,000 drivers are idle now although 40,000 are involved in the dispute.

The Illinois Motor Truck Operators Association, representing 500 companies, had signed new three-year contracts April 9 while five other major associations continued to hold out. An estimated total of 2,300 companies since have signed contracts.

Union officials said these contracts along with rotation of work and efforts to find other temporary employment for drivers had reduced the number of idle to the 10,000 figure.

The strike has been a severe blow to Chicago area business and industry. Selective strikes were started April 6, and then the five major trucking groups locked out their drivers on April 10.

These five associations that have continued to resist the union demands are Cartage Exchange of Chicago, Inc.; Central Motor Freight Association; Northern Indiana Truckers, Inc.; Northern Illinois Truckers, Inc., and Motor Carriers Labor Advisory Council.

The chief industry negotiator here, J. L. Pfeiffer, scheduled a meeting of association officials, but declined comment.

In Washington, J. Curtis Counts, director of the Federal Mediation and Conciliation Service, who helped negotiate the rejected proposal at the direction of President Nixon, expressed disappointment and said new mediation efforts would be begun.

Mr. Schoessling said the unions were willing to resume bargaining, but only on the basis of the unions' demand for an increase of $1.65 an hour on a 36-month contract.

[From the Washington Post, June 29, 1970]

Six Chicago Trucking Firms Sign With Union

Chicago.—Six trucking firms, including one of the nation's largest, signed agreements with striking drivers Saturday, bowing to union demands for an $1.65-an-hour pay boost over 36 months.

The agreements followed overwhelming rejection Friday by Teamster Union members of the latest management offer of a $1.65-an-hour raise over 45 months.

The 11-week-old strike-lockout affects 40,000 drivers, dockworkers and terminal personnel in the Chicago area.

August Burnier, secretary-treasurer of Teamster Local 754, said the agreements could cause other trucking firms to end their holdout against union demands.

A VETERAN'S VOTE OF CONFIDENCE IN THE PRESIDENT

(Mr. HUNT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HUNT. Mr. Speaker, June 30 marks the end of the great debates on Cambodia by the other body and a vote on the inglorious Cooper-Church amendment to the Foreign Military Sales Act Amendments.

No doubt, Americans around the Nation have been somewhat puzzled and less than amused by this dramatic, playlike exercise in futility characterized as a no-win contest to which the other body has contributed the best of its armchair strategists while other urgent legislative business of the Nation has been set aside. If anything is certain, however, it is that the Cooper-Church amendment has been so amended itself that it gives the appearance of being designed to mean whatever the individuals of the other body conveniently says it means when they take to the political stump for reelection later this year.

Be that as it may be for the homefront political consumption, it seems that the Vietnam veterans, those who took part in the Cambodian action, and the remaining troops who can look forward to a safer and earlier withdrawal have a somewhat different but more definite view as to what the Cooper-Church amendment means as a symbol. I refer to it as a symbol because its words mean nothing except as cast in the framework of its sponsors and initial supporters whose intent it has been all along to bludgeon the President into a commitment of immediate and unconditional withdrawal of all American troops from Southeast Asia.

The following is a letter I received from a veteran of 19 months' duty in Vietnam. It is, I believe, the more typical view of what Cooper-Church means from the standpoint of the GI whose life depends on the President's flexibility of action, and is a vote of confidence in the President which several Members in the other body seem to be avoiding with an obsession. The letter follows:

June 20, 1970.

Hon. John E. Hunt,
House Office Building,
Washington, D.C.

Dear Mr. Hunt: The last of April I returned from a 19-month tour in Vietnam with the Army Combat Engineers and I'm still there in spirit.

I'm writing you about the pending so-called "Cooper-Church Amendment". You no doubt know that it is being pushed by the anti-military, "peace-at-any-price" forces here in America. If passed, it would greatly tie the hands of our Commander-in-Chief and our military leaders on the specific conduct of military operations in Southeast Asia. It implies that the current Cambodian operations are entirely separate, involve a different enemy, and are not part of the same war in neighboring Vietnam. (When I left Vietnam in April, our battalion had one company improving a Special Forces camp right on the Cambodian border, which was there deep in the jungle just to help stop the heavy infiltration.)

In effect, the Amendment tells the President, "We don't believe you" and "We don't trust you" and brings discredit and distrust upon him and the Administration in time of war—thus indirectly helping our sworn enemies. Also, it greatly endangers our servicemen and others in IndoChina. In particular, it tells the enemy our future intentions—our "unit movement orders"—in clear violation of all normal security procedures, thus violating both the Uniform Code of Military

XUM

Justice and the Federal Code which prohibit the communication of classified information (such as military troop movements) to unauthorized persons.

Please use your great influence as a U.S. Representative and as a member of the influential Armed Services Committee against this insidious attempt to undermine our Government and its armed forces by the "peacemongers" and their allies.

Requestfully yours,

Sp6c. David Cavaness

BIASED NEWS REPORTING OF CBS

(Mr. SKUBITZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, I would like to call the attention of this body to a commentary by James J. Kilpatrick, June 16, 1970, in which he cited the biased news reporting of CBS.

I think this commentary by Mr. Kilpatrick is an excellent example of staged news which goes beyond a reporter's biased viewpoint.

The commentary follows:

Bias News Reporting of CBS

(By James J. Kilpatrick)

Vice President Agnew named no names the other night, in his latest criticism of the news media. He spoke generally of what seemed to him one-sidedness in presentation of the news, and he singled out Vietnam as a topic in point. Unless I am grossly mistaken—and I don't think I am—Mr. Agnew was talking about the CBS Evening News. If so, he was right on target.

On the evening of May 6, the CBS Evening News came up with a report so slanted as hardly to qualify as "news" at all. It came from correspondent Gary Sheppard at Tien Nhon near the Cambodian border. He sought out a few men from Alpha Company, Third Battalion, 22d Infantry Regiment, right on the eve of their going into Cambodia. In somber tones, he spoke of their approaching ordeal.

Sheppard had lined up one soldier who was ready to risk a dishonorable discharge by refusing to go in. "Are you scared?" Sheppard asked him. And he got the response he expected. "Time grew shorter," Sheppard continued. "Other men of Alpha Company began to speak out as well, and it became apparent that there were few of them who really wanted to go." He had a soldier lined up to say, "We're just really not prepared." Sheppard pushed them with a question of his own: "When the choppers come in here in a little while and load you guys up, are you going to get aboard or are you going to stay here?" He had another question: "How many of the men here do you think really want to go in?" And still another: "Do you say that morale is pretty low in Alpha Company?"

And so on. The whole transcript may be read, courtesy of Senator Bob Dole of Kansas, at page 14684 of the Congressional Record of May 7. The Senator said that CBS News "has come perilously close to attempting to incite mutiny" through Sheppard's interviews.

The Senator is not a reporter. I am. I have been a reporter for 30 years, and as such, I willingly label Sheppard's "report" for what it was—a disgraceful violation of the good reporter's commitment to objectivity, and to his responsibility to cover the news, not to make it. Regular viewers will have their own opinions on whether this was an isolated incident, or part of a recurring bias. Anyhow, on May 6, that's the way it was on CBS News. This is James J. Kilpatrick.

TEST PROGRAM IN OMAHA

(Mr. GALLAGHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. GALLAGHER. Mr. Speaker, I am horrified and extremely angered to learn from this morning's edition of the Washington Post of a test program now being conducted in Omaha, Nebr.; under this latest outrage against fundamental human values, young, elementary school pupils are being administered various behavior modification drugs to, according to the Post, "improve classroom deportment and increase learning potential."

When I read this shocking story, it seemed to me that the bright American promise of 1789 is fast turning into Huxley's brave new world in 1970.

As we all know, Mr. Speaker, the classroom is really a creative, learning experience. Yet, in Omaha, through drugs, physicians are attempting to induce conformity; in other words, they seem to be attempting to create Huxlean alpha students from those identified as gamma. This may seem unbelievable; but, it is happening nonetheless.

Now, the rationale, or excuse, offered for this frightening project in Omaha is that the students involved are hyperactive. But I seem to recall that many of Western civilization's greatest minds and most outstanding achievers were similarly characterized during their early schooldays. Accordingly, then, should behavioral drugs such as Ritalin and Dexedrene have been administered to young Albert Einstein, or young John Fitzgerald Kennedy?

Mr. Speaker, there are many terrible and terrifying aspects to the Omaha test, but let me mention only a few at this point.

First, the drugs employed in the Omaha test are admittedly listed by the Federal Government as dangerous substances; the FDA advises physicians to use extreme caution in prescribing one of the drugs, Ritalin, because it might lead to addiction as well as other serious side effects. Nevertheless, the drug is given in Omaha to small schoolchildren. In Heaven's name, what have we come to when we use our own youngsters as guinea pigs in a grotesque game of psychological chance? Where are we heading when we administer drugs to children of six which would not be safe if given to people 10 times that age? The awful thing speaks for itself.

And it speaks to a second consideration as well; namely, how can we possibly expect our national effort against drug abuse to have meaning when those in authority abuse drugs themselves? How can we ever hope to convince a teenager that amphetamines, such as Dexadrene, are extremely harmful when we ourselves give amphetamines to elementary school students? Is it any wonder that our children do not hear us when we tell them that drugs are killers? There is a rather obvious credibility gap here; in additions there also seems to be a humanity gap.

A third consideration, Mr. Speaker, is that in many of the so-called IQ tests which are given, those scoring as genius are often found to be the most unruly, hyperactive members of their class. But in Omaha, it appears from the story that rather than seeking to channel hyperenergy into creative energy, they are seeking to deaden it into abysmal regularity. And is this not the exact result that we warn against in our exhortations to young people to stay away from drugs?

On the basis of these considerations, Mr. Speaker, I am now commencing an investigation by my privacy subcommittee to determine if any Federal funds whatsoever have been used in this monstrous project. I am asking the Secretary of Health, Education, and Welfare for information, as well as the NIH, and the NIMH, and the FDA. If our investigation indicates that Federal funds are involved, I will call for hearings of my privacy inquiry to probe the entire affair.

In closing, let me state that it becomes a very frightening experience to read the newspaper each morning and learn of the day's new assault on human dignity and decency. Incidents such as the Omaha test may be isolated; but taken together, they seem to represent the most concerted attack on our basic humanity ever mounted in the history of the world. This is very sad, and very dangerous. And it certainly militates in favor of increased congressional effort in this area, such as would be provided by my proposed Select Committee on Technology, Human Values, and Democratic Institutions.

We owe such an effort to ourselves, and to all those of our children who may one day be victims of the Omaha test.

CONGRESSMAN OLIN TEAGUE TO RECEIVE THE DISTINGUISHED SERVICE AWARD OF THE AMERICAN LEGION

(Mr. DORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORN. Mr. Speaker, it is a great pleasure to announce to the House that our great colleague, the Chairman of the Veterans' Affairs Committee, the Honorable Olin Teague, has been selected for the American Legion's highest award. Our colleague, Mr. Teague, will receive the American Legion Distinguished Service Award on the morning of September 2 in Portland, Oreg., at the Memorial Coliseum, before a full session of the National Convention of the American Legion. The National Executive Committee of the American Legion, in awarding to our colleague this coveted award, has cited Mr. Teague for outstanding service as a civilian, as a soldier, and as a Congressman who has served with dignity, honor, and courage.

It has been a great privilege for me to serve for many years under the able leadership of the gentleman from Texas (Mr. Teague). I would like to commend my colleague and say that his great honor is richly deserved. He has sponsored more beneficial and constructive veterans' legislation than any other man in the history of the Congress. And I might remind my colleagues that the Veterans' Affairs Committee is the only Veterans' Affairs

Committee in the Congress, House or Senate, so I am happy this morning for my great colleague, Mr. Teague. We are proud of his many accomplishments and superb leadership.

Mr. TEAGUE of California. Mr. Speaker, will the gentleman yield?

Mr. DORN. I yield to my beloved colleague from California (Mr. Teague) who is also a great, able, and distinguished member of the committee.

Mr. TEAGUE of California. Thank you very much. I certainly want to join in the commendation of my cousin, Olin, which is richly deserved. He is a truly great chairman, a truly great Member of the Congress, and certainly an outstanding American. I thank the gentleman for calling this to the attention of the House.

Mr. DORN. I thank my dear colleague from California.

Mr. Speaker, I commend to the attention of my colleagues in the House and the people of our country the following release of American Legion National Commander J. Milton Patrick:

Indianapolis, Ind.—Rep. Olin E. Teague, chairman of the House Committee on Veterans Affairs, will receive the American Legion's highest award at the Legion National Convention in Portland, Ore., Aug. 28–Sept. 3.

Legion National Commander J. Milton Patrick announced that the Legion Distinguished Service Award for 1970 will be presented to the Texas Congressman before the full convention session at Memorial Coliseum on Wednesday morning, Sept. 2.

The Legion National Executive Committee, in selecting the veteran Congressman for the award, cited him for his service to the "nation, as both soldier and civilian, with dignity, honor and courage."

The NEC also recognized that Mr. Teague "has demonstrated his exemplary statesmanship on several missions as a special Presidential representative to Asian and Pacific nations."

Mr. Teague, severely wounded in combat in World War II, was also recognized by the NEC as having "worked diligently and consistently throughout his Congressional tenure, and especially as Chairman of the House Committee on Veterans Affairs, to bring equity and justice to the veterans' benefits program."

In Europe during World War II, while commanding the 1st Battalion of the 314th Infantry, 79th Division, he was in combat for six months, won 11 decorations, including the Silver Star with two clusters, and was wounded a number of times. He spent two years in Army hospitals due to combat wounds.

Mr. Teague was discharged from the Army as a colonel in Sept., 1946 to take a seat in the 79th Congress to which he had been elected the previous month. He has represented Texas' 6th District in Congress continuously since that time.

Congressman Teague of College Station, Texas, has been chairman of the important Committee on Veterans Affairs since 1954. He also is the second ranking member of the Committee on Science and Aeronautics, established in the 86th Congress, and is chairman of that committee's Subcommittee on Manned Space Flight Program.

XUM

TRIBUTE TO WALTER REUTHER

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, like many Americans in all walks of life, I was shocked and distressed at the death of one of the most extraordinary figures in our national life, Walter P. Reuther.

Few Americans have made so many and such constructive contributions to their time as this gifted and dedicated man.

As the president for many years of the United Auto Workers, Walter Reuther was a fighter for better wages and working conditions for the members of the UAW.

But Walter Reuther felt that he and the union of which he was the leader, and, indeed, the entire American labor movement, should be concerned about more than the interests of trade union members.

He believed that the idealism and compassion and commitment to social justice which characterized his own life should motivate the trade union movement as well.

It was this conviction that caused Walter Reuther to be an effective proponent of peaceful uses of atomic energy, of medical care for the aged, of civil rights and better housing and better education for all the American people.

It was this conviction that caused him to be such an eloquent spokesman for free and just democracies in underdeveloped areas and to support of programs aimed at building an enduring peace in a troubled world.

As Representative in Congress of many thousands of members of the United Auto Workers and as one who, as a college student, was himself a member of the UAW while working on an assembly line at the Studebaker plant in South Bend, Ind., I am aware of the high regard in which Walter Reuther was held by my own constituents, and I take this opportunity to speak of my own great respect for him as well.

Mr. Speaker, at this point in the Record, I insert an article by James C. Miller, published in the South Bend Tribune after Mr. Reuther's death, and I also insert editorials from the South Bend Tribune and the Plymouth, Ind., Pilot News:

Area Labor Leaders Recall Reuther

(By James C. Miller)

Tributes to Walter P. Reuther, president of the United Auto Workers who was killed with his wife, May, and four others in a plane crash near Pellston, Mich., Saturday, poured into local UAW offices today.

"I've known Walter Reuther personally ever since he became active in the UAW and the news of his death came as a great shock," said Stanley Ladd, president of the St. Joseph County AFL–CIO Council.

Odell Newburn, president of Amalgamated Local 5. UAW, disclosed plans to commemorate the life of Reuther and his contribution to the UAW membership with a memorial service at the UAW Local 5 Hall, 1426 S. Main St. The hall has been draped in black and photos of Reuther are being displayed in the lobby.

ED STANEK PAYS TRIBUTE

On behalf of the officers of the St. Joseph County CAP Council and its affiliate locals, the following tribute was released by Ed Stanek of Local 5: "The coming of the summer season is normally a time for rejoicing and carefree activities. This year it is also a time for all of us to pause and thank God that he allowed such people as Walter Reuther and his wife to have made a major contribution to the well being of his fellow man. Because they were here . . . our world is better."

Reuther, whose red hair matched his fiery temper, always regarded South Bend as the home of the UAW. Local 5 (Studebaker) and Local 9 (Bendix) were the first locals organized by charter in July, 1933. J. D. (Red) Hill, who has prepared a book for release this fall on Locals 5 and 9, recalled the birth of the UAW, which he says started from the American Federation of Labor, a federal-local union not affiliated with an international.

FIRST CONVENTION IN 1935

The first UAW convention was held in Detroit in 1935, but the first free convention was held in the Indiana Club in April, 1936. Reuther was an active delegate to this convention.

"South Bend was always a word on the tongue of Walter Reuther at every convention," Ladd recalled. "Walter never forgot the time he hitchhiked his way to South Bend and lived on peanuts for a week to attend the first convention here."

Throughout the nation, UAW leaders acknowledge the fact that the most powerful union in the country was born on the banks of the St. Joseph River.

The labor movement's attention was drawn to South Bend in 1936, when the first sit-down strike in the country was taking place at Bendix by Local 9.

ESCAPED ASSASSINATION

Having escaped an assassination attempt in 1948, Reuther returned to the city and was instrumental in settling the Bendix strike in 1949. The strike was settled in the Pentagon Bldg. in Washington. The strike proved to be the longest in the union's history. Reuther's arm, which was partially impaired by the shot which struck him in the assassination attempt, was still in a cast when he met with company and union officials to settle the strike.

In a statement released by Raymond H. Berndt, direction of Region 3, UAW, he said:

"I am completely shocked and distraught at the loss of my good friend Walter P. Reuther, his wife, May, and his associates in this terrible tragedy. I know that my loss and grief are shared by the 130,000 auto workers in Region 3.

WILL BE CONSTANTLY MISSED

"I know from having worked with Walter over the past 31 years that the vacuum created by the loss of this great labor leader will never be completely filled. The skill and craftsmanship he displayed in building the UAW will be evident in the weeks and months and years to come, as the UAW continues to advance on the course that he so carefully planned. He will be constantly missed so long as those who knew him in our organization continue to live. He was rare, unique and invaluable character."

Reuther rose from obscurity to leader of the most power union in the United States. His climb took him to the picket lines, where he underwent repeated beatings, and to the negotiating tables with the "big three" auto makers, where he matched wits and won huge benefits for his 1,600,000 members.

HERE MANY TIMES

South Bend, when Studebaker Corp. was in full swing, was known as an automobile town and this fact brought the popular Reuther here on many occasions during the decades of the '30s to the '60s.

Reuther, 62, his wife, May, 59, and four others died in the flaming wreckage of a Learjet which crashed just a mile and a half from the airport near Pellston, Mich., Saturday. They were en route to visit the UAW's $15 million education center nearing completion on Black Lake in northern Lower Michigan.

FIVE DOLLAR TREASURY

While his stature grew within the UAW organization, his bankroll dwindled to nothing. In 1936, he was so poor that he had to hitch hike to his first union convention, held in South Bend. The local union he belonged to in Detroit had just 13 members. To keep its charter, it had to pay per capita dues on two fictitious members.

Reuther, jokingly, recalled the debate when it was decided he be entrusted with the entire union treasury to defray his expenses to attend the South Bend convention. The local's only woman member, the financial secretary, reluctantly reached in her purse to give him the local's entire funds—a five dollar bill.

The powerful union leader also later recalled confronting a South Bend hotel clerk and asking him for the "widest bed in the hotel." The clerk, looking at his slight build, appeared puzzled, but complied with the request. "What he didn't know," Reuther recalled later, "was that five of us were going to sleep in that bed all week."

In 1952, Reuther made a memorable appearance at the centennial celebration of the Studebaker Corp. As featured speaker, he said "When labor gets invited to a 100th birthday observance in honor of management, it is certainly a new experience for labor. I know of no place I should rather be invited to, though, than the 100th anniversary of Studebaker."

Named UAW president in 1946, following the death of Philip Murray, Reuther continued his drive for the growing CIO–UAW membership.

[From the South Bend Tribune,
May 12, 1970]

WALTER REUTHER

The death of Walter Reuther in an airplane crash has taken a fighter from the American industrial scene.

Even his enemies—and he had plenty, inside and outside the labor movement—honor him as a man who achieved great benefits for the members of the United Auto Workers. Much of what he accomplished for the UAW rubbed off onto workers in other industries.

Throughout his 40-year career as a labor organizer and leader, he held tenaciously and often belligerently to his goal of achieving a better lot for the workers in the UAW plants.

Reuther came up the hard way, fighting it out through the roughest days of union organizing, the sit-in strikes in the giant automobile factories during the 1930's. His career was shaped by the concept of bigness that has overtaken American industry; like some others, he sensed that the craft-oriented union that dominated American labor thinking up until the Depression was not broadly enough based to accomplish the goals he saw. His approach, the industry-wide union, has been accepted as a basic part of American industry today.

He did not accomplish this alone, of course, and never claimed as much. But his determination and cool nerves had a vital role in furthering the concept.

From the moment he emerged on the national scene, Reuther displayed a stronger social conscience than many other labor leaders. A vigorous liberal he conceived the union's purpose as something broader than improving wages and working conditions. In fact, it was his dissatisfaction with the laggard pace of some other labor leaders in the fields of equal employment and other social goals that caused many of his disputes with them.

He was a man of integrity; no scandals have marred the operation of the UAW during his long tenure as president.

At 62, Walter Reuther was only three years from mandatory retirement as UAW president. It is tragic that he could not have lived to enjoy the leisurely benefits that would have accrued to him upon completion of a hard-driving, often angry, and memorable career.

From the Plymouth (Ind.) Pilot-News,
May 13, 1970]

WALTER REUTHER—REAL LEADER

Walter Reuther epitomized a type of public figure almost unique to the United States.

In some countries a union leader is merely a government bureaucrat charged with keeping the membership in line. In others, he may be like a feudal baron who rules a blue-collar constituency and concludes treaties with the official government.

Not that American union leaders have ever been unaware of or hesitant to use their political clout. But if they advance far enough in the union movement and build a record of having performed their job with integrity, they eventually begin to be considered in the same league as college presidents or successful businessmen—rather like elder statesmen and founts of wisdom. Presidents ask them for their advice and they are appointed to government fact-finding commissions.

That this is true today is largely because of men like Walter Reuther. No short obituary could possibly do him justice. Suffice it to say that when news came of the tragic accident which took his life and that of his wife, the first thought came, to most minds was not that the president of the United Auto Workers had died but that a great union man and a fine American had died.

Not just auto workers, not just union men, but all Americans mourn the untimely death of Walter Reuther.

Mr. Speaker, I should also like to call attention to the June 1970 issue of the UAW publication, Solidarity, which is a special memorial issue in tribute to Walter P. Reuther.

Because this memorial issue contains an invaluable summary of the life and contributions of Mr. Reuther, as well as some of the tributes paid him by many leaders in American life, I insert the text of this issue of Solidarity in the RECORD:

WALTER PHILIP REUTHER—1907–70—"WHOSE MEMORY IS ENSHRINED IN THE HEARTS OF ALL OF US"

A SMALL PLANE CRASHES—AND WORKERS MOURN

It was dark and raining in the area and lightning lit up the woods of Northern Michigan:

And the small jet plane crashed, ending the lives of Walter and May Reuther, evoking the longest and most solemn hours of mourning in the history of the UAW. The time: about an hour after sunset on the night of Saturday, May 9.

Minutes before the tragedy, the UAW-chartered, Lear twin jet had been approaching the Emmet County Airport at Pellston in northern Lower Michigan in what seemed to the airport ground station as a normal pattern. One of the two pilots had just radioed the calm words "I've got the airport in sight."

The landing lights of the jet blinked against the dark sky as the plane descended toward the runway beneath a mass of clouds hovering 800 feet above the earth.

One and one-half miles short of the landing strip, the sleek aircraft, unexplainedly much lower than it should have been, snapped off the top of a 50-foot elm tree. The plane hurtled into the ground and burst into flames in a wooded area.

Lost were the lives of the 62-year-old UAW president; his wife, 59; Oskar Stonorov, 64, the architect of the UAW Family Education Center at Black Lake, and Reuther's aide, William Wolfman, 29. Also killed were the pilot, George Evans, 48, and copilot, Joseph Karaffa, 41. The Reuthers and Stonorov were enroute to Black Lake, 40 miles southeast of Pellston, to work on details of completing the education center.

Investigators from the National Transportation Safety Board examined and reconstructed the wreckage in what was expected to be a months-long effort to determine the cause of the crash.

The tragedy opened floodgates of grief among UAW members and officers.

Mourners in many lands throughout the world, ranging from prime ministers to workers in the shops of industry, wired condolences. Many traveled to Detroit to pay their final respects.

At 8 a.m. on Wednesday, May 13, in a light spring rain, the doors of the Veterans Memorial Building along the Detroit River were opened to the first of the thousands of mourners. For two days, 14 hours each day, they filed silently along a royal blue carpet past the oak caskets in which Mr. and Mrs. Reuther lay in state.

Among the first in that reverential line were Mr. and Mrs. Clarence Rydholm.

"We felt so close to him because of how much he had done for workers like us," said the 71-year-old Rydholm, a retired member of Cadillac Local 22 who joined the UAW in 1936 during the sitdown strike at the plant.

"We felt he was just like a father to us," said Mrs. Rydholm, tears glistering in her eyes. Rydholm, wearing a dark suit and tie, told how he and his wife attended "just about every meeting held in Detroit" at which Reuther spoke.

In that sorrowful line walked rich and poor, black and white, young and old—even the lame and the blind. There were the captains of industry and the leaders of government—but most of all there were the workers to whom Reuther had dedicated himself.

Such a mourner was Sam Smith.

He came on his way to work, at 7:30 p.m., dressed in blue overalls and carrying a metal lunch pail past Reuther's coffin draped with the UAW emblem.

"He bargained for the broom pushers like me, too," said Smith, a stocky, 44-year-old black who was on his way to his third-shift job in the janitorial department at the Dodge Main plant. "He wanted the laboring man to live good and make money like others with prettier jobs. He was a great man. . . .

"I offer my thanks for having a man like Reuther to look out for those like me," said Smith, a Local 3 member who has spent 22 years in the plant. "A lot of people's lives depended on him."

Children carrying schoolbooks filed past the caskets. Among them were Catherine Dent, Deborah Hing and Theresa Dickerson, all 15 and all sophomores at Cass Technical High School in Detroit.

"My grandfather worked at Hudson Motors", said Catherine, "and Mr. Reuther did a lot of great things for people that helped my granddad. It made his life much better and I guess it made mine better too."

Deborah, daughter of a UAW member, said: "I respected him. The things he did were so good for people."

Theresa, daughter of Robert G. Dickerson, president of General Motors Local 572, said: "My father is a great admirer of Walter Reuther and I can see why. I really liked everything Mr. Reuther said and all that he stood for."

Wistfully, sadly, 64-year-old Victor Godard stood as an usher near the caskets and turned his mind back to the earlier days of the UAW.

"I can still picture him in 1941 with that microphone in his hand, getting Ford to do right by the workers," said Godard, a Ford Local 600 retiree.

During the two days in which the bodies lay in state, Godard was in constant attendance as an honor guard, guide and usher. Goddard said he was hired at Ford on

XUM

May 7, 1923, was fired for nine months in 1940–41 for union activity and retired in 1967.

"I'm retired today, with a comfortable pension," he said, adding: "Reuther is the man I have to thank for that. He's the best thing that ever happened to working people."

George Bouhana of St. Clair Shores, Mich., came, still bearing the scars of beatings and a knife wound he suffered at the hands of strikebreakers during the 1930's at the Mack Avenue plant of Briggs Manufacturing Co.

"I had to come down to pay my respects," said Bouhana, one of the original members of Local 212 and now a businessman. "Walter Reuther was so great a man and a leader. He was able to do things for people that many of us were fighting and organizing for."

There was the young member of the Hotel and Restaurant Workers Union who came early 'in my father's place," he said, explaining that "if my father had not died two years ago, he would have been here. He worked for Chevrolet for 29 years and he thought that Walter Reuther was a great man. And so do I."

Walter Coates of Local 900 touched the casket as he passed through the line and wiped his eyes.

"I feel so bad I could cry my eyes out," Coates said. "Nobody can take his place. He had honest guts. He stood up for people."

Sadie Schweitzer, 63, a tiny, frail woman who helped man soup kitchens during the Thirties, came because "I wanted to be part of the honor guard. It was the least I could do." She is a former member of Chrysler Local 7 who helped the Ford workers organizing drive after working hours.

Of the many groups and delegations paying their final respects, among the first in line was the executive board of the Spicer unit of Local 12 from Toledo, Ohio. Wearing their light blue union jackets and headed by Unit Chairman Frank Golembiewski, the 13-member board had left Toledo at 7 a.m. and filed past the biers 75 minutes later.

Some leaning on canes, others kneeling briefly at the caskets, many weeping and a few saluting, the friends of Walter and May Reuther passed by the caskets and the flags of the United States, Canada and the United Nations and a green and white banner emblazoned with a peace symbol.

For a few moments, 69-year-old John Galard, a UAW retiree, stood watching the procession. Galard looked aside and said, simply:

"He was a very good man."

Then like so many others, Galard lifted a work-toughened and wrinkled hand, wiped his eyes and slowly walked away.

"He was a very good man." The words seemed to echo.

MAY REUTHER: THAT DAY ON A DETROIT STREETCAR

One winter's afternoon, close to the first of the year 1936, Walter Reuther boarded a streetcar on Detroit's west side on his way home from work.

He had been back in the United States only a couple of months after the two-and-a-half year trip around the world he and his brother, Victor, had taken. He was working at his trade in a small tool and die shop and had immediately joined the UAW. He was spending more hours of each 24 hours trying to organize workers than the eight hours he worked in the shop.

A few seats back in the streetcar there was a strikingly pretty girl, with hair as red as his own, whom he recognized as May Wolf, a young school teacher he had met on a few occasions and had known only casually before he and Vic had gone abroad.

Despite their slight acquaintance, they had a lot to talk about. He was trying to organize auto workers; she was an active member of the Teachers' Union and was trying to organize teachers.

It was a whirlwind courtship. They were married March 13, 1936. After the ceremony there was a gay but short wedding dinner with relatives—short because May and Walter had to get to a union organizing meeting where Walter was speaking.

Steady employment—paid employment at his trade, that is—was a problem for the young husband. Weeks before the wedding he had been fired for union activities from the job he held at the time he met May on the streetcar.

After he was elected to the UAW International Executive Board at the union's convention in South Bend in April 1936, employment in the auto industry was out of the question. But UAW executive board members in those days were not paid union officials unless they were also appointed to the staff. Walter was not appointed to the staff but he started spending full time organizing.

Earlier, he and a handful of other UAW members (most of them unemployed too) had pooled what little resources they had to rent a small, shabby suite of offices on the second floor of a building on Detroit's west side. When Westside Local 174 was chartered Sept. 1, 1936, and Walter was elected its first president, these offices became its headquarters.

From the very beginning, May Reuther was an integral, and essential, part of that office. It wasn't just that a substantial portion of the rent and other expenses came from her salary as a school teacher in the first several months; it did, but it was much more than that. She held the office together.

During the rest of that spring's school term and the first months of the fall term, she continued to teach. But as soon as school was out she came straight to the union office, and she stayed there until it was closed for the night—often after midnight.

The hours were long and the work was hard. It was dangerous too. One afternoon there was the sound of a loud explosion. The car of a union member, which had been rigged up with sound equipment and drafted into service, was blown up in the alley back of the building. Fortunately, no one was in it.

Things picked up a little in the early fall of '36. Dodge workers won a seniority victory by threatening to strike. A few weeks later Bendix workers in South Bend staged a successful sitdown strike; in November, so did Midland Steel workers on the east side of Detroit. In December, Kelsey-Hayes workers went on a sitdown strike. The day the strike started, 28 Kelsey-Hayes workers were members of Local 174. The next day more than 2,000 were members. By the time the strike ended in victory on Christmas Eve, almost all the nearly 6,000 had joined.

The little westside Detroit office became a boiling cauldron of activity. May Reuther took a leave of absence from her teaching job. She never went back.

Sometime during this period, the members of Local 174 voted to pay their president a salary. It was the first regular income he had had in nearly a year. May officially became his secretary, but she would not accept a salary.

Early in 1942 she resigned as Walter's secretary in anticipation of the birth of their first daughter, Linda, who was born August 25 of that year. Lisa was born five years later. As Walter's union duties, his other activities and the demands on his time increased, she made her first job that of seeing to it that every second counted of the limited amount of time he could spend with his family—counted for the children, for herself and for him.

THEIR HOME TAUGHT THE BROTHERHOOD OF MAN

To the very first UAW convention Walter Philip Reuther ever chaired as president (Atlantic City in 1947), he proudly introduced his father and mother, Valentine and Anna Reuther.

He told delegates about the time his mother made a shirt for him out of the torn cloth of an umbrella he and his brothers had tried to use as a child's parachute.

And he introduced his father as "a good pal of mine, an old fighter in the ranks of labor, a trade unionist from way back when the going was rough . . . who indoctrinated his boys when they were pretty young, and he told them the thing most important in the world to fight for was the other guy, the brotherhood of man, the Golden Rule . . ."

And Val Reuther told the delegates: "I am extremely happy that the seed I have tried to sow in the minds of our children is bearing fruit . . . that they are engaged in the trade union movement that has always been dear to my heart . . ."

Their father, who died in 1968, organized the family into study groups. They studied the ideas and ideals of the labor movement and the world's social reformers. Every Sunday, after church, they debated the ideas they had been studying.

And the seed kept growing.

THE LIFE-LONG CRUSADE OF WALTER REUTHER

Walter P. Reuther, a newsman once said, was the only man in America who could reminisce about the future.

What made him rare among labor leaders was that he saw the labor movement not just as a means of getting another nickel in the pay envelope but as an instrument of social progress.

To him it was a means by which workers and their families not only could improve their own standard of living but by which, in cooperation with men and women of good will in all walks of life and throughout the world, they could make their contributions to improving the quality of society.

This concept of the labor movement was to him not a strategy, not one of several avenues labor could choose to advance the welfare of its members. He believed it was the only way the labor movement could achieve its ends.

"Labor cannot make progress at the expense of the rest of the community," he said. "Labor can make progress only as the rest of the community makes progress."

What made him unique among labor leaders was his eloquent articulation of this principle and his singleminded devotion to it.

This concept did not mean that the economic welfare of the workers he represented in collective bargaining was a secondary concern. On the contrary, the constant improvement of the real wages of UAW members, in terms of increased purchasing power, the increase in their economic security and the betterment of their working conditions was his primary responsibility, his first priority, the foundation on which he built.

Under his leadership in collective bargaining the UAW pioneered, for millions of workers: company-paid hospital-surgical-medical benefits, cost-of-living protection and automatic annual-improvement-factor wage increases, fully funded company-paid pensions, supplemental unemployment benefits and guaranteed annual income.

On broader fronts he led the UAW members in the fight for civil rights and civil liberties, for adequate housing for all Americans, improved medical care, consumer protection, the elimination of poverty, hunger and disease throughout the world, a clean environment, nuclear disarmament and a rational world community in which nations would live at peace.

Reuther was committed also to the proposition that workers and their unions had to be active in the political process. In the UAW, political participation was a union activity almost on a par with collective bargaining. Registration and get-out-the-vote drives and all-out campaigns to support candidates democratically endorsed by labor,

XUM

from precinct delegate to President of the United States, became the order of the day.

"There's a direct relationship between the bread box and the ballot box," the UAW president often said. "What the union fights for and wins at the bragaining table can be taken away in the legislative halls."

He also recognized, and so did most UAW members, that many of the broad social and economic reforms to benefit all the people could be secured only through political action.

Reuther and his fellow officers from the early days of the UAW set the highest standards of clean and honest unionism. He was known throughout his career as an implacable foe of corruption in the labor movement, a reputation recognized and lauded by high government officials and other outstanding American leaders, both within and outside the ranks of labor.

He first became active in the UAW in the winter of 1935-36. He had just returned from a round-the-world trip which had kept him and his brother Victor, working their way most of the time, in Europe and Asia for two and a half years. Although he had worked as a tool and diemaker in the auto industry, mostly at Ford, for about seven years before the trip and he had talked unionism to his fellow workers there, the UAW had not come into existence until August of 1935, shortly before he returned from abroad.

At first he had no trouble getting work in tool and die shops, but as his union activities became known, he was blacklisted and jobs became at first difficult, then impossible. For nearly a year he worked full time at organizing the UAW without any regular income.

He was a delegate to the UAW's convention in South Bend in late April, 1936, the first convention at which UAW delegates elected their own officers, and was elected to the International Executive Board, then a non-salaried position.

All of the rest of that year he spent full time working at organizing auto workers in plants on the west side of Detroit. The young UAW was not a strong organization. The total membership of the union at the time of the South Bend convention was probably not more than 10,000 and most of that was in Ohio, Indiana and Wisconsin rather than in the heart of the industry—Detroit.

Organization wasn't easy those remaining months of 1936. Most auto workers wanted a union. But they had a great suspicion of the national AFL leadership, which had been extraordinarily inept and almost disastrous in attempts to organize the industry in the previous two or three years. And they had a mortal dread of management's labor spies, of the blacklist which denied employment to known union activists and of physical violence at the hands of company goons which some had suffered already. There was a widespread "wait and see" attitude.

Yet hope and confidence was high among those working at the task of organizing. The Committee for Industrial Organization, formed at the AFL convention in November, 1935, and headed by John L. Lewis, was assuming leadership in organizing the mass production industries. The CIO's activities were overcoming the suspicion of the AFL.

A few victories, even small ones, Reuther and his associates felt, would overcome the fear.

They were right, but the victories were not to come until nearly the end of 1936 and the early months of 1937.

Reuther drew together a handful of UAW members from west side plants and got a charter on September 1, 1936, as West Side Local 174. Reuther was elected president. They had a total of 78 members.

Later that month Dodge workers won a small victory in a seniority dispute by threatening to strike. In October, Bendix workers in South Bend won recognition with a sitdown strike. The momentum of organizing began to accelerate. Midland Steel workers on Detroit's east side won a sitdown strike in November. Kelsey-Hayes workers, members of Local 174, under Reuther's leadership won a 75-cent-an-hour minimum wage, recognition and other benefits in a sitdown strike that was settled Christmas Eve, 1936.

Then, at a very end of the year came the historic General Motors sitdown strike. Two West Side Local GM plants—Cadillac and Fleetwood—were among those on strike. Victor Reuther, who had been working in the Kelsey-Hayes plant at the time of that strike and was one of the strikers, was dispatched to Flint by Local 174 to help there—the very heart of the GM empire and the heart of the sitdown strike. Roy Reuther, another brother, had been in Flint for months on assignment from the International Union.

The GM strike lasted until mid-February. After the Cadillac and Fleetwood strikes had settled into efficient routines, Walter Reuther and others would go to Flint for visits lasting from a few hours to a few days to help out there. He was on hand when workers in Flint Chevy Plant Four sat down and joined their fellow GM workers on strike. The strategy for this maneuver, a morale booster that may have been decisive in winning the strike, had been worked out by Roy in a way to frustrate attempts by the GM private police to prevent the sitdown by physical violence. Walter Reuther helped carry it out.

Then GM capitulated and signed an agreement, recognizing the union and pledging to negotiate a contract. Within weeks, Chrysler workers won a similar sitdown strike.

By mid-spring the suspicions and fears had been overcome. West Side Local's membership now stood at 30,000. The International Union had grown to more than 300,000.

The UAW was established. The new union was to make a lot of history in the next 33 years and Walter P. Reuther, who was to become its president in 1946, was, more than any other single person, to give to that history its unique and most significant shape.

Ford, however, held out. In May, 1937, Reuther and other union representatives went to the sprawling Rouge Plant in Dearborn to distribute handbills to workers. As they climbed the concrete steps of the Miller Road overpass between the plant and the parking lot, hoodlums employed by the company's "service department" attacked them.

Pulling Reuther's suitcoat over his head, they pounded him down the concrete steps, pummeling him all the way. Then they left him, bleeding and battered, on the cement walk below.

The brutal attack has gone down in labor history as "The Battle of the Overpass." Reuther and the UAW, however, continued their efforts to organize Ford workers. The company fought back until 1941 when it finally agreed to recognize the union and UAW overwhelmingly won a National Labor Relations Board election to nail down its representation rights for Ford workers.

The new union was severely tested not long after its initial great successes by the internal political fight. Although Reuther was one of the main targets of the conservative, pro-AFL wing, he and his associaates played an increasingly stabilizing role that did much to keep the extremists from destroying the organization altogether.

Then, in the summer of 1939, with the union still shaky, facing a challenge from a small dissident group that had returned to the AFL, and with employers seeking to take advantage of the factional strife, Reuther directed a strike that re-established the union on a firm foundation.

This became known in UAW history as the GM Tool and Die Strategy Strike. GM's refusal to recognize the reconstructed UAW-CIO as the exclusive bargaining agent and to deal with it satisfactorily on legitimate grievances was causing turmoil in the plants and in union ranks. Production workers, however, having gone through the sitdown strike in 1937 and a severe recession in 1938, were not prepared to take on the giant corporation again in what might have been another protracted strike. Besides, most of them were laid off that summer during the long model changeover period so common then.

Tool and diemakers, on the other hand, were busy tooling up for the new models. Moreover, they were aroused and militant because of serious grievances.

Reuther, by this time, was director of the union's GM Dept. He and the leadership in the GM plants knew that if the tool and diemakers struck, production of the new models could not proceed and the corporation would be effectively closed down, GM production workers, however, not on strike would collect unemployment compensation. The tool and diemakers voted overwhelmingly to strike.

Within a few weeks, GM management yielded. Tool and diemakers won a substantial wage increase and the adjustment of other grievances—and the corporation recognized the UAW–CIO as the sole collective bargaining agent for all its workers in about 40 of its principal plants, a contractual arrangement that was overwhelmingly endorsed by the GM workers themselves in subsequent elections conducted by the NLRB.

At the 1946 convention, Reuther was elected president of the UAW. His election reflected a growing concern on the part of the membership over the increasing influence of the Communist Party in union affairs through appointment of party members or sympathizers by some other UAW officials to several staff posts.

Reuther's election was not a clear cut victory, however. A majority of the executive board opposed him politically. This situation was corrected at the 1947 convention, when candidates sharing his views were elected to all the top offices.

It was then that he coined the slogan "Teamwork in the Leadership; Solidarity in the Ranks," a principle that has guided the administration of the UAW ever since.

On an April night in 1948, Reuther and his wife, May, were in the kitchen of their modest home. He had just stepped to the refrigerator when a shotgun blast from outside hammered into his chest and right arm. The assailant escaped into the darkness. Reuther was hospitalzed for three months.

The attacker was never found. One hoodlum told Detroit police five years later he had driven the would-be assassin's car. He named two men. But he later slipped out of police custody and fled the country. Without his testimony, there was no case.

The following year, Victor Reuther was the victim of another shotgun blast. His right eye was destroyed and his collar bone fractured. That assailant also was never found.

Walter Reuther was elected president of the CIO in 1952 to succeed the late Philip Murray. He served in that post, in addition to the UAW presidency, until the end of 1955, when the AFL and the CIO merged.

He was a principal architect of the merger and visualized a united labor movement as a powerful force for achieving labor's organizing, economic and social objectives.

After twelve years of effort, Reuther, his fellow UAW officers and most UAW members became disenchanted with the failure of the united federation to realize the bright promise held forth by the merger itself. It soon became content to sit complacently, in Reuther's phrase, "on its fat status quo." In protest, the UAW left the AFL–CIO in 1968.

In May, 1969, the UAW and the Teamsters Union, with a combined membership of nearly four million, formed the Alliance for Labor Action. ALA's primary objectives are organizing the unorganized industrial and

XUM

white collar workers and effective social and political action on such matters as the war on poverty and hunger, development of an effective housing program, work on the civil rights front, the achievement of peace in Southeast Asia and throughout the world, environmental control and generally improving the quality of American society.

Reuther and his associates were determined that the best possible machinery be provided to all union members for redress of any grievances against the union itself and that justice in such matters not be denied by delay.

Thus, in 1957, the UAW Convention approved a recommendation by the International Executive Board for the establishment of a seven-man Public Review Board, composed of prominent citizens of unquestionable integrity from outside the ranks of labor, to which such cases can be referred. The PRB operates completely independently of the International Union and renders judgments on all cases appealed to it.

The results of its work have not only been to provide impartial justice for UAW members but also to improve the whole machinery of internal justice in the union through constitutional changes it found to be necessary or desirable.

THE PRESS: "HE BROUGHT WORKERS DIGNITY"

"When Walter Reuther was on hand, organized labor never seemed to merit the accusation that its leadership was elderly and stuffed shirt . . . Mr. Reuther sought to identify his union with the younger workers, the blacks, the peace campaigners. This loss affects the entire American labor movement."
—Christian Science Monitor

The infinite scope of Walter P. Reuther's impact on his times has been reflected in editorial comments on his contributions to the labor movement, the nation and to humanity.

Following are excerpts from representative editorials in U.S. and Canadian newspapers and magazines:

"Walter Reuther never lost his sense of commitment, his social concern, his dedication to the worker at the lower end of the economic scale. He was labor's conscience." —Capital Times, Madison, Wis.

"Walter Philip Reuther was a man of many brilliances and boundless creativity who dedicated his life to improving the condition of other men's lives . . . His death is a large loss to the nation, to men battling for peace and justice everywhere."—New York Post.

"Mr. Reuther was the liveliest, most farsighted and most significant labor leader of his generation. What set him apart was his ability to translate ideas into practical action. He was a product of the machine age who understood the machine and tried to find a way for men to live with it. Industrial workers—and management, too—have much to thank him for."—St. Louis Post Dispatch.

"He left his imprint upon the social and economic life of the United States . . . He leaves an immense estate to his heirs . . . And, as always, all Americans are among his beneficiaries."—Washington Post.

"It is almost as difficult to think of a United States without Walter Reuther as it is to think of the labor movement without him . . ."—Philadelphia Bulletin.

"Over the years he was principally responsible for making the UAW a powerful fountainhead of beneficial ideas. His most notable monuments are a comprehensive program of social security under the union label and a model system of safeguards for union democracy . . . The death of Walter P. Reuther is an even more substantial loss for the nation than it is for the labor movement . . . the void of his death will be greater still in the realms of idealism and social inventiveness."—New York Times.

"At a time when many liberals were disenchanted with the labor movement, Walter Reuter was a symbol of enlightened unionism and social activism."—Wall Street Journal.

"There are men in Windsor today who remember the bad old days . . . when auto workers gathered outside the plant gates every morning and a few were chosen, almost by whim, for a day's work. Today, those men, retired or close to retirement, have Walter Reuther to thank for the pensions, the security, and the human dignity that they enjoy."—Windsor (Ont.) Star.

BROTHERHOOD, BE SAID

Deep sorrow often finds its way into words on paper—thus it was that UAW members by the thousands just had to write and express their grief at the death of Walter Reuther.

Into Solidarity House came these letters, postmarked from all over America and Canada.

Among them was this poem from George Conibear, retired from General Motors Local 653, Pontiac, Mich., which he titled, simply, "A Memoriam:"

"Brother, he said.

And he was his brothers' keeper.
He kindled anew the flame of dignity in men
Who, long supressed by bitter tyranny,
Found freedom from fear and want in his Brotherhood.

Brother, he said.
And you knew his blood coursed in your veins;
That your wounds were his wounds;
Your tears, his tears.
And you came to know his tears were your tears;
His wounds, your wounds: Brotherhood.

Brother, he said.
Brother he is.
Eternally."

"Walter Reuther fought for a better life for us all."—Toronto Star.

"Walter Reuther's death has taken from the labor movement—and the political scene—one of the most aggressive, visionary and effective men of the time."—Cincinnati Post and Times-Star.

"The impact of his loss on those of us in the national black community could not be equalled by the death of any other American leader who is not black . . ."—Michigan Chronicle.

"In the field of race relations there are few unions who can claim to match the record of Reuther's UAW. He flung open the doors of union membership to white and black alike and there were no double pay scales, either . . . He will be long enshrined in the affections of those for whom he labored . . . He brought them dignity."—Detroit Free Press.

"During his 24 years as president of the UAW, the dynamic Reuther exerted an influence on American life far beyond his role as a fighter for fatter paychecks for his 1.6 million members. At the time of his death . . . he was working on a plan for mass produced housing, and was deeply involved in the civil rights struggle, the fight for cleaner air, and a legislative campaign for low-cost health insurance."—Newsweek.

"We have many crusaders in our midst today, but few men with the magnitism and genius to achieve soundly constructive results. Walter Philip Reuther, a fighting liberal who hated communism, was one of a rare breed."—San Francisco Examiner.

"His impact on labor history is profound."—Pittsburgh Post-Gazette.

"The death of Walter Reuther has silenced one of the most compassionate and creative voices of our time."—Des Moines Register.

THE WORLD HAS LOST A GREAT LEADER

From around the world to the UAW came cables by the hundreds from government and trade union leaders. A few excerpted messages follow:

Willy Brandt, chancellor, Federal Republic of Germany: "The Social Democratic Party of Germany mourns in him a man who was among the first to offer the hand of reconciliation to a former adversary and to help smooth the path to a democratic and peaceful partnership with the peoples of the world . . . His good relations with the leaders of European social democracy helped decidedly with the improvement and the solidification of relations between America and Europe."

Tage Erlander, former premier of Sweden: "The world has lost a great leader, we have lost a friend who has always been a model for all of us."

Harold Wilson, prime minister, Great Britain: "I learned with distress the news of May and Walter Reuther. I well know what a tragic loss this is and how much they will be missed by all who knew them."

T. C. Douglas, leader, New Democratic Party of Canada: "The labour movement has lost a great leader and forces of progress a fearless champion."

Golda Meir, prime minister, Israel: "The people of Israel will sorely miss a true and devoted friend of our people whose memory is enshrined in the hearts of all of us who knew the warmth of his friendship and the immenseness of his contribution to so many causes of mankind."

Philippine Labor Secretary Blas F. Ople: "Walter Reuther's death shocked Filipinos who have heard of his courageous leadership and his concern for human dignity in developing lands."

Presidium, Central Committee, Engineering Workers Union of USSR, Moscow: "We learned with deep sorrow of Walter Reuther's passing . . ."

Benjamin Bentum, president, Ghana Trade Union Congress: "Condolences for the loss of a man who has done so much for all workers in the world."

Fidel Velaquez, president, Confederation of Mexican Workers: "Please accept our expressions of sorrow on the death of one who struggled so hard for us . . ."

Y. Benaharon, secretary general, Histadrut, Tel Aviv: "America and Free Labor have lost an outstanding leader and workers of Israel a dedicated friend . . ."

Harm G. Buiter, general secretary, International Confederation of Free Trade Unions, Brussels: "For all who prize freedom, the death of Walter Reuther is an irreparable loss. As founder and executive board member of ICFTU, his was a magnificent contribution to our international cause . . ."

Giulio Polotti, general secretary, Union of Italian Workers: "We join you in the great sorrow . . . valiant leader and spokesman for the rights of the worker."

A DEDICATED CITIZEN

Following are excerpts from messages sent to the UAW from executives of the auto industry:

James M. Roche, chairman of the board, General Motors Corp.: "We are shocked by this tragedy. Mr. Reuther was an able and dedicated leader. Our industry and our country will miss him."

Henry Ford II, chairman of the board, Ford Motor Co.: "Walter Reuther was an extraordinarily effective advocate of labor's interest. His tough-minded dedication, his sense of social concern, his selflessness and his eloquence all mark him as a central figure in the development of modern industrial history."

Lynn Townsend, chairman of the board, Chrysler Corp.: ". . . His devotion to the ideals and principles in which he believed were evident not only at the bargaining table but also in his untiring efforts to improve the condition of his less fortunate fellow man."

Roy D. Chapin Jr., chairman of the board, American Motors Corp.: "Industry, the labor

XUM

movement and the nation will long remember him as a great and dedicated leader."

Karl E. Scott, president of Ford of Canada Ltd.: "Walter Reuther was a man of great stature and dedication. In his advocacy of labor's interests he was effective and eloquent. He brought to the development of modern industrial history a deep sense of social concern."

WE ARE POORER FOR HIS PASSING

President Richard M. Nixon: "He was a man who was devoted to his cause, spoke for it with eloquence and worked for it tirelessly. Mr. Reuther's death is a deep loss not only for organized labor, but also for the cause of collective bargaining and the entire American process."

U Thant, secretary general, United Nations: "The world has lost a wise, courageous and statesmanlike humanitarian."

Frank E. Fitzsimmons, general vice president of the Teamsters Union and co-chairman of the Alliance for Labor Action: "America has lost one of its great citizens. Organized labor has lost a great champion. I have lost a dear and personal friend."

Thomas E. Boyle, president, International Chemical Works Union: ". . . Countless times we sought his counsel, friendship and interest. Never did he fail us."

Ralph Bunche, United Nations: "I admired him for his courage, his forthrightness and wisdom but above all for his ability to interpret the aspirations of and to keep in tune with the common man."

Secretary of Labor George P. Schultz: "He believed passionately in the democratic system and the rights of man . . . His death is a bruising loss, not only to American labor, but to all of us . . ."

Secretary of Health, Education and Welfare Robert H. Finch: "His leadership and dedicated concern for the betterment of his fellow man will long be remembered."

Senator Edmund S. Muskie (D.-Maine): "Mr. Reuther had been a courageous and responsible spokesman for creative and humane programs."

Senator Edward M. Kennedy (D.-Mass.): "For more than three decades, he was one of the most powerful advocates of health care as a matter of right . . . Walter Reuther made the wave of the health revolution that is cresting now in America."

Senator Frank Church (D.-Idaho): "The loss of Walter is a grievous one."

Senator Jacob Javits (R.-N.Y.): "Posterity will be grateful to him for his great contribution to world peace and world development."

Senator Harrison A. Williams (D.-N.J.): "Walter Reuther dedicated himself to fighting for a better life for all of the forgotten Americans left out of our affluent society."

Senator Ralph W. Yarborough (D.-Texas): "A huge debt of gratitude is owed to Walter Reuther for his contributions toward the betterment of the quality of life in America . . ."

AFL–CIO Executive Council: "Walter P. Reuther was a dedicated trade unionist who well and truly served his fellow man."

Michigan Governor William G. Milliken: "He fought courageously and successfully not only for better wages and benefits for his members, but also for a better contract with life for all citizens."

Former Michigan Governor G. Mennen Williams: "Walter Reuther affected the life style of the United States like few in his generation . . . He made richer lives for millions and left this a better world."

AGREEMENT—AND LIVES OF MILLIONS ARE ENRICHED

Two winters ago, a 30-year-old Ford worker in Cincinnati coined a phrase: "We have a family union! Even my daughter's future is somewhere in this contract."

How times have changed since the '40s!

Under Walter P. Reuther's years of dedicated, inspiring leadership, UAW members and their families moved a long way toward receiving a fair share of their equity in the wealth they help create, and toward making the tragic days of the Depression almost ancient history.

This, Walter Reuther often noted, was his chief interest at the bargaining table. A master bargaining strategist, widely acclaimed as "the best union negotiator anywhere," he led the way in achieving important economic gains and broader, often innovative fringe benefits vital to the security of workers and their families.

During Reuther's presidency, wage rates of auto workers more than tripled. Comparable increases were won for other workers represented by UAW, including those in the aerospace and agricultural implement industries.

Today's average straight time hourly earnings for UAW members in the auto industry, for instance, come to about $4.03. They averaged $1.32 an hour in 1946 when "The Redhead" first was elected to head the union. New and unprecedented fringe benefits and marked gains in the few which were already established also were won by Reuther-led negotiators during those years.

As the equity of UAW members increased, so did their security. But today's hard-and-fast wage rates and fringe benefits were considered daydreaming by workers who could only yearn for them before Reuther won leadership of the UAW.

In the pre-Reuther period, about the only fringe benefits enjoyed by UAW members were a somewhat skimpy vacation pay program, three hours call-in pay and the start of shift differential payments.

Statutory holidays, such as Christmas, Easter, Thanksgiving, New Year's Day and July 4, were nothing more than days on which workers didn't work and for which they weren't paid.

Workers, moreover, had no protection against layoffs, against sickness, against old age.

Seniority protection was severely limited compared to today. Smoking was tightly restricted. Personal relief time as a contract right simply did not exist.

Pensions were a benefit reserved exclusively for executives.

"Over the Hill to the Poorhouse" was a popular refrain mirroring actual fears and insecurities of workers, many of whom were confronted by its reality once they became, in Reuther's words, "too old to work and too young to die."

Layoffs without income to tide over a worker and his family were, to company officials, part of the game—until the UAW changed the rules. And if a worker, his wife or child couldn't get medical care or enter a hospital because he didn't have the money to pay for it, well, there was the charity ward.

Walter Reuther challenged such inequities and injustices. But, he also stressed, achieving security and dignity for workers and their families involved more than just winning "another nickel in the pay envelope."

Decent wages were essential, but so were the same fringes for workers that companies willingly provided for executives and supervisors. So was establishing the understanding that the community, the union and the worker must make progress together.

As Reuther often said, establish the principle in the contract and then build on it. In that way, innovative contract principles, embodying important but seemingly modest gains, were expanded in subsequent negotiations into much broader benefits giving increasingly greater security to workers and their families.

UAW-won pensions were an example of this. They amounted to $100 a month (including Social Security) when UAW first gained them for auto workers in 1949 and 1950, a few years after Reuther was elected UAW president. Today, a worker can receive up to that amount in retirement benefits in a week.

And a major UAW—and Reuther—goal for this year's negotiations is the "30 and Out" program—pension benefits of $500 a month after 30 years of service, regardless of age.

Similarly, Reuther and the UAW targeted the guaranteed annual wage principle as a main union objective in the 1955 auto negotiations. The contract settlement provided for Supplemental Unemployment Benefits (SUB), a pioneering principle never before achieved by an industrial union in major negotiations.

Those first SUB agreements provided benefits to laidoff workers of 60 per cent of take-home pay for up to 26 weeks.

Negotiations for contracts which followed greatly improved these. Short workweek benefits, for instance, were won in 1961. In the agreements that year, the initial principle was considerably broadened to provide 62 per cent of gross pay plus $1.50 for each of up to four dependents for a maximum of 52 weeks.

Said Reuther, in announcing the settlement: "This puts our members within an economic inch of the guaranteed annual wage."

The Reuther-led UAW negotiating teams travelled that final economic inch in the current contracts, won in 1967. Gained by the union were Guaranteed Annual Income Credits together with SUB payments of 95 per cent of weekly after-tax pay less $7.50 for certain work-related expenses not incurred during layoffs.

Similar improvements, once the principle was gained, have been won in hospital-medical-surgical insurance coverage, paid vacations, life and sickness and accident insurance and many of UAW's other fringe benefits for its members and their families.

For with Reuther at the union's helm, UAW repeatedly scored historic and widely acclaimed gains. The union has achieved more collective bargaining "firsts" than any other union in the U.S. or Canada dealing with major corporations. These "firsts" include:

The first annual improvement factor wage provisions which established the principle that workers have the right to share in the fruits of advancing technology.

The first major cost-of-living allowance provision to protect the purchasing power of wages against escalation in living costs.

The first major funded pension program, fully financed by the employer—including an early retirement benefit of up to $400 monthly.

The first survivor pension benefit subsidized by the company.

The first transition and bridge benefit program to assist surviving families of workers who die while in active employment.

The first nationwide prescription drug plan.

The first supplementary unemployment benefit program, later expanded into a guaranteed annual income credit plan.

The first nationwide short workweek benefit plan.

The first comprehensive hospital-medical-surgical health care program covering the entire family, fully paid for by the company and including retired auto workers and their dependents.

When the union's accomplishments since '48 are spelled out, you find thick books of highly technical language—but if you look beyond the books, you see American and Canadian UAW families enjoying their highest-ever standard of living.

The Cincinnati Ford worker's daughter will probably go on to college because her father can afford to widen her horizon.

Illness in the family can't become a crushing economic burden.

A new, decent home with a garden is not impossible.

XUM

Should he be made idle by a layoff, unemployment will not interrupt the family's dreams. His income will continue. The young couple can age together without fear.

When *Solidarity* interviewed the young family two years ago, the Ford worker and his wife said something much like this:

"We consider ourselves just ordinary people trying to get along, trying to be good citizens. We never really sat down with someone for hours like this and looked at our total lives in the light of a union contract. We wish all UAW members could have this experience. For one thing, they'd know the value of their union better.

"Walter Reuther was a man we always admired, even when we were still in school. We see him on TV. Next time he comes to town, we're going to be in the front row with our little girl. Years from now, when she's in school, I hope she tells her teacher that one day her parents took her to see Mr. Reuther . . ."

BLACK LAKES: WHERE THE UAW STAKES ITS FUTURE

His Camelot . . .

The beautiful and inspiring place of dreams and hopes, the Round Table of justice and wisdom and mercy . . .

This is the UAW Family Education Center at Black Lake, Mich., as its creator saw it through the wide window of his mind.

Walter Reuther died trying to reach his Camelot, on the eve of its transformation from a dream to reality. It symbolized, in living trees and shimmering waters, his hope for the future of the union he had led for a quarter of a century.

Said Rabbi Jacob J. Weinstein of UAW's Public Review Board, at the funeral services for Walter and May Reuther:

"There were moments in the past several years . . . when Walter turned more and more to the thoughts of his Camelot, his Garden of Eden—the beautiful center he was building on Black Lake, where the UAW family might escape the harsh pressures of our city and, in a congenial and beautiful setting, find a Sabbath for their souls, take counsel one with another, sit at the feet of the wise and learned men, renew their spirits . . ."

The center become one of Reuther's personal priorities during the four years from 1966, when the 20th Constitutional Convention authorized its construction, until April 24, 1970, when the 22nd Convention instructed the International Executive Board to implement the education program there, and formally designated the facility as the Walter P. Reuther UAW Family Education Center.

He devoted almost every minute away from his immediate work to planning the entire project, then increasingly to on-the-spot inspection. He particularly made sure that the natural beauty of the 1,000-acre site on the southern shore of Black Lake was preserved. Not a tree or shrub was touched without his permission.

Delegates to the many UAW Councils which met at the center during March and April were treated to a lovingly conducted tour by Reuther of every part of the center. Often accompanied by his wife, he took them from the meeting rooms and dining facilities through the vast gymnasium and Olympic swimming pool, and the classrooms and bright children's playrooms, to the quiet lounges and living quarters. Reuther knew every detail; he had been living it all for years.

What is the Family Education Center all about? He long ago had answered that question for himself, in the mirror of the future, a dozen years before his first step down the bright, shimmering paths along the beribboned trees.

"The center is about the most crucial issue of our times: the quality of leadership," he told everyone who came to Black Lake.

He told the National CAP Advisory Council there:

"This is a time of testing, testing of the values of the American dream. This is the most difficult time in the history of our country. The great changes taking place around us are straining the fabric of the human community and we must find the leaderships, at all levels, to solve the problems ahead—leaders who combine the technical competence with social vision, idealism and commitment."

That, said Walter Reuther, as he looked far down the elevated corridors connecting the center's soaring buildings, is what this dream is all about.

"We made it this beautiful to bring the best out of everyone who comes here," he said. "I believe no one can leave here without being enriched spiritually."

The family education program will be unique, he pointed out. It will include each member's entire family as they search, through a rich and diversified program, for the social vision and idealism which, as Walter Reuther firmly believed, the labor movement must have to achieve its purpose.

Walter Reuther's brother, Victor, summed it up best when he told the Solidarity House staff, as they mourned during that tragic week in May:

"Ours is a union that is concerned about the brotherhood of man, and about all phases of the life and well being of people, their children, their families. That's why the family center was built . . . It's beautiful . . . it soars like a cathedral out of those beautiful woods and beside that lovely lake, and our people need to know and feel and enjoy that kind of beauty—and they will.

"That will be a center that will help transmit to new generations the kind of philosophy our union has acquired over 30 years."

TO MAKE AMERICA TRUE TO ITSELF

Early this century, it was written by the poet Thomas Curtis Clark:

"Let us no more be true to boasted race
or clan,
But of our highest dream: the brotherhood
of man."

In search of that highest dream, Walter Reuther never really stopped moving. The world over, and over, he sought to mend men's ways, to cause them to see each other as humans, here on this earth with their dreams for a few years—too few to waste on hating.

Human rights and civil rights were all the same to him and so pleading for black Americans' right to vote years ago was just an extension of his negotiating with General Motors for workers' right to a fair income, to relief from punishing work schedules.

It was an exciting path he cut: first, while still in his 20's, working with the fading democratic youth movement in Germany to stop a maddened government from killing Jews; and in his last hours on earth pleading to end the slaughter in Southeast Asia.

Between Germany and Cambodia were a thousand more steps for human justice:

White workers were wronged in Kohler, Wis., and for eleven years the union he headed fought their battle to a final and decisive victory.

Black women, hospital workers, were wronged in Charleston, S.C., and he walked in the hot sun, arm in arm with those strikers.

He awakened President Johnson at 2 a.m. one morning when he heard that striking Mexican-Americans were being rounded up and beaten by Texas Rangers—and orders went out quickly that brought their release.

On a day in June, 1957, Walter Reuther said these words to the annual convention of the National Association for the Advancement of Colored People:

"I'm proud to belong to the NAACP because it is made up of people who are dedicated in a great crusade to make America true to itself.

"That is what this is about: make America live up to its highest hopes and translate those hopes and aspirations into practical, tangible reality in the lives of all people, whether they are white or black, whether they live in the North or in the South . . .

"The task is difficult. The struggle will be hard. But let us always remember that human progress has never been served to mankind on a silver platter.

"What we need to do is to keep the faith."

The convention that first elected Walter Reuther president in 1946 did something else significant: it voted to establish the union's Fair Employment Practices Dept. "to eliminate discrimination affecting the welfare of the individual members of the local union, the International Union, the labor movement and the nation."

It was a broad stage on which to fight for human rights and the newly elected president had a great union to support him in what had been a lonely effort.

Into Congressional hearings he went, calling on the nation to live up to the guarantees of 100 years before: the Emancipation Proclamation.

He met a young minister named Martin Luther King, Jr., and, sometimes from the same platform, they made it emphatic that the struggle for freedom was a moral struggle that would call upon the conscience of the world's most powerful free nation.

To the UAW's 25th anniversary banquet in Detroit in 1961 came the Rev. Dr. King to say that blacks and whites, together, succeeded in a revolution—and they called it the UAW.

To Selma, Ala., went Walter Reuther to say that the UAW was there for a revolution—and some day they'll call it freedom.

DELANO: "HIS SPIRIT WILL STAY WITH US"

They hoped to find a home and they found only hatred.

"Okies—the owners hated them because the owners knew they were soft and the Okies strong, that they were fed and the Okies hungry . . ."

That was John Steinbeck back in 1939 when his Grapes of Wrath nudged the nation for the shameful way America was treating its migrant workers.

The tragic story—of white Oklahomans who lost their farms to the Depression, to floods, to dust storms and journeyed westward in search of jobs and green fields—fitted into Walter Reuther's long list of worries. He saw beyond the outskirts of Detroit and Flint and other auto production centers then in ferment.

"This entire country needs organizing," he said in those pre-war days. "What we are going to do in our industry must only be a down-payment on the total organizing effort we must put forth because there is no security for any organized worker as long as other hungry men are walking the streets or toiling in the fields. We must turn with full strength on the slave trade on America's farms. . . ."

For years, he and the UAW supported the efforts of the National Sharecroppers Fund whose rewards came with heartbreaking slowness. Men, women and children continued to die in the fields or at the hands of rural sheriffs—and who cared?

It wasn't until late 1958 when, with funds from the UAW and Walter Reuther's encouragement, NSF Director Frank Graham, Eleanor Roosevelt and Archbishop Lucey of Texas were able to form the Nation Advisory Committee on Farm Labor. Men and women of conscience rose up and at public hearings in Washington pointed America at its trails of shame.

In the fall of '65 Delano's grapefields were struck. Still it wasn't national news until that December when Walter Reuther arrived and faced the guns of sheriffs and their deputies alongside leaders of the strike, Cesar Chavez and Larry Itliong.

From that moment on, the Delano strike and the strike of migrant workers along the Rio Grande River in Texas had the UAW's fullest support—and the nation came to know its shame.

And then last month, El Malcriado, the voice of the farm workers, confirmed for tens of thousands of Spanish-speaking Americans what had been translated to them: that Walter Reuther had perished.

He had been among them only a few months ago when they named their new union hall in Delano after his brother, Roy.

"His heart," said El Malcriado, "went out to the suffering masses in every corner of the globe. He was a man who thirsted for justice and freedom—who wanted to see the good things of the earth shared by all, including the least of his brethren . . .

"But his spirit will stay with us. God grant him rest."

THEY MADE US BETTER PEOPLE

Three clusters of red roses, the Stars and Stripes, Canada's red-orange maple leaf, the flags of peace and of the United Nations . . .

And between the two caskets a handful of daisies that told of the love of the two young surviving daughters.

And across the land in 400 or maybe 500 factories where daisies could never grow, workers by the hundreds of thousands bowed their heads, stared at the black, silvery steel of their machines and their three minutes of silence told of their kind of love.

And everybody was remembering a lady named May Reuther and a man named Walter Reuther who, nearly 40 years before, chose people as his career, who moved between picket lines and the parlors of the mighty carrying the same message: people must count for something in this world; their dreams of peace and brotherhood must be fulfilled.

And then that rich, mournful voice that made almost hymnal a worker's song written during the Depression years in honor of an executed trade union organizer:

"I dreamed I saw Joe Hill last night,
Alive as you and me.
Says I, 'But, Joe, you're 10 years dead.'
'I never died,' says he . . ."

By then, 11 eulogists had spoken, each sharing briefly the broad stage of the Ford Auditorium in downtown Detroit with the two lonely caskets, watched by 3,400 big and little people there by invitation, watched too by countless millions as television showed the sadness of yet another tragedy.

Shop stewards sat alongside United States senators and the leaders of industry. It was that kind of a memorial service. Outside, men and women made the sidewalk their cathedral. A loudspeaker system carried the words spoken within, words somehow converted from tears by great struggle. The words echoed off nearby tall buildings as the city's traffic hushed, too:

A retired plant worker, nearing his 80s: ". . . From the faceless, nameless auto workers of the '30s to the struggling grape pickers of the '60s, men responded to his call to unite in the battle for human dignity and justice . . ."

And those daisies shimmered.

A United States senator said: "You were a part of Walter Reuther's constituency if you were poor, powerless . . . if you were old, if you were sick and if you are just."

And you could see him—shorter, frailer than he should be for the mountains he dared climb—striding down the halls of Congress, on his way to a Senate or House hearing that would affect the lives of many.

An educator said of Mrs. Reuther: "Although a national figure . . . who lived through periods of danger for the safety of her family . . . her sensitive feelings for people and their welfare were never blunted . . ."

And you could see her, too—a gracious lady with a slow smile that started in her eyes. She was more comfortable just away from the edge of the spotlight history focused on the man she shared with the world.

A civil rights leader said: "All Americans—most especially the black, the poor, the underprivileged—have lost a champion."

And you could see him alongside Martin Luther King, Jr., on that hot, spring day in Selma, Ala., dust rising from the road as people began their march for freedom in new seriousness.

And a former Cabinet member said: "They strengthened us, they renewed our faith. They thought better of us than we thought of ourselves and, by thinking so, made us better people . . ."

And Mrs. Coretta Scott King, widow of the Rev. Dr. Martin Luther King, Jr., said: "The secret of his success with blacks was that he was there in person when the storm clouds were thick . . ."

And the chancellor of a major university said: "I, too, knew Walter Reuther as a leader of enormous power and influence and impact on the world—but much more importantly, I had the rich privilege of knowing May and Walter Reuther as parents, as neighbors, as people . . ."

And a young man said: "As we walked through the woods at Black Lake, I thought of those many who would follow in our footsteps . . ."

And a rabbi said: "Our hearts go out to Linda and Lisa. They have shared their parents with all the dispossessed children of our land . . ."

And a trade union leader from overseas said: "Walter's imaginative and dynamic idealism will continue to be a source of inspiration to all trade unionists throughout the world . . ."

And then a man who worked closely at his side said: "We knew that a better future for mankind has to be made. It will not just happen . . ."

And you could see him in a hundred and more local union halls, in a hundred and more hotel conference rooms, on the streets, on college campuses, in legislative halls: chin out, eyes sweeping his audience, a raised hand that sometimes became a fist, then a spread hand again, his words reaching for the conscience of men.

"And standing there as big as life,
And smiling with his eyes,
Joe says, 'What they forgot to kill
Went on to organize,
Went on to organize.' "

The memorial service had ended. But midway through the third stanza of the Ballad of Joe Hill, a strange compulsion seemed to take over the mourners. Deep, sad thought turned to sound: a rising, gentle whisper like a prayer.

And Henry Ghant, a UAW Local 212 shopworker for most of his last 20 years, wasn't alone in his lament.

" 'I never died,' says he.
'I never died,' says he."

And how those daisies shimmered!

EULOGIES

Eleven men and women spoke as eulogists at memorial services for May and Walter P. Reuther. For reasons of space only, their remarks here are excerpted:

Dave Miller

(Chairman of the National UAW Retired Workers Advisory Council)

Today the world mourns the loss of a great and good man. The old, the underprivileged the oppressed and the poor have lost their champion . . .

There are so many memories. I remember the day three of us stood on a windy corner in this city in 1935 and he told us he had found a room that could be rented for $10—$10 a month for a headquarters for the organizing drive on the west side of Detroit.

And between the three of us we didn't have $10 . . .

I remember the inch-by-inch progress upwards; the escalator clause; the too-old-to-work, too-young-to-die slogan . . . It came slowly and painfully but when we put it all together it meant a new life and a new world for the workers in the plants . . .

He did not live to see the kind of world he visualized. Perhaps none of us will, but in his years upon this earth he touched the lives of millions of people and made them better.

From the faceless, nameless auto workers of the '30s to the struggling grape pickers of the '60s, men responded to his call to unite in the battle for human dignity and justice.

U.S. Senator Philip A. Hart

We meet here today, not so much to discuss Walter Reuther's life, but to read his will, to examine his legacy.

When I say his will I mean that unwritten document that he spent a lifetime composing. And everyone here today in an heir . . .

You were a part of Walter Reuther's constituency if you were poor, powerless . . . if you were old, if you were sick, if you were weak and if you are just.

History will not forget that he was one of the first in the nation to begin talking about what is now such a popular thing: national priorities. When nearly everyone else was still complacent about a national priority system that had stopped making sense years ago, Walter Reuther was wondering how often we should pick up rocks from the moon when our cities couldn't pick up garbage.

And if opponents of that senseless war in Indochina ever muster the political muscle to shut it down, Walter Reuther's name will be in the books as one of the movers and they'll write this down about him: he was not a selfish man, that's why we have so much to inherit . . .

Dr. J. William Rioux

(President of the Merrill-Palmer Institute, Detroit Mich.)

I have come to speak of Mrs. Walter Reuther . . .

She was an endless searcher and a learner who displayed an intense interest in an understanding of the major problems facing large urban areas . . .

It was important to her that young people—be they four years of age or 20 years of age—be dealt with as carriers of potential to be developed and that they be taught and responded to in open, honest and encouraging ways . . .

In our efforts to create new research and training programs geared to the 1970s, focused on young children and families in urban situations, she quietly but firmly and enthusiastically supported aspects which focused on involving members of the community in planning and implementation of those programs. And she gave strong encouragement to our increased efforts to recruit minority students to our campus.

Whitney Young

(Executive Director of the National Urban League)

We mourn today the loss of Walter Reuther and his lovely wife . . .

Walter Reuther was my friend. He was the best kind of friend. . .

Whenever the going was tough, Walter Reuther was with us . . . He was one of the first to help Cesar Chavez and the striking grapeworkers in California. Wherever and whenever the poor and the oppressed needed him, Walter Reuther was there.

He knew that the gains of well-paid union men were endangered so long as there were other workers who were jobless, whose chil-

XUM

dren were hungry and who were denied their basic rights because of discrimination . . .

He would have been shocked and shamed at the recent action of some of New York's construction workers who desecrated the flag under which they marched and who damaged the patriotic ideals they professed when they attacked students who asked for peace and domestic reform.

Walter Reuther remembered that the parents of those same workers were also beaten when they demonstrated for what they believed in . . .

He was one leader who never had to be convinced of the justice of the claims black people were making on society and he was one leader who never needed detailed interpretation of what was happening in the ghetto. He knew. He was there. He was a believer. He was a man . . .

John W. Gardner

(Chairman of the National Urban Coalition)

What I say this morning will be very brief—and I must say that it will be highly personal . . .

None of us can speak of May and Walter without emotion and without the deepest gratitude. A friend of mine once said that the purpose of a free society is to produce great individuals and in producing May and Walter Reuther, this society justified itself many times over.

When we speak of them as typical Americans, we flatter ourselves.

They were the kind of Americans we would all like to be. They were the good, vital, generous, loving people that many of us strive to be and never quite are.

They strengthened us, they renewed our faith, they thought better of us than we thought of ourselves and by thinking so, made us better people.

It's a bitter thing to lose them now when we need them so much. But we can serve their memory best by being the kind of people that they wanted us to be.

Mrs. Martin Luther King, Jr.

I come to extend my personal sympathy and that of my family to the families of May and Walter Reuther, to their friends, associates and members of the UAW.

Walter Reuther was to black people no mere remote headline personality. For blacks, he was preeminently the most widely known and respected white labor leader in the nation.

The secret of his success with blacks was that he was there in person when the storm clouds were thick. We remember him in Montgomery. He was in Birmingham. He marched with us in Selma and Jackson and Washington. And he was in Memphis.

Only yesterday, there he was once more in Charleston, the leader of a million and a half workers giving personal support to a strike of only 400 black women . . .

We shall all miss him because we are all better off—black and white—as beneficiaries of his creative life.

Dr. Durward B. Varner

(Chancellor of the University of Nebraska)

All the civilized world knew Walter Reuther as one of the most powerful figures in the history of organized labor.

I knew May and Walter Reuther as devoted, loyal and proud parents of their two daughters, Linda and Lisa . . .

The concerned leaders of the nation, and of the world, viewed Walter Reuther as the leader of a persistent and determined battle for basic human rights, with the goal of a minimum level of dignity for all mankind.

I knew May and Walter Reuther as early and unwavering colleagues in the establishment of the Meadowbrook Music Festival and the Meadowbrook Theater so their people, too, could share in the riches and the beauty and the dignity of the arts.

The leaders of industry knew Walter Reuther in the heat of the bargaining room where he labored with dramatic effectiveness to better the conditions of existence for all those whom he represented.

I knew May and Walter Reuther in the warm glow of their gaily decorated home at the Christmas season where we exchanged simple gifts: Texas pecans from our family, Grandmother Reuther's homemade wine from theirs . . .

Sam Brown

(National youth leader)

For many in my generation, our most direct contact with Walter Reuther was in the struggle for social justice . . .

I came to know him not in bargaining sessions . . . but in the struggle for peace in Vietnam, at a time when students and workers were preparing to fight in the streets of New York. The strong, clear voice of Walter Reuther provided another voice and another vision, a vision of peace and justice.

But his life was much more than these visions of a just world at peace: they had substance and I saw the substance of those dreams of Walter Reuther in the UAW Family Education Center at Black Lake.

Walter Reuther was up early in the morning and we walked together . . . by the lake and he talked about paths where families could walk among the trees . . .

The scope of Walter Reuther's dream became clear. He envisioned not simply a world where racial justice, human justice and economic justice are true in the abstract, but a world in which he knew that economic justice was only the first step . . .

He also dreamed of a world where men could walk in peace with themselves and with nature, a world in which young people and old people, black and white, students and workers, could share a world of peace and justice because men were at peace with themselves—as he was . . .

Rabbi Jacob J. Weinstein

(Rabbi Emeritus, Temple K.A.M., Chicago)

When the dire and dreadful news came to me, the words of Chaim Nachman Bialik, the poet of the Hebrew renaissance, flashed before my mind's eye: "There was a man and, behold, he is no more!"

Our hearts go out to Linda and Lisa. They have shared their parents with all the dispossessed children of our land. Would that we could share their grief as generously as they have shared their parents' love with us.

There were moments, I am sure, in the past several years—when violence became the general mood of our times, when our government became more deeply mired in a futile and immoral war . . . when Walter turned more and more to the thoughts of his Camelot, his Gan-Aden, his Garden of Eden on Black Lake where the UAW family might escape the harsh pressures of our city and in a congenial and beautiful setting find a Sabbath for their souls, take counsel with one another, sit at the feet of the wise and learned men, renew their spirits that they might return with clearer vision and steadfast strength to the workaday world and rebuild it closer to the heart's desire . . .

Ivar Noren

(General Secretary of the International Metalworkers Federation)

The international labor movement is also mourning a great leader.

IMF—the International Metalworkers Federation—is a section of that movement, including over 10 million trade union members around the world. It is on their behalf and together with some other IMF representatives that I have come here to pay tribute to Walter Reuther and what he stood for.

Walter Reuther clearly realized that in modern society the trade unions must take a stand—both nationally and internationally—on the great problems of social policy of our times and throw all their powers into a democratic transformation of society . . .

He shared our belief that organized labor has an important role to play in our efforts to build a better world for all people; a world of brotherhood and peace.

Irving Bluestone

(Administrative Assistant to Walter Philip Reuther)

In this indescribably painful hour, I am deeply honored to have been selected, in behalf of the UAW, its officers and its members, to speak this last farewell . . .

Walter never believed that the end purpose of the labor movement was "more." Rather, he saw the labor movement as an instrument for social justice, for human progress, for the perfection of the democratic heritage, a means by which workers and their families not only advance their own welfare but by which, in cooperation with men and women in all walks of life, and throughout the world, they make their contribution to improving the quality of the whole society.

His aim and purpose were economic and social justice. But to him the ideals of social justice, economic security, peace and freedom, human dignity and human brotherhood were not matters merely for philosophic discourse but practical goals to be achieved, dreams to be made real . . .

Where shall we find such men who can lead us, as did Walter with boundless energy, to a new and brighter day? Who can dream for humanity and realize their dreams? Who can aspire for people and fulfill their aspirations? We shall find them among the countless men and women of good will and deep commitment who live and hope and work in all corners of the earth, whose voices will respond exultantly to the challenges of a new day, whose actions are guided by a vision of love, peace, brotherhood and justice.

Walter had faith that these voices will prevail. He never wavered, never faltered in this faith, nor can we waver or must we falter if we are to be true to his memory . . .

IDEAS HAVE ALWAYS BEEN HIS LONG SUITS

The first in a series of remarkable documents known as the "Reuther Plans" was born in 1940, a somber year for foreign war and domestic unemployment.

And by a strange turn of history, the last of the Reuther Plans lay on the desks of U.S. senators in 1970, once again a deeply troubled year of battles abroad and laidoff workers at home.

In the 30 years between, Walter P. Reuther offered to the nation and the labor movement dozens of carefully drafted, often ingenious plans. They were proposals to solve massive problems of unemployment, inadequate health care, dilapidated housing, hostilities between nations, insufficient production of vital materials, the direction of the American labor movement, the needs of the elderly and a host of others.

The red-haired, five-foot-seven union leader fought as strenuously in the chambers of Congress and the White House for his plans to improve the well-being of the nation as he battled in the bargaining rooms of the giant corporations to upgrade the living and working conditions of laboring men and women.

At first, Reuther's studiously formed ideas were dismissed by scoffers as "crackpot" and "idle dreams."

At the end, his advice and counsel were sought by presidents and world leaders.

Ironically, the initial Reuther Plan showed the nation how to convert its peacetime machinery to warplane production, while the last plan described how the nation could turn defense production, including warplanes, to peaceful uses.

It was the late summer of 1940 when Reuther (then serving as director of the UAW

XUM

General Motors Dept.) saw a way through the gloom saturating the people of the United States. Fifty per cent of the auto industry's potential capacity was lying unused then, and more than 100,000 auto workers were unemployed.

Week by week, the world war seemed to be creeping closer to the U.S., with the Battle of Britain fully underway and German Junker 88s and Messerschmitts laying devastation upon England.

Reuther grasped a way to overcome, with a single major stroke of government policy, the problems of unemployment, idle capacity, the need to increase assistance to Britain and the campaign to bolster the nation's own defenses.

He called the plan: "500 Planes a Day. A Program for the Utilization of the Automobile Industry for Mass Production of Defense Planes."

Radical, unheard of—"impossible" and "crackpot" to some critics—Reuther's plan called for mass production of warplanes with the same machine tools and manpower used in making autos, without halting normal car production.

Within six months, he asserted, the auto industry could "turn out 500 of the most modern fighting planes a day, if the idle machines and the idle men of the automotive industry were fully mobilized and private interests temporarily subordinated to the needs of this emergency.

"This plan is labor's answer to a crisis," said the daring Reuther, then 33 years old. "New plants cannot be built and put into operation in less than 18 months. In 18 months Britain's battle, for all her people's bravery, may be lost, and our own country left to face a totalitarian Europe alone."

On Dec. 23, 1940, President Franklin Delano Roosevelt received the plan at the White House. The document contained nearly 7,000 words of detail on national goals, proposed output of fighter or bomber planes, charts and descriptions of available men, machines and plant square footage and answers to anticipated objections.

Roosevelt turned the plan over to the government's Office of Production management. There, it was belittled by OPM Director William S. Knudsen, the former chief executive of General Motors Corp., who said that no more than five per cent of the auto industry's machine tools could possibly be converted for making airplane components.

Later, two congressional investigating committees were to assail the auto industry's failure to convert its plants and its insistence on making profits by building cars while soaking up vital defense materials such as steel, rubber and aluminum.

The attack on Pearl Harbor and America's entry into the war forced the industry to begin converting virtually all of its facilities for war production. It was a year after he had submitted his plan, and Reuther stood vindicated—but heavily saddened.

Almost 30 years after unveiling that plan, Reuther appeared on Dec. 1, 1969 before the Senate Committee on Labor and Public Welfare and proposed a comprehensive program to convert to civilian production the defense industries supplying armament for the Vietnam war.

Reuther recalled in his reconversion plan the bitter lesson of 1940, saying:

"Now, 30 years later, defense employers are pursuing essentially the same stubborn line taken by the pre-Pearl Harbor automobile industry. Having found a sheltered and highly profitable berth resting on the dangerous assumption of perpetual confrontation and conflict among the major powers in a nuclear age, they are determined not to be dislodged from it."

As he urged in a somewhat similar Reuther Plan in 1945, he called for converting certain war plants to mass-produce housing.

Reuther noted that: "If that proposal had been implemented a quarter of a century ago, we would not today have a national housing crisis . . ."

His reconversion program, last of his completed plans, called for the government to set aside a portion of each defense contractor's profits in a trust fund. This money then would be released to help industries carry out government-approved plans to switch to civilian production and to minimize hardships on workers during the transition.

By 1949, Reuther's unique ability to develop comprehensive, workable ways to solve a vast array of problems was becoming known to the public. In that year, A. H. Raskin wrote in the New York Times Magazine:

"Ideas have always been Walter Reuther's long suit. Author of a score of 'Reuther Plans' for solving the problems of war and peace, he has what his friends call a brain with jet propulsion. His adeptness at formulating and dramatizing ideas both novel and challenging has been the principal ingredient in his rise to economic and political power.

"If the speed of a man's mind could be measured in the same way as the speed of his legs," Raskin wrote, "Walter Reuther would be an Olympic champion."

Walter expressed his concern to an interviewer, saying:

"We must build a decent society so we can all be secure and live at peace."

That, in the final judgment of history, may have been Walter P. Reuther's most comprehensive plan.

IN CONGRESS, PLEAS FOR THE GOOD LIFE

A devout believer in the social mobilization of labor, who was determined to make changes "within the system," Walter P. Reuther made nearly 100 appearances before congressional committees during his 24 years at the helm of the UAW.

Giving testimony on practically everything from peaceful uses of atomic energy (1956) and medical care for the aged (1969) to curtailment of the Senate's filibuster rule (1951) and price supports for farmers (1955), Reuther expounded the UAW's views on virtually all aspects of American life.

In January 1943, Reuther, then a UAW vice president, told the War Manpower Commission that war production could be increased through full employment and suggested a guaranteed weekly wage. In this proposal, Reuther asked for the "initiation by government of a National Wage Policy which will guarantee 40 hours' pay per week to employees who work less than 40 hours a week through no fault of their own," and, "institution by the War Labor Board of an industry wage stabilization policy and the creation of tripartite (government-management-labor) wage commissions in the automotive and allied war industries to work out and administer a master wage agreement based on the principle of equal pay for equal work."

In giving an analysis of the UAW's political responsibilities, Reuther explained:

"The attitude of the UAW on political activities is that we are deeply committed to the participation in American political activities as an organization because we sincerely believe that politics is really the practical housekeeping job of democracy and that all of our people, whether they be of labor or industry or small business or of education or farm groups—that everyone has the responsibility to help keep democracy's house."

Explaining the social consciousness of UAW, Reuther said in 1953:

"Even if it were desirable, it is not possible for labor to separate itself from society as a whole.

"It is not possible for labor to be a special interest group at odds or in conflict with those not members of unions because union members and their families form too great a portion of the total population of the country. . . . Labor must make what progress it can with the community and not at the expense of the community."

By 1951, Reuther had addressed Congress on: price controls and a fair tax program; expanded Social Security; a national health program; repeal of the Taft-Hartley Act; need for a Civil Rights Act; the Defense Production Act; federal aid to housing; federal aid to education and creation of an expanded foreign policy program.

Displaying his amazing foresightedness, in July 1945 Reuther told Congress of his plans of converting war plants to the mass production of needed railroad equipment.

In August 1951, he urged Congress to initiate a progressive spending tax "that will cut the wealthy's standard of luxury before cutting the American standard of living."

During June 1951 testimony before the Senate Banking and Currency Committee, Reuther (speaking of the Defense Production Act) said:

"You have to put in provisions that if the steel industry or any other basic industry refuses to expand production capacity sufficiently to meet the nation's needs . . . then the government, as the agency of the people, must . . . step in and fill that deficit."

In a blast at the poor showing of the steel industry in taking on new projects, he needled their leadership for ". . . trying to drive our economic automobile down the road to the future with a rear-view mirror instead of a windshield. They have been looking where we have been instead of where we are going."

In one of his most poignant appeals for change, Reuther, beginning in October 1951 and continuing up to his death, campaigned mightily for the abolishment of Senate Rule 22 which allows unlimited debate (filibustering), with cloture requiring a two-thirds vote of the entire Senate.

Appearing before the Senate Committee on Rules and Administration, he said:

"We believe that Rule 22 is a very fundamental weakness in the democratic process . . . adequate debate should be assured to permit a clash of ideas . . . but the filibuster is not a clash of ideas. The filibuster is a technique designed to impede the legislative processes, not to facilitate them. . . .

"There are millions . . . in America who can make contributions in all kinds of fields, and they are being denied that opportunity in America simply because we are tolerating double standards of citizenship. And we are tolerating those, not because the majority of American people believe in them, not because the majority of the people in the Senate agree with that, but because under Rule 22 that minority—wedded to bigotry and narrow, selfish, special interests—has the tool with which to block the ability of the majority to act."

Reuther's intense concern for all aspects of the nation's welfare led him to an appearance before the House Agriculture Committee in March 1955 to back legislation benefiting farmers by providing price support for basic commodities.

Reuther declared: "We know that the farmer, like the worker, is entitled to a just return for his labor, which will permit him to share in the better life made possible by our increasing productivity. We believe that the answer to our economic needs involves raising the buying power of our families without tearing down the standards of others in the process."

Always fully documented and prepared for his frequent congressional appearances, Reuther on numerous occasions was praised by congressmen for his expertise in handling whatever subject matter he presented.

Commenting on Reuther's backing of the farm price support program, Rep. Harold D.

XUM

Cooley, who was chairman of the Agriculture Committee at the time, commented:

"Mr. Walter Reuther . . . made the best farm speech that I have heard in our committee room during the entire 20 years that I have served on the House Committee on Agriculture."

Remarking on the preparation of the UAW's brief calling for the changing of Rule 22, Sen. William Benton, who presided over the hearings of the Rules and Administration Committee, said:

"I think it is remarkable that you have, through your organization, prepared such a thorough brief, and it is a notable contribution to our hearings. Of course, I don't know why I should think it is remarkable in view of the long record of your organization in this field but this is a more complete presentation by far than we have had brought to us before."

HOUSING, HEALTH, SCHOOLS, AND PEACE—NO PROBLEM WAS TOO GREAT FOR SOLUTION

Always the forward thinker, the labor leader in speaking about the impact of automation in 1955 before the Joint Congressional Committee on the Economic Report, didn't condemn the job-gobbling inventions, but recommended that "we must do all in our power to make sure that the potential abundance of the new technology will be used with social wisdom to improve standards of living and welfare and to provide increased leisure for all Americans."

On the peaceful uses of atomic energy, Reuther told a Joint Committee in 1956:

"Our success in harnessing the atom, to lift the burden of poverty and disease from hundreds of millions of the world's people living in hunger and ill-health, would establish America in a position of moral leadership against which communist propaganda would be impotent.

"Harnessing of the atom for peaceful purposes will give us the tool with which to wage freedom's most effective propaganda . . . the propaganda of the democratic deed."

In February 1959, Reuther shared his ideas for economic growth with the Joint Congressional Economic Committee. In his testimony, Reuther proposed a $1.25 minimum hourly wage; aid for distressed areas; a shorter work week; minimum federal standards for unemployment insurance.

In advocating health care for the aged, Reuther, during testimony in support of the Forand Bill in July 1959, commented:

"When three out of five older Americans have no greater income than $1,500 a year, it does not take a mass of statistics and it does not take a means test to demonstrate we are dealing with a group in great need."

A nearly yearly occurrence with the UAW president was his appearance before the Joint Economic Committee to comment on the President's Economic Report. In these reports he always made it a point to stress:

"Our nation is more richly blessed than any other nation in the world . . . yet, we are still failing to satisfy many urgent and basic human needs."

During his testimony in the '60s, Reuther gave the UAW's views on:

An Anti-Poverty Program (1964): "President Johnson has served this country well in placing 'war on poverty' high on the national agenda. He has demonstrated both a high measure of compassion for human need and suffering and a keen awareness of a major flaw in the quality of our society."

Federal Safety Standards for Automobiles (1966): "We have a heavy responsibility to every living American and to the generations yet unborn to expand our effort . . . to bring auto design and construction hazards to an irreducible minimum."

Federal Reinsurance of Private Pension Plans (1966).

Problems of the Cities (1966): ". . . 70 per cent of our current population lives, and dies, in cities. In less than 20 years more Americans will live in cities than there are Americans today . . . It is time we realized that people are the city's most valuable resources . . ."

Improvements in Social Security benefits along with Medicare and Medicaid (1967).

Establishment of a nonprofit Corporation for Public Television (1967).

Farm Workers Unions (1967): "For 30 years, while the rest of America has marched forward, farm workers have been left behind and have been denied such basic rights as Social Security, unemployment insurance, a minimum wage, workmen's compensation and membership in unions."

Tax Reform (1969): "The deep rumblings of a taxpayer's revolt are becoming more audible as the small and middle income home-owner is forced to carry a disproportionate share of the tax burden while the rich, by taking advantage of the many tax loopholes available to them, escape paying their fair share."

National Health Insurance (1969): "Only a comprehensive nationwide program of health insurance as part of the Social Security system can provide the reliable and equitable financial base needed to marshal and expand our health resources to assure the delivery of the full range of preventive, curative and rehabilitative health services to all Americans."

Postwar Economic Conversion (1969): "It is not enough to have a plan for the withdrawal of troops from Vietnam. There must also be a plan to absorb the human and economic impact of ending the war . . ."

In what was to be his last appearance before a congressional committee, Reuther, on Feb. 26, 1970, told a House Labor Subcommittee of the need for federal reinsurance of pension plans:

"As the richest nation in the world we cannot continue to deny our older citizens their measure of economic justice and human dignity.

"We must act now to assure society's promise to present retirees and to avoid the potential failure (of pension plans) for even a small number of the millions of workers rightfully anticipating a secure retirement."

FOR DISTINGUISHED SERVICE TO . . . DEMOCRACY

Walter Reuther, in his tenure as leader of the UAW, was oft-praised.

Many are the citations bestowed upon him. He received numerous awards named in honor of great leaders who had preceded him in history, including Eugene Victor Debs, Samuel Gompers, William Tubman, Frederick Douglass, Walter White and John Dewey.

United States Presidents acknowledged Reuther's capabilities by appointing him to various governmental agencies.

Numerous labor, university, press and other organizations honored him.

West Virginia State College made him a Doctor of Humanities and St. Mary's College conferred upon him a Doctor of Laws degree, as did Tuskegee Institute.

He was elected a Fellow of the American Academy of Arts and Sciences.

Detroit's Wayne State University presented to him the 1952 Alumni Award for outstanding achievements and a Roosevelt College group cited his "distinguished service to the principles of American democracy."

Retired and aged Americans, health groups and organizations of the physically handicapped gave thanks for his many efforts and the National Council of Senior Citizens praised him for working on behalf of better health care under Social Security.

Recognition for efforts on behalf of causes extending beyond the United States came in the last two decades, including tributes from the 1961 International Freedom Festival and from youth and labor organizations of Israel. And, of course, his own membership:

The 20th Constitutional Convention, in 1966, paid tribute to Reuther for his 30 years of service to the union. Ten years earlier, he received in South Bend, Ind., site of the first UAW convention, this citation:

"To our dynamic president, Walter P. Reuther, who embodies in heart and mind the spirit of human brotherhood and the expression for a better tomorrow . . ."

AND MANY AN OLDTIMER'S EYES GLISTENED

When a young Walter Reuther was gaining full stride as the union's leader, he made a pledge to those who helped give birth to UAW.

It was a pledge UAW has fulfilled time and time again at the bargaining table and in the halls of government where all the elderly could be helped.

Fulfilled, in fact, far beyond the hopes of worn-out workers who, in the cold of Milwaukee's winter of 1949, cheered when their president cried out to the UAW–CIO education conference:

"For years they've taken a worker, a young fellow with bulging muscles, with a lot of drive, a lot of ambition, and they take the best years out of you; and when you get too old and can't buck the line any more, they dump you on the industrial scrapheap.

"They don't worry about what you're going to eat. Some of these fellows say, well, it's too bad. You're too old to work and too young to die. And we're going to say yes, a fellow who works years in these factories and gets to the age where he ought to be retired is too old to work, but he's still young enough to live, and we're going to fight for the wherewithal so he can live as a decent American citizen when he's too old to work."

A frail woman of 63, Sadie Schweitzer, remembered and she came, as the nation paid tribute, to stand as an honor guard. "It was the least I could do," said the woman who helped man the union's soup kitchen during the Ford organizing drive in 1937.

Many an oldtimer remembered.

". . . *I can still picture Walter* (*said Victor Godard*) *in 1941, with that microphone in his hand, getting Ford to do right by its workers. . . .* "

And many an oldtimer's eyes glistened with moisture as he passed in final tribute before the man who changed it all; the man who, in the long-ago winter of Milwaukee made the pledge that still lives on. Like this:

More than 200,000 members have retired under UAW-negotiated pension plans.

As early as 1968, families of retirees had received $1.5 billion in benefits.

We're enjoying benefits we never would have received without him," was the solemn tribute of 40-year Chrysler office worker Wilbur Dark, among the many thousands of retirees who joined those mourning the death of Walter and May Reuther.

"If it wasn't for him, we wouldn't be retired now," agreed Local 51 retirees Regina Pejka, 70, and Peter Kraydich, 73, who stood as honor guards.

On the grape boycott front, in petitions to Congress and in getting out the vote, the "old reliables" continue to show their gratitude for the man and the union who, some 20 years ago, changed the life that lay ahead when they became "too old to work and too young to die . . ."

Their sadness over his death reflected the simplicity of their lives:

"I'm retired today with a comfortable pension. Reuther is the man I have to thank for that . . ."

TO THE YOUNG HE SAID: "WE CAN BRIDGE THE GENERATION GAP"

Merle Hill never met Walter P. Reuther. But he knew him.

Merle knew Walter Reuther as the leader of a union that hears the outcries of young Americans anguished by a society they consider unjust.

And Merle Hill, at 25, a rank-and-file member knows the UAW as an organization where youth can work for orderly change and improvements in society.

XUM

There is room in UAW for those with stars in their eyes, he feels, alongside workers who are relatively content.

They had stars in their eyes—those men emerging from the great Depression of the '30s with a determination that there would be a union in the automobile industry.

Like the many young men then leaving Appalachia, high school dropout Walter Reuther had a vision of a better tomorrow when he came to Detroit as a 19-year-old journeyman tool and die maker.

On a trip that was to take them around the world, he and his younger brother, Victor, helped a number of students in Berlin escape capture by Hitler's storm troopers. They worked in the anti-Hitler underground.

Walter Reuther never lost sight of the vision that carried UAW from the cradle of organization to maturity.

"Many of the unions had stars in their eyes in the early days," Reuther told delegates to last April's UAW convention. But tragically, he lamented, many have lost the inspiration of that vision.

To assure that his own union's inspiration doesn't die off with the dwindling number of oldtimers left from the early days, Reuther and the union's executive board launched the most ambitious program of any union to assure continuity of leadership for succeeding generations.

To a young local union editor at the union's convention two months ago, Reuther revealed his personal feelings about any "generation gap" within the union:

"Age is a matter of the spirit. I know young people who are old in spirit, who don't really want to go out and change the world. I want to change the world. I feel it just as strongly now as I did when I was 23. The people who feel as I feel and the people who feel as you do—we have to bridge the generation gap and we have to join forces and do this job together."

"HE WAS THE WORKERS' VOICE IN HIGH PLACES"

This was Walter Philip Reuther, public figure:

He was "my young engineer" to President Franklin Roosevelt, who liked the 33-year-old Reuther's plan for converting auto assembly lines to warplane production.

He was like a loving son to Eleanor Roosevelt. They worked together on many projects for humanity and their friendship covered a span of nearly a quarter of a century.

President Harry S. Truman used his proposals on reconverting the nation's industrial production from war to peace.

President Dwight D. Eisenhower considered him the "idea man" for labor.

President John F. Kennedy was a personal friend who asked his advice frequently. They spent an hour together just a week before the President's assassination.

President Lyndon Johnson admired Reuther as one of the most persuasive and influential innovators in the country, often sought him out for advice.

Hundreds of leaders in many fields looked to Walter Reuther for ideas, for concern, for help, for inspiration, not just in the U.S. and Canada, but around the world.

He formed genuine friendships with many. When Vice President Hubert H. Humphrey and Reuther visited Sweden, the UAW president invited his host and friend, Tage Erlander, then Swedish prime minister, and the then mayor of West Berlin, Willy Brandt, out for a brisk row around the lake.

He worked throughout his life with the few in power for the sake of the many without power. He was their voice in high places.

AROUND THE WORLD, HE WORKED AT HIS DREAM

Walter Philip Reuther followed a dream of a better tomorrow in a better world.

To him, "foreign aid" was not the shipment of guns and gunboats but of food, fertilizer and seed for the hungry, engineers to make arid lands green—and foreign aid was also something in which the labor movement had to have a role because workers could best speak to other workers.

He gave voice to that dream in his first convention speech as president of the UAW when he announced:

"We are building a laborer movement, not to patch up the old world so you starve less often and less severely; we are building the kind of labor movement that will remake the world where the working people will get the benefits of their labor."

He reminded UAW delegates that:

"People of all nations and of all tongues want the same things that we want. They want an opportunity to enjoy economic security and well being . . . an opportunity to live with freedom and justice in human dignity, without fear of tomorrow."

Shortly after the convention, Reuther began the work transforming his dream of international brotherhood into reality.

The 1949 convention adopted a proposal made in 1943 by CIO President Philip Murray for the enactment of an international fair labor standards treaty designed to eliminate the exploitation of workers.

Convention delegates also approved a recommendation to affiliate with the Geneva-based International Metalworkers Federation (IMF), which today represents 10 million metal workers in 51 countries.

That same year Reuther headed the CIO delegation, which with representatives of the AFL and 47 free world labor organizations met in London and founded the International Confederation of Free Trade Unions (ICFTU) to help workers in free countries build their futures through their own unions.

In 1950 Reuther was elected president of the IMF Automotive Section.

Reuther and other UAW leaders worked closely with the ICFTU in establishing schools for organizers in the early '50s.

ICFTU, Reuther reported, "is growing not only in the more highly developed countries of the west, but also in the vast reaches of Asia and Africa where the inhuman exploitation of labor is a perpetual source of trouble and weakness for the free world and a ready source of strength for communism.

"We are building up a cadre of leaders who can keep the millions of workers of Africa and the Far East from communism by giving them a democratic hope and a democratic instrument—militant trade unionism—for realizing that hope."

ICFTU and UAW, in cooperation with the Metalworkers Federation, raised funds for extensive organizing drives on the plantations of Malaya, Ceylon and the Southern Cameroons. Offices were also established in Bangkok, New Delhi, Bombay, Jakarta, Singapore and Tokyo.

Financial aid was provided for union escapees from behind the Iron Curtain, victims of Soviet aggression in Hungary, Poland and East Berlin, Algerian and Spanish trade union refugees and those from the then Venezuelan dictatorship.

UAW also provided legal aid for men and women jailed in South Africa in their struggle against apartheid, legal support for Nigerian trade union leaders and help which resulted in the achievement of self-determination for trade union members in Cyprus.

"We are involved in the struggle for peace because peace has become a condition of human survival," Reuther explained. "What good is a wage increase, or a better pension plan, or an improved seniority agreement if the world winds up as a rubble of radioactive ashes?" He saw hungry men as desperate men—and desperation is the ingredient that makes for wars.

Increased expansion of overseas operations by the Big Three auto firms, International Harvester and hundreds of other corporations posed another formidable problem.

The UAW's 18th convention met this problem head-on by establishing the UAW Free World Labor Defense Fund in 1962.

That same year, the UAW helped the four Japanese labor federations establish an International Labor Wage Research Center where wage earners could get economic data pertinent to their collective bargaining problems.

Reuther was the guiding spirit in the creation of the World Auto Council in 1966 and the World Agricultural Implement Council in 1967. He was president of both groups.

HIS LAST MESSAGE: A CALL FOR PEACE

Just two days before his death, UAW President Walter P. Reuther sent a telegram to the President of the United States, deploring the invasion of Cambodia and the needless killing of students at Kent State University.

It was to be his last public pronouncement. Characteristically, it was a plea for peace at home and abroad.

Following is the complete text of that telegram:

"On behalf of the UAW, I wish to convey to you our deep concern and distress over your action authorizing the use of United States forces and material in a broadening of the war in Indochina.

"Your decision to invade the territory of Cambodia can only increase the enormity of the tragedy in which our nation is already deeply and unfortunately involved in that region.

"Your action must stand as a repudiation of your oft repeated pledge to bring this tragic war to an end and not to escalate it.

"Widening the war at this point in time once again merely re-enforces the bankruptcy of our policy of force and violence in Vietnam.

"Your action taken without the consultation or authorization by the Congress has created a serious Constitutional crisis at a time when there is growing division in our nation. Many Senators are understandably aroused. Senator Cooper has clearly pointed out that your action represents a turnabout in your policy and Senator Aiken has warned that your escalation of the war means the end of the Vietnamization policy.

"However this dangerous adventure turns out militarily, America has already suffered a moral defeat beyond measure among the people of the world.

"You pledged to bring America together. Yet by your action you have driven the wedge of division deeper and you have dangerously alienated millions of young Americans. The bitter fruits of this growing alienation and frustration among America's youth have been harvested on the campus of Kent State University where the lives of four students involved only in an emotional protest against the war were ended by the needless and inexcusable use of military force.

"At no time in the history of our free society have so many troops been sent to so many campuses to suppress the voice of protest by so many young Americans.

"With the exception of a small minority, the American people, including our young people, reject violence in all its forms as morally repugnant and counter-productive. The problem, Mr. President, is that we cannot successfully preach nonviolence at home while we escalate mass violence abroad.

"It is your responsibility to lead us out of the Southeast Asian War—to peace at home and abroad. We must mobilize for peace rather than for wider theaters of war in order to turn our resources and the hearts, hands and minds of our people to the fulfillment of America's unfinished agenda at home."

XUM

TWO FRIENDS WHO PERISHED

In the hush of a timeworn Quaker meeting house, Oskar Stonorov has been eulogized as a renowned architect, a talented sculptor and a "warm and compassionate" friend of the UAW who held a "deep devotion to the whole family of man."

The solemn salute to Stonorov was spoken by Victor Reuther and five other prominent men during a memorial service May 16 in the more-than-a-century-old Friends Meeting House in Philadelphia. Just 24 hours earlier memorial services had been held in Detroit for Mr. and Mrs. Walter Reuther.

Stonorov, 64, the designer of UAW's Family Education Center, was killed in the May 9 plane crash.

Among the mourners was Stonorov's widow, Betty; their daughters, Tasha, Andrea and Katrina; son, Erik, and his wife, Molly, and Stonorov's sister, Anna Jordan.

The surviving daughters of the Reuthers, Linda, 27, and Lisa, 22, joined the Stonorov family in their pew during the services.

Also attending the services were UAW Vice President Douglas Fraser and 21 others representing the union and the builders of the facilities at the Family Education Center.

Just as UAW President Walter P. Reuther did, young William Wolfman, too, loved Black Lake—its woods and trails, its clear and placid lake, its opportunities for hiking and conversing and learning.

It was near there that he died in the flaming crash, a mile or two from the Pellston, Mich. airport, of the chartered plane in which Walter and May Reuther and three others also lost their lives.

The 29-year old Wolfman, an ardent conservationist, was accompanying Walter Reuther on that trip, as he had on many others. A UAW staff member since 1968, Bill Wolfman came to UAW from a background of unionism that encompassed his lifetime.

His father, Earl, has been the longtime president of Council 30 of the Retail, Wholesale and Department Store Union.

One of his constant interests outside the UAW was a camp-recreation area in Detroit for underprivileged children.

Survivors include his widow, Martha; a daughter, Dianne; a son, Dean; his parents, Mr. and Mrs. Earl F. Wolfman; four brothers, Dr. Earl F. Wolfman, Jr., John Edward, and Herbert Parrott, and a sister, Mrs. Beverly Bitner.

Burial was in Detroit's Roseland Park Cemetery.

XUM

TO DRY OUR EYES AND GO ON

Frequently verging on tears as he spoke in somber tones, Victor Reuther had a "family chat" with UAW Solidarity House workers gathered in a memorial tribute to their late president and co-worker on the day before his funeral. He told them:

"We gather not just to mourn and to give comfort to one another, but to take strength from the knowledge that we are not alone . . . because, in a very real sense, you have always been an extension of the family."

Referring to the modern way of life that scatters most families as the youth become adults, Vic said he and his deceased brothers, Walter and Roy, "have been most blessed because we have had an experience that few brothers in the world have sared.

"Ours has been a joy and the good fortune to have spent our whole adult lives together in the same cause, working in the harness together for the same organization.

"We have known great moments of joy and great moments of sadness," he reflected. "It is part of all of us that we learn to dry our eyes and go on."

MEMORIAL FUND

"I want to do something to show how much they meant to me," said the tearful little woman beside Walter and May Reuther's caskets at Veterans Memorial Building. She had an envelope in her hand. "Can I give some money?"

In response to her plea, and those of hundreds of other mourners, the UAW has established The Walter and May Reuther Memorial Fund. Donations will be used for charitable and educational purposes in the causes for which the Reuthers worked: for labor, for human rights and for the betterment of mankind.

Trustees of the Memorial Fund are Linda and Lisa Reuther, Irving Bluestone and Frank Winn, assistants to Walter P. Reuther. Donations, which are tax deductible, may be mailed to The Walter and May Reuther Memorial Fund, Solidarity House, 8000 East Jefferson Ave., Detroit, Mich. 48214.

LEONARD WOODCOCK BEGINS LEADING THE UAW

Though our loss is irreparable, Walter Reuther's work will be carried on.

That was the first message newly elected UAW President Leonard Woodcock had for the membership and for the public at large.

We have a united union whose direction will not be changed and whose ability to carry on the collective bargaining program adopted in April should not be doubted for one moment. That, too, was part of Woodcock's message.

His election to the presidency by unanimous vote of the International Executive Board was announced on May 22 by Secretary Treasurer Emil Mazey who served as acting president since the tragic air crash.

To underscore the UAW's continuing commitment to all the great causes of our society, he announced—at a press conference called minutes after his election—that he would lead a UAW delegation leaving that evening for Georgia to join the "March Against Repression" organized by the Southern Christian Leadership Conference.

"I will be there in Walter's stead because he would have been there," said Woodcock. "And I will also be there to signify that our alliance with the progressive institutions in this country . . . has not only not changed, but that, because of the tragic loss we have had, (we are) doubly dedicated to that type of activity."

Regarding the union's collective bargaining responsibilities, the new president said:

"There has been speculation that the loss of Walter Reuther will significantly weaken our ability to carry forward the collective bargaining program of this union. Of course, Walter made a contribution that was beyond measure," he noted, but the UAW leadership always worked as a team, "and we will (now) have a greater determnation than we might otherwise have had" at the bargaining table.

"We have a united union. Our slogan of 'teamwork in the leadership and solidarity in the ranks' is not just words on paper," Woodcock asserted with great feeling. "It is something with depth and meaning and we have shown that this week. We will show it in the weeks and months ahead and we are determined to win a contract settlement that will get equity for our members and of which Walter Reuther would have been proud."

Woodcock is a veteran of the labor movement who joined his first union in 1933—at the age of 22—when being a union member often meant losing your job.

He became a member of the UAW when that union was being organized and, at age of 59, was the union's senior vice president.

As head of the UAW's General Motors Dept. since 1955, he has had plenty of experience bargaining with the world's largest and most powerful corporation. He has also for many years represented aerospace workers in bargaining with their influential employers. During those years, he built a reputation as a shrewd bargainer and a tough adversary in negotiations.

In GM negotiations, Woodcock scored a first in 1958 by establishing the legal right to negotiate local agreements—in addition to the national master contract—to broaden benefits for UAW members. The right to strike over local agreements also was established. In 1961, the first union contract clause barring discriminatory employment practices was written into the GM agreement and relief time for workers was established as a matter of right.

HE WAS THE HEART AND SOUL OF OUR UNION

Badly shaken, sleepless and grief-stricken, at mid-afternoon, Sunday, May 10, top officers of the UAW drafted this statement for newsmen—hope gone that Walter and May Reuther just might not have been on that plane:

"We cannot at this moment adequately express in words our grief at the loss of Walter Philip Reuther. The shock is too sudden and too overwhelming.

"He was an inspired leader of our union; he symbolized its conscience, its heartbeat, its soul. But he was also a teacher, an educator, a man of deep wisdom who sought greater wisdom for himself and all who came in contact with him. We grieve for him and his family, for ourselves and for every man and woman of the UAW and their families

"We grieve, too, for men and women outside the ranks of this union because Walter Reuther belonged to every man of good will. He belonged to the poor, the deprived, the oppressed of this world—and today they are poorer, as are we.

"He belonged to our older citizens because he brought them dignity and a greater measure of security.

"He belonged to the young because he demanded that they be heard.

"He belonged to millions across the seas because of his devotion to the cause of peace and to the cause of improving the quality of life for all the world's people.

"He was deeply and constantly committed to the cause of justice throughout the world. He measured goodness and righteousness only in terms of human beings and their dreams for a better world—and we measured him by his unselfish devotion to the cause of people.

"We grieve, too, for his life's companion, May Reuther, his wife of 34 years, and share our grief with their daughters, Linda and Lisa.

"Walter Reuther was a great American, a great world leader for justice and peace. To us he was also a warm, generous human being, our close personal friend, our brother.

"We call upon all our UAW brothers and sisters to observe with us a week of mourning in his memory."

IS THE CONGRESSIONAL QUARTERLY WORKING FOR ORGANIZED CRIME?

The SPEAKER pro tempore (Mr. ALBERT). Under a previous order of the House the gentleman from Arizona (Mr. STEIGER) is recognized for 20 minutes.

Mr. STEIGER of Arizona. Mr. Speaker, in the past few weeks there has been a campaign conducted by the liberal press and others to undermine items in President Nixon's anticrime legislative program by printing confusing, erroneous, and misleading information about a number of pending bills, attempting to lump all of the proposals into one overall indiscriminate category: "Oppressive."

For the most part, such liberal commentators and editors try to stick mainly to vague, ominous generalities and half-truths. Such is the tenor of an article appearing in the Washington Star on

June 21, 1970, under the byline of Carl T. Rowan. Mr. Rowan's main ploy is half-truths, but he also makes a number of misleading statements, apparently motivated by emotionalism and personal bias.

Occasionally, some of these newswriters have attempted to rise above the usual innuendo and insinuation and have actually discussed the provisions of various pending crime bills. Such was the case in a recent article appearing in the Washington Post on June 17, 1970, under the byline of Joseph Alsop, a writer not always noted for liberal views. In that article, however, Mr. Alsop wrongly attributed to S. 30, the "Organized Crime Control Act of 1969," two of the provisions contained in the House-passed District of Columbia crime bill—no-knock and preventive detention—and stated that this was the reason the chairman of the House Judiciary Committee, where S. 30 is pending, did not want the bill reported out of committee. Not only did Mr. Alsop get his bills and his committees confused; he erroneously reported the vote by which S. 30 passed the Senate; the vote was 73 to 1, not 76 to 1. His inability to get his facts straight, of course, casts serious doubt on the validity of his opinions.

A similar piece appeared in the editorial section of the New York Times on June 22, 1970, in an editorial entitled "Against the Law." While discussing S. 30, the editorial lists several flaws in the bill which allegedly will "confuse or overturn the rights of citizens in the pre-trial, trial, and appeals stage" as follows:

> Grand juries could publicly accuse an official of misconduct without an opportunity to reply; a grand jury witness could be jailed for three years without trial or bail for not testifying; evidence illegally obtained (by home and office searches or electronic bugging) would no longer he disclosed to a challenging defendant—as the Supreme Court ruled last year was necessary; a judge could throw a man in jail for thirty years, even if a crime called for a short term, on evidence inadmissible at trial.

Mr. Speaker, these inaccurate descriptions of provisions contained in S. 30 were obviously cribbed from an inaccurate and misleading article on the bill which appeared in the June 5, 1970, edition of Congressional Quarterly at page 1499. The pertinent parts of the Congressional Quarterly article appear as follows:

> Grand juries could publicly accuse an official of misconduct without filing an indictment or furnishing an opportunity for the official to refute the charges.
>
> A grand jury witness refusing to testify could be imprisoned for contempt for as long as three years without trial or bail.
>
> All illegally obtained evidence (by illegal electronic surveillance, compelled testimony or illegal searches) no longer would be disclosed to a defendant challenging its use, as the Supreme Court ruled in 1969. Instead, after enactment of S. 30, a court could disclose only that part of the evidence which it adjudged relevant and "in the interest of justice."
>
> A judge could impose a 30-year special offender sentence upon a man convicted of a felony with a maximum two-year penalty as well as upon a convicted bank robber who could receive a 25-year sentence.

This sort of secondhand editorial writing is similar to a lazy student plagiarizing a term paper. In this case, however, the plagiarized information was taken from an erroneous source.

Mr. Speaker, of similar import to the New York Times editorial is an article appearing in the Washington Star on June 20, 1970, under the byline of Clayton Fritchey. In this article, in which he discusses S. 30 and the District of Columbia crime bill, Mr. Fritchey uses the usual number of half-truths and innuendos. But additionally, Mr. Fritchey makes an attempt to list the most dangerous provisions of S. 30. From a reading of these provisions, it is apparent that Mr. Fritchey also got his hands on a copy of the June 5, 1970, Congressional Quarterly. Mr. Fritchey is, however, a little more subtle in his approach to plagiarism than the editorial writers for the New York Times. He has changed the sentence structure a little more, and used different words to better advantage—but the meaning is the same, and it is obvious where both writers obtained their information.

Mr. Speaker, I believe it would be appropriate for me, therefore, to point out briefly the mistakes in the Congressional Quarterly summaries which would, of course, also apply to the various columns and the New York Times editorial, and suggest that, in the future, our editorial pundits would do better to read the legislation and not secondhand summaries.

TITLE I

Under title I of S. 30, the grand jury is authorized to submit to the court, not the public, a report commenting on noncriminal misconduct of a public officer. Contrary to the information contained in the Congressional Quarterly and its New York Times byproduct, such a public official has ample opportunity to refute any charges with the assistance of counsel by designating witnesses to testify on his behalf before the grand jury prior to the filing of any report. Even if a report critical of a public official is accepted by the court, such report is not made public until such official has had an opportunity to appeal and refute in writing a court order authorizing the publication of the report.

TITLE III

The Congressional Quarterly article stated:

> A grand jury witness refusing to testify could be imprisoned for contempt for as long as three years without trial or bail.

This is another inaccurate statement. Under S. 30 a witness, after being held in contempt, could be incarcerated for the term of the grand jury if he persists in his refusal to comply with the court order which, in some cases, could amount to 3 years. As soon as the witness complies with the court order to testify, however, he is released. Additionally, such a witness has the right to appeal and to bail pending the determination of the appeal if there is a substantial possibility of reversal. All appeals are disposed of as soon as practicable but not later than 30 days from the filing of the appeal. The provision is fully in accord with present practice. See *Shillitani* v. *United States,* 384 U.S. 364, 371 (1966).

TITLE VII

S. 30 provides that disclosure of information for a determination if evidence is inadmissible is required when such information may be relevant to a pending claim of such inadmissibility and such disclosure is in the interest of justice. The phrase "may be relevant" is lower as a standard than "relevance." It provides for disclosure where only a reasonable likelihood of relevance is required. It is, therefore, inaccurate to suggest that "relevance" must be shown.

TITLE X

Before an individual can be sentenced as a "special" offender, it must be proved to the court during a hearing at which the defendant is entitled to assistance of counsel, compulsory process, and cross-examination of witnesses that the defendant has: first, on two or more previous occasions been convicted of an offense punishable by death or imprisonment for more than one year, and has been imprisoned for one or more of such convictions; second, committed such felony as part of a pattern of criminal conduct which constituted a substantial source of his income, and in which he manifested special skill or expertise; or third, committed such felony in furtherance of a conspiracy with three or more other persons to engage in a pattern of criminal conduct, and the defendant did, or agreed that he would, initiate, organize, plan, finance, direct, manage, or supervise all or part of such conspiracy or conduct, or give or receive a bribe or use force as part of such conduct. In addition, he must be found too "dangerous"; that is, likely to commit further offenses. It is true that evidence not available at trial could be used in the hearings, but this does no more than reflect present law. See *Williams* v. *New York,* 337 U.S. 241, 247 (1949).

Mr. Speaker, I know this body is not going to let the biased views of uninformed news commentators influence our action on badly needed anticrime legislation. One unfortunate aspect of these recent crime commentaries, however, is the misinformation that the public is subjected to. A writer who expresses an opinion about something he has not read is expressing a worthless, and sometimes dangerous, opinion. A number of administration crime bills presently pending in the Congress comprise urgently needed legislation if we are to make real headway in controlling our ever increasing crime rate. I would hope that the Congress will act on a number of these measures this session and that the press will live up to its obligation to the public by commenting honestly and fairly about the content.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Wisconsin (Mr. **Schadeberg**) is recognized for 15 minutes.

Mr. SCHADEBERG. Mr. Speaker, I have taken this opportunity to address the House on legislation scheduled to come to the floor tomorrow. I refer to H.R. 16065, a bill to amend the National Foundation on the Arts and Humanities Act of 1965. I am in support of this program and would like to share with my colleagues, some of whom have expressed reservations about the program itself, the reasons behind my support.

Mr. Speaker, last year I took to the floor of the House of Representatives in opposition to spending an additional $12.5 million to complete construction of the John F. Kennedy Center for the Performing Arts. My reasons for so doing are not at all inconsistent with my support for the program which we will consider tomorrow.

The American people are a cultured people who have a deep appreciation of the arts. We have a long and deep background in the arts and humanities. We spend enormous sums for paintings, records and books, and spend millions of dollars for tickets for performances of performing arts of all varieties. If and when the Federal Government becomes involved in the promotion of this existing appreciation, I believe our involvement must be in a way that gives expression to the feelings of the 97 percent of America who do not attend performances of the arts, due not to their lack of appreciation, but because of their lack of opportunity to advance their appreciation.

The individual is the source of our Nation's strength. The local community is the place where this strength is exercised. Federal funding of the arts should respond to the individual initiatives and the community accomplishments. I object strongly to spending Federal tax moneys, which come from the people, on programs designed to benefit only a few, and not the people. But where the individual expressions in the area of the arts already exists, and where Federal funding will provide the necessary catalyst to bring the arts to the people, I believe we have an obligation to be of assistance.

When the Kennedy Center was being debated, I objected to continuing Federal funds because I could not justify spending the people's tax moneys for a building which would be used only by an elite few who live in and around Washington and who can afford the high prices for the type of performances expected to be given in the building. I have also voted against Federal programs which call for the Federal Government to support individuals and individual plays and works of art on the ground that the Federal Government must not dictate to mid-America its cultural tastes, at the expense of the people's Federal dollars.

The National Endowment for the Arts and Humanities is another story. From my personal contact with the Wisconsin Arts Foundation and Council, and from an organization known as Affiliate Artists, Inc., which originated in my district, I have come to realize that this program does not dictate cultural tastes, but responds to community accomplishments in order to bring the arts to the people who wish to enjoy cultural performances in their home towns.

I would like to share with you and my colleagues an example of this community response and expression, and thereby explain my support for Federal involvement in a program which I believe necessary to provide the stimulus for businesses to earmark more than one-half of 1 percent of their allowable deductions for cultural activities, and to provide for the continuance of organizations designed to bring the arts to the people.

On Tuesday of last week, June 23, an unusual event took place in the community of Beloit, Wis. The firemen in engine house No. 2 had invited their neighborhood to visit their station late in the evening. Parents, children, relatives, and friends responded. A picnic supper was shared and then the feature event took place. The featured individual was not a magician, a politician, nor a ballplayer. The person the neighborhood came to meet and come to know was an opera star, Miss Dorothy Krebill, mezzo-soprano, whose distinguished cover credits include Geneva, Switzerland; the Metropolitan Opera Co.; the San Francisco Opera; the Chicago Lyric; and now engine house No. 2 in Beloit, Wis.

She was together with that gathering of people, and some seventy other similar gatherings this past year, in and around the community of Beloit, because of a program called affiliate artists, a program that exists to bring performers and people together.

Miss Krebill and her 38 fellow affiliate artists have visited with thousands—literally hundreds of thousands—of people across America this year, performing for them and talking with them in their clubs, churches, schools, union and grange halls, college classrooms, and neighborhood firehouses. She and her associates are visiting with the 97 percent of the American public which does not have the opportunity to attend a performing arts concert each year.

Mr. Speaker, it is because of the critical support the affiliate artists program once received from the National Endowment for the Arts section of the National Foundation, and because the Endowment contributed cooperation in establishing the program, that I speak in behalf of the Endowment. A Federal arts agency which has enough sense to understand that opera houses and firehouses can use each other is an agency I like.

The support of the affiliate artists program by the National Endowment shows that their intent is to recognize the right and privilege of all Americans to participate in the activities of the arts.

Mr. Speaker, I have referred to the program of the affiliate artists which originated in the First District of Wisconsin. I would like to explain the developments behind this marvelous program.

The individual initiative of two Presbyterian clergymen and a young Ohio farmer, the entrepreneurial courage of Miller Upton, president of Beloit College, and the early sustenance given by the citizens of Beloit, made what was but a dream 5 years ago into what must be described today as one of the most significant arts organizations in the United States.

The program's beginning in Beloit set its continuing character. A concert by a young performer, Mr. Edward Warner, was snowed out in a March blizzard. Instead of a star's pout, this young man not only performed for the 30 people who made the concert, he left the rostrum of the First Presbyterian Church, came down front and talked with his audience. He told about himself, spoke of his art and described its relation to and meaning for other lives. This was the first of what is now called an "enformance," a performer with people, giving what the academy knows as a lecture-demonstration, what children and parents know as a "show-and-tell." Next year there will be as many as 60 affiliate artists visiting with citizens across the country in the manner as Mr. Warner did a few years ago.

Specifically, an affiliate artist is a young professional performer employed, and I repeat the word "employed," to build new audiences for America's performing artists. He does this, as I mentioned, by going to the people where they already exist as audiences. It is a sad fact that very few can go to the concert halls. But it is an undisputed fact that ready-made audiences exist outside of the concert halls in the schools, clubs, churches, and colleges. And it is an exciting fact that those who cannot drive to another city to a recital can and will drive to a firehouse for an affiliate artist "informer."

An affiliate artist is an employee. Sponsored by a corporation, a foundation, a church, or a group of individuals, the affiliate artist is an employee of one of the few full-time employment systems for American performers. The performer is presented in a community by a local institution. He is in that community or its region for 56 days a year for 3 years. He in truth becomes a part of the community. His sponsor pays $8,000, $6,500, including insurance, taxes, and so forth, of which goes to the artist in monthly increments, and $1,500 of which goes to the artist in escrow for travel.

There are affiliate artists found in such diverse places as the Los Angeles Arts Center, the Military Academy at West Point, the University of Puerto Rico, and the Seattle Opera Association.

The presenting institutions, which are primarily colleges, universities, and art organizations, pay Affiliate Artists, Inc., a nonprofit tax-exempt, Wisconsin corporation, $2,000 a year. Listen to the groups who have joined in partnership to make this unique program available to the American people: in addition to the entrepreneurial investment of Beloit College and the citizens of Beloit, sponsorship from the United Church of Christ, the United Presbyterian Church, the Lutheran Church of America, Standard Oil of New Jersey, with major grants from the Danforth Foundation, the Paul Bruney Foundation, the Martha Baird Rockefeller Fund, the Kettering Family Fund, the Johnson and the Ford Foundation. And, of course, the National Foundation for the Arts.

In 1968, a critically needed grant of $50,000 for administration and development was made by the National Foundation for the Arts. In the current year, a

XUM

matching grant in cooperation with Sears-Roebuck Foundation has meant the joint sponsorship of 16 affiliate artist appointments.

The National Endowment responded to initiative and achievement already demonstrated. It became a partner with the program and, most importantly, a partner that did not dictate terms, or exercise control, nor stipulate appointments. They required only accountable stewardship of the funds and the maintenance of the character of the organization in bringing performers and the people together.

Affiliate artists now have over 500 artists on file—singers, dancers, actors, and instrumentalists. More than 300 colleges, univeristies, art organizations, and towns have requested affiliate artists appointments. There are now conversations going on with 50 major corporations and company foundations for sponsorship of appointments. It could well be that in 4 to 6 years America's performing arts will reach the people because of a program that brought 300 performers and the American people together.

I believe it. Last September, 30 of the affiliate artists went to the city of Beloit where the program originated for a 3-day training conference and a 1-night "thank you" festival for the community and the college. Citizens and collegians numbering 8,500, the largest gathering to take place in Beloit, attended that festival night in response to the 30 performers who had been with them for 4 days. This year, the festival will be a 2-day event, will start its reputation as an annual event supporting the love that the American people have of the performing arts.

Art has a power that politics, economics, ideologies know of—a power to heal by allowing people to celebrate and enjoy The National Endowment for the Arts, in supporting such programs as the Affiliate Artists, Inc., has in turn justified our support.

I would be remiss in closing if I did not state an objection that people, and I, have to the program, and one which I hope that we will be able to overcome tomorrow. At a time when the Federal Government cannot finish 35 hospitals in this country, and when it does not spend enough money for sewer treatment plants, and at a time when inflation is rampant as a result of increased Federal expenditures, there is the strong possibility that the proposed $40 million in expenditures will prevent the program from being enacted.

There is no question in my mind that the National Endowment is a good program and deserves our support. But I hope that efforts will be made to reduce the expenditures to a level at which it has operated in the past. I strongly believe that the program is too necessary to jeopardize by Federal funding at a level which may be prohibitive at this time. I plan to support the program and will vote for it in its proposed funding level. But I hope that the level will be reduced in order that others will be able to support the program and continue the successes which the National Endowment has shown in the past.

RESULTS OF A POLL IN THE 18TH DISTRICT OF ILLINOIS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Illinois (Mr. MICHEL) is recognized for 15 minutes.

Mr. MICHEL. Mr. Speaker, I would like to call the attention of my colleagues to the results of a recently conducted poll in the 18th Congressional District of Illinois. To date, nearly 18,000 responses have been computerized with the result that the majority of those citizens polled overwhelmingly support President Nixon's move into Cambodia to clear out enemy sanctuaries.

The Cambodian operation drew an 81-percent favorable response. Seventy-five percent of those Illinoisans polled supported the President's plan for ending the war in Southeast Asia.

Two questions directly relating to America's young people showed a decided sentiment in favor of eliminating college draft deferments and against lowering the voting age to 18. Of particular note is the fact that over 55 percent of those persons in the lower age bracket of 20–35 are also opposed to lowering the age to 18. The percentage becomes progressively higher for those in the older age groups.

Although the 18th District of Illinois is basically conservative, nearly 60 percent of its citizens polled feel that wage, price, and credit controls should be imposed as a means for combating inflation. This indicates vividly to me that the inflation issue is of paramount importance on the domestic front.

We in Congress have certainly got to be doing a better job of holding down Federal spending as our contribution to this effort. Over the last several days the actions of the majority have certainly not been directed toward this goal.

I am pleased to report that the vast majority of the responses from my district are in support of the proposal which I introduced in 1966 to tie future social security benefits to the cost of living index. This proposition, as you recall, was incorporated in the recently passed amendments to the Social Security Act.

On the issue of the Federal Government subsidizing incomes, the vote was 55 percent against such a move and 37 percent in favor. On the specific question of whether Americans fully understand President Nixon's welfare reform proposal, it is quite obvious they do not understand it, as indicated by their negative vote of over 77 percent. While I had intended to support the original proposal which was designed to get persons off the welfare rolls and onto the work rolls, I was very distressed to see the legislation so emasculated in the House of Representatives, with no accounting for free food stamps, subsidized rental payments and all the other things, that I was forced to oppose it in the final analysis. At present, it looks like the bill will die in the Senate because of the many fears that have been raised.

On the farm front, taking into account only those returns received from identified farmers, I find 63.1 percent opposed to the present farm program, with 31.6 percent in favor and 5.4 percent undecided. On the question of a 5-year phaseout of Federal agriculture support programs, I find a much narrower margin, with only 52 percent for such a phaseout, and 41 percent opposed. With the current agriculture act expiring at the end of this year, Congress will have to enact new legislation sometime before the end of the current session, and it is obvious from the responses I have had thus far that the agricultural community wants some changes made.

Finally, it would appear that my constituents are wholeheartedly in favor of a constitutional amendment I introduced several years ago calling for the reappointment and reconfirmation of all Federal judges every 10 or 15 years, with a whopping 85.4 percent in favor and only 9.2 percent against.

Mr. Speaker, I include the composite results of the questionnaire at this point in the RECORD:

[In percent]

1. Do you think President Nixon has charted a good course for ending the war in Viet Nam?

Yes	75.5
No	18.1
No response	6.4

2. Do you specifically favor the President's decision to wipe out the enemy sanctuaries in Cambodia?

Yes	81.6
No	13.2
No response	5.2

3. Do you favor continuation of draft deferments for college students?

Yes	30.8
No	63.3
No response	5.9

4. Should wage, price and credit controls be imposed across the board to stop inflation?

Yes	59.7
No	30.9
No response	9.5

5. Should the voting age be lowered to 18?

Yes	26.7
No	69.0
No response	4.3

6. Do you favor the automatic increase or decrease of social security benefits to reflect changes in the consumer price index?

Yes	67.9
No	25.1
No response	7.0

7. Do you think the Federal Government should subsidize families where the wages of fathers working full-time are below the poverty level?

Yes	37.1
No	55.0
No response	8.0

8. Do you feel you fully understand President Nixon's proposal for welfare reform?

Yes	16.0
No	77.4
No response	6.6

9. Should present farm programs be continued as they are?

Yes	18.7
No	65.4
No response	16.0

10. Would you favor a five-year phase-out of Federal agriculture support programs?

Yes	61.9
No	22.2
No response	15.9

XUM

11. Do you think that all Federal judges now receiving lifetime appointments should be limited to a 10 or 15-year term that would require reappointment and reconfirmation at the end of that term?

Yes	85.4
No	9.2
No response	5.4

SENIORITY IN THE HOUSE OF REPRESENTATIVES

The **SPEAKER** pro tempore. Under a previous order of the House the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, Congressman CHARLES VANIK and I intend to offer an amendment to the upcoming Legislative Reorganization Act which, if passed, would put the House on record in favor of a change in the seniority system. Our amendment would modify the Rules of the House to provide explicitly that the chairman of each standing committee "need not be the member with the longest consecutive service on the committee."

The Rules of the House are now silent on the matter of seniority. Our amendment would break this silence, and indicate to the American people and to the informal Democratic and Republican committees now considering reforms in the seniority system that the House stands ready to modify the way it selects its committee chairmen.

I include a statement explaining our proposed amendment at this point in the RECORD:

STATEMENT OF CONGRESSMEN CHARLES A. VANIK AND HENRY REUSS ON SENIORITY IN THE HOUSE OF REPRESENTATIVES, JUNE 27, 1970

We believe the time has come for the House of Representatives to declare that the threadbare old principle of seniority for picking committee chairmen is a luxury the Nation can no longer afford. Whichever party controls Congress, that party owes it to the Nation to present committee chairmen who represent the views of the majority party, and of whom that party can be proud. Length of service on the committee is surely an important consideration, but it should no longer be the sole consideration.

Accordingly, when the Legislative Reorganization Act of 1970 comes before the House in July, we intend to offer an amendment adding the following underlined language to the present Rule X of the House of Representatives:

"At the commencement of each Congress, the House shall elect as chairman of each standing committee one of the Members thereof, *who need not be the Member with the longest consecutive service on the Committee;* . . . " (Rule X, Section 3, Rules of the House of Representatives)

If adopted, this would be an advisory mandate from the whole House to whichever party is in the majority next January that seniority is not to be the sole determinant in the selection of committee chairmen. It leaves it to each party to determine its own method of selection—for example, by vote of the party caucus, with nominations from the Speaker-elect or from the floor, or each committee could select its own chairman. The possibilities are many.

These questions can and should be decided by each party, drawing on the upcoming reports of the Democratic Committee on Organization headed by Representative Julia Butler Hansen (D-Wash.) and the Republican Task Force on Seniority headed by Representative Barber Conable (R-N.Y).

What is vital, however, is that the House give some assurance to the American people *now* that the seniority system *will* be changed. It is not enough for Members to tell the people that committees are considering the issue and that a decision will be made after November.

The public has an interest in this, too. It has a right to know how Members stand. The issue of seniority is too important to be regarded as solely an internal party matter.

SP4C. W. ROBERT FRIZZELL: AN UNHERALDED MILITARY SUCCESS STORY

(Mr. **CLEVELAND** asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, in recent years, it has become fashionable in some circles to criticize, deride, and heap scorn upon our Armed Forces. These critics look for opportunities to find fault with the military, so that they can show what an inhuman and bureaucratic institution it is. These attacks and ensuing controversy are given full and often sympathetic coverage by much of the national news media.

Regrettably, too little is said of the good deeds and human success stories found among our Nation's defenders. Contrary to the statements of America's professional critics, our professional soldiers are doing their best to defend our country against its enemies. These men are motivated by patriotism of the highest order to commit their lives to service to America. Those of us who have been in the Armed Forces know, that in addition to the hardships, there are many rewarding experiences to be found in the service.

The two letters which follow tell a very touching, human success story. They tell of a man who realistically faced up to his own limitations and handicaps, and, with the help of friends such as my thoughtful constituent Alan C. Day, and much hard work on his own part, successfully overcame those handicaps. Sp4c. W. Robert Frizzell did not have the world handed to him, like so many people do. He has had to work hard for his success, and deserves commendation for it. As the two letters show, Sergeant Rees is a professional soldier who obviously is interested in and devoted to his work. The sergeant to his credit, and better than most critics of the military, really understands human nature. My constituent, Alan C. Day, by his acts and on the record, has put them to shame.

In these times when the doubters receive so much attention, we would do well to remember men like Robert Frizzell, Sergeant Rees, and Alan C. Day, who are defending our country and the cause of freedom against aggression, each in his own way.

The letters follow:

FORT DIX, N.J.,
July 1, 1969.

FIRST SERGEANT: This letter is written in reference to Pvt. Frizzel and conditions that are prevalent to this man's character and training. It is meant as an aid to you and your cadre and not as any referral to preference or influence in his relationship to your control.

I have been his field first since his arrival in the reception station up and to graduation, I have spent considerable time interviewing and counseling this man. He entered the army finally after trying unsuccessfully to enlist for a period of ten years. His mental category was the block in his earlier attempts. As you can see by his records, this man barely passed all phases of basic training. It took considerable effort on the part of all my field cadre to bring this man through.

The point I am trying to make here is that this man (31 years of age) is probably the most respectful and courteous member of this cycle. He fully realized his failings and inadequacies, and continually strived to understand and learn. He studied many hours on his own and practiced all of the performance requirements every possible chance. He volunteered many times to act as demonstrator so that he would have more on the spot corrections and be able to perform all his requirements.

At first he was the target of many laughs and ridicules on the part of trainees and cadre alike. But after both parties realized his seriousness and intent, they got fully behind him and aided him on many occasions and spent a lot of their free time assisting him. I have put through many trainees, but as a Drill Sgt., I feel that the greatest satisfaction I have experienced was this man's successful completion of basic training. He is very slow to grasp things, does not always understand his mission and does many things awkwardly. But overshadowing all of this is his great pride in himself that he has attained something in his life worthwhile. He takes the job of being a good soldier seriously, something today that is taken lightly. Also his realization that he belongs to something that requires hard work and training has given him cause to keep learning and trying to improve himself. The most prized possession he owns or has ever owned, is his Army uniform. On those basis' I recommended this man for promotion to E-2, which he received. I am sure with proper supervision and some understanding, you will be equally proud of this man, as I, and all of the company are, at the end of his tour of duty with your organization.

Sincerely,

S. Sgt. WARREN D. REES.

CONTOOCOOK, N.H.,
April 19, 1970.

DEAR CONGRESSMAN: I met this young man ten years ago by chance and I took an interest in him. He has been a state charge all his life with no parents or family, withdrawn and somewhat handicapped due to his background but basically a kind, good person and somehow I was determined to help him in some small way. He is here now for a few days before being shipped out to Viet Nam, for which I am sorry to see him go over there but I wanted to call this man to your attention and also am enclosing a xerox copy of a letter his drill sergeant gave him after his basic training. I think the sergeant's letter should be in the Congressional Record. We read every day about how bad the military is, well I think everybody should have a chance to read this sergeant's letter as I think it is the most personal and touching letter I have read in a long time and the sergeant should be commended as he is truly a credit to the military and should restore one's faith, if it is needed, in the kind of leadership we have in our armed services.

Sincerely,

ALAN C. DAY.

CHARTER SERVICES

(Mr. **FRIEDEL** asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

XUM

Mr. FRIEDEL. Mr. Speaker, last Monday, the White House released a statement of international aviation policy, carefully formulated on the basis of a review begun 12 months ago by a distinguished interagency committee. One of the major points in this statement is that for the first time, the executive branch has officially recognized that, and I quote, "charter services are a most valuable component of the international air transportation system, and they should be encouraged."

We in the Congress recognized this fact about a decade ago when we passed legislation enabling the CAB to certificate the U.S. supplemental air carriers, and again in 1968 when we passed legislation permitting inclusive tour charters, so this statement merely reaffirms our faith in low cost air transportation via charters. There is, however, a cloud on the horizon in the form of Economic Draft Regulation No. 183, released by the CAB on May 8. This regulation, if adopted, would substantially restrict the availability of charters by limiting the frequency of charter flights, by limiting the permissible size of chartering organizations, and by other more indirect methods. Even contemplating such proposals at this time flies in the face of the policy statement, and I would urge the CAB to postpone further consideration of these regulatory changes until Congress has had the opportunity to review the policy statement and act upon it.

The policies followed by the United States with regard to international air transportation have been fixed by a study conducted in 1963—that is, until June 22—when the White House released a new policy statement based on the results of a study begun last August. A primary point of the new policy is that the United States take an affirmative role in the development of charter services, a major change from the 1963 statement which did not even mention charters. One of the ways the policy statement anticipates that this can be done is through "additional uniformity and simplification of charter rules." These rules are, as you know, promulgated by the CAB and, at best, they are difficult to understand. Nevertheless, on May 8, the CAB proposed new regulations that would virtually strangle the charter market by such measures as prohibiting charters to any organization with more than 20,000 members and controlling the frequency of charter flights. Rules such as this would never appear to be justified but they are particularly inappropriate at this time because they directly contradict a newly announced U.S. policy. I again respectfully suggest that the CAB delay any further consideration of these and similar rule proposals until both it and the Congress have had time to evaluate the new policy.

Without charters, millions of U.S. citizens would be unable to travel by air. Without charters, hundreds of thousands of Europeans would never see this country. Without charters, many of the airlift needs of the military would go unmet. The Congress has consistently recognized this, and we, in fact, created a class of air carriers—the U.S. supplementals—to serve as charter specialists. On July 22, our views were reaffirmed by the White House which announced a new U.S. international air transportation policy encouraging the development of charter services with minimum restrictions and giving charter services by U.S. carriers the full protection of the U.S. flag. This policy is, however, undercut by proposed regulations announced by the CAB last May in EDR–183, regulations which, if adopted, would limit the frequency of charter flights and make it extremely difficult for most organizations, and thereby most people, to qualify for charter flights. In view of the new policy, and in consideration of the Presidential request that this new policy provide guidance to all branches of the Government in dealing with international aviation problems, I would urge the CAB to suspend its proposals and to examine, in concert with us, the new directions in which this policy leads.

BEHIND THE WHEEL OF EVERY 50TH CAR

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, over the past year I have inserted into the RECORD a number of articles about the appalling slaughter which is taking place on our highways. While national attention and interest have been focused on the war in Vietnam, the highways have become a battleground far more deadly than Vietnam. It seems that almost daily indignant speeches are given and indignant articles are written about the slaughter in Vietnam. Yet how seldom do we hear the cries of indignation about the murder and mayhem on our roads, streets, and highways?

The Christian Science Monitor on June 25 began a 10-part series on highway safety with an article on drunken drivers, and the estimated 28,000 people a year they are killing. My view of America's reaction to the horrible death, disfigurement, and destruction of resources on our streets, is well summarized by a quote from the article:

> Since the beginning of this century, traffic accidents have killed more than 1.7 million people—more than the combined death toll of all military personnel in every major war from the American Revolution to Vietnam.

I commend this thought-provoking article to the attention of my colleagues:

BEHIND THE WHEEL OF EVERY 50TH CAR

(By Guy Halverson)

CHICAGO.—It's a bad one, all right," the grimfaced police officer next to me said as we skidded to a stop alongside the twisted automobile. Chunks of jagged broken glass lay scattered across the freeway. "Ten to one says liquor was a factor," he shrugged. "It usually is."

Ahead of us were the red and white flashing lights of squad cars and a fire truck, the vehicles silhouetted starkly against the dark Albuquerque sky. Four men in white, carrying a large respirator, were jumping from an ambulance and running down a steep hillside.

For Deputy Chief M. Fred Johnson, a 35-year veteran of the Albuquerque, N.M., Police Department, as well as this reporter, what we witnessed that chill April night at the interchange of I–40 and I–25 was an unforgettable and heartbreaking scene.

The driver of the smashed vehicle—in his early 20's—had been observed by a police spotter hurtling in and out of traffic along the crowded New Mexico freeway at speeds approaching 100 miles an hour. As he sought to maneuver the sharp interchange, he lost control, jumped a deep ravine, and rolled onto a completely new section of freeway in front of a stream of cars before being hurled through a side door and down an embankment.

Almost miraculously, no other cars had become involved.

LIQUOR NEVER MENTIONED

Despite interviews by reporters with police and relatives, neither of the next day's local newspaper reports mentioned alcohol. Yet the grim fact was that the young driver—who had narrowly missed smashing into other cars—had been drinking heavily prior to the accident. Moreover, he had been driving without a valid operator's license.

That gloomy, wind-swept night in Albuquerque could hardly be called unusual. Throughout the nation, law-enforcement officials could recount thousands of similar episodes—grim records of single- and multiple-vehicle collisions.

There was the Texas family killed in a head-on collision with a drunk driver one Sunday morning in 1969. And the Wisconsin mother and her eight-year-old son killed this year in front of their home when they were returning from a concert. And the three people killed in Louisiana not so long ago when a pickup truck driven by a problem drinker crossed a dividing line and smashed into them head-on.

The United States is in the midst of an undeclared—and almost unrecognized—war in which its highways have been turned into a virtual battleground. Here a small group of social and problem drinkers are yearly killing up to 28,000 people, causing 800,000 accidents, and accounting for economic losses conservatively estimated at between $7 and $8 billion.

Many insurance companies are being forced to tighten automobile underwriting and to post sizable rate increases because of mounting highway losses involving drinking drivers.

"HIGHWAY COMMANDOS" IN MILLIONS

No one knows how many of these "highway commandos" there are. But they number in the millions. Allstate Insurance Company estimates that 1 out of every 50 cars coming at you on the highway is driven by a drunk driver. One prominent police-science expert more conservatively figures one out of every 90 cars.

Traditional sanctions are not halting these highway killers. They drive with or without a license, despite radio and TV warnings, despite fines and jail sentences.

According to Dr. Robert F. Borkenstein, chairman of the Department of Forensic Studies at Indiana University and a leading expert in breath testing, there is virtually no place in the United States where drinking driving is totally prohibited.

The neon parade of bars and package stores along the nation's highways provides corroboration that auto-oriented America—with its 85–90 million drinkers—too often considers the bottle and the throttle acceptable companions.

In most states, indeed, statutory definitions of what constitutes "intoxicated driving" remain at dangerously liberal levels.

WRONG WAY ONTO THE FREEWAY

Jan, an honor student, only shortly graduated from the University of Oklahoma, accepted a date on Thanksgiving Day, 1967. Carefully belted into the seats of her companion's new, low sports car, the two young people were suddenly struck by a large pickup

XUM

truck coming the wrong way on a freeway exit. Jan was killed.

The pickup driver was drunk, an uncapped liquor bottle on the seat beside him. He had repeatedly lost his driver's license and was without auto insurance.

"I've experienced tragedy many times in my family, but this was surely the shock of my life," the girl's aunt, who had raised her from a child, told me. "It was so unnecessary, so senseless. It could have been prevented."

Since the beginning of this century, traffic accidents have killed more than 1.7 million people—more than the combined death toll of all military personnel in every major war from the American Revolution to Vietnam. During the past five years alone, the highway roster included at least 134,000 men, women, and children, according to National Safety Council estimates.

The toll continues. About 150 people a day.

The strong correlation between highway deaths and liquor has never really been hidden to researchers. "We have received a communication containing the history of 25 alcohol-related accidents occurring to automobile wagons," an article in the 1904 Quarterly Journal of Inebriety, noted. "Fifteen persons occupying these wagons were killed outright, five more died two days later. . . . Fourteen persons were injured, some seriously. A careful inquiry showed that in 19 of these accidents, the drivers had used spirits within an hour or more of the disaster. . . ."

ESTIMATES VARY WIDELY

Back in 1946 the National Safety Council estimated that drunk drivers triggered about 18 percent of all fatal accidents. Today, in 1970, one out of every two highway deaths is attributed to liquor. That astonishing figure may well even be higher. Some authorities, in fact, fear that it may be as high as 70 percent of all fatalities.

XUM

One recent study undertaken by the State Laboratory of Hygiene and the University of Wisconsin's Department of Preventive Medicine suggests that almost two-thirds of Wisconsin drivers killed in traffic accidents were under the influence of alcohol at the time. Equally as ominous, the report (based on blood samples taken from 507 drivers killed between February, 1968, and May, 1969) indicates that alcohol is a factor in 56 percent of all fatal accidents involving young people under 18.

Many law-enforcement departments, moreover, such as the State of Washington Department of Motor Vehicles, have clearly established that there is a high correlation between individuals who drive while drinking and those who use drugs.

"We're deeply concerned about the role of the drinking driver," says Willard Howell, director of the Office of Alcohol Countermeasures in the U.S. Department of Transportation. Mr. Howell's anguish is widely shared among safety experts. Ronald H. Parsons, stocky Sheriff of Kent County, Mich. (encompassing Grand Rapids) told me he thought alcohol was probably a factor in between 50 and 60 percent of all fatalities handled by his department.

PICTURE "BLEAK AND DISMAL"

In New Orleans, where the 1969 death toll of 108 fatalities was the highest since 1929, Dudley Andry, director of the Metropolitan New Orleans Safety Council, admits being depressed by the constantly spiraling statistics. "The picture here is bleak and dismal," he said one day in late March of this year. On the small table in front of him was a chronological rundown of fatalities in New Orleans for the past year.

The hefty volume resembled a telephone directory in size.

"Look at them," he said quietly, deep anguish mirrored on his face.

"January, 1969, a white male doctor, 8:15 p.m., alcohol blood concentration .10 percent."

"22-year-old woman, alcohol concentration, .12 percent."

He flipped the page.

"White male, age 54, killed by liquor."

"How do we stop it?"

How *do* we stop it?

The research that has gone into this 10-part series indicates that it is not being stopped largely because the American public remains puzzlingly apathetic. That apathy is apparent at every level of society.

Despite an imaginative $18 million program under way at the Department of Transportation (to be discussed in a subsequent article), there is virtually no long-range, coordinated federal and state program to deal with the drunk driver. Leadership from Washington is desperately lacking.

LOCAL PROBLEMS ABOUND

Despite two landmark laws—the Highway Safety Act of 1966 and the National Traffic and Motor Vehicle Safety Act of 1966—Congress continues to spend little for highway safety.

Indeed, while Congress authorized some $267 million for the first three years of the National Safety Act, only $92 million has been released for obligation, according to the National Safety Council. At least 40 safety bills have been passed in the last few years, but none of them has received adequate financing.

State and local community programs fare no better. The liquor industry in many states is quietly sabotaging legislative efforts to enact legislation aimed at drunken drivers. In over two dozen states it's possible to renew drivers' licenses by mail. The safety council of one major Southern town of over 300,000 people is operating on a shoestring budget out of an office that reminds one of the dreary setting for a 1940's private detective film. The punitive legal approach in most communities is strictly out of the 1940's, too. Fines and license revocations seldom deter problem drinkers, who desperately need clinical or therapeutic aid.

Paradoxically, courts and juries are loath to convict known drunk drivers, even when the evidence is overwhelming. One magistrate north of Seattle often deliberately defers findings on drunk-driver cases so that a lesser charge can be given. (This practice has triggered the ire of the Washington State Patrol.)

Out of one group of 1,000 drivers in California who killed someone while driving under the influence of liquor, only one-fourth receive felony convictions for drunk driving. Less than 5 percent ever went to jail.

Last year a Midland, Mich., woman, whose car was hit by a drunken driver while driving along an interstate highway, found on checking state records that he had garnered five previous convictions for drunk driving and had rung up an extra 15 points against his record within a two-year period. At his last trial—the one involving the Midland woman—the judge fined the drunken driver only $30, plus $70 court costs and suspended his license for 90 days, the woman told me. (The license suspension was subsequently extended to one year by the Michigan Secretary of State.)

State motor vehicle licensing record systems are too often tangled monstrosities. Recordings of sentences, fines, and license revocations are either not entered at all, entered erroneously, or disappear through peculiar circumstances at a later time. Indeed, the lack of effective coordination within and between the records people of the different states is matched only by the deep-seated rivalries and lack of coordination between many of the highway safety specialists and alcoholism-teratment experts themselves.

"NONRECORD" CLEARS EXECUTIVE

Several years ago a highly respected, $20,000-a-year Midwest executive with a well-known corporation ran his rented car off a 30-foot enbankment on a California expressway. He was arrested and booked for driving while intoxicated. He engaged a lawyer at an extremely high fee. The lawyer had the case delayed until such time as it would be cleared from the docket. Within three months the whole episode had been forgotten with no record of the accident.

This reporter's research indicates there are thousands of "nonrecords."

Law-enforcement departments—too often understrengthened, underpaid, overworked—frankly concede that they find less and less time to deal with highway safety, especially now that "rising crime" is so firmly etched in the public consciousness (even though serious crime statistics lag far behind motor-vehicle accident statistics).

In one major Texas city I spent an evening "riding shotgun" with an officer who admitted that in over a year of patrolling a beat (in the area of heaviest concentration of bars in that city) he had not given out one ticket for drunk driving. He was no exception. I found that true almost everywhere I went—Los Angeles, Dallas, Chicago, Washington, D.C.

NO NATIONAL PROGRAM EXISTS

Most experts say one reason the drunk driver is not being curbed is that there is as yet no realistic hard-headed attack on alcoholism in the U.S., such as has been the case in most European countries. Until the deeper question of alcoholism is attacked, new police equipment, stiffer court sentences, and millions of license revocations won't really resolve the problem.

The Monitor has learned through a Department of Transportation source that a confidential special task force report on highway safety prepared for the President has severely criticized the entire punitive approach in dealing with the drunk drivers. This is a conclusion shared by most rehabilitation experts.

Testimony last year before a special subcommittee on alcoholism and narcotics, headed up by Iowa Sen. Harold Hughes (himself a reformed alcoholic), clearly indicated that there is no comprehensive federal program in this area, even though the United States now leads the world in the number of alcoholics.

The entire federal expenditure in the alcoholism treatment area is estimated at a minuscule $4 million annually.

Compare that $4 million to the estimated $8.2 billion in tax revenue that government at all levels—local, state, federal—collects from the sale of alcoholic beverages.

Compare that $4 million to the $7 to $8 billion in economic losses caused on American highways annually by drinking drivers.

"NO SAFETY CONSTITUENCY"

"There just is no highway safety constituency," laments Howard Pyle, president of the National Safety Council. Mr. Pyle, leaning back in a chair in his large office at NSC headquarters in Chicago, recalls that in his four years as governor of Arizona, back in the 1950's, only one person ever bothered to come into his office to discuss road safety. And until the recently stepped-up advertising campaign against drunk drivers by the council and private insurance companies, Mr. Pyle doubts that the situation had changed very much.

Mr. Pyle concedes that the NSC has been trying to get a coordinated national attack against drunk drivers under way for "about three years." He says, "We thought we would be stronger if we had widespread support. But the only major group that we've been able to get with us so far is the American Medical Association.

"Ninety million Americans drink—and they just don't like the privilege abridged. That's what you call a constituency in reverse."

MINE SAFETY LAW NOT BEING ENFORCED

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, 6 months ago the Federal Coal Mine Health and Safety Act was signed by the President. The safety features of the new law became effective on April 1, 1970. Following the tragedy at Farmington, W. Va., which took the lives of 78 coal miners, the Nation demanded action to protect those who dig out the coal in America's most hazardous occupation. A new public policy was given effect in the Federal Coal Mine Health and Safety Act.

It is tragic that this new act is not being enforced in a proper fashion by the Bureau of Mines. I have written the following letter to the President to underline serious deficiencies in the enforcement of the law:

JUNE 26, 1970.

Hon. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Since the safety provisions of the Federal Coal Mine Health and Safety Act went into effect on April 1, more coal miners have been killed than during a comparable period last year. It is clear that these deaths are the result of a failure by the Bureau of Mines to enforce the law.

I appeal to you as the Chief Executive, sharing my concern for law and order, to see that the letter and the spirit of the law are enforced. I appeal to you to give positive meaning to your eloquent support of coal mine safety, in your special message to the Congress on March 4, 1969, when you so well stated: "Acceptance of the possibility of death in the mines has become almost as much a part of the job as the tools and the tunnels. The time has come to replace this fatalism with hope by substituting action for words. Castrophes in the coal mines are not inevitable. They can be prevented, and they must be prevented."

I appeal to you to end the "benign neglect" which has apparently gripped those charged with enforcing the mine safety law. The coal miners of the nation are once again trapped by the system, as the goal of production outweighs protection. The one agency charged with protecting the public interest has lost its backbone, its will, and even brushes aside its express authority granted by Congress to protect those human beings who labor in the coal pits of the nation.

Perhaps the most flagrant violation of the law which Congress passed and you signed on December 30, 1969, is the requirement for one spot inspection per week of coal mines with a history of hazardous conditions. This provision covers some 200 mines throughout the nation, but instead of 200 inspections per week since the safety provisions became effective, there have been an average of scarcely 20 per week. Coal miners have gone to their deaths in many uninspected mines. The record of injuries is mounting.

As a Representative of one of the largest coal-producing counties in the nation, I can report to you that the coal miners in my area are angry, restless and bitter over this benign neglect. Their hopes were raised after the Farmington disaster of November 20, 1968, when a shocked nation demanded that positive steps must be taken to protect those working in the mines. The Congress acted, and declared as national public policy that "the first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the miner."

Please, Mr. President, don't let this dangerous situation get completely out of hand. The rumblings of revolt in the coal fields are real. Right now the coal industry is mounting heavy pressure to revise and weaken the law in order to put even greater emphasis on production rather than protection. The Bureau of Mines has adopted a posture of complete neutrality, bending to the pressure for production instead of aggressively moving to enforce the law and protect the miners who have little voice.

In this crisis, it is my feeling that only the President of the United States can effectively step in and insist that the law be enforced for the protection of the coal miners of the nation. When you signed the Federal Coal Mine Health and Safety Act on December 30, 1969, you stated: "It represents a crucially needed step forward in the protection of America's coal miners." Nearly 150,000 coal miners throughout the nation eagerly await your decision.

Sincerely,

KEN HECHLER.

WE HAVE CHOSEN THE WAY OF ATHENS

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, it was an honor for me to be present last Saturday afternoon, June 27 at the dedication of the new McGhee Hall residential unit on the banks of the Ohio River at the Green Acres Center for the Mentally Retarded. The hall is named in honor of Mrs. O. W. "Sadie" McGhee, chairman of the board of directors of Green Acres, who has worked many long hours to make this dream come true.

The main speaker on the program was West Virginia's mental health director, Dr. Mildred Mitchell-Bateman. She very aptly pointed out that in choosing the "way of Athens," we like the Athenians have considered the physical body, regardless of its handicaps, as "the temple of the soul."

The dedication of McGhee Hall in reality exemplifies the dedication which many devoted people like Sadie McGhee have shown. These loyal individuals worked closely together to overcome red tape, frustration, lack of funds and countless other obstacles so that they might provide the highest quality of care for the handicapped of the area.

The list of hard-working individuals and organizations who worked to bring this dream to reality is a long one, and I will not attempt to name all of those who took part. But we should not overlook the many hours of free time donated by Steelworkers Local No. 40, the Beverly Hills Women's Club, the Huntington Junior Chamber of Commerce, the Junior Women's Club, the Pilot Club, the Cabell County Board of Education, and the Cabell, Mason, and Wayne County Courts.

In addition to the article in the June 28 issue of the Huntington, W. Va., Herald-Advertiser concerning this ceremony, I would also like to include an item which appeared in the June 29 New York Times concerning the shortage in funds for mental health centers. This Congress must be alert to the serious needs in this area.

[From the Huntington (W. Va.) Herald-Examiner, June 28, 1970]

GREEN ACRES CENTER DEDICATES "MCGHEE HALL"

"We have chosen the way of Athens," West Virginia Mental Health Director Mildred Mitchell-Bateman declared Saturday as she dedicated the new McGhee Hall residential unit at the Green Acres Center for the Mentally Retarded at Lesage.

Dr. Bateman explained her remark by pointing out that the people of Sparta "managed to find ways of doing away with their handicapped people." On the other hand, she noted, the Athenians considered the physical body, regardless of its handicaps, as the temple of the soul, and they developed ways to care for their handicapped. Thus, she said "We have chosen the way of Athens in developing facilities such as Green Acres."

A crowd of nearly 200 turned out in threatening weather for the dedication of the new unit, named in honor of Mrs. O. W. McGhee, chairman of the Green Acres board of directors and a leader in the development of the center.

Mrs. McGhee declared, "This is the most wonderful day of my life. It's like going downstairs on Christmas morning and finding on the Christmas tree the gift you've dreamed of having for so many years."

While visibly touched and pleased with the new McGhee Hall, Mrs. McGhee noted that much remains to be accomplished in the development of Green Acres. "We must have the will to set out bodly on this venture," she said. "This is only the first step, the first chord of a symphony."

Dr. Bateman was introduced by Dr. Allen Blumberg, former coordinator for the West Virginia Commission on Mental Retardation and another of the key figures in the establishment of Green Acres. The Green Acres board voted June 17 to recognize his contribution to the program by naming the new administration building in his honor.

Also speaking during the brief ceremony was David H. McGinnis, former chairman of the Green Acres board, who stressed that Green Acres was a community effort, pointing out the many organizations and individuals in the area which have made the center a reality.

Dr. Bateman too stressed the role of the community. "The state has planned well and we have a good foundation on which to build," she said, noting that the programs for the mentally ill and mentally retarded will proceed, however, "only to the extent that volunteers such as those who have built Green Acres make these plans work."

She pointed out the many frustrations and the massive amounts of work that go into the development of such facilities. Holding her hand above her head, she remarked, "I'll bet if we assembled all the papers that have gone into developing Green Acres alone, the stack would be this high." On the other hand, she said "It's all worth while. It's worth all that needs to be done."

Dr. Blumberg presented her with a serving tray manufactured by the Green Acres workshop, commenting: "You can use this for the next stack of papers for Green Acres."

The center currently is serving more than 90 mentally retarded children and young adults in several programs geared to their various needs and capacities.

The invocation was given by Rev. B. R. Kincaid, pastor of the Wesleyan Church at

Lesage, and the benediction by Rev. E. E. Frye, pastor of the Rock of Ages Baptist Church of Guyandotte.

The Pilot Club of Huntington served refreshments during the open house following the dedication ceremonies.

[From the New York Times, June 29, 1970]

SIXTY-TWO MENTAL HEALTH CENTERS, BUILT OR EXPANDED WITH FEDERAL APPROVAL, FACE DENIAL OF PROMISED FUNDS

(By Sandra Blakeslee)

Citizens' groups interested in mental health in 100 communities around the country are waiting in suspense to hear from the Federal Government in the next few days whether years of painstaking work will end in disappointment.

Each community has either just built a new neighborhood mental health center or has made plans to expand an existing one. Each has had its project approved for staffing funds by the National Institute of Mental Health. Each has raised the necessary matching local money.

But interviews with local and Federal officials in recent days have disclosed that only 38 of the projects will receive the promised Federal grants.

The 62 others, the Government has decided, will be left to dispose of what they have done as best they can. In some cases that will mean abandoning the projects altogether.

The financial dilemma facing these community groups and the officials in Washington who encouraged them demonstrates the complexities and frustration at a time of economic fluctuation.

TWO FEDERAL POLICIES

It is Federal policy to promote local initiatives. It is also Federal policy to hold down Government spending. The new mental health projects were caught in between.

One of them, the Raritan Bay Mental Health Center at Perth Amboy, N.J., has generated wide community approval.

"We have had every community action group going supporting us on this thing," said Dr. Robert P. Nenno, interim director of the center. "We've covered every angle we could think of in terms of supplying the mental health needs of the people in the community."

The new center, constructed at Federal expense and meant to serve 200,000 people from South Amboy, Woodbridge and Cartaret as well as Perth Amboy, has taken four years to plan, Dr. Nenno said.

The center is to provide a day hospital program; two classrooms for disturbed children; a children's clinic; an adult clinic; clinic for drug addicts and alcoholism; six poverty-area centers; a 24-bed inpatient ward at a nearby hospital; a 24-hour crisis walkin clinic; a crisis intervention telephone service; an aftercare clinic for patients released from state mental hospitals, and family planning, immuniztaion and prenatal care services.

$592,000 IN LOCAL FUNDS

The price to the community for these mental health services is $592,000 for the first year. The money has been raised. Some people have been hired, others have been promised jobs. But now the Federal contribution, $808,000, is in doubt.

"We're in the ridiculous and disgraceful position of having a building and maybe not being given the operating money that was promised," said George Otlowski, supervisor of Middlesex County.

If the Raritan Bay Mental Health Center does not get the Federal grant, Mr. Otlowski said, the new two-story building with its polished halls and brick facade may be turned over to the police for use as a training academy.

How did all this happen? According to officials at the National Institute of Mental Health and at the Department of Health, Education and Welfare, the answer is a case study in the pull and haul of Federal budget-making.

In the fiscal year 1970, which ends tomorrow, the mental health institute was allocated about $47.5-million in staffing grants to mete out to both continuing centers that had been guaranteed aid and to new or expanding centers that had only been promised aid. After the continuing programs were accommodated, $19.3-million was left.

ONE HUNDRED TWENTY FIVE NEW REQUESTS

During the fiscal year, 125 new grant requests were made and approved by a reviewing committee at the institute. The committee considered only whether the community projects were ready to get under way.

But the $19.3-million would fund only 63 of these projects. To pay for all 125, the institute said, an additional $20-million would have been necessary. In the past the extra money might have been advanced from the next fiscal budget, but this time no funds were available.

Of the 63 projects that will be funded, 25 have already been notified. Thus 38 "winners" and 62 "losers" are still waiting to be told.

According to officials at the institute, decisions on which projects would receive funds were based on such factors as participation in model cities programs (affiliated centers were given priority) and need as determined by state recommendations. An attempt was made to give each state at least one grant, officials said. Politics, they said, played no part in the choices.

In his 1971 budget message last January, President Nixon asked for no new construction funds for community mental health centers but he did request $60.1-million for staffing grants.

Thus at first glance it would seem that the institute had money in the new fiscal budget to pay for new staffing grants. But that is not the case. The funds will go to continuing programs, which the institute is obligated to support.

ACTION BY CONGRESS

As another complicating factor, Congress has amended the Community Mental Health Act to authorize increased spending (As distinct from appropriating increased funds) for construction and staffing of neighborhood mental health centers.

Despite the tight budget, institute officials say, Congress has thus encouraged communities to keep planning, building and expanding mental health centers,

The authorized funds have not and may not ever come through, the officials say, but they are now obligated to make provisions for grants at the new, more expensive levels.

President Nixon, as he signed the legislation last March, voiced reservations, saying he thought that it would raise false hopes and that Congress could not be expected to appropriate the authorized funds.

The President's budget request of $60.1-million is now before committees in both the House and Senate. Informed sources at the institute are hopeful that Congress will increase their appropriations despite the President's objections.

But what Congress appropriates and what the Bureau of the Budget ultimately allocates, they say, may be two quite different figures.

Meanwhile, in Perth Amboy and presumably other communities awaiting word on the fate of their mental health projects, suspense is beginning to be colored by bitterness.

"It is quasi-criminal," Mr. Otlowski said, "to give people this kind of hope, to put up the building and then have it stand there like some monument for pigeons."

THE FUTURE OF HUMANITY

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, last Saturday night proved to be one of the most enjoyable evenings I have ever experienced, attending the West Virginia State convention of the Izaak Walton League in Huntington. We were treated to a brilliant address by Robert L. Herbst, national executive director of the Izaak Walton League, the text of which follows. Also are the news articles on Saturday's meetings which appeared in the Huntington, W. Va., Herald-Advertiser:

THE FUTURE OF HUMANITY

(Address by Robert L. Herbst)

The decade of the 1960's was really the "decade of space". We proudly landed men on the moon and brought them safely back. This planet visited another. Now, we are entering a new decade—perhaps the most important decade in the history of man. The 1970's will be a decade of "Environmental Decision". Either this nation, and indeed the world, makes a total commitment to maintain and improve our quality of life, or we will go the way of poverty, degradation, and decay—threatening the existence of the human race itself. I would strongly emphasize that whether or not the 1970's are named "The decade of environmental decision" makes no difference—It will be!

The future of humanity will rest on the interest and action of man to provide a quality environment.

Listen to this challenge: Let us today focus our attention on man's beginning—and the obligations that have been entrusted to our race.

The very first sentence of the bible states "In the beginning God created the heaven and the earth".

Yes, we have been given the earth and its riches. We have been given dominion over these riches and charged as wise stewards of *the earth—the sea—and all living things*. I would like to share with you the definition of Stewardship as written by Robert Hatch.

STEWARDSHIP

"The earth is the Lord's, says the Psalmist, and all that therein is. The trackless forests, the rivers that wind across our continent, the marsh lands, the prairies and the deserts—all were made by Him.

"Man did not create the riches that are spread before him. All of these have been loaned to him as a trust. None of it really belongs to him. His days are as grass and when the span of life is over he is the owner of nothing on earth. For a time he is called to be a steward of the riches of the earth leaving them as a goodly inheritance to his children. He is given dominion over the works of his Creator, but such dominion is a frightening responsibility. One look at a dust bowl, or at a poisoned stream, or a landscape blackened by fire shows how grave the responsibility can be.

"Conservation teaches the principles of wise stewardship. It counsels foresight in place of selfishness, vision in place of greed, reverence in place of destructiveness. Conservation involves concern for other generations. It sees beyond the immediate and the temporary. It takes into consideration not only our own generation, but future generations as well. It recognizes the rights of people who are not yet born, citizens who will inherit this land a thousand years from now. It reminds us that they too have the right to enjoy what we enjoy, to profit from the same things, to be inspired by them as we are inspired and to love them as we love them today. Conservation is designed to preserve the riches of the earth for human happiness and welfare to the end of time."

Natural resources are the foundation of our world economy and provide us with much of our recreation. The manner in which we develop, protect and use our natural resources is extremely important. The well-being of our citizens and our standard of living is directly involved.

To put it bluntly: Our standard of living can be no higher than the standard of our natural resources.

Natural resources supplies are, for the most part, on the decrease. Add to this factor an expanding population, modern and more rapid means of transportation, increasing income, leisure time and development of new natural resource uses. It is obvious that the demands on our natural resources are accelerating at an alarming rate.

The competition of conflicting demands is also evident. The inherent controversy in land and water use is illustrated in Minnesota's Boundary Waters Canoe Area; in The Everglades; in the proposed Voyageurs National Park; in the Redwoods; in Big Walnut Valley; the Cascades, the Allagash; the Wild Rivers; by the timber industries need for increased supplies for the future; by the mounting pressures occasioned by water use; new mineral discoveries; space technology; and the advent of machinery that can go anywhere.

I have found the interest in natural resources intense, the demands for their use heavy and accelerating, and the need for a proper balance of use consistent with a minimum of adverse effects critical.

In the past, as you well realize, our predecessors and ourselves have been careless with the care of our natural resources. We have excessively harvested much of our forest land; we have thoughtlessly burned our grass, brush, and forest areas; we have slaughtered some of our wildlife species, several to the point of extinction; we have tendered the care of our soils poorly, which in some cases had led to economic disaster; we have wasted our water and in many cases disposed of it with no thought of future consequences; we have mined and left areas in scenic ruination; we have left litter here, there and everywhere; we have painted our name and other priceless information on rock formations, bridges, statues, etc.

I would like to cite a few misuses of our environment to illustrate our lack of concern:

1. *Litter & unsightliness* is a national disgrace—an "ugly blot" on our landscape. We thoughtlessly leave our garbage next to roads, scatter pop bottles on our beaches, leave wrappers here and there and everywhere, shoot up highway markers, scribble our name and other priceless information on rock formations, carve love notes on trees, etc.

Specifically:

Litter—Caused by Ness Family—Careless-*ness*! Selfish-*ness*! Malicious-*ness*!—costs to pick up one-half billion dollars a year.

At Yellowstone Park—Visitors managed to upset the natural mechanism of geysers. Park rangers even went so far as to sweep up pebbles so there would be no more to throw into the geyser. But, without pebbles, the blacktop path was torn up by visitors and the fragments tossed into the geyser.

At Moran Point in the Grand Canyon—Adventuresome teenagers, dangling precariously from ropes, painted their names in foot and a half high letters. They paid $150 in fines. But, it cost you and I (also known as the taxpayer) far more to erase the damage.

Quinalt Indians Close Beach Strip in Northern Washington because of the litter and misuse of the area by the public.

Along 90 miles of Chicago Freeway—Cleanup yielded 50 dead animals in one month alone. Among the animals picked up were several crates of chickens and a sack of kittens.

In Texas—Highway officials listed the following oddities picked up along roadsides: A transistor radio (playing); a loaded revolver; a fully-equipped doctor's satchel; a case of beer; a trombone and an artificial leg. Somebody really had a party!

2. *Water.—Look what we have done to our water!* Our State of Minnesota is an example: Minnesota, the "land of sky blue waters" is water rich. But are we? In recent history over 3,000 of Minnesota's lakes have disappeared, approximately 100,000 pot holes have been drained and over ten million acres of land has received some form of drainage from 50,000 miles of drainage ditches. The Mississippi River is laden with sickening pollution, famed Lake Minnetonka is now green, and the largest fresh water lake in the world—Lake Superior—is starting to show effects from waste disposal.

Just Recently—Many fish in the Rhine River system in Europe turned up dead from chemical pollution.

Permanent closing of Chicago Beaches by the summer of 1971 is a possibility because of increasing pollution on Lake Michigan.

According to the World Health Organization, one of every four hospital beds throughout the world is occupied by a patient suffering from a water or filth borne disease. (Medical News August 1, 1969)

Only one of seven in the world today enjoys water from a faucet.

3. *Chemical Pollution*.—The chemical field is certainly one where our technical ability is overshadowing our foresight. Many chemicals are on the market and in use today for which environmental effects are unknown or little known.

The case against the "hard herbicide and pesticides" is strong. Thousands of pages, research, testimony, and examples show that the trend is one of "poisoning" our earth. It is true that many of these chemicals have been beneficial and in some cases been proclaimed "Miracles." But it's also true that they remain toxic for many years and post critical environmental implications. Even Penguins at the South Pole are carrying DDT in their bodies.

This generation is the first in history to have radioactive strontium 90 in their bones, DDT in their fat, asbestos in their lungs, and radioactive iodine in their thyroids.

4. *Land Filling*.—Is a creeping destruction of all estuarine areas in the United States. It is a practice that results in pollution, fisheries effects, wildlife habitat destruction, erosion of aesthetic values, etc. One example is the bay and estuaries of California: One fourth has been filled in during the past 100 years.

5. *Air Pollution*.—Has become a serious problem not only in individual areas but throughout the United States. This problem is affecting our Nation's health, airline safety, and many other values. One example of the fact that high concentrations of air pollution are affecting health and human life is in New York City. According to "Pennsylvania Health—Summer of 1969" in November of 1953 between 160 and 220 excess deaths were attributed to pollution. In 1963 more than 400 excess deaths reportedly took place during a 15-day period of extremely high pollution levels. In London, England thousands of deaths have been attributed to air pollution.

6. *Solid Waste*.—The comment that we may become knee deep in garbage is not too far fetched. Every day—each of us generates about 4½ pounds of solid waste. This means something like 800,000,000 to a billion pounds a day in the United States—and the future will hold a considerable increase.

It is true—man holds the fate, and future benefits, of all resources in his hand. Which, in turn, means he controls the future of his own race.

An example of this responsibility can be illustrated by the bottle I hold in my hand. I hold enough tree seeds to reforest 40 acres—in other words, I am holding the potential of a 40-acre forest in my hand—just as we hold the future of all resources in our hands. This potential forest, as the seeds would sprout and grow into mature trees, can provide many things for us. It might provide one or several forest products (and there are over 5,000); it might control erosion; it might provide food and cover for wildlife; it might store precious water; it might provide many recreational opportunities; and it will be esthetically beautiful. All, if we do what?—Practice conservation!

Conservation today can be defined as "the wise use of our total environment of which we are an integral part". In order to maintain and increase the benefits from our natural resource supply, we must continuallly identify problems and accelerate our conservation efforts.

During these times of unprecedented change, it has become increasingly apparent that man must have a greater understanding of his environment. Technology has outpaced man's understanding of environmental implications, his cleverness and greed has grown faster than his wisdom. Our preoccupation with material gain, and our American obsession with dollar returns is too often at the expense of our outdoor heritage. We have radically altered the face of our earth both quantitatively and qualitatively.

If we are to coexist in our environment rather than exist, we must gain an understanding and an appreciation of our environment.

Looking to the future, I would conclude that the natural resource challenges confronting us are, in a very real sense, frightening to contemplate. We cannot afford a selfish, narrow field of vision. We simply cannot afford to be wrong. It is my conviction that *the future of humanity itself is at stake.*

The greatest crisis of our time is to be found in our environment. It is to be found in the quality of our environment—or in the lack of it. And the greatest challenge of today is to confront the crisis. And to do something about it—*Right now!*

Our job is to get across to every man, woman and child that conservation is not a superficial something involving shooting a duck or catching a fish. Conservation is not something out there—*outside* the cities—out in the rural areas.

Conservation concerns, in addition to rural areas, go to the very heart of our cities. Conservation is concerned with the slums, the ghettos, the islands of despair in our metropolitan areas.

The broad conservation concern is the ecological ethic—man and his interrelationships with his environment. We have been saying that conservation is the wise management of our natural resources. But we must say more!

We must insist that conservation is the wise management of our total environment. And we must insist that the root of environmental concern; the root of activation long past due—*the root of action is in conservation education.*

What has education to do with conservation? Everything!

How can a child know the joy of fishing, or swimming, or boating when he is confronted by a Mississippi River, laden with sickening pollution? What yardstick does he acquire to measure wholesomeness, and cleanness, and purity and clarity when he must contemplate the blackness of man's effluents?

How can a child know the exhilaration of blue sky and sunlight and good health when the heavens are shrouded with smog,

XUM

when his very world is closed in by gloom in the air and in his lungs?

How can a child know that the roof over his head, the metal in his set of wheels, the plastics of his possessions—the very food and fiber which determines the level of the quality of his life. How can he know these things are the by-products of natural resources when he is fenced in by freeways and concrete and steel.

How can the youngster know, when urban planning takes place with no consideration for open space, with saving the small woodland . . . with saving the marsh? . . . how can he know a feeling for the earth, or for the song of a bird, when built into our suburbs the identical conditions we flee from when we leave the heartland of metropolis. How can he become a conservation-minded adult when we fail to provide a good example. How can he be a steward if we are not.

And to compound our problems, we are confronted by a population explosion on this planet which is staggering in its implications:

Every minute of every day—24 hours around the clock—we lose 3 to 5 acres of green space to highways, shopping centers, housing, factories, urban spread . . . and a good share of this green space is representative of some of the most productive land—land which produces our food and fiber and our outdoor recreation—in the United States.

We can see the enormity of the problem when we look at the cold statistics.

(1) Thousands of years were required to produce the *first* billion people on earth.

(2) The *second* billion people took about 75 years to produce.

(3) The *third* billion was reached in 1960 after only 35 years.

(4) The *fourth* billion will appear on this planet in only 7 years.

(5) By the year 2000, according to United Nation's census experts, we will have *doubled* our present population—and the population of this earth will probably *exceed 7 billion!*

In other words, today's population which was taken since the beginning of time—will double in 30 more years.

With these types of pressures and needs it holds that we must do everything possible to conserve and properly develop all elements of our environment.

However, it seems that four environmental areas call for special attention at the present time.

I. *Water.*—The vital resource which is the basis of all life: This earth has been blessed with an abundance of water. The world's total supply of water has been estimated to be about 322 million cubic miles. The same glass of water we drink today has been with us since the beginning of time—just used, reused, and a little lost in the process. We add no new water to our world supply.

Despite an abundance of water in many forms—its distribution is not uniform and we are, in addition, continuing to waste and pollute. Not only are we a nation faced with the threat of thirst in some areas but we are losing, and will continue to lose, some of our other uses of water—such as recreation.

Proper management and use is necessary to retain a quality supply of water for our generation and future generations.

II. *Improved Wildlife Resources.*—Game and fish are valued by the hunter, fisherman, sightseer, photographer, student, trapper and, in fact—all. Up-to-date game and fish management techniques, research and enforcement of game and fish laws are essential to assure a continuing supply of these resources.

A special effort is needed in this field to maintain and improve these resources for aesthetic and financial benefit to our states and our Nation as a whole.

III. *Urban Development and Its Effect on* and industrial development with care to *Natural Resources.*—Planned urbanization minimize adverse effects on the environment is extremely important. With our mushrooming population, a reduced supply of natural resources, new uses, more free time, it holds that more effort will be needed to develop wise land and water use.

IV. *Aesthetics.*—The beauty of our countryside, urban areas and metropolitan centers is important for industry, tourism, and the enjoyment of life by our citizens. Pleasing architecture, proper design of roads, antilitter, landscaping, preservation of open space, providing for outdoor recreation, and the controlled development of scenic areas are most important to our quality of life.

Within these four critical environmental areas are many current crises—among the most important for us to place high priority for action on, are:

Air and Water Pollution.

Invasion of our Estuaries.

Landscape Preservation and Reclamation.

Urban Threats—Atomic Generation, Airport Location, etc.

What needs to be done—The nations of the world must get together on protecting the environment. It is vital to the security of all. Each nation shares with all others a common interest and concern for basics—water, air, food, fibre.

Just this past November, a UNESCO Conference was held in San Francisco. 1972—all nations through the U.N. will be meeting to discuss our environment in Stockholm, Sweden.

As an example of some of the things that need doing, I would cite my recommendations to the President of this country. Similar areas for study and action exist in other countries.

1. Federal agencies centralization needed. Cabinet level coordination needed. Agencies having dual role of promotion and regulation should be closely examined. (This is the wearing of "Two hats".)

2. Pesticides, herbicides and other chemical regulation.

3. Urban expansion. Encouragement of new cities—separate from existing. Federal assistance to increase mass transit and reduce number of cars in use. Proper land and water planning—taking into account the need for open space in urban planning.

4. Recognition of esthetic and ecological factors in public works planning. Not only recognition, but a heavier weighing of these values in the decisionmaking process.

5. National commitment to environmental conservation education. All citizens need an understanding and an appreciation of our environment. "Leisure Time" education is important. Encouragement for the training of specialists in the conservation field.

6. A system of program evaluation needs to be developed.

7. A new system to measure economic progress is needed—a measuring stick for nontangible areas.

8. Federal role in air and water pollution—National and regional regulatory effort is needed as problems do not stop at municipal or state borders.

9. Consumer protection is needed for environmental threats.

10. Federal appropriations: Pollution construction grants. Land and water conservation fund. Yet, unauthorized federal recreation areas.

11. Mining laws need complete revamping.

12. Airport location—Environmental effects need close examination and weighing in the site selection process.

13. Environmental technology research branch or agency which can set forth desirable performance parameters for all forms of waste treatment systems should be established.

14. Tax structures for industry—environmental appreciation incentive.

15. Agencies need to make "multiple use" work better. More application of technology and capital investment must be applied to secondary demands.

16. Joint management plans should be developed by both federal and state agencies for wetlands in a state. (Other resource areas could also be handled similarly.)

17. Intensify efforts to stimulate youth thinking and action by creating awareness in them individually and in their organizations to the end that they become directly involved in the critical environmental issues of our time. The nation is becoming younger.

18. Encouragement of states to adopt—flood plain zoning—lake shore zoning—public water use zoning.

19. Encouragement in the area of "waste utilization".

20. Outer Continental Shelf—areas of social and biological values need to be identified and preserved. Shelf itself needs firm identification.

21. Study and action—to provide optimum population levels—and location.

I stressed that these and other areas need examination and action. However, *in total—I urged the administration to develop an all-out effort to maintain and improve quality of life for mankind.* In our world as a whole—all governments, industries, and citizens need to make the decision for environmental quality.

IN CONCLUSION

In the end,
There was Earth, and it was with form and beauty.
And men dwelt upon the lands of the Earth, the meadows and trees, and he said
"Let us build our dwellings in this place of beauty."
And he built cities and covered the Earth with concrete and steel.
And the meadows were gone.
And man said, "It is good."

On the second day, man looked upon the waters of the Earth.
And man said, "Let us put our wastes in the waters that the dirt will be washed away."
And man did.
And the waters became polluted and foul in their smell.
And man said, "It is good."

On the third day, man looked upon the forests of the Earth and saw they were beautiful.
And man said, "Let us cut the timber for our homes and grind the wood for our use."
And man did. And the lands became barren and the trees were gone.
And man said, "It is good."

On the fourth day, man saw that animals were in abundance and ran in the fields and played in the sun. And man said, "Let us cage these animals for our amusement and kill them for our sport."
And man did. And there were no more animals on the face of the Earth.
And man said, "It is good."

On the fifth day, man breathed the air of the Earth. And man said,
"Let us dispose of our wastes into the air for the winds to blow them away."
And man did. And the air became heavy with dust and choked and burned.
And man said, "It is good."

On the sixth day, man saw himself, and seeing the many languages and tongues, he feared and hated. And man said, "Let us build great machines and destroy those lest they destroy us." And man built great machines and the Earth was fired with the rage of great wars.
And man said, "It is good."

XUM

On the seventh day, man rested from his
labors and the Earth was still, for man
no longer dwelt upon the earth.
And it was good.

—*Kenneth Ross.*

Upper Moreland High School Pennsylvania.

This thought, written by a high school lad, isn't exactly the case as our care of natural resources isn't all negative. In fact, we have many positive conservation efforts to be proud of. Also, methods of using our resources such as logging, fishing, and hunting can be beneficial to the resource when properly done.

But, again, we are reminded that individually and collectively man is responsible for the condition of his own environment. And we are reminded that nature will react when natural resources are over-used.

Is man an endangered species? *Not* if you and I become concerned and do something about our environment and the environment we leave for our children and their children. *Not* if we enlist the active support of many others to join with us as members of a conservation organization such as the Izaak Walton League. *Not* if we all become involved and active—as good citizens of this United States of America.

If we as American citizens are to continue our leadership in world affairs; if other nations are to continue to look to us for leadership, inspiration and hope, it holds that we must explore every means of conserving and developing our bounty.

Looking ahead, it is essential that every citizen have a basic understanding of the natural resources, their benefits, their problems, and the management practices needed for wise use, development, and protection. *A strong and effective environmental conservation education program needs to be carried out by our League; other conservation organizations; and our schools; churches; conservation agencies; and news media.*

Individually, and collectively, man is responsible for the condition of his environment. Providing a quality environment for our generation and future generations will rest on the interest of man to do so and the tools with which he has to do the job.

CONSERVATION IS NOT A LAUGHING MATTER

I recently had the opportunity to chat with our Wilderness Consultant-Author, Sig Olson—on "Listening Point", the object of one of his outstanding books. As we reminisced about conservation matters, Sig related that he had once been called a member of the "daffodil set of conservationists".

As conservationists, we have sometimes been called: "Old ladies with tennis shoes"; "Extremists"; "Doom predictors"; "Purists"; "Fuddy Duddies"; "Overly concerned"; "cricket chasers"; "butterfly chasers"; etc.

But, are we? I think not! Reflect for a moment on what has and is happening to our natural resources—our woods—water—wildlife—soil—and air. We have radically altered the face of our earth both qualitatively and quantitatively.

LOOKING TO THE FUTURE

World *population* will double in 25-30 years.

Forestry experts predict a doubling of demand for wood fiber in the United States by the year 2000. Apply this pressure and other uses of forests to a forest ⅔ the acreage of what it was when the white man first came.

Water experts guess that the needs for water will triple by the year 2000. Apply this pressure to a resource which is constantly being reduced in quality.

Outdoor Recreation demands will probably quadruple by the year 2000.

Food needs for increased population will accelerate at an alarming rate. Presently, ⅔ of the world's population exist on nutritionally inadequate diets. It appears that this problem will become increasingly acute in the years ahead.

Air—Cough! Cough! We presently replace only 60% of the oxygen in the United States that we use. Some scientists have made dire predictions for the human race if present trend continues.

We are in trouble and the name callers and the sleepers had better wake up—or they won't I say, thank God for the Izaak Walton League, other conservation groups, and the individuals that are concerned for the future of humanity.

What bothers me and many others is—those that are blind or indifferent.

As a nation, we have just recently landed men on the moon. This is a feat we are all proud of. This goal has cost our nation billions of dollars. Compare our Space expenditures to our Conservation expenditures.

Our Space Program has had many benefits. However, now that we have reached the moon, it appears to be an environment not conducive to the type of life as we know it. I don't foresee many of our people moving to the moon. Most of us and future generations will stay here on earth.

Now, couldn't we harness this same type of emphasis, this same type of technical ability, this same type of expenditure, this same type of national pride to solve the conservation problems of the place where we do live—*the earth's environment?*

Couldn't we who have been given dominion and superior intelligence over this earth take care of the resources *we are dependent on for our existence?*

We must have the spirit of "Environmental Quality" in our thinking. We must have the *"future"* in our thinking, and proceed from there. This is *our challenge! This is our obligation!* We must reach people!

Numbers and habits of people are our problem. The solution to both benefits people and, perhaps, determines whether or not we will have people!

We can't put a glass box around the world and look at our planet in a pure wilderness condition—because people must live—economic progress must take place—so we will have to effect the environment. But, on the other hand, these effects must be minimal because, in a sense, the world really is enclosed by a box and we are on the inside. All the resources we have are all we have!

What is the Izaak Walton League doing to preserve our environment?

PLENTY

We've had thousands of projects to better outdoor America. Let's just review a few of our recent activities:

Increased Anti-Litter program.

Co-Petitioner to ban DDT—Wisconsin.

Legal suit in Washington, D.C. to decertify DDT.

Law Suit to stop mining in Boundary Waters Canoe Area of Northern Minnesota.

Legal efforts in Maryland on Wetland filing leading to wetlands legislation.

Effort to stop wetland destruction in New Jersey.

Hunt America Time Program.

New T.V. Film (60 T.V. Stations).

Appearances by self and others throughout United States on radio, TV and before hundreds of meetings on conservation. I've been from one corner of the United States to the other. From the school to the Izaak Walton League chapter to the radio mike to the White House to the ears of many citizens, public officials, media people, etc.

Youth education. School information sheets in the works and proposed education study. Assist in development of conservation legislation.

Citizens' Crusade Clean Water (Increased appropriation from $214 million to $800 million.

Fishing Pier-Los Angeles.

Conservation-Education coordinated in several states.

Work with Boy Scouts of America to develop their 1971 Good Turn Project on Conservation.

New brochures on major issues. Plan on several new general type-color for the League.

Air hearing testimony throughout the Nation.

Analysis of major resource areas such as the Bridger and Monongahela National Forests.

Setting aside of important conservation areas (Hennepin Canal-Illinois, Goose Lake Prairie—Illinois, Wildlife Area—Los Angeles.)

Work to save wildlife such as Purple Fever Project in Kansas.

Regular mailings to officers, state presidents, etc.

Considerable work with national magazines, news media, etc.

Testimony in many conservation bills such as Golden Eagle Passport, appropriations, timber supply act, and state legislation.

United States broken into five regions for League work. (Will hire two regional representatives this year.)

Work with groups such as Kiwanis International to develop Conservation Act.

Encouragement of churches to become involved in environmental issues.

Task Force member St. Croix River donation.

Financial condition improved—1969 saw surplus of income over expenses.

Membership up.

Thousands of mailings to students and teachers on conservation.

Advisor to White House.

Conservation is on the move! The Izaak Walton League is on the move!

Let's shift gears and keep moving to provide a quality of life for our generation and future generations.

Thank you,

ROBERT L. HERBST.

SAY OUR SURVIVAL IS AT STAKE: LEAGUE TO ACT ON RESOLUTIONS URGING ENVIRONMENT PROTECTION

Noting that "conservation today involves a new, impelling dimension—the very question of survival," the Resolutions Committee of the West Virginia Division of the Izaak Walton League this afternoon will present resolutions dealing with environmental issues ranging from the supersonic transport to Ohio River pollution and from birth control to severance taxes.

Some of the major proposed resolutions on which the delegates will vote:

That the West Virginia Legislature adopt legislation creating a severance tax on natural resources, especially on coal; that a portion of such monies be earmarked for the purchase of mineral rights relevant to the Dolly Sods, Otter Creek and Cranberry Back Country areas and such rights be held in abeyance until such time as required for the Congress of the United States to adopt legislation necessary for federal purchases of such rights.

That the President and the Congress declare as a failure present interstate cooperation to save the Ohio River from pollution. And that the Secretary of the Interior be empowered with all rights and funds to establish a task force that will establish (a) water quality standards that provide for water that enhances the opportunity for water contact recreation, safe and palatable drinking water, and water that enhances the growth and reproduction of aquatic life, and (b) assist local and state governments in planning and implementing programs of zoning and land acquisition so as to provide parks and other recreation areas and clean, attractive shore lines.

That the practice of strip mining in the coal fields of Appalachia, and particularly West Virginia and eastern Kentucky, be prohibited in areas where the surface to be disturbed exceeds 20 degrees in slope.

That the supersonic transport, the Cross-

XUM

Florida Barge Canal, the Salem Church Dam in Virginia, and similar public projects which result in severe environmental damage, be repudiated as misallocations of natural resources.

That the nation undertake scientific research and encourage and implement the necessary policies, attitudes, social standards and programs which will . . . bring about the stabilization of the population.

Other resolutions deal with stricter pollution laws, reclamation of "orphan" strip-mined land, greater financial support of the State Department of Natural Resources to enable it to better enforce existing laws, and for a program of conservation education in West Virginia.

Three other resolutions deal with timber and the controversy over timbering practices in Monongahela National Forest:

That the State Legislature recognize the concern of the people . . . for their forest lands, whether it be public or private lands in question, and that a "Timber Management Practice Act" be adopted whereby ALL values of all the forests, including aesthetics, shall have equal consideration.

That (the state's congressional delegation), exert every effort and influence to assure the adoption of H.R. 17774 and S. 3937 declaring wilderness status . . . for Dolly Sods, Otter Creek and the Cranberry Back Country (totaling some 81,000 acres in Monongahela National Forest).

That the West Virginia Division commends the legislators of this state for their evaluation of the timber management practices on the Monongahela National Forest and subsequent action of a commission to provide a detailed study of these practices.

Nixon's Order To Increase Production of Timber Unwise, Says Walton Leader

The national executive director of the Izaak Walton League Saturday night termed "unwise" President Nixon's order for increased timber production from the national forests of the United States.

Addressing the 23rd annual convention of the West Virginia Division of the Walton League, meeting in Huntington, Robert L. Herbst urged that the President retract the order "and recognize that by-passing the people and the legislators who represent them can only add to any distrust that may exist concerning his previous commitments that the decade of the 70's will be one that sees a reversal of the abuses to our environment."

The Chicagoan noted that conservationists were able earlier to stop "a raid on our national forests" when the U.S. House of Representatives defeated "the National Timber Supply Act" several weeks ago. He termed President Nixon's order last week to increase timber production on the national forests "a means of circumventing the victory won by conservationists and the public just a few short weeks ago."

He hailed the West Virginia Division's battle against excessive timbering practices on Monongahela National Forest, particularly clearcutting. "We feel that only true multiple use of our public lands can resolve the controversy that exists, not only in West Virginia but throughout the public lands domain across this country."

Mr. Herbst also discussed strip mining, saying: "The devastation that is taking place on Appalachia's beautiful mountain slopes is an environmental tragedy. It is a blight on the conscience of our society for as we, the people, place more demands for cheaper electricity we somehow excuse ourselves from the ravages that it takes to supply this luxury. We are, in effect, destroying a beautiful region and rendering unto its inhabitants an environment unfit for human beings."

Mr. Herbst praised West Virginia for its recent strip mine legislation, however, terming it one of the strongest in the nation. He said the Walton League will discuss strip mining during its national convention and will ask that the permissible degree of slope be reduced for contour mining. "We feel this will lead to the prohibition of strip mining on steep mountain slopes—and this, in our opinion, is the only answer to the present intolerable situation."

Discussing the Ohio River, he said: "The time has come for us to call a spade, a spade. The Ohio is a filthy river . . . in one instance it has been rated as the most polluted river in our nation . . . this trend of pollution must be stopped. It can be stopped if some of the states that are now dragging their feet will exert more effort to crack down on polluters and stop pollution at its source. 'Flushing' our waste on downstream is not the answer—our neighbors do not appreciate this so-called remedy."

Also addressing Saturday evening's banquet session was Ira S. Latimer, director of the West Virginia Department of Natural Resources. Discussing the controversy over "even aged management"—clearcutting—of forest lands, Mr. Latimer said the procedure "should be used only as one of many tools of modern forest management." Conservationists are opposing clearcutting on the Monongahela as the primary timber harvesting policy.

Mr. Latimer also noted that clearcutting is not being undertaken on state-owned forests. "This rumor is false," he declared. "A state forest timber management plan is now being completed but it includes even age management only as a tool."

Noting the problem of coal interests owning the mineral rights under national forest lands, he said he strongly favors acquisition by the U.S. Forest Service of mineral rights in the forests.

Turning to the water pollution problem, Mr. Latimer said his Water Resources Division—hampered by a limited staff—is doing an outstanding job. "A primary objective before the next session of the State Legislature will be to seek additional funding so we can do a better job in this field."

He termed as West Virginia's three major water pollution problems acid mine drainage, municipal sewage, and the industrial waste in the lower Kanawha Basin.

Serving as master of ceremonies at the banquet was Grover C. "Zip" Little Jr. of Kenova, national vice president of the League.

Entertainment was provided by the Ceredo-Kenova High School Dixieland Band, directed by Charles Oshel.

CONTROL OF TEXTILE AND APPAREL IMPORTS

(Mr. BROYHILL of North Carolina asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BROYHILL of North Carolina. Mr. Speaker, I was pleased last week to hear the testimony of Secretary of Commerce Stans before the Ways and Means Committee endorsing the principles of H.R. 16920, the bill to provide for reasonable controls of textile and apparel imports into the United States.

For the last 18 months, I have been privileged to observe the patient and determined efforts by President Nixon and Secretary Stans to negotiate an orderly textile import policy which would halt the eroding away of jobs in this major American industry. I wish to comment upon the sincerity of these efforts and to assure the Congress of President Nixon's personal commitment to a fair solution of the textile import problem. He is to be commended for his understanding of the massive threat involved in this issue and for his perseverance toward achieving voluntary agreements without the necessity for legislation. The breakdown of the long negotiations announced last week is in no way a failure of effort upon the part of the U.S. Government.

During the past 2 months, I have concluded that the possibility of acceptable agreements was unlikely. Regrettable as this may be, we must now enact legislation providing reasonable protection for our domestic industry.

The growth of textile imports into the United States from low-wage-rate countries in Asia during the past 3 years is alarming and poses a threat we must meet.

Mr. Stans concluded in his testimony to the committee that without the passage of import quota legislation, he foresees an even greater flood of imports. The warning is clear and the hour is late. In a rare coalition of support for any single measure, considerably more than a majority of the Members of the House have joined with Congressman Wilbur Mills in cosponsoring H.R. 16920. It is my hope that this measure can be brought to the floor within the near future so that the Congress can now work its will on this urgently needed legislation.

FOURTH OF JULY LETTER FROM A MARINE IN VIETNAM

(Mr. BROYHILL of North Carolina asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BROYHILL of North Carolina. Mr. Speaker, we hear much in the news about Southeast Asia and our country's involvement in that part of the world. As the Fourth of July, the anniversary of our country's independence, approaches, I would like to include in the Congressional Record a letter I have received from one of my constituents serving with the 1st Marine Division in Vietnam, 1st Sgt. C. L. Waldrep of Gastonia, N.C., shares his thoughts on patriotism:

> Fourth of July—the birth of America! What does this mean to you, Mr. Citizen? Do you love and appreciate your country and know what it represents, or are you one of the many pragamatists, interested only in your own self-gain? Think about it!
>
> Our forefathers had a firm and unyielding belief in God and in the intrinsic worth of the individual. Through hardship and even death they defended these principles and passed down their heritage to our present generation. They offered their prayers and lives for a better future America, an America blessed by God where every man would have dignity and proudly echo the voice of freedom and democracy.
>
> On this Fourth of July, commemorative of so much that is American, I, one citizen among millions, dedicate myself to the ideals and freedoms for which America stands. My faith in America and her future is the same as was espoused two hundred years ago. I live in a truly great country and am fortunate to wear the uniform of one of its defenders. My profession may speak for itself but it does not express how I feel about America. I am an active supporter of

XUM

patriotism. By patriotism I define a love for and a loyalty towards America, a determination to protect its interests and a devotion to its welfare. Patriotism is a challenge which calls all to her ranks who would call themselves Americans. At times, patriotism has demanded great sacrifice on the part of those who accept its definition. No sacrifice, however, is too great for this country!

As a citizen of this nation, under God, I have enjoyed privileges which are priceless. Sometimes I have taken them for granted, because they were given to me at birth. Seeing the misery of people in other countries, however, has reminded me how lucky I am to be an American. All over the world men are dying for these freedoms. America has assisted several countries in this end. As patriotism requires me to love my country and protect its interests whenever and wherever is deemed appropriate in the best judgment of its elected leaders, I am a loyal subject. I believe in the democratic process and in the wisdom of our elected officials and leaders.

On this Fourth of July, my life revolves around my God, my country, my family, and my Marine Corps—and in that order. I ask of you today to reflect on what has meaning to you.

Sincerely,

C. L. Waldrep.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Pepper (at the request of Mr. Albert), for today, on account of official business.

Mr. Broomfield (at the request of Mr. Gerald R. Ford), for July 2 through July 16, on account of official business as U.S. adviser to Arms Control Conference and to attend SALT meetings and confer with U.S. representative at Paris Peace Conference.

Mr. Denney (at the request of Mr. Gerald R. Ford), for June 29 through June 30, on account of official business as member of House Committee on Crime conducting hearings in New York.

Mr. Frey (at the request of Mr. Gerald R. Ford), through July 9, on account of official business.

Mr. Hastings (at the request of Mr. Gerald R. Ford), through July 9, on account of official business.

Mr. Baring (at the request of Mr. Albert), for today, on account of official business.

Mr. Carey (at the request of Mr. Albert), for today and balance of week, on account of family illness.

Mr. Jones of Tennessee (at the request of Mr. Albert), for today and Tuesday, June 30, on account of official business.

Mr. Anderson of Illinois (at the request of Mr. Gerald R. Ford), through July 13, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Hanna, for 30 minutes, on June 30.

(The following Members (at the request of Mr. Dennis) and to revise and extend their remarks and include extraneous matter:)

Mr. Steiger of Arizona, for 20 minutes, on June 29.

Mr. Miller of Ohio, for 5 minutes, today.

Mr. Schadeberg, for 15 minutes, today.

Mr. Michel, for 15 minutes, today.

Mr. Halpern, for 5 minutes, on June 30.

(The following Members (at the request of Mr. Clay) and to revise and extend their remarks and include therein extraneous matter:)

Mr. Reuss, for 10 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Philbin, to revise and extend his remarks with respect to the conference reports agreed to today.

(The following Members (at the request of Mr. Dennis), and to include extraneous matter:)

Mr. McEwen.
Mr. Pelly.
Mr. Robison in two instances.
Mr. Belcher in two instances.
Mr. Schneebeli.
Mr. Whalen.
Mr. Bray in three instances.
Mr. Carter in three instances.
Mr. Gross.
Mr. Scott.
Mr. Winn.
Mr. Widnall.
Mr. Rhodes.
Mr. Bob Wilson.
Mr. Goldwater.
Mr. Zwach.
Mr. Ashbrook.
Mr. Wyatt.
Mr. Scherle.
Mr. Quillen in four instances.
Mrs. Reid of Illinois.
Mrs. Dwyer in three instances.
Mr. Langen.
Mr. King in two instances.
Mr. Horton.
Mr. Gerald R. Ford.
Mr. Crane in two instances.
Mr. Blackburn in four instances.
Mr. Gude.
Mr. Lukens.
Mr. Buchanan.
Mr. Landgrebe.
Mr. Foreman.
Mr. Mizell in two instances.
Mr. Cunningham in five instances.
Mr. Derwinski in two instances.

(The following Members (at the request of Mr. Clay) and to include extraneous matter:)

Mr. Farbstein.
Mr. Rarick.
Mr. Podell.
Mr. Bingham in two instances.
Mr. Cabell in two instances.
Mr. Cohelan in five instances.
Mr. Pickle in five instances.
Mr. Roybal in five instances.
Mr. Flood in five instances.
Mr. Mahon in two instances.
Mr. Eilberg.
Mr. Edwards of California in two instances.
Mr. Fraser.
Mr. Gonzalez in two instances.
Mr. Patten.
Mr. Wolff.
Mr. O'Hara in two instances.
Mr. Diggs in four instances.
Mr. Clay in six instances.
Mr. Fountain in two instances.
Mr. Kluczynski in two instances.
Mr. Hungate in two instances.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table, and under the rule, referred as follows:

S. 737. An act for the relief of Konrad Ludwig Staudinger; to the Committee on the Judiciary.

S. 783. An act for the relief of Mrs. Wanda Martens; to the Committee on the Judiciary.

S. 1187. An act for the relief of Marcos Rojos Rodriguez; to the Committee on the Judiciary.

S. 1628. An act granting the consent of Congress to the Western Interstate Nuclear Compact, and related purposes; to the Committee on the Judiciary.

S. 2514. An act for the relief of Arline Loader and Maurice Loader; to the Committee on the Judiciary.

S. 2661. An act for the relief of Kathryn Talbot; to the Committee on the Judiciary.

S. 2916. An act to establish the Plymouth-Provincetown Celebration Commission; to the Committee on the Judiciary.

S. 3122. An act to provide for holding terms of the U.S. District Court for the Southern Division of the Southern District of Mississippi at Gulfport, Miss.; to the Committee on the Judiciary.

S. 3167. An act for the relief of Kimoko Ann Duke; to the Committee on the Judiciary.

S. 3212. An act for the relief of Curtis Nolan Reed; to the Committee on the Judiciary.

S. 3263. An act for the relief of Maria Pierotti Lenci; to the Committee on the Judiciary.

S. 3265. An act for the relief of Mrs. Anita Ordillas; to the Committee on the Judiciary.

S. 3364. An act for the relief of Dr. Jorge Raul Jose Bruno Martorell y Fernandez (Jorge R. Martorell); to the Committee on the Judiciary.

S. 3461. An act for the relief of Dr. Amado G. Chanco, Jr.; to the Committee on the Judiciary.

S. 3675. An act for the relief of Ming Chang; to the Committee on the Judiciary.

S. 3994. An act for the relief of 1st Sgt. Albert F. Thompson, U.S. Army (retired); to the Committee on the Judiciary.

S.J. Res. 53. Joint resolution to consent to and enter into the Mid-Atlantic States Air Pollution Control Compact, creating the Mid-Atlantic States Air Pollution Control Commission as an intergovernmental, Federal-State agency; to the Committee on the Judiciary.

S.J. Res. 201. Joint resolution to extend the reporting date of the National Commission on Consumer Finance; to the Committee on Banking and Currency.

ENROLLED BILLS AND A JOINT RESOLUTION SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1695. An act for the relief of Alfredo Caprara;

H.R. 1698. An act for the relief of Joeck Kuncek;

H.R. 2275. An act for the relief of John Thomas Cosby, Jr.;

H.R. 2315. An act for the relief of Josefina Policar Abutan Fuliar;

XUM

H.R. 3348. An act for the relief of the estate of Pierre Samuel du Pont Darden;

H.R. 3908. An act for the relief of Elizabeth B. Borgnino;

H.R. 4246. An act to discontinue the annual report to Congress as to the administrative settlement of personal property claims of military personnel and civilian employees;

H.R. 4247. An act to amend section 2734 of title 10, United States Code, to authorize the Secretary concerned to make partial payments on certain claims which are certified to Congress and to provide equivalent authority for administrative settlement and payment of claims under section 2733 of title 10 and section 715 of title 32, United States Code;

H.R. 4574. An act to provide for the admission to the United States of certain inhabitants of the Bonin Islands;

H.R. 8512. An act to suspend for a temporary period the import duty on L-Dopa;

H.R. 12941. An act to authorize the release of 4,180,000 pounds of cadmium from the national stockpile and the supplemental stockpile;

H.R. 13407. An act to consent to the amendment of the Pacific Marine Fisheries Compact;

H.R. 13740. An act for the relief of Kimball Bro. Lumber Co.;

H.R. 15021. An act to authorize the relase of 40,200,000 pounds of cobalt from the national stockpile and the supplemental stockpile;

H.R. 15831. An act to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile;

H.R. 15832. An act to authorize the disposal of castor oil from the national stockpile;

H.R. 15833. An act to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile;

H.R. 15835. An act to authorize the disposal of magnesium from the national stockpile;

H.R. 15836. An act to authorize the disposal of type A, chemical grade manganese ore from the national stockpile and the supplemental stockpile.

H.R. 15837. An act to authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile;

H.R. 15838. An act to authorize the disposal of shellac from the national stockpile.

H.R. 15839. An act to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile;

H.R. 15998. An act to authorize the disposal of Surinam-type metallurgical grade bauxite from the national stockpile and the supplemental stockpile;

H.R. 16289. An act to authorize the disposal of natural Ceylon amorphous lump graphite from the national stockpile and the supplemental stockpile;

H.R. 16290. An act to authorize the disposal of refractory grade chromite from the national stockpile and the supplemental stockpile;

H.R. 16291. An act to authorize the disposal of chrysotile asbestos from the national stockpile and the supplemental stockpile;

H.R. 16292. An act to authorize the disposal of corundum from the national stockpile;

H.R. 16295. An act to authorize the disposal of natural battery grade manganese ore from the national stockpile and the supplemental stockpile;

H.R. 16297. An act to authorize the disposal of molybdenum from the national stockpile;

H.R. 17399. An act making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes; and

H.J. Res. 1259. Joint resolution to extend the effectiveness of the Defense Production Act of 1950 to July 30, 1970.

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on June 26, 1970, present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 3908. For the relief of Elizabeth B. Borgnino;

H.R. 8512. To suspend for a temporary period the import duty on L-Dopa; and

H.J. Res. 1259. To extend the effectiveness of the Defense Production Act of 1950 to June 30, 1970.

ADJOURNMENT

Mr. CLAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 30, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2155. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of certain facilities projects proposed to be undertaken for the Air National Guard, pursuant to the provisions of 10 U.S.C. 2233a(1); to the Committee on Armed Services.

2156. A letter from the Chairman, Indian Claims Commission, transmitting a report of the final conclusion of judicial proceedings in Docket No. 266, *The Pueblo de Acoma, plaintiff* v. *The United States of America, defendant*, pursuant to the porvisions of the Indian Claims Commission Act, as amended; to the Committee on Interior and Insular Affairs.

RECEIVED FROM THE COMPTROLLER GENERAL

2157. A letter from the Comptroller General of the United States, transmitting a report on the costs of operating the nuclear merchant ship *Savannah*, Maritime Administration, Department of Commerce; to the Committee on Government Operations.

2158. A letter from the Comptroller General of the United States, transmitting a report on improvement needed in the financial management system of the Trust Territory of the Pacific Islands, Department of the Interior; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALEY: Committee of conference. Conference report on H.R. 12858 (Rept. No. 91-1241). Ordered to be printed.

Mr. BOLLING: Committee on Rules. House Resolution 1118. Resolution for consideration of H.R. 16065, a bill to amend the National Foundation on the Arts and the Humanities Act of 1965, as amended (Rept. No. 91-1242). Referred to the House Calendar.

Mr. YOUNG: Committee on Rules. House Resolution 1119. Resolution for consideration of H.R. 16327, a bill to amend the Peace Corps Act to authorize additional appropriations, and for other purposes (Rept. No. 91-1243). Referred to the House Calendar.

Mr. PATMAN: Committee on Banking and Currency. House Joint Resolution 1238. Joint resolution to extend the time for the making of a final report by the National Commission on Consumer Finance (Rept. No. 91-1244). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. H.R. 15118. A bill to provide for the striking of medals in commemoration of the 100th anniversary of the founding of Ohio Northern University (Rept. No. 91-1245). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. S. 1455. An act to amend section 8c(2)(A) of the Agricultural Adjustment Act to provide for marketing orders for apples produced in Colorado, Utah, New Mexico, Illinois, and Ohio (Rept. No. 91-1246). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. S. 3598. An act to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes (Rept. No. 91-1247). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. S. 1456. An act to amend section 8c(6)(I) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, so as to permit marketing orders applicable to apples to provide for paid advertising; with amendments (Rept. No. 91-1248). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 11547. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans; with an amendment (Rept. No. 91-1249). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 13978. A bill to amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, as amended, to authorize marketing research and promotion projects including paid advertising for almonds; with amendments (Rept. No. 91-1250). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 17538. A bill to extend for 1 year the act of September 30, 1965, relating to high-speed ground transportation, and for other purposes (Rept. No. 91-1251). Referred to the Committee of the Whole House on the State of the Union.

Mr. HENDERSON: Committee on Post Office and Civil Service. H.R. 17809. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; with an amendment (Rept. No. 91-1252). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MESKILL: Committee on the Judiciary. H.R. 2043. A bill for the relief of Keum Jo Kim; with amendments (Rept. No. 91-1253). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 4670. A bill for the relief of Ok Yon (Mrs. Charles G.) Kirsch; with an amendment (Rept. No. 91-1254). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 5655. A bill for the relief of Low Yin (also known as Low Ying); with an amendment (Rept. No. 91-1255). Referred to the Committee of the Whole House.

Mr. MAYNE: Committee on the Judiciary. H.R. 12400. A bill for the relief of Tae Pung Hills; with an amendment (Rept. No. 91-1256). Referred to the Committee of the Whole House.

Mr. DOWDY: Committee on the Judiciary. H.R. 12446. A bill to confer U.S. citizenship posthumously upon Guadalupe Esparza-Montoya; with amendments (Rept. No. 91-1257). Referred to the Committee of the Whole House.

Mr. MESKILL: Committee on the Judiciary. H.R. 13265. A bill to confer U.S. citizenship posthumously upon L. Cpl. Frank J. Krec (Rept. No. 91-1258). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 13997. A bill to confer citizenship to S. Sgt. Ryuzo Somma, deceased; with an amendment (Rept. No. 91-1259). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER:

H.R. 18246. A bill to amend the Sherman Act, as amended, by requiring prior notification of price increases in certain industries, and for other purposes; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 18247. A bill to prohibit common carriers in interstate commerce from charging elderly people more than half fare for their transportation during nonpeak periods of travel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 18248. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 18249. A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JOHNSON of California:

H.R. 18250. A bill to authorize and direct the Secretary of Agriculture to convey certain lands in the Squaw Valley, Calif., to the State of California; to the Committee on Interior and Insular Affairs.

By Mr. SCHNEEBELI (for himself and Mr. Corman):

H.R. 18251. A bill to amend the Internal Revenue Code of 1954 to provide refunds in the case of certain uses of tread rubber; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas (for himself, Mr. Haley, Mr. Saylor, Mr. Baring, Mr. Brown of California, Mr. Denney, Mr. Dorn, Mr. Dulski, Mr. Duncan, Mr. Edwards of California, Mr. Halpern, Mr. Hammerschmidt, Mrs. Heckler of Massachusetts, Mr. Helstoski, Mr. Pucinski, Mr. Roberts, Mr. Roybal, Mr. Satterfield, Mr. Scott, Mr. Stratton, Mr. Teague of California, Mr. Zwach, Mr. Fraser, Mr. Biaggi, and Mr. Fascell):

H.R. 18252. A bill to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of Texas (for himself, Mr. Saylor, Mr. Baring, Mr. Duncan, Mr. Halpern, Mr. Helstoski, Mr. Roberts, Mr. Roybal, and Mr. Edwards of California):

H.R. 18253. A bill to increase the availability of guaranteed home loan financing for veterans and to increase the income of the national service life insurance fund; to the Committee on Veterans' Affairs.

By Mr. ICHORD:

H.R. 18254. A bill to provide for public disclosure by Members of the House of Representatives, Members of the U.S. Senate, Justices and judges of the U.S. courts, and policymaking officials of the executive branch as designated by the Civil Service Commission, but including the President, Vice President, and Cabinet members; and by candidates for the House of Representatives and the Senate, the Presidency, and the Vice Presidency; and to give the House Committee on Standards of Conduct, the Senate Select Committee on Standards of Conduct, the Director of the Administrative Office of the United States Courts, and the Attorney General of the United States appropriate jurisdiction; to the Committee on the Judiciary.

By Mr. SCHWENGEL:

H.R. 18255. A bill to reduce the pay of Senators and Representatives in Congress; to the Committee on Post Office and Civil Service.

By Mr. GIBBONS:

H.J. Res. 1281. Joint resolution creating a Joint Committee on Classified Information; to the Committee on Rules.

By Mr. RODINO:

H.J. Res. 1282. Joint resolution to proclaim the second week in July as National Salesmen's Week; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.J. Res. 1283. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. CARTER:

H. Con. Res. 670. Concurrent resolution terminating the joint resolution of August 10, 1964, relating to the maintenance of international peace and security in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. GUBSER:

H. Res. 1120. A resolution to set an expenditure limitation to the end that U.S. military forces be withdrawn from South Vietnam by June 30, 1971, and to express the sense of the House of Representatives that U.S. military forces should not be inserted into any nation where such forces are not now located unless specifically approved by the Congress; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of California:

H.R. 18256. A bill for the relief of Antonio Wong Campoy; to the Committee on the Judiciary.

H.R. 18257. A bill for the relief of Ciriaca G. David; to the Committee on the Judiciary.

H.R. 18258. A bill for the relief of Lim Yue Kung; to the Committee on the Judiciary.

By Mr. McCARTHY:

H.R. 18259. A bill for the relief of Charles Ahnert; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

413. By the SPEAKER: A memorial of the Legislature of the Territory of Guam, inviting the Honorable Wayne Aspinall and the Honorable John Saylor to address the Legislature of Guam; to the Committee on Interior and Insular Affairs.

414. Also, a memorial of the Legislature of the State of Florida, relative to the appropriation of funds for cancer research; to the Committee on Interstate and Foreign Commerce.

415. Also, a memorial of the Legislature of the Commonwealth of Massachusetts, relative to minimizing aircraft noise; to the Committee on Interstate and Foreign Commerce.

416. Also, a memorial of the Legislature of the Commonwealth of Massachusetts, relative to the establishment of high-speed railservice between the cities of Boston and New York; to the Committee on Interstate and Foreign Commerce.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

529. By the SPEAKER: Petition of the Marine Corps League, Department of Florida, relative to Southeast Asia; to the Committee on Foreign Affairs.

530. Also, petition of the Legislature of Erie County, New York, relative to the appropriation of funds for cancer research; to the Committee on Interstate and Foreign Commerce.

531. Also, petition of the Common Council, Lockport, N.Y., relative to the appropriation of funds for cancer research; to the Committee on Interstate and Foreign Commerce.

SENATE—*Monday, June 29, 1970*

The Senate met at 9 a.m. and was called to order by Hon. James B. Allen, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Lord of every day and every week, we offer Thee the love of our hearts and the service of our minds for the duration of this Congress. Be with us to guide us and bless us until the last problem is solved and the last prayer is said. Use us as ministers of hope and as emancipators of men imprisoned by superstition, or in slavery to evil passions, or in bondage to fear and injustice. Give us composure of soul and such inner certitude that we turn not back from the holy vision. As we expect much from Thee, so help us to attempt great things for Thee. In Thy holy name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. Russell).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., June 29, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. James B. Allen, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

Richard B. Russell,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, June 26, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the distinguished Senator from South Dakota (Mr. McGovern), there be a period for the transaction of routine morning business, with a time limitation of 3 minutes on statements therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF SENATOR HATFIELD, OF OREGON, TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on tomorrow, immediately after the disposition of the Journal, the distinguished Senator from Oregon (Mr. Hatfield) be recognized for not to exceed 40 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TUESDAY TO WEDNESDAY, JULY 1, 1970, AT 9 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business on Tuesday, June 30, 1970, it stand in adjournment until Wednesday, July 1, 1970, at 9 a.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM WEDNESDAY TO THURSDAY, JULY 2, 1970, AT 9 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business on Wednesday, July 1, 1970, it stand in adjournment until Thursday, July 2, 1970, at 9 a.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, pursuant to the previous order, the distinguished Senator from Rhode Island (Mr. Pell) is now recognized for not to exceed 40 minutes.

Mr. PELL. Mr. President, the United States is at the point at which a critical and difficult national policy decision between two disagreeable alternative courses of action in Indochina must be made. I believe that the choice that faces us must be clearly stated and honestly explained. I urge the administration to do so in order that the choice may be made wisely, deliberately, and honestly.

We may talk about Vietnamization, and delude ourselves into believing that the present South Vietnamese Government can become popular enough and capable of defending itself from its opponents within and without.

But, in our hearts we know the decision is whether we indefinitely shore up an independent South Vietnam with American men and money, accepting continuous drainage on our resources and a continued tearing apart and corrosion of our social fabric. And we ask ourselves whether the price, in terms of our national interest, is worth paying for this first alternative.

The second disagreeable alternative is to get out completely, letting the people of South Vietnam arrive at their own solution, a solution reflecting the realities and political forces in being there, knowing that the result could well eventually be a unified Vietnam under the leadership of Hanoi.

If there were a third, more pleasant and more palatable alternative, I am sure it would have been adopted by our President, who wants to carry out his awesome responsibilities in the best way he can. But I see no third alternative and, seeing none, believe that we must now face up to the difficult decision we have been trying so desperately, and for so long, to avoid. In facing up to this decision, the President is himself locked into an Indochina policy that has acquired its own constituency—and its own momentum. For many of those who surround our President, and who carry out our present policy, have a vested interest in proving the wisdom of present and past policies in order to prove that they were right.

My own belief is, provided that asylum is given those South Vietnamese who might be killed because of our departure and provided that our prisoners of war are returned, our national honor would be preserved and our national interest would be harmed less if we took the second alternative rather than the first.

The validity of this view is, I believe, borne out when we ask ourselves, "Why are we in Vietnam?" It is important to ask that question because as we consider the question of future American policy in Indochina, we often lose sight of the past. Even we in the Senate, who are deeply steeped in this problem, fall into the error, all too often, of not considering the problem of Vietnam, of Indochina, in the context of the past. We fall into the error of forgetting history, thus condemning ourselves to repeat it.

That repetition is easy to see. For example, I note that in the newspaper headlines the "Vietnam war" has now become the "Indochina war." Thus, we are returning to the name by which that conflict was known 25 years ago. Whether this verbal escalation is merely journalistic shorthand, or whether it reflects an actual escalation of the war itself, may be debatable. Certainly it cannot be viewed as progress. And, to many of us familiar with the history of that long and tragic struggle, it is an ominous development.

Let us look at the very name, Indochina. It is of European origin, not Asian. Insofar as it describes a region or group of peoples who have acquired their culture and tradition equally from India and China, the name is a useful designation of a region which has acquired much of its administrative and educational patterns from China and its religious and philosophical outlook from India. But, in the minds of the people who live there, no such composite place exists or ever has existed.

The Vietnamese themselves, who constituted about three-quarters of what became known as Indochina under the French, are a remarkably homogeneous people with a history going back more than a thousand years. When the French moved into Indochina in the last half of the 19th century, they did everything in their power to create and maintain a separation between Tonkin, Annam, and Cochin China, the three regions of Vietnam. The Vietnamese, however, stubbornly remained in their own minds one people. And when they met at the conference table in Geneva in 1954 to formalize their independence, it was as Vietnamese that they insisted upon negotiating.

The other two divisions of French Indochina—Cambodia and Laos—were entirely different. The French imposed their rule on the Vietnamese only through the threat and use of force. In contrast, the rulers of Cambodia and Laos actually turned to France voluntarily. They did so because they sought protection from two traditional enemies, the Vietnamese and the Thais, with whom they had continuing border disputes and a long history of invasion. Or, to use the more current word, "incursion."

The French Union of Indochina was thus actually composed of five nations and three very different peoples. Failure to understand this reality had much to do with the ultimate failure of French policy in what they called Indochina. I sincerely hope that the sudden recurrence of this label in our own vocabulary does not indicate a similar failure of historical insight.

We in the Senate who are charged with constitutional responsibilities regarding our country's foreign policy cannot blind ourselves to the fact that, at this moment in history, our own Government has sent into Cambodia contingents of armies belonging to the two most frequent historic invaders of Cambodia—the Vietnamese and the Thais. And we have done so on the ground that we are protecting one group of Vietnamese from another.

One cannot but wonder how popular these actions really are among the Cambodian people—or how wise they will prove to have been from the hindsight of history.

As to the Vietnamese themselves, there is no reason to believe that they will ultimately be more grateful to us for having thrust them into the arms of the Chinese than the Cambodians will be grateful to us for having thrust them into the Vietnamese. Nothing is more conspicuous in the history of Vietnam than its thousand-year resistance to Chinese aggression. One of the highlights of that history dates back to the 13th century, when Vietnamese soldiers defeated the Mongol armies of Kublai Khan. And as recently as 1946 the Vietnamese had unpleasant experiences with Chinese occupation forces under Chiang Kai-shek.

There can be no doubt that Communist Chinese military and economic aid are today welcomed by North Vietnam. There is room for considerable doubt, however, that the Vietnamese—North or South—would ever consent to become a mere Chinese satellite in Asia. And there is reason for long and serious thought about the extent to which American policy has contributed to forcing North Vietnam into dependence upon Chinese aid in the first place.

We cannot overlook the fact that during the Second World War it was only in Indochina that Europeans remained the masters of Asians. The French colonial administrators, by swearing allegiance to Marshal Petain and the Vichy government of occupied France, were able to maintain their routine administrative system—with Japanese blessing—until March 9, 1945, only 2 months before the German surrender in Europe. Japanese troops had entered Indochina in 1940, but numbered only a few thousand stationed just at strategic points. So far as the Vietnamese were concerned, French rule continued without interruption throughout the war.

However, the Convention of 1946 between France and Vietnam recognized Vietnam as a free, independent state which would be under the direct administration of the Vietminh and Ho Chi Minh in the North and with a referendum to be held by the people of Cochin China in the South. But, in the South, the occupying British general, Douglas Gracey, violated this agreement and released the Japanese so as to safeguard the French from the Vietnamese.

The Vietnamese then began to fight again for their postwar independence; that is, to prevent a full return of the French colonial government. The cold war had not yet begun; the Vietnamese and the rest of the world viewed their struggle for an independent Vietnam as a phase of the revolt against colonial rule which was sweeping Asia after the defeat of Japan. By the time of the Geneva accords in 1954, India, Pakistan, Ceylon, Burma, Indonesia, and the Philippines had achieved their independence. The fighting continued only in Indochina, as it continues today.

In 1954, most of the world, while sympathizing deeply with the plight of France, believed that the Vietnamese had won their fight for national sovereignty. The Viet-Minh were not generally viewed as simply an advance task force of Communist expansionism, although there were some opinions to the contrary. Vice President Nixon said in that year—

> If in order to avoid further Communist expansion in Asia and particularly in Indochina, if in order to avoid it we must take the risk of putting American boys in . . . I personally would support such a decision.

Fortunately, President Eisenhower did not follow his Vice President's advice. We did not commit American manpower to Vietnam. Although we did not associate ourselves formally with the Geneva accords of 1954, which provided that the French would go, we agreed to respect that agreement. We stated "the agreement contains factors which we do not like, but a great deal depends on how they work in practice." We added that, in connection with the accords, the United States would "refrain from the threat or use of force to disturb them."

What were those arrangements? A close reading of the Geneva accords shows a clear recognition by all the parties that the demarcation line along the 17th parallel is specifically a provisional military demarcation line between the areas described as the northern and southern zones of Vietnam. It was also specified that general elections shall be held in July 1956. When these agreements were arrived at in Geneva, the general belief was that these elections might well result in the unification of Vietnam under the leadership of Ho Chi Minh. In fact, President Eisenhower wrote in his memoirs:

> I have never talked or corresponded with a person knowledgeable in Indochinese affairs who did not agree that, had elections been held as of the time of the fighting, possibly 80 percent of the population would have voted for the Communist Ho Chi Minh as their leader rather than Chief of State Bao Dai.

The reason the election would not be held sooner was set forth in the agreement as being "in order to assure that sufficient progress in the restoration of peace has been made and that the necessary conditions be obtained for free expression of national will."

The real meaning of this phrase was that France would be provided a grace period during which her troops would be withdrawn and her presence dissolved so that France and her representatives would not suffer the indignity of being present when their old enemies assumed control. The delay was really a means of helping France save face. In any event, the southern faction refused any participation in such elections unless under United Nations supervision, and this condition was refused by the North and not insisted upon by the French. Nor was there any indication that the United Nations would have accepted such a responsibility. After the agreements were signed, and pursuant to their provisions, some 900,000 Vietnamese including 755,000 Catholics, fled to the southern zone of Vietnam. In this regard, though, it should not be forgotten that there are still 800,000 Catholics living in North Vietnam.

The United States then took an active role in installing the decent, capable, and intelligent Ngo Dinh Diem as the principal administrator to handle the machinery of government in the southern zone of Vietnam. Everybody laid down their arms and the conflict shifted from the field of battle to the political hustings. Diem did an excellent job in administering the southern zone—such a good job, in fact, that the United States became persuaded that the southern zone of Vietnam could be maintained indefinitely as an entity in itself. With the support of the United States, Diem waved aside the general election which had been specified at Geneva on the grounds that the necessary conditions for free elections had not been met. This action immediately precipitated a violent counteraction on the part of Ho Chi Minh and his followers, whose eventual objective was the removal of what they considered the last obstacle to a unified and independent Vietnam.

From this time on America was inevitably and inexorably drawn deeper and deeper into a political and military morass, the same morass which had defeated the best intentions and wisest counsels of other great powers in earlier years. We began falling into all the same traps as the French and, I suspect as did the court of Kublai Khan half a millennium earlier. For example, we were not satisfied with a "neutral" government in Laos under Souvanna Phouma and thus organized a coup which replaced him with a "conservative," Phoumi Nosavan. We first deluged Cambodia with American aid and assistance and then, disenchanted, found ourselves in a position in which some on the American payroll were implicated in a plot to assassinate Sihanouk.

During this time, after the 1956 elections were not held, the North Vietnamese used the eastern portions of Laos

XUM

and Cambodia in order to send men and supplies through to strengthen the Vietcong in the southern zone of Vietnam. Applying the law of physics that for every action there is an equal and opposite reaction, our conservative candidate in Laos was soon ousted and we considered ourselves lucky to have our old foe, Souvanna Phouma, back in place rather than his leftist half brother, Prince Souphanouvong, head of the Pathet Lao. In Cambodia, Sihanouk asked that we cease sending American aid to his country; a request which, in a peculiar Alice-in-Wonderland way, we somehow interpreted as a hostile act. I should note, parenthetically, that I strongly disagree with our reaction on this score. I think that the sooner we realize that not to interfere means not to send in military and economic assistance, rather than vice versa, the better off our Nation and, particularly, our unfortunate taxpayers will be.

As the years went by, two Democratic administrations escalated the conflict. There were 600 Americans in Vietnam when President Kennedy took office; there were 16,000 when he died, although none were involved in direct combat.

It is a moot point, but we might ask ourselves if President Kennedy would have continued to escalate our involvement if he had not been assassinated. On September 2, 1963, not long before he was killed, President Kennedy said of our involvement in South Vietnam:

> In the final anaylsis, it is their war. They are the ones who have to win it or lose it. We can help them, we can give them equipment, we can send our men out there as advisors, but they have to win it, the people of Vietnam, against the Communists.

But President Kennedy was killed, and President Johnson continued the escalation to the extent that when President Nixon took office in January 1969, we had 532,500 men committed to that sweltering arena. President Nixon improved the situation substantially. In the course of a year and a half, he withdrew 104,450 men, and the level of violence and casualties declined. His policy of "Vietnamization" seemed to gain wide acceptance in the United States, although I must add that some of us with a long view of history were and still are skeptical.

Speaking as an American parent, Vietnamization is, of course, an improvement over past policies in that it means the substitution of Vietnamese fighting soldiers for American fighting soldiers. But Vietnamization does nothing to change the fact that the war in Vietnam has become increasingly a war of American objectives rather than of Vietnamese objectives. The principal American objective is to prevent the unification of Vietnam under Communist rule. To save the southern zone of Vietnam from this fate, we have been willing to destroy as much of the country as may be necessary. I am reminded of Tacitus' words, "We made a desert and called it peace." We are now concerned, too, about the bloodbath that might occur if we left, as I believe we should be. But, from the viewpoint of the unfortunate Vietnamese, to be burned to death by napalm or otherwise dismembered by B-52 bombings is just as disagreeable and deadly as having their throats cut by the Vietcong. We should remember that we have already dropped a greater tonnage of bombs on the little country of Vietnam than we dropped everywhere in World War II and in the Korean war combined.

After taking office President Nixon certainly "cooled" the situation in Indochina and improved it. He had improved it, that is, until April 30 when he announced the invasion, or—as it has been characterized—the incursion, into Cambodia. There is, of course, a military argument for this invasion, but that argument was as valid 5 years ago as it is today. The military facts of Indochina were as apparent to Presidents Kennedy and Johnson as they are to President Nixon. Yet the two previous Presidents compromised in Laos and respected Cambodian neutrality for the simple reason that they knew that the ultimate result of any armed initiative in these countries could only mean the enlargement of the war.

Several months ago, a nonmilitary factor changed—Sihanouk, who had been following a more or less neutral policy, was replaced by Lon Nol and a pro-Western government in Cambodia. Our eagerness in rushing to aid Lon Nol reminds me of a marvelous line from Art Buchwald's "Sheep on the Runway": "We want neutral nations as long as they are in the Western camp." Unfortunately, Sihanouk's Cambodia was a neutral nation that did not measure up to this requirement. Many people were surprised at the intensity of public reaction to the American and South Vietnamese invasion of Cambodia. It was not a large operation. It made some military sense tactically, although strategically I believe it will prove to have been against our long-term national interest. Our action not only automatically enlarged the war into Cambodia itself, but also spread it into the new dimension of the sea where a de facto "selective blockade" was applied to the Cambodian coast.

Our invasion of Cambodia was like fighting an oil fire with water, for we have not put out the fire, but have spread the conflagration. Our military gains in Cambodia, whatever they prove to be from a tactical viewpoint, may ultimately prove disastrous. We are exchanging short-term gains for very possible long-term catastrophe. A conflict that had been largely confined, through restraint on all sides, to Vietnam and the areas bordering on it now threatens to engulf all of Indochina—Cambodia and Laos as well—with all the reopening of ancient enmities which that implies.

If we embark seriously on a campaign of eliminating enemy sanctuaries, we will be committing ourselves to an ever-widening war on the mainland of Asia. Should we commit our combat forces to Laos, to attack the Vietcong there? Should we send our troops across the DMZ to attack "sanctuaries" in North Vietnam? And having done that, are we prepared to attack "sanctuaries" in Communist China? The lesson, it seems clear to me, is that in pursuing the enemy across international boundaries, we would be pursuing a chain of sanctuaries that leads finally, not to peace, but to total war. That is why I say that such a policy would be disastrous.

From a reverse viewpoint, I most certainly would oppose the right of North Vietnam's allies, China and the Soviet Union, to attack the sanctuaries from which our bombing planes fly, either our airfields in Thailand or our aircraft carriers in the South China Sea.

From the constitutional viewpoint, many of us in the Congress became very concerned when the President, uninvited, marched our servicemen over the borders of a nation without consulting with the Congress. This action was unprecedented in our history. A close reading of the Constitution and of the Federalist papers makes it clear that the President, as Commander in Chief, has unlimited powers in directing the conduct of a war. But in declaring war or, I believe in expanding war to cover new countries, the Congress has a constitutional role.

Our Founding Fathers very sensibly planned for this division of power as a safeguard for our Nation. One branch of Government, the Congress, could make laws and declare war. Congress was not given power to wage and direct war. Another branch of Government, the executive, which has the responsibility for executing, or carrying out the laws Congress passes, was given the power to wage and carry on war. But, the executive was not given the power to declare or commit us to war. These provisions of the Constitution mean that unless both the Congress and the President believe war is necessary, the United States cannot make war legally.

Now what should we do in the future? First, we must determine what is our true national interest. As Palmerston once said:

> We have no eternal allies and we have no perpetual enemies. Our interest are eternal and perpetual and those interests it is our duty to follow.

I submit that our national interest would best be served by our withdrawal from Indochina. If our withdrawal resulted in a unified Vietnam, even if under Communist rule, our national interests would be better served than by the alternative course of our remaining there indefinitely to shore up an independent South Vietnam with all the resultant damage to our Nation and our Health and educational priorities at home. Moreover, a unified Vietnam would serve as a relatively firm barrier to Chinese expansion. Actually, our history has shown that we are better off—and certainly our taxpayers are better off—with neutral countries rather than with vulnerable, mushy allies unable to survive without American assistance. And, in my view, South Vietnam certainly meets the latter description.

From a military viewpoint, I think we have come to recognize that the war is unwinnable within the framework of the political situation as it is. We can destroy every young North Vietnamese soldier only to find an inexhaustible supply of manpower in China waiting to be invited to replace them.

From an economic viewpoint, while it

XUM

is sometimes argued that the interests of our industrial-military complex are so basic to our Nation, are so woven into the fabric of our national structure, that diminution of our war efforts would result in collapse of our economy and be against our national interest, our history does not show that. Peace would bring economic change and uncertainty. But our periods of greatest real economic growth as a Nation have been in times of peace. Actually, our present economy with its escalating inflation, escalating interest rates, escalating unemployment, escalating deficit, and escalating unfavorable balance of trade is not in too hot shape.

In determining our national interest, we must be guided by our obligations. An obligation into which we have freely entered and which was not honored would obviously be a dishonorable action on our part and abhorrent to us. From a nation interest viewpoint, the value of our word among nations would be cheapened.

But what are our obligations under the Southeast Asia Collective Defense—SEATO—Treaty? That treaty states that in the event of armed attack on any of the nations involved, each nation "will in that event act to meet the common danger in accordance with its constitutional processes." The treaty further states that in the event of any other danger to the integrity, sovereignty, or independence of the designated countries we shall "consult immediately in order to agree on the measures which should be taken for the common defense."

When my predecessor, Senator Theodore Francis Green, pressed Secretary of State John Foster Dulles on our precise obligation under this section, Secretary Dulles said:

> If there is a revolutionary movement in Vietnam or in Thailand, we would consult together as to what to do about it because if that were a subversive movement that was in fact propagated by communism, it would be a very grave threat to us. But we have no undertaking to put it down; all we have is an undertaking to consult together as to what to do about it.

I would agree that we had an obligation to give the people of South Vietnam some support, both in materiel and in manpower, to help them get established since we had installed a separate government there. But after having 50,258 Americans killed and 278,814 Americans wounded there and spending more than $100 billion, I believe that our obligation has been more than met.

In terms of my own State of Rhode Island, the war has cost the irreplacable lives of 142 young men. It has also cost our Rhode Island taxpayers $649 million since 1965. This means that Rhode Islanders are continuing to foot the bill for the war in Vietnam to the tune of $296,000 every day.

I believe, however, that we do have an obligation to those South Vietnamese who sided with us, whether for reasons of cupidity or patriotism, and would suffer if we left. There is some question as to how many people would actually suffer if South Vietnam came under Communist administration. The example is often cited of Hue, which after having been occupied by the North Vietnamese was found to have mass graves with many bodies in them. We had assumed these people had been shot by the North Vietnamese, although a story has surfaced to the effect that our bombing and razing of a great portion of Hue resulted in many deaths and that these victims, too, were buried in the same open trenches.

In any case, I believe that many individuals would suffer if we left and did not provide them with asylum. For this reason, I believe that we should, preferably in association with the United Nations, make provisions for asylum in other countries for any South Vietnamese who wishes to take refuge. Here, as I have suggested before, Borneo, with its geographic closeness, its climatic similarity and its lack of population, might prove to be a good place for many of these South Vietnamese to settle.

If this did not work out, then some other resettlement plan should be worked out, preferably in association with the United Nations. Actually, a large number of South Vietnamese have already made accommodations with the Vietcong, and many of the rich South Vietnamese reportedly already have bank accounts and even property abroad.

The basic problem today, as I see it, is that the administration has not made up its own mind regarding the basic choice it faces—whether it is more in our national interest to withdraw all our troops, even if this action results in the eventual unification of Vietnam under Hanoi; or whether it is more in our national interest to maintain the division of that country, even though we would have to leave a large garrison there in order to do so.

We have taken the second choice in Korea, and it has worked. But that is a very different situation. South Korea has a government that is strong and respected by the people who are, themselves, remarkably unified in their opposition to North Korea. The strategic situation, too, is very different in that the whole of South Korea, a peninsula, is accessible from the sea and there is a relatively narrow land boundary which separates the North from South Korea. And we had and have United Nations approval and support of our own actions there. On the other hand, in South Vietnam, the government does not enjoy the support of its people, the hostile land frontiers are longer than the sea frontier and, except for token Australian and New Zealand forces and for various mercenary troops, we have little world support—and no United Nations support.

I believe that there is only one way to get out of Southeast Asia, and that is to accept the fact that the damage caused by our continued military presence there to our true national interests and to our economy and social structure far outweighs the questionable advantages that result to our national interest by maintaining the Thieu-Ky government in South Vietnam or even of maintaining the division of Vietnam into two countries. When we have accepted that fact, we should firmly carry out the resulting decisions as best we can, recognizing, as France did in 1954, that the decisions may well result in a unified Vietnam under Hanoi.

If the President and the executive branch will not make this decision, then I believe we in Congress should make it and require the executive branch to implement it. It would be more orderly if the President made it himself, but if he does not, then we in Congress who feel as I do have no alternative but to support the McGovern-Hatfield "End the War" resolution or a similar one.

The ideal solution would be to return to the Geneva accords. However, the North Vietnamese have been let down by the West in honoring these accords, and I would imagine that they would seek to drive a harder bargain now. For instance, they might well demand a firmer timetable for our departure than they did of the French. And this in spite of the fact that the French were soundly defeated on the field of battle, while we have most definitely not been defeated on the field of battle. My own view is that the most dignified and honorable way of extricating ourselves from South Vietnam and serving our own interests would be to establish the timetable ourselves.

I am impressed by the suggestion of former Secretary of Defense Clark Clifford, a man who knows the situation as well as anybody, that we establish such a timetable with a provision that we would speed up our withdrawal if the North Vietnamese cooperated. The only two firm requirements for our departure should be the release of our prisoners of war and asylum for those South Vietnamese whose lives would be endangered by our departure.

Many friends of mine have written and urged me to back the President, saying that he is our only President, that he knows more of the situation there than any of us, that he is trying to do the best job he can, and that we should back him and our country, right or wrong. But as a man who has been in the Senate for 10 years, who has been sitting on the Foreign Relations Committee since 1964, and who, for some years now, has been in favor of withdrawing from this war, of deescalating it rather than escalating it, I would reply with the words of Carl Schurz: "My country right or wrong. But, when right, to keep it right, and when wrong, to put it right."

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the role.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I wish to take this occasion to commend the Senator from Rhode Island on a brilliant and calm presentation of a very complex and emotional subject; namely, the war in Southeast Asia.

I think that from time to time it is very important for us to put this matter into historic perspective. We tend to act or react to the events of the day, rather than to see the situation in its totality or in its historic perspective. The Senator from Rhode Island has done a great service to the Senate by recounting the events

XUM

which led up to our present involvement in Cambodia.

I should like to ask the Senator a question or two on a subject which he discussed in his presentation relating to what is commonly assumed will be a blood bath if the United States should withdraw or when the United States withdraws.

Would the Senator not agree that is rather an unchallenged assumption that should be carefully analyzed especially in light of the relative troop strengths that exist on the two sides? I refer specifically to the fact that, according to official figures that we get, at most about 220,000 Vietcong, National Liberation Front, and North Vietnamese are involved in the fighting in South Vietnam, and that they are backed by an additional 400,000 members of the North Vietnamese Army, in North Vietnam. On the other side, at least 1 million South Vietnamese troops are under arms supplied by the United States and are supposedly pretty well trained by American personnel.

Would the Senator not agree that in light of this balance of power, that certainly is to the benefit of the South Vietnamese, a blood bath subsequent to American withdrawal is a scare tactic, or might be called a scare tactic, used by those who would like to see this war continued, or would like to see American involvement continued?

Mr. PELL. The possibility of a bloodbath is a contingency; but as we withdraw, I think we have to face up to the worst possible effects of our withdrawal which it should certainly include such a contingency.

This is what I have sought to do in my presentation today. One of the worst possible effects would be a bloodbath. There is no absolute certainty that there would be a bloodbath. As I have noted it appears there is a possibility that some of the people buried in the trenches at Hue may well have been killed by American bombs, so those deaths may not be clear evidence in themselves that a bloodbath would ensue.

But in the light of the experiences that China underwent when it was Communized, and on the basis of my own observations while serving as an American Foreign Service officer in a country when the Iron Curtain went down and the Communists took over, I feel one must recognize that in such cases a great harshness descends on the land. In some cases, people's property is expropriated while they are allowed to survive; in some cases they are sent to jail and bestially treated, and in some cases they are simply killed. I do not know in which of these categories South Vietnam would fall. But in case a bloodbath appears likely, I think we should be prepared for that contingency. I think there is a good chance it would not occur, but the possibility has to be accepted.

Our withdrawal would not mean that Vietnam would automatically be unified under Hanoi. As the Senator has pointed out, Saigon has vast resources and a large army of its own, and, under a popularly respected government, South Vietnam might be able to maintain its separate status.

But I have sought to follow the line of responsibility in recognizing the worst possible contingency that could develop if we withdrew. I think there is a possibility that the country would be unified under Hanoi; but I think, even so, our best interests would be less harmed by our withdrawal than by remaining. To answer the Senator's question, it is a matter of contingencies, but we must prepare for the worst contingencies and hope that they will not occur.

Mr. HATFIELD. Does not the Senator also agree that those who raise this question oftentimes recognize, even though they may not say so, that it takes more than military power to create a viable society and government behind which people are willing to unite and fight; that even though South Vietnam has a great superiority of equipment and manpower, both numberwise and equipmentwise, there may be a political element lacking in this whole matter of maintaining an independent Thieu-Ky regime after American withdrawal, the political element being that perhaps the South Vietnamese people have not sensed a cause for which they are willing to fight and give their lives, and that, after all, this perhaps is more of an American cause that has been superimposed from the outside, which has not really any deep roots of support from within?

Mr. PELL. I think there is very great merit to what the Senator says. Originally there was a Vietnamese cause here, but the American cause, the American emphasis, the American objectives have gradually taken over what was in fact originally a civil war. So, by the same token, given a government that has the support of its people, one does not have to worry so much about its stability. That government might not be a democracy. I think we are very wrong in feeling that our form of government, or a democratic form of government, even, is what every nation should have. There are governments around the world where they have paternal despotism and other kinds of government, where the people accept it and work within it as much as they can, and make do; and sometimes we find they would not particulraly want to change it.

We have a good example of that in Portugal, where we have not had anyone executed or tortured for political reasons for 30 or 40 years, under the government of Salazar and now of Caetano.

I think if there were a more crushing hand, the people would have risen. But what has the government of Portugal done? It has recognized the various political forces in being, and has worked with them. Where you do not have a government that accepts the political forces in being, then I think a country is destined for trouble, and this is what has happened in the southern zone of Vietnam, more commonly called South Vietnam.

Mr. HATFIELD. Mr. President, I think the Senator has put his finger exactly on the target when he says we seem to proceed under the assumption that every country wants to be exactly like the United States. We seem to have a sense of mission, that we want to go around the world creating little Americas, molding everyone in our own image; and actually we attempt to do so, oftentimes, with ignorance of the cultures, the histories, the languages, and all other elements that make up another society or another people, and we, as I say, just sort of assume that they all want to be like us.

I recall that when I was with the U.S. Navy in Hanoi in 1945, it was at a time when Ho Chi Minh had just raised the flag of Vietnamese independence over the city hall. Ho Chi Minh had been our ally in the Pacific during the war against Japan. We were in Hanoi at that particular time to pick up some of Chiang Kai-shek's troops, to take them up to north China to fight the Chinese Communists.

I recall very vividly that the people at that time were enthusiastically behind the Ho government. We were cheering the Ho government; they were our ally. It was not a hammer and sickle that was flying over the city of Hanoi. On the day I was in Hanoi, it was a flag of Vietnamese nationalism flying there. Those people sensed a time in their lives when they had achieved a goal of independence from all foreign intervention—French intervention, Japanese intervention, and Chinese intervention. I think sometimes we fail to recognize the history of a people who resent any intervention from the outside, including that of the United States.

I believe that putting, as the Senator has this morning, this whole picture into the perspective of history, could be very helpful for a better understanding of why we have had to spend more than 40,000—almost 50,000—American lives and $140 billion, why the French lost 100,000 troops there trying to establish that country's control, ending the debacle at Dienbienphu, and why we are never going to achieve the kind of victory the American people have called for or would like to see us achieve, or that even the President has talked about, until we first of all confront the history and the events leading up to this particular day.

When we do that, I think the American people will see that our presence there is futile, that our presence there will achieve no purpose, and that, at the present rate of Vietnamization, it will cost us as many as 10,000 more American lives and $40 billion or $50 billion more, and I feel that it is not worth the cost, that it is not worth one American life, when we face this situation.

So I personally am very happy to see the Senator from Rhode Island present his comments this morning. I am only hopeful that they can be distributed far and wide, that not only Senators, but all Americans, can read this statement, because it is a calm and accurate statement, one that comes from his experience on the Senate Foreign Relations Committee and from long concern over our involvement on the part of the Senator from Rhode Island. I think when the Senator from Rhode Island speaks, he speaks with great authenticity. Therefore I am very grateful to the Senator for his presentation this morning.

Mr. PELL. I thank the Senator.

XUM

The ACTING PRESIDENT pro tempore. The time of the Senator from Rhode Island has expired.

At this time, under the previous order, the distinguished Senator from Ohio (Mr. YOUNG) is recognized for not to exceed 20 minutes.

THE CREDIBILITY OF THE PRESIDENT

Mr. YOUNG of Ohio. Mr. President, one argument being heard these days in the debates over the Senate attempt to reassert its constitutional authority to declare war is that such actions might reduce the credibility of the President.

Apparently, leaders of the administration need no help to reduce the credibility of President Nixon. During the week of May 15, White House officials asked a group of reporters, including James Reston of the New York Times, "not to embarrass the Government by printing the details" of the U.S. air raids over Cambodia, Laos, and North Vietnam the previous weekend. President Nixon tried to keep the raids a secret from the American people, but they became known by news dispatches from Hanoi.

Such actions on the part of a President and of officials in the Pentagon certainly do nothing whatever to enhance the credibility of the administration in the eyes of the general public.

Mr. President, the only person who can control the credibility of President Nixon is the President himself.

BRING OUR BOYS HOME FROM KOREA

Mr. YOUNG of Ohio. Mr. President, approximately 19 years have elapsed since American soldiers and soldiers of Turkey and other friendly nations were engaged in combat in Korea, fighting under the blue flag of the United Nations. Today, there are approximately 60,000 American GI's, marines, and airmen stationed in South Korea, most of them along the demilitarized zone on the 38th parallel separating South Korea and North Korea.

Earlier this month, officials of the North Korean Government boasted that an American ship had been sunk in North Korean waters. State Department officials were quick to deny that any U.S. vessels had been operating in the area, and claimed that the lost ship belonged to South Korea. Yet, the North Koreans achieved the desired propaganda impact. Once again our extensive involvement in Korea has placed us in a preposterous and embarrassing position in the capitals of the world, particularly in the capitals of Asia.

Except for a few advisers and observers, all our troops should have been returned to the United States years ago, and certainly every one of the combat troops should be returned to the United States as soon as possible within the next few months. They should be returned by planes and ships, in the same manner they were sent there.

In the years following the Korean conflict, there was justification for our continuing a strong military presence in South Korea. It was obvious that the Armed Forces of South Korea at that time and for possibly 5 years thereafter would by themselves have been unable to repel a second attack from the north.

However, Mr. President, we have continued our presence in Korea far longer than necessary. The South Koreans are now capable of defending themselves.

The fact is that today South Korea has a regular army of 550,000 well-trained men, the fifth largest standing army in the world. North Korea has a standing army of but 350,000 men. There are 17,000 men in the South Korean Navy and only 9,500 in that of North Korea. South Korea has 30,000 men trained as marines, while North Korea has none. In addition, the reserve forces of South Korea number more than 2 million men who drill at least twice a week. North Korea has a reserve force of but 1,200,000 men. The Republic of Korea—ROK—standing army and reserves are well equipped with the most modern weapns.

The only category of arms in which North Korea exceeds South Korea is in its air force of 25,000 men and 590 combat aircraft. The South Korean Air Force is composed of 23,000 men with 215 combat aircraft.

South Korea is the only nation in the world to provide susbtantial armed forces to assist us in Vietnam. More than 53,000 Republic of Korea soldiers are now fighting in Vietnam alongside our forces. According to our military experts, they have fought hard and well. I reviewed the Tiger Division over there, and I know that they are fine combat troops, from my own observation. Many South Koreans have been killed and wounded in combat in South Vietnam. The famed ROK Tiger Division has earned the respect of its allies and foes as have other units in the ROK Armed Forces now in combat in South Vietnam.

Of course, these troops were transported to South Vietnam on American ships and planes and are maintained there entirely at the expense of American taxpayers. South Korea, in reality a client nation of the United States, was given hundreds of millions of dollars in addition to military and economic assistance as a quid pro quo for helping maintain the Saigon militarist regime of Thieu and Ky in power.

Since 1951, the United States has given more than $3 billion in military assistance to South Korea. In addition, we have given $4.6 billion in economic aid to that country. Its increasing prosperity is in large part a result of our help.

Mr. President, on two occasions in recent years I had the opportunity to visit South Korea. I visited with our GI's along the 38th parallel at Panmunjom and elsewhere and saw myself the hard conditions under which they live during their tour of duty. Very definitely, it is no longer necessary that we continue to maintain any armed forces in South Korea in view of the present strength of the South Korean military forces.

Furthermore, South Korea with 31,200,000 people is twice as populous as North Korea with its 13,300,000 people. The economy of South Korea is booming and the degree of its economic growth is tremendous as compared to that of North Korea, a poverty stricken, backward nation, and, as a matter of fact, as compared to the United States.

President Nixon has pledged to withdraw another 50,000 American troops from South Vietnam in the next few months. Hopefully, all U.S. troops will be out of Southeast Asia within the next year and our involvement in that immoral, unpopular civil war ended.

At that time, and it should be this year, the 53,000 South Korean troops we are supporting and maintaining in South Vietnam will also be returned to their homeland. There can no longer be any justification whatever for our continuing to station thousands of young Americas in South Korea. They should be returned home immediately.

South Korea has the military and naval strength to defend itself against any possible attack from the north. In the very unlikely event of that occurring, our warplanes stationed in Japan and Okinawa are only a few minutes distant from Korea and could readily come to the assistance of the South Korean Air Force, if that assistance were required.

Mr. President, administration officials, particularly those in the Defense Department, should begin immediate planning for withdrawal of our forces from South Korea. This would be an important first step in reducing tensions in the Far East, in determining just what are our vital national interests in that part of the world and in the reevaluation of our entire Asiatic policy which must and will result with our disengagement from Vietnam.

The U.S. military presence in Southeast Asia should have been ended long before now. With the armed forces of the Soviet Union and Communist China fighting each other sporadically along their common border of more than 6,500 miles there is no longer any valid fear of a huge monolithic threat of aggression in Southeast Asia from the combined forces of the two great Communist powers, if there ever were basis for such fear.

Mr. President, the United States does not have a mandate from Almighty God to police the entire world. We saved South Korea from Communist aggression. That was done while President Harry S. Truman—one of our greatest Presidents—was Commander in Chief of our Armed Forces, and he ordered that done under the auspices of the United Nations. The soldiers of Turkey and other countries represented by the United Nations fought beside our troops in Korea under the blue and white flag of the United Nations. But the heads of state of those countries today are embittered toward the United States because of what we have done and what we are doing in South Vietnam.

In the years since, we have assisted and enabled that country to have the power to defend itself against any possible future attack. It is time for South Korea to stand on its own two feet.

In 1950, Gen. Douglas MacArthur came over from Japan at the direction of President Harry Truman and assumed command of the United Nations forces

XUM

against the invading North Koreans. He led the landing at Inchon, winning a splendid victory, and the North Korean forces retreated above the 38th parallel.

General MacArthur divided his forces making a two-pronged attack with a mountain range in between. The North Koreans were driven back and General MacArthur, disregarding orders from President Truman, moved our forces north, close to the Chinese border. Military intelligence informed him that the Chinese would not intervene in the Korean conflict. That military intelligence proved 100 percent wrong as has often been the situation. Hundreds of thousands of Chinese soldiers crossed the Yalu and attacked our troops. Our forces fought valiantly against the horde of ground forces of Communist China who successfully drove back both columns of our Armed Forces so imprudently divided.

Our divided armies were driven back with great slaughter. The bitter war waged under the auspices of the United Nations, instead of ending triumphantly following clearing out invaders of what is now the entire area of South Korea, resulted in a stalemate. It was later settled with armistice negotiations at Panmunjom which brought an end to large-scale fighting.

Very definitely we should several years ago have reduced our Armed Forces in Korea and I assert that before October we should certainly bring back to the United States all of our combat soldiers now stationed in South Korea.

May I add that in the remote event the North Koreans were to attack our Embassy in Seoul, South Korea, or take any other action against the United States, we have our warplanes on carriers in the China Sea and stationed in Japan and Okinawa, a few minutes distant in flying time from North Korea.

But, Mr. President, there has never been any threat, any indication, any hint, of any aggression on the part of North Korea against us.

Mr. President, I yield the floor.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. BAYH). Under the order previously entered, the distinguished Senator from Maryland (Mr. MATHIAS) is now recognized for 20 minutes.

VIETNAM PEACE PROPOSAL

Mr. MATHIAS. Mr. President, the last 2 years have brought a succession of American and allied military triumphs in South Vietnam. Today, as our troops, rewarded with the spoils of battle, withdraw from Cambodia, United States and South Vietnamese forces in Vietnam hold their strongest military position since the war began.

The North Vietnamese armies exposed to combat in the south last year were severely beaten. In the past month, moreover, they lost a sizable proportion of their supplies in Cambodia. The Vietcong, once in control of a majority of the South Vietnamese people, now are said to be restricted to areas occupied by only an estimated 10 percent of the population.

As a result, the Vietcong have been driven to ever more extortionate methods in gaining sustenance from the peasants they still control. The new Vietcong tactics together with the death of Ho Chi Minh, the one Communist leader widely known and respected in the south, appear to have significantly diminished Communist support among the rural South Vietnamese.

The North Vietnamese have responded to this situation by abandoning their previous calls for early victory and by returning to the rhetoric and tactics of prolonged guerrilla struggle. As part of this shift, they have initiated a campaign of assassinations against pacification officials, similar to their selective killings of village leaders in 1958 and 1959. In recent months more than 1,000 officials have been assassinated.

In a sense, therefore, our military victories have restored the conditions of the late 1950's which prompted our intervention in the first place. To be sure, the Vietcong do not now command the popular support they enjoyed against the regime of President Ngo Dinh Diem. But they seem to have resumed a long-term guerrilla strategy like the one that finally incapacitated the Diem government.

Regardless of the improved military position of the allied forces, however, the prospects for peace seem as dim as ever. Both sides took significant initiatives last year—revising their negotiating positions and deescalating their military tactics—but no real transactions were achieved in the talks. Now the chief Communist negotiators have left Paris and the United States is represented by a professional team which is both experienced and skilled, but which lacks the charisma of a figure immediately recognized in the world arena, and therefore with a mandate which is realistically limited to the next cable. The North Vietnamese, even as they resume in the south the Maoist tactics of prolonged struggle, are being lavishly praised in Peking. The influence of Moscow, considered instrumental in gaining Hanoi's participation at Paris, seems correspondingly diminished.

The war, almost won by allied forces in South Vietnam, in strict military terms, is meanwhile being expanded throughout Indochina. The polarization within Vietnam's neighbors which began in Laos has extended to Cambodia. Prince Sihanouk, once a practioner of delicate neutralist maneuvering, has emerged as a front for a new Communist military campaign in his own and neighboring countries.

These developments seem to have eclipsed the hope for fruitful negotiations in the near future. Yet, if an early peace is to be achieved, if the killing is to end, if our prisoners of war are to be recovered—if a geographically expanded repetition of the Vietnam syndrome is to be avoided—talks are imperative.

The fundamental and undeviating aim of U.S. policy must be to end the fighting and negotiate for our irreducible interests. These interests are not promoted by continuing the war. The release of prisoners, for one crucial example, cannot be achieved through military action—only through negotiations.

Nor can the territorial integrity of Laos and Cambodia be maintained by continued fighting within their borders. Only a regional settlement can offer any hope at all of protecting these precarious nations. Because they are relatively unimportant politically and economically, they may be unmolested in peacetime. As long as the war continues, however, Laos and Cambodia remain military prizes and their independence will be in jeopardy.

The containment of China moreover, is not promoted by continued devastation of the countries near its borders. Ultimately, China can only be contained by a thriving Southeast Asia. North Vietnam, with its strong nationalist and anti-Chinese tradition, must play a part.

All our key goals, thus depend on a negotiated peace. But we must recognize today that the positions of both sides prohibit productive talks. The Communists will not negotiate as long as we refuse to suspend offensive military activity against them and commit ourselves to a timetable for the total withdrawal of American troops. The U.S. position, on the other hand, has been that only unremitting military pressure can induce the Communists to talk. For several years, this approach has failed to produce results.

As a way out of this impasse, I would like to propose the application of two concepts which have proved useful in the past in quite different ways and circumstances.

One is the GRID plan advocated in 1966 by a group of Republican Congressmen of the House, including myself. GRID stands for graduated reciprocal identifiable deescalation. This proposal was conceived in 1966 as a way of stopping the bombing of the North—zone by zone—in exchange for identifiable but not necessarily declared steps of reciprocation by the Communists. Columnist Charles Bartlett has reported that the GRID plan was the basis of President Johnson's limited bombing halt.

Regardless of its origins, this approach of graduated deescalation—even if uncertainly pursued—did eventually lead to the opening of negotiations. The maintenance of military pressures, on the other hand, has brought no discernable progress in the talks. The broad concept of gradual deescalation should be tried again now.

For the specific mode of application of this approach to peace, I think it may be illuminating to turn from the GRID concept and consider the premises of one of our most controversial offensive military techniques: the free-fire zone. For years we have designated certain restricted areas of Vietnam for relatively unrestricted military activity. After issuing warnings designed to clear the region of all noncombatants, we issue orders authorizing attacks on all remaining persons and targets.

According to many reports, including Jonathan Schell's lengthy eyewitness accounts in the New Yorker, this practice has often been abused. The warnings are often faulty and the firing all too free. The alleged massacre at Song My, for example, was an illustration of the free-zone fallibility and consequent liability to final policy objectives.

Nonetheless, the fundamental concept of following policy declarations with corroborative military action is not without useful possibilities. In a different form, it may be applicable as an interim measure in the quest for peace.

I am proposing that we reverse the concept of free-fire zones and create areas of ceasefire that might be called fire-free zones. The United States would pledge to cease combat operations in a specified area if the Communists would also observe a ceasefire. The plan's success in one area could lead to its gradual extension throughout South Vietnam.

This approach would be easier for both sides to accept than more comprehensive peace plans. To minimize risks, the zones for ceasefire would be chosen with the advice of appropriate military authorities. Vietnamization could continue and our negotiating position would not necessarily change in the early stages. The Communists, on the other hand, could acquiesce in a limited fire-free zone without any dramatic renunciation that would be politically impossible for them.

Nevertheless, as the fire-free zones were extended, the nature of the conflict would change; killing would diminish and local political agreements might become possible. Ultimately the climate for a general settlement would improve.

To date the administration has attempted to promote negotiations by simultaneously enhancing the allied military position and making concessions in our negotiating terms. Designed as two complementary tracts to a resolutions of the conflict, this pedagogic approach seems instead to have nullified itself. The military activities entailed by Vietnamization—and the resulting military advantages—have reduced the Communist interest in negotiations. The bad boys refuse to take their punishment gratefully. The Communists, moreover, have also decided to Vietnamize the war in the South—avoiding direct confrontation with American forces—and have initiated major new campaigns in Laos and Cambodia. It seems clear, therefore, that the attempt to simultaneously blandish and intimidate Hanoi has failed.

What is needed now is a new move by the United States aimed at reducing the scope of the fighting and thus improving the climate for resuming serious negotiations with the Communists. Our primary concern—as the President has often stated—is to protect our troops during the coming period of relatively rapid withdrawals. In recent months we have defended our troops through protective reaction strikes in the North and against the Cambodian sanctuaries. Now I propose we protect them by a combination of diplomatic overtures and military stands.

This cease-fire aproach, seeking an end to the conflict, would as much as possible reform, renew and revitalize the Vietnamization policy. Although the current policy undoubtedly intends that American participation should diminish, it seems also to entail a conflict with broader geographic scope, great political polarization, and thus possibly a greater U.S. stake in the outcome. With American interests still so deeply involved and the war continuing, total withdrawal becomes unlikely.

The graduated cease-fire program I am proposing would be accompanied by serious diplomatic initiatives. We should begin by refurbishing the American delegation to the Paris peace talks, either by conferring signal honor on the career foreign service officers there or by naming a widely known team captain. Our objectives should be to replace an approach which has seemed to tend toward regional polarization, with an attempt at neutralization.

We should attempt to create conditions for negotiations among the interested parties in Vietnam. We cannot conduct these negotiations for them. But we can restrict the conflict as much as possible to Vietnam and create the conditions of American withdrawal under which any settlement must endure. I believe that a graduated cease-fire program—fire free zones—such as I am proposing today is one promising step in this necessary process.

These measures in Vietnam and Paris should be accompanied by an unflagging effort in the Congress to assume its constitutional responsibilities with relation to the Vietnam war. In the near future I hope there will be other new proposals to engage both the President and the key congressional committees in a cooperative effort to develop new legislation regarding troop withdrawals. A graduated cease-fire in Vietnam, however, would be a useful complement to all current congressional proposals to end the war, including programs for a comprehensive stand still ceasefire throughout South Vietnam. I hope that this limited initiative will be closely appraised in the executive and that, regardles of division on the nature of the settlement to be pursued, the country can unify behind the principle that the killing must stop.

ORDER OF BUSINESS

The PRESIDING OFFICER. Pursuant to the previous order the Chair recognizes the junior Senator from South Dakota for a period of 15 minutes.

McGOVERN-HATFIELD AMENDMENT TO END THE WAR

Mr. McGOVERN. Mr. President, on April 29—the day before the Cambodian invasion—I introduced with the cosponsorship of Senator HATFIELD a legislative proposal calling on the Congress to exercise its constitutional prerogatives by voting on a plan for the systematic withdrawal of all U.S. forces from Indochina. On May 5, Senators CRANSTON, GOODELL, and HUGHES after suggesting certain modifications in the amendment, joined as consponsors. Now the amendment has 25 Senators of both parties as cosponsors and numerous other Senators have indicated their support.

We discussed with Majority Leader MANSFIELD the means which should be employed to bring this issue to a vote on the Senate floor. He foresaw an orderly procedure through which the Senate would first consider the Church-Cooper amendment, then the Mathias resolution repealing the Gulf of Tonkin resolution, then another resolution by Senator PERCY aimed at clarifying the constitutional division of war powers between the executive and legislative branches, and finally our so-called amendment to end the war. In line with this sequence, the majority leader urged that instead of further delaying the military sales bill, we should offer our proposal as an amendment to the military procurement authorization bill. I discussed this procedure with other Senate leaders including the distinguished chairman of the Armed Services Committee, Senator STENNIS.

It was our feeling that this procedure was appropriate both according to the majority leader's timetable and also from the standpoint of committee jurisdiction since the bill to which we offered our amendment contains funds for the procurement of military supplies to be used in the conflict in Indochina.

Today we are confronted with an attempt to upset that process in defiance of Senate traditions of common courtesy and orderly procedure. The architects of the move to call up the amendment to end the war at this time, in connection with the Foreign Military Sales Act, have no wish to advance the amendment. They want to see it defeated. By bringing it up out of order they would confuse the debate, confuse the public, and prevent the kind of discussion this most serious issue deserves.

The nature of this move becomes all the clearer when we consider that its architects have for the past 6 weeks prevented, through extended discussion and a series of amendments, the vote on the Cooper-Church amendment. The sponsors of that amendment have been ready for a vote for some time. The Senator from Colorado now attempts to portray the debate on the limited Cambodia amendment as equivalent to a full debate on the issue of U.S. disengagement from the entire Indochina conflict.

None of the sponsors of the amendment to end the war have considered the debate on the Church-Cooper amendment relating only to Cambodia as a substitute for full debate on our amendment proposing a systematic disengagement from the entire Southeast Asia conflict. The need for careful consideration of the amendment is underscored by an editorial in today's Washington Post which reveals that the usually well-informed editor of this paper does not comprehend the basic outline of the amendment. I am confident that Senators will want to explore the full implications of our amendment when it is called up in its proper order. But to debate it extensively now would further delay action on the Church-Cooper measure.

The Senator from Colorado said last Thursday that the Senate has not been slow in debating the Church-Cooper amendment. The Vice President, however, has blasted the Senate for excessive debate on that measure claiming that by slowing approval of the military sales bill, the Senate is hampering our friends in the Middle East. But what seems puzzling is the contention by the Senator from Colorado that 7 weeks is not too much time to debate the Church-Cooper amendment, but that he feels we should vote on the much more far-reaching amendment to end the war without further debate.

Mr. President, we should be aware of the probable consequences if the move by the Senator from Colorado is allowed to succeed. If the precedent he proposes to set is emulated by others, we will reach a situation in which no Senator will be able to control the timing of his own proposals, nor will the leadership any longer have the capacity to schedule the business of the Senate. If we sanction this procedure today I can see nothing that would stop a Senator from calling up any legislation that the President might propose before it has been considered by Committee and before potential support has been marshaled, in order to embarrass the White House by an early defeat. Those who would call up our amendment now are in my view exhibiting contempt for the decorum and the order of the Senate and the standards of courtesy which all of us should seek to maintain.

The Senator from Colorado gave the impression of scholarly research by citing precedents of Senators making proposals and then voting against them. His most recent example was in February of this year. At that time, the majority leader, Senator MANSFIELD, offered a motion to table Senate Resolution 359 which created the Select Committee on Equal Educational Opportunity. He then voted against his own motion to table.

XUM

Anyone who has examined the record of that day, however, is aware that the Senator from Colorado has misconstructed what occurred. In line with the courteous character to which so many Members of the Senate paid tribute to on last Thursday, Senator MANSFIELD'S motion to table was in accordance with the expressed desire of Members who opposed the creation of the Select Committee or who wanted to consider it at greater length. He had previously offered not to object to a motion to table. The Senator from Florida (Mr. GURNEY) then asked unanimous consent that a motion to table be in order. No objection was heard and the motion to table was made by the majority leader.

The other examples cited by the Senator from Colorado are of a similar nature. He has offered no precedent for what he has done, that is for one Senator to appropriate a piece of substantive legislation proposed by another Senator and to call it up for Senate consideration out of the previously planned order, against the wishes of the sponsors of the legislation, and with no aim other than to procure its defeat. It is not discourteous and irregular for the Senator to vote against his own motion. What is discourteous and irregular is for him to seize a piece of legislation authored by other Senators that has not yet even been brought to the Senate floor and then offer it as his own for the express purpose of defeating it.

I find it appalling that the Senator from Colorado would attempt by this device to suggest that the majority leader and the senior Senator from his own party, the Senator from Vermont, have engaged in practices similar to this and would therefore condone what he is doing. Both Senators have, in fact, objected to this procedure. I am confident that neither Senator either has or would follow it.

The truth is that what we have before us is something far more than a simple matter of a Senator proposing to vote against his own measure. If that were all that was involved, the Senator from Colorado would certainly not have had to look so far. It is common practice, for example, for a Senator to offer a motion to reconsider legislation which has just been approved by the Senate and then vote to table his own motion. Surely the Senator from Colorado must now see the difference between this common procedure and what he is doing in trying to preempt legislation offered in good faith by other Senators.

During the 7½ years I have served with the Senator from Colorado in this Chamber and as a member of the Interior Committee of which he is the distinguished ranking member, I have enjoyed friendly personal relations with him. I have never agreed with his views on the war in Asia since it has seemed to me from my earliest days in the Senate that we were mistaken in becoming involved in that conflict—a conflict which can only be settled by the people of Vietnam. I respect, however, the Senator from Colorado's right to his view. But I object to his procedure. I am confident that if the tables were reversed and I attempted to appropriate one of his bills, calling it up out of order to defeat it, we would hear a cry of indignation pouring forth from the Senator that would shake the dome of the Capitol.

But we should be even more concerned about the spectacle this action will portray to the American people. They will see subterfuge replacing legitimate discussion of the transcendent issue of war and peace. Such tactics only aggravate the cynicism and doubt toward our political system that is already all too prevalent. In the anguish and outcry that followed the unexpected invasion of Cambodia and the tragedy at Kent State, the one factor more than any other which gave concerned students and other citizens an alternative to undisciplined protest was the amendment to end the war. These concerned citizens are entitled to something better than trick tactics designed to frustrate the normal congressional process.

I do not know how any Senator or any public official can talk about reunifying the country and about bringing us together while at the same time condoning the tactic now being attemped to defeat the amendment by premature vote.

The authors and the sponsors of this amendment regard it as a serious, prudent method of disengaging this country from the Indochinese quagmire. And we are not alone in that belief. A Gallup poll released on June 13 found 23 percent of the American people in favor of withdrawing all troops from Vietnam immediately and another 25 percent in favor of withdrawing all troops by July of 1971. A total of 48 percent therefore, supported the amendment to end the war or something even more restrictive. Thirty-one percent were in favor of withdrawing all troops but taking as many years to do this as are needed to turn the war over to the South Vietnamese.

Therefore, if the Senator from Colorado does not take our proposal seriously and claims to interpret the views of the American public, he should be reminded that only 31 percent of Americans responding to the Gallup poll fafor the Vietnamization plan offered by the President, whereas 48 percent of the American people favor either immediate withdrawal or the phased withdrawal plan proposed in our amendment.

The Colorado Senator contends that we should vote now on the disputed amendment because the amendment is endangering negotiations in Paris.

We need not look very far back to refute that argument. Our amendment has been pending since April 29 and in slightly revised form since May 5. If the Senator from Colorado is right, then we are left to wonder why it is that there was no meaningful negotiation during the full 16 months between the date of President Nixon's inauguration and the date our amendment was introduced.

The fact is that there has been no progress in Paris because the parties to the negotiations are at irreconcilable positions. We can expect that the talks will be stalemated for so long as we continue to guarantee the Thieu-Ky government's insistence that it remain in exclusive and complete control of all governmental machinery in South Vietnam until elections are held. The North Vietnamese and the Vietcong have no incentive to accept that position because they have not lost the war. Defeat of our amendment would have no effect in starting negotiations. On the contrary, passage of our amendment might stimulate the negotiations through its notification to the existing Government in South Vietnam that they must begin working out accommodations with their adversaries because they cannot depend forever on an open-ended commitment of U.S. support.

Furthermore, Hanoi and the National Liberation Front have said negotiations can resume only after we agree to a definite withdrawal.

At present, we are burdened by a policy that can be vetoed either in Saigon or Hanoi. Passage of our amendment would restore control of our policy and our forces to the President and the Congress according to our national interest.

The Senator from Colorado contends that this amendment to end the war is dangerous to American troops.

But there is no safer policy for American troops and American prisoners than to bring them home.

The dangerous policy is the one the Senator from Colorado and President Nixon have advocated for the last 15 years. The dangerous policy was sending American troops to fight in a struggle that can only be resolved by the people of Asia.

The dangerous policy was in assuming

that bombs from America could resolve a political issue born in Asia.

The danger was in trying to substitute American blood for bad government in Saigon.

Now we seek to end that danger and restore the war and peace powers of the Congress by carefully legislated guidelines for terminating U.S. involvement in a conflict we never should have entered.

I do not intend to engage now in a debate on the merits of our amendment. Since we are committed to call it up in connection with the military procurement authorization bill, discussion now would only serve to delay the action which is past due on the Church-Cooper proposal. Instead, there will be a move to table the amendment.

I hope that a strong majority of the Senate, regardless of their views on the amendment to end the war, will support the tabling motion in order that we might continue in an orderly fashion to consider the issue fully at the proper time.

Mr. DOLE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Under the previous order, the Senator's time has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator may have 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I have listened with great interest to the Senator from South Dakota. I am wondering what his basic reason is for not wanting to proceed to rejection or adoption of the so-called end-the-war amendment at this time.

Mr. McGOVERN. There are several reasons, I will say to the Senator. First, we have made both public and private pledges to Members of the Senate and to the citizens of the country that the amendment would be called up on the military procurement bill. We feel that that pledge is one that ought to be respected both by the sponsors of the amendment and by other Senators. This was a procedure that was worked out with the majority leader, with the chairman of the Committee on Armed Services, with other Members of the Senate, and with interested citizens across the country.

Secondly, we feel that the measure is a far-reaching one, which goes directly to the question of whether we ought to disengage our forces, not just from Cambodia, but from all of Indochina. That is not a matter to be disposed of hastily, but to debate it extensively at this time, as the Senator knows, would further delay action on the Church-Cooper amendment and the military sales bill to which that amendment is attached. The Vice President has already expressed great impatience with the Senate, claiming that the long debate on the Church-Cooper amendment has stalled the military sales bill and hampered American policy in the Middle East. To whatever extent that argument has any merit, a lengthy debate at this time on the so-called amendment to end the war, the McGovern-Hatfield amendment, would not only delay action on the Church-Cooper amendment, but on the military sales bill to which it is attached.

For those reasons, it seems to me proper to set aside this amendment now and bring it up according to the plan that was previously worked out.

Mr. DOLE. The reason the Senator from Kansas asked the question was that there was a full page, or almost a full page, advertisement in the Sunday, May 24, issue of the New York Times, which said:

> Between now and July 1, Congress will vote for war or peace. With your help it can be peace.

This advertisement was paid for, apparently, by a group called Project Purse Strings, which I understand is a part of the End the War Committee. Then there was another advertisement, on May 17, which said "within 30 days."

So, as far as the time frame is concerned, it appears that we have more or less kept on schedule with the fundraising activities of the End the War Committee. It is almost July 1, and it appears now is an appropriate time to consider the end-the-war amendment.

Mr. McGOVERN. Let me say to the Senator that I do not speak for Project Purse Strings or other groups that have been running advertisements in the press, but I can enlighten the Senator on why the estimated time table was given.

At the time that we introduced this amendment, on April 29, it was my thought that it might come to a vote in 30 or 40 days, but I did not anticipate that the Senator from Kansas and others would stall the Church-Cooper amendment for a period of 7 weeks then. I thought that a simple amendment like that, after 2 or 3 days of debate, could be voted up or down.

What puzzles me is how the architects of this move to bring up the so-called McGovern-Hatfield amendment prematurely can argue that it is not too much time to give 6 or 7 weeks of debate to the Church-Cooper amendment, but that we ought to vote on this one before it has ever come to the floor for careful consideration.

Mr. DOLE. If the Senator will yield for a question. The reason we indicate this is that we have discussed the general Southeast Asia problem, South Vietnam specifically and Cambodia specifically, for some time. It appears to many of us that we are probably as well informed now as we will ever be on whether or not the so-called end-the-war amendment or other amendments should be adopted. We have made progress in the last 7 weeks with reference to the Church-Cooper resolution and other so-called resolutions which would restrict the power of the President. But even more importantly, as the Senator knows, telegrams have gone out to TV stations across the land from the offices of the Senator from South Dakota and the Senator from Oregon, indicating that "If you want to end the war, make a contribution, send your contribution to the Amendment To End the War Committee, Box 1A, Ben Franklin Station," and I assume there is some fundraising going on at this time. I would be interested to know how many hundreds of thousands of dollars have been raised by the End-the-War Committee.

Mr. McGOVERN. In response to that, let me say to the Senator that we have raised a total of more than $400,000 for that purpose, of which approximately $75,000 was used to cover a half-hour broadcast on the National Broadcasting Co. some weeks ago.

The Senator knows that the President, rightfully, has a great opportunity to communicate his views on important issues of the day by going on television free of charge at any time he requests time. I think he ought to have that privilege. But Senators do not have that privilege. It is very difficult for those of us who feel differently from the President to make our views known.

We have sought to do that by raising these funds, so that we could purchase time on the networks for the purpose of explaining the ramifications of this amendment to the American people. Even there, we have been frustrated by the networks in buying time on a network basis, and have been forced to approach individual radio and television stations to get our message across.

Perhaps I could ask the Senator if he feels that one of the reasons for bringing up the amendment now, as the Senator from Colorado has tried to do, is to deprive us of that opportunity of utilizing the funds that have been raised to bring our message to the American people.

Mr. DOLE. Well, of course, I did not bring up the amendment, so would not know what may have been the reasons. But I would also be interested in knowing, if the Senator from South Dakota plans to revise the so-called end-the-war amendment? If so, will all the money be returned that was forwarded in response to the original amendment?

Mr. McGOVERN. I have no plans to make revisions of the amendment, but neither do we have a closed mind on that. If suggestions can be made to improve the legislation, it is inconceivable to me that anyone contributing to the effort to end the war would object to that.

The PRESIDING OFFICER (Mr. BAYH). The Senator's time has expired. Under the previous order, the Senate will now proceed to a period for the transaction of routine morning business.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to executive session for action on nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

The bill clerk proceeded to read sundry nominations placed on the Secretary's desk in the Environmental Science Services Administration.

Mr. MANSFIELD. I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without

XUM

objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE GAINS AND LOSSES FROM CAMBODIA

Mr. MANSFIELD. Mr. President, in today's issue of the National Observer, a weekly publication, there appears an article entitled "60 Days in Cambodia—A Summing Up," written by Richard Egan. It is subtitled "The Gains, the Losses, and the Outlook Now in Southeast Asia."

This, I think, is an article which all Members of the Senate could read with much interest and edification. I think it is an excellent article, and I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SIXTY DAYS IN CAMBODIA—A SUMMING UP—THE GAINS, THE LOSSES, AND THE OUTLOOK NOW IN SOUTHEAST ASIA

(By Richard Egan)

This week the last American ground troops are scheduled to return to South Vietnam from the despoiled Communist sanctuaries along the eastern border of Cambodia, concluding one of the most debated U.S. military episodes of the Vietnam War.

From the one standpoint, the two-month American-South Vietnamese expedition into Cambodia has brought undeniable benefits to the allied war effort in Vietnam. The Communist losses in men and materiel have been great. The sanctuaries they had operated from with impunity for five years are no longer sacrosanct. The Communists know that if they move back, they may be driven out again. And, according to American officials, the Cambodian venture has gained time for the South Vietnamese to prepare for the day when American combat forces leave their country and the Vietnam War becomes largely a Vietnamese war.

But the offensive also has stirred wide repercussions in the United States and in Indochina that U.S. officials candidly acknowledge they had not anticipated when 20,000 American and South Vietnamese troops surged into Cambodia on April 29–30. At home the offensive reinvigorated the moribund antiwar movement and touched off an attempt by Senate doves to curtail President Nixon's war-making powers.

In Indochina, the effects of the allied drive have reached far beyond the borderlands of Cambodia. The Vietnamese Communists responded to the assault by grabbing large chunks of northeastern Cambodia and southern Laos, and have undertaken a Cambodian offensive of their own that threatens to bring down the 15-week-old government of Cambodian Gen. Lon Nol. Prince Souvanna Phouma, the Laotian prime minister, has been embarrassed politically by the loss of Laotian territory, and rightist politicians and generals are demanding that the neutralist leader pursue a more vigorous military policy against the Communists. Thailand, always jittery when Communist forces edge close to its borders, has been drawn more deeply into the vortex of the Indochinese fighting. The South Vietnamese, along with the Thais, have rushed in to help prevent Cambodia from falling under Communist domination.

Inevitably, these developments have forced some shifts in the Nixon Administration's policy in Indochina, particularly in its attitude toward the Cambodian situation. Bald assertions by Administration officials in April and early May that the United States had no intention of employing its military might to rescue the floundering Cambodian government have given way to more circumspect explanations of U.S. policy. And the Administration has undertaken and underwritten several moves aimed at preserving Cambodia from Communist control, including possibly air strikes in direct support of Cambodian troops fighting the Communists.

When the Cambodian offensive began, Administration officials said the primary purpose was to "clean out" the sanctuaries, which the Communists had been using as supply depots, staging areas for raids into the southern half of South Vietnam, and rest, recuperation, and regroupment areas after the cross-border forays. The American and South Vietnamese troops would chew up the sanctuaries, smashing bunkers, destroying or carting off the Communists war stocks, and killing whatever Communists they could find. After ravaging the sanctuaries, the allied troops would move back across the border. The Communists, who were expected to fade deeper into the sanctuaries while the offensive went on, would then slip back into their bases, and begin rebuilding and restocking them. But by that time, monsoon rains would be pelting down on the sanctuaries, hampering the Communist reconstruction operation.

U.S. officials said the destruction of the sanctuaries would provide the United States with a respite of from six months to a year from major Communist military operations in the southern half of South Vietnam. They argued that, given this time, the United States could concentrate relatively unimpeded on the Vietnamization program of preparing South Vietnamese forces to replace American troops. The speed-up in Vietnamization, in turn, would assure continuation of the American troop-withdrawal plan.

American officials expected that the offensive also might produce some beneficial side effects by prodding the Communists into negotiating seriously at the Paris peace talks and by relieving Communist pressure on the Cambodian government. But, these officials emphasized, the offensive was not intended as a rescue operation for the Cambodian government. "We don't intend to become involved militarily in the support of the Lon Nol or any other government" of Cambodia, Secretary of State William P. Rogers said in early May.

The Communists, however, failed to adhere to the script the Administration outlined in April. Abandoning the sanctuaries, the Communists initiated a series of attacks in northern Cambodia and the southern panhandle of Laos across the border. By late May, they had gained control of this area, where they have been establishing new base areas and working on new supply and infiltration routes for their troops in South Vietnam. The supplies are now being moved along the Sekong and Mekong rivers from Laos into Cambodia, where they are transported overland through Communist-controlled territory.

The Communists also intensified their military activity in other parts of Cambodia. In a series of hit-and-run raids, they have overrun almost every major town in the eastern half of Cambodia, and have occupied the ancient ruins at Angkor in western Cambodia, 200 miles from their old sanctuaries. Earlier this month, the Communists gained control of every highway leading into the Cambodian capital of Phnom Penh and cut the capital's last rail link with outlying provinces. By encircling Phnom Penh, the Communists have blocked oil shipments to the capital from the country's sole refinery at Kompong Som (formerly called Sihanoukville) and have prevented rice from reaching the city from the western provinces.

The government of Gen. Lon Nol, who came to power on March 18 by deposing Prince Norodom Sihanouk, concedes that the Communists control one third of the nation. And the Communists have been active militarily and politically in much of the rest of the Missouri-sized land, seeking to create a Cambodian guerrilla organization while weakening the government's hold over the 7,000,000 Cambodians by constant attacks on population centers.

State Department officials acknowledge that when the Cambodian offensive began they had not anticipated that the Communists would establish new base areas or supply routes. Nor did they foresee that the Communists would open any full-scale assault against the Cambodians, apparently in an attempt to bring down the Lon Nol government.

Even before the start of the Cambodian offensive, the Administration had taken several moves designed to shore up the Cambodian government. In late April Washington began furnishing Cambodia with captured Communist weapons and with $7,900,000 in U.S. military supplies, mostly small arms and ammunition. Delivery of these supplies is expected to be completed by June 30, the deadline President Nixon has set for withdrawal of U.S. ground forces from Cambodia. U.S. officials say Washington undoubtedly will continue to send arms to Cambodia after that date. Some Washington reports say the United States will send $50,000,000 more in military aid to Phnom Penh, and may also provide economic aid.

On May 3 about 3,000 South Vietnamese of Cambodian descent, who formerly served as members of U.S. Special Forces units in South Vietnam, were flown to Phnom Penh to fight alongside the Cambodian army. These troops were paid and outfitted by the United States while serving in South Vietnam, and presumably still are being financed by Washington.

On May 12, American and South Vietnamese vessels initiated a naval blockade in the Gulf of Siam along a 100-mile stretch of Cambodian shoreline. U.S. officials say the blockade was ordered to prevent ocean-borne shipments of supplies from reaching the Communists. The blockade also has freed the tiny Cambodian navy from patrolling the coast, enabling it to operate inland on the Mekong River.

By mid-May, U.S. officials were acknowledging that they had encouraged South Vietnam and Thailand to provide troops and other military assistance to help in the defense of Cambodia. Earlier this month, Secretary Rogers said the United States probably would underwrite "a substantial part of the cost" of the war if it developed into "South Vietnamese forces and Cambodian forces and even possibly Thai forces fighting a common enemy."

Thailand is expected to dispatch at least 2,500 troops in Cambodia, probably from its Black Panther Division in South Vietnam. The United States has been paying about $50,000,000 annually to maintain this unit in South Vietnam, and Thai officials have said this payment would continue if the troops are transferred to Cambodia. Thailand also began flying reconnaissance missions over Cambodia early this month, and has sent 20 gunboats to Cambodia to help patrol the

XUM

Mekong River near Phnom Penh. Joint Thai-Cambodian patrols have begun operations along the 400-mile border between the two countries.

The Thai government of Premier Thanom Kittikachorn said recently that Thailand is "directly threatened" by the Communist advances in Cambodia. Thailand decided to send troops to Cambodia, the premier explained, because it was better to fight the enemy there than "wait for him to arrive at one's door."

South Vietnam, which now has about 30,000 troops operating in Cambodia, has not disclosed how many will remain after June 30. South Vietnamese President Nguyen Van Thieu has said Saigon will leave as many troops as necessary to block the Communists from taking over Cambodia. In a joint communique last month, the foreign ministers of South Vietnam and Cambodia stated that the South Vietnamese forces had entered Cambodia "to drive out the Viet Cong and North Vietnamese" and would withdraw only when "their task is completed."

Some Administration officials have explained these moves as an application of the Nixon Doctrine. Under this doctrine, which Mr. Nixon enunciated at Guam in July 1969, the United States would help Communist-threatened Asian nations with military supplies and equipment, "but not fight the war for them."

Nevertheless, since April 30 Washington has watered down considerably its position on the possible use of American military power in Cambodia after June 30. Most significantly, the Administration has declined to rule out the possibility of American warplanes giving direct support to Cambodian troops in battle. Indeed, the Cambodian government reported last week that U.S. air strikes had helped break a month-long Communist siege of the provincial capital of Kompong Thom, which is about 180 miles from the Cambodian border with South Vietnam. (Though U.S. planes have been conducting similar missions in Laos since mid-1964, the first official American acknowledgment of this activity did not come until last March.)

Secretary Rogers refused to confirm or deny whether U.S. planes were supporting the Cambodian army. "The main thrust of our policy is to use our air force for the purpose of interdicting supply lines and communication lines to protect Americans in South Vietnam," he said. "That is our policy. Obviously it may have a dual benefit—it may serve our purposes and at the same time serve the Cambodian government." Mr. Rogers, however, declined to state that American planes would not fly close air support for the Cambodians.

Too, Washington not only has backed away from its original contention that South Vietnamese forces would withdraw at approximately the same time as American troops, it has also fudged its stand on the possible use of American tactical and logistical support for the South Vietnamese troops staying on in Cambodia.

At a news conference on May 8, President Nixon said he "would expect that the South Vietnamese would come out [of Cambodia] at the same time that we do, because when we came out, our logistical support and air support will also come out." A week later, Carl Bartch, the State Department press officer, disclosed that the United States was urging the South Vietnamese and Thais to join together in helping defend Cambodia by providing troops and by training, advising, and supplying the Cambodian army. U.S. officials said this decision was taken because in the seven days since the President's news conference Communist moves in Cambodia had indicated that the Lon Nol government might be overrun without a quick infusion of outside help.

Seventeen days after the President's news conference, the State Department raised the possibility that U.S. support for the South Vietnamese operating in Cambodia might continue after June 30. At a State Department briefing, Mr. Bartch said: "I think it's fair to say that when the United States withdraws its forces from Cambodia by June 30, that air and logistics support might also be withdrawn. I am distinguishing between that and what might arise in the future after June 30." He acknowledged that by "in the future" he meant July 1, implying that U.S. air cover might be provided the South Vietnamese after the American pull-out, but with a slight break so as to adhere, at least semantically, to Mr. Nixon's pledge on May 8.

The Administration has been backtracking, too, on whether U.S. troops would ever be sent back into Cambodia. Secretary of State Rogers said on June 8 that American GIs might be returned "if it is necessary to protect the lives of American forces right on the border."

Where do these shifts in position leave U.S. policy toward Cambodia? At the least, the United States is openly supporting the efforts of two allies to forestall a Communist take-over of Cambodia. At most, Washington, in backing off from its policy stands at the start of the Cambodian offensive, may be clearing away the diplomatic underbrush for an American rescue operation in Cambodia.

There are some clear risks even in the less ambitious approach. The Thai Black Panther Division, though based in South Vietnam since 1966, has done little fighting. The South Vietnamese units operating in Cambodia are accustomed to going into battle with U.S. advisers and being transported by U.S. planes, with U.S. artillery and U.S. air power for support. If one of these Thai or South Vietnamese units is threatened with destruction by the Communists, Washington may be faced with the difficult decision of whether to dispatch U.S. planes and possibly U.S. troops to help save the expeditionary force that is helping to save Cambodia.

Too, a lengthy extensive South Vietnamese commitment in Cambodia could detract from the Vietnamization and troop-withdrawal programs. As the United States discovered in South Vietnam, Thailand and South Vietnam might find that Cambodia will suck in more and more troops.

Nevertheless, it seems doubtful that the South Vietnamese would pursue policies in Cambodia that met with American disapproval. Washington holds enough political, economic, and military strings in Saigon to dictate the scope of the South Vietnamese venture in Cambodia. The Thais also are too closely tied to the United States to go off on their own in Cambodia.

So any major allied policy decisions on Cambodia most certainly would be made in Washington, rather than in Saigon or Bangkok. The key question facing President Nixon is what, if any, action the United States or its allies should take if the Cambodian government is in imminent danger of collapse.

When he appeared on television on April 30 to announce the start of the Cambodian offensive, Mr. Nixon spelled out clearly the dangers he foresaw if Cambodia fell to the Communists: "Cambodia would become a vast enemy staging area and a springboard for attacks on South Vietnam along 600 miles of frontier—a refuge where enemy troops could return from combat without fear of retaliation. . . . The lives of Americans remaining in Vietnam after our next withdrawal of 150,000 would be gravely threatened. . . . It would mean that South Vietnam was completely outflanked and the forces of Americans in this area, as well as the South Vietnamese, would be in an untenable military position."

And in his April 30 speech Mr. Nixon openly linked the Cambodian offensive to the need for a Cambodia free of Communist control. After ticking off the possible effects on the American war effort in South Vietnam of a Communist conquest of Cambodia, Mr. Nixon said that "confronted with this situation," the United States had but one choice: "To go to the heart of the trouble. That means cleaning out major North Vietnamese- and Viet Cong-occupied territories, these sanctuaries which serve as bases for attacks on both Cambodia and American and South Vietnamese forces in South Vietnam."

And near the end of his speech Mr. Nixon said, "The lives of American men are involved" in his decision to go into Cambodia. "The opportunity for 150,000 Americans to come home in the next 12 months is involved. The future of 18,000,000 people in South Vietnam and 7,000,000 people in Cambodia is involved. The possibility of winning a just peace in Vietnam and in the Pacific is at stake."

From its beginning the allied offensive had a Janus-faced quality that may have reflected the President's concern over the future of Cambodia. While American troops remained in the sanctuaries, the South Vietnamese tarried there only briefly. Within days after the offensive started, part of the South Vietnamese force was operating in direct support of embattled Cambodian troops outside the sanctuaries. And the South Vietnamese have insisted all along that their main objective in the offensive was to keep Cambodia out of Communist hands.

A Communist take-over of Cambodia would have widespread effects throughout Southeast Asia, as Mr. Nixon is aware. The Communist threat to South Vietnam, Thailand, and Laos would increase. The U.S. Vietnamization and troop-withdrawal programs in South Vietnam could be set back. But any American military campaign to rescue the Lon Nol government most certainly would slow down and possibly undermine these programs, besides again churning up antiwar sentiment in the United States. And the option the Administration seems to have chosen—the Thai and South Vietnamese expeditionary forces—carries risks too.

Late last week, Richard Nixon left Washington for the Western White House at San Clemente, Calif., to prepare a report he plans to make on the Cambodia offensive after all American troops have returned. His report may clear away some of the clouds that have covered U.S. policy on Cambodia since April.

Mr. DOLE. Mr. President, at this time I wish to read into the Record a telegram from the offices of the Senator from South Dakota (Mr. McGovern) and the Senator from Oregon (Mr. Hatfield), addressed to Jerry Holley, station manager, WIBW–TV, Stauffer Publications, Inc., Box 119, Topeka, Kans. It reads:

> Request immediate response availability prime thirties and fringe sixties for three week campaign to begin approximately June 16. Sponsor is the Amendment to End the War Committee of the United States Senate which sponsored half-hour telecast over NBC TV network 7:30 p.m. e.s.t., May 12, 1970. End the War Amendment, sponsored by bi-partisan group of 84 Senators, including Senators McGovern, Hatfield, Goodell, Cranston, and Hughes and 100 U.S. Representatives. We need immediate approval of prototype ad because of imminent starting date. Typical example of commercial to be run is included below in script form. Video: two small boys (12 years old) playing cops and robbers. Audio: announcer—"There are boys in Vietnam who were only 12 years old when the war started. No one would have believed that then, that we'd still be in it today. There are boys in the United States today that are twelve years old. No one wants to believe that we'll still be in the war when they are old enough to go. But we could be. If we don't end the war now. That's what the amendment to end

the war seeks to do. But it needs your support." (Alternative ending No. 1): Write your Senator in Washington, D.C. and tell him how you feel. Pick up a pen, so your son won't have to pick up a rifle. (Alternative ending No. 2): Send your contribution to the Amendment to End the War Committee, Box 1A, Ben Franklin Station, Washington, D.C. Pick up a pen so your son won't have to pick up a rifle.—Please reply by wire immediately to U.S. Senator George McGovern, Senate Office Building, Washington, D.C.

Offices of Senator Mark Hatfield and Senator George McGovern.

I also, in this connection, ask unanimous consent to have printed in the RECORD at this point the response from Thad M. Sandstrom, vice president, WIBW-TV, Topeka, Kans., in response to that telegram.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

TOPEKA, KANS.,
June 11, 1970.

Senator GEORGE MCGOVERN,
Senate Office Building,
Washington, D.C.

WIBW-TV believes that through news broadcasts and such programs as Face the Nation, Issues and Answers, The Senate and the War, our viewers are very aware of the position of the Amendment to End the War Committee. Further, we are advised by our attorneys that recent court and FCC rulings would obligate us to grant free time under the Fairness Doctrine to groups in Kansas who oppose the position stated in your telegram. Through CBS and WIBW Newscasts, we will continue to keep our viewers informed on opinions of Senators and Congressmen on both sides of this controversial issue.

THAD M. SANDSTROM,
Vice President, WIBW-TV.

(At this point Mr. MCGOVERN assumed the chair.)

Mr. BAYH. Mr. President, I have observed with a considerable amount of interest the discussion of our distinguished colleague from Kansas on the fund-raising endeavors of the End the War Committee and the request for availability to express opposition to the war on the part of the Senator from South Dakota, the Senator from Oregon, and some others. I ask unanimous consent at this time to have printed in the RECORD a report circulated to Members of the Senate by the Senator from South Dakota and the Senator from Oregon relative to the way these funds have been collected and the way they have been audited.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

AMENDMENT TO END THE WAR COMMITTEE AS OF JUNE24 1970

RECEIPTS

Contributions:	
Cash:	
To committee (net)	$437,864.21
To NBC	6,949.00
To Council for a Livable World	24,050.00
Subtotal	468,863.21
Other: Production services (Guggenheim productions)	20,179.43
Total contributions	489,042.64
Interest earned	229.69
Other receipts:	
Loan (Stewart Mott)	30,000.00
Contributions received by NBC for the Council for a Livable World	25,105.32
Subtotal	55,105.32
Total receipts	544,377.65

DISBURSEMENTS

For Telecast, May 12, 1970 (half-hour):	
Air Time (NBC)	59,493.30
Production:	
Guggenheim Productions:	
Paid services	9,820.57
Contributed services	20,179.43
Subtotal	30,000.00
Telecolor productions: 25 film prints	1,290.00
Subtotal	90,783.30
For radio and TV spots:	
Production (Guggenheim productions)	7,885.00
Staff travel expenses (New York)	97.75
Air time (Carl Ally, Inc.)	40,000.00
Subtotal	47,982.75
For newspaper advertising:	
Space:	
Carl Ally, Inc	5,847.12
Patrick McKeever	625.00
Robert A. Mann	150.65
Larry Kotlikoff	120.40
Gateway Advertising	2,985.15
Enterprise Agency	3,052.56
Subtotal	12,780.88
Production (Advertising People Against the War)	2,000.00
Travel expenses (S. Cohen, Carl Ally, Inc., to Oregon)	388,95
Subtotal	15,168.93
House committee for a vote on the war:	
Administrative services	$3,500.00
Congressional committee for a vote on the war:	
Printing general report (creative printing)	3,528.00
Printing legal report (Majority Room, House of Representatives)	1,581.00
Telephone (C. & P. Telephone Co.)	1,587.42
Organizational luncheon	64.80
	6,761.22
Postage and mailing	2,549.73
Bread and peace (C. & P. Telephone Co.)	200.00
Stationery (acknowledgment cards)	822.18
All other expenses:	
Volunteers' support	267.00
Telegrams	63.60
Bank charges (collection and service)	500.53
Rubber stamp	8.84
Xeroxing	45.15
Subtotals	885.12
Telegrams to student leaders	10,462.70
Subtotal	179,115.93
Total disbursements for expenses	179,115.93
Other disbursements:	
Loan repayment (Stewart Mott)	30,000.00
To transfer funds received from NBC for the Council for a Livable World	25,105.32
Subtotal	55,105.32
Total disbursements	234,221.25
Reserve balance (and cash in bank)	310,156.40

Mr. BAYH. Let me say that, although I have not in any way been connected with the collection of these funds or, indeed, in advertising for them, I think that any Member of this body who has observed what is going on relative to trying to explain and trying to discuss our involvement in Southeast Asia cannot be but a bit concerned about the fact that the President of the United States has almost unlimited access to television, and there seems to be some question as to whether those who oppose his policy are going to be given any access at all.

I want to salute the Senator from South Dakota and those who have joined with him in trying to equalize this disparity, and I want to compliment them for making no effort to hide the manner in which these funds are collected. They have tried to give us an opportunity to see how they are being spent. I see no way in which this can be criticized.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. BAYH. I am glad to yield.

Mr. DOLE. Let me suggest that President Nixon, apparently, has his own end-the-war committee. He has been quite successful in disengaging in Southeast Asia. The troop level has been reduced by 115,500, with another 50,000 to be home by October 1, and another 100,000 by next spring.

The point I make is that we all have the same hope and aspirations that the war in Southeast Asia will end.

The point is that I suppose funds can be raised for any purpose and can be disbursed for any purpose, so long as it is within the context of the purposes outlined. But it occurs to me that we have had adequate debate on the war in Southeast Asia during the past 7 weeks and we might be in a position now to vote one way or the other.

Mr. BAYH. Mr. President, I ask unanimous consent that I be allowed to proceed for a couple of minutes in order to respond to the Senator from Kansas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. I believe that the Senator from South Dakota very adequately dealt with the same point raised by our friend the Senator from Kansas, in which it is rather strange that for 7 weeks we have had a hit-and-run effort to try to prevent us from voting on the measure which was before us.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. BAYH. No. I will finish, and then the Senator can respond on his own time, since I only have a minute and a half remaining.

All of a sudden, there has been a change of strategy. We have an entirely different amendment, which has not been discussed at all by this body. I am of the opinion that it makes a great deal of difference whether we are telling the President that we would suggest that he withdraw troops from Cambodia by the 1st of July—that is one issue—and the issue that has been presented by the end-the-war amendment offered by the distinguished Senators from Oregon and South Dakota. This is an entirely different issue, which deals with a scheduled ending of the entire confrontation.

I will not discuss with my friend from Kansas, since we had a chance to do this earlier, the different views that he and I have as to whether the President has shortened the war or lengthened it by sending armed forces into an entirely different country. I do agree with him that we all want to bring the war to an end. But I hope we have not reached the day in this country when we say that there is something wrong and access to television should be denied to those who differ with the President of the United States. I am deeply concerned about the feeling that seems to be promulgated out of the White House and out of the Vice President's office that there is something disloyal or un-American about saying, "Mr. President, I disagree." When the time comes that Members of this body or other citizens of this country cannot stand up on a public platform and say their President is wrong or their Senator is wrong or the Vice President is wrong, we had all better get ready for the barbed wire treatment.

The Senator from Indiana is not ready or willing to remain mute when this type of criticism is directed at the Senator from South Dakota or at any other Member of this body; and if it is directed at the Senator from Kansas, I will be just as vocal.

Mr. DOLE. I appreciate that.

I think the Senator has approximately 30 seconds remaining. Will he yield to me?

Mr. BAYH. I yield.

Mr. DOLE. I did not hear anybody quarrel about extended debate in the Haynsworth and Carswell nominations. As I recall, the Senator from Indiana played a major role in those nominations.

Mr. BAYH. Will the Senator yield for a question?

Mr. DOLE. I yield.

Mr. BAYH. Does the Senator know how long the debate on either of those cases took? Did it take place for 7 weeks?

Mr. DOLE. I do not think the Senator could have sustained it for 7 weeks. But the Senator did not do badly.

Mr. BAYH. If the Senator will read the RECORD as to the number of hours of debate and the number of days of debate, he will find they were minimal compared with the amount of debate that has been directed at this one issue.

Mr. DOLE. The point is that we have the right to debate, and those of us who wished to discuss Southeast Asia had ample opportunity, and we appreciate that.

Mr. BAYH. There is a right to debate on one issue, but now the right apparently is going to be cut off, or an attempt is to be made to cut off, debate on an entirely different issue. That is the point the Senator from South Dakota was raising.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. McGOVERN) laid before the Senate a message from the President of the United States submitting the nomination of Clay T. Whitehead, of California, to be Director of the Office of Telecommunications Policy, which was referred to the Committee on Commerce.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills; and they were signed by the Acting President pro tempore (Mr. ALLEN):

H.R. 1695. An act for the relief of Alfredo Caprara;

H.R. 1698. An act for the relief of Joeck Kuncek;

H.R. 2275. An act for the relief of John Thomas Cosby, Jr.;

H.R. 2315. An act for the relief of Josefina Policar Abutan Fuliar;

H.R. 3348. An act for the relief of the estate of Pierre Samuel du Pont Darden;

H.R. 4246. An act to discontinue the annual report to Congress as to the administrative settlement of personal property claims of military personnel and civilian employees;

H.R. 4247. An act to amend section 2734 of title 10, United States Code, to authorize the Secretary concerned to make partial payments on certain claims which are certified to Congress and to provide equivalent authority for administrative settlement and payment of claims under section 2733 of title 10 and section 715 of title 32, United States Code;

H.R. 4574. An act to provide for the admission to the United States of certain inhabitants of the Bonin Islands;

H.R. 13407. An act to consent to the amendment of the Pacific Marine Fisheries Compact;

H.R. 13740. An act for the relief of Kimball Brothers Lumber Co.; and

H.R. 17399. An act making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

Report on Approval of Loan to East Kentucky Rural Electric Cooperative Corporation of Winchester, Ky.

A letter from the Administrator, Rural Electrification Administration, reporting, pursuant to law, on the approval of a loan to East Kentucky Rural Electric Cooperative Corp., of Winchester, Ky., for the financing of certain transmission facilities and improvements to existing generation facilities (with an accompanying paper); to the Committee on Appropriations.

Report on Location, Nature, and Estimated Cost of Certain Facilities Projects, Air National Guard

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on the location, nature, and estimated cost of certain facilities projects proposed to be undertaken for the Air National Guard (with an accompanying report); to the Committee on Armed Services.

Proposed Transfer of Submarine USS "Piper" to the Rehabilitation Clinic Incorporated, Madison Heights, Mich.

A letter from the Assistant Secretary of the Navy (Installations and Logistics) transmitting, pursuant to law, the Department's proposal to transfer the submarine USS *Piper* (AGSS-409) to the Rehabilitation Clinic Inc., Madison Heights, Mich.; to the Committee on Armed Services.

Report of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the improvements needed in the financial management system of the Trust Territory of the Pacific Islands, Department of the Interior (with an accompanying report); to the Committee on Government Operations.

Report of the Pacific Tropical Botanical Garden

A letter from the Counsel, Pacific Tropical Botanical Garden, transmitting, pursuant to law, an audit report for the Corporation for the calendar year ended December 31, 1970 (with an accompanying report); to the Committee on the Judiciary.

William B. Richardson Against David M. Kennedy—Opinion of Court

A letter from the Assistant Attorney General, Department of Justice, transmitting, for the information of the Senate, a copy of the opinion of the court in the case of *William B. Richardson* v. *David M. Kennedy*, Civil Action No. 69–153, challenging the constitutionality of Public Law 90–206 (the statute under which the rate of payment of compensation to Members of Congress has been determined (with an accompanying paper); to the Committee on the Judiciary.

Report on Examination of Accounts of the National Council on Radiation Protection and Measurements

A letter from the General Counsel, National Council on Radiation Protection and Measurements, transmitting, pursuant to law, an audit report of the Council dated December 31, 1969 (with an accompanying report); to the Committee on the Judiciary.

International Criminal Police Organization

A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to amend the act of June 10, 1938, relating to the participation of the United States in the International Criminal Police Organization (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

A resolution adopted by the Woman's Club of Malba, Inc., of Malba, Long Island, N.Y., praying that the Surgeon General establish standards limiting jet noise; to the Committee on Commerce.

A resolution adopted by the International Chemical Workers Union, of Akron, Ohio, praying for the enactment of legislation relating to coercion in the matter of overtime; to the Committee on Labor and Public Welfare.

A resolution adopted by the International Chemical Workers Union, of Akron, Ohio, praying for the enactment of legislation relating to the control of lobbying activities; to the Committee on Rules and Administration.

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Commerce:

"Resolutions Memorializing the Congress of the United States To Enact Legislation Providing for the Establishment of High Speed Rail Service Between the Cities of Boston and New York

"*Whereas,* A report, based on a tax supported research as to the feasibility of high speed rail service between the cities of Boston and New York, prepared for the New England Regional Commission in July, nineteen hundred and sixty-eight, recommends the immediate construction of a high speed rail line between Boston and New York; therefore be it

"*Resolved,* That the general court of Massachusetts respectfully urges the Congress of the United States to enact legislation providing for the immediate construction of said high speed rail service between the cities of Boston and New York; and be it further

"*Resolved,* That copies of these resolutions be transmitted forthwith by the State Secretary to the President of the United States, to the Secretary of Transporation, to the presiding officer of each branch of Congress and

XUM

to each member thereof from the Commonwealth.

"Senate, adopted, May 4, 1970.

"Norman L. Pidgeon,
"*Clerk*.

"House of Representatives, adopted in concurrent, May 7, 1970.

"Wallace C. Mills,
"*Clerk*."

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Commerce:

"Resolutions Memorializing the Congress of the United States To Enact Legislation To Minimize Aircraft Noise

"*Whereas*, Use of jet aircraft has created a serious national aircraft noise problem which will become more serious with the expansion of jet service and the development of supersonic service; and

"*Whereas*, The aircraft noise problem cannot be solved at the local governmental level and properly is a problem for national concern by virtue of federal statutes defining airspace as being within the public domain and subject to the jurisdiction of the federal government; and

"*Whereas*, Numerous bills dealing with the problem have been introduced in Congress; now, therefore, be it

"*Resolved*, That the general court of the commonwealth of Massachusetts respectfully urges the Congress of the United States to enact legislation establishing criteria for levels of aircraft noise acceptable to persons on the ground; making it necessary for civil transport aircraft to meet such standards as a condition of federal certification of airworthiness; authorizing establishment of such rules and regulations as may be required to impose such criteria; and providing financial assistance to municipalities and other public bodies which operate airports for the necessary expansion thereof to help resolve the noise problem; and be it further

"*Resolved*, That a copy of these resolutions be transmitted forthwith by the State Secretary to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from the Commonwealth.

"Senate, adopted, April 30, 1970.

"Norman L. Pidgeon,
"*Clerk*.

"House of Representatives, adopted in concurrence, May 6, 1970.

"Wallace C. Mills,
"*Clerk*."

A resolution adopted by the Allied Council of New Jersey Veterans Organizations, of Teaneck, N.J., commending and supporting the President in regard to the Mideast situation, and urging our Government to continue to support Israel with military material; to the Committee on Foreign Relations.

A resolution adopted by the Allied Council of New Jersey Veterans Organizations, of Teaneck, N.J., praying for the enactment of legislation in regard to destructive violence in colleges; to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

H.J. Res. 746. Joint resolution to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Institute of Geography and History (Rept. No. 91–986).

By Mr. HOLLAND, from the Committee on Appropriation, with amendments:

H.R. 17923. An act making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91–987).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

H.J. Res. 224. Joint resolution to change the name of Pleasant Valley Canal, Calif., to "Coalinga Canal" (Rept. No. 91–988).

By Mr. MOSS, from the Committee on Interior and Insular Affairs, with an amendment:

S. 531. A bill to establish the Capitol Reef National Park in the State of Utah (Rept. No. 91–989); and

S. 532. A bill to establish the Arches National Park in the State of Utah (Rept. No. 91–990).

By Mr. ALLOTT, from the Committee on Interior and Insular Affairs, with amendments:

S. 3547. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes (Rept. No. 91–991).

By Mr. TYDINGS, from the Committee on the District of Columbia, without amendment:

S. 3649. A bill relating to the rental of space for the accommodation of District of Columbia agencies and activities, and for other purposes (Rept. No. 91–992).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. MURPHY (for himself and Mr. Cranston):

S. 4033. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Chemehuevi Tribe of Indians; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Murphy when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. PACKWOOD:

S. 4034. A bill to establish the Cascade Mountain Range Study Commission; to the Committee on Interior and Insular Affairs.

S. 4033—INTRODUCTION OF A BILL TO PROVIDE FOR THE DISPOSITION OF FUNDS APPROPRIATED TO PAY A JUDGMENT TO CERTAIN INDIANS

Mr. MURPHY. Mr. President, on behalf of my distinguished colleague from California, Senator Cranston, and myself I introduce for appropriate reference a bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Chemehuevi Tribe of Indians.

An identical bill was introduced in the House of Representatives on October 16, 1969, by Congressman Pettis for himself and Congressmen Gubser, Tunney, Hanna, and Corman. The Department of the Interior commented on this measure in a letter dated June 18, 1970, and sent to Congressman Wayne N. Aspinall, chairman of the House Committee on Interior and Insular Affairs. I ask unanimous consent that this letter be printed in the Record with my remarks and the bill I am introducing for Senator Cranston and myself. The amendments outlined in the Department of the Interior's communication are acceptable.

The PRESIDING OFFICER (Mr. Kennedy). The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the Record.

The bill (S. 4033) to provide for the disposition of funds appropriated to pay a judgment in favor of the Chemehuevi Tribe of Indians, introduced by Mr. Murphy (for himself and Mr. Cranston), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 4033

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the Treasury of the United States to the credit of the Chemehuevi Tribe of Indians which were appropriated (by the Act entitled "An Act making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes," approved April 30, 1965 (79 Stat. 81)) to pay the judgment awarded by the Indian Claims Commission (dockets numbered 351 and 351–A), together with interest thereon, shall be distributed by the Secretary of the Interior (hereafter in this Act referred to as "Secretary") in equal shares to those persons whose names appear on the roll prepared in accordance with section 2 of this Act.

Sec. 2 (a) (1) The Secretary shall prepare a roll of all persons—

(A) who were born on or prior to and living on the date of enactment of this Act;

(B) who are lineal descendants of members of the Chemehuevi Tribe as it existed in 1860; and

(C) whose name or the name of a lineal ancestor appears as a Chemehuevi Indian on any available census roll or other record or evidence acceptable to the Secretary.

(2) Applications for enrollment must be filed in the manner and within the time limits prescribed by the Secretary for that purpose.

(b) Any person who has applied for and has been determined as eligible to share in the awards granted by the Indian Claims Commission in dockets numbered 88, 330, and 330–A, to the Southern Paiute Indian Nation or in dockets numbered 31, 33, 37, 80, 80–D, 176, 215, and 347, to "Certain Indians of California" shall not be entitled to share in the awards granted under this Act.

Sec. 3 (a) The Secretary shall distribute a share payable to a living enrollee directly to such enrollee. The Secretary shall distribute the per capita share of a deceased enrollee to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines to be appropriate to protect their best interests.

(b) Any individual aggrieved by a determination of the Secretary under this Act shall be given an opportunity to be heard upon reasonable notice in accordance with the provisions of chapter 5 of title 5, United States Code. Unless such individual otherwise agrees, the hearing shall be held in the State of California within sixty days of the date of notice. An individual aggrieved by the decision rendered after such hearing shall be entitled to judicial review of such decision in accordance with sections 701–706 of title 5, United States Code.

Sec. 4. No part of any funds distributed under this Act shall be subject to Federal or State income taxes or any lien, debt, or attorney fees.

XUM

SEC. 5. The roll prepared by the Secretary of the Interior pursuant to this Act shall not be deemed to constitute the membership roll of the Chemehuevi Tribe.

The letter, presented by Mr. MURPHY, is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 18, 1970.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of this Department on H.R. 14396, a bill "To provide for the disposition of funds appropriated to pay a judgment in favor of the Chemehuevi Tribe of Indians."

We recommend the enactment of the bill if amended as suggested in this report.

Funds were appropriated April 30, 1965, to cover the sum of $996,834.81 awarded the Chemehuevi Tribe of Indians in compromise settlement of a judgment of the Indian Claims Commission in dockets numbered 351 and 351–A for inadequate consideration of approximately 3,600,000 acres of land in California and Arizona taken about 1860 without the consent of the Chemehuevis. The bulk of these funds are in United States Treasury bills drawing interest at between seven and eight percent per annum and due to mature July 31, 1970. A financial statement is enclosed.

Attorney fees in the amount of $99,683.48, or ten percent of the total award, were paid August 16, 1965. Attorney expenses of $2,481.96 were paid on the same date.

The bill authorizes the Secretary of the Interior to prepare a roll of all persons of Chemehuevi ancestry living as of the date of this Act who can establish their Chemehuevi ancestry by any means statisfactory to the Secretary. The bill further authorizes a per capita distribution of the funds, plus interest, awarded in dockets numbered 351 and 351–A to all Chemehuevi Indians on this roll. Shares of deceased enrollees and those who are minors or under a legal disability would be distributed under Secretarial procedures.

Subsection 3(b) provides for a hearing and judicial review before an unnamed person if a party denied enrollment by the Secretary of the Interior was aggrieved by the decision. We recommend that subsection 3(b) be deleted by striking on page 3, lines 9 through 18. It will also be necessary to strike the word "(a)" on page 2, line 24 to make the bill conform.

Adequate safeguards to protect the rights of the individual claimant are provided in the appeal procedures developed by the Secretary of the Interior. This additional procedure would cause an undetermined delay in finalizing the roll of eligible applicants and a like delay in making distribution of the funds. Finally, it would set a precedent for other tribes who were beneficiaries of judgments when the funds were to be paid out per capita or a portion of the funds were to be so paid. To clarify the fact that the Secretary's action in this matter is final, we recommend that on page 2, line 16, after the period, add the following:

"The determination of the Secretary regarding the utilization of available rolls or records and the eligibility for enrollment of an applicant shall be final."

Language has been included in section 4 of the bill that funds distributed per capita under this Act shall not be subject to Federal or State income taxes or to "any lien, debt, or attorney fees." We agree with this position and suggest that on page 3, line 21, strike the period and add "except delinquent debts owed by individual Indians to the United States."

The provision of this bill relating to liens and debts has been included in several of the distribution bills considered by Congress including the per capita distribution of the Cherokee Nation awarded in docket numbered 173, under the Act of October 9, 1962 (76 Stat. 776).

The Department believes generally that Indians should not be exempt from any legitimate lien or debt. We are, however, concerned about pressure brought upon the Indians when an award is granted by the Indian Claims Commission and the judgment disposition legislation is under consideration. The lien provision in past per capita payment proposals has been a device to discourage persons or merchants from selling articles or services to the Indians when a per capita payment from judgment funds was contemplated. We are also concerned about payments to attorneys. In some instances, Indians hire or are sought out by an attorney to trace their Indian ancestry in order to establish their rights to share in an award. This practice has been repeatedly discouraged by this Department on the basis that the Department would do all necessary work to enroll persons and that the employment of an attorney would serve no useful purpose to obtain enrollment for an Indian, as it was the responsibility of the Department to see that all persons entitled to enrollment were enrolled.

We are in agreement with section 5 of the bill which provides that the roll prepared by the Secretary in this Act shall not be the membership roll of the Chemehuevi Tribe. The Chemehuevi people voted on a constitution and bylaws on February 14, 1970, in an election called by the Secretary of the Interior. The constitution and bylaws were adopted by a vote of 161 for, 11 against, and 8 spoiled ballots. Approval of the constitution by the Secretary of the Interior has been delayed pending the outcome of a case brought in the United States District Court, Central District of California, by certain Chemehuevi Indians claiming to be the Chemehuevi Tribe. The constitution includes provisions for membership in the Chemehuevi Tribe. Some Chemehuevis who are presently members of other tribes may not elect to change their membership but they will share in this judgment award; others who share in this descendancy award may not qualify for membership under the provisions of the constitution.

The bill provides that Chemehuevis who applied and have been determined eligible to share in the awards granted by the Indian Claims Commission in dockets numbered 88, 330, and 330–A, to the Southern Paiute Indian Nation or in dockets numbered 31, 33, 37, 80, 80–D, 176, 215, and 347, to "Certain Indians of California" shall not be entitled to share in the awards granted under this Act. While agreeing with this provision, we wish to point out that the figure "33" on line 21, of page 2 of the bill is incorrect and should be deleted and the correct figure "333" inserted after the figure "215," on line 21, page 2, since docket 333 is the correct docket. Similar provisions were part of the judgment fund disposition legislation passed by Congress for the Southern Paiute Indian Nation and "Certain Indians of California." The Indian Claims Commission in a decision entered on July 20, 1964 (13 Ind. Cl. Comm. 369, 515) awarding a judgment to "Certain Indians of California" specifically excluded members of the Chemehuevi Tribe from participating in that judgment. The compromise agreement in the present Chemehuevi dockets by the Indian Claims Commission separated the Chemehuevi and Southern Paiute Indian claims. Therefore, Chemehuevi Indians are not entitled to share in the awards granted to the Southern Paiute Indians or to "Certain Indians of California."

The Chemehuevi Indians have lived near the Colorado River and in the Chemehuevi Valley since aboriginal times but differ linguistically from other Indian groups of that area who are Yuman-speaking peoples. The Chemehuevis were included among the "Indians of the Colorado River and its tributaries" for whom the Colorado River Reservation was established pursuant to the Act of March 3, 1865 (13 Stat. 559), and Executive Orders of November 22, 1873, November 16, 1874, and May 15, 1876.

Many Chemehuevis were allotted on the Colorado River Reservation but some remained in the Chemehuevi Valley and elsewhere. In 1906, it was recommended by a special California Indian Agent that a separate tract of land be set aside for the Chemehuevis of the Chemehuevi Valley in California. On February 2, 1907, the Secretary of the Interior set aside lands for such Indian people; however, between December 1913 and January 1930, most Chemehuevi Indians of the region became associated with the Colorado River Reservation.

By the Act of July 8, 1940 (54 Stat. 144), 7776.14 acres of the Chemehuevi Reservation were sold for the Parker Dam and Reservoir Project. Proceeds from the sale of the land have been placed in the United States Treasury to the credit of the Chemehuevi Tribe. The remaining area of the Chemehuevi Reservation consists of 28,223.87 acres of land, and is largely uninhabited at present although portions of it, particularly those close to the Colorado River, are of value for recreational development.

The Chemehuevi Tribe, as an organized modern entity, has not existed for many years. A sizable number of individuals, although probably still a minority, are present-day members of the Colorado River Indian Tribes. An accurate summation of Indians who possess Chemehuevi Indian blood will not be known until the roll proposed in this Act is prepared. We would estimate that on the basis of preliminary surveys, the rolls should contain the names of 1200–1400 Indians of Chemehuevi ancestry. Because an up-to-date roll of Chemehuevi Indians does not exist, we would propose adding on page 3, following section 5, a new section 6 as follows:

"Sec. 6. The Secretary may make appropriate withdrawals from the judgment funds and interest thereon, using interest funds first, to pay costs incident to carrying out the provisions of this Act."

The Chemehuevi Indians have been badly fractionated over the years. In May 1968, interested Chemehuevis were drawn together for the purpose of selecting a committee to seek solutions to their problems. This committee, which includes a cross-section of all groups of Chemehuevis has worked hard in attempting to organize a modern tribe under a constitution and bylaws. On August 24, 1968, a Special Committee passed Resolution R–68–1 requesting a per capita distribution of their judgment fund. The resolution is enclosed.

A socio-economic report from the Chemehuevi Tribe is not enclosed. As indicated previously, the Indians of Chemehuevi ancestry are in the process of organizing as a modern entity. A majority of those who will probably be eligible under new membership rules are presently members of other tribes. Until organization is completed and the beneficiary interest in the Chemehuevi Reservation is settled, we shall not have the information available to make a socio-economic report.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

FRED J. RUSSELL,
Under Secretary of the Interior.

XUM

SENATE RESOLUTION 424—RESOLUTION SUBMITTED TO EXTEND DEEPEST SYMPATHY TO THE PRESIDENT AND THE PEOPLE OF PERU

Mr. SCOTT submitted a resolution (S. Res. 424) to extend deepest sympathy to the President and the people of Peru, which was considered and agreed to.

(See reference to the above resolution when authorized by Mr. Scott which appears later in the Record under the appropriate heading.)

INCREASE OF THE PUBLIC DEBT LIMIT—AMENDMENT

AMENDMENT NO. 743

Mr. CURTIS (for himself, Mr. Hruska, Mr. Fannin, Mr. Proxmire, Mr. Thurmond, and Mr. Williams of Delaware) submitted an amendment intended to be proposed by them, jointly, to the bill (H.R. 17802) to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, which was ordered to lie on the table and to be printed.

POSTAL REORGANIZATION ACT—AMENDMENT

AMENDMENT NO. 744

Mr. FANNIN submitted an amendment, intended to be proposed by him, to the bill (S. 3842) to improve and modernize the Postal Service and to establish the U.S. Postal Service, which was ordered to lie on the table and to be printed.

XUM

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATION BILL, 1971—AMENDMENTS

AMENDMENT NO. 745

Mr. MONDALE. Mr. President, the independent offices and Department of Housing and Urban Development appropriation bill for fiscal year 1971 has been reported by the Senate Appropriations Committee. I am today submitting an amendment to this bill, for myself, Senator Case, Senator Javits, and Senator Proxmire.

The purpose of this amendment is to prohibit the use of any part of the NASA appropriation for design and definition of the space shuttle/station. Accordingly, the amendment reduces the appropriation for research and development by $110 million, the amount requested by NASA for design and definition of the shuttle and station .

The proposed shuttle is to be a reusable space vehicle, designed to transport men between earth and a space station in earth orbit. NASA hopes that the station will be capable of supporting men in space for long periods of time.

This project represents NASA's next major effort in manned space flight. The $110 million requested in fiscal year 1971 for design and definition is only the beginning of the story. NASA's preliminary cost estimates for development of the space shuttle/station totals almost $14 billion, and the ultimate cost may run much higher. Furthermore, the shuttle and station are the first essential steps toward a manned Mars landing—a program which could cost anywhere between $50 to $100 billion.

I have seen no persuasive justification for embarking upon a project of such staggering costs at a time when many of our citizens are malnourished, when our rivers and lakes are polluted, and when our cities and rural areas are decaying.

Proponents of the space shuttle station argue that the $110 million requested for this project is only for design and definition—that it is only "preliminary work" to determine whether we should proceed further with the project.

But this is not a minor expenditure; $110 million is more than the administration has budgeted for fiscal year 1971 to combat air pollution; it is more than the cost of the special milk program, which the President wants to terminate as an "economy measure"; and it is twice what we spend for one of our most effective antipoverty efforts, the legal services program.

And if the past is any guide, NASA will ask Congress next year for several hundred million more for this project, and return again and again for hundreds of millions to continue its development. Congress will then be told that it is too late to stop the project—too late because of the enormous funds already invested.

I do not think that the American taxpayer is ready to back into a commitment to spend billions of dollars to support men in a suitable space environment when our environment on earth desperately needs attention; and I do not think that he is ready to back into a commitment to land a man on Mars.

Even if it were clear that the American people were willing to pay for this "new era in manned space flight," it is premature to begin development of the shuttle and station. For this project is based on the assumption that man can function effectively in a space environment for long periods of time. At this point, however, the feasibility of long-termed manned space flight is undetermined. Indeed, the recent Soyuz space mission raised doubts in the minds of both Soviet and American scientists about man's adaptability to such long-termed space flight.

NASA hopes to settle this question with its "sky lab" missions—which will place men in earth orbit for up to 56 days. But these experiments will not be completed until 1973, and until this time, many unanswered questions about the biomedical effects of long-duration space flight will remain.

Thus, even aside from the basic question whether this country should begin a new, large-scale manned space effort, it would be a mistake to begin such an effort in this fiscal year. After spending millions of dollars to develop a space shuttle/station, it may be determined that long duration space flights are not feasible.

I do not oppose future space exploration. As a former member of the Senate Aeronautical and Space Sciences Committee, I know the value of such exploration. But I also know that some of our most eminent scientists strongly maintain that we must achieve a better balance between manned and unmanned flights. For example, Dr. James Van Allen and others argue that unmanned flights are far cheaper and yield better scientific data than manned flights.

Unfortunately, NASA plans to move further in the direction of emphasizing manned space flights. The space shuttle/station will insure the dominance of the manned space program for years to come. In reaction to NASA's preoccupation with manned flights, an impressive list of scientists have already resigned from the space program—including the chief scientist, the director of the Lunar Receiving Laboratory, and two scientist-astronauts.

Congress must reexamine the premises of our entire space program. In particular, before appropriating funds for development of this space shuttle/station—which will create a commitment to costly manned space operations—we must first determine whether man can even survive long-duration flights. At that time, we can then decide whether this Nation is willing to bear the burden of the enormous costs required for such an ambitious manned space effort.

I urge all those who are concerned about distorted priorities to support our amendment.

Mr. President, I ask unanimous consent that the text of the amendment be printed at this point in the Record.

The PRESIDING OFFICER (Mr. Boggs). The amendments will be received and printed, and will lie on the table; and, without objection, the amendments will be printed in the Record.

The amendments (No. 745) are as follows:

On page 20, line 11, strike out $2,606,100,000" and insert in lieu thereof $2,496,100,000".

On page 20, line 12, insert before the period a colon and the following: "*Provided*, That this appropriation shall not be available for the design or definition of any space shuttle or space station".

AMENDMENT OF THE FOREIGN MILITARY SALES ACTS—AMENDMENTS

AMENDMENT NO. 746

Mr. JACKSON (for himself, Mr. McGee, and Mr. Packwood) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which was ordered to lie on the table and to be printed.

NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENT TO DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATION BILL, 1971

AMENDMENT NO. 747

Mr. HOLLAND submitted the following notice in writing:

In accordance with XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 17923) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes, the following amendment, namely:

Page 26, after line 23, insert the following:

INDEMNITY PAYMENTS TO DAIRY FARMERS

For necessary expenses involved in making payments to dairy farmers who have been directed to remove their milk from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, $500,000: *Provided*, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of his willful failure to follow procedures prescribed by the Federal Government.

Mr. HOLLAND also submitted an amendment, intended to be proposed by him, to House bill 17923, making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

ADDITIONAL COSPONSOR OF AMENDMENT

AMENDMENT NO. 739

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New York (Mr. JAVITS) be added as a cosponsor of amendment No. 739 to the postal reform bill.

The PRESIDING OFFICER (Mr. BAYH). Without objection, it is so ordered.

NOTICE OF HEARINGS IN UTAH ON TAR SANDS BILLS

Mr. MOSS. Mr. President, on behalf of the Subcommittee on Minerals, Materials, and Fuels of the Senate Interior Committee, I announce that public hearings will be held July 13 in Salt Lake City, Utah, on S. 581 and S. 582. These are twin measures I introduced to permit the development of the very substantial tar sands, or bituminous sands, deposits of Utah. These deposits are a highly valuable resource for meeting our ever-increasing needs for supplies of oil and gas within our own country.

When in 1960 I participated in writing the bituminous sands amendments into our major overhaul that year of the Mineral Leasing Act, I thought the legal problem was solved concerning the development of these deposits. However, in operation, problems arose over the potentially conflicting rights of the oil and gas lessee and those of the bituminous sands lessee.

The bituminous sands lessee can mine the sands and extract oil from them. But does he have the right to extract the oil from the sands by the in situ method? Or does this right belong to the oil and gas lessee who traditionally has been able to introduce pressure maintenance, fire flooding, or other methods to increase recovery from an oil well? Since both of these leases are issued on the same tract of land, this is a very real problem.

In 1966, in answer to my request, an opinion was rendered by the Department of the Interior that the bituminous sands lessee could develop a deposit by the in situ method. But because of the possible legal complications arising from this problem, the Department of the Interior has not issued any more bituminous sands leases. This is holding up the development of one of Utah's great mineral resources.

In this Congress the bills I introduced, S. 581 and S. 582, offer a choice of different legislative solutions.

The first authorizes the Department of the Interior to issue a single hydrocarbon lease which would cover all hydrocarbon removal from beneath the surface. The second bill authorizes the Department to issue both a bituminous sands lease and an oil and gas lease covering the same tract of land, but issued to a single party.

Only one of these bills needs to be passed since they are different solutions to the same problem. The hearing in Salt Lake City is being held to engender discussion of the problem so that we can find the best solution.

Persons interested in offering views or recommendations at these hearings are requested to notify the staff of the Interior Committee, room 3106, New Senate Office Building, or my Salt Lake City office, 5430 Federal Building.

NOTICE OF HEARINGS ON CALIFORNIA OIL SPILL BILLS

Mr. MOSS. Mr. President, on behalf of the Minerals, Materials, and Fuels Subcommittee of the Senate Interior Committee, I announce that public hearings will be held in the Interior Committee room July 21 and July 22 on a number of bills growing out of the tragic oil spill last year from a Federal lease off Santa Barbara, Calif. The most recent of these bills, S. 4017, is a measure drafted and submitted by Secretary Hickel and introduced on June 24 by Senator MURPHY of California.

S. 4017 provides for a legislative taking of 20 of the 72 Federal leases in the Santa Barbara Channel, and the unitization of three producing leases there. Compensation to the holders of the canceled leases, which probably will amount to some hundreds of millions of dollars, is to be made from a special fund established in the Federal Treasury by the bill. Money for the fund will come from increased production of oil and gas from naval petroleum production No. 1, known as Elk Hills, and sold on the open market by competitive bidding.

In addition to the administration bill, Senator CRANSTON's S. 3093, creating marine sanctuaries, will be the subject of the July 21–22 hearings, as will S. 3516, by Senator MUSKIE; S. 3351 and S. 2516 by Senator MURPHY also; and S. 1219 by Senator CRANSTON.

While S. 4017 was submitted by executive communication which constitutes a statement of the administration's position, no reports have been received on any of these other measures except S. 1219, on which the administration's position was negative.

The Interior Committee is inviting Secretary Hickel to appear personally at our hearing and discuss this measure as well as the other bills. It is the committee's earnest hope that the Secretary will accede to our request and be with us personally.

It will be recalled that the subcommittee has held two previous hearings on matters related to the Santa Barbara spill. On May 19 and 20, 1969, we held hearings in Washington, and on March 13 and 14 this year we went out to Santa Barbara and held hearings in the area itself.

All interested Members of Congress are invited to participate in these hearings, as are members of the public who wish to express views or offer constructive suggestions. It is requested that the committee staff be notified.

ADDITIONAL STATEMENTS OF SENATORS

NEVER FORGET

Mr. HRUSKA. Mr. President:

> The world will little note, nor long remember, what we say here, but it can never forget what they did here.

So said our President at Gettysburg, many years ago, as he dedicated that battlefield to the everlasting memory of the men, on both sides, who fought there. Lincoln was, of course, wrong in one sense, for although the memory of those heroic men was not forgotten—and let us hope that it never will be—the words Lincoln spoke have also rung loudly down the corridors of time.

Now there is another group of men, equally dedicated to the good of their country, who also can never be forgotten. I refer, to our prisoners of war held by North Vietnam. Shall we honor our dead, who can suffer no more, more than these living, who continue to suffer?

Mr. President, no more disgraceful chapter has been written in the history of man's treatment of his fellowman than that being composed at present by North Vietnam.

SENATOR MAGNUSON—LEADER IN HEALTH CARE AND HEALTH RESEARCH LEGISLATION

Mr. KENNEDY. Mr. President, the distinguished senior Senator from Washington (Mr. MAGNUSON) has long been a leader in the field of health care and health research legislation. He was a sponsor of the original legislation establishing the National Cancer Institute, the National Institutes of Health, and the National Science Foundation.

Last year, as the Senate knows, the Senator from Washington succeeded the almost legendary Senator from Alabama, Mr. Hill, as chairman of the Appropriations Subcommittee on the Departments of Labor, and Health, Education, and Welfare, and related agencies. This is a difficult job, perhaps one of the most difficult in the Senate, but it is a critically important job that the Senator from Washington accepted willingly.

Last week, Chairman MAGNUSON opened his hearings on the 1971 Health, Education, and Welfare budget. I was privileged again this year to be the first witness to appear before the subcommittee Although Chairman MAGNUSON had a list of literally dozens of witnesses for each day of this first 3-day set of hearings, he listened to my testimony and the testimony of all other witnesses at length, questioning and commenting throughout. His dedication to his task, and his ability to deal with each of the many programs under consideration, is testimony itself to the Nation's fortune in having him as chairman of this vital subcommittee.

I invite the attention of the Senate to Chairman MAGNUSON's opening statement at those hearings, because I think it is one of the most significant statements made in recent months concerning the priorities of the Nation. Senator MAGNUSON pointed out, for example, that health care in the United States not only is not improving either in quality or availability, but is actually declining, and threatening to decline even more sharply in the future.

My temptation is to paraphrase this entire opening statement, but I will let the Senator's own words speak for themselves. Reading these words, the Senate will recognize what we in the hearing room recognized as soon as the Senator had finished his statement: In Senator MAGNUSON the Senate has a leader whose belief in the need for better health care, more intensive medical research, and higher levels of health manpower will help us to solve what he has termed one of the most urgent crises in our Nation today.

Mr. President, I ask unanimous consent that Senator MAGNUSON's opening statement at the Appropriations Subcommittee hearing be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CHAIRMAN MAGNUSON'S OPENING REMARKS

Before we call the first of any very distinguished witnesses, I would like to make an expression, as Chairman of this subcommittee. Two factors are indelibly impressed on my mind.

The first is the memory of last year's Presidential veto of the HEW appropriations passed by the Congress. At that time, what we considered to be the absolute minimum acceptable appropriation was vetoed by the President on the grounds that such a level of funding was "inflationary."

I will not dwell on this because the action taken is now history, although the soaring pace of inflation is far more apparent today than it was a year ago and our health delivery system is still in shambles.

The second factor is that the United States still stands on the brink of a health crisis whose proportions defy adequate description. This crisis extends from our medical schools to our hospitals, from our laboratories to our clinics. The dimensions of this crisis are stark. The United States today is not even among the leading nations of the world in life expectancy of men, women, or infants. We are producing new doctors at a rate of fewer than 9,000 per year; we are lagging in health research; we lack adequate facilities to apply the fruits of accomplished research to the health care needs of our expanding population.

What this means is simply: unless present trends are substantially changed, the quality and availability of health care to the American public not only will not improve, but will decline precipitously, in the years ahead.

Let me say that I reject explicitly the notion that higher federal investments in health care, health manpower, and medical research are inflationary. On the contrary, the spiraling costs of medical care, and the restricted access to such care, especially by the poor, are the direct results of too few doctors, too little research, and too little support for federal health programs authorized by law. Higher selective investments in federal health programs not only will help to reduce inflation in the field of health care but are absolutely essential if this nation is to meet the health crisis that now besets us. No crisis, either at home or abroad, deserves higher priority than this.

The budget requests of the Administration this year simply are not adequate to cope with this crisis. The amounts requested will only perpetuate the high cost of health care, the inadequate investment in health manpower, and the dismal state of medical research in this nation. These amounts represent a tragic neglect of the true needs of the American people, and a fallacious analysis of the true causes of inflation. Doubling our investment in health manpower, for example, would double the size of our annual graduating class of health professionals by 1976. This, perhaps more than any other single action, would dramatically reduce the inflation in the price of health care.

These hearings begin, therefore, with a solemn recognition of our needs. And they begin with the determination of this Chairman not to be cowed by any administration threat and a further determination to recommend the amount of funds this Committee deems necessary. I accepted this post as Chairman of this subcommittee because I believed that the health and welfare of our people must be an urgent concern of this government. In my second year as Chairman, I am even more determined and more convinced that more must be done. I advise all witnesses that the Subcommittee will consider testimony in this light, and I advise the President that this Subcommittee cannot and will not abdicate its responsibility to the improvement of health care, medical research and manpower training here in the United States.

TONKIN REPEAL

Mr. YOUNG of Ohio. Mr. President, the New York Times in its issue of June 27 published an editorial on the repeal of the Gulf of Tonkin resolution.

The Gulf of Tonkin joint resolution was passed by the Senate on August 7, 1964, as a result of misrepresentations made to the President and to the Senate by top U.S. naval officers in the Pacific.

It was reported that the destroyer *Maddox* was on a routine mission in the Gulf of Tonkin, whereas in truth and in fact the destroyer *Maddox* was on an intelligence-collecting mission in the Gulf of Tonkin close to North Vietnam naval installations. The facts were misrepresented by the admirals in the Southwestern Pacific area, including Admiral Moorer.

The factually correct statement of Captain Herrick, commanding both the destroyers *Maddox* and *Turner Joy*, was intercepted and was not sent on to Secretary of Defense McNamara. Time and events have shown that there is no truth to the allegation that the destroyer *Maddox* was attacked during the nighttime of August 4 and that there was no North Vietnam submarine firing torpedoes anywhere near the *Turner Joy* or *Maddox*. There was no damage whatever to either of our destroyers. There was a lack of candor on the part of the admirals in command in the Pacific area. In fact, when a few hours later, Captain Herrick, commanding the destroyers *Maddox* and *Turner Joy*, reported that sonar sounds had led to the first report that torpedoes had been fired by the North Vietnamese, this corrective report was intercepted.

Due to misrepresentation amidst a flurry of half-truths and outright misrepresentations of fact, the Gulf of Tonkin resolution was passed by the Senate on August 7, 1964.

President Johnson then used this resolution as the basis for his waging a war of aggression in Vietnam. At that time only two Senators voted against the Gulf of Tonkin resolution hurriedly drafted and brought before the Senate for vote. Those two were Senators Wayne Morse, of Oregon, and Ernest Gruening, of Alaska.

On March 1, 1966, I was one of five Senators who then voted to repeal the resolution and rescind a disastrous mistake. Those five Senators in addition to the senior Senator from Ohio were Chairman J. WILLIAM FULBRIGHT, of the Foreign Relations Committee, and Senators MORSE, GRUENING, and MCCARTHY.

Mr. President, this editorial entitled "Tonkin Repeal" published in the New York Times states in part:

> Whatever the intentions of some of those who voted for repeal, the Senate's overwhelming renunciation of the Tonkin Gulf resolution represents a significant reversal of congressional support for the Indochina war and a strong legislative commitment to move forward with the promised withdrawal.

Mr. President, I ask unanimous consent that the editorial entitled "Tonkin Repeal" be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TONKIN REPEAL

The Senate has repealed the Tonkin Gulf resolution with the same haste and confusion of purpose that attended its adoption six years ago.

Administration supporters, who pushed the repeal to a vote before the Senate had an opportunity to debate it at length, maintain that the Tonkin resolution has become unnecessary to justify the continuing American presence in Indochina. They sought by their action to minimize the significance of the separate repeal move initiated by Senate doves.

A more serious and, in our view, more correct interpretation of the importance of the Tonkin resolution was offered by the State Department last December. In opposing burgeoning repeal sentiment, the department then argued that the resolution had "consequences for Southeast Asia which go beyond the war in Vietnam."

The authorization the resolution gave the President as Commander in Chief "to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression" in Southeast Asia, was in fact the principal legal justification for President Johnson's commitment of combat troops to Vietnam. It also provided the underpinning for every other act of escalation in Southeast Asia. Removal of this Congressional blank check significantly diminishes the President's constitutional position on military operations in Indochina.

Now, however, the Administration asserts that its actions in Vietnam and Cambodia are validated by the President's constitutional power to protect the lives of American troops. Yet, once the original authority for the presence of those troops in Southeast Asia has been removed, the Commander in Chief's protective powers must clearly be confined to steps necessary to insure their safe and expeditious withdrawal.

Whatever the intentions of some of those who voted for repeal, the Senate's overwhelming renunciation of the Tonkin Gulf resolution represents a significant reversal of Congressional support for the Indochina war and a strong legislative commitment to move forward with the promised withdrawal.

It should also serve as a deterrent to prolongation of the current creeping United States intervention in Cambodia. That Presidential initiative can best be checked by prompt Senate adoption, without further modification, of the Cooper-Church amendment to the foreign military sales act.

COMMENT BY ARKANSAS DEMOCRAT ON THE VICE PRESIDENT

Mr. FULBRIGHT. Mr. President, the Arkansas Democrat, one of the fine newspapers of my State and the leading afternoon newspaper, carried a penetrating and perceptive editorial on June 24 about the President of the Senate.

I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Spiro the Terrible

Well, now we know that President Nixon hasn't given Spiro Agnew the word to cool it rhetorically. The vice president came on like gangbusters over the weekend. Like one of those late-afternoon Arkansas thunderheads, he loosed epithets like so many lightning bolts at the whole gamut of Vietnam dissenters, and rained insults and gibes on the just and the unjust, from Senator Fulbright to poor old Averell Harriman.

We don't know what provoked him this time (these convective thunderstorms are unpredictable and often spring up unexpectedly out of thin air), but his wrath was so awfully thorough—we won't say thoroughly awful—that we hesitate to ask him to hold up and calm down for a moment. It might stir him up about Instant Analysis again, and we consequently might find ourselves mysteriously transformed tomorrow morning into a pillar of salt or something. Despite the risk, though, we want to raise a meek point or two.

First off, we wish Mr. Agnew would quit all this agitating phrasemongering that he's gotten so fond of. This time he called a group of senators—including one of ours—"Sunshine Patriots." The implication is clear enough—isn't it?—that they are also Rainy-day Traitors. This makes for a You're-Another type of dialogue that is more suited to kids playing sandlot marbles than to discourse between grown men debating the destiny of, among other things, a half a million American soldiers.

We wonder how effective has all this name-calling been, anyway? Does anyone remember who it was Mr. Agnew called Effete Snobs? And who was it he described as Ideological Eunuchs? And Parasites of Passion? And Self-annointed Jeremiahs? Did any of that invective convert anybody to the Administration's position on Vietnam?

On the other hand, it has surely helped undermine another of the Administration's goals—that of bringing the country together again. You don't heal wounds by calling names. You don't touch a people's spirit by inciting them against straw men. We already have too many people running around this society trying to romanticize and etherealize mindless slogans and empty shibboleths; and it's an intellectual disgrace that we haven't told more of them to go soak their heads. What we need in this country's leadership is someone who will try, however awkwardly, to speak to people's hearts for a change, instead of to their glands.

While he was at it, Mr. Agnew said the Administration wouldn't have time hereafter to listen to voices like Senator Fulbright's, which he considers defeatists. Well, narrowmindedness always makes things look simpler and rosier than they are, but we remember President Nixon saying once that he didn't have much use for yes-men, and we hope he remembers what Judge Learned Hand once said: that the spirit of liberty is the spirit that is not too sure that it is right.

We're not sure exactly how they'd go about ignoring Senator Fulbright anyway, even if they made a concerted effort at it. It would be sort of like trying to ignore your nagging wife. We suppose there's always the chance that the President would compensate for trying to ignore Fulbright by also trying to ignore Agnew, but either task would be ill-advised and probably futile; besides which wouldn't consider it a fair and equitable swap, and would oppose it resolutely.

WITH THE BARK ON—ADDRESS BY THE VICE PRESIDENT

Mr. HANSEN. Mr. President, the Vice President of the United States is distinguishing himself in two ways: Unlike many of his predecessors who were seldom seen or heard, Spiro T. Agnew is both visible and outspoken.

Furthermore, public opinion polls—his critics to the contrary notwithstanding—clearly reflect the ability of the Vice President to speak for and reflect the sentiments of a majority of Americans.

The attention he receives naturally gives rise to what he says—precisely what he says. In order that Members of Congress may make their judgments on fact, rather than hearsay, I ask unanimous consent that his recent speech, given at the Ohio Republican dinner in Cleveland, Ohio, on June 20, 1970, be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by the Vice President—Ohio Republican Dinner

Most people would consider it predictable and rational for a Vice President of the United States to look to his predecessors in that office for enlightenment and guidance. The Office itself has been maligned and ridiculed over the years, mainly because its principal constitutional importance is contingent. Yet, the Vice Presidency has been viable and productive under strong and imaginative Presidents.

Over the period of our history, our Vice Presidents themselves have covered a range from effective to extraneous. Some have slid lazily into the Vice Presidency as though it were a warm bath, treating it as a well deserved sinecure. Others have sulked and fretted in its ego-starving grasp, feeling pangs akin to unrequited love. Presidential rockets that have fallen slightly short of that target have settled into the placid orbit of the Vice Presidency, bringing about only dissatisfaction and four years of reflecting on what might have been.

Among my predecessors in this singular office have been some of the greatest men in American history, men who often said things worth remembering. Today the advice of one Texas Vice President sticks in my memory—it was an injunction made four decades ago by Cactus Jack Garner, who said often that there came a time in a public man's life—"when you have to give it to 'em with the bark on."

That is the way it is going to be tonight.

I am too new to national politics to burn incense before the idols of custom and usage—but I do hold dear an honored tradition of national policy: When American men are fighting and dying in foreign fields, petty partisan politics must not threaten the safety of those who fight or desecrate the graves of those who died.

Though this is a gathering of Republicans, I am not going to talk about Republicans today, but about patriots—of both Parties, men who have held to this principle—not when the going was easy, but when the going was hard. And I am going to talk about another kind of politician in ascendancy in American public life. And I am also going to talk about Cambodia.

Any man who followed the 1968 campaign knows how Richard Nixon conducted himself on the issue of the war in Vietnam. Again and again he said that America has one President at a time; that Lyndon Johnson was that President; that as long as President Johnson was trying to negotiate a just peace in Asia, Presidential candidate Nixon would do *nothing* to diminish or hinder his chance to win that peace. I followed the same course.

That traditional statesmanship seems no longer in vogue among the new species of politician that now, emboldened, emerges as a voice demanding attention in the United States Senate.

For 16 months we have observed this "new breed," but before discussing that, I want to talk of two men—not of my Party—two statesmen of an old and I believe a better tradition.

The first of these is President Nixon's predecessor. As a Republican, I found much to dispute in his domestic policies and much to criticize in the men he selected to implement them. But I was convinced of his sincerity and his statesmanlike attitude regarding the Vietnamese involvement he inherited from his predecessor. As Governor, I supported him publicly and strongly on that issue. Today, whenever President Nixon has called for counsel, support or assistance in that agonizing war, Lyndon Johnson has unhesitatingly answered the call. In my opinion, his selfless attitude merits the respect of all Americans.

The second of these statesmen is the former Secretary of State of the United States, Dean Rusk. In eight difficult years of office, Mr. Rusk, sniped and carped at constantly by lesser men, gave to his country an example of personal courage, perseverance, loyalty and wisdom that will be the yardstick against which present and future Secretaries will be measured.

Secretary Rusk, however, performed another service to his country. Through the cogency of his arguments, his tireless adherence to relevant facts, his serenity and good humor in the face of testy assaults of the Chairman of the Foreign Relations Committee—he showed future generations how a dedicated public servant should conduct himself when harassed and nettled by an antagonist in a position of great power.

Today, this same antagonist, Mr. Fulbright, is attempting to forge chains upon President Nixon's freedom of action—legislative shackles that would deny the President the authority and freedom he needs to protect American trocps in the field and to win an honorable and just peace in Asia.

But, it was another Fulbright singing another tune nine years ago, when he wrote:

"The source of an effective foreign policy under our system is Presidential power. This

XUM

proposition, valid in our own time, is certain to become more, rather than less, compelling in the decades ahead . . ."

"The dynamic forces of the 20th century—Communism, fascism, aggressive nationalism, and the explosive awakening of long quiescent peoples—are growing more and more unmanageable under the procedures of leisurely deliberation which are built into our Constitutional system. To cope with these forces we must be able to act quickly and decisively on the one hand, and persistently and patiently on the other . . ."

"The President is the symbol of the nation to the external world, the leader of a vast alliance of free nations, and the prime mover in shaping a national consensus on foreign policy. It is important to note, however, that while this responsibility is indeed very broad, his authority is often infringed upon or thwarted in practice by unauthorized persons."

The truth of what Senator Fulbright wrote in that article nine years ago has not changed—the world he wrote of then is not dissimilar from the world of 1970. What has changed is Mr. Fulbright.

Outraged, he now almost daily condemns the "arrogance" of American involvement in Southeast Asia.

Let me read you Fulbright's own testimony on behalf of the Tonkin Gulf Resolution in 1964 which authorized President Johnson to act:

"Mr. President, I recommend the prompt and overwhelming endorsement of the Resolution now before the Senate. The Resolution, which has been approved by the Committees on Foreign Relations and Armed Services with only one dissenting vote, endorses the wise and necessary action of President Johnson in ordering the 7th Fleet and its air units to take appropriate measures in response to the unprovoked attacks on American Naval vessels by North Vietnamese torpedo boats. *The Resolution further expresses the approval and support of the Congress for the determination of the President to take such action as may be necessary, now and in the future, to restrain or repel Communist aggression in Southeast Asia.*"

"The action taken by the United States in retaliation for the North Vietnamese torpedo boats attacks must be understood both in terms of the immediate situation and in terms of the broader pattern of Communist military and subversive activities in Southeast Asia over the past ten years. *On both levels the North Vietnamese regime is patently guilty of military aggression and demonstrably in contempt of international law.*"

There six years ago, stood Fulbright, statesman, first mate on the American ship of state, rallying almost to a man the whole crew of the Senate behind his Commander-in-Chief—to see through to an honorable end an allied effort against Communist aggression.

In 1964, when the winds and tides were favorable, the military outlook promising, the American ship of state sailed on with the enthusiastic backing of Senator Fulbright and his contented crew.

But when the seas became choppy, the storm clouds arose and the enemy stubbornly resisted, one could soon glance down from the bridge and see Senator Fulbright on the deck demanding that the ship be abandoned and staking out a claim to the nearest life boat.

The same Fulbright who propounded, enunciated and supported American policy against aggression in Asia six years ago, now claims that if our policy is not abandoned—"The best of our young people" will be in Canada.

There is logic in Senator Fulbright's esteem for those taking refuge in Canada—for Fulbright himself has apparently abandoned America's cause of a non-Communist future for Southeast Asia.

Senator Fulbright has said on more than one occasion that it "does not matter very much who rules in those small and backward lands." Douglas Pike, perhaps the west's foremost expert on the Viet Cong, estimates that control of South Vietnam by the V.C. could mean a death list of three million people—three million human beings who cast their lot with the United States.

But summertime soldiers and the sunshine patriots are found in both political parties. We have our own. The Mayor of New York City said recently that the "real heroes" of this war were those who publicly refused to go into military service.

Let Mayor Lindsay laud those "heroes" of his. I share the sentiments of the hundred thousand New Yorkers, some in hard hats, some in white collars, who marched peacefully down the streets of their city under their country's flag several weeks ago. They marched in tribute to their sons and brothers who are fighting 10,000 miles away in one of the most selfless causes this nation has ever undertaken.

No, our heroes aren't the boys who ran away to Sweden and Canada; our heroes are the men who are standing fast in Cambodia and Vietnam.

And what is one to believe is the position of the senior Senator from Massachusetts, Edward M. Kennedy?

In August of 1968, just prior to the Democratic convention, Senator Kennedy put forth to the world his program for peace in Vietnam. Let me read it to you:

"Specifically, our government should undertake as soon as possible:

First, to end unconditionally all bombing of North Vietnam;

Second, to then negotiate with Hanoi the mutual withdrawal from South Vietnam of all foreign forces, both allied and North Vietnamese;

Third, to accompany this withdrawal with whatever help we can give to the South Vietnamese in the building of a viable political, economic and legal structure that will not promptly collapse upon our departure; and

Fourth, to demonstrate to both Hanoi and Saigon the sincerity of our intentions by significantly decreasing this year the level of our military activity and military personnel in the south."

As the Senator recommended, the President has stopped all the bombing of the north. He has cut all air operations over 20 per cent. He has announced the withdrawal of more than a quarter of a million men. He has offered to withdraw all our men if they will withdraw theirs. He has agreed, along with the South Vietnamese to abide by the outcome of internationally supervised free elections. Every offer to negotiate we have made to the enemy remains on the table.

That August, Senator Kennedy said: "These steps would enable us to end our participation in this war with honor . . ." Well, we have taken all those steps and more—and the enemy has not reciprocated a gesture.

The Senator's program and ideas were tried in their entirety, and they have not moved the enemy an inch toward peace. Yet the Senator persists in blaming the continuation of the war on the lack of United States initiatives. Well, the President of the United States is not listening to the counsel of defeatists who blame every deadlock at the conference table and every impasse in negotiation on the United States.

It was President John F. Kennedy who first made the major American commitment to the independence of South Vietnam. His brother, who now attacks President Nixon for persevering for the same objective might, from time to time, recall John Kennedy's eloquent words:

"Let every nation know," he said, "whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty."

That was when John F. Kennedy led the Democratic Party; you must travel far and listen long before you hear sentiments like that from the current crop who claim to be heirs to his legacy.

It is not President Nixon blocking the road to peace; it is Hanoi—and Hanoi's most effective—even if unintentional—apologists today are not in Paris; they are in the United States—they are in high places, and their prescription for ending the war amounts to surrender.

But the views I have cited thus far are the views of inveterate politicians tacking to the prevailing winds. Let us turn now to some of the architects and engineers of American policy in Vietnam—individuals now trying, through copious writings and speakings—to cover their tracks—to clean up the mess they have made—and to rewrite history in the process.

The first such study is Mr. Clark Clifford, who now claims that as far back as March of 1968 he began to entertain grave doubts about America's effort in the war. Yet, months later in May of 1968, as Secretary of Defense he told Congressional Committees in hawkish terms that he believed deeply in our continuing commitment in Southeast Asia. On September 10, he reiterated the same position, announcing we intended to build toward a force of 549,500 men in Vietnam.

Mr. Clifford's current writings seem to emanate from a deep desire to convince his friends that he was an early convert and to a late-blooming opportunist who clambered aboard the rolling bandwagon of the doves when the flack really started to fly.

On January 28, 1968, Mr. Clifford was quoted in the *New York Times* as saying, "If we pull out of South Vietnam there will be the most incredible blood bath since Hitler killed six million Jews."

On October 15, 1969, the *Washington Star* reported that Clifford stated that Senator Charles Goodell's proposal to withdraw all American troops from South Vietnam by December 1, 1970, was "both unrealistic and impractical," and would result in a "bloodbath" in that country, in the "collapse of the military and the collapse of the government" and that "the resulting 'bloodbath' would be on our conscience . . . for a long period of time."

Not long ago, Mr. Clifford, writing in *Life* magazine asserted:

"The national security of the United States is not involved in Vietnam, nor does our national interest in the area warrant our continued military presence there . . ."

"It is time now to end our participation in the war. We must begin the rapid, orderly, complete and scheduled withdrawal of United States forces from Indochina."

Such things as the national "consciences" and the "bloodbaths" have become peripheral considerations in Mr. Clifford's anxious campaign to reinstate himself in the good graces of his old friends.

When Mr. Clifford was Secretary of Defense, on *September 10, 1968,* he said, and I quote:

"We had no plan to reduce the number of troops in Vietnam at all . . . I could not predict the return of any troops in 1969. I want to today reiterate that position. We have not yet reached the level of 549,500 in South Vietnam. We intend to continue to build toward that level. *We have no intention of lowering that level either by next June* (1969) *or at any time in the foreseeable future.*"

Yet when President Nixon in 1969 took office, pulled out 65,000 troops, and announced the withdrawal of the 115,500 American men he has now withdrawn—he earned from Clifford the snide criticism that he

XUM

was not moving fast enough. Like an overconfident attorney, bested in court, the Clifford responses carried the unmistakable sting of envy and the aroma of sour grapes.

On August 15, 1968, Clifford, speaking as the Secretary of Defense, protested against the concept of enemy sanctuaries in vigorous terms.

"I think," he said, "it unwise to sit back in protected areas and just permit the enemy to mount its offensive exactly as he sees fit; that is, to mass his men at certain areas, to mass his supplies at certain areas, without any interference from us."

Yet, when President Nixon took what the widely respected Asian expert Denis Warner has termed "one of the boldest and bravest political acts of our times," to clean out those Cambodian sanctuaries from which American men were being slaughtered with impunity—the great patriot Clifford wrote in *Life* magazine, ". . . I cannot remain silent in the face of his reckless decision . . ."

Let us turn our attention for a moment to the reluctant draftee of the Democratic Party—or perhaps I should say the draftee of the reluctant Democratic Party—Mr. Lawrence O'Brien. It took the combined muscle of all the liberal forces to persuade him to become National Chairman. Now he uses that position to rail against the war he used to defend to the hilt. He will not march behind a Commander-in-Chief riding an elephant, but he will dash unhesitatingly into battle behind one perched upon an ass. But Mr. O'Brien sank to an unbelievably low point when he broadly hinted that the President's personal comments had a causal connection with the deaths of the students at Kent State. The desperation in that mean sniping discredits the many statesmen in his Party.

When the United States went to the negotiating table at Paris in May of 1968, we were confronted by the toughest of negotiators—revolutionaries of a brutal Communist regime that had battled for power for a decade—the aces in Hanoi's diplomatic deck. Against them we dealt Harriman and Vance —a pair of deuces.

In a speech six months ago, I responded to Harriman's incessant carping at the President. For that criticism I received the opprobrium of all those who revere Mr. Harriman as the epitome of a diplomat. I do not share that view.

As one looks back over the diplomatic disasters that have befallen the west and the friends of the west over three decades at Tehran, Yalta, Cairo—in every great diplomatic conference that turned out to be a loss for the west and freedom, one can find the unmistakable footprints of W. Averell Harriman.

It was Mr. Harriman as our Ambassador at Moscow who told the Polish Committee of National Liberation that the United States would not oppose Russian wishes on the Polish question—which effectively doomed any chance for the freedom of Poland, which of course was why the war had begun. A month after returning to the United States from his wartime chores in Moscow, Mr. Harriman was the grateful beneficiary of two fine thoroughbred horses—compliments of J. V. Stalin.

The disastrous wartime conference with the Soviets was not the last time that Mr. Harriman's penchant for trusting Communists has cost some peoples their freedom and others their lives. Speaking of the 1962 Geneva Agreement—where Harriman bought the package deal of Hanoi and Moscow—Mr. Harriman stated, we got "a good agreement, better than I thought we would work out."

Mr. Robert Elegant of the *Los Angeles* Times describes it today a bit more accurately:

"The Geneva Agreement Ambassador Harriman signed in 1962 willfully ignored the certainty of Hanoi's using the [Ho Chi Minh] trail to invade South Vietnam—and made the conflict there inevitable . . . The Communists' chief channel for supplies and reinforcements, now doubly important . . . is sometimes—unkindly, but accurately—called the Averell Harriman Memorial Highway."

Down Mr. Harriman's highway have come half a million North Vietnamese troops to bring death to thousands of Americans and hundreds of thousands of South Vietnamese.

In 1968 we sent this negotiator to Paris to bargain for peace—and he succeeded in booting away our greatest military trump—the bombing of North Vietnam—for a mess of porridge.

Let me read you briefly what Mr. Harriman stated in Paris in 1968 in high praise of our government ally in South Vietnam:

"The Government of the Republic of Vietnam, in the face of terror and subversion, and despite the disruption and destruction of the war, instigated and directed by North Vietnam, has advanced steadily toward representative government. In September 1966, a constituent assembly was elected. In April 1967, a new constitution was promulgated. In September 1967, national elections for the Presidency and the Senate were conducted, and in October the Lower House was elected. On October 31, 1967, a new government took office."

This is the high praise that Mr. Harriman showered on the Government of South Vietnam—when he, Harriman, was negotiating at Paris.

Now that his personal failures at Paris are evident for all the world to see, Mr. Harriman has turned on that same government, and a short time ago, he cried aloud that President Nixon's program for peace depends on *"an unpopular and repressive military government."* Now, I would call that a rather self-serving opinion adjustment.

In my opinion the principal failure of the west and the United States in the post-war years has been that when the diplomatic stakes were the blue chips, we sent dandies of the old school tie instead of men of the stripe of George Meany or Conrad Cooper to the bargaining table.

Yet it is Harriman, Vance, Clifford, the men who were bluffed, raised, called, whipped and cleaned out at the tables by the enemy at Paris—who are the ones who now stand behind President Nixon yelling, in effect, "Fold, fold." Well, the President is not going to fold.

We are not going to heed the counsel of the Harrimans and Vances and Cliffords—whom history has branded as failures; and we are not going to heed the counsels of a Kennedy, a McGovern, a Fulbright or an O'Brien. Most of these have admitted defeat so often and called for retreat so many times that one suspects they may now have developed a psychological addiction to an American defeat.

Now, let us talk about Cambodia.

When the Communists for years were using Laos and Cambodia as sanctuaries to attack and kill American men in South Vietnam you did not hear the cries of anguish you hear now when we have given the green light to American troops to clean out the aggressors in their own nests.

If our base camps just across the border in South Vietnam are not secure—why should their base camps just across the border in Cambodia be secure? Why should the aggressors make the ground rules for this conflict; why should the Communists determine the time and the place of the battle; why should we circumscribe our operations; when they do not constrict theirs.

Let me tell you what American men and their allies have done in the course of this short operation.

They have captured over fourteen million rounds of ammunition that will never be fired at American troops. They have taken almost 2500 crew-served weapons that will not be used against our base camps or the cities and towns of South Vietnam. They have destroyed almost ten thousand structures where the enemy has rested, recuperated and refitted for his attacks. They have seized almost thirteen million pounds of rice—rice his troops need to continue fighting. Of grenades, mines, rockets, explosives, mortar rounds, anti-aircraft rounds, recoilless rifle rounds—they have seized close to 400,000 in total.

These weapons and supplies will never be used against the American men remaining in Vietnam. Our forces have slain over ten thousand enemy soldiers, and taken over two thousand prisoners. These are enemies who will now be unable to invade South Vietnam to kill Americans and their allies.

The operation ordered by the President of the United States and carried out by your brave sons in this short period is the greatest military victory of the United States since MacArthur landed the marines at Inchon—and in spite of the screams of anguish from the usual capitulators, apologies are not in order.

As Al Smith said, let's look at the record. It was not President Nixon and his Party who controlled the Congress or the Presidency during the eight years in which Vietnam became the longest war in our history. But Richard Nixon stood behind President Johnson and Secretary Rusk—and they have stood behind him.

It is Harriman and Vance and Kennedy and Fulbright and O'Brien and McGovern and Clifford and their crew—who can show nothing but failure for their efforts. It is the failures in this effort who are now the debunkers who say the success of the President is not fast enough.

When we took office, there were close to 550,000 American troops in Vietnam; we have brought 115,500 home. We will bring another 150,000 home by next spring. We do not need gratuitous advice from those who could neither end the war nor win it on how to conduct this quest for peace successfully—from those who stay up days and nights justifying their blunders and dreaming up new concessions to an enemy who takes concessions as signs of weakness—whose goal is not a negotiated settlement—but a Carthaginian peace. We are going to deny the enemy that victory. The enemy has paid and will continue to pay a heavy price for having misread the people and the President of the United States. To come with clean hands and to a serious session at the bargaining table would be the best advice anyone could give him.

SENATOR MUSKIE SPEAKS ON PATRIOTISM

Mr. McINTYRE. Mr. President, patriotism is a subject which is discussed a great deal today, but few define what it really means and what it must mean if we are to survive as a nation united.

The able Senator from Maine (Mr. Muskie), who, through his long and distinguished period of service in war and in peace, is well qualified to speak on this subject, gave us such a definition in two speeches last week in his home State. I commend these speeches to the attention of the Senate and ask unanimous consent that they be printed in the Record.

There being no objection, the speeches were ordered to be printed in the Record, as follows:

Excerpts From the Remarks of Senator Edmund S. Muskie at Lawrence High School, American Legion, Department of Maine, Fairfield, Maine, June 19, 1970

Little more than half a century ago, a group of citizen-soldiers met in Paris.

They were weary of war.

XUM

They were passionately devoted to their country across the Atlantic.

And they formed an organization . . . to which we now proudly belong . . . based on the values they shared together . . . of liberty . . . of comradeship . . . of peace

Now, as in 1919, many Americans, at home and abroad, are weary of war.

Now, as then, most Americans *are* passionately devoted to their country.

And now, it is again incumbent on us, especially those of us who have witnessed and felt the pain of war, to affirm those values we share together.

Some eighteen years ago, Adlai Stevenson spoke to the legion in New York City. I believe that what he stated then is most timely today.

"It was", he said, "always accounted a virtue in a man to love his country. With us it is now something more than a virtue. It is a necessity, a condition of survival. When an American says that he loves his country, he means not only that he loves the New England hills, the prairies glistening in the sun, the wide and rising plains, the great mountains, and the sea. He means that he loves an inner air, an inner light in which freedom lives and in which a man can draw a breath of self-respect. Men who have offered their lives for their countries know that patriotism is not the *fear* of something: It is the love of something."

There should be no doubt, then, that members of this Legion *do* love this land . . . the dream of America as well as the opportunity of America.

You have left these shores when called to do so.

You have gone to battle, in the honest belief that by doing so you would help defend liberty and promote justice.

And you have returned, when the guns were silenced, to work the land . . . to engage in commerce . . . to practice a profession . . . and to enjoy freedom.

You did not fight for personal gain . . . for mere adventure . . . or for imperial conquest. But you fought to bring peace as quickly as possible, not only for your own security, but for that of your children.

And now many of you are puzzled, and perhaps even angered, by your children, or your children's children . . . by the length of their hair . . . the cut of their clothes . . . or the sound of their voices.

I believe that these symbols of youth are *not* cause for alarm . . . for vindictive words . . . or for violent acts. Because I believe that, in substance, the vast majority of our young people want to *improve* America, not to *reject* her. They want America to be *united*, not *insecure*. They want to be *proud* of America, not *disheartened* about her.

And although many of them may sincerely believe that the war is wrong—that it is not worthy of what *we* helped to preserve and to build . . . they would, I am convinced, strongly defend America if America herself were threatened by force of arms.

Bear in mind that many of these young people, will not reach the ages of many of us here, until after the year 2,000. A spread of more than thirty years. And thirty years in this rapidly changing world is the equivalent of centuries in an earlier time. The changes which have taken place make it possible for man to know more, to accumulate knowledge more rapidly, to travel at greater speeds, to reach out into the heavens, to build more complex and impersonal institutions, to destroy our natural environment—and to destroy himself. Our young people must live with these changes longer than we will—more than that—they will have to live with the even more awesome changes which will surely come. What they are concerned about is whether it will be possible for human beings to be human in such a world. They are afraid that, as a consequence, they will lost what you fought to preserve.

The basic devotion to America which they share with us, is the same whether they are in school or in a distant jungle . . . and it is not meant to contradict or challenge the values we love in America.

Their patriotism, like ours, is based on those American instincts of cooperation, fairness, tolerance and understanding which are more important than differences in age, in occupation, in political persuasion.

Their patriotism, like ours, is directed toward positive goals . . . of freedom . . . and security . . . and mutual respect.

Their patriotism, like ours, can do America great honor.

That is why I believe America is not the place, and 1970 is not the time, for any of us to escape behind our own personal point of view, and call *it* the only true patriotism.

Instead, patriotism requires us *all* to have the courage to talk sensibly to each other . . . to refrain from senseless rage . . . to try crossing the borders which seem to divide us.

It requires a capacity to understand the feelings of others whose views on a particular issue may be different . . . who respect the flag for what it means to them . . . who believe in America, but not in the war.

I believe we *can* practice this patriotism . . . we *can* approach the future together . . . we *can* shape a whole society . . . but we must try to reach out to young Americans, to trust their sincerity, and their patriotism. I know that we can.

For, as the preamble to the constitution of this American Legion clearly sets forth, you have undertaken a splendid commitment, ". . . to make *right* the master of might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness."

That spirit of mutual helpfulness must govern our relations with each other—or we will be nothing—all that we stand for destroyed in the flames of suspicion, distrust and hatred.

To avoid that result we need the help of every American who has faith in peace and tolerance—who is willing to talk to his fellow man.

You will recall that the preamble to our Constitution was as humble as it was eloquent—that it sought to offer not paradise but a "more perfect Union".

A "more perfect Union" requires strict fidelity, by the Government and by the people, to the constitutional rights of free, open and non-violent expression.

It has been said: "The crucial ingredient in a democracy is the identification on, the instinctual trust that flows in thousands of minute and invisible currents through a society. It is this that makes a man feel that he belongs, that allows him to live at ease with his fellows without having to be watchful, competitive and tough".

That is the America we fought to preserve.

That is the kind of America young people want.

Excerpts From the Remarks of Senator Edmund S. Muskie at Caribou High School Commencement, Caribou, Maine, June 19, 1970

This is not a night for long speeches.

It is a night to complete the work you have been doing in high school. Whether you have done it well enough to serve your needs in the years ahead, you yourselves will know in due course.

It is a night to begin the work of the rest of your lives. Inasmuch as that will be primarily your responsibility, we might better leave you to your own thoughts and reflections.

And yet, it is not enough to leave you to yourselves on such a night,

You are a product of this town and this region and its people. They are responsible, in large part, for what you are and what you will contribute to your own lives, to your children, and to this or other communities.

It is appropriate, therefore, that they should reflect upon that fact, take satisfaction from such promise as you have shown, and consider whether they have met their responsibility to you and to the future as well as they should have done.

Tonight, then, represents some measure of achievement—for young and old.

It is a night of doubts, as we contemplate the unknown and uncertain challenges of the future, and our preparation to meet them.

It is a night of optimism for all those who remember that each of us has the capacity to grow in ways that can improve our own lives and those around us.

To be with you—

To be asked to participate in exercises like these in the high schools of Maine is a source of satisfaction to me which is always refreshing and reassuring.

My memories of the past are very strong on such occasions:

Of the town where I was born;

Of my home life in the days of my boyhood;

Of neighbors and friends and teachers;

Of the warmth and the kindness and the opportunity which made it possible for the son of an immigrant to reach out and touch the promise of things to come.

That town and this State were my beginning. They taught me—on my graduation night 38 years ago—that I was free to make of myself whatever I was capable of becoming. It was a lesson which I have never forgotten.

But that is all in the past.

What does the future hold—for you?

You and your generation will decide—in much the same way that my generation has shaped the world in which you find yourselves—

By what you do or fail to do;

By your mistakes as well as your achievements;

By your intellectual, moral, and spiritual values;

By the attitudes you develop toward other people;

By your willingness or refusal to become involved in the affairs of other people—in your communities, in our country and around the globe.

The dangers and the pitfalls which surround you are very great:

Relaxed moral standards of personal behavior;

Increasing resort to violence as a way to settle grievances and differences of opinion;

Growing impatience with the very real grievances of those who have been the object of prejudice and discrimination for too long;

Increasing numbers of Americans who believe there is no hope for them in our society;

A growing lack of confidence in the capacity of governmental and non-governmental institutions to respond to the problems we face;

The proliferation of barriers of suspicion and distrust and hatred between different groups of Americans.

These tendencies and trends can destroy us and our country if allowed to continue.

Young people are unhappy with things as they are—and with good reason. So were we—and with equally good reason.

That concern—and an awarenes of what is wrong—did not by themselves equip us with the wisdom to build a perfect world. And they will serve you no better—by themselves.

You are as fallible as we were.

You will make mistakes—as we did—from time to time.

You will be unjust and unkind and insensitive and unreasonable and arbitrary and blind and ignorant—as we have been from time to time.

As a matter of fact, you and your generation have already demonstrated that you have inherited these shortcomings from us.

You will also, however, demonstrate the qualities which justify our belief in the perfectibility of man.

You will achieve—more greatly than we did in every field of endeavor.

You will build better communities—where the quality of justice and mercy and compassion and understanding will make life better for all.

And, in the process, you will build more satisfying lives for yourselves.

I believe this—we believe this—but whether you do this will depend so much upon you yourselves.

We worry—as you will—that, as young people yield to their impatience for change and for a greater measure of personal freedom, they will accept—too quickly—new standards of behavior and new values which will create more serious problems for you than they will solve.

And so we become over-protective and even stuffy about such things as hair styles, clothing styles, taste in music.

What we really care about are more fundamental things.

We want you to become intellectually, morally, and spiritually strong;

With a capacity to use freedom wisely;

With the understanding to make sound judgments as to what is right and what is wrong;

With the courage to do what is right.

We pray that you can build a country that will meet the same standards. We know that there is injustice, inequity and inequality, prejudice and cruelty among our fellow citizens and in other lands.

You will have certain responsibilities now to your town, your State and your country. Patriotism is the word which sums up these responsibilities but it is a word that is much abused now.

Patriotism is a word that must never belong to just one group or just one cause. It must unite us all.

Patriotism is a constructive concern for what happens to our country and our people. It requires trust and confidence among our citizens, self-discipline and self-restraint in our daily decisions on the kind of neighborhoods we want and the kind of world we seek.

Above all, patriotism is the spirit which creates and sustains a nation in which all men can hold their heads high with pride . . .

A nation in which men are willing to fight injustice where it exists;

A nation in which men work to expand opportunities for all citizens;

A nation in which men change society where changes are needed through the ballot box and the public forum.

Patriotism is also the desire of a nation:

To clean up its air and water, not pollute them.

To help its poor and sick, not ignore them.

To work with all its races and religions, not against them.

To end a war that divides its people.

You, your parents and your friends want these things because you care sincerely about the quality of life in our country, because you want to respect your country, because you want to love it.

We sometimes lose our sense of history and we forget that our struggles are not new ones, they are simply old dreams in modern dress.

In each period of crisis in our national life, there have been those who have tried to equate dissent with disloyalty, who have tried to restrict our liberties as a means of defending them. It was not by chance that freedom of speech, freedom of assembly, freedom from unreasonable search, were expressly added to the United States constitution.

And in each time of crisis, the good sense of the concerned majority has eventually restored the balance between order and liberty, security and freedom.

We are facing one of these turns in the road again. Some Americans today appear willing to restrict their own rights in a mistaken belief that the way to heal a divided nation is to silence its voices.

What we must do is learn to tolerate the opinions of others rather than try to curb their freedoms. Patriotism is a willingness both to question and to listen to the answers, not just from those who agree with us but those who don't as well.

We cannot expect a country of such diversity to have one opinion or even one hundred or one thousand. But what we must expect is a degree of tolerance and trust from our neighbors or we shall not survive. And we must never forget the words of Jefferson that "every difference of opinion is not a difference of principle."

We know that we have not dealt with these conditions as well as we would have liked. We believe they can be dealt with in the kind of society we have.

And so we entrust the future to you—knowing that we have no choice—but believing, also, that you can measure up.

From this night on you will have more freedom than you have ever known before. Use it well.

CAN AMERICANS STILL "SNUFF THE APPROACH OF TYRANNY IN EVERY TAINTED BREEZE?"

Mr. EAGLETON. Mr. President, Look magazine for July 14, 1970, contains an excellent and somewhat frightening article by Henry Steele Commager, in which he reminds us that feedom is not a luxury which can be put aside in times of stress, but that it is essential to the efficiency and growth of our society.

Mr. Commager says:

> Put quite simply, we foster freedom in order to avoid error and discover truth; so far, we have found no other way to achieve this objective. So, too, with dissent. We do not indulge dissent for sentimental reasons; we encourage it because we have learned that we cannot live without it. A nation that silences dissent, whether by force, intimidation, the withholding of information or a foggy intellectual climate, invites disaster. A nation that penalizes criticism is left with passive acquiescence in error. A nation that discourages originality is left with minds that are unimaginative and dull. And with stunted minds, as with stunted men, no great thing can be accomplished.
>
> It is for this reason that history celebrates not the victors who successfully silenced dissent but their victims who fought to speak the truth as they saw it. It is the bust of Socrates that stands in the schoolroom, not the busts of those who condemn him to death for "corrupting the youth." It is Savonarola we honor, not the Pope who had him burned there in the great Piazza in Florence. It is Tom Paine we honor, not the English judge who outlawed him for writing the *Rights of Man*.
>
> Our own history, too, is one of rebellion against authority. We remember Roger Williams, who championed toleration, not John Cotton, who drove him from the Bay Colony; we celebrate Thomas Jefferson, whose motto was "Rebellion to tyrants is obedience to God," not Lord North; we read Henry Thoreau on civil disobedience, rather than those messages of President Polk that earned him the title "Polk the Mendacious"; it is John Brown's soul that goes marching on, not that of the judge who condemned him to death at Charles Town.

The article belongs on the "must" reading list of every American in public life today. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IS FREEDOM DYING IN AMERICA?

(By Henry Steele Commager)

"There are certain words,
Our own and others', we're used to—words we've used,
Heard, had to recite, forgotten,
Rubbed shiny in the pocket, left home for keepsakes,
Inherited, stuck away in the back-drawer,
In the locked trunk, at the back of the quiet mind.

Liberty, equality, fraternity,
To none will we sell, refuse or deny, right or justice.
We hold these truths to be self-evident.

I am merely saying—what if these words pass?
What if they pass and are gone and are no more . . . ?
It took long to buy these words.
It took a long time to buy them and much pain."

—STEPHEN VINCENT BENÉT.

"Those, who would give up essential liberty to purchase a little temporary safety," said Benjamin Franklin, two centuries ago, "deserve neither liberty nor safety."

Today we are busy doing what Franklin warned us against. Animated by impatience, anger and fear, we are giving up essential liberties, not for safety, but for the appearance of safety. We are corroding due process and the rule of law not for Order, but for the semblance of order. We will find that when we have given up liberty, we will not have safety, and that when we have given up justice, we will not have order.

"We in this nation appear headed for a new period of repression," Mayor John V. Lindsay of New York recently warned us. We are in fact already in it.

Not since the days when Sen. Joseph McCarthy bestrode the political stage, fomenting suspicion and hatred, betraying the Bill of Rights, bringing Congress and the State Department into disrepute, have we experienced anything like the current offensive against the exercise of freedom in America. If repression is not yet as blatant or as flamboyant as it was during the McCarthy years, it is in many respects more pervasive and more formidable. For it comes to us now with official sanction and is imposed upon us by officials sworn to uphold the law: the Attorney General, the FBI, state and local officials, the police, and even judges. In Georgia and California, in Lamar, S.C., and Jackson, Miss., and Kent, Ohio, the attacks are overt and dramatic; on the higher levels of the national administration, it is a process of erosion, the erosion of what Thomas Jefferson called "the sacred soil of liberty." Those in high office do not openly proclaim their disillusionment with the principles of freedom, but they confess it by their conduct, while the people acquiesce in their own disinheritance by abandoning the "eternal vigilance" that is the price of liberty.

There is nothing more ominous than this popular indifference toward the loss of liberty, unless it is the failure to understand what is at stake. Two centuries ago, Edmund Burke said of Americans that they "snuff the approach of tyranny in every tainted breeze." Now, their senses are blunted. The evidence of public-opinion polls is persuasive that a substantial part of the American people no longer know or cherish the Bill of Rights. They are, it appears, quite prepared to silence criticism of governmental policies if such criticism is thought—by the Govern-

XUM

ment—damaging to the national interest. They are prepared to censor newspaper and television reporting if such reports are considered—by the Government—damaging to the national interest! As those in authority inevitably think whatever policies they pursue, whatever laws they enforce, whatever wars they fight, are in the national interest, this attitude is a formula for the ending of all criticism, which is another way of saying for the ending of democracy.

Corruption of language is often a first sign of a deeper malaise of mind and spirit, and it is ominous that invasions of liberty are carried on, today, in the name of constitutionalism, and the impairment of due process, in the name of Law and Order. Here it takes the form of a challenge to the great principle of the separation of powers, and there to the equally great principle of the superiority of the civil to the military authority. Here it is the intimidation of the press and television by threats both subtle and blatant, there of resort to the odious doctrine of "intent" to punish anti-war demonstrators. Here it is the use of the dangerous weapon of censorship, overt and covert, to silence troublesome criticism, there the abuse of the power of punishment by contempt of court. The thrust is everywhere the same, and so too the animus behind it: to equate dissent with lawlessness and nonconformity with treason. The purpose of those who are prepared to sweep aside our ancient guarantees of freedom is to blot out those great problems that glare upon us from every horizon, and pretend that if we refuse to acknowledge them, they will somehow go away. It is to argue that discontent is not an honest expression of genuine grievances but of willfulness, or perversity, or perhaps of the crime of being young, and that if it can only be stifled, we can restore harmony to our distracted society.

XUM

Men like Vice President Spiro T. Agnew simplistically equate opposition to official policies with effect intellectualism, and cater to the sullen suspicion of intellectuals, always latent in any society, to silence that opposition. Frightened people everywhere, alarmed by lawlessness and violence in their communities, and impatient with the notion that we cannot really end violence until we deal with its causes, call loudly for tougher laws, tougher cops and tougher courts or—as in big cities like New York or small towns like Lamar—simply take authority into their own hands and respond with vigilante tactics. Impatient people, persuaded that the law is too slow and too indulgent, and that order is imperiled by judicial insistence on due process, are prepared to sweep aside centuries of progress toward the rule of law in order to punish those they regard as enemies of society. Timid men who have no confidence in the processes of democracy or in the potentialities of education are ready to abandon for a police state the experiment that Lincoln called "the last best hope of earth."

The pattern of repression is alas, all too familiar. Most ominous is the erosion of due process of law, perhaps the noblest concept in the long history of law and one so important that it can be equated with civilization, for it is the very synonym for justice. It is difficult to remember a period in our own history in which due process has achieved more victories in the courts and suffered more setbacks in the arena of politics and public opinion than in the last decade. While the Warren Court steadily enlarged the scope and strengthened the thrust of this historic concept, to make it an effective instrument for creating a more just society, the political and the law-enforcement agencies have displayed mounting antagonism to the principle itself and resistance to its application. The desegregation decision of 1954 has been sabotaged by both the Federal and local governments—a sabotage dramatized by the recent decision of the Justice Department to support tax exemption for private schools organized to frustrate desegregation.

There are many other examples. Pending legislation, including the Organized Crime Control Act of 1969, provides for "preventive detention" in seeming violation of the constitutional guarantee of presumption of innocence, limits the right of the accused to examine evidence illegally obtained; permits police to batter their way into a private house without notice (the no-knock provision); and provides sentences of up to 30 years for "dangerous special offenders." And the government itself, from local police to the Attorney General, persists in what Justice Holmes called the "dirty business" of wiretapping and bugging to obtain evidence for convictions, though this is a clear violation of the right of protection against self-incrimination.

Equally flagrant is the attack on First Amendment freedoms—freedom of speech, press, petition and assembly—an attack that takes the form of intimidation and harassment rather than of overt repudiation. The President and the Vice President have joined in a crusade designed to force great newspapers like the New York *Times* and Washington *Post* to moderate their criticism of Administration policies, and to frighten the television networks into scaling down their coverage of events that the Government finds embarrassing; a position that rests on the curious principle that the real crime is not official misconduct but the portrayal of that misconduct. Mr. Agnew, indeed, has gone so far as to call on governors to drive the news purveyed by "bizarre extremists" from newspapers and television sets; it is an admonition that, if taken literally, would deny newspaper and TV coverage to Mr. Agnew himself. All this is coupled with widespread harassment of the young, directed superficially at little more than hairstyle, dress or manners—but directed in fact to their opinions, or perhaps to their youthfulness. And throughout the country, government officials are busy compiling dossiers on almost all citizens prominent enough to come to their attention.

Government itself is engaged increasingly in violating what President Dwight Eisenhower chose as the motto for the Columbia University bicentenary: "Man's right to knowledge and the free use thereof." The USIA proscribes books that criticize American foreign policy at the same time that it launches a positive program of celebrating the Nixon Administration and the conduct of the Vietnam war through films and a library of "safe" books selected by well-vetted experts. The Federal Government spends millions of dollars presenting its version of history and politics to the American people. The Pentagon alone spends $47 million a year on public relations and maintains hundreds of lobbyists to deal with Congress, and the Defense Department floods schools and clubs and veterans organizations with films designed to win support for the war.

Meantime, the growing arrogance of the military and its eager intervention in areas long supposed to be exclusively civilian gravely threaten the principle of the superiority of the civil to the military power. Military considerations are advanced to justify the revival of the shabby practices of the McCarthy era—security clearances for civilians working in all establishments that have contracts with Defense—a category that includes laboratories, educational institutions and research organizations. What the standards are that may be expected to dictate security "clearance" is suggested by Vice President Agnew's proposal to "separate the [protest leaders] from our society—with no more regret than we should feel over discarding rotten apples from a barrel." That is, of course, precisely the philosophy that animated the Nazis. Military considerations, too, are permitted to dictate policies of secrecy that extend even to censorship of the Congressional Record, thus denying to congressmen, as to the American people, information they need to make decisions on foreign policy. Secrecy embraces, not unnaturally, facts about the conduct of the war; Attorney General Mitchell, it was reported, hoped to keep the Cambodian caper secret from Congress and the people until it was a *fait accompli*. So, too, the CIA, in theory merely an information-gathering agency, covers its far-flung operations in some 60 countries with a cloak of secrecy so thick that even Congress cannot penetrate it. The Army itself, entering the civilian arena, further endangers freedom of assembly and of speech by employing something like a thousand agents to mingle in student and other assemblies and report to the Army what they see and hear. This is, however, merely a tiny part of the some $3 billion that our Government spends every year in various types of espionage—more every year than the total cost of the Federal Government from its foundation in 1789 to the beginning of the Civil War in 1861.

It would be an exaggeration to say that the United States is a garrison state, but none to say that it is in danger of becoming one.

The purpose of this broad attack on American freedoms is to silence criticism of Government and of the war, and to encourage the attitude that the Government knows best and must be allowed a free hand, an attitude Americans have thought odious ever since the days of George III. It is to brand the universities as a fountainhead of subversion and thus weaken them as a force in public life. It is to restore "balance" to the judiciary and thereby reverse some of the great achievements of the 16 years of the Warren Court and to reassure the Bourbons, North and South, who are alarmed at the spectacle of judicial liberalism. It is to return to a "strict" interpretation of the power of states over racial relations and civil liberties—a euphemism for the nullification of those liberties.

The philosophy behind all this, doubtless unconscious, is that government belongs to the President and the Vice President; that they are the masters, and the people, the subjects. A century ago, Walt Whitman warned of "the never-ending audacity of elected persons"; what would he say if he were living today? Do we need to proclaim once more the most elementary principle of our constitutional system: that in the United States, the people are the masters and all officials are servants—officials in the White House, in the Cabinet, in the Congress, in the state executive and legislative chambers; officials, too, in uniform, whether of the national guard or of the police?

Those who are responsible for the campaign to restrict freedom and hamstring the Bill of Rights delude themelves that if they can but have their way, they will return the country to stability and order. They are mistaken. They are mistaken not merely because they are in fact hostile to freedom, but because they don't understand the relation of freedom to the things they prize most—to security, to order, to law.

What is that relationship?

For 2,500 years, civilized men have yearned and struggled for freedom from tyranny—the tyranny of despotic government and superstition and ignorance. What explains this long devotion to the idea and practice of freedom? How does it happen that all Western societies so exalt freedom that they have come to equate it with civilization itself?

Freedom has won its exalted place in philosophy and policy quite simply because, over the centuries, we have come to see that it is a necessity; a necessity for justice, a necessity for progress, a necessity for survival.

How familiar the argument that we must learn to reconcile the rival claims of freedom and order. But they do not really need to be reconciled; they were never at odds. They are not alternatives, they are two sides to the same coin indissolubly welded together. The community—society or nation—has an interest in the rights of the individual because without the exercise of those rights, the community itself will decay and collapse. The individual has an interest in the stability of the community of which he is a part because without security, his rights are useless. No community can long prosper without nourishing the exercise of individual liberties for, as John Stuart Mill wrote a century ago, "A State which dwarfs its men, in order that they may be more docile instruments in its hands . . . will find that with small men no great thing can really be accomplished." And no individual can fulfill his genius without supporting the just authority of the state, for in a condition of anarchy, neither dignity nor freedom can prosper.

The function of freedom is not merely to protect and exalt the individual, vital as that is to the health of society. Put quite simply, we foster freedom in order to avoid error and discover truth; so far, we have found no other way to achieve this objective. So, too, with dissent. We do not indulge dissent for sentimental reasons; we encourage it because we have learned that we cannot live without it. A nation that silences dissent, whether by force, intimidation, the withholding of information or a foggy intellectual climate, invites disaster. A nation that penalizes criticism is left with passive acquiescence in error. A nation that discourages originality is left with minds that are unimaginative and dull. And with stunted minds, as with stunted men, no great thing can be accomplished.

It is for this reason that history celebrates not the victors who successfully silenced dissent but their victims who fought to speak the truth as they saw it. It is the bust of Socrates that stands in the schoolroom, not the busts of those who condemned him to death for "corrupting the youth." It is Savonarola we honor, not the Pope who had him burned there in the great Piazza in Florence. It is Tom Paine we honor, not the English judge who outlawed him for writing the *Rights of Man*.

Our own history, too, is one of rebellion against authority. We remember Roger Williams, who championed toleration, not John Cotton, who drove him from the Bay Colony; we celebrate Thomas Jefferson, whose motto was "Rebellion to tyrants is obedience to God," not Lord North; we read Henry Thoreau on civil disobedience, rather than those messages of President Polk that earned him the title "Polk the Mendacious"; it is John Brown's soul that goes marching on, not that of the judge who condemned him to death at Charles Town.

Why is this? It is not merely because of the nobility of character of these martyrs. Some were not particularly noble. It is because we can see now that they gave their lives to defend the interests of humanity, and that they, not those who punished them, were the true benefactors of humanity.

But it is not just the past that needed freedom for critics, nonconformists and dissenters. We, too, are assailed by problems that seem insoluble, we, too, need new ideas. Happily, ours is not a closed system—not yet, anyway. We have a long history of experimentation in politics, social relations and science. We experiment in astrophysics because we want to land on the moon; we experiment in biology because we want to find the secret of life; we experiment in medicine because we want to cure cancer; and in all of these areas, and a hundred others, we make progress. If we are to survive and flourish, we must approach politics, law and social institutions in the same spirit that we approach science. We know that we have not found final truth in physics or biology. Why do we suppose that we have found final truth in politics or law? And just as scientists welcome new truth wherever they find it, even in the most disreputable places, so statesmen, jurists and educators must be prepared to welcome new ideas and new truths from whatever sources they come, however alien their appearance, however revolutionary their implications.

"There can be no difference anywhere," said the philosopher William James, "that doesn't make a difference elsewhere—no difference in abstract truth that doesn't express itself in a difference in concrete fact . . ."

Let us turn then to practical and particular issues and ask, in each case, what are and will be the consequences of policies that repress freedom, discourage independence and impair justice in American society, and what are, and will be, the consequences of applying to politics and society those standards and habits of free inquiry that we apply as a matter of course to scientific inquiry?

Consider the erosion of due process of law—that complex of rules and safeguards built up over the centuries to make sure that every man will have a fair trial. Remember that it is designed not only for the protection of desperate characters charged with monstrous crimes; it is designed for every litigant. Nor is due process merely for the benefit of the accused. As Justice Robert H. Jackson said, "It is the best insurance for the Government itself against those blunders which leave lasting stains on a system of justice . . ."

And why is it necessary to guarantee a fair trial for all—for those accused of treason, for those who champion unpopular causes in a disorderly fashion, for those who assert their social and political rights against community prejudices, as well as for corporations, labor unions and churches? It is, of course, necessary so that justice will be done. Justice is the end, the aim, of government. It is implicitly the end of all governments; it is quite explicitly the end of the United States Government, for it was "in order to . . . establish justice" that the Constitution was ordained.

Trials are held not in order to obtain convictions; they are held to find justice. And over the centuries, we have learned by experience that unless we conduct trials by rule and suffuse them with the spirit of fair play, justice will not be done. The argument that the scrupulous observance of technicalities of due process slows up or frustrates speedy convictions is, of course, correct, if all you want is convictions. But why not go all the way and restore the use of torture? That got confessions and convictions! Every argument in favor of abating due process in order to get convictions applies with equal force to the use of the third degree and the restoration of torture. It is important to remember that nation after nation abandoned torture (the Americans never had it), not merely because it was barbarous, but because, though it wrung confessions from its victims, it did not get justice. It implicated the innocent with the guilty, it outraged the moral sense of the community. Due process proved both more humane and infinitely more efficient.

Or consider the problem of wiretapping. That in many cases wiretapping "works" is clear enough, but so do other things prohibited by civilized society, such as torture or the invasion of the home. But "electronic surveillance," said Justice William J. Brennan, Jr., "strikes deeper than at the ancient feeling that a man's home is his castle; it strikes at freedom of communication, a postulate of our kind of society . . . Freedom of speech is undermined where people fear to speak unconstrainedly in what they suppose to be the privacy of home or office."

Perhaps the most odious violations of justice is the maintenance of a double standard: one justice for blacks and another for whites, one for the rich and another for the poor, one for those who hold "radical" ideas, and another for those who are conservative and respectable. Yet we have daily before our eyes just such a double standard of justice. The "Chicago Seven," who crossed state lines with "intent" to stir up a riot, have received heavy jail sentences, but no convictions have been returned against the Chicago police who participated in that riot. Black Panthers are on trial for their lives for alleged murders, but policemen involved in wantonly attacking a Black Panther headquarters and killing two blacks have been punished by demotion.

Turn to the role and function of freedom in our society—freedom of speech and of the press—and the consequences of laying restrictions upon these freedoms. The consequence is, of course, that society will be deprived of the inestimable advantage of inquiry, criticism, exposure and dissent. If the press is not permitted to perform its traditional function of presenting the whole news, the American people will go uninformed. If television is dissuaded from showing controversial films, the people will be denied the opportunity to know what is going on. If teachers and scholars are discouraged from inquiring into the truth of history or politics or anthropology, future generations may never acquire those habits of intellectual independence essential to the working of democracy. An enlightened citizenry is necessary for self-government. If facts are withheld, or distorted, how can the people be enlightened, how can self-government work?

The real question in all this is what kind of society do we want? Do we want a police society where none are free of surveillance by their government? Or do we want a society where ordinary people can go about their business without the eye of Big Brother upon them?

The Founding Fathers feared secrecy in government not merely because it was a vote of no-confidence in the intelligence and virtue of the people but on the practical ground that all governments conceal their mistakes behind the shield of secrecy; that if they are permitted to get away with this in little things, they will do it in big things—like the Bay of Pigs or the invasion of Cambodia.

And if you interfere with academic freedom in order to silence criticism, or critics, you do not rid the university of subversion. It is not ideas that are subversive, it is the lack of ideas. What you do is to silence or get rid of those men who have ideas, leaving the institution to those who have no ideas, or have not the courage to express those that they have. Are such men as these what we want to direct the education of the young and advance this cause of learning?

The conclusive argument against secrecy in scientific research is that it will in the end give us bad science. First-rate scientists will not so gravely violate their integrity as to confine their findings to one government or one society, for the first loyalty of science is to scientific truth. "The Sciences," said Edward Jenner of smallpox fame, "are never at war." We have only to consider the implications of secrecy in the realm of medicine: What would we think of doctors favoring secrecy in cancer research on the grounds of "national interest"?

The argument against proscribing books, which might normally be in our overseas libraries, because they are critical of Administration policies is not that it will hurt authors or publishers. No. It is quite simply that if the kind of people who believe in proscription are allowed to control our libraries, these will cease to be centers of learning and become the instruments of party. The argument against withholding visas from foreign scholars whose ideas may be considered subversive is not that this will inconvenience them. It is that we deny ourselves the benefit of what they have to say. Suppose President Andrew Jackson had

XUM

denied entry to Alexis de Tocqueville on the ground that he was an aristocrat and might therefore be a subversive influence on our democracy? We would have lost the greatest book ever written about America.

There is one final consideration. Government, as Justice Louis D. Brandeis observed half a century ago, "is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example." If government tries to solve its problems by resort to large-scale violence, its citizens will assume that violence is the normal way to solve problems. If government itself violates the law, it brings the law into contempt, and breeds anarchy. If government masks its operations, foreign and domestic, in a cloak of secrecy, it encourages the creation of a closed, not an open, society. If government shows itself impatient with due process, it must expect that its people will come to scorn the slow procedures of orderly debate and negotiation and turn to the easy solutions of force. If government embraces the principle that the end justifies the means, it radiates approval of a doctrine so odious that it will in the end destroy the whole of society. If government shows, by its habitual conduct, that it rejects the claims of freedom and of justice, freedom and justice will cease to be the ends of our society.

Eighty years ago, Lord Bryce wrote of the American people that "the masses of the people are wiser, fairer and more temperate in any matter to which they can be induced to bend their minds, than most European philosophers have believed possible for the masses of the people to be."

Is this still true? If the American people can indeed be persuaded to "bend their minds" to the great questions of the preservation of freedom, it may still prove true. If they cannot, we may be witnessing, even now, a dissolution of the fabric of freedom that may portend the dissolution of the Republic.

XUM

PEACE IN THE MIDDLE EAST

Mr. DOLE. Mr. President, since the creation of Israel over two decades ago numerous attempts have been made to bring lasting peace to the Middle East. Now the Nixon administration has developed a plan that will, it is hoped, establish a basis for settlement.

The latest peace plan, announced by Secretary of State Rogers last week, provides a reasonable, evenhanded formula for bringing both sides together. It was not offered with the expectation that it will realize peace overnight; but it does demonstrate the determination of the Nixon administration to see an end to the conflict between the Arabs and Israelis.

Mr. President, a timely and cogent discussion of the latest Middle East peace plan and the general situation in that area was published as the lead editorial of the Washington Sunday Star of June 28. I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Middle East Peace: A Long, Long Trail

The U.S. is pushing another plan for peace in the Middle East. The plan offers no surprising innovations to the now venerable machinery of Middle Eastern peace-keeping. A carefully blended mix of time-tested approaches (including cease-fire, guidelines of the 1967 U.N. resolution, use of U.N. mediator Jarring, variations on the Rhodes formula for indirect negotiations) characterizes the proposal.

The plan is constructed with well-seasoned materials, and this is a source of strength. The illusion that some bright, new package-plan will bedazzle the parties into immediate acceptance, wondering only why no one had thought of the solution before, is best abandoned at the outset. Only patience and a Metternich's skill in multi-national bargaining will bring peace to that land called holy by Jews, Christians and Moslems.

The new American initiative is just that—a beginning. Ahead, even if all goes well, lies a tortuous trail to the peace not yet reached 22 years after the creation of Israel. Tiresome, point-scoring polemicists, ever ready to demand, "Why can't the Arabs (or Israelis) accept. . .?," have minimized the major obstacles along the way. Peace will never be reached with the unreliable charts such partisan pilots offer us.

Few international questions have spawned more debate about rights, but on this matter one can hardly improve on the statement by Israel's first president, Chaim Weizmann, that the issue confronting Israel and the Palestinians is a clash between two rights, not between right and wrong. But it is pertinent to question the *morality* of constant appeals to abstract rights when they frustrate the pragmatic search for peace.

More dangerous as obstacles to peace are certain national attitudes. The Israelis, for example, are victims of their own successes. The Duke of Wellington once observed that the next greatest misfortune to losing a battle was to gain too great a victory. The six-day war in June, 1967, brought Israel more secure borders, but consider the cost: A vastly enlarged Arab minority seriously diluting the notion of Israel as a Jewish state, increasingly effective Arab guerrilla organizations and a threatening Soviet military presence in Egypt.

Tactically brilliant, the Israeli military policy labors under the questionable strategic asumption that the Arab states can be forced to the peace table. This defies simple political reality. An Arab leader is not tempted to accept a dictated peace almost certain to result in his overthrow at home. Further, deep-penetration raids in Egypt did not make Nasser more "tractable." They accelerated the Soviet move from military support to miltary presence.

Political and military successes against their disorganized and divided Arab opponents have caused many Israelis to scorn the Arabs. The idea—corrosive to any genuine dialogue of equals—that the only thing the Arabs understand is force may now be deeply embedded in the subconscious of the long-frustrated Israelis.

Another Israeli attitude is eminently understandable. Its short history as a state has convinced Israel that: (1) Any war lost is its last, and (2) Israelis can count only on themselves for the defense of Israel. This explains what often impresses outsiders as the almost manic Israeli concern to have disproportionate amounts of the most sophisticated military hardware on hand—not promised or subject to contingencies—but on hand.

At his press conference on Thursday, Secretary Rogers, understandably anxious not to see his peace proposals rejected out of hand by the Arabs, made no mention of the 125 Phantom and Skyhawk jets which the Israelis are seeking. This newspaper has taken the position that the Israelis are entitled to procure the means to ensure their national survival. This remains our position, as we believe it is and ought to be that of Mr. Nixon. There are times, however, when it is more judicious to speak of the modalities of peace rather than schedules of arms deliveries. This, we believe, is one of those times.

The Israelis, whose national survival is at stake in a sense which that of the Arabs is not, understandably are skittish about taking the first step toward peace. Can such an overture be expected of the Arabs?

The legend of Tantalus epitomizes the Arabs' relations with the outside world in modern times. Many other peoples have suffered more than the Arabs in the 20th Century. But few have been more tantalized. To the promises of independence long deferred, the dream of unity still not realized, came the creation of Israel, not so much as a crushing blow but as a cruel mockery.

Arab relations with the Great Powers are ambivalent. The Arabs both rely upon and distrust outside efforts to solve their problems. They are in the midst of a socio-economic revolution. The question of who shall lead the Arabs adds a further element of instability (the 1967 war was sparked, ironically, by intra-Arab political disputes). Also, the Fertile Crescent is a region of many religions and ethnic groups. Not all are Arabs. Not all are Moslems. Creating a cohesive society out of diverse races and religions always is difficult.

Israel is the one subject the sorely pressed Arabs can agree on. The temptation to use this scapegoat as a means of quelling criticism or enforcing conformity is well-nigh irresistible. Many Arabs recognize the utility of a negotiated settlement with Israel and the immorality of keeping refugees lingering in tents for another generation, but any leader getting "out of line" on this issue courts political ruin. An Arab *demarche* will have to be very carefully staged.

And what of the Great Powers? Only general agreement among them can provide the needed combination of pressure and encouragement to get the Arabs and Israelis on the road to peace. One thing is clear: This means the U.S. must avoid giving the impression that the plan is intended to reduce Soviet influence in the Middle East. Ironically, even if the Soviet Union preferred a certain disengagement (which we have no reason to believe) many Arab leaders would react in alarm, seeing the development as a plot to isolate them.

The great challenge, the tremendous opportunity, is that a peace in which everyone gains more than he loses is feasible. Israel could well be stronger by relinquishing the Arab-populated West Bank area. Israeli security control of the Golan Heights and Sharm el-Sheik is only reasonable (and negotiable), but other territory could be returned, perhaps with agreement on neutralized zones, although this presumably is not now part of the U.S. plan. The savings in reduced military budgets could provide the peoples of this region a needed boost. The great energies and talents of the Palestinians could better be used in state-building than in a long, bloody guerrilla war—ending, almost certainly, in a territorial settlement comparable to that now being proposed.

There is a common interest in peace, but the pressures on each state involved to avoid taking the first step are staggering. Two decades of Middle East history cry out that prospects are bleak. But the attempt must be made. The administration is to be commended for the sustained effort which has resulted in the presentation of this plan.

Now, as Secretary Rogers urged on Thursday, the time has come for private discussions rather than public argument.

TRIBUTE TO SENATOR MANSFIELD, MAJORITY LEADER

Mr. FONG. Mr. President, I wish to pay tribute today to the very able majority leader who has held his most important office in this Chamber longer than any other individual.

Seventeen months after I took my seat in this room, Senator Mike Mansfield was elected by his Democratic colleagues as their leader. According to data procured by the distinguished Senator from West Virginia (Senator Byrd), and published in the Congressional Record on June 23, 1970, the distinguished Senator from Montana on June 18, 1970, surpassed the previous longevity record, set by Senator Alben Barkley of Kentucky. On that date, Senator Mansfield had served as majority leader for a period of 9 years and 166 days.

Mr. President, I have watched Senator Mansfield work diligently and effectively as leader of my Democratic colleagues, and I want to praise him most highly for his outstanding record of achievement.

Senator Mansfield has served in a quiet, efficient, and most just manner, the Members of this Chamber who sit on both sides of the aisle. He will go down in history as an outstanding leader of the U.S. Senate, of the Nation and of the world.

Mr. President, as the distinguished Senator from Montana continues in his position as majority leader, I would like to take this opportunity to congratulate him on his past able leadership, and to wish him well in the future.

RESOLUTION OF SONS OF THE AMERICAN REVOLUTION

Mr. BYRD of Virginia. Mr. President, the National Society of the Sons of the American Revolution, a patriotic organization, held its 80th annual congress in Houston, Tex., from June 7 to June 10. During the congress, 10 resolutions pertaining to national and international affairs were adopted.

I ask unanimous consent that the text of the resolutions be printed in the Record.

There being no objection, the resolutions were ordered to be printed in the Record, as follows:

RESOLUTIONS OF THE NATIONAL SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION

The National Society of the Sons of the American Revolution, at its 80th Annual Congress, assembled from June 7 to 10 at the Rice Hotel, Houston, Texas, adopted by unanimous vote, the following resolutions:

RESOLUTION NO. 1

Whereas: The message of the American Revolution of 1776 was that the State exists for the People, not the People for the State, and that the rights of the individual must be protected from governmental oppression and from every form of tyranny; and

Whereas: It is the responsibility of every American to understand and maintain this American way of life and to pass it on so that it may be enjoyed by succeeding generations; and

Whereas: The best government is that which recognizes and protects the dignity and freedom of the individual to: Worship God in one's own way; free speech and a free press; own property and enjoy its use; engage in business for a profit; work in endeavors and locations of his choice; bargain with his employer or employees; keep and bear arms to protect his person and property; enjoy those other benefits guaranteed by our Bill of Rights; all without arbitrary governmental regulation and control.

Resolved: That the National Society of the Sons of the American Revolution unequivocally supports:

1. The voluntary reading of the Holy Bible and the voluntary offering of prayers in our public schools.
2. The control of our public schools by the Sovereign States.
3. The reduction of government spending and the balancing of our national budget to curb inflation.
4. The minimization of competition of the Federal Government with private industry.
5. The stabilization of our currency.
6. The abolition of all programs which reward indolence and destroy initiative.
7. The strengthening of law enforcement and order on our streets, campuses, and in our communities.
8. The right of the individual to keep and bear arms without the necessity of registration, either direct or indirect.
9. The right of the State to exercise all those sovereign powers not specifically granted to the Federal Government.
10. The withdrawal of the United States from the United Nations and its removal from our country.
11. Discontinuance of all trade with Communistic nations and their satellites.
12. Adherence to the Monroe doctrine.
13. Appropriate concern by the judiciary for the general welfare of all our citizens as well as for that of the wrongdoer.

RESOLUTION NO. 2

Whereas: The Pledge to the SAR was originally drafted to read:

"We descendants of the heroes of the American Revolution who, by their sacrifices, established the United States of America, reaffirm our faith in the principles of liberty and American Democracy, and solemnly pledge ourselves to defend them against every foe"; and

Whereas: The words: "our Constitutional Republic" should have been used instead of the words: "American Democracy";

Resolved: That the National Society of the Sons of the American Revolution reword the Pledge to the SAR to read: "We descendants of the heroes of the American Revolution who, by their sacrifices, established the United States of America, reaffirm our faith in the principles of freedom and our Constitutional Republic and solemnly pledge ourselves to defend them against every foe".

RESOLUTION NO. 3

Whereas: North Vietnam has continuously refused to publish the names of War Prisoners held by their Government and denied the prisoners of war their right to communicate with their families; and

Whereas: North Vietnam has refused the International Red Cross permission to inspect their prison camps; and

Whereas: The North Vietnamese have stated that all captured Americans are regarded as war criminals and they will be tried by their "Peoples' Court";

Resolved: That the National Society of the Sons of the American Revolution strongly protest North Vietnam's total disregard of the Geneva Convention and urge that all available steps be taken to secure fair treatment and the release of our Prisoners of War.

RESOLUTION NO. 4

Whereas: The 59th Congress of the United States of America at its first Session, convening on December 4, 1905, and subsequent amendments thereto, incorporated the National Society of the Sons of the American Revolution; and

Whereas: Section Two of said Charter states the purposes and objectives of said corporation and declared it to be patriotic, historical, and educational, and among other things to carry out the position expressed in the Preamble of the Constitution of our country and the injunctions of Washington in his farewell address to the American people; and

Whereas: The National Society of the Sons of the American Revolution meet periodically and address themselves to these purposes and objectives in the form of action programs and resolutions; and

Whereas: The purposes and objectives of this Society cannot be fulfilled by resolutions of its position of such purposes and objectives if not forcefully brought to the attention of the appropriate governments and to the people of our Republic;

Therefore, be it resolved at the 80th Annual Congress meeting at Houston, Texas, June 10, 1970, that the officers and trustees of this Society, during the next year, develop through its processes of bylaw amendments and administrative procedures a definite system whereby resolutions and positions taken by this National Society may be more forcefully implemented through educational means to the governments and the people.

RESOLUTION NO. 5

Whereas: The National Society of the Sons of the American Revolution, desirous of preserving the spiritual and moral principles upon which these United States of America were founded, has, through the years, passed Resolutions which become the Policy of the National Society, but are often ignored;

Resolved: That the National Society, Sons of the American Revolution call upon all chapters and all members to support all facets of our Society;

Resolved: That the National Society, Sons of the American Revolution commend those chapters and members actively supporting the National and State Societies, and remind those not so doing that they are failing in their duty to the Society as a whole.

RESOLUTION NO. 6

Whereas: The privilege of voting is a solemn responsibility involving maturity and sound judgment concerning which the attainment of 21 years of age is generally regarded as the minimum age limit; and

Whereas: To lower the voting age would permit many minors who lack the necessary experience to manage their own affairs to vote and participate in the management of the affairs of our nation;

Resolved: By the National Society of the Sons of the American Revolution that we oppose any reduction in the age level as a voting requirement.

RESOLUTION NO. 7

Whereas: The responsibility for the defense of our nation should be borne by all eligible citizens, in order to insure the preservation of the liberty of this country and that this responsibility should be borne by all and not become the exclusive responsibility of a professional military;

Resolved, By the National Society of the Sons of the American Revolution that we call upon the responsible Federal officials to continue the present system of the American tradition of the "citizen-soldier" so that the obligation of military service shall be equitably distributed throughout the able-bodied population of this nation, without regard to rank, wealth or other distinction than patriotism and love of country, as against any proposed strictly voluntary army.

Be it further resolved: We reaffirm our support of the ROTC.

RESOLUTION NO. 8

Whereas: We see and read where some young and old engage in parades, marches and demonstrations, in which the flag of North Vietnam is displayed; and

Whereas: Such an act is in fact giving aid and comfort to our communist enemies, and contains all the elements of treason save and except that there has been no formal declaration of war against North Vietnam; and no such act would be committed save by an enemy of this country;

Resolved: By the National Society of the Sons of the American Revolution meeting at Houston, Texas, that we denounce the dis-

XUM

play of the flag of North Vietnam in such circumstances as traitorous and unforgivable, and call upon the proper law enforcement officers to stop such display and if present laws are not adequate we call upon Congress to enact suitable laws concerning such display.

RESOLUTION NO. 9

Whereas: The United States has not only joined Britain in backing the United Nations sanctions toward friendly Rhodesia, but has closed the United States consulate and severed diplomatic relations with Rhodesia; and

Whereas: These sanctions, imposed without public approval, unfairly penalize a friendly nation, are inimical to American defense and economic interests, and give an extraordinary price monopoly to Soviet Russia on some vital commodities, such as chrome, thereby rewarding the Soviets who are the chief source of supplies to the forces killing American men in South Vietnam;

Resolved: That the National Society of the Sons of the American Revolution support the economic and strategic interests of the United States of America and to that end urge the immediate establishment of diplomatic relations and resumption of trade with the Republic of Rhodesia.

RESOLUTION NO. 10

Resolved: That we support the President of the United States in his policy of going into Cambodia to win and ending all enemy sanctuaries and that the President be so advised.

A WILD RIVER SAVED FROM URBAN ENCROACHMENT

Mr. McINTYRE. Mr. President, during the past year, there has been an unprecedented expression of public concern about the environmental crisis. Pollution, ecosystem, and eutrophication—words known only to the most dedicated conservationists, are now a part of a far more general vocabulary. My own constituents, blessed with a State not yet ravaged by the environmental degradation seen elsewhere, recognize the challenge.

They see, as I do, the need for change and the need for involvement by ever-increasing numbers of Americans. This, I believe, is the healthiest aspect of our current national debate. People are no longer asking merely "what can be done?" they ask "what can we do?" And this willingness to question—and to act—may be the only lasting solution to the environmental crisis and to the challenges facing our Nation.

At the same time that so many ask "what can I do?" however, they also share a sense of awe at the magnitude and complexity of this crisis. Many are willing to act but simply do not have adequate information to determine an effective course. I have felt this same frustration, along with other Senators, on many issues.

As a Senator, therefore, it is my responsibility and my joy to be able to provide helpful information as it becomes available to me. For this reason, I commend the attention of the Senate to an article published recently in the Worcester, Mass., Gazette concerning the highly effective efforts of a concerned group of citizens in New Hampshire to save a wild river from urban encroachment.

They had few resources, but much determination. This river, the Nissitissit, was in serious danger from an ever-increasing influx of new population. Recognizing the challenge, these citizens formed an organization to save the river. They have succeeded admirably.

I wish to commend the organizers and patrons of the Nissitissit River Land Trust of Hollis, N.H., for their dedication in showing the way. There are many areas of New Hampshire where this activity could be imitated. I hope that it will be. I, for one, will lend my support to such activity in any way that I can.

I ask unanimous consent that an article from the Worcester, Mass., Gazette be printed in the RECORD. I hope that by bringing this matter to the attention of the Senate and the public, more such activity will be encouraged.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Worcester (Mass.) Gazette, Feb. 18, 1970]

THE NISSITISSIT—A WILD RIVER—HOW IT WAS SAVED

(By Russell Donnelly)

PEPPERELL.—The Nissitissit is a rare thing—a wild river saved in the midst of development.

The history of this river's preservation can be a blueprint for efforts elsewhere. It is a classic case.

First let's look at what was saved.

Heading in a small New Hampshire pond just over the state line, the Nissitissit twists 9.2 miles through Hollis and Brookline, N.H., and Pepperell, Mass. Near East Pepperell center, it meets sudden death by joining the filthy Nashua.

But for most of its life, the Nissitissit is a charm—a talisman against civilization's excesses.

One can canoe much of its length without passing a house or a bridge. The upper reaches meander through lovely meadows and marsh where wood ducks, blacks and teal build nests. From time to time, the river broadens to 40 feet or so, slides past bars of glistening gravel and tosses down small rapids.

EMBELLISHMENTS

Beaver, muskrat, mink and otter all ply their trade along the banks. Deer bed back among the high pines. In spring, wood anemone and bloodroot dress the wet hollows and laurel drapes the shore.

Brook, brown and rainbow trout thrive in the cool dark waters.

A wild river is something very special. And the Nissitissit is such a river, even though it counts more than three million neighbors within an hour's drive.

What has saved this valuable thread of nature?

People have saved it. People who looked ahead, saw the dangers and plotted against them. People who believed that progress and preservation could live together.

The story goes back more than a decade.

PRIORITY LIST

In 1957, the Massachusetts Department of Natural Resources published a report putting the Nissitissit high on its priority list for acquisition.

Then in 1962, Mrs. Annette Cotrell, chairman of the New Hampshire branch of the New England Wildflower Preservation Society, became interested in the river.

In 1963, the New Hampshire Natural Preserves Forum added the Nissitissit to its priority list. The next year, the forum sponsored a field trip to the river. Out of that trip came the decision to form a Nissitissit River Valley association of some sort.

Meanwhile, in 1964, Pepperell had set up a town conservation commission. Trescott Abele became chairman and listed the river as project number one.

INTERSTATE PROJECT

That same year, the Beaver Brook Association was organized in Hollis, N.H., to buy up land for a nature study area. The association subsequently acquired four miles of abandoned railroad right of way paralleling the river.

The Hollis Conservation Commission was formed in 1965, adding to that town's official interest in the Nissitissit. Jeffrey P. Smith of the Hollis selectmen had been a strong backer of acquisition plans from the beginning.

In December, 1968, the Nissitissit Land Trust was incorporated. Its aim was, and is, to keep the river in a natural wild state. The technique would be to acquire land, or land rights through easements, at least 200 feet back from the river along both sides for a key 4.7 mile section. It is now well along in its work.

The trust has no intention of holding lands permanently, but rather plans to turn over parcels to the local conservation commission or other official agencies.

COORDINATING COUNCIL

The trust also serves as a council for coordinating all planning for the basin, including water pollution control, fish and wildlife management and other recreational uses.

Many agencies and organizations have been enlisted in the efforts—including the Nashua River Clean-Up Committee, the fish and game departments of both states, the N.H. Office of Planning and Research (which drew up and published a professional report on the river) and the states' natural resource boards.

To enlist citizen interest, the trust sponsored and publicized a canoe trip in May, 1969, and a nature hike in October. The two events drew persons from wide areas of both states. They became aware of the river and concerned for its future.

FUND RAISING

Last December the trust started a drive to raise $9,000 to buy a key 55 acres. Three months later they have the money. It came in contributions ranging from $1 to $2,000. It came from individuals and it came from clubs and organizations.

Most of the land along the New Hampshire section of the river has now been brought under trust control either through purchase or easement—a technique which allows the owner to keep his land but sell development rights.

Negotiations are proceeding for several blocks on the Massachusetts side. Here the state Division of Fisheries and Game may get involved. There is still much to be done, but the river's future seems safe.

THE LESSONS

What are the lessons of the Nissitissit?

That precious resources can be preserved by private initiative.

That diverse groups can work together for a common goal.

That hundreds of individuals will contribute time and money to save a wild river.

They are lessons well learned.

HOUSTON POST CALLS FOR 100,000-ACRE BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, on Friday, June 12, 1970, in Beaumont, Tex., hearings were held on S. 4, my bill to establish a 100,000-acre Big Thicket Na-

XUM

tional Park in southeast Texas. The distinguished senior Senator from Nevada (Mr. Bible), chairman of the Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs, conducted these very informative and successful hearings.

On the Wednesday preceding the hearings, the Houston Post strongly supported the proposal to establish a 100,000-acre Big Thicket National Park. I was delighted by this supportive position taken by the Houston Post.

The Houston Post is to be commended for making an objective evaluation of the positions taken on the proposal and for reaching this very reasonable conclusion that at least 100,000 acres of this unique area should be saved.

Mr. President, I ask unanimous consent that the excellent editorial appearing in the June 10, 1970, issue of the Houston Post be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Save the Big Thicket

The movement to create Big Thicket National Park in Southeast Texas got its start in 1966 when Sen. Ralph Yarborough introduced his bill (S. 4) to set aside 100,000 acres, to be preserved in its wilderness state before it is forever destroyed by the onrush of "progress."

There has been a lot of talk about the Big Thicket National Park in the intervening four years, but not much action.

Now it appears that the ball is starting to roll, with a hearing Friday in Beaumont by the subcommittee on parks and recreation of the Senate Committee on Interior and Insular Affairs. Sen. Alan Bible of Nevada, chairman of the subcommittee, will preside.

Most conservationists agree that Sen. Yarborough's concept of a 100,000-acre park is the most desirable, but the timber industry and a number of hunting clubs in the area favor limiting the park to 35,000 acres. Rep. John Dowdy of Athens has a bill authorizing a park of no more than 35,000 acres.

Conservation organizations are proposing environmental protection for all the Neches flood plain south of Dam B, and the addition of a wildlife refugee of approximately 40,000 acres in the Saratoga, Kountze, Sour Lake triangle bounded by highways 326, 105 and 770. The total size would be about 100,000 acres.

In 1967 the National Parks Service issued a preliminary plan calling for nine isolated wilderness areas, the so-called "string of pearls" concept, which did not, however, include the "string." Later at the urging of the Texas Conservation Council this plan was revised to provide the links between the various areas in the form of public roads and environmental corridors for hiking and canoeing along the various streams. Both the roads and the streams would be protected by scenic easements.

One of the purposes of the Beaumont hearing will be to determine which of the plans is best, and what the total acreage of the park should be.

A substantial portion of what is left of the Big Thicket should be saved from the power saws and the bulldozers. It should likewise be protected from real estate developments, an excess of tourist "facilities" and a network of hardtop roads. An area of 100,000 acres does not seem too large for the purpose.

The best way to do this is with a national park, and it is to be hoped that the Beaumont hearing will be a significant step toward the accomplishment of that aim. The current public interest in protecting the environment should aid the cause.

ECONOMIC PASSIVITY

Mr. CRANSTON. Mr. President, for the last 18 months the Nixon administration has pursued an anti-inflationary policy which has led to high prices, high unemployment, and an almost unprecedented drop in the stock market.

President Nixon's state of the economy message of last week was quite disappointing. I found nothing in the message which would lead me to believe that the administration has any intention of changing the policy which has to date lead us into the worst economic downturn since the recession of 1957.

One of my constituents recently brought to my attention an April 28 New York Times editorial entitled "Economic Passivity." The editorial succinctly outlines many of the shortcomings of the administration's anti-inflationary policy.

Although the Times editorial is almost 2 months old, I believe it is still most timely in light of the administration's continued passiveness on the economic front.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the New York Times, Apr. 28, 1970]

Economic Passivity

There is no limit to the number of theories about what ails the stock market—despair over persistent inflation, failing profits, raising unemployment; the skid of the Federal budget into deficit, and the likelihood that this might force the Federal Reserve to tighten money again; the weakness of the security industry itself; the worsening of the United States balance of payments; the danger of a widening war in Southeast Asia; waning confidence in the Administration's ability to manage the economy.

Although the market may have a tendency to exaggerate worrisome news, there can be little doubt that the pressures on profits and security values are real and not merely psychological. It will do the Administration no good to put out more optimistic bulletins to accompany every piece of disappointing economic news. There has been enough of that already. Indeed, the regular stream of cheerful interpretations, regularly contradicted by subsequent events, has helped to undermine investor, business, and consumer confidence and to build up fears that the economy is out of control.

What is needed now is a searching reappraisal of why the Administration's single-minded policies are failing to produce the advertised results and what needs to be done now to set the nation on a course with more promise of stopping inflation and preventing a continuous drift toward higher unemployment.

The optimistic presupposition with which the Administration arrived in office—that slow growth in the money supply was the magic elixir for steady and noninflationary economic growth—is turning out to be an illusion. Unemployment is running above expected levels; so is inflation.

One champion of the monetarist approach, the St. Louis Federal Reserve Bank, now foresees a continuous increase in unemployment up to nearly the 7 per cent level by the end of 1971, even if the money supply is kept growing at a 3 per cent annual rate from now on. There is, in fact, widespread uncertainty among monetary economists over the time lags before changes in monetary policy affect output, employment and inflation.

The nation needs a broad-based program if it is simultaneously to achieve price stability and high employment. Higher tax revenues will be needed in the future to provide resources for essential public programs. Erosion of the tax base caused by the tax reform act of 1969 and the premature wiping out of the 10 per cent surtax should be repaired. A larger budget surplus would make it possible to shift resources to the depressed housing sector and to business investment.

The Administration has failed to provide effective leadership and guidance on the price and wage front. The excessive and restrictive market power of both large-scale industry and large unions must be curbed. A stronger program is needed to provide jobs for the unemployed. A multifaceted program along these lines is minimal if the American economy is to be restored to health and stable growth.

THE PASSING OF DR. WILBERT McLEOD CHAPMAN

Mr. MAGNUSON. Mr. President, very few, if any, have left a more lasting mark upon the U.S. business of ocean affairs than Dr. Wilbert McLeod Chapman, who passed away June 25, 1970.

From the beginning, his discipline was fisheries. He never really got very far away from it. But fish, for the most part, were found in oceans, and Wib assumed a position of leadership in this Nation's scale toward inner space.

I do not suppose he was always right. I did not think so, I know. We found ourselves often on opposite sides on various issues, but I never really doubted his honesty of conviction or his loyalty to the interests he represented, or to the future of the world oceans in general.

Wib was the kind of fellow who was not easily put aside. Whether the forum was my office or some kind of large formal gathering, he had one of those booming voices which commanded attention. Maybe he did not win every argument, but there was never doubt that he had been present.

People wanted him present at ocean and fishery discussions. Even if they did not agree with him, it was recognized and understood that the gathering would be incomplete without his presence.

In the past month since Wib was stricken, I have sent staff men from the Commerce Committee to ocean and fishery meetings. In each report I found notation of the absence of Wib Chapman. His absence was noted. He was never forgotten. Nor will he be.

Wib started out in Kalama, Wash., in 1910. He attended the University of Washington, graduated, and spent time with the State's Department of Fisheries, the U.S. Bureau of Fisheries, the International Fisheries Commission, and did other work as a fishery biologist. He came back to the university from World War II where he had served in the South Pacific trying to help some of the islands sustain themselves with food from the sea. I recall a book about this, entitled "Fishing in Troubled Waters," in which Wib described his problems with the natives; but mostly with the Navy who was too busy fighting a war to pay much attention to this professor and his fishing

XUM

effort. But Wib got around them, and this was probably good practice as he was later to choose the highest echelons of our national defense establishment in order that fish not be forgotten.

After the war he went back to the University of Washington and became director of the School of Fisheries. It's a college now, and I am certain that he had something to do with this, in addition to giving the university a fishery reputation of world renown.

Wib never stopped teaching. He threw away his professor hat, came back to represent fish in the State Department, went on to do research and politic for the American Tunaboat Association, and eventually ended up with Van Camp Seafoods. At the time of his death he was director of marine resources for the Ralston-Purina Co., and chairman of the California Advisory Commission on Marine and Coastal Resources.

After leaving the University of Washington campus, there were no classrooms around; no fresh students in which to instill enthusiasm. But Wib knew a lot of things he thought others ought to know about. So his classrooms were in peoples mailboxes. I doubt if anyone around in the fish or ocean business has escaped his mailing list. His letters were not short. They were mimeographed for the most part, usually addressed to somebody else, no matter if you knew them. Somehow, to all of us, they were personal. And from them people learned.

He told the fish people that this inner space thing would mean something someday. During the peak of outer space emotion and wonder, Wib Chapman was still calling attention to the unexplored ocean canyons. He did not care much whether a lot of people listened. Many did.

Wib took a lot of interest in my national oceanographic bill a few years back. He did not totally agree, but I do not suppose Wib ever totally agreed with much of anything anyone did. But it was about oceans, and he supported it enthusiastically.

The law extending our fishery jurisdiction to 12 miles was another area of disagreement. Wib thought it was a mistake, but when my bill became law he did not worry. He just kept busy toward this important goal for ocean development.

I think he was a happy man. I seldom saw him angry. He had so much enthusiasm: so much knowledge to impart that he did not seem to have time to carry grudges with people.

Wib was born in 1910. He was too young to leave us, yet I doubt if many can claim a bigger share of life. Had there been a chance, he would have argued to stay around, for I know he had a lot of things to straighten out yet. But his passing was peaceful. And his mark will be an enduring one.

I sent a telegram to his wife, Mazie, and his family, when I heard of his passing. I said:

> Wib's passing will leave an emptiness around the world whenever fish and ocean people meet . . .

That pretty well covers it. An emptiness which is not apt to be soon filled, if ever.

XUM

AVERELL HARRIMAN SPEAKS ON THE VIETNAM WAR

Mr. EAGLETON. Mr. President, I wish to share with Senators a speech given by W. Averell Harriman in St. Louis on June 17 before the Business Executives Move for Vietnam Peace.

As Governor Harriman points out at the beginning of his text—and as his audience so pointedly illustrated—opposition to our policies in Vietnam is no fringe movement of the left. It is the establishment itself—businessmen, bankers, professors, government workers—who have come to recognize the damage this conflict is doing to our country and the urgency of liquidating our involvement in Southeast Asia.

Governor Harriman holds out the prospect that a conclusion of the war could lead to closer relationships between the United States and Hanoi on the Yugoslav pattern, provided that we now determine to end the war and not simply continue it under the pretext of Vietnamization.

> We have been told—

He says—

> that "our will and character" are being tested in world opinion. That is not correct. What is being tested is our judgment, our wisdom and our purpose.

I believe we would do well to heed the proven judgment and enormous wisdom contained in this excellent statement.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

A RESPONSIBLE END TO THE VIETNAM WAR

Our country faces today a clear-cut alternative—either ending the war in Vietnam or intensifying the bitter conflicts here at home. We see our abundant and prosperous economy being undermined, inflation with increasing unemployment, home building grinding to a dangerous low. As thoughtful a man as John Gardner speaks of our nation "disintegrating."

An outstanding business executive, Mr. Thomas Watson, IBM Chairman testified before Congress last week, urging the end of our involvement in Vietnam. He said, "The war in Vietnam is the major factor which has turned our healthy economy into an unhealthy one." He added: "The longer we continue, the more chaotic the nation will become."

Another leading businessman, Mr. John T. Connor, Chairman of Allied Chemical, also testified the invasion of Cambodia "has precipitated a constitutional crisis of a most serious nature."

The Bank of America President A. W. Klausen has stated: "In my judgment, the war in Vietnam is a tragic national mistake . . . a colossal one." Chairman Louis B. Lundborg concludes his testimony saying: "There is only one way out of our current dilemma and that is the elimination of the war in Vietnam."

Clark Clifford, President Truman's Counsel and former Secretary of Defense, has recently written: "We cannot continue to fight the war in Vietnam without doing serious and irreparable injury to our own country."

In addition, there have been strong statements by a goodly array of labor leaders, who have pointed out that the well-being of working people is threatened by this futile war.

Surely the time is overdue to end the war in Vietnam and not to expand it into Cambodia. No temporary military success now claimed in Cambodia is worth the awful price of expanding the war to another country, of making political settlement far more difficult, of increasing Red China's influence in the area, of sharpening the division among our people here at home, and further loss of respect for our people abroad.

What the military effect of the invasion will be is not yet known. The Administration lists booty captured in Cambodia. The eleven million pounds of rice the President spoke of is worth less than one million dollars, and rice is in plentiful supply in Cambodia, which produces over five billion pounds a year. The arms captured are an infinitesimal fraction of the production of the Soviet Union and China. The governments of these countries have made it clear they will replace any loss and will support North Vietnam with all the weapons needed.

But what is more ominous is the increased Chinese involvement. At what point will the Chinese Reds introduce volunteers?

Two weeks ago the President, in defending his decision to invade Cambodia, spoke nine times about his concern for the lives and security of American soldiers as his principal reason for this action. Surely the way to save the lives of our men is to get them out of combat and not to expand it.

All our troops should be withdrawn from Vietnam on a prompt and fixed schedule as proposed by former Secretary of Defense Clark Clifford in his recent magazine article. This will compel the Thieu government to undertake seriously negotiations for a responsible settlement. He must bring into his government the political elements desiring peace and send to Paris a team willing and capable of negotiating with the NLF for a compromise solution.

Of course, the President himself must appoint a high-level representative in Paris. Until he does, it is hard for people around the world to believe that he is really interested in negotiations. If these actions are taken on our side, I believe the other side will join in serious negotiations.

Our withdrawal should be responsible, and I believe that it can be—without delaying the return of our troops. We helped set this country on fire, and we must help put it out. I am convinced that the other side will agree to one point at least—that there will be no reprisals by either side, with supervision by an international body. Other issues must be subject to negotiation among the South Vietnamese themselves.

In the many private discussions I had with the North Vietnamese in Paris, there is one thing that I learned. They are fiercely nationalistic. They particularly want to be independent of China. With this in mind, they established friendly relations with the French after the war which France ended. Now if our war can be ended, they want similar relations with the United States. Like Tito, they recognize the need for an alternative to being compelled to rely on their powerful communist neighbor.

I therefore believe that it is important for us to come to an understanding with Hanoi. We must recognize that the North Vietnamese did not keep the Laos Agreement of 1962 for a single day and some understanding must be reached which is to their interest to keep for a period of years. If we are to have peace in Southeast Asia, some understanding must be arrived at along the lines of President Johnson's Johns Hopkins speech of April 1965 for the reconstruction and cooperative development of Southeast Asia with the participation of the North Vietnamese.

Recent events have made this more difficult. Peking has consistently taken a negative position on a peaceful solution in the area. Peking's influence, I believe, was at its lowest point in 1968. However, the recent Cambodian developments have increased their position to a new high.

We have been told that "our will and character" are being tested in world opinion. That is not correct. What is being tested is our judgment, our wisdom and our purpose.

Looking back, the immediate post-war years when Harry Truman was President were the most creative and constructive period of American influence in the world. We helped create the United Nations. We rallied Western Europe and frustrated Stalin's designs to expand his empire to the Atlantic. Point IV, to give a helping hand to the underdeveloped peoples, was conceived.

Yet at the same time President Truman was taking these extraordinary initiatives, he understood there were limits to our capabilities. In spite of criticism, he refrained from becoming involved in the civil war in China. He stopped at the 38th parallel in Korea against strong military pressure to expand the war again to North Korea and China. During that period we gained the respect and confidence of the peoples of the free world.

We need desperately the same understanding and restraint today which Harry Truman showed twenty years ago.

Our political objectives in Vietnam cannot be achieved by military means. We can expand the war to include Cambodia, Laos, North Vietnam and then China, and even the Soviet Union, but this war cannot be won. That is not the fault of the United States but the nature of the problem that exists there.

Unfortunately, this Administration refuses to learn from the mistakes of the past or to listen. They have closed their ears to outside opinion. The Administration is not concentrating its attention on negotiations but rather on military action.

When the new Administration took over in January of 1969, agreement had been finally reached between the two sides to commence negotiations for a peaceful settlement. As publicly stated by Secretary of Defense Clark Clifford, the first order of business should be the reduction in the level of combat and violence. We were encouraged to believe that progress in this direction could be made. In late October and early November the North Vietnamese had taken 90% of their troops out of the northern two provinces of I Corps, half of which had been withdrawn above the 20th parallel—some two hundred miles to the north. Fighting almost stopped in this area which had been previously one of the most active. Because of this, General Abrams was able to take the First Air Cavalry Division from I Corps to the III Corps, to strengthen our position there.

However, the new Administration permitted President Thieu to pull the rug out from under the negotiations. President Thieu announced that he would not sit down in the private meetings that had been arranged for, although he knew full well that it was only in the private meetings that any progress could be made. Two months later he was finally persuaded to participate, but at the same time he announced that he would not in any circumstance agree to a coalition government or permit the NLF to become a political party in South Vietnam. By then the NLF refused to sit down privately with his representatives. No progress has been made in Paris since.

On April 20th, the President held out hope that a "just peace" was in sight. Ten days later the war was expanded. There seems to be an idea that military blows can force the other side to negotiate on our terms. All our past experience in Vietnam shows that this is a delusion.

The Administration's program of Vietnamization of the war is not in my opinion a program for peace but is a program for the perpetuation of the war. At best we can only hope for a reduction of less than half of our forces in South Vietnam two and a half years after this Administration took office. And after that there is no assurance whether or when the balance of our forces will be withdrawn. The South Vietnamese troops are able to take on more of the load of our combat troops, but there is no indication that they can continue to operate successfully without American air, artillery and logistic support.

Furthermore, the Vietnamization of the war is dependent on an unpopular and repressive military government. With all of the military influence, President Thieu and Vice President Ky got less than 35% of the votes cast in 1967, whereas over 60% of the votes were cast for civilian candidates who had some kind of peace plank in their platform. This election confirms the judgment that the people of South Vietnam want peace and not a continuation of the war.

While the Vietnamization plan has reduced the American casualties, South Vietnamese casualties are increasing, with up to 800 killed a week and with many civilian casualties as well.

Our expansion of the war to Cambodia makes matters worse. We are told about the number of enemy arms captured but not about the towns and villages destroyed and the number of innocent Cambodian civilians killed. Is this the way to seek an "honorable" peace?

The war must be ended to permit the redirection of our material and human resources expended in this tragic morass to our urgent needs and to reunite our people now so deeply aroused and divided.

The concern of our young people and others who feel they are not being listened to and the misapplied patriotism of certain speech-makers and others like the hard-hats are tearing our nation apart. This latter group is attempting to whip up emotional support by using the American flag as their symbol.

Let us remember the American flag was the flag of our Revolution, a period of change and progress. It was not the flag of the standpatters. We cannot now let demagogues, or chauvinists, take patriotism and the American flag as their exclusive banners. To me, the true patriots are those dedicated to the cause of honoring our high principles of equality and justice to all here at home, and those dedicate to the principles of being a responsible Good Neighbor abroad and the leading standard-bearer of peace in the United Nations.

Surely with our military involvement in Vietnam ended, our voice for peace in the Middle East would be stronger and more influential.

This is a time of crisis. All of us should decide how we can contribute most effectively. It is easy to be destructive. I reject the rock throwers and the burners and those who use violence and intimidation.

I am heartened by the constructive work the fine groups of students are doing in Washington in lobbying against the war and the manner in which they are organizing to participate in this year's elections. Their examples has stimulated a thousand Wall Street lawyers, some of them from the most conservative firms to go to Washington and, from the steps of the Capital, urge the Congress to take action to stop the war.

I am heartened, too, that you businessmen have gathered together here in Saint Louis to consider what you can do in this time of difficulty. Join the ranks of those who are speaking out to end the war. As responsible businessmen, your actions can be decisive.

CBW—THE U.S. RECORD

Mr. PROXMIRE. Mr. President, a look at the history of the Geneva protocol plainly shows that this country has had no reason for failing to ratify the treaty, either now or in 1925.

The protocol was first proposed at Geneva by the head of the U.S. delegation, Representative Theodore E. Burton, of Ohio, with the full support of President Coolidge and Secretary of State Kellogg. We signed the treaty in June of 1925 but did not give it consideration in the Senate until almost a year later. By then the chemical industries and Army Chemical Service groups had developed strong interests against the protocol. The protocol was never "defeated"; it simply never came to a vote. It sat in the Foreign Relations Committee until President Truman withdrew all unratified treaties which had been submitted prior to 1941.

On numerous occasions the United States has gone on record as in support of the principles of the protocol.

In 1943, President Roosevelt responded to the rumors of plans for German gas warfare by stating:

> Use of such weapons has been outlawed by the general opinion of civilized mankind. This country has not used them. I state categorically that we shall under no circumstances resort to the use of such weapons unless they are first used by our enemies.

In 1966 the United States cosponsored and voted for a United Nations resolution calling on all nations to observe the principles and objectives of the Geneva protocol. In explaining our vote our Ambassador said:

> While the United States is not a party to the Protocol, we support the worthy objectives which it seeks to achieve. We have repeatedly endeavored to find adequate means to attain these objectives.

In 1967, the Deputy Secretary of Defense told a Senate subcommittee that "it is clearly our policy not to initiate the use of lethal chemicals or lethal biologicals."

In April of 1969, John Foster the Director of Defense, Research, and Engineering said:

> The U.S. policy and its rationale with regard to biological warfare is generally the same as that for chemical. As a matter of policy the U.S. will not be the first to use biological weapons.

Last year President Nixon made a momentus decision by announcing a unilateral renunciation of the use and manufacture of bacteriological weapons. He declared that even if germ warfare were used against this country it would not reply in kind. This year he extended his decision to include toxins.

Mr. President, there is absolutely no historical reason for our delay in ratifying the Geneva protocol. I urge President Nixon to resubmit that document to the Senate promptly so that we can consent to it.

ALLISON KRAUSE MURDERED AT KENT STATE

Mr. YOUNG of Ohio. Mr. President, the victims of tragedy often are known to us only as statistics or faceless, meaningless names. The two young men and two young women who were murdered on the campus of Kent State University on May 4, 1970, have been the subject

XUM

of an unusually large amount of publicity. Yet, the vast majority of Americans still know virtually nothing about the personalities of Jeffrey Miller, William Schroeder, Sandra Scheuer, and Allison Krause.

Arthur Krause, the father of one of the young girls whose life was taken on May 4, was kind enough to send me a copy of a very thoughtful letter and reminiscence written by Richard Jaworski, one of Allison Krause's high school teachers in Silver Spring, Md. That poignant letter offers one of those rare glimpses of the ideas, attitudes, and motivations of an individual.

Mr. President, Allison Krause was a warm, sensitive, understanding human being. I urge Senators and others to read Richard Jaworski's recollection of her. I ask unanimous consent that his letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SILVER SPRING, MD.

DEAR MR. AND MRS. ARTHUR KRAUSE: I, on the part of my wife and family, and members of the John F. Kennedy High School community, would like to express our sorrow and outrage over your loss of Allison. I have lost a friend, so has my wife, and so have many of the parents, who have stated that they feel they have lost one of their own children.

Those of us in sorrow, as well as the students of John F. Kennedy High School, would like to perpetuate Allison's memory with a memorial scholarship or a library addition. Would you have any ideas? My suggestion has been the establishment of an Allison Krause Memorial Scholarship for students planning to work with the mentally handicapped or mentally ill.

The outpouring of memories, essays and letters about Allison from classmates, teachers and friends, point to the love and admiration many felt for her, an affection perceived in spite of the anger and frustration they experienced over her loss. I am making copies of this outpouring, and will send you copies of these remembrances, if you would like them. My wife has some photographs which she will send you after copies are made.

If there is any way that I or members of the adult community of John F. Kennedy High School can help you, please write or call at my home (301-933-6039).

Sincerely,

RICHARD JAWORSKI.

ALLISON KRAUSE

(By Richard R. Jaworski)

I was one of Allison Krause's English teachers when she was in her senior year at John F. Kennedy High School in Silver Spring, Maryland. An English teacher has the opportunity to know his students from the inside, from what some might call the soul. Students often reveal themselves in their writing. To an English teacher reading compositions, the football hero can be a confused boy, the school beauty queen, a well-glossed shell.

Occasionally there is a student's composition with captures an English teacher's attention. Such was a piece of writing by Allison Krause. I recall a composition written with the hard sense of a man who had suffered, who had a tough and disciplined mind. When I matched the paper to the face, I was surprised to find a strong but feminine face. I saw a tall girl with deep black hair and very white teeth, soft full cheeks and a finely shaped nose, suggesting Mediterranean beauty with all the repose and richness of that sea.

She asked me several questions about the lesson before her shiny black eyes scanned the paper. She ignored the grade, but concentrated on the comments in the margin.

"Thank you, Mr. Jaworski," she said with a softness that indicated gratitude. She was almost as tall as I, and her eyes seemed to meet mine as if to ask another question. She seemed eternally curious.

Allison wore simple clothing to school. Her classic figure enabled her to appear regal in army jacket and slacks. With her attributes, she should have been conceited, as young ladies with her gifts often are. Instead, she was humble and self-conscious. She completed the assignments for my class weeks ahead of schedule; and, she always came to class. If late, she would be careful to wait after class to apologize. Although quite capable of dominating any class with her quick intellect, she would wait patiently for others to present their views. Often she waited for loud and boisterous boys to complete arguments on a point over which she felt strongly. When she finally spoke, she would be even-tempered and rational, and would cut to the core of a problem.

Allison Krause had the ability to work with problems many adults would shun. She gave her time one summer to work with the mentally ill at St. Elizabeth's Hospital and another summer with mentally retarded children. "One of the patients," she said, did not have visitors for thirty years. Many, she said, "did not have visitors for five or ten years." At my insistence, she talked to my classes about her experiences. She recalled with delight the memories of basketball games with the inmates where she would play as the only female and the only visitor. She said the inmate-players would always give her the opportunity to shoot without hindrance. When challenged by a boy on the danger of working with the mentally ill, she recited the tender appreciation expressed to her by a man who was very tall and strong. She said the inmates were so grateful for a visit, they could not think of harm. "Love, they sense. It calms them."

I remember pointing out to a class that there was a high mental breakdown rate among Americans, one out of ten were serious enough to be hospitalized. I indicated that there was a crisis in mental health care. Allison's comments were more personal. She said she found some very lonely people in the hospital who needed to see a healthy young face, anyone. Her plea for help for them was personal, mine purely abstract. Her work with the mentally ill struck me with hope. One of the most attractive of girls in the school, intellectually and physically, was working with critical social problems, the mentally ill and the mentally retarded.

Allison didn't forget people either. She would visit her "friends" at St. Elizabeth's Hospital throughout the school year. She said they seemed to be so much happier after talking to her.

A teacher does not often know a student on a personal basis; however, in our experimental school, the personal side of a relationship can be cultivated. One day, when talking to students, I suggested they might help me move to a new house because I could not afford the help of professional movers. Several lightly promised to help that weekend.

Friday night, Allison was the only person to arrive. She apologized for being late to my Northwest Apartment home, stating that she had to struggle to get the family car.

Although beautiful females often draw back from each other, like similar electrical charges, Allison's kindness and graciousness made an immediate friend in Viki, my wife. Allison came into our home which was filled with boxes of books dressed in a stylish fur coat, and while Viki and I laughed at the fancy dress of our mover, she began lifting a heavy box and carried it to her car. My wife and I were exhausted from packing all afternoon, and Allison proved the reinforcement that saved the day.

We found difficulties once moved into our new home that people in small towns never face. People in small towns often help their neighbors with heavy tasks, making the job much lighter. One such task in our home was the location of the refrigerator which had been left by the previous owner in the basement. Allison, who visited us with a boy friend one evening, offered to lend their hands to help bring the large refrigerator up the basement steps into the kitchen. With an effort reminiscent of the hand labor of Chinese coolies, we pulled and pushed the refrigerator up the stairs.

As I began to tire and suggested defeat because the stairs were too high and the kitchen door top small, Allison encouraged us by putting her whole self to the task. When the refrigerator was finally in the kitchen, we felt as if we had conquered a symbolic Mt. Everest. We became not students, teachers, men or women, but simply human beings surmounting another one of the hundreds of small problems of the human inter-relationships.

Allison was often eluding the amours of interested male students. She once told close friends that she did not feel ready or strong enough to sustain an intense relationship. Poor Allison. A few weeks after this claim, she too fell in love. Yet, when it happened, she told me she planned to attend college and was prepared to face the reality of leaving her "love" behind. I asked, out of curiosity for what attracts talented people to each other, what did this boy have that many others did not have for her. She told me of his suffering as a high school dropout, of his torment as an addict, and his enthusiasm as a returning student struggling to "go straight." She seemed intent on pressuring him, keeping his efforts alive. When I suggested her affection for him might be more motherly than feminine, she smiled knowingly as if she too had realized that observation.

Yet, her mother-instinct, her sense of preservation of life, brought her the problems of many other young people. Constantly she was surrounded by boys and girls who came not only to tell her their problems, but to laugh with her and bask in her quick wit and charm. Allison possessed a rare trait. She could move among many groups of students and always exhibit tolerance for the views of each group in which she participated. When baited by adults, some young people respond with anger and bitterness, if not violence. Allison expressed a passive, stoic quality, as if recognizing the injustice of name-calling, as if realizing the illness of the person filled with hate.

Allison was filled with contradictions as any complex person is. She read Herman Hesse and worked in a bagel factory after school. She could wear a fur coat one day and the following day blue jeans and a bush jacket.

When she considered a college, she was not sure if she wanted to go. "Travel and people," she said, "offer me so much to learn." "Yet," she said, "I find there's so much to read, and I can read in college." When she finally decided upon attending a college, she picked the school carefully. She wanted a quiet campus somewhere in the Mid-West. Once she began attending the Honor's College at Kent State University, I did not hear from her. Monday night, I answered the doorbell. A teacher came into the house and told us in a husky voice that Allison Krause had been shot at Kent State. Earlier Viki and I had heard on the news that the Ohio National Guard had shot into a crowd of students. At the time I had wanted

XUM

to cry for the anonymous young people who were dead. I could not believe that one of the faces had a name and was a person I knew. My wife called the Washington Post city desk and the death of Allison Krause was confirmed by an anonymous voice.

Earlier that day I had led a discussion with a group of boys over the idea of indiscriminate hate for groups, whether college students or police. They told me that they gained their hatred from listening to adults talk about college students and policemen. I pointed out that such hatred leads to injustice and indiscriminate killing on both sides. I suggested that behind the abstractions of student activists or police or national guard, there existed a person. One should gauge his response in consideration of the sacredness of the person behind the abstraction.

How prophetic my words were to be, for Allison was very much of a full person, morally and spiritually; with the traits of sympathy and self-respect in an age when it is difficult to find anyone to respect, in an age of James Bond and I-Spy morality, where preservation of government employment overrides the individual's consideration of his Western values and heritage. It is difficult to believe that the soft skin which so well represented the beauty of Allison's soul, proved to be alloyed with the hatred of a bullet. The grotesqueness of the tragedy need not be pictured. Nevertheless, of all the students I have met in five years of teaching, the six years of college, and of the people I have met when working in factories, gas stations, shops and offices, I cannot think of a better person than Allison Krause. In her own quiet way, she symbolized the best in young people. She wanted to be a teacher so she could give, so she could express sympathy and teach it. With her self-control, she would have been an excellent model for children.

The insanity which took Allison Krause's human life, the man who murdered her, has lost as much as any of us who knew and loved her. The loss of Allison Krause is not a loss to any peace or war movement. She was a loss for the war against illogical thinking, the war against insanity, the fight for love and life.

WILL JUSTICE TAKE ACTION IN THE FITZGERALD CASE?

Mr. PROXMIRE. Mr. President, it is now 218 days with no action at all from the Justice Department on Ernest Fitzgerald's case. The 218 days have passed since I wrote to Attorney General Mitchell requesting an investigation of the Air Force's actions in intimidating and firing Mr. Fitzgerald for his testimony before the Joint Economic Committee.

For the past few weeks, I have been asking when the Justice Department intends to take action in this case. But perhaps I have been asking the wrong question; the question to ask may be, Will the Justice Department take action in the Fitzgerald case? Will those responsible for violating the Federal Criminal Code ever be brought to trial for their crimes?

THE DRAFT—CONSISTENT OR CHAOTIC?

Mr. EAGLETON. Mr. President, I believe it was assumed by most Senators that in December 1969, when we authorized the establishment of the lottery draft system, we were taking the first, albeit incomplete, step toward draft reform.

It was anticipated that the lottery would help to "democratize" the draft by making it less subject to the vagaries of geography, race, economic status, local draft board whims, and so forth.

Mr. President, 6 months have elapsed since the lottery system went into effect. It may well be that we accomplished very little in terms of equity by the lottery.

I invite the attention of the Senate to an article entitled "Selective Service Meets Massive Resistance," written by Mel Ziegler and published in the June 29, 1970, New York magazine. The article is a most interesting case study of just how the lottery system is working in New York City.

It points out how the lottery system can be fouled and avoided. A potential draftee with smart device can apparently escape being drafted. A less well informed potential draftee will be called into service.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SELECTIVE SERVICE MEETS MASSIVE RESISTANCE

(By Mel Ziegler)

Draft resistance in New York City has become so widespread and so sophisticated that the Selective Service System, cumbersome to begin with, today seems barely capable of drafting anybody who doesn't care to be drafted. The System, which has funneled nearly a quarter of a million New Yorkers into the Armed Forces over the past 22 years, is now lumbering along, confused, demoralized, and ineffectual in the face of the new resistance. Consider:

Last year local boards in the city, called on to supply some 7,700 draftees, had to send induction notices to nearly 14,000 men and still missed their quota by 524 men. This year draft-aged New Yorkers determined to postpone and ultimately avoid induction have had such success in tangling the System in its own bureaucratic procedures that some of the city's 96 local boards—each with a pool of approximately 10,000 prime-age registrants—have been unable to meet meager quotas of three and four men a month.

In the first four months of 1970, two out of three New Yorkers taking pre-induction physical examinations failed them. Just two years ago, fewer than 50 per cent failed their physicals. The sharp rise, many observers think, reflects a new temper among New York's potential inductees. The IV–F status, once shunned, is now sought and, increasingly, won.

Federal prosecutors in New York are now so backlogged with Selective Service cases that a man who fails to show up for induction today—more men are failing to show up than ever before—is almost certain not to see a courtroom for two years, and the odds are very good that he never will. Major Thomas R. Maher, who heads the legal division at New York Selective Service headquarters, estimates that of the number of draft violators turned over to the U.S. Attorney's office for prosecution, only 2 per cent will end up in the Armed Forces, less than 1 per cent will end up in court, and the remainder will serve neither in the military nor in prison. They will ultimately submit to the draft process and, curiously, virtually all of them will be rejected for physical or psychological reasons.

Because of the resistance, city draft officials are now calling for induction twice as many men as they need, and even so, with the exception of March, the city has yet to meet a monthly quota this year. For the month of April, when the quota was 340 men, Selective Service headquarters in New York offered this breakdown:

Men receiving draft notices—753 (110 volunteers for induction and 643 non-volunteers).

Men who did *not* show up for induction—326[1] (16 volunteers and 310 non-volunteers).

Men inducted after the final physical examination—324.

Undoubtedly some of the draft system's apparent inefficiency here results from the changeover to the lottery system last January. City draft officials claim that what was missed in quotas in the early months of this year will be made up later. Local boards, after all, have an abundance of young men in the draft pool. If one man doesn't go, there is, in theory, always another man to send in his place.

The more significant fact is that draft boards must cast their nets ever farther and deeper in the pool. The lottery was adopted to make the draft more equitable—more fully a matter of chance. The elimination of graduate-student, fatherhood and occupational deferments should have blocked off the most heavily trafficked avenues of draft-avoidance. Nevertheless, men determined not to serve seem to have found many alternate routes—the great majority of them legal.

Last week the Supreme Court widened one avenue of escape when it decided that men who object to military service on moral and ethical grounds need not base their claim for exemption on religious beliefs. The court, in effect, has given "deeply held" personal ethics equal standing with religious convictions under Selective Service statutes.

Objection to military service on grounds of conscience has not been a major problem to draft boards in the past. But last week's ruling, broadening a similar decision in 1965, can only make their work harder in the future. For, sometimes by accident but more often by astute preparation, more and more men are learning how to beat the system. Counseling agencies have proliferated all over the metropolitan area. One of the major ones, the American Friends Service Committee, which handles some 275 cases a month, must refer to other agencies one out of two men who seek its services because it can't handle the load. Its referral list has 30 agencies. The New York Civil Liberties Union publishes a booklet detailing counseling services in the metropolitan region of New York, New Jersey and Connecticut; it runs to more than a hundred pages in length. In September, city high schools will have their own draft counselors.

Scores of New York attorneys have a substantial portion of their practice taken up with draft cases, and at least one firm deals exclusively with Selective Service and military clients. The rate of success for counselors and attorneys is phenomenal: an informal poll of counseling agencies indicates that at least four out of five young men who use their services end up avoiding the draft. Attorneys claim even better odds. Steve Fine, whose firm, Lubell, Lubell, Fine and Schaap, is handling some two dozen cases right now, says, "Although we would never guarantee anybody anything, the number of men we represent who eventually avoid the draft is pretty damn close to a hundred per cent."

With counseling and an increased awareness of Selective Service procedures, more and more men are exercising their appeal rights. According to Paul Akst, a retired Air Force colonel who is the New York City draft di-

---

[1] This figure is slightly inflated because it includes 87 men who enlisted.

XUM

rector, the number of men using appeals has doubled in the last several years despite the fact that draft calls are now about half as large.

The great increase in appeals comes at a time when the city's draft boards, according to Colonel Akst, are operating with only half as many employees as they need. The number of paid full-time employees has actually dwindled from 330 in 1967 to 260 today, and the city's draft headquarters is prohibited from replacing any employee who quits unless it first receives special permission from Washington. To cope with the situation, Akst had to close down all local boards to the public last fall between the hours of 2 p.m. to 5 p.m. They are still closed afternoons, and, says Akst, "They'll continue to be until we catch up—if ever."

For most men, appeals are not even necessary. Last year in New York City, approximately 67 per cent of the men who reported for a pre-induction physical were found disqualified, and given either I-Y or IV-F classifications. Of those who passed the first time, three out of ten were found disqualified when they were called back for induction. So far in 1970 these percentages have held approximately the same. Although a number of these men were rejected because they failed the mental (intelligence) test or because they were deemed "administratively" unsuitable, the majority were disqualified for medical and psychiatric reasons. Although New York has traditionally been slightly higher than average in rate of disqualifications, it has never been higher by as much as it appears to be now. In 1968 in New York City, for example, the number who were disqualified at pre-induction physicals was only 49 per cent, compared with 46 per cent nationally.

Thus, in a single year, 18 per cent more men were finding themselves disqualified at pre-induction examinations in New York City. From 1960 to 1968, the national average rose only 17 per cent.

Are the men just less healthy?

Not even the Army buys that explanation. It conducted a study last year in which the Army Surgeon General attributed the increasing disqualification rates in large respect to the increasing number of college graduates being examined. The Army termed them "more sophisticated about the standards and about potentially disqualifying defects."

The "standards," known to the Army as AR 40-501 *Medical Service Standards of Medical Fitness*, are distributed by the Government Printing Office for $1.75 and now line the shelves of practically every draft-counseling agency and every draft attorney's office. AR 40-501 lists more than 400 disqualifying defects. Although in most instances it spells out what it takes to qualify for a certain defect, in others it is riddled with ambiguities such as "pain [as a cause for rejection] . . . regardless of the cause which is of a nature or a degree to preclude satisfactory performance of duty."

Extreme ugliness is a cause or rejection. So are obscene tattoos, and also certain childhood illnesses, and conditions which cannot be verified by examining Army physicians, such as degenerative joint diseases and back trouble. Conditions not severe but condition which calls for daily shampoo—are also grounds for disqualification.

"No one is so healthy that he cannot be an Army medical reject," writes David Suttler in his recent Grove Press book *IV-F, A Guide to Draft Exemption*. "The first thing to understand is that you don't have to be unhealthy to be unfit."

No surprise, then, that more and more inductees and pre-inductees are showing up at their physicals with a physician's letter in hand testifying to one or more of the 400 disqualifying defects, including psychiatric disorders, which are so ill-defined in AR 40-501 that they could theoretically, as one psychiatrist put it, encompass every neurotic trait from bed-wetting to nail-biting. Sympathetic physicians abound, and many counselors and attorneys maintain their own lists. "Somebody can *always* find a doctor," says one draft attorney.

Induction stations are chronically understaffed. "Because of this," says Major Maher, "they have had to rely more and more on what is in the doctor's letter in determining whether the registrant is fit."

"Even when we suspect malingering, to prove it is very difficult," Colonel William G. Peard, head of the Army department which sets the medical standards for induction, told David Suttler. "A registrant may play upon some defect which might be minor, and it's almost impossible for a physician to say he's lying."

What happens to the minority of men who are determined to stay out of the Armed Forces but who find themselves classified as physically qualified? What are they doing?

For the most part, they are delaying through appeals, playing the lottery, turning more resolutely to conscientious objection, and finally, if all this comes to no avail and they are still determined, refusing to be inducted.

Before last January, delay in itself had an ultimate purpose. Once a man had passed his 26th birthday without an induction notice, no matter how he postponed it, he was no longer vulnerable. When the lottery was instituted, however, this loophole was closed. The new regulations specified that any man who had an appeal or an examination pending on his 26th birthday could still be drafted once it was resolved. Also, because of the lottery, protracted delay became a liability—sometimes an impossibility—for registrants generously under 26. Although burdened with a backlog, New York draft boards have now made it standard procedure to expedite work on files with low lottery numbers. In any case, those men who manage to delay with appeals that are resolved in 1971 will be drafted before anybody in the 1971 pool if their number was passed in 1970.

Other than those men who are gambling on an end to the draft or the fruition of the Pentagon's alleged plan for zero draft calls, and those men who are searching to develop deferments, delaying in the lottery has become an extremely selective matter, useful mostly to those men with marginal numbers of 180 and up. (Through official and informal procedures a delay of from four to 12 months is possible).

The major reason men are delaying at all is the unpredictable nature of the lottery. Selective Service officials in Washington and New York expect it to peak at its highest number in late summer, after which those men whose student deferments have expired and whose appeals have concluded will be drafted. Each month each board fills its quota by starting at number one and working upward.

Counselors and attorneys who have scrutinized the lottery are advising their clients to plan delaying techniques so that the appeals get resolved in late November, leaving them eligible for at least the December call. This means that a man with, say, number 220, who would have been drafted in September had he not been appealing but who becomes eligible for the December call when his board only reaches up to, say, 190, has for all practical purposes avoided the draft. Colonel Akst predicts that the lottery will peak at most New York boards in August or September at around number 240.

These measures—as counselors and attorneys warn their clients—are risky because they depend on a number of unreliable factors, such as draft board efficiency. If his board fails to reclassify a man until January, and if his number was called any time in 1970, he then finds himself a prime target for induction in 1971.

There are a number of other avenues men are using to avoid conscription which have nothing at all to do with the lottery. One, publicized in the Los Angeles magazine *Counterdraft*, is designed to parlay student deferments past the age of 26. The process is complicated, but nonetheless Colonel Akst said it was quite possible. It involves a student's changing his major and attending college for an extra year, applying for conscientious-objector status—which few have gotten—and ultimately using a I-SC deferment (a special classification which permits a man to finish his academic year) to cancel an induction order. Upon graduation, *Counterdraft* shows, this man has passed his 26th birthday, is not appealing, and has therefore safely escaped the draft.

Another avenue out of the draft—it is not legal, and its impact has yet to be measured—was inspired by a recent Supreme Court decision which bars prosecution after the 23rd birthday for young men who fail to register for the draft, as required, at age 18. The United States has no central birth registration, and since the Selective Service, the FBI and the U.S. Attorneys are already overburdened with draft violations, the government does not check on its own initiative to determine whether men have registered.

In the first four months of this year, Colonel Akst reports, New York draft boards were getting an unprecedented number of men asking for status as conscientious objectors. Last week's Supreme Court decision will obviously encourage still more men to do the same. Estimates of the ratio of men asking for C.O.s, as they say, and those getting them varied wildly—some said 20 to 1, others 100 to 1. Clearly, most men could not have had high hopes of convincing their draft boards that they were indeed legitimate conscientious objectors. (A favorite draft board question is, "What would you do if a man attacked your mother?") But the claim itself has had great tactical value. It not only delays an induction, but it almost always serves as the foundation for a court case. A man who claims he is a C.O. before the induction order is issued—and frequently even after he has received the order—is often able to tie up his induction for another four to six months while a new series of appeals is being considered. Now, his case is stronger.

Twenty-two per cent of the men called for induction in New York last year didn't show up, and in the majority of cases it was not because they didn't get their notice. This year, although the percentage is as yet undeterminable, it appears, from the sampling taken in April, to be rising considerably.

What happens to a man who doesn't report for induction?

First of all, he gets one and possibly two more chances before his file is turned over to the U.S. Attorney. "We write him and ask him why he didn't show," says Colonel Akst. "If he doesn't answer we write to a person who knows his whereabouts, because it's possible he didn't get the notice." Obviously, if all the men who didn't report the first time around were referred to the U.S. Attorney's office, the situation would become virtually unmanageable.

For the majority of men, however, inductions are subsequently postponed, or canceled and classifications are reopened, usually because of a last-minute claim for a deferment—student, conscientious-objector, but most often medical and psychiatric. "There's no doubt about it," says Major Maher, "there's been a terrific increase in the number of post-induction claims, a terrific increase in the amount of new medical evidence presented after the induction order. More and more men are anxious to stay out of the Army and more and more men are aware of the various means to delay their inductions."

XUM

If, despite second chances, postponements, cancellations and reopenings, a man still fails to report for induction, his case is turned over to either of two assistant U.S. Attorneys, each of whom operates his own grossly understaffed one-man Selective Service Unit. (The city is divided into two jurisdictions. One, the southern district, encompasses Manhattan, the Bronx and several upstate counties; the other, the eastern district, includes Brooklyn, Queens, Staten Island and Long Island.) Last year these two men had on their desks a total of 6,800 New York City files, only 400 less than the total number of men inducted in the same period. In other words, for nearly every man inducted, another man refused induction or didn't show up.

Then on January 19, the Supreme Court reversed the conviction of 22-year-old David E. Gutknecht of Gaylord, Minnesota, for refusing to be inducted. His induction had been speeded up by his local draft board after he left his draft cards and an anti-war statement on the steps of the Federal Building in Minneapolis.

The Gutknecht case cleared the two assistant U.S. Attorneys in New York of several thousand cases. In each instance, the file went back to the draft board with instructions to reprocess it.

Not all of these cases—and probably not even the majority—were protesters like Gutknecht. They were, in Selective Service jargon, *delinquents,* men who did not obey in one way or another the letter of the regulations—they didn't inform their draft boards of address changes; they neglected to carry their draft cards; they failed to show up for pre-induction physicals—and as a result they were drafted before anybody else.

The Gutknecht decision provided some temporary relief to Peter Truebner, the assistant U.S. Attorney prosecuting draft violations in Manhattan and the Bronx and to his counterpart in Brooklyn, Vincent J. Favorito. But not for long. "I imagine," says Truebner, "we'll be getting many of these cases back."

A man can no longer be drafted for his delinquency. He must be prosecuted. "Just what we didn't want to happen," says Colonel Akst. "We didn't want to make criminals out of them." More paperwork, more investigation, more delay.

Even though such cases are beginning to flood the assistant U.S. Attorneys, because of the backlogs not a single man in New York has been indicted for a delinquency. The New York Civil Liberties Union's resident draft expert, Ed Oppenheimer, predicts delinquent files will ultimately be returned to the local boards without an indictment, and then, if the man's lottery number comes up, he'll be called for induction. If not, he'll go free.

Only if a delinquent eventually refuses induction, Oppenheimer presumes (and Truebner, although noncommittal, says he's "inclined to agree"), will he be faced with a multiple-count indictment—that is, if either assistant U.S. Attorney ever has occasion to indict him.

"We don't like to prosecute draft cases," says Peter Truebner. "We view prosecution only as a last resort, and as a matter of fundamental fairness."

Fewer than one man in a hundred referred by Selective Service to either Truebner or Favorito is ever indicted. Both assistant U.S. Attorneys spend much of their time simply convincing delinquents to at least take the Army's physical, assuring them that if they fail it, everything will be forgotten. Almost all finally do, and, according to Major Maher, 95 times out of 100 they fail.

"We have a lot of protesters who are IV–F or I–Y," says Major Maher. "We have a lot of these men who disqualify for medical, psychiatric and security reasons."

Those who won't be inducted and who won't take the examination (or the 5 per cent who take the examination and pass it) are still a long way from jail. Truebner and Favorito must first scrutinize every Selective Service file referred to them, with an eye toward procedural errors which would result in an acquittal. If the file survives this first examination, it is then turned over to FBI investigators. All this takes, on an average, close to a year. Sometimes, the man is eventually indicted and charged with refusing induction. But according to Truebner, "barring bad faith or aggravated circumstances" (he cannot recall a single case of either), charges will be dropped for any man who says he will "submit to induction" at any time up to and often even including the day of his trial. If this man fails the induction examination, he goes free.

Furthermore, in the process of all this delay, a man may have developed a basis for a deferment. Otherwise, by this time, if all else has failed, a man finds that up to three years have elapsed. The average sentence for a draft violator in New York, according to Truebner, is two years in a minimum security prison, which means that, if paroled, he is not likely to serve more than eight to ten months. Had he allowed it, he would have been conscripted for two years.

Few, of course, ever face prison. The Justice Department says that as of this year only 522 men in the country are serving sentences for draft violations. This number is actually 205 fewer than in 1967, when evading the draft was a much less sophisticated matter.

SMITHSONIAN'S FOLKLIFE FESTIVAL FEATURES GRASSROOTS AMERICANA

Mr. YARBOROUGH. Mr. President, we in the United States are privileged to stand in the midst of a vast and varied cultural heritage. Not only does each American enjoy the distinctive ways of his own family, ethnic group, region and occupation which comprises his traditional or folk culture, but he also shares with all Americans a common body of customs and traditions which is our national culture and heritage.

In recent years, Americans have come to understand that we are a Nation of many cultures whose preservation displays an admirable sense of individuality which has kept our people from becoming a mass. These diverse cultures, stemming at times from ethnic backgrounds or sometimes from occupational or geographic groupings, make up the fabric of which our Nation is composed.

For the third year in a row, the Division of Performing Arts of the Smithsonian Institution is sponsoring the Festival of American Folklife, an event which draws scores of thousands of individuals to the Mall to view the various musical, dancing, and craft exhibits from the backwoods, the mountains, and the cities of America.

This year, the festival will be held July 1 to 5, again on the Mall, near the Smithsonian. From 11:30 a.m. to 6:30 p.m. each day, the Mall will be alive with the music, dancing, and crafts exhibits of people from throughout the Nation. At 8. p.m. each day except the Fourth of July, there will be public square dancing followed by folk music at the Sylvan Theater on the Washington Monument Grounds.

I commend this fine festival of American folklife to Senators, constituents, and the American people generally and ask unanimous consent that a feature article appearing in the Washington Sunday Star of June 28, 1970, interestingly written by Staff Writer Herman Schaden, that depicts this outstanding festival so completely, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOLKLORE FESTIVAL FOCUSES ON ARKANSAS, INDIANS

(By Herman Schaden)

Ralph Rinzler couldn't believe his eyes.

"Everywhere I looked Indians were getting shot," said the director of the Smithsonian's Festival of American Folklife. "I found it hard to believe people were still portraying the American Indian this way."

That's how it happens that Indians, the authentic kind, will have a prominent part in the fourth annual festival on the Mall, Wednesday through Sunday.

Rinzler's awakening was hastened by daily exposure to TV westerns under duress of a hospital bed.

"I was very much irritated by this image being offered the youth of America and was determined they should see how the Indian really fits into the mainstream of our culture."

Indians and children's programs and the dairy industry and the state of Arkansas—these are some of the new elements this year expected to attract more than half a million spectators over the five days.

From 11 a.m. to 6:30 p.m. each day the Mall near the Smithsonian museums will be alive with the music, dancing and crafts exhibits of people from the backwoods, mountains and the cities. At 8 p.m. each day except the Fourth there will be public square dancing followed by the very essence of folk music—this year for the first time at the Sylvan Theater on the Washington Monument Grounds.

"In the past we have shown that America does have a rich and varied culture of its own and that its nature is kaleidoscopic," Rinzler said. "This year the key is perspective and style. We will show how folk culture has survived through the family, the source from which we learn most of all."

Visitors' pleasure will be heightened if they bear in mind that everything they see and hear is unadulterated grassroots Americana, handpicked by Rinzler and others operating under James R. Morris, director of the Division of Performing Arts. That's what pegs this festival a cut above any others which accept ersatz participants.

Arkansas is this year's honored state, occupying an area of its own, and that means the kind of fiddling and guitar-picking made famous by Jimmy Driftwood's Mountain View festivals. And Joe Willie Wilkins' blues band featuring Theophiles "Fat Hurd" Hessanaha on the drums.

It means demonstrations of making corncob jelly, barrels, saddles, fiddles, finger wearings, split oak cotton baskets, knives, quilts, cornhusk dolls, chairs, quill turkey callers and lifesize human figures carved from walnut. It means Ira Tillman of Gould grinding sorghum with mule power and boiling the cane. It means Herman Wilderkehr's family from Tontitown making wine by a process imported from Switzerland.

Emphasis on the family group will be much in evidence. Colorful Willard Watson will be back from Deep Gap, N.C., with wife Ora, for the fourth time. Willard isn't bringing his still this year but he's hauling up a dozen other Deep Gap Watsons, including the renowned Doc Watson, for a special musical spot on the Sylvan stage.

BLUES SINGERS

Speaking of deep-rooted authenticity, look at the Addingtons and Carters from the Tennessee and Virginia mountains. Maybelle Carter, doyenne of country musicians, cut

XUM

her first record 47 years ago at age 17, and it still is a famous disc, folklorish Rinzler says.

She's almost unique as a woman guitarist from whom Woodie Guthrie and others copied. She's also the mother-in-law of Johnny Cash, if that is easier to identify with. Members of the Addington family (Maybelle's maiden name) and Carters also will have a featured spot.

Some of the greatest black blues singers of all times will be on the Friday evening show—Mance Lipscomb, Sleepy John Estes, James Yank Rachel, Arthur Crudup, Booker White, plus the Joe Willie Wilkins blues band.

Sharing the stage that evening will be another festival innovation, the introduction of two younger groups who have preserved the spirit and esthetics of musical origin. Rinzler has highest praise for the Pennywhistlers seven young women from New York and the Bronx who harken back to Slavic-Jewish heritage with "gutsy singing" of Eastern European peasant songs.

Equally valid are the New Lost City Ramblers—John Cohen, Tracy Schwarz and Mike Seeger—a young version of an oldtime string band.

Two Sacred Harp Groups from Alabama and Georgia, singing from traditional "shape note" hymnals, will share choral interest with Bessie Jones and the Georgia Sea Island Singers. The 200,000 Portuguese in the Greater Boston area will be represented by two families of fado singers, the Lebres and Pimentals.

John Jackson, a Fairfax, Va., blues guitarist, will perform while his wife, Cora, churns butter. Another Washington area stalwart, 77-year-old Elizabeth Cotten, will display a native Arkansawyer's guitar work. The indomitable Almeda Riddle will be heard when Arkansas takes over the stage Sunday night.

XUM

Dancers? For groups there are the Chinese American Youth Group of Washington in their dragon dance and the Blue Ridge Mountain Cloggers of North Carolina and a number of jig soloists.

Festival planners thought it time to introduce younger children, 5 to 10, to the folk world with music, dances and games tailored for their shorter expanse of attention. So each day between 1:30 and 3 p.m. there will be participation programs with titles like "Let's Go Hunt a Bear," "Black and Proud," "Down in the Arkansas," and "Beyanunh, Let's Play," an Indian program. Some of these will be in the dairy area near a haywagon to romp in, others in the Indian area.

"There will be black children from Arkansas and Georgia, and Indian children from Oklahoma to dance and sing," Rinzler said. "It would be well if inner-city church groups would bring children down, for seldom has such a program been offered with which the children can relate. Who has seen all the aspects of Indian folklife so presented? All children, black and white, would carry away an idea of the range of culture and its importance on the broad spectrum."

The scope of Indian participation has never been equalled here.

"It is like transporting some of Oklahoma to Washington," said Mrs. Clydia Nahwooksy, a Cherokee from Tahlequah, Okla., and head of the Smithsonian's American Indian program. It was she who invited the 100 or more Indians and arranged the comprehensive folk program.

Mrs. Nahwooksy regards it as the finest chance ever for others to see the real American Indian—"not the wrong concept given by television, but a true picture of the Indian with a sense of humor, the Indian who can don his traditional costume on weekends and the other days manage a bank, run a railroad or a store."

Most of the Indians are from Southern Plains tribes, largely from Oklahoma—Kiowas, Poncas, Ponca-Sioux, Comanche, Kickapoo, Osage, Cheyenne, Kiowa-Choctaw and Arapaho. Indians from other areas will be invited to subsequent festivals until the bicentennial of 1976.

Every night except the Fourth between 8 and 11 there will be realistic pow wows on the Mall, dancing to a big drum, ceremonies, songs. Every day there will be teepee-raising, craft demonstrations in tanning, headdress, cradleboard and moccasin making; bone carving, bow and arrow making, and silver jewelry designing.

INDIAN GAMES

Cooking demonstrations will include "fry" bread, the drying of beef for pemmican. There will be all manner of Indian games. Most important to Mrs. Nahwooksy are daily panel discussions between 3 and 5 p.m. when Indians will talk about themselves, discussing medicine, religion, urban Indians, Indian rights, history and legends and Indian youth.

The dairy area will be a kind of "Moo-in on the Mall." Sponsored by the Dairy Industry Committee of Greater Washington, there will be 10 cows of various breeds, to be milked twice daily. There will be all kinds of elementary home-style churning, cheese-making and baking. Paul Shank of Lancaster, Pa., will make smearcase. Leave it to Mrs. Jaroslawi Tkach of Bloomingberg, N.Y., to prepare and hand out blintzes.

All that is pure folk dairy processing. For a look at the modern ways of running a dairy, the Agriculture Department is setting up milking machines, churns and the like in its courtyard on the Mall.

Of course, there will be vittles, too. One menu from Arkansas includes fried chicken, cornbread and sweet potatoes. For an Indian repast there will be barbecued buffalo.

PROCLAMATION TO AMEND OIL IMPORT PROGRAM

Mr. BROOKE. Mr. President, on June 17, President Nixon issued a proclamation amending the oil import program in accordance with the recommendations of the Director of the Office of Emergency Preparedness and the Oil Policy Committee. This proclamation provides, in part, for the importation of 40,000 b/d of No. 2 oil into district 1 during the second half of 1970.

I commend President Nixon for his recognition of the burden that high fuel oil prices have placed upon the consumers of the Northeast. This proclamation is a vital first step in reducing the high prices and increasing the short supplies of this commodity in the region of this country, which uses more No. 2 oil than any other.

I am hopeful that this proclamation will be followed by other equally necessary changes in our present burdensome import program. I encourage the Oil Policy Committee to work on and recommend further changes that will remove the weight of this program from the shoulders of the American consumer.

Mr. President, I ask unanimous consent that the statement of the New England Governors' Conference be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Governor Curtis on Behalf of the New England Governors' Conference

President Nixon yesterday announced his decision to grant an additional 40,000 barrels per day of Number 2 heating oil to Independent Terminal Operators on the East Coast. For the consumers of New England and Maine, this is a foot in the door of the previously closed oil import program but a drop in the bucket of our total needs.

It is a foot in the door, because it is the first official recognition of the hardship which the oil import program imposes on the Northeast. It is some recognition that the two years that the political and business leadership of our region has spent challenging this program, documenting its inequalities, and pursuing all possible appeals is beginning to have some effect. The deepwater terminal operators are now allowed to participate more fully under the program, and I am encouraged to note that the White House describes this as an interim step.

It can only be interim, for 40,000 barrels per day will have no effect whatsoever on the fact that our region's heating oil prices are between two and three cents per gallon higher than they should be. The total East Coast daily demand for this product is one million barrels, so the amount put forth by the President is a mere four percent of the total need and cannot have a meaningful effect on overall prices. It is vitally important that New England consumers understand that this 40,000 barrels per day applies to the entire East Coast and that the actual grant to New England is approximately 15,000 barrels. Maine, which consumes nearly 30,000 barrels per day, will receive no more than 1,000.

It is also important that we realize that the President's simultaneously announced increase of 100,000 barrels per day of crude oil is meaningless for New England, for this is Canadian oil earmarked for the Midwest. It will be refined into gasoline, not heating oil, and it will not be marketed in New England.

In short, therefore, while I am pleased that the President has recognized the unfairness which this program imposes on New England, I must point out that his proposed relief does not reach the real problem of high prices. To lower these prices to the national average, to further lower the national average, to aid in the urgent fight against inflation, and to achieve simple justice, the President should follow the recommendation of his Task Force on Oil Import Control to the effect that he could achieve more security at less expense by abandoning the present program in favor of moderate tariffs. Alternatively he might completely decontrol heating oil or at least heed the unanimous recommendation of the New England Governors and Congressional delegation that he consider allowances of 150,000 barrels per day instead of just 40,000. Even this tentative step would begin to pare down the unjustified subsidy to the major oil companies while bringing New England regional price relief approaching two cents per gallon.

A CORPORATION PRESIDENT TALKS TO THE STUDENTS

Mr. EAGLETON. Mr. President, earlier this month Mr. H. I. Romnes, chairman of the board and president of American Telephone & Telegraph Co., made the commencement address at St. Louis University.

As Mr. Romnes noted in his speech, he knew of no other head of a major American business who had been asked to speak at a commencement this year. In the case of Mr. Romnes, I consider it the students' loss that he was not invited to speak at other campuses.

His speech at St. Louis University was sympathetic to and marked with an intelligent understanding of student aspirations and ideals. It also contained good, commonsense advice to young people about how to make those ideals become realities in American life.

He offered what he called a modest prescription for this country: A restoration of confidence in our ability to solve our own problems; a restoration of rationality to the processes by which Americans make up their minds on great issues and small, and communication, open and with good will, between the generations, the races, and others.

He advised young people to learn how to make the system work for them, rather than to continue to try to tear it down. He said many other things that are worth hearing. I ask unanimous consent that Mr. Romnes' speech be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Commencement Address of H. I. Romnes, St. Louis University, June 6, 1970

Last February, when I first received the University's invitation to speak at your commencement, I confess I was surprised. In my reply to Father Reinert, I surmised that there would probably not be many businessmen speaking at commencements this year—and events have borne me out. Among all my business acquaintances, I—so far as I know—am the only one. As the events of the Spring unfolded and the news came in of more and more unnerving campus confrontations, I couldn't help but ask myself "Why me?"

For the first time in my life I fully understood the sentiments of the fellow in Abraham Lincoln's story that you have all heard so many times before—the fellow who was tarred and feathered and run out of town on a rail and who, when asked how it felt, replied that if it weren't for the honor of the thing, he'd just as soon walk.

A great many things have happened since last February. But even then it had been apparent for some time that a great many students have grown wary of business—and particularly big business. They appear to view the corporation as the embodiment of an Establishment that puts property and profit above human values, that somehow conspires to sustain a wretched and degrading war and stands in the way of an urgent reordering of our national priorities.

But back in February it was beginning to appear that the war was actually being wound down. And there was at least the beginning of hope that Americans, shocked by the news pictures of that demolished townhouse on West 11th Street in New York, might begin to ask themselves "What are we doing to each other?" and seek more reasoned ways to solve their differences.

Then came a series of events that set us back.

The Administration's decision to send American troops into Cambodia, however earnestly intended it was as a move to save lives and shorten the war, appeared to a great many young people—and some not so young—as an escalation of the war and they reacted in numbers and with a degree of outrage that startled the nation.

Then four students died at Kent State—and two more at Jackson State. And six black people died in Augusta.

Across the nation colleges closed down—some for days, some for weeks. And some are still closed.

These have been strange and troubling times—and I, along with a great many other people, have found myself experiencing unaccustomed events, thinking unaccustomed thoughts.

For example, a few weeks back I found myself conducting A.T. & T.'s Annual Meeting in Cleveland while two or three thousand young people marched in protest outside, shouting their opposition to the war and our alleged complicity in it.

On your own campus, a number of your classmates took issue with my selection as your commencement speaker. In their view I was not a speaker appropriate to the times or a fit symbol of the aspirations of your generation. It is not for me to say that they are wrong. I would only ask you to grant that it might just be possible that a businessman, whether his views match yours or not, might be quite as concerned, quite as anguished over the events of the past few weeks as any of you.

In recent weeks I have received a great many letters, mostly from students and some of them deeply moving letters, asking me to speak out against the war in Vietnam. I have tried to answer every one of those letters. And it may surprise some of you who have the impression that business is comprised of people of absolutely identical views that just a little over two weeks ago I found myself in earnest and extended discussion with a group of A.T. & T. management employees who had written to me urging me to make a statement of concern about our country's course.

I am afraid that in neither instance—either in my letters to the students who had written to me or in my discussion with our own employees—were my answers fully satisfactory. I can only tell you what I told them—and that is that whatever I might say about the war would be inevitably construed as the views of the business I head and that—on matters that are beyond our competence as a corporation—I do not believe I have the right to make such a commitment. The Bell System does—after all—employ nearly a million people and it is owned by more than three million—and I think it can safely be assumed that these people hold views about the war that are quite as various as those of Americans generally. By what right could I speak for them?

Furthermore, as a citizen, I would be seriously worried about the imbalance in our national decision-making process that might develop if corporations exercised their influence—their alleged "power"—in political matters that are properly the business of the general body of citizens to decide.

Whether the urgency of the times permits my correspondents to heed—or even hear—these observations I do not know. What I do know is that these discussions, distracting and demanding as they are, are not an empty exercise. For if there is a virtue in times of stress like these, it is that they force us to examine previously unexamined assumptions and test the reasonableness of what we have all too comfortably taken for granted. The questions I have been exploring with my young correspondents are not easy questions. They are at one and the same time political questions, economic questions and ethical questions. They force us to re-examine the role of the individual in relation to the institution of which he is a part. And—what is most discomfiting of all—they force us to re-examine our own motivations as well. I know that this kind of re-examination has been going on with a great deal of intensity on university campuses these days. I thought it might interest you to know that it is going on in business as well.

We hear a lot these days about the "crisis" in our society, about divisions so deep—between young and old, black and white, rich and poor—that they are almost beyond healing. "Crisis" is a word that I am most reluctant to use, even to describe so perilous a passage in our history as the present one—first of all because we have had so many "crises" in recent years that turned out to be simply problems and, second, because, however much the word might satisfy our own yearning for a unique place in history, it implies that somehow events have gone beyond our capacity to manage them. This I don't believe has happened and—what is more—I don't believe we are going to let it happen.

There are a good many aspects of the current scene that I confess I just don't understand.

I do not understand, for example, how it can be believed that—in whatever cause they're used—shouted obscenities and mindless vandalism bring anything but discredit to that cause.

I do not understand how understanding is served by burning books or banks—or by flaunting the Vietcong flag while desecrating our own.

And I do not understand what it is that our society has done to some of its sons and daughters—very few, I am sure, but so often described as among the gentlest and brightest of your generation—that drives them to seek peace with the tactics of terror.

At the same time, I must tell you that I do not understand the members of my own generation who characterize—indeed stigmatize—yours on the basis of the actions of a tiny minority among you.

Nor do I understand those of my contemporaries who appear to equate dissent with disloyalty while at the same time they claim exclusive title to the badge of patriotism for themselves.

Finally, I do not understand those, whatever banner they march under, who use it as an excuse to vent their spite against ideas not their own, people unlike themselves.

What I do understand, however, is what every American must understand by now—and that is that we are a deeply troubled and divided country and that we had better begin to ask ourselves what is happening to our country before it is too late.

We need—I think—if I may offer a modest prescription—three things.

We need to restore confidence in our ability to solve our own problems. In short we need confidence in ourselves—and in each other.

We need, I think, to restore some measure of rationality to the processes by which Americans make up their minds on great issues and on small.

And we need to communicate.

Let me say just a few words about each of these needs.

For me confidence that we can and conviction that we shall surmount our present difficulties comes from the reminder that this is not the first time in our history that we have been a deeply divided country. In my recollection if not in yours there has been violence in our streets before—and angry people watched by soldiers with bared bayonets. I am thinking of the 1930s when there seemed no answer but despair to the ever-mounting toll of lost jobs, lost farms, lost people. And there seemed no prospect either of resolving the sometimes bloody confrontations between management and labor. Then as now events seemed to be taking their own inexorable course and it appeared we had lost control of our own destinies. Yet somehow we found our way through—not by luck but because Americans had in that period, as I believe they have today, the will and the wit to renew their institutions—indeed to invent some new ones—to match the challenge of the times.

There is one other lesson in that half-forgotten experience. Perhaps it is only a sentimental memory on the part of those of us who were young at the time, but somehow Americans seemed to grow closer together in those days and, when they were over, we were a stronger people as a consequence.

Once again American institutions are being challenged—this time not by the destitute but by the young. A new generation

XUM

is demanding—sometimes stridently—a voice in the shaping of the world it will inherit. As a read it, the question that you put to us is simply this: does the institutional framework of our society—this thing you call the Establishment—have the resilience to respond to the new needs of the times or are its purposes so limited, its processes so rigid that it cannot meet the needs of the more humane society to which you aspire?

The question, you must admit, is an arrogant one. But I happen to believe that you are in earnest. I believe that you do in fact intend to change the world.

But what kind of a world that will be is going to depend in large measure on how you go about it. What I would like to suggest is that there are limits to passion, however noble the cause that inspires it. Sooner or later, when the last demonstration is done and the shouting is over, someone is going to have to apply himself to the hard tasks of building the new and better world you want. Someone is going to have to write the new constitutions that will open our institutions to the larger measure of shared decision-making that your generation so clearly demands. Someone is going to have to devise the new technology it will surely take to mend the ravages of the old. Someone is going to have to address himself concretely to the task of matching our outmoded patterns of local government to the needs of a society whose problems do not stop at the town lines. And someone is going to have to face the thankless task of reckoning the cost of what we want to do—and somebody is going to have to figure out who pays.

Obviously these tasks are going to take a great many somebodies. What I mean to suggest by this recital is simply that the achievement of your generation's aims, much as they depend on the conviction with which you pursue them, will depend even more on the plain down-to-earth competence you bring to the job. Developing that competence is lonely work, but how well you do it will determine, not merely your own satisfactions in life, but what your generation will have to show to its posterity when it comes your turn to make commencement addresses.

Through all of our country's history thus far, the individual has been the fundamental unit of value in our society—and I for one am not ready to grant that population growth or the massive scale of our problems have made the notion obsolete. Indeed, I would suggest that the opposite is true—that the quality of our society will increasingly depend on the quality of its individual components—the skills and energy that each of us brings to his chosen field of endeavor, the sense of responsibility that each of us brings to the task of citizenship.

Tomorrow's world, if we build it well, is going to be built, not in our streets, but in our town halls and city halls and in the corridors and meeting rooms of the Federal Government. It is going to be built in our schools and in our neighborhoods. And it is going to be built in business.

It is not my purpose here to recommend that any of you, if you have chosen otherwise, seek business careers. It will not surprise you, though, that I believe that business will in fact provide opportunities to shape the future as great or greater than some other pursuits that currently appear to offer more of the satisfactions of self-dramatization. In large measure the resources we can apply to our social objectives and the opportunities our society will afford its people are going to depend on the performance of American business. And it is business, I believe, that will provide the central testing ground of our ability—the ability of all Americans—to work together in dignity and mutual respect.

But whatever path you choose in life, I hope you come to share what I deeply believe—and that is that what one man does—or does not do—even in a nation of 200 million people, a world of three billion people—can in fact make a difference. I recognize that I cannot urge this conviction on you without at the same time recognizing that those of us who are called leaders, if we would really lead, have a responsibility to do all we can to make sure that what I say is true, that our institutions do in fact provide freedom and scope for personal initiative and individual accomplishment.

And so what I have been saying comes down at last to a very simple injunction, perhaps too simple for an intellectual occasion like this one: Do a good job—and whatever you do, do it as well as you know how—as if the future of the world depended on it. Because it does.

Finally, let us communicate. Over the past year or so, my company has run a series of ads, illustrated with enigmatic figures in a strange and desolate landscape and bearing only these words: "To communicate is the beginning of understanding." I confess that when I first saw these ads I wasn't very enthusiastic about them. But somehow—if we can judge from the letters we have received from colleges all across the country—they spoke eloquently to a great many members of your generation. They said, your letters told us, something that desperately needs to be said—and I hope that, if we agree on nothing less, we can at least agree on that.

For surely, there is no more disturbing aspects of our time than that we appear to have lost the capacity to listen to each other with a decent respect for one another's opinions. Isn't it about time we restored some civility to public discourse? Isn't it about time that we abandoned slogans and in their stead addressed ourselves to the more constructive if sometimes more painful process of applying our rational faculties to the search for the right answers to society's problems—answers that, if they follow the pattern of the past, may never be fully satisfactory to anybody but that in the end may turn out to be best for everybody. And isn't it about time we stopped seeing each other as stereotypes and began seeing each other once again as individual human beings, all of us sharing the same human predicament, but each with his own hopes and anxieties, each with his own unique contribution to make in this world?

Perhaps a good place to begin would be to get rid of the notion that all the regiments of the concerned are ranged on the same side of age-30 and all the complacent and corrupt on the other. And should we not go on from there until at last we in this country no longer see each other simply as young or old, black or white, rich or poor, right or wrong but as particular human beings, each with ideas, feelings and aspirations to be judged not by their source but on their merits.

There are, of course, risks to communications. There is the risk that in the process we might discover that the world is a little more complicated than it seemed. There is the risk that we might discover frailties in our most firmly held convictions. And, finally, there is the risk that in seeking to change others, we may be changed ourselves. I think that these are risks worth running—and I hope you do, too.

My best wishes to all of you.

S. 3867—ORDER TO PRINT IN THE RECORD A SUMMARY OF THE EMPLOYMENT AND TRAINING OPPORTUNITIES ACT OF 1970

Mr. NELSON. Mr. President, I ask unanimous consent that a summary of the proposed Employment and Training Opportunities Act of 1970, S. 3867, together with the text of the bill and a letter respecting the Employment and Training Opportunities Act from the National League of Cities and the U.S. Conference of Mayors, be printed in the Record at this point.

There being no objection, the bill and the letter were ordered to be printed in the Record, as follows:

The Nelson Manpower Bill—S. 3867

The "Employment and Training Opportunities Act" was drafted in response to 23 days of public hearings on the need for reorganization of Federal manpower programs, largely to answer objections to the Administration's bill, S. 2838.

Bill S. 3867 preserves the spirit and the goals of the Administration. The President, in his manpower message to the Congress on August 12, 1969, made these specific proposals.

1. "Consolidate major manpower development programs" (presently split among the Manpower Development and Training Act and the Economic Opportunity Act, and administered by the Department of Labor and the Office of Economic Opportunity.)

2. "Provide flexible funding of manpower training services so that they can be sensitive to and focused on local needs."

3. "Decentralize administration of manpower services to states and metropolitan areas, as governors and mayors evidence interest, build managerial capacity, and demonstrate effective performance."

4. "Provide more equitable allowances for trainees."

5. "Create a career development plan for trainees, tailored to suit their individual capabilities and ambitions."

6. "Establish a National Computerized Job Bank." (There was no objection to this proposal in the hearings; the authorizing language was not written into Bill S. 3867 on the assumption that language from the Administration bill would be acceptable.)

7. "Authorize the use of the comprehensive manpower training system as an economic stabilizer."

The President also stressed increased flexibility in fitting people to training programs, so that individuals could receive the kind of training dictated by their needs, rather than be forced into a rigid framework of programs.

Every one of these goals is achievable under the revised manpower bill, S. 2867.

a. The bill consolidates manpower programs under the Secretary of Labor. It would end the present confused situation under which these programs are authorized by two acts (MDTA and EOA) and under which responsibility is split among three Federal agencies (Labor, HEW, OEO). But at the same time it preserves several of the categorical manpower programs.

b. The bill provides tremendous flexibility and permits focusing on local needs. The Secretary of Labor, who is given clear-cut responsibility, can choose the state or local unit of government best suited to planning and delivering manpower services.

c. The bill decentralizes administration of manpower services by giving state and local units of general government the opportunity to plan and administer manpower programs, aided by councils of informed persons appointed by the appropriate chief executive of state or local government. It enables state and local government to develop professional manpower staffs which are vital to carrying out effective manpower programs.

d. The bill provides more equitable training allowances, which the President requested.

e. The bill strongly emphasizes *upgrading*, so that participants in manpower programs are not locked into dead end, entry level jobs.

f. Far more than any other bill submitted in this Congress, the revised bill, S. 3867, implements the President's proposal that we "authorize the use of the comprehensive manpower training system as an economic stabilizer."

The bill would inaugurate a badly needed Public Service Employment program, so that the rapidly growing field of public service could absorb more of the graduates of manpower training programs or persons who "slip through" the employment opportunities in the private sector. For the first time, the Secretary of Labor and the state and local agencies administering manpower programs would have a powerful new tool to use in implementing manpower policies. They would have a source of actual *jobs*, as opposed to mere *training opportunities*, which they could administer in the most effective manner to fight poverty and unemployment and to stabilize the economy.

Public Service Employment has been endorsed by the National League of Cities, the Conference of Mayors, AFL–CIO, Urban Coalition, Urban League, many governors and a number of other organizations and witnesses before our committee.

Summary of the Proposed Employment and Training Opportunities Act of 1970 (S. 3867)

Section 1. Short title (p. 1 of comparative print)

The Employment and Training Opportunities Act of 1970.

Section 2. Authorized appropriations (p. 8)

(a) Open-ended authorization for fiscal year 1971 and each succeeding year.

(b) Appropriated funds not expended in one fiscal year would not be returned to the Treasury, but would be available in the succeeding fiscal year.

Section 3. Advance funding (p. 9)

Authorizes advance funding.

Section 4. Legal authority (p. 9)

Requires that departmental interpretations of this bill in rules, guidelines, etc., be based directly on the legislation itself by requiring each such rule or regulation to include specific statutory citations. (Same provision is in education legislation.)

Section 5. Special limitation (p. 10)

Language based on that in present MDTA, to prevent use of federal manpower programs to aid so called "runaway industries", firms that leave higher wage areas for places where labor is cheaper. The language would also prohibit federal support for training programs in low wage industries where prior skill and training is not normally required.

Section 6. Labor standards (p. 10)

The "prevailing wage" provisions of the Davis-Bacon Act would be applicable to all laborers and mechanics employed by contractors or subcontractors in construction alteration, repair, etc., in connection with this act.

Section 7. Definitions (p. 11)

States include D.C., Puerto Rico, Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

TITLE I—PUBLIC SERVICE EMPLOYMENT

Section 101. Financial assistance (p. 12)

Provides that the Secretary of Labor shall enter into arrangements with eligible applicants under the title to provide funds to public and private nonprofit agencies to create jobs for the unemployed and underemployed in the public service area.

Section 102. Authorization (p. 12)

In addition to authorizing special appropriations of $1 billion annually for public service employment, requires that for fiscal year '71 not less than one-third and for fiscal year '72 not less than one-half of the total sum appropriated for this Act shall be available for public service employment. This section would require, then, a substantial public service employment program even if no specific funds for public service employment were appropriated.

Section 103. Eligible applicants (p. 12)

Eligible applicants shall be (1) States, counties, cities and other units of local government (but not special purpose districts or units) who set up Public Service Employment Councils, and (2) other public and nonprofit private agencies.

Section 104. Public service employment councils (p. 13)

(a) A unit of general government which wants to run a comprehensive public service employment program submits to the Secretary a plan for a Public Service Employment Council. The *plan* shall provide:

(1) The Governor, mayor or other chief officer of the unit submitting the plan shall appoint the members and the chairman of the council.

(2) Council *shall* include representatives of community action programs, public employment service, education and training institutions, business, labor, child care, education, environmental quality, health, recreation, other social service agencies.

(3) Chairman appoints staff (so, in effect the staff in a city, would be responsible to the mayor).

(4) Council shall prepare applications to DOL for public service employment funds.

(5) Council must have plans for continuing surveys of public service needs in community.

(6) Detail manner in which community action programs will be involved in development of applications.

(7) Set forth plans for evaluation of programs.

(8) Describe area to be served.

(b) The Secretary is directed to approve *plans* for public service employment council submitted by units of government if the proposed plan is consistent with the purposes of the title (including the requirement that programs of public service employment be "comprehensive") and meets the requirements of (a) above.

(c) One percent of the *total* appropriations for the Act are allocated for Public Service Employment Council expenses. Current manpower activities covered by this legislation were budgeted at $1.6 billion in fiscal year 70. With the additional $1 billion for public service employment authorized by this legislation. This could mean about $26 million to fund council activities, allocating according to the same formula as the overall public service employment funds.

Section 105. Applications (p. 15)

(a) After the Secretary has approved plans submitted by governmental units providing for Public Service Employment Councils, that Council is responsible for developing applications for funds out of annual appropriations. This section provides that the Secretary may provide funds only after his approval of an application from an eligible applicant. The application itself must contain a program to create jobs for unemployed and underemployed in public service fields including: health, public safety, education, recreation, streets, parks, municipal maintenance, solid waste removal, pollution control, housing and neighborhood improvement, rural development, conservation, beautification.

(b) An application for Public Service Employment funds must include—

(1) Assurances that the applicant will carry out or supervise the activities and services for which funds are sought;

(2) Description of area and target population;

(3) Recruiting and training plan;

(4) Description of unmet public needs and their priority;

(5) Description of jobs to be filled, work and skills to be acquired and approximate duration of assignments;

(6) Pay planned for participants and comparison to prevailing;

(7) Education, training and supportive services planned;

(8) Planning and training of supervisory personnel;

(9) Description of the role, and indication of the participation in the development and administration of the program of local public officials, area residents, representatives of private organizations.

(c) An application or an amendment to it can be approved only if the Secretary determines that—

(1) Application is consistent with this title;

(2) Meets requirements of subsections (a) and (b) of sec. 105;

(3) Local community action agency has had an opportunity to submit comments to the Secretary;

(4) Application has been reviewed by a panel of independent manpower experts at the local level to assure that the job needs applied for are realistic;

(5) Federal share of program not to exceed 90% of cost, unless waived by the Secretary in extraordinary circumstances.

Section 106. Allocation of funds (p. 18)

80% of appropriations to be apportioned to state and local applicants on the following basis: Each would receive the same proportion of the 80% total funds available as its total number of unemployed, heads of low income families and unrelated low income persons bears to the total number of such persons in the nation. The remaining 20% of funds, and any allocations not used by the entitled applicants, may be allocated as the Secretary deems appropriate.

Section 107. Special conditions (p. 19)

(a) No assistance may be given to any program unless the following provisions are met—

(1) No participant may be employed on projects involving political or religious activities;

(2) These must result in increased employment opportunities and not lead to even part-time displacement of currently employed workers, not result in the substitution of federal funds for other funds in financing a project;

(3) Wages paid will be the highest of: (A) minimum wage, (B) state or local minimum wage, or (C) prevailing wage in the area;

(4) To maximum feasible extent contribute to occupational development of participants;

(5) Participants must be treated on a basis of equality with other workers in workman's compensation, retirement, health insurance, unemployment insurance, etc;

(6) Safe and healthful working conditions on site;

(7) Each participant shall be advised of rights and benefits;

(8) Workman's compensation and unemployment compensation to be provided through ordinary channels or by self-insurance of the employer.

(b) Contribute to the elimination of civil service regulations and other artificial barriers to the advancement of the disadvantaged.

(c) Secretary shall prescribe regulations to assure programs have internal administrative controls, accounting requirements, personnel standards, evaluation procedures.

Section 108. Emergency employment assistance (p. 22)

(a) In addition to financial assistance under the regular Public Service Employment program, local areas as defined by the Secretary with unemployment in excess of

XUM

XUM

4.5% would be eligible for additional amounts to be determined by the extent to which area unemployment exceeds 4.5%.

(b) To carry out this provision the Secretary is empowered to transfer funds for immediate availability. When needed, the President shall submit to Congress the estimated funds needed to satisfy fully all requests under this emergency section.

TITLE II—COMPREHENSIVE MANPOWER SERVICES

Section 201. Secretary's responsibilities (p. 27)

The Secretary is responsible to carry out a program that will—

(1) Refer promptly all qualified persons seeking work to suitable jobs;

(2) Guarantee training and related services to all unemployed and poor;

(3) Training and related services for those in correctional institutions;

(4) Training and services to those who have just left or are about to leave the armed services;

(5) Develop early warning and standby plans for major economic dislocations;

(6) Expand upward mobility by promoting and encouraging adoption of employment practices that remove unreasonable barriers to employment;

(7) Reduce youth unemployment through closer relations between vocational schools and businesses;

(8) Upgrading programs for employed workers by public, nonprofit, and private employers.

Section 202. Use of funds (p. 28)

Use of funds, include, but are not limited to the following services—

(1) Basic education;

(2) Outreach, counseling, testing, work evaluation and adjustment, work sampling, recruitment, placement, follow up;

(3) Orientation, work discipline, and acclimation;

(4) Institutional and On-the-Job training, including upgrading;

(5) Supportive services including: health services, physical examinations, furnishing prosthetic devices, child care, bonding, residential support, etc.;

(6) Work experience including work of a socially useful nature for public and private nonprofit agencies in: health, public safety, education, recreation, parks, streets, municipal maintenance, housing and neighborhood improvement, conservation, rural development, beautification;

(7) Neighborhood Youth Corps in school language, jobs for 9th-through-12th graders to help them remain in or return to school. Programs to be developed in cooperation with schools;

(8) Help to the unemployed to relocate;

(9) Job Development, including the use of job redesign;

(10) JOBS type incentives to private and public employers including reimbursements for time employee not fully productive;

(11) Training and technical assistance for agencies conducting programs;

(12) Such other services as the Secretary deems necessary.

Section 203. Eligible applicants (p. 33)

(a) Secretary is authorized to contract with eligible applicants to carry out approved manpower programs.

(b) Eligible applicants—

(1) States, counties, cities and other units of local general government;

(2) Other public and private agencies (not necessarily nonprofit) including community action agencies.

Section 204. Prime sponsors (p. 39)

(a) To become a prime sponsor a unit of general government must set up a Manpower Services Council with duties similar to those of the Public Service Employment Council described in title I. (If so desired, the same Council could qualify for each title.)

(1) Chief executive shall appoint council members and chairman;

(2) Membership shall include persons representative of: community action programs, public employment service, public employment service, public educational agencies, community posts in secondary educational and training institutions, social service programs, including child care, health, vocational rehabilitation, welfare agencies, industrial development organizations, apprenticeship programs, business, labor;

(3) Chief executive appoints staff director;

(4) Council shall prepare application for federal funds;

(5) Council conducts surveys and analysis of manpower needs;

(6) Assure community action agency involvement in planning and implementation;

(7) Plans for evaluation of programs;

(8) Describe area to be served.

(b) Secretary shall approve proposals for Manpower Services Councils that he determines are—

(1) Consistent with purposes and meet requirements of section (a) above. No disapproval without opportunity for a hearing on which an apepal to the Secretary may be based.

(The Secretary would have to define the "consistent with the purposes" phrase in line with his responsibility to "carry out a program of *comprehensive* manpower services" (sec. 201).)

(c) Community action agencies may be designated prime sponsor for an area if the government chooses not to submit a plan, or does not submit an approvable plan.

(d) One percent of funds for the entire act shall be used to pay expenses of the council. (Note that this is addition to the one percent set-aside to pay expenses of the Public Service Employment councils. Council funds to be allocated on the same basis as overall funds.)

Section 205. applications (p. 46)

(a) Applications, prepared by the Manpower Services Councils shall set forth—

(1) Description of services funds are sought for;

(2) All programs to be administered or supervised by applicant;

(3) Arrangements with the public employment service or any other public or private agency to be spelled out;

(4) Description of area to be served, including demographic data (income and employment) on those to be served.

(b) Applications, and amendments, may be approved only if Secretary finds that—

(1) Application is consistent with purposes of this title;

(2) Meets requirements of section (a) above;

(3) Community action agencies in area have had chance to comment;

(4) States have an opportunity to submit comments on city and county plans;

(5) Local governments comment on state plans;

(6) Federal share not to exceed 90%, except in special circumstances.

Section 206. Health, education, and welfare (p. 53)

The Secretary of HEW must concur in DOL approval of programs relating to HEW programs including: health, education, child care, other supportive services, new careers and job restructing in HEW professions.

Section 207. Allocation of funds (p. 54)

80% of funds under this title to be distributed in same proportion as the number of people in local area in—

labor force
unemployed persons
persons heading low-income families
unrelated low-income persons

bears to the total number of such persons in the nation. This formula reserves 20% of funds to be distributed at the discretion of the Secretary. The formula is the same as for Public Service Employment funds, except that it adds "labor force" to the factors.

Section 208. Special conditions (p. 58)

(a) Reasonable conditions of employment;

(b) Health and safety standards established and maintained;

(c) Workman's compensation for all participants;

(d) No discrimination because of race, creed, color, national origin, sex, membership or lack of membership in any organization, political affiliation, beliefs;

(e) Prohibition on political activity and construction, operation or maintenance of sectarian school or place of worship;

(f) Prohibition of displacement of employed workers, or substitution of federal funds;

(g) Funds to be used to supplement, not supplant present non-federal expenditures for planning and administering programs;

(h) Secretary authorized to require record keeping and regular reports.

Section 209. Allowances and compensation (p. 60)

(a) Provisions to assure that trainees would be paid at a rate that would equal the minimum wage, or 80% of prevailing wages for like work, whichever is higher. And sets two year limit on length of training programs.

(b) O'Hara bill language making trainees eligible for death and disabilities benefits as if federal employees.

TITLE III—SPECIAL WORK TRAINING AND CAREER DEVELOPMENT PROGRAMS

Part A—General provisions

Section 301. Equitable Distribution of Assistance (p. 68)

Ratios of population, unemployment, family income to be considered by Secretary in establishing a distribution formula for categorical programs described in this title among the states. No more than 15% to be spent in any one State.

Section 302. Limitations on Federal Assistance (p. 69)

Federal share limited to 90%. Non-federal share can be in cash or in kind. Secretary may waive 10% requirement in special cases. But must establish by regulation objective criteria on which to base such judgments.

Section 303. Administrative Regulations (p. 69)

Secretary shall prescribe regulations for categorical programs regarding internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of in-service training and technical assistance programs.

Part B—New careers (p. 69)

Taken from the New Careers language approved by the Congress as part of the Economic Opportunity Amendments in 1969.

Part C—Upgrading programs

Section 321. Program Authorized (p. 73)

Secretary makes contracts with public or private employers under which they would provide education and training to prepare employees for better jobs.

Section 322. Requirement (p. 73)

Funds available only upon application. Application must include assurances that—

(1) Positions to be filled could not be filled by presently unemployed and underemployed;

(2) All employees to be upgraded must have been employed at least 6 months, and

be selected because of merit, ability and length of service;

(3) Adequate training program;

(4) Reasonable training period;

(5) Safe facilities, adequate records provided for;

(6) Successful trainees will be employed by the employer running the program;

(7) Program opens new entry level jobs in number equal to the number of trainees;

(8) Trainees to receive reasonable compensation, in no case less than previous regular wages.

Part D—Opportunities industrialization centers

Section 331. Program authorized (p. 75)

Requires Secretary to make grants to "Opportunities Industrialization Centers"—as developed by the Rev. Leon Sullivan first in Philadelphia and then in other major city poverty areas. Services authorized for support include: recruitment, counseling, remediation, vocational training, job development, job placement. Adequate provision must be made to assure:

(a) Area residents are involved in planning and operating the center;

(b) The business community is consulted in development and operations.

Priority shall be given to centers serving inner-city areas with substantial employment problems.

TITLE IV—SPECIAL YOUTH WORK AND TRAINING PROGRAMS

Part A—Job Corps (p. 76)

Language taken from the Economic Opportunity Act as amended.

Part B—Neighborhood youth programs

Section 451. Programs Authorized (p. 100)

The Secretary shall provide through public and private agencies funds to carry out programs—

(1) (NYC In-school) employing 9th-12th grade age low-income students, either full or part time to enable them to go to school;

(2) (NYC Out-of-school) employing low-income persons in work and training programs to develop maximum potential in regular job market.

(3) (NYC Summer) providing summer job and recreation opportunities.

Section 452. Special Conditions (p. 101)

(a) No funds unless Secretary finds—

(1) No political or sectarian involvement;

(2) No displacement of existing jobs, or substitution of federal funds in work that would ordinarily be contracted and paid for locally;

(3) Reasonable rates of pay;

(4) Program, as much as possible, helps participants get better jobs.

(b) Among programs involving construction, preference will be given to building or improving facilities to be used by the poor.

(c) As much as possible, programs will help eliminate artificial barriers to jobs and advancement (such as civil service or other job requirements) that are not related directly to job performance requirements.

(d) As much as possible, other federal, and private resources shall be used in developing programs.

(e) Prohibits Secretary from limiting in-school program and out-of-school Neighborhood Youth Corps programs on basis of age as has been done by the Administration.

Section 453. Program Participations (p. 103)

Participants must be unemployed or low-income persons. The Secretary, with the Social Security Administrator, shall establish criteria for low income.

Section 454. Administrative Regulations (p. 103)

The Secretary shall prescribe regulations to assure that programs have: adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of in-service training, technical assistance programs.

Section 491. Existing Laws (p. 104)

This section repeals the Manpower Development and Training Act of 1962 and all of title I of the Economic Opportunity Act, except title I-D, the Special Impact program. Title I of the Economic Opportunity Act is renamed "Community Economic Development."

TITLE V—ENVIRONMENT IMPROVEMENT PROJECTS

Part A—General provisions

Section 501. Equitable Distribution of Assistance (p. 107)

Same provisions as for title IV categorical programs: that is, not more than 15% to any one State, funds to be distributed on the basis of criteria developed with population, unemployment and family income levels in mind.

Section 502. Limitations on Federal Assistance (p. 108)

(a) No funds unless Secretary finds—

(1) No political or sectarian connections;

(2) No displacement of existing workers, impairment of existing contracts, or substitution of Federal for other funds in work that would otherwise have been performed. A maintenance of effort provision;

(3) Reasonable rates of pay.

(b) Among programs that involve physical improvement priority will be given to facilities substantially for the use of the poor, urban and rural.

(c) Projects shall provide, as much as possible, for use of other federal programs and resources of the private sector.

Part B—Mainstream (p. 110)

Sections 511 and 512 are taken directly from the Economic Opportunity Act as amended.

Part C—Community Environment Service (p. 111)

Section 521. Program Authorized (p. 111)

A Community Environment Service authorized. Funds to public and private nonprofit agencies, especially to State, county and city governments for the establishment of Community Environment Service projects . . . providing full or part-time employment for persons to: restore environment of urban and rural areas, restore neighborhoods, plan, develop and maintain inner city parks and recreation areas and city facilities, work on roadside recreation projects, sanitation and clean-up projects, including solid waste removal. The use of volunteers from the community in planning the action programs shall be encouraged.

TITLE VI—INDIAN MANPOWER SERVICES

Section 601. Statement of Findings and Purpose (p. 112) Congress finds—

(a) Half Indian working age population chronically unemployed;

(b) Indian reservation labor force untrained, and unacclimated and unaccustomed to steady employment;

(c) Compelling need for Indian training and employment program;

(d) Best be administered at the national level.

Section 602. Establishment of Office of Indian Manpower Services (p. 112)

Office set up in Department of Labor.

Section 603. Eligible Activities (p. 113)

All programs under act authorized for reservations.

Section 604. National Indian Manpower Advisory Committee (p. 113)

The Secretary shall appoint such a committee composed of men and women: representing Indian tribes and groups; other persons interested in Indian manpower problems. The committee shall meet at least twice a year and make recommendations to the Secretary.

NATIONAL LEAGUE OF CITIES,
U.S. CONFERENCE OF MAYORS

DEAR CHAIRMAN NELSON: Please accept this statement on behalf of the United States Conference of Mayors and the National League of Cities in regard to proposed manpower legislation pending before your committee.

JOHN J. GUNTHER,
Conference of Mayors.
PATRICK HEALY,
National League of Cities.

JUNE 1, 1970.

STATEMENT

The U.S. Conference of Mayors and the National League of Cities has repeatedly supported manpower development and training programs which enable all our citizens to be trained and placed in meaningful jobs.

In Chicago at the 1968 Annual Conference of the U.S. Conference of Mayors, a resolution was passed which called for Congress (1) to enact a public service employment program to provide at least one million public service jobs for needed social services and (2) to provide funds to implement improved local coordination of all manpower programs.

In Pittsburgh at the 1969 Annual Conference, the U.S. Conference of Mayors again urged Congress to place top priority on the enactment of a substantial public service employment program. Also, at the 1969 Annual Conference the urgent need for the coordination of local manpower programs was stressed. Asserting that the city itself is in the best position to determine its needs, to evaluate its social and economic resources, and to set priorities, plan, and organize manpower programs which can have maximum effectiveness for its unemployed and underemployed, the U.S. Conference of Mayors resolved the following:

(a) The U.S. Department of Labor should make manpower funds available directly to the cities for the planning, evaluation, coordination, and administration of manpower programs;

(b) The mayor should be given authority to coordinate all local manpower programs.

The National Municipal Policy of 1970 of the National League of Cities as adopted by the 46th Annual Congress of Cities in San Diego in December of 1969 states:

"The Federal Government should . . . utilize direct federal-local relationships, in the administration of all grants-in-aid. Federal financing should be available directly to the general units of local government and not channeled exclusively through the states." It goes on to say: "We oppose outright 'programmatic block grants' to the states which turn city program discretion over to uncertain state response. We equally oppose Congressional or executive agency actions which attempt to use the grant-in-aid system to manipulate state and local government relations and internal organizations."

As to public service employment, the NLC 1970 National Municipal Policy states: "In most central cities, the unmet need of local government to provide greatly increased services and the continuing dangerously high level of unemployment (even during prolonged periods of prosperity) constitutes persuasive evidence for federal support of a public service employment program."

Since the June 1969 Annual Conference of the U.S. Conference of Mayors and the December 1969 Annual Conference of the National League of Cities, both the U.S. Conference of Mayors and the National League of Cities are encouraged by the current trend in recent proposals that emphasize the urgent need for mayors to assume a leading role in coordinating manpower programs at the local level. USCM and NLC are equally encouraged that public service employment is included in pending proposals.

XUM

However, if we are to have legislation which will successfully meet the unemployment needs and provide the needed services to our citizens, the U.S. Conference of Mayors and the National League of Cities urges the Senate to provide language which clearly assures the following:

The Mayor of the city carrying the major manpower burden will be the prime sponsor of local manpower programs or have the authority to designate such a local sponsor;

The prime sponsor must be the direct recipient of federal manpower funds and have the authority to plan and coordinate all local manpower programs;

Designed to reach high densities of unemployment in localities, a clear and guaranteed formula for allocation of funds to local units of government based on local needs must be developed;

A national long range program of federally funded local public service employment consisting of one million permanent jobs must be developed which allows jobs to be created and upgraded on the basis of locally determined priorities. This program is essential in enabling local government to meets its responsibility of providing adequate services to people and offer meaningful jobs to its underemployed and unemployed citizens.

As to the President's Manpower Training Act there are several features in the bill which do not coincide with the manpower policy of the U.S. Conference of Mayors and the National League of Cities. The absence of *direct funding* to the cities is one. The absence of *public service employment* language is a serious deficiency—especially at this time when the general unemployment rate for the entire country is rising.

Other issues raised by the language of the Manpower Training Act fall into five (5) categories: (1) Designation of the program area, (2) Designation of the prime sponsor, (3) Formula for allocation of funds and (4) Planning monies and advisory bodies, (5) Presumptive deliveries of service.

I. *Designation of the program area*—

A. Sec. 102(a)(2) contains the language "... in any standard Metropolitan Statistical Area or other area or areas which the Secretary deems appropriate." In effect, this language gives the Secretary of Labor absolute discretion in the designation of program areas. Mayors must have input or must be given consideration in determining the local program area if the manpower programs are to be successfully implemented to meet the local unemployment needs and if the services are to be provided to our citizens in an efficient manner. In addition, Sec. 102(a) where it reads "... in accordance with such regulations as he (Sec.) may prescribe ..." makes it possible that the allowable negotiations to the SMSA as the presumptive program area would be basically defined through these regulations and that the right to appeal of the major would therefore be circumscribed because the governor had in fact acted in accordance with the regulations prescribed by the Secretary. It is apparent that the language of this section is extremely broad and subject to multiple interpretations. There is a danger that without greater clarity of legislative intent there will be gerrymandering of the program area.

B. The presumptive program area is the SMSA. However, the SMSA presents many problems, particularly for central city mayors. As Stanley Ruttenberg pointed out in his testimony before the House Select Subcommittee on Labor, it is not practical to base manpower planning and administration on a metropolitan framework that does not exist. In addition, the SMSA brings into play all the social, political, and economic tensions and disparities that exist between the central city and the suburbs. Furthermore, the SMSA as the program area may result in a dilution of the funds available to support the intensity of needs within the central city.

II. *Designation of the local prime sponsor*—

A. Sec. 102(a)(2) sets forth language providing for the designation *by the Governor* of local prime sponsors in designated program areas. The Governor may make his selection from among the units of local general government within the area. There is no language anywhere that specifies that the Mayor is to be the prime sponsor. Furthermore, it reads, "In designating a prime sponsor for an area, the Governor shall consider the distribution of population, work force, and disadvantaged persons within the area." It should be noted that the criteria of *unemployment* is omitted. By using population and work force as criteria, added weight is given the Governor's selection of a unit of government other than the central city.

B. Sec. 102(a)(2) also provides for an alternative method of selecting local prime sponsors: "that if a unit or units of local general government representing 75 per centum of the population of an area, determined in accordance with regulations which the Secretary shall prescribe, concur as to the nomination of any other public body or private agency or organization as a prime sponsor, the prime sponsor so nominated shall be designated by the Governor." In only 2 of the 50 largest SMSA's does the central city have 75% or more of the population. Thus, assuming that the SMSA is the designated program area, in only a few instances could the central city mayor be assured of being designated the local prime sponsor. Here again, the importance of the regulations to be prescribed by the Secretary would be of paramount importance in determining the proportion of the local population represented by different heads of local government.

Obviously, the issues or designation of local program areas and local prime sponsors overlap greatly. In both, primary authority exists with the Secretary of Labor and the Governor. Mayors do not really come into the act until they may appeal directly to the Secretary decisions that have been made and incorporated in the State plan. Even though, in approving the State plan, Sec. 102(a)(2) reads that the Secretary shall consult "with the Governor." The Mayor, as you can see, comes into the act only at the last and even at this his bargaining position is likely to be weak.

III. *Formula for the allocation of funds*—

A. Sec. 601(a) provides that funds will be apportioned to the states on the basis of "... the number of individuals in the labor force, the number of unemployed and the estimated number of disadvantaged individuals. ..." A passthrough of funds to designated program areas "... shall be determined by the Secretary in accordance with the proportion which (1) the number of persons within the labor force and (2) the estimated number of disadvantaged individuals within such area bears respectively to the number of all persons within the labor force and all disadvantaged individuals within the State." The discrepancy between the apportionment criteria for the states and for the local program areas should be emphasized: the criteria for the local area once again omits the number of unemployed individuals.

Another key issue in the allocation of funds is what formula will the Department of Labor use to arrive at the "estimated number of disadvantaged individuals. ..." In addition, there is again the possibility that funds allocated to the program area (SMSA) might be required, through regulations issued by the Secretary, to be expanded equally throughout the SMSA, thereby ignoring the intensity and urgency of central city needs.

IV. *Planning monies and advisory bodies*—

A. Sec. 105 authorizes the Secretary to make planning grants available to the States. There are no guarantees that Mayors will receive a portion of these planning monies.

B. Sec. 104(a)(3) provides for the establishment of a State manpower planning council which shall be responsible for developing the State plan. Membership shall include persons representative of state manpower agencies, typical client groups, the general public, and *"local* public and private nonprofit manpower, training, and employment programs including prime sponsors and *local* comprehensive area manpower planning agencies." Membership is not mandated to central city mayors. The *"local"* representatives should be appointed by the mayor, not the governor.

C. Sec. 104(a)(3) also gives the governor the veto power over area plans prepared by prime sponsors: "The Governor shall be responsible for revising such plans and plans of service or portions thereof, to assure that they are complementary and that the allocation of resources provided within the manpower programs and program components of the plan or plans of service best meet the state and area needs." Once again, the only safeguards for the local prime sponsor (mayor) is the right to appeal decisions of the governor directly to the Secretary of Labor. However, this right to appeal does not come into effect until the governor has already exercised his veto power. The issue is, then, to what degree is there political visibility in a safeguard system dependent upon the relationship of the governor and the Secretary of Labor. Should the governor be able to veto, amend, or revise local plans? We think a comment by the governor on the local plan is appropriate but we cannot support the governors amending, revising, or vetoing the mayors' local plans.

V. *Presumptive deliveries of service*—

Sec. 102(a)(1) also provides that, "In carrying out programs assisted under this Act, the agency shall be required to the fullest extent possible to utilize those services and facilities not financed under this Act, which are available from Federal, state and local agencies. Where services and facilities financed under other authority are not available without reimbursement, the comprehensive manpower agency shall be required to the fullest extent possible to purchase the use of facilities and services from Federal, state and local agencies where available at reasonable costs."

This "purchase of service" language is one of the controversial issues in the bill, as it has been interpreted to mean that the State Employment Service is to be the presumptive supplier of manpower services. Community Action Agencies have vigorously challenged this feature of the bill and point to the traditional insensitivity of the ES to minority group needs. Many mayors have also expressed their doubts about the capacity of the Employment Service. The Mayors should have the option to decide on who should be the suppliers of service.

As to S. 3867, the Employment and Training Opportunities Act of 1970, the U.S. Conference of Mayors and the National League of Cities are both very encouraged over the language which would authorize appropriations of $1 billion annually for a public service employment program and which would require in any event at least ⅓ of the total manpower appropriations for a public service employment program. We, as pointed out in the history of our policy above, have long supported the public service employment concept and the mayors throughout the country will support it.

As to direct funding and the mayors being designated as prime sponsors for manpower

XUM

programs within the cities, S. 3867, Sec. 103, states that eligible applicants can be cities but other units of government and other public and private nonprofit agencies are also eligible applicants. We were encouraged by the introductory remarks of the author of the bill, Senator Gaylord Nelson, in which he said: ". . . It is the intent of the legislation that the Secretary not designate the State government as prime sponsor for all manpower operations in a State. . . . It is our expectation that in large cities local governments will become manpower prime sponsors. The States would then assume the role of prime sponsors for smaller towns and rural areas."

We urge the Committee to strengthen S. 3867 so that local governments would be prime sponsors of the manpower programs as Senator Nelson mentioned in introducing the bill.

In referring to the Manpower Training Act of 1969, the Administration bill, Senator Nelson pointed out that the bill proposes that each state set up manpower agencies built around the employment service. Senator Nelson went on to say that he and the co-sponsors of S. 3867 feel that this approach is too rigid and that they believe that "local prime sponsors must be free to choose what subcontractors seem most able to carry out the program in their specific locality." We concur in this view and would hope that the members of the Committee work toward including language which would give the local prime sponsors the freedom to choose those subcontractors that have proven most effective.

While we note that S. 3867 does require the Secretary to carry out several special emphasis programs that have existed in the past, the bill does not earmark funds for those programs. The only earmarking is for the public service employment title. We strongly feel that the final manpower bill should not be so earmarked as to deprive the mayors of the country the flexibility they need in designing and coordinating the manpower programs within their areas.

Again, the United States Conference of Mayors and the National League of Cities support your efforts in the passage of legislation which will give the mayors a leading role in coordinating manpower programs at the local level and will provide public service employment for our citizens. On behalf of the mayors throughout our country, we appreciate the opportunity to state their views on such an important area of concern before your Committee.

Mr. NELSON. Mr. President, this bill is currently being marked up in an executive session of the Employment and Manpower Subcommittee. The bill in the form that it is going into the Record obviously will be modified and changed during the deliberations of the subcommittee and the full committee, but there have been many requests for information about what the pending proposal contains, and that is the reason for submitting it for the Record.

WASTE NOT, WANT NOT

Mr. HANSEN. Mr. President, of increasing concern to every citizen are the hundreds of thousands of abandoned cars, buses, and trucks that clutter and tarnish our landscape.

With the advent of important changes in the making of steel, scrap has lost its value in the form of old cars.

Hollis M. Dole, Assistant Secretary of the Interior, recently disclosed some new techniques which hold great promise for converting these unsightly worn out autos into useful products by salvaging the metal.

I ask unanimous consent that his statement, published in the Phoenix Quarterly, Institute of Scrap Iron and Steel, Inc., volume 27, No. 1, 1970, be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

ABANDONED AUTOS: RESOURCE OUT OF PLACE

(By Hollis H. Dole)

The automobile is the basis for over 800,000 businesses—one out of every six in the United States. These businesses employ nearly 14 million of our people.

In 1968 there were more than 100 million registered vehicles in the country. They traveled over one trillion miles and consumed 90 billion gallons of gasoline.

The Federal excise tax paid by owners and operators of motor vehicles in 1968 amounted to $6 billion.

Sixty per cent of all rubber, 20 per cent of all steel, 10 per cent of all aluminum, over 7 per cent of the copper, 13 per cent of the nickel, 35 per cent of the zinc, and over 50 per cent of the lead consumed in the United States is for automotive use. And every one of these materials is one for which our national need is growing.

At the same time, the rate of which cars are scrapped—about seven million passenger cars last year and over one million trucks and buses—has reached a point that the esthetic problem of unsightly graveyards and abandoned, rusty hulks is increasingly a matter of public concern.

Although discarded auto hulks constitute only a small fraction of the waste disposal problem in terms of tonnage, they are higher in metal values than most waste materials. They offer a tremendous incentive for the 33,000 auto wrecking yards and 1,800 scrap processors currently operating across the country. With the aid of these excellent facilities, the problem can and must be solved.

CURRENT RESEARCH

The Bureau of Mines currently is actively engaged in research on converting old automobiles to metals suitable for recycling to industry.

Just recently the Bureau published a report which describes the results of research on the dismantling of junked automobiles to produce high-quality scrap. All components of 15 scrap automobiles procured from wrecking yards, scrap processors and insurance salvage firms—these were cars that were manufactured between the period of 1945 and 1965—were dismantled, separated into various components, and analyzed. From the information obtained it was determined that a representative junked automobile weighing 3,600 pounds could be expected to yield approximately 2,500 pounds of steel, 500 pounds of cast iron, 32 pounds of copper, 54 pounds of zinc, 51 pounds of aluminum, and 20 pounds of lead. The remaining 400 pounds consisted of nonmetallics.

These are all valuable materials, and our requirements for them are constantly growing.

The Bureau had time and motion studies made, and it was found that a typical vehicle could be economically burned in a smokeless incinerator and handled, dismantled, and the shell could be baled into a high-quality bundle containing less than 0.1 per cent copper. A cost evaluation study showed that such an operation could provide an annual rate of return on investment of about 20 per cent.

SMOKELESS INCINERATOR

The smokeless incinerator is also a Bureau of Mines development, and it makes available to the scrap processing industry a low-cost way to avoid air pollution caused by open air burning of scrapped cars.

Developed by Bureau engineers in a cooperative effort with the Wasatch Metal and Salvage Company of Salt Lake City, Utah, it is a relatively inexpensive item, and it can efficiently process all of the junked cars from a metropolitan area with a population of around 300,000 people.

Preliminary testing has been successfully completed, and further testing already is under way to obtain precise information on optimum operating costs.

The principal attraction of the new incinerator is its construction cost of only $22,000. This is roughly one-tenth the cost of smokeless models now commercially available.

We are confident that it will stimulate interest among scrap processors whose open-air burning practices are being increasingly restricted.

Capable of processing 50 cars every eight hours, the new incinerator can burn two cars at a time, utilizing an after-burner to eliminate smoke and fumes. Combustion gases are then vented to the atmosphere through a 54-foot stack. The effluents meet or exceed most clean air standards.

Once burned, the junked automobile can be processed in the usual manner for its metal values and the scrap sorted, baled or bundled.

OTHER PROJECTS

Bureau laboratories also are working on the problem of grading the nonmetallic, nonferrous rejects from shredding operations which are being generated currently at the rate of about one million tons annually. Aluminum, copper, zinc and lead constitute about 60 per cent of this reject.

For the most part, these valuable nonferrous metals are being wasted because no practical method has been devised to separate and recover them.

Recently the Bureau developed an air separation method which will yield a rich concentrate of metallic constituents from this residue. The concentrate, which is 84 per cent metal, contains 97 per cent of the nonferrous content of the residue.

The process is not perfected yet, but there is every indication that its efficiency can be improved through additional research.

Meanwhile, our researchers have developed a method that can be used to recover copper from starters, generators, armatures, and similar high-copper automotive components. This process looks very much like the solution to a troublesome and time-consuming problem for scrap processors.

In it, scrap material to be stripped of copper is dipped in a molten salt—calcium chloride—and agitated briefly. The bath does not affect the iron and steel scrap but quickly melts the copper even in small holes and crevices. The copper collects in the bottom of the vessel and can be easily drained off. About 99 percent of the copper can be reclaimed in this manner.

The process is economical since the salt is cheap and can be re-used.

DISPOSING OF OLD TIRES

Another research project project is the Bureau's recently developed process for disposing of old tires. Some 100 million of them are now being discarded every year. Strung out tread to tread, they would circle the earth twice at the Equator.

But the problem is they aren't strung out. They are piled in heaps of trash and junkyards across the country, or worse, they are burned in the open, adding their volatile contents to an already polluted atmosphere.

In cooperative work on an idea originally conceived by the Firestone Tire & Rubber Co., bureau researchers have been obtaining surprisingly large quantities of valuable chemicals, oils, gas, and tar from old tires by de-

XUM

structive distillation techniques or, if you wish, carbonization in a heated reactor.

As much as 140 gallons of oil and 1,500 cubic feet of gas comparable in heating value to natural gas have been recovered from one ton of tires.

These are only a few of the examples of the ways in which technology can be applied to solve our solid waste problem and convert these so-called wastes into worthwhile resources.

Where technology has polluted, technology can purify. Our national eyesores can indeed become national interests.

Junked cars must never be looked upon merely as eyesores to be concealed or burned. From the national viewpoint, these vehicles are a major source of raw material, a resource out of place.

Automotive scrap is now generated at a rate that if totally utilized can provide industry with over ten million tons of ferrous and and one-half million tons of nonferrous metals annually, with every indication that this rate will increase.

This is a growing resource for a country and a people that will need it more and more.

FULL EMPLOYMENT—FACT OR FABLE?

Mr. GORE. Mr. President, the Employment Act of 1946 made explicit policy for the Government of the United States a commitment that every man and woman able and willing to work should have a job at a decent wage. According to the 1946 law, the Government would promote and provide the conditions conducive to economic growth and health.

But saying is not doing. We have never really fully implemented our commitment to the principles embodied in the 1946 act, and the Nixon administration, I am sorry to say, has specifically and pointedly turned its back on full employment. Administration spokesmen have been quite frank in discussing trade-off of jobs in a play for price stability, for inflation control. It has not worked, except in the wrong way—increasing joblessness but with rising prices.

Just a few days ago, Mr. Herbert Stein, a member of the Council of Economic Advisers, told the Joint Economic Committee that the jobless rate would stay near its present level of 5 percent—that is something over 4 million people who want to work and cannot. Mr. Stein went on to say that now is not the time for a full employment effort. I gather that he follows the Nixon line of bleeding the economy white in order to restore its health. Well, Mr. President, a 5-percent jobless rate is too high. But, given the Nixonomic formula and attitude, I doubt that unemployment can be held down even to its present 5-percent level which is, of course, much too high. In fact, others have estimated that unemployment may reach 6 percent before the snow flies.

We can hardly take comfort from projections of the Nixon administration, since many such around-the-corner predictions have thus far been shown to be completely lacking in validity. Just a few months ago, for instance, administration spokesmen were advancing 4.3 percent as the average rate of unemployment for the current calendar year.

Mr. Andrew F. Brimmer, a member of the Federal Reserve Board, made headlines on the weekend of June 21 when he predicted a possible unemployment rate of 5.5 percent for the last half of this year. And he expressed doubts that even this high rate of unemployment would restore price stability by the end of the year.

Promoting loss of jobs is surely the poorest way to control inflation, but, thus far, this appears to be the pattern of 1970. Unemployment has steadily risen and, as I have said, will likely go higher. Meanwhile, inflation continues to mount. Should unemployment at current and higher levels continue for an extended period of time, real stagnation will occur—a depression will be upon us. Inflation will be slowed, maybe even halted, but at what a price. This price is unacceptable.

Some speak glibly and sometimes carelessly of unemployment. Many seem engrossed in aggregates, utterly neglecting the human side of the problem. The Wall Street Journal last week ran an article on unemployment and purchasing power. This article emphasized that the "public may be holding back on spending" but it "has the money." The main point to the writer of this article seemed to be that—

> This year's unemployment thus far has made no appreciable dent, nationwide, in the American public's buying power. In the aggregate there is potential purchasing power.

But what about that wage earner and his family with no job and no money coming in for groceries and house rent? The human, individual aspects of unemployment concern me deeply.

I can think of a few more helpless and hopeless predicaments to be in than to be without a job, and with a family to support. Since December, 600,000 men, not to mention women and younger people, have been added to the already sizable number of jobless, many of them with families. And the hardest hit recently have been the highly skilled.

Today our unemployment is at a level last approached in February 1965. When President Kennedy took office in 1961, the unemployment rate was 6.6 percent, but it was brought down to 3.3 percent by the time President Nixon assumed office last year. At present rates and with present trends, we may again hit the Republican 6.6-percent mark by 1972, or even sooner. I surely hope not.

Under Presidents Kennedy and Johnson, various initiatives were undertaken to put people to work and to train those not able to perform useful work. Such programs as Accelerated Public Works, for example, were implemented in such a way as not only to provide jobs directly, but to create conditions conducive to further job formation, particularly in areas of high unemployment and sparse economic activity. Of course, the war in Vietnam played a part in reducing unemployment below 4 percent. But surely we can mobilize our resources and manpower for creative as well as for destructive ends. I refuse to accept as fact the idea that prosperity can occur only under war's stress.

But today, even with a sizable, albeit unwanted, war on our hands, we see unemployment climbing to a most unacceptable level.

What does 5-percent unemployment mean to our Nation, to our society?

To begin with, it represents a loss of $45 billion each year in goods and services—production which we could surely use to advantage. This volume of production could provide 2½ million badly needed housing units. It represents 30 times what the Federal Government spends on higher education, and 20 times the Federal expenditure in elementary and secondary education. This is much, much more than is required to wipe out poverty by direct means—by paying over to the poor enough cash to bring them up to, or above, the poverty line.

And what does large-scale unemployment mean to the national psychology? Although our present situation is in no way comparable to the ghastly days of the 1930's before Roosevelt, I hope the time will never come when we will completely forget the scars left on the national psyche by that dreadful depression. I know what widespread unemployment can do to the national will, to the country's character. I was commissioner of labor for the State of Tennessee during a part of that sad time.

And what of the individuals most directly affected—the worker and his family? In our industrial society, to what agency can one turn when there is no work, no paycheck? As an unmarried youngster, I could return to my father's farm where there were chores to do, food to eat and a feather bed for sleeping. But this kind of haven is available to fewer and fewer.

We have long since moved beyond the point where the family could act as a bulwark against hard times. A short generation or two ago, many still had access to the family farm. And if the job in Detroit, Chicago, or Akron played out, we could always drift back to the family farm, whether it was rich bottom land or poor hillside, whether it was operated by a parent or some other relative, and at least find bed and board.

The family today is too fragmented for this. We have, for the most part, lost those close ties to our native villages and homesteads.

True, this rural mentality still shapes some of our political thinking. Some tend to cling nostalgically to the illusion that the family can protect us against unemployment, against old age's slowdown, against crippling disease's incapacitating blow. But, whether we like it or not, we have as a nation irreversibly moved into the era of a highly industrialized society where there is no traditional haven for the aged or infirm, or for the unemployed. Moreover, the high cost of living makes it difficult to "lay up for the rainy day." And unemployment is surely a "rainy day" for most people.

For this reason, we have revolutionized our concept of charity and security. We hear talk now of a guaranteed annual income. We already have, although imperfectly, a social security program and medicare. And we have unemployment compensation to provide a very thin and most temporary cushion against job loss. This is all to the good so far as it goes.

But do any of these things, or all of them together, really take the place of that independence which comes with a steady job? Can these programs replace that sense of accomplishment associated with the performance of useful work? What can replace meaningful and satisfying job performance?

Mr. President, the Federal Government must set the stage and provide the conditions for full employment. No mature individual should be denied the right to contribute to his society in the form of useful work.

Recently I addressed the Senate on the inflation which is now plaguing us, and the absence of appropriate action by the Nixon administration to combat it. I have advanced positive proposals to deal with inflation without the stultifying tactics now being followed, which can only result in stagnation and further loss of production and employment. I have spoken about fiscal and monetary policy, and tax policy. I have questioned the policies and the inaction of President Nixon.

On June 17, the President addressed the Nation on the state of the economy. He sought to reassure the jittery, particularly those who have money in the stock market. I am sorry to say the President did not really come to grips with our economic problems. He has attempted only to soothe, placate, and propagandize.

What we need to do now, insofar as unemployment is concerned, is to move toward job creation. And, under today's circumstances, this should be relatively easy. We need but satisfy the demand already evident in housing, public facilities construction, and environmental control. Current stagnation comes from Government action, which can be reversed. The Government, itself, is applying the economic brakes. These should be relaxed.

Incidentally, there is another facet of this current unemployment which differs from past patterns. Most of those currently becoming unemployed are already highly skilled and easily transferable to other jobs. They do not need extensive retraining to become able to contribute to society and to their families. The problem, then, so far as these newly unemployed are concerned, is much more readily solved than would be the case had these people no marketable skills. Of course, the longer these slack times continue, the worse will this problem become, as the more highly skilled push the less skilled out of jobs. The ripple effect becomes more noticeable with the passage of time.

There is, however, Mr. President, one area where high unemployment among the relatively unskilled is showing up. There is now a rather severe job loss showing up in textile and shoe manufacturing plants. This is a subject much on my mind, my constituents and my colleagues. And some of this unemployment can be directly attributed to excessive imports. I mentioned this subject last week in connection with tax policy. I wish now to approach this from a slightly different angle.

Following the end of World War II, we set about building up our friends, and some we hoped would become our friends, abroad. Generously, we poured billions of dollars overseas—some $130 billion, in fact. We built up Japanese and European industrial capacity and capability.

As I am glad we did. By and large, this has been to our advantage. But what do we face today—right now? We find our former, and still ostensible, friends busily taking over our own markets in textiles and shoes. And, at the same time, our own producers are denied access to foreign markets, by a rash of barriers, generally of the nontariff, hidden, sometimes subtle but more often blatant, types.

Now, what are we supposed to do? With rising unemployment and economic dislocations here at home, we will no longer "grin and bear it." I have supported reciprocal trade, fathered by a great Tennessean, Cordell Hull. I still support it. Even so, like our Constitution, it must be changed now and then to meet changed conditions. It has almost ceased to be reciprocal in some respects because of actions which other nations have taken and other actions which we have not taken. We must demand return to reciprocity. The new wine of cut-throat nationalism abroad, unless checked, will break the old bottles reciprocal trade built on trust and mutual interest.

Mr. President, I hope we will not be forced to impose a unilateral and rigid quota system on imports. I hope our trading partners will be sensible enough to help us avoid this, for in this way all would lose. Nevertheless the United States alone cannot remain open at all her economic pores.

But short of rigid and wholesale quotas, there is much we can do to correct our imbalances. Last week, I referred to faulty tax laws—our own tax laws—which lend encouragement to the movement of factories and jobs overseas. I want now to refer to an action taken, I am sorry to say during a Democratic administration, which must be undone. I refer specifically to the Canadian automotive agreement. Perhaps this is illustrative of other laws and agreements we should reexamine.

Senators may recall the fight which I, and a very few others, put up in a vain effort to defeat the Automotive Trade Act of 1965. Under the fantastic agreement implemented by that act, we have allowed the importation of automotive products into this country from Canada under terms which have spelled disaster for a segment of our U.S. parts manufacturers and for many workers in our automobile plants. Thousands of our people have been thrown out of work as a result.

When this legislation was debated in the Senate, I pointed out the probable consequences. But the big automobile companies wanted it, and although, as I have said, this rape was accomplished under President Johnson, I think the fault was bipartisan. The Senate vote found 95 percent of Republicans supporting the improvident agreement entered into by President Johnson—only one Republican Senator actually voted against, and one was paired against.

At the time, it was pointed out that not only were we opening the floodgates to Canadian production of American-type automobiles, but we were also encouraging Japanese and European producers to set up assembly plants in Canada for non-American-type cars. These non-American-type automobiles may flood the U.S. market through Canada.

An article in the Wall Street Journal for June 15, 1970, makes interesting reading in this regard, and I ask unanimous consent that this article be printed at this point in my remarks.

As I understand this article, the Canadian Renault company now plans to assemble some cars in Canada, and ship others directly from factories in France, all of which will come into the United States under the stupidly generous terms of the Canadian agreement.

Mr. President, I have already introduced a bill, S. 2527, to repeal the Automotive Trade Act of 1965. I shall insist with all the vigor at my command that the terms of this bill be added to any legislation imposing import quotas on any commodities. It is time we recognized and defined the national interest in this area.

Mr. President, I want to see jobs provided for our people. I want to see a healthy, expanding economy. I call on President Nixon to begin to busy himself to accomplish this.

Last week I introduced some bills which I felt would be helpful in bringing about a better balance to our economy. I want now to bring up one more.

As I said in the beginning, it is a duty of a modern government to see to it that all citizens are given an opportunity to perform useful work. There will be times when the private sector, even with Government encouragement and help, may not be able to supply the jobs required. At such times, it seems to me incumbent on government to step in and become the employer. And it is not at all necessary to resort to WPA-type leaf raking.

The 1946 Employment Act sometimes called the Full Employment Act, ought to provide exactly for that—full employment. To that end, I now send to the desk and introduce a bill to amend that act which will clarify the Government's role. This bill I shall now introduce simply provides that the Government shall become the employer of last resort, should efforts in the private sector falter. I think a modern government owes this to its citizens. A job is better, in so many ways, than a hand-out.

I hope we may all continue to work on this problem of achieving balance between full employment and inflation control, We can work this out if we really have the will to do so.

I ask unanimous consent that two articles from the Wall Street Journal be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal,
June 29, 1970]

JOBLESS RATE COULD HIT 5.6 PERCENT, NIXON AIDE SAYS; SOME DOUBTFUL ON SECOND HALF UPTURN

WASHINGTON.—Further doubts have been raised about halting the recent rapid rise in unemployment anytime soon and also for

XUM

the prospects of a second half economic upturn.

Labor Secretary-designate Hodgson said that unemployment may rise from 5% last month to as high as 5.6% before it starts declining, and Milton Friedman, a noted University of Chicago economist, suggested the rate could even reach 6% this year.

Separately, the Commerce Department's index of "leading" economic indicators dropped 0.8% last month to 147.3% of the 1963 average from an upward-revised 148.5% a month earlier. The leading indicators, which often foreshadow broad economic movements, rose a slim 0.1% in April (see chart on page one).

In an interview with United Press International, Mr. Hodgson declined to predict when the rise in unemployment might terminate, but his estimate that the rate could reach 5.6% marked the first public admission by a member of the Nixon Administration that the jobless rate could climb that high.

Asked on the National Broadcasting Co. "Meet the Press" TV interview program, how high unemployment might go, Mr. Friedman said, "My guess is 6% is about the maximum rate you'd likely see in this episode," adding he hoped "it won't go as high as that."

Some Administration economists, who are becoming increasingly skeptical of any second half upturn, point to the "leading" indicators as further evidence of the unlikelihood of any strong surge this year.

FOUR INDICATORS FELL

Four of the eight indicators fell last month, while the other four rose. Declines were registered by the average work week of manufacturing workers, plant contracts and orders, industrial-materials prices and the average price of 500 common stocks. Increases were reported for new durable goods orders, new building permits, the price to unit labor cost ratio among manufacturers and the average weekly initial claims for state unemployment insurance. These jobless claims actually fell, but are treated inversely in the index.

Analysts further note that President Nixon made no mention of any upturn in his economic address on June 17; previously, this had been an almost standard line in most Administration talks on the economy. But Mr. Friedman said he still believes there will be an upturn "sometime in the second half."

The University of Chicago economist also said the U.S. has experienced "a relatively mild recession," but that a "really severe" downturn has been avoided.

Separately, Paul W. McCracken, chairman of the Council of Economic Advisers, told a group of insurance officials that the current period "in terms of severity is between the 1966–67 adjustment and the 1960–61 recession, but closer to the former than the latter."

RATE OF INCREASES STOP CLIMBING

Mr. McCracken and Mr. Friedman also claimed that the pace of inflation is subsiding and will continue to do so. Both said that the rate of price increases has stopped climbing recently.

Separately, high Administration officials disclosed that Hendrik S. Houthakker, a member of the Council of Economic Advisers, will direct the "inflation alert" to spotlight particular wage and price increases. Plans for this after-the-fact alert were announced by President Nixon in his economic address.

On the Columbia Broadcasting System Inc.'s "Face the Nation," Sen. Proxmire (D., Wis.) of the Congressional Joint Economic Committee criticized the "inflation alert" as a "quarter-way" step that is "not nearly enough." He reiterated a frequent Democratic call for President Nixon to impose wage and price guidelines.

On another front, the recently appointed Presidential Commission on Financial Structure and Regulation held its first meeting in Washington on Saturday. The commission decided to establish an office in Seattle, Wash., the home of its chairman, Reed C. Hunt, and an administrative office in Washington.

Also, Allen R. Rule, a New York attorney, was appointed special assistant to the chairman and will function much as a staff director in the next few months. Mr. Rule is a member of the New York law firm of Mudge, Rose, Guthrie and Alexander, which is President Nixon's former firm.

FORM STUDY GROUPS

At a press briefing, Mr. Hunt said the commission organized four study groups "to formulate recommendations for long-range improvements." The groups will study the "functional specialization" of financial institutions; the regulation of interest rates on deposits; deposit insurance, and the "problems" of the mortgage market and residential construction.

Initially, at least, Mr. Hunt said the commission will rely almost entirely on reports and studies from the Federal regulatory agencies, inlcuding the Federal Reserve Board, Federal Home Loan Bank Board and Federal Deposit Insurance Corp.

Five additional members named to the commission were Atherton Bean, chairman of the executive committee of International Multifoods Corp., Minneapolis; Morgan G. Earnest, of Earnest Homes Inc., New Orleans; William D. Grant, president of Businessmen's Assurance Co., Kansas City; Edward H. Malone, vice president of General Electric Co., New York and Ezra Solomon, professor of finance at Stanford University.

Mr. Hunt said 18 of the 20-member commission attended Saturday's meeting with Mr. Bean and Lane Kirkland, secretary-treasurer of the AFL–CIO, the only absentees. The next meeting will be held in New York sometime in August, he said.

Renault Mulls Export to the United States of Cars Assembled in Canada

(Company first must increase Canadian content of models it produces near Montreal.)

Montreal.—Pierre le Godec, vice president and general manager of Renault Canada Ltd., said the company is considering exporting Canadian-assembled cars to the U.S., but first must increase the Canadian content of models it produces at nearby St. Bruno.

"We are looking for Canadian suppliers to help us increase our Canadian content," he said at a reception marking Canadian production of a new Renault model.

"We now have between 30% and 35% Canadian content in our cars, depending on the model. However, in order to qualify for tariff benefits under the Canada-U.S. auto pact, we must bring this level up to 50%," he added.

Mr. le Godec said Renault Canada could export cars to the U.S. under the provisions of the auto agreement by adding about $75 of Canadian parts to each car.

While $75 is about equal to the duty Renault currently pays on cars sold in the U.S., Mr. le Godec said the company would benefit from the increased Canadian content because it could import models not produced here through the U.S. under terms of the auto pact.

Societe de Montage Automobile, which assembles the Renault models in St. Bruno, doesn't produce all the models made by the parent company in France.

Mr. le Godec said it would be cheaper to ship complete cars from Le Harve to Canada by way of New York rather than starting to assemble them here.

He said the company would like to have some engine components made in Canada, but the high cost of tooling makes this difficult at the present time because of short production runs.

"However with the large American market, we could expand production enough to amortize tooling costs," he added.

Mr. le Godec said the Canadian assembly plant currently has a daily production capacity of 42 cars, but "it could turn out 70 cars" with one work turn.

WASHINGTON WORKSHOPS PROGRAM

Mr. RIBICOFF. Mr. President, for the third summer in a row, the Washington workshops program is bringing high school students from around our country to Washington to study the operations of the U.S. Congress. I was pleased to address the first session of this year's program and was pleased to receive a resolution signed by over 100 participants and staff members expressing their enthusiasm for this program and their appreciation of the efforts of Mr. Leo S. Tonkin, seminar director.

I ask unanimous consent that the text of this resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution

We, the participants of the first session, third summer of the Washington Workshops ("the Congress of the United States Seminar") would like to take this opportunity to express our appreciation to Mr. Leo S. Tonkin for offering us this unique educational experience.

Mr. Tonkin, as Seminar Director and Chairman of the Washington Workshops Foundation (a private, non-profit educational association) has received the admiration of both students and staff as a result of his commitment, dedication, involvement and unfailing generosity to the Workshops. He has worked not only on an administrative level but has given his time to us in debate and discussion both on campus and on Capitol Hill.

From the first "Congress of the United States Seminar" in 1965 at the Heights Study Center, to the establishment of the Washington Workshops Foundation in 1968, Mr. Tonkin has brought together over 2,000 students from diverse backgrounds and every area of the nation to share their thoughts and hopes with fellow students, instructors, members of Congress, and other concerned Americans.

Due to his immeasurable contribution to the program, Mr. Tonkin has received the lasting admiration of the students, and we feel this should be acknowledged. We would also like to extend our special thanks to the co-administrators, Mr. Paul George and Miss Sharon Seivers.

ALL U.S. TROOPS ARE OUT OF CAMBODIA

Mr. GRIFFIN. Mr. President, a headline in today's Washington Star reads: "U.S. Finishes Cambodia Pullout."

When President Nixon announced the operation against the Communist sanctuaries in Cambodia, he promised that all American combat forces would be withdrawn from that country by July 1.

He repeated that promise several times—and now the promise has been kept 1 day ahead of time, according to an Associated Press dispatch from Saigon.

XUM

The dispatch says:

> The last American combat troops in Cambodia returned to South Vietnam this afternoon, in effect completing the U.S. withdrawal one day ahead of President Nixon's deadline.

The dispatch added:

> Still in Cambodia, but scheduled to leave by midnight tomorrow (and that this midnight tonight, our time) were a small number of advisers to some of the 39,000 South Vietnamese troops remaining there.

If those who have doubted, criticized, and lamented the President's decision continue to question the success of the operation, I have here the latest—and I suppose the last—summary of results of the Cambodian sanctuary operation.

Mr. President, I ask unanimous consent that the summary be printed at this point in my remarks.

Mr. President, this summary and the news dispatch indicating that all American combat forces are out of Cambodia, leave one question:

What is the need for the Cooper-Church amendment?

There being no objection, the material was ordered to be printed in the RECORD, as follows:

	Number	24-hour change
Individual weapons	22, 892	+32
Crew-served weapons	[1] 2, 509	[1] −16
Bunkers/structures destroyed	[1] 11, 688	[1] +9
Machinegun rounds	4, 067, 177	(2)
Rifle rounds	10, 694, 990	+97, 420
Total small arms ammunition (machinegun and rifle rounds)	14, 762, 167	+97, 420
Grenades	62, 022	+984
Mines	5, 482	+1
Miscellaneous explosives (pounds) (includes satchel charges)	81, 000	(2)
Antiaircraft rounds	199, 552	(2)
Mortar rounds	68, 539	(2)
Large rocket rounds	[1] 2, 123	[1] −3
Smaller rocket rounds	43, 160	+574
Recoilless rifle rounds	29, 185	(2)
Rice (pounds)	14, 046, 000	+10, 000
Man-months	309, 012	+220
Vehicles	435	(2)
Boats	167	(2)
Generators	49	(2)
Radios	248	(2)
Medical supplies (pounds)	67, 000	(2)
Enemy KIA	11, 349	+17
POW's (includes detainees)	2, 328	+1

Note: Figures do not include 70 tons of assorted ammunition.

[1] Field adjustment.

[2] Unchanged.

A NEW PROGRAM FOR LATIN AMERICAN AID

Mr. CHURCH. Mr. President, during his many fruitful years in the U.S. Senate, Ernest Gruening's contributions included that of providing us insight into the problems of American aid to countries of Latin America. A report of the Gruening subcommittee on our aid program in Chile provides an extremely useful description of the snares and delusions besetting the administration of our military and economic assistance programs in Latin America.

In a letter published in the June issue of the Atlantic magazine, Senator Gruening discusses not only what has gone wrong but what should be done. At one point in the letter he states:

> The solution is *not* to reduce the amount of aid, but to channel it differently, derive it from different authorities, and place the responsibility where it belongs—on the recipient country.

My friend and distinguished former colleague points out quite correctly that the greatest lack in Latin America is technical know-how and this is just the staple that the United States has in ample supply. But the financing, he continues:

> Should not come directly from the United States but from international, multilateral agencies, the World Bank, the Inter-American Bank, and so on, and be freed from the current stigma of being designed to promote the sale of U.S. goods. It should also carry the lowest possible interest rates.

Mr. President, there are other good suggestions in the Gruening letter and I ask unanimous consent that it be printed at this point in the RECORD:

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SIR: In "The Lowering Hemisphere" in the January Atlantic, Arthur Schlesinger, Jr., exposes the relative failure of the United States aid program in Latin America, optimistically launched by President Kennedy under the title of Alliance for Progress. Mr. Schlesinger rightly assigns blame to both Latin and North Americans. His article presents a series of unexceptionable and perspicacious comments with which I feel no knowledgeable student of Latin America and of our performance there can disagree. But he offers no solution other than his generalized concluding hope that the United States will respond to Latin American aspirations with intelligence and generosity. Though Mr. Schlesinger proposes no specific remedy, many of his shrewd observations implicitly furnish the basis for one, viz.,

"Latin America cannot be saved in Washington. It can only be saved in Latin America. . . . Too often the United States becomes the great alibi—the permanent excuse for the failure of the Latin nations to do what they can, should, and must do for themselves."

And he lists, correctly, a great number of vital actions which "only Latin Americans can take."

So let us save Latin America in Latin America and remove the alibi.

The first studies in depth of our aid programs in Latin America made by the Senate Government Operations Committee's Subcommittee on Foreign Aid Expenditures recorded anything but success in relation to the amounts expended. The conclusions of the study of Chile by that subcommittee in 1966 are confirmed by a similar case study of Colombia in 1969 by the Senate Committee on Foreign Relations. Cultural differences between North Americans and Latin Americans, those accenting the stresses of a giver-recipient relationship, were factors in these predominantly unsuccessful bureaucratic undertakings. These two countries' AID programs were meticulously and objectively examined in depth because they presented at the time the most promising of all the Latin American countries. Both were among the largest recipients of U.S. funds. Both had the most favorable political and cultural backgrounds. Both were to be, hopefully, showcases. Yet these two well-documented reports are essentially chronicles of failure. The picture was much darker in other less advantaged beneficiaries of United States aid.

The solution is *not* to reduce the amount of aid, but to channel it differently, derive it from different authorities, and place the responsibility where it belongs—on the recipient country.

What most Latin American countries lack and what the United States can supply is technical know-how. Far more of the funds should be expended for that purpose. Hitherto it has been a relatively small part. Scholarships should send Latin Americans to MIT, to Caltech, to the Harvard or Wharton Schools of Business Administration, to other specialized institutions, or as interns to the industries and activities here that the Latin American countries desire to establish there. In addition, experts in a given field should be sent, if requested, to Latin America to provide the neded expertise on a given project. But the programs should originate in Latin America and be determined by Latin Americans.

The financing should not come directly from the United States but from international, multilateral agencies, the World Bank, the Inter-American Bank, and so on, and be freed from the current stigma of being designed to promote the sale of U.S. goods. It should also carry the lowest possible interest rates.

The policy of joint ownership, with the Latin Americans in each country owning 51 percent of the stock in any corporate enterprise even if predominantly financed by American capital, has worked well in Mexico, to the advantage of both American and Mexican stockholders. It should become accepted practice. Expropriations of United States-owned properties and the resulting tensions would be eliminated.

Such changes in programming and authority would vest the responsibility in the Latin Americans. It does not mean, and should not mean, less participation by the United States, but a participation less conducive to friction and failure.

Two other changes are desirable. We should eliminate our bloated and needless military missions. They are largely paid vacation junkets for those who serve in them. Our military aid, moreover, has been misused repeatedly to overturn democratically elected and public-spirited regimes. The funds thus economized would be used for economic and social programs.

As Schlesinger points out, the Latin American population is multiplying faster than any in the world, and, as that most enlightened of Latin American statesmen, Alberto Lleras Camargo, former President of Colombia, has pointed out, no progress can be made unless it is checked. Indeed there would be regress. The breakthrough in public opinion and official attitudes on the subject of population control is so recent in our own glass house that we can scarcely throw stones southward. But family-planning groups now exist in *every* Latin American country, and they should be aided by U.S. funds.

Let us grant that the record in some Latin American countries for honest, enlightened self-government leaves much to be desired. With few exceptions the history of the Ibero-American nations has been an alternation of chaos, dictatorships, and occasional democratic regimes. The oligarchies stubbornly and effectively resist efforts to diminish ther predatory status quo. But as Schlesinger makes so clear, the change can come only from the Latin Americans. Indeed, United States influence, despite pious pronouncements, has by and large favored the vested interests south of the border. Under the proposed shift of authority and responsibility to the Latin Americans, some funds will be misused and wasted, but so have they been under the present system. Self-government, self-help gain as they are given a fair chance. The change is worth trying.

The Latin Americans, now pretty well disillusioned, and understandably so, with our AID programs, would, I feel, welcome the change if they were convinced of its sincerity and that it implied no diminished interest on the part of the United States. United by a new overall sense of responsibility for their foreign-aided programs, they should be

XUM

able to organize and present a solidarized front to secure more favorable treatment in the matter of tariffs and import quotas, especially for the products that are common to more than one country, as many are, and where their grievances have been legitimate. From the standpoint of U.S. interest their improved economies resulting from the success of such efforts would be beneficial to our export trade, although the freedom from American pressures incidental to receiving our aid would promote the importation of products from other countries. We should prepare ourselves, in the interest of improved hemispheric relations, to accept such competition.

I can only conceive of such a program of self-help and of a kind of autonomy and responsibility in decision-making to have valuable spiritual concomitants for Latin America and a renascence of good feeling in which the United States can share. The rebirth of good neighborliness is needed, as Nelson Rockfeller discovered.

(Former) SENATOR ERNEST GRUENING,
Democrat, Alaska,
Washington, D.C.

HIGHER EDUCATION—JOB WELL DONE BY SENATE APPROPRIATIONS COMMITTEE

Mr. EAGLETON. Mr. President, now that the Senate has completed action on H.R. 16916, the education appropriations bill, I would like to commend the members of the Appropriations Committee for their action in increasing the funds for the title II programs of the Higher Education Act which are so valuable to academic libraries. The bill passed by the Senate last week contains $20,750,000 for part A, college library resources; $8,250,000 for part B, library training; and $7,500,000 for part C, the Library of Congress shared cataloging program. These figures represent a more realistic appropriation for academic library support and library science training than the amounts the House approved when that body acted on H.R. 16916 in April.

It is regrettable that the amounts for the three parts of this title were not specified in H.R. 16916. When the fiscal 1970 appropriations were being considered by the Senate, I attempted to have the funds for these and other programs earmarked in order to save them from the sweeping cuts which the Department of Health, Education, and Welfare was authorized to make. Unfortunately, the attempt was only partially successful; consequently, HEA title II funds were cut by far more than the 15-percent limitation placed on reductions in individual program funds specified in the bill. In fact, they suffered a 50-percent cut. I hope that in subsequent education appropriations bills it will be possible to spell out exactly how the title II money is to be apportioned among the three parts. In the meantime, however, I am pleased to see that my colleagues on the Appropriations Committee are so well aware of the importance of these library programs that they have restored the appropriations to a more reasonable level.

With so many issues and problems crying out for attention and solution, it is more crucial than ever that our college students, and those who teach them, have rapid access to the latest discoveries and developments in all fields.

The cost of all aspects of education has increased tremendously in the last few years. The budgets for library support in institutions of higher education are not adequate—not through lack of commitment to the essentiality of the library, but as a result of the difficulty most colleges and universities face in adequately supporting their many and equally pressing activities without outside help.

According to recent statistics, community colleges are being established at the rate of almost one a week. Last fall more students enrolled as freshmen in the community colleges of the Nation than in the 4-year colleges. Each of these students needs access to college library materials—relevant and up to date—if he is to succeed in his studies.

The librarian in one of these new community colleges faces the challenge of creating a library, or learning resource center, within 6 months to a year. This involves determining the goals of the institutional LRC, hiring personnel, training them, and in consort with the faculty and administration, developing the basic collection. It is critical to correlate the goals of the learning center with those of the institution. Hence, any future changes in the curriculum will alter the scope and collection of the library.

Grants under title II–A of the Higher Education Act have helped to provide materials at the proper reading level and in sufficient quantity to support the varied program of the college. Part A of title II of the present Higher Education Act authorizes grants to colleges of both the 2-year and 4-year variety. The statute authorizes basic grants, which must be matched, dollar-for-dollar, by the college, and it also authorizes supplemental and special purpose grants to enable those institutions in greatest need to purchase library materials.

Parts A and C of HEA title II represent an important attempt by the Federal Government to insure that academic libraries in both established institutions and new colleges can maintain, or acquire, a collection which can properly support the educational program.

Part B of this title aids not only our academic libraries, but every other type as well, through its training and research provisions. With new developments almost every day in the field of information science and documentation, it is imperative that extensive training and research be done in order to keep our librarians informed, so that they can provide the most efficient and effective service possible. These Federal programs under the Higher Education Act will help accomplish that end.

As research enables librarians to adopt new technological methods, the role of training additional professional personnel to accept and apply the new technology will become increasingly important. The funds we appropriate to carry on the library training and research programs under title II–B will help to keep us moving toward our goal of educational excellence and library service to meet the needs of the Nation.

I also want to commend the Appropriations Committee for its action in restoring funds for title VI of the Higher Education Act to the 1969 level. This enables colleges to purchase materials for laboratories, for audiovisual equipment, films, and records. It makes the difference between effective teaching or merely simulating. While this title was eliminated entirely in the House bill, I should like to point out that this program has been extremely effective over the years in enabling universities and colleges to modernize their laboratories and teaching equipment.

It is a matching program, and the modest amounts available in previous years have been well administered at both the local and Federal levels. While many of our larger universities may not feel the loss of these funds to any great extent, the amounts allotted for purchases under this program have been of great importance to the Nation's small colleges, which are hard pressed to provide the quality type of instruction today's students demand.

I should further like to say that this is a program which does not appear divisible. The $14.5 million when spread over several hundred schools does not leave a large amount for any single institution. If the total were further reduced, it might make it impossible for some small schools to apply for grants. The costs of the administrative and paper work involved would outweigh the money received.

I want to commend all of the members of the Appropriations Subcommittee that dealt with this bill and especially the chairman, Senator MAGNUSON, and Senator COTTON, the ranking minority member. There are education programs that I believe are deserving of increased funding and I am particularly disappointed that the Appropriations Committee and the full Senate decided against an appropriation for the payment of entitlements for public housing children under the impact aid program. Nevertheless, I believe that, in general, the subcommittee did an outstanding job in difficult circumstances. They worked diligently so that this bill could proceed as rapidly as possible and had the bill ready for floor action more than a month before the time it finally came up on the Senate floor. While I fully understand the circumstances that prevented earlier consideration of the bill, I believe it should be recognized that the Appropriations Committee was in no way responsible for the delay.

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. MATHIAS. Mr. President, on Friday, when the Senate considered H.R. 17868, the District of Columbia appropriations bill for fiscal 1971, I was unfortunately detained elsewhere in the Capitol and was unable to be in the Chamber for the brief discussion of the bill.

At this time, therefore, I wish to thank the Senator from Wisconsin (Mr. PROXMIRE) and the entire Committee on Appropriations for bringing the bill before the Senate and securing its passage with such dispatch. This achievement is especially noteworthy since the committee

XUM

was forced to act under severe constraints. The absence of new revenue authorization, either for operating expenditures or for capital outlays, gave us very few choices, allowed virtually no leeway, and forced us to defer many increases and new programs which are very meritorious indeed.

I am very much pleased that, despite this pinch, the Senate did amend H.R. 17868 to include funds for two projects which are of particular interest to the entire Metropolitan Washington area.

The first is the construction of the subway, or Metro system, for which an appropriation of $34,178,000 was approved by the Senate. The Metro system will be a real economic lifeline not only for the central city, but for the entire region. I beileve it is so important that its construction should not be further delayed or made contingent upon any other projects.

The second project of particular concern to me is the improvement of the District of Columbia sewage treatment plant at Blue Plains, for which $15.6 million was included in the Senate version of H.R. 17868. This project's objective goes beyond full secondary treatment to a high level of advanced waste treatment. It is essential if the District is ever going to meet its own water quality standards and if the Potomac River at Washington is ever going to be cleaned up.

In this connection, I am glad to report that, after a frustrating period of delays and failures of communications substantial progress is now being made in working out the details of Blue Plains improvement. For example, all of the jurisdictions involved—the District of Columbia, the State of Maryland, the Washington Suburban Sanitary Commission, and the Department of the Interior—appeared last Thursday at a hearing of the Senate District of Columbia Committee and at that time endorsed in concept a "pay-as-you-go" approach to this project, under which capital costs will be allocated among the users of Blue Plains, and each will commit itself to pay its share when needed. This approach will greatly reduce the initial capital outlay required from District of Columbia funds.

Also at that hearing, the non-Federal agencies involved agreed to review new reports of two firms of consulting engineers and to meet again on July 10. At that time they will be prepared to reach firm agreement on whether or not to expand Blue Plains to provide short-term assistance for the Maryland suburban areas; precisely what advanced technology to employ in upgrading the plant; and exactly how costs are to be allocated. They will then proceed to present their combined plan to the Interior Department without further delay.

Let me emphasize that if the WSSC and the State of Maryland decide to support the expansion of Blue Plains, they voluntarily agreed and will be expected to bear the cost of construction to serve their needs. Under the "pay-as-you-go" approach, local District of Columbia appropriations will be used to improve service to District of Columbia residents. These improvements are overdue, and approval of the $15.6 million in this bill is necessary to insure that this work can go forward this year.

Again, I wish to thank the Senator from Wisconsin for producing a sound and workable appropriations bill despite the revenue pinch which currently exists. As a member of the Committee on the District of Columbia, I intend to do everything I can to secure the prompt passage of the necessary authorization bills for the forthcoming year, so that District of Columbia appropriations for the year can be raised to more satisfactory levels.

NEW NEEDS FOR THE ARTS

Mr. JAVITS. Mr. President, in an address on June 19 to the American Symphony Orchestras League, at Denver, entitled "The Political Power of the Arts," Amyas Ames, Chairman of the Board of the Lincoln Center for the Performing Arts, has outlined what he terms as "six steps to a new phase in American life" to meet the growing crisis in our culture. The indexes of this crisis are increasingly apparent—deficits threatening the very existence of symphony orchestras, arts institutions curtailing their services to the community, and teaching programs being eliminated, among others.

It will be recalled that the British Arts Council was created and first given life during the darkest days of World War II, when London was under almost nightly siege. The British truly recognized that at a time of national stress, cultural value become vital means to build higher national morale. This is a valuable and is apertinent lesson for our times.

I ask unanimous consent that Mr. Ames' address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE POLITICAL POWER OF THE ARTS—(SIX STEPS TO A NEW PHASE IN AMERICAN LIFE)

We can see the signs of crisis in our culture—great orchestras dying; festivals cancelled; our cities unable to pay for the public service of their arts institutions; art and music programs in schools being eliminated; teachers of art and music being let go; community activities—where whole families celebrate the arts together—cancelled. We hear the persistent doubt expressed by young and old that something is wrong with our spirit. These are serious, troubling symptoms—seen all across this country. But treating symptoms is not to cure. We need to identify the disease, to understand the nature of the problem before we can solve it.

Archibald MacLeish has said: "The true definition of a civilized society, whether primitive or technologically advanced, is a society which understands the place of the arts; which knows that the arts are not decorations at the fringes of life, or objects collected in museums, or exhibited in theaters and concert halls or published in books, but activities essential to humanity because it is through the arts and only through the arts that what is human in humanity is conceived . . . life without the presentness of art would be life lived in ignorance of itself and therefore half a life or less."

With this beautifully expressed truth in mind, listen to what is happening in America:

Across the country inflation is knocking holes in school budgets and the first activity to be cut is the art program. The lights of the performing arts are going dim everywhere—in our great cities, in our schools, in our local communities, where, through the ages, man has celebrated the arts—old young, men, women, city and country dwellers. This is happening not because of intentional policy—but for lack of attention. Other priorities and rising costs stifle music, drama and our community activities in the arts, and we are reduced to "half a life or less." As we have congregated in larger and larger cities, and have, of necessity, turned the education of children over to separate institutions, we have increasingly treated the teaching of culture, of art and music, as a frill. We have forgotten our heritage. The symptoms indicate a cancerous anemia killing all artistic life. That is our problem: what is the solution?

The solution is to do in the 1970's for the arts what we did in the last decade for technology or as we did several generations ago to introduce new immigrants to the American way—we must turn to the schools. We must do what we did in 1957 when we woke up one morning to find a Russian satellite circling the globe. We must do as we always do when we require trained persons to fill our needs.

But when we turn to the schools what do we find? We find that the "Arts Program" takes a back seat to almost everything else. Far too many students complete their entire education without any meaningful exposure to the arts or understanding of the esthetic components of their environment. I am told that nationally as high as 80 or 90 per cent of high school graduates have had no courses in art or music at all.

Let me quote Mark Schubart, Director of Education at Lincoln Center and Manager of the Lincoln Center Student Program, which brings performing arts to a million children in the public schools in and around New York. Mr. Schubart, one of the truly professional people in the area of the arts in education says: "Curiously enough, we seem never to have thought of the idea of coping with *artistic illiteracy* in the same way that we cope with the problem of illiteracy in language. An enormous effort has been made to teach our citizens to read and to write through education, and that is precisely what we must do with regard to artistic illiteracy. Instead of treating the arts as an extracurricular activity—to put it bluntly, a frill—they must stand where they should at the heart of the curriculum."

We do have some fine educational programs in the arts developing in this country, but they benefit a pitifully small number of children. This is not so abroad. Carlos Moseley, the President of the New York Philharmonic, has just returned from Japan where he traveled with the Cleveland Orchestra preparing the way for the New York Philharmonic Japanese tour in late August.

It is significant that the Japanese place such emphasis on the arts that they will pay the cost of taking two of the great American orchestras half way around the world. It is significant that the Japanese audiences at these symphony concerts are young; that their nation is producing some of the finest string players in the world in contrast to a deficiency of such young players in this country. It is significant that Carlos Moseley saw whole classes drawing and painting at the national monuments and places of great natural beauty. They were participating in the arts at the same time that they studied their national heritage.

In another part of the world, Eastern Europe, education in the arts is considered of prime importance. Dorothy Maynor, the distinguished soprano, has just returned from a trip to study teaching methods used there. She reports: "The climate of education for the arts is set in the home before the children are even born. The folk strain

XUM

of the arts is preserved and encouraged, creating an enthusiasm among a very wide cross section of the people which evolves into the finest expression of the art form." As you know, it is from Eastern Europe that some of our finest musicians have come, and it is there that attention is paid to folk activities, there that art and the cultural heritage of the people are primary courses in the schools. Dorothy Maynor believes that "the whole structure of education of the arts in this country has to be rethought."

Thoughtful leaders in this country believe that education in and enjoyment of the arts, music, dance, theater and our common heritage in the humanities is essential to a full and meaningful life. Yet, at the very moment when these leaders realize the importance of the arts, the institutions are disappearing because they cannot meet their obligations.

The costs of supporting the great cultural institutions—to make it possible for them to perform their educational and public services—and the costs of restructuring the educational system to embrace the arts and humanities will have to be determined and new priorities set. I know that the symphony orchestras, for example, must have $15-million to survive. The cost of supporting all the arts of this country in 1971/2 is at least $100-million. You might think that a lot of money, but we are a very large and productive country and $100-million is a tiny fraction of what we spend.

For example, we are spending $15-billion a year on roads and highways. If we could set a new priority and take from this the $100-million needed to save all the performing arts of this country, it would slow down the road building program by a little over two days a year or three weeks in a decade. Roads and highways must be built and maintained, but we can wait those two days.

To cite another example of priorities: our Supersonic Transport program will cost at least $4-billion. Is it not better to support a cultural program affecting all our people, parents and children alike, than to focus our energies on such a further increment of speed?

If our culture is in crisis—and it is, if people care about the Arts—and they do—if we have the spirit and the money—and we have, then how can we be most effective? The answer lies, I believe, in our developing a working partnership among our political leaders, our educators, our businessmen (who must concern themselves with the environment of the central cities), and all of us in the arcts and humanities.

We in the symphony orchestras have a central role to play. As a first step, we should recognize that we have a community of interest with all of the arts, community activities in the arts and with the entire educational system of this country.

There is evidence that we can do as a nation what has been done so successfully in New York State under Governor Rockefeller's leadership. In New York, the true political power of the performing arts was demonstrated. First a goal was set—$18-million to save the arts in New York State—a goal in one state almost equal to that of the National Endowment Bill. When Governor Rockefeller's bill for $18-million for the arts was facing defeat a Committee of "Concerned Citizens for the Arts" met—300 strong—and initiated a letter campaign. Some assemblymen in Albany received more letters than they did on the abortion issue or the parochial school issue which were both hotly contested in New York State. The $18-million for the New York Council on the Arts was passed untouched. The lights which were growing dim in New York, just as they are across the country, have brightened a great deal because concerned citizens and a responsive legislature cared. It is clear that the arts have political power if we will but use that power.

Our chances for national success are just as great as the chances were in Albany. We now have a wholly new force working for us, one based on widespread worry that the environment is in danger—not only the rivers, air, and earth, but the environment of the inner cities and of the inner mind. People want to do something to improve the quality of life—and even those not directly interested in the arts recognize their importance in this effort.

It is heartening that President Nixon has greatly increased his request for an appropriation for the National Endowments for the Arts and Humanities. We are encouraged that the Senate Committee has approved a form of this bill increasing the appropriations from $40,000,000 in 1970 to $80,000,000 in 1972. We understand that some congressmen and senators have received mail second only in quantity to the Vietnam issue in support of this legislation. But we know that even if this legislation is passed, it will not be adequate to the total needs of this nation. Specifically, as orchestra managers, we know that the federal funds envisioned for orchestras will not solve their problems.

So to reach our goal, the American symphony orchestra must enlarge their horizon; join with all performing arts institutions and, following the pattern set by New York State, set a goal of $100-million to be made available to the art companies of this country in 1971/2. We should appeal to our national leadership for support, to our political leaders for backing, and to our associates in all the cities across the country for an active working partnership to reach this goal. Finally, we should challenge our educators, not only to restructure the American educational system to include the arts, but to join with us in reaching our goal of a full and good life in the 1970's.

Specifically, we would propose legislation that would provide the National Endowment with funds that would permit grants of up to ten per cent of the gross operating costs of qualified art organizations to pay for their public service and educational work, and an additional five per cent of gross operating costs to be granted if matched two-for-one by local governments or corporations. Thus, needy art organizations performing public service and educational work could receive up to 25 per cent of their gross costs—ten per cent from the Federal Government plus an additional five per cent if they could get two-for-one matching funds (ten per cent) from state, county, city or corporations.

Permit me to sum up what I have attempted to say to you today. We must take six steps to enter a new phase in American life:

1. *Recognize a National Crisis:* We are in a great crisis in the arts—a cancerous anemia is destroying the good things in our lives. Through inattention and inflation we are killing a great heritage in our local communities, in our schools, in our living—we are all underprivileged.

2. *Raise our Sights in Partnership:* All of us in the arts must join together in a partnership—that will raise its sights to the whole, forget rivalry and join in a well-planned drive to solve our national crisis in the arts—state by state, city by city, art by art.

3. *Challenge our Educators:* We must focus the attention of the country on the true cause of the crisis—the disease not the symptom—which is that our public educational system is failing to produce artistically literate people. So art, music, drama, dance and community play disappear from our country, and our people become artistically impoverished—unable to realize a full and good life.

4. *Set a New Priority:* The arts need $100,000,000 in federal and matching local funds in 1971/2 and a permanent base of support in the years ahead to cure this deficiency—a new priority equal to 1/40th of the supersonic transport, or just a two-day delay each year in the completion of our roads and highways.

5. *Explain our Service to the Community:* The museums, performing art companies and other art organizations that deserve support are those that are serving the local communities, working with the educators, participating in the active life of their communities. The people of this country must pay for such public service or they will be deprived of it.

6. *Use our Political Power:* We know our national leadership and our politicians are sympathetic to our cause. There are signs that we have great political power. We must ask our national leadership, our politicians, our businessmen and all lovers of the arts to join in a national purpose—to make the arts a part of life in all our communities—to rescue our heritage from extinction.

If all of us will work for the common cause of the arts in our communities, in our schools, and in our great concert halls and museums—if we will do for the arts what we did for technology in the last decade, we can enter a wholly new phase of American life.

Thank you.

TRADE AND THE COMMON MARKET

Mr. JAVITS. Mr. President, as the United States continues to be bogged down on the monsoon jungles of Southeast Asia, the Common Market and the United Kingdom are opening historic negotiations which may lead to an eventual West European confederation. The London Economist has estimated that over the next 20 years 16 or 17 states are likely to join this European confederation giving the Confederation a population in excess of 400 million by 1980.

The Economist feels that—

> The new Europe is almost certainly going to press forward to extraordinary economic and industrial achievements and it will probably help towards holding the right peacemaking balance of power in the world.

It foresees that—

> These 400 million fairly wealthy Europeans should quite soon become the second superpower of the world, significantly outweighing the (by 1980) 280 million much poorer Russians in power and influence. During our children's lifetime, we might even, just conceivably surpass the still fewer though much richer Americans, and become once again the chief power on earth.

These hopes may appear to be optimistic as the Common Market on one side and the United Kingdom, Ireland, Denmark, and Norway on the other open some 2 years of exceedingly difficult negotiations.

However, it is clear that the United States' stake in these negotiations is enormous. The continued well-being of our people, of our economy, as well as the national security of the United States is intimately tied to these negotiations. The questions of whether the expanded Common Market, if and when it comes into being, will be inward looking or outward looking; friendly, neutral, or protectionist; is crucial to the United States' position in the world, and crucial to the continued strength and growth to our economy.

In light of the opening of these highly significant negotiations, I consider it tragic that the United States and Japan failed to resolve their trade differences

XUM

last week; and that the administration felt it had to support quota legislation designed to protect our domestic textile industry from import competition. This unfortunate confluence of circumstances in which domestic political considerations and Japanese intransigence in the negotiations were so prominent however necessary it may have seemed to the parties, will not serve to strengthen the hands of those Europeans who favor an outward looking, expanded Common Market. It will not strengthen the hands of those within the Common Market, nor of those seeking entrance, who seek to liberalize existing Common Market practices and policies which have the effect of working to the detriment of U.S. exports.

Mr. President, I ask unanimous consent that the lead article of the special London Economist survey of the prospects for European Unity, entitled "The Phoenix is Short-Sighted," and an editorial entitled "Threat to World Trade," published in Sunday's New York Times, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, June 23, 1970]

Threat to World Trade

The showdown over Japanese textile exports to the United States has come with the arrival in Washington of the Japanese Minister of International Trade and Industry, Kiichi Miyazawa, and the Foreign Minister, Kiichi Aichi. President Nixon's top foreign policy advisers have warned that failure to work out a textile agreement with Japan is likely to cause a serious deterioration in Japanese-American relations just when Tokyo has decided to extend its security pact with Washington.

Apparently scornful of the wider political and economic dangers involved, Assistant Secretary of Commerce Kenneth Davis attacked the President's advisers and urged him to back the kind of compulsory quotas against textiles and shoes contained in the trade bill sponsored by Representative Wilbur Mills. The result was a prompt demand by Commerce Secretary Stans for Mr. Davis's resignation.

Nevertheless, there remain powerful pressures on the President to impose drastic curbs on Japanese textiles. American producers and their political spokesmen are determined to hold the President to what they regard as his 1968 campaign commitment to restrict Japanese competition. Secretary Stans has been urging the Japanese for months to accept long-term "voluntary" textile quotas that would accomplish this end, but the Japanese have refused. Premier Sato is feeling political and industrial pressures closely resembling those on Mr. Nixon.

It is urgent that both Governments withstand these pressures and find a compromise solution. Although the details of the Miyazawa proposal have not been revealed, it appears the plan may provide the basis for such a compromise. It would impose a one-year moratorium, with Japanese textile shipments to this country limited to a little above the 1969 level. But the negotiation must look beyond the next twelve months if it is to have any hope of success. The United States should offer Japan, as well as other foreign producers, a chance to compete for larger sales here as the United States market for textiles expands. The moratorium would buy time for a worldwide solution.

Despite extreme claims by the American textile industry, little evidence has been offered of substantial injury or unemployment resulting from foreign textile competition. In his economic message last week Mr. Nixon stated that this country's import policy will be reviewed "to see how supplies can be increased to meet rising demand without losing jobs at home." Textiles should provide a key test for this policy, not an exception to it.

However, the burden of a fair settlement of this dispute cannot rest solely on the United States. While complaining bitterly about the restrictions of others, the Japanese maintain tight restrictions against foreign trade and investment.

A breakdown of these textile negotiations would have disastrous consequences. Not only would it endanger United States-Japanese relations and exacerbate Japanese nationalism but it could set this country on a route to protectionism that would spread internationally. It will take wisdom and skill on the part of both Governments to avert such a disaster.

[From the Economist, May 16, 1970]

The Phoenix Is Shortsighted

The phoenix was the bird in ancient mythology which, after living until it was five or six centuries old, burned itself on a funeral pyre, and rose from the ashes with renewed youth to live through another life cycle. It is probable that our old western Europe, which was born in the Renaissance, reached its funeral pyre in 1914–45. A new bird has now been born. This February and March, Norman Macrae, the deputy-editor of *The Economist*, went on a journey to study it. The new young western Europe is going to turn itself into a confederation. It is likely quite quickly to surpass Russia in power and influence, and become the second most important superpower on earth. During our children's lifetimes, it may even catch up with America. But, while it is going to imitate some of America's glories, Macrae argues that it may also now be on course to repeat, on an even grander scale, every one of America's mistakes.

The new Europe is almost certainly going to press forward to extraordinary economic and industrial achievements, and it will probably help towards holding the right peacemaking balance of power in the world (which last, in this nuclear age, is obviously by far the most important fact). But the tragedy of the United States during this past American century has been that it has not managed to spend its vast money wisely in order to prevent fearful social strains arising among its people; partly because its federal constitution often does not allow its central government to move in either a reforming or an order-restoring direction smoothly or in time. Now Europe is setting up its own economic union, which must very soon lead to free movement of both labour and capital, and it is finding it convenient to pretend to itself that it will not need a central government at all.

Into this embryonic confederation is now waddling Great Britain, as usual at least 13 years late, It is proposing to negotiate about its entry during another bargaining bout in 1970–71: talking about most of the wrong things in the process, while the not-quite-government of Europe will talk about different wrong things back. In this survey Norman Macrae discusses the background to these negotiations, and the dreadful administrative muddle (in both Brussels and London) which he thinks has preceded them; then he says what he considers the real (as distinct from imagined) issues for Britain in Europe are, why our entry is desirable, and what polices he belives a Briton in Europe ought to favour. His survey is both a report from Brussels on the prospects immediately ahead, and a discussion of the big problems which may lie just beyond the range of Europe's present peering.

STEATHILY, A SUPERPOWER

The object of this journey was to make up my mind about European union. It is fairly clear that within the next 30 years some sort of west European confederation will come into being, and probably that Britain will be a member of it. This will be the biggest political development in British history. But most of the debating and thinking in Britain about the subject has not begun to measure up to that towering fact.

A huge thing is happening in Europe. They are hammering out the constitution under which more than 400 million of us are likely to be governed before the end of this century. And they are hammering it out while we all pretend that they are doing no such thing. The notes under the map on page 23 argue that, at the best guess, 16 or 17 states are likely to join a European confederation in the next 20 years. These 17 countries already contain more than 350 million people. On present demographic trends, their populations should reach 400 million even by 1980. Russia's population is likely to be 280 million by then, and America's 240 million. If our European union is coming into being, the implications are obviously enormous.

These 400 million fairly wealthy Europeans should quite soon become the second superpower of the world, significantly outweighing the (by 1980) 280 million much poorer Russians in power and influence. During our children's lifetimes,we might even, just conceivably, surpass the still fewer though much richer. Americans, and become once again the chief power on earth.

This is not said in any spirit of bombast. Indeed, although this supposedly exhilarating prospect of Europe winning a louder voice in the world is trumpted by many people as a main advantage of Britain joining the European community, the first humble point that idealistic supranationalists should recognise is surely that loudness (perhaps brassiness?) of a European voice will not in itself be a good thing. Its goodness will depend on what sort of superpower we make our Europe into.

A great responsibility is therefore likely to devolve upon the present generation of Europeans. For a superpower, as for a child, the first few years of constitution-making and character-forming are apt to be the most important. Unfortunately, one of the worried arguments of this survey is that this next crucial stage of our European constitution-making looks very likely to be a flop. Never has so great a venture been conceived with so offhand a manner of coition.

PEACEFUL, PROSPEROUS, AND SOCIALLY STRAINED?

We are at present glorying in our myodia, and calling it pragmatism. A favourite soothing sentence in Britain just now it that, even if Britain enters the European Economic Community in 1971–73, supranationalism will be a subject only for our children to decide. On the contrary, it will be for us very quickly to effect. All countries that participate in the EEC will find themselves heading speedily into at least a confederation, by which I mean an association considerably closer than a customs union, with more and more aspects of policy needing to be decided at the centre in (presumably) Brussels. The clinching fact here is that before the end of the 1980s European economic union will almost certainly have moved to the stage where there is genuinely free movement of labour between member states. The only real choice we will then face is between having an efficient confederation or having a very inefficient one.

Man at present seeks three main things through and partly from his political systems: peace, prosperity and what may be called a more cohesively gracious form of living together. My view after this trip through Europe is that the new European union will

XUM

strengthen the prospects for the first two, but is on course to make a dreadful mess of the third. The advanced countries of Europe are now at a stage where their already comfortable prosperity can almost certainly be increased unusually sharply by the freest possible movement of capital, labour and selling activities across the widest possible continental market. They are quite clearly at a stage where their peacekeeping role can be made more effective, and their technology-using defence industries less frightfully inefficient, by union of some kind. Since the strengthening of peace is the most vital objective in a nuclear world, and since a hastening of the last few steps needed before we reach a condition of sated prosperity will be quite convenient, I am a supporter of Britain's entry into the EEC at the earliest moment.

Anyway, even if I were not a partisan, I would feel it safe to be a prophet. Because man is still so greedy, the evidence that integration into large markets causes economic growth rates to expand—evidence which will probably become more convincing every year, as the growth industries for countries above the coolie class turn from mere mass-production industries like motor manufacture to mass-innovation industries like computers—is steadily going to bring all non-communist Europe into some association based on the present EEC. But the horrifying thing is that we Europeans have not looked around us, and especially across the Atlantic, to learn the other equally obvious political lesson for advanced technological societies in our time.

This is that advanced countries are now also at a stage where central governments need to spend more money, and take a bit more central power, to deal with the social problems thrown up by the freer movement of capital, labour and commercial activities which is what profitable economic integration means: problems of swelling cities and depopulated regions, of pollution and environmental control, and, above all, the strains caused within great states (or even great customs unions) by even marginal differences in institutional practices or in individual rights between different regions. The greatest problems in our rich and fat European union during the next three decades are most likely to be the problems that few people in Europe have yet begun to think about.

If the police are slightly more corrupt in one region of a union, that region may become the centre for organisation of confederation-wide crime. If there are differences within the union in interpretations of civil liberties or in the tone of boss-worker or teacher-student relations, then violence is likely to break out in either the more rightwing or the more permissively liberal regions (and the sort of violence that will do nobody any good). If welfare benefits are higher in some of the richer and mostly urbanised areas of the union, then those rich urban areas may become the haven for layabouts (although they are the most uneconomic and socially dangerous places for layabouts to congregate in). If there are differences in interpretation of gambling laws, or drug laws, or laws controlling any other morally controversial activity, then the loosest areas will become hells like Las Vegas, while other regions will try to stave this off by ridiculously puritan and repressive laws (which bring their own problems in train). And all the way across the union there will be differences in interpretation about how society should treat people who are not locally born, how much lack of deference should be shown to local political or trade union or industrial or even aristocratic bosses, and who should be regarded as most blameworthy when a policeman and a demonstrator hit each other rather hard.

XUM

WESTWARD LOOK

The coming United States of Europe should have seen all this from the experience of its great forerunner, the United States of America. The lesson from there on these issues is surely quite plain. A large part of the whole modern tragedy of America—the fact that social problems still gape so horribly in that wonderfully dynamic country which has led the world to economic and industrial miracle—has rested on the misfortune that the federal government has felt inhibited from taking some of the most vital decisions at the right and early time (e.g. it was far too, slow in getting fair treatment for the Negro in the South). Now the United States of Europe moves into being at the tail end of this illustrative American century, and it is telling itself that it will be most convenient to suppose that united Europe will not initially need a central government at all.

In no region of the coming European superpower has less thinking about future federal or confederal problems been done than in the supposedly sophisticated region of Great Britain. My main purpose in this survey is to suggest what policies I think Britain should favour on the biggest constitutional political and economic issues that will come surging out of the mist towards us in the years after Britain has signed the Treaty of Rome. Beside this, it is matter of only marginal importance for our children exactly when our signing of that treaty will be.

Our whole history will be affected if we do not start thinking what sort of government system we should favour once we are in the European Economic Community. But only a few more boring billion pounds of national income will be lost for a few more years if Mr. Thomson or his successor messes up the negotiations in 1970–71, so that some other negotiators have to get us in on rather worse terms in 1975–76. This is not the conventional thing to say just now. One is supposed to utter shrill cries about "Britain's and Europe's last chance." But we have now had three "last chances" in eight years, and I have little—well, perhaps just a nagging little—doubt that there will soon be a fourth time of asking if in 1970 or 1971 Britain sidles out.

Nevertheless, since the Thomson negotiations are due to start this summer, it will be best to begin this survey with a report on the view that I formed this journey of their prospects; and then to proceed on to discussing the issues from there.

I had visited Brussels or Paris briefly during both the first Heath and first Wilson attempts at entry. This time I went back to both capitals, and dug in at Brussels for a longer spell.

DISTRICT OF COLUMBIA CRIME

Mr. MATHIAS. Mr. President, I wish to remind Congress of our responsibility in facing and dealing with the serious crime problem in the District of Columbia, since Congress has chosen to retain virtually exclusive governmental authority within the District.

To this end, I ask unanimous consent to have printed in the RECORD a list of crimes committed within the District yesterday as reported by the Washington Post. Whether the list grows longer or shorter depends on Congress.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 29, 1970]

WOMAN, 19, RAPED ON MALL; HUSBAND, FRIEND ROBBED

A 19-year-old Washington woman was raped early yesterday while she was walking on the Mall with her husband and a male friend of theirs, U.S. Park Police reported.

According to police, the three were walking at 3rd Street and Madison Avenue, near the tennis courts in front of the Capitol, at 12:45 a.m. yesterday when they were approached by three men.

The men assaulted and robbed the husband and the male companion, taking a small amount of cash, and then forced the men to lie down while they raped the woman. They then tied all three and fled, police reported.

In other serious crimes reported by area police up to 6 p.m. yesterday:

ROBBED

Paul Beal Sunoco station, 4901 Wisconsin Ave. NW, was held up by two young men who entered the station about 10:30 p.m. Saturday and asked the attendant where the cigarette machine was. One of them then drew a revolver and said, "That is a holdup." The gunman took the money from the attendant's shirt pocket, forced him at gunpoint into the garage and ran with his companion out of the front door.

Raymond Spears, of Washington, was beaten and robbed shortly after 4 a.m. by four men who attacked him as he was walking on Piney Branch Road NW, between Underwood and Van Buren Streets. Approaching Spears from behind, the assailants struck him in the face with an unidentified object, took his wallet and fled on foot.

William Aylor, of Washington, was beaten and robbed about 6:45 p.m. Saturday at Connecticut Avenue and Calvert Street NW by a man who hit and kicked Aylor and demanded, "Give me money." The man tore Aylor's pocket as he grabbed his wallet and fled from the intersection.

James Gordon, of Washington, was held up about 9:50 p.m. Saturday by two youths who approached him in the 1300 block of East Capitol Street. One of them drew a gun and said, "Hold it. Give me the money." After taking Gordon's wallet, the pair fled on foot.

Henry A. Wright, of 1817 Vernon St. NW, was held up about 1:30 a.m. in front of his home. Two young women approached Wright and asked if he had any money. When he replied no, two men joined them, one of them brandishing a gun, the other a pipe. They forced Wright to give them his wallet and fled on foot.

Veronica Lawson, of Pennsylvania, was held up about 12:05 p.m. Saturday as she entered the elevator in a building in the 700 block of 13th Street NE. A man armed with a revolver demanded her money and fled from the building after taking the bills she was carrying.

Samuel P. Payne, Jr., of 1883 New Hampshire Ave. NW, was held up about 10:05 p.m. Saturday by two young men who approached him from behind as he was opening the door of this apartment. One of them pointed a revolver at Payne and ordered, "Give me the money, man." He then took the wallet from Payne's pocket and fled on foot with his companion.

Raymond Shelton, of Washington, was held up about 10:55 p.m. Saturday by four youths who approached him at 18th Place and East Capitol Street. One of them pulled out a revolver and held Shelton at bay while a second youth took his wallet. The youths then ran west on East Capitol Street.

Norman Powe, of Washington, was held up about 3:35 p.m. Saturday by two youths, one wielding a handgun, who approached him in the 1300 block of 44th Place SE. After forcing Powe to surrender his money, the pair escaped west on Ridge Road SE.

Luther Leonard Thompson, of 713 Burns St. SE, was held up about 7 a.m. by a man displaying a gun who urged him, "Hurry up. Get in the rest room. The man is out there now." The gunman reached into Thompson's pocket took a large amount of money and warned, "Don't come out for three minutes or I'll blow your head off."

Charles McGet, of Washington, was held up shortly after 11 p.m. Saturday in the fifth-floor hallway of an apartment building in the 2800 block of 14th Street NW. Two young men, one of them brandishing a gun, approached McGet, demanded money and fled on foot after he handed them his cash.

George A Morton, of Washington, was held up about 8:50 a.m. as he was alighting from a bus at Columbia Road and Warder Street NW. A man approached him from behind, placed a hard object at his back and asked for money. After taking Morton's cash, the man warned him not to look around, then fled.

Denney W. Leak, of Washington, was held up about 6:30 p.m. Saturday in the 1500 block of Benning Road NE. by three men who knocked him to the ground, removed a large amount of money from his right sock and fled on foot toward 16th Street.

George T. Nelson, of Arlington, a driver-salesman for the Home Juice Co., was held up about 1:30 p.m. Saturday by a youth who approached him at 40th and Blaine Streets NE. The youth drew an automatic and demanded, "Give me all your money." After Nelson handed him the bills, the gunman escaped into a wooded area in the 4000 block of Blaine Street NE.

Clarence C. Crumley, of Lansing, Mich., was held up shortly after midnight Wednesday by a man who said, "I have a gun. Give me your money." The gunman took Crumley's wallet containing cash and personal papers, then fled on foot in the 2600 block of Woodley Road NW.

McKenzie W. Perritt, of Washington, a cab driver, was held up about 4.45 a.m. by a man who asked him to take him to 62d and Banks Streets NE. There the passenger drew a pistol and demanded, "All right. Hand me the money." After taking Perritt's change purse and revolver, the man fled on foot.

Tony Harned, of Laurel, was held up about 11:30 p.m., Saturday by three youths who approached him while he was sitting in his car in the 1500 block of Kenilworth Avenue NE. "Which way to the parkway?" they asked Harned, who said he did not know. One of the youths then drew a handgun and ordered, "Let's have it." He took Harned's wallet and fled with his companion.

Roy Arthur Peterson, of Washington, was treated to Washington Hospital Center after he was shot in the hand during a robbery. Three men, one of them armed with a handgun, approached Peterson about 11 p.m. Friday at 4th Street and Rhode Island Avenue NW and told him to get out of his car. After ordering Peterson to place his hands on the car, the trio took a large amount of money, shot Peterson and fled.

William Polley, of Washington, was held up about 1:35 a.m. Saturday by three youths one of whom concealed a gun in his pocket. The trio confronted Polley in the 2800 block of Georgia Avenue NW., demanded his money and fled east in the 500 block of Gresham Street with the cash.

Naoli's Delicatessen, 1364 Florida Ave. NE., was held up about 10:30 p.m. Saturday by two youths who browsed through the store, then approached the clerk at the cash register and told him, "Open it up. Give us the money." As the employee backed away from the register, one of the youths jumped over the counter, removed the money from the cash drawer and ran out of the store with his companion.

Little Tavern diner, 630 North Capitol St. NW, was held up about 9:45 p.m. Saturday by two youths who asked the clerk for a glass of water. As he turned to serve them, one of the youths pulled out a handgun and demanded, "Give me all the money out of the cash register. No change. Just the bills." After the clerk had turned over the dollar bills, the gunman warned, "Get in the back room and don't say a word or I'll kill you," he then ran out of the shop with his companion.

George Gordon, of Washington, was held up about 4 a.m. by four men armed with handguns who confronted him in the 1600 block of C Street NE. "Let's have it," demanded one of the gunmen taking Gordon's wallet, car keys and papers, the four fled south in an alley.

Andre Duvall, of 108 Tennessee Ave. NE, was robbed about 11:30 p.m. Saturday by three young men who entered his apartment and grabbed him. After tying Duvall with a belt, the trio threatened to kill him if he came out of the bedroom. The intruders then looted the apartment and escaped with a color television set, a stereo amplifier and a stereo, AM–FM radio.

ASSAULTED

Ernestine Short, of 1431 3d St. SE, was admitted to Rogers Memorial Hospital with facial wounds she suffered during a fight about 10:10 p.m. Saturday in her home. A man struck her in the forehead with a revolver, police said.

Doris T. Langeley, of 1378 A St. SE, was treated at Rogers Memorial Hospital for head injuries she received when a man wielding a pot lid struck her over the head at about 7 p.m. Saturday inside her home.

Walter D. Peterson, of Washington, was admitted to Washington Hospital Center after he was beaten in his head and body by three men who attacked him about 2 a.m. at the intersection of Upshur Street and New Hampshire NW.

Michael Corbett, of Washington, was admitted to D.C. General Hospital for eye injuries he suffered during a fight with two teen-agers in the 1200 block of Meads Street NE, at about 4 p.m. Saturday. While one of the youths ordered his dog to attack Corbett, the other youth hit the victim in the face and body with a baseball bat.

David W. Moxley, a NASA employee from Florida, in Washington with his family to visit relatives, was treated at Sibley Hospital for injuries he suffered when his car was stoned about 11 p.m. Saturday. Moxley told police he was driving his wife, 6-year-old daughter, mother and mother-in-law into Rock Creek Park from 14th and Upshur Streets NW when they passed a group of approximately 50 men, women and children congregating on the corner. Someone threw a rock at the car, shattering the window and sending slivers of glass into Moxley's eye. Moxley said there was no apparent reason for the attack and no attempt to stop the car. Moxley said he continued driving to Connecticut Avenue and Porter Street, where he called an ambulance.

David Clark, of Washington, was treated at Rogers Memorial Hospital for injuries he suffered during an attempted robbery at 4th and K Streets NE. A man jumped Clark and tried to grab his money. Clark's mouth was injured during the struggle.

ADJUSTING OUR ASPIRATIONS TO OUR CAPABILITIES IN INDOCHINA

Mr. CHURCH. Mr. President, a seasoned and knowledgeable reporter on Asian affairs, Stanley Karnow, has provided the American people with sound and mature judgments during his decade of coverage. Recently, he summarized his stay there with a fine analysis of the untenable American position in Indochina.

He suggests that:

> Our Vietnam commitment evolved gradually, perhaps inexorably, out of a frustrating conflict between our ideals and our capabilities.
>
> On the one hand, it seems to me, an old fashioned brand of idealism inspired the conviction among able, intelligent American policymakers that the United States could play a decisive role anywhere in the world. What we discovered, though, was that we could exert only minimal influence in a strange, faraway, alien society such as Vietnam.

Mr. Karnow then goes on to recite a series of misreadings of history, false analogies—comparing Vietnam to Munich would be one—and an arrogant assumption of American "can-doism," all of which are chargeable to our national security managers.

And, finally, Mr. Karnow states:

> Until we adjust our aspirations to our capabilities, it seems to me, we are bound to be disappointed.

Mr. President, I ask that the complete Karnow article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 28, 1970]

A GRIM NOTEBOOK ON OUR ASIAN TRAGEDY

(By Stanley Karnow)

HONG KONG. No exercise is more fascinating, illuminating and depressing for a reporter leaving Asia after a decade than to weed out his voluminous files on Vietnam. For the stacks of frayed notebooks, faded newspaper clippings and unpublished memorabilia provide a personal retrospective of an American tragedy in the making.

And the dominant sensation that emerges from this review of the past is disbelief—disbelief that the United States, purportedly a nation of hardheaded pragmatists, could have stumbled so blindly into a disaster that is now shaking the nation's stability and threatening to undermine its unity for a generation to come.

Equally striking in retrospect, is how little has changed over the years. The war has grown to monstrous proportions, of course. But it is still, as it has been from the start, an assortment of wars being fought in different ways, and for different motives in Washington, Saigon, Hanoi and on the battlefield. Thus nothing can be plausibly measured.

The search for the elusive truth about Vietnam will surely preoccupy historians and social scientists far into the future. Within the scope of my own narrow experience, however, I would suggest that our Vietnam commitment evolved gradually, perhaps inexorably, out of a frustrating conflict between our ideals and our capabilities.

On the one hand, it seems to be, an old-fashioned brand of idealism inspired the conviction among able, intelligent American policymakers that the United States could play a decisive role anywhere in the world. What we discovered, though, was that we could exert only minimal influence in a strange, faraway, alien society such as Vietnam.

Therefore, our enormous power was only marginally effective. We could inundate the South Vietnamese countryside with napalm and try to bomb North Vietnam back to the Stone Age. But we could not compel, or even persuade, our Saigon clients, much less the enemy, to accept an "honorable settlement"—if, indeed, we actually knew what kind of settlement we wanted. .

So our strategists and tacticians improvised and experimented and contrived dreamy new schemes, each in its turn proclaimed by official publicists to be the winning formula. Just as Lyndon Johnson praised Ngo Dinh Diem and Richard Nixon extolled Nguyen Van Thieu, we also sought to portray a succession of Saigon leaders as potential George Washingtons. I had nearly forgotten Nguyen Khanh until a sweat-stained notebook reminded me of Robert McNamara embracing him as the savior of Vietnam as they toured the Delta together in early 1964.

XUM

BELATED AWAKENING

Meanwhile, we sank deeper and deeper into the quagmire, with hardly anyone in or out of government perceptive or courageous enough to challenge the basic concept of our Vietnam commitment until we were so involved that the question of whether to quit or remain in that benighted land divided our own nation.

In part, I think, nobody quite saw where we were heading as our Vietnam engagement was taking shape eight or nine years ago. Reaching back to 1961, I recall Robert Kennedy's reaction to attempts by American correspondents in Hong Kong to discuss Vietnam. His attention waned after a couple of minutes and he cut us short with the remark: "We've got 20 Vietnams a day to handle at the White House."

For a long time, too many U.S. politicians preferred to skirt an issue that had not yet hit them directly. As late as 1966, a West Coast congressman explained to me: "Only a dozen boys from my constituency have been killed in Vietnam so far. When the number gets up to a hundred, I'll have to think about what to say."

Significantly, the earliest critics of our Vietnam policy, like John Paul Vann and David Halberstam, did not favor withdrawal but merely advocated different methods in opposition to the conventional Establishment approach. Several of today's prominent doves were also among the principal architects of our Vietnam commitment.

Back in 1962, for example, I recollect listening to Roger Hilsman, then a senior activist on the Kennedy team, enthusiastically depicting "strategic hamlets" as a dynamic program that would revolutionize Vietnamese peasants and in the process both weaken the Vietcong and force the Diem oligarchy to reform. In short, as Hilsman told it, we were going to wage an American version of "people's war" that would beat the Communists at their own game.

The name of the game was "counterinsurgency," and it captured the imagination of the Kennedy administration. Suspicious of the Pentagon, which was still clinging to the "massive retaliation" doctrine of the Eisenhower era, the Kennedyites believed that they could spawn a new breed of American soldier capable of coping with "brushfire wars." Hence the fanfare that heralded the "Green Berets," those romantic figures destined to use Communist tactics against the Communists in jungle conflicts from Laos to Venezuela. I remember one American general in Saigon switching to the fad: "Why, our forefathers were guerrillas against the British long before communism even existed."

A FADED ERA

Though the notion of Americans serving as revolutionaries in a foreign country is now discredited, the nonconformists were an attractive antidote to the Blimpish brass hats and bureaucrats who staffed our Saigon mission in the last 1950s, when I started reporting on Vietnam.

Saigon in those days was a pleasant, leafy city reminiscent of a provincial capital in southern France. Its easy-going ambience was matched by the complacent ignorance of our military and civilian officials, who seemed to believe their own propaganda that Diem had effectively consolidated his authority and was putting South Vietnam in the path to New England town hall democracy.

I recall one U.S. official showing me the crowd eagerly watching the results of the 1960 American presidential elections being tabulated in the display window of the U.S. Information Service library. This, he exclaimed happily, was heartening proof of real interest in democratic procedures.

A local acquaintance later informed me that the crowd was mostly composed of Saigon Chinese who could not tell Kennedy from Nixon or Maine from California and cared even less. Inveterate gamblers, they were simply betting on which numbers would come up next on the scoreboard.

The American ambassador at the time was Elbridge Durbrow, an able diplomat whose warnings about the increasing unpopularity of the Saigon regime were borne out in November, 1960, when South Vietnamese paratroopers staged an abortive coup against Diem. But Durbrow was overshadowed by the chief of the U.S. Military Advisory Group, Lt. Gen. Sam Williams, a leathery type known as "Hanging Sam" because he had presided over the execution of Nazi war criminals as commandant of the Nuremberg jail.

Personifying the adage that generals approach every new war with the strategies of the last one, Williams anticipated a Korean-style Communist invasion of Vietnam and helped Diem to build a roadbound army that the Saigon leader primarily wanted for protection against internal uprisings. Like his predecessors and several of his successors, Williams also operated independently from the ambassador, thereby giving Diem the cpportunity to play off the Pentagon against the State Department.

DIEM POLICY HARDENS

The 1960 coup attempt, in which Diem outmaneuvered his adversaries by promising to reform and reneging afterward, was an important episode. It confirmed Diem's distrust of nearly everyone outside his immediate family and, as a consequence, strengthened the power of his brother, Ngo Dinh Nhu, and Nhu's wife—a couple that made the Borgias look like the Billy Grahams.

As the power of the Nhus grew, many of Diem's most intimate subordinates began to voice their grievances to foreigners. Among the disenchanted were Dr. Tran Kim Tuyen, director of Diem's secret police, and Col. Pham Ngoc Thao, a former Vietminh officer who had turned anticommunist in 1954. They and others like them repeatedly told any American who would listen that the Diem regime would collapse unless it was made to reform. Eventually, the Buddhist resistance of 1963 spiraled into an army-led revolt in which Diem and Nhu were murdered.

But even as this storm was brewing, there was an almost incredible refusal on the part of U.S. officialdom to concede that an eruption was possible. The CIA station chief in Saigon, for instance, offered a memorable reply to questions about rising disaffection in Diem's army. "Come now," he said, "Lincoln had trouble with his generals, too."

In a brilliant analysis of the American commitment to Vietnam published a couple of years ago, James C. Thomson, Jr., a onetime White House aide, contended that the Bay of Pigs fiasco, Khrushchev's truculence at Vienna and the Berlin crisis all combined in 1961 to create an atmosphere in which President Kennedy felt compelled to demonstrate America's mettle. The arena for that demonstration was Vietnam. Accordingly, Diem was our man.

This was already apparent in early 1961 when Lyndon Johnson, then Vice President, flew to Saigon and referred to Diem as the "Winston Churchill of Asia." Later, riding in Mr. Johnson's airplane, I asked him why he had lavished such praise on the Saigon leader. "Now, you know he's the only boy we got out there," he responded casually.

That comment was, of course, a variant of the well-known rationale for backing unattractive characters the world over. "He's a sonuvabitch, but he's our sonuvabitch." In this case, though, Mr. Johnson's exuberance had the effect of convincing Diem that he was really Asia's Churchill and, after that, there was no shaking his belief in his own infallibility. Therefore, when Gen. Maxwell Taylor arrived in Saigon in late 1961 to work out the first in a series of massive aid programs to Vietnam, Diem stubbornly rebuffed recommendations that he liberalize his government. In essence, he acted as if he was doing us a favor by taking our help.

It soon became evident, as Robert Scigliano observed, that if Diem and his family were American puppets as the Communists alleged, they were puppets who pulled their own strings. And as the U.S. involvement expanded in later years, we began to perceive that the South Vietnamese pulled our strings as well—for the elementary reason, I believe, that our repeated assertions that the fate of our nation hangs in the balance in Vietnam have naturally convinced them that they hold the key to our destiny.

The pattern that has made us prisoners of our reputed puppets was therefore fixed in our 1961 decisions to support Diem on his own terms. Moreover, the style of our approach to the Saigon leaders was set by Frederick Nolting, the U.S. ambassador of that period. He seemed to believe that, by appeasing Diem, he would somehow store up credit with the Saigon leader that could be redeemed when Washington sought South Vietnam's cooperation on major issues.

Accordingly, Nolting not only went along with Diem's whims but even, on one occasion in early 1962, delivered a speech to the local Rotary Club urging Saigon's middle-class burghers to cease their carping and get behind the regime. Nolting evidently did not know that one earnest Rotarian, Harvard-educated Dr. Pham Quang Dan, was then being held in an airless underground cell in the Saigon botanical gardens for having criticized Diem's family.

The flaw in the Nolting approach—and the flaw in subsequent attempts to appease Saigon leaders—lay in Diem's knowledge that we needed him more than he needed us. Nolting learned that his credit was worthless when, in 1962, he was instructed by Washington to dissuade Diem from breaking relations with the newly formed neutral government in Laos. Diem refused, saying in effect: "I don't owe you a thing."

POSITIVE THINKING

In the meantime, our immersion in a situation we could not quite understand, let alone control, was being accelerated by the insistence of our military establishment that we were making great strides in the crusade against the Communists.

To a large extent, I think, our capacity for self-delusion stemmed from what one U.S. diplomat has called "can-doism"—the certainty that Americans can do anything anywhere and that those who say otherwise are defeatists. In short, we became hypnotized by our own concept of ourselves as supermen to such a degree that American officials in Vietnam were instructed to turn in optimistic reports even if they bore no resemblance to reality. "Positive thinking" was the byword.

This urge to portray the U.S. effort in glowing Technicolor was reflected in Adm. Harry Felt's advice to correspondents to "get on the team." It was also dramatized in the graphs and flip-charts and statistics that led Robert McNamara to state that "by every quantitative measure, we are winning the war." Most of all, I believe, the generals wanted to believe they were making progress because they knew that there were no promotions for losers. In 1963, after McNamara predicted that Americans would be out of Vietnam by Christmas, 1965, the U.S. commander in Saigon, Gen. Paul Harkins, told me: "I think the Secretary is too pessimistic. We'll be home before the end of 1964."

The compulsion to register progress went to such lengths that a group of senior U.S. officials even announced a minor "victory" when a New Year's Eve party they threw was not attacked by Vietcong terrorists then active in Saigon. A similarly upbeat emphasis was constantly stressed by the ebullient Robert Komer, the former ambassador in charge of pacification. Flying with him around central Vietnam during the 1968

XUM

Lunar New Year offensive, we landed at one badly hit town. Komer scanned the scene and said in his staccato style: "They told me this place was 90 per cent destroyed. Why, it's not more than 70 per cent destroyed."

In 1964, when Maxwell Taylor became ambassador in Saigon, the mission machinery was reorganized in order to report progress even if none was actually taking place. Before this, U.S. and South Vietnamese officials had tried to plan together, and movement had been slow. To speed things up, Taylor created a "mission council" composed exclusively of Americans who conceived projects and passed them on in package form to the Vietnamese.

DISREGARD FOR FACTS

In some instances, careful studies of proposed programs were discarded because their recommendations were negative. This was the case in 1961, when two foremost American experts advised against moving peasants into "strategic hamlets" on the grounds that displacing people did more harm than good. Their advice was rejected, and the program went ahead anyway, with dubious results.

The demand from Washington for rapid action sometimes meant that decisions were made without advance study and were justified afterward. In late 1964, for example, a Rand Corporation team was set up to assess the possible political repercussions of employing tactical U.S. air power inside South Vietnam. The team expected to produce "preliminary" recommendations within a year. The bombings started long before that. The team thereupon endorsed the bombings with the somewhat contorted rationale that peasants blamed the Vietcong for turning their villages into targets for air strikes.

The tendency to shoot first and ask questions afterward often reflected a desperate desire to maintain a rapid momentum of innovations. The White House itself was frequently the source of the pressure for this momentum. A six-month course to train South Vietnamese pacification cadres was cut down to six weeks, for instance, because Washington was in a hurry. The upshot, explained one official connected with the course, was that "we turned out sausages instead of competent cadres."

The rush to do something was understandably prompted during times of extreme crisis, when almost any move was considered preferable to inaction. The decision to bomb North Vietnam, though planned in advance, was evidently taken in order to arrest the deteriorating situation in the South in early 1965, when Saigon governments were toppling and the Saigon strategic reserve battalions were being decimated.

Looking back, it seems to me that our conduct in Vietnam was generally less convoluted than many observers have suggested. Indeed, it could be argued that we were insufficiently Machiavellian, especially within the context of an arcane Oriental society. American military and civilian officials were not, like the Vietnamese, chronically involved in complicated plots and conspiracies. On the contrary, they behaved for the most part in straightforward fashion, and that was the rub. Vietnam is a corkscrew country, the "land of the doublecross," as Douglas Pike called it. Yet we persistently believed that we could shape the Vietnamese into facsimiles of ourselves.

To label the 1967 Vietnam elections fraud would be unfair. But they were a farce in the sense that, outside Saigon and other cities, the notion of free choice was alien. Still, Lyndon Johnson wanted a legitimate Saigon government and the Vietnamese leaders saw no inconvenience in obliging him.

At Bentre, the capital of Kienhoa Province, I asked the province chief about previous Vietnamese elections he had known. He candidly replied that the 1959 National Assembly elections had been crooked and the 1961 presidential election even worse.

"What will you have to say about the present elections if I come back here in five or six years?" I asked.

He laughed and answered: "Now these elections, I assure you, are truly honest."

If elections were calculated to Americanize the Vietnamese politically—or at least give that impression to the U.S. public—the decision in 1965 to send American combat troop into Vietnam was a move to Americanize the war. In retrospect, I think it represented a more honestly American approach than the romantic counterinsurgency efforts of the past. Now, for the first time, we would fight in American style with air and armor backed up by PXs and pinball machines.

By the end of 1965, moreover, the sheer weight of the U.S. military presence had stopped the Communists from dissecting the country. After that, however, we deluded ourselves into thinking that our ability to prevent a Communist victory meant that we could achieve a victory ourselves. In late 1967, Gen. Westmoreland announced that we had "turned the corner." A couple of months later, the Tet offensive exploded.

The Tet offensive was not the military success that Communists had anticipated. They took tremendous losses, and their political apparatus in the South was severely damaged, but, perhaps unintentionally, their drive dealt an irreparable blow to U.S. credibility. If nothing more, the Communists showed that they could mount a vast array of actions in the face of American claims that they were on the verge of collapse.

American credibility again suffered from President Nixon's thrust into Cambodia, for his decision seemed to contravene his repeated assertions that he was seeking to wind down the war. Like so many moves undertaken during the Vietnam conflict, the Cambodian invasion was apparently initiated for narrow military objectives without consideration for the wide range of political, diplomatic and psychological repercussions that were bound to occur at home and abroad.

In his April 30 speech, Mr. Nixon underlined an American problem when he depicted the United States becoming a "pitiful, helpless giant" unless we succeeded in Vietnam. For the lesson we ought to have learned in Vietnam is that giants at this stage in history are not omnipotent. The Russians are as frustrated by their North Vietnamese allies as we are by our Saigon clients.

Until we adjust our aspirations to our capabilities, it seems to me, we are bound to be disappointed. In the meantime, I am changing the label on my files from "Vietnam" to "Indochina."

ONLY CONGRESS CAN END THE WAR

Mr. CHURCH. Mr. President, one of the great American daily newspapers, located in the heart of the Midwest, the St. Louis Post-Dispatch, has repeatedly expressed its forebodings about our Cambodian military operation. Recently, it again expressed misgivings in an editorial aptly entitled "Ending the War Is Up to Congress."

The editorial begins by stating simply:

> Americans who want the Indochina war ended will have to rely on Congress.

Near its conclusion, the editorial states:

> Even if the Administration succeeds in stalling a vote on the Cooper-Church amendment until after June 30 it should be passed, in order to prevent a second American invasion of Cambodia later on.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ENDING THE WAR IS UP TO CONGRESS

Americans who want the Indochina war ended will have to rely on Congress. That is the conclusion to be drawn from President Nixon's interim report on the Cambodian invasion. His speech Thursday night was a piece of slick propaganda so deceptive as to call for a redoubling of effort in Congress to pass the Cooper-Church and McGovern-Hatfield amendments, setting definite time limits on American military operations in Cambodia and Vietnam.

Mr. Nixon's object was to paint the Cambodian invasion as a delirious success, the greatest triumph of the war. All military objectives, he said had been achieved. Yet curiously enough he neglected even to mention the foremost and overriding military objective which he laid down when the invasion began—the capture and breakup of COSVN, the alleged Communist headquarters for all operations in South Vietnam.

Obviously this objective has not been attained, but Mr. Nixon brushes that off with films and rhetoric about captured munitions and rice. Even if the seizure of supplies is as important as he claims, which we doubt, what does it really mean? A long and dismal experience demonstrates that supplies can be replaced in a few months, and then what do we do? Go back into Cambodia?

Likewise Mr. Nixon sought to ladle out soothing syrup on troop withdrawals, asserting that he stands by his pledge to take out 150,000 by April, 1971, promising that 50,000 of these will come out by next October 15, and claiming that the Cambodian adventure has made these withdrawals possible. The truth is that the pace of withdrawal has actually been slowed down. Before Cambodia withdrawals averaged better than 21,000 a month; during the coming year they will average only 12,500 a month even if the schedule is met.

Even if the schedule is met, furthermore, that will still leave in Vietnam a year from now between 250,000 and 300,000 American troops. Mr. Nixon has given no commitment as to when these will be withdrawn and the logic of his Vietnamization policy goes against their being withdrawn at all. What is in the Administration's mind was made clear enough in Secretary of State Roger's press conference on May 13. Pressed to say when these residual troops would be withdrawn, Mr. Rogers would only answer, "Well, we haven't announced any target date for that." When asked whether any withdrawls would continue after 1971 he replied, "I don't want to comment."

Thus the substance of Mr. Nixon's policy differs markedly from the appearance he tries to put on it for the TV audience. He claims to be solemnly redeeming his pledge to get all American forces out of Cambodia by June 30, but in fact he is going to continue such a degree of air war as he deems necessary. He claims to be protecting American troops by attacking Cambodia, but in fact he is protecting an unrepresentative and despotic Saigon government. He claims to be reducing the scope of the war, but in fact he is widening it. He claims to favor a negotiated political settlement, but pursues policies that make negotiation impossible.

Because of this discrepancy between words and deeds, Americans who want to end the war must turn to their Representatives and Senators in Congress. Congress has the constitutional power to grant or withhold funds for military operations, and it now has the solemn obligation to exercise this power on the basis of its own judgment.

Even if the Administration succeeds in stalling a vote on the Cooper-Church amendment until after June 30 it should be passed, in order to prevent a second American invasion of Cambodia later on. And even if Mr. Nixon does resume withdrawals from Viet-

XUM

nam, the McGovern-Hatfield amendment setting a cutoff date for any military operations should be passed, in order to make sure that all our troops, not just half of them, come out by the end of 1971.

THE MIRE OF ASIA

Mr. CHURCH. Mr. President, a gloomy glimpse of what the future may hold for Americans in South Vietnam may be obtained by reading a news dispatch in the New York Times datelined Seoul, South Korea.

The Korean war erupted in June 1950, and the armistice was signed 3 years later. In between, we suffered nearly 160,000 casualties, of whom 33,600 were battle deaths. So with that as a brief background, it is with considerable interest—and uneasiness—that I read the news article which quotes President Park of South Korea as stating—17 years after the Korean armistice, mind you—

> The continued presence of the United States troops (64,000 personnel) is absolutely necessary until we have developed our own capability to cope successfully with North Korea, which has completed war preparations and is attempting to provoke a war.

President Park acknowledged that American troops cannot be kept in Korea "indefinitely," but in the next breath he is quoted:

> This is not yet the time to consider withdrawals of the United States troops from Korea.

I wonder, Mr. President, if "the time" will ever come. How long, we may ask ourselves, are we to serve as a crutch to Asian governments that will never learn to stand unless the crutch is removed.

I ask unanimous consent that the New York Times article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 24, 1970]

PARK TERMS U.S. TROOPS VITAL TO THE SECURITY OF SOUTH KOREA

SEOUL, SOUTH KOREA, June 23.—President Chung Hee Park said today that the continued presence of American troops in South Korea was "absolutely necessary" until this country has built up its own capability to defend itself against Communist aggression.

He made the remarks during an inspection visit to the headquarters of the South Korean Second Army at Taegu, 150 miles southeast of Seoul. It was the President's first public reaction to the reported plan of the United States to negotiate soon for a reduction in its 64,000-man force in Korea, starting in July of next year.

Other leading officials, including Foreign Minister Choi Kyu Hah and a high aide on Mr. Park's staff, have previously voiced their concern. [South Korea's military situation and its persisting concern are reviewed in a dispatch on Page 2.]

"I understand" President Park said, "that the talk of troop reduction came up in the course of studies for a global cutback on America's overseas bases in accordance with the so-called Nixon Doctrine, which is not limited to Korea."

"Under such circumstances," he continued, "we are not asking the United States to keep its troops here indefinitely."

"However," Mr. Park added, "the continued presence of the United States troops is absolutely necessary until we have developed our own capability to cope successfully with North Korea, which has completed war preparations and is attempting to provoke a war."

"This is not yet the time to consider withdrawals of the United States troops from Korea," the former soldier, who came to power in a military coup in 1961, asserted. "We will make strong efforts to have our views reflected through diplomatic negotiations with the United States."

Mr. Park called on the South Korean people and the military forces to discard any excessive dependence on outside help and to make maximum efforts to build up "a self-reliant defense capability."

He did not comment on the plan to provide $1-billion in special military aid that is reportedly being considered by the Nixon Administration in conjunction with the troop reduction plan. The funds would be used for modernization of the 620,000-man South Korean armed forces over the next five years.

In Seoul, meanwhile, Lieut. Gen. Yoo Keun Chang, director of the anti-infiltration Operations Command predicted a stepped-up terrorist campaign by North Korean agents in South Korea.

In a news conference at the Defense Ministry, General Yoo said North Korea had been sending specially trained agents, equipped with remote-control bombs, grenade-launchers and submachine guns, on missions to assassinate President Park and other Government leaders and destroy important public facilities.

He said the abortive attempt to plant one such bomb at a gate of the National Cemetery yesterday was part of the campaign. One of a party of three North Korea agents was killed when the bomb exploded prematurely. The other two men are still at large.

General Yoo said that so far this year 123 Communist agents were known to have infiltrated from the North by land and sea routes in a total of 34 operations. Thirty-nine have been killed and 19 captured, he said.

"JUST DIGGING IN" IS UNWELCOME NEWS

Mr. CHURCH. Mr. President, as I have noted over the last several weeks, a number of persons who worked in the pilot house of American policy in Indochina under previous administrations are now attempting to bare the deep flaws that led us there and keep us there.

Two conspicuous members of this fraternity are Townsend Hoopes and Paul C. Warnke, each of whom served as Assistant Secretary of Defense for International Affairs under President Johnson. In the course of a summary review of the Nixon administration's operations, the two men have come to the conclusion that the President is "really just digging in."

They identify three basic elements of the Nixon strategy for Indochina:

> (1) Endeavoring to reduce U.S. forces to that level which, in his judgment, will be politically acceptable to American public opinion.
>
> (2) Striving to strengthen ARVN (the South Vietnamese army) to a point where, in collaboration with remaining U.S. forces, an unassailable military posture can be permanently assured.

And—

> (3) Hoping to force Hanoi to recognize the enduring nature of that posture, thereby inducing Hanoi to negotiate a settlement in Paris on present U.S. terms.

These and related points constitute a doleful montage of events that indicate our policymakers under both Democratic and Republican administrations are like the French Bourbons—"They learn nothing and they forget nothing."

It is like a continuous rerun of a motion picture, except that the events and episodes in Indochina are "real." They are corroding our institutions, decimating our young men, and draining our Treasury—all for impermanent and improbable objectives.

The authors state that the main tenets of our postwar foreign policy, however "strong and valid for their time," now need revision because:

> Among other things, they fail to reflect the fragmentation of the "Communist bloc," the recovery of Europe, and the deep divisions in our own society that call for drastic realignment of national priorities. We cannot gain the breathing space, we cannot reconcile the younger generation, we cannot conduct a reasoned self-appraisal until the Indochina enterprise is liquidated.

In conclusion, Messrs. Hoopes and Warnke declare that the American people must understand what is really going on so that they can effectively assert their right to a policy consistent with their interest."

I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 21, 1970]

NIXON IS REALLY JUST DIGGING IN

(By Townsend Hoopes and Paul C. Warnke)

President Nixon's speech of June 3 has now made undisguisably clear the aim of his Vietnam policy. It is not a total withdrawal of U.S. forces in the next 12 to 18 months, or even in the foreseeable future; nor does it involve a willingness to accept the consequences of the free play of political forces in Indochina. Mr. Nixon's Vietnam policy involves three basic elements:

Endeavoring to reduce U.S. forces to that level which, in his judgment, will be politically accptable to American public opinion.

Striving to strengthen ARVN (the South Vietnamese army) to a point where, in collaboration with remaining U.S. forces, an unassailable military posture can be permanently assured.

Hoping to force Hanoi to recognize the enduring nature of that posture, thereby inducing Hanoi to negotiate a settlement in Paris on present U.S. terms.

Behind a smokescreen of ambiguity, that is now the clear shape of the Nixon policy. It is confirmed by the surfacing of U.S.-subsidized Thai "volunteers" for Cambodia and by the lack of administration resistance to indications that ARVN will continue its Cambodian operations indefinitely.

It has been supposed that of the three major considerations said to have produced the April 30 Cambodia decision, what counted most was the concern that continued American force withdrawals depended on "cleaning out the sanctuaries." Even in that context, the Cambodian border crossings were pre-emptive strikes designed not to meet an immediate threat but to reduce enemy capabilities in the area for four to six months, thereby buying time for the "further strengthening" of ARVN.

No doubt that was the thrust of Gen. Creighton Abrams' view (which suggests how unreliable and unpromising ARVN is really regarded by the U.S. command, beneath all the chamber of commerce ebullience about

Vietnamization). The President on June 3 made this view his own official explanation for the decision to strike Cambodia.

However, this explanation looks like an after-the-fact rationalization invented by Defense Secretary Melvin Laird. For as Stewart Alsop's look at the President's yellow pad (Newsweek, June 1) made quite clear, Mr. Nixon is still tilting with "international communism" in Southeast Asia and his chief concern on April 30 was that Cambodia might go Communist.

The most revealing point on the yellow pad was the Nixon concern that, if neither side moved, an "ambiguous situation" might arise in Cambodia which would make it very difficult for the United States to hit the sanctuaries—i.e., we would be charged by international opinion with attacking a neutral convention and the degree of disarray special scrutiny.

Specifically his conclusions on June 3 that activities in the Cambodian sanctuaries between April 20 and April 30 "posed an unacceptable threat to our remaining forces in South Vietnam" is belied by Laird's statement to newsmen that the attacks represented "an opportunity" because the North Vietnamese in Cambodia, unsettled by the Lon Nol coup, were at that time facing west. More generally, his concern to act precipitately would seem to reflect a failure to understand that in limited war, there are sanctuaries by definition.

Why attack Cambodia rather than Laos or across the DMZ? Why refuse to acknowledge that a certain mutual respect for sanctuaries is what has kept U.S. air bases in Thailand essentially free from sapper attacks?

There is a further point. One would have supposed that a President who had publicly eschowed the prospect of military victory and who was conducting a strategic withdrawal had long since made the judgment that the particular coloration of petty non-governments in Southeast Asia did not affect the serious interests of the United States. A statesman who had in fact decided that a genuine U.S. extrication from the area was necessary would indeed be at pains to foster "ambiguous situations." He would go out of his way to avoid a clear-cut Communist-antiCommunist polarization.

THAT "JUST PEACE"

Mr. Nixon's quite opposite concerns and actions tell us something very important. With respect to Vietnamization, Secretary of State William P. Rogers and Laird have consistently run ahead of the President with their clear implication that the program is primarily a vehicle for total U.S. extrication (even though the war might continue after our forces were gone). Mr. Nixon, however, has always insisted that Vietnamization will lead to "a just peace" and an end to the war.

On June 3, he said categorically: "I have pledged to end this war. I shall keep that pledge." These have been puzzling assertions, since all signs indicate that even successful Vietnamization (i.e., a transfer of the entire military burden to ARVN) could produce nothing better than interminable war. The speech of June 3 and the revelations of the yellow pad now make these assertions a good deal less puzzling.

They show that what Mr. Nixon means by a "just peace" is Hanoi's recognition of a permanent position of U.S.-ARVN military strength in South Vietnam. Since even the White House has in various ways revealed that it has no illusions about ARVN's ability to go it alone, it is a fair inference from a series of official statements that a "just peace" will require the indefinite retention of something in the neighborhood of 200,000 U.S. troops as well as indefinite support for the Thieu regime.

How Mr. Nixon plans to make these requirements politically palatable at home is not yet clear. Until recently he had kept both his aims and his formulations artfully vague, but now the fig leaf has fallen away.

The difficulty with this vision of the future is that it is a gossamer dream on at least two counts: (1) On all the evidence, the American people are not prepared to sustain a sizable military commitment in Vietnam for an indefinite period, especially under conditions that require our forces to go on winning victory after meaningless victory in the pattern of the past five years; and (2) there is absolutely nothing in the history of the Vietnam war (or in the present or prospective power balance there) to indicate that Hanoi will come to terms with the Thieu regime.

If Mr. Nixon and his advisers really believe that they can force a settlement in Paris on present U.S. terms, then they remain deluded about the most fundamental political-military realities in Vietnam; they also fail to grasp how very narrow are the margins of domestic tolerance for their conduct of the old war, not to mention the new and wider war they have now arranged.

Negotiations in Paris have failed chiefly because our political aims exceed our bargaining power. Hanoi is not prepared to accept arrangements for elections worked out under the auspices of the Thieu government and in which the winner would take all; and the U.S.-ARVN military position, even at the point of its maximum strenth, was not sufficient to compel Hanoi to bargain on our terms. The departure of 110,000 U.S. troops and the promised withdrawal of another 150,000 hardly strengthen our military position.

A VULNERABLE PROCESS

Thus strapped to a negotiating position that cannot succeed, Mr. Nixon is thrown back upon Vietnamization. But owing to the very uncertain qualities of ARVN and to the President's unstated (but now undisguisable) insistence that our proxy regime must be permanently secured, the process of American withdrawal is necessarily slow and ambiguous.

Its lingering nature makes it vulnerable to unanticipated intervening events, like the Lon Nol coup, which knock it off balance and create new pressures for compensatory military action—pressures which Mr. Nixon promptly translates into "opportunities" in the permanent holy war against communism. Its conditional nature—the unspoken determination to hang in there until we have ended the war in a "just peace"—precludes a negotiated settlement and also works against a tactic understanding with the other side with regard to lowering the level of violence.

In this mushy situation, the war is considerably enlarged, and with it, American responsibility for the Cambodian government. The setting in motion of imponderable new political forces (in Phnom Penh, Vientiane, Bangkok, Saigon, Hanoi, Peking, Moscow and Washington) indicates that the struggle in Cambodia will be protracted, will probably spread, will reopen old tribal hatreds and will continue to involve us in situations which the American presence can aggravate but can do nothing to resolve.

Meanwhile, American force withdrawals continue, impelled by domestic pressures. As they do, the truth is borne in upon the administration that the gradual and unnegotiated character of the reductions cannot, below certain levels, assure the safety of the remaining forces.

This unfolding denouement requires that the American people wake up to the self-deception and bankruptcy of the Nixon policy in Vietnam, for it is now a matter of the utmost urgency to bring policy into accord with realities both in Indochina and at home. Our transcendent need at this juncture is for leadership in the White House—and if that is not possible, then in Congress—with the scale of mind and the inner firmness to explain the real choices facing the country.

The task is to lead public opinion toward an understanding that a Vietnam policy based upon these realities is consistent with our national interest, can be carried forward without a traumatic loss of self-confidence and need not cause a lapse into mindless isolation—above all, that such action is infinitely preferable to continued self-deception.

PERSISTENT RHETORIC

We are not getting that leadership. President Nixon seems somewhere between believing in the essential rightness of the war and understanding that the American interest requires its liquidation. He has evolved a policy of substantially reducing, but not ending, the American role.

At the same time, he has been unwilling to abandon the rhetoric that supported our intervention in the first place. One must conclude that either he genuinely believes the rhetoric or is afraid to risk, through candor, even a transient loss of natural prestige for the sake of a healthy adjustment to the facts.

Viewed in the light of the political situation in the United States and the military situation in Indochina, the Nixon policy is a grab bag of contradictions, illusions and expedient actions. It seeks objectives that are unattainable while warning that acceptance of anything less would mean "humiliation and defeat for the United States." The increasingly visible gulf between this martial bravado and the known facts is producing a form of official schizophrenia; if unchecked, it could lead to a national nervous breakdown.

Worse still, if the President really does believe his own rhetoric, there is the predictable danger that he will feel compelled to take action more drastic than the Cambodian strikes in certain forseeable situations—e.g., after U.S. forces have been further reduced but there has been no corresponding improvement of ARVN and no corresponding deterioration of North Vietnamese capability. Indeed, the looming probability of just such a crunch is what makes it imperative for the country to face the realities now while there is still time for dignified, rational, deliberate choice.

If we continue down Mr. Nixon's path, we could easily reach a situation which seriously threatened the safety of our remaining forces. At that point, we would face a constricted choice between immediate escalation and immediate liquidation. Can anyone believe a wise decision could be made in such circumstances? Given the divisiveness, the frayed nerves and the general distemper that now define our national mood, does anyone have confidence that our political system would not be grievously shaken by the consequences of either choice?

THREE MAJOR POINTS

It is now obvious that Mr. Nixon missed a golden opportunity, during the honeymoon period of early 1969, to lead the country firmly away from a decade of self-deception by beginning to uncoil the contradictions and restore the national balance. He could have taken definitive steps toward liquidating the war and binding up the national wounds.

He could have done this without political risk to himself and indeed with positive benefit for his party and the cause of national unity. Though time is running out, it is still not too late for someone—preferably, of course, the President—to take up this vital task. Three points need to be explained to the American people with absolute clarity.

1. That after five years of major combat, we have done about as much as any outside power could do to shore up the government of South Vietnam;

2. That the tangled political issues which divide Vietnam, growing as they do out of long colonial repression and the ensuing

XUM

struggle to define a national identity, can only be settled among the Vietnamese themselves;

3. That, contrary to the erroneous assumption on which U.S. military intervention was based, the particular constitutional form and the particular ideological orientation of Vietnamese (and Indochinese) politics do not affect the vital interest of the United States.

Adoption of such a posture would lead directly (a) to a policy of deliberate, orderly, unswerving and total withdrawal of U.S. forces to be completed not later than the end of 1971; and (b) thus to circumstances that could bring about a serious negotiation based on our declared intention to depart

This kind of negotiation would not be unconditional. We would require the return of our prisoners and the safe withdrawal of all forces; we would seek at the same time to provide, with Russian and other outside assistance, for the restoration of neutrality at least in Cambodia and Laos, and hopefully in Vietnam as well. This approach is fully consistent with plans put forward at different times by Averell Harriman and Clark Clifford.

It must be faced, however, that the Nixon decision to strike Cambodia has moved us further away from the chances of political settlement. For that act has surely deepened Hanoi's suspicion that we do not intend to leave while it has reinforced Saigon's natural resistance to compromise. In addition, of course, it has put into our laps the problems of working out the political future of yet another country.

GIANTS IN QUICKSAND

Nevertheless, it does not seem impossible that steady, candid, clearheaded leadership, based squarely upon the three points set down above, could steer the American Leviathan through the dangerous transition without running the ship aground or producing general hysteria. For one thing, there is really no choice about leaving Vietnam; for another, there are enormous advantages ahead if we can by skill and steady nerves make a safe and sane passage.

To change the metaphor, Mr. Nixon's "pitiful giant" of April 30 is pitiful chiefly because his leg is in quicksand up to the midthigh and because he is unresolved about its extrication. But the military, economic and psychological advantages of removing the leg are demonstrable.

With two feet on solid ground again, the country would regain its global poise. Our influence and power would not evaporate. We would not be rendered incapable of defining and defending our legitimate interests. On the contrary, our ability to reassure our NATO and Japanese treaty partners, and our capacity to exert a steadying influence on the smoldering situation in the Middle East, could only be enhanced. Our industrial, technical and cultural achievements would continue to astound and attract the world.

At home, we desperately need a breathing space in which to redefine our vital interests, our military strategy, our basic relationships with the rest of the world. We are still operating essentially within the frame of a foreign policy worked out in the late 1940s.

The main tenets of that policy were strong and valid for their time, but they are now badly in need of revision; among other things, they fail to reflect the fragmentation of the "Communist bloc," the recovery of Europe and the deep divisions in our own society that call for drastic realignment of national priorities. We cannot gain the breathing space, we cannot reconcile the younger generation, we cannot conduct a reasoned self-appraisal until the Indochina enterprise is liquidated.

It is important that the American people understand what is going on so that they can effectively assert their right to a policy consistent with their interests.

THE RISING RATE OF ANTI-VIETNAM SENTIMENT

Mr. CHURCH. Mr. President, this weekend the Gallup Poll released its latest survey that reaffirms that the barometer of anti-Vietnam opinion among Americans is steadily rising. Five years ago only 24 percent of Americans shared my view that the Vietnam war was a mistake. Since then, it has slowly risen to a solid majority. The Gallup Poll's most recent survey shows that 56 percent of Americans "think the U.S. made a mistake sending troops to fight in Vietnam."

I ask unanimous consent that the poll be printed in the RECORD at this point in my remarks:

There being no objection, the article was ordered to be printed in the RECORD, as folows:

FIFTY-SIX PERCENT OF PUBLIC REGRETS INVOLVEMENT IN VIETNAM

(By George Gallup)

PRINCETON, N.J.—The number of Americans who think we were wrong to have become involved in Vietnam has increased in the latest survey, closely approaching the all-time high recorded last September.

A majority of adults, 56 per cent, believe we made a mistake sending troops to fight in Vietnam. In the previous survey in April, the percentage was 51 per cent. In September, 58 per cent held this view.

The proportion of citizens who think we were wrong to commit our forces to Vietnam has more than doubled over the last five years.

In August, 1965, one year after the Gulf of Tonkin incident, 24 per cent of all persons interviewed said they believed it a mistake to have become involved in the war. The percentage climbed to 36 per cent in 1966, to 46 per cent in 1967, to 53 per cent in 1968, to 58 per cent last fall.

The proportion now clearly exceeds the proportion which in the early Fifties felt our involvement in the Korean war was a mistake. This had reached a high of 51 per cent in April, 1952.

THE COLLEGE SHIFT

The sharpest shift in opinions on U.S. involvement has come about among persons with a college background. In the early stages of the war college people were most inclined to back our presence. Today the reverse is true.

"When we first got involved over there, I thought we did the right thing," said a 30-year-old executive interviewed in the latest survey. "I thought we were supporting a regime that could stand on its own. Now I don't feel this way."

A youthful employee of an electronics firm also expressed disillusionment. "It seems to me we went into Vietnam without thinking things out in advance. As the war went on, it became apparent that we weren't in control of the situation."

But an office worker from Philadelphia feels no differently now than he did earlier in the war: "We did what we had to do—we are indirectly defending our own basic freedoms by being over there."

A total of 1,509 adults were interviewed in person in the survey which was conducted May 22–25 in more than 300 carefully selected localities.

Following is the question asked, the latest results and trend:

In view of the developments since we entered the fighting in Vietnam, do you think the U.S. made a mistake sending troops to fight in Vietnam?

	Yes (percent)	No (percent)	No opinion (percent
La test	56	36	8
April 3–5	51	34	15
January 16–18	57	33	10
September 1969	58	32	10
March 1969	52	39	9
1968			
August 1968	53	35	12
April 1968	48	40	12
March 1968	49	41	10
February 1968	46	42	12
1967			
December 1967	45	46	9
October 1967	46	44	10
July 1967	41	48	11
May 1967	37	50	13
February 1967	32	52	16
1966			
November 1966	31	51	18
September 1966	35	48	17
May 1966	36	49	15
March 1966	25	59	16
1965			
August 1965	24	61	15

KOREAN WAR TREND

In August, 1950, when the Korean war was two months old, a large majority of the American public said it had not been a mistake to enter the war.

Opinion changed sharply after Red China entered the fighting in the winter of 1950. The average citizen at that time felt that war against North Korea was one thing, but war against Red China with its armed hordes was quite another.

The trend of sentiment during the Korean war follows:

KOREA A MISTAKE?

[In percent]

	Yes	No	No opinion
August 1950	20	65	15
March 1951	50	39	11
April 1952	51	35	14
October 1952	43	37	20

CONFUSED CAMBODIAN CRISIS

Mr. CHURCH. Mr. President, not only are rank-and-file Americans confused about the Nixon policy in Southeast Asia, but academicians with gilt-edged credentials in the field of national security, are expressing their perplexity.

One such expression was contained in the Washington Post of June 28, 1970, in an article by Thomas C. Schelling, who has contributed much to the literature of American policy abroad, and Ernest R. May, dean of Harvard College.

The authors inquire:

> Is this the last time we shall be asked in Indochina, to buy time with lives, to prove our nationhood by resort to sudden violence, to punish the enemy for warnings ignored, or to keep South Vietnam from being outflanked by Communist forces in Cambodia or Laos?

If present policy persists, I believe with the authors that it will not be the last time.

Both Messrs. Schelling and May believe our present course has led us to the edge of the precipice. I ask unanimous consent that their closely reasoned arguments embodied in the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

XUM

The Nixon Report on Cambodia

(By Ernest R. May and Thomas C. Schelling)

Just before Cambodia, President Nixon totaled up prospective gains and losses on a yellow pad. Soon after June 30, he must add up results thus far and report to the public.

In earlier statements, he set forth at least four objectives: reducing American casualties, speeding troop withdrawals, influencing actions by North Vietnam, and protecting American prestige. When hearing his statement, we should bear in mind what he has said about these objectives.

First, the President said on April 30 and reiterated on May 8 that the operation "will reduce American casualties." Over 300 Americans have died in Cambodia. Undoubtedly, the President recognized that the offensive would entail higher casualties in the short run. But he has not explained how American lives have been saved over the long run. The Cambodian sanctuaries menaced the IV and III Corps Areas of South Vietnam. The former is already Vietnamized; the latter is to be Vietnamized by September. Did the President expect to save American lives because his Vietnamization plans call for sending U.S. troops back into combat whenever the South Vietnamese are hard pressed?

Second, the President pointed to a map on April 30 and said: "North Vietnam already occupies this part of Laos. If North Vietnam also occupied this whole band in Cambodia or the entire country, it would mean that South Vietnam was completely outflanked and the forces of Americans in this area as well as the South Vietnamese would be in an untenable military position." The President should explain how the Cambodian operation has reduced this danger. News reports tell of the Cambodians' inability to check the North Vietnamese. If U.S. troops, helicopters, and air support are withdrawn from Cambodia, what is to prevent the North Vietnamese from re-establishing the threat? Will the situation be more tenable in May, 1971, when the United States has 150,000 fewer troops in Vietnam? Are there grounds for confidence that the South Vietnamese can withstand next year a threat of "outflanking" that the President judged them unable to withstand this year?

Third, the President has predicted that the Cambodian operation will influence decisions by Hanoi. When announcing on April 20 his schedule for withdrawing 150,000 troops, he took occasion to "remind the leaders of North Vietnam that . . . they will be taking grave risks should they attempt to use the occasion to jeopardize the security of our remaining forces in Vietnam by increased military action in Vietnam, in Cambodia or in Laos." When ordering action in Cambodia, he cited this warning, and on May 8, he observed that President Johnson had erred in escalating the war "step by step." Referring to the move into Cambodia, Mr. Nixon said, "This action is a decisive move, and this action also puts the enemy on warning that if it escalates while we are trying to de-escalate, we will move decisively and not step by step."

There must have been earlier signals to Hanoi. The President surely did not believe that Hanoi could reach a decision and have that decision carried out by field commanders within 10 days. But by June 30, 61 days will have passed since the President demonstrated that his words were not empty and that he was prepared to exercise his full powers as Commander-in-Chief even at the risk of a public storm at home. Is there evidence that the North Vietnamese have scaled down their operations in South Vietnam, Laos, or Cambodia. News reports suggest the contrary.

The President said earlier, "It is Hanoi, and Hanoi alone, that stands today blocking the path to a just peace for all the people of Southeast Asia." Has he had indication since April 30 that the North Vietnamese are more willing to bargain?

If the answers to both questions are negative—that is, if the North Vietnamese have not limited their operations or shown signs of negotiating—what is the next step? The President warned on June 3: "if their answers to our withdrawal program, and to our offer to negotiate, is to increase their attacks in a way that jeopardizes the safety of our remaining forces in Vietnam, I shall, as my action five weeks ago demonstrated, take strong and effective measures to deal with that situation." What "strong and effective measures" are available? Does the President contemplate renewed bombing of North Vietnam? Could a bombing campaign be more effective, militarily and politically, than that of 1965–68? Or does the President contemplate stepped-up ground force action? What happens then to casualty rates and to withdrawal?

Fourth, Mr. Nixon asserted that the action in Cambodia would work to restore American prestige and credibility elsewhere in the world. We asked on June 3: "If an American President had failed to meet this threat to 400,000 American men in Vietnam, would those nations and peoples who rely on America's power and treaty commitments for their security—in Latin America, Europe, the Middle East or other parts of Asia—retain any confidence in the United States?" The question was of course rhetorical, and White House officials conceded that many capitals reacted initially with alarm and misgiving. The President should indicate whether these attitudes have since changed and whether he sees in Europe, the Middle East, and Japan increased faith in the restraint, wisdom, and reliability of his administration.

There is a fifth criterion for judging the Cambodian operation. Admiral Smedberg quoted President Nixon as saying a few days before April 30, "I am not going to let Cambodia go down the drain." His remark on April 30 about the military untenability of South Vietnam should the Communists control "this whole band in Cambodia or the entire country" was consistent with such a position. On the other hand, he and Secretary Rogers have declared that the United States has no commitment to Cambodia. The President's forthcoming statement should clarify his stand.

If Cambodia now falls, will that event not arouse the same concern that the prospect of it apparently aroused in late April? Will not the President's credibility be at stake once again?

These are not all the questions that we hope to hear addressed. A crucial one is whether our allies, especially South Vietnam and Thailand, have incurred new commitments or adopted military goals that the United States is committed, directly or indirectly, to support. Is it American strategy that Allied troops—no Americans among them—remain deployed indefinitely in Cambodia, or is this an independent action of the South Vietnamese government? And, how far does our commitment extend if South Vietnam elects to defend Phnom Penh or other parts of Cambodia while our forces are waiting in South Vietnam to be relieved so they can be withdrawn? The President cannot be expected to bare his differences with South Vietnam in a public address; but as he has repeatedly used his statements to the American public to communicate the gravest warnings to Hanoi, he may wisely go on record at home to clarify his policy for Allied countries.

The President could also shed light on "Vietnamization." Does it mean that South Vietnamese forces must be able in any circumstances to defeat the Vietcong and North Vietnamese? Or does it admit the possibility of defeat in a Vietnamized area or in a Vietnamized South Vietnam? The President might indicate what he expects of the 240,000 U.S. troops that stay in Vietnam after May, 1971. Will they provide helicopter lift and air and artillery support? Will they fight off attacks on their own installations? What rate of casualties are they likely to suffer? Are their functions eventually to be Vietnamized? Over what time? If the North Vietnamese do not negotiate and if the South Vietnamese prove no stronger in the future than in the past, does the President nevertheless foresee a time when the United States can disengage from the war? Does ultimate withdrawal depend on permanent North Vietnamese fear of the "strong and effective measures" he has threatened?

It may be too much to hope now for answers to these longer-term questions. There ought, however, to be one further element in the summing-up. According to Stewart Alsop, the President noted on his yellow pad that the Cambodian operation would cause "deep divisions" at home. No doubt, these divisions were reinforced by the tragedies at Kent and Jackson. But does President Nixon now estimate that the benefits of the operation justified the damage to domestic peace and to faith in America? And is this the last time we shall be asked in Indochina, to buy time with lives, to prove our nationhood by resort to sudden violence, to punish the enemy for warnings ignored, or to keep South Vietnam from being outflanked by Communist forces in Cambodia or Laos?

MANGLED BY EVENTS

Mr. CHURCH. Mr. President, on April 1, the Cambodian Government issued the following statement:

> Faithful to its policy of strict neutrality. Cambodia will never recognize the right of (American) hot pursuit to be exercised on its territory.

As the Washington Post correspondent, Laurence Stern, points out in his article of June 28, 1970,

> For Cambodia, April Fool's Day never ended this year.

Mr. Stern then goes on to report:

> Within a brief span of time—

That is, since American troops entered Cambodia in force on April 30, 1970—

> the judgments of veteran diplomats in Phnom Penh and governments in faraway capitals have been overtaken and mangled by events.

The article also touches on aspects of our Cambodian misadventure that have not received the attention they deserve:

> But during the eight-week American expeditionary blitz, the Vietnamese Communists will have made greater inroads into Cambodian territory than their forebears did in ten centuries of fierce ethnic warfare. And many Cambodians look with even an added hatred upon South Vietnamese soldiers who have come to liberate them from other Vietnamese.

Many worthwhile points are made in this news dispatch and, therefore, I ask unanimous consent that the entire article be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAMBODIA "SURPRISED ALL"

(By Laurence Stern)

"Faithful to its policy of strict neutrality, Cambodia will never recognize the right of

(American) hot pursuit to be exercised on its terrtory"—Cambodian government statement, April 1, 1970.

SAIGON, June 27—for Cambodia, April Fool's Day never ended this year.

Within a brief span of time, the decisions of its old ruler and its new ones have been harshly confounded by history. The judgments of veteran diplomats in Phnom Penh and governments in faraway capitals have been overtaken and mangled by events.

The secret cable sent from Phnom Penh to Washington shortly after the downfall of Prince Norodom Sihanouk last March 18 best expresses the mood of official consternation that has prevailed over Cambodia:

"Recent developments here have surprised all repeat all."

Sometime between now and Tuesday—the deadline for withdrawal of American ground troops from Cambodia—President Nixon is expected to reaffirm the success of the U.S. and South Vietnamese "border incursions," as the operations have delicately been described here.

But during the eight-week American expeditionary blitz, the Vietnamese Communists will have made greater inroads into Cambodian territory than their forebears did in 10 centuries of fierce ethnic warfare. And many Cambodians look with even an added hatred upon South Vietnamese soldiers who have come to liberate them from other Vietnamese.

FINDING COSVN

When President Nixon announced the intervention, he defined the objectives as destruction of the Communist sanctuaries and disruption of COSVN, Hanoi's Central Office for South Vietnam. COSVN endures, Communist troops have already re-entered some of the old sanctuaries, the long-run strategic value of the captured caches is still regarded by some military specialists here as unproven.

And now the prospect is that unless the United States continues to provide assistance in the form of weapons and proxy Southeast Asian warriors, the Phnom Penh government's writ will be hollower than ever.

If all this seems contradictory, it is wholly in keeping wth the tortuous course that heralded Cambodia's entry into the Indochinese war from its position of heavily ransomed immunity.

To one who has observed the process intermittently from inside Cambodia during the past three months, it has been like watching a marathon newsreel.

The plot began to unravel long before the "government of salvation" led by Lon Nol ousted Sihanouk and installed itself in Phnom Penh, vowing to expel the estimated 40,000 North Vietnamese and Vietcong from their border sanctuaries in Cambodia while preserving the nation's proclaimed policy of "neutrality."

Widely forgotten in the recent rush of events is the fact that Sihanouk himself had begun a determined political and diplomatic offensive to force the Vietnamese Communists from his country's soil.

As the war in Vietnam seemed to be winding down and the prospects of American withdrawal grew closer, Sihanouk viewed the North Vietnamese with rising apprehension.

The design of his diplomacy was increasingly friendly to an American presence in Southeast Asia that would serve as a foil—as he said publicly—to North Vietnamese and Chinese expansionism. Resumption of diplomatic relations with the United States nearly a year ago was a signal event in this pattern.

Though Sihanouk did not relent in his denunciations of American incursions into Cambodian territory by air and ground, it was an open secret here that U.S. intelligence operations were being conducted along the border sanctuary areas with the tacit consent of Phnom Penh. And some knowledgeable officials say that Sihanouk was often the personal beneficiary of that intelligence.

One of Sihanouk's least advertised thrusts against the Communists in Cambodia was to win the assent of the Chinese in cutting off the stream of weapons and supplies from the port of Sihanoukville (now Kompong Som) to the eastern sanctuaries and South Vietnam. The last such shipment was in July, 1969.

During a visit to Phnom Penh on March 12, less than a week before the coup, I spoke to a Western diplomat then regarded as one of the most experienced ambassadors in the local diplomatic community. The visit was one day after Cambodian student mobs sacked the embassies of North Vietnam and the Vietcong's Provisional Revolutionary Government.

"The best you can assume is that these demonstrations had Prince Sihanouk's complete approval," he said. "The Prince is completely serious about getting the North Vietnamese out of Cambodia. If the demonstrations didn't have his blessings, there has been a major political upheaval inside Cambodia."

The ambassador, unhappily for his career and professional standing, insisted in cables home up to the day of the coup that the prince was firmly in the saddle. But his view of Sihanouk's intention toward the Vietnamese in Cambodia was the prevailing one in the diplomatic community.

One of the most fatal misjudgments in the Cambodian debacle may have been Sihanouk's when he failed to return from Moscow the next day, March 13, to a welcoming reception of banners and delegations of boy scouts and school girls holding flowers. It was his last chance to return and restore control.

And so at the time he was overthrown, Sihanouk appears to have been engaged in a complicated gambit of initiatives designed to achieve the first manifest objective of the government that supplanted him.

It will never be possible to determine whether Sihanouk's convoluted style of chess playing would have succeeded. Some analysts insist that Cambodia would have been inevitably drawn into the war.

But it is beyond argument that the new government's strategies of ultimatum, invective and military action speedily engulfed Cambodia in the Indochina war. Political theorists will certainly argue over whether there was any alternative American policy than the automatic and unquestioning recognition it accorded the Lon Nol government.

On the night of the coup against Sihanouk, a Western diplomat kept a long-standing dinner engagement with several high-ranking members of the new government.

"They were extremely elated at the success of the coup and the mood was very buoyant that evening, I'll never forget," he related to me afterward.

"I remember asking them how they thought it would affect the situation on their border with the North Vietnamese. Oh, they told me, there would be no trouble. They were confident that the Cambodian army could handle the situation. Not one of them seemed to realize that they had let the genie out of the bottle."

In Saigon the news of the coup caught the American diplomatic-military establishment by surprise, as it did in Phnom Penh. U.S. contingency planners rushed to the drawing board, along with their counterparts in the Pentagon, State Department and White House.

But from Ambassador Bunker on down, the American response to the coup was studiously noncommital.

On March 31, responding to the growing glut of foreign newsmen in Phnom Penh, Lon Nol held a press conference. He still radiated confidence in the future of his country and government.

Cambodia, he said, would be able to resist any challenge to its sovereignty with its own army. "We have the necessary manpower," he said. There might be a need for arms and equipment in which case he would call upon "friendly countries."

Was there any possibility of a request for American troops? "Certainment pas—certainly not," the imperturbable general answered.

Within a week the eastern frontier of Cambodia began evaporating from under government authority town-by-town along Highway 1 leading to Saigon. At the same time there were unannounced visitations by American officers and South Vietnamese troops across the eastern and southern borders of Cambodia.

It was then that the tragi-comic spectacle of the Cambodian army began to emerge, an army that marched on boots and Chinese sneakers, that fought with Russian, Chinese and old British rifles, that rode in rusty French tanks and swooped about in weathered Russian and American flying machines.

They were fighting a Communist force that was not formidable in numbers or equipment. But it was disciplined, determined and combat-seasoned.

Theories flourished in Phnom Penh on the objectives of the Communist troops, which seemed to be the only limitation on their territorial gains. The most prevalent view was that they wanted to broaden the defense perimeter of their border sanctuaries.

Whatever the motives, the government lost more territory to the Communists in the next month than ever in the preceding 20 years of the Indochinese war. And real fear spread through Phnom Penh that the goal was to topple the Lon Nol government and install one friendly to deposed Prince Sihanouk, as well as to North Vietnam's interests in Cambodia.

Increasingly the hopes of the Lon Nol regime turned to the United States as their Southeast Asian neighbors failed to come through with pledges of help. Foreign Minister Yem Sambaur was calling American charge d'affaires Lloyd M. Rives almost daily. Each day Rives would shrug back.

On the battle front the Cambodian soldiers were full of what then seemed preposterous expectations of American support.

Three weeks later Washington and Saigon did provide B-52 strikes, air support and a combined invasion force of more than 50,000 American and South Vietnamese troops.

On the morning of May 1, Rives hurried in an embassy car to the residence of Lon Nol. His mission was to formally advise the prime minister of the American-South Vietnamese border incursion.

But the cable from Washington to Rives came at the last minute. By the time Rives pulled into Lon Nol's driveway, a throng of newsmen had assembled there. The president had finished speaking. The prime minister of Cambodia had learned about the American intervention on his radio.

"The prime minister took it gracefully," an embassy official ruefully related afterward.

"La Belle Amerique," a Cambodian major sang excitedly during the battle of Saang, a town half an hour's drive south of Phnom Penh. "Beautiful America will give us assistance. We need air support and B–52 bombers. We need radio equipment and 200,000 American soldiers like in Vietnam."

AMERICA'S LEADING ASIA SCHOLARS URGE AN END TO THE WAR

Mr. CHURCH. Mr. President, on May 26, a convocation of America's leading Asia scholars was held here in Washington. Its purpose was to urge an end to the war in Southeast Asia. It was organized by the Academic and Professional Alliance, a group of dedicated scholars interested in persuading our Nation's leaders to disengage, militarily, from Southeast Asia.

At the convocation, the following statement was signed by 1,726 scholars of

Asian studies from 227 colleges and universities in 39 States and Canada. All of the signatories are American citizens.

Asia Scholars To End War Statement

As scholars of Asian affairs we feel special responsibility to speak out against American intervention is Southeast Asia.

From our professional knowledge of Asia and our deep moral abhorrence of a war that destroys Asians and Americans alike, we are firmly convinced that United States intervention must be ended. This military intervention, if not terminated by Congressional action, can lead to an ever widening war in Asia and further deterioration in American society.

Also presented at the convocation were a series of papers dealing with a fallacy in American thinking about Southeast Asia. I ask unanimous consent that these be inserted in the Record at this point.

There being no objection, the papers were ordered to be printed in the Record, as follows:

Text of Opening Statement by John K. Fairbank

We Asian scholars live inside the American civilization, but looking outward. In our work we have had some glimpse of Asian realities—often quite different from American realities.

From this perspective, we have seen our country use its great power ignorantly, stupidly, relying on force and firepower, on machines, not on men and ideas.

We have seen our moral stature cut down by our own inhumanity, all the time with a deepening sense of humiliation that our America, the hope of mankind should now seem to be a chief menace to mankind, a leader somehow gone astray.

We see the over-development of our military establishment using up our national resources far beyond our needs for self-defense, creating an imbalance between the executive and legislative branches in policy formation.

We are determined to help those Senators and Congressmen who are reasserting the power of the Congress over our military budget.

This is an ad hoc meeting, a convocation or 'calling together' of Asia specialists from all over the country, organized by a group at Columbia. The meeting does not represent any continuing body nor does it claim to "represent" the Asia studies profession as a whole. Our aim today and tomorrow is to reach the Congress with ideas and insights offered by Asia specialists as individuals.

The American people face an accelerating disaster in Indochina partly from sheer ignorance of the real complexities there. This ignorance has led us into misconceptions and miscalculations, for example:

That human psychology is different East of Suez, and that patriots there can be bombed into negotiating;

That a civil war in Asia is really "international aggression" if we sincerely believe it to be so;

That today in the area of nuclear stalemate, we can nevertheless win an old-fashioned "victory", and so on.

Our first speakers will, therefore, look at some of these fallacies in American thinking about Asia.

Revolution in Asia: The Fallacy of the Sanctity of Stability

(By Richard Pfeffer)

We have come to the nation's capital today to protest America's everwidening war in Indochina. We have come as scholars, citizens, and human beings, with the wish that our expertise, our influence, and our feelings will have some positive effect on the men who run our government, and particularly on the members of Congress. We have come, more specifically, in support of the Amendment to End the War and the Cooper-Church Amendment. We have come, more profoundly, in the hope that our political system is still capable of at least a minimal response—however incommensurate with the havoc and tragedy the United States has caused in Southeast Asia—to the public demand for an immediate end to these insane wars in Vietnam, Laos, and Cambodia.

But if we have come only for that purpose, then I fear that we have come to stop one set of wars only to allow another to begin or to escalate somewhere else in the near future. It is not enough that we make every effort to terminate America's warrior role in Indochina, though it certainly is important that we should do so. We must also seek to fundamentally transform America's foreign policy as a whole. To do that, we must begin, individually and collectively, to confront the frame of mind, the national arrogance, the paranoia, and the configuration of entrenched interests in our domestic politics that have led us repeatedly to arrogate to ourselves the right to determine the destinies of other people.

We must expose the meaning in practice of the righteous, liberal rhetoric of reform, economic development, and self-determination that too often has been translated abroad into an elitist, inhuman, and even fascistic reality. We must expose the men and groups who profit from our wars. (Who will deny that the benefits and costs of our wars are inequitably spread among our citizens? (We must expose the links, formal and informal, among various narrow groups, politicians, bureaucrats, and top decision makers. We must expose the lies and half-truths about our antagonists and the myths about ourselves and our allies. We must make it clear to our people and our government that America's wars are not crusades in which Good, self-assertedly represented by the United States, is locked in historic combat with Evil, represented by whomever we select as our enemy. We must seek to democratize and declassify our foreign policy, for surely nothing abroad threatens our nation so much as the irrational, closed, and narrowly self-serving quality of our decision making in foreign policy. In short, if we wish to transform America's imperialist, counterrevolutionary foreign policy, we must pursue a kind of revolution at home, a non-violent revolution if at all possible. It is no longer tolerable for the United States to vent its own economic, racial, and psychological problems on the rest of the world, either in the name of some elusive greater good or in the name of America's alleged national interest.

But if we are to commit ourselves to this political-educational struggle to revitalize American ideals and to expose the nightmarish quality of our leaders' perceptions of the world, then we must first understand the nature of the United States' role in international affairs. The United States today, in my view, is the world's foremost counterrevolutionary, imperial power. Five years ago I would have dismissed such a statement as pure cant, but Vietnam, Laos, and Cambodia have taught me otherwise. We have all began to awaken, rather late, to the overriding quality of United States policy around the world—in Brazil, in Greece, in the Philippines, at home. And if seemingly ideological words like "imperialist," "racist," and "puppet government" still grate somewhat on our ears, the sad fact remains, as recorded by Mary McCarthy, that in these matters "the truth, renamed by us 'propaganda,' has shifted to the other side."

It appears, moreover, that America is actively opposing in the Third World not only revolutions but also, in some sense, evolutions. If this is so, our counter-evolutionary policies seem to grow out of our counterrevolutionary policies, for America's profound antagonism to revolution has traumatized us regarding the potential implications of evolutionary developments that we do not control. Revolutions tend to be indiscriminately seen by us as Communist victories, and non-revolutionary, politically reformist, coalition-type developments, if they are not under our sponsorship and direction, tend to raise in our minds the specter of future revolutions. We fear indigenously produced, autonomous reform abroad as a catalyst of revolution. We are anxious that "the enemy" may exploit certain reforms for its own ends. The result is that the United States has increasingly painted itself into a corner, from which it attempts simultaneously to repress revolutions while discouraging significant political reforms that may provide the only conceivable alternative to violent revolution.

Vietnam and Laos are cases in point. Regarding Laos, it is well known, for example, that in the late 1950s and early 1960s the United States made great efforts to frustrate the 1957 coalition agreement between then-neutralist Souvanna Phouma and the leader of the Pathet Lao, Souphanouvong. We subsequently opposed a coup which restored Souvanna Phouma to power, and by backing right-wing army officer Phoumi Nosavan's march on the capital to overthrow the neutralists, we succeeded in transforming a coup into a civil war.

The record in Vietnam is even more incriminating. We have repeatedly—in the summer of 1964, in February of 1965, and in the spring of 1966, to name only a few examples—intervened on behalf of right-wing, hawkish cliques to preclude the development of broader-based coalitions in Saigon and to preempt by our military escalations domestic and international moves which threatened to bring peace to the area. And today, with the Thieu-Ky regime under renewed and severe political attack at home from students—all universities have been shut down by the Saigon regime—from Buddhists, war veterans, and others, the Nixon administration has initiated another diversionary escalation of the war by invading Cambodia.

We must stop this monstrous war now. We must give peace a chance. If there are high officials still silent in the Nixon administration who fervently oppose its war policies, we do not wish to hear about their disaffection three years from now in their best-selling memoirs. If a majority of our legislators in their hearts support amendments to force a prompt end to this war, they should overcome their reservations about embarrassing the President and stand up to be counted. If our political system is still capable of an effective response to our desperate plight, the time is now. The future of our country and, perhaps, of the world may well be at stake. And our future is too important to be left in the hands of one man.

Asian Peoples and American Policy: The Fallacy That Free Asia Is With Us

(By Susanne Hoeber Rudolph)

To assert, as three administrations have done, that "Free Asia" is "with us" is to ignore the questions of who is free and what it means to be "with us". Generally, the less free Asian nations are, the more they tend to be with us; the more free they are, the less they tend to be with us.

By free nations I mean those whose governments are based on popular support, where possible in a context of open, competitive politics; those that build such support on social change and economic growth, recognizing in the process the increasing demands for distributive justice and for social and economic equality; and those that pursue relatively independent foreign policies, by avoiding becoming economic or military client states of a great power.

XUM

On the basis of these criteria is it difficult but not impossible to find a "free country" in Asia; the governments of Pakistan, India, Ceylon, Burma, Indonesia, Malayasia, and Singapore have avoided international clientelism more than the governments of Taiwan, Laos, Cambodia, South Korea, and Viet Nam. They differ among themselves with respect to many other criteria, but most of them qualify better than the American client states on many measures of freedom.

If we take these, then, as "free Asia", in the sense of not being dependent internationally we find that they are not "with us" in the sense of supporting our wars in Viet Nam or Cambodia. All of them welcomed the redefinition President Nixon was thought to have given to our Asian policies when he toured the area last year. He assured both India and Pakistan that the U.S. was turning away from policing the peace in Asia, that it would refrain from playing fire brigade in Asian civil wars. These assurances were most welcome and well-received.

When the Cambodian invasion suggested that the US was reverting to earlier definitions of its role, Prime Minister Indira Gandhi of India told her parliament that US intervention in Cambodia had aggravated the situation, extended the war, and threatened "danger to the whole of Asia." In Pakistan, the official newspaper *Dawn* doubted that the escalation would win the advantages America hoped for, interpreted the move as intervention in the civil war between the Lon Nol and Sihanouk governments in Cambodia, and thought it would undermine the credibility of US policy abroad. Indonesia, which has become increasingly linked to American interests, yet "regretted" the Cambodian invasion.

There are, of course, some exceptions to the generalization that the more free a people are, the less they are with us. The Japanese are an outstanding exception. But even in Japan, as in other countries where governments support the Indo-Chinese war, substantial elements oppose our policy. The Philippines are perhaps another "free" exception, although, by virtue of their great dependence on American economic ties, they are virtually a client state. They have not withdrawn their rhetorical support for the Indo-China war, but they did, last January, withdraw their engineering and medical batallion. The Philippine Congress refused to vote the funds for it.

But the main problem for most of these countries is that the American war in Indo-China contaminates the constructive role some of these countries would like the United States to play in Asia. Most of them do not, in fact, want America to exclude itself from concern with Asia. Some of them hope that, in foreign and defense policy, the US as well as the other two great powers, Russia and China, will in fact deter each other from the grossest forms of intervention in the area. In domestic affairs, some of them welcome American support for economic development when it does not lead to clientelism. India, the largest power in Asia outside of China, has counted in a general way on American interest in the area to act as a deterrent against renewed Chinese incursions and a possible source of aid if such incursions occurred.

But the US's potential for peace-making and development in Asia is hindered, not furthered, by the war in Indo-China. Instead America has become an active and interested force in the *internal* affairs of South-East Asian nations. America is seen as a military force aligned with bankrupt and despotic regimes in a series of civil wars; to modify Richard Pfeffer's useful phrase, the US is seen as a counter-evolutionary force. Neutralist regimes must inquire whether American influence or aid might require moves to the right; left oppositions invariably, and with some cause, assert that this is what American aid will mean.

In Viet Nam, Laos, and now Cambodia, American willingness to let itself be identified with the reactionary heavies has made it difficult for other Asian powers to allow even relatively distinterested American foreign policy influence or aid.

There is another hooker in the phrase "Free Asia". Americans tend to believe that communist governments and societies are always less free than non-communist ones. This is sometimes true and sometimes not, depending on the specific country. Yugoslavia, for example, is less a client state to Russia than Taiwan has been to the US, and her internal politics are characterized by more open dialogue than those of Taiwan. We have to transcend the clichés of the fifties sufficiently to recognize that a nationalist communist regime in South-East Asia, based on solid internal support, may be a "freer" state—freer of dependency on both the US and China—than some ineffectual or corrupt non-communist government whose main claim to survival rests on US guns.

"Free Asians" on the whole, then, see American involvement in Indo-China as blocking a constructive US role in Asia. Far from fearing that American withdrawal from Indo-China would leave Asia at the mercies of despotism or war, they welcome such withdrawal as freeing the US for a role on the side of social change, democracy and international security.

Vietnamization: The Fallacy of the Concept

(By David Mozingo)

"Vietnamization"—the Nixon administration's formula for gradually turning over the military and political burdens of the war to the Saigon regime—is not a new but an old and discredited solution to the conflict in Vietnam. The term was invented in 1947 not by the Americans but by the French who, from the very beginning of the Indochina war, recognized the absolute necessity of a native antidote to the Viet Minh and unsuccessfully tried to create a puppet state under Bao Dai.

Since the Americans took over from the French there have been, in fact, fifteen more unsuccessful attempts at Vietnamization. Every Saigon regime the United States has created and supported since 1955—from Diem to Thieu—is a milestone in this effort. Every concept from "agroville" to "strategic hamlet" to "Vietnamization" has been the latest label in the passing parade of meaningless names Washington has coined in its search for an anti-Communist force capable of claiming the mandate of Vietnamese nationalism. The central political and military fallacies in the Vietnamization scheme are the same ones that afflicted the policies of the French as well as Presidents Eisenhower, Kennedy, and Johnson. These fallacies are as evident and controlling today as they were fifteen years ago.

First — Vietnamization presupposes a broadly-based Saigon regime; otherwise the insurgents cannot be denied the basis of their political support and the government cannot muster sufficient loyalty to effectively resist rebellion. But the present military dictatorship cannot become more representative without yielding the substance of its power, which is political repression. To lift this repression would automatically lead to participation in the political process by those elements, nationalists, Buddhists, and Communists, whom the Saigon generals must continue to suppress in order to stay in power. For Vietnamization to become a reality would require the self-liquidation of the Thieu regime and no despotism has ever done this.

Second—Because it has so little domestic support, the very survival of the Thieu regime depends upon *preventing* Vietnamization, not supporting it. Hence, Saigon's leaders must continue to use any means to thwart, disrupt, subvert, or at least delay American withdrawal from the war. This is why Saigon has opposed a compromise peace settlement and steadfastly resisted United States pressures for reforms and greater South Vietnamese shouldering of the military burdens. Actually, continuance of the war and United States presence in Vietnam are the lifeblood of the Saigon establishment. No wonder General Thieu is overjoyed about the Cambodian invasion. This adventure has escalated the conflict and dragged America deeper into the quagmire—two conditions indispensable to the survival of his regime.

Third—In strictly military terms, Vietnamization means, for a long time to come, only the *partial*, not the complete, withdrawal of U.S. forces. The rate of our troop reductions is entirely dependent on the battlefield performance of the South Vietnamese army. Washington assumes this army can carry on the fight, backed up by U.S. artillery and air support, while our ground combat forces are gradually pulled out. If ARVN is unequal to the task, the whole strategy of gradual military withdrawal must collapse. And since the decisive issue is whether the South Vietnamese or the Communist armies prove to be the strongest, it is actually Hanoi and Saigon, not Washington, who will decide the fate of military Vietnamization.

Fourth—Washington was wrongly assumed that the Communist side could not design a counter-strategy to defeat Vietnamization. This assessment is based on the Nixon administration's tragic and disastrous mistake in buying—hook, line, and sinker—the outgoing Johnson administration view that the enemy's best military units were crippled during the 1968 Tet offensive and that, consequently, the ARVN could gradually win the war in South Vietnam. This is the assessment that was behind Washington's decision in 1969 to downgrade the Paris talks, to launch an offensive in Laos and, recently, to invade Cambodia to prevent the Lon Nol government from collapsing.

Strategically, the only hope for Vietnamization lay in confining the contest to South Vietnam. But by its own offensive action, the Nixon administration has played into the hands of the other side. As Hanoi's recent counter-offensive in Laos and her intervention in the Cambodian civil war have demonstrated, the Communist side's counter-strategy is to defeat Vietnamization by outflanking it. In short, not only has Vietnamization failed, but the United States has already taken the first step along the road to a third Indochina war.

Asian Studies and American Policy: The Fallacy of Non-Involvement

(By Felicia Oldfather)

We live in an imperialist nation—a nation committed to political and economic domination of Asia and to the use of overt political force to achieve these ends when other means fail. This is a policy which opposes itself to the revolutionary cry for social justice in much of the Third World.

As intellectuals, we bear heavy moral and academic burdens. Because we are human beings, we must stand on the side of the oppressed in the face of horrors inflicted upon our fellow-men—horrors inflicted in the wanton destruction of war and in the terror of the status quo. We must cling to the vision of a world without exploitation of man by man, a world where men are able to live freely and fully. The radical demand of this position is clear; imperialism must be ended at its source, and that source is not a comfortably far away place, but here at home.

For Asia scholars, defeating imperialism at home means a struggle within our own

XUM

profession, and within ourselves. To begin this effort we must know where we are now. It is patently false to claim that scholars have not been involved in American policy in Asia. Some have functioned as active assistants to this policy. In its most crass form, this was seen in the Michigan State project in Vietnam, where American "scholars" were involved in the training and management of the secret police force of Ngo Dinh Diem. More recently, we have discovered that the University of California, acting for a group of scholars in Thailand, signed an AID contract involving counterinsurgency research in Thailand. Also thanks to the largesse of AID, a center for Vietnamese Studies has been established at Southern Illinois University—a center which has definite programmatic orientation towards further American involvement in Vietnam.

These are blatant cases, but there are more subtle ways in which American scholars allow their expertise to be used by the government. Many serve on advisory panels to various government agencies. If one chooses to do so, he should understand his position well. Any illusion that he is going to change government policy in any substantive way should be dismissed. The government seeks and uses the kind of advice which suits its chosen policies. Beyond this, its use of the academic community is public relations, an excuse to expand government credibility and show how tolerant it is. Further, some scholars have chosen to trade their public dissent for a chance on inside influence. The government listens to their advice, ignores it, and is happy to be spared further *public* criticism of policy.

Many scholars now understand that Vietnam is no "tragic error." Rather, it is the natural consequence of America's efforts to control the future of Asia. It is for precisely this reason that we must move beyond Vietnam to discussion of American strategy for Asia. We must examine our policies in the rest of Southeast Asia, the Japanese Security Treaty, off-shore oil drilling in Indonesia, and the American effort to force more private investment on the Indian government. The real tragic error is the liberal illusion that a little advice can repair the mess. We must adopt a critical and suspicous posture towards government activity in Asia, and to any techniques for enlisting the support of American scholars in carrying them out. The reason for this stance, put simply, is that the government of the United States is not acting in our interest, nor in the interests of the people of the world.

We face a difficult task. The legacy of the McCarthy period and the Cold War has affected all of us. Like all Americans, Asia scholars are affected by the political climate of their time. Much scholarship on Asia has been based on assumptions of anti-communism, on the validity of containment theory, and on the notions of nation-building and modernization with the American way as the norm. This has meant the use of different vocabularies to describe "them" as opposed to "us" and a parallel double standard in evaluating our actions versus theirs. This doublethink, too, is involvement. The result has been that American scholarship on Asia has served, sometimes openly, sometimes in a more subtle fashion, to justify American policy abroad. Even critics of the war have often been trapped in the posture of criticizing it, while never doubting our right to interfere in the Vietnamese efforts at self-determination.

What is to be done? Many Asia scholars are now moving towards a healthy critical approach in their work. This will gradually enable us to clear our heads. But this is only the beginning. The critical question remains: how can we translate our ideas into effective political action and change our own society? This question demands more than the symbolic actions of signing petitions and rushing to a largely unresponsive Washington. These are useful actions, but cannot alone change American policy, not to mention America. In our own fields and departments, we must question sources of funding, methodology, and decision making. It is no wonder that our approaches to policy formation and political action are based on elitism, when elitism pervades the very structure of our profession. Outside of our tarnished ivory towers, we must move into the community at large. We must use our expertise where appropriate, taking opportunities to speak, not merely to elite gatherings, but to high schools, church groups, labor unions, and others. This means working with various elements fighting for change at home. We are now aware that justice at home and justice abroad will come together, if they are to come at all. We must thus join the growing movement committed to ending imperialism abroad and achieving social justice at home.

The demands that this presents are many. There are problems of time, of defining new kinds of scholarship, of understanding the present crisis at home and abroad, of scholarly integrity and critical intelligence, of university community. These are not easy problems, and there are no easy solutions. Yet we must live with these demands and move forward, for we have no choice.

Monolithic Communism: the Fallacy of the China Threat

(By Mark Mancall)

The American war in Southeast Asia, almost from the very beginning, has assumed a momentum of its own. The process of escalation may well have been more a response to American self-images, as so nakedly described by President Nixon in his speech on April 30, than to the reality of a threat from the Communist world in general or from Communist China in particular. This is especially evident in view of the fact that while America's justification of its war in Southeast Asia has passed through many verbal permutations in the last three administrations, it has hewn to one major theme: the threat of an aggressive Communist China and the need to contain it through the maintenance of a balance of power in that region. Moreover, it has insisted upon this theme despite the failure of reality to match Washington's expectations.

In March 1960 the then-Acting Assistant Secretary for Far Eastern Affairs informed the Senate Foreign Relations Committee that a "grave imbalance of power" existed in the Far East. "Our countervailing presence," he said, "redresses this imbalance," and he argued that any show of American weakness in the area would have "grievous effects." In his Baltimore speech of April 7, 1965, President Johnson made this same point more explicitly: "Over this war—and all Asia—is another reality: the deepening shadow of Communist China. . . . The contest in Vietnam is part of a wider pattern of aggressive purposes." And earlier this month, in a discussion with a group of visiting professors and students, Undersecretary of State Richardson used the same arguments of balance of power and continuation of the Communist threat to justify our actions in Vietnam and Cambodia. The persistence of this argument in the Nixon administration is reinforced by the President's own historical experience. The urbane and moderately conservative *London Economist* considers one of the most significant developments this month to be the fact that Mr. Nixon is viewing the Southeast Asian war increasingly in "Korea terms."

It would be logical to conclude, given this argument, that American escalation in Southeast Asia, particularly since 1964, took place either in response to an escalation of Chinese activities in the region or as a preemptive measure to prevent Chinese escalation. However, the Chinese have rather persistently spoken loudly but carried a small stick. They have always talked of support, not intervention. While no one would seriously question both Soviet and Chinese supply activities in support of Hanoi and the Vietcong, all the evidence points not to an escalation of direct Chinese military involvement in the war but, rather, to a probable decline of such involvement, which even in the beginning was minimal.

In the mid-'60s there were reports of some 40–50,000 Chinese support troops—mainly engineer units—in North Vietnam, engaged in the construction of roads and railways. These, however, were apparently withdrawn after the American bombing halt, sometime in late 1968 or early 1969, and there is no evidence that they have returned. There have been reports of between 6,000 and 20,000 Chinese troops in two northwestern Laotian provinces, but they are part of an agreement between Peking and the Royal Laotian Government for the construction of a highway; they are not there in direct response to American activities in the rest of the peninsula.

We can draw only one conclusion: the escalation of American involvement to well over 500,000 men was independent of any real Chinese threat in Indochina itself; nor did the Chinese respond at any time with a comparable influx of personnel into combat areas of North Vietnam, Laos, or Cambodia. The Chinese emphasis on support rather than direct action was reiterated quite distinctly by Chou En-lai at the banquet closing the Summit Conference of Indochinese Peoples at the end of April, when he said: "The 700 million Chinese people provide a powerful backing for the Vietnamese people; the vast expanse of China's territory is their reliable rear area." This was essentially a restatement of Lin Piao's position of 1965.

Nor can it be argued that the supposed "threat" in Indochina derives from a simple bipolar opposition between the "Communist" and the "Free" worlds. The Southeast Asian situation has been a constant bone of contention between Moscow and Peking. All the evidence indicates that Moscow and Peking have witnessed both internal conflicts over their respective Indochina policies and, more publicly, external conflicts between each other. Soviet policy has been guided by two contradictory objectives; first, the desire to reach a detente with the United States in international affairs, which required the minimization of the Indochina conflict; second, the desire to main Russian influence in the peninsula, which in turn required that Moscow extend its support to the North Vietnamese and the NLF. China's policy has been similarly conflicted. Peking has wanted to maximize her influence in the region while minimizing the possibility of a direct United States-China conflict. Both Moscow and Peking have competed for influence in Southeast Asia, a competition derived primarily from their own rivalries rather than from United States action. American escalation has continually taken place not because of the threat of Sino-Soviet unity but despite their disunity. This disunity has been reemphasized in recent days by Soviet failure to recognize Prince Sihanouk's effort to establish a "Government of National Unity" and Le Duan's inability to bring about a united Sino-Soviet policy in the face of the most recent American escalation.

It is often said that American interests in Indochina would be served by increased Soviet influence there, yet our latest escalation has apparently accomplished just the opposite. The Soviets may wish to keep their options open, even to the point of encouraging a diplomatic breakthrough, such as a new Geneva Conference, in order to avoid the possibility of defeat on the ground, but the recent Cambodian invasion apparently decreases the options available to China, which sponsored the Summit Conference of Indochinese Peoples, where the Russians were conspicuous by their absence.

Consequently, even if one views China as a threat, our present policy is counterproductive. As Sidney Liu, the respected Hong Kong "China watcher," has pointed out: "If the U.S.'s drive into Cambodia fails to weaken and demoralize the enemy, the Communists' demands are certain to be hardened. . . . If it succeeds and North Vietnam is driven to the point of collapse, Peking may feel honor-bound to send massive aid to Hanoi—either materiel or, as a last resort, troops." In the present situation, Sino-Soviet disunity and Moscow's consequent inability to exert a moderating influence on either Peking or Hanoi works to Washington's disadvantage, not its advantage. Disunity on the other side may pose a greater threat than unity.

The latest permutation of the "threat" thesis involves the Soviet Union in the Middle East. As laid out by James Reston, who alludes to the President's "foreign policy aides" as his source, the argument revolves around the thesis that we cannot appear to be weak "in one part of the world without encouraging Moscow to believe" that we "will be weak" in other, perhaps more dangerous, areas. It is commonly accepted in most sectors of American official and public opinion that our political, economic, and moral interests in the Middle East are vastly more important than those in Indochina. Recent months have witnessed a sharp increase in Soviet direct participation in the Middle Eastern struggle. In March, Soviet SAM-3 missiles arrived in Egypt with Soviet operational crews.

By the end of April it became evident that Soviet pilots were engaged at least in defensive operations in Egypt. On April 30, the same day that President Nixon made his Cambodia speech, he ordered a reevaluation of American policy in the Middle East and a reconsideration of the decision not to sell Israel 125 Phantom jets. By showing strength in Indochina through the Cambodian invasion, it is argued, Washington is establishing a posture of firmness as a warning to the USSR in the Middle East. If this is indeed the case, if our action in Cambodia is in any way perceived as a response, even in part, to a Soviet threat in the Middle East—and we cannot rule this out, given the Nixon doctrine of international politics—it may have misfired badly. As Senator Kennedy pointed out in a recent open letter to Joseph Alsop: "The longer we remain bogged down in Southeast Asia, with periodic escalation that only serves to involve us deeper, the more latitude the Soviet Union feels in her Middle East adventures." This would appear to be the very case. The New York Times reported on May 14 that new Soviet activity has greatly increased Russian military presence in Egypt.

Despite Washington's disclaimers to the contrary, the China "threat" is more apparent than real in Southeast Asia, which may help to explain the emergence of the new Middle East theory. This appears to be a war in search of its justification. The war controls policy, not policy the war. Consequently, shifting justifications cannot be used to rationalize continuation of a war that has come to dominate most facets of American foreign and domestic policy.

THE WAR AND THE FUTURE OF SOUTHEAST ASIA: THE FALLACY OF THE PHOENIX

(By Clifford Geertz)

We are more the victims of our preconceptions in South Vietnam than we are of objective circumstances. Among the most important of these preconceptions is the "technological optimism" which has marked our nation for virtually the whole course of its history. From the beginning, and certainly since the Civil War, we have celebrated our "know-how," prided ourselves on our ability, which is real enough, to apply advanced techniques to practical problems—to lay roadways, build bridges, construct dams, improve corn, assemble automobiles, erect housing projects. Our confidence in ourselves and in our future has rested in great part on a faith in "the technological fix," on the belief that whatever foolishness, greed, neglect, or mere accident might do, our advancing technology could, and rather quickly, undo. Like many other of our notions about ourselves, this consoling idea is in the process of being destroyed in Vietnam.

Redirected towards the outside world after 1945, our technological optimism took on the form of a similar optimism concerning the reconstructive powers of foreign aid, an optimism which the Marshall Plan recovery of Europe seemed brilliantly to justify. The agonies of the war itself could not be erased, but they could be contained in the past as a new Europe, a phoenix from the ashes, was built up on the ruins of the old. Small wonder that the same idea has appeared in our thinking about Vietnam—that there, too, once peace is reestablished, American know-how can assure the rapid reconstruction, and indeed advance, of Vietnamese society and civilization. Already good and talented men and agencies, foundations, and universities are laying the plans for correcting with our technological intelligence the havoc our political stupidity has wrought, and thus to extricate us from the consequences of our acts. That they will be successful this time—that Green Revolutions, Mekong Projects, and Rural Redevelopment Agencies, however, valuable in themselves (something I have no desire to deny) will have the kind of restorative effect in Southeast Asia that they had in Europe, that a phoenix can be made to rise from these ashes by the application of American knowledge, American wealth, and American energy is, however, more than a little doubtful. Here, for once, what we have done looks like in a fair way to staying done.

It is not merely that Vietnam is not Europe, and not Japan, and not even Korea—though some American policy makers do seem in need of constant reminder of that fact. It is that Vietnam, like the other new states of Southeast Asia, still lives, even as it seeks to modernize, on the resources of an old society which provides it not only with the base from which to change, but with the means, the desire, and the confidence to do so. And this society is in the process of being destroyed in South Vietnam, and now perhaps in Cambodia and Laos as well.

Reconstruction there, if that is even an appropriate word, is not a matter of rebuilding a shattered industrial system, but of restoring the possibility of collective life, and that no one yet, even an inventive American, quite knows how to do. Plant defoliation can—perhaps—be corrected by chemists and agronomists with their aims turned around; but just what can be done about cultural defoliation is much less clear. We do know how to build physical villages easily, quickly, and efficiently. But we don't know anything, nor (despite claims, some of them from my own profession, to the contrary) does anyone else, about how to build a social one, a community. And it is communities, and beyond them a civilization, not just physical villages, that are being torn apart in Vietnam.

It is of course true that much in Vietnamese society, as much in American, is not the sort of thing that anyone committed to humane values would wish to preserve. But there is precious little evidence for the theory that social progress is encouraged by militarily induced cultural traumas. Whether in Spain, Greece, or the American South, the more common result of such traumas seems to be the paralysis of social will for extended periods of time, an infolding neo-conservatism, haunted by the obsession that whatever happened in the past must not at whatever cost be allowed to reoccur.

Like individuals, civilizations which have been hurt at the core of their being seem to spend, for years thereafter, the bulk of their energies warding off the possibility, or even the intonations of the possibility, that they will be thus hurt again. The monument left behind by the American attempt to "win the hearts and minds of the Vietnamese people" seems more likely to be cultural paralysis than technological dynamism, joss stick fear than power station hope—the final irony in a situation which can scarcely sustain many more.

This time science—or more exactly, applied science—is not going to save us or anybody else. The mirage of an easy reconstruction in which American technology rebuilds a shattered Vietnam into a demonstration to Asians and, what is perhaps our deeper motive, to ourselves of the effectiveness and beneficence of our way of going about things is, even assuming that we obtain the sort of settlement that will permit us to try it (something that I would not like to lay money on), just that: a mirage. What is being created in Vietnam is a different kind of demonstration; a demonstration to Asians that if you are interested in preserving the essentials of your national identity and in building upon it to secure for yourselves a viable future, inviting great powers to do it for you is not an altogether rational policy; and a demonstration to Americans that if you are interested in preserving a faith in the virtue and promise of the American way, you are wise not to try to apply it to the effects of Seek and Destroy.

We are—not, of course, as the destruction of Hue suggests, without the help of our adversaries—building ruins in Vietnam. But not just physical ruins—spiritual ones. It is these which we will have to live with "after the war" in Vietnam, and no quantity of Potempkin villages is going to be able to shield that fact either from Asians or—though one should never underestimate the amnesic powers of the political mind—ourselves. It would seem best, then, that we cease forthwith to build them. It is not a phoenix that is going to rise for us from these ashes, but that more disturbing bird, the albatross.

VIETNAMIZATION—ANOTHER VIEW

Mr. CHURCH. Mr. President, the obfuscation enveloping American policy in Southeast Asia makes it difficult to know what the grand design of the Nixon administration really is—if there is a grand design. One astute columnist, Mr. Joseph Kraft, makes a game try at analyzing the most recent developments and, in so doing, suggests that President Nixon is pursuing a stick-it-out policy. In fact, Mr. Kraft writes:

> The President is withdrawing American troops from Vietnam not as rapidly as battlefield conditions will safely permit, but as slowly as domestic constraints will allow.

In executing this policy, it is suggested—

> It is going to be very difficult for Nixon now to exploit the narrow opportunities that exist for disengagement from a war that promises to go on and on and on.

This is a dismal forecast which accounts, in part, for the protracted Senate debate over American policy in Southeast Asia.

I ask unanimous consent that the Kraft column be printed in the RECORD at this point in my remarks.

There being no objection, the article

was ordered to be printed in the Record, as follows:

[From the Washington Post, June 21, 1970]

Mr. Nixon's Win Policy—Gap Between Rhetoric and Fact Makes Clear U.S. Policy Is To Beat Enemy on Ground

(By Joseph Kraft)

Saigon.—The Cambodian venture was distinguished from the start by an enormous gap between what the President said and what actually happened. And veteran apologists for the Vietnam war have proclaimed that Mr. Nixon talked tough in order to justify a more rapid withdrawal from the war.

But a comparison of the President's rhetoric with the facts here in Saigon yields the opposite impression. Mr. Nixon stresses the most horrific dangers imaginable in order to gain time with the American public for application of what amounts to a win policy.

The President's most egregious distortions are to be found in his April 30 speech announcing the Cambodian operations. The underlying argument was that the incursion into Cambodia was necessary to prevent the enemy from taking advantage of American withdrawals to stage a massive offensive that would cause heavy American casualties, bring national humiliation to the United States, and expose South Vietnam to horrible massacres. Here, just to refresh the memory, are a couple of the more gamey examples.

The President said the enemy has been "concentrating main forces in the sanctuaries where they are building up to launch massive attacks on our forces." He spoke of "massive military aggression" by North Vietnam in Cambodia for the purpose of using that country as a "vast enemy staging ground and springboard for attacks on South Vietnam." Unless the intervention took place, he claimed, the enemy would "increase its attacks and humiliate and defeat us" which would "expose South Vietnamese to slaughter and savagery."

But this melodramatic vision of battle vast is about as true to real life as the lion played by Snug the Joiner in "Midsummer Night's Dream." The very notion of a large-scale enemy assault from Cambodia is dismissed in the highest military circles here with a barnyard epithet. The other side just doesn't and didn't, have the capability.

Almost all the best analysts here are agreed, moreover, that Communist strategy now emphasizes small unit guerrilla action rather than massive attacks.

An additional bit of important local evidence involves the stretch-out in American troop withdrawal sought by the American commander, Gen. Creighton Abrams, early in March. The reason for that request had little to do with Cambodia and the threat of an enemy offensive. What most concerned Gen. Abrams was that the enemy was showing strength in the northern part of this country, including the well-worn battlefields of Khesanh and the Ashau Valley.

Neither is the President's claim of a putative enemy offensive sustained by intelligence of enemy movements in Cambodia. Everybody in Saigon agrees that the other side suffered a setback when the ousting of Prince Sihanouk on March 18 brought to power a Cambodian government that closed down the enemy supply line through the port of Sihanoukville. Thereupon the Communist forces made various efforts—including military pressure on the new Cambodian government and a move to reopen a new supply line—to redeem the loss.

But there was no sign of any enemy move toward South Vietnam and American troops. Even if the other side had succeeded in immediately setting up a new supply line, it would have been far less efficient than the old route through Sihanoukville.

The gap between the facts and the President's rhetoric, to be sure, may not be a good base for moral judgment. But the distortion does reveal Mr. Nixon's true intentions. It identifies those he was trying to con. The intended victims were not Barry Goldwater, Strom Thurmond and the rest of the President's right-wing clientele. For Mr. Nixon does not have to read them lessons about the baleful malevolence of the Communists, and the danger of national humiliation.

On the contrary, the intended dupes were those of us who have been doubtful about the Vietnam war. The idea was to justify the Cambodian venture as a purely defensive measure. The aim was to smother anybody who might question the President's policy in public concern for the safety of American troops. And there lay the logic of Mr. Nixon's Pentagon denunciation of dissenting students as "bums."

But why should Mr. Nixon be so concerned to discredit the doves? The answer is that he is withdrawing American troops from Vietnam not as rapidly as battlefield conditions will safely permit, but as slowly as domestic constraints will allow. He and all his advisers in Saigon want American troops here to beat down the enemy as long and as hard as possible. They want to weaken the other side to the point where it will be possible for a pro-American, anti-Communist government to survive in South Vietnam. Without saying so, President Nixon has been going for what amounts to a win policy. And unless he changes that fundamental intent, it is going to be very difficult for him now to exploit the narrow opportunities that exist for disengagement from a war that promises to go on and on and on.

THE CAMBODIAN OPERATION—A MILITARY MISTAKE

Mr. CHURCH. Mr. President, the Nixon administration claims great success for the presidential decision to send American troops into Cambodia in late April. We have been given details of the rice and ammunition and other booty that the operation has captured. But there has been no acknowledgment of the larger deterioration in our position in Southeast Asia.

A column by Frank Mankiewicz and Tom Braden lists some of these setbacks. They include:

Item one—The Vietcong now control more of Laos than they did before the Cambodian invasion.

Item two—Generally, the American casualties in South Vietnam have remained about the same, despite the destruction of the sanctuaries.

Item three—Areas of Vietnam once believed pacified have fallen again to the Vietcong, now that the South Vietnamese are off in Cambodia fighting rather than defending their own homeland.

The listing of items is much longer in the column which appeared June 2, 1970 in The Washington Post, and, therefore, I ask unanimous consent that the complete column appear in the Record at this point in my remarks:

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, June 2, 1970]

Nixon Will Try, But Can't Disguise the Failure of Cambodia Operation

(By Frank Mankiewicz and Tom Braden)

The President could not wait until the troops were out of Cambodia—he opted for an "interim report" this week. It will confirm that the purpose of the Cambodian invasion has become not to save the lives of American soliders but the face of American generals and the seats of Republican congressmen.

Mr. Nixon will list the weapons, the ammunition and the rice we have taken and destroyed. But the weapons and the ammunition can be replaced—by the Russians if necessary. The hundreds of Americans who will have died in Cambodia cannot. What cannot be avoided, once all the "success" language is cleared away, is that Cambodia was not only a political setback of major consequence for the administration, but a military failure as well.

Item: We do not even claim that the "central headquarters" for the Vietcong had been captured. On earlier offensives, such as Operation Cedar Falls and Operation Junction City in 1967, we reported it overrun, bunkers, communications equipment and all. This time, it seems to have passed to the control of the Scarlet Pimpernel and eluded us. No matter—six months after the last time we captured it the enemy launched the Tet offensive.

Item: Simultaneous leaks from what seems to be the same Pentagon source to selected newsmen last week indicate a major effort to mask the failure of Vietnamization which the Cambodian campaign revealed. In the first two weeks, while our casualties went sharply up, those of the South Vietnamese went as sharply down. Morale in the ARVN, it is reported, has never been higher. It is, apparently, an army which prefers bullying Cambodian civilians to fighting the Vietcong at home. It is no wonder that Thieu and Ky want to stay indefinitely.

Item: High South Vietnamese sources now say that the cost of remaining to "assist" the Cambodian army will run at the rate of $200 million. This is a heavy cost for the American taxpayer, who may not understand why he must pay the South Vietnamese to Cambodianize one war while still paying something on the order of $30 billion to Vietnamize the first one.

Item: Our military planners—anxious to take advantage of Prince Sihanouk's overthrow—ignored the historic hatred between the Vietnamese and the Cambodians. The report that Thai "volunteers" will defend Phnom Penh merely increases the problem. Thais are also unwelcome in Cambodia. Furthermore, one wonders how much we will pay to provide the Thai volunteers.

Item: The new Cambodian government has imposed martial law and will crack down on its own citizens, understandably restive over the presence of the South Vietnamese and—more important—over the fact that since the invasion the North Vietnamese have taken over a number of provincial capitals and have tightened their grip in the areas they already held.

Item: The ease with which the enemy seized and briefly held Dalat, South Vietnam's ninth largest city, over the weekend suggests just what Vietnamization has come to. Areas once thought pacified have fallen again to the Vietcong, now that the South Vietnamese are off in Cambodia improving their morale by fighting women and children.

Item: Since the fighting began in Cambodia, American casualties in South Vietnam have remained above the earlier "tolerable" level.

Item: The Vietcong now control more of Laos than they did before the Cambodian invasion.

The President's interim report may boost his popularity for a while. It may even nudge a senator or two to vote against the Cooper-Church amendment to stop funds for more operations in Cambodia. But the facts remain. "Vietnamization" was always doubtful—an army which would not fight with Americans was a poor bet to fight without them. Now, the failure is plain through all of Indochina. The generals have never known what this war was about and the President—

XUM

like his predecessor—had no reason to believe that they did.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BAYH). Without objection, it is so ordered.

Mr. ALLEN obtained the floor.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. BYRD of West Virginia. Mr. President, would the distinguished Senator mind delaying his remarks at this point? I ask this because under the order of Friday, it was agreed that no later than 11 a.m. today the Senate would consider the conference report on the second supplemental appropriation bill for 1970.

Mr. ALLEN. Mr. President, I ask unanimous consent that at the conclusion of the action on the conference report on the second supplemental appropriation bill, I be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I thank the able Senator.

SECOND SUPPLEMENTAL APPROPRIATIONS, 1970—CONFERENCE REPORT

Mr. BYRD of West Virginia. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17399) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. BAYH). The report will be read for the information of the Senate.

The assistant legislative clerk read the report, as follows:

CONFERENCE REPORT (H. REPT. NO. 91–227)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17399) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 14, 23, 40, 41, 42, and 43.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 7, 8, 11, 17, 18, 19, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 44, 45, 46, 47, 48, 49, 52, 53, 54, 55, 56, 57, 58, 59, and 60, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert "$3,997,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert "$129,675"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *"$8,048,000"*; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert *"$50,000,000"*; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *"$4,500,000,000"*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 2, 10, 12, 13, 15, 16, 20, 22, 24, 50, 51, and 62.

ROBERT C. BYRD,
JOHN O. PASTORE,
SPESSARD L. HOLLAND,
ALLEN J. ELLENDER,
JOHN L. MCCLELLAN,
WARREN G. MAGNUSON,
JOHN STENNIS,
ROMAN L. HRUSKA,
MILTON R. YOUNG,
MARGARET CHASE SMITH,
Managers on the Part of the Senate.

GEORGE MAHON,
JAMIE L. WHITTEN,
JOE L. EVINS,
WILLIAM H. NATCHER,
DANIEL J. FLOOD,
TOM STEED,
JULIA BUTLER HANSEN,
CHARLES R. JONAS,
ELFORD CEDERBERG,
ROBERT H. MICHEL,
ODIN LANGEN,
Managers on the Part of the House.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17399) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

TITLE I

CHAPTER I—DEPARTMENT OF AGRICULTURE

Amendment No. 1: Provides $425,000 by transfer for "Extension Service, Cooperative extension work, payments, and expenses" as proposed by the Senate instead of $597,000 as proposed by the House.

Amendment No. 2: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate provision of $300,000,000 for the "Food stamp program," with an amendment changing the date for the availability of such funds to cover a four instead of a three-month period of time. Funds so provided are to be charged to the amount provided in the 1971 bill for this purpose, when enacted. The $300,000,000 does not necessarily have to be prorated over the four month period. These funds are required so that the food stamp program may be continued at about its current level pending enactment of authorizing legislation for the 1971 program, and the regular annual appropriation bill.

CHAPTER III—DISTRICT OF COLUMBIA

Amendment No. 3: Appropriates $3,997,000 for "Federal payment to the District of Columbia" instead of $5,831,000 as proposed by the Senate.

Amendment No. 4: Appropriates $129,675 for "General operating expenses" instead of $2,675 as proposed by the House and $174,675 as proposed by the Senate.

Amendment No. 5: Appropriates $3,966,485 for "Public safety" as proposed by the Senate instead of $2,370,500 as proposed by the House.

Amendment No. 6: Deletes appropriation of $1,789,000 for "Public safety" to assist in meeting costs associated with salary increases for policemen and firemen proposed by the Senate.

Amendment No. 7: Appropriates $171,750 for "Parks and recreation" as proposed by the Senate instead of $47,300 as proposed by the House.

Amendment No. 8: Appropriates $20,000 for "Settlement of claims and suits" as proposed by the Senate.

Amendment No. 9: Appropriates $8,048,000 for "Capital outlay" instead of $1,658,000 as proposed by the House and $8,768,000 as proposed by the Senate.

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment to provide that $318,000 shall be available for construction services instead of $374,500 as proposed by the Senate.

CHAPTER V—INDEPENDENT OFFICES

Amendment No. 11: Appropriates $157,816,600 for "Payment to Civil Service Retirement and Disability Fund" as proposed by the Senate.

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment to appropriate $371,000 for the General Services Administration for sites and expenses of a public buildings project at Aberdeen, Mississippi.

Amendment No. 13: Reported in disagreement. The managers on the part of the House will offer a motion to insist on disagreement to the amendment of the Senate which proposes to appropriate an additional $8,800,000 for the National Science Foundation for fiscal year 1970.

Amendment No. 14: Appropriates $7,000,000 for the "Selective Service System" as proposed by the House instead of $7,433,000 as proposed by the Senate.

Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to appropriate $350,000 for the "Council of Environmental Quality and Office of Environmental Quality", instead of $100,000 as proposed by the House and $400,000 as proposed by the Senate.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Amendment No. 16: Reported in disagreement. The managers on the part of the House will offer a motion to insist on disagreement to the amendment of the Senate which proposes to appropriate an additional $587,500,000 for Urban Renewal Programs for fiscal year 1970.

CHAPTER VI—DEPARTMENT OF THE INTERIOR

Amendment No. 17: Appropriates $225,000 for "Geological Survey, surveys, investigations, and research" as proposed by the Senate.

Amendment No. 18: Appropriates $775,000 for "National Park Service, Management and

Protection" as proposed by the Senate instead of $850,000 as proposed by the House.

DEPARTMENT OF AGRICULTURE

Amendment No. 19: Appropriates $21,172,000 for "Forest Protection and Utilization, Forest Land Management" as proposed by the Senate instead of $21,000,000 as proposed by the House.

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with the Senate amendment which provides that $172,000 of funds appropriated for "Forest Land Management" shall remain available until expended.

CHAPTER VII—DEPARTMENT OF LABOR

Amendment No. 21: Appropriates $50,000,000 for "Manpower development and training activities" instead of $100,000,000 as proposed by the Senate.

Amendment No. 22: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment to appropriate $2,330,000 for "Trade Adjustment Activities".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Amendment No. 23: Deletes item proposed by the Senate to appropriate $8,703,078 for "Hospital Modernization and Construction."

CHAPTER VIII—LEGISLATIVE BRANCH

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment to provide $345,000 for "Contingent expenses of the Senate, Inquiries and Investigations" by transfer from another Senate account.

CHAPTER X—DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

Amendment No. 25: Appropriates $500,000 for "Fees and expenses of witnesses" as proposed by the Senate.

Amendment No. 26: Appropriates $850,000 for "Support of United States prisoners" as proposed by the Senate.

DEPARTMENT OF COMMERCE

Amendment No. 27: Appropriates $145,000 for "State marine schools" as proposed by the Senate.

RELATED AGENCIES

Amendment No. 28: Inserts title as proposed by the Senate.

CHAPTER XI—DEPARTMENT OF TRANSPORTATION

Amendment No. 29: Appropriates $1,000,000 for "Coast Guard, Retired Pay" as proposed by the Senate instead of $1,250,000 as proposed by the House.

CHAPTER XII—TREASURY DEPARTMENT

Amendment No. 30: Appropriates $1,300,000 for "Salaries and expenses, Bureau of Accounts" as proposed by the Senate.

Amendment No. 31: Appropriates $3,600,000 for the Bureau of the Public Debt for "Administering the public debt" as proposed by the Senate instead of $3,250,000 as proposed by the House.

POST OFFICE DEPARTMENT

Amendment No. 32: Apropriates $10,600,000 for "Transportation" as proposed by the Senate instead of $10,700,000 as proposed by the House.

TAX COURT OF THE UNITED STATES

Amendment No. 33: Appropriates $67,000 for the Tax Court of the United States as proposed by the Senate instead of $83,000 as proposed by the House.

CHAPTER XIII—CLAIMS AND JUDGMENTS

Amendments Nos. 34 and 35: Appropriate $23,478,461 for claims and judgments as proposed by the Senate instead of $6,591,406 as proposed by the House, including those in Senate Document Numbered 91–86.

TITLE II

INCREASED PAY COSTS

Amendment. No. 36: Appropriates $4,495,874 for various Senate items as proposed by the Senate.

Amendment No. 37: Appropriates $43,475 for "Joint Economic Committee" as proposed by the Senate instead of $44,490 as proposed by the House.

Amendment No. 38: Appropriates $146,300 for "Senate office buildings" and $3,400 for "Senate garage" as proposed by the Senate.

Amendment No. 39: Appropriates $502,500,000 for "Military personnel, Air Force" as proposed by the Senate instead of $485,000,000 as proposed by the House.

Amendment No. 40: Appropriates $196,480,000 for "Operation and maintenance, Army" as proposed by the House instead of $206,900,000 as proposed by the Senate.

Amendment No. 41: Appropriates $157,800,000 for "Operation and maintenance, Navy" as proposed by the House instead of $166,100,000 as proposed by the Senate.

Amendment No. 42: Appropriates $70,400,000 for "Operation and maintenance, Defense agencies" as proposed by the House instead of $74,200,000 as proposed by the Senate.

Amendment No. 43: Appropriates $13,800,000 for "Operation and maintenance, Army National Guard" as proposed by the House instead of $14,800,000 as proposed by the Senate.

Amendment No. 44: Appropriates $3,681,000 for the National Park Service, "Management and protection", as proposed by the Senate instead of $3,359,000 as proposed by the House.

Amendment No. 45: Increases by $55,000 the limitation on administrative expenses for the Federal Prison Industries, Incorporated, as proposed by the Senate.

Amendments Nos. 46, 47 and 48: Make technical language changes to change the format of items as proposed by the Senate.

Amendment No. 49: Appropriates $1,940,000 for "United States Secret Service" as proposed by the Senate instead of $1,740,000 as proposed by the House.

Amendment No. 50: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment making $200,000 for the U.S. Secret Service available upon enactment of H.R. 17138, or similar legislation, with an amendment changing the citation.

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment providing $42,000 by transfer for "Salaries and expenses" of the Appalachian Regional Commission to cover increased pay costs.

(OUT OF DISTRICT OF COLUMBIA FUNDS)

Amendment No. 52: Appropriates $2,229,000 for "General operating expenses" as proposed by the Senate instead of $1,932,000 as proposed by the House.

Amendment No. 53: Appropriates $2,324,000 for "Public safety" as proposed by the Senate instead of $1,780,000 as proposed by the House.

Amendment No. 54: Appropriates $899,000 for "Parks and recreation" as proposed by the Senate instead of $652,000 as proposed by the House.

Amendment No. 55: Appropriates $4,624,000 for "Health and welfare" as proposed by the Senate instead of $4,478,000 as proposed by the House.

Amendment No. 56: Appropriates $1,205,000 for "Sanitary engineering" as proposed by the Senate instead of $1,096,000 as proposed by the House.

Amendments Nos. 57, 58, 59 and 60: Provide that $12,191,000 shall be paid from the general fund as proposed by the Senate instead of $10,332,000 as proposed by the House; $535,000 shall be paid from the highway fund (regular) as proposed by the Senate instead of $533,000 as proposed by the House; $468,000 shall be paid from the water fund as proposed by the Senate instead of $375,000 as proposed by the House; and $339,000 shall be paid from the sanitary sewage works fund as proposed by the Senate instead of $250,000 as proposed by the House.

TITLE V

LIMITATION ON FISCAL YEAR 1971 BUDGET OUTLAYS

Amendment No. 61: In connection with the overall government ceiling on fiscal 1971 budget outlays (expenditures and net lending), the House bill contained a $3,000,000,000 "cushion" for necessary expenditures beyond the estimates in the February 2 budget for certain designated uncontrollables (mainly interest on the debt, the various social insurance trust funds, and farm price supports). These are some of the items as to which the Congress is not required to act upon annually in the appropriations bills. The Senate raised this "cushion" for uncontrollable overruns to $6,000,000,000. The conferees have agreed upon $4,500,000,000.

TITLE VI

GENERAL PROVISIONS

Amendment No. 62: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment in order to validate obligations incurred between July 1, 1970, and 5 days following approval of the act.

GEORGE MAHON,
JAMIE L. WHITTEN,
JOE L. EVINS,
WILLIAM H. NATCHER,
DANIEL J. FLOOD,
TOM STEED,
JULIA BUTLER HANSEN,
CHARLES R. JONAS,
ELFORD CEDERBERG,
ROBERT H. MICHEL,
ODIN LANGEN,
Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. BYRD of West Virginia. Mr. President, the printed conference report on the second supplemental appropriation bill, 1970, is available for examination by all of the Members. This bill has been pending for some time and, as you know, there is a detailed House report and a detailed Senate report available describing each item. It has been debated in both Houses extensively; consequently, I will confine my remarks to a brief summary of the important items contained in the conference report.

The Senate on June 22, when it passed this bill, included $300 million for the food stamp program, which amount is to be charged to the amount appropriated under this head in the Department of Agriculture appropriation bill when it is enacted. The Senate provided that these funds would be available for the period July 1, 1970, to September 30, 1970. Upon the suggestion of the managers on the part of the House, the amendment was rewritten in conference to provide that the funds would be available until October 31, 1970. The fact that the date was changed, extending the period by 1 month, does not in any way subtract from the amount which

XUM

could be used during an earlier month. The Department of Agriculture appropriation bill, as it passed the House of Representatives, contains $1,250,000,000 for this program, and the Senate Appropriations Committee is marking up this bill today. It can therefore reasonably be expected that it will pass the Senate in early July.

The Senate, on the motion of the distinguished majority leader, included in the bill $8.8 million for the National Science Foundation. The conferees on the part of the House were unwilling to recommend this or any part of this sum to the House; and the House of Representatives has now sustained their position. I see no alternative except for the Senate to recede on this amendment No. 13. However, I desire to advise the Senate that the sum of $8.8 million for this same agency has been included in the independent offices appropriation bill, which has already been reported to the Senate.

Mr. PASTORE. Mr. President, will the Senator from West Virginia yield at that point?

Mr. BYRD of West Virginia. I yield.

Mr. PASTORE. The budget estimate for the National Science Foundation for fiscal 1971 was $511 million. The House cut it by $16 million. The Senate had quite a conference on it, in our own committee, in executive session, and it was the consensus that if the $8.8 million was based on the supplemental bill, that amount would be deducted from the reclama—in other words, we would not reclaim the $16 million but would reclaim the difference between the $8.8 million and the $16 million. That was the consensus. No vote was taken. That is what would have happened. So if this had passed, what we have put back on the National Science Foundation covers this amount. If this had passed we would have deducted it from the $16 million. I do not think there will be any trouble with it at all.

Mr. MANSFIELD. If the Senator will yield, I appreciate the explanation given by both the chairman of the supplemental subcommittee and the Senator from Rhode Island (Mr. PASTORE). I had hoped, as a symbol to the research and academic community of the good faith and good intent of the Congress, that we could have separately inserted into the supplemental bill this year the relatively small amount of research funds eliminated directly by the implementation of section 203 of the Military Procurement Act of 1970; the important fact however is that the Senate has demonstrated by the initial passage of this $8.8 million its desire to follow through on the thrust of section 203 and to assure that funds eliminated by section 203 will be added to the National Science Foundation in the appropriation for this coming year; I understand fully how this amendment was caught in the vise along with the other Senate amendment adding funds for urban renewal. I know how sincerely and diligently the Senate conferees on both sides of the Senate aisle fought for the item. But in view of the House action taking a specific and separate vote by the full House rejecting overwhelmingly first the urban renewal funds added by the Senate and then by a voice vote rejecting this amendment for NSF we have to accept that parliamentary reality. But I am reassured by the fact that the independent offices appropriations for the coming year will come before the Senate next week, and the issue of the National Science Foundation appropriations will be again before the Senate. With the effort made by the Senate on this amendment, and the assurances of the chairman of that subcommittee (Mr. PASTORE), a most responsible attitude is assured that the appropriate amount of additional funds will be added to NSF not only to account for those affected by section 203 but hopefully as well to account in addition for those funds eliminated for general budgetary reasons by other mission agencies for basic research during the past year.

Mr. PASTORE. The conferees of the Senate agreed with the position of the majority leader and the manager of the conference. The Senator from West Virginia actually exhausted himself trying to get it restored. However, we were hitting our heads up against a stone wall. We did the best we could.

Mr. MANSFIELD. I have every confidence in the distinguished Senator from West Virginia (Mr. BYRD), and I also have every confidence in the members of the conference committee representing the Senate, both Democrats and Republicans. I know that they did their best. I have no complaint with their efforts. We tried. I do not consider their efforts a failure; rather, the issue has been postponed for the time being. Hopefully, it will be before the Senate within a week and our efforts will be successful the next time.

Mr. BYRD of West Virginia. I thank the distinguished majority leader and I also thank the able Senator from Rhode Island (Mr. PASTORE). The purposes as outlined by the majority leader will be accomplished.

There was considerable interest in the Senate the other evening on the appropriation for the Council on Environmental Quality and Office of Environmental Quality. The Committee on Appropriations had recommended an appropriation of $200,000 and the Senate saw fit to increase the amount to $400,000. During the conference, we agreed with the House that an appropriation of $350,000 would be available to this Council.

One of the most controversial items in this bill was the $587,500,000 for urban renewal programs. This sum was included in the bill in the Senate on a rollcall vote of 70–12. The House managers were adamant in their position, as were the Senate conferees, and the amendment was in actual disagreement. The House has now rejected, on a vote of 236 to 136, to concur in the amendment of the Senate, so I see no alternative but that the Senate recede from its amendment No. 16.

I have discussed this with the Senator from Rhode Island and he may wish me to yield to him at this point for whatever comments he may wish to make.

Mr. PASTORE. Yes, if the Senator will yield, there is a sense of agony which I experience when I speak on this subject because, first of all, I remember during the last session of Congress that this question came up, as to picking up the remainder of the authorization for fiscal year 1970, which was $587.5 million. We took a vote at that time, and what we actually did by the vote, we postponed consideration of this until the next supplement bill. Then, on my amendment, we put the $587.5 million back in the bill. I thought the Senate did the right thing. I am taking the position today, rather reluctantly, being pragmatic about it, that there is no other alternative we can take. The House has spoken. A great injustice has been dealt the cities.

We have been talking about the decay in the cities and giving them a new face. Many of the mayors appeared before the committee to discuss the regular bill and said that if we funded the authorizations up to their full extent, there would be no question in their minds that within a period of 5 years we would eliminate the ghettos from this country. Well, that became a subject of laughability in the conference, for some reason which I cannot understand. But, be that as it may, I insisted that they bring it back in disagreement, in the hope that we could reach the mayors' interest and get them before the committee again so that they could give us their advice. I do not know how far or how effective the committee went, but if we are not able to convince them now—they have been already fortified by a vote of a 100 majority—I do not see how we could ever have it restored, but we have the other weapon at our disposal. The committee, in the regular bill, reported $300 million over and above the estimate, which is $1 billion, which was passed by the House for fiscal year 1971. There is remaining in the authorization for fiscal year 1971 $700 million, which means $400 million can be added on to the $300 million that has been added on. Now, what experience we will have in conference, even if that happens, I do not know.

I do want to say that I sincerely hope that regardless of what we do, the mayors who were so convincing before our committee in encouraging us to add $587.5 million, speak to their own representatives who voted against the increase. And if they cannot do that, I do not see how we can do it.

After all, we are the judges and the masters of our own consciences and of our own action. We cannot govern the activity of the House. The House has spoken. The House has disagreed with us. The conference has disagreed with us.

It was, I repeat, as though we were hitting our heads up against a stone wall. That action has now been fortified by the action of the House with a majority of 100 votes.

One thing that I loath to do is to get myself involved in exercises of futility. That is what this would amount to.

So, with a sad heart and in a spirit of agony, I say that we should forget this and try it again the next time.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Mr. President, how much time remains?

The PRESIDING OFFICER. The Sen-

XUM

ator from West Virginia has 5 minutes remaining.

Mr. BYRD of West Virginia. Mr. President, would the Senator from New York allow me to finish my statement.

Mr. JAVITS. Mr. President, my remarks properly would come at this point.

Mr. BYRD of West Virginia. Very well.

Mr. JAVITS. Mr. President, it is amazing to me that we have an urban country and a rural House of Representatives. That is what it comes down to.

The House appears to be absolutely without knowledge concerning the problems of the cities both large and small and the fact that these tangible improvements are not inflationary. They add to the wealth of the country.

What is dragging our country down at this time is that construction has fallen off markedly.

I pay tribute to the Senator from Rhode Island (Mr. PASTORE) and to the conferees. They all demonstrated very strong support and would not agree with the House position. However, the House had the votes to insist on its disagreement. No fault is to be found on the part of the conferees.

The Senator from Michigan (Mr. HART) and I feel that we must seek the whole amount which is authorized for urban renewal, $2.287.5 billion which would require an additional $987.5 million to be added to the 1971 bill.

The PRESIDING OFFICER (Mr. BAYH). The time of the Senator has expired.

Mr. HRUSKA. Mr. President, I yield 2 minutes to the distinguished Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for an additional 2 minutes.

Mr. JAVITS. Mr. President, I know that the Senator from Rhode Island (Mr. PASTORE) will be stalwart in whatever he can do on this issue in the 1971 bill.

Finally, we feel that it is our duty to try to secure the full authorization for urban renewal.

Mr. PASTORE. Mr. President, in reply to the Senator, I wish to state that it is true that there is more of a rural aspect to the House than to the Senate. But there were conferees in that conference that did not have projects for their localities submitted or funded. That did not affect them.

I say to the mayors who live in the congressional districts represented by these Representatives that if they cannot convince their Congressmen what it means for their hometowns, I am afraid that I am wasting my time.

Mr. JAVITS. Mr. President, I agree. The House action was a tragic thing. I thank the Senator from West Virginia for his courtesy in yielding.

Mr. BYRD of West Virginia. Mr. President, the Committee on Appropriations had originally recommended the sum of $50 million for the manpower development and training activities, usually referred to as the summer jobs program, and the Senate on last Monday evening increased the sum to $100 million. The able Senator from New York (Mr. JAVITS) offered the amendment to increase the amount by $50 million. The Senate committee approved of the amendment and the Senate agreed to the amendment. The Senate conferees were faced with the adamant position of the managers on the part of the House that the sum should not exceed the amount of the budget estimate and, consequently, we agreed to recommend to the Senate $50 million for this program.

I regret to advise the Senate that the $8,703,078 included in the bill by the Senate committee, and approved by the Senate, for hospital modernization and construction had to be deleted from the bill. The managers on the part of the House were vigorously opposed to this amendment, pointing out that the sum was to be used without regard to title VI of the Public Health Service Act, and we were faced with no alternative other than to recede.

Mr. President, I believe these are the major items in the conference report. I ask unanimous consent to have a tabulation which gives the full details printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. BAYH). Without objection, it is so ordered.

(See exhibit 1.)

Mr. BYRD of West Virginia. Mr. President, I think it should be of interest to Senators to note that the final conference action on this bill amounts to $6,021,535,005.

The budget estimate was in the amount of $6,580,171,902.

So the final action is something like $558 million under the budget estimate.

XUM

EXHIBIT 1.—2D SUPPLEMENTAL APPROPRIATION BILL, 1970 (H.R. 17399)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL

H. Doc. or S. Doc. No.	Department or activity	Budget estimate	House version of bill	Senate version of bill	Final action
	TITLE I—GENERAL SUPPLEMENTALS				
	CHAPTER I—DEPARTMENT OF AGRICULTURE				
	Extension Service				
91-272	Cooperative Extension work, payments and expenses (by transfer)	($597,000)	($597,000)	($425,000)	($425,000)
	Food and Nutrition Service food stamp program			(300,000,000)	(300,000,000)
	CHAPTER II—DEPARTMENT OF DEFENSE—MILITARY				
	Retired Military Personnel				
91-272	Retired pay, Defense, new budget (obligational) authority	99,000,000	99,000,000	99,000,000	99,000,000
	CHAPTER III—DISTRICT OF COLUMBIA				
	Federal Funds				
91-288 and S. Doc. 91-82	Federal payment to District of Columbia	5,831,000		5,831,000	3,997,000
91-272	Loans to the District of Columbia for capital outlay	1,293,000	1,293,000	1,293,000	1,293,000
	Total, Federal funds	7,124,000	1,293,000	7,124,000	5,290,000
	District of Columbia Funds				
91-288 and S. Doc. 91-82	General operating expenses	(202,000)	(2,675)	(174,675)	(129,675)
91-288 and S. Doc. 91-82	Public Safety	(6,892,000)	(2,370,000)	(5,755,485)	(3,966,485)
91-288	Education	(2,500,000)			
91-288 and S. Doc. 91-82	Parks and recreation	(234,000)	(47,300)	(171,750)	(171,750)
S. Doc. 91-82	Health and welfare	(2,850,000)			
S. Doc. 91-82	Settlement of claims and suits	(20,000)		(20,000)	(20,000)
91-272, 91-288, and S. Doc. 91-82	Capital outlay	(8,768,000)	(1,658,000)	(8,768,000)	(8,048,000)
	Total, District of Columbia funds	(21,466,000)	(4,078,475)	(14,889,910)	(12,335,910)
	Total, chapter III, new budget (obligational) authority	7,124,000	1,293,000	7,124,000	5,290,000
	CHAPTER IV—FOREIGN OPERATIONS				
	Funds appropriated to the President				
	Foreign assistance				
S. Doc. 91-67	Foreign military credit sales	275,000,000			

Footnotes at end of table.

H. Doc. or S. Doc. No.	Department or activity	Budget estimate	House version of bill	Senate version of bill	Final action
	Peace Corps				
91-272	Salaries and expenses (increase in limitation)	($349,000)			
	International Financial Institution				
91-272	Investment in Inter-American Development Bank	205,880,000	$205,880,000	$205,880,000	$205,880,000
	Total, chapter IV, new budget (obligational) authority	480,880,000	205,880,000	205,880,000	205,880,000
	Increase in limitation	(349,000)			
	CHAPTER V—INDEPENDENT OFFICES				
	Civil Service Commission				
91-306	Federal Labor Relations Council: Salaries and expenses	Language	Language	Language	Language
S. Doc. 91-84	Payment to Civil Service retirement and disability fund	157,816,600		157,816,600	157,816,600
	Commission on population growth and the American future				
91-273	Salaries and expenses	1,433,000	965,000	965,000	965,000
	General Services Administration				
	Real property activities				
S. Doc. 91-67	Sites and expenses, public buildings projects	371,000		371,000	371,000
	National Science Foundation				
	Salaries and expenses			8,800,000	
	Selective Service System				
91-272	Salaries and expenses	7,433,000	7,000,000	7,433,000	7,000,000
	Veterans' Administration				
91-272	Compensation and pensions	273,045,000	273,045,000	273,045,000	273,045,000
91-272	Readjustment benefits	330,500,000	327,500,000	327,500,000	327,500,000
91-312 91-272 1-293	Medical care	106,500,000	113,500,000	113,500,000	113,500,000
	Total, Veterans' Administration	710,045,000	714,045,000	714,045,000	714,045,000
	Executive Office of the President				
	Council on Environmental Quality and Office of Environmental Quality				
S. Doc. 91-67	Salaries and expenses	600,000	100,000	400,000	350,000
	Funds appropriated to the President				
91-272	Disaster Relief	100,000,000	75,000,000	75,000,000	75,000,000
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
	Renewal and housing assistance				
	Urban renewal programs			587,500,000	
91-272	Low rent public housing annual contributions:				
	1969	13,616,000	13,616,000	13,616,000	13,616,000
	1970	6,500,000			
91-272	College Housing (annual contract authorization, increase in limitation)	(5,500,000)	(5,000,000)	(5,000,000)	(5,000,000)
	Mortgage credit				
91-273	Homeownership and rental housing assistance (annual contract authorizations, increase in limitation):				
	Homeownership assistance	(25,000,000)	(35,000,000)	(35,000,000)	(35,000,000)
	Rental housing assistance	(25,000,000)	(35,000,000)	(35,000,000)	(35,000,000)
	Total, Department of Housing and Urban Development:				
	1969	13,616,000	13,616,000	13,616,000	13,616,000
	1970	6,500,000		587,500,000	
	Total	20,116,000	13,616,000	601,116,000	13,616,000
	New annual contract authorization, increase in limitation	(55,500,000)	(75,000,000)	(57,000,000)	(75,000,000)
	Total, chapter V:				
	New budget (obligational) authority:				
	1969	13,616,000	13,616,000	13,616,000	13,616,000
	1970	984,198,600	797,110,000	1,552,330,600	955,547,600
	Total	997,814,600	810,726,000	1,565,946,600	969,163,600
	New annual contract authorization, increase in limitation	(55,500,000)	(75,000,000)	(75,000,000)	(75,000,000)
	CHAPTER VI—DEPARTMENT OF THE INTERIOR				
	Public Land Management				
	Bureau of Land Management				
91-272	Management of lands and resources	23,790,000	23,790,000	23,790,000	23,790,000
	Bureau of Indian Affairs				
91-272	Resources management	700,000	700,000	700,000	700,000
	Bureau of Outdoor Recreation				
91-272	Land and water conservation	7,100,000	7,100,000	7,100,000	7,100,000
	Office of Territories				
91-272	Administration of territories	275,000	275,000	275,000	275,000
	Mineral Resources				
	Geological Survey				
S. Doc. 91-67	Surveys, investigations and research	300,000		225,000	225,000
	Fish and Wildlife, Parks, and Marine Resources				
	National Park Service				
91-272	Management and protection	850,000	850,000	775,000	775,000

Footnotes at end of table.

EXHIBIT 1.—2D SUPPLEMENTAL APPROPRIATION BILL, 1970 (H.R. 17399)—Continued

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

H. Doc. or S. Doc. No.	Department or activity	Budget estimate	House version of bill	Senate version of bill	Final action
	TITLE I—GENERAL SUPPLEMENTALS—Continued				
	CHAPTER VI—DEPARTMENT OF THE INTERIOR—Continued				
	RELATED AGENCIES—DEPARTMENT OF AGRICULTURE				
	Forest Service				
91-272	Forest protection and utilization	$21,000,000	$21,000,000	$21,172,000	$21,172,000
	National Foundation on the Arts and the Humanities				
91-272	Salaries and expenses	2,000,000	2,000,000	2,000,000	2,000,000
	Total, chapter VI, new budget (obligational) authority	56,015,000	55,715,000	56,037,000	56,037,000
	CHAPTER VII—DEPARTMENT OF LABOR				
	Manpower Administration				
S. Doc. 91-89	Manpower development and training activities	50,000,000		100,000,000	50,000,000
	Bureau of Employment Security				
91-272	Unemployment compensation for Federal employees and ex-servicemen	50,000,000	50,000,000	50,000,000	50,000,000
S. Doc. 91-67	Trade adjustment activities	2,330,000		2,330,000	2,330,000
91-272	Limitation on grants to States for unemployment compensation and employment service administration	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)
	Wage and Labor Standards Administration				
91-272	Salaries and expenses	37,000	37,000	37,000	37,000
	Longshoremen's and harbor workers' compensation fund (by transfer)	(43,000)	(43,000)	(43,000)	(43,000)
	Office of the Secretary				
91-272	Federal contract compliance and civil rights program, salaries and expenses	160,000	107,000	107,000	107,000
	Total, Department of Labor	102,527,000	50,144,000	152,474,000	102,474,000
	By transfer	(43,000)	(43,000)	(43,000)	(43,000)
	Limitation (trust fund)	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)
	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE				
	Health Services and Mental Health Administration				
	Hospital construction			8,703,078	
	Office of Education				
S. Doc. 91-83	Emergency school assistance	150,000,000			
	Social and Rehabilitation Service				
91-272	Grants to States for public assistance	146,753,000	146,753,000	146,753,000	146,753,000
	Special Institutions				
91-272	Howard University, construction	7,700,000	7,700,000	7,700,000	7,700,000
	Total, Department of Health, Education, and Welfare	304,453,000	154,453,000	163,156,078	154,453,000
	Total, chapter VII:				
	New budget (obligational) authority	406,980,000	204,597,000	315,630,078	256,927,000
	By transfer	(43,000)	(43,000)	(43,000)	(43,000)
	Limitation (trust fund)	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)
	CHAPTER VIII—LEGISLATIVE BRANCH				
	Senate				
	Contingent expenses				
	Expenses of inquiries and investigations (by transfer)			(345,000)	(345,000)
	House of Representatives				
	Salaries, mileage for the Members, and expense allowance of the Speaker				
91-272	Compensation of Members	47,000	47,000	47,000	47,000
	Salaries, officers and employees				
91-306	Committee on Appropriations (investigations)	35,555	35,555	35,555	35,555
	Contingent expenses of the House				
91-306	Miscellaneous items	50,000	50,000	50,000	50,000
91-272	Special and select committees	500,000	100,000	100,000	100,000
	Total, House of Representatives	632,555	232,555	232,555	232,555
	General Accounting Office				
91-272	Salaries and expenses	499,000	499,000	499,000	499,000
	Total, chapter VIII, new budget (obligational) authority	1,131,555	731,555	731,555	731,555
	By transfer			(345,000)	(345,000)
	CHAPTER IX—PUBLIC WORKS				
	DEPARTMENT OF THE INTERIOR				
	Bureau of Reclamation				
91-306	Colorado River Basin project (by transfer)	(6,563,000)	(6,563,000)	(6,563,000)	(6,563,000)
	CHAPTER X—DEPARTMENT OF STATE				
	International Organizations and Conferences				
91-272	Contributions to international organizations	1,800,000	1,600,000	1,600,000	1,600,000

Footnotes at end of table.

H. Doc. or S. Doc. No.	Department or activity	Budget estimate	House version of bill	Senate version of bill	Final action
	DEPARTMENT OF JUSTICE				
	Legal Activities and General Administration				
S. Doc. 91-67	Fees and expenses of witnesses	$500,000		$500,000	$500,000
	Immigration and Naturalization Service				
91-272	Salaries and expenses	892,000	$892,000	892,000	892,000
	Federal Prison System				
S. Doc. 91-67	Support of U.S. prisoners	850,000		850,000	850,000
	Total, Department of Justice	2,242,000	892,000	2,242,000	2,242,000
	DEPARTMENT OF COMMERCE				
	Bureau of the Census				
91-272	19th decennial census	11,000,000	11,000,000	11,000,000	11,000,000
	Office of Field Services				
91-272	Salaries and expenses	105,000	105,000	105,000	105,000
	Maritime Administration				
S. Doc. 91-67	State marine schools	145,000		145,000	145,000
	Total, Department of Commerce	11,250,000	11,105,000	11,250,000	11,250,000
	THE JUDICIARY				
	Customs Court				
91-272	Salaries and expenses	60,500	18,000	18,000	18,000
	Courts of Appeals, District Courts, and Other Judicial Services				
91-272	Salaries and expenses. United States magistrates	560,000	550,000	550,000	550,000
91-272	Salaries of supporting personnel	145,000			
	Fees and expenses of court-appointed counsel:				
91-272	1970	1,150,000	1,150,000	1,150,000	1,150,000
91-273	1969	300,000	300,000	300,000	300,000
91-272	Fees of jurors and commissioners	800,000	500,000	500,000	500,000
91-272	Travel and miscellaneous expenses	625,000	500,000	500,000	500,000
91-272	Administrative Office of the United States Courts	50,000	15,000	15,000	15,000
91-272	Expenses of referees	34,000			
	Total, courts of appeals, district courts, and other judicial services	3,664,000	3,015,000	3,015,000	3,015,000
	Total, the Judiciary:				
	1970	3,424,500	2,733,000	2,733,000	2,733,000
	1969	300,000	300,000	300,000	300,000
	Total	3,724,500	3,033,000	3,033,000	3,033,000
	RELATED AGENCIES—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE				
	Office of Education				
91-272	Civil rights education	10,000,000	5,000,000	5,000,000	5,000,000
	Special Representative for Trade Negotiations				
91-272	Salaries and expenses	60,000			
	Total related agencies	10,060,000	5,000,000	5,000,000	5,000,000
	Total chapter X:				
	New budget (obligational) authority:				
	1969	300,000	300,000	300,000	300,000
	1970	28,776,500	21,330,000	22,825,000	22,825,000
	Total	29,076,500	21,630,000	23,125,000	23,125,000
	CHAPTER XI—DEPARTMENT OF TRANSPORTATION				
	Coast Guard				
91-306	Retired pay	1,250,000	1,250,000	1,000,000	1,000,000
	RELATED AGENCY				
	Washington Metropolitan Area Transit Authority				
91-272	Federal Contribution	82,939,000	82,939,000	82,939,000	82,939,000
	Total Chapter XI new budget (obligational) authority	84,189,000	84,189,000	83,939,000	83,939,000
	CHAPTER XII—TREASURY DEPARTMENT				
	Bureau of Accounts				
S. Doc. 91-67	Salaries and expenses	1,320,000		1,300,000	1,300,000
	Bureau of the Public Debt				
91-272 and S. Doc. 91-67.	Administering the Public Debt	3,600,000	3,250,000	3,600,000	3,600,000
	Total, Treasury Department	4,920,000	3,250,000	4,900,000	4,900,000
	POST OFFICE DEPARTMENT				
	(Out of Postal Fund)				
91-272	Transportation	10,700,000	10,700,000	10,600,000	10,600,000
	INDEPENDENT AGENCY				
	Tax Court of the United States				
91-272	Salaries and expenses	83,000	83,000	67,000	67,000
	Total, Chapter XII, new budget (obligational) authority	15,703,000	14,033,000	15,567,000	15,567,000

Footnotes at end of table.

EXHIBIT 1.—2D SUPPLEMENTAL APPROPRIATION BILL, 1970 (H.R. 17399)—Continued

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

H. Doc. or S. Doc. No.	Department or activity	Budget estimate	House version of bill	Senate version of bill	Final action
	CHAPTER XIII				
	Claims and Judgments				
91-315 and S. Doc. 91-86.	Claims and judgments	$23,478,461	$6,591,406	$23,478,461	$23,478,461
	Total, Title I—General Supplementals:				
	New budget (obligational) authority:				
	1969	13,916,000	13,916,000	13,916,000	13,916,000
	1970	2,187,476,116	1,490,469,961	[2] 2,382,542,694	[3] 1,725,222,616
	Total	2,201,392,116	1,504,385,961	[2] 2,396,458,694	[3] 1,739,138,616
	New annual contract authorizations, increase in limitations	(55,500,000)	(75,000,000)	(75,000,000)	(75,000,000)
	By transfer	(7,203,000)	(7,203,000)	(7,376,000)	(7,376,000)
	Limitation on administrative expenses	(10,349,000)	(10,000,000)	(10,000,000)	(10,000,000)
	TITLE II—INCREASED PAY COSTS				
91-272 S. Doc. 91-67, S. Doc. 91-82	Total, title II:				
	New budget (obligational) authority	3,028,779,786	2,909,729,830	2,955,916,389	[3] 2,932,396,389
	By transfer	(42,263,000)	(42,181,900)	(42,223,900)	(42,223,900)
	Limitation on administrative and nonadministrative expenses	(37,927,000)	(36,225,700)	(36,280,700)	(36,280,700)
	TITLE III				
	Increased pay costs—Federal Employees Salary Act of 1970 (indefinite)	[4] 1,350,000,000	[4] 1,350,000,000	[4] 1,350,000,000	[4] 1,350,000,000
	Grand total, titles II and III—Increased pay costs:				
	New budget (obligational) authority:				
	Definite	3,028,779,786	2,909,729,830	2,955,916,389	2,932,396,389
	Indefinite	[4] 1,350,000,000	[4] 1,350,000,000	[4] 1,350,000,000	[4] 1,350,000,000
	Total	4,378,779,786	4,259,729,830	4,305,916,389	4,282,396,389
	By transfer	(42,263,000)	(42,181,900)	(42,223,900)	(42,223,900)
	Limitations on administrative and nonadministrative expenses	(37,927,000)	(36,225,700)	(36,280,700)	(36,280,700)
	RECAPITULATION				
	Grand total, Titles I, II, and III:				
	New budget (obligational) authority:				
	Fiscal year 1969	13,916,000	13,916,000	13,916,000	13,916,000
	Fiscal year 1970:				
	Definite	5,216,255,902	4,400,199,791	[2] 5,338,459,083	[2] 4,657,619,005
	Indefinite	1,350,000,000	1,350,000,000	1,350,000,000	1,350,000,000
	Total, fiscal year 1970	6,566,255,902	5,750,199,791	[2] 6,688,459,083	[2] 6,007,619,005
	Total, new budget (obligational) authority	6,580,171,902	5,764,115,791	[2] 6,702,375,083	6,021,535,005
	New annual contract authorizations, increase in limitations	(55,500,000)	(75,000,000)	(75,000,000)	(75,000,000)
	By transfer	(49,466,000)	(49,384,900)	(49,599,900)	(49,599,900)
	Limitations on administrative and nonadministrative expenses	(48,276,000)	(46,225,700)	(46,280,700)	(46,280,700)

---

[1] And in addition the reserve fund of $200,000 under this head, fiscal year 1970, may be used for increased pay costs.

[2] Excludes $300,000,000 for food stamp programs, which sum is charged against figure in Agricultural Appropriation Bill, 1971.

[3] Reflects reduction of $23,520,000 under the Senate-passed bill for operation and maintenance, Department of Defense.

[4] Estimate of cost for the 6 months the 6 percent retroactive pay bill would be in effect during fiscal 1970. Under the bill language, transfers of certain unobligated balances are authorized to help meet the added costs, and some absorptions otherwise are probable. Thus, the aggregate additional appropriation under this provision may actually be less than $1,350,000,000.

Note.—In terms of the February budget aggregates for 1970, the net additional amount is $1,175,000,000, after taking account of the $175,000,000 allowance in the February budget total related to a postal pay raise.

Mr. HRUSKA. Mr. President, I oppose the amendment to provide an additional $587.5 million for urban renewal. The item is not supported by the administration, and has been rejected adamantly by the House, not only in conference, but also by a very substantial vote on the floor.

As suggested by the Senator from Rhode Island (Mr. PASTORE), we should recognize the practicalities of the situation and proceed with the final consideration of the conference report. The bill contains many items urgently needed before tomorrow night, which marks the end of the fiscal year.

Mr. President, the Senate should recede on this $587.5 million amendment for the following reasons.

First, it was not requested in the President's budget.

Second, no hearings have been held on it, in either Senate or House committee.

Third, it is not properly a supplemental item.

Fourth, none of it can be spent this fiscal year, which ends tomorrow.

Fifth, the appropriation bill for 1971 as passed by the House contains the budget estimate of $1 billion for this program. The bill reported by the Senate Appropriations Committee provides for $1.3 billion. That bill is now on the calendar and will be acted upon at a very early time.

Sixth, the crisis in the cities, which I both acknowledge and deplore, is matched by a national crisis in our fiscal situation.

Seventh, the cities have been far from neglected, in the distribution of our limited Federal resources. Their need is great, but it is not the only need that must be satisfied.

Mr. President, I ask unanimous consent that there be shown at this point a partial list of Federal funds currently provided to help solve the problems of our great urban areas.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A PARTIAL LIST OF FEDERAL FUNDS FOR URBAN RENEWAL

a. $2 billion of undisbursed urban renewal appropriations are now on hand in H.U.D.

b. A total of over $10 billions have been made available to date thru the current fiscal year.

c. Urban renewal is only one program of many for cities: A partial list of other programs:

(1) $757 million for model cities is in a bill passed last April.

(2) $291 million has been appropriated this year on metropolitan development.

(3) $654 million has been included to pay 1 year subsidy on 900,000 public housing units, which we are obliged to subsidize for 40 years, at a total cost of about 35 billion dollars.

(4) $170 million is provided in new contract act authority for additional public housing units. Total cash will be $6.8 billion over 40 years.

(5) $50 million in rent supplement contract authority has been voted this year. This also will have to be multiplied by 40 because that is the duration of the program. Even if we stopped right now and made no additional contracts, the cost would total $6.8 billion.

(6) $130 million was granted this year for home ownership assistance. This is a 30-year program which has a total potential obligation of about $3.9 billion.

(7) $135 million is provided this year for rental assistance program, for low income people.

Mr. HRUSKA. Mr. President, these facts should be thoroughly considered before this $587 million item is approved. The proper forum for such consideration is in committee, not through a floor amendment to supplemental appropriations bill.

But Mr. President, no hearings were held on the item. If they had been held, as I have cited, such facts would do much to dissipate the criticism that Congress is receiving from mayors of large cities and from some of our colleagues in the Congress.

It should be repeated that there is indeed a crisis in the cities.

There is vast, urgent need for much improvement.

But, it is incorrect to imply that we are standing idly by. In fact, we are doing as much as can be done in keeping with other demands for money and with overall national priorities.

Mr. President, a few minutes ago I noted another crisis—the crisis in fiscal affairs. We are in the grip of a long-range inflationary spiral and no one is affected more than the people in our urban areas.

Our responsibility must go first to achieving fiscal stability of our Nation. If we do not, all our other programs will go for nothing.

If cities believe they are in dire straits now, these only with imagination will be able to envision their plight with a further reduction in the buying power of the already inadequate wages.

Mr. President, the Senate should recede on its amendment calling for an additional $587 million in urban renewal funds.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield 2 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, first let me make clear that in saying what I do about the outlook of the other body in connection with this bill I am not at all critical of the tremendous amount of things and work which the rural areas of our country need. What I had in mind was a certain failure to realize the enormous population growth of the cities, the vast problems they have, and the need for a constructive approach. With many, many things needed in the rural areas I was indulging more in parochial thinking rather than seeking to reduce one and increase the other.

On the question of the shortage of summer jobs I ask unanimous consent that there be printed in the RECORD a newspaper article which was published in the New York Times of yesterday entitled "Shortage of Summer Jobs Found Severest in Years."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SHORTAGE OF SUMMER JOBS FOUND SEVEREST IN YEARS

(By John Herbers)

WASHINGTON, June 27.—The slowdown in the economy and rising unemployment among adults has resulted in the severe shortage in summer jobs for youth that the nation has experienced in several years.

Employment officials in 14 representative cities across the country report that the demand is up sharply from last year but that the openings are down drastically.

As a result, many thousands of teen-agers and college students who want to work have been unable to find jobs, significant numbers are taking employment previously scorned as too menial or low-paying and there are frequent reports of students being unable to earn college tuition fees needed for next fall.

In some cities there are indications that some employers are not offering jobs to youths because, as a Los Angeles official said, they have a "misconception that our youth would rather riot and loaf."

Forecasts of idle youth this summer have concerned Government officials for some time. In April, when the Bureau of Labor Statistics reported that 3.7 million persons aged 16 to 21 would enter the labor force between April and July, business executives, placement officials and Government observers predicted that hundreds of thousands of young people might find jobs unavailable.

The prospects of having many thousands of additional teen-agers idle in July and August has aroused official concern about the possibility of violence in the cities. Congress, prodded by the Nixon Administration, voted this week to appropriate $50 million extra for the hiring of more than 100,000 persons between the ages of 14 and 31 in the Neighborhood Youth Corps. But this is not sufficient to take up the slack.

Meanwhile, a report just issued by the Labor Department on job prospects in the next 10 years says that, while training requirements are rising, eight out of 10 jobs—but not the preferred ones—will be open to young workers with less than a college degree. [Details on Page 56.]

WORSENED PROSPECTS SEEN

Over the years, a number of state, Federal and local agencies, both public and private, have been helping youths find summer jobs. Almost all of these report worsened prospects this year.

"The situation for summer employment this year is quite serious and potentially dangerous," said Alex Altheim, superintendent for youth services for the State Employment Services in New York City.

In Dallas, Richard Moynihan, coordinator of summer programs for the Texas Employment Commission, said that 9,000 of 15,000 applicants in the Dallas area were placed in jobs last year.

"We believe less than 50 per cent of the jobs available in 1969 are available this year," he said, citing a general cutback by private industry.

"We're extremely pessimistic," said Mrs. Jane Dawson of the Los Angeles Economic and Youth Opportunities Agency. "With the fathers out of work, who's going to hire the sons?"

The change from last year, when the teenage employment picture was far from perfect, was illustrated by an incident in Chicago. Jack M. Springer, district manager for Real Silk Inc., which sells hosiery door to door, said he ran small advertisements as usual, seeking salesmen.

"The calls poured in, mostly from college students," he said. "So far we've had more than 200 calls. That's 10 times as many as we were getting last year. Many said they can't find jobs."

Previously, he said, most college students rejected such work, preferring salaried jobs.

"Now economic conditions seem to be forcing many to go into selling, and in my book this could be the best thing that ever happened to them," Mr. Springer said.

More often than not the job shortage results in lower-paying employment. Mrs. Sylvia Blumenfeld, supervisor of the Pennsylvania Employment service in Pittsburgh, pointed to four boxes in her office and said:

"They're filled with about 800 applications. We have some jobs at $1.60 and $1.75 an hour. Last year, they'd look at you like you were crazy if you offered those jobs. Now they'll take jobs for $1.75, but there are only a few available."

In some cities, the younger teen-agers, who got some of the jobs last year, are finding nothing this year. In Washington, 14-year-olds and 15-year-olds are being discouraged from registering, and 16-year-olds are taking low-paying jobs they had previously shunned.

William Butler, head of the Mini Job Center for the D.C. Manpower Commission, said he would call a 16-year-old boy about a job that pays very little and say:

"How you doing baby? I want to lay something on you. You're lost man. You're only 16. You're not going to get a job, but I'm really going to work for you, baby. I've got some jobs, see, if you want to try them on."

Mr. Butler is usually successful.

A STEP BACKWARD

"It's toughest for the high school kids," said a spokesman for the Illinois State Employment Service in Chicago, where there has been a 38 per cent decline in listings. "The college kids are stepping down and taking poorer jobs which normally would go to high school students. I know of one football player who had a good construction job last year, and now he's working as a busboy at low pay."

For many youths, the job search began last winter and is still continuing. Phil Haddix, a 21-year-old Negro from Milwaukee who will be a senior at the University of Minnesota in the fall, made $1,700 last summer in a Milwaukee factory. He said he had been unable to find any job this summer and that, if he did not find employment soon, he would begin looking in other cities.

In Atlanta, Pamela Heard, an 18-year-old Negro, said: "I've been looking for about two weeks. I just graduated from high school, and I want to go to Howard University in Washington." The lack of a job she said, may prevent her from going to college.

Most of the public jobs and those being arranged by the National Alliance of Businessmen, a voluntary group working with the Government and using Federal money first go to the disadvantaged. But the inner-city poor are reported to be suffering, nevertheless, because their families are hurt by the economic slowdown and because many of the jobs are in the suburbs and there is not adequate transportation to get the youngsters there.

"Kids in the city, and particularly blacks, are hardest hit," said John Coulter, manpower director for the Chicago Association of Commerce and Industry. "Some black families suffer the double consequences of the father laid off, and sons and daughters unable to get summer work."

In Houston, Keith Turkington, director of a special private program that is trying to place youths in jobs, said: "Some companies just don't want to cooperate on summer job programs, and use the economy as an excuse." In Los Angeles, Don Pool, a state employment official, said that some employers appeared to be afraid of long hair and beards and generally had a "stereotyped feeling" about youths.

There are some exceptions. In Newark, the National Alliance for Businessmen has doubled from last year the number of job openings it will fill—from 1,100 to 2,200. The reason, an official explained, is that a federally subsidized transportation system will take inner-city youth to jobs out to the suburbs, where the pay is about $2 an hour.

Mr. JAVITS. Mr. President, if it were not absolutely essential to pass this bill today, I would be fighting it and seeking to send it back to conference to include the other $50 million the Senate voted. We are in a shortfall of almost a million summer jobs, which the Government should contribute. It is a shocking situation and it may cause us very great difficulty.

I extend great credit to the distinguished Senator from West Virginia (Mr. BYRD), the President, and former Secretary of Labor Shultz. However, we are still dreadfully short; there is a tremendous shortfall in the Government sector. I share the concern of the Postmaster General, which has been expressed recently.

In connection with the Manpower Training Act which we are now marking up in the Committee on Labor and Public Welfare, I expect to include an amendment which would require a much earlier report in each calendar year as to summer jobs. I intend also in the coming week to explore with the President's Council on Youth Opportunity what might be done to make the executive branch and the Congress more responsive to these needs.

We now find ourselves panting after the event. Here we are in the last days of June and we expect that on July 1 this money is going to be made available and intelligently allocated for summer jobs.

I regret very much what has been done. There is no other course, but it cannot go unchallenged, unprotested, or unnoticed, and I hope we can do better because of amendments to the law.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield 3 minutes to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I thank the distinguished Senator from Nebraska. I would like to make two or three points.

Of course, I think the Senator from New York is entirely correct in his assessment of the bad situation for summer jobs. I also am concerned about it. Second, I would like to say that unfortunately in Congress we have had in the last few years a tendency on the part of legislative committees to insert authorizations in bills which in their minds were the ceiling of what Congress should do, and we have had extended arguments that the ceilings set by the authorization committees become, therefore, obligatory upon the Committee on Appropriations. I do not so regard it. I regard the duty of the Committee on Appropriations to insert under those ceilings, which are admittedly always maximum ceilings, to offer to the Senate, and suggest to the Senate in bills, the amount they think after very extended hearings—and they are always afforded extended hearings—is justified, taking into consideration first the need and second the budget requirement.

We are seeing this year an attempt to load very heavy appropriation bills extremely far over the budget. Our fiscal policies are somewhat like a man in a home who has to decide whether or not to buy Johnny a new pair of shoes or Suzie a new dress. We have to decide on priorities in the Senate and priorities in Congress; and if we permit everything to just balloon above the target, we are going to set in motion again a cycle of inflation which, in turn, will defeat the very things we are trying to do because these inflationary items go into urban renewal and everything we do.

I would like to make one final statement. I would like to pay tribute to the distinguished Senator from West Virginia, the chairman of the subcommittee, and to the distinguished Senator from Nebraska. We upheld the Senate position. The Senator from Rhode Island was very eloquent. However, the House has assumed the responsibility of saying, "We cannot go this far above the budget or we will destroy the things we are trying to do to whip inflation."

I thank the Senator for yielding.

Mr. HRUSKA. Mr. President, I am prepared to yield back the remainder of my time.

Mr. BYRD of West Virginia. Mr. President, I wish to associate myself with the remarks of the able Senator from New York (Mr. JAVITS) anent the neighborhood youth summer jobs. The Senator made a very convincing case before the subcommittee. It was he who first called attention to the great need for appropriations in this respect. I can appreciate his feelings as he has expressed them today. I think the conferees did the best it could with the conference. The conferees did all they could. The House felt very strongly the amount should not be over the budget estimate. I feel we have achieved some good in that we appropriated $50 million, which was the budget estimate.

I wish to thank the Senate conferees and particularly the ranking minority member of the subcommittee, the Senator from Nebraska (Mr. HRUSKA). I have expressed my gratitude to the conferees on both sides of the aisle who worked with me in conference and supported me there so well.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. McGOVERN). The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER. The clerk will state the amendments in disagreement.

The assistant legislative clerk read as follows:

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17399) entitled "An Act making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes."

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 12, 20, 22, 24, 51, and 62 to the aforesaid bill, and concur therein.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 2 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the date "September 30" named in said amendment, insert: *October 31*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 10 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert: *$318,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 15 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert: *$350,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 50, to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the bill number S. 2694 named in said amendment, insert: *H.R. 17138*

Resolved, That the House insist on its disagreement to the amendments of the Senate numbered 13 and 16 to the aforesaid bill.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 2, 10, 15, and 50.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate recede on amendment No. 13.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate recede on amendment No. 16.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama (Mr. ALLEN) is recognized for 15 minutes.

Mr. ALLEN. Mr. President, on tomorrow the Senate will conclude action on the Foreign Military Sales Act at 4 o'clock. At 2 o'clock the vote will be taken on the committee amendment which embraces as a part thereof the Cooper-Church amendment. I have opposed the Cooper-Church amendment and will vote against it on tomorrow.

Today, at 1 o'clock, a vote will be taken on the amendment offered by the distinguished Senator from Colorado (Mr. ALLOTT). The time will be controlled starting at 12 o'clock, leaving 30 minutes to the side. Rather than seek to obtain some of the time allotted to the two sides at that time, the junior Senator from Alabama has chosen to speak during the period set aside for the transaction of routine morning business.

Mr. President, there is no monopoly, of course, upon the use of words in an amendment. There is no monopoly on the use of an idea. Of course, the Allott amendment is the amendment by the Senator from South Dakota (Mr. McGOVERN) and the Senator from Oregon (Mr. HATFIELD), the McGovern-Hatfield amendment. This amendment has been called the end the war amendment. And whereas the Cooper-Church amendment is applicable only to the situation, present and future, in Cambodia, the McGovern-Hatfield amendment and the Allott amendment seek to cover the whole range of the war in Southeast Asia, providing for the withdrawal of all support of military operations on the part of American troops in Cambodia 30 days after the final passage of the amendment or the act embracing the amendment.

Then, as to Vietnam and Laos, it calls for withdrawal of the support on December 31 of this year, except for the fact that a 6-month period, on through June 30, 1971, would be set aside for the support of the actual withdrawal of American troops from Vietnam.

I oppose the Allott amendment. I will oppose, if it comes up, the McGovern-Hatfield amendment, because I believe it is even worse than the Cooper-Church amendment, because it not only sets a definite timetable on withdrawal of the support for our troops in Cambodia, Laos, and Vietnam, but also sets the time when all of our troops must have been withdrawn from Southeast Asia.

The Allott amendment actually is the McGovern-Hatfield amendment in masquerade. So it is the position of the junior Senator from Alabama, opposing as he does the provisions of the McGovern-Hatfield amendment as well as the Allott amendment, that whenever an opportunity comes to vote against such an amendment, either on a direct vote or on a motion to table, the junior Senator from Alabama is going to avail himself of that opportunity.

Now it seems that the strategy that is to be employed at 1 o'clock is that a motion to table the Allott amendment is to be made by the proponents, the sponsors, of the McGovern-Hatfield amendment, even though the amendments are identical. So we have the paradoxical condition coming at 1 o'clock of those who support the language of the Allott amendment—which is identical to the McGovern-Hatfield amendment—saying, "Let us table it in order to save it," which seems to the junior Senator from Alabama as a strange position to take. Then the supporters of the Allott amendment are taking the position, "Let us not table it in order to kill it." But there is actually a third position, which the junior Senator from Alabama adopts, and that is to table the Allott amendment in order to kill it, because that will effectively kill the amendment if the vote to table should carry.

XUM

The junior Senator from Alabama is impressed also with the fact that the language in the McGovern-Hatfield amendment was first proposed, or was first suggested, by the distinguished Senator from South Dakota and the distinguished Senator from Oregon. It is well known that it was their amendment, that they were going to offer it at a time to be chosen by them. So it would occur to the junior Senator from Alabama that it would only be fair play to allow them to offer that amendment at such time as they may see fit.

But that is not the impelling reason that causes the junior Senator from Alabama to announce his intention of voting to table the Allott amendment. The Allott amendment and the McGovern-Hatfield amendment provide the very same thing. They would show lack of support of the President in his position in Southeast Asia, and the setting of a timetable for complete withdrawal of American forces from Vietnam and the other areas in Southeast Asia, and the actual withdrawal of support from our soldiers in Southeast Asia, according to a definite timetable.

As far as the junior Senator from Alabama has been able to ascertain, the consideration of the Cooper-Church amendment and the McGovern-Hatfield amendment and the Allott amendment is the only time when the Congress has seriously considered the matter of withdrawing support from American troops when they are in the actual heat of battle on a mission on which they had been dispatched by the President of the United States. To withdraw support from them under these conditions is unthinkable.

So the position of the junior Senator from Alabama is that we must not withdraw support from the American troops, wherever they are. And since the McGovern-Hatfield amendment would do that, and since the Allott amendment, which has sought to take over, for the purpose of killing it, the McGovern-Hatfield amendment, would do that, the junior Senator from Alabama must oppose either of these amendments whenever he gets the opportunity to do so.

So when the motion to table is made with respect to the Allott amendment, the junior Senator from Alabama, opposing the amendment, will vote to table it. He will vote that way against the Allott amendment or against the McGovern-Hatfield amendment, irrespective of which it might be. He does not follow the theory that the best way to kill an amendment is to vote not to table it. If we have an opportunity to table something, let us table it and use the votes of those who support the amendment and are taking the position, "Let us table it so we can save it." Let us use those votes also to carry the motion to table, thereby defeating the amendment.

Mr. President, I yield the floor.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WELFARE REFORM

Mr. BYRD of Virginia. Mr. President, reform of our welfare system is one of the most important matters before the Congress today.

The present system should be changed. It is too costly, and it is not fair either to taxpayers or to the recipients of welfare. It is outdated. It needs to be modernized.

The Department of Health, Education, and Welfare has proposed a new family assistance plan, which it claims will solve our welfare problems.

The original version of this proposal was approved by the House of Representatives and was then submitted to the Senate Finance Committee, of which I am a member. During the committee's hearings, the following facts were established:

First. The proposal, for the first time, would establish the principle of a guaranteed annual wage. HEW Secretary Robert Finch suggested $1,600; the National Welfare Rights Organization demands $5,500.

Second. Mr. Finch admitted the cost of his program would be nearly double the cost of the present system—and evidence indicates that his estimates for the new proposal are low, being based on 1968 figures.

Third. The selling point in the Finch program is the so-called work incentive feature. But there is doubt that this incentive will work.

For example, a worker earning $9,000 with a family of four has a take-home pay of $7,615. But under the original proposal, in New York, he could quit work and receive the same amount from welfare programs, in cash and other public benefits.

Fourth. Under questioning by me, Secretary Finch admitted his proposal would increase the welfare rolls from 10 million to 24 million. I then asked him this question, to which I received no satisfactory reply: "How can we reverse the trend toward the welfare state by increasing the welfare rolls from 10 million persons to 24 million persons?"

Fifth. Governor Reagan of California wrote to me that 8 percent of his State's population now on welfare would go to 14 percent under the Finch proposal.

I concluded that I could not support the Finch proposal in its original form. I worked with Finance Committee colleagues to have it sent back to the Department of Health, Education, and Welfare to be completely reworked.

The HEW Department now has presented a revised proposal for reforming the welfare system, which it claims will overcome the objections to the original plan. I am keeping an open mind toward the new scheme until hearings are held by the Finance Committee to examine it in detail.

During the time that hearings were in progress on the original proposal, the Virginia State Chamber of Commerce sent to me a copy of a proposed resolution suggesting that the welfare programs operated by the Federal Government be subjected to a study by a Presidential Commission, on the order of the Hoover Commission.

I immediately determined that this was a sound proposal, and I submitted Senate Joint Resolution 205 to establish a study commission on welfare. The resolution calls on the commission to study the Federal welfare system and make recommendations for modernizing it in an equitable way.

If the new version of the administration welfare bill is satisfactory, I shall not press my resolution. But if it is not—and I have grave doubts on this score—then my resolution would insure that the welfare system does not just remain on dead center. Constructive action can be undertaken at once.

I feel that we have a deep obligation to those who are physically or mentally unable to earn a living. I do not feel, however, that Congress should turn over tax funds of hard-working citizens to able-bodied persons who refuse to work.

It is important that the present welfare program be reformed, but we must be sure we get something better.

Mr. President, I ask unanimous consent that the text of a resolution submitted by the National Affairs Committee of the Virginia State Chamber of Commerce, concerning the Federal welfare program, be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A RESOLUTION SUBMITTED BY THE NATIONAL AFFAIRS COMMITTEE OF THE VIRGINIA STATE CHAMBER OF COMMERCE

Whereas, the federal welfare program has expanded haphazardly and without common direction for 40 years, and

Whereas, the constant addition and multiplication of welfare plans has resulted in an unwieldy, duplication system that too often encourages a caste system of idleness and unproductivity and discourages incentive and self-help among those it is designed to help, and

Whereas, the major portion of the increasing tax burden to support these many welfare programs must be borne by the productive workers in the lower and middle income brackets,

Be it hereby resolved that the Virginia State Chamber of Commerce calls on the national Administration to create a study group composed of outstanding citizens similar to the Presidential Commission on the Reorganization and Management of the Executive Branch (commonly called the Hoover Commission) for the purpose of streamlining and reorganizing our present federal welfare programs and setting forth a sensible and realistic pattern which can provide guidance to revisions dictated by future circumstances, and

Be it further resolved that copies of this resolution be transmitted to all state Chambers of Commerce throughout the United States with a request for similar endorsement so that a national expression of concern can be conveyed to the national Administration and to our elected representatives.

Approved by the National Affairs Committee in session at the Marriott Twin-Bridges Motor Hotel, April 27, 1970.

Adopted by the Board of Directors in session at the Chamberlin Hotel, May 7, 1970.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 15628) to amend the Foreign Military Sales Act.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANSFIELD). Without objection, it is so ordered.

APPROPRIATIONS COMMITTEE REPORT—OBJECTION

Mr. HOLLAND. Mr. President, I ask for 30 seconds from someone.

Mr. CHURCH. I yield 30 seconds to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. HOLLAND. Mr. President, for the Senate Committee on Appropriations, I send forward the committee report, which is unanimous, on H.R. 17923, an act making appropriations for the Department of Agriculture and related agencies for fiscal year 1971——

Mr. BYRD of West Virginia. Mr. President, I have to call attention to the fact that this would be morning business, that the unfinished business has already been laid down and therefore this would be in violation of the Pastore rule on germaneness.

Mr. HOLLAND. It has already been done.

Mr. BYRD of West Virginia. I interrupted the Senator before he submitted his report.

Mr. HOLLAND. Mr. President, I withhold the report, Mr. President.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. MANSFIELD). The Senator from Colorado will state it.

Mr. ALLOTT. Do I correctly understand that I have 30 minutes available to me?

The PRESIDING OFFICER. The Senator is correct. How much time does the Senator yield himself?

Mr. ALLOTT. Mr. President, I yield myself such time as I require.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, last Thursday I introduced an amendment, No. 741, which, if passed, would unconstitutionally infringe upon the powers of the Commander in Chief, and would cut the ground from under any remaining hopes we have for meaningful negotiations to end the violence in Southeast Asia.

This amendment has the same wording as the so-called amendment to end the war—the McGovern-Hatfield amendment. I have proposed this amendment—in full accord with the rules and precedents of the U.S. Senate—in order that we could resolve finally the division that hangs over the country, the Senate and the President.

The day before I introduced the amendment, the junior Senator from South Dakota, who frequently advises Americans of their moral duty to stand up and be counted, announced that he would move to table such an amendment so that he could introduce it at a later date. He did not dwell on his reasons for strenuously opposing an attempt to allow the Senate to stand up and be counted on this matter.

Mr. President, let us not mince words. We are nearing the end of a thorough debate on our policy in Asia, and on policymaking procedures. I know of no Senator who does not feel that all members have had ample opportunity to make their views known. In addition, supporters of this amendment have been generating support for it for the past 59 days. In these circumstances, a vote to table this amendment will be a vote to duck the issue, a vote to avoid putting one's convictions on the line.

A motion to table will be very hard to fathom, especially if it is supported by those Senators whose adoration of the amendment is so intense that they have urged the public to invest nearly half a million dollars in a promotional campaign on its behalf. And it will be doubly hard to fathom if the original proponents of this amendment support tabling. Nearly 2 months ago they indicated that an up-or-down vote such as this is long overdue; and nearly 2 months ago they indicated that they expected and would be ready to vote in 1 month.

Should this amendment not be allowed to come to a final passage today, it will not be because of a split between hawks and doves. Rather, it will be because of a conscious decision by the majority party in this body.

I hope that will not happen. I hope that all of us, regardless of our beliefs about the proper final disposition of this amendment, will respect the American people's strong desire to have prompt action on it. It is my very clear impression that this desire is widely shared, and is most strong among those who support the amendment. I cannot in good conscience support the amendment. But I can—and, in good conscience, must—accede to the request for prompt Senate consideration of it.

Throughout the country, supporters of the amendment want a vote on it. They do not want mere procedural considerations to prevent prompt action.

Although we start from very different presuppositions, and although our reasoning is entirely different, proponents of the amendment and I come to one conclusion together: Lives may be saved by the prompt consideration of this measure. When human lives may be saved—as I believe they will be by the prompt defeat of this measure—we cannot utilize a motion to table the amendment as a pretext for avoiding the issue on the amendment.

I know that some of my most respected

colleagues have procedural reasons for being reluctant to bring this matter to a final vote. To them I urgently and respectfully commend several considerations. One of these I need only restate. Prompt final action on this measure may save human lives.

Two other considerations are these. First, the proponents of the pending amendment are on record as favoring and expecting a vote at about this time.

Second, the only reason for not voting now is to allow time for the science of merchandizing to get mixed up with the art of legislating. Let me explain these two points.

On May 2, Senators McGovern, Hatfield, Hughes, and Goodell held a press conference at which they announced their intention to submit an amendment with the same wording as the pending amendment. In their joint statement of more than 8 weeks ago these Senators said that "the time has come for Congress to face a historic constitutional choice." I agree, I think the time has come for Congress, and especially those who support the so-called amendment to end the war to allow this amendment to come to vote.

On May 7, 54 days ago, the distinguished junior Senator from South Dakota said that his amendment would come to a vote "in approximately 30 days." In this speech in the Senate, he declared:

> No longer will we just make speeches lecturing the President on what we think we should do.

XUM

At that time the Senator seemed very anxious to vote.

In the same speech he said:

> Instead of wringing our hands, or tearing our hair, or throwing bricks, or blocking traffic, let us go to work on our Congress and Senators and our neighbors and friends and make constitutional government serve our needs.

We agree on one point. When he spoke 54 days ago he indicated that 30 days would be adequate for proponents of this amendment to rally their support and participate in the debate we have been having. I think he was right.

A full page advertisement in the New York Times of May 24 asked for money to support the drive to pass the so-called amendment to end the war. A huge headline on the advertisement assured contributors that the amendment would come to a vote by July 1. Today the supporters of that money-raising advertisement have their last chance to make their advertisement accurate.

They can do this by allowing the amendment to come to a final vote.

Mr. President, I do not know if the press has been correct in reporting that the proponents of this amendment have raised $470,000 to finance advertising and lobbying campaigns on its behalf.

I do not know if the reports are accurate that high-powered advertising talent has been retained to mastermind the campaigns.

I do not know if yesterday's New York Times was accurate in reporting that the proponents of the amendment are planning to spend at least $200,000 on advertising alone in its support.

Mr. President, this much I do know. I am uneasy about an attempt to treat a piece of Senate business like a brand of toothpaste. I do not think huckstering has a place in our legislative process. And I am especially firm in my belief that the Senate's order of business should not be bent to conform to the prerequisites of any advertising campaign.

This resort to advertising raises some questions. Are the American people supposed to have their political judgments manipulated by Madison Avenue? And are we in the Senate supposed to hold our breath until the campaign has run its course, and then trim our convictions to suit whatever wind has been made to blow?

Let me answer these questions with three statements.

I do not think the American people like seeing legislative proposals merchandized like potato chips.

Second, I am sure the American people cannot be manipulated.

Finally the Senate will not allow Madison's republic to be governed by Madison Avenue. This is the world's greatest deliberative body, and it does not need or appreciate advertising bombardments. Senators are elected to exercise their judgment, not to conform their decisions to generated passions.

In this regard, I am reminded to Winston Churchill's comment when, in the dark days of September 1941, he urged American leaders not to allow their decisions to be swayed by the fluctuations of the Gallup poll. Churchill put it this way:

> I see (it said that) leaders should keep their ears to the ground. All I can say is that the British nation will find it very had to look up to the leaders who are detected in that somewhat ungainly posture.

Mr. President, the American people do not expect Senators to adopt that ungainly posture. I am sure Senators have settled opinions on the pending amendment and are ready to vote. To them I suggest Mark Twain's advice:

> Always do right. You will please some people and you will amaze the rest.

Mr. President, we will please the vast majority of Americans by bringing this measure to a final vote now. We will do what is right by defeating it.

There is no good time to make rash and unprecedented departures from constitutional practice. There could be no worse time to hinder the President in his delicate task of disengaging us from the war he inherited. Finally, this is the best possible time to vote down this measure, and the worst possible time to duck the issue by moving to table the amendment as the Senator from South Dakota has said he would do.

I sincerely hope that all people who want to remove the threat overhanging the heads of the American people, the President, and the Senate will vote not to table the measure so that we can at last come to issue upon this important measure and say to the people of the country, "We have looked at it. We have defeated it. And we think the President is pursuing the right course."

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. Muskie). Who yields time?

Mr. MANSFIELD. Mr. President, I yield myself one minute for the purpose of asking the distinguished Senator from Colorado if he intends to use up the full 30 minutes of his time. That is just for information so that we can guide ourselves in the matter.

Mr. ALLOTT. Mr. President, it is not intended that I will do that. But I want to reserve a few minutes.

Mr. MANSFIELD. Mr. President, I thank the Senator.

I suggest the absence of a quorum with the time to be taken out on this side.

The PRESIDING OFFICER (Mr. Muskie). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I yield 3 minutes to the distinguished senior Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, for 6 weeks this body has been debating the measure offered by Senator Cooper and Senator Church relating to our actions in Cambodia after July 1. This has been a serious, though unfortunately prolonged discussion about a very limited matter. Namely, was the administration's expedition into Cambodia, and would any similar actions in the future, be tactical military matters that are the due right and responsibility of the President as Commander in Chief, or do they constitute or likely involve an extension of our policy in Southeast Asia to another sovereign nation? To the extent that our Government's actions and policies could involve some form of commitment to another nation; namely, Cambodia, then the sponsors of this measure have maintained that the Congress should first be consulted. It is that question, and variations on this theme, which have been discussed during this entire period.

Mr. President, 24 Senators are cosponsoring a difficult measure, introduced by myself and four of my colleagues, which is intended to be an amendment to the military authorization bill. The purpose of this amendment is to set forth a timetable for our orderly disengagement from Indochina. It raises the question of the future for our entire policy in that portion of the world, and sets forth a positive alternative for us to extricate ourselves from this conflict. It does so over an orderly and extended period, making full provision for giving assistance to the South Vietnamese. The issues it raises are of the most crucial importance for this body and for the future of our Republic.

The amendment does not raise the issue about whether the Cambodian expedition was a legitimate exercise of the Commander in Chief power or not. It does not concern itself with that judgment and takes no position on that question. It raises instead a matter of completely different nature by maintaining that the Congress should set a timetable for terminating our involvement in the Vietnam war. The tactics that the Executive would choose to implement in order to execute that policy are, of course, his full prerogative as Commander in Chief. We in no way are calling those tactics into question, and the amendment, therefore, does not raise the discussion of the appropriate policies of the President as Commander in Chief.

The Senate has had to spend 6 weeks trying to define the constitutional powers of the President as Commander in Chief through the Cooper-Church amendment. But this discussion has been prolonged, of course, not by the advocates of the Cooper-Church amendment, but by its opponents.

Naturally we all welcome thorough discussion of these matters. However, it is completely erroneous to suggest that the debate focused on the Cooper-Church amendment relating to Cambodia is the same as considering a proposal for accomplishing our disengagement from the Indochinese war. That most crucial discussion will confront this body in the future, and must be conducted in the most orderly, responsible, and thorough manner if we are to come to a sound and wise judgment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I yield the Senator 2 additional minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 2 additional minutes.

Mr. HATFIELD. Mr. President, as the authors of this amendment, we intend to initiate this discussion in a proper way, so that the Senate can work its will. We welcome this discussion for we feel it to be the most important matter that this body will embark upon during this year.

That is why we fail to understand why other Senators are proposing that the rules of this body be suddenly subverted in an unprecedented manner.

I can think of no historic precedent for one Senator to call up an amendment sponsored by another Senator and ask for its defeat. If this practice is to be followed, the functioning of this body will become confused, frustrated, and nearly immobilized. We cannot allow this Pandora's box to be opened if we, as a legislative body, are to maintain what little respect and effectiveness we now have.

We are dealing with matters of the gravest consequence for our Nation. They are not matters to be toyed lightly with, or subjected to political trickery. That is not the way for this body to work its will. And those Members of this body—as well as those in the executive—who support this action are only giving evidence of their fundamental disregard for the procedures, the responsibilities, and the duties of the Congress of the United States.

May I say in all candor that it has been regrettable for the executive branch to disregard the constitutional procedures for consultation with the Congress in the formation of its foreign policy. But it is a far more grave and serious matter for the executive not to act with such respect for the historic and honored process by which this body has functioned. It is the integrity of the Senate that is called into question by this matter.

I believe that we must protect that integrity—and that we also must insure that future of our policy in Southeast Asia is considered in the most orderly and responsible manner possible.

Therefore, I shall support a tabling motion if one is made.

Mr. McGEE. Mr. President, the move on the part of the Senator from Colorado (Mr. ALLOTT) to offer at this time the so-called McGovern-Hatfield amendment to end the war is, in my opinion, quite inappropriate and ill timed.

The McGovern-Hatfield amendment should in no way be considered in context with the pending Foreign Military Sales Act. It was authored as an amendment to the military procurement authorization bill, and it is in conjunction with that bill that it should be considered.

I oppose the McGovern-Hatfield amendment, for reasons I have stated many times, and I intend to vote against the measure once it is considered in its own right.

But I also oppose this move to call the amendment up in this unorthodox manner, as I am sure do many of my colleagues, regardless of their views on the McGovern-Hatfield amendment.

Mr. President, I intend to vote to table the Allott amendment, and I urge my colleagues to do likewise.

Mr. MANSFIELD. Mr. President, how stands the time?

The PRESIDING OFFICER. The Senator from Montana has 18 minutes remaining and the Senator from Colorado has 15 minutes remaining.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum out of the time on this side, not to exceed 3 minutes.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, how stands the time?

The PRESIDING OFFICER. Fifteen minutes remain on each side.

Mr. MANSFIELD, I suggest the absence of a quorum, the time to be taken out of my time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, now how stands the time.

The PRESIDING OFFICER. The Senator has 13 minutes remaining.

Mr. MANSFIELD. Mr. President, I yield 1 minute to the Senator from Florida (Mr. HOLLAND). Then I will yield myself 4 minutes, and to conclude the debate, I will yield 10 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Chair will state that the Senator has only 13 minutes remaining.

Mr. HOLLAND. Mr. President, while I shall vote for the motion to table, I shall do so not on procedural grounds but because I am against the amendment on its merits or in any way it may come up. Therefore, I shall vote for the motion to lay on the table.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, again I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I yield myself the remaining time up to the last 10 minutes.

The Senator from Colorado (Mr. ALLOTT) has offered in his own name the so-called McGovern-Hatfield amendment—with the hope that the proposal will be defeated.

By offering this amendment, the Senator from Colorado has chosen a procedure that, if allowed, will affect most drastically the capacity of this institution to conduct its business. Over 95 percent of the Senate's business is conducted by unanimous consent—the rest is worked out in the spirit of unity and comity that must exist in a form of unlimited debate and unlimited capacity for obstructionism under its rules.

Every Member of this body stands equally in the legislative process. At one time or another every Member of this body has felt strongly that he has devoted the full measure of his time, his energy, and resources to a particular legislative proposal; one that he can claim fully as his own. It would be most unfortunate, I believe, if we now established a practice for the opponents of any such proposal to use as a means of prejudicing its merits, the device of calling it up at a time most advantageous to the opposition. That is what is at stake here—the control over your own proposal exclusive of the opposition to that proposal. And it affects every Member of this body.

Of course, under Senate rules any Senator can embrace as his own and advocate, and indeed offer as an amendment, any proposal he wishes.

A few days ago the Senator from Kansas (Mr. DOLE) did just that. He advocated the repeal of the Tonkin Gulf resolution and, whether you may personally agree with the procedure or not, he was fully within his rights in calling up an amendment to that effect previously introduced by another Senator and even reported out as a resolution by the Committee on Foreign Relations.

The PRESIDING OFFICER (Mr. KENNEDY). The Senator from Montana asked to be notified when 10 minutes of his time remained.

Mr. MANSFIELD. Mr. President, I yield myself 1 more minute.

I might emphasize here that Senator DOLE supported the Tonkin repeal. He supported it fully and without equivocation. It may have been conceived by another Senator, as it was—the Senator from Maryland (Mr. MATHIAS). But the Senator from Kansas agreed with it in substance and on his own sought to have its terms implanted into law.

That, however, is not the case at hand. Pending now is an amendment authored not by its sponsor nor by one who supports its terms. The proponent of this amendment is an avowed opponent of the proposal. He seeks its rejection by the Senate and does so by controlling its consideration by the Senate.

I noted the alleged precedents cited for such a procedure. I cannot agree, however, that these past instances referred to are at all in point. A motion to table an amendment offered by a genuine sponsor has no similarity to the procedure of the present case. Motions to table by the Senate leadership, who have responsibilities to move the Senate program, have no similarity—regardless of how the leadership may have voted. Motions of this character are made solely to expedite the Senate program; not to prejudice the substance of another Member's proposal.

In moving to table the pending amendment, I do not seek to foreclose the Senate's consideration of what is perhaps the single most important issue of this session: The matter of bringing to a close the whole war operation in Southeast Asia.

The amendment, as I recall, was first introduced last April 30. It was revised and resubmitted on May 5. From the very beginning, 2 months ago, Senator McGOVERN stated—and I quote his remarks of April 30—

> The Senator from Oregon (Mr. HATFIELD) and I intend to offer this amendment to H.R. 17123, the Military Procurement Authorization Act, when that legislation becomes the pending business in the Senate.

As far as I know, that has been his position and the position of all the cosponsors of this amendment since that time.

In closing, I would only say that it is not the pending proposal that is now at stake. Should the Senate approve this manner of proceeding it would jeopardize prematurely the merits of every proposition developed by any Senator on his own. I would hope the Senate would not vote to turn the orderly spirit of unity and comity in this body into a jungle of legislative one-upsmanship. As Senators, we stand equally in approaching our legislative opportunities. I hope we remain so.

At an appropriate time I shall move to table the pending amendment.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. ALLOTT. Mr. President, I yield 3 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, having heard that a motion to table will be made, I shall vote against it, although I would oppose the proposed amendment whether it be offered today or on the authorization bill.

Mr. President, I see nothing wrong with voting on this proposal today. We all understand it. We have facing us a long, hard summer. We have spent nearly 8 weeks on this matter. The authorization bill is to be called up some time in July. The Chair will recall that last year we spent 8 weeks on the ABM in the authorization bill. Add prolonged debate on the McGovern-Hatfield amendment if offered to the authorization bill, and we could well be in here until the middle of the fall before we disposed of the authorization for the ABM as well as the McGovern-Hatfield amendment.

I can understand very well the concern of the majority leader for Senate procedures. The fact that this concern has been shown here today makes me very happy, as it always has.

But I would hope that those people who have been most concerned about the so-called disruption of Senate procedures, the members of the Foreign Relations Committee, will take another look at what they have been doing in the field of armed services.

If there has been any disruption of Senate procedures, I cannot think of any place where it has happened more actively than in the case of the foreign policy committee getting into the business of the Armed Services Committee, to the point where they practically have a subcommittee doing the same kind of work we on the Armed Services Committee are supposed to handle.

We certainly do not get into the field of foreign relations. While I can understand that there is a place for the discussion of armed services problems within the foreign policy committee, I do not think it is their sole function. I remember last year, speaking again of Senate procedures, when this authorization bill was brought to the floor—and, mind you, I do not think there is a bill before Congress that has more attention or is given more study than the military authorization bill, what with the Joint Chiefs of Staff looking at it, the military themselves, the National Security Council, the Office of the President, and the Armed Services Committees of both Houses. I cannot think of any bill that has more attention than these bills. Yet, we stood on this floor for 8 solid weeks discussing amendments that would have destroyed weapons systems; amendments offered, with all due respect, in many cases by Senators who had no experience at all in the related fields.

So, Mr. President, I propose to vote against tabling this measure, because I would like to see it gotten out of the way, and I think we can do that more expeditiously this afternoon on this piece of legislation than by waiting for the heat of July and the greater heat of August, the desire of all of us to get out some time around Labor Day, and the desire of many Senators to begin campaigning. I think it would be wise to dispose of it; and therefore, Mr. President, I propose to vote against the motion to lay on the table.

The PRESIDING OFFICER. Who yields time?

Mr. ALLOTT. Mr. President, I yield 3 minutes to the Senator from Wyoming.

Mr. HANSEN. Mr. President, in the very brief time available to discuss the Allott amendment I would like to discuss two principal points. First, the political implications of what is happening here, and second, the impact this action will have on conduct of the war in Vietnam.

I believe that the McGovern amendment—for which the present amendment is substituted—is designed to keep alive the debate on Vietnam; that its purpose is to keep Vietnam a political issue throughout the summer; and that through this tactic of announcing the text of the McGovern amendment in full, well ahead of time, but attaching it to a bill not to be offered until some distant future date—in this case the military procurement bill—thus not letting the Senate discuss it fully until that bill is finally offered, the proponents of the measure hope to tarnish the record of the Nixon administration in pursuing America's goal of a durable peace in Southeast Asia.

The other major point is the effect a vote today will have on the enemy in Hanoi. Most Senators believe the McGovern amendment will be defeated. When it is voted on, the will of the American people will be expressed in the Senate. And that will is to defeat this measure. Senate parliamentary procedures, however, permit a vote on a motion to table before the vote can be held on the substance. Thus the will of the people, as expressed through this body, can be delayed. Not thwarted, but delayed. And the measure, if further delayed, will give further hope to Hanoi that America will write off its losses in Vietnam as a vain and futile sacrifice. We do not believe this will happen. We know the amendment has already been studied thoroughly, debated fully, and most likely will be defeated. But does Hanoi know this? And even if it knew, so long as the Senate of the United States holds back a vote can anyone expect Hanoi will not await its outcome? And is not this delay directly helpful to the enemies of this country—more specifically, to the enemies of our soldiers over there?

Hanoi has had much success with its ancient policy of waiting, of dividing, and of winning through division. Hanoi still expects to win in the U.S. Senate what it cannot win in Vietnam. This much is very clear. Anything we do to encourage this belief will increase the risks, and casualties, of our boys whom we sent there.

Until the U.S. Senate demonstrates firmly and with finality Hanoi can no more win here than against our forces in the field, the enemy will not move to the conference table.

Thus, the tabling motion to be offered today will give heart to Hanoi and will delay for 6 weeks, or 2 months, any move to the conference table. Hanoi still hopes to make such a meeting one to accept American surrender and not one to negotiate peace.

Some here will vote to table today because the method by which this resolution is now brought before the Senate does not adhere strictly to Senate tradition. I value tradition and I value historic precedent. In this case, however, I consider early peace negotiations, to end this long and terrible conflict, far more important than tradition in this body.

Let us be honest and open; if there was merit to the McGovern amendment

XUM

we would vote it up or we would vote it down; but we would do it now.

We would not insist upon delay after delay, because we would know that, as long as Hanoi believes it can win in the U.S. Senate what it cannot win on the battlefield, it will not come to the peace table in Paris.

We would not insist upon delay, because we would know the amendment stands absolutely no chance of passage; not now, not next month, not the months after that.

We would not insist upon delay after delay, because we would know the amendment has absolutely nothing to do with the reality of President Nixon's program of troop withdrawals from Asia.

If the argument of tradition of the Senate, or privileges of committee chairmen is offered in support of delay at this time we would certainly say that no tradition and no privilege is worth even 1 day's delay in getting Hanoi to the bargaining stage in Paris. And despite our concern for tradition, I would hope that our esteemed committee chairmen would realize they actually strengthen tradition by foregoing its exercise when it has so obviously been invoked for purposes so contrary to those for which it was originally conceived.

If the amendment has merit, it would most certainly not be used as a fund-raising device through advertisements in the newspapers and on television and mass mailings. Indeed, in delaying a vote on the amendment, we simply allow its continuance as a vehicle for raising money for political campaigns.

Mr. ALLOTT. Mr. President, I yield 1 minute to the Senator from California.

SANCTUARIES AND THE AMERICAN TRADITION

Mr. MURPHY. Mr. President, before I turn to my more formal remarks I want, with humility and compassion, to recite a few words written to me just this week by three constituents of mine. These will be the words of three men who, so far as I know, have never met nor heard of one another. Yet they have much in common. They are Californians, and, more important, Americans, who wear their country's uniform. The have something else in common that should give Senators pause for thought; something profoundly important to the credibility and dignity of the Senate and the history we write in this Chamber. Each of the three has expressed bewilderment, disbelief, and astonishment at some of the remarks made during recent days in their Senate.

I am constrained not to reveal the names of these three fine young Americans since there has not been time to ask their permission to quote them publicly, and to the discredit of many, their families could be the subjects of harassment by those in our country who would divide us and set us upon each other to destroy the fabric of our great Nation. I intend to write back to these young Americans with my personal salute and to express my pride in them, their thoughts, and their deeds.

The first letter comes from a private first class:

> DEAR SENATOR MURPHY: Few times in my life have I been so ashamed of my political leaders, as a body, as I am at present. I am not familiar with all the little tricks of your trade, but I have followed the logic of most of your decisions, and, as a rule, have found myself in agreement. But now I am a soldier, and I am in Vietnam. I feel I've been betrayed. The support that my president is trying to give me through our operations in Cambodia and increased flexibility to our leaders is being undercut by a group of senators and representatives who are more concerned with votes than they are with lives. They scream and cry "outrageous" at the death of a student in the process of breaking the law; and yet they stick their heads in the ground to avoid seeing the attempt at trying to reduce casualities here.
>
> Sir, maybe we should never have gotten into this war to begin with; but we did. And I don't want to be here—I just got married in December. But I am here. I'm doing the best job I know how, and so are the rest of the soldiers here; and I just think that the leaders in Washington should stop worrying about whether this is a just war or not. The fact remains that our country has sent us over here to fight a war that our country has engaged itself in. And now the leaders of our country, especially those in the Houses of Congress, are menacing what little safety we enjoy by pulling out our support, and tying our hands as we engage in our own defense. Many here feel that our own Congress has caused the death of more GI's than our more formally declared enemies. You strip us of our defenses and lead us to slaughter, the Viet Cong meet us, man against man. They meet us with some semblance of honor; our own Congress subverts us.
>
> If Congress believes they are saving our lives, sir, they are not.
>
> If Congress believes they are saving money, then why do they appoint men to the academies if they will not listen to the advice of the highly trained professional. And, if this is true, their priority of money over life should be re-examined.
>
> Sir, I know this letter is not very neat—both I and the typewriter I am using are very tired, but I thought that someone might care how I felt about it all. If you could, please pass this around; I'm too tired to write anymore.

I assure the writer of this letter that his words have been passed around and that he gives us rich food for thought and contemplation.

The second letter comes from an Air Force staff sergeant, a man who, as he says, "flies combat missions—which puts me where the action is most of the time." He says:

> DEAR SIR: I am writing this letter to express my opinion, and hopefully gain your support of President Nixon's decision to send American troops into Cambodia.
>
> My references, two and a half years in the combat zone. No I'm not a desk worker who picks up the information from "desk pilots" or entirely from the newspapers, but a man who flies combat missions with the Air Rescue Service, which puts me where the action is most of the time. I have worked in North Viet Nam, the Mekong Delta, and now in Laos. I work with, talk to, and sometimes even "Rescue" the people who are actually there, so I can draw my own conclusions about this action.
>
> I firmly and honestly believe that the decision to send troops into Cambodia was a good one, and I might add quite a while overdue. We must not forget that this is a part of the overall plan to withdraw American troops from Viet Nam and continue the Vietnamization program which is moving along quite well, the Mekong Delta being a perfect example of it. I watched this with my own eyes which makes it first hand information.
>
> As a man who is serving under our flag, I would hope and pray that you, our congressional leaders, would examine the entire picture of Southeast Asia, not just selected parts of it, which in reality cannot be discussed intelligently when considered outside their proper context.
>
> The silent majority which I am a part of would like to be heard. We are not organized, we do not demonstrate, we do not tear up colleges and try to destroy our education system, but it is disheartening to know that our nation, as well as some of our leaders, pay attention to this form of dissent. As servicemen we are not allowed to demonstrate, but if we were, ninety five per cent of the G.I.'s in Viet Nam would be on the streets to back President Nixon's decision yet nothing is made mention of this fact in the newspapers, and this in itself is very wrong. We should have one hell of a voice in this matter as we are the ones who are here, doing the fighting and dying, and a lot less people will die now that we have wiped out the enemy's stockpiles in Cambodia.
>
> All of this violence, is this what you want sir? In so many cases it appears so by the way many of our politicians encourage these demonstrators through their words and deeds, and making suggestions of moving to Canada. I have read the constitution and cannot recall anything about desertion in its context, yet this is the same constitution that our leaders are supposed to be supporting. This kind of leadership is extremely dangerous, and these leaders are creating a climate where more terrible things will continue to happen. By making this situation, these leaders are placing their political and party's ambitions ahead of their country's welfare. The mob violence that is associated with these massive demonstrations encourage more demonstrations and more violence so this causes a strong reaction by the authorities to attempt to control the situation, so now the growing circle is complete, "Violence begets Violence."
>
> How can the leaders of this nation encourage these "Mobs" who deliberately confront, stone, vilify, and attack all symbols of authority we have. This form of dissent must stop, and the leaders who encourage it should be pulled out of office so fast they won't have time to look back.
>
> This should not be a political war. There is no need to have any specific party solution, but an American solution. The leaders must work for the good of the nation, not for the good of their party.
>
> Thank you for your time and attention to my letter.

I repeat what this staff sergeant has said:

> The leaders must work for the good of the nation.

This is an appropriate time to note that this letter came not from a man who had bathed, shaved, and put on fresh fatigues to meet Senator MURPHY in Vietnam. These words, as those of the private first class I quoted a few moments ago, came from a brave and tired man who is taking his turn at bat, who takes some of his precious free time to tell it like it is.

An Air Force lieutenant was a little more to the point, maybe a little bitter and, certainly, poignant in his plea for his comrades. His words speak for themselves:

> DEAR SENATOR MURPHY: I am presently in Vietnam serving as an Air Force Forward Air Controller. Oddly enough I am glad to be here as I feel that as a United States citizen I owe this country more than taxes. And I feel this year at least partially balances the books.

> And although by not going to Canada I lost a chance of becoming one of the real heroes of this war, this tour does afford me the opportunity to do something I've wanted to do ever since I started pilot training. And that is petition all the Senators of Congress to risk a little adverse opinion from the youth of America and support one of America's most abused minority groups—the men currently listed as missing in action or as prisoner of war . . .

Cut off our servicemen's pay, you say? Go away and the war will stop all by itself, you say? Abandon our President, give political sanctuary to those who have killed half a hundred thousand Americans, you say? Desert "the men currently listed as missing in action or as prisoner of war," you say? Forget Vietnamization and abandon 800,000 innocents to slaughter, you say? Not that lieutenant. Not that staff sergeant. Not that private first class. Not this Senator. And, pray God, not this proud country.

Where is the newspaper which has printed the remarks of these men? I have read much of those who think differently, so how does it happen these men and so many like them have had to take the recourse of writing to their Senator to be heard. But, then, the building of banks or doing one's job well just is not news, I guess.

To these three, I salute you. I pray for your safety. You are what a real American is all about and we know it. My constituents in uniform—more come from California than from any other State—know the score in this awful ball game we play. They respect their President, and they do their tough jobs. They understand why we are in Cambodia and, perhaps intuitively, our history.

Mr. President, there has been much said in recent weeks in this Chamber about the American incursion into Cambodia to indicate that somehow this is a new policy—a departure from tradition on the part of the United States.

This is far from the fact. History contradicts this.

It is, instead, a return to traditional American policy, and a restoration of our historic approach to a problem which has plagued us—in one form or another—since first we became an independent Nation.

The problem, I believe, can be summed up in its most simple form as this:

What does a sovereign nation do to protect itself against those who attack it from a politically established sanctuary?

The problem is not new. It is not one that is confined to American history alone.

I suppose the first time the problem ever arose was with the advent of piracy, or brigandage, shortly after the dawn of civilization, and the history of these matters has long held high interest for this Senator.

In our own history, the international problem raised its head early. It started with the corsairs who used the permissive havens of the north coast of Africa from which to launch their raids against the mercantile fleet of this newly emerged Nation.

The Barbary coast affair has been mentioned before in this debate, largely in connection with the discussion of the President's powers to conduct American foreign policy. I bring it into this current discussion for another reason—to draw, if I may, a parallel between the situation that existed at the beginning of the 19th century and the situation which exists now, today, in Southeast Asia, in the last third of the 20th century.

The United States early became a trading Nation and plied a brisk commerce with the Mediterranean ports. As a result, American shipping quickly became easy prey to the so-called Barbary pirates that infested the northern coastline of Africa.

The corsairs got their name from the coastline itself—the Barbary coast, a degradation of the word "Berber," the tribe which inhabited the area.

These pirates who inhabited the Barbary coast were, in fact, pirates, although they maintained a fiction that they were the naval forces of the governments of that coast.

The Barbary coast was comprised of a portion of Morocco, Algeria, Tunisia, and Tripoli, now known as Libya. It extended from the Gates of Hercules—or the Straits of Gibraltar—on the west, to very near the mouth of the Nile on the east.

Nominally, this entire area was a part of the Turkish Empire by the time the United States became a nation. That, too, however, was largely a fictitious designation. In fact, the area was composed largely of nearly autonomous states that paid annual tribute to Turkey and derived a large portion of their revenues from piracy, or from tribute paid to them to prevent it.

As early as the last decade of the 18th century these pirates began attacking American shipping. Prior to that time our ships had been under the protection of the British flag and were immune from attack because the British Government had a tribute arrangement with the pirates and paid handsomely for the privilege of sailing the Mediterranean.

It was the early contention of the U.S. Government that Barbary corsairs were, indeed, pirates. Our Government and our shippers maintained that the fiction of being naval vessels of the Barbary states offered them no protection from international law.

International law has always maintained that a pirate does not act against an individual, nor against an individual state, but that his acts of depredation are against all mankind. Therefore a pirate—any pirate—can be brought to justice by any nation. Thus, when the slave trade was declared to be piracy, slave ships were subject to capture by public vessels of any nation, regardless of which flag they flew or where they came from.

This theory had been well established by the British and Dutch in the Caribbean in the 17th century, when their warships moved against the pirates of the Spanish Main despite the fact that most of the acts of piracy had been directed not against them, but against the Spanish and their bullion fleets.

In those earlier cases the European powers moved against such pirate strongholds as Tortuga, for example, even though the island itself was owned by the French, and the British were not at the time at war with France.

Thus, the U.S. Government came to the logical conclusion that the Mediterranean pirates were in fact pirates, and not the legitimate instruments of sovereign powers.

At this the United States attempted to enlist the British and French in their fight against the tyranny of these pirates. United States attempt to elicit support were largely ignored by Britain; France promised only to use her good offices with the rulers of the Barbary States. Similarly, the Netherlands turned a deaf ear to the request for aid by the United States.

The United States realized it had to go it alone in its battle to protect its trade from the Barbary pirates. A treaty was negotiated with Morocco—least troublesome of the four Barbary Powers—without too much difficulty, and with only moderate tribute.

After a series of long and delicate conferences the United States managed to negotiate treaties with the other three Barbary States: Algeria, Tunisia, and Tripoli. These treaties, unfortunately, were more honored in the breach than in the keeping, just as we see Communist nations doing today.

The first state that openly violated the treaty was Tripoli, which, in May of 1801, declared war on the United States and expelled our consul.

The Pasha also ordered the flagpole in front of the American consulate chopped down.

This was the beginning of 4 years of war with the Barbary States. The United States maintained a naval squadron in the Mediterranean, although for the most part the war was not conducted with much energy. It was largely sporadic, and consisted mostly of isolated encounters with the enemy. At no time did we dignify the situation by formally declaring war.

During 1803 and 1804, Comdr. Edwar Preble, an energetic commander, launched a series of strong attacks against the harbor of Tripoli itself and destroyed some of the harbor's fortifications and a number of gunboats.

Commodore Preble, during the course of one such action, lost the frigate *Philadelphia* which went aground on a reef and was captured by Tripolitan gunboats. The ship was towed into the harbor and the crew of 307 taken prisoner.

A young lieutenant named Stephen Decatur covered himself with glory shortly after that by leading a boarding party into the harbor and sinking the *Philadelphia* at her moorings.

Meanwhile, William Eaton, a former Army captain but now U.S. naval agent to the Barbary States, launched a campaign for more vigorous action. In 1805 Eaton invaded Tripoli from the East.

In Egypt, Eaton had found a brother of the Tripolitan Pasha—a former ruler—and used him as a figurehead to establish a new government. With an army of 400 men—including only a handful of Americans—Eaton attacked and captured the seaport of Dena. He and his small force stood off a number of heavy counterattacks by the Tripolitans.

Eaton's success, together with a

strengthened U.S. fleet in the area, brought the Pasha to terms. His agents negotiated a settlement with the new U.S. commander in the Mediterranean, Comdr. Samuel Barron, involving a small ransom payment for the *Philadelphia* captives and the specification that no further tribute would be paid.

The outcome was not a total success, for the other Barbary States continued to demand tribute, and reinstituted their depredations while we were otherwise occupied during the War of 1812. During that war Barbary sanctuaries expanded, and offered haven to British warships preying on American merchantmen in the Mediterranean.

According to Julius W. Pratt, in his "A History of United States Foreign Policy," the British used Tunis and Tripoli as safe havens from which to attack American shipping.

Britain, with its then unbeatable naval force, could have—at any time during the previous 100 years—wiped out the Barbary pirate lairs. They had not because, as McLeod and Wright note in their history of William Eaton, many in Britain felt the pirates served a useful purpose. Britain's Lord Sheffield is quoted as saying the pirates helped to keep down the trade of smaller nations, such as the United States and the Italian states. This, he maintained, was to the advantage of the British Empire.

In any event, once the War of 1812 was over, the United States determined to end the threat once and for good. This time, to show we meant business, Congress declared war on Algeria, the chief offender.

In 1815, Stephen Decatur and William Bainbridge sailed with squadrons of American naval vessels to the Mediterranean.

Both officers were successful. Decatur captured the Algerian flagship and, blockading the harbor of Algiers, was quickly able to force the Bey of Algeria to terms. The Pasha of Tripoli and the ruler of Tunis quickly accepted American terms when they saw Decatur's ships. Bainbridge arriving a little later with an even stronger squadron, added unmistakable emphasis to U.S. determination.

Thus, the United States took positive action early in its history to eliminate a sanctuary—in fact a series of sanctuaries—from which its shipping and military forces had been attacked with apparent impunity. With this example, England and France followed suit, and the piratical policy of the Barbary States was ended forever.

The long series of military actions in the Mediterranean were to provide more than merely a page in our history books. They provided the basis upon which a solid principle of American policy was founded.

That principle is simply that there can be no such thing as a politically established sanctuary from which an enemy can attack American forces, and into which he can retreat without fear of pursuit.

This, in brief, is the principle which President Nixon has reestablished in his vigorous pursuit of the enemy into its Cambodian strongholds, which were also politically-designated sanctuaries into which the enemy could retreat.

During the Civil War there also arose a series of incidents involving the idea of using safe havens or sanctuaries from which to attack an enemy force.

The most notable involve the attack on St. Albans, Vt., and the raiders *Alabama, Florida,* and *Shenandoah.*

Neither the attack on St. Albans, nor the raids by the Confederate ships, brought on direct punitive military action against their source by the United States, although both did bring into play the full weight of U.S. diplomatic capability.

Both sets of incidents did result in action that was clear cut, and further implemented the principle of policy that there can be no such thing as sanctuary for enemy forces.

At the outset of the Civil War, Canadian sympathies were very strongly in support of the northern cause primarily because Canadians themselves were overwhelmingingly antislavery.

This era of good feeling between the Union and Canada was slowly destroyed because of American rancor over the position Great Britain took—a position of neutrality in favor of the Confederacy, as northern officials saw it.

The recrimination against Britain turned into verbal attacks on Canada, and these in turn caused Canadian reaction against the United States.

Despite this bitter feeling, the Canadians were scrupulous in their efforts to remain neutral. Canadian border authorities attempted to prevent Confederate soldiers from using their territory for raids on the North—but not wholly with success.

In October of 1864, a group of Confederate soldiers slipped across the border into Canada and from there launched an attack on the town of St. Albans, Vt. Three banks were looted and one civilian was killed in the raid.

At the moment the United States was embroiled in a desperate, all-consuming struggle. Our Government could not take direct military action. But Secretary of State Seward immediately informed London that the treaty of agreement on the Great Lakes—the Rush-Bagot agreements of 1817—would be ended in 6 months, the formal notice required in the treaty.

The Seward action caused the Canadian Government to take even stronger steps to protect its frontiers from incursions by Confederate troops. Under the threat implied by the quick and firm action by the U.S. Government, the Canadians themselves ended the use of their territory as a sanctuary from which Confederate forces could attack the United States.

Of a much more serious and long-lasting import was the so-called Alabama affair.

Although maintaining that they were neutral as between North and South, the British Government permitted the building of a number of merchant raiders in English shipyards for the Confederacy, and three actually saw service against Union shipping.

Not only were the raiders British built, they were manned by crews recruited in Britain and the British Empire, although the officers were Confederate naval men.

According to historian Thomas A. Bailey only one of the three vessels, the *Florida,* ever actually sailed into a Confederate port.

By far the most famous of the three raiders was the *Alabama* which raided in the Atlantic and Caribbean and captured 71 Union ships. Another, the *Shenandoah,* raided in the Pacific and wiped out the U.S. whaling fleet in the far South Pacific. According to Bailey the ship was drydocked by the Australians, and a number of crewmembers were added in Australia.

The *Alabama* was finally sunk off the coast of France by a Union ship, but the *Shenandoah* was never caught and, indeed, continued her career long after the Civil War had been officially ended. But that did not end the matter by any means. After the war was over a general outcry arose against the British. This vituperation centered on the *Alabama.*

The U.S. Government demanded reparations for the damage done to American shipping by the British built and manned raiders.

Eventually, in 1871 an international tribunal gathered at Geneva, Switzerland, to determine the justice of the case. That tribunal awarded the United States $15 million in damages.

It is noteworthy, however, that the tribunal never would have met had the United States not formally abrogated its treaties with Great Britain to force the British to the conference table.

Again, the United States at the time of the action could not muster enough force—due to the facts of the Civil War—to attack the British with military force. However, it did bring every possible pressure to bear through diplomacy—and eventually did reestablish in the eyes of the world the principle that American citizens and American property cannot be attacked with immunity from a politically established sanctuary.

The Decatur-Bainbridge expedition to the Barbary Coast firmly established a principle of American policy which stood for over 135 years: There is no such thing as a sanctuary from which American citizens or American property can be attacked with immunity.

Nowhere, perhaps, has this principle been better demonstrated than in the long history of our relations with Mexico.

From the end of the war with Mexico onward, periods of tension arose between the residents of the Southwestern United States and Mexico, abetted by incursions of Mexican bandits into the United States. They raided American settlements and ranches, drove off cattle and pillaged. There were incidents of wanton killing of American citizens.

The Government of Mexico, throughout the period from the 1850's to 1916, took a bland attitude toward these raiders. At times, the Mexican authorities denied their existence. At other times they admitted to the existence of such bandit gangs, but claimed inability to control them.

There may have been truth to this latter claim. Mexico was ruled from the south-central capital city and the lines

XUM

of authority tended to grow exceedingly slender—and sometimes to disappear—between Mexico City and the desert borders with the United States.

Forays of these bandits from Mexico were sometimes aided by rampaging Indians and not a few American outlaws who used the border areas as a safe haven to escape pursuit of U.S. law officers.

This period of tension grew more and more untenable for the people directly involved as victims. They clamored for permission to react, and for Government support.

Thomas A. Bailey, in his remarkable work, "A diplomatic History of the American People," sums up the situation in one pertinent sentence:

> Disorders along the Mexican border during the late 1870's continued to be destructive of American life and property.

To end this destruction, Bailey notes, in June of 1877:

> The Secretary of War issued an order authorizing American troops to pursue raiders across the boundary line.

The Mexican Government objected to this action, but for nearly 3 years the American order remained in force.

Mexican and Indian bandit gangs were pursued, sometimes deep into Mexico, in an effort to bring to an end the brigandage against American citizens.

During the time the Secretary's order was in force the Mexican press clamored for war against the United States.

There is a strange parallel, too, between what happened in Washington during that period and what is happening here in Washington today—90 years later. Foes of President Rutherford Hayes, under whose administration the order was issued, condemned the President for taking so belligerent a course toward Mexico.

President Hayes, however, stood his ground, determined that this principle of American policy, established in 1815, would be the course to follow.

He was determined there would be no such thing as a sanctuary from which Americans could be attacked and killed without the United States doing something to end that situation.

He succeeded. And in this he was backed up not only by the local residents who were the most directly affected, but by the American people and the American press generally.

In this backing of the President, the American people demonstated in the 1870's as the American people always have, that they strongly favor a firm foreign policy when the issue involves American lives.

Despite the firm stand taken by President Hayes in 1877, the forays across the American border continued, although less intense in character.

It was not until 1915 and 1916 that the situation grew so intense that America again had to act.

This time northern Mexico was being used as a sanctuary for attacks into the United States by Francisco Villa—known to legend and popular historians as Pancho Villa.

Villa was a bandit. But he was more than that. He was also a central figure in the struggle for power that was going on within Mexico at the time.

Villa was not hesitant to use Mexican territory as a sanctuary from which to attack Americans. He claimed he was acting in a political manner. His aim was to draw Americans into the internal political dispute within Mexico.

In 1913, President Wilson had supported both Villa and Venustiano Carranza in their efforts to depose President Huerta of Mexico. Finally, Carranza ascended to the presidency but did not act quickly enough on reform measures to please his former friend, Villa.

Villa, on March 9, 1916, raided across the border into New Mexico, attacking the small town of Columbia where 17 Americans were killed.

Wilson retaliated promptly by ordering Gen. John Pershing across the border in pursuit of the bandit chieftain.

President Wilson was determined that no foreign force could use a politically established sanctuary from which to attack Americans, and to which the attacking force could retreat with no fear of pursuit.

The action in 1916 bears a striking parallel to the situation in which we find ourselves today. Territory supposedly immune from American attack was used as a base from which to attack Americans. This is as descriptive of the Cambodian sanctuaries as it is of the Sonora Desert of northern Mexico.

From the first decade of the 19th century until midway in the 20th this was an established principle of American policy.

The idea of sanctuary for aggressive forces was totally alien to American nature, and it was an implicit and traditional part of American foreign policy to destroy such sanctuaries—or at least to make those who used them pay for that use.

But there was a change in American policy in 1950 and 1951 when we became involved in the Korean police action.

Actually, Mr. President, it has been argued that the whole nature of warfare changed after the end of World War II. In a sense this is true. Dozens of armed conflicts have exploded throughout the world since the end of that war and not one of them has been a declared war, in that belligerent parties have not formally declared war on each other.

This change, however, does not, in my estimation, create the kind of situation in which America should—or, in fact, can—abandon its traditions and history.

But in Korea we did abandon one strong principle of American policy. We did permit the creation of a politically developed sanctuary from which enemy troops and aircraft could attack us and to which they could return, safe from pursuit.

A line was drawn. An arbitrary boundary was accepted. American commanders were told they could go no further, regardless of the provocation and regardless of the benefits that accrued to the United States from such an attack.

In the case of Korea that line was the Yalu River.

This destruction of a principle of American policy has carried over into the Vietnamese conflict, and it was an established part of our military position in Vietnam until April 30, 1970, when another great American President displayed the courage and the tenacity to return to an old and well established American principle.

The situation which developed in Korea has a direct bearing on, and is an intrinsic part of, the situation that has developed in Vietnam and therefore must be examined and examined carefully if we are to consider the present military, political, and diplomatic situation in proper context.

It is well to remember that Korea was an undeclared war—just as the hostilities in Vietnam today are.

It is well to recall that a democratic state, supported by the United States, was under attack by a totalitarian state, supported by the Communist world.

The same situation prevails in Vietnam.

There are other similarities.

Among these similarities are the facts that the United States was supported then and is supported now by international agreements and international forces. A score of countries became involved to a greater or lesser degree in Korea. A score of countries have become involved to a greater or lesser degree in Vietnam.

The Communists called the Korean war a war of liberation. The same nomenclature is applied by the Communists today to the war in Vietnam.

North Korea invaded South Korea.

North Vietnamese troops today fight in South Vietnam.

Because there are so many similarities—and because the whole issue of sanctuaries and safe havens revolves around the political and military decisions made during the Korean conflict—we must go into that story in some depth if we are to determine the facts and apply those facts to the present situation. I feel we must apply those facts if we are to arrive at the truth of what is happening today in Southeast Asia.

The situation—in which Korea could become a battleground—was created by international agreement, much as the Vietnamese battleground grew out of international agreements. At the close of World War II Soviet troops were already in North Korea before Japan's surrender had been officially accepted.

The American Government, rather than lose total control over Korea to the Soviets, decided on a joint occupation program with Russia, the division point being the 38th parallel.

After Japan's surrender, the Soviet Union and the United States set up a joint commission which was charged with the responsibility of creating a provisional government for all of Korea. It quickly became apparent the Russians had no interest in such a provisional government, and instead developed their own Communist-led government with heavily armed troops backing its authority north of the demarcation line.

Russian intransigence finally forced the issue, and in September 1947 the United States turned the matter of creating a provisional government over to the United Nations General Assembly. The

XUM

Assembly decided to hold a plebiscite with a secret ballot to choose representatives to a new national assembly.

In late 1947, the United Nations sent a commission to Korea to prepare for the elections. The commission visited Seoul in the South but was not permitted to visit the Russian zone.

In January 1948, the United Nations decided to hold elections in such parts of Korea as were accessible to the United Nations commission.

In other words, the election was to be held only in the South where the U.N. had access.

Thus the two Koreas became recognized by the international community of nations.

With the establishment of the Republic of Korea, the United States began withdrawing its occupation forces. By 1949, almost all U.S. troops were withdrawn.

On January 12, 1950, Secretary of State Dean Acheson, in his now-famous Press Club speech here in Washington, designated South Korea as a portion of the world which did not rank at the top in the list of countries we were committed to protect.

On June 25, Korean time, the North Koreans launched a massive invasion across the 38th parallel into South Korea. And the war had started.

The initial Communist invasion of the South was a thundering success. South Korean troops were quickly thrown back; the South Korean capital city of Seoul was captured. American forces, which were landed in July and August of 1950, found rough going and losses for both ROK forces and those of the United States were heavy.

In September, however, the tide had changed dramatically with the superbly planned and executed invasion at Inchon, the seaport for Seoul.

Gen. Douglas MacArthur had sufficient force and materiel to drive the Communists out of South Korea altogether, and to mount an offensive which in a little over a month drove to within sight of the Chinese border in the Yalu River Valley.

By early November the United Nations was discussing methods for consolidating the gains and restoring a unified Korea. The U.N. command was pressing forward at every point. It appeared that all of Korea would soon be cleared of Communist forces.

Then, on November 26, the Chinese army moved. Some 200,000 Chinese troops poured across the border into Korea, sliced through the lines of the 8th Army and isolated pockets of American and Korean troops.

The weather was bitter, and the odds were overwhelming against the U.N. forces. It was only by virtue of extraordinary courage and ability that the U.N. command was saved from total disaster.

The U.N. command's ability to protect itself against the massive assault by the Chinese was enormously hampered by a decision made on October 7 by the United States.

Scholars writing on the subject note the United States—not the United Nations—made the decision not to attack too close to the Yalu River, and not to attack across the border into either Manchuria or the Soviet Union regardless of the provocation.

Martin Lichterman, in the book, "American Civil-Military Decisions," notes this decision in these terms:

> The Military objective (of the October 7 decision) was the pursuit and destruction of the North Korean armies north and south of the 38th parallel. This objective was subject to three qualifications, all three established by the U.S. Government, not by the UN: First, "as a matter of policy" only ROK troops would be used in the border provinces; second, our advance would not proceed unless there had been at the time of the operation no entry of major Soviet or Chinese Communist forces, no announcement of intended entry, and no threat of military action against our forces; and third, no air or naval action would be taken against Manchuria or U.S.S.R. territory. This was the substance of the JCS directive to MacArthur on September 27.

Lichterman makes two very important points here.

First, the directive came from the U.S. Government and not the United Nations.

Second, the directive precluded any air or naval action that might involve either Manchuria or Soviet territory.

After the initial Chinese attacks began, General MacArthur asked permission to bomb the bridges across the Yalu over which the enemy was pouring by the hundreds of thousands of Chinese troops. Permission was denied because the United States was standing by the qualifications it had included in the September 27 JCS message.

Repeated efforts by General MacArthur to get this decision reversed also were rebuffed by Washington.

From that point on, until hostilities ground to a halt over a year later, American commanders in the Far East were hog-tied by that decision in Washington—that no attacks could be made across the Yalu, at any time, or for any reason.

U.S. fliers could and did chase Communist Mig's up to the border, but had to pull up short of the river to avoid disobeying the stricture against possible violation of the Manchurian frontier. The Communist Mig's could attack, then retreat, to their sanctuary and there refit and refuel to attack again, and again.

There were airfields within easy sight of the border, fields that, with our superior air strength we could easily have destroyed. We did not destroy them.

The result was a stalemate in Korea which could not be reversed.

It also set the stage for what happened in Vietnam a decade and a half later.

I do not feel that I need at this point go into the history of what has developed in Vietnam. The history is all fresh in our minds and its details have been often repeated here on the floor of the Senate during the past weeks of discussion on our Southeast Asia position.

The Indochinese Peninsula, with its political divisions, is admirably suited to the use of so-called safe havens, or sanctuaries, for the conduct of warfare. The tactics of the Communists make them admirably disposed to engage in this type of warfare. Finally, the very nature of developments in this particular war is such that the aggressive forces must have these sanctuaries from which to operate.

I have often said without question that were it not for the fact that the Communist forces have had these sanctuaries from which to attack South Vietnam, this war would have ended at the very latest, 3 years ago.

The geography of Vietnam is such that South Vietnam could very easily and quickly have been protected from North Vietnam by even a moderate force. Vietnam is a long and narrow country and is only a few miles wide at the line of demarcation—the demilitarized zone. It is bordered on the East by the sea, and on the West by two neutral countries.

Under any normal circumstances, the United States could have quite simply established a no-man's land somewhere close to the demilitarized zone and permitted no further access to South Vietnam by the North Vietnamese forces of Ho Chi Minh.

These two neutral countries on the West exist, and were neutralized, through a series of agreements to which the United States and North Vietnam were either signatories or active participants—as were a number of other countries.

Under the agreements reached at Geneva in the 1950's, and again in the 1960's, Cambodia and Laos were designated as neutral countries. They were not directly involved in the Vietnamese war and could not become directly involved.

The United States has scrupulously, throughout the course of the war, adhered to those agreements—until April 30 of this year.

The Communists have violated those agreements almost from the very start.

When it became apparent during the mid-1960's that the Vietcong could not sustain itself against the rising forces of the United States and the Vietnamese Republic, the North Vietnamese intervened.

They did so by sending their troops through a circuitous route, down through the mountains in Laos and thence into South Vietnam.

The United States maintained the fiction that Laos was neutral and did little to interdict the North Vietnamese regulars who were using the Ho Chi Minh trail to attack the South.

An even more dangerous situation was allowed to develop in Cambodia. With the obvious connivance of the Cambodian Government headed by the affable, smiling Prince Sihanouk, the Vietcong and North Vietnamese were able to establish sanctuaries within easy striking distance of Saigon, and other principal South Vietnamese towns. They used these sanctuaries as operating headquarters. They used them as warehouses, and they used them as staging areas for attacks into South Vietnam.

It is hard to calculate how many of our American dead were killed by the Vietcong and North Vietnamese who emerged from these sanctuaries to attack. It is impossible to say how much longer this war has lasted because these bases existed, and have been allowed to exist.

We do know that every year military men come to Congress to testify before

XUM

the various committees of both the House and the Senate. And every year they say the same thing—that it is impossible to wipe out the enemy or to reduce his strength in any serious degree so long as he has access to these sanctuaries.

Repeatedly, both civilians and the military have advised us to take action against these sanctuaries, that we wipe them out once and for all. By so doing, we have been told repeatedly, we could destroy the enemy's capacity to wage a successful war.

The deep seriousness of this situation has never been more amply demonstrated than during the Tet offensive launched by the Communists in February of 1968.

At that time things seemed to be going well for the allies in South Vietnam. Our forces were on the move. We had wiped out many of the enemy's strongholds in South Vietnam. More and more of the countryside was coming under allied military control. There were more and more defections from the Vietcong. The pacification program seemed to be working fairly well and showed signs of even further improvement.

The enemy, however, could suffer these losses in South Vietnam itself because the Vietcong and the North Vietnamese regulars did not need the bases we were hitting with such regularity and with such great success.

They had something of much greater value to them than any number of bases in South Vietnam could be.

They had their sanctuaries in Cambodia.

So it was that they were able to launch the Tet offensive. They were able to attack in force and with fully equipped troops from the Cambodian border areas and wreak great destruction.

American forces in South Vietnam during that Tet offensive suffered over 900 dead and thousands wounded.

The army of South Vietnam, known as the ARVN, suffered even heavier losses.

But the biggest loser of all were the people of South Vietnam themselves.

Who can forget the awfulness of the attack on the city of Hue?

Who can forget the pictures that came out of Hue?

Who can close his ears to the piercing wail of the dying and those who mourned the dead?

It was an awful blood bath. It was one of the most grizzly episodes in the history of warfare, ancient or modern.

And, I tell you, Mr. President, this Tet offensive would not have been possible without those Cambodian sanctuaries from which it was launched and to which the attacking North Vietnamese and Vietcong retreated after they had done their bloody and awful work.

In that one offensive 900 Americans lost their lives.

And at that time, Mr. President, the American forces in Vietnam were at their peak strength.

The Tet offensive is claimed by the Communists as a major victory. It may well have been a victory. But if it was it has many overtones of the Pyrrhic about it.

Starting in January of 1969 there was a changed policy in Vietnam. Instead of increasing our forces in Southeast Asia, President Nixon began a deliberate and carefully planned program of reducing forces.

Instead of sending an ever-increasing number of young Americans into battle in Vietnam, President Nixon began a policy of withdrawing American forces from that tragic little land.

President Nixon, in making his decision to start reducing American forces, was informed fully of the risks that might be involved. So were Members of the Senate and the House.

We have known for nearly a year that there was always the danger that when our forces finally reached a low enough stage the Communists could once again mount a major offensive.

This time, it was said, the Communist attack would be even more fearsome than the Tet offensive of 1968. And this time, we were told, the Communist offensive might result in the deaths of many thousands instead of many hundreds of Americans.

The President, however, has been determined since taking office that it is absolutely essential to lower the American profile in Asia.

Everything he has said and everything he has done since coming to the Presidency has been along this line. And the sum total of what he has done so far is actually to lower that American profile and to lighten the American presence in Southeast Asia.

The President will not change that course, I am certain.

But throughout this process there has remained that ever-present, ever-increasing, danger posed by the Communist nests across the border in Cambodia.

They have had their sanctuaries.

They have been used to store weapons and supplies.

They have been used as headquarters.

They have been used as staging areas.

And they have been used as retreats into which the North Vietnamese and the Vietcong could crawl when badly hurt on the field of battle in South Vietnam.

The threat grew more intense as the months passed because the American level of forces in Vietnam was being steadily lowered. We had fewer men in Vietnam, and those fewer men were in more danger of being attacked and decimated.

In the past, when faced by such a situation, previous administrations had responded by sending more American troops to Vietnam.

President Nixon chose instead to revert to an old and well established principle of American policy?

Instead of increasing the number of American troops in Vietnam, the President chose to wipe out the sanctuaries from which the attack could be expected to originate.

President Nixon, in his action of May 1, restored to the American people a right which they had been denied since 1950.

He reestablished the principle that there is no such thing as a safe haven established by political action from which an enemy can destroy the lives of Americans and into which he can retreat with impunity.

President Nixon has taken up the long thread of American policy which was first established by Jefferson and Madison and carried forward by other great American Presidents.

Mr. President, I do not wish at this point to sound overly critical of the men who served as Commander in Chief of the United States during the decade of the 1960's. They faced extraordinarily difficult and delicate situations. They faced problems which were at least somewhat lessened for President Nixon by the situations that developed within Cambodia during March and April and, at the same time within the Communist camp.

To be entirely fair in assessing the problems which faced both President Kennedy and Johnson in their conduct of the Vietnam war, the problems they faced were not entirely of their own doing, either.

Cambodia was created—and its form of government guaranteed—by an international conference which served to terminate the French control over Indochina. That conference was a strange one in that it had been called originally to discuss a peaceful settlement of the Indochina conflict and wound up supervising the demise of the French empire in Indochina.

In so doing the Communists had a large hand in the shape that Indochina was to take. The Soviet Union and Communist China both served on the conference team that worked out the details of the settlement, and it is now obvious there could have been no settlement at all if it had not been to their particular liking.

Thus Cambodia came into existence as an independent and supposedly neutral nation. We have seen that it was not, in fact, a truly neutral country. The head of the Government of Cambodia was willing to play with the Communists of both North and South Vietnam. The head of the Cambodian Government was willing to turn its head while the Communists used its territory to build these bases which we are even at this moment in the process of destroying.

It is impossible to believe that there was no connivance on the part of the head of the Cambodian Government throughout the decade of the 1960's. There is too much evidence now being uncovered by our forces and those of the South Vietnamese Army that indicates otherwise. It appears obvious that no group of guerrillas could hide that much rice, that much ammunition, that large an arsenal of weapons, without someone in authority in the Cambodian Government knowing about it.

Obviously, the Cambodian dictator, Prince Sihanouk, knew what was going on. Prince "Snookums," as he was sneeringly referred to by reporters and diplomats, was definitely in cahoots with the Communists.

Like so many dictators he was attracted to the dictatorial regime that Communists hold to. And like so many other political adventures of our time, he decided early in the game that the Communists had the big cards.

As 1969 wore on, and the South Vietnamese Army began to assert itself, and to become, under the aegis of the United States, a strong fighting force, the good

XUM

prince decided perhaps he had placed a little too much confidence in the ultimate Communist victory in South Vietnam. And so he went to Moscow and Peking to try and ease the situation.

There is an old rule among dictators that if you want to hold your throne, you stay home. Prince Sihanouk disobeyed that dictum when he started traveling abroad. And when he left Cambodia, he took his personal power over the people with him.

In March the people of Cambodia revolted. They elected their own government, and created a new climate in Southeast Asia; a climate that had never been present when President Kennedy and Johnson were attempting to wage the war in Vietnam.

With the downfall of the Cambodian dictator, Communists in Southeast Asia faced a new and drastically changed situation.

For the first time in over a decade they had the problem of guarding their flanks, and they had to establish for the first time in over a decade a rearguard.

In effect, the Communists found themselves unwanted in Cambodia and found themselves forced to fight on two fronts. They could no longer use their lairs purely and simply as bases from which to attack the South Vietnamese people.

They had to establish their bases as military strongholds which they could protect against an aroused Cambodian people, even though that people was weak and its army not much more than honor guards.

For the first time in over a decade the Communists had to overextend themselves. Always in the past it has been the allied forces in Vietnam that found them selves in this position—of too long supply lines, and fighting on too many fronts at once. Now the Communists found themselves in this untenable position.

Thus, it was, Mr. President, that if there had ever been a propitious moment in the long history of the Vietnamese conflict for the allies to act against the sanctuaries, that moment came at the end of April, and beginning of May, this year.

And President Nixon decided to take advantage of that moment, and to take advantage of that situation.

He allowed the South Vietnamese to move in, and then he ordered American forces to strike.

Mr. President, I would like to sum up the situation which now prevails in Southeast Asia, and the historical precedents which make that move so eminently a part of our tradition, and our longstanding national policy.

First, let me restate the principle to which I have referred here. That principle is this:

No politically-guaranteed sanctuary can exist from which an enemy can attack Americans, and into which the enemy can retreat without fear of pursuit.

That is not a very complicated principle. It is not hard to understand. Indeed, it is a principle which has guided every nation and every military leader throughout history who has been involved in warfare.

The U.S. Government established that principle as a part of national policy at the very dawn of the 19th century.

At that time we were faced with a situation which has many parallels with the situation in which we find ourselves today. The Barbary pirates were attacking American shipping and retreating into their sanctuaries along the Northwest Coast of Africa. Traditionally, no European power had ever really done anything about those priates' lairs. And the Barbary pirates expected nobody would.

The United States first appealed to reason. Then, when that failed, the United States sent naval forces to the Mediterranean with orders to search, seize or destroy the pirates and their sanctuaries.

It took time, but it was done. The ultimate victory came with the expedition of Bainbridge and Decatur in 1815.

We clung to this principle throughout the next 135 years of our diplomatic and political history.

In the case of the British in the period of our own Civil War we chose to use diplomatic force. That force succeeded. First, it succeeded in shutting off the Canadian border to those who would use it as a sanctuary. Second, that diplomatic force prevailed upon the British to make restitution for the damage done to American shipping by sea raiders whom the British supplied and helped to man.

During the decade that followed our Civil War, there was constant and increasing friction with Mexico. Finally, in 1877, President Rutherford B. Hayes moved to send American troops into Mexico to pursue and destroy the bandits who had been harassing Americans, killing our citizens, and destroying our property.

These bandits had been doing much the same thing that the Barbary pirates had done earlier. They were using Mexican soil—which they felt was inviolate—to serve as a base of supplies and a restaging area from which to launch their raids across the border and to which they could return.

In 1916, President Wilson, faced with much the same situation involving Pancho Villa, the Mexican bandit and politician, ordered American troops into hot pursuit. They did pursue and they did destroy the sanctuary from which Villa had attacked and killed Americans.

It was not until 1950 that America abandoned this principle. During the Korean war, both the North Koreans and Chinese were able to use bases located in Manuchuria from which to attack the United Nations forces—primarily American and South Korean. They could retreat to these bases, recoup and recover, and then attack again.

These bases were primarily used for air attacks on the American and South Korean positions. Our fliers could chase the enemy up to the Yalu River, but had to stop short of the border.

As I have noted, this was not a decision made by the United Nations, but rather one made by the United States itself. We cannot, therefore, plead that the decision was forced upon us by the world body—but must confess that it was of our own doing.

There are those who will argue—and perhaps with a good deal of justification—that the situation was tense at the time the decision was made and that we were trying to avoid bringing into the Korean conflict the Chinese Communists, and the Soviet Union.

It is true that this must be considered the major reason for propounding the order not to cross the Yalu in any way or for any reason, regardless of the provocation.

In fairness, however, it must be pointed out this decision was taken before the Chinese entered the war.

It did not prevent them from entering the Korean conflict. Indeed, it has been argued that it made it easier for them to do so.

The decision in Korea was made final on October 7, 1950—based on a Joint Chiefs of Staff message to General MacArthur dated September 27. The September 27 message came 2 full months before the Chinese launched their 200,000-man assault across the border into Korea.

It has been argued with some degree of force that the Chinese were not taking much of a calculated risk in their attack because they already knew the Americans and others of the United Nations force could not, and would not, retaliate by attacking across the Yalu.

At this point in history I suppose the argument is academic. The facts, and facts alone, can speak. And those facts are grim ones.

The Americans gave up the right to cross the frontier and attack the enemy sanctuary across the Yalu. America did it voluntarily.

The Chinese attacked. They attacked, apparently secure in the knowledge they could not suffer at home from the attack.

Unfortunately, the Yalu decision has been used as a precedent in our political-military thinking since then.

That Yalu decision was the one that bound us during the long years of conflict in Vietnam—years in which American lives were lost and thousands upon thousands of South Vietnamese civilians were slaughtered, because the enemy has safe havens from which to attack, and into which he could retreat without being followed.

Most of those safe havens were across the border in Cambodia.

Finally, on the last day of April this year, President Nixon moved to abolish those havens, or sanctuaries.

He permitted South Vietnamese troops to attack, and he ordered American troops to attack.

Those attacks are going well, Mr. President. They are going much better than even the most optimistic military men had hoped. I have been there and I have seen the results. At this point, Mr. President, we should well note the official figures for this victory in Cambodia:

Enemy killed	11, 195
Detainees	2, 300
Individual weapons captured	20, 830
Crew-served weapons captured	2, 514
Rice (tons)	6, 863
Rice (man-months)	301, 972
Rocket rounds captured	44, 412

XUM

Mortar rounds captured	67,308
Small arms ammo captured	13,885,287
Land mines captured	5,455
Bunkers destroyed	11,593
Vehicles destroyed or captured	429

Mr. President, in conclusion I wish to address myself to only one question, and that question is this:

Is history on the side of the President?

I think the answer is obvious and conclusive.

The answer is: Yes, history is indeed on the side of President Nixon in his attempt to wipe out these lairs in Cambodia from which the enemy has attacked us, and into which the enemy has retreated so long without reprisal.

All of American history supports the action taken by the President of the United States in this decision.

From the very beginning of our history we have held fast to the idea that there is no such thing as a politically established sanctuary from which America or Americans can be attacked.

The President has recognized his obligation to history.

To those who argue that the President has taken a new course, has departed from American tradition, this can be the only answer.

Let me state again that during the decade of the 1960's, when Americans were threatened by an aggressive enemy using Cambodian sanctuaries from which to attack, the response was to send more Americans to Vietnam.

When faced with the same problem in 1970, President Nixon's decision was not to send in more Americans, but to destroy the bases from which Americans are threatened.

That, and that alone, is a departure from past policy. But the policy from which it departs is comparatively new to America.

In short, President Nixon has reasserted an old and well established principle of American policy, and he deserves our unswerving support as do my three constituents and their thousands of comrades who history will surely show did what was right and in the American tradition.

Mr. CHURCH. Mr. President, in behalf of the majority leader, I yield the remaining time on this side to the Senator from Mississippi (Mr. STENNIS).

Mr. STENNIS. How much time, Mr. President?

The PRESIDING OFFICER. The Senator has 7 minutes.

Mr. STENNIS. Mr. President, I am drawn into this debate at this particular time because of my concern for procedural matters here on the Senate floor as well as in the committees. I am totally opposed to the substance of the amendment, and I think it would be a tragic mistake if the Senate should favor this amendment by voting for it, even though it might never become law.

This is not just an amendment, Mr. President, to a public works bill, or to provide for building an additional warehouse somewhere. This amendment goes to the very vitals of our foreign policy, and it is a direct command that a war now going on be stopped at a certain time, thereby giving our enemy direct notice. I oppose it totally, as I say, on the substance.

But furthermore, this amendment goes to the very heart of much of our foreign policy, and particularly that in Asia, where we already have commitments to Japan, to the Nationalist Chinese, to Australia, to New Zealand, and to a host of others. But particularly this goes to the very heart of what is going to be our policy in Southeast Asia.

I think our primary policy question there—and it is not a happy one at all—is what we are going to do about Asiatic communism in that whole peninsula. That being true, to bring this measure up here as an amendment to a little ordinary shipping and sales bill, and then for it to be brought up in such a way that those on this vote who are for the amendment are going to vote against the amendment, and those that are against it are going to vote for it, I find most objectionable.

Mr. President, what do our people think about that? What do the governments of other nations think about it? As I see it, I think the Senate is on trial. I think we have got to put our house in better order. We have got to stick more to the lines of the respective committees. Perhaps this is a case of overlapping jurisdiction, but I totally agree with the Senator from Arizona that we have become careless. We are overrunning the lines of our committee responsibilities. I do not believe any legislative body can be effective, under our system, unless it does adhere to the legislative committee idea and operates in that way.

This amendment is here without a recommendation by a committee, or any report either against it or for it. It is an important proposition, but one floating through the Halls of this Chamber neither fully analyzed nor debated on its merits.

Do not think that people do not grasp the idea that we are fooling with this thing, and flouting the rules of the Senate. We are not getting to the substance of the problem, but taking off on side roads and side issues, and maneuvering for position or parliamentary advantage of some kind.

Do not think that people do not sense that. I have been home over the weekend, with little chance to talk to the people, but I know the thinking of the average person, and he is the one who is sitting on trial on these matters. I think time is running out on us. If we are not careful, we can continue this procedure until, all of a sudden, opinion will jell on us, and it will be against us.

So, regardless of how we stand on the merits of this amendment, I think we ought to join hands, as responsible Members of this body, with all deference to those who think to the contrary, and line up on our responsibilities for legislating in a sound way, subject by subject, rather than these hybrid propositions, and discharge as best we can our responsibility in that field.

As I have said, I think people see through this. I think they are patient with us now. They are withholding judgment. But time will run out.

I emphasize that I am against the amendment, anyway, in substance—totally opposed—because I think it is wrong in principle. I believe that the entire question of Asiatic communism and what we are going to do about it depends on questions we decide about this war.

Now, to think that someone will bring up an amendment—with all deference to whoever it was—in one afternoon, and we go over a weekend, and vote by agreement at a certain time, to try to settle those things on the merits—and voting on it should be on the merits—we are cutting at the bark rather than getting into the substance of the subject matter, with these grave matters pending and men going to their deaths every day in this war, which everyone wants to end, and which we are all trying to end. But I think we are going off at tangents and on the wrong foot, and we are going to pay in a frightful way.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. ALLOTT. I yield myself such time as remains.

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. ALLOTT. Mr. President, I could not agree more with the distinguished Senator from Mississippi when he says that this goes to the very heart of this subject. It does go to the very heart; and the Hatfield-McGovern amendment, and every element in it, is exactly what we have been debating in the Senate, every facet, from every view that we could debate it, for the last 6 or 7 weeks.

The Senator from Mississippi says that the Senate is on trial. That is exactly the point of my remarks—the Senate is on trial. For nearly 60 days, this so-called peace amendment has been hanging over the U.S. Senate. For almost 60 days they have been huckstering support for it, as one would sell toothpaste or cornflakes. I think nothing could put the Senate or its individual Members in a worse posture than this.

Since when do we use amendments in the U.S. Senate to raise money, to lobby for, in support of, or against amendments in the United States? The Senate is on trial. Fifty-four days ago it was said—and it was told to the people from whom money was raised—that this matter would be brought up in approximately 30 days.

I want to tell my friend the Senator from Mississippi one other thing. I understand the reasons for his position, but I also want to say this: With respect to the time which has been devoted to this amendment, the Senator from Colorado did not ask for a limitation of time. It was the proponents of this amendment who wanted the limitation of time, not the Senator from Colorado; I did not ask for it.

We will have here an opportunity to put rhetoric aside and to put convictions on record.

In a moment we shall all be able to demonstrate how anxious we are to take a stand on the difficult constitutional and tactical questions involved in the proposal to bind the Commander in Chief with rigid, unprecedented, and—I

XUM

believe—unwise and unconstitutional restraints.

I intend to vote against dodging the issue and against departing from settled constitutional practice. I will vote against any effort to table this amendment and, if given the opportunity, I will vote against the amendment.

While we are on this matter, I want to say this. The Senator from Colorado has been called crude, cynical, and crass. Before I took the first move to step on this amendment I consulted the Parliamentarian. So I propose a question, Mr. President, which I hope the Chair will ask the Parliamentarian. What is the status of an amendment by any Member of the Senate once it has been laid down at the desk?

The **PRESIDING OFFICER**. An amendment submitted or filed and to be printed and to lie on the table has no parliamentary standing, and any Senator, so far as procedure is concerned, could call up such an amendment whenever he has been recognized and such an amendment was in order. The Chair cannot go into the policy.

Mr. **ALLOTT**. I thank the Presiding Officer very much, because this was the advice I received from the Parliamentarian before I went into this matter.

Last Thursday and Friday I spoke on the Senate floor, listing many reasons why I think it is imperative for us to deal with this measure at this time.

We should vote now because this measure, which is going to come before the Senate sooner or later, is germane to the debate we have been having.

We should vote now because the American people have a right to expect—and do expect—the Senate to make a comprehensive survey of our problems, and not to issue policy statements in drips and drops.

We should vote now because a vote will demonstrate the Senate's ability to make an orderly contribution to policymaking in foreign affairs.

We should vote now because the eyes of the Nation—and especially the eyes of skeptical young people—are on this body. They do not want their Senators to duck the issue.

They have been told that they would have a vote within 30 days, and that was 50 days ago.

But most important, we should vote now because a decisive rejection of the amendment could remove a cloud that overhangs the Senate, remove a cloud that overhangs the country, remove a cloud, yes, that overhangs the President in bringing a speedy termination of the war. If this amendment is adopted, there will be no negotiations, and there is little enough of them as it is.

The President is doing all that is possible to complete the delicate task of disengaging our men from the fighting, safely and with honor. This is the time to encourage the enemy to negotiate. But they will not be encouraged to negotiate if we fall into the trap of voting for a motion to table this amendment. They will never negotiate. By disposing of this proposal, by decisively rejecting it, we will put the enemy on notice that it is time to enter into meaningful negotiations. By voting on it now we will eliminate one more of the enemy's delusive hopes for a rash and precipitous American action that will save the enemy from negotiations.

If we do not defeat this measure, decisively and immediately, we run the very great risk of rendering meaningless all of the previous concessions we have made in the hope of getting a negotiated settlement to the war.

We have stopped the bombing of the north; we have engaged in 14 unilateral and unreciprocated cease-fires; we have begun troop withdrawals; we have even seen an American President remove himself from political life—all in an effort to get negotiations started.

We have sacrificed much for these negotiations. I favor continuing to make every effort to negotiate. But I am afraid that all our future efforts to get meaningful negotiations will be as futile as all our previous efforts so long as this ill-advised measure is hanging over the Senate, the President, and the American people. It can only give Hanoi something to cling to, which it is doing desperately; and once this is resolved, they will know that the will of the Senate and of Congress has been expressed. They hope it stays where it is on the calendar and that, somehow or other, the people of this country may be kept in a turmoil, an undetermined turmoil. It gives Hanoi something to cling to, the hope that it never needs to negotiate and actually need not negotiate as long as we permit this to overhang our heads in the Senate.

Simply by being on the agenda of future Senate business, this amendment gives hope to an enemy whose efforts at military conquest have been blunted.

Rarely does the Senate have an opportunity to do so much good by just voting. If we bring this to a final vote, we will enhance the good name of this body as an instrument of coherent and courageous policy debate. If we defeat the amendment, we will reaffirm settled constitutional practices and serve notice on our enemy that he must enter into meaningful negotiations. By voting this amendment down today, we save American lives. For that reason I urge its defeat.

Mr. **MANSFIELD**. Mr. President, I move to table the pending amendment.

The **PRESIDING OFFICER** (Mr. Cranston). The question is on agreeing to the motion to table.

Mr. **MANSFIELD**. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The **PRESIDING OFFICER**. The question is on agreeing on the motion to table the amendment of the Senator from Colorado.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **BYRD** of West Virginia (when his name was called). On this vote I have a pair with the Senator from Wisconsin (Mr. Nelson). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. **MANSFIELD** (after having voted in the affirmative). On this vote I have a pair with the Senator from Iowa (Mr. Miller). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. **KENNEDY**. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Connecticut (Mr. Dodd), the Senator from Louisiana (Mr. Long), the Senator from Wisconsin (Mr. Nelson), and the Senator from Georgia (Mr. Russell) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. Cannon) would vote "yea."

Mr. **GRIFFIN**. I announce that the Senator from Iowa (Mr. Miller) is necessarily absent, and his pair has been finally announced.

The Senator from South Dakota (Mr. Mundt) is absent because of illness, and if present and voting, would vote "nay."

The result was announced—yeas 62, nays 29, as follows:

[No. 182 Leg.]

YEAS—62

Aiken
Allen
Anderson
Bayh
Bible
Brooke
Burdick
Byrd, Va.
Case
Church
Cooper
Cranston
Eagleton
Eastland
Ellender
Ervin
Fulbright
Goodell
Gore
Gravel
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Magnuson
Mathias
McCarthy
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Sparkman
Spong
Stennis
Symington
Talmadge
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

NAYS—29

Allott
Baker
Bellmon
Bennett
Boggs
Cook
Cotton
Curtis
Dole
Dominick
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hruska
Jordan, Idaho
Kennedy
McClellan
Metcalf
Murphy
Scott
Smith, Maine
Smith, Ill.
Stevens
Thurmond
Tower
Young, N. Dak.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Byrd of West Virginia, against.
Mansfield, for.

NOT VOTING—7

Cannon
Dodd
Long
Miller
Mundt
Nelson
Russell

So Mr. Mansfield's motion to table Mr. Allott's amendment was agreed to.

Mr. **CHURCH**. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. **HATFIELD**. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. **THURMOND**. Mr. President, I desire to have the Record show that although I voted against the tabling motion just completed, I am totally and wholeheartedly opposed to the principal measure, the McGovern-Hatfield amendment.

I took the position I did because it was my hope that we could vote on the merits of the amendment today and thus dispense with this dangerous amendment once and for all.

In the event of a vote on the merits of the McGovern-Hatfield amendment, I shall vote emphatically in the negative.

MORE TIME NEEDED TO DEBATE M'GOVERN-HATFIELD PROPOSAL

Mr. RANDOLPH (subsequently said). Mr. President, rarely have I supported a motion to table an amendment. It is my general conviction that amendments should be voted up or down on their merits. I have reiterated this belief during the debate on the Cooper-Church proposal.

While holding to this conviction, I nevertheless supported the motion by the majority leader (Mr. Mansfield) to table amendment No. 741 introduced by the Senator from Colorado (Mr. Allott). The motion to table in this instance involved a unique set of circumstances.

The move to table amendment No. 741 to Cooper-Church which was identical to the so-called McGovern-Hatfield amendment, was not an effort to evade the basic issue. The proposal of the Senator from South Dakota (McGovern) and the Senator from Oregon (Mr. Hatfield) is to be brought to the Senate for debate and final action at a future date on a more appropriate basic measure. At that time, the original proponents of the amendment will have the opportunity to present their arguments and the Senate can engage in the nature of discussion this vital issue warrants—an opportunity which we did not have in the situation on the Allott proposal. It is essential that there be complete exploration during Senate consideration of all aspects of this amendment. The time element involved in the current legislative situation has prohibited such exploration.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. Cranston). The Senate is now under a time limitation of 1 hour, the time to be equally divided.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HARTKE. Mr. President, I yield to the Senator from Montana without losing my right to the floor.

Mr. MANSFIELD. Mr. President, during the course of the recent vote, it was almost impossible to walk along the back of the Chamber. I would like to respectfully ask the Chair to ask that the Chamber from now on be cleared and that no one be allowed to remain in the Chamber who is not authorized to be here.

I make this request so that the business of the Senate can function better, more efficiently, and more conclusively.

Mr. PASTORE. Mr. President, would the Senator include those who were in the well also?

Mr. MANSFIELD. Mr. President, I include that in my request.

The PRESIDING OFFICER (Mr. Cranston). The Sergeant at Arms is requested to keep the Chamber clear of those persons not authorized to be present.

The Senator from Indiana is recognized.

Mr. McINTYRE. Mr. President, will the Senator yield to me without losing his right to the floor?

Mr. HARTKE. Mr. President, I yield.

Mr. KENNEDY. Mr. President, would the Senator yield me 1 minute without losing his right to the floor?

Mr. HARTKE. I yield.

Mr. KENNEDY. Mr. President, I support the McGovern amendment. I support the notion that the Senate of the United States should exercise its constitutional responsibilities in matters of war and peace.

I support, and I believe the people of the Commonwealth of Massachusetts support, the end of American involvement in the war in Indochina by a date certain.

Such a specific date would not only guarantee the sparing of American lives, but it would also give our country the renewal of spirit that is so necessary in our society, in our economy, and in our governmental programs—a renewal that no amount of rhetoric or demonstrations could possibly bring, a renewal of spirit that will only come when the war in Indochina is ended.

Mr. President, I fully realize that the issue before us was brought before the Senate in a manner that violates the traditions of this body. I fully realize that it seems to threaten the plans of Senators who have long labored to end the war. Those Senators have performed a great service and they shall continue to so perform. I shall work with them for the goals we share.

All of these considerations are important on most matters that we consider. But the matter pending before us now is a matter of war. People, soldiers, and children are dying. This is a war, and we have the chance to say whether we want to stop it. I want to stop it. But I fear that time works against us, and I fear that the procedures we have seen employed by some against the Church-Cooper amendment will be employed even more strongly in the future against Senator McGovern's amendment. Perhaps it is time for the question of continuing this war to be before us, for the benefit of the public.

It was for that reason that I voted against the motion to table the amendment of the Senator from Colorado (Mr. Allott).

AMENDMENT NO. 648

Mr. HARTKE. Mr. President, I call up amendment No. 648 to the Military Sales Act and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the pending committee amendment insert the following new section:

"Sec. 15. Restrictions on Assistance to Greece.—Unless specifically authorized by law hereafter enacted, no defense article or defense service may be furnished to Greece under this Act or any other law, except that this section shall not prevent the expenditure of funds obligated prior to the date of enactment of this section. The terms 'defense article' and 'defense service' shall have the same meanings given such terms in section 644 of the Foreign Assistance Act of 1961."

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARTKE. Mr. President, this amendment would prohibit the furnishing of military articles and services to Greece. It is similar to a provision proposed by Senator Pell, and approved in the Foreign Assistance Act of 1969. Joining me as sponsors of this amendment are Senators Pell, Hart, Nelson, Moss, Gravel, Young of Ohio, Bayh, and Cranston.

We offer this amendment not to interfere with the internal affairs of another country, but to express our genuine belief that present U.S. military aid to Greece does not serve, and is, in fact, inconsistent with the national security and interest of the United States. Our present policy seriously threatens the cohesiveness and effectiveness of NATO and serves no useful purpose. And it demonstrates, in a most conspicuous way, U.S. support of the present Greek regime—a regime condemned by most of our European NATO allies.

The existence of the present Greek regime increases the political instability of Europe and the likelihood of a revolution in Greece. Should this happen, we would in all probability be faced with the unhappy choice of supporting the junta against the Greek people or of watching a neutralist or Communist regime supplant it. The political situation in Greece, if it continues to worsen, could well lead to a new Vietnam, this time in Europe.

In view of these disclosures, Mr. President, I deem it important to bring to the Senate's attention a position paper prepared by the Hudson Institute titled "Greece—A New Vietnam?" written by Mr. Elias P. Demetracopoulos, a leader of the resistance movement in the United States against the Greek military dictatorship and with a favorable introduction by the noted U.S. strategic thinker, Herman Kahn, director of the Hudson Institute. Mr. Demetracopoulos writes:

Since 1947, America has played a decisive role in Greece, and, beginning in 1959 with Ambassador Ellis Briggs—now a strong advocate of the Athens colonels—America has pursued disastrous, contradictory and vacillating policies—policies largely influenced by interservice and personality rivalries. Should these policies be continued the Communists will have an opportunity to organize and lead a liberation movement in Greece, for the first time since the late 1940's, with wide support and backing from non-Communist elements in both Greece and Western Europe. Such a movement, even if led by Communists, would ironically be formed under the banner of returning democracy to Greece. Thus, the tragic makings of a new Vietnam in Greece are all present.

It is very important for Americans to understand that there is widespread belief in non-Communist Europe that Washington was involved, either by commission or omission, in the April 21, 1967, coup and is responsible for keeping the

XUM

Athens colonels in power. While the substance of the more extreme forms of these theories has not been proven yet, the United States should realize that these beliefs have done much more than the criticism of the Vietnam war or the De Gaulle policies to undermine basic U.S. positions and interests in this vital area.

In this connection it is very significant that the Johnson administration in December 1967 let down, in a shameful, unbelievable and humiliating way, even the ultraconservative Greek monarchy which, since the Truman doctrine of 1947, has been a basic element of U.S. foreign policy toward Greece. This happened when King Constantine finally decided to overthrow the Junta in his armed but ill-fated attempt.

That is why I strongly believe that an overall and thorough congressional investigation of the U.S. role vis-a-vis Greece would not only be completely justified but also urgently advisable if the blunders of the past are not to be repeated by the Nixon administration and a new "Vietnam" is to be avoided.

On April 21, 1967, a military coup in Greece established the first new dictatorship on the European Continent since the Communist takeover of Czechoslovakia. The resulting dictatorial regime has received ample diplomatic and military support from the United States. This regime has also benefited greatly from less formal but highly public displays of U.S. support. American military personnel frequently and publicly associate with high officials of the regime and photographs depicting that association are prominently displayed in the Athens press. For a government ostracized by Western Europe and desperate to give its people the impression that it does have international support, such evidence of acceptance by the U.S. Government is almost as vital as direct military aid. And vast amounts of free military aid from the United States have not been wanting.

Greece receives more U.S. military aid now than before the coup. After the events of April 1967, the United States supposedly imposed an arms embargo against Greece. This embargo, which did not apply to small arms, spare parts, or communications equipment was intended to "demonstrate our concern for the extra-constitutional assumption of power by the present Greek regime."

The embargo, as limited as it is, exists more in name than in fact. In fiscal year 1969, the U.S. Government delivered to Greece, free of charge and at the expense of the American taxpayer, $158.6 million worth of military equipment. This compares with $89.5 million in 1966.

In addition, the Greek Government received $11.4 million in military sales, resulting in a total of $170 million in military equipment being received by the Government of Greece in 1 year.

Military sales to Greece sharply increased in fiscal year 1969. In that year we sold $33.5 million worth of military aid to Greece compared to only $1.4 million in 1966 and $2.1 million in 1965. The following are the sales figures for the fiscal years 1965 to 1969:

	Millions
1969	$33.5
1968	8.7
1967	12.4
1966	1.1
1965	2.1

While we increased our military sales to Greece we also poured into that tortured country great supplies of free military equipment.

I ask unanimous consent that there be printed in the RECORD a table showing the dramatic increase in military equipment given free of charge to Greece.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

MILITARY ASSISTANCE TO GREECE (FIGURES DEAL WITH ACTUAL DELIVERIES, NOT AMOUNTS AUTHORIZED OR PROGRAMED)

[In millions]

	Deliveries under military assistance program	Deliveries of excess defense articles[1]	Total	Total multiplying "excess" by 4
Fiscal year:				
1969	56.2	[1]25.6	81.8	[1]158.6
1968	45.0	2.5	47.5	55.0
1967	44.0	4.2	48.2	60.8
1966	78.7	2.7	81.4	89.5
1965	104.0	5.6	111.6	126.4

[1] Deliveries of excess defense articles are computed on the basis of "utility value." Utility value is about 25 to 30 percent of the acquisition cost. Therefore, for the actual cost to the taxpayer, one should multiply the excess figure by 4.

Mr. HARTKE. The administration acknowledged that, in addition to large deliveries of excess equipment, the United States has sent 22 jet fighter-interceptors, F–102's, to Greece. It has also come to my attention that the Greek junta is currently enjoying the loan of six U.S. destroyers and two submarines.

This is but one more example of the lavish assistance we have given the junta.

It cannot help but reinforce the belief, now current in Greece and much of Europe, that the junta is working for or with the Pentagon. There can be no question but that our Military Establishment is the backbone of this regime.

It is frequently argued that the alleged limited arms embargo should be lifted because it has not brought any changes in the Greek Government. An embargo so modest that it permits the delivery in 1969 of $158.6 million worth of free military equipment and of at least 22 F–102's and eight ships can hardly be faulted for achieving meager results.

A more important question than the effectiveness of the embargo is why this sudden munificence to the Greek colonels at the expense of the American taxpayer. Was there a sudden and urgent threat to Greek existence in 1969, or are we once again equating our leadership in the world with the number of U.S. troops or arms sent abroad?

Our military aid to Greece far exceeds our assistance to other NATO countries. Our military aid to the dictatorial regime of Greece prohibits the opportunity for the rebirth of democracy in Greece, and mocks our democratic ideals and principles.

In order to grasp more clearly the folly of our present policy, we must try to understand the advent and nature of the Greek dictatorship.

How did this Greek military regime which enjoys such clear manifestations of U.S. favor come to power in Greece?

A few weeks prior to the democratic elections scheduled for May 28, 1967—in which an overwhelming victory for the Center Union Party of George Papandreou was expected—two colonels and a brigadier general (Papadopoulous, Pattakos, and Makarezos) executed a military coup. These men used a NATO contingency plan called "Prometheus," which was supposed to be used only if Greece was invaded by a foreign country, to mask their intention to attack their own country. This is a good example of how the proper purposes of NATO were subverted to the political ambitions of the usurping colonels. It also strongly suggests that, having once used NATO defense plans to overturn a government, the colonels can hardly allow realistic NATO military plans to be operational in the future. As is traditional for such events, the colonels used the threat of an imminent Communist takeover to justify their military coup. This claim has been proved to be totally fraudulent. Greek political conditions at the time of the coup show how false it is.

The Communist Party had been outlawed in Greece since 1949, and although it found an outlet for expression of its views through the legal left-wing EDA, or United Democratic Left Party, the voting strength of the party (EDA) had been steadily declining. In the last free Greek elections in 1964, EDA secured only 11 percent of the popular vote—a much smaller percentage than the Communist Party per se received in France or Italy. Furthermore, a continued decline in EDA's voting strength was augured by the continued growth of support for center positions, as demonstrated by the popular vote majority (53 percent) won by the Center Union Party of George Papandreou in the 1964 elections. However, more conclusive proof of the fraudulence of the junta's "Communist threat" allegation is the fact that despite the massive arrests which followed the military coup, no arms, and not one shred of evidence has been produced to substantiate it. Following an extensive investigation of the Greek situation, the European Commission on Human Rights, in its 1,200-page report to the Council of Europe (a body representing 17 European nations, including members of the Atlantic Alliance) made public in April of this year, concluded that there was no danger of a Communist take-over in Greece when the colonels seized power. The report declares:

> The Commission has not found that the evidence adduced by the respondent Government (Greece) shows that a displacement of the lawful government by force of arms by the Communists and their allies was imminent on April 21, 1967. Indeed, there is evidence indicating that it was neither planned at that time, nor seriously anticipated by either the military or police authorities.

It is clear that the colonels are raising the false claim of a Communist threat for their own personal gain. And again, U.S. foreign policy seems to be based on blind acceptance of that claim. Communism is real but not every claimed Communist takeover is real. If U.S. foreign policy is to have any meaning or purpose, we must begin to distinguish between real threats and the self-serving assertions of ambitious and unprincipled men.

What is the nature of the regime inaugurated by the coup d'etat? The answer is shockingly simple. It is a military dictatorship ruling by brute force and without the support of any segment of the Greek people. It uses tanks and other military equipment, supposedly part of NATO defense structure, to control and to terrorize the Greek people whose freedom and independence they were designed to protect. Immediately after the coup, approximately 6,000 people were rounded up. The largest number—those the regime suspected of being Communists or labeled "subversives" on the basis of dossiers dating back to the Greek civil war—were shipped to concentration camps on barren islands such as Leros and Yaros. The remainder were mostly politicians of the right, center, and left. Hundreds were placed under house arrest or exiled to remote villages and thousands more were picked up for questioning. Some were released, many to be rearrested at a later date. More recently, an increasing number of political prisoners are either people with no political background or members of the center and the right, whose only crime is opposing the reign of terror of the Papadopoulos regime. At present, according to Greek Government figures, there are approximately 3,000 political prisoners. This figure does not include political prisoners held at various detention centers and security police headquarters or those who live under all sorts of restrictions. Few of the political prisoners have been formally charged, and fewer still have been brought to trial. The few trials which have taken place have been by military tribunal.

But even this is not the entire story. One of the most despicable aspects of the military regime in Greece is its systematic use of physical and psychological torture, ranging from beating to electric shock and drugs. The barbarism of the present Greek regime was most recently revealed in the military trial 2 months ago of 34 Greek intellectuals and professional persons. The defendants' statements read like a series of horror stories and further substantiate the initial disclosures of torture made by Amnesty International (London) in reports dated 27 January 1968 and 6 April 1968, and the award-winning article by Christopher Wren, "Greece: Government by Torture" in the May 27, 1969, issue of Look magazine.

Following extensive investigation, the European Commission on Human Rights, in its report to the Council of Europe made public on April 15, 1970, presented the most conclusive documentation of torture. It concludes that torture is an "administrative practice" and that it is obviously "officially tolerated."

The dictatorial nature of the regime is also evident from the many internal measures the junta has taken since the coup, when it declared a state of siege and martial law. These measures are still in effect. Right after the coup, the regime began systematic purges of the schools, the universities, the trade unions, the bureaucracy, and even the military. The last mentioned is particularly significant because the official U.S. argument for continued support of the Papadopoulos regime rests on the strategic importance of Greece to NATO. Between April 1967 and January 1968, 558 officers were dismissed from the Greek Army. One hundred more were forcibly retired shortly thereafter. The purging of military personnel has not only continued but has spread to the other services—the navy and the air force. An analysis made by the Greek Committee Against Dictatorship in London estimated that by the fall of 1969, one-tenth of the officer corps in the army, navy, and air force had been sacked, and up to one-third had either been transferred to other commands or otherwise rendered ineffective.

The extent of the disintegration of the Greek armed forces should be obvious, and was poignantly indicated in the telling comment made in a recent New York radio interview by Mrs. Helen Vlachos, former editor and publisher of several conservative Greek publications, who escaped from Greece in December 1967: "I know," she said, "that at this moment many ships are still manned by soldiers, they do not have officers—navy officers." And if the intelligence of a journalist does not suffice to prove a military point, two letters should be read carefully and thoughtfully.

The first letter, addressed to Ambassador Tasca, was written by 53 political detainee discharged officers imprisoned in six detention centers and prison camps. In their letter, the discharged officers list as their first anxiety the following:

> The deprivation of the Army of its natural leadership, of capable officers, experienced in war. The complete sovietization of Units and General Staff through transformation of the Army from being instruments of the security of the Fatherland into a Civil Guard Organization (Militia) of a regime deeply hated by the people. It is certain that the Greek Army today has been transformed into the oppressor of the people, developing rapidly into a "Praetorian Guard."

This letter by the 53 officers, all with war experience, also states their anxiety over:

> The isolation of our country from Western Europe because of the unreasonable application by the dictatorship of methods and policy similar to those in Iron Curtain countries. The psychological and ideological motives of the resistance of the Greek people to Communism have weakened as a consequence of the tactics of the Athens tyrants and the whole western camp is "vulnerable." Today, it is indisputable that Greece, under the present regime of the junta oligarchy, will be the weakest link in the North Atlantic Defense Community. Anti-American feeling is growing in Greece.

The second letter is by Orestis Vidalis, a former brigadier general of the Greek Army now living in the United States. General Vidalis replying on June 8, of this year to an article in the May 28 CONGRESSIONAL RECORD, outlines the deterioration of the Army under a dictatorship:

> Military dictatorships take the military away from the barracks, create a climate of division of the Armed Forces in factions . . . bring the Armed Forces in direct opposition with the population, replace experience and talents with inefficiency, and create conditions of discipline to other than the national military hierarchy. This all leads to an unbearable burden that the Armed Forces cannot carry without sacrificing their military competency, cohesion and efficiency.

The disintegration of the Greek Army forces continues to this day. It was reported in yesterday's New York Times that 12 more major generals have been forced to retire. This brings to 60 the number of senior officers retired in the last semiannual review of armed forces personnel.

Also as reported in a June 23 article of the London Times, at least five retired Greek senior naval officers were ordered to be stricken off the naval reserve list for engaging in "antinational activities and propaganda," two other rear admirals were compulsorily retired, Admiral Sotiriou, Deputy Chief of Naval Staff, and Admiral Morakis, Chief of Fleet.

I ask unanimous consent that the New York Times article be inserted in the CONGRESSIONAL RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GREECE ORDERS RETIREMENT OF 12 MORE HIGH OFFICERS

ATHENS, June 26.—The Greek military-backed regime announced Friday the compulsory retirement of 12 major generals, bringing to 60 the number of senior officers retired in the last semiannual review of armed forces personnel.

The announcement said the major generals had received the customary one-grade promotion to the lieutenant general on retirement.

Three other army officers were promoted to lieutenant general, four navy commodores became rear admirals and two air force commodores became air vice marshals.

It was learned that five retired Greek naval officers had been stricken from the reserve list. Sources said they were among eight high naval officers secretly court-martialed last April.

Mr. HARTKE. The disentegration of the Greek Army renders further U.S. military assistance an absurdity. The Greek Army has lost its experienced leaders. Many of the vacancies created by purges, forced retirements, and transfers have obviously been filled, but it does not take military experience to realize that rapid promotion of junior officers based on the need to fill existing vacancies rather than on length of service,

XUM

qualifications, and competence builds little more than pretense of military effectiveness or capability.

The Greek Army has been taken from its essential task of national defense and relegated to being a glorified riot control unit to maintain the present dictatorship in power. In its present state, Greek military forces certainly do not add anything to NATO, except an Achilles heel.

Greece is not only a threat to NATO but for the first time in 20 years a breeding ground for communism.

As General Vidalis states:

> The dictatorship of the kind we have in Greece achieves nothing more but to directly assist Communism in four substantial ways:
>
> 1. By abolishing democracy, which is one of the primary aims of Communism.
> 2. By creating an ideological vacuum and total confusion in the minds and hearts of our younger generation;
> 3. By impairing the efficiency of the Armed Forces;
> 4. By alienating the people of all these countries from the Free World.
>
> These conditions comprise a fertile field for Communism to penetrate, subvert and dominate by force at the first possible opportunity.

Mr. President, I ask unanimous consent that the letters and the articles I have discussed be inserted in the RECORD at this time.

There being no objection, the letters and articles were ordered to be printed in the RECORD, as follows:

LETTER TO THE AMBASSADOR

YOUR EXCELLENCY: We, the writers of this letter are Greek officers who have been held for a long time in the detention centres and prisons of the Junta, our only crime being our plain opposition to the seizure of authority by conspiring colleagues and our basic disagreement with the policy and tactics applied by the Colonels to our people. Similar sentiments and opinions are held by many other officers detained in other prisons and detention centres. They are supported also by hundreds of retired officers discharged by the regime, as well as by most still serving (who, however, cannot speak out . . .). We consider it superfluous to bring to your attention the crude psychological and physical treatment inflicted upon most of us by the Military Security Service in the course of investigation as well as the many indignities and sufferings we have undergone (we and our families) as a result of our opposition to the regime.

All of us who are addressing you are officers with war experience, answering to all the calls made upon us against every form of violence.

(a) We fought against fascism from 1940–1945 in Northern Epirus, in the Middle East, in the National Resistance during the Occupation.

(b) We were fighters in the struggle with the red guerrillas from 1946–1949 at Vitsi, Grammos and in other parts of Greece.

(c) We were protectors from 1950–1954 in Korea of the freedoms guaranteed by the United Nations Charter. Many of us bear on our bodies the wounds, healed or still open, of battle.

The writers have never thought of taking part in political discussion or of belonging to parties or organisations working to injure the nation or opposing the ideas and aims of the Western World. Moreover it is well known that there have never been in the Greek Army deep divisions or factions threatening its solidarity, although the Colonels governing today have destroyed the structure of rank.

At least, we are officers who, in accordance with our military oath, declare once again our loyalty to:

1. The constitutional King of the Hellenes.
2. The Constitution and decrees of the state.
3. Behaviour worthy of faithful and honourable soldiers.

We remain faithful to the letter as well as to the spirit of the Constitutional Charter of the United Nations (abstention from violence and the toleration of violence).

We remain faithful to the principles of the North Atlantic Treaty and especially to the Preamble of the Treaty of 4th April, 1949, determined to guard the freedom of our people, our common liberty and civilisation established on the principles of Democracy, personal liberty and the rule of Law.

Your Excellency: from our struggles and our experience in the Army we know our People; we know its problems, its anxieties and its desires. We will not mention the political and economic problems of our land. (Others are more competent to do this). We will refer briefly to our uneasiness about the Army which, unfortunately, has deviated from its aim and its mission.

Our anxieties are specially concerned with:

The deprivation of the Army of its natural leadership, of capable officers, experienced in war. The complete Sovietization of Units and General Staff through the transformation of the Army from being instruments of the security of the Fatherland into a Civil Guard Organization (Militia) of a regime deeply hated by the People. It is certain that the Greek Army today has been transformed into the oppressor of the People, developing rapidly into a "Praetorian Guard".

The enforced and prolonged absence of the Sovereign from the country, the slander of him and the Royal Family. From the beginning the Sovereign has been the symbol of Trust and ideals in the country, bringing permanence to the entire nation and the Army of Greece. The present situation therefore creates a very serious rupture in legality.

The increasing tide of popular indignation against the Junta and the impossibility of calculating the consequences of a domestic conflict which could not be contained (if it should indeed occur, as we sincerely hope it may not). You may be sure that somehow a third force would be created which could not be controlled.

The isolation of our country from Western Europe because of the unreasonable application by the dictatorship of methods and policy similar to those in Iron Curtain countries. The psychological and ideological motives of the resistance of the Greek people to Communism have weakened as a consequence of the tactics of the Athens tyrants and the whole Western camp is "vulnerable." Today it is indisputable that Greece, under the present regime of the Junta oligarchy, will be the weakest link in the North Atlantic Defense Community. Anti-American feeling is growing in Greece.

The dogmatism of the regime:—following the Communist method—"all that are not with us are against us"; all having different opinions about the wishes of the regime are acting antinationally. The tragic consequences of these dogmas are known to all. The world has paid many times in blood and humiliation for the results of convictions which are expressed as dogmas.

The constantly threatening danger of an irregular war which might break out in a sensitive corner of our land: Macedonia and Thrace. We, as a responsible General Staff (of the national forces and of NATO), well know that under present conditions in Greece this region constitutes a grave danger, because it allows the enemy to decide to proceed to warlike activities under the pretence of the "liberation" of Greece and the restoration of Democracy.

Your Excellency, the anxieties we mention above, stated dispassionately and with the understanding of reality, are the uneasiness and the anxieties of all free and responsible thoughtful Greeks.

Which is preferable for your country and for NATO—to help the Greek people (from the beginning steadfastly inclined to Western ideals) or to support and help the oppressors of this people?

Do you intend helping with military material and arms the Junta which has transformed our Army into a force policing our people?

Will you continue to support the Junta so that a regime without freedom may be established in our country, resembling that of the satellites of the Iron Curtain? What, then, will be the difference between us and the Eastern bloc?

Will you continue to support the tyranny which is inclining the mind of our people towards Communism. Is it essential that a new Vietnam should be created in Europe also?

Will you accept as true the lies of the Athens Junta which is condemned by world public opinion and allow it to continue to utter falsehoods about the return of the country to Democracy, when, in fact, the regime by radical institutional changes is planning to perpetuate the present situation?

Is it true that our country contains an important strategic position on the South East flank of NATO and that you are interested in her military bases? Is it preferable that you should have around these bases a friendly, allied people or a people of hostile disposition?

On your political and diplomatic skill will depend the maintenance of the friendship of your people for the U.S.A. You may be sure that if you succeed in this, your very difficult work will have led to a favourable conclusion, to the benefit of Greece and of your great country.

With esteem.

53 political detainees discharged officers imprisoned in: Detention Centre EAT/ESA, Varybody; Detention Centre EAT/ESA, Drosia; Detention Prison, Korydallos; Detention Prison, Trikalla; Criminal Prison, Corfu; St Prison, Salonica.

TOLEDO, OHIO,
June 10, 1970.

Hon. VANCE HARTKE,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR HARTKE: In view of the current situation in Greece, I consider it my responsibility to make a copy of my letter to Congressman Sikes available to you for your information.

Sincerely yours,
ORESTIS VIDALIS,
Former Brigadier General,
Greek Army.

TOLEDO, OHIO,
June 8, 1970.

Hon. ROBERT L. F. SIKES,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SIKES: I am a former Brigadier General of the Greek Army. I was the Chief of Staff of "C" Army Corps until December, 1967.

As a young Lieutenant, during the German occupation, I escaped from Greece and joined the Greek forces in the Middle East.

After the liberation of Greece, I commanded artillery units and participated in all major operations against the Communists.

I attended the U.S. School of Artillery in Ft. Sill, Oklahoma (1950), the U.S. Command and General Staff College at Fort Leavenworth, Kansas (1952), and; I served with the Standing Group of NATO in the Pentagon between 1954 and 1957.

XUM

While with the NATO Standing Group, I availed myself of the opportunity to pursue graduate studies at Georgetown University where I received a Masters Degree in Political Science in 1957.

I have been residing in your hospitable country since October, 1968.

You expect, I hope, that an individual who has dedicated his life to a country has the right and the duty to very carefully follow internal and external events as they may affect that country.

In this respect I read with great interest the remarks you extended in the Congressional Record on May 28, 1970.

I was rather surprised when I read the concluding paragraph. You stated: "And we should implement this feeling and attitude in a tangible way by providing the Greeks the means to perform the mission we—and NATO—have assigned to them."

This particular statement raises certain fundamental questions that need to be discussed.

First: It seems to me that you, a congressman representing a segment of the people of this great country, consider NATO as nothing else but a military organization in which one country—"we"—like a military commander, "assigns" missions to a subordinate unit; in this case "the Greeks."

I am proud to be a Greek and I am equally proud to share with the people of America and the people of Greece a deep belief in the ideals of the Free World. I reject your interpretation that this kind of relationship can bind two countries of the Free World together.

Second: Your statement is a very dangerous oversimplification of the interpretation of the meaning and substance of our great Alliance.

Mr. Congressman, the real purpose of NATO is the defense of a form of civilization. The defense of the geographical area is a means toward that end.

If we destroy from within this form of civilization, the defense of the area becomes meaningless.

I must clarify that I did not invent this interpretation, which is the belief of many leaders and thinkers in the Atlantic world. I am happy to remind you of President Nixon's recent and most eloquent interpretation, which is contained in a statement he made to the NATO Minister in August, 1969. He stated:

"NATO means more than arms, troop levels, consultative bodies, treaty commitments. All of these are necessary. But what makes them relevant to the future is what the alliance stands for. To discover what this Western Alliance means today, we have to reach back not across two decades but through the centuries, to the very roots of the Western experience.

"When we do, we find that we touch a set of elemental ideals, eloquent in their simplicity, majestic in their humanity; ideals of decency and justice, and liberty, and respect for the rights of our fellow men. Simple, yes; and to us they seem obvious. But our forebears struggled for centuries to win them and in our own lifetimes we have had to fight to defend them.

"These ideals are what NATO was created to protect. It is to these, on this proud anniversary, that we are privileged to consecrate the alliance anew. These ideals—and the firmness of our dedication to them—give NATO's concept its nobility, and NATO's backbone its steel."

Third: You emphasize the strategic position of Greece, very rightly so, but it seems you overlook the fact that the European Nations, at least, equally concerned with European strategic problems.

You are certainly aware, that all European NATO governments, with the sole exception of France—which does not participate in the military efforts of the Alliance—have expressed their complete opposition, to the trend of adding one more dictatorship in the family of NATO Nations. They obviously consider the price paid for a police state type law and order situation in Greece is very dangerous in the long run for NATO.

It seems, on the other hand, you consider that what matters now is that, "when aircraft of our (US) Air Force land in Greece, our people are treated just like the Greek Air Force." You perhaps forget that this was always the case in Greece in the past.

Obviously, there is a difference in perspective between you and the Europeans.

Fourth: I regret to say I totally disagree with the following fundamental points you raised in your statement:

a) You consider that the dictators can "raise good questions" which "could well be raised" in this country.

Is this why we fought World War II, to indicate now that Democracy is obsolete and that the dictators can teach this Nation what the real meaning of freedom is?

b) You accept violence in Greece—the mutiny of the Colonels is a form of violence—but you reject, and very rightly so, violence in your society.

c) You say that, "We in this country should exercise restraint in criticizing the Greeks for the way they are running their country." Obviously, you are not aware that the Greeks are not running their country. You overlook the fact that the country is run by a very small minority who does nothing else but to humiliate the proud people of Greece by advancing obsolete doctrines like, "The people is an instrument of the State." I am certain that you reject for your society this doctrine, as I reject it for both societies—the American and the Greek, and mankind as a whole.

Fifth: The tanks, the planes, and the ships are manned by men in uniform who must be supported by the will of the people of the countries of the Alliance. The people of the Alliance will support the Armed Forces only if they are convinced they are united for a great cause, far more superior, more solid and more humane than the cause the Communist world is struggling for.

This is not the case today in Greece. The people of Greece are frustrated, confused, and alienated from all those who support or tolerate a dictatorship that exists only through its sole weapon, "The Martial Law."

I can assure you your statement has made the dictatorship very happy, but it has made the "Greeks" extremely unhappy and more confused. It certainly has reduced the confidence of the people of Greece in the U.S.A.

Sixth: I would like to remind you that all military dictatorshps take the military away from their barracks, create a climate of division of the Armed Forces in factions (according to the loyalty towards the ruling group), bring the Armed Forces in direct opposition with the population, replace experience and talents with inefficiency, and create conditions of discipline to other than the natural military hierarchy. This all leads to an unbearable burden that the Armed Forces cannot carry without sacrificing their military competency, cohesion and efficiency.

These are all intangible factors that are not accessible to foreign observers for measurement and evaluation, especially in peacetime.

Seventh: The dictatorships of the kind we have in Greece achieve nothing more but to directly assist Communism in four substantial ways:

1. By abolishing democracy, which is one of the primary objectives of Communism.

2. By creating an ideological vacuum and total confusion in the minds and hearts of our younger generation.

3. By impairing the efficiency of the Armed Forces.

4. By alienating the people of all these countries from the Free World.

These conditions comprise a fertile field for Communism to penetrate, subvert and dominate by force at the first possible opportunity.

Many examples remind us of these inevitable evolutions. I will mention two. Castro succeeded Batista. Greece faced the bloodiest and most costly civil war immediately after the previous dictatorship, the Metaxas dictatorship.

Dear Mr. Congressman: These are the reflections of a soldier who is dedicated to Greece at least as much as you are dedicated to America.

These are the reflections of a free man who respects, without compromise, the ideals that made the U.S.A. the greatest country in the world.

These are the reflections of a believer in the ultimate mission of NATO as a great asset to mankind. NATO has a great potential. By safeguarding its strength, by creating new realistic avenues of unity and cohesion, and by demonstrating, through actions and not words alone, respect to its own ideals, the Atlantic Alliance will achieve much more than the preservation of the Western Civilization.

It will buy for the entire world the time needed for a progressive, peaceful evolution of this transitional period of mankind. This might prove to be the ultimate service of the Atlantic Alliance to the world at large.

This can only occur if the Atlantic Alliance assigns a top priority to the task of transforming the Western ideals into reality.

The "absolute weapon" of the West is *not* a tangible military or technological superiority—it is the intangible ideal of "Repsonsible democracy under the rule of law."

Can we develop and use this "weapon?" This is the challenge of our time.

Sincerely yours,

ORESTIS E. VIDALIS.

[From the CONGRESSIONAL RECORD, May 28, 1970]

A LOOK AT THE REAL GREECE

Mr. SIKES. Mr. Speaker, on April 10 the Premier of Greece, George Papadopoulos, held a press conference in Athens. The subject of the press conference was certain relaxations of the country's laws and regulations in the light of the improved overall situation there. During the press conference Mr. Papadopoulos raised the question of the obligations of the individual to the society in which he lives. He made reference to the cult of absolute personal freedom, and wondered whether such a tendency might transform society into a jungle, a jungle that could be avoided only if the individual is willing to sacrifice part of his freedom for the well-being of those around him.

I think Mr. Papadopoulos has raised some good questions. I think that these same questions could well be raised with respect to some of the things that we are experiencing in our own country. I am not suggesting that the answer to our problems is to be found in the same fashion as has been deemed necessary in Greece. I do say however that we in this country should exercise restraint in criticizing the Greeks for the way they are running their country. We do not have Communist neighbors, we are not a target for Communist penetration, at least from across our borders. We have two wide oceans and two friendly countries with ideals and aspirations essentially the same as our own to our north and south. We can afford, so to speak, a relatively complacent and tolerant attitude that is not permitted the Greeks.

At this time our national policy toward Greece seems to be a quite unrealistic one, involving as it does something called selective suspension of the delivery of certain armaments under our military aid program. When we consider the importance of the strategic position that Greece occupies on the southern front of the Allied Command Europe this selective suspension in the ship-

XUM

ment of essential equipment simply makes no sense.

Greece is not a rich country, its financial resources and its industrial capability is limited. Because of this, and because of its membership in NATO, Greece has had to depend on the United States for assistance in equipping its armed forces. The Communist threat is a constant one, and to be effective vigilance and military capability must match this threat. My conversations with responsible American military leaders give complete confirmation to my belief that if we do not regularize our relationship to Greece in the matter of furnishing military aid and assistance we may well find ourselves in very serious trouble in the Middle East.

As I understand it, we are supplying at this time some items required for the repair and maintenance of military equipment now in the hands of the Greeks. But other shipments, the need for which is becoming more and more critical, are now being held up for no apparent reason other than an attempt to mollify portions of the liberal element in the United States that does not seem to have much perception of what is really best for our country. The Greeks need aircraft, and tanks, and ships and if we do not furnish them in the fashion that we previously agreed we will be disregarding the realities of international life.

Every member nation of NATO has its assigned missions. We have ours and the Greeks have theirs. We have undertaken to assist the Greeks equipment-wise in performing the missions that are their job as part of NATO, but we are not living up to our commitments.

We should ask ourselves whether good sense dictates that we allow petulance, if that is the word, to take the place of clear thinking. I would ask myself just exactly what is best for us. And the answer is very clear: provide the Greeks what is necessary to carry out their missions in the Middle East. I want what is best for the furtherance of peace for our own country, for the Middle East, and for the world. As I see it these hopes can be substantially furthered by providing the Greek forces the means to do their part of the NATO job. It is that simple to me.

Some feel that the vision of Bulgaria, with the urging and help of the Soviet Union, striking across the middle of Greece to establish a Mediterranean port for the Communist world is unrealistic. I would rather not take that chance. Some say that is an exaggeration to think that the Turkish Straits might be threatened or that the southern flank of NATO might be destroyed. Maybe they are right, but it is a gamble that I personally do not want to take.

Recently an American Air Force colonel said that when aircraft of our Air Force land in Greece, our people are treated just like the Greek Air Force and significantly that we are welcomed there. I think that we should reciprocate some of this feeling. I think we should view the Greeks for what they really are: a stalwart ally and a very necessary friend in one of the most dangerous and explosive parts of the world today. And we should implement this feeling and attitude in a tangible way by providing the Greeks the means to perform the mission that we—and NATO—have assigned to them.

Mr. HARTKE. The purges in the Armed Forces were paralleled by purges in all spheres of Greek life and perhaps most ominously in the field of education. Many professional and technical centers have been closed, and hundreds of teachers and university professors have been dismissed for their opposition to the regime, contributing to the thorough destruction of the educational system. In addition, textbooks are being completely rewritten in line with the ideology of the military regime. Thus the colonels are engaged in the old totalitarian practice of rewriting history. The national heroes of Greece are now Gen. John Metaxus—military dictator of Greece prior to World War II—and George Papadopoulos, the current military ruler. Also in keeping with the regime's ideology, history textbooks now include chapters denouncing parliamentary democracy. In a textbook for 12-year-olds, for example, it is stated that just prior to the coup "political party quarrels had reached a climax of fanaticism and an electoral orgy was imminent." Civic textbooks generally now argue that parliamentary systems breed corruption and encourage communism.

Democratic procedures and ceremonies have been completely abandoned. General elections have been abolished, parliament has been permanently dissolved, and elected officials—such as mayors—have been replaced by appointed officials. Further indication of the extent of the regime's disdain for democratic procedures, and concomitantly of its intention to control the totality of life in Greece, is its prohibition of elections in professional and private associations. Even sports activities are under the control of the regime, and military personnel are now the appointed officials of numerous sports organizations.

The judiciary, whose independence is the hallmark of any democratic state, has not escaped purging and is now under political control. In May 1968 the Greek Council of State, Greece's supreme administrative court, ruled that previously dismissed judges should be reinstated. Papadopoulos refused to accept this ruling and suspended the provision that high-ranking judges are appointed for life. He then proceeded to dismiss two judges who were deemed "undesirable." On June 27, 1969, Papadopoulos stated:

> The decision of the Council of State which examined the whole case despite the existing flat prohibition—of Constitutional Act KD—is not obligatory for the Government and therefore will be considered as entirely nonexistent.

He also asked the Chief Justice of the Council of State, M. Stassinopoulos, to resign because the latter "made an extreme mistake" in declining to reinstate the dismissed judges. In the end, the Chief Justice of the Council of State was dismissed, an action which precipitated the resignation of 10 members of the Council of State.

The present Greek dictatorship has, like a previous European dictatorship, forebodingly strong anti-Semitic elements. It has been known for some time that Nazi-type pamphlets and publications have been consistently circulating in the Greek Army. In an article in the New York Times of June 4, 1970, Columnist Alfred Friendly, Jr., writes:

> A vehemently anti-Semitic pamphlet that was written by a Greek Armed Forces chaplain, printed on the Armed Forces press and officially distributed to military units in Greece.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARTKE. Mr. President, I ask unanimous consent to proceed for 10 additional minutes.

The PRESIDING OFFICER. Is there objection?

Mr. CHURCH. Mr. President, first of all, let me inquire about the amount of time remaining under my control.

The PRESIDING OFFICER. The Senator has 30 minutes.

Mr. CHURCH. Mr. President, I would ask the Senator, rather than extending the time and thus running counter to the unanimous consent arrangement for all amendments, if I might yield him 10 minutes of my time, so that he might complete his address.

Mr. HARTKE. That is very generous of the Senator from Idaho. I appreciate his courtesy, and will proceed accordingly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Unfortunately, this is not an isolated instance of the circulation of such material. A similar bias is found in the biweekly newspaper, the Fourth of August, a journal which enjoys unusual freedom of publication and distribution. One of the publishers of the Fourth of August is the private assistant of Colonel Ladas, a member of the military junta. Mr. Ladas himself is a regular contributor to the Fourth of August. The other publisher of the Fourth of August is Costas Plevris, who is the leader of a Hitler-youth type organization of schoolchildren known as "Alkimi" who are equipped with the basic uniform of a Fascist-style youth organization, black jackboots, and hunting knives tucked in their leather belts. Mr. Plevris is the author of a pamphlet entitled Democracy and Freedom published in Athens in 1968 and handed out by the thousands to Army conscripts. The following excerpts from this pamphlet speak for themselves:

> In democracy it is very easy and quite common for unworthy rulers to rise to positions of power. It is unthinkable that any such event could take place in any totalitarian regime . . . Can anyone imagine incapable men as leaders or representations of totalitarian states? No, it is impossible. (page 5)
>
> We believe that something of vital importance for totalitarianism must be made clear. It, as a system of government, can produce a variety of ideas. If it places itself at the service of the anti-national struggle, or materialism and atheism, if it turns against moral values, spiritual civilization, private property and the human personality—then this kind of totalitarianism is communistic.
>
> Conversely, if the aims of totalitarian organization are the defense and advancement of such indissoluble values as: the fatherland, race, religion, private property, the human personality, spiritual civilization and morality—then what we have is the totalitarianism of National Socialism, we have in other words that which we are defending. (page 6–7)

Equally self-explanatory is the following quotation from the July 1968 issue of the Fouth of August:

> There is a certain "Commission of Human Right" which sticks its nose everywhere and *only* when the case involves any effort to prevent the West's downward slide; *never*

XUM

> where subversion of the West is taking place. Why?
>
> The answer comes readily from an examination of the names of its members—whether today, yesterday, or at the time of its founding . . .
>
> And indeed, today of its 16 members 13 are Jews . . . Isn't that enough to explain everything? (page 11)

The military dictatorship in Greece has proved to be designed for permanence, despite the impressions to the contrary which its spokesmen from time to time have tried to create. After their seizure of power, the Greek military rulers proclaimed to the world that their regime was a temporary one, and that as soon as corruption was eliminated and order secured, democracy would be restored. This was an empty promise put forward for foreign consumption. To the Greek people, on the other hand, the speeches by Papadopoulos, the articles in the pro-junta press, and the contents of textbooks proclaim that the coup of April 21, 1967, was a "revolution" designed to radically transform Greek society and totally precludes any other form of government.

The liberalization moves periodically announced by the Papadopoulos regime are clearly for external consumption only. What the regime tells the Greek people is another story. For example, through the pro-junta Athens daily Eleftheros Kosmos on April 23, 1969, in a long editorial entitled "A Return"—to democracy—"Is Precluded," signed by the newspaper's editor, S. Konstantopoulos, readers were told that Papadopoulos is a national savior who had been planning a military takeover for the salvation of Greece for many years. They are admonished not to expect a return to the old order. All political parties and the King are attacked for failing the Greek national interest. To substantiate his argument, the editor quotes Prime Minister Papadopoulos' statements about radically transforming society, and goes on to say:

> The Revolution will fulfill its mission. Nothing will be able to block its work. Whoever does not wish to engage in daydreaming must know that a return to the past is absolutely precluded.

Greeks are further admonished that if they do not want to be ostracized from the life of the nation, they must accept the realities of the revolution of April 21, 1967.

While the Greek people are being advised to adjust to the permanence of the totalitarian regime, the outside world is being presented from time to time with a facade of liberalization. The colonels publicized with gusto the constitution drafted in the latter half of 1967 and put to a referendum in September of that year. While the constitution is hardly a model democratic constitution, the colonels have failed to implement it at all, though pronouncements that one or another of the provisions would be put into effect have on occasion been made. It is also important to note that the timing of these pronouncements has invariably been made just prior to, and in attempt to forestall, some international action unfavorable to the colonels' regime. Furthermore, these pronouncements are followed by a statement that the proferred implementation of the liberalizing measure can be vetoed by Premier Papadopoulos or Deputy Premier Pattakos. The law of the land is still martial law.

Illustrative of the emptiness of the liberalization measures proclaimed by the regime is the demise of yet another newspaper, the eighth major Greek newspaper to cease publishing since the coup. Perhaps wishing to test the relaxation of press censorship announced by the regime toward the end of 1969—while the Council of Europe was reviewing Greece's continued membership and the regime was preparing for the introduction of a new press law—the daily Athenian newspaper Ethnos began to mildly criticize the regime. The newspaper's circulation increased markedly, despite its increased price—reflecting the higher cost of publishing imposed by press regulations on newspapers expected to be seriously critical of the regime—and despite the fact that local officials were impeding distribution of anti-junta newspapers outside of the urban centers. On March 28, 1970, Ethnos published an interview with Mr. John Zigdis in which the former Center Union Minister called for a government of national unity to replace the existing military regime. The result was a trial in which the newspaper's publishers, C. Nicolopoulos, C. Kyriazis, and A. Kyriazis, received prison sentences of 3, 4, and 3 years respectively. The editor of Ethnos, John Kapsis, was sentenced to 5 years in prison; and the paper's 82-year-old director received a sentence of 13 months. In addition, all were heavily fined, as was former Minister Zigdis, who was also sentenced to 4½ years in prison.

The Ethnos case serves to illustrate not only the deception in which the military regime consistently engages, but also the flimsiness of the regime's claim to popular support. In this case, as in another "show" trial which took place at approximately the same time, the list of witnesses for the defense clearly indicates that unalterable opposition to the military regime encompasses the entire range of the Greek political spectrum. Several of the witnesses appeared for the defense in both cases, including former Prime Minister Panagiotis Kanellopoulos, leader of the conservative ERE—National Radical Union—Party, and Mr. George Mavros, former Center Union MP and Minister and Governor of the Bank of Greece.

The list of defense witnesses for the second and larger "show" trial—that of 34 intellectuals and professionals mentioned above—reads like a Greek "Who's Who." I ask unanimous consent that the list of defense witnesses be inserted in the CONGRESSIONAL RECORD at this time.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF WITNESSES

Lady Amalia Fleming, widow of the late Sir Alexander Fleming, discoverer of penicillin.

Pol. Polychronidis, Centre Union MP, former Minister.

Panagiotis Papaligouras, Conservative MP, former Minister.

Constantine Kallias, Conservative MP, former Minister.

George Rallis, Conservative MP, former Minister.

Ioannis Koutsocheras, Centre Union MP.

Dionyssios Anagnostopoulos, Lieutenant-General (retired).

Demetrios Geroyannopoulos, Lieutenant-General (retired).

Athanassios Daskarolis, Lieutenant-General (retired).

Stylianos Manidakis, Lieutenant-General (retired).

Vassileios Panagopoulos, Lieutenant-General (retired).

Demetrios Chatzeprodromou, Lieutenant-General (retired).

Constantine Papaioannou, former High Court Judge.

Antonios Floros, former High Court Judge.

Christos Sartzetakis, former judge of the court of first instance.

Alexander Xydis, former Greek Ambassador to Syria.

Georgios Konstas, former judge of the court of first instance.

Georgios Pyrounakis, priest.

Sakis Peponis, former director of the Greek Radio.

John Pesmatzoglou, Professor of Economics, former Deputy-Governor of the Bank of Greece.

Mr. HARTKE. Mr. President, there is no justifiable reason for the United States supporting the rise of neo-fascism in Europe. Not only is such a policy morally reprehensible, but it is also grossly unpragmatic. The ineffectiveness of the current Greek Army has already been proved. Many Greeks who have been traditionally pro-American are becoming increasingly anti-American. And as though that were not enough, we are also alienating our European allies.

In Europe the situation in Greece is considered of far greater importance than it is here. Not plagued by the Southeast Asian war and much closer to Greece, Europeans are far more aware of the threat which the military regime in Greece poses for Europe as a whole. The European press has expressed fear of the possible spread of Greece's neo-fascism to other countries. Indeed, there is evidence of the Greek regime's cooperation with Italian neo-fascists in plotting a coup in Italy, and within the last 2 weeks, the Greek Cypriote press has been warning of an impending coup in Cyprus organized by Greek Army officers.

On December 12, 1969, Greece withdrew from the Council of Europe, in an attempt to save face, just prior to a vote by the Council's Committee of Ministers which would have suspended her from membership. The decision to expel was taken after 2 years of concern by the Council of Europe over Greece, and after several postponements of such action in order to give the regime time to show some signs or some evidence of meaningful steps toward the restoration of democracy in that country. The Council of Europe found no such evidence. In fact, it found that torture of political prisoners and other violations of articles of the Charter of the Council of Europe continued unabated. Had the Greek regime not withdrawn from the Council before its continued membership was put to a vote, at least 12 member nations would have voted for its expulsion, and several, such as France, would have abstained. Great Britain, West Germany, and Italy were all prepared to vote for

XUM

Greece's ouster. Thus, the U.S. European allies were steadfast in their joint opposition to U.S. policy, in spite of the well-known fact that Secretary of State Rogers was in Europe just prior to the meeting of the Committee of Ministers and attempted to prevent the ouster of Greece from the Council of Europe. In addition, the Parliamentary Assembly of NATO, in October 1969, voted 26 to 4, with two abstentions, for a resolution condemning the Greek regime. In the recent NATO meeting in Rome, Norway, Denmark, and the Netherlands raised the question of whether Greece was fit to be a member of NATO.

It should be easy for the United States to join its European allies in condemning Greece and to stop lending the military dictatorship military support. Greece is clearly a European problem that does not involve any competition between the United States and the Soviet Union. In fact, the two friends Greece has are the United States and the Soviet Union. The Soviet Union was among the first to recognize the junta, and it has frequently stated that it wishes to remain on good terms with Greece. Whereas European countries and artists have boycotted festivals in Athens, the Soviet Union has sent its representatives. When the Scandinavian countries refused to participate in the European Athletic Games in the summer of 1969 because they were held in Greece, the Soviet Union stated its athletes would participate. Papadopoulos extolled the East European countries as being the most honest friends Greece has. Also, in the winter of 1969, economic and trade agreements were signed between Greece and the Soviet Union and other Eastern bloc countries. There was an agreement for an electrical generating plant in the Piraeus region. Another agreement with a Soviet firm in November 1969 provides for the Russians to conduct a study on the construction of an electrical plant at Phillipan in Macedonia. Additional agreements were signed for Soviet technicians and scientists to conduct surveys for the exploitation of mineral resources in northern Greece, which incidentally, is filled with Greek and NATO military installations. In addition, Greece has set up a permanent trade mission in East Germany and has signed economic agreements with Albania and Bulgaria. The regime, through Minister of Coordination Nicholas Makarezoz, has urged Greek ministries and state-controlled organizations to show preference for East European countries when buying equipment and machinery. This surely must be the supreme irony of our present policy—that we and the Soviet Union stand alone in our support of the military dictatorship.

Clearly, continued U.S. support of the Papadopoulos regime is a short-sighted policy predicated on fallacies and destined to have disastrous consequences—not only for Greece and Europe, but also for the United States.

The indispensable first action we must take to reverse that policy is adoption by the Senate of the pending amendment. An immediate cutting off of military aid and gifts to the Greek dictatorship would not only deprive it of additional means of internal repression, but also would signal clearly to the Greek people and to our democratic allies throughout the world that the junta can no longer count on American support. That alone could be the single most important step along the road to restoration of a free, strong, and democratic Greece.

Mr. President, for the sake of our own noblest political ideals, let us take that step today.

Mr. CHURCH. Mr. President, I yield to the Senator from Rhode Island. How much time does the Senator desire?

Mr. PELL. Six or 8 minutes.

Mr. CHURCH. Mr. President, how much time remains?

The PRESIDING OFFICER. 21 minutes.

Mr. CHURCH. I yield 8 minutes to the distinguished Senator from Rhode Island.

Mr. PELL. I thank the Senator from Idaho for his courtesy.

Mr. President, I congratulate the Senator from Indiana (Mr. HARTKE) on this amendment, which I think serves a very real purpose.

I wish to recall what we have been seeking to do vis-a-vis the Greek Government over the past years. We have constantly heard that elections will be held and that the junta is being nudged in that direction. We hear privately that it is American policy that democracy be restored in Greece; but when we look for public statements of this policy, we discover they are very hard to find. At no time, except in one appearance before the Committee on Foreign Relations, has the exectuive branch officially and publicly expressed its desire to see an early return to parliamentary democracy in Greece.

My own view is that as is so often the case in our ambivalent Government, we have two separate Greek policies at this time. We have, on one hand the Department of State very sincerely desiring a return to elections and to parliamentary government, and, on the other, the Pentagon and the Department of Defense finding the junta a very convenient government with which to deal. The military find the port of Piraeus a very convenient place for our sailors to take liberty. While this offers certain conveniences from a political and strategic viewpoint it is more a question of convenience than of necessity. Thus, the two policies compete with each other. In our dealings with the Greeks we thrash around between our two policies giving the appearance that the junta is there not only with the approval and acquiescence of, but also with the support, of the American Government.

What the amendment of the Senator from Indiana (Mr. HARTKE) seeks to do, if adopted, is to demonstrate to the Greek people, once and for all, that at least one branch of the U.S. Government takes a dim view of the junta and hopes that the Greek people will enjoy a return to democracy before too long.

It should also be borne in mind that a similar amendment was attached to a bill about 6 months ago, and was reported from the Committee on Foreign Relations, but was then eliminated by a vote of 45 to 37. Subsequent to the defeat of the amendment—which was my amendment—there a rather pious declaration of policy, stating that the Senate urged all possible steps be taken to press the Greek Government to move in the direction of democracy. Since that time, however, we find that not much has been done.

There were statements in the RECORD, and from the executive branch as well, that we would not resume shipments of arms until the junta had taken steps to restore parliamentary government.

I would hope that at this juncture, or in the near future, that a public statement would be made by the executive branch, speaking for both the Departments of Defense and State, that the Greek junta is moving far too slowly in that direction.

I hope very much that this amendment will be adopted. If it is, then such a statement of policy would not be necessary and the amendment would speak for itself.

From a military viewpoint, if the amendment is adopted, we will find that there is an ample amount of supplies in the pipeline for a couple of years, that the Department of Defense would not be inconvenienced by an interruption in the flow of the pipeline, and that there would be little impact or effect upon Greek military efficiency.

With respect to Greek military efficiency, it should be noted that all the senior experienced officers in the Greek Army have been cashiered because of their strong loyalty to the king and to the principles of democracy. Generally speaking all those officers who had fighting experience in the Greek civil war, that is, all officers other than those serving in intelligence, have been cashiered. There are now very few senior officers in the Greek Army who have ever heard a gun fired in anger. Most have previously been engaged in administrative or intelligence work. The Navy is composed mostly of men who are, presumably, still loyal to the King and to democracy. The Air Force is somewhat divided.

The countries which are in greatest need of the NATO defense shield, those which border on the Soviet Union, Norway and Denmark, are the members of the Council of Europe and NATO who wish to have Greece expelled. So it is not fitting for us to say that passage of this amendment will sabotage NATO when the very countries having the most to lose are the ones that want to see Greece expelled, not only from the Council of Europe which she walked out of but also from NATO.

When one considers the whole picture of the Greek military posture, there is need for improvement. Passage of this act will not hamper NATO's fighting ability to any great degree, but it will lend validity to our belief in the preamble to NATO, to the principle that the purpose of NATO is to defend the democratic form of government.

With regard to NATO membership, one may well ask why we exclude Spain, a country where several years ago, well after the Spanish Civil War I was arrested twice, and yet where there is today more personal freedom and due process

XUM

than in Greece. Not only is Spain out and Greece in, but we continue to supply the Greek junta with tanks, planes, weapons, and ammunition.

I am not advocating the admission of Spain or advocating the expulsion of Greece, but I am saying that, for the time being, we should hold off further military assistance to Greece and make the point to the Greek people that their junta does not enjoy the support and encouragement of the U.S. Government; and then resume shipments of arms as she moves along the way to Democracy.

As we consider the question of military assistance to the Greek junta, it should be noted that without an additional dollar of obligation the value of military assistance for Greece authorized in past years, but as yet undelivered, is several times the amount of aid which would be denied the junta by this amendment. In other words,—if existing embargoes were lifted tomorrow—something which I certainly hope will not occur—deliveries to Greece could be continued at the presently programed rate for at least 2, and possibly 3 years.

If, on the other hand, the existing embargo is maintained and additional funds are obligated we will simply be adding to an already enormous unused backlog of equipment earmarked for the junta. Given the serious shortage of funds for domestic programs now being starved as a result of Vietnam expenditures, I can see no justification for permitting the Defense Department to buy more tanks in order to store them in a depot until the day comes when they can be sent to Greece. Yet this is precisely what will occur unless the amendment offered by the Senator from Indiana is adopted.

The following figures drawn from the fiscal year 1971 congressional presentation book for the military assistance program, will bear out my assertion regarding the magnitude of military assistance already available for delivery to Greece.

As of June 30, 1969, the undelivered, already funded MAP balance for Greece was $97 million. On top of this, the Department of Defense programed an additional $24.5 million for the current fiscal year thus bringing the total available for delivery or expenditure, through June 30 of this year, to almost $122 million.

Despite the existence of this more than ample authorization an additional increment of roughly $90 million was available to Greece as of June 30, 1969, in the form of undelivered excess defense articles valued at acquisition cost. During the course of the current fiscal year more than $20 million additional excess equipment was earmarked for Greece, bringing the total of undelivered excess equipment to over $100 million as of June 30 of this year.

If one adds the value of undelivered MAP funded and excess equipment the total value of military assistance available to Greece during this fiscal year comes to more than $222 million. In order to arrive at the value of the equipment currently available, one must subtract from this total the value of estimated deliveries of MAP funded and excess articles during the current fiscal year. Unfortunately, the figures for the current year's deliveries are classified so this calculation cannot be completed. Nevertheless, one would be safe in describing the current balance as substantially in excess of the amount of any annual authorized before the coup.

With such a vast quantity of aid already authorized for Greece and with much of the actual equipment having already been purchased and being held in U.S. depots, it is understandable that pressure is mounting from the American and Greek military to lift the present selective embargo. What is not so easily understood is why additional funds are needed at this time.

Even on a crash basis it should take a year or more to deliver all the material now available to Greece and to train Greek personnel in its use. If political conditions in Greece improve during this period the Pentagon could seek new funds for Greece or reprogram other funds and place new orders.

It will doubtless be argued that a prohibition against new obligations for Greece will interrupt the flow of material "through the pipeline." This pipeline concept is one of those fictions for which the Pentagon has become famous. What is involved in the military assistance programs is not so much a pipeline, but rather a continual "rob-Peter-to-pay-Paul" shell game. For example, tanks originally purchased for Greece but embargoed, can be shuttled off to the South Koreans, to the Turks, or to someone else, and a new order placed for tanks for Greece. If for some unforeseeable reason it was decided that the Greeks needed these tanks sooner, there will undoubtedly be other military assistance tanks available which could be delivered to Greece, or U.S. tanks which could be declared "surplus" and given to the Greeks. The latter procedure, I might add, is not unknown to the surplus program.

It has been rumored for some time that the administration is ready to lift the selective embargo on military assistance which has been in effect since the colonel's coup. Our new Ambassador to Greece was recently reported to have recommended such action. It may well be that the administration is awaiting the outcome of the vote on this amendment before announcing its decision.

A vote against the amendment is likely to be interpreted by the administration as a vote to lift the embargo, as well as vote additonal military assistance to the junta. If the amendment is adopted the process of stockpiling equipment for the junta will be slowed down and the administration will have to take the views of the Senate into account as it considers the future of the embargo.

By its action on this amendment the Senate has a unique opportunity to register its opinion regarding the totalitarian practices of the Greek regime. Our vote will be watched by our European allies, many of whose governments have registered their own clear disapproval of the junta in forums such as the Council of Europe, the executive Committee of the Common Market and in the councils of NATO itself. Our vote will also have great meaning to the Greek people, our traditional friends, who are waiting to see whether the U.S. Government will, through a resumption of military aid to the junta, appear to condone the suppression of their liberties.

Such a conclusion will inevitably follow if the embargo is lifted. Last July in testimony before the Committee on Foreign Relations, Secretary Rogers said:

> The suspension will not be removed unless they make some progress toward more parliamentary government.

A year later Greek prisons are still full, mistreatment and, although more discreetly, torture of political prisoners occur, due process is denied, there is still no parliament, and the press is muzzled. This can scarcely be interpreted as even "some" progress. Our vote today on the Hartke amendment presents a timely opportunity for the Senate to register its opinion regarding the progress of the junta in restoring parliamentary government to Greece.

Mr. CRANSTON. Mr. President, I have cosponsored the amendment of the Senator from Indiana (Mr. HARTKE) and now ask that Senators seriously consider the implications of continued American arms shipments to the Greek military dictatorship.

A regime which denies its people basic democratic rights—a regime which has been censured by numerous European governments for its flagrant violation of human rights—a regime which abuses its NATO membership to request arms shipments which are certain to be used to repress the rights of its citizens under the guise of maintaining "internal order"—such a government has no right to receive weapons paid for by American taxpayers.

Many persons have stated that American arms shipments are needed because of Greece's strategic position in the Mediterranean. I cannot deny that Greece is strategically important on NATO's Southeastern flank. However, the presence of the American fleet in the Mediterranean, the stationing of nearly 300,000 American troops in Western Europe and the present military capability of the Greeks are adequate proof that continued arms shipments to Greece are not necessary for strategic military purposes.

Let us take a look at some of the facts:

In 1969 Greece spent $382 million for defense. This amounted to 4.3 percent of their gross national product. In NATO, only Britain, France, and Portugal expended a greater share of their GNP on defense.

Greece has 159,000 men in its armed forces It has 200,000 trained reservists available as well as 23,000 men in its gendarmerie. Besides Portugal, Greece has the highest percentage—8.6 percent—of regular armed forces to men of military age of any country in Europe including the Soviet Union.

The military materiel available to the Greek Government consists of the following substantial items:

One armored division with M-47 and M-48 Patton tanks.

Two battalions of Honest John surface to surface missiles.

One surface-to-air Hawk missile battalion.

Eight destroyers.

Two submarines.

XUM

Four destroyer escorts.

Ten tank landing ships.

Sixteen coastal minesweepers.

Three interceptor squadrons composed of F-5A/B's.

Five fighter bomber squadrons with F-84F's.

Two fighter bomber squadrons with F-104G's.

About 30 C-47 and C-119G transport aircraft.

This is by no means a complete inventory of military weapons available to the Greek regime.

To pass legislation making more arms such as tanks and artillery pieces available to the regime which is threatened only internally by its own reliance on repression is for us to betray the Greek people and our past commitments to their freeedom.

At the present time, Greece has more than enough arms to defend herself from external enemies in addition to the nuclear shield provided by the United States. Additional arms shipments to the Greek junta would be a waste of money and increased assistance for a regime which does not deserve our support.

Mr. THURMOND. Mr. President, we have before us a proposal which would cut off the foreign military sales to Greece, thereby crippling the ability of the Greek Government to participate in self-defense and in joint allied defense within the structure of NATO.

We have in Greece a stable government which has introduced many reforms and is working toward more reforms and the broadening of political freedom.

It is my belief that the United States should primarily consider the strategic position of Greece in the Mediterranean, where the Soviet fleets are deployed in increasing numbers. It is of the utmost importance to the security of Europe and the security of all NATO members, including the United States, that Greece be controlled by a strongly pro-Western anti-Communist government.

We have such a government there today, a government that has brought stability to a country that is frequently wracked by political confusion.

It has been alleged that "the people of Greece do not support the Royal Government of Greece and that this Government is somehow tyrannizing its citizens. No one ever says by what means this attitude of alleged hostility is discovered. It is mainly assertion based upon the statements and propaganda of exiled politicians who formerly were creating the conditions for the collapse of Greece into Communist hands.

Recently I received a confidential monograph that was written by a citizen of Greece who studied in our country and has had ample opportunity to view the political systems in the United States and in his own country. This individual is further qualified by degrees in political science and by world travel.

But perhaps the most significant aspect in this paper is the cry of passionate sincerity which comes from the heart. This paper, although lengthy, is written with fire and determination and firm conviction and it is the expression of one Greek citizen for the support of the Government of Greece. The analysis in this paper effectively refutes the slanders which have been brought against the Government of Greece and clearly shows how the exiled leftist politicians are working hand-in-glove with Communist and anarchist elements to once more bring down the Government of Greece.

If we adopt the amendment, we will be cooperating with this unholy coalition, and we will be responsible for destroying the hope of freedom in that country.

I do not believe that the Greek Government would agree with every judgment which is made in this paper. In fact, it is this refreshing objectivity that gives the paper its credibility. The author says:

> I am writing this letter because of my great indignation regarding the terrible slanders and libels directed against the present government of my native Greece by the forces of international Communism, who euphemistically label themselves "progressive" and "democratic."

Mr. President, I ask unanimous consent that this letter from a Greek citizen whose name must be withheld because of fear of reprisal be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

EXHIBIT 1

HON. STROM THURMOND,
U.S. Senate,
Washington, D.C.

SIR: I am a Greek citizen who obtained his B.A. and M.A. degrees in political science in the United States, and who is presently continuing his studies in Switzerland. Ideologically speaking, I would consider myself a conservative—for example. I was one of those few students of college age who actively supported Senator Barry Goldwater in his presidential campaign of 1964. I am writing this letter because of my great indignation regarding the terrible slanders and libels directed against the present government of my native Greece by the forces of international Communism, who euphemistically label themselves "progressive" and "democratic." Because of your influential position in the United States Senate and the present administration, I feel that you should have a more balanced and impartial picture of the now "infamous" colonels and their government than the leftist-oriented press and enemies of Greece present to the world. Please, sir, believe that what I am about to write is the real truth, as obtained from highly reliable sources both inside and outside Greece, and is based on a great familiarity with this particular nation and area of the world.

WHY THE REVOLUTION TOOK PLACE

Firstly. I would like to suggest a few reasons why the present military regime of Prime Minister Papadopoulos took power on April 21, 1967. This Greek government came to power in order to avert the positive threat of a Communist take over, which would have scarcely differed from the one in Czechoslovakia of August 1968 or in Cuba, a few years earlier. It took power also in order to save the country from the demagoguery of power thirsty politicians who were leading their country toward disaster since they would not realize that the general well-being of the nation was being threatened by irresponsible left-wing radicals, Communists and anarchists—Greece's "progressive forces"—who were planning the above mentioned Communist take over. And lastly, the present regime came to reestablish an order to the chaotic pre-coup situation of the street fights, violent demonstrations, and irresponsible strikes which daily plagued the lives of every law-abiding Greek.

To further support the necessity of the present Greek military government's seizure of power in April, 1967. I would like to mention four measures taken during the pre-coup period which were meant to facilitate the hoped for overthrow of the existing social system—i.e., the planned Communist take over. Firstly, the Papandreou government (1964–1965) began to liberate vast numbers of dangerous Communists who had been convicted by both military and civilian tribunals for the numerous murders and atrocities they had committed against the unarmed Greek population during the bloody Greek civil war (1946–1949). Secondly, large numbers of Greek Communist refugees, who had escaped behind the Iron Curtain after the civil war, were allowed to return to Greece during the government of the late George Papandreou, (father of Andreas Papandreou), and during the caretaker government of Mr. Stephanopoulos. Thirdly, there were subversive and seditious attempts by Mr. Andreas Papandrou to foment revolution within the armed forces in order to destroy the existing social, economic, and political system in the so-called "Aspida" conspiracy of 1965. And finally, during the campaign for the national parliamentary elections which were scheduled to be held on May 28, 1967, Andreas Papandreou had made a bargain with the Communist party of Greece that it abstain from presenting candidates in certain of its electoral districts.

For example if "x" electoral district had three candidates, two of the Centre Union Party and one of the Communist party, for this election the Communist candidate would not present himself for election. Therefore, the traditionally Communist electorate would vote for the third Centre Union seat so that Andreas Papandreou would obtain an absolute majority in parliament, and so that, in such a manner—i.e., by using Andreas Papandreou and his party as a "Trojan Horse"—the Communist party could enter the mechanisms of the nation's government. I believe the above four measures provide adequate reasons, when considered along with the totally licentious and chaotic situation of the pre-coup days, to justify the colonels' Revolution of the 21st April.

As a further support and extension of the above facts, I have enclosed a booklet entitled *Why the Revolution Took Place,* so that you might be able to better realize the gravity of the pre-coup situation by observing the many authentic photographs included in the booklet—it is difficult to falsify pictures, and I, as an eyewitness to many of the events, testify to their validity.

WHY GREECE SHOULD BE SUPPORTED

Secondly, I would like to suggest why the present Greek military government of Prime Minister Papadopoulos should be supported economically, militarily, and otherwise for an indefinite period of time. To begin with, the present regime's attitude toward the North Atlantic Alliance (N.A.T.O.), which is one of strong support, is vital to the defense of the Mediterranean and of the Eastern Mediterranean, in particular, which is already flaming with the incessant Israeli-Arab conflict. I shall attempt to show the importance of such an attitude by giving a brief and superficial summary of the international situation in that part of the world.

If we were to look at a map of the Mediterranean world, we would notice that of the NATO members in that area. Greece is the only stable government devoted to the North Atlantic Alliance and the cause of the Western free world nations. Turkey is of course still a member of NATO, but it has recently been torn by serious domestic strifes and anti-American sentiment—the latter sentiment having already been proven by the different measures taken by the Turkish Government to reduce the American military

XUM

presence there, as well as by the permission it granted to Russian fighter planes to refuel at certain bases in Turkey. As for Italy, little needs to be said regarding the extremely serious nature of her internal problems. The situation there is particularly disturbing (even among the left-wing editorialists of the *New York Times*), since in the near future it might prove difficult to prevent the Italian Communist Party (who in the last elections won one-third of the national vote, when one adds to the seats won by the Communist Party those won by its fellow parties), from entering the government coalition—a very bad auger for the North Atlantic Alliance, since, as we recall, one of the first conditions to be met before the Italian Communist Party would agree to enter a coalition government is Italy's definite withdrawal from NATO. And finally, as for France, we all know how she has proven to be a lukewarm partner.

INTERNATIONAL SECURITY

If we were to examine the non-NATO countries of the Mediterranean, we would not be any more optimistic in our appraisal of the future of the free world in that part of the globe. In fact, we would notice that almost all previous Western spheres of influence in the Arab world have been lost to the Soviet sphere of influence—namely, Iraq, Syria, Jordan, the U.A.R. (Egypt), the Sudan, and Libya with its American bases. Yes, the Lebanon is still a western oriented and moderate Arab state, but it is being rapidly undermined now, from both inside and outside, by the forces of the fanatical Palestinian guerrillas whose allegiance is both to Moscow and Peking. As we all know, the Eastern Mediterranean Sea is saturated with Russian warships, and as of the last few days, Egyptian Mig fighters have begun to be flown by Soviet personnel over Egyptian territory and on reconnaissance flights outside—what dismal omens for the future.

In the above two paragraphs, I have attempted to situate Greece within the context of the international situation in that part of the world, in order to demonstrate how vital the present strong pro-NATO and stable government is to the security of the Western free world. Thus, as we can conclude from the above, if this present stable military regime ever fell, we would witness the catastrophic retreat of the Western European frontier of the NATO powers to Germany—certainly, the darkest of prospects for those who like you. Senator Thurmond, believe in the genuine preservation of our Western Civilization.

Another equally tragic result of Greece's retreat from NATO would be the imminent loss of all other Western oriented countries to the Soviet influence in a domino fashion, like the one predicted for Southeast Asia should South Vietnam fall to the Viet Cong and North Vietnamese (a kind of Middle Eastern "domino theory"). For, as we can realize, if Greece should ever be lost to the West, Turkey would be totally surrounded by Communist nations or by nations definitely within the Communist sphere of influence, (i.e. Syria and Iraq), except for its coast on the Medditerranean Sea and its limited border with Iran. Under such circumstances, its security would surely be jeopardized, and its already unstable domestic situation would be exploited by the Communists who are greatly interested in Turkey because of her especially strategic control of the Dardanelles. As a further extension of the "Middle Eastern domino theory," it should be noted, that if Turkey ever fell, Iran, which is now a definitely pro-Western nation, would be completely surrounded by Communist nations or satellites—then, little hope would remain for the oil wells of Saudi Arbia and the Persian Gulf states, which are already surrounded by bellicose Arab states. Perhaps I have fandered a bit from the topic, but I wanted to emphasize the extreme gravity of the present Middle East situation.

ENEMIES OF GREECE

After our examination of the precarious situation of the Mediterranean, we can, no doubt, easily understand how vital it is to have a Greek government which strongly supports the North Atlantic Alliance. Therefore, when we examine the demands of the opponents and enemies of the present Greek government, to boycott Greece and to have her expelled or suspended from NATO, we, the genuine defenders of freedom and democracy, should become even more adamant in our determination to preserve the present stable military Greek regime. Those who are responsible in NATO should take adequate precautions to prevent the irrational demands and pressures for Greece's explusion from NATO, made by Norway, Denmark, Holland, and Italy, from ever being implemented—we need not restate the grave consequences of such an action. (N.B., These latter four nations should be reminded that NATO is primarily a defensive alliance directed against the expansion of Communism, and is not a supper club or consultative assembly along the lines of the Council of Europe.) We should be especially suspicious of the above demands since the originators of these irresponsible requests are the Greek, left-wing Centre Union leader, Mr. Andreas Papandreou, who in his electoral campaign of 1966 advocated Greece's withdrawal from NATO, and the Swedish premier and personal friend of Mr. Papandreou, Mr. Olaf Palme, who has been exercising the discrete pressure on the four above mentioned NATO members, since December, 1969, for them to demand Greece's withdrawal from NATO—need it be stated, that if the free world had to depend on men like Andreas Papandreou and Olaf Palme, it might as well have signed its epitaph. As for the thirty-two American Congressmen who suggested, that Greece be boycotted and even expelled from NATO, we are tempted to believe that they are at best utopian "liberals" who are unable to realize the grave dangers they bring to our western security by listening to the advice of Mr. Andreas Papandreou whose political views make the above mentioned senators seem like arch-conservatives. (N.B., The legislation such as that proposed is nothing less than a hypocritical way of nullifying the spirit and letter of the Truman Doctrine of March 12, 1947, which was one of the major reasons, at the time, why Greece and Turkey did not join most of the other Eastern European states in the Communist camp.)

Thus we have briefly examined the importance of Greece to the North Atlantic Alliance, and, concurrently, the views of the present regime's enemies and primary opponents regarding the same alliance, and can therefore conclude that it is of primary importance to maintain the present regime. For, even if it could be peacefully replaced by a so-called "democratic" regime led by some opposition leader like Andreas Papandreou, (a very dubious hypothesis for the present and near future), such a change would be lethal to Greece and to the NATO defense of the free world of the Mediterranean.

THE CYPRUS QUESTION

Similarly, the present Greek government should be supported because of its moderate and responsible attitude on the extremely delicate Cyprus question. In other words, the colonels believe, as does the president of Cyprus, Archbishop Makarios, that a Cyprus independent of Greece is the best compromise solution to the precarious balance of power between the Greek and Turkish Cypriot communities which was reestablished in 1967, after Greece and Turkey had almost gone to war over Cyprus. Such a moderate and realistic attitude is crucial to the precarious stability in the Middle East, since any attempt at "Enosis" or Union with Greece is an outright violation of the compromise reached in 1967 between the present Greek regime and Turkey, (a compromise guaranteeing an independent Cyprus, protecting the rights of the Turkish Cypriot minority, and establishing a balance of power between the Turkish and Greek military on the island), and would therefore bring Greece and Turkey to war. Certainly the last thing we would want—a war between two NATO nations in an already explosive Middle East.

Unlike the present Greek regime, however, most of the radical left-wing politicians, like Andreas Papandreou and others, who aspire to replace the present military regime, precisely want "Enosis." Why? The treacherous motives behind their support of "Enosis" can be clearly determined by examining the recent assassination attempt on the life of Archbishop Makarios.

It should be recalled that the Greek Cypriot ex-Minister of the Interior, the late Mr. Georkadzis, is strongly suspected, in the trial proceedings presently being conducted in Cyprus, of being the leader of those would-be assassins of President Makarios. (Mr. Georkadzis was found murdered soon after the attempt on Archbishop Makarios' life.) It should also be rememberd that this same Mr. Georkadzis was involved in the attempted assassination of the Greek Prime Minister Papadopoulus by Panagoulis in August, 1968, and subsequently resigned from his post as Minister of the Interior of Cyprus. We can clearly see, therefore, by his involvement in the attempted assassination of the Greek head of state, that this late Mr. Georkadzis, who was known to be a partisan of the Forces for Union of Cyprus with Greece, was also in association with Greek self-exiled politicians who aspire to replace the government.

So what were these treacherous left-wing radicals trying to achieve by attempting to assassinate the moderate Cypriot leader President Makarios? Obviously, they wanted to rid themselves of a moderate president and replace him by an extremist leader like the late Georkadzis who, by trying to unite Cyprus with Greece and also by endangering the lives of the Turkish Cypriot minorities, would violate the aforementioned compromise between Turkey and Greece, and would thus bring the latter two countries to war. And, why should the Cypriot radicals want Greece and Turkey at war? So that their unofficial collaborators, a handful of radical left-wing Greek politicians, (i.e., the enemies of Greece), would have a better chance to overthrow the present Greek regime from behind with Cyprus being the main springboard for the attack, while the Greeks would be busy fighting the Turks. Such treacherous actions remind one very much of the cause and effect relationship between World War I and the Bolshevik Revolution of 1917.

Therefore we can only conclude that the colonels, because of their realistic, moderate, and responsible handling of the delicate and dangerous Cyprus question, deserve to be supported, and that their irresponsible and treacherous enemies deserve to be unmasked, so that the world might know who the real defenders of a free and democratic Greece truly are.

CONSEQUENCES OF CHANGE

Thirdly, the present stable government of Prime Minister Papadopoulos should be supported because of the disastrous consequences of a change brought about prematurely in any of the following three ways: either by another coup d'état grouping all the opponents of the present Greek regime, be they left-wing radicals, Communists, Royalist utopians, or moderate opportunist politicians; or by an election; or by the present government's replacement by a gov-

XUM

ernment of technocrats, or non-political figures.

(*1*) *A coup*

We can draw the realistic consequences of a change of government brought about in the first manner—i.e., by a coup d'état—by examining the statements made by the avowed Communist Greek composer and Greek ex-Communist deputy, Mr. Mikis Theodorakis, recently liberated from Greece for "reasons of health." In his press conference in Paris on April 29, 1970, he exposed his nine-point plan for resolving the "Greek problem." I shall mention the three points most disturbing for those who, like you, Senator Thurmond, do not want Greece to become another Prague.

(1) All the major members of the present government, a large number of police and army officers, and other collaborators of the present regime shall be judged by special courts. The implication here is clear—after overthrowing the present regime, the left-wing radicals, a few bitter and irresponsible conservative politicians, and others would take their revenge against the nation's genuine conservative elements in a kind of Nuremberg Trial. (N.B., It is already an established fact among Greek self-exiled, left-wing politicians, that a list of above two-hundred military officers, policemen, and members of the government has already been compiled for a "Nuremberg Trial.")

(2) In referring to the Greek shipowners, Aristole Onassis and Stavros Niarchos, Mr. Theodorakis said, "One day they will have to answer to the people, and they will lose everything. Onassis is wrong to amuse himself going to that little island (Skorpios) with his wife. I pity those people, yes, I pity them." (*International Herald Tribune,* April 30, 1970, p. 2.)

(3) Mr. Theodorakis also added that the successors of the present government would re-examine all Greece's economic and military ties. Obviously these last two statements imply a drastic reversal of Greece's present socio-economic system (a Capitalist System). So, that at best we would witness a revocation of all foreign industrial contracts, something like that which recently took place in Peru, accompanied by the nationalization of all private enterprises and property, like the one which took place in Egypt from 1957–1960.

We should not consider these statements of Mr. Theodorakis as representative of only his own personal goals for Greece in the future. For he does echo the viewpoint of Andreas Papandreou, his close friend, George Mylonas, and others, as can be clearly seen in one statement (among many) made by Andreas Papandreou in February, 1967, during his electoral campaign. Here he declared that he would refuse to take the traditional oath to the monarch, if he should win the election, since he considered it something to be abolished along with the Greek Constitution. He also stated that if elected, his government would reconsider all of Greece's military alliances and economic ties in order to establish a "more independent Greece"—an obvious indication of things to come.

The result of any attempt to implement the irrational measures advocated by Mr. Theodarakis and his collaborators is obvious. An armed confrontation would break out between those who succeeded in over throwing the present regime and those of the army and public sympathetic to the colonels who would want to defend their beloved country from being ruined by an amalgamation of opportunists, left-wing radicals, and Communists—i.e., we would witness a bloody civil war in Greece similar to the one in Vietnam. However, with the Middle East and Southeast Asia already in flames, one does not need to add more fuel to the fire.

(2) *Elections*

As for the second way to prematurely change the present Greek regime—i.e., by elections—the prospects are no brighter. The opponents of the present regime are so bitterly divided, that even in the unlikely hypothesis that the present colonels would abdicate and allow elections, in which they might also present their own party, to take place, the inevitable result would be chaos. For how can a reflective individual believe that a government composed of such an unorthodox alliance of left-wing radicals, Communists, and a handful of opportunists of the liberal right (i.e., a government of National Coalition) could hold one day longer than needed to replace the colonels. Obviously, if the result of all the bickering were not an actual civil war caused by the disagreement over the fate of the colonels and their collaborators, the result would be a chaos and a complete disintegration of the government authority—i.e., a return to the pre-coup situation, and worse. The Communists, who are most apt to exploit such situations in order to overthrow the "disintegrating Capitalist state," could very well bring about a violent social upheaval from within—not a very bright prospect for those who are genuinely interested in maintaining the real freedom of the Greek people.

(3) *Government of technocrats*

As for the third proposed way of replacing the present Greek regime—i.e., by a government of technocrats—anyone who believes that such non-political figures as the president of the Bank of Greece, the head of the Orthopedic Clinic of the Athens' Hospital, etc., could hold power, is unrealistic, utopian, and, to say the least, extremely dangerous. We have already mentioned the composition of the "alliance" of those who hope to succeed the colonels. One cannot believe that the Communists and left-wing Centre Unionists, who want a complete reversal of the present socio-economic system as well as a "purge" of the present government and its collaborators, and the opportunist politicians, who want back all their unjust privileges which were taken from them by the colonels, could ever agree with the above mentioned government of technocrats, or even among themselves, as to the future of Greece. Again, the result would be either a civil war or complete chaos.

Therefore, one can only conclude that there is no peaceful replacement of the colonels possible for the very near future. In fact, the surest way to insure Greece as a free Western nation is to support the colonels *who will, in time, return gradually to parliamentary democracy*. First, many bitter wounds of the past must be healed before a peaceful return to a parliamentary regime, which all of the government's opponents claim as their primary aim, can be achieved. It would seem much more realistic to let the colonels, who really have the genuine well-being of Greece as their guiding principle, decide when this transition can be made rather than the colonels' opponents—the Communists, left-wing radicals, and a few conservative opportunists—who were the primary reason for the present government's seizure of power in the first place; especially since, as we have seen in the previous paragraphs, these aforementioned opponents definitely do not have Greece's well-being as a guiding principle.

MILITARY LEFT-WING ELEMENTS

A fourth important reason for the present Greek military government to be assisted economically, militarily, and morally is in order to avert, if possible, the very real danger of the latent left-wing minority of the army overthrowing the present rightest, Western oriented leadership. Should Greece's "allies and friends" continue to slander the present leadership and extend their boycott of the country economically and militarily, this aforementioned left-wing minority of the army would attempt to seize power, in a second revolution, as Nasser did in Egypt in 1954, claiming that there is no reason for Greece to support NATO and the Western cause if it is always blackmailed and boycotted by its supposed allies. Therefore, it is obvious that those members of the Council of Europe in Strasbourg, such as Sweden and England, and of the European Economic Community (E.E.C.) in Brussels, such as Germany and Italy, who plan to abrogate their economic contracts with Greece and to extend their economic sanctions of the colonels' regime by reestablishing high importation tariffs on Greek goods, by refusing to purchase Greek exports, and by pressuring the longshoremen in various ports to refuse to load and unload Greek ships, in the hope that big businessmen will then press for the colonels resignation and that the Greek ship owners will stop flying the Greek flag because of their loss of money, are completely utopian to believe that such a deterioration of the Greek economy would result in either the resignation or "democratization" of the present regime.

Certainly, the result of such an economic crisis would not be the hoped for "democratization," but rather a second revolution, Nasser style, whose leaders would then turn their eyes to the East, into the open arms of the Russians. (N.B., Because of the irresponsible actions of certain members of the Council of Europe and the European Economic Community, Greece has already been compelled to extend her economic exchanges with the countries of the Soviet bloc—a definite warning sign to these above-mentioned free world nations to cease the implementation and further extension of these irrational measures, aforestated.) Obviously, such a grave danger can easily be averted, by guaranteeing the present Greek government that at least the United States will remain faithful to Greece's economic, military, and other needs.

GREEK REFORMS

And finally, I believe that the present Greek government deserves the support of the United States and other free world nations because of the many measures it has passed in favour of those of the population who are the most needy. For example, this government has done much to increase the social security for the aged, the disabled, and for others who are unable to work. It has greatly improved the medical facilities for the poor, and has made it much easier for them to enter public hospitals when in need. The present Greek regime has also ostensibly decreased taxes for the poorer peasantry. It has abolished all tuitions for public education at all levels, including those for the university. It has improved the public transportation system (i.e., buses, trains, and trolleys), as well as the system of public roads. Also, this regime headed by Prime Minister Papandopoulos has constructed many special apartment buildings with especially good arrangements for factory workers' families. And, in general, this government has established a greater equality and justice before the law, in the sense that certain corrupt practices of some opportunist parliamentarians, which had accorded them special privileges of a personal nature, have been abolished. So, now that these special, unjust privileges have been abolished, there exists much less provocation to those whose social position is less fortunate.

Therefore, to any impartial observer, it is clear that the present military government has done very much to appease the previous grievances of those most disfavoured economically; so much so, that the colonels have a particular backing among the peasantry and the lower middle and middle classes. Naturally, more can always be done, but considering that they have been in power only three years, one can conclude that they have made a good start. (A good index by which to judge the above assertions, is Greece's per capita income: four hundred dollars ($400) in 1965; eight hundred dollars (800) in 1969). These aforementioned measures can be considered as an especially laudable achievement, since Greece is a relatively backward country industrially when compared with the Western European democracies and the United States, and is especially poor in natural resources.

After examining the various valid and important reasons given above which have attempted to justify both the present Greek government's access to power as well as its maintenance in power, any impartial observer would seemingly conclude that the present regime is a definite asset to both the cause of a free Greece, as well as to the cause of the free world in the Eastern Mediterranean. One might, then, very well wonder why this present Greek government of Prime Minister Papadopoulos is so disliked, as it evidently is, since almost any article one would read on Greece today is definitely prejudiced against the colonels.

MORAL IDEALS OF COLONELS

The colonels and their regime are always slandered by those who consider themselves the mouthpiece of the "free world public opinion," because they (the colonels) grant prime importance to three ideals or beliefs which in our Western world of today have become almost taboo. Firstly, they believe in the ideal of a Western traditional morality; they believe that everyone, and especially the young, should have a respect for his family, for his church, for his elders (a respect for the wisdom which comes from experience), and for the laws and traditions of his country, symbolized in the nation's flag.

A superficial glance of the situation prevailing in the universities of most of Western Europe and the United States, will confirm that the aforementioned ideas have been discarded—the student's attitude toward free love nullifies any ideal of respect for the family; their consideration of the church as, at best, a crutch for the weak, dismisses the possibility of traditional religion ever commanding any respect; the students' belief that any person over thirty is irrelevant and only worthy of the grave, of course, makes any respect for the above-mentioned wisdom which comes from experience and age impossible; the students' frequent desecration of their own flag and their violent demonstrations against a large number of their government's policies, clearly show that any respect for the country's flag and all it represents has also completely been lost. Considering that the consequences resulting from the complete renunciation of the fundamental foundations of our Western Civilization—i.e. a renunciation of our Western traditional morality and values—are so disastrous, one should be thankful for the colonels' noble attempt to maintain our Western morality, culture, and civilization. For how could a sane individual wish that a country be overrun by the Hippies, Yippies, the S.D.S. Weathermen, and their like, who move freely in our Western "democracies," despite the fact that they violate many of the country's laws daily—these latter individuals have "rid" themselves of the "corrupt" ideals and culture of our Western Civilization, and have consequently lost any reason to be; they now have no respect for anyone, not even themselves; they are nihilists and cynics, who must escape from the vacuum of uncertainty and desperateness they have created either through drugs, and/or ultimately, through suicide; they are precisely the products of the childhood education advocated by Dr. Benjamin Spock, as well as the practitioners of the ideas preached in the universities by such men as Dr. Herbert Marcuse and Mr. Timothy Leary. Respect is fundamental to human dignity! We should therefore praise the colonels for attempting to keep Greece a country of responsible, human beings, rather than allowing it to be overrun by a bunch of desperately bestial anarchists.

FREEDOM

The second traditional ideal the colonels try to practice while ruling the country is the ideal of freedom, expressed by the great nineteenth century English, political philosopher, John Stuart Mill, in his work *On Liberty*—the ideal stating that everyone is free to do whatsoever he desires, as long as he does not infringe on the rights of others. Of course, those who consider themselves the mouthpiece of "the free world public opinion" (the critics of Greece), might very well agree with the above definition of freedom in theory, but definitely not in practice, since they criticize the present Greek government and many other conservative governments who implement the above definition. What then differentiates the colonels' interpretation of this definition from that of "those who represent free world public opinion"?

The Greek colonels still believe that freedom is a luxury and privilege worthy only of those who respect it and accept the responsibilities concurrent with this right of freedom. They believe that both the lawbreaker and the lawabiding citizen should have their respective rights protected, but they do not believe that, in the name of some vague, humanitarian and utopian ideal the lawbreaker should be left free—the result being, of course, that the lawbreaker would continue to harass the lawabiding citizen. For, if the lawbreaker would not be punished in some manner, there would be no reason for any citizen to abide by the law, or for law to exist—i.e., to use a Hobbesian term, we would return to a "state of nature," since the first prerequisite of a civilized society is enforceable law.

Seemingly, though, the native countries of "those who consider themselves the mouthpiece of free world public opinion," do not share such a conception of a responsible freedom. In fact, by examining the present terror exercised by a vociferous minority over the majority in most of Western Europe and the United States, it would seem that we have, unfortunately, returned to a partial "state of nature." For example, in the universities, a minority of violent anarchists and left-wing radicals, interested only in overthrowing the present, allegedly corrupt, "Establishment," often prevent the majority of students, who have gone to the university to learn, from pursuing their studies by either destroying the buildings, or by holding violent demonstrations which make studying impossible to say the least. Three good examples of the above tactics can be seen at the Nanterre University in France, Tokyo University in Japan, and San Francisco State College in the United States.

In Greece, if such a violent minority refused to respect the rights of the majority of students this violent minority, which is not interested in studying, anyway, would be expelled. Another glimpse at the "ideal freedom" existing in many western democracies can be seen by examining the reaction to the American movie, The Green Berets, one of the only objective representations of the Vietnam war, in the countries Italy, Germany, Denmark, and Holland. In these countries the projection of the movie had to stop after the second of the normal seven days of playing, because of the "public indignation"—i.e., a left-wing and radical minority forced the authorities to shut down the cinemas, by violently demonstrating in front of the movie theatre, and by harassing the public who wanted to see the movie.

One might very well wonder though, after considering the above, what peoples enjoy the most freedom to act as they want. Are those who live in the countries of "those who represent the free world public opinion" or those who live in Greece, and other countries with strict conservative governments, where the traditional and responsible definition of freedom is practically applied, really more free? For as we all know, unlimited freedom turns into anarchy which is, in itself, a negation of freedom.

ANTICOMMUNISM

The third reason why the colonels are so disliked by "those who claim to represent the free world public opinion" is due to their strong anti-Communist attitude. These colonels, who, unlike the self-appointed "defenders of freedom (the critics of Greece), have had a first hand knowledge of Communism during the bloody Greek civil war (1946-1949), cannot believe that the expansionist and subversive aims of international Communism have moderated since the Stalinist days. Yes, perhaps, one might concede that the fate of the average citizen of a Communist state is better today than twenty years ago, but one needs only look around the world—Vietnam and Southeast Asia, in general, the Middle East, Africa, Latin America, and even the countries of Western Europe—to understand that world Communism's expansionist aims still exist.

And, a quick look at Hungary in 1956, Berlin in 1961 (the Berlin Wall), and, most recently, Czechoslovakia in August, 1968 (where numerous purges are now being conducted against the collaborators of Mr. Dubcek during the so-called "Prague Spring"), as well as in the "asylums" and camps within Russia, where such dissidents as General Grigorienko and others have been sent for having criticized some of the present administration's measures, will convince any impartial observer that the U.S.S.R. has not altered its views regarding the administration of its satellites, or of Russia itself. However, the self-appointed "defenders of freedom" choose to remain blind to these above facts, and believe that any nation which takes a strong anti-Communist stand and which strongly supports NATO as being one of the sole guarantors of a truly free world is a paranoic country which has been unable to realize that the "cold" war is a remnant of the past, since the U.S.S.R. has no expansionist ambitions and is a most "tolerant and democratic" regime. One might very well wonder who has the more accurate conception of the realities of the international situation—such anti-Communist regimes like that of Mr. Papadopoulos, or the self-appointed "defenders of freedom" who are the critics of Greece?

WHO ARE THE CRITICS?

Now, after examining the three main reasons why the present Greek regime is so disliked by "those who claim to represent the majority of the free world public opinion" (who are, simultaneously, those self-appointed "defenders of freedom"), one might wonder who these outspoken critics of Greece really are. One might begin by saying that those individuals of the free world who would agree with the ideas and actions of such Americans as Abbie Hoffman, Bobby Seale, Dave Dellinger, Charles Manson, H. Rap Brown, Timothy Leary, Herbert Marcute, and Dr. Benjamin Spock, and their like, would constitute the first grouping of Greece's enemies. And, more particularly, those individual politicians of the free world who would agree with the viewpoints of liberal American senators would constitute the second grouping of Greece's critics. And, in international policy, these same senators are violently opposed to the Vietnam War, but strongly support the massive withdrawal of all American bases in Europe and Asia as well as an extensive reduction of nuclear armaments and military power, in general, without any guarantees that the other side (the U.S.S.R.) would reciprocate.)

As for Greece's most outspoken individual enemies, one might mention such personalities as Melina Mercouri, Jules Dassin, Olaf Palme, Andreas Papandreou, and Mikis

XUM

Theodorakis all of whom are known for their, to say the least, radically left-wing ideas. It should also be noted that Melina Mercouri's father was a former Communist deputy in the Greek Parliament. Jules Dassin was temporarily expelled from the United States by the McCarthy committee in the early 1950's. As for Olaf Palme, the Prime Minister of Sweden, everyone should be aware of his strong support of the North Vietnamese cause, shown by the large amount of economic aid given to North Vietnam by his government, as well as by his own participation in a demonstration, two years ago, where he marched in the streets with Viet Cong sympathizers and American deserters, holding a Viet Cong flag and chanting slogans. Regarding Andreas Papandreou, much has already been said from which any impartial observer can only deduce, that he is the primary cause of Greece's present problems. One should add, though, that on May 3, 1970, in a public statement echoed by the French radio station, he officially endorsed the nine point plan (already mentioned in this paper) for the resolution of the "Greek problem" advocated by the ex-Greek Communist deputy and Greek composer, Mikis Theodorakis, and accepted to head the Greek forces of armed resistance which would free Greece from the present regime, "punish" many members and collaborators of the present government, and reconsider all economic ties and military alliances, in order to establish a free and independent Greece—the implications of the above measures have already been examined. (It should be noted here that he has already accepted to fully collaborate with another former Greek ex-Communist deputy, the self-exiled Mr. Brillakis.) One needs only point out in order to more fully understand the character of this individual and the identical character of his closest friends, that Andreas Papandreou, although officially residing in Canada where he is a university professor, has a "second home" in Stockholm, Sweden, where he goes bi-monthly to visit his personal friend, Olaf Palme who is the instigator, as we have mentioned, of many of the measures against Greece proposed by the Council of Europe, the European Economic Community and NATO.

As for Mikis Theodorakis, another close friend of Andreas Papandreou, little more needs to be said. He is a well known and avowed Communist, and, unlike Andreas Papandreou, makes no secret of that or of his goal of making Greece a Communist state (as can be clearly seen in the aforementioned nine point plan). One should only add, that he was the founder of the extreme left-wing youth movement known as "Lambrakidis" which could be compared with the "Weatherman" faction of the American Students for a Democratic Society (S.D.S.)—the difference being that the "Lambrakidis" were more violent and dangerous in the precoup period than the "Weathermen" have yet shown themselves to be.

THE KING

There is one more individual personality who is an opponent of Greece and deserves a special paragraph—the present, self-exiled King of Greece, King Constantine II. By most impartial observers' standards, the present King of Greece is a naive and innocent individual with no higher education, who has a small knowledge, if any, of politics, economics, or anything else, since he is primarily a playboy and amateur of various types of sports. However, this naive and moderate opponent of the present Greek regime can constitute a great danger, should he ever return to Greece, because, at present, he is under the influence of many opportunities, leftists, and other irresponsible elements who aspire to use him as a "Trojan Horse" in order to return to Greece, and then, obviously, dispose of him. This above statement is reinforced by examining the group of staunch "Royalists" today—a great number of people who now proclaim to be for the return of the monarch, were in the pre-coup days, either fanatically against him, or just against him.

A handful of moderate conservative opportunist Greek politicians comprise another grouping of Greece's enemies. These politicians, as we have already mentioned, lost the unjust personal privileges associated with their parliamentary functions, such as the payment of taxes ridiculously low in proportion to their income, as well as no payment of telecommunication or postage fees, and are consequently bitter, since they can see no farther than their own pockets. (It should be noted that these embittered politicians are very short-sighted. Yes, they agree with the so called "United Opposition", with Andreas Papandreou and Mikis Theodorakis that the present regime should be overthrown, but they can far from agree with the opposition members on what comes after—an observation made by a Scandinavian journalist, who noted that yes, the "United Opposition" during a meeting agreed that the present regime should be replaced, but that the different factions at the conference almost came to hands during the discussion of what would follow. One shudders at the thought of what would result in reality, when in conference the opposition members almost fight, hand to hand.)

INTERNATIONAL OPPONENTS

Another grouping of Greece's critics would include many nations of Western Europe. The most outspoken of these, and the leader of the "crusade" against Greece is Sweden—need we make any comments on this latter country? Suffice it to mention its position on North Vietnam and American deserters as well as the reception it gave the new American Ambassador to Sweden, H. E. Mr. Jerome Holland—a reception characterized by the throwing of stones, rotten eggs, and bottles and by the charting of such slogans as "dirty Nigger go home"—in order to appreciate the character of this nation, headed by Prime Minister Olaf Palme, who demonstrated two years ago in favour of the Viet Cong, Denmark and Norway, whose fanaticism toward their NATO obligations is, at best, lukewarm and condescending, at least on the practical level, are also outspoken critics of Greece. Small wonder they are so, since, because of their economic and other interests with Sweden, they are sensitive to pressures from this friend and fellow Scandinavian. Italy, also, is an outspoken enemy of the present Greek regime, but how can one expect a left-wing government, which is hardly in any position to resist the terrific pressure of Communists and left-wing radical elements which continue to prove their strength in a chaotic series of strikes, bombings, and violent demonstrations (one of which left sixteen dead last December, and yet not the slightest effort to arrest the culprits has been made), to ever support a regime where the respect for law, order, and morality is the order of the day? The governments of Germany and England are also critics of the present Greek regime, but milder ones since, in the case of Germany, the government of Mr. Willy Brandt enjoys a hairbreadth majority in parliament, and therefore must compromise between the demands of his left-wing clientele and of his more conservative supporters, in order to hold this slim majority. (It should be noted that in private circles, it is known that Mr. Kurt Kiessinger, the German Christian Democratic leader and his close ally, the Christian Socialist leader, Mr. Franz Joseph Strauss, are definitely not opponents of the present Greek government), and, in the case of England, the Wilson government, particularly in an election atmosphere where the odds are seemingly against the Labor Party, at present anyway, must try to appease his extreme left-wing constituency, which includes such people as the Labour M.P. Michael Foot, in order to win votes. It is unfortunate, though, that these latter two countries would use whatever power of sanction against Greece, possessed by such organizations as the Council of Europe, the European Economic Community and others of which they may be members, in order to fulfill selfish, internal, political interests.

COUNCIL OF EUROPE

And, as for the Council of Europe, a consultative assembly of nations, which acts as the mouthpiece for the criticism directed against the present Greek regime by the six above mentioned nations, a few remarks should be made about the report its Human Rights Commission published on Greece. (The Council of Europe had eighteen member nations, until Greece was forced to resign from it in December, 1969.) It is not within the scope of this paper to consider in detail this report of the Human Rights Commission, but some comments on the sponsors of this report as well as on those who helped the Commission compile this basically slanderous report on the Greek regime should be borne in mind, as one examines this report published by the Human Rights Commission of the Council of Europe.

Firstly, the Greek politicians, such as Andreas Papandreou, and others, who greatly assisted the Commission in its compilation of the report, by supplying it with witnesses who were to testify as to whether "torture is an accepted administrative practice of the Greek government," and as to whether there existed in the days and months immediately preceding the coup of April 21, 1967, a situation grave enough to justify the present regime's seizure of power, are precisely those individuals who were, for the most part, the cause of Greece's pre-coup problems. So, how can one believe that such people could ever contribute to the presentation of an objective report on the present Greek regime?

Secondly, the handful of moderately conservative opportunist politicians, already discussed, who testified before the Commission that there was no Communist threat existing in Greece before the present military government took power on April 21, 1967, are precisely those who published public statements in the papers during the chaotic months immediately preceding the coup stating the opposite—i.e., that Greece had entered its most dangerous period in its post World War II history, since it was so threatened by an immediate Communist takeover. But, of course, both statements cannot be true simultaneously.

Thirdly, one should consider the character of those appointed by the Council of Europe to examine all the evidence obtained through testimony or through reports. For example, the jurists and lawyers, appointed by the Council of Europe to consider the voluminous amount of documented evidence (for example, newspaper excerpts) compiled by the Greek regime justifying the coup and showing that a real Communist threat existed, labelled this evidence as positive, but insufficient to warrant the military takeover. Of course, one should not be surprised by their verdict, since these men share the philosophy of law and justice of such American jurists as William O. Douglas, Associate Justice of the United States Supreme Court.

Fourthly, the people who testified as to whether "torture is an accepted administrative practice of the present Greek regime" are precisely those who are the most likely to narrate the most extraordinary and false stories of torture and mishandling of prisoners. For, since the Commission to whom they confess their "tortures" is composed of individuals who are already avowed enemies of Greece, they have good reason to believe that such slanderous reports would constitute a handicap for the Greek government and an asset for their partisans, the regime's

XUM

opponents. Should such a Commission constitute the *impartial* jury for this "trial"?

"TORTURE" DECLARATIONS

And, finally, another observation about the ambiguous circumstances under which these "torture" declarations were made should be cited. I shall give one of many examples which illustrates this ambiguous character of the investigatory proceedings of the Human Rights Commission of the Council of Europe, during the compilation of its current report on Greece.

In the winter of 1968–1969, a political detainee in Greece, Mr. Pandelis Marketakis, who, according to the Council of Europe, had been "tortured" by the Greek authorities, was sent to Strasbourg by the Greek government to testify that he had not been tortured. The night prior to his testimony before the Commission, he suddenly disappeared. He reappeared the next day, accompanied by Andreas Papandreou and some Scandinavian delegates, and proceeded to testify at Strasbourg that he had been tortured. He then went to either Sweden or Norway, where he was granted political asylum and a job to support himself. A week later, Marketakis appeared at the Greek embassy there, and demanded protection. He declared, to the embassy officials, that as he was circulating in his hotel, the night prior to his testimony, he was approached by an armed man who threatened to kill him if he did not follow. He, Marketakis, was then taken to Mr. Andreas Papandreou, who, in the company of a Scandinavian representative, offered him a given sum of money and political asylum either in Norway or Sweden, if he agreed to testify against Greece, by saying he had been "tortured." Moreover, they threatened to kill him, should he refuse to accept—at least this is the story Marketakis related to the Greek embassy in that Scandinavian country. After a few days, Mr. Marketakis again testified at Strasbourg, stating that he had not been tortured, and that what he had originally said was false. He then returned to Greece.

As one can clearly realize, the least to be deduced from the above observations, is that the investigations conducted by the Commission and its final conclusions, as stated in its report on Greece, are not as reliable as some of the sponsors of this report, published by the Human Rights Commission of the Council of Europe, would like the free world public to believe. But, how can one ever expect a report, sponsored by those nations and individuals, already discussed, who are the most outspoken critics of the present Greek government, ever to be impartial and reliable?

As a footnote to the comments made on this report of the Human Rights Commission, it should be added that, allegedly because of the conclusions drawn by the Commission about the present Greek regime, a number of the members of the Council of Europe, for example, Italy, England, and Sweden, have openly said that they have "scruples" about preserving a number of their principal economic ties and agreements with Greece, because of the "repressive" nature of its government. However, a few weeks ago England and Italy signed separate trade agreements with Bulgaria; we have already spoken of Sweden's extensive economic aid to North Vietnam as well as its trade agreements with other such countries. Is it, then, plausible, to an impartial observer, to believe that these latter countries are only guided by their preoccupation with preserving "a clean and moral political conscience" in all their relations with the countries of the world?

LEFT-WING MEDIA

The final "enemy" of Greece I shall consider in this paper, and the one which acts as the main mouthpiece for all the enemies of Greece described above, is the free world's left-wing mass media (television, radio, magazines and newspapers), which considers itself as the spokesman for the "majority of free world public opinion." To begin with, what is the nature of this "enemy" of the present Greek regime? As we all know, the majority of the Western world's public news media has, to say the least, a left-wing, liberal orientation. Owing to this particular orientation, the mass media is quite capable of presenting any false rumours and inadequate truths or facts as the *only* existing reality. And since it chooses to obtain its information from only those sources which agree with its viewpoints on the world situation, its news is very one-sided. Of course, the reports given on events and situations by such a media are, to say the least, slanted and far from accurate.

In order to justify the above allegation, I shall consider the observations made by the reflective, well-informed individual, as he daily reads and listens to the news. This daily reader of newspapers and magazines should observe that he always comes to read about the abominable torture, brutality, injustice, and general maltreatment of the citizens of certain nations which, ironically enough, are, to a large extent, identical in character—they are all strong opponents of international Communism, and they are all ruled by a more or less traditionally strict, conservative government. Obviously then, these "repressive and tyrannical" governments of the countries, described above, belong to the non-Communist camp. Greece happens to be one such country which finds itself on the Western press's "black list." Other such "blacklisted" countries include Portugal, Spain, Brazil, Guatemala, the Republic of South Africa, and others. Concurrently, the above-mentioned daily reader of newspapers and magazines should notice that he reads next to nothing about the most abominable atrocities committed by the Communist nations, whether they be the horrible tortures conducted in the Russian concentration camps and "psychiatric wards," the purges conducted in the satellites (the latest purge being the one which has been taking place in Czechoslovakia since the invasion of August, 1968, and up to the present day), the massacres carried out by the North Vietnamese, or the daily persecutions of the masses carried out by the Communist Chinese. This same reader should recall that the all too well-known atrocities of the Nazis during the war have been covered in detail, since the end of World War II, and have furnished the subject for numerous movies, documentaries, and books. However, this same reader of the daily papers, throughout the years, would have great difficulty in remembering that the same interest was (and is) given to the mass purges of Stalin (1934–1937), to the bloody Hungarian invasion of 1956, to the construction of the Berlin Wall in 1961, or finally, to the invasion of Czechoslovakia in August, 1968. Obviously the impartial observer, who carefully takes note of the above, to say the least, irregularities of Western reporters and editorialists, must have great doubts regarding the reliability of the information given by this western public news media.

Small wonder, then, considering this particular orientation of the Western public mass media, that the normal individual, who knows nothing about the situation in Greece, would tend to be, to say the least, against the present Greek regime. For, how can one expect an individual to hold anything but a negative view of the Greek regime, when one considers the personalities, the various newspapers, magazines, and television and radio stations choose to consult, in order to "inform" the public of the Greek situation? First and foremost, the Western mass media chooses to consult Mr. Andreas Papandreou on his views of the present Greek regime; he appears at least twice a month on many radio and television programs throughout Western Europe and the United States. Secondly, it chooses to ask Mr. Mikis Theodorakis, who was allowed to leave Greece hardly two weeks ago, for his opinions of the government of Prime Minister Papadopoulos. In fact, since his release from Greece, he has already been interviewed four times on the French radio and two times on the B.B.C. (the British Broadcasting Corporation). Thirdly, it chooses to read on the radio or publish in newspapers and/or magazines excerpts from only those books published which slander the present regime. (For example: one written by the left-wing economist of Columbia University and colleague of Mr. Andreas Papandreou, Mr. Stephen Rousseas; or, the one by Andreas Papandreou, published this spring; or the one written by the wife of Andreas Papandreou entitled *Nightmare in Athens*). And, if any article is written, or public statement made in favor of the present regime, it, the Western public mass media, chooses to ignore such expressions of a viewpoint opposite to its own.

An exemplary case, to show the extreme prejudice of this Western news media, is the letter written by the widow of the late George Papandreou, former Prime Minister of Greece and father of Andreas Papandreou, to Mr. George Papadopoulos, Prime Minister of the present Greek government. (During the funeral ceremonies of the late George Papandreou, a number of minor incidents occurred in Athens. It was to express her indignation for these incidents, as well as her support for the present Greek government, that Mrs. Kyveli George Papandreou wrote the aforementioned letter to Mr. Papadopoulos). I shall give a few excerpts from this letter, which was published by the Athens daily newspaper, *Eleftheros Kosmos* in its edition of November 23, 1968.

"Mr. President, you will permit me on this occasion to express the feelings of a Greek woman who has closely, and with great interest followed the political life of her country for many years. I feel the need to confirm to you my moral support, since I believe that the Revolution of the 21st April, 1967 saved Greece from a Communist dictatorship. And because I am a mother and a grandmother and a great-grandmother, I want my children, my grandchildren and my great-grandchildren to enjoy a healthy and free life and not to be the victims of a Communist dictatorship. Those who love and revere our country (Greece) will always support you. May God bless your beneficial work and spare you from all dangers. In conclusion, I can only wish that you remain perseverent in your salutary task for many years to come, so that Greece remains a country of honourable and prosperous people." (Signed, Kyveli George Papandreou)

Naturally, the Western public news media breathed not one word of this important letter—important for those impartial observers of the Greek situation who want a balanced picture of the present situation there.

Obviously, then, after having considered the orientation of the Western mass media, as well as having examined the many irregularities in its reporting of events, one can easily determine the real identity of the "majority of free world public opinion" which this mass media claims to echo. This so-called "majority of free world public opinion" is nothing more than the vociferous and irresponsible minority of the world's left-wing liberals and radicals whose opinions, statements, and actions are shrewdly magnified and idealized by the Western public mass media, in such a manner that these actions and statements of the vociferous minority of the free world seem to represent the whole truth, which is, furthermore, accepted by the majority of the free world. Yes, this minority has the loudest voice, definitely, but it does not represent the opinion of the majority of the free world's citizens, thankfully. Therefore, one can now

XUM

realize that those who claim to represent the "majority of the free world's public opinion" on Greece, are none other than those individuals and nations, already mentioned, who are the "enemies" of Greece.

THE SLANDERS

Now that we have described Greece's main enemies and determined the true identity of "those who represent the majority of the free world's public opinion," we should consider the various, slanderous remarks these enemies constantly pronounce in the mass media.

(1) *Torture*

Firstly, we should consider their allegation that "torture," and they take great delight in describing in minute detail these "tortures," is an "accepted administrative practice of the present Greek government." To begin with, it should be noted that not one single citizen has been executed since the military takeover on April 21, 1967, not even the would-be assassin of Prime Minister Papadopoulos in August, 1968, Alexander Panagoulis, who was caught red-handed. To this fact, even the enemies of Greece have to agree. It should be also pointed out that in Greece, presently, there are one-thousand political prisoners, out of a total population of over nine million, who have been officially acknowledged by the International Red Cross. Of these one-thousand prisoners the majority are men and women, condemned as dangerous Communists by the civil and military tribunals, during and after the Greek civil war (1946–1949), because of their participation in the bloody massacres of unarmed civilians. Obviously, then, the majority of these one-thousand prisoners has been under detention since 1949—i.e., for eighteen years, prior to the military coup of April 21, 1967. In actuality, therefore, the present regime has fewer than one-thousand political prisoners. In fact, the present regime's political prisoners consist of a number of dangerous anarchists and left-wing radical politicians, in addition to about forty ex-army officers, who have proven themselves dangerous to the security of the nation. Moreover, most of these latter prisoners are not really in prison, but are rather under house arrest—i.e., they are either allowed to live in their own homes, while being restricted in their normal activities; or they are sent to an island, where they are given a house of their own, funds sufficient to live on, and a limited amount of recreation. Yes, these latter prisoners are restricted, but definitely not in the manner described by the "enemies" of Greece.

In fact, one might very well question the validity of all the "horror stories" narrated by the enemies of Greece, to the free world. The International Red Cross evidently does not agree with the "enemies" of Greece about the fate of these one-thousand people, since the report issued by the International Red Cross Committee, that visited Greece's prisons and other types of detention areas, was more than favorable (I have included a pamphlet, published by the International Red Cross and the British Interparliamentary Committees after visiting the Greek prisons, which refutes all allegations of torture and mistreatment of prisoners. There is another similar pamphlet, published in the fall of 1969 by the International Red Cross, but, unfortunately, I do not have a copy. And, seemingly, the present government has no "tortures" and other "repressive measures" to hide from the world, as the enemies of Greece lead us to believe, since it allows the *free* inspection of all prisons—have we ever heard that such permission was granted to the International Red Cross by Communist nations? However, the Western public news media and the "enemies" of Greece choose to ignore such reports, and prefer to continue narrating the most extraordinary and incredible "histories of torture." One might wonder, though, how many of these political prisoners manage to "escape" to Western Europe, if they are really chained and tortured, as described by Greece's "enemies"—can one conceive of these men so easily escaping from a Russian detention camp or political exile? Yes, one really begins to doubt the truth of these "horrible tales of torture," when one remembers that four well-known political prisoners managed to escape from their "indescribably hellish existence," three successfully.

The three political detainees I am referring to, who successfully "escaped," are: Mr. Constantine Mitsotakis, ex-Centre Union Parliamentarian, who was under house arrest; Mr. George Mylonas, an ex-left-wing, Centre Union Parliamentarian, who was also under house arrest, managed to "escape" to Europe in 1969, and now circulates in Switzerland and Washington, D.C., lobbying against and slandering the present Greek government; and Mr. Pericles Korovessis, a well-known leftist radical, who has almost made it a profession to write slanderous articles against Greece, in magazines and newspapers throughout Western Europe and the United States, which bear no resemblance to reality. The other political prisoner I am speaking of is Mr. Alexander Panagoulis, the would-be assassin of Prime Minister Papadopoulos in August, 1968, who was caught red-handed and was wanted for desertion from the armed forces and for other felonies and misdemeanors, who escaped, a year ago, from his cell, but was recaptured after four days. One wonders how he ever managed to escape, since, barely a week prior to his escape, the Western news media published an article stating that Mr. Panagoulis was inhumanly chained to a pole within his cell, and was brutally tortured daily, so that he could hardly walk or move. Could he really have escaped if so chained and tortured? As a footnote to these adventures, we should recall that, just recently, the police said that Panagoulis attempted to commit suicide in his cell. According to the "critics" of Greece, however, this attempted suicide is nothing but a story, manufactured by the police, to justify killing him by torture. Yes, just one more example, among many, of their malicious distortion of facts.

(2) *Political Prisoners*

Secondly, the "enemies" of Greece tell us that the Greek government is deaf to all pleas, by the "free world public opinion," that clemency be shown its political prisoners. Is this accusation true?—Seemingly not. The Greek government agreed to free, for "reasons of health," Mr. Andreas Papandreou himself, and allowed him, his wife, and family to leave Greece. In return, Mr. Andreas Papandreou promised to return to his academic career as a university professor, and to abstain from slandering Greece and indulging in seditious activities. Did he keep his promise?—Certainly not.

Two weeks ago, Mr. Mikis Theodorakis was also liberated and allowed to leave Greece, for "reasons of health," if he promised, and he did, to abstain, likewise, from slandering Greece and indulging in seditious activities. Indeed, hardly one week after liberation, he publicly called for the organization of a "people's struggle" against the present Greek government. At this point, one begins to wonder who is really of good will, the Greek government or the "enemies" of Greece? Obviously, Mr. Andreas Papandreou and Mr. Mikis Theodorakis have not shown any good will or qualities worthy of gentlemen, but, of course, it was probably a mistake to have ever considered that these two individuals could ever show any good will toward the colonels, or anyone else.

(3) *Punishment*

Thirdly, the "critics" of Greece accuse the present Greek government of being "abominal tyrants, who impose extremely severe and unjust punishments on those accused of sedition and/or crime." Is this accusation valid?—Seemingly not. If one examines the sentences given to the thirty-four people, the members of the anarchistic terrorist organization, euphemistically called the "Democratic Defense," tried for sedition and minor bombings committed during the summer of 1969, one will recall that of these thirty-four, one was given life-imprisonment (The one given life-imprisoment, Mr. Karageorgas, a left-wing radical university professor, was the leader of this terrorist clan; he also was the cause of his clan's betrayal, since one of those bombs, exploded in his hand, maimed him, by blowing off his hand, and thus led to his arrest. No one, not even he, himself, could contend that he was innocent. And, furthermore, he was also found guilty of blackmailing certain of his female students into joining his terrorist organization, under the threat of failing them in the exams, should they refuse.), four were given sentences from ten to eighteen years, four to five were acquitted, one who was half French and half Greek and had been sentenced to eighteen years, Mr. John Starkis, was pardoned, released, and allowed to return to France, and the rest were given prison terms from 2 to eight years. Obviously, considering the gravity of the offense, these sentences were not excessively severe. Also, if one examines the punishment given the Arab terrorists, who attacked an Israeli airline at Athens International Airport in roughly the same manner as another group of Palestinian guerrillas attacked another Israeli plane in Zurich, Switzerland, one will recall that the Swiss courts gave the terrorists a twelve year sentence, while the Greek courts handed down a sentence of fourteen years. Seemingly, the present Greek military government is far less "tyrannical" than its critics would like the free world to think.

And why do the enemies of Greece pronounce these various slanders against the present Greek regime, which are, to say the least, of questionable credibility? They spread these slanders, and especially the allegation of torture, in order to incite the one-sided, bleeding-heart liberals, left-wing radicals, and their fellow travellers, who are obsessed by the desire to crusade for the "cause of freedom," to help the Greek "forces of resistance," by raising their already deafening voices in the name of, what they like to call, a "free" Greece. In other words, the enemies of Greece hope that, by making these torture allegations, their best criticism of the present regime since they have no really concrete criticism, serve as a black mark against the present Greek government, they will win sympathy in the free world as the "defenders of true freedom."

And what about the isolated bombing incidents which, according to the "enemies" of Greece, as echoed through the Western public mass media, "confirm that the majority of the Greek people are violently opposed to the present regime, and are prepared to overthrow their tyrannical and unjust government"? These isolated bombing incidents, which are definitely not more threatening than those set in other Western nations, like Germany, Italy, and the United States, and are, in fact, of much less intensity than those which explode daily in strike-ridden Italy, (i.e., In Greece, one or two plastic bombs explode now and again.), are used as are the allegations of torture, to gain sympathy for the "struggling and enslaved Greek peoples," among "free world public opinion." It should be pointed out, though, that these plastic bombs which do occasionally explode, are definitely not the sole work of the "patriotic Greeks who are struggling against this tyrannical regime," as the "enemies" of Greece would like us to believe. In fact, it was discovered during the sedition trial of the thirty-four members of the

XUM

aforementioned "Democratic Defense," that the majority of the funds for this organization came from Jules Dassin, a foreigner, and Melina Mercouri, Greek, yes, but not one residing there, and that the ten to twelve plastic bombs used had been given by Andreas Papandreou to a Swede, who, in turn, imported them to Greece, where they were assembled and planted by the lawyers, jurists, professors, etc., who were members of this "Democratic Defense."

If the Greek "peoples" were so united against the present government, it seems unlikely that lawyers, jurists, and professors would be the ones planting bombs. Secondly, the bombing incidents are used by the "enemies" of Greece, in order to frighten tourists away from the country, with the hope that, by ostensibly decreasing one of the Greek government's main sources of income, i.e., tourism, the budget will be crippled, and the government will thus be weakened. And finally, bombs are planted occasionally, so that sometimes, as in the case of the "Democratic Defense," a few people are arrested, so that the "enemies" of Greece and, as we have mentioned, their spokesman, the Western public mass media, can scream that the "poor struggling masses are tortured"—i.e., the bombs are used to provide a specific incident which the "enemies" can magnify and distort, in order to prove that the legitimate rights of the individual are violated. The question should be posed; whose rights are being violated? Obviously, the rights of the arsonists and anarchists are the only rights being "violated" here, and definitely not the rights of the majority of the Greek people, as the enemies of Greece like us to believe.

One really begins to wonder how all the slanderous falsehoods spread by the "enemies" of Greece, through their main spokesman, the Western public mass media, about the present Greek military regime can be allowed to circulate so freely in the Western free world. We can only be thankful that their viewpoints do not represent the "majority of the free world public opinion" as they claim, for if such viewpoints were shared by the majority, it would indeed be a sad day for the Western free world.

GOOD CONSCIENCE

I believe the most adequate way to conclude this section, which has tried to outline the nature and character of the "enemies" of Greece and to refute some of these "enemies' " slanderous allegations about the present Greek regime, is to point out an undeniable fact. The two major individual "enemies" of Greece, who like to consider themselves as the leaders of the opposition against the present regime, Mr. Andreas Papandreou and Mr. Mikis Theodorakis, no matter what they say and do in western Europe and the United States, symbolize and represent, because of their physical presence outside Greece, the most adequate refutation of whatever slander they may emit against the present Greek government. For, it was not really "public opinion" which forced the Greek government to free these two men, but, rather, the good conscience and credibility of the leaders of the present regime. One need only imagine the Western European nations demanding, for humanitarian reasons, the freedom of the Russian general, General Grigorienko, from his prison asylum, where he was dumped for criticizing the Russian authorities, to realize the genuine character of the leaders of the present Greek government. For, whereas, the Greeks did free the two previously mentioned individuals and allowed them to leave Greece, for "reasons of health" and, also, supposedly because of "world public opinion," the Russian authorities would have given the western public an emphatic no to its demand, telling it to mind its own business, and not to meddle in their internal affairs. But, of course, such facts of life escape the minds of western editorialists and western bleeding-heart liberals, in general.

Therefore, after finally unmasking the true character and nature of Greece's "enemies" who so viciously slander the present Greek regime, one can only conclude that the best way (and only way) to learn the truth about the present, particularly satisfactory condition of the Greek people and about the true character of their leaders, is to visit Greece and see for oneself, since, obviously, one can never ascertain the true realities of the Greek situation by listening to the western public mass media, the spokesman for the "enemies" of Greece. The only way an impartial observer could draw any valid conclusions about the Greek government from all its "enemies" say, is to abide by the principle that an institution or individual may be accurately judged by the overwhelming identical nature of its enemies. Since, as we have mentioned, most liberals and radicals of all types seldom criticize Communism and Communist tactics, but, on the contrary, always criticize western conservative governments and institutions, one may conclude that Greece's present government is far from being "worthy" of slander, but, rather, is worthy of praise.

DEVOTION TO NATIONAL WELFARE

As we have seen throughout this document, the present leaders of Greece, who are mainly from middle-class, traditionally minded families, are genuinely devoted to the well-being of their country. They are not opportunists; they did not seize power for its own sake. But rather, these austere and simple men, who believe that our western traditional morality, (i.e., that one should honour his flag, respect his family and elders, and honour his church), as well as our western (traditional) socio-economic and political systems are well worth preserving, seized power with the genuine conviction that, in so doing, they were saving their country from the worst of all fates—Communism. These men cannot possibly be rationally called Fascists, as do the enemies of Greece, since they, the present leaders of Greece, heroically fought the Italian and German Fascists during World War II. In fact, they are no more "Fascist" than is Senator Barry Goldwater, Republican from Arizona, who expressed his socio-political philosophy in the work *Where I stand*, and with whom the present leaders of Greece would share many viewpoints. They are only "Fascist" if one considers men, who literally adhere to the classical definition of freedom, (which guarantees everyone a responsible freedom to act within the confines of a country's laws and customs, as described above) and who scrupulously abide by all international laws and agreements, as "Fascist." In such a case, they are definitely "Fascist," since they have brought a relatively greater prosperity for their country and a higher general standard of living to its people, by maintaining, through the enforcement of a respect for law and others' rights, (i.e., through the enforcement of traditional freedom, as mentioned above), the political, social, and economic stability of their country. Likewise, in such a case, they are also "Fascist," since they have remained devoted to the Western cause of freedom and to its defense, by being faithful to the North Atlantic Alliance, (NATO).

In fact, it should be pointed out, that, in spite of the fact that Greece is one of the smallest and poorest countries of NATO, it is one which tends to dedicate a sizable part of the national budget for defense; also, Greece is one of the only members of NATO which has given its staunch moral support to the American cause in Vietnam. I suppose though, that these last two comments would also help label the present leaders of the Greek government as "Fascist", by the "enemies" of Greece, since they, the "enemies" of Greece, have not struggled, as the colonels have, against the assault of the Communist guerrillas, supported by Moscow, during the Greek civil war, (1946–1949), and therefore cannot know, or will not realize, the true dangers, atrocities, and terror World Communism can bring to a country.

Owing, therefore, to the total inability, willful or not, of the "enemies" of the present Greek government to realize the various and real dangers they bring to Greece in their efforts to "free" this country from the "tyrannical" rule of the colonels, and to "reestablish democracy," the impartial and rational observer, judging from the various observations, made in this paper, as well as from the general analysis of the Greek situation given here, one can only conclude that the only way to restore to Greece a parliamentary type of government is to let the present leaders gradually, and in accordance with the local situation and environment, return to parliamentary democracy. For, as should be clear by now, the present leaders of Greece are the ones who are genuinely interested in preserving a free and democratic Greece, and not their irresponsible "enemies" who have shown, in the two tumultuous years preceeding the military takeover of the 21st April, 1967, as well as in the years following this coup, the real nature and character of the "free, independent and democratic" Greece they hope to establish. Yes, it is clear, by their various statements, that the "enemies" of Greece call for a return to a democratic and parliamentary rule, in order to use the electoral systems and genuinely democratic institutions and freedoms to abolish them forever, since, up to the present day, not one single nation, turned Communist, has ever succeeded in shaking off its tyrannical yoke. Certainly the world is turned upside down when the "defenders of freedom" really want to establish the most tyrannical, totalitarian system ever known in history, and when the so-called "destroyers of freedom" really want to preserve the institutions and freedom of our western democracies!

Respectfully yours,

(A Greek citizen).

Mr. THURMOND. Mr. President, the elimination of military aid to Greece because of the junta is unrealistic and a serious threat to our own security. There is also ample evidence that the Greek Government is pursuing democratic policies.

Mr. President, in November 1968 the right to strike and in general the right to assembly were restored. During August 1969 some constitutional guarantees concerning arrest and detention, trial of civilians, press, and property were restored.

In my judgment, to cut off military aid to Greece is a classical example of the old cliche which states, "We will be cutting off our nose to spite our face."

Mr. President, I have an impressive document from the Department of Defense which clearly presents the vital need to maintain our aid to Greece. I am confident it will convince my colleagues to vote against this amendment if they have any interest in NATO and our national security.

Mr. President, I ask unanimous consent for this DOD document entitled "Points in Opposition to the Hartke Amendment on Greece," to be printed in the CONGRESSIONAL RECORD following these remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

XUM

POINTS IN OPPOSITION TO THE HARTKE AMENDMENT ON GREECE

Shortly after the coup in April 1967, the United States instituted a selective suspension policy on the delivery of major military items programmed under its military assistance program (MAP) for Greece. However, other equipment, supplies and services programmed for Greece under MAP have continued.

U.S. policy toward the delivery of excess equipment and U.S. sales (for case or credit) or by commercial suppliers of military equipment to Greece has been consistent with the suspension policy on grant aid.

Following the Czechoslovakian crisis, the U.S. agreed to some exceptions to the suspension policy with particular reference to those items whose end-use supported a NATO requirement. Other than these exceptions, the selective suspension policy remains in effect.

The application of this policy was intended as practical evidence of U.S. concern over extra constitutional developments in Greece.

The Administration is actively reviewing our military supply policy for Greece. Any determination by the U.S. on the full resumption of shipments of major items will take into account Greece's position in NATO as well as other factors relevant to U.S. interests in Greece.

The decision to begin full shipment of military assistance items to Greece has not yet been made.

The current Greek regime is completely committed to Greece's participation in the North Atlantic Alliance which was established to preserve the security of the West. NATO remains cornerstone of Greek foreign and military policy. NATO is a defense alliance, Greece is an important ally strategically and solidarity within NATO is of utmost military importance. In order to further the strategic purposes of the NATO Alliance it is important for the U.S. to maintain a close working relationship with the military forces of Greece. This activity has not been directly related to our attitude toward the character of the various governments which have ruled Greece since it joined NATO in 1952. This amendment would have a seriously disruptive effect upon that relationship, not only by restricting the flow of military equipment but by eliminating important training programs.

The modernization of Greek military forces has been considerably retarded by our policy of withholding the shipment of major items of military equipment. A curtailment of U.S. military assistance (grant and sales) to Greece would be an act of folly, particularly in light of the growing activity of the Soviet naval squadron in the Eastern Mediterranean.

In addition, a complete curtailment of U.S. military assistance could well affect the important naval, air and communication facilities Greece makes available to the U.S. These facilities have not as yet been effected by the suspension policy which is now over 3 years in duration.

The loss of access to these air, naval and communication facilities would be irreplaceable and coupled with the loss of facilities at Wheelus would completely unhinge our entire defensive position in the eastern Mediterranean.

During the past three years the Greek Government has acted in a number of ways which have offended important segments of international opinion and served to perpetuate the atmosphere of skepticism about its intention to return to parliamentary democracy. Some of these acts have been purges of the Judiciary and the Universities; reports of torture, etc.

Perhaps most frustrating to the dedicated critics of the Greek Government is the regime's insistence upon the rightness of its cause, its determination to proceed at its own pace toward a more normal governmental situation and, indeed, its continued existence in any form. The current Greek regime views its sudden acquired power as a trust to be administered with the utmost integrity in order to bring about stability and return to constitutional norms. The current regime is acting in this manner. It has been criticized for inexperience in the political arena but not for the lack of honesty.

Nonetheless, the Greek regime has asserted its intention to restore civil liberties and parliamentary government.

In September 1968, the regime presented a new constitution, which was approved in a referendum by a substantial majority of the populace. Subsequently, the regime announced plans for the validation of a number of key constitutional provisions covering civil liberties and the right to form political parties.

During November 1968, the right to strike (for labor grievances only) and in general the right to assembly were restored.

During August 1969, some constitutional guarantees concerning arrest and detention, trial of civilians, press and property were restored.

Other acts that the Greek regime committed itself to during 1969 in moving to more democratic norms were the abolishment of courts martials except for alleged crimes against law and order and national security; and a new press law, along with the conclusion of an agreement with the International Committee of the Red Cross for inspection of all places of detention.

More importantly the Greek Government announced that in accordance with a specific timetable, to which it has thus far carefully adhered, the institutional structure of a democracy prerequisite to elections will be in place by the end of this year. This timetable is a public commitment on the part of the Greek Government. It seems to be a reasonable time element, i.e., the end of this year. A yardstick has now been established to measure the Greek regime's performance. Some patience and restraint should be exercised by all, as the Greek regime seems to be moving ahead in the direction to establish democratic norms.

In the past, Greece has met similar situations before and appears to be on the way to solving the present one. Greece can be helped by sympathetic understanding rather than by censure. Through the years the collective strength of NATO has been more important than national policy differences which have and will continue to exist among member nations. The U.S. respects the efforts of the individual members of NATO to solve their domestic difficulties, just as they respect our efforts to solve our own internal problems.

The free world members can ill afford to undermine NATO defensive purposes and might do so by indicating their continued displeasures with respect to the efforts and practices of the Greek regime. There are other and better methods that can be utilized. Terminating military assistance to an ally of more than 20 years is not the way to do it.

Mr. COTTON. Mr. President, will the Senator from Idaho yield me 5 minutes?

Mr. CHURCH. I yield 5 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER (Mr. BOGGS). The Senator from New Hampshire is recognized for 5 minutes.

Mr. COTTON. Mr. President, I desire to register my opposition to the amendment. I recognize the arguments that have been presented but, first, when we start singling out nations and eliminating them from the possibility of receiving aid under this bill, regardless of what circumstances may arise, in my opinion, we are needlessly and gratuitously slapping those nations in the face.

To be sure, the present Government of Greece is not entirely satisfactory. It is far from satisfactory to many Americans or, for that matter, of course, to many Greeks. Nevertheless, governments come and go but our friendship with Greece has been too long and too abiding to be arbitrarily cast aside. How long this government will be in power is a matter of conjecture. Furthermore, if we deprive the President of the United States of the leverage of being able to control military assistance, we deprive the President of the United States and the Secretary of State of the United States of a certain sphere of influence. One of these days that may be valuable in assisting the restoration of true democracy in Greece, if the present Government continues to prove itself to be repressive.

More than that, it is not just a matter of NATO. The comparison drawn by the Senator from Rhode Island (Mr. PELL) does not seem to me to be entirely valid. It is not a matter of whether Norway or Denmark, or some other country, is more interested in NATO, or more dependent upon NATO; but here is Greece, situated on the threshold of the Near East on the Mediterranean. The Mediterranean is fast becoming—as the Iron Curtain countries and the Soviets add constantly to their fleets in that sea—a critical area of influence.

Here we have a problem in the Far East with the Israelis and the Arabs, and the extension of Soviet influence. And here is Greece, right on the threshold.

It would seem to me to be ill advised—and I am not defending the present regime in Greece—for Congress, arbitrarily, to exclude Greece from this measure.

It does not follow at all that military aid will be extended. It depends much on the circumstances. The President of the United States can be trusted to take those circumstances into consideration.

Mr. President, I find myself affected by certain sentimental feelings in this matter. We are on the eve of another Fourth of July. I shall never forget, a few years ago, when I found myself in Athens on the Fourth of July, at a time when we were beginning to hear a good deal of anti-American sentiment in many quarters of the world, including from our erstwhile friends in Europe.

To my surprise I found that the Greeks celebrate the Fouth of July. I found that the band in the square played the "Star Spangled Banner," followed of course, by the Greek national anthem.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CHURCH. Mr. President, I yield 1 additional minute to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 1 additional minute.

Mr. COTTON. Mr. President, I found the address of the American Ambassador to be well attended. There was an unrestrained feeling of friendliness, caused undoubtedly by our years of close cooperation and the aid that Greece had received as well as by the fact that many of our finest citizens in this country are of Greek origin.

Mr. President, I hope that we will not point to Greece and select Greece as a nation to be arbitrarily excluded from the bill.

Mr. GRIFFIN. Mr. President, would the distinguished Senator from Idaho yield me 2 minutes?

Mr. CHURCH. Mr. President, I yield 2 minutes to the Senator from Michigan.

The PRESIDING OFFICER (Mr. BOGGS). The Senator from Michigan is recognized for 2 minutes.

Mr. GRIFFIN. Mr. President, I wish to associate myself with the remarks made by the distinguished Senator from New Hampshire and commend him for presenting so succinctly and logically the arguments against the amendment.

It would be very unwise, as the Senator from New Hampshire has pointed out, if the Senate were to agree to the amendment. We should not try to dictate the internal political affairs of another NATO nation, particularly so long as that nation is trying to meet its treaty obligations. Whether or not we individually agree with the present regime of Greece, Greece is a member of NATO. And NATO is a very important instrumentality, particularly as the Soviets move deeper and deeper into the Mediterranean. Needless to say, we are confronted with a very difficult and delicate situation to handle in the Middle East at the present time.

It would seem to me that we would damage our own interests in the Middle East more than we would damage the ability of the present Greek regime to stay in power if we were to adopt an amendment such as that offered by the distinguished Senator from Indiana (Mr. HARTKE).

Mr. President, I hope that the Senate will follow the lead of the distinguished Senator from New Hampshire and reject the pending amendment.

Mr. PELL. Mr. President, will the Senator yield for a question?

Mr. GRIFFIN. I will yield if I have the time to do so.

Mr. PELL. Mr. President, is the Senator aware that if the pending amendment is agreed to that, because of the assistance presently in the pipeline and the leeway given to the President, there need be no actual stoppage in shipments of equipment to Greece?

If the present Greek regime actually moves even a step in the direction of elections and states that it intends to hold them by a specific date, the shipment of munitions can be resumed within a year. There would be no stoppage in that event.

If the Senator aware of that?

Mr. GRIFFIN. The Senator mentions the period of a year. That could be a very long time. I understand that the amendment contemplates action by Congress. Is that a correct statement?

Mr. PELL. Absolutely. Whenever elections are called and the President asks that this amendment be changed, the Senator can be very sure that it will be.

The PRESIDING OFFICER (Mr. BOGGS). The time of the Senator has expired.

Mr. CHURCH. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Idaho has 5 minutes remaining.

Mr. CHURCH. Mr. President, I support the amendment introduced by the distinguished senior Senator from Indiana.

The question of barring additional military aid to Greece was discussed during the committee's consideration of the military sales bill; the issue was not put to a vote, however.

In considering this amendment, I hope my colleagues will recall that in last year's foreign aid bill the Committee on Foreign Relations recommended that military aid to Greece be suspended. In its report on the bill the committee stated:

> The purpose of this prohibition is to demonstrate to the Greek government, and the world, that the current military regime does not enjoy the backing and support of the U.S. Congress . . .
>
> The United States should not supply military aid to governments whose actions are anathema to our own principles.

By the narrow margin of 45 to 38, the Senate failed to endorse the committee's recommendation. In view of the developments in Greece since the Senate's action, I think it is even more regrettable that this body did not register its disapproval at that time—when it could have said to the generals in Athens that "this country will not give you any more arms to use to repress the freedom of your people."

But, fortunately, we now have an opportunity to correct that mistake. Since the coup in 1967 the United States has agreed to supply a total of nearly $300 million in additional arms to Greece—through the grant, sales, and surplus programs. A considerable amount of this is piled up in warehouses, undelivered because of the partial restriction on shipments—which amounts to but a tap on the wrist of the generals. We should not glut this pipeline of open support further. We should draw the line on further aid and say that the U.S. Senate does not wish to give more weapons to a government that demonstrates its utter contempt for the democratic values inscribed in the premable to the NATO Charter.

I hope that the Senate will adopt the amendment.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. CHURCH. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I should like the author of the amendment to listen to this colloquy.

I notice that the first clause of the amendment reads "unless specifically authorized by law hereafter enacted."

Does the author of the amendment and the manager of the bill contemplate that, if we authorize a program for Greece which is discharged, this amendment would not foreclose submitting and getting together to go ahead with it and that it might be much larger than $300 million?

Mr. HARTKE. Mr. President, the Senator from New York is entirely correct in his statement.

Mr. CHURCH. Mr. President, I hope the Senate will agree to the amendment of the Senator from Indiana.

Mr. HARTKE. Mr. President, will the Senator yield to me?

Mr. CHURCH. Mr. President, I yield the balance of my time to the Senator from Indiana.

Mr. HARTKE. Mr. President, I should like to make a few comments.

The Senator from New Hampshire said that we were singling out one country. We are not singling out Greece. We are not anti-Greece. We are not anti-Greek people. We are not antidemocracy of the type Greece brought to the attention of the world.

We are saying that this present regime is not within the framework of the ideals of Americanism.

Mr. President, I would like to quote a distinguished President of the United States who said:

> NATO means more than arms, troop levels, consultative bodies, treaty commitments. All of these are necessary. But what makes them relevant to the future is what the alliance stands for. To discover what this Western Alliance means today, we have to reach back not across two decades but through the centuries, to the very roots of the Western experience.
>
> When we do, we find that we touch a set of elemental ideals, eloquent in their simplicity, majestic in their humanity; ideals of decency and justice, and liberty, and respect for the rights of our fellow men. Simple, yes; and to us they seem obvious. But our forebears struggled for centuries to win them and in our own lifetime we have had to fight to defend them.
>
> These ideals are what NATO was created to protect. It is to these on this proud anniversary, that we are privileged to consecrate the alliance anew. These ideals, and the firmness of our dedication to them, give NATO's concept its nobility, and NATO's backbone its steel.

This is all we are asking for. We are against dictatorships. We are against disrespect for the rights of our fellow men.

This is what the amendment is all about. The President whom I quoted was President Nixon in a most eloquently worded statement delivered to the NATO Ministers in August 1969.

This amendment is within the very ideas and ideals of President Nixon. These ideals should be carried out.

Mr. President, I ask unanimous consent that additional documents in support of the amendment be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENT

Mr. President, those who believe that America should continue to equip the Greek army for military reasons would do well to bear in mind that the present amendment in no way threatens the junta with a precipitous withdrawal of support.

Even if we decide to prohibit future military aid, the Greek junta could still receive a minimum of 88 million dollars worth of American military equipment.

Because the amendment is not retroactive, funds already approved for Greece would not be recalled if the amendment is passed. Only future allocations would be prohibited.

At the end of the last fiscal year, $97,237,000 in funds already allocated for Greece, was still unused. That 97 million dollars which the Defense Department calls "unde-

XUM

livered appropriations" is literally money in the pipeline to Greece. Shutting the value on the United State's end of that pipeline will not keep that 97 million dollars from the hands of the Greek colonels.

Military appropriations programmed for this fiscal year amount to $24,298,000. In other words, a total of $121,735,000 worth of military equipment was available for delivery to Greece this fiscal year. Of that 121 million dollars, the Department of Defense estimates $33,619,000 will actually be delivered by the end of this fiscal year.

So, even if future appropriations are prohibited, $88,116,000 worth of military equipment will still await delivery to the Greek junta.

From a military point of view, the proposed amendment promises to be less effective than many of its supporters would hope. But the moral and political arguments for supporting the present amendment are very compelling.

To pass the amendment would be to serve public notice that the United States will not condone the development of a dictatorship in Europe. It would reaffirm our allegiance to the principles of democracy and freedom at a time when that reaffirmation would mean so much to Greek citizens now struggling under this oppressive regime.

And, it would demonstrate our solidarity with the other nations of Europe who rightly perceive that the death of democracy in Greece is a threat to the strength of NATO.

MILITARY REASONS FOR SUPPORTING HARTKE AMENDMENT

Mr. HARTKE. Mr. President, it is frequently argued that, regardless of political and moral factors, we should continue to support the present dictatorship in Greece for military reasons. I would like to outline briefly why I do not find this argument very compelling.

First, NATO is more than a military organization. The purpose of NATO lies in the defense of a form of civilization. The defense of the geographical area is a means to that end, not an end in itself.

If we destroy from within the form of civilization which NATO is supposed to defend, the defense of the geographical area becomes meaningless.

President Nixon stated most eloquently, NATO's true purpose in his statement before the NATO ministers in August 1969. Allow me to quote from the President's address:

> NATO means more than arms, troop levels consultative bodies, treaty commitments. All of these are necessary. But what makes them relevant to the future is what the alliance stands for. To discover what this Western Alliance means today, we have to reach back not across two decades but through the centuries, to the very roots of the Western experience.
>
> When we do, we find that we touch a set of elemental ideals, eloquent in their simplicity, majestic in their humanity; ideals of decency and justice, and liberty, and respect for the rights of our fellow men. Simple, yes; and to us they seem obvious. But our forebears struggled for centuries to win them and in our own lifetime we have had to fight to defend them.
>
> These ideals are what NATO was created to protect. It is to these on this proud anniversary, that we are privileged to consecrate the alliance anew. These ideals, and the firmness of our dedication to them, give NATO's concept its nobility, and NATO's backbone its steel.

Second, Greece needs NATO more than NATO needs Greece. There are powerful military reasons why it is in the best interest of Greece to remain allied with NATO. Those who believe that Greece will voluntarily withdraw from NATO must believe that, in the event of armed attack by Communist forces, Greece will submit peacefully, an insult to the courage of the Greek people or will be able to resist the Soviet Union successfully—an insult on commonsense and military reality.

Third, in the past, Greece has always been a strong and enthusiastic supporter of NATO. To argue that Greece might withdraw because of our action today would suggest that Greece no longer supports NATO as it did in the past.

Fourth, the Greek regime has caused a complete disintegration of the Greek Armed Forces and assigning the remainder of those forces to nonmilitary functions.

Five, our present conspicuous support of the present regime is crediting a wave of anti-American feeling in Greece that eventually will prevent any American ship or plane from stopping in Greece. Also, the existence of the present Greek regime increases the political instability of Europe and the likelihood of another Vietnam, this time in Europe.

Finally, if we are concerned about NATO, we should listen to what our NATO allies have been saying. The present Greek regime has been condemned by practically every Western European country.

ANTI-AMERICAN FEELING IN GREECE

Mr. President, anti-Americanism has been one of the most disturbing byproducts of our association with and support of the repressive Greek regime. Our irrational allegiance to the present military dictatorship has done more damage to America's image in Europe than even the Indochina war. In Greece, America has become a symbol of oppression and violence second only to the junta itself.

Of the many letters and telegrams I have received in support of the present amendment, I have found most upsetting those from recent visitors to the captive nation. These letters all testify to a growing hatred of America and Americans.

I fear that a Communist revolution may soon be considered by some as the best alternative open to a people for whom Uncle Sam's benevolence has meant repression, torture, and criminal disregard of cherished traditions and human dignity.

In Greece and most of non-Communist Europe it is widely believed that America engineered the 1967 coup. In October of 1968, Mrs. Helen Vlalchos, the famous publisher who escaped house arrest under the junta, made the following statement at a gathering in London:

> So the moment of truth is approaching, and the first brand new European dictatorship since the war is about to emerge, born of the Pentagon by the CIA, reared by NATO, surrounded by doting businessmen.

A Greek political editor now in exile, Elias P. Demetracopoulos, prepared a report on American national interest in Greece which was published by the Hudson Institute in August of 1969.

He stressed:

> It is very important for Americans to understand that there is widespread belief in non-communist Europe that Washington was involved, either by commission or omission, in the April 1967 coup and is responsible for keeping the Athens colonels in power.
>
> Strong efforts should be made to dispel the belief of U.S. involvement and support of the Greek junta in Greece and the rest of Europe, including the use of Voice of America. Such efforts are essential to forestall violent anti-American backlash in Greece, which otherwise is a virtual certainty.

That prediction has now come true. Unfortunately, the remedy proposed is no longer possible. American support of the junta is not a rumor—it is hard, cold fact. The Voice of America is now commonly referred to in Greece as "Voice of Junta."

Greek affection and respect for America prior to the coup was so strong that many expected America to help overthrow the regime. A letter I received from a man who was born and raised in Greece attests to the tragic reversal of America's image in Greece:

> I visited there after the coup and I was amazed at their belief that the United States would very soon help to overthrow the regime. From what I hear now, however, that belief has been dissipated. Anti-Americanism is growing and I would not dare guess what will happen if the Greeks are convinced that there is no hope from the West.

Another letter is from a man recently returned from a tour of Greece who sums up what must now be all too obvious:

> Nearly all of the Greeks with whom I talked, including a few who held important positions in the government, felt that this oppressive regime depends heavily for its survival on American military aid. There were, to be sure, differences of opinion about how long the regime could continue if our military aid were stopped, but nearly everyone felt strongly that the regime could not survive indefinitely without it.
>
> One of the unfortunate side effects of this continuing U.S. support of the current Greek regime is that it is clearly eroding the longstanding warmth and friendship that the Greek people have felt toward the American people.

A most disturbing testimony on anti-Americanism in Greece comes from a former member of Greece's highest judicial body, the Council of State. George Kouvelakis is a junior member of the council, currently in exile in Geneva. In a June 5 letter, Mr. Kouvelakis outlines the bitter disappointment and resentment generated by United States support of the junta:

> The insistence of the United States in supporting the junta even after the decision of the Council of Europe and after the condemnation of the colonels as torturers by the European Commission of Human Rights, has created an unprecedented wave of wrath. Whatever is American creates revulsion. Americans are considered, and, with justice, to be the only dynamic element supporting the junta.

Mr. Kouvelakis also perceives what many in our government fail to recognize: namely that our policy precludes the possibility of the United States exercising any constructive influence on the political life of Greece.

> But with full conscience of reality and the possibility of America's influence as one of the greater powers in shaping of Greek polit-

ical life, I must tell you that the wave of anti-Americanism prevailing today undermines these possibilities decisively and has already identified the United States in the absolute with all that is illiberal and anti-Democratic.

To those who believe that America can simply wait out the storm and then rebuild its influence and regain the friendship of the Greek people and hence preserve its own interests, I especially commend the concluding paragraphs of Mr. Kouvelakis' letter:

The responsible American officials might be under the belief that the "grapes of wrath" of the Greek people are not going to ripen or, that in any case, this process will be delayed and consequently there is time during which more immediate problems can be solved. This analysis distorts the problem:

It underestimates such influencing factors as, (a) the fact that the Greek political world (the whole spectrum, from right to left) has stated that it considers the American government, or its various semi-independent agencies, as the only supporter of the dictatorship:

(b) That the new Greek leadership which is now in the making, is being formed with the vision of an independent national democracy and (c) that the middle east crisis, Cyprus, and the presence of the Soviet fleet in the Mediterranean cannot be faced on the single assumption that the soil of Greece is good for military bases, as long as these bases are surrounded by people who are under occupation, and therefore hostile.

Mr. President, I ask unanimous consent to have the various letters I have mentioned inserted in the CONGRESSIONAL RECORD:

WESTMONT, ILL.,
June 9, 1970.

Senator VANCE HARTKE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HARTKE: I am enclosing a petition in support of your amendment against military aid to the Greek junta, signed by a number of my colleagues at the Argonne National Laboratory. We all hope that your efforts will be successful in stopping the flow of arms to that repressive regime.

Since I was born, raised and studied in Greece, and still have many relatives there, I know very well the frustration that the Greek people feel because of the support that our government gives to the junta. I visited there after the coup and I was amazed at their belief that the United States would very soon help to overthrow the regime. From what I hear now however, that belief has been dissipated. Anti-americanism is growing and I would not dare guess what will happen if the Greeks are convinced that there is no hope from the West.

Very truly yours,
DR. PETER LAMBROPOULOS.

CHEVY CHASE, MD.,
May 28, 1970.

Hon. CHARLES McC. MATHIAS, Jr.,
U.S. Senate, Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MATHIAS: I am writing as one of your constituents to urge your most serious consideration of the amendment to H.R. 15628 (#648) recently proposed by Senator Vance Hartke. As you know, this amendment to the proposed amendment of the Foreign Military Sales Act would deny continuation of military aid to the current government of Greece.

Last summer my wife and children and I spent a month traveling in all parts of Greece, and we were appalled and dismayed by the change which had taken place in that country since our earlier visit in 1958. What used to be one of the most open and free countries in the western world has been transformed into a police state. Freedom of speech and freedom of the press have been almost totally eliminated, and people who used to be friendly and outspoken are now living in almost constant fear and apprehension. Arrests, threats, and intimidation—even of leading public figures—are commonplace.

I should like to emphasize that my observations are not only those of a tourist, but also those of someone who had an opportunity to visit and talk in private with a wide variety of persons—former friends and acquaintances, teachers, physicians, and businessmen. One of my most shocking and depressing experiences was an extended conversation with a (then) member of the Administrative Supreme Court of Greece, who told me of the terror, intimidation, and torture that he and his colleagues had experienced almost continuously since the current regime came into power. (I understand that this man is now in prison.)

Nearly all of the Greeks with whom I talked, including a few who held important positions in the government, felt that this oppressive regime depends heavily for its survival on American military aid. There were, to be sure, differences of opinion about how long the regime could continue if our military aid were stopped, but nearly everyone felt strongly that the regime could not survive indefinitely without it.

One of the unfortunate side effects of this continuing U.S. support of the current Greek regime is that it is clearly eroding the long-standing warmth and friendship that the Greek people have felt toward the American people. In our earlier trip to Europe in 1958, we were greatly impressed with the fact that Greece was one of the few (if not the only) country of the several that we visited where there was no undercurrent of envy or hostility toward Americans and where people in all the cities and towns that we visited felt a strong bond of friendship and gratitude towards us. It seems clear that this positive relationship is now seriously threatened by our continuing support of the current regime.

In short, I feel strongly that it would be in the best interests of both the American people and the people of Greece if you were to lend whatever support you can to Senator Hartke's proposed amendment.

Sincerely yours,
ALEXANDER W. ASTIN.

CHEVY CHASE BOULEVARD,
CHEVY CHASE, MD.,
May 28, 1970.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR TYDINGS: I am writing as one of your constituents to urge your most serious consideration of the amendment to H.R. 15628 (No. 648) recently proposed by Senator Vance Hartke. As you know, this amendment to the proposed amendment of the Foreign Military Sales Act would deny continuation of military aid to the current government of Greece.

Last summer my wife and children and I spent a month traveling in all parts of Greece, and we were appalled and dismayed by the change which had taken place in that country since our earlier visit in 1958. What used to be one of the most open and free countries in the western world has been transformed into a police state. Freedom of speech and freedom of the press have been almost totally eliminated, and people who used to be friendly and outspoken are now living in almost constant fear and apprehension. Arrests, threats, and intimidation—even of leading public figures—are commonplace.

I should like to emphasize that my observations are not only those of a tourist, but also those of someone who had an opportunity to visit and talk in private with a wide variety of persons—former friends and acquaintances, teachers, physicians, and businessmen. One of my most shocking and depressing experiences was an extended conversation with a (then) member of the Administrative Supreme Court of Greece, who told me of the terror, intimidation, and torture that he and his colleagues had experienced almost continuously since the current regime came into power. (I understand that this man is now in prison.)

Nearly all of the Greeks with whom I talked, including a few who held important positions in the government, felt that this oppressive regime depends heavily for its survival on American military aid. There were, to be sure, differences of opinion about how long the regime could continue if our military aid were stopped, but nearly everyone felt strongly that the regime could not survive indefinitely without it.

One of the unfortunate side effects of this continuing U.S. support of the current Greek regime is that it is clearly eroding the long-standing warmth and friendship that the Greek people have felt toward the American people. In our earlier trip to Europe in 1958, we were greatly impressed with the fact that Greece was one of the few (if not the only) country of the several that we visited where there was no undercurrent of envy or hostility toward Americans and where people in all the cities and towns that we visited felt a strong bond of friendship and gratitude towards us. It seems clear that this positive relationship is now seriously threatened by our continuing support of the current regime.

In short, I feel strongly that it would be in the best interests of both the American people and the people of Greece if you were to lend whatever support you can to Senator Hartke's proposed amendment.

Sincerely yours,
ALEXANDER W. ASTIN.

GENEVA, SWITZERLAND,
June 5, 1970.

Mr. PAUL S. LYKOUDIS,
West Lafayette, Ind.

DEAR MR. LYKOUDIS: The situation in Greece, as I am sure you are aware, develops from bad to worse. However, our people will never accept the dictatorship as the status quo. The Greek people were expecting, until a while ago, that pressures from abroad and primarily from the United States, in conjunction with the total lack of support from the people and the junta's failures in almost everywhere, would be enough for the restoration of democracy.

The lapse of three years (1967–1970) has revealed to us many things: The insistence of the United States in supporting the junta even after the decision of the Council of Europe and after the condemnation of the colonels as torturers by the European Commission of Human Rights, has created an unprecedent wave of wrath. Whatever is American creates revulsion. Americans are considered, and with justice, to be the only dynamic element supporting the junta. The recent revelation that the Pentagon has supplied arms to the Greek dictators without the knowledge of the Senate has been a shaking event. The statement of an American General before the Senate that there are no tortures in Greece and that the uproar about them is part of the communist propaganda, has shown that the Pentagon has contempt for the truth and also for the European governments which condemned the colonels as torturers.

On the other hand the photographs of Ambassador Tasca taken with the wife of the chief of the junta, published in the controlled press, the visit of the American Secretary of the Air Force, the dinner of President Nixon's brother with junta leaders and his private

XUM

conferences with them, and the almost weekly visits of upper ranking American military, complete the picture of the American attitude against the tragedy of our country.

But with full conscience of reality and the possibility of America's influence as one of the greater powers in the shaping of Greek political life, I must tell you that the wave of anti-Americanism prevailing today undermines these possibilities decisively and has already identified the United States in the absolute with all that is illiberal and anti-democratic.

Another point to which I wish to draw your attention is the position of the communists who are being guided by Moscow. It is evident that they are waiting for the completion of the wearing out process of the western type of democracy, before they decide to act.

The responsible American officials might be under the belief that the "grapes of wrath" of the Greek people are not going to ripen or, that in any case, this process will be delayed and consequently there is time during which more immediate problems can be solved. This analysis distorts the problem: It underestimates such influencing factors as, (a) the fact that the Greek political world (the whole spectrum, from right to left) has stated that it considers the American government, or its various semi-independent agencies, as the only supporter of the dictatorship. (b) that the new Greek leadership which is now in the making, is being formed with the vision of an independent national democracy and (c) that the middle-east crisis, Cyprus, and the presence of the Soviet fleet in the Mediterranean cannot be faced on the single assumption that the soil of Greece is good for military bases, as long as these bases are surrounded by people who are under occupation, and therefore hostile.

The above findings are not written without bitterness. Yet they are made by all those who care about our country, worry about democracy and see so many struggles and sacrifices gone in vain.

With friendly greetings,

George E. Kouvelakis.

West Lafayette, Ind.,
June 10, 1970.

Hon. Vance Hartke,
U.S. Senate,
Washington, D.C.

Sir: I have just received a letter from Mr. Kouvelakis which has caused me the greatest concern. I thought it only appropriate that you should share its contents with me since it bears witness and very eloquent testimony to your proposed amendment in the Senate on the matter of military aid to Greece.

I enclose herewith the translation of Mr. Kouvelakis' letter which I drafted in haste in the hope that it will suffice in getting his urgent message across to all of us in the United States.

Mr. Kouvelakis is a junior member of the Greek Council of State which is the equivalent of our Supreme Court in all matters constitutional. You may recall that in June 27 of last year the military government of Greece ousted the President of the Council of State. Mr. Kouvelakis resides since then in exile in Geneva, Switzerland serving for the time being as an Associate of the French National Center of Scientific Researches.

I should also add that Mr. Kouvelakis' name has been mentioned several times during the trial of the thirty four in Athens of last April. Please feel free to release in any way you see fit the contents of this communication.

May I wish you once again the best of luck for your amendment.

Sincerely,

Paul S. Lykoudis,
Professor.

BROAD AMERICAN SUPPORT FOR HARTKE AMENDMENT

Mr. President, I have received letters from all over America and Europe supporting this amendment and deploring the dictatorial regime in Greece.

Well over 3,000 signatures have been collected on petitions supporting my amendment; 2,000 from California, over 500 from Philadelphia, over 450 from Minnesota, more than 200 from Michigan and over 500 from Indiana.

Among the distinguished Hoosiers to support the amendment was former Gov. Matthew Welsh.

In addition, I have received letters of support from the distinguished economist Robert L. Heilbroner and the financial analyst Eliot Janeway.

I found Mr. Heilbroner's view of our involvement with the Greek dictatorship very perceptive. He states:

> United States support for the Greek Military Dictatorship is not only a moral affront to the fundamental principles to which this nation claims to be dedicated, but is also a political course of action that may involve this nation in another ill-advised foreign adventure.

The PRESIDING OFFICER (Mr. Boggs). All time having expired, the question is on agreeing to the amendment of the Senator from Indiana. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia (when his name was called). On this vote I have a live pair with the Senator from Wisconsin (Mr. Nelson). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Connecticut (Mr. Dodd), the Senator from Wisconsin (Mr. Nelson), and the Senator from Georgia (Mr. Russell) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. Cannon) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Iowa (Mr. Miller) is necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Maryland (Mr. Mathias) is detained on official business.

If present and voting, the Senator from Iowa (Mr. Miller) and the Senator from South Dakota (Mr. Mundt) would each vote "nay."

The result was announced—yeas 42, nays 50, as follows:

[No. 183 Leg.]

YEAS—42

Anderson
Bayh
Brooke
Burdick
Case
Church
Cooper
Cranston
Eagleton
Ellender
Fulbright
Goodell
Gore
Gravel
Harris
Hart
Hartke
Hatfield
Hughes
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
McCarthy
McGovern
Metcalf
Mondale
Montoya
Moss
Muskie
Pastore
Pell
Proxmire
Ribicoff
Saxbe
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—50

Aiken
Allen
Allott
Baker
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Cook
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Holland
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
McGee
McIntyre
Murphy
Packwood
Pearson
Percy
Prouty
Randolph
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mr. Byrd of West Virginia, against.

NOT VOTING—7

Cannon
Dodd
Mathias
Miller
Mundt
Nelson
Russell

So Mr. Hartke's amendment was rejected.

AMENDMENT NO. 671

Mr. GRAVEL. Mr. President, I call up my amendment No. 671.

The PRESIDING OFFICER. The clerk will state the amendment.

The Legislative Clerk. The Senator from Alaska (Mr. Gravel), for himself and others, proposes an amendment (No. 671) as follows:

> At the end of the bill, add the following new section:
>
> Sec. 14. No funds authorized or appropriated pursuant to this or any other law may be used to transport chemical munitions from the Island of Okinawa to the United States. Such funds as are necessary for the detoxification or destruction of the above described chemical munitions are hereby authorized and shall be used for the detoxification or destruction of chemical munitions only outside the United States.

The PRESIDING OFFICER. Does the Senator from Alaska modify his amendment so that it will come at the end of the pending committee amendment, instead of at the end of the bill?

Mr. GRAVEL. I so modify the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. GRAVEL. Mr. President, on June 2 I submitted amendment No. 671 to the Foreign Military Sales Act because I oppose the shipment of our nerve gas inventories in Okinawa to Alaska, Hawaii, or the continental United States and believe it to be in the best interests of the United States and world peace to detoxify or destroy these deadly chemical munitions.

The nerve gas controversy erupted over a year ago when it was learned that the Department of Defense was planning to ship some 27,000 tons—approximately 500 railroad cars—of unservicable bombs and rockets containing nerve gas agents from the Rocky Mountain Arsenal in Colorado, the Anniston Army Depot in Alabama, and the Bluegrass Ordinance Depot in Kentucky across country to Earle, N.J., for loading onto ships for burial in the Atlantic Ocean.

Because the fuses in these munitions are subject to increasing deterioration over the years, the Army had maintained until recently that it was dangerous to attempt to defuse them and they viewed with apprehension the dangers involved

XUM

in detoxification or destruction of these nerve gas agents.

Their only recourse apparently was to dump these munitions at great depths in the ocean with the rather uncertain hope that their deadly contents would never seep to the surface.

One high ranking military officer explained reassuringly that no seepage could possibly occur for 200 or 300 years, and further that if seepage did occur it was not likely to rise to the surface because of the water pressure at those depths, and after all, even if it did, there was really no need to worry since none of us would be around several centuries from now anyway.

Fortunately, the public outcry coupled with the recommendations of a 12-member panel of the National Academy of Sciences against the Defense Department plan prompted its cancellation and the subsequent decision to detoxify the bulk of these munitions at the Rocky Mountain Arsenal.

The National Academy of Sciences report dealt with accidental dangers of a cross country railroad shipment and other issues related to the destruction of the weapon. It worried that some lunatic might attempt to interfere with the movement. And as to destruction at sea it stated:

> There is some possibility of a large detonation of M34 clusters upon sinking of the ship in the ocean. As already noted limited sympathetic detonation in a cluster has been observed in a test in air. The better impedance match of water invites a massive sympathetic detonation should a bomblet detonate. We consider that this is a probable event upon the impact of the ship's hulk on ocean bottom (7,200 ft. deep), which it reaches at a speed that has been estimated from 10 to 100 ft/sec."

XUM

While I believe the Department of Defense has devised elaborate safety precautions in response to the recommendations of the National Academy of Sciences, I am still concerned that some horrible unforeseen accident is always possible.

The Department of Defense can argue that they have never had a fatality from any accident other than the 6,000 sheep killed near the Dugway Proving Grounds in Utah in 1968. However, there have been some rather frightening instances of nerve gas seepage and the exposure of installation personnel or even the embarrassing and highly dangerous loss of chemical munitions.

Two recent examples involve my own State. During late 1966 or early 1967 the Army conducted some tests at Fort Greeley, Alaska, in which they placed nerve gas munitions and nerve agent storage cylinders on a small frozen lake and prepared them for destruction. However, the disposal operation was delayed for some unknown reason. During this delay the ice thawed and the material sank to the bottom of the lake.

Incredibly, the incident apparently went unreported for several years. When it was revealed to the authorities at the test center, the lake was pumped dry to recover the munitions. They subsequently underwent detoxification which was completed in September of 1969—some 2½ to 3 years later. The Army has released few details of the accident and still has the matter under investigation. I have asked the Defense Department to provide me with a copy of their findings.

On another recent occasion I can recall the difficulty the department of defense had in destroying a shipload of munitions off Alaska's Aleutian chain. While towing the ships in these waters the lines broke; the ship was lost in the fog full of explosives; drifted for days; was finally located; the military tried bombing it; sank it at last; and I am not sure yet whether the munitions have exploded or not.

I mention these two incidents merely to point out that munitions accidents not only can happen but have happened. I am sure other Members of the Senate are aware of equally disturbing examples in their own States.

Against this background, it is difficult to comprehend the political decision announced late last year to move these nerve gas weapons from Okinawa, first by ship and then by rail, to the Umatilla Army Depot in Oregon. The Okinawa inventories, which purportedly represent about 10 percent of our total chemical stocks, would require five ships to accomplish the move. The movement plan which was code named "Operation Red Hat" immediately met strong opposition from an unusually large number of concerned citizens as well as the Governors and U.S. Senators from the States of Washington and Oregon.

As a result, this ill-advised decision was scrapped and it was decided that a more suitable location should be sought which presented fewer political repercussions.

It first appeared that the Army had decided that the naval station at Kodiak, Alaska, was just the right spot—even though no storage facilities exist for nerve gas agents.

However, the Defense Department has apparently given up plans to transfer its stockpile of nerve gases from Okinawa to Kodiak, or elsewhere in the continental United States, and is now considering Johnston Island in the Pacific.

These lethal chemicals could be detoxified for less than the cost of the estimated $6 to $11 million which will be necessary to construct storage facilities at any unprepared site, not to mention the savings that would result by eliminating the costs of personnel and base support services which will be required in perpetuity. These latter costs could conservatively be estimated at $2 million annually.

In fact, an executive of one of the manufacturers of incinerators designed to burn pollutants, has stated that his firm—or others like it—could manufacture equipment with the capability of doing the detoxification job safely, quickly, and economically. Total costs of this operation would be only a fraction of the costs incurred in keeping the weapons.

A furnace capable of burning 100 gallons of gas per hour, operating continuously, could be built for $250,000 to $400,000, it has been estimated. Such a furnace could destroy 407,000 gallons of gas in 170 days. Others have estimated that through hydrolysis—mixing of the gases with alkalines—the stockpile could be detoxified for $134,000 in less than a month.

Recognizing the great variability in cost-estimating in any case like this, let us say the estimates are understated by a factor of four. The costs of keeping these particular weapons would still be more than double the cost of destroying them.

At this juncture let me make it clear that my opposition in this matter goes far beyond my concern over the ultimate location of a storage site or the safety of the various Department of Defense movement and storage plans.

My principal concern is the larger question of whether these kinds of weapons have any necessary place in our arsenal of defense.

Surely the justification for continuing to develop, produce, and test chemical weapons should not be based on whether we can safely test or store them.

Chemical munitions are considered tactical defensive weapons since strategic employment would require substantially larger numbers of missile delivery units to achieve the same results as a few high yield nuclear warheads.

Unlike a conventional artillery projectile or even a tactical nuclear weapon whose destructive radius can be rather accurately calculated, the effects of a nerve gas attack can be highly unpredictable because of its susceptibility to weather conditions such as wind and humidity.

In such a situation, both friendly and enemy forces as well as innocent civilians could all become victims.

For those of my colleagues who are not familiar with the physiological symptoms of exposure to our GB nerve agent—one of the chemical munitions in our inventories at Okinawa—I would like to quote from army literature:

> Individuals poisoned by GB display approximately the same sequence of symptoms regardless of the route in which the poison enters the body (whether by inhalation, absorbtion, or ingestion). These symptoms, in normal order of appearances are: running nose; tightness of chest; dimness of vision and pin pointing of the eye pupils; difficulty in breathing; drooling and excessive sweating; nausea; vomiting, cramps, and involuntary defecation and urination; twitching, jerking and staggering; and headache, confusion, drowsiness, coma and convulsion. These symptoms are followed by cessation of breathing and death.

It should be noted that after receiving a fatal dose of GB, death usually results in only 15 minutes.

A second nerve gas agent, identified only as VX and also contained in our Okinawa inventory, is several times more lethal than GB.

It is the military's argument that chemical weapons are part of our deterrent capability.

Some of our military fear that the West would be at a distinct disadvantage if we did not retain our chemical weapons. They foresee a large conventional war in Europe in which NATO might be forced to retreat while suffering heavy casualties from persistent gas attacks. NATO forces might be required to don protective equipment to counteract the threat but thereby cede a mobility advantage to the East which might be decisive. In desperation, the West would be forced to use tactical nuclear weapons leading to a strategic exchange.

It is argued that maintaining sufficient chemical stocks would act as a deterrent to their use by others and would enable us to respond without resorting to nuclear weapons. This line of reasoning is hardly convincing. Furthermore, what assurances do we have that our NATO allies would be willing to let us unleash nerve gas weapons in their countries?

In my opinion, it is highly doubtful that a large-scale war would ever be fought in Europe without the employment of nuclear weapons.

It is even more difficult to imagine a war in Europe in which lethal nerve gas weapons were used by either side which would not immediately escalate to nuclear weapons as a consequence.

Some might say that we should have the flexibility to use any kind of weapon during time of war. After all, it can be argued that gas warfare is no more horrible than thermonuclear annihilation. Therefore, why make any artificial distinctions?

There is some merit to this point of view and I would agree with it to the extent that we could be rid of them both.

However, I cannot agree it is a satisfactory reason in this world of overkill to continue the insanity of devising additional and more frightening ways of doing away with each other.

Gas warfare has been universally condemned by most nations and various agreements and treaties have been ratified to prohibit their employment.

In addition, chemical and biological warfare—CBW—was the subject of extensive debate in the United Nations General Assembly during 1969 and occupied more attention than any other disarmament issue.

CBW has also been the subject of the Geneva Conference of the Committee on Disarmament—CCD—in both 1969 and 1970.

Draft resolutions and conventions which resist and/or prohibit the production and use of chemical and biological weapons have been introduced at the United Nations and the CCD.

It is interesting that the Soviet Union offered a draft convention which prohibits the development, production, or stockpiling of chemical as well as biological weapons. It should be remembered that the bulk of the Soviet chemical stocks were produced during the late forties and early fifties when they could not afford to match our nuclear capability.

So, I think it is a propitious time to begin negotiations with the Soviet Union on a ban of chemical and biological weapons now that a relative nuclear parity exists between us. Any such agreement could only smooth the way for other such agreements designed to reverse the costly arms race.

I was encouraged last November when President Nixon issued his statement on chemical and biological defense policies and programs. He announced that the United States was renouncing the use of lethal biological agents, weapons, and all other methods of biological warfare. He also called for the disposal of our existing stocks of bacteriological weapons and asked the Defense Department to make the necessary recommendations for their disposal.

He also renounced the first use of chemical weapons but stopped short of calling for the disposal of these chemical munitions.

The President further advised that he would submit to the Senate for its advice and consent to ratification, the Geneva Protocol of 1925, which prohibits the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare.

Eighty-four nations have ratified the protocol, including the Soviet Union. The United States is a signatory to the protocol but has yet to ratify it. It has been 7 months since the President promised to submit the protocol.

As an indication to the world of our leadership and good intentions, I again urge the President, as I did on June 2, to submit the Geneva protocol for Senate ratification, to reconsider his decision to ship the nerve gas inventories located on Okinawa to the United States, and to order the detoxification and destruction of these munitions outside the United States.

As the President stated last November:

> Mankind already carries in its own hands too many of the seeds of its own destruction.

A reversal of the arms race has long been overdue.

I call upon the Senate to support my amendment to destroy the stockpile of nerve gas munitions presently stored on Okinawa, rather than transport them for storage anywhere and by this action begin to implement the spirit of the Geneva protocol.

This amendment, Mr. President, goes to the heart of a very volatile international issue. At this point, I wish to quote two lines from a report of the Subcommittee on National Security Policy and Scientific Developments of the Committee on Foreign Relations and the Committee on Foreign Affairs of the House of Representatives.

The first two lines of that report state:

> Among all forms of warfare, none stands more condemned before the bar of mankind than the use of chemical and biological agents.

Mr. President, all that this amendment would do is detoxify or bring about the authorization to detoxify about 10 percent of our CB stockpiles, which are located presently on the island of Okinawa, and which apparently will have to be moved as a result of an agreement made with the Japanese and the Okinawans.

Our vote on this amendment today would go beyond that act, very simply, and would invite the President to send to the Senate the Geneva Protocol of 1925, upon which he indicated last November 25, he would seek the Senate's advice and consent but which request for some reason has been delayed.

The second thing that would be accomplished by this simple amendment would be to shore up our prestige in the world community; and, third, it would save a considerable sum of money, in that it would do away with a weapon that, by the military's own action, lacks credibility. I quote from the President's statement of November 25:

> Mankind already carries in its own hands too many of the seeds of its own destruction. By the examples that we set today, we hope to contribute to an atmosphere of peace and understanding between all nations.

That was President Nixon's statement on November 25, 1969. My amendment would reinforce that statement and enlarge upon it.

I should like to ask the manager if the committee would be willing to accept the amendment, in which case I need go no further.

Mr. CHURCH. Mr. President, I inquire of the Senator from Alaska whether the latest decision just recently announced by the administration has been to withdraw the chemical munitions from Okinawa to Guam; and if that is so, is it not correct that there is nothing in this amendment that would conflict with the policy of withdrawal of the munitions, if they are withdrawn entirely in accordance with the U.S. policy toward the Pacific Ocean?

Mr. GRAVEL. It seems that the situation, as it presently exists, is not quite as the Senator has stated. A survey team was sent to Alaska, which was the last place on the continental United States indicated as a repository for the gas. That survey team came back, and, as a result of the outcry and public protest, no official report was issued by the survey team. Now another survey team has been sent to Johnston Island, to assess the possibility of making it a storage area. What my amendment would do would be to authorize funds to detoxify the gas stored on Okinawa, which would preclude the necessity of the movement to Johnston Island, Guam, or anywhere in the Pacific.

Mr. CHURCH. But if the decision is to remove these chemical munitions from Okinawa to Johnston Island or to Guam, there is nothing in the Senator's amendment that would prevent that from happening, is there?

Mr. GRAVEL. Yes, it would. The amendment reads:

> No funds authorized or appropriated pursuant to this or any other law may be used to transport chemical munitions from the island of Okinawa to the United States.

I think that may leave it open for the interpretation that they could move it, if they so desired. I think the will of the Senate ought to be clear, though.

Mr. CHURCH. I think it ought to be clear. I am hopeful we can take the amendment to conference, but I think the legislative history should be clear that the words "United States" means the United States proper, and not possessions of the United States located in the Pacific.

Mr. JACKSON. Will the Senator yield on that point?

Mr. GRAVEL. I yield.

Mr. JACKSON. This disturbs me, because if there is not a clear legislative history on this to the contrary, "the United States" normally means not just the 50 States, but also includes the possessions of the United States and the territories, which would normally cover in this case, because of their pertinency to the discussion, Johnston Island and Guam.

I ask the Senator—the Senator from Idaho has already asked part of my question—whether or not it is his interpretation of the amendment that it would prohibit the movement to Johnston Island or to Guam?

Mr. GRAVEL. I would interpret it as such, that it would preclude the movement.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. FULBRIGHT. The Senator could meet the objection with the following simple change in language: "One of the 50 States of the United States."

Mr. CHURCH. Or to the mainland.

Mr. GRAVEL. Well, Hawaii is a State. It is not a part of the mainland.

Mr. MAGNUSON. Johnston Island used to be a part of the territory of Hawaii. I do not believe it is a part of the State now.

Mr. JACKSON. No; it is not.

Mr. CHURCH. No.

Mr. FULBRIGHT. Would the change I suggested not solve the matter?

Mr. GRAVEL. No; that is not the intent.

Mr. TOWER. What does the Senator intend?

Mr. GRAVEL. I intend to detoxify this arsenal on Okinawa at the present time. Apparently the military has already made its decision not to bring it to the continental United States. So now they go back to the tactical argument for keeping it in the Pacific. Originally they were going to withdraw it from a tactical area, because they did not consider it a credible weapon. Now, because of the outcry in Washington, in Oregon, and in Alaska, they retreat again to the position of putting it back in a tactical position. I submit they were trying to save money in bringing it out. I think it would be logical to proceed with that logic, and save money by detoxifying the weapons.

Mr. CHURCH. Would the Senator be amenable to modifying the amendment to refer to the 50 States, rather than the United States? Under those circumstances, it might be possible for the committee to accept the amendment and take it to conference.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. MAGNUSON. I have an amendment pending, cosponsored by the Senator from Oregon and others, which calls for the prohibition of the shipment of this gas to the United States. The Senator from New Jersey (Mr. CASE) has asked to be added as a cosponsor to this amendment. Of course, I will withdraw my amendment if something can be worked out here. I would have to check on this, but I had some experience during World War II with Johnston Island. At that time it was virtually being run by the city council of Honolulu. I do not know whether Hawaii kept some of this quasi-jurisdiction over Johnston when they became a State. I think we ought to establish this point definitely.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. JACKSON. Inasmuch as I handled the statehood bill for Hawaii, I think we can make it very clear that Johnston Island is not within the State of Hawaii. This is a separate possession.

Mr. MAGNUSON. That was my impression, but I wanted to make the point clear. I thank the Senator.

Mr. JACKSON. This is a possession of the United States. It is not a territory. It is a possession of the United States. Guam is a territory organized under an organic act.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. GRAVEL. I yield.

Mr. FULBRIGHT. What has happened to the Geneva protocol which last fall the administration, with great fanfare, said it was sending to the Senate? Since then we have heard no more about it?

The Foreign Relations Committee was criticized by some commentator about 2 weeks ago for not taking action on the Geneva protocol. The fact is that it has not been resubmitted to the Senate, and obviously the committee cannot act on it until it is.

Mr. GRAVEL. From a historical point of view, the commentator is probably correct, since the protocol was sent in 1946 and was withdrawn by the President in 1947, and was never brought up for a vote, since the majority leader at that time felt that he did not have the votes.

The President, on the heels of a resolution sponsored by 108 Members of the House, said he would be sending the protocol to the Senate. The House, as reported, is very explicit that the President so do. That was 7 weeks ago, and I have not been able to find out why the administration has not bothered to send down the protocol.

Of course, it flies in the face of charges that many things are rhetoric and do not become fact. I do not think that is the case, because I think the President's statement is very good in this regard, and I am sure that the receipt of this protocol by the Senate is imminent.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. TOWER. Does the Senator's amendment require detoxification at Okinawa?

Mr. GRAVEL. No. It states that the funds are authorized.

Mr. TOWER. But it does prohibit removal of this material to Guam, where it might be detoxified or stored?

Mr. GRAVEL. If Guam is considered part of the definition of the United States, it would.

Mr. TOWER. What is the Senator's intent?

Mr. GRAVEL. To cause the detoxification of the gas at Okinawa.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. JACKSON. Is it not a fact that we are trying to reach an agreement with the Russians to eliminate the use of bacteriological and chemical agents? Our Government has announced that we are disposing of all our bacteriological agents. The one area that is left pertains to chemical agents. If we are going to try to reach agreements with the Russians to achieve mutual elimination of bacteriological agents and also chemical agents will we be abiding the negotiating process if we unilaterally proceed to eliminate a substantial part of our stockpile of chemical agents?

Personally, I want to see an elimination, under proper safeguards, of both agents—chemical and bacteriological.

I ask the Senator what impact this amendment will have on such negotiations as have been underway in Geneva for some time. This is separate and apart from the SALT talks.

Mr. GRAVEL. The impact, to my mind, would be very beneficial, because we are somewhat stuck on the dime.

Let us go back to the fact that the letter "C" stands for "chemical" and the letter "B" stands for "biological." We have unilaterally—and I want to underscore and compliment the President in so doing, as one individual—acted to do away with the biological. What I am suggesting is a very minor—only 10 percent—unilateral move toward the chemical.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. GRAVEL. No, because I want to finish my point with the Senator from Washington.

The President made reference in his statement on November 25 to the fact that he was supporting the draft convention put forth by the United Kingdom, which only addresses itself to the biological aspects of C–B, while the draft convention put forth by the Soviet Union addresses itself to the biological aspects and also the chemical aspects. As I interpret the President's statement, he is trying strenuously to avoid the chemical issue; and I am pointedly trying to bring it up in the Senate, so that we may, in one small measure, without being injurious to our posture, take care of it.

Mr. JACKSON. Is it not a fact that after our Government on November 25, 1969, announced the elimination of biological agents in our stockpile, the Soviet Union declined to respond by moving to eliminate biological agents from its arsenal? I understand that the Soviet Union insisted that a general agreement was necessary and that in order to reach it, the agreement would have to cover all chemical and bacteriological—biological—agents. If we now proceed to disarm unilaterally in chemical agents I wonder what effect this is going to have on agreements that I want to see reached at Geneva which will lead to the actual elimination, under proper safeguards, of bacteriological and chemical agents from the arsenal of Soviet weapons, as well as from other arsenals.

Mr. GRAVEL. In my recent research, which has been intensive, I have found nothing to indicate the position the Senator has just indicated, but that the Russians have taken the opposite position. I have seen cases where they actually have taken the leadership, and I think we should actually stand in somewhat shame. We are the only major nation that has not signed the Geneva protocol. Red China has signed it. The Soviet Union has signed it. The Soviet Union has come forward with an initiative counter to that of the British, indicating that they are willing to set aside the C–B aspects forever.

Mr. JACKSON. I will be glad to supply for the RECORD the statement of the Soviet Union on the day of President Nixon's announcement that we were doing away with existing stockpiles of bacteriological agents. The Soviets put all their emphasis on an overall general agreement sometime in the future—and have made no move to follow our lead in actually disposing of their stockpiles of bacteriological agents.

I think this is very important, because I think everyone in this Chamber wants to see safeguarded agreements that will eliminate these horrible weapons, both chemical and biological. This is what concerns me, and we are in the early stages of the negotiations to reach such agreements.

Mr. GRAVEL. I beg to differ with the Senator. I would be happy to see for the RECORD these Russian statements. The U.N. record is replete to the effect that our position has been 180 degrees opposite from what the Senator has stated.

Mr. JACKSON. Is it the Senator's position that the Soviet Union is willing to take parallel action to do away with their bacteriological agents as we dispose of ours in line with President Nixon's November 25 order.

Mr. FULBRIGHT. With chemicals and biological weapons—coupling the two together.

Mr. JACKSON. That is what I am saying.

Mr. GRAVEL. That is exactly what the Soviet Union is saying. They are willing to do away with both of them.

Mr. JACKSON. They have not moved to do away with their bacteriological agents, as we are doing. They say a general agreement is necessary first.

Mr. GRAVEL. I think the Senator is entitled to put the statements of the Soviet Union in the RECORD. I have discovered that we have the bad position and they have a very advantageous propaganda position.

Mr. JACKSON. All I am saying is that when we made the announcement that we would eliminate our bacteriological agents, they refused to do the same. They insisted that all of this has to be negotiated in an overall agreement. Now we are trying to negotiate agreements with the Russians at Geneva relating to bacteriological agents and also, in due course, to chemical agents. Are we serving that effort of negotiation with the Soviet Union if we proceed to move unilaterally to weaken our bargaining position on chemical agents?

I ask unanimous consent to include at this point in the RECORD the statement by Ambassador Roschin of the Soviet Union at the meeting of the First Committee of the United Nations General Assembly, November 25, 1969, insisting on a single international convention on chemical and biological weapons as a prelude to any progress in one of the fields.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY AMBASSADOR ROSCHIN

Together with the need further to reinforce the Geneva Protocol of 1925, the urgent need has arisen to take the next step, that is to ensure internationally not only the prohibition of the use of chemical and bacteriological weapons, but also the prohibition of their development, production and stockpiling. That would make it possible to settle once and for all the problem of the complete elimination from the life of man of all chemical and bacteriological (biological) weapons.

Those two types of weapons must in our view be considered together. It would be unjustified to divide them because of their nature and because of political considerations. Contemporary science finds it difficult to establish a clear-cut limitation between chemical and bacteriological weapons.

The Geneva Protocol of 1925 deals with both. Many scientific treatises relating to this topic also do not distinguish between chemical and bacteriological (biological) weapons and treat them as one single problem. The same is true here in the United Nations where they have always been considered together. They are also dealt with as one single problem in the report of the Secretary-General on chemical and bacteriological weapons, and we think that many delegations are quite right in criticizing the approach to the problem of chemical and bacteriological weapons of the United Kingdom, which suggested in the Disarmament Committee that it deal only with the prohibition of biological weapons. And we disagree with the representative of the Netherlands, who said that the first step should be taken first—that biological weapons should be prohibited, and then chemical weapons. Were we to travel along this path, prohibiting one weapon, we would in fact switch on a green light for the development of the other weapon, but in present day conditions we must say and stress that—in view of the stockpiles already accumulated and of the fact that many States of the world possess them—chemical weapons are a particularly dangerous type of weapon. Therefore to separate those two types of weapons, as proposed by the representative of the United Kingdom, and as advocated today by the representative of the Netherlands, would be extremely inappropriate and even dangerous.

Mr. TOWER. Mr. President, will the Senator yield, to supplement his question?

Mr. JACKSON. I yield.

Mr. TOWER. Is the Senator from Alaska contending that this will enhance our bargaining position with the Soviets, if we unilaterally detoxify all our chemical agents?

Mr. GRAVEL. When the Senator talks of enhancing our position, it is simple. If the Senator says he is going to stop something and I say I am going to stop something, we both stop it. The Soviet Union for 2 years has indicated it is willing to lay down C–B's. All we have been willing to say is that, as of last November, the President said, "I will unilaterally act on biological, but I will not say anything about the chemical aspects of it because we are using it extensively in Vietnam."

Mr. TOWER. The Senator, then, means that if we will unilaterally abandon our stockpiling of this material, the Soviets will do the same?

Mr. GRAVEL. The Senator considers this amendment, which goes to 10 percent of our stockpiles, to go unilaterally toward the entire situation. I do not think so.

Mr. TOWER. The Senator thinks it enhances our bargaining position?

Mr. GRAVEL. No question.

Mr. FULBRIGHT. Will the Senator yield?

Mr. GRAVEL. I yield.

Mr. FULBRIGHT. I should like to know what this means. As I read it, does it mean that no funds will be used to bring it to the 50 States in the United States, that it may stay in Okinawa, but that funds are authorized to detoxify it, and if not, would it just sit there and do nothing because so far as this reads, it does not make it clear, that they will allow it to stay there without touching it a year, 2 years, or 3 years?

Mr. CHURCH. The language would order detoxification but does not require it. So the administration could proceed——

Mr. FULBRIGHT. It says the money is authorized, does it not? It prohibits bringing it in. If we take the amount, it means all 50 States, is that not correct?

Mr. GRAVEL. Very much so.

Mr. TOWER. Plus the territories and possessions.

Mr. GRAVEL. That is the one point——

Mr. FULBRIGHT. We were talking about a modification——

Mr. GOLDWATER. Mr. President, will the Senator yield on that point?

Mr. GRAVEL. I yield.

Mr. GOLDWATER. Japan and the people of Okinawa have complained bitterly about this gas remaining, but it has to go somewhere, am I not correct?

Mr. GRAVEL. I do not know what agreements have been made by the President with the Japanese.

Mr. GOLDWATER. I am wondering—what I am trying to say is that it is going to be moved and what the Senator is suggesting is the detoxification; is that correct?

Mr. GRAVEL. I do not know whether it has to be moved. I have not seen any written agreement. It could stay there.

Mr. GOLDWATER. It is the chemicals the Senator is talking about.

Mr. GRAVEL. Right.

Mr. GOLDWATER. I think that matters somewhat.

Mr. TOWER. Will the Senator yield for a question?

Mr. GRAVEL. I am happy to yield to the Senator from Texas.

Mr. TOWER. Would this in any way inhibit the negotiations we have with the Japanese Government about storage of such materials on Okinawa? In other words, this would prohibit moving it anywhere over which the U.S. flag flies, whether it is a trust territory, a possession, or a protectorate—whatever.

Mr. GRAVEL. It could have that effect, of course, but it could also have the opposite effect, and that would be to indicate to the President of the United States and to the Senate that it realizes CB's are dangerous and that they should not be a part of our arsenal. Some of the small nations have indicated that we should welcome the Geneva protocol so

XUM

that we could reestablish our position in the world community, because it has been eroded tremendously. We are the first nation since World War I to use chemical agents in any extensive manner.

Mr. TOWER. Let me go back to the question asked about negotiations with the Japanese. Is the Senator suggesting that this ties our hands insofar as this being a negotiable item for removal with the Japanese is concerned?

Mr. GRAVEL. I would say that if this is adopted and it goes to conference, we are hopeful that it will accelerate presentation of the Geneva protocol to the Senate. Obviously, if it does impair the secret negotiations with the Japanese, I am sure that the conferees can be so informed and could strike it from the conference report. That would solve all problems with respect to negotiations with the Japanese; but more importantly, we would save the main thrust of what we are trying to accomplish here, that is, to reestablish ourselves in the court of world opinion, because the Senate is partly at fault. It was the Senate, from 1925 to 1947, which refused to act. It was not the Executive. It was the Senate.

Mr. TOWER. If the Senator would yield to the Senator from Arkansas, I think he is trying to get him off the hook there.

Mr. PASTORE. Mr. President, if the Senator will yield, as I understand it, the Senator from Alaska would like to see the detoxification of these chemicals, no matter where it happens, is that correct?

Mr. FULBRIGHT. Let me say this, that——

Mr. PASTORE. Wait a minute—let me finish—the Senator's amendment provides that this material cannot be moved from Okinawa.

Mr. GRAVEL. Right.

Mr. PASTORE. Is that correct?

Mr. GRAVEL. Right.

Mr. PASTORE. Therefore, by implication, it has to be detoxified if it is in Okinawa.

Mr. GRAVEL. Or left there in its present form.

Mr. PASTORE. Or left there in its present state, yes. How does the Senator get his detoxification?

Mr. GRAVEL. This amendment would authorize the money to go for the detoxification program.

Mr. PASTORE. In other words, the amendment provides for that?

Mr. GRAVEL. Provides for it, yes. If the administration does not choose it, they are not compelled to do it, as I understand authorizations and appropriations.

Mr. PASTORE. If the Japanese complained, then, that the gas is not detoxified and is on Okinawa, then there would be a compulsion on our part to do something about it?

Mr. GRAVEL. Yes.

Mr. PASTORE. So that is the reason the Senator wants it to stay there?

Mr. GRAVEL. Yes.

Mr. PASTORE. I think it is a very simple amendment. It is just a question of whether one agrees with it or not. [Laughter.]

Mr. CHURCH. Would the Senator consider modifying his amendment to apply to the 50 states? This would provide the administration some area if it is decided to negotiate an agreement with the Japanese, or in the event some such understanding has already been reached with the Japanese. The chemicals could, thus, be withdrawn from Okinawa to a place such as Johnston Island or Guam. If he would amend his amendment in that respect, then I see no reason why the committee could not take it to conference.

Mr. PASTORE. The only trouble there, by implication, would be that we are suggesting it be taken to Johnston Island or to Guam; but that is not what the Senator wants. He wants it to stay there, but let us detoxify it. That is his argument. Am I right or wrong?

Mr. GRAVEL. The Senator is right.

Mr. PASTORE. All right. That is it.

Mr. TOWER. I do not think it is a question so much of where it should go, but of the importance of getting into some negotiation with the Japanese that might work out.

Mr. MAGNUSON. I became a cosponsor of the pending amendment after the Pentagon changed its plans with respect to "Operation Red Hat." Initially they said they were going to move this nerve gas through the State of Washington to Oregon, and then they decided they would move it up to Alaska. An amendment which prohibted transportation to Washington and Oregon, but not to Alaska, would have been inconsistent. If it is not good enough for us, why should it be good enough for Alaska? I discussed this with the two Senators from Alaska and the Senator from Oregon, and we all agreed. That is how the pending amendment came to be offered.

I think that the Senate should take some position on this, and I will tell the Senate why. The administration never came up to the Senate to tell us what they were going to do in relation to Japan or Okinawa. They used the arguments made on both sides about an extension of the security treaty, claiming no new treaty was being considered. President Nixon has said on some occasions that we were going to remove weapons from Okinawa; after he had the meeting with Premier Sato here he said we would remove this obnoxious arsenal of materials of war from Okinawa, but mention was made only of nuclear weapons. I have looked through everything and do not find that the Senate was told this involved chemical gas as well. The impetus for moving this gas came from an accident, not from negotiations of which the Senate was advised.

Another reason why the Senate should act is that, prior to the meeting with Premier Sato of Japan, the Senate passed a resolution introduced by the Senator from Virginia, declaring that before the President made any commitments regarding disposition of Okinawa he should come to the Senate. That date was not long ago, some 4 or 5 weeks, I believe. But the resolution was completely ignored. In the meantime, this agreement on nerve gas was made. I cannot find anything in the President's original statement involving this type of chemical material. It may be that the President did say to Premier Sato that it was part of the agreement. If he did, then that was the agreement made—but it was an agreement of great importance about which the Senate was not consulted. It comes close to being, if it is not in fact, an unconstitutional usurpation of the Senate's power to ratify treaties.

Now I believe that we should have something to say about this. If we are going to have chemical and biological weapons, then I think that the Senate should know a little bit about what is done with them. "Operation Red Hat," as the Pentagon calls it, has been a constant problem. If we took a vote anywhere in the United States today, and proposed to move this gas to Idaho, to Texas, or to any other State, the people in that State would be almost unanimously against it. That is the position we are in.

Several Senators addressed the Chair.

Mr. MAGNUSON. Just a minute. Then the Pentagon decided they would not bring this gas into the continental United States. After all this furor, it came out that they meant Alaska, which is not contiguous to the other United States. Now they are talking about the Hawaiian Islands. I understand that no one wanted it in Guam, either. Guam is a territory of the United States, so the Senate should take some position on the gas being shipped there, too.

The original intent of my amendment was to keep this gas from coming into any of the United States—Washington, Oregon, Alaska, or any other.

They are now talking about shipping it to Johnston Island. That island is isolated. I happen to know a little about it because I was there during World War II. There is an airbase there; it is south of Honolulu.

I have not heard anything formal about this proposal.

I have asked the Department of Defense to abandon its plans on three occasions since they made the announcement concerning the shipment. I think that both Senators from Oregon have also. We pointed out that it would cost money to move it to the continental United States, that it would involve huge risks, and that the weapons were not needed. We asked why the shipment should be made to the United States when they knew that they would not use the gas in the United States. Assuming that it ever will be used—which we pray to God it never will be—they would then have to move it back to where they wanted it. Yet, much as logic was on our side, that was the end of that proposal, so far as the Pentagon was concerned.

As I have stated, I think we ought to take some action because if it was agreed by Mr. Nixon and the Premier of Japan that this type of chemical material was to be removed, I have not read about it. This, in spite of the fact that the Senate passed a resolution saying that the President should come here and discuss this matter of the Okinawan situation, including, by implication, such matters as troops and gas and nuclear weapons.

XUM

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CHURCH. Mr. President, I yield such time as is available to the distinguished Senator from Washington.

Mr. MAGNUSON. Mr. President, the Senator from Alaska's amendment covers the 50 States, and then leaves it open to destroy this gas. It has been said that the Pentagon does not want to do that. I do not know. Does the Senator have any information about it?

Mr. TOWER. Mr. President, will the Senator yield?

Mr. MAGNUSON. I know that we have enough chemical and biological war material to destroy the whole world, anyway, regardless of what happens to the gas on Okinawa. The amount of that gas is insignificant in terms of the size at our CBW arsenal, but it is enough to cause a major disaster should an accident occur in shipping or storing it.

Mr. TOWER. Mr. President, I think that everyone is agreed that we do not want the stuff in the continental United States. We do not want it in Alaska, Hawaii, Oregon, or any of the 50 States.

What I am suggesting is that we ought to preserve a little elbow room. There was discussion about proper covenants arrived at during the Wilson negotiations. But it did not work.

We know that international matters have to be conducted in secret.

I am opposed to tying the administration's hands so that they would not be able to move the stuff someplace else and get it out of our way.

Mr. MAGNUSON. But on all of these occasions when we were discussing Okinawa, nothing was done to inform us of administration plans. We passed a resolution saying, "Please, Mr. President, before you start doing all of these things concerning Okinawa, come to the Senate and discuss some of them."

The President never did this. That is what we have been arguing about for 5 long weeks. That would have saved us a lot of trouble. It would have saved a lot of trouble for the Senators from Alaska and Washington and Oregon.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. CHURCH. I yield to the Senator from Oregon.

Mr. HATFIELD. Mr. President is it a pertinent question here to ask about the negotiations with Japan when our Government has announced that its intention and plan was to transfer it and take it away from Okinawa and place it originally in Oregon?

The question is moot, in my opinion.

Second, the ratio of this amount of nerve gas to the total stockpile is totally insignificant.

Third, they are detoxifying some of the nerve gas in the Rocky Mountain arsenal in Colorado because of the aged canisters in which this kind of gas is stored.

Consequently, we have these factors which make moot the entire question of whether it would affect our negotiations with Japan.

Mr. MAGNUSON. Mr. President, I agree. But I like to argue before the fact, during the fact, and after the fact, if I have just reason to make a complaint.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. CHURCH. I yield to the Senator from Alaska.

Mr. GRAVEL. Mr. President, I thank the Senator for being so conciliatory. I would like to address myself to trying to arrive at what might be an amalgam. But I think the amalgam would destroy the point that is trying to be made. And that is that the Senate should vote in favor of this and vote up or down on the issue before the world.

I disagree slightly with the Senator from Oregon. I do not think the matters are moot. I do not know what has been said between the President and Japan.

This is one way for the Foreign Relations Committee to find out if the executive branch is in concert with the beliefs the Senate might hold.

The point was made by the Senator from Texas that this was an attempt to tie the administration's hands.

By no stretch of the imagination is this an effort on my part to tie the administration's hand. I applaud the President for what he did with respect to bacteriological agents. If it is good for bacteriological agents, it is just as good for chemical agents.

We are trying to act as coequal branches of the Government and we are trying to give the President a prod. I think that a prod is needed. It has been 7 months since we heard we would soon receive the Geneva Protocol. And there is no reason to delay.

Mr. TOWER. Mr. President, why does not the Senator accept the suggestions made?

We all agree that we do not want it in any of the 50 States. We want to keep it out of Alaska, Hawaii, and Oregon.

The Senator is proposing tying the administration's hands to the extent that it cannot move it to any remote island in the Pacific.

Mr. GRAVEL. Mr. President, would it not be an intelligent assumption to make that if this does tie the administration's hands, the administration would come to the Foreign Relations Committee in conference and say, "This ties our hands. Will you gentlemen strike this provision?"

They can strike it, and there will have been no binding of the administration's hands.

It merely requires what the Senator was talking about, and that is some stand being taken by the Senate as to what is happening in this aspect of the field of foreign affairs.

It is a very sensitive area in which the United States has lost much ground in the court of public opinion because of what we have done unilaterally when this came about in November. The President then announced his action with respect to bacteriological agents.

Mr. TOWER. Mr. President, would the Senator inform me to what extent the court of public opinion has influenced Soviet policy?

Mr. GRAVEL. Oh, I think we could get into quite a broad argument with respect to the United States/Soviet relationship and the fact that some people might consider Cambodia similar to the situation of Hungary.

However, I do not think that would serve the purpose of this argument or concern the issues involved here.

Would the Senator from Texas like to address himself to the question of the chemical agents and what would happen if the administration were to turn around and tell the Russians, "Gentlemen, we now accept your proposal that you started making back in 1967."

Mr. HATFIELD. Mr. President, did not the Senator join with us in an amendment to prohibit the shipment of any of this gas to any part of the United States?

Mr. GRAVEL. The Senator is correct.

Mr. HATFIELD. Mr. President, do I understand that the Senator from Alaska has taken a different position in this respect?

Mr. GRAVEL. My position is that we should authorize the funds to permit the Defense Department to detoxify the gas. That is the point. It would be a first step for the United States to do something important in the realm of international affairs, and that would be of significance.

The United Nations passed a resolution by a vote of 80 to 3 in December of last year requiring that we renounce chemical and biological warfare.

Mr. President, if that is not clear as to what the nations of the world want, I do not know what is. I could go into it from a military viewpoint and point out that to keep the nerve gas militates against our best military interests.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. PASTORE. Mr. President, do I understand that under no circumstances would the Senator like to amend his amendment to cover the 50 States because he is afraid that it would go to Johnston Island and he would not want it to go there because it might influence world opinion?

Is that what the Senator is saying?

Mr. GRAVEL. Not only world opinion; although that is one of the facets. I do not think it is needed.

Mr. PASTORE. The Senator does not want it to go to Johnston Island.

Mr. GRAVEL. I think it would be a waste of money for it to go to Johnston Island. They did not want to make such expenditures in a tactical theater where it is a tactical weapon.

Mr. PASTORE. The Senator from Rhode Island likes the amendment the way it is drawn.

Mr. CHURCH. Mr. President, I understand that the Senator from Alaska is not amenable to changing his amendment. I had said on behalf of the committee we would take it to conference if modified. Although I support it in its present form, I am unable to accept it on behalf of the committee because it draws a hard and fast line.

The Nixon administration has played rather loose on this matter. This discussion and vote should bring them up abruptly. It will force them to come to the Senate and the conference, and lay their cards on the table.

On that basis, I shall vote for the amendment. However, since the Senator is not amenable to any modification that would permit me as the manager of the bill to accept it on the floor, I suggest we get to the yeas and nays.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. GRAVEL. I am happy to yield to the Senator from Washington.

Mr. MAGNUSON. Mr. President, I am going to support the Senator's amendment because I think it should be passed, and for that reason, I have cosponsored it. In case the amendment does not prevail, I shall still submit my original amendment, which merely reads:

> No funds authorized or appropriated pursuant to this Act or any other law may be used to transport chemical munitions from Okinawa to the United States.

That language is the same as the first part of the Senator's amendment.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CHURCH. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Alaska. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LONG. On this vote I have a pair with the Senator from Wisconsin (Mr. Nelson). If he were present, he would vote "Yea." I already voted in the negative. I withdraw my vote and state that if I were at liberty to vote, I would vote "Nay."

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Connecticut (Mr. Dodd), the Senator from Massachusetts (Mr. Kennedy), the Senator from Wisconsin (Mr. Nelson), the Senator from Georgia (Mr. Russell), the Senator from Texas (Mr. Yarborough), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Iowa (Mr. Miller) is necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Iowa (Mr. Miller) and the Senator from South Dakota (Mr. Mundt) would each vote "nay."

The result was announced—yeas 51, nays 40, as follows:

[No. 184 Leg.]

YEAS—51

Aiken
Allen
Bayh
Bible
Brooke
Burdick
Byrd, W. Va.
Case
Church
Cook
Cranston
Eagleton
Eastland
Fong
Fulbright
Goldwater
Goodell
Gravel
Griffin
Gurney
Harris
Hart
Hartke
Hatfield
Hughes
Inouye
Jordan, Idaho
Magnuson
Mansfield
Mathias
McCarthy
McGee
McGovern
Metcalf
Mondale
Muskie
Packwood
Pastore
Pell
Percy
Prouty
Proxmire
Ribicoff
Schweiker
Scott
Smith, Ill.
Sparkman
Stevens
Tydings
Williams, N.J.
Young, Ohio

NAYS—40

Allott
Anderson
Baker
Bellmon
Bennett
Boggs
Byrd, Va.
Cooper
Cotton
Curtis
Dole
Dominick
Ellender
Ervin
Fannin
Gore
Hansen
Holland
Hollings
Hruska
Jackson
Javits
Jordan, N.C.
McClellan
McIntyre
Montoya
Moss
Murphy
Pearson
Randolph
Saxbe
Smith, Maine
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Long, against.

NOT VOTING—8

Cannon
Dodd
Kennedy
Miller
Mundt
Nelson
Russell
Yarborough

So Mr. Gravel's amendment was agreed to.

Mr. GRAVEL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FULBRIGHT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I rise to ask the distinguished majority leader what is the order of business for the remainder of today and subsequently.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, it is my understanding that there are only two amendments remaining to the Cooper-Church section of the bill, and no amendments to the other parts.

It is my further understanding that this afternoon the distinguished assistant Republican leader (Mr. Griffin) will speak on his amendment, as will the distinguished chairman of the Committee on Foreign Relations, the Senator from Arkansas (Mr. Fulbright). The distinguished senior Senator from Arkansas (Mr. McClellan) will speak on the general subject of the bill.

It is my further understanding, if this is correct, that before we proceed to consider the postal reform bill, the distinguished Senator from Michigan will call up his amendment, to have it pending when this measure comes before the Senate tomorrow. Is that correct?

Mr. GRIFFIN. Mr. President, I would say to the distinguished majority leader that that would be correct. It is my hope, particularly out of deference to the Senator from Iowa (Mr. Miller), who could not be present today, that we would be able to vote on my amendment tomorrow.

Mr. MANSFIELD. Yes, indeed.

Mr. COOPER. Mr. President, if the Senator from Michigan intends to speak upon the amendment he proposes, and the Senator from Washington (Mr. Jackson) intends to speak upon his amendment, I should like to be able to speak on those amendments also.

Mr. MANSFIELD. That is all right, because the time does not begin to run until an amendment is pending. There are others who will speak, though I hope for not too long, so that the Senate can get to legislation contemplated for the Senate's second shift, namely, the postal reform bill.

So, Mr. President, at this time I ask unanimous consent that the time begin to run tomorrow on the Griffin amendment at 11 o'clock, and the vote on that amendment take place at 12 o'clock.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. I ask for the yeas and nays on the Griffin amendment.

The PRESIDING OFFICER. The Chair informs the Senator that the yeas and nays cannot be ordered until the amendment is before the Senate.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays now on the Griffin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that immediately upon the conclusion of the vote on the Griffin amendment, the Jackson amendment be laid before the Senate and made the pending business, the vote on it to take place, hopefully, sometime before the hour is concluded, because I understand it is a simple amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. The remainder of the time will be taken up by a vote on the Cooper-Church amendment at 2 o'clock, a vote on the Foreign Military Sales Act at 4 o'clock, and on the question of the veto of legislation at 5:30 o'clock. Thereafter it is anticipated that the Senate will again go into its second shift and continue its consideration of the postal reform bill, if action on it is not completed tonight.

Then on Wednesday, there is an order to convene at 9 o'clock, and at that time the Senate will return to normal operations on a one-shift basis, it will attempt to finish the postal reform bill, and, if need be, come in on Thursday at 9 o'clock.

Mr. SCOTT. Mr. President, will the Senator yield at that point?

Mr. MANSFIELD. I yield.

Mr. SCOTT. The Senator is proposing that on Wednesday and Thursday, then, we move over to a shiftless session, is that right?

Mr. MANSFIELD. Well, "shift less" sessions, the "less" being a reduction from two shifts down to one.

It is also hoped that, the Senate willing, we will be able to dispose of the Interior appropriations bill. I do not know about extending the debt limit; it depends on how much time we have, because I understand there will be some controversy. But if the debt limit is not extended I see no reason why we cannot pass a resolution of temporary extension, say, for a month, and take up the debt limit when we return following the Independence Day recess. Whether or not it will work out that way remains to be seen.

THE DEBT LIMIT

Mr. LONG. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. LONG. May I say to the majority leader that the debt limit is a rather urgent matter. Starting on Tuesday, the

Government's right to sell series E bonds and issue other obligations of this Government expires. In the judgment of this Senator, at a minimum, the Senate should vote on this matter by then. It is something usually disposed of in about a day; and Congress, having voted these appropriations, ought to vote to let the Government pay its bills.

But if the Senate does not want to do that, we can see what happens when the Government does not pay its bills. My guess is that that is something we will not have to do more than once, because once we find out that, having voted appropriations, the people who carry the mail and the other Government employees do not get paid will educate us to the urgency of that measure.

If we ourselves want to declare our Government officially bankrupt, that is something that would be, in my judgment, very irresponsible to do, to place this Government in that position, having voted the appropriations, to decline to borrow the money to pay the bills, or vote the taxes for it, either. I certainly hope our leadership will afford us the opportunity to vote on the measure. It is urgent. I know it has only been on the calendar since Friday, but this is something we usually take up on rather short notice, as the majority leader knows.

Mr. MANSFIELD. May I say in response. I understand if this is not passed by the end of the fiscal year, the Treasury will not be totally bankrupt. It will still have $2 or $3 billion with which to remain flexible. But I am aware of the fact that if something is not done before the first of the year, the debt ceiling will automatically go from somewhere around $381 billion or $382 billion down to $360 billion, and I would not like to see that happen.

Therefore, if the situation is not worked out, the continuing resolution approach for 1 month is suggested.

I should say that the leadership would be more than willing to take up the legislation having to do with the debt ceiling if a reasonable time could be arrived at as to how long the debate would continue. There should be sufficient latitude to assure that the pending business, the postal reform bill, were disposed of as well. So the leadership is open to reason, if something reasonable can be worked out.

Mr. LONG. Mr. President, may I say to my leader that we have done our job; we have put the bill out there on the calendar. So far as I am concerned, that is a matter for the leadership now.

Mr. MANSFIELD. That is correct.

Mr. LONG. As far as I am concerned, I merely want to point out that it does create very severe problems for the Government, including the fact that it cannot sell the bonds which it has already advertised as of today. It will have to send out 20,000 wires to tell those bidding on the Government bonds that the sale is off. That will create something of a panic in some quarters, if they find that the Government cannot borrow the money to pay its obligations.

I would think that if the Senate acts in such a way that it wants to go through with the proposition that this Nation, the wealthiest nation on the face of the earth, has declared itself bankrupt by an act of Congress, it will be a very foolish thing to do. The Senate can try it. I do not think it will try a second time. Once will be enough, to find out that the people will not tolerate it. That is what will happen, in my judgment, unless the proposed legislation to extend the present ceiling, which expires tomorrow night, passes before Tuesday night.

I have tried to educate Senators about the matter. I was instructed by the Committee on Finance to stress to the leaders the urgency of this matter being called up forthwith, and I have done so to the best of my ability. I would urge other members of the committee to make clear to our leadership the problem as they see it. I think we should act on this matter before we finish the business tomorrow night. I will leave that matter to the discretion of the majority leader. I am sure he will do about this matter what he thinks is the responsible thing.

Mr. MANSFIELD. May I suggest that the distinguished chairman of the committee, the Senator from Louisiana (Mr. LONG) and the distinguished ranking minority member of the committee, the Senator from Delaware (Mr. WILLIAMS), get together to see if it would be possible to work out a reasonable time limitation. On that basis, the joint leadership would be more than willing to do what can be done, after the postal reform bill is out of the way, hopefully, or even before.

Then, of course, it is anticipated that the Senate will attempt to dispose of the two Moss bills, before it adjourns for Independence Day; S. 26 is a bill to revise the boundaries of the Canyonlands National Park in the State of Utah, and S. 27 would establish the Glen Canyon National Recreation Area in the States of Arizona and Utah.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. I would also like to reserve an opportunity to offer a noncontroversial bill which I believe has passed the House, which would extend the sympathy of the Senate to the people of Peru; and as soon as an opportunity presents, I would like to put the Senators on notice. I do not see how it could be controversial, but I would like to offer it at some point.

With regard to the debt limit, unless there is objection on this side of the aisle, I would like to see it disposed of as soon as possible—perhaps tomorrow.

Mr. MANSFIELD. I appreciate the situation of the distinguished minority leader so far as the Peru resolution is concerned. When it comes over, why do we not consider calling it up immediately and passing it? I agree that no Member of the Senate would be against such a resolution.

ORDERS FOR RECOGNITION OF SENATOR HOLLINGS AND SENATOR SPONG

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order calling for the distinguished Senator from Oregon to speak tomorrow be vacated until a later date.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask unanimous consent that, in its place, the order requesting 30 minutes for Senator HOLLINGS be substituted, to permit the junior Senator from South Carolina to speak immediately following the approval of the Journal tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the remarks of the Senator from South Carolina, the Senator from Virginia (Mr. SPONG) be recognized for not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO ON WEDNESDAY AND THURSDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Ohio (Mr. YOUNG) be recognized for 20 minutes immediately following the approval of the Journal on Wednesday and again on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEBT LIMIT

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. ANDERSON. Is this not a question of amounts of money?

Mr. MANSFIELD. That is true. I am prepared to bring it up, if some reasonable time arrangement can be worked out; but I am not prepared to turn aside the pending legislation and get into a brouhaha that might take a couple of days.

Mr. ANDERSON. I understand that the park bills will be discussed.

Mr. MANSFIELD. They will be taken up in due course; but postal reform is the pending measure. If the distinguished chairman of the committee and the distinguished ranking member can get together, the leadership will not be unreasonable with respect to the debt limit.

The PRESIDING OFFICER. The Chair inquires whether the Senator from Montana intends to ask for the yeas and nays on the Jackson amendment.

Mr. MANSFIELD. I think enough Members will be in the Chamber at that time to get the yeas and nays.

Mr. LONG. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. LONG. I would hope that we could have an agreement. I would be willing to agree now to limited debate on the debt ceiling to 2 hours on each amendment and 2 hours on the bill, and hope we could shorten it down from that point. I know that the Senator from Delaware (Mr. WILLIAMS) wants to offer a very important amendment to the bill. I would hope that we could agree to it now.

Mr. WILLIAMS of Delaware. Mr. President, so far as I am concerned, any amendment I offer can be subject to a

XUM

limitation. I do not know how other Senators who have amendments may feel.

The reason we are at this dilemma, just 48 hours or 24 hours before the debt ceiling expires, when it goes back to $365 billion, is that the Treasury Department and the chairman of the committee have held the bill until the last minute so they can get it considered as another emergency. In that manner they hope to be able to defeat any amendments dealing with expenditure controls.

I took it up with the Secretary of the Treasury in February, and I told him that just once before I left I hoped they would come down with a request for whatever change they needed in the debt ceiling before the end of the fiscal year, so that we would not have to act in an emergency situation. I mentioned it again in March; I mentioned it in April. We finally got their recommendation down in the latter part of May.

The House acted promptly and sent the bill to the Senate the 1st of June. Our committee scheduled hearings on the 9th of June, and they were postponed until the third week of June at the request of the Secretary of the Treasury, who had speeches to make which they felt were more important than acting on this bill.

I did get the chairman of the committee to move it forward and cancel some of the meetings we had scheduled with HEW the week of the 15th so that the Treasury Department could testify. We held the hearings and were ready to report the bill around the middle of June. An amendment to control expenditures, which I had offered and which I felt was equally important so far as the debt ceiling was concerned, was adopted by the committee by a vote of 9 to 8. There were those who did not want to report the bill until they could get that vote reversed, and the bill was held up in the committee until Friday, June 26, and here we are.

XUM

I think the RECORD should be clear that it is no accident that we are here at this late date. We are here, right on the verge of June 30, because it was planned that way. I think that those who have tried to plan it that way have done a good job of getting themselves and our country into a rather delicate financial position.

I agree with the majority leader that we could extend this for 30 days and then have time to act. I do think it is time that we face up to the situation of whether we are going to control spending. Does the Congress or the administration really want to control expenditures or just talk about it? From the standpoint of inflation we should have faced up to this question. I know of no good reason why we did not have this bill before us 3 weeks ago, and then the Senate could have considered these amendments in an orderly manner.

The Senator from Nebraska and perhaps others have amendments they wish to offer, and they are deserving of our cosideration.

I talked with the majority leader 2 or 3 weeks ago, and he assured us that if we got the bill reported he would schedule it so that we would have the bill acted on 2 or 3 weeks ago. It is not the fault of the majority leader that we are in this dilemma, and I am willing to vote this afternoon. I was willing to vote last Friday, and I have been willing to vote for the last 3 months, but the bill was deliberately held in the committee. I hope we will be voting before midnight tomorrow night, but that seems to be par for the course. To those who like to live in a state of emergency I would say they have one here by their own creation.

Mr. LONG. Mr. President, permit me to say that, so far as I am concerned, there is no politics in this matter one way or the other. It is just a matter of doing our duty, which is what I am sure every Senator will seek to do.

I read in the press some weeks ago a statement by the majority leader that those who were debating the Church-Cooper amendment made it probable that the debt limit may be held up until that matter had been disposed of. I did not discuss it with the majority leader but as chairman of the committee I was on notice that if we reported it out the next day it would not likely be called up until the vote on the Cooper-Church amendment. That being the case, this Senator saw no particular reason to rush to have it sitting there on the Calendar, when it would not be called up before Tuesday. But now, Tuesday becomes a different matter and starting on Tuesday the matter does become urgent. We reported the bill Friday. The Senator from Delaware (Mr. WILLIAMS) states it as he saw it, but I saw it differently. The Williams amendment could well tie up this matter in conference between the Senate and House, with the House Appropriations Committee declining to yield jurisdiction to the House Ways and Means Committee. Then whatever might happen to it, if agreed to, perhaps would wind up in an impasse between the Senate and the House over the conference report. It seemed to me that we should leave out that amendment to the bill because it is controversial and it could prevent the debt limit from being voted on any time soon.

When we voted, with absentees on the committee, at the time, we thought we should take a little longer, until the absentees could be present. We did that. We voted to report the bill on Friday. The bill could have been taken up on Saturday. There is nothing new about the bill. It is coming in here late now. That seems to be par for the course as the Senator just suggested himself. In any event, the bill is there and if we are responsible, we will pass it before midnight tomorrow.

Mr. PERCY. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. PERCY. As I understand it, the minority leader has indicated the reason for a delay in the vote tomorrow, the ranking minority member of the Finance Committee indicates that he would be perfectly willing—and I would consider it a personal favor if we could vote at once because I will be leaving for NATO tomorrow evening and I would certainly like to vote on it. It is a very important matter. I would hate to see it left to the last minute. However, the NATO parliamentarians meeting is going on now and other Members of the Senate will be going and if we could vote tomorrow I would certainly appreciate it.

Mr. LONG. So far as I am concerned, I am willing to vote on it, under any reasonable time limit. I am in agreement to an hour on every amendment. I am in agreement as to 2 hours on the bill, or to any other reasonable limitation that the Senate is willing to agree to because I think responsibility on the part of the Senate requires it. If we do not pass this bill by midnight tomorrow, then beginning on Wednesday the Government will be powerless to sell its E bonds. That would be irresponsible action for the Senate to take, to impose that upon the country.

DD-963 DESTROYER COMPETITION BIDS

Mrs. SMITH of Maine. Mr. President, as senior U.S. Senator from Maine and ranking Republican on the Senate Armed Services Committee and a member of the Senate Appropriations Committee, I followed the DD-963 destroyer competition, resolved with a 30-ship award in Litton Industries, Inc.'s favor last week, very closely. My continuing interest in the procurement is twofold:

First, to assure that the Government's interest is fully protected and that massive problems encountered on numerous large defense contracts in the past are not repeated.

Second, to assure that Bath Iron Works Corp., located in the State of Maine and loser in the competition, received fair treatment.

Prior to the announcement of the winning bidder, for some time I expressed my deep concern over the status of the program in a series of letters to the Secretary of Defense and Secretary of the Navy.

In my opinion, the answers received to the questions raised did not satisfactorily resolve the points at issue. Since the decisions made prior to the DD-963 contract award have such far-reaching consequences, I am today requesting that any activity on the DD-963 contract which requires the obligation of any Government funds be delayed pending the outcome of a thorough investigation by the General Accounting Office. I want the circumstances surrounding the DD-963 award investigated with particular reference to:

First. The possibility that the contract pricing re-set provision, introduced as a last minute change after three rounds of prices had already been submitted and audited, may have permitted a contractor to take an irregular advantage of the regulations to lower estimated costs with the full knowledge that costs can be negotiated upward several years after the award at a small sacrifice in profit—but at the expense of another substantial overrun to the Government.

In my view, true costs are not altered simply as a result of a contractual change which reduces the contractor's risk. Failure to recognize costs at the outset only means they must be identified later on. Decisions based on faulty cost estimates have in the past seriously impaired the credibility of the Department of Defense and can be grossly unfair to a competitor who bids using realistic costs.

Second. The rationale for awarding a $2 billion shipbuilding contract to a company already carrying the largest new ship construction backlog in the industry—a backlog already so diverse as to test management capability even without the addition of 30 new highly complicated destroyers. It is to be remembered that the Navy has already awarded the contract for nine LHA ships to this same shipyard. And prior to that the Navy announced this shipyard as winner of the as yet unfunded FDL program.

These contracts are in addition to submarine and merchant contracts presently under construction. The problems connected with handling a complex and diverse shipbuilding backlog are well known. And the Pascagoula facility is a new and untested facility with no experience in handling a huge and highly diversified backlog.

Third. The dangers from the standpoint of the U.S. Government of contracting a large portion of our new shipbuilding programs—including $2 billion plus total package procurements—under one corporate entity in the very face of the problems engendered by doing this in the Lockheed Aircraft Corp. case. A failure on the part of this shipyard's management in just one of these programs could have a severe impact upon our Navy's posture for the 1970's.

Fourth. Use of the multiyear contract developed by the McNamara regime, which requires that Congress pay tremendous cancellation charges should it decide in future years not to make appropriations for continuance of the program. This concept transfers control, for all practical purposes, out of the hands of Congress and virtually precludes an effective congressional review on an annual basis.

Fifth. The dangerous impact on future competition leading in the long run to higher procurement cost in destroyer construction of an award of the Navy's entire destroyer program for the 1970's to a shipbuilding company which has already constructed a new shipyard on the basis of prior total package awards enabling it to drive out the proven destroyer-building capability throughout the country with a resultant serious impact on our defense mobilization base which the Congress has tried to protect over the years.

Sixth. The leaks of vital information including prices and the effect of this industrial espionage on the DD–963 procurement. The very heart of the competitive process has been nullified in the DD–963 bidding by apparent flagrant discussions of proprietary data. This situation cannot be permitted to go unchallenged and be continued in the future.

It has been alleged to me that personnel of shipping lines, for whom Litton has built, or is building, merchant ships, told a Member of the House of Representatives at a golf and country club that Litton had underbid Bath by $9 million a ship or $270 million on the 30-ship contract—and that this disclosure was made more than 2 months before the award of the contract.

If this is true, there has been a criminal violation of 18 United States Code 1905 by one or more persons in illegal disclosures prior to contract award.

The above issues cite specific areas demanding immediate attention and a thorough review before work on the DD–963 program is initiated. There are other issues at stake as noted in my correspondence which are undoubtedly of equal significance to these I have outlined above.

During the past several years, attention of the American taxpayers and Congress has been focused clearly on the massive problems created by gross errors in judgment in the award of large defense contracts. As a responsible Senator, I for one can no longer tolerate continuation of practices which recent history has completely discredited. In the DD–963 award decision, we can see the evidence in advance of a situation developing on the largest shipbuilding contract ever, which will haunt this administration if not corrected. It is for this reason that I am initiating the request for appropriate in-depth investigation.

I ask unanimous consent to have printed in the Record certain past correspondence I have had on this matter.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., April 24, 1970.

The President,
The White House,
Washington, D.C.
The Secretary of Defense,
Department of Defense,
Washington, D.C.
The Secretary of the Navy,
Department of the Navy,
Washington, D.C.

My Dear Mr. President:

My Dear Mr. Secretary:

My Dear Mr. Secretary: As the ranking Republican member of the Senate Armed Services Committee, I have been deeply concerned about the problems which we have inherited from the Johnson Administration on major defense contracts, particularly those related to over concentration and cost growth. I am certain you share my feelings that we must avoid recurrences of these problems in this Administration.

However, despite my deep concern about these matters, I have supported the continuation of programs from the prior Administration which I deemed to be vital to our National Defense, including the C–5A, the Nuclear Aircraft Carriers, and others. It is my understanding that the Department of Defense is approaching the immediate award of a contract for the DD963 Class Destroyers on a total package multi-year basis and that there may be a situation developing in connection with this award leading to the very same problems which we have inherited on these earlier programs.

For this reason, I feel it important to assure myself that careful consideration is being given to a number of points bearing upon the decision to make this award.

First, I was surprised to be informed via Congressional sources of an apparent $270,000,000 price difference between the two competitors as a result of the fourth round of proposals, even though their prices were substantially similar in the third round and no technical changes affecting costs had been made by the Navy subsequent to that third round. I enclose a detailed document outlining this apparent discrepancy as I understand it. I must ask that a full analysis be made to assure price credibility if the award is made to the apparent low-offeror so that we are not building a substantial overrun on this program.

Second, as I understand it, the award of 30 ships in the DD963 contract to the present apparent low-offeror will add approximately $1,800,000,000 to their existing backlog of about $1,700,000,000, creating a total backlog of approximately $3,500,000,000, most of which is scheduled to be constructed in an as-yet untested and incomplete facility.

This type of over-concentration carries with it significant risks which have been evidenced by well-publicized and recent difficulties of Lockheed Aircraft Corporation in connection with the C–5A and, specifically in the case of naval vessels, of General Dynamics Corporation and of the Lockheed Shipbuilding and Construction Company. After these experiences, it is inconceivable to me that we would create a backlog larger than our annual shipbuilding budget in a single facility.

Third, consideration should be given to the highly probable effect of the award of all these ships to the apparent low bidder on competition for defense business and upon the defense industrial base generally. As you know, throughout the McNamara era, large segments of industry believed that the Government was really interested in awarding its major defense contracts to the huge conglomerate enterprises. Award of all of the DD963 ships to Litton Industries would, in my view, serve to confirm that this policy is being carried over into this Administration. That view would undoubtedly discourage medium-size companies from attempting to compete with these industrial giants for other major defense contracts, thus restricting competition by eliminating some of our most highly qualified contractors, and thereby ultimately increasing the cost of our defense inventory.

Consideration should also be given to the problem of geographic concentration of naval and defense business that would result from an award to the apparent low-offeror in this instance.

Next, I am concerned and must ask that consideration be given in the fact that an award to Litton Industries will destroy one of the major reasons for using the total package multi-year procurement method in this destroyer program. As Secretary of the Navy Chafee and Chief of Naval Operations Admiral Moorer explained to the House Appropriations Subcommittee in February, a principal reason for applying this particular procurement method was to obtain new and modernized shipyard facilities. It appears to me that the award of 30 destroyers to Litton Industries, which is already scheduled to have a new shipbuilding facility, will make entirely unjustifiable the continuation of this risky type of procurement by the current administration.

Finally, consideration should be given to the effect of an award of 30 ships to Litton Industries upon Bath, the finest lead-destroyer shipbuilding yard in the country. During my years in Congress I have followed with great interest Bath's performance on Naval construction work and have heard constantly of the Navy's satisfaction with their ships. Moreover, I understand that they have consistently met schedules at competitive prices.

This company has been in this competition for over two years during which it has diluted its corporate earnings and management capability in order to remain competitive. It is my understanding that Bath and Hughes have met all of the Government's requirements relating to management and technical capability, production plans, facilities plans, and finances. If the Navy fails to award at least some of these ships to Bath-Hughes, in all probability the shipyard's destroyer building capability will be seriously diminished. The loss of this valuable national asset would significantly reduce the Navy's ability to obtain first-line competition for destroyer construction.

Of course, if Bath does not obtain all or part of the DD963 contract, the negative effect will compound the already serious economic difficulties being experienced in the State of Maine.

To conclude, serious consideration must be given to all of these points before an award is made in the DD963 program. As a member of both the Senate Armed Services Committee and the Appropriations Committee, I have strongly supported needed defense programs.

Sincerely yours,

MARGARET CHASE SMITH.

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D.C., May 22, 1970.

MY DEAR SENATOR SMITH: You have requested that I provide you with a specific response to the points raised in your letter of April 24, 1970 in which you expressed a concern about the procurement plan for the DD963 Class Program now under final consideration by the Department of the Navy.

You have singled out one of the most important aspects—price credibility. Under the direction of the Source Selection Authority, Admiral I. J. Galantin, Chief of Naval Material, the fourth round of proposals—submitted by the two finalists—was subjected to a detailed evaluation of all relevant facts. Further, this procurement has had perhaps the most comprehensive evaluation ever performed in connection with a Navy shipbuilding program. Qualified personnel from 27 independent commands participated in this evaluation. Their efforts were supplemented by a special Contracting Advisory Group including representatives of the Defense Contracts Audit Agency who performed cost and price analysis on each finalist.

Together with my staff, I have personally scrutinized the procurement program, with special emphasis upon price credibility. When total labor hour estimates and material costs estimates of the two finalists are compared, there is substantial correlation. The differentials in labor rates, in overhead and in other factors seem to be the dominant influences upon the different total prices. These calculations, in combination with independent estimates performed by the Navy prior to the receipt of the "best and final" proposals, confirm the credibility and reasonableness of both price proposals.

Secondly, your understanding that the award of the 30 ships in the DD 963 contract to Litton would create a backlog in that facility larger than our annual shipbuilding budget is correct. This backlog, however, would include two multi-year contracts which together would span six consecutive program years. Each annual increment of these contracts will be subjected to review within the Department of Defense and by the Bureau of the Budget prior to incorporation into future Presidential Budgets. When and if it is so incorporated, it is then subject to Congressional review and action in the authorization and appropriation bills. In this way, continuing assurance will be obtained that each increment is in the national interest. The concentration of spending in a single facility will be much less than you might infer from the size and type of the contract. Only about one-third of the contract value goes to the prime contractor for shipbuilding per se. We estimate that 60% of the dollars involved in the contract will be distributed over approximately 45 states through the first, second, and third tier subcontracts.

Our decision to award the total DD 963 contract to a single builder does not constitute unmindful adherence to the policies of the prior administration. We presented this procurement concept in detail to the Congress last year in association with the FY 1970 Shipbuilding Program. We concluded at that time that the basic procurement plan for DD 963 was sound and, in addition, was the more economical method for purchasing these much needed ships. The wording of H.R. 17123 this year contains a provision which would require construction in the facilities of at least two United States shipbuilders. A similar provision was dropped by the Congress last year. The Department of Defense has submitted a reclama recommending that the amendment which requires two separate shipbuilders not be accepted for the reason that it would preclude the Navy from considering alternatives which might well prove to be more economical and efficient.

Regarding the modernization of United States shipbuilding facilities, as stated during the Senate Armed Services Committee Hearings on March 17, the encouragement of capital expenditure for building or improving new shipyards can be an advantage in the multi-year—multi-ship procurement approach. However, none of the competitors was advised that facility modernization would constitute a matter for competitive evaluation. Penalizing shipyards which have already modernized by denying contracts on the basis that further modernization of the industry would not be achieved might be a deterrent against modernization.

The reputation of Bath Iron Works as a destroyer shipbuilding yard is well recognized. The fact that they are one of the two finalists in the DD963 Class competition attests to their continuing excellence in this field. Failure to win the DD963 Class contract will be of consequential import to the unsuccessful competitor. Both Bath and Litton, while indicating their strong desire to win the DD963 Class contract, have also stated publicly that their corporate existence is not dependent upon the award.

To answer points raised in the document appended to your letter, the following is submitted:

"It is correct that the 20 March request for proposal made no technical or specification changes; however, it contained other changes which could affect contract prices.

"A request for a 'best and final' offer is a basic procedure and would have been made by Navy whether or not the request included changes in contract terms and conditions.

"With a modification of the share line (from 70/30 to 85/15) and adjustment in ceiling price (from 125% to 130% of target), the Contractors' cost risk was reduced.

"The Successive Target of the 20 March solicitation, or its reset feature, versus the previous Firm Target approach, enabled the finalists to eliminate contingencies which might have been structured in prior price offers."

I trust that this discussion will increase your confidence that the Navy has not treated this matter lightly and that we, like you, are doing our best to act in the national interest.

Best personal wishes.

Sincerely yours,

JOHN H. CHAFEE,
Secretary of the Navy.

BATH IRON WORKS,
May 28, 1970.

The SECRETARY OF THE NAVY,
Department of the Navy,
Washington, D.C.

MY DEAR MR. SECRETARY: With reference to your letter of May 20, very frankly I am extremely concerned by your failure to answer a number of key questions raised by my earlier letter concerning the DD963 Program.

Because decisive meetings on the Program may be held within hours or days, I will focus on the principal and overriding point—should an award of this magnitude be based on prices developed by reason of business tactics rather than by firm estimates of anticipated costs. I am certain neither of us believes *true costs* in the DD963 Program changed after the third proposal round simply because a new type of contract was introduced. As you so clearly stated, "The March 20 request for proposal made no technical or specification changes."

And yet, a clear implication of the statement in your letter on page 3 that "the Successive Target of the 20 March solicitations, or its re-set feature . . . enabled the finalists to eliminate contingencies which may have been structured in prior price offers," is that the Navy virtually invited a bidder to make unjustifiable reductions to his estimates with the assurance that he would recover at the "re-set point."

If this implication is correct, I do not see how you can "confirm the credibility and reasonableness" of a proposal arrived at by such means. Indeed, it would seem to me your statement could be read to imply that the Navy has invited a bidder so inclined to reduce his costs and create a built-in overrun. It has been my understanding that such practices were prohibited by Defense Department Regulations. If they are not so prohibited then the Regulations should be changed so that they are, and are thus subject to the same interpretation by all bidders.

Your letter makes no mention of any analysis of this major thrust of my letter. Until this question is addressed and answered, I see no basis for proceeding further with this procurement.

May I have the favor of an immediate reply on this important point?

Sincerely yours,

MARGARET CHASE SMITH,
U.S. Senator.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., May 29, 1970.

The SECRETARY OF THE NAVY,
Department of the Navy,
Washington, D.C.

MY DEAR MR. SECRETARY: My letter of May 28, 1970 was in error—in that I referred to your letter of May 20 when the accurate date is May 22 and which letter was not delivered to my office until May 25.

Because of the shortness of time in analyzing the contents of your letter of May 22, 1970 from the standpoint of responsiveness to the questions and points that I raised in my letter of April 24, 1970, I confined my observations in my May 28 letter to the issue of should an award of the DD963 magnitude be based on prices developed by reason of business tactics rather than by firm estimates of anticipated costs.

Now that I have had more time to study and analyze your letter of May 22, I wish to express my opinion on additional points.

I do not believe that your letter of May 22 was responsive to my letter of April 24 on these points.

1. Your letter was not responsive to the entire question of potential cost overrun as it relates to the analysis of bidders cost estimates for the procurement.

2. In reference to over-concentration of work in a single facility, my letter was not really answered. The heart of the problem is created by putting so many dollars through a single facility.

As an example, note the problems associated with the procurement of the C5A aircraft from Lockheed Aircraft Corporation, though much of the work was subcontracted around the country. In this connection, also note Lockheed's serious slippage on the DE1052 Program with the DE1065, 1069 and 1073 having been scheduled for delivery last year and yet the keels have not even been laid on any of these three ships

XUM

scheduled for completion a year to nine months ago.

3. The fact that several large Naval and Merchant contracts are now scheduled for construction by Litton and Litton as yet has an uncompleted and untested shipyard was not addressed.

4. The impact on future destroyer competition of a single award of 20 ships to the *only* new shipyard was not answered.

5. My questions relating to the geographic distribution of the defense contracts was answered only through the explanation of subcontracting when it is perfectly clear that principal benefits run to the prime contractor.

6. The reference to your and the Chief of Naval Operations' statements before the House Armed Services Committee in *February* relating to the desirability of new facilities was answered by a reference to the testimony before the Senate Armed Service Committee in *March*. Thus, the answer referred to testimony given before the wrong committee at the wrong time. Thus, in the "right" testimony, your statement before the House Committee was that the *whole* reason for using this type of procurement was to obtain new facilities.

7. The economic impact on Maine of an award to Litton was not answered.

8. The question of a best and final offer was answered only to the extent that you said that the law permitted such a request and moreover that had always been the Navy's intent. The fact that Bath was never made aware that such a "best and final offer" would be requested was not explained.

9. The entire implication that substantial industrial espionage has taken place was not discussed and particularly the significance of leaked prices as it relates to the possibility that an auction was conducted.

10. Finally, and again, all of the answers in your letter of May 22 referred to target *prices* when, as shown by ASPR, procurement significance attaches to target *costs* rather than to price. Thus, the key is the validity of *cost* estimates.

Again I must stress that the several questions raised deal with basic principles far more important than the economically selfish interests of any one state or any region of our nation.

Sincerely yours,
Margaret Chase Smith,
U.S. Senator.

The Secretary of the Navy,
Washington, D.C., May 29, 1970.

Hon. Margaret Chase Smith,
U.S. Senator,
Washington, D.C.

Dear Senator Smith: Thank you for your letter of May 28 concerning the prices in the DD 963 program. I do wish to stress that our award will not be based on pricing alone but will involve such factors as technical quality, management plans and military effectiveness as well as cost to the Government.

In your latest letter you questioned the soundness and credibility of the fourth and final proposals for the procurement of these ships. If we were free to provide you the detailed cost and pricing data in the proposals, I believe you would share our opinion as to their credibility. As you can appreciate, it is not appropriate for the Navy to divulge such information prior to the award to whichever company is selected. However, I will endeavor to explain further to you the credibility of the last proposals.

In competitive negotiated procurements, final negotiations cannot be held prior to agreement on contract terms and conditions and on applicable specifications. In this procurement all such final agreements were not reached until early March 1970. Only then could the Navy and the offerors hold effective negotiations on price and other terms of a fully defined contractual package and only following such negotiations was the Navy in a position to request "best and final" offers. Accordingly, submissions prior to the best and final offers must be viewed in that light.

The shift to a successive target type of contract and the modifications of the share line and ceiling reduced the risk of both offerors and in my opinion enabled each to make reductions in its cost estimates. For example, by a re-set time firm quotes can be obtained by the contractor from vendors, and design work and engineering test programs will be well along, thus greatly reducing uncertainties in these areas.

The offerors have furnished required cost and pricing data, duly certified by them, and price details were then subjected to the audit of the Defense Contract Audit Agency.

I want to assure you that the final proposals have been most carefully scrutinized. After award we will be glad to give you further information on them.

Sincerely yours,
John H. Chafee.

U.S. Senate,
Committee on Armed Services,
Washington, D.C., June 2, 1970.

Hon. Melvin R. Laird,
The Secretary of Defense,
Department of Defense,
Washington, D.C.

My Dear Mr. Secretary: Since my letter of April 24, 1970, concerning the DD963 destroyer procurement, the Secretary of the Navy and I have exchanged letters in connection with the credibility of the prices proposed by the two finalists. I find the position ultimately taken by Secretary Chafee in his latest letter to me on this subject on May 29, 1970 most disturbing.

Specifically, Secretary Chafee wrote:

"The shift to a successive target type of contract and the modifications of the share line and ceiling reduced the risk of both offerors and in my opinion enabled each to make reductions in its cost estimates. For example, by re-set time firm quotes can be obtained by the contractor from vendors, and design work and engineering test programs will be well along, thus greatly reducing uncertainties in these areas."

As I had previously written to Secretary Chafee I simply cannot believe that the possibility of re-setting the target cost in the 39th month after contract award is an acceptable reason for cutting valid estimates of the costs of contract performance, thereby building in an overrun situation at the very inception of performance. Indeed, it is my understanding that your procurement regulations prohibit such a "buy-in" on any basis, including the type of contract employed.

I do not see how I can defend in the Senate as credible a cost estimate arrived at by huge reductions based upon the Government's willingness to accept an overrun at the 39th month. It simply cannot be the intent of your procurement regulations that reductions in cost estimates of prospective subcontracts, design work and engineering test programs, as outlined by Secretary Chafee, can be held to be credible on such a basis. As I stated to Secretary Chafee it is my understanding that such practices were prohibited. For this reason I am sincerely worried about the irregularity and perhaps the illegality of the Navy's evaluation of the cost estimates in this procurement.

Inasmuch as Secretary Chafee has taken the position that, in his opinion, there are no problems with this approach it is now necessary that I appeal to you and your staff to make an immediate study of this situation.

I request your personal assurance that this Administration is not falling prey to the same type of procurement problems involving massive overruns that we have inherited from the prior Administration. For this reason I would like to have the results of your review as soon as possible and in any event before the award of this contract.

Sincerely yours,
Margaret Chase Smith,
U.S. Senator.

The Secretary of Defense,
Washington, D.C., June 5, 1970.

Hon. Margaret Chase Smith,
U.S. Senate,
Washington, D.C.

Dear Senator Smith: I am looking into the question contained in your letter of June 2, 1970 with respect to the Navy DD963 destroyer procurement. Several of my key assistants are in the process of reviewing the proposed contract award with Navy officials. I have asked them to inquire into the issue you presented in your letter and I will be happy to provide you with a response as soon as this review is completed.

Sincerely,
Mel.

The Secretary of the Navy,
Washington, D.C., June 5, 1970.

Hon. Margaret Chase Smith,
U.S. Senate,
Washington, D.C.

Dear Senator Smith: I am sorry to learn from your letter of May 29 that you feel my May 22 letter was unresponsive to various points raised in your April 24, 1970 letter. Within the constraints inherent in discussion of a proposed award not to disclose detailed cost and pricing data submitted by either of the competitors or otherwise prejudice the position of either of them, it is my desire to answer your questions to the best of my ability.

As to your first point on the matter of potential overrun, I assure you that the Navy's analysis of the "best and final offers" of each competitor showed them to be of equal credibility. The Navy considers that the likelihood of overrun (or underrun) is the same in the case of both competitors.

Your second point is that "the heart of the problem is created by putting so many dollars through a single facility." By dealing with a single prime contractor we best meet the objectives of the Navy and the Defense Department to procure the required number of destroyers which satisfy operational requirements at minimum cost to the Government. It was to obtain these advantages for the Government, including ship standardization and the cost benefits of series production techniques, that led to the initiation on this basis in 1967 of this DD 963 Class procurement. Whichever yard gets the award, there will be a large number of dollars going through a single facility.

In your third point you indicated concern that Litton has an uncompleted and untested yard. That yard is across the river from its existing facilities, has been under construction for two years with completion set for December 1970, and has already commenced production in this new facility of an eight ship program for a commercial operator. Bath contemplates vastly expanding its present yard if the successful bidder but has not commenced any work on the new facilities. It would seem therefore that if Litton's facilities are labelled as untested, the proposed expansion adjacent to Bath's existing yard is likewise open to similar questioning.

Your fourth point presumes an award to Litton with the assumed consequence of giving Litton a built-in competitive advantage in the procurement of any future destroyers. It implies that Bath would not be available for future destroyer work. As noted in my earlier letter to you, responsible Bath officials have stated that their ability to continue their shipbuilding business is not dependent upon award of the DD 963 contract. Further, as reported in the Baltimore Sun for Sunday, May 24, 1970, Bath officials were quoted as saying that they project a new

XUM

$97.3 million shipyard in connection with the Maritime Administration's 10-year program to build 300 new American-flag cargo ships. Such a facility would also place them in a favorable competitive position for any additional destroyer types which might be required in the future.

Your fifth point concerns the geographic distribution of defense contracts. While benefits unquestionably run to the prime contractor, I believe it is important to recognize the wide distribution of the subcontracts. For example, if the award were made to Bath, while the ships would be built at Bath, the entire combat systems portion of the destroyer would be subcontracted to Hughes Aircraft Company. All ship design work, much of the program management functions, and most of the subcontract purchasing function would, for the first two and a half to three years of the program, be conducted at such diverse locations as New York City and Fullerton, California.

I regret the confusion in the testimony to which you refer in your sixth point.

We recognize your concern, expressed in the seventh point and I can assure you that I too have been mindful of this.

Regarding your eighth point, the Armed Services Procurement Regulation requirement that all offerors shall be informed of the specified date of the closing negotiations is well known. Both Bath and Litton were informed on March 20, 1970, that best and final offers were to be submitted, constituting a closing of the negotiations. The Bath-Hughes team was in continuous daily negotiations with the Navy from 2 March through 20 March 1970. The team included able counsel completely familiar with the many decisions of the Comptroller General requiring best and final offers to close negotiations.

Relative to any industrial espionage or leakage referred to in your ninth point, I wish to note that the Navy practices precautions to safeguard the cost and pricing submitted by both competitors.

As to your final point, we agree that the key is the validity of the cost estimates. In addition to the information given you in my prior letters, I wish to note that both Bath and Litton made significant reductions in the various elements of the cost estimates and profit on which their best and final offers were made. These reductions might also have been due to the fact that this was their final opportunity for submitting the best offer they wished to make. Whatever the motivation, the important fact is that these reductions were made, and the cost and pricing data supporting these final proposals were certified by the offerors to be accurate, current and complete as required by law and our regulations. These estimates were compared with each other and with our own estimates.

In closing I wish to assure you that I share your views as to importance of this contract and do appreciate the deep concern you have so ably expressed in your several letters.

Sincerely yours,

JOHN H. CHAFEE.

THE DEPUTY SECRETARY OF DEFENSE,
Washington, D.C. June 18, 1970.

Hon. MARGARET CHASE SMITH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SMITH: In your letter of June 2, 1970, you requested that the proposed Navy DD 963 contract be reviewed in the Office of the Secretary of Defense prior to award.

Such a review has been made. I established the Defense Systems Acquisition Review Council for the specific purpose of subjecting major weapons systems acquisition to the most careful scrutiny. In the process of this Council's review of the DD 963 program, detailed pricing information was reviewed as well as the type of contract employed.

Your concern with the credibility of the cost estimate of any contract awarded for the DD 963 Class ships is based upon your understanding that such cost estimate was "arrived at by huge reductions based upon the Government's willingness to accept an overrun at the 39th month". In the 39th month after contract award the contract target cost is to be re-set or a firm fixed price is to be established, as provided in the contract. (The ceiling price will not be changed.) This provision was included in the March 20, 1970 request for best and final offers sent to both finalists. It is not known how much of the reductions in the "best and final" contract estimated cost proposed by each of the finalists was attributable to the shift from contract target cost and how much was due to "sharpening the pencil". The fact of the matter is that both finalists did make substantial reductions embracing all areas of cost, as well as profit. Further, these final cost estimates were carefully analyzed, compared with one another and with independent estimates performed by the Navy prior to the receipt of the "best and final" offer, and their credibility and reasonableness confirmed.

I cannot agree with the implication that the Government is willing to accept an overrun at the 39th month or at any other time during the performance of any resulting DD 963 Class contract. Any such implication must be based on a misunderstanding of how "successive target" incentive contracts work. Under any fixed price incentive contract there may be cost growth up to the contract ceiling price, which is the limit of the Government's exposure. In the case of the DD 963 Class contract, the ceiling price is 130% of the initial target cost. During the first 39 months of performance of the DD 963 Class contract, the Contractor is motivated to control his costs because, by the incentive provision, the contractor is entitled to increase his target profit at the re-set point by having reduced his costs. Based on record costs, and other information, the parties then negotiate either a firm fixed price or a new target cost and formula for establishing the final profit. *In no event can the re-set target cost, plus profit, exceed the contract ceiling price.*

In view of the foregoing, I believe the Navy has handled this important contract in accordance with established procurement procedures.

Sincerely,

DAVID PACKARD.

Mrs. SMITH of Maine. On April 3, 1969, three proposals were submitted for DD-963 destroyers—by Litton, Bath, and General Dynamics, Quincy. It is understood that Bath had the highest price; Litton the next highest, and that General Dynamics was low.

The General Dynamics design did not meet Navy requirements. For this and other reasons the Navy announced that it was dropping General Dynamics from the competition on September 9, 1969.

In order to get the Bath and Litton designs on a relatively comparable basis and to bring the prices down after the original April 1969 submittal, the Navy subsequently issued two "Requests for Proposal Supplement"—RFPS—one in September 1969 and one in January 1970. Thus, prior to the second and third price submittals numerous Navy technical directions and specification changes with important cost impact were required of Bath and Litton.

As a result of these changes and directions it is understood that at the time of the third proposal submittal in February 1970, both the Bath ship and the Litton ship met the Navy requirements and the prices proposed were apparently substantially the same.

Each proposal, including the third, was subjected to Government audit of technical and cost considerations.

Then, on March 20, 1970, the Navy asked Bath and Litton to submit a fourth proposal. No technical or specification requirements were changed by this Navy request, that is, there were no changes which would have an impact on cost.

Instead the Navy requested that the fourth proposal be on the basis of a new type of contract, a "Fixed Price Incentive Successive Targets" contract. The key difference between the Navy's newly proposed type of contract and the Fixed Price Incentive contract on which the prior proposal had been based is the requirement to reset at a firm fixed price or at a new target price in the 39th month after the contract award. The Navy also changed the share line from a 70/30 ratio to 85/15 ratio and the contract ceiling from 125 percent of target cost to 130 percent of target cost.

In accordance with the applicable Department of Defense regulations governing this type of contract, the changes made by the Navy should result in a reduction in the proposed profit based upon the reduction in risk on the contractor. Thus, under this new type of contract, target cost should not change except for the results of the discussions between the Government and the two contractors concerning the results of the Government's technical and cost audits of the third proposal.

However, the result of this fourth round of proposal appears to be a 13.5 percent—$270 million—price difference between Bath and Litton.

Since, first, both contractors presumably took account of the Government's recommendations in connection with its audit of their earlier proposals and second, both ships met Navy requirements as of February 1970 when the third proposal round took place and third, the Navy made no technical changes after the third proposal round, this price differential appears to be explicable on only one basis:

Litton took advantage of the change in contract type providing the opportunity to negotiate a new target price 39 months after contract award to make an unreasonable and drastic reduction in price.

It should be borne in mind that under the Navy's new 85/15 share line the contractor's profit is reduced by only 15 percent of any overrun negotiated at the reset point above the original target cost. Thus, a new target price at the reset point which reflects an overrun to the Government of hundreds of millions of dollars would result in only a small reduction in the contractor's profit.

XUM

THE FORTHCOMING PRESIDENT'S REPORT ON THE CAMBODIAN OPERATION

Mr. FULBRIGHT. Mr. President, the American people this week will be subjected to the most concentrated electronic/print media barrages of preplanned, custom-tailored administration propaganda on the success of Cambodia that it is possible to create with all the resources of Madison Avenue.

As I understand it, the White House tomorrow will release President Nixon's report on the Cambodian operation. It will coincide with what is expected to be the final Senate approval of the Cooper-Church amendment. The timing of the Senate vote—which is considered critical of the President's Cambodian invasion—and his own announcement of the success of Cambodia are not unrelated. The President's supporters agreed to halt their filibuster so as to permit a vote that could have taken place long ago, at least 4 weeks ago, if the White House had not encouraged delay over the past 7 weeks.

The purpose of the White House and its Senate supporters is simple and has had little or nothing to do with responsible legislating. They just did not want the vote to appear to be the action that forced the President to take the troops out of Cambodia.

I would note parenthetically that if Cambodia should fall to the Communist forces in the future, those same administration supporters will be the first to accuse Senate opponents of the war of "having lost Cambodia."

The President's Tuesday report—which will have wide television and newspaper coverage—will be followed Wednesday evening with a 1-hour live network television interview with the President, which is expected to center on the Indochina war, during prime evening time. Despite the fact that three distinguished network newsmen apparently will be free to ask any questions, the atmosphere of such an interview program makes it certain that little opportunity will be available to develop the negative aspects of the President's policies.

The President's remarks during the interview will, no doubt, dominate the newspapers the following day.

On that day, Thursday, to keep the propaganda flowing, the White House is scheduled to release the transcript of a 4-hour "background briefing" held last Friday by the President and his advisors for a selected group of 38 editors and broadcasters. It should come as no surprise that the President told that group that his Cambodian invasion was an unparalleled success; would hasten Vietnamization and permit continued withdrawal of American troops.

By making it a "background briefing" and then releasing it almost a week later the White House apparently expects to get additional press and radio/television coverage for an undeviating success theme that has been played steadily since the Cambodian invasion first began.

From the first announcement of the invasion on April 30, the President has refused to acknowledge the readily apparent reaction in Cambodia itself that would—and has followed. I speak, of course, of the widening of destructive war activity to another small, defenseless country where the enemy has been driven into the interior to be followed by our bombers which apparently now are free to attack wherever they believe the "enemy" to be.

To date the media—particularly those men in Cambodia and South Vietnam—has been agressive in presenting the facts that on their face contrast sharply with the views portrayed from the White House. However, the media, both electronic and print, faces a great challenge in the coming days. By tradition, they will necessarily film and report what the President and his advisors say—whether directly or in the "backgrounders" that protect their identity and thus encourage irresponsibility. How they characterize those "White House reports, how they show what is not said, how they present the critical view of the Cambodian "success" will in large part determine the way the American people understand and judge the President's policies.

In a perceptive article, published Sunday in the Washington Post, Dean Ernest R. May and Prof. Thomas C. Shelling of Harvard, pose a series of questions that hopefully will be answered during this week. If the President does not volunteer, hopefully the media will press for some replies. I ask unanimous consent that this article be printed in the RECORD.

We, in opposition to the President's Cambodian adventure, will also have an opportunity to see whether Vice President AGNEW's attacks against television and press critics will pay off in a stifling of the opposition views at this most important time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE NIXON REPORT ON CAMBODIA

(By Ernest R. May and Thomas C. Schelling)

Just before Cambodia, President Nixon toted up prospective gains and losses on a yellow pad. Soon after June 30, he must add up results thus far and report to the public.

In earlier statements, he set forth at least four objectives: reducing American casualties, speeding troop withdrawals, influencing actions by North Vietnam, and protecting American prestige. When hearing his statement, we should bear in mind what he has said about these objectives.

First, the President said on April 30 and reiterated on May 8 that the operation "will reduce American casualties." Over 300 Americans have died in Cambodia. Undoubtedly, the President recognized that the offensive would entail higher casualties in the short run. But he has not explained how American lives have been saved over the long run. The Cambodian sanctuaries menaced the IV and III Corps Areas of South Vietnam. The former is already Vietnamized; the latter is to be Vietnamized by September. Did the President expect to save American lives because his Vietnamization plans call for sending U.S. troops back into combat whenever the South Vietnamese are hard pressed?

Second, the President pointed to a map on April 30 and said: "North Vietnam already occupies this part of Laos. If North Vietnam also occupied this whole band in Cambodia or the entire country, it would mean that South Vietnam was completely outflanked and the forces of Americans in this area as well as the South Vietnamese would be in an untenable military position." The President should explain how the Cambodian operation has reduced this danger. News reporters tell of the Cambodians' inability to check the North Vietnamese. If U.S troops, helicopters, and air support are withdrawn from Cambodia, what is to prevent the North Vietnamese from re-establishing the threat? Will the situation be more tenable in May, 1971, when the United States has 150,000 fewer troops in Vietnam? Are there grounds for confidence that the South Vietnamese can withstand next year a threat of "outflanking" that the President judged them unable to withstand this year?

Third, the President has predicted that the Cambodian operation will influence decisions by Hanoi. When announcing on April 20 his schedule for withdrawing 150,000 troops, he took occasion to "remind the leaders of North Vietnam that . . . they will be taking grave risks should they attempt to use the occasion to jeopardize the security of our remaining forces in Vietnam by increased military action in Vietnam, in Cambodia or in Laos." When ordering action in Cambodia, he cited this warning, and on May 8, he observed that President Johnson had erred in escalating the war "step by step." Referring to the move into Cambodia, Mr. Nixon said, "This action is a decisive move, and this action also puts the enemy on warning that if it escalates while we are trying to de-escalate, we will move decisively and not step by step."

There must have been earlier signals to Hanoi. The President surely did not believe that Hanoi could reach a decision and have that decision carried out by field commanders within 10 days. But by June 30, 61 days will have passed since the President demonstrated that his words were not empty and that he was prepared to exercise his full powers as Commander-in-Chief even at the risk of a public storm at home. Is there evidence that the North Vietnamese have scaled down their operations in South Vietnam, Laos, or Cambodia. News reports suggest the contrary.

The President said earlier, "It is Hanoi, and Hanoi alone, that stands today blocking the path to a just peace for all the people of Southeast Asia." Has he had indication since April 30 that the North Vietnamese are more willing to bargain?

If the answers to both questions are negative—that is, if the North Vietnamese have not limited their operations or shown signs of negotiating—what is the next step? The President warned on June 3: "If their answers to our withdrawal program, and to our offer to negotiate, is to increase their attacks in a way that jeopardizes the safety of our remaining forces in Vietnam, I shall, as my action five weeks ago demonstrated, take strong and effective measures to deal with that situation." What "strong and effective measures" are available? Does the President contemplate renewed bombing of North Vietnam? Could a bombing campaign be more effective, militarily and politically, than that of 1965–68? Or does the President contemplate stepped-up ground force action? What happens then to casualty rates and to withdrawal?

Fourth, Mr. Nixon asserted that the action in Cambodia would work to restore American prestige and credibility elsewhere in the world. He asked on June 3: "If an American President had failed to meet this threat to 400,000 American men in Vietnam, would those nations and peoples who rely on America's power and treaty commitments for their security—in Latin America, Europe, the Middle East or other parts of Asia—retain any confidence in the United States?" The question was of course rhetorical, and White House officials conceded that many

XUM

capitals reacted initially with alarm and misgiving. The President should indicate whether these attitudes have since changed and whether he sees in Europe, the Middle East, and Japan increased faith in the restraint, wisdom, and reliability of his administration.

There is a fifth criterion for judging the Cambodian operation. Admiral Smedberg quoted President Nixon as saying a few days before April 30, "I am not going to let Cambodia go down the drain." His remark on April 30 about the military untenability of South Vietnam should the Communists control "this whole band in Cambodia or the entire country" was consistent with such a position. On the other hand, he and Secretary Rogers have declared that the United States has no commitment to Cambodia. The President's forthcoming statement should clarify his stand.

If Cambodia now falls, will that event not arouse the same concern that the prospect of it apparently aroused in late April? Will not the President's credibility be at stake once again?

These are not all the questions that we hope to hear addressed. A crucial one is whether our allies, especially South Vietnam and Thailand, have incurred new commitments or adopted military goals that the United States is committed, directly or indirectly, to support. Is it American strategy that Allied troops—no Americans among them—remain deployed indefinitely in Cambodia, or is this an independent action of the South Vietnamese government? And how far does our commitment extend if South Vietnam elects to defend Phnom Penh or other parts of Cambodia while our forces are waiting in South Vietnam to be relieved so they can be withdrawn? The President cannot be expected to bare his differences with South Vietnam in a public address; but as he has repeatedly used his statements to the American public to communicate the gravest warnings to Hanoi, he may wisely go on record at home to clarify his policy for Allied countries.

The President could also shed light on "Vietnamization." Does it mean that South Vietnamese forces must be able in any circumstances to defeat the Vietcong and North Vietnamese? Or does it admit the possibility of defeat in a Vietnamized area or in a Vietnamized South Vietnam? The President might indicate what he expects of the 240,000 U.S. troops that stay in Vietnam after May, 1971. Will they provide helicopter lift and air and artillery support? Will they fight off attacks on their own installations? What rate of casualties are they likely to suffer? Are their functions eventually to be Vietnamized? Over what time? If the North Vietnamese do not negotiate and if the South Vietnamese prove no stronger in the future than in the past, does the President nevertheless foresee a time when the United States can disengage from the war? Does ultimate withdrawal depend on permanent North Vietnamese fear of the "strong and effective measures" he has threatened?

It may be too much to hope now for answers to these longer-term questions. There ought, however, to be one further element in the summing-up. According to Stewart Alsop, the President noted on his yellow pad that the Cambodian operation would cause "deep divisions" at home. No doubt, these divisions were reinforced by the tragedies at Kent and Jackson. But does President Nixon now estimate that the benefits of the operation justified the damage to domestic peace and to faith in America? And is this the last time we shall be asked in Indochina, to buy time with lives, to prove our nationhood by resort to sudden violence, to punish the enemy for warnings ignored, or to keep South Vietnam from being out-flanked by Communist forces in Cambodia or Laos?

The PRESIDING OFFICER. Will the Senator suspend? The Senate will be in order.

THE SALARIES AND OVERSEAS ALLOWANCES OF OUR "ALLIES"

Mr. FULBRIGHT. Mr. President, I understand that the Senator from Michigan, as has already been stated here, is going to offer an amendment to modify the Cooper-Church amendment with respect to the hiring of mercenaries.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield for a question.

Mr. GRIFFIN. Mr. President, my amendment does not deal with mercenaries. I suppose that the Senator from Arkansas can characterize it in that manner if he wishes. But I indicate my strong opposition to his characterization at the outset.

Mr. FULBRIGHT. Mr. President, what these words mean is, as in "Alice in Wonderland," what each of us think they mean.

I want to make my remarks today because it is obvious from the request of the majority leader that tomorrow will be a very congested period.

These remarks are quite brief, considering the usual procedure on the Senate floor.

Mr. President, on last Friday, I had printed in the CONGRESSIONAL RECORD several tables which compare the salaries and overseas allowances of our own men.

Today, I will insert a table which goes one step further. This table shows what an American GI or officer serving in Vietnam would receive as an annual allowance for overseas duty if he received allowances at the same ratio to the annual per capita gross national product as the allowances the United States pays to Thai military forces in Vietnam.

Last Friday, I stated that the "average annual income in Thailand is $167." That figure was obtained from the Department of State—Thailand desk. It was an estimate of what the Thai annual per capita GNP would be for 1969.

In the table to which I refer and will incorporate in the RECORD, I have used the figure of $130 as the annual per capita GNP for Thailand and $3,670 as the annual per capita GNP for the United States. Those are World Bank figures for 1967, the most recent year for which complete figures are available. These figures—from the World Bank Atlas, 1969—provide an accurate base from which we can reliably compare the annual per capita GNP of the United States with that of Thailand.

It is shocking enough to realize that the United States pays an annual overseas allowance to a Thai lieutenant general nearly seven times larger than the allowance it pays to an American general of equivalent rank—$5,400 as compared to $780 for the American.

It is astounding—and I do not much like adjectives—to realize how the Thai lieutenant general's allowances appear if they are compared with the society from which he comes which has an annual per capita GNP of $130 according to the World Bank.

A Thai lieutenant general receives an annual overseas allowance paid by the United States of $5,400. This is, I repeat, 41 times the $130 annual per capita GNP of Thailand. If an American lieutenant general were to receive overseas allowances 41 times as large as the annual per capita GNP of the United States—$3,670—his annual overseas allowance would be $100,925.

I will illustrate with one more case. A Thai sergeant receives from the United States annual overseas allowances while he serves in Vietnam of $720. This is five times the annual per capita GNP of Thailand. If an American sergeant in Vietnam, who now receives an annual allowance of $192, were to be paid five times as much as the annual GNP of his own country—as is the Thai sergeant—the American sergeant would receive an annual allowance of $18,350.

Mr. President, the table speaks for itself and I ask unanimous consent that it be inserted in the RECORD at this point in my remarks. Mr. President, I also remind my colleagues that this does not include the profit involved in acquisitions at the PX's, which are very substantial in both the case of the Thais and the Koreans.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Rank	Thai Forces in Vietnam: Annual overseas allowances paid by United States	Thai Forces in Vietnam: Exceeds the annual per capita GNP of Thailand ($130) by (times)	U.S. Forces in Vietnam: Annual overseas allowances paid by United States [1]	U.S. Forces in Vietnam: U.S. allowances [2]
Lieutenant general	$5,400	41	$780	$150,470
Major general	4,680	36	780	132,120
Colonel	3,600	27½	780	100,925
Lieutenant colonel	2,880	22	780	80,740
Major	2,160	16½	780	60,550
Captain	1,800	14	780	51,380
Lieutenant	1,440	11	780	40,370
Master sergeant	828	6	270	22,020
Sergeant	720	5	192	18,350
Corporal	600	4½	156	16,515
Private	468	3½	96	12,845

[1] In addition to the above amounts which represent an allowance for "combat pay," the salaries of enlisted men serving in Vietnam are exempt from income tax and officers' salaries are exempt up to $500.

Figures in columns 1 and 3 are from Defense Department. Figures in columns 2 and 4 are arrived at by relating the Defense Department figures to the annual per capita gross national product of the United States and Thailand. The GNP figures used are from the World Bank Atlas 1969 and are for the year 1967, the most recent year for which accurate figures are available.

[2] Annual overseas allowances U.S. Forces would receive if paid in same ratio to annual per capita GNP of United States ($3,670) as Thais are paid.

Mr. FULBRIGHT. Mr. President, similar comparisons can be made with respect to allowances we are paying to Korean troops serving in Vietnam.

I believe this table of payments and these comparisons provide some idea of how we are distorting the societies which receive these enormous allowances from the United States for their armed forces. We are creating a military elite in Asian countries in which we make it possible for officers to receive 10, 20, even 30 and 40 times the income of the countrywide average annual per capita gross national product. Is it any wonder that we hear of rich generals stashing away funds in Swiss bank accounts?

Last week I spoke of the impact of this kind of practice on the moral fiber of our own Nation.

There is one more point that I would make. It relates to the secrecy which has shrouded these figures about the allowances the United States is paying the forces of some of its allies.

The argument which the executive branch has used for keeping these figures secret—a secrecy which the Symington subcommittee has now been able to get reversed, to some extent at least—is that if the forces of one allied nation knew what the United States was paying the forces of another allied nation, there would be jealousy and bickering.

Before I had studied these figures I was inclined to accept that argument.

But now that I look at these figures and compare them with what we are doing for our own brave men in Vietnam—men who are actually doing most of the fighting—I believe that the secrecy on these figures was imposed to keep these facts from our own GI's, more than from others.

How many American sergeants know that if they were paid overseas allowances by their own society in the same ratio that we pay allowances to the Thais, the Filipinos, and the Koreans, they would receive more than $18,000 per year, rather than $192?

Mr. President, the whole point is that these secret agreements, which took the Foreign Relations Committee and its subcommittee many months to pry out of the executive branch, are, I think, outrageous.

They obviously create a situation which makes it extremely desirable for these countries to obtain payment from our Government. And this goes a considerable way to explain the extreme secrecy regarding these agreements which have been made with this country.

We tried for more than a year or so to get the original so-called Brown letter—named for Ambassador Brown—which set out the agreement with South Korea. We were never able to get the official version beause the administration considered it to be such a sensitive matter. Of course, it is sensitive. It is outrageous. The amount that we pay these soldiers from other countries to come and fight with us in Vietnam is outrageous compared to what we are paying our own soldiers. That illustrates how outrageous it is.

I am certain that if our country and Senators know about it, they would not be willing to continue this program and to pay the Thais or anyone else to fight for us in Cambodia.

Mr. President, I yield the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had severally agreed to the report of the committee of conference on the amendments of the Senate to the following bills of the House:

H.R. 12941. An act to authorize the release of four million one hundred eighty thousand pounds of cadmium from the national stockpile and the supplemental stockpile;

H.R. 15021. An act to authorize the release of forty million two hundred thousand pounds of cobalt from the national stockpile and the supplemental stockpile;

H.R. 15831. An act to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile;

H.R. 15832. An act to authorize the disposal of castor oil from the national stocskpile;

H.R. 15833. An act to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile;

H.R. 15835. An act to authorize the disposal of magnesium from the national stockpile;

H.R. 15836. An act to authorize the disposal of type A, chemical grade manganese ore from the national stockpile and the supplemental stockpile;

H.R. 15837. An act to authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile;

H.R. 15838. An act to authorize the disposal of shellac from the national stockpile;

H.R. 15839. An act to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile;

H.R. 15998. An act to authorize the disposal of Surinam-type metallurgical grade bauxite from the national stockpile and the supplemental stockpile;

H.R. 16289. An act to authorize the disposal of natural Ceylont amorphous lump graphite from the national stockpile and the supplemental stockpile;

H.R. 16290. An act to authorize the disposal of refractory grade chromite from the national stockpile and the supplemental stockpile;

H.R. 16291. An act to authorize the disposal of chrysotile asbestos from the national stockpile and the supplemental stockpile;

H.R. 16292. An act to authorize the disposal of corundum from the national stockpile;

H.R. 16295. An act to authorize the disposal of natural battery grade manganese ore from the national stockpile and the supplemental stockpile; and

H.R. 16297. An act to authorize the disposal of molybdenum from the national stockpile.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 14720) to continue until the close of June 30, 1973, the existing suspension of duties on manganese ore (including ferruginous ore) and related products.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 17868) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1971, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. NATCHER, Mr. GIAIMO, Mr. PATTEN, Mr. PRYOR of Arkansas, Mr. OBEY, Mr. MAHON, Mr. DAVIS of Wisconsin, Mr. RIEGLE, Mr. WYATT, and Mr. Bow were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 669) recognizing the importance of Honor America Day, in which it requested the concurrence of the Senate.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 669) recognizing the importance of Honor America Day, was referred to the Committee on the Judiciary.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. McCLELLAN. Mr. President, I have listened for several days at intervals to the long debate which has taken place in this Chamber on the pending Cooper-Church amendment which was made the order of business on May 14. I have participated in that debate but very little, only by asking some of my colleagues to briefly yield to me.

Now that we are to vote on the amendment tomorrow—vote it up or down in its modified form—I should like to state my position for the RECORD.

I have previously and publicly made my position known to my constituents and the public, and I should now like to record my views for the permanent RECORD of the Senate.

On May 19, the distinguished senior Senator from Kentucky (Mr. COOPER) and I were interviewed together on National Broadcasting Co.'s nationally televised "Today" show by the network's editor, Mr. Bill Monroe. The purpose of that interview was to discuss the merits of the pending Cooper-Church amendment and to explore the reasons why it should be adopted or rejected by the Senate.

Mr. President, at that time, and with due deference to the sponsors and supporters of the amendment, I unequivocally expressed my opposition to it. In stating my objections to it, I said:

> I simply think that the President of our country deserves better treatment and greater respect than to have inflicted upon him the public rebuke and implications that I think are clearly implicit in this amendment. The implication that it is premised in large measure on distrust and conveys a lack of confidence in the President of the United States as our commander-in-chief, I think, is inescapable and irrefutable.

I further stated on that broadcast that:

> To adopt this resolution in view of the timing of it and the climate of circumstances in which it is being offered would be tantamount to an official censure of the President of the United States by the United States

> Senate. And I think that its enactment would be so interpreted, not only by the enemy, but by many other governments throughout the world.

I also pointed out in that discussion, Mr. President, that there was no justification for this distrust of the President, that President Nixon has kept his word about the withdrawal of troops from Vietnam. I reminded our audience that within the 16 months since Mr. Nixon became President he has reduced our troop personnel in Vietnam by 21 percent, that during that same period of time our casualties have declined by 37 percent and that the tempo and momentum of the war has diminished or been reduced proportionately.

The President has promised to reduce our Vietnam forces by another 150,000 troops within another year. I believe the President made that promise in good faith, that he intends to keep that promise. So far, I have observed no breach of faith, no action on the part of the President to warrant any disbelief or to indicate that the President cannot be trusted to carry out and fulfill this obligation.

Therefore, I cannot help but be concerned that however intended, and notwithstanding the laudable intentions of its sponsors, the Cooper-Church amendment is calculated in its natural import and common acceptance to challenge the validity of the President's program and the reliability of his promise with respect thereto.

Mr. President, when President Nixon announced in a nationwide broadcast on April 30, 1970, that he was ordering the destruction of the Cambodian border sanctuaries of the enemy, he stated that he would have all our troops out of Cambodia by June 30.

He has kept that promise. Tomorrow will be June 30, and I think it has been announced today that all troops are now out of Cambodia. I submit that there is no reason whatsoever to doubt that he will faithfully endeavor to carry out his promise and resolve to disengage and reduce further our forces in Vietnam and bring home another 150,000 of our troops by April 30, 1971.

I further said in that May 19 interview on the National Broadcasting Co. that:

> Since it is conceded that the President has the power to protect our troops, and I interpolate to say that he has the duty to protect them, I insist that the action in Cambodia, the invasion into these sanctuaries and destroying their potential there to make war, is not only a protection of the troops, but the commander-in-chief would be derelict in meeting his responsibility if he didn't undertake to destroy them in view of their contiguity to the battlefield.
>
> And I think he should be applauded and not condemned.

I further said that up to that time we had already captured enough ammunition to kill every American soldier in Vietnam 20 times over. The quantities of arms, ammunitions, and war supplies that we have taken in Cambodia have doubled, tripled, and in some categories quadrupled, since that time. We have now taken enough arms and ammunition to kill every American soldier in Vietnam 50 times over.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as part of my remarks a comparative table of the quantities of arms and war materials taken by our forces in Cambodian sanctuaries as of June 26—that is, the end of last week—with the amount reported as of May 12.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

June 26, 1970	Latest figures reported as of June 26	Figures used in my remarks on May 19 (as reported on May 12)
Enemy killed	11, 195	5, 004
Detainees	2, 300	1, 360
Individual weapons captured	20, 830	7, 068
Crew-served weapons captured	2, 514	964
Rice (tons)	6, 853	2, 846
Rice (man-months)	301, 972	83, 149
Rocket rounds captured	44, 412	9, 349
Mortar rounds captured	67, 308	10, 441
Small arms ammunition	13, 885, 287	8, 458, 325
Land mines captured	5, 455	
Bunkers destroyed	11, 593	3, 237
Vehicles destroyed or captured	429	167
For official use only:		
U.S. killed	330	89
ARVN killed	780	268

Mr. McCLELLAN. Mr. President, the military success of our attack on these sanctuaries is most rewarding and gratifying, indeed.

When I contemplate the suffering and death this stockpile of weapons and ammunition might have someday inflicted on our troops in the course of their withdrawal from Vietnam, I hail with pride and satisfaction the results of the Cambodian campaign. For we know now, Mr. President, these particular weapons and ammunition will not be—cannot be—used against our forces. We also know that it will take the enemy a long time to replace these supplies and to move them to positions for ready access to support attacks in South Vietnam. Thus, I can foresee, and I do not think it can be successfully controverted that as a result of the successful Cambodia campaign against the sanctuaries where they stored these huge war supplies, thousands of lives of American soldiers have been saved, the enemy's striking power in South Vietnam has been weakened, his plans for attack on Saigon and other targets in the delta area have been thwarted, while the safety of our troops has been strengthened, and their withdrawal according to schedule has been better insured.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am glad to yield to my distinguished friend.

Mr. HOLLAND. Mr. President, I want to say that from information I have gained from two quite personal letters, one written by a young man, a friend of a young lady in my office, who had been in Cambodia until just a few days ago, and the other to the mother of another young man who also had been in there—they had been in different units, one in a so-called cavalry unit, which is not cavalry anymore, and the other is one of the other ground units—the information given is even more optimistic than the well-reasoned official information the Senator gives.

They think the invasion was a tremendous success and that it will give much greater freedom, both in time and in lack of danger, for the withdrawal of our troops from South Vietnam. In short, having been through these experiences, they feel that the invasion effort was an outstanding success, and they tell of the pride that they and their comrades felt in having taken part in that expedition.

From that more or less personal viewpoint of young men actually engaged in the service, I wanted to add to the much more formal statement made by my distinguished friend, with which I completely occur.

Mr. McCLELLAN. I thank my distinguished friend from Florida. I, too, get similar reports from troops in Vietnam.

Mr. President, I just cannot understand why every time we undertake to fight the war, to do something about it, we find objections here at home. We have our boys over there. They are committed. We committed them—not this administration; the past administration sent them over there. They are committed to fight. They are committed to war. This President is trying to get them home, and to retain some measure of honor and character in the process. I just cannot understand why we are unwilling to cooperate with him and to support him and to commend him when he takes action to which I think only the enemy could object—action which protects our boys, action which insures their greater safety, and which I think insures the success of the plan now to withdraw as safely as we can from that conflict.

Mr. President, I wonder how I would feel if I were over there, or my boy were over there, as soldiers, and the Senate passed a resolution, or what was tantamount to a resolution, condemning the action of the President of the United States for protecting me, or my son, or yours. That is what he has done. He has committed no crime. He has acted in good faith and has performed his duty as Commander in Chief of our forces. He does not deserve criticism, either express or implied, for the Cambodian incursion.

Mr. President, we are making a mistake when, every time we try to do something that hurts the enemy, we find the complaints here. I believe that the purpose in war is to hurt the enemy; and we have appeased too long. In fact, in this war we started by appeasing. We did not start out to win. We gave them advance notice that we did not intend to win. So all they had to do was outlast us, and they finally have ended up with our withdrawing now.

Mr. President, I do not trust the enemy. I do not trust his motives, his actions, his character, or anything about him. I think, if he could do it, he would undertake to impose upon us another Dunkirk as we withdrew our troops. And a President, as Commander in Chief, who could anticipate that that fact might occur, and did not undertake the action that President Nixon took to try to forestall it, to try to prevent it, to try to dis-

XUM

rupt the plans of the enemy so that he could not impose it, would be derelict in his duty as Commander in Chief, in my judgment.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am glad to yield.

Mr. COOPER. Mr. President, I have heard the forceful and eloquent speech of the Senator from Arkansas. I recall the occasion when he and I had the privilege of being on a television program together, a week or two after our country's forces entered Cambodia.

Mr. McCLELLAN. May 19.

Mr. COOPER. May 19. I recall his forceful and eloquent statement on the "Today" TV program. I cannot disagree with many things he has said. I have supported the Vietnamization program of the President of the United States. Quite a number in this body do not.

Having served in the Senate continuously since 1957, I have witnessed our involvement in Vietnam mount and mount, until we had 560,000 men in Vietnam and in battle. I heard very little about the war until we began to suffer casualties. We sat here year after year, appropriating money to send troops, and finally found ourselves engaged in a great land war in Asia, which I doubt that any of us, or very few foresaw all of us bear responsibility. Our amendment attempts to prevent a similar step-by-step engagement in a larger war in Indochina.

Later I noted, when President Nixon became President, the commencement of his program of reversal of former policies, to bring our forces out of Vietnam. I have supported him. I have declared my support of his policy of Vietnamization on the floor of the Senate. I agree with the Senator on this second point he has made.

The Senator has spoken on a third point—the present military operation. There is nothing in the amendment Senator CHURCH, Senator AIKEN, Senator MANSFIELD, and I have introduced that deals at all with the present military operation in Cambodia. Our amendment is prospective. If it were to be passed, it would not become effective until July 1, or until it finally became law, and I am sensible that there is some question about that. The U.S. Armed Forces operation has ended.

I have said on the floor of the Senate several times that from a purely military standpoint, the destruction of sanctuaries may be a classical military operation. If it had been an operation in World War I or World War II, it would have been accepted as such. But moving into another country without its request did conjure up possibilities of further involvement as we became involved in Vietnam.

The Senator said further that our amendment is one which, in effect, is not only a criticism of the President of the United States, but a censure of the President of the United States. I suppose any legislative action which the Senate might approve and which some might interpret as limiting the power of the President of the United States at a particular time could be termed criticism if one wanted to be so extreme in his statements. I suppose we cannot escape this. I can only say that if we accept the argument the distinguished Senator has made, that the assertion of the congressional authority is a criticism of the President then there is nothing that Congress can ever do in the way of war-making decisions except to say that whatever the President does is all right. In saying this I do not say that the movement into Cambodia to destroy sanctuaries was not proper, nor am I here to say that the President intended or expected to become involved in Cambodia.

The Cooper-Church proposal is that in the future, if the United States is to become engaged in a new war for a new country—Cambodia—to which this country owes no obligation of any kind, or if we are to make a new commitment to extend the Vietnam war when President Nixon's policy is to end the war, then we think, constitutionally, Congress has a voice, a part, in making a decision when the resources, the materiel, and the lives of the young men of this country are to be committed to war.

That is all I have to say on this point. I recognize the arguments of the distinguished Senator from Arkansas, but I think we are simply talking about different things. I am talking about what the position of the Congress of the United States should be constitutionally, and from common sense and policy, not only to try to protect our country from a deeper involvement in the Vietnam war, but also to set some precedents against our involvement in future wars without the joint determination of the President and the Congress.

I am sure the President of the United States is not trying to expand the Vietnam war.

He is trying to end American participation and, I agree with the Senator, with honor, for throughout the years we have given the impression, and in fact, made these countries believe that we would defend them. We owe some obligation to them—not to abandon them precipitately.

I make these statements to say that the Senator and I agree in many respects, but if the Senator means to say that the Congress of the United States shall never have any voice in decisions that lead us into wars, then, on that point we disagree.

I thank the Senator.

Mr. McCLELLAN. I thank the distinguished Senator from Kentucky. We do not disagree, then, because I agree fully with my friend regarding the beginning of a war. But in this instance, we are already in a war. We call it an undeclared war, and it is, but it is a war, just as much so as if it had been declared. This war is not over, and the only thing that we have done, that I think apparently is being criticized—the implication of it is present in this amendment—is that the President ordered the sanctuaries on the borderline of the battlefield, in neutral territory that had been invaded, and those sanctuaries had been established by the enemy in a neutral country, without its consent. They were there as a danger to our troops, and the President ordered them cleaned out. I cannot blame him for it. I would not want to take any action, by vote, word, or deed, that would carry any implication of censure of him for doing it.

Mr. President, the distinguished Senator from Kentucky has said that he does not want the war escalated and escalated, and more money spent to keep troops going over there. I am trying to remind the Senate that all of that happened in another administration, and President Nixon is doing his best to get them out. I think it well to support him. I think he ought to be supported by every Member on that side of the aisle and every Member on this side of the aisle. There is no politics in it. We are in a war. Whether we got in there rightly or wrongly, no matter who is to blame, our boys are over there dying, and they are entitled to our support and our protection. I think we have made many mistakes—and right here in this Chamber, if you please—with respect to this war. I want to see the boys out. I think the President is trying to get them out.

I point out one reason that we are not trying to win the war: we did not start it to win it. I think there are times—and this is one—when you cannot win a political victory until you have convinced the enemy in a military war. I did not want the war to get any greater, but I think we should learn the lesson from this one never to get into a war again that we do not intend to win. We will not get into so many. We will not take action until the issue is such that it is compelling that we make the sacrifice necessary to bring about a military victory.

The distinguished Senator expressed his concern about getting into a war in Cambodia, that he wants to prevent that. Again, the President has given his word. I am willing to rely on it. That is all I am asking my colleagues to do. I have not found reason yet to doubt him, to distrust him, or to believe he is not sincere, or that he will not keep his word. There is time for us to act if he betrays us, and I do not believe he will do it. I do not believe he will do it.

Again I applaud the President, our Commander in Chief, for the wisdom and courage he demonstrated in ordering those sanctuaries destroyed. He deserves our support and commendation and not criticism and condemnation.

And since I think the action of the President in ordering those sanctuaries destroyed precipitated the offering of the Cooper-Church amendment, I cannot give it my support—not even after the modification and softening of it by the revisions of it that have been made.

I do not think we would have this amendment here had the President not ordered our troops into Cambodia to destroy those sanctuaries. I do not think it would be here. That precipitated it. And from my viewpoint, and I think the viewpoint of most governments the world over, and especially our enemy, there is the inference in this action that the Senate of the United States proposes to criticize and condemn the President for the action he took. I do not want any part of it. With that implication, Mr. President, I cannot support it. I shall still vote against it. In fact, some of the

XUM

provisions of it may now be moot. I mean there will be no need for them, as they apply so far as the sanctuaries in Cambodia are concerned.

I shall still vote against it. I think it is a grievous mistake. I do not believe that the best interests of our country can possibly be served in any way by its enactment. No benefits or advantages to our fighting men over there can possibly flow from it. I am, therefore, compelled to vote against it, even the modified version of it.

Mr. President, I ask unanimous consent to have printed at this point in the Record a telegram from John W. Powell, department commander of World War I Veterans, of Arkansas.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

Hot Springs, Ark., *June 10, 1970.*

Hon. John McClellan,
U.S. Senator,
Senate Office Building,
Washington, D.C.:

The veterans of W.W.1. department convention in session at Hot Springs, Ark. has just approved unanimously a resolution which will be mailed to you today, unanimously approving the assignment of troops by Pres. Nixon in Cambodia. We seek your support and backing of the President in this decision as we have.

John W. Powell,
Department Commander, W.W.1.

Mr. McCLELLAN. Mr. President, I have received a copy of a letter dated May 13, 1970, written by Mr. Herbert L. Thomas, Sr., a very distinguished citizen of Arkansas. The letter was addressed to members of the Amendment to End the War Committee, Post Office Box 1–A, Benjamin Franklin Station, Washington, D.C., to Senator George McGovern, Senator Frank Church, Senator Harold Hughes, Senator Mark Hatfield, and Senator Charles Goodell.

This is a letter, Mr. President, that comes from an informed source, and it asks some very provocative questions. I believe it is a letter that every Member of this body should read if in doubt about how he should vote on this amendment. I do not recall ever having seen a communication regarding a pending issue in the Senate that raises more questions and prompts more self-examination on the issue before us than does this letter. I ask unanimous consent to have the letter printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Eden Isle, Ark., *May 13, 1970.*

To Members of the Amendment to End the War Committee, P.O. Box 1–A, Benjamin Franklin Station, Washington, D.C.

I listened with intense interest to your program of Tuesday evening, May 12, 1970. I think you did an excellent job of expressing your desire to end the war by legislation. Even though I think your views have had more publicity than the reasoning of the president has had, I am enclosing a contribution that together with many other contributions will give you an opportunity to carry your message to the American people. If you will answer other questions I raise here fully and understandably, I shall be glad to contribute more.

My position without knowing your answers to other serious questions related to the war but after hearing your appealing program last night is that I shall urge Senator McClellan to vote for the president to continue handling the war. I know, of course, that my friend, Senator Fulbright, agrees with your reasoning.

It has been my understanding that we did not go into Vietnam just to save this country for the South Vietnam government or to impose our will upon a portion of Asia. We went into it for the same purpose and with the same reasoning that we went to the rescue of Greece from the communists, the same reason our marines landed in Lebanon, for the same reason our 6th fleet went into the China Sea, for the same reason we stopped the missiles going into Cuba, and even for the same reason we adopted the Marshall Plan to help weaker people and weaker nations or nations under threat of being toppled by chaos caused by the skilled hand of the communistic world at the game of toppling nations without direct participation, plus the major reason of our own future welfare. We were successful in all these decisions except Vietnam and either you or your predecessors supported all these activities. It would have been wonderful, even superhuman if we had known not to go into Vietnam.

It was by our hindsight a mistake and I am willing to support a plan of getting out but since the leadership in determining the strategy of a war and ending it has been left in the hands of our elected presidents, I am reluctant to take this leadership away from the president. The act could weaken our nation. Neither the Congress nor any other group can furnish the inspired leadership that the right president can furnish to us in time of crisis.

The president, in my judgment, has given evidence that he too wants America out of Southeast Asia. He gave his plans and his timetable before you gave yours. Up until last night I had not heard your group talk as though you were willing to keep our men there for a while longer. You encouraged the dissenters to say, "Get out now—at once." So since you are adopting a timetable just as the president has done and since even you have conceded at times that he had access to more facts than you had before you, I would like to hear you answer the question of how you came to adopt the president's plan of a timetable.

As part of the dissenters' program how can you stand to wait for another single soldier to be killed? You have never before suggested we ought to do something to save the South Vietnamese from slaughter as we leave. The president did. Now, you too believe in that. What can you say to the mother whose son is killed on December 30th when your plan calls for us not getting out before December 31st? It was the president who laid down the policy of getting out of Southeast Asia and in the future only helping our beleaguered friends as Russia does—but keep our soldiers out. Are you now going to say the same thing except you are going to start before our men can be brought home safely and honorably?

If you will not believe the president, if you will believe none of his advisers, if you will not believe our military experts when they say the diversion into Cambodia is a valuable part of our program in getting out and that it has a better chance of shortening the time of return and saving lives than it has the opposite, then I cannot see that our military has any value to you in reaching your decision on military matters. I think Mr. Laird, as an ex-member of Congress, highly respected by the Congress before heading up the Defense Department, should be able to convince you or the American public that he is in a better position to evaluate the president's decisions than he was able to do as a congressman.

If we rush out of Vietnam and the communists take over Vietnam, Laos, Cambodia, and Thailand, which members of your group have conceded is likely to happen, and they relax awhile before they create guerrilla civil war in the Philippines, exactly what would your group propose to the nation if you are in charge rather than the president? If your answer is America shall never go to war again for any reason other than defense of our own mainland, I think you know what will happen to the Philippines. I do not call it the domino system, it is the communist system. South America could well be next where their activities are already felt. What is your answer there? Do not just say, "This will not happen." I am interested in testing your foresight—we are together on our hindsight.

I'd like to ask a favor of your committee which I think is reasonable and would help our country greatly. You have now taken over the leadership of the dissenters in the United States—by your actions and by your reasoning you have said to the dissenters, whose fringe are the rioters, that you are going to accept their cause in the United States Senate. Is it not reasonable that you should now say publicly in the same kind of program you put on last evening that it is your request since you are officially leading their cause as regards the Vietnam war that they can stop marching, stop rioting, and get back to their studies, their cause will not be neglected. I truly believe your word would be magic and effective with them.

You have convinced me beyond a doubt that you want to get out of Vietnam even if you do not mention that fact again. I now beg of you to convince me why you are better qualified to get us out than is the president whom I think you should admit wants us out. Tell us why we should accept that you know how to draw a better timetable than he has drawn, convince me by your position the number of casualties you would have compared to the president's casualties. At times you mention this as an undeclared war intimating that the president is making decisions that might come within his authority during a declared war, but not in an undeclared war of his own making. Surely all of you know that declared wars have become illogical—obsolete made so by the harassing tactics of the communists. If we had declared a war every time the Congress was in accord to intervene in some manner, such as Greece, Lebanon, or Cuba, we could be made to look stupid. The communists would just withdraw and we would be left with a hollow declared war. They start the static so small that it isn't war, it grows depending upon our action.

I believe some of you have said we need to reconsider the sale of planes to Israel. I agree but how do you reconcile this with your other statements that we have no business dabbling in the affairs of troubles elsewhere? Tell us your detailed future actions if it were left to you as to how far and how often we should show an interest in Israel. Again, this is an opportunity to declare your future actions rather than your hindsight. Believe me, I am seeking your views, as you ask me to seek, I want all America to know your views stated plainly and logically.

I shall look forward to your next national appearance and may the best plan be approved by the American people.

Sincerely,

Herbert L. Thomas, Sr.

Mr. McCLELLAN. In conclusion, Mr. President, may I say that I know not what others may do. But when this Record is read in future years, my name shall not be one of those who raised the question about the wisdom and the courage of the President of the United States, the Commander in Chief, in a time of grave crisis. My name will not be on the scroll where it can possibly be said, "By that vote you gave the enemy hope and encouragement." On the contrary, I think it will be read that I voted to support our troops over there. I voted in their interest and, in the long run, in the interest of America, her safety, and her security.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am glad to yield.

Mr. HANSEN. Mr. President, I compliment the distinguished senior Senator from Arkansas for his very eloquent and compelling remarks this afternoon.

Let me say, first, that I do not question the patriotism or the loyalty, of any Member of the U.S. Senate, and I know that he does not. But I think that, very properly, he has raised some questions that we must ask ourselves. As we voted earlier today—and I had occasion at that time to make some observations—it is inescapable that, so long as we fail to make our position clear on questions such as are before us this afternoon, inevitably it will result in the enemy taking advantage of that sort of situation.

I agree with the distinguished senior Senator from Arkansas that this Nation ought not start into a war halfheartedly. If our national interest is sufficiently at stake, I believe we should commit ourselves and be willing to go in all the way; and if we are not ready to go that far, then I say let us not start in. I do not want to have another repetition, insofar as my action is concerned, in going into another Vietnam or any other peace that will result in our involvement, our loss of American lives, and all the effort that has gone into that action over there, and then have to contemplate, as now seems to be our sad duty, the possibility of having made much of that sacrifice in vain.

I am sure that a great many people do not agree with me; but I think that history will judge us, as indeed it must all men, and when we look back from the vantage point of time, I suspect that the truth and the wisdom that seems so apparent, as contained in the very deeply felt remarks of the Senator from Arkansas, will become more obvious to us all.

Before the vote, I intend to speak at more length but I did not want to let this occasion pass without paying my respects and expressing the deep appreciation and the complete agreement in which I find myself with respect to the remarks of the distinguished Senator and great patriot from Arkansas.

Mr. McCLELLAN. I thank my distinguished friend. If I did not make it clear—I know I did, from the transcript I read of our television interview—I question no one's integrity, no one's motive, no one's patriotism. I simply am determined, however, to satisfy my own conscience with respect to my own.

THE POSTAL REORGANIZATION ACT—PRIVILEGE OF THE FLOOR

Mr. BELLMON. Mr. President, I ask unanimous consent that Theodore J. Kazy, the senior staff assistant of the Committee on Post Office and Civil Service of the House of Representatives, be given floor privileges, under rule XXXIII, during the consideration of S. 3842 and H.R. 17070, the postal service reform bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMA EASES ABORTION RULES

Mr. PACKWOOD. Mr. President, I have been a longstanding supporter in the field of abortion, of the right of a woman to terminate a pregnancy by private decision of her own conscience, if she so chose.

This week, the American Medical Association, after a longstanding battle, has changed its position on the subject of abortion and has, in essence, said that if a woman wants one and her physician agrees, after consultation with two other physicians, she may have one.

I ask unanimous consent to have printed in the RECORD an article published in the New York Times concerning the American Medical Association's decision.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AMA EASES ABORTION RULES; CITY HEALTH UNIT EXPANDS PLAN—SOCIAL REASONS ACCEPTED

(By Richard D. Lyons)

CHICAGO, June 25.—The American Medical Association voted for the first time in its 123-year history today to allow doctors to perform abortions for social and economic reasons, as well as medical.

After a bitter controversy that raged for a week at the association's annual convention, the AMA's House of Delegates, which sets policy for the group, voted 103 to 73 to consider the performing of abortions ethical if the following conditions are met:

That the doctor be properly licensed to practice medicine.

That the operation be performed in a hospital accredited by various public health organizations.

That two other physicians be called in for consultation.

Today's stand, which was regarded as a surprising turnabout by many physicians here, is not quite so liberal as the newly enacted abortion laws in New York, Hawaii, and Alaska, which do not require the last two conditions.

But the new position has far fewer legal qualifications than laws in the 47 other states and it is bound to affect abortion reform campaigns in them.

After the vote, Dr. Gino Papola of Upper Darby, Pa., the president of the 6,000-member National Federation of Catholic Physicians Guild, said he intended to resign from the AMA and he urged the nation's other 35,000 Catholic doctors to do the same.

"In effect, the AMA has made it ethical for doctors to become paid executioners," Dr. Papola said in a telephone interview. "I certainly don't want to be a doctor in the AMA under these circumstances."

UNETHICAL FOR 120 YEARS

However, the resolution adopted by the House of Delegates specifically states that a doctor cannot be compelled to perform an abortion if it "violated his good medical judgment" or is "violative of personally held moral principles."

Today's action is not expected to affect Roman Catholic hospitals, which contain nearly one-third of the nation's general hospital beds, since the resolution also states that hospitals do not have to perform abortions if their directors do not want them to. Few abortions, if any, are performed in Catholic institutions.

For 120 years the AMA considered abortions unethical, stating in 1871, for example, "that it to be the duty of every physician in the United States to resort to every honorable and legal means in his power to rid society of this practice."

Over the years, however, some respected physicians would perform abortions if they believed that the pregnancy was a threat to the health of the mother.

Three years ago the House of Delegates voted to consider the performing of an abortion ethical if there were a threat to the mother's physical or mental health, a threat that the child might be born deformed, or if conception had taken place under criminal conditions such as rape or incest.

A dozen states and the District of Columbia subsequently altered their abortion laws. This fall the Supreme Court is to take under consideration the issue of whether a law that restricts abortion is a violation of a woman's constitutional rights.

The AMA's shift on abortion was prompted by a report issued last month by the association's 15-man Board of Trustees that "recommends that the House of Delegates establish a policy on abortion that would permit the decision to interrupt pregnancy to be made by the woman and her physician."

The trustees said they were worried that the new state laws might force doctors practicing in those states that have liberalized their abortion laws into what might be construed as an unethical position.

A special AMA committee on Monday heard 52 witnesses testify on the Board of Trustees' recommendation with many Catholic physicians urging that it not be adopted. The Catholic policy on abortion is that the practice is immoral except when medical treatment, such as radiation for cancer, might kill the fetus.

Dr. Wesley W. Hall of Reno was voted president-elect of the AMA. Dr. Hall, a member of the Board of Trustees, will succeed Dr. Walter C. Bornmeier when his term expires at the 1971 convention.

Dr. H. Thomas McGuire of New Castle, Del., was elected vice president.

THE McGOVERN-HATFIELD AMENDMENT

Mr. PACKWOOD. Mr. President, this is neither the time nor the place to argue at length the resolution referred to as the McGovern-Hatfield amendment. But I did have occasion in the past 2 weeks to poll the voters of Oregon. I mailed out between 70,000 and 80,000 questionnaires. I am not sure of the exact number, because I did not count exactly those that were returned for inability to send. But we received back 11,512 answers.

One of the questions asked was specifically on the McGovern-Hatfield amendment. The amendment was very clearly explained, and then the voters were asked whether or not they favored it, opposed it, or had no opinion. Of those who responded, 5,701 favored the McGovern-Hatfield amendment, 5,265 opposed it, and 546 had no opinion. Translated into percentages, 49.5 percent favored it, 45.7 percent opposed it, and 4.8 percent had no opinion.

Again translating that, if we eliminate those who had no opinion, 52 percent favored the amendment and 48 percent opposed it.

Mr. President, I place these figures in the RECORD solely for the information of

XUM

the Senate when they come to considering this amendment weeks and months hence.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

IN SUPPORT OF ASIAN SELF-DEFENSE

Mr. GRIFFIN. Mr. President, the debate in which the Senate is engaged is an historic one. It concerns the manner in which the United States will meet its responsibilities as leader of the free world. It concerns such questions as whether and how the United States will use its influence to preserve peace and stability in Asia and the Pacific.

It concerns the very heart of the Nixon doctrine.

Mr. President, I shall, upon conclusion of my remarks, offer an amendment to subsection (3) which would modify the Church-Cooper language to make it read as follows:

> No funds authorized or appropriated pursuant to this Act or any other law may be expended after July 1, 1970 for the purpose of—
>
> (3) entering into or carrying out any contract or agreement to provide military instruction in Cambodia by United States personnel or to provide United States personnel to engage in any combat activity in support of Cambodian forces;

The operative change in the amendment to subsection (3) is to insert the words "by United States personnel" in two places.

The purpose of the amendment is to make clear that the United States would not be enjoined by the Church-Cooper language from assisting non-Communist nations in Asia which stand prepared to cooperate in lending support to a neighboring country in dire need, in this case, particularly Cambodia.

The amendment we offer would not authorize anything, but it would modify the broad language of subparagraph 3 of the Church-Cooper amendment, which goes far beyond the "mercenary" issue; it would actually nullify the Nixon doctrine so far as Cambodia is concerned.

Indeed, if the Church-Cooper language as now presented, were to be enacted into law, the so-called Nixon doctrine would apply to all non-Communist nations in Asia except Cambodia.

It is understandable that the sponsors of the Cooper-Church language do not want American forces to become involved in Cambodia. Obviously, the Church-Cooper amendment was precipitated by the temporary incursion ordered by President Nixon to clean out Communist sanctuaries inside the Cambodian border.

Many people who have been reading about the Church-Cooper amendment are laboring under assumption that it deals only with the use of American forces in Cambodia. Well, it does deal with the use of American forces in Cambodia, but what many people in and out of the Senate have overlooked is that the Church-Cooper language goes much further. Indeed, it seeks not only to preclude the use of American troops in Cambodia but the Church-Cooper language says in effect that we cannot help any other country in Asia which is willing to come to the aid of Cambodia.

As the Church-Cooper amendment now stands, and I refer particularly to subparagraph (3), it defeats its own purpose.

I know that those who support the Church-Cooper language are trying to guarantee that indirect involvement in Cambodia by the United States will not lead to direct involvement of the U.S. forces. But it goes too far.

The amendment offered by the Senator from Washington (Mr. JACKSON) and myself is proposed because the language in subparagraph 3—prohibiting U.S. military assistance to any country that might come to Cambodia's aid—is so broad as to be self-defeating.

It is self-defeating for two reasons.

First, it is in the interest of the United States that the non-Communist nations of Asia be able to carry the primary burden of their own defense. In practical terms, this would be impossible if those who receive U.S. military assistance are not allowed to turn to one another for aid and support.

Second, to enact subparagraph 3 as it now stands would set a precedent that will give alarm to our friends and allies elsewhere around the world whose mutual cooperation we have been encouraging for the past 25 years.

In the President's statement at Guam in mid-1969, and in his report to the Congress on U.S. foreign policy for the 1970's. Mr. Nixon observed that we look to Asian nations to increasingly assume the primary responsibility for their own defense. He said:

> This approach requires our commitment to helping our partners develop their own strength. In doing so, we must strike a careful balance. If we do too little to help them . . . they may lose the necessary will to conduct their own self-defense or become disheartened about prospects of development. Yet if we do too much, and American forces do what local forces can and should be doing, we promote dependence rather than independence.

Press response to the President's Asian policy was generally warm and approving. Columnist Richard Wilson wrote in the Washington Evening Star on July 28, 1969:

> What the final result of this venture will be cannot be foreseen. But what can be foreseen is the first determined effort by an American President to extricate the United States from the immense military burdens it has tried to carry since the end of World War II in maintaining order and stability in the world. . . .
>
> The Johnson era in Asia has definitely come to an end and the Nixon policy on non-intervention has begun. Asia for the Asians. We will help the free nations fight their own fight against internal subversion but we will not fight their war for them. No more Koreas. No more Vietnams. That is the message Nixon has carried to Asia whether the Asians like it or not. The President has moved faster and gone farther than seemed likely when he took office six months ago.

The President's Guam doctrine was hailed by free Asian leaders almost as soon as it was stated.

The Washington Post reported that Philippine Government leaders saw it as a meaningful compromise between outright American withdrawal and continued direct U.S. participation in regional affairs.

The Philippines Herald saw it as indication enough of America's willingness to heed the voice of Asia's leaders and her deeper concern for the welfare of this region.

From India, the Washington Post reported:

> President Nixon's pleas to Asia to look after its own defense is particularly welcome to the Indian government, which has been arguing on the same lines in view of Britain's scheduled withdrawal from East of Suez by 1971.

The Washington Post, in an editorial on July 28, 1969, said this of Mr. Nixon's Asian policy:

> Its prospects of working are immeasurably enhanced by its timing, coming as it does a moment when we are in fact beginning the process of visibly disengaging militarily from Vietnam, whereas when other Presidents were saying these things—stressing Asian regionalism, seeking to minimize the significance of our military role—American military power was moving in, not out.

Nor was this generally favorable reaction confined to newspaper editorials or newspaper columnists.

A very welcome display of bipartisan support arose in Congress following the President's enunciation of his Guam doctrine. For example, the distinguished majority leader of the Senate, the Senator from Montana, had some warm words for President Nixon's approach to future U.S. foreign policy as enunciated during the President's Asian trip:

> The President is moving with caution and consideration but also with a sense of reality based on the changes which have occurred on this globe. He is not advocating isolationism, nor is he advocating the abandonment of Asia.
>
> In his candid statements, both in this country and in Guam, he has emphasized that the United States is a Pacific power with peripheral interests on the Asian mainland . . .
>
> . . . What the President has done, in short, is to signal the less likelihood of American participation in wars on the Asian mainland in the future. The President has also encouraged the Asian nations to depend more on themselves in both internal security and military defense which, to me, seems to be a sound long-range policy. In short, what the President has stated broadly and plainly is continued support for the nations of Asia but with greater Asian participation and responsibility.

President Nixon's Guam doctrine is not a complete and revolutionary departure from all past policies. It fits in with the responsibilities we have accepted to help keep the peace and help defend the independence of other nations in the world.

It is different in its emphasis, and in method—but this is because President Nixon recognized such changes were overdue and acted accordingly.

The United States assumed more and more responsibilities as a world power between 1945 and 1950. For two of the most important years in that period, 1947 and 1948, the Republicans were in majority in Congress, while a Democrat was in the White House.

It was during that critical period, that

XUM

a distinguished Republican Senator from Michigan, the Honorable Arthur H. Vandenberg, helped formulate the concept of bipartisanship in the American foreign policy. And I think no one ever defined it better than Michigan's Senator Vandenberg in a letter he wrote to a constitutent in January 1950:

> To me "bipartisan foreign policy" means a mutual effort, under our indispensable two-Party system, to unite our official voice at the water's edge so that America speaks with maximum authority against those who would divide and conquer us and the free world.

In this respect, I might add, our distinguished majority leader presents the very finest example of this tradition.

I realize the sponsors of the Cooper-Church language want us to disconnect ourselves in such a way from Asian efforts at collective self-defense that we will not become directly involved in Cambodia. I respect their intentions.

But as the amendment now stands, it would mandate abdication of our responsibility, and it would discourage our friends from shouldering theirs.

On the other hand, our amendment recognizes American supportive responsibility, and would enable us to carry it out in a way that makes clear to other countries that the direct burden for their defense rests with them and not in the United States.

This brings us to the second reason why the language of subparagraph 3 of the Church-Cooper amendment is so broad as to be self-defeating. As I said earlier, to enact the amendment as it now stands would set a precedent that will give alarm to our friends and allies elsewhere around the world whose mutual collaboration we have been encouraging.

For 25 years, under five Presidents, the United States has supported free nations which resisted aggression, either singly or jointly. Twenty-three years ago, in March 1947, this policy was clearly enunciated by President Truman when he declared:

> It must be the policy of the United States of America to support free peoples who are resisting attempted subjugation by armed minorities, or by outside pressure.

The immediate concern of President Truman and the American people was the attempted takeover of Greece and Turkey. In Greece the democratic government was involved in a death struggle with armed Communist guerrillas. Turkey's Government was nearing the cave-in point under strong pressure from the Soviet Union.

In both Greece and Turkey, the situation had become critical when President Truman reaffirmed American intentions to sustain and support free governments under attack. This statement of policy was to guide the United States from that point to the present. It is still American policy.

Another totally logical and, it seems inevitable, progression from the success of the policy in Greece and Turkey was formation of the North Atlantic Treaty Organization—also launched by the Truman administration and also still a fundamental part of American policy.

To date we have spent some $21 billion in support of this policy of providing military assistance in underdeveloped nations, and another $18 billion toward the same end in developed countries.

Discouraging our friends from helping one another is no way to bring peace to Asia; nor does it make it easier to bring American men home.

Some argue that the "lesson of Vietnam" is the lesson of 1961–65; that American assistance is only a prelude to American military involvement. But the overwhelming evidence of the last 25 years is that the opposite is true. How many nations around the world have we assisted in getting back on their feet who are now in a position to undertake the primary burden of their own defense?

Vietnam itself has another lesson: It is the lesson of Vietnam 1969–70 that a dedicated and concerted American effort to assist a nation to develop the capacity to defend itself is precisely what enables us to reduce our burden of involvement.

It enables us to disengage, to disconnect ourselves from direct military involvement, while building the foundation of stability and peace. This is the true lesson of Vietnam.

The Vietnamization program is proof of it.

The Vietnamization program is working and this is a point which should not be obscured by other discussions, other matters.

The current American troop commitment in South Vietnam is down 21 percent from 1 year ago.

By April 15, 1970, President Nixon had reduced American troop levels below 434,000.

But another reduction, this time of an additional 150,000 men, has been announced for the near future.

As part of the American troop reduction in Vietnam, the number of infantry-type maneuver battalions has been reduced by approximately 30 percent from 1 year ago.

We have turned over to the South Vietnamese, or withdrawn our ground forces from, about 25 percent of the tactical areas for which we once had complete responsibility.

I am confident that those who support the Church-Cooper amendment have no intention to destroy SEATO as a potential for a balanced peace in Asia.

They do not seek to preclude the emergence of Japan as a possible balancing factor in Asia.

They do not intend to abrogate the ANZUS treaty.

And yet, I suggest most respectfully that the effect of adoption of the Church-Cooper amendment could have such results.

The problem that Cambodia represents in Southeast Asia goes far beyond its own borders and includes much more than Vietnam and Thailand as well. The problem that Cambodia symbolizes involves all of Asia and the possibilities of peace in Asia for a generation to come.

There are other nations of the Pacific and Asia with direct and strong concern in what happens to Cambodia and Indochina. It is upon these countries that we must depend to help maintain peace and freedom as American forces are withdrawn.

Unfortunately, the Church-Cooper amendment would discourage these nations from asserting this role and fulfilling their responsibilities. A great deal of past American effort, both diplomatic and financial, will go down the drain, in effect.

If section 3 of the Church-Cooper language were enacted without amendment, it would mean that our friends among the Asian and Pacific powers would have their hands tied, specifically with relation to Cambodia. And the effects could be more far reaching than that.

If this is to be the American response when an Asian nation comes to the aid of another Asian nation, we will certainly not be building or encouraging the self-reliance that is so desperately needed.

Our amendment is designed to protect the basic intent of the Nixon doctrine, and support individual and collective efforts by the countries of the region to defend themselves.

There are some who will say that the United States intends to hire mercenaries to act as proxy warriors. They point to the fact that during the previous administration arrangements were made under which the United States agreed to meet the operating expenses of certain units in Vietnam. They argue that the previous administration, in order to fly more flags in Vietnam, paid for units which otherwise would not have been sent.

Nothing of that kind is contemplated by this administration with respect to Cambodia. What our amendment seeks to do is to keep the door open so that if other nations in Southeast Asia wish to assist Cambodia they can do so without being penalized by the loss of U.S. economic and military assistance, in accordance with the Nixon doctrine.

It should not be overlooked that the foreign forces which the United States may in the past have helped to support South Vietnam were brought there at a time when the United States was rapidly building up its military presence. Whatever economic or military aid the present administration may provide today to friendly nations in Southeast Asia, would come at a time when we are rapidly reducing our military presence in Southeast Asia.

It is essential to keep in mind that other countries in the area, such as Thailand, have a direct national interest in aiding Cambodia. If Cambodia should fall to Communist aggression, who will say that neighboring countries such as Thailand would not be in grave danger?

If one man's mercenary is another man's patriot, then clearly much depends upon which side of the coin we examine.

North Vietnamese troops invaded Cambodia years ago. Cambodians are now fighting to preserve their independence from the North Vietnamese and the Vietcong.

If other non-Communist Asian nations, such as Thailand, South Korea, or Indonesia, or others should answer Cambodia's plea for assistance, I honestly do not see that we can fairly label them as mercenaries.

Webster's defines a mercenary as "a soldier hired for service in the army of

XUM

a foreign country, serving merely for pay or sordid advantage."

Since neither Thai troops nor South Korean troops nor any other nation's forces are serving in that region or serving in the army of a foreign country or for "sordid advantage," the use of the word "mercenary" brings more emotion than logic or reason to this debate.

It is clear that citizens fighting for the defense of their own country, or for regional security, are not "serving for sordid advantage" and therefore are not mercenaries. Heaven knows the nations of Europe could hardly be called mercenaries for helping one another against Germany with American aid in World Wars I and II.

If a nation, such as Thailand, decides in the interests of its own national security, that it should assist the Cambodians, certainly we should not discourage such action.

At a time when the United States is withdrawing its troops from Southeast Asia, it would be most unwise for Congress to restrict the administration in a way that would discourage and prevent the very kind of regional cooperation that many of us regard as the best hope of fostering peace and stability in Asia.

Accordingly, I strongly urge my colleagues to adopt the amendment which will be offered on behalf of the Senator from Washington (Mr. Jackson) and myself.

AMENDMENT 716

Mr. President, I send amendment No. 716 to the desk and ask that it be stated.

The PRESIDING OFFICER (Mr. Dole). The amendment will be stated.

Mr. GRIFFIN. Mr. President, I withhold the offer of my amendment until after the Senator from Kentucky has completed his statement.

Mr. COOPER. Mr. President, I appreciate very much the courtesy of the assistant minority leader, the distinguished Senator from Michigan. As time will be limited tomorrow to 1 hour on the amendment to be offered by the Senator from Michigan and the Senator from Washigton, Senators Griffin and Jackson, I shall make a short statement responding to the argument of the distinguished Senator from Michigan.

Mr. President, for 7 weeks the Senate has debated the Cooper-Church-Aiken, Mansfield amendment. In a larger sense, it has debated the issue of the constitutional authority of the Congress and the President in determining whether the resources of our country—material and in human life—shall be committed to war. However one may interpret the language of our amendment at this point in the long debate, it is abundantly clear that the sponsors and supporters of the Cooper-Church amendment intend that the United States shall not be committed to a new war in Cambodia, for that country, to which the United States owes no obligation, without the joint determination of the President and the Congress.

And I believe it has been made clear that our amendment is intended to prevent the commitment of U.S. forces to an extension of the Vietnam war to a new theater in Cambodia without the joint determination of the President and the Congress.

This second purpose may not be as capable of precise definition as the first purpose, for the President undoubtedly has the authority and duty to protect American forces wherever they are. But in a practical way, judgment and reason and commonsense on the part of both the Congress and the Executive must direct that the authority of the Executive to protect U.S. forces does not comprehend extending that power to involvement in a new war or to commitment to a larger Vietnam war.

In repeating this theme which the sponsors of Cooper-Church have consistently held throughout the debate, we do so without any assumption that the President intends such larger involvement. For myself I have stated again and again that I believe the President did not intend such a larger involvement. I have stated further that I had no doubt that he would withdraw U.S. forces from Cambodia, as he had declared, on June 30. I understand that the withdrawal of U.S. forces was completed today.

But Congress has its Constitutional authority and responsibility as a coequal and separate branch of our Government. Whether or not the Cooper-Church amendment becomes law, and however it may be interpreted, if the Senate approves it, the Senate will have gone a long way toward asserting that it is the Constitutional responsibility of the Congress to participate with the President in determining whether the engagement of the United States in a specific war is necessary for the security of the United States and its people.

Our amendment now faces another effort to negate one of its purposes—the prevention of the involvement of the United States in Cambodia, and in support of Cambodia, without approval of Congress. Subsection (2) of our amendment prohibits the use of American personnel in a war in Cambodia, for Cambodia. Subsection (3) prohibits the employment of the forces of other countries by the United States for war service in Cambodia.

The purpose of the amendment of the Senator from Michigan (Mr. Griffin) and the Senator from Washington (Mr. Jackson), would nullify subsection (3) of the Cooper-Church amendment. Its language—prohibiting the use of American personnel is unnecessary, for our subsection (3) accomplishes that purpose. The language of the Griffin amendment is intended to authorize the United States to enter into contracts and agreements with other countries or nationals of other countries to employ them and pay them to enter the war in Cambodia, without first obtaining the approval of Congress.

There is nothing in the Cooper-Church amendment that prohibits any country, or any group of nationals of another country, from going to the assistance of the present government of Cambodia, if they desire to do so. What is prohibited by the Cooper-Church amendment is the employment of other countries and their nationals by the United States, for service in the war in Cambodia.

The Senator from Michigan (Mr. Griffin) argues that subsection (3) of the Cooper-Church amendment would prevent the application of the Guam doctrine, enunciated by President Nixon in his speech at Guam on July 26, 1969—a speech applauded by leaders of both parties, and a doctrine which I support. Its substance is that the countries of Asia will assume the burden of providing the manpower for their defense, and that the United States will provide military and economic assistance.

There is nothing in the Cooper-Church amendment which prohibits the United States from furnishing supplies and arms to Cambodia, if the administration so desires, within the limits of the Foreign Assistance Act or the Military Sales Act, and the limits are very generous.

Mr. President, I do not think it would be a wise policy to provide a large volume of sophisticated and complex arms to Cambodia. But the authority of the President to do so is given him by existing law.

I call attention to the Foreign Assistance Act, sections 502, 503, 504, and 614 which provide authority for aid approximating, as I recall, about $700 million to $1 billion. I do not mean that this total sum will be used for Cambodia but it is available and as the President determines, could be used, It is not my jurisdiction to determine whether aid should be given to Cambodia. I am simply saying that the authority is available to the President and our amendment does not proscribe it.

Further, our amendment, subsection (3), does not prohibit categorically contracts and agreements by the United States with other countries or their nationals to train Cambodians or fight in Cambodia. It does require that such contracts cannot be entered into without the approval of Congress.

Surely this is a reasonable provision considering the history of U.S. involvement in Indochina. It is a history of 20 years involvement in different ways in Vietnam and the expenditure of over $100 billion and 325,000 casualties, 50,000 of them dead; it is the history of the provision by the United States of hundreds of millions of dollars of aid to Laos and Thailand, and the stationing of 1,000 Americans in Laos and 45,000 to 50,000 in Thailand.

Without intention on the part of our Presidents and the Congress to become engaged in a great war on the land mass of Asia, the Executive and the Congress, year after year, approved arms, advisers, then combat troops—our own and those of other countries. Our forces and the forces of other countries we supported were attacked and step by step we entered war.

Mr. President, I wish to quote from a statement made by the distinguished senior Senator from Delaware (Mr. Williams) on June 12 during debate in the Senate. This statement has been quoted in the New York Times and I have confirmed it in the Record. Senator Williams said:

> First, we sell arms to a country, then we send advisers to show them how to use the arms. Then we send troops to protect the advisers. And that's how America gets into wars these days.

I have never said that our purpose has been immoral, for I know that we have intended to give protection and, perhaps, self-determination to the small countries in Indochina, which without question have been and are now the subject of aggression by North Vietnam.

But we must not repeat the process of backing into another war in Cambodia as we backed into war in Vietnam.

If the Guam doctrine is applicable to Cambodia or to Laos, and Thailand, the administration can present the case to the Congress for its approval or denial of support.

The Guam doctrine is not self-executing. Our subsection (3) of Cooper-Church requires a joint determination by the Executive and Congress before the United States would supply material and men before we could contract or agree with another country to provide manpower to fight a war in Cambodia.

The Senator from Michigan (Senator GRIFFIN) in his speech recalls the decision of our country after World War II to support Greece and Turkey and Western Europe. It was my good fortune to be a member of the Senate in 1947–48, when support for Greece and Turkey and of the Marshall plan was approved and voted. Later, in 1950, I attended the meetings of the NATO Council as a representative of the United States when decisions were made to assist in the protection of Western Europe. But these decisions were made only after the President presented its reasons for the support of Greece and Turkey and Western Europe in great detail to Congress, after it was debated, and then only after congressional approval.

It may be said there is not time now for consultation and joint determination between the President and Congress with respect to Cambodia and possibly Laos and Thailand, I disagree. There has been ample time before and since the United States moved into Cambodia. There is time now. If the threat is dangerous to the protection of our forces in Vietnam, or to the security of the United States, the Congress and the people should know it now.

Mr. President, I close by urging that the amendment proposed by the Senator from Michigan (Mr. GRIFFIN) and the Senator from Washington (Mr. JACKSON) be rejected. If their amendment is to be considered as an application of the Guam doctrine, I can only say that the doctrine is not self-executing. All of the facts should be laid before Congress and Congress should have the authority to support or deny support to an operation which might be sucessful or might become a second Vietnam in Cambodia, or an extension of the Vietnam war.

Surely the Senate, the Congress, and the people want U.S. participation in the Vietnam war ended as the President proposed. Surely we do not want it expanded, or a new war. The Cooper-Church amendment supports this position of the President and the people.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. GRIFFIN. I wish to call attention to one part of the Senator's argument, I may comment at greater length, on the point tomorrow. At one point the Senator said that the so called Griffin-Jackson amendment would "authorize" the United States to help other nations provide forces. I wish to call the attention of the Senator from Kentucky to the fact that the Griffin-Jackson amendment would authorize nothing. There is no authorization of any kind for anything in the Griffin-Jackson amendment. It merely makes clear that the United States would not be precluded by the Cooper-Church language from considering such an option in the normal processes of our government. There would be appropriation bills and foreign aid legislation to consider, but the amendment we offer would not authorize anything. I wonder if we agree.

Mr. COOPER. I understand. Our amendment prohibits without the approval of Congress.

If I understand the Senator's amendment, and I think I do, the amendment cancels——

Mr. GRIFFIN. The prohibition.

Mr. COOPER. The prohibition. So, in effect, it does authorize it.

Mr. GRIFFIN. Only if silence can authorize.

Mr. COOPER. But again, the Cooper-Church does not prohibit. We do not prohibit such an agreement. We say that if such agreements and contracts are to be entered then the President must come to Congress.

Mr. GRIFFIN. The tragedy of the present Church-Cooper language as the junior Senator from Michigan sees it, is that we would be saying to the world that we shall not help any nation in that area that seeks to help Cambodia. I do not think we want to do that.

Mr. COOPER. As I explained, there is no prohibition in our amendment against any country helping Cambodia, if it desires to do so.

Mr. GRIFFIN. But the language prohibits our assisting.

Mr. COOPER. We can assist any country eligible under the Foreign Assistance or Military Sales Act. What cannot be done under the amendment is to enter into an agreement to pay another country to provide its resources and manpower to fight in Cambodia. If another country wants to do so under its sovereign power, it can do so. But our amendment goes to the point, as the Senator said, that it is not intended that the United States shall hire the people in another country to fight in Cambodia without consent of Congress.

If this is necessary to pay others to protect our troops in Vietnam or protect our national security, the administration can make the case if that is necessary. I do not like the idea but if it becomes necessary for our self-protection, why could not the request be brought to Congress? There are possibilities of further involvement. Laos is involved, also Cambodia, and there is talk about Thailand entering the war in Cambodia. I am not a Cassandra, but I believe the Congress should know all the facts.

Mr. GRIFFIN. Mr. President, as I indicated earlier I would do, on behalf of the Senator from Washington (Mr. JACKSON) and myself, I send to the desk amendment No. 716, and ask that it be stated, with the understanding, previously agreed to, that it will be the pending business tomorrow, under the unanimous-consent agreement, beginning at 11 o'clock, and the vote thereon to come at 12 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be read.

The assistant legislative clerk read the amendment (No. 716) as follows:

> On page 5, line 14, after the word "Cambodia" strike the comma and insert "by United States personnel," and on page 5, line 15, strike the word "persons" and insert "United States personnel".

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Who yields time?

Mr. CHURCH. Mr. President, it has been argued that the adoption of the Griffin amendment is necessary if the United States is to implement the so-called Nixon doctrine. I find this argument difficult to grasp. The President himself, on November 3, in the course of an address to the Nation, defined the Nixon doctrine as follows:

> In accordance with this wise counsel—

Said the President—

> I laid down in Guam three principles as guidelines for future American policy toward Asia. First, the United States will keep all of its treaty commitments. Second, we shall provide a shield if a nuclear power threatens the freedom of a nation allied with us or of a nation whose survival we consider vital to our security. Third, in cases involving other types of assistance, we shall furnish military and economic assistance when requested, in accordance with our treaty commitments, but we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.

Now that is the definition of the Nixon doctrine according to its author, Mr. Nixon. He carefully applied the doctrine to those countries to which we are presently committed by treaty. In his explanation, he referred twice to our treaty commitments. He carefully avoided reference to countries not alined with us.

No treaty commitment, of any kind, is owed to Cambodia. We have assumed no obligation for the defense of that country, formally or informally. There is no mutual defense treaty between the United States and Cambodia; neither is there any Executive agreement. Every Senator has acknowledged, throughout this debate, that we have no obligation to Cambodia. Cambodia, therefore, falls outside of the scope of the Nixon doctrine, as defined by the President himself.

Second, President Nixon stated that his Guam pronouncement was a policy declaration that the United States would only furnish military assistance to those Asian governments willing to fight for themselves.

Listen to the President's own words:

> But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.

Are we now going to convert a valid policy of providing arms and equipment to a country that is willing to defend itself into something quite different? Is

XUM

this to become a policy of hired guns and paid mercenaries, labeled the Nixon doctrine? That, I suggest, is the effect of the amendment offered by the Senator from Michigan. At the very least, it is a gross distortion of what the President has said his own doctrine is. And at the very worst, it is a total departure from the best traditions of American foreign policy. It also raises questions which we think the Congress should consider if American support for mercenaries is to become our policy toward Cambodia.

There are reasons why we feel so strongly. The previous administration did not consult with Congress in regard to agreements the United States made with Asian countries whereby their troops were hired at a profitable price to fight in South Vietnam.

In some instances, it has taken Congress years to find out about those agreements. It was the insistent investigatory effort of the Symington subcommittee which enabled us to discover what was taking place in countries such as Laos; which enabled us to ascertain that large sums of money were paid to the Philippine Government for 2,500 troops sent to Vietnam, yet never fought there, and have now returned home. Many millions of dollars were involved, much of which was siphoned off in ways that have never been explained.

Throughout this unfortunate period, Congress remained ignorant of these secret agreements made with the Philippine, Korean, Lao, and Thai Governments. Only years later, left to our own investigatory devices, did we find out what had been done in secret dealings.

XUM

That may be the way some Members of the Senate view the conduct of constitutional government. That may be the demeaning role some Members want the Congress to play. If it is, then we no longer are the legislative body fashioned by the Constitution of the United States.

When Congress is not even informed of such dubious arrangements, let alone asked to consent, the President is being allowed to usurp congressional power. We should confess our error, and correct our practices before congressional power wastes away.

The Cooper-Church amendment would not prohibit the hiring of mercenaries, if that is to be the American policy in Cambodia. Our amendment would prohibit that policy from taking effect without the Congress being first informed by the President and without his receiving congressional consent.

WAR BY PROXY

One of the most unsavory aspects of the history of warfare—man's seemingly prime occupation—is the role of the mercenary. By briefest of definitions, a mercenary is a "hired gun." This is not a pretty label, but it is an accurate one.

Hiring mercenaries has been practiced by expansionist city-states and nations as far back as written records serve the historian.

The doleful list of mercenary involvement is a long one:

The Romans, in their lust for empire, employed Aegean bowmen and Carthaginian cavalrymen.

The imperious Persian king, Darius, had his Greek mercenaries.

The French had their Swiss mercenaries in the frightful Thirty Years War of Religions. Actually, the Swiss were quite bipartisan about the matter. They rented themselves out to all sides during this war, thereby, as one historical account phrased it, providing Switzerland and "an important source of foreign exchange."

The Turks employed Albanian mercenaries on their westward lunge for empire.

The British had their continental mercenaries to subjugate forcibly the Irish.

But as we approach the 200th anniversary of our Nation's founding, the one mercenary example that should be particularly hateful to us Americans was the use of Hessian mercenaries by the British during the American Revolution. In Massachusetts, in New York, in New Jersey, the Colonies to the South, thousands of Hessians fought General Washington's troops. As in most cases of mercenaries, the bargain was a bad one for the British. The Hessians did not fight very well. And the use of mercenaries was a goad that buttressed the determination of the English-speaking American colonists—revolutionists really—to fight more determinedly for their cherished independence.

The Senate will vote tomorrow on the Griffin amendment, which will permit this country to employ combat troops of third-party nations—mercenaries—to fight in Cambodia in support of the Lon Nol government without Congress being informed and without benefit of congressional participation or consent. At the same time, the United States will be embracing a marked characteristic of past empires—the hiring of mercenary armies.

The Griffin amendment, moreover, casts the most serious pall over the Nixon doctrine. Rather than furnishing weapons to Asian governments whose citizens are willing to do their own fighting, the Griffin amendment would convert the Nixon doctrine into a policy of American-financed wars by proxy.

Is the Nixon doctrine to be an acceptable and valid program of provisioning Asian governments with supplies and equipment with which to defend themselves? Or is the watchword of the Nixon doctrine to become "Hessians Unlimited"?

With these questions in mind, let me discuss the details of section 3 of the Cooper-Church amendment—the target of the Griffin amendment.

Section 3 of the Cooper-Church amendment simply says that before the United States uses its taxpayers' funds to pay allowances to third-country forces in Cambodia, the President must come to the Congress—in the normal manner—to have such a program authorized and funded.

Past practices require this precaution. As the published Symington subcommittee hearings have shown, in the cases of the Philippines, South Korea, and Thailand, secret arrangements were entered into as part of the high-priced deals that sent military units from those countries to South Vietnam.

The Congress, and particularly the appropriate committees of both Houses, have the right—in fact the responsibility—to be informed about, to review and to pass judgment on any agreements that precede the sending of third-country forces into Cambodia financed by U.S. funds.

The effect of the amendment by the distinguished Senator from Michigan (Mr. GRIFFIN) would be to permit the administration to enter into any agreement, pay any price, and cover up whatever deal is struck with any country that sends combat troops or advisers into Cambodia.

We have heard a good deal of misleading talk that this section of the Cooper-Church amendment would prevent "Asians from fighting Asians," or that it would prevent our giving arms to countries which wish to aid Cambodia.

Neither of these is true.

The amendment would in no way stop Thais or South Vietnamese trainers or combat forces from going to the aid of the Cambodian Government provided their own governments pay the salaries and allowances of their own forces.

Let me emphasize that last phrase, for it is in the nub of this argument—provided their own governments pay the salaries and allowances of their own forces.

It is not an overstatement to say that we have made it profitable for the individual Thai, the individual South Korean and—before they left—the individual Philippine officer and enlisted man to serve in South Vietnam.

I want to emphasize that we do not pay the basic salaries of any of their forces in South Vietnam. We therefore do not—as some have tried to say—make it possible for them to go. Rather, we make it profitable.

At this point, I ask unanimous consent to have printed in the RECORD a table prepared for the Symington subcommittee by the Department of Defense which compares the base pay of Thai officers and enlisted men, as paid by their own government, with the special supplementary allowances paid to them by the United States. In every case, the allowance paid by the United States is above, and in some cases more than double, the individual's base pay.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

ROYAL THAI ARMED FORCES (RTARF) PAY AND ALLOWANCES FOR THAI PERSONNEL IN VIETNAM

Thai Government fiscal costs, including RTARF pay, allowances and benefit schedules for overseas service, are set forth below. Pursuant to an agreement with the Thai Government, the United States covers the costs of certain of the items listed, the others being paid by the RTG with no USG reimbursement.

The Thai Government pays without reimbursement base pay for Thai troops in Vietnam and numerous standard Thai allowances, e.g., hazardous duty pay, combat pay, education, transportation discount, etc., and other costs not specifically associated with service in Vietnam.

The United States has agreed to cover certain additional costs connected with the Thai Government's sending and maintaining these troops outside of Thailand. These include overseas allowances based on normal Thai overseas rates, death and disability benefits and a mustering-out bonus. While the Thai troops are in Vietnam, the U.S. also provides quarters and rations and other support in the logistical area (e.g., transport, ammo, etc.). The overseas allowance is paid in military payment certificates in South Vietnam. The death and disability benefits and the mustering-out bonuses are paid in baht in Thailand.

All data below are presented in dollar equivalents on a monthly basis. A conversion rate of B20 equal $1 has been used.

RTARF PAY AND OVERSEAS ALLOWANCES IN VIETNAM

[Per Thai regulations and expressed in U.S. dollar equivalent on a monthly basis]

	Base pay (paid by Thailand)	Overseas allowance (paid by United States)	Monthly total
Lieutenant general	$370	$450	$820
Major general	330	390	720
Special colonel	240	330	570
Colonel	190	300	490
Lieutenant colonel	140	240	380
Major	98	180	278
Captain	70	150	220
Lieutenant	50	120	170
Master sergeant	48	69	117
Sergeant	38	60	98
Corporal	33	50	83
Lance corporal	30	45	75
Private	26	39	65

Note: Quarters and rations paid by United States.

DEATH AND DISABILITY (1-TIME PAYMENTS) PAID BY UNITED STATES

Enlisted men	$2,500
Noncommissioned officers	3,500
Officers	5,500

In the case of disabilities, these rates were scaled downward according to the nature of the disability.

Mustering-out bonus of $400 per volunteer.

Source: "United States Security Agreements and Commitments Abroad—Kingdom of Thailand Hearings," Senate Foreign Relations Subcommittee on U.S. Security Agreements and Commitments Abroad, pt. 3, p. 842.

Mr. CHURCH. I would also note that the allowance paid to Thai officers exceeds the combat pay allowance given U.S. officers serving in Vietnam.

There are other personal U.S.-paid benefits given these Thai troops—some of which, like $400 mustering out bonuses—are in the published record. Still others—at the request of the State Department—are classified.

There are other ramifications to this question of paying bonuses to foreign troops and thereby making out-of-country adventures profitable to them.

The practice has distinct political disadvantages both to the United States and to the country involved.

In Thailand, for example, where there is a minimal—but persistent—insurgent movement, the allowances to troops going to Vietnam works a morale problem within those forces that stay home. Thai army elements must fight at home against alleged Communist insurgents for half the pay—or less—that their comrades get fighting Communists in South Vietnam.

The result? The best officers and noncoms want to go to Vietnam. And when they return from that service, many now retire with the funds they have saved.

The payments also distort the relationship between allies. There has been an effort to compare the financial and material aid given to the Thais, Koreans, and Philippine forces that were in Vietnam to the support we provided allies in past wars. Such a comparison completely overlooks the allowances.

Did Churchill or Stalin ask for allowances to pay their forces? No. To be sure, we gave freely of our military aid then as we have in Vietnam. But, as I said before, this section of the Cooper-Church amendment does not touch military aid. It strikes only at the special allowance.

The payment of special allowances develops a special relationship with the countries involved that requires careful study rather than the blanket authority practiced in the past. With Cambodia it is a particularly difficult situation since at least one of the countries involved—Thailand—has in the past been at odds with the Cambodian Government over border territory. Once we start paying allowances that send the Thais into Cambodia, do we not implicate ourselves in whatever they may later elect to do there? Could we cut off the payments unilaterally? In the cases cited in Vietnam, administration witnesses told the Symington subcommittee that, although the United States was paying the bill, we could not cut off the payments as long as the Thais, Filipinos, or Koreans wished to remain in Vietnam.

Such was the character of the agreements we made with the governments concerned.

Thus, an agreement to pay allowances for third country forces could set in motion both political and financial commitments far beyond those simply envisioned by the opponents of our proposal.

The payment of allowances is not permanently barred by Cooper-Church's section 3. As in the case of other acts covered by our amendment, the requirement is that the administration come to the Congress and justify such action before it is undertaken.

We are seeking to put into operation a lesson learned from Vietnam. To gut section 3 would be to return to the blank-check days of Vietnam escalation—this time by proxy.

Mr. President, numerous articles involving the employment and use of mercenary troops, their high payment supplied by the United States, and the implications of such a policy, as it would relate to a broadening of the war on still another front, have appeared recently in the American press. All of them are pertinent to the pending amendment, and I ask unanimous consent that they be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 28, 1970]

MERCENARIES EYEING CAMBODIA

(By T. D. Allman)

PHNOM PENH, June 27.—Representatives of a group of mercenaries, mostly former members of the Australian Army, have approached the government of Lon Nol seeking employment as officers in the largely untrained Cambodian National Army.

Although official sources deny the contacts, the mercenaries' representative who granted an interview on the condition his name not be disclosed said he had met with General Lon Nol during a previous visit to Cambodia earlier this week and that the premier had expressed interest in hiring European and Australian mercenaries to train and lead Cambodian troops.

The inexperienced Cambodian army, swelled from 35,000 to more than 100,000 men in recent months, lacks arms, supplies and trained soldiers and officers. U.S. officials here have ruled out the possibility of American advisers being sent to train the army.

The mercenaries' representative, a former Australian non-commissioned officer with mercenary experience in New Guinea, Thailand and South Vietnam, said today successful negotiations depended on Cambodian ability to pay hard-currency wages.

He added that Cambodian officials had told him they were inquiring as to whether or not mercenary salaries, which run to several thousand dollars a month for each man, could be paid through American military assistance funds. Sources close to the prime minister tonight denied any contacts and precluded the possibility of Cambodia hiring foreign mercenaries. However, the sources said, "It is possible, but not yet planned, that we may hire foreign specialists for such work as airplane maintenance."

Both government sources and the mercenaries' representative denied that white mercenaries were presently involved in the Cambodian War.

Both the American and Australian embassies here have denied any knowledge of reported Cambodian mercenary contacts.

[From the St. Louis Post Dispatch, June 10, 1970]

BUYING OUR "ALLIES"

What the American public has learned so far about the policy of paying for Asian allies is shocking enough, yet it seems to be only part of the story. That part had to be dragged out of Administration officials fearful of letting either fellow-Americans or the world know the full price of allegiance in the Southeast Asian venture.

With diligence and persistence Senator Symington and his Foreign Relations subcommittee found that the cost of getting Thailand to send troops to Vietnam has been $200,000,000. That is for training, equipment and allowances and does not include far larger sums spent to build vast American air bases inside Thailand.

Since Thailand has already announced it would send troops into neighboring Cambodia at American expense, the Symington group naturally wants to know how much the United States is supposed to pay for that. The subcommittee has already discovered a 1965 contingency plan which commits this country to defend Thailand whatever Thailand does for America.

A few months ago the Senators learned that the United States paid the Philippine government $38,600,000 for sending 2200 noncombat troops to Vietnam. Part of that money went to the Philippine defense secretary, and the committee never did learn how much actually went to the troops. Meanwhile, South Korea has the largest "allied" force in Vietnam, and the full price of that to American taxpayers has not been publicly determined.

Not only American, but also Filipino and Thai and Korean leaders, have tried to keep the facts secret and with good reason. The money is being spent to demonstrate that Washington's war policy has tremendous support in Asia. But when this support has to be bought the illusion collapses into what Senator Fulbright rightly called the "ultimate in corruption."

The corruption is not so much in the payoffs as in the policy that promotes them and hides the truth. Not even King George III was that deceitful when he hired Hessian mercenaries to fight American revolutionists, and it might be expected that American governments would have learned something from that early experience.

Deceit has, however, become the cloak for the expansion of American military policy in Southeast Asia. John A. Hannah, administrator of the Agency for International Development, has conceded to the Symington committee that CIA men work in Laos disguised as AID agents.

Thailand, Laos, Cambodia, South Vietnam. As facts creep to light, it is plain that the United States is fighting and buying its influence across Southeast Asia. There is no longer simply the Vietnamese war. There is the war in four states.

[From the Wall Street Journal, June 24, 1970]

RECRUITING—AND PAYING—OUR ASIAN ALLIES

(By Robert Keatley)

WASHINGTON.—"A man getting drunk at a farewell party should strike a musical tone, in order to strengthen his spirit . . . and a drunk military man should order gallons and put out more flags in order to increase his military splendor."

The late Evelyn Waugh read this instruction from a Chinese sage and found "Put Out More Flags" an excellent title for a novel. But one might conclude that former President Lyndon Johnson also read it and found much more—a policy for Southeast Asia. At least, that conclusion is tempting after studying assorted documents issued recently by Sen. Fulbright's Committee on Foreign Relations.

For it appears Washington a few years ago became seized of the urge to put out more flags in Vietnam when it grew tired of taking the rap alone for an unpopular war (however justified it believed the combat to be). Thus it created something called Free World Forces, which U.S. propagandists once cited—interminably—as visible proof that crushing the Communist foe there had broad international support.

AN INDISCRIMINATE PEACE?

The organization has accomplished certain things. It fills a large and costly office building in Saigon, and in fact has all possible flags flying out front. Its tough South Korean contingent even fights the Reds and remains responsible for security in a vital area—though some say it keeps peace by a rather indiscriminate system of deciding just which Vietnamese are enemies.

But unfortunately for the publicists, some unflattering truths about these forces have been emerging lately, thanks to the Senator's committee, which is no friend of the Vietnam war.

The Philippines, for example, were persuaded to send a 2,200-man construction battalion (the Philcag) only after the U.S. spent $39 million getting it organized. Terms included extra salary payments from the American exchequer to Filipinos in Vietnam, such as $195 monthly per colonel. However, U.S. investigators haven't been able to trace just where all the money really went, and the suspicion lingers that some Manila officials—not known for probity—may have pocketed a healthy share.

On the scene, the Philcag set records of sorts; the average sergeant spent twice his annual salary in American PXs, indicating a healthy penetration of the profitable black market. Militarily, most observers agree the Philcag probably didn't set back the war effort very much before it recently went home again.

Other disclosures, about Thailand, show the ante can be raised when additional flags are desperately desired. The Thais are shrewd and, as former U.S. Ambassador Graham Martin testified, had few illusions about the usefulness of their contribution when asked to help. They went because they figured former President Johnson was finding going it alone "increasingly uncomfortable," Mr. Martin explained.

But they didn't go cheaply. Their colonels, for example, got a full $300 monthly extra from the U.S., and total cost to Washington so far exceeds $230 million. Though Thailand sent more men (11,000) than did the Philippines and has done more fighting, the overall impact hasn't been decisive—just as Bangkok knew all along.

Then there is the intriguing story of how the government of Honduras once joined the ranks of Saigon's friends. According to official accounts sent to Congress, a Honduran air force plane once voluntarily flew 3,100 pounds of supplies to South Vietnam—a laudable act indeed.

But the gesture was a bit more complicated than that.

The airplane, it appears, actually was an aging American C-54 on loan—repainted for the journey with Honduran colors. It did fly from Tegucigalpa to Saigon in 1967, taking along 26 passengers, and using about 17 days to travel each way (permitting rest stops in Honolulu, Hong Kong, Tokyo and Taipei). The U.S. paid such expenses as the $235 per hour it took to operate the plane. It also provided three navigators, because the Hondurans lacked necessary skills.

Perhaps it all did some good. Presumably, the clothes and drugs were needed. A few South Vietnamese may be reassured knowing they have friends in Honduras, if they know where that is. And the 19 Honduran military men who flew to Saigon perhaps learned about combat; last year their tiny country (the poorest in Central America) managed to go to war with neighboring El Salvador after a riot at a soccer match. Most likely, their 12 airworthy planes—piloted by the former Saigon visitors—played a role in this "football war," which ended in a draw.

ADDING ANOTHER CHAPTER?

Unfortunately, Washington may now add another chapter to this tale.

For the U.S. once again wants more flags flying in Southeast Asia, namely in Cambodia. It asks South Vietnamese forces to swoop across the border to help the shaky Lon Nol regime, a feat Saigon says may cost the U.S. an extra $200 million per year. Washington also encourages Bangkok to leap in once more, which the Thais say they will do for a price. And the Pentagon looks longingly at Indonesia's Siliwangi division and Malaysia's good police forces when considering who else might be useful in Cambodia.

But one wonders if the activists here have considered just what good this help might accomplish. Many Free World Forces have had a marginal impact in South Vietnam at best, cost a great deal and created political problems.

Referring to the mid-1960s, Ambassador Martin rather wryly noted that "this was not a period which we would probably wish to cite as an historical precedent for the complete devotion to logic." Perhaps that hasn't changed completely, and unpleasant logic may be shoved aside again as the drive to put out more flags resumes.

[From the Washington Post, June 19, 1970]

UNITED STATES, BANGKOK BARGAIN ON THAI AID TO CAMBODIA

(By Murrey Marder)

The United States and Thailand are bargaining behind the scenes over the costs of sending Thai troops into Cambodia when American forces withdraw, State Department officials acknowledged yesterday.

There is "no decision" so far about what "assistance or concurrence" the United States may provide in regard to "various proposals for Thai aid to Cambodia," said State Department press officer Carl E. Bartch.

One critical unstated reason why a decision is still hanging while Communist military action is intensifying in Cambodia is the Nixon administration's uncertainty about what will happen on the Senate floor, other official sources conceded.

Senate "doves" are determinedly holding to their opposition to U.S. payments for any "mercenaries" or "hired guns" in Cambodia, Sen. Frank Church (D-Idaho) emphasized yesterday. The explicit ban on mercenary pay is wrapped into the pending Church-Cooper amendment to limit U.S. military involvement in Cambodia.

Behind the scenes, the argument is sometimes called the "Hessian" issue, a term borrowed from the British use of Hessian mercenaries in the American revolution—a parallel which administration officials resent and deplore.

From Bangkok yesterday, it was reported that Thailand is considering shifting portions of its 11,000-man Thai Black Panther division from South Vietnam to Cambodia. The United States has no information to confirm plans for such a shift, said Bartch.

"It is up to the Thais to decide whether to send their troops into Cambodia or not," said Bartch, but "We would not want to see anything develop that could weaken the Vietnamization effort" in South Vietnam by any precipitate allied troop switches.

Despite reports from Cambodia yesterday of increasing concern there about road-cutting and encirclement of the capital of Phnom Penh by North Vietnamese and Vietcong troops, officials at the White House and State Department registered no mood of acute alarm.

DIVERSION SEEN

U.S. officials said they do not believe the Communist forces are now preparing an assault on Phnom Penh, or have the strength to do so. Instead, administration officials regard the Communist action more as limited harassment and diversion to try to undermine the government psychologically than as a move to overthrow it militarily.

Thai Prime Minister Thanom Kittikachorn announced on June 1 that his nation was prepared to send "volunteers" to Cambodia who will be "armed and equipped from aid supplied by the United States."

That announcement collided with greatly heightened Senate opposition to U.S. financing of allied troops in the Indochina war.

On June 7, a Senate Foreign Relations subcommittee disclosed that under a secret agreement the United States since 1967 had been paying Thailand $50 million a year for keeping its combat division in South Vietnam, plus other military benefits for Thailand.

As one consequence of this deal and alarm over "more Vietnams," and pending Church-Cooper amendment to the Foreign Military Sales Act bars any funds "to provide persons to engage in any combat activity in support of Cambodian forces . . ."

Administration officials contend that this provision would frustrate the objectives of the Nixon Doctrine which is intended to supply U.S. assistance to encourage Asians to fight Asian wars. A proposed administration-favored amendment by Sen. Robert P. Griffin (R-Mich.), the assistant Senate Republican leader, would modify the Church-Cooper amendment to permit funds to be paid to support non-American forces who come to Cambodia's aid.

Senate sources said Griffin is holding off pressing his amendment until he is assured of enough votes to challenge the Church-Cooper alignment.

Church said yesterday that "increasingly it's becoming clear that the Nixon Doctrine is a policy of Hessians Unlimited. The Nixon administration is interested in 'hired guns.'"

The Church-Cooper amendment gives the administration "a good bit of leeway" to provide "reasonable aid" to allies, said Church.

PIE ON GRAVY TRAIN

"It does not prevent us from arming or equipping or supplying a Thai or Lao force sent into Cambodia," said Church, "but it would prevent us from hiring them to fight . . . All the Thais would be required to do is to pay the forces . . . Otherwise, this thing becomes a gravy train for every govern-

XUM

ment out there who just waits for its slice of pie."

Church acknowledged, however, that even if the Church-Cooper amendment passes, there are roundabout ways the administration might devise to reimburse Thailand for troop costs in Cambodia. He said "our involvement is so immense, and our bureaucracy is so Byzantine, that there are ways to get around the law if they are determined to do so.

What is important, said Church, is to establish the principle that the United States should not operate abroad on a "hired guns" basis.

Administration sources countered that such terminology is "unfair and unwarranted." The same "vitriolic" tag could have been tied, these sources said, to U.S. financial support to allies in World War II or in the Korean war or to NATO allies in earlier years. Other complex factors besides financial support are involved in the current discussions over possible use of Thai troops in Cambodia, these sources said. But they acknowledged that the Church-Cooper bloc of votes is the largest barrier the administration is now facing in planning its future strategy concerning Cambodia.

[From the Arkansas Gazette, June 14, 1970]

UNITED STATES IN FAVOR OF THAI ROLE IN CAMBODIA

BANGKOK.—American officials here are cautiously optimistic about Thailand's decision to send volunteers to fight in neighboring Cambodia, but acknowledge they cannot foresee the long-range results of that policy.

"We feel that this kind of initiative is something to be encouraged," one of them said this week.

But another conceded Thailand's plan to send Thai volunteers of Cambodian descent across the border to fight contains elements of risk.

"We don't know, for example, what effect this might have on the Communist insurgency in Thailand," he said. "I suspect West Cambodia is sort of a target of opportunity for the Communists, but if they really have decided to take over Cambodia, a Thai reaction there could lead to a Communist reaction here."

On its face, the Thai proposal seems modest enough. It calls initially for training some 1,200 volunteers in jungle warfare for eight weeks and sending them to fight under the command of the Cambodian army in its effort to oust the Viet Cong and North Vietnamese. Thailand also says it will send military equipment to Cambodia.

The volunteers would be trained at bases where United States advisers are stationed, but American officials here insist "this is strictly a Thai operation and nothing special is being set up for them."

These officials do not believe that Thailand will be lured into a full-scale war on Cambodian soil. However, the Thais have been making noises about sending their 72,000-man Vietnam contingent to Cambodia if the situation worsens.

"They just don't have the luxury of that option," one said, explaining that Thailand does not have the military manpower to risk exposing its borders by marching en masse to the aid of the government of Premier Lon Nol, who ousted Prince Norodom Sihanouk as Cambodia's ruler in March.

American officials said Thailand would be in big trouble if the Cambodian capital of Phnom Penh fell to the Communists, but added that whether Thais should aid in its defense was a matter to be decided by Thailand and Cambodia.

Thailand's willingness to send volunteers to fight in Cambodia is a measure of the government's concern as the war moves closer to the Thai border.

The Thais were jubilant when Sihanouk was deposed March 18 as the Cambodian head of state.

But as the fighting moves westward toward the Thai border, apprehension is replacing jubilation.

Deputy Prime Minister Prapass Charusathiara, the powerful commander in chief of the Thai armed forces, has warned of the danger. He has revealed that "Vietnamese nationals" as well as Cambodian refugees have crossed the border into Thailand in recent days. Thai troops along the border have been placed on "full alert."

Prapass has warned that if Cambodia falls "Sihanouk would return to power under the dictates of Communist China" and the Thai capital would be within striking distance of Communist troops.

Prapass, who describes himself as a soldier rather than a politician, has called the Communist push in Cambodia "the biggest threat to Thailand's security in the past 50 years."

[From the New York Times, June 14, 1970]

THIEU ASSERTS UNITED STATES WILL NOT PULL OUT FOR "SEVERAL YEARS"

(By John L. Hess)

PARIS, June 13.—President Nguyen Van Thieu of South Vietnam predicted today that his forces would be engaged in a long war in Cambodia and that American troops would remain in his own country for "several years more."

In an interview published in Le Monde, the Paris newspaper, Mr. Thieu estimated that it would take four or five years for his Government to stabilize its economic and military situation. Meanwhile, he said, the United States must support the South Vietnamese war effort in Cambodia and take primary responsibility for blocking the Ho Chi Minh Trail in Laos.

The Lon Nol regime in Cambodia is "meeting difficulties," he said.

"It will be a long war," he said. "Vietnam has no intention of waging it in place of the Cambodians, but a more effective, more methodical, long-range aid must be considered for the Cambodian Government to be able to hold fast militarily, economically, socially."

The return to power of Price Norodom Sihanouk "or another Communist chief" would be so disastrous, Mr. Thieu said, that "we must help Cambodia as we must help ourselves." The Prince was ousted on a coup led by General Lo Nol.

"Above all, the burden falls upon the Americans," Mr. Thieu said. "I have often told them so. I think everybody is well enough informed. The Americans will surely take the wisest measures."

"The Ho Chi Minh Trail, like all the sanctuaries in eastern Laos, must be neutralized," he said. "But that exceeds our capacity. For years, the Americans have assumed the task."

[From the Baltimore Sun, June 14, 1970]

THIEU CALLS ON UNITED STATES TO MOVE INTO LAOS

(By Thomas T. Fenton)

PARIS, June 13—South Vietnamese President Nguyen Van Thieu today said South Vietnamese troops will be fighting in Cambodia for years. He called for long-term American aid to the Cambodian government and for intervention by American troops in Laos.

The burden of preventing the collapse of the Lon Nol government in Phnom Penh "above all falls on the Americans," Mr. Thieu said in an interview with the Saigon correspondent of the Paris daily, *Le Monde*.

"I've often told them this. I think everybody is well aware of this," Mr. Thieu added.

"NEW SACRIFICES"

The South Vietnamese president said it was essential to keep the new anti-Communist Cambodian government in power, and that the South Vietnamese were ready to make "new sacrifices" rather than see all of Cambodia become a "Communist sanctuary."

But there were tasks, he said, that the United States and Saigon "must take care of together—waging a more dynamic defense (of South Vietnam) beyond its frontiers. We must see to it that the Communists are no longer permitted to rebuild their sanctuaries."

During the hour-long interview, Mr. Thieu indicated he expected the South Vietnamese Army to remain in Cambodia for years, supported by American aid. "It will be a long war," he said.

"CANNOT STAND IDLE"

It was not Saigon's intention to extend the war to all of Cambodia, he said, "but the minute the Cambodian Army can no longer defend itself and the Communists exploit this weakness to invade the major cities and perhaps, later, even the capital, then we cannot stand by idle."

The goals outlined by Mr. Thieu are far in excess of those publicly set by the Nixon administration in the Cambodian venture—a short-term American ground engagement ending June 30, aimed only at destruction of Communist border sanctuaries and not at supporting the Lon Nol government.

"What is needed," Mr. Thieu said, "is a more efficient, more methodical and long-term aid" to the Cambodian government.

In the interview, Mr. Thieu set only one limit to new engagements by the South Vietnamese Army in Indochina. Intervening in Laos, he said, "is beyond our capabilities."

He indicated he hoped for intervention by American troops in Laos. "The Ho Chi Minh trail in Eastern Laos must be neutralized, just like the sanctuaries," he said, adding that Laos "has been an American responsibility for years."

[From the Washington Star, June 21, 1970]

THIEU TO ASK AID FOR ROLÉ IN CAMBODIA

(By Henry S. Bradsher)

SAIGON.—South Vietnam will ask its allies at a meeting here July 5 for extra money to pay for past and future military operations in Cambodia.

Money is urgently needed to cover the costs of keeping an average of 40,000 South Vietnamese soldiers in Cambodia for the last two months and for continuing to have troops there after the June 30 U.S. withdrawal, according to South Vietnamese sources.

President Nguyen Van Thieu this week will announce details of a plan to establish new military command lines for conducting fighting in Cambodia on a long-term basis. The sources, who are close to Thieu, said he is drafting a television speech on this.

PROTECT PHNOM PENH

In the short-term, South Vietnam has publicly pledged to protect Phnom Penh, which is under increasing Communist military pressure.

On the basis of this and other help, it is assumed here that the Lon Nol government will survive. But it is also assumed that the Communists will retain control of northeastern Cambodia, close to their old Vietnamese border sanctuaries.

So the South Vietnamese plan to raid into the northeast deep enough to fend off any new attacks on South Vietnam country mounted from there. The sources said this will be a continuing cross-border spoiling operation rather than an attempt to destroy new Communist stockpiles as far into Cambodia as, for instance, Kratie.

The sources said they even foresee the possibility of South Vietnamese raids into southern Laos to prevent attacks on the northern part of South Vietnam across that border.

XUM

DEFICIT SPENDING

This extension of South Vietnamese operations beyond the country's borders is costing extra money at a time when the country is suffering from inflation caused at least in part by government deficit spending.

When it began striking into Cambodia two months ago, South Vietnam did not worry about cost. It still feels that is unimportant because of the benefits of destroying Communist sanctuaries.

Officials here are confident that Cambodian operations have decisively set them on the road to military victory. There is little of the caution of the Nixon administration in claiming only that time has been bought for vietnamization—turning the American war effort over to the South Vietnamese.

And there is almost none of the skepticism voiced in Washington to the effect that Cambodia is being lost without South Vietnam being won.

Allies with troops in South Vietnam will hold their annual foreign ministers' meeting in Saigon July 5. They are Australia, New Zealand, South Korea, Thailand and the United States, plus South Vietnam itself.

The sources said South Vietnam will appeal to these allies for money to cover the extra expenses of Cambodia.

Since South Korea and Thailand are themselves aided by the United States, and Australia and New Zealand make only small contributions to the war effort, the request is going to fall mainly upon the United States.

How much money is involved remains unclear. The sources close to President Thieu implied the government does not yet know.

Spokesmen for both the South Vietnamese armed forces and the U.S. Military Command were unable or unwilling to comment on costs of South Vietnamese operations in Cambodia.

A Vietnamese officer said some expenses were the same as fighting in South Vietnam, but extra money is required for local needs in Cambodia.

42 CENTS A DAY

The officer cited plans, which he said are still unimplemented, to provide the equivalent of 50 South Vietnamese piastres (42 U.S. cents at the legal rate of exchange) a day to buy fruit, vegetables and other supplies for each South Vietnamese soldier in Cambodia.

The extent of South Vietnamese training and equipping of Cambodia troops is also a major unknown factor.

American diplomats familiar with South Vietnamese financing lacked an estimate of Cambodian costs. They said they have not heard of an impending South Vietnamese request for extra money.

The July 5 meeting will follow a July 2–3 meeting in Manila of the Southeast Asian Treaty Organization.

South Vietnamese sources said they expect Thailand to make public in Manila the fact that its regular army troops will be fighting in Cambodia. So far, none of these regulars have arrived in Cambodia, the sources said, but preparations are being made to move them in.

Thailand signed the Jakarta communique of Asian nations last month opposing foreign troops in Cambodia and urging a new international effort to bring peace there.

This has made it awkward for Thailand to send troops to fight in Cambodia, even though Bangkok considers such operations to be advance defense of its own endangered borders. Soviet rejection last week of international efforts, however, insured that none will be effective and so eased Thailand's discomfort a bit.

Thieu foreshadowed the changes in military command lines in an Armed Forces Day message read for him Thursday. He is indisposed with back trouble.

Beginning July 1, the message said, Thieu will "reorganize the military system and territorial areas . . ."

Sources close to him said border areas will be separated from the South Vietnamese interior. The existing system of four corps areas running inland from the South China Sea to the borders of Cambodia and Laos will be changed to establish distinct border commands.

GREATER FLEXIBILITY

This will be intended to provide greater flexibility for striking into Cambodia and for concentrating forces to block any attempted Communist strikes from Cambodia.

Thieu's message also said there will be "a special drive for pacification and rural development for the second half of 1970 in order to achieve security and promote collective development . . ."

The sources indicated Thieu is undismayed by the fact that Communist terrorism in South Vietnam has increased since the Cambodian operations began.

In the most recent week for which figures are available, ending June 10, terrorists killed 300 civilians and kidnaped 428 for the third-highest weekly toll since the 1968 Tet offensive.

The sources pictured this as a sign that the big Communist military units inside South Vietnam have been weakened since the Cambodian operations began and so are having to resort to small, separate terrorist measures.

But Thieu reportedly continues to be concerned about the possibility of major Communist attacks from Laos into northern South Vietnam. The Laos sanctuaries remain undisturbed.

Mr. SCOTT subsequently said: Mr. President, I have heard so many references to mercenaries by those who are opposed to the Griffin amendment.

The Griffin amendment simply permits Asians to help Asians and clarifies the fact that there should be no legislative amendment to an Executive doctrine, the Guam doctrine.

The Griffin amendment, after all, is in keeping with our desire to remove the American presence as soon as may be possible from Southeast Asia. We cannot remove the Asian presence from Southeast Asia. They will be there after we have gone.

They have a right to defend themselves. They have a right to concerted action among themselves as to how they will defend themselves.

We engage here in a lot of semantics. The current semantic phrase is mercenaries. I want to say this about the so-called mercenaries: In World War II when the Poles went to Scotland and then into Western Europe for the liberation of Western Europe; were they mercenaries?

When the Free French returned to the land of their birth, were they mercenaries? When Eisenhower took the armed forces of our allies into Normandy, was that an invasion, or was that an act meeting with the approval of the free peoples of that territory?

When the United Nations decided to repel aggression in Korea, the Turkish forces went there. No one called the Turks mercenaries, even though the other word for mercenaries, "Janizaries," originates from the Turkish language.

When the British troops went to Korea, no one called them mercenaries.

Why do we call Asians who want to help other Asians mercenaries?

That is not good enough.

This is a good amendment. It would clarify the bill. It would make the Cooper-Church amendment a great deal more palatable to some supporters, but above everything else, why do we indulge in phrases like mercenaries when, in all due sincerity, I do not think we mean what we say.

What we are saying is that we do not want Asians to help Asians. And if we do not let Asians help Asians, we will leave the Americans on the hook, stuck there indefinitely, to help the Asians.

We have a choice. We cannot have it both ways. And I would rather have the Griffin amendment.

Mr. COOPER. Mr. President, our amendment does not prohibit the use of other nationals in Cambodia. It says, "If you want to use them, pay for them."

There is no prohibition in the amendment against the use of other nationals without the advance approval of the United States.

Mr. SCOTT. Mr. President, as I understand the amendment, without the Griffin amendment, it would not be possible for the United States to conduct its aid to Thailand if the Thais were to assist the Cambodians.

There is no American in Cambodia tonight. And that is good. I hope it is never necessary for us to go back. But I still think we ought not to tie the hands of the Thais now or in the future if the Thai government, a sovereign nation, wishes to go to the aid of the Cambodians. It is a neutral country.

I do thank the distinguished Senator from Kentucky.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker has affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. ALLEN):

H.R. 12941. An act to authorize the release of 4,180,000 pounds of cadmium from the national stockpile and the supplemental stockpile;

H.R. 15021. An act to authorize the release of 40,200,000 pounds of cobalt from the national stockpile and the supplemental stockpile;

H.R. 15831. An act to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile;

H.R. 15832. An act to authorize the disposal of castor oil from the national stockpile;

H.R. 15833. An act to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile;

H.R. 15835. An act to authorize the disposal of magnesium from the national stockpile;

H.R. 15836. An act to authorize the disposal of type A, chemical grade manganese ore from the national stockpile and the supplemental stockpile;

H.R. 15837. An act to authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile;

H.R. 15838. An act to authorize the disposal of shellac from the national stockpile;

H.R. 15839. An act to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile;

H.R. 15998. An act to authorize the disposal of Surinam-type metallurgical grade bauxite from the national stockpile and the supplemental stockpile;

H.R. 16289. An act to authorize the disposal of natural Ceylon amorphous lump graphite from the national stockpile and the supplemental stockpile;

H.R. 16290. An act to authorize the disposal of refractory grade chromite from the national stockpile and the supplemental stockpile;

H.R. 16291. An act to authorize the disposal of chrysotile asbestos from the national stockpile and the supplemental stockpile;

H.R. 16292. An act to authorize the disposal of corundum from the national stockpile;

H.R. 16295. An act to authorize the disposal of natural battery grade manganese ore from the national stockpile and the supplemental stockpile; and

H.R. 16297. An act to authorize the disposal of molybdenum from the national stockpile.

RESOLUTION EXTENDING SYMPATHY TO THE PRESIDENT AND THE PEOPLE OF PERU

Mr. SCOTT. Mr. President, I send to the desk a resolution and ask that the clerk report it. It is to extend deepest sympathy to the President and the people of Peru. In a few minutes I will ask for its immediate consideration. The majority leader has been advised of it.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read the resolution, as follows:

S. RES. 424

Whereas the people of our sister Republic, Peru, suffered a devastating blow as the result of an earthquake on May 31, 1970; and

Whereas the earthquake caused the loss of thousands of lives and the destruction or devastation of many towns and villages, rendering homeless and destitute many thousand of people; and

Whereas the people and Government of the United States have opened their hearts and material resources to the needs of the people of Peru in their tragic hour of bereavement and suffering; and

Whereas the universities and institutions of higher learning of Peru, and many other dedicated organizations and persons, are playing an important part in meeting the reconstruction needs of that country through the full utilization of the technical skills which they have developed and through these services are demonstrating how the people of a nation can rise to noble heights in service to their country; Therefore, be it

Resolved, That the Senate extend its deepest sympathy to the President and the people of Peru in this dark hour of their suffering and distress.

SEC. 2. It is the sense of the Senate that the universities and institutions of higher learning of Peru and their students and all others who contributed to this great cause in the name of humanity should be commended for their leadership in helping in the reconstruction of the devastated areas and in resettlement relief.

SEC. 3. It is further the sense of the Senate that attention be directed in all appropriate Executive agencies to the needs of the country and the special role and requirements of the universities and other organizations of Peru in rebuilding their country.

SEC. 4. Copies of the present resolution shall be distributed through appropriate channels to the President of Peru and to the heads of the universities of Peru, and to the heads of other participating organizations.

The PRESIDING OFFICER. Does the Senator wish to proceed to the consideration of the resolution at this time?

Mr. SCOTT. Yes. I ask unanimous consent that the resolution be considered at this time.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. 424) was considered and unanimously agreed to.

EXTENSION OF THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

Mr. BYRD of West Virginia. Mr. President, it is my understanding that H.R. 15712, an act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV, through fiscal year 1971, has been cleared on both sides of the aisle. I therefore ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 988.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 15712) to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for title I through IV, through fiscal year 1971.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MONTOYA. Mr. President, the Committee on Public Works last Friday unanimously ordered reported to the Senate H.R. 15712, extending titles I through IV of the Public Works and Economic Development Act of 1965 for 1 year, until June 30, 1971, and also establishing a 1-year moratorium on designation of counties presently qualified as redevelopment areas.

The purpose of this legislation is to continue the authorities under which the Economic Development Administration, in cooperation with the States, provides Federal grants, loans and technical assistance to communities suffering from excessive unemployment or underemployment. The emphasis is on long-range planning and programing for economic growth in lagging areas of the country. Grants and loans are provided for basic public works, such as water and sewage systems essential for industrial plants, loans to businesses to develop new job opportunities, and technical assistance to help local communities, mostly rural counties to help themselves develop their economies.

These programs, Mr. President, are on the whole working well and are generally very popular in the some 900 areas where they are operating. Yet, as with any program that has been in existence 5 years, there is need for reevaluation, modification, and improvement.

The committee is strongly of the opinion that the entire Public Works and Economic Development Act must undergo revision. As I said at the opening of the hearing held June 24 before our Subcommittee on Economic Development:

> The Congress last year extended Titles I through IV for only one year. In April last year we were informed that a full review of the Economic Development program could not be completed by the 1969 expiration date. Thus, more than one year has passed and the Subcommittee has still not received a report on what changes and improvements the Administration plans to propose. We are, therefore, constrained to proceed with another one-year extension.
>
> Long before the next expiration date, June 30, 1971, the Subcommittee expects that the Administration will have submitted its recommendations for modification, revision, and improvement of the Economic Development Administration's whole program.

One of the most important revisions that must be undertaken is in the statistical data that are used to determine the eligibility of counties to qualify as redevelopment areas. In late May the Economic Development Administration notified 96 counties in 32 States that as of June 30 this year they would be designated and cease to receive the benefits of programs under the act.

The subcommittee was told that much of the data necessary to determine an area's eligibility is out of date. The major criterion is the rate of unemployment. Yet the EDA has determined this year's eligibility on the basis of last year's unemployment figures at a time when unemployment is increasing at the fastest rate in 10 years.

This deficiency is worsened by using inaccurate population figures for the counties. EDA is still relying mainly on census data from 1960 to calculate the size of the labor force. This skews the unemployment statistics downward for any county which has lost population in the last decade, which is the case in numerous rural redevelopment areas. Hence, joining unrealistically low figures for the jobless with unrealistically high figures of the size of the labor force leads to a grave underestimation of the actual rate of unemployment.

An additional factor, it was pointed out, is that the procedures for collecting unemployment data were developed 10 years ago for use in major labor areas and are thus inaccurate in small rural areas. EDA, which serves mainly these small rural areas, greatly needs procedures that take into account the special economic and employment circumstances of rural counties.

In view of the testimony submitted concerning the inadequate and outdated statistics on which redesignation of a county is currently based, the committee is firmly convinced that the House-approved amendment to the bill should be enacted into law. The amendment is similar to the language of Senate Joint Resolution 210 introduced by the able Senator from Minnesota, the Honorable WALTER F. MONDALE, with the cosponsorship of 23 other Senators, including myself.

The committee also gave consideration to S. 3798, which I introduced, to provide not only for a 1-year extension of titles I through IV but also for adding loan and lease guarantees to the loan provi-

XUM

sions of title II and expanding the designation criteria under subsection 401(a), of title IV to include areas suffering severe economic loss due to the closing, removal or curtailment, regardless of cause, of the activities of a major employer in the area.

Before the committee also was the administration's bill S. 3744, introduced by our distinguished colleague from Kentucky, the Honorable JOHN SHERMAN COOPER, which proposed a simple 1-year extension of the first four titles of the act.

Another matter to which the committee gave consideration was raised by a bill, S. 3982, also introduced by Senator MONDALE, which would prohibit the Secretary of Commerce from terminating before June 1, 1971, the operations, or changing the location of any EDA regional or area office in existence on June 1 of this year. His particular concern was with the threatened transfer of the EDA office in Duluth, Minn., to Chicago, Ill., which he stated, would work serious harm on the economically depressed areas and Indian reservations within the radius of 200 miles around Duluth.

The committee report has this to say in this regard:

> Pending receipt of the administration's recommendations and the outcome of its own analysis, evaluation, and review of all the provisions of the act, the committee believes that there should be a minimum of organizational changes in the Economic Development Administration and its subordinate offices.

Another proposal before the Committee was submitted by the able Senator from Nebraska, the Honorable CARL CURTIS, in S. 3915. He urged adding a new criterion for designating a redevelopment area to take account of "a substantial loss of population." As the report states, the subcommittee agreed to give careful consideration to this proposal during its study and evaluation of the act next year.

Mr. President, in the interest of expediting action to extend the life of the Economic Development Administration for 1 year beyond June 30 of this year, the committee declined to accept any of the amendments proposed in the Senate bills before it and agreed to approve only the House-passed bill, H.R. 15712, containing the amendment approved during House debate to establish a 1-year moratorium of the de-designation of counties presently qualified as redevelopment areas.

I wish to express my appreciation of the fine cooperation we have received from our beloved chairman of the full committee, Senator JENNINGS RANDOLPH; the ranking minority member of the committee, Senator COOPER; and the ranking minority member of the Subcommittee on Economic Development, my friend, Senator HOWARD BAKER, of Tennessee. They have all been most gracious and helpful.

I want also to mention the contribution of the Senior Senator from Oklahoma, the Honorable FRED HARRIS, who, on his own, held a hearing in Oklahoma concerning the threatened de-designation of five counties in his State. The persuasive testimony he received has been incorporated in the hearing record on this bill.

Mr. President, the amounts authorized by the pending measure to be appropriated through fiscal 1971 are as follows:

Title I, section 105, $500 million.

Title II, section 101(c), $170 million.

Title III, section 302, $50 million.

Title IV, section 403(g), $50 million.

Mrs. President, I ask unanimous consent that a description of the EDA programs authorized in this bill be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DESCRIPTION OF EDA PROGRAMS

TITLE I—GRANTS FOR PUBLIC WORKS AND DEVELOPMENT FACILITIES

In an effort to help lagging areas, the Public Works and Economic Development Act of 1965 authorizes a grant-and-loan program for public works and development facilities needed to create a climate conducive to the development and operation of private enterprise. This title provides for direct grants up to 50 percent and supplementary grants up to a maximum Federal participation of 80 percent for public works and development facility projects, except in the case of grants to Indian tribes where the Secretary may reduce or entirely waive the required non-Federal share. It authorizes the designation of areas as eligible for grants under this title if the Secretary of Labor finds that there have been areas for substantial unemployment for the preceding calendar year and establishes a 15-percent limitation on the amount of total authorization that may be expended in any one State.

Since EDA was brought into existence on September 1, 1965, a total of 1,753 public works projects have been approved as of May 8, 1970. Construction has been completed on 742 of these projects. Currently, there were approximately 510 projects under construction while the balance are in the preconstruction stage. These statistics are most significant as showing the scope of potential commercial and industrial development in heretofore relative to underdeveloped areas in which EDA is playing a critical role.

This title presently authorizes an appropriation of $500 million annually until June 30, 1970, for direct and supplementary grants. The bill would extend this authorization for 1 additional year.

TITLE II—OTHER FINANCIAL ASSISTANCE

This title authorizes loans up to 100 percent of project cost to assist in financing public works and development facilities and authorizes business development loans up to 65 percent for the purchase or development of land and facilities within redevelopment areas. Working capital guarantees are authorized up to 90 percent of private working capital loans made in connection with direct loan projects. Assistance may be provided only where funds are not otherwise available and there must be a reasonable expectation of repayment. The projects must be consistent with the overall plans for the economic development of the area.

The EDA business development loan and guarantee program is enlisting the resources and support of the private sector by stimulating the industrial, commercial, and financial community to locate investments in disadvantaged areas. New permanent employment and higher levels of personal income have resulted directly from this imaginative effort in Federal-private sector cooperation. Through May 8, 1970, the EDA Office of Business Development has approved 245 loans for a total obligation of $210,738,000 since the passage of the act in August 1965. Also, during this period EDA has guaranteed 55 working capital loans made by private lending institutions totaling $24,080,000. EDA's business loan activity in fiscal year 1969 alone may provide more than 9,800 full-time jobs.

There is an annual authorization limitation of $170 million until June 30, 1970, for the implementation of this title. The bill would extend this authorization for 1 additional year.

TITLE III—TECHNICAL ASSISTANCE RESEARCH AND INFORMATION

The technical assistance and research program authorized by title III of the Public Works and Economic Development Act of 1965 is an effective means of giving motivation and support to institutions and groups instrumental in fostering the economic development process, as well as providing preliminary feasibility studies and planning assistance to more adequately assure the success of programs and projects.

This title authorizes the Secretary to provide technical assistance including operation assistance for individual projects and planning assistance for both projects and areas. Repayment of assistance under this provision may be required at the discretion of the Secretary. In addition, the title authorizes grants-in-aid of up to 75 percent of the cost of planning and administrative expenses to appropriate public and private nonprofit State, area, and local organizations. In addition, the research program enables the Department to formulate and evaluate its policies and to establish long-term goals and priorities.

An amendment was added to the legislation last year which authorizes the Secretary to make grants, enter into contracts, or otherwise provide funds for demonstration projects in redevelopment areas if such projects will foster the regional productivity, prevent outmigration and otherwise carry out the purposes of the act.

The authority of this title is providing a flexible tool to supplement private and public initiative with expert assistance on a local area and district level for the purpose of achieving lasting economic improvement. Through May 8, 1970, EDA had approved an aggregate of 929 technical assistance projects at a total cost of $47,087,000 and 336 district and area planning grants for a total obligation of $15,708,000.

This title presently authorizes an appropriation of $50 million for the fiscal year ending June 30, 1970. The bill would extend this authorization for 1 additional year.

TITLE IV—AREA AND DISTRICT ELIGIBILITY

This title establishes the standards for the designation of "redevelopment areas" on the basis of unemployment and low family income and insures that every State will have at least one "redevelopment area".

In addition, this title also provides for the designation of multicounty economic development districts containing two or more redevelopment areas and at least one growth center and authorizes 10 percent additional funds for projects in redevelopment areas located within designated districts.

The public works and development facility grants and loans, business loans and working capital guarantees to be provided to economic development centers are authorized in section 403. An economic development center must have a population not exceeding 250,000 persons and must be geographically and economically related to the economic development district so that it may contribute significantly to the alleviation of poverty in depressed areas. The purpose of this program is to develop new industrial and commercial centers in such areas.

The appropriation authorization of $50 million for his program expires June 30, 1970. The bill would extend this authorization for 1 additional year.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, and was read the third time.

Mr. SCOTT. Mr. President, has the Senator cleared this with the Senator from Nebraska (Mr. CURTIS)?

Mr. MONTOYA. We have tried to call him.

Mr. SCOTT. If the Senator will withhold final action for a moment or two, Senator Curtis will be here.

Mr. CURTIS. Mr. President, I am very much disappointed that the committee has seen fit to advance this bill without any amendments whatever.

I should like to ask the distinguished Senator in charge of the bill if this was because they felt there was no improvement that could be made under existing law?

Mr. MONTOYA. In answer to the question directed at me by my good friend from Nebraska, I might say that the committee was sympathetic to the bill presented by the Senator from Nebraska proposing to add a new criterion for the establishment of a new redevelopment area. However, we were facing a little difficulty in trying to get the bill through at the last minute. In view of the time element and in view of the insistence on the part of the House that it wanted a simple extension with only the House amendment with respect to de-designating that is in the bill at the present time, the Committee declined all amendments. I can assure the distinguished Senator from Nebraska that we will go into thorough hearings during the next year and his bill will receive thorough consideration. I am sure that the Senator from Nebraska realizes that there is great sympathy in the committee for the objective he is trying to realize through his bill. We will give it thorough consideration.

Mr. CURTIS. What disturbs me is that this goes over an entire year, apparently. Now we have the vehicle to extend the program and I do not believe that we can shut our eyes to all its defects and just say that in another year we might have some sympathy for some problem.

Mr. MONTOYA. I have great sympathy with the problem that the distinguished Senator from Nebraska is trying to attack. I invite his attention to section 301(f). I believe that administrative authority exists for the establishment of demonstration projects when there is a loss of population. The Administrator of EDA can offer some kind of remedy through his administrative authority under this particular section. However, new criterion which the Senator is trying to establish is, in my opinion, a worthwhile addition. I can assure him that I will give it due consideration during the course of the hearings we intend to have during this next year.

Mr. CURTIS. Now, are we to understand that they will be after this 1-year extension expires? What is the plan of the committee?

Mr. MONTOYA. It will be during the course of the next fiscal year which begins July 1.

Mr. CURTIS. So that we are not going to wait for a year to hear these——

Mr. MONTOYA. We are not going to wait for a year, that is correct.

Mr. CURTIS. As I gathered from the report, this is the administration's request. It wanted the authority extended without amendment; is that right?

Mr. MONTOYA. Yes. The administration asked us not to add any more amendments to the bill.

Mr. CURTIS. Did they give any reason?

Mr. MONTOYA. They just wanted a simple extension because they had some new reports they had to submit to the committee which might require some new revisions in the particular legislation during the course of the next fiscal year and they asked us to wait. They yielded to us on the inhibition which we have in its particular legislation against de-designating areas as they had intended to de-designate.

Mr. CURTIS. Will the Senator explain that a little bit.

Mr. MONTOYA. There were 96 counties which the EDA was going to de-designate from eligibility for EDA programs. We placed an amendment in the extension which would prevent EDA from doing that during the course of the next fiscal year. In our review we will go into this particular matter.

Mr. CURTIS. Does that mean that the legislative branch will designate and de-designate?

Mr. MONTOYA. No, it does not. We revert back to the provisions of the act itself which gives recommending power and the Secretary makes the final decision.

Mr. CURTIS. In this case, Congress made the decision.

Mr. MONTOYA. Congress made the decision in the law to prevent the Secretary from de-designating these particular areas or counties.

Mr. CURTIS. Where are the 96 counties located?

Mr. MONTOYA. All over the country, in 32 States.

Mr. CURTIS. Mr. President, I must say that I do not believe the Senate is doing itself any particular good or raising its standing as a legislative body by waiting until after 6 o'clock on the 29th day of June with something which expires on June 30.

At the same time, I can understand the futility of pressing for this particular amendment. I do hope that the committee will assert its power to legislate and not wait just another year because we may be faced with the exact situation in another year.

Mr. COOPER. Mr. President, the measure before the Senate, H.R. 15712, would make a simple 1-year extension of titles I through IV of the Public Works and Economic Development Act of 1965, as amended. These titles provide grants and loans for public works and development facilities in depressed or economically lagging areas of the Nation. In addition, titles III and IV, are the provisions which govern programs of technical assistance to such areas by the Economic Development Administration, and the criteria for designation of areas eligible for assistance under the act. Without the favorable action of the Senate on this legislation, the authorizing language will expire, and the worthwhile effort of the EDA with it, on June 30.

As a member of the Public Works Committee, I am always pleased to see the work of the Economic Development Administration and its program go forward, for the legislation has been developed by this committee and its House of Representatives counterpart. I feel particularly close to this legislation, for its roots are deep in the Appalachian Regional Commission—that experiment in Federal, State, and local governmental cooperation which has produced such outstanding results in parts of my State of Kentucky, and throughout the Appalachian Mountain region.

The Public Works and Economic Development Act underwent extensive amendment last year and the Commerce Department is currently, I am told, restudying the entire program with an eye to substantial modification and improvement next year. This act, H.R. 15712, would make possible the continuity of the program through this year, and all titles would expire at the same time next year—June 30, 1971. I know that the Committee on Public Works looks forward to reviewing the entire program in the coming year.

This act before us, additionally, provides for a moratorium on the de-designation process, currently required by the Public Works and Economic Development Act's criteria for area eligibility. The Economic Development Administration makes an annual review of each area designated under the act, at the end of each fiscal year. They base their review primarily on unemployment statistics from the preceding year. Based on these statistics, this year some 96 counties in 31 States will lose eligibility under the act. The House of Representatives and the Public Works Committee of the Senate have made a judgment that the nationwide escalation in unemployment statistics—May's figure was 5 percent nationwide—merits a holding action for these areas which have experienced chronic unemployment in the past, despite the fact that they have recently exceeded the guidelines of the agency for designation. Senator MONDALE was joined by 16 other Senators when he introduced Senate Joint Resolution 210, to achieve a moratorium on de-designation of these counties. Additional Senators joined him after the introduction of his resolution, and the Public Works Committee agreed with his purpose. The Houes of Representatives' similar provision extended the period of moratorium from May 1, 1970, to June 1, 1971, while the period of time specified by Senate Joint Resolution 210 was from June 1, 1970, to June 1, 1971.

Mr. President, I urge my colleagues to support the Economic Development Administration and its programs through extension of its authorizing language through June 30, 1971.

The PRESIDING OFFICER (Mr. GOLDWATER). The bill having been read the third time, the question is, Shall the bill pass?

The bill was passed.

Mr. MONTOYA. Mr. President, I move

XUM

that the vote by which the bill was passed be reconsidered.

Mr. RANDOLPH. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. MONTOYA. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-984), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of this bill is to amend the Public Works and Economic Development Act of 1965, as amended, to extend the authorization of funds for titles I through IV through fiscal year 1971. The amounts currently authorized to be annually appropriated through fiscal year 1970 are as follows:

(*a*) Title I, section 105, $500 million.
(*b*) Title II, section 101(c), $170 million.
(*c*) Title III, section 302, $50 million.
(*d*) Title IV, section 403(g), $50 million.

Title V appropriation authorizations relating to regional economic development currently expire on June 30, 1971.

This bill provides for an extension of the present authorized amounts to those titles in the act that expire this year in order to continue the authority to operate through June 30, 1971. As amended during debate in the House, it also establishes a 1-year moratorium on de-designation of any county presently designated as a redevelopment area.

BACKGROUND OF THE ACT

The Public Works and Economic Development Act (Public Law 89-136) became law on August 26, 1965. It is an outgrowth of prior economic development legislation such as the Public Works Acceleration Act and the Area Redevelopment Act. They were the forerunners in developing solutions to unemployment and underemployment in the lesser developed areas of our Nation.

The purpose of this act is to provide Federal help, in cooperation with the States, to assist communities, areas, and regions in the United States which are suffering from excessive unemployment or underemployment by providing financial and technical assistance needed for the creating of new jobs. Its emphasis is on long-range planning and programing for economic development with the objective of enhancing the domestic prosperity by the establishment of stable and diversified local economies. This is accomplished by developing and expanding new and existing public works, providing loans for businesses, and technical assistance necessary to create directly or indirectly new opportunities for long-term employment and economic growth.

COMMITTEE ACTION

In the interest of expediting action on legislation to extend titles I through IV of the act, the committee declined to accept any of the amendments proposed in the several pending Senate bills and agreed to approve only the House-passed bill, H.R. 15712, which includes an amendment establishing a 1-year moratorium on the de-designation of presently qualified redevelopment areas.

In view of the testimony submitted concerning the inadequate and outdated statistics on which de-designation of a county is currently based, the committee is firmly convinced that the House-approved amendment to the bill should be enacted into law.

The committee is strongly of the opinion that the entire Public Works and Economic Development Act is in need of revision. As the subcommittee chairman, Senator Montoya, observed at the opening of the hearing:

"The Congress last year extended titles I through IV for only 1 year. In April last year we were informed that a full review of the economic development program could not be completed by the 1969 expiration date. Thus, more than 1 year has passed and the subcommittee has still not received a report on what changes and improvements the administration plans to propose. We are, therefore, constrained to proceed with another 1-year extension.

"Long before the next expiration date, June 30, 1971, the subcommittee expects that the administration will have submitted its recommendations for modification, revision, and improvement of the Economic Development Administration's whole program."

Pending receipt of the administration's recommendations and the outcome of its own analysis, evaluation, and review of all the provisions of the act, the committee believes that there should be a minimum of organizational changes in the Economic Development Administration and its subordinate offices.

COMMITTEE RECOMMENDATIONS

The committee recommends the enactment of this legislation. Evidence received by the committee during the hearings indicates the necessity for the continuance of the programs administered by the Economic Development Administration and for this reason the committee reported this legislation favorably and trusts it will be enacted into law. However, the committee will continue its extensive evaluation of the Public Works and Economic Development Act looking toward the possibility of substantive amendments to the Act in the near future.

SENATOR RANDOLPH STRESSES VALUE OF ECONOMIC DEVELOPMENT EXTENSION

Mr. RANDOLPH subsequently said: Mr. President, today, the Senate has approved H.R. 15712, which extends for 1 year the authorizations for the Economic Development Administration. This agency, created by the Public Works and Economic Development Act of 1965, has helped provide needed public facilities to many of our citizens living in areas which have been bypassed by the great surge of economic development which our country has experienced in the past 25 years. In simple terms, to many underdeveloped communities it has meant running water, sewage facilities, schools, hospital, and new job opportunities.

This legislation, which will now be sent to the President, provides for 1 more year of operation by the Economic Development Administration. During this year, it is our hope that the administration will thoroughly review the mission and operation of the Public Works and Economic Development Act so that next year they can join the Congress in an indepth review of its function. Senator MONTOYA, chairman of the Economic Development Subcommittee, held hearings on this measure, and brought forth valuable documentation on the program.

We must, I believe, prepare for a significant modification of our efforts in the field of economic revitalization, drawing from the lessons we have learned in the past 5 years of the operation of the Economic Development Administration, the title V Regional Development Commissions, and the Appalachian Regional Commission.

This bill, H.R. 15712, which we passed today, will give us the time we need to carefully chart any new course which the evidence indicates is desirable, while at the same time insuring to the people of the hundreds of affected communities the continued assistance in achieving a better standard of living.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1519) to establish a National Commission on Libraries and Information Science, and for other purposes.

THE POSTAL REORGANIZATION ACT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 913, S. 3842.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. S. 3842 a bill to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BELLMON. Mr. President, I send to the desk an amendment to S. 3842. This is the text of H.R. 17070 as that measure was passed by the House of Representatives, and I ask for its immediate consideration.

The PRESIDING OFFICER (Mr. GOLDWATER). The clerk will state the amendment, which without objection will be stated without being printed, since it is the same as the House-passed language of H.R. 17070.

The LEGISLATIVE CLERK. The Senator from Oklahoma (Mr. BELLMON) proposes an amendment to strike out all after the enacting clause of S. 3842 and insert in lieu thereof the text of H.R. 17070, as passed by the House of Representatives.

Mr. BELLMON. Mr. President, as a member of the Post Office and Civil Service Committee, I have greatly admired the work of the committee and staff and the efforts put forth by the distinguished chairman and the ranking minority member.

I participated in the lengthy discussions which have gone into S. 3842. I am very proud of most of the features of this legislation.

In studying S. 3842 and also H.R. 17070, I find that most of the desirable features of S. 3842 are incorporated in the House language under bill H.R. 17070.

In my opinion the Senate can now save a great deal of time if it agrees to accept this language and avoid the lengthy delays of a conference committee.

There are some deficiencies in the Senate bill that the House bill corrects. I would like to call them to the attention of the Senate.

Perhaps the most serious deficiency of the committee bill is its retention of a permanent subsidy of the mail users, without regard for their need of such a subsidy. The committee bill would retain as a permanent feature of the operation of the Postal Service the need for an annual appropriation from the general tax revenues of roughly 10 percent of the costs of the Postal Service. In contrast the substitute would clearly state the obligation of the Postal Service to become self-sustaining by 1978. Provision would be made for interim appropriations to permit an orderly transition, but for the long run the costs of the postal system would be borne, as they should be, by the mail users.

Much has been said, here and elsewhere, about the need to support certain types of services, mailings by charitable organizations, operations of rural post offices and mail routes. I agree with all of this, but it is perfectly evident to me that a large and continuing annual subsidy for the postal service is not the way to meet these needs. To meet the costs of maintaining a nationwide mail system we need, not a subsidy but competent, flexible management and rates which appropriately cover the costs of the system. For those classes of users who should not be required to pay their appropriate share of these costs we should have, not a general indiscriminate subsidy but a mechanism to permit lower rates for those classes as determined by Congress and annual appropriations of the amounts needed to make up the revenues lost by allowing those lower rates. It is noteworthy that the substitute would create such a mechanism, while the committee bill, although providing a continuing general subsidy would phase out over a period of 10 years the free and reduced rate mail categories that Congress has established. I submit that in doing so the committee bill has its priorities reversed.

The difficulties caused by a continuing general subsidy which over the next 10 years could involve an amount in excess of $11 billion, are many. First, it places a large and unnecessary drain on the taxpayer and diverts tax moneys from more urgently needed purposes. Second, it gives a subsidy to the mail user, indiscriminately, whether or not it is justified.

Mr. CURTIS. Mr. President, would the distinguished Senator yield for a question?

Mr. BELLMON. I yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, the Senator is offering the House bill as a substitute for the Senate bill.

Mr. BELLMON. The Senator is correct.

Mr. CURTIS. Mr. President, I would like to inquire concerning the House bill and the Senate bill in reference to this item.

Is this new corporation authorized to issue bonds and, if so, how much, and what will the money be used for?

Mr. BELLMON. Mr. President, both bills, the House bill and the Senate bill, authorize a new corporation, with an authorization of up to $10 million in bonds for improving facilities of the postal system.

Mr. CURTIS. Mr. President, can the distinguished Senator tell me whether or not those bonds are guaranteed by the U.S. Treasury?

Mr. BELLMON. I am informed such a guarantee would be at the discretion of the Treasury.

Mr. CURTIS. Are both bills alike concerning the obligation of the Treasury to pay the cost of carrying these bonds?

Mr. BELLMON. The Senate version, I understand, would cause Congress to appropriate annually an amount of 10 percent of the cost of the debt service of the postal system. The House provision does not include that provision.

Mr. CURTIS. Mr. President, will the Senator yield further?

Mr. BELLMON. I yield.

Mr. CURTIS. That is a point that interests me. Over the years there has been much talk about postal reform and there has been talk about putting it on a business basis. There has been talk about causing it to pay its way. If we start right out underwriting 10 percent of the cost of the money they raise to get the new equipment, in my mind, that somewhat negates the very objective of the bill.

Mr. BELLMON. I would say to my good friend from Nebraska that in the discussions in the Committee on Post Office and Civil Service in the Senate it was the considered feeling of the Members that the service rendered by the postal service to the Federal Government and its mail users who are granted special rates justified Congress making a subsidy appropriation of this kind each year.

I agree with the Senator from Nebraska that the House approach is the better approach but there is some justification for this provision.

Mr. CURTIS. It is contemplated under either version, of course, that free mailing privileges would be maintained for such groups as the blind. Is that correct?

Mr. BELLMON. As I understand the difference here, it is that under the House version Congress would make the decision each year when we were called upon to appropriate for payment of the reduced rate services as to which of these services we wish to continue. Under the Senate version Congress each year would appropriate 10 percent of the total cost of the postal service to provide for the postal service loss encountered in the reduced rate service.

Mr. CURTIS. Both bills contemplate that Congress, through its appropriating power, one way or another, would reimburse the corporation for carrying this particular mail either free or at reduced rates?

Mr. BELLMON. That is true, the difference being that under the House version Congress each year makes the decision how much we appropriate and which of those services are to be continued. Under the Senate version we appropriate a flat 10 percent of the cost of the postal service to make up that deficiency.

Mr. CURTIS. Then the Post Office Department would decide where they would apply the 10 percent.

Mr. BELLMON. The Senator is correct.

Mr. CURTIS. The Post Office Department might favor either one group or another group and decide they could pay a little more. Is that right?

Mr. BELLMON. That is generally the way the bills differ.

Mr. CURTIS. But under the House bill, through the appropriating power Congress would more or less decide who gets reduced rates. Is that correct?

Mr. BELLMON. The Senator is correct.

Mr. CURTIS. I am very much interested in that because the junior Senator from Nebraska is extremely interested in maintaining the free mailing privileges for the blind. There are many sound reasons for this. I shall not go into it at this time, but they are important. Also, I am thoroughly convinced that there is a general understanding throughout both Houses of Congress about the problems of the blind and of the great good that comes from free mailings for the blind. The Library of Congress provides talking books for any blind person that would like to get them without charge. They, in turn, are permitted to send them through the mail. This is generally understood by Congress. I am not sure what would happen if that were a blanket authority through the bureaucracy. It might be all right now but 10 years from now I would like to address that question to Congress.

I thank the Senator for yielding.

Mr. BELLMON. I thank the Senator for his comments and his questions.

Mr. President, third, by removing the obligation upon the postal service to be self-sustaining it removes a major incentive for the best possible management of the service and eliminates means of measuring the management competence of the Postmaster General. And, fourth, by keeping annual appropriations a permanent part of the postal service it loses an opportunity to remove the mails further from the political arena.

A major goal of postal reorganization should be to give those charged with running the postal service the means to run it well, and then to hold them strictly accountable for the way they run it. By providing a continuing general subsidy we would undercut a corner of this goal. The committee bill also contains a provision which would seriously undercut this goal still further. That bill would give to an independent rate commission virtually complete power to set postal rates.

If the management of the postal service is to manage it must have a significant measure of control over its revenues. The rate setting mechanism provided in the substitute would give those responsible for managing the system final decisionmaking authority, subject to careful safeguards, including a congressional veto, to prevent an abuse of that authority. The committee bill would give virtually all power to set rates and establish categories of mail to a body having neither the responsibility for the management of the postal service nor the direct accountability to the people which Congress has. This is simply compounding the no-control phenomenon which has for so long plagued the Postmaster General.

The committee bill also fails to require

XUM

that the rates for each class of mail at least produce the revenues needed to pay its demonstrably related costs, that is the extra costs resulting from the existence of that service. Under the substitute these reduced rate classes, based on social policy considerations could only be created by Congress.

A further difference of substantial importance is in the authority of the postal service to obtain transportation services for the mails. To provide greater flexibility and economy in this vital area the substitute would retain for the postal service the authority the Postmaster General now has to negotiate with railroads for the carriage of mail and would extend this authority to motor carriers as well. Similarly it would permit the postal service to require regulated motor carriers to carry mail at rates approved by the Interstate Commerce Commission, as the Postmaster General may now require railroads to do. In all of these respects the committee bill is lacking. Indeed in failing to continue the authority to enter into contracts with the railroads the committee bill would be a substantial step backward.

As I have said, a major goal of postal reorganization should be to end the no-control phenomenon, to give postal management the tools to provide the best possible service and to insist that it use them well. The committee bill contains much that would work toward this goal, but it also contains provisions that do not have this effect. The substitute would correct these deficiencies and enable us to achieve the truly great postal service which the American people deserve.

Mr. President, I consider this to be one of the most important and significant reform measures that has come before Congress in the last decade. I would like to see it enacted without a lengthy delay. I believe our postal workers are impatient for Congress to act and that many improvements we need are in limbo until Congress takes final action.

For these reasons and the other reasons I have mentioned, I urge the adoption of the text of H.R. 17070 as a substitute for S. 3848. I feel the House version is an excellent bill, and it would not require action by conference committee. The Senate by the adoption of this amendment will have accomplished postal reform, a measure all of us are anxious to see on the books. The Senate will have worked its will in all important aspects. Mr. President, there is a copy of H.R. 17070 on the desk of each Senator and a comparison of the House bill and the Senate bill which points out the differences and shows clearly how the two bills compare.

Mr. President, I yield the floor and reserve the remainder of my time.

The **PRESIDING OFFICER.** Who yields time?

The Senator from Wyoming has half an hour.

Mr. **McGEE.** Mr. President, I do not intend to take the half hour, and will be prepared to yield back my time, but I would like to respond very briefly to the proposal of the Senator from Oklahoma.

The issue here is whether we accept the bill reported by the Senate Committee on Post Office and Civil Service or the bill reported by the House of Representatives. In view of the great amount of time that the Senate committee spent on the bill, trying to arrive at the best of all possible worlds in postal reorganization, we believe it is important that the Senate bill be cleared through this body in order that such differences as exist may be resolved at the conference table with our colleagues from the other body.

The reason why I say that, Mr. President, is that both bodies have intensively gone into the complexities of this very difficult problem of reorganization of our postal service, and we believe that the best place to resolve those differences is at the level among those who have been doing that kind of battle for the last nearly 12 months.

To illustrate the point, there is a basic difference between the House bill and the Senate bill in regard to the Postal Rate Commission as alluded to by our colleague from Oklahoma, and that basic difference is that the Senate bill would establish a virtually independent Rate Commission. The reason why that is important is that it is in the setting and fixing of rates from the floor of the two bodies of the Congress that a good deal of the lobbying has arisen and that a good deal of shooting from the hip problems have arisen in the past. The rates should be set by rate experts in the intricate and complicated process that the requirements of equitable rate setting demand. For that reason, we have chosen to prefer an independent Rate Commission.

We have gone further, and that is to make sure that that rate commission takes the Congress of the United States out of the lobbying business itself, for until now the rates, in truth, have been set at the lapel-button—the lapel of every Member of this body, where each of the lobbyists, in turn, seeks to carry his cause; and the relationship of the cause with other causes can rarely be brought into balance in a true sense of equity. We think this is truly the function of professional ratemakers.

May I say that the contributions of my colleague from Oklahoma on the committee version of the bill have been very substantial and constructive ones. What he eliminates from the House version is a reminder to each of us in turn that the new postal authority still has the final word. It is still possible for the Board of Governors, after the processes that we have carefully worked out with the Postmaster General—the administration—to accommodate the two approaches to the ratemaking—the Senate approach and the rate commission approach. Neither gets what they thought to be a well arrived at working mechanism to be an acceptable understanding in this regard. We think that is important. And the ultimate voice still is retained in those rare instances, as we anticipate them, where there might be an impasse between the rate commission and the hard needs of the Post Office Department.

There is a second difference in the House bill and the Senate bill, and that has to do with what the Senator from Oklahoma has described as the subsidy provisions in the Senate bill. What the Senate has done in regard to subsidy is very elementary. It has simply provided, as a starting point, that 10 percent of the next year's postal budget—1971—shall be the starting allowance for the "wiggling room" to carry those areas of the postal service that cannot pay their own way and, in the judgment of many of us, should not be expected to pay their own way. I am referring to rural mail delivery. There is no way that can even pay for its own cost without charging those who live in rural communities exorbitant rates in contrast to their city brethren.

We think it is important that this body give every inducement to the new authority to protect the rural areas. We think, likewise, that every post office in a town with a population below 5,000 should be protected, for the same important reason. They lose money. We want to prevent a new Postmaster General from being able to cut that down service, because that is where the pressure will be, in order to operate in the black—whatever that means.

We believe, in other words, that in our postal service there are limited areas in which it is in the national interest, in the public service concept, to protect the costing factors that have plagued a Post master General and added to his budgeting problems.

Therefore, in our judgment, the allowance of 10 percent ought to be given as the starting point, given our experience over the last 10 years. The bill also provides for a studied review of that 10 percent, so that, after we have lived with it for 5 years or so, we can see whether that 10 percent was an intelligent educated guess. Perhaps it was not the right figure. Perhaps it should be lowered to 4 percent or 7 percent, or whatever it may be. But we do not think it would be good judgment to start off by eliminating it, inasmuch as the administration bill also provides for launching the subsidy interval by decreeing that whatever losses they shall incur over the first 8 years shall be covered by the Congress. So the Congress will still pick up the tab.

Therefore, we think the proposal contained in the Senate bill is more forthright. We label it for what it is. That is the "wherefore", that is the legitimate authorization, for this body to protect rural and small-town mail services on an equitable basis with the larger, urban areas.

Finally, in regard to this proposal, there is a basic difference between the two bills in regard to the arrangements affecting transportation costs. At the present time most commercial airlines get some assistance in the carrying of mail. This always has posed a problem for the Postmaster General, because it is a built-in subsidy, if you will. But the Senate version of the reorganization would require that we make this adjustment from where we are now to where we hope to get, in a very gradual and very understandable way, in order not to drive the marginal airlines out of business. We have just gone through the process where trains were cut off the railway services. Part of the blame has been attributed to the fact that the railroad post offices have been taken off.

We think we ought to have learned from that experience at least what not to do. We do not argue that the Post Office ought to subsidize the airlines. We only argue that we have got to begin the responsibilities where we are now, and where we are now finds us carrying some of the burden of these commercial airlines.

We feel that we will be far more responsible by studying this in gradual terms and having a look at it a little farther down the line.

So those, Mr. President, are the basic differences between the two approaches to postal reorganization. Because of the differences in the Senate version, we believe it to be important to take the Senate bill to conference with the House of Representatives, and try to come to terms on some reasonable reorganization efforts.

Several Senators addressed the Chair.

Mr. McGEE. I am glad to yield to my colleague, the ranking minority member of the Post Office and Civil Service Committee.

Mr. FONG. Mr. President, may I ask the distinguished Senator from Wyoming how long the Senate Committee on Post Office and Civil Service has been working on postal reform legislation?

Mr. McGEE. The House committee received the bill first, and by courtesy consent, we agreed that the House should start considering it before we plunged into it. I think the House has been working on it about 15 months, and the Senate has been working on it about a year.

Mr. FONG. Is it not true that the Senate committee has listened to many, many witnesses at many hearings, and discussed postal reform with officials of the Post Office Department, the postal labor unions, the mail users, and many other people, before it reported this bill?

Mr. McGEE. The Senator is absolutely correct in that. We have tried to hear out the case for every segment and every interest group—management, labor, the mailers, the charitable organizations—all aspects. Citizens, the consumer—we have heard them at great length.

Mr. FONG. And is it not true that this version of S. 3842 is the third or fourth version of the bill which has been before the Post Office and Civil Service Committee?

Mr. McGEE. The staff advises me it is the 17th version. We have tried to scale it up to date with each new set of evidence that has been submitted to us, to accommodate to the refinement of the broad judgment that that much revision and refinement would require.

Mr. FONG. Is it not true that this is not a simple bill, but is a very, very complex piece of legislation?

Mr. McGEE. I would testify that it is an extremely complex and complicated bill. I have rarely so much appreciated the importance of the real expertise and the professional judgments that have been offered to the committee.

Mr. FONG. And after considering these many versions of the bill, did we not sit down with the Postmaster General and his deputies to iron out some of the remaining differences between different versions of the bill?

Mr. McGEE. The answer to that question is that we certainly did. We tried to work out a postal reorganization bill that management could live with and that Congress, with its responsibility for the public interest, could live with; and we tried to iron out the wrinkles in those technical aspects that would give it a better chance for workability.

Mr. FONG. Is it not true that the House Post Office and Civil Service Committee had great difficulty in coming to an agreement on the House postal reform bill?

Mr. McGEE. They have found it extremely difficult in the House of Representatives to arrive at any kind of a consensus, or even a simple majority view of a proper postal reorganization bill.

Mr. FONG. Finally, is it not true that when H.R. 17070 was before the House of Representatives, approximately 40 amendments were proposed and out of the 40 amendments 14 were agreed to?

Mr. McGEE. That is correct. The Senator is absolutely right. And I ought to add at that point that the Senate committee profited greatly from the deliberations of the House of Representatives on this matter. We were the benefactors of their searching inquiry into all facets, and the differences that they themselves exhibited over various approaches to reorganizing the postal system.

Mr. FONG. And there is great philosophical difference between the two bills?

Mr. McGEE. There is a basic philosophical difference between the two approaches, yes.

Mr. FONG. The House feels there is actually no public service responsibility as far as the Post Office is concerned, and the Senate feels that there should be a public service charge?

Mr. McGEE. Yes. Let me modify that by saying that the current version of the House bill accepts no responsibility in the Postal Service, but great numbers of the Members of the House of Representatives agree that there is such a responsibility in the public service.

Mr. FONG. In the ratemaking section of the Senate bill, as differentiated from the ratemaking section of the House bill, is it not a fact that the Senate bill gives a lot of independence to the rate commission, so that it is not subservient to the Postmaster General and to the Board of Governors?

Mr. McGEE. The Senate bill stresses the independence of the rate commission. The House bill puts Congress right back into the lobbyists' lap, continuing the present lobbying activities in attempting to arrive at a rate structure.

Mr. FONG. And under the Senate bill, once the rate has been agreed to, Congress will have nothing to say about it?

Mr. McGEE. Then Congress is out of the Act. We believe it is important to get Congress out of that act.

Mr. FONG. Whereas in the House bill, Congress could still override the ratemaking decisions of the Board of Governors?

Mr. McGEE. The Senator is absolutely correct.

Mr. FONG. Mr. President, I am strongly opposed to substituting the bill which was passed by the House of Representatives for the bill which the Senate committee has worked on so tirelessly and approved. We have gone through many, many working sessions. We have listened to many witnesses. We have talked to the Postmaster General, we have talked to his deputies, we have talked to members of the postal unions and to the mail users, and the bill which we have brought before the Senate is, I believe, a good bill. We do not profess that it is a perfect bill. We know there are flaws in the bill, but it is the best bill we have been able to come up with.

I know the bill approved by the House of Representatives is not perfect. That bill was amended 14 times on the floor of the House. We know that there are many wise and intelligent men in the House of Representatives, but we also know that all wisdom does not reside there, and that there is some wisdom here in the Senate.

I feel that the bill which the Senate committee has brought to the Senate should be approved, so that we can go to conference and thrash out the differences with the conferees of the House of Representatives. I think by doing that, we will be able to bring forth the best of both the Senate and House bills. The bill which will come out of conference will be landmark legislation, Mr. President, and we should be given the chance to really work on that level.

This is a very far-reaching bill, and should not be passed on the floor of the Senate by substituting the House measure. I strongly urge my colleagues to vote down the amendment proposed by the distinguished Senator from Oklahoma.

Mr. McGEE. Mr. President, how much time do we have remaining on this side?

The PRESIDING OFFICER. The Senator from Wyoming has 12 minutes. The Senator from Oklahoma has 15.

Mr. BELLMON. Mr. President, on this amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BELLMON. Mr. President, I yield to the Senator from Arizona (Mr. FANNIN) as much time as he may require.

Mr. FANNIN. Mr. President, I support the substitute bill. The substitute contains all the essential ingredients of the agreement reached between the administration and the postal unions. Its passage by the Senate would insure the most rapid possible implementation of a badly needed new wage scale for postal employees. And it would enable the Postal Service to begin without further delay the reorganization which I believe is a critical step toward improving the Nation's mail service.

Although the substitute bill embodies the fundamental elements of the agreement between the administration and the postal unions, it also reflects independent thought by Congress and contains a number of changes which are responsive to issues which have been raised during Senate consideration of postal reorganization.

The principal reason for my supporting the substitute bill is my conviction that S. 3842 contains a number of ex-

XUM

tremely undesirable provisions—principally in the ratemaking area—which not only depart from the agreement between the administration and the unions but which run diametrically against the underlying principle behind postal reorganization. I should like to explain briefly what I find to be the principal defects in S. 3842.

First and foremost, S. 3842 would set up a completely independent ratemaking authority—an authority which is independent of the Postal Service and independent of Congress. This authority would set rates without regard to what we in Congress think and without the protection which the one-House congressional veto provision contained in the substitute bill would provide against arbitrary and harmful decisions by the ratemaking authority. By the same token, the ratemaking authority would set rates entirely independently of the wishes of postal management. The power to modify the recommended decisions of the rate panel which exists in the House bill is lacking in S. 3842.

How did this state of affairs come about in S. 3842? The answer is that our committee looked for a model in the way private utilities are regulated. American Telephone & Telegraph Co. is subject to regulation by the Federal Communications Commission, and the Commission's decisions are not subject to review by telephone management. So why should not the same pattern be true for the Postal Service?

The answer is that the Postal Service—even after reorganization—is not going to be like the telephone company. For one thing, the Postal Service will remain in public ownership. Its directors will be appointed under the Reorganization Act to represent the public generally and will not be operating a business for profit. These directors—appointed by the President—will be required to protect the public interest.

Another part of the answer lies in the history of congressional interest in the Post Office Department. We are giving up the exclusive ratemaking authority which we have exercised since the foundation of the Republic. The substitute bill, however, would retain for Congress an oversight function to guard against any possible dereliction of duty on the part of the directors of the Postal Service. Given our veto power, there is no need whatsoever for the creation of a wholly independent authority.

I raise this issue because the independence of the ratemaking authority will have a critical effect upon how well postal reorganization works. There is no more fundamental force in the determination of the kinds and quality of postal services than the classification and rate system which is developed. The independent ratemaking authority created in S. 3842 would have a complete strangle hold over any and all service changes which the Postal Service would like to make.

XUM

If, for example, the Postal Service wanted to develop an exceedingly rapid type of preferred mail service, the ratemaking panel could veto this effort by failing to adopt the necessary classification and rates, and the Postal Service could not override the veto.

Although the Postal Service might be entitled to seek judicial review of this action, our overloaded Courts could very appropriately take a dim view of the complaints of one Government agency against another, and, I might add, of the failure of Congress to work out a system that avoids forcing the courts to referee disputes between agencies within the executive branch of the Government. Moreover, since the Postal Service is owned by the Government and not by private investors, the rate panel's findings would almost certainly be sustained as an appropriate exercise of discretion regardless of their impact on what postal management wants to do to improve service.

The second critical defect in S. 3842 is its failure to include a minimum floor on postal rates. The substitute bill is extremely forthright in this regard: It says that categories of preferred rate mail are to be designated by Congress alone, in the exercise of our historical power to assist socially-beneficial enterprises; outside of these congressionally approved preferred areas, however, the bill requires that each class of mail pay at least the costs which can be shown to be associated with its being carried as part of the mails. This requirement does not mean that overhead must be allocated in any set manner. It does mean, however, that incremental costs must be covered for each category of mail so that no nonpreferred category can be said to be freeloading on other categories.

S. 3842 does just the opposite. It phases out over a 10-year period all congressional categories of preferred rate mail. For example, it would end categories which now permit church and other nonprofit organizations to mail newsletters and other second-class matter at reduced rates. At the same time, S. 3842 does not require the ratemakers to require each class of mail to cover its costs and invites the independent ratemaking authority to maintain or create new categories of preferred mail. This, I submit, means not only that this independent authority will not do a better job than the ratemakers provided in the substitute bill; it virtually guarantees that it will become a dispenser of preference to favored mailers and do a far worse job.

The substitute bill contains a provision retaining the protection now given under Executive order under the title of Labor Management Relations in the Federal Service and signed by President Nixon on October 29, 1969—also provided by Presidents Kennedy and President Johnson during their terms of office—an amendment which responds to the many fears which have been expressed by Members of the Senate that the bill would authorize compulsory unionism for Government employees for the first time. The substitute contains the same limitation written into S. 3842 prohibiting the Postal Service from paying any employee a salary higher than that currently provided for a member of the President's Cabinet. It also contains a provision making the Davis-Bacon act applicable to leased postal facilities similar to a provision included in S. 3842. The substitute bill is thus the product of hard thinking by the Congress and is responsive in a number of ways to important issues which have been considered in both the House and the Senate.

So I think, Mr. President, that if we take into consideration just what is involved in comparing the two bills, the House version, the substitute bill, has many beneficial provisions.

The committee report is revealing. On page 11 it says that if the ratemaking authority—

> In its assessment of the public interest determines that newsletters mailed by a church are, in fact, of such social benefit that they should pay less than a newsletter sent by the Chamber of Commerce, then the [ratemaking authority] is fully authorized to recommend a class recognizing that distinction and a rate in accordance with that preference.

This amounts to one of the most fantastic delegations of congressional powers that I have ever heard of. It is a delegation to a group of men who will have absolutely no professional expertise or political responsibility which would enable them to exercise the power correctly. It not only constitutes an invitation to discontinue many important existing preferences—such as to nonprofit organizations—but it opens the new authority to unprecedented pressures from business mailers who will want to prove their entitlement to preferred rates. For the ratemaking authority is not just free to dispense its preferences to nonprofit groups; it can dispense them to anyone and its discretion to do so is virtually unlimited.

A third principal defect in this bill is the massive continuing 10 percent general subsidy which it provides for the postal service. The substitute, on the other hand, in line with the recommendations of the Kappel Commission, would put the postal service on a self-sustaining basis by January 1, 1978, except for appropriations provided to cover specific preferred classes of mail established by Congress.

I think this is very important, because Congress would be an overseer, Congress would have an opportunity to examine just what is being done, and this is especially needed the first few years; and, of course, with the change of administrations, it is certainly very vital.

The massive subsidy in S. 3842 would cost the taxpayer about a billion dollars a year. Yet this subsidy would be a hidden one which—combined with authority in the rate board to price categories of mail below their costs—would permit junk mailers to continue their operations at the expense of the taxpayers.

There is no reason at all why business publishers and advertisers cannot pay their own way. Yet S. 3842 would invite the use of precious tax dollars to assist these business interests when the money is so badly needed elsewhere to sustain needed social programs in such fields as education, housing, and medical care. I find it impossible to explain to the taxpayers of this country how we could saddle them with the tremendous additional burden of this subsidy which has been found not to be necessary by the experts who have studied our postal system and which is not wanted by the administration which is proposing this reorganization.

To summarize: The basic difference between the substitute bill and S. 3842 lie in the ratemaking area. I support the substitute because it will provide a workable ratemaking procedure; it will guarantee that postal services can be improved and that new services will be developed; it will guarantee that rates will be fair and equitable and that the taxpayers will not be called upon to provide massive hidden subsidies for business mailers; and it will require that preferred classes of mail will be maintained, but only when such preferred classes have been established by Congress. S. 3842 will do none of these things.

Mr. BELLMON. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Oklahoma has 8 minutes. The Senator from Wyoming has 12 minutes.

Mr. BELLMON. I yield 3 minutes to the Senator from Tennessee.

Mr. BAKER. Mr. President, I thank the Senator for yielding so that I may express my support for his effort to substitute the House version of the postal reform bill at this point in our consideration of this very important matter.

I have constantly voiced my strong feeling of support for the reform of our postal system. For some time, I advocated the creation of a semipublic corporation to manage the mail, free from political influence and patronage.

Committees of the other body and committees of the Senate have worked long and diligently in an effort to try to find a practical solution for the dilemma that faces this country in problems of its postal service.

I think that in this particular situation, notwithstanding that the committees of both Houses of Congress have done a magnificent job of sifting and analyzing the perplexities with which we are confronted, the accomplishments of the House of Representatives in its passage of H.R. 17070 are very real indeed, and that the Senate would do well to consider the acceptance of this substitute proposal by the Senator from Oklahoma with this bill as now presented and passed by the House, so that postal reform can become a reality instead of just a theoretical abstraction, as it has been so often in the past.

There are many aspects of the House bill that are especially attractive to the junior Senator from Tennessee, not the least of which is the manner in which the House managed that section which deals with the rights of a postal employee to join or to refrain from joining a union, as he sees fit. I believe it is one of the basic elements of liberty and justice in this country, and I am glad to see that our colleagues in the other body have included that in their proposal.

So may I add my comments in support of the motion by the junior Senator from Oklahoma in bringing to us this amendment in the nature of a substitute, to substitute H.R. 17070 from the House of Representatives.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, will the Senator yield me 2 minutes?

Mr. McGEE. I have promised first to yield to the Senator from West Virginia.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. McGEE. Five minutes?

Mr. RANDOLPH. Mr. President, there is no member of the Committee on Post Office and Civil Service for whom I have a greater personal affection than the Senator from Oklahoma (Mr. BELLMON), who offers the motion to substitute the House version of the postal reform bill for the work of the Senate Committee on Post Office and Civil Service. For those who will support him in his effort, I know they will do it with good conscience, but I believe they will act contrary to well-reasoned action.

I say, however, at the outset of very brief remarks, that it is extremely difficult for me to understand how Members of this body who are not members of the Committee on Post Office and Civil Service would think in terms of substituting a House bill with which they are probably not familiar, and which was amended 14 times during the debate in the House. Further, the House bill was amended and changed through many, many levels of consideration within committee and brought to a final conclusion in a rather hurried manner.

I do not criticize the House action in the passage of H.R. 17070. But I would suggest to Members of this body that they give careful consideration to that which we have done as members of the Post Office and Civil Service Committee over a period not of a few days or a few weeks but over a period of many, many months in the consideration of this legislation. In this regard, it is a privilege to commend and congratulate our distinguished chairman, Senator McGEE, and the able ranking minority member, Senator FONG, for their diligent and persevering efforts in the formulation of this bill.

There are individual amendments which will be offered, one certainly by the very able member of the committee, the Senator from Arizona (Mr. FANNIN). I say to him that it is an important amendment, on which there is a wide difference of opinion. It involves the issue of so-called compulsory unionism for postal employees. But on that amendment, let us vote it up or vote it down. Let us consider it, based on its merits and the presentations and debate for and against. We should debate that problem issue thoroughly, as it will be, and as the distinguished Senator from Arizona wants it to be.

But here we are asked to take a bill fromthe House of Representatives rather than the Senate measure, both bills being very complex measures. What is the reason that we cannot go to conference with a Senate measure, a well-considered bill which has been brought before this body? I do not think that Senators generally want to proceed in this forum in the fashion advocated by the Senator from Arizona.

Let us take one item which is different from the House bill. We have talked for so long about taking from Congress the operations of the postal service. That has been, I think, a goal that most people have been agreed on, regardless of how they feel about specific parts of the legislation. We have accomplished this objective in the area of ratemaking. We were courageous in the Senate and we removed ratemaking as a responsibility of Congress. It should not be a responsibility of Members of the Senate or the House. It is a matter of detail to be handled by those with an expertise in ratemaking. Members of this body should know that the Congress is not the place to handle ratemaking for the shipments of parcels and of mail. The Senate faced the issue and created an independent ratemaking commission.

I repeat, I do not criticize the House. The Members had their bill and they passed it. But we took the Congress out of ratemaking and we have recommended a more businesslike approach to this issue.

Mr. President, this is only one important item where we differed with the House of Representatives. They decided to continue to involve Congress in ratemaking. We decided to remove ratemaking as a responsibility of the Congress and give it to a body which could assemble the expert staff which is required to review such an issue.

I shall comment also at this point the valuable efforts we have made in the matter of writing a transportation section in the Senate bill.

This is another major issue on which our committee bill and the House bill differ. We gave careful attention to this subject in the areas of surface and air movement of the mail, and we should have the opportunity to take this subject to conference.

Briefly—and I will not speak at length because the able chairman (Mr. McGEE) has covered the transportation provisions in detail—the administration recommended that the Postmaster General be authorized to negotiate contracts for the carriage of mail with any carrier, air or surface, at any rates he could secure. It was our belief that the almost complete contracting authority requested by the administration was too broad in scope and did not take into consideration the requirements under existing transportation systems. However, our bill does provide a limited degree of contracting authority for the Postmaster General.

The Postmaster General will be authorized to negotiate some contracts under the surface transportation section, provided that common carriers and star route operators are given notice of the negotiated contract and have the opportunity to offer to negotiate.

Additionally, Mr. President, we have afforded the Postmaster General the authority to negotiate contracts of a limited nature for the transportation of mail by air. Importantly, our bill maintains the vital role of the Civil Aeronautics Board by requiring that the contracts be submitted to the Board. The CAB will have the authority to disapprove the contract within 90 days. Maintaining the role of the CAB which has the overall view of air transportation needs is vital.

I need not go into the details because I shall present them, if it is necessary, at another time. But I do recall that

XUM

Congress, in 1938 when the air transport industry in this country was in a chaotic condition due to destructive competitive bidding on mail contracts, came forward with the Civil Aeronautics Act. I believe that was a very wise and necessary measure. It was my responsibility, as a Member of the House of Representatives, to aid in drafting and advocating and voting for that act.

We have continued to build a stronger and stronger air transport industry, an industry that not only moves people and products but also carries the mails.

It is inconceivable to me, again, that we would not continue in this legislation the important and the historic role of the Civil Aeronautics Board, giving certain authority to the Postmaster General.

These are just two indications of what we in the Senate have done to draft legislation which is well reasoned. We do not need to agree on all the points. But, I feel that Members of this body should not reject the many months of work of this committee in developing the measure we have recommended and which is in the interest of a better postal system.

Mr. McGEE. Mr. President, I now yield 2 minutes to the Senator from New York.

The PRESIDING OFFICER (Mr. RIBICOFF). The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, I think that the House bill has certain provisions preferable to the Senate bill with respect to union recognition because it allows local unions—I happen to have those in New York in a very substantial way. In addition, I think it reserves certain rate structures especially for books, which are very important to our country.

I find one provision in the House bill which I simply cannot accept, which was written in on the House floor, section 222(b), the so-called right-to-work provision. I had in mind to move to excise that for the substitute, but that seems to be considered an unfriendly move both by those for the substitute and those against it, who prefer to have the matter met all the way, head on.

I have been a Member of the Senate too long to assume that I can succeed in the face of that kind of combination, so that the opponents of this substitute may have a clear shot at it. But, because I think it is of overriding importance to leave open collective bargaining to whatever it may produce within the context of the collective-bargaining procedure, I shall be compelled to vote "no."

While I am on my feet, I would like to point out to members that this is a substitute; if we adopt it, that is it. We lock it in. There are no amendments to it. So that I would hope, as we perfect the Senate bill, we will deal with the question of local union recognition, if that should seem advisable to Members, and that we will deal with the question of ratemaking, and of book publishers, a time honored element of the educational system of the United States, and other matters which may be pertinent.

In principle, I appreciate the Senate's desire to have ratemaking by a new board. That is a businesslike way to do it. I also hope that the Senate, as we fashion this measure, will bear in mind the necessity of treating the workers as we would in relatively private employment, as one goes with the other.

Mr. McGEE. Mr. President, I am about ready to yield back the remainder of my time, but first ask unanimous consent to have printed in the RECORD a letter from the president of the National Association of Letter Carriers, in which he writes that although they have some limited reservations about certain clauses in the Senate bill, for all practical purposes, it remains their preference. I find that these are also the same sentiments conveyed to the members of the committee by other groups likewise deeply involved and concerned about this legislation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF LETTER CARRIERS,
Washington, D.C., June 29, 1970.

Hon. GALE W. MCGEE,
Chairman, Post Office and Civil Service Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: At the outset, I want to congratulate you and your fine Committee for having brought to the Senate one of the most meaningful legislative measures in history. It has not been an easy task to produce legislation which will do so much relative to the Postal Service of the United States. In addition to the demands that have been made upon your group by various interests, the Committee has had to consider an agreement that was reached on April 16, 1970 by representatives of the Administration and officers representing the seven exclusive postal unions.

Although there are some noted deviations from the agreement that was reached on April 16, especially in the area of management of the Postal Establishment, your Committee has retained practically all of the provisions of the April 16 agreement in the area of labor-management relations, collective bargaining and personnel practices.

We completely support the Senate Bill, S. 3842, because it more closely resembles the results of lengthy negotiations which occurred for the first time between the Government of the United States and unions which represent postal workers.

We feel that House and Senate Conferees who should be meeting soon to work out the differences between H.R. 17070 and S. 3842 will have sufficient and relevant language to come up with a final measure which will answer the needs of the people of America, the Postal Establishment, the postal employees and the unions which represent them.

We hope for the sake of expediency which is so urgent at this time that the Senate will permit Conferees to work out existing differences with the view in mind that the people of our great country are entitled to and must have the best postal service in the world. That has been the concern of you, in particular, and all members of your Committee in the same manner as it has been the concern of the National Association of Letter Carriers.

Our members are most anxious to get to the bargaining table to participate in the challenge of meaningful collective bargaining for the first time. Of course, we are even more interested in obtaining at the earliest possible time the wage increase which was agreed upon on April 16 and the other immediate benefits including attainment of top wages following eight years of service.

We do want you and the members of your Committee to know the letter carriers of America are appreciative of the efforts of each of you and that we are greatly hopeful that S. 3842 can be approved by the Senate before adjournment on June 29. We further trust that the Senate will commend your efforts in like manner refusing to emasculate the legislation or to handcuff, in any way, those of us who will soon for the first time learn what real bargaining can mean to our members and to the Postal Service.

Again, thanking you and the very able other members of your Committee, and with warm personal regards, I am

Sincerely yours,
JAMES H. RADEMACHER,
President.

Mr. McGEE. Mr. President, let me say that we are now ready to yield back the remainder of our time if that is agreeable to the Senator from Oklahoma.

Mr. BELLMON. Mr. President, I have two brief comments to make, and then I shall be agreeable to yield back the remainder of my time.

There have been two points raised in debate that I believe need response.

First, on the matter of the ratemaking responsibility and the involvement by Congress. In the comparison between the two bills distributed to all Senators, there is a summary on page 4, regarding the involvement that Congress has in the ratemaking process under the House bill. The only part Congress plays is that Members of either House have 90 days in which to consider and if they choose to do so, to veto any rate decision recommended by the Postmaster General.

What this does, through Congress, is to give the mailers, the people of the country, the right to keep a Postmaster General from abusing the ratemaking authority which this legislation vests in him.

The Senate version does not provide for congressional veto. It is the only difference between the role Congress plays under the two different versions.

Also, concern has been expressed here this afternoon by some of the proponents of the Senate legislation as to what would happen to rural routes in the small post offices under the House-passed version. As a Senator from Oklahoma—which is still basically a rural State, and as a patron of a rural route—I am as concerned over this legislation as is anyone else.

I would like to note that, despite all the concern that has been expressed over the closing of third- and fourth-class post offices, that the total amount of all classes was only $115 million.

During the House debate Representative OLSEN pointed out that for third- and fourth-class rural routes and star routes, the total amount was $122 million.

If we contrast that with the net results of three large post offices in the United States, we find that Pittsburgh had a loss of $19 million; Washington had $18 million; and Baltimore had $13 million.

So we can see from these figures that hese three offices had net losses only half as much as the losses for all third- and fourth-class post offices in the Nation.

The fact is that for fiscal 1970, the present Postmaster General has followed a policy which has seen an increase in the third-class post offices to 7,052 as of May 1, 1970.

This should be ample assurance of the rural postal policy and that they will be better served under the system than they are now.

To me, the big difference is that we are voting for a continual postal subsidy that will relieve the postal service of the responsibility for making their service efficient and will give them assurance that they can lose 10 percent and that Congress will come along with a subsidy to make up the difference.

Mr. President, I am ready to yield back the remainder of my time.

Mr. McGEE. Mr. President, I yield back the remainder of my time, with the reminder that we should like to take the Senate version of the bill to conference and there try to work out our differences.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Oklahoma. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. Ribicoff). The clerk will suspend with the call of the roll. Senators will please take their seats. The staff members will please take their seats or leave the Chamber. The clerk will suspend until there is order in the Chamber.

Earlier in the day there was an order that during the rollcall the Sergeant at Arms would see to it that the Chamber was cleared of all unnecessary personnel. The Sergeant at Arms will obey the order.

The assistant legislative clerk resumed the call of the roll.

The PRESIDING OFFICER. The clerk will suspend. Under the rules and the previous order, unless there is specific permission for staff members to remain in the Chamber, staff members will leave the Chamber. The clerk will not proceed further until staff members leave the Chamber.

It is understood that those members of the staff that do not have immediate business with or for their Senators will leave the Chamber.

The clerk will proceed with the call of the roll.

The rollcall was resumed and concluded.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Connecticut (Mr. Dodd), the Senator from Massachusetts (Mr. Kennedy), the Senator from Minnesota (Mr. McCarthy), the Senator from Maine (Mr. Muskie), the Senator from Wisconsin (Mr. Nelson), the Senator from Georgia (Mr. Russell), and the Senator from Maryland (Mr. Tydings) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. Cannon), would vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Kansas (Mr. Pearson) and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

If present and voting, the Senator from South Dakota (Mr. Mundt) and the Senator from South Carolina (Mr. Thurmond) would each vote "yea."

The result was announced—yeas 41, nays 48, as follows:

[No. 185 Leg.]

YEAS—41

Allen
Allott
Baker
Bellmon
Bennett
Byrd, Va.
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Goldwater
Goodell
Griffin
Gurney
Hansen
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
Mathias
McClellan
Miller
Murphy
Packwood
Percy
Saxbe
Schweiker
Smith, Maine
Smith, Ill.
Spong
Stennis
Stevens
Talmadge
Tower
Williams, Del.

NAYS—48

Aiken
Anderson
Bayh
Bible
Boggs
Brooke
Burdick
Byrd, W. Va.
Case
Church
Cranston
Eagleton
Fong
Fulbright
Gore
Gravel
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Inouye
Jackson
Javits
Long
Magnuson
Mansfield
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Pastore
Pell
Prouty
Proxmire
Randolph
Ribicoff
Scott
Sparkman
Symington
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—11

Cannon
Dodd
Kennedy
McCarthy
Mundt
Muskie
Nelson
Pearson
Russell
Thurmond
Tydings

So Mr. Bellmon's amendment was rejected.

Mr. McGEE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. FONG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NEEDED: POSTAL REFORM, NOT COMPULSORY UNIONISM

Mr. BENNETT. Mr. President, the Senate this week will have before it a bill that contains a two-edged sword. One edge would cut a wide swath in favor of the postal reform that is urgently needed by the country. However, the other edge would cut away a vital freedom for 750,000 Americans—the freedom to work for their Government and Nation without being forced to join a union. I am speaking, of course, of the postal reform legislation.

I for one will support a right-to-work amendment to this important bill, not because I do not believe in unions, but rather, because I feel that the concept of voluntary unionism in the Federal Government is the only reasonable and moral position which we can take.

I am proud of the work I have been able to do in the Senate up to now on behalf of freedom to work, and proud that my home State of Utah is one State that still protects the right-to-work. I support fully Utah's view on this matter, and will continue to do all I can to protect this precious right in Utah as well as wherever it is in danger in the Federal Government.

Considerable confusion has developed regarding the postal reform bill, particularly over its possible effect on the status of the postal employees' unions.

At the present, Federal unions are controlled by the directives of the President. The present postal system, under this control, preserves the right of individual postal employees either to join or not to join the union, and denies the right to strike. However, under the new system, the question has been asked:

> Would the employees and the unions still be subject to the Presidential directives, or would the new system be considered private enterprise which would make the employees and the unions subject to the Taft-Hartley Law, including its provision under which certain States have passed right-to-work legislation?

The confusion should now be cleared away. The House, as we know, has passed a bill which, in effect, carries the Presidential directive over into the new Postal System, and preserving the right of individual postal employees to join or not join unions as they so choose. I think this is a reasonable approach and hope the Senate will follow the House's lead.

Mr. President, may I remind the Senate of the 1962 Executive order issued by then-President Kennedy regarding this vital issue. That order said the following:

> Employees of the Federal government shall have, and shall be protected in the exercise of, the right, free and without fear of penalty or reprisal, to form, join and assist any employee organization or to refrain from any such activity.

I believe that philosophy was correct in 1962; I believe it is every bit as correct in 1970.

The right to join a union is an important right, and should not be abridged. But neither should the right to refrain from joining a union be abridged.

I am pleased that Senator Fannin has taken the lead in proposing legislation to amend the postal reform bill along this line. We should move ahead with postal reform, but not at the expense of right-to-work.

Mr. GOLDWATER. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Arizona will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 285, after line 7, insert a new section as follows:

"INVASION OF PRIVACY BY MAILING OF SEXUALLY ORIENTED ADVERTISEMENTS

"Sec. 14. (a) The Congress finds—

"(1) that the United States mails are being used for the indiscriminate dissemination of advertising matter so designed and so presented as to exploit sexual sensationalism for commercial gain;

"(2) that such matter is profoundly shocking and offensive to many persons who receive it, unsolicited, through the mails;

"(3) that such use of the mails constitutes a serious threat to the dignity and sanctity of the American home and subjects many persons to an unconscionable and unwarranted intrusion upon their fundamental personal right to privacy;

"(4) that such use of the mail reduces the ability of responsible parents to protect their minor children from exposure to material which they as parents believe to be harmful to the normal and healthy ethical, mental, and social development of their children; and

"(5) that the traffic in such offensive advertisements is so large that individual citizens will be helpless to protect their privacy or their families without stronger and more effective Federal controls over the mailing of such matter.

"(b) On the basis of such findings, the

XUM

Congress determines that it is contrary to the public policy of the United States for the facilities and services of the United States Postal Service to be used for the distribution of such materials to persons who do not want their privacy invaded in this manner or to persons who wish to protect their minor children from exposure to such material.

"(c)(1) Chapter 31 of title 39, United States Code, as amended by this Act, is further amended by adding at the end thereof the following new sections:

"'§ 3109. Mailing of sexually oriented advertisements

"'(a) Any person who mails or causes to be mailed any sexually oriented advertisement shall place on the envelope or cover thereof his name and address as the sender thereof and such mark or notice as the Board of Governors may prescribe.

"'(b) Any person, on his own behalf or on the behalf of any of his children who has not attained the age of nineteen years and who resides with him or is under his care, custody, or supervision, may file with the Board a statement, in such form and manner as the Board may prescribe, that he desires to receive no sexually oriented advertisements through the mails. The Board shall maintain and keep current, insofar as practicable, a list of the names and addresses of such persons and shall make the list (including portions thereof or changes therein) available to any person, upon such reasonable terms and conditions as it may prescribe, including the payment of such service charge as it determines to be necessary to defray the cost of compiling and maintaining the list and making it available as provided in this sentence. No person shall mail or cause to be mailed any sexually oriented advertisement to any individual whose name and address has been on the list for more than thirty days.

"'(c) No person shall sell, lease, lend, exchange, or license the use of, or, except for the purpose expressly authorized by this section, use any mailing list compiled in whole or in part from the list maintained by the Board pursuant to this section.

"'(d) "Sexually oriented advertisement" means any advertisement that depicts, in actual or simulated form, or explicitly describes, in a predominantly sexual context, human genitalia, any act of natural or unnatural sexual intercourse, any act of sadism or masochism, or any other erotic subject directly related to the foregoing. Material otherwise within the definition of this subsection shall be deemed not to constitute a sexually oriented advertisement if it constitutes only a small and insignificant part of the whole of a single catalog, book, periodical, or other work the remainder of which is not primarily devoted to sexual matters.

"'§ 3110. Judicial enforcement

"'(a) Whenever the Board of Governors believes that any person is mailing or causing to be mailed any sexually oriented advertisement in violation of section 3109 of this title, it may request the Attorney General to commence a civil action against such person in a district court of the United States. Upon a finding by the court of a violation of that section, it may issue an order including one or more of the following provisions as the court deems just under the circumstances:

"'(1) a direction to the defendant to refrain from mailing any sexually oriented advertisement to a specific addressee, to any group of addressees, or to all persons;

"'(2) a direction to any postmaster to whom sexually oriented advertisements originating with such defendant are tendered for transmission through the mails to refuse to accept such advertisements for mailing; and

"'(3) a direction to any postmaster at the office at which registered or certified letters or other letters or mail arrive, addressed to the defendant or his representative, to return the registered or certified letters or other letters or mail to the sender appropriately marked as being in response to mail in violation of section 3109 of this title, after the defendant, or his representative, has been notified and given reasonable opportunity to examine such letters or mail and to obtain delivery of mail which is clearly not connected with activity alleged to be in violation of section 3109 of this title.

"'(b) The statement that remittances may be made to a person named in a sexually oriented advertisement is prima facie evidence that such named person is the principal, agent, or representative of the mailer for the receipt of remittances on his behalf. The court is not precluded from ascertaining the existence of the agency on the basis of any other evidence.

"'(c) In preparation for, or during the pendency of, a civil action under subsection (a) of this section, a district court of the United States, upon application therefor by the Attorney General and upon a showing of probable cause to believe the statute is being violated, may enter a temporary restraining order or preliminary injunction containing such terms as the court deems just, including, but not limited to, provisions enjoining the defendant from mailing any sexually oriented advertisement to any person or class of persons, directing any postmaster to refuse to accept such defendant's sexually oriented advertisements for mailing, and directing the detention of the defendant's incoming mail by any postmaster pending the conclusion of the judicial proceedings. Any action taken by a court under this subsection does not affect or determine any fact at issue in any other proceeding under this section.

"'(d) A civil action under this section may be brought in the judicial district in which the defendant resides, or has his principal place of business, or in any judicial district in which any sexually oriented advertisement mailed in violation of section 3109 has been delivered by mail according to the direction thereon.

"'(e) Nothing in this section or in section 3109 shall be construed as amending, preempting, limiting, modifying, or otherwise in any way affecting section 1461 or 1463 of title 18 or section 3106, 3107, or 3108 of this title.'

"(2) The table of contents of chapter 31 of such title is amended by adding at the end thereof the following new items:

"'3109. Mailing of sexually oriented advertisements.

"'3110. Judicial enforcement.'

"(d)(1) Chapter 83 of title 18, United States Code, relating to offenses against the postal service, is amended by adding at the end thereof the following new sections:

"'§ 1735. Sexually oriented advertisements

"'(a) Whoever—

"'(1) willfully uses the mails for the mailing, carriage in the mails, or delivery of any sexually oriented advertisement in violation of section 3109 of title 39, or willfully violates any regulation of the Board of Governors issued under such section; or

"'(2) sells, leases, rents, lends, exchanges, or licenses the use of, or, except for the purpose expressly authorized by section 3109 of title 39, uses a mailing list maintained by the Board of Governors pursuant to such section;

shall be fined not more than $5,000 or imprisoned not more than five years, or both, for the first offense, and shall be fined not more than $10,000 or imprisoned not more than ten years, or both, for any second or subsequent offense.

"'(b) For the purposes of this section, the term "sexually oriented advertisement" shall have the same meaning as given it in section 3109(d) of title 39.

"'§ 1736. Restrictive use of information

"'(a) No information or evidence obtained by reason of compliance by a natural person with any provision of section 3109 of title 39, or regulations issued thereunder, shall, except as provided in subsection (c) of this section, be used, directly or indirectly, as evidence against that person in a criminal proceeding.

"'(b) The fact of the performance of any act by an individual in compliance with any provisions of section 3109 of title 39, or regulations issued thereunder, shall not be deemed the admission of any fact, or otherwise be used, directly or indirectly, as evidence against that person in a criminal proceeding, except as provided in subsection (c) of this section.

"'(c) Subsections (a) and (b) of this section shall not preclude the use of any such information or evidence in a prosecution or other action under any applicable provision of law with respect to the furnishing of false information.

"'§ 1737. Manufacturer of sexually related mail matter

"'(a) Whoever shall print, reproduce, or manufacture any sexually related mail matter, intending or knowing that such matter will be deposited for mailing or delivery by mail in violation of section 3108 or 3109 of title 39, United States Code, or in violation of any regulation of the Board of Governors issued under such section, shall be fined not more than $5,000 or imprisoned not more than five years, or both, for the first offense, and shall be fined not more than $10,000 or imprisoned not more than ten years or both, for any second or subsequent offense.

"'(b) As used in this section, the term "sexually related mail matter" means any matter which is within the scope of section 3108(a) or 3109(d) of title 39, United States Code.'

"(2) The table of contents of chapter 83 of such title is amended by adding at the end thereof the following new items:

"'1735. Sexually oriented advertisements.
"'1736. Restrictive use of information.
"'1737. Manufacturer of sexually-related mail matter."

"(e) If any provision of this section, or the application thereof to any person or circumstance, is held invalid, the remainder of this section and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

"(f) The provisions of this section shall become effective on the first day of the sixth month which begins after the date of enactment of this Act."

Mr. GOLDWATER. Mr. President, I yield myself 10 minutes, and I would like to call the attention of the chairman of the committee and the members of the committee to the amendment. I realize no hearings were held on it, although the chairman set them on at least two different times, and we were interrupted on inadvertent occasions that prevented testimony from being heard. I would hope that out of that fact would come some agreement so that we could work on it in the coming conference.

STOPPING SMUT

Mr. President, the amendment is cosponsored by my distinguished colleague from Arizona (Mr. FANNIN).

Mr. President, we have heard much talk about postal reform, but so far no one has said a word about the single most important problem confronting the American people when they use the mails. I mean the problem of obscenity.

It is a problem which has grown to such proportions that nearly a quarter-million citizens complained to the postal service about it during the fiscal year just ended—the highest number ever recorded.

It is a problem which has hit so many homes that a recent Gallup poll finds 85 out of every 100 Americans favor stricter laws to deal with it.

This is why I feel strongly that the movement to modernize the mails will be incomplete unless it is combined with an effort to clean up the mails.

Mr. President, the American public is fed up with the profane and insulting invasion of their homes by sexually degenerate materials. They demand protection against the smut peddlers. I believe it is high time we do something to help them.

Consequently, we are introducing an amendment that will provide a much stronger form of protection than now exists for the privacy of adults and the protection of young people against sexually offensive mail.

Mr. President, I have tried every other means possible of getting this issue before the Senate. I spoke out on the Senate floor at least seven times in the past year on this subject. I have suggested that we begin hearings on the problem time and time again.

But as yet there has not been one single day of deliberations on pornography by any committee of the Senate, either last year or this year. On the other hand, I was privileged to appear before the House Subcommittee on Postal Operations last November and the House Judiciary Committee last December to urge the adoption of new laws against postal pornography.

Mr. President, the longer we delay action in this field the richer the smut scoundrels will get. The more we postpone tackling this issue, the greater the problem, and its dangers, will grow.

We must take this opportunity to act. We are today rewriting the entire postal code. Why do we not use this occasion to strengthen the laws against postal obscenity?

The amendment which we offer presents no surprise to Congress. It is similar to the comprehensive law which the administration has proposed to keep sexually related advertisements away from homes where they are not wanted.

The amendment has been considered by the House of Representatives. In fact, much the same proposal was passed by the House early this year.

The only difference is that I have strengthened the statement of findings and added one new provision.

Mr. President, our amendment will completely bar the use of the U.S. mails as a means to distribute unsolicited and unwanted sexually related advertisements. Here is where each citizen has his back against the wall. If he cannot prevent the entry into his home of intrusions that shock or offend his personal feelings, or those of his family, then he has lost the last defense of his personal liberty.

The amendment we offer will enable each citizen to protect his fundamental right to privacy. It will also allow responsible parents to guard their minor children from exposure to material which they believe to be harmful to the normal, ethical, mental, and social development of their children.

It will do this by permitting any adult to place his name, as well as the names of his minor children, on a list of persons who desire not to receive sexually related advertisements. Each smut dealer will then be prohibited from sending his indecent product to any person whose name is on the list.

If he fails to purge his mailings of the names of unwilling recipients, our amendment provides machinery for both the civil and criminal enforcement of its requirements.

The list will be kept by the Postmaster General, but the costs of defraying it will be borne by the smut peddlers themselves through the payment of a modest service charge.

One significant feature of the amendment is that it allows the Attorney General to ask for a temporary restraining order and preliminary injunction either before or during the course of judicial enforcement proceedings.

This device could be just the means Americans have long been seeking in order to put an end to the improper operations of smut peddlers here and now, instead of allowing them to exhaust a time-consuming flood of legal motions and other delaying tactics before they are forced to stop doing business.

Mr. President, because we have a sufficient number of Senators, present at this time, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. GOLDWATER. Mr. President, the new provision we have added is intended to close up the strange gap in present law through which the manufacturer of smut mail escapes scot-free. Oddly enough, the current law is directed only against the person who actually puts smut in the mails.

To my mind, the postal obscenity laws should be extended to reach the smut mill that prints this garbage, as well as the dealer who mails it. Our amendment will do exactly that.

Mr. President, I am convinced that the amendment rests on solid constitutional grounds. It is founded upon the twin powers of Congress to protect the right of privacy and to protect the welfare of children.

There are two strong Supreme Court decisions which back up the statute. First, there is the case of Rowan against United States, reported on May 4, 1970.

This case involved the constitutionality of section 4009 of title 39, which is known as the pandering advertisements law. At stake was the power of Congress to restrict repeated mailings of offensive advertising once the original mailing had occurred.

Publishers, distributors, and others whose business activities are affected by the law contended that it violates their rights of free speech and due process.

However, the Court made short shrift of this claim. Mr. Chief Justice Burger, writing for a unanimous Court, said:

> We therefore categorically reject the argument that a vendor has a right under the Constitution or otherwise to send unwanted material into the home of another.

The decision confirms the point that I have been making in speech after speech. The judiciary now recognizes the authority of a legislature to protect a man's feelings as well as his limbs. And, further, the exercise of this power is particularly strong when the threat to privacy involves an invasion of a man's home.

The Court followed this principle down the line in the Rowan case when it said:

> Weighing the highly important right to communicate . . . against the very basic right to be free from sights, sounds and tangible matter we do not want, it seems to us that a mailer's right to communicate must stop at the mailbox of an unreceptive addressee.

The Court nailed down this concept in broad terms by holding that:

> Nothing in the Constitution compels us to listen to or view any unwanted communication, whatever its merit.

Nor did the Court find that the sender's right of due process had been breached. The Chief Justice wrote:

> It is sufficient that all available defenses . . . may be presented to a competent tribunal before a contempt finding can be made.

Our amendment is in complete accord with this test. Since it relies upon judicial proceedings for its enforcement, there will be a full opportunity when defenses can be raised.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GOLDWATER. I yield myself 5 additional minutes.

The final objection presented by the mailer was that the financial burden imposed by the law constituted an arbitrary feature. Once more the Court rejected the mailer's position. It ruled that the costs were not prohibitive, particularly when "applied to commercial enterprises."

Turning to the statutory scheme which we are sponsoring, I have no doubt that the plan is sound.

First, the definition of a sexually oriented advertisement is strictly limited. It applies only to matter that depicts an erotic subject in a predominately sexual context. This decision must be made by a Federal court with all the safeguards of a legal proceeding.

Second, the amendment covers commercial advertising only. It does not reach private letters.

Third, it will not affect legitimate mail-order catalogs. There is a specific exemption given to material when it is not the primary subject of the whole publication. Thus, a page or two of bikinis in a store catalog can in no way cause a merchant to run afoul of the statute.

As to the question of the costs of compliance with the statute, I am certain they will not be high.

The list of persons who do not want to receive sexual advertisements will most likely be kept on magnetic tape. Even a localized list will include many thousands of names and addresses. This means that the mailer will have to use computers to scan the list.

But this is not so bad as it sounds because most, if not all, of the present merchants in the mail-order smut industry already use computers as standard equipment. For them, there will be little additional cost.

XUM

For those firms which do not now use computers, there is an inexpensive approach possible, and that is time-sharing, which involves only paying for the amount of time that the computer terminal is actually in use.

And before anyone weeps about the costs which may befall the smut salesmen, let me describe just who we are talking about. First of all, we are speaking of a giant industry. The traffic in pornographic books, magazines, films, and cards exceeds a billion dollars in a single year.

Furthermore, the market is shared by a very few large dealers. According to the Department of Justice, there are 50 major distributors at the most. In fact, 95 percent of the complaints that the Government gets about obscenity in the mails is estimated to be caused by the unsolicited mass mailings of 15 large dealers.

What is more, I can report today that the administration has uncovered evidence that proves beyond any doubt that there is a growing takeover of the field by organized crime. A recently formed Joint Strike Force that was set up by the Justice Department in New York City has revealed that it possesses convincing evidence establishing the infiltration of the Mafia into the smut business.

Daniel Hollman, who heads the Strike Force, tells me that the United States has won two obscenity indictments against Cosmo "Gus" Cangiano and other close associates of reputed Costra Nostra family boss Joseph Colombo. Over $1 million worth of hard-core pornography was seized during arrests made in one of these cases alone.

XUM

In addition, "Charlie the Blade" Torrine, also an associate of the Colombo family, and "Springfield Sam" Manarite, a lieutenant in the Geonovese family, have been arrested recently for dealing in hard-core smut.

These are not isolated examples. In March, I noticed two newspaper articles about organized crime's involvement in the printing and distribution of obscene movies and literature here in the Nation's Capitol.

Mr. President, this is why I believe that when the courts are asked to weigh the personal right of privacy held by individual citizens against the slight economic burden that will fall upon mobsters and the millionaire operators of obscenity mills, our judicial brethren will rule on the side of the average American.

The second Supreme Court decision which supports our proposal is the 1968 Ginsberg case—390 U.S. 731—which makes it crystal clear that a legislature may properly decide that children need protection against pornography.

Since the Ginsberg case involved the conviction of a dealer who did no more than sell four "girlie" magazines to a teenager, I am certain the Court will find that the utter garbage that is infesting the mails is also obscene when sent to minors.

Mr. President, I ask that Senators be willing to stand up and be counted on this important issue. We have an obligation to the American people to do no less.

Mr. PASTORE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GOLDWATER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. PASTORE. We can borrow 3 minutes from the other side.

Mr. GOLDWATER. I have time. I am happy to yield 3 minutes to the Senator from Rhode Island.

Mr. PASTORE. I congratulate the distinguished Senator from Arizona for bringing up this amendment, which I think is timely and necessary. We talk about cleaning up the pollution of the air and cleaning up the pollution of the water; I say it is about time we begin to clean up the pollution of the mind. I think this is much more disasterous to our society than any other form of pollution we have been talking about.

I think this is a dastardly thing which has been perpetrated upon the American public. One thing that has peeved and irked me about the Supreme Court has been its liberality on the question of pornography. The idea that you can show these dirty films in your home on the ground that your home is your castle is ridiculous, in my point of view, and something ought to be done about it.

I am glad that this amendment comes up at this time, and I would be honored to be a cosponsor.

Mr. GOLDWATER. I thank the Senator very much.

Mr. PASTORE. I ask unanimous consent for that purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOK. Mr. President, I would also request of the Senator from Arizona that I be permitted to be a cosponsor. I am not so eloquent as the Senator from Rhode Island, but I would like the record to show that I associate myself with the remarks of the distinguished Senator from Arizona, and to say that I think that, of all the things that may well be put in this bill as a result of amendments on the floor of the Senate, I cannot think of any other amendment that is more important to the social welfare of this Nation than the amendment proposed by the Senator from Arizona. I personally thank him very much.

Mr. GOLDWATER. I thank the Senator. I ask unanimous consent. Mr. President, that the names of the Senator from Kentucky (Mr. COOK), the Senator from Oregon (Mr. HATFIELD), and the Senator from California (Mr. MURPHY) be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield to the Senator from California.

Mr. MURPHY. I would like to say, in passing, that unfortunately one of the great problems in my State has been the fact that there has been a concentration of this sort of activity in California, particularly in the motion picture area and the publishing business. I cannot find words to express my appreciation to the distinguished Senator from Arizona for having finally crystallized this issue and brought it to a conclusion, which I think is one of the most important things that have happened in behalf of the moral welfare of the American people since I have been a Member of this body. I congratulate the Senator, and I am very pleased that he has permitted me to join him as a cosponsor.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. AIKEN. I shall not ask the Senator to put me on as a cosponsor, but I shall consider it a privilege and an honor to be the first to vote for his amendment, if he will have a rollcall vote.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the names of the Senator from Alabama (Mr. ALLEN) and the Senator from Vermont (Mr. AIKEN) be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, I do not intend to use up the time that remains on this side.

I only want the RECORD to show that the Senate committee has already scheduled hearings on pending legislation to this point the week that we return from the Fourth of July recess.

As the Senator from Arizona has mentioned, events beyond the control of the committee chairman, or Republicans or Democrats, had interrupted the time schedule on this matter, which we had hoped would be out of our way long before this. But we intend to proceed with hearings. There have been no hearings on the proposed legislation. We think it would be wise and in the interest of this group if this matter could be voted on by this body—the yeas and nays have been requested—and, in whatever vote the Senate chooses, demonstrate its concern about it, so that we can take it to conference. It will, likewise, arm us further in our efforts in the hearings to produce Senate action on this measure. I want to announce that I intend to vote "aye" on the bill.

I am glad to yield to the Senator from West Virginia.

SENATOR RANDOLPH URGES SENATORS TO ACT TO CURB OBSCENE MATERIALS

Mr. RANDOLPH. Mr. President, I think that the statement made by the chairman of the Committee on Post Office and Civil Service (Mr. McGEE) is a correct assessment of the attitude of the committee itself and, further, the chairman's personal views, and I associate myself with the remarks he has made.

Mr. President, I commend the Senator from Arizona (Mr. GOLDWATER) for his bringing this problem to the attention of Senators during our consideration of the postal bill.

We need, as the American public wishes and appeals, to the Congress, that we legislatively take steps to curb the use of the U.S. mails for the unsavory profits made by those persons who flood the country with obscene literature. There is a rising tide of opposition by the citizenry of our Nation to the mounting tide of filth and trash.

Mr. President, there are those in journalism, in movie production and in other media, who are speaking and working against the obscene materials from the written word and the screen. One of these individuals is Don Daniels, of the Wheeling, W. Va., News-Register staff. On September 9, 1969, as an example of his crusade against obscene trafficking he wrote as follows:

> The six-penny pimps are at it again.
>
> The postage-stamp pornographers have a new angle.
>
> The mail-order madames now aim their full color glossey psychological prostitute photos at educational eggheads.
>
> The latest I have is from an outfit in New York and it offers a "Photographic Manual of Sexual Intercourse."
>
> Now I didn't say that, friend. My postman delivered it. Complete with pictures. And an adequate number of stamps, I didn't call it a "major breakthrough in sex education." My postman delivered it. I didn't write a brochure that says, "The divorce rate is fantastic! Premarital pregnancy is at its highest level. Our mental institutions are doing a thriving business. Adultery seems to be the number one topic of our books and magazines and our movie theaters are showing lesbian and homosexual features to packed houses." I didn't do that. The postman brought it.
>
> And it isn't me that suggests to eliminate all that slime a brand new detergent full of photos and "plain language" advice is needed. I didn't write it. I read it. The postman delivered it.
>
> Complete with pictures.
>
> In color.
>
> This book is supposed to have been written by one L. R. O'Conner and the by-line almost makes me reject my Irish heritage. It has an introduction by an Albert Ellis, Ph. D. And the letter suggesting I buy a copy for $9.98 or maybe the deluxe edition for $12.98 is signed by Ronald Alvin, with "My sincere personal good wishes."
>
> I don't want any sincere personal good wishes from Ronald Alvin. I'd much prefer "sincere personal good wishes" from some guy peddling leprosy. I made a mighty attempt to get Mr. Alvin or any of his cohorts on the telephone and I failed. And this company will tell you that I don't stand short when it comes to telephones. I'll call anyone if there is an angle to search.
>
> And I might note, briefly, that telephone operators hereabouts are about as good as you can find. I salute every one of them. They put up with me, which ain't easy.
>
> But we couldn't get Mr. Alvin or L. R. O'Conner. All we had to go on was a Post Office Box Number and the title, "Pent-R Books, Inc." There is no New York telephone listed for Pent-R Books. That, obviously, makes it an out of pocket operation with an address anywhere they can stand up a naked broad and load a camera.
>
> Last week I talked with Congressman Bob Mollohan who has a bill before Congress which would restrict the use of the United States mail for the purposes of deploying filth across the land. Bob said the bill has a good chance and that President Nixon was "interested" in stopping the use of tax-payers money to peddle the slime. You, friend, pay for the post office department and it runs, continually, at a deficit.
>
> This latest book purports to offer educational treatises on sex, along with "over 150 actual photos in black and white and full color" but it prohibits ordering by anyone less than 21 years old. All you have to do is say you are not less than 21. And if you are only 18 and want to be married I guess you ain't allowed all this "education."
>
> It's sickening, friend. Upchuck type sickening. And I wish you'd write to any congressman you know and tell him so. I wish you'd write to the remaining members of the Supreme Court who decided not long ago that it is legal for a man to walk around with his fly open . . . or that was in effect, the ruling. The court made it possible for such slush to go through the mail. And worse.
>
> Try any newstand. In a far corner you can find obscenities the like of which would have turned my old man gray. And the Old Man was a pretty good swinger in his time.
>
> Once, prior to the court ruling, such stuff was delivered by truck, direct. Not by mail. Even the "Sunbathing," and "Nudist" magazines were sent direct. And it took the sunworshippers a long time before they could publish and sell pictures unretouched.
>
> After a few court rulings they were allowed to print photos showing pubic hair. But they still couldn't mail them.
>
> Now they can and it hurts. They are losing sales because the pornographers make pictures indescribably offensive.
>
> And they send them through the mail. With your tax money. And to your daughter or your son or your secretary. It is vile, citizen, and only you can stop it. If Mr. Mollohan does nothing else in Congress than to eliminate this "drek" from coming to my house, then he has my vote again.
>
> And to the lady who wrote to me, I will not repeat the addresses of the other firms peddling the filth. Perhaps I was wrong to name them in the first place. I'll offer them no further publicity. But if they'd like to stand and be named anytime, anyplace and defend their "dignity" I will happily spit in their collective face.
>
> I have no objections to female beauty in whatever pose . . .
>
> Excepting, of course, the position of barnyard animals. Pigs, by nature, live with pigs . . . and hogs take the pictures.

Mr. President, I also read the following news article from the Washington Daily News of Tuesday, June 18, 1970.

MAN CONVICTED IN FILM CASE—PORNOGRAPHY, NOT MERELY OBSCENITY

(By Mary Ann Kuhn)

> In convicting a 28-year-old man for possession of 30 reels of obscene films, District Court Judge John H. Pratt said they "are something more than mere obscenity. They are hard-core pornography."
>
> Judge Pratt viewed two of the obscene films, entitled "First Time" and "Three Plus" before convicting Dennis R. Pryba, manager of Potomac News at 507 Eighth-st se. Pryba, who will be sentenced after Judge Pratt receives a probation report, could receive a maximum of five years imprisonment.
>
> "What hard-core pornography is, has never been defined by the Supreme Court," Judge Pratt said. "But a Special Court of Appeals of Maryland defines hard-core pornography as obscenity which focuses predominately upon what is sexually morbid, grossly perverse and bizarre without any artistic or scientific purpose of justification.
>
> "It has a patent absence of any redeeming social value; it speaks for itself and screams for all to hear that is obscene," Judge Pratt said. "No proof, other than the viewing of it, is required to determine if it is in fact obscene."

I ask the Senator from Arizona (Mr. GOLDWATER) if I may have the privilege of having my name added as a cosponsor of his amendment?

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the name of the distinguished Senator from West Virginia (Mr. RANDOLPH) and the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. GOLDWATER. I yield.

Mr. JAVITS. I think this involves rather strict legal questions. I do not think there is any question about the fundamental feeling that we all have. I, too, have relatively young children. The fundamental thrust of what the Senator is trying to accomplish is certainly congenial to us all, including me.

This is the first time I have had a chance to read this amendment, and I suppose that is true of many of us, particularly as we have had no hearings on it.

I wonder why the Senator chose to define "sexually oriented advertisements" himself, instead of importing the definition of obscenity in the decisions of the Supreme Court, in view of the fact that we cannot get away from that, whatever we say in the statute?

The Supreme Court having declared the issue on grounds of constitutionality, no matter what law we pass, the danger is that if one does not use what they have said, essentially, or at least keep pace with their decision, the whole thing can fall, because it will be declared unconstitutional, and then it all goes out the window. I wonder what the Senator's thinking is on it.

Mr. GOLDWATER. I will have to admit that the thinking in this instance is very broad. It is pretty much left up to the district courts to make a determination.

But I will say that the genesis of the whole thinking on this amendment is based upon the New York law. I must say that until the New York law was written and passed upon by the courts of New York, this was the great quandary we were in: How do you define pornography or obscenity? So we took a broad, general approach to this, knowing that the courts would probably have to make a decision in individual cases.

Mr. JAVITS. I wonder whether the Senator might consider this a constructive suggestion. It is possible to write a section in here saying that if the courts define "sexually oriented advertisement" differently from what the Senator has defined it here—that is, within the limits that his definition permits—the statute shall apply that way.

This is just a horseback opinion, but it seems to me that the danger the Senator runs—obviously, he is going to get a practically unanimous vote—is that the whole thing may go down the drain, in the absence of some relationship to constitutionality in terms of court decision. I have not had a chance to research this recently, but, again, the question of "redeeming social value," according to the decisions of the Supreme Court, is one big item left out.

I ask, again, whether the Senator would be kind enough to give us his rationale.

Mr. GOLDWATER. I would be happy to consider that, but the House already has passed this language—not, of course, attached to the postal bill, but it is in another bill which will appear before us and undoubtedly will appear before the committee to which it will be referred.

I must say that in our whole study of this field, and I am sure the Senator is aware of this—he is a lawyer and I am

XUM

not, but I know what I think is pornographic and what is not—in the absence of exact court determinations or definitions, down through history, the determination of what is or what is not pornographic has been difficult. But when we get into the specific fields of sexually oriented advertising, I think we can get pretty close to what we are getting at. I refer specifically to the types of unwanted mail that have been pouring into our homes for the past many years, which no one could doubt were sexually oriented and pornographic material.

Mr. JAVITS. Would the Senator from Wyoming yield me 2 minutes?

Mr. FONG. I yield 2 minutes to the Senator.

Mr. JAVITS. This is a very broad definition. There is a criminal section here which ties into this definition. I do not think there is any question about adoption of the amendment, but I think it begins to raise some pretty sticky problems, especially in view of the fact that this definition probably covers a good many classic forms of art, going back centuries; and of course the first thing that will be thrown at the Senate will be that argument.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. JAVITS. Not yet. I just want to make this point.

I think we must take this amendment in the light of what the chairman has said—that is, that he is able to take it to conference, that he has the fundamental basis of the Senate's idea—he has hearings coming up, which is probably the best that can be done. I do not mean to bedevil the Senator with these questions. These are the things that come into my mind in reading his amendment.

XUM

Mr. GOLDWATER. I will say, in defense of the chairman—although he needs no defense—that on at least two different occasions, and I think there were three, he set up hearings at which I was to be allowed to testify; and in each case, through happenings over which he had no control, we were not allowed to proceed with the hearings. I know that he is going to go ahead, as he has said, in holding the hearings. But I do not think I would want to change the language right now, because the House has passed this. We are on the verge now of passing the total bill.

One more argument: The Court said in the Rowan case of May 4, 1970, that the definition can be broader. I think that if this had been offered 10 years ago, one could possibly make a plausible argument embracing the whole field of art and parts of what might be called pornographic, parts which might not be. But I am not particularly aiming this at that. I am aiming it at sexually oriented advertising that has no reference to the historic statues in Cambodia or the Buddhist temples or anything like that, just the smut that we get through the mails. If someone asked me, "How can you define it?" I am a pretty broadminded man and I have been through quite a bit in my life and, by golly, if I do not know what smut is by this time, I will never know. I think I know.

Mr. JAVITS. I hope very much that the manager of the bill, when he gets this in conference, will be able to pay attention to the procedure set forth in it and the fact that there is criminality involved, and constitutional holdings, and will endeavor to fashion a provision which will not all go down the drain because of the holding of the Court.

Mr. GOLDWATER. I thank the Senator very much.

Mr. President, I ask unanimous consent to have the names of the Senator from Mississippi (Mr. EASTLAND), the Senator from Iowa (Mr. MILLER), and the Senator from West Virginia (Mr. BYRD) added as cosponsors of this amendment.

The PRESIDING OFFICER (Mr. RIBICOFF). Without objection, it is so ordered.

Mr. MURPHY. Mr. President, I think that the Senator from New York has made an important point here, that the legalistic aspect of this must be considered. I am so pleased that the Senator from Arizona has proposed this in the Senate at this time. It is not a matter to be decided by lawyers, as I see it. Not being a lawyer, I may be a little bit biased, but this is a measure to protect what has obviously been the general desire, design, and will of a great majority of our people. This is a matter of the invasion of their homes. The Senator's amendment would protect the invasion of their homes from this unwanted material. I think that maybe the master of the home and those in the home should be considered for a change as to what they consider to be pornographic. I agree that there are many classics which may be involved and some of them are pornographic without question, but I also think that the general feeling will be that the Senator from Arizona has rendered a great service to the people of this country. Lawyers may discuss this for many years to come, but I think the popularity of the vote on the amendment that will be cast here tonight will show its true value.

Mr. GOLDWATER. Mr. President, I thank the Senator from California. Let me say that this goes two ways. Those who want this kind of mail can get it. The amendment protects those who do not want it. So, if one wishes his name left on the list, he does not have to say anything about it.

Mr. COOK. Mr. President, I agree in many respects with the remarks of the Senator from New York. I hope that the short colloquy this evening will create some legislative history, because up until now we have had no more than a constitutional determination. I hope that the colloquy will set legislative guidelines for the Court in regard to this situation, because up until now we have had none.

I can well assume by the number of votes that I think will be cast for the amendment that we might, in fact, be establishing some serious legislative history for the Court to determine, because up until now it has had no more than to interpret the Constitution, with no help from legislative history, and with no help from legislative discussion in regard to this matter.

I hope that, rather than to be critical of the Court, we will be able to give the Court a little assistance in regard to how Members of the Senate feel on this subject, so that if it comes before them again, they will have not only an interpretation of the Constitution but also will be able to rely on some legislative history with regard to how the Senate feels in regard to the matter.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the name of the Senator from South Carolina (Mr. THURMOND) be added as a cosponsor of my amendment.

The PRESIDING OFFICER (Mr. PACKWOOD). Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arizona will state it.

Mr. GOLDWATER. How much time do I have left?

The PRESIDING OFFICER. Two minutes remain to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the name of the Senator from Delaware (Mr. WILLIAMS) be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I want to say that I am in accord with the arguments of the distinguished Senator from Arizona. If anyone wants to receive this kind of mail, it is their business. What is clear is that it should not be forced upon them in their homes, as has been the case all too often—at least in my State.

Let me say, in all modesty, that I too have introduced a bill dealing with this problem through the mails. It would eliminate the problem first by requiring the mailer to imprint a warning on the envelope or cover the mail he sends. Second, the receiver of such mail could return it to the sender and there would be a penalty service charge imposed against the mailer. The distinguished chairman of the committee has stated that as soon as this particular proposal—postal reform—is disposed of, he would begin hearings on my bill.

As a matter of fact, he is a cosponsor of that bill.

I should like to ask the distinguished Senator from Arizona, to kindly include me as a cosponsor of his amendment.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the name of the Senator from Montana (Mr. MANSFIELD) be added as a cosponsor of the amendment.

Mr. SCOTT. Mr. President, I also ask that my name be included.

Mr. GOLDWATER. And the distinguished minority leader from Pennsylvania as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, seldom have I been in such distinguished company. [Laughter.]

Mr. YARBOROUGH. Mr. President, will the Senator from Arizona yield to me to include my name as a cosponsor of his amendment?

Mr. GOLDWATER. I shall be happy to do so. Mr. President, I ask unanimous consent that the name of the Senator from Texas (Mr. Yarborough) be added as a cosponsor of my amendment; also the Senator from Illinois (Mr. Smith).

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PUBLIC DEBT LIMIT

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, will the Senator from Wyoming yield to me for not to exceed 5 minutes, without the time being taken out of his time?

Mr. McGEE. I am happy to yield to the Senator from Montana for that purpose.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate.

Mr. President, the joint leadership has been meeting with the chairman of the Finance Committee and other Members from the Democratic side and the ranking Republican Member and other Members on the Republican side. Out of that discussion has come an agreement which I am now about to propound in the form of a unanimous-consent request.

Mr. President, I ask unanimous consent that, when the Senate proceeds to the consideration of H.R. 17802, a bill to increase the public debt ceiling, debate on each amendment be limited to 20 minutes, with the exception of the Williams of Delaware amendment and the Curtis amendment, on which debate will be limited to 40 minutes; with debate on the bill limited to 1 hour, time on amendments to be equally divided and controlled by the proponent of the amendment and the manager of the bill, the Senator from Louisiana (Mr. Long); and on the bill, the time to be divided between the majority and minority leaders, or whomever they shall designate; and provided further, that if any amendment prevails, the Senate proceed immediately upon the final passage of H.R. 17802 to the consideration of H.R. 14956, to which a 15-day extension on the debt ceiling will be offered, and that debate on that bill and the amendment will be limited to 1 hour, to be equally divided and controlled by the majority and minority leaders; and, further, that no other amendments will be in order to said bill other than the amendment dealing with the 15-day extension.

The PRESIDING OFFICER (Mr. Packwood). Is there objection to the request of the Senator from Montana?

Mr. MILLER. Mr. President, the Senator from Montana knows that I have an amendment offered to the last-named bill in the unanimous-consent request.

Mr. MANSFIELD. Yes. That is what we referred to.

Mr. MILLER. I must say that the amendment which relates to the continuation of the 5-percent surcharge is one that is quite timely and I hope that the majority leader would be cooperative when another vehicle comes along, so that we might have the opportunity to consider the continuation of this 5-cent surcharge proposal.

Mr. MANSFIELD. The Senator has the assurance of the joint leadership, once again, that we are doing everything in our power and will continue to do so because the Senator is making a sacrifice, in part, at least, to allow us to reach an agreement on the debt ceiling bill.

Mr. MILLER. I appreciate that, but let me say that I am not making any kind of sacrifice commensurate with the problem that the distinguished majority leader is trying to work out.

Mr. MANSFIELD. I understand that. I understand that in committee the Senator was interested very much in the proposal.

Mr. SCOTT. I should like to say that we appreciate the forbearance on the part of the Senator from Iowa in his willingness to address his reservations regarding a particular bill, and it would be the obligation of the joint leadership to protect him and to make sure that he will have that opportunity to propose his amendment on some other bill.

Mr. WILLIAMS of Delaware. Mr. President, reserving the right to object, I join in assuring the Senator from Iowa that we will try to make sure that he gets his day in court, because he is entitled to it. I have appreciated, with his cooperation, that we have been able to work this out, because in so doing, we can get a modified vote referred to in the amendments of the Senator from Nebraska and my own. I think Senators know that if one of the amendments carries, the fact that it would be in conference would not delay the enactment or extension of the bill.

I appreciate the cooperation of the leadership here as well as the cooperation of the leadership in the House.

Mr. MANSFIELD. Mr. President, I thank the Senator from Delaware.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, again, for the information of the Senate, we may well be here late this evening. We will continue with as many amendments as we can to the pending legislation; and, at an appropriate time because of the emergency which exists, and it is an emergency, I understand, we will turn to the debt ceiling bill.

I thank the Senator from Wyoming, the Senator from Louisiana, the manager of that bill, and the ranking minority member.

The unanimous-consent agreement reads as follows:

> *Ordered*, That during the consideration of the bill (H.R. 17802) to increase the public debt ceiling, debate on each amendment (except amendments to be offered by the Senator from Delaware (Mr. Williams) and the Senator from Nebraska (Mr. Curtis) on which there will be 40 minutes each) be limited to 20 minutes each, to be equally divided and controlled by the proponent of the amendment and the manager of the bill, the Senator from Louisiana (Mr. Long).
>
> *Ordered further*, That debate on the bill be limited to 1 hour to be equally divided and controlled between the majority and minority leaders, or their designee.
>
> *Provided further*, That if any amendment to the bill is agreed to the Senate will proceed immediately upon the final passage of H.R. 17802 to the consideration of H.R. 14956 to which a 15-day extension of the debt ceiling will be offered as an amendment and that debate of that bill and the amendment will be limited to 1 hour, to be equally divided and controlled by the majority and minority leaders, and that no other amendment to the said bill be in order.

THE POSTAL REORGANIZATION ACT

The Senate resumed the consideration of the bill (S. 3842) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes.

Mr. McGEE. Mr. President, I yield 2 minutes to the Senator from New York.

The PRESIDING OFFICER (Mr. Packwood). The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, I think it is helpful in understanding what we are doing if we may have a little attention. May we have order?

The PRESIDING OFFICER (Mr. Packwood). The Senator will be in order.

Mr. JAVITS. Mr. President, the most classic definition, to which I referred in the colloquy with the Senator from Arizona (Mr. Goldwater), and this is the case of *Roth* v. *United States*, 356 U.S., at 476—reads:

> However, sex and obscenity are not synonymous. Obscene material is material which deals with sex in a manner appealing to prurient interest.[20]
>
> [20] *I.e.*, material having a tendency to excite lustful thoughts. Webster's New International Dictionary (Unabridged, 2d ed., 1940) defines *prurient*, in pertinent part, as follows:
>
> ". . . Itching; longing; uneasy with desire or longing; of persons, having itching, morbid, or lascivious longings; of desire, curiosity, or propensity, lewd. . . ."
>
> *Pruriency* is defined, in pertinent part, as follows:
>
> ". . . Quality of being prurient, lascivious desire or thought. . . ."
>
> See also *Mutual Film Corp.* v. *Industrial Comm'n*, 236 U.S. 230,

Page 484 of the opinion reads:

> But implicit in the history of the First Amendment is the rejection of obscenity as utterly without redeeming social importance.

This is an idea that I am sure will be much in the minds of reformers.

Mr. President, I ask unanimous consent that the entire opinion be printed in the Record in connection with the statement I have just read from the opinion of Judge Brennan.

There being no objection, the opinion was ordered to be printed in the Record, as follows:

[October term, 1956]

ROTH *v.* UNITED STATES

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

June 24, 1957.*

No. 582. Argued April 22, 1957.—Decided

1. In the *Roth* case, the constitutionality of 18 U.S.C. § 1461, which makes punishable the mailing of material that is "obscene, lewd, lascivious, or filthy . . . or other publication of an indecent character," and Roth's conviction thereunder for mailing an obscene book and obscene circulars and advertising, are sustained. Pp. 479–494.

2. In the *Alberts* case, the constitutionality of § 311 of West's California Penal Code Ann., 1955, which, *inter alia*, makes it a misdemeanor to keep for sale, or to advertise, material that is "obscene or indecent," and Alberts' conviction thereunder for lewdly keeping for sale obscene and indecent books and for writing, composing, and publishing an obscene advertisement of them, are sustained. Pp. 479–494.

3. Obscenity is not within the area of con-

XUM

stitutionally protected freedom of speech or press—either (1) under the First Amendment, as to the Federal Government, or (2) under the Due Process Clause of the Fourteenth Amendment, as to the States. Pp. 481–485.

(a) In the light of history, it is apparent that the unconditional phrasing of the First Amendment was not intended to protect every utterance. Pp. 482–483.

(b) The protection given speech and press was fashioned to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people. Pp. 484.

(c) All ideas having even the slightest redeeming social importance—unorthodox ideas, controversial ideas, even ideas hateful to the prevailing climate of opinion—have the full protection of the guaranties, unless excludable because they encroach upon the limited area of more important interests; but implicit in the history of the First Amendment is the rejection of obscenity as utterly without redeeming social importance. Pp. 484–485.

4. Since obscenity is not protected, constitutional guaranties were not violated in these cases merely because, under the trial judges' instructions to the juries, convictions could be had without proof either that the obscene material would perceptibly create a clear and present danger of antisocial conduct, or probably would induce its recipients to such conduct. *Beauharnais* v. *Illinois,* 343 U.S. 250. Pp. 485–490.

(a) Sex and obscenity are not synonymous. Obscene material is material which deals with sex in a manner appealing to prurient interest—*i.e.,* material having a tendency to excite lustful thoughts. P. 487.

(b) It is vital that the standards for judging obscenity safeguard the protection of freedom of speech and press for material which does not treat sex in a manner appealing to prurient interest. Pp. 487–488.

(c) The standard for judging obscenity, adequate to withstand the charge of constitutional infirmity, is whether, to the average person, applying contemporary community standards, the dominant theme of the material, taken as a whole, appeals to prurient interest. Pp. 488–489.

(d) In these cases, both trial courts sufficiently followed the proper standard and used the proper definition of obscenity. Pp. 489–490.

5. When applied according to the proper standard for judging obscenity, 18 U.S.C. § 1461, which makes punishable the mailing of material that is "obscene, lewd, lascivious, or filthy . . . or other publication of an indecent character," does not (1) violate the freedom of speech or press guaranteed by the First Amendment, or (2) violate the constitutional requirements of due process by failing to provide reasonably ascertainable standards of guilt. Pp. 491–492.

6. When applied according to the proper standard for judging obscenity, § 311 of West's California Penal Code Assn. 1955, which, *inter alia,* makes it a misdemeanor to keep for sale or to advertise material that is "obscene or indecent," does not (1) violate the freedom of speech or press guaranteed by the Fourteenth Amendment against encroachment by the State, or (2) violate the constitutional requirements of due process by failing to provide reasonably ascertainable standards of guilt, 491–492.

7. The federal obscenity statute, 18 U.S.C. §1461, punishing the use of the mails for obscence material, is a proper exercise of the postal power delegated to Congress by Art. I, § 8, cl. 7; and it does not unconstitutionally encroach upon the powers reserved to the States by the Ninth and Tenth Amendments. Pp. 492–493.

8. The California obscenity statute here involved is not repugnant to Art. I, § 8, cl. 7, since it does not impose a burden upon, or interfere with, the federal postal functions—even when applied to a mail-order business. Pp. 493–494.

237 F.2d 796, affirmed.

138 Cal. App. 2d Supp. 909, 292, P.2d 90, affirmed.

David von G. Albrecht and *O. John Rogge* argued the cause for petitioner in No. 582. With them on the brief were *David P. Siegel, Peter Belsito* and *Murray A. Gordon.*

Stanley Fleishman argued the cause for appellant in No. 61. With him on the brief were *Sam Rosenwein* and *William B. Murrish.*

Roger D. Fisher argued the cause for the United States in No. 582. With him on the brief were *Solicitor General Rankin* and *Assistant Attorney General Olney.*

Fred N. Whichello and *Clarence A. Linn,* Assistant Attorney General of California, argued the cause for appellee in No. 61. With them on the brief were *Edmund G. Brown,* Attorney General, *William B. McKesson* and *Lewis Watnick.*

Briefs of *amici curiae* urging reversal were filed in No. 582 by *Morris L. Ernst, Harriett F. Pilpel* and *Nancy F. Wechsler,* for Ernst, *Irwin Karp* and *Osmond K. Fraenkel,* for the Authors League of America, Inc., *Abe Fortas, William L. McGovern, Abe Krash* and *Maurice Rosenfield,* for the Greenleaf Publishing Co. et al., *Horace S. Manges,* for the American Book Publishers Council, Inc., and *Emanuel Redfield,* for the American Civil Liberties Union.

A. L. Wirin filed a brief for the American Civil Liberties Union, Southern California Branch, as *amicus curiae,* in support of appellant in No. 61.

MR. JUSTICE BRENNAN delivered the opinion of the Court.

The constitutionality of a criminal obscenity statute is the question in each of these cases. In *Roth,* the primary constitutional question is whether the federal obscenity statute [1] violate the provision of the First Amendment that "Congress shall make no law . . . abridging the freedom of speech, or of the press . . . ." In *Alberts,* the primary constitutional question is whether the obscenity provisions of the California Penal Code [2] invade the freedoms of speech and press as they may be incorporated in the liberty protected from state action by the Due Process Clause of the Fourteenth Amendment.

Other constitutional questions are: whether these statutes violate due process,[3] because too vague to support conviction for crime; whether power to punish speech and press offensive to decency and morality is in the States alone, so that the federal obscenity statute violates the Ninth and Tenth Amendments (raised in *Roth*); and whether Congress, by enacting the federal obscenity statute, under the power delegated by Art. I, § 8, cl. 7, to establish post offices and post roads, pre-empted the regulation of the subject matter (raised in *Alberts*).

Roth conducted a business in New York in the publication and sale of books, photographs and magazines. He used circulars and advertising matter to solicit sales. He was convicted by a jury in the District Court for the Southern District of New York upon 4 counts of a 26-count indictment charging him with mailing obscene circulars and advertising, and an obscene book, in violation of the federal obscenity statute. His conviction was affirmed by the Court of Appeals for the Second Circuit.[4] We granted certiorari.[5]

Alberts conducted a mail-order business from Los Angeles. He was convicted by the Judge of the Municipal Court of the Beverly Hills Judicial District (having waived a jury trial) under a misdemeanor complaint which charged him with lewdly keeping for sale obscene and indecent books, and with writing, composing and publishing an obscene advertisement of them, in violation of the California Penal Code. The conviction was affirmed by the Appellate Department of the Superior Court of the State of California in and for the County of Los Angeles.[6] We noted probable jurisdiction.[7]

The dispositive question is whether obscenity is utterance within the area of protected speech and press.[8] Alhough this is the first time the question has been squarely presented to this Court, either under the First Amendment or under the Fourtenth Amendment, expressions found in numerous opinions indicate that this Court has always assumed that obscenity is not protected by the freedoms of speech and press. *Ex parte Jackson,* 96 U.S. 727, 736–737; *United States* v. *Chase,* 135 U.S. 255, 261; *Robertson* v. *Baldwin,* 165 U.S. 275, 281; *Public Clearing House* v. *Coyne,* 194 U.S. 497, 508; *Hoke* v. *United States,* 227 U.S. 308, 322; *Near* v. *Minnesota,* 283 U.S. 697, 716; *Chaplinsky* v. *New Hampshire,* 315 U.S. 568, 571–572; *Hannegan* v. *Esquire, Inc.,* 327 U.S. 146, 158; *Winters* v. *New York,* 333 U.S. 507, 510; *Beauharnais* v. *Illinois,* 343 U.S. 250, 266.[9]

The guaranties of freedom of expression [10] in effect in 10 of the 14 States which by 1972 had ratified the Constitution, gave no absolute protection for every utterance. Thirteen of the 14 States provided for the prosecution of libel,[11] and all of those States made either blasphemy or profanity, or both, statutory crimes.[12] As early as 1712, Massachusetts made it criminal to publish "any filthy, obscene, or profane song, pamphlet, libel or mock sermon" in imitation or mimicking of religious services. Acts and Laws of the Province of Mass. Bay, c. CV, § 8 (1712), Mass. Bay Colony Charters & Laws 399 (1814). Thus, profanity and obscenity were related offenses.

In light of this history, it is apparent that the unconditional phrasing of the First Amendment was not intended to protect every utterance. This phrasing did not prevent this Court from concluding that libelous utterances are not within the area of constitutionally protected speech. *Beauharnais* v. *Illinois,* 343 U. S. 250, 266. At the time of the adoption of the First Amendment, obscenity law was not as fully developed as libel law, but there is sufficiently contemporaneous evidence to show that obscenity, too, was outside the protection intended for speech and press.[13]

The protection given speech and press was fashioned to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people. This objective was made explicit as early as 1774 in a letter of the Continental Congress to the inhabitants of Quebec:

> "The last right we shall mention, regards the freedom of the press. The importance of this consists, besides the advancement of truth, science, morality, and arts in general, in its diffusion of liberal sentiments on the administration of Government, its ready communication of thoughts between subjects, and its consequential promotion of union among them, whereby oppressive officers are shamed or intimidated, into more honourable and just modes of conducting affairs." 1 Journals of the Continental Congress 108 (1774).

All ideas having even the slightest redeeming social importance—unorthodox ideas, controversial ideas, even ideas hateful to the prevailing climate of opinion—have the full protection of the guaranties, unless excludable because they encroach upon the limited area of more important interests.[14] But the implicit in the history of the First Amendment is the rejection of obscenity as utterly without redeeming social importance. This rejection for that reason is mirrored in the universal judgment that obscenity should be restrained, reflected in the international agreement of over 50 nations,[15] in the obscenity laws of all of the 48 States,[16] and in the 20 obscenity laws enacted by the Congress from 1842 to 1956.[17] This is the

---

Footnotes at end of article.

XUM

same judgment expressed by this Court in *Chaplinsky* v. *New Hampshire,* 315 U.S. 568, 571–572:

". . . There are certain well-defined and narrowly limited classes of speech, the prevention and punishment of which have never been thought to raise any Constitutional problem. *These include the lewd and obscene. . . . It has been well observed that such utterances are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality. . . .*" (Emphasis added.)

We hold that obscenity is not within the area of constitutionally protected speech or press.

It is strenuously urged that these obscenity statutes offend the constitutional guaranties because they punish incitation to impure sexual *thoughts,* not shown to be related to any overt antisocial conduct which is or may be incited in the persons stimulated to such *thoughts.* In *Roth,* the trial judge instructed the jury: "The words 'obscene, lewd and lascivious' as used in the law, signify that form of immorality which has relation to sexual impurity and has a tendency to excite lustful *thoughts.*" (Emphasis added.) In *Alberts,* the trial judge applied the test laid down in *People* v. *Wepplo,* 78 Cal. App. 2d Supp. 959, 178 P. 2d 853, namely, whether the material has "a substantial tendency to deprave or corrupt its readers by inciting lascivious *thoughts* or arousing lustful desires." (Emphasis added.) It is insisted that the constitutional guaranties are violated because convictions may be had without proof either that obscene material will perceptibly create a clear and present danger of antisocial conduct,[18] or will probably induce its recipients to such conduct.[19] But, in light of our holding that obscenity is not protected speech, the complete answer to this argument is in the holding of this Court in *Beauharnais* v. *Illinois, supra,* at 266:

"Libelous utterances not being within the area of constitutionally protected speech, it is unnecessary, either for us or for the State courts, to consider the issues behind the phrase 'clear and present danger.' Certainly no one would contend that obsence speech, for example, may be punished only upon a showing of such circumstances. Libel, as we have seen, is in the same class."

However, sex and obscenity are not synonymous. Obscene material is material which deals with sex in a manner appealing to prurient interest.[20] The portrayal of sex, *e.g.,* in art, literature and scientific works,[21] is not itself sufficient reason to deny material the constitutional protection of freedom of speech and press. Sex, a great and mysterious motive force in human life, has indisputably been a subject of absorbing interest to mankind through the ages; it is one of the vital problems of human interest and public concern. As to all such problems, this Court said in *Thornhill* v. *Alabama,* 310 U.S. 88, 101–102:

"The freedom of speech and of the press guaranteed by the Constitution embraces at the least the liberty to discuss publicly and truthfully *all matters of public concern* without previous restraint or fear of subsequent punishment. The exigencies of the colonial period and the efforts to secure freedom from oppressive administration developed a broadened conception of these liberties as adequate to supply the public need for *information and education with respect to the significant issues of the times.* . . . Freedom of discussion, if it would fulfill is historic function in this nation, must embrace *all issues about which information is needed or appropriate to enable the members of society to cope with the exigencies of their period.*" (Emphasis added.)

The fundamental freedoms of speech and press have contributed greatly to the development and well-being of our free society and are indispensable to its continued growth.[22] Ceaseless vigilance is the watchword to prevent their erosion by Congress or by the States. The door barring federal and state intrusion into this area cannot be left ajar; it must be kept tightly closed and opened only the slightest crack necessary to prevent encroachment upon more important interests.[23] It is therefore vital that the standards for judging obscenity safeguard the protection of freedom of speech and press for material which does not treat sex in a manner appealing to prurient interest.

The early leading standard of obscenity allowed material to be judged merely by the effect of an isolated excerpt upon particularly susceptible persons. *Regina* v. *Hicklin,* [1868] L. R. 3 Q. B. 360.[24] Some American courts adopted this standard[25] but later decisions have rejected it and substituted this test: whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest.[26] The *Hicklin* test, judging obscenity by the effect of isolated passages upon the most susceptible persons, might well encompass material legitimately treating with sex, and so it must be rejected as unconstitutionally restrictive of the freedoms of speech and press. On the other hand, the substituted standard provides safeguards adequate to withstand the charge of constitutional infirmity.

Both trial courts below sufficiently followed the proper standard. Both courts used the proper definition of obscenity. In addition, in the *Alberts* case, in ruling on a motion to dismiss, the trial judge indicated that, as the trier of facts, he was judging each item as a whole as it would affect the normal person,[27] and in *Roth,* the trial judge instructed the jury as follows:

". . . The test is not whether it would arouse sexual desires or sexual impure thoughts in those comprising a particular segment of the community, the young, the immature or the highly prudish or would leave another segment, the scientific or highly educated or the so-called worldly-wise and sophisticated indifferent and unmoved. . . .

"The test in each case is the effect of the book, picture or publication considered as a whole, not upon any particular class, but upon all those whom it is likely to reach. In other words, you determine its impact upon the average person in the community. The books, pictures and circulars must be judged as a whole, in their entire context, and you are not to consider detached or separate portions in reaching a conclusion. You judge the circulars, pictures and publications which have been put in evidence by present-day standards of the community. You may ask yourselves does it offend the common conscience of the community by present-day standards.

* * * * *

"In this case, ladies and gentlemen of the jury, you and you alone are the exclusive judges of what the common conscience of the community is, and in determining that conscience you are to consider the community as a whole, young and old, educated and uneducated, the religious and the irreligious—men, women and children."

It is argued that the statutes do not provide reasonably ascertainable standards of guilt and therefore violate the constitutional requirements of due process. *Winters* v. *New York,* 333 U.S. 507. The federal obscenity statute makes punishable the mailing of material that is "obscene, lewd, lascivious, or filthy . . . or other publication of an indecent character."[28] The California statute makes punishable, *inter alia,* the keeping for sale or advertising material that is "obscene or indecent." The thrust of the argument is that these words are not sufficiently precise because they do not mean the same thing to all people, all the time, everywhere.

Many decisions have recognized that these terms of obscenity statutes are not precise.[29] This Court, however, has consistently held that lack of precision is not itself offensive to the requirements of due process. ". . . [T]he Constitution does not require impossible standards"; all that is required is that the language "conveys sufficiently definite warning as to the proscribed conduct when measured by common understanding and practices. . . ." *United States* v. *Petrillo,* 332 U.S. 1, 7–8. These words, applied according to the proper standard for judging obscenity, already discussed, give adequate warning of the conduct proscribed and mark ". . . boundaries sufficiently distinct for judges and juries fairly to administer the law. . . . That there may be marginal cases in which it is difficult to determine the side of the line on which a particular fact situation falls is no sufficient reason to hold the language too ambiguous to define a criminal offense. . . ." *Id.,* at 7. See also *United States* v. *Harriss,* 347 U.S. 612, 624, n. 15; *Boyce Motor Lines, Inc.* v. *United States,* 342 U.S. 337, 340; *United States* v. *Ragen,* 314 U.S. 513, 523–524; *United States* v. *Wurzbach,* 280 U.S. 396; *Hygrade Provision Co.* v. *Sherman,* 266 U.S. 497; *Fox* v. *Washington,* 236 U.S. 273; *Nash* v. *United States,* 229 U.S. 373.[30]

In summary, then, we hold that these statutes, applied according to the proper standard for judging obscenity, do not offend constitutional safeguards against convictions based upon protected material, or fail to give men in acting adequate notice of what is prohibited.

Roth's argument that the federal obscenity statute unconstitutionally encroaches upon the powers reserved by the Ninth and Tenth Amendments to the States and to the people to punish speech and press where offensive to decency and morality is hinged upon his contention that obscenity is expression not excepted from the sweep of the provision of the First Amendment that "*Congress* shall make *no law* . . . abridging the freedom of speech, or of the press. . . ." (Emphasis added.) That argument falls in light of our holding that obscenity is not expression protected by the First Amendment.[31] We therefore hold that the federal obscenity statute punishing the use of the mails for obscene material is a proper exercise of the postal power delegated to Congress by Art. I, § 8, cl. 7.[32] In *United Public Workers* v. *Mitchell,* 330 U.S. 75, 95–96, this Court said:

". . . The powers granted by the Constitution to the Federal Government are subtracted from the totality of sovereignty originally in the states and the people. Therefore, when objection is made that the exercise of a federal power infringes upon rights reserved by the Ninth and Tenth Amendments, the inquiry must be directed toward the granted power under which the action of the Union was taken. If granted power is found, necessarily the objection of invasion of those rights, reserved by the Ninth and Tenth Amendments, must fail. . . ."

Alberts argues that because his was a mail-order business, the California statute is repugnant to Art. I, § 8, cl. 7, under which the Congress allegedly pre-empted the regulatory field by enacting the federal obscenity statute punishing the mailing or advertising by mail of obscene material. The federal statute deals only with actual mailing; it does not eliminate the power of the state to punish "keeping for sale" or "advertising" obscene material. The state statute in no way imposes a burden or interferes with the federal postal functions. ". . . The decided cases which indicate the limits of state regulatory power in relation to the federal mail service

---

Footnotes at end of article.

XUM

involve situations where state regulation involved a direct, physical interference with federal activities under the postal power or some direct, immediate burden on the performance of the postal functions. . . ." *Railway Mail Assn.* v. *Corsi*, 326 U.S. 88, 96.

The judgments are

Affirmed.

Mr. CHIEF JUSTICE WARREN, concurring in the result.

I agree with the result reached by the Court in these cases, but, because we are operating in a field of expression and because broad language used here may eventually be applied to the arts and sciences and freedom of communication generally, I would limit our decision to the facts before us and to the validity of the statutes in question as applied.

Appellant Alberts was charged with wilfully, unlawfully and lewdly disseminating obscene matter. Obscenity has been construed by the California courts to mean having a substantial tendency to corrupt by arousing lustful desires. *People* v. *Wepplo*, 78 Cal. App. 2d Supp. 959, 178 P. 2d 853. Petitioner Roth was indicted for unlawfully, wilfully and knowingly mailing obscene material that was calculated to corrupt and debauch the minds and morals of those to whom it was sent. Each was accorded all the protections of a criminal trial. Among other things, they contend that the statutes under which they were convicted violate the constitutional guarantees of freedom of speech, press and communication.

That there is a social problem presented by obscenity is attested by the expression of the legislatures of the forty-eight States as well as the Congress. To recognize the existence of a problem, however, does not require that we sustain any and all measures adopted to meet that problem. The history of the application of laws designed to suppress the obscene demonstrates convincingly that the power of government can be invoked under them against great art or literature, scientific treatises, or works exciting social controversy. Mistakes of the past prove that there is a strong countervailing interest to be considered in the freedoms guaranteed by the First and Fourteenth Amendments.

The line dividing the salacious of pornographic from literature or science is not straight and unwavering. Present laws depend largely upon the effect that the materials may have upon those who receive them. It is manifest that the same object may have a different impact, varying according to the part of the community it reached. But there is more to these cases. It is not the book that is on trial; it is a person. The conduct of the defendant is the central issue, not the obscenity of a book or picture. The nature of the materials is, of course, relevant as an attribute of the defendant's conduct, but the materials are thus placed in context from which they draw color and character. A wholly different result might be reached in a different setting.

The personal element in these cases is seen most strongly in the requirement of *scienter*. Under the California law, the prohibited activity must be done "wilfully and lewdly." The federal statute limits the crime to acts done "knowingly." In his charge to the jury, the district judge stated that the matter must be "calculated" to corrupt or debauch. The defendants in both these cases were engaged in the business of purveying textual or graphic matter openly advertised to appeal to the erotic interest of their customers. They were plainly engaged in the commercial exploitation of the morbid and shameful craving for materials with prurient effect. I believe that the State and Federal Governments can constitutionally punish such conduct. That is all that these cases present to us, and that is all we need to decide.

I agree with the Court's decision in its rejection of the other contentions raised by these defendants.

Mr. JUSTICE HARLAN, concurring in the result in No. 61, and dissenting in No. 582.

I regret not to be able to join the Court's opinion. I cannot do so because I find lurking beneath its disarming generalizations a number of problems which not only leave me with serious misgivings as to the future effect of today's decisions, but which also, in my view, call for different results in these two cases.

I.

My basic difficulties with the Court's opinion are threefold. First, the opinion paints with such a broad brush that I fear it may result in a loosening of the tight reins which state and federal courts should hold upon the enforcement of obscenity statutes. Second, the Court fails to discriminate between the different factors which, in my opinion, are involved in the constitutional adjudication of state and federal obscenity cases. Third, relevant distinctions between the two obscenity statutes here involved, and the Court's own definition of "obscenity," are ignored.

In final analysis, the problem presented by these cases is how far, and on what terms, the state and federal governments have power to punish individuals for disseminating books considered to be undesirable of their nature or supposed deleterious effect upon human conduct. Proceeding from the premise that "no issue is presented in either case, concerning the obscenity of the material involved," the Court finds the "dispositive question" to be "whether obscenity is utterance within the area of protected speech and press," and then holds that "obscenity is not protected because it is "utterly without redeeming social importance." This sweeping formula appears to me to beg the very question before us. The Court seems to assume that "obscenity" is a peculiar *genus* of "speech and press," which is as distinct, recognizable, and classifiable as poison ivy is among other plants. On this basis the *constitutional* question before us simply becomes, as the Court says, whether "obscenity," as an abstraction, is protected by the First and Fourteenth Amendments, and the question whether a *particular* book may be suppressed becomes a mere matter of classification, of "fact," to be entrusted to a factfinder and insulated from independent constitutional judgment. But surely the problem cannot be solved in such a generalized fashion. Every communication has an individuality and "value" of its own. The suppression of a particular writing or other tangible form of expression is, therefore, an *individual* matter, and in the nature of things every such suppression raises an individual constitutional problem, in which a reviewing court must determine for *itself* whether the attacked expression is suppressable within constitutional standards. Since those standards do not readily lend themselves to generalized definitions, the constitutional problem in the last analysis becomes one of particularized judgments which appellate courts must make for themselves.

I do not think that reviewing courts can escape this responsibility by saying that the trier of the facts, be it a jury or a judge, has labeled the questioned matter as "obscene," for, if "obscenity" is to be suppressed, the question whether a particular work is of that character involves not really an issue of fact but a question of constitutional *judgment* of the most sensitive and delicate kind. Many juries might find that Joyce's "Ulysses" or Bocaccio's "Decameron" was obscene, and yet the conviction of a defendant for selling either book would raise, for me, the gravest constitutional problems, for no such verdict could convince me, without more, that these books are "utterly without redeeming social importance." In short, I do not understand how the Court can resolve the constitutional problems now before it without making its own independent judgment upon the character of the material upon which these convictions were based. I am very much afraid that the broad manner in which the Court has decided these cases will tend to obscure the peculiar responsibilities resting on state and federal courts in this field and encourage them to rely on easy labeling and jury verdicts as a substitute for facing up to the tough individual problems of constitutional judgment involved in every obscenity case.

My second reason for dissatisfaction with the Court's opinion is that the broad strides with which the Court has proceeded has led it to brush aside with perfunctory case the vital constitutional considerations which, in my opinion, differentiate these two cases. It does not seem to matter to the Court that in one case we balance the power of a State in this field against the restrictions of the Fourteenth Amendment, and in the other the power of the Federal Government against the limitations of the First Amendment. I deal with this subject more particularly later.

Thirdly, the Court has not been bothered by the fact that the two cases involve different statutes. In California the book must have a "tendency to deprave or corrupt its readers"; under the federal statute it must tend "to stir sexual impulses and lead to sexually impure thoughts."[23] The two statutes do not seem to me to present the same problems. Yet the Court compounds confusion when it superimposes on these two statutory definitions a third, drawn from the American Law Institute's Model Penal Code, Tentative Draft No. 6: "A thing is obscene if, considered as a whole, its predominant appeal is to prurient interest." The bland assurance that this definition is the same as the ones with which we deal flies in the face of the authors' express rejection of the "deprave and corrupt" and "sexual thoughts" tests:

"Obscenity [in the Tentative Draft] is defined in terms of material which appeals predominantly to prurient interest in sexual matters and which goes beyond customary freedom of expression in these matters. We reject the prevailing test of tendency to arouse lustful thoughts or desires because it is unrealistically broad for a society that plainly tolerates a great deal of erotic interest in literature, advertising, and art, and because regulation of thought or desire, unconnected with overt misbehavior, raises the most acute constitutional as well as practical difficulties. We likewise reject the common definition of obscene as that which 'tends to corrupt or debase.' If this means anything different from tendency to arouse lustful thought and desire, it suggests that change of character or actual misbehavior follows from contact with obscenity. Evidence of such consequences is lacking. . . . On the other hand, 'appeal to prurient interest' refers to qualities of the material itself: the capacity to attract individuals eager for a forbidden look. . . ."[24]

As this passage makes clear, there is a significant distinction between the definitions used in the prosecutions before us, and the American Law Institute formula. If, therefore, the latter is the correct standard, as my Brother BRENNAN elsewhere intimates,[25] then these convictions should surely be reversed. Instead, the Court merely assimilates the various tests into one indiscriminate potpourri.

I now pass to the consideration of the two cases before us.

II.

I concur in the judgment of the Court in No. 61, *Alberts* v. *California*.

The question in this case is whether the defendant was deprived of liberty without due process of law when he was convicted for selling certain materials found by the judge to be obscene because they would

---

Footnotes at end of article.

have a "tendency to deprave or corrupt its readers by exciting lascivious thoughts or arousing lustful desire."

In judging the constitutionality of this conviction, we should remember that our function in reviewing state judgments under the Fourteenth Amendment is a narrow one. We do not decide whether the policy of the State is wise, or whether it is based on assumptions scientifically substantiated. We can inquire only whether the state action so subverts the fundamental liberties implicit in the Due Process Clause that it cannot be sustained as a national exercise of power. See Jackson, J., dissenting in *Beauharnais* v. *Illinois,* 343 U.S. 250, 287. The States' power to make printed words criminal is, of course, confined by the Fourteenth Amendment, but only insofar as such power is inconsistent with our concepts of "ordered liberty." *Palko* v. *Connecticut,* 302 U.S. 319, 324–325.

What, then, is the purpose of this California statute? Clearly the state legislature has made the judgment that printed words *can* "deprave or corrupt" the reader—that words can incite to antisocial or immoral action. The assumption seems to be that the distribution of certain types of literature will induce criminal or immoral sexual conduct. It is well known, of course, that the validity of this assumption is a matter of dispute among critics, sociologists, psychiatrists, and penologists. There is a large school of thought, particularly in the scientific community, which denies any casual connection between the reading of pornography and immorality, crime, or delinquency. Others disagree. Clearly it is not our function to decide this question. That function belongs to the state legislature. Nothing in the Constitution requires California to accept as truth the most advanced and sophisticated psychiatric opinion. It seems to me clear that it is not irrational, in our present state of knowledge, to consider that pornography can induce a type of sexual conduct which a State may deem obnoxious to the moral fabric of society. In fact the very division of opinion on the subject counsels us to respect the choice made by the State.

Furthermore, even assuming that pornography cannot be deemed ever to cause, in an immediate sense, criminal sexual conduct, other interests within the proper cognizance of the States may be protected by the prohibition placed on such materials. The State can reasonably draw the inference that over a long period of time the indiscriminate dissemination of materials, the essential character of which is to degrade sex, will have an eroding effect on moral standards. And the State has a legitimate interest in protecting the privacy of the home against invasion of unsolicited obscenity.

Above all stands the realization that we deal here with an area where knowledge is small, data are insufficient, and experts are divided. Since the domain of sexual morality is pre-eminently a matter of state concern, this Court should be slow to interfere with state legislation calculated to protect that morality. It seems to me that nothing in the broad and flexible command of the Due Process Clause forbids California to prosecute one who sells books whose dominant tendency might be to "deprave or corrupt" a reader. I agree with the Court, of course, that the books must be judged as a whole and in relation to the normal adult reader.

What has been said, however, does not dispose of the case. It still remains for us to decide whether the state court's determination that this material should be suppressed is consistent with the Fourteenth Amendment; and that, of course, presents a federal question as to which we, and not the state court, have the ultimate responsibility. And so, in the final analysis, I concur in the judgment because, upon an independent perusal of the material involved, and in light of the considerations discussed above, I cannot say that its suppression would so interfere with the communication of "ideas" in any proper sense of that term that it would offend the Due Process Clause. I therefore agree with the Court that appellant's conviction must be affirmed.

III

I dissent in No. 582, *Roth* v. *United States.*

We are faced here with the question whether the federal obscenity statute, as construed and applied in this case, violates the First Amendment to the Constitution. To me, this question is of quite a different order than one where we are dealing with state legislation under the Fourteenth Amendment. I do not think it follows that state and federal powers in this area are the same, and that just because the State may suppress a particular utterance, it is automatically permissible for the Federal Government to do the same. I agree with Mr. Justice Jackson that the historical evidence does not bear out the claim that the Fourteenth Amendment "incorporates" the First in any literal sense. See *Beauharnais* v. *Illinois, supra.* But laying aside any consequences which might flow from that conclusion, cf. Mr. Justice Holmes in *Gitlow* v. *New York* 268 U.S. 652, 672[36] I prefer to rest my views about this case on broader and less abstract grounds.

The Constitution differentiates between those areas of human conduct subject to the regulation of the States and those subject to the powers of the Federal Government. The substantive powers of the two governments, in many instances, are distinct. And in every case where we are called upon to balance the interest in free expression against other interests, it seems to me important that we should keep in the forefront the question of whether those other interests are state or federal. Since under our constitutional scheme the two are not necessarily equivalent, the balancing process must needs often produce different results. Whether a particular limitation on speech or press is to be upheld because it subserves a paramount governmental interest must, to a large extent, I think, depend on whether that government has, under the Constitution, a direct substantive interest, that is, the power to act, in the particular area involved.

The Federal Government has, for example, power to restrict seditious speech directed against it, because that Government certainly has the substantive authority to protect itself against revolution. Cf. *Pennsylvania* v. *Nelson,* 350 U.S. 497. But in dealing with obscenity we are faced with the converse situation, for the interests which obscenity statutes purportedly protect are primarily entrusted to the care, not of the Federal Government, but of the States. Congress has no substantive power over sexual morality. Such powers as the Federal Government has in this field are but incidental to its other powers, here the postal power, and are not of the same nature as those possessed by the States, which bear direct responsibility for the protection of the local moral fabric.[37] What Mr. Justice Jackson said in *Beauharnais, supra,* 343 U.S., at 294–295, about criminal libel is equally true of obscenity:

> "The inappropriateness of a single standard for restricting State and Nation is indicated by the disparity between their functions and duties in relation to those freedoms. Criminality of defamation is predicated upon power either to protect the private right to enjoy integrity of reputation or the public right to tranquility. Neither of these are objects of federal cognizance except when necessary to the accomplishment of some delegated power . . . When the Federal Government puts liberty of press in one scale, it has a very limited duty to personal reputation or local tranquillity to weigh against it in the other. But state action affecting speech or press can and should be weighed against and reconciled with these conflicting social interests."

Not only is the federal interest in protecting the Nation against pornography attenuated, but the dangers of federal censorship in this field are far greater than anything the States may do. It has often been said that one of the great strengths of our federal system is that we have, in the forty-eight States, forty-eight experimental social laboratories. "State statutory law reflects predominantly this capacity of a legislature to introduce novel techniques of social control. The federal system has the immense advantage of providing forty-eight separate centers for such experimentation."[38] Different States will have different attitudes toward the same work of literature. The same book which is freely read in one State might be classed as obscene in another.[39] And it seems to me that no overwhelming danger to our freedom to experiment and to gratify our tastes in literature is likely to result from the suppression of a borderline book in one of the States, so long as there is no uniform nation-wide suppression of the book, and so long as other States are free to experiment with the same or bolder books.

Quite a different situation is presented, however, where the Federal Government imposes the ban. The danger is perhaps not great if the people of one State, through their legislature, decide that "Lady Chatterley's Lover" goes so far beyond the acceptable standards of candor that it will be deemed offensive and non-sellable, for the State next door is still free to make its own choice. At least we do not have one uniform standard. But the dangers to free thought and expression are truly great if the Federal Government imposes a blanket ban over the Nation on such a book. The prerogative of the States to differ on their ideas of morality will be destroyed, the ability of States to experiment will be stunted. The fact that the people of one State cannot read some of the works of D. H. Lawrence seems to me, if not wise or desirable, at least acceptable. But that no person in the United States should be allowed to do so seems to me to be intolerable, and violative of both the letter and spirit of the First Amendment.

I judge this case, then, in view of what I think is the attenuated federal interest in this field, in view of the very real danger of a deadening uniformity which can result from nation-wide federal censorship, and in view of the fact that the constitutionality of this conviction must be weighed against the First and not the Fourteenth Amendment. So viewed, I do not think that this conviction can be upheld. The petitioner was convicted under a statute which, under the judge's charge,[40] makes it criminal to sell books which "tend to stir sexual impulses and lead to sexually impure thoughts." I cannot agree that any book which tends to stir sexual impulses and lead to sexually impure thoughts necessarily is "utterly without redeeming social importance." Not only did this charge fail to measure up to the standards which I understand the Court to approve, but as far as I can see, much of the great literature of the world could lead to conviction under such a view of the statute. Moreover, in no event do I think that the limited federal interest in this area can extend to mere "thoughts." The Federal Government has no business, whether under the postal or commerce power, to bar the sale of books because they might lead to any kind of "thoughts."[41]

It is no answer to say, as the Court does, that obscenity is not protected speech. The point is that this statute, as here construed, defines obscenity so widely that it encompasses matters which might very well be protected speech. I do not think that the federal statute can be constitutionally construed to reach other than what the Government has termed as "hard-core" por-

---

Footnotes at end of article.

XUM

nography. Nor do I think the statute can fairly be read as directed only at *persons* who are engaged in the business of catering to the prurient minded, even though their wares fall short of hard-core pornography. Such a statute would raise constitutional questions of a different order. That being so, and since in my opinion the material here involved cannot be said to be hard-core pornography, I would reverse this case with instructions to dismiss the indictment.

Mr. JUSTICE DOUGLAS, with whom Mr. JUSTICE BLACK concurs, dissenting.

When we sustain these convictions, we make the legality of a publication turn on the purity of thought which a book or tract instills in the mind of the reader. I do not think we can approve that standard and be faithful to the command of the First Amendment, which by its terms is a restraint on Congress and which by the Fourteenth is a restraint on the States.

In the *Roth* case the trial judge charged the jury that the statutory words "obscene, lewd and lascivious" describe "that form of immorality which has relation to sexual impurity and has a tendency to excite lustful thoughts." He stated that the term "filthy" in the statute pertains "to that sort of treatment of sexual matters in such a vulgar and indecent way, so that it tends to arouse a feeling of disgust and revulsion." He went on to say that the material "must be calculated to corrupt and debauch the minds and morals" of "the average person in the community," not those of any particular class. "You judge the circulars, pictures and publications which have been put in evidence by present-day standards of the community. You may ask yourselves does it offend the common conscience of the community by present-day standards."

The trial judge who, sitting without a jury, heard the *Alberts* case and the appellate court that sustained the judgment of conviction, took California's definition of "obscenity" from *People* v. *Wepplo,* 78 Cal. App. 2d Supp. 959, 961, 178 P. 2d 853, 855. That case held that a book is obscene "if it has a substantial tendency to deprave or corrupt its readers by inciting lascivious thoughts or arousing lustful desire."

By these standards punishment is inflicted for thoughts provoked, not for overt acts nor antisocial conduct. This test cannot be squared with our decisions under the First Amendment. Even the ill-starred *Dennis* case conceded that speech to be punishable must have some relation to action which could be penalized by government. *Dennis* v. *United States,* 341 U.S. 494, 502–511. Cf. Chafee, The Blessings of Liberty (1956), p. 69. This issue cannot be avoided by saying that obscenity is not protected by the First Amendment. The question remains, what is the constitutional test of obscenity?

The tests by which these convictions were obtained require only the arousing of sexual thoughts. Yet the arousing of sexual thoughts and desires happens every day in normal life in dozens of ways. Nearly 30 years ago a questionnaire sent to college and normal school women graduates asked what things were most stimulating sexually. Of 409 replies, 9 said "music"; 18 said "pictures"; 29 said "dancing"; 40 said "drama"; 95 said "books"; and 218 said "man." Alpert, Judicial Censorship of Obscene Literature, 52 Harv. L. Rev. 40, 73.

The test of obscenity the Court endorses today gives the censor free range over a vast domain. To allow the State to step in and punish mere speech or publication that the judge or the jury thinks has an *undesirable* impact on thoughts but that is not shown to be a part of unlawful action is drastically to curtail the First Amendment. As recently stated by two of our outstanding authorities on obscenity, "The danger of influencing a change in the current moral standards of the community, or of shocking or offending readers, or of stimulating sex thoughts or desires apart from objective conduct, can never justify the losses to society that result from interference with literary freedom." Lockhart & McClure, Literature, The Law of Obscenity, and the Constitution, 38 Minn. L. Rev. 295, 387.

If we were certain that impurity of sexual thoughts impelled to action, we would be on less dangerous ground in punishing the distributors of this sex literature. But it is by no means clear that obscene literature, as so defined, is a significant factor in influencing substantial deviations from the community standards.

"There are a number of reasons for real and substantial doubts as to the soundness of that hypothesis. (1) Scientific studies of juvenile delinquency demonstrate that those who get into trouble, and are the greatest concern of the advocates of censorship, are far less inclined to read than those who do not become delinquent. The delinquents are generally the adventurous type, who have little use for reading and other non-active entertainment. Thus, even assuming that reading sometimes has an adverse effect upon moral conduct, the effect is not likely to be substantial, for those who are susceptible seldom read. (2) Sheldon and Eleanor Glueck, who are among the country's leading authorities on the treatment and causes of juvenile delinquency, have recently published the results of a ten year study of its causes. They exhaustively studied approximately 90 factors and influences that might lead to or explain juvenile delinquency, but the Gluecks gave no consideration to the type of reading material, if any, read by the delinquents. This is, of course, consistent with their finding that delinquents read very little. When those who know so much about the problem of delinquency among youth—the very group about whom the advocates of censorship are most concerned—conclude that what delinquents read has so little effect upon their conduct that it is not worth investigating in an exhaustive study of causes, there is good reason for serious doubt concerning the basic hypothesis on which obscenity censorship is defended. (3) The many other influences in society that stimulate sexual desire are so much more frequent in their influence, and so much more potent in their effect, that the influence of reading is likely, at most, to be relatively insignificant in the composite of forces that lead an individual into conduct deviating from the community sex standards. The Kinsey studies show the minor degree to which literature serves as a potent sexual stimulant. And the studies demonstrating that sex knowledge seldom results from reading indicates [*sic*] the relative unimportance of literature in sex thoughts as compared with other factors in society." Lockhart & McClure, *op. cit. supra,* pp. 385–386.

The absence of dependable information on the effect of obscene literature on human conduct should make us wary. It should put us on the side of protecting society's interest in literature, except and unless it can be said that the particular publication has an impact on action that the government can control.

As noted, the trial judge in the *Roth* case charged the jury in the alternative that the federal obscenity statute outlaws literature dealing with sex which offends "the common conscience of the community." That standard is, in my view, more inimical still to freedom of expression.

The standard of what offends "the common conscience of the community" conflicts, in my judgment, with the command of the First Amendment that "Congress shall make no law . . . abridging the freedom of speech, or of the press." Certainly that standard would not be an acceptable one if religion, economics, politics or philosophy were involved. How does it become a constitutional standard when literature treating with sex is concerned?

Any test that turns on what is offensive to the community's standards is too loose, too capricious, too destructive of freedom of expression to be squared with the First Amendment. Under that test, juries can censor, suppress, and punish what they don't like, provided the matter relates to "sexual impurity" or has a tendency "to excite lustful thoughts." This is community censorship in one of its worst forms. It creates a regime where in the battle between the literati and the Philistines, the Philistines are certain to win. If experience in this field teaches anything, it is that "censorship of obscenity has almost always been both irrational and indiscriminate." Lockhart & McClure, *op. cit. supra,* at 371. The test adopted here accentuates that trend.

I assume there is nothing in the Constitution which forbids Congress from using its power over the mails to proscribe *conduct* on the grounds of good morals. No one would suggest that the First Amendment permits nudity in public places, adultery, and other phases of sexual misconduct.

I can understand (and at times even sympathize) with programs of civic groups and church groups to protect and defend the existing moral standards of the community. I can understand the motives of the Anthony Comstocks who would impose Victorian standards on the community. When speech alone is involved, I do not think that government, consistently with the First Amendment, can become the sponsor of any of these movements. I do not think that government consistently with the First Amendment, can throw its weight behind one school or another. Government should be concerned with antisocial conduct, not with utterances. Thus, if the First Amendment guarantee of freedom of speech and press is to mean anything in this field, it must allow protests even against the moral code that the standard of the day sets for the community. In other words, literature should not be suppressed merely because it offends the moral code of the censor.

The legality of a publication in this country should never be allowed to turn either on the purity of thought which it instills in the mind of the reader or on the degree to which it offends the community conscience. By either test the role of the censor is exalted, and society's values in literary freedom are sacrificed.

The Court today suggests a third standard. It defines obscene material as that "which deals with sex in a manner appealing to prurient interest."[illegible] Like the standards applied by the trial judges below, that standard does not require any nexus between the literature which is prohibited and action which the legislature can regulate or prohibit. Under the First Amendment, that standard is no more valid than those which the courts below adopted.

I do not think that the problem can be resolved by the Court's statement that "obscenity is not expression protected by the First Amendment." With the exception of *Beauharnais* v. *Illinois,* 343 U.S. 250, none of our cases has resolved problems of free speech and free press by placing any form of expression beyond the pale of the absolute prohibition of the First Amendment. Unlike the law of libel, wrongfully relied on in *Beauharnais,* there is no special historical evidence that literature dealing with sex was intended to be treated in a special manner by those who drafted the First Amendment. In fact, the first reported court decision in this country involving obscene literature was in 1821. Lockhart & McClure, *op. cit. supra,* at 324, n. 200. I reject too the implication that problems of freedom of speech and of the press are to be resolved by weighing

---

Footnotes at end of article.

XUM

against the values of free expression, the judgment of the Court that a particular form of that expression has "no redeeming social importance." The First Amendment, its prohibition in terms absolute, was designed to preclude courts as well as legislatures from weighing the values of speech against silence. The First Amendment puts free speech in the preferred position.

Freedom of expression can be suppressed if, and to the extent that, it is so closely brigaded with illegal action as to be an inseparable part of it. *Giboney* v. *Empire Storage Co.*, 336 U.S. 490, 498; *Labor Board* v. *Virginia Power Co.*, 314 U.S. 469, 477–478. As a people, we cannot afford to relax that standard for the test that suppresses a cheap tract today can supress a literary gem tomorrow. All it need do is to incite a lascivious thought or arouse a lustful desire. The list of books that judges or juries can place in that category is endless.

I would give the broad sweep of the First Amendment full support. I have the same confidence in the ability of our people to reject noxious literature as I have in their capacity to sort out the true from the false in theology, economics, politics, or any other field.

FOOTNOTES

[*] Together with No. 61, *Alberts* v. *California*, appeal from the Superior Court of California, Los Angeles County, Appellate Department, argued and decided on the same dates.

[1] The federal obscenity statute provided, in pertinent part:

"Every obscene, lewd, lascivious, or filthy book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character; and—

"Every written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, or how, or from whom, or by what means any of such mentioned matters, articles, or things may be obtained or made . . . whether sealed or unsealed . . .

"Is declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier.

"Whoever knowingly deposits for mailing or delivery, anything declared by this section to be nonmailable, or knowingly takes the same from the mails for the purpose of circulating or disposing thereof, or of aiding in the circulation or disposition thereof, shall be fined not more than $5,000 or imprisoned not more than five years, or both." 18 U.S.C. § 1461.

The 1955 amendment of this statute, 69 Stat. 183, is not applicable to this case.

[2] The California Penal Code provides, in pertinent part:

"Every person who willfully and lewdly, either:

"3. Writes, composes, stereotypes, prints, publishes, sells, distributes, keeps for sale, or exhibits any obscene or indecent writing, paper, or book; or designs, copies, draws, engraces, paints, or otherwise prepares any obscene or indecent picture or print; or molds, cuts, casts, or otherwise makes any obscene or indecent figure; or,

"4. Writes, composes, or publishes any notice or advertisement of any such writing paper, book, picture, print or figure; . . .

"6. . . . is guilty of a misdemeanor . . ." West's Cal. Penal Code Ann., 1955, § 311.

[3] In *Roth*, reliance is placed on the Due Process Clause of the Fifth Amendment, and in *Alberts*, reliance is placed upon the Due Process Clause of the Fourteenth Amendment.

[4] 237 F. 2d 796.

[5] 352 U.S. 964. Petitioner's application for bail was granted by MR. JUSTICE HARLAN in his capacity as Circuit Justice for the Second Circuit. 1 L. Ed. 2d 34, 77 Sup. Ct. 17.

[6] 138 Cal. App. 2d Supp. 909, 292 P. 2d 90. This is the highest state appellate court available to the appellant. Cal. Const., Art. VI, § 5; see *Edwards* v. *California*, 314 U.S. 160.

[7] 352 U.S. 962.

[8] No issue is presented in either case concerning the obscenity of the material involved.

[9] See also the following cases in which convictions under obscenity statutes have been reviewed: *Grimm* v. *United States*, 156 U.S. 604; *Rosen* v. *United States*, 161 U.S. 29; *Swearingen* v. *United States*, 161 U.S. 446; *Andrews* v. *United States*, 162 U.S. 420; *Price* v. *United States*, 165 U.S. 311; *Dunlop* v. *United States*, 165 U.S. 486; *Bartell* v. *United States*, 227 U.S. 427; *United States* v. *Limehouse*, 285 U.S. 424.

[10] Del. Const., 1792, Art. I, § 5; Ga. Const., 1777, Art. LXI; Md. Const., 1776, Declaration of Rights, § 38; Mass. Const., 1780, Declaration of Rights, Art. XVI; N. H. Const., 1784, Art. I, § XXII; N. C. Const., 1776, Declaration of Rights, Art. XV; Pa. Const., 1776, Declaration of Rights, Art. XII; S.C. Const., 1778, Art. XLIII; Vt. Const., 1777, Declaration of Rights, Art. XIV; Va. Bill of Rights, 1776, § 12.

[11] Act to Secure the Freedom of the Press (1804), 1 Conn. Pub. Stat. Laws 355 (1808); Del. Const., 1792, Art. I, § 5; Ga. Penal Code, Eighth Div., § VIII (1817), Digest of the Laws of Ga. 364 (Prince 1822); Act of 1803, c. 54, II Md. Public General Laws 1096 (Poe 1888); *Commonwealth* v. *Kneeland*, 37 Mass. 206, 232 (1838); Act for the Punishment of Certain Crimes Not Capital (1791), N.H. Laws 1792, 253; Act Respecting Libels (1799), N.J. Rev. Laws 411 (1800); *People* v. *Croswell*, 3 Johns, (N.Y.) 337 (1804); Act of 1803, c. 632, 2 Laws of N. C. 999 (1821); Pa. Const., 1790, Art IX, § 7; R. I. Code of Laws (1647), Proceedings of the First General Assembly and Code of Laws 44–45 (1647); R. I. Const., 1842, Art. I, § 20; Act of 1804, 1 Laws of Vt. 366 (Tolman 1808); *Commonwealth* v. *Morris*. 1 Brock. & Hol. (Va.) 176 (1811).

[12] Act for the Punishment of Divers Capital and Other Felonies, Acts and Laws of Conn. 66, 67 (1784); Act Against Drunkeness, Blasphemy, §§ 4, 5 (1737), 1 Laws of Del. 173, 174 (1797); Act to Regulate Taverns (1786), Digest of the Laws of Ga. 512, 513 (Prince 1822); Act of 1723, c. 16, § 1, Digest of the Laws of Md. 92 (Herty 1799); General Laws and Liberties of Mass. Bay, c. XVIII, § 3 (1646), Mass. Bay Colony Charters & Laws 58 (1814); Act of 1782, c. 8, Rev. Stat. of Mass. 741, § 15 (1836); Act of 1798, c. 33; §§ 1, 3, Rev. Stat. of Mass. 741, § 16 (1836); Act for the Punishment of Certain Crimes Not Capital (1791), N. H. Laws 1792, 252, 256; Act for the Punishment of Profane Cursing and Swearing (1791), N. H. Laws 1792, 258; Act for Suppressing Vice and Immorality, §§ VIII, IX (1798), N. J. Rev. Laws 329, 331 (1800); Act for Suppressing Immorality, § IV (1788), 2 Laws of N. Y. 257, 258 (Jones & Varick 1777–1789); *People* v. *Ruggles*, 8 Johns. (N. Y.) 290 (1811); Act . . . for the More Effectual Suppression of Vice and Immorality, § III (1741), 1 N. C. Laws 52 (Martin Rev. 1715–1790); Act to Prevent the Grievous Sins of Cursing and Swearing (1700), II Statutes at Large of Pa. 49 (1700–1712); Act for the Prevention of Vice and Immorality, § II (1794), 3 Laws of Pa. 177, 178 (1791–1802); Act to Reform the Penal Laws, §§ 33, 34 (1798), R. I. Laws 1798, 584, 595; Act for the More Effectual Suppressing of Blasphemy and prophaness (1703), Laws of S. C. 4 (Grimké 1790); Act, for the Punishment of Certain Capital, and Other High Crimes and Misdemeanors, § 20 (1797), 1 Laws of Vt. 332, 339 (Tolman 1808); Act, for the Punishment of Certain Inferior Crimes and Misdemeanors, § 20 (1797), 1 Laws of Vt. 352, 361 (Tolman 1808); Act for the Effectual Suppression of Vice, § 1 (1792), Acts of General Assembly of Va. 286 (1794).

[13] Act Concerning Crimes and Punishments, § 69 (1821), Stat. Laws of Conn. 109 (1824); *Knowles* v. *State*, 3 Day (Conn.) 103 (1808); Rev. Stat. of 1835, c. 130, § 10, Rev. Stat. of Mass. 740 (1836); *Commonwealth* v. *Holmes*, 17 Mass. 335 (1821); Rev. Stat. of 1842, c. 113, § 2, Rev. Stat. of N. H. 221 (1843); Act for Suppressing Vice and Immorality, § XII (1798), N. J. Rev. Laws 329, 331 (1800); *Commonwealth* v. *Sharples*, 2 S. & R. (Pa.) 91 (1815).

[14] *E. g., United States* v. *Harriss*, 347 U. S. 612; *Breard* v. *Alexandria*, 341 U. S. 622; *Teamsters Union* v. *Hanke*, 339 U.S. 470; *Kovacs* v. *Cooper*, 336 U. S. 77; *Prince* v. *Massachusetts*, 321 U. S. 158; *Labor Board* v. *Virginia Elec. & Power Co.*, 314 U. S. 469; *Cox* v. *New Hampshire*, 312 U. S. 569; *Schenck* v. *United States*, 249 U. S. 47.

[15] Agreement for the Suppression of the Circulation of Obscene Publications, 37 Stat. 1511; Treaties in Force 209 (U.S. Dept. State, October 31, 1956).

[16] Hearings before Subcommittee to Investigate Juvenile Delinquency of the Senate Committee on the Judiciary, pursuant to S. Res. 62, 84th Cong., 1st Sess. 49–52 (May 24, 1955).

Although New Mexico has no general obscenity statute, it does have a statute giving to municipalities the power "to prohibit the sale or exhibiting of obscene or immoral publications, prints, pictures, or illustrations." N. M. Stat. Ann., 1953, §§ 14–21–3, 14–21–12.

[17] 5 Stat. 548, 566; 11 Stat. 168; 13 Stat. 504, 507; 17 Stat. 302; 17 Stat. 598; 19 Stat. 90; 25 Stat. 187, 188; 25 Stat. 496; 26 Stat. 567, 614–615; 29 Stat. 512; 33 Stat. 705; 35 Stat. 1129, 1138; 41 Stat. 1060; 46 Stat. 688; 48 Stat. 1091, 1100; 62 Stat. 768; 64 Stat. 194; 64 Stat. 451; 69 Stat. 183; 70 Stat. 699.

[18] *Schenck* v. *United States*, 249 U.S. 47. This approach is typified by the opinion of Judge Bok (written prior to this Court's opinion in *Dennis* v. *United States*, 341 U.S. 494) in *Commonwealth* v. *Gordon*, 66 Pa. D. & C. 101, aff'd, *sub nom. Commonwealth* v. *Feigenbaum*, 166 Pa. Super. 120, 70 A. 2d 389.

[19] *Dennis* v. *United States*, 341 494. This approach is typified by the concurring opinion of Judge Frank in the *Roth* case, 237 F. 2d, at 801. See also Lockhart & McClure, Literature, The Law of Obscenity, and the Constitution, 38 Minn. L. Rev. 295 (1954).

[20] *I.e.*, material having a tendency to excite lustful thoughts. Webster's New International Dictionary (Unabridged, 2d ed., 1949) defines *prurient*, in pertinent part, as follows:

". . . Itching; longing; uneasy with desire or longing; of persons, having itching, morbid, or lascivious longing; of desire, curiosity, or propensity, lewd. . . ."

Pruriency is defined, in pertinent part, as follows:

". . . Quality of being prurient; lascivious desire or thought. . . ."

See also *Mutual Film Corp.* v. *Industrial Comm'n*, 236 U.S. 230, 242, where this Court said as to motion pictures: ". . . They take their attraction from the general interest, eager and wholesome it may be, in their subjects, but a *prurient interest may be excited and appealed to*. . . ." (Emphasis added.)

We perceive no significant difference between the meaning of obscenity developed in the case law and the definition of the A.L.I., Model Penal Code, § 207.10 (2) (Tent. Draft No. 6, 1957), *viz.*:

". . . A thing is obscene if, considered as a whole, its predominant appeal is to prurient interest, i.e., a shameful or morbid interest in nudity, sex, or excretion, and if it goes substantially beyond customary limits of candor in description or representation of such matters. . . ." See Comment, *id.*, at 10 and the discussion at page 29 *et seq.*

[21] See, *e.g., United States* v. *Dennett*, 39 F.2d 564.

[22] Madison's Report on the Virginia Resolutions, 4 Elliot's Debates 571.

XUM

[23] See note 14, *supra*.

[24] But see the instructions given to the jury by Mr. Justice Stable in *Regina* v. *Martin Secker Warburg,* [1954] 2 All Eng. 683 (C.C.C.).

[25] *United States* v. *Kennerley,* 209 F. 119; *MacFadden* v. *United States,* 165 F.51; *United States* v. *Bennett,* 24 Fed. Cas. 1093; *United States* v. *Clarke,* 38 F. 500; *Commonwealth* v. *Buckley,* 200 Mass. 346, 86 N. E. 910.

[26] *E. g., Walker* v. *Popenoe,* 80 U.S. App. D.C. 129, 149 F.2d 511; *Parmelee* v. *United States,* 72 App. D.C. 203, 113 F.2d 729; *United States* v. *Levine,* 83 F. 2d 156; *United States* v. *Dennett,* 39 F.2d 564; *Khan* v. *Feist, Inc.,* F. Supp. 450, aff'd, 165 F.2d 188; *United States* v. *One Book Called "Ulysses,"* 5 F. Supp. 182, aff'd, 72 F.2d 705; *American Civil Liberties Union* v. *Chicago,* 3 Ill. 2d 334, 121 N.E. 2d 585; *Commonwealth* v. *Isenstadt,* 318 Mass. 543, 62 N.E. 2d 840; *Missouri* v. *Becker,* 364 Mo. 1079, 272, S.W. 2d 283; *Adams Theatre Co.* v. *Keenan,* 12 N. J. 267, 96 A.2d 519; *Bantam Books, Inc.* v. *Melko,* 25 N. J. Super. 292, 96 A. 2d 47; *Commonwealth* v. *Gordon,* 66 Pa. D. & C. 101, aff'd, *sub nom. Commonwealth* v. *Feigenbaum,* 166 Pa. Super. 120, 70 A.2d 389; cf. *Roth* v. *Goldman,* 172 F.2d 788, 794–795 (concurrence).

[27] In *Alberts,* the contention that the trial judge did not read the materials in their entirety is not before us because not fairly comprised within the questions presented. U.S. Sup. Ct. Rules, 15(1) (c) (1).

[28] This Court, as early as 1896, said of the federal obscenity statute:

". . . Every one who uses the mails of the United States for carrying papers or publications must take notice of what, in this enlightened age, is meant by decency, purity, and chastity in social life, and what must be deemed obscene, lewd, and lascivious." *Rosen* v. *United States,* 161 U.S. 29, 42.

[29] *E. g., Roth* v. *Goldman,* 172 F.2d 788, 789; *Parmelee* v. *United States,* 72 App. D. C. 203, 204, 113 F.2d 729, 730; *United States* v. *4200 Copies International Journal,* 134 F. Supp. 490, 493; *United States* v. *One Unbound Volume,* 128 F. Supp. 280, 281.

[30] It is argued that because juries may reach different conclusions as to the same material, the statutes must be held to be insufficiently precise to satisfy due process requirements. But, it is common experience that different juries may reach different results under any criminal statute. That is one of the consequences we accept under our jury system. Cf. *Dunlop* v. *United States,* 165 U.S. 486, 499–500.

[31] For the same reason, we reject, in this case, the argument that there is greater latitude for state action under the word "liberty" under the Fourteenth Amendment than is allowed to Congress by the language of the First Amendment.

[32] In *Public Clearing House* v. *Coyne,* 194 U.S. 497, 506–508, this Court said:

"The constitutional principles underlying the administration of the Post Office Department were discussed in the opinion of the court in *Ex parte Jackson,* 96 U.S. 727, in which we held that the power vested in Congress to establish post offices and post roads embraced the regulation of the entire postal system of the country; that Congress might designate what might be carried in the mails and what excluded. . . . It may . . . refuse to include in its mails such printed matter or merchandise as may seem objectionable to it upon the ground of public policy. . . . For more than thirty years not only has the transmission of obscene matter been prohibited, but it has been made a crime, punishable by fine or imprisonment, for a person to deposit such matter in the mails. The constitutionality of this law we believe has never been attacked. . . ."

[33] In *Alberts* v. *California,* the state definition of "obscenity" is, of course, binding on us. The definition there used derives from *People* v. *Wepplo,* 78 Cal. App. 2d. Supp. 959, 178 P. 2d 853, the question being whether the material has "a substantive tendency to deprave or corrupt its readers by exciting lascivious thoughts or arousing lustful desire."

In *Roth* v. *United States,* our grant of certiorari was limited to the question of the constitutionality of the statute, and did not encompass the correctness of the definition of "obscenity" adopted by the trial judge as a matter of statutory construction. We must therefore assume that the trial judge correctly defined that term, and deal with the constitutionality of the statute as construed and applied in this case.

The two definitions do not seem to me synonymous. Under the federal definition it is enough if the jury finds that the book as a whole leads to certain thoughts. In California, the further inference must be drawn that such thoughts will have a substantive "tendency to deprave or corrupt"—*i.e.,* that the thoughts induced by the material will affect character and action. See American Law Institute, Model Penal Code, Tentative Draft No. 6, § 207.10(2), Comments, p. 10.

[34] *Ibid.*

[35] See dissenting opinion of MR. JUSTICE BRENNAN in *Kingsley Books, Inc.* v. *Brown,* No. 107, *ante,* p. 447.

[36] "The general principle of free speech, it seems to me, must be taken to be included in the Fourteenth Amendment, in view of the scope that has been given to the word 'liberty' as there used, although perhaps it may be accepted with a somewhat larger latitude of interpretation than is allowed to Congress by the sweeping language that governs or ought to govern the laws of the United States."

[37] The hoary dogma of *Ex parte Jackson,* 96 U.S. 727, and *Public Clearing House* v. *Coyne,* 194 U.S. 497, that the use of the mails is a privilege on which the Government may impose such conditions as it chooses, has long since evaporated. See Brandeis, J., dissenting, in *Milwaukee Social Democratic Publishing Co.* v. *Burleson,* 255 U.S. 407, 430–433; Holmes, J., dissenting, in *Leach* v. *Carlile,* 258 U.S. 138, 140; *Cates* v. *Haderline,* 342 U.S. 804, reversing 189 F. 2d 369; *Door* v. *Donaldson,* 90 U.S. App. D.C. 188, 195 F.2d 764.

[38] Hart, The Relations Between State and Federal Law, 54 Col. L. Rev. 489, 493.

[39] To give only a few examples: Edmund Wilson's "Memoirs of Hecate County" was found obscene in New York, see *Doubleday & Co.* v. *New York,* 335 U.S. 848; a bookseller indicted for selling the same book was acquitted in California. "God's Little Acre" was held to be obscene in Massachusetts, not obscene in New York and Pennsylvania.

[40] While the correctness of the judge's charge is not before us, the question is necessarily subsumed in the broader question involving the constitutionality of the statute as applied in this case.

[41] See American Law Institute, Model Penal Code, Tentative Draft No. 6, § 207.10, Comments, p. 20: "As an independent goal of penal legislation, repression of sexual thoughts and desires is hard to support. Thoughts and desires not manifested in overt antisocial behavior are generally regarded as the exclusive concern of the individual and his spiritual advisors."

[42] The definition of obscenity which the Court adopts seems in substance to be that adopted by those who drafted the A. L. I., Model Penal Code. § 207.10(2) (Tentative Draft No. 6, 1957).

"Obscenity is defined in terms of material which appeals predominantly to prurient interest in sexual matters and which goes beyond customary freedom of expression in these matters. We reject the prevailing tests of tendency to arouse lustful thoughts or desires because it is unrealistically broad for a society that plainly tolerates a great deal of erotic interest in literature, advertising, and art, and because regulation of thought or desire, unconnected with overt misbehavior, raises the most acute constitutional as well as practical difficulties." *Id.,* at 10.

Mr. GOLDWATER. Mr. President, I repeat that I did not attempt to be confined in the sexually oriented advertisements to what we are talking about. I do not think there is much difficulty in determining the difference between sexually oriented advertisements and photography.

Mr. McGEE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. PACKWOOD). The Senator from Wyoming has 24 minutes remaining.

Mr. McGEE. Mr. President, I yield 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER (Mr. PACKWOOD). The Senator from Michigan is recognized for 5 minutes.

Mr. HART. Mr. President, I suppose one of the least desirable of all labels to carry away from Congress is that one is soft on pornography. I could think of some worse, but I would be hard put to name many.

About 35 minutes ago, at the most, while walking over to the other side of the aisle, I got an eight-page bill. It is an amendment to the postal reform bill. And we are told it is within constitutional limits, they hope, and that if it is not within constitutional limits, let the conferees take care of it. It moves against the business of using the mails to invade the privacy of a home with sexually oriented advertisements.

May I ask the Senator from Arizona if this is the bill that earlier in this session was introduced by the able Senator from Maryland (Mr. TYDINGS).

Mr. GOLDWATER. No, I am sure it was not. I discussed this bill twice. The House has passed this House language. I know of no other bill that has been introduced in the Senate similar to or exactly like it.

Mr. HART. Mr. President, my memory is that there was a bill before the Committee on the Judiciary, among a number of other bills, intending to reduce, if not eliminate, pornography. The bill was introduced by the Senator from Maryland (Mr. TYDINGS), and the Senator from Michigan, among others, was a sponsor.

It was tailored carefully in the light of a number of decisions.

The Roth decision is by no means the last word on this matter. The Roth decision is 13 years old.

Much guidance has since been given to Congress with respect to what we may or may not enact in the area sought to be reached by this, including this very session of the Supreme Court.

I wonder if I understood the Senator from Arizona correctly, that the House has passed this language.

Mr. GOLDWATER. The Senator is correct.

Mr. HART. Then why could we not take the language of that bill?

Mr. GOLDWATER. They did not pass it in connection with this bill. It was passed as a separate bill. I merely use that, as I explained earlier, as a means of identifying it. It is a Senate bill. Through no fault of the Senate committee, we were not allowed to testify, although they set it up at least two or three times.

The language of the Senator from Maryland (Mr. TYDINGS) would not be disturbed at all by the language of my bill. In fact, if anything, his goes a bit further than mine.

We drew ours from the New York bill which has been upheld by the courts, and the Rowan case and others of the Supreme Court applied only to the sexually oriented advertising.

Mr. HART. Mr. President, is it fair for me to draw from that statement that the bill the Senator offers now as an amendment to the postal reform bill follows the pattern of the Tydings bill but does not go quite so far?

Mr. GOLDWATER. Yes. It follows the pattern of the Tydings bill. But the language contained in this is pretty much the language presented by the administration. And, if anything, it does not go as far, in my opinion, as the Tydings bill.

And I think when it comes to having hearings on additional bills of this nature, certainly the passage of this or the inclusion of this in the postal reform bill will not preclude other measures from being discussed.

Mr. HART. Mr. President, I take some comfort in the statement that this bill approaches the problem in the style suggested by the Tydings bill but does not go as far. However, I am compelled to state that, given all of the rich tradition of this Chamber, we should be able to proceed more prudently in an area of great sensitivity than doing so within an hour's time with an eight-page measure, copies of which I doubt are available to some of the sponsors.

That would be, I think, one of our less-impressive performances.

The fact is that the Tydings bill and others which may be developed after hearings would not be damaged by the adoption of this amendment. Nonetheless, the adoption of the amendment has some significance.

It means that those who vote for it agree with all eight pages, even though those eight pages are not in the hands of everyone.

Would it not be much sounder on the part of the Senate to await the report either from the Committee on Post Office and Civil Service or the Committee on the Judiciary? I suppose that the Commerce Committee could also participate. But at least why do we not have information available before undertaking to sail on a very troubled sea and have the report which begins with the Roth case. It does not end with it. It counsels us on the opinion of members of the bar.

I do not want to weaken my voice of caution by acknowledging the amendment.

I am glad to be informed that it follows the pattern of the Tydings bill but may not go as far. However, we spend many hours around here on items of much less complexity and much less constitutional significance.

Mr. President, I hope we are not setting a pattern.

Mr. GOLDWATER. Mr. President, if the Senator will yield, I shall answer briefly. I do not know a bill that has ever come out of my office that received more study than this bill. I have made seven speeches on the floor of the Senate. I testified before two different committees of the House. Through no fault of our chairman, I have not been able to testify before the Senate committee. However, this language, I must say, was submitted long before the administration language was sent down. It was referred to the Committee on Post Office and Civil Service for action and undoubtedly it would have been testified to in the coming month, when the chairman decided to hold hearings.

I thought this would be the proper place to bring up this long-discussed matter. To me it is not a question of the constitutionality of the approach. I think if we had gone further we might have run into constitutional problems, but when we limited it to that which we have limited it, and backed up by court decisions, I think it should cause no concern.

Mr. HART. Mr. President, I have made many speeches about some bills, and they have never gotten through committee, and I have been told that it was because they were not proper. Making seven speeches in 7 days does not respond to that problem.

We have committees for purposes, and one of those purposes is to make available to Members the judgment on matters, especially in areas where anyone with any sensitivity in respect of the Constitution understands we have to proceed cautiously.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McGEE. I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, last year I introduced a bill to deal with this particular matter. As I said earlier, it is conceived along the lines of the measure offered by the distinguished Senator from Arizona. I presented my proposal because of the hundreds of communications on this subject I have received from Montana—a small State in population, but a big State geographically. I did so because of the fact that unsolicited pornographic material is being sent into the homes of the people whom I represent. This material is falling into the hands of youngsters who in turn give it to their parents, and in general, the situation has become, to put it mildly, most embarrassing.

Hearings were supposed to have been held in the Committee on the Judiciary, but those hearings were postponed, through no fault of committee members, but due to circumstances over which they had no control. The distinguished chairman of the Committee on Post Office and Civil Service, my next-door neighbor, the Senator from Wyoming (Mr. McGEE), had scheduled hearings to consider the dissemination of pornographic material through the mail but because of circumstances over which he and his committee had no control those hearings had to be postponed.

Those who wish to receive this material may do so. That is not the point. The point is, there is a right of privacy at stake here that is every bit as sacred as any right afforded under the first amendment. The point is, people in their homes should not be forced to receive this material; it should not in this way be permitted into the hands of children who do not desire it and who do not want it. I think something must be done in connection with this racket—and it is a racket because as the distinguished Senator from Arizona said, not so many months ago—it amounts to millions and millions of dollars a year obtained through the exploitation of people by mail.

Mr. GOLDWATER. One billion dollars.

Mr. MANSFIELD. One billion dollars. That is hundreds of millions of dollars.

What I would like to see is action taken that will get the pusher; in this instance, the one who pushes pornographic material that is unwanted, undesired, unasked for, and highly immoral. He is every bit a social menace as is the pusher of drugs.

I am no puritan, but I do believe deeply in the privacy of the home. I believe action should be taken. I am not at all happy with the decisions of the Supreme Court in this field because I think, to a certain extent, they have evaded and dodged the issue. I think the Court's considerations of these cases in the future may well be assisted with such a determination by Congress. It would appear that the only place we can face this question is in the Congress and I am happy that at long last we have a chance to go on record publicly. If the amendment is successful, and I hope it will be, it may indeed have an imprint on what the Supreme Court decides hereafter and it will be beneficial as well in helping to maintain the privacy of one's home.

Mr. GOODELL. Mr. President, will the Senator yield to me?

Mr. McGEE. I yield to the Senator from New York.

Mr. GOODELL. Mr. President, there can be no dispute about the honorable purpose of preventing offensive pornographic material being sent to young people through the mails. But there is a larger issue involved in this matter.

We all sit here and assume we can decide what "pornographic" is and that we can decide what "moral" and "immoral" is. There is involved an issue of freedom in the mails, a first amendment freedom. I am sure we could agree 100 percent on some of the extreme examples of what is sent through the mails and, if it were put down here, it would scandalize all of us and we would say that it is horrible and that it should not be in the mails.

But this is no way to legislate the question of constitutional rights. I am surprised to hear my colleagues say that we are offended in this regard and that we should not hold hearings and deal with this issue on a statesmanlike basis in terms of Court decisions, and in terms of what is of redeeming social value.

As far as the language here with respect to what is sexually oriented advertising, I am sure we could end up with criminal charges against someone for sending pictures of Michaelangelo's finest works of art or the works of Chaucer, or some of the other great works in the history of mankind.

XUM

This is a question of a definition of terms. We all seek a purpose here and a result that would protect our homes; yes, but also the protection of individual liberties.

Mr. President, I would like to vote for this amendment but I cannot vote for the amendment until there are full hearings and we have explored fully the constitutional issues involved in a calm and deliberate way, not in terms of how much mail we are getting from irate citizens—who have a right to be irate—but in terms of constitutional rights.

Mr. MANSFIELD. Mr. President, will the Senator yield to me briefly?

Mr. McGEE. I yield.

Mr. MANSFIELD. Mr. President, I have seen some of the mail which is sent to some of these irate citizens, and I must say that I was horrified. I think these citizens are entitled to a degree of constitutional protection, also. In the first place I do not believe the first amendment—which I believe in implicitly—allows for such license that would violate the privacy of ordinary people in their homes. That is not censorship in my book. It merely assures a proper balance between those who have a right to know beforehand what comes in their front door and those who are entitled to publish—within reason—under the first amendment. I do not believe it is unreasonable to ask for such a balance. I think the Constitution permits the protection of both matters.

Mr. McGEE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. McGEE. I yield.

COLLOQUY ON AREA-WAGE DIFFERENTIALS

Mr. JAVITS. I wish to ask the Senator whether the bill would permit the reorganized postal service to institute area-wage differentials.

Mr. McGEE. The answer is that it is the judgment of our legal experts that either bill protects the option or the administration of the postal authority.

Mr. JAVITS. I thank the Senator.

Mr. President, I ask unanimous consent that the letter of the general counsel of the Post Office Department answering the question the same way in which the Senator from Wyoming (Mr. McGEE) answered it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE GENERAL COUNSEL,
POST OFFICE DEPARTMENT,
Washington, D.C., June 25, 1970.

Hon. JACOB J. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: This is in response to your question as to whether the provisions of S. 3842, the Postal Reform bill reported by the Senate Post Office and Civil Service Committee on June 3, would permit the reorganized Postal Service to institute area wage differentials.

It is my opinion that the bill would give the Postal Service such authority.

39 U.S.C. 1105(a), as it would be enacted by section 2 of the bill, provides in pertinent part that:

"It shall be the policy of the Postal Service to maintain compensation and benefits for all officers and employees on a standard of comparability to the compensation and benefits paid for comparable levels of work in the private sector of the economy. . . ."

39 U.S.C. 1309(a), as contained in section 2 of the bill, provides that to the extent not inconsistent with the provisions of the newly enacted title 39, employee-management relations in the Postal Service shall be subject to the provisions of the National Labor Relations Act, as amended.

Under that Act, it has long been recognized that area differentials are a proper subject for collective bargaining. Since the compensation and benefits paid in the private sector for levels of work comparable to those in the Postal Service do differ from one part of the country to another. I see no inconsistency between collective bargaining over area wages, if either party wishes to make that a subject of negotiation, and the statutory requirement that postal pay and benefits be comparable to pay and benefits in the private sector.

H.R. 17070, as passed by the House of Representatives on June 18, specifically provides that the comparability standard may be applied on an area basis. (39 U.S.C. 205, as contained in section 102 of the bill.) In my opinion, the effect of the Senate bill is the same, even though the Senate bill does not expressly refer to area wages.

Sincerely,

DAVID A. NELSON.

Mr. GOLDWATER. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. McGEE. I yield.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the name of the Senator from Tennessee (Mr. BAKER) be added as a cosponsor of the amendment.

The PRESIDING OFFICER (Mr. PACKWOOD). Without objection, it is so ordered.

Mr. BAKER. Mr. President, will the Senator yield to me?

Mr. McGEE. I yield 2 minutes to the Senator from Tennessee.

Mr. BAKER. Mr. President, I thank the Senator for yielding so that I may make these remarks in support of the amendment.

As the distinguished majority leader has pointed out he has received quantities of truly shocking mail in his office from Montana, and I assume from other locations. I have found it necessary in my office to make sure that one of the male members of my staff is placed in charge of the huge volume of salacious mail that is forwarded to me by irate Tennesseans.

There is absolutely no doubt but that this mail is completely devoid of any redeeming social grace or value. There is no doubt in any person's mind that much of this material can be calculated only to appeal to prurient interest.

I do not believe Congress and the Senate tonight should reject this amendment because we feel the Supreme Court should be free and unfettered in connection with first amendment guarantees. I think instead the highest court might be pleased to have a congressional mandate and further congressional legislation in this field, not so it will transform the Constitution but so that this department of Government can express its views on how further to elaborate the guarantees and the rights of the first amendment.

I thank the Senator for yielding.

Mr. HART. Mr. President, will the Senator yield?

Mr. McGEE. For how long?

Mr. HART. Just long enough to ask a question and get the answer to it.

Mr. McGEE. I yield.

Mr. HART. Under the bill, would advertisements to promote the sale of books by Chaucer be permitted?

Mr. GOLDWATER. No, I do not have any expectation of going that far. Under the Rowan case, that was gone into. We talk only about sexually oriented material, and I cannot imagine that Chaucer would be classed in that category.

Mr. GOODELL. I ask the Senator if he has read Chaucer.

Mr. HART. It relates to advertisements that depict human genitalia or any act of natural sexual intercourse or any other erotic subject directly related to the foregoing. Do we have any record that identifies what works of literature would be trapped by that definition? Have any hearings been held?

Mr. GOLDWATER. That has been the crassest argument that has been used against any legislation directed against pornographic advertising. I will have to admit that it is a difficult field to get into.

Mr. HART. Would it not be desirable to have hearings on it?

Mr. GOLDWATER. Hearings have been held in the House time after time. Legislation like this has been in this body for over a year. I think this is a good time to find out what we want to say about it. That argument has been used for years.

Mr. HART. Would it not be the desire of the Senator from Arizona to be sure that we not inhibit advertising persuading citizens to consider the purchase of pieces of literature such as Chaucer?

Mr. GOLDWATER. I would say that the legislation is aimed both ways.

Mr. HART. We cannot have it both ways.

Mr. GOLDWATER. If one wants to buy it, he can buy it. If he does not want it, he does not have to have it in his house. That is what we are trying to prevent. The man, woman, or child who does not want to receive this sexually oriented advertising can ask to have his or her name removed from the list, and if he or she still receives it, the mailer will be in violation of the law.

Mr. McGEE. Mr. President, I feel compelled to intercede. My time has almost expired. I would like to use a moment or two to say to both of my colleagues who have been engaged in this interesting colloquy that the committee would like the Senators there for the hearings, in which we intend to grope our way into this question, and that we will be ready to do so after the Fourth of July recess.

Mr. HART. That would be like finding out what we did last week.

Mr. McGEE. No; I will say this to my colleague from Michigan: The purport of this will go directly to the core of the problems; namely, the invasion of the home through variously acquired mailing lists. This does not relate to something somebody went out to procure, not even something slipped under the door by peddlers in the neighborhood. This relates to buying of mailing lists. We believe there is a great deal to be said, within the Constitution, for regulating this traffic through the mail. But I agree with my colleagues who have urged upon us the wisdom of careful consideration in the form of hearings as a procedure.

Nonetheless, I still intend to support the proposal by the Senator from Arizona, for a specific reason: It, through this colloquy, has made a dramatic point as to the urgency and the feeling of the Members of this body that we find the wise way, the substantively sound way, to come to grips with this question. I assure Senators that this the committee intends to do.

I share the shock of my colleagues, not at what one can buy on the newsstands, not at what big boys and big girls can buy a ticket to see, but the invasion of a family by promiscuous mailing lists. Somehow, in my judgment, this body has to find a way to cope with that invasion. What that means to our young ones, what it means just to good family living, I think goes without saying; and the senior Senator from Wyoming intends to act quickly, vigorously, as soon as we return from the holidays, to have hearings on this question and to arrive at a sound legislative recommendation to this body.

Meanwhile, we take in conference the proposal by the Senator from Arizona, even though it is not a pending issue in conference, and, as he has carefully explained, it has been passed by the House and referred to another committee, and thus is not ordinarily a legitimate subject for conference. But the point has been well made. The Members of this body will strengthen the hand of the committee in convening these hearings and writing the legislation if we can get an expression of the body here tonight as requested by the Senator from Arizona; and we welcome that opportunity to express.

I just want the Record to show that on this question that it is not necessarily writing good legislation in the proper way, but making the point will strengthen the hand and point the hand of the committee in its deliberations, and I express my appreciation to the Senator from Arizona. I also want to assure my colleague from Michigan that in substance, the provisions of this amendment we are about to vote on, are the same as the provisions of the Tydings-Hart bill pending before the Judiciary Committee.

Mr. JAVITS. Mr. President, if the Senator yield to me, I ask unanimous consent to include in the Record the Rowan decision.

There being no objection, the decision was ordered to be printed in the Record, as follows:

[Supreme Court of the United States, No. 399.—October Term, 1969]

Daniel Rowan, dba American Book Service, et al., Appellants, v. United States Post Office Department et al.

(On appeal from the United States District Court for the Central District of California, May 4, 1970)

Mr. Chief Justice Burger delivered the opinion of the Court.

Appellants challenge the constitutionality of Title III of the Postal Revenue and Federal Salary Act of 1967, 81 Stat. 645, 39 U.S.C. § 4009 (Supp. IV, 1969), under which a householder may require that a mailer remove his name from its mailing lists and stop all future mailings to the householder. The appellants are publishers, distributors, owners, and operators of mail order houses, mailing list brokers, and owners and operators of mail service organizations whose business activities are affected by the challenged statute.

A brief description of the statutory framework will facilitate our analysis of the questions raised in this appeal. Title III of the Act is entitled "Prohibition of pandering advertisements in the mails." It provides a procedure whereby any householder may insulate himself from advertisements that offer for sale "matter which the addressee in his sole discretion believes to be erotically arousing or sexually provocative." 39 U.S.C. § 4009(a).[1]

Subsection (b) mandates the Postmaster, upon receipt of a notice from the addressee specifying that he has received advertisements found by him to be within the statutory category, to issue on the addressee's request an order directing the sender and his agents or assigns to refrain from further mailings of such materials to the named addressees. Additionally, subsection (c) requires the Postmaster to order the affected sender to delete the name of the designated addressee from all mailing lists owned or controlled by the sender and prohibits the sale, rental, exchange, or other transactions involving mailing lists bearing the name of the designated addressee.

If the Postmaster has reason to believe that an order issued under this section has been violated, subsection (d) authorizes him to notify the sender by registered or certified mail of his belief and the reasons therefor, and grant him an opportunity to respond and have a hearing on whether a violation has occurred.

If the Postmaster thereafter determines that the order has been or is being violated, he is authorized to request the Attorney General to seek an order from a United States District Court directing compliance with the prohibitory order. Subsection (e) grants to the District Court jurisdiction to issue a compliance order upon application of the Attorney General.

Appellants initiated an action in the United States District Court for the Central District of California upon a complaint and petition for declaratory relief on the ground that 39 U.S.C. § 4009 is unconstitutional. They alleged that they have received numerous prohibitory orders pursuant to the provisions of the statute. Appellants contended that the section violates ther rights of free speech and due process guaranteed by the First and Fifth Amendments to the United States Constitution. Additionally, appellants argued that the section is unconstitutionally vague, without standards and ambiguous.

A three-judge court was convened pursuant to 28 U.S.C. § 2284 (1964) and determined that the section was constitutional when interpreted to prohibit advertisements similar to those initially mailed to the addressee.[2]

The District Court construed subsections (b) and (c) to prohibit "advertisements similar" to those initially mailed to the addressee; future mailings, in the view of the District Court, "are to be measured by the objectionable materials of such first mailing." In our view Congress did not intend so restrictive a scope to those provisions.

1. BACKGROUND AND CONGRESSIONAL OBJECTIVES

Section 4009 was a response to public and congressional concern with use of mail facilities to distribute unsolicited advertisements that recipients found to be offensive because of their lewd and salacious character. Such mail was found to be pressed upon minors as well as adults who did not seek and did not want it. Use of mailing lists of youth organizations was part of the mode of doing business. At the congressional hearings it developed that complaints to the Postmaster General increased from 50,000 to 250,000 annually. The legislative history, including testimony of child psychology specialists and psychiatrists, reflected concern over the impact of the materials before the Committee on the development of children. A declared objective of Congress was to protect minors and the privacy of homes from such material and to place the judgment of what constitutes an offensive invasion of those interests in the hands of the addressee.

To accomplish these objectives Congress provided in subsection (a) that the mailer is subject to an order "to refrain from further mailings of such materials to designated addressees." Subsection (b) states that the Postmaster General shall direct the sender to refrain from "further mailings to the named addressees." Subsection (c) in describing the Postmaster's order states that it shall "expressly prohibit the sender . . . from making any further mailings to the designated addressees . . . ." Subsection (c) also requires the sender to delete the addressee's name "from all mailing lists" and prohibits the sale, transfer, and exchange of lists bearing the addressee's name.

There are three plausible constructions of the statute, with respect to the scope of the prohibitory order. The order could prohibit all future mailings to the addressees, all future mailings of advertising material to the addressees, or all future mailings of similar materials.

The seeming internal statutory inconsistency is undoubtedly a residue of the language of the section as it was initially proposed. The section as originally reported by the House Committee on the Post Office and the Civil Service prohibited "further mailings of such pandering advertisements," § 4009 (a), "further mailings of such matter," § 4009 (b), and "any further mailings of pandering advertisements," § 4009 (c). H.R. Rep. No. 722. 90th Cong., 1st Sess. 125–126 (1967). The section required the Postmaster General to make a determination whether the particular piece of mail came within the proscribed class of pandering advertisements, "as that term is used in the *Ginzberg* case." *Id.*, at 69.

The section was subsequently amended by the House of Representatives to eliminate from the Post Office any censorship function. Congressman Waldie, who proposed the amendment, envisioned a minimal role for the Post Office. The amendment was intended to remove "the right of the Government to involve itself in any determination of the content and nature of these objectionable materials. . . ." Congressional Record, vol. 113, pt. 21, p. 28660. The only determination left for the Postmaster General is whether or not the mailer has removed the addressee's name from the mailing list. Statements by the proponents of the legislation in both the House and Senate manifested an intent to prohibit all further mailings from the sender. In describing the effect of his proposed amendment Congressman Waldie stated:

"So I have said in my amendment that if you receive literature in your household that you consider objectionable . . . you can inform the Postmaster General to have your name stricken from that mailer's mailing list." Congressional Record, vol. 113, pt. 21, p. 28660.

---

[1] Subsection (g) provides that upon the addressee's request the order shall include the names of the addressee's minor children who reside with him and who have not attained their nineteenth birthday.

[2] Judge Hufstedler, concurring specially but without dissent, would require the District Court prior to issuing a compliance order to determine *de novo* whether the sender is a person who has mailed or has caused to be mailed any pandering advertisements.

The Senate Committee Report on the bill contained similar language:

"If a person receives an advertisement which . . . he . . . believes to be erotically arousing . . . he may notify the Postmaster General of his determination. The Postmaster General is then required to issue an order directing him to refrain from sending any further mailings of any kind to such person." S. Rep. No. 801, 90th Cong., 1st Sess. 38.

Senator Monroney, a major proponent of the legislation in the Senate, described the bill as follows:

"With respect to the test contained in the bill, if the addressee declared it to be erotically arousing or sexually provocative the Postmaster General would have to notify the sender to send no more mail to that address. . . ." Congressional Record, vol. 113, pt. 25, p. 34231.[3]

The legislative history of subsection (a) thus supports an interpretation that prohibits all future mailings independent of any objective test. This reading is consistent with the provisions of related subsections in the section. Subsection (3) provides that the Postmaster General "shall also direct the sender and his agents or assigns to delete immediately the names of the designated addressees from all mailing lists owned or controlled by the sender or his agents or assigns and, further, shall prohibit the sender and his agents or assigns from the sale, rental, exchange, or other transaction involving mailing lists bearing the names of the designated addresses." 39 U.S.C. § 4009 (c) (Supp. IV, 1969).

It would be anomalous to read the statute to affect only similar material or advertisements and yet require the Postmaster General to order the sender to remove the addressee's name from all mailing lists in his actual or constructive possession. The section was intended to allow the addressee complete and unfettered discretion in electing whether or not he desired to receive further material from a particular sender. See n. 6, *infra*. The impact of this aspect of the statute is on the mailer, not the mail. The interpretation of the statute that most completely effectuates that intent is one which prohibits any further mailings. Limiting the prohibitory order to similar materials or advertisements is open to at least two criticisms: (a) it would expose the householder to further burdens of scrutinizing the mail for objectionable material and possible harassment, and (b) it would interpose the Postmaster General between the sender and the addressee and, at the least, create the appearance if not the substance of governmental censorship.[4] It is difficult to see how the Postmaster General could decide whether the materials were "similar" or possessing touting or pandering characteristics without an evaluation suspiciously like censorship. Additionally, such an interpretation would be incompatible with the unequivocal language in subsection (c).

2. FIRST AMENDMENT CONTENTIONS

The essence of appellants' argument is that the statute violates their constitutional right to communicate. One sentence in appellants' brief perhaps characterizes their entire position:

"The freedom to communicate orally and by the written word and, indeed, in every manner whatsoever is imperative to a free and sane society." Brief for Appellants at 15.

Without doubt the public postal system is an indispensable adjunct of every civilized society and communication is imperative to a healthy social order. But the right of every person "to be let alone" must be placed in the scales with the right of others to communicate.

In today's complex society we are inescapably captive audiences for many purposes, but a sufficient measure of individual autonomy must survive to permit every house holder to exercise control over unwanted mail. To make the householder the exclusive and final judge of what will cross his threshold undoubtedly has the effect of impeding the flow of ideas, information and arguments which, ideally, he should receive and consider. Today's merchandising methods, the plethora of mass mailings subsidized by low postal rates, and the growth of the sale of large mailing lists as an industry in itself have changed the mailman from a carrier of primarily private communications, as he was in a more leisurely day, and has made him an adjunct of the mass mailer who sends unsolicited and often unwanted mail into every home. It places no strain on the doctrine of judicial notice to observe that whether measured by pieces or pounds. Every man's mail today is made up overwhelmingly of material he did not seek from persons he does not know. And all too often it is matter he finds offensive.

In *Martin* v. *Struthers*, 319 U.S. 141 (1943), Mr. Justice Black, for the Court, while supporting the "[f]reedom to distribute information to every citizen," *Id.*, at 146, acknowledged a limitation in terms of leaving "with the homeowner himself" the power to decide "whether distributors of literature may lawfully call at a home." *Id.*, at 148. Weighing the highly important right to communicate, but without trying to determine where it fits into constitutional imperatives, against the very basic right to be free from sights, sounds and tangible matter we do not want, it seems to us that a mailer's right to communicate must stop at the mailbox of an unreceptive addressee.

The Court has traditionally respected the right of a housholder to bar, by order or notice, solicitors, hawkers, and peddlers from his property. See *Martin* v. *Struthers, supra;* cf. *Hall* v. *Commonwealth*, 188 Va. 72, 49 S. E. 2d 369, appeal dismissed, 335 U.S. 875 (1948). In this case the mailer's right to communicate is circumscribed only by an affirmative act of the addressee giving notice that he wishes no further mailings from that mailer.

To hold less would lend to license a form of trespass and would make hardly more sense than to say that a radio or television viewer may not twist the dial to cut off an offensive or boring communication and thus bar its entering his home. Nothing in the Constitution compels us to listen to or view any unwanted communication, whatever its merit; we see no basis for according the printed word or pictures a different or more preferred status because they are sent by mail. The ancient concept that "a man's home is his castle" into which "not even the king may enter" has lost none of its vitality, and none of the recognized exceptions includes any right to communicate offensively with another. See *Camara* v. *Municipal Court*, 387 U.S. 523 (1967).

Both the absoluteness of the citizen's right under § 4009 and its finality are essential; what may not be provocative to one person may well be to another. In operative effect the power of the householder under the statute is unlimited; he or she may prohibit the mailing of a dry goods catalog because he objects to the content—or indeed the text of the language touting the merchandise. Congress provided this sweeping power not only to protect privacy but to avoid possible constitutional questions that might arise from vesting the power to make any discretionary evaluation of the material in a governmental official.

In effect, Congress has erected a wall—or more accurately permits a citizen to erect a wall—that no advertiser may penetrate without his acquiescence. The continuing operative effect of a mailing ban once imposed presents no constitutional obstacles; the citizen cannot be put to the burden of determining on repeated occasions whether the offending mailer has altered his material so as to make it acceptable. Nor should the householder be at risk that offensive material come into the hands of his children before it can be stopped.

We therefore categorically reject the argument that vendor has a right under the Constitution or otherwise to send unwanted material into the home of another. If this prohibition operates to impede the flow of even valid ideas, the answer is that no one has a right to press even "good" ideas on an unwilling recipient. That we are often "captives" outside the sanctuary of the home and subject to objectionable speech and other sound does not mean we must be captives everywhere. See *Public Utilities Comm'n* v. *Pollak*, 343 U.S. 451 (1952). The asserted right of a mailer, we repeat, stops at the outer boundary of every person's domain.

The statutory scheme at issue accords to the sender an "opportunity to be heard upon such notice and proceedings as are adequate to safeguard the right for which the constitutional protection is invoked." *Anderson Nat'l Bank* v. *Luckett*, 321 U.S. 233, 246 (1944). It thus comports with the Due Process Clause of the Fifth Amendment. The statutory scheme accomplishes this by providing that the Postmaster General shall issue a prohibitory order to the sender on the request of the complaining addressee. Only if the sender violates the terms of the order is the Postmaster General authorized to serve a complaint on the sender, who is then allowed 15 days to respond. The sender can then secure an administrative hearing.[5] The sender may question whether the initial material mailed to the addressee was an advertisement and whether he sent any subsequent mailings. If the Postmaster General thereafter determines that the prohibitory order has been violated, he is authorized to make application in a United States District Court for a compliance order;[6] a second hearing is required if an order is to be entered.

---

[3] Senator Hruska spoke similarly: "Title III would allow the recipient of obscene mail to return it to the Postmaster General with a request that the Postmaster General notify the sender to stop mailings to the addressee. . . ." Congressional Record, vol. 113, pt. 25, p. 34232.

[4] Subsection (d) vests the Postmaster General with the duty to determine whether the sender has violated the order. This determination was intended to be primarily a ministerial one involving an adjudication whether the initial material was an advertisement and whether the sender mailed materials to the addressee more than 30 days after the receipt of the prohibitory order. An interpretation which requires the Postmaster General to determine whether the subsequent material was pandering and/or similar would tend to place him "astride the flow of the mail. . . ." *Lamont* v. *Postmaster General*, 381 U. S. 301, 306 (1965).

[5] Although subsection (h) specifically excludes the pre-complaint hearing from the provisions of the Administrative Procedure Act, 5 U.S.C. § 554 *et seq.* (Supp. IV, 1965), the Post Office Department has promulgated regulations setting forth procedures governing the departmental administrative hearings. 39 C.F.R. pt. 916.

[6] The function of the District Court is similar to that of the Postmaster General. It is to determine whether the initial mailing included advertising material and whether there was a mailing by the sender to the addressee more than 30 days after receipt of the order. We reject the suggestions that the section should be read to require the District Judge to make a determination of the addressee's good faith, or to conduct an independent adjudication of the pandering na-

The only administrative action not preceded by a full hearing is the initial issuance of the prohibitory order. Since the sender risks no immediate sanction by failing to comply with that order—it is only a predicate for later steps—it cannot be said that this aspect of the procedure denies due process. It is sufficient that all available defenses, such as proof that no mail was sent may be presented to a competent tribunal before a contempt finding can be made. See *Nickey* v. *Mississippi*, 292 U.S. 393, 396 (1934).

The appellants also contend that the requirement that the sender remove the addressee's name from all mailing lists in his possession violates the Fifth Amendment because it constitutes a taking without due process of law. The appellants are not prohibited from using, selling, or exchanging their mailing lists; they are simply required to delete the names of the complaining addressees from the lists and cease all mailings to those persons. Appellants next contend that compliance with the statute is confiscatory because the costs attending removal of the names are prohibitive. We agree with the conclusion of the District of Court that the "burden does not amount to a violation of due process guaranteed by the Fifth Amendment. Particularly when in the context before the Court it is being applied to commercial enterprises." See *California State Auto Ins. Bureau* v. *Maloney*, 341 U.S. 105 (1951).

There is no merit to the appellants' allegations that the statute is unconstitutionally vague. A statute is fatally vague only when it exposes a potential actor to some risk or detriment without giving him fair warning of the nature of the proscribed conduct. *United States* v. *Cardiff*, 344 U.S. 174, 176 (1952). Here the appellants know precisely what they must do on receipt of a prohibitory order. The complainants' names must be removed from the sender's mailing lists and he must refrain from future mailings to the named addresses. The sender is exposed to a contempt sanction only if he continues to mail to a particular addressee after administrative and judicial proceedings. Appellants run no substantial risk of miscalculation.

For the reasons stated, the judgment appealed from is affirmed.

It is so ordered.

CONCURRING OPINION OF JUSTICE BRENNAN

MR. JUSTICE BRENNAN, with whom MR. JUSTICE DOUGLAS joins, concurring.

I join the Court's opinion but add a few words. I agree that 39 U.S.C. § 4009 is constitutional insofar as it permits an *addressee* to require a mailer to remove *his* name from its mailing lists and to stop all future mailings to the addressee. As the Court notes, however, subsection (g) of § 4009 also allows an addressee to request the Postmaster General to include in any prohibitory order "the names of any of his minor children who have not attained their nineteenth birthday, and who reside with the addressee." In light of the broad interpretation which the Court assigns to § 4009, and see page —, *ante*, the possibility exists that parents could prevent their children, even if they are 18 years old, from receiving political, religious or other materials which the parents find offensive. In my view, a statute so construed and applied is not without constitutional difficulties. Cf. *Tinker* v. *Des Moines School Dist.*, 393 U.S. 503 (1969); *Ginsberg* v. *New York*, 390 U.S. 629 (1968). In this case, however, there is no particularized attack upon the constitutionality of subsection (g), nor, indeed, is there any indication on this record that under § 4009 (g) children in their late teens have been unwillingly deprived of the opportunity to receive materials. In these circumstances, I understand the Court to leave open the question of the right of older children to receive materials through the mail without governmental interference and also the more specific question whether § 4009 (g) may constitutionally be applied with respect to *all* materials and to *all* children under 19.

Mr. McGEE. The Chair advises us that all time has expired.

Mr. MANSFIELD. Mr. President, if the Senator will stop talking about "holidays," I would appreciate it, because he is speaking in the plural, and all we are talking about is 1 day off.

Mr. McGEE. Well, 1 day off in terms of the meetings we have been having is a holiday to me.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona. All time on the amendment has expired. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. McCARTHY), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Maryland (Mr. TYDINGS), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from Louisiana (Mr. LONG), and the Senator from Georgia (Mr. RUSSELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kansas (Mr. PEARSON) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

If present and voting, the Senator from South Dakota (Mr. MUNDT) and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 83, nays 2, as follows:

[No. 186 Leg.]

YEAS—83

Aiken
Allen
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Gore
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Miller
Mondale
Montoya
Moss
Murphy
Packwood
Pastore
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Tower
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.

NAYS—2

Goodell
Javits

NOT VOTING—15

Cannon
Dodd
Fulbright
Kennedy
Long
McCarthy
Metcalf
Mundt
Muskie
Nelson
Pearson
Russell
Thurmond
Tydings
Young, Ohio

So Mr. GOLDWATER's amendment was agreed to.

INCREASE OF PUBLIC DEBT LIMIT

Mr. MANSFIELD. Mr. President, I understand that there are no amendments to the pending business in the offing, so I think we will go into the third shift today. I ask unanimous consent that the pending business be laid aside, on the usual basis, and that the Senate proceed to the consideration of Calendar No. 986, H.R. 17802, an act to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, again on the usual basis.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 17802) to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be taken out of the time on the bill.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I yield myself 15 minutes on the bill.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 15 minutes.

Mr. LONG. Mr. President, the simplest way I can describe the bill now before the Senate is to say that it makes it possible for the Government to meet its financial obligations during the fiscal year 1971. It does this by raising the debt ceiling to $395 billion for that fiscal year. That something must be done is clearly shown by the fact that by the end of Tuesday the debt limitation will go down from $377 billion to $365 billion. At that same time, the actual debt subject to the limitation is expected to be about $372 billion. In other words, if we take no action, on Wednesday morning

---

ture of the material. The statute was intended to entrust unreviewable discretion to the addressee to determine whether or not the advertisement was "erotically arousing or sexually provocative." "[T]he sole determination as to whether the literature you receive is objectionable or not is within your discretion and you are not second guessed on that discretion." CONGRESSIONAL RECORD, vol. 113, pt. 21, p. 28660 (Remarks of Congressman Waldie).

the actual debt will be about $7 billion over the limitation effective on that date.

While a debt limitation may be useful in directing our attention to the budget totals, probably its most important contribution is in focusing the attention of Congress on the priorities implicit in its decisions on spending and revenues. But, while a debt limitation is useful in setting priorities, it serves no purpose to provide a limitation so severe that it denies the Government the ability to pay its bills as they become due. Put another way, I believe it is desirable to provide a limitation which is flexible enough to enable the Government to pay its bills and manage its debt in accordance with sound debt management practices.

Let me turn now to the specifics of the bill. The bill provides an $18 billion increase in the temporary debt ceiling, raising the ceiling from its present $377 billion level to $395 billion effective July 1, 1970. After July 1, 1971, the debt limitation will revert to a permanent debt limitation level of $380 billion in place of the present permanent level of $365 billion.

I realize that the need to raise the debt limitation by $18 billion from $377 billion to $395 billion is something which is likely to be misunderstood. People may well point out that, even after the substantial revisions made on May 19 of this year, the administration still is only projecting a unified budget deficit of $1.3 billion for the fiscal year 1971. In view of this, they understandably ask why is there a need for an $18 billion increase in the temporary debt ceiling?

The answer is that the unified budget is useful to economists and others in gaging the effect of the Government actions on the economy as a whole. It also is useful as a device which informs bankers and those in the financial markets what debt financing must be obtained from the public. However, it is not a good measurement of the balance or imbalance in the Federal Government's own operations apart from its fiduciary responsibility with respect to the trust funds. To measure the Federal Government's own operations, we need to focus on the Federal funds budget, which excludes trust fund receipts and disbursements. And when we turn to the Federal funds budget, we find that the deficit for the fiscal year 1971, according to the administration, is not $1.3 billion, but $10 billion.

In other words, when we direct out attention to the Federal funds budget—the budget which is pertinent in determining the size of the national debt—the problem takes on an entirely new dimension. The Federal funds deficit, in contrast to the deficit under the unified budget, is not reduced by the trust fund surpluses—which are expected to amount to nearly $9 billion in the fiscal year 1971. These trust fund surpluses are invested in U.S. Government obligations, as indeed the law requires. This, of course, reduces the need to borrow from the public, but the Government obligations held by the trust funds are just as much debt of the Federal Government as any other debt obligations which the Government issues, and are so counted for purposes of the statutory debt ceiling. As a result, we must look not at just the debt held by the public but also the debt held by the trust funds as well.

The Ways and Means Committee of the House recognized the existence of this confusion and asked for information in the budget which would provide our citizenry with the kind of information needed to enable them to understand the Federal budget deficit or surplus in its own accounts—the deficit taken into account for debt limitation. The Finance Committee agreed with the House Committee and in its report also asks the Bureau of the Budget to present the Federal funds budget in the same way as the present budget document develops the unified budget. We understand that the Bureau of the Budget has agreed to place a new section which is concerned with this relationship of the Federal funds budget well toward the front of the basic budget document.

With this background, let us turn now to why it is necessary to raise the temporary debt ceiling to $395 billion. To do this, I am going to build up to this $395 billion figure—item by item—so you can see just how we arrive at this total as being the necessary total.

We start with the fact that as of April 15, 1970, when the outstanding debt for the fiscal year 1970 reached its highest level, the amount of the debt subject to the limit was $374.9 billion. I start with this April figure because the ceiling must be high enough to accommodate the debt at its peak for the fiscal year. This seasonal peak in the debt occurs because, while expenditures flow out relatively evenly during the year, receipts are highly concentrated in the last quarter of the fiscal year.

To arrive at the debt limit needed for the new fiscal year, this $374.9 billion figure must then be increased by the current estimate of the Federal funds deficit for the period from April, 1970 to April, 1971. It so happens that the Federal funds deficit over this specific time period is expected to be larger than ever over the July to July period—namely, $13.2 billion instead of the $10 billion. This is true because there are an unusual number of expenditure items which occur during this period, such as the retroactive pay increase in this fiscal year, plus the fact that certain expenditures, such as military spending, this next year are likely to be concentrated even more than usual in the first part of the fiscal year 1971.

Next, in arriving at the needed debt limit we must take into account the fact that the cash balance on April 15, 1970, had declined to the inadequate level of $2.2 billion. In the past, we have assumed a cash balance of $4 billion but year by year this has proved to be less adequate as the level of expenditures has risen. The Treasury presented evidence to the committee that to maintain the past relationships of cash balance to expenditures, a cash balance of $6 billion is needed. Increasing the January 15, 1970, cash balance from $2.2 billion to $6 billion means that we must increase the amount subject to the debt limitation by an additional $3.8 billion.

Finally, in arriving at the needed debt limit, as in the past, we have always made an allowance of $3 billion for unknown contingencies.

To anyone who feels that we have been overgenerous in allowing a $6 billion cash balance and $3 billion allowance for contingencies, let me remind you that $9 billion is only sufficient to meet the Government's expenditures for about 2½ weeks. What business would want to operate on such a narrow margin?

Let me repeat these figures again because they offer concrete evidence of the need for the proposed revision in the debt ceiling.

We start with $374.9 billion debt subject to limit in April 1970.

Add the $13.2 billion of the Federal funds deficit arising between April 1970 and April 1971.

And then add $3.8 billion to restore the cash balance to $6 billion.

And finally add $3 billion for a contingency allowance.

If you add these figures up, you will get a total of $394.9 billion. This is the amount of debt subject to limit that the administration expects to be outstanding on April 15, 1971. This is why we need a $395 billion temporary debt effective July 1, 1970.

The bill also increases from $365 billion to $380 billion the permanent debt limitation. The $380 billion is a conservative approximation of the debt likely to be outstanding at the end of the fiscal year 1971. The debt outstanding at the end of the fiscal year 1970 is expected to be between $371 billion and $372 billion. Adding the administration's Federal funds deficit of $10 billion to this indicates a debt level of about $382 billion. It would be unrealistic to provide a permanent debt limitation much below this.

Actually, the proposed increase in the temporary debt ceiling to $395 billion is quite moderate considering the circumstances. There are at least two imponderables in estimating the budget for this next year which seem to me make the figures just presented—which are essentially the administration's figures—on the optimistic side.

Let us look first at the level of Government receipts. As we know, Government receipts depend in large measure upon the underlying economic situation, since the basis for estimating the various types of tax collections tends to vary with the economic situation. The administration, in making its receipt projections, has not changed its estimates of the economic outlook since it presented the budget last February. Since that time, the outlook has become more gloomy. It is hard for me to believe that the prospect for receipts now is as good as it was then. It is significant to note that the staff of the Joint Committee on Internal Revenue Taxation estimates that tax receipts may be appreciably lower than the Treasury figures—in fact, about $3 billion lower in the fiscal year 1971.

Second, in estimating a $10 billion deficit in the Federals funds budget in the fiscal year 1971, the administration assumes favorable action by Congress on

XUM

proposed revenue legislation which it is estimated would bring in $3.8 billion of additional receipts. This includes a new tax on lead in gasoline, the extension of the present excise tax rates on automobiles and telephones and a speedup in the collection of estate and gift taxes. I certainly do not favor the tax on lead in gasoline. Whether Congress will see fit to enact any of these proposals or not, I have no way of knowing. None of them has yet been considered by the Finance or Ways and Means Committees, and, I, along with others, may very well vote against some of them.

In addition, I have no way of knowing how the Senate will react when the committee is given an opportunity to consider the proposals in detail.

The two items which I have mentioned certainly suggest that as much as $6.8 billion of receipts which the administration takes into account in its estimates are, to say the least, in question—$3 billion of this because of questions as to the underlying income levels and $3.8 billion because part of the revenue depends only on legislation which is proposed and has not yet been considered by Congress and which may very well not be passed by Congress.

Despite the reasons that I have given to you why the debt could well exceed the proposed $395 billion temporary debt ceiling, I favor holding to this level proposed by the administration. I believe that, in view of all of the circumstances, this new ceiling is appropriate. It is a tight one, with virtually no margin for increases in spending above the latest estimate of $205.6 billion for the fiscal year 1971.

The debt limit in this bill of $395 billion, of course, seems very large—the highest limit that has yet been proposed. As large as it is, however, I think that it needs to be kept in perspective by comparing it with the gross national product and the total of private debt. These comparisons give us a perspective that is absent when we focus only on the public debt in relation to past levels of debt. They show us that the burden of the debt in relation to our economic capabilities has decreased year-by-year.

Since the end of 1946—the first full year after the end of World War II—gross national product has increased more than 4 times, from $221.4 billion to $956.3 billion at the end of 1969. In that same period of time, the total outstanding Federal debt—which includes the debt issued by Federal agencies—has risen from $259.1 billion to a total outstanding of $382 billion, representing an increase of less than 50 percent. These totals show the outstanding Federal debt as 117.8 percent of gross national product at the end of 1946 but as only 39.9 percent of gross national product on December 31, 1969.

In other words, measured against the gross national product, the national debt is one-fourth of what it was at the end of 1946.

Mr. President, I ask unanimous consent that the table showing this relationship be inserted in the RECORD at this point.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

TABLE 1.—TOTAL OUTSTANDING FEDERAL GOVERNMENT DEBT RELATED TO GROSS NATIONAL PRODUCT, 1946–69

[Dollar amounts in billions]

End of calendar year	Gross national product [1]	Outstanding Federal debt	Federal debt a percent of gross national product
1946	$221.4	$260.7	117.8
1947	245.0	257.6	105.1
1948	261.2	253.8	97.2
1949	260.5	257.9	99.0
1950	311.2	257.8	82.8
1951	338.2	260.2	76.9
1952	361.0	268.3	74.3
1953	360.8	276.0	76.5
1954	379.8	279.5	73.6
1955	409.7	282.2	68.9
1956	433.2	278.3	64.2
1957	438.1	278.1	63.5
1958	469.2	285.3	60.8
1959	496.8	296.5	59.7
1960	503.4	296.6	58.9
1961	542.8	303.0	55.8
1962	574.7	311.3	54.2
1963	611.8	317.4	51.9
1964	654.0	327.0	50.0
1965	719.2	330.7	46.0
1966	770.2	343.3	44.6
1967	825.7	364.8	44.2
1968	900.6	373.1	41.4
1969	956.3	382.0	39.9

[1] Implied level end of year calculated as the average of the 4th and 1st calendar quarters at seasonally adjusted annual rates for the years 1939 through present. Prior to 1939 averages of 2 calendar-year figures are used as the best approximation of Dec. 31 levels.

Source: Office of the Secretary of the Treasury, Office of Debt Analysis.

Mr. LONG. Mr. President, I think it is also relevant to compare the outstanding Federal debt with the growth in the debt of individuals, corporations and State and local governments. Since 1946, the debt of each of these three sectors of the economy has increased about 800 percent. In contrast, outstanding Federal debt has increased only 50 percent. Federal debt was 58 percent of total Federal, State and local, and private debt in 1946, and it has decreased steadily in relative importance since then. It was only 20 percent of total outstanding debt at the end of calendar year 1969.

These comparisons help us appreciate that the Federal Government has been more careful about the extent to which it resorts to debt in order to finance its operations than any other major sector of the economy.

Mr. President, I ask unanimous consent that the table showing the relationship of these different types of debt for this period be inserted in the record at this point.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

TABLE 2.—ESTIMATED GROSS GOVERNMENT AND PRIVATE DEBT, BY MAJOR CATEGORIES, 1946–69

[Dollar amounts in billions]

Dec. 31—	Private						
	Individual	Corporate [1]	Total	State and local	Outstanding Federal debt including Federal agency issues	Total	Percent Federal of total
1946	$59.9	$109.3	$169.2	$16.1	$260.7	$446.0	58
1947	69.4	128.9	198.3	17.5	257.6	473.4	54
1948	80.6	139.4	220.0	19.6	253.8	493.4	51
1949	90.4	140.3	230.7	22.2	257.9	510.8	50
1950	104.3	167.7	272.0	25.3	257.8	555.1	46
1951	114.3	191.9	306.2	28.0	260.2	594.4	44
1952	129.4	202.9	332.3	31.0	268.3	631.6	42
1953	143.2	212.9	356.1	35.0	276.0	667.1	41
1954	157.2	217.6	374.8	40.2	279.5	694.5	40
1955	180.1	253.9	434.9	46.3	282.2	763.4	37
1956	195.5	277.3	472.8	50.1	278.3	801.2	35
1957	207.6	295.8	503.4	54.7	278.1	836.2	33
1958	$222.9	$312.0	$534.9	$60.4	$285.3	$880.6	32
1959	245.0	341.4	586.4	66.6	296.5	949.5	31
1960	263.3	365.1	628.4	72.0	296.6	997.0	30
1961	284.8	391.5	676.3	77.6	303.0	1,056.9	29
1962	311.9	421.5	733.4	83.4	311.3	1,128.1	28
1963	345.8	457.1	802.2	89.5	317.4	1,209.1	26
1964	380.1	497.3	877.4	95.5	327.0	1,299.9	25
1965	416.1	551.9	968.0	103.1	330.7	1,401.8	24
1966	466.9	617.3	1,084.2	109.4	343.3	1,536.9	22
1967	480.6	664.4	1,145.0	117.4	364.8	1,627.2	22
1968	520.5	754.0	1,274.5	127.7	373.1	1,775.3	21
1969	555.1	861.0	1,416.1	137.0	382.0	1,935.1	20

[1] Includes debt of federally sponsored agencies excluded from the budget which amounted to $700,000,000 on Dec. 31, 1947; $9,000,000,000 on Dec. 31, 1967; and $21,500,000,000 on Dec. 31, 1968.

Source: Commerce and Treasury Departments.

Mr. LONG. Mr. President, I have already pointed out that if Congress fails to act on a new debt limitation the present ceiling of $377 billion as of July 1 of this year will revert to the $365 billion permanent ceiling. Since the debt subject to the ceiling is expected to be about $372 billion on July 1, this will result in a ceiling which is about $7 billion under the actual debt. While, of course, there would be no question concerning the legality of the outstanding debt on that date, if we fail to act, chaos could follow, and our Government would be placed in the kind of fiscal straitjacket that I am sure none of us would want. The Treasury Department would be unable to issue any new Government obligations—

XUM

not even securities to replace existing and maturing issues. In addition, savings bonds could not be issued and the whole system of payroll savings plans would be completely disrupted.

The Treasury cash balance would soon be exhausted. Substantial amounts of Treasury bills become due on a weekly basis during July and additional monthly issues mature at the end of July. If new bills cannot be issued to replace those that mature, the Treasury cash balance would be exhausted by July 9, and on that date $3.1 billion of Treasury bills mature.

Once the cash balance is exhausted, the Government would be compelled to delay payment of contract obligations, Government salaries, various loan and benefit programs and grants to States and local governments, even though they are owed and become due.

It is obvious we cannot permit these things to happen. We cannot play havoc with the Nation's finances.

Affirmative action on this bill does not signify that we condone large budget deficits or a mounting debt. Instead it means that we are taking positive action to provide the Government with sufficient flexibility to manage its affairs on the one hand, while on the other hand, nevertheless, maintaining reasonable restraint on Government spending.

I urge the Senate to pass H.R. 17802. I am sure that the Members of this Chamber, no matter what partisan issues may divide us, will act responsibly on a matter of this importance to the financial soundness of our country.

Mr. CURTIS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. CURTIS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, ordered to be printed in the RECORD, reads as follows:

On page 1, between lines 10 and 11, insert the following new section:

SEC. 3. Commencing on the effective date of this Act, any individual occupying a position of Senator, Member of the House of Representatives, or Resident Commissioner from Puerto Rico, or anyone who occupies any such position and is also an officer of either House of the Congress, shall be paid at the rate authorized for that position or office on February 28, 1969. Commencing on the first day of the first month beginning after the Secretary of the Treasury has (1) determined that the Federal Funds budget has been balanced, and (2) notified the Speaker of the House of Representatives and the President of the Senate of such determination, the rate of compensation for each such position or office shall be the rate authorized for that position or office effective on March 1, 1969. For purposes of this section, the term "Federal Funds budget" refers to that type of budget prepared and presented to the Congress in table B-2, page 20 of the special analyses which accompanies the Budget of the United States Government for the fiscal year ending June 30, 1971 (House Document 91-240, part I, 91st Congress, 2d session.)

On page 1, line 11, strike out "SEC. 3" and insert in lieu thereof "SEC. 4".

Amend the title so as to read: "An Act to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes".

Mr. CURTIS. Mr. President, I ask unanimous consent that the distinguished Senator from Idaho (Mr. CHURCH) be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. Mr. President, this amendment suspends the pay raise for Congressmen and Senators and officers of the House and Senate who are Representatives and Senators until such time as the Federal budget is balanced. It does not repeal the pay raise. It suspends it until the budget is balanced.

I offer the amendment for the purpose of helping to balance the budget.

Mr. President, I ask for the yeas and nays.

Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. CURTIS. Mr. President, I shall support the pending measure. It is painful, but it is necessary.

Mr. President, now, as to my amendment, I believe that the amendment will help bring about a balanced budget. It is for that purpose that I offer the amendment.

Can anyone here remember when a meeting has been called in this Chamber to discuss the budget? Can anyone remember at any time when our leadership or others were able to get the appropriating committees, and those committees that recommend taxes, together to discuss it? I say we can balance the budget if we want to. This does not have to be a very long suspension.

Mr. President, the requirement now imposed upon the Congress to vote an $18 billion increase in the statutory debt ceiling—to $395 billion—is a painful one indeed. But the Congress has no choice; if action is not taken promptly to provide an increase in the debt limit the ceiling will revert to the present permanent limitation of $365 billion on July 1. On that date the debt subject to the limitation would be $5 or $6 billion in excess of the legal ceiling, and the consequences could be serious. The Treasury could issue no new securities, and would have to meet maturing issues out of its cash balance. Once the cash balance is exhausted—and it would only be a matter of a few days—then would come payless paydays for Federal employees, the Government would not be able to meet its contractual obligations, Federal grants to State and local governments would be affected, and the economic consequences could be disastrous.

Of course, the Congress will not permit those things to happen. It will approve an increase in the debt limit—as it has done a dozen times in the past decade, during which time that limit will have been raised by $100 billion.

The real issue is not whether the debt limit should be increased, but why this painful annual exercise has become a necessity. And the answer is not difficult to find—it is due to our own profligacy, the failure to control Federal expenditures.

The fact that Federal expenditures have reached their present level marks within a decade challenges the imagination. Since fiscal year 1961 the Federal funds budget has shown a deficit each and every year. This string of budget deficits was capped by the unbelievable $28.3 billion deficit in fiscal 1968.

Those who must bear the responsibility for this sorry record—and the Congress must accept a major share of that responsibility—cannot blame the high cost of national defense or the Vietnam war. The facts refute any such claim. The facts are that it is the tremendous increase in the expenditures of the Government which has built up this huge debt and requires the Congress repeatedly to raise the debt limit; and the increased in spending is not due primarily to war or national security requirements, but to higher expenditures for domestic-civilian programs.

In the early 1960's, from the fiscal year 1961 through 1965, Federal Government expenditures increased by more than $20.5 billion; expenditures for the military functions of the Department of Defense and for military assistance accounted for only about $2.5 billion of that increase, while the increase in domestic-civilian spending exceeded $18 billion.

Between fiscal 1965, when the major escalation of this Nation's military action in Southeast Asia was begun, through the end of this fiscal year 1970 on June 30, budget outlays will have increased by almost $80 billion—$79.8 billion to be exact. Military and military assistance expenditures account for about $30 billion of the increase; the balance, almost $50 billion, represents the increase in expenditures for all other programs, largely domestic-civilian benefit programs.

What this analysis of recent Federal spending trends suggests, in addition to pointing to spending as the culprit in building up this huge public debt, is that this Government has been pursuing a totally unwise policy of "spending as usual" at home at a time when we have been confronted with significant commitments abroad—and this has been done largely at the insistence of the Congress, or at least with its consent. This policy has not only increased our indebtedness, it has also contributed very greatly to the severe inflationary pressures with which we are now struggling.

It should be emphasized, too, that this apparent willingness to incur debt, for almost any reason or purpose, is itself a costly matter. In the current fiscal year the expenditure for interest on the public debt will reach $19 billion, and in the fiscal year which begins July 1 interest costs will certainly exceed $20 billion. Think of it, in the 10-year period ending with fiscal 1970 expenditures for interest on the public debt will exceed $125 billion.

One of the major elements contributing to increasing the cost of operating the Government in recent years has been

XUM

payroll costs. We appear to have been afflicted in recent years by a severe case of "pay increase-itis." Substantial increases have been voted for the President and Vice President, Members of Congress and their staffs, Cabinet and subcabinet officials, and Federal employees up and down the line. Only recently we have approved a 6-percent pay raise for Federal employees which will cost more than $2.5 billion in fiscal 1971.

Over the past 7 years, while the number of Federal civilian employees has shown a net increase of about 20 percent, the Federal civilian payroll has increased by 70 percent—from $16.5 billion in fiscal 1964 to $28 billion in the current year. We have also liberalized employee retirement and other benefits, increasing their cost. Total civilian and military personnel cost, including personnel benefits, will exceed $50 billion in this fiscal year; this compares with $30.4 billion as recently as fiscal 1965. And we are facing demands for another round of pay increases—8 percent—for postal employees in the near future and a probable new round of classified employee pay boosts next year.

It is strange indeed that many among us who are now clamoring for the establishment of wage and price guidelines for private industry have been the most avid supporters of these pay increases for Federal employees. This is hardly an example with which to persuade private employers and unions to exercise discretion and restraint.

It has become fashionable, too, to identify a problem, elevate it quickly to the crisis stage, and then create a demand for Federal dollars as the only cure. We had a crisis in education, and Federal assistance for education has increased by more than 400 percent over the past decade, to a total of $5.2 billion in the current fiscal year—but the problems of education are still with us. To meet a health care crisis the Congress approved crash programs which have increased Federal health expenditures more than 1,400 percent in the last decade—to more than $14 billion this year, but we are advised this still is not enough.

We must disabuse ourselves of the idea that whenever a problem arises all we have to do is to throw a bundle of Federal dollars at it and it will disappear. What more often occurs is that the Congress is persuaded to adopt a hastily and poorly conceived program which proves much more costly than anticipated, but ineffective. Our current problems with the medicaid program is a case in point.

The Government's budgetary position is much more precarious than it appears to be on the surface—and this ties back directly to the pending debt limit legislation. The unified budget concept now in use, lumping together trust funds and general funds, tends to camouflage huge deficits in the general fund accounts, which result in increased debt and the need for this legislation. In the current fiscal year a general fund deficit of $11 billion is offset in large part by a $9 billion surplus in trust fund programs—under which contributions or revenues are held in trust or earmarked for specific purposes. The only honest measure for our deficit this year places the figure at $11 billion, because the Federal debt has increased by that amount.

These trust fund surpluses are invested in Treasury securities, and the money is then used to help finance the deficit in the general fund. But it is still an increase in debt which helps to increase interest costs, no matter what it is called. And we cannot escape the fact that this Government is spending $11 billion or more than it is taking in for programs financed out of general revenues.

The Congress and the administration must regain and retain control over Federal expenditures. The Congress has both an opportunity and a responsibility in this battle to control spending. But there is no easy way. Spending cannot be controlled by special device or gimmickry. The job can be done only by responsible action on the individual appropriation bills and on legislative bills which mandate or encourage spending increases.

The Congress must act responsibly in budgetary affairs, or we are lost. If it is the best judgment of the two Houses that certain expenditures should be made, and if there is no money in the Treasury from which those expenditures can be made, then offsetting reductions should be made in other programs, or we should be prepared to increase revenues to cover these increased costs. Otherwise, Members must be prepared to face the consequences at some future date; one of which will be higher public debt and more frequent repetition of this debt limit exercise.

Under our constitutional system, the Congress holds the purse strings. The bureaucracy can only spend that money which the Congress authorizes and appropriates. Upon the Congress falls the major responsibility relating to spending, debts, and taxes. I would not minimize the influence and the power of the executive branch in this area of endeavor. Whenever both the executive branch and the Congress want to end deficit spending and are willing to appoach the job with cooperation and determination, it can be accomplished. A balanced budget becomes hopeless when the Congress votes for additional spending in an irresponsible manner.

On June 25, 1970, the Senate remained in session until midnight to complete the action on the educational bill. By rollcall votes the Senate added to that bill over the amount recommended by the committee more than $300 million. The committee's recommendation was already above the budget recommendation. Many of us voted against every one of those increases offered on the floor of the Senate. It was not because the proposals were without merit—it was because there was no money in the till.

The problems of our country in this whole area of Federal spending, deficits, and the resulting inflation are much more acute than they would have been if each Congress over the last 40 years had been willing to levy taxes equal to outgo. If we believe that a program is a good one, we ought to have the courage and the honesty to levy sufficient taxes to pay for it. If a proposed expenditure is so lacking in merit that the country is not willing to assume additional tax obligations to pay for it, that spending program should not be inaugurated.

The soothsayers and the politicians who apparently cared little for the future have played down the evils of an increasing national debt. They have coined such expressions as, "We only owe it to ourselves." In more recent years the soothsayers and the politicians who lack the courage to vote for sufficient taxes to pay for their own proposals have taken comfort in the claim that even though the national debt is rising, it has not risen in comparison with the rising gross national product.

All of these comforting thoughts about the evils of the national debt would have merit except for one thing. The problem is that we have to pay the interest on the national debt. It is most difficult for any of us to realize that in the fiscal year which is now ending that the interest on the national debt amounts to $19,350,000,000. Every taxpayer should realize that before $1 is spent for any purpose of Government, we must raise over $19 billion to pay the interest.

Let us look at the Federal budget by functions. Here are some significant figures:

[*In billions of dollars*]

National defense	73.5
International affairs and finance	3.5
Space	3.4
Agriculture and rural development	5.3
Natural resources	2.5
Commerce and transportation	8.7
Community development and housing	3.7
Education and manpower	8.1
Health	14.9
Veterans benefits	8.4
Income security (83 percent is paid from trust funds)	50.3
General Government	4.0

By "General Government" we include central fiscal operations, such as the Internal Revenue Service, law enforcement and justice, property and records management, national capital region, the entire legislative branch, and the entire judicial branch, personnel management, executive direction, and other items.

These figures are the estimates for the fiscal year 1971 taken from the Bureau of the Budget publication entitled "The Budget in Brief" dated February 2, 1970.

If anyone is under the impression that this $19⅓ billion interest burden is insignificant, I would remind them of what this amount of money would do. It would pay for all of the following: Agriculture and rural development, conservation and natural resources, community development and housing, and practically the entire load of veterans benefits.

Or it can be stated another way. The annual cost of interest amounts to sufficient money to pay for all of our health services of $14.9 billion plus the costs of General Government of $4 billion and have $400 million left over.

We are spending $8.1 billion on education and manpower programs. We could pay for this plus our entire program for agriculture and rural development plus the general cost of Government plus our expenditures for conserving our natural resources for approximately the same amount that we are spending for interest for 1 year.

Let us put it this way. Our expected expenditures for this coming year for General Government, community development and housing, natural resources, space, and agriculture and rural development, amount to less than the cost of interest on the national debt for 1 year.

Mr. President, time is running out. The national debt has increased by $11 billion this fiscal year. The interest cost has gone up $1 billion since the budget estimates were made. Do we dare put off balancing the budget any longer? In offering my amendment to suspend the last pay raise for Congressmen and Senators until the budget is balanced, I am not unmindful of the fact that dollars involved in the cost of running the Congress represent less than one-fifth of 1 percent the total Federal funds budget. I do contend that to temporarily suspend this pay raise until the budget is in balance will accomplish several worthwhile things:

First. It will be notice to the entire country that Congress is taking the question of spending, debts, and inflation seriously.

Second. It will set an example for all the spenders in Government.

Third. It will set an example for all those in our economy who are urging excessive wage increases and excessive prices.

Fourth. It will aid in bringing about a balanced budget. It will mean that there will be 435 Representatives and 100 Senators conscious of the Government's income and outgo.

Mr. President, the pessimists and the defeatists contend that the Federal budget cannot be balanced. I shall never accept such an answer. For us to accept such a contention is to invite disaster. I believe in my country and I believe in its future greatness.

How can we eliminate a deficit of $11 billion? First we should make every reduction possible. Then what? Where are there some items that add up to $11 billion? I can tell you. In the so-called Tax Reform Act of 1969 there were tax reductions voted which, when fully effective, amount in the aggregate to $9.1 billion. Think of it—the Congress of the United States voting tax reductions of $9.1 billion and having to borrow money to do it. There were a few of us who did not vote for it. It would never have happened if Congress assumed its responsibility of talking about the budget and meeting and trying to work out something.

I will cite another item. An unlawful and illegal postal strike occurred in New York and some other major cities. As a result the Congress voted an across-the-board pay raise for all Government employees which is going to cost us $2.5 billion every year. Congress did not have to vote either this tax reduction or this pay raise. These two items alone, when fully effective, exceed the amount of our current deficit.

One important thing that is needed more than anything else to bring about a balanced budget is an understanding of our budget and our tax problems, plus courageous leadership on the part of the Congress of the United States. If I did not believe that the adoption of the amendment that I proposed would bring forth that courage and leadership, I would not have offered it.

Mr. President, we can reduce expenditures. We can collect sufficient taxes to pay those expenditures which cannot be reduced or eliminated and we can balance the budget if we have the faith and the courage to act. I urge the adoption of my amendment.

Mr. President, I have no doubt that passage of the amendment by the Senate and by the House of Representatives would result in more attention being focused on this problem of an ever-increasing national debt than anything we could do. I think it will have a greater potential in establishing conference over the country—yes, around the world—that the Government of the United States is taking its financial situation seriously. Again, let me repeat that I am under no illusion.

If we did away with the cost of running Congress we would reduce the budget by less than one-fifth of 1 percent, but that is not the point. The point which I am urging is that I believe this amendment, if agreed to and written into law will focus the attention on these continuing and continuing deficits and the Congress would take such action as is necessary, reduce some expenditures, eliminate others, and add some taxes.

We have gotten into debt this last fiscal year some $11 billion, or almost $1 billion a month. It is anticipated that will be the rate next year. It does not have to be.

The **PRESIDING OFFICER**. The Senator's 10 minutes have expired. The Senator has more time.

Who yields time?

Mr. CURTIS. Mr. President, I yield 5 minutes to the distinguished Senator from Delaware (Mr. WILLIAMS).

Mr. WILLIAMS of Delaware. Mr. President, as a cosponsor of the amendment, I rise to support the position of the Senator from Nebraska. I realize fully, as he has admitted, that the dollar amount involved here is relatively small in comparison with the total debt, but the significance of the action would be tremendous as far as its impact on the American people is concerned in convincing them that we really mean business.

I have felt for a long time that one of the greatest mistakes we have made in this Congress was made a year and a half ago when we raised congressional salaries by 40 or 41 percent and that of the top executives in government from 40 to 80 percent.

I think that at a time when we are concerned with runaway inflation in this country, at a time when the administration and Congress today are urging organized labor to hold down their demands for wage increases because if they go beyond the cost-of-living increase they will be highly inflationary, at the same time when we are calling upon American business to hold down the price of products and forfeit some of their profits and are asking everybody else to make some sacrifices, Congress itself should exercise some restraint, we are in the position where the negotiators for the Government sit down with organized labor and industry urging that they have some degree of restraint while at the same time Congress has voted for itself 40- to 60-percent increases in wages; certainly we are not going to have much effect.

I think adopting this amendment would be one of the most constructive steps we could take because it would signify to the country, to organized labor and to industry, that we really mean business and that the Congress means that we cannot afford these wage increases. The example we would be setting tonight would go far toward helping control inflation.

Much has been made of the fact that when we compare the rise in the national debt and the gross national product as compared with what it was 10 years ago, the increase in the national debt is actually less than it was then. It was pointed out that during 1960 the national debt represented about 59 percent of our gross national product, whereas today it represents only about 39 percent. This comparison was given as an argument that we are much more solid financially today. This is a fallacious argument.

I pointed out to the witness that this same argument could be made with respect to the Penn Central. Using the argument of what the total debt of the Penn Central in 1960 was as related to the gross national product and what its debt is today when related to the gross national product, it could be argued they are in much better financial shape today, and yet the Penn Central has gone broke. The same thing is true with the Federal Government. I think it is time we recognized the fact that for the past 10 years we have been living beyond our income at the average rate of $1 billion a month. Today we are running at an annual deficit of $11 billion, but it is estimated that the real deficit next year, unless we take drastic steps, will not be $10 or $11 billion, but closer to $15 or $16 billion.

I think we have no choice except to face up to this situation in Congress.

Nothing would demonstrate more to American taxpayers that we mean business than to put our own salaries on the line. We would have the assurance that 535 Members of Congress would work hard to try to balance the budget, and I think if we got together we could do it in short order.

I hope the amendment will be accepted.

The **PRESIDING OFFICER**. Who yields time?

Mr. LONG. Mr. President, I yield myself 3 minutes.

The Senator's amendment would require that we suspend the pay raise that went into effect at the beginning of this Congress. In effect, it would be giving ourselves a cut in pay until the Government came up with a balanced Federal funds budget or a balanced "administrative budget," to use the terms that were used prior to the adoption of the consolidated budget.

If Senators would look at the committee report, on page 3, they would see what our staff estimates the deficits to be and he would see also what the estimates are as far as the administration is concerned.

XUM

The administration relies upon a consolidated budget these days, which takes into account all Government revenues and all Government expenditures. That includes trust funds, unemployment insurance, social security, and other matters.

If one analyzes the budget, the way the administration thinks appropriate, based on its estimates, we would be saying that if we vote ourselves a cut in pay until such time as we can either raise revenues or reduce spending by $13.8 billion for 1971. If we pass all of the tax increases recommended by the administration and put into effect all the economies recommended by the administration, we would nevertheless be compelled to further reduce spending by $10 billion below that figure.

What the Senator would have us do would not be so difficult or so completely beyond the realm of reason if we were using a unified budget basis. On a unified budget basis, if we took the recommendations of the administration for taxes and made the reductions asked by the administration, we would be only $1.3 billion out of balance instead of $10 billion, the way the Senator's amendment would have us keep the books.

I would think that implicit in the amendment is the charge or irresponsibility toward the Republican administration. I have never made that charge, but it seems to me to say that we ought to cut our pay until we restrain this administration in its fiscal program by reducing spending $10 billion below what this administration proposes, is to propose something that certainly is not likely to happen any time soon. That would leave the inference that the administration is a very profligate group, to say the least, which, frankly, I do not believe is sustained by the facts.

One could apply that approach to almost anything. One could say, "Well, I think we ought to end the war in Vietnam, so I propose that we cut our salaries until the Vietnam war is over." Or one could say, "Let us go one better; let us be sure we are out of Vietnam. Let us not only cut our salaries, but pay $20,000 a year for the privilege of being in Congress until the troops are out of Vietnam."

One could say, "Even more important than that is to save ourselves from the effects of pollution. So we will reduce our salaries, or eliminate our salaries completely, until the pollution problem is solved."

Or one could say, "There is a crisis in law and order, so until crime is cut in half, let us not pay ourselves any salary."

Or one could say, "We ought to get on with the war on poverty. So until we have won our war on poverty and until our $5,500-or-fight friends have satisfied their demands upon Congress, we will cut our pay off and provide ourselves no pay whatever."

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LONG. Mr. President, I yield myself 2 more minutes.

Mr. President, that approach makes no distinction between those who vote for the high figure and those who vote for the low figure. Nor does it for a moment entertain the possibility that something might be desirable to do, such as winning a war that we may be in, or such as providing for the poor, or cleaning up pollution, or providing for the needs of this Nation to the extent that Congress might be willing to go ahead and sustain a modest deficit in order to provide for the crying needs of this Nation.

As I sought to demonstrate in my speech, while it is true that the national debt, in dollars, is higher than it was, it is less than 40 percent of the gross national product today. The debt was about 73 percent of gross national product in 1954; and it was 118 percent of gross national product in 1946. So we are making progress in relative terms, in keeping our debt in line; and it seems to me that if one does not want to spend money, he ought to vote against the appropriations. It makes little sense that, having voted for the higher figures, a fellow would now vote to cut his salary. It makes no sense at all if he voted for the lower figures, to now vote to cut his salary anyway.

That being the case, Mr. President, I hope this amendment will not be agreed to.

The PRESIDING OFFICER (Mr. Burdick). Who yields time?

Mr. CURTIS. Mr. President, I yield 2 minutes to the distinguished Senator from Arizona.

Mr. FANNIN. I thank the Senator from Nebraska, and I join him in supporting the amendment.

Mr. President, when the salary increases were established, we set a precedent that I think has been very damaging to the economy in this great Nation. When we look at just what we face as far as the budget outlook is concerned, we see, for fiscal year 1969, at the very best, almost a $5.5 billion deficit, for 1970 an $11 billion plus deficit, and almost the same for 1971. That is looking at it very optimistically.

When we take into consideration that the revenue assumptions on present projections will involve a definite increase in our 1970 gross national product, and continuing increases in future years, figuring it will rise in 1970 to $985 billion, personal income will be $800 billion. Corporate profit, though, will be about $89 billion. These are the same estimates that were used in February, though current conditions suggest they may be very optimistic. Corporate profits, analyzed through the first quarter, were down to $85 billion.

I thank the distinguished Senator from Nebraska.

Mr. CURTIS. Mr. President, I have 1 minute remaining. I reserve the remainder of my time.

Mr. LONG. Mr. President, I yield myself 2 minutes.

If the Senator thinks he can balance the budget and achieve all good things—and I would think the Senator wants to do what is good for the country—we ought to do more than just balance the budget. If this approach has merit to it, I would think we ought to use the approach to do a lot of other things, and maybe solve all the Nation's problems. Why solve just the problem of a balanced budget? If one wants to do that, I think taking it out on Congress, particularly those Senators who vote for the low figure, is hardly the way to do it.

It would make a lot better sense to start it 2 years from now, because we cannot cut the President's salary while he is in office. But, starting 2 years from now, while the President's salary would be only a nominal figure, if the President spent more money than he took in, on whatever basis you want to do it, there one would be in a position to punish the one who has responsibility right in his hands. The President does not have to spend the money just because we appropriate it. The President can refrain from spending.

I think it would be well to start with the salary of the President of the United States, who, after all, has the power not to spend the money—he can just refuse to spend it—rather than apply it only to Congress, where some of us have very little say over what the majority of this body will vote to do or not to do. I do not think the Senator's approach is the practical way to do it. I really believe, Mr. President, that the amendment should not be agreed to.

Mr. CURTIS. Mr. President, I yield myself such time as I have remaining.

I call to the attention of the Senate that a unanimous-consent agreement has been entered into that if this bill to raise the debt ceiling has an amendment attached to it, there is going to be offered a resolution to extend the debt ceiling for 15 days, so that this bill can go to conference. There will be no problem over it. There will be no crisis in the Treasury Department. It will not cause a delay. It will not cause any handicaps in managing the finances of this country, issuing bonds, or whatever else is necessary.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. WILLIAMS of Delaware. I think it is well to add for the information of the Senate that this agreement has been worked out after a conference with the chairman of the House Ways and Means Committee, and I am sure it will be acceptable and that there will be no problem on that score.

The PRESIDING OFFICER. All time of the Senator from Nebraska has expired.

Mr. LONG. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 12 minutes.

Mr. LONG. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Burdick). All time having been yielded back, the question is on agreeing to the amendment of the Senator from Nebraska (Mr. Curtis). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Connecticut (Mr. Dodd), the Senator from Arkansas (Mr. Fulbright), the Senator

XUM

from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), the Senator from Maryland (Mr. TYDINGS), and the Senator from Ohio (Mr. YOUNG), are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER), the Senator from Kansas (Mr. PEARSON), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

If present and voting, the Senator from South Dakota (Mr. MUNDT) and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 29, nays 56, as follows:

[No. 187 Leg.]

YEAS—29

Allen
Allott
Bellmon
Byrd, Va.
Byrd, W. Va.
Church
Cotton
Curtis
Dominick
Ellender
Fannin
Hansen
Hartke
Hruska
Jordan, Idaho
Miller
Montoya
Moss
Packwood
Percy
Prouty
Proxmire
Smith, Maine
Smith, Ill.
Symington
Talmadge
Tower
Williams, Del.
Young, N. Dak.

NAYS—56

Aiken
Anderson
Baker
Bayh
Bennett
Bible
Boggs
Brooke
Burdick
Case
Cook
Cooper
Cranston
Dole
Eagleton
Eastland
Ervin
Fong
Goodell
Gore
Gravel
Griffin
Gurney
Harris
Hart
Hatfield
Holland
Hollings
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Murphy
Pastore
Pell
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Sparkman
Spong
Stevens
Williams, N.J.
Yarborough

NOT VOTING—15

Cannon
Dodd
Fulbright
Goldwater
Kennedy
McCarthy
Mundt
Muskie
Nelson
Pearson
Russell
Stennis
Thurmond
Tydings
Young, Ohio

So Mr. CURTIS' amendment was rejected.

Mr. WILLIAMS of Delaware. Mr. President, I call up my amendment at the desk and ask that it be stated.

The PRESIDING OFFICER (Mr. BURDICK). The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that a copy of the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment ordered to be printed in the RECORD, reads as follows:

Insert at the end of the bill the following:

"SEC.—(a) General Limitation on Expenditures and Net Lending.—Expenditures and not lending during the fiscal year ending June 30, 1971, under the Budget of the United States Government shall, without regard to section 501(a) of the Second Supplemental Appropriations Act of 1970, not exceed the $205,600,000,000 estimated by the Bureau of the Budget in a public release on May 19, 1970, except by expenditures and net lending—

"(1) for interest in excess of the amounts estimated therefor by the Bureau of the Budget in its revision of the estimates of expenditure and net lending made on May 19, 1970,

"(2) for veterans' benefits and services in excess of the amounts estimated therefor by such revision, and

"(3) for payments from trust funds in excess of the amounts estimated therefor by such revision.

If hostilities in Vietnam involving United States Armed Forces cease during the fiscal year 1971, the figure of $205,600,000,000 in the preceding sentence shall be reduced by the amount of any decrease in Defense Department expenditures during the fiscal year occurring on account of such cessation of hostilities.

"(b) Reservation from Expenditures and Net Lending, Etc.—The President shall reserve from expenditures and net lending, from appropriations or other obligational authority heretofore or hereafter made available, such amounts as may be necessary to effectuate the provisions of subsection (a).

"(c) Application of Limitation to Programs.—In the administration of any program as to which—

"(1) the amount of expenditures is limited pursuant to subsection (a), and

(2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution,

the amount available for expenditure (as determined by the President) shall be substituted for the amount appropriated or otherwise made available in the application of the formula."

Mr. WILLIAMS of Delaware. Mr. President, a copy of the amendment along with an explanation is on the desk of each Senator. It was put there earlier today.

I shall explain the amendment.

It merely proposes to put a mandatory ceiling on expenditures for fiscal 1971. It is anchored down in the same manner as was done in 1968 at the time we put the expenditure control ceiling on the bill sponsored by former Senator Smathers, of Florida and me.

The amendment limits the total expenditures to an amount not to exceed $205.6 billion for fiscal 1971 as estimated by the Bureau of the Budget public release of May 19, 1970, with just these exceptions.

Interest on the national debt is exempted. Veterans benefits and services in excess of the amounts estimated which are required by law and the payments from trust funds are exempted.

Trust funds, such as social security, unemployment, railroad retirement, and other types of trust funds which are mandatory, are exempted.

Other than that, there are no exceptions.

Mr. President, I quote from one of the best authorities I know of in support of the amendment.

I quote from Dr. Arthur Burns in a speech he made on May 19, 1970. At this time he was speaking before the American Bankers Association.

Dr. Burns' statement reads as follows: lows:

> The public is mindful that promises of fiscal restraint emanating from the Executive and the Congress have, time and again, been unfulfilled. We must not permit that to happen in the year ahead.
>
> At this juncture of history, the business and financial public is deeply concerned that the Federal budgetary process may have gotten out of hand in recent years. There is some basis for this concern. Reforms of the Federal budgetary process are, I believe, essential to long-run improvement in conducting our stabilization policies and our battle againset inflation. . . .
>
> But for the immediate future, the single most constructive step that could be taken would be a legislative ceiling on Federal expenditures for the coming fiscal year. This ceiling should be tight enough to give reasonable assurance that Federal expenditures for fiscal 1971 do not rise appreciably above the level projected in the Budget last January.

I agree with the distinguished chairman of the Senate Finance Committee that the legislation now before us is of great importance. It is apparent to all of us that legislation is needed promptly to authorize a reasonable debt limit which will permit the Government to operate in an orderly and responsible fashion. So I do not think that the real issue is whether we should authorize a higher debt ceiling. To me the real issue is what additional provisions should be incorporated in the pending legislation to make it possible for us really to stay within the debt limit the bill provides for the entire fiscal year 1971.

There has been some sort of debt limitation in effect since 1917. I, like many of my colleagues in this body, strongly support a debt limitation and think that it is a helpful tool to keep the debt under control. Yet, it must be apparent to all of us that a debt limit alone cannot keep spending and the debt from mounting rapidly.

The last time we saw a surplus in the Federal funds budget was in fiscal 1960, when the surplus amounted to a modest $785 million. In every year of the decade that then followed there has been a deficit in the Federal funds budget—and these deficits have been large, ranging from $3.9 billion in fiscal 1965 to over $28 billion in fiscal 1968. Actually, the reason that we are here today considering a large increase in the debt limit is that a deficit of over $10 billion is in prospect for fiscal 1971, and although the amounts involved are generally smaller, the deficits on a unified budget basis have been almost as consistent. After 1960 there was a surplus in the unified budget in only 1 year—namely, 1969—while all of the remaining years showed deficits.

Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER (Mr. BURDICK). The Senator from Delaware is recognized for 15 minutes.

Mr. SAXBE. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. SAXBE. Mr. President, do I understand that if the amendment of the Senator is agreed to, there will be an extension of the present increase to allow us to continue business after July 1?

Mr. WILLIAMS of Delaware. The Senator is correct. If this amendment is agreed to we have in the unanimous-consent agreement before us another unanimous consent with a provision that if any amendment is agreed to in this bill, which would require it to go to conference the Senate will immediately proceed to the consideration of another bill which will provide a 15-day extension.

This proposal has been discussed with the leadership of the House. It is acceptable. That second bill, for a 15-day extension, would not be subject to amendment. So we are assured that under no circumstances would this delay consideration of the debt ceiling extension.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. AIKEN. Mr. President, the Senator's amendment would not require that social security payments be cut or unemployment insurance compensation?

Mr. WILLIAMS of Delaware. The Senator is correct. It would not.

Mr. AIKEN. Or medicare, or any payment which is dependent upon trust funds?

Mr. WILLIAMS of Delaware. That is correct. Those payments are mandatory under the law. We cannot restrict the number of people who will be unemployed and draw unemployment insurance or who will retire and draw social security benefits. That is fixed by statute and would not be affected.

Mr. AIKEN. But suppose the Federal Government has used up all the trust funds in the meantime instead of permitting them to exceed the limit of $205.6 billion in order to meet——

Mr. PASTORE. Mr. President, we cannot hear a word of what is going on.

Mr. WILLIAMS of Delaware. Mr. President, if the Presiding Officer can get order, I will proceed.

The PRESIDING OFFICER. The Senate will be in order.

Mr. WILLIAMS of Delaware. Mr. President, the Senator asked if this would affect trust funds, unemployment trust fund, social security, or railroad retirement. The answer was no, that it would not.

Mr. PASTORE. Mr. President, I thank the Senator very much.

Mr. WILLIAMS of Delaware. Mr. President, we cannot gage to what exextent there will be increases in retirements under social security. We cannot gage to what extent there will be unemployment. Nor can we gage it for the railroad retirement or any of the trust funds. They would not be affected by the amendment at all. They are excluded.

Mr. AIKEN. Mr. President, my next question was if the government used up all the trust funds for some other purpose, how would it replace that?

Mr. WILLIAMS of Delaware. Mr. President, the Government cannot under the law use the trust funds for payments to defray the cost of any segment of the Government. They are trust funds and can only be invested in Government bonds. If the Government bonds go bad naturally the trust fund is bad, but that is the purpose of the amendment—to protect the stability of the American dollar which preserves the trust funds.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. BAKER. Mr. President, the question I have is whether under the amendment which has been presented, the income from the operation of an independent agency—such as the Tennessee Valley Authority which sells electricity to consumers and collects money for that electricity, which is under the unified budget and accounted for as income to the Treasury—would be affected. That is, would the money collected from the power consumers be subject to it?

Mr. WILLIAMS of Delaware. Mr. President, it would be affected since it is in the unified budget, and to the extent it exceeded the amount of the unified budget we would have to offset that in some other category.

Mr. BAKER. Mr. President, I ask the distinguished Senator whether he would agree with me that this money does not constitute tax revenue to the United States, but is money accruing because of the sale of the electricity.

It hardly seems fair to have the Treasury keep the money.

Mr. WILLIAMS of Delaware. The Treasury would not keep the money in that instance. An excellent argument can be made for TVA and for practically any other segment of our society; but if we are going to have expenditure controls we will have to have them across the board, and that is the manner in which this is drawn.

Mr. BAKER. Mr. President, will the Senator yield further?

Mr. WILLIAMS of Delaware. I yield.

Mr. BAKER. Mr. President, I wish to put the Senator on notice that at the conclusion of the debate on this amendment I will offer an amendment to this amendment to exclude TVA revenue from this measure.

Mr. WILLIAMS of Delaware. That is all right.

Mr. President, the result has been that year after year we have been called upon to raise the debt ceiling almost as a foregone conclusion to ratify prospective budget deficits and rapidly mounting Government debt. Year after year we have seen administrations of both parties come up with budget projections of spending which are consistently exceeded in actual practice. I want to be fair about this. This is not a problem which is unique to one party. It has happened under Republican administrations as well as under Democratic administrations. For example, in January of 1969 the outgoing Democratic administration estimated expenditures for fiscal 1970 at $195.7 billion; on April 15, 1969, the incoming Republican administration estimated fiscal 1970 expenditures at $192.9 billion; and now that fiscal 1970 is almost over, the actual spending for this year is expected to amount to $198.2 billion.

For fiscal 1971, projected spending on a unified budget basis has moved up $4.8 billion just in the interval between February of this year when the administration released its initial budget document and May 19 when revised estimates were released by the administration. Unless we do something now to prevent this it is more than likely that history will repeat itself and actual spending in fiscal 1971 will prove substantially greater than even the revised higher estimates projected now. I think that we just have to take adequate steps to prevent this from happening. There are still strong inflationary pressures in the economy in large measure because of excessive Government spending. So far this year the economy has been spinning its wheels and the gains in GNP are due to inflationary price rises rather than real gains in output. Excessive Government spending also resulted in reliance on tight money policies to restrain inflationary pressures.

In other words, excessive Government spending is one of the major reasons why we have had unprecedented rises in interest rates with such disastrous effects on homebuilding and small business. In addition, I want to remind you that as of the end of this month the income tax surcharge terminates and the personal exemption level rises from $600 to $650 on an annual basis. This will contribute to a resurgence of inflationary pressures unless, in the period ahead, Federal Government expenditures are carefully controlled.

I am, therefore, offering an amendment to this bill which is designed to check the rapid growth of Government spending. This amendment provides a workable and effective limitation on spending to work hand in hand with the debt ceiling in placing a rein on Government expenditures. Although the amendment was not adopted by the Finance Committee it has strong support in the committee; in fact, had there been a switch of only one vote in the Finance Committee, the amendment would have carried and would be part of the bill now before you.

Incidentally, I hope it is a propitious omen for this amendment that the expenditure limit in the Revenue Expenditure and Control Act of 1968, which proved so successful in helping to convert a budgetary deficit of over $25 billion in fiscal 1968 to a surplus of over $3 billion in fiscal 1969 based on the unified budget, also missed being adopted by the Finance Committee by only one vote but was subsequently adopted on the floor of the Senate.

Let me explain how the expenditure limit contained in my amendment would work. The amendment limits expenditures during the fiscal year ending June 30, 1971, to $205.6 billion. This is the projected expenditure figure released by the Budget Bureau on May 19, 1970, which I understand represents the administration's latest estimate of spending in fiscal 1971.

The limit would not apply to spending in excess of the amounts projected in the Budget Bureau's document of May 19, 1970, for three items. These are, first, interest on the public debt, second, expenditures for veterans' benefits and

XUM

services, and third, payments of trust funds. In other words, spending on these three items in excess of the amount of spending projected for them in the Budget Bureau's May 19 document would not be counted for purposes of applying the $205.6 billion expenditure limit.

The **PRESIDING OFFICER**. The Senator's 15 minutes have expired.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 5 additional minutes.

The **PRESIDING OFFICER**. The Senator from Delaware is recognized.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. HOLLAND. Mr. President, I am disturbed by just one thing and that is, What will be the result of the coming in of supplemental budget items to reflect expenditures which will have to be made to meet increased programs set up by this Congress? For instance, I was informed only yesterday by the Department of Agriculture that a new budget with around $290 million will reach us the next day or two to cover increased costs of the school lunch program. How will that kind of situation—and there will be others like it—be affected by the adoption of the amendment?

Mr. WILLIAMS of Delaware. To the extent that that was included in their May 19 estimate, it would not be affected. If it were not included we would have to find a corresponding reduction in some other programs.

Mr. HOLLAND. Could we, by providing in the legislation that this should not be counted in connection with this particular limitation, meet that point, because I am sure there will be other necessitous matters, and that is only one. We passed a new school lunch bill which sets up heavier costs, and I am sure we will have other similar matters although I shall not attempt to enumerate them now.

Can we provide in the appropriations bill itself that that particular item of increase will not apply to or have any effect produced upon it by this amendment, if this amendment is agreed to?

Mr. WILLIAMS of Delaware. Congress can always amend any law it enacts. Certainly it could amend this act if it is approved and raise the ceiling by $200 or $300 million, but it would have to be done by legislative action. It would not be done automatically. It would take affirmative action.

Mr. HOLLAND. I thank the Senator for yielding.

Mr. WILLIAMS of Delaware. Mr. President, to implement the expenditure ceiling the President would be required to reserve from expenditures and net lending from appropriations and other obligational authority such amounts as are necessary to hold spending to the $205.6 billion total. In this connection, the amendment contains provisions making it possible for the President to effectuate the expenditure limit in cases where there are requirements to apply specific formula in distributing funds.

The amendment also provides for maintaining an effective ceiling in the event that a termination of hostilities in Vietnam results in reductions in Defense Department expenditures. Any savings in Defense Department expenditures resulting from such a termination of hostilities would not be available as expenditures in other areas.

I would like to emphasize that while this is the first time, to my knowledge, that an expenditure limit would be combined with the debt ceiling, the concept of an expenditure limit is not new. In fact, the Revenue and Expenditure Control Act of 1968 made provision for an expenditure limit which was highly successful in keeping total overall expenditures under control. As I have already indicated, this limitation played an important role in shifting the budget from a deficit of over $25 billion in fiscal 1968 to a surplus of over $3 billion in fiscal 1969.

The Second Supplemental Appropriations Act also contains an expenditure ceiling which appears to limit expenditures to a total of $200.8 billion. However, the limitation in this act is a floating limitation which automatically rises whenever legislation is passed exceeding the President's budget recommendations. In addition there are numerous exceptions from the limit which under the conference version of this act could add as much as $4.5 billion to spending. Consequently the Second Supplemental Appropriations Act, in my opinion, does not provide an effective limitation on spending.

I want to emphasize that the $205.6 billion limit on expenditures under my amendment represents a reasonable limitation. In fact, some might regard it as an unusually generous figure for Government spending in the coming fiscal year, and certainly we all should be able to agree that it does not place the Government in any financial straitjacket and is ample to provide for the Government's proper needs. The $205.6 billion limit is ample to accommodate the entire amount of spending projected by the Budget Bureau in its May 19 document. It even makes provision for the $4.8 billion of additional spending over and beyond the original $200.8 billion spending estimate projected in the initial Budget document in February of this year. On a unified budget basis the $205.6 billion expenditure limit is even large enough when taken together with estimated receipts to accommodate the $1.3 billion deficit estimated by the Budget Bureau in its May 19 document, which in turn represents an abrupt shift from the $1.3 billion surplus estimated in the original February budget document.

The **PRESIDING OFFICER**. All time has expired.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 5 minutes on the bill.

The **PRESIDING OFFICER**. All time has expired.

Mr. WILLIAMS of Delaware. I yield myself 5 minutes on the bill. Can I not do that?

Mr. MANSFIELD. Mr. President, I will yield the Senator 5 minutes on the bill.

Mr. WILLIAMS of Delaware. The Senator from Pennsylvania authorized me to yield time.

Mr. MANSFIELD. He is not here.

Mr. WILLIAMS of Delaware. Mr. President, there is another point that I think the Members of the Senate should fully understand. The expenditure limit provided by my amendment would play an important role in helping to see to it that the new debt limit of $395 billion contained in the pending legislation will be adequate to last through the fiscal year and that we will not some time during the year be confronted by still another request to raise the debt ceiling above the $395 billion figure.

This is not a mere theoretical possibility; it is a very real danger. The proposed $395 billion debt ceiling is based on the administration's figures which assume that $3.8 billion of receipts will be collected as a result of proposed new legislation. This includes a new tax on lead in gasoline, extension of the present excise tax rate on automobiles and telephones, and a speedup in the collection of estate and gift taxes. The Congress will, of course, consider these proposals. However, it is exceedingly rare for any administration to have a 100 percent batting average on its tax proposals.

A similar consideration applies to the estimates of receipts from existing taxes in fiscal 1971. As you know, Government receipts depend in large measure upon the underlying economic situation since the bases of the different taxes vary with this situation. There is room for honest differences of opinion as to what the Government tax receipts will be in fiscal 1971, but it may be significant that the staff of the Joint Committee on Internal Revenue Taxation estimates that tax receipts will be essentially lower than the Treasury figure—in fact about $3 billion lower in fiscal 1971.

What all this means is that there is a strong possibility that receipts in fiscal 1971 will not come up to the levels projected in the latest revision of the budget. In fact, according to the administration's figures if the proposed legislation to raise revenue is not adopted the Federal funds deficit for fiscal 1971 rises from $10 billion to $13.8 billion, and if we add to this the staff estimates that revenue receipts will be $3 billion under the level projected by the administration the Federal funds deficit would rise to $16.8 billion. I am not saying that all of this will happen, but it seems to me that with these problems already on the receipt side of the budget the very least that we can do is to provide a fighting chance of meeting the debt limitation by providing that actual expenditures during fiscal 1971 will not exceed projected levels. This is one of the major reasons why the expenditure ceiling proposed by my amendment is so essential.

Finally, I would like to say a few words about the considerable misunderstanding which seems to exist in certain quarters regarding the effect of the proposed expenditure limit. Some have argued that there is no need for an overall ceiling of this type since the Congress has the authority to keep spending under control by seeing to it that specific appropriations are reasonable. Others have maintained that my amendment would involve the relinquishment of essential powers over expenditures by the Congress.

XUM

These arguments, it seems to me, fall very much wide of the mark. It should be apparent by now that our present procedure of operating without an expenditure ceiling just does not work and that we need an effective ceiling to keep spending under control. My amendment does not call for the Congress to give up any of its essential powers over expenditures. Moreover, the Congress will always have the power, through appropriate legislation increasing the ceiling, to increase expenditures above any specified ceiling which is enacted. However, what the ceiling is intended to accomplish is to help us to focus on overall spending. In a sense it means that the Congress would put a target figure on overall spending just as the administration does in developing its budget.

In the final analysis, if the Congress keeps the spending within the overall ceiling the administration would not be called upon to take any action whatsoever under my amendment. Under the expenditure limit the first line of defense against excessive spending would remain where it has always been—in the hands of the Congress. It is only if this first line of defense is breached that the administration would be required to take action. In other words, the ceiling leaves Congress with complete powers to determine spending within the limit that it has set itself. In this regard the Senate would be in a particularly good position to conform spending to the ceiling since it has not yet taken action on appropriations for fiscal 1971.

I hope that the Senate will see fit to adopt my amendment. Again I want to remind my distinguished colleagues that the real issue before us is not whether the debt limit is to be increased. What is at issue is whether the debt limitation is to be increased in a responsible way—in a way which improves our chances of checking the large budgetary deficits which are responsible for the continual annual requests to increase the debt limit. By providing an effective expenditure limit in the pending legislation the Senate can take a tremendous step toward this objective and adopt a major reform in the management of the Nation's fiscal affairs.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. BAKER. Mr. President——

Mr. LONG. Mr. President, I yield 5 minutes to the Senator from Utah (Mr. BENNETT).

Mr. BENNETT. Mr. President, it is very difficult for me to stand up and oppose my leader in the Finance Committee and my very good friend, Senator WILLIAMS, who certainly has earned the title of "Conscience of the Senate." But tonight, I am afraid, he is working to put the pressure on the wrong person. If he were really the conscience of the Senate, he would be asking us to put a total limit on the appropriations that we pass in a given year, instead of asking the President to take the appropriations we send him, over which he has no control, and then attempt to control the amount of them that he spends. Someday, perhaps, we will have a bill which will require the Appropriations Committee to put a total limit on appropriations, but we do not have it now.

As I see the Senator's argument, there are four practical weaknesses in it. He recognizes that it is impossible to make the ceiling tight, and so he suggests four very important exceptions, but before he is through explaining the program, our friend from Florida says, "The school lunch program is so important. Can we not write into it that it must be an exception?" And this is one of the risks; knowing that such a ceiling exists, every important appropriation bill will carry a provision in it making an exception.

Actually, only one appropriation bill has been signed into law, and only three have passed the Senate. So there are plenty of bills left in which to make exceptions.

The second problem which we face is that we have already passed one bill, the education bill, with a total $800 million higher than the President's recommendation. So if that bill represented the sum total of the problem, the President would have to take $800 million from some other program.

The third problem is a new one. Tomorrow we are going to vote as to whether or not we will override a veto, and in the bill we are going to consider tomorrow is a new gimmick which says the President must spend every dollar appropriated in that bill. So we cannot put a ceiling on him, and if we were to put a ceiling on him, then the Appropriations Committee could put that gimmick in every future appropriation bill—and most of them have yet to be passed—"You have got to spend every dollar."

Perhaps if we gave the President an item veto, he might be able to do something about it.

But before I leave the bill we are going to handle tomorrow, let me say that we increased the President's request by $350 million in that bill. So here is a total of more than $1 billion that we have already passed—and we have passed only three bills—and now we are going to say to the President, "We are going to be generous. We are going to get the people of this country all worked up to think they are going to get this additional money. But, unfortunately, you cannot give it to them. You have got to use the power of your office to take it away from them."

He is my President, and I do not want to put him in that spot. I am afraid I voted to put President Johnson in that spot in 1968, and then it was interesting to me to see how quickly the exceptions came in the appropriation bills.

I think that, much as we hope to see expenditures controlled, we have to remember that we have the power of the purse, not the President, and I hope we will not impose this limitation on him.

Mr. COOK. Mr. President, will the Senator yield me 1 minute?

Mr. LONG. I yield 1 minute to the Senator.

Mr. COOK. Mr. President, will the Senator from Utah yield for a question?

Mr. BENNETT. I yield.

Mr. COOK. I am delighted to hear the remarks of the Senator from Utah, because I am quite sure there will be some Senators who will vote for the amendment who will vote to override the President's veto tomorrow. Previously, at almost midnight one night recently, we voted to pass a bill that was $1.03 billion over the budget.

I am delighted to hear the Senator from Utah's explanation, because I think it really puts it in true perspective. What we are really trying to do, as the Senator so well put it, is put the burden on the President when the burden really lies with us.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. BENNETT. I will, if I have time.

Mr. LONG. Mr. President, I yield the Senator some time.

Mr. COTTON. Is it not a fact that if the mandatory provisions adopted, for instance, in the hospital bill were released and made not mandatory so that it would take the President——

Mr. BENNETT. But we are going to pass that bill over his veto tomorrow, and it will still be mandatory. I am no prophet, but I think that is about what is going to happen.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 3 minutes. Then I promised to yield to the Senator from Indiana.

I will yield to him first, if he wishes. I yield to the Senator from Indiana.

The PRESIDING OFFICER. Is the time off the bill?

Mr. WILLIAMS of Delaware. Yes, the time is from the bill.

Mr. HARTKE. Mr. President, I intend to support the Williams amendment. It is based on a rather simple proposition, in my opinion; that is, that we can balance the budget if we want to. After all, this is the first time in the history of the United States that we have had a budget which is in excess of $200 billion.

The amendment submitted by the Senator from Delaware is not really as comprehensive as the original Expenditure Control Act of 1968. At that time, I remember that it was put forth here with a great deal of effort and a combination of Democrats and Republicans.

More important, we can balance the budget in a sensible, humane way without meat-ax cuts in programs that are vital to the American people.

This is not the occasion to go into great detail about particular items in the Federal budget. But the point I am making can be clearly understood by refering to only a few of the more obvious drains on the Treasury.

Consider the Safeguard and anti-ballistic-missile, a multibillion dollar experiment in nuclear gadgetry which the overwhelming majority of our scientists say cannot even be made to work.

Or consider the supersonic transport—another billion-dollar item, and one whose only discernible virtue is to enable the jet set to get from New York to Paris a little quicker.

And let us not forget our super-generous farm subsidies—super-generous to the giant landowner but only modestly helpful to the family farm. Hundreds of millions of dollars could be saved by placing a ceilng of $20,000 per year on

XUM

the amount that any one farmer could receive.

The list goes on and on. I shall be happy to produce detailed figures for anyone who doubts the feasibility of a sensible, progressive balanced budget

The great virtue of the pending amendment is that it will force our budgetmakers to face up to the responsibility of cutting the fat where it can be cut without harm to any legitimate national interest.

I support the amendment and I hope it will be agreed to.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 5 minutes from the bill to reply to the question raised earlier by the Senator from New Hampshire.

This bill provides a firm ceiling so far as the expenditures are concerned. The reason it is important that we act at this time is this: At the time we offered this amendment in the Finance Committee—and it was approved—not a single appropriation bill for this fiscal year had then been approved by Congress. It is true that the supplemental and the education bill have since been acted on; but this ceiling applies directly to Congress, and it is expected that Congress will make those reductions. As Congress increases expenditures in one area we should establish a priority; we are supposed to make an offsetting decrease in another area. However, if Congress does not and appropriates more money than can be made under the mandatory ceiling, then section (b) of the amendment provides:

> Reservation from expenditures and net lending, and so forth. The President shall reserve from expenditures the net lending from appropriation or other obligational authority heretofore or hereafter made available, such amounts as may be necessary to effectuate the provisions of subsection (a).

In other words, we confer upon the President the authority to make the cuts in any area he wishes when Congress fails to act. Conceivably, if he wants to, he can make them in the same areas Congress had made mandatory. He can rescind that mandatory expenditure under this proposal if this amendment is enacted.

Mr. COTTON. Mr. President, will the Senator yield for one question?

Mr. WILLIAMS of Delaware. I yield.

Mr. COTTON. The Hill-Burton hospital authorization bill, which the President vetoed, without going into all the details, to my understanding was vetoed because certain appropriations that would be made under the authority of that bill were made mandatory; the President had to spend the money.

Mr. WILLIAMS of Delaware. Correct.

Mr. COTTON. That was the reason for the veto. If the Senator's amendment is adopted, under (b) on the second page of that bill, does it have the effect of rescinding that mandatory provision, so that the President would not be held to account for the mandatory provisions heretofore put in the authorization bill for the Hill-Burton plan?

Mr. WILLIAMS of Delaware. If he so elected to do, yes. Or he could spend that money, but then there would have to be offsetting increases in some other category. If Congress did not make the offsetting increases the President could make them somewhere else, or if he thought best he could make them there.

Mr. COTTON. What I want to make sure of is, if this amendment is adopted, does (b) on page 2 relieve the President from the mandatory provisions, if he desires to be relieved from the mandatory provisions, in the Hill-Burton authorization bill?

Mr. WILLIAMS of Delaware. It does. He could withhold those so-called mandatory expenditures under this amendment.

This section was put in there specifically for that purpose. It was worked out by the staff of our committee in conjunction with the Bureau of the Budget, and that is the interpretation that they accept on it.

Mr. COTTON. He could hold it up. He would not be obliged to spend all of the funds under the mandatory provision?

Mr. WILLIAMS of Delaware. That is correct. It would make possible the cancellation of that mandatory expenditure.

Mr. President, there is no question about that. As was stated earlier, you could get a good argument for many of these programs; but the question arises: Do we or do we not want to live within the ceiling and work toward a balanced budget? I think that is the important question we are going to decide here tonight. Personally, I think that in this inflation period we have no other choice.

This is the same amendment, tailored for the existing fiscal year, that the former Senator from Florida (Mr. Smathers) and I insisted upon when President Johnson was in the White House, and I am insisting upon the same provisions today. In my remarks I said this accumulation of deficits cannot be attributed necessarily to one political body. I think it is something we have all got to work together on, across the aisles, in order to achieve. I hope we can adopt this amendment, which is similar to what we did under the preceding administration. I think it is just as much needed today as it was then.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MILLER. Mr. President, apropos of the colloquy between the Senator from Delaware and the Senator from New Hampshire, it seems to me that if we take this action, after the action on the appropriations bill, we have, or by our subsequent action, made it clear that our intention is that the preceding action is modified, as provided by the Senator's bill.

The Senator from New Hampshire is a lawyer, and he well knows that subsequent legislative action will determine the overriding intent of Congress. But I would like to ask the Senator this question: With respect to general appropriation bills, if Congress decides it wants to have mandatory spending, will that not require that the appropriations bill also include an increase in the ceiling that is before us?

Mr. WILLIAMS of Delaware. Yes; that is a legislative matter which could be done, as I stated earlier. I fully recognize Congress could adopt this proposal here tonight and tomorrow raise the ceiling by $5 billion if it wanted to, but it would take legislative action. There is nothing automatic about it.

Mr. COTTON. One quick question. In the case of formulas and other mandatory spending, which apparently the President was advised when he vetoed the HEW appropriations last year that, without any specific mandatory provision being written into the appropriations bill, certain types of obligations are mandatory, where the formulas are with States, and so forth, does this section (b) release the President from those mandatory requirements?

Mr. WILLIAMS of Delaware. This section would release the President from any mandatory obligation authority heretofore or hereafter enacted if the carrying out of that action would cause him to exceed the budgetary ceiling. The answer is yes.

Congress and the American taxpayers should be on notice. Failure to control expenditures will mean tax increases next year and the year after.

Unless this amendment is adopted or some similar control over expenditures is enacted our deficit next year may well exceed $15 billion or $20 billion.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, I yield myself 5 minutes.

The Senator has pointed out that if we override the President's veto on tomorrow, and pass the Senate amendment here tonight, then overriding the veto tomorrow will be an exercise in futility, because we, with this amendment, will already have killed what Congress would have done by passing that bill. In other words notwithstanding what was done in that bill, the President can, if we pass the Williams amendment, nevertheless rescind the action of Congress.

The administration objects to this amendment, and I believe the administration's objection is stated most succintly, and I think best argued, by an excerpt of one paragraph from a letter written by the Director of the Budget.

He says:

> The expenditure limit now being proposed for 1971—

This is an earlier version of the amendment of the Senator from Delaware—

> allows Members of Congress to be for spending—on individual appropriations and other legislative matters—and for saving—on the aggregate ceiling—at the same time, shifting to the President the distasteful task of cutting programs below the level which both he and the Congress, in careful deliberation, deemed necessary.

In other words, Mr. President, here we were voting on appropriations the other night. I must say that I voted for the low figure in most cases. But, regardless of how a Senator voted, the Senate voted to exceed what the administration requested, and then, if it votes for the Williams amendment, proceeds to say, "Mr. President, if you spend what we voted for you to spend you are doing the wrong thing."

The Senator's amendment also has something in it which might escape the

XUM

eye, but he is consistent in saying this—if hostilities terminate in Vietnam, these additional sums that Congress has voted for air pollution or for education or for health or for welfare cannot be spent. In other words, let us say you save $15 billion by terminating hostilities in Vietnam. If this is true under the amendment you must reduce this ceiling from $205.6 billion to $190.6 billion. So that what you save in Vietnam spending cannot be spent for additions to domestic programs, even though the money is there, because anything that is saved by the end of hostilities cannot be shifted into increases in domestic programs.

So, if one wants to vote for this, and if he has voted for the high appropriation amounts, he in effect is saying, "Mr. President, it is against the law to spend the money we authorized you to spend."

The Senator's amendment even goes to the extent of providing that even though Congress says certain amounts shall or must be spent, the Congress does not mean that, despite what it said.

Mr. President, Congress voted this kind of thing in 1968, and then it promptly went to work all the next year providing first one exception and then another exception to say that, notwithstanding the limitation, the administration should go ahead and spend the money provided by some particular appropriation bill. That bill has set the pattern for the kinds of things we now see—and which is referred to in the budget letter—such as in the Elementary and Secondary Education Act, where we find the proposition that, notwithstanding future amendments—such as the one proposed here, limiting expenditures—the administration should go ahead and spend the money in the authorization.

Of course, that presents something of a question as to which act is controlling. But here is an effort to provide in advance that should this type of amendment be provided, the administration should nevertheless go ahead and take care of the education expenses. I think this presents something of a legal snarl.

The question is, Just how hypocritical does Congress want to be? I am not speaking for the Senator from Delaware. He voted to cut all appropriations, anyway. He is 100-percent consistent. He is against adding onto the funds for almost anything. But how consistent does that make us, to now vote "Nay" and say, "You will not spend that, even though we voted for it"?

Another thing which should be pointed out is that, while the Senator does exempt three noncontrollable items, there are quite a few others he does not exempt in his amendment. For example, he does not exempt expenditures for farm price supports. Assume that we provided what the President has recommended and what we think appropriate for health or for pollution control or something else. If we find that farm price supports cost a little more than we anticipated, the President has to reduce something in the other areas where we followed his recommendations.

If a disaster occurs, such as Hurricane Betsy or Hurricane Carla, and if the President tries to find money to provide for the disaster, he has to reduce something else.

If this amendment is agreed to, it will mean that we will have to act on the debt limit at a later date. We would pass a 15-day extension of the present debt limit and try to work out this amendment later on. We would have to come back a second time to do what I think we should be doing tonight. It will mean that we will be acting on a spending limit before we know what the Appropriations Committees are going to do, in trying to provide that if they exceed the budget, the money cannot be spent. Then we will have objections made and points of order made, when the Appropriations Committee brings out a bill recommending what the committee thinks it ought to do.

If we are going to have some general cutback on all spending that is voted by Congress, it seems much more appropriate to me that we would wait until we have the last appropriations bill before us, and then having seen what all the appropriations are, try to cut back on all the amounts that are recommended. That would be more orderly than if we were to tell the President in advance, before we even vote to add to an appropriation, "Do not spend it, Mr. President. This is not to be spent."

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. LONG. I yield.

Mr. PASTORE. Does it not amount to this: What we are doing is that we are relinquishing from Congress the right to set the priorities. We are assigning that responsibility to the President, and we are leaving it up to him to decide where the money shall go, and we say where the money shall not go.

The argument has been made here that possibly it would be a good thing to take it out of ABM. The fact still remains that that happens to be the pet project of this administration; so, naturally, the President is not going to take it out of there. The next suggestion was to take it out of the SST. That happens to be a pet project of the administration; so he is not going to take it out of there, either.

It would be wonderful if it could be taken out of the projects that do not have a priority. But with this amendment we are releasing ourselves from that responsibility and we are giving it to him. So it is going to end up that the President is going to have the right to set his own priorities.

Mr. LONG. I yield 5 minutes to the Senator from West Virginia.

SENATOR RANDOLPH BELIEVES CONGRESS HAS RESPONSIBILITY ON PRIORITY OF PROGRAMS

Mr. RANDOLPH. Mr. President, over the years, our distinguished colleague, the Senator from Delaware (Mr. WILLIAMS), has performed many services for the Senate and for this Nation. Through his diligent watchfulness, Senator WILLIAMS has without doubt influenced the course of our national life in many constructive respects.

It is therefore with regret that I oppose his proposal to establish a fixed ceiling on total spending by the Federal Government. It is my belief that such a ceiling at this time would be unwise in the extreme as well as impracticable.

I feel that the control of Federal spending, as indicated by the Senator from Utah (Mr. BENNETT), that this amendment seeks to establish, could be achieved better by another method. Under the proposal of the Senator from Delaware, a combination of circumstances would give the President and the administration an unwarranted latitude in determining the allocation of Government resources and the establishment of national priorities.

The able Senator from Rhode Island has just made this point very well. In other words, the President—not Congress—would call the shots, and the Congress would not be discharging its responsibility in establishing priorities in Government programs.

Further, Mr. President, the nature of our system of Government is such that a ceiling cannot be placed on overall spending and appropriations for the various Government functions to be made to fit within it.

The most recent example is the congressional effort to override the President's veto of the extension of the Hill-Burton Act. It was said by many Members tonight during the debate that this override effort—and I believe it will be successful—resists the President by requiring that all of the funds appropriated for hospital construction and modernization be spent. If such requirements were in effect in several programs and we had a ceiling as proposed by the Senator from Delaware, the President would be forced to make his cutbacks in other areas, which would not be subject to review by Congress. These could be extensive and reach far below what the President or Congress believe adequate to meet the needs of our people. Furthermore, any overall ceiling must take into account the continuing inflation which grips our Nation and the uncertainty of the economy that is causing such great concern. It is unfortunate, but under the present circumstances it is extremely difficult to predict with any such accuracy the spending requirements or income of the Government for even a year is advance.

Instead of establishing an artificial, arbitrary ceiling on Government spending, Congress and the President should be working together to determine the needs of the Nation—domestic needs as well as other needs. We should be cooperating to secure methods of providing the revenue to meet these requirements.

In our Committee on Public Works, we are deeply involved in the development of programs to meet critical domestic problems in transportation, air and water pollution, solid waste disposal, flood control and water resources, and worthwhile public works construction.

I am aware that there are other national priorities and goals into which we must fit our programs. But this must be a cooperative effort within the Congress and between the Congress and the administration. It will not be achieved by an arbitrary and artificial spending ceiling.

This does not mean that Government spending cannot be kept within reasonable bounds. A different approach must be taken, however. Congress has a responsibility to examine each program and each spending proposal carefully to determine if it is justifiable on the basis of national priority and available resources.

The resources of this Nation are great. With them we can provide a better life for all citizens and a stronger economy with which to sustain that life. Our resources, however, are not limitless. They must, therefore, be treated with care and allocated where they will provide the most benefits. We cannot do this by proposing an unrealistic overall limitation in Government spending.

Mr. LONG. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 1 minute.

Mr. LONG. Mr. President, the Senator from West Virginia is slightly in error on one point, which makes even stronger the reasons why the Senate should vote against the amendment. The amendment provides that even though Congress on this particular item said that the President must and shall spend the money, it says he shall not do it anyway.

Mr. RANOLPH. That is correct.

Mr. LONG. And even if we thought enough of cancer research, as is the case because my mother died of cancer last month, I think even though we say that the President can do something about it, nevertheless, he shall not.

Mr. RANDOLPH. Or pollution control.

Mr. PASTORE. Or impacted areas.

Mr. LONG. Or impacted areas.

Mr. BAKER. Mr. President, I express my understanding for and appreciation of the reasons the distinguished Senator from Delaware offered the amendment. I also express my intention to vote against it because it is fraught with unintended and unexpected consequences. One particular interest to me is due not only to the situation limiting expenditures in appropriation bills but also the effect of imposing new taxation on many of the citizens of Tennessee. I refer specifically to the power revenues of the Tennessee Valley Authority. I queried the Senator from Delaware as to whether the revenues collected from the TVA customers for the sale of electricity would be limited as to the expenditure, and his answer was that it would be, under the amendment. It is one thing to limit expenditures of revenues collected by taxation and a different thing to limit expenditures of revenues collected by the sale of electricity to Tennesseans. If the pending amendment is adopted—I hope it will not be—I have an amendment which will seek to remedy that situation.

Mr. WILLIAMS of Delaware. Mr. President, the bill does not confer upon the President any authority establishing priorities unless—and I emphasize the word "unless"—Congress fails to discharge its own responsibility. Every appropriation bill except the education bill is yet to be enacted. We in Congress can establish priorities. Of course if Congress wants to increase every one of the appropriation bills so that they cannot possibly be carried out within the ceiling then that would automatically delegate to the President our responsibility, but Congress can, if it has the guts, cut appropriations here and in every appropriation bill ahead of us.

Mr. HANSEN. Mr. President, we have heard much in recent years about inflation. We are aware of proposals to increase social security benefits in order to reflect the rising cost of living. It has been noted earlier in the Chamber that the interest on the national debt is approaching the amount of something like $20 billion and will, indeed, be at that figure within a year's time.

I am unaware of any significant effort on the part of any Member of this body, aside from the distinguished Senator from Delaware (Mr. WILLIAMS) and our recent colleague from the State of Florida, to bring about a meaningful manner in which we can curtail expenditures, or see that the revenue take and the amount of Federal funds made available to meet the costs can be somewhat in balance.

My question is: Is there any way that the distinguished chairman, for whom I have the highest regard, can suggest a means that would be more equitable than that suggested by the Senator from Delaware?

Mr. LONG. Mr. President, there are two ways we could meet this problem. I would suggest one would be by paring down the appropriations. Second, after we have all the appropriation bills passed, if some Senator wants to move to rescind some of the appropriations, he can do that. We have done it on other occasions.

In addition to these ways of dealing with the problem, I personally would like to see someone breathe some life back into the Committee on Nonessential Government Expenditures.

Mr. HANSEN. I thank the distinguished Senator.

The PRESIDING OFFICER (Mr. BURDICK). All time on the amendment has now expired.

The question is on agreeing to the amendment of the Senator from Delaware (Mr. WILLIAMS).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Maine, (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), the Senator from Maryland (Mr. TYDINGS), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER), the Senator from Kansas (Mr. PEARSON), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "yea."

On this vote, the Senator from South Carolina (Mr. THURMOND) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 25, nays 59, as follows:

[No. 188 Leg.]

YEAS—25

Allen
Allott
Bellmon
Boggs
Byrd, Va.
Cotton
Curtis
Dominick
Ervin
Griffin
Gurney
Hansen
Hartke
Hatfield
Hruska
Jordan, N.C.
Miller
Murphy
Packwood
Proxmire
Saxbe
Smith, Maine
Smith, Ill.
Talmadge
Williams, Del.

NAYS—59

Aiken
Anderson
Baker
Bayh
Bennett
Bible
Brooke
Burdick
Byrd, W. Va.
Case
Church
Cook
Cooper
Cranston
Dole
Eagleton
Eastland
Ellender
Fannin
Fong
Goodell
Gore
Gravel
Harris
Hart
Holland
Hollings
Hughes
Inouye
Jackson
Javits
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Pastore
Pell
Percy
Prouty
Randolph
Ribicoff
Schweiker
Scott
Sparkman
Spong
Stevens
Symington
Williams, N.J.
Yarborough
Young, N. Dak.

NOT VOTING—16

Cannon
Dodd
Fulbright
Goldwater
Kennedy
McCarthy
Mundt
Muskie
Nelson
Pearson
Russell
Stennis
Thurmond
Tower
Tydings
Young, Ohio

So the amendment of Mr. WILLIAMS of Delaware was rejected.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 17802) was ordered to a third reading and was read the third time.

Mr. PASTORE. Mr. President, the yeas and nays.

The yeas and nays were ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Delaware has 5 minutes remaining.

Mr. WILLIAMS of Delaware. Mr. President, I had promised to yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I would like to have only 2 minutes.

Mr. MANSFIELD. Mr. President, how goes the time?

The PRESIDING OFFICER. No one has responded. Anyone can have the time that is available. The Senator from Louisiana (Mr. LONG) has 5 minutes remaining and the Senator from Delaware (Mr. WILLIAMS) has 5 minutes remaining.

Mr. WILLIAMS of Delaware. Mr. President, I yield 2 minutes to the Senator from Colorado.

The PRESIDING OFFICER (Mr. BURDICK). The Senator from Colorado is recognized for 2 minutes.

Mr. DOMINICK. Mr. President, I probably will not use the 2 minutes. I have been a Member of the House and the Senate for 10 years. Every single year I have been here we have what has been called the limit. As we reach the finish line, the debt ceiling is extended. It is like the 100-yard race, but we have a movable finish line.

There is no point in putting on a debt limit if we raise the debt limit every time we come up to it.

We go on and on and on with this charade of trying to tell the American people that we have some kind of hold on what expenditures Congress will make of their tax money. But every year we come right up to the button and we raise the limit.

After all, we do not have to worry about it.

All I can say is that this kind of charade is practicing a deceit on the American public. As far as I am concerned, if we continue with it, we ought to eliminate the debt ceiling and say that Congress can do whatever it wants with the money. That is what it does anyway.

I am thoroughly opposed to it.

Mr. WILLIAMS of Delaware. Mr. President, I yield the remainder of my time to the distinguished Senator from Virginia.

The PRESIDING OFFICER (Mr. BURDICK). The Senator from Virginia is recognized.

Mr. BYRD of Virginia. Mr. President, I favor the debt ceiling; I feel that it serves a useful purpose. It should be a tight ceiling.

I feel that an $18 billion increase in the debt ceiling is not justified. I would be willing to vote for a lesser increase, but not for a $18 billion increase. I do not feel that it is justified.

I shall vote against the bill.

The PRESIDING OFFICER (Mr. BURDICK). Who yields time?

Mr. LONG. Mr. President, I yield 2 minutes to the Senator from California.

The PRESIDING OFFICER (Mr. BURDICK). The Senator from California is recognized for 2 minutes.

Mr. CRANSTON. Mr. President, I would like to respond briefly to the remarks of the Senator from Colorado. I agree that this is a charade.

I think that we should understand why this is imposed upon us and why every year we are asked to raise the debt limit by President Nixon, who, despite his desire to handle our Government in a businesslike way, nevertheless comes to us and asks for an increase, and why we, who would like to handle the affairs of Government in a businesslike manner, are compelled to go along despite our desires to do otherwise.

The cause is war. The first cause and the immediate cause is the Vietnam war. In the past 5 years, the debt has gone up and increased an average of $10 billion a year.

For 20 years before the Vietnam war began to escalate in 1965, it went up an average of $5 billion a year. The Vietnam war is the cause of the necessity of lifting this debt ceiling now. The arms race is the cause of having to do it everlastingly, almost ever since World War II.

If anyone questions the effect of war upon our economy and the inflation, I suggest he look at the May issue of Fortune magazine, page 154, where there is a chart showing inflation in our country since our country was begun. It zooms in the War of 1812 and then goes down; it zooms with the Civil War; it skyrockets with World War II and the Korean war.

There are those who attribute the massive budget and the towering deficits to aid to veterans, aid to farmers, health programs and housing programs. But all of us know that when you look at the budget you find over 70 cents of every tax dollar goes to pay for the cost of wars, past, present, future, and potential wars, and the debt on those wars and reconstruction. We are faced with a hopeless situation tonight because we have to vote for the bill. Let us find a way to end the war and the arms race.

Mr. LONG. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG. Mr. President, we who serve on the Committee on Finance do handle certain programs with respect to which special taxes are provided. For instance, we handle the social security program, the unemployment insurance program, and the highway trust fund. We handle certain other matters—such as veterans' benefits and welfare—with regard to which we must both raise the money and authorize the expenditure.

In those self-financed programs like social security we have provided more revenue than it takes to pay the benefits. But the Committee on Finance does not have the responsibility of appropriations. We have the responsibility to recommend taxes to Congress to pay for things that Congress thinks necessary. The fact we have that responsibility is one reason members of that committee are reluctant to vote for higher appropriations. But when tax revenues are not enough to pay our bills, we have an option available to us to borrow money. If we borrow money someone has to authorize an increase in the debt ceiling. That is what is proposed here today. The Senator from Colorado is correct that Congress can do whatever it wants.

Our national debt was 120 percent of our gross national product at the end of World War II and today it is about 40 percent of our gross national product. In that respect, in relative terms we are about three times as well off debtwise as we were at the end of the war. It is not a minus.

Mr. WILLIAMS of Delaware. Mr. President, I yield 2 minutes to the Senator from Iowa.

Mr. MILLER. Mr. President, I know the Senator from California was sincere in what he had to say but I am sorry he made the argument he did. It is a specious argument and I think everyone here knows it.

The reason we have the problem is because we do not match with tax revenue the outgo we have been voting. The classic proof is what happened last December on the Tax Reform Act of 1969. I do not know how the Senator from California voted on that measure, but Senators know how they voted.

I feel that is why we are in trouble with the debt ceiling, at least in the amount we are troubled about it tonight. It goes up, make no mistake about it, because we, a majority of this body, refuse to see that we have enough revenue to match outgo.

I suggest to my friend from California that his argument is specious, although I know it is well meant.

Mr. WILLIAMS of Delaware. Mr. President, I yield 2 minutes to the Senator from Nebraska.

Mr. CURTIS. Mr. President, in further reply to the Senator from California, through the years 1961 to 1965 military expenditures increased $2.5 billion; domestic civilian spending increased $18 billion. From 1965 through 1970 military expenditures, including Vietnam, increased $30 billion; and domestic civilian benefit programs increased $50 billion.

Mr. CHURCH. Mr. President, in recent years I have voted against measures to lift the debt ceiling as a symbolic protest against the squandor of our monetary resources in a senseless war in Southeast Asia. Consistent with that practice, I shall cast my vote against this bill on final passage.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. Does the Senator from Louisiana yield back the remainder of his time?

Mr. LONG of Louisiana. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The bill having been read a third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), the Senator from Maryland (Mr. TYDINGS), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER), the Senator from Kansas (Mr. PEARSON), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER), are detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "yea."

If present and voting, the Senator from

XUM

South Carolina (Mr. THURMOND) would vote "nay."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Arizona (Mr. GOLDWATER). If present and voting, the Senator from Texas would vote "yea" and the Senator from Arizona would vote "nay."

The result was announced—yeas 64, nays 19, as follows:

[No. 189 Leg.]

YEAS—64

Aiken
Allott
Anderson
Baker
Bayh
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, W. Va.
Case
Cooper
Cranston
Curtis
Dole
Eagleton
Fong
Goodell
Gore
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, Idaho
Long
Magnuson
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Murphy
Packwood
Pastore
Pell
Percy
Prouty
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stevens
Symington
Williams, N.J.
Yarborough
Young, N. Dak.

NAYS—19

Allen
Bellmon
Byrd, Va.
Church
Cook
Cotton
Dominick
Ellender
Ervin
Fannin
Hartke
Hatfield
Holland
Hollings
Jordan, N.C.
Mansfield
Proxmire
Talmadge
Williams, Del.

NOT VOTING—17

Cannon
Dodd
Eastland
Fulbright
Goldwater
Kennedy
McCarthy
Mundt
Muskie
Nelson
Pearson
Russell
Stennis
Thurmond
Tower
Tydings
Young, Ohio

So the bill (S. 17802) was passed.

Mr. LONG. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, it is quite late and I will detain the Senate only long enough to extend to the chairman of the Finance Committee, the distinguished Senator from Louisiana (Mr. LONG), the gratitude of this entire body. He handled the debt limit extension with the greatest skill and ability. Once again he has established his most effective legislative capacities.

In the consideration of this matter, I would like to thank as well the distinguished senior Senator from Delaware (Mr. WILLIAMS). His splendid cooperation, as always, was indispensable to the efficient and expeditious consideration of this measure.

May I just say that I appreciate very much the cooperation of all Members for their indulgence. The advancement of the program has benefited immeasurably as a result.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GORE:

S. 4035. A bill to amend the Employment Act of 1946 to establish a program to guarantee employment to all individuals who are able, willing, and seeking to work; to the Committee on Banking and Currency.

By Mr. MONDALE:

S. 4036. A bill for the relief of G. Reno Cammardo; to the Committee on the Judiciary.

CRIME PREVENTION AND LAW ENFORCEMENT ACT OF 1970

Mr. HART. Mr. President, 2 days ago, I introduced a bill, S. 4021, entitled the "Crime Prevention and Law Enforcement Act of 1970," designed to expand greatly Federal aid to local crime fighting efforts. I urged that this bill be enacted along with other important proposed legislation which I am cosponsoring and which will add needed tools in the effort to control crime.

In light of the interest which several colleagues have expressed in the bill, S. 4021, I ask unanimous consent to have it printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 4021

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Crime Prevention and Law Enforcement Act of 1970".

TITLE I—AMENDMENTS TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

PLANNING GRANTS

SEC. 101. (a) The third sentence of section 203(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows: "The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law-enforcement agencies, units of general local government, and public agencies maintaining programs to reduce and control crime."

(b) Section 204 of such Act is amended by inserting "section 206 or" immediately preceding section 305 and by inserting after the word "including" the following: "the establishment and operation of Criminal Justice Coordinating Councils pursuant to section 303 (13)".

(c) (1) Section 205 of such Act is amended by striking out "Funds" in the first sentence of such section and inserting in lieu thereof "not more than 70 per centum of the funds".

(2) Section 205 of such Act is further amended by adding at the end thereof the following new sentence: "At least 30 percentum of the funds appropriated under this part shall be allocated by the Administration among the units of general local government pursuant to Section 206(a)".

(d) Part B of title I of such Act is amended by adding at the end thereof the following new section:

"SEC. 206. (a) From funds allocated pursuant to the last sentence of section 205 of this Act the Administration shall make grants for planning to any unit of general local government eligible to receive assistance under section 306(b) of this Act. Federal funds granted under this section may be used for the establishment and operation of the Office of Criminal Justice as required by section 303(13) and for such other planning and coordinating purposes as may be approved by the Administration.

USES OF LAW ENFORCEMENT GRANTS

SEC. 102. (a) Section 301(b)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end in lieu thereof the following new sentence: "In high crime areas, emphasis shall be given to improved techniques for building and area surveillance, expanded police patrol and improved police response time, emergency crime reporting facilities available to the public, and improved lighting."

(b) Section 301(b)(2) of such Act is amended to read as follows:

"(2) The recruiting, training and expansion of law enforcement, correctional and court administrative personnel, and whenever appropriate to carry out programs designed to upgrade personnel requirements, supplementing the compensation of such personnel.

(c) Section 301(b)(4) of such Act is amended to read as follows:

"(4) Renting, leasing, and constructing buildings or other physical facilities which would fulfill or implement the purpose of this part, including local correctional facilities, centers for the treatment of narcotic addicts, and temporary courtroom facilities in areas of high crime incidence."

(d) Section 301(b) of such Act is amended by adding at the end thereof the following new paragraphs:

"(8) The development and operation of community based delinquency prevention and correctional programs, emphasizing halfway houses and other community based rehabilitation centers for initial pre-conviction or post-conviction referral of offenders; expanded probationary programs, including paraprofessional and volunteer participation; and community service centers for the guidance and supervision of potential youthful offenders.

"(9) The establishment, expansion and improvement of drug law enforcement programs, emphasizing control of illegal drug traffic.

"(10) The establishment of an Office of Criminal Justice for any unit of general local government within the State to assure improved coordination of all law enforcement activities, such as those of the police, the criminal courts, and the correctional system."

FEDERAL SHARE

SEC. 103. Section 301 (c) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"(c) The amount of any Federal grant made under this part shall not exceed 90 per centum of the program or project specified in the application for such grant: *Provided,* That no part of any grant for the purpose of construction of buildings or other physical facilities shall be used for land acquisition.

REMOVAL OF COMPENSATION LIMITATION

SEC. 104. Section 301 (d) of the Omnibus Crime Control and Safe Streets Act of 1968 is repealed.

HIGH CRIME AREAS

SEC. 105. Section 303 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after the first sentence thereof the following new sentence: "No State plan shall be approved unless the Administration finds that the plan provides for the allocation of an adequate share of assistance to deal with law enforcement problems in areas of high crime incidence."

ADDITIONAL STATE PLAN REQUIREMENT

SEC. 106. Section 303 of the Omnibus Crime Control and Safe Streets Act of 1968 is further amended by (1) striking out the word "and" at the end of paragraph 11 thereof, (2) striking out the period at the end

XUM

of paragraph 12 of such section and inserting in lieu thereof a semi-colon and the word "and", and (3) inserting after paragraph 12 thereof the following new paragraph:

"(13) provide that units of general local government receiving funds under this part establish an Office of Criminal Justice or other appropriate office to be responsible for developing and coordinating concerted efforts among police, prosecution, courts and correctional agencies and other relevant law enforcement agencies."

ALLOCATION UPON FAILURE OF STATE PLAN APPROVAL

SEC. 107. Section 305 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"SEC. 305. Where a State has failed to have a comprehensive State plan approved under this title within the period specified by the Administration for such purpose, the funds allocated for such State under section 306(a) of this title shall be available for reallocation by the Administration under section 306(b)."

ALLOCATION

SEC. 108. Section 306 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"SEC. 306. (a) Forty per centum of the funds appropriated to make grants under this part for any fiscal year shall be allocated by the Administration among the States according to their respective populations to the State planning agencies of such States.

"(b) The remaining 60 per centum of funds available for grants under this part, plus such additional amounts as may be made available by virtue of the application of the provisions of section 509 to the grant to any State, shall be used as the Administration may determine for grants for the purposes of this title to State agencies, units of general local government, public and private agencies, or combinations of the foregoing, according to such criteria and on such terms and conditions as the Administration shall prescribe consistent with the provisions of this title. At least 75 per centum of the funds allocated under this subsection, at the discretion of the Administration, shall be granted to:

"(1) cities having a population of 200,000 or more

"(2) cities having a population of 75,000 or more but less than 200,000 and which the Administration determines have disproportionately high per capita incidence of crime;

"(3) the largest city in a state if that city does not qualify under clauses (1) or (2) of this subsection; and

"(4) any country, or equivalent unit of general local government, having major prosecution and criminal court responsibilities for a city eligible under this subsection, provided the grant is for the purpose of fulfilling such responsibilities.

"(c) If the Administration determines that the applicant for a grant under this section is unable to provide sufficient funds for its contribution to the cost of a program or project, as required by Section 301 (c), the Administration may waive that requirement and grant funds up to 100 per centum of that project or program, except that no part of any grant for the construction of buildings or other physical facilities shall be used for land acquisition.

RESEARCH TRAINING AND GRANTS AND REGIONAL CENTERS

SEC. 109. Section 406 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended

(1) by striking out in the first sentence of subsection (b) "in areas directly related to law enforcement or preparing for employment in law enforcement" and inserting in lieu thereof "in areas related to law enforcement or suitable for persons employed in law enforcement";

(2) by striking out "tuition and fees" in the first sentence of subsection (c) and inserting in lieu thereof "tuition, books, and fees"; and

(3) by inserting at the end thereof the following new subsections:

"(d) Full-time teachers or persons preparing for careers as full-time teachers of courses related to law enforcement or suitable for persons employed in law enforcement, in institutions of higher education which are eligible to receive funds under this section, shall be eligible to receive assistance under subsections (b) and (c) of this section pursuant to regulations established by the Administration.

"(e) The Administration is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the development or demonstration of improved methods of law enforcement education, including—

"(1) planning for the development or expansion of undergraduate or graduate programs in law enforcement;

"(2) education and training of faculty members;

"(3) strengthening the law enforcement aspects of courses leading to an undergraduate, graduate, or professional degree; and

"(4) research into, and development of, methods of educating students or faculty, including the preparation of teaching materials and the planning of curriculums. The amount of a grant or contract may be up to 75 per centum of the total cost of programs and projects for which a grant or contract is made."

(b) Part D is further amended by inserting after section 406 the following new section:

"SEC. 407. The Administration is authorized to develop and support regional and national training programs, workshops, and seminars to instruct State and local law enforcement personnel in improved methods of crime prevention and reduction and of enforcement of the criminal law. Such training activities shall be designed to supplement and improve, rather than supplant, the training activities of the State and units of general local government, and shall not duplicate the activities of the Federal Bureau of Investigation under section 404 of this title.

"SEC. 408. In order to promote comprehensive regional centers of training, research and education in law enforcement and criminal justice, programs for improved law enforcement education under section 406 and training programs under section 407 shall be established or operated, wherever feasible and appropriate to contribute to carrying out the purposes of this part, at existing academic centers of police science and law enforcement."

GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

SEC. 110. (a) Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting immediately after part D the following new part:

PART E—GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

"SEC. 451. It is the purpose of this part to encourage States and units of general local government to develop and implement programs and projects for the construction, acquisition, and renovation of correctional institutions and facilities, and for the improvement of correctional programs and practices and personnel.

"SEC. 452. A State desiring to receive a grant under this part for any fiscal year shall, consistent with the basic criteria which the Administration establishes under section 454 of this title, incorporate its application for such grant in the comprehensive State plan submitted to the Administration for that fiscal year in accordance with section 302 of this title.

"SEC. 453. The Administration is authorized to make a grant under this part to a State planning agency if the application incorporated in the comprehensive State plan

"(1) sets forth a comprehensive statewide program for the construction, acquisition, or renovation of correctional institutions and facilities in the State and the improvement of correctional programs and practices throughout the State;

"(2) provides satisfactory assurances that the control of the funds and title to property derived therefrom shall be in a public agency for the uses and purposes provided in this part and that a public agency will administer those funds and that property;

"(3) provides satisfactory assurances that the availability of funds under this part shall not reduce the amount of funds under part C of this title which a State would, in the absence of funds under this part, allocate for purposes of this part;

"(4) provides for advanced techniques in the design of institutions and facilities;

"(5) provides satisfactory emphasis on the development and operation of community-based correctional facilities and programs, including diagnostic services, halfway houses, probation and other supervisory release programs for pre-adjudication and post-adjudication referral of delinquents, youthful offenders and first offenders, and community-oriented programs for the supervision of parolees;

"(6) provides, where feasible and desirable, for the sharing of correctional institutions and facilities on a regional basis;

"(7) provides satisfactory assurances that the personnel standards and programs of the institutions and facilities will reflect advanced practices;

"(8) provides satisfactory assurances that the State is engaging in projects and programs to improve the recruiting, organization, training, and education of personnel employed in correctional activities, including those of probation, parole, and rehabilitation; and

"(9) complies with the same requirements established for comprehensive State plans under paragraphs (1), (3), (4), (5), (7), (8), (9), (10), (11), and (12) of section 303 of this title.

"SEC. 454. The Administration shall, after consultation with the Federal Bureau of Prisons, by regulation prescribe basic criteria for applicants and grantees under this part.

"SEC. 455. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

"(1) 50 per centum of the funds shall be available for grants to State planning agencies.

"(2) The remaining 50 per centum of the funds may be made available, as the Administration may determine, to State planning agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the Administration determines consistent with this part. Any grant made from funds available under this part may be up to 75 per centum of the cost of the program or project for which such grant is made. No funds awarded under this part may be used for land acquisition.

"(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds granted to an applicant for that fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 509 of this title, that portion shall be available for reallocations under paragraph (2) of subsection (a) of this section."

(b) Section 601 of such Act is amended by inserting at the end thereof the following new subsection:

"(1) The term 'correctional institution or facility' means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses."

(c) Part E and part F of title I of such Act are redesignated as part F and part G, respectively.

ADMINISTRATIVE PROVISIONS

SEC. 111. (a) Section 515 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new sentence: "Funds appropriated for the purpose of this section may be expended by a grant or contract as the Administration may determine to be appropriate."

(b) Section 516 (a) of such Act is amended by striking out the period and inserting in lieu thereof the following: ", and may be used to pay the transportation and subsistence expenses of persons attending conferences or other assemblages notwithstanding the provisions of the Joint Resolution entitled 'Joint Resolution to prohibit expenditure of any moneys for housing, feeding, or transporting conventions or meetings', approved February 2, 1935 (31 U.S.C. 551)."

(c) Section 517 of such Act is amended to read as follows:

"SEC. 517. (a) The Administration may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

"(b) The Administration is authorized to appoint, without regard to the provisions of title 5, United States Code, relating to appointment in the competitive service, such technical or other advisory committees as it deems necessary to advise the Administration with respect to the administration of this title. Members of such committees not otherwise in the employ of the United States, while engaged in advising the Administration or attending meetings of the committees, shall be compensated at rates to be fixed by the Administration but not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of such title 5 and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently."

"(c) Section 519 of such Act is amended by striking out: "On or before August 31, 1968, and each year thereafter" and inserting in lieu thereof the following: "On or before December 31 of each year".

"(d) Section 520 of such Act is amended by adding at the end thereof the following new paragraph:

"There is authorized to be appropriated $1,000,000,000 for the fiscal year ending June 30, 1971, $1,500,000,000 for the fiscal year ending June 30, 1972, $2,000,000,000 for the fiscal year ending June 30, 1973, $2,500,000,000 for the fiscal year ending June 30, 1974, and thereafter such sums as may be necessary to carry out the provisions of this Act." Funds appropriated for any fiscal year may remain available for obligation until expended. Not less than 25 per centum of the amounts appropriated shall be devoted to the purposes of corrections, including probation and parole.

TITLE II—AMENDMENTS TO STRENGTHEN DRUG ABUSE AND PREVENTION PROGRAMS

INCREASED AUTHORIZATIONS

SEC. 201. Section 1004 of the Federal Drug Abuse and Drug Dependence Prevention, Treatment, and Rehabilitation Act of 1970 is amended to read as follows:

"SEC. 1004. There are hereby authorized to be appropriated to carry out the provisions of this Act $150,000,000 for the fiscal year ending June 30, 1971; $200,000,000 for the fiscal year ending June 3, 1972; and $250,000,000 for the fiscal year ending June 3, 1973; and for succeeding fiscal years such sums as may be necessary to carry out the provisions of this Act. Any appropriated funds will remain available until expended. Not less than 75 per centum of the sums appropriated for each fiscal year, pursuant to this section, shall be available only for the purposes of title VII of this Act.

ADDITIONAL COSPONSORS OF BILLS

S. 3723

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Hampshire (Mr. MCINTYRE), I ask unanimous consent that, at the next printing, the name of the Senator from Rhode Island (Mr. PELL) be added as a cosponsor of S. 3723, to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

S. 3976

Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Nevada (Mr. CANNON), the Senator from Kentucky (Mr. COOK), the Senator from Nebraska (Mr. CURTIS), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. FANNIN), the Senator from Hawaii (Mr. FONG), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Utah (Mr. MOSS), the Senator from South Dakota (Mr. MUNDT), the Senator from Kansas (Mr. PEARSON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Ohio (Mr. SAXBE), the Senator from South Carolina (Mr. THURMOND), the Senator from Ohio (Mr. YOUNG), and the Senator from Wisconsin (Mr. PROXMIRE) be added as cosponsors of S. 3976, to make it unlawful to interfere in any way with any person's exercise of his constitutional rights of religion, speech, press, assembly, or petition, and to make available injunctive and other relief in Federal district courts in the event of such unlawful interference.

The PRESIDING OFFICER (Mr. RIBICOFF). Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 210

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Minnesota (Mr. MONDALE), I ask unanimous consent that, at the next printing, the names of the Senator from California (Mr. CRANSTON) and the Senator from Ohio (Mr. YOUNG) be added as cosponsors of Senate Joint Resolution 210, to provide a 1-year moratorium on the termination of modification of designations of areas as redevelopment areas for the purposes of the Public Works and Economic Development Act of 1965.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

PRINTING OF REPORT ON STEELE BAYOU, YAZOO RIVER (LOWER TRIBUTARIES), MISSISSIPPI

Mr. RANDOLPH. Mr. President, I present a letter from the Secretary of the Army, transmitting a favorable report dated May 11, 1970, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on Steele Bayou, Yazoo River—lower tributaries—Mississippi, in partial response to a resolution of the Committee on Public Works, U.S. Senate. I ask unanimous consent that the report be printed as a Senate document with illustrations, and referred to the Committee on Public Works.

The PRESIDING OFFICER (Mr. GOLDWATER). Without objection, it is so ordered.

THE POSTAL REORGANIZATION ACT—AMENDMENTS

AMENDMENT NO. 748

Mr. YARBOROUGH. Mr. President, I submit an amendment intended to be proposed by me to the committee amendment to S. 3842, my amendment being in the nature of a substitute for the postal reorganization bill.

The PRESIDING OFFICER (Mr. GOLDWATER). The amendment will be received and printed, and will lie on the table.

Mr. YARBOROUGH. The amendment I offer is designed to accomplish two objectives: First, to give our postal workers under the postal field service schedule and the rural carrier schedule an immediate 8-percent pay increase; and second, finance this pay increase by a 1-cent increase in first class and air mail rates with a proportionate increase generally of 16⅔ percent in second and third class rates.

Mr. President, we will soon have before us a bill which is described as a so-called postal reform measure. However, the sad truth is that this bill is a hastily prepared and ill-advised measure which dismantles one of our oldest public service institutions in the United States, the U.S. Post Office, at the expense of the great majority of the American people.

This bill has not been given the consideration that a measure of its sweeping proportion should obtain. Very few members of the public are aware that if this bill is passed, control of the Post Office will be turned over to a handful of men who are responsible only to themselves and not to Congress or the American people as a whole or to the President. Before enacting such a drastic measure, I feel that it is imperative that postal reorganization and reform be considered as a separate measure and not attached to a pay increase for postal workers.

Probably the most neglected group of American workers are the postal employees. These men and women have performed their jobs quietly and efficiently for many years at a pay rate that

XUM

is far below that paid to other Government employees and workers in private industry. By attaching the postal reorganization plan as a condition precedent to raising these workers' wages, the administration is taking advantage of the just demands of postal workers, in order to force its Postal Corporation on the American people. If we in Congress are to meet our responsibilities to the American public and to the postal workers of America, we cannot allow a bill of this nature to be passed routinely, without full consideration of its contents, impact and meaning for the future.

The amendment I introduce today goes to the heart of our most pressing problem in the Post Office—pay increases for postal workers. It would raise these workers' pay by 8 percent and when added to the previous raise it would constitute a total increase of 14 percent, thereby bringing postal employees' wages into parity with other Government workers. To finance this increase in wages, my bill calls for a 1-cent increase in first-class and airmail rates with a proportionate increase of 16⅔ percent for second- and third-class postal rates. Fourth-class postal rates would not be increased since they can be administratively adjusted by the Interstate Commerce Commission to bring them up to the same 16⅔ percent. These increases would produce more than enough revenue to finance these much needed pay increases for the postal workers. That is a total of 14 percent. This is fiscally responsible, and raises more money than the two increases put together for the postal employees.

Mr. President, we cannot allow the Post Office, which is the oldest of our public service institutions to become an instrument to make up budget deficiencies for the Government generally. I recognize that many of the procedures of the Post Office should be improved, having been on the Committee on Post Office and Civil Service since the first month I came to the Senate, in 1957, and having been a member of that committee longer than any other Member of this body. However, I believe such improvements should properly be made within the present framework of the Post Office Department.

Mr. President, this massive bill, in its present form, was submitted to the committee about 2 days before it was reported to the floor, and then we did not have copies. It was thrown together. One bill was offered as a substitute for the other bill.

Simply because the proponents of this bill call it a reform measure does not make it so. The use of the word "reform" to apply to the present reorganization bill brings to mind the statement by Humpty-Dumpty in Lewis Carroll's great classic "Through the Looking Glass":

> "When I use a word," Humpty-Dumpty said, "it means just what I choose it to mean—neither more nor less."

Reform suggests improving something. There is little evidence that this bill accomplishes this purpose. In its present form, the proposed bill represents a dismantling of the Post Office. Therefore, I urge the Senate to pass my amendment and raise the wages for postal employees, then also raise the rates to pay for that increase and make it fiscally responsible and then give careful consideration to internal improvements in the Post Office. Congress should not ram this bill through tonight, tomorrow, or the next day. This is a whole total change in Government, from a service concept to a profit concept. It would destroy the very purpose for which it was created. My amendment should be given careful consideration. I ask unanimous consent, Mr. President, that it be printed in the RECORD at this point.

The **PRESIDING OFFICER** (Mr. GOLDWATER). Without objection, it is so ordered.

The text of the amendment is as follows:

AMENDMENT No. 748

On page 137, beginning with line 1, strike out through line 7 on page 285 and insert in lieu thereof the following:

That this Act may be cited as the "Postal Employee Salary and Postal Revenue Act of 1970".

PAY INCREASE

SEC. 2. (a) The President shall increase the rates of compensation (as such rates were increased under the Federal Employees Salary Act of 1970) included in the Postal Field Service Schedule and the Rural Carrier Schedule contained in sections 3542(a) and 3543(a), respectively, of title 39, United States Code, by amounts equal to, as nearly as may be practicable and with regard to maintaining equal increments with any level of any such schedule, 8 percent of such rates.

(b) Rates of compensation of officers and employees paid under the schedules referred to in subsection (a) of this section shall be increased initially under conversion rules prescribed by the President or if the President so designates, by the Postmaster General.

(c) The increases made by the President under this section shall have the force and effect of law and shall be printed (1) in the Statutes at Large in the same volume as public laws, (2) the Federal Register, and (3) the Code of Federal Regulations.

(d) An increase in a rate of compensation which becomes effective under this section is not an equivalent increase in pay within the meaning of section 3552 of title 39, United States Code.

(e) Nothing in this section shall impair any authority pursuant to which rates of compensation may be fixed by administrative action.

(f) The rate of compensation of an officer or employee which is increased under this section shall be increased as of the first day of the first pay period for that officer or employee which commences on or after the date of enactment of this Act.

POSTAL RATE INCREASE

SEC. 3. (a) Section 4253 of title 39, United States Code, is amended—

(1) by striking out "6" in subsection (a) and inserting in lieu thereof "7"; and

(2) by striking out "5" in subsection (c) and (d) and inserting in lieu thereof "6".

(b) Section 4303 of such title is amended—

(1) by striking out "10" in subsection (a) and inserting in lieu thereof "11";

(2) by striking out "8" in subsection (b) and inserting in lieu thereof "9"; and

(3) by striking out subsection (d)(1) and inserting in lieu thereof the following:

"(d)(1) The rates of postage on air parcel post are based on the eight zones described in section 4553, or prescribed pursuant to section 4558, of this title in accordance with the following tables:

	"Zones					
	Locals 1, 2, and 3	4	5	6	7	8
Not over 1 lb	$0.93	$0.93	$0.93	$0.93	$0.93	$0.93
Over 1 lb. but not over 1½ lbs	1.14	1.19	1.25	1.33	1.38	1.45
Over 1½ lbs. but not over 2 lbs	1.35	1.44	1.56	1.72	1.81	1.96
Over 2 lbs. but not over 2½ lbs	1.63	1.73	1.89	2.09	2.23	2.43
Over 2½ lbs. but not over 3 lbs	1.91	2.02	2.22	2.46	2.65	2.89
Over 3 lbs. but not over 3½ lbs	2.19	2.31	2.54	2.84	3.07	3.36
Over 3½ lbs. but not over 4 lbs	2.47	2.60	2.87	3.21	3.49	3.83
Over 4 lbs. but not over 4½ lbs	2.75	2.89	3.20	3.58	3.91	4.29
Over 4½ lbs. but not over 5 lbs	3.03	3.19	3.52	3.96	4.33	4.76

For each pound or fraction of a pound in excess of five pounds in weight, the additional postage is as follows:

"Zones	Rate
Local and zones 1, 2, and 3	$0.54
Zone 4	.58
Zone 5	.65
Zone 6	.75
Zone 7	.84
Zone 8	.93.".

(c) Section 4358 of such title is amended—

(1) by striking out subsection (a) and inserting in lieu thereof the following:

"(a) Except as provided in subsection (b), the rate of postage on publications admitted as second-class mail when addressed for delivery within the county in which they are published and entered is as follows:

"[In cents]	
Rate per pound	1.8
Minimum charge per piece	.2.";

(2) by striking out subsection (d)(1) and inserting in lieu thereof the following:

"(d)(1) Except as provided in paragraph (2), the rates of postage on publications mailed in accordance with section 4359(a) of this title, of qualified nonprofit organizations, are as follows:

"[In cents]

	"During calendar year 1970	"During calendar year 1971	"During calendar year 1972	"During calendar year 1973 and thereafter
Rate per pound:				
Advertising portion:				
Zones 1 and 2	4.0	4.7	5.3	5.95
Zone 3	4.7	5.6	6.5	7.35
Zone 4	6.1	7.5	8.8	10.15
Zone 5	7.5	9.3	11.1	12.95
Zone 6	8.05	10.0	12.0	14.0
Zone 7	8.05	10.0	12.0	14.0
Zone 8	8.05	10.0	12.0	14.0
Nonadvertising portion	2.45	2.45	2.45	2.45
Minimum charge per piece	.23	.23	.23	.23";

(3) by striking out "4.2" in subsection (f) and inserting in lieu thereof "4.9"; and

(4) by striking out of subsection (g) "is 0.6 cent per piece when mailed during the calendar year 1968, 0.7 cent per piece when mailed during the calendar year 1969, and 0.8 cent per piece when mailed thereafter" and inserting in lieu thereof "is 0.9 per piece".

(d) Section 4359(b) of such title is amended to read as follows:

"(b) Except as otherwise provided in this

XUM

section and section 4358 of this title, the rates of postage on publications mailed in accordance with subsection (a) are as follows:

"[In cents]

Rate per pound:	
Advertised portion:	
Zones 1 and 2	6.1
Zone 3	7.5
Zone 4	10.3
Zone 5	13.0
Zone 6	15.9
Zone 7	16.9
Zone 8	19.8
Nonadvertising portion	4.0
Minimum charge per piece	1.5.".

(e) Section 4362 of such title is amended by striking out "5" and inserting in lieu thereof "6".

(f) Section 4422 of such title is amended to read as follows:

"§ 4422. Rates of postage

"The rates of postage on controlled circulation publications found by the Postmaster General to meet the definition contained in section 4421 of this title when mailed in the manner prescribed by the Postmaster General are as follows:

"[In cents]

Rate per pound	17.5
Minimum charge per piece	4.4.".

(g) Section 4452(a) of such title is amended to read as follows:

"(a) Except as otherwise provided in this section, the postage rates of third-class mail are as follows:

"[In cents]

"Type of mailing	Rates	Unit
(1) Individual piece	7.0	1st 2 ounces or fraction thereof.
	2.0	Each additional ounce or fraction thereof.
(2) Bulk mailings under subsection (e) of this section of—		
(A) Books and catalogs of 24 pages or more, seeds, cuttings, bulbs, roots, scions, and plants.	19.0	Each pound or fraction thereof.
(B) Other matter	26.0	Do.
(C) Minimum charge of.	4.7	Per piece.

"In lieu of the minimum charge per piece specified in the foregoing table, a person who mails for himself, or on whose behalf there is a mailing, under subsection (e) of this section, shall pay a minimum charge per piece of 4.4 cents on the first 250,000 pieces mailed during a year. For such purpose, the number of pieces mailed during a year shall be the aggregate of the pieces mailed under item (2) (A), (B), and (C) of the above table".

(h) The amendments made by this section shall be effective on the first Sunday occurring on or after the thirtieth day after the date of enactment of this Act.

Amend the title so as to read: "A Bill to increase the pay of postal employees and to increase postal rates."

AMENDMENTS NOS. 749 AND 750

Mr. ERVIN submitted two amendments, intended to be proposed by him to the bill (S. 3842) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENTS NOS. 751, 752, AND 753

Mr. BELLMON submitted three amendments, intended to be proposed by him to the bill (S. 3842), supra, which were ordered to lie on the table and to be printed.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 739

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from California (Mr. MURPHY) be added as a cosponsor of amendment No. 739, to S. 3842, to improve and modernize the postal service and to establish the U.S. Postal Service.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

SOUTHEAST ASIA

Mr. FANNIN. Mr. President, I wish to associate myself with the recent remarks of the distinguished junior Senator from Texas (Mr. TOWER) and his able explanation of the presence of our Armed Forces in Southeast Asia and other areas of the world.

I recently received a letter from a war correspondent who served in Southeast Asia in 1968. He also gives an excellent summary of the meaning of that struggle.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter of John Riddick, war correspondent for the Tucson Daily Citizen, and commend his observations to the Senate.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TUCSON, ARIZ., *June 4, 1970.*

Senator PAUL FANNIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FANNIN: I enjoyed seeing you, however briefly, in Tucson the other day. As I told you then, I have been planning a letter to you which follows and which I believe to be timely.

I was a war correspondent in Southeast Asia for the Tucson Daily Citizen during almost the entire year of 1968. I think I had a more comprehensive view of the Indochinese situation than any other newsman, and perhaps any other American.

And it is out of that experience that I write to you, hoping to be of whatever service I can to these who today are leading the fight for American foreign policy.

I went to Southeast Asia seeking the meaning of that struggle. I looked at every side of it that I could think of. I fought to try to be aware of my biases so as to be as realistic an observer as possible.

And, Senator Fannin, after all the subleties and complexities are sifted, in my view it comes down to a struggle between democracy and totalitarianism, between freedom and the enslavement of man.

I believe that contrary to what many Americans, particularly American intellectuals are saying, it is one of the most idealistic wars of history. For it is fought for freedom.

The face of America in Asia is not imperialistic. It is what America has always stood for most to the people of the world—freedom.

And it is that failure to get this message over to the American people that is most disturbing to me.

The 40,000 young Americans have died for the same thing their fathers died for in the fight against Nazis—freedom.

Senator Fannin, it was my direct observation that the people of South Vietnam are trying to build a democracy. In view of that, the statement of many of your senatorial colleagues that we should summarily abandon them is to me dishonor in the highest.

I believe that President Nixon's plan has a chance of success. I have been on operations with South Vietnamese units that were good. I have known South Vietnamese political and economic leaders who were dedicated and resourceful.

The background for my comments is in part that of the President's most vigorous critics. I had a good deal of education including the completion of my credits for a doctorate at Columbia University.

For more than a dozen years I covered the complicated development of the Tucson valley—science, space, electronics, industry, mining, the military, agriculture.

And I went to Vietnam as a reporter concerned with interpreting the complicated things of our century for the public.

I arrived in Saigon before the Tet Offensive. For the next half year I roamed up and down the country sampling all sides of the war. More than any other reporter I know of, I went among the Vietnamese.

Then I went and looked at the problem from the perspective of the broader Indochinese peninsula in Thailand and Laos. Next I spent two months in Hong Kong "China Watching" and then I went back to Vietnam for a while.

The complexities of Vietnam are endless. Our failures in underestimating the difficulty of the problem are many. There was a great mistake by the Johnson administration to encourage belief in an early solution.

The Communist—the left totalitarians—have developed a formidable combination of terror and organization. We should have thrown more of our best minds into the struggle. We should have sent more specialists to Indochina for longer times.

Such a struggle as this does not yield to high explosives alone. We need more subtle thinking.

And yet after all of this, those who said the struggle was right and important were correct. There are a quarter of a billion people in Southeast Asia. Who knows the value even of what we have done to this point for a free Indonesia.

There is no way to exaggerate the failures of the Media in this struggle. For they have failed to project an image of REALITY into the mind of Americans. Instead, many newsmen have projected their own prejudices.

Even at that, I find it difficult to understand the failure of the Johnson and of the Nixon administrations to get over to more of the American people the ETHICAL rightness of our cause.

It is here that there has been such a massive failure with youth and such vulnerability before the intellectuals. And to me this is ironical in that here reality supports us most strongly. The face of totalitarianism, its oppression of people, its basic madness has not changed in Asia from its earlier European form though it is more clever and therefore more difficult.

I think President Nixon has made a mistake in not speaking more of freedom and of the fight for democracy.

I thought President Thieu made a good appearance on television the other night, presenting himself as I believe him to be, a man fighting for a young, clumsy, but emerging democracy.

The evidence is there. I wonder if the White House knows it.

I wrote to President Nixon last fall offering my services in whatever capacity he could use them—and got a form reply.

Those fighting in Washington have too little used the help that could come to them from those who have seen REALITY in the raw situation itself, the details of Indochina.

I do want to say that I personally appreciate very greatly your fight today to stand by America's commitment to the people of Southeast Asia and to the broader struggle for freedom.

The deliberate deafness of American intellectuals to the voices of the totalitarians—saying so clearly and so explicitly their intention to conquer the world—is a strange example of self deception.

We all stand today at a focal point of history where we are required to decide.

History will see "Vietnam"—seen as a symbol as well as a particular event—was a truly decisive moment.

Those of us who are Americans also have a debt to our fellow citizens who have died in Vietnam.

Senator Fannin, I interviewed dozens of them—on the battlefield and in hospitals. I don't know if our army has deteriorated today. But in 1968, the young Americans—there was no generation gap—believed they were fighting for freedom.

I do too.

Yours sincerely,

JOHN RIDDICK.

ADJOURNMENT TO 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 o'clock tomorrow morning.

The motion was agreed to; and (at 11 o'clock and 35 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, June 30, 1970, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate, June 29, 1970:

OFFICE OF TELECOMMUNICATIONS POLICY

Clay T. Whitehead, of California, to be Director of the Office of Telecommunications Policy (New position.)

CONFIRMATIONS

Executive nominations confirmed by the Senate, June 29, 1970:

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

The nominations beginning Kenneth A. MacDonald, to be captain, and ending William T. Turnbull, to be ensign, which nominations were received by the Senate and appeared in the Congressional Record on June 22, 1970.

HOUSE OF REPRESENTATIVES—*Tuesday, June 30, 1970*

The House met at 12 o'clock noon.

Rabbi Norbert Weinberg, Congregation Adas Israel, Fall River, Mass., offered the following prayer:

Let us pray.

Our God and God of our fathers, as the Members of Congress gather on this day for their deliberations, we extend the fervent prayer that their voices and actions will echo the great and historic traditions to which these Halls have been witness and which have made this land a symbol for all the free people of the world.

May their discussions and labor be inspired by the light of Your wisdom and love, causing them to deal wisely and successfully with the many and complex problems and challenges with which they are faced.

May they thus demonstrate to our younger citizens the blessings inherent in our hallowed American way of life, with the United States as a beacon of light and hope to the "huddled masses of the tired and the poor who yearn to breathe free."

May the words of the ancient prophet come to pass in our own day:

And he shall turn the hearts of the fathers to the children, and the hearts of the children to their fathers.—Malachi 3:24.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 2047. An act for the relief of Roseanne Jones;

H.R. 5000. An act for the relief of Pedro Irizarry Guido;

H.R. 15712. An act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971; and

H.R. 17802. An act to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act.

RABBI NORBERT WEINBERG

(Mrs. HECKLER of Massachusetts asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Mrs. HECKLER of Massachusetts. Mr. Speaker, we were privileged today to hear a most inspiring prayer by one of our Nation's distinguished spiritual leaders, Rabbi Norbert Weinberg of Congregation Adas Israel, Fall River, which is part of my congressional district.

May I take a moment to express my personal appreciation and that of my constituency to Rabbi Weinberg for his magnificent and lasting contribution to the fellowship and brotherhood for which Fall River is noted. He has instilled the spirit of good will among his own congregation and to churches of all denominations in his area.

Himself a fugitive from injustice in Nazi Germany, Rabbi Weinberg has come to our shores much like the Pilgrims in the early 17th century, to foster the brotherhood of man under the fatherhood of God.

At the tender age of 7, he felt the whip of prejudice, and having escaped with his parents, he vowed to dedicate his life to the betterment of mankind. Although the son of a physician, Norbert Weinberg chose the rabbinate as a vehicle for his humane zeal.

In closing, I wish to thank Rabbi Weinberg, his wife, Shoshanah, and their four children who are here, for journeying to Washington and offering us the opportunity to hear his prayer.

PERMISSION FOR HOUSE MANAGERS TO FILE CONFERENCE REPORT ON H.R. 17868, DISTRICT OF COLUMBIA APPROPRIATIONS, 1971

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill (H.R. 17868) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1971, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

FRANK PARSONS OF ALABAMA—NATIONAL VICE PRESIDENT OF THE U.S. JAYCEES

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, Alabama has done it again.

During the U.S. Jaycees 50th annual convention in St. Louis last week our State captured a number of awards, not the least of which was the election of Alabama Jaycee President Frank Parsons of Birmingham as national vice president of the U.S. Jaycees.

This convention capped a year of outstanding achievement by the Alabama Jaycee chapter which earlier this month was named No. 1 in the Nation.

Mr. Parsons' selection as vice president was but one of many honors bestowed upon the Alabama Jaycees and city chapters throughout our State. It was also only one of the honors for Mr. Parsons who was named one of the five outstanding State presidents in the United States.

I am delighted to report that the Birmingham Junior Chamber of Commerce received one of the top national awards for its community relations program. The city, which it is my privilege to represent in the Congress, has made great progress in recent years, much of it through the efforts of groups like the Jaycees. Thus, Mr. Speaker, this recognition is well deserved.

Jaycees in the cities of Huntsville, Mobile, and Tuscaloosa were also cited for their work in several different areas including health and safety programs.

Alabama Jaycee vice president Renza Bowen of Alexander City was named one of the 10 outstanding State vice presidents and Wayne White of Lafayette was tapped as one of the five outstanding

XUM

State national directors of the U.S. Jaycees.

Mr. Speaker, in my judgment, this is a highly impressive record and is indicative of the outstanding job the Alabama Jaycees and the member chapters are doing.

I congratulate each of these young men individually and each of the Alabama Jaycee chapters which has worked so diligently in recent years to make Alabama the No. 1 Jaycee State in the United States.

NIXON KEEPS CAMBODIA COMMITMENT

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PELLY. Mr. Speaker, occasionally a representative from some college campus, either a student or faculty member, who is a resident of the congressional district I serve, still visits my office, but the antiwar delegations that came to Washington, D.C., in May have ended. They are gone, but their messages to their Members of Congress are not forgotten.

Almost without exception, these visitors from educational institutions in discussing the President's order for our forces to clean out enemy sanctuaries in Cambodia said they did not trust President Nixon to keep his commitment to have our troops, including "advisers," out of Cambodia by June 30.

Mr. Speaker, I know of no case where our President has failed to keep his word. I trust Richard Nixon, and I hope now the students and faculty members of our universities and colleges will have renewed faith in his promises.

Today, our country badly needs faith in its Government, and especially from the younger generations.

ADJOURNMENT FROM WEDNESDAY, JULY 1, 1970, TO MONDAY, JULY 6, 1970

Mr. ALBERT. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 671) and ask for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 671

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, July 1, 1970, it stand adjourned until 12 o'clock meridian, Monday, July 6, 1970.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZATION FOR THE CLERK TO RECEIVE MESSAGES FROM THE SENATE AND THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DURING ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Monday, July 6, 1970, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

THE DETERIORATING FEDERAL BUDGET SITUATION

(Mr. MAHON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAHON. Mr. Speaker, today—June 30—is the last day of the fiscal year 1970. It seems appropriate to again take note of our budgetary situation

FISCAL 1970 BUDGET DEFICIT

Our Federal budgetary situation is deteriorating. The books are closing today on a budget that is in the red. The last official Presidential estimate, on May 19, reestimated the fiscal 1970 deficit at $1.8 billion on the unified budget basis which encompasses borrowings from the social security, highways, and other trust funds for the regular operations of the Government. But excluding the trust funds which are running a large surplus, the deficit was reestimated at $11 billion in respect to general Federal funds. The final figures for the year 1970 will not be available for some weeks.

FISCAL 1971 BUDGET DEFICIT

The President on May 19 also reestimated the deficit outlook for fiscal 1971 which begins tomorrow. Under the unified plan counting in the trust funds, he projected a tentative deficit of $1.3 billion. Excluding the trust funds, the Federal funds deficit for 1971 was projected at $10 billion.

But, Mr. Speaker, that deficit projection rests on a number of uncertainties and contingencies; it could run much deeper, depending on the economic situation and on congressional actions, or inactions, which were assumed in arriving at the projections.

Under the circumstances which I have related it is imperative that the Congress and the executive branch seek to do the best possible job in dealing with the fiscal affairs of the Nation.

Under leave granted, I am inserting in today's Extension section of the RECORD additional details, including a résumé of the status of congressional actions on the 1971 budget.

EXTENDING THE CLEAN AIR ACT, AND THE SOLID WASTE DISPOSAL ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 4012) to extend the Clean Air Act, as amended, and the Solid Waste Disposal Act, as amended, for a period of 60 days.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the Senate bill as follows:

S. 4012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That pending extensions by Act of Congress of the Clean Air Act and Solid Waste Disposal Act, the authorizations contained in sections 104(c) and 309 of the Clean Air Act, as amended, for the fiscal year ending June 30, 1970, and the authorization contained in section 210 of the Solid Waste Disposal Act, as amended, for the fiscal year ending June 30, 1970, shall remain available through August 31, 1970, notwithstanding any provisions of those sections.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 15733, AMENDMENT OF THE RAILROAD RETIREMENT ACT OF 1937

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15733) to amend the Railroad Retirement Act of 1937 to provide a temporary 15 per centum increase in annuities, to change for a temporary period the method of computing interest on investments of the railroad retirement accounts, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, FRIEDEL, DINGELL, SPRINGER, and DEVINE.

AUTHORIZING PRESIDENT'S COMMISSION ON CAMPUS UNREST TO COMPEL ATTENDANCE AND TESTIMONY OF WITNESSES AND PRODUCTION OF EVIDENCE

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 1284) authorizing the President's Commission on Campus Unrest to compel the attendance and testimony of witnesses and the production of evidence, and for other purposes.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would be at least slightly interested in knowing what this is going to cost, if anything, and the reason for it otherwise.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, this resolution gives to the President's Commission on Campus Unrest the same subpena authority and other authority

XUM

that other commissions of like character have had in the past. It has been cleared with the Speaker and the majority leader and with the House Committee on the Judiciary.

I am submitting it at this time so the Commission can carry out its responsibilities.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 1264

Joint resolution authorizing the President's Commission on Campus Unrest to compel the attendance and testimony of witnesses and the production of evidence, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) for the purposes of this joint resolution, the term "Commission" means the Commission created by the President by Executive Order 11536, dated June 13, 1970.

(b) The Commission, or any member of the Commission when so authorized by the Commission, shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the Commission. The Commission, or any member of the Commission or any agent or agency designated by the Commission for such purpose, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing.

(c) In case of contumacy or refusal to obey a subpoena issued to any person under subsection (b), any court of the United States within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(d) Process and papers of the Commission, its members, agent, or agency, may be served either upon the witness in person or by registered mail or by telegraph or by leaving a copy thereof at the residence or principal office or place of business of the person required to be served. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Commission, its members, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(e)(1) Whenever a witness refuses, on the basis of his privilege against self-incrimination, to testify or provide other information in a proceeding before the Commission, and the person presiding over the proceeding communicates to the witness an order issued pursuant to paragraph (2) of this subsection, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination; but no testimony or other information compelled under the order (or any information directly or indirectly derived from such testimony or other information) may be used against the witness in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order. The term "other information" includes any book, paper, document, record, recording, or other material.

(2) The Commission may, with the approval of the Attorney General, issue an order requiring an individual who has been or may be called to testify or to provide other information to give any testimony or provide other information which he refuses to give or provide on the basis of his privilege against self-incrimination: *Provided,* That the Commission may issue such an order only if in its judgment (i) the testimony or other information from such individual may be necessary to the public interest, and (ii) such individual has refused or is likely to refuse to testify or provide other information on the basis of his privilege against self-incrimination.

(f) All process of any court to which application may be made under this Joint Resolution may be served in the judicial district wherein the person required to be served resides or may be found.

Sec. 2. The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and such personnel may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no individual shall receive compensation at a rate in excess of the maximum rate authorized by the General Schedule. In addition, the Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not in excess of the daily equivalent of GS-18. The Commission is also authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research for surveys, the preparation of reports, and other activities necessary for the discharge of its duties.

Mr. GERALD R. FORD (during the reading). Mr. Speaker I ask unanimous consent that further reading of the joint resolution be dispensed with and that it be printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. COHELAN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 193]

Adair
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Ashley
Aspinall
Ayres
Baring
Bell, Calif.
Berry
Blanton
Blatnik
Bray
Brock
Byrne, Pa.
Cabell
Carey
Cederberg
Clancy
Clark
Clausen, Don. H.
Conyers
Corbett
Coughlin
Cramer
Daddario
Dawson
Denney
Dickinson
Dingell
Eckhardt
Edwards, La.
Esch
Evins, Tenn.
Farbstein
Findley
Flowers
Frelinghuysen
Frey
Gallagher
Gilbert
Gray
Hansen, Idaho
Hastings
Hawkins
Hays
Hébert
Horton
Hosmer
Jarman
Jones, Tenn.
Keith
Kirwan
Kuykendall
Latta
Leggett
Lukens
McClure
Mann
Mathias
May
Meeds
Mollohan
Montgomery
Morton
Moss
Ottinger
Passman
Patman
Pepper
Pike
Poff
Pollock
Powell
Price, Tex.
Rarick
Reifel
Rivers
Robison
Roudebush
Saylor
Scheuer
Sikes
Smith, Iowa
Springer
Stephens
Teague, Tex.
Thompson, N.J.
Tunney
Vander Jagt
Watson
Weicker
Whitehurst
Wilson, Bob
Wilson, Charles H.
Wold
Wolff

The SPEAKER. On this rollcall, 332 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SHOWING OF ISRAEL AIR FORCE MOVIE

(Mr. FOLEY asked and was given permission to address the House for 1 minute.)

Mr. FOLEY. Mr. Speaker, through the courtesy of Chairman Celler of the Judiciary Committee, a movie will be shown this afternoon. It is being shown now, and it will be repeated at 1 o'clock, 1:30, 2 o'clock, and 2:30, a color movie on the Israeli Air Force. This film was not produced by the Government of Israel but by the National Broadcasting Co., and was included in a segment of their February 3, 1970, "First Tuesday" program. The film lasts about 25 minutes and is an informative and interesting film concerning the training and maintenance of the Israeli Air Force. It includes a very interesting interview with Gen. Mordecai Hod, commander in chief of the Israel Air Force, who is recognized as the architect of the air war victory of Israel in 1967. I think Members will find it most interesting, and the gentleman from New York (Mr. Celler) and I warmly invite all Members who find it possible to attend one of the showings.

The film is being shown in room 2141 of the Rayburn Building, which is the main hearing room of the Committee on the Judiciary.

APPOINTMENT OF CONFEREES ON H.R. 16916, OFFICE OF EDUCATION APPROPRIATIONS, 1971

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 16916) making ap-

XUM

propriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. COHELAN. Mr. Speaker, reserving the right to object, and I do not intend to object to the request of the gentleman from Pennsylvania. I take this time to advise the House that I shall make a motion to instruct the conferees in respect to the items in disagreement, which I understand are Senate amendments numbered 39 and 40 with respect to the Whitten and Jonas amendments.

This Cohelan-Conte resolution is a familiar effort which we all have been through many, many times before. Just a few months ago, during House debate of the bill for fiscal year 1970, my good friend and colleague Congressman CONTE and I joined ranks in a bipartisan effort to delete the Whitten and Jonas sections from that bill. Today we again move to delete these sections from this bill. I strongly encourage all of my colleagues on both sides of the aisle to close ranks with us in support of this motion instructing the conferees to accept the Senate version of this bill.

I have been fighting this effort since the beginning several years ago, and I shall continue.

If we allow this bill to become law with these sections intact we will be in clear violation of the Constitution, not to speak of the disastrous effect this will have on weakening and watering down all civil rights laws that we have progressed to so far.

In sum, Mr. Speaker, the Whitten provisions will clearly make more difficult the enforcement of the nondiscrimination requirement of title VI of the Civil Rights Act as they apply to school desegregation—by prohibiting the use of funds to force a desegregated school district to bus students, close schools, or assign students either against free choice of the parents or as a constitutional precedent to obtaining Federal funds. The Jonas provision would deny Federal education aid to many school districts which implement court-ordered desegregation plans contrary to freedom of choice plans, in clear violation of the constitutional obligation to eliminate de jure segregation.

This House cannot in good conscience accept these provisions. These sections will do no more than to turn back the clock in the agonizingly slow process of ending unconstitutionally racially segregated schools. These provisions attempted to emasculate all Federal and local effort aimed at ending unconstitutional segregation. They attempt to reinstate freedom of choice plans as acceptable means for desegregating schools even though such plans have failed to eliminate segregation, and have been ruled by the Supreme Court as unacceptable means to end segregation. They are an attempt to perpetuate blatantly discriminatory separate but equal dual school systems which were declared unconstitutional by the Supreme Court 15 years ago. They are an attempt to negate effective Department of Health, Education, and Welfare enforcement of title VI of the Civil Rights Act of 1964.

Mr. Speaker, we cannot backtrack. This is a black and white issue that must be resolved now and for all times. Are we going to recognize the right of free men to determine their destiny; to make their own way unfettered by ancient prejudices? Or is Congress going to build one roadblock after another—confusing and confounding the inevitable drive for full citizenship by all Americans? Can my colleagues who support the amendments as written honestly say they are representing all the people?

I have said time and again I abhor all discrimination. I look for the day when it will end and support any and all measures to accomplish this. We must face this responsibility now and strike down these repressive sections once and for all.

At stake here, Mr. Speaker, is long years of progress, effort, and the advances we have made so far in the civil rights movement. I also see this debate as a test of the viability of Supreme Court decisions, not to speak of the future of this country and the education of generations of Americans.

We can no longer afford to deny equality of educational opportunity to certain segments of our society. I think we would all agree that a strong educational structure as a means of providing better educational opportunities for all of our citizens is the only realistic way to approach solving our tremendous social problems—poverty, hunger, unemployment, and certainly crime.

At first glance, the language in question here appears to be somewhat different than the Whitten language that we have debated in the past. But let us not be fooled. Mr. Speaker. What we are talking about today is as dangerous as the Whitten provisions of old.

The precise legal effect of these sections is clear. A careful reading of these provisions leads one to conclude that they would not restrict the authority of the Federal Government to enforce the nondiscrimination requirements of the Civil Rights Act. They would not place any additional legal burdens on the Government in enforcing title VI.

A desegregated school system, according to these sections, must be read as a unitary school system. I understand this language to mean that a desegregated school system has met the constitutional requirements in this area of assuring equal opportunity.

My objections, therefore, lie wholly with the fact that they are calculated to deceive. The prohibition, although qualified, against busing and assignment of students is bound to confuse parents and school officials alike. The requirements of the law remain. But these sections will lead people to believe that no effective remedy to meet those requirements is imposed. It is irresponsible legislation, and I urge the House to strike these provisions.

While the legal impact of the provisions, drafted in this deceptive language, would be negligible, enactment of these provisions would make HEW's job of enforcing title VI much more difficult. Another real danger of this language is that it might very well further encourage recalcitrant school districts to assume a harder line in their defiance of the law. Also, districts who have agreed to work within the framework of the law in this instance and who have agreed to comply with desegregation orders might seriously jeopardize their position and might thus feel compelled to renege on their commitments to abolish dual school systems.

The Jonas section of these provisions is a most radical and relentless attempt to turn back the clock in civil rights progress. The language of this dangerous section goes one step further than ever before by implying that each school district must establish freedom of choice plans as criteria for securing HEW funding. This thinking borders on the absurd, as does the underlying intent of this section—which is no more than a thinly disguised attempt to establish so-called freedom of choice plans as the only means to end unconstitutional segregation.

Mr. Speaker, the Supreme Court has already several times spoken on this issue. The Court's rationale and language is clear—freedom of choice plans are not constitutionally acceptable unless they prove effective in eliminating de jure segregation. When such plans fail to result in desegregation, they are not acceptable to meet the requirements of title VI of the Civil Rights Act.

This section can be interpreted to mean that no Federal funds can be obtained by school districts if they do not initiate freedom of choice plans. In other words, such plans become compulsory, and security of Federal funds becomes contingent upon the utilization of such plans. Aside from the fact that the whole concept is not subject to constitutional restrictions, think of the confusion that this could cause throughout the Nation, if enacted. Parents, not elected school boards, would assume authority for determining criteria for making pupil assignments.

Mr. Speaker, I am greatly concerned that the acceptance of these provisions will serve only to confuse, delay, and perhaps obstruct the end of unconstitutional de jure segregation. This is a mere device to complicate this issue a little more than is presently so. It is a delaying tactic against compliance with the civil rights legislation, Supreme Court decision, and antisegregation forces in this country. These provisions will only lead to mass confusion by misleading school districts as to their responsibility in eliminating de jure segregation; it serves also to endanger our national commitment to end unconstitutional segregation and therefore, Mr. Speaker, should be stricken from this bill.

The administration has asked that these provisions be stricken; HEW officials have spoken out against them, along with civil rights leaders and other

XUM

responsible citizens. Our colleagues in the other Chamber have acted with great responsibility and wisdom in deleting these provisions from the bill, Mr. Speaker, I suggest that we can do no less. The real issue here is to achieve a viable means to end segregation and to provide quality education for all our children. None of us are naive enough to believe that black people living in areas where centuries-old attitudes of hostility and prejudice are realities, are really free to choose to send their children to all-white schools.

In the same sense, none of us are naive enough to think that these attitudes will just someday disappear—human nature is just not like that. Genuine equality is not something which should be given only to those who are willing to take every conceivable psychological and physical risk to attain it. Equality is something which institutions—especially those supported by public funds—should insure and protect—and our role as legislators is to define and determine the means of this insurance—this protection.

Mr. Speaker, I ask only that my colleagues consider the realities here and that they join with me in voting to accept the Senate position on these amendments.

Mr. CONTE. Mr. Speaker, three times within the past 11 months amendments similar to sections 209, 210 and 211 of this education appropriations bill have been tacked on to appropriations bills in this body. Three times those ill-starred sections have been rejected by the other body. Three times in these past 11 months administration officials have spoken forcefully against these sections. And twice, this body itself has ultimately rejected these amendments.

By now it should be abundantly clear that this last ditch effort to preserve a malicious, misbegotten and discredited policy of the past is doomed to well-deserved oblivion.

Let us today, Mr. Speaker, take the step needed once again to reject these amendments that would only have us retreat from the promises we have rightly made to put our education system in order. And let us, in so doing, impress upon those who would continue this charade that the time has come when they should abandon forevermore their damaging efforts to landmine the road to integrated education in this Nation.

By our action today, let us break this cycle, for it brings nothing but shame on this body.

Mr. Speaker, on June 24 the Senate rejected these sections, the so-called Jonas and Whitten amendments. The votes were 53 to 27 rejecting the Jonas amendment and 47 to 33 voting down the Whitten amendments. Both votes were even more convincing than those by which the Senate rejected these amendments in February. And both votes last week were supported by the Nixon administration.

We have gone over the objections to these amendments many times in this body, so I will not belabor the arguments today. However, I do want to point out once again the depth of the opposition to these amendments from the administration.

In his March 24 message on school desegregation, President Nixon committed the administration to ending the discriminatory effects of the dual school system—the de jure system of school segregation.

In this regard, the Jonas amendment would only serve to undermine that commitment.

Consider also the stand taken by then Health, Education, and Welfare Secretary Finch who, on April 17, after House passage of these amendments, wrote Senator WARREN MAGNUSON urging the Senate to delete the amendment.

Section 211, the Jonas amendment—

Mr. Finch stated—and I quote—

> would prevent the Federal Government and local school officials from carrying out the requirements of the Constitution. . . . What this provision does is to impose a penalty on a school district for carrying out its legal responsibility to desegregate.

End quote.

Mr. Finch added that section 211 could only produce "an administrative nightmare for the Department."

On April 21, appearing before the Senate Labor-HEW Appropriations Subcommittee, Mr. Finch reaffirmed the administration's opposition to the Jonas and Whitten amendments.

He stated at that time that—

Section 211—

And I quote—

> would sabotage the efforts of the Federal Government and local school officials to carry out the requirements of the Constitution. The Department would be put in the position of having to prohibit many school districts from using Federal funds to draw up and implement plans pursuant to court order. I strongly urge the Senate to delete (this section) from the bill.

End quote.

In this same testimony, he also expressed opposition to sections 209 and 210—the Whitten amendments.

This unequivocal stand against these sections has been endorsed also by the new Health, Education, and Welfare Secretary, Elliot Richardson, who wrote Senator SCOTT on June 23 and mentioned his predecessor's opposition to the amendments.

Mr. Richardson went on to say—and again I quote—

> I wish to reaffirm that opposition. As the President indicated in his comprehensive message on school desegregation, the appropriate role for the federal government is to assist school districts in meeting the requirements of the law.

End quote.

Mr. Speaker, rather than assist school districts meet constitutional requirements, sections 209, 210, and 211 of this bill in reality would do the opposite.

Section 211 would terminate Federal education aid to a school district when such assistance was involved in implementing a desegregation plan which went beyond freedom of choice.

In effect, school districts which comply with lawful Federal court orders in implementing desegregation could lose eligibility for Federal aid under section 211. For, in most cases, plans ordered by the courts go beyond freedom of choice—they call for affirmative desegregation measures of pupil assignment.

While sections 209 and 210 would not alter existing guidelines or desergregation requirements under title VI of the Civil Rights Act, the provisions would tend to confuse school districts as to their responsibilities under the law. The provisions could only make the job of negotiating more difficult for the Federal Government in seeking compliance with the law.

Mr. Speaker, these three sections of this bill are nothing more than attempts to turn back the clock on school desegregation. I do not believe the majority in this Chamber wants to do that, and so I urge my colleagues to join me today in rejecting these sections.

In so doing, we will be taking a step toward fulfillment of the commitment this Nation made in 1954 and has reaffirmed several times since. We have promises to keep, and keep them we must.

Mr. WHITTEN. Mr. Speaker, I discussed the so-called Whitten amendments, sections 209 and 210 of the bill making appropriations for the Department of Education on April 14, 1970, page 11669 of the CONGRESSIONAL RECORD that date. These amendments were adopted by the Committee on Appropriations by a vote of 28 to 13 and were retained by the House on a vote of 106 to 63.

Mr. Speaker, on the motion to table the earlier motion to instruct the conferees to agree with the Senate and strike these two provisions, under the rules no one has time for debate. Under leave to extend my remarks, I quote here sections 209 and 210, the Whitten amendments, the provisions of which are as follows:

> SEC. 209. No part of the funds contained in this Act may be used to force any school or school district which is desegregated as that term is defined in Title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to force on account of race, creed or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.
>
> SEC. 210. No part of the funds contained in this Act shall be used to force any school or school district which is desegregated as that term is defined in Title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

Now what could be wrong with that? Nothing. We have seen law enforcement broken down, property rights destroyed, crime runs rampant. Let us at least insist on a little step toward saving education.

Mr. RYAN. Mr. Speaker, last April 14 the House passed the Office of Education appropriations bill, H.R. 16916, by a teller vote of 63 yeas to 106 nays, the House rejected the amendment offered by our colleague from California (Mr. COHELAN)—who was consistently throughout

XUM

the years offered intelligent and progressive leadership in the battle for civil rights—to strike the Whitten amendments. And by a teller vote of 87 yeas to 101 nays, the House rejected the amendment offered by our colleague from Massachusetts (Mr. CONTE), to strike the Jonas amendment from the bill.

Today, we have an opportunity to redeem this House. The Senate, in passing the Office of Education appropriations bill, has deleted any reference to these amendments, which constituted sections 209, 210, and 211 of the House-passed version. The gentleman from California (Mr. COHELAN) proposes to instruct the conferees to agree to the Senate version, and I support this motion.

The Whitten and Jonas amendments are pernicious. I have consistently and strenuously opposed them, and I will continue to do so should they once more arise—an eventuality which, if past history is any lesson, is as certain as is the sunset.

In speaking against them this past April 14, I stated:

> The language this time is slightly different, but the intent is the same as in those other instances when these amendments have been before the House—perpetuation of dual school systems in the South. The catch phrase these amendments invoke is "freedom of choice." No slogan, however, can refute the very denial of equal rights which they embody.

There is some sweet irony in the fact that this week we will mark the anniversary of the Declaration of Independence. For, in these times, more than ever, Congress must take the leadership in assuring the realization of those most simple, but most profound words of that document so hallowed and basic to America—"all men are created equal."

The administration has forsworn the position of moral and legal leadership that it could have picked up from its predecessor. The administration could have made clear that prejudice and bigotry were its enemies.

It has not done so. By ambivalence, by indirection, and by overt act, it has demonstrated that the 20 million blacks in this country who demand—and rightly—equal rights, must make their demands elsewhere than to the Executive.

So, it is Congress which must lead in the civil rights struggle. Congress has not met the test sufficiently of either the Declaration of Independence, the 14th amendment, or the very legislation which the Congress has passed. And of course—the test of morality.

We have a chance now to exercise that responsible and humane leadership. We should not let this House continue to fail its role, leaving the minority of us to fight for civil rights while a majority either stands aside or stands in opposition. This week, of all weeks, let us heed the words of the Declaration of Independence: "All men are created equal."

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MOTION OFFERED BY MR. COHELAN

Mr. COHELAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. COHELAN moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill, H.R. 16916, be instructed to agree to the amendments of the Senate numbered 39 and 40.

Mr. FLOOD. Mr. Speaker, I move to table the motion of the gentleman from California.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania to table the motion of the gentleman from California.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. COHELAN. Mr. Speaker, I object is not present and make the point of order that quorum is not present.
to the vote on the ground that a quorum

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 191, nays 157, not voting 81, as follows:

[Roll No. 194]

YEAS—191

Abbitt
Abernethy
Alexander
Andrews, Ala.
Arends
Ashbrook
Beall, Md.
Belcher
Bennett
Betts
Bevill
Bow
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Bush
Byrnes, Wis.
Caffery
Camp
Carter
Casey
Chamberlain
Chappell
Clawson, Del
Cleveland
Collier
Collins
Colmer
Conable
Cowger
Crane
Cunningham
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dennis
Derwinski
Devine
Dorn
Dowdy
Downing
Dulski
Duncan
Edmondson
Edwards, Ala.
Erlenborn
Eshleman
Fisher
Flood
Flynt
Ford, Gerald R.
Foreman
Fountain
Fulton, Tenn.
Fuqua
Galifianakis
Gettys
Gibbons
Goldwater
Goodling
Green, Oreg.
Griffin
Gross
Grover
Gubser
Hagan
Haley
Hall
Hammerschmidt
Harsha
Hébert
Henderson
Hogan
Hull
Hungate
Hunt
Hutchinson
Ichord
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Kazen
Kee
King
Kleppe
Kluczynski
Kyl
Landgrebe
Landrum
Langen
Lennon
Lloyd
Long, La.
Long, Md.
McClory
McDade
McDonald, Mich.
McEwen
McMillan
Mahon
Marsh
Martin
Mayne
Meskill
Michel
Miller, Ohio
Mills
Minshall
Mize
Mizell
Myers
Natcher
Nelsen
Nichols
O'Neal, Ga.
Perkins
Pettis
Pickle
Pirnie
Poage
Preyer, N.C.
Pryor, Ark.
Pucinski
Purcell
Quillen
Randall
Rarick
Reid, Ill.
Rhodes
Roberts
Rogers, Fla.
Roth
Ruth
Sandman
Satterfield
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Steed
Steiger, Ariz.
Stubblefield
Stuckey
Sullivan
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Ullman
Waggonner
Wampler
Watkins
Watts
Weicker
Whalley
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wyatt
Wylie
Wyman
Young
Zablocki
Zion

NAYS—157

Adams
Addabbo
Albert
Anderson, Calif.
Annunzio
Ashley
Barrett
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Brademas
Brasco
Brown, Calif.
Brown, Ohio
Burke, Mass.
Burton, Calif.
Button
Celler
Chisholm
Clay
Cohelan
Conte
Corman
Culver
Daniels, N.J.
Dellenback
Dent
Diggs
Dingell
Donohue
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Fallon
Fascell
Feighan
Fish
Foley
Ford, William D.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Gallagher
Garmatz
Gaydos
Giaimo
Gilbert
Gonzalez
Gray
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Harvey
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Holifield
Howard
Jacobs
Johnson, Calif.
Karth
Kastenmeier
Koch
Kyros
Lowenstein
McCarthy
McCloskey
McCulloch
McFall
McKneally
Macdonald, Mass.
MacGregor
Madden
Mailliard
Matsunaga
Melcher
Mikva
Miller, Calif.
Minish
Mink
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Patten
Pelly
Philbin
Pike
Podell
Price, Ill.
Quie
Railsback
Rees
Reid, N.Y.
Reuss
Riegle
Rodino
Roe
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Ruppe
Ryan
St Germain
Scheuer
Sisk
Stafford
Staggers
Stanton
Steiger, Wis.
Stokes
Stratton
Symington
Taft
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
Widnall
Wolff
Wydler
Yates
Yatron
Zwach

NOT VOTING—81

Adair
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Aspinall
Ayres
Baring
Bell, Calif.
Berry
Blackburn
Blanton
Blatnik
Bray
Brock
Burton, Utah
Byrne, Pa.
Cabell
Carey
Cederberg
Clancy
Clark
Clausen, Don H.
Conyers
Corbett
Coughlin
Cramer
Daddario
Dawson
Denney
Dickinson
Edwards, La.
Esch
Evins, Tenn.
Farbstein
Findley
Flowers
Frey
Hansen, Idaho
Hastings
Hawkins
Hays
Horton
Hosmer
Jarman
Jones, Tenn.
Keith
Kirwan
Kuykendall
Latta
Leggett
Lujan
Lukens
McClure
Mann
Mathias
May
Meeds
Mollohan
Montgomery
Morton
Passman
Patman
Pepper
Poff
Pollock
Powell
Price, Tex.
Reifel
Rivers
Robison
Roudebush
Saylor
Sikes
Smith, Iowa
Stephens
Teague, Tex.
Tunney
Vander Jagt
Watson
Wilson, Charles H.
Wold

So the motion to table was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Cabell with Mr. Aspinall.

Mr. Blanton with Mr. Blatnik.

Mr. Edwards of Louisiana with Mr. Byrne of Pennsylvania.

Mr. Jones of Tennessee with Mr. Carey.

Mr. Montgomery with Mr. Clark.

Mr. Passman with Mr. Conyers.

Mr. Patman with Mr. Daddario.

Mr. Rivers wtih Mr. Farbstein.

Mr. Sikes with Mr. Dawson.

Mr. Teague of Texas with Mr. Hawkins.

Mr. Stephens with Mr. Kirwan.
Mr. Morton with Mr. Leggett.
Mr. Cederberg with Mr. Meeds.
Mr. Kuykendall with Mr. Mollohan.
Mr. Reifel with Mr. Powell.
Mr. Bray with Mr. Tunney.
Mr. Anderson of Illinois with Mr. Charles H. Wilson.
Mr. Price of Texas with Mr. Saylor.
Mr. Lujan with Mr. Horton.
Mr. Hastings wtih Mr. Corbett.
Mr. Adair with Mr. Coughlin.
Mr. Frey with Mrs. May.

Until further notice:

Mr. Hays with Mr. Ayres.
Mr. Pepper with Mr. Bell of California.
Mr. Jarman with Mr. Blackburn.
Mr. Mann with Mr. Brock.
Mr. Baring with Mr. Burton of Utah.
Mr. Smith of Iowa with Mr. Clancy.
Mr. Anderson of Tennessee with Mr. Denney.
Mr. Flowers with Mr. Dickinson.
Mr. Andrews of North Dakota with Mr. Berry.
Mr. Don H. Clausen with Mr. Cramer.
Mr. Evins of Tennessee with Mr. Esch.
Mr. Hansen of Idaho with Mr. Findley.
Mr. Hosmer with Mr. Keith.
Mr. Latta with Mr. Mathias.
Mr. McClure with Mr. Lukens.
Mr. Poff with Mr. Robison.
Mr. Pollock with Mr. Roudebush.
Mr. Vander Jagt with Mr. Watson.

Messrs. MELCHER, ADAMS, CELLER, and HARVEY changed their votes from "yea" to "nay."

Messrs. LONG of Maryland, NICHOLS, and MESKILL changed their votes from "nay to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints the following conferees: Messrs. Flood, Natcher, Smith of Iowa; Hull, Casey, Mahon, Michel, Shriver, Mrs. Reid of Illinois, and Mr. Bow.

GENERAL LEAVE TO EXTEND

Mr. COHELAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the motion which was just pending.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON H.R. 12858, DISPOSITION OF FUNDS AWARDED TO TLINGIT AND HAIDA INDIANS, ALASKA

Mr. HALEY. Mr. Speaker, I call up the conference report on the bill (H.R. 12858) to provide for the disposition of certain funds awarded to the Tlingit and Haida Indians of Alaska by judgment entered by the Court of Claims against the United States, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 29, 1970.)

Mr. HALEY. Mr. Speaker, the Tlingit and Haida Indians of Alaska recovered a judgment against the United States amounting to just over $7 million. As the title indicates, the purpose of this bill is to provide for disposition of these funds. As it passed the House, the bill included a requirement that the Secretary of the Interior must approve the purposes and the manner of expending or using the claims judgment recovered by the Tlingit and Haida Indians. The Senate deleted this requirement.

The conference committee recommends that the Senate recede from its amendment and agree to the bill in the form it passed the House. This follows the consistent practice adopted by the Congress when authorizing the use of other judgment funds by other tribes.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

LAW ENFORCEMENT ASSISTANCE AMENDMENTS

The SPEAKER. The unfinished business is the question on the engrossment and third reading of the bill (H.R. 17825) to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.

Mr. ROTH. Mr. Speaker, I rise in support of H.R. 17825, amending the title I law enforcement assistance provisions of the Omnibus Crime Control and Safe Streets Act of 1968. It was my privilege to serve as a member of the Judiciary Committee during 1968, and to participate in the drafting of that innovative and historic legislation, and it is thus with particular pride and pleasure that I register my support today for this bill which is essentially an endorsement and an extension of the program we initiated during the 90th Congress.

The amending legislation under consideration today authorizes extremely generous appropriations for the next 3 years. It revamps the unwieldly troika leadership of the Law Enforcement Assistance Administration, which has been a source of some dissension and inefficiency. It meets the criticism made by some that the State block grant money has not gone in sufficient amounts to the big cities and high crime areas by specifying as a prerequisite for the Law Enforcement Assistance Administration approval that a State plan—and I quote—"provides for the allocation of an adequate share of assistance to deal with law enforcement problems in areas of high crime incidence." It also requires States to contribute one quarter of the non-Federal share of local projects and programs on the grounds, and I quote from the House report, that—

> If the block grant approach is to work effectively the States must assume a greater financial responsibility than at present.

The extent to which the authors of this bill, a clean one rewritten by the Judiciary Committee, were successful to reconciling conflicting demands and views, particularly regarding the block-grant funding mechanism, is evident in the fact that the bill as it now stands has the support of both the administration, expressed in a letter from Attorney General John Mitchell, and of the National League of Cities and the U.S. Conference of Mayors, formerly at loggerheads with the administration.

I want to call particular attention to the new section which this bill would add pertaining to corrections, given teeth by the specification that not less than 25 percent of the appropriated funds be devoted to improvement of adult and juvenile corrections, including probation and parole. The whole area of corrections has always been the ugly stepdaughter of the criminal justice system. Partly, and understandably, this has been the result of our moral disapproval and emotional distaste for the antisocial. In the words of the Crime Commission:

> Many of the people, juvenile and adult, with whom corrections deal are the most troublesome and troubling members of society; the misfits and the failures, the unrespectable and the irresponsible. Society has been well content to keep them out of sight.

However, our neglect of corrections is irrefutably a major factor in the continuing high level of crime. Former Director of the U.S. Bureau of Prisons James V. Bennett testified that—

> From 50 to 70 percent of those who leave our prisons go out to commit another and perhaps more serious crime.

I am not talking about "coddling criminals," as the expression goes, but it is simple common sense that if you force a man to live in the most degrading circumstances, occupy his time with digging holes and breaking rocks, and teach him nothing of any value or interest—and you combine this with the fact that, upon his release, it is extremely difficult for an ex-convict to find employment or, for that matter, to renew the human ties he had before imprisonment—clearly you are courting disaster.

In his testimony before the House Judiciary Committee, Mr. Bennett said:

> The slightest knowledge of our correctional system indicates that prisons, probation, and parole have been neglected far too long. The consequences of this neglect weigh heavily upon an already burdened and frustrated society. Only through an aggressive presentation of needs and massive infusion of funds can any headway be made in reducing the social and economic cost of crime committed by repeaters.

I agree with this assessment, and I am most pleased that the bill under consideration would sharpen the focus of the law enforcement Federal assistance program on corrections.

In this connection, I am pleased to note that the House Judiciary Committee has made it clear that the State of Delaware will be able to direct more of its energies to improvements of the correctional system.

Two amendments proposed by the Department of Justice would have allowed the Law Enforcement Assistance Administration to waive the mandatory pass through of 40 percent of the plan-

XUM

ning funds and 75 percent of the Federal action funds. The House Judiciary Committee, in its report explaining why these amendments were not adopted, explained that these percentages were originally intended to "conform the distribution of block grant funds to the national pattern of criminal justice expenditures by the States and local governments, respectively. In cases where the level of a State's law-enforcement expenditures substantially exceeds the total expenditures of local government within the State, existing sections 203(c) and 303 of the act will permit LEAA partially to relax the pass-through requirements."

My district, the State of Delaware, is a particular case in point. Because Delaware is a small State, police work is organized primarily on a statewide basis. The courts and correctional institutions are almost all State institutions. Many of the people in Delaware live in unincorporated areas where local police forces do not exist; the State police carries the burden there for all local police functions—this for a large share of the State's population. According to the State's comprehensive plan, for the years 1967 through 1970, local governments spent on all forms of law enforcement some $16,358,193, or 33.75 percent of the total. The State of Delaware spent some $32,118,571 in the same period, or roughly 66.25 percent of the total. The situation for planning funds is even more anomalous, for the planning efforts desired by the sponsors of the Safe Streets Act are all carried out at the State level—to break Delaware, a small State, into local regions for planning purposes would defeat the coordination and consolidation goals of the draftsmen of the bill.

It is for these reasons that I am pleased the LEAA will be able to relax the pass-through requirements to permit improvements in the corrections system and in the administration of local but State-administered court systems in the State of Delaware. It has been the experience of the Delaware Agency To Reduce Crime that these mandatory pass-through requirements only add to the confusion the Safe Streets Act was to eliminate, and restrict the use of funding from those areas the Safe Streets Act amendments are designed to help. It is most desirable that for my State of Delaware and for other States similarly situated this necessary administrative flexibility be recognized.

Mr. Speaker, back in 1967 the President's Commission on Law Enforcement and Administration of Justice, the Crime Commission, concluded that every part of the criminal justice system is undernourished:

> There is too little manpower and what there is is not well enough trained or well enough paid. Facilities and equipment are inadequate. Research programs that could lead to greater knowledge about crime and justice, and therefore to more effective operations, are almost non-existent. To lament the increase in crime and at the same time to starve the agencies of law enforcement and justice is to whistle in the wind.

The 90th Congress took these words seriously and initiated a full-scale Federal assistance program aimed at improving all aspects of State and local law enforcement and criminal justice. The bill before us today is an extension and, in some aspects, a refinement of that program. Our people today are afraid of crime. We are afraid to walk alone at night, we are afraid to use our parks in the daytime. We double bolt our doors, and some buy guns or "attack dogs" for protection. Crime of the proportion that we know it in this country is as serious a threat to our freedom as any other we know. It is my belief that the so-called safe streets program is a massive and appropriate frontal attack on crime, and I am pleased to have another opportunity to indicate my support.

Mr. ANDERSON of California. Mr. Speaker, I support H.R. 17825, the Safe Streets Amendments of 1970. I feel that this bill will broaden our attack on crime and will place a greater emphasis upon solving the problems which are unique to urban areas in the curtailment of crime.

Mr. Speaker, in the past we have attempted to eliminate crime by hiring more policemen and increasing patrols. No doubt, we need more policemen and we need more effective, better trained policemen. A policeman "on the beat" is as good a deterrent to street crime as there is, but in addition we need a more comprehensive attack on crime. More policemen result in more arrests; more arrests result in an even longer waiting period before the accused goes to trial. Obviously, the end result is more people in burgeoning jails, with little opportunity for rehabilitation.

Thus, while increasing Federal assistance to State and local governments for police hiring and training programs, we must update and improve the related activities that are equally important in our attack on crime. In addition, we must insure that more of the money for "safe streets" reaches the local level and less is wasted on bureaucratic inefficiency. Third, the bulk of Federal funds should go to high crime areas—areas that are in great need of an additional source of funds. For example: Los Angeles, with nearly 15 percent of California's population and nearly 23 percent of the State's crime, must receive more funds than areas without a crime problem. Lastly, we must increase the level of spending to fight crime. I commend the Judiciary Committee for increasing the administration's request by $170 million, but I feel that even the committee recommendation of $650 million for fiscal 1971 is too little. For every man, woman, and child in the United States, the administration now requests about $1,000 in spending. For the coming year, of each $1,000 allocated, the administration proposes spending only $2.40 to assist State and local governments in their fight against crime.

Thus, Mr. Speaker, while I feel that the bill, H.R. 17825, represents progress and is a constructive measure, I am convinced that much more can be done.

Let us move against street crime; let us decrease the rate of recidivism—for example, out of every 10 persons imprisoned for a serious crime, four will return to crime after their release; let us strike against organized crime syndicates; let us attack the illegal traffic of narcotics; and finally, let us bring the accused to a swift acquittal or conviction by modernizing our judicial process.

Mr. GALIFIANAKIS. Mr. Speaker, the crime rate in the United States has risen so alarmingly in recent years that the public has all but commanded Congress to find a solution.

The Omnibus Crime Control and Safe Streets Act Amendments of 1970 which we are considering today form a measure which can do much to assure the public that we in the Congress are doing our job in combating crime.

This act would authorize a $3.2 billion expenditure over the next 3 years to provide grants for research, training, education, upgrading our correctional institutions, and other law enforcement purposes.

It also recognizes the fact that while the Federal Government has the responsibility of assisting local governments in their fight against crime, the control of anticrime programs must rest in the localities.

Mr. Speaker, since 1960, crime in this country has increased more than 120 percent—and those are only reported crimes. In 1969 alone, crime rose by 11 percent. In 1968, the most recent year available, the cost of crime in the United States was more than $31 billion.

We still have a tremendous job to do in our poor neighborhoods, where crime makes our citizens fear to walk the streets. But we must also move to combat crime in our suburban and rural areas, where the largest increases in crime have occurred in recent years.

I do not suggest that this is a perfect bill, or that a perfect bill to combat crime that is constitutional can ever be devised.

But this act is a concrete step forward that will enable local law enforcement divisions to improve their programs and get on with the business of fighting crime.

I urge all of my colleagues in the House to support this bill when the package comes to a vote.

Mr. MACGREGOR. Mr. Speaker, the fight against crime, drug abuse, and violence in Minnesota and elsewhere will get a big boost this afternoon. As one of the prime authors of title I of the Omnibus Crime Control and Safe Streets Act of 1968, I am particularly pleased by the action we are taking now. We are about to put our stamp of approval on the block grant concept of Federal aid, and we are placing increasing emphasis on rehabilitating the criminal. Our correctional efforts in my home State of Minnesota will receive more attention and support, even as we continue to improve our police forces and our criminal courts system.

I urge the passage of our Judiciary Committee's bill. I cannot claim perfection for our handiwork, but these amendments represent a big step forward. And on the whole it is a well-balanced bill, representing an acceptable compromise between those of us who support the block grant approach and those who prefer a direct grant program

XUM

under which LEAA would grant large shares of action funds directly to large cities. The compromise represents essentially a reaffirmation of the basic block grant structure with some changes designed to assure that sufficient funds will be channeled to the cities.

It is of great significance, I believe, that, after much testimony on the subject of the block grant approach and much discussion of proposed changes, the committee decided to make no changes in the basic block grant provisions of the LEAA legislation. I am convinced that the State block grant concept is not only of great benefit to the cities today in terms of money but it will turn out to be the best vehicle to reduce crime in the future.

For the first time in our history, there are expert agencies concerned with planning and program development for criminal justice within an entire State. I think that it should be State officials—and not Federal officials—who evaluate requests and negotiate differences between cities, counties and suburban and regional planning commissions. I do not believe that Washington should directly monitor thousands of individual grant projects in cities and counties all over the Nation. State officials are much more familiar with local problems than Washington-based officials are. States are also the appropriate units of government to encourage broad coordination and cooperation among cities and counties for the improvement of the criminal justice system.

A program solely of direct grants to the cities would make Washington a controlling director of every anticrime project in the country. It would also by necessity spawn an enormous Federal bureaucracy to evaluate these programs, and would undermine the whole concept of a Federal-State-local cooperative partnership which LEAA is attempting to establish in the anticrime area and in other areas of social progress.

The Advisory Commission on Intergovernmental Relations earlier this month recommended, after a study of the LEAA program, that the "block grant approach embodied in the act be retained and that States make further improvements in their operations under it." It also expressed its strong belief that "the block grant represents a significant device for achieving greater cooperation and coordination of criminal justice efforts between the States and their political subdivisions."

Last week the National Governors Conference, which also studied the impact of LEAA's operation, issued a report which concluded:

> States have broad authority and responsibility and are best able to coordinate the various parts of the criminal justice system. State, local and federal officials believe that the block grant approach has been working well in bringing together the parts of the system.

Although retaining the State block grant structure, the committee bill does make two significant changes in the Omnibus Crime Control and Safe Streets Act designed to assure that the LEAA program is responsive to the law enforcement needs of local government. Although I certainly agree that every effort should be made to assure the most effective use of Federal crime control funds in programs where they can have the greatest impact, and I recognize that the large cities have disproportionately serious crime problems, I want to set out my views in some detail on both committee amendments.

The first amendment requires that LEAA not approve a State plan for law enforcement assistance unless it expressly finds that the plan provides for "the allocation of an adequate share of assistance to deal with the law enforcement problems in areas of high crime incidence." Those in city government should not construe this amendment as requiring that Federal funds be distributed on the basis of crime statistics, and that all they need do in order to be entitled to more funds is show higher crime figures. This is most definitely not the intent of the committee.

Two points should be emphasized in this regard. First, the phrase "areas of high crime incidence" does not refer solely to FBI crime report statistics and other such crime indexes. In determining which areas are entitled to particular attention, LEAA must look at crime figures, but it may also consider such factors as corrections problems and court backlogs. In other words, the intent of the amendment is to focus attention on areas with disproportionately severe law enforcement problems, not on areas with high crime counts.

Second, the amendment does not require that the distribution of Federal funds be based upon determinations of high crime incidence, but rather that areas identified as entitled to particular emphasis receive an adequate share of the benefits of Federal assistance. In this regard, in determining whether a State plan deals adequately with a particular area, LEAA may consider the amount of funds allocated to that area and, in addition, the extent to which the area benefits from the allocation of funds to other programs and to other areas.

For example, in assessing the impact of the benefits of Federal assistance upon a given city, LEAA should consider the extent to which the city benefits from programs financed out of LEAA funds allocated to the State or to other areas of the State. Programs that might be included in such an assessment are statewide criminal justice information systems, statewide or areawide programs to provide training in the prosecution of organized crime or statewide or areawide correctional construction programs.

The second committee amendment designed to benefit the cities would require each State to contribute at least one-fourth of the non-Federal share of the costs of programs and projects undertaken by local units within the State. I concede that the States should assume a greater financial responsibility for local programs and projects funded by LEAA. But I fear that the increased financial burden required by the committee amendment may drive some States out of the LEAA program. I would prefer that the amendment permit LEAA to adjust or waive the requirement in extraordinary cases, such as the case of a state where the legislature may not be in session to appropriate the necessary additional funds for this coming fiscal year. I would hope that other members of the committee will agree with me that the amendment should not be interpreted so inflexibly as not to permit adjustments to accommodate such situations.

Two other possibly troublesome provisions of the bill merit attention, Mr. Speaker. The bill requires that at least 25 percent of the funds appropriated to LEAA for each fiscal year shall be devoted to the purposes of corrections, including probation and parole.

I share the concern of other Members that adequate funds be allocated to this long neglected and sorely deficient component of law enforcement. But I question the wisdom of an inflexible formula, or at least one given an inflexible interpretation. I think it will be taken by the States as an indication that Congress has decided that 25 percent of each State's funds—no less and no more—should be used for correctional programs. I wish to make it clear that I do not interpret the provision as requiring each and every State to utilize at least 25 percent of its block grant funds for correctional programs. The requirement is that at least 25 percent of all funds appropriated to LEAA be used for correctional purposes. This would permit freedom and flexibility from State to State so long as the nationwide average is 25 percent.

The final provision I wish to mention is the committee amendment to the definition of "law enforcement." The present act defines "law enforcement" to include "all activities pertaining to crime prevention or reduction and enforcement of the criminal law." The amended definition would include "all activities pertaining to the administration of criminal justice, including, but not limited to, police efforts to prevent crime and to apprehend criminals, activities of the criminal courts and related agencies, and activities of corrections, probation, and parole authorities." On its face, this new definition would appear to narrow the range of activities included within the scope of the LEAA program. In fact, however, the purpose of amending the definition was to broaden the scope by including activities not now encompassed, such as activities of "social service agencies" relating to law enforcement. When those activities were rejected in committee, we were left with a definition which may be interpreted as narrowing the definition of law enforcement. I want to emphasize that this was not intended and that the new definition should be considered to encompass all activities that are covered by the present law.

Mr. ALBERT. Mr. Speaker, the Crime Control and Safe Streets Act, which will shortly be passed by the House, is not an administration proposal. Neither is it a Democratic nor Republican measure. Rather, it is a genuine bipartisan congressional measure. While many administration spokesmen have endeavored to make political capital out of the crime issue, the members of the House Committee on the Judiciary, led by Chairman CELLER, have, through their labors, produced a practical answer, rather than partisan rhetoric to this problem which concerns all our citizens. I am confident that the future will demonstrate that they, in drafting, and the House today in passing, H.R. 17825, achieved a notable and far-reaching step in turning the tide in favor of law and order in this Nation.

The bill is exclusively the product of congressional initiative and leadership. The chairman of the Committee on the Judiciary, Representative CELLER, introduced legislation to extend the Crime Control and Safe Streets Act of 1968 last October. Hearings on crime were announced by Chairman CELLER on January 16. It was not until February 17, however, that the administration submitted a draft bill embodying its proposals.

Attorney General Mitchell, when testifying before the Committee on the Judiciary, stated that the administration could not utilize more than $480 million for law enforcement assistance in the coming fiscal year. Wisely, the members of that committee, without regard to partisanship, rejected the Attorney General's position. The drafting of H.R. 17825 was a model of committee workmanship at its very best. The committee carefully scrutinized all of the Justice Department's proposals. Recommendations from other quarters such as the National Governors' Conference, the National League of Cities, and the National Association of Counties, were also carefully weighed. Some of these recommendations found their way into the final bill; however, credit and responsibility for that product must be assigned entirely to the Committee on the Judiciary.

Hopefully, passage of the Crime Control and Safe Streets Act will put to rest the irresponsible allegations that the 91st Congress has failed to face up to its responsibilities in the anticrime field. This measure is ideally tailored to combat effectively the type of crime which threatens the average citizen on our city streets, rape, robbery, assault, murder, and so forth. It will afford substantial genuine support to the front-line soldier in the war on crime—the man on the beat. It will make available in the coming fiscal year $650 million in Federal grants to strengthen local police departments in their fight against crime. An additional $1 billion is authorized for this purpose for 1972 and $1.5 billion for 1973. Grants can be made for the recruitment, training, and salaries of police officers. Moneys can be utilized for the construction of police stations, jails, and other physical facilities, as well as the purchase of the new type of sophisticated equipment required today for the effective prevention and detection of crime. Funds can also provide for strengthening courts, and speeding the process of justice.

Fighting crime at the local level, and crime is a problem which has to be fought at the local level, costs money and lots of it. Mayors and police chiefs without exception tell us this is what they need from the Federal Government; they need more of it and need it quicker and with less bureaucratic redtape. The House-passed Crime Control and Safe Streets Act of 1970 will be of tremendous assistance in attaining those goals.

My congratulations to Chairman CELLER and his committee for a job well done.

Mr. JOHNSON of California. Mr. Speaker, as one of the sponsors of the legislation which we have before us today, I want to emphasize that the battle against crime—both organized and street crime—must continue on many fronts if we are to achieve the goals of the original Safe Streets Act.

I am convinced that the legislation which we are considering today will truly do this. The war against crime involves all levels of government—local, State, and Federal. It goes without question that the local law enforcement official is the man on the firing line, and as a man serving in his own community, he is best prepared to deal with the many elements of crime, especially those of street crime.

Given enough time and money, law enforcement officials throughout the Nation, at every level, can do dramatic things. This we have proven during the past 2 years, during which time my own State of California has received more than $5 million in assistance through the Federal Law Enforcement Assistance Act.

Too little of this has gone to rural counties and communities which face problems as do the urban areas, and it is my hope that the extended program can provide more for these less populated regions.

We are making legislative progress on the war against crime, but to achieve final victory also demands individual participation. This is not an effort we can delegate to others.

Crime is a kind of human behavior; controlling it requires that parents set a good example for their children by their own respect for the law and for its official representatives, by their own honesty, by their own refusal to contribute to or condone minor offenses.

If America is to meet the challenge of crime, it must welcome new ideas and risk new actions. It must use every resource available. It must resist those who point to scapegoats or easy overnight solutions; there are none. It must recognize that in our free society we must have law and order with justice. In the long run we cannot have one without the other; freedom demands that we have both.

I believe the legislation which we have before us will provide the necessary assistance to our local people so that they may carry this battle to a successful conclusion.

In short this legislation would accomplish the following things:

Authorizes an appropriation of $3.2 billion for the next 3 years—$650 million for fiscal 1971, $1 billion for fiscal 1972, and $1.5 billion for fiscal 1973.

Abolishes the present triumviral management of the Law Enforcement Assistance Administration—LEAA—replacing it with a single administrator advised by two deputy administrators.

Establishes a new separate grant program to provide for construction, renovation and acquisition of correctional facilities as well as improvement of correctional programs. LEAA would make 50 percent of these grants available to State planning agencies and 50 percent available for direct discretionary grants to State agencies, local governments, or a combination of both. The bill would also raise the limit placed on the Federal share of expenditures for these projects from the present 50 percent to 75 percent. To encourage this new emphasis on corrections, the bill specifies that 25 percent of all appropriations for law enforcement be committed to corrections.

Requires that State plans for LEAA funds provide adequate assistance for high crime rate areas. The bill also requires States to contribute 25 percent of the non-Federal share of funds used by local governments to carry out federally assisted programs.

I urge passage of this bill by the House of Representatives that we may achieve the true goals of the Safe Streets Act.

Mr. PHILBIN. Mr. Speaker, I think we can all agree that crime is one of the most serious problems facing this country today. It is of many kinds, stems from many sources and derives from many conditions in our social, economic, and national life.

Personally, I agree with the great chairman of the distinguished House Judiciary Committee, my esteemed, beloved friend, and one of the greatest lawyers in this country, the Honorable EMANUEL CELLER, when he states in effect that money alone will not solve the crime problems of this Nation.

Indeed, billions and billions of dollars could be spent to solve and banish crime and would be of no avail unless the money were properly distributed, reaching the places of every crime incidence, and accompanied by determined, effective law enforcement in every community where the serious crime problems exist.

I am prepared to vote to spend every necessary penny to bring about the reduction, and, where possible, the elimination of crime in this country. But I do not want to be responsible for voting for any measure that will waste the people's money by granting thousands to communities in the country without emphasizing the needs right down to guidelines, and organizing anticrime programs along sensible, practical, efficient lines, capable of doing the job that must be done.

I am very much impressed with the expert briefing of Chairman CELLER, who, as usual, made a very fine analysis of pending legislation in this case, as he always does.

I think it is important to emphasize proper distribution of the huge funds provided by the bill, and am certain that is what the distinguished committee has in mind, and that is what other Members of the House want, in my humble judgment.

I also think we ought to give consideration to the special problems of Maine and Iowa whose legislatures do not meet until next year, so that they can be assured of getting funds, if so needed, that are going to be allotted to many communities under this bill.

It will not be to much avail, if we pour out billions of dollars without making a real strong, determined effort to compel respect for law in this country, because we are living in times when some people are openly flaunting the law, including some law officers and officials.

This is something that has to be stopped, if we are going to have a free country, organized, implemented and continued under the law, where people's rights are respected, and stability is preserved, for the benefit of all the people.

As a national policy and program, it will be necessary to demonstrate to all lawbreakers, particularly those that are intent upon starting a bloody revolution by force and violence in this country. While we will by all means protect lawful dissent and protest, this country will not tolerate contempt for law expressed by efforts to turn our streets into shambles of destruction and violence, disrupting every vestige of law enforcement, and developing situations in some places amounting to anarchy and general lawlessness.

Under our system, the Federal Government is not generally responsible for law enforcement at the local level. That is usually the province of the local community, backed up by the State, and up to recently this system has worked well and efficiently and it has maintained order and public decorum in the Nation.

However, that day has passed. We have now moved quite a way into a new era, where there are organized, widespread efforts to flaunt and violate the law, at the same time spreading violence, disorder, and force. That is essentially a most challenging problem before us.

We must reinstate the time in this great country when free men and women from any class, creed, or race of our American life, and their families, too, can walk the streets of our communities without fear of being attacked, assailed, beaten, robbed, and raped. At all cost, these outrages must cease in this country, and this Congress cannot delay one moment in checking this crime that is turning the mastery of the law into a farce and disgrace to this Nation, and is making our Nation the laughing stock of the world.

Mr. Speaker, let me move and move now without further delay to strike down this evil of crime of every kind which is eating away at the foundations of this Nation, and threatening us as we have never been threatened before with the destruction of all the things we hold dear, our lives, our freedom, our values, and our safety on the streets and in the public places, as well as in our homes, and making a mockery out of our heritage as free men and women whom this Government exists, among other things, to protect and guard, wherever they may be.

I will support this bill, Mr. Speaker, but I certainly hope that it will be understood here in this debate, and by appropriate amendments, if they are deemed necessary in the House, to guarantee that none of this money will be wasted but will be used to reinstate the majesty and power of the law—in every American community—to guard our people, their homes, and their shrines against lawless criminal elements, as well as against the vandals and destructionists, who seek to overthrow our Government, and replace it with the godless, Communist, police state that would destroy and nullify all the great values of our free American society.

In closing, I would like to say, Mr. Speaker, that I sincerely hope there will be a fair, equitable, responsible, and just distribution of these funds among all communities in this country who need them, so there will be no waste of the people's money, and every community that needs it will be given substantial means to help grapple with and solve these problems of crime, delinquency and disorder that are plaguing this Nation as never before.

Suppression of crime is but the first round of this battle. It must be followed up by a stubborn quest for the reasons that are causing crime, so we can mobilize the social and professional forces necessary, in their entirety, to formulate alleviative measures, and further legislative and administrative action required to attack the causes, wherever they lie, of these sad conditions currently afflicting American society.

Let us furnish the strong leadership and the weapons for this battle. The American people will do the rest.

Mr. NEDZI. Mr. Speaker, I rise in support of H.R. 17825, the law enforcement assistance amendments.

This bill, which amends title I of the Omnibus Crime Control and Safe Streets Act of 1968, authorizes an appropriation of $3.2 billion for the next 3 years.

It abolishes the present three-headed management of the Law Enforcement Assistance Administration and replaces it with a more functional single administrator.

I am particularly interested, however, in a third aspect of this bill, that aspect which establishes a new separate grant program to provide for construction, renovation, and acquisition of correctional facilities. It would also improve correctional facilities. The bill would make 50 percent of these grants available to State planning agencies and 50 percent available for direct discretionary grants to State agencies, local governments or a combination of both. It would also raise the limit placed on the Federal share of expenditures for these projects from the present 50 to 75 percent. To encourage this new emphasis on corrections the bill specifies that 25 percent of all appropriations for law enforcement be committed to corrections.

A few months ago I introduced a prison reform bill which was generally directed toward the desperate problem of inadequate corrections facilities and the high rate of recidivism.

In my judgment, the United States must urgently and dramatically increase its investment not only in law enforcement and crime prevention but in its corrections system. Corrections includes jails, prisons, probation, and parole.

The nationwide inadequacy of correction facilities, particularly for youthful offenders, is shameful to the point of scandal and disgrace.

The most overcrowded jails are located in metropolitan areas, but the need for action exists in every region of the country.

The young offender constitutes the largest and most virulent portion of the danger on the streets of our cities. His recidivism rates are enormously high.

We simply must get them off the streets, then do a better job of saving them once they are off the streets.

Unless we obtain a national commitment on this particular aspect of the crime problem, no end to the crime spiral is in sight.

The first imperative is to isolate the dangerous and the incorrigible young criminals from society. The second imperative is to upgrade the people, the techniques, the facilities which make up the corrections system. An improvement in this aspect can have a multiplier effect in the other aspects.

There are now 1.3 million people under the supervision and restraint of Federal, State, and county corrections departments. One-third are behind bars, two-thirds under parole and probation. By 1975, the figure is expected to swell to 1.8 million.

Since experts agree that the Nation's prisons are the major breeding grounds for criminal careers, it is imperative that new efforts must be made at recidivism prevention.

The National Council on Crime and Delinquency took a close look at many State and local prison facilities in 1968, and found that an astounding 93 percent of all juvenile courts have no separate juvenile detention facilities.

Chronic overcrowding exists in both juvenile and adult facilities. One direct result is that law-abiding citizens continue to be terrorized by those who are in their midst only because of lack of cell space.

The phenomenon is by no means confined to a single State or region. State and local governments suffer from an inability to finance needed improvements even where public officials have an enlightened and deep concern for the problem.

The need is clear. It has been well analyzed. It is time for Congress to help the States do the job.

It is time to reverse the growing danger in our cities and in our prisons, and to restore to both offender and victim the opportunity to build useful lives in an atmosphere of security and freedom.

Mr. THOMPSON of New Jersey. Mr. Speaker, 2 years ago Congress determined that the high incidence of crime in the United States was a threat to the security and welfare of every citizen. Recognizing that crime is essentially a local problem, Congress passed the Omnibus Crime and Safe Streets Act of 1968, setting up a program of Federal grants to State and municipal governments to improve their law enforcement machinery.

But having established clearly that crime is a national problem which concerns the Congress and citizens across the land, we have devoted a relatively small part of our resources to crime prevention and control. In the current fiscal year, for example, Congress has appropriated only $268 million for this purpose.

I am pleased, therefore, that the Crime Control and Safe Streets Act Amendment of 1970 authorizes $650 million for fiscal 1971, $1 billion for fiscal 1972, and $1.5 billion for fiscal 1973.

These sums are in my judgment, a bare minimum of what is needed. I feel strongly that we must invest substantially more of our resources to improve the criminal justice system in America. I was dismayed to read in the committee report that at present, less than 2 percent of all government revenue is spent on the entire apparatus of criminal justice, including all police, all courts, and all correctional facilities.

The Crime Control and Safe Streets Act of 1970 expands and substantially improves the earlier legislation. It provides increased Federal assistance for construction and renovation of correctional facilities and requires that the States contribute at least 25 percent of the funds to match Federal grants, thus removing a burden from local taxpayers in towns and cities. Equally important is the fact that States must now direct an adequate proportion of the Federal funds to high crime areas. I think, too, that the efficiency of the Law Enforcement Assistance Administration will be strengthened by having at its head a single administrator rather than a three-man board.

XUM

I note with considerable interest that the committee did not incorporate into its amendments the Justice Department's recommendation that the LEAA be permitted to waive the requirement that a designated percentage of funds be distributed directly to local governments. I am extremely concerned that Federal moneys reach the local areas most in need of assistance; and though I am not wedded to any given means of accomplishing this, I shall look to the committee's continuing review of the act to see if the moneys are actually reaching high crime areas under the present formula.

It is imperative, Mr. Speaker, that our streets be made safe and our citizens be protected. We must seek to combat crime at its sources of origin and we have to improve and modernize our judicial procedures and our correctional institutions. The Crime Control and Safe Streets Act has already made it possible for local law enforcement officials to receive training in new methods of crime prevention and riot control. The act has provided the opportunity for police officials to earn advance degrees in sociology and criminology and, in general has served as an impetus to upgrade the status and stature of law enforcement officers. In addition, the act has enabled local and State governments to obtain new crime control equipment ranging from vehicles to improved street lighting.

Mr. Speaker, we pride ourselves upon our material wealth and possessions. We are grateful for the freedoms which are guaranteed in our Constitution. But material possessions and our freedoms have little meaning if they cannot be enjoyed in an atmosphere of peace and security. The Federal Government has an obligation to do all in its power to assist our State and local governments in the maintenance of a secure and just society.

Mr. HALPERN. Mr. Speaker, during this past month, we have passed the second anniversary of the enactment of a law which began a significant new partnership between Federal, State, and local governments to strengthen and coordinate law enforcement efforts at all levels. On June 19, 1968, President Johnson signed the Omnibus Crime Control and Safe Streets Act of 1968. Through that act's creation of the Law Enforcement Assistance Administration—LEAA—the Federal Government has encouraged and aided State and local governments in the preparation of comprehensive law enforcement plans and in carrying out programs and projects to improve and strengthen law enforcement. The Crime Control Act created a National Institute of Law Enforcement and Criminal Justice, under the authority of the LEAA, that through grants to institutions of higher education and other public and private agencies and through its studies and research programs has encouraged training, education, research, and development for the purpose of improving law enforcement and developing new methods for the prevention and reduction of crime, and the detection and apprehension of criminals. In fiscal 1969 alone, $19 million was distributed to the States for planning grants and $29 million for action grants covering recruitment and training of law enforcement personnel, construction of buildings and other physical facilities necessary for law enforcement, development of State organized crime control councils, organization and training of regular and special police units for the prevention and control of riots and civil disorders, and many other programs; $3 million was allocated for the National Institute of Law Enforcement and Criminal Justice, $6½ million for academic assistance, and another $3 million for FBI programs. These programs were considerably expanded in the 1970 fiscal year as $268 million was appropriated for LEAA programs.

Despite this hopeful beginning, we continue to lose our battle against crime as recent FBI statistics demonstrate. Of course, the LEAA cannot be blamed for the continually spiraling crime rate. It is possible that the rate of crime increase would have been greater without the new planning and action grants that have stimulated many States to formulate their first comprehensive plans to counter the upsurge of criminal activity. Even so, studies by the National League of Cities, the Urban Coalition, and other organizations, indicate that there are serious deficiencies in the organization and administration of the Law Enforcement Assistance Administration and distribution of grants to the States. It is for this reason that I support H.R. 17825. This bill, which would amend the Omnibus Crime Control Act, would enable the LEAA and State planning agencies to better fulfill the purposes for which they were created.

Commendable as this bill may be it neglected to include the courts in its definition of law enforcement agencies thus overlooking an area in which research and planning are particularly needed. To overcome this inequity our very able and distinguished colleague from New York (Mr. LOWENSTEIN) has introduced H.R. 17442.

I am privileged to be among the 16 cosponsors of this much needed improvement in the legislation. I understand that Mr. LOWENSTEIN plans to offer the provisions of his proposal as an amendment to the bill before us. The proposed amendment recognizes that courts as well as policemen play an important role in law enforcement by expanding the definition of "law enforcement" in the Omnibus Crime Control Act to include activities of criminal courts and related agencies, activities of corrections, probation, rehabilitative and social service agencies relating to the administration of criminal justice, thus enabling States to include these important agencies in their comprehensive law enforcement plans and receive Federal grants to assist them in these vital areas.

This amendment to the Crime Control Act would establish within the Department of Justice a State Criminal Justice Assistance Center under the authority of a Director who would be an associate administrator of the Law Enforcement Assistance Administration—LEAA—to "provide for and encourage improvement in the organization, procedures and administration of State and local courts to relieve court congestion and to thereby promote and insure the right to a speedy trial." The center would be authorized to conduct research into the administration of State and local courts to develop recommendations for action in the improvement of court administration and management by Federal, State, and local government and to contract with public or private agencies for assistance in this research and development of recommendations. It would have similar powers and functions with regard to the courts as the National Institute of Law Enforcement and Criminal Justice has with regard to State and local police—to conduct programs of instructional assistance for judges and personnel of State and local courts, to collect, publish and disseminate data related to its studies and programs, and to provide technical assistance to officers of the courts at all levels.

I heartily concur with the need for this amendment and trust that it will overwhelmingly prevail.

One of the primary weaknesses in the current administration of the law noted in the National League of Cities and Urban Coalition studies is that adequate funds are not being distributed by the State governments to the areas where the crime rate is the highest. The allocation formulas of many States, which distribute an equal minimum share to all geographic areas of the respective States, has the effect of giving a disproportionate share of the funds for local planning and action programs to the rural areas where crime rates are lowest. H.R. 17825 would correct this imbalance by giving the LEAA authority to block grants to States whose plans fail to provide for allocation of an adequate share of assistance to deal with law enforcement problems in areas of high crime incidence.

The cities would also be aided by another provision of this bill that would require the State to provide one-quarter of the non-Federal funding of State planning agency programs for law enforcement improvement if the city or agency applying for assistance is unable to provide matching funds required to obtain a Federal grant. The National League of Cities' 1969 study of the administration of LEAA funds in 31 States revealed that at present "most State budgets provide the minimum 10 percent matching funds required to qualify for their planning allocation under the law enforcement assistance program."

Several new areas which are contributing to the crime problem would receive special attention in the proposed amendment. For the first time, LEAA is authorized to make grants to States having comprehensive plans for centers for treatment of narcotics addicts and for construction or leasing of temporary courtroom facilities in areas of high crime incidence. The LEAA would also be given new authority to make grants for correctional institutions and facilities.

The need for training of people to enter all phases of law enforcement programs is recognized by this bill. Grants for training, education, research, and development for improving law enforcement would now include funds for books. Teachers or persons preparing to teach courses related to law enforcement would be eligible to receive grants in addition to the present authority permitting training funds for persons preparing for careers in law enforcement only. To improve the universities' facilities for training of teachers of subjects related to law enforcement, the LEAA would have the authority to enter into contracts with institutions of higher education or groups of universities or colleges to assist them in planning, developing, strengthening, improving, or carrying out programs to train instructors of persons entering the field of law enforcement. Finally, to provide for a higher quality of professional law enforcement officers, LEAA would be authorized to develop and support regional and national training programs, workshops, and seminars to instruct State and local law-enforcement personnel in improved methods of crime prevention, reduction, and enforcement of criminal law.

The internal management of the Law Enforcement Assistance Administration would be strengthened by the elimination of the present unwieldy three-man directorate. Comprehensive and coordinate planning on the State level will be assisted by H.R. 17825's authorization for State Criminal Justice Coordinating Councils charged with assuring coordination of all law enforcement activities such as police, criminal courts, and the correctional system.

I congratulate the Judiciary Committee on its decision to promptly report H.R. 17825 and urge its speedy consideration and approval by Congress.

Mr. OTTINGER. Mr. Speaker, I rise in support of H.R. 17825, the Omnibus Crime Control and Safe Streets Act Amendments of 1970.

I support this measure because it will remedy some of the deficiencies of the original act enacted in 1968 and will, in some measure, strengthen the Federal role in helping communities to come to grips with the increasingly serious problem of crime.

In my opinion, however, the measure falls far short of the kind of full-scale program that is needed.

Although H.R. 17825 does substantially increase the Federal funds available for the war on crime, it still fails to provide the funding that will be needed to meet the challenge that we face. Under H.R. 17825, we are authorizing slightly more than $3 billion over the next 3 years to aid local and State law enforcement agencies. I am convinced that an effective anticrime program will require at least three times that much. I have proposed that we commit no less than $3 billion a year to the battle, and I will continue to press for that kind of commitment.

The most serious deficiency of this legislation is that it maintains the "block grant" approach under which funds are allocated among the States according to population, rather than targeted to the communities with the highest crime rates.

It is absolutely essential that we develop legislation that will permit a flexible allocation of funds so that we can beef up police forces in high-crime areas. The most effective answer to crime in our streets is the policeman on the beat, the policeman who is familiar with the community and able to cope with its crime problems.

The effect of the block grant system has been to dilute our already all too meager efforts and the system results in wild absurdities. New York and California get 7 cents per capita for crime control planning while American Samoa receives $3.54 per capita. And for action grants, urban States such as New York, California, Illinois, and Pennsylvania get the same per capita aid—89 cents—as Alabama, Montana, Alaska, and Wyoming.

Within the States, these absurdities reach even greater proportions. New York City, with a population of nearly 8 million and a crime rate of 6.084 per 100,000 population, is receiving 10 cents per capita in action funds, while Fort Worth, Tex., with a population of 355,000 and a crime rate of 3.747 per 100,000 population is receiving 31 cents per capita. Los Angeles, whose crime rate is only slightly lower than New York's, is receiving 9 cents per capita in action funds while Milwaukee, with one of the lowest rates of the top 56 cities in the FBI crime index, is receiving 15 cents per capita. Considering that it is titled the Crime Control and Safe Streets Act, these allocations seem perverse.

This can only be corrected with the kind of flexible legislation that will concentrate our money and our police effort in the streets where the crime is taking place. H.R. 17825 takes a hesitant step in this direction by requiring that the State plans approved include adequate assistance for areas of high crime incidence within the State. But this is hardly adequate. The State-by-State inequities persist. I intend to continue to fight for a program that will permit us to target the Federal effort in the areas where the crime is.

Finally, the new grant program for the improvement of correctional facilities under H.R. 17825 represents an important forward step, but it again falls short of the commitment needed. Experts estimate that between 50 to 70 percent of those released from prisons return to our streets to commit new crimes. Clearly, until we do something effective to rehabilitate prisoners and send them back to society equipped to lead useful and constructive lives, we are not going to be able to make any significant dent in our crime problem. H.R. 17825 makes the first approach to this problem by requiring that 25 percent of all law enforcement assistance appropriations be spent on upgrading and improving correctional activities. We must realize, however, that the major contribution of H.R. 17825 lies in the recognition of the existence of the problem and not in an effective program to deal with it; the total funding under the act is grossly inadequate and the 25 percent allocated to correctional facilities will represent hardly a drop in the bucket in comparison to the need.

Mr. Speaker, recognizing the deficiencies of this bill and the difficult problem that lies ahead of us in controlling the rising tide of crime, I urge my colleagues to support H.R. 17825. At the same time, I urge that we start now to develop the fully funded, flexible, and more comprehensive program. Only in this way can we meet the challenge and assure our people of the safety and the full protection of the law. That is their right.

Mr. VANIK. Mr. Speaker, 2 years ago the House passed the Omnibus Crime Control and Safe Streets Act of 1968.

This legislation was passed in response to the seriously spiraling crime problem affecting American society. Today, 2 years later, the crime problem continues. Not only does the fact of crime remain one of our most serious concerns, but the fear of crime stalks the streets of our Nation's cities. Our citizens are afraid to go out of their homes at night. Downtown city areas, formerly dynamic and alive with activity, are now closed and deserted. Great shopping marts which used to stay open until 9 p.m. and later now close at 5 or 5:30. The citizens are afraid to use public transportation systems. Some of my constituents have told me that they are afraid to go to evening religious services. Our senior citizens, in particular, are afraid to venture out alone. Many of our citizens find themselves in the world's most affluent society blockaded in their homes at the approach of dusk.

Where does the responsibility for law enforcement lie? Crime, as defined in

XUM

America and under our federal system, has been largely defined by local and State law. The vast majority of criminal acts are reported, investigated, prosecuted, and tried by local police, prosecutors, and judges. Almost all our penal institutions are run by local or State officials.

But State and local finances are stretched to the breaking point. They need assistance in financing the battle against crime, to up-grade the training of police, to improve the quality of their equipment and crime detection units, to expedite court procedures. In addition, we must improve penal institutions so that they provide true and lasting rehabilitation instead of serving as training schools for further crime.

The Federal Government can provide some of that financial assistance to the States and local governments in the way of grants. The bill before us today authorizes not the $480 million requested by the administration, but $650 million for fiscal year 1971. An additional $170 million for the control and prevention of violent crime is the least that we can do. I hope that the administration will not complain that it is inflationary to provide extra moneys for the prevention of violent crime. I hope that the administration will not say that it is inflationary to improve our prison and rehabilitation facilities so that the appalling number of criminal "repeaters" can be reduced.

Mr. Speaker, it would be my hope that the authorization provided by this bill would be even higher, for there can be no doubt that our States and localities are in desperate need of increased money in the struggle against crime.

This bill does provide an authorization of $1 billion for fiscal year 1972 and $1.5 billion for fiscal 1973. This is the minimum level of appropriation we will need to begin to curb the problems of crime.

Today's law enforcement assistance amendments include several other important and major amendments.

First, it simplifies the method of administering the grants to the States and localities. Presently, almost every action of the U.S. Law Enforcement Assistance Administration must be approved by a team of three administrators. This bill will provide for a single administrator who will be able to provide the necessary and needed drive, energy, and coordination required to make the Federal program effective.

Second, the amendments provide for a new program of construction and renovation of correctional facilities and allow the Federal Government to cover up to 75 percent of the cost of such facilities. This is desperately needed. As the former Director of the U.S. Bureau of Prisons has stated:

> In addition to approximately 3,500 county and city facilities, there are now 398 state penal and correctional institutions for adults in the United States, and 220 state institutions for juveniles. All but a handful are archaic, grim and devoid of all but token facilities for training and rehabilitating their inmates. Sixty-one of the large prisons were opened before 1900. Twenty-five of these are more than 100 years old.

It is estimated that of all the aspects of criminal justice and law enforcement improvement in the methods of rehabilitating criminals holds out some of the greatest promise for reduction in crime rates. Approximately 80 percent of all serious crime is committed by repeaters—that is, persons who have been previously convicted of a crime and have served a sentence. Yet instead of being rehabilitated in the penal system, they seem to become only more committed to a life of crime. It is said that 95 percent of every dollar that we spend on our prison systems is spent on custody while only 5 percent is spent for rehabilitation, job training, and education. A reform of our penal systems would be one of the best ways to cut down on crime.

Today's amendments also provide that the State contribute one-fourth of the non-Federal share of funding for programs of local governments receiving Federal assistance under the State's law enforcement plan. This amendment is necessary because the States, which decide what projects are to be funded, have, in 45 out of the 50 States, totally failed to provide any matching assistance to the Federal dollar. Federalism should be a sharing process. But what has happened is that the States take the Federal bloc grants and require the localities to put up all the rest of the required matching money. Yet it is on the local governmental level that funds are often the hardest to find.

The most important amendment in the bill before us today, Mr. Speaker, requires that U.S. Law Enforcement Assistance Administration approval of a State plan for law enforcement assistance be based on a finding that areas of high crime incidence receive an adequate share of assistance. It is my hope that this amendment will require Federal funds to be channeled, to a greater extent than they are today, into our major metropolitan areas where our major incidence of crime occurs.

The concept of concentrating crime control funds where most needed is not being given full consideration. In my State of Ohio, for example, there seems to be a preoccupation with spreading the available funds throughout the State, into districts where the immediate need is less than pressing. In the action program grants concerned with general facilities and equipment for law enforcement agencies, the concern seems to be for providing equipment for rural districts.

For administrative purposes under the Safe Streets Act, Ohio has been divided up into regions—some of which are very rural and contain counties with very low crime rates. And some of the major grants being made in Ohio are in the rural districts, such as a training library in District 15 in southeast Ohio, and so-called basic equipment in the same district.

Considering the ceiling on available funds, and given the desperate situation in major cities, such as Cleveland and Columbus, this sort of spending is wasteful. The emphasis in rural areas should be on reorganization of these township police and sheriff departments. The size and thus ineffectiveness of these rural agencies does not constitute a reason to place further funds in their hands, but rather a reason to research possibilities of combining them into effective institutions. In certain other action programs for which funds are requested, such as communications equipment, as many as 40 to 50 subgrants will be made, representing a thin and wasteful spreading of available funds.

In the city of Cleveland, we had 176 murders in 1968. At this point in 1970, we have already surpassed that number. We are ranked ninth among American cities as far as crime is concerned. Clevelands needs help. Yet when money which is sorely needed to curb the immediate crime problem in Cleveland is sidetracked to low-crime rural areas, few problems are being solved with the available funds. Crime in our big cities is serious, most serious, and it must be controlled by a concentration of our available funds.

Mr. Speaker, I support the amendments being discussed today and will vote for passage of this vital legislation. It is needed not only by the 400,000 devoted and dedicated police professionals of America, it is needed by the people they serve, the American public.

Mr. RARICK. Mr. Speaker, the crime situation in the United States has reached such crisis proportions that the Members are hearing from the folks at home with demands that something must be done. The political impulse seems to be to do something, even if it is wrong.

We are being asked to ignore the cause of the problem—the many crime-favoring Supreme Court laws. We are being urged to hoodwink our people into thinking that by massive expenditures of Federal money, by so-called upgrading our local and State police officers, and modernizing our correctional facilities, we can deter the criminal threat.

The crime problem in the United States is not the fault of this body—nor the police officers, nor the taxpayers. We are hiding our heads in the sand if we think we can fool the people into believing that by giving away more of their money, they will be any safer from the criminal element which roams our streets and highways like some sacred cow.

H.R. 17825, now before us, carries the emotional title of law enforcement assistance amendments to the Omnibus Crime Control and Safe Streets Act of 1968. But, fancy-sounding names on legislation will not stop criminals nor deter crime, nor even accurately describe the bill. We already have enough laws on the books.

The gut problem is that as we continue to talk about reducing crime, our law enforcement agencies are denied the freedom to enforce the laws. This bill offers no solution. It but provides for $3,200,000,000 to be doled out over 3 years for grants to local and State police who agree to comply with various edicts and guidelines laid down by the Attorney General of the United States and enforced by the administrator of the Law Enforcement Assistance Act. Except for this purported financial assistance, the

XUM

measure offers only false promises of help to the police of America in their efforts to stop crime.

Those of us who live in the South are familiar with Federal funding programs based upon compliance. The funded State or local organization loses all semblance of representing its local people and becomes completely subservient to the funding agency. In this instance, any law enforcement agency accepting Federal funds, which does not toe the line of compliance, can expect to be threatened with loss of funds and if not whipped into line, have its funds cut off.

We of the South have witnessed firsthand what has happened to our State and local governmental agencies that accepted Federal funds. We need only point to the wholesale destruction of our public schools and public education system which are in many areas either abandoned by a large segment of our people or made wholly inadequate to educate the youth.

With Federal funds necessarily comes Federal control. It is utterly ridiculous for any rationally informed person to believe that we can buy personal safety or freedom from crime. It is equally ridiculous to believe that we can hand out Federal money and not end up with Federal control and domination over our local police.

Up to now, the sociological pseudo-intellectuals have sought to justify throwing away billions of tax dollars with their theories that we can buy off criminals with massive Federal programs and funds. While they still refuse to acknowledge the utter futility of their upside down thinking, some of the same spokesmen, that is, Ramsey Clark, the National Governors' Conference, the League of Cities, the U.S. Conference of Mayors, the National Association of Counties, the National Commission on the Causes and Prevention of Violence, and representatives of do-gooder organizations now support this bill and ask this body to buy the police away from the people and put them under the control of an appointed Fed.

The police power under the Constitution of the United States, with rare exception caused by judicial fiat, has historically been reserved to the States. Now, after 190 years of constitutional government, with the police being under the State and local control, we are told that the Constitution must be warped if it says what it does not say.

If it is a national police force that the Federal bureaucrats want, they have the Army, Navy, and Marines. I for one, oppose every effort to destroy local police forces, or to even chance the "foot-in-the-door" power building which is constantly sought by the socialist bureaucrats in their craze for domination of every facet of local and State government.

This is bad legislation—spurred on by emotion and frustration—more laws by the democracy phobia of the mob—demands without regard or consideration for the further erosion and destruction of constitutional government.

I intend to abide by my oath of office by casting my peoples' vote against this bill. I will continue to support my local police in upholding their responsibilities to maintain law and order to their people, unbridled by additional unnecessary Federal controls and redtape.

Mr. BROYHILL of North Carolina. Mr. Speaker, I would like to express my support for H.R. 17825, the bill to amend the Omnibus Crime Control and Safe Streets Act of 1968. Certainly, the serious rise in the increase and rate of crime in the United States provides ample need for the continuation and expansion of programs under this law.

This law established the Law Enforcement Assistance Administration in the Department of Justice to assist State and local governments in controlling crime and improving the quality of criminal justice. Experience in administering this agency has shown the need for some revisions in the law and these amendments would provide needed improvements.

One change would insure that assistance would be more directly responsive to the needs of high crime areas and would provide greater local community participation in the planning and disbursement of funds. Although an arbitrary mathematical formula is not provided, States would be directed to correlate the benefits of anticrime efforts with the incidence of crime in particular areas.

An addition to the law would authorize the Law Enforcement Assistance Administration to develop regional and national training programs to instruct State and local law enforcement personnel in fields such as organized crime, which individual cities and States are rarely able to plan for themselves. I am particularly pleased that this section has been added to the bill, since I feel strongly that programs are needed on a broader scale to train local and State officials to deal with organized crime. I have previously sponsored legislation to provide such training in this area.

Another new program provided in this bill is for the construction, acquisition, and renovation of correctional facilities, with the provision that Federal grants may be up to 75 percent of the cost of a particular project. Applicants for these funds would be required to provide assurances that the design of facilities would be modern and innovative and that provision would be made for rehabilitation programs. Advanced standards of training and education for personnel staffing facilities would also be required. The bill would also earmark 25 percent of total appropriations for corrections activities, including probation and parole. This is, I feel, an area which has great potential in the reduction of crime and for which increased funds are badly needed.

Since the enactment of the Omnibus Crime Control and Safe Streets Act in 1968, its programs have been of great assistance to law enforcement agencies, and I would like to urge my colleagues to provide this extension and improvement of the law.

Mr. DONOHUE. Mr. Speaker, as a cosponsor of the original legislation 2 years ago, the Omnibus Crime Control and Safe Streets Act of 1968, that created the Federal law enforcement assistance program, I most earnestly hope and urge the House will overwhelmingly approve the bill now before us, of which I am also a cosponsor, H.R. 17825, which is principally designed to strengthen and improve the law enforcement assistance administration.

May I emphasize that the strengthening recommendations contained in this current measure were developed by our House Judiciary Committee only after long and careful study of the operation of this unit over these past 2 years and the testimony of many and varied authorities in the law enforcement field.

In summary, this bill before us will, when adopted, provide increased levels of urgently needed funding over the next 3 years for the more effective operation of the law enforcement assistance program; it will establish a separate new Federal program for the construction, renovation, and acquisition of correctional facilities and the development of improved corrections programs; it will make the actuality of law enforcement assistance more directly responsive to the needs of high-crime areas while also assuring local community participation in the planning and disbursement of funds and it will make the management impact and procedures far more efficient than they have been by abolishing the present three-man board and putting in its place a single administrator.

Mr. Speaker, I think it is well to emphasize that all the amendments to existing law that are recommended in the bill before us have the approval of the administration and the Department of Justice and that the bill was unanimously adopted by our House Judiciary Committee.

I think it is also very important to observe that the recommendations contained in this measure are specifically designed to improve the coordination of the various components of our criminal justice system—police, corrections, courts, and, by specifying that not less than 25 percent of the total appropriation for the Law Enforcement Assistance Administration shall be devoted to corrections, probation and parole. Particular attention, toward improvement, is being centered on the phases of our criminal justice system that have been too much and too greatly neglected in the past.

Unhappily and unfortunately, Mr. Speaker, the facts and the fears of increasing crime are frighteningly at large throughout our country today. Local law enforcement agencies and courts are fundamentally the frontline of crime control, prevention, prosecution, conviction, correction, and parole.

The measure before us, therefore, will undoubtedly strengthen these local units and institutions in the fulfillment of their objectives to make our streets and our homes as safe as reasonable cost and human resources can and at the same time improve the quality of all aspects of criminal justice. I submit that by any yardstick or standpoint the provisions of this measure are preeminently in the urgent national interest and I again urge the House to give this meritorious measure your overwhelming approval.

XUM

Mr. CRAMER. Mr. Speaker, the need for enacting new and improved laws to deal with the ever-increasing rate of crime is absolutely essential. The amendments to the Omnibus Crime Control and Safe Streets Act, H.R. 17825, which are being considered by this body today provide effective new weapons to buttress our law enforcement efforts and help win this Nation's war on crime.

This legislation authorizes appropriations of $650 million for fiscal year 1971, $1 billion for fiscal year 1972, and $1.5 billion for fiscal year 1973. The bill retains the block grant principle and continues the requirement that 85 percent of all funds shall be distributed in accordance with State plans. However, this bill also requires that 40 percent of a State's planning funds and 75 percent of its action funds shall be made available to units of general local government or combinations of such units of government.

Mr. Speaker, the Law Enforcement Assistance Administration, which is charged with administering these funds, has already made an impressive beginning in bringing crime under control. It has coordinated the various segments of the criminal justice system. It has encouraged a working relationship between the various levels of government. And, as Attorney General John Mitchell said in his testimony before the House Judiciary Committee on March 12:

> Thus, under the impetus of LEAA, we are seeing the emergence of regional planning commissions working with state planning commissions. For the first time, on a nationwide basis, an attempt is being made to evaluate, coordinate and integrate the hundreds of different criminal justice agencies and their problems in each state.

XUM

This bill makes certain very important changes in the safe streets legislation which I enthusiastically support.

The bill provides a new block grant program for construction, asquisition, and renovation of correctional facilities; expands the law enforcement education program; authorizes LEAA to develop and support regional and national training programs, workshops, and seminars for State and local officials in specialized law enforcement fields; and increases the administrative efficiency and staff capability of LEAA.

Mr. Speaker, I strongly support this legislation and urge its enactment.

Mr. MONAGAN. Mr. Speaker, I support H.R. 17825, the Omnibus Crime Control and Safe Streets Act amendments of 1970.

I supported the establishment of the Law Enforcement Assistance Administration in the 90th Congress to assist State and local governments to control crime and violence and to improve the quality of justice, and I continue to believe that this program offers an approach toward guaranteeing our citizens freedom from criminal violence. Accordingly, I strongly endorse provisions of the bill strengthening the management of the Law Enforcement Assistance Administration, establishing a new program for the construction, acquisition and renovation of correctional facilities, and extending the program for 3 years.

The bill authorizes appropriations of $650 million for fiscal year ending June 30, 1971, $1 billion for fiscal year ending June 30, 1972, and $1.5 billion for fiscal year ending June 30, 1973.

In the first session of this Congress I spoke out frequently about the growing lawlessness in this country and I backed up my statements with legislative proposals for action. In addition to introducing a bill to impose additional mandatory prison sentences upon persons convicted of committing a felony with a firearm, and another bill to prevent the increasing misuse of explosives, I sponsored House Resolution 220 to establish a Select Committee on Coordinated Crime Control. I was pleased that legislation similar to House Resolution 220 passed the House on May 1, 1969, and the important task of studying methods and resources to coordinate law enforcement activities of local, State, and Federal police agencies is now underway.

I have also been active in supporting and proposing measures to cut down illicit drug traffic and control narcotics addiction which are major causes of criminal activity. I noted with alarm the results of a recent study done in the District of Columbia court of general sessions which showed that 40.2 percent of persons charged with or convicted of larceny were addicts, as were 41.3 of those charged with or convicted of robbery, and 46.8 percent of persons involved in burglary. I am hopeful that the funds provided for in this bill will better enable local and State law enforcement agencies to halt illicit drug traffic before it is translated into violent crime statistics.

Despite the great progress that has been achieved in laying the groundwork for a coordinated offensive against crime, criminal activity in this country has far surpassed the crisis stage, and it is accelerating at a rate that is outstripping the Nation's ability to effectively protect the rights and freedoms of law-abiding citizens. The Federal Bureau of Investigation reports that from January to September 1969 incidents of serious crime increased nationally by 11 percent and in my hometown of Waterbury, Conn., cases of larceny of more than $50 increased by over 55 percent during the same period.

Citizens living in urban areas are afraid to move from their homes and go about normal and peaceful activities because of the terror created by repeated and brutal assaults, robberies, and rapes.

Increasing criminal activity puts severe strains on our legal system. The maintenance of public order is a basic duty of any government to its citizens but freedom must be protected in any drive for individual or community safety. It is crucial that Congress resist the pressure for radical change and concentrate its efforts on strengthening the traditional democratic process with funds, programs and personnel equal to the task. This bill, by authorizing for fiscal year 1971 more than double the amount of funds appropriated in fiscal year 1970, and $170 million more than the administration request, is a proper expression of confidence in the ability of adequately funded local and State law enforcement agencies to cope with criminal activity within the existing legal framework and I urge my colleagues to join me in voting for passage.

Mr. BINGHAM. Mr. Speaker, I want to compliment and congratulate the Committee on the Judiciary, and particularly its distinguished chairman, Mr. CELLER, for bringing these improving amendments to the Omnibus Crime Control and Safe Streets Act before the House.

As the chief House sponsor of related legislation which was considered by the committee and endorsed by the National League of Cities-U.S. Conference of Mayors, I am gratified to see that a number of provisions along the lines of those suggested by my bill to assure that a greater proportion of Federal crime control funds are directed at high-crime urban areas have been included in the committee bill.

As I noted in introducing my bill, H.R. 15597, the programs under the Omnibus Crime Control and Safe Streets Act constitute the cutting edge of Federal help in the fight against crime. Our first 2 years of experience with these programs, however, indicate that an indefensibly small proportion of the funds are being made available in areas that need them most—the urban areas where the crime problem is most severe. The committee, in the legislation now before the House, has not adopted all of my suggestions to remedy that inequity. But this bill does add new language providing that no State shall receive its funds for anticrime action projects unless the Federal Law Enforcement Assistance Administration—LEAA—finds that the State has made plans to provide "for the allocation of an adequate share of assistance to deal with law enforcement problems of high crime incidence."

I trust that LEAA officials will give strict attention and adherence to this language, and I intend over the coming months to monitor closely the Administration's application of this crucial requirement. As the committee report correctly notes, State planning agencies must "correlate the benefits of anticrime efforts with the incidence of crime in particular areas."

Along these lines, I support wholeheartedly the action of the committee in omitting from this legislation an amendment proposed by the Department of Justice which would have authorized the LEAA to waive the so-called pass-through provisions. These provisions require that 40 percent of the planning funds and 75 percent of the crime control action funds be distributed by the States to units of local government. They are essential if Federal crime control funds are to reach crime-plagued neighborhoods in sufficient amounts to have the required impact, and I am pleased they have not been tampered with.

Another major problem that developed during the first 2 years of the safe streets programs concerns the requirement that local areas put up matching funds in order to receive Federal funds for crime control. The urban areas which are most in need of crime control funds have little financial flexibility. Many urban areas long ago reached statutory limits on their taxing authority, and have no way of raising or freeing the additional funds that may be required to match available Federal crime control funds. The legislation I proposed would have eliminated entirely the local matching fund requirement and I am disappointed that the committee did not see fit to include that improvement in this legislation. However, the committee does provide a new requirement that the States contribute at least 25 percent of the non-Federal matching funds for local programs, which should go a long way toward making Federal funds more obtainable by easing demands on strained local budgets.

Finally, I am encouraged by the more generous funding authorization for crime control contained in the committee legislation currently before the House. These funding provisions, which total more than $3 billion for the next 3 fiscal years, are similar to those contained in the legislation I proposed. The $650 million provided for fiscal 1971 is considerably more than the $480 million proposed by the Nixon administration. Even those amounts, however, are small when one considers that the current budget for the New York City Police Department alone was $568.4 million last year, and less than 2 percent of current government expenditures at all levels is spent for criminal justice.

Mr. Speaker, in view of these considerations, I intend to vote for the committee bill, H.R. 17825.

Mr. MINISH. Mr. Speaker, I rise in support of H.R. 17825, amending the Omnibus Crime Control and Safe Streets Act of 1968.

I believe that the bill reported out of the Judiciary Committee is a worthwhile effort to improve the Safe Streets Act by supporting modernized correctional facilities, education of law enforcement officials and increased Federal funding.

One commendable approach utilized in this measure is a proviso to insure that needed funds reach high crime areas; urban areas, which cannot unassisted afford the high cost of law enforcement. The version of this legislation which we are today considering stipulates that approval of a State plan hinges on an adequate share of assistance to high crime areas. This is an absolute necessity, for our experience with the 1968 legislation demonstrated that high crime urban areas too frequently were overlooked when it came to apportionment of funds. Indeed, in a measure I sponsored earlier to amend the 1968 Safe Streets Act, there was a remedial provision aimed at reducing this inequity.

I am pleased that the finalized version of the safe streets measure seeks to solve the problem by insuring the adequacy of funds for high crime areas.

I am also in agreement on the need to attend to improve correctional facilities, to mitigate the high rate of criminal recidivism.

Moreover, today's legislation will increase the authorized appropriations to a more realistic level. It calls for an authorization of $650 million for the next fiscal year, compared with the $248 million authorized for the last fiscal year. The improved obligational method in this measure will insure that the authorized funds are utilized.

I might mention that the earlier legislation I had sponsored called for an authorization of $800 million for the next fiscal year, in recognition of the tragic proportions of the crime problem. We cannot stingily dole out funds for necessary programs and expect them to bring striking results. Only by an aggressive defense against criminality can we expect to overcome the lack of fear and the obvious apathy demonstrated by the criminal element toward law enforcement.

If crime is not reversed, if criminals are not caught speedily and are not brought to trial expeditiously, and if they continue to be jailed in institutions that turn first-time offenders into hardened criminals before release, then I fear to predict the future of our urban areas.

Unfortunately, the rate of street crime and urban violence is climbing, even as Congress tries to stem this rising tide by providing increased support, money and manpower, to provide safety to honest citizens.

It is my hope that the omnibus crime legislation before us will effectuate a turnabout in our mounting crime problem.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. CELLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 345, nays 2, answered "present" 1, not voting 81, as follows:

[Roll No. 195]

YEAS—345

Abbitt
Abernethy
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Andrews, Ala.
Annunzio
Arends
Ashbrook
Ashley
Barrett
Beall, Md.
Belcher
Bennett
Betts
Bevill
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Caffery
Camp
Casey
Celler
Chamberlain
Chappell
Chisholm
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Conte
Corman
Cowger
Crane
Culver
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Dent
Derwinski
Devine
Diggs
Dingell
Donohue
Dorn
Dowdy
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Fallon
Fascell
Feighan
Fish
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harsha
Harvey
Hathaway
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Howard
Hull
Hungate
Hunt
Hutchinson
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Karth
Kastenmeier
Kazen
Kee
King
Kleppe
Kluczynski
Koch
Kyl
Kyros
Landgrebe
Landrum
Langen
Leggett
Lennon
Lloyd
Long, La.
Long, Md.
Lowenstein
Lujan
McCarthy
McClory
McCloskey
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Mahon
Mailliard
Marsh
Martin
Matsunaga
Mayne
Melcher
Meskill
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Monagan
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Patten
Pelly
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Satterfield
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watts
Weicker
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—2

O'Neal, Ga.
Rarick

ANSWERED "PRESENT"—1

Harrington

NOT VOTING—81

Adair
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Aspinall
Ayres
Baring
Bell, Calif.
Berry
Blackburn
Blanton
Blatnik
Bray
Brock
Cabell
Carey
Carter
Cederberg
Clancy
Clark
Clausen, Don H.
Conyers
Corbett
Coughlin
Cramer
Daddario
Dawson
Denney
Dickinson
Downing
Edwards, La.
Esch
Evins, Tenn.
Farbstein
Findley
Flowers
Frey
Hansen, Idaho
Hastings
Hawkins
Hays
Horton
Hosmer
Ichord
Jarman
Jones, N.C.
Jones, Tenn.
Keith
Kirwan
Kuykendall
Latta
Lukens
McClure
Madden
Mann
Mathias
May
Meeds
Mollohan
Montgomery
Morse
Morton
Passman
Patman
Pepper
Poff
Pollock
Powell
Reifel
Rivers
Robison

XUM

Roudebush
Saylor
Sikes
Smith, Iowa
Stephens
Tunney
Vander Jagt
Watson
Wilson,
Charles H.
Wold

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hays with Mr. Adair.
Mr. Cabell with Mr. Lukens.
Mr. Carey with Mr. Hastings.
Mr. Blanton with Mr. Ayres.
Mr. Aspinall with Mr. Horton.
Mr. Jarman with Mr. Anderson of Illinois.
Mr. Charles H. Wilson with Mr. Coughlin.
Mr. Madden with Mr. Cederberg.
Mr. Passman with Mr. Blackburn.
Mr. Edwards of Louisiana with Mr. Cramer.
Mr. Evins of Tennessee with Mr. Andrews of North Dakota.
Mr. Rivers with Mr. McClure.
Mr. Sikes with Mr. Clancy.
Mr. Smith of Iowa with Mr. Don H. Clausen.
Mr. Daddario with Mr. Mathias.
Mr. Clark with Mr. Corbett.
Mr. Jones of Tennessee with Mr. Hosmer.
Mr. Baring with Mr. Denney.
Mr. Ichord with Mr. Bray.
Mr. Meeds with Mr. Bell of California.
Mr. Patman with Mr. Findley.
Mr. Kirwan with Mr. Conyers.
Mr. Farbstein with Mr. Hawkins.
Mr. Blatnik with Mr. Powell.
Mr. Tunney with Mr. Esch.
Mr. Jones of North Carolina with Mr. Dickinson.
Mr. Anderson of Tennessee with Mr. Frey.
Mr. Mollohan with Mr. Hansen of Idaho.
Mr. Montgomery with Mr. Keith.
Mr. Downing with Mr. Carter.
Mr. Flowers with Mr. Kuykendall.
Mr. Pepper with Mr. Latta.
Mr. Stephens with Mr. Brock.
Mrs. May with Mr. Morton.
Mr. Morse with Mr. Poff.
Mr. Pollock with Mr. Reifel.
Mr. Riegle with Mr. Robison.
Mr. Roudebush with Mr. Vander Jagt.
Mr. Saylor with Mr. Watson.
Mr. Wold with Mr. Dawson.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. BOGGS). Without objection, it is so ordered.

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

BANKRUPTCY COMMISSION

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 970 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 970

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (S.J. Res. 88) to create a commission to study the bankruptcy laws of the United States. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the joint resolution shall be read for amendment under the five minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BOLLING. Mr. Speaker, I yield to the gentleman from California (Mr. SMITH) 30 minutes, and pending that I yield myself such time as I may consume.

Mr. Speaker, I know of no controversy either on this rule or on the resolution that it makes in order, Senate Joint Resolution 88, to create a commission to study the bankruptcy laws of the United States.

Mr. Speaker, I reserve the balance of my time.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Iowa.

Mr. GROSS. It seems to be entirely fitting that this resolution comes up at this time, just preceding the authorization for the arts and humanities, which apparently is going to be increased 100 percent to $40 million. It seems to be fitting, too, in view of the fact that bankruptcies have increased a thousand percent in the last 20 years or less. Apparently Congress is doing all it can to bankrupt the country.

Will this resolution take care of the Federal Government's bankruptcy or is this designed to take care of the bankruptcy of some 200,000 individuals?

Mr. BOLLING. I suspect the gentleman from Iowa could give a better answer to his own question in that particular. I am unable to inform the Members as to that.

Mr. GROSS. I thought perhaps the Committee on Rules might have explored the situation in consideration of the rule.

Mr. BOLLING. I thank the gentleman from Iowa.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, House Resolution 970 provides a 1-hour open rule for consideration of Senate Joint Resolution 88, to create a commission to study the bankruptcy laws of the United States.

The purpose of the joint resolution is to create a Bankruptcy Commission of nine persons, to study, analyze, evaluate, and recommend changes in the Bankruptcy Act. The report is to be made to the President and the Congress not later than 2 years after enactment, after which the Commission would cease to exist.

In the last 20 years the number of bankruptcies has increased greatly—over 200,000 annually. Most of these are not businesses, but individuals. Our present system was designed for businesses and cannot cope with the great number of individual cases. Our laws must be brought up to date.

Three members shall be appointed by the President, one of whom he shall designate as Chairman; two appointed by the President of the Senate; two appointed by the Speaker; and two appointed by the Chief Justice.

Six hundred thousand dollars is authorized to carry out the work of the Commission, the amount the Administrative Office of the U.S. Court has estimated will be needed to complete the job.

The Department of Justice supports the joint resolution. There are no minority views.

Mr. Speaker, I urge the adoption of the rule.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. ROGERS of Colorado. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (S.J. Res. 88) to create a Commission To Study the Bankruptcy Laws of the United States.

The SPEAKER. The question is on the motion offered by the gentleman from Colorado.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (S.J. Res. 88) with Mr. YOUNG in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Colorado (Mr. ROGERS) will be recognized for 30 minutes and the gentleman from California (Mr. WIGGINS) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. ROGERS of Colorado. Mr. Chairman, the bill before us today, Senate Joint Resolution 88, represents a major step in bringing about a sorely needed reform in our bankruptcy system—a system which has grown obsolete, highly uneconomical, and incapable of meeting the requirements of our modern economy.

Under the terms of this proposal, a Commission would be established to study, analyze, and evaluate the present bankruptcy laws and to recommend the changes that are necessary to conform the bankruptcy system to the demands of modern, technical, financial, and commercial activities.

The Commission would be directed to

XUM

include in its study a consideration of the basic philosophy of bankruptcy, the causes of bankruptcy, possible alterations to the present system of bankruptcy administration, and the applicability of advance management techniques to achieve economies in the administration of the bankruptcy laws.

The life of the Commission would extend for 2 years and its membership would include nine members—with three appointed by the President, two appointed by the President of the Senate, two appointed by the Speaker of the House and two appointed by the Chief Justice of the United States.

In considering the need for this Commission, it is important to note that more people appear in our bankruptcy courts than in all other Federal courts combined, and that the number of bankruptcies has increased more than 1,000 percent over the last 20 years. Yet, despite the current importance of the bankruptcy system, our bankruptcy laws have remained archaic and impractical.

As was pointed out in our committee report, the present Bankruptcy Act was enacted in 1898 and was later revised in 1938. There have been no major revisions of the law for more than 30 years. Yet, during the last 30 years, the population of our country has grown from 130 million to more than 200 million and installment credit has increased in that same period from approximately $4 billion to more than $93 billion. As a result of this expanding population and overwhelming increases in installment credit, our judicial system is currently coping with bankruptcies at an annual rate in excess of 200,000.

Although the bankruptcy system was originally designed with a heavy emphasis on the problem of business bankruptcies, the crisis that is now developing occurs to a large extent in the area of so-called consumer bankruptcies. In short, in our modern economy of credit cards and charge accounts, it is the wage earners and the heads of families who are coming more and more into the bankruptcy courts. Under the circumstances, it is essential that the bankruptcy system be overhauled and modernized.

In recommending the establishment of a Commission, let me emphasize two highly significant advantages that will be realized:

First, the Commission will make a major contribution to the modernization of our bankruptcy laws and to the improvement of our judicial system. This will result in more equitable treatment for both creditors and debtors.

Second, the Commission will be called upon to recommend procedures and techniques for eliminating the large amount of economic waste that now occurs in the administration of the bankruptcy laws. The resulting improvements in the system will be reflected in savings in administrative costs. These savings will far outweigh the cost of the Commission.

In addition to these advantages, let me also emphasize still another feature of the bill as reported by our committee which I believe is desirable. In the form that the bill was sent to us by the Senate, it contained a provision allowing for an open-ended authorization of appropriations. In that form, the bill would call for appropriations from general tax funds.

Our committee considered this matter carefully. After holding hearings on the proposal and receiving testimony from the Administrative Office of the U.S. Courts, we decided to limit the authorization of funds to $600,000 for the 2-year life of the Commission. We also noted that since 1946 our bankruptcy system has been self-supporting as the result of a statute which requires the salaries and office expenses of referees in bankruptcy to be paid out of filing fees and charges collected from the assets of bankrupt estates. To be consistent with this policy of a self-supporting bankruptcy system, we have approved an amendment to the Senate bill which requires that the Commission also receive its appropriations from the salaries and expense fund. As a result, the expenses of the Commission would also be borne by the bankruptcy system and not by taxpayers generally.

In closing, Mr. Chairman, there is another committee amendment to this bill which I would like also to call to the attention of the Members. In the form that the bill passed the Senate, and was reported by our committee, no limitations were imposed on the powers of the Speaker of the House and the President of the Senate to appoint members of the Commission. Subsequent to our reporting of the bill in this form, both the Speaker of the House and the Vice President called this matter to our attention and requested that the bill be amended so as to limit the appointments of the Speaker and the Vice President, respectively, to Members of Congress from each of the major political parties. Our committee has approved an amendment along these lines and has directed that it be offered on the floor. I believe that amendment is highly desirable and will remove any confusion that may have been created by the bill in the form that it passed the Senate. I shall offer the amendment when the bill is read under the 5-minute rule.

Mr. Chairman, this measure, together with the amendments approved by the Judiciary Committee, will make significant improvements in our judicial system—improvements which will be brought about at a minimum cost to the taxpayers. Senate Joint Resolution 88 has the support of the Judicial Conference of the United States, the National Bankruptcy Conference, the National Conference of Referees in Bankruptcy, the American Bankers Association, the American Industrial Bankers Association, and a wide variety of lawyers, businessmen, and consumers throughout the United States. Therefore, I strongly urge that the bill be given favorable consideration by this body.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I am delighted to yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman's yielding.

In the last portion of his oration, the gentleman pointed out that the Judicial Conference has recommended this, in slightly different terms, and generally approves it. I have become familiar with that Conference, and I recall at least two different things they have recently recommended which I disapproved. Of course, I have read the committee report in its entirety, including the statement by the Deputy Director, whom we all recall on this floor as counsel to the Committee on the Judiciary in the past.

Mr. ROGERS of Colorado. May I correct that? The William E. Foley who is Deputy Director was not counsel for the Judiciary Committee.

Mr. HALL. He never has been?

Mr. ROGERS of Colorado. No, sir.

Mr. HALL. Well, I am glad to learn that.

Mr. ROGERS of Colorado. It is a different William E. Foley. We had a William Foley who served with distinction for many years as general counsel.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, it is his opinion whether it was with distinction or not.

Mr. ROGERS of Colorado. Yes, sir.

Mr. HALL. But I am glad to have the correction that this is not the same William Foley.

Be that as it may—and I accept the correction, and I know the gentleman must assuredly be correct—the Judicial Conference has a habit of recommending that the legislative branch endorse commissions or endorse policies with the so-called veto in reverse which I think is unconstitutional and which has certainly not been ruled upon. Is there anything in here that would make the findings of this Commission binding upon the legislative branch of the Government if one or the other bodies of the Congress did not make a negative vote against the findings within 60 or 90 days?

Mr. ROGERS of Colorado. All this does is require them to make an analysis and report back to the Congress of the United States. That is the objective of the Commission.

Mr. HALL. There is no way they can have a finding in their report that would have the effect of law under the Reorganization Act or anything else, unless the veto in reverse were put into effect by one or the other body.

Mr. ROGERS of Colorado. May I assure the gentleman from Missouri, there is no provision of that type in this resolution, nor do we contemplate any amendment that would give it such a status.

Mr. HALL. I thank the gentleman for his reassurance. Perhaps I am just almost reflexly alerted to some of the recommendations that come out, because I do not believe additional commissions, or Government by commission or croney appointments or anything else, should be authorized or consummated; when we have whole bureaus and departments and committees of the legislative branch and secretaries of the Department of Justice who, it seems to me, should be doing this without spending additional money.

That leads up to the second question I have of the distinguished gentleman from Colorado, which is this: Is it contemplated that the $600,000 authorized

XUM

in this bill would meet the necessary pay for these commissioners who will be serving as other than Government employees for the 2-year duration? I presume they will be paid $100 a day plus expenses plus per diem when on duty, although the other day there was a bill through here to pay $300 a day for people serving on a like group.

First, what is the amount they will receive? Second, will the $600,000 cover it all?

Mr. ROGERS of Colorado. It is anticipated that the $600,000 would be sufficient to cover the entire matter. As indicated, we have allocated on the basis of the estimated number of days of hearings and meetings, on the basis of days per month, with about 30 days of annual per diem for the five private members. There will be four members, two from the House and two from the Senate, who will not draw the $100. We would allocate $30,000 for that purpose. Transportation to attend meetings, appearances, and other incidentals, $50,000. Per diem in lieu of assistance, $20,000. These are the contemplated expenditures of the Commission.

Mr. HALL. In other words, the gentleman feels, Mr. Chairman, that $600,000 will cover it for the lifetime of the Commission?

Mr. ROGERS of Colorado. There is also the staff salaries and expenses, which will run to about $200,000.

Mr. HALL. Is that in addition to the $600,000?

Mr. ROGERS of Colorado. No, no. It is $200,000 a year for that and $100,000 for the members, which makes $300,000 for 1 year, and for 2 years it is $600,000.

I may point out, as I did in the original statement here, that all of these funds are paid from the salaries and expense fund that has been created under the bankruptcy law and does not come out of the taxpayers' money at all.

Mr. HALL. I appreciate the gentleman's statement. That is more reassuring.

One final question, if the gentleman will bear with me and yield further.

Mr. ROGERS of Colorado. I yield to the gentleman.

Mr. HALL. Many citizens of the United States, including this Representative from Missouri, have long been concerned about our country's general bankruptcy situation. I am more concerned about the moral stamina and fiber of those who now accept bankruptcy willingly and almost at the drop of a hat, than I am about any legislation we can pass or what any commission can do about it. I wonder how come public opinion no longer frowns on such proceedings? In the opinion of the distinguished gentleman from Colorado, will it come under the purview of the Commission to try to find some remedy from excessive redress and flight under the existing bankruptcy laws?

Mr. ROGERS of Colorado. As I understand it, that is one of the studies that is going to be made by this Commission; namely, to see if it is possible to bring about a system whereby there will be less bankruptcies and less likelihood of individuals being compelled to go to court and take bankruptcy.

After all, as you point out, if individuals whose moral character may not be of the highest grade were permitted to take bankruptcy at certain intervals, this could lead to a very undesirable situation. If possible, we would like to do away with that.

Mr. HALL. I certainly agree with the gentleman. I think we want to do away with it as a way of business life. I do not think we can pass legislation or establish any commission that can take the place of the law of supply and demand and competition in the open marketplace. I certainly believe, though, we ought to do something to restore the stigma or reverse public opinion that it is "all right" for people to seek refuge under the bankruptcy laws.

Mr. ROGERS of Colorado. I cannot agree with the gentleman more thoroughly.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Let me ask the gentleman about the members of this new commission. I understand there would be three appointed by the President. Are any of those to be public members? There is no specification in the resolution.

Mr. ROGERS of Colorado. That is at the will of the President.

Mr. GROSS. Yes. So the public may well be excluded.

Mr. ROGERS of Colorado. That is right only if the President so decides.

Mr. GROSS. As far as the appointees of the President of the Senate and the Speaker of the House are concerned, they may be Members of the Congress or non-Members of Congress. Is that correct?

Mr. ROGERS of Colorado. No. I have an amendment that I will offer later. We originally reported this so that the Speaker and Vice President could select anybody they desired. I have an amendment which I will offer under the 5-minute rule to restrict that. Appointments made by the Speaker and the Vice President will be restricted to Members of the House and the Senate.

Mr. GROSS. Does the gentleman not think there ought to be some public members on the Commission? The public is vitally affected by any recommendations of any sort that come from this Commission.

Mr. ROGERS of Colorado. The President is authorized to name the Chairman and he has the authority to name three members. Certainly any man who is President would be doing that. Those three plus the four who may be appointed by the Vice President and the Speaker we hope would be sufficient.

Mr. GROSS. Is it contemplated to load this Commission with lawyers as most of them are?

Mr. ROGERS of Colorado. No.

Mr. GROSS. I would dislike that this Commission be made a bonanza for the lawyers, but there is no specification in the resolution as to whom the appointees may be.

What about the $100 per diem and expenses? Does this resolution not shortchange these attorneys? The bill to follow, dealing with the arts and humanities will provide for about $136 a day, plus expenses.

Surely the committee would not want to establish a brandnew Commission and pay the members less than the oncoming bill for a far less worthy purpose, in my opinion, and I certainly question the need for this. Surely the committee wants to take care of the lawyers on a better basis than that.

Mr. ROGERS of Colorado. I am delighted that the gentleman is looking out for the attorneys and for the interests of the lawyers, but we are trying to limit them to at least $100 so they will not be getting this additional compensation——

Mr. GROSS. I did not write this legislation. I was just wondering how the gentleman is going to explain this to the lawyers who are going to be on this Commission.

Mr. ROGERS of Colorado. I am sure we will not have any trouble in explaining it to the lawyers on the Commission.

Mr. GROSS. When the arts and humanities bill comes up, we are going to try to find out about the $136 a day for the travel agents for the arts and humanities, or whatever they are.

Let me ask the gentleman this question: Has the Judiciary Committee given any kind of consideration, serious or otherwise, to the establishment of a Commission to go into the reasons for this unholy increase in the number of bankruptcies across the country, the reasons for the economic and financial conditions that have caused such an increase in the number of bankruptcies?

Mr. ROGERS of Colorado. May I say to the gentleman from Iowa that we have required this Commission to go into that very thing. As outlined on page 2, line 15, the causes of bankruptcy will be a part of the study.

Mr. GROSS. So, the Commission is going to go into the reasons for the erosion of the value of the dollar, inflation, the Federal debt, and all the rest that goes into this business of the pressure that is being put upon the taxpayers across the country to try to finance this juggernaut that has been built up; is that correct? That is the mission of this Commission?

Mr. ROGERS of Colorado. I think the gentleman is getting a little confused because we are not going into the question of inflation or excess spending. We are only dealing with the individuals and corporations who may have to take bankruptcy.

Mr. GROSS. Well, does the 37-cent dollar have something to do with the increase in bankruptcies?

Mr. ROGERS of Colorado. No; not that I know of.

Mr. GROSS. I thank the gentleman.

Mr. WIGGINS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Senate Joint Resolution 88, which would establish a Commission To Study the Bankruptcy Laws of the United States, has as its objective an analysis of the bankruptcy situation as it exists in America today.

XUM

During the course of the hearings, Subcommittee No. 4 heard testimony and received statements from a host of knowledgeable people and organizations. The establishment of a Commission to study our bankruptcy laws has a broad base of enthusiastic support: The Department of Justice; Securities and Exchange Commission; National Conference of Referees; National Bankruptcy Conference; the Administrative Office of the U.S. Courts, plus many private practitioners and referees in bankruptcy.

The preamble to Senate Joint Resolution 88 points out the importance and seriousness of the problem:

> The number of bankruptcies in the United States has increased more than 1,000 percent annually in the last 20 years;
>
> More than one-fourth of the referees have encountered problems in their administration of the Bankruptcy Act and have made suggestions for improvements;
>
> The technical aspects of the Act are interwoven with the rapid expansion of credit in this country; and
>
> There appears to be little experience or understanding by the Federal Government and the commercial community in evaluating the need to update the technical aspects of the Act.

We all are aware of how easy it is today to obtain goods on credit. Not only can most people receive credit cards on request, but numerous cards are given out unsolicited. The broad economic, social and legal consequences nourished by an overextension of low-quality credit are quite serious. The obvious consequence of an overextension of credit is the financial distress that is encountered by numerous individuals and businesses who eventually end up in the bankruptcy court.

In 1957 there were 74,000 cases in bankruptcy. Since that time the number of bankruptcies has reached an annual rate of more than 200,000. Individual wage earners, as opposed to business, account for over 90 percent of the total yearly bankruptcies. Our present bankruptcy system was not designed with the individual consumer in mind. The House Judiciary Committee is of the opinion that the basic objectives and philosophy of the existing bankruptcy statute—the manner in which it is functioning and the effectiveness of its administration—must be studied and analyzed in the light of the present day social and economic needs of our society.

I am sure that there are some Members who shy away from the idea of another commission. I understand and appreciate their position. However, I am convinced as is the House Judiciary Committee that a commission is the only feasible way to examine the complex social, economic, and legal aspects of our present bankruptcy laws.

Our present Bankruptcy Act is based upon a statute which was passed in 1898. This act has been amended 81 times, most extensively in 1938. These amendments were made on a piecemeal basis. It would appear advisable and more realistic if the present law is in need of a major overhaul—and the overwhelming majority of experts say it is—that Congress approach this task only after a comprehensive study and analysis of the existing problems has been made, rather than amend the act by a piecemeal process over an extended period of time.

This commission will not cost the taxpayer anything. Senate Joint Resolution 88, as it passed the other body, had an open-ended authorization. The committee amendment would limit the authorization of funds to $600,000 and provide that the study not be funded out of tax revenues. As this body knows, the bankruptcy system has been self-supporting since 1946, as a result of a statute which requires that the salaries and office expenses of referees in bankruptcy be paid out of filing fees and charges collected from the assets of bankrupt estates. The committee amendment requires that the commission receive its appropriations from this salary and expense fund. It is estimated that for fiscal 1970 this fund will contain a surplus of $1,582,000.

It is my firm belief and that of the committee that only a commission which has the power and authority encompassed by Senate Joint Resolution 88 can make the in-depth study which is needed in order to determine what changes should be made in the basic objectives of the existing Bankruptcy Act. Only such a commission can decide whether these objectives are still appropriate, and whether the act is being administered in conformity therewith.

I believe that Senate Joint Resolution 88 is meritorious and I recommend that Members vote favorably for its passage.

I would like to assure the gentleman from Iowa (Mr. GROSS) particularly, that this Commission is specifically charged with the responsibility of developing alternatives to absolute discharge, particularly in the expanding field of the consumer bankruptcies. I agree there should not be an inducement for a person to go into bankruptcy; rather, it must be the last resort in order to salvage his financial difficulties.

Also the Commission will not be loaded with lawyers. Indeed, if the gentleman from Iowa will refer to the resolution itself, the subcommittee amendments and committee amendments have stricken the requirements that there be practitioners in the field only on the Commission because we felt that it was being overloaded with specialists, and the appointing authorities would be denied the option of giving presence to the public on this Commission.

I assure the gentleman that it is not the intent of the committee that the Commission be overloaded with lawyers.

Mr. GROSS. Mr. Chairman, if the gentleman would yield, I wish that the committee had specified in the resolution that a certain number of these commissioners be from the public sector. It is wide open now. The appointees can be from any sector.

I assume—and I have no quarrel with the legal profession—but I can see from where I sit here that lawyers will be well represented on this Commission.

Mr. WIGGINS. Indeed, that may be, I will say to the gentleman, but this colloquy establishes the intent of the subcommittee, that the appointing authorities, the President, the Speaker of the House, the President of the Senate and the Chief Justice, shall not overload the Commission with lawyers.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. WIGGINS. I yield further to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, the thing that intrigues me about legislation of this type is that every time we get in trouble another commission is established to spend some more money to find out what has gone wrong. We never seem to have the in-house, on-the-payroll capability—although Federal employment is increasing every cockeyed day—we never seem to have people in numbers or competence, on the payroll to do these jobs. We have to go and spend another $1, $2, or $3 million in order to find out what has gone wrong—what has gone sour. This is becoming almost unbearable, this appointing of special commissions to study the obvious.

Mr. WIGGINS. Mr. Chairman, I would say to the gentleman from Iowa that I am sympathetic with the gentleman's comments. The report and the hearings before our committee indicate some consideration of the problem the gentleman has raised.

The fact is that bankruptcy is a very narrow, specialized field, and if the Congress itself were to undertake an investigation of the total causes of bankruptcy and how the act might be improved we would end up appointing a staff substantially equivalent to this Commission.

The Commission will involve not only Members of Congress and staff, but also practitioners in the field, the referees in bankruptcy and others vitally concerned. I do not believe that the Commission would have the support of this Member of Congress, at least, if I were not convinced that this Commission is absolutely essential.

Mr. Chairman, this is important legislation, and I urge the Members to give it their prompt and overwhelming support.

Mr. Chairman, I reserve the balance of my time.

Mr. BROWN of Michigan. Mr. Chairman, I speak today in support of Senate Joint Resolution 88, creating a Commission To Study the Bankruptcy Laws of the United States.

I have long felt that a streamlining and codification of existing laws in this area is a desirable objective, but I am hopeful that the Commission envisioned by this legislation will give particular attention to the wage earner plan, incorporated in chapter XIII of the Bankruptcy Act, such that usage of this constructive debtor rehabilitation plan would be encouraged when a personal bankruptcy situation arises.

Mr. Roger H. Nielsen, a highly respected attorney from Battle Creek, Mich., with many years of experience in this area, has concisely set forth the need for reform in this area. By way of establishing legislative intent, I endorse and commend to the proposed Commission the wisdom of Mr. Nielsen's experience, which follows:

STATEMENT OF MR. ROGER H. NIELSEN

I am one of the attorneys who has always attempted to encourage financially pressed debtors to go the route of Chapter XIII with a Wage Earner Plan, rather than straight

XUM

bankruptcy when the financial circumstances of the debtor would warrant it. As a matter of fact, I have one pending now where the Plan is for the debtor to merely pay 50% of his unsecured creditors, which is all that he can manage to pay because of his financial circumstances.

It has always struck me that the stigma of bankruptcy still attaches to a Chapter XIII Plan because of the following reasons:

1. The Court is entitled a Court of Bankruptcy.
2. It is heard by the *Referee in Bankruptcy*.
3. Invariably it is reported by a credit reporting agency as a "bankruptcy".
4. A Wage Earner Plan is a bankruptcy proceeding.
5. The section of the law is Chapter XIII of the *Bankruptcy Act*.

I think that all debtors should be encouraged to try to rehabilitate themselves rather than to "take the easy way out" of straight bankruptcy, particularly when their circumstances will warrant it.

When you read the papers and see all of the "debt pooling services" for which tremendous fees are charged by the debt pooling agency and who cannot offer any real protection to the debtor from garnishments, attachments, and the like, it brings home more forcibly the need to look at constructive improvement of wage earner proceedings.

I would like to see the Referees in Bankruptcy have a new title of "Referee in Bankruptcy and in Rehabilitation Proceedings", or some other title more euphonious than "Referee in Bankruptcy". I would like to see Chapter XIII transferred to a different section of law.

We all remember when the Michigan Unemployment Compensation Commission was changed to the Michigan Employment Security Commission, whereby the emphasis was changed from paying people not to work to a constructive attempt to get unemployed people back in employment again. I would like to see the same shift in emphasis in Chapter XIII Wage Earner Proceedings so that instead of the emphasis being on the fact that it is in a Court of Bankruptcy, emphasis is placed upon the fact that this is an attempt to provide debtor security and financial rehabilitation.

I have just about given up trying to educate credit reporting services that in a Wage Earner Plan the debtor is trying, at great odds usually, to get his debts paid up, for which he should be complimented, rather than having the emphasis placed upon the fact that he has been forced into a Court of Bankruptcy for civil relief. The debtor honestly trying to pay off his creditors is subject to the same type of slurs that a person who has been guilty of bankruptcy fraud is subject to. I do not think this is right.

Because we sometimes get into stereotyped rationalization rather than pursuing pure deductive logic, I think there is a real importance in changing the name of the proceedings and even the title of the Judge who hears the proceeding so that it can be referred to as a Court of Debtor Rehabilitation, rather than a Court of Bankruptcy; also, that the Referee is Referee in Bankruptcy and Debtor Rehabilitation.

I think the recent shift in Michigan of emphasis of Probate Judges also being Juvenile Court Judges has been of some help in dealing with juveniles.

Then there is another aspect of the situation. In Chapter XIII proceedings, one of the real problems met by debtors in trying to work out a satisfactory, workable plan, is the fact that certain types of retailers exercise no restraint in selling large items with a retained security interest to improvident purchasers. It is not the corner super market that is the violator in this regard, it is the seller of the large ticket items who get consumers to agree to pay more monthly payments than they can possibly afford to handle. This not only hurts the debtor, but it makes the debtor unable to buy things on cash that he should be buying for cash, forcing him deeper and deeper into the mire. I think that a Chapter XIII, or similar proceeding Judge should be able to determine what monthly payments the debtor should be required to pay in order to be permitted to retain the household refrigerator, the household stove, and similar *essential* items. Let them repossess the color television set, the living room pieces, and so forth, but make it possible for the debtor to keep the baby bed and beds to sleep on, and refrigerator and stove, so his family can exist without the family cook being deprived of means of preparing meals for her children. And if the Referee in debtor proceedings finds that $10.00 a month is an adequate amount to be paid to the appliance store, that should be a risk the appliance dealer takes when he sells the merchandise. He shouldn't overload the debtor with debt."

Mr. HALPERN. Mr. Chairman, I rise in support of Senate Joint Resolution 88—a joint resolution to create a Commission To Study the Bankruptcy Laws of the United States. These laws are desperately in need of study.

The present Bankruptcy Code was enacted in 1898. Its first major revision occurred some 40 years later with the enactment of the Chandler Act in 1938. At that time, the act represented what was then regarded as modern bankruptcy law. In modernizing debtor relief and rehabilitation, it took into account the social and economic changes that had transpired since 1898.

Since 1938, little attention has been given to incorporating the changes into the Bankruptcy Act that are dictated by the ever changing social and economic environment. And this inaction has come in the face of an overwhelming increase of 1,000 percent in the number of bankruptcies. This increase did not occur gradually over the 32-year period since the act's last major revision, but in the period of 1950 to 1970—a 20-year period during which the social and economic advancements made immeasurably outdistanced our total social and economic advancements from the day of our Nation's founding.

Thus, it seems wholly inconsistent and anachronistic that the financial well-being of our citizens and business community should continue to be regulated by laws tuned in to the social and economic conditions of a time that has long since faded in our memories.

Now, more than ever, a modernization of the bankruptcy laws is needed to conform its procedures and administration into a system of laws that recognizes and utilizes modern social and economic concepts in partnership with the latest technological advances to the attainment of an economical administration of bankruptcies and the sound rehabilitation and relief of debtors at a minimum of cost to them.

The urgent need of reform and modernization can be further illustrated.

Over the past several years, the Congress has enacted numerous consumer protection laws designed to curb and curtail certain fraudulent, unfair, and deceptive business practices. While doing so, however, we have all but ignored consumer credit. The business world has not been similarly negligent, however. Credit continues to be available on easy and easier terms, and to assure an ever-increasing supply of even easier credit, the business community, always equal to its take, has come up with that most sophisticated of credit devices, the credit card. Intrinsically unevil, its ubiquity and abuse has resulted in the development of an "easy rider" credit psychology that can only have the horrendous result of further increasing personal or consumer bankruptcies which even now amount to 90 percent of the bankruptcies filed.

This tide cannot be stemmed by laws designed, as our present bankruptcy laws are, to cope with business bankruptcies. As the social and economic changes of the past 32 years indicate, and as the bankruptcy statistics dictate, now is the time for an informed Congress to act in the field of consumer bankruptcy, in particular, and the field of bankruptcy, in general. I wholeheartedly support the commission concept of Senate Joint Resolution 88. Staffed with persons having a wide variety of diversified experience and particularized skills in consumer affairs and bankruptcy practice, the Congress can be assured that it will be adequately informed and advised not only of the changes needed to avert an impending and serious crisis that will be brought about through the continued requirement of administering consumer bankruptcies with laws designed to cope with business bankruptcies, but also informed of the basic philosophy and other causes of bankruptcy as well as possible alternatives to the present system of bankruptcy administration.

Mr. RYAN. Mr. Chairman, I rise in support of Senate Joint Resolution 88, creating a commission to study the bankruptcy laws. The mandate of this Commission is broad, and I think this wise, since there are numerous problems to be examined.

The Commission's study, analysis, and evaluation are to include, in accordance with section 1(b) of the resolution, "the possible alternatives to the present system of bankruptcy administration, the applicability of advanced management techniques to achieve economies in the administration of the act, and all other matters which the Commission shall deem relevant."

I hope the Commission will undertake a thorough, indepth examination of the present system whereby bankruptcy referees and trustees are appointed, and that it will make recommendations for reform to insure that the potential for abuse of this system is eliminated.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

S.J. Res. 88

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established a commission to be known as the Commission on the Bankruptcy Laws of the United States (hereinafter referred to as the "Commission").

(b) The Commission shall study, analyze, evaluate, and recommend changes to the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United

XUM

States", approved July 1, 1898 (30 Stat. 544), as amended (title 11, United States Code), in order for such Act to reflect and adequately meet the demands of present technical, financial, and commercial activities. The Commission's study, analysis, and evaluation shall include a consideration of the basic philosophy of bankruptcy, the causes of bankruptcy, the possible alternatives to the present system of bankruptcy administration, and all other matters which the Commission shall deem relevant.

(c) The Commission shall submit a comprehensive report of its activities, including its recommendations, to the President, and the Congress within two years after the date of enactment of the joint resolution. Upon the filing of such report, the Commission shall cease to exist.

SEC. 2. (a) The Commission shall be composed of the following members appointed as follows:

(1) three members appointed by the President of the United States, one of whom shall be designed as Chairman by the President and two of whom shall be active practitioners in the field of bankruptcy law;

(2) two appointed by the President of the Senate;

(3) two appointed by the Speaker of the House of Representatives; and

(4) two active full-time referees in bankruptcy appointed by the Chief Justice of the United States.

(b) Five members of the Commission shall constitute a quorum.

(c) A vacancy in the Commission shall not affect its powers. Any vacancy shall be filled in the manner in which the original appointment was made.

(d) Referees in bankruptcy and any other employees of the Federal Government who are members of the Commission shall serve without additional compensation. Each member from private life shall receive $100 per diem for each day (including traveltime) during which he is engaged in the actual performance of his duties as a member of the Commission. All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

SEC. 3. The Commission shall have the power to appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this joint resolution. Such appointments shall be without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and such compensation shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

SEC. 4. To carry out the purposes of this joint resolution, the Commission shall have the authority, within the limits of available appropriations—

(1) to obtain any research or other assistance it deems necessary;

(2) to prescribe such rules and regulations as it deems necessary governing the manner of its operations and its organization and personnel;

(3) to enter into contracts or other arrangements, or modifications thereof, and such contracts or other arrangements or modifications thereof may be entered into without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5);

(4) to make advance, progress, and other payments which it deems necessary without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529);

(5) to accept and utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code; and

(6) to acquire by lease, loan, gift, bequest, or devise, and to hold and dispose of by sale lease, or loan, real or personal property of all kinds necessary for or resulting from the exercise of authority under this joint resolution.

SEC. 5. Any office, department, agency, or instrumentality of the executive or judicial branches of the United States Government shall furnish to the Commission, upon a reimbursable basis, such advice, information, and records as the Commission may require for the performance of its duties.

SEC. 6. There are authorized to be appropriated to the Commission such sums, as may be necessary to carry out the provisions of this joint resolution.

Mr. ROGERS of Colorado. Mr. Chairman, I ask unanimous consent that the Senate Joint Resolution 88 be considered as read and printed in the RECORD.

Mr. HALL. Mr. Chairman, reserving the right to object, does that include, open for amendment at any point?

Mr. ROGERS of Colorado. Yes.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 16, after the word "administration", insert the following: "the applicability of advanced management techniques to achieve economies in the administration of the act,"

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 20, after the word "President", insert the following: ", the Chief Justice of the United States,"

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 6, strike out the word "designed" and insert in lieu thereof the word "designated".

The Committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, lines 7 and 8, strike out the phrase: "and two of whom shall be active practitioners in the field of bankruptcy law"

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 12, strike out the phrase: "active full-time referees in bankruptcy"

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 6, line 3, after the word "appropriated", insert the following: "out of the Salaries and Expense Fund created pursuant to Section 40c(4) of the Bankruptcy Act (11 U.S.C. 68c(4))"

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 6, line 4, after the word "sums", insert the following: ", but not more than $600,000,"

The Committee amendment was agreed to.

AMENDMENTS OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Chairman, I offer two amendments, amendment No. 1 and amendment No. 2, and ask unanimous consent that they be considered en bloc.

Mr. HALL. Mr. Chairman, reserving the right to object, can we hear the amendments before that request is granted?

Mr. ROGERS of Colorado. Mr. Chairman, I will withdraw my request.

The CHAIRMAN. The Clerk will read the first amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Colorado: On page 3, line 14, after the word "two" insert the following: "Members of the Senate, one from each of the two major political parties,".

PARLIAMENTARY INQUIRY

Mr. WIGGINS. Mr. Chairman, a parliamentary inquiry.

I have before me a copy of the bill and I am unable to find the page and line references as to the amendment offered by the gentleman from Colorado.

Mr. ROGERS of Colorado. It is on page 3, line 14, to the language of the Senate. What we add is "Members of the Senate, one from each of the two major political parties,".

That is all we do. So we divide it up equally. If the gentleman will look at line 14, after the word "two", we insert the language that has just been read. That is the way the amendment would be.

Mr. HALL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, if the gentleman would answer, is it his intention to submit further at the end of line 16 the same clause as to two appointed by the Speaker of the House of Representatives?

Mr. ROGERS of Colorado. Yes.

Mr. HALL. These are the two separate amendments the gentleman wanted considered en bloc?

Mr. ROGERS of Colorado. Yes, those are the two amendments.

Mr. HALL. Then, Mr. Chairman, I suggest he replace his unanimous-consent request now that we know what it is.

Mr. ROGERS of Colorado. Mr. Chairman, I ask unanimous consent that the two amendments be considered en bloc.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The Clerk will report the second amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Colorado: On page 3, line 15, after the word "two" insert the following: "Members of the

XUM

House of Representatives, one from each of the two major political parties,".

The CHAIRMAN. The question is on the amendments offered by the gentleman from Colorado.

The amendments were agreed to.

The CHAIRMAN. Are there further amendments?

PARLIAMENTARY INQUIRY

Mr. WIGGINS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WIGGINS. Since the committee amendments, which were taken from the first page of the report, do not correlate with respect to page and line in Senate Joint Resolution 88, I am fearful that the record is going to be confused. For example, in the report the second committee amendment is shown as page 2, line 20, when there is no line 20 on page 2. It is on page 3.

Mr. ROGERS of Colorado. These are amendments to the original Senate joint resolution.

Mr. WIGGINS. If the gentleman will assure me that there is no confusion——

Mr. ROGERS of Colorado. There is no intent to confuse. The page and line numbers refer to the print of the Senate joint resolution as it passed the Senate.

Mr. WIGGINS. And this is a House print of that Senate joint resolution, is that correct?

Mr. ROGERS of Colorado. That is correct.

Mr. WIGGINS. I thank the gentleman from Colorado.

The CHAIRMAN. The Clerk will report the preamble of the Senate Joint Resolution.

The Clerk read as follows:

Whereas the number of bankruptcies in the United States has increased more than 1,000 per centum annually in the last twenty years; and

Whereas more than one-fourth of the referees in bankruptcy have problems arising in their administration of the existing Bankruptcy Act and have made suggestions for substantial improvement in that Act; and

Whereas the technical aspects of the Bankruptcy Act are interwoven with the rapid expansion of credit which has reached proportions far beyond anything previously experienced by the citizens of the United States; and

Whereas there appears to be little experience or understanding by the Federal Government and the commercial community of the Nation in evaluating the need to update the technical aspects of the Bankruptcy Act and the financial policies pursued by the Federal Government and the commercial community; Now, therefore, be it

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, with what resolution are we dealing? Are we dealing with Senate Joint Resolution 88, Union Calendar No. 430, Report No. 91–927? What are we here dealing with?

Mr. ROGERS of Colorado. The gentleman is correct. That is the Senate joint resolution that we are considering.

Mr. GROSS. How can we amend a line in a joint resolution that does not exist? How can we amend a line in a joint resolution that is not before the House?

Mr. ROGERS of Colorado. Our answer to that inquiry is simply this. The joint resolution was referred to us by the House, and it is the original Senate joint resolution as reported that we are considering.

Mr. GROSS. I do not understand the procedure at all.

Mr. ROGERS of Colorado. It is the reported Senate joint resolution that we are considering.

Mr. GROSS. Yes, but you cannot amend line 20 on page 2 when there is no line 20 on page 2 of the Senate joint resolution.

The CHAIRMAN. The Chair will state that, when the report was filed, the committee amendments refer to the original Senate joint resolution as it was referred to the committee. The amendments as offered are applicable to Senate Joint Resolution 88 as referred to the Committee on the Judiciary.

Mr. GROSS. Mr. Chairman, with all deference to the Chair, I am still confused, and I am sure other Members are confused.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the gentleman yielding.

I wish to propound a parliamentary inquiry. Mr. Chairman, would it be in order and appropriate for a unanimous consent request to be made in order by all Members of the House that the technical corrections of Senate Joint Resolution 88 insofar as correlation between the report and the bill before us is concerned, and would this help the situation in engrossing and final drafting of the bill?

The CHAIRMAN. The Chair will advise the gentleman from Missouri that the report applies to the resolution as originally referred to the committee.

The Chair further advises that the unanimous consent request the gentleman suggested would not be in order at this time.

The Chair also advises that such a request could be in order in the House.

Mr. HALL. Mr. Chairman, I thank the Chair for his opinion as well as his consultant, the Parliamentarian.

I think it might be erstwhile that this be asked for by some Member of the committee in the House, because I certainly agree with my colleague, the gentleman from Iowa, that insofar as the second committee amendment is concerned, there is no line 20, and we cannot amend something that is not before the House.

Mr. HUTCHINSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the Clerk has read the preamble, the so-called whereas clauses. I would like to inquire of the gentleman from Colorado why it is that these "whereas clauses" have not been stricken. Ordinarily as I recall, it is the policy of the subcommittee to strike out the "whereas clauses" from resolutions. Why is it that the "whereas clauses" are being carried along in this one?

Mr. ROGERS of Colorado. Mr. Chairman, may I offer this as an explanation. Ordinarily the "whereas clauses" that our subcommittee strikes are stricken for the purpose of saving costs in connection with the printing thereof, and the storage of it in the Archives.

Under this circumstance, inasmuch as this is a rather important piece of legislation, we believe that the information set forth in the "whereas clauses" is important and that the Commission in their study should have it before them. That is the reason why we did not offer a motion to strike. I have no pride of authorship in connection with it, and if the gentleman wants to strike it, I have no objection.

Mr. HUTCHINSON. I just wanted to have the gentleman's explanation as to why the "whereas clauses" were being carried here while usually it is the policy to strike them.

Mr. Chairman, I would be inclined to agree with the gentleman that it is useful in this particular case to have some justification and explanation as to the need for such a commission and what its purpose should be.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BOGGS) having resumed the chair, Mr. YOUNG, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the joint resolution—Senate Joint Resolution 88—to create a commission to study the bankruptcy laws of the United States, pursuant to House Resolution 970, he reported the joint resolution back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the third reading of the joint resolution.

The joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 334, nays 12, not voting 83, as follows:

[Roll No. 196]

YEAS—334

Abbitt
Abernethy
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Andrews, Ala.
Annunzio
Arends
Ashley
Barrett
Beall, Md.
Belcher
Bennett
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland

Bolling
Bow
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Caffery
Camp
Carter
Casey
Chamberlain
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Conte
Corman
Cowger
Crane
Culver
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Dent
Derwinski
Diggs
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fallon
Fascell
Feighan
Fish
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Ford,
William D.
Foreman
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammer-
schmidt
Hanley
Hanna
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
King
Kleppe
Kluczynski
Koch
Kyros
Landgrebe
Langen
Leggett
Lennon
Lloyd
Long, Md.
Lowenstein
McCarthy
McClory
McCloskey
McCulloch
McDade
McDonald,
Mich.
McEwen
McFall
McKneally
McMillan
Macdonald,
Mass.
MacGregor
Madden
Mahon
Marsh
Martin
Matsunaga
Mayne
Melcher
Meskill
Michel
Mikva
Miller, Calif.
Mills
Minish
Minshall
Mizell
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Patten
Pelly
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Satterfield
Schadeberg
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watts
Weicker
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—12

Ashbrook
Brown, Ohio
Chappell
Devine
Gross
Hall
Kyl
Miller, Ohio
O'Konski
Rarick
Scherle
Wylie

NOT VOTING—83

Adair
Anderson, Ill.
Anderson,
Tenn.
Andrews,
N. Dak.
Aspinall
Ayres
Baring
Bell, Calif.
Berry
Blanton
Blatnik
Bray
Brock
Cabell
Carey
Cederberg
Celler
Chisholm
Clancy
Clark
Clausen,
Don H.
Conyers
Corbett
Coughlin
Cramer
Daddario
Dawson
Denney
Dickinson
Edwards, La.
Evins, Tenn.
Farbstein
Findley
Flowers
Frey
Gilbert
Hansen, Idaho
Hastings
Hawkins
Hays
Horton
Hosmer
Jarman
Jones, Tenn.
Keith
Kirwan
Kuykendall
Landrum
Latta
Long, La.
Lujan
Lukens
McClure
Mailliard
Mann
Mathias
May
Meeds
Mink
Mize
Mollohan
Montgomery
Morton
Passman
Patman
Pepper
Podell
Poff
Pollock
Powell
Purcell
Reifel
Rivers
Robison
Roudebush
Saylor
Sikes
Smith, Iowa
Stephens
Tunney
Vander Jagt
Watson
Wilson,
Charles H.
Wold

So the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Hays with Mr. Adair.

Mr. Edwards of Louisiana with Mr. Dickinson.

Mr. Daddario with Mr. Ayres.

Mr. Carey with Mr. Horton.

Mr. Long of Louisiana with Mr. Bray.

Mr. Blatnik with Mr. Findley.

Mr. Aspinall with Mr. Anderson of Illinois.

Mr. Jones of Tennessee with Mr. Kuykendall.

Mr. Blanton with Mr. Don H. Clausen.

Mr. Cabell with Mr. Frey.

Mr. Evins of Tennessee with Mr. Andrews of North Dakota.

Mr. Passman with Mr. Hansen of Idaho.

Mr. Patman with Mr. Brock.

Mr. Rivers with Mr. Hastings.

Mr. Sikes with Mr. Hosmer.

Mr. Tunney with Mr. Bell of California.

Mr. Jarman with Mr. Cederberg.

Mr. Baring with Mr. Berry.

Mr. Clark with Mr. Corbett.

Mr. Hawkins with Mr. Pollock.

Mr. Meeds with Mr. Mathias.

Mr. Mollohan with Mr. Clancy.

Mr. Charles H. Wilson with Mrs. May.

Mr. Pepper with Mr. Coughlin.

Mr. Mann with Mr. Keith.

Mr. Anderson of Tennessee with Mr. Denney.

Mr. Montgomery with Mr. Cramer.

Mr. Smith of Iowa with Mr. Latta.

Mr. Stephens with Mr. Lukens.

Mr. Kirwan with Mr. Powell.

Mr. Farbstein with Mr. Conyers.

Mr. Flowers with Mr. McClure.

Mr. Celler with Mr. Morton.

Mr. Landrum with Mr. Poff.

Mr. Podell with Mr. Reifel.

Mr. Gilbert with Mr. Robison.

Mr. Purcell with Mr. Roudebush.

Mr. Mailliard with Mr. Saylor.

Mr. Lujan with Mr. Vander Jagt.

Mr. Mize with Mr. Watson.

Mr. Dawson with Mr. Wold.

Mr. ZION changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the Senate joint resolution just passed and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1118 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1118

Resolved, That upon the adpotion of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16065) to amend the National Foundation on the Arts and the Humanities Act of 1965, as amended. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 16065 it shall be in order in the House to take from the Speaker's table the bill S. 3215 and to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 16065 as passed by the House.

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH) pending which I yield myself such time as I say consume.

Mr. Speaker, this rule is an open rule with 1 hour of general debate. The only unusual provision in the House—and it has become relatively customary—is that it provides for getting the bill to conference by taking the Senate number and putting the House-adopted language under it.

There is some controversy over this matter, but I understand that the bill was reported out of the Committee on Education and Labor—which is not always known for its bipartisanship—by a strong and even overwhelming bipartisan majority.

I understand it is also strongly supported by President Nixon in its present form.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I am delighted to yield to the gentleman from Iowa.

Mr. GROSS. The gentleman referred to the language to be found on page 2 of the resolution which makes this bill in

XUM

order. I might call it monstrosity, but I call it a bill at present.

Would it not be possible to go to conference without this language?

Mr. BOLLING. It would be possible to go to conference without this language, but this expedites going to conference.

Mr. GROSS. That is what I thought. It might expedite it if the Senate passed a bill for $80 million or something of that kind. It might expedite getting that bill through. Does the gentleman agree?

Mr. BOLLING. I do not see how that could happen. In the event the Senate turned up with a larger figure somehow, which I cannot conceive in the legislative circumstance, since the Senate has passed a bill, on the question of the conference, if the Senate came up with a larger figure, it would have to come back to the House again.

Mr. GROSS. At any rate, without this language the bill could get to conference. Is it merely to expedite the passage of this legislation?

Mr. BOLLING. To expedite the passage not of this particular bill but to expedite final action on the whole matter.

Mr. GROSS. In view of some of the economy talk we have heard around here, was there any representation made to the Rules Committee, by the sponsors of this latest raid on the Treasury, as to the position of the administration on this 100-percent increase to $40 million in the authorization for this particular purpose?

Mr. BOLLING. It is the understanding of the gentleman from Missouri that the administration supports the provisions of this bill that this rule makes in order, H.R. 16065, and that includes the money. I understand that the administration—in fact, the President himself—is specifically on record as favoring the provisions of this bill.

Mr. GROSS. So this is quite different, then, from the construction of hospitals and other medical and health facilities. This is a quite different situation. The administration does support this 100 percent increase without any reservation whatever.

I just wanted to be clear about it, because I want to be guided as to what my position might be if the President vetoed this legislation.

Mr. BOLLING. Is the gentleman trying to put the gentleman from Missouri in the position of defending a veto, as to which the gentleman from Missouri voted to override?

Mr. GROSS. No; not at all, because the gentleman from Iowa also voted to override the veto.

Mr. BOLLING. I believe these are two separate subjects. That would be the point.

Mr. GROSS. I should like to know where I am going when I start, that is all, I say to my friend from Missouri.

Mr. BOLLING. I do not want to appear to extend the colloquy, but the President's position on the one matter is clear to me. On the other matter it was unclear. I take it that the gentleman from Iowa and I do not quite agree on this bill, but we did on the other.

Mr. GROSS. My position is clear to me on this bill.

Let me ask this question: Was it developed in the hearings whether this 100-percent increase is budgeted?

Mr. BOLLING. Not to my knowledge. It was not developed in the hearings before the Committee on Rules.

Mr. REID of New York. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from New York.

Mr. REID of New York. I should like to address myself to the two points raised by the gentleman from Iowa.

First, on March 31 of this year the President said:

> In urging the Congress to approve a $20 million program for the National Endowment for the Arts, and an equal amount for the National Endowment for the Humanities, I maintained that few investments we could make would give us so great a return in terms of human satisfaction and spiritual fulfillment. More than ever now, I hold to that view.

Further, I would say to the gentleman, we do have a letter dated June 29, 1970 from the Bureau of the Budget, from Richard P. Nathan, Assistant Director, in which he confirms the administration's support for a $40 million funding level for the National Foundation on the Arts and Humanities in the fiscal year 1971.

Mr. Nathan says:

> This will confirm the Administration's support for a $40 million funding level for the National Foundation on the Arts and the Humanities in fiscal year 1971. We understand that you requested such a confirmation of the Administration's proposals.
>
> In his December 10, 1969, Message on the Arts and the Humanities the President asked that "the Congress approve $40,000,000 in new funds for the National Foundation in fiscal 1971 to be available from public and private sources." These funds were requested in the President's 1971 Budget which was submitted to the Congress on February 2, 1970 (see pages 488–89).
>
> The President reiterated his support of the Foundation in his Messages of February 19 and March 31 transmitting the annual reports of the Humanities Endowment and the Arts Endowment.

The President has gone on record approximately four times in support of the bill and the Bureau of the Budget has agreed to it.

Mr. BOLLING. Does the gentleman from Iowa desire me to yield to him further?

Mr. GROSS. For one comment. I just wanted to get the President on the record for the fifth time. The gentleman from New York says he is on the record four times. I want to get him on record the fifth time.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I am glad to yield to the gentleman from Illinois.

Mr. PUCINSKI. I wonder if my colleague from New York, who read the excerpt of the President's speech, would give us some idea of the peculiar standards observed by the President in vetoing the hospital bill and in being for this bill? I can support this bill, but I am somewhat intrigued by this double standard.

Mr. REID of New York. Will the gentleman yield to me?

Mr. BOLLING. I yield to the gentleman from New York.

Mr. REID of New York. I thank the gentleman for yielding for the purpose of answering the question of the gentleman from Illinois. The President said relative to this general point on December 10:

> At a time of severe budget stringency, a doubling of the appropriations for arts and humanities might seem extravagant. However, I believe that the need for a new emphasis to the understanding and expression of the American idea has a compelling claim on our resources. The dollar amounts involved are comparatively small. The Federal role would remain supportive, rather than primary.

I think the President's position is clear on the record on this. He recognizes that the funds here are supportive and that Federal seed money generates four or five times the amount of actual Federal funds in matching funds, private gifts, and State support.

Mr. PUCINSKI. With all due respect to the explanation, I must say that I am still unable to get an answer on how the President arrives at the double standard of saying that the medical needs of the country are not as compelling, so he vetoes that bill and then tells us that we ought to go ahead and double the appropriation for this particular bill. All I want to know is what is the rationale and how do they arrive at the double standard for meeting human needs.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, House Resolution 1118 provides an open rule with 1 hour of debate for the consideration of this bill, H.R. 16065, to amend the National Foundation on the Arts and Humanities Act of 1965, as amended.

As the gentleman from Missouri (Mr. BOLLING) stated, on passage of the House bill the language of S. 3215 would be substituted.

The purpose of the bill is to authorize funding for 3 years—through 1973 of the National Foundation on the Arts and Humanities, and to make several amendments in the basic Act.

For fiscal 1971 the bill authorizes $40,000,000. Such sums as may be necessary are authorized for each of 1972 and 1973.

The committee has made several recommendations for the Foundation to consider in its future operations: First, each State arts council should receive at least $75,000 per year; second, museums, symphony orchestras and dance groups should receive more assistance than heretofore.

No agency letters are included in the report.

Mr. BUCHANAN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I am glad to yield to the gentleman.

Mr. BUCHANAN. I wonder if the gentleman will tell me if there is any mandatory spending in this legislation.

Mr. SMITH of California. Not that I know of.

Mr. BUCHANAN. Then, the President's position on a mandatory spending clause in other legislation would have no pertinence to this matter.

Mr. SMITH of California. That is the way I understand it, but I am not speaking for the President. Does that answer your question?

XUM

Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Speaker, we are asked today to approve an authorization for the National Foundation on the Arts and Humanities that will cost us a minimum of $180 million over the next 3 fiscal years. The bill for fiscal 1971 alone will amount to $40 million—a 100-percent increase over last year's authorization.

I want to know and the taxpayers of this country want to know—why? What justification can we offer for voting such a giant increase in this program?

Throughout this session of Congress, we have been urged, coaxed, cajoled, and threatened with economic disaster if we did not pare spending to a minimum. Time and time again President Nixon has reiterated the urgent need for fiscal responsibility—in his budget message, when he vetoed the HEW appropriations bill and the hospital construction bill, and when he asked for a higher debt ceiling. He spoke of "the need to determine priorities in the use of limited Federal dollars in holding down Government spending to avoid a large budget deficit in fiscal year 1971." He said:

> I want, and indeed I must have, the support of Congress to stay within this budget.

Total inconsistency. Why not include this bill? What is so sacred here?

Our distinguished minority leader (Mr. FORD) reminded us only last week:

> Excessive Federal spending has caused the inflation we are experiencing today, today those who vote to increase Federal spending can be charged and charged legitimately with helping to increase inflation.

As the gentleman from Michigan knows, the people of his own district voted overwhelmingly in favor of balancing the Federal budget rather than increasing the level of spending for Government programs. I am convinced that the vast majority of the people in all our districts feel just as strongly about this as Mr. FORD's constituents.

We are not a culturally deprived nation. The gentleman from New York (Mr. REID) would have us believe that, compared to other, less wealthy nations, we are miserly with our contributions to the arts and humanities. I submit that this is not the case. America's cultural heritage is rich and flourishing. It fills me with a sense of pride in the national accomplishment to realize that American private enterprise supports fully one-half of the world's symphony orchestras. We have the most vigorous and prolific publishing industry in the world. Our musicians and dancers are second to none and our artists are trend setters the world over. These cultural achievements have been accomplished for the most part in the true American tradition, independently of Government support, supervision or control, and I am proud of them.

The Federal Government, moreover, has not pinched pennies in its contributions to the arts and humanities. The budget for the National Foundation of that name by no means tells the whole story. Proponents of the 100 percent increase like to point out that New York State alone voted $20 million for the arts and humanities. But the State of New York includes many items in its budget for the arts and humanities, such as libraries, which the Federal Government funds under separate programs.

Virtually every department of Government subsidizes the arts in one way or another, and I can itemize these contributions chapter and verse for any interested Members. The State Department spent $31.5 million on cultural exchange programs last year. The Smithsonian Institution received $33 million. The Kennedy Center for the Performing Arts got $56.7 million of the taxpayers' money. The National Gallery of Art has a budget of $3.5 million. HUD financed a $13 million housing project for artists and their families in New York City. The list is endless, and the hidden generosity of the Government to the arts and humanities almost bottomless.

In view of these contributions, I find the pleas of poverty very strange and the demands for huge increase in Federal funding exorbitant. In the name of economic austerity we have repeatedly slashed funds for programs vital to the Nation's interest—defense, education, health, agriculture and veteran benefits. Is this what we have cut them for—ballet?

The National Foundation on the Arts and Humanities wants to double the outlay for opera in 1971, and give an extra $5 million to symphony orchestras. Yet it has been estimated that if everyone in this country and Europe were given the opportunity to attend classical music concerts free of charge, only 3 to 5 percent of the population would take advantage of it.

The Foundation plans to increase its staff by 30 full-time permanent employees—an increase of 36 percent—in order to cope with the expected additional funds. Yet one of the justifications offered for the new budget is the bigger payroll—clearly a case of the tail wagging the dog. It is difficult to see just how these new bureaucrats will spend their time. Relatively few new programs have been recommended for fiscal 1971.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of California. Mr. Speaker, I yield 2 additional minutes to the gentleman from Iowa.

Mr. SCHERLE. I thank the gentleman for the additional time.

Mr. Speaker, most of the additional money will go in larger lumps to the same recipients. But if it takes one man to write out a check for $1 million, it does not take two men to write out a check for $2 million.

The Endowment for the Humanities has spent millions of dollars for black studies programs. Yet the director of one of these programs, The Conference on African and Afro-American Studies attacked black studies as "irrelevant, white-oriented courses with black labels." And black leaders themselves have questioned the validity of such courses to help disadvantaged blacks to get good jobs.

Both the Endowments for the Arts and Humanities have funded numerous projects of dubious value. Perhaps the best known of these is the $750 award for the seven-letter poem "lighght."

That is the entire poem.

Mr. MAYNE. Mr. Speaker, will the gentleman yield on that particular point?

Mr. SCHERLE. Not at this time. I am sorry. But I can furnish a long list of other examples. Suffice it to say that the track record of the Foundation is not all that it might be. This Representative remains unconvinced of the necessity or the justifiability of granting the Foundation a 100-percent increase in funds at a time when the Nation is holding us gravely accountable for every precious tax dollar.

And I want to make a statement here and now that I am totally opposing the President as far as his stand is concerned.

Mr. MAYNE. Mr. Speaker, will the gentleman yield at that point?

Mr. SCHERLE. I yield to the gentleman from Iowa.

Mr. MAYNE. Mr. Speaker, I heartily agree with the gentleman from Iowa that spending $750 for a poem consisting of one word is absolutely indefensible and I join with him in his condemnation of such a boondoggle, but I am sure that the gentleman did not wish to leave the impression with this House that any such foolish expenditure as that can be charged to the present administration of the National Endowment for the Arts, or to the very efficient and charming Chairman of the Endowment, Miss Nancy Hanks. The gentleman did not mean to leave that impression, that this occurred during her administration, did the gentleman?

Mr. SCHERLE. Yes, I do. And I want to tell my colleagues this——

Mr. MAYNE. But that expenditure occurred more than 2 years ago, long before Miss Hanks took over.

Mr. SCHERLE. If my friend, the gentleman from Iowa, will let me continue just a moment, I will try to explain this.

This program was refunded during the year of December 1969, after this charming lady took over, to whom the gentleman has referred.

Now, if I may continue, if you think that is bad I repeat that I will——

Mr. MAYNE. Mr. Speaker, if the gentleman will yield further, I would like to respond further on this point about the one-word poem.

Mr. SCHERLE. Mr. Speaker——

The SPEAKER pro tempore. The House will be in order.

Does the gentleman wish to yield further to the gentleman from Iowa (Mr. MAYNE)?

Mr. SCHERLE. No, I do not.

Mr. GROSS. Mr. Speaker, will the gentleman yield to me?

Mr. SCHERLE. Yes, I will yield to my colleague, the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I want to commend my colleague from Iowa for the outstanding statement that he has made. I for one entertain no ifs, ands, or buts about this legislation. It is a monstrosity, an unjustified raid on the taxpayers for the benefit of a comparatively few people regardless of what my colleague, the gentleman from Iowa (Mr. MAYNE) may think about it.

XUM

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. SMITH of California. I understand that the gentleman has 10 minutes in general debate, but I will yield 30 seconds to him to complete this very interesting discussion.

Mr. MAYNE. Mr. Speaker, will the gentleman from Iowa yield so that I can respond to his statement?

Mr. SCHERLE. I am sorry I do not have the time at this point. However, I do want to say to the House, if you think the poem or word "lighght" is expensive, you wait until I get through enumerating what we have in these books, these anthologies that have been published and when you see what we have there, I am sure you cannot support this legislation.

Mr. SMITH of California. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. Reid).

Mr. REID of New York. Mr. Speaker, I thank the gentleman for yielding. I do so just for the purpose of talking about the anthology, that has been brought up.

First of all, this program was established in 1967 to create an annual anthology of the best writing in poetry, criticism, essay, and short fiction which appeared during the prior year in all of America's small literary magazines of limited circulation. Second, the poem was chosen by a jury of three established poets, two of whom were winners of the Pulitzer Prize. More than that, the anthologies which have been published were done so on a rotating basis by the major U.S. publishers on a nonprofit and no-cost basis to the Government. Endowment funds went directly to the writers and editors.

But more to the point, the Endowment has terminated—and I repeat—has terminated its support for future anthologies and in the future funding will only be to finance future creative activity rather than to give recognition for past accomplishments. So, the new chairman is making a change.

Mr. SMITH of California. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. Mayne).

Mr. MAYNE. Mr. Speaker, for the purpose of clarifying the record, I think the gentleman from Iowa (Mr. Scherle) should be interested in learning, and apparently for the first time, that the one word poem to which he and I both object was selected by the American Literary Anthology, way back in 1968. The payment for it using endowment funds also occurred in 1968, more than 2 years ago, and a very considerable time before the present chairman of the endowment, Miss Nancy Hanks was appointed by President Nixon in the autumn of 1969. I am certainly satisfied from the very efficient and businesslike way in which Miss Hanks has been operating the office that she would have no part in making any such ridiculous grant in the future. It would be highly unfair and inaccurate for anyone to leave the impression that Nancy Hanks was in anyway responsible for the 1968 grant to the author of the poem "lighght" which occurred under a previous chairman.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16065) to amend the National Foundation on the Arts and the Humanities Act of 1965, as amended.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16065) with Mr. Young in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Kentucky (Mr. Perkins) will be recognized for 30 minutes, and the gentleman from New York (Mr. Reid) will be recognized for 30 minutes.

The gentleman from Kentucky (Mr. Perkins) is recognized.

Mr. PERKINS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I am pleased to present to the House today H.R. 16065, a bill to amend the National Foundation on the Arts and Humanities Act of 1965.

This measure was voted out of our committee by a vote of 22 to 1. The Arts and Humanities Act of 1965 has had broad bipartisan support since its first enactment and the bill we present today continues to receive broad support from citizens throughout the country, from organizations and from members of both parties.

In urging extension of the laws authorizing the National Foundation on the Arts and Humanities, President Nixon last December said:

> The attention and support we give the arts and humanities . . . represent a vital part of our commitment to enhance the quality of life for all Americans.

In an age when there is no commercial or economic activity which is not in some fashion subsidized from Government financial resources, it would be tragic indeed if we did not give some measure of stimulation and encouragement to the work of the artists and scholars so that their works might be broadly available in every area of the land to all citizens to enrich their lives.

In this respect H.R. 16065 extends the life of the National Foundation on the Arts and Humanities Act of 1965 for 3 years authorizing modest levels of funding.

The bill contains the following major provisions:

First, it provides an authorization of $40 million for fiscal year 1971 and such sums as may be necessary for fiscal years 1972 and 1973.

Second, it provides for a minimum allotment of $75,000 for each State arts council. These are the agencies created within the 1965 act by the State to encourage arts programs within the respective States.

Third, it provides for the establishment of executive committees on the arts and humanities within the larger national councils in order to provide a mechanism for making interim decisions between the meeting of the national councils—subject to ratification by the national councils upon their meetings.

Fourth, a new provision would allow the chairmen of the two endowments to serve beyond their four-year terms but only until their successors have been named and qualified.

Fifth, the bill contains minor amendments to the basic law permitting changes in the rates of compensation for members of the National Council, providing authority for both endowments to make contracts as well as grants and permitting advance and progress payments to institutes and organizations where appropriate for startup costs.

The 8 days of hearings conducted by the Select Subcommittee on Education of our committee produced evidence which discloses that both endowments have made significant contributions to the effort to encourage art and humanistic study and research and to broaden opportunities for public consumption.

Through the work of the State arts councils alone the arts endowment has made it possible for programs in the arts to reach into the lives of more than 30 million Americans.

These have included projects in every one of the arts disciplines—the visual arts, theater, literature, dance, architecture, music, and arts education.

Mr. Chairman, the congressional district that I am privileged to represent in the Congress is, as my colleagues know, a part of that greater community of our Nation which we refer to as Appalachia.

Because of my intimate acquaintance with this area I have always been greatly touched by the talent in art that lies in almost every community of Appalachia. Its poetry, its folksong, its dance, are legendary, and I am pleased with the number of projects undertaken through the auspices of this legislation in the arts and humanities in the 13-State area defined as Appalachia. For example, through grants made by the humanities endowment, high school and college students and teachers at Beech Mountain folklore training program at East Tennessee State University, Johnson City, Tenn., and Alice Lloyd College at Pippa Passes, Ky., and Lees Junior College in Jackson, Ky., will collect and make available, for the first time, an enormous amount of oral history tracing the folk songs and lore of the two-State region.

A unique mountain heritage program has been undertaken by the West Virginia Arts and Humanities Council, to introduce Appalachian young people and many of their parents to long-neglected aspects of their genuine cultural heritage and develop their appreciation for it. Matching funds for this purpose—and for upgrading the teaching of music, dance, and literature from the early periods of Appalachian history—have been made available by the humanities endowment.

While I have not had the privilege of personally reviewing some of the activities in the arts and humanities stimulated by the endowments, I have received quite a few favorable reports, one of

XUM

which involved a grant of $7,500 to the West Virginia Arts and Humanities Council to aid in the development of a new kind of outdoor drama.

This was to be a play based upon the legend of the Hatfields and the McCoys. I am told that instead of emphasizing pageantry and pomp the script to be developed was to concentrate on the human beings involved in the story.

Let me share with you reviews from two of the Nation's major newspapers after the production opened a week and a half ago. Writing in the Post, drama critic Richard Coe ends his reviews by saying:

> In sum, "Hatfields and McCoys" is a rich, wholly professional and impressive addition to the outdoor musical plays which have been finding themes and audiences totally unknown in the more publicized branches of our theatre.

And, from the New York Times:

> Far from Broadway, in the mountains of Appalachia, a new chapter in outdoor theater and an image of the mountain man far different from the comic stereotype of cartoons was created here (in Beckley, W. Va.) Saturday night with the premiere of "Hatfields and McCoys".
>
> Written by a native West Virginian, Billy Edd Wheeler, a folk singer, hit-song writer, poet, painter and sculptor, the production was set to music and staged by Ewel Connet, who conceived and built the Louisville, Kentucky Actors Theater and the West Virginia Institute of Performing Arts.
>
> Gone are the Indian dance, the pageantry, the cliche characters, the overture and the chorus amplifying the line of dialogue.
>
> The chorus in this production is essential to advancing the story line. As for the musical drama, it pictures the Appalachian citizen as a man who speaks in the mountain idiom—but, at the same time, it reveals him as a man of worth, pride and dignity, for all his rugged background.

Mr. Chairman, I am told that these regional experiences with respect to the endowments have been the case in every area of our Nation.

For every dollar which the Federal Government has contributed, State councils on the arts and humanities have raised nearly $3.50.

Federal funds authorized by this legislation have not only brought artistic endeavors closer to the people but have stimulated their support from private and local sources.

I urge my colleagues to join with me in passage of H.R. 16065.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield briefly to the gentleman from Iowa.

Mr. GROSS. Does the gentleman agree with the open ended authorizations in this bill?

Mr. PERKINS. It has been the custom of the committee in the past to close those ends, but they have to be a reasonable figure. I have no objection personally to a reasonable figure. But our hearings disclose that it would have to be above the $40 million.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Minnesota.

Mr. QUIE. I thank the gentleman for yielding, and especially for his comments in support of the authorization of at least $75,000 for each of the States art councils. As was pointed out very well in the report, State art councils were not in operation for the most part at the inception of this act. Since then they have been established in most of the States and some of the territories.

Beginning on page 7 there is an indication of State arts council funding in 1970. The State of the gentleman from Kentucky receives more than $75,000, as does my own State of Minnesota receive more than $75,000. So it is not a selfish interest of the gentleman from Kentucky or myself that we desire this provision in the act. As it is referred to in page 8, you can see a number of States which would have their State councils supported to a greater amount than they presently receive.

Mr. PERKINS. I agree wholeheartedly with the gentleman from Minnesota. I feel this amount allocated to the States is an amount that is needed. Certainly it will give much stability that the program does not have at the present time.

Mr. REID of New York. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Chairman, I hold up before the Committee two books. One book cost the taxpayers $55,000 to produce, and the second one cost the taxpayers $53,000 to produce. I do not know how many Members have read these books, but the book on Literary Anthology No. 2 is quite significant. It is impossible for me to read to the Members some of the things the taxpayers have paid for in this book, because it is against the rules of the House to do it. I do invite the Members to come down and look at these books. They compete very well with underground newspaper language.

In response to the gentleman from Iowa, the program which paid for that seven-letter word "Lighght" bill was made refunded in December 1969 when this new administration was in charge.

Let me show the Members one page here which cost the taxpayers of this country $750, with $500 to the man who wrote the poem. It did not take a great deal of ingenuity to do it. Has anyone figured out what "Lighght" means? Can anyone even pronounce this poem? At that price, however, it is certainly not free verse.

The total cost of the first three volumes is $174,000, but I am waiting with bated breath to see what we have in volumes III and IV, because these first two will keep one awake at night—but do not let children read them. The American people and press do not approve of this program.

Mr. Chairman, I insert several newspaper articles and letters about this program:

[From Human Events, Mar. 28, 1970]

TAXPAYERS FOOT $750 "LIGHGHT" BILL

While the House Education and Labor Committee has approved a $20-million, Administration-backed increase for the National Foundation on the Arts and Humanities Act, Rep. William Scherle (R.-Iowa) has unearthed some highly peculiar projects funded under this legislation.

Scherle has disclosed that in 1966 the National Endowment for the Arts—set up through the act—began dispensing federal funds to New York "society playboy and jet-setter" George (*The Paper Lion*) Plimpton to hand-pick a panel of judges, who, in turn, select prose and poetry reprints to be published in Plimpton-edited anthologies. At the present time, two volumes have been published and a third is due in June. Plimpton's literary crew is currently editing Volume IV. So far Plimpton's program has been able to tap the public trough for $200,000, with authors "earnings" as much as $1,000 for a selected item.

A glance at the operation reveals that the Plimpton-selected judges are extremely generous to Plimpton's friends and literary acquaintances. In the first volume, for instance, six of the 29 winning poems came from the magazine *Paris Review*, which, oddly enough, is edited by Plimpton himself.

The panel's poetry and poem selections, furthermore, are spiced with four-letter words, vitriolic attacks against the U.S. military, our role in Viet Nam and strange-sounding titles like "A-15" and "A-18," which were written by the same author in successive years.

The "topper of this tomfoolery," stressed Scherle, is the awarding of a prize to Aram Saroyan, son of the noted American author William Saroyan.

His masterpiece—printed below—is the seven-letter word "lighght," an exotic spelling of light. The poem cost the taxpayer $750, or $107.14 per letter. When an astounded staff member in Scherle's office informed Plimpton the poem left him somewhat bewildered, Plimpton shot back that his "middle-American" background made him "unqualified" to understand it.

Nor is this all. In the soon-to-be released Volume III, the culturally deprived American will be exposed to the literary talents of part-time U.S. senator and full-time poet Eugene McCarthy. The Iowa lawmaker points out that McCarthy tapped the federal treasury for $500 for poetically describing his Indiana campaign experiences during his quixotic quest for the presidency in 1968. Plimpton, coincidentally, was an avowed and avid supporter of McCarthy's bid.

"This brazen project," charges Scherle, "is merely one element of the National Foundation of the Arts and Humanities. Congress will consider additional legislation shortly which will increase the funding for the Foundation 100 per cent to $40 million. Unfortunately, the Education and Labor Committee has granted approval to this tampering of the federal till over my lone negative vote. . . I will therefore offer an amendment to reduce the spending level of that agency below that of last year.

"Culture should not be spoon-fed to an effete elite at the expense of the general public. There exists in this country a thing called free enterprise. If seven-letter poems turn on some people, then they should pay for the joy rather than force our hardworking taxpayers to subsidize their cultural taste."

A minority report on the bill—largely the work of Scherle—points out that when the House Education and Labor Committee approved the $20-million hike, there were no copies available of the printed hearings or the foundation's 1969 report. Nevertheless, the committee rapidly approved extension of the act for three years, authorizing $40 million the first year and leaving the authorization open-ended for the second and third.

The report further stresses that arguments for the act are based on the erroneous premise that there is no federal aid to the arts. Yet the federal government is actually making substantial grants and loans to colleges, universities and their students, both graduate and undergraduate, for study, teaching and research into the arts and humanities. Moreover, private foundations contribute heavily to the arts, while the American pub-

XUM

lic, through the free enterprise system, supports the arts by purchasing books, phonograph records, musical instruments, etc.

The report also recalls that America's literary geniuses—Mark Twain, Nathaniel Hawthorne, John Dos Passos, George Santayana, etc.—flourished when the federal government provided virtually no aid of any kind to the arts.

Several years ago, while the act was in its infancy, Russell Lynes, one of the editors of *Harper's*, wrote: "I am not worried about creeping socialism in the arts, but about creeping mediocrity. The less the arts have to do with our political processes, I believe the healthier they will be."

[From the Waterloo (Iowa) Courier, Mar. 24, 1970]

This Should Become Greatest Poem of Century

Considerable national attention is being paid to the fact that a poem consisting of seven letters which do not constitute a word has been awarded a $750 prize by the National Foundation for the Arts.

This is a tax-supported agency established by Congress to pass out your money to promote culture.

A New York playboy by the name of George Plimpton was given $55,000 of the foundation funds to award poetry prizes and publish the winners in a federal anthology.

The $750 prize-winning poem was written by Aram Saroyan, son of William Saroyan. This is the poem:

"lighght."

Some will say that this is not worth a $750 prize; but we disagree. Our inclination would have been to use an obscene, four-letter word to describe the idea of passing out tax money for poetry which no more than 10 or 20 people read. But Saroyan has obviously been so ingenious as to coin a clean new seven-letter word to describe such nonsense.

Obviously, there is only one meaning for "lighght." It is a word for something that is so stupid that there is no existing word in the language capable of expressing the stupidity.

Where the Taxpayers' Money Goes . . .

(By Robert S. Allen and John Goldsmith)

President Nixon is due for a big disappointment if he is counting on Congress' voting the $40 million he has urged for the National Foundation on Arts and Humanities.

That's double the amount of last year's appropriation for the foundation. And in this highly uncertain election year, with other more urgent priorities being drastically pruned on economy grounds, Congress is not likely to appreciably increase spending for culture and the arts.

In fact, the foundation will be very lucky if it gets as much as was granted last year—$20 million.

Indicative of that is the backstage uneasiness over the prospects of the bill authorizing a three-year extension of the foundation—with $40 million for the first year and a blank check for the other two.

Although this measure was approved by the House Education and Labor Committee weeks ago, Chairman Carl Perkins (D-Ky.) has so far done nothing to bring it before the full House.

There has been ample opportunity for him to do that, but he has made no use of it. When he will is conjectural. Perkins refuses to discuss the matter.

Unquestionably, an impelling reason for his wary reluctance is the certainty that this legislation faces a slashing fight. Even with White House backing and strong committee endorsement, the bill is in deep trouble—and Perkins apparently is stalling in the hope that time will enhance its prospects.

So far as the general public is concerned, the measure is virtually unknown—despite the fact it carries a $40 million price tag.

Very little has been said or reported about it. But, that little brought a flood of intensely critical and indignant mail.

Reason was the disclosure by Rep. William Scherle (R., Iowa), committee member, that fancy largesses were being dished out by George ("Paper Lion") Plimpton for curious poetry and other remarkable contributions to the American Literary Anthology.

So far, some $200,000 of taxpayers' money has been spent on this so-called Anthology. It is part of the literature program of the National Endowment for the Arts, an activity of the foundation.

Scherle uncovered that Plimpton, well-known jet-setter and literati, has received around $30,000 for staff and administrative expenses. He was made head of the literature program by Roger L. Stevens, guiding spirit of the $50 million-plus Kennedy Center for the Performing Arts being built on the Potomac River near the world-famed Lincoln Memorial.

Through Stevens' zealous lobbying and wheedling, the government has contributed more than $30 million to this grandiose project.

Highlights of Scherle's Revelations that brought a deluge of outraged mail:

$500 paid to Sen. Eugene McCarthy (D., Minn.) for a short poem on his campaign in Indiana for the 1968 presidential nomination. Plimpton was an ardent McCarthy backer.

Seven poems and two pieces of prose selected from the "Paris Review," a magazine edited by Plimpton and published in New York. Under the intriguing financial practice of the literary program which Plimpton heads, not only does the Anthology pay the writer but also the publication from which his work is selected. Thus Plimpton profited neatly through his "Paris Review."

$500 paid to Aram Saroyan, son of author William Saroyan, for a baffling seven-letter poem—"LIGHGHT." The magazine in which it first appeared also got $250—for a total cost to taxpayers of $750.

$500 to Louis Zukofsky for a poem title "A–15," and the same amount for another poem "A–18."

$500 to LeRoi Jones, a white-hating black militant, author and playwright.

$1000 to William Penn Warren for an article "Malcolm X: Mission and Meaning." Also $500 to the Yale Review where it first appeared.

So far, two Anthologies have been published and a third is in production. Their proclaimed purpose is to "encourage and assist writers of merit and the editors who publish their works." Each contains about 75 authors. The 1968 edition sold some 7500 copies, 4500 of them hard-covered at $6.95 each.

In the van of irate protests are letters from unrequited poets, frustrated authors and others. Following are a few examples.

A six-letter poem from a writer who claimed it was as good as the seven-letter masterpiece for which Plimpton paid $750 of taxpayers' money. The six-letter creation—"DARARK."

A letter from an editor of a Midwestern poetry magazine: "We have sent Mr. Plimpton copies but have never received any recognition. We have been publishing poetry for nearly 25 years without a penny of government subsidy. No one gets a salary or administrative expense. We plan to continue without asking for government money. We also think our poetry is much better than that published by Mr. Plimpton."

From a California police chief, who submitted what he called the "world's shortest poem with the world's longest title"—"How to Become Brainwashed by Any Number of the Best Possible Suds: Soap, Beer, Seltzer and Other Belch-Producing Effervescents, Such As Weekly Serials (Cereals?), Broad and Narrow (?) Casters, and Commentators." The poem reads "TV."

A Marquette University associate professor of philosophy wrote he had been trying unsuccessfully for some time to get a literary grant from Plimpton. "It is very dismaying," said the Milwaukee educator, "for serious applicants to see awards meted out in such a frivolous way."

Rep. Scherle has served notice he will vigorously press an amendment to hold the foundation's appropriation down to the same amount as last year—$20 million.

Declaring he is not against art and culture, Scherle contended there is no reason why they should be singled out for favored treatment when other more urgent needs are being sharply reduced.

"It is ironical," said Scherle, "that at the very time there is no money in the budget for the school milk program for next year, veterans' burial benefits are being reduced, the agricultural conservation program is being cut back, and other high-priority national interests are being curtailed, all in the name of economy, that funds for the Foundation on Arts and Humanities should be doubled to $40 million.

"Culture should not be fed to an effete elite at the expense of the general public. If seven-letter poems turn on some people, then they should pay for that joy rather than force hard-working taxpayers to subsidize their exotic cultural tastes.

"This program has achieved nothing to justify its existence, to say nothing of increasing its financial support at the expense of the already overburdened taxpayer.

"With the steady increase of inflation, the financing of unnecessary federal programs simply stokes the inflationary flames. We have got to stop that. Every additional penny spent for unnecessary federal programs constitutes virtual robbery from those whose needs are infinitely more urgent."

[From the Chicago Tribune, Mar. 29, 1970]

"Lighght"

Rep. William Scherle, an Iowa Republican, not surprisingly asked if there had been some mistake about the award of $750 of taxpayers' money to the seven letter poem "Lighght" [here reprinted in its entirety]. The question was directed to George Plimpton, editor of the Paris Review, who had made the award from money provided by the National Foundation for the Arts. Plimpton said there was no typographical error, and that the award was deliberate and intended for "Lighght"—by Aram Saroyan, incidentally, William's son.

Insofar as this award can be understood at all, it helps to know a little about Plimpton. He is the chap who, in order to get material for articles for Sports Illustrated, pitted himself against such redoubtable figures as Archie Moore the boxer, Pancho Gonzales the tennis player, Oswald Jacoby the bridge expert, eight major league baseball sluggers, and the field in the National Pro-Am and other golf classics. He put in some time on the Detroit Lions football squad. He also has escorted some notable women [who married other men], including Queen Elizabeth, Jacqueline Onassis, and Ava Gardner.

Plimpton likes to lose. So here he is again, leading with his chin, asking congressmen to take a poke at him for throwing away federal money. But if anyone takes the National Foundation for the Arts seriously, and wants it to get another appropriation, that person should agitate to get Plimpton relieved as a judge. Plimpton is a stunt man, not a steward of either public money or literary values.

"Poem" Just One Misspelled Word But Earns $750

New York.—Poor spellers of the world, rejoice. Your day may have arrived.

XUM

Those shattered words may be poems in disguise.

And if they happen to have prize-winning qualities, well, you, too, may be able to get $750 in prize money from the National Foundation for the Arts and Humanities.

Consider: A poem that looks like a word from a stuttering typewriter and ranks as a candidate for the dunce cap in a spelling bee actually got poet Aram Saroyan $750 in prize money.

The poem from the pen of William Saroyan's son goes like this:

"Lighght."

That's it. Beginning. Middle. End. There is no more.

The award of $750 figures out to $107.14 per letter, according to Rep. William J. Scherle, R-Iowa. He's concerned because he's looking after the spending of tax money.

That's right. The foundation operates on money from you, the taxpayer.

George Plimpton, author of "The Paper Tiger," edited the anthology in which the poem appears. The judges: Louis Simpson, Anne Sexton, Robert Duncan, all literary lions.

Plimpton said he can't pronounce "Lighght."

"I see it as an exercise in concentrating on the effect of a single word," he said. "I think it's effective.

"Saroyan is one of the innovators, admired by fellow craftsmen as an innovator."

[From the Los Angeles Times]

Things Are Getting Verse and Verse

Some inventive genius—we've forgotten just who he was—once devised a method for synthesizing the world's meaning into one word, to be changed monthly so people could keep abreast of things on a regular basis.

He had discovered that time was getting too valuable for folks to be bothered with reading Books-of-the-Month, or their condensed version, or a monthly short story, or even a paragraph or sentence.

Ergo: one word on the Word that told all.

Now comes the annual award of $750 by the federally-subsidized National Foundation of Arts and Humanities for poetry. Rep. William J. Scherle (R-Iowa) has questioned the validity of the verse that won this prize.

Its author is Aram Saroyan, son of the novelist-playwright William Saroyan.

Ordinarily The Times doesn't publish verse, because it encourages an awful lot of less-than-literary offerings, to the extent that we would run out of space if we used even a representative sampling.

But we think that Saroyan's poem is worth printing in its entirety, as follows:

"lighght."

That's correct, *"lighght."* Rep. Scherle figures that this little gem, chosen by writer George Plimpton who served as the foundation's judge, runs to slightly more than $100 per letter.

Going back to the man who synthesized life's meaning in one monthly word, we believe the good congressman has attacked the wrong target. It's not that *"lighght"* is such a bad poem (although it may seem so, to those uninformed on the New Literature).

It's just that there must be a better single word than *"lighght"* to express the spirit of this doleful era.

"Ugh," perhaps? Or, *"Bleagh"*?

These might run the cost-per-letter up a trifle. But they seem more to the point. Any suggestions?

[From the Washington Daily News, Apr. 16, 1970]

Arts & Humanities

(By Don MacLean)

Asidems: Rep. William Scherle, R.-Iowa, among others, is all but speechless over recent expenditures of the National Foundation of the Arts. Back in 1966, it granted author and jet-setter George Plimpton $55,000 to select prose and poetry for federally subsidized anthologies. So far, Mr. Plimpton's project has tapped the taxpayers for $200,000 and this is what he has selected: In the first volume, six of 29 poems came from a magazine called the Paris Review, edited by (guess who?) George Plimpton. (Writers whose works are chosen receive from $500 to $1,000 of public money.) But the capper is a poem written by Aram Saroyan, for which he got $750, or $107.14 per letter! The entire poem is this "lighght." That's it, friends, nothing else. Rep Scherle fully expects a sequel in a future volume. Perhaps, "darark." Mr. Plimpton obviously is pulling the taxpayers' leg and it would be funny, if it didn't cost so much.)

[From the Indianapolis Star, Apr. 17, 1970]

Socializing The Arts

The Federal government's drive to socialize the arts continues, spurred on by inflation and excessive taxation, which to an increasing extent wrest from private hands the means to finance the theater, music, poetry, painting and films.

Why do so many private fund drives for symphony orchestras, museums, art centers and the like fail dismally today whereas not many years ago they succeeded? They fail because high taxation drains dry the financial pools that once sufficed to fill their treasuries.

Why do production costs soar to the point where putting on a single show is more expensive than the total outlay of all producers for all the shows on Broadway in a hit-studded season used to be? They soar because of inflation traceable in large measure to Federal policies.

So government steps in as a super-angel to take the place of private angels who have been bled white by taxation and driven against the wall by astronomic labor costs.

In Sardi's Restaurant in New York the other day, Congressman John Brademas (D-Ind.), chairman of the House Select Education Subcommittee, urged support of a measure proposed by President Richard M. Nixon to extend for three more years the National Arts and Humanities Foundation and to double its budget from $20 million to $40 million.

He told a group of theater critics he was optimistic about strong bipartisan support for the bill, sponsored by him and reported last month by the House Education and Labor Committee to carry out the President's recommendations.

It is a lead-pipe cinch that Big Government as patron of the arts will botch things as badly as it does in all of its intrusions into what used to be the private sphere.

It is a dead certainty that Uncle Sam playing impresario, editor and publisher will hatch more turkeys, flops, fiascos, guff, twaddle, treacle and kitsch than all the misfits who blundered into show biz since the founding of the Republic.

It would be a far, far better thing to loosen the tax tourniquet and dampen the fires of inflation than to imprison the arts in the category of Social Security, Medicare and crop control.

A healthy civilization needs the arts, and the more the better, but it needs healthy arts thriving in a climate of freedom and originality and private initiative. The role of government should be confined to letting these flourish—and staying out of the way.

Sta, Calif.

If a letter from a "middle-American" also unqualified to understand the importance of Aram Saroyan's $750 prize-winner can strengthen your hand in any way, here it is. I hope you are deluged with letters from all over the country protesting this insulating waste of my money and yours. Hopefully a strong reaction to this one award will bring an end to this ridiculous program and Mr. Plimpton's nepotism.

April 1, 1970.

Hon. William Scherle,
House Office Building

Dear Sir: Please do all you can to eliminate any and all money from the bill sponsored by George Plimpton for the National Foundation on Arts and Humanities.

At this time when the necessities of life are so expensive for us, at the economic bottom, we do not support such folly as fine art, performing arts, nor memorials, like the J.F.K. memorial.

May 4, 1970.

Hon. William Scherle,
House of Representatives,
Washington, D.C.

Dear Congressman: We heartily *endorse* your stand against the frivolous expenditure of $40 million tax dollars for the National Foundation on Arts and Humanities HR 16065. In these difficult days of inflation, we cannot afford such spending programs for such questionable poetry and the like. Keep up the good work!

Sincerely,

——— ———.

Bewildermentment . . .

2nd prize—$500???

Dear Representative Scherle: Please forward my "poem" to the National Foundation on the Arts and Humanities.

Shockockock!

April 30, 1970.

Hon. William J. Scherle,
House Office Building,
Washington, D.C.

Dear Congressman: I wish to express my personal appreciation for your efforts in curbing the absurd expenditures of the National Foundation on Arts and Humanities. We have already seen the so called privately financed Kennedy Center for the Performing Arts eat up some $30 million of tax money.

Although I am too illiterate to understand the meaning of Aram Saroyan poem "Lighght," I fully understand the squandering of taxpayers' money for the sole benefit of those who are turned on by such literary masterpieces.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Chairman, since our Government has seen fit to spend so much on this literature, I would like to ask the gentleman from Iowa if he finds much in these that is uplifting and inspiring and good for the youth of our country?

Mr. SCHERLE. Mr. Chairman, I would like to reply to the gentleman from Kentucky in this way. When Mr. George Plimpton in New York was called and asked about "Lighght," he said, "You are from the Midwest. You are culturally deprived, so you would not understand it anyway." I may not understand what "Lighght" means, but if my kid came home from school spelling that, I would have stood him in the corner with a dunce cap.

I used to be in the "darark" about what this poem means. But now I know what it means: a great deal of money is appropriated for stupidity.

Mr. CARTER. Good literature has been described as words written in such endearing charm that men treasure them and will not let them die. I will ask the

XUM

gentleman from Iowa (Mr. SCHERLE) if the three- and four-letter words fit this description of good literature or not?

Mr. SCHERLE. No, regrettably, they contain the typical four-letter words that can be found today that have suddenly become highly popular in the more "sophisticated circles."

For the taxpayer to pay for this kind of tripe in this kind of anthology is not understandable to me.

Mr. CARTER. Are we going to be paying for such pornographic filth to put before the youth of our country and let our Government subsidize it?

Mr. SCHERLE. We should discontinue that program by reducing this appropriation.

Mr. CARTER. Mr. Chairman, I am greatly disturbed by this anthology.

Mr. SCHERLE. Mr. Chairman, a very interesting and curious development has occurred just recently in the employment of the hierarchy of the Arts and Humanities chieftans. Last week, Miss Nancy Hanks, Chairman of the National Endowment for the Arts and the Humanities, named one R. Douglas Richards of the State of Arizona as her special assistant. Mr. Richards ascended to his $28,226 a year throne of authority after spending 11 years as the manager of the Phoenix Symphony Association. However, a few short years ago special assistant Richards played quite a different tune when he testified before a congressional committee concerning Federal subsidies to the arts and humanities. At that time, when Mr. Richards was not employed in his present lucrative position with the National Endowment for the Arts and the Humanities, he sharply criticized the Federal Government's involvement in such subsidizing. So staunchly opposed to this concept of Federal spending, Mr. Richards put forth a three-point objection to this program:

> (1) We do not believe that it is a proper function of the Federal Government to finance the arts in the United States.
>
> (2) It is generally accepted that in our form of democracy, the arts flourish best in an atmosphere of complete freedom, imagination, initiative, and local autonomy. We do not believe that it would be possible to conserve these strengths if the fine arts were to enter into partnership with the Federal Government.
>
> (3) We believe that Federal tax subsidy for the arts would result in greatly reduced voluntary support at the local level, and voluntary support is one of the cornerstones of our arts as well as our charitable organization financing. It is conceivable that volunteer support might eventually cease entirely and the fine arts would then find themselves in the undesirable position of having to depend entirely upon Federal tax dollars to replace the revenue lost from volunteer support. Eventually the fine arts might find themselves with problems far greater than those they presently face.

The nature of financial support for the Arts and Humanities has not changed much since Richards testified except he is now employed on the other side of the issue.

There we are. It is a continuation of one thing after another.

Let me continue: A cultural clique, financed by the American taxpayers, is operating clandestinely within so-called literary circles of this Nation. The scheme was initiated in 1966 when the National Foundation for the Arts appropriated $55,000 to New York society playboy and jet-setter George Plimpton to play the role of this country's cultural czar. With his dictatorial power, Plimpton is allowed to hand pick his own panel of judges who in turn select the prose and poetry that are published in the federally subsidized anthologies that he edits. At the present time two volumes have been published and a third is due this June. Plimpton's literary lackies are currently editing volume IV. So far his preposterous program has tapped the public treasury for $200,000.

A glance at the Plimpton operation reveals a selfish and sinister pattern of support to the same individuals and magazines. The chosen few receive $500 to $1,000 for their work by a mere nod of George's handmaidens. In the first volume published, six of the 29 winning poems came from the magazine Paris Review, which to no one's surprise is edited by none other than our George Plimpton. The doubledealing does not stop here. Two authoresses for example, one in poetry and one in prose, each were awarded top prizes in both volumes I and II, and then appointed by Plimpton as judges for what will appear in volume III. Continuing this bizarre shakedown, Plimpton also appointed his pal and protege, Philip Roth, author of the shocking and scarlet novel entitled "Portnoy's Complaint" as a judge.

The pompous panel's selections, which are spiced with four-letter words, range from the ridiculous titles of "A–15" and "A–18," which were written by the same author in successive years, to the sublime essay praising the black militant Malcolm X. However, the topper of this tomfoolery is the awarding of a prize to Aram Saroyan, son of the noted American author William Saroyan.

In the soon-to-be-released volume III, the "culturally deprived" American public will be exposed to the literary talents of part-time U.S. Senator and full-time poet GENE MCCARTHY. MCCARTHY tapped the Federal Treasury for $500 for poetically describing his Indiana campaign experiences during his ill-fated 1968 quest for the Presidency.

This brazen project is merely one element of the National Foundation of the Arts and Humanities. Congress will consider additional legislation shortly which will increase the funding for the Foundation 100 percent to $400 million.

It is difficult for me to try to understand, as a Member of the Congress, our foolhardy establishment of such ridiculous priorities.

This past week we are asked to vote down hospital construction, yet here we are asked now to fund a program for 100 percent increase. How does one tell this to the poor people? That is my concern. They are the ones I care about, not the arts and humanities.

Mr. REID of New York. Mr. Chairman, I yield myself 1 minute.

Specifically, I believe the point here in this colloquy is first that the anthologies have been terminated and that the policy is changed to provide grants only to advance future creative work rather than to recognize past accomplishments.

Second, it is a question of keeping total separation between the arts and the Federal Government. Grants are and must continue to be made solely on artistic and academic merit by the Arts and Humanities Councils. The Congress must play no role in artistic judgment; this is solely the province of the councils and will insure that there will be no Federal domination of the arts.

I yield to my distinguished colleague from Arizona who I think may want to make a comment about Mr. Richard in that connection.

Mr. RHODES. Mr. Chairman, I think I should say something about Mr. Richard, since he is my constituent. He came in on the airplane with me Sunday. He said that he had been against this program some years ago but he had become a convert. He felt his original reason for opposing it, possible Federal domination, no longer existed. He is a staunch advocate of the program and has been for some time. I might say that my correspondence with him for the last several years bears this out. He is not a recent convert but he is a convert.

Mr. PERKINS. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Indiana (Mr. BRADEMAS), the author of this legislation.

Mr. BRADEMAS. Mr. Chairman, I rise to urge passage of the bill, H.R. 16065, to amend the National Foundation on the Arts and the Humanities Act of 1965.

The House Select Subcommittee on Education, which I have the honor to chair, heard eight full mornings of testimony, three jointly with a Senate subcommittee, on this legislation from 37 individual witnesses. These included people of stature in business, science, private foundations, and State and local government agencies, as well as in the arts and humanities themselves. We came to three broad conclusions:

First, Federal assistance for the arts and humanities is clearly not a politically partisan matter.

Second, the testimony documented abundantly the importance of supporting a wide variety of activities in the arts and the humanities.

Third, the evidence showed plainly that the arts and humanities in this country are facing a stark financial crisis.

On the matter first of bipartisanship, I want to note here that of the 37 Members of the House who have joined as sponsors of this or similar legislation in support of the arts and humanities, fully a third are on the other side of the aisle. They include both the distinguished chairman of the Committee on Education and Labor, Mr. PERKINS, and the distinguished minority leader, Mr. FORD.

Federal concern for the arts and humanities has been strongly bipartisan from the first. In his state of the Union message in 1955 President Eisenhower declared that—

> The Federal Government should do more to give official recognition to the importance of the arts and other cultural activities.

In 1963 President Kennedy said in a letter to his special consultant on the arts:

XUM

> Government surely has a significant part to play in helping establish the conditions under which art can flourish. . . .

In 1965, President Johnson, who had supported the proposal for a National Foundation on the Arts and the Humanities, signed the bill creating it. And last December 10, in a special message to the Congress, President Nixon urged that the Foundation be reauthorized for 3 more years with a significant increase in funding. He made clear the standing of this proposal as a significant part of one of the major concerns of his administration when he said:

> Americans have long given their first concerns to the protection and enhancement of Life and Liberty; we have reached the point in our history when we should give equal concern to "the Pursuit of Happiness." This phrase of Jefferson's, enshrined in our Declaration of Independence, is defined today as "the quality of life."

The full message follows:

> ### Expressing the American Spirit
>
> Americans have long given their first concerns to the protection and enhancement of Life and Liberty; we have reached the point in our history when we should give equal concern to "the Pursuit of Happiness."
>
> This phrase of Jefferson's, enshrined in our Declaration of Independence, is defined today as "the quality of life." It encompasses a fresh dedication to protect and improve our environment, to give added meaning to our leisure and to make it possible for each individual to express himself freely and fully.
>
> The attention and support we give the arts and the humanities—especially as they affect our young people—represent a vital part of our commitment to enhancing the quality of life for all Americans. The full richness of this nation's cultural life need not be the province of relatively few citizens centered in a few cities; on the contrary, the trend toward a wider appreciation of the arts and a greater interest in the humanities should be strongly encouraged, and the diverse culture of every region and community should be explored.
>
> America's cultural life has been developed by private persons of genius and talent and supported by private funds from audiences, generous individuals, corporations and foundations. The Federal government cannot and should not seek to substitute public money for these essential sources of continuing support.
>
> However, there is a growing need for Federal stimulus and assistance—growing because of the acute financial crisis in which many of our privately-supported cultural institutions now find themselves, and growing also because of the expanding opportunity that derives from higher educational levels, increased leisure and greater awareness of the cultural life. We are able now to use the nation's cultural resources in new ways—ways that can enrich the lives of more people in more communities than has ever before been possible.
>
> Need and opportunity combine, therefore, to present the Federal government with an obligation to help broaden the base of our cultural legacy—not to make it fit some common denominator of official sanction, but rather to make its diversity and insight more readily accessible to millions of people everywhere.
>
> Therefore, *I ask the Congress to extend the legislation creating the National Foundation on the Arts and Humanities beyond its termination date of June 30, 1970, for an additional three years.*
>
> Further, *I propose that the Congress approve $40,000,000 in new funds for the National Foundation in fiscal 1971 to be available from public and private sources. This will virtually double the current year's level.*
>
> Through the National Foundation's two agencies—the National Endowment for the Arts and National Endowment for the Humanities—the increased appropriation would make possible a variety of activities:
>
> We would be able to bring more productions in music, theatre, literature readings and dance to millions of citizens eager to have the opportunity for such experiences.
>
> We would be able to bring many more young writers and poets into our school system, to help teachers motivate youngsters to master the mechanics of self-expression.
>
> We would be able to provide some measure of support to hard-pressed cultural institutions, such as museums and symphony orchestras, to meet the demands of new and expanding audiences.
>
> We would begin to redress the imbalance between the sciences and the humanities in colleges and universities, to provide more opportunity for students to become discerning as well as knowledgeable.
>
> We would be able to broaden and deepen humanistic research into the basic causes of the divisions between races and generations, learning ways to improve communication within American society and bringing the lessons of our history to bear on the problems of our future.
>
> In the past five years, as museums increasingly have transformed themselves from warehouses of objects into exciting centers of educational experience, attendance has almost doubled; in these five years, the investment in professional performing arts has risen from 60 million dollars to 207 million dollars and attendance has tripled. State Arts agencies are now active in 55 States and territories; the total of State appropriations made to these agencies has grown from $3.6 million in 1967 to $7.6 million this year. These State agencies, which share in Federal-State partnership grants, represent one of the best means for the National Endowment to protect our cultural diversity and to encourage local participation in the arts.
>
> In this way, Federal funds are used properly to generate other funds from State, local and private sources. In the past history of the Arts Endowment, every dollar of Federal money has generated three dollars from other sources.
>
> ### THE FEDERAL ROLE
>
> At a time of severe budget stringency, a doubling of the appropriation for the arts and humanities might seem extravagant. However, I believe that the need for a new impetus to the understanding and expression of the American idea has a compelling claim on our resources. The dollar amounts involved are comparatively small. The Federal role would remain supportive, rather than primary. And two considerations mark this as a time for such action:
>
> Studies in the humanities will expand the range of our current knowledge about the social conditions underlying the most difficult and far-reaching of the nation's domestic problems. We need these tools of insight and understanding to target our larger resources more effectively on the solution of the larger problems.
>
> The arts have attained a prominence in our life as a nation and in our consciousness as individuals, that renders their health and growth vital to our national well-being. America has moved to the forefront as a place of creative expression. The excellence of the American product in the arts has won worldwide recognition. The arts have the rare capacity to help heal divisions among our own people and to vault some of the barriers that divide the world.
>
> Our scholars in the humanities help us explore our society, revealing insights in our history and in other disciplines that will be of positive long-range benefit.
>
> Our creative and performing artists give free and full expression to the American spirit as they illuminate, criticize and celebrate our civilization. Like our teachers, they are an invaluable national resource.
>
> Too many Americans have been too long denied the inspiration and the uplift of our cultural heritage. Now is the time to enrich the life of the mind and to evoke the splendid qualities of the American spirit.
>
> Therefore, I urge the Congress to extend the authorization and increase substantially the funds available to the National Foundation for the Arts and Humanities. Few investments we could make would give us so great a return in terms of human understanding, human satisfaction and the intangible but essential qualities of grace, beauty and spiritual fulfillment.
>
> RICHARD NIXON.
>
> THE WHITE HOUSE, *December 10, 1969.*

The response has demonstrated that culture is not the special preserve of an exclusive few. Miss Nancy Hanks, the able new Chairman of the Arts Endowment, reported in her testimony that—

> Letters and telegrams have come to the President from all corners of the nation, from presidents of corporations and trade unions officials, school superintendents and deans of universities, mayors of great cities and music lovers in the smallest communities. . . .

Editorial support came from papers ranging from the Washington Evening Star to the Wichita, Kans., Eagle to the Kennebec Journal in Maine.

The breadth of support was evident to us at the hearings. Charles C. Tillinghast, Jr., chairman of Trans-World Airlines, testified from a businessman's viewpoint, as did Frank Stanton, president of CBS, who said:

> What is good for society is, in fact, good for business, and we know that a healthy society is one where artistic expression flourishes.

David P. Billington of Princeton University, a civil engineer, testified to the need for "close collaboration between engineers and humanists and a fresh context for the teaching of technology."

And Dr. Glenn T. Seaborg, the distinguished Chairman of the Atomic Energy Commission, testified that—

> Our scientific and technological age was forcing us into a new philosophical age . . . a vast number of the scientists in this country are strongly in favor of increasing federal aid to the arts and humanities.

Other witnesses in a wide variety of cultural fields documented what President Nixon called a growing need for Federal stimulus and assistance:

The annual cash loss of our 90 symphony orchestras has risen from $169,000 in 1963 to $8.5 million this year, and by 1972 will rise to more than $13 million, jeopardizing the existence of many outstanding orchestras in this country. Between 1966 and 1968 average gross expenditures among resident professional theaters rose 17 percent, while gross ticket income increased only 8 percent, despite rising attendance figures. For America's major nonprofit institutions of the traditional arts, the difference during 1968–69 between total costs and earned income was $100 million. The Belmont Report on museums, prepared for the Federal Council on the Arts and Humanities in 1968, cited minimum needs in those institutions alone of $15,250,000

XUM

minus capital outlay and research.

Witnesses reported that national support for research in the humanities is in a 2-percent ratio to support for research in other fields.

In fiscal 1969 the humanities accounted for only a small fraction of the $2.4 billion that the Federal Government spent on research, while over 90 percent went to the natural sciences. Museum fellowships and internships from the Humanities Endowment have assisted some 332 students and professionals, which has been "of inestimable aid," in the words of the director of one State historical society. But such aid barely begins to meet nationally the need for trained museum personnel that he called "our No. 1 priority."

Inevitably it is asked, why must these needs be met with the aid of Federal funds? One answer was given by President Nixon:

> The need for a new impetus to the understanding and expression of the American idea and expression of the American idea has a compelling claim on our resources.

Another answer is economics.

First of all, public demands for cultural resources are rising rapidly. Museum visits have risen to more than 560 million a year. In 1969 more than 30 million tickets were sold for nonprofit professional arts performances in contrast to 13 million 5 years ago. Community arts councils have grown from 75 10 years ago to more than 600 in every State in the Union today.

But costs have risen far faster than receipts from the new demand for the arts. Public service activities have increased; symphony orchestras for example gave 3,500 concerts last year for children and students. Costs of labor and materials have risen sharply, leaving a gap between expenditures and earned income that private philanthropy has been unable to fill. It must be recognized, as more than one witness noted, that more production to meet increased public demand in the arts almost invariably results in greater losses because labor-saving methods have little application in the arts. There is no way to decrease the human effort in a work of art short of truncating the work itself. And as the violinist Isaac Stern testified:

> The higher the standards in the arts, the greater will be the deficits in production.

If these cultural programs, whether in the universities or on the stage, close the income gap by increasing their charges, the arts and humanities will be beyond the reach of all but the well to do. The actual costs of each visit to a museum, for example, range from $1 to $8; one can easily imagine the results if museums charged such fees for admission.

President Nixon declared pointedly in his message on the arts and humanities that—

> The full richness of this Nation's cultural life need not be the province of relatively few citizens centered in a few cities.

The National Foundation on the Arts and Humanities has already demonstrated its ability to reach the American public broadly.

The Endowment for the Humanities has initiated a national humanities faculty, which sends university scholars to work with teachers in the schools who request help in improving humanistic education. The faculty is currently working in 15 school systems in 13 States and the District of Columbia. The Endowment-supported national humanities series of touring programs in the humanities has just been launched. It will reach more than 30 small communities in 22 States this year. Endowment fellowships and grants for research, for humanistic education, and for public programs have gone to every State in the Union.

The Endowment for the Arts has successfully fostered the creation of State arts councils, which now exist in all 50 States and five territories. In more than half of those States the arts councils now receive more funds from State legislatures than the amount each receives in Federal assistance.

A coordinated dance residency program assisted by the Arts Endowment spread this year to 68 communities in 22 States. Other touring professional arts companies will reach nearly a quarter of a million people in the Rocky Mountain States. The Arts Endowment's "Poetry in the Schools" program has expanded from six metropolitan areas to eight States of the Midwest.

The endowments stimulate rather than supplant private support for the arts and humanities, through their authority to match private gifts. In this way, President Nixon noted:

> Federal funds are used properly to generate other funds from state, local, and private sources.

From fiscal 1967 through fiscal 1969, the Humanities Endowment received 200 gifts totaling nearly $1.7 million from foundations, civic organizations, corporations, and individuals. The Arts Endowment has generated approximately $3 in State, local, and private giving for every Federal dollar expended.

The two endowments thus have demonstrated both their worth and their workability. This bill, H.R. 16065, would enable them to build on the base they have now established.

There are a number of small changes amending the wording of the language of the basic act, many of them simply to clarify that language or make it more explicit. I shall cover briefly the more important changes.

The legislation would be amended to allow specifically for projects to assist artists to achieve wider distribution of their works and enable them to work in residence at educational or cultural institutions. That will help artists find a broader base of income for their work, and an increased public.

The legislation would be amended to permit the Chairman of each Endowment to serve beyond his regular term of office until a successor is appointed. That would eliminate the sort of situation we had when the Arts Endowment was temporarily without a Chairman and the powers of the Deputy Chairman were unclear.

The legislation would be amended to permit the Councils on the Arts and on the Humanities to establish executive committees so that emergency action could be taken to accept a gift or approve a grant at times other than when the full 26-member Councils are meeting.

The legislation would be amended to extend to the Humanities Endowment the same powers the Arts Endowment has had to use contracts and loans as well as grants in supporting certain programs—research and study.

The legislation provides for a minimum of $75,000 to be allotted by the Arts Endowment to each of the State arts councils. It also authorizes the appropriation of such amounts of matching funds as may be necessary during the next 3 fiscal years. And it authorizes appropriations of $40 million for the fiscal year ending June 30, 1971, and such funds as the Congress may deem necessary to carry out the provisions of the act during the next 2 fiscal years.

The amount provided in this bill for fiscal 1971 meets the President's request for a substantial increase, relative to the appropriations the Foundation has had in the past. But in relation to the need and to the total budget, the dollar amounts, as the President also said, "are relatively small." As the President's support for the measure makes clear, the proposed appropriations, representing about two-hundredths of 1 percent of the Federal budget, will have no measurable impact whatever on inflation.

Prominent witnesses at our hearings informed us that the government of Hamburg, Germany, spends more on its opera than the U.S. Government does on all the performing arts, and that if the U.S. Government spent as much on the performing arts per capita as the Swedes do on their city opera in Stockholm, the Arts Endowment here would have some $125 to $150 million a year.

Mr. Amyas Ames, the chairman of the Ad Hoc Committee of Presidents of Symphony Orchestras, testified:

> We are not asking that our Federal Government assume responsibility for 75 percent of the total operating costs of symphony orchestra, as is customary in Europe, nor even for 20 percent of the costs, as is done in England. We are asking that our Federal Government assist the orchestras in an amount less than 10 percent of the current costs of our orchestra's gross operations—$8.5 million, an amount barely equivalent to the costs of one-third of a modern traffic circle.

This Nation can, I think, afford to invest such modest sums in the quality of American life. We will lose much more by not recognizing, in President Nixon's words that—

> We are able now to use the Nation's cultural resources in new ways—ways that can enrich the lives of more people in more communities than has ever before been possible.

I hope very much that the bill before us today is passed, and without reduction of the funds authorized or shortening of the authorization period.

Mr. Chairman, in conclusion, I wish also to take just a moment to express a warm word of tribute to two persons who have contributed much to the progress of the National Foundation for the Arts and Humanities. First, I wish to salute the distinguished Chairman of the

XUM

National Endowment for the Humanities, Dr. Barnaby C. Keeney, a man of wit and learning combined with extraordinary devotion and ability. His leadership is in large measure responsible for the outstanding achievements which have been demonstrated by the National Endowment for the Humanities.

Second, Miss Nancy Hanks, Chairman for the National Endowment for the Arts, has brought both great personal charm and wide knowledge of the arts to bear on her important responsibility. Already, during her service she has inspired confidence, respect, and affection from Members of the House on both sides of the aisle.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I yield to my colleague from Indiana.

Mr. DENNIS. I would like to say to my colleague from Indiana that I, of course, cannot agree with him more, that this is in no sense a partisan matter. However, the difficulty I have with this bill stems much less from finances or priorities—although one can make that argument—than from the question of philosophy. I just wonder if the field of the arts and humanities is not preeminently a field which ought to be left—and almost has to be left—to the free and untrammeled individual human spirit, and whether the dead hand of bureaucracy and this subsidy and control has any place at all in this field. That is the question that gives me cause for concern. I do not know whether under these circumstances we would ever have had a Michelangelo——

Mr. BRADEMAS. I appreciate the depth of my friend's concern. I would respond to the gentleman by making these two points: First of all, when he cites great figures like Michelangelo, I think we are all aware of the fact that many of those titanic figures of the past received patronage, enjoyed the financial favor of some wealthy sponsors.

Mr. DENNIS. May I remind the gentleman——

Mr. BRADEMAS. If I may complete my response to the question of the gentleman, because I do not have time to yield further and I have yielded to the gentleman but I want to respond to his concern.

There is a second way in which I would respond to him. I refer to the statement made by my friend, the gentleman from Iowa (Mr. SCHERLE) in which he alluded to the testimony in 1962 of Mr. Richards of the State of Arizona to whom the gentleman from Arizona (Mr. RHODES) also made reference.

I have in my hand, as my friend from Iowa so eloquently put it, a letter to me from Mr. Richards in which he notes that in August 1962 he did appear before a Senate subcommittee to testify in opposition to this program for precisely the kind of reasons that my friend from Indiana (Mr. DENNIS) has voiced. But he says he has changed his mind with respect to his apprehension that support by the Federal Government for the arts and humanities would involve Federal control, and I quote as follows the letter to me from Mr. Richards:

WASHINGTON, D.C.
June 29, 1970.

HON. JOHN BRADEMAS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BRADEMAS: On August 30th, 1962, I was privileged to appear before the Sub-committee on the Arts of the United States Senate Committee on Labor and Public Welfare. The purpose of my appearance was to present testimony in opposition to Federal assistance for the arts in the United States. Although the testimony I presented was based on the attitude of my Board of Directors, and a resolution from the Board was included in my statement, I also shared the Board's view.

Our opposition to proposed legislation which would provide subsidization of art groups with Federal tax dollars was based upon the following areas of concern:

1. We did not believe that financing the arts in the United States was a proper function of the Federal Government; we believed that in our form of democracy the arts could not flourish in an atmosphere of complete freedom if a partnership with the Federal Government was established.

2. We also believed that Federal tax subsidy for the arts would result in greatly reduced voluntary support to the point that volunteer support might eventually cease entirely and the arts might then become totally dependent upon the Federal Government for support.

History and experience have proven that our fears were totally unfounded.

The "partnership" enjoyed between the fine arts and the Federal Government through the National Endowment for the Arts has been a most satisfactory one. The arts *have* flourished in an atmosphere of complete freedom since the establishment of the Endowment in 1965 and matching funds provided by the Endowment for programs and projects presented in every state in the Union have resulted in the generation *at the local level* of $3.00 to $4.00 for every Federal dollar allocated; these results dispel our 1962 fears. Cries of Federal "interference" and "control" heard in 1962 are not heard in 1970! Since the Endowment was established in 1965 there has not been one legitimate claim of Federal interference or control of the art groups assisted that I know of.

A large portion of my testimony eight years ago concerned itself with our own situation in Arizona and specifically the Phoenix Symphony Orchestra. In 1962, when the Orchestra's budget was $145,000, with three successive years prior to 1962 having closed "in the black," I predicted that "within the next five years, due to the rapid growth of our area which will result in an increased demand for more service from the Orchestra, we may experience the same financial difficulties that are besieging other orchestras today." I predicted also that "if that day arrives, we believe that the situation can be handled at the local level."

How did we do? How accurate were my predictions?

Due to the rapid growth of our market area, we did in fact increase our Orchestra's service to the area. We were able to finance the modest expansion program at the local level and from the 1962–63 season through the 1964–65 season the Orchestra ended each year with a modest surplus. Commencing with the 1965 season however, our costs began to escalate at such a rapid rate, that our sources of income could not keep pace. Our 1965–66 season deficit was $5,500; 1966–67, $26,700; 1967–68, $31,300 and our 1968–69 season deficit increased to $51,700.

It became increasingly apparent that we *could not* handle the situation at the local level alone. Since 1966, the Phoenix Symphony Board of Directors has requested and received Federal funds from the Department of Health, Education and Welfare (Title III funds from the Education Act) for young people's concerts in our state, from the Bureau of Indian Affairs for concerts in B.I.A. schools on Indian Reservations in Arizona and New Mexico during the 1968–69 season, from the National Endowment for the Arts for additional concerts on the Indian Reservations during the 1969–70 season and through the Arizona Commission on the Arts and Humanities for tour concerts presented in small cities around the state. More than $100,000 in Federal funds received from the sources listed above has been expended since 1966. Even *with* Federal assistance the Orchestra has not been able to operate "in the black" since the 1964–65 season. The financial picture would look far worse, however, if these Federal funds had not been made available to us.

A portion of my 1962 statement urged increased assistance from state, county and municipal governments. The need is even greater today than it was eight years ago. Federal dollars allocated by the National Endowment for the Arts can and have helped stimulate an increase in funds from these sources for support of art groups.

Increased financial support from these sources which, as history has shown, will stimulate increased voluntary giving at the local level, will help preserve the fine arts in our country for today's citizen and for future generations.

Sincerely,

DOUGLAS RICHARDS,
General Manager,
Phoenix Symphony Association.

I am now glad to yield to my distinguished chairman, the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Let me first compliment the distinguished gentleman from Indiana for his response to his colleague from Indiana. But I personally feel in this case that we are not trying to infringe upon the ideas of anyone's art or anything else, but what we are creating is a situation in this bill where the States, all of them, are going to take over more responsibility. In the future much of the funds may be expended for better stages or concert auditoriums, exhibition halls, which we do not have at the present time, and for which none of the funds can be expended at the present time. So we will be preserving art according to the individuality.

Mr. BRADEMAS. I thank my distinguished chairman for his response. I might also say to my friend, the gentleman from Indiana (Mr. DENNIS), that I think the case for the passage of the bill before us today has been put eloquently not only by President Nixon but also by four colleagues on his side of the aisle in a splendid letter that was sent by them——

The CHAIRMAN. The time of the gentleman has expired.

Mr. PERKINS. Mr. Chairman, I yield 2 additional minutes to the distinguished gentleman from Indiana.

Mr. BRADEMAS. Mr. Chairman, I thank the chairman.

Mr. Chairman, I shall at the appropriate time express the hope that my colleagues on that side of the aisle will insert the text of their letter in the RECORD, signed by the gentlewoman from Illinois (Mrs. REID), the gentleman from Minnesota (Mr. QUIE), the gentleman from Michigan (Mr. ESCH), and the gentleman from Iowa (Mr. MAYNE), in which they indicated, not unlike the view expressed by Mr. Richards of Arizona, to whom reference has been made here earlier, that some of them had also had earlier apprehensions about the appropriateness of support by the Federal Government of the arts and humanities. But our Republican colleagues declare that they have now been persuaded by the record of the Arts and Humanities Endowments so far that, rather than cut back on the programs at this time, we should indeed, as President Nixon has urged, extend the life of the programs and make it possible to bring the benefits of the programs funded by the Arts and Humanities Endowments to many more Americans in small communities as well as large.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. Of course I yield to my colleague from Indiana.

Mr. DENNIS. But would my friend, the gentleman from Indiana, agree with me that if this does turn out to be a situation where governmental subsidy carries no governmental control, that it will be unique in that respect——

Mr. BRADEMAS. No; I would not agree. And I will tell the gentleman why. I have served for 12 years on the Committee on Education and Labor, and in those 12 years these same points that the gentleman has expressed with respect to a number of initiatives on the part of the Federal Government to support education have been made in other areas of legislation reported by our committee. But the fact of the matter is that there is a strong tradition of bipartisan support for Federal aid to colleges and universities in our country, and also increasingly a tradition of strong bipartisan support for Federal aid to elementary and secondary schools——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. PERKINS. Mr. Chairman, I yield 1 additional minute to the gentleman from Indiana.

Mr. BRADEMAS. For Federal aid to elementary and secondary schools. Yet all of these fears and apprehensions about Federal control following Federal aid were raised against these measures when they first came before Congress, and these fears and apprehensions have for the most part been eroded. I think the proof of the pudding is in the fact that today a majority of both Republicans and Democrats in this House and in the other body give strong support to Federal aid to education programs. I do not know of anyone who is campaigning on a program of wanting Federal control to follow Federal aid.

Indeed, Mr. Chairman, it might be well for me at this time to reply to the criticism of the poem "Lighght," which was referred to by Mr. Scherle in his discussion of the American Literary Anthology.

I do not believe that it is our duty as legislators to debate the artistic merits of particular works of art which have been funded by the National Endowment. We are not literary critics or critics of painting or drama. Each of us has different standards of taste, and what one Member of Congress may like in the way of poetry, painting, or sculpture may have no appeal at all for another Member.

I believe it is, therefore more appropriate and more responsible for us here to discuss the procedures used by the National Endowment for the Arts in making awards to individual artists or institutions. I say this because it is a mistake to contend, as the program's opponents often do, that Federal employees are sitting in judgment and deciding what constitutes good art or bad art.

This is simply not the case. The National Endowment for the Arts appoints independent panels of distinguished artists who represent a variety of points of view. These panels, each of which represents a different field of art, review all applications and make recommendations to the staff of the National Endowment for the Arts. The staff then takes the recommendations of the independent panels and prepares them for review by the governing body of the Endowment, the National Council on the Arts.

The National Council on the Arts, which consists of 26 distinguished citizens appointed by the President, then meets, in sessions lasting 2 or 3 days, to accept or reject the recommendations of the independent panels.

Based upon the decisions of the National Council, the Chairman of the National Endowment for the Arts makes the grants to the selected recipients.

Mr. Chairman, at every step along the line, efforts are made to keep the selection process highly professional and free of the imposition of Federal standards.

I should mention that among the members of the present National Council on the Arts, the body responsible for the final decisions, are the great singer, Marian Anderson; Isaac Stern, the distinguished violinist; the outstanding pianist, Rudolph Serkin; Lawrence Halprin, noted architect; the actor, Gregory Peck; and Paul Engle, poet, writer, and teacher from the University of Iowa.

Mr. Chairman, I do not expect my colleagues to agree with every decision made by this distinguished group of Americans. I may not agree with every decision myself. But the standards of poetry or painting or drama are not as easy to agree on as the workability or failure of a new weapons system. There are too many variables involved, and the issues are much more complex.

What we ask, and what the opponents of this legislation should agree to, is that there be no Federal control over the awards made by the Arts Endowment. Art has many forms, and I see little point to our taking time here to argue about the esthetic acceptability of individual works.

Mr. REID of New York. Mr. Chairman, I am very happy at this time to yield 4 minutes to the gentleman from Minnesota (Mr. QUIE) whose leadership in drafting legislation has been invaluable.

Mr. QUIE. Mr. Chairman, I rise in support of the bill, H.R. 16065, and while in the past I had some objections to the legislation as well as objections to the way the Endowment of the Arts administered some of their programs, I believe that we have corrected those objections at this time and I support this legislation without reservation.

Mr. Chairman, I must admit I favor the Endowment of the Humanities more than the Arts—mostly because I recognize better the need in the humanities than I do in the arts.

I think it is of the utmost importance that man learn to live in grace with his fellow man and studies in the humanities should assist man's capability to do so. Our country still does not know how to do that. We have made tremendous technological advances, but we need to permit the scholars in the humanities to assist us in making some breakthroughs in man's ability to live in peace with himself.

What in fact does the humanistic scholar do? That question was posed by Richard Schlatter, general editor of the Princeton Studies on Humanistic Scholarship in America, in a foreword to those volumes. His answer, I think, is as good as it is simple:

> The job of the humanist scholar is to organize our huge inheritance of culture, to make the past available to the present, to make the whole of civilization available to men who necessarily live in one small corner for one little stretch of time, and finally to judge, as a critic, the actions of the present by the experience of the past.

It is precisely that kind of work that the Foundation, through the National Endowment for the Humanities within it, has been fostering, and will extend if we enable it to do so.

In fiscal 1969 alone, the Endowment devoted more than $145,000 to 13 projects in research or education applying the humanities to the problems of our cities. Included were studies of "Human Values in Community Design," of the "Process of Municipal Growth in America," and of "Law and Ethics in an Urban Society."

I might point out here that we have added to the definition of humanities the terms "ethics and theology." I will have an amendment to change "theology" to "comparative religion."

In another area of humanities I think it is of the utmost importance that we understand the history of the cultures of other parts of the world.

One of the problems we have had in Vietnam is the fact that we have not understood those people well. So the Endowment for the Humanities made 29 grants totaling $322,535 for Asian studies involving the histories and cultures of Southeast Asia—Korea, Japan, India, Tibet, and China both past and present.

I would like to quote to you a passage from an article by Robert F. Goheen, president of Princeton University, in the winter 1969–70 issue of University, a Princeton quarterly.

President Goheen said:

> The kind of hot water in which our country finds itself ten and twenty years from now may depend to a significant degree on the scholarly work which is being done—or *not being done*—in university classrooms and libraries and laboratories today. America's experience in Viet Nam *ought* to have convinced us of the need for further vigorous work to build up our educational and re-

search capability for dealing with other regions that may become important to us.

That is all I am going to stress right now on the humanities. But before leaving, I want to indicate my support also goes for the Endowment on the Arts but I hope that the humanities will not be shorted in any way and they will at least get $20 million of the $40 million that we hope to authorize here for both the humanities and arts.

The best I can point out to you on the needs for the arts is from the testimony of Miss Agnes De Mille before the subcommittee chaired by the gentleman from Indiana (Mr. Brademas). If I have the time, I would like to read some of it to you.

She said:

> We are a romantic people, if violent, and we like to persuade ourselves that we love art and cherish it. We go to the most extraordinary public relations inventions to persuade the rest of the world of that, but it is not true. We have not loved art. It is a historic fact that we have despised it, and if that were not so, these hearings would not be necessary.
>
> We have considered it a frivolity, a plaything, but less desirable than other playthings like, for instance, competitive sport which we have come to realize is good for our health and our character. We concede no such virtues to art. Because of the years of hardship and deprivation in our beginnings, we have learned to place ultimate value on what is useful, and because we have eschewed all vestiges of aristocracy, we have built up an overwhelming admiration for material wealth.
>
> But art, being magic, is a part of religion and vital to human experience. We must have release for our emotions, and if we do not find proper catharsis in acceptable channels, we will find it in improper and uncontrollable ways, which is just what our youth is doing.

And she points out that if a small black boy in the dreadful conditions of the ghetto can learn to play a violin, not just as a toy, but as an instrument of power—

> Let him play superbly well, let him see what happens to other people's faces when he plays, give him that sense of power and glorious domination. He is not going out into the street and throw a rock through the window.
>
> Art is the best therapy. Men all through the ages have known this. Scientists are admitting this now. Art is the best means of education—the church has always known this. Our colleges and civic bodies are learning it. Art is the best means of communication.

I believe it is important to all of us to recognize the importance of art and indicate I am supporting this legislation providing $40 million which I hope all my colleagues will do.

Mr. HARVEY. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. HARVEY. Mr. Chairman, as we consider H.R. 16065, it is imperative that we realize that this legislation has greater significance than mere amendment of the National Foundation on the Arts and Humanities Act of 1965.

We must remember that the arts and humanities have always reinforced man's desire for achievement and expanded his vision and understanding of life. In this time of anxious search for solutions to longstanding national and international problems, we cannot overlook the contributions of the arts and humanities. The desire and understanding which they help to sustain are essential to man's growth in a world of growing complexity.

As the committee has noted, recent Presidents have expressed deep concern for our Nation's cultural development. In 1965, President Johnson proposed that "we honor and support the achievements of thought and creations of art." He noted that "we must recognize and encourage those who can be pathfinders for the Nation's imagination and understanding." President Nixon has further emphasized that "need and opportunity combine to present the Federal Government with an obligation to broaden the base of our cultural legacy—to make its diversity and insight more readily accessible to millions of people everywhere."

This accessibility is the very essence of the legislation before us. The time has come for the Federal Government to bring the gift of cultural understanding to all Americans. Through its support of the State arts councils in all 50 States, this bill helps to reach even the most culturally deprived. In the past 5 years these State councils have shown great ingenuity in developing highly effective programs using minimum funds. State programs have included touring productions of the performing arts, educational programs, exhibitions of the visual arts, and other equally exciting cultural experiences. While these programs have cultivated the financial interest of State governments and private citizens, there is still great need for further expansion of these programs.

Further, H.R. 16065 authorizes a necessary administrative change. Under the provisions of the 1965 act, it is not possible for the Foundation to accept gifts or issue grants in excess of $10,000 without the recommendation of the Council on the Arts or the Council on the Humanities. Since these Councils meet few times a year, significant administrative delays result. This bill would authorize each Council to create an executive committee which could serve as a full-time administrative force, better enabling the Foundation to meet the needs of its expanding program.

There are many who express concern over the $40 million the committee has recommended for fiscal year 1971. However, the record shows that previous Federal Government investment in State arts councils has shown a return of approximately 450 percent. Likewise, national programs in the arts and humanities have stimulated private support of almost three times the Federal contribution. This return coupled with the intangible reward of increased sensitivity and understanding, makes this legislation a sound investment in America's future. I know of no legislation more deserving of bipartisan support than this which influences the cultural future of our country.

Mr. PERKINS. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey (Mr. Thompson).

Mr. THOMPSON of New Jersey. Mr. Chairman, I rise to epress my support for H.R. 16065, a bill to extend the life and the authorization of the National Foundation on the Arts and the Humanities. This bill expands and continues our legislative commitment to enrich the cultural life of our people, a commitment which was made by the Congress in 1965.

As one of the authors of the original legislation establishing the Foundation, it is extremely gratifying to see this present bill come before the House. The Members should recognize that this bill is largely the result of the industry and vision of my close friend and able colleague, the distinguished Member from Indiana (Mr. Brademas), the gentleman from New York (Mr. Reid), and the other Members of the Select Subcommittee on Education.

Having said this, I wish to speak briefly about certain technical provisions of the pending bill which concern me. I believe these provisions set a somewhat dangerous precedent for the Foundation.

My first concern is the manner in which the authorization is written. H.R. 16065 authorizes a flat $40 million to the Foundation, without any allocation to the respective endowments or programs. In the past, the authorization bills have always broken down the total figure into equal allotments for the two endowments. Within that 50–50 breakdown, there was specific earmarking of program areas in which the funds could be used: State programs, national programs, and matching fund programs. I believe that this was a good method of authorization because it recognized the important principle of equality of funding between the endowments, while giving general congressional guidance to the priorities of programs and to the allocation of funds. I am therefore distressed that the present bill departs from this past pattern.

But I am most concerned with the bill's amendment of section 3(b) of the present law; this amendment on its face guarantees a minimum of $75,000 for each State arts council. I do not believe this provision is wise.

The Members should know that one of the most successful programs engendered by the original 1965 legislation was the State arts programs. At the time the 1965 bill was passed, there were five viable State arts councils; today there is one in each State and territory. The Federal funds which have been authorized and appropriated have been fully matched by each State, and in fact 31 political entities have not only matched the Federal funds, but have overmatched the Federal funds.

Further, this flat advance guarantee will greatly restrict the highly prized flexibility which the Foundation has enjoyed throughout its short life. In the original legislation, the Congress wisely created the National Council on the Arts to set priorities and to recommend grants. It is this Council which is responsible for balancing the contending needs in the various areas of the arts—the visual arts, the dance, literary programs, symphonies, and museums. This Council and its advisory councils have engaged in months of planning to meet the overwhelming needs in the arts. By artifi-

XUM

cially guaranteeing State arts council funds at a minimum level, this careful planning is frustrated. This would be especially true in the situation, which I think we can all envisage, where there is an appropriations cut. Such a cut would force a disproportionate reduction in the amount of money available for national programs, because H.R. 16065 would guarantee a fixed amount to the State programs.

Finally, in this connection, it is interesting to note that this particular provision was not requested by any witness who testified during hearings on the bill. The distinguished Chairman of the National Endowment for the Arts, Miss Nancy Hanks, has indicated her strong support for the State arts programs, but to my knowledge she has never requested this specific provision. Of the 10 representatives of state arts programs who testified during the hearings, all ten urged more funds for state arts programs, but not one urged this particular course—a flat guarantee of a certain amount—as a way to achieve it.

Mr. Chairman, I strongly support the National Foundation on the Arts and Humanities and this legislation which will extend its life. But I believe it is incumbent upon those of us who supported this Foundation in the past, who have carefully nurtured its legislative growth, and who have looked with pride on its auspicious early life, to consider carefully any provision which could establish a bad precedent.

Mr. Chairman, I note that the other body has declined to accept these two provisions which concern me. I would hope that the House would consider whether the interests of the arts and of the Foundation might not be better served by taking similar action.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, does Mr. B. Keeney "Bikini" or whatever his name is, have any caricatures on his cards?

Mr. THOMPSON of New Jersey. No; but he would welcome, I am sure, any suggestions. He is a very open-minded person.

Mr. HALL. I thought as a result of that grant he handed out a few years ago for the study and backgrounding of caricatures maybe at least he would grace his personal cards not only with some appropriate scantily clad cartoon or caricature appropriate to the name situation, but also maybe he would have been let out of government by this time.

Mr. THOMPSON of New Jersey. Dr. Keeney does not approve of scantily clad things, especially at his present age. He is leaving very soon, as a matter of fact, which is why I pause to pay tribute to him, and I meant just to have some fun with relation to his name. In all seriousness, Dr. Keeney is leaving the Endowment. You may criticize an isolated grant or so, but any fairminded person will acknowledge Barnaley's brilliance and dedication. I am proud to call him a great friend.

Mr. HALL. I appreciate that, and I appreciate the gentleman yielding, and I am encouraged by the gentleman's departure.

I wonder if the gentleman who is known on the floor of Congress as "Mr. Culture" will answer a question?

Mr. THOMPSON of New Jersey. Is the gentleman referring to the gentleman from Indiana (Mr. BRADEMAS) or the gentleman from Iowa (Mr. SCHERLE)?

Mr. HALL. I am referring to the gentleman from New Jersey personally, my warmblooded friend for whom I have the greatest affection. In connection with the so-called word which has been bandied about today so much, I would like to ask first of all what is a word?

Mr. THOMPSON of New Jersey. I would rather leave the interpretation of that word to the gentleman who studied it so assiduously, the gentleman from Iowa (Mr. SCHERLE).

In speaking of the gentleman from Iowa and speaking of warm friends, I might note that today is the birthday of our distinguished colleague, the gentleman from Iowa, Mr. HAROLD ROYCE GROSS.

Mr. HALL. Mr. Chairman, if the gentleman will yield, I am cultured enough to lead in the "happy birthday" salute.

Mr. THOMPSON of New Jersey. Those who have researched carefully will find the gentleman admitted to his birthdate when he first came here, but I do not find it in today's RECORD. Nevertheless, I could point out that our friend and colleague, the gentleman from Iowa (Mr. GROSS) was engaged in the Mexican War skirmishes. In about 1919 he still skirmished. It has been suggested the gentleman will offer an amendment later today to add $100,000 for each year of his life to this authorization, and I intend to support that. I hope the gentleman will offer it.

Mr. HALL. Mr. Chairman, I think the gentleman chooses his battle armaments well, and I know the Old Skirmisher will be in there pitching for I understand he is "age 39—and holding"—but the gentleman from New Jersey has very astutely avoided defining the definition of "word."

Mr. THOMPSON of New Jersey. I have done my best. Also, I am certain that everyone joins us in wishing Mr. GROSS a truly happy birthday and many more to come.

Mr. HALL. Mr. Chairman, I have taken the trouble to look up the definition of "word." A "word" is that which is said or written or spoken, according to the biggest dictionary I can find. Today we have bandied about the fact that a group of consonants and one lonely vowel—"Lighght" is very much like a word. I am not sure it is a word, but if the gentleman thinks it is, maybe it is related to the old Scotch song about: "It's a braw bricht moon-licht nicht, tonicht."

Mr. THOMPSON of New Jersey. I do not think it is Scotch. I think it is Welsh, perhaps something like the name Llewellyn or the name of that famous Welsh town.

Mr. HALL. I am wearied by the "lack of culture" in that repetitive retort to the economy of the country in decrying and defining the so-called poem. It is not human, let alone prohumanity—it is protaxpayer.

Mr. THOMPSON of New Jersey. I might say the gentleman from Iowa repeated it so many times in the RECORD that the cost of its reprinting will probably exceed that which he complains about.

Mr. REID of New York. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. ESCH).

Mr. ESCH. Mr. Chairman, I urge support and passage of H.R. 16065 extending the life of the National Foundation on the Arts and the Humanities.

My colleague from Minnesota (Mr. QUIE) has effectively emphasized the significance of stronger support of the humanities and I join him in that emphasis. Let me now discuss the contribution to the arts.

No part of our national heritage is more important than the preservation and encouragement of our great national culture. We have a uniquely American culture of which we should be proud. The National Foundation on the Arts and Humanities is the national expression of that pride.

I have seen examples of the successful work of the Foundation in my own State, and many of my constituents have expressed to me their appreciation of the Foundation's programs. The fact is that the Michigan State Council on the Arts has had a great impact on the cultural life of our State. One of the examples of the Michigan council's imaginative work is the "Michigan Artrain." This unique project will take art exhibitions to many communities throughout Michigan during the next few years. The artrain is an innovative and interesting concept in the field of traveling exhibitions, and its background indicates how effectively funds from the National Endowment of the Arts can be used.

In the past some of us have feared that a national contribution to the arts and humanities would discourage private donations. The artrain is one of many examples that have contradicted these fears. The inventive mobile museum was granted a total of $16,700 for the development of the project.

The Michigan council with the support of the railroad industry, Eastman Kodak, which provided equipment and services, and many other private sources developed the artrain. With these donations, the arts council staff reports that every dollar provided by the National Endowment for the arts will have been matched by an estimated $300 from the private and business sector in Michigan.

The artrain is just an example. Throughout the Nation, State councils on the arts have encouraged private support of cultural programs rather than cut back on private interest.

When the legislation was first approved concern was expressed about the truly national nature of the Foundation. In the past 5 years, however, the National Foundation has brought our culture to the entire nation and made it available in smaller cities and towns through such means as artrains, community orchestras, and traveling galleries. In Michigan, for example, $156,655 in grants to the Michigan State Council on the Arts has assisted more than 100 projects in virtually every area of the State.

No doubt there will be discussion on the floor of some abuses which took place in the establishment of the program. I do not condone those abuses and believe that administrative steps are being taken to assure that they do not recur. On a broad perspective, however, I feel that the thrust of the National Foundation has been extremely constructive in enhancing our great national heritage.

The funds in this bill are modest in comparison with so many other programs which we consider. I believe they are vital. As President Nixon said in his message to the Congress:

> Few investments we could make would give so great a return in terms of human understanding, human satisfactions and the intangible but essential qualities of grace, beauty, and spiritual fulfillment.

I feel strongly that the National Foundation on the Arts and Humanities deserves this continued support of the Congress. I urge my colleagues to consider it favorably, today.

Mr. REID of New York. Mr. Chairman, I yield 4 minutes to the gentlewoman from Illinois (Mrs. Reid).

Mrs. REID of Illinois. Mr. Chairman, I rise in support of H.R. 16065. Although I originally shared the doubts of many of my colleagues about Federal support of the arts and humanities, in my judgment the Foundation has made a creditable record and H.R. 16065 merits favorable consideration.

One of the principal concerns I had was that the appropriation of Federal money would replace outside funding. This has not proven to be the case. Indeed, the National Endowment for the Arts has established a remarkable record of stimulating, rather than supplanting, other sources of funding for the arts. The Endowment's national programs have served as "seed money" and generated funds at the rate of about $3 for every $1 they have invested. Furthermore, the Endowment's Federal-State partnership program of direct grants to State arts councils has helped State legislatively appropriated funds to more than quadruple in the past 5 years.

While I am on the subject of State councils, I would like to say a brief word about that of my own State, the Illinois Arts Council. Under the leadership of its chairman, George Irwin, this council has launched an impressive series of programs benefiting the entire State. The National Endowment has made direct grants totaling over $300,000 to the council over the past 5 years, joining Federal and State governments in a partnership for further development of the arts in Illinois. I think it is significant that, during the past 3 years, the Illinois State Legislature has increased its appropriation sixfold, from $100,000 to $600,000. In addition the council has done an excellent job of attracting private funds as well.

A few examples may help illustrate the National Endowment's proven ability to generate other funds outside of Government. A $25,000 grant 3 years ago to the Radcliffe Institute to assist outstanding women writers was quickly followed by a $300,000 grant from a private foundation. A $5,000 endowment grant this year for a poetry-in-the-schools program in Minneapolis-St. Paul was so successful that a major local foundation has offered $35,000 to extend and continue this program in the future. The present Chairman of the National Endowment for the Arts, Nancy Hanks, in her Senate confirmation hearings made it abundantly clear that one of her major aims is that the Endowment be active, in her own words, "particularly in encouraging private resources of funds to come in with a much more vital partnership role with the Government."

Originally, I shared the same concern expressed by my good friend from Indiana, Mr. Dennis, that Government support of the arts might result in government control but I feel that this fear has proven to be unfounded. During the recent hearings on H.R. 16065, private citizen representatives of music, the visual arts, film, arts administration, classics, and others were asked about the danger of Federal control. All stated that they saw no such danger, particularly because pluralistic support of the arts—individuals, corporations, foundations, and municipal, county, and State governments, as well as the Federal Government, precludes any single dominant force.

In my opinion, H.R. 16065 is worthy legislation and I urge my colleagues to support it.

Mr. REID of New York. Mr. Chairman, I yield 2 minutes to the distinguished minority leader (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. Mr. Chairman, when this program was first submitted to the Congress in 1965 I had reservations in two respects. First I was concerned about the initiation of a new program, admittedly small in comparison to many of the other Federal programs and one that had a potential of growth at a time when we were beginning to feel the squeeze and the pinch of some fiscal problems in the Federal Government. Second, I was concerned about the potential controls that a Federal establishment might have over the individual initiative and talent of those who were in the field of the arts and humanities.

Nevertheless, from the outset I have supported the program although on each occasion or on most occasions I have voted to make reductions in the amounts that were available in the appropriations or in the authorizations.

I support this program today and this authorization to the full extent because it seems to me that as we are hopefully emerging from our international problems at least in Southeast Asia we can look forward to more Federal resources for the arts and humanities. But let me talk about the impact of the program, if I might, on a local area.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. REID of New York. Mr. Chairman, I yield the distinguished minority leader 2 additional minutes.

Mr. GERALD R. FORD. I thank the gentleman from New York.

Mr. Chairman, my home is Grand Rapids, Mich., a city of approximately 200,000. We, like many Middle Western communities of comparable size, have had our share of local citizens who have been actively interested in the arts and in the humanities. We have an outstanding civic threater, we have a superb museum, we have an outstanding local symphony. We do extremely well in the field of cultural interest and achievement on a comparative basis with any other community of a similar size.

Mr. Chairman, back a few years ago just after this program was initiated a number of local citizens came to me and asked for my help in trying to get some Federal funds for an outstanding piece of outdoor sculpture. I must confess that I am not an expert in deciding whether one piece of sculpture is good or another one bad. But there were outstanding citizens in the community who had a vision and they convinced me that their project which was to be an integral part of our Vandenberg Center urban renewal area. In this magnificent Vandenberg Center, we have a new county building, a new city hall, two new banks, a new hall of justice and, hopefully, a new Federal office building and a new State office building. The local cultural leaders recommended a piece of outdoor sculpture. The recommendation was submitted to the proper Federal authorities on the basis that the local authorities should raise their fair share to match the Federal funding. Such funds were raised and the Federal grant was made.

We now have I am proud to say what is called a Calder at the civic center area, the Vandenberg Center, at Grand Rapids. This startling example of outdoor sculpture is a great addition to our community. There were misgivings at home about this particular piece of art initially and there was some criticism. But I think the consensus and the overwhelming view today is that this was a new shot in the arm for our community, a combination of good local initiative and Federal cooperation.

Mr. Chairman, I am proud to say that Grand Rapids is now one of the three communities where there has been joint expenditure through the work of arts in public places program. It has been good for the community. It has been a good illustration of what can be done by the city, local leaders and the Federal Government working together. It is indicative of what we should do in the future.

Mr. PERKINS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. Van Deerlin).

Mr. VAN DEERLIN. Mr. Chairman, there is a certain gentle irony surrounding our consideration of a bill authorizing more generous appropriations for the National Foundation on the Arts and Humanities.

President Nixon is firmly behind this bill—and so, apparently, is the Democratic Study Group.

But what about the majority of our friends on the other side of the aisle? How will they respond to Mr. Nixon's call for sufficient funding to—and I

XUM

quote—"help broaden the base of our cultural legacy?"

In 1968, when this controversial Foundation was last up for congressional renewal, our Republican colleagues were not very enthusiastic. In fact, the Foundation would have ceased to exist if the Republicans had had their way.

That year, House Republicans voted 158 to 19 to cut a committee-proposed authorization from $135 million over 2 years to only $11.2 million for a single year.

In rather stark contrast, only 136 or 137 nonsouthern Democrats recorded on the same rollcall favored the reduction.

Later, after the Senate had restored some of the money, GOP forces in the House voted 102 to 62 against a compromise conference report, which was saved from ultimate defeat by Democratic votes.

Now all this seems slightly ridiculous to me. For who really reaps the benefits of the Foundation's subsidies to performing artists? Traditionally, it has been the person who can afford a ticket to the sympthony or the opera, the sort of affluent individual who typically resides in a comfortable Republican congressional district.

Yet our Republican colleagues, who would appear to have the most to gain, are on record as overwhelmingly opposed to the Foundation.

Consider the cultural situation in my own San Diego area. In recent years, Foundation grants have gone to such local institutions as the Old Globe Theater, the San Diego Symphony and the Ballet of San Diego. These are worthy activities—but who patronizes them? The preponderance of theatergoers in San Diego, as elsewhere, come from the plusher parts of town, from well-heeled areas such as La Jolla, Point Loma, and Mission Hills—all, naturally, GOP bastions.

XUM

On reading committee hearing transcripts, I am encouraged to hope that the new legislation will lead to some free performances, especially for children. However, in view of our earlier track record, I think we Democrats should avoid taking part in another ballout operation for the National Foundation on the Arts and Humanities.

At the very least, we should withhold our support until we are sure the Republicans are with Mr. Nixon on this.

Normally, I do not take my cue from the GOP, but I am going to make an exception today. I shall wait to see how our Republican friends are lining up before deciding how to cast my own vote.

And I do hope Mr. Nixon has better luck with his fellow Republicans than President Johnson did during the near debacle of 1968.

The CHAIRMAN. The Chair will announce that the majority has 2 minutes remaining, and the minority has 3 minutes remaining.

Mr. REID of New York. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, I would simply like to point out to the Members here that, conceding and agreeing that there has been no problem with Federal control in this program to date, the potential is there, and cannot help but remain there, because you have here grants of large sums of Federal money with the power to grant or to withhold. The power to withhold is the power to discourage; it is the power to suppress; it is the power to censure, if you ever get an administration in control which wants to do that sort of thing.

The trouble with this bill is that it is bad in principle for the reason stated, and it is just as bad under a Republican administration, I may say to my friend, the gentleman from California, as under a Democratic administration; and as one interested in and sympathetic to the arts and the humanities I say keep them free.

Mr. REID of New York. Mr. Chairman, I yield myself the balance of my time.

Mr. REIFEL. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from South Dakota.

Mr. REIFEL. Mr. Chairman, I am pleased that our minority leader is in support of this legislation. I have had reservations from the very beginning with respect to this, but in an entirely different connotation. There are communities all over our country that need this kind of program, and I have been for this from the very beginning.

Mr. Chairman, I rise in support of H.R. 16065, to point out in particular what the existence of the National Foundation on the Arts and the Humanities means for the development of this country's young scholar-teachers.

On the average it has been taking graduate students in the humanities 2 to 5 years longer to complete their doctoral program than students in the natural sciences. Part of the reason is a difference in programs; but part of it is in the easier time science students have had in finding support. Once they complete their doctoral programs, science students have found more money as well for postdoctoral research, in large part from the Federal Government. If the National Endowment for the Humanities could award postdoctoral fellowships to as high a percentage of academic humanists as the percentage of academic scientists receiving Federal support, it would make some 2,000 awards annually. In fiscal 1969 the Endowment was actually able to award only 85 fellowships and 100 summer stipends.

Nonetheless, those few awards have been of great encouragement to our humanistic scholars and teachers, for they have been a substantial addition to what is available in the humanities. In congressional testimony W. McNeil Lowry, vice president of the Ford Foundation, recently explained:

> In general, from sources outside the research funds of individual universities and colleges, humanistic scholars in the United States have had access in recent years to post-doctoral fellowships totaling no more than 300 in any one year.

A report in 1969 by the National Academy of Sciences on postdoctoral education in the United States showed that awards in the arts and humanities totaled only approximately 2.1 percent of all postdoctoral awards. In contrast, 15.5 percent of the total went to chemists alone, and 55.5 percent, more than half, went for work in the "life sciences."

The Endowment for the Humanities has given its awards to young, teacher-scholars in particular, those under 40 who have not had a chance to make progress on the major contributions to knowledge they hope to make during their careers, or who have had no chance to take a few months out for study and reflection on how to do a better job of teaching. Younger faculty members aided by the Endowment have worked on such topics as contemporary American jurisprudence, the historical background of urban development, and the cultural and historical contributions of several American minority groups. In several cases a few months on an Endowment award has enabled young teachers to complete planning for entirely new courses at their colleges. One young thinker found the time he was able to spend studying the philosophy of law on an Endowment fellowship "the most intellectually exciting period thus far in my academic career."

Fellowships have been awarded in every State in the Union. They are given competitively, with the initial screening done by the colleges and universities themselves, for each school is limited to just one applicant per year for a younger-scholar fellowship, and one for a summer stipend.

From fiscal 1967 through 1969, 31 percent of the Humanities Endowment's budget was devoted to its fellowships and summer stipends. In the future, the Endowment hopes to continue this program, but also to provide fellowships in particular areas of special need—such as specifically for the humanities teachers in our mushrooming junior colleges, who have even less time free for self-improvement and development than university instructors do.

This kind of support is not an expense, but an investment in the development of the Nation's brainpower, for in the next 10, 20, 30 years today's young humanistic scholars will have come to maturity as thinkers, writers, teachers. As a young scholar wrote after winning an award, "the Endowment has filled a crucial gap in the fellowship structure."

Mr. MAYNE. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from Iowa.

Mr. MAYNE. Mr. Chairman, I also rise in support of H.R. 16065, which will increase the authorization for both the National Endowment for the Humanities and the National Endowment for the Arts.

I was pleased to note that the President, in supporting this legislation, placed particular emphasis on the need for extending cultural opportunities throughout our country broadly.

Both of the two agencies comprising the foundation—the National Endowment for the Arts and the National Endowment for the Humanities—have developed programs that go far beyond the major cultural centers, "reaching more people," as the President put it, "than has ever before been possible."

The Arts Endowment has been active in helping outstanding performing groups tour widely in the Nation. The Humanities Endowment as well has found ways to reach the public, making knowledge in such fields as history, literature, and philosophy more widely available to our citizens.

One of these methods is of particular interest; it is highly experimental and has just begun. It is the national humanities series, supported by the Humanities Endowment and operated by the Woodrow Wilson National Fellowship Foundation, which for more than a decade has conducted a number of educational programs.

Through its contacts on college and university campuses throughout the Nation, the Wilson Foundation recruited four teams of three to five persons each—people who not only know the humanities but can communicate well to general audiences. These teams have prepared special programs under the general theme: "Time Out for Man: The Humanities in Action." They are currently traveling to present these programs in four different regions of the country, spending several days in each of more than 30 communities in 22 States. The communities selected cannot provide easy access to major cultural institutions such as large libraries, museums, and universities. But local interest was a major factor in selection, and committees of local citizens join in the planning. These are smaller cities, such as Liberal, Kans.; Dalhart, Tex.; Raton, N. Mex.; Toms River, N.J.; Whitesburg, Ky.; and Cherokee, Iowa, one of the most progressive communities in the district which I have the honor to represent.

The teams spend time with schools, with civic clubs, with women's groups, and so on. The program is being evaluated thoroughly as it progresses. Already there are indications that the people being reached are welcoming the opportunity. Certainly that was the experience in Cherokee where the remarkable success of such a team was widely reported in the press. I will refer to only two of the newspaper articles which appeared at the time attesting to the enthusiastic reception the program received in Cherokee.

First, Maxine Burnett wrote in the Sioux City Journal for March 29, 1970 as follows:

> Cherokee area residents took "time out for man" recent and they'll concentrate again on man, his society and his environment during programs at the end of March and the first of May.
>
> The Cherokee community is one of 30 throughout the nation that are benefiting from a series of three presentations attempting to make the humanities—literature, philosophy, art, music, film—relevant to the every day life of "rural" residents.
>
> The National Humanities Series was developed by the Woodrow Wilson Fellowship Foundation and was funded by the National Endowment for the Humanities, a federal program. During the series, three, three-member teams, each consisting of a professor and two performing artists, visit each community for a two-day period.
>
> Cherokee is a logical choice for a program such as the series. It's a town of 8,000 that has already demonstrated its interest in the humanities. Since 1951, it has had a planetarium and museum, with a professionally done display on the natural history of Northwest Iowa.
>
> There's a new community center where such performances as the humanities series are presented. The city has its own symphony orchestra and an active theater group which present both plays and musicals. There are small, but active, artists, writers' and archeologists' groups.
>
> Annually, there is a Cherokee Arts Festival.
>
> The second program will focus on "The Private Sphere—Man's personal relationships, exploring loneliness, loyalty and love." The first program of its humanities series was presented in Cherokee on March 2 and 3 and was titled "The Human Community—Everyman and his fellowman, cooperation, conflict, rights and responsibilities."
>
> The developer of the first Cherokee performance was Dr. Maurice Brown, a professor of art and filmmaking at the State University of New York at New Paltz. Performers with Dr. Brown were Rod Arrants, and "actor, director, singer and guitarist," and Constance Simmons, an "actress, singer and musician."
>
> The first day and a half of their stay in Cherokee was spent in individual sessions with various high school and civic groups. The first evening's individual performances were open to the public.
>
> Arrants spent much of his time with the high school audiences in folk singing performances. He also discussed poetry with the students, answering such questions as why the students should be required to read such literature as Greek tragedies and pointing out why they would be useful to them.
>
> Miss Simmons spent one of her high school sessions criticizing the work of music students. Miss Simmons is a former member of Fred Waring's Pennsylvanians and the high school music teacher is also a former singer with that group.
>
> Dr. Brown's meetings at the high school included one with an art class. Through the use of slides shown out-of-focus, Dr. Brown conducted a practice session in perception. He told the students to just react to the forms they saw, not to attempt to copy exactly or go for details.
>
> Mrs. Lyle Midland, chairman of the Cherokee committee that arranged the series of meetings with the three performers, said that their sessions were very unstructured and fluid. The three interacted with their audiences all of the time, rather than performed, she said.
>
> Commenting on Brown's first evening session, which was held at the Sanford Museum and was open to anyone interested, Mrs. Midland said, "Everyone was listening to every word."
>
> She said Dr. Brown told his audience to not only look at the content of art, but also at the form it is in.
>
> Mrs. Midland said that the sponsoring Foundation decided to spend most of the available funds on getting the artists to the communities. Little was spent on administrating the program, she said.
>
> It was therefore left up to the towns to receive the artists and organize their programs there.

And here are some excerpts from an editorial which appeared March 5 in the Cherokee Times following the program under the title "Humanities Series Food for the Soul":

> HUMANITIES SERIES FOOD FOR THE SOUL
>
> We think the National Humanities Series is good for Cherokee.
>
> It has stirred people to think.
>
> And though such an observation might seem to some to be innocous, it is important in these changing times for more people to think more deeply and to seek answers to questions about themselves and the society around them.
>
> Most of us live in a contained, familiar world—made as comfortable as possible.
>
> On the average, we work eight hours, sleep eight hours and use the remaining time for all other activities: Eating, entertainment, relaxation, hobbies, participating in organizational functions.
>
> Many of us are insulated from changes going on around us—and therefore it is difficult for new ideas to penetrate our patterns.
>
> We do not consciously attempt to stretch our minds, to increase our understanding, to expose ourselves to new concepts.
>
> And, therefore, we miss much of life that is important.
>
> To many of us, poetry is something we studied many years ago during our educational period. So, to us, it's for kids.
>
> Modern art is given short shrift because some of it is not photographic in appearance and time is not taken to appreciate that artistic moods are perhaps more important in their symbolism and inclusion of multiple aspects and broad panorama than instant recognition.
>
> Books are thought to be for people with time on their hands—and not for the busy, involved persons who can pause only for the short plots . . . even though such plots, to be short, must deal with surface subjects in a quick, superficial manner.
>
> Concerts and plays, similarly, draw smaller crowds than, for instance, athletic contests because to understand and enjoy, you must go beyond the role of spectator and become a mood participant.
>
> Change in our way of thinking and way of life is not coming. It is here.
>
> There are people in the streets demanding change—some rational, some irrational.
>
> How the ideas and concepts being promoted are to be handled by an intelligent society will depend on that society's ability to think—and think deeply.
>
> We do not mean here to link the National Humanities Series to street revolution. We simply make the observation that material presented through the series is basically soul food which, if partaken of by us, can give us broader perspective and understanding toward those around us.

The Humanities Endowment has helped humanists "stir people to think" through other kinds of projects as well. Films and television programs using the humanities will reach national audiences of thousands. I am talking of historical documentaries, for example, such as "The Trail of Tears," being produced with endowment aid by National Educational Television. It will explore the history of Indian-white relations as illustrated by the Cherokee, who more than any other tribe in the early 19th century attempted to adopt "white" civilization, but whose achievements were lost in conflict, creating difficulties that trouble us yet today.

The endowment has taken note of the great needs of the Nation's 2,500 historical societies and museums, which serve millions annually. The growth in public use of these institutions has caused enormous problems in finding enough adequately trained personnel. The endowment has funded workshops, conducted by the American Association of State and Local History, which have provided training for 271 workers in historical agencies. The endowment additionally has made possible 10 internships for study in leading museums and 87 fellowships for study in seven universities with programs of preparation for museum work.

Louis C. Jones, executive director of the New York State Historical Association, testified in congressional hearings that 20 training programs such as the endowment has supported are needed in qualified universities and museums, and that within the Government—

> The Endowments on the Arts and Humanities are the only places to which we can turn for support. And this is support to preserve for the generations ahead the actual objects which are part of the fabric of America's heritage.

The examples I have given do not exhaust by any means the efforts the Endowment for the Humanities is making to reach the general public broadly. In fiscal 1969, the endowment made a total of 49 grants through its division of public programs. The total dollar amount was small in relation to the audience to be reached—slightly more than $1,250,000. But the programs aided do extent the humanities far beyond New York City and Boston to museums, libraries, historical associations, and other agencies conducting special programs for the public in Kentucky, West Virginia, and North Carolina; Oklahoma, Colorado, and South Dakota; Michigan, Wisconsin, and the State of Washington.

The emphasis the endowment has given to its public programs has mounted: In total percentage of the endowment's budgets, public programs grew from 10 percent in fiscal 1967, to 12 percent in fiscal 1968, to 23 percent in fiscal 1969.

XUM

Funds from the National Endowment for the Arts have also been put to good use in Iowa through the Iowa Arts Council, which was made a formal State agency by the Iowa Legislature in 1967 with an appropriation of $50,000. The National Endowment for the Arts has made annual grants to the council on a 50–50 matching basis. These have increased from $24,608 in fiscal 1967 to $36,363 in fiscal 1970, and are for arts programs affecting the entire State. The council coordinates the efforts of all arts groups in Iowa and sponsors appearances by groups and individual artists throughout the State, bringing the world's finest music, drama, dance, poetry, and the fine arts to our people. The highly competent executive director of the Iowa Arts Council, Mr. Jack E. Olds, informs me there have been a record number—74—proposals received from music and art groups in Iowa this year, indicating a much greater interest and increased need by artists, institutions, groups, and communities. Selecting those applications which are most worthy has been most difficult and many excellent programs have had to be denied. This situation will be greatly improved and an even more beneficial program provided if the increased funding of this bill is made available.

One of the reasons the Congress created the National Foundations on the Arts and the Humanities in 1965 was, as stated in the act, "that democracy demands wisdom and vision in its citizens." The public programs of the National Foundation on the Arts and the Humanities are major means of making more accessible to our citizens the resources for developing wisdom and vision. And those programs are a major reason for reauthorizing the foundations and increasing support for their work.

Mr. REID of New York. Mr. Chairman, in the 60 seconds remaining just let me make a few brief points.

This bill is a bipartisan bill. It is the result of a joint effort by Chairman Perkins, Subcommittee Chairman John Brademas, and the gentleman from New Jersey (Mr. Thompson), who has long been a staunch friend of the arts. On the Republican side, Mr. Ayres, the ranking minority member, Mr. Quie, Mr. Hansen, and Mr. Esch were most helpful and we had the close cooperation of Minority Leader Ford and the gentleman from Ohio (Mr. Bow).

It was reported out of the committee 20 to 1. It enjoys the strong support of the President. It is his bill. It has been approved by the Bureau of the Budget. I think Miss Nancy Hanks of the National Endowment for the Arts and Dr. Barnaby Keeney of the National Endowment for the Humanities have done an excellent job and have shown important leadership in the arts and humanities. Their aid in the drafting of this legislation has been most helpful to the committee.

The funds that have been made available to the State art councils, which now number 55, have increased about nine times. In 1969, $1.7 million in Federal funds, produced more than $18 million in State and private outlays.

We have received $7.4 million in matching gifts for the arts and $3.6 million for the humanities; these gifts were matched with Federal funds. Arts Endowment matching grants generate three to four times their Federal investment even though the law only requires a dollar to dollar match.

Mr. Chairman, let me say that the arts need help. Mr. Clive Barnes, dance and drama critic of the New York Times, told the committee in his testimony that "American dance, both classic ballet and modern dance, is facing the most severe financial crisis in its history." In 1970, the deficit for our 90 leading orchestras totaled $8.5 million, according to Amyas Ames, president of the New York Philharmonic. The theater is in similar difficulties, with ticket income up 8 percent in 2 years and gross expenditures up 17 percent.

The problem is not confined to institutional art but affects individuals as well. A recent survey of former participants in the MacDowell Colony showed that 74 percent of the writers, 92 percent of the composers, and 88 percent of the painters and sculptors could not support themselves from the earnings of their art.

For the future, the Arts Endowment plans to spend several million dollars on the expansion and improvement of the public service and quality of 90 major orchestras. Additional funds will also go to museums which might otherwise have to curtail some of their activities. And more money will go to opera companies for new productions and tours to benefit many Americans who do not live near resident groups.

On the humanities side, additional funds are needed for basic research; for improving education in the humanities; for fellowships for writers, teachers, and scholars; and for expanded use and enjoyment of the humanities by the general public.

Most specifically, there continues to be a grave imbalance between the humanities and the sciences in terms of Federal support. Only 2½ percent of the postdoctoral fellowships awarded in this country go to humanists; and the Federal Government spends $5 million on the humanities as opposed to $15 billion for the sciences.

I urge support for this bill, which I think is essential to the quality of American life. I think the funds that are made available will return four, five, and 10 times to the benefit of future Americans.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PERKINS. Mr. Chairman, I yield to the distinguished gentleman from Hawaii (Mr. Matsunaga).

Mr. MATSUNAGA. Mr. Chairman, as a cosponsor of the legislation which first established the National Foundation on the Arts and the Humanities in 1965, I rise in support of H.R. 16065, which would provide a 3-year extension of the life of the foundation.

It is imperative that we pass this bill today because the present authorization for the foundation will expire in a matter of hours. The work of the foundation's two cooperating entities, the National Endowment for the Arts and the National Endowment for the Humanities, has been most promising, and the Congress would be fully justified from every standpoint in extending the life of the foundation.

I can attest to the very real assistance that the foundation has given to even such a small State as Hawaii. In fiscal year 1969, Hawaii received a total of $41,159 in Federal grants from the National Endowment for the Arts and $10,000 from the National Endowment for the Humanities, and in fiscal year 1970, the State has already received comparable sums. These grants have helped immeasurably to stimulate creative expression in Hawaii, and similar grants have done the same elsewhere in the country. We ought to keep the gains we have realized since the foundation was established, and, by the enactment of H.R. 16065, assure further improvement in the quality of American life over the next 3-year period.

Each of the funding arms of the foundation, consistent with the congressional intent, has extended its activities on a nationwide basis. In the first 4 years of its existence, the National Endowment for the Arts disbursed a total of over $25 million in Federal funds for more than 300 projects costing nearly three times that sum. In other words, approximately $50 million for these arts projects came from public and private sources to triple the impact of the Federal appropriations. The significant thing about the arts endowment funds was that they supplemented rather than replaced exiting fund sources.

In Hawaii, for example, the State Arts Council received in 1970 matching funds from the State Legislature in the amount of $163,579, the 10th largest contribution of its kind among the various States.

Instead of reaching a restrictive audience of upper class Americans as the critics of the 1965 legislation had feared, Federal programs stimulating the arts have reached an ever-widening audience across the country. In these troubled times when both young and old are questioning our national priorities, our task is clear. We ought to continue the vehicle which has already proven itself as a major force in the enhancement of the quality of life for the American people.

The other funding arm of the foundation, the National Endowment for the Humanities, has also had an impressive record during the past 4 years. It has developed to improve the teaching in the humanities in our educational institutions all the way from the elementary school to the college level. Outside of our educational institutions, it has fostered a broader appreciation of the humanities among the general public. Perhaps the most significant result that will flow from this fostering of a better national appreciation of the humanities is the infusion of a humanistic approach in seeking solutions to our most urgent social problems. While it is true that the forces of science and technology must continue to provide the necessary technical basis for our answers, it is only through humanistic studies that we will learn to apply those answers with wisdom and understanding.

Mr. Chairman, the bill to extend the life of the National Foundation on the Arts and the Humanities and to authorize appropriate additional funding in the years ahead deserves our wholehearted support. I urge a unanimous vote on H.R. 16065.

Mr. PEPPER. Mr. Chairman, having introduced a bill to set up a Federal Bureau of Fine Arts—intended to be the equivalent of the National Foundation on the Arts and Humanities—in 1938 at a time when there was not a favorable climate for this sort of thing, I was naturally gratified when the Congress established the National Foundation on the Arts and the Humanities—of which I was one of the sponsors—in 1965 and has from time to time expanded this program as is evidenced by the pending bill. I hope we shall continue to enlarge this important function of our Government so as to enrich with ever increasing meaning the cultural life of the people of our country.

Now that we have undertaken to establish this program we must work to see that it receives the full support of our financial and human resources. If we fail to do so, this program, which may prove to be one of the most far reaching of our time in providing our country with the cultural temper required of all civilized nations, will suffer and from our neglect and who is to say but that our nations soul may suffer in turn. We are proud to be making progress in scientific, technological, and social fields, but we have not yet afforded this country the opportunity to fully develop its cultural potential and to make its cultural resources available to all its people. We now have a chance to do this.

Mr. ANNUNZIO. Mr. Chairman, I rise in support of H.R. 16065, the bill to amend the National Foundation of the Arts and the Humanities Act of 1965, and I want to commend both the Honorable CARL PERKINS, chairman of the Education and Labor Committee, and the Honorable JOHN BRADEMAS, chairman of the Select Subcommittee on Education for their leadership and interest in the National Foundation. These two distinguished legislators have done a great deal to further the cause of the arts and humanities in America. Not only have their committees reported favorably on a bill which proposes to increase Federal support of the arts and humanities, but the hearings which have been held on this bill have helped to focus public attention on the past achievements of the Foundation and have encouraged interest and participation in these areas on many levels.

Five years ago, when the original legislation was enacted which established the National Foundation on the Arts and Humanities, much was said about the relative places science and the arts held in American society. And much criticism was voiced regarding the Federal Government's encouragement of this disparity. There is still a disparity—we allocate much more money to science—but the important thing to note today is that the money authorized for the arts and humanities would be doubled if this bill is passed. President Nixon last December voiced his approval of extending the Foundation for 3 years and doubling the Federal money, from $20 million to $40 million, which could result in a considerable increase in funds for the Foundation. Nancy Hanks, Chairman of the National Endowment for the Arts, testified before the Select Subcommittee that:

> Every $1 spent by the Government on the arts generated $5 in private giving.

In 1965 the need for financial assistance in larger amounts than private giving could supply was emphasized by members of the performing arts, teachers, private citizens, people concerned with the Nation's museums, theaters, and symphonies, and many others. Many of these people came to voice their concern before Congress. At that time I was very proud to be a cosponsor of the initial legislation for the National Endowment for the Arts and the Humanities, and I am even prouder today. During the testimony before the House and Senate Committees on the original National Foundation Act, many points were brought up which illustrated the increasing need for Federal aid in this area. Senator EDWARD KENNEDY was one of the distinguished witnesses before these joint hearings and he put quite succinctly the basic problem being faced by participants in the fields of arts and humanities:

> This spread of these institutions of culture in recent years shows that the thirst for culture among the people of our country is tremendous. But this is where the problem lies. We are not able to satisfy this thirst, in the way that it should be because the artists and performers needed are not getting the economic incentive they need to do the job. . . . Thus, promising young men and women, who could be great performers in the arts, are going into other occupations, not as personally satisfying, not as challenging to their talents, because they cannot afford to do otherwise.

This was 5 years ago, but during her testimony before the Committee on Appropriations, April 7, 1970, Miss Nancy Hanks echoed a similar problem facing arts organizations. She said:

> Our Nation's museums continue to experience an astonishing growth in demands placed upon them: The total number of individual visits to museums in 1969 was estimated at 560 million; 5 years ago the total was only 300 million visits. The sale of tickets for nonprofit professional arts performances has increased more than 2½ times in this same 5-year period—up from 13 million tickets sold in 1964 to over 30 million in 1969. In 1960, there were only 75 arts councils in the United States; today they number more than 600—a dramatic demonstration of our rapidly proliferating concern with arts at the local level.
>
> Encouraging though these signs may be, they have presented for arts organizations a number of serious problems. Demand for the arts, the production of the arts, has placed increasing pressure on them, for they are confronted by drastically rising costs and the inability of private philanthropy to make up the difference between expenditures and earned income without outside help.

Though the problem of enough money is still with us—even considering the fact that twice as much money is being requested for the Foundation this year—great strides have been made by the Foundation. In every field of the creative, visual, and performing arts advances have been made. By encouraging research and teaching that are relevant to the important problems of the day the humanities have received more attention. The achievements of the Foundation can be listed in the numbers of grants awarded during the past fiscal year, by the number of performances of symphony orchestras, opera companies, ballet, and plays. Such programs as poetry in schools; special concert series in ghetto areas, parks, schools, and industries; the American Film Institute, and the Laboratory Theatre for Education are just a few of the successful efforts sponsored by the Foundation.

In its "Summary Statement for Fiscal Year 1971" the National Endowment for the Arts sets forth three of its primary goals and explains that the bulk of its funding will be directed to the arts and artist as they relate to audience, including youth. The first goal is to place greater emphasis on encouraging wider distribution of artistic resources throughout the Nation—enjoyment of and benefit from the arts should not be limited by geographic location or economic condition. The second goal is "cultural resources development" which would strengthen established institutions and stabilize new ones. The Endowment for the Arts hopes to enable more professional institutions to adapt themselves more effectively to the changing needs of their publics. They would be aided in this if some of their more pressing financial problems could be alleviated. Because of

XUM

its severely limited funds, the Endowment has been unable in the past to aid museums, orchestras, and opera companies under the category of "cultural resources development." It is hoped, however, that in fiscal 1971 limited but effective assistance can be introduced in these fields as well.

The third goal is the advancement of our cultural legacy, focusing on support for innovative projects, and on the need for new services and institutions. Examples of this type of project are the Endowment's archival work, advanced film training, and education to improve standards.

These worthy goals could be implemented to the benefit of all Americans if we agree on the merits and necessity of this bill. The humanities, as in the arts, also have attempted to correct the imbalance of support in society. The three goals of the humanities are similar to those of the arts: advancement of knowledge and understanding in the humanities through grants for research, publication, and fellowships; improvement of humanistic education through universities, colleges, elementary and secondary schools; and the extension of access to the uses and pleasures of the humanities through a variety of public programs. Section 1 of H.R. 16065 amends the National Foundation on the Arts and the Humanities Act by adding an additional phrase which summarizes the real purpose of the humanities in our society today. Amended, the purpose of the act reads:

> A high civilization must not limit its efforts to science and technology alone but must give full value and support to the other great branches of man's scholarly and cultural activity, in order to achieve a better understanding of the past, a better analysis of the present, and a better view of the future.

It is my sincere hope that we make the effort necessary to bring the arts and the humanities into a central position in society for they can enable us to enrich our lives and our Nation.

Mr. MINISH. Mr. Chairman, I rise in support of H.R. 16065, to amend the National Foundations on the Arts and the Humanities Act. The legislation would extend the National Foundation for 3 years authorizing $40 million for its use during fiscal year 1971 and whatever funds are necessary during fiscal 1972 and 1973.

On June 10, 1963, President John F. Kennedy said:

> I have long believed that the quality of America's cultural life is an element of immense importance in the scales by which our worth will ultimately be weighed. Government can never take over the role of patronage and support filled by private individuals and groups. But Government surely has a significant part to play in helping establish the conditions under which arts can flourish—in encouraging the arts as it encourages science and learning.

Through passage of the legislation before us today we will continue the commitment outlined so eloquently by President Kennedy.

The National Foundation on the Arts and Humanities was established in 1965 with two cooperating entities, the National Endowment for the Arts and the National Endowment for the Humanities. Each endowment has a presidentially appointed chairman and an advisory council to oversee the awarding of authorized grants. Grants have been provided in the fields of architecture, education, literature, the dance, music, theater, and films.

Much of the work of recipients of these funds is public service in nature. For example, more than two-thirds of all symphony orchestra activity is not designed for regular paying subscribers. This means that 3,500 concerts are played just for children and students each year and another 4,000 concerts are played for the general public in the form of free concerts in the parks, pops, family, and neighborhood concerts.

In my own State of New Jersey, the Foundation has assisted many worthwhile and enriching projects. For example, the Newark Museum has received $10,000 under the museum purchase plan in order to obtain works of living American artists. The Garden State Ballet was awarded $5,000 for regional dance development to produce eight new ballets.

Mr. Chairman, it is my understanding that opponents of this legislation intend to offer an amendment to cut the authorization in half. I shall oppose this amendment and urge my colleagues to do likewise. Passage of H.R. 16065 as reported by the committee is essential to the cultural well-being of our citizens. It will channel needed funds into one of the most rewarding possible investments.

Mr. RYAN. Mr. Chairman, I am pleased to support H.R. 16065, amending the National Foundation on the Arts and the Humanities Act of 1965, as amended. This bill provides a 3-year extension of the National Foundation. In addition, it authorizes $40 million for fiscal year 1971.

As an original sponsor of the legislation which established the foundation in 1965, I am naturally pleased that the Committee on Education and Labor has recommended an increase in authorizations. However, $40 million is still an insufficient amount for adequate support of the arts and the humanities. This insufficiency is highlighted by the anomaly which exists in the fact that the State of New York recently approved an expenditure of $20 million for the New York State Arts Council—an amount equal to that which will be provided nationally for the National Endowment of the Arts, one of the two funding components of the foundation.

New York City, alone, allocated $75 million this year for the arts and humanities. Of this total, $15 million went to museums, $2 million to the performing arts, $14 million for repairs, maintenance, and so forth, and $44 million to libraries. This amount represents approximately 1 percent of the city budget. If the same percentage of the national budget were allocated to the arts and the humanities, approximately $2 billion would be available.

This recitation of figures is not by way of claiming that in New York State and New York City, at least, the arts and humanities are receiving sufficient funds. They are not. Nor are they anywhere in the country. I realize, of course, that moneys are very scarce and, again, here is another national priority—enacted into law in 1965—which suffers and languishes while billions continue to be poured into the military budget.

Since its creation in 1965, the National Foundation on the Arts and Humanities has lived up to its mandate to help improve the quality of American life. Its creation marked the beginning of a new era for the arts in this country—an era in which the contributions of the arts and humanities to American society and life would hopefully be recognized for their own intrinsic merits an era in which the arts and humanities would finally take their proper high place on our list of national priorities and Federal responsibilities.

Culture, as such, may be an intangible. But the education, enlightenment, and enjoyment of the people across this country who have participated in, and seen, projects funded by the Foundation are very tangible and worthwhile results. And the assistance and encouragement rendered to artists, composers, musicians, dancers, libraries, museums, colleges, and other recipients are equally important.

The $40 million authorized by H.R. 16065 is not enough. But it is clear that no less is warranted or justifiable, no matter the cavils of the Foundation's critics.

Mr. STOKES. Mr. Chairman, I rise in support of the bill.

For 5 years now the Federal Government has provided minimal support for the continuing development of the arts and humanities in this Nation. Almost $18 million has been appropriated in this noble effort and this figure has been matched by more than $55 million on the local level. These added resources have given a tremendous boost to a variety of cultural activities which would otherwise have likely withered on the vine of economic neglect.

One phase of the National Foundations efforts which has been of particular interest to me is the $1,885,734 that the National Endowment for the Humanities has devoted to scholarship and education concerning the historical and cultural contributions of America's 22,000,000 blacks. This assistance was given primarily in recognition that this rich aspect of our national life has heretofore been shamefully ignored. But it was also provided in realization that never in the history of the Republic has there existed such a desperate need for mutual respect and understanding between persons of all races and colors.

The expenditure was made in the form of six grants for public programs, 17 grants for programs in schools and colleges, 22 grants for summer institutes, 11 grants for research, and 47 fellowship grants—all devoted to increasing knowledge of black culture or to making such knowledge more widely available.

The public programs, aimed at disseminating knowledge to the public at large, included support for the exhibit activities of the Frederick Douglas Institute of Negro Arts and History here in Washington.

The educational programs in schools

and colleges included helping teachers in the Baltimore city schools increase their understanding of Afro-American history and culture for incorporation in their social studies, arts, and literature classes.

The fellowships and research grants are helping scholar-teachers undertake such projects as a biography of the black author, Richard Wright, a history of the NAACP, a historical analysis of Negro housing patterns and social mobility, a study of contemporary black composers, and the editing of the papers of Booker T. Washington.

The summer institutes funded by the endowment were on college campuses where teachers gathered with experts on black history, literature, and art to learn about materials they could use in their courses. Eight of the 22 institutes, lasting 1 to 6 weeks each, were on the campuses of colleges whose enrollments are primarily Negro.

The Endowment has also conducted a program aimed particularly at such black colleges, whose faculties often have been raided by large, white institutions, seeking to increase the integration of their own teaching staffs. The Endowment has awarded 16 faculty development grants to help individual teachers at such schools, or teachers working on joint projects, to increase their own competencies or to improve their instructional programs.

The Endowment has now begun a program of fellowships specifically for minority studies. Individuals who have completed professional training and show promise as scholars and teachers receive aid for a year's work in such fields as Afro-American history. They work under recognized scholars at universities with strong programs in those fields. The intent is to help produce more genuine experts who will be able to add substantial contributions to knowledge about minority peoples in America.

This program to benefit black educational development represents only one of a myriad of meritorious projects which have received support from the National Foundation. You have heard of others from my colleagues on the Education and Labor Committee. The Foundation's work and economic aid on behalf of local symphonies, museums, dance groups, and chamber music societies should by now be well known and admired. As a citizen of a city which holds the deserving reputation as a bastion of cultural progressiveness, I am proud to support the increase in Federal assistance to the arts which passage of this bill will represent.

The Greeks long ago called upon all of humanity to dedicate themselves to one cause above all others: to tame the savageness of man and to make gentle the life of this world. The timelessness of that charge is self-evident, and its ultimate realization is perhaps most dependent upon the creation of an environment marked by civility, not hate; by beauty, not terror; and by mutual understanding, not diversive mistrust. These qualities constitute the essence of the arts, and if the qualities are to flourish, the arts must do likewise. Today's action can be another small step to abet this development. We must not fail ourselves.

Mr. PRICE of Illinois. Mr. Chairman, the past few years have demonstrated the great success of Government support of the arts and humanities. We now have an opportunity to make the role of the Federal Government even more meaningful in stimulating its further growth. For too many years, the Government played no role in this field—instead, giving emphasis only to the development of the more technical sciences. With the passage of the National Foundation on the Arts and the Humanities Act of 1965, the importance of the arts was finally acknowledged. Now is the time to make our efforts more relevant to today.

The passage of the 1965 act was too long in coming. Our society, long before 1965, required an awareness of the arts and humanities by the Federal Government. The next few years will require an increased awareness. The adoption of this amendment will enable the act to become more relevant to today and to tomorrow.

The areas of theology and ethics, as well as those areas of the humanities already encompassed by the act should be acknowledged for their capabilities for coping with the conditions of today as well as of anticipating those of the future. The arts and humanities, highly developed for centuries, have immeasurable resources for offering insights.

The importance of the arts was recognized for centuries. They are necessary to any great society. Sir Kenneth Clark's series "Civilization" is dramatic evidence of the important role the arts have played in the development of the Western World and indeed, the evolvement of all civilization.

The act of 1965 accomplished much. A comparatively small amount of Government funds, stimulated a large amount of private investment. The arts have spread across the country reaching broad audiences. This act achieved much and the amendment can achieve more.

It will allow the arts to reach a wider breadth of people. The artists of our country will have the opportunity to devote more of their talents and time to further their own creative work and expand the public interest in their work especially among the young.

The Government has involved itself in the arts and this involvement has been beneficial to the arts and to the public as a whole. The United States is not a culturally deprived country. That is not the reason for this amendment. Neither is it a stagnant country. There is no reason for the Government to remain satisfied with the success of the act of 1965 when, by increasing its commitment in the field of arts and humanities, the Government can make a further contribution to the artistic expressions of a free people.

Mr. LLOYD. Mr. Chairman, I am heartened by the strong endorsements made by so many Members indicating that this Federal participation in encouragement of the arts and humanities at the grass roots should continue.

To tell the truth, there are some activities which we are hereby encouraging that I find it difficult to personally appreciate to the fullest. But members of my family, my friends, and associates and their families and the communities of my district do find growth and gratification from certain of the arts and humanities which do not have such a strong pull for me, and I am proud that Utah's Second Congressional District, containing our capital city, Salt Lake City, is a rapidly growing center for cultural education and fulfillment which we hereby encourage and sustain. By our action here, we assist in holding higher the torch of encouragement to greater enjoyment and greater education and understanding of great music and human and graceful expression in a variety of the arts, and I am grateful there are responsible citizens in my community and in communities throughout America who are giving so generously of themselves and their resources so that my family and the families throughout our country can be given these shining additional opportunities to a higher standard of civilization.

Mr. Chairman, I wholeheartedly support H.R. 16065—to continue the National Foundation on the Arts and Humanities.

Mr. HANSEN of Idaho. Mr. Chairman, I rise in support of H.R. 16065 to extend the authorization and increase funding for the National Foundation on the Arts and the Humanities. Nearly 5 years ago, the Congress established the Foundation to develop and promote a broadly conceived national policy of support for the humanities and the arts in the United States. Since that time, the Foundation has launched and implemented a wide spectrum of programs which have reached directly into every State in our Nation, offering, as President Nixon urged last December, cultural resources in "ways that can enrich the lives of more people in more communities than has ever before been possible."

Contrary to the belief of some that these programs would benefit only those citizens in eastern metropolitan areas, the National Endowment for the Arts has reached from Juneau, Alaska, to Belton, Tex.; from Many Farms, Ariz., to West Branch, Iowa; from Dover, Del., to Crete, Nebr.; from Chickasha, Okla., to Hattiesburg, Miss. The State of Idaho, in addition to receiving over $100,000 in direct grants, has also benefited from tours by such outstanding performing companies as the Montana Repertory Theatre and Ballet West. In many cases, therefore, the arts endowment's programs have brought professional art to people previously without such opportunities, and have assisted our finest young talents to continue their contributions to America's rich cultural heritage.

Presidents Eisenhower, Kennedy, Johnson, and Nixon all realized that, in the words of Arnold Toynbee, "to give a fair chance to potential creativity is a matter of life and death for any society." They, and the Congress, are to be commended for their recognition of the arts' essential role in establishing a Nation's image abroad, for their demonstrated concern for the human spirit, and for their efforts in behalf of increasing man's depth of understanding and sense

XUM

of wonder about the world and its people. As President Nixon said:

> Our creative and performing artists give free and full expression to the American spirit as they illuminate, criticize and celebrate our civilization. Like our teachers, they are an invaluable national resource.

And at a low cost indeed. The Metropolitan Opera Co. alone costs as much to operate in one year as is now being requested for all the arts across our Nation. The New York State Legislature has already approved for the State, an amount equal to the amount we discuss today for the Nation. New York State is giving $18 million in new money for the arts this coming year—more than twice as much new money as is included here for the country.

Thus, for example, the Endowment's proposed orchestra program would provide only a 4-percent contribution towards orchestras' total costs, contrasted with some European nations' 75 percent Federal aid. The investment we discuss here is small; but its implications, in terms of encouraging the artists and those who support their efforts, are vast.

I have attempted to demonstrate that the Arts Endowment, far from restricting its activities to metropolitan areas, has reached directly into numerous smaller communities. I have also tried to show how small an investment is being requested; I might add here that the United States spends about 10 cents per person on the arts, in striking contrast with other nations whose governments make 10, 20, even 30 times as much available for their arts. Figures also prove that far from drying up other resources, the endowment's dollars generate an impressive amount of outside funding.

All of these points are easy to enumerate and to prove: they deal in statistics. What I should also like to discuss briefly is what President Nixon referred to as "the intangible but essential qualities of grace, beauty, and spiritual fulfillment." This is, after all, what the Arts Endowment is all about.

These qualities are what make the arts important in their own right, a fact this age of technology may too often overlook or relegate to some sort of peripheral consideration. We must not allow that to happen. Our young people, and many not so young, rightly or wrongly worry about America's seeming overattention to material concerns.

We might all have done well to listen to Robert Shaw, music director and conductor of the Atlanta Symphony Orchestra, during his eloquent testimony in behalf of this bill:

> What we mean is that unnecessary wealth has ceased to be an end unto itself. We produce in order to buy time in order to build a happy healthy physical and social life—and more importantly a life of the mind and spirit. It is precisely in this communication of the arts that lies man's essential being. This is the dream that justifies political and economic activity—validates it . . . These adventures in communication at the highest level of human aspiration shine as a sort of beacon—that it has happened, that it can happen, and that it *must* happen here.

Another important consideration discussed by Mr. Shaw was his group's many tours abroad, including numerous performances for the Russian people. Their warmth, their emotion, their total delight and gratitude, surely speaks well for the arts' unique ability to bridge age-old barriers erected by political and geographic considerations.

In Mr. Shaw's words:

> I will have no traffic with the glib and pious prescription optimist who intones, "The people who sing together will find peace together" . . . But a generous and lively communication of the . . . arts can accomplish some things: it can gain us time, and it can give us the hope that if we understand each other so warmly and naturally in affairs of the spirit we may one day be able to compose political, economic and social differences.

People the world over honor America's artists for their extraordinary creativity, discipline and vitality. We can do no less.

The National Endowment for the Humanities, which is one of the Foundation's two parts, has placed particular emphasis on education, devoting more than 20 percent of its budgets from 1966 to 1969 to educational projects, not counting grants to teachers and scholars or programs in public education. And educational programs in the humanities would receive more than 50 percent of the increase projected for the humanities endowment in this legislation.

The actual dollars remain few. In 1967, the 100 colleges and universities that received the most Federal aid for academic science received more than $5.5 million each. The Humanities Endowment's grants for education in all 4 years, 1966 to 1969, did not exceed $3 million in total. An increase for humanistic education now will help restore the balance.

I am particularly pleased that significant shares of the Endowment's aid have gone to undergraduate colleges, often small, in competition with the large universities and other cultural institutions the Endowment must serve.

Taking the Endowment's spending for education, fellowships, research, and public programs altogether, in fiscal 1969 more than one dollar of every five went to undergraduate colleges, as opposed to universities, schools, museums, libraries, historical societies, and other cultural institutions.

This aid extends to the Nation's junior and community colleges. In the current fiscal year and fiscal 1969, the Endowment has approved for award, or has already actually awarded, grants to 11 2-year institutions in the States of Washington, California, Illinois, New York, Kentucky, North Carolina, Mississippi, and Arizona. In addition, the Endowment granted $50,410 to the American Association of Junior Colleges for a demonstration project in humanistic education involving 10 more 2-year institutions.

The Endowment's educational grants have been chiefly for specific, limited projects for improving instruction in the humanities in innovative ways that could be adopted widely.

Hiram College in Hiram, Ohio, for example, with only some 1,100 students, raised private money with which to secure matching funds from the Endowment for a major curricular change in the humanities—a new freshman-year program designed to involve the student in planning his own education, and enabling him to get an education with genuine relevance to the problems of the world in which he lives.

The Endowment has been a leader in encouraging small colleges and universities to share resources in the humanities that they cannot afford individually. A prime example is an arrangement, aided by the Endowment, for sharing philosophy faculties among three institutions in the same community—Concordia College and Moorhead State College in Moorhead, Minn., and North Dakota State College across the State line in Fargo.

The Endowment clearly could make good use of additional funds to carry on this kind of work in humanistic education. In fiscal 1969, its Division of Education was able to fund only 71 of the 179 applications it received. And it was able to provide less than $2 million in response to requests that totaled more than $13 million.

If the additional funds requested are appropriated the Endowment plans to increase its aid particularly for humanists teaching in junior colleges.

The Endowment would have an opportunity also to make some institutional grants for humanistic education, many of which are likely to go to smaller colleges as models. These grants would not be for limited projects, but for general, balanced programs of improvement for a college's humanities division as a whole. The National Science Foundation has been able to make grants of this kind totaling more than $133 million for science education since 1964, with results apparent in this country's scientific leadership.

In his message to the Congress of December 10, President Nixon said:

> The attention and support we give the arts and the humanities—especially as they affect our young people—represent a vital part of our commitment to enhancing the quality of life for all Americans.

The Endowment's educational programs, extending as they do to young people in small colleges as well as large, and to institutions in every region of the country, have demonstrated what can be achieved. It is vital for the humanistic development of our country that we now build more substantially upon this base of achievement.

Mr. Chairman, I urge favorable consideration of H.R. 16065, and insert in the RECORD the full texts of President Nixon's special message to the Congress of December 10, 1969, and of Robert Shaw's testimony before the House Select Subcommittee on Education on February 6, 1970:

STATEMENT OF ROBERT SHAW

Mr. Chairman and Members of the Committee, my name is Robert Shaw. I am the Music Director and Conductor of the Atlanta Symphony Orchestra. We are classified by the American Symphony Orchestra League as a "major" orchestra, one spending in excess of $500,000 annually. Our management tells me that in the 1970–1971 season our budget will increase some $200,000 just to keep pace with costs of operation and contractual obligations, placing that budget at $1,500,000.

XUM

I am here today in response to the invitation of the Chairman to speak with respect to a bill to extend the life of the National Endowment of the Arts and Humanities and the President's proposal to double the allocation of funds to the Endowment. I earnestly support both measures and hope you will act favorably on them.

Others will give testimony dealing more specifically with the critical financial dilemma faced by arts institutions and I would like to leave that matter to them. The matter of financing these institutions has ceased to be merely one of local importance and has become one of national urgency.

I would like to deal for a few moments with art's absolute essentiality to our civilization and our times. To this end I ask myself a series of questions:

First, what are the meanings of art? What is it trying to tell us of man? What is man trying to tell us of himself?

Second, what may be the function or influence of art in a world gone schizo-phrenic, pustulant, sadistic?

What occurred to me immediately was that if we could consider for a moment that anyone who does not live on our block, or Russians and Cubans, and even north by northeast Vietnamese—or people with different colored skin—were also human, then the answers to questions number one might also tell something concerning questions number two. And it occurred to me further that if we were to inquire into the nature of *art* we might very well end up pondering the nature of man—which is a study proper enough.

In spite of lunar landings, today's room at the top has a view with alarm. First, man stands if not teeters on the brink of self-annihilation; and second, quoting the butcher, baker, candlestick maker, "I don't see what I possibly can do to stop it."

Number One: the sickness of Society. Man has arrived at a position in scientific knowledge and competitive politics where he can reasonably hypothesize his self-extermination. Governments, not for any lack of earnestness or endeavor, probably even without malice, and for reasons which must be disturbingly unknown—even to themselves—engage hourly and horrifyingly in a juggling and counter-juggling of propagandas, munitions, monies, missiles and men uncertifiable even by the laws of average.

And, whereas, some months—or a few years—ago it may have appeared that the threats to our survival were global and nuclear and outside of ourselves—with the release of the report of the Advisory Commission on Civil Disorders and its sequels we are facing the grim fact that we ourselves in our own community—our own block—our own family and our own hearts are hosting parasitic and cancerous death.

And I ask myself parenthetically, "Is man really worth saving?" Certainly all those born last night are. And a ten year old son. And everybody's children in college—none of whom has had the opportunity to merit the wind he inherits. But in spite of Socrates, Jesus, Beethoven, Shakespeare, Lincoln, Bach, Buddha, Ghandi, Martin Luther King and a host of lesser saints, is it not possible to paraphrase the psalmist, "When I consider this earth, the work of my fingers, the horrors I have created, what is man that he is mindful of himself?"

Might it just be that man is *not* worth saving?

There comes immediately another question, and it's really a half-answer. On the other hand—"Could it be possible that human life itself—unclassified—is a plus on creation's side? Not: is *this* life or *that* life worth saving? Not even: is it worth killing for? But: in view of the timeless, consciousless upward climb of warm mud to cold man, is the life-force in the man-thing of itself a value, and enough to save him from self-destruction?

When the table-stakes are raised from trade-routes and development rights, through spheres of influence, principalities and powers to man himself—absolute or obsolete—the game is not the same.

Fact of life Number Two: the lonely sickness in each man's soul—familiar no doubt as well to kings, prime-ministers and presidents as to students, teachers, musicians and bartenders that there is, indeed, very little that "I can do about it."

"They say this world
Is smaller now.
But not my world.
My world is full
Of hurricane and tide
Of flux and flood
Of thrust and space
I never thought to face.
And still no place
To hide.

"This much moon
I never could bark down—

"In this much pond I fail
At being frog at all."

The jailer of Paul and Silas at Phillipi, originator of, "What must I do to be saved?" was panicked only by an earthquake at midnight, not by "How will you have your cities this morning, with or without people?" or "How do you like your children, crisp—or scrambled?"

Which of us, simply by the accident of being born, and in personal as well as public affairs, does not find himself on a runaway rocket blasting a trackless blackness, speed and destination out of sight, mind and control? "Wht is man? And, can he be saved?"

I have not to this point listed or defined arts or this art—first, because I feel that we would agree in general where they lie—certainly among the "Humanities", and second, because I have a suspicion, undeveloped as yet, that in the end art may prove to be as much an attitude as an aptitude and a point of view as well as a product. When I say "art", then, know that I mean at least the languages and produce of Beethoven, Shakespeare, Donatello, Bach, Dickinson, El Greco, Stravinsky, Bartók and Picasso.

What does this sort of art show itself to be, why is it important, and how can it help us? I'd like to submit four answers.

First: Art on this scale is the most pervasive, persistent, powerful affirmation of the life-force in the man-thing. Than Sex it is stronger and longer—by centuries and by oceans. It is regeneration, reincarnation and the "agony of resurrection". It is a true transubstantiation: pitch into sonata-form into spirit; paint onto canvas into tears; words onto paper across a proscenium into the heart of man. Essence inferred into substance achieved—in order to communicate Essence. Ally through all time of the evolutionary thrust it is finally the Flesh become Word. Fantastic transubstantiation.

I love that idea. That the "Word became Flesh—and dwelt among us" is the Christian's faith and symbolism of God's gift to man.

But what of that staggering potential reciprocity—man's gift to God: "—And the Flesh became Word."—The work of man's hands becoming spirit. That yard of painted canvas, that 30 seconds of composed Time becoming Truth.

In the second place: in the face of Chaos art is the recognition of isolate identity and the achievement or Order. Facing the myraid phenomena of sensation, it is the ability to isolate the singular and the significant—and so place it in the company of other identities, equally select and positioned that the solo of the Whole is greater than the Chorus of its parts.

"Out of Chaos
A creative spirit moving over the face of the waters
Out of the random a rule,
Out of countless and contrary
The mark of One
Integrity—entire whole and holy."

The processes of Creation in the Arts are these:

Observation: the recognition of identity—of it-ness.

Juxtaposition: the placing of several identities in relationship to the others.

Communication: the setting of these in Motion—in Time, Space—and in the heart of man.

Form in art is a symbol, and it symbolizes something to which we can only give the name of spirit. We do not explain it away by tabulating its devices and naming its relationships. It exists in spite of our understanding. At some point deep in consciousness pattern will answer pattern, and that will be no crisp intellectual gymnastic but a warm and moving awareness. What we call emotion is surely a part of it. Tears, laughter, and a tensing spiritual temper are assuredly within the mandate of Form.

A Third aspect of art's meaning I find eloquently stated in a book of an English mathematician, J. W. N. Sullivan, entitled Beethoven, *His Spiritual Development*. It is Mr. Sullivan's contention that during the past few decades the mechanistic theories which ruled man's thinking for some 300 years have been severely shaken. Science has been able to provide knowledge of matter, but not of *essence*. Therefore, matters of *value* which heretofore have been ignored because they were not measurable, may still have something to say concerning the nature of reality.

"A work of art may indeed be a 'revelation', the 'higher consciousness' of the creative artist is evidenced not only by his capacity of ordering his experience but also by his capacity of *having* his experience.

"Beethoven lived in a universe richer than ours, in some ways better than ours, in some ways more terrible. And while he does not communicate his experience to us, he does communicate his attitude towards it. And we recognize his universe; we find it prophetic of our own. It is indeed our universe, but experienced by a consciousness aware of aspects of which we have but dim and transitory glimpses.

"The reason that our reaction to a work of art cannot be adequately described is not that some unique and isolated faculty is involved, but that art is not superfluous, that it exists to convey that which cannot otherwise be conveyed."

The Fourth mark of Art's meaning I find in the simple fact that it is unremittingly an attempt to *communicate*, to establish contact, to find kinship even across centuries and oceans. It does seem to me that political and economic configurations—their facets running hot and cold—are more frequently divisive than comprehensive. For example, it begins to be apparent that the choice does not lie between segregation and desegration, but between integration and disintegration.

It is to the credit of art and the arts that, except for short periods when they have been subverted by politics or principles not their own—as in Hitler's Germany or Stalin's Russia—they have been a unifying force in the affairs of men, have promoted understanding and affection, rather than half-truth and no-trust. Art has instituted no crusades, has burned neither witches nor books. Indeed, in this respect and perhaps because it has not been so institutionalized, great art, even more than established religion or political organization, has been the open hand of man reaching for this brother, and persistent focus of his good will.

These maybe at least are some of the meanings of art—and advertantly of mankind.

There was one question left. It was "What hope can this offer to the abused and acne'd face of this earth?"

XUM

Let me report to you what I've seen in recent years.

Short years ago a chorus and orchestra of 60 young professional musicians toured the Soviet Union as a part of our State Department's Program of Cultural Exchange. We were there six weeks. We gave 30 concerts in 11 cities. The program was almost exclusively religious music: Bach, *B Minor Mass; Mozart, Psalms;* Schubert, *Mass in G*; Bach, Funeral Motet, *Jesu meine freude*; Schönberg's *Friede auf Erden*; Ives' anthems on Thanksgiving texts; Negro and White Spirituals. All this in a country presumably atheistic.

These concerts coincided precisely with the sharp edge of the Cuban crisis. Where we might have expected demonstrations and picketing there were only "bravo" and "viva" and "ticket, ticket, who's got a ticket?" Cheers and tears of thanks, good-luck and even "God-bless!"

In Leningrad students and workers stood in line all night to receive a coupon which would allow them to stand in line all the next day which would allow them the privilege of standing room at the concerts—so long as it was available.

In the predominantly agricultural center of Lvov, peasants and students stopped the concert three times—bursting open the doors—in order to keep from being crushed by the crowds on the street pressing after them.

In Moscow, the final week there were units of militia stationed behind hastily erected steel fences at ten foot intervals during all daylight hours to keep the public from stowing-away in the halls—or rushing the doors before the gates were open.

An American Embassy official was offered the price of a month's wages or a suit of clothes for one ticket to one performance of Bach's *B Minor Mass.*

The night of the last Moscow concert Bach's *Mass in B Minor* was broadcast not only throughout the entire Soviet Union, but east and west into *satellite* countries. For three hours, the only fare available to the Communist audience of x hundred million people was this monument of Christian creed and philosophy and art.

A minister of culture, extending an official invitation to return, asked if the repertoire might include Beethoven's *Missa Solemnis*—and—wonder of wonders—Bach's *Passion According to St. Matthew*—the bloody soul and center of Christian evangelism.

Gifts which were proffered in return for the pleasure they said they received were abstract paintings in the manner of Mondrian or Jackson Pollock, and even more poignantly, contemporary ikons—Mary and the Christus—"out of" Mother Russia "by" a hopeful El Greco in the Twentieth Century. What a strange twist to find the avant-garde, the independent and rebellious young linked to religious expression. A quarter of a century before, in my college days, it was considered advanced to be an agnostic. All this in a country, by its own proclamation and our promulgation presumably materialist and nontheistic.

How does one explain these things?

In the first place—in a snare of mutual mis-information and mistrust what a solace must be the invitation only of good-will. "Blessed is he that cometh in the name of the Lord."

In the second place, possibly this music awakened in the hearts and memories of older people fragments of their unconscious which caused them to weep though they knew not why.

But thirdly, what of the young? What of those without the memories of family or public worship? I submit that one can experience extreme difficulty in attempting to legislate out of existence the Unknown.

And fourthly, consider the possibility what the *people* of this world are enormously more sensitive to matters of the spirit than their party pronouncements or our public presses would lead us to believe.

Listen to a fraction of a review published in the Soviet Journal of Arts following our return to the United States:

"In what lies the immortality and eternal beauty of Bach's music" Why does it so excite, please and move people at all times, including us, the people of the middle Twentieth Century? Probably every generation has given and gives its own answers to these questions.

"The spiritual life of modern man is infinitely complicated. His thinking, memory and aesthetic feeling are constantly developing. But still the human principles that are characteristic of man are and remain immutable. They rest on principles simple and eternal as the world itself: humanism, truth, goodness, beauty.

"All this the music of Bach reveals to us in forms which are simple and majestic, clear and infinitely wise. The music sings of life. It uplifts us, forces us not only to rejoice and to suffer but, most of all, to think."

"I never saw it fail," our aged impressario said on the way to the airport, "I was in every audience. Within three minutes after you had begun to sing *"Kyrie Eleison"*, "Lord our God have Mercy", there were only silence and tears. And when you came to *"Dona Nobis Pacem"*, "Grant Us Peace," there were night after night the strongest emotional tension and release I ever have witnessed. All sense of performance was gone. Only the spirit of Bach remained."

Atheistic materialism—? My Readers Digest!—Not from where I stood.

Now—what does all this accomplish? In the first place, I will have no traffic with the glib and pious prescription optimist who intones, "The people who sing together will find peace together!"

Bushwa.

Evil is real in this world. Economic and political and social problems exist, both internationally and internally, and they are not going to be solved simply by going singing.

But a generous and lively communication of the liberal and performing arts can accomplish some things: it can gain us time, and it can give us the hope that if we understand each other so warmly and naturally in affairs of the spirit we may one day be able to compose political, economic and social differences.

In general the intellectual and moral climate of our times is agreeable to the proposition that man does not live by bread alone. (In Westchester County, Shaker Heights, the North Shore and other suburbia they have it that man does not live by *grass* alone.)

What we mean is that unnecessary wealth has ceased to be an end unto itself. We produce in order to buy time in order to build a healthy happy physical and social life—and more importantly a life of the mind and spirit.

It is precisely in this communication of the arts that lies man's essential being. This is the dream that justifies political and economic activity—validates it. Man does *not* live by bread, grass, economics or politics alone. These adventures in communication at the highest level of human aspiration shine as a sort of beacon—that it has happened, that it can happen, and that it *must* happen here.

"Greatness" is not some private property of some small coterie of hot-house sophisticates in New York or London or Vienna or Atlanta. Great art is great because it calls out to something deep and constant in the human thing, because it carries something so native and true to the human spirit that not even knowledge of how it is done can kill the magic.

"Pop" art is not the people's art. Popular music is *not* the people's music. The people think so little of it that every 6 to 16 weeks they demand a new tune to dance to, to trade small talk above, to make what some call "love" by.

The "great" art is the most human art. It is the most common art. It's available. The only thing we have to fear is understanding it. If we are not afraid to understand—we can.

In terms of the past—only the best is good enough. In terms of the present—the significant truth is that Art is not really importable. Perhaps. Perhaps it's not even sponsorable or supportable. Each man makes his own—whether he will or not. Each man must be an artist or perish.

For finally the understandings of the spirit are not easily come by. It takes a creative mind to receive the creator's mind. It takes a holy spirit to receive the Holy Spirit. And "Just as I am" is not nearly good enough.

There's no pablum diet for Truth, and no landscaped approach to Beauty. You knock down the fences in your mind one by one. You finally realize that the mind and the spirit are not poles apart; that intelligence and the heart don't cancel each other; and if you finally can comprehend how a work is constructed, it is not proved to be a machine. You scratch and you scramble over intellectual difficulties, and you get mad and curse your own weak little mind, and cry, and quit daily. But every once in a while running around the bone you see blood; and every once in a while you hear music.

You have it in your power to help us to hold on to the creative arts, to help us find for them new structures and toil unceasingly; for mankind in all his glory is only arrayed by such as these.

PRESIDENT NIXON'S MESSAGE TO THE CONGRESS OF THE UNITED STATES EXPRESSING THE AMERICAN SPIRIT

Americans have long given their first concerns to the protection and enhancement of Life and Liberty; we have reached the point in our history when we should given equal concern to "the Pursuit of Happiness."

This phrase of Jefferson's, enshrined in our Declaration of Independence, is defined today as "the quality of life." It encompasses a fresh dedication to protect and improve our environment, to give added meaning to our leisure and to make it possible for each individual to express himself freely and fully.

The attention and support we give the arts and the humanities—especially as they affect our young people—represent a vital part of our commitment to enhancing the quality of life for all Americans. The full richness of this nation's cultural life need not be the province of relatively few citizens centered in a few cities; on the contrary, the trend toward a wider appreciation of the arts and a greater interest in the humanities should be strongly encouraged, and the diverse culture of every region and community should be explored.

America's cultural life has been developed by private persons of genius and talent and supported by private funds from audiences, generous individuals, corporations and foundations. The Federal government cannot and should not seek to substitute public money for these essential sources of continuing support.

However, there is a growing need for Federal stimulus and assistance—growing because of the acute financial crisis in which many of our privately-supported cultural institutions now find themselves, and growing also because of the expanding opportunity that derives from higher educational levels, increased leisure and greater awareness of the cultural life. We are able now to use the nation's cultural resources in new ways—ways that can enrich the lives of more people in more communities than has ever before been possible.

Need and opportunity combine, therefore, to present the Federal government with an obligation to help broaden the base of our cultural legacy—not to make it fit some common denominator of official sanction, but rather to make its diversity and insight more readily accessible to millions of people everywhere.

Therefore, *I ask the Congress to extend the legislation creating the National Foundation on the Arts and Humanities beyond its termination date of June 30, 1970, for an additional three years.*

Further, *I propose that the Congress approve $40,000,000 in new funds for the National Foundation in fiscal 1971 to be available from public and private sources. This will virtually double the current year's level.*

Through the National Foundation's two agencies—the National Endowment for the Arts and the National Endowment for the Humanities—the increased appropriation would make possible a variety of activities:

We would be able to bring more productions in music, theatre, literature readings and dance to millions of citizens eager to have the opportunity for such experiences.

We would be able to bring many more young writers and poets into our school system, to help teachers motivate youngsters to master the mechanics of self-expression.

We would be able to provide some measure of support to hard-pressed cultural institutions, such as museums and symphony orchestras, to meet the demands of new and expanding audiences.

We would begin to redress the imbalance between the sciences and the humanities in colleges and universities, to provide more opportunity for students to become discerning as well as knowledgeable.

We would be able to broaden and deepen humanistic research into the basic causes of the divisions between races and generations, learning ways to improve communication within American society and bringing the lessons of our history to bear on the problems of our future.

In the past five years, as museums increasingly have transformed themselves from warehouses of objects into exciting centers of educational experience, attendance has almost doubled; in these five years, the investment in professional performing arts has risen from 60 million dollars to 207 million dollars and attendance has tripled. State Arts agencies are now active in 55 States and territories; the total of State appropriations made to these agencies has grown from $3.6 million in 1967 to $7.6 million this year. These State agencies, which share in Federal-State partnership grants, represent one of the best means for the National Endowment to protect our cultural diversity and to encourage local participation in the arts.

In this way, Federal funds are used properly to generate other funds from State, local and private sources. In the past history of the Arts Endowment, every dollar of Federal money has generated three dollars from other sources.

THE FEDERAL ROLE

At a time of severe budget stringency, a doubling of the appropriation for the arts and humanities might seem extravagant. However, I believe that the need for a new impetus to the understanding and expression of the American idea has a compelling claim on our resources. The dollar amounts involved are comparatively small. The Federal role would remain supportive, rather than primary. And two considerations mark this as a time for such action:

Studies in the humanities will expand the range of our current knowledge about the social conditions underlying the most difficult and far-reaching of the nation's domestic problems. We need these tools of insight and understanding to target our larger resources more effectively on the solution of the larger problems.

The arts have attained a prominence in our life as a nation and in our consciousness as individuals, that renders their health and growth vital to our national well-being. America has moved to the forefront as a place of creative expression. The excellence of the American product in the arts has won worldwide recognition. The arts have the rare capacity to help heal divisions among our own people and to vault some of the barriers that divide the world.

Our scholars in the humanities help us explore our society, revealing insights in our history and in other disciplines that will be of positive long-range benefit.

Our creative and performing artists give free and full expression to the American spirit as they illuminate, criticize and celebrate our civilization. Like our teachers, they are an invaluable national resource.

Too many Americans have been too long denied the inspiration and the uplift of our cultural heritage. Now is the time to enrich the life of the mind and to evoke the splendid qualities of the American spirit.

Therefore, I urge the Congress to extend the authorization and increase substantially the funds available to the National Foundation for the Arts and Humanities. Few investments we could make would give us so great a return in terms of human understanding, human satisfaction and the intangible but essential qualities of grace, beauty and spiritual fulfillment.

Mr. HALPERN. Mr. Chairman, I rise in enthusiastic support of this bill. I have strongly advocated the National Foundation on the Arts and Humanities since the original legislation in creating it, which I was privileged to have cosponsored. In considering H.R. 16065, it is important for us to realize that by this act we are supporting fundamentals of life, not just frills and furbelows. The arts and the humanities are not just icing on the cake to embellish the basic elements of our lives. They should be an integral part of the whole.

Through the ages man has needed and searched for beauty to inspire him to strive toward greater accomplishments. All of us, in our lives, and especially the deprived, need the enrichment of beauty—beauty in form and color, in sound, and in the spoken and the written word. The National Endowment for the Arts has accomplished much in this direction. It has given support to those who have the talents to bring beauty to our lives. And in increasing opportunities to enjoy the arts it is expanding and educating audiences who will in turn better support artists because of their increased appreciation. Support from the Endowment has helped encourage the spirit within the members of the arts community and among supporters of the arts. One of the most exciting and rewarding results of Federal support through this act has been the stimulus it has provided for funds for the arts from private sources. Another result has been the proliferation and increased vitality of the State arts councils. These councils have the merit not only of making the arts more widely available but also of bringing the diverse cultural lives of the States to the attention of the people for their appreciation.

In addition, today there are urgent social problems to be solved. But it requires more than all our natural sciences to do this. In our decisionmaking it is more important than ever to be able to see the picture as a whole. As life becomes increasingly complex, we need a humanistic approach acquired from a better understanding of people and their past. This bill will encourage a broader knowledge and appreciation of the humanities, hopefully to lessen the alienation brought on by modern technology. We must leave no stone unturned in our efforts in this direction. Our future can depend on it.

The National Foundation on the Arts and the Humanities has had a history of nonpartisanship. This is a worthy bill and we can all, with sincerity, support our President with it. I personally endorse H.R. 16065 and urge my fellow Members of Congress to do the same.

Mr. BOLAND. Mr. Chairman, I want to express my support for H.R. 16065, the bill to extend the life and shore up the financial resources of the National Foundation on the Arts and Humanities. This legislation would provide a 3-year extension of the life of the Foundation—now scheduled to expire today. The bill would authorize an ample $40 million for the fiscal year 1971, as opposed to a relatively piddling $8.5 million allotted to it this fiscal year. In addition, whatever funds may be necessary for the following 2 years would be authorized.

The bill, still further, would allow the Humanities Endowment to make contracts; increase the compensation of National Council members from $75 a day to the rate of a GS–18; and require allotments of no less than $75,000 for each State council.

It is high time—indeed, well past the time—the Federal Government should more vigorously encourage the arts and cultural activities in the United States.

President Eisenhower, as early as 1955, asked that the Federal Government do more to give official recognition to the importance of the arts and other cultural affairs. Presidents Kennedy, Johnson—and, now, President Nixon—have all shown support for new steps forward in the Government's role in the arts. For, without such a program, the United States cannot maintain many of its cultural and artistic institutions. The bipartisan support firmly behind today's legislation reflects its importance to the American people.

When the National Foundation on the Arts and Humanities was established in 1965, it began a new era in which the Federal Government would make the arts one of its national priorities.

Its record during its first 4 years has been striking. Operating on extremely limited funds, the endowment has been able to accomplish much within its short time of existence.

The greatest beneficiary of the arts endowment is the American public. Aesthetic as well as materialistic and capitalistic enterprises must be encouraged to make the United States the society it can be. What kind of a person is the man who knows the closing Dow-Jones average for the day and the technicalities of the U.S. total gross national product, yet has never heard a symphony nor seen a play?

The most astute and objective professional artists support this bill; the ad-

XUM

ministration supports this bill. I urge its passage.

With permission, Mr. Chairman, I put in the Record a Washington Post editorial outlinging the significance of this legislation:

SUSTAINING THE ARTS

Buried in the huge Interior Department appropriation bill which will come before the Senate this morning is a modest—one might fairly say a minute—sum for the National Foundation on the Arts and the Humanities. President Nixon has given warm support to this fledgling and tentative experiment in the encouragment of culture. He asked for $40 million to sustain the work of the foundation—twice the amount granted last year. Due to some confusion over the authorization of the agency, the House passed its Interior Department appropriation bill without any provision for it. Today it will take up a bill extending the life of the foundation for three years and authorizing a $40 million appropriation. The Senate Appropriations Committee has recommended $33.3 million. Approval of at least this sum by the Senate and acceptance of it by the House is imperative if the foundation is to go on functioning.

Support of the arts and the humanities is recognized as an essential governmental responsibility in all the advanced countries of Europe. In the United States, it has only belated and grudging recognition. It is said that the City of Hamburg in Germany spent more on its opera company than the entire budget for the performing arts in this country.

Yet, it is not true, as Europeans sometimes like to allege, that this is a crassly materialistic country, indifferent to cultural values. On the contrary, as the crowded museums and concert halls and theaters and local symphony societies, chamber music groups, dance companies and other grass roots cultural activities in cities all over the country attest, there is a wealth of fervor for the arts and the humanities in America. That fervor needs and deserves financial support from the federal government.

This country has been singularly fortunate, as Isaac Stern, one of the great performing artists of our time, has remarked perceptively, that "so much of the best of so many countries has come here and taken root: teachers, artists, musicians, painters, dancers, poets, architects—no single field in which some of the best minds have not bequeathed us a rare and cherishable treasure. It is, therefore, our responsibility to nourish this treasure and see that it spreads more and more thorughout the fabric of the daily life of this country."

The National Foundation shares part of its appropriation with state arts councils through matching grants. Why should the federal government support local cultural activity? Isaac Stern put it this way: "Culture really means growth, and any great society today, any nation which is to leave its mark on history for all time must be concerned with its growth and all the diverse elements of that growth." The appropriation which the Senate is asked to make today out of the common material resources of the American people is an appropriation essential to the common spiritual welfare of the American people.

Mrs. MINK. Mr. Chairman, I respectfully urge my colleagues to support H.R. 16065, which amends the National Foundation on the Arts and the Humanities Act of 1965, extends the foundation for 3 years beyond its present expiration date of June 30, 1970, and authorizes $40 million for the foundation in fiscal 1971.

The establishment of the national foundation by the 89th Congress was a milestone in Federal support of culture in the United States. For the first time, the Federal Government assumed a major responsibility for integrating the arts and humanities into the mainstream of American life.

In their 4 years of existence, the foundation and its two cooperating entities, the National Endowment for the Arts and the National Endowment for the Humanities, have more than repaid our faith and modest investment.

Among its many accomplishments, the Arts Endowment has helped make such arts as the theater, the dance and opera widely available in living form to citizens throughout the United States. Traveling exhibitions of the visual arts, touring productions of the performing arts, art appreciation programs and a variety of other projects have been presented to neighborhood groups and students who never before had access to these rich cultural experiences. The American Film Institute, supported by the endowment, has salvaged over 4,000 films previously lost to our cinematic heritage, and it has opened up for youth in economically depressed areas a new world of creative and constructive film activity.

The effects of the Federal-State partnership grants in the arts have been especially heartening. When the national foundation was established in 1965, there were only five functioning official State arts agencies in the Nation. Today, with matching funds available from the endowment, every one of the 50 States has such an agency. These agencies have been markedly effective in disseminating the arts to communities and in forms uniquely relevant to regional and local cultural life.

The State of Hawaii, for example, contributed $163,579 in 1970 to its State Foundation on Culture and the Arts, to become one of the 31 States and Territories to appropriate more money to their State agencies than the Federal matching contributions. The Hawaii State Foundation has sponsored such projects as a model cities culture and arts program, an art-in-State buildings program, and an environmental and urban design proposals project, which have brought the influence of art to bear at every level of Hawaii's cultural life.

Mr. Alfred Preis, executive director of our State foundation, has stated:

> Without the inspiration and support of the National example, the extent to which the Hawaii State Legislature has been able to commit itself to the enhancement of the physical and cultural environment of its people would be unimaginable—regardless of its own dedication to all areas of educational, social and cultural betterment.

The achievements of the Humanities Endowment of the National Foundation have been similarly commendable. Its purpose has been to reduce the imbalance between Federal support for the natural sciences and humanistic studies.

The National Endowment for the Humanities has sought to reach this goal by an educational program to improve humanities teaching and curricula and to apply humanistic studies to immediate social problems. Its public program complements the school program by fostering a broader appreciation of the humanities among the general public, particularly among those with little access to academic programs and facilities.

In addition, the Humanities Endowment offers fellowships and research grants to scholars, teachers, other humanists, and institutions to improve their capacity to transmit our culture and to increase our knowledge of the past. Noteworthy in this area are investigations of our history for new insights into the American heritage, including the editing of the papers of John Jay, Robert Morris, and George Washington, which should make an invaluable contribution to the celebration of the 200th anniversary of the American Revolution in 1976.

The costs of all these programs have been minimal. And their allocation has engendered much greater outlays for these purposes from other sources. Federal appropriations of $1.7 million for the State arts programs in fiscal 1969 helped produce $6.8 million in State appropriations and an estimated $12 million in private funds. Overall, every dollar of Federal money has stimulated the donation of $3 from other sources.

The accomplishments of the first 4 years of the Foundation, however, have been only a beginning. The needs are still great. The Humanities Endowment has supplied fellowships to only 707 of 2,754 applicants during the past 3 years, and research grants in 1966–69 were awarded to only 237 of the 1,136 who applied.

Our museums, orchestras, and dance companies are facing grave financial crises and are in dire need of the increased support provided in H.R. 16065. These financial straits occur at a period when the demand for esthetic experience is unprecedented, when attendance at museums, concerts and dance performances is at an alltime high, when the visual and performing arts are enjoying greater audience appeal than ever.

The legislation now before the House, like Public Law 89–209 which established the National Foundation on the Arts and the Humanities, is not designed as a primary means of subsidizing culture in the United States. It is rather supportive and generative, a very necessary means of stimulating cultural growth and disseminating our heritage as widely as possible to every element of our citizenry. Nor is it an artists' and scholars' bill, for its purpose is to assist artists and scholars and the institutions that embrace them in bringing the fruits of their talents and scholarship to the people.

President Nixon, like Presidents Eisenhower, Kennedy, and Johnson before him, has recognized and expressed the need for public support of the arts and humanities. Every segment of our national cultural establishment has endorsed this legislation. The very substantial achievements of the Foundation during the past 4 years are further evidence of its merits.

I urgently request that the House take favorable action on H.R. 16065.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of H.R. 16065 to extend further support for the National Foundations of the Arts and Humanities. This authorization is, I believe, an important step into a new era of concern about the quality of life here in America. In the words of President Nixon:

> It will give attention and support . . . to the arts and humanities . . . which represent a vital part of our commitment to enhancing the quality of life for all Americans.

As a significant part of a renewed national commitment to improving our environment, we are now making a commitment to improving the environment of our minds and our spirits.

America's culture has been blessed with some of the finest minds in the fields of art, music, teaching, dancing, poetry, and architecture. The accomplishments of these people must not be left to gather dust like pieces in a museum; rather, let us support them, let us use them as the foundation for a vital, living culture in which all Americans can participate. We can allow these past programs, which have offered education and enjoyment to so many, to die because of a lack of funds. We in Congress have an obligation to guarantee continuance of these programs and the creation of new ones so that each individual will be availed an opportunity to express himself fully and freely. The pursuit of happiness is a guaranteed right and in passing this bill we are doing nothing less than showing our concern for that right.

Mr. FLOOD. Mr. Chairman, as chairman of the Appropriations Subcommittee on Labor, and Health, Education, and Welfare, I am thoroughly familiar with this Nation's domestic problems. Unemployment, poverty, urban blight, and a whole spectrum of health, education, and welfare priorities demand and deserve our immediate attention. As a Member of the Appropriations Subcommittee on the Department of Defense, since World War II, I am also well aware of our $70 billion commitment to the protection of this Nation's security and the fulfillment of its commitments abroad. Thus, I do not speak from ignorance, but rather from a deep and considered conviction, when I say that our domestic and international responsibilities increase the need to support the arts and humanities. "Man does not live by bread alone." There must be music, opera, art, dance, ballet, and theater, as well as history, philosophy, literature, and languages if we are to maintain a proper sense of our country's spirit and a proper perspective on its goals. Lorenzo, in Shakespeare's "Merchant of Venice," makes this very point in terms of music and its relationship to the humanity of man:

> The man that hath no music in himself
> Nor is not moved with concord of sweet
> sounds,
> Is fit for treasons, stratagems and spoils;
> The motions of his spirit are dull as night
> And his affections dark as Erebus
> Let no such man be trusted.

In recognition of the role which the arts and humanities must play if our Nation is to survive and flourish, I have always supported the need for national cultural institutions. As far back as 1945 I favored the creation of a national arts program, and I have been a strong advocate of Federal support to all the cultural arts ever since. The bill—H.R. 16065—which we are considering here today will play an essential role in fashioning the nature and strength of this Nation's commitment to its unique cultural heritage and potential in the seventies.

H.R. 16065 will authorize $40 million for fiscal 1971 and such sums as may be necessary for the next 2 fiscal years. It will amend the definition of humanities to include the study of theologies, ethics, and the application of the humanities to the human environment. It will also provide for projects that will assist artists to achieve wider distribution of their works and enable them to work in residence at an educational or cultural institution. In addition, each State will be allotted a minimum grant of $75,000 and various administrative refinements will aid the Endowments to administer their programs with greater efficiency.

There are few who would dare question the accomplishments of the National Foundation on the Arts and the Humanities on the basis of the record it has compiled in the first 5 years of its existence. The Arts Endowment has stimulated the development of arts programs which have brought joy and knowledge into the most remote corners of the 50 States and territories. The State arts councils, largely a result of the Endowment's encouragement, have generated State appropriations amounting to nearly $7 million in funds for the arts. Grants have been made to theater groups, opera, and dance companies, which have given many of our citizens their first taste of the pleasures and greater understanding of the human situation which are the unique province of the performing arts. The American Film Institute was established with seed money from the National Endowment for the Arts, giving long overdue recognition to one of the Nation's most vital art forms. Individual artists have also received encouragement in the form of modest but essential direct grants, which may well mean the difference between a life of creative service or the frustration of needless failure.

The National Endowment for the Humanities has also made a number of unique contributions to the quality of our national life. It has worked closely with the schools to improve instruction in the humanities at all levels of education. Research on Negro history and culture, supported by the Endowment, promises to shed new light on this much misunderstood area of study. Greater public awareness of the importance of the humanities in the everyday lives of us all has been fostered through grants to institutions such as libraries, museums, community colleges, and university extension services, historical societies, and the mass media.

The fellowship program has enabled more than 700 scholars in the humanities to take the time from their regular teaching schedules in order to explore their fields in greater depth and thus gain new insights into the nature and implications of their disciplines. The research program has already made major contributions to our understanding of the Nation's heritage which will be most important as we prepare to celebrate the bicentennial of the American Revolution.

Testimony received during the extensive and highly thought-provoking hearings which were held on H.R. 16065 revealed a number of aching gaps in the present program of Federal support for the arts. Our museums, symphonies, and dance companies find themselves in dire straits as greater demands on their services combine with inflation to produce spiraling costs. If we are to encourage public interest and enthusiasm for the arts—and we have already partially succeeded in this regard—then we must be prepared to help support those institutions and individuals which are uniquely capable of supplying the demand. The bill we consider today is an essential step in the fulfillment of our national commitment to life, liberty, and the pursuit of happiness. For what is life without understanding? What is liberty without the freedom to fully explore our human potential? And what is happiness without the joys of spiritual as well as material sustenance?

In closing, I would like to remind my fellow Members of these words from our late President, John F. Kennedy:

> When power leads man toward arrogance, poetry reminds him of his limitations. When power narrows the areas of man's concern, poetry reminds him of the richness and diversity of his existence. When power corrupts, poetry cleanses. For art establishes the basic human truths which must serve as the touchstones of our judgment. The artist . . . becomes the last champion of the individual mind and sensibility against an intrusive society and an officious state. . . . I see little of more importance to the future of our country and our civilization than full recognition of the place of the artist. If art is to nourish the roots of our culture, society must set the artist free to follow his vision wherever it takes him.
>
> AMHERST COLLEGE.
> October 26, 1963.

Mr. COHELAN. Mr. Chairman, I rise in support of H.R. 16065, legislation to provide for a 3-year extension of the authorization for the National Foundation on the Arts and Humanities. Specifically, this bill would provide an authorization of $40 million for the Foundation's use for fiscal year 1971.

My good friend and colleague, Congressman JOHN BRADEMAS, is to be commended for introducing this bill. H.R. 16065 would authorize these funds to be equally divided among the States so that no State shall receive less than $75,000 annually for its humanities programs.

Mr. Chairman, it is necessary that the House support this bill at this time. This bill will assist many of our symphony orchestras that are now in a state of financial crisis as well as extend and strengthen the work of the National Foundation on the Arts and Humanities. Each year more than 20 million Americans attend concerts sponsored by some 1,400 symphony orchestras. Two-thirds of all orchestras' activities are public service in nature. Each year more than 3,500 concerts are given just for children and students and another 4,000 concerts are given for the general public as summer concerts in the parks and family and neighborhood concerts.

Mr. Chairman, there has been criticism

XUM

that Federal funds should not be authorized for such items as subsidies for the National Foundation on the Arts and Humanities. I reject this criticism for one of the prime causes of the financial crisis of our symphonies is their substantial increase in public service activities and, just as in the case of many of our educational institutions, it is impossible for many of our symphonies and orchestras to charge enough to cover their rising operational costs. This situation is growing worse and therefore it is vital that the House pass this legislation today.

This bill would also authorize the humanities endowment to make contracts as well as increase the compensation of National Council members from $75 a day to the rate of a GS–18. Our symphonies, as well as other humanities, should be given adequate funds to allow for their expansion and development, and that is why, Mr. Chairman, I support and urge the passage of H.R. 16065.

Mr. RANDALL. Mr. Chairman, I oppose H.R. 16065, which is a bill to amend the National Foundation on the Arts and Humanities Act of 1965.

It is true I have opposed similar legislation in the past, because I thought the authorizations were excessive. This year I oppose this bill because it doubles from $20 million to $40 million, the sum authorized to be appropriated to the foundation for the fiscal year ending June 30, 1971. Then, listen to this: For each of the two succeeding fiscal years, such sums are authorized as the Congress may deem necessary to carry out the provisions of this act. That means there is no limit put on the authorization, and this is what is called an open-end bill.

The distinguished member of the committee, the gentleman from Iowa (Mr. SCHERLE), stood in the well and held up two books. He pointed out one book had cost $53,000 to produce, and the book in his other hand had cost $55,000 to produce, all under this program. There was a third book which had been paid for but which had not been printed, and which may never be printed. That would run the total cost for all three books up to $174,000. These are called anthologies. Our distinguished colleague said that he would be prohibited from reading the contents of these books on the floor of the House, because of their obscenity, and that most of the contents could very well compete with the matter contained in an underground newspaper.

The committee report accompanying this bill states:

> Since its beginning in 1965 the National Foundation on the Arts and Humanities has lived up to its mandate to help improve the quality of American life.

Some time back I read that the foundation had just spent $750 of the money we appropriated last year for a poem entitled "Lighght." Naturally, I thought that was a misspelled word.

When I learned this authorization bill was coming up today I inquired of some of my colleagues, hoping to gain some additional information about this poem, and wondering just what message it imparted. I was a little confused when I found out that there was no incorrect spelling; that "Lighght" was, indeed, the correct title.

More curious than ever, I attempted to find out more about this unusual literary work. I wanted to know what it said. I thought I was being given the needle when I was told that is all there is to this masterpiece, just the letters "Lighght." I looked it up in every dictionary in our office—Not even the big 3,270-page Merriam-Webster unabridged volume listed any word spelled "Lighght." I inqired further of some of my colleagues who may be among the best informed in our membership on cultural matters. Their explanations left me more baffled than ever. But it was really very simple. In the name of elevating the cultural standards of America, the National Foundation on the Arts and Humanities last year shelled out $750 of the taxpayers' money for a seven-letter poem entitled "Lighght." There is no text to the poem; no explanation as to what these letters mean as they are strung together.

That, Mr. Chairman is more than $100 per letter, and when they are all strung together, capitalized and highlighted, they make no more sense than "ZQXQZQ" does.

If I ever had any thought that the National Foundation on the Arts and Humanities was carefully spending the money we could not afford to appropriate at this time for their purpose, such thoughts have now completely evaporated.

I have never been completely satisfied that Federal financial support for cultural endeavors was entirely justified. However, I have, in the past, interposed no serious objections to modest appropriations for this purpose, even though I have voted against appropriations when I thought them too high. But this year, no appropriation in any amount—no matter how small—can be justified in my mind.

The directors of the foundation, by their spending of this money—small as it is in relation to their overall budget—for a seven-letter poem completely disqualifies them for handling any Federal funds in any amount.

I urge that this authorization bill be defeated and that, if we have $40 million, as proposed to be authorized for the arts and humanities, that this money be applied to the national debt, or to abatement of air and water pollution, or to some purpose that will better serve the American public than seven letters strung together to form "Lighght."

Mrs. HECKLER of Massachusetts. Mr. Chairman, I rise to urge the passage of this bill which, among other purposes, doubles the sum to be appropriated to the National Foundation on the Arts and Humanities to $40 million for fiscal year 1971, and which guarantees that no State arts council shall receive less than $75,000 for any fiscal year to promote its activities in the field of the arts and humanities. I am excited by the potential which lies in enlargement of these activities, for I think that as a nation we must be concerned with the enrichment and the nourishment of the mind as well as the body. In this context, I recall the pertinent remarks to the committee of Dr. Glenn Seaborg, chairman of the U.S. Atomic Energy Commission, who said:

> The humanities are the mirror we hold up to mankind, a mirror through which we can examine the mind and soul as well as the body of man. And this is something we do not do as often or as well as we should.

His words which immediately followed were equally pertinent. He said:

> Perhaps it is because of this that we often fail in our use of the knowledge and power that we achieve through science and technology.

I commend both the President and the distinguished Committee on Education and Labor for recommending this increase and recognizing the need for balance in the practical and intellectual components of our society.

Since 1965 the grants of the National Foundation on the Arts and Humanities have meant a great deal to my State, Massachusetts. They have supported the world-renowned Boston Symphony Orchestra in initiating its experimental television project and the summer Berkshire Theater Festival, in Stockbridge. I cannot detail the programs, but I can suggest their diversity. A Foundation grant brought the touring company of the Goldovsky Opera Institute, of Cambridge, to Fall River, in my district, and to other towns. Brandeis University just this month received a matching grant to buy works of living American artists for its museum and to encourage private art support, while the New England Conservatory of Music received a grant for its resident jazz artists program.

The spectrum of programs is wide. The Humanities Endowment supports a project at Wellesley College, in my district, to develop an index of English periodicals of the Victorian era to assist scholars and historians. The Educational Development Center, in Cambridge, has devised a unique Athens-Sparta course for public schools, which seeks to make social change in the classical warring states relevant to today and which will be tested this fall in 25 Massachusetts and New York communities.

Individual grants under the Arts Endowment's architectural program in environmental design are fostering research on such varied subject as city information systems designed for young children and a comparison of the "new towns" of Israel with those of the United States.

Last year the Massachusetts Council on the Arts and Humanities was granted $36,300 to conduct its extensive programs throughout the State.

Mr. Chairman, I support enlargement of this program because of what it can contribute to the growth of the well-rounded and inquiring citizen. Our Nation achieved greatness as men reached out for new discoveries—whether it was unlocking the secrets of science or walking on the moon.

Let us give to every citizen the opportunity, and instill in him the desire to discover the secrets of the visual arts, theater, literature, dance, architecture, and music. This cannot but enrich our Nation, as we encourage the creative use of our untapped intellectual resources. I again urge that we enact this vital legislation.

XUM

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(2) of the National Foundation on the Arts and Humanities Act of 1965 is amended by inserting before the semicolon at the end thereof the following: "in order to achieve a better understanding of the past, a better analysis of the present, and a better view of the future".

SEC. 2. Section 3(a) of the National Foundation on the Arts and Humanities Act of 1965 is amended by inserting "theologies; ethics;" after "archeology;", and by inserting before the period at the end thereof the following: "with particular attention to the relevance of the humanities to the current conditions of national life".

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. QUIE: On page 1, line 10, delete the word "theologies" and insert in lieu thereof the words "comparative religion".

Mr. QUIE. Mr. Chairman, the committee bill added the terms "theologies" and "ethics" to the list of scholarly areas encompassed in the definition of "humanities" as found in the existing act. My amendment would change the word "theologies" to "comparative religion" in order to better express the intent of the committee and to eliminate any possibility of this bill raising the sensitive issue of the separation of church and state.

The committee was properly impressed throughout the hearings by the many distinguished people who stressed the need for viewing the humanities in the broadest sense and for discovering new ways to apply the humanities to contemporary man's struggle to better understand himself and his environment.

When we looked at the existing definition of "humanities" in the act, there appeared a rather substantial void in omitting those areas of scholarship devoted to man's ethical, moral, and religious traditions. Who can disagree with the statement of the distinguished chairman of the Endowment for the Humanities, Dr. Barnaby C. Keeney, who stated before the committee on January 26 of this year and is quoted on page 15 of the report:

> It is my own conviction that until the electorate and the persons they elect can use historical and philosophical material to help decide the major public questions of the day, we shall not solve those problems, and until the general public is capable of using knowledge of the past to solve personal problems, we shall not have an orderly society.

In the same statement Dr. Keeney pointed out:

> We have cherished knowledge of material things but we have not given sufficient attention to abstract considerations . . . The result has been the destruction of our system of values, so that our people now have no real guide for their lives.

Mr. Chairman, the committee wanted to draw attention to this great need by simply adding to the definition of "humanities" so that the endowment might give increased attention to this area in the future.

I feel, however, that the committee's intent is better expressed by including the term "comparative religion" in the definition. I believe a broader range of scholarship will result than would otherwise be the case. We should not be restricted to the scholarship of theologians only. Anthropologists, sociologists, historians, and others—as well as those knowledgeable in comparative religion, per se—can help us all understand how man has been and continues to be influenced by various moral, ethical, and religious traditions. So I propose that we adopt this broader terminology.

Mr. Chairman, there is one further consideration in my amendment. I have been advised by the American Law Division of the Library of Congress that using the words "comparative religion" is the most consistent with past judicial decisions. The Supreme Court has evolved a test by which we should evaluate any legislation bearing on the constitutional guarantees of non-establishment and free exercise. The legislation must have a secular purpose and a primary effect that neither advances nor inhibits religion. I am confident my amendment allows us and whomever administers this act to meet this test.

Mr. Chairman, my amendment should pose no problem for any who endorse this legislation.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. PERKINS. Mr. Chairman, we accept the amendment. We feel that the words "comparative religion" is the better terminology and we accept it.

Mr. REID of New York. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. REID of New York. Mr. Chairman, I think the amendment is an excellent one and I think it clarifies the language. I believe it is consistent with the intent of the Committee on the Judiciary as well.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. GROSS. What prompts this sudden change, as usual coming from the Committee on Education and Labor? What is the difference between "theologies" and "comparative religion"?

Could the gentleman give us a brief explanation of what he is up to?

Mr. QUIE. Yes. I worked with the American Law Division of the Library of Congress and asked them to go over some of the previous Supreme Court decisions on the question of the use of the word "theologies" and "comparative religion." They tell me that the words "comparative religion" would be most consistent with the past decisions of the court in evaluating legislation bearing on the constitutional guarantees of the nonestablishment of religion and the free exercise thereof.

In the case of institutions of higher education, this would certainly fit best. I could go into this at greater length if the gentleman would like me to do so.

Mr. GROSS. Is the word "ethics" still in the bill?

Mr. QUIE. Yes, "ethics" is still left in.

Mr. GROSS. To what does "ethics" apply? Arts and humanities?

Mr. QUIE. It is an added definition of the humanities.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. GROSS. Mr. Chairman, I take this time to ask a question or two of someone who is knowledgeable with respect to this legislation. But, first of all, I would like to say I have heard and seen more converts today than I have in a long, long time. I regret that I did not bring a load of sawdust over to sprinkle in the aisles here in the House Chamber. More Members have been converted to the cause of arts and humanities than I ever expected to hear of in my life.

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Indiana, but first let me say that there is nothing wrong with conversion.

Mr. BRADEMAS. No. I just want to say to my friend two things. First, I want to join in wishing him a happy birthday. We are all great admirers of him.

Second, if my friend will yield further, as I think, a fellow Methodist, I want to tell my friend it is never too late to be saved.

Mr. GROSS. Thank you for your observations on both points. Let me make this observation: But it is a devil of a way to observe a birthday to have to contend with a bill like this.

With respect to the per diem of members of the council, why $136 a day and expenses?

Mr. BRADEMAS. May I respond to the gentleman's question?

Mr. GROSS. Yes, I asked a question.

Mr. BRADEMAS. What has been done in this bill is analogous to what has been done in similar Federal programs where distinguished advisers, members of advisory councils, are asked to come and serve in important advisory positions. Indeed, it was only on yesterday that the House approved a conference report establishing the National Commission on Libraries and Information Science, the members of which were also provided to be reimbursed at a rate prescribed by law for a GS–18. So this provision is only in conformity with that related to similar advisory councils in other areas.

Mr. GROSS. The bill we passed immediately preceding the one presently under consideration contained a per diem of $100 plus expenses. In this bill this has been jacked up to $136, or approximately $136, a day, plus expenses. You really go first-class in this organization.

I understand that Huntington Hartford of the A. & P. grocery chain is one of the council members. Does he need $136 a day and expenses? Do Charlton Heston and Gregory Peck, the actors, need $136 a day and expenses? I thought there was to be some contribution from the public to this cause. Does Duke Ellington, the bandleader, need $136 a day and expenses? Does Robert O. Anderson, chairman of the board of Atlantic-Richfield Oil, need $136 a day and expenses to carry on? I have always been of the impression that there was to be some giving on the part of the public toward the support of this arts and humanities business. But apparently not. Apparently they are so hard up that perhaps the gentleman from Kentucky (Mr. PERKINS), may have to do something about the poverty funds that are so profusely spread throughout the country in behalf of the council members. Perhaps $136 a day and expenses will not be enough.

On page 33 of the report there is a provision "to make advance, progress, and other payments without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529)." What is this all about? There is no discussion of it in the report.

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Chairman, I refer the gentleman to page 194 of the joint hearings of the Senate subcommittee and our subcommittee in which, indeed, I put that question to the then counsel of the Arts Endowment, Mr. Ruttenberg, and I would be glad to tell the gentleman from Iowa the response to that, to wit:

> The general requirement is that Federal agencies are not authorized to make advance payments under contracts in the absence of specific legislative authority for that purpose.
>
> As a result, if any agency lacks this authority and wishes to fund an organization which in itself doesn't have substantial financial resources, it cannot provide money to that organization in advance of the work being performed.
>
> This leads to one or two results. Either the organization can't be assisted, or else very elaborate procedures have to be entered into in order to get the advance money into the hands of the organization in question. We ran into that situation in connection with a program involving a theater in New York, which was donated--equity of the theater was donated—to the U.S. Government, and in order to enter into the contract to arrange for the maintenance of the theater and keeping it in good condition, we had to enter into special agreements with the banks, and have a lien on the bank account and so on, and we feel that the authority to make advance payments would facilitate special arrangements of this kind in the future.
>
> Most agencies, such as the National Science Foundation, do have authority to make advance payments specifically by statute.

Mr. GROSS. Is that what this two-line addition to the present law means?

Mr. BRADEMAS. That is correct.

Mr. GROSS. I leave it to any Member of the House to understand it after listening to the reading of the hearings.

Mr. Chairman, it is hard to believe that President Nixon would advocate and support a 100 percent increase, from $20,000,000 to $40,000,000 per year for this purpose. I can think of scores of programs and projects with far greater priority. This increase, even the entire expenditure, would be far better used if applied to the staggering Federal debt.

For what will it avail the arts and humanities if the country is bankrupt?

Mrs. HANSEN of Washington. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I strongly support this legislation today.

However, I have several questions that I am afraid I will not have time to ask in the time limit of 1 minute that is now remaining.

These questions are relative to that State provision and they require some clarification as we begin to work on the appropriation process. However, I will begin and then I may take time under the 5-minute rule to ask the rest of the questions.

If I may ask the distinguished gentleman from Indiana, beginning on line 11, page 2, of the bill regarding State allocations, the legislation provides:

> "(3) Funds allocated to carry out the purpose of this subsection for any fiscal year shall be equally allotted among the States, but no State shall receive less than $75,000 for any fiscal year."

Would the gentleman please describe the significance of this provision?

Mr. BRADEMAS. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman.

Mr. BRADEMAS. I thank the gentlewoman from Washington who has been such a splendid supporter of this program.

The answer to her question is simply that the purpose of this particular provision is to provide a floor for each of the State Art Councils.

Mrs. HANSEN of Washington. Mr. Chairman, to proceed with the second question in the sequence, does this establish that each State, regardless of population, interest in the arts, or other consideration, would receive an equal share of the total amount appropriated for State participation?

Mr. BRADEMAS. Mr. Chairman, so long as the State provides the matching funds from either State sources, local sources, or private sources, the answer is "Yes."

Mrs. HANSEN of Washington. I thank the gentleman from Indiana.

Question 3, in the event the appropriation was reduced to any extent, would there be any possibility that funds might be diverted from the Federal program for the use of the States under this provision?

Mr. BRADEMAS. Yes, that is a very real danger. All of us are concerned to be sure we have a strong national program in the arts.

Mrs. HANSEN of Washington. Question No. 4; is there any provision in the bill that could be interpreted to provide that if any of the States were not able to utilize all of its allocation the funds could be reallocated to other States at a later date?

Mr. BRADEMAS. No.

Mrs. HANSEN of Washington. Question No. 5; on the basis of 55 States participating in this program, at the rate of $75,000 a State, there would be a total State funding of $4,125,000. In the event the appropriation should be at a lower level than $4,125,000, would the gentleman please explain the basis upon which the allocations would be made to the individual States?

Mr. BRADEMAS. Equally.

Mrs. HANSEN of Washington. Mr. Chairman, I thank the distinguished gentleman from Indiana.

Mr. GIAIMO. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman from Connecticut.

Mr. GIAIMO. Mr. Chairman, I am somewhat concerned by the answer to one of the questions proposed by the gentlewoman from Washington. Did I understand the gentleman from Indiana to respond to the gentlewoman's question that if there were not sufficient appropriations to assure that each State got $75,000, that then it would be the gentleman's understanding that we could get this money from another line item in the appropriation bill; namely, the funds for the national programs?

Mr. BRADEMAS. The way the bill is presently written, the answer to that question is "Yes."

The gentleman from Connecticut should understand that there is a significant difference between the Senate version of this bill and the House version of the bill before us today; namely, in the Senate version of the bill—and I am now addressing myself to the authorizing legislation—there continue to be provided the specific authorizations for each program under the Arts and Humanities Foundation, while in the House bill the authorizations are all lumped together under one authorization. Therefore, by virtue of the $75,000 minimum to each State arts agency contained in the House bill, it would be necessary, under the House bill, if there were not sufficient appropriations, for those moneys to be diverted from the national program of the Arts Endowment.

Mr. GIAIMO. As I understand it, there are specific line item appropriations made for the various categories, one of which is for direct grants to the States. I believe the Senate bill at the present time carries $4,125,000, which would cover 55 States, considering that the territories are counted.

Mr. BRADEMAS. The gentleman is correct.

Mr. GIAIMO. If in some future year that were to be cut, it would seem to me the interpretation would have to be that the $75,000 prorated to each State would have to be reduced on a pro rata basis, rather than going into another line item and affecting the national program.

Mr. BRADEMAS. It depends upon which version the gentleman is addressing himself to.

Mr. GIAIMO. I know. This is the problem I want to clarify.

Mr. BRADEMAS. If the gentleman is addressing himself to the House version of the bill the answer would indeed be, by virtue of the legislative floor of $75,000 for each State arts agency, that those funds would have to be taken out of some other program, probably the national program of the Arts Endowment. On the other hand, because the Senate version contains no such legislative floor for each State, it is not true to say this of the Senate version of the bill.

Have I made myself clear?

Mr. GIAIMO. Yes; the gentleman has.

XUM

May I suggest and hope that in the discussion on this legislation, when the gentlemen get into conference, they will clarify this matter. I can appreciate the need for having a floor and equal treatment for all States, but I do not believe it should be interpreted when we get the final legislation that it will affect the national program.

Mr. BRADEMAS. I appreciate and, indeed, share the gentleman's concern. It is one which has been voiced to the distinguished chairman of our committee and to me. It is a policy judgment which I am sure will be given most serious attention in the committee of conference.

Mr. GIAIMO. I thank the gentleman.

Mr. PERKINS. Mr. Chairman, I move to strike the requisite number of words.

As to the question which has been raised, I believe the distinguished chairman of the subcommittee, Mr. Brademas, stated the facts very correctly.

I believe we should bear in mind, in respect to the House bill, that the funds are not earmarked. On an appropriation that is made, first of all each State will have the right of matching $75,000 in Federal funds. If the funds from appropriations are limited and the States have the money to match, whether that comes from private funds or public funds, they will get $75,000 minimum under this bill as written.

I do not believe there is any misunderstanding among any of the Members. I believe the language in the bill in section 3 makes that very clear.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from New York.

Mr. SCHEUER. Mr. Chairman, while it is quite true that the amounts of Federal money available for each State have been small during the past 4 fiscal years—the amount for fiscal year 1970 is just $36,363 for example, the States have shown, nonetheless, that they recognize the value of the arts programs and have consistently provided more funding from their own tax revenues to meet the needs of the councils, in most cases. More than one-half of the State legislatures this year, approved tax funding for their State councils in amounts greater than that provided by Federal funds. In 19 of the States, the amount appropriated by the State was at least three times greater than the Federal funding provided.

Overall, State tax funds totalled $7.6 million this year—more than 3½ times the $2 million appropriated by the Congress for distribution by the National Endowment for the Arts under section 5(h).

It has become increasingly clear that the State councils on the arts can use and should have greater support from the Federal Government. There is absolutely no indication that additional funding from the Federal Government will discourage the appropriation of funds at the State and local levels.

Quite the opposite is true: From the very outset of this program the States have clearly indicated that they value the funds provided by the Federal Government, and will put their State money where their values are.

Last year my own State, New York, supported the arts with grants totaling over $2 million—about the same amount that the Federal Government spread around among the 50 States. And this year the Governor has requested $20 million for the arts. Surely, by comparison with the efforts of New York State, the Federal Government's appropriations of $20 million for the arts in the entire country is not an unduly large sum.

It should be noted, too, that a total of 11 State arts council chairmen or directors appeared before the joint hearings on reauthorization sponsored by the House Select Subcommittee on Education and the Senate Special Subcommittee on the Arts and Humanities early this year. They were unanimous in their endorsement of increased funding for the States and for the national programs carried out by the arts endowment.

Five years ago, when the act creating the national endowment for the arts was passed by the Congress, there were less than a dozen working State arts councils in the Nation. Today we have operating arts agencies in every one of the 50 States and in four of the five territories under the jurisdiction of the U.S. Government.

The record of achievement made by these arts councils is remarkable and excellent. In every State—and I expect in virtually every congressional district across the Nation—the arts councils have provided quality programs for hundreds of thousands of our constituents.

I strongly urge the Members of the House to endorse the work done by their own States in promoting the arts and enabling them to reach far greater audiences than ever before in our history.

I believe the history of the bill indicates that the States do put their money where their mouth is and where their values are. To make the matter clear beyond doubt, is it not true, Mr. Chairman, that more than one-half of the State legislatures this year approved funding for their State councils in an amount greater than that provided by the Federal Government?

Mr. PERKINS. That is correct. Every State in the Union last year at a minimum matching provided $36,000. All the States averaged that amount of matching last year.

Mr. SCHEUER. And is it not true that last year 19 of the States appropriated at least three times what they were granted by the Federal Government?

Mr. PERKINS. That is correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota, (Mr. Quie).

The amendment was agreed to.

The CHAIRMAN. If there are no further amendments to this section, the Clerk will read.

The Clerk read as follows:

Sec. 3. (a) Section 5(c) (3) of the National Foundation on the Arts and Humanities Act of 1965 is amended by inserting after "enable them" the following: "to achieve wider distribution of their works, to work in residence at an educational or cultural institution, or".

(b) Section 5(h)(3) of such Act is amended to read as follows:

"(3) Funds allocated to carry out the purpose of this subsection for any fiscal year shall be equally allotted among the States, but no State shall receive less than $75,000 for any fiscal year."

(c) Section 6(b) of the National Arts and Cultural Development Act of 1964 is amended by adding at the end thereof the following: "Upon expiration of his term of office the Chairman shall serve until his successor shall have been appointed and shall have qualified."

Sec. 4. (a) Section 6 of the National Foundation on the Arts and the Humanities Act of 1965 is amended by inserting a new subsection "(c)" to read as follows:

"(c) (1) The Council may establish an Executive Committee which shall be composed of five members and shall exercise such powers and functions as may be delegated to it by the Council. The Chairman of the Council shall be one of the five members and shall be Chairman of the Executive Committee.

"(2) The Council may select four members to serve on the Executive Committee along with the Chairman of the Council, two of whom shall serve for a term of one year and two for a term of two years. Thereafter each member of the Executive Committee shall serve for a term of two years so long as an Executive Committee exists. The Executive Committee may be discontinued by the Council at any meeting and thereafter reestablished. Any person, other than the Chairman, who has been a member of the Executive Committee for four consecutive years shall be ineligible for service as a member of the Committee during the one-year period following the expiration of such fourth year.

"(3) Any person selected as a member of the Executive Committee to fill a vacancy occurring prior to the expiration of the term for which his predecessor was selected shall serve for the remainder of such term.

"(4) The Executive Committee shall report its actions for review to the next meeting of the Council."

(b) Section 8 of the National Arts and Cultural Development Act of 1964 is amended by striking out "exceeding $75 per diem" and inserting in lieu thereof "to exceed the per diem equivalent of the rate authorized for grade GS–18 by section 5332 of title 5, United States Code" and by striking out "(5 U.S.C. 73b–2)" and inserting "(5 U.S.C. 5703)".

Sec. 5. Section 7 of the National Foundation on the Arts and the Humanities Act of 1965 is amended by:

(a) amending subsection (b) (2) by adding at the end thereof the following: "Upon expiration of his term of office the Chairman shall serve until his successor shall have been appointed and shall have qualified."

(b) amending subsection (c) (2) to read as follows:

"(2) initiate and support research and programs to strengthen the research and teaching potential of the United States in the humanities by making arrangements (including contracts, grants, loans, and other forms of assistance) with individuals or groups to support such activities."

(c) amending subsection (c) (5) by inserting after "groups," the following: "education in".

Sec. 6. Section 8 of the National Foundation on the Arts and the Humanities Act of 1965 is amended by—

(a) amending subsection (e) to read as follows:

"(e) Members shall receive compensation at a rate to be fixed by the Chairman but not to exceed the per diem equivalent of the rate authorized for grade GS–18 by section 5332 of title 5 of the United States Code and be allowed travel expenses including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons

XUM

in the Government service employed intermittently."

(b) adding a new subsection (g) to read as follows:

"(g)(1) The Council may establish an Executive Committee which shall be composed of five members and shall exercise such powers and functions as may be delegated to it by the Council. The Chairman of the Council shall be one of the five members and shall be Chairman of the Executive Committee.

"(2) The Council may select four members to serve on the Executive Committee along with the Chairman of the Council, two of whom shall serve for a term of one year and two for a term of two years. Thereafter each member of the Executive Committee shall serve for a term of two years so long as an Executive Committee exists. The Executive Committee may be discontinued by the Council at any meeting and thereafter reestablished. Any person, other than the Chairman, who has been a member of the Executive Committee for four consecutive years shall be ineligible for service as a member of the Committee during the one-year period following the expiration of such fourth year.

"(3) Any person selected as a member of the Executive Committee to fill a vacancy occurring prior to the expiration of the term for which his predecessor was selected shall serve for the remainder of such a term.

"(4) The Executive Committee shall report its actions for review to the next meeting of the Council."

SEC. 7. Section 10 of the National Foundation on the Arts and Humanities Act of 1965, as amended, is amended by—

(a) inserting a new subparagraph "(a)(7)" to read as follows:

"(7) to make advance, progress, and other payments without regard to the provision of section 3648 of the Revised Statutes (31 U.S.C. 529)."

(b) redesignating former subparagraph "(a)(7)" as subparagraph "(a)(8)".

SEC. 8. Section 11 of the National Foundation on the Arts and Humanities Act of 1965 is amended by—

(a) repealing subsections (a) and (c), effective June 30, 1970, and substituting therefor the following:

"(a) For the purpose of enabling the Foundation to carry out its responsibilities, there is hereby authorized to be appropriated to the Foundation $40,000,000 for the fiscal year ending June 30, 1971, and for each of the two succeeding fiscal years such sums as the Congress may deem necessary to carry out the provision of this Act. Sums appropriated under the authority of this subsection shall remain available until expended."

(b) amending subsection (b) to read as follows:

"(b) In addition to the sums authorized by subsection (a), there is authorized to be appropriated to each Endowment for the fiscal year ending June 30, 1971, and each of the two succeeding fiscal years an amount equal to the total of amounts received by that Endowment under section 10(a)(2) of this Act. Amounts appropriated to an Endowment under this subsection shall remain available until expended."

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. GROSS: On page 6, line 21, strike "$40,000,000" and insert "$20,000,000," and on page 6, line 22, insert, a period after 1971 and strike the remainder of lines 22, lines 22, 23, and 24 on page 6, and all of lines 1 and 2 on page 7.

Mr. GROSS. Mr. Chairman, this amendment will get the House down to the nitty gritty of the money in this bill. As far as I am concerned, it could be cut deeper, but I want to give the House an opportunity to get right back to the appropriation of this year.

As I said earlier, I have seen all kinds of converts here today to the tender cause of the arts and humanities. Apparently they are also converts to big spending although they profess to be for economy, including the President of the United States, who apparently supports the 100 percent increase to $40,000,000.

Let us get this spending down to where it has been, that is, $20 million. In the first place—and I have the 20th Century Fund report with respect to the live performing arts. It says among other things that:

> Nevertheless, it seems to us quite unlikely that the audience comprises more than 5 million individuals, a figure which would be 4 percent of all residents of this country 18 years of age and older.
>
> In this chapter we have tried to provide an extensive profile of the audience of the live professional performing arts in the United States.
>
> Second, the audience is drawn from an extremely narrow segment of the American population. In the main, it consists of persons who are extraordinarily well educated, whose incomes are very high, who are predominantly in the professions, and who are in their late youth or early middle age.
>
> Even if there has been a significant rise in the size of audiences in recent years, it has certainly not yet encompassed the general public.

For whom would you be appropriating $40 million? Only 4 percent or approximately that of the population of this country who have even evidenced an interest in the so-called arts and humanities.

Let us put this in the proper perspective. If the President wants economy it is about time that we get him started on that road, because this country is $385 billion in debt, and if we do not start to save millions of dollars here and there, we will never save the billions necessary to balance the budget.

You heard the chairman of the Committee on Appropriations, the gentleman from Texas, Mr. MAHON, tell you only a couple of days ago that we will wind up the end of the next fiscal year, in his opinion, with a $12 billion deficit. Yet it is proposed to increase this appropriation 100 percent. It simply does not make sense.

Neither does it make sense not to review this program next year. I have cut out the open end spending and the forward funding as provided for in the bill.

I hope that this amendment, in the interest of fiscal sanity, will be adopted. My amendment simply puts it back, as I said before, to the $20 million that was expended for this purpose last year instead of 100 percent increase. It stops the open end business and the forward funding under the terms of that open ended provision in the bill.

Mr. PERKINS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in fiscal year 1970 we authorized more than $4 million more than the gentleman's amendment proposes to authorize. If we cut this back and make it a 1-year program, we will destroy the progress that we have made. For 4 years we have made reasonable progress. This is the first legislative occasion that we have made available to the States a guarantee, providing they match it, of $4,125,000 or $75,000 to each State.

Mr. Chairman, we will be striking a blow that will be devastating to the State art councils throughout the country if we vote for the gentleman's amendment.

Mr. Chairman, I ask the Members of the Committee to vote down the amendment.

Mr. BRADEMAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think we need to get a little perspective as to how much money we are talking about here.

The figure of $40 million as I calculate it represents .02 of 1 percent of the projected Federal budget of $200 billion. I think, therefore, in that light one can understand why President Nixon in his message to Congress of December 10 said:

> At a time of severe budget stringency, a doubling of the appropriation for the arts and humanities might seem extravagant. However, I believe that the need for a new impetus to the understanding and expression of the American idea has a compelling claim on our resources.

I must say to my friend from Iowa that I do not know where his figures come from, for if one looks at the statistics pertaining to the growth of the arts organizations in the United States, one will see such figures as these: that the number of visits to museums in our country has risen from 120 million to 560 million visits annually. The number of community arts councils has grown from 50 to over 600. The number of resident professional theaters across the country has increased from 6 to over 50. The number of symphony orchestras has doubled in the last decade, from 740 to 1,400 and the number of opera companies which have been formed has risen to 625. At the same time many of these institutions are suffering severely because their box office receipts do not cover their expenses. We were most impressed in our committee, for example, Mr. Chairman, to hear the head of the New York Symphony tell us that this year the 90 top symphonies in this country will suffer a deficit of $8.5 million, and in a couple more years that deficit will rise to a figure in excess of $13 million.

It seems to me, Mr. Chairman, as our distinguished chairman, the gentleman from Kentucky, has pointed out that it would be catastrophic for us to reject President Nixon's request for a vote of confidence in the continuation of this program, as well as a tragedy to halve the

XUM

amount of money which the President has requested with such strong support from citizens all across the land.

Mr. Chairman, I urge the rejection of the gentleman's amendment.

Mr. REID of New York. Mr. Chairman, I rise in opposition to the amendment, and I move to strike the requisite number of words.

Mr. Chairman, I just want to make a very few brief points.

First, as respects the future of the arts and humanities in the United States, a 1-year program, which is the thrust of the amendment offered by the gentleman from Iowa (Mr. Gross), I think, would be a mistake and would undercut the kind of constructive support that is coming from all over the country as to the planning and the hope that is so essential to the future of the arts and humanities.

Second, in terms of dollars, in terms of value received by the American people, the States arts councils have received from the Federal Government $1.7 million, and in turn these funds have generated $18.8 million, or almost 9 to 1. In addition, the matching gifts to the humanities and the arts endowments have been fully matched. Program grants, which represent approximately 80 percent of the arts endowment operating funds, have resulted in other dollars in the ratio of 4 to 1.

I think, therefore, in terms of encouragement for the arts, which are at a critical stage, the need for this course is clear. My distinguished colleague, the gentleman from Indiana (Mr. Brademas), has eloquently stated the case for this bill.

The President has made it unmistakably clear, and I quote from the February 19 message as to what his position is:

> As I transmit this report to the Congress, I would stress again that a nation that would enrich the quality of life for its citizens must give systematic attention to its cultural development.

I hope the President's bill, which is a bipartisan bill, will be fully supported, and that the amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. Gross).

The question was taken; and on a division (demanded by Mr. Gross) there were—ayes 24, noes 60.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. SCHERLE

Mr. SCHERLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Scherle: Strike all of the language beginning on page 6, line 19 through page 7, line 2, and in lieu thereof insert the following:
>
> "(a) For the purpose of enabling the Foundation to carry out its responsibilities, there is hereby authorized to be appropriated to the Foundation $30,000,000 for the fiscal year ending June 30, 1971, and $30,000,000 for each of the two succeeding fiscal years. Sums appropriated under the authority of this subsection shall remain available until expended."

Mr. SCHERLE. Mr. Chairman, my amendment will allow a 50-percent increase as far as the funding of the arts and humanities is concerned.

The previous amendment rolled the figure back to the present-day allocation.

It will also, on page 6 of the bill, close to the open end appropriation which everyone in this House dislikes so religiously.

This amendment will allow this bill, if it is accepted, to be funded at the annual rate of $30 million instead of $40 million as expressed in the bill.

We have heard a lot of remarks here this afternoon about President Nixon supporting this legislation. But let us forget about the President for a minute. Let us give some consideration to the taxpayer. That is the man that we should worry about and that is the reason why I say that this amendment merits your consideration. It is also believed by some Members of the House that this is the only money that is going toward the arts and humanities.

Nothing could be further from the truth. Let me describe just a few of the areas in which money is spent.

In the State Department alone—there is hidden Government support for the arts and humanities in the State Department alone of $31.5 million for "mutual education and cultural exchange programs"—and that is just for last year.

The National Gallery got $3.5 million.

The Smithsonian Institution got $33 million, of which one-third is spent on projects which might properly be considered as "arts and humanities."

The American Bicentennial Commission got $450,000.

The Kennedy Center got $56.7 million.

The Corporation for Public Broadcasting also receives substantial funds.

The Department of Defense subsidizes public band concerts.

The Department of the Interior pays for numerous public cultural projects such as folk festivals.

The Department of Housing and Urban Development got $13 million for housing for artists and their families in New York City.

The National Zoo and the Library of Congress, both are funded with public moneys.

The Treasury Department grants large tax deductions for contributions to the arts.

All these various agencies of the Government contribute handsomely to the arts and humanities.

The one person that we should consider at this time is the taxpayer.

We have cut back on education funds.

We have cut back additional support for the handicap.

We have cut back on agriculture.

We have cut back on veterans' benefits.

We have cut back on health research.

This program does not deserve any more than a 50-percent increase. In my humble opinion this is generous at this time in view of the fiscal problems and the crisis we are faced with in this country.

I ask your consideration and support of this amendment. The victims of the inflation caused by excessive Government spending, which this bill contributes to, are the older Americans who live on a fixed income. Let's give them a break and reduce spending a little.

Mr. PERKINS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the distinguished gentleman proposes to cut the authorization $5 million below the figure that was in the President's budget. The President sent up here a budget carrying a figure of $35 million.

This figure proposed by the gentleman which he also makes applicable for the fiscal year 1972 and 1973 of $30 million is entirely inadequate. This is the first time we have guaranteed a fixed amount to all the States in the Union to be matched. I would hate to think that the committee would vote for an amendment which would destroy the effectiveness of a program that is being improved by this legislation and which will benefit all the States and all the people of this Nation.

Mr. Chairman, I yield to the distinguished gentleman from Indiana.

Mr. BRADEMAS. Mr. Chairman, I take only a few seconds strongly to oppose the amendment offered by the gentleman from Iowa for reasons similar to those that I offered earlier for opposing the amendment offered by the other gentleman from Iowa.

Mr. REID of New York. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. REID of New York. I shall take only 30 seconds. Very simply, under this bill—and this is in relation to Mr. Scherle's point about the taxpayer—the Federal Government would spend 6 cents per American. Compare that, for example, with Austria, which spends $5.50 per person in support of the arts, or the United Kingdom, which spends three times the amount we spend here. I think that to cut a penny or a penny and a half per American would be a very poor investment in the future, and I will close by quoting the President again. He said:

> At a time of severe budget stringency, a doubling of the appropriation for the arts and humanities might seem extravagant. However—

President Nixon continued—

> I believe the need for a new impetus to the understanding and expression of the American idea as a compelling claim on our resources, the dollar amounts involved are comparatively small. The Federal role would remain supportive rather than primary.

I hope the President's position will be sustained and the amendment voted down.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Are any of the foreign countries the gentleman mentioned on the international dole that we finance so liberally?

Mr. REID of New York. I mentioned, as the gentleman will recall, the United Kingdom. At a time when their pound was under particular strain, they were able to maintain and increase their support for the arts. The United Kingdom is now starting to turn the financial corner.

XUM

Mr. GROSS. They still have not paid their World War I debt to the United States, have they?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. SCHERLE).

The question was taken; and on a division (demanded by Mr. SCHERLE) there were—ayes 30, noes 84.

So the amendment was rejected.

Mr. ASHBROOK. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. ASHBROOK. Mr. Chairman, I shall not take all the time allotted to me. I merely rise to inform the House that I shall offer a motion to recommit. The motion to recommit would cut $4 million from the bill, cutting it to $36 million.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BOGGS) having resumed the Chair, Mr. YOUNG, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 16065) to amend the National Foundation on the Arts and the Humanities Act of 1965, as amended, pursuant to House Resolution 1118, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ASHBROOK

Mr. ASHBROOK. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ASHBROOK. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. ASHBROOK moves that the bill H.R. 16065 be recommitted to the Committee on Education and Labor with instructions to report the bill back to the House forthwith with the following amendment: On page 6, line 21, strike "$40,000,000" and insert in lieu thereof "$36,000,000".

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. ASHBROOK) there were ayes 32, noes 86.

So the motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 262, nays 78, not voting 89, as follows:

[Roll No. 197]

YEAS—262

Abbitt
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Annunzio
Arends
Ashley
Barrett
Beall, Md.
Betts
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Mass.
Burton, Calif.
Burton, Utah
Byrne, Pa.
Caffery
Chamberlain
Chappell
Chisholm
Clay
Cleveland
Cohelan
Collier
Conable
Conte
Corman
Cowger
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
de la Garza
Dellenback
Dent
Diggs
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Esch
Fallon
Fascell
Feighan
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gaydos
Giaimo
Gibbons
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrington
Harvey
Hathaway
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Howard
Hungate
Hunt
Jacobs
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Kastenmeier
Kazen
Kee
King
Kleppe
Koch
Kyl
Kyros
Langen
Leggett
Lloyd
Long, Md.
Lowenstein
Lujan
McCarthy
McClory
McCloskey
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Marsh
Matsunaga
Mayne
Michel
Mikva
Miller, Calif.
Minish
Mink
Minshall
Mize
Mizell
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quie
Railsback
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle
Rodino
Roe
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Schadeberg
Scheuer
Schneebeli
Schwengel
Shipley
Shriver
Sisk
Skubitz
Slack
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taft
Talcott
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Van Deerlin
Vanik
Vigorito
Waldie
Wampler
Watkins
Watts
Whalen
Whitehurst
Widnall
Wilson, Bob
Winn
Wright
Wyatt
Wydler
Wyman
Yates
Yatron
Young
Zablocki
Zwach

NAYS—78

Abernethy
Andrews, Ala.
Ashbrook
Belcher
Bennett
Bevill
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Bush
Byrnes, Wis.
Camp
Carter
Casey
Clawson, Del
Collins
Colmer
Crane
Davis, Wis.
Denney
Dennis
Derwinski
Devine
Dowdy
Edwards, Ala.
Erlenborn
Eshleman
Evans, Colo.
Fisher
Flynt
Foreman
Fountain
Gettys
Goodling
Griffin
Gross
Hagan
Haley
Hall
Harsha
Hull
Hutchinson
Ichord
Jarman
Jonas
Jones, N.C.
Landgrebe
Lennon
McMillan
Martin
Miller, Ohio
Nichols
O'Neal, Ga.
Pettis
Poage
Price, Tex.
Quillen
Randall
Rarick
Roberts
Rogers, Fla.
Satterfield
Scherle
Scott
Sebelius
Smith, Calif.
Snyder
Steiger, Ariz.
Teague, Calif.
Thompson, Ga.
Waggonner
Whalley
Whitten
Wiggins
Wolff
Wylie
Zion

NOT VOTING—89

Adair
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Aspinall
Ayres
Baring
Bell, Calif.
Berry
Blanton
Bray
Brock
Button
Cabell
Carey
Cederberg
Celler
Clancy
Clark
Clausen, Don H.
Conyers
Corbett
Coughlin
Cramer
Cunningham
Daddario
Dawson
Delaney
Dickinson
Edwards, La.
Evins, Tenn.
Farbstein
Findley
Flowers
Frey
Garmatz
Gilbert
Goldwater
Hansen, Idaho
Hastings
Hawkins
Hays
Horton
Hosmer
Jones, Tenn.
Karth
Keith
Kirwan
Kluczynski
Kuykendall
Landrum
Latta
Long, La.
Lukens
McClure
Mann
Mathias
May
Meeds
Melcher
Meskill
Mills
Mollohan
Montgomery
Morton
Murphy, N.Y.
Passman
Patman
Poff
Pollock
Powell
Rivers
Robison
Roudebush
Saylor
Sikes
Smith, Iowa
Stephens
Taylor
Teague, Tex.
Tunney
Ullman
Vander Jagt
Watson
Weicker
White
Williams
Wilson, Charles H.
Wold

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hays with Mr. Adair.
Mr. Edwards of Louisiana with Mr. Dickinson.
Mr. Daddario with Mr. Ayres.
Mr. Carey with Mr. Horton.
Mr. Long of Louisiana with Mr. Bray.
Mr. Garmatz with Mr. Findley.
Mr. Aspinall with Mr. Anderson of Illinois.
Mr. Jones of Tennessee with Mr. Kuykendall.
Mr. Blanton with Mr. Don H. Clausen.
Mr. Cabell with Mr. Frey.
Mr. Evins of Tennessee with Mr. Andrews of North Dakota.
Mr. Passman with Mr. Hansen of Idaho.
Mr. Patman with Mr. Brock.
Mr. Rivers with Mr. Hastings.
Mr. Sikes with Mr. Hosmer.
Mr. Tunney with Mr. Bell.
Mr. Delaney with Mr. Cederberg.
Mr. Baring with Mr. Berry.
Mr. Clark with Mr. Corbett.
Mr. Hawkins with Mr. Pollock.
Mr. Meeds with Mr. Mathias.
Mr. Mollohan with Mr. Clancy.
Mr. Charles H. Wilson with Mrs. May.
Mr. Celler with Mr. Coughlin.
Mr. Mann with Mr. Keith.
Mr. Anderson of Tennessee with Mr. Cunningham.
Mr. Montgomery with Mr. Cramer.
Mr. Smith of Iowa with Mr. Latta.
Mr. Stephens with Mr. Lukens.

Mr. Kirwan with Mr. Powell.
Mr. Farbstein with Mr. Conyers.
Mr. Flowers with Mr. McClure.
Mr. Landrum with Mr. Morton.
Mr. Gilbert with Mr. Poff.
Mr. Karth with Mr. Button.
Mr. Kluczynski with Mr. Robison.
Mr. Teague of Texas with Mr. Roudebush.
Mr. Mills with Mr. Saylor.
Mr. White with Mr. Vander Jagt.
Mr. Taylor with Mr. Watson.
Mr. Melcher with Mr. Wold.
Mr. Ullman with Mr. Goldwater.
Mr. Murphy of New York with Mr. Weicker.
Mr. Williams with Mr. Meskill.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DOWNING. Mr. Speaker, when the crime bill was passed by the House this afternoon I was detained downtown on important business and was unable to cast my vote. Had I been present, I would have voted "yea" on the Crime Control and Safe Streets Act.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Mr. PERKINS. Mr. Speaker, pursuant to House Resolution 1118, I call up from the Speaker's table the bill (S. 3215) to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes, for immediate consideration.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Perkins moves to strike out all after the enacting clause of S. 3215 and insert in lieu thereof the text of H.R. 16065, as passed, as follows:

That section 2(2) of the National Foundation on the Arts and Humanities Act of 1965 is amended by inserting before the semicolon at the end thereof the following: "in order to achieve a better understanding of the past, a better analysis of the present, and a better view of the future".

Sec. 2. Section 3(a) of the National Foundation on the Arts and Humanities Act of 1965 is amended by inserting "comparative religion; ethics;" after "archeology;" and by inserting before the period at the end thereof the following: "with particular attention to the relevance of the humanities to the current conditions of national life".

Sec. 3. (a) Section 5(c)(3) of the National Foundation on the Arts and Humanities Act of 1965 is amended by inserting after "enable them" the following: "to achieve wider distribution of their works, to work in residence at an educational or cultural institution, or".

(b) Section 5(h)(3) of such Act is amended to read as follows:

"(3) Funds allocated to carry out the purpose of this subsection for any fiscal year shall be equally allotted among the States, but no State shall receive less than $75,000 for any fiscal year."

(c) Section 6(b) of the National Arts and Cultural Development Act of 1964 is amended by adding at the end thereof the following: "Upon expiration of his term of office the Chairman shall serve until his successor shall have been appointed and shall have qualified."

Sec. 4. (a) Section 6 of the National Foundation on the Arts and the Humanities Act of 1965 is amended by inserting a new subsection "(c)" to read as follows:

"(c)(1) The Council may establish in Executive Committee which shall be composed of five members and shall exercise such powers and functions as may be delegated to it by the Council. The Chairman of the Council shall be one of the five members and shall be Chairman of the Executive Committee.

"(2) The Council may select four members to serve on the Executive Committee along with the Chairman of the Council, two of whom shall serve for a term of one year and two for a term of two years. Thereafter each member of the Executive Committee shall serve for a term of two years so long as an Executive Committee exists. The Executive Committee may be discontinued by the Council at any meeting and thereafter reestablished. Any person, other than the Chairman, who has been a member of the Executive Committee for four consecutive years shall be ineligible for service as a member of the Committee during the one-year period following the expiration of such fourth year.

"(3) Any person selected as a member of the Executive Committee to fill a vacancy occurring prior to the expiration of the term for which his predecessor was selected shall serve for the remainder of such term.

"(4) The Executive Committee shall report its actions for review to the next meeting of the Council."

(b) Section 8 of the National Arts and Cultural Development Act of 1964 is amended by striking out "exceeding $75 per diem" and inserting in lieu thereof "to exceed the per diem equivalent of the rate authorized for grade GS–18 by section 5332 of title 5, United States Code" and by striking out "(5 U.S.C. 73b–2)" and inserting "(5 U.S.C. 5703)".

Sec. 5. Section 7 of the National Foundation on the Arts and the Humanities Act of 1965 is amended by:

(a) amending subsection (b)(2) by adding at the end thereof the following: "Upon expiration of his term of office the Chairman shall serve until his successor shall have been appointed and shall have qualified."

(b) amending subsection (c)(2) to read as follows:

"(2) initiate and support research and programs to strengthen the research and teaching potential of the United States in the humanities by making arrangements (including contracts, grants, loans, and other forms of assistance) with individuals or groups to support such activities."

(c) amending subsection (c)(5) by inserting after "groups," the following: "education in".

Sec. 6. Section 8 of the National Foundation on the Arts and the Humanities Act of 1965 is amended by—

(a) amending subsection (e) to read as follows:

"(e) Members shall receive compensation at a rate to be fixed by the Chairman but not to exceed the per diem equivalent of the rate authorized for grade GS–18 by section 5332 of title 5 of the United States Code and be allowed travel expenses including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently."

(b) adding a new subsection (g) to read as follows:

"(g)(1) The Council may establish an Executive Committee which shall be composed of five members and shall exercise such powers and functions as may be delegated to it by the Council. The Chairman of the Council shall be one of the five members and shall be Chairman of the Executive Committee.

"(2) The Council may select four members to serve on the Executive Committee along with the Chairman of the Council, two of whom shall serve for a term of one year and two for a term of two years. Thereafter each member of the Executive Committee shall serve or a term of two years so long as an Executive Committee exists. The Executive Committee may be discontinued by the Council at any meeting and thereafter reestablished. Any person, other than the Chairman, who has been a member of the Executive Committee for four consecutive years shall be ineligible for service as a member of the Committee during the one-year period following the expiration of such fourth year.

"(3) Any person selected as a member of the Executive Committee to fill a vacancy occurring prior to the expiration of the term for whch his predecessor was selected shall serve for the remainder of such a term.

"(4) The Executive Committee shall report its actions for review to the next meeting of the Council."

Sec. 7. Section 10 of the National Foundation on the Arts and Humanities Act of 1965, as amended, is amended by—

(a) inserting a new subparagraph "(a)(7)" to read as follows:

"(7) to make advance, progress, and other payments without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529)."

(b) redesignating former subparagraph "(a)(7)" as subparagraph "(a)(8)".

Sec. 8. Section 11 of the National Foundation on the Arts and Humanities Act of 1965 is amended by—

(a) repealing subsections (a) and (c), effective June 30, 1970, and substituting therefor the following: "(a) For the purpose of enabling the Foundation to carry out its responsibilities, there is hereby authorized to be appropriated to the Foundation $40,000,000 for the fiscal year ending June 30, 1971, and for each of the two succeeding fiscal years such sums as the Congress may deem necessary to carry out the provisions of this Act. Sums appropriated under the authority of this subsection shall remain available until expended."

(b) amending subsection (b) to read as follows:

"(b) In addition to the sums authorized by subsection (a), there is authorized to be appropriated to each Endowment for the fiscal year ending June 30, 1971, and each of the two succeeding fiscal years an amount equal to the total of amounts received by that Endowment under section 10(a)(2) of this Act. Amounts appropriated to an Endowment under this subsection shall remain available until expended."

The SPEAKER pro tempore (Mr. Boggs). The question is on the motion offered by the gentleman from Kentucky.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 16065) was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 16065.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PERSONAL EXPLANATION

Mr. ICHORD. Mr. Speaker, on rollcall No. 195, the omnibus crime bill, I was called off the floor for a conference with the Missouri Youth Commission on Selective Service and missed the vote. If I had been present, I would have voted "yea."

JOINT COMMITTEE ON REDUCTION OF FEDERAL EXPENDITURES REPORT

(Mr. MAHON asked and was given permission to address the House for 1 minute to revise and extend his remarks and to include extraneous matter.)

Mr. MAHON. Mr. Speaker, the staff of the Joint Committee on Reduction of Federal Expenditures has just issued another report which relates to the fiscal operations of the Government and of the actions of the Congress in respect to the budget for the fiscal year 1971 which begins tomorrow.

I ask unanimous consent to place in the Extensions section of the Record a statement by myself in regard to this situation and include certain tables and extraneous material relating to the subject.

XUM

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON H.R. 17868, DISTRICT OF COLUMBIA APPROPRIATIONS, 1971

Mr. NATCHER submitted the following conference report and statement on the bill (H.R. 17868) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1971, and for other purposes:

Conference Report (H. Rept. No. 91–1267)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17868) "making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1971, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, and 10, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$11,016,600"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 7, 8, 9, 11, 12, and 13.

Managers on the Part of the House.
William H. Natcher,
Robert N. Giaimo,
Edward J. Patten,
D. Pryor,
David R. Obey,
George Mahon,
Glenn R. Davis,
Donald W. Riegle, Jr.,
Wendell Wyatt,
Frank T. Bow,

Managers on the Part of the Senate.
William Proxmire,
Ralph W. Yarborough,
Joseph M. Montoya,
Richard B. Russell,
James B. Pearson,
Milton R. Young,

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17868) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1971, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

GENERAL OPERATING EXPENSES

Amendment No. 1: Appropriates $48,894,700 as proposed by the Senate instead of $48,406,000 as proposed by the House. The conferees are agreed that the 3 attorney and supporting positions allowed for Office of the Corporation Council for tax compliance and enforcement are to be housed in the Corporation Council's office and are to be under the control of the Corporation Counsel.

PUBLIC SAFETY

Amendment No. 2: Appropriates $143,991,000 as proposed by the Senate instead of $144,641,000 as proposed by the House.

RECREATION

Amendment No. 3: Appropriates $11,016,600 instead of $11,141,000 as proposed by the House and $10,894,400 as proposed by the Senate.

HUMAN RESOURCES

Amendment No. 4: Appropriates $157,164,900 as proposed by the Senate instead of $156,677,000 as proposed by the House, and includes $50,000 for an Office of Spanish Affairs as proposed by the Senate.

HIGHWAYS AND TRAFFIC

Amendments Nos. 5 and 6: Appropriates $19,679,000 as proposed by the Senate instead of $19,759,000 as proposed by the House, and provide that $13,280,800 shall be payable from the highway fund as proposed by the Senate instead of the $13,340,800 proposed by the House.

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment to limit chauffeur overtime payments for District officials to 25 percent of annual base pay.

CAPITAL OUTLAY

Amendment No. 8: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment to appropriate $57,384,000 instead of $64,294,000 as proposed by the House and $91,881,000 as proposed by the Senate.

The list of projects approved does not include funds for the District's share of the Washington Metropolitan Area Transit Authority's construction program. The managers on the part of the House reiterate their opinion that there is a place for both a freeway system and a rapid rail system in our Capital City. In order to meet the tremendous day-by-day growth of traffic, the freeway program must be carried out along with the rapid transit system. There is no desire on the part of the House managers to halt the subway program and the denial of funds at this time will not stop construction already underway and the managers are determined to do everything they can to enable the Authority to maintain its construction schedule and the integrity of the financial plan. When the current impasse on highway construction in the District of Columbia is resolved, every consideration will be given to a supplemental request for the District's share of the cost of the Washington Metropolitan Area Transit Authority's fiscal year 1971 construction program.

Amendment No. 9: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment to provide that $500,000 shall be payable from the Highway fund, as proposed by the House, and $775,000 shall be payable from the water fund instead of $1,745,000 as proposed by the House and $1,500,000 as proposed by the Senate.

Amendment No. 10: Technical correction as proposed by the Senate.

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment to provide $4,206,600 for construction services instead of $3,389,300 as proposed by the House and $2,915,000 as proposed by the Senate.

Amendments Nos. 12 and 13: Reported in technical disagreement. The managers on the part of the House will offer motions to recede and concur in the Senate amendments with amendments requiring resubmission and rejustification of individual capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, not obligated in whole or in part within a period of two years.

William H. Natcher,
Robert N. Giaimo,
Edward J. Patten,
David Pryor,
David R. Obey,
George Mahon,
Glenn R. Davis,
Donald W. Riegle, Jr.,
Wendell Wyatt,
Frank T. Bow,
Managers on the Part of the House.

Mr. NATCHER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 17868) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1971, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

Mr. NATCHER (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

Mr. HALL. Mr. Speaker, reserving the right to object, I want to ask the distinguished gentleman from Kentucky if it is his intention to explain the added cost from the other body, the difference between the bill as it comes back from the conferees and as it left this body, and any other pertinent information that we may have before this unanimous consent is granted?

Mr. NATCHER. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the distinguished gentleman.

Mr. NATCHER. I will say to my distinguished friend, the gentleman from Missouri, that I intend to make a full explanation of the conference report.

Mr. HALL. Mr. Speaker, under these circumstances and with the assurance of the Chair that we will not gavel this one through, as we did last week, I will withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. NATCHER. Mr. Speaker, the budget for the District of Columbia submitted for the fiscal year 1971 called for a total appropriation of $825,158,000.

As the Members of the House will remember, the bill we passed in the House several weeks ago provided $642,906,000.

The budget for the District of Columbia was out of balance $206 million at the time it was submitted to the House, and that same condition existed in the other body.

The bill that passed the Senate provided $670,493,000. This was $27,587,000 over the House bill.

The conference report that we now bring back, Mr. Speaker, provides $636,118,200. This figure is below both the House and Senate figures.

Mr. Speaker, at the appropriate time, I will ask permission to revise and extend my remarks and to include a tabulation which will show in detail the comparisons I have just reviewed. I will also include a table showing the capital outlay projects which were allowed in conference.

The tables follow:

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1971 (H.R. 17868) CONFERENCE SUMMARY

Agency and item	New budget (obligational) authority, fiscal year 1970 (enacted) to date	Budget estimates of new (obligational) authority, fiscal year 1971	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conference action	Conference action compared with— New budget (obligational) authority, fiscal year 1970	Conference action compared with— Budget estimates of new (obligational) authority, fiscal year 1971	Conference action compared with— New budget (obligational) authority recommended in House bill	Conference action compared with— New budget (obligational) authority recommended in Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
FEDERAL FUNDS									
Federal payment to the District of Columbia:									
General fund	[1] $108,166,000	$105,000,000	$105,000,000	$105,000,000	$105,000,000	−$3,166,000			
Water fund	2,504,000	2,506,000	2,506,000	2,506,000	2,506,000	+2,000			
Sanitary sewage works fund	1,424,000	1,432,000	1,432,000	1,432,000	1,432,000	+8,000			
Total, Federal payment to the District of Columbia	112,094,000	108,938,000	108,938,000	108,938,000	108,938,000	−3,156,000			
Loans to the District of Columbia for capital outlay (from the U.S. Treasury):									
General fund	57,235,000					−57,235,000			
Highway fund	700,000					−700,000			
Water fund	170,000					−170,000			
Sanitary sewage works fund	2,158,000					−2,158,000			
Total, loan appropriation to District of Columbia	60,236,000					−60,263,000			
Total Federal funds to the District of Columbia	172,357,000	108,938,000	108,938,000	108,938,000	108,938,000	−63,419,000			
Commission on Revision of Criminal Laws of the District of Columbia	150,000	150,000				−150,000	−$150,000		
Grand total, Federal funds	172,507,000	109,088,000	108,928,000	108,938,000	108,938,000	−63,569,000	−150,000		
DISTRICT OF COLUMBIA APPROPRIATED FUNDS									
Operating expenses:									
General operating expenses	[2] (44,595,275)	[3] (54,288,000)	(48,406,000)	(48,894,700)	(48,894,700)	(+4,299,425)	(−5,393,300)	(+$488,700)	
Public safety	[4] (128,086,285)	[5] (148,392,000)	(144,641,000)	(143,991,000)	(143,991,000)	(+15,904,715)	(−4,401,000)	(−650,000)	
Education	(141,064,600)	[6] (163,564,000)	(146,353,000)	(146,353,000)	(146,353,000)	(+5,288,400)	(−17,211,000)		
Recreation	[7] (18,069,450)	(13,528,000)	(11,141,000)	(10,894,400)	(11,016,600)	(−7,052,850)	(−2,511,400)	(−124,400)	(+$122,200)
Human resources	(137,914,800)	[8] (163,105,000)	(156,677,000)	(157,164,900)	(157,164,900)	(+19,250,100)	(−5,940,100)	(+487,900)	
Highways and traffic	(18,796,900)	[9] (20,436,000)	(19,759,000)	(19,679,000)	(19,679,000)	(+882,100)	(−757,000)	(−80,000)	
Sanitary engineering	(34,449,900)	(37,266,000)	(36,069,000)	(36,069,000)	(36,069,000)	(+1,619,100)	(−1,197,000)		
Settlement of claims and suits	[10] (71,000)	[12] (3,000)	(3,000)	(3,000)	(3,000)	(−68,000)			
Total, operating expenses	(523,048,210)	(600,582,000)	(563,049,000)	(563,049,000)	(563,171,200)	(+40,122,990)	(−37,410,800)	(+122,200)	(+122,200)
Repayment of loans and interest	(10,807,000)	[13] (15,564,000)	(15,563,000)	(15,563,000)	(15,563,000)	(+4,756,000)	(−1,000)		
Capital outlay	[14] (128,730,300)	[11] (209,012,000)	(64,294,000)	(91,881,000)	(57,384,000)	(−71,346,300)	(−151,628,000)	(−6,910,000)	(−34,497,000)
Grand total District of Columbia appropriated funds	[15] (662,585,510)	(825,158,000)	(642,906,000)	(670,493,000)	(636,118,200)	(−26,467,310)	(−189,039,800)	(−6,787,800)	(−34,374,800)

---

[1] Includes $3,997,000 in 2d supplement, 1970.

[2] Includes $129,675 in 2d supplement, 1970.

[3] Includes a reduction of $980,000 in H. Doc. —.

[4] Includes $3,966,485 in 2d supplement, 1970.

[5] Includes a reduction of $18,000 in H. Doc. —.

[6] Includes a net increase of $2,495,000 in H. Doc. —.

[7] Includes $171,750 in 2d supplement, 1970.

[8] Includes an increase of $1,062,000 in H. Doc. —.

[9] Includes an increase of $144,000 in H. Doc. —.

[10] Includes $20,000 in 2d supplement, 1970.

[11] Includes an increase of $1,613,000 in H. Doc. —. Excludes $1,200,000 in H. Doc. — for sanitary engineering which was not considered—$637,000 operating and $572,000 capital outlay.

[12] Included in H. Doc. —.

[13] Includes a reduction of $178,000 in H. Doc. —.

[14] Includes $8,048,000 in 2d supplement, 1970.

[15] Includes $12,335,910 in 2d supplement, 1970.

Capital outlay projects approved in conference

Public schools:	
New elementary school, Pomeroy and Erie Streets, SE	$184,000
New elementary school, 31st and Erie Streets, SE	203,000
Career development center	533,000
Public library: Shaw Branch Library	80,000
Recreation Department: Parkside playground development	1,879,500
Fire Department:	
Engine Company No. 4 and Truck Company No. 4	75,000
Permanent improvements to existing facilities, various locations	195,000
Public Health: Stationary compactors, various facilities for waste and trash removal	330,000
Department of Corrections: Resurface South Sally Port, District of Columbia jail	16,500

XUM

Public Welfare: Air condition kitchen area, infirmary building, District of Columbia Village	$22,000
Department of General Services:	
Electrical modernization, East Administration Building	440,000
Emergency lights and auxiliary power supply, District Building	38,500
Air conditioning program, various buildings	300,000
Department of Highways and Traffic: Central Potomac River bridge crossing (Three Sisters Bridge)	500,000
Department of Sanitary Engineering (general fund): Water Pollution control plant, Blue Plains	15,600,000

Mr. Speaker, the budget included a request for $34,178,000 for rapid rail transit. Our Committee on Appropriations, as you heard us say on numerous occasions, believes that we must have a balanced system of transportation in our Capital City. We must have a rapid rail system and we must have a freeway system. In the House bill we deleted the request for rapid rail transit, which amounted to $34,178,000, for the reason that the Highway Act of 1968 had not been complied with by the District officials. That condition continues as of this day. There is no reason whatsoever why the Highway Act of 1968 should not be complied with by the District officials.

The conference report that we bring back at this time does not contain the $34,178,000. The other body added that amount. In conference we agreed to the following language, which is a part of the statement of the managers on the part of the House accompanying the conference report we are now considering. It clearly shows that the other body and this body, and especially the Committee on Appropriations in the House, believes that we must have both a rapid rail transit system and a freeway system in our Capital City. The language which is in the conference statement is as follows:

> The managers on the part of the House reiterate their opinion that there is a place for both a freeway system and a rapid rail transit system in our capital city. In order to meet the tremendous day-by-day growth of traffic, the freeway program must be carried out along with the rapid rail transit system. There is no desire on the part of the House managers to halt the subway program, and the denial of funds at this time will not stop construction already under way, and the managers are determined to do everything they can to enable the Authority to maintain its construction schedule and the integrity of its financial plan. When the current impasse on highway construction in the District of Columbia is resolved, every consideration will be given to a supplemental request for the District's share of the cost of the Washington Metropolitan Area Transit Authority's fiscal year 1971 construction program.

At this time I yield to my distinguished friend from Missouri (Mr. Hall).

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding, and I certainly appreciate his clear, forthright and illuminating analysis of the difference in the cost of the budget, the House-passed bill, that of the Senate, and the conference report. I compliment him on the action that has been taken, and particularly his steadfastness in the statement concerning the District transit problem.

May I ask the gentleman if the amendments to which we are agreeing by unanimous consent in this conference report on the part of the other body would be considered germane if in this body?

Mr. NATCHER. Mr. Speaker, I would say to my friend that everything in this conference report would be considered germane in both bodies.

Mr. HALL. One final question, Mr. Speaker: It is my understanding that in the House bill we had a limited amount for the very pressing problem of treating the narcotic victim or the drug-abuse victim. Has that been adjusted and, if so, has this needed fund been increased by the conferees or by the other body as far as either halfway houses or narcotic treatment centers are concerned?

Mr. NATCHER. Mr. Speaker, I would like to say to my distinguished friend from Missouri that this is one of the most important items in the bill. At the time we brought this bill to the floor, my distinguished friend from Missouri (Mr. Hall), called this matter to the attention of the House, and I explained that we could place only $771,000 in the bill due to the shortage of revenue.

In conference, by virtue of adjusting some of the other amounts, we have been able to allow the total amount requested of $1,758,900 to expand this program in the District of Columbia. I say to my friend, this is an important matter, and I appreciate the gentleman calling attention to it.

Mr. HALL. Mr. Speaker, I thank the gentleman. As I understand it, the conferees were able to do that by these adjustments, while still lowering this final conference report in total dollars for the District of Columbia, not only over that passed by the House, but also that passed by the other body.

Mr. NATCHER. The gentleman is exactly correct.

At this point, I yield to my distinguished friend, the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Speaker, I thank the gentleman from Kentucky for yielding. Mr. Speaker, I, too, commend the gentleman from Kentucky, the distinguished chairman of the subcommittee, and also the other managers on the part of the House, for what I think is a good conference report. Especially do I commend them for holding firm on the position they have taken with respect to the traffic problem in the District of Columbia.

I have one more minor matter I would like to ask a question on. I have been disturbed for some time by the number of chauffeurs of Cadillacs operated in the District of Columbia by public officials and the salaries being paid the chauffeurs. As I understand it, there is approximately $17,000 or $18,000 a year for chauffeurs. Is there anything in this conference report with relation to that, or does the gentleman think something can be done in the future with respect to this?

Mr. NATCHER. Mr. Speaker, I would like to say to my distinguished friend, the gentleman from Iowa, that in conference agreement we have placed language in the bill which reads as follows:

> *Provided further*, That this appropriation shall not be available for payment of premium pay to any employee assigned as a chauffeur for the Commissioner, the Deputy Commissioner, or the Chairman of the City Council which exceeds in the aggregate 25 percent of the annual rate of basic pay applicable to such employee.

Mr. Speaker, we were amazed to find out that the chauffeur for the Commissioner of our District of Columbia during the fiscal year 1969 was paid about $17,000.

In addition to that language, we have reduced the appropriation for chauffeurs which is carried in the budget for the Department of Highways and Traffic by $20,000.

The chauffeur for the Commissioner has a regular salary rate of about $6,600. His overtime during fiscal year 1969 has run about $10,800, for a total of a little more than $17,000, for a chauffeur. Certainly I will say to my friend, the gentleman from Iowa, that all of us have the right to be shocked and amazed at that amount. I want the gentleman to know that we have corrected that matter in this conference action.

Mr. GROSS. Mr. Speaker, I thank the gentleman.

Mr. NATCHER. Mr. Speaker, I yield to my friend, the gentleman from Florida (Mr. Haley).

Mr. HALEY. Mr. Speaker, I thank the gentleman for yielding. I just want to inquire, was there anything put in this bill for the trip of the Mayor of Washington to the Soviet Union? And, if so, how much?

Mr. NATCHER. Mr. Speaker, I would like to say to my distinguished friend, the gentleman from Florida, that not one dime is in this bill to be used for that purpose. I understand the expenses for the Commissioner to make this trip to Moscow and other points are funded by grant from the mutual education and cultural exchange activities appropriation of the Department of State.

Mr. Speaker, at this time I yield to my distinguished friend, the gentleman from Wisconsin (Mr. Davis).

Mr. Speaker, the gentleman is one of the able Members of this House and he has been all during the years an outstanding Member of Congress. I yield to the gentleman from Wisconsin (Mr. Davis) such time as he may consume.

Mr. DAVIS of Wisconsin. Mr. Speaker, I am almost as embarrassed as I am sure my colleague from Iowa was when we were delivering eulogies to him while waiting for the papers on this conference report to be completed.

I believe it is fair to say that this conference report represents the best possible and practical solution to the fiscal problems of the District of Columbia as they now exist.

It should be pointed out that although this bill is substantially below the amounts passed separately by the Senate and House, this does not and cannot represent the entire funding required for the District of Columbia during fiscal year 1971. We know, for instance,

XUM

that in order to stay within the available revenue some very necessary activities could not be funded in this bill. These activities will need to be funded in a supplemental bill as soon as the additional revenue can be made available.

For example, there is almost no money in this bill for highway maintenance and street improvements, and some of the necessary sewer and water facilities. These are going to have to be provided just as soon as the additional funds become available.

There is legislation now pending in the Congress with respect to additional borrowing authority, an increase in the Federal payment, and increased gasoline taxes. These latter would make it possible to replenish the highway fund and undertake some of the necessary improvements on the streets and highways within the District.

There is also an increase in the real estate tax pending before the city council. This is something over which that body has cognizance and authority to act.

So, as these measures are considered, and to the extent that favorable action results in additional revenue, further funding for the District will follow. But there are definitely some activities in the District that have not been funded and will need to be implemented within the course of the fiscal year that starts tomorrow.

I should also mention that the decision to defer funding for the subway in this bill was based primarily on the merits of the existing situation relating to a balanced transportation system for the District of Columbia.

We had also been concerned that Senate action had resulted in the deletion of many school facilities in order to make funds available for additional capital outlay projects included by the other body. However, in working this out in conference—and I would ask the chairman to confirm this—all school facilities which the District of Columbia is now ready to proceed with have been restored. Is that correct?

Mr. NATCHER. Mr. Speaker, the gentleman is correct.

Mr. DAVIS of Wisconsin. There were also some reductions made in the other body on the basis of information which was developed after the bill left the House. We thought those were valid reductions, with the exception of school construction and concurred with a number of them.

Mr. Speaker, this does represent a conference report we can all accept, and one which I certainly endorse and support.

I want to convey my respects to my good friend from Kentucky, the chairman of the subcommittee, for the effective manner in which he handled this conference with the Members of the Senate in order to bring back this favorable piece of legislation now before the House.

Mr. NATCHER. Mr. Speaker, I want to thank my distinguished friend from Wisconsin.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 7: Page 7, line 20, insert:

"*Provided further*, That this appropriation shall not be available for payment of premium pay to any employee assigned as a chauffeur for the Commissioner, Deputy Commissioner, or the Chairman of the City Council which exceeds in the aggregate 25 percent of the annual rate of basic pay applicable to such employee.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 7 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 8: Page 9, line 10, strike out "$64,294,000" and insert "$91,881,000,".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 8 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$57,384,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 9: Page 9, lines 10 and 11, strike out "of which $500,000 shall be payable from the highway fund, and $1,745,000" and insert "of which $1,500,000 shall be payable".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 9 and concur therein with an amendment, as follows: In lieu of the matter stricken out and inserted by said amendment insert: "of which $500,000 shall be payable from the highway fund, and $775,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 11: Page 9, line 14, strike out "$3,389,300" and insert "$2,915,100".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 11 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert: "$4,206,600".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 12: Page 9, line 20, insert ": *Provided further*, Notwithstanding the foregoing, all authorizations for capital outlay projects for which funds are provided by this paragraph, shall expire on June 30, 1972, except authorizations for projects as to which funds have been obligated in whole or in part prior to such date. Upon expiration of any such project authorization the funds provided herein for such project shall lapse".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 12 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert: ": *Provided further*, Notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 (Public Law 90-495, approved August 23, 1968), for which funds are provided by this paragraph, shall expire on June 30, 1972, except authorizations for projects as to which funds have been obligated in whole or in part prior to such date. Upon expiration of any such project authorization the funds provided herein for such project shall lapse".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 13: Page 9, line 20, insert the following: "*Provided further*, Notwithstanding any other provision of law, any authorization for a capital outlay project for which funds have heretofore been appropriated shall expire two years from the date of the Act making such appropriation unless prior to the expiration of such period funds for such project were or will have been obligated in whole or in part. Upon expiration of any such project authorization the funds appropriated therefor shall lapse."

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 13 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert: ": *Provided further*, Notwithstanding any other provision of law, any authorization for a capital outlay project, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 (Public Law 90-495, approved August 23, 1968), for which funds have heretofore been appropriated shall expire two years from the date of the Act making such appropriation unless prior to the expiration of such period funds for such project were or will have been obligated in whole or in part. Upon expiration of any such project authorization the funds appropriated therefor shall lapse."

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the several motions was laid on the table.

XUM

GENERAL LEAVE TO EXTEND

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

TRIBUTE TO SUBCOMMITTEE ON DISTRICT OF COLUMBIA APPROPRIATIONS

(Mr. BOW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOW. Mr. Speaker, I think it is appropriate to congratulate the gentleman from Kentucky (Mr. NATCHER), the gentleman from Wisconsin (Mr. DAVIS), and their colleagues on the District of Columbia Appropriations Subcommittee for completing action on their bill today. This is the one bill that has been passed through conference during this fiscal year. The rest of the departments and agencies of the Government are now operating under a continuing resolution.

Mr. Speaker, I think the members of this subcommittee are to be congratulated. This action serves to point up the interest of the Congress in legislation and appropriations for the District of Columbia. The District government now has a bill; they know what they have to spend and do not have to worry about operating under a continuing resolution and subsequent conference action.

So, Mr. Speaker, I congratulate the gentleman from Kentucky (Mr. NATCHER), the chairman of this subcommittee; the gentleman from Wisconsin (Mr. DAVIS); and their colleagues for their efforts in bringing this bill to final passage during this fiscal year.

CONSTITUENTS OPPOSED TO MINIMUM ANNUAL INCOME FOR WELFARE RECIPIENTS

(Mr. KLEPPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KLEPPE. Mr. Speaker, the annual poll of my constituents of the west district of North Dakota show they are overwhelmingly opposed to a minimum annual income for welfare recipients, against voting rights beginning at age 18, and almost unanimously for cutting off Government assistance to students who demonstrate violently.

They also heavily favor a constitutional amendment to permit voluntary prayer in public schools.

We have tabulated the first 9,000 responses to a 10-point questionnaire which was mailed to all 81,000 postal patrons in my district. I am getting much heavier returns than were received in the annual samplings I have been taking since 1967. They are still coming in at a rate of several hundred a day and all will be counted.

Following is a list of the questions, with a percentage tabulation of the responses:

RESULTS OF QUESTIONNAIRE

1. Do you believe the government should provide a guaranteed minimum annual income to welfare recipients? Yes, 22 percent; no, 78 percent.

2. As a means of stopping inflation, would you favor Federal wage, price and credit controls? Yes, 68 percent; no, 32 percent.

3. Should voting rights for citizens in national elections begin at age 18? Yes, 24 percent; no, 76 percent.

4. Would you favor a Constitutional Amendment to permit voluntary prayer in our public schools? Yes, 85 percent; no, 15 percent.

5. If you were a member of the U.S. Senate, would you have voted to confirm the nomination of Judge G. Harrold Carswell for the Supreme Court? Yes, 54 percent; no, 46 percent.

6. Do you favor strengthening of the ABM (Anti-Ballistic Missile System) as proposed by the President? Yes, 63 percent; no, 27 percent.

7. Do you believe that college students receiving loans or grants from the government should have such assistance cut off if they actively participate in demonstrations which cause property or physical damage or which interrupt the orderly pursuit of education by other sudents? Yes, 93 percent; no, 7 percent.

8. Vice President Spiro T. Agnew has been speaking out on a wide range of subjects. How would you rate his performance? Good, 60 percent; fair, 24 percent; poor 16 percent.

9. Would you favor placing a limitation of $20,000 a year on the amount of government payments an individual farmer could receive? Farmers—Yes, 93 percent; no 7 percent. Nonfarmers—Yes, 97 percent; no, 3 percent.

10. Please list in order of importance priorities you feel are most urgent. (List by number from 1 through 7, with number 1 representing what you consider to be the item of first priority, and so on through number 7).

[In percent]

1. Ending war in Vietnam	21
2. Controlling inflation	18
3. Crime prevention and control	17
4. Strengthening farm income	13
5. Controlling air, water and land pollution	12
6. Reducing defense spending	11
7. Increasing aid to education	8

CONGRESS SHOULD BACK UP DISTRICT OF COLUMBIA POLICE

(Mr. GUDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GUDE. Mr. Speaker, reports of a moderate downturn in the crime rate in the District of Columbia are a tribute to the valiant work of an expanded Metropolitan Police Force. It is about time Congress backed up our police. The President's proposal to enlarge and reorganize the local courts has been with us for nearly a year, while the need for speedier justice becomes more acute every day. Everyone knows that long delays in court proceedings mean needless suffering for the innocent and an increase in crime committed on bail, but still the public waits for Congress to act.

It is true that the District of Columbia crime bill contains some hotly debated provisions requiring hard negotiation in conference. But it is equally clear that most of the new legislation is not a matter of serious dispute between the two Houses of Congress. I have no answer for citizens who ask why Congress cannot act promptly on the sections free of controversy.

I would like to bring to the attention of the Members of the House a letter from the Federal City Council and an editorial from station WMAL which eloquently plead for action. As the Federal City Council states:

> Time is of the essence. Further delay on such non-controversial items as court reorganization will cause irreparable harm to the City's excellent program to reduce crime.

I join the Council and WMAL in urging immediate enactment of the vitally needed provisions of the District of Columbia crime bill. Let us get on with it.

The material referred to is as follows:

FEDERAL CITY COUNCIL,
1155 15th Street, N.W.,
Washington, D.C., June 21, 1970.

Hon. GILBERT GUDE,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: The Federal City Council urges you to support prompt action on the District of Columbia Crime Bill and to insist that adequate funds be authorized to implement the bill's many provisions.

The Council has long been interested in the public safety of all citizens of and visitors to Washington. It has been involved over the years in a number of activities to lessen neighborhood tensions, to insure adequate law enforcement in the city, and to secure an adequate system of criminal justice. Consistent with this policy, the Executive Committee of the Federal City Council at its recent meeting voted to urge quick action on the Crime Bill which is now in conference.

The Council recognizes that a few provisions of the Bill are highly controversial and raise serious Constitutional questions. But the great majority of the provisions are supported by all sides and by modern penal thought. Passage of these non-controversial provisions is essential to our crime reduction efforts in the Nation's Capital. Therefore, we urge you quickly to move this legislation with or without the controversial sections. If agreement on the disputed provisions can not be reached now, perhaps they could be the subject of subsequent legislation. But time is of the essence. Further delay on such non-controversial items as court reorganization will cause irreparable harm to the city's excellent program to reduce crime.

We also feel that it would be particularly unfortunate to pass this crucial legislation and fail to provide adequate funding. The promise of a major assault on crime must not be broken by insufficient financing.

The District of Columbia is in desperate need of modern anti-crime legislation. We urge your continued effort to produce such legislation at the soonest possible moment.

Sincerely,

STEPHEN AILES,
President.
MARK SULLIVAN, Jr.,
Chairman, Crime Committee.

WMAL-TV EDITORIAL, JUNE 15, 1970

For those members of Congress who may not have heard President Nixon's remarks to U.S. attorneys last week, we would like to repeat them here:

"The major failure of this Congress has been its failure to act on any of the crime legislation . . . These are issues that are above partisan politics. I think it is time for the Congress to get off the dead center on which it presently has been operating, to get these bills out of a committee, to give

XUM

the members of the House and Senate a chance to operate, and get them here on the President desk for signatures . . . If we get the tools from Congress, we will use them and we will reduce this rate of crime . . . This is the number one issue that concerns people . . . For the Congress to fail to act . . . will be something that the people will remember . . ."

To the President's pointed reference to the next election, we can add only this: The leading example of a needed bill trapped in Congress is the D.C. anti-crime legislation. For weeks, we have been urging the House-Senate conference committee to report it out for final action. Now that the President has said it, Congress must respond.

CONGRESSMAN MARIO BIAGGI DELIVERS OUTSTANDING ADDRESS IN NEW YORK CITY

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, I would like to call to the attention of my colleagues a very forthright speech delivered in New York on Monday, June 29, by my distinguished colleague from New York, MARIO BIAGGI.

Since coming to Congress, MARIO BIAGGI has endeared himself to all of us because of his courageous position on behalf of our servicemen and on behalf of the people of our country.

He has devoted a major portion of his life to law enforcement, having served for over 23 years in the New York Police Department and having earned the distinction of being America's most decorated policeman.

In his speech, MARIO BIAGGI says the things that must be said today. Most of all, if America is to remain strong and united, it is necessary that we heed the words of Congressman BIAGGI in his address before more than 250,000 people at Columbus Circle in New York, wherein he says it is essential that all free-thinking people who believe in the principles of democracy be treated equally, fairly, and with justice under our laws.

The press release announcing his speech, and the full text of his speech follow:

PRESS RELEASE

Congressman Mario Biaggi (D-Bx) today praised FBI Director J. Edgar Hoover before a throng of almost 250,000 people celebrating Italian Unity Day at Columbus Circle, and assured his audience, many of whom had voiced resentment at FBI harassment of Italo-American, that alleged improper conduct by FBI agents, where it exists, was more human failure than established policy.

Biaggi had conferred with Mr. Hoover last Friday to discuss the complaints registered by a good many of those demonstrating today, and said "Mr. Hoover assured me in no uncertain terms that he will not tolerate any improper conduct by FBI agents and that he will vigorously prosecute any wrongful actions on their part."

Noting that Charles Bonaparte, an Italian-American who was Attorney General under President Theodore Roosevelt, was the founder of the agency that eventually became the FBI, Biaggi declared: "The controversy raging between the FBI and some Italian-Americans is an incongruity of striking proportions."

"Without a doubt, the FBI and its director, J. Edgar Hoover deserve the respect of us all," Biaggi said. "Let us not fall into the trap of employing for our own use that which we condemn. Because of the misconduct of a few, let us not use a wide black brush on the FBI—and let not the FBI or any other law enforcement agency use the same brush on us."

Biaggi, who in 23 years on the New York City police force, earned the title "America's Most Decorated Policeman," said he had always had contempt for "the punks and hoodlums and their bosses—especially those of Italian ancestry who shame us . . . I condemn their criminal acts, but I also vigorously condemn the attempt by segments of our society to stigmatize Italian-Americans by group guilt."

He also issued a call to the press to cease using the "easy words" such as "allegedly Mafia" and "allegedly Cosa Nostra" which have become synonymous with organized crime, "a connotation that carries with it the connotation that crime is the exclusive preserve of Italian-Americans." He appealed for a recognition of crime for what it is—"a national evil threatening the very fabric of America, a plague that knows no geographic, economic or ethnic boundaries."

SPEECH DELIVERED BY CONGRESSMAN MARIO BIAGGI

This day has been a long time coming. Let us hope that the spirit it expresses will not die with the setting sun. For, if there is one thing that has been lacking among Italian-Americans, it is the theme of this day—unity.

I am here with you not only as a Congressman, but also as President of the Grand Council of Columbia Associations in Civil Service, which represents more than 80 thousand Americans of Italian origin.

We have joined here today to demonstrate our solidarity with the more than 22 million other Americans of Italian ancestry who are working daily with us to preserve the principles of democracy and freedom we are able to enjoy in this country.

But isn't it strange that we should find it necessary to gather here at all, to demonstrate what should be well known to all Americans?

I have heard it said that it would be all right for non-Italian speakers to appear here today, but that an Italian speaker would do so at his own peril: They say my attempt to defend the civil rights of my fellow Italo-Americans would be misrepresented—even distorted—as a defense of criminal influences. But I don't buy that and every right thinking American will reject that premise. But it certainly reveals the disastrous effects of an evil psychology that has been allowed to develop imperceptively but insidiously over the years. The civil rights of everyone are precious; they transcend ethnic lines. We can't afford to be content because it's a neighbor's house that is burning and not our own; it might easily spread to ours.

Ladies and gentlemen, it is necessary that I be here because forces and attitudes in our country have produced and perpetuated a strange phenomenon. Many of the governmental, social, and business institutions of America are practicing—either consciously or unconsciously—a discriminatory harassment and a subtle but insidious bias against Americans of Italian extraction.

It is a controversial issue; that's for sure. I know it, and you know it. And because it is controversial, some well-intentioned people advised me not to get involved—it might not be too smart politically. Let me say here—I've always had contempt for the punks and hoodlums and their bosses—and especially those of Italian ancestry who shame us. As a former police officer, I condemn their criminal acts, but I also vigorously condemn the attempts by segments of our society to stigmatize and intimidate Italian Americans by group guilt.

But, my friends, the principle we are discussing here is far too compelling for me to heed such warnings. I have come because I believe our cause is far more important than personal political considerations.

If the issue is controversial, so be it. In my mind, avoidance of controversy is synonymous with mediocrity. And God knows—we certainly don't need more mediocrity on the political scene today.

Some people call me a fighter of lost causes. I don't agree. I have fought and won because I believe in the principles I fought for. I'm confident that today, too, we can fight and win—but we must do it together.

There was a time not so long ago when a social studies book that defamed the Italian immigrant shamelessly, singling out our people for special scorn without the slightest reference to the good that we have contributed to America, was in use in the New York City public school system. We changed that, and the offensive passage was removed. More than that, a mental scar was prevented from being inflicted on our young impressionable children who might find it uncomfortable to argue with a textbook even when they know the book is evilly wrong.

There was a time not so long ago that the New York City Police Department used ethnic description in broadcasts over a wide range of states for wanted persons, too often playing a guessing game as to the ethnic background of those being sought. We changed that, and there is no more guesswork permitted in these broadcasts, an accomplishment that benefits all nationalities—not just Italo-Americans.

This has been part of our concern for civil rights for all people. In 1964, we wholeheartedly supported the Civil Rights Act for black people. We have vigorously defended the rights of the Jews, the Poles, the Germans and others whose rights were being threatened or taken away. We need not apologize for defending the civil rights of Italian-Americans; our credentials are secure on that score.

I could go on and on. The list is long, and the time is short. But this is not a day for a recitation of grievances. This is a day to serve notice on a wide front—and in unmistakable volume and clarity—that the continued affront to our people is not going to go unchallenged.

And notice has been served that we have had enough of the subtle and not-so-subtle forms of discrimination practiced against our people—discrimination perpetuated by custom and nourished by tradition.

How many times have we heard that we are too sensitive to these assaults on our dignity? Yes, even by some Italo-Americans. They are either suffering from tunnel vision or are completely out of touch with the people and reality. Let me tell you something. A lack of response to the sensitivities of people is the root of most of the problems in this country. And problems do not solve themselves. Perhaps time solves some, but for too many people the time is too long, the wounds too painful, to wait. We cannot—we must not—and we will not endure these indignities any longer.

We are here today to demonstrate that unity in righting a real wrong in our society. For that reason, we can only be commended by officials in our government, by law enforcement agencies, by the press, and by the public at large.

And while we are not directing our objections to any one institution in America, there is good reason for us to believe that some individual members of the news media and the law enforcement agencies share a persistent attitude that defames the Italian-American community as a whole.

That attitude is the result of a growing tendency to associate all Americans of Italian ancestry with organized crime. Yet my own 23 years as a New York City police officer belie that notion. During that time I spilled

XUM

my share of blood in the performance of duty—something that has served as a solid basis for my belief and respect for law enforcement agencies in general.

I am proud of my police service and equally proud of the enormous contributions by the tens of thousands of Americans of Italian extraction to the enforcement of law and the administration of justice throughout our history.

And I am sure that I, and they, will not yield one scintilla in our fight against crime, whether it be organized or unorganized; whether it be out in the streets or behind the closed doors of some business, government, or other organization in this country.

Now, I want to share a secret with you, one that very few people in this country know. The founder of the present Federal Bureau of Investigation was an Italian. His name was Charles J. Bonaparte. As attorney general under President Theodore Roosevelt, he formed a unit that eventually grew into the present-day FBI.

Just recently in Washington, I was honored to participate in an event that paid tribute to this great Italian-American, a ceremony that takes on added significance today in the wake of demonstrations by some Italo-Americans in New York City protesting improper conduct by the FBI.

It vividly emphasizes once again the obvious but little-discussed fact of American history—that Italian-Americans have played and continue to play a significant role in protecting the freedoms we all enjoy, in preserving without rancor or intimidation, law and order across the land.

Attorney General Bonaparte foresaw a tremendous need for a special investigative unit in the Department of Justice to cope with the increasing turmoil and crime plaguing the country at that time. Since then, the contributions of the men of the FBI—many of whom were of Italian ancestry—are indelibly etched in the annals of law enforcement and justice.

Considering the role of Bonaparte and the tens of thousands of dedicated Italo-American law enforcement officials in city, state, and federal agencies who proudly wear the symbol of Italy in their heritage, the controversy raging between the FBI and some Italian Americans is an incongruity of striking proportions.

Without a doubt, the FBI and its director, J. Edgar Hoover, deserve the respect of us all. Let us not fall into the trap of employing for our own use that which we condemn. Because of the misconduct of a few, let us not use a wide black brush on the FBI—and let not the FBI or any other law enforcement agency use the same brush on us.

True, there are still some members of law enforcement agencies who associate all Italian-Americans with those relatively few among us involved in organized crime. Indeed, in all types of organizations, Italian-Americans face an insidious bias that comes from a mythical association with crime.

The fact is that of our more than 22 million Italian-Americans, only 5,000—a mere one-fiftieth of one percent—are involved in organized crime. Why, that's better than the 99 and 44/100ths per cent purity of Ivory Soap.

Yet this terrible crime-association myth continues. No matter that tens of thousands of our outstanding law enforcement people are of Italian descent; no matter that the social, economic and political contributions of the Italian-American community are legion; no matter that the history of cultural development of all immigrant groups contains an era in which illegal activities may have presented the only avenue for upward mobility; and no matter that the FBI itself traces its own history back to a founder of Italian heritage. The infamous image of organized crime lingers and carries over in some way to each of the millions of Americans of Italian extraction.

What forces perpetuate this strange phenomenon? A clue to the answer may lie in the realization that human failing rather than established policy contributes to its existence.

This is no easy problem to overcome. Human flaws nurtured and reinforced by the mass media eventually become institutionalized and—as de facto policy—can do more harm than established rules. In this unfortunate setting, myth is transformed into fact and, in turn, the abuse of power and ethnic harassment is shrouded in false justification.

No agency or institution, if we examine each closely, is free of such practices. Since the beginning of time, humanity has been faced with the problems created by excessive use of power. In law enforcement especially, because of its very nature, abuse of power, if not checked, can easily proliferate and destroy.

Pastor Niemoeller, in Nazi Germany, related a story that provides us with a convient moral. It was during Hitler's regime, and he stood by idly while Hitler persecuted Jews and said: "I was not a Jew, therefore I did not object." And when Hitler persecuted the Catholics, he said, "I was not a Catholic, therefore I did not object." And when trade union members felt the wrath of Hitler, he said: "I was not a member of the trade unions, therefore I did not object." And finally, when Hitler went after him, there was no one left to object to.

The moral of the story is clear. People should not wait until injustice touches them directly, for these things have a way of spreading until they engulf us all. If an injustice is apparent anywhere, we are obliged to take action. If we see a wrong, we must make it right. We therefore need the cooperation and help of all right-thinking Americans, regardless of their ethnic or religious background. The crucial point is that wherever and whenever it exists, abuse of power, defamation, and ethnic harassment must be ferreted out and dealt with immediately. Otherwise, the very foundation of our law enforcement system, a system built over the years by the dedication of Americans, many of whom were of Italian descent, will be seriously eroded and eventually crumble.

Our country has been fortunate in having law enforcement systems that provide a good deal of self-policing. They tend to clean their own houses. When abuse of power or improper conduct is discovered, the wrongdoers are usually severely dealt with

However, while our law enforcement agencies are deeply concerned with the performance of its own members, a share of the responsibility for eliminating the practice bebelongs with the public. Their complaints, properly processed and reasonably made, will receive the attention of all good police administrators.

This past Friday I conferred with FBI Director J. Edgar Hoover for an hour and 20 minutes in the company of my colleague, Congressman John Rooney of Brooklyn. I discussed the situation that we in the Italian-American community are facing. Mr. Hoover assured me in no uncertain terms that he will not stand for the defamation of the Italian-American or any other by the men under his command. Nor will he tolerate any other improper or illegal conduct by them. He pointed out that several hundred of his FBI agents are of Italian extraction, and I know he is proud of them and their work. I am certain that he will vigorously investigate any complaint presented to him concerning improper conduct by his agents.

If you are a victim of any such illegal action, by the FBI or any other organization, let me know, and I'll see to it that J. Edgar Hoover or the appropriate official knows about the incident. As far as J. Edgar Hoover is concerned, he has promised action, and I believe him.

But I must make one more appeal. And that I direct to the mass media. We should not despair because of their past treatment of Italian-Americans; rather we should be hopeful that they will break away from the easy headline words and the continued indiscriminate use of alleged "Mafia" or alleged "Cosa Nostra" as synonymous for organized crime—an equation that carries with it the connotation that crime is the exclusive preserve of Italian-Americans. I ask you gentlemen of the press to join in eliminating this bias, and begin to view crime for what it is—a national evil threatening the very fabric of America, a plague that knows no geographic, economic or ethnic boundaries.

And to all of you who hear my voice today, let me say, now that we are here, now that we have gathered, we must go forward and help to unravel the knotted problems which beset all Americans. We shall be peaceful, we shall be loyal, but we will not be afraid to stand up and demand justice. We shall never again tolerate humiliation or injustice and we today pledge ourselves to the never-ending fight to protect America and the Constitution. Let us hope that this day of unity shall continue into something which helps to heal the wounds and bind our courage more firmly with our fellow Americans in freedom and justice for all.

SLOVAK WORLD CONGRESS

(Mr. TAFT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. TAFT. Mr. Speaker, last week the American Slovak fraternal and religious organizations were participating in the First Slovak World Congress which was held in New York City at the Americana Hotel. I had both the honor and the pleasure to be one of their guests at the banquet, Sunday, June 21, together with my colleagues from the Congress—RAY J. MADDEN, PAUL FINDLEY, MICHAEL A. FEIGHAN, WILLIAM E. MINSHALL, and JOHN M. MURPHY. Congressman JOSEPH M. GAYDOS, himself of Slovak origin, was unfortunately in hospital at the time and missed this worthy event. Ambassador Nguyen Huu Chi, permanent observer to the United Nations, was also present. Representatives of other American nationalities were also present.

Senator JOHN G. TOWER, an outstanding American and an eloquent speaker, gave the keynote address. It was a fine speech and the assembled were unanimous in their praise of Senator TOWER's presentation and knowledge of history.

Among the many delegates from the free world, including from Australia, Latin America, Europe, and Canada, who attended the sessions were also three bishops, Andrew G. Grutka of Gary, Ind., the honorary chairman of the congress; Michael Rusnak of Toronto, and Paul Hnilica of Rome, Italy. Stephen B. Roman, the internationally known industrialist from Canada, chaired the proceedings of the congress with Bishop Grutka. Mr. Roman was elected the chairman of the Slovak World Congress for 1970–71.

The major organizations from the United States participating in the congress included the National Slovak Society, presided by John Pankuch, the Slovak Catholic Union, presided by John

XUM

A. Sabol, the Catholic Sokol, presided by Paul Falat, Slovak League of America, by Edward Behuncik.

Feeling certain that many other heritage groups in our great country will find gems of hope for their own ideals, I include Senator TOWER's introduction and speech in the RECORD at this point:

INTRODUCTION OF KEY SPEAKER

(By Joseph Krajsa, editor of the largest fraternal American Slovak newspaper)

When you think of Texas you immediately think of something big. And President Nixon has sent someone Big to extend official greetings to the Slovak World Congress. The distinguished United States Senator from Texas, Senator Tower, known as a Progressive-Conservative, is a close advisor to President Nixon and serves on three major committees—Armed Services, Banking and Currency, and the Joint Committee on Defense Production. He has spent more time with our commanders and troops in Southeast Asia than any other member of the Senate. The Senator is an internationally known leader and has been distinguished as a gentleman of dedicated zeal. All of you present here today have displayed a zeal for an ideal. We are fortunate that our distinguished American, Senator Tower, shares our zeal. His presence here during his busy congressional session proves his interest in the Slovak cause, a cause so common to all separate ethnic cultures. His message will be rewarding to all nationality groups, but especially to the Slovak delegates here assembled from all over the free world. And yes, Senator, to the thousands of Slovak Americans living in Texas, too. It has been said that one day the world will be reformed, but not by reformers, but as a result of a zeal for an ideal that is burning in the hearts of dedicated men. Ladies and gentlemen, it is my pleasure to present to you an internationally known gentleman, our guest of honor, a public servant of dedicated zeal, our distinguished United States Senator from the State of Texas, the Honorable John G. Tower.

Thank you for that very fine introduction.

Mr. President, Your Excellencies, Reverend clergy, Mr. Ambassador, my distinguished colleagues in the Congress, ladies and gentlemen.

It certainly is a great pleasure to be here today. It's extremely difficult for me to undertake to address you as the final speaker on the program. I have listened with great interest to all that has been said, but have not understood it all, since I don't speak Slovak. And so I am reasonably sure that Steve Roman has probably made my speech. But I'll find out afterwards.

I think that this is a great and significant moment that you meet here in your first World Congress. I think it is always inspiring when like-minded people get together for a noble common cause. You are Slovaks and I am an Anglo-Saxon. But we are all children of God. And as such, we are enjoined to stand fast in the liberty with Christ who set us free. We are all of one family. And we are our brothers in the common cause to try to achieve in this world, and in that which God intends, freedom for all mankind.

There are those in this world today who I think are ready to give up in the struggle against totalitarianism. I am so happy to note that you people are not among them. There are many in our country who have never felt the lash of communist imperialism. Because Karl Marx stated things in lofty terms, in terms of thinking what he considered to be human objectives, they think perhaps that system is not so bad after all. I wish every American could have shared the experiences many of you had, who have lived under communist totalitarianism to understand what it is all about. I have never lived in a totalitarian system, but I've been in places in this world where I've seen the stultifying and inhuman effects of the communist drive for world aggrandizement.

As it has been noted, I have been in Vietnam several times. I returned from there, most recently, several weeks ago. Two weeks ago, today, I was sludging around on the battlefield in Cambodia. Today I'm glad to report to you that we are achieving our objectives in Vietnam. We can measure our achievement in several ways. We have reduced the capacity of the enemy to wage massive forces against us. We have improved the fighting qualities of the army of South Vietnam. And I can tell you that that Army, and indeed all of the Armed Forces of South Vietnam, performed in a most professional, courageous and effective manner in the recent and current operations in Cambodia.

And, I am given to understand by the military commanders, that this will hasten the day when we can bring our boys back home. But I think the most important reason, and underlying everything, is the fact that now most of the Vietnamese people have had some experience with Communism. They may not understand democracy, as you and I understand it. They may not understand all of the responsibilities of self-government, as you and I understand it. Those who have lived under the Viet Cong, and under the heel of North Vietnamese military have made a decision, that they would rather be with us.

I think that the only way we can fail to accomplish our objectives, in trying to combat communist aggression in Southeast Asia, is for the people here at home to throw in the towel. I do not think we can lose the war in Southeast Asia if we can maintain our presence there.

I know I don't have to convince you about our responsibilities in the world. You know what Communism has done to Eastern Europe and what America must do to maintain her own security. You know the reason why. It's the same reason that we fight today in South Vietnam because Communist aggressor powers seek to expand their realm by force.

There are so many naive people, unfortunately, too many of them on the college faculties of this country, who hold that there is no danger from Communist aggression. I imagine that the people in Czechoslovakia can say a word or two on that score. And I wish that they who have fled from the Russian tanks and the Russian machine guns could be on the college faculties so that our youth can get a better impression of what Communism is really like. How can we believe that there is no danger?

There are those who try to impose a sense of guilt on the people of the United States for the arms race. We didn't start the arms race! It was not the U.S. which continued to maintain its powerful military force immediately following World War II. We demobilized. It was not the U.S. that swallowed-up the Eastern European countries with the use of military force. It was not the U.S. who sealed off Berlin. It was not the U.S. who invaded South Korea. And, in the past few years, from the point of strategic technology, the Russians have been developing their military potential at a much greater rate than we have. I submit to you that there is a clear and present danger which you well know. And I am not speaking so much to you, as I am through you, to a lot of people who are not in this room.

But who should understand that this nation must maintain a posture of military superiority, not inferiority. Not parity, but superiority! Because if we fail to maintain it, my friends, there will be no hope for the Slovaks, nor for the millions of others to ever aspire to freedom and self-determination and have any reasonable hope of realizing it. Does anyone believe that if the Soviets achieve strategic military superiority they will not use it to blackmail the rest of the world into going along their way. And you know what their way is. My friends, we are going to be in grave trouble by the end of this decade, or perhaps even before, if we don't recognize this fact.

I don't believe that we, Americans, can retreat to "fortress America" and hope to survive as a great nation ourselves. Even if we made our country impregnable; if we withdrew from the world, other nations would have to make their own accommodations with the Soviets. Then we will find ourselves in grave economic difficulties in a few years hence, because we are not a self-sufficient nation. We depend on sources and resources from other parts of the world. So, our capacity to progress as free people in the free enterprise system is involved here. But beyond that the mantle of world leadership has fallen on our shoulders whether we like it or not. We certainly are our brothers keepers! If we, as a Judeo-Christian society don't believe that then we have lost sight of the basic tenet. We are our brothers keepers, and have a responsibility to try and maintain a secure world in which Slovaks and all others, can aspire to freedom and hope ultimately to achieve it.

I'm pleased to bring you greetings from the White House. I'm also pleased to observe that you are willing to make common cause with all others, to combat the great Communist menace. There can be no freedom where Russian tanks, Russian soldiers occupy soil. There is no freedom in such territory anyplace. Ultimately, I think that all societies in this world can aspire to the kind of progress we in the U.S. and Canada have enjoyed through the free enterprise system. In the final analysis, when man becomes totally dependent upon the State, he loses his freedom. The right of man to own and do with his property what he considers best to him and his environment is a basic right and the major factor which prevents his being reduced to meek dependency on the State.

I commend you for what you are doing. I wish you well. Know that you are not alone; that there will be those of us who although are not Slovak, will be at your side.

God speed!

TRIBUTE TO COMMITTEE ON EDUCATION AND LABOR ON PASSAGE OF THE ARTS AND HUMANITIES LEGISLATION

(Mr. THOMPSON of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of New Jersey. Mr. Speaker, I take this time to express my deep gratification and appreciation to the gentleman from Indiana (Mr. BRADEMAS) and the members of his subcommittee as well as to our distinguished chairman of the full Committee on Education and Labor, the gentleman from Kentucky (Mr. PERKINS), for the manner in which the just-passed arts and humanities legislation was handled.

I would also like to extend my appreciation for the clarity and sincerity of the opponents of this legislation in debate. And I would like again, Mr. Speaker, to express, on behalf of what I believe to be something really unanimous, a reiteration of our birthday greetings to our distinguished friend and colleague, the gentleman from Iowa, Mr. H. ROYCE—after "Rolls," of course—GROSS, and to his personal physician, Dr. Hall of Missouri.

I might comment that we can expect our great friend, the gentleman from

XUM

Iowa, Mr. H. R. GROSS, to be with us for many, many years providing, of course, that he has the continuing and gratuitous services of his personal physician, Dr. Hall of Missouri.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to my distinguished friend from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding, and he is more than kind, and if he could just suggest a nearby pond deep enough where I can go and drown my sorrows for what has happened this afternoon I would appreciate it.

Mr. THOMPSON of New Jersey. I might say to my friend, the gentleman from Iowa, that I do not know of a pond nearby, but I know of a pub nearby. Please call me a little later and be my guest, and I will do my best to drown your sorrows.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that all of the friends of the gentleman from Iowa, H. R. GROSS, may have 5 legislative days within which to extend their greetings to this distinguished and middle-aged gentleman.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

TRIBUTE TO THE HONORABLE H. R. GROSS

(Mr. PERKINS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. PERKINS. Mr. Speaker, I think that it would be a serious oversight on my part if I did not take the floor on this occasion to extend to the distinguished gentleman from Iowa, H. R. GROSS, my sincere best wishes on the occasion of his birthday, this the 30th of June 1970.

I do not know whether or not the fact that his birthday occurs at the conclusion of the fiscal year has anything to do with the distinguished gentleman from Iowa's concerns about fiscal matters, but I do know that the Nation owes the gentleman a very sincere debt of gratitude for the diligence with which he pursues justification for every expenditure of public moneys.

The legislation that we fashion in committee is sharper in its purpose, more extensively studied and more carefully prepared because we know that it will be carefully reviewed and studied by the distinguished gentleman from Iowa.

The gentleman came to the 81st Congress from Waterloo, Iowa, on the same day that I came to the 81st Congress from Hindman, Ky., and over the years I treasure my legislative experiences in working with him. More frequently than not I find myself on the opposite side of the issue that is presented to us in the House.

However, regardless of the issue presented, I have found him to be always honorable, always sincere, always diligent in his pursuit of information, and very able as a legislator from whom all of us can learn.

I not only wish him a happy birthday but also wish him many years of an active and rich life.

Mr. GERALD R. FORD. Mr. Speaker, would the gentleman from Kentucky yield?

Mr. PERKINS. Mr. Speaker, I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I would be very, very remiss if I did not join with, I am sure, all Members on both sides of the aisle in extending to H. R. GROSS our very, very best wishes for many, many more years of good and constructive service in the Congress and just as many years of good health.

H. R. GROSS and I came to Congress together on January 3, 1949. I think we are the only remaining original Members of that class on our side of the aisle. We have had our differences. We have had our instances where we fought together. H. R. GROSS is a great ally and rugged foe. There is no person of greater integrity on those points where he believes strongly than H. R. GROSS. He gets a little irritated with me occasionally, and I occasionally have trouble communicating with him, but the House of Representatives needs H. R. GROSS for a good many years more.

Mr. PERKINS. I thank the distinguished gentleman.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Oklahoma, our majority leader.

Mr. ALBERT. Mr. Speaker, I too wish to associate myself with the remarks that have been made. The gentleman from Kentucky is ready to proceed at this time, but I do not think we should let him do so until we give the gentleman from Iowa (Mr. GROSS) a standing ovation.

[Applause, the Members rising.]

TRIBUTE TO MR. GROSS

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, this has happened but a few times in the House when we have had a standing ovation for a particular Member of the House celebrating his birthday.

I am pleased that the gentleman from Iowa is having his young birthday today.

Let me say this. One of the things I have learned from my years in Congress is to always respect the individual who you know has convictions and is ready to stand up for such convictions. I have never seen fit to fight with H.R. or argue with him because, as we all know, the gentleman from Iowa (Mr. GROSS) is a man of conviction and that is why we, the Members of this body, hold him in such high esteem.

LET US GET THE FACTS STRAIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HOLIFIELD) is recognized for 30 minutes.

Mr. HOLIFIELD. Mr. Speaker, in elementary physics courses it is taught that the simplest tool known to man is the wedge, and that the lever is slightly more complex. With a wedge and a lever and a rock, determined men—those who wanted to do something to improve their status—started down the path that led to civilization—for better or for worse.

There are today equally determined and equally ignorant men—ignorant about where they are heading—who would use the simple tool of the nondoers, the pen, to drive this country back to the days of the wedge, the lever and the rock by selling any article they can which labels technology, particularly nuclear technology, as immoral and devastating to mankind.

Today it is fashionable to write bad science fiction and sell the articles as true stories about the uses and supposed abuses of the entire spectrum of nuclear energy. We never read about the great advances being made in the use of californium-252, a manmade isotope from the Atomic Energy Commission's Savannah River Plant, in combating cancer. No, we never hear about that. All we hear about are the scare reports that if all the people in the United States—200 million people—sat around the perimeter fences of nuclear powerplants 24 hours a day, 7 days a week, why there might be a chance—and mind you, this so-called chance is based 100 percent upon unproven speculation—that some number like 16,000 people or more might in 20 to 25 years show up with cancer. This is supposed to happen if the nuclear powerplant were releasing radiation effluent at the limits stipulated in the guidelines established by the Federal Radiation Council, said guidelines being based upon the most meticulous research and studies the world has ever known in any field. The field of nuclear radiation interaction with the biosphere is the one field that has been supported fully so that industrial technology would not get ahead of the required technological controls.

It becomes very simple, in the throes of political battle, when the adrenaline is flowing freely, to pick up any article which comes to hand and use it if it might in any way help your cause—be it good, bad, or indifferent. I say now and to the distinguished Members of both Houses of this Congress that many of your staff members who are pen-pushers, not scientists or engineers, are leading you down the primrose path by convincing you to make speeches and publish articles that will come back to haunt you. I liken this use of scurrilous attacks drawn up by a staff member to the innocent chap who starts a rock down the side of a mountain, not realizing it could start an avalanche which could obliterate all in its path. Saying "I'm sorry" would be poor consolation to those battered down.

XUM

It seems unfortunate to me that the major extent of the attacks on the nuclear industry were started by those in a sister industry—the coal industry and its workers. I say this is unfortunate because there were those certain few in the idiot fringe who saw nuclear power as bringing a complete demise to the coal mining industry. Nothing could be further from the truth. While there may be competition for some time, there are certainly no nihilist tendencies among the nuclear people to wipe out coal mining. As a matter of fact, the need for coal today is greater than ever. The major problems today seem to be getting coal out of the ground and keeping the price down when it gets out and goes on sale.

Are these attacks on the pollution generated by nuclear industry made in good faith or is only the purported nuclear pollution the bad kind? I would like to insert in the RECORD at this point an article from the May 1, 1970, issue of the United Mine Workers Journal, page 3: "Water Plant Closing Threatens 1,400 Jobs, Millions in Payroll":

WATER PLANT CLOSING THREATENS 1,400 JOBS, MILLIONS IN PAYROLL

(By George J. Curilla, Jr.)

NANTICOKE, PA.—The jobs of 1,400 anthracite mine workers, millions of dollars in wages and additional millions in pension benefits to retired miners are in jeopardy if the State moves to close a water treatment plant at Wanamic Colliery of the Blue Coal Corp. near here.

These were the cold, matter-of-fact statistics disclosed by UMWA District 25 President John Eagan at an on-the-site meeting April 17 attended by State legislators, representatives of the State Sanitary Water Board, State Health Department and the Company.

Eagan, who with UMWA District 25 International Executive Board Member Emmett Thomas led a Union delegation to the special session, admonished the plant's closing would have an extremely adverse effect on the economy of the entire Wyoming Valley area.

The State Sanitary Water Board has set May 5 as the deadline for revocation of a permit granted Blue Coal Corp. unless the firm improves upon its facility to meet state specifications in treating water being pumped from the Wanamic mine.

MUCH AT STAKE

Eagan, in making his appeal at the meeting, made it clear that the UMWA has quite a stake, is vitally interested in the operation and urged just consideration.

Blue Coal was to immediately initiate completion and presentation of a new schedule of plans to improve upon operational phases of the plant so that they would meet the Water Board's standards and thus obviate the plant's closing.

A total of 600 jobs are involved at the Blue Coal mines and another 800 at operations in the immediate vicinity, which would be affected by inundation if pumping operations were suspended.

UMWA Local Union 6765, which has jurisdiction over the Wanamie colliery, said in a recently adopted resolution that the threat to revoke Blue Coal's permit "has caused untold hardship to our membership."

The resolution pointed out that "the impact of the proposed closing would be felt wherever anthracite coal is consumed and the loss of tonnage due to the closing of the Wanamie Colliery and eventually the closing of mines in the immediate area would create a situation that was never experienced in the supply and demand of anthracite coal."

It warned that the 1,400 men who would be affected by the proposed closing would "have difficulty securing other jobs and their unemployment will result in severe financial hardships for them and their families, as well as have a serious economic impact in our area."

The resolution, forwarded to Governor Raymond P. Shafer, implored him to use his "good office to prevent this proposed action by the Water Board."

Copies were also sent to Secretary of Mines and Mineral Industries H. B. Charmbury, State legislators and others.

In addition to Eagan and Thomas, other UMWA representatives on hand for the meeting were District 25 Secretary-Treasurer Lado Savelli, District Representatives Frank Cardoni, Peter Rutz, Michael Trudnak and Louis Giusti; John Kmetz, International Traveling Auditor, International Auditor Ben Cicero and this writer.

Representing Blue Coal Corp. were Charles Zink, vice president, and Joseph Ippoliti, chief engineer.

On hand for the State Sanitary Water Board was Walter N. Heine, director of the Division of Mine Drainage, while the State Health Department was represented by Lou Bercheni, regional sanitary engineer and Larry Pawlush, acting chief, operations section.

State legislators who participated in the session were Senator Martin L. Murray and Representatives Stanley Meholchick, Fred Shupnik and Frank O'Connell.

There recently appeared in the CONGRESSIONAL RECORD an article which purports to show how dangerous the vicinity around the AEC's Rocky Flats plant has become because of plutonium contamination. I would at this point call your attention to a statement prepared by the State of Colorado Department of Health, dated June 9, 1970. I will insert the report in its entirety, but would first like to read the first two sentences of the first paragraph on page 2:

> It is our conclusion that no public health hazard now exists from past releases from the Rocky Flats Plant. It would be impossible, however, to estimate any hazard which existed in the past.

Since our friends are always quick to note that plutonium-239 has a half life of 24,000 years, one might guess that no hazards have been visited upon an unsuspecting public in the past, or that long-lived material would still be around. I submit the statement for inclusion in the RECORD at this point with the exception of the map, which cannot be reproduced:

STATE OF COLORADO, DEPARTMENT
OF HEALTH,
Denver, Colo., June 9, 1970.

Enclosed are copies of the latest surveillance information on the Rocky Flats Plant. You will note the soil sample results clearly indicate the distribution of the ^{239}Pu contamination.

Before briefly describing the soil analysis results, it might be well to first explain the sampling technique used.

The U.S.P.H.S. obligated themselves to analyze 25 total samples for ^{239}Pu and ^{90}Sr content. This was because the plutonium analysis, in particular, is extremely time consuming and they, of course, have other commitments for other surveillance activities. To take full advantage of this limited number of analyses, it was decided that a composite sampling program was indicated. As you can see by the map attached to the soil analysis results, the area around the Rocky Flats Plant was divided into 13 sectors. These sectors were located at 1, 3 and 6 mile distances from the plant boundary. Twenty-five soil samples were collected in each sector with 20% or 5 separate samples collected additionally in each sector and retained for future reference. Each location sampled is approximated on the map. The number of composite soil samples in the designated area totaled 325. Composite sediment samples of significant water bodies totaled 190. The soil samples collected were of the top ⅛" of undisturbed soil which would be indicative of the most severe health hazard in regard to re-suspension from the soil to the air.

It is interesting to note the similarity of results of the 75 background samples collected in Limon, Loveland and Penrose areas using the same composite sampling technique as described above. Although we plan to expand the number of background sampling areas, we anticipate that the present samples accurately describe the ^{239}Pu "background" levels on the Eastern Slope. These levels are due almost entirely from fallout from past atmospheric nuclear testing.

Also worthy of note are the results of the ^{90}Sr analyses and the ^{239}Pu/^{90}Sr ratios for sector soil samples, "background" soil samples and sediments. These results would indicate that the ^{239}Pu results alone are the best indicator of the effect that the Rocky Flats Plant has had on the environment.

It is our conclusion that no public health hazard now exists from past releases from the Rocky Flats Plant. It would be impossible, however, to estimate any hazard which existed in the past. The highest concentrations were found adjacent to the plant at the eastern boundary. This area is directly downwind from the area that the leakage of plutonium-contaminated oil and subsequent soil contamination occurred sometime during the period of 1955 through 1967. The main oil spill area was covered with asphalt in September, 1969 and an apron of 3" of base course material was completed around this area in March, 1970. The plutonium levels in the soils in this area were high and the material was carried downwind. The elevated ^{239}Pu levels in Sectors 1, 2, 6, and 7 are primarily the result of this "incident."

Sector 2, which has the highest concentration of ^{239}Pu, can best be described as a non-populated area, access to which is not controlled. In a paper by R. L. Kathren (1968), which was an extensive review of work done on plutonium contamination, "interim acceptable surface contamination levels for environmental PuO_2" are proposed. Based on dose to pulmonary lymph nodes, the following would be acceptable levels for occupancy by the general public:

Urban areas 10 dpm/cm^2.
Rural areas 100 dpm/cm^2.

ICRP Publication 14 (1969) states that the dose limit for plutonium on the basis of risk to lymphoid tissue is not warranted. Adjustment of the above proposed acceptable levels would be upward by a factor of 2 or more. Based on the conservative numerical terms used by Kathren, the level identified in Sector 2 (8 dpm/cm^2) is safe (acceptable) by at least a factor of 25. If the entire 13-sector area (0.3 dpm/cm^2) is used, the factor would range from 70 to 700 depending on whether the entire area would be considered as urban or rural, respectively. Less conservative limits would, of course, provide a greater factor, and several of these were reviewed.

Extrapolation of the data indicates that the total ^{239}Pu soil contamination of the environment around the Rocky Flats Plant attributable to the plant approximates 0.3 Curie (4.9 grams ^{239}Pu) at the present time, 57% of which is located in Sector 2.

Because hazard analysis based on soil data utilizes arbitrary re-suspension and "air concentration half-life" factors, the only proper method to thoroughly evaluate the situation is by air surveillance.

The Department's plans are to continue, and in some cases increase, air surveillance activities downwind from both the contaminated area and the plant in general, and to work with Rocky Flats personnel in an effort to more fully identify and control any potential contaminant releases from the plant. Samples from Sector 2 will be collected and analyzed to determine the long-term characteristics of Pu^{239} in soils, and of course as previously mentioned, an expanded effort will be made to establish an existing Pu^{239} "background" for Colorado. With the provision of additional funds, a higher percentage of samples (air, water and soils) will be analyzed for Pu^{239}, thereby giving the Department an independent capability for hazard analysis, and definition of plant releases.

If you have any questions regarding this matter, please let us know.

Sincerely,

P. W. Jacoe,
Director, Division of Air, Occupational, and Radiation Hygiene.

U.S.P.H.S.—SWRHL ANALYSIS SOIL AND SEDIMENT SAMPLING RESULTS

Sample date	Location	dpm/g dry soil		
		$_{239}$Pu	$_{90}$Sr	Ratio Pu/Sr
SOILS				
Backgrounds				
Feb. 18, 1970	Limon, Colo	0.13	2.9	0.045
Do	Loveland, Colo	.11	1.8	.061
Do	Penrose, Colo	.11	1.6	.069
Samples:				
Feb. 18, 1970	Area 1	5.55	2.4	2.31
Feb. 19, 1970	Area 2	24.4	2.4	10.2
Feb. 18, 1970	Area 3	.29	3.3	.088
Do	Area 4	.31	3.6	.086
Do	Area 5	.24	15.8	.015
Do	Area 6	1.00	1.6	.625
Feb. 19, 1970	Area 7	1.02	1.3	.785
Feb. 18, 1970	Area 8	.04	1.1	.036
Do	Area 9	.02	[1] .4	.050
Feb. 17, 1970	Area 10	.38	[1] .4	.950
Feb. 18, 1970	Area 11	.07	.9	.078
Feb. 17, 1970	Area 12	[1] 0.02	0.9	0.022
Feb. 19, 1970	Area 13	.04	1.1	.036
SEDIMENTS				
February 18, 1970.	Upper South Walnut Creek	46.6	[1] .4	
Do	Walnut Creek	109.0	[1] .4	
Do	Pond Walnut Creek and Indiana	28.9	[1] .4	
Do	Great Western Reservoir	.53	.4	
Do	Woman Creek	2.18	.4	
Do	Mower Reservoir	.89	[1] .4	
Do	Standley Lake	.07	[1] .4	
Do	Pond West of Indiana and 96th	.53	([2])	
February 25, 1970.	Ralston Reservoir inlet	.40	.4	
Do	Ralston Reservoir high water mark at inlet.	.20	[1] .4	
Do	Ralston Reservoir 100 yds. from inlet.	.16	[1] .4	

[1] Less than.

[2] Lost.

Note: The soil was analyzed for strontium by acid leach and ion exchange and for plutonium by total dissolution, ion exchange and electroplating. The values that appear high were rechecked and the values confirmed. All Strontium 89 concentrations were found to be less than 1.1 dpm/gm of dry soil.

TOTAL $_{239}$Pu ACTIVITY BY SECTOR

Sector	$_{239}$Pu dpm/g dry soil	$_{239}$Pu dpm/cm^2	Area		dpm×10^{10}	Ci
			mi^2	cm^2		
1	5.55	1.78	2.1	5.4×10^{10}	9.59	0.0432
2	24.4	7.81	2.2	5.7×10^{10}	44.5	.2005
3	.29	.09	2.1	5.4×10^{10}	.501	.0023
4	.31	.10	2.1	5.4×10^{10}	.536	.0024
5	.24	.08	9.4	2.4×10^{11}	1.84	.0083
6	1.00	.32	9.4	2.4×10^{11}	7.68	.0346
7	1.02	.33	9.4	2.4×10^{11}	7.83	.0353
8	.04	.01	9.4	2.4×10^{11}	.307	.0014
9	.02	.01	16.1	4.2×10^{11}	.269	.0012
10	.38	.12	13.0	3.4×10^{11}	4.13	.0186
11	0.07	0.02	13.0	3.4×10^{11}	.762	.0034
12	[1] .02	[1] .01	13.0	3.4×10^{11}	.218	.0010
13	.04	.01	13.0	3.4×10^{11}	.435	.0020
Total		.27	114.2	296×10^{10}	78.6	.354
Bkg	.12	.04			11.4	.051
Net (Dow soil contamination contribution)						.303

Note: 0.30 Ci $_{239}$Pu×16.2 gms $_{239}$Pu/Ci $_{239}$Pu=4.9 gms ^{239}Pu.

[1] Less than.

The author of the article quoted by my colleague quotes a Boulder, Colo., biochemist who is an immigrant from the east coast, I might point out, as saying the AEC only tells that part of the truth which is favorable to its image. Is somebody also going to say this about the Colorado Department of Health?

Another statement of interest in the same article in the Record referred to the "golden silence" maintained by the news media about a small fire at the Fermi reactor. The first public notice of the fire was in the May 26, 1970, Monroe Evening News. I say again the date, May 26, 1970. The referred-to newspaper article follows:

FERMI PLANT FIRE DAMAGE UNDETERMINED

The extent of the damage caused by a small fire and minor explosion in the Enrico Fermi Atomic Power Plant at Lagoona Beach last Wednesday will not be known until the room housing the sodium transfer tank equipment is cleared of inert gas, plant manager Myron Beckman said today. The 10 x 10 foot room was filled with the inert gas to extinguish the fire.

"We may go into the room today or tomorrow," Mr. Beckman said in making the first public announcement of the incident. "No one was injured in the mishap," he added.

The transfer tank is part of the equipment used to clean up sodium used as a coolant in the plant process, Mr. Beckman said. It is used at irregular intervals. The explosion and fire resulted when a small water leak came in contact with the nonradioactive sodium. The plant has been shut down since October 15, 1966, but is now awaiting Atomic Energy Commission (AEC) authorization to start reloading the reactor for an anticipated mid-July start-up.

"I don't think the mishap will delay the present schedule," Mr. Beckman said, "but we won't know definitely until later."

There was also an article in the June 18, 1970, issue of Nucleonics Week, on page 5. This article, titled "Small Fire at Fermi Deemed No Bar to Short-Term Operation," follows:

SMALL FIRE AT FERMI DEEMED NO BAR TO SHORT-TERM OPERATION

A sodium-water reaction and resulting small fire in an auxiliary system to the fuel-transfer tank of the Enrico Fermi fast reactor at Lagoona Beach, Mich., is not expected to delay completion of fuel loading. Power Reactor Development Co., operator of the plant, thinks critically needed production will be achieved by mid-July. Neither PRDC nor AEC feels the May 20 accident is of any consequence in the authorized plan to power test and then make a short (10-day) run at 200 Mwth. Of considerable consequence, though, is a reevaluation of Fermi's future role and of what happens to PRDC, whose members have financed it only through next January.

The May 20 accident occurred in the secondary containment when water leaked from a water-to-nitrogen heat exchanger and met sodium, which had leaked into the anulus from a crack in the inlet of the electromagnetic pump. PRDC's visual examination revealed very little fire damage. There are some fuel assemblies in the transfer tank that PRDC wants to use in the fuel loading and PRDC believes it has figured ways to get these assemblies out of the tank without also bringing out sodium oxide or other impurities from the cold tray cleanup system.

Much of the PRDC annual meeting last week focused on a review of contemplated Fermi operation at 110 Mwth to irradiate LMFBR fuels and materials specimens. Looking at the irradiation data that is being produced elsewhere, the PRDC members are wondering if this is the area in which Fermi can best contribute to the national breeder development program and are considering other possibilities, such as extended operation at 200 Mwth as a test of components or an accelerated effort to get an oxide ore into the reactor.

On the present schedule, irradiation operation could start in about a year and, because of the limiting life of the present metal core, go to the end of 1972. Then it would require about nine months to make the modifications necessary for installation of an oxide core. Possibly a year could be saved if the irradiation program was eliminated.

But Edison Electric Institute, which has board of directors approval to seek voluntary membership funding of oxide-core design and development by Atomic Power Development Associates, won't start on this until it has seen the results of the Fermi power-demonstration run. And continuance of PRDC as a corporate entity awaits the same fundamental assurance.

Here again, Mr. Speaker, we have a prime example of poor staff work, of a staffman letting down his master and mentor by filling his ears with the words he would like to hear. Just because an article does not appear in that newspaper which thinks only it prints all the news—and I might point out here that they missed a news item which would have allowed them to twist the knife they like to use on the AEC—because they missed this opportunity is no reason to accuse the AEC of stifling the news. I might state that poor staff work has been known to undo Congressmen from their positions in Government.

Mr. Speaker, let me ask about the qualifications of the two so-called authors cited in the Record. The first is a stringer for an east coast newspaper who works the Rocky Mountain States. The second article is by a free lance originator of poor science fiction which he sells as hard news. This person is totally ignorant of things nuclear and economic.

I take personal umbrage, Mr. Speaker, that the committee of which I am chairman, the Joint Committee on Atomic Energy, should be attacked based upon the writings and mouthings of ignorant and biased individuals. It is fashionable, today, to be against. It is very easy to say an automobile is a bad thing, but I do not see those who make the accusations do anything constructive. Trying to put General Motors out of business will not help. It certainly is easy to accuse, just like throwing that first rock down the side of the mountain. Let the people who start these avalanches beware lest their hasty actions allow them to repent in leisure.

I would, at this point, like to have printed an article written by Professor Etzioni of Columbia University. The article, titled "The Wrong Top Priority" was originally printed in the May 22, 1970, issue of Science magazine. I commend this as required reading for those prone to jump on bandwagons.

The Wrong Top Priority

At the moment, American conservatives and liberals, government and people, all consider the elimination of pollution the domestic problem which deserves first priority. Public opinion polls show that Americans ranked fighting pollution next to fighting crime; fighting pollution ranked higher than any other needs, including those of improving schools and expanding medical services. A very high 56 percent favored allotting more money to the purification of our air and water, while an extremely low 3 percent favored less expenditure in this area. The President clearly indicated his concern in his message to Congress on 10 February: "The time has come when we can no longer wait to repair the damage already done, and to establish new criteria to guide us in the future." Furthermore, he added that pollution "may well become the major concern of the American people in the decade of the '70's."

This new commitment has many features of a fad: a rapid swell of enthusiasm (most of the ecology action groups are less than 6 months old), fanned by the mass media (the number of activists at Columbia University tripled after the *New York Times* reported that pollution was The Cause of the Year). And the commitment is rather shallow. Few citizens seem aware of the cost they will have to bear as taxpayers, consumers, and automobile and home owners. For example, the increase in fuel costs for landlords is estimated to run between 15 and 20 percent. Another typical feature of this past fad is the preponderance of advocates who feel that the advancement of their project would achieve a whole spectrum of good things, ranging from revival of the Judeo-Christian tradition to improvement of the "quality of life."

To arouse the public and Congress, the newly found environmental dangers are being vastly exaggerated; we really are not all about to be asphyxiated by carbon monoxide. Nor is it true that, unless we *act now*, "air pollution will screen out the sun and make big cities uninhabitable; [that] the fragile biosphere we all live in is becoming poisonous and may cease to support life; [that] plagues threaten" [editorial, *Life* (6 March 1970)]. The time frequently set for this "end of the world" is "within 10 to 15 years." Even if a presently threatened species—say, Louisiana's brown pelicans—were to disappear, it is still ridiculous to expect that the whole ecology would be thrown so out of equilibrium that our economy or society would collapse.

The complicated problems that pollution control poses can be handled only in part through a crash program. Public and legislative commitment ought to be built up for a long pull. But even if one day water and air again are as pure as they were before man polluted them, many other environmental problems—from ugly cities to overcrowding—will still be with us.

Now we should continue to give top priority to "unfashionable" *human* problems. Fighting hunger, malnutrition, and rats should be given priority over saving wildlife, and improving our schools over constructing waste disposal systems. If we must turn to "environment," first attention should be given to the 57,000 Americans who will *lose their lives* on the roads in 1970.

More deeply, we must face the fact that our society and policy are still organized as if our real top priority was the production of consumer goods and their consumption. Unless we learn to turn much more of our resources, manpower, organizational skills, and attention to public issues, none of the annual fads will cause a significant, lasting reduction in *any* of our domestic problems.—Amitai Etzioni, *chairman, Department of Sociology, Columbia University, New York, New York.*

In conclusion, Mr. Speaker, I would like to quote from the marvelously candid speech given on June 1, 1970, by the gentlewoman from the other House, Senator Margaret Chase Smith, when she cautioned this country to avoid extremes of action and reaction. While I am using her words somewhat out of context, I do consider that they apply to those who are making violent attacks on all facets of government in the hope that they can profit from the publicity. Senator Smith's golden words of reason follow:

> It is time that the great center of our people, those who reject the violence and unreasonableness of both the extreme right and the extreme left, searched their consciences, mustered their moral and physical courage, shed their intimidated silence and declared their consciences.
>
> It is time that with dignity, firmness and friendliness, they reason with, rather than capitulate to, the extremists on both sides—at all levels—and caution that their patience ends at the border of violence and anarchy that threatens our American democracy.

CONNIE MACK, GRAND OLD MAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. Philbin), is recognized for 15 minutes.

Mr. PHILBIN. Mr. Speaker, under unanimous consent to revise and extend my remarks in the Congressional Record, I include therein a very fine article by Mr. Roy Mumpton, the very talented sports writer of the Worcester Telegram entitled, "Connie Mack, Grand Old Man."

Known as the "Grand Old Man of Baseball," Connie Mack, born in East Brookfield, Mass., at one time in the district I have the honor to represent in Congress, was certainly one of the greatest managers in baseball history. He was a great friend of my valued friend and sponsor, the late, memorable Senator David I. Walsh, one of the greatest Americans ever to serve in the U.S. Senate, and for 30 years a Member of that body.

At the time that Connie Mack passed away in 1956, I made a speech in the House outlining his glorious baseball career, his qualities as a gentleman, and his status as one of the most famous Americans of his time.

Mr. Mumpton writes as an acknowledged, famous expert in baseball and sports, and speaks with unquestionable authority on the subject of Connie Mack and the great part he played in our national game during his time.

The beautiful town of East Brookfield in Worcester County, Mass., was very proud of Connie Mack, not only as an unexcelled baseball manager but as always a gentleman and a warmhearted human being who conducted himself on and off the field in such a courteous and considerate manner to everyone, including some of the rather difficult baseball players under his charge. Some of them were easy to write home about, since they were as temperamental as opera singers, and as unpredictable as summer weather. Many were numbered among the all-time greats of the game.

Probably a favorite was Rube Waddell, great left-handed pitcher who in his lighter moments, no doubt getting tired of strict discipline and fighting with umpires, was accustomed to taking time off without Connie's permission, and turning up a week later driving a coal wagon on the streets of Philadelphia.

People are not immortal, but as long as baseball lasts, and that will be a very long time, the name of Connie Mack will be gratefully remembered and spoken of in baseball and sporting fraternities with awe and admiration.

The people of the town of Brookfield, and all of us who like baseball, and particularly those of us who remember Connie Mack and his great exploits, may well pause today to pay our own sincere tribute to his memory.

He came from humble beginnings in

XUM

a small country town that is dear to our hearts, and he rose to a high place in the great American game, not only as a player but as an all-time famous manager.

But he was something more than a baseball player and a manager. He was a great American, who won and enjoyed the respect of baseball followers and the people of the Nation who equated his candor with his kindness, his baseball expertise with his sterling character, that stood as an example for young and old alike, a great leader of the game, a great friend of his players and a great credit to baseball, East Brookfield, and our country.

The Nation would be fortunate indeed, if we could have a few more like him, but, to be sure, there never could be another like him.

I heartily congratulate and thank the people of East Brookfield for dedicating a bronze plaque in memory of the great Connie Mack, born Cornelius Alexander McGillicuddy. It was a fine and thoughtful thing to do, and it will serve to keep the truly glorious legend of the great Connie Mack alive in the lovely little town of his birth to which his long successful career in the world's greatest game brought such outstanding honor and recognition.

The article follows:

Connie Mack, Grand Old Man

(By Roy Mumpton)

Our East Brookfield neighbors will dedicate a bronze plaque to the memory of Cornelius Alexander McGillicuddy, that town's most illustrious son, in connection with their anniversary celebration tomorrow.

This is fitting. It should have been done long ago.

It has been nearly 108 years since Connie Mack was born at East Brookfield in a frame house which still stands along Route 9. It has been 20 years since the Grand Old Man of Baseball completed a half century as manager of the Philadelphia Athletics, which he also founded and owned. It is 14 years since his death.

Only a few natives will personally remember Mr. Mack, who last visited his birthplace in 1934 when he brought his big league team to neighboring North Brookfield and defeated the local Armortreds in an exhibition game on the village green.

But everyone with the slightest interest in baseball knows about Mr. Mack, his unparalleled long service in the game, his great starts and his storied feats as a manager. He was a legend.

Most everyone is aware that the tall, gaunt catcher of the home sandlots, who left a shoemaker's bench to become a Hall of Famer, won nine American League pennants and five World Series and became almost as famous a landmark in Philadelphia as the Liberty Bell.

The better informed know that Mr. Mack, never wealthy for all his successes, scouted the bushes for raw youngsters and developed them into two of the greatest teams in all baseball (1910–14 and 1929–31) and then broke up each by selling the high-salaried stars to pare expenses and pay the rent money.

Connie had some truly great players, most of whom are enshrined with him at Cooperstown. There were pitchers like Chief Bender, Eddie Plank, Jack Coombs, Andy Coakley and Herb Pennock and that fabled $100,000 infield—Holy Cross' Jack Barry, Eddie Collins, Home Run Baker and Stuffy McInnis—in the old days. Then came Bob Grove, George Earnshaw, Rube Walberg, Jimmy Foxx, Al Simmons, Wally Schang and Jimmy Dykes of a later but still long ago era.

"SLATS" RATED HIGHLY

"Slats" (that's what they called him in the early days when catchers stood far back of the plate and caught the pitches on the first bounce) was rated "exceptionally smart" when he played for Washington, Buffalo and Pittsburgh through the 1880s.

He was even smarter as a manager. He and John McGraw were baseball wise far ahead of their times. Their well-drilled teams played sharp inside, and one-run, baseball. They seldom beat themselves. Mr. Mack had an exceptional knack for judging talent, he was a fine teacher and in his own quiet and patient way, he knew how to handle athletes and how to get the most out of them.

His records as a manager would have been at least twice as glorious if he could have operated in the plush days of television and hadn't been beset by the financial problems which forced him to peddle so many of his great players when they were at their peak and highly marketable.

So, after his 1914 A's had been upset in four straight by Boston's miracle Braves, he sold Barry, McInnis and Pennock to Boston, Collins to Chicago, Baker to the Yankees, Bender to the Phils and Plank to the Browns.

And he tore his next champions apart after 1931, selling Foxx, who had cost him only $500, Grove, Max Bishop and a flock of others to Boston; Dykes, Simmons and Mule Haas to Chicago and Cochrane to Detroit.

Connie always blamed the development of the farm systems for his failures to put together another great team. He believed until his death that clubs should find their own talent and bid for a player's first services in the open market.

Older fans will remember Mr. Mack as a tall, scholarly man who sat in the dugout wearing a dark suit, a high starched collar and a panama hat atop his white hair. Always he had a scorecard in his hands, keeping tabs of every play and waving it to position his defenses and signal his batters and runners.

Others remember his calculated daring in pitching Howard Ehmke, a supposed has-been, in the first game of the 1929 World Series against the Cubs at Chicago's Wrigley Field. Everyone was sure either Grove or Earnshaw would start that one. Ehmke hadn't pitched for a month (he had been away scouting the Chicago batters). So there was great surprise when he began warming up. Ehmke struck out 13 batters, won easily and provided Mr. Mack with what he felt was his biggest thrill in baseball.

THE WAY IT WAS

An old writer remember Mr. Mack, too, for a few amusing little incidents which happened here and there during his long career.

Connie, who neither drank, smoked or cursed, came closest to it when Lefty Grove, sometimes as temperamental as he was fast, came to the bench in a wild rage after outfielder Bob Johnson had made a costly error behind him.

Mr. Mack, feeling sympathy for Johnson, tried to calm Grove.

"To hell with you, too," fumed Lefty.

"And the hell with you, Mr. Groves" (Connie always called him that) retorted Mr. Mack.

Connie had tried to revive interest in the A's in 1928 by bringing Eddie Collins back and signing such other faded old greats as Ty Cobb, Tris Speaker and Zach Wheat. The plan didn't pan out. "No club had greater names, nor was slower on its feet," said Connie years afterwards.

He got the biggest kick from Rube Waddell, the eccentric left-handed pitcher who often was either fishing or riding fire engines on the days when he should be pitching. Waddell, old timers will remember, once walked the bases filled, called in all his outfielders and struck out the next three batters.

Mr. Mack was especially fond of Jimmy Dykes, who he named to succeed him as the A's second manager when he retired at the age of 87. But there was a day he wasn't too fond of Dykes, who had been his star third baseman.

Dykes was managing Chicago and coaching at third base, right in front of the A's dugout. Mack had a rookie pitcher who could throw hard and was doing a good job of keeping the game tied, even though the White Sox had the winning run at third base. Jimmy didn't know how they could get it home. So he resorted to an old trick. "Hey, what did you do to that ball, let's see it," he shouted to the tense young pitcher.

The kid tossed the ball to Dykes. Jimmy stepped aside and the winning run streaked home.

A MEAN THING TO DO

Mr. Mack stepped to the lip of the dugout and motioned for Dykes. When Jimmy came over, Connie pointed a bony finger in his face and said: "James, I'm ashamed of you," turned and went back and sat down.

And there was the day at Fenway when Ferris Fain had difficulty picking up a bunt. ("He fielded the ball like it was a hooded cobra," wrote the late John Gilooly) and finally threw it over the third baseman's reach and against the noggin of a spectator in the stands.

Mr. Mack admonished Fain for his costly double error, saying he shouldn't have thrown the ball.

"What did you want me to do with it, stick it in my mouth?" roared Fain, angry at himself.

"It would have been a much better place for it, young man," said Connie.

There are so many things one remembers about Mr. Mack, a kindly gentleman who forgot more baseball than most of the moderns know.

It is fitting that East Brookfield remembers him.

THE ORGANIZED CRIME CONTROL ACT OF 1970

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL) is recognized for 15 minutes.

Mr. RANDALL. With the passage of H.R. 17825, the extension of and amendments to the Omnibus Crime Control and Safe Streets Act of 1968, the House has taken a commendable step toward alleviating to at least some measure the stark terror that has crept into the lives of our people as the crime barometer rises in recent years.

But more, much more needs to be done if we are to repair the damage and relieve the personal, chronic fears in the hearts and homes of America created by crime's insidious, virtually unimpeded march during the 1960's.

The Safe Streets Act is descriptive of its objective, to fight crime in the streets. There is another and immeasurably greater fight that must be waged against organized crime. I am not speaking now of the petty thief, or the mugger, or even the burglar or holdup man. I have reference to the bigger criminals who have been called the overlords of crime, who live from the tribute and homage paid by the petty criminals in a kind of feudal system that quite certainly exists within the criminal world.

While crime is a generic term and

XUM

categories are hard to determine, it is an accurate appraisal to say that crime in the streets is one separate and distinct problem, and to combat organized crime is not only another battle, but even another war.

Today the Omnibus Crime Control and Safe Streets Act has been extended by our body of the Congress, and hopefully the other body will concur in our action in the very near future.

That is why to me it was so significant that after a careful study and preparation, I have today introduced the Organized Crime Control Act of 1970, most appropriately on the day that we have passed a measure to control the other category of crime—crime in the streets as distinguished from the control of organized crime.

In the decade that ended last December, the incidence of crime increased 16 times faster than did the population. While this was happening, the average daily head-count in Federal prisons decreased by 18 percent. In 1969, serious crime across the Nation increased 11 percent in 1 calendar year. And this statistic reveals only those crimes which were reported. The National Crime Commission estimates that only about half of all serious crime is reported. Of those which were reported, records show that arrests resulted in only about 29 percent of the cases. We entered 1970 with the private, law-abiding citizen standing 1 chance in 44 of being victimized by serious crime during this year, and the criminals who commit those crime having only one chance in seven of being apprehended.

In the decade of the 1960's, the incidence of crime seemed to escalate in direct proportion to the frequency with which the Supreme Court handed down decisions which handcuffed law enforcement officers in the doing of their duties; muted prosecutors in the presentation of evidence against those accused of crime and created an atmosphere in which the rights of suspects were given ironclad guarantees while their victims lay dying. Police officers have been discouraged from doing their jobs lest they, themselves, wind up as defendants. Detention laws were liberalized; bail bonds were lowered or eliminated to the point that an arrest merely subjected a suspected criminal to a minor inconvenience from which he would soon be freed to again become a criminal liability to the community.

In 1964 and again in 1966, the Supreme Court limited the procedures under which a criminal suspect could be interrogated, and narrowed the scope within which evidence derived from such questioning might be admissible in the courts. In the Miranda and Escobito opinions the Court completely reversed its rulings on three earlier, similar cases.

In two 1967 cases severe limitations were imposed on Court acceptability of identifying evidence gained from police lineups and from identifications made by seriously injured victims of violent crime.

In a 1968 proceeding and in nine earlier cases the high court set aside various laws defining obscenity and pornography, thereby flooding the bookstores, newsstands, moving picture houses, theaters, and even the U.S. mails with the vilest forms of intellectual filth.

A decade has just ended in which the highest court in the land seemed to choose to forget that good, law-abiding citizens have rights, too. We reached a point that was described by the Apostle Paul when he wrote in the fourth chapter, 15th verse of his letter to the Romans that "Where no law is, there can be no transgression."

It may or may not be significant that the tremendous upsurge in the rate of crime followed a 1962 Supreme Court decision, the first of several opinions that outlawed prayer in our schools.

In the 91st Congress more than 200 proposals for preventing and detecting crime have been introduced in the two Houses of Congress. I have, myself, either individually introduced or cosponsored 11 bills, proposing various laws for use in the war against crime. President Nixon, since taking office nearly 18 months ago, has sent legislative drafts to the Congress, or endorsed bills originated by Members of Congress amounting to White House and administration support for 15 or more proposals for curbing crime. Until we passed the Omnibus Crime Control and Safe Streets Act Amendments, only a Sherman Antitrust Act amendment had passed the House as this body's contribution to the war on crime.

Now we have passed an omnibus crime control bill. Its provisions will, hopefully, make for a more equitable distribution of money from the Law Enforcement Assistance Agency within the States for updating and improving the techniques, facilities, and manpower situations of State and local police organizations. When we passed the Justice Department appropriations bill in May, I fulfilled a commitment I had made to the residents of Missouri's Fourth Congressional District to support nearly doubled funds for fighting crime under the LEAA—$480 million. In the Omnibus Crime Control and Safe Streets Act Amendments, I gladly supported the authority to further increase the funds to $650 million for fiscal 1971 and to $1 billion and then $1½ billion for the following 2 years.

But no matter how effective this legislation may be in fighting crime, it deals with only half—and perhaps with less than half of the overall crime problem. The Omnibus Crime Control and Safe Streets Act Amendments relate primarily to fighting crime in the streets. This is, for the most part, crime of local or regional origin—the individuals bent on burglarizing private homes and business establishments, robbing pedestrians on the streets; or the local and regional gangs that prey upon the citizenry. I repeat, that it is of vital importance that law enforcement authorities be given every possible tool, and every impediment be removed from the path of these officers in the doing of their duty. But the House has not yet passed any meaningful legislation for coping with organized crime—the large syndicates behind systemized crime which make big business of their national operations in counterfeiting, gambling, trafficking in drugs, loan sharking, contraband, and all the criminal activities which, serious as they are, are only the side effects of the huge criminal operations that blanket the Nation.

Last January the Senate, after lengthy committee hearings and floor debate, passed S. 30, a 10-title bill designed to effectively pit the law enforcing capabilities of this Nation against the onslaught of the crime lords.

Those who engage in wholesale criminal activities with branch operations throughout the Nation are masters of sophistry. By their organizational genius they have built empires for controlling every branch of criminal activity that can be operated profitably. With utter ruthlessness the czars of crime maintain stern discipline from the lowest peon in their organizations to the top of the command. With stark terror that discipline is enforced. With extraordinary entrepreneural skills they identify forms of legitimate business that can either be diverted to their underworld profits or used as fronts behind which their criminal businesses can be operated. With their money they can either seek out legal talent that is susceptible to the lure of huge financial rewards for finding loopholes in the laws which can be used in defense of their underworld clients, or gangland's money can be used to bribe law enforcement officials, jurors and others to subvert the cause of justice. This element of crime has mastered the art of evasion of due process; it can be brought to justice only by extraordinary laws and special dispensations in the art of law enforcement.

The House Judiciary subcommittee has intermittently held hearings on S. 30 but as of this morning, I am informed by the committee staff that no further action is scheduled at this time on this vitally needed legislation.

According to the news media, and to an insertion on page 19354 of the June 11 CONGRESSIONAL RECORD, objections have been raised to some of the provisions of the bill by certain individuals and groups. One of the interposing groups is the bar association of the city with the highest crime rate in America. We all know that is New York City. Another objecting organization is one which appears to exist for the sole purpose of freeing those accused of certain crimes, by the use of constitutional tests which were surely not intended by the framers of that document as devices for leaving crime unpunished. If any doubt remains, I refer to the American Civil Liberties Union.

I subscribe to the doctrine that an individual should never be convicted of a crime so long as there remains any doubt as to his guilt. And I find it repulsive that innocent people should be subjected to undue judicial harassment under the laws of our land. But I am also strongly persuaded by the incidence of probable cause, the integrity of our judicial system to correctly adjudge the rightness or wrongness of cases brought into the courts, and the capacity of the legal profession to effectively defend the rights of the accused on evidential grounds and without resort to constitutional trickery.

In many localities there are local statutes that permit a charge of "presence in

XUM

an illegal establishment" to be lodged against persons found in gambling houses when raids are made. Even if such individuals were not actually engaged in an act of gambling, their presence there is assumed to have been for the purpose of gambling; they knowingly expose themselves to a criminal activity.

When an individual—especially a person of known criminal tendency—is found to have been in the vicinity where a serious crime has occurred, law enforcement authorities should not be prevented by some obscure interpretation of the Constitution from taking reasonable steps to ascertain whether that person may have been involved in the crime's commission.

When a person against whom there is substantial probable cause for suspecting connection with illegal drug traffic is sighted in an area frequented by known or suspected drug addicts, there should be no roalblocks in the paths of enforcement officers seeking to determine if such person is, in fact, involved in drug peddling.

The traffic in illegal drugs, which has reached enormous proportions and tragically affected the lives of millions of people, is a business of such magnitude as to defy the possibility of local operation and control. The dope business involves huge smuggling operations, reaching into a dozen or more foreign countries, and requiring couriers with highly developed talents for deception. While street-type criminals and local hoodlums are doubtlessly engaged in the sale of illegal drugs, they are involved only as the bottom rungs of ladders that reach into the heights of national and international syndicated crime.

The patronage base for these drugs has been broadened to include, if not concentrate on the younger generation, those people to whom we must look for local, State, and national leadership just a few years from now. Reliable reporters have unfolded too many accounts of drug addiction, reaching down to 14- and 15-year-old children, for such accounts to be untrue. When I am confronted with well-authenticated reports of good children from good families being lured into hopeless lives of drug addiction, $40, $50, or $100 a day habits that can only be supported by shoplifting, robbery—even prostitution among the very young—then I am not going to be very much concerned that, in stamping out the source of this growing national disgrace, somebody who has made himself vulnerable to suspicion may not be handled as gently as might be desired by some people or some organizations with overdeveloped senses of constitutional principles, brought on by a raft of warped interpretations in the past liberal decade.

The burgeoning traffic in drugs is only one area of criminal activity of such broad implications as to be identified with the operation of organized crime; there are dozens of other criminal operations of such scope as to mark them as syndicated endeavors. Organized crime must be wiped out.

I am given to understand that the main objections to the bill S. 30 are in connection with titles I and X of that bill. Title I has to do with the summoning of special grand juries on crime problems in major metropolitan areas. Title X provides for additional sentences for habitual offenders. In my own judgment, there is nothing wrong with the special grand jury proposal unless it is that this provision may be too narrow. Of course, major metropolitan areas are usually the principal operating bases for organized crime activities. But there is also crime in areas that do not qualify for the "metropolitan area" definition. They, too, should have whatever benefits special grand juries have to offer.

With respect to title X—additional sentencing of habitual offenders—a nation in which one out of every 44 of our people can expect to be victimized by serious crime here in the middle of the 20th century needs every degree of protection that can be had. Additional sentences for convicted criminals of demonstrated unlawful tendencies does not seem an unreasonable protection to give a nation harassed by crime.

Nevertheless, if these two titles out of such a far-reaching bill as S. 30 are the stumbling blocks in the way of getting some meaningful legislation for bringing organized crime to its knees, I will concede one of these two provisions.

So, it is in the spirit of compromise that I offer a new bill containing all the provisions of S. 30, as it passed the Senate, except title I, which provides for special grand juries in metropolitan areas for crime control purposes.

I am introducing this bill today, and I urge the committee to bridge its differences and bring this bill to the floor at an early date. If this does not happen, I now serve notice that in 30 days—the time limitation contained in the Rules of the House of Representatives for such a parliamentary move—I shall offer a petition to discharge the Committee on the Judiciary from further consideration, bringing the bill directly to the floor for debate by the full House membership.

This is a drastic move, and one with which I have had little association in my years as a Member of this House. But the conditions prevailing across the land because of unchecked operations by syndicated crime are also drastic. I doubt if the thousands and perhaps millions of American citizens who have seen family resources wiped out by gambling operations controlled by organized crime, or the families that have seen the lives of their dear children ruined by the ravages of the dope traffic syndicated by the mobs, will care if an unusual legislative device is employed to put an end to these and countless other evils that might be checked by this legislation.

The bill I am introducing will do the following:

Title I: Provides and prescribes the manner in which a witness in a Federal proceeding may be ordered to provide information after asserting his constitutional privilege against self-incrimination, and defines the scope of the immunity to be provided such a witness. This will do away with the practice of witnesses hiding behind the fifth and other constitutional amendments in order to avoid testifying, while at the same time providing a measure of protection against self-incrimination for such witnesses.

Title II: Codifies existing Federal civil contempt procedures dealing with recalcitrant witnesses in grand jury and court proceedings. This title also authorizes confinement without bail until compliance is made to court orders that such witnesses be responsive. Under this title witnesses who flee State investigative proceedings in order to avoid testifying will be made subject to Federal process. Also, those who cross State lines in order to avoid service of subpoena by State investigatory units would become subject to Federal process.

Title III: Abolishes the "two witness" rules and the "direct evidence" rules in the trying of Federal perjury cases, and provides for prosecution of persons making contradictory statements under oath without requiring proof of falsity of one of the statements.

Title IV: Authorizes the Attorney General to provide protection for witnesses in Federal or State crime cases, and their families.

Title V: Authorizes the taking of pretrial depositions of Federal Government witnesses in criminal cases and permits the use of such depositions in subsequent prosecutions.

Title VI: Provides that in any United States legal proceeding the consideration of claims that evidence is inadmissible because illegally derived shall be limited to those cases where the alleged illegal act has taken place within 5 years of the time claim is made; limits disclosure of information by the Government in such cases to only such as is relevant in determining admissibility of the evidence and is in the interest of justice.

Title VII: Extends Federal jurisdiction over illegal gambling activities to include all such activities in operation for more than 30 days or from which gross revenue is in excess of $2,000 in any single day, involving five or more persons; provides penalties for participation in such activities of up to $20,000 fine and/or up to 5 years imprisonment; establishes a commission to conduct a comprehensive review of Federal and State gambling law enforcement policies and their alternatives; expands the wiretapping authority in the Omnibus Crime Control and Safe Streets Act of 1968 to include among offenses against which it can be invoked those which are in this title.

Title VIII: Prohibits the infiltration into management of legitimate organizations by racketeering activities where interstate or foreign commerce is affected; provides for criminal penalties, including forfeiture of property to the United States, upon convictions; provides for civil remedies—court divestiture of interest—to prevent and restrain violations of the prohibition provisions.

Title IX: Carefully defines an "habitual criminal," and terms under which this definition can be applied; provides for additional sentences for those who have been repeatedly convicted for major offenses under that definition.

Mr. Speaker, this bill is not a perfect solution to the problems heaped upon this Nation and its people by organized criminal groups. It does not go as far,

XUM

perhaps, as some of us would prefer to go. In the opinion of some others, no doubt, it goes too far. But I am certain in my own mind that the best interests of this country lie in a law-abiding and orderly society. There is no substitute for swift, certain, and impartial justice, with less attention paid to the technicalities which appear aimed at the protection of the criminal, and more attention paid to the rights of society. And if it appears that this bill or some even stronger measure may be somewhat less than usually considerate and anxiously regardful for the rights of a criminal on trial for the heinous activities associated with organized crime, then let us recognize we are becoming more solicitous, and careful of the rights of 200 million Americans to be safe and secure in their homes with their families, protected from the scourges of organized crime's reign of terror.

REVOLT OF THE BLUE-COLLAR WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PUCINSKI) is recognized for 30 minutes.

(Mr. PUCINSKI asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. PUCINSKI. Mr. Speaker, United Press International has performed a notable public service in journalism today by obtaining from the White House a heretofore unpublished report which has been prepared for the President advising Mr. Nixon that an estimated 70 million middle-class Americans are fed up with being excluded and forgotten while their taxes pay for programs to upgrade the poor.

I believe United Press International has made an impressive contribution in jarring this report out of the White House, and making it public.

This report sustains and fortifies what I have been saying in the Chamber time and again.

I shall place in the RECORD today the entire story that the UPI has run on this report.

The committee that made this study, chaired by outgoing Labor Secretary Shultz, concluded that blue-collar frustrations could soon erupt into "militancy at the bargaining table" and increasing support of "politicians such as George Wallace," as both major parties ignore them.

The special report pictured blue-collar families as trying to cope with both inflation and taxation while attempting to solve for themselves the same problems for which welfare families get Government aid.

In a memo to the White House, the study group said that the Government's continuing attention to poverty-level families spawns resentment and even racial and ethnic hostility among blue-collar workers struggling to survive.

"Observing the welfare programs for the poor, they feel excluded and forgotten," the memo says. "As taxpayers, they help pay the freight for 'free riders,' and get none of the apparent help."

The report, sent privately to the White House June 20 and obtained today by UPI, urges that special attention be given promptly to blue-collar families in a variety of programs ranging from tax breaks to new postage stamps portraying skilled trades.

Unless "significant steps" are taken, the panel said, there will be "continued pressure for inflationary wage settlements and continued hostility to the disadvantaged" among blue-collar families.

The report, drafted by Assistant Labor Secretary Jerome M. Rosow, went under a cover letter from Shultz to John D. Ehrlichman, the President's chief domestic adviser. Shultz added the political analysis in his letter.

I am particularly pleased that the report places such heavy stress on making job training to upgrade skills available to all American workers. I have introduced H.R. 18101 for just that purpose.

The report noted that 40 percent of the Nation's work force—about 70 million family members—are in the lower-middle class, with incomes between $5,000 and $10,000 a year.

But most of these people, it said, are locked into "dead end" jobs with little opportunity to increase their earnings because of lack of formal education and job upgrading programs.

It is my sincere hope my colleagues will study this report very carefully.

First of all, it was prepared by a highly respected and prestigious member of the Cabinet and by the Labor Department so in its preparation it takes on an extra sense of validity.

Second, I believe that this report may very well be one of the most important documents of our time, at a time when Americans are asking themselves what is happening to our country—and when there are those who are wondering whether or not the Nation can survive in its present form—and when there are those who are literally challenging the validity of the democratic concept.

I believe that this report can make a great contribution toward a better understanding of why there is a growing degree of restiveness among the people of this country, for indeed the middle-income American, the so-called silent majority has been totally ignored and bypassed by their Government in literally every single project.

Mr. Speaker, let there be no mistake. This middle-income worker today is spending some 40 percent of his earnings on all forms of taxes—income taxes, personal property taxes, real estate and gasoline taxes, cigarette taxes, and what have you.

So it is perfectly understandable why there is this despair and this feeling of complete futility. Certainly, this man and this family, are making a contribution and are making sacrifices—but they cannot participate in any of these programs because supposedly their earnings are too high.

The report quite properly provides a series of recommendations. One of these recommendations is for job upgrading programs and better educational opportunities to enable skilled and semiskilled tradesmen to move up the economic ladder.

Practically every one of our job training programs and every one of our educational programs are geared to an income factor of some sort.

There are all sorts of student loan programs for youngsters from poor families. But a man in America who is earning $10,000 a year or $7,000 or $6,000 a year—and who has two or three children that he is trying to put through college is in a state of greater depression than a person who is on public aid—yet the world passes him by and ignores him and ignores his problems because he is not in the poverty level.

The recommendations made by this task force also provide for making child care facilities now available only to welfare mothers also available to working mothers on a partial fee basis.

What a fantastic frustration it is to thousands of working mothers in this country—women who go to work for a living to support their families—yet, they cannot take advantage of any child welfare care program because they have an income above the poverty level. They have to pay extremely high prices for private nursing care for their children; the larger share of their earnings goes to pay for the care of their family but these women cannot share in day care center programs. I say, Mr. Speaker, by the time these working mothers get through paying for child care, they are worse than at a poverty level of income.

So I say to you that this may very well be one of the most important reports that has been prepared in our time. I think it zeros in and focuses attention on a problem that we can no longer ignore in this Congress.

It is my hope that my colleagues on both sides of the aisle, both Democrats and Republicans, both liberals and conservatives, will finally recognize the fact that there are some 70 million Americans who today are locked in by a feeling of desperation because they are the ones who are working and carrying the load and paying the taxes and, yet, they are getting very little in return for their money.

I hope that the White House will make the full report available to every Member of Congress so then we can intelligently address ourselves to these programs and problems and legislate in a manner that all Americans can benefit from these programs instead of just those who are designated in the poverty level.

I am not surprised that yesterday we saw in New York a huge demonstration of thousands of people, middle-income Americans, who assembled over there to protest the kind of indignities and inequities that are showered upon them, and I think you are going to see more and more of this. This report quite properly warns about this restiveness among the blue-collar workers. I say to you—the decade of the 1970's had better wake up to the fact that the blue-collar worker has great problems. He is finding it more and more difficult to stay afloat.

It would be my hope that this report would be carefully read, analyzed by every Member of Congress, and then I hope it will have an impact on meaningful legislation to help all Americans in this country.

Mr. Speaker, the UPI press release in its entirety is as follows:

Washington.—A special panel has told president Nixon that the estimated 70 million Americans of the lower-middle class are fed up with being "excluded and forgotten" while their taxes pay for programs to upgrade the poor.

The group, chaired by outgoing labor secretary Shultz, concluded the blue-collar frustrations could soon erupt into "militancy at the bargaining table" and increasing support of "politicians such as (George) Wallace" as both major parties ignore them.

The special report pictured blue-collar families as trying to cope with both inflation and taxation while attempting to solve for themselves the same problems for which welfare families get government aid.

In a memo to the White House, the study group said that the government's continuing attention to poverty-level families spawns resentment—and even racial and ethnic hostility—among blue-collar workers struggling to survive.

"Observing the welfare program for the poor, they feel excluded and forgotten," the memo says. "As taxpayers they help pay the freight for 'free riders' and get none of the apparent help."

The report, sent privately to the White House June 20 and obtained today by UPI, urges that special attention be given promptly to blue-collar families in a variety of programs ranging from tax breaks to new postage stamps portraying skilled trades.

Unless "significant steps" are taken, the panel said, there will be "continued pressure for inflationary wage settlements and continued hostility to the disadvantaged," among blue-collar families.

XUM

The report, drafted by Assistant Labor Secretary Jerome M. Rosow, went under a cover letter from Shultz to John D. Ehrlichman, the President's chief domestic adviser. Shultz added the political analysis in his letter.

The report noted that 40 per cent of the nation's work force—about 70 million family members—are in the lower-middle class with incomes between $5,000 and $10,000 a year.

But most of these people, it said, are locked into "dead-end" jobs with little opportunity to increase their earnings because of lack of formal education and job upgrading-programs.

In addition, it said, this group has been hit hardest by the inflationary squeeze and a tax structure "that offers little relief."

The report also said hostilities mount as blue-collar workers find lower-class elements—particularly minorities—making "inroads" into housing, jobs and education often denied to the lower-middle class because they are "making it."

The group—which included Attorney General Mitchell—Antipoverty Director Don Rumsfeld and a dozen top White House aides—recommended an 11-point program. Among their recommendations:

Job upgrading programs and better educational opportunities to enable skilled and semi-skilled tradesmen to move up the economic ladder;

Making child-care facilities for welfare mothers available to blue-collar wives on a partial-fee basis.

Tax breaks for blue collar families, both by raising exemptions for children to recognize increased costs for their care as they grow older and by hiking the present $6,900 income ceiling that determines eligibility for child-care deductions.

Increased federal help for community colleges, "which are of such importance to the blue-collar worker's children."

A public-relations campaign to improve the image of manual workers through such things as national awards to outstanding craftsmen, skilled-trade postage stamps, and better job counseling in high schools.

Better recreational facilities, more mass transit to ease auto costs, pumping more mortgage money into the housing market, and improvement of disability and workmen's compensation systems.

Making the Federal Government a "model employer" by initiating the recommended programs for its low-income workers.

PRESIDENT PROPOSES TREATY TO RENOUNCE ALL NATIONAL CLAIMS ON SEABED RESOURCES

The SPEAKER pro tempore (Mr. Kee). Under previous order of the House, the gentleman from Texas (Mr. Bush) is recognized for 5 minutes.

Mr. BUSH. Mr. Speaker, on May 23, President Nixon proposed that the United States negotiate a treaty to renounce all national claims over seabed resources to the "seabed beyond the point where the high seas reach a depth of 200 meters." All seabed resources beyond this 200-meter depth would be under the jurisdiction of an international administration called an international regime. Coastal nations would act as trustees to the area off their coasts, but the international administration would authorize and regulate exploration of the resources and would receive the royalties from it. All moneys collected would be used for the benefit of underdeveloped countries.

Mr. Speaker, a national claim of seabed to a depth of 200 meters only is a dramatic departure from U.S. policy. This limitation of territory was rejected by the U.N. Conference on the Law of the Sea held in Geneva in 1958 in favor of a more expansive definition. The convention drafted at this conference is the principal international legal instrument governing jurisdiction of the seabed and was ratified by 39 nations, including the United States. The NPC report stated:

> Of the 107 coastal nations which have asserted their general jurisdiction over offshore minerals, at least 37 have done so with respect to specific submarine areas which, according to available information, appear to be beneath waters deeper than 200 meters.

The chief motivation behind this country's leadership in the determination of an international definition of a nation's right to her seabed has been the potential mineral and petroleum deposits offshore. The discovery of these deposits led President Truman on September 28, 1945, to declare that the United States regarded the natural resources of the Continental Shelf "beneath the high seas but contiguous to the coasts of the United States" as "subject to its jurisdiction and control."

In 1953 the Congress in the Outer Continental Shelf Lands Act gave the Federal Government jurisdiction over the Continental Shelf beyond the 3-mile limit and authorized the Secretary of the Interior to grant leases for exploration or exploitation of resources.

In March 1956, the Organization of American States met in Ciudad Trujillo and concluded that:

> The sea-bed and subsoil of the continental shelf, continental and insular terrace, or other submarine areas, adjacent to the coastal state, outside the area of the territorial sea, and to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the sea-bed and subsoil, appertain exclusively to the state and are subject to its jurisdiction and control.

The OAS delegates rejected the suggestion that the line of demarcation be a depth of 200 meters. The United States supported this rejection—in other words, we supported the view that a nation was entitled to claim those areas which admit to exploitation.

The 1958 Geneva Convention on the Continental Shelf declared that:

> A nation's jurisdiction included "the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 meters or, beyond that limit, to where the depth of the superadjacent waters admits of the exploitation of the natural resources of the said areas.

At the time of ratification of the 1958 Geneva Convention by the U.S. Senate, the State Department clearly represented to the Foreign Relations Committee the right to utilize technological advances at greater depths beneath the oceans was protected and had been supported by the United States. This same interpretation was given to President Eisenhower on September 2, 1959, when Acting Secretary of State Dillon transmitted the Convention to him. In fact, the State Department did not suggest to the Senate or President Eisenhower the possibility of any different interpretation.

Thus, I was shocked to read on May 23 of President Nixon's proposal. In view of the information given the Senate in 1959, I cannot believe that consent would have been given had the Senate felt that we would give away our natural resources at some point in the future.

Let us look for a moment at just what we would be giving away. The primary resources known to exist offshore are oil and natural gas. Supplies of phosphate and manganese exist but they are so widely scattered that no estimates are available. But, attempts have been made to estimate the petroleum potential. The Department of Interior publication "Petroleum and Sulfur—U.S. Continental Shelf—December, 1969" used two different methods—one based on total area and the one based on the volume of the sediments. Their conclusions are as follows:

Product	Outer Continental Shelf to 200-meter line	200 to 2,500 meters [1]
Crude oil	660 billion barrels	640 billion barrels.
Natural gas	1,640 trillions of cubic feet	1,590 trillions of cubic feet.
Natural gas liquids	50 billion barrels	50 billion barrels.
Crude oil	780 billion barrels	800 billion barrels.
Natural gas	2,220 trillions of cubic feet	2,230 trillions of cubic feet.
Natural gas liquids	60 billion barrels	70 billion barrels.

[1] 2,500 meters is the average depth of the foot of the continental slope.

These figures do not represent all petroleum offshore. Those falling within the 3-mile limit are not included.

Now, let us look at this proposal in the context of our total energy picture. Oil and gas supplies approximately three-fourths of this Nation's total energy. The United States with only 6 percent of the world's population consumes 32 percent of the world's petroleum and 50 percent of its natural gas production. All experts agree we are facing a critical shortage of gas. The reserve-to-consumption ratios have been drastically reduced. The Federal Power Commission Chairman has warned against further declines.

The National Marine Science Commission estimates that 16 percent of the total world production of oil comes from offshore sources and in 10 years, about one-third of all the world's oil will come from offshore reserves. So far as the United States is concerned, about one-half of our estimated national reserves of petroleum and natural gas are located on our Continental Shelf.

Thus, the United States is more dependent upon oil than any other nation. Further, we have a greater dependence on offshore oil than do other nations. In view of this dependency, it would be irresponsible for the United States to give away such potential reserves as are evidenced by the Interior Department figures. Instead, the United States should be maximizing its access to the mineral and petroleum resources in this area. It is clearly not in our best economic or national security interests to do otherwise.

The suggestion that an international regime be established and that the funds be given to underdeveloped nations is an unworkable one. First of all, there is the problem of establishing a fair international administration that will not adopt a system of rationing and discriminate against American companies. In view of past experience, I am not optimistic that such an administration can be developed at this time. But, if it could, the boundary question is bound to be under dispute. This will discourage American oil companies from exploiting these disputed areas. And, this would occur at the very time when the oil industry should be encouraged to explore for new reserves in view of our consumption requirements. There would be a loss of potential tax revenue to the Treasury because we will have given away our revenues based on production of part of the geologic shelf. In view of our total economic picture, this does not make sense at this time.

In summary, Mr. Speaker, I do not think that the Congress should support this seabed proposal. It is clearly not in the best interests of the United States. In any event, the negotiations for the establishment of an international regime should not be tied to the ceding of rights beyond the 200-meter depth line.

PROGRESS REPORT ON RESULTS OF FIGHT TO EXPOSE EMPRISE CORPORATION LINK WITH ORGANIZED CRIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. STEIGER) is recognized for 10 minutes.

Mr. STEIGER of Arizona. Mr. Speaker, some of you may recall that some time ago I attempted to expose the scope and significance of the activities of an organization known variously as High Park, Emprise, Sportservice, or simply the Jacobs boys.

This outfit has a long history of association with organized crime and individual criminal members of organized crime. Since you were first advised of their activities, the following events have transpired.

The State of New Mexico has said that Emprise, Sportservice, et al. could not own or finance a racetrack in that State, although they could be concessionaires. The latter decision was based largely on the very practical problem of breaking the ironclad contract that Emprise had with the track in question.

The State of Arkansas has promulgated a new set of rules which limits the ability of a stockholder in a racetrack to do business with the racetrack. The Governor of Arkansas also accepted the resignation of a State official who went to Arizona to testify to Emprise's "good character."

The State of Arizona was the source of a Security and Exchange Commission order to suspend the exemption status of the Tucson Turf Club, a wholly Emprise owned entity, based on a finding of the fact that they falsified their ownership position. The Arizona House of Representatives passed a whole new set of racing regulations designed to break up Emprise's stranglehold on Arizona racing. The bill was killed in a State senate committee by a wave of Emprise-financed lobbyists, including many of the State's most respected law firms, after being passed out of its primary committee.

Emprise reports that the State of Florida found that Emprise is a grand outfit to do business with.

The Federal agencies involved in the several investigations of Emprise continue.

Hopefully, some of you have been concerned enough to alert your State and local officials to the danger of doing business with these people.

The original parent corporation, High Park, was dissolved for purposes unknown to me.

BILINGUAL EDUCATION ACT NEEDS GREATER FUNDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RYAN) is recognized for 20 minutes.

Mr. RYAN. Mr. Speaker, on June 25, the Senate passed H.R. 16916, the Office of Education Appropriation bill for fiscal year 1971. The House had already passed this bill on April 14. To the $25 million which the House version appropriated for the bilingual education program, the Senate has added $5 million. I strongly urge the House conferees on H.R. 16916 to agree to this additional funding, which would mean that for fiscal year 1971 there would be $30 million for the program—assuming the House and Senate subsequently accept the conference report.

Of course, even this additional funding in no way approaches the maximum which could be appropriated. The authorization for the bilingual education program for fiscal year 1971 is $80 million, as provided by the Elementary and Secondary Education Amendments of 1969, the conference report for which the House agreed to on April 7, 1970. Thus, even should the House conferees agree to the Senate's action, there would remain a $50 million gap between the appropriation and the authorization.

Once again, the Congress has, with high authorization levels, spouted the rhetoric of promise. The vice is perceived, and a large authorization is the response. And once again, the appropriation for a worthwhile, beneficial program is a meager portion of that authorization. While I commend the House Committee on Education and Labor conferees for having agreed this spring to the Senate amendment which raised the authorization level from the House version of $40 million to the Senate version of $80 million for the bilingual education program, I cannot accept this process of promise followed by inadequate performance.

Our Spanish-speaking citizens daily experience disadvantage, discrimination, and prejudice. They are confronted, on top of these evils, with a language barrier which for some is virtually insuperable. One answer—but certainly by no means a total one—lies in the Bilingual Education Act, of which I was an original cosponsor, and which was signed into law on January 3, 1968, as part of the Elementary and Secondary Education Amendments of 1967.

The Bilingual Education Act aims at meeting the special needs of children who, while adept in the language spoken in their homes and in their local communities, are at a disadvantage because they do not speak English fluently. Allow me to refer back to my testimony before the Senate Subcommittee on Bilingual Education, in 1967. I was appearing then in support of my bill, H.R. 10024, a precursor to the legislation which was finally passed. At that time I said:

> Children who have spent their early years speaking in Spanish are tossed, totally uninitiated, into a kindergarten or first grade where all business is transacted in English. These children may suffer a combination of reactions, all with detrimental implications. The child becomes confused and frustrated; he begins to doubt his own ability, to think there is something wrong with him because he cannot perform as the other children do. When children comprehend that the reason for their difficulty lies primarily in the fact that they do not speak the prevailing language, they may begin to resent their whole cultural heritage and may lose the values of their cultural background, while at the same time they have not fully assimilated North American norms. Thus, they become lost to both cultures.

This is a sad situation. But it need not happen. The bilingual education program is the answer. It is not—and I want to make this very clear—a program to destroy the child's mother tongue, to rob him of his precious heritage. It is to help

XUM

him share in the language common to most Americans, while at the same time enabling and encouraging him to retain with pride the language of his birthright.

There are millions of children who need the opportunity this program offers—Spanish-speaking Americans, children of immigrants, children of American Indians. All told, there are more than 3 million non-English-speaking school age children in the United States. There are another 1 million such children under 6 years of age. Thus, nationwide, more than 5 percent of our school age children can be helped by the bilingual education program.

In New York State, there were, in the 1968–69 school year, 280,275 Spanish-surnamed students in prekindergarten through 12th grade. New York City accounted for almost all of these children—260,963. In terms of percentages, Spanish-surnamed children constituted 8.2 percent of the total school population for the State. And they accounted for 22.3 percent of the children in school in New York City.

Moreover, the numbers and percentages have shown a constant rise. In the 1966–67 school year, Spanish-surnamed public school students in New York City constituted 20.9 percent of the total; in 1967–68, 22 percent; and in 1968–69, as I said, 23.3 percent.

Obviously, the need is enormous. The number of children who can benefit from the bilingual education program is great. Yet, the Bilingual Education Act has consistently been underfunded. In fiscal year 1969, the appropriation of $7.5 million was only one-fourth of the authorization. In fiscal year 1970, the appropriation of $25 million was $15 million less than the authorized level. And even this $25 million was reduced to $21.25 million in actual expenditures by the administration. And on April 14, when the House voted only $25 million for bilingual education, it provided $55 million less than the authorized level.

In fiscal year 1970, which ends today, I sought additional funding for the program by introducing H.R. 16553, which would have provided a supplemental appropriation bringing the program up to the full authorized level. On April 14, the day the Office of Education appropriation bill was passed, I urged provision of these additional funds, and stated:

> Because the need for this program is clearly evident, and because pilot programs have proven to be successful remedies for this language handicap, there is no justification for not fully funding the Bilingual Education Act.

No supplemental funding was provided. And now fiscal year 1970 has ended. But the House conferees do have the opportunity to increase funding for fiscal year 1971 which starts tomorrow, to $30 million. I urge them to agree to the Senate's action by accepting the additional $5 million for the bilingual education program. They will thereby help to meet the needs of Spanish-speaking children, and children of other nationalities as well, across the Nation.

GENERAL LEAVE

Mr. MIKVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include therein extraneous material on the special order given today by the gentleman from New York (Mr. RYAN).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SPEECH OF MAYOR LOUIE WELCH OF HOUSTON, TEX., BEFORE NORTH AMERICAN CONFERENCE ON LABOR STATISTICS

(Mr. BURLESON of Texas asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BURLESON of Texas. Mr. Speaker, the following are remarks of Mayor Louie Welch of Houston, Tex., before the North American Conference on Labor Statistics, in which he refers to hearings held by the Equal Employment Opportunity Commission in his city on June 1.

Heretofore, I have commented on what I consider to be the unauthorized procedures of the Equal Employment Opportunity Commission. I am not familiar with the procedures used in hearings held by the EEOC in New York and Los Angeles but the very nature of these hearings has been an attempt to make law instead of follow it.

REMARKS OF MAYOR LOUIE WELCH

In addition to wishing you a warm welcome to Houston, I would like to take the liberty of giving you some of my thoughts on the Equal Employment Opportunity Commission's public hearings held in this city last week.

The Commission's expressed primary objective in holding these hearings was (quote) "to explore the particular advances made by some firms in providing equal employment opportunity and the techniques which produced such advances" (end of quote). The Commissioners also said they wished to explore, in some cases, "why results have fallen short of intentions."

We in Houston firmly believe that progressive planning and solid, hard work are necessary to realize the goal of equal opportunity for all our people. Passive "non-discrimination" and passive attitudes have not worked in the past and will not work in the future. Rather, all sectors of the city—government, business, labor, school, church, private agencies and citizens in general—must participate in positive programs and actions if we are to continue to make progress.

I believe our city government, as well as most businesses and labor unions in Houston, are making the extra efforts necessary for equal opportunity to become a reality. I believe too, as we have stated in our annual reports on Minority Group Problems and Progress, that Houston is a "City That Cares" and one dedicated to helping all people gain a bigger voice and a greater stake in their city and society.

However, certain positions and ideas expressed by the Equal Employment Opportunity Commission during the hearings raise doubts as to the constructive intent and positive assistance that can be expected from the EEOC in reaching a goal that should be our common goal. For instance, these expressed positions and ideas of the EEOC appeared to be questioning the requirement of a high school diploma for employment purposes. There are instances, of course, where the requirement of a high school education is not reasonable. But in many cases, it is. Education is still one of the surest roads to success, and a pillar upon which our nation has been built. To question that requirements for professional or technical employment not include, as a minimum, a high school diploma seems to invite even higher school drop-out rates than we now have.

In encouraging people to believe that such a diploma is unnecessary, the Commission does irreparable harm to those minority and non-minority youth who question whether they should continue high school. Later, these young people may not be able to find a job with a promising future—and the reason won't be discrimination.

Through these and similar positions of the EEOC, we fear that the Commission might well be raising false hopes and unrealistic expectations, both of which often lead to numerous problems. Equal opportunity will not automatically result in a certain percent of minorities being placed in any job category or area of employment, and I hope the Commission realizes this. To mislead minority citizens into thinking it will, or into believing every problem will be solved without education or experience or training is wrong and a distinct disservice. Let there be no misunderstanding—we believe in equal opportunity and are working to help it become a reality. But we also believe in not misleading people. Equal opportunity will be delayed if encouragement is given to false expectations and to inferred assumptions that success on a job at any level should have nothing to do with education, initiative, training, talent or leadership ability.

It is my sincere hope that instead of continuing along these extremely dubious lines, the Commission will take appropriate note of some of the positive efforts being made in Houston. If the Commission will only stand by its own statements, an encouraging constructive first step will have been taken. But in failing to honor its own expressed purpose to point up positive efforts of employers for others to emulate, the EEOC did a disservice to all of Houston—and to itself.

Regrettably, the Commission added to the seriousness of this failure by yet another. This second one was a failure to speak out against violence as a means to gain an employment quota. At the session last Thursday, Commission members passively sat by as they heard violence mentioned as "the answer" in connection with demands for a job quota. For an agency of the United States Government to give what could be interpreted as tacit consent to violence by saying nothing—as the subject is introduced as "the answer" to employment practices—is deplorable. It's more than deplorable. It is inexcusable behavior for Washington officials, who should let it be known beyond all doubt that they are dedicated to social change under the law—the law that they should have enough faith in to tell a minority witness that violence is *not* "the answer."

But again, regrettably, Chairman Brown himself spoke of the subject of violence. He did so in a 30-minute television interview that was shown on a local station as late as yesterday—and was repeated shortly after midnight this morning for those who missed it on the Sunday news programs that carried his "violence statement." Chairman Brown warned of violence for Houston by agreeing that with the kind of employment discrimination he contends is "blatant" and "pervasive" here, the city is not only subject to violence but on the verge of it. "Critical" was his word for the situation. Mr. Brown's response could be interpreted as being the beginning of a self-fulfilling prophecy for Houston—one based on his statement about our "critical" situation and his agreement we are on the verge of violence. It would be interesting to know if this response was designed to be repeated often enough that people will start believing it and someone will begin fulfilling Mr. Brown's prophecy by engaging in violence.

Houston, sixth in population, is the largest city in the nation that has not had a community riot—a riot where people's dwellings, shops and businesses are burned, damaged or looted. This record has been maintained through much hard work on some of the root-causes of minority-group problems. It has been maintained through the cooperation of many minority-group people who don't believe violence is the way to promote needed social change. It has been maintained through the efforts of the Human Relations Division of the Mayor's Office, which mans Neighborhood City Halls and conducts a broad range of minority-group programs with a staff of 12 people, all but four of whom are black or brown. And, just as important as any of this, the record has been maintained by the very positive efforts of a number of employers—the positive efforts the Commission failed to express.

Let me repeat—Houston has minority-group problems (including some employment discrimination) as well as many other problems characteristic of a city with 1,250,000 people. But Houston has also made progress, which Chairman Brown carefully neglected to mention. My office has issued a number of publications on programs associated with this progress, but most of the programs are summarized in the three annual reports we have made on Minority Group Problems and Progress. I have copies with me this morning of our 1970 report if any member of the audience is interested in having one and reading of progress as well as problems. As you will note in this report, a number of employers have made contributions of time, manpower and money—and this includes in areas in addition to employment, areas that we believe also need to be worked on and also has something to do with tension levels, which Mr. Brown apparently believes relates rather exclusively to job practices. We are not satisfied with the present state of progress but we do insist that no fair or balanced picture of minority-group problems can be obtained without considering what *has* been done, as well as what hasn't been done.

Within city government, what *has* been done in terms of employment is to increase the percent of minority-group people above the semi-skilled level from 5.39 percent of all our municipal employees in 1964 to 15.48 percent in January 1970. Although the EEOC discounts education as any employment requirement, at the same time one of its own position papers at the hearings pointed out that minorities are under-represented in Houston schools at the higher levels. It is understandable, we believe, that minorities therefore will be under-respresented in some jobs, where an advanced technical education is prerequisite to satisfactory performance.

The problem of educational under-representation will not be corrected until large numbers enroll in and complete engineering and other technical courses of study. Several employers at the hearings vividly noted the need for highly trained persons of any race, sex or national origin in certain disciplines. I personally urge the Commission to use its power to help alleviate the educational under-representation problem so that proportional representation can be better achieved occupationally.

Finally, I beseech the EEOC to correct obvious errors, misunderstandings and misrepresentations for the public record of the hearings held here. It is incumbent on the Commission to honor its commitment of pointing up positive efforts of employers—not just by a few short comments of individual commissioners but by a public declaration that would offset the extremely negative and provocative statements of Chairman Brown.

Of equal importance, however, is for the Commission to correct its own excesses in going beyond the law that established its very existence and spelled out its authority. These excesses resulted in statements or strong implications being made at the hearings that employers are required to do things that the law itself—Title VII of the Civil Rights Act of 1964—specifically prohibits. An example: insistence on quotas and other such employment practices.

I would like to believe, as I suggested at the outset, that the City of Houston and the EEOC are working toward the same objective—full and effective realization of equal opportunity for all people. We are sincere in our efforts and we would hope the Commission is in its. If it were, then it would be of constructive assistance to all of us—to employers, to minorities, and to the principles this country stands for.

OIL: A WORLD OF DEEPENING STRIFE

(Mr. BURLESON of Texas asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BURLESON of Texas. Mr. Speaker, the following article from the New York Times of Sunday, June 21, 1970, by William D. Smith, describes the most precarious situation in connection with any dependence we may have on a Middle East oil supply:

OIL: A WORLD OF DEEPENING STRIFE

(By William D. Smith)

"Double, double toil and trouble; fire burn and cauldron bubble."

The witches in Macbeth could well have been describing the present world oil situation in terms of United States Government and American oil company interests.

In recent weeks several new volatile ingredients have been added to the already boiling concoction of politics, power and money that make up the international oil business.

The center of most of these events is also the center of the oil industry—the Middle East. The reverberations, however, affect the entire globe, both politically and economically.

At worst they present a frightening scenario for the future of American interests. At best they point toward continuing and probably growing difficulties.

"These are terrible, dangerous and difficult times," Walter J. Levy, dean of the American oil economists, said last week. Mr. Levy, it should be noted, is no Cassandra, and until recent weeks was one of the more optimistic among the band of men whose special interest is the study of the politics and economics of international oil.

The outlook of many oil company executives has also changed in recent weeks. The old attitude could be summed up, "Things are tough, but we can live with it."

Last week a senior executive with one of the industry's giant concerns commented, "For the first time in my 20-year involvement in the Arab World, I am afraid for the lives and property of our employes." This was the most extreme opinion voiced by any executive, but all acknowledged that a horrible situation had become much worse.

The oil men, as usual, insisted upon anonymity.

Events of last week indicate the trend of events in the area.

The Algerian Government nationalized properties of four foreign oil companies, the Phillips Petroleum Company, a member of the Royal Dutch Shell group of companies, a West German company and an Italian company.

The Iraqi Government supported the Algerian move, and urged all Arab oil-producing countries to cooperate to form a front against "international oil cartels."

Libya ordered a joint venture of Texaco, Inc., and the Standard Oil Company of California to cut back production. This followed a similar command to the Occidental Petroleum Corporation.

Libya blocked the loading of two special tankers built by the Standard Oil Company (New Jersey) to export liquefied natural gas from Libya to Italy and Spain.

These events were just harassments. Far more ominous was the growing power of the Palestinian guerrillas, who now appear to have captured a role in the actual governing of Jordan, where King Hussein had to choose between his closest friend and the Fedayeen and chose the guerrillas.

There are indications that the Fedayeen also appear close to having some say in the affairs of Lebanon. It is likely that their ever-expanding lists of supporters in other Arab countries will also exert influence over those countries, ranging from such conservative monarchies as Saudi Arabia to the "progressive" Arab states, such as the United Arab Republic. "It is no longer just Arab against Israeli; it is Arab government against Arab government and Arab revolutionaries against Arab governments. The mix has become that much more complicated, and a settlement that much more difficult," according to David Mizrahi, editor of the Mid-East Report.

Mr. Levy, the oil economist, commented: "Even if the Arab Governments want to play it cool, there is now a very real question of whether they can. A United States Government policy decision such as sending Phantom Jets to Israel could trigger the masses. Whether the governments could keep control of the situation, even if they wanted to, is a very real question, and major destruction of United States-owned facilities a very real possibility."

PALESTINIANS SCATTERED

Mr. Levy pointed out that Palestinians in large numbers are scattered throughout the Arab world and that other groups such as the labor unions and religious Muslins would likely join in a crusade of destruction against anything American.

The most frightening aspect of the whole situation is that the world's two major nuclear powers, the Soviet Union and the United States, are coming closer and closer to an eyeball-to-eyeball confrontation.

Fuad W. Itayim, editor of the Middle East Economic Survey of Beirut, commented recently, "Vietnam is a brush fire. Either you (the United States) or the North Vietnamese could walk away from it at any time if one so choose. The Arab-Israeli conflict holds the potential to end the world."

KOHLER SEES DANGER

Foy D. Kohler, former United States Ambassador to the Soviet Union commented in a recent issue of the U.S. News and World Report, "I certainly regard the Middle East as the one area in the world in which the potential danger of an ultimate confrontation between the two powers is greater than anywhere else. That anywhere else includes Southeast Asia, which happens to be a very unhandy part of the world for Russia to project its power.

"But I don't think Russia wants a confrontation in the Middle East—at least not in the foreseeable future."

But what does the Soviet Union want?

XUM

One theory holds that the Soviets are in the early stages of practicing a subtle form of petroleum blackmail that would isolate the United States from the rest of the world. It holds that the Soviets are outflanking the United States in terms of control of world energy sources.

According to this theory, the Russians are exerting increasing influence in the Middle East, where some 62 per cent of the total world oil reserve and some 70 per cent of the "free world" reserves lie buried beneath the sand. Europe imports about 8.1 million barrels a day from Arab countries, or about 73 per cent of its total imports. Japan receives almost 80 per cent of her oil supplies from Arab nations.

SUPPLIES COULD BE CUT OFF

These supplies could be withheld, stopping the cars and factories of both the Western and Asian allies of the United States.

But this is not the only front on which the Soviets are active. The Russians, in a very business-like fashion, are selling natural gas to Europe.

The Russians, sitting on top of mammoth reserves of gas in Western Siberia and Central Asia, have so far this year signed agreements to exchange huge quantities of natural gas with Italy and West Germany for the large-diameter pipe necessary to build the pipelines and equipment needed to develop the fields. In September, 1968, the Russians began piping gas into Austria.

The new agreements mean that, in the near future a large part of Western Europe will be linked to the widely spread Soviet gas grid. Russian deliveries to Western Europe will be stabilized at about 11 billion cubic meters annually from the late nineteen seventies onward according to present agreements. These call for the Soviets to supply about 7.5 per cent of the West German gas requirements and possibly as much as 25 per cent of the Italian requirements.

POSSIBLE NEGOTIATIONS

The Russians, however, appear willing to negotiate for even larger deliveries to West Germany and possibly to Italy, and there is the possibility of some future deliveries to France. There have also been proposals for Russian deliveries to Finland and Sweden.

These moves have brought the Russians into direct competition with two of the most powerful capitalist organizations in the world, the Royal Dutch Shell Group and Jersey Standard, which jointly control the vast Groningen Field in Northern Holland. The Soviets so far appear to be beating the capitalists at their own game in giving the customers what they want at a price they are willing to pay. In the process the Russians are setting the energy supply patterns for Europe for the years to come.

The Soviets are also trying to sell natural gas to the Japanese on the same pipe-and-equipment barter basis. The ostensible purpose of the proposed export deal with Japan would be to help develop Russian gas reserves in the remote and underpopulated Eastern part of the U.S.S.R. with a minimum of capital expenditure. The Russians are trying to interest the Japanese in participating in the construction of a 1,000-mile pipeline from the new Yakutsk in Eastern Siberia to the Pacific port of Magadan. An earlier proposal invited the Japanese to get natural gas from the Island of Sakhalin.

AGREEMENTS SIGNED

The Russians at the same time have signed agreements to import gas on the basis of sheer economics from Afghanistan and Iran.

Advocates of the petroleum blackmail theory argue that in time the Soviets will be able to wean the NATO allies and the Japanese away from support of United States policy, as these governments and people become more and more aware that the energy that drives their economies is dependent on Soviet good will. "It doesn't have to be crude. No threats. It can be very subtle and still very effective. One day the United States will find itself isolated.

Mr. Levy, the economist, for one, does not buy this theory in toto, although he subscribes to parts of it. He holds that the gas sales are for the very large part strictly commercial deals with only peripheral political mischief involved. He also believes that the Russians have no desire to become the middle men in Arab oil, and doubts the Arabs would allow that.

He contends, however, that a new flare-up in the Middle East over something like the sale of Phantom Jets to Israel could greatly diminish American participation in Middle East oil.

"The Arabs would likely try to do business directly with the national oil companies of the consuming nations. Europe would not be deprived of oil in any case, and it is unlikely that the Arabs would find any need for Russian brokers."

The one bit of good news for American and Western oil interests, was the discovery of a potential giant oil field in the North Sea giving Europe for the first time a major indigenous supply of crude oil. Some estimates have placed the find at 1 billion tons of oil, or more than four times present known total European reserves.

ARABS HOLD TRUMPS

It should be noted, however, that like the North Slope of Alaska, the find, although large, does not change the rules of the international oil game. Those fields are good cards for Western Europe and the United States to have in their hands, but the Arab nations still hold all the trumps.

Western Europe is at present consuming about 560 million tons of oil a year, and thus the 1 billion tons would supply the area for a year and a half. The Alaskan North Slope find would supply only two years of United States demand, if it were the only source.

There have been increasing rumors in recent days that the Russians intend to open the Suez Canal, the closing of which has affected the Russians relatively more than any other country outside Egypt. One version holds that the United States and Russia have come to an agreement to open the canal. The United States is supposed to pressure the Israelis to allow the Soviets to dredge the waterway, and, in return, the Russians would get the North Vietnamese to agree to a peace with honor for the United States in Southeast Asia.

A second version of the rumor says that the Russians intended to open up the canal despite any acquiescence from the United States by just sailing in dredges. If the Israelis fired, the Russians would fire back, all the time protesting that they were serving the world community of nations by opening an international waterway.

Proponents of a Russian "Grand Strategy Theory" contend that the Soviets are eager to get the canal open so that when the British pull out of the Persian Gulf area in 1971, they will be able to step in and control the area, completing the encirclement of the Arab oil wealth.

Supporters of this theory point out that Yemen, South Yemen and Aden are already under considerable Soviet influence, and only a potential alliance between Iran and Saudi Arabia stand in the way of Russian dominance of the area. They add that the Russians are also anxious to prevent the Chinese from increasing their influence in the area.

Despite the horrors and rumors of horrors, some oil and Middle East experts see hope of a settlement through the gloom.

A vice president at a major oil company commented, "Things are so frightening that the moderates on both sides have become increasingly anxious to work out some sort of arrangement before Armageddon."

Mr. Levy commented, "More and more, Israelis are beginning to believe that they can't win every war, and that they can't keep fighting forever."

Mr. Mizrahi, of the Mid-East Report, points out that an increasing number of responsible Arabs feel that their Governments and social structures will fall before Israel falls.

Those hopeful of peace point to the fact that in recent weeks Foreign Minister Aldo Moro of Italy visited with President Nasser, and, at the moment, Foreign Minister Abba Ebna of Israel is in Italy. There are reports that the Pope has urged the Italian Government to make every effort to set up some sort of meeting of the minds, if not parties.

THE WORLD'S BIGGEST DATA BANK

(Mr. BETTS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BETTS. Mr. Speaker, even now, as the final count and tabulation connected with the decennial census goes on, there are thousands of users of census statistics gearing up to exploit this inventory of all Americans. I have never been against an accurate headcount, nor collection of related data about our citizens on a voluntary basis, nor dissemination of the statistical aggregates to a wide variety of users. However, the data collected in 1970 far exceeds what I believe to be related to maximizing the headcount, violates the privacy of millions of people by extracting dozens of sundry facts under criminal penalties, and its statistical outpourings will transgress what seems to me to be a proper application of this information.

Now that we are moving toward release of these census reports, I think Congress should be aware of how far-reaching will be the application of these facts. Two excellent articles are included in the May 1970 issue of Datamation magazine giving considerable documentation on the application of census data. While somewhat technical, I think laymen, as well as the student of computer technology, will understand the implications presented in these articles.

Mr. Speaker, I include the two articles at this point:

THE WORLD'S BIGGEST DATA BANK—YOU'RE IN THERE

(By Phil Hirsh)

In 1970, when the United States took its first decennial population census, each person was asked five questions and the statistical summaries for the whole country were printed on a total of 56 pages. This year, for the 19th decennial census of population and housing, there will be a total of 68 questions per person, the published tabulations will cover several thousand pages and contain more than 4 billion facts. A far greater volume of data—200% to 300% more than is published—will be distributed in machine-readable form.

The federal government was the sole user of the first census, but today the bureau's customers include virtually every governing body in the country as well as a substantial percentage of the business and university communities. The list probably will continue to grow rapidly.

Until now, most census statistics have been of only limited value to many users. A business firm, for example, has far less interest in the population and housing characteristics of a census tract than in the characteristics of its trading area. A municipal government wants data on school districts, wards, and precincts far more than on the city as a whole. For both groups, separate statistics covering very small areas, such as individual city blocks, are particularly valuable. The 1970 census is the first one likely to satisfy most of these needs. Also, the data may be available quicker, which would increase its value by an order of magnitude.

The improved utility of the census is due mainly to development of new software which can reformat and reaggregate census statistics in ways specifically desired by the end user. Also, census users, for the first, time, now have a practical method of relating census statistics to a random list of individuals. A marketing manager, for example, can now estimate the incomes of customers or prospects from the aggregate data published in the census tables—largely automatically. All he has to know is each individual's address.

NO INVASION?

Census Bureau officials insist that this new capability doesn't violate anyone's privacy. Census data is an aggregation of figures supplied by all those living within a particular area; so, even if a list of addresses is concentrated within a single census tract, it represents only a small subset of the individuals contributing information to the corresponding tables. The output, in other words, provides an approximate idea of individual incomes, but it doesn't tell how much an individual or family earns.

The bureau's critics say it's possible to violate privacy anyway, because the invader frequently doesn't need to see individual records. His basic problem is to find an area containing a high concentration of people with specified demographic characteristics relating to such things as age, race, marital status, number of children, and income. He can do this easily with the help of census statistics.

Once his target area is defined, the publisher of, say, Better Homes and Gardens, or a publisher of pornographic literature, can develop a direct-mail advertising campaign and get the literature into the mailboxes of everyone living within the area regardless of whether they want to receive it. The names and addresses are easily obtainable from commercial sources, once the mailing area is defined. For example, reverse telephone directories are available that list subscribers by address.

The same census data could, if manipulated cleverly, help determine whether an individual is hired for a job, admitted to school, granted a loan or an insurance policy, the bureau's critics contend. (See the article by Miller and Hoffman in this issue.) Here again, there is no recourse. If the employer, admissions officer, loan manager, or insurance agent draws unwarranted conclusions from the census about an applicant, he can't prevent it. The individual can't even refuse to supply his share of the data that generates such conclusions. Failure to fill out a census form is a federal offense, punishable by fine and/or imprisonment.

Whether the collection and distribution of census statistics invades personal privacy, or is a legitimate use of public money and government effort to promote the general welfare, has been the subject of a bitter, protracted battle in Congress and among academicians for several years. A number of bills have been introduced in Congress aimed at restricting the number of census questions that must be answered. Virtually all of this legislation has died, quickly. Recently, an organization called "The Committee for a Voluntary Census" was formed in Philadelphia; it has been telling the public, through newspapers ads, not to answer some or all of the questions on the census form, or alternatively, to answer only under protest. The committee seems likely to have "all the impact of a snowflake falling on the broad bosom of the Potomac," to quote the late Everett McKinley Dirksen's immortal phrase.

The nerve center of the U.S. census operations is a huge complex of buildings in Suitland, Md., near Washington. In the bowels of this complex are four Univac cpu's—two 1107's and two 1108's—which do most of the processing.

After census questionnaires have been answered by the individual respondent, they go to Jeffersonville, Ind., near Louisville, where 35 microfilm cameras convert each return to a ½ in. microfilm record. Two questionnaires are processed per second. This operation will generate about 50,000 reels of microfilm by the time the '70 census is completed.

The film is shipped to Suitland and feeds into a battery of six FOSDIC machines. The initials stand for Film Optical Sensing Device for Input to Computers.

Each FOSDIC is a kind of mark-sense reader. Answers to census questions are recorded initially by darkening, with a pencil or pen, appropriately coded circles on the census form. When the form is microfilmed, the black dots become white ones. FOSDIC detects each spot and then determines its position relative to an adjacent reference point. The variation in distance between the reference point and the possible answers to any question enables the circuitry to discriminate among them.

FOSDIC reduces each census return to a 120-character mag tap record, formatted in BCDXS-3. The entire 1970 population-housing enumeration will be stored on about 8,000 reels of such tapes.

Each goes directly into the Univac complex, where, after being edited and checked for consistency, the data gets processed into a "basic record tape." The BRT set will consist of about 210 reels. Successive passes of these 210 tapes through the Univac system generate the final census output. During each pass, separate counts are made of the answers to specific questions and, concurrently, the counts are aggregated to produce totals for the states, cities, census tracts, and other geographic areas represented in the published tables. The output is recorded on summary tapes which generate:

1. Bound volumes of statistical tables. A Linotron photo-composition machine at the Government Printing Office produces these tables by recording summary tape data on microfilm; then the microfilm image is burned into a photo-offset printing plate.

2. Public user summary tapes. These are sold to business firms, government agencies, and other statistics users who have access to computers, and wish to massage the data in additional ways. (Microfilm, microfiche, and punched card copies of census summary tapes are also available.) The tapes are offered in 7- and 9-track formats. The former are produced by the Univac equipment, the latter by a 360/40.

The 1107–08 complex at Suitland represents a big improvement in the bureau's dp efficiency. It has about five times the capacity of the 1105 equipment used to process the 1969 census. Each 1108 can do the work of about nine Univac I's.

IF THEY'RE WORKING

This is the first decennial census in which most of the questionnaires are being mailed to and from each household. The bureau estimates that by using mailmen, it can get along with 24,000 fewer census takers. But overall costs are still expected to be greater than in 1960. Then, to count 180 million noses cost $125 million. This time, to count an estimated 215 million individuals, the bill is expected to be about $215 million.

The "mail-out, mail-back" areas encompass about 60% of the population. Essentially, these are the people living within urban areas[1] who receive daily, house-to-house mail delivery service. The rest of the population will get census questionnaires by mail, but a census taker (the bureau prefers the term "enumerator") will come by several days later to collect the completed forms.

The biggest single improvement in the 1970 census is a vast increase in the quantity of machine-readable statistics. Some summary tapes were copied and sold to the public after the 1960 enumeration, but in 1970—for the first time—tapes containing data on all census questions will be available for all census tabulation areas.

This new capability is particularly important because much more data is released on tape than in the published tables. For example, the tables will display up to 256 separate statistics related to the population and housing characteristics of each census tract. The corresponding summary tapes will have up to 3,585.

Six sets of public use summary tapes will be generated from the 1970 census. The first set, containing data accumulated on the first pass of the basic record tapes through the Univac system, is scheduled for release between August and September of this year. Succeeding series will contain data accumulated on later passes—or "counts" as the bureau calls them. The final reel of the final count is scheduled for distribution in November '71.

The first three sets of public use tapes will reflect answers to 22 questions which every respondent was asked. The last three sets will be based on answers to 46 other questions put to a sample of the population—either 5, 15, or 20%, depending on the question.

The entire set of public use summary tapes, comprising 2,054 reels, will cost about $100K. Individual reels will sell for about $60. Text reels are also available, at the same price.

Tape orders have been accepted since the first of this year. They're being filled on a first-in, first-out basis. A minimum purchase, generally, consists of all the reels comprising "a complete file within a count for a particular state."

"Partial files will be prepared on a special order basis," the bureau adds. "However, this may involve some delay as well as additional expense."

The tapes are available in a 7-track version, coded in BCD at a density of 556 cpi, and in a 9-track, 800 cpi mode which employs EBCDIC format. The character set consists of 10 decimal digits, 26 alpha symbols, and six special characters plus a code for blank spaces. Each tape record consists of a header block, containing geographic identifier codes, followed by one or more data blocks. The block is subdivided into 120-character segments and has a minimum of 720 characters and a maximum of 2040. Data fields within each block contain either six or eight characters apiece. Header and trailer labels conform to the July '69 proposed USASI standard.

Further details can be found in "Technical Conventions for 1970 Census Summary Tapes" and "Character Set for the 1970 Summary Tapes." Both publications are available from The Central Users Service, Bureau of the Census, Washington, D.C. 20233.

FOR DO-IT-YOURSELFERS

The complete census user's kit includes several other items besides data tapes.

A "metropolitan map series" covers the urban cores of all standard metropolitan statistical areas (SMSA). There are 200 map sets and a total of 3100 sheets. Place and county maps for outlying areas are also available. Each map shows the boundaries and identification codes for all subsidiary census tabulation areas. Final versions of the

---

[1] For a definition of this and other census terms, see end of article.

XUM

maps should be out late this year (preliminary versions are now on sale). They cost about 75 cents per sheet. For further information, see the bureau's "Data Access Description" for December '69.

Possibly the most useful census accessory is an "address coding guide." It lists all the streets within the central city portion of a metropolitan area on a block-by-block basis, plus the range of street addresses along each blockface. Each listing also contains codes identifying the various census enumeration areas in which the blockface is located—e.g., the census tract, zip code area, and enumeration district. Essentially, the ACG is a directory in which a group of addresses can be looked up to find the census tables covering the related area or areas. From these tables, the user can then extract, again by computer, demographic information related to the individuals whose addresses are included in his list.

The bureau has developed a computer program called Admatch for correlating an address list with an address coding guide. The program is written in 360 assembly language. It runs on a DOS or TOS system, requires a minimum 32K byte core, and four tape drives. When this article was written, bureau officials were planning to release Admatch to the public "shortly," for a price of "about $60–$80."

Address coding guides have been developed for nearly all metropolitan areas, but they cover only those portions receiving regular house-to-house mail delivery service. Other areas will not be coded, says a Census Bureau official. The ACG's produced to date can be obtained as printed lists, or on 7- or 9-channel mag tape. Prices vary from around $32 to about $200, depending on the metro area selected. A complete description and price list are published in "1970 Census Summary Tape Users Memorandum No. 23," obtainable from William T. Fay, Chief, Geography Division, Bureau of the Census.

An updated address coding guide is now almost completed for all SMSA's. It will include areas overlooked in the first version, as well as recently annexed areas—provided, in both cases, that the residents get daily service from the Post Office foot patrol.

The census tract tables referenced by the address coding guide show the characteristics of all those living within a particular area; almost always, this is a far greater number of individuals than are represented by the addresses on the user's list. For a more refined analysis, he can give the Census Bureau his list. The agency will then perform a "matching study." This consists of going to the basic record tapes, extracting the census return of each addressee, and then summarizing—from just this data—the aggregate statistics desired by the customer.

A CHOICE OF CORRELATIONS

The cost and value of matching studies depend largely on how fussy the user is. For most business-related applications, it is necessary to match only addresses; based on studies done a few years ago for a bank in New Haven, Conn., the cost would probably be less than 5 cents/match, and census data could be found for 80–90% of the addresses on the user's list. The bureau has done similar jobs—for such agencies as the National Institutes of Mental Health—which cost $1 or more per match and resulted in substantially lower correlation rates. But here it was necessary to match individual age, sex, and family relationship data, as well as the address, to each census record.

"Public use samples," consisting of individual census records which represent a 1% sample of the total U.S. population, are also offered by the bureau. All of these records are drawn from SMSA's having minimum populations of 250K. Individual names and addresses are not disclosed; all the customer knows is the names of the individual metropolitan areas. Public use samples enable researchers to make correlations and analyses of demographic data which are not included in the summary tape statistical program.

Another way of tailoring census data to specific user requirements involves manipulation of a "geographic base file." This is an address coding guide enhanced with a "Dual Independent Map Encoding (DIME) System." Essentially, DIME identifies the street intersections adjoining each blockface by code number and X–Y coordinates, and also specifies whether the block face is on the left or right side of the street when a person faces in the direction of increasing house numbers.

When a list of addresses is passed against a geographic base file, the coordinate information is picked up along with the rest, permitting each address subsequently to be plotted on a computer-generated map. This latter operation utilizes a program called SYMAP, developed by Harvard's Laboratory for Computer Graphics. It's written in FORTRAN IV and runs on a 360/40 equipped with 128K core and four tape drives. The lab is selling SYMAP to nonprofit organizations for $485, and to everyone else for $776. A follow-on program, called SYMVU, will be available shortly. It generates oblique maps. The user can specify any angle and azimuth.

Linking geographic base file codes to demographic records makes it possible to map those areas which have a specified statistical relationship to each other—for example, areas with the same average income. The base file also permits special-purpose areas to be mapped. One user would be a company that wanted to realign its sales territories. The new territories could be drawn on a plotter once the boundary streets and intersections were specified.

The bureau expects to have geographic base files, without X-Y coordinate data, available for public sale by mid-'71. These will cover the smaller SMSA's. By the end of next year, geographic base files with coordinates are scheduled to be completed for "most SMSA's." Prices haven't been established.

FIGURE SIFTING SERVICES

Census users who don't want to juggle the statistics themselves can hire the Census Bureau or an outside specialist.

The bureau can do some chores the outsiders can't—for example, matching studies. Also, Uncle Sam's prices for some jobs may be less. But the private firms generally offer faster turnaround time, work more closely with users, and have more sophisticated software.

More than 60 of these firms have been organized in the past 18 months—one barometer of the rising interest in census data. As of last March, 47 of them had been recognized by the bureau as "summary tape processing centers." Recognition doesn't connote government approval or control, but it does provide valuable advertising: the name and address of each center is listed in various bureau publications. (See Summary Tape User Memorandum #17C, Jan. 23, '70, for a recent listing of recognized centers.) Also, when the bureau is swamped, it refers summary tape processing inquiries to the centers.

Ex-Census Bureau personnel staff many of the centers. Dualabs, in Arlington, Va., was founded by John Beresford, who played a key role in organizing the present summary tape program. Morris Hansen, who used to be the agency's associate director for research and development, is a senior adviser at Westat Reserach, a summary tape center in Bethesda.

Westat's "Censtat" program typifies the kind of special software available. The program reportedly enables a user to select census tables for analysis on the basis of specified, easily-changeable criteria. Censtat also derives arithmetic products—such as means, median, subtotals, and percentages—from census summary tapes, and re-aggregates the data to show the characteristics of several different user-specified geographic areas.

A number of other dp companies are immersed in census-related activities. C.D.C. has developed a file-manipulation package called CENTRACT, while System Sciences has another called SIAM. SDC has designed census-based information systems for a number of local governments. It is also involved in a census R&D effort that began last year in Los Angeles. Among the other participants are IBM, Informatics, TRW, and International Time Sharing Co. ITSC reportedly is exploring the possibility of getting ino centralized census files through remote terminals.

None of the census-processing fraternity, inside or outside the government, will admit their activities may be harmful. Elsewhere, however, well-qualified observers have criticized the proliferation of census-type data. One critic is Arthur Ross, Commissioner of Labor Statistics in the Kennedy Administration. On June 30, 1968, he told the Washington Post that:

"The issues which come here (Washington) are vast, intricate, ambiguous, intractable. Statistics enable us to grasp and describe these many-sided problems at the cost of heroic over-simplification . . . No harm is done if a quantitative measure is seen for what it really is. But trouble sets in when the statistical abstraction is confused with the more complex underlying reality . . . Immeasurable aspects of the problem may be vastly more important than the measurable (and) the validity of a particular measure may have been undermined by economic and social changes. Meanwhile, bemused by the appearance of objectivity and precision, the policymaker keeps his eye fixed on charts and tables which are sadly incomplete, obsolescent, or both. Eventually, he comes to believe that poverty really is a condition of having less than $3300 income . . .The ultimate hazard is not that officials fool the public but that they fool themselves.

In a 1965 paper entitled "Social Responsibility and Computers," Oliver G. Selfridge, of MIT's Project Mac team, said:

"Our privacy depends on the fact that the system has no efficient way of collating all the information (that is collected) and displaying it . . . (But) even though that information is not collated, it soon can be, with the aid of the technology that we are helping to develop . . . I asked before. Even if I have something to hide, why shouldn't I be able to hide it? The standard answer is that only the guilty have something to hide, and they shouldn't be allowed to do so. But what is a sin to one man, or the system, is not necessarily a sin to another . . . We should understand that as computerized information processing becomes more prevalent, as the data bases spread throughout society, as the processing becomes speedier and more accurate, it may become very difficult to keep a skeleton in the closet. I think the human race would be the worse for that."

GUARDING THE DATA

The Census Bureau, according to its official pronouncements, takes numerous precautions to make sure that individual census records will be kept confidential. This includes requiring all employees to swear that they won't disclose census data on individuals to outsiders, and subjecting violators to stiff punishment. Another precaution consists of dropping names and addresses off each census record when the microfilm copy passes through FOSDIC. The original returns, after being microfilmed, are shredded and burned.

Elaborate software has been developed to prevent disclosure of information about individuals in the census tables. These routines are so elaborate and/or senstive that bureau officials decline to discuss them in detail.

One official connected with this phase of the operation was asked whether "disclosure suppression" routines can do anything about a geographic area in which the range of a particular variable is extremely narrow. An example would be a block in which the monthly rent of the residents didn't vary more than 5 or 10%. In a situation like this, the aggregate statistics would tell, pretty accurately, how much each family was paying.

The disclosure suppression routine isn't designed to take care of such situations, said the official.

When asked about physical security, officials quickly point out that no Census Bureau employee has ever been accused, let alone convicted, of stealing a census record. This is hardly convincing evidence, though. The same thing could be said even if employees were stealing, provided they weren't suspected.

An official was asked whether tapes ever get lost. He answered that *data* is never lost, permanently, because it can always be regenerated. But what about the tape itself? The official admitted that in such a large operation, loss of tape is "possible."

Census records and programs are stored on roughly 100,000 reels of tape, which the bureau keeps in a "secure area" near the Univac complex. Formerly, programmers from a variety of bureau divisions, as well as machine room supervisors, had direct access to these tapes. Now, their requests are processed through librarians. Also, a semiautomated system has recently been installed to keep track of the inventory.

Officials insist that unauthorized visitors have never been able to remain very long in the tape library without being detected because "our own people are there constantly, and they'll question anyone they don't know." This visitor, after taking a tour recently, isn't so sure that statement is correct. There were lots of census employees in the tape library when I was there, but they all seemed preoccupied. The tape reels are stored on open racks; it seemed to me that a dexterous thief could snatch any of them and hide the tape under his clothing in a few seconds. No guards are stationed at the entrances to the tape library, or at any of the nearby exits from the building.

Nevertheless, the bureau is probably right when it says that census data is physically secure. This is due more to the nature of the operation than to intentional planning. If someone did steal a tape, he'd have trouble using it unless he had the related program. The data is recorded in machine code, and so it can't be printed out and read directly, except perhaps by the programmer who wrote the routine. There are so many records and so many different census enumerations warehoused in the tape library that finding a particular record is virtually impossible, especially since names and addresses are missing.

Another reason unauthorized leaks aren't a serious threat to the privacy of census respondents is because so much can be learned from the statistics which are obtainable legally.

A PERSONAL EXAMPLE

R. H. Donnelley Co. has developed a computerized system for printing personalized promotional letters which illustrates some of the dangers inherent in aggregate statistics.

I received one of these letters last fall. It came from Jerome P. DuFour, Sr., a complete stranger; he began by saying:

"I am amazed at the number of my friends who have dramatically increased their incomes in just the past few months." Then Mr. DuFour identified three people in my area who had allegedly increased their incomes by going into businesses of their own. He included their present and former incomes, as well as the names of their previous employers.

Most people who grow rich "started out with no more money than the few hundred dollars you have in the bank right now," the letter continued. "Few of them had two cars like the Hirschs do. Usually, they had a car less desirable than your '65. . . . After making a careful household-by-household study of Washington residents with incomes in the critical $12,500–19,500 range, I have selected you and Mrs. Hirsch as possibly being among the few who will take positive action if given the opportunity."

To find out what this "opportunity" was, my wife and I had to attend a meeting at a nearby motel, where, according to the letter, we would see "a fascinating portrayal of the techniques that led to the successes mentioned above."

This promotion piece is part of a direct-mail campaign launched in seven major metropolitan areas so far; it will be extended to several others in coming months. More than 70,000 letters have been sent out to date. They're designed to attract new distributors for "Holiday Magic," a line of cosmetics sold door-to-door. Dan Harding, the Donnelley account exec who developed the idea, says the letter has been "5–10 times more successful than conventional direct-mail efforts of this type."

The 1960 census, plus a private data base, provide the personal information that goes into each Holiday Magic letter, explains Harding. The first step is to analyze census tract data in a metropolitan area selected for a promotional mailing, and locate those neighborhoods having the highest percentages of residents with specified income, education, family size, and home ownership characteristics. Next, Donnelley consults its own data base. These records, drawn from state vehicle registrations and telephone directory listings, are also classified by census tract. They contain specific name and address information, plus additional facts indicating whether a particular individual is likely to be a good prospect for direct-mail advertising.

"You can learn a great deal about a person, just by knowing whether he has a telephone and/or a car," says Harding. Those who have neither are generally too poor to qualify as prospects, he explains. Telephone owners who don't own cars tend to be older individuals; car owners who lack phones are usually young people. Those with phones *and* cars consume far more, proportionately, than the other groups, and thus tend to be prime prospects.

The name and address information needed for each Holiday Magic mailing comes from Donnelley's telephone list—"it's the most up-to-date source," says Harding. The automobile file tells the kind, age, and number of cars owned by each individual—data that can generate additional inferences. For example, if the record lists a six-passenger car, the family almost certainly includes young children. The age of a car is a tipoff to how well the family is managing on its present income.

The telephone and auto registry lists are both recorded in machine-readable form, so selecting the desired prospects is essentially a sorting job. Next, the letters are generated by a program that reads the census tract code attached to each census and the auto registry list, and inserts this data in the text of the letter. The "success stories" are obtained from existing Holiday Magic distributors; they're accessed in basically the same way.

WHO ARE THEY FOOLING?

One reason for objecting to the Donnelley letter was suggested recently by the Medford, Ore., Mail-Tribune: "We resent the implication that we are a simple-minded moron to be fooled by the versatility of an electronic gadget into thinking we're getting a 'personal letter when we're not." But much more than deception is involved.

Although Donnelley learns a great deal about each Holiday Magic prospect, it doesn't really learn enough. For example, it doesn't know, ahead of time, whether the prospect has been involved in an auto collision that caused death or injury. Nor can Donnelley be sure that the couple receiving the letter haven't divorced each other, or haven't lost the homes or the jobs that qualified them as prospects. These are experiences which most people prefer not to be reminded of, especially by complete strangers who are obviously selling something.

Holiday Magic letters may not affront many people, but what is the justification for affronting anyone? Possibly, no one has been affronted yet. If the letter is as effective as Harding claims, though, Donnelley will soon be blanketing the entire country with these promotion pieces, and the statistical chance of upsetting people will grow accordingly. Does this prospect represent a threat to personal privacy?

Samuel D. Warren and Louis Brandeis (who later became a Supreme Court Justice) answered that question in 1890, when they wrote one of the first articles on the subject. They said the individual has a "right to be let alone" which he should be able to assert directly. In 1967, the President's Office of Science and Technology added that "The right to privacy is the right of the individual to decide for himself how much he will share with others his thoughts, his feelings, and the facts of his personal life. It is a right that is essential to insure dignity and freedom of self-determination."

If the Holiday Magic letter were based completely on voluntary survey data, there would be less to complain about. Individuals who answer such surveys presumably are aware of what they're letting themselves in for, and have a way out if they want to take it. Telephone and auto registration are less voluntary, but the individual who really wants to keep privacy inviolate still has at least a theoretical choice; he can give up owning an automobile and telephone. But the census questionnaire offers no choice to the individual who wants to stay within the law; he *must* answer the questions.

Donnelley's system, at present, is restricted to isolating good prospects, but the same basic statistical divining rod can be used to find good customers. This application could create additional threats to privacy.

Among the possible users of customer-qualification systems are insurance companies, banks, and loan companies. Each operates in a seller's market, where the cream of the prospects can be skimmed off, and the remainder ignored. Census-based statistical analyses can be a very effective cream-skimming tool.

A bank or an insurance company, for example, could correlate its "good" customers' addresses to the census tables, find the common demographic characteristics, and then accept new business only from applicants possessing these same characteristics. Or, the company could start with the poor risks and exclude applicants with similar characteristics.

Banks seem to be moving in this direction already.

Several months ago, a bank in Southern California opened a new branch; to generate business, it offered free checking accounts to a selected group of prospects. Before the promotional announcement was mailed, an L. A. service center, American Computer Resources, then known as Data Tab, was hired to analyze 1960 census tract data for the area surrounding the bank's branch. Data Tab found the areas with the highest concentrations of certain demographic characteristics. The company has done similar work for at least one other California bank. And the Census Bureau has done such work for a Michigan bank.

The most ambitious application of census

XUM

data by a business firm involved David Birch, an assistant professor at Harvard's business school, and a large New Haven bank.

Birch was one of the researchers who participated in the New Haven Census Use study that began about three years ago. He matched various groups of bank customers with census data collected from all New Haven residents in 1967, during a pre-test of the enumeration procedures being used this year throughout the country. The matching operation generated demographic profiles showing the kinds of people most likely to be interested in auto loans, home mortgages, credit cards, and other bank services. Birch also determined the demographic differences between delinquent customers and those who paid their loans on time each month. Another output consisted of projections showing future growth, and geographic locations, of the bank's likeliest prospects for specified services. Most of these outputs were displayed on computer-generated maps, besides being tabulated.

Insurance companies are also potential users of demographic profiles.

Three years ago, the House Judiciary Committee found that insurance policies are often canceled for reasons beyond the policyholder's control. One case involved a motorist who had been driving for 35 years without an accident. He was dropped because of a war-induced physical handicap. Another motorist was involved in two accidents; the company admitted that he wasn't at fault but canceled anyway because "our statistics indicate that drivers involved in accidents have a greater tendency to be involved in future accidents. This has applied to drivers . . . involved both in fault and non-fault accidents."

If the last statement reflects an industry-wide attitude, and the House committee's investigation suggests that it does, 1970 census information could be invaluable to insurance companies. They could correlate vehicle accident records, easily obtained from the police, with census data, and determine where "accident prone" drivers are concentrated. The companies could then raise the rates of people living in these "high-risk" areas.

Insurance companies already classify their customers into risk categories, of course. Motorists who live in cities pay more than those who live in rural areas. A teenage driver in the family escalates the premium substantially. But these rate differentials are based on data the companies collect themselves. Use of census data would change things drastically. The individual would be forced to give the government information about himself which could then be used arbitrarily by an insurance company to raise that individual's rates, limit his coverage, or deny him a policy altogether.

The Fifth Amendment protects individual citizens against self-incrimination, provided the government is both the extractor and user of the information. An insurance company or bank that uses census data to qualify customers is presently outside the scope of the amendment, yet these firms also have power to affect each citizen's "life, liberty, and pursuit of happiness."

Even if such companies don't use census statistics, they'll still be in a position to use the bureau's new coding schemes, mapping techniques, and software, not to mention the new tools being developed by commercial firms with the bureau's encouragement. For this technology can be applied to any large set of geographically based records. It simplifies the job of combining separate files. Quite possibly, businessmen will be motivated to develop more files on their customers, prospects, and employees, which would further increase the danger of self-incrimination.

Anyone who argues that census statistics invade privacy is quickly told that the census does many good social works which would not happen if the answers to census questions were made voluntary and distribution of the data was restricted. In New Haven, for example, Prof. Birch found that Negro instalment loan customers tend to have no greater delinquency than whites. The bank subsequently began accepting more loan applications from Negroes. On the strength of this and other findings, it has opened three branches in the New Haven ghetto, and has been in the forefront of efforts to finance new Negro-owned businesses.

"Every loan officer has 'red-line' areas," explains Birch, "representing specific kinds of people he won't consider for loans. What we've done, basically, is to show that some of these people aren't really the poor risks the loan officer may have thought they were. So now he can evaluate loan applications with greater objectivity and less prejudice."

While all of this is undoubtedly true, it doesn't necessarily follow that computerized demographic analysis is always or even usually, better than human evaluation. A computer can be programmed to leave out human bias, but the statistics the computer works with contain a built-in bias of another sort.

As former Labor Commissioner Ross pointed out above, even when a statistically valid relationship can be established between a group's characteristics and the performance of individuals within that group, it's dangerous to jump to conclusions because of other factors that haven't been measured, or can't be.

The big advantage of manual evaluation is that the evaluator has a chance to measure these intangibles and be influenced by them.

The Census Bureau apparently realizes that aggregate statistics are capable of being misused because the following statement appears in a number of the agency's publications:

"If for any reason the Bureau feels that the purchaser of a special tabulation is making unfair or improper use of the information furnished, it may take such action as is deemed appropriate to protect the public interest."

But nowhere does the bureau say what it means by "unfair or improper use," nor does it specify what constitutes appropriate action.

Actually, it's impossible for the agency to do what it says.

Census officials ask each special tab purchaser how the data is to be used, but he can get around that question easily by saying the application is confidential; he'll still get his job processed. Or the customer can simply lie. The bureau doesn't investigate.

The growth of outside summary tape processing centers makes a bad situation considerably worse because now the bureau will have even less chance of determining how special tabulations are being used.

A company can be recognized as a summary tape center by filling out a simple questionnaire. "If the answers look bona fide," says a bureau official, "we recognize the company." Asked what he meant by "bona fide," the official said "no one has ever really figured that one out." But he didn't seem particularly worried. "The centers are entirely on their own," he pointed out. "We take no responsibility for their work."

Just possibly, the Census Bureau is right when it says people don't endanger their privacy by answering census questions. But, in view of the rather informal procedures used to monitor summary tape applications and summary tape centers, no one really knows. Even if no one's privacy has been violated so far, the danger of misuse would appear to be growing because of the recent proliferation of census statistics, applications, and software, and the virtual certainty that more proliferation is coming. The pace of change is suggested by the fact that, in 1960, the bureau's "public use samples consisted of individual census records representing a 1/1000th sample of the U.S. population. Names, addresses and geographic areas were not disclosed. In 1970, the bureau is offering a 1/100th sample, identifying the SMSA's they are drawn from, and providing the user with a demographic profile of each community so he can determine how representative the related portion of the sample is. The next logical step would be to increase the size of the sample further and offer a set of tapes, each one covering a different SMSA or region (the current public use sample is recorded on a single reel). Users still couldn't identify any individual but they'd be able to make more refined statistical analyses, thereby increasing the appeal of customer-qualification and direct-mail targeting systems.

Since the cost of direct-mail advertising continues to go up, the appeal of computerized techniques for prequalifying each mailing list is clearly growing. Meanwhile, program budgeting and other system analysis techniques are becoming more popular. It may not be long until just about every business decisionmaker has jumped aboard the bandwagon. With this kind of conditioning, they are apt to be much more receptive to "people-qualification" systems based directly or indirectly on census information.

Political support for using such techniques is also bound to grow, as the user market increases. This implies more pressure on Congress to authorize more questions and more-frequent enumerations. A bill authorizing a mid-decade population and housing count was passed in the last Congress by the House but not the Senate. The same bill has been introduced in the current Congress.

Possibly the most effective method of arresting these trends would be to establish an independent federal commission, authorize it to license summary tape processing centers and review copies of all data tabulated from census statistics. Along with the data, the user would have to submit a complete documentation trail showing how he traveled from initial input to final output. If the commission found that a tabulation violated individual privacy, it would have the power to bar use of the statistics by issuing an administrative order. Users who felt victimized would be free to take their complaints to court.

The commission could be financed by users of census statistics. They are now getting statistics from the bureau for a small fraction of what it would cost them to get the same data on their own, so higher prices and additional control are logical.

Regulatory commissions admittedly have a tendency to be taken over by those whom they regulate. But there are ways of coping with that problem, too.

One is to staff the commission with people of different viewpoints. In this case, the number of civil libertarians and constitutional lawyers should at least equal the number of statisticians and marketing types. Hopefully, the commission would also include at least some individuals familiar with the inner working of computer hardware and software.

One area the commission could profitably explore is the advisability of making some census data available to a restricted group of users. There can be little argument, for example, that government officials need family income data to plan health, welfare, and similar social betterment programs. But it isn't necessarily true that the same information, aggregated to the same geographic levels, should also be distributed to direct-mail houses.

The commission might also study the kinds of problems that do. and do not. lend themselves to census-based statistical analysis. Projecting population growth is almost certainly more reliable than evaluating alternative birth control programs on the basis of demographic correlations.

The commission idea has already been suggested by Alan Westin, who is possibly the nation's leading authority on privacy. He and a group of associates recently received a $149,500 grant from the Russell Sage Foundation to look into this and related matters.

Meanwhile, Congressman Cornelius Gallagher of New Jersey has announced plans to introduce legislation establishing a "federal data processing commission."

But neither Westin nor Gallagher has worried very much about the threat to privacy posed by census data. The bureau's chief critics have been Rep. Jackson Betts of Ohio and Sen. Sam Ervin of North Carolina. Both legislators have tried—so far without success—to limit the number of mandatory census questions.

No one will be exactly surprised if Congress continues to let the Census Bureau operate more-or-less as it pleases.

DEFINITION OF TERMS

An urbanized area consists of a central city or cities plus an urban fringe. At least one of the cities must have a minimum population of 50,000. The fringe area includes incorporated places with 2500 inhabitants or more, and "closely-settled" areas of 100 housing units or more.

A Standard Metropolitan Statistical area (SMSA) must have one city with 50,000 residents or more, two cities with contiguous boundaries and "constituting, for general economic and social purposes, a single community." The smaller of these two cities must have at least 15,000 residents, and the two, together, a total population of at least 50,000. SMSA's must also meet a number of lesser qualifications. Urbanized areas generally comprise the thickly-settled portions of Standard Metropolitan Statistical Areas.

Minor Civil Divisions (MCD's) include election districts, towns, townships, and in some areas, entities known as "beats" and "gores." Census county "divisions" are another kind of MCD. They are county subdivisions, akin to townships.

Census Tracts are MCD's within, and adjacent to, large cities and SMSA's, generally having about 4,000 residents apiece.

An Enumeration District (ED) originally represented the territory that could be covered by a single census enumerator. Where enumerators are being used for the 1970 census, each ED contains about 750 people. In the areas where forms were mailed to each respondent and mailed back, the ED encompasses about 1500 individuals.

Getting a Personal Dossier From a Statistical Data Bank—Beware

(By Lance J. Hoffman and W. F. Miller)

(Note.—Mr. Hoffman is a research assistant in the Computer Science Department of Stanford University. He was previously with Systems Development Corp., Control Data Corp., and Bolt Beranek and Newman, Inc. He has a BS in math from Carnegie Institute of Technology, an MS in computer science from Stanford, and is working towards his PhD in computer science at Stanford. Dr. Miller is currently vice president for research at Stanford University where he has previously been associate provost for computing and professor of computing science. Prior to this, he was with the Argonne National Laboratory for nine years. He is a member of the Computer Science and Engineering Board of the National Academy of Sciences and is listed in Who's Who in America. He holds a BS, MS, and PhD from Purdue University in physics and mathematics.)

With enough work it is possible to obtain a personal dossier from a statistical data bank. A privacy safeguard sometimes proposed[1] is the restriction on the access procedures to permit read-out of only statistical summaries. (In the extreme one could remove from the file such identifying information as name, address, Social Security number, etc.) Data banks which return only summary tables of numbers of persons with given characteristics such as age, education level, etc., are referred to as "statistical" data banks. Data banks which return an individual's identifying information are referred to as "dossier" data banks. It has been pointed out that this distinction is largely illusory.[2] We present here an algorithm which, with enough work and sufficient additional information, can be used to identify individuals in a statistical data bank. We propose "threat monitoring"[3] as a procedure which, while not foolproof, gives substantial additional protection of privacy in statistical data banks.

DEDUCING A SALARY RANGE

Suppose that we wish to determine whether John Doe earns over $50,000 per year and we know that his data is stored in a statistical data bank. Suppose also that we already know that he is a 39-year-old lawyer with an LLB degree, has four children, has been married twice, and lives in New York City. When we ask our data bank the question, "How many people are in the data bank with the following properties:

age 39
education level is LLB
male
has 4 children
lives in New York City
profession is lawyer
has been married twice?'

let us say that we get back the answer "57 people." If we then ask, "How many people are in the data bank with the following properties:

age 39
education level is LLB
male
has 4 children
lives in New York City
profession is lawyer
has been married twice
salary exceeds $50,000 year?"

and the data bank returns "57 people" again, we have discovered from our "statistical" data bank the "intelligence" that John Doe's salary exceeds $50,000 per year. We have obtained information on a specific individual even though the query algorithm we used returned only counts of instances, and did not return names. We would have been able to do this even if specific identifying information such as name had not been stored in the data bank.

Suppose we know that data on Richard Roe is contained in a statistical data bank. Let us take some nonsensitive information we know about Richard and use it to form a question for our data bank system. "How many people are in the data bank with the following properties:

age 39
education level is LLB
male
has 4 children
lives in New York City
profession is lawyer
has been married twice
received MS degree from MIT in 1950
graduated from Harvard in 1948?"

If the answer is "1 person," we've hit the jackpot! For we can now extract *all* the information about Richard Roe in the data bank by simply adding more conditions, one by one, to our question. For example: "How many people are in the data bank with the following properties:

age 39
education level is LLB
male
has 4 children
lives in New York City
profession is lawyer
has been married twice
received MS degree from MIT in 1950
graduated from Harvard in 1948
has been convicted of a felony?"

If the answer to this question is "1 person," then Richard Roe has been convicted of a felony; if it is "0 people," he has not. Again, we have obtained personal information from a "statistical" data bank which does not return names or other identifying information directly.

THE GENERAL ALGORITHM

We now present the general algorithm for compiling a dossier from a "statistical" data bank. First, let us state our assumptions:

1. We assume that the data bank query algorithm will return to the inquirer $\#(P_1)$, the number of instances (people) with given property P_1 but it will not return the names or other identifying information about the people included in this count. That is, the algorithm permits one to get aggregate data in the form of the count of the number of instances of a certain type, but it does not return anything other than the count.

2. The query algorithm will permit requests not only for a count of the instances of a given property, but also for a count of the instances of a conjunction of properties. For example, one might ask for the number of people wtih property P_1 (age greater than 30) *and* property P_2 (female) *and* property P_3 (not living in New York City), i.e., $\# P_1 \& P_2 \& P_3)$.

Now, if we denote the number of people with properties $P_1, P_2 \ldots, P_m$ in common by $\# P_1 \& P_2 \& \ldots P_m)$, the following algorithm determines whether a person (called Mr. X) has property P_0 (given that we *a priori* know a number of his other properties $P_1, P_2 \ldots, P_N$): Use the search algorithm to determine whether $\#(P_1 \& P_2 \& \ldots P_N)=1$. If so, then $\#(P_1 \& P_2 \& \ldots P_N \& P_0)=1$, Mr. X has property P_0. Otherwise Mr. X does not have property P_0. (We used this method to determine that Richard Roe had been convicted of a felony.)

The scheme will fail if we do not know enough about Mr. X to identify him through his properties $P_1, P_2, \ldots, P_N$, i.e. if $\#(P_1 \& P_2 \& \ldots P_N)>1$.

There is a variation of this scheme, which we used to deduce John Doe's salary range. Suppose we know that Mr. X is included in the count of people who have properties $P_1, P_2, P_3, \ldots, P_N$ in common. If the count of people with properties $P_1, P_2, P_3, \ldots, P_N, P_0$ in common is the same, i.e., if $\#(P_1 \& P_2 \& P_3 \& \ldots \& P_N)=\#(P_1 \& P_2 \& P_3 \& \ldots \& P_N \& P_0)$, then we know that Mr. X has property P_0. For this variation of the scheme to work in practice, the count will have to be small in order that one can expect all members in the count to also have P_0. If

$$\#(P_1 \& P_2 \& \ldots \& P_N) \ddagger \#(P_1 \& P_2 \& \ldots \& P_N \& P_0)$$

we cannot determine whether Mr. X has property P_0 unless we have the earlier case where

$$\#(P_1 \& P_2 \& \ldots P_N)=1.$$

The problem we are illustrating is well known to census bureaus and other agencies charged with publishing statistical summaries and at the same time protecting the privacy of individuals. Their policy is to avoid publishing summaries with small counts which might permit identification.

One way of protecting against the type of search we have illustrated is to use threat monitoring. Threat monitoring control programs monitor all requests to the system and keep audit trails. It can be used to detect excessively active periods of use of the data base, too many successive questions which are quite similar or which result in small counts as answers (therefore raising the possibility that a dossier extraction, such as in

---

Footnotes at end of article.

the examples above, is being carried out), etc. Even with threat monitoring, if the extraction procedure is concealed among legitimate request traffic, it will be quite hard to detect. This should serve to remind the proponents and builders of "statistical" data banks to very seriously consider the problems of privacy. Only a few[4] have really taken advantage of various methods of access control developed to date.[5][6][7]

FOOTNOTES

[1] Dunn, E.S., Jr., Statement in [8], pp. 92–95.

[2] Baran, P., Statement in [8], pp. 119–135.

[3] Petersen, H. E., and Turn, R. System implications of information privacy. Proc. AFIPS, 1967 Spring Joint Comput. Conf., Vol. 30, Thompson Book Co., Washington, D.C., pp. 291–300. (Also available as Doc. P–3504, RAND Corp., Santa Monica, Calif., April 1967)

[4] Hanlon, Joseph. Precautions Preclude Misuse of Student Data, Computerworld, 4 March 1970.

[5] Hoffman, Lance J. Computers and Privacy: A Survey. Computing Surveys 1, 2 (June 1969), 85–103.

[6] Weissman, Clark. Security Controls in the ADEPT–50 Time-Sharing System. Proc. AFIPS 1969 Fall Joint Computer Conference, 119–133.

[7] Hoffman, Lance J. The formulary model for Access Control and Privacy in Computer Systems. Ph. D. Dissertation, Stanford University, Stanford, Calif., 1970.

[8] U.S. Congress, The computer and the invasion of privacy—hearings before a subcommittee of the Committee on Government Operations, House of Representatives, 89th Congress, Second Session (Gallagher Report), U.S. Government Printing Office, Washington, D.C., 26–28 July 1966.

SHARE FEDERAL REVENUES WITH STATE AND LOCAL GOVERNMENTS

(Mr. BETTS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BETTS. Mr. Speaker, on September 24, 1969, I introduced H.R. 13982, the Revenue Sharing Act of 1969. This bill embodies an innovative proposal by President Nixon to share a portion of our Federal revenues with State and local governments. In introducing the bill, I was joined by 87 of my colleagues in this House.

Since that time, an exceptionally broad and popular base of support has emerged in behalf of this vitally needed reform of our intergovernmental fiscal system. Every major organization representing State and local governments has endorsed revenue sharing. Public opinion polls show over 70 percent of Americans in favor of its enactment. A strong bipartisan support for revenue sharing exists in both Houses of the Congress.

This breadth of support is not surprising in view of the obvious need for this program. Our current approach to aiding States and localities is badly in need of reform and consolidation. Overlap, duplication, redtape, and inefficiency abound in the crazy quilt network of some 500 grant-in-aid programs in existence today. Beyond this need to operate our fiscal affairs more sensibly and more flexibly, there also exists an urgent need for financial support of State and local governments. They are asked to deal with our most critical social and domestic problems, but their fiscal resources are already strained severely.

Revenue sharing represents a valuable supplement to our existing Federal aid efforts. Most importantly, it offers a way to extend this effort in a broader, fairer, and less conditional manner. Local priorities and needs will determine the allocation of funds.

I would strongly urge, and I hope the other Members of this body will join me, that we make every effort to see that revenue sharing is brought before us for consideration before we adjourn this fall. This is a subject of the highest priority, focusing directly on our domestic needs and the responsiveness of our public institutions.

At this point, I would like to insert in the RECORD a copy of a very recent memorandum from the President to the senior members of his administration discussing revenue sharing. This document provides an excellent restatement of the arguments for revenue sharing, and reemphasizes President Nixon's strong personal desire to see its prompt enactment. I commend this memorandum to the Members of the House as an important policy statement and description of the revenue-sharing proposal.

THE WHITE HOUSE,
Washington, June 24, 1970.

Memorandum: For senior administration officials.

Subject: Revenue sharing.

This Administration came to office at a time when many Americans were frustrated (often justifiably) with the performance of existing governmental institutions. We have, therefore, proposed basic changes in the domestic policies of the Federal Government. The Administration's new domestic policies, taken together, constitute a strong effort to reform major program systems, renew our federalism, and strengthen the capacity of governmental institutions—at the national, State and local levels.

Last August, I submitted to the Congress a proposal for sharing a portion of Federal revenues with State and local governments. This innovative program is designed to extend Federal assistance to these governments in a broader, fairer, and less conditional manner.

Over the years this mechanism will have a substantial economic and political effect on our Federal system.

The arguments in favor of revenue sharing are as strong as ever:

1. We have a serious "fiscal mismatch." The Federal government has the superior revenue-generating system. The other levels of government have the major domestic expenditure requirements. The Federal government has long recognized this discontinuity between public needs and resources. So far, we have chosen to bridge the gap through the mechanism of categorical grants-in-aid to State and local governments. Next year, nearly $28 billion will be spread over 500 separate and uncoordinated aid categories.

2. We need to design better systems for delivering Federal program assistance and better methods of fiscal assistance. Revenue sharing represents a valuable and necessary supplement to our existing financial assistance efforts. Increased resources and additional decision-making responsibility will be transferred to State and localities. Local discretion and flexibility will be encouraged. Citizen discontent over the inability of the Federal government to deliver services effectively provides strong incentive to decentralize some governmental decision-making.

3. The revenue capacity of State and local government is severely strained—despite their considerable efforts. During the 1960s, the States made over 300 increases in major taxes, either enacting new taxes or raising rates on existing ones. Property taxes are very high in many areas. These governments need financial help. The simplest, most direct, and fairest way to provide that help is through revenue sharing.

4. Adequate provision of basic public services is a matter of high national priority. Revenue sharing is directly responsive to this need. We look to our States and localities to provide these services, and revenue sharing funds represent vital support for our domestic programs.

5. Americans not only are frustrated with the performance of governmental institutions, but also with the unresponsiveness of these institutions to local concerns. The individual citizen can have the largest impact on public policy through his State and local governments. By strengthening these governments, revenue sharing can enhance individual contributions to public decision-making. Through revenue sharing an important measure of political power is returned to the people.

I want to emphasize the importance of revenue sharing in our total domestic policy. Revenue sharing is the financial heart of the New Federalism.

Under the New Federalism, major aims are to define more clearly functional responsibilities among levels of government and strengthen governmental institutions at all levels. Welfare, for example, is appropriately a national responsibility. In addition to providing equity and dignity for the poor, the Family Assistance Act will relieve State and local governments of rapidly rising costs for welfare.

In areas which are primarily State-local responsibilities, revenue sharing and other measures which the Administration has advanced will strengthen the capacity of States and localities to make decisions which reflect their own priorities and needs.

In the first full year of the Family Assistance Program, fiscal relief for states and localities will be nearly $600 million, in addition to the currently estimated revenue sharing program of $1 billion.

I encourage all of you to become familiar with the basic elements of the Administration's revenue sharing proposal and to make known, at every suitable occasion, our strong desire to secure its enactment in 1970. A very brief description of revenue sharing, along with major questions and answers, is enclosed.

RICHARD NIXON.

SUMMARY OF THE ADMINISTRATION REVENUE-SHARING PLAN

The leading features of the Administration's revenue-sharing proposal are as follows:

First, the total amount to be shared will be a stated percentage of personal taxable income—the base on which Federal individual income taxes are levied. The fund will grow fairly rapidly from a currently projected program of $1 billion on a full-year basis to reach $5 billion by the mid-'70's.

Second, the distribution of the fund among the states will be based on a simple formula that assigns primary weight to population, but also gives some weight to tax effort exerted in the State.

Third, the distribution within each State between the State government and the localities will be based on a formula, so that each unit of general government within a State will be assured a share that is proportionate to its own revenues raised.

Fourth, no program or project restrictions will be placed on the use of the funds made available by the Federal Government. Each State, county, city and town will rely on its own judgment, and allocate the funds as it deems best.

The distinguishing characteristics of this proposal are:

(1) *Simplicity*—objective statistics and clearly defined procedures are used;

(2) *Fairness*—all general purpose local governments participate, regardless of size;

(3) *Dependability*—State and local governments can count on the funds in their planning; and,

(4) *Discretion*—State and local governments are free to use the funds wherever they determine the need most pressing.

Questions and Answers on the Administration's Revenue-Sharing Proposal

1. Q. *What is the purpose of this proposed legislation?*

A. The ultimate purposes are:

To restore to the States their proper rights and roles in the Federal system with a new emphasis on local initiative and discretion;

To provide both the encouragement and the necessary resources for local and State officials to exercise leadership in solving their own problems;

To restore strength and vigor to local and State governments;

To achieve a better allocation of total public resources.

2. Q. *Why do State and local governments need revenue sharing?*

A. One reason is due to what President Nixon calls the "fiscal mismatch." Federal tax receipts, based largely on incomes, tend to grow faster than the economy. At the local level, the reverse is true. State and local revenues, based heavily on sales and property taxes, do not keep pace with economic growth, while expenditure requirements for education, health, welfare, and other local services tend to exceed such growth.

3. Q. *But doesn't the Federal Government provide aid to State and local governments already?*

A. Yes. Federal grants to State and local governments will amount to $24 billion during fiscal year 1970 and an estimated $28 billion in 1971. But this assistance is being distributed through a confusing array of nearly 500 separate program authorizations. A basic objective of revenue sharing is to supplement the existing Federal aid effort with broader and less conditional fiscal assistance. In this manner, both funds and the responsibility for their proper allocation will be transferred to the States and localities.

4. Q. *But if some "surplus" revenue develops at the Federal level, why not reduce the Federal tax take—leaving the field open for States and localities?*

A. This is not a matter of sending back to the States "excess" Federal revenues left over from Federal program requirements. Revenue sharing should be viewed as an *expenditure* for a basic national purpose—strengthening the financial base of our Federal system of government. It should be evaluated with other expenditure programs and assured delivery to State and local governments.

5. Q. *How much money is to be shared?*

A. The size of the total fund to be shared will be a stated percentage of personal taxable income—the base on which Federal individual income taxes are levied. To provide for an orderly phase-in of this program, the FY 1971 percentage will involve new obligational authority of $275 million for the last quarter of the year—or $1 billion on a full-year basis; subsequent fiscal year percentages will be increased annually up to a permanent one percent for fiscal year 1976 and thereafter. On this basis, we estimate an appropriation for fiscal 1976 of about $5 billion.

6. Q. *The initial amount of revenue sharing does not sound like much, particularly when it is split up among 50 States and thousands of cities and counties. Wouldn't this just be a drop in the bucket for most communities?*

A. Given the current and near-term budget outlook, we realistically faced two alternatives for introducing revenue sharing: (1) either delay introducing the plan until funds are available to begin a full-scale program, or (2) establish the plan now and provide for phased increases as budget resources permit. The second course of action is clearly preferable. With all the competing claims for limited Federal revenues, it is important to establish the principle of revenue sharing as soon as practicable.

7. Q. *Can the States and localities depend on this flow of funds to be regularly appropriated?*

A. In order to provide for the assured flow of Federal funds, a permanent and indefinite appropriation will be authorized and established for the Department of the Treasury, from which money will be automatically disbursed each fiscal year, as required by the revenue sharing act.

8. Q. *How will the funds be distributed?*

A. The funds will be distributed from the Federal Treasury to the 50 States and the District of Columbia. Each State will receive an amount based on its share of national population, adjusted for the State's revenue effort. The revenue effort factor provides the States with some incentive to maintain (and even expand) their efforts to use their own tax resources to meet their needs. Revenue effort is the ratio of total general revenues collected by State and local governments in a given year to the total personal income of that State.

9. Q. *Will the States be required to share some of this distribution with their local governments?*

A. Yes. The allocation of a State's share among its general units of local government will be established by prescribed formula. The proportion which an individual local government will receive corresponds to the ratio of its own revenues to total State and local government revenues in the State.

10. Q. *Why are these particular distribution formulas used?*

A. Distributions based on revenues raised have several important advantages:

They make allowance for State-by-State variations in preferences;

They tend to be neutral with respect to the current relative fiscal importance of State and local governments in each State;

They provide a method for allocation among government units with overlapping jurisdictions.

11. Q. *By sharing revenues with every city, county, and town, is the effectiveness of this plan diluted too much?*

A. We are unable to find an acceptable or logical point at which revenue sharing funds should be denied a local government. Some proposals would exclude all cities and counties of less than 50,000. All local governments are faced with fiscal pressures, often especially acute for small communities, and all deserve specific inclusion in the revenue-sharing program.

12. Q. *What restrictions or qualifications will be imposed on the use of these funds?*

A. There will be no program or project restrictions on the use of these funds. One purpose of revenue sharing is to permit local authorities the programming flexibility to make their own budget allocation decisions. Each State will be required to meet minimum reporting and accounting requirements.

13. Q. *Are State and local governments able to establish proper social priorities for the allocation of their revenue sharing funds?*

A. The answer can be obtained by examining the pattern of State and local spending. From their own revenue, they have consistently spent the lion's share on education, health and hospitals, and public welfare.

14. Q. *How do the various State, county, city and other local officials view this revenue-sharing proposal?*

A. We have had numerous discussions with governors, mayors, and county officials on this proposal. There has developed a remarkable degree of approval. Revenue sharing has now been enthusiastically backed by the national associations of governors, mayors, county commissioners, and other State and local leaders.

15. Q. *How much of a new administrative apparatus will be required to administer revenue sharing?*

A. None. The plan has been designed to operate almost automatically, avoiding any requirement for the establishment of any new Federal bureau or agency. The whole purpose is to avoid Federal controls and to increase the fiscal discretion available to State and local governments.

WILLIAM J. DONALDSON, JR.

(Mr. McCORMACK (at the request of Mr. Albert) was given permission to extend his remarks at this point in the Record.)

Mr. McCORMACK. Mr. Speaker, on this day, June 30, a career that spanned 59 years as an aide to the House of Representatives comes to a close.

William J. Donaldson, Jr., a former superintendent of the House of Representatives press gallery for 47 years and a member of the staff for 58 years, will leave our service after a record tenure.

Originally appointed in 1912, Bill Donaldson served with 10 Speakers of the House beginning with Champ Clark of Missouri and 11 Presidents starting with William H. Taft.

Since he became a member of that staff in the 62d Congress, the membership of accredited correspondents has risen from approximately 200 to a current total exceeding 1,000. The House of Representatives met for the first time with a new increased membership total of 435 at the beginning of his career.

Bill Donaldson has witnessed most of the major political news events in this century.

He attended the 1912 Democratic Convention in Baltimore that nominated Woodrow Wilson and subsequently managed press seating and arrangements for 24 successive national political conventions. Additionally, he supervised press needs at the third-party conventions of Parker in 1916, LaFollette in 1924, and Wallace in 1948.

Bill Donaldson performed a similar task at Presidential inaugurations and joint sessions and meetings of the Congress. For many years the start of Presidential news conferences began with his "All in, Mr. President," announcement.

I have had the pleasure of Bill's friendship for 42 years. It would be most difficult to find anyone who knew more publishers, editors, and political writers than Bill Donaldson. At one time or another they worked in the Washington press corps with him. He has known hundreds of individuals who have served in this Chamber. Lending a hand to a Member of Congress or a correspondent was his constant goal.

Mr. Speaker, the Press Galleries are an important part of this legislative body. We all realize the vital necessity of having an informed public that has

XUM

a daily awareness of our deliberations and accomplishments.

The professional staff of the Press Gallery, headed in an exemplary manner for so many years by Bill Donaldson, contributes mightily to that achievement. His zeal for fairness, impartial judgment, and ability to interpret our actions, free of political flavor, for news purposes is a lasting tribute to him and a great legacy for his successor. It is a fitting monument to this gentleman whose unique skills enriched the House of Representatives and the journalistic community.

I hope his health will improve so that he and Mrs. Donaldson may enjoy many future years of pleasure and happiness.

PANAMA CANAL—DANGERS AHEAD

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, on May 16, 1970, a White House press release announced the appointment of Daniel W. Hofgren, as a special representative of the United States for the Interoceanic Canal negotiations, with the rank of Ambassador. The stated purpose of these negotiations are reaching new agreements regarding the Panama Canal to replace the original and workable 1903 treaty, under which the Panama Canal was constructed and has been subsequently maintained, operated, and protected.

XUM

In view of the repudiation by the people of Panama of the 1967 proposed new treaties and strong opposition to them in the Congress, they were never executed and were discredited. Thus, the Hofgren appointment gives warning to the Nation that the ignominious 1967 treaty proposals are to be resurrected, and that the indispensable U.S. sovereign control over the strategic isthmian waterway is again threatened.

That public understanding of the problems involved by this action of our Government is now widespread, is shown by a "letter to the editor" of the Chicago Tribune in the June 3, 1970 issue, by Capt. Franz O. Willenbucher, an experienced naval officer, and able attorney.

In order that all Members of the Congress may have the full text of the Willenbucher letter and the press release, for ready references; I request that they be inserted at this point in the CONGRESSIONAL RECORD for reading in connection with the Panama Canal sovereign resolutions now before this body. The two documents follow:

BETHESDA, MD.,
May 28, 1970.

CHICAGO TRIBUNE,
Letters to the Editor,
Chicago, Ill.

DEAR SIR: While on active duty in the Navy Department, during a period which included 1936, I shared responsibility for the maintenance of certain national defense aspects of the Panama Canal and participated in the drafting of some of the provisions of the Hull-Alfaro treaty of 1936–39. Since then, I have continued to keep informed concerning our Atlantic-Pacific Interoceanic Canal policy and recognized as highly significant then, the appointment of Daniel Hofgren "to take over the direction of negotiations with Panama for a new Atlantic-Pacific Canal" announced on May 14, 1970.

A former Wall Street investment manager and now a Presidential assistant, Mr. Hofgren would be a member of our Panama Canal treaty negotiating team under Chief Negotiator Robert B. Anderson, a leading advocate of a "sea-level" canal and a strong proponent for surrendering U.S. sovereignty over the Canal Zone, the indispensable protective frame of the canal.

As the policy questions involved affect the security of the United States, and of the entire Western Hemisphere as well as vast sums of our taxpayers' money, they must be understood in realistic perspective.

On June 26, 1967, the Presidents of the United States and Panama announced the completion of negotiations for three proposed new treaties with Panama that would—

(a) Surrender United States sovereignty over the U.S. owned Canal Zone territory to Panama;

(b) Make that technologically primitive and unstable country a partner in the management and defense of the Panama Canal;

(c) Grant to the United States an option on a site for a new canal of so-called sea-level design, which is not needed and which has been discredited in recent objective scientific studies; and

(d) Eventually, give to Panama not only the existing Panama Canal but also any new canal constructed at huge cost, all without any compensation whatsoever.

Through the journalistic initiative of the Chicago Tribune, the texts of these treaties were published, causing a national sensation. Quoted by Senator Strom Thurmond in addresses to the Senate on July 17, 21 and 27, 1967, they raised a storm of protests in Panama and strong opposition in the Congress and were never signed.

Starting on October 27, 1969 Theodore Roosevelt's birthday, more than 100 members of Congress introduced or co-sponsored identical House resolutions opposing any surrender at Panama. In this connection, it should be noted that the negotiations of the proposed new canal treaties completely ignored Article IV, Section 3, Clause 2, of the U.S. Constitution that vests the power to dispose of territory and other property of the United States in the Congress (Senate and House) and not alone in the treaty making power of our government (President and Senate). The net total investment of the United States from 1904 to 1968 in the Panama Canal, including its defense, is more than $5,000,000,000, which raises the question exactly who would benefit by such a colossal give away of U.S. territory and property as agreed to by the Anderson negotiating team without the authorization of the Congress.

Meanwhile, the clarification in the Congress of the principal problems of increased transit facilities has resulted in the introduction of identical measures in both Senate and House for the major increase of capacity and operational improvement of the existing Panama Canal through the adaptation of the Third Locks Project to provide a summit level terminal lake anchorage at the Pacific end of the Canal to match the layout at the Atlantic end. This proposal is strongly supported by experienced independent engineers, geologists, navigators, defense experts, nuclear physicists, marine ecologists and others, who condemn the sea level project in the strongest terms.

Thus, the problem before the Congress is twofold: (1) the reaffirmation of U.S. sovereignty and ownership of the Canal Zone and Panama Canal; and (2) the full modernization of the present canal. As this program is best not only for the United States and its overburdened taxpayers but also for Panama, the time for further procrastination on this vital issue has passed and the time for action has come.

In view of the perilous confrontations by the United States with Soviet power in various countries, it is utterly unthinkable to ignore the realistic facts involved. The inevitable result of surrender at Panama as provided in the proposed treaties will be Soviet control of the Canal, the Isthmus, Central America and other parts of the Western Hemisphere. Remember Cuba!

FRANZ O. WILLENBUCHER,
Captain, U.S. Navy, retired, Attorney at Law.

THE WHITE HOUSE,
May 16, 1970.

The President today announced the designation of Daniel W. Hofgren of New York City as Special Representative of the United States for Inter-Oceanic Canal Negotiations, with the personal rank of Ambassador. He succeeds John N. Irwin II, who resigned on April 21, 1968.

The Inter-Oceanic Canal Negotiations between the United States and Panama were undertaken in 1964 for the purpose of reaching new agreements regarding the Panama Canal, to replace the original 1903 treaty. Robert B. Anderson, former Secretary of the Treasury, has headed the United States negotiating team since the talks began. Daniel Hofgren will become Ambassador Anderson's principal assistant.

Hofgren, 33, has served as a Special Assistant to the President since January, 1969. Prior to joining the White House staff, he had spent seven years as financial advisor to the Edwin Jay Gould estate in New York and had been active in the investment business in the United States and Latin America. In the summer of 1957, while still an undergraduate at Colgate, Hofgren worked at the White House as an aide to Cabinet secretary Robert Gray. Following his graduation in 1958, he had several assignments in international youth affairs—in 1958 as a consultant to the American Council on NATO for Atlantic Youth Affairs and in 1959 as Director of the Paris Conference for Political Youth Leaders and Organizations and as a delegate to the Atlantic Congress in London. Hofgren was a member of the Board of Foreign Scholarships from 1959 to 1962.

Hofgren is married to the former Alexandra Walton Smith; they have one son.

HEARTLESS TREATMENT

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, I am shocked by the heartless attitude expressed in the following Associated Press account of comments by Peter Ferretti, vice president of Consolidation Coal Co. concerning recovery efforts at the mine in Farmington, W. Va., where 78 miners lost their lives on November 20, 1968. I consider these statements to be reprehensible, and in particular the inference that this mine or sections thereof may be ready for production. If the widows of the miners must join hands at the mine entrances, I will join with them to prevent any production at Farmington until the bodies of those who perished are recovered.

The text of the article follows:

HEAT MAY HAVE CREMATED BODIES OF 76 MINERS

(From Huntington, W. Va. Herald-Dispatch, June 19, 1970)

FARMINGTON, W. Va.—The bodies of 76 miners still entombed in fire-scarred Consol

No. 9 mine here may never be recovered because extreme temperatures in the mine may have reduced them to ashes.

Though mine officials say they "don't know what we'll find," it is generally conceded extreme heat from explosions and fires may have turned the mine into a crematorium.

Peter Ferretti, Vice President of Consolidation Coal Co. said the explosions and fires which raged through the mine for 10 days beginning Nov. 20, 1968, sent temperatures as high as 3,000 degrees.

The human body deteriorates at temperatures of about 2,000 degrees.

Ferretti declined to speculate on what recovery crews, which have been working since the mine was unsealed last fall to recover the bodies, might find.

He did say, "A person would have to be awfully, awfully foolish to predict what we're going to find."

Ferretti said there was no way of estimating how long it will take recovery crews to completely open the western section of the mine, where the 76 men were working in eight separate crews at the time of the disaster. He indicated it could take several years.

The bodies of two miners were recovered last fall about 1.5 miles from the most heavily damaged portions of the sprawling north central West Virginia mine. Their deaths were blamed on the concussion from the explosion Ferretti said. The area where they were found was not heavily damaged by the fires.

Ferretti said a "horrendous mistake," was made when the mine was permitted to remain unsealed for 10 days after the disaster.

"Never in the history of coal mining has a fire been permitted to rage like that one," he said.

He said the mine was permitted to remain open so long "because of the widows and the news media" and was particularly critical of television coverage of the disaster.

He said the shock of the initial explosion was so violent that it destroyed the ventilation system, permitting the mine to be flooded with "poisonous gases that would kill people immediately."

"Within 12 hours, the atmosphere showed there was no chance to sustain life, even if barricades had been erected," Ferretti said.

Last weekend recovery workers made their way to within about 200 feet of the location where one seven-man crew was last known to be working when the mine exploded.

But massive rockfalls and extensive fire damage have prevented passage into the Six North working face where the crew was stationed.

The recovery workers have discovered extensive cracks in overhead rock formations, massive rockfalls and heavy layers of soot.

An unwritten law of the coalfields demands that no mine be returned to production so long as bodies are trapped within it.

However, Ferretti said it would be possible to prepare for production in the eastern sections of the mine at any time. But, he declined to speculate on whether this will be done other than to say that at some time new plans may become necessary.

Meanwhile, recovery crews continue their grim task around the clock, except on Sundays.

LEGISLATION FOR THE CONSUMER—END THE SHRINKING BILLING PERIOD

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, the Federal Trade Commission has recently issued a formal policy statement directed at a problem which afflicts thousands of consumers daily. This problem—the "shrinking billing period"—arises when debtors receive billing statements only shortly before, or even subsequent to, the date by which payment must be made if a financing charge is to be avoided. And the reason this problem arises is because creditors are delaying—whether by inadvertence or by intention—mailing out their statements.

This is a problem which is easily remedied. And it is a problem which should be remedied, because its existence causes needless expense to consumers perfectly willing and capable to pay their bills—if only they know how much must be paid soon enough to avoid the financing charges imposed for late payment.

Previously, I introduced H.R. 15060, which addresses this problem. And today I am reintroducing this bill, in modified form (H.R. 18271) to require that billing statements must be mailed by creditors at least 21 days prior to the date by which payment must be made in order to avoid imposition of that finance charge. If they are not mailed in sufficient time, the creditor loses his ability to impose a finance charge for the billing period in question.

The Federal Trade Commission, in its consumer credit policy statement No. 3, entitled "The Shrinking Billing Period," has quite cogently stated the position of the agency whose function it is to safeguard the welfare of consumers:

> The Truth in Lending Act and Implementing Regulation Z do not now set forth any specific time within which creditors are required to send periodic billing statements to their customers. However, the Commission feels that the law contemplates that the periodic billing statement should be mailed in time to give customers a reasonable opportunity to have the payment posted before the end of the period within which finance charges may be avoided.

H.R. 18271 would enact into law this "reasonable opportunity" which the Federal Trade Commission seeks.

As the policy statement notes, the established practice is for creditors to allow a customer 25 to 30 days from the billing date to pay the full "new balance" owed—that is, the total amount owed in the account and thereby avoid an additional finance charge. My bill would simply require that the creditor cannot delay until the 24th or 29th day and then send out the statement—the obvious consequence of such delay being that the debtor will be forced to experience imposition of the finance charge. Under H.R. 18271, which amends the Truth in Lending Act, the creditor would have to send his statement out at least 21 days prior to the payment date. The result is simple—protection of the consumer.

The Truth in Lending Act is an attempt to prevent creditors' abuse of their customers. Requiring creditors to mail their billing statements 21 days prior to payment date is clearly a reasonable amendment to this end. Slow mail service itself accounts for significant delay. And an even more important factor calling for this amendment lies in the situation whereby a wage earner dependent upon a periodic pay check cannot obtain sufficient funds within the 1 or 2 days left to him to pay by the time he receives his billing statement. If this wage earner had sufficient time between the date of receipt of the statement and the date of required payment, he would, in that interim, receive another pay check and would thereby be able to pay the bill he intended to pay—with the very important difference that he would not be forced to also pay a finance charge.

Certainly the experiencing of finance charges should be within the power of the debtor. If he is dilatory, he should be penalized. But, he should not suffer penalty because of the incompetence, inadvertence, or even deviousness of the creditor. Insuring the creditor's power to control whether or not he will experience an additional financing charge, and precluding the creditor from infringing upon that power, is entirely consistent with an act which seeks to prevent the abuse of customers by their creditors.

The Federal Trade Commission's policy statement concludes:

> The Commission urges retailers to send their periodic billing statements as promptly as possible so as to allow consumers the maximum advantage of that time period.

My bill converts the Commission's administrative urging into legislative mandate. In light of the persistence and ubiquitousness of the shrinking billing period, I think this a necessary step in protecting the consumer.

AMEND HARMFUL TRADE LAWS

(Mr. PHILBIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein a letter which I recently received from a friend and constituent of mine who states that foreign imports are ruining his business.

I was very much distressed to receive this unfavorable report from an established, successful businessman, but I have received many others like it. As I predicted, it describes the only logical result of the trade bill, and unless this bill is drastically changed, or even scrapped and replaced with a realistic one, it will mean hundreds and hundreds of closings and widespread unemployment throughout the country.

I again urge a drastic overhaul, or replacement of the trade bill to prevent this very harmful flow of cheap products of all kinds from overseas, and I will support any legislation designed to accomplish this end.

Time is of the essence, and there is no time to lose and I again appeal to the able, distinguished chairman of the House Ways and Means Committee, my esteemed friend, Chairman MILLS, and his very able and distinguished committee to rise up in their power and wrath and promptly bring a bill to the floor of the House that will put an early, full, stop to the process of trade ruination that presently besets so many small and large industries and their faithful workers.

Over a period of time many expedients have been proposed to check or stop destructive foreign imports. Revisions to

XUM

prevent one-way free trade so-called; safeguards to limit excessive imports, quotas—anything to curb the flood of cheap, sweatshop goods produced at low costs no American industry can meet in reasonable competition.

Quotas are out. The Japanese will never accept them on a rational basis. They must be excluded from the list of effective remedies.

What this Congress must do is to recapture its historic powers to control the flow of merchandise and goods of many kinds into this country in large quantities that will produce depression in many areas as well as very harmful, widespread unemployment, unless they are checked:

We want to trade with all nations on a reasonably profitable basis, but we cannot tolerate one-sided trade of any kind that is destructive to our industries, our workers, and our great economy.

The letter follows:

JUNE 16, 1970.

Hon. PHILIP J. PHILBIN,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN PHILBIN: For whatever it may be worth, let me comment further on the international trade situation. We here have laid off 350 employees in the last 6 months. This represents almost half our personnel. We may well have to lay off many more employees, assuming we can survive present difficulties. Under obviously no-longer-valid long-range plans, we had expected to be employing twice as many employees, 1400 people, in this fiscal year.

Why? The answer is simple. With American costs, we cannot compete with Japanese imports. Their industry, government and business work together for the aggrandizement of the Japanese economy and society. Unfortunately, this is not the case in the U.S. *We* should copy the Japanese in how they make their economy grow at a rate three or four times that of ours with expectations for this to continue for the foreseeable future.

How do they do it? First of all, they're using our methods, our money—that is letters-of-credit, and our technology. What technology they can't just appropriate, they rent or buy. Secondly, business in Japan is, in effect, an extension of public policy through economic means. They can borrow ten times the money that a U.S. company can from the commercial banks which are backed by the Bank of Japan. They also receive substantial subsidies, support and almost ironclad protection from foreign competitors in their domestic market. Under the GATT agreements, they are maintaining illegal import restrictions on about 122 commodity classes.

Japan has become a major U.S. competitor and they've used Judo—namely, using an opponent's strength against himself; with U.S. methods, money and technology, they are making their economy work far better than we are. They have the most intelligently directed economy in the world and we would be well advised indeed to look to Japan and copy them for a change.

Thanks to an inflationary recession, courtesy of the U.S. Government and the Japanese economic invasion, courtesy of the Japanese and U.S. Governments, our small, independently owned business is having very serious difficulties.

I would think that this country's best interest might be served not by quotas, tariffs or retaliation against the Japanese—it's already too late for that. Large segments of some American industry are devastated by the economic invasion and are, or soon will be, too dependent on oriental products for this to be viable.

We here cannot but feel that deliberate decisions may have been made, say in the State Department, to sacrifice the shoe and, perhaps, textile industries to foreign countries for political reasons. Whether this is indeed the case, is entirely immaterial. This country would be well-advised to harken to words of wisdom so that *we* copy *Japan* for a change and make *our* economy work *far* better than it is doing and thereby equal or exceed what the Japanese have shown an economy can and should do.

The Japanese Government is an aid and ally to Japanese business, providing all sorts of assistance. I wonder what the U.S. Government has done for our industry and the small businesses that pioneered in our field? I think that the fact that we are the last significant independent who hasn't been forced out of business or into a merger, and that we are in trouble from imports after 23 years of innovation, technical leadership and progressive good management, should be answer enough.

MINORITY VIEWS IN OPPOSITION TO GOVERNMENT SUBSIDY OF THE ARTS

(Mr. CRANE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CRANE. Mr. Speaker, the minority views on the pending legislation (H.R. 16065) present the most eloquent plea I have ever read in opposition to Government subsidy of the arts. Because I believe these views deserve a wider audience than they have received, I ask that they be included in the body of the RECORD at this point. The minority views on H.R. 16065 follow:

MINORITY VIEWS

We are opposed to the commitee bill (H.R. 16065) and strongly urge its rejection by the House of Representatives.

I. FALSE ASSUMPTIONS UNDERLYING THE ARTS AND HUMANITIES ACT

The National Foundation on the Arts and Humanities Act of 1965 which the committee bill would amend rests on certain assumptions which are completely without foundation and which the bill would do nothing to modify. One of these is what should be accurately labeled as "the myth of American cultural backwardness." This is the wholly erroneous belief that the American public is being deprived of adequate access to cultural and artistic activities and experiences because of the lack or inadequacy of Federal governmental financial aid to the arts and the humanities.

The facts are to the contrary. There is no country in the world where the arts and humanities, taken as a whole, are more widely studied, trained for, practiced, or supported by the public, as even a superficial investigation would reveal.

A second such assumption appears to be that the Federal Government, apart from the Arts and Humanities Act, is doing nothing by way of financial aid in these fields. Again to the contrary, the Federal Government is making substantial grants and loans to colleges, universities, and their students, both graduate and undergraduate, not only for study, teaching, research, and facilities in science and technology, but in the humanities as well.

Another of these false assumptions is that the alleged inadequacy of financial support for the arts can be remedied only by direct Federal aid in the form of monetary grants for virtually any and all artistic purposes and activities.

Actually, the American public voluntarily spends tremendous sums on spectator activities and entertainment that may well be designated as forms of popular culture. The sale of phonograph records, tapes, record players, and recording devices is enormous. So are their expenditures on motion pictures, television sets and equipment radios, musical instruments, sheet music, popular magazines, and paper back books. Nothing can be more certain than the conclusion that these private and voluntary purchases are greater than the voluntary expenditures for similar products by the consuming public in any other country on earth, and probably greater than all such expenditures throughout the rest of the world combined.

We are quite aware that our self-constituted intellectual and artistic elite look with contempt on what they regard as these essentially vulgar and lowbrow entertainment and recreation preferences of the vast majority of the American people. Although we do not agree that their contempt is justified, even if it were so, the fundamental principles of a democratic society such as our own, require that the people be free to spend their own money to gratify their own tastes in matters of "culture" and not be compelled to pay for "cultural" products in which they have no interest and which they do not voluntarily support in the cultural marketplace.

Even if our people were as poor as church mice, literally unable to spend a single penny to purchase the kind of entertainment which they obviously prefer, and even if the vast majority of the public believed that entertainment and recreation were as essential as food or shelter, and hence justified extensive Government aid, the Government if it were to remain genuinely democratic would be compelled to help them secure the kind of cultural fare they wanted and not what a small self-constituted elite decided they should be given even if they preferred something else.

II. LACK OF QUALIFICATION OF GOVERNMENT FOR DECIDING CULTURAL VALUES AND PRIORITIES

There are other aspects of the existing act and the present proposed amendment thereto which are equally objectionable. Even if one were to assume that public taste in artistic and cultural matters should be on a more elevated level, is Government qualified to decide, by its expenditure of public funds, which of these allegedly more elevated activities should be aided in preference to other activities on the same level?

Thus during the recent hearings on what became the committee bill, separate witnesses appeared representing the symphony orchestras, the artistic dance groups, and the museums, both art and science, of America. Each witness plainly regarded his own interest as not only the most seriously in need of Federal aid, but by clear implication the most worthy of receiving such aid. Moreover, within each of the separate fields there are strong differences of taste and judgment. Thus, one of the witnesses for the symphony orchestras felt that the established music that is usually referred to as classical (Mozart, Beethoven, Bach, Schubert, and so forth) is the best music and hence should receive primary support rather than the new and the innovative, and that symphony orchestras are the best device for achieving such objectives.

Similarly, should larger sums of Federal aid go to museums giving primacy to traditional painting and sculpture or to those giving first place to modern and experimental art; to abstract painting or to representational painting; to the work of Jackson Pollock or that of Thomas Hart Benton? Similarly, who should have first call or get the larger share of Federal money—the modern dance or the classical ballet? Obviously, there can never be enough Federal aid, realistically speaking, to satisfy all the claimed needs of the many different segments of the arts and the humanities and even the varying claims within each art or field of humanistic study themselves.

What qualifications does Government or

its agents have for making these judgments or justifying on cultural grounds the priorities it establishes? It is qualitatively wholly different from Government granting public funds to provide food for hungry people. In such a case the need and its priority are clear and unequivocal, yet despite the simplicity of the problem, there are widely different opinions on how the problem is best to be handled. In fact, it is safe to say, that in the cultural realm, the judgments of Government are not only far from the best, but all too often, prove in the judgment of posterity to have been the worst. Neither Mozart nor Johann Sebastian Bach ever succeeded in securing a post appropriate to what we now know to be their superlative musical genius—they were always passed over in favor of musicians who we now realize were infinitely inferior to them, and in some cases, musicians whose music is never performed and whom posterity has consigned to total oblivion.

Several years ago, while the act was in its infancy, Russell Lynes, one of the editors of Harper's magazine wrote, and we quote:

"I am not worried about creeping socialism in the arts, but about creeping mediocrity. The less the arts have to do with our political processes, I believe, the healthier they will be."

Again, one of our most important living writers, outstanding novelist and playwright Thornton Wilder, opposed as unnecessary a program of Government subsidy for the creative artist, and explained why in an interview with the Washington Post:

"There are no Miltons dying mute here today," he said, adding that from every small American town "anyone who can play the scales" is rushed off to Vienna to study music on money raised by the local music appreciation club.

Noting that this phenomenon is partly based on cultural snobbery ("Everyone from the well-to-do middle class feels he must have a handpainted painting today."), Wilder prefers to have foundations provide grants as subsidies where subsidies are needed.

He said the Government should not subsidize a national theater because the voters would then become critics with the power of censorship at the polls. Today, he said, they properly exercise their critical rights by refusing to go to a play to which they object.

The act and the committee bill amending it set forth no standards for artistic excellence, and understandably so for whose judgment and taste are so impeccable as to command universal approval? As a result, unless the Federal funds are channeled to those who have already achieved recognition and success and thus are least in need of such aid, much of the money will go to mediocrities and even frauds, whose so-called cultural activities are often merely a facade for concealing their desire to avoid the responsibilities of earning a living by doing necessary work which they find much duller and uninteresting and which confers no social prestige and arouses little public enthusiasm.

What significant art has been discovered and nourished by means of financial assistance from the National Foundation on the Arts? The answer is "virtually none." But this was inevitable. All we need to confirm this inevitability is to recall the arts projects under the WPA during the depression years of the thirties. The important creative individuals who emerged from the activities of the thousands of Uncle Sam's beneficiaries participating in those projects can probably be counted on the fingers of one hand. But the money similarly spent under the present act doesn't even have the justification of helping to relieve poverty and joblessness as was true of the wages paid to employees on the WPA art projects during the depths of the great depression.

Compared to other periods in history and to other nations of the world, the American artist today has never had so large a consuming public nor so affluent a one. And as a result, never have there been more individuals earning decent incomes in the practice of the arts nor have opportunities to do so ever been so great.

Nevertheless, other eras in America's history have been far more productive creatively. The 19th century, during which America was far poorer than it is today and Government provided virtually no aid of any kind, produced a literature that far surpasses what our country has been able to produce since World War II. It gave us Edgar Allan Poe, Mark Twain, Nathaniel Hawthorne, Ralph Waldo Emerson, Henry Thoreau, William James, Henry James, Josiah Royce, George Santayana, Walt Whitman, Henry Adams, Emily Dickinson, Sidney Lanier, and others too numerous to mention. Would anyone have the temerity to assert that our contemporary artistic pygmies could find a place in this exalted company?

But we need not go back so far. In the period between the two wars which included the years of the great depression we produced the novels and stories of Ernest Hemingway, William Faulkner, John Dos Passos, Scott Fitzgerald, Thomas Wolfe, Thornton Wilder, Ellen Glasgow, Willa Cather, Theodore Dreiser, Sinclair Lewis, Sherwood Anderson, the plays of Eugene O'Neill, the poetry of Hart Crane, E. E. Cummings, Ezra Pound, Robert Frost, Wallace Stevens, William Carlos Williams, Marianne Moore, Robinson Jeffers, and Carl Sandburg. Who would dare to claim that the present generation of writers is worthy of comparison with this galaxy of talent? Yet, these men and women received no governmental aid and commanded no market as large and affluent as do our contemporaries.

We think we have said enough to demonstrate that a program of Federal aid to the arts and humanities does nothing to help develop cultural genius or talent, and that it may, as Russell Lynes indicated in the statement we have quoted lead to mediocrity instead.

III. THE FUNDS AUTHORIZED ARE TOO LARGE

In any event, if the arts and humanities program is not repealed and is permitted to continue, there can be no good reason for doubling the funds granted to it as the committee bill provides. Certainly the program has achieved nothing to justify its existence to say nothing of increasing its financial support at the expense of the already overburdened taxpayer who constitutes the vast majority of the American public. But the pattern has been established—the less successful a Federal program proves to be, the more clamorous become the demands of its proponents for additional and increased public funds. Every failure is asserted to be the result of inadequate financial aid from the Government, despite the fact that our greatest cultural achievements were attained without a penny of Federal aid.

In any event, with the steady increase of inflation, the financing of any unnecessary Federal program simply stokes the inflationary flames. Taxes have risen, government expenditures continue to expand, unemployment is growing, the value of the dollar shrinks steadily, welfare demands become more vociferous, pollution and poverty are to be extirpated, hunger eliminated, social security increased, housing provided—in the face of these ever more strident demands, where can one find an equally urgent need for a Federal subsidy to the arts and humanities?

To the contrary, these are appropriately placed on the lowest rung on the ladder of social priorities. Every additional penny spent for them, constitutes virtual robbery from those whose needs are infinitely more urgent. Hence, it is intended that an amendment will be offered to reduce the funds authorized by half, thus cutting them back to the level of last year.

IV. OPEN-END AUTHORIZATION

The committee bill extends the act for 3 years, authorizes $40 million for the first year, and leaves the authorization open ended for the second and third years.

We strongly object to the open-ended authorization. Such provisions remove every limit upon the sums which may be appropriated with the sky the limit. We believe that the legislative committee which reports a bill requiring the expenditure of public funds has the duty to set the upper limit to be spent on the program established by the legislation and not to shift this duty to the Appropriations Committee which had nothing to do with formulating and developing the substance of the bill.

If the Congress in the future desires to increase the funds to be spent on the program, new legislation can always be adopted increasing the sums authorized. This is the only responsible way to legislate.

V. NO HEARINGS PRINTED NOR 1969 FISCAL YEAR REPORT OF THE ARTS FOUNDATION FILED WITH CONGRESS

When the committee voted out this bill, there were no copies of the testimony printed nor were copies of the Arts Foundation's 1969 fiscal year report filed with Congress. The committee staff informed one committee member that the printed hearings would not be available "for months."

Before the House considers this type of legislation, all Members should have an opportunity to study the hearings on the bill and review the 1969 fiscal year report of the Arts Foundation.

William J. Scherle.
Edwin D. Eshleman.
Earl F. Landgrebe.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States has more miles of paved roads than any other nation in the world. The United States has over 2,800,000 miles of surfaced roads compared to 485,000 miles in France, the second ranked nation.

PRESIDENT NIXON'S REPORT ON CAMBODIA

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to insert at this point in the Record the summary and full text of President Nixon's report on Cambodia released at the California White House today.

The SPEAKER pro tempore. Is there any objection to the request of the gentleman from Michigan?

There was no objection.

The report follows:

Summary of the President's Report on Cambodia

All American troops have withdrawn from Cambodia on the schedule announced at the beginning of the operation. Together with our South Vietnamese allies, they have just completed successfully the destruction of enemy base areas along the Cambodian-South Vietnamese frontier.

RESULTS OF THE OPERATIONS

Allied sweeps through enemy occupied sanctuaries in Cambodia will:

1. Save American and allied lives in the future;
2. Assure that the withdrawal of American troops from South Vietnam can proceed on schedule;
3. Enable the program of Vietnamization to continue on its current timetable;
4. Enhance the prospects for a just peace.

These results will flow from the following:

The elimination of an immediate threat to our forces and the security of South Vietnam.

The capture of great amounts of enemy supplies.

The ending of the concept of immune Cambodian sanctuaries for the enemy.

The dislocation of enemy supply lines and strategy in the southern part of South Vietnam.

The bolstering of the morale and self-confidence of the South Vietnamese army.

The maintenance of U.S. credibility.

UNDERLYING BASIS FOR U.S. ACTION

It was North Vietnam—not the U.S.—which brought the Vietnam war into Cambodia.

It was the presence of North Vietnamese troops on Cambodian soil that contributed to the downfall of Prince Sihanouk.

It was the government appointed by Prince Sihanouk and ratified by the Cambodian National Assembly—not a group of usurpers—which overthrew him, with the approval of the National Assembly.

It was the major expansion of enemy activity in Cambodia that ultimately caused allied troops to end five years of restraint and attack the Communist base areas.

FUTURE U.S. POLICY FOR CAMBODIA

The following will be the guidelines of U.S. policy for Cambodia:

There will be no U.S. ground personnel in Cambodia except for the regular staff of the U.S. Embassy in Phnom Penh.

There will be no U.S. advisers with Cambodian units.

The U.S. will conduct—with the approval of the Cambodian Government—air interdiction missions against the enemy efforts to move supplies and personnel through Cambodia towards South Vietnam and to re-establish base areas relevant to the war in Vietnam.

The U.S. will turn over material captured in the base areas in Cambodia to the Cambodian Government to help it defend its neutrality and independence.

The U.S. will provide military assistance to the Cambodian Government in the form of small arms and relatively unsophisticated equipment in types and quantities suitable for their army.

The U.S. will encourage other countries of the region to give diplomatic support to the independence and neutrality of Cambodia and welcomes efforts of the Djakarta Group of countries to encourage Asian cooperation to this end.

The U.S. will encourage and support the efforts of third countries who wish to furnish Cambodia with troops or material to help Cambodia preserve its neutrality and independence.

SAIGON'S ROLE

The U.S. understands that Saigon will remain ready:

To prevent reestablishment of base areas along South Vietnam's frontier.

To assist in the evacuation of Vietnamese civilians and respond selectively to appeals from the Cambodian Government should North Vietnamese aggression make this necessary.

Most of the South Vietnamese operations will be launched from within South Vietnam and there will be no U.S. air, logistic support or U.S. advisers on these operations. The primary objective of the South Vietnamese remains Vietnamization within their country.

THE SEARCH FOR PEACE

The President reaffirms his paramount objective of achieving a negotiated settlement and appeals to Hanoi to join in this effort, emphasizing:

Hanoi cannot impose its will through military means. The U.S. has no intention of imposing its own will.

The U.S. has not raised the terms for a settlement as a result of Cambodian successes nor will it lower its minimum terms in response to enemy pressure.

The U.S. reiterates all previous proposals—public and private—searching for a political solution that reflects the will of the South Vietnamese people and allows them to determine their future without outside interference.

The U.S. recognizes that a fair political solution should reflect the existing relationship of political forces. The U.S. pledges to abide by the outcome of the political process agreed upon by the South Vietnamese.

The U.S. pledges renewed efforts to bring about genuine negotiations for a just peace in Southeast Asia.

REPORT BY THE PRESIDENT ON THE CAMBODIAN OPERATION

Together with the South Vietnamese, the Armed Forces of the United States have just completed successfully the destruction of enemy base areas along the Cambodian-South Vietnam frontier. All American troops have withdrawn from Cambodia on the schedule announced at the start of the operation.

The allied sweeps into the North Vietnamese and Vietcong base areas along the Cambodian-South Vietnamese border:

Will save American and allied lives in the future;

Will assure that the withdrawal of American troops from South Vietnam can proceed on schedule;

Will enable our program of Vietnamization to continue on its current timetable;

Should enhance the prospects for a just peace.

At this time, it is important to review the background for the decision, the results of the operation, their larger meaning in terms of the conflict in Indochina—and to look down the road to the future.

It is vital to understand at the outset that Hanoi left the United States no reasonable option but to move militarily against the Cambodian base areas. The purpose and significance of our operations against the Cambodian sanctuaries can only be understood against the backdrop of what we are seeking to accomplish in Vietnam—and the threat that the Communist bases in Cambodia posed to our objectives. Nor can that military action of the last two months be divorced from its cause—the threat posed by the constant expansion of North Vietnamese aggression throughout Indochina.

A RECORD OF RESTRAINT

America's purpose in Vietnam and Indochina remains what it has been—a peace in which the peoples of the region can devote themselves to development of their own societies, a peace in which all the peoples of Southeast Asia can determine their own political future without outside interference.

When this Administration took office, the authorized strength of American troops in South Vietnam was 549,500—the high water mark of American military presence in Southeast Asia. The United States had been negotiating at Paris for ten months but nothing had been agreed upon other than the shape of the bargaining table. No comprehensive allied peace proposal existed. There was no approval plan to reduce America's involvement in the war—in the absence of a negotiated settlement.

Since January of 1969, we have taken steps on all fronts to move toward peace. Along with the Government of South Vietnam, we have put forward a number of concrete and reasonable proposals to promote genuine negotiations. These proposals were first outlined by me 13 months ago, on May 14, 1969 and by President Thieu on July 11, 1969. Through both public and private channels, our proposals have been repeated and amplified many times since.

These proposals are designed to secure the removal of all foreign military forces from South Vietnam and to establish conditions in which all political forces can compete freely and fairly in the future of the country. Our principal goal has been to enable the people of South Vietnam to determine their future free of outside interference.

To indicate our good faith, to improve the climate for negotiations, we changed the orders to our commanders in South Vietnam. This has helped to reduce casualties. We have cut tactical air operations in South Vietnam by more than 20 percent. We initiated a troop withdrawal program which, during the course of next spring, will bring American troop strength 265,000 men below the level authorized when this Administration took office.

These are not the actions of a government pursuing a military solution. They are the decisions of a government seeking a just peace at the conference table.

But Hanoi has ignored our unilateral gestures and rejected every offer of serious negotiations. Instead it has insisted that—as a precondition to talks—we pledge unconditionally to withdraw all American forces from South Vietnam and to overthrow the elected government.

These proposals are not a basis for negotiation; they are a demand for surrender. For the United States to accept these conditions would make the negotiations meaningless. Acceptance of such conditions would assure in advance Communist domination of South Vietnam.

With Hanoi's intransigence on the negotiating front, this Administration was faced with essentially three options.

We could have continued the maximum existing level of American involvement in Vietnam. But this was incompatible with the Nixon Doctrine of increasing responsibilities for the Asian countries; and it was unacceptable to the American people.

We could have begun the immediate withdrawal of all our forces. We rejected this course of capitulation which would have only won temporary respite at the price of graver crises later. We also rejected that course as both incompatible with America's commitments and tradition, and disastrous in terms of its long-range consequences for peace in the Pacific and peace in the world.

We selected instead a third option—that of gradually shifting the total combat burden to the South Vietnamese.

Since the beginning of this Administration 17 months ago, it has been our policy to train and equip the South Vietnamese to take over the burden of their own defense from American troops. Even in the absence of progress at the peace table in Paris, and despite continued enemy pressures in South Vietnam, this policy of "Vietnamization" has permitted us to carry out repeated withdrawals of American troops.

As our policy has been tested, more and more Americans have been brought home. By June of 1969, we could announce the pullout of 25,000 American troops. They came home. In September of 1969, we announced the withdrawal of an additional 35,000 American troops. They came home.

In December of 1969, we announced the withdrawal of 50,000 more American troops. They were home by spring of this year. On April 20, I announced the forthcoming withdrawal of an additional 150,000 Americans to

XUM

be completed during next spring—50,000 of them will be home or on their way home by the 15th of October.

A POLICY IN TRANSITION

This transfer of primary responsibility for self-defense from American forces to Asian forces reflects our approach to foreign policy. Increasingly, the United States will look to the countries of the region to assume the primary responsibility for their own security—while America moves gradually from a leading to a supporting role.

To be successful this policy requires the striking of a careful balance—whether in South Vietnam or elsewhere in Asia. While the growing strength of our allies, and the growing measure of their regional cooperation allows for a reduction in American presence—they could not survive a sudden and precipitous American withdrawal from our responsibilities. This would lead to a collapse of local strength in the transition period between the old era of principal U.S. involvement to the new era of partnership and emphasis on local and regional cooperation.

Doing too much for an allied people can delay their political maturity, promote a sense of dependency, and diminish that nation's incentive to stand on its own feet. But doing too little for an ally can induce a sense of despair, endanger their right of self-determination and invite their defeat when confronted by an aggressor.

As we have proceeded with Vietnamization it has been with these principles in mind.

Looking at American policy in Vietnam these seventeen months, this Administration—in the generosity of its negotiating offers, in the limitations on its military actions, and in the consistency of its troop withdrawals—has written a record of restraint. The response from the enemy over those same seventeen months has been intransigence in Paris, belligerence from Hanoi and escalation of the war throughout Indochina.

Enemy attacks in Vietnam increased during April.

This past winter Hanoi launched a major offensive against the legitimate government of Laos which they themselves had helped to establish under the 1962 Geneva Accords. For years, in violation of those accords, North Vietnamese troops have occupied Laotian territory and used its eastern regions as a highway for the export of aggression into South Vietnam.

In March and April of this year, Communist troops used their long held bases in Cambodia to move against the Government of Cambodia in a way which increased the long-term threat to allied forces in South Vietnam as well as to the future of our Vietnamization and withdrawal programs. These new violations, too, took place against a backdrop of years of Communist disregard of the neutrality and territorial integrity of Cambodia—guaranteed in the 1954 Geneva Agreements to which Hanoi was a signatory.

BACKGROUND OF THE APRIL 30 DECISION

In assessing the April 30 decision to move against the North Vietnamese and Viet Cong sanctuaries in Cambodia, four basic facts must be remembered.

It was North Vietnam—not we—which brought the Vietnam War into Cambodia.

For five years, North Vietnam has used Cambodian territory as a sanctuary from which to attack allied forces in South Vietnam. For five years, American and allied forces—to preserve the concept of Cambodian neutrality and to confine the conflict in Southeast Asia—refrained from moving against those sanctuaries.

It was the presence of North Vietnamese troops on Cambodian soil that contributed to the downfall of Prince Sihanouk. It was the indignation of the Cambodian people against the presence of Vietnamese Communists in their country that led to riots in Phnom Penh which contributed to Prince Sihanouk's ouster—an ouster that surprised no nation more than the United States. At the end of Sihanouk's rule, the United States was making efforts to improve relations with his government and the Prince was taking steps against the Communist invaders on his national soil.

It was the government appointed by Prince Sihanouk and ratified by the Cambodian National Assembly—not a group of usurpers—which overthrew him with the approval of the National Assembly. The United States had neither connection with, nor knowledge of, these events.

It was the major expansion of enemy activity in Cambodia that ultimately caused allied troops to end five years of restraint and attack the Communist base areas.

The historical record is plain.

Viet Cong and North Vietnamese troops have operated in Eastern Cambodia for years. The primary objective of these Communist forces has been the support of Hanoi's aggression against South Vietnam. Just as it has violated the 1962 Geneva Accords on Laos, North Vietnam has consistently ignored its pledge, in signing the 1954 Geneva Accords, to respect Cambodian neutrality and territorial integrity.

In a May 1967 Phnom Penh radio broadcast, Prince Sihanouk's following remarks were reported to the Cambodia people:

"I must tell you that the Vietnamese communists and the Viet Cong negotiated with us three or four times but that absolutely nothing comes out of the negotiations. . . . After I expelled the French and after the French troops left Cambodia, Viet Minh remained in our country in order to conquer it. How can we have confidence in the Viet Minh? . . . If we side with the Viet Minh we will lose our independence."

Late in 1969, Prince Sihanouk ordered Cambodia's underequipped and weak armed forces to exercise some measure of control over North Vietnamese and Viet Cong Communist forces occupying Cambodian territory.

At the same time, the Communist forces were actively preparing in their base areas for new combat in South Vietnam. These areas—on the Cambodian side of the Vietnam-Cambodian border—have for years served as supply depots and base camps for enemy troops infiltrated through Laos into South Vietnam. They have also served as sanctuaries for North Vietnamese and Viet Cong headquarters elements and for combat troops to rest, refit and re-supply on their return from South Vietnam.

Our screening of more than six tons of documents captured in the Cambodian operations has provided conclusive proof of Communist reliance on Cambodia as a logistic and infiltration corridor and as a secure area from which Communist designs on Vietnam as well as in Cambodia itself could be carried out. On January 6, 1970, Prince Sihanouk departed on vacation in France. His Prime Minister, Lon Nol, and Deputy Prime Minister, Sirik Matak, were left in charge. In early March, with Sihanouk still in power, there were public demonstrations, first in the Eastern provinces of Cambodia and later in Phnom Penh, against flagrant North Vietnamese violation of Cambodia's territorial integrity.

for Moscow and Peking, avowedly to seek

On March 13, Prince Sihanouk left Paris Soviet and Chinese assistance in persuading the Vietnamese Communists to reduce the presence of North Vietnamese and Viet Cong forces in Cambodia.

Then, on March 18, the Cambodian National Assembly by unanimous vote declared that Prince Sihanouk was no longer Chief of State. Cheng Heng was retained as Acting Chief of State. Lon Nol and Sirik Matak kept their positions. Reasons for Sihanouk's ouster included growing objections to his mishandling of the economy and to his bypassing of the Cabinet and National Assembly; but resentment over North Vietnam's flagrant misuse of Cambodian territory certainly contributed. Sihanouk arrived in Peking the same day, and met with the Peking leadership as well as with the North Vietnamese Prime Minister who had hastened to Peking to greet him. Thereafter Sihanouk has increasingly identified himself with the Communist cause in Indochina.

This government had no advance warning of the ouster of Sihanouk, with whom we had been attempting to improve relations. Our initial response was to seek to preserve the status quo with regard to Cambodia and to try to prevent an expansion of Communist influence. The immunity of the Cambodian sanctuaries had been a serious military handicap for us for many years. But we had refrained from moving against them in order to contain the conflict. We recognized both the problems facing Sihanouk and the fact that he had exercised some measure of control over Communist activities, through regulation of the flow of rice and military supplies into the sanctuaries from coastal ports. We considered that a neutral Cambodia outweighed the military benefits of a move against the base areas.

This is why diplomatically our first reaction to Sihanouk's overthrow was to encourage some form of accommodation in Cambodia. We spoke in this sense to interested governments. And we made clear through many channels that we had no intention of exploiting the Cambodian upheaval for our own ends.

These attempts ran afoul of Hanoi's designs. North Vietnam and the Viet Cong withdrew their representation from Phnom Penh. North Vietnamese and Viet Cong forces began to expand their base areas along the border.

By April 3, they were beginning to launch attacks against Cambodian forces in Svay Reing Province. Later these attacks were extended to other outposts in Eastern Cambodia, forcing Cambodian troops to evacuate border positions in the Parrot's Beak area by April 10. Communist attacks were also directed against Mekong River traffic.

By April 16, the North Vietnamese and Viet Cong troops began to launch isolated attacks deep into Cambodia including an attack on the Capital of Takeo Province south of Phnom Penh.

Despite escalating Communist activity in Cambodia, we continued to exercise restraint. Though the implications of the Communist actions for our efforts in Vietnam were becoming increasingly ominous, Communist intentions in Cambodia were still not absolutely clear. The military moves by the North Vietnamese and Viet Cong in Cambodia could still be interpreted as temporary actions to secure their base camps in light of the uncertainties following Sihanouk's removal.

When I made my April 20 speech announcing the withdrawal of 150,000 troops over the next year, I knew that we might be at a crossroads in Cambodia. I nevertheless made the announcement because it would leave no doubt about our intention to de-escalate the conflict.

I also used the occasion to restate very forthcoming political principles for a negotiated peace. At the same time I described the pattern of North Vietnamese aggression in Indochina, and acknowledged that my withdrawal decision involved some risks when viewed against this enemy escalation. I therefore reiterated my determination to take strong and effective measures if increased enemy action in Laos, Cambodia or South Vietnam jeopardized the security of our remaining forces in Vietnam.

Within days of my April 20 speech, Communist intentions became gainfully and unambiguously clear. In the face of our restraint and our warnings, the North Vietnamese continued to expand their territorial control, threatening to link up their base areas. From a series of isolated enclaves, the base areas were rapidly becoming a solid

XUM

band of self-sustaining territory stretching from Laos to the sea from which any pretense of Cambodian sovereignty was rapidly being excluded.

On April 20, North Vietnamese forces temporarily captured Saang, only eighteen miles south of Phnom Penh.

On April 22, Communist forces assaulted the town of Snoul east of Phnom Penh.

On April 23, they attacked the town of Mimot and an important bridge linking the town of Snoul and the capital of Kratie Province on Route 13.

On April 24, they moved on the resort city of Kep.

On April 26, they attacked some ships on the Mekong and occupied the town of Angtassom, a few miles west of Takeo.

They then attacked the city of Chhlong, on the Mekong River north of Phnom Penh, and the port city of Kampot.

During this same period, they cut almost every major road leading south and east out of Phnom Penh.

The prospect suddenly loomed of Cambodia's becoming virtually one large base area for attack anywhere into South Vietnam along the 600 miles of the Cambodian frontier. The enemy in Cambodia would have enjoyed complete freedom of action to move forces and supplies rapidly across the entire length of South Vietnam's flank to attack our forces in South Vietnam with impunity from well-stocked sanctuaries along the border.

We thus faced a rapidly changing military situation from that which existed on April 20.

The possibility of a grave new threat to our troops in South Vietnam was rapidly becoming an actuality.

This pattern of Communist action prior to our decision of April 30 makes it clear the enemy was intent both on expanding and strengthening its military position along the Cambodian border and overthrowing the Cambodian government. The plans were laid, the orders issued, and already being implemented by Communist forces.

Not only the clear evidence of Communist actions—but supporting data screened from more than six tons of subsequently captured Communist documents—leaves no doubt that the Communists' move against the Cambodian Government preceded the U.S. action against the base areas.

THREE OPTIONS

On April 30, before announcing our response, I outlined the three basic choices we had in the face of the expanding Communist threat.

First, we could do nothing. This would have eroded an important restraint on the loss of American lives. It would have run the risk of Cambodia's becoming one vast enemy staging area, a springboard for attacks on South Vietnam without fear of retaliation. The dangers of having done nothing would not have fully materialized for several months and this government might have been commended for exercising restraint. But, as withdrawals proceeded, our paralysis would have seriously jeopardized our forces in Vietnam and would have led to longer lists of American casualties. The United States could not accept the consequences of inaction in the face of this enemy escalation. The American men remaining in South Vietnam after our withdrawal of 150,000 would have been in severe jeopardy.

Our second choice was to provide massive assistance to Cambodia. This was an unrealistic alternative. The small Cambodian army of 30,000 could not effectively utilize any massive transfusion of military assistance against the immediate enemy threat. We also did not wish to get drawn into the permanent direct defense of Cambodia. This would have been inconsistent with the basic premises of our foreign policy.

After intensive consultations with my top advisers, I chose the third course. With the South Vietnamese we launched joint attacks against the base areas so long occupied by Communist forces.

Our military objectives were to capture or destroy the arms, ammunition and supplies that had been built up in those sanctuaries over a period of years and to disrupt the enemy's communication network. At the least this would frustrate the impact of any Communist success in linking up their base areas if it did not prevent this development altogether.

I concluded that, regardless of the success of Communist assaults on the Cambodian Government, the destruction of the enemy's sanctuaries would:

Remove a grave potential threat to our remaining men in South Vietnam, and so reduce future American casualties.

Give added assurance of the continuance of our troop withdrawal program.

Insure the timetable for our Vietnamization program.

Increase the chances of shortening the war in South Vietnam.

Enhance the prospects of a negotiated peace.

Emphasize to the enemy whether in Southeast Asia or elsewhere that the word of the United States—whether given in a promise or a warning—was still good.

THE MILITARY OPERATIONS

Ten major operations were launched against a dozen of the most significant base areas with 32,000 American troops and 48,000 South Vietnamese participating at various times. As of today, all Americans, including logistics personnel and advisers, have withdrawn, as have a majority of the South Vietnamese forces.

Our military response to the enemy's escalation was measured in every respect. It was a limited operation for a limited period of time with limited objectives.

We have scrupulously observed the 21-mile limit on penetration of our ground combat forces into Cambodian territory. These self-imposed time and geographic restrictions may have cost us some military advantages, but we knew that we could achieve our primary objectives within these restraints. And these restraints underscored the limited nature of our purpose to the American people.

My June 3 interim report pointed up the success of these operations and the massive amounts of supplies we were seizing and destroying. We have since added substantially to these totals. A full inventory is attached as an appendix to the report. Here are some highlights.

According to latest estimates from the field, we have captured:

22,892 individual weapons—enough to equip about 74 full-strength North Vietnamese infantry battalions and 2,509 big crew-served weapons—enough to equip about 25 full-strength North Vietnamese infantry battalions;

More than 15 million rounds of ammunition or about what the enemy has fired in South Vietnam during the past year;

14 million of rice, enough to feed all the enemy combat battalions estimated to be in South Vietnam for about four months;

143,000 rockets, mortars, and recoilless rifle rounds, used against cities and bases. Based on recent experience, the number of mortars, large rockets, and recoilless rifle rounds is equivalent to what the enemy shoots in about 14 months in South Vietnam;

Over 199,552 anti-aircraft rounds, 5,482 mines, 62,022 grenades, and 83,000 pounds of explosives, including 1,002 satchel charges;

Over 435 vehicles and destroyed over 11,688 bunkers and other military structures.

And while our objective has been supplies rather than personnel, the enemy has also taken a heavy manpower loss—11,349 men killed and about 2,328 captured and detainees.

These are impressive statistics. But what is the deeper meaning of the piles of enemy supplies and the rubble of enemy installations?

We have eliminated an immediate threat to our forces and to the security of South Vietnam—and produced the prospect of fewer American casualties in the future.

We have inflicted extensive casualties and very heavy losses in material on the enemy—losses which can now be replaced only from the North during a monsoon season and in the face of counteraction by South Vietnamese ground and U.S. air forces.

We have ended the concept of Cambodian sanctuaries, immune from attack, upon which the enemy military had relied for five years.

We have dislocated supply lines and disrupted Hanoi's strategy in the Saigon area and the Mekong Delta. The enemy capacity to mount a major offensive in this vital populated region of the South has been greatly diminished.

We have effectively cut off the enemy from resupply by the sea. In 1969, well over half of the munitions being delivered to the North Vietnamese and Viet Cong in Cambodia came by sea.

We have, for the time being, separated troops organized in formal units similar to the Communist main force units—regular conventional armies—from the guerrillas in the southern part of Vietnam. This should provide a boost of pacification efforts.

We have guaranteed the continuance of our troop withdrawal program. On June 3, I reaffirmed that 150,000 more Americans would return home within a year and announced that 50,000 would leave Vietnam by October 15.

We have bought time for the South Vietnamese to strengthen themselves against the enemy.

We have witnessed visible proof of the success of Vietnamization as the South Vietnamese performed with skill and valor and competence far beyond the expectation of our commanders or American advisers. The morale and self-confidence of the Army of South Vietnam is higher than ever before.

These then are the major accomplishments of the operations against the Cambodian base areas. Americans can take pride in the leadership of General Abrams and in the competence and dedication of our forces.

There is another way to view the success of these operations. What if we had chosen the first option—and done nothing?

The enemy sanctuaries by now would have been expanded and strengthened. The thousands of troops he lost, in killed or captured, would be available to attack American positions and with the enormous resources that we captured or destroyed still in his hands.

Our Vietnamization program would be in serious jeopardy; our withdrawals of troops could only have been carried out in the face of serious threat to our remaining troops in Vietnam.

We would have confronted an adversary emboldened by our timidity, an adversary who had ignored repeated warnings.

The war would be a good deal further from over than it is today.

Had we stood by and let the enemy act with impunity in Cambodia—we would be facing a truly bleak situation.

The allied operations have greatly reduced these risks and enhanced the prospects for the future. However, many difficulties remain and some setbacks are inevitable. We still face substantial problems, but the Cambodian operations will enable us to pursue our goals with greater confidence.

When the decision to go into Cambodia was announced on April 30, we anticipated broad disagreement and dissent within the society. Given the divisions on this issue among the American people, it could not have been otherwise.

But the majority of the Americans supported that decision—and now that the Cambodian operation is over, I believe there is a wide measure of understanding of the necessity for it.

Although there remains disagreement about its long-term significance, about the cost to our society of having taken this action—there can be little disagreement now over the immediate military success that has been achieved. With American ground operations in Cambodia ended, we shall move forward with our plan to end the war in Vietnam and to secure the just peace on which all Americans are united.

THE FUTURE

Now that our ground forces and our logistic and advisory personnel have all been withdrawn, what will be our future policy for Cambodia?

The following will be the guidelines of our policy in Cambodia.

1. There will be no U.S. ground personnel in Cambodia except for the regular staff of our Embassy in Phnom Penh.

2. There will be no U.S. advisers with Cambodian units.

3. We will conduct—with the approval of the Cambodian Government—air interdiction missions against the enemy efforts to move supplies and personnel through Cambodia toward South Vietnam and to reestablish base areas relevant to the war in Vietnam. We do this to protect our forces in South Vietnam.

4. We will turn over material captured in the base areas in Cambodia to the Cambodian Government to help it defend its neutrality and independence.

5. We will provide military assistance to the Cambodian Government in the form of small arms and relatively unsophisticated equipment in types and quantities suitable for their army. To date we have supplied about $5 million of these items principally in the form of small arms, mortars, trucks, aircraft parts, communications equipment and medical supplies.

6. We will encourage other countries of the region to give diplomatic support to the independence and neutrality of Cambodia. We welcome the efforts of the Djakarta group of countries[1] to mobilize world opinion and encourage Asian cooperation to this end.

7. We will encourage and support the efforts of third countries who wish to furnish Cambodia with troops or material. We applaud the efforts of Asian nations to help Cambodia preserve its neutrality and independence.

I will let the Asian Governments speak for themselves concerning their future policies. I am confident that two basic principles will govern the actions of those nations helping Cambodia:

They will be at the request of, and in close concert with the Cambodian Government.

They will not be at the expense of those nations' own defense—indeed they will contribute to their security which they see bound up with events in Cambodia.

The South Vietnamese plan to help. Of all the countries of Southeast Asia, South Vietnam has most at stake in Cambodia. A North Vietnamese takeover would, of course, have profound consequences for its security. At the same time, the leaders of South Vietnam recognize that the primary focus of their attention must be on the security of their own country. President Thieu has reflected these convictions in his major radio and TV address of June 27. Our understanding of Saigon's intentions is as follows:

1. South Vietnamese forces remain ready to prevent reestablishment of base areas along South Vietnam's frontier.

2. South Vietnamese forces will remain ready to assist in the evacuation of Vietnamese civilians and to respond selectively to appeals from the Cambodian Government should North Vietnamese aggression make this necessary.

3. Most of these operations will be launched from within South Vietnam. There will be no U.S. air or logistics support. There will not be U.S. advisers on these operations.

4. The great majority of South Vietnamese forces are to leave Cambodia.

5. The primary objective of the South Vietnamese remains Vietnamization within their country. Whatever actions are taken in Cambodia will be consistent with this objective.

In this June 27 speech President Thieu emphasized that his government will concentrate on efforts within South Vietnam. He pledged that his country will always respect the territory, borders, independence and neutrality of Cambodia and will not interfere in its internal politics. His government does not advocate stationing troops permanently in Cambodia or sending the South Vietnamese army to fight the war for the Cambodian army.

Under the foreign policy guidelines first outlined at Guam a year ago, I stressed that a threatened country should first make maximum efforts in its own self-defense. The Cambodian people and soldiers are doing that against the superior force of the North Vietnamese and Viet Cong invaders. The majority of the Cambodian people support the present government against the foreign intruders. Cambodian troops have remained loyal and have stood up well in the face of great pressures from a better-armed and experienced foe.

Secondly, our policy stresses there should be regional cooperation where a country is not strong enough to defend herself. Cambodia's neighbors are providing that cooperation by joining with her in a collective effort. Each of them is a target of Communist aggression; each has a stake in Cambodia's neutrality and independence.

Third, the U.S. will assist such self-help and regional actions where our participation can make a difference. Over the long term, we expect the countries of Asia to provide increasingly for their own defense. However, we are now in a transitional phase when nations are shouldering greater responsibilities but when U.S. involvement, while declining, still plays an important role.

In this interim period, we must offset our lower direct involvement with increased military and economic assistance. To meet our foreign policy obligations while reducing our presence will require a redirection—both quantitatively and qualitatively—in our assistance programs.

Prince Sihanouk wrote in December 1969 about the Communist threat to his country and the balance presented by American forces in Southeast Asia. In a generally anti-American article in the official Cambodian Government Party newspaper he stated:

"On the diplomatic and political plane, the fact that the U.S. remains in our region and does not yet leave it allows us maneuverings . . . to assure on the one hand our more than honorable presence in the concert of nations . . . this presence (and this is an irony of fate for the anti-imperialists that we are) is an essential condition for the 'respect', the 'friendship' and even for the aid of our socialist 'friends.' When the U.S. has left these regions, it is certain that the Cambodia of the Sangkum will be the objective of the shellings of the heavy Communist guns: unfriendliness, subversion, aggressions, infiltrations and even occupations."

THE SEARCH FOR PEACE

In our search for a lasting peace in Southeast Asia, we are applying the three basic principles of our foreign policy which are set forth in the Foreign Policy Report to Congress last February: partnership, strength and willingness to negotiate.

The partnership of our Vietnamization Program and of our support for regional defense efforts.

The strength of our action against the Communist bases in Cambodia and the steadfastness of the American people to see the war through to an honorable conclusion.

The willingness to negotiate expressed in our generous proposals for a settlement and in our flexibility once Hanoi agrees to serious negotiations.

All three elements are needed to bring peace in Southeast Asia. The willingness to negotiate will prove empty unless buttressed by the willingness to stand by just demands. Otherwise negotiations will be a subterfuge for capitulation. This would only bring a false and transistory peace abroad and recrimination at home.

While we search for genuine negotiation we must continue to demonstrate resolution both abroad and at home and we must support the common defense efforts of threatened Asian nations.

To the leaders in Hanoi, I say the time has come to negotiate. There is nothing to be gained in waiting. There is never an ideal moment when both sides are in perfect equilibrium.

The lesson of the last two months has reinforced the lessons of the last two years—the time has come to negotiate a just peace.

In Cambodia, the futility of expanded aggression has been demonstrated. By its actions in Cambodia, North Vietnam and the Viet Cong provoked the destruction of their sanctuaries and helped to weld together the independent states of Southeast Asia in a collective defense effort, which will receive American support.

The other side cannot impose its will through military means. We have no intention of imposing ours. We have not raised the terms for a settlement as a result of our recent military successes. We will not lower our minimum terms in response to enemy pressure. Our objective remains a negotiated peace with justice for both sides and which gives the people of South Vietnam the opportunity to shape their own future.

With major efforts the North Vietnamese can perhaps rebuild or readjust Cambodia supply areas over a period of months. They can pursue their war against South Vietnam and her neighbors. But what end would a new round of conflict serve? There is no military solution to this conflict. Sooner or later, peace must come. It can come now, through a negotiated settlement that is fair to both sides and humiliates neither. Or it can come months or years from now, with both sides having paid the further price of protracted struggle.

We would hope that Hanoi would ponder seriously its choice, considering both the promise of an honorable peace and the costs of continued war.

We repeat: all our previous proposals, public and private, remain on the conference table to be explored, including the principles of a just political settlement that I outlined on April 20.

We search for a political solution that reflects the will of the South Vietnamese people, and allows them to determine their future without outside interference.

We recognize that a fair political solution should reflect the existing relationship of political forces.

We pledge to abide by the outcome of the political process agreed upon by the South Vietnamese.

For our part, we shall renew our efforts to bring about genuine negotiations both in Paris and for all of Indochina. As I said in my address last September to the United Nations General Assembly:

"The people of Vietnam, North and South alike, have demonstrated heroism enough to last a century . . . The people of Vietnam,

---

[1] Australia, Indonesia, Japan, Korea, Laos, Malaysia, New Zealand, The Philippines, Singapore, South Vietnam, Thailand.

North and South, have endured an unspeakable weight of suffering for a generation. And they deserve a better future."

We call on Hanoi to join us at long last in bringing about that better future.

*Significant enemy losses in Cambodia**

Ammunition:**	
Machinegun rounds	4,067,177
Rifle rounds	10,694,990
Total small arms (machinegun and rifle rounds)	14,762,167
Anti-aircraft rounds	199,552
Mortar rounds	68,539
Large rocket rounds	2,123
Small rocket rounds	43,160
Recoilless rifle rounds	29,185
Grenades	62,022
Mines	5,482
Weapons:	
Individual	22,892
Crew-served	2,509
Food:	
Rice (pounds)	14,046,000
Man months of rice	309,012
Total food (pounds)	14,518,000
Facilities: Bunkers/structures destroyed	11,688
Transportation:	
Vehicles	435
Boats	167
Examples of Other Equipment:	
Radios	248
Generators	49
Total communications equipment (pounds)	58,600
Miscellaneous Explosives (pounds) (including 1002 satchel charges)	83,000
Medical Supplies (pounds)	110,800
Documents (pounds)	12,400
Personnel:	
Enemy KIA	11,349
POW's (includes detainees)	2,328

* As of June 29, 1970, based on latest available data from the field—subject to change.

**Figures do not include 70 tons of assorted ammunition.

Mr. GERALD R. FORD. Mr. Speaker, the time has come to launch a new effort to get the Paris peace talks moving toward a negotiated settlement of the Vietnam war.

Our present top negotiator, Philip C. Habib, has been doing an excellent job under most difficult circumstances. It seems wise at this point to broaden the U.S. negotiating team by the appointment of high level advisers to those who have carried the burden in Paris. The top level adviser group should come from among the most highly respected and knowledgeable negotiators in the country.

This, I believe, would be the logical follow-through for President Nixon after his impressive report to the Nation on our Cambodian operation.

As the President said, the Vietnam war has reached another crossroad. This is a juncture at which the Communists should opt for a negotiated settlement and an early peace rather than a protracted struggle.

I strongly believe, along with the President, that the Cambodian operation was necessary and that it has proved a solid success. There are those who persist in calling the Cambodian operation a failure because they favor immediate withdrawal from Indochina and want our military operations there to fail. It is impossible for me to understand how anyone could call our Cambodian operation an invasion of Cambodia when the North Veitnamese were already there and we simply crossed the border to attack them.

One of the most encouraging results of the Cambodian operation is that it showed the South Vietnamese to be increasingly able to handle the North Vietnamese and Vietcong in sustained combat.

This is a big plus and one which indicates to me that withdrawal of U.S. troops from South Vietnam can be speeded up.

GENERAL LEAVE

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks on this subject following the text of the President's report.

The SPEAKER pro tempore (Mr. Boggs). Is there objection to the request of the gentleman from Michigan?

Mr. THOMPSON of New Jersey. Mr. Speaker, reserving the right to object, since so many of us have not seen this report, I would ask my distinguished friend from Michigan would he ask for an extension of 2 or 3 legislative days during which Members may comment on the report?

Mr. GERALD R. FORD. Mr. Speaker, I revise my request and ask unanimous consent that all Member be permitted 5 legislative days during which to extend their remarks on the subject of the President's report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Holifield, for 30 minutes, today.

Mr. Philbin, for 15 minutes, today.

Mr. Randall, for 15 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. Pucinski, for 30 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. Pucinski, for 60 minutes, on July 1; to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. Miller of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. Bush, for 5 minutes, today.

Mr. Steiger of Arizona, for 10 minutes, today.

Mrs. Heckler of Massachusetts, for 5 minutes, today.

(The following Members (at the request of Mr. Mikva) to revise and extend their remarks and include extraneous material:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Ryan, for 20 minutes, today.

Mr. Obey, for 30 minutes, July 1.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Mahon, and to include extraneous matter.

Mr. Broyhill of North Carolina to revise and extend his remarks immediately before the vote on H.R. 17825.

Mr. Yates in two instances and to include extraneous matter.

Mr. Randall in two instances and to include extraneous matter.

Mr. Wyatt in two instances and to include extraneous matter.

Mr. Natcher during his remarks on the District of Columbia conference report and to include a tabulation.

Mr. Davis of Wisconsin during his remarks on the District of Columbia conference report.

(The following Members (at the request of Mr. Miller of Ohio) and to include extraneous matter:)

Mr. Cramer.
Mr. Nelsen in two instances.
Mr. Lujan.
Mr. Wyman in two instances.
Mr. Crane in two instances.
Mr. Zwach.
Mr. Quie.
Mr. Langen.
Mr. Harvey.
Mr. Shriver.
Mr. Ashbrook.
Mr. Weicker.
Mr. Winn.
Mr. Derwinski in two instances.
Mr. Taft.
Mr. Conte.
Mr. Widnall.
Mr. Dennis.
Mr. Frelinghuysen.
Mr. Foreman.
Mr. Landgrebe.
Mr. Hogan in four instances.

The following Members (at the request of Mr. Mikva) and to include extraneous material:

Mr. Boggs in three instances.
Mr. Bolling.
Mr. Vanik in two instances.
Mr. Casey.
Mr. Addabbo.
Mr. Daniel of Virginia.
Mr. Garmatz.
Mr. Pucinski in six instances.
Mr. Edmondson in three instances.
Mr. Rarick in three instances.
Mr. Ashley.
Mr. Ryan in three instances.
Mr. Hathaway in three instances.
Mr. Patten in two instances.
Mr. Rosenthal in five instances.
Mr. Green of Pennsylvania in three instances.
Mr. Patman in two instances.
Mr. Harrington in five instances.
Mr. Moorhead in two instances.
Mr. Kluczynski in two instances.
Mr. Fountain in three instances.
Mr. Symington in two instances.
Mr. Donohue in two instances.
Mr. Fulton of Tennessee in two instances.
Mr. Diggs in two instances.
Mr. Brooks.
Mr. Gonzalez in two instances.
Mr. Bingham in two instances.

Mr. LEGGETT in five instances.
Mr. TIERNAN.
Mr. CHAPPELL in two instances.
Mr. GALIFIANAKIS.
Mr. BURKE of Massachusetts.
Mr. HAGAN in two instances.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 12858. An act to provide for the disposition of certain funds awarded to the Tlingit and Haida Indians of Alaska by a judgment entered by the Court of Claims against the United States;

H.R. 14118. An act to amend section 213 of the Immigration and Nationality Act, and for other purposes;

H.R. 14720. An act to continue until the close of June 30, 1973, the existing suspension of duties on manganese ore (including ferruginous ore) and related products, and for other purposes;

H.R. 15712. An act to amend the Public Works and Economic Development Act of 1965, to extend the authorizations for title I through IV through fiscal year 1971;

H.R. 17802. An act to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act; and

H.J. Res. 546. Joint Resolution authorizing the Secretary of the Interior to provide for the commemoration of the 100th anniversary of the establishment of Yellowstone National Park, and for other purposes.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 4012. An act to extend the Clean Air Act, as amended, and the Solid Waste Disposal Act, as amended, for a period of 60 days.

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that the committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On June 29, 1970:

H.R. 1695. For the relief of Alfredo Caprara;

H.R. 1698. For the relief of Joeck Kuncek;

H.R. 2275. For the relief of John Thomas Cosby, Jr.;

H.R. 2315. For the relief of Josefina Policar Abutan Fuliar;

H.R. 3348. For the relief of the estate of Pierre Samuel du Pont Dardan;

H.R. 4246. To discontinue the annual report to Congress as to the administrative settlement of personal property claims of military personnel and civilian employees;

H.R. 4247. To amend section 2734 of title 10, United States Code, to authorize the Secretary concerned to make partial payments on certain claims which are certified to Congress and to provide equivalent authority for administrative settlement and payment of claims under section 2733 of title 10 and section 715 of title 32, United States Code;

H.R. 4574. To provide for the admission to the United States of certain inhabitants of the Bonin Islands;

H.R. 12941. To authorize the release of 4,180,000 pounds of cadmium from the national stockpile and the supplemental stockpile;

H.R. 13407. To consent to the amendment of the Pacific Marine Fisheries Compact;

H.R. 13740. For the relief of Kimball Bros. Lumber Co.;

H.R. 15021. To authorize the release of 40,200,000 pounds of cobalt from the national stockpile and the supplemental stockpile;

H.R. 15831. To authorize the disposal of bismuth from the national stockpile and the supplemental stockpile;

H.R. 15832. To authorize the disposal of caster oil from the national stockpile;

H.R. 15833. To authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile;

H.R. 15835. To authorize the disposal of magnesium from the national stockpile;

H.R. 15836. To authorize the disposal of type A, chemical grade manganese ore from the national stockpile and the supplemental stockpile;

H.R. 15837. To authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile;

H.R. 15838. To authorize the disposal of shellac from the national stockpile;

H.R. 15839. To authorize the disposal of tungsten from the national stockpile and the supplemental stockpile;

H.R. 15998. To authorize the disposal of Surinam-type metallurgical grade bauxite from the national stockpile and the supplemental stockpile;

H.R. 16289. To authorize the disposal of natural Ceylon amorphous lump graphite from the national stockpile and the supplemental stockpile;

H.R. 16290. To authorize the disposal of refractory grade chromite from the national stockpile and the supplemental stockpile;

H.R. 16291. To authorize the disposal of chrysolite asbestos from the national stockpile and the supplemental stockpile;

H.R. 16292. To authorize the disposal of corundum from the national stockpile;

H.R. 16295. To authorize the disposal of natural battery grade manganese ore from the national stockpile and the supplemental stockpile;

H.R. 16297. To authorize the disposal of molybdenum from the national stockpile;

H.R. 17399. Making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes.

On June 30, 1970:

H.R. 14118. To amend section 213 of the Immigration and Nationality Act, and for other purposes;

H.R. 14720. To continue until the close of June 30, 1973, the existing suspension of duties on manganese ore (including ferruginous ore) and related products, and for other purposes;

H.R. 15712. To amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971;

H.R. 17802. To increase the public debt limit set forth in section 21 of the Second Liberty Bond Act; and

H.J. Res. 546. Authorizing the Secretary of the Interior to provide for the commemoration of the one hundredth anniversary of the establishment of Yellowstone National Park, and for other purposes.

ADJOURNMENT

Mr. MIKVA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 1, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2159. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated May 6, 1970, submitting a report, together with accompanying papers and an illustration, on Reedy River, S.C., requested by a resolution of the Committee on Public Works, House of Representatives, adopted May 8, 1964 (H. Doc. No. 91–356); to the Committee on Public Works and ordered to be printed, with an illustration.

2160. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated October 2, 1968, submitting a report, together with accompanying papers and illustrations, on Placer Creek at Wallace, Idaho, requested by resolutions of the Committee on Public Works, U.S. Senate, and House of Representatives, adopted October 7, 1965, and May 5, 1966 (H. Doc. No. 91–357); to the Committee on Public Works and ordered to be printed, with illustrations.

2161. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated March 2, 1970, submitting a report, together with accompanying papers and illustrations, on Four Mile Run, city of Alexandria and Arlington County, Va., in partial response to a resolution of the Committee on Public Works, House of Representatives, adopted October 5, 1966 (H. Doc. No. 91–358); to the Committee on Public Works and ordered to be printed, with illustrations.

2162. A letter from the General Counsel, National Council on Radiation Protection and Measurements, transmitting a report on an examination of the Council's accounts as of December 31, 1969, pursuant to the provisions of section 14(b) of Public Law 88–376; to the Committee on the Judiciary.

2163. A letter from the Secretary of Commerce, transmitting an annual report on the relative cost of shipbuilding in the various coastal districts of the United States, pursuant to the provisions of section 213(c) of the Merchant Marine Act of 1936, as amended; to the Committee on Merchant Marine and Fisheries.

2164. A letter from the Acting Secretary of Transportation, transmitting amendments to the regulations issued under the Federal Boating Act of 1958, pursuant to the provisions of section 7 of that act; to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DAWSON: Committee on Government Operations. Foreign postal debts owed to the United States (Rept. No. 91–1260). Referred to the Committee of the Whole House on the State of the Union.

Mr. CAREY: Committee on Interior and Insular Affairs. S. 778. An act to amend the 1964 amendments to the Alaska Omnibus Act (Rept. No. 91–1261). Referred to the Committee of the Whole House on the State of the Union.

Mr. MATSUNAGA: Committee on Rules. House Resolution 1121. Resolution for consideration of H.R. 279, a bill to exempt from the antitrust laws certain joint newspaper operating arrangements (Rept. No. 91–1262). Referred to the House Calendar.

Mr. PATMAN: Committee on Banking and Currency. H.R. 17795. A bill to amend title VII of the Housing and Urban Development Act of 1965 (Rept. No. 91–1263). Referred to

XUM

the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. H.R. 18185. A bill to provide long-term financing for expanded urban mass transportation programs, and for other purposes; with amendments (Rept. No. 91-1264). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 14114. A Bill to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes; with amendments (Rept. No. 91-1265). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 13100. A bill to amend the Public Health Service Act to extend for three years the programs of assistance for training in the allied health professions, and for other purposes; with an amendment (Rept. No. 91-1266). Referred to the Committee of the Whole House on the State of the Union.

Mr. NATCHER: Committee of conference. Conference report on H.R. 17868 (Rept. No. 91-1267). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRADEMAS (for himself, Mr. Perkins, Mr. Scheuer, Mr. Reid of New York, Mr. Hansen of Idaho, Mr. Dent, Mr. Esch, Mrs. Mink, Mr. Dellenback, Mr. Meeds, Mr. William D. Ford, Mr. Thompson of New Jersey, Mr. Stokes, Mr. O'Hara, Mr. Hawkins, Mr. Burton of California, Mr. Hathaway, Mr. Daniels of New Jersey, Mr. Powell, Mr. Gaydos, and Mr. Steiger of Wisconsin):

H.R. 18260. A bill to authorize the United States Secretary of Health, Education, and Welfare to establish educational programs to encourage understanding of policies and support of activities designed to preserve and enhance environmental quality and maintain ecological balance; to the Committee on Education and Labor.

By Mr. DAVIS of Georgia:

H.R. 18261. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DELLENBACK (for himself, Mr. Buchanan, Mr. Don H. Clausen, Mr. Goldwater, Mr. McClure, Mr. Anderson of Illinois, Mr. Griffin, Mr. Hunt, Mr. Kleppe, Mr. Halpern, Mr. Horton, Mr. Pirnie, Mr. Ullman, Mr. Wyatt, Mr. Reifel, and Mr. Whitehurst):

H.R. 18262. A bill to amend the act of April 12, 1926 (44 Stat. 242; chapter 117), as amended; to the Committee on Interior and Insular Affairs.

By Mr. DENNIS (for himself, Mr. McCulloch, Mr. Poff, Mr. Hutchinson, Mr. Smith of New York, Mr. McClory, Mr. Fish, Mr. Mayne, Mr. Coughlin, Mr. Biester, Mr. Sandman, Mr. Wiggins, Mr. Railsback, Mr. Meskill, Mr. Bray, Mr. Zion, Mr. Myers, Mr. Roudebush, Mr. Landgrebe, Mr. Mann, and Mr. MacGregor):

H.R. 18263. A bill to provide for the appointment of an additional district judge for the northern and southern districts of Indiana; to the Committee on the Judiciary.

By Mr. ERLENBORN (for himself, Mr. Quie, Mr. Dent, Mr. Scherle, Mr. Pucinski, Mr. Dellenback, Mr. Daniels of New Jersey, Mr. Esch, Mr. Hathaway, Mr. Collins, Mr. Gaydos, Mr. Landgrebe, Mr. Hansen of Idaho, and Mr. Don H. Clausen):

H.R. 18264. A bill to amend title IV of the Higher Education Act of 1965 to establish a Student Loan Marketing Association; to the Committee on Education and Labor.

By Mr. GIAIMO:

H.R. 18265. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. LUJAN:

H.R. 18266. A bill to provide for establishment of the Park Plaza National Historic Site in the State of New Mexico; to the Committee on Interior and Insular Affairs.

By Mr. MURPHY of New York (for himself, Mr. Podell, Mr. Matsunaga, Mr. Scherle, and Mr. Caffery):

H.R. 18267. A bill requiring that each Member of Congress be notified of the intended disposition of federally owned real property in the district he represents; to the Committee on Government Operations.

By Mr. ROE:

H.R. 18268. A bill to require that certain drugs and pharmaceuticals be prominently labeled as to the date beyond which potency or efficacy becomes diminished; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL:

H.R. 18269. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

H.R. 18270. A bill to implement the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere (56 Stat. 1354); amend Public Law 89-669 (October 15, 1966); and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. RYAN:

H.R. 18271. A bill to amend the Truth in Lending Act to require that statements under open end credit plans be mailed in time to permit payment prior to the imposition of finance charges; to the Committee on Banking and Currency.

By Mr. SISK:

H.R. 18272. A bill to add California-grown peaches as a commodity eligible for any form of promotion, including paid advertising, under a marketing order; to the Committee on Agriculture.

By Mr. ASHLEY:

H.R. 18273. A bill to permit interested organizations the opportunity to remove valuable flora from sites before the construction of public works is commenced; to the Committee on Public Works.

By Mr. ASHLEY (for himself, Mr. Harvey, Mr. Daddario, Mr. Taft, Mr. Anderson of California, Mr. Harrington, Mr. Murphy of New York, and Mr. Leggett):

H.R. 18274. A bill to provide partial reimbursement for losses incurred by commercial fishermen as a result of restrictions imposed on domestic commercial fishing by a State or the Federal Government; to the Committee on Merchant Marine and Fisheries.

By Mr. BROOKS (for himself, Mr. Holifield, Mr. Moorhead, Mr. Culver, Mr. Hicks, Mr. Reid of New York, Mr. Buchanan, and Mr. Steiger of Arizona):

H.R. 18275. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, to provide for the disposal of surplus Federal property for park and recreational uses, and for other purposes; to the Committee on Government Operations.

By Mr. GUDE:

H.R. 18276. A bill to strengthen voluntary agricultural organizations, to provide for the orderly marketing of agricultural products, and for other purposes; to the Committee on Agriculture.

H.R. 18277. A bill to adjust agricultural production, to provide a transitional program for farmers, and for other purposes; to the Committee on Agriculture.

By Mr. MIKVA (for himself, Mrs. Hansen of Washington, Mr. Jacobs, Mr. Koch, Mrs. Mink, and Mr. Symington):

H.R. 18278. A bill to carry out the recommendations of the Presidential Task Force on Women's Rights and Responsibilities, and for other purposes; to the Committee on the Judiciary.

By Mr. RANDALL:

H.R.18279. A bill, the Organized Crime Control Act of 1970; to the Committee on the Judiciary.

By Mr. TUNNEY (for himself, Mr. Brown of California, Mr. McCloskey, Mr. Leggett, Mr. Pettis, Mr. Edwards of California, Mr. Burton of California, Mr. Roybal, Mr. Charles H. Wilson, Mr. Hawkins, Mr. Rees, Mr. Anderson of California, and Mr. Waldie):

H.R. 18280. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein within the San Bernardino National Forest, Calif.; to the Committee on Interior and Insular Affairs.

By Mr. BROWN of Ohio:

H.J. Res. 1285. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. GUBSER:

H.J. Res. 1286. Joint resolution proposing an amendment to the Constitution of the United States granting to citizens of the United States who have attained the age of 18 the right to vote; to the Committee on the Judiciary.

By Mr. WATKINS (for himself, Mr. Devine, and Mr. Hunt):

H.J. Res. 1287. Joint resolution proposing an amendment to the Constitution of the United States to reduce the voting age to 18; to the Committee on the Judiciary.

By Mr. WEICKER:

H.J. Res. 1288. Joint resolution to provide for a study by the Secretary of Transportation of the feasibility of Government acquisition, operation, and maintenance of railroad tracks, rights-of-way, signal systems, and other fixed facilities (as a separate activity or as a part of a coordinated Federal transportation program); to the Committee on Interstate and Foreign Commerce.

By Mr. SYMINGTON (for himself, Mr. Bolling, Mr. Buchanan, Mr. Burlison of Missouri, Mr. Burton of California, Mr. Chappell, Mrs. Chisholm, Mr. Daddario, Mr. Derwinski, Mr. Fish, Mr. Fraser, Mr. Frelinghuysen, Mr. Friedel, Mr. Fulton of Pennsylvania, Mr. Gallagher, Mr. Gude, Mr. Hastings, Mr. Hechler of West Virginia, Mr. Horton, Mr. Ichord, Mr. Leggett, Mr. McCloskey, Mr. Mann, Mr. Mikva, and Mr. Miller of California):

H. Res. 1122. Resolution expressing the sense of the House of Representatives with respect to an international compact regarding the safety of persons entitled to diplomatic immunity; to the Committee on Foreign Affairs.

By Mr. SYMINGTON (for himself, Mr. Moorhead, Mr. Morse, Mr. Moss, Mr. Obey, Mr. Preyer of North Carolina,

XUM

Mr. SCHEUER, Mr. WHITEHURST, Mr. CHARLES H. WILSON, and Mr. BUSH):

H. Res. 1123. Resolution expressing the sense of the House of Representatives with respect to an international compact regarding the safety of persons entitled to diplomatic immunity; to the Committee on Foreign Affairs.

By Mr. PATTEN:

H. Res. 1124. Resolution calling for a national commitment to cure and control cancer within this decade; to the Committee on Interstate and Foreign Commerce.

By Mr. GAYDOS:

H. Res. 1125. Resolution to set an expenditure limitation on the American military effort in Southeast Asia; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of California:

H.R. 18281. A bill for the relief of Mrs. Kayo N. Carvell; to the Committee on the Judiciary.

H.R. 18282. A bill for the relief of Antonio Dominador de Castro; to the Committee on the Judiciary.

By Mr. CASEY (by request):

H.R. 18283. A bill for the relief of Col. Joseph B. Peabody; to the Committee on Armed Services.

By Mr. CORMAN:

H.R. 18284. A bill for the relief of Mrs. Rosita I. Ines; to the Committee on the Judiciary.

By Mr. MACDONALD of Massachusetts:

H.R. 18285. A bill for the relief of Luis Francisco Li Donni; to the Committee on the Judiciary.

SENATE—*Tuesday, June 30, 1970*

The Senate met at 9 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

The Reverend Howard Stone Anderson, D.D., minister, First Congregational United Church of Christ, Washington, D.C., offered the following prayer:

O God, our help in ages past, our hope for today and forever, give us thankful hearts, humble minds and wills of righteous purpose.

Our fathers came across wide seas and from strange shores and have given us this land of liberty. Make us glad for our heritage and grant that we neither grow faint in faith nor fail in courage.

We confess our blindness, bitterness, and confusion. But we would earnestly pursue and wage peace. Save us from violence and discord, from pride and arrogance, and from every evil way.

We pray for the Members of this Senate, for the President of the United States, and for all who share in the leadership of our Nation. Make us a united people, serving Thee in holy fear and loving trust.

This we ask for Thy name's sake. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, June 29, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from South Carolina (Mr. HOLLINGS) is now recognized for not to exceed one-half hour.

THE WAR IN VIETNAM

Mr. HOLLINGS. Mr. President, I speak today amidst a rising crisis of confidence in the Government of our Republic. Tensions flare, passions erupt, and there are angry demonstrations by the radical left and the radical right. The vast majority of Americans in the middle are confused—confused by the simple-minded rhetoric of extremism, confused by a stalemated war in which military strategy plays second fiddle to politics, confused by an administration that drifts from crisis to crisis without leadership and without policy. Every week brings a new somersault, and after years of such gymnastics, it is no wonder we all feel a little bit dizzy.

From the time this war began I have advocated military victory in Vietnam. I protested day in and day out the timidity with which the war was fought. I am neither soothsayer nor prophet, but I believe the battle could have been won. So do many in the military, along with millions of my countrymen. We had the power but lacked the leadership, so instead of making maximum use of our military superiority, we enchained ourselves in a policy of recognizing sanctuaries, of failing to take the war to the enemy's home ground, and we frittered away the power of the world's mightiest Nation. My constituency knew where I stood. President Johnson knew where I stood. President Nixon knew where I stood.

As Lord Parlmerston said over 100 years ago, "England has no permanent friends; she has only permanent interests." So it is with America. We had become involved, I believed, in a just and necessary war, a war to protect the interests and the commitments of the United States. The strategy of the Vietcong and the North Vietnamese was as insidious in its own way as the Japanese attack on Pearl Harbor. It was a three-phase strategy of infiltrating the villages and hamlets of the South, then beginning guerrilla operations, and finally engaging in main force, uniformed warfare. The only way to counter such a strategy was to recognize that the war was not confined to the South, but was to spread over all of Indochina. Logically, then, we should have recognized no sanctuaries in Thailand, Cambodia, Laos and, most important of all, North Vietnam.

Mr. President, in the spirit of staying within the confines of the time limit provided me, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the message of President Johnson to Congress of August 5, 1964, as well as the message when he signed the congressional resolution on Southeast Asia on August 10, 1964.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HOLLINGS. Mr. President, in the first phases of the war, President Johnson seems to have recognized this threat to the larger strategic interests of the United States. As he said in June of 1964, there were four simple propositions behind his move into Vietnam:

> 1. *America keeps her word.* Here as elsewhere, we must and shall honor our commitments.
>
> 2. *The issue is the future of Southeast Asia as a whole.* A threat to any nation in that region is a threat to all, and a threat to us.
>
> 3. *Our purpose is peace.* We have no military, political, or territorial ambitions in the area.
>
> 4. *This is not just a jungle war, but a struggle for freedom on every front of human activity.* Our military and economic assistance to South Vietnam and Laos in particular has the purpose of helping these countries to repel aggression and strengthen their independence.

But as the months wore on, confusion and uncertainty seeped into the administration's explanation of why we were in Vietnam. The President sidestepped and backstepped and waltzed around his original understanding of the problem. The commitment was reduced to one of protecting the self-determination of South Vietnam and the larger problem of Southeast Asia as a whole was conveniently pigeonholed. When Richard Nixon became President, he too failed to see the challenge we face.

Even more obvious is the fact that neither Presidents Johnson nor Nixon fought the war in such a way as to crush the aggression hurled at us by North Vietnam. After 6 years of intense battle for a state not as large as our own State of Missouri, there still remains at this moment 215,000 enemy troops.

In June of 1969, President Nixon announced his withdrawal program, and in September of that year said he would accept a duly-elected Communist government in the South. I did not like it, but a majority of the American people believed that in the absence of victory it was wise to withdraw. One week before the Cambodian invasion the President announced his withdrawal program was working so well that another 150,000 men could be sent home. Victory was no

XUM

longer in the cards. The policy that we hawks fought for had no chance. So rather than carry on a hopeless cause, I went along. In the months after the President announced his withdrawal policy, most of us here in the Congress did our best to help him carry it out. If victory could not be had, withdrawal was obviously imperative.

Then, in an atmosphere of crisis and panic, the President went on television to announce the invasion of neutral Cambodia. American troops were sent in. We made war for the first time, in Cambodia, without consulting the Congress. So the war is enlarged but to no avail. We have gone into another country not to win or protect our larger interests, but instead to fight with the same limited goals, the same shackling strategy. We are bogged down in Cambodia without understanding that the rules we play by are to no avail.

Make no mistake about it—the war has been enlarged. In spite of all the rosy, muddle-headed optimism of the administration, in spite of the fact that American ground forces are pulling back this week, we are caught in a larger web than ever. Today we are told that the troops are out, we have pulled back. But we continue with our military aid to Cambodia. Our pilots still risk life and limb in the skies over Cambodia. And Lon Nol tells us he may ask our troops to come back. The deeper we sink into this quagmire, the more elusive peace becomes. We are being sucked into defending still another remote Asian country yet without the will to win. The facts speak for themselves—we have just turned another Nixon somersault. On May 13 of this year, the Secretary of State argued that we would not "become militarily involved in support of the Lon Nol government—or any other government" in Phnom Penh. Then, just last week, the Secretary changed his tune and stated that our bombing raids deep in Cambodia have a dual purpose—to help our troops and at the same time serve the Cambodian Government. When the invasion began, President Nixon warned us of Communist troops massing in eastern Cambodia, poised to attack. Yet Secretary Laird has since admitted that on that very day, Communist forces were moving westward, "in the other direction for the first time." Why, it sounds like a replay of our original involvement in Vietnam so many years and lives ago. The same garbled explanations, the same utter confusion, the same lack of credibility. But we still lack the will to win, the understanding that there are no sanctuaries in a war such as this.

If we are not to have a military victory and if we refuse to give the man on the battlefield the command to win, then why spread our involvement to still another country? If the war is going to be expanded, expand it into North Vietnam where it will do some good. But do not let the President send more young men—husbands, fathers, brothers and sons—into the jungles shackled by a no-win policy. With all the tons of rice and supplies that have been supposedly captured, one afternoon's bombing run over Hanoi would have done the same thing with few or no American casualties.

Since President Nixon took office on January 19, some 560,000 young Americans have been sent to Vietnam. That is at the rate of about 35,000 a month. We have all heard about the matter of withdrawal, which we support. But while some come home, others go over, and amidst all the hopeful oratory of the administration, the fact remains that 560,000 men have been sent to Vietnam in the past 16 months and have been put in the field of battle for the first time in their lives. Think of it—well over half a million of our finest young people in just 16 months. Sent to a war where we seek no victory, fighting in a land where we are now willing to accept a Communist government. Is it any wonder that Americans are confused and angry? How much longer must this senseless "Operation Meatgrinder" go on?

When candidate Nixon was running for the Presidency in 1968, he assured us that he had a plan to end the war. I interject at that particular point, Mr. President, to say that candidate Nixon never ran on a ticket of withdrawal. Make no mistake about that, to quote the President's favorite saying.

Candidate Nixon ran on a plank of victory.

Gen. Mark Clark, of South Carolina, was candidate Nixon's campaign manager in our State. General Clark told the people of South Carolina:

> I know the Communists. Vice President Nixon knows the Communists. And he knows the threats of communism. He knows that the Communists only understand the language of force.

General Clark said:

> I remember when I was United Nations' Commander and General Eisenhower became President that he got on the telephone with a command to move forward. And for 8 weeks, around the clock, we knocked the socks off them.

General Clark added that after 8 weeks of this type of fighting, at 1 o'clock one morning while in a trailer, he got a call from the commander of forces in North Vietnam who requested that they meet at the conference table. Clark knew how to deal with the Communists. And the general, as Richard Nixon's campaign manager, assured us that Nixon did, too. As Clark told the people:

> I urge you to support candidate Nixon for the Presidency, for Commander in Chief, because he understands threats and he understands the only way to solve the problem.

That is the reason for a good bit of the trauma in my section of the country. Our people believe in victory and do not clearly see that administration policy is no longer to seek such a victory. South Carolinians are understandably confused. There are 215,000 enemy troops in Vietnam. There are 250,000 troops in the sanctuaries of North Vietnam, massed along the DMZ, while 70,000 North Vietnamese uniformed troops are in Laos in the sanctuaries, not including 48,000 Pathet Lao. There still remain 60,000 to 70,000 in Cambodia, although we were told 40,000. But we are in a policy of withdrawal, which is simply and solely a policy of retreat.

However, the people back home whom I represent do not believe that we are in retreat at all. They still think we are aiming for the victory that General Clark said candidate Nixon would aim for as President. When candidate Nixon was running for President in 1968, he assured us of that.

If anyone can see any plan, any consistency in administration actions, I pray the Lord that he stand up so that we too be allowed to see the light.

In December of 1969, President Nixon signed into law the Cooper-Church amendment. This bill urged against further involvement in Laos and Thailand, and provided for orderly and constitutional consultation between the executive and legislative branches. Cambodia was not included because of administration statements that it was a sanctuary and no action was contemplated there. We were told that the Cooper-Church amendment was—quoting the leaders on the Senate floor from the CONGRESSIONAL RECORD—"definitely in line with administration policy" and that "the President is pleased with the amendment and he recognizes that it is in accordance with his announced policy."

So in December the President's plan is to keep out of Cambodia; in April it is to go in. In December it is to recognize the constitutional role of Congress; in April it is to ignore Congress.

In December it is administration policy to retain the Gulf of Tonkin resolution, to urge the Senate not to repeal it. On March 12, 1970, comes further administration warning that repeal of Tonkin would be unwise, that to have the measure repealed would set in motion adverse reactions and results in all of Southeast Asia with respect to President Nixon's commitments. But by June the President turns another somersault by instructing his spokesman on the Senate floor to have the Tonkin resolution repealed. The resolution suddenly became obsolete in the administration's thinking, it is no longer needed.

When the Gulf of Tonkin resolution was passed in 1964, President Johnson stated that it was his responsibility under the Constitution to seek congressional approval for his policy, and he proudly announced approval by a total House and Senate vote of 502 to 2. In February of this year, on CBS, President Johnson stated that he never would have gone in had he not been given the Gulf of Tonkin resolution. Now, suddenly, the authorization of Congress, the law of the land, is obsolete.

Last week, I voted to keep the Tonkin resolution on the books. It was, after all, the only congressional authority that the President had to fight the war. Despite all the high-faluting debates and technical arguments, the fact remains that Congress, and Congress alone, has the power to declare war. We are in a war—this is no police action, no spur-of-the-moment emergency demanding a quick response—not since our struggle for independence nearly 200 years ago have we fought a war as long as this one, the longest war in our history, other than the Revolution. Congress declares war, and to ignore Congress in fighting

XUM

this bloodbath is a flagrant example of Executive usurpation.

The Constitution is clear on this point, the intent of the Founding Fathers is obvious to all who have eyes to read. Article I, section 8, clause 11, says that Congress shall have the power to declare war. Reread the records of the Constitutional Convention in Philadelphia and you will quickly realize the framers' intention that Congress alone will decide when this country shall go to war. When it was suggested that perhaps the President should be cloaked with the war-making responsibility, most of the delegates were shocked.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an article which was published in yesterday's News and Courier of Charleston, S.C., entitled "War Powers Debate Began with Founding Fathers."

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HOLLINGS. Mr. President, the solution arrived at was that the President was given the power of repelling an invasion of America, as article 4, section 4, provides. As Senator SAM ERVIN, the constitutional authority of the Senate, has said:

> The President of the United States has no capacity, under the Constitution, to put the United States at war in an offensive war—that is, a war which is not necessary for the defense of this country—without a declaration of war from the Congress or the equivalent of a Congressional declaration of war.

The Gulf of Tonkin resolution perhaps provided that equivalent declaration of war, but now the President seeks to strike it from the books, and to carry on the war as he chooses fit, with not so much as a passing glance at the Constitution or the Congress.

As Senator ERVIN has said,

> I cannot view it as anything but intellectual and constitutional schizophrenia that the administration should stand here and fight the Church-Cooper Amendment for all these weeks and then make through its spokesman the proposal on the floor of the Senate that the Senate repeal the only action taken by Congress which gives the President authority to use the Armed Forces of this country in combat in Southeast Asia.

I come from a section of the country that has long prided itself on its opposition to too much Presidential power. The South more than any section has stood foursquare against an all-powerful Executive. We of the South had great hopes that this administration would follow a policy of strict constructionism, And, at first glance, the omens were good. The Court appointments suggested by the President, such as Judge Clement Haynsworth, were well-advised and in the tradition of strict constructionism. I fought by the President's side, hoping that at long last we had a Chief Executive who sympathized with our beliefs. But where is this strict construction when it comes to making war and to consulting with the Congress?

When it comes to his judicial appointments, President Nixon wraps himself in the cloak of strict constructionism, which is good. But when it comes to his duties with regard to the legislature, he dons the mantle of monarchy. No amount of Vice Presidential oratory can now hide the fact that the Constitution is in grave danger. The Nixon administration is defying not just the traditions of the southland, but also the concerns of thoughtful Americans all across this Republic. I will not be a party to it, and I do not think my fellow countrymen are about to be bamboozled either.

Let us wake up. The press goes off halfcocked and bellows "HOLLINGS Pitches Tent in Peacenik Camp." What peacenik, tell me please, has stood on the floor of this Chamber for the past 4 years, since I came to the Senate, and pleaded and begged for military victory in Vietnam? Another paper bleats "Giving Aid and Comfort to Hanoi." Well, I will tell you where I pitch my tent—in the campground of the Constitution, in the separation of powers that has protected us from Executive tyranny. And I will tell you who I give aid and comfort to—to those red-blooded Americans who have stood on the rock of the Constitution through good times and bad.

I stand with that great patriot Dwight Eisenhower, whom Richard Nixon eulogizes, but fails to heed. In March of 1954, Eisenhower said, and I quote:

> There is going to be no involvement of America in war unless it is the result of the constitutional process that is placed upon Congress to declare it. Now, let us have that clear.

That is what President Eisenhower, who was then our Commander in Chief, said.

I stand with John Foster Dulles, who nobody ever called a peacenik, when he told the French in 1954 that even a single air strike to relieve Dienbienphu could not be authorized by Eisenhower "without action by Congress because to do so was beyond the President's constitutional powers."

And I stand with a young Member of the House in 1947 who said:

> The matters which have come before us involving foreign policy generally have come before us after the deed has been done. The Congress has come in after the decision has been made by our State Department and by the executive branch.

The Congressman went on:

> The question I should like to ask is this: Does the gentleman not feel that a true bipartisan foreign policy means that it must be bipartisan in its inception and creation as well as in its execution?

The concerned young lawmaker was the Representative from California, Richard Milhous Nixon, and the question that vexed him then is more pertinent than ever. Would that he still worried about it.

The issue we are debating is not the President's sincerity nor his devotion to what he sees as the best interests of the Nation. The question goes to the very foundations of our system of government. No one doubts that Harry S. Truman acted out of noble patriotism when he moved to repel Communist aggression in Korea. No one doubts that three Presidents—Dwight D. Eisenhower, John F. Kennedy, and Lyndon B. Johnson—accelerated our involvement in Vietnam in the dedicated belief that they were serving the cause of Americanism.

Yet throughout the decade of the 1960's Presidents received one piece of bad advice after another—or at least ignored the good advice, which I think is the more accurate judgment. Unilateral policy decisions have been made in the executive branch that time has always quickly mocked. The voice of the people has not been heard. Instead, the President turned inward upon his office.

Checks and balances and separation of powers were written into the Constitution to provide against this very thing. The President must be protected from his own isolation, from being stranded on an island with his own small band of advisers and confidants. He must be shielded from the possibility of his own misjudgment.

We see here not only the Constitution or the technicality of the provision of constitutional law, but the very reason for this provision in the first place. It was never proven better than by the war in Cambodia and the war in Southeast Asia. Were it not for the Senate and the action here on the Cooper-Church amendment, the administration might have been much slower in withdrawing the troops from Cambodia. Time and time again the President has fudged on Cambodia. He has moved 100 miles inland with air power, which he said he would never do. He said South Vietnamese forces would pull out with us, but they are still there.

The best of minds and the best of intent continue to frustrate us, because over the very policy to get us out buries us deeper. When Senator STENNIS spoke last month in opposition to the Cooper-Church amendment he stated:

> That fact is that, by the action we took in Cambodia, we have not—I repeat, we have not—assumed or undertaken any new national commitment whatsoever. We have not committed ourselves to military support for the Cambodian government. Nor have we promised shipments of American arms or committed ourselves to send military advisers. I continue to oppose all of these steps.

Yet here, as we close the debate, we find that on behalf of the Commander in Chief, the chairman of the Armed Services Committee meets himself coming around the corner. There is a new commitment—not official—but certain it is a moral one in that we have dragged Cambodia into a hot war that she was not prepared to fight. As we declared against military support, the fact is at this very moment the morning news headlines military support for Cambodia. Our pilots fly in their defense and we state no promise of American arms, yet $7.9 million in American arms are committed. As we say no military advisers are committed for, a military mission of 17 has opened up in Phnompenh and military advisers remain on with the South Vietnam forces. So the need for the Constitution, as well as its wisdom at this hour, is manifest.

Were it not for the action in this debate

XUM

we would be far more involved in Southeast Asia, particularly Cambodia, than ever before. That is the reason for this constitutional provision.

The founders of this country provided a whole series of brilliant mechanisms to protect the President from the pitfalls of such misjudgment. They did so not for technical, legalistic reasons, not to insure that one group of politicians could hold sway over another. They did so in order that our policy would always be an Amercan policy—arrived at not just by the President, but by the people, their representatives and the Chief Executive. And, unless we get back on that track, and get back on it soon, our continuation as a constitutional democracy is imperiled.

I will cast my vote in favor of the Cooper-Church amendment. It is the policy agreed on by President and Congress last December. I do so partly on policy grounds—to pull back from an unwise widening of the war, an escalation that can only delay our disengagement from Southeast Asia.

No matter how many television talks the President makes, no matter how many hand-picked commissions he sends to Cambodia to obscure the issue, President Nixon has erred. The issue is not military strategy, the issue is the Constitution. The Constitution is alive and living here in America. The stark tragedy of it all is that the Constitution could have saved him and spared us. So, I vote also on constitutional grounds—to insure the separation of powers and to discharge my oath to defend and uphold the instrument of our Government.

And I do so for one other reason, Mr. President—to build back into this great Nation of ours a sense of trust, of credibility in the words and actions of our Government. I believe very strongly that the lack of this trust is at the root of many of the disturbances that trouble our land. People just don't feel themselves a part of government any more. And when it comes to the foremost concern of us all—the war in Vietnam—they feel that the Congress is not a part of government anymore, that somehow war is just a one-man game. I am not just talking about the young. I am talking about young and old, northerner and southerner, easterner and westerner. There is no generation gap here—there is a credibility gap and before America can go forward, that gap must be closed. With 331,000 casualties, no one man should want to bear the burden of decision. Instead of opposing, the President should be pleading for the support of the Congress. And instead of avoiding its constitutional burden, the Congress should begin to bear it.

Today, Mr. President, we are mired down in the mud and muck of the jungle as never before. Our foreign policy is exhausted and our domestic institutions are in grave danger. It does not concern only a faroff war, it threatens the very fabric of our national life. Twist the Constitution a little bit here, wrench it a little there, and before long all the safeguards which have served us so well will perish. While trying to gain independence 10,000 miles away, we will have abandoned it here at home.

EXHIBIT 1

PRESIDENT'S MESSAGE TO CONGRESS, AUGUST 5

To the Congress of the United States:

Last night I announced to the American people that the North Vietnamese regime had conducted further deliberate attacks against U.S. naval vessels operating in international waters, and that I had therefore directed air action against gunboats and supporting facilities used in these hostile operations. This air action has now been carried out with substantial damage to the boats and facilities. Two U.S. aircraft were lost in the action.

After consultation with the leaders of both parties in the Congress, I further announced a decision to ask the Congress for a resolution expressing the unity and determination of the United States in supporting freedom and in protecting peace in southeast Asia.

These latest actions of the North Vietnamese regime have given a new and grave turn to the already serious situation in southeast Asia. Our commitments in that area are well known to the Congress. They were first made in 1954 by President Eisenhower. They were further defined in the Southeast Asia Collective Defense Treaty approved by the Senate in February 1955.

This treaty with its accompanying protocol obligates the United States and other members to act in accordance with their constitutional processes to meet Communist aggression against any of the parties or protocol states.

Our policy in southeast Asia has been consistent and unchanged since 1954. I summarized it on June 2 in four simple propositions:

1. *America keeps her word.* Here as elsewhere, we must and shall honor our commitments.

2. *The issue is the future of southeast Asia as a whole.* A threat to any nation in that region is a threat to all, and a threat to us.

3. *Our purpose is peace.* We have no military, political, or territorial ambitions in the area.

4. *This is not just a jungle war, but a struggle for freedom on every front of human activity.* Our military and economic assistance to South Vietnam and Laos in particular has the purpose of helping these countries to repel aggression and strengthen their independence.

The threat to the free nations of southeast Asia has long been clear. The North Vietnamese regime has constantly sought to take over South Vietnam and Laos. This Communist regime has violated the Geneva accords for Vietnam. It has systematically conducted a campaign of subversion, which includes the direction, training, and supply of personnel and arms for the conduct of guerrilla warfare in South Vietnamese territory. In Laos, the North Vietnamese regime has maintained military forces, used Laotian territory for infiltration into South Vietnam, and most recently carried out combat operations—all in direct violation of the Geneva agreements of 1962.

In recent months, the actions of the North Vietnamese regime have become steadily more threatening. In May, following new acts of Communist aggression in Laos, the United States undertook reconnaissance flights over Laotian territory, at the request of the Government of Laos. These flights had the essential mission of determining the situation in territory where Communist forces were preventing inspection by the International Control Commission. When the Communists attacked these aircraft, I responded by furnishing escort fighters with instructions to fire when fired upon. Thus, these latest North Vietnamese attacks on our naval vessels are not the first direct attack on armed forces of the United States.

As President of the United States I have concluded that I should now ask the Congress, on its part, to join in affirming the national determination that all such attacks will be met, and that the United States will continue in its basic policy of assisting the free nations of the area to defend their freedom.

As I have repeatedly made clear, the United States intends no rashness, and seeks no wider war. We must make it clear to all that the United States is united in its determination to bring about the end of Communist subversion and aggression in the area. We seek the full and effective restoration of the international agreements signed in Geneva in 1954, with respect to South Vietnam, and again in Geneva in 1962, with respect to Laos.

I recommend a resolution expressing the support of the Congress for all necessary action to protect our Armed Forces and to assist nations covered by the SEATO Treaty. At the same time, I assure the Congress that we shall continue readily to explore any avenues of political solution that will effectively guarantee the removal of Communist subversion and the preservation of the independence of the nations of the area.

The resolution could well be based upon similar resolutions enacted by the Congress in the past—to meet the threat to Formosa in 1955, to meet the threat to the Middle East in 1957, and to meet the threat in Cuba in 1962. It could state in the simplest terms the resolve and support of the Congress for action to deal appropriately with attacks against our Armed Forces and to defend freedom and preserve peace in southeast Asia in accordance with the obligations of the United States under the Southeast Asia Treaty. I urge the Congress to enact such a resolution promptly and thus to give convincing evidence to the aggressive Communist nations, and to the world as a whole, that our policy in southeast Asia will be carried forward—and that the peace and security of the area will be preserved.

The events of this week would in any event have made the passage of a congressional resolution essential. But there is an additional reason for doing so at a time when we are entering on 3 months of political campaigning. Hostile nations must understand that in such a period the United States will continue to protect its national interests, and that in these matters there is no division among us.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *August 5, 1964*.

PRESIDENT SIGNS CONGRESSIONAL RESOLUTION ON SOUTHEAST ASIA

(Remarks by President Johnson)

My fellow Americans, 1 week ago, half a world away, our nation was faced by the challenge of deliberate and unprovoked acts of aggression in Southeast Asia. The cause of peace clearly required that we respond with a prompt and unmistakable reply.

As Commander in Chief, the responsibility was mine—and mine alone. I gave the orders for that reply, and it has been given.

But, as President, there rested upon me still another responsibility—the responsibility of submitting our course to the representatives of the people for them to verify it or veto it. I directed that to be done last Tuesday, too.

Within 24 hours, the resolution before me now had been placed before each House of Congress. In each House, the resolution was promptly examined in committee and reported for action. In each House, there followed free and serious debate. In each House, the resolution was passed on Friday last—with a total of 502 votes in support and 2 opposed.

Thus, today, our course is clearly known in every land. There can be no mistake—no miscalculation—of where America stands or what this generation of Americans stand for.

XUM

The unanimity of the Congress reflects the unanimity of the country.

This resolution is short. It is straightforward. I hope it will be read around the world. The position of the United States is stated plainly.

To any armed attack upon our forces, we shall reply.

To any in Southeast Asia who ask for help in defending their freedom, we shall give it.

In that region, there is nothing we covet, nothing we seek—no territory, no military position, no political ambition. Our one desire—our one determination—is that the people of Southeast Asia be left in peace to work out their own destinies in their own way.

This resolution stands squarely within the four courners of the Constitution of the United States It is clearly consistent with the principles and purposes of the Charter of the United Nations.

This is another new page in the oustanding record of accomplishment the 88th Congress is writing.

Americans of all parties and philosophies can be justly proud and justly grateful: proud that democracy has once again demonstrated its capacity to act swiftly and decisively against aggressors; grateful that there is in our National Government understanding, accord, and unity between the executive and the legislative branches—without regard to partisanship. This is a great strength that we must preserve.

This resolution confirms and reinforces powers of the Presidency. I pledge to all Americans to use those powers with all the wisdom and judgment God grants to me.

It is everlastingly right that we should be resolute in reply to aggression and steadfast in support of our friends.

But it is everlastingly necessary that our actions should be careful and measured. We are the most powerful of all nations—we must strive also to be the most responsible of nations.

So, in this spirit, and with this pledge, I now sign this resolution.

EXHIBIT 2

[From the Charleston (S.C.) News & Courier, June 29, 1970]

War Powers Debate Began With Founding Fathers

(EDITOR'S NOTE.—The Senate's vote Tuesday on the question of who has the power to wage war is but another step in a debate that began with the Founding Fathers 183 years ago. The following article traces the development of the issue during the history of this nation.)

(By Don McLeod)

WASHINGTON.—The framers of the Constitution intended that Congress would decide when this country should go to war. The president's war powers were to be those of a super general or admiral.

The Founding Fathers were as concerned over where the war powers should lie as the senators now debating the subject of constitutional authority.

They haggled over the difference between "making" war and "declaring" war, feared a powerful executive who might start war on his own, and reached a compromise that served for a century before being eroded by aggressive presidents.

When the subject came up at the Constitutional Convention in Philadelphia, Pierce Butler of South Carolina suggested giving the war making authority to the president.

"He was for vesting the power in the president," noted James Madison, "who will have all the requisite qualities, and will not make war but when the nation will support it."

Elbridge Gerry of Massachusetts was shocked.

"Mr. Gerry never expected to hear in a republic a motion to empower the executive alone to declare war," Madison added to his notes.

Roger Sherman of Connecticut finally suggested the solution that prevailed: "The executive should be able to repel and not to commence war."

When the delegates were done, Congress was given sole power to "provide for the common defense . . . to declare war . . . to raise and support armies . . . to provide and maintain a navy."

"The President," says the Constitution, "shall be commander in chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States . . ."

When Thomas Jefferson, then minister to Paris, heard of the arrangement, he rejoiced that the legislative branch would "hold in leash the dogs of war." But as president, he would be among the first to stretch the rule.

As the convention progressed in the summer of 1787 Butler began to have reservations about the power being given the chief executive.

"Why might not a Cataline or a Cromwell arise in this country as well as in others?" he asked the convention.

Having overthrown the rule of a king, young America feared monarchy and was reluctant to cede to a president executive powers traditionally ascribed to kings.

Early in the convention, the delegates in Independence Hall took up a draft resolution that would have given the new chief executive the powers then held by the Continental Congress.

Charles Coatsworth Pinckney, advocate of a vigorous executive, rose to share his concern that "the executive powers of Congress might extend to peace and war, which would render the executive a monarchy, of the worst kind, to wit an elective one."

Madison agreed that the executive powers should be restricted. They should not, he said, "include the rights of war and peace. Lest "we shall have the evils of elective monarchies . . ."

"It was at first proposed to vest the sole power of making peace or war in the Senate," Butler reported to the South Carolina legislature, "but this was objected to as inimical to the genius of the republic, by destroying the necessary balance they were anxious to preserve.

"Some gentlemen were inclined to give this power to the President; but it was objected to, as throwing into his hands the influence of a monarch, having an opportunity of involving his country in a war whenever he wished to promote her destruction."

The general field of foreign relations and treaty making were included in the concern.

"The history of human conduct," Alexander Hamilton observed, "does not warrant that exalted opinion of human virtue which would make it wise in a nation to commit interests of so delicate and momentous a kind as those which concern its intercourse with the rest of the world to the sole disposal of a magistrate, created by circumstances, as would be a president of the United States."

The convention began its solution by defining and dividing authority according to the role ascribed to the branches of government and providing overlapping controls.

The Congress, traditional voice of the people, would initiate war; the president, as chief executive, would administer it. The president, as the administrator, would handle diplomatic chores, but the treaties he negotiated would be subjected to legislative approval.

The right of one branch to question the acts of another was not only permitted, it was required. As Madison explained in the Federalist Papers, "unless these departments be so far connected and blended as to give to each a constitutional control over the others, the degree of separation which the maxim requires as essential to a free government, can never in practice, be duly maintained."

The war-making clause initially considered by the convention read that Congress would have the power "to make war." But to define the function more keenly and separate it from the executive's task, the phrase was modified on a motion by Madison and Gerry to substitute the word "declare."

It was understood that, while the legislature should make the decision, leading the war effort was definitely a job for a single strong hand, not a debating legislature.

"The direction of war implies the direction of the common strength," Hamilton declared in support of the arrangement, "and the power of directing and employing the common strength, forms an usual and essential part in the definition of the executive authority."

Hamilton's proposed constitution would have defined the president's role as "to have the direction of war when authorized or begun." Although the wording is less precise in the finished product, this was evidently the meaning the convention intended.

"It would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the confederacy," Hamilton explained.

So clear to the delegates was this picture of the president as director of war operations, or general of troops and admiral of fleets, that it caused some concern.

As the convention neared a conclusion, Madison and Butler strove to add another check to the president's power over war. They moved to authorize a concurrence of two-thirds of the Senate to make peace treaties, without the concurrence of the president.

"The President," Madison said, "would necessarily derive so much power and importance from a state of war that he might be tempted, if authorized, to impede a treaty of peace."

But the motion failed. Nathaniel Gorham, a Boston merchant but experienced in government as president of the Continental Congress, pointed out that "The means of carrying on the war would not be in the hands of the president but of the legislature."

Here was the clincher. Congress would hold the purse-strings, and thereby could stop any president from waging war against the will of the legislature.

Although Madison and Sherman had suggested that the power to repel sudden attacks be left to the president, this power was not specifically granted in the Constitution, which stipulates that Congress shall hold the power "to repel invasions."

However, since the convention debate indicates it was intended that the president should have this authority it has been assumed that he does. In the 20th century this has come to the right to push the nuclear button in defense—but not in offense.

"Yet after all," Butler wrote, "I am free to acknowledge that his powers are full great, and greater than I was disposed to make them.

"Nor, between us, do I believe they would have been so great had not many of the members cast their eyes toward General Washington as president; and shaped their ideas of the powers to be given to a presidency, by their opinions of his virtue."

Washington did not disappoint them. But two centuries of actual practice in war and peace have seen presidents assuming more and more of the war-making prerogative.

The drift from the carefully laid rules came over the word "declare"—an issue at the heart of the numerous lawsuits currently attacking the war in Vietnam.

The first war the new republic fought was undeclared. For almost three years, beginning in late 1798, the United States waged a naval war with France without a formal declaration.

But Congress did authorize the actions taken against France by President John Adams, and all concerned were satisfied that the arrangement was constitutional.

Since the framers had used the word "declare" primarily to differentiate between the initiation and the administration of war, it was assumed that congressional permission was all that was required.

Still, the absence of a declaration is used today by some to challenge the legality of Vietnam war and by others to support the theory that a president can make war without Congress. Neither was considered the case at the time.

Jefferson established another precedent when he sent a fleet to the Mediterranean in 1801 to protect American shipping from Barbary pirates. It was assumed no declaration of war was needed for a defensive action. His action set a precedent that led during the 19th century to an assumption that presidents had the power to protect American lives and property overseas.

Similarly the practice of hot pursuit and the view that presidents have authority to initiate hostilities to protect U.S. troops became traditions not specifically legalized by the Constituents * * * and congresses followed the system of the Founding Fathers rather closely until the dawn of this war-filled century.

A signal of changing times came in 1900 when President William McKinley, contending that he had authority to protect American lives, sent troops into China to help crush the Boxer rebellion.

The door had been opened, and Theodore Roosevelt, who succeeded McKinley, rushed through it.

Roosevelt boasted he would "not dream" of seeking congressional permission for his Caribbean interventions. A legislature, he believed, was "not well fitted for the shaping of foreign policy."

Furthermore, said Roosevelt, he felt obliged to set precedents "which successors may follow even if they are unwilling to take the initiative themselves."

And Roosevelt's precedent, illegal or not, has been followed, right down to President Lyndon B. Johnson's armed intervention in the Dominican Republic as late as 1966.

President Woodrow Wilson asked congressional permission to use armed force to redress grievances felt by the United States over a comic opera incident between U.S. sailors and Mexican authorities at Tampico in 1914. However, hearing of a new development, Wilson rushed in his troops to seize Vera Cruz without waiting for Congress to act.

Wilson's more ardent supporters in the Senate sought something similar to the Gulf of Tonkin Resolution. It didn't pass and the occupation forces were withdrawn after a short stay. But two years later, Wilson acted on his own again, sending General John J. Pershing into Mexico after the bandit Pancho Villa.

Wilson also stretched the presidential war powers by sending American troops to Russia in 1918—after the new revolutionary government had made peace with Germany—in a futile effort at reopening the Eastern front.

When President Harry S. Truman plunged the United States into the Korean War as a "police action" he consulted congressional leaders but almost entirely on his own, without official authorization from Congress.

When President Dwight D. Eisenhower sent American soldiers to Vietnam as advisers and when President John F. Kennedy increased the numbers, they acted independently.

But when Johnson committed U.S. troops to the battle in number in 1964 under the Gulf of Tonkin Resolution, he was acting by congressional authorization just as John Adams had in 1798.

XUM

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Virginia (Mr. Spong) is recognized.

Mr. SPONG. Mr. President, I ask unanimous consent that I may yield to the majority leader without losing any of the time previously allotted to me for this morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Nos. 982, 983, and 984.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? Without objection, it is so ordered.

ROSEANNE JONES

The bill (H.R. 2047) for the relief of Roseanne Jones was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-978), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The proposed legislation would confer jurisdiction on the U.S. District Court for the Southern District of California, Southern Division, notwithstanding the limitations of section 2401 of title 28, United States Code, or any other statute of limitations, laches, or lapse of time, to hear, determine, and render judgment upon the claims of Roseanne Jones, a minor, against the United States based on injuries and disability suffered as the result of an operation performed upon her at the U.S. Naval Hospital at San Diego in 1959.

STATEMENT

In its favorable report on the proposed legislation, the House Judiciary Committee set forth the facts of the case as follows:

The Department of the Navy in its report to the committee on the bill defers to the Department of Justice and the Department of Justice indicated that it would have no objection to the bill's enactment.

Roseanne Jones, the daughter of a Navy seaman, was operated on for a tumor of the skull in the U.S. Naval Hospital, San Diego, Calif., on January 28, 1959. In March of that year an examination of the child by an ophthalmologist disclosed that she was suffering with a type of blindness. On October 30, 1964, her blindness was diagnosed as permanent.

On April 13, 1965, Roseanne Jones, through her guardian ad litem, the U.S. National Bank, filed an action against the Government under the Federal Tort Claims Act in the U.S. District Court for the Southern District of California. The complaint alleged negligence in her care and treatment at the U.S. Naval Hospital, San Diego, commencing on January 28, 1959. It further alleged that the minor plaintiff and her parents were advised by the Government medical personnel that her loss of vision would be temporary, and that the plaintiff had no reason to believe otherwise until advised of the October 1964 diagnosis.

On May 8, 1967, the litigation was dismissed on motion by the Government based upon the plaintiff's failure to prosecute their claim. The files of the Department of Justice indicate that plaintiff's counsel did not oppose the motion because, in his opinion, a review of the facts and law indicated the case was barred by the applicable statute of limitations.

The committee feels that this is an important factor in this case because it is readily apparent that the rights of the minor child may have been prejudiced by this failure to pursue the action. In this connection, the committee notes that the Department of Justice in its report to the committee stated that it is that Department's view that there is some question as to whether the claim filed as outlined above of Roseanne Jones was barred by the statute of limitations.

The Department of Justice report contains a reference to several court decisions concerning the running of the statute of limitations in situations which the Department of Justice feels are parallel to those existing in the *Roseanne Jones* case. In this connection, the Department stated:

"The statute of limitations applicable to this action provides that a tort claim against the United States is barred unless brought within 2 years from the time the claim accrues (28 U.S.C. 2401(b)). In an action based upon alleged medical malpractice it has been held that a claim accrues when plaintiff knew, or in the exercise of reasonable diligence should have known, of the acts of negligence upon which the claim is based (*Quinton* v. *United States,* 192 F. Supp. 581, rev'd 304 F. 2d 234 (C.A. 5, 1962); *Hungerford* v. *United States,* 307 F. 2d 99 (C.A. 9, 1962)). In the instant action it appears clear that the parents of the minor plaintiff were aware of all the facts and circumstances of her injuries, except their permanent nature, by 1960. This would not seem to be sufficient to toll the operation of the statute of limitations to allow filing of this action subsequent to 1962 (*Brown* v. *United States,* 353 F. 2d 578 (C.A. 9, 1965)). In the *Brown* case the court found that the parents of the minor plaintiff, more than 2 years prior to the institution of suit, were informed as to the exact nature of the disability of the minor plaintiff and its relationship to prior medical treatment. Based upon this finding the appellate court was of the view that the parents had knowledge sufficient to alert a reasonable person that there may have been negligence related to the injuries for which the complaint was subsequently made.

"An unreported opinion, filed in February of 1968, in the case of *Tracy Louise Condon* v. *United States* by Judge James M. Carter, District Court for the Southern District of California, raises some doubt as to whether the action of the present claimant was in fact barred by the statute of limitations. In the *Condon* case the court distinguished the *Brown* decision and held, in effect, that there must be actual notice of the specific acts of negligence before a claim for malpractice will accrue under the Federal Tort Claims Act. In the *Condon* case the minor plaintiff was born at North Island Naval Hospital in 1951. Due to an incompatibility in Rh factors between her mother and father she suffered erythroblastosis at birth. The court found that the Government's physicians failed to properly treat this condition, which failure resulted in permanent injuries to the child including cerebral palsy and deafness. The Government raised the issue of statute of limitations since the evidence established that the parents were aware of the child's injuries and the causal connection between those injuries and the Rh incompatibility more than 2 years prior to the filing of their action in 1962. The court refused to accept this defense, stating:

" 'The causes of Tracy's condition were very complicated. Because of the limits medical understanding of the parents, they were unable to comprehend the nature of the negligence which brought about this condition without some expert assistance. It is clear that even though the parents knew a great deal about the Rh incompatibility, neither one had knowledge which would put them on inquiry regarding the treatment administered to Tracy after her birth.

" 'Mr. and Mrs. Condon knew of the child's disability and knew it was in some way connected with the Rh positive and negative factors of the parents. They knew Tracy was born jaundiced but previous children had been born jaundiced.

" 'Mrs. Condon was told that Tracy had brain damage but was not told of any acts of negligence. The doctor who examined Tracy for deafness in 1955 never explained the cause of such deafness.

" 'There was no notice to Mr. and Mrs. Condon of any of the acts of negligence found by the court nor would a person in Mrs. Condon's situation have reason to inquire whether these acts of negligence existed * * *.'

"Using the test of the *Condon* decision it may be argued that the parents of the minor plaintiff in this case likewise did not have sufficient knowledge of any acts of negligence so as to begin the running of the statute of limitations prior to 1964."

After outlining the law and commenting as quoted above, the Department of Justice stated that while it is generally opposed to legislative waiving statute of limitations on policy grounds in the absence of extenuating circumstances, the facts of this case are such that it may be a situation in which a legislative waiver of the statute of limitations would be warranted. The committee has carefully reviewed the facts of the case and the law as outlined by the Department and has concluded that in fact this is a case in which such a waiver should be granted. Accordingly it is recommended that the bill be considered favorably.

The committee, after a review of the foregoing, concurs in the action taken by the House of Representatives and recommends favorable consideration of H.R. 2047, without amendment.

PEDRO IRIZARRY GUIDO

The bill (H.R. 5000) for the relief of Pedro Irizarry Guido was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–979), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to pay Pedro Irizarry Guido, of San Juan, P.R., $3,581.05 in full settlement of his claims for additional compensation for overtime and nightwork from July 10, 1946, to March 24, 1952.

STATEMENT

The facts of the case as contained in House Report No. 91–442 are as follows:

The Department of the Army in its report to the committee on a similar bill in the 89th Congress outlined the facts of the case as disclosed by its investigation, and stated that it deferred to the views of Congress as to whether relief should be extended to the individual in this case. The Comptroller General did not recommend favorable action. The bill was the subject of a subcommittee hearing on March 31, 1966. At that time, the sponsor of the bill, the Honorable Santiago Polanco-Abreu, Resident Commissioner of Puerto Rico, appeared before the committee to testify in support of the bill. At the same hearing, Thomas G. Watkins, representing the American Federation of Government Employees, also appeared to testify in support of the bill.

The information submitted to the committee established that Mr. Pedro Irizarry Guido has been employed as a civilian employee by the Department of the Army since February 1946, at Fort Buchanan, P.R. In the period from July 10, 1946, through March 24, 1952, which is the time relevant to the claim embodied in this bill, he was employed by the Quartermaster Supply Office of that installation and was specifically assigned the duty of "night duty checker" or "clerk on night duty." This position required Mr. Guido to serve as a "watchman-caretaker" for the protection of the quartermaster property and performance of other miscellaneous duties of approximately the same level of difficulty. These included receiving emergency shipments after regular office hours, answering the telephone, and taking care of all routine actions. He performed these duties between 4 p.m. and midnight daily except Saturdays, Sundays, and holidays. His position also required him to remain on the installation available for duty until 7:30 a.m. and to accompany an engineer refrigeration checker to unlock two cold storage warehouses at 3 a.m. and 6 a.m. daily. Sleeping quarters were provided for him at the installation and provision was made for eating and sleeping during the tour. Mr. Guido's specific duties and the nature of his position as night checker remained constant from the time he accepted the job to March 24, 1952.

Mr. Guido first filed a claim for his nightwork on July 4, 1955. On February 18, 1957, the Comptroller General disallowed the claim on the grounds that available records do not substantiate the overtime and nightwork claimed. The committee feels that the fact that the claim was filed within the time required for payment shows that Mr. Guido was diligent in his attempts to exhaust administrative remedies available to him, and further that he acted promptly to protect his rights in this case.

Army records show that from July 10, 1946, to March 24, 1952, Mr. Guido received a fixed annual salary for the job of night checker. These records also show that for administrative purposes his salary was for a 5-day, 40-hour workweek plus overtime, if any. In addition he received a night differential allowance for his regularly assigned night duty hours. Mr. Guido's individual earnings records during the 5 years in question disclose that occasionally he performed overtime services, other than his duties in unlocking the warehouse doors, and that he received payment for these services in small and varying amounts. As pertinent time and attendance records have been destroyed according to routine records management procedures, it is impossible to identify what specific hours of overtime were reported as worked or the nature of the work performed.

The situation as reflected both in the Department of the Army report and the Comptroller General report is that the exact records concerning Mr. Guido's extra duties are not available. The Army does observe that this duty entailed approximately 1½ hours every night and that further the performance of these duties occurred at times which prevented uninterrupted sleep. The Army stated that Mr. Guido performed all duties in this period in a knowledgeable, faithful, and commendable manner. Further, the committee observes that the Army report states that available records suggest that Mr. Guido was paid no compensation for this particular duty. Based upon the number of workdays in each pay period less an estimated period of leave, the Army determined that an award of $3,581.05 would be an appropriate amount to compensate Mr. Guido for the time spent in performing his additional duties. This amount would represent overtime and night differential pay for the time estimated by the Army that Mr. Guido would have performed these duties.

A consideration of all the facts and circumstances of this case has led the committee to conclude that this claim should be favorably considered. The bill provides for a payment of $3,581.05. The formula followed by the Army in arriving at this amount appears to be the best solution of the matter which can be obtained in the light of all the circumstances. Accordingly, it is recommended that the bill be considered favorably.

In agreement with the views of the House, the committee recommends the bill favorably.

ARTHUR JEROME OLINGER AND GEORGE HENRY OLINGER

The Senate proceeded to consider the bill (S. 703) for the relief of Arthur Jerome Olinger, a minor, by his next friend, his father, George Henry Olinger, and George Henry Olinger, individually, which had been reported from the Committee on the Judiciary with an amendment on page 2, at the beginning of line 1, strike out "three" and insert "four"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any statute of limitations, bars of laches, or lapse of time, or that the claims herein arose in a foreign country, jurisdiction is hereby conferred upon the United States District Court for the District of Hawaii to hear, determine, and render judgment upon the claims of Arthur Jerome Olinger and his father, George Henry Olinger, for compensation for a fractured skull and other injuries sustained by the said Arthur Jerome Olinger at the age of four, such injuries having occurred as a result of a fall from the third floor of Government quarters, owned and controlled by the United States, known as Feebren Strasse II, Warner Barracks, in Bamberg, Germany, on September 22, 1962.

Sec. 2. Suit upon any such claims may be instituted at any time within one year after the date of the enactment of this Act. Proceedings for the determination of such claims and review thereof, and payment of any judgment thereon, shall be in accordance with the provisions of law applicable to cases over which the court has jurisdiction under section 1346(b) of title 28 of the United States Code. The application of section 2680 (k) of title 28 of the United States Code to the claims herein is waived. Nothing in this Act shall be construed as an inference of liability on the part of the United States.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–980), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the bill, as amended, is that, notwithstanding any statute of limitations, bars of laches, or lapse of time, or that the claims herein arose in a foreign country, jurisdiction is hereby conferred upon the U.S. District Court for the District of Hawaii to hear, determine, and render judgment upon the claims of Arthur Jerome Olinger and his

XUM

father, George Henry Olinger, for compensation for a fractured skull and other injuries sustained by the said Arthur Jerome Olinger at the age of four, such injuries having occurred as a result of a fall from the third floor of Government quarters, owned and controlled by the United States, known as Feevren Strasse II, Warner Barracks, Bamberg, Germany, on September 29, 1962.

STATEMENT

This bill (S. 703) in the 91st Congress is similar to S. 1803 in the 89th Congress and S. 155 in the 90th Congress. Both previous bills were passed by the Senate but no action was taken by the House of Representatives.

The facts of the case as found in the Army report of January 11, 1966, and quoted in the reports of this committee on the two previous bills, are as follows:

"On September 29, 1962, at approximately 11:15 a.m., Army Sergeant George Olinger's 4-year-old son, Arthur, fell from his third floor bedroom window in Government quarters at Bamberg, Germany. Mrs. Olinger informed an investigator that she had left her son in his bedroom to pick up some paper. She was in the living room combing her hair when she heard a scream. She ran into the bedroom and saw that the window was open and the screen had fallen out. When asked how her son was able to get up to the window, she answered that she had a coffee table setting by the window and her son must have climbed upon the table and opened the window. Mrs. Olinger explained why the post engineer had not installed bars over the bedroom window as follows:

"'About 3 months ago I called the engineers and made a request for them to do it because the screen had fallen out on other occasions. They told me that they couldn't do anything unless I came down and signed some papers for the work order. My husband is always in the field and has very little time to go down and with four children it is hard for me to go down to their office.'

"As a result of the fall Arthur Olinger suffered a skull fracture. After being taken to the 188th General Dispensary in Bamberg, Germany, he was evacuated by air, first to the 10th Field Hospital, Wurtzburg, Germany, then to the Landstuhl Medical Center. The child was treated at the Landstuhl Medical Center from September 29, 1962, to October 6, 1962. The clinical record of Arthur Olinger shows his medical treatment as follows:

"'The patient was admitted September 29, 1962, at 1630 hours. Shortly thereafter the patient was taken to the operating room where debridement of the skin, right frontal, with removal of loose depressed bone fragment and repair of tear in the wall of sagittal sinus was done. Approximately 30 cc's of brain was debrided. Postoperatively the patient did well and by October 5, 1962, was awake, and alert and eating well. He was up and about the ward and the wound looked good. On October 6, 1962, the sutures were removed and the wound found to be well healed.'

"Congress has provided for an orderly system to compensate individuals for personal injuries caused by one of the Armed Forces. Persons injured in the United States or its territories may file suit under the Federal Tort Claims Act (28 U.S.C. 1346, 2671–2680 (1964)) or seek administrative redress through the appropriate military department under the Federal Tort Claims Act, the Military Claims Act, infra, and other laws. Claimants injured in a foreign country by one of the Armed Forces have no judicial remedy in U.S. courts but may seek administrative relief under the Military Claims Act (10 U.S.C. 2733 (1964)) or under other laws not pertinent to the present case. The Olingers had 2 years from the date the claim accrued to file a claim against the United States cognizable under the Military Claims Act, supra. Such claims may be administratively settled for an amount not to exceed $5,000 and any amount in excess of $5,000 deemed meritorious is reported to Congress for its consideration. The Olingers have not presented a claim to the Army under this statute and are now barred from doing so by the statute of limitations. The purpose of the bill is to waive any statute of limitations and to permit a cause of action in a U.S. district court for a tort claim expressly barred from judicial consideration under the provisions of the Federal Tort Claims Act as it arose in a foreign country (28 U.S. 2680(k) (1964). Enactment of the proposed legislation would therefore interfere with the systematic procedures provided by Congress for administrative and judicial consideration of such claims against the United States. It could result in the introduction of numerous similar bills. Even if the Olingers were allowed to institute suit in a district court by enactment of the bill, recovery would be improbable as the Government is in no way responsible for the injuries suffered by Arthur Olinger. At the time of his injuries window guards were installed on the windows of children's bedrooms in Government housing at the Bamberg post only upon written request by either sponsors or dependent wives. Although the post engineers informed Mrs. Olinger 3 months before the incident that window guards could not be installed without a written request, a search of the records at the Bamberg Subdistrict Engineer Office disclosed that the Olingers failed to submit a written request for the installation of window guards."

It is the opinion of the committee that the rights of a minor child should not be extinguished because of a mere inadvertence of the mother. In disagreement with the Army on this point, the committee adheres to its position and recommends favorable enactment of S. 703, as amended.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the distinguished Senator from Virginia (Mr. Spong) there be a period for the transaction of routine morning business, with a time limitation on statements of 3 minutes attached thereto.

The **ACTING PRESIDENT** pro tempore. Without objection it is so ordered.

ORDER OF BUSINESS

The **ACTING PRESIDENT** pro tempore. Under the previous order, the Senator from Virginia is recognized for 20 minutes.

SUPPORT FOR CHURCH-COOPER AMENDMENT

Mr. SPONG. Mr. President, in early July of last year I wrote a newsletter to my constituents in Virginia concerning developments and alternatives in South Vietnam. I ask unanimous consent that that article be made a part of the Record, preceding my remarks to the Senate this morning.

There being no objection, the article was ordered to be printed in the Record, as follows:

Vietnam, 1969—Painful Alternatives

(By U.S. Senator William B. Spong, Jr.)

Developments of the past few weeks concerning Vietnam, beginning with the meeting at Midway Island, have placed in dramatic focus the dilemma faced by President Nixon if the peace talks in Paris continue to be unproductive.

On June 8th, following his conference with President Thieu at Midway, President Nixon announced the withdrawal of 25 thousand troops from Vietnam. This would not, in my judgment, weaken our military position and could provide an opportunity to test the capacity of the South Vietnamese to undertake a larger measure of responsibility for their own defense.

CLIFFORD ARTICLE CITED

In the July edition of *Foreign Affairs*, former Secretary of Defense Clark Clifford, in a scholarly review of his long involvement with Vietnam, advocated the withdrawal of 250 thousand combat troops in the next 18 months, leaving only air and supply forces.

President Nixon questioned about the Clifford proposal at his press conference of June 19th, stated that he "hoped" to do better. The President's hope was qualified by his statement that withdrawal would depend upon the extent of training of the South Vietnamese as well as developments in Paris and other factors.

Whatever gamble President Nixon chooses to take with regard to South Vietnam, having begun the troop withdrawal and having expressed the "hope" to exceed Mr. Clifford's suggestion, he must recognize how difficult it will be to reverse direction, regardless of what takes place in Paris.

In reviewing the Clifford chronology of our involvement, one can only marvel at the performance of thousands of American soldiers who have fought superbly in the face of divisiveness at home over the war and under tactical constraints imposed by the dictates of our foreign policy.

The Clifford article is significant for a number of reasons.

CONDITIONS VIOLATED

First, it states that conditions attached to the bombing halt were Hanoi's agreement that there would be no indiscriminate shelling of major cities in the South and no violation of the demilitarized zone which would place our troops in jeopardy. If these conditions did exist as part of the consideration for the bombing halt, they have been violated by Hanoi.

Second is the Clifford view that a decision to turn over progressively the combat burden to the armed forces of South Vietnam would confront the North Vietnamese leaders with a painful dilemma—that Hanoi has long feared "the possibility that those whom they characterize as "puppet forces" may, with continued and gradually reduced American support, prove able to stand off the communist forces."

SOUTH'S CAPABILITIES QUESTIONED

This could be so, but I do not share the view that the South Vietnamese, even with another year's training, will be capable of halting, even with air support, an all-out assault upon the South. I hope this judgment is in error. The Communists will probably soon launch a summer offensive. This will provide another opportunity to evaluate the ability and will of the South Vietnamese soldier.

Neither the Clifford suggestion nor President Nixon's expressed hope to improve upon it can strengthen our hands in the Paris negotiations or in any secret talks which may be taking place. Any leverage which existed by the announced withdrawal of the 25 thousand troops may have been lost. What incentive is there for reciprocal withdrawal by the North or serious negotiations, if Hanoi senses increasing sentiment for massive withdrawal here at home? We are faced with painful alternatives:

THREE ALTERNATIVES SEEN

First, if the talks in Paris or elsewhere continue to be unproductive, we can step up the military effort in the hope that this will

XUM

influence Hanoi to negotiate for peace, but this has failed before and would raise the already high casualty levels.

Secondly, we can continue as at present in the hope that something will happen in Paris, although this seems most unlikely in view of Hanoi's present posture and their obvious belief that time is on their side.

Thirdly, we can proceed with withdrawal, regardless of what happens in Paris, and gamble that former Secretary Clifford is correct in his opinion concerning the political problems this would present to Hanoi and in his appraisal of the capacity of South Vietnam to defend itself.

It is unfortunate that an assessment of our position at this time must lead to such pessimistic conclusions about the options now open to us. But realism in viewing this war—which seems to become increasingly insoluble—is necessary if we are to prepare ourselves for what is likely to be a bitter eventuality, regardless of the alternative we follow.

Mr. SPONG. Mr. President, I have always found it difficult to discuss our involvement in Southeast Asia, partially, of course, because of the complexities of the situation, but also because of the connotations and the rhetoric.

When one discusses Southeast Asia today, it is easy to be political. No issue in recent politics has divided our people more. No issue has caused a more bitter polarization. No issue has aroused more angry voices.

It is also easy to be dramatic. The lives of our youth, the dreams of our people can easily be translated into drama, as can anticommunism, the flag and the ideal of democracy. And drama is the style of contemporary politics.

When one discusses Southeast Asia today, it is easy to be moral—to speak of rights and wrongs as if each side could be measured in absolute terms of good and evil, of justice and injustice. And, that is the simple way to view the world.

These past weeks I have tried to review the situation in Southeast Asia and to avoid the pitfalls mentioned above. I appreciate the difficulty of the decision which the President announced on April 30 and the burden of being Commander in Chief of the U.S. armed services at this time in our history.

I know of the tremendous sacrifices which so many of our young men have made in Southeast Asia. I have often marveled that they have performed so well in the face of divisiveness at home and under the tactical constraints imposed by our foreign policy objectives.

In reviewing the situation in Southeast Asia, however, I could only conclude that regardless of any temporary military benefit that may have been gained, the President made the wrong decision in sending U.S. ground forces into Cambodia.

While I share the natural instinct to support the President as Commander in Chief, I believe I have a duty and a responsibility to speak to my constituency about the situation as I have analyzed it and to discuss what I believe are the future implications of the policies we are undertaking today.

When I became a U.S. Senator in 1967, it was U.S. policy to apply intermittent military pressure on the enemy to convince him that a continuation of the war was unacceptable in his own interests. That policy was discredited by the Tet offensive, and afterward we began to discuss more openly and publicly the concepts of a limited war. This led to a halt of the bombing in North Vietnam and after the change of administrations, to the policy of Vietnamization. It also, I believe, signaled to the world that the United States sought no military victory in Vietnam, only a negotiated settlement.

Whatever our policy has been, however, two important aspects of the situation have consistently been demonstrated. First, every U.S. military move has produced a countermove by the North Vietnamese and the Vietcong. They are in the war to win and I do not believe that they will be willing to let the United States and South Vietnamese act in Cambodia to put them at a disadvantage without reacting. Furthermore, they have optional moves—in Laos, in other parts of Cambodia and Vietnam and even in certain sections of Thailand—and these countermoves can only increase the level of combat and violence.

It is, I think, clear to any student of the area that the potential for an Indochina war has always been present. The Vietnam problem is—and has been—part of a larger Indochina problem. We were only fortunate in the past that the conflict was confined to South Vietnam where the symptoms were, while the illness was more broad spread. What I fear we have done is to move beyond the symptoms which we might have arrested to fight an illness which we cannot cure.

And, all of this brings me to my second point: The North Vietnamese and the Vietcong. I think we can count on the North Vietnamese and the Vietcong for little. If former Secretary of Defense Clark Clifford's article in Foreign Affairs is to be accepted, there was an understanding that there would be no indiscriminate shelling of South Vietnamese cities in return for the bombing halt. The understanding did not hold. That, together with almost 2 barren years in Paris, makes settlement with the enemy improbable.

These two points—U.S. moves producing countermoves and the failure of the North Vietnamese and Vietcong to abide by understandings—left our Nation no alternative but to plot its own course. For some months we appeared to be doing just that—not as rapidly as many persons wished, but we did appear to be moving.

In general, I supported the President during this period, realizing the tremendous task of reducing a U.S. commitment in Southeast Asia without exposing our servicemen to additional dangers, without abandoning the South Vietnamese who had fled the North and who had fought against the North Vietnamese and Vietcong, without encouraging aggression elsewhere in Asia and without raising undue questions among our European allies about our commitments in Europe and our willingness to stand by them. These are problems which I believe a powerful Nation which has engaged itself in many parts of the world during a 20-year period must face carefully, reasonably and responsibly, and, the United States was—and is—on the line as far as answers to these questions are concerned.

With the move into Cambodia, however, we could, I am afraid, be carried upon another course—a course where more so than before we shall have to react to events in Southeast Asia over which we have little or no control.

The conflict in Southeast Asia, with all the potential and submerged problems of Indochina, has been enlarged. And, in view of the two points which I have discussed, I believe that enlargement is a move unlikely to produce long-range benefits, regardless of temporary military success. I am afraid it could assure a substantial American military presence in Southeast Asia for many years to come.

The gradual disengagement outlined by President Nixon is, in large measure, dependent upon the troops of ARVN—Army of the Republic of Vietnam—attaining a capability of defending themselves once our troops have departed. I have long harbored doubts about the ability of South Vietnamese soldiers to take over successfully the present defense structure, but over this past year have been impressed by their improved performance. Nevertheless, the original logistics of Vietnamization and our disengagement hardly contemplated the spreading of the war into all of Indochina and the participation of ARVN forces in Cambodia. I find it difficult to understand how involvement of these troops in a wider struggle can hasten departure of U.S. forces.

Ultimately, the polarization and divisiveness here at home, the possibility of a change in Sino-Soviet relations, the reaction among our allies as well as our enemies, the effects upon our diplomatic initiatives in other parts of the world will all be weighed against the military materials captured in the Cambodian bunkers, the time gained by cleaning out the sanctuaries and the value of demonstrating our toughness to Hanoi, Peking, and Moscow. In the long run, the final judgment on the Cambodian move and its results belongs to history.

Of more immediate concern, however, is the policy to be forged in the wake of the Cambodian move which has already been made and the role of the legislative branch of the Government.

The question of congressional prerogatives in the area of foreign affairs and war is not a new one. It goes back to the framing of the Constitution. Its more modern manifestations date from the lend-lease program of 1941. It is, I believe, regrettable that it has taken a crisis to bring the question into the spotlight and demand action upon it. But the failure to resolve the question previously has done just that.

It is policy—future policy concerning Cambodia—with which the Senate should now concern itself. The Senate, regardless of the dim prospects for agreement with the House, should express itself and attempt to participate in the formulation of our future policy in Cambodia. The Cooper-Church amendment seeks to do this. It might be viewed as an attempt to redefine the theater of the war, not to determine how to conduct the war within an authorized theater. I believe a majority of the Senate wishes to join an expression against the use of U.S. forces in Cambodia in support of Cambodian troops or in support of any Cambodian Government. I know a majority of the Senate share my fear of a widening land war in Asia involving U.S. troops. What I believe the Senate should do is state a clear caveat against this in a manner that does not impinge upon the President's powers as Commander in Chief, and is consistent with its own constitutional prerogatives, including the appropriation of funds.

Certainly I do not want to endanger further a single U.S. serviceman who is in Southeast Asia nor do I wish to be party to anything that could delay the announced disengagement of our troops from South Vietnam. On the other hand, I do not believe the Senate wishes to grant broader powers in Cambodia to the President as Commander in Chief without his having to consult with Congress prior to entering a new theater of war.

These considerations led me to positions taken during this rather prolonged debate. My position on the first amendment offered by Senator ROBERT BYRD of West Virginia has been outlined in previous floor debate. As a cosponsor of the second amendment offered by Senator BYRD, I view that language and its addition to the Mansfield amendment as an expression of the Senate's recognition of the President's authority and duty to protect U.S. forces in the field. The scope of that authority was well defined by Senator COOPER on June 22 when he stated:

> After Byrd amendment No. 1 was defeated on June 11, several supporters of the Byrd amendment and of the Cooper-Church amendment expressed a desire to see included in the Cooper-Church amendment language recognizing the constitutional authority of the President as Commander in Chief to protect the Armed Forces. . . . I believe all agreed that it is difficult to specifically define these powers, for much depends upon the circumstances under which they would be determined. Nevertheless, the discussion pointed out that the powers are essentially defensive—to repel attack, sudden and impending—to retaliate, to employ hot pursuit, and take other emergency action. . . .

I agree with that interpretation.

These are the Presidential authorities I had in mind in the amendment I offered on June 10 which reads as follows:

> Except that the foregoing provisions of this clause shall not prevent the President from taking action along the Cambodian border with South Vietnam to forestall enemy attacks once they are in progress, and to engage enemy forces fleeing from South Vietnam into that area of Cambodia, if the President as Commander in Chief concludes that such action is essential to the protection of United States troops in South Vietnam and to their withdrawal from that country.

This amendment was withdrawn in view of the adoption of the second Byrd amendment.

No new authority has been given to the President as Commander in Chief. Any doubts, however, which may have been raised by the debate and rejection of the first Byrd amendment concerning authority of the President to protect our forces in South Vietnam should have been erased.

Some Presidential authority may, however, have been taken away in other Senate action. There are different views regarding the effect of the Senate's overwhelming vote, in which I joined, to repeal the Tonkin Gulf resolution. My own view is that repeal, if concurred in by the House, might remove the only legal basis the President has, without further congressional authority, for sending ground forces into areas of Cambodia beyond the sanctuaries which have long been recognized as part of the existing theater of war. In the absence of repeal of the Tonkin Gulf resolution by the Senate, adoption of the Cooper-Church amendment might be regarded as a geographic limitation, through the appropriations process, on the authority granted the President by the resolution to use our Armed Forces in Southeast Asia.

Enactment of the Cooper-Church amendment would prohibit the President from initiating action in Cambodia to widen the war or in support of a specific Cambodian Government without further consultation with Congress.

Many believe that repeal of the Tonkin Gulf resolution would leave us in a constitutional quandary—a vacuum that must be filled by further congressional expression with regard to future policy in Indochina. If it is the will of the Senate to erase the authority given by the Tonkin resolution, then it is the responsibility of the Senate to share with the President the burden of the course of action to be followed in the future.

Undoubtedly, having accelerated our military effort with the Cambodian incursions, we shall now determine if the enemy has been damaged enough to engage in negotiations for peace in Paris or elsewhere. While I believe we must make this effort, and send new representatives to Paris, I am not sanguine about our chances for success.

I voted to table consideration of the McGovern-Hatfield amendment which would impose a timetable for our withdrawal from Southeast Asia. In its present form, I would oppose that amendment because I believe its adoption by the Senate would forestall any slim chance for a negotiated settlement that presently exists and it is too inflexible in its timetable approach. Nevertheless, I repeat my view that the Senate has a responsibility to express its own view what our future policy should be in Southeast Asia, particularly because of the action we have taken on the Tonkin Gulf resolution.

A year ago I endeavored to spell out for my constituency the painful alternatives facing us in Southeast Asia. Later, I approved President Nixon's policy of gradual disengagement while preparing the South Vietnamese to undertake their own defense. Against a history of years of tactical constraint with military victory not the objective, this seemed the best course of action available. In my view the widening of the war in Cambodia can delay our disengagement as well as the time when the South Vietnamese are prepared and available for their own defense. Accordingly, I shall support the Cooper-Church amendment, as modified.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SPONG. I am pleased to yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator may have 5 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I have listened with interest to the distinguished Senator from Virginia, who in my opinion is one of the most responsible, most reasonable, and most studious Members of this body. He does not speak very often, but when he does speak, he has something worthwhile to say and something worth listening to.

He realizes, as he has pointed out, that the President has a responsibility both as President and as Commander in Chief; but, by the same token, each of us in this body has a responsibility, and as a body we have a collective responsibility.

I was interested in the summing up by the distinguished Senator from Virginia of the various moves which have been made to date in the form of amendments, so that at the present time we are close to a point at which we can make a final decision, and we will today, on the Cooper-Church amendment, which, in my opinion, has not been decreased in effectiveness one iota, not by 1 millimeter, but at the present time stands four-square on the foundation which was laid down when it was first introduced.

The Senator from Virginia has expressed some concern about what has developed in Cambodia. I share his concern. I do not doubt that Cambodia could be classified as a military success, but the factors which worry me are the political implications and complications which may come out of it.

We find, for example, that since the venture into Cambodia, the number of North Vietnamese and Vietcong there has not decreased but has increased considerably.

We find, for example, that instead of holding the sanctuaries along the South Vietnamese border, they now hold at least a third, and possibly a half, of the country.

We find, also, that they have shifted from main line big force operations to guerrilla operations and that their presence is being felt in every provincial capital in that country.

We find, also, that the President, true to his word, has withdrawn all U.S. combat troops from Cambodia, and that by tonight all advisers in there will be withdrawn.

I happened to read in the newspaper this morning that approximately 17 military men are attached at the present time to the Embassy in Phnompenh. That is a decided increase compared with the period prior to the overthrow of Norodom Sihanouk. I express the hope, Mr. President, that these advisers or these attachés, whatever one wishes to call them, do not turn out to be advisers to the Cambodian Army; because, if that is the case, we are repeating the Vietnamese

XUM

pattern again—first advisers, then logistical support, and I believe that at the present time $7.9 million of military supplies in the form of small arms, ammunition, and the like has already been allocated to the Cambodian Government at Phnompenh. The pattern has been first advisers, then support, and then U.S. troops.

Well, the U.S. troops will be withdrawn, but the United States will not be withdrawing from Cambodia come midnight tonight, because the South Vietnamese are in there, logistically supplied by the United States; the South Vietnamese are in there with U.S. advisers, and the South Vietnamese are in there with American air support and air cover.

If the Thais go in, and I understand they have set a price on their participation in the Cambodian adventure—they have been getting $50 million a year for one division, which has done little or no fighting in Vietnam for the past 4 years—the same thing will happen: advisers, logistical support, air cover, air support.

I understand that at the present time, according to Lon Nol, we are furnishing air support to the Cambodian ground forces, and we are using Cambodian spotters in U.S. planes to pinpoint the places which should be bombed.

The point I am getting at is that, while militarily this has been a success, politically it is a Pandora's box. It is no longer a Vietnamese war; it is an Indochina war. And if the Thais become involved in Cambodia, as I assume they will—and I am fairly sure they will—it will become a Southeast Asian war. Who, then, is going to bear the responsibility? This Nation, with over 332,000 casualties to this time? This Nation, which has spent well over $100 billion in carrying on this war, in a part of the world which is not vital to our security and never was and never will be? Are we going to keep on in this fashion? Or is the President going to do as I think he is going to do and believe he is going to do—pull out another 150,000 U.S. troops by next spring and 50,000 by this October?

I do not think the President is going into Cambodia again. I think he has made his decision. I think he felt that by going in, he was gaining 6 or 8 months to allow the Vietnamese Army to be further trained and solidified, and that now he would like to see the fighting turned over to these allies of ours, who have a more vital interest in that part of the world than we do because they live there. Their future will be determined there, and they are the ones who will have to decide what their destiny will be in the years ahead.

So I say to the distinguished Senator from Virginia that, in his usual calm and reasoned way, he has laid out the picture for us to see, and it is not a pretty picture. We should not be carried away by the fact that all Americans will be withdrawn from Cambodia by tonight, but should be aware of the complications which are inherent in the situation and which should indicate to us that our withdrawal does not mean the end of the difficulties so far as Cambodia specifically is concerned and Indochina and Southeast Asia generally are concerned.

It is easy to get in, but it is awfully hard to get out of an area or a country. While we are going to be out physically, I want to repeat, Mr. President, that through air cover and air support, through logistical support of ground troops of another nation—South Vietnam, and very likely Thailand—through the use of American advisers, we will still be indirectly involved. But I hope and pray—and I think this is the way the President feels, although I cannot speak for him—that this will mark the end of the direct U.S. foray into Cambodia and that what he had hoped for in embarking on this adventure in the first place, that the war would be shortened and the rate of withdrawal speeded up, will come to pass.

I thank the distinguished Senator for giving us an excellent presentation this morning.

Mr. SPONG. Mr. President, I thank the Senator from Montana for his gracious remarks.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to morning business.

The Senator from Ohio (Mr. YOUNG) is recognized.

NIXON IS CAUGHT IN SAME SITUATION AS JOHNSON WAS IN SOUTHEAST ASIA

Mr. YOUNG of Ohio. Mr. President, one of the most notable and noteworthy news columns relating to our involvement on a huge scale in fighting a major war in Southeast Asia was written by Frank Mankiewicz and Tom Braden and published in the Washington Post and other newspapers throughout our country this morning, June 30.

This factually correct and most perceptive, most interesting, and enlightening column spells out in a simple language the horrendous blunder made by President Johnson in committing hundreds of thousands of American combat troops in a civil war in South Vietnam to maintain the militarist regime in Saigon in power. Now under President Nixon with our intrusion or invasion of Cambodia and also bombing of the entire area of Laos, our waging a major war in Southeast Asia has been escalated and expanded earning the additional hatred toward us of the peace-loving Cambodian people.

Mr. President, I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NIXON IS CAUGHT IN SAME SITUATION AS JOHNSON WAS IN SOUTHEAST ASIA

(By Frank Mankiewicz and Tom Braden)

President Nixon will tell us today that we are out of Cambodia and that the operation was an enormous success. He will be wrong on both counts, but it is exactly what Lyndon Johnson would have told us, and it still remains to be seen whether this war will number another President among its casualties.

It is perhaps not fair to say that Mr. Nixon has been Johnsonized, though ever since the Cambodian operation began, he has sounded more and more like his predecessor. It would be fairer to say that both men were caught in a situation where they had to shade the truth in order to seem to be strong, and neither were strong enough to resist temptation.

It is, for example, not true that we are out of Cambodia—as Mr. Nixon promised on May 8 we would be. But last week, the Pentagon admitted that our Air Force is very much in Cambodia, each "surgical strike" on a village turning Cambodian neutrality into hatred of America.

It is also not true that our air and logistic support for the South Vietnamese will come out, as Mr. Nixon also promised on the 8th of May that it would. "That was a silly suggestion from silly people," Vice President Ky has said. He intends to stay.

But these are trivial shadings of the truth, and the President is forced into them because he dare not or cannot bring himself to admit publicly that the Thieu-Ky government, totally paid for by the American taxpayer, is not totally responsive to the American President.

More significant is the shading of the truth about a military victory in Cambodia. The President will point to the supplies we have captured, to the enemy strongholds we have overrun; he may even talk about enemy casualties though this is becoming less fashionable as more and more of his countrymen realize the truth of the soldier's plaint, "You can't tell the gooks from Charlie." And with over 300 Americans dead in Cambodia, it might be wise to wait before talking of "reducing casualties."

But surely Mr. Nixon himself a veteran of World War II, knows the other side of the story that since we went into Cambodia, the Communist actually control more of the Cambodian countryside—including as of tomorrow, the "sanctuaries" themselves—than they bothered to control before. He knows that the Cambodians whose villages we have had to burn, and whose civilians we have killed are no longer—if they ever were—allies. Mr. Nixon knows that as a result of the operation, the South Vietnamese are weaker in their own country than they were before.

Yet he will say it was a military victory, because he has to. Having done that, and doubting as he must the truth of his own words, he must now at last cross that Rubicon Lyndon Johnson never had to face.

For as his predecessor could not, Mr. Nixon may now say that we have done everything the generals have asked. Under John Kennedy, we tried massive economic aid and thousands of "advisers;" we tried "strategic hamlets" and counterinsurgency.

Under Mr. Johnson, we tried bombing of military targets and of cities. We rented Asian armies, we gave the generals half a million men for "search and destroy" missions. We "pacified," we "won the hearts and minds of the people," we wrote a constitution and installed a government, and we kept it in power.

And now, yielding again to the brass, we have invaded the Cambodian sanctuaries. Nothing has worked; communism is stronger throughout Indochina than when we began. The President's time is now running as Lyndon Johnson's time began to run in 1966. "I hope never again to take a job with an administration trying to end an unpopular war," one of the President's aides remarked ruefully the other day. Mr. Nixon does not have the same option.

Mr. YOUNG of Ohio. Mr. President, the American people should know the facts that are detailed in irrefutable fashion in this column, that President Nixon having yielded again and again to the brass, his time is now running out just as Lyndon Johnson's time began to run out in 1966 due to his yielding to the Joint Chiefs of Staff and to the power of the military-industrial complex.

It is a fearful thing that we are now waging on a huge scale our involvement in an Indochinese war.

PRIVILEGE OF THE FLOOR—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, having noted during the past few days a great number of Senate interns on the floor, and having heard several Senators express concern at the congestion in the rear of the Chamber, and realizing that on today there will be at least five important and perhaps controversial votes, I have taken the occasion to clear with the majority leader and the minority assistant leader the following unanimous-consent requests:

I ask unanimous consent that throughout the day the Sergeant at Arms be instructed to exclude from the Chamber and the Senate lobby all staff personnel, with the exception of those attached to the offices of the Sergeant at Arms, the Secretary of the Senate, the Secretary to the Majority, the Secretary to the Minority, the Majority and Minority Policy Committees, one staff member for each of the whips, and one staff member to assist the manager of a bill, and the ranking minority member, and/or the author or chief sponsor of an amendment, and the Senator who is opposed thereto; also the assistant to the Secretary to the Majority and the assistant to the Secretary to the Minority.

The PRESIDING OFFICER (Mr. EAGLETON). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, with the understanding that the recess not extend beyond 10:45 a.m. today.

The motion was agreed, and at 10:09 a.m., the Senate took a recess, subject to the call of the Chair.

At 10:45 a.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. EAGLETON).

PETITION AND A MEMORIAL

A petition and a memorial were laid before the Senate and referred as indicated:

By the VICE PRESIDENT:

A memorial of the Legislature of the State of Florida; to the Committee on Labor and Public Welfare:

"SENATE MEMORIAL NO. 1403

"A memorial to the Congress of the United States urging the Congress to review the status of cancer research appropriations; to adjust those appropriations consistently with the significance of the cancer menace; and to provide for and accelerate a 10-year intensive national commitment to the achievement of a cure for cancer

"Whereas, the ravages of cancer are steadily increasing and taking a toll of more than 300,000 American lives each year, and

"Whereas, it is incident and necessary to the health and longevity of mankind that this dread disease be curtailed and eliminated, and

"Whereas, the 1971 Budget, which is currently before the Congress of the United States contains a request for only $202,000,000.00 for cancer research, and

"Whereas, The President's Scientific Advisory Committee and a distinguished panel of the National Academy of Sciences has stated that in order to maintain the effectiveness of cancer research programs being conducted by the National Institute of Health an appropriation in the neighborhood of $244,000,000.00 is needed for research in 1971, now, therefore

"Be It Resolved by the Legislature of the State of Florida:

"That the Congress of the United States is urged to lend its every effort to the end that a definite commitment to the conquering of cancer be made a national priority and that an adequate sum be appropriated over the next ten fiscal years for the National Cancer Research Program.

"Be it further resolved that copies of this Memorial be dispatched to the President of the United States, to the President and each member of the United States Senate, and to the Speaker and each member of the United States House of Representatives."

The petition of Francisco Cepero Allers, of Rio Piedras, Puerto Rico, praying for a redress of grievances; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES

The following reports of commitees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 3600. A bill for the relief of Kyung Ae Oh (Rept. No. 91–993).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

S. 3777. A bill to authorize the Secretary of the Interior to enter into contracts for the protection of public lands from fires, in advance of appropriations therefor, and to twice renew such contracts (Rept. No. 91–994).

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

W. Donald Brewer, of Colorado, to be an Interstate Commerce Commissioner; and

Austin C. Wagner, and William A. Jenkins, for promotion to the grade of rear admiral in the Coast Guard.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. SCOTT:

S. 4037. A bill for the relief of Jean Ambatzis, his wife, Andriana Ambatzis, and his children, Demetrios Ambatzis, Peter Ambatzis, and Margarita Ambatzis; to the Committee on the Judiciary.

By Mr. GORE:

S. 4038. A bill to amend title II of the Social Security Act to permit widow's benefits to be payable at age 50, to permit widower's benefits to be payable at age 60, to permit wife's benefits to be payable to a disabled wife at age 50, to permit husband's benefits to be payable to a disabled husband at age 50, and for other purposes; to the Committee on Finance.

(The remarks of Mr. GORE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. BIBLE for himself and Mr. BURDICK):

S. 409. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Finance.

(The remarks of Mr. BIBLE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. HART:

S. 4040. A bill for the relief of Noreen Wong; to the Committee on the Judiciary.

By Mr. TOWER:

S. 4041. A bill to repeal section 7275 of the Internal Revenue Code of 1954, relating to amounts to be shown on airline tickets and advertising; to the Committee on Finance.

(The remarks of Mr. TOWER when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. HART:

S. 4042. A bill for the relief of Peter Joseph Curtis; to the Committee on the Judiciary.

By Mr. BYRD of West Virginia:

S. 4043. A bill for the relief of Li Lien-Shiun; to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself and Mr. HART):

S. 4044. A bill to establish an independent commission to evaluate and assess developments in the fields of commerce and technology and to accumulate and disseminate data relevant thereto; to the Committee on Commerce, by unanimous consent.

(The remarks of Mr. MAGNUSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. CRANSTON (for himself and Mr. MURPHY):

S. 4045. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein within the San Bernardino National Forest, Calif.; to the Committee on Agriculture and Forestry.

(The remarks of Mr. CRANSTON when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 4038—INTRODUCTION OF THE SOCIAL SECURITY AMENDMENTS OF 1970

Mr. GORE. Mr. President, the House of Representatives has recently passed and sent to the Senate a bill which provides far-reaching and significant changes in our social security system. Hearings have now commenced in the Finance Committee to hear administration and public witnesses on the details of this measure.

Our social security system is now reaching a level of considerable maturity as a vehicle for providing adequate financial assistance for those who are in their retirement years. It is, therefore, important that we examine this system closely to insure that it is working with maximum effectiveness and maximum efficiency.

My comments today are intended to point out improvements that I believe should be made in H.R. 17550 by the Senate and to offer amendments in areas not covered by the bill. I hope that these comments and suggestions will serve as bases for insuring greater social justice through our social security system.

There are two substantial improvements effected by H.R. 17550. The first is an across-the-board 5-percent increase in benefits. This increase is badly needed in view of the heavy burden that inflation is imposing on those living on fixed incomes. I strongly support this provision.

Another significant improvement that I have long advocated provides for an automatic increase in social security benefits tied to the cost-of-living index. Too long our elderly and retired have been forced to continue on the same level of fixed incomes long after price increases have substantially reduced the purchasing power of their retirement benefits. H.R. 17550 substantially incorporates the bill I introduced last year to correct this situation and, in the future, the lag between price increases and increases in social security benefits will be significantly reduced.

There are, however, four areas covered by the bill as passed by the House which need improvement.

First, the bill contains no increase in the minimum monthly social security benefits. To be sure, the minimum monthly social security benefit is adjusted to reflect the general 5-percent increase. But a more substantial increase is required for those who rely on the minimum benefits to provide food, clothing, and shelter. I introduced a bill earlier this year, S. 3658, which would provide a minimum monthly social security benefit of $100 for a single person and $150 for a married couple. I believe that this measure should be included in the current bill and I will press strongly for favorable action by the Finance Committee.

Second, the House bill increases the present limitation on earned income that a social security beneficiary may receive without suffering a reduction in benefits from the present $1,680 per year to $2,000 per year. In addition, the dollar-for-dollar reduction in social security benefits is eliminated, and a general $1 for $2 formula applies to all earnings over $2,000. These are steps in the right direction, but they are not enough. It is unfair that those who rely on earned income to supplement their retirement benefits must suffer a reduction in their social security benefits if their earnings exceed $2,000 per year, while those who are fortunate enough to have income from investments can receive unlimited amounts of this income without suffering any reduction in their social security benefits. Thus, the person who receives $3,000 in dividends each year can still get his full social security benefits; but, if another elderly person works to earn the same $3,000, he will suffer a reduction in his social security benefits of $500. This is not fair. And it must be changed.

I believe that the reduction in social security benefits on account of the receipt of earned income should be eliminated in its entirety if no limitation is going to be imposed on income from investments. At a minimum, however, the $2,000 limitation set by the House bill must be substantially increased.

Under present law, those over 72 years of age are not subject to the earned income limitation. This age limit should be reduced to 65 to reflect the earlier ages at which people are now retiring. I will propose this improvement as the Finance Committee considers this bill.

Third, a highly undesirable feature is introduced in the House bill and should be completely eliminated. This is the increase in the taxable wage base to $9,000, coupled with an automatic increase in the taxable wage tied to increases in the cost of living in future years.

The payroll tax on employees and employers alike is already high enough, and may be too high. This proposed tax increase is going to strike directly at the middle-income taxpayer who Congress sought to help by increasing the personal exemption last year. This proposed increase to $9,000 plus the automatic cost-of-living increase that HEW contemplates for 1973, would virtually wipe out the income tax reduction so laboriously achieved last year for the middle-income wage earner. It is not fair to provide an income tax reduction on the one hand to the hard-pressed middle-income worker and on the other turn around and take it away from him by means of a social security tax increase.

It is time to shift the increases in social security benefits to our general revenues. There are many reasons in social justice to support such a step. This action would help make our total Federal tax system more progressive. The social security tax, since it is a flat tax on a set amount of income, operates to remove much of the progressivity from our overall Federal tax system. We should forthrightly recognize that a sound and healthy social security system provides economic and social benefits to all members of society—to the high-income individual as well as the low-income individual, to the self-employed as well as the worker, to the investor as well as to the employer. It is now time, in my view, to recognize this fact and to shift part of the responsibility for payment of social security benefits to our general revenue system which relies in large part on the fairest form of taxation, the progressive individual income tax.

In addition, the automatic cost-of-living increases in the taxable wage base as contained in the House bill in effect delegate congressional responsibility for determining taxes to the Department of Health, Education, and Welfare. This is an unwise step and further illustrates why the social security system should be funded through the general revenues.

A final improvement that should be made in the House bill concerns disability benefits. Under present law, to be eligible for disability benefits an individual must be fully insured and meet a test of substantial recent covered work, generally 20 quarters of coverage in the period of 40 calendar quarters preceeding disablement. The House bill improved this provision by providing that the test of recent covered work be eliminated for blind people. This is certainly a step in the right direction. However, this provision must be expanded to eliminate the test of recent covered work for all disabled persons. Cases have come to my attention where persons have been fully insured, but have been denied disability insurance benefits because it has been more than 10 years since they last worked in covered employment. These persons should be eligible for full disability benefits.

There are three areas where our social security system requires improvement that are not adequately covered under H.R. 17550. I am introducing a bill to correct these situations and I will seek to have these measures included in the bill reported out by the Finance Committee. Briefly, my bill provides:

First. That the age to qualify widows to receive social security benefits be reduced from 60 to 50. The theory under which the present age limit operates is that social security benefits should not be paid to a woman who is able to work. Setting the age limit at 60 may have been reasonable in the past, but it is no longer a realistic level. As our Nation's work force has become progressively younger, many women of age 50 have difficulty in finding employers who will give them a work opportunity, particularly those who have had no previous work experience because they have been busy maintaining a home and rearing children. We must face these facts and reduce the age limit of widows to 50.

Second. Under present rules, social security benefits are sharply reduced when a social security beneficiary remarries. This means that social security recipients who wish to marry are positively deterred from doing so because their combined social security benefits will be reduced if they take this step. What is the justice of this? I see none. Mr. President, it is unconscionable to deny the joys of the marital relationship to our elderly citizens through this inequitable provision of our social security laws. I, therefore, propose that there be no reduction in social security benefits in the case of a social security recipient who remarries.

Third. Under present law, if only the husband is entitled to receive social security benefits, and both he and his wife are disabled, no additional social security allowance is provided for the wife. This is inequitable. The theory of disallowing social security benefits to a wife whose husband is disabled is that the wife herself is able to work. But if she is also disabled, the theory plainly does not hold and she should receive an additional social security allowance, even though she is not otherwise qualified to receive social security benefits. My proposal will correct this inequitable situation.

XUM

Mr. President, the House-passed bill is a highly constructive and important milestone in social security legislation. The suggestions I have offered here today are intended to further the goal of providing dignity through financial security to our elderly Americans who have contributed so much to the building of this Nation.

The PRESIDING OFFICER (Mr. GRAVEL). The bill will be received and appropriately referred.

The bill (S. 4038) to amend title II of the Social Security Act to permit widow's benefits to be payable at age 50, to permit widower's benefits to be payable at age 60, to permit wife's benefits to be payable to a disabled wife at age 50, to permit husband's benefits to be payable to a disabled husband at age 50, and for other purposes, introduced by Mr. GORE, was received, read twice by its title, and referred to the Committee on Finance.

S. 4039—INTRODUCTION OF THE SMALL BUSINESS TAX SIMPLIFICATION AND REFORM ACT OF 1970

Mr. BIBLE. Mr. President, as chairman of the Select Committee on Small Business, for myself and the Senator from North Dakota (Mr. BURDICK) I introduce and send to the desk a bill entitled "The Small Business Tax Simplification and Reform Act of 1970." I ask that the measure be appropriately referred and that, for the convenience of all concerned, an analysis of its provisions may be printed in the RECORD at the conclusion of my remarks.

SUMMARY OF REASONS FOR OFFERING THIS BILL

Permit me to be candid about my underlying thinking for offering this broad-ranging tax legislation, for which I invite cosponsors who are interested in the small businessman's tax problems. The bill is not meant to be definitive. It is intended to be an introductory effort to invite the attention of our taxwriters, the Congress, and small businessmen generally to the importance of improving the tax climate surrounding the hard-pressed small business community of this country.

Mr. President, on the basis of hard economic facts alone, I believe the 5½ million small business men and women who contribute almost 50 percent of the employment in this country and one-third of the entire gross national product deserve this attention. Over the years small businessmen have not been able, for many reasons, to get their message through in the decisionmaking halls of Government as well as their big business brethren have done.

Certainly the 1969 Tax Reform Act was a monumental and much-needed measure. The Wall Street Journal declared that it was one of the most sweeping overhauls of our Federal tax laws in history. We admired the initiative and hard work of the chairmen of the Committee on Ways and Means (Mr. MILLS) and the Committee on Finance (Mr. LONG) and their committees who made enactment of this legislation possible. But, the Tax Reform Act did not help the small businessman to deal with his problems. In fact, it hurt him in several very important areas.

I view my small business tax revision proposal as a framework from which to build; a seed from which meaningful small business tax reforms can emerge over the next few years. It attempts to be comprehensive in scope because I believe that such an approach is called for in behalf of the free enterprise system. It marks out some new directions and will, I hope, open up other areas for serious discussion. I am not wedded to any of its specifics but I believe it provides a vehicle to move forward toward a small business tax reform and simplification goal.

This bill has been nearly 2 years in preparation. Originally, I considered offering it last year when major general tax reforms were before the Congress. I decided against that course because I did not want the small business tax reform appeals buried in the onrush of mightier voices and interests. Our Small Business Committee staff consulted with several dozen prestigious national and regional small and general business associations, tax organizations and practitioners and other tax experts both in and out of Government. This bill incorporates much of their thinking.

To retain and encourage a vibrant, viable, and enthusiastic small business economy nationwide, some incisive thought and decisive action must be brought to bear on small business tax problems. Taxes are a key element in the current economic tight-money, loan-reduction squeeze on small business which is having direct effects upon the question of whether thousands of firms can continue to compete, or whether they will be plowed under or are merged out of existence by the conglomerate, big business march.

SOME LEGISLATIVE HISTORY

The Small Business Committee has maintained a continuing interest in the tax laws and their impact on the Nation's 5½ million small businessmen.

The committee's involvement in this field may be traced back even beyond its formal beginnings 20 years ago to such studies as "Small Business Finance and Taxation" in February of 1949.[1] In 1963, the Subcommittee on Taxation, which was then under my chairmanship, undertook an analysis of the small business aspects of the tax revision proposals transmitted to the Congress by President Kennedy in January of that year. Our report restated and confirmed the conclusion that, although Federal business taxation may not differ in kind between large and small firms, it has been shown to differ substantially and significantly in degree.[2]

The select committee has thus followed closely the small business implications of tax legislation placed before the Congress each year, and from time to time have offered suggestions of our own when we felt it was appropriate.

As I have stated with respect to the 1969 Tax Reform Act, matters other than small business received higher priority during the limited time for consideration of this measure. Thus, far from bringing tax reform and relief to the Nation's small business community, the 1969 act changed the tax system adversely to small business at several strategic points, for example:

First. The investment tax credit was repealed, without an exception for small business, which needs it most.

Second. Multiple surtax exemptions were eliminated, without consideration for small business, for whose benefit this mechanism was originally placed in the law as a reform.

Third. Pension and retirement benefits were curtailed for owners of approximately 200,000 subchapter S small business corporations.

Fourth. Certain accelerated depreciation methods applying to real estate were eliminated or restricted, likewise without an exemption for small enterprise.

Fifth. State and local development companies, which help to finance new business enterprise, were unfavorably classified in the tax code with particular reference to bad-debt reserves.

These setbacks for small business took place despite the efforts of many Senators who introduced and worked for passage of small business amendments, one of which was a limited preservation of the investment tax credit, which passed the Senate and was deleted from the bill in the House-Senate conference.

My concern over these developments was multiplied by the heavy and mounting pressures against small business generated by record-high interest rates and cutbacks of 58½ percent in the last-resort lending programs of the Small Business Administration. It was my feeling that these forces were converging in a triple-credit squeeze which would have serious competitive effects on small businessmen throughout the country.[3]

In an effort to respond meaningfully to these difficulties, our committee undertook a broad study of what changes in the entire tax system might be needed in behalf of small business. In December, I was able to say to the members of one small business association:

> Intelligent tax reform in the business field also has long-run implications—for cost cutting and price stability; for entry into business; for growth and continued independence of firms; and for the entire economic environment which is so important to the career choices of our young people and the overall "livability" of our country. We all have additional homework to do, and I can assure you that we, on the Hill, are about this business.[4]

This bill being offered today represents an interim, but by no means a final, stage of this effort.

MAIN FEATURES OF THE BILL

This background has dictated that the small business tax bill be an attempt to look at the whole internal revenue system from the viewpoint of encouraging enterprise. This is not a revolutionary idea, but it does contrast with the purpose of raising revenue, which is the overriding and legitimate concern of the Internal Revenue Service. Our bill therefore seeks to approach comprehensively the tax problems of American enterprise at each stage of the business life cycle—from the founder's idea to establishment of the business, through the growth phases, and up to the final disposition of the mature business organization.

---

[1] Senate Rept. 46, 81st Congress.

[2] "Impact of Current Tax Proposals on Small Business," Senate Rept. 397, 88th Congress, August 15, 1963, p. 3.

[3] "Small Business Caught in Triple-Credit Squeeze—Administration Should Release $170 Million in SBA Loan Authority Now," remarks on the Senate Floor by Senator Alan Bible, in the CONGRESSIONAL RECORD, vol. 115, pt. 13, p. 17274.

[4] "Small Business and Tax Reform" by Senator Alan Bible, *Small Business Bulletin*, published by the National Small Business Association, December 1969, p. 1.

The bill consists of 8 chapters and more than three dozen sections. Counting subsections, the bill thus presents over 40 recommendations for changes in the Internal Revenue Code to modify the substance and administration of the tax system.

In order that small business tax reform strengthen the fight against inflation and not weaken it, this proposal is fully balanced in the revenue sense. In fact, this bill will produce additional revenue, over both the short term and long term. This would follow from: first, the graduation of corporate rates, which would yield an immediate revenue gain; and second, the growth of enterprises encouraged by the bill, which would systematically broaden the tax base for the future.

With slightly increased rates for the giant corporations, there will be more than enough revenue leeway to offset tax reduction, relief, and reform provisions for businesses earning less than $1 million per year.

Yet, because of the expiration of the surtax at the end of this fiscal year, the overall rate paid by even the largest corporations under this bill would be less than it is at present.

TAX SIMPLIFICATION

Perhaps the basic thrust of the bill is for tax simplification. In its stripped-down form, the Internal Revenue Code is still 1⅜-inches thick. Together with voluminous regulations, bulletins, rulings, procedures, press releases, manuals, forms, instructions, guidelines, and explanations, the total tax system that confronts the businessman is literally a mountain of material which is nearly impenetrable to those lacking in special tax training.

It is important to keep in mind the general rule that the smaller the business, the less will be the likelihood that it can afford highly specialized tax work by accountants and lawyers. Thus, the weight of the tax system itself is disproportionately against smaller firms.

To begin cutting a path through this wilderness, this bill would establish a permanent Intergovernmental Committee on Tax Simplification, as well as an Advisory Council where small business representatives would constitute 50 percent of the membership. In these forums the taxers and the taxed would be able to meet regularly and discuss their mutual problems. There would then be a regular and public channel for small business suggestions and complaints, which could then be examined for both policy and technical standpoints in a manner visible to the press, the public, and the appropriate committees of Congress. The six memberships on the Advisory Committee allotted to small business would assure a strong voice for the varied segments of the small business community including specially qualified persons.

The first title of the bill would also create the position of Small Business Tax Analyst within the Department of the Treasury. This official could focus continuing attention within the Federal Government on the tax problems of small business, competition, and the free enterprise system.

For instance, the bill asks for a special chapter in the Internal Revenue Code for the purpose of accumulating and referencing statutory provisions dealing primarily with new and small business.

NEW ENTERPRISE

Another departure in the bill is the section on "New Enterprise," which essentially would give a beginning business enterprise freedom from Federal taxation for its first 5 years. The section contains several safeguards so that undue advantage could not be taken of this benefit. Business has a tough enough time getting started and many, if not most, small firms experience losses in their early years. In addition, they must compete against rivals established for many years who may have built up much of their financial and market power during a period when there was little or no income tax on business in this country.

Such a 5-year incentive provision would offset some of the extra hazards a person must endure in risking his capital, his labor, and his career in starting a business. It would also serve as a partial equalizer against the tax-free resources built up in the older corporations.

Other salient proposals contained in the bill include: statutory status for depreciation guidelines and elimination of the reserve-ratio test for small business; reinstatement of a limited small business investment tax credit at $50,000 of qualified investment for manufacturing corporations, $10,000 for other corporations, and $5,000 for individuals; an increase in allowable accumulated earnings; authorization of a limited number of surtax exemptions for a family business; partial relief for business development corporations; liberalization of subchapter S "tax option" corporation rules as to the numbers and classes of shareholders, termination, and loss treatment; assistance to partnerships and partners; an assist during the first 5 years for low-income cooperatives; a restriction on debt-financed acquisitions to discourage takeovers of small business by conglomerate companies; and the call for an authoritative recommendation to strengthen and preserve small business independence in contemplation of its disposition.

AREAS NOT INCLUDED

Two important subjects are omitted from the bill, and I believe their absence should be explained. The first is multistate and locality taxation of interstate business. This has been an increasingly worrisome problem since our committee held the initial set of hearings on this problem in 1959.[5] After an exhaustive study, relief legislation was offered. This bill, numbered H.R. 7906 and S. 916, has passed the House and is now pending before the Senate Committee on Finance. I strongly favor rationalizing legislation in the field. I welcome Senator LONG's willingness to hold hearings on this problem and hope the Finance Committee can take early action to advance a measure which it believes is appropriate.

A second area not treated in the bill is that of small business investment company activity. Venture capital is directly relevant to the growth of small businesses, particularly in new technology areas. It is my understanding that the SBIC industry has discussed its tax needs with other committees of Congress and that there is also a current proceeding before the Securities and Exchange Commission in connection with which briefs were still being submitted in May.

In view of the pendency of these other efforts, we have not come forward with proposals in either the interstate taxation or the SBIC area at this time.

BACKGROUND

If, as some distinguished economists have said, the giant corporation constitutes the "heartland of our economy," what is the point of making a fight for tax equity for small business?

Among the stated reasons that some of our more critical citizens feel as they do about the country is that it may be slightly "sick at heart" because of the evils of giant, impersonal corporations which operate unrestricted by any fixed set of community, family, or moral responsibilities.

In announcing his support for "Campaign GM," young John D. Rockefeller IV recently expressed it this way:

> Large corporations are faceless. Their decision-making affects the lives of millions of people. But who, as individuals, are accountable?[6]

New studies are bringing home the fact that millions of American citizens live in poverty, and millions more have the slenderest of assets, savings and reserves, and can thus never hope to be economically secure.

It is thus becoming increasingly apparent that a substantial proportion, perhaps more than one-half of our population, is not part of the American way of life as we have traditionally understood this term as including the expectation of material success and comfort.[7]

---

[5] See, for instance, "Free Trade, American Style," by Robert B. Ely, *American Bar Association Journal,* May 1970, p. 470.

[6] *The Washington Post,* May 14, 1970, p. A 32:1.

[7] See, for instance, "Middle Classes' Lean Streak" by Richard Parker, *The Washington Post,* April 12, 1970, p. B 1:1. The author states the Government's estimate of "the poor" is about 16 percent of the population, or 32 million, while "deprived Americans"—those above poverty but short of minimum requirements for a modestly comfortable living—were estimated by Leon Keyserling in 1964 as 77 million, or 38½ percent. It was further estimated that 20 percent of the "deprived" group had no liquid assets; 40 percent have savings of less than $100, and 48 percent own less than $500 in assets.

Although the giant national and multi-national corporations set the tone of our economy, there is a tendency to exaggerate their importance. Small owner-managed independent businesses still account for perhaps 50 percent of the employment in this country and one-third of the entire gross national product.

To about 40 million people, small business means earning a livelihood. A portion of these people could not otherwise accommodate themselves to our economic system.

For some, these businesses mean the realization of dreams and ambitions, because they are willing, against all the odds, to work harder and take more risks to build their own financial future. For others, a small business may be an opportunity to pursue individuality and personal identity rather than start at the bottom of a safe but highly structured business organization.

Also, in the present atmosphere of high interest rates and business taxation, it is becoming increasingly difficult not only to begin a new firm but to maintain the independence of an existing one. During 1969, mergers removed 4,550 firms from the U.S. economy, an increase of 16 percent over the record high of 1968.[8]

A classic statement of the overall significance of small business to U.S. society was set forth by the prestigious Committee on Economic Development about 30 years ago.[9]

> Whatever its type or stage of growth, the small business is a manifestation of one of the basic freedoms of American life. This is the freedom to enter or leave business at will, to start and grow big, to expand, contract—or even to fail. This freedom to be enterprising is an aspect of the economic democracy without which our political democracy cannot exist.
>
> In many lines and in many markets—notably in home communities and for customers desiring individual service or products made to particular specification—small business is able to do a better job than big business. Furthermore, the ingenious small enterpriser often is a source of new materials, new processes, new services, that older, better established firms cannot or will not offer. The whole pattern of our commercial system is enlivened and enriched by the independent businessman.

So, small business can be the safety valve of the young, the innovative, the creative, the ambitious, and the economically frustrated. It is also a constructive vehicle by which less advantaged people, including minority groups of all races and national origins, can work their way into the mainstreams of American life—that is, if the Federal Government gives them a reasonable and realistic chance.

During the past year it seems to me that the policies and actions of the Federal Government have had just the reverse effect. The screws have been tightened on existing and prospective small business entrepreneurs. Profits have fallen. Life has been made harsher instead of easier for small businessmen. The frustrations of these energetic elements of society have been increased by talking much and doing less than nothing, that is by actually undermining small business profitability and prospects for success.

Such malign neglect of the spirit of business enterprise could very well result in more and increasingly unpleasant assaults on corporate headquarters, stockholders meetings, facilities, and personnel, unless we in Washington are acting to give small and independent businessmen an even break. I consider one of the most important tasks facing the Congress and the executive branch is to widen the "room at the bottom" for those who want to become new and small businessmen and climb the ladder of economic opportunity in this country.

CALL FOR ACTION

Mr. President, to me, action means legislation, where it is called for, and legislation that is realistic and responsive to the problem.

I recognize that business ownership and participation is not the only path to economic fulfillment, nor will tax legislation alone resolve every difficulty of small business, or even the majority of them. Other economic problems and opportunities require combinations of measures which may or may not have anything to do with business enterprise or with taxation.

But we have seen that small businesses add up to a major weight in our economic balance. The tax system, in turn, is a material factor in whether small business will be founded, will grow, and will or will not be merged out of existence. Beyond this, the tax system is a powerful psychological factor. It conditions the entire climate in which commercial activities take place. Taxation signals every year to every citizen whether or not his Government really means to aid, counsel, assist and protect, insofar as is possible, the interests of small-business concerns in order to preserve free competitive enterprise.

I want that signal to be loud and clear.

In this regard, the present administration has sponsored a small business study, published in March of 1970, and has sent to Capitol Hill messages on tax and nontax proposals.

I believe I speak for many members of our committee and of the Senate in welcoming these initiatives. President Eisenhower linked his name with small business by signing the Small Business Act of 1953 and the Small Business Investment Act of 1958. More recently, the Johnson administration first sponsored small business incentive legislation in the form of the Small Business Investment Act amendments of 1967. President Nixon has said on several occasions that he believes in the American dream because he "has seen it come true in his own life." Business ownership is an important part of that vision, and we hope that he will follow in the footsteps of past Chief Executives and even go beyond them in effective assistance to small business.

For the record, it may be pointed out that the administration's March 1970 study entitled "Improving the Prospects of Small Business" consisted of 11 pages, just under one page of which pertained to taxes. I do not regard this as an authoritative exposition of the tax needs of small business, although it is a useful contribution in this area. In comparison the Advisory Council of the Small Business Committee submitted a report on December 16, 1968, that extended to 40 pages, seven of which were devoted to corporate taxation. It is unfortunate that Congress now has the benefit of both studies and will have at least two sets of proposals in bill form which it can consider. Accordingly, I believe that the Congress should soon be ready to move ahead in this area.

The bill I have introduced today is certainly not perfect. We believe the comprehensive approach has something special to offer because it will focus the efforts of the tax community on the dynamics of the free enterprise system as a whole, rather than the technicalities of various chapters and sections of the code. The bill thus marks out some new directions and will, I hope, open this entire area to serious discussion. There are undoubtedly omissions in this bill, and there can surely be improvements. But, as I have said, I think we have a foundation on which the Congress can build.

One way of proceeding would be to have all such tax bills circulated to the cognizant executive agencies and departments as well as all interested private organizations and associations. In these forums it can undergo discussion, comment, criticism, debate, and the addition of any and all refinements, corrections and better ideas. It seems to me that the period between now and next January will afford an ample opportunity for the professional study which these matters deserve. We could then reconvene in the next Congress with the understanding that there might be serious deliberation and action upon what, hopefully, could be an improved version of my bill and other bills at that time.

In whatever manner the Congress wishes to proceed, I shall be glad to cooperate in these matters in any way which will hasten the enactment of legislation resulting in meaningful tax simplification and reform for the American small business community.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the analysis will be printed in the RECORD.

The bill (S. 4039) to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business, introduced by Mr. BIBLE, was received, read twice by its title, and referred to the Committee on Finance.

The material presented by Mr. BIBLE is as follows:

SECTION-BY-SECTION ANALYSIS OF SMALL BUSINESS TAX REFORM-SIMPLIFICATION BILL

OVERALL ANALYSIS

The Small Business Tax Simplification and Reform Act of 1970 is designed to be balanced in the revenue sense, with slight immediate and long-term increases of tax revenues through minimally higher normal tax rates on giant corporations, and the cultivation of vigorous new small enterprises which will enlarge the tax base in the future.

---

[8] "Merger Toll: 4,550 Firms," by David Vienna, *The Washington Post*, May 13, 1970, p. E9:6.

[9] "*Meeting the Special Problems of Small Business*," a Statement on National Policy by the Research and Policy Committee of the Committee for Economic Development, New York, 1947, pp. 13–14.

Despite the increases at the upper end of the scale, the enactment of this bill would still result in a tax reduction for even the largest corporations, because of the expiration of the 10 percent surtax at the end of this fiscal year.

The revenue gains made possible by the rescaling of normal rates would make it possible to shift a small fraction of the corporate tax (about 1 percent) on the basis of the ability to pay. Corporations with earnings in excess of $1 million per year would be yielding commensurate benefits to new enterprise, small existing family and independent business, and firms willing to modernize to meet the terms of national and international competition.

The bill also proposes an institutional arrangement for focusing continuing professional attention on tax simplification by way of a standing intergovernmental committee on tax simplification and a Business Advisory Council on which the small business community would be assured a significant voice.

ORGANIZATION OF THE BILL

This bill consists of 8 chapters, as follows:

Title I—Tax Simplification.

Title II—Adjustment of Corporate Normal Tax.

Title III—Special Provisions to Encourage Establishment of New Small Business Enterprises.

Title IV—Provisions to Assist Small Business Growth.

Title V—Provisions Relating to Partnerships.

Title VI—Provisions Relating to Subchapter S Corporations.

Title VII—Business Development Corporations.

Title VIII—Preservation of Small Business Independence.

SECTION-BY-SECTION ANALYSIS

Title I—Tax Simplification

Sec. 101. Intragovernmental Committee on Tax Simplification for Small Business.—The first substantive section creates a permanent standing committee of the Federal Government for the purpose of devoting continued attention to the simplification of the Internal Revenue Code, the regulations, instructions, procedures, and other publications relating to business taxation. The membership of the Committee would include: representatives of the Secretary of the Treasury (for policy matters); Internal Revenue Service (for technical matters); Bureau of the Budget (for coordinating the paperwork aspects of IRS forms, in view of the Federal Reports Act) and the Small Business Administration to express the interests of the small business community. The Committee would provide a forum for regular and periodic contact between the various Federal agencies concerned, the businessmen affected, and the Congress. The proposed Advisory Council is intended to provide for an effective voice for small business by a delegation large enough to reflect the diversity of interests of small enterprise.

Sec. 102. Treasury Department Small Business Analyst.—The small business tax analyst which would be created by this section would be one official in the Treasury Department responsible for looking at tax problems primarily from the view of small business and the free enterprise system rather than the Government's interest in raising revenue. Such a position could provide a focus for assisting in the studies and reports proposed in this Act. Beyond this, a small business tax analyst could supply a continuity of effort required to assess the difficult and multifaceted problems raised by the impact of Federal, State, and local taxation on small business, competition, and the free enterprise system.

Sec. 103. Internal Revenue Code Chapter on New and Small Business.—The present organization of the Internal Revenue Code of 1954 is by subject matter. This section would have the Treasury consider a special title or chapter of the Code which consolidated and referenced those tax provisions relating particularly to new and small enterprise. This should be helpful to both non-tax-specialist attorneys and others counseling small firms, as well as to small businessmen, and prospective entrepreneurs.

Sec. 104. Revision of Depreciation Policy.—Recent developments, such as abolition of the investment credit, call for a re-evaluation of the nation's depreciation policy. In addition to the specific proposals embodied in sections 401 and 402 of this Act, the bill calls upon the Treasury Department for a comprehensive study of depreciation policies with particular attention to: the impact of recent legislation, including the Tax Reform Act of 1969 and such provisions of this legislation which may be enacted; the rapid advances in technology to which small business must adapt; and the practices of other industrialized nations.

The bill requests an early return of the results of this study to the Congress.

Sec. 105. Equalization of Benefits Among Incorporated and Unincorporated Businesses.—The Tax Reform Act of 1969 restricted retirement and pension benefits for small firms based upon comparability with unincorporated business. This section calls upon the Treasury to study the entire range of pension, retirement, health, medical, and insurance benefits in the larger context of what both corporations (including large corporate enterprise) and other forms of business are providing for their employees and executives.

Title II—Adjustment of corporate Normal Tax

Sec. 201. Corporate Normal Tax Rate.—The Tax Reduction Act of 1964 lowered tax rates for unincorporated business by approximately 20 percent; but for corporations where the bulk of the business is done, the reduction was only 10 percent. Although there was material relief for small business by reversal of the application of corporate normal and surtax rates, the same 2-step graduated structure was retained.

This title would effect a progressive reform in the entire corporate tax structure by providing for reductions in normal corporate tax rates for corporations earning less than $500,000 a year. From income of $500,000 to $1 million, the base rate of 22 percent would remain the same, but the effective rate of taxation would drop due to the reduced percentages in the lower brackets. As corporate earnings rose above $1 million per year the normal tax would incline slightly upward to a maximum of 24 percent for corporations earning over $1 billion annually.

In all, an 8-step graduated scale would bring corporate taxation more nearly into accordance with the principle of the ability to pay which has long been in effect for individual income taxes.

Title III—Special Provisions To Encourage Establishment of New Small Business Enterprises

Sec. 301. Exemption of Operating Income for 5-Year Period.—This section introduces a new concept that new enterprise should be encouraged by allowing freedom from Federal income taxation for a period of 5 years. It would be a partial equalizer for small firms which must compete with companies which have not only been established for many years, but which may have built up substantial financial resources during the period when there was little or no corporate taxation in this country. Benefits of this section would be restricted to persons entering a business for the first time, and who would be spending full time in the capacity of an owner-manager of an active trade or commercial business. A further restriction would be to benefit only the operating income of the enterprise, excluding gains from security and real estate transactions, which would be subject to taxation in the regular manner.

Sec. 302. Carryover of Net Operating Losses.—In recognition of the difficulties generally experienced during the start-up period of a business, this section would allow operating losses incurred during the first 5 years to be carried over against income earned from the 6th to the 15th year.

Sec. 303. Amortization of Organization Expenses of Partnership.—This would extend to partnerships the option now enjoyed by corporations, to amortize their organization expenses over 60 months, if they so desire.

Sec. 304. Bad Debt Deduction for Lenders to or Guarantors of Corporate Obligations.—This provision would equate the tax treatment of lenders to or guarantors of business obligations, whether the businesses are incorporated or not, by extending the ordinary loss rule presently applicable to unincorporated business lending.

Sec. 305. Losses on Small Business Stock.—To update incentives to invest directly in small businesses which are presently contained in the Code, this section would increase from $25,000 to $50,000 the amount of allowable losses resulting from the purchase of section 1244 stock.

A second provision of this section would expand the definition of a "small business corporation" authorized to issue such stock from $1 million to $1,500,000 in "equity capital" as defined by the section.

This subsection would have the effect of allowing previously ineligible corporations with equity capital of between $1 million and $1,500,000 to issue 1244 stock in the amount of $750,000 (compared with $500,000 under the present section) and to permit previously eligible small business corporations to issue stock up to the $750,000 amount, if they are otherwise in compliance with the applicable rules.

Further provisions of section 305 would enlarge from 2 years to 5 the time within which a section 1244 plan must be executed and would preclude stock options to employees from disqualifying such a stock issue.

Sec. 306. Patronage Benefits for Certain New Cooperative Enterprise.—To encourage the formation of cooperatives which have so well enriched rural American life, this section would permit such a new cooperative to retain 100 percent of declared patronage refunds (rather than the current 80 percent) for the first 5 years of its existence on the condition that substantially all of the membership and patrons are persons of low income and reside within a limited geographic area.

Title IV—Provisions To Assist Small Business Growth

The eight sections of Title IV are designed to provide encouragement for modernization, efficiency, and cost reduction. It has been estimated that from ⅔ to ⅘ of all capital used in business is internally generated. There is wide agreement that small businesses must rely most heavily on retained earnings since it becomes progressively easier to employ sophisticated financing methods as a business increases in size and experience.

Sec. 401. Additional First-Year Depreciation Allowance.—This section would increase additional first-year depreciation from $10,000 to $20,000 in accordance with increases in the costs of living and doing business since the section was previously revised in 1958.

Sec. 402. Regulatory Status for Depreciation Guidelines and Elimination of Reserve Ratio Test for Small Business.—For the same purposes, this section would make the liberalized depreciation guidelines contained in Revenue Procedure 62–21 more fully available to small businesses by elevating the status of that publication to a regulation pursuant to statute. It would initially fix the length of guideline lives as those contained in the Revenue Procedure, and would eliminate the reserve ratio test for firms designated as "small business" by the Small Business Administration.

SEC. 403. Partial Restoration of Investment Credit.—Every advanced industrialized nation has both a modernized depreciation system and investment incentive device. All of the 91 percent of small corporations accounted for less than ¼ of the investment tax credit, but its use by small business contributed greatly to the forward progress of the American economy through innovative investment.

This section would partially reinstate the 7 percent investment credit which was totally abolished in the Tax Reform Act of 1969, but would do so in a manner which would be highly tailored to reduce its cost and concentrate its benefits in areas which can do the maximum good for the economy. Corporate manufacturing would be allowed $50,000 worth of qualified investment. However, permissible investment for other corporations and individuals would be scaled down to $10,000 and $5,000 respectively. In each case there would be an appropriate income ceiling of $500,000, $100,000, and $50,000, above which such high-income taxpayers would receive no benefits from the section.

SEC. 404. Optional Net Operating Loss Carryback and Carryover Period.—This section would extend the period and flexibility in use of loss carryover provisions for small business by allowing existing corporations to slide these losses in either direction over an 8-year period: 4 years forward or 4 years backward, at their option.

SEC. 405. Accumulated Earnings.—The first subsection would raise the earnings credit in accordance with the costs of doing business, to a more realistic $150,000. The second subsection would confirm the Congressional intention of section 534, that the burden of proof in all accumulation of earnings proceedings would be on the Commissioner of Internal Revenue after the taxpayer has filed an appropriate written statement.

SEC. 406. Amoritization of Certain Securities Expenditures.—One of the most critical hurdles for a growing small business is selling its securities to the public. This section would allow the expenses of certain types of small business stock flotations, such as those under Regulation A and section 1244 of the Code, which are not otherwise deductible, to be amortized over a period of 60 months. A further helping provision in this vein would accord the same treatment for the expenses of an initial registration of a company's securities on a regional stock exchange.

SEC. 407. Amortization of Research and Development Activities.—This provision would allow research and development expenses to be amortized beginning at the time they are made, rather than waiting until the taxpayer "first realizes benefits" from these expenditures.

SEC. 408. Multiple Surtax Exemptions Under Single Family Control.—In order to encourage opportunities for family ownership of business, this section would permit a limited number of surtax exemptions (up to 5) in the event members of a family are placed in proprietary positions where they have ownership of at least 50 percent of the stock (or other interest) and full time management of a separately incorporated unit of a family business.

Title V—Provisions Relating to Partnerships

SEC. 501. Guaranteed Payment to Partner.—This section is designed to avoid double taxation of guaranteed payments from a partnership to a deceased partner. At present a partnership interest is includable in gross estate in full, and payments from these same assets may now be taxed as distributive income of a person not considered a partner under section 707(c).

SEC. 502. Closing of Taxable Year at Death of Partner.—Additional flexibility in the affairs of the deceased partner would follow from this section, which would allow the closing of the partnership year for such a decedent at any of the following times: (1) normal close of the partnership year if there has been no prior sale, exchange, or liquidation of the partnership interest; (2) the date of any of the above described transactions; or (3) the day after the partner's death.

SEC. 503. Termination of Partnership.—This section would modify present section 708(b)(1)(B) which provides that a partnership will be considered terminated if there is a sale or exchange of 50 percent of the total partnership interest within a 12-month period. An exception would be provided for transactions among the partners themselves provided they have been members of the firm for at least 1 year.

SEC. 504. Limitation of Distributive Share of Losses.—This section would amend section 752 to permit a partner to deduct currently his share of partnership losses in excess of the adjusted basis of his partnership interests, in the event that the partner is unconditionally obligated for his share of such partnership losses.

Title VI—Provisions Relating to Subchapter S Corporations

SEC. 601. Increase in Number of Permissible Shareholders.—This section would allow enlargement of the Subchapter S "tax-option" small business corporations in the following 3 ways: (1) initial shareholders could number 15, rather than the present 10; (2) shareholders in excess of this ceiling who take their stock by reason of heirship would not disqualify election; and (3) after 5 years, the number of permissible shareholders would increase to 25, broadening possibilities for motivating employees by way of stock options and for infusion of fresh capital for the expansion.

SEC. 602. Broadening Classes of Permissible Shareholders.—The classes of shareholders would also be expanded by this section to include: (a) trusts where stock passes pursuant to a will, and where the trust is used merely to convey the stock to a long-term elegible holder within 60 days; (b) trusts where the entire income is taxable to the grantor; and (c) small business investment companies, subject to the elimination of the dividends-payed credit on such income.

SEC. 603. Termination by Majority of Shareholders.—Under the present law, a new shareholder can void the Subchapter S election for himself, the corporation, and all other shareholders. Under the rule proposed by this section, a new shareholder would stand on the same footing as all other shareholders, and any 51 percent of the stock ownership could revoke the election.

SEC. 604. Termination of Election—Passive Income.—This section provides additionally for nondisqualification of a Subchapter S corporation by reason of exceeding the limit of 20 percent passive income in a single year. The election privilege could still be lost pursuant to this proposal if the limit is exceeded in any 2 of 4 consecutive years.

SEC. 605. Termination of Election—Inadvertence.—This section would relieve considerable pressure on small business corporations in the event there has been a termination of status because of events beyond its control. If the corporation is able to establish that the termination was, in fact, inadvertent and can gain full compliance within 90 days of notification, its Subchapter S status would be preserved for future years.

SEC. 606. Carryover of Losses.—This section would equate carryover treatment of Subchapter S loans in excess of basis under section 1374(c) with those of partnerships under section 704(d). Thus, if the basis was rebuilt in a future year, the excess loss would become available as a current deduction.

Title VII—Business Development Corporations

SEC. 701. Bad Debt Reserves of Business Development Corporations.—To encourage State and local development companies to extend long-term financing to non-bankable new enterprises, such companies would be permitted a bad-debt reserve deduction up to 10 percent of outstanding loans.

SEC. 702. Non-recurring Income of Business Development Corporations.—Since these institutions are in a unique position to foster community development by taking long-term risks with private capital, non-recurring income of certain types would be insulated from tax upon the condition that the proceeds from such unusual transactions are re-invested within the area of service and no part of these proceeds inures to the benefit of any individual or private institution.

Title VIII—Preservation of Small Business Independence

SEC. 801. Quarterly Adjustment of Estimated Tax.—In the event corporations suffer financial reverses in 1 or 2 quarters, they cannot now recover amounts paid to the Federal Government in estimated taxes. This section would allow recovery of such amounts to the extent the newly estimated tax for the year is less than the amount already paid in. These readjustments could occur at each quarter.

SEC. 802. Debt-Financed Corporate Acquisitions.—The objective of this section is to afford a practical means of discouraging mergers by disallowing interest deductions beyond $500,000 on any loan for acquisition purposes. It would be clear that financing through banks and other financial institutions, whether by a line of credit or otherwise, would be covered by this section, as well as debenture financing.

SEC. 803. Valuation of Stock of Closely-Held Corporations.—A problem of disposition of any interest in a closely-held business has been valuation. The present law provides for comparison only with companies listed on a stock exchange, which are often more established than those which are not. This proposal would permit valuation comparisons with any similar company whether or not it is listed on an exchange.

SEC. 804. Amalgamation of Interests in Closely-Held Businesses.—At present, under section 6161(d) it is required that a decedent own at least 50 percent of a business in order that its value be eligible for aggregation to meet the tests allowing installment payment of estate tax attributable to such business interests. This provision would make it easier for businessmen to qualify for aggregation by permitting addition of interests exceeding 33⅓ percent of a business toward the totals.

SEC. 805. Recommendations as to Preservation of Independent Small Business.—The final provision would have the Treasury conduct a comprehensive examination of the converging pressures of income taxes, capital gains tax, reorganization rules, and estate and gift taxes which are causing so many small businesses to sell or merge out of existence rather than continue in independent form. The section calls for a report and recommendations which would improve the tax climate at this stage of the business life cycle for preservation of independent enterprises.

S. 4041—INTRODUCTION OF A BILL TO REPEAL SECTION 7275 OF INTERNAL REVENUE CODE OF 1954, RELATING TO AMOUNTS TO BE SHOWN ON AIRLINE TICKETS AND ADVERTISING

Mr. TOWER. Mr. President, the Senate will recall that earlier this year we passed rather important and far-reaching legislation known as the Airport and Airway Revenue Act of 1970, Public Law 91–258. The bill passed the Senate on February 26 by a unanimous rollcall vote and the conference report passed the Senate by voice vote just last month. So my colleagues can see that it was not unpopular legislation.

Now it has come to my attention that there was a sleeper provision to the bill, a section that disturbs me more than a little.

Section 203 of the act amends section 4261 of the Internal Revenue Code to increase the tax on airline tickets from 5 to 8 percent. The same section of the act also added a new section, section 7275, to the code. The new section provides that the airline ticket must show the total of the amount paid for air transportation and the 8-percent tax and may not show separately either the amount paid for air transportation or the tax. Similar rules are provided for advertising by air carriers or persons offering to arrange air transportation.

What this means is that henceforth it is unlawful for airline ticket agents to show how much of the ticket price is for tax. In other words, the agent is prohibited from breaking down the full price into the cost of the flight and the amount of tax. On a flight costing $100, there would be an additional $8 for tax. The full fare of $108 would be shown on the face of the ticket, but nowhere would the agent be permitted to show the $8 as tax.

In advertising, the full flight price including tax would have to be used, if a price were given in the ad, but it would be unlawful to break the price down into its components of ticket cost and tax.

In a letter to me dated June 25, Mr. K. Martin Worthy, Chief Counsel for the Internal Revenue Service, states that:

> The new section 7275 was added to H.R. 14465 (which became the Airport and Airway Revenue Act of 1970) by the Conference Committee. The Conference Report (H. Rept. 91–1074, 91st Congress, 2nd Session, at page 47) is silent as to the reasons for the inclusion of Section 7275. However, Senator Long, Chairman of the Committee on Finance, made the following remarks on the Senate floor in presenting the conference report:

Mr. Worthy then goes on to quote the distinguished Senator from Louisiana as follows:

> The conference accepted the general intent of the Senate's tax on the airlines by stating that the airlines, and also the travel agents, in the case of travel all of which is subject to the 8 percent domestic tax, has to show on the ticket only the total ticket price, including the 8 percent tax. In the case of advertising also, the price shown must include the entire tax in the case of domestic transportation and must not contain a separate listing of the fare or tax. These measures will give assurance that the public will know the total airfare for a particular domestic flight and not be misled into assuming that the fare alone represents the total cost. It also will mean that passengers, upon arriving at the ticket counter will not have to wait in line while separate computations of tax and fare are made.

The quote appears in the May 12 issue of the CONGRESSIONAL RECORD, page 15134.

Mr. President, I am in total disagreement with the wisdom of this section. The effect of it is to withhold information from the purchaser of the ticket rather than to furnish him more information. I think it is extremely important that consumers know the exact price of the product they buy and the exact amount of the tax levied. We should make an effort to uncover the hidden taxes where they exist, not move in the direction of furtively including them in the purchase price and then blandly covering up the evidence.

Those of us in this Senate who have a record in favor of economy in Government sometimes think we do not have much going for us when appropriations bills come up and amendment after amendment is added increasing Government spending to collosal proportions. About the only weapon we—as representatives of the American people—have is to point out to taxpayers how much they are having to pay for Congressional largesse. One of the unfortunate aspects of the withholding tax on salaries is that it dulls the senses of taxpayers to what is happening to their money. If we never receive it, it is not registered as a loss when taxes are paid.

I think the Airport and Airway Revenue Act of 1970 is a good bill. The concept of the user tax will allow those who use these facilities to pay for them. But I have very definite objections to this particular aspect of it. I think it sets a dangerous precedent. I am prompted to wonder if this is the beginning of a trend to hide all taxes by palming the blame onto the retailers and persons standing in similar relationship to the consumer.

If section 7275 remains law, however, and is extended to other business transactions, one can imagine the confusion.

It is laws such as this that damage the credibility of Congress. I have gotten a number of letters from travel agents in my State who are incensed—and I think rightfully so—about this section. I imagine other Senators have received similar mail.

In an attempt to restore our credibility, I am introducing today legislation which would repeal section 7275, I would welcome the support of other Senators as cosponsors if they believe, as I do, that truth in government demands that we have truth in taxation.

Unfortunately, Mr. President, the tax increase and the provisions of section 7275 go into effect tonight at midnight. I introduce this bill on the eve of the activation of this law. Although there is not time for us to amend the law prior to its going into effect, I would hope the distinguished chairman of the Finance Committee would take another look at this situation and consider the merits of this bill, then give the Senate an opportunity to right this problem.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 4041) to repeal section 7275 of the Internal Revenue Code of 1954, relating to amounts to be shown on airline tickets and advertising, introduced by Mr. TOWER, was received, read twice by its title, and referred to the Committee on Finance.

S. 4044—INTRODUCTION OF THE COMMERCIAL TECHNOLOGY ASSESSMENT ACT OF 1970

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference, on behalf of myself and the Senator from Michigan (Mr. HART), the Commercial Technology Assessment Act of 1970. This act establishes the Independent Technology Assessment and Environmental Data Collection Commission. The Commission will have two main functions: First, to make assessments, without regulatory force, as to the desirability of allowing adoption of proposed new technological develpments, basing these assessments upon an evaluation both to the need for such technologies and of the probable environmental consequences of implementing these technologies, and second, to collect, store, and systematically make available all known environmental data relevant to making such assessments.

The purpose of this act is fourfold: to consider the long-range economic, environmental, and social impacts of new commercial technology; to develep an independent research capability that can serve as an "early warning system" to keep Government, industry, and the public aware of possible economic, environmental, and social costs of such technology; to identify and evaluate alternatives to proposed technologies prior to the adoption of such technologies and prior to funding of Government programs employing or promoting such technologies; and finally, to develop a systematic and thorough collection of all environmental data, in order best to assess the envronmental impact of the technologies under consideration.

The purposes of this act will be implemented by the Independent Technology Assessment and Environmental Data Collection Commission. Members of the Commission will be named in the act, and the Commission will have an initial authorized life of 15 years. The Commission will be responsible for collecting and depositing all relevant environmental information, knowledge, and data. This information will be collected from a variety of sources, both national and international. All Government departments, agencies, and instrumentalities will make available to the Commission whatever such information they may have in their possession, and whatever information they may gather in the course of their activities and from the nongovernmental organizations with whom they may contract for services.

The Commission will review all policies, plans, programs and operations of the industrial enterprises and departments of the United States government, in order to identify inadvertent or undesirable consequences stemming from the technologies used or proposed to fulfill those policies, plans, programs, and operations. The Commission will examine alternative technologies, seeking for methods to implement government policies in an environmentally benign manner, and will report its findings and recommendations promptly to the President and to Congress. The Commission's recommendations will include steps that

XUM

the Commission deems necessary to safeguard the health, safety, and environmental quality of the United States from undesirable effects of new technology.

Finally, the Commission will initiate such research as is required in order to make its assessments. The fruits of this research, as well as access to the Commission's environmental information data-bank, will be made available to all levels of government, and to private persons and entities for such fees as the Commission deems necessary to recover the cost of providing this information.

TECHNOLOGY ASSESSMENT AND ENVIRONMENTAL DISRUPTION: PREVENTION AGAINST CURES

Mr. President, despite its somewhat unwieldy title, this is a bill that the Senator from Michigan and I feel has enormous significance for the future of this Nation. To adequately describe this legislation, its purpose and import, would require more time than I would feel justified in asking with so many important matters on the Senate Calendar for the next few days. I will keep my remarks today brief, and the Senator from Michigan will also comment briefly, but we will make a more thorough analysis of our proposal at a later time.

Our purpose in offering this legislation today is to call the attention of both the scientific and lay communities to this technology assessment plan, and to invite their comments and opinions. The Commerce Committee, to which I will ask unanimous consent that this bill be referred, will hold extensive hearings on this legislation and on the technology assessment concept in general. The present bill is only a working draft that we expect to modify as more and more experts have had an opportunity to examine it and to express their views.

XUM

The concept of technology assessment is an unfamiliar one to many people, and hence the significance of this legislation may not be immediately obvious. To explain why technology assessment is a necessary precondition to sound environmental policymaking, it is necessary for me to recapitulate briefly the history of the current environmental crisis and the major lessons we have learned in attempting to deal with that crisis.

"Environment" and "ecology" have become household words only within the last year or two. But the environmental crisis that has so dominated the energies and attention of the American public and all levels of government during this time did not begin suddenly. The depletion of our resources, the despoilation of our wilderness and recreation areas, the fouling of our air and water with pollutants are all processes whose origins are lost in history.

What is new is a national sense of environmental awareness—a sudden recognition that "Progress" has costs as well as benefits, even if those costs are not easily quantifiable and affect areas of our lives to which we have traditionally given little thought. There is a widespread recognition today that the quality of our lives is being degraded at the same time that our standard of living is increasing. There is a recognition that we are beset with an environmental crisis that threatens our enjoyment of life, our health and safety, and even our very survival. Yet there is no widespread recognition of the steps we must take, as a society, to meet this environmental crisis and to make ecology and economic growth compatible.

Whenever a crisis of any type suddenly becomes the focus of public attention, the natural human reaction seems to be a frantic search for a simple explanation, a scapegoat upon whom the crisis can be blamed. And so it has been with the environmental crisis. Industry has been denounced as greedy and selfish; consumers have been denounced as greedy, selfish and stupid. Not content to blame one another, we have even begun to blame our whole society and culture: our values, our social system, and our naive faith in the benevolence of science have all been criticized and shaken.

Each of these factors may be partially responsible for the environmental crisis, but focusing on them tends to obscure the central problem. That problem, I submit, is ignorance: ignorance of the nature of the human ecosystem, and ignorance of fashion in which human activities tend to stabilize or upset that ecosystem. Because we have not understood this ecosystem and its importance, we have not made a serious attempt to insure that new developments within our civilization are compatible with the maintenance and enhancement of environmental quality. And so, in blissful ignorance, we have gone about introducing new technology without any regard to values other than the economic benefits that such technology produces. That other values—social and environmental values particularly—ought to be considered, that these values may not be in complete harmony with economic values and that technological alternatives more consistent with these values might have been found, has not occurred to us until relatively recently.

Most environmental programs born in this current period of environmental concern basically aim at finding cures for environmental ills. This is costly both in tax dollars and in the disruption of settled patterns of industrial production and community organization—and it is inefficient, since no "cure" can be attempted until the "symptoms" have become obvious and acute. In addition, we are always confronted with the nagging fear that we may be creating new environmental problems faster than we are curing the old ones.

Fortunately, there is an alternative to this "curative" effort, although it is not a complete alternative and although it will not be simple. That alternative is "preventive" environmental action—the discovery and solution of environmental problems before they occur. This is the alternative represented by the Commercial Technology Assessment Act of 1970.

The Commercial Technology Assessment Act is designed to facilitate preventive environmental action by increasing our knowledge of the human ecosystem and by providing for an assessment of the impact of new technology on that ecosystem before the technology is introduced. The Commission named in this act will fulfill this function not only by gathering environmental information and evaluating new technologies in terms of that information—along with social and economic criteria—but also by disseminating its information and assessments to the Government, to industry, and to the public at large. This assessment/dissemination process will enable all those who promote or utilize, and those who will be affected by new technology, to make a determination about the desirability of that technology without waiting until after it has been implemented and its impact become apparent through actual environmental consequences.

EXPERIENCE OF THE SUBCOMMITTEE ON ENERGY, NATURAL RESOURCES, AND THE ENVIRONMENT

Mr. President, the reasoning I have just laid out results from the experiences that the Senator from Michigan and I have had throughout the current environmental crisis, but particularly from our experiences on the Commerce Committee's Subcommittee on Energy, Natural Resources, and the Environment. We have learned that every new technological development can be expected to have an impact on the environment. And we have learned that up until now, very little has been done to determine in advance what that impact may be and what alternative technological developments—perhaps with more benign, environmental impact—might be utilized to accomplish the same objectives. In other words, we have seen repeatedly that by the time the environmental impact of most technological developments has been assessed, the environment has already been damaged and the technology has become economically "indispensable." And in those rare instances where the environmental impact of new technology has been assessed in the early stages of its promotion or use, that assessment has not been readily available to those decisionmaking bodies—private and governmental—that must cope with implementation of the technology and the consequences that flow from that implementation.

It is not difficult to provide an example of the critical importance of assessing new technology before it is implemented. In recent hearings of the subcommittee, for example, we have examined a once-obscure but now-famous herbicide known as 2,4,5-T. This chemical is such an effective defoliant that it has achieved tremendously widespread military use in Vietnam and widespread use here in the United States for both commercial and non-commercial activities.

Laboratory tests have recently demonstrated, however, that 2,4,5,-T causes several fetal malformation or spontaneous abortion in female rats. There is no reason to suspect that 2,4,5,-T is any less dangerous to human beings. Yet by the time use of this chemical is discontinued, literally millions of South Vietnamese and Americans will have ingested some quantity of it.

What the impact of 2,4,5,-T will be on human life is not known, but it is obvious that the tremendous risk we have taken with this chemical might have been avoided altogether had tests been run on it before it was first used. This incident demonstrates vividly that introducing new technological developments without a prior determination of their impacts is a form of environmental Russian roulette. We should not have to wait for some disaster, either to humans or to laboratory animals, before searching for technological alternatives or before deciding to abandon a particular technology altogether. To do so is, at best, unfair to those industries whose product lines may suddenly be disrupted, and at worst, unsound from the point of view of human health and safety.

RELATIONSHIP WITH WORLD ENVIRONMENTAL INSTITUTE

I might add, somewhat more than parenthetically, that the Commission created by this bill and the data bank included therein will be an important element in coordinating U.S. environmental policy and information with that developed by international organizations. As the Senate knows, more than 40 Senators have cosponsored my legislation—Senate Resolution 399—aimed at creating a similar environmental data bank at an international level. Whether or not a global authority is established along the lines of the World Environmental Institute in Senate Resolution 399, it is obvious to anyone familiar with contemporary scientific thought that some form of global environmental agency will be created. Work on the nature and functions of this global agency is in progress here in the United States, in the United Nations, and in the industrialized nations throughout the world, at both governmental and nongovernmental levels. This agency, regardless of its other functions, will have an international environmental data bank, and coordination of the flow of environmental information between the United States and the global agency will necessitate a centralized data bank here as well.

For all of these reasons, then, and for other reasons that the Senator from Michigan and I will elaborate upon at length in future remarks, the Commercial Technology Assessment Act of 1970 is a critically important piece of legislation. I hope that Senators, as well as scientists and other interested individuals, will not hesitate to call upon me or the Senator from Michigan to discuss this matter further.

Mr. President, I ask unanimous consent that the legislation I am introducing be referred to the Committee on Commerce. I also ask unanimous consent that the legislation be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. ALLOTT). The bill will be received and by unanimous consent referred to the Committee on Commerce; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4044) to establish an independent commission to evaluate and assess developments in the fields of commerce and technology and to accumulate and disseminate data relevant thereto, introduced by Mr. MAGNUSON, for himself and Mr. HART, was received, read twice by its title, referred to the Committee on Commerce by unanimous consent, and ordered to be printed in the RECORD, as follows:

S. 4044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Commercial Technology Assessment Act of 1970".

DECLARATION OF POLICY AND PURPOSES

SEC. 2. It is hereby declared to be the policy of the United States (1) to consider the long range effects and extent of the influence of existing and new commercial technology on our nation's economic and social goals and on its environmental quality; (2) to develop, encourage, and maintain a capability to undertake independent research and timely analysis so as to provide early warning to all branches of government and to the general public of environmental hazards and economic and social costs; (3) to undertake appropriate technological assessments prior to enactment of new legislation or funding of new programs where resulting technology might impinge on our national social and economic goals, or threaten health, safety, or environmental quality, and to identify alternatives to such technological developments or new legislation or regulation of technology; and (4) bearing in mind the inter-connection between developing technology and our concern for the preservation of environmental quality, to assure a systematic and thorough collection of data relating to the environment.

FUNCTIONS OF COMMISSION

SEC. 3. (a) There is hereby established, for a period of 15 years from the effective date of this Act, the Independent Technology Assessment and Environmental Data Collection Commission (hereinafter referred to as the "Commission").

(b) It shall be a function of the Commission to serve as a central national depository of all information, knowledge, and data relating to the environment. In order to carry out such function it shall be the duty of the Commission to collect and receive for deposit all such information, knowledge, and data. Such information shall be collected and received from both national and international sources, and the President is authorized to enter into such treaties and agreements with other nations, with the United Nations, and with other international oranizations as may be necessary to collect and receive such information, knowledge, and data from international sources.

(c) The head of each department, agency, or instrumentality in the Executive Branch of the Government shall supply to the Commission all information, knowledge, and data on the environment which such department, agency, or instrumentality may have as a result of its operations. Such information, knowledge, and data shall be supplied to the Commission as soon as possible after it becomes known to such department, agency, or instrumentality.

(d) In the administration of all Federal programs resulting in financial assistance to any foreign nation or to any State, political subdivision, or other public or private entity, and in all contracts in which the United States is a party, the head of the department, agency, or instrumentality administering such program, or entering into such contract, shall take such action as may be necessary to insure that all information, knowledge, and data on the environment which either directly or indirectly results from federal financial assistance or contract will, as soon as possible after it becomes known, be made available to the Commission.

(e) The Commission shall in addition, have the responsibility to—

(1) review and assess, to the extent possible, policies, plans, and programs of industrial enterprises and of all departments and agencies of the United States and identify inadvertent consequences of technology generated to fulfill those policies, plans, and programs;

(2) seek alternative benign technological methods of implementing such policies, plans, and programs;

(3) provide prompt reports to the President and the Congress, warning of hazards and advising of findings;

(4) take initiatives for similar studies in anticipation of such policies or programs;

(5) make recommendations as to research, regulation, or environmental monitoring necessary to protect health, safety, and environmental quality from unwanted effects of new technology;

(6) initiate research as required in support of Commission assessments; and

(7) serve as an expert witness before the Congress, administrative agencies, and the courts in their inquiries related to social management of technology, and make policy recommendations, when requested, to all branches and agencies of the Government.

(f) The information, knowledge, and data acquired by the Commission, and its services in carrying out the functions outlined herein, shall be made available

(1) to all branches and agencies of the Government and to all States and political subdivisions thereof on request without charge except that, in any case where the Commission determines that the service requested is substantial, the Commission may require payment of such fees and charges as it determines necessary to recover all, or any part, of the cost of providing such service, and

(2) to private persons and entities upon payment of such fees and charges as the Commission establishes as necessary to recover the cost of providing such services and subject to such terms and conditions as the Commission determines necessary to protect the interests of the United States.

OPERATIONS OF THE COMMISSION

SEC. 4. (2) In carrying out its duties, the Commission shall establish and maintain such facilities as may be necessary, including, but not limited to, buildings, computers, and data processing and other equipment. The principal headquarters of the Commission shall be located within the District of Columbia. The head of each department, agency, and instrumentality in the Executive Branch of the Government shall, to the fullest extent possible, permit the Commission to use, without reimbursement, personnel, facilities, computers, data processing, and other equipment within such department, agency, or instrumentality in carrying out its functions under this act, and, to the fullest extent possible, such computers, data processing and other equipment shall be made compatible with all others in, and available for use by, the Commission.

(b) The Commission may employ a staff to fulfill the functions set forth herein.

(c) The Commission may enter into contracts for technological assessment necessary to carry out the purposes of this Act.

(d) The Commission may employ consultants from any of the fields of science, engineering, law, or other professions as needed to assist in technology assessment, provided they are not in conflict of interest.

COMMISSION MEMBERSHIP AND BYLAWS

SEC. 5. The initial members of the Commission shall be the following persons:

The person named first above shall serve as acting chairman.

(b) The initial members shall meet at the call of the Acting Chairman within one month after the effective date of this Act. At that meeting the initial members shall adopt bylaws of the Commission in conformity with the provisions of this Act to carry into effect the purposes of the Commission. Such bylaws shall—

XUM

(1) fix the number of the membership of the permanent Commission;

(2) determine the identity of the persons who shall constitute such membership, and the identity of the permanent Chairman thereof;

(3) provide that each permanent member of the Commission shall serve for the duration of the existance of the Commission unless he either resigns, becomes incapacitated or dies;

(4) provide for the designation of successors to such persons in the event that vacancies occur in the membership of the Commission;

(5) provide for the calling of periodical and special meetings of the Commission;

(6) provide for procedures by which it shall be determined which technologies shall be assessed and in what priorities; and

(7) provide for the performance of all other functions of the Commission in conformity with the provisions of this Act and policy as established by the Commission.

(c) A majority of the Commission shall constitute a quorum. A vacancy in the membership of the Commission shall not impair the power of the remaining members thereof to perform the functions thereof.

(d) The acting and permanent chairman of the Commission shall serve as the executive officer of the Commission.

(e) Each member of the Commission shall be compensated at the level provided for GS-18 in title 5 of the United States Code.

AUTHORIZATION

SEC. 6. There are hereby authorized to be appropriated such sums as may be needed to carry out this Act, but sums appropriated for any fiscal year shall not exceed $50 million.

XUM

Mr. HART. It has been a pleasure and education for me to work with the distinguished chairman of the Commerce Committee in preparing this bill for introduction. The able Senator from Washington long has played a leading role in the attempts of the Congress to reconcile our demands for expanding technology with other competing social, economic, and environmental concerns.

Tribute ought to be paid to two others who have contributed greatly to this effort and who deserve much of the credit for the ideas contained in the bill we introduced today. The distinguished Congressman from Michigan, Mr. DINGELL, whose efforts have produced so much of existing environmental legislation, has proposed the creation of an environmental data bank similar to the institution which would be created by this bill. The distinguished Representative from Connecticut, Mr. DADDARIO, has held extensive hearings in his House Subcommittee on Science, Research, and Development dealing with the concept of technology assessment. In that their ideas are so central to the theme of this bill, we want and welcome their comments on it and their suggestions for improvement.

Turning now to the purposes of our bill, they are basically to create a commission capable of performing two principal functions. The first is to serve as a central depository for all data relating to the environment. The second is to make assessments, without regulatory force, as to the desirability of current technological proposals based on evaluation of both the needs for such technologies and the degree of environmental contamination likely to result from their development.

Corresponding to these functions are two basic voids within our system which it is the purpose of this commission to fill. First of all, many of our environmental problems can be traced to a lack of timely knowledge as to the seriousness of a given pollutant. In testimony before the Commerce Subcommittee on Energy, Natural Resources, and the Environment, we have repeatedly heard witnesses bemoan the absence of any centralized clearinghouse for environmental information.

In our hearings on the effects of mercury on man and the environment it was claimed by both those responsible for the mercury pollution which occurred in Lake St. Clair and those directly affected by it that the existence of such a clearinghouse might have prevented much of the damage which occurred. Although literature had been published and events had occurred which suggested that inorganic mercury could be converted to the deadly poison known as methyl mercury, the chemical companies which deposited the pollutant into our waters were not fully aware of the problem. Had there been a source to which they might have turned to learn all that was known about the behavior and effects of this chemical, they certainly would have abandoned their practices long ago. And had they done so, Lake St. Clair might now be available and functioning as the commercial and sport fishing resource which once it was.

In a similar vein when our subcommittee examined the problems associated with use of the herbicide 2,4,5-T and related chemicals, we found again that lack of knowledge was a central problem. In the case of 2,4,5-T itself, although alarming information relating to the fetus-deforming effects of the herbicide in test animals was available as early as June of 1966, no action was taken to restrict its use until nearly 4 years later. The regulatory agencies responsible for controlling the use of pesticides, the Food and Drug Administration and the Department of Agriculture, may not have been blameless for this state of affairs. Yet it is difficult to harshly reprimand them in view of the fact that the alarming information was not made available to them until years after its discovery. The producers of this chemical also were denied access to information which might have led them to restrict their production or at least to conduct further research to clarify the situation.

It is, therefore, a major purpose of this bill to insure that when information of this sort is known by anyone anywhere in the world that every effort be made to bring it to the attention of as many people, both within and outside the Government, as possible. Considerable thought will have to be given to the mechanism by which the accumulation and dissemination of this information is handled, but I suspect that few would deny the desirability of increasing the free flow of such vital information.

The second void which it is hoped would be eliminated by the establishment of this commission relates to the biases of our existing governmental agencies. Limited missions assigned each existing institution of government, for example the promotion of agriculture, the protection of health, the expansion of nuclear energy, the purification of water. As a result there exists an agency which can evaluate new technological proposals taking into account every aspect of the problem. What appears to be needed is an institution without any innate orientation either toward technological advancement or environmental protection. It is hoped that the commission would meet this need and function.

The membership for the Commission would be selected with the goal of promoting total objectivity in its determinations. Although many of those determinations would be scientific ones, it is felt that both scientists and experts in other disciplines ought to participate. The decisions that would be entrusted to the commission would involve considerations relating to all walks of life—considerations which reflect human, philosophical, social, and economic, as well as scientific, values—and it is therefore felt that representatives from all walks of life should be among the membership.

It goes without saying that an institution responsible for determinations of such great significance must be totally apolitical in its approach to problems. In the past, charges have been leveled, both at the current and prior Administrations for politicizing issues of health, safety, and environmental quality. Whether these charges are well-founded, or not, every precaution should be taken to prevent political considerations from influencing matters which are and must be above politics. It is our conclusion that this can better be accomplished by making the selection of the commission's membership independent of the appointment process. It is therefore proposed that the membership be designated by statute for the relatively long tenure of 75 years.

Whereas this method of selection by Congress of course will not remove all political pressures from the institution, it is hoped that it will minimize them. Moreover, to the extent that a political complexion is unavoidable, it is certainly healthy for it to vary from that of the regulatory agencies of Government. One of the more important purposes of the hearings to be held on the bill will be to offer and evaluate proposals for membership. We of course welcome your suggestions on this matter.

Independence from other agencies of Government would allow the Commission to function effectively in what I believe would be one of its more significant roles, that of a witness at congressional hearings and before the courts. The desirability of an additional expert witness before congressional committees to support or refute testimony of Government and other witnesses is beyond question. As for the courts, I believe the Commission could play a valuable role in the expansion of the concept of legally enforceable environmental rights. Senator MCGOVERN and I have introduced a bill, S. 3575, the Environmental Protection Act of 1970, which would greatly facilitate the bringing of conservation suits by breaking down traditional legal barriers to the enforcement of such rights. One of the arguments frequently raised against this concept is that courts are incompetent to question the descretion of administrative agencies in areas which are supposedly within the expertise of those agencies. Whereas I do not share that view under current conditions, it woud appear to be even less tenable in the event that courts could regularly seek the counsel of the Commission as an expert witness.

Administrative agencies designed to protect the citizen from unreasonable encroachments on his air, water, and land resources in many instances have done an insufficient job in that regard. In such cases it is essential for the citizen to have recourse to an alternative means of protection; that is, the alternative of protecting himself through the judicial process. Our judicial system is perhaps the most objective of all our existing institutions and, therefore, the most capable of providing an effective check on the workings of our bureaucratic process. It is a major purpose of the bill offered today to make that check not only objective but also highly competent.

It is my firm belief that by developing additional expertise in the area of technology and the environment and by harnessing it to the public's advantage in the manner proposed in this bill, Congress can perform a highly valuable service. The opportunity to do so is one that should be seized and acted upon quickly and decisively.

S. 4045—INTRODUCTION OF A BILL TO AUTHORIZE FEDERAL ACQUISITION OF GARNER VALLEY, CALIF.

Mr. CRANSTON. Mr. President, on behalf of my distinguished colleague from California, Senator MURPHY, and myself, I introduce for appropriate reference a bill to authorize the Secretary of Agriculture to acquire portions of the privately owned lands within Garner Valley in the San Jacinto Mountains of California.

There are approximately 10 square miles of privately held lands in Garner Valley which are entirely surrounded by the San Bernardino National Forest. While there has been some construction of summer homes and recreational facilities, the area remains largely in a natural state. Garner Valley is a natural resource of great potential for the recreational and greenbelt needs of the Los Angeles basin's enormous population. It is a mountain valley of pine and fir 4,600 feet in elevation lying within a few miles of the desert of Palm Springs to the east and within 2½ hours driving time of downtown Los Angeles on the west.

However, unless we act quickly, this potential for public use will be eliminated. There is a pending proposal to carve up 2,280 acres of the heart of the valley into a high density residential subdivision. Even if this development is halted, an action I hope the Riverside Board of Supervisors will take, the pressures on such privately held land around California population centers is inexorably growing. Those lands which should be preserved for public use must be withdrawn from the market place immediately.

There are two basic reasons for Federal acquisition of Garner Valley. The most immediate reason from the viewpoint of the Federal Government is to protect the surrounding areas of the San Bernardino National Forest. Here, as in other portions of the forest, smog from the Los Angeles Basin is killing the Jeffrey pine. The automobiles and other smog emitters of private residential development within Garner Valley could be a disastrous addition to the existing drift of polluted air blown eastward from Los Angeles and Orange Counties into the San Jacintos. The area also contains perhaps the last stand of Parry Pinyon pine, and the mountains provide a home for the rare Peninsular Bighorn sheep. Clearly we face a major problem in finding ways to alleviate the existing air pollution threat to the ecosystems of the national forest. To allow high-density development in the center of the forest would seriously aggravate the problem.

The broader reason for preserving Garner Valley in its natural state I have alluded to earlier in my remarks. Those areas of natural beauty still in their native environment should be evaluated carefully and managed according to plans which are consistent with the highest and best public interest. If after such planning and evaluation, private development appears to be the highest and best use, then I believe our land developers can make a substantial contribution to our people's well-being by building homes and recreational facilities.

But this is clearly not the case in Garner Valley. Only yesterday, the Riverside County Board of Supervisors, the body which has the final responsibility for planning and zoning this land, voted unanimously to ask the Federal Government to purchase it.

I believe our prompt response to this request, as well as an identical bill being introduced today in the House by Congressman TUNNEY with a number of other California Congressmen as cosponsors can be the turning point in the rescue of the valley and in the protection of the surrounding forest lands.

I am particularly pleased that my distinguished colleague from California, Senator MURPHY has joined me in this endeavor. His cosponsorship gives this legislation the truly bipartisan character it should have.

Mr. President, I ask unanimous consent that the text of my bill be printed at this place in the RECORD.

The PRESIDING OFFICER (Mr. ALLOTT). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4045) to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein within the San Bernardino National Forest, Calif., introduced by Mr. CRANSTON (for himself and Mr. MURPHY), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 4045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to maintain the water quality, the outstanding natural beauty, the forest ecosystem and other environmental values of the watershed area of the San Jacinto River known as the Garner Valley, within the San Bernardino National Forest, Riverside County, California, and to protect the area (including a wildlife refuge) and adjacent national forest lands from soil erosion, flooding, additional air pollution damage, overuse of forest ecological resources, and degradation of scenic values, the Secretary of Agriculture is authorized and directed to acquire such lands and interests therein within the following described areas as he deems necessary to accomplish the purposes of this Act:

Sections 3, 7, 8, 9, 10, 11, 14, 15, 16, 23, 24, 25, 26, 36, township 6 south, range 3 east;

Section 31, township 6 south, range 4 east;

Section 1, township 7 south, range 3 east;

Sections 5, 6, 7, township 7 south, range 4 east; all of San Bernardino meridian.

SEC. 2. There are hereby authorized to be appropriated such sums, not to exceed $8,500,000, as are necessary to carry out the purposes of this Act.

ADDITIONAL COSPONSORS OF BILLS

S. 2752

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Maine (Mr. MUSKIE), I ask unanimous consent that, at the next printing, the name of the junior Senator from New Jersey (Mr. WILLIAMS) be added as a cosponsor of S. 2752, to promote intergovernmental cooperation in the control of site selection and construction of bulk power facilities for environmental and coordination purposes.

The PRESIDING OFFICER (Mr. ALLOTT). Without objection, it is so ordered.

S. 3876

Mr. HARRIS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Ohio (Mr. YOUNG) be added as a cosponsor of S. 3876, to establish a National Economic Equity Board to protect the public interest in price stability and the control of inflation.

The PRESIDING OFFICER (Mr. ALLOTT). Without objection, it is so ordered.

S. 3962

Mr. METCALF. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Wisconsin (Mr. PROXMIRE) be added as a cosponsor of S. 3962, to revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act.

The PRESIDING OFFICER. (Mr. PEARSON). Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS DURING FISCAL YEAR 1971 FOR PROCUREMENT OF AIRCRAFT, MISSILES, NAVAL VESSELS, AND TRACKED COMBAT VEHICLES—AMENDMENT

AMENDMENT NO. 754

Mr. PROXMIRE. Mr. President, on May 5, I introduced Senate Resolution 401 calling for an immediate end to sending draftees to South Vietnam and Cambodia. Since that time, Senators GAYLORD NELSON and HAROLD HUGHES have introduced additional legislation on this subject. Therefore, today, on behalf of Senators NELSON, HUGHES, and myself, I am submitting an amendment to the fiscal year 1971 military authorizations bill (H.R. 17123) to achieve the purpose we all seek: an end to our sending draftees to fight against their will in Southeast Asia.

The Proxmire-Nelson-Hughes amendment will provide that after the date of enactment of the military authorizations bill, no funds may be expended for the purpose of sending draftees to South Vietnam, Cambodia, or Laos, unless specifically authorized by Congress at a later time.

Mr. President, an all-volunteer armed force in Southeast Asia is now possible. Recent events have led me to this conclusion.

On April 20, President Nixon announced the withdrawal of an additional 150,000 troops from Southeast Asia to be completed during the spring of next year. This will bring a total reduction of 265,500 men in our Armed Forces in Southeast Asia below the level that existed when the President took office 15 months ago. By mid-1971, therefore, according to the Pentagon our troop strength will total 284,000, or approximately half of what it once was. I think it is reasonable to assume that volunteers can now take on the full burden of our obligation to South Vietnam. As the President said on April 20:

> We can now say with confidence that the South Vietnamese can develop the capability for their own defense. We can say with confidence that all American combat forces can and will be withdrawn.

President Nixon's April 23 message to Congress on ending the draft lends further support to my contention that an all-volunteer force in Southeast Asia is now feasible. The President proposed that in order to increase voluntary enlistment in the Armed Forces, two major steps were necessary. First, the pay for servicemen—particularly in their first 2 years of service—should be increased. Second, programs designed to increase enlistments and to improve the conditions of military service should be initiated.

There can be little doubt that the starting salary of an enlisted man in our Armed Forces—presently less than $1,500 a year—is a disincentive to voluntary induction. Now that the President has approved a 6-percent across-the-board pay increase for Federal employees, the pay of servicemen will be raised by $1.2 billion a year. In addition, he has proposed an additional 20-percent increase for enlisted men with less than 2 years of service, to be effective January 1, 1971; and he has recommended that an additional $2 billion for added pay and other benefits—especially for those serving their first 2 years—be included in the fiscal 1972 budget. These acts will greatly help to solve the problem.

President Nixon has also directed the Secretary of Defense to give high priority to the expansion of programs designed to increase enlistments and retentions in the service and to review policies and practices of the military, to give new emphasis to recognition of the individual needs, aspirations, and capabilities of all service personnel.

If the Secretary of Defense decides to expand programs involved with recruiting volunteers, he should be pleasantly surprised. According to the President's Commission on an All-Volunteer Army, headed by former Secretary of Defense Thomas Gates:

Studies indicate that a relatively small increase in recruiting expenditures would produce as much as a 10 to 20 percent rise in enlistment rates.

By increasing the pay and benefits of servicemen, improving conditions of service, and using other recruitment incentives and techniques, the President hopes to increase enlistment in the Armed Forces, thus paving the way for an all-volunteer army. I believe that the measures proposed by the Preident will make military service more desirable to young men. They will increase substantially the number of men that will be willing to volunteer for active military service. They will make an all-volunteer armed force in Vietnam or in Cambodia possible.

The question of whether or not there will be enough volunteers available for duty in Vietnam or in Cambodia is a legitimate one. I believe, however, that the facts point to the conclusion that there will be.

Last year 283,575 men were drafted. Of this total, 95 percent were inducted into the Army. Latest Army figures reveal that of the 302,000 Army personnel now serving in South Vietnam or Cambodia, approximately 115,000 are draftees. While this figure represents over a third of the Army servicemen there, it is nevertheless only 9 percent of the 1.4 million men now serving in the U.S. Army. The total of 265,000 men that the President has announced will be withdrawn by next spring is double the 115,000 Army draftees serving in those countries.

Our overall military strength today, including Army, Air Force, Navy, and Marine personnel, totals 3.1 million men. Of these men, 424,700, or 13 percent, are presently serving in South Vietnam or Cambodia. Draftees in those nations now comprise less than 4 percent of the 3.1 million total. Surely no one can claim there is any hardship in not sending any more draftees to Southeast Asia to replace the 115,000 or fewer draftees now there.

What many of us fail to realize is that of the 6 million men who have served in the military during the Vietnam war, 75 percent have been volunteers, only the remaining 25 percent have been draftees. The Gates Commission has stated:

> In recent years about 500,000 men a year have volunteered for military service. Although some of these volunteered only because of the threat of the draft, the best estimates are that at least half—250,000—are "true volunteers." Such men would have volunteered in spite of an entry pay that is roughly 60 percent of the amount that men of their age, education and training could earn in civilian life.
>
> The often ignored fact, therefore, is that our present armed forces are made up predominately of volunteers. All those men who have more than four years of service—33 percent of the total—are true volunteers; and so are at least a third of those with fewer than four years of service.

The Commission went on to say:

> The majority of men serving today are volunteers. And many who are now conscripted would volunteer once improvements were made in pay and other conditions of service.

I am convinced that the small percentage of men now serving in Vietnam or in Cambodia involuntarily can be replaced by volunteers. The vacancy left by these men would not be difficult to fill. As President Nixon continues to reduce our troop strength in Vietnam, fewer men will be needed; as his pay increases and improvements of service conditions go into effect, more men will volunteer.

There is still another reason, again the result of recent events, that has convinced me of the need for ending the practice of sending draftees to Southeast Asia. I think that the tragic events we have had on our college campuses throughout this country are in very large part the result of the fact that young people are being drafted and sent to Vietnam against their will, and it could happen to any one of them, as they know.

In a recent article entitled "Draft Sired Youth Revolt," by author Samuel Lubell, the close connection between campus unrest, the draft, and the war was clearly shown. Lubell wrote:

> With the draft, if ever a crisis could have been averted, this was it. The births after World War II warned unmistakably of the approach of a profusion of males far beyond any foreseeable military needs. In 1962, in fact, Secretary of Defense Robert McNamara ordered a study of how the draft should be changed.
>
> But the Pentagon manpower planners, reasoning that the situation was "not expected to become acute for two or three years," contented themselves with requesting mere renewal of the Selective Service Act unchanged.
>
> This failure to adjust the draft in 1963 can be said to mark the beginning of our youth crisis. The absence of draft reform would mean that when our involvement in Vietnam deepened, for every young man taken into the service, three to four times as many would feel they had to find ways of evading the draft, postponing career decisions, and building up resentments against society.
>
> Each succeeding year, as the war resistance intensified, the radicalizing process cut deeper. Each year also brought some students closer to the end of their education—and closer, perhaps, to the war they hated.

There is no doubt in my mind that by ending the practice of sending men to fight against their will in Southeast Asia, we will correct one of the most obvious injustices in the present Selective Service System. I am further convinced that students will find one of their most serious objections to the draft eliminated.

In relation to the Selective Service System, the Supreme Court's recent decision to extend the definition of a conscientious objector adds another argument for the need for an all-volunteer policy for Southeast Asia.

On June 15, the Court held that young men are now entitled to exemption from military service as conscientious objec-

XUM

tors not only on deeply held religious convictions, but also if the individual "deeply and sincerely holds the beliefs which are purely ethical or moral in source and content but which nevertheless impose upon him a duty of conscience to refrain from participating in war at any time."

It is not my purpose to argue the pros and cons of that decision. I do want to say something about its effects because it greatly strengthens the case I have been making to end the policy of sending draftees to Southeast Asia.

In interpreting the Supreme Court's decision, the head of the Selective Service System, Curtis Tarr, said that the rules he intended to publish to implement the decision would include a number of specific requirements. First, the individual would have to ask for exemption on grounds other than that his objection was based merely on his personal moral code. He would be required to prove that he had consulted wise men in coming to his decision. Second, he would have to show that he held a systematic belief. He would have to prove that he had had some kind of rigorous training in order to prove his sincerity. As James Reston of the New York Times wrote:

> But the hard fact is that the Supreme Court's decision, obviously designed to be fair and strike a balance between religious and ethical objectors to the war, is unfair to the poor.
>
> The sons of the rich and middle class in America can now appeal to the Supreme Court's decision for relief. As a matter of fact they can flood the courts with appeals and even threaten the whole Selective Service system, but the sons of the poor are now in even more trouble than they were before. They don't have the money to hire lawyers. They don't have the education to prove that they went through a rigorous system of religious training, or that they followed the counsel of what the Director of Selective Service calls "wise men."

One of the major objections to the draft today is that it is so grossly unfair to the poor, the black, and the uneducated. The interpretation of the Supreme Court decision by Mr. Tarr compounds the unfairness and the inequities of the draft. That decision is, therefore, another reason, and a major one, why the amendment that Senators NELSON, HUGHES, and I have offered today should be adopted by the Senate and signed into law.

The President's message to Congress on ending the draft, the withdrawal of troops from Southeast Asia, and the pay increases for military personnel—both those in effect and proposed—make it feasible for the United States to fulfill its obligations in that area of the world by an all-volunteer force. The connection between campus unrest, the war, and the inequities in the present selective service system lend an urgency to this proposal.

To stop sending draftees to Southeast Asia is not only feasible, and urgent, I also believe it is right. Not only is this an undeclared war, but the draftee has borne an unfair proportion of the fighting burden.

I think this contention can best be seen in the startling fact that whereas draftees in Southeast Asia make up only one-fourth of our entire troop strength there, and 40 percent of the Army enlisted men, they suffer over one-half of the combat deaths. It is evident, then, that a disproportionate amount of the combat burden is being assumed by the draftee.

The probability of a draftee being assigned to a combat infantry company is increased by the fact that the regular soldier has first choice for available support assignments. Because of that and because about 10 men outside the fighting zones are needed to support one soldier in action, a high proportion of the draftees end up in combat units.

In his message to the Congress on ending the draft, President Nixon stated:

> This nation has a right to expect that the responsibility for national defense will be shared equally and consistently by all segments of our society.

> This "basic principle," as the President referred to it, is not now carried out by the draft. It is not carried into practice in Vietnam or in Cambodia. The simple fact is that the responsibility of our national defense within our Armed Forces is not shared equally. Some men must go while others stay at home.
>
> When a nation is at war, whether it is declared or undeclared, there are two means of sharing the burden of danger: either all must go or only those who volunteer should go. Especially in a limited war, the former alternative is not a rational one; the latter choice is practical only in exceptional cases. Because of the gross inequities in the draft and the President's announcements on troop withdrawals, Vietnam and Cambodia can be such a case. Under the circumstances, an all-volunteer armed force in Vietnam and Cambodia is the most equitable means of deciding who should, and who should not, go to serve in those countries. The desirability of pursuing such a course is clear.

Mr. President, I am convinced that our national interest will be better served by an all-volunteer armed force in Southeast Asia, made up of those men who volunteer for enlistment and those draftees who volunteer for duty in those nations, than by our present mixed contingent of volunteers and draftees, some of whom are in South Vietnam and Cambodia against their will. An all-volunteer armed force in Southeast Asia would not endanger our national security, and I am confident that it would have a valuable effect on the military as well as the rest of the Nation.

Mr. President, I submit the Proxmire-Nelson-Hughes amendment to the fiscal 1971 military authorizations bill and ask that it be referred to the appropriate committee.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The amendment will be received and printed, and will be appropriately referred.

The amendment (No. 574) was referred to the Committee on Armed Services.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 608

Mr. McGOVERN. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New Jersey (Mr. WILLIAMS) be added as a cosponsor of Amendment No. 609 to H.R. 17123, the military procurement authorization bill.

The VICE PRESIDENT. Without objection, it is so ordered.

AMENDMENT NO. 739

Mr. BYRD of West Virginia. Mr. President, on behalf of the majority leader, I ask unanimous consent that the name of the Senator from New Mexico (Mr. MONTOYA) be added as a cosponsor of Amendment No. 739 to the postal reform bill.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

ADDITIONAL STATEMENTS OF SENATORS

GROWING DEMAND FOR RATIFICATION OF EQUALITY FOR WOMEN TREATY

Mr. PROXMIRE. Mr. President, in recent months there has been a growing demand for the full recognition of the equality of women. Much of this activity has centered around giving women the same employment rights and opportunities as those open to men. Women are demanding equal pay scales and advancement opportunities. Most important, the women are winning some notable victories.

This morning the Washington Post published a story by Margaret Crimmins which reported additional evidence that women will no longer tolerate unfair treatment. The article reports that the National Organization of Women—NOW—has organized a women's Strike for Equality Day to take place on August 26. As further evidence of support for the ratification of the Convention on Equal Rights for Women, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DRUM-BEATING FOR WOMEN'S STRIKE

(By Margaret Crimmins)

NEW YORK—"It's like a tribal drum—it's beating all over the country," chortled NOW (National Organization for Women) founder Betty Friedan after today's press conference announcing details of the women's Strike for Equality Day called for Aug. 26.

Mrs. Friedan, author of "The Feminine Mystique," said women in Boston plan to distribute 4,000 cans of contraceptive foam on the Boston Common and Buffalo, N.Y., women are saying they won't iron on that day, which marks the 50th anniversary of the amendment giving women the vote.

"We want women to get ideas from others and do their own thing, wherever they see a need for equality. Obviously, it's different for a telephone operator than for a college professor," said Mrs. Friedan.

A group of college students, she said, is planning to "use magic markers to scrawl certain facts of life on their bedsheets."

Mrs. Friedan in a pink mini dress and, unlike some women's liberation members, giving in to lipstick and eyeshadow, stressed that the strike is not just for NOW members.

"We're going to bring babies for a baby-in to sit on the laps of city fathers to show the need for child care centers in New York."

Mrs. Friedan, head of NOW's advisory board, listed three major objectives for the strike:

Free abortions on demand in every state.

24-hour child care centers under control of parents.

XUM

True equality in education and employment.

Karen DeCrow of Syracuse, N.Y., one of the plaintiffs in the case against McSorley's saloon (an all-male bar in which women won seating) said friends in Finland are planning projects to "support their American sisters."

"Freedom trash cans will be set up all over the country, so that women can bring items that oppress, like aprons, curlers and hairpins."

Mrs. DeCrow, a married law student at Syracuse University, said high school students plan to picket counseling centers and college students will march on religious headquarters which refuse to ordain women.

Bella Abzug, recent winner of the Democratic nomination for Congress in New York's 19th Congressional District, said: "It will be a significant day in the total sense, for all people seeking humanity."

THE NEED FOR TOLERANCE

Mr. FULBRIGHT. Mr. President, last Sunday's Washington Post contained an arresting headline to a profoundly interesting article written by Robert Yoakum. The headline was, "What if We Suddenly Went Sane?"

What, indeed, would happen to the human race—to our world of warfare, destruction, and death—if we suddenly came to our senses and acted rationally and in our own interests?

It is the faint hope that somehow, some day, we may "go sane" that keeps most of the human race struggling against all the evidence that it is not likely to do so.

It is an interesting article, and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT IF WE SUDDENLY WENT SANE?

(By Robert Yoakum)

"The climate is political," wrote E. M. Forster about his book 'Two Cheers for Democracy,' "and the conclusion . . . is that, though we cannot expect to love one another, we must learn to put up with one another. Otherwise we shall all of us perish."

If salvation should depend on how many people got that message, our chances would be slim. Although the London Times gave three columns to the writer when he died this spring at the age of 91, few people either knew or cared. Little general attention was paid to Forster's life and death. One British paper devoted one of its few lines to the fact that "one of his public appearances was at the Old Bailey for the 'Lady Chatterly's Lover' case."

Thus the messages Forster left behind will remain unfamiliar to most of us.

Will it ever be otherwise? Don't count on it, says the voice from the grave. "No millennium seems likely to descend on humanity," he wrote in 1939. "No better and stronger League of Nations will be instituted; no form of Christianity and no alternative to Christianity will bring peace to the world or integrity to the individual; no 'change of heart' will occur.

But what if . . . ? What if suddenly, inexplicably, joyously, a change of heart *should* occur? From Forster's 1939 essay "What I Believe," let's put his words into the mouths of today's thinkers and doers. Hang on, please.

Billy Graham, speaking tonight at the Ethical Culture Society, said: "Faith, to my mind, is a stiffening process, a sort of mental starch, which ought to be applied as sparingly as possible. I dislike the stuff. I do not believe in it, for its own sake, at all. Herein I probably differ from most people, who believe in Belief, and are only sorry they cannot swallow even more than they do. My lawgivers are Erasmus and Montaigne, not Moses and St. Paul. My temple stands not upon Mt. Moriah but in that Elysian Field where even the immoral are admitted. My motto is: 'Lord, I disbelieve—help Thou my unbelief.' "

Chairman Mao was interrupted by cheers, especially from the Soviet delegation, when he said: "Hero worship is a dangerous vice, and one of the minor merits of a democracy is that it does not encourage it, or produce that unmanageable type of citizen known as the Great Man. It produces instead different kinds of small men—a much finer achievement . . ."

Vice President Agnew then told the applauding newspaper editors: "Democracy has another merit. It allows criticism, and if there is not public criticism there are bound to be hushed-up scandals. That is why I believe in the Press, despite all its lies and vulgarity."

In a joint press release, the Minutemen and Weathermen said they realized "that all society rests upon force. But all the great creative actions, all the decent human relations, occur during the intervals when force has not managed to come to the front. These intervals are what matter."

The statement was read into the Congressional Record by Sen. Strom Thurmond, who added: "Tolerance, good temper and sympathy—they are what matters really, and if the human race is not to collapse, they must come to the front before long."

"I hate the idea of causes," Premier Castro said in his speech before the United Fruit Co. annual meeting, "and if I had to choose between betraying my country and betraying my friend, I hope I should have the guts to betray my country . . . Love and loyalty to an individual can run counter to the claims of the State. When they do—down with the State . . ."

Watchtower magazine published an interview with the Rev. Norman Vincent Peale, who said: "I cannot believe that Christianity will ever cope with the present worldwide mess, and I think that such influence as it retains in modern society is due to the money behind it, rather than to its spiritual appeal. It was a spiritual force once, but the indwelling spirit will have to be restated if it is to calm the waters again, and probably restated in a non-Christian form."

"Democracy is . . . less hateful than other contemporary forms of government, and to that extent it deserves our support." These were the words with which First Secretary Brezhnev concluded his election campaign against seven rival candidates. "It does start from the assumption that the individual is important, and that all types are needed to make a civilization. It does not divide its citizens into the bossers and the bossed—as an efficiency-type regime tends to do."

"I believe in aristocracy, though," said William Buckley, "if that is the right word, and if a democrat may use it. Not an aristocracy of power, based upon rank and influence, but an aristocracy of the sensitive, the considerate and the plucky. Its members are to be found in all nations and classes, and all through the ages, and there is a secret understanding between them when they meet. They represent the true human tradition, the one permanent victory of our queer race over cruelty and chaos."

The cast of "Hair" and the nation's largest hippie commune issued a joint tribute today to the late author E. M. Forster, "although he was more than 60 years over 30 when he died." They selected the following passage from a 1941 essay on tolerance as the reason for their gesture:

"Love is a great force in private life; it is indeed the greatest of all things: but love in public affairs does not work. It has been tried again and again: by the Christian civilizations of the Middle Ages, and also by the French Revolution, a secular movement which reasserted the Brotherhood of Man. And it has always failed. The idea that nations should love one another, or that business concerns or marketing boards should love one another, or that a man in Portugal should love a man in Peru of whom he has never heard—it is absurd, unreal, dangerous. It leads us into perilous and vague sentimentalism. . . .

"The fact is we can only love what we know personally. And we cannot know much. In public affairs, in the rebuilding of civilization, something much less dramatic and emotional is needed—namely, tolerance. Tolerance is a very dull virtue. It is boring. Unlike love, it has always had a bad press. It is negative. It merely means putting up with people, being able to stand things. No one has ever written an ode to tolerance, or raised a statue to her. Yet . . . this is the sound state of mind which we are looking for. This is the only force which will enable different races and classes and interests to settle down together . . .

"If you don't like people, put up with them as well as you can. Don't try to love them: you can't, you'll only strain yourself. But try to tolerate them. On the basis of that tolerance, a civilized future may be built."

CORRECTION OF ANNOUNCEMENTS ON VOTES

Mr. PEARSON. Mr. President, because of the 5:00 p.m. late sessions in the Senate for the past several days and because of previous commitments which had to be kept on my part, I have been necessarily absent from the Senate when 11 record votes were taken.

Mr. President, I would like to make my position known on these 11 yea-and-nay votes on which I am not recorded, and I ask unanimous consent that the permanent RECORD be changed to reflect the following positions on my part:

Thursday, June 25, 1970:

No. 175 legislative: Nelson amendment increasing from $30.8 million to $40.8 million funds for the Teachers Corps. If present and voting, my position would have been "nay."

No. 176 legislative: Kennedy-Case amendment adding $47.9 million for higher education, including $17.9 million for educational opportunity grants, $16 million for college work-study programs, $14 million for national defense student loans, and $28 million for grants for construction of undergraduate college facilities. Position: "yea."

No. 177 legislative: Eagleton amendment increasing by $53.6 million funds for school assistance in Federally impacted areas. Position: "yea."

No. 178 legislative: Passage of H.R. 16916, fiscal 1971 appropriations for the Office of Education. Position: "yea."

Nos. 175–177 legislative were amendments to this bill.

Friday, June 26, 1970:

No. 180 legislative: Agreement to the conference report on H.R. 15839, authorizing the disposal of 100 million pounds of tungsten from the national and supplemental stockpile. Position: "yea."

No. 181 legislative: Javits amendment providing that nothing contained in the third committee amendment—Cooper-Church amendment—to H.R. 15628, the foreign military sales bill, barring use of funds for U.S. involvement in Cambodia after June 30, 1970, unless specifically authorized by law, be deemed to impugn the constitutional powers of the Congress, including the power to declare war and to make rules for the government and regulation of the Armed Forces of the United States. Position: "yea."

Monday, June 29, 1970:

No. 185 legislative: Bellmon amendment in the nature of a substitute embodying language of House-passed postal reform measure, H.R. 17070, for Senate postal reform bill, S. 3842. Position: "yea."

No. 186 legislative: Goldwater amendment adding a new section to S. 3842 designed to eliminate the mailing of sexually oriented materials. Position: "yea."

No. 187 legislative: Curtis amendment to H.R. 17802 suspending pay raise for Members and officers of Congress until such time as the Federal budget is balanced. Position: "nay."

No. 188 legislative: Williams of Delaware amendment to H.R. 17802 putting a $205.6 billion mandatory ceiling on expenditures for fiscal year 1971 except for expenditures for (a) interest on the national debt, (b) veterans' benefits and services, and (c) payments from trust funds. Position: "yea."

No. 189 legislative: Passage of H.R. 17802, to increase the permanent public debt limit to $380 billion, and making temporary limit of $395 billion for fiscal 1971. Position: "yea."

DISTRICT REPRESENTATION: THE KENNEDY AMENDMENT

Mr. PROXMIRE. Mr. President, not long ago I addressed the Senate on the crucial need to grant representation to the District of Columbia. I reminded the Senate that we have delayed action on this simple act of fundamental justice for some 170 years. At that time I urged my colleagues to support the constitutional amendment now before the Judiciary Committee which would insure Washington full representation.

However, I feel so strongly about the need to grant Washington representation that I am willing and eager to support other approaches which would achieve the same end.

One alternate approach to granting the District representation has been proposed by the distinguished Senator from Massachusetts. Senator KENNEDY has announced his intention to offer an amendment to the Direct Election of the President Constitutional Amendment. I support Senator KENNEDY's proposal and hope that other Senators will do likewise. We must take action to extend democracy into our Nation's Capital.

In an editorial entitled "The D.C. Rider," the New York Times on Monday joined in supporting Senator KENNEDY's amendment proposal. The editorial makes the important point that while "riders" to bills are normally not to be heartily endorsed, we are in this case speaking of a simple act of justice which should at long last be submitted to national referendum. Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE D.C. RIDER

> Ordinarily there is little to be said for legislating by "rider," that procedure whereby Congress may tack on to a bill under consideration a proposal that has little or nothing to do with the subject. Yet we favor Senator Edward Kennedy's intention to do just that in a desperate effort to achieve Congressional representation for the District of Columbia. We favor it because this simple act of justice has over and over again been thwarted by an even less excusable parliamentary device—burial in the pigeonholes of the House Rules Committee and the Senate Judiciary Committee.
>
> The Senator from Massachusetts has clearly indicated that he will not allow his amendment to endanger passage of the resolution calling for popular election of the President, to which he proposes to link it. At any one of several points along the parliamentary way it will be easily possible to withdraw the added proposal. Since both are in the form of constitutional amendments, moreover, provision for separate consideration by the states will be written into the resolution.
>
> As to the substance of the Kennedy amendment, there should be no doubts. Since the days when the Founding Fathers thought of the District of Columbia as a tiny Government preserve, purposely sited in a bucolic setting to avoid the political pressures of the mob, Washington has become the country's ninth city. As the Senator has pointed out, it has a population greater than that of eleven states. Together those states have a representation of 39 members in Congress.
>
> Southerners in control of vital Congressional committees are entitled to whatever distaste they may feel for full representation of a community now predominantly black. Their power to forbid that representation should at long last be submitted to national referendum, even if it takes a "rider" to do it.

APPROPRIATIONS FOR THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Mr. PERCY. Mr. President, I am particularly interested in one small but important part of the appropriations bill for the Department of the Interior and Related Agencies. I refer to the recommended appropriations for the National Foundation on the Arts and the Humanities.

At the level recommended by the distinguished members of the Appropriations Committee, the sums of money we are asked to allow for the arts and humanities represents only 1 and six-tenths of the total in this bill.

While I recognize the great importance of the many functions of the Federal Government funded in other sections of the bill, I must reaffirm my belief that this Nation has still not faced up to its responsibility to the creative endeavors of mankind.

I am particularly distressed by the fact that the committee has cut back from the President's request for the arts and humanities. In his special message to the Congress on December 10, 1969, President Nixon said:

> At a time of severe budget stringency, a doubling of the appropriations for the arts and humanities might seem extravagant. However, I believe that the need for a new impetus to the understanding and expression of the American idea has a compelling claim on our resources. The dollar amounts involved are comparatively small.

Indeed they are. The President asked for a $20 million program for the National Endowment for the Arts and the same amount for the Endowment for the Humanities.

The $20 million program requested for the Arts Endownment is less than the appropriated funds needed to run the Metropolitan Opera for 1 year.

This year, Gov. Nelson Rockefeller asked for—and received—an appropriation of $20 million for the operation of the New York State Arts Council alone.

During the fiscal year just past, the National Endowment for the Arts provided $2 million in grants to the official State arts agencies in 50 States and four territories. That $2 million, in turn, generated $7.5 million in State-appropriated tax revenues for the arts councils—an amazing and gratifying return of $3.50 for every Federal dollar appropriated.

We need not look only to ourselves for comparisons. In Western Europe, where government support for the arts is not only a tradition but a proud heritage, orchestras are supported with 75 percent of their total budgets from Federal aid.

In country after country, appropriations for the arts are far greater than they are in the United States—in Canada, in Great Britain, in the Netherlands, in West Germany, and in Austria.

We have been slow in coming to a recognition of the enormous value of the arts in everyday life. Now that we have done so, we should begin to assume responsibility at the Federal level which will not only make the arts available to every American who wishes to enjoy and participate in them, but will also begin to give our major arts organizations a chance to become fiscally sound for the first time.

In her testimony before the Appropriations Subcommittee, Nancy Hanks, chairman of the National Endowment for the Arts, a gifted and knowledgeable executive, made some pertinent comments regarding the needs of arts organizations, why they are growing more critical and why we must do something to assist them at this time.

Miss Hanks said:

> The extraordinary popular support demonstrated by newspapers from all areas of the Nation is a reflection of the enormous growth in popularity of artistic productions and the arts in education.
>
> Our Nation's museums continue to experience an astonishing growth in the demands placed upon them: The total number of individual visits to museums in 1969 was estimated at 560 million; 5 years ago the total was only 300 million visits. The sale of tickets for nonprofit professional arts performances has increased more than two and one half times in this same 5-year period—up from 13 million tickets sold in 1964 to over 30 million in 1969. In 1960, there were only 75 community arts councils in the United States; today they number more than 600—a dramatic demonstration of our rapidly proliferating concern with the arts at the local level.
>
> There are many other significant "grass roots" indications. There are today approximately 300 dance companies of nonprofes-

XUM

> sional status; nearly 1,400 orchestras in the semiprofessional or amateur category; 5,000 theatrical groups; between 600 and 700 opera companies—and hundreds of thousands of "Sunday painters." We have become a nation of increasing appreciation for, and eagerness to participate in, the arts.

As Miss Hanks then went on to point out, the increasing demand for the arts does not, in any way, alleviate the extraordinary pressures being placed upon our arts organizations to provide their services. We cannot say, on the one hand, that we believe the arts are an important and integral part of our educational process—and then, on the other, say that "the arts ought to support themselves." If performances of the arts are to be "self-supporting," the price of tickets will place such performances forever beyond the reach of younger people, students, the family of modest income and the culturally disadvantaged.

We do believe, in this country, that the arts are the province of all those who choose to enjoy them. We believe, too, that few things in our lives can do more to encourage individual creativity or lend dignity to our existence than the inspired performance of good music by a great artist, the enjoyment of great paintings, the appreciation of fine literature, a definitive interpretation of a great play, or the performance of a fine dance company.

But the fact is that the costs of a major orchestra or dance company or theater company are relatively fixed. It takes just so many minutes to perform a piece of chamber music—and it takes the same number of fine musicians to do so each time. The audience demand for additional productions and performances in theater or dance will require added rehearsal time and make greater demands upon production facilities already spread thin by the normal requirements of the production season.

We are asking more of our arts organizations—and our artists—today than ever before in our history, largely because we have recognized, at long last, that art is significant and relevant to the overall effort to vastly improve the quality of living we offer to Americans as a part of their birthright.

It is unreasonable, therefore, for this body—or the Federal Government—to turn its back on the modest degree of responsibility we are being asked to assume.

I have great respect for the members of the Committee on Appropriations and for the highly distinguished chairman of the subcommittee (Mr. BIBLE) and the minority members of the subcommittee. I know that the hearings on the arts and humanities were conducted with a strong sense of appreciation for the values of these two areas of endeavor in our society.

I cannot escape the feeling, however, that the Senate should not allow a false sense of economy to cut the heart out of one of the most vital programs the Federal Government now has. For that is precisely what the $1.6 million cut embodied in the committee's recommendation will do.

First, let me point out that if the Senate and the House do approve funding for the Arts Endowment at the level recommended by the Committee on Appropriations it will mean that our Nation's symphony orchestras and museums will be deprived of a substantial degree of the support they now desperately need. Not until this year has the Arts Endowment been able to contemplate a program of direct aid to either the symphonies or the museums—both of whom are constantly expanding their public service and educational activities. I feel, strongly, that such assistance is not only desirable but absolutely necessary.

Second, the cutback will mean that some vital areas of the endowment's national program might have to be curtailed. One program, for example, which has been among the most successful—the coordinated dance residency program—would be limited to expansion to only one or two States during the coming fiscal. I should point out that this program was initiated 3 years ago, on a pilot basis, in the State of Illinois and has now grown to include 22 States and more than 60 communities during fiscal 1970.

I do not deny the need for economy and for budget stringency in the Federal Government.

But I should like to remind the Senate that, during recent weeks, we have added hundreds of millions of dollars to the President's budget through enactment of appropriations beyond the levels he has asked.

In this case, while it might seem that economizing is easy—who, after all, would care if a million dollars is lost for the arts?—I am convinced it could prove disastrous.

Since its creation 5 years ago, the National Foundation on the Arts and the Humanities has been forced to limp along with scarcely more than minimal funding.

The time has come for the Senate to accept its share of the responsibility for the future health of the arts in this country. In so doing, it will recognize and take as its own, the eventual renaissance of a creative, concerned, and forward-looking American republic.

TRIBUTE TO CUMMINS ENGINE AND COLUMBUS, IND.

Mr. HARTKE. Mr. President, yesterday's Wall Street Journal featured a thoughtful analysis by Harlan S. Byrne of the important benefits which Cummins Engine Co. has brought to its home community of Columbus, Ind.

The principal reason for this exceptionally constructive impact of company upon town is the enlightened leadership philosophy of Cummins' chairman of the board, Mr. J. Irwin Miller. As the reporter so aptly puts it, Mr. Miller "chooses to lead by example rather than by command." And the example he sets is one of deep commitment to the physical and spiritual betterment of what is already one of the outstanding communities of its size in the United States. To cite only two examples, Columbus now enjoys, as a result of Miller's benefactions, some of the finest architecture in America in its schools, churches, and public buildings; and it also has a championship 18-hole golf course designed by Robert Trent Jones.

This same sense of innovation and progress pervades many other areas of Columbus community life, most especially in its schools. While not solely attributable to leadership emanating from Cummins engine, there is no doubt that that leadership played a key catalytic role.

The Wall Street Journal story should be read as a case study of the finest possible relationship between a large company and the town in which it is located. I therefore ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CUMMINS ENGINE DRAWS PRAISE FOR THE BENEFITS IT BRINGS COLUMBUS, IND.

(By Harlan S. Byrne)

COLUMBUS, IND.—"We weren't too happy about the idea of living in a southern Indiana hick town, but after we came here and looked things over we were pleasantly surprised. You couldn't pry us out of here now."

Speaking is Henry B. Schacht, Pennsylvania-born and holder of a Harvard MBA. In 1962 he turned down offers from companies in New York and San Francisco to come to work in this city of 31,000. Mr. Schacht has more reason than most to like Columbus. At age 36 he's earning $130,000 a year as president of Cummins Engine Co., a diesel engine manufacturer and the town's biggest employer.

Nonetheless, many of his contemporaries who have moved here share his enthusiasm for the company and the community. In recent years Cummins has bolstered its management with over 100 young executives, including a dozen Harvard MBAs and experienced men lured from other companies. This infusion of talent has helped Cummins to triple its annual sales to over $400 million and to more than double its yearly profits to $18.3 million in the past decade. This year, when many companies' profits are falling, Cummins continues to show impressive gains in earnings.

EASIER SAID THAN DONE

Observers agree that Cummins' success is due in large part to its efforts to make Columbus the type of place where a cosmopolitan group of executives would like to live. This has taken some doing. Cummins has pumped some $5 million into civic improvements over the past few years, giving Columbus recreational and educational facilities that few small towns can match. At the same time, the company has tried to avoid the heavy-handedness that has turned some similar cities into "company towns."

"You have to walk a tightrope to swing the kind of weight that Cummins does in this town without clobbering everybody else in the community," says a local businessman who has no connection with Cummins.

Attracting top-notch young managers is a problem of many large companies in small cities. Most young executives head for the big cities because they feel that's where the action is. Indeed, Cummins has found it isn't too practical to recruit single men from other parts of the country because of the relative lack of social opportunities for them here.

Even some young married types apparently find life here dull. A 30-year-old former Cummins man says he and his wife returned to their native Chicago two years ago after spending a couple of years at Cummins. "There wasn't enough social life there to suit us; they rolled up the sidewalks at eight

XUM

o'clock," he says. Some Cummins people here complain that they can't go to a party without running into a lot of other Cummins people. Cummins' employees and their families make up a third of the town's population.

A YEAR IN MISSISSIPPI

In other ways, though, Cummins has strong appeal to younger executives. One attraction is its Social Action Program, headed for the past two years by James Liebig, a Yale Divinity School graduate. Mr. Liebig has no trouble getting volunteers here for a program to help black businessmen in Mississippi. Two of the volunteers recently moved to Clarksdale, Miss., with their families to work for a year in the program. While there, they get their full Cummins salary and benefits.

Similarly, Cummins has a project through which black students from Wilberforce University in Ohio work several months a year at the company to get management training. In recent years Cummins has brought a dozen blacks into its middle management.

Once young executives come to work Cummins gives them a lot of responsibility. A case in point is George Thurston, who joined the engine maker four years ago after getting an MBA from Northwestern University. Mr. Thurston, 27, now is manager of corporate cash, keeping an eye on the investment of $12 million to $15 million of the company's idle funds.

At the vice president level and above, four of the 13 posts are held by men under 40 who have been with the company only a few years.

Cummins encourages executives to pursue outside interests. Talent is freely supplied for community activities such as fund drives, and wider-ranging endeavors also are approved. Richard Hahn, a public relations man, recently was named statewide head of the Junior Chamber of Commerce; Cummins gives him one day off a week with pay to do the work the job requires. Richard B. Stoner, vice chairman, holds a variety of positions with state and national organizations, mostly unconnected with Cummins' business. He also is Democratic national committeeman from Indiana.

THE RICHEST MAN IN TOWN

The man who sets the tone for Cummins is 61-year-old J. Irwin Miller, a fourth-generation member of a family that made its fortune here in real estate, banking, electric railroads, corn starch refining and, most recently, Cummins Engine. Mr. Miller and his family control Cummins Engine, and he is chairman and chief executive officer.

Mr. Miller is held in considerable awe hereabouts—and only partly because he's the richest man in town. His personal wealth is estimated at well over $100 million, including Cummins Engine stock, an interest in Irwin Union Bank & Trust Co. here and various other investments.

Mr. Miller is a physically imposing man—tall, handsome, square-jawed. In conversation, he seems friendly and dignified, seldom acerbic and a little shy. He appears to be a model of the patriarchal businessman whose kindly leadership has kept Cummins relatively free of labor strife. (Workers at the big Columbus facilities of Cummins are represented by an independent union.)

But he also is engaged in far broader activities that have brought him a national reputation. He has been a member of several Presidential commissions, and he was the first lay president (1960–63) of the National Council of Churches. He's a director of American Telephone & Telegraph Co. and Chemical Bank of New York, and he is a trustee of the Ford Foundation.

He's active in Republican Party politics nationally but has an independent voting record. In 1963 he helped organize the civil rights march on Washington. Esquire Magazine thought so highly of him that it ran a lengthy story seriously suggesting that the Republican Party consider nominating him for the Presidency in 1968.

For all his credentials, however, Irwin Miller's role in Columbus is indirect; he chooses to lead by example rather than by command. He's aware of his potential influence in the community, of course, but he consciously submerges it. "We try to play a catalytic role rather than a determining role; we've always thought people were reasonably innovative here so whatever we might do hopefully would have some impact," he says.

Mr. Miller's credo apparently carries over to the role of Cummins executives in town politics. None of the Cummins people are on the city council and only one of the seven school board members works for Cummins.

But this doesn't mean the company lacks ways of making its wishes known. "Cummins doesn't need to have a man on the city council. I doubt if any councilman or city official would even consider antagonizing it," says one resident.

Indeed, the influence of the company and Irwin Miller is so pervasive that some city leaders feel that people here tend to want to "let Irwin do it."

THE VERY BEST COMMUNITY

"I fear that a lot of us simply want to ride in on Irwin's successes at a time when we need the help of everyone to solve some of our civic problems," says the Rev. William R. Laws Jr., pastor of the local First Presbyterian Church and moderator of the Presbyterian Church of the U.S.A.

Of the company's philosophy toward Columbus, Mr. Miller says: "We would like to see this become the very best community of its size in the country."

Cummins' beneficence is obvious to any visitor to Columbus. Among the splashiest contributions was a $1.5 million, 18-hole championship golf course designed by Robert Trent Jones, the famed golf architect, along with a handsome clubhouse designed by Chicago architect Harry Weese. Cummins donated the course, called Otter Creek, to the city in 1964.

Earlier, the company subsidized construction of a 250-acre park for Cummins' employes and guests. Attractions there include boating, fishing, swimming, miniature golf, skeet and picnic facilities.

HIRING FAMOUS ARCHITECTS

In an unusual move the Cummins Foundation, through which the company funnels much of its philanthropic contributions, has paid $1.2 million in architects' fees for new schools and other public buildings here. As a result, Columbus has eight new schools of innovative design by well-known architects. Recently completed was a public library designed by I. M. Pei, architect for the John F. Kennedy Memorial Library at Harvard.

Mr. Miller's zeal for first-rate architecture wasn't confined to public buildings. Back in 1941, his family was instrumental in getting the late Eliel Saarinen to design a new First Christian Church, highlighted by a rectangular tower the height of an 18-story building. Equally eye-catching is the hexagonal North Christian Church, with a 192-foot spire, which Irwin Miller attends. The church was designed by the late Eero Saarinen, son of Eliel Saarinen and a Yale classmate of Mr. Miller's. Mr. Miller also hired Eero to design new quarters for Irwin Union Bank & Trust Co., which his family controls, and new homes for himself here and in Canada.

Mr. Miller's thinking on architect isn't unlike his approach to business or community problems. "It's shocking the way most school buildings tend to dehumanize the people who use them the most; schools ought to be exciting places," he says.

Along with a lot of striking new schools, Columbus has been quick to adopt new teaching methods and materials and now has one of the highest teacher pay scales anywhere. Clarence Robbins, superintendent of schools, says Columbus in recent years has had 500 to 600 applicants for every 90 to 100 teaching openings.

DIVERSE BACKGROUNDS

John T. Hackett, 38-year-old financial vice president and treasurer of Cummins, worried about moving here in 1964 from Cleveland, where his children went to excellent suburban schools. But he says: "I'm satisfied now that our children are getting as good an education here." He feels that in Columbus his children have an advantage in going to school with students from diverse economic and social backgrounds; in the Cleveland suburb, all the families seemed pretty much cast from the same middle-class mold.

Cultural life for Columbus residents can be diverse even if at times it takes a little doing to get to it. The city has a 10-year-old amateur Arts Guild that puts on plays, musicals and art shows. Local groups sponsor a once-a-year appearance in Columbus of the Indianapolis Symphony Orchestra and a series of Distinguished Visitors Lectures.

Broadway road shows, concerts, ballets and other attractions can be seen in Indianapolis or Bloomington (home of Indiana University), both less than an hour's drive from here. For the more venturesome, Louisville is slightly more than an hour's drive, and Cincinnati is an hour and a half away. Less than 10 miles away is Nashville, Ind., a well-known art colony and antique center.

Most types of recreation are available here. Skiing is an exception, and a local ski club sponsors trips to Michigan. Cummins employes are kept well posted on what's going on in the area. The company sends each employe a monthly entertainment guide listing recreational and cultural activities in Columbus, Bloomington, Cincinnati, Indianapolis, Louisville and other nearby areas.

Some social amenities are limited however. Many residents complain there aren't enough good places for dining out. Many newcomers here feel a big drawback is the lack of department store shopping, so they do much of their major shopping in the large cities. Better shopping will be on the way, though, if plans for a $4 million downtown shopping mall materialize. Medical services here were improved by a recently completed $9 million expansion and modernization of the city's one hospital.

SENATOR BROOKE SUPPORTS GAO INVESTIGATION OF DESTROYER CONTRACT AWARD

Mr. BROOKE. Mr. President, I wish to express my own support for the careful argument concerning the DD–963 destroyer competition which the distinguished senior Senator from Maine (Mrs. SMITH) presented yesterday. When such a massive procurement is undertaken, every effort must be made to insure not only efficiency of production in the short run, but the maintenance of an adequate defense mobilization base for the long run.

I will not comment in detail at this time upon the particular circumstances of the award of the destroyer contract to Litton Industries. However, I certainly share Senator SMITH's apprehension that concentrating this production contract in the hands of a single firm, which is already carrying the largest new ship construction backlog in the industry, is risky.

XUM

Recent experience with major defense contracts amply justifies a cautious approach to such a decision. Senator SMITH has set forth a number of questions which deserve thorough examination. Her request that the General Accounting Office investigate them promptly should be heeded.

One can understand the Navy's desire to develop specialized shipbuilding capabilities, but there is a valid basis for concern over the wisdom of the decision in the case of the DD–963. Prudence demands that we take the reasonable precautions recommended by the Senator from Maine before the Government commits itself irrevocably to the proposed procurement of these ships in a single shipyard.

AMERICA CANNOT WITHDRAW FROM THE WORLD

Mr. McGEE. Mr. President, on Sunday the Washington Star devoted a page of its editorial section to a remarkable essay by Walt Whitman Rostow which concludes that it is an illusion to suppose that America can withdraw from the world of war and chaos to search for the answer to its own problems at home alone. Our domestic problems have different and deeper roots than the international crises that swirl around us, and they must be dealt with essentially in their own terms. Mr. Rostow warns against another American withdrawal from the world; against repeating the oscillation which Tocqueville foresaw 135 years ago, when he predicted that Americans would ignore military problems until they became acute, and then they would turn to deal with them late but wholeheartedly. Our Presidents for some time, since the end of World War II, have realized that there is no place in this nuclear age for full passions to be turned toward war. Thus, we cannot and we have not, ignored military problems around the world. Nor can we afford once again to assume that posture.

Mr. President, I ask unanimous consent that Mr. Rostow's article, entitled "Why We Should Not Abandon Our Role in Asia," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY WE SHOULD NOT ABANDON OUR ROLE IN ASIA

(By W. W. Rostow)

The heart of the tension in contemporary America over Southeast Asia has been between the choices as seen by the presidents, on the one hand, those who came to oppose them, on the other. The presidents have seen the real choice before us as pursuing the engagement there through to stable peace versus a larger war, and quite possibly a nuclear war. The opponents of their policy in Southeast Asia argue, in effect, that American disengagement from Southeast Asia would lead to peace or to a situation in which the United States would or could passively acquiesce in safety.

There has been—and there remains—a dangerous gap between the national interest as our presidents see it—and as we have seen it as a nation at times of acute crises—and the way many Americans see it when the danger of a major shift in the balance of power in Europe and Asia is not palpable.

What is the basis for this gap?

It arises, I believe, from the nature of democracy—and, particularly, democracy in the United States. Alexis de Tocqueville stated the problem vividly a hundred and thirty-five years ago. In "Democracy in America," he described the overwhelming attractions of civil life for Americans "placed . . . in the midst of a wilderness where they have, so to speak, no neighbors. . . ." He believed "the excessive love of the whole community for quiet" would lead Americans to ignore military problems until they became acute; and then they would turn to deal with them late but wholeheartedly.

It was an awareness of what we might call Tocqueville behavior by Americans between 1916 and 1947 which led President Truman to face up to Stalin's threat in Europe before it became a purely military threat. Our presidents have understood how dangerous the Tocqueville oscillation might be in a nuclear, highly interdependent world.

And they have understood something else imposed on us by the coming of nuclear weapons. They have been conscious—in Korea and Southeast Asia, but also in the Middle East and in the Berlin and the Cuba missile crises—that danger lay not merely in a late reaction but in a wholehearted turning to war, engaging, in Tocqueville's phrase, the full "passions" of the people. There is no rational place for total war in a nuclear act.

Contrary to older American instinct, we have been trying to deter threats to the balance of power in Europe and Asia in a forehanded way and, when challenged, to use limited rather than total force.

This has been difficult for Americans, given our history and our national operating style.

It has been made more difficult by two other strands of thought and feeling at work in our domestic life:

First, a feeling that the United States is, in some sense, overcommitted or disproportionately committed on the world scene;

Second, an opinion among some that the fate of Asia does not, in fact, matter all that much to the United States.

I shall say something about each of these factors in turn.

First, the question of American overcommitment.

TAKING STOCK

After the Cuba missile crisis I took stock with some of my colleagues in the State Department of the forces which gathered strength after that historic event.

One fact was central: the fear of Moscow, rightly or wrongly, was considerably reduced, once the technique of nuclear blackmail was faced down by President Kennedy and, partially in consequence, the Sino-Soviet split became more overt and intense.

In every part of the world this reduction in tension led to an increased desire of nations to take a larger hand in shaping their own destinies. The image of a bipolar world was weakened both by Khrushchev's failure in the Caribbean and by the evident disarray of the Communist camp. There seemed to be more opportunity for old-fashioned nationalism and the nation state.

In the United States, there developed a feeling that the Communist threat had been reduced and, somehow, the world ought to be manageable with less American effort, cost and commitment.

Analyzing these trends, I concluded that the problems actually confronted demanded stronger and more effective regional cooperation, if the nations of the world were to forge a destiny increasingly independent of the major powers. If rich European nations of 50 million could not handle their problems without effective regional co-operation, how could nations of the less developed regions do so on a nationalist basis?

As for the United States, I concluded that the heart of the problem was not excessive commitment, but a sense of excessive loneliness in bearing the burdens of the world. Our actual outlays for security purposes were declining slightly in the first half of the 1960s as a proportion of GNP; but the American image was one of our carrying an unfair share of the task of maintaining order and progress in the world arena.

What is it, then, that the United States is trying to accomplish?

First, our Presidents have recognized that the American interest in avoiding domination of Europe or Asia (and, indeed, Latin America or Africa) by a potentially hostile power is an abiding interest of the United States. It is heightened, not diminished, by the nature of modern weapons and means of communication.

Second, they recognized that this negative interest is fully shared by the smaller nations of these regions. In fact, this convergence between our interest and theirs has been the underlying strength of American postwar diplomacy. The nations of Europe do not wish to be dominated by Russia or Germany or the United States. The nations of Asia do not wish to be dominated by China or Japan or Russia or the United States. The nations of Africa south of the Sahara wish to forge their destiny without the military presence or political dominance of any major external power. The wisest leaders of Latin America wish not only to keep extra-continental powers out of security affairs in this hemisphere, but they wish to build societies and a regional structure which would permit them to deal with the colossus of the north from a base of greater strength and dignity. That is the underlying political objective of the movement towards Latin American economic integration. The United States has been able to throw its weight behind regionalism in all these areas because our interest does not require that we dominate them; and because the stronger the regional organizations—so long as they are not dominated by a potentially hostile power—the more likely they are to resolve their own problems and reduce the level of American commitment and concern.

Third, the Presidents have recognized that the pace at which the United States could safely step back had to be delicately adjusted to the rise of strength and cohesiveness in the regions. They have recognized in Europe, for example, that a premature and excessive pull-out of American forces from NATO could lead not to a new and better-balanced Atlantic equilibrium but to a crisis as dangerous as—or more dangerous than—the Berlin crises of 1948–49 or 1961–62. The exercise called "Vietnamization"—if I understand it correctly—is an even more delicate exercise in shifting the balance of responsibilities in Southeast Asia in ways that would avoid collapse of the region, chaos, and a larger war.

The strategy of our moving back in degree as the strength and cohesiveness of others permit them to take a larger hand in shaping their destinies—while avoiding a collapse of the balance of power in regions of vital interest to the United States—is certainly the most subtle and difficult task of foreign policy ever undertaken by the United States.

Historically, America has performed best when it faced a palpable and acute problem —widely recognized and defined in common terms—to the solution of which it could address its full energies, talents, and resources. The First World War, once we were in it, was a problem of this kind; the Great Depression after 1933; the Second World War, after Pearl Harbor, Stalin's challenge in western and southern Europe, from 1947; the race to put a man on the moon, after the Soviet launching of the first Sputnik. These slambang affairs fitted well the national style.

Now we are trying to do something quite different. After the Second World War we moved into vacuums of power not to build an empire but because the cost of not moving in was judged, case by case, more dangerous than the reluctant acceptance of additional responsibility in a war-weakened

XUM

world. Now—a quarter century later—we are trying to manage a redistribution of responsibility in which we will do less, others will do more, without inducing major crises or chaos on the world scene. We are trying safely to withdraw—in degree—from the preponderant positions we filled.

We are trying to exploit constructively:

The gathering strength of others on the world scene;

Their desire increasingly to shape their own destiny, without being dominated by any major power, including the United States;

And the fact that abiding American interests are satisfied by an essentially negative condition—that no potentially hostile power hold the balance of power in Europe or Asia.

COMPLEX PATTERN

This is the complex pattern of policy which our government has been trying to pursue in recent years in order to reconcile abiding American interests and the widespread sense in America that we were, somehow, overcommitted or disproportionately committed in the first postwar generation.

The pursuit of this policy is obviously complicated by many forces in our domestic life: An economy subject both to rising unemployment and rising prices; an infirm balance of payments position; acute racial tension; massive tasks of urban rehabilitation; an ardent margin of the affluent young, affronted by the ugliness of war, racial inequity, and other gaps between American aspiration and performance, who have been led to believe that a quick route to the humane and decent life they seek lies in confrontation, violence, and destruction.

I cannot, evidently, deal with all these features of the domestic scene here: The reactions they have set up in our political life; and their playback effects on our ability to conduct the mature and subtle foreign policy which our interests require and to which we have been committed.

But I will say a few words about one view to which some Americans have come, in part driven by these domestic pressures: The view that the United States can safely abandon its interest in and commitments to Asia and let the forces at work there find their way to chaos or equilibrium, war or peace—without American participation.

Let me quote the words of John Gardner, whom I regard as a good friend, as well as an old and respected colleague. Anguished by the intensity of our domestic debate and the urgency of our unsolved domestic problems, he counsels abandonment of our role in Vietnam and of our peacekeeping commitments in Asia. I quote him as an eloquent and sensitive representative of a good many Americans whose views on Vietnam and Asia have changed. Here is a passage from an interview with Gardner published in the Christian Science Monitor of June 8, 1970:

Q: "What should the President do about Vietnam?"

A: "I think that if the President would set a date, a terminal date."

Q: "You're speaking about getting troops entirely out?"

A: "That is right. It would be extremely helpful. I think, if he would finally relinquish the notion that the words 'winning' or 'losing' have any relevance whatever any more with respect to Vietnam. The whole relevance of those two words is a thing of the past now.

"If he would relinquish what appears to have been his conception in his last press conference that we might conceivably be the peacekeeper in the Asian world, I think we could move expeditiously to get out of Vietnam and I think it would produce very considerable change in our national mood.

"Then I think moving vigorously on domestic priorities would be the next order of business. And the nation is ready for it. People are hungry for it. Americans are not people who want to turn their backs on their problems."

Elsewhere in this interview Gardner says: "Nothing that we could possibly be accomplishing in Southeast Asia could balance or compensate for what the war is doing to this country."

This is a solemn proposition. It ought to be discussed dispassionately, with care, since we all recognize the burdens thrown upon our national life by the war in Southeast Asia.

The proposition is that the United States should promptly withdraw its forces and commitment from Vietnam whatever the consequences may be in Asia and on the world scene.

Contrary to every conceivable political and personal interest, three American Presidents decided that the forces set in motion by such a decision risked a larger war in Asia and dangerous instability in other regions of the world. I believe no citizen taking a contrary view can, in good conscience, ignore the lines of argument that led our Presidents to this conclusion; for the risk of a larger war—quite possibly a nuclear war—should weigh heavily in the scales in assessing how much of a burden we can afford to bear at home.

I would not pretend to reconstruct fully the lines of argument which led the Presidents to this painful judgment; although in two cases I have some knowledge of their thoughts. But I would offer my own brief summary of at least some of the possible or probable costs of unconditional immediate withdrawal from commitment in Vietnam and Asia.

First, the withdrawal of American commitment from Southeast Asia would change the terms of the debate going forward within mainland China. Powerful forces are at work there to move post-Mao China toward a long delayed concentration of its energies and talents on the modernization of its life. American withdrawal would, in my view, inevitably lead Peking to exploit its new opportunities to the south. No one can predict the precise form in which a nuclear China, with huge ground forces, would exercise its power in the vacuum we would create. But I can not believe that Peking would remain passive. Indeed, it is not passive now: In its influence on Hanoi; its road-building in Laos; and its actions elsewhere.

Second, the nations of Southeast Asia, certainly as far as Singapore—quite possibly as far as Indonesia—would lose their independence or be thrown into a protracted military or quasi-military struggle which would disorient for some of them exceedingly promising paths of economic, social, and political progress.

BURMA'S ROLE

Third, Burma, in particular, would either fall under Communist domination or become the scene of an Indian-Chinese struggle; for Burma—not Tibet—is the point of critical strategic danger for the Indian sub-continent, a point made in private, with equal lucidity, by high and responsible officials of India and Pakistan.

Fourth, almost certainly Japan and India would quickly acquire nuclear weapons; and, quite possibly, the non-proliferation treaty would die elsewhere in the world as well. It is, perhaps, not generally understood that the willingness of many nations to forego the production of nuclear weapons is based on a carefully balanced calculation that ties to the United States—explicit or implicit—provide marginally greater security and less risk than going it alone on the basis of national nuclear capabilities. The policy Gardner proposes would shift that marginal calculation. An America that walked away from a treaty commitment because it could not deal with its domestic problems—after bringing into the field a half-million of its armed forces and encouraging a small ally to fight desperately for its independence—might well not be regarded as a reliable ally on such a mortal issue in Asia—or elsewhere.

Paragraph 1 of Article X of the non-proliferation treaty states: "Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country."

I believe an American withdrawal from a treaty commitment in a critical part of the world on the ground that its domestic problems did not permit it to continue to honor that treaty could well be judged an extraordinary event related to the subject matter of the non-proliferation treaty jeopardizing the supreme interests of nations which now depend upon us. We should be quite clear that, whatever public postures they may strike on one issue or another, India and Japan—as well as many others—count on our nuclear deterrent and the will—as well as the hardware—that give it meaning;

Fifth, I would put a question which every American must answer for himself, out of his knowledge of our country, its history, and its character: at home would the United States observe these consequences of its decision passively? Would it turn with energy and pride and unity to clean the air and the water, deal with ghettos and racial inequity as it read of Hue-like slaughter in Vietnam and elsewhere; of an Asia thrown into chaos or worse; of a world seized of a proliferating nuclear arms race?

And what of the effects of all this in Moscow and Cairo?

I, for one, do not believe we would remain unified and passive. I agree with Gardner that "Americans are not people who want to turn their backs on their problems."

We might repeat what I have called the Tocqueville oscillation, in a peculiarly dangerous way; but I do not believe we Americans, in the end, will turn our backs on Asia and on the world.

For what is Asia?

Asia is the place where about 60 percent of humanity now lives and will continue to live. In the year 2000, which is not so far away, Asia's population will be about ten times that of the United States—say, 3.7 billion souls.

There are some, I know, who regard Asia as primitive, in no way to be compared to Europe in potential importance to the United States. But as anyone who has recently been to Asia knows, it is a region on the march. We are all familiar with the extraordinary growth of Japan, now the third industrial power in the world and closing fast on a sluggish Soviet Union. But in South Korea and Taiwan, Thailand and Malaysia and Singapore, and in India, Pakistan, and Iran as well, the modernization of these old societies is moving forward swiftly. And Indonesia, too, is coming out of the chaos in which Sukarno left it.

CHINA STALLED

Mainland China has been virtually stalled for a decade, set back first by the failure of the Great Leap Forward and then by the Cultural Revolution. But sometime in the years ahead the great natural gifts of the Chinese on the mainland will come to be focused on the modernization of that society in more or less rational ways.

Round about the year 2000, then, we shall face across the Pacific almost 4 billion people who, by that time, will have acquired the capacity to use most of then existing technology. They will have reached—or be close to reaching—the stage of growth I have described as technological maturity.

In income per capital they will not be rich: they will average, perhaps, only about $350 per capita, the average brought down by the low starting point and heavy weight of the Indian sub-continent and mainland

XUM

China. But they will be a formidable center of power, a major factor in the kind of life Americans—that is to say, our children and grandchildren—will then lead.

Right now, I believe, the kind of Asia that will exist in the year 2000 is being determined.

It is being determined by the outcome of the debate on the mainland concerning post-Mao Chinese domestic and foreign policy.

It is being determined by the Japanese and Indian decisions on the non-proliferation treaty.

It is being determined, above all, by the growing sense of regional co-operation that has emerged since the United States honored its commitment to South Vietnam in 1965, at a time of mortal danger to Southeast Asia.

If we patiently, painfully see it through to an honorable and stable peace in Southeast Asia, there is a decent hope that the Asia that emerges will not be dominated by any single power. It could be an Asia in which the inherent weight of mainland China is balanced by the co-operative efforts of those living in the great and vital arc from Seoul and Tokyo to Karachi and Teheran—an Asia not hostile to China but offering to it no temptation to expand—an Asia to whose multilateral efforts Japan could make an enormous contribution—an Asia where nuclear proliferation did not happen, where the guarantee of the United States remained good, but whose inherent strength and co-operation permitted us to fall back to a role of even-handed partnership across the Pacific. That outcome is not assured; but it is a decent hope, because it is rooted in a political reality: the political reality that most Asians share with the United States an abiding interest that the region not be dominated by a single power.

If we do not see it through to an honorable and stable peace in Southeast Asia, we could confront a very different and dangerous constellation of power across the Pacific which would alter the whole setting of American society and its inner life and pose dangers greater than those that came upon us at Pearl Harbor.

I disagree, therefore, with John Gardner's dictum that: "Nothing that we could possibly be accomplishing in Southeast Asia could balance or compensate for what the war is doing to this country." The fate of Asia and America's long run relation to Asia is at stake; and this a very great matter indeed.

Neither as a former public servant nor as a teacher nor as a social scientist nor as a man am I insensitive to the costs of our commitment in Southeast Asia and the war in which we are still engaged.

Clearly, the war in Vietnam has contributed substantially to student unrest in the United States; but I do not believe the war is primarily responsible for the restlessness and dissatisfaction of the young; for student unrest is a global phenomenon in the developed world.

Clearly, the war has diverted substantial resources from private and public purposes; but I do not believe it is primarily responsible for the slackening in allocations to the cities for education or for the present state of racial tension. The net cost of the war in Vietnam—what we would actually save by abandoning the effort—is less than 2 percent of the GNP. The figure is declining, not rising. At a normal 4 percent growth rate it is less than half the annual increment in GNP we would have available to allocate to new private or public purposes. I regret every nickel of it, as I regret, even more, every casualty of the war. But with a GNP approaching a trillion dollars we obviously command the resources in the United States to do far more in the public sector if we manage the economy well and generate the political will to allocate those resources wisely. And while the wars in Vietnam is not irrelevant to the problem of bringing the Negro to full citizenship in our land, I do not believe for one moment that it is a critical variable.

DEEP ROOTS

The coming of stable peace in Southeast Asia would surely ease some of the strains in our domestic life; but our domestic problems have different and deeper roots and must be dealt with essentially in their own terms.

In considering our domestic life in relation to our foreign policy, I would make one further related point. Historically, in this country we have had domestic and foreign policy crises in sequence. Wilson had time to launch his New Freedom program before confronting the realities of the First World War. For good or ill—and probably for ill—Franklin Roosevelt could launch his New Deal program in an America locked into isolationism; and that program had run its course well before the outbreak of the Second World War. President Truman could face the Cold War crises of 1945–52 from a base which did not generate acute pressures for domestic innovation; he was, in fact, well out in front of his congressional support in proposing domestic legislation.

But since 1963—say, from the Civil Rights march on Washington of August and the assassination of Diem in November—our political life has been strained by simultaneous crises of an acute kind, at home and abroad. I can easily understand the instinct of Gardner and others somehow to get "abroad" off our necks so we can turn wholeheartedly to affairs at home. I believe history will record that President Johnson faced and, now, President Nixon faces, challenges of unique severity because of this convergence of domestic and foreign crises.

But history is ruthless with those who build their policies on illusion. And I believe it is an illusion to hold that America, at this time in history, can safely walk away from its commitments and interests in Asia—or in Europe or the Middle East.

I believe withdrawal to a search for the good life at home in a world of war and chaos and deepening danger is an illusion. And neither we—nor humanity at large—can afford another Tocqueville oscillation.

Despite the debate that swirls around us, I believe deep within our nation is the understanding, the strength and the will to do so.

ADDITIONAL DEATHS OF CALIFORNIANS IN SOUTHEAST ASIA

Mr. CRANSTON. Mr. President, between Friday, June 12, 1970, and Thursday, June 25, 1970, the Pentagon has notified 15 more California families of the death of a loved one in Vietnam and Southeast Asia.

Those killed:

Pfc. Jerry J. Allen, son of Mrs. Ruby R. Allen of Los Angeles.

Lt. Comdr. Jere A. Barton, husband of Mrs. Barbara J. Barton of Coronado.

Pfc. James M. Davis, son of Mr. and Mrs. Louis L. Perley, of Whittier.

Spec. Sarkis Dervishian, son of Mr. and Mrs. Gargo G. Dervishian, of Los Angeles.

Pfc. Timothy F. Fewell, son of Mr. George W. Fewell, of Portersville.

Spec. James Giles, son of Mrs. Sara Giles, of Los Angeles.

Spec. Kenneth H. Lamborn, husband of Mrs. Dianne M. Lamborn, of Colfax.

Pfc. John W. Long, Jr., son of Mr. and Mrs. John W. Long, of Salinas.

Sgt. Robert C. McAndrew, son of Mr. and Mrs. Edward F. McAndrew, of Tarzana.

Sgt. William J. McTaggart, husband of Mrs. William J. McTaggart, of Vista.

Spec. Jimmy C. Montana, husband of Mrs. Bonnie L. Montana, of Bakersfield.

WO. Charles A. Richardson, son of Lieutenant Colonel (Retired) and Mrs. Charles A. Richardson, of Atwater.

Pvt. Buster L. Scott, son of Mrs. Dona M. Scott, of Pacoima.

Pvt. Rex E. Thornley, son of Mr. and Mrs. Bobby G. LaPlant, of Bell Gardens.

Spec. Shojiro Yamashita, brother of Mrs. Irene A. Nakahara, of Berkeley.

They bring to 4,135 the total number of Californians killed in the war.

PROPOSED AMENDMENT TO THE AGREEMENT FOR COOPERATION WITH THE REPUBLIC OF INDONESIA CONCERNING CIVIL USES OF ATOMIC ENERGY

Mr. GORE. Mr. President, as chairman of the Subcommittee on Agreements for Cooperation of the Joint Committee on Atomic Energy, I wish to advise Senators that in compliance with section 123c of the Atomic Energy Act of 1954, as amended, the Atomic Energy Commission on June 10, 1970, submitted to the Joint Committee a proposed amendment to the agreement for cooperation between the Government of the United States and the Government of the Republic of Indonesia concerning civil uses of atomic energy. The Atomic Energy Act requires that such proposed amendment lie before the Joint Committee for 30 days while Congress is in session before becoming effective.

The existing agreement provides for cooperation between the two nations in research activities relative to applications of nuclear energy for civil uses. Its 10-year term is due to expire on September 20, 1970. The purpose of the proposed amendment is to extend the term of the agreement for an additional 10 years.

In addition, the provisions of the amended agreement reflect modifications to the Atomic Energy Act relative to private ownership of special nuclear materials. They also reflect current practices of the Atomic Energy Commission through inclusion of standard contract clauses being utilized in new agreements with other countries executed since entry into the original agreement with Indonesia. The amended agreement also contains provisions reflecting the transfer of safeguards responsibilities for materials, equipment, and facilities received by Indonesia under the agreement to the International Atomic Energy Agency pursuant to a trilateral agreement executed in 1967. The international agency will continue its responsibility for such safeguards with the rights of the United States being suspended during the time and to the extent that the international agency safeguards are in effect.

In keeping with the general practice of the Joint Committee, I ask unanimous consent to have printed in the Record, for the information of interested Members of Congress, the text of the proposed amended agreement for cooperation together with supporting correspondence.

There being no objection, the items were ordered to be printed in the Record, as follows:

XUM

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., May 20, 1970.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: Enclosed is a proposed amendment to the "Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Indonesia Concerning Civil Uses of Atomic Energy," which has been negotiated by the Department of State and the Atomic Energy Commission pursuant to the Atomic Energy Act of 1954, as amended. With the Department's support, the Atomic Energy Commission recommends that you approve the proposed amendment, determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution.

The present research type of Agreement for Cooperation with Indonesia was signed on June 8, 1960, and is due to expire on September 20, 1970. The main purpose of the enclosed amendment is to extend the agreement for an additional ten years.

As is normally done in extending Agreements for Cooperation, the opportunity has been utilized to bring provisions of the current agreement with Indonesia into conformity with corresponding ones of recent agreements and amendments. For example, proposed Article I of the amendment would incorporate the comprehensive list of key terms, and their definitions, now employed in our Agreements for Cooperation, and reliance on cross-reference to definitions in the Atomic Energy Act of 1954, as amended, would be discontinued. Articles II and III would set forth in current form the cooperation which may be undertaken and the types of information which may be exchanged.

Article IV would establish a net ceiling of up to twenty-five kilograms of U-235 in enriched uranium which may be transferred to Indonesia for fueling research reactors, materials testing reactors, and reactor experiments over the life of the agreement. In recognition of the greater flexibility possible in the utilization of research reactors fueled with highly enriched uranium, this article incorporates the provision, common to our recent research type of agreements, that uranium fuel may be enriched to greater than twenty percent in U-235 if technically or economically justified for use in research reactors capable of operating with fuel loads that do not exceed eight kilograms of contained U-235. (The current agreement restricts fuel enrichment to a maximum of twenty percent.) Further, as incorporated for example in the recent Argentine, Austrian and Portuguese Agreements, the options granted to the United States to acquire special nuclear material produced in material obtained from the United States would be discontinued. The transfer, however, from Indonesia to any other nation or group of nations of special nuclear material produced in U.S.-origin material acquired by Indonesia under the bilateral would be subject to approval by the United States.

Article V would consolidate provisions of the agreement respecting transfers of various materials. The existing small quantity limitations on special nuclear material which may be transferred for other than fueling purposes would be discontinued, in accordance with our practice of a number of years regarding our research type of agreements.

Article VII would provide that either Party or authorized persons under its jurisdiction and authorized persons under the jurisdiction of the other Party may make arrangements for the transfer of special nuclear material. Such transfers would be for uses specified in the agreement and would be subject to the quantity limitation on U-235 established in proposed Article IV.

Under Article VIII provisions of the current agreement, which provide the United States safeguards rights to ensure no military use of material, equipment and devices transferred under the agreement, would be updated in the comprehensive form now common to other Agreements for Cooperation.

Proposed Article IX would bring Indonesia's "peaceful uses" guarantee respecting material, equipment and devices received under the agreement into conformity with such guarantee in our current Agreements for Cooperation.

Article X would reflect the fact that safeguards responsibilities for materials, equipment and facilities received by Indonesia under the agreement have already been transferred to the International Atomic Energy Agency under a trilateral agreement signed in 1967; the article would provide for the continued application of such safeguards by the Agency. As is presently the case, United States safeguards rights would remain suspended during the time and to the extent that Agency safeguards are in effect.

Following your approval, determination, and authorization, the proposed amendment will be formally executed by appropriate authorities of the Governments of the United States of America and the Republic of Indonesia. In compliance with Section 123c of the Atomic Energy Act of 1954, as amended, the amendment will be placed before the Joint Committee on Atomic Energy.

Respectfully yours,

——— ———.

AMENDMENT TO AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF INDONESIA CONCERNING CIVIL USES OF ATOMIC ENERGY

The Government of the United States of America and the Government of the Republic of Indonesia,

Desiring to amend the Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Indonesia Concerning Civil Uses of Atomic Energy, signed at Washington on June 8, 1960 (hereinafter referred to as the "Agreement for Cooperation"), which was amended by the Agreement signed on January 12, 1966,

Agree as follows:

ARTICLE I

Article I of the Agreement for Cooperation is amended to read as follows:

"For the purposes of this Agreement:

(a) 'Parties' means the Government of the United States of America, including the Commission on behalf of the Government of the United States of America, and the Government of the Republic of Indonesia. 'Party' means one of the above 'Parties'.

(b) 'Commission' means the United States Atomic Energy Commission.

(c) 'Atomic weapon' means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

(d) 'Byproduct material' means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(e) 'Equipment and devices' and 'equipment or devices' mean any instrument, apparatus, or facility, and include any facility, except an atomic weapon, capable of making use of or producing special nuclear material, and component parts thereof.

(f) 'Person' means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, government agency, or government corporation but does not include the Parties to this Agreement.

(g) 'Research reactor' means a reactor which is designed for the protection of neutrons and other radiations for general research and development purposes, medical therapy and diagnosis, or training in nuclear science and engineering. The term does not cover power reactors, power demonstration reactors, or reactors designed primarily for the production of special nuclear material.

(h) 'Restricted Data' means all data concerning (1) design, manufacture, or utilization of atomic weapons, (2) the production of special nuclear material, or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the category of Restricted Data by the appropriate authority.

(i) 'Safeguards' means a system of controls designed to assure that any material, equipment and devices committed to the peaceful uses of atomic energy are not used to further any military purpose.

(j) 'Source material' means (1) uranium, thorium, or any other material which is determined by the Commission or the Government of the Republic of Indonesia to be source material, or (2) ores containing one or more of the foregoing materials, in such concentration as the Commission or the Government of the Republic of Indonesia may determine from time to time.

(k) 'Special nuclear material' means (1) plutonium, uranium enriched in the isotope 233 or the isotope 235, and any other material which the Commission or the Government of the Republic of Indonesia determines to be special nuclear material, or (2) any material artificially enriched by any of the foregoing."

ARTICLE II

Article II of the Agreement for Cooperation is amended to read as follows:

"A. Subject to the provisions of this Agreement, the availability of personnel and material, and the applicable laws, regulations, and license requirements in force in their respective countries, the Parties shall cooperate with each other in the achievement of the uses of atomic energy for peaceful purposes.

"B. Restricted Data shall not be communicated under this Agreement, and no materials or equipment and devices shall be transferred, and no services shall be furnished, under this Agreement, if the transfer of any such materials or equipment and devices or the furnishing of any such services involves the communication of Restricted Data.

"C. This Agreement shall not require the exchange of any information which the Parties are not permitted to communicate."

ARTICLE III

Article III of the Agreement for Cooperation is amended to read as follows:

"A. Subject to the provisions of Article II, the Parties will exchange unclassified information with respect to the application of atomic energy to peaceful uses and the problems of health and safety connected therewith. The exchange of information provided for in this Article shall be accomplished through various means, including reports, conferences, and visits to facilities, and shall include information in the following fields:

(1) Design, construction, operation, and use of research reactors, materials testing reactors, and reactor experiments;

(2) The use of radioactive isotopes and source material, special nuclear material, and byproduct material in physical and biological research, medicine, agriculture, and industry; and

(3) Health and safety problems related to the foregoing.

"B. The application or use of any information (including design drawings and specifi-

XUM

cations), and any material, equipment and devices, exchanged or transferred between the Parties under this Agreement, shall be the responsibility of the Party receiving it, and the other Party does not warrant the accuracy or completeness of such information and does not warrant the suitability of such information, material, equipment and devices for any particular use or application."

ARTICLE IV

Article IV of the Agreement for Cooperation is amended to read as follows:

"A. As may be agreed, the Commission will transfer to the Government of the Republic of Indonesia or, pursuant to Article VII, to authorized persons under its jurisdiction, uranium enriched in the isotope U–235 for use as fuel in defined research applications, including research reactors, materials testing reactors, and reactor experiments, which the Government of the Republic of Indonesia decides to construct or operate or authorizes private persons to construct or operate in the Republic of Indonesia. Contracts setting forth the terms, conditions, and delivery schedule of each transfer shall be agreed upon in advance.

"B. The net amount of U–235 in enriched uranium transferred under this Article during the period of this Agreement, shall not at any time exceed twenty-five (25) kilograms. This net amount shall be the gross quantity of such contained U–235 in uranium transferred during the period of this Agreement less the quantity of such contained U–235 in recoverable uranium which has been resold or otherwise returned to the United States of America during the period of this Agreement or transferred to any other nation or group of nations with the approval of the Government of the United States of America.

"C. Within the limitations contained in paragraph B of this Article, the quantity of uranium enriched in the isotope U–235 transferred under this Article and under the jurisdiction of the Government of the Republic of Indonesia for the fueling of reactors or reactor experiments shall not at any time be in excess of the quantity thereof necessary for the loading of such reactors or reactor experiments, plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of such reactors or reactor experiments.

"D. The enriched uranium supplied hereunder may contain up to twenty percent (20%) in the isotope U–235. All or a portion of the foregoing special nuclear material may be made available as uranium enriched to more than twenty percent (20%) by weight in the isotope U–235 when the Commission finds there is a technical or economic justification for such a transfer for use in research reactors, materials testing reactors, and reactor experiments, each capable of operating with a fuel load not to exceed eight (8) kilograms of the isotope U–235 contained in such uranium.

"E. When any special nuclear material received from the United States of America pursuant to this Agreement requires reprocessing, or any irradiated fuel elements containing fuel material received from the United States of America pursuant to this Agreement are to be removed from a reactor and are to be altered in form of content, such reprocessing or alteration shall be performed in facilities acceptable to both Parties upon a joint determination of the Parties that the provisions of Article VIII may be effectively applied.

"F. Special nuclear material produced as a result of irradiation processes in any part of fuel leased by the Commission under this Agreement shall be for the account of the lessee and, after reprocessing as provided in paragraph E of this Article title to such produced material shall be in the lessee unless the Commission and the lessee otherwise agree.

"G. No special nuclear material produced through the use of material transferred to the Government of the Republic of Indonesia or to authorized persons under its jurisdiction, pursuant to this Agreement, will be transferred to any other nation or group of nations, except as the Commission may agree to such a transfer.

"H. Some atomic energy materials which the Commission may be requested to provide in accordance with this Agreement are harmful to persons and property unless handled and used carefully. After delivery of such materials, the Government of the Republic of Indonesia shall bear all responsibility, insofar as the Government of the United States of America is concerned, for the safe handling and use of such materials. With respect to any special nuclear material or fuel elements which the Commission may, pursuant to this Agreement, lease to the Government of the Republic of Indonesia or to any person under its jurisdiction, the Government of the Republic of Indonesia shall indemnify and save harmless the Government of the United States of America against any and all liability (including third party liability) for any cause whatsoever arising out of the production or prefabrication, the ownership, the lease, and the possession and use of such special nuclear material or fuel elements after delivery by the Commission to the Government of the Republic of Indonesia or to any person under its jurisdiction."

ARTICLE V

Article V of the Agreement for Cooperation is amended to read as follows:

"A. Materials of interest in connection with the subject of agreed exchange of information, as provided in Article III and subject to the provisions of Article II, including source material, heavy water, byproduct material, other radioisotopes, stable isotopes, and special nuclear material for purposes other than fueling reactors and reactor experiments, may be transferred between the Parties for defined applications in such quantities and under such terms and conditions as may be agreed when such materials are not commercially available.

"B. Subject to the provisions of Article II and under such terms and conditions as may be agreed, specialized research facilities and reactor materials testing facilities of the Parties may be made available for mutual use consistent with the limits of space, facilities, and personnel conveniently available when such facilities are not commercially available.

"C. With respect to the subjects of agreed exchange of information as provided in Article III and subject to the provisions of Article II, equipment and devices may be transfered from one Party to the other under such terms and conditions as may be agreed. It is recognized that such transfers will be subject to limitations which may arise from shortage of supplies or other circumstances existing at the time."

ARTICLE VI

Article VI of the Agreement for Cooperation is deleted in its entirety.

ARTICLE VII

Article VII of the Agreement for Cooperation is amended to read as follows:

"A. With respect to the application of atomic energy to peaceful uses, it is understood that arrangements may be made between either Party or authorized persons under its jurisdiction and authorized persons under the jurisdiction of the other Party for the transfer of equipment and devices and materials other than special nuclear material and for the performance of services with respect thereto.

"B. With respect to the application of atomic energy to peaceful uses, it is understood that arrangements may be made between either Party or authorized persons under its jurisdiction and authorized persons under the jurisdiction of the other Party for the transfer of special nuclear material and for the performance of services with respect thereto for the uses specified in Articles IV and V and subject to the limitations of Article IV, paragraph B.

"C. The Parties agree that the activities referred to in paragraphs A and B of this Article shall be subject to the limitations in Article II and to the policies of the Parties with regard to transactions involving the authorized persons referred to in paragraphs A and B of this Article."

ARTICLE VIII

Article VIII of the Agreement for Cooperation is amended to read as follows:

"A. The Government of the United States of America and the Government of the Republic of Indonesia emphasize their common interest in assuring that any material, equipment or devices made available to the Government of the Republic of Indonesia or any person under its jurisdiction pursuant to this Agreement shall be used solely for civil purposes.

"B. Except to the extent that the safeguards rights provided for in this Agreement are suspended by virtue of the application of safeguards of the International Atomic Energy Agency, as provided in Article X, the Government of the United States of America, notwithstanding any other provisions of this Agreement, shall have the following rights:

(1) With the objective of assuring design and operation for civil purposes and permitting effective application of safeguards, to review the design and operation of any

(a) reactor, and

(b) other equipment and devices the design of which the Commission determines to be relevant to the effective application of safeguards,

which are to be made available under this Agreement to the Government of the Republic of Indonesia or to any person under its jurisdiction by the Government of the United States of America or any person under its jurisdiction, or which are to use, fabricate, or process any of the following materials so made available: source material, special nuclear material, moderator material, or other material designated by the Commission:

(2) With respect to any source material or special nuclear material made available to the Government of the Republic of Indonesia or to any person under its jurisdiction under this Agreement by the Government of the United States of America or any person under its jurisdiction and any source material or special nuclear material utilized in, recovered from, or produced as a result of the use of any of the following materials, equipment or devices so made available:

(a) source material, special nuclear material, moderate material, or other material designated by the Commission,

(b) reactors, and

(c) any other equipment or devices designated by the Commission as an item to be made available on the condition that the provisions of this paragraph B(2) will apply,

(i) to require the maintenance and production of operating records and to request and receive reports for the purpose of assisting in ensuring accountability for such materials, and

(ii) to require that any such materials in the custody of the Government of the Republic of Indonesia or any person under its jurisdiction be subject to all of the safeguards provided for in this Article and the guarantees set forth in Article IX;

(3) To require the deposit in storage facilities designated by the Commission of any of the special nuclear material referred to

XUM

in paragraph B(2) of this Article which is not currently utilized for civil purposes in the Republic of Indonesia and which is not transferred pursuant to Article IV of this Agreement or otherwise disposed of pursuant to an arrangement mutually acceptable to the Parties;

(4) To designate, after consultation with the Government of the Republic of Indonesia, personnel who, accompanied, if either Party so requests, by personnel designated by the Government of the Republic of Indonesia, shall have access in the Republic of Indonesia to all places and data necessary to account for the source material and special nuclear material which are subject to paragraph B(2) of this Article to determine whether there is compliance with this Agreement and to make such independent measurements as may be deemed necessary.

(5) In the event of non-compliance with the provisions of this Article or the guarantees set forth in Article IX and the failure of the Government of the Republic of Indonesia to carry out the provisions of this Article within a reasonable time, to suspend or terminate this Agreement and to require the return of any materials, equipment and devices referred to in paragraph B(2) of this Article;

(6) To consult with the Government of the Republic of Indonesia in the matter of health and safety.

"C. The Government of the Republic of Indonesia undertakes to facilitate the application of the safeguards provided for in this Article."

ARTICLE IX

Article IX of the Agreement for Cooperation is amended to read as follows:

"The Government of the Republic of Indonesia guarantees that:

(a) Safeguards provided in Article VIII shall be maintained.

(b) No material, including equipment and devices, transferred to the Government of the Republic of Indonesia or authorized persons under its jurisdiction by purchase or otherwise pursuant to this Agreement, and no special nuclear material produced through the use of such material, equipment or devices, will be used for atomic weapons, or for research on or development of atomic weapons, or for any other military purpose; and no material, including equipment and devices, transferred to the Government of the Republic of Indonesia or authorized persons under its jurisdiction pursuant to this Agreement will be transferred to unauthorized persons or beyond the jurisdiction of the Government of the Republic of Indonesia, except as the Commission may agree to such a transfer to another nation or group of nations, and then only if, in the opinion of the Commission, the transfer of the material is within the scope of an Agreement for Cooperation between the Government of the United States of America and the other nation or group of nations."

ARTICLE X

Article X of the Agreement for Cooperation, as amended, is amended to read as follows:

"A. The Government of the United States of America and the Government of the Republic of Indonesia note that, by an agreement signed by them and the International Atomic Energy Agency on June 19, 1967, the Agency has been applying safeguards to materials, equipment and facilities transferred to the Government of the Republic of Indonesia under this Agreement. The Parties agree that Agency safeguards shall continue to apply to such materials, equipment and facilities as provided in the trilateral agreement, as it may be amended from time to time or supplanted by a new trilateral agreement, recognizing that the safeguards rights accorded to the Government of the United States of America by Article VIII of this Agreement are suspended during the time and to the extent that Agency safeguards apply to such materials, equipment and facilities.

"B. In the event that the trilateral agreement referred to in paragraph A of this Article should be terminated prior to the expiration of this Agreement and the Parties should fail to agree promptly upon a resumption of Agency safeguards, either Party may, by notification, terminate this Agreement. In the event of termination by either Party, the Government of the Republic of Indonesia shall, at the request of the Government of the United States of America, return to the Government of the United States of America all special nuclear material received pursuant to this Agreement and still in its possession or in the possession of persons under its jurisdiction. The Government of the United States of America will compensate the Government of the Republic of Indonesia or the persons under its jurisdiction for their interest in such material so returned at the Commission's schedule of prices then in effect in the United States of America."

ARTICLE XI

Article XI of the Agreement for Cooperation, as amended, is amended to read as follows:

"This Agreement shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such Agreement and shall remain in force for a period of twenty (20) years."

ARTICLE XII

This Amendment shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for entry into force of such Amendment and shall remain in force for the period of the Agreement for Cooperation, as hereby amended.

In witness whereof, the undersigned, duly authorized, have signed this Agreement.

Done at Washington, in duplicate, this tenth day of June, 1970.

For the Government of the United States of America:

WINTHROP G. BROWN,
Deputy Assistant Secretary, Bureau of East Asian and Pacific Affairs, U.S. Department of State.

GLENN T. SEABORG,
Chairman, U.S. Atomic Energy Commission.

For the Government of the Republic of Indonesia:

HIS EXCELLENCY SOEDIATMOKO,
Ambassador of the Republic of Indonesia.

Certified to be a true copy:

BARBARA H. THOMAS,
USAEC.

PROPOSED AMENDMENT TO UNITED STATES-INDONESIAN ATOMIC ENERGY AGREEMENT

Washington, D.C., June 2, 1970.

The proposed "Amendment to Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Indonesia Concerning Civil Uses of Atomic Energy", which you submitted for my approval with your letter of May 20, 1970, has been reviewed.

Pursuant to the provisions of Section 123b of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby:

(a) Approve the proposed Amendment, and determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security of the United States of America; and

(b) Authorize the execution of the proposed Amendment on behalf of the Government of the United States of America by appropriate authorities of the Department of State and the Atomic Energy Commission.

RICHARD NIXON.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., June 10, 1970.

Hon. CHET HOLIFIELD,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR MR. HOLIFIELD: Pursuant to Section 123c of the Atomic Energy Act of 1954, as amended, there are submitted with this letter copies of the following:

(a) a proposed amendment to the "Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Indonesia Concerning Civil Uses of Atomic Energy;"

(b) a letter from the Commission to the President recommending approval of the amendment; and

(c) a letter from the President to the Commission containing his determination that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and approving the amendment and authorizing its execution.

The present research type of Agreement for Cooperation with Indonesia was signed on June 8, 1960, and is due to expire on September 20, 1970. The main purpose of the enclosed amendment is to extend the agreement for an additional ten years.

In extending the agreement, the opportunity has been utilized to bring its provisions into conformity with corresponding ones of recent agreements and amendments. For example, Article I of the amendment incorporates the comprehensive list of key terms, and their definitions, now employed in our Agreements for Cooperation, and reliance on cross-reference to definitions in the Atomic Energy Act of 1954, as amended, has been discontinued. Articles II and III set forth in current form the cooperation which may be undertaken and the types of information which may be exchanged.

Article IV establishes a net ceiling of up to twenty-five kilograms of U–235 in enriched uranium which may be transferred to Indonesia for fueling research reactors, materials testing reactors, and reactor experiments over the life of the agreement. The article also incorporates the provision, common to our recent research type of agreements, that uranium fuel may be enriched to greater than twenty percent in U–235 if technically or economically justified for use in research reactors capable of operating with fuel loads that do not exceed eight kilograms of contained U–235. (The current agreement restricts fuel enrichment to a maximum of twenty percent.) Further, as incorporated for example in the recent Argentine, Austrian and Portuguese Agreements, the options granted to the United States to acquire special nuclear material produced in material obtained from the United States have been discontinued. The transfer, however, from Indonesia to any other nation or group of nations of special nuclear material produced in U.S.-origin material acquired by Indonesia under the bilateral would be subject to approval by the United States.

Article V consolidates provisions of the agreement regarding transfers of various materials. The existing small quantity limitations on special nuclear material which may be transferred for other than fueling purposes has been discontinued, in accordance with our practice of a number of years.

Article VII provides that either Party or authorized persons under its jurisdiction and authorized persons under the jurisdiction of the other Party may make arrangements for the transfer of special nuclear material. Such transfers would be for uses specified in the agreement and would be subject to the quantity limitation on U–235 established in Article IV.

Under Article VIII provisions of the current agreement, respecting United States safeguards rights, have been updated in the comprehensive form now common to other Agreements for Cooperation.

Article IX brings Indonesia's "peaceful uses" guarantee pertaining to material, equipment and devices received under the agreement into conformity with such guarantee in our current Agreements for Cooperation.

Article X reflects the fact that safeguards responsibilities for materials, equipment and facilities received by Indonesia under the agreement have already been transferred to the International Atomic Energy Agency under a trilateral agreement signed in 1967; the article provides for the continued application of such safeguards by the Agency. As is presently the case, United States safeguards rights would remain suspended during the time and to the extent that Agency safeguards are in effect.

The amendment will enter into force on the date on which each Government shall have received from the other Government written notification that it has compiled with all statutory and constitutional requirements for entry into force.

Cordially,

Glenn T. Seaborg,
Chairman.

PUBLIC POLICIES FAVOR EXTRACTIVE INDUSTRIES, DISCOURAGE RECYCLING OF WASTES

Mr. MUSKIE. Mr. President, the achievement of more rational practices in the area of resource use will clearly require some very basic changes in our national production and consumption patterns—and in public policies which affect them.

The Senator from Missouri (Mr. Eagleton), my colleague on the Air and Water Pollution Subcommittee, has argued that adequate recycling of resources which are now wasted may require that we abandon a wide variety of administrative, regulatory, and tax policies which now favor the extractive industries.

Senator Eagleton developed this extremely significant thesis in a speech in St. Louis on June 25. I ask uanimous consent that his remarks be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Speech of Senator Thomas F. Eagleton, National Association of Secondary Material Industries, Inc.

Let me begin with this prediction: Ten years from now your secondary materials industry will be one of the five or six most important in America—the equal of transportation, communications, mining or finance. Your technology will be as prominent as cybernetics is today. You will hold a substantial share of our national raw materials market. You will be processing materials which have no apparent value today for uses we cannot now foresee.

For our nation is at a watershed in its economic development. Since the first trees fell at Jamestown and Plymouth, we have pursued a policy—a right and necessary policy for a young country—of exploiting our national resources. Now we must turn to *conserving* our resources, *protecting* our environment, and *recycling* what we already have for maximum use.

If there were ever an industry with history on its side, it is yours. You are about to be promoted from economic step-child to favorite heir—from Cinderella to Princess.

Unhappily, however, this transformation is not going to be accomplished by a fairy godmother. As in any period of transition, there are some tough public policy, managerial and technical problems which have to be solved—by you, by government and by the public as a whole.

In the area of public policy, it seems clear that administrative and regulatory practices left over from our age of exploitation—and tax policy and consumer preferences as well—are stacked in favor of the extractive industries . . . and consequently against recycling.

For example, producers of many primary materials have the advantage of percentage depletion allowances. You don't. Yet your products must compete directly with theirs in the marketplace. At a time when the society is concerned about cleaning up auto graveyards and recycling the steel in junked cars, it would be interesting to know what impact the 15% mineral depletion allowance has on the price of iron ore relative to the price of scrap.

The federal government provides services to private enterprises which encourage primary production of resources. The Geological Survey is devoted to identifying promising geological provinces for industry to develop. The Bureau of Mines conducts research which is available free to the mining industry. The Department of the Interior subsidizes exploration for precious metals.

And when we experience peacetime shortages in many minerals, we limit their export rather than stepping up recycling activities. As your executive vice president, Mr. Mighdoll, pointed out in Tuesday's Wall Street Journal, these export restrictions reduce demand for the recycled product.

Our regulatory measures may also favor the producers of primary materials.

I gather, for example, that rerefined motor oil is as good as new, but that it has to carry the pejorative label "used oil." If rerefined oil is as good as virgin oil, I see no reason why it should not be labeled so that it can compete with virgin oil on its merits. We might find that we could buy oil cheaper, begin in a small way to reduce the demands on our declining domestic oil reserves, and even avoid polluting our waterways with used crankcase oil for which there is now no market.

Mr. Mighdoll also pointed out that federally regulated freight rates for iron ore and pulp wood are less than those for scrap metal and scrap paper.

Even Uncle Sam's policies as a landlord may indirectly favor the use of primary rather than secondary materials. Producers of primary materials operating on federal land under the mining law of 1872, for example, pay no bonus royalty of other similar charges for their raw materials—the minerals they take out of the land. I assume that you generally have to pay for your raw materials—and you'll probably have to pay more as recycling becomes more common.

In addition to these public policies, there is the much more important fact that our system of production—our manufacturing techniques, our marketing system, our consumer habits—have been oriented in some degree toward a national philosophy of "use and discard." This system makes it unnecessarily difficult and costly to recapture and reuse the materials from which our automobiles, refrigerators and other goods are manufactured.

These public policies and private practices do not result from conscious discrimination against the secondary materials industy. Some of them still may be perfectly justifiable and in the national interest.

But taken together, these policies and practices belong to the national priorities of another era. At the very least, they demand re-evaluation in light of the urgent priorities of today.

Does the percentage depletion allowance significantly affect the relative costs—and thus demand—for iron ore and scrap? Is the answer to subsidize scrap processors . . . or eliminate the percentage depletion allowance . . . or a little of both . . . or neither?

Should resource recycling be heavily subsidized by government, or should it be primarily the result of the operation of the market mechanism?

In what ways should products be designed to permit easier recycling? Are such design changes the proper subject for regulation, or should the market dictate them?

Under what conditions should government policies—for instance those governing pollution emission standards or waste disposal—be explicitly designed to encourage recycling?

And in general, how do we as a nation assure that our industrial operations—and indeed our personal activities—will bear the full social costs they impose on society?

I am delighted to hear that you have received a grant from the Bureau of Solid Waste Management of the Department of Health, Education and Welfare for a comprehensive study of recycling secondary materials. I hope your investigation will include some of these broad policy questions.

The Senate Public Works Committee, on which I serve, is also making progress on solid wastes, and I anticipate that we will complete work on a solid waste disposal bill next week. The final details of the bill are not yet settled, but I can tell you something about its broad outlines.

It will significantly reorient the old solid waste disposal program toward development of resource recovery systems for recycling as well as disposal of solid wastes.

Further, it will:

Authorize far-reaching resource recovery investigations.

Establish a program to assist in planning for areawide resource recovery systems as a part of regional environmental protection programs.

Authorize a demonstration program of resource recovery systems.

Provide for establishment of recommended guidelines for systems for solid waste recovery, collection, separation and disposal.

Authorize training grants for personnel connected with solid waste disposal and resource recovery systems.

Authorize a national disposal sites study for hazardous wastes.

Authorize a study looking toward development of a national materials policy.

If this bill is enacted, it will focus public attention on recovered materials in the broader context of resource use and environmental protection. I think it will promote new and mutually beneficial complementary relationships between the public and private sectors.

While there is obviously an urgent need for government effort of the kind this bill will provide, I am firmly convinced that the *economics* of resource use—not government programs or pious hopes—will determine our long-run success in recycling the materials we now waste.

Ultimately, the recycling process must be built into our free enterprise system so that serving our environmental priorities will be a self-financing, automatic by-product of our patterns of production and consumption.

This means doing away with policies which cause distortions in the pricing mechanism that are unfavorable to recycling—not compensating for existing distortions with other distortions in the form of artificial inducements to recycling. This is a tall order because every existing subsidy, tax break or other advantage has its own constituency of workers, industrialists and even consumers who depend on having things the way they

XUM

are. There is seldom as effective a constituency for change—even when it is urgently needed, constructive change.

I wish you the greatest possible success in the research project that you will be discussing this afternoon and also with your exciting job of protecting and enhancing the environment for fun and profit.

NEIGHBORHOOD YOUTH CORPS CUTBACK

Mr. TYDINGS. Mr. President, the administration's plan to slash the wages of participants in the out-of-school Neighborhood Youth Corps program threatens the very existence of this vital and successful program.

Despite the protests of Neighborhood Youth Corps directors across the country and against the expressed desires of the Nation's big city mayors, the administration has persisted in its scheme to substantially reduce the wages of the Neighborhood Youth Corps participants.

Under the administration's scheme, high school dropouts participating in the out-of-school Neighborhood Youth Corps program in Baltimore, for example, will find their wages sliced to less than 90 cents an hour for a 40-hour week. Currently, the same Neighborhood Youth Corps participants receive $1.45 an hour for a 32-hour week.

The NYC directors in Baltimore and across the Nation are concerned that the administration's new ill-conceived wage scheme will drive out of the program the youngsters who need it the most.

The administration is apparently unconcerned about that consequence of its action. Just 10 days ago a Labor Department official was quoted in an article by Naomi S. Rovner in the Baltimore Sun as saying:

> If the lower take-home pay drives a youth out of the program, I say to hell with him. Maybe that shocks you, but it is a matter of motivation and if one doesn't want to go back to school, then another one will take his place.

I believe that attitude on the part of the top Labor Department official reveals again how far out of touch this administration is with the happenings on the streets of our great cities. It is one thing to sit behind a desk in the Department of Labor building in Washington and say "to hell" with a youngster who refuses to participate in a program paying scarcely half the minimum wage. But it is another to have to deal with that same youngster on the street after he has become even more embittered at being driven away from the NYC program because it does not pay enough money for him to live on.

The administration promises that it will offset the wage reduction by providing improved supportive services—such as skilled training and medical services—for the Neighborhood Youth Corps participants. While I agree that it is desirable to improve supportive services, I believe it should not be done in a manner that torpedoes the program's effectiveness by discouraging needy youngsters from joining.

My concern is deepened because of the Labor Department's atrocious track record on the Job Corps program. Despite its quite bold promises a year ago of new urban centered job training programs to replace the Job Corps centers it closed, the administration has not produced those centers. I am concerned that a year from now we may find the NYC program devastated while the Administration is still promising to improve supportive services.

Just 2 weeks ago the National Conference of Mayors passed a resolution recently by Mayor Thomas J. D'Alesandro III, of Baltimore, requesting that the Department of Labor halt its plans to overhaul the NYC out-of-school program. This afternoon I have asked Secretary of Labor Hodgson to follow that sound advice offered by the mayors of our great cities.

I ask unanimous consent that the text of my letter to Secretary Hodgson and the article by Naomi S. Rovner, published in the Baltimore Sun of June 21, 1970, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

JUNE 30, 1970.

Hon. JAMES D. HODGSON,
Secretary of Labor,
Washington, D.C.

DEAR MR. SECRETARY: I urge you to halt your plans to overhaul the Out-Of-School Neighborhood Youth Corps Program.

As I indicated in my speech on the Senate Floor a month ago, your plans threaten the very existence of the vital and successful Out-Of-School Neighborhood Youth Corps Program.

I am particularly concerned that your scheme to reduce the wages of the Neighborhood Youth Corps participants will drive out of the program the youngsters who need it the most.

Currently, high school dropouts participating in the Out-Of-School Neighborhood Youth Corps Program receive $1.45 an hour. Under your scheme, these same youngsters in Baltimore, for example, will find their wages reduced to less than $.90 an hour and their work week increased by eight hours.

I am in complete sympathy with your intention to increase the supportive services—such as skill training and medical services—provided for the NYC participants. That should be done. But it should not be done in a manner that torpedoes the program's effectiveness by discouraging needy youngsters from joining.

My concern is deepened because of your Department's atrocious track record on the Job Corps Program. Despite bold promises a year ago of new urban centered job training programs to replace the Job Corps Centers you closed, the Administration has not produced those centers. I am concerned that a year from now we may find the NYC Program devastated while your Department is still promising to improve supportive services.

As you are aware, the National Conference of Mayors recently passed a resolution offered by Mayor Thomas J. D'Alesandro, III of Baltimore requesting that your Department halt its plans to revamp the vital Neighborhood Youth Corps Out-Of-School Program. This Administration has often been criticized for being out of touch with what is going on in our major cities. The Mayors of our cities have gone on record about a program that they consider vital to their cities. I urge you to take their advice.

Sincerely,

JOSEPH D. TYDINGS.

[From the Baltimore Sun, June 21, 1970]

FOR YOUTH CORPS: BROKEN PROMISES

(By Naomi S. Rovner)

WASHINGTON.—Some 34,000 enrollees in out-of-school Neighborhood Youth Corps programs in major United States cities will get a federal pay cut next month which some big-city mayors think will doom the program.

But Nixon administration manpower planners who are responsible for the new design of the year-round corps are adamant that the program will be better "in the long run."

They uncomfortably admit that they are responsible for the effective cut in take-home pay for the 16- and 17-year-old high school dropouts in the program. They much prefer to call it a new program with additional money in the form of a stipend for attending vocational classes about two-thirds of the time and working at $1.45 an hour for one-third of the time—about 13 hours of a 40-hour week. Previously, youngsters were paid for on-the-job training for a 40-hour week.

TO HELL WITH HIM

Only when pushed will Labor Department spokesmen admit that there will be difficulties for "some individuals."

But, said one Labor official, "if the lower take-home pay drives a youth out of the program I say to hell with him. Maybe that shocks you, but it is a matter of motivation and if one doesn't want to go back to school, then another one will take his place."

Jack Hashion, the deputy assistant information director for manpower at the Labor Department, said: "We took a cold, hard look at the program and we found that it was a dead end . . . a tangent . . . a respite from the real world."

Manpower officials determined that too many of the dropouts were in "makework" positions—menial, janitorial, clean-up, no skills-required jobs which gave them no help for bettering their positions. By and large, program field directors tended to agree with this and advocated change which would bring more supportive services and on-the-job skill training to youngsters.

But, as an aide to a Maryland senator put it recently, "Who would have thought they would make the kids pay for their own training?" The aide to Senator Joseph D. Tydings (D., Md.) has been assigned to "bird dog" Maryland programs and Mr. Tydings said recently that his fears that the Nixon administration was shortchanging youth, particularly disadvantaged youth, were being confirmed.

Mr. Tydings was alerted to the impending average hourly pay cut for Baltimore's 600 Youth Corpsmen a few weeks ago when panicked city officials approached him for help.

VARIES BY STATE

In Baltimore, the average hourly pay will drop from $1.45 an hour, the minimum wage paid to enrollees for a 32-hour work week, to 85 cents an hour—the average from their continued $1.45 an hour for only 13 hours a week and the "stipend" for 27 hours of schooling.

The much smaller stipend varies from state to state.

It is computed by taking 75 per cent of the classroom pay provided for older enrollees in the manpower development training programs in a given state. Those payments are based on the unemployment compensation paid out in a state. In many cases top officials of major cities are only just discovering that new computations produce a much lower average hourly wage.

"Anyone should have seen it," Labor officials insist. They confirmed, however, that press releases on the new program emphasized the "educational input" and failed to mention any pay cut.

Weeks after the first anguished complaints began to pile up from cities seeing their programs decimated at a time when jobs are scarcer than ever and living costs continue to go up, the Labor Department here still cannot provide any city-by-city figures on the program's impact.

WASN'T GOING

They will admit that the take-home pay which was as much as $58 a week in some places, will drop to a low of $26 in Mississippi. Least affected is California, where young dropouts will receive $48.

"But the program just wasn't going anywhere," Labor spokesmen said.

Mr. Hashion declared that overall "this program is a disservice to the kids. We cannot perpetuate the feeling that 'somebody owes me a living', by providing them with ersatz jobs and letting them live it up—as much as one can live it up on $58 a week," he added.

But as much as the pay cut, program field directors fear the reaction of their enrollees to the required return to classrooms.

SHUTDOWN CITED

As Mr. Tydings noted in a recent speech in the Senate, the Nixon administration has cut back youth programs with promises of better substitutes which are never fulfilled. The administration's record, he declared "is a laundry list of broken promises."

He cited the shutdown of 59 Job Corps centers last year which was accompanied by publicity on a new series of "mini-centers" in cities to give job training that closed centers had been providing to 17,000 youngsters.

"More than 10 months after the Job Corps centers were closed," the Marylander declared, "the administration has produced only five urban job centers, serving a grand total of only 1,057 youngsters, compared to the 17,000 sent home from the Job Corps last summer."

BALTIMOREAN UNBELIEVER

Based on this kind of experience, city Youth Corps directors are frankly skeptical that the promised better educational centers and supportive services called for in the new youth program will be forthcoming.

James M. Chavis, the Baltimore program director, simply does not believe that youngsters whose school experience was so irrelevant that they dropped out, will be receptive to any lure back into the same classrooms. Especially with an accompanying pay cut.

The administration response to this is a shrug, suggesting that there are plenty of other programs young people could enter.

D'ALESANDRO ACTS

Mr. Hashion suggested, for example, the much-heralded JOBS (jobs in the private business sector) program. Then he conceded that the "temporary economic slowdown," the new Nixon word for recession, had put a serious crimp into the JOBS program, It is, he noted, moving into the public sector and "hopefully there will be more money. . . ."

Mayor D'Alesandro, in Denver last week to attend meetings of the U.S. Conference of Mayors, was able to gain almost unanimous support for a resolution calling on the Labor Department to revise the pay scales.

There does not seem to be any such inclination in Washington, however.

SOME EFFORT

"If," said Mr. Hashion, "you are going to be running a welfare program, then we should say so. When Mayor D'Alesandro talks about the individual, I have to admit he is absolutely right . . . there will be individuals who will suffer . . . some will fall through, but looking at the broad picture it will not be that painful," he said.

He hinted that some effort will be made to add payments for young enrollees who are heads of households or who have small children to support, but "nothing has been approved yet."

And despite the faltering JOBS program, plus a summer Youth Corps program which will require special congressional approval to meet even a fraction of big-city needs, Mr. Hashion maintained that dropouts from the dropout program "can be absorbed elsewhere."

DEMOCRATS, YES?

Baltimore, in fact, is in better economic shape than such one-industry cities as, for example, Detroit or Pittsburgh. Yet even in Baltimore, businesses which pledged 4,000 summer jobs last year and came through with 2,000 have this year pledged only 2,000 and city officials expect to realize only half.

Beleaguered big-city mayors and other administration critics are certain that the cities are being slighted deliberately because city administrations are more often controlled by Democratic mayors or councils. (Rural areas are exempted from the new Youth Corps guidelines, they note.)

Mr. Tydings sees an administration disaffection with youth.

City Youth Corps directors see their own link with disaffected youth evaporating in frustration and poverty.

And who, asked a former poverty program official, "is measuring the temperature of the cities?"

"Sure, I know they don't like it . . . I agree it was bad news for them (city poverty directors)," Mr. Hashion said, "it just made the job tougher, but that's not the point . . . you have to look at the overall picture. . . ."

INSURING THE SAFETY OF POLICEMEN

Mr. PERCY. Mr. President, all of us would agree, I think, that Gilbert and Sullivan's words, "The policeman's lot is not a happy one," are even more accurate today than they were at the time they were written, in 1879. The increase in crime, civil disorder and violent protest has had a profound impact throughout our society, but it has been felt most deeply by society's protectors, the police. Few Americans who read a newspaper or watch television can escape the conclusion that the policeman's job is often thankless.

But the liabilities of police work involve more than the long hours and low pay, more even than the frequent harassment and occasional physical abuse. Too often we forget that a policeman places his life on the line every day of his working career. It is only when we read or hear of the tragic loss of a policeman's life that we are reminded of the terribly high stakes that are an everyday part of police work.

Mr. President, on June 19, in the city of Chicago, Patrolman Kenneth Kaner's life was brutally ended at the age of 33, when he was shotgunned to death while sitting alone in his squad car, filling out a missing persons report. Because he was operating in a one-man patrol car, no partner was available to assist Patrolman Kaner when the murderer attacked.

I have no way of knowing, of course, if Patrolman Kaner would be alive today if he had been assigned to a two-man car. But I talked with Patrolman Kaner's widow, Pauline, shortly after the tragedy and she told me of the almost universal concern among Chicago policemen and their wives over the dangers posed by one-man squad cars.

Since I share the concern voiced by the organizations by police officers and the association of policemen's wives, I would like to commend Chicago's police superintendent, James B. Conlisk, Jr., for implementing a change in department policy to insure the safety of his men.

Under Superintendent Conlisk's plan, announced last week, 80 percent of the one-man squad cars will be eliminated during the dangerous night shifts. Due to a reassignment of personnel, no longer will any officer be compelled to enter a high-crime neighborhood alone.

Chicago police officials assure me that there will be no decline in the effectiveness of police services throughout the city because of the policy change. The citizens of Chicago will continue to receive the quality of police protection to which they are entitled. But at the same time, their protectors—the Chicago policemen—should be able to do their jobs without unnecessarily placing their lives in jeopardy.

DISTRICT OF COLUMBIA CRIME

Mr. MATHIAS. Mr. President, I wish to remind Congress of our responsibility in facing up to and dealing with the serious crime problem in the District of Columbia, since Congress has chosen to retain virtually exclusive governmental authority within the District.

To this end, I ask unanimous consent to have printed in the RECORD a list of crimes committed within the District yesterday as reported by the Washington Post. Whether the list grows longer or shorter depends on Congress.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SUSPECT SEIZED AFTER HOLDUP OF LOT ATTENDANT

A 20-year-old Southeast Washington man was arrested Saturday night shortly after the holdup of a parking lot attendant who was depositing the day's receipts at the headquarters of the company that owns the lot, police said.

Donna J. Valentine, a 29-year-old employee of the Parking Management, Inc., lot at 1514 L St. NW, told police she was carrying three canvas bags containing $425 to the office on DeSales Street NW when a man brandishing a gun confronted her in the hallway.

She said the man pointed a gun at her and ordered, "Turn it over." After taking the money bags, the gunman fled and Miss Valentine reported the theft.

Two plainclothes police officers, alerted by the police lookout, saw a man fitting the description of the suspect running east on L Street NW and chased him. They said he dropped a coat containing three sacks of money and a .38-caliber revolver with three rounds of ammunition in the 1500 block of L Street as he fled between two parked cars.

Moments later the officers arrested Ronald B. Yarborough, of 2908 Langston Pl. SE, and charged him with robbery, according to reports. Police said they recovered the money and gun.

In other serious crimes reported by area police up to 6 p.m. yesterday:

ASSAULTED

James Thomas Miles, of Washington, was treated at D.C. General Hospital after he was shot during an attempted holdup. Two youths, one of them armed with a gun, approached Miles about 7:55 p.m. Sunday while he was standing at 18th and D Streets NE and said, "Give me your money." When Miles refused, the gunman shot him in the left

XUM

shoulder and then fled with his companion into an alley at the rear of 18th Street.

Emmitt Eugene Murphy, of Washington, was treated at Washington Hospital Center for facial injuries he suffered during a fight about 6:25 p.m. Sunday in an apartment in the 700 block of Park Road NW with a man brandishing a bottle.

William L. Riley, of Washington, was treated at D.C. General Hospital for eye injuries he received when a youth threw a rock at him during a fight at about 6:15 p.m. Sunday at a playground near his home in the 700 block of 12th Street SE.

Florence Brown, of Washington, was admitted to Freedmen's Hospital with stab wounds in the breast and wrist. She was stabbed during a fight with a man and woman who attacked her at 7th and O Streets NW at about 1:30 p.m. Sunday.

Henrietta Bradshaw, of 1316 Fairmont St. NW, was admitted to Washington Hospital Center after she was stabbed in the shoulder about 11 a.m., during a fight at her apartment with a woman armed with a knife.

STOLEN

Approximately $923 was stolen between 11 p.m. Sunday and 7:25 a.m. yesterday from a safe inside the High's dairy store at 5001 Wisconsin Ave. NW.

Four cases of liquor and $1,896 in cash and checks, with a total value of $2,076, were stolen between 3:30 a.m. and 12:30 p.m. Sunday from Maxie's Restaurant, 2714 Good Hope Rd. SE, according to Allen C. Reed, of Forestville.

ROBBED

Stanton Park Esso Station, 400 C St. NE, was held up about 3:35 a.m. Sunday by two men who entered the office and asked the attendant, "Where's the phone." One of them pulled out a sawed-off shotgun, grabbed the bills from the attendant's pocket and escaped with his companion.

Jacob Garvin, of Washington, was held up shortly after 3 a.m. Saturday by a youth wielding a knife who approached him at 5th Street and Virginia Avenue SE. The youth forced Garvin to hand over his money and watch, then fled south on 5th Street.

Emmett Johnson, of Washington, was held up early yesterday by a young man wielding a club who approached him in the 200 block of 17th Street NE and said, "Freeze." After removing Johnson's wallet, the armed man fled on foot.

Sacks Esso station, 5501 South Dakota Ave. NE, was held up about 10:30 p.m. Sunday by two men who drove into the station in a green car. The driver pointed a revolver at the station manager and demanded money. After taking the bills from the employee, the pair drove away.

James Pettus, of Washington, was held up about 12:15 p.m. Sunday by two men who confronted him in the 1800 block of 5th Street NW. One of them drew a handgun, took $2 in bills and change from Pettus and escaped with his companion.

Richard Carretta, of Falls Church, was held up about 9:20 p.m. Sunday by two men who approached him as he was walking in the 1800 block of M Street NW. The men grabbed him, placed an unidentified object at his head and told him to hand over his money. After removing the money from Carretta's wallet, the pair fled.

William T. Barnes, of Washington, was held up about 10:30 p.m. Sunday by three youths, two brandishing handguns, who surrounded him at Anacostia Avenue and Hayes Street NE. "Give me that money," demanded one of the gunmen and searched Barnes' pockets, removing the money. After taking all the cash, the trio fled.

Robert Leonard Markle, of 402 10th St. SE, was held up early Sunday by two men who entered his apartment and tied his hands. The intruders then took a clock, Markle's money and his car.

Gertrude D. Diskin, Loretta A. Hagarty and Marie Pli, all members of the Sisters of Saint Joseph of Washington, were held up by two youths who approached them about 8:05 p.m. Sunday at Rodman Street and Reno Road NW. "Where is Connecticut Avenue?" the youths asked. When Miss Hagarty gave them the directions, one of youths drew a handgun and said, "This is a holdup." The pair took purses from the three women.

George W. Sickler, of Washington, was beaten and robbed about 10:40 p.m. Saturday by a man who approached him from behind in the 1100 block of 6th Street SE. The man forced Sickler to hand over his cash and credit cards and fled.

Thomas Lewis Bonge, of Miami, was robbed of a large amount of money about 10:30 p.m. Sunday in a parking lot in the 1400 block of Wisconsin Avenue NW. Two men approached Bonge and one of them placed a knife at his throat demanding, "Give me some money." Bonge handed them his cash and the pair fled.

James Schweitzer, of Annapolis, was robbed about 12:30 a.m. Saturday while he was parked in his truck in the 900 block of Mount Vernon Place NW. A young man climbed into the truck, yoked Schweitzer and asked for $10. Schweitzer replied he had no money and jumped from the truck. The man then drove off in Schweitzer's half-ton pickup truck.

Tina C. Carter, of Washington, was held up by two youths wielding knives who approached her about 1:50 p.m. Sunday at Sherman Avenue and Irving Street NW. "This is a holdup. Give me your handbag," one of them told her. The youths fled with the purse.

Richard G. Cooper, of Bladensburg, was held up about 4 p.m. Sunday when he stopped at the intersection of Kenilworth and Eastern Avenue NE. Two men, one of then wielding a small handgun, warned Cooper, "Don't make any funny moves. This is for real." After taking 50 cents from Cooper, the men fled.

Josephine Shipman, of 3538 A St. SE, was held up by a youth who approached her near her apartment building, placed a knife at her side and ordered, "Give me your purse." Taking the cash, keys and papers, the youth fled on foot.

Little Tavern diner, 630 North Capitol St., NW, was held up by a man who entered the shop and asked the clerk for a cup of coffee. As he turned to fill the order, the man said, "Give me the money." The clerk placed the money into a bag and handed it to the gunman who grabbed it, fled out of the shop and drove off in a white car.

High's dairy store, 2101 Rhode Island Ave. NE, was held up about 10:29 p.m. Sunday by two young men, one armed with a revolver. "Get away from the cash register," the gunman told the clerk. He then jumped over the counter and removed the bills from the register. The pair fled out of the shop and escaped on foot.

High's dairy store, 4800 Georgia Ave., was held up about 9:50 p.m. Sunday by two men who asked the manager for a pack of cigarettes. As she handed him the cigarettes, one of the men drew a revolver and ordered, "Get a bag and put all the money in it." Grabbing the sack full of cash, the pair ran out of the store.

INCREASING SUPPORT FOR METRIC CONVERSION

Mr. PELL. Mr. President, across the country there has been increasing support among professional engineers for the conversion of our system of weights and measures to the metric system.

I ask unanimous consent that resolutions in support of metric conversion by numerous professional societies of engineering be printed in the Record.

There being no objection, the resolutions were ordered to be printed in the Record, as follows:

Statement by Washington Society of Engineers on the Metric System

When the United States and the United Kingdom were the leading industrial nations of the world, their exports of capital and manufactured goods were in such demand that they could be exported with little consideration of the systems of weights and measures in use in the importing countries. Now there are many highly industrialized nations all competing in the world market. The US and the UK are faced with stiff competition especially in the field of metal working machinery and machinery and allied products. Our total exports are declining and we have an adverse balance of trade.

The UK has officially embarked on a ten year conversion program aimed at improving her competitive position in the world market. Ninety percent of the world is on the metric system leaving the US and Canada (with 10% of the world population) the largest countries remaining on the inch-pound system.

By Congressional action the Department of Commerce is now engaged in a study to determine the impact of increasing worldwide use of the metric system on the US. The report to the Congress will be the basis for possible legislation. Ease of calculation in trade and industry and ability to compete in overseas commercial, industrial, engineering and scientific activities have been cited as justification for the changeover.

The Washington Society of Engineers believes that:

(a) An educational program is desirable to acquaint the public with the metric system.

(b) Engineering and technical societies should assist the Government in its current study.

(c) All engineering based industry (such as construction, capital goods, machinery and allied products) should assist the Government in its current study.

(d) All persons whose future activities will be significantly affected by a decision to "go metric" are urged to consider carefully its impact on the economic health of the country.

(e) Legislation will be required to fully implement the use of the metric system. A period of dual usage will be necessary with the new units of measure.

Resolution of Denver Branch of American Meteorological Society

Whereas, The Denver Branch, American Meteorological Society, believes that leadership of the United States is being jeopardized by the lack of acceptance of an international system of weights and measures, the Metric System, and

Whereas, The Universal Standard for observation, transmission, forecasting and reporting of Meteorological information is based upon Metric measurements and

Whereas, A broad-based educational program is required to inform and convince the average American citizen of the advantages of converting to Metric measure and the economic and social impacts of not converting to it, and

Whereas, The Meteorological Profession is in an excellent position to recommend action to political and economic leaders and to introduce Metric terminology and usage to the American public, therefore, be it

Resolved, That the American Meteorological Society adopt a policy favoring universal usage of the Metric System in the United States with the ultimate objective of complete conversion to it.

Resolved further, That in the promulgation of this policy, The American Meteorological Society.

1. Urge its local Chapters and members

XUM

to initiate and support programs which promote American acceptance of the Metric System.

2. Provide educational material and visual aids to local chapters for their use in promoting the Metric System at a "grass roots" level.

3. Urge local chapters and members to expose the American public to Metric terminology by a gradual transition to dual reporting of weather observations and forecasts in both conventional and Metric units on radio, television and newspaper. This should include temperature, barometric pressure, precipitation amounts, wind speeds, cloud bases, heights, etc.

4. Support the Public Law 90–472 Study being conducted by the National Bureau of Standards by adding Professional Meteorological emphasis and a sense of urgency to it.

RESOLUTION OF PIKES PEAK CHAPTER, ACM

Whereas, The Pikes Peak Chapter, Association for Computing Machinery, knowing that all the other major countries of the world either now use or are in the process of converting to the Metric System of weights and measures, believes that the best interests of the United States will be served by a like conversion, and

Whereas, A broad-based educational program is required to indoctrinate and convince the average American citizen of the advantages of converting to Metric measure and the economic and social impacts of not converting to it, and

Whereas, The professional members of this Association are in an excellent position individually and collectively to provide the leadership necessary to influence American economic and political leaders on the merits of early adoption of the Metric System, therefore, be it

Resolved, That the Association for Computing Machinery adopt a policy favoring increased usage of the Metric System in the United States with the ultimate objective of complete conversion to it.

Resolved further, that in the promulgation of this policy, the Association for Computing Machinery

1. Urge its local chapters and members to initiate and support programs which promote increased acceptance of the Metric System.

2. Provide educational material and visual aids to local chapters for use in promoting the Metric System at "grass roots" level.

3. Develop and furnish to news media short fillers, spot announcements and film clips that will promote Metric thinking.

4. Urge Computer Manufacturers, programmers and users to consider developing future hardware and software in Metric language to save cost of later conversion.

5. Support the Public Law 90–472 Study being conducted by the National Bureau of Standards by adding emphasis and a sense of urgency to it from the viewpoint of the Information Sciences.

RESOLUTION OF PIKES PEAK CHAPTER OF AMERICAN METEOROLOGICAL SOCIETY

Whereas, The Pikes Peak Chapter, American Meteorological Society, believe that the economic, political and military world leadership of the United States is being jeopardized by the lack of acceptance of an international system of weights and measures, the Metric System, and

Whereas, The Universal Standard for observation, transmission, forecasting and reporting of Meteorological information is based upon Metric measurements and

Whereas, A broad-based educational program is required to indoctrinate and convince the average American citizen of the advantages of converting to Metric measure and the economic and social impacts of not converting to it, and

Whereas, the Meterological Profession is in an excellent position to influence political and economic leaders and condition the American Public to Metric terminology and usage; therefore, be it

Resolved, That the American Meteorological Society adopt a policy favoring universal usage of the Metric System in the United States with the ultimate objective of complete conversion to it.

Resolved further, That in the promulgation of this policy, The American Meteorological Society

1. Urge its state and local Chapters and members to initiate and support programs which promote American acceptance of the Metric System.

2. Provide educational material and visual aids to local chapters for their use in promoting the Metric System at "grass roots" level.

3. Urge local Chapters and members to begin conditioning the American public to Metric terminology by dual reporting weather observations and forecasts in both conventional and Metric units on radio, television and newspaper. This should include temperature, barometric pressure, precipitation amounts, wind speeds, cloud bases, heights, etc.

4. Support the Public Law 90–472 Study being conducted by the National Bureau of Standards by adding Professional Meteorological emphasis and a sense of urgency to it.

RESOLUTION OF PIKES PEAK CHAPTER OF PROFESSIONAL ENGINEERS OF COLORADO

Whereas, The Executive Committee, Pikes Peak Chapter of Professional Engineers of Colorado, believe that the economic, political and military world leadership of the United States is being jeopardized by the lack of acceptance of an international system of weights and measures, the Metric System and

Whereas, The engineering profession is in the best professional position to influence political and economic leaders on the merits of early adoption of the Metric System and

Whereas, A broad based educational program is required to indoctrinate and convince the average American citizen of the advantages of converting to Metric measure and the economic and social impacts of not converting to it; therefore, be it

Resolved, That the National Society of Professional Engineers adopt a policy favoring increased usage of the Metric System in the United States with the ultimate objective of complete conversion to it.

Resolved further, That in the promulgation of this policy, the National Society of Professional Engineers

1. Urge its state and local chapters and members to initiate and support programs which promote universal acceptance of the Metric System

2. Provide educational material and visual aids to local chapters for their use in promoting the Metric System at "grass roots" level

3. Provide news media with copy, film clips and spot announcements promoting Metric thinking

4. Support the Public Law 90–472 study being conducted by the National Bureau of Standards by adding professional engineer emphasis and a sense of urgency to it.

RESOLUTION OF PIKES PEAK POST, SOCIETY OF AMERICAN MILITARY ENGINEERS

Whereas, The Peak Post, Society of American Military Engineers, believes that the military, political and economic world leadership of the United States is being jeopardized by the lack of acceptance of an international system of weights and measures, the Metric System, and

Whereas, A broad-based educational program is required to indoctrinate and convince the average American citizen of the advantages of converting to Metric measure and the economic and social impacts of not converting to it, and

Whereas, The civilian and military engineer members of this Society are in an excellent position individually and collectively to provide the leadership necessary to influence American economic and political leaders on the merits of early adoption of the Metric System, therefore, be it

Resolved, That the Society of American Military Engineers adopt a policy favoring increased usage of the Metric System in the United States with the ultimate objective of complete conversion to it.

Resolved further, That in the promulgation of this policy, the Society of American Military Engineers.

1. Urge its local posts and members to initiate and support programs which promote increased acceptance of the Metric System.

2. Provide educational material and visual aids to local posts for their use in promoting the Metric System at "grass roots" level.

3. Develop and furnish to news media short fillers, spot announcements and film clips that will promote Metric thinking.

4. Support the Public Law 90–472 Study being conducted by the National Bureau of Standards by adding engineering emphasis and a sense of urgency to it.

TRIBUTE TO ST. JOHN'S COLLEGE, ANNAPOLIS, MD.

Mr. PERCY. Mr. President, I ask unanimous consent to have printed in the RECORD the text of an address given by a member of the faculty, J. Winfree Smith, at the St. John's College commencement exercises on June 7. A quick glance will show that it is a hard-hitting speech which describes forcefully the terrible dangers we face from the spreading spirit of lawlessness. His is a message that deserves the widest possible dissemination.

Following the address are editorials published recently in the Annapolis Evening Capital and the Anne Arundel Times praising the students of St. John's College for the rational and restrained ways they have chosen to express their opposition to the war in Vietnam and Cambodia. Unique in the Nation, I believe, they have expressed with equal fervor their opposition to violence and disruption of campuses. This is probably the only college of its caliber in the Nation that continued to operate on a strictly normal schedule right through to commencement day. Not 1 day, or even one period of classes was missed. The whole college, instead, engaged voluntarily in an additional day of study of the war and of the question of dissent. Students and faculty all sacrificed a Saturday of their own time for these special extra classes.

St. John's College hopes to set an example that others may follow. Its students and faculty are striving to show that political opinion can be expressed and will be heard without violence or other forms of irrationality. Students and faculty are free to express their views as individuals or in groups, but none of them speaks on behalf of their college. The college has avoided completely taking any stand on any political issue, not because it doesn't care, but because it recognizes its mission to preserve the conditions under which freedom of inquiry can thrive. The administration will not permit its campus to become politicized. It is determined that

XUM

everything done will be characterized by the spirit of inquiry.

There is one point on which it needs the assistance of others. It must be manifest that its message and example of law-abidingness and nonviolence are getting as much attention as burnings and bombings do. It is for this reason that I pay tribute to St. John's achievements on the floor of the U.S. Senate.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

COMMENCEMENT ADDRESS

(By J. Winfree Smith)

In a church near London there is a plaque with the following inscription:

"In the year 1653, when all things sacred in the kingdom
Were either profaned or demolished,
This Church was built by Sir Robert Shirley, Baronet
Whose singular praise it was
To do the best things in the worst times
And hope them in the most calamitous."

These times in which we live are not the worst times or the most calamitous. But they are bad times, and they threaten worse and more calamitous times. In the United States of America we have special troubles which arise partly from our power and wealth, but also, and maybe consequently, from a disrespect for law. We can understand how for many black people and others among us "law" means only an instrument of injustice and oppression. It has, however, been the greatness of the United States as a political society to have combined law and freedom, to have made freedom possible by means of law, which is the only way it is possible. We must think both of the common law and of constitutional law. Murder committed by Black Panthers endangers society; committed by police, it endangers society even more. Arson, whether committed by the frustrated poor in ghettos or by frustrated students on campuses, is as criminal as arson anywhere, and is not to be justified as a form of rhetoric. There can be no freedom where men fear the destruction of their lives and the external means of living them. A concern for life and property is not necessarily a bourgeois concern.

We the people of the United States in adopting the Constitution declared in the words of that document that it was to be the supreme law of the land. Sometimes those whose very powers depend upon the Constitution speak and act in such a way as to contravene it. The Congress in passing the Omnibus Crime Bill of 1968 may have been acting in response to the mood of the people and with respect for one kind of law. But in doing so they were also clearly attacking the independent authority of the Supreme Court. The President, when recently the Senate was about to vote on a certain nomination to that court, referred to himself as "the one person entrusted by the Constitution with the power of appointment" of Supreme Court justices. He was forgetting or deliberately ignoring the constitutional, and by no means nominal, requirement that such appointment be made only with the advice and consent of the Senate. Furthermore, it is hard to avoid the conclusion that those who talk most about law and order are not deeply concerned to preserve the law contained in the Bill of Rights, the law that directly protects specific freedoms.

Americans who would not have their country destroyed will respect both the common law and constitutional law and will respect legal process for the removal of unjust law. They will refuse to be "polarized" no matter who may be playing on which of their passions to attract them to this pole or repel them from that. In independence of soul they will not allow the present confusion of good and evil to overwhelm their power to discriminate them.

Many teachers in our colleges and universities, as well as many students, are determined that those institutions shall as such become active in political affairs. There may be occasions when such institutions have to act politically. For instance, it would surely be their duty to resist by all lawful political means a measure such as that not long ago proposed in Congress, though not passed, to require every college "to adopt an approved code of conduct for its students and teachers before it or they could be eligible for federal aid."

The reason it would be their duty is that such a measure would destroy the independence of the educational institution. A college is of service politically exactly by keeping itself out of political action. It is of service because its independence does not mean indifference, but rather the occasion and the freedom to discuss and debate political issues with rational detachment, which is the only way to obtain light upon them.

It is a truly amazing thing that some teachers and students don't believe in such debate or the possibility of any rational detachment. They have become champions of blind action. Although I've never seen it defined, I suppose that the name "activists" sometimes refers to such champions. The action they desire they often call "revolution," which is also not defined, but it seems to mean destroying all human institutions. There is an echo of Marxism in this though without the painstaking Marxist argument designed to show that in capitalist society all law and government, all religious and educational institutions are derivative from that society and in the dialectic of history destined to be destroyed along with it.

In these bad times we who belong to this small college, but all the greater for being small, often feel ourselves to be like the philosopher in the 6th book of Plato's Republic who amid the circumstances of actual political life is like one "in the storm of dust and sleet which the driving wind hurries along." If we retire to the shelter of a wall, it is partly to get a place where we may begin to see and understand what is going on in that storm and what should and could be done about it. And if we sometimes manage to ignore the storm, we do not consider that we are self-indulgent for there is a seraph that constantly whispers to us that we have a true self that is above the storm and that knowledge belongs to another world and is itself good. Others hurrying past may call to us to leave our shelter and join them. They think it is no time for business as usual. They do not know that when it is a question of the business in which we are engaged it is always time for business as usual.

Last year's commencement speaker referred to our program and the character of our studies as presupposing the authority of intellect. Let me stress the word "authority." The authority of intellect is not the authority of doctrine. St. John's College has no authoritative doctrine. But it is devoted to asking questions about all the things around us. This asking of questions is meaningful not because we can always find answers, but because learning occurs. That genuine learning does occur means that the intellect is not a servant or an instrument, but that it has authority.

Graduates of the Class of 1970. I bid you do the best things in these bad times and in the worst times, if such should overtake you. Cultivate temperance in political judgment and action. Cultivate the courage to stand firm for reason and sense against unreason and nonsense. Support what justice there is in our laws, our institutions, and our ways without losing sight of a higher justice by which they must be measured. Be intemperate and erotic in the quest for wisdom and understanding. Value charity and humility, since he who hates or condemns his brother abides in death, as someone has said.

What hope can I offer you for the future of this earth? I do not know. Things do not look good. The future is perhaps not as much within man's hands as he has persuaded himself in our modern era. It is, of course, my own belief that it is in the hands of a beneficent God, and that is ground for hope. If you do not share that belief, is there some ground? Ignorance of the future is not reason for despair, but neither is it reason for hope. Yet I would pray that it be your singular praise, no matter how bad the times, not only to do, but to find it possible to hope, the best things.

REASON OVER RIOT

The strong antiwar sentiments among students across the nation have apparently left few colleges and universities immune from strikes, demonstrations and violence during these troubled times. However, St. John's College has commendably managed to rise above the throwing of rocks and bottles, the shouted obscenities and the bitter confrontations with National Guardsmen and police.

This has nothing whatsoever to do with apathy. There is little doubt in anyone's mind that the St. John's student body is as opposed to the war in Southeast Asia as are the campuses at Berkeley, College Park and Kent. The difference is the manner in which St. John's has chosen to channel its protest.

A couple of weeks ago, many St. John's students participated in a 24-hour peace vigil that was carried off without any violent incidents. Not only did the students decide against participating in the student strikes, they voted to hold an extra day of classes. On Saturday, seminars on the Vietnam War were held at St. John's. There was no need for fixed bayonets or tear gas. This civilized approach might not satisfy the appetite for revolution prevalent among campus militants, but it was one college's way of choosing to reason rather than to riot.

And it is through reason that this nation must let its leaders know how it feels about our involvement in Vietnam and Cambodia. Occupying and burning college buildings, violent demonstrations and angry shouting matches are unlikely to bring any results other than a widening of the gap between those who feel we should leave Vietnam and those who feel our presence there is protecting the world from communism.

It is a tribute to the students and faculty of St. John's College that they chose an infinitely more responsible route to air their feelings rather than to subject themselves and a fine institution to the turmoil to which all too many colleges have fallen prey within the past weeks.

"WAY AHEAD" IS MORE LIKE IT

Residents of Annapolis who sometimes look askance as "way out" students of St. John's College peacefully make their way through town should be mindful of the fact that the students are more "peaceful" than "way out."

A case in point is the unfortunate reaction of students in colleges and universities across the nation, following the United States invasion of Cambodia. Disorder, destruction, and even death, were everyday campus occurrences. The campus of St. John's College, both in Annapolis and Santa Fe, New Mex., remained calm.

Which is not to say that students approved of the military action. On the contrary, a letter making clear their opposition was hand-delivered to the President of the United States by the president of the college. But the same letter contained a pledge to maintain a regular schedule at the college. If President Nixon did not reply favorably and thankfully to what is surely a rare communication—and Dean Robert A. Goldwin of St. John's College knows of no such response—the President is remiss.

XUM

Instead of upheaval, the students and faculty members heard two authoritative speakers discuss both sides of the Cambodian issue. An orderly, and therefore, fruitful, question and answer period followed.

The next day, a Saturday, students and faculty members participated in a seminar on Vietnam. Again, two positions—those of the United States and North Vietnam—were weighed.

The Students of St. John's College, it would seem, are not so "way out" after all. "Way ahead" is a more accurate term.

MENTAL HEALTH CENTERS FACE DENIAL OF PROMISED FEDERAL FUNDS

Mr. WILLIAMS of New Jersey. Mr. President, the low level of funding requested by this administration for community mental health centers has generated a serious and deepening crisis in mental health care in this Nation.

If any Senator feels that this is an "alarmist" statement, he need only turn to page 25 of the New York Times of June 29, 1970, for direct evidence that a serious crisis exists for the future of community mental health centers all across the country.

The article, entitled "62 Mental Health Centers, Built or Expanded With Federal Approval, Face Denial of Promised Funds," described the plight of one center in my own State of New Jersey—the Raritan Bay Mental Health Center—which was meant to serve 200,000 individuals from South Amboy, Woodbridge, Carteret, and Perth Amboy. The center has been 4 years in the planning and, if funds are forthcoming, will provide a day hospital program; two classrooms for disturbed children; a children's clinic; an adult clinic for drug addiction and alcoholism; six poverty-area centers; a 24-bed inpatient ward at a nearby hospital; 24-hour crisis walk-in clinic; a crisis intervention telephone service; an aftercare clinic for patients released from State hospitals; as well as family planning, immunization, and prenatal care services.

This is not a Public Health official's dream, Mr. President, but a well-thought-out, carefully conceived program that was painstakingly developed to fulfill a definite need. And now we are told, if funds are not forthcoming, the newly constructed building may be turned over to the police to use as a training academy.

Here we have only one example of a crisis that affects not only the present and potential patients in such Centers but also the professionals who staff them and who worked long and hard to develop the urgently needed programs that are underway in some Centers and are planned for others. I might add that this development should generate a crisis of conscience among those of us in the U.S. Senate who sponsored and voted for the Community Mental Health Centers Act and who recently voted for its expansion and continuation.

Mr. President, the New York Times article is not the only expression of concern I wish to bring to the attention of Congress today.

On June 22, the Senator from Maine (Mr. MUSKIE) also provided powerful arguments for providing adequate funding. As chairman of the Senate Special Committee on Aging, I was deeply moved by the distinguished Senator's arguments. He spoke as chairman of our Subcommittee on Health of the Elderly, but his statement to the Senate Appropriations Committee provides very specific examples of the high cost of underfunding. He reminded the Appropriations Committee, for example, that if Federal participation in Community Mental Health Centers is allowed to stand at this low level, all age groups will be affected—the crisis is not narrowly limited to any one population group.

Mr. President, the mentally ill of the Nation do not need buildings constructed as monuments to their leaders' concern; they desperately need the help, treatment, and care that was promised them under the Community Mental Health Centers Act of 1965 and reemphasized in the Community Mental Health Centers Amendments of 1969.

We should also recognize that to construct buildings with Federal funds and then render those same buildings inoperable is an intolerable waste of Federal funds, time, and effort.

I feel that Senator MUSKIE's arguments for increased funding for the staffing of Community Mental Health Centers are timely and provocative. They deserve our widespread attention and consideration, along with the informative article in the New York Times.

Therefore, I ask unanimous consent that the statement of Hon. EDMUND S. MUSKIE, "Entitled in Support of Appropriations for Staffing of Community Mental Health Centers" and New York Times article, entitled "62 Mental Health Centers, Built or Expanded with Federal Approval Face Denial of Promised Funds," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR EDMUND S. MUSKIE IN SUPPORT OF APPROPRIATIONS FOR STAFFING OF COMMUNITY MENTAL HEALTH CENTERS

As a member of the U.S. Senate Committee on Aging and Chairman of the Subcommittee on Health of the Elderly, I am most concerned about the low level of funding requested for the staffing of Community Mental Health Centers.

The Administration is requesting $60,100,000 for staffing grants to Community Mental Health Centers in 1971, an increase of $12,550,000 over the 1970 estimate. However, because of the low level of funding appropriated to Community Mental Health Centers in 1970, the National Institutes of Mental Health has informed the Committee on Aging that they now have $20,000,000 more approved applications for staffing grants than they can fund.

The proposed $60,100,000 will provide only continuation grants to those Centers with staffing grants already in operation. No funds have been proposed for new projects.

This has serious implications for the elderly in this Nation who are suffering from varying degrees of mental disorders.

Of the 165 Centers now in operation throughout the country, only 30 have special geriatric programs. It is safe to assume that the elderly are already on the low end of the priority ladder in Community Mental Health programs.

This may be true because it is very difficult to recruit trained professionals to work with older mentally ill individuals. The cure is less dramatic—the treatment of an older person makes heavy demands on the time and patience of workers, therapeutic gains are usually smaller and the mental illness is often complicated by chronic physical ailments.

It takes time to discover what is troubling an older person—perhaps he is hard of hearing and the psychiatrist has to repeat his questions many times, his so-called "hallucinations" may in fact be due to an advanced state of undetected diabetes; his "wanderings" and loss of memory may be the result of brain damage caused by a stroke.

Obviously, specialized treatment programs are necessary for these older patients. Some already in practice in the 30 Centers with geriatric programs include: sheltered workshops which help provide the older patient with a sense of usefulness and worth, coordinated medical and psychiatric treatment in order to determine the degree of actual mental disorder and the extent of physical illness, and intensive outreach services to find mentally impaired older citizens in the community and make them aware of this service.

Outreach is a most important component of any service program for recent studies indicate that the elderly may be less likely to make use of Community Mental Health Centers than younger persons. The National Institute of Mental Health reports that anywhere from 15 to 25 percent of elderly persons living in their own residences have some degree of mental disorder and that a minimum of 8 percent of these individuals are known to be severely disturbed. Yet, the number of aged persons using outpatient psychiatric clinic services is only 2 percent of the overall population.

There are some good reasons for this underutilization. First, older people are frightened and embarrassed at the thought of being treated for mental problems. Second, many—especially the poor and the isolated—are unaware that the services exist. And third, the same problems keep older people from taking advantage of these services which keep them from participating in other social programs: lack of income and poor transportation facilities.

Lack of adequate staffing for community mental health centers can create the greatest difficulties of all.

In far too many instances, the elderly person, directed to a local community health center by family or friends, arrives at that center only to wait for hours for an appointment. After a cursory examination by a psychiatrist or psychiatric social worker, who probably has no knowledge of geriatric psychiatry and who is overworked because the center is understaffed, the professional decides that there is nothing that he can do except perhaps prescribe tranquilizers for "depression" as the elderly person is, in his opinion, hopelessly "senile."

The professional, unfamiliar with geriatric psychiatry, does not ask about eating habits, social contacts, living conditions, or physical health—nor does anyone else at the center. This is not due to unfeeling negligence on the part of the staff. It happens all over the country in every outpatient psychiatric clinic or mental health center where there is not a specialized geriatric program simply because no one on the staff is trained to work with older people.

The elderly individual leaves the center discouraged and humiliated, without having his problems acknowledged or alleviated. He is not likely to return to that clinic should his condition worsen; he is much more likely to end up in a state mental hospital or nursing home, at great expense to State and Federal government.

We must also consider the relationship between the lack of adequate community mental health centers and the increasing efforts of State mental hospitals to rehabilitate elderly patients. In the past ten years,

XUM

most have stopped the practice of "dumping" older patients into back wards to languish with no care for years. They are making great efforts to get these patients back into the community.

This is a most welcome development, however we must consider what "community" means to the older person who has spent years in a mental hospital.

Because there is often no place in the outside community where an older mental patient can continue his rehabilitative treatment, to him the "community" means a nursing home where he more than likely receives custodial care—that is, no care. Thus, all of the rehabilitative efforts by the State hospital are wasted and the patient finds himself, in effect, in another back ward.

The National Institute of Mental Health estimates that 55% of the residents in nursing homes and related facilities serving the chronically ill are mentally impaired. In researching a forthcoming report on Mental Health and the Elderly, the Committee on Aging staff found that this may well be a conservative estimate. When asked by the Committee staff for the number of mentally impaired persons residing in their facilities, several nursing home administrators replied that at least 75% of the patient population was mentally impaired to some degree and that 25-40% were severely disturbed.

Many of these people could be treated in the community—if there were facilities in the community to treat them.

The Community Mental Health Centers were meant to be just such facilities. If the Centers were adequately staffed with trained personnel, thousands of Federal and State dollars could be saved in institutional care alone. Hundreds of thousands of individuals—young and old—could be saved from the agony of mental illness.

When I talk about saving the State and Federal Government thousands of dollars, it is not wishful thinking. The most recent estimated cost of mental illness in the United States—1963—was $7 billion of the total cost of all illness. More than $2 billion was spent directly for hospital and physician services and the remaining $5 billion represents estimated economic losses in productivity of persons who died or became disabled as a result of mental illness.

As of mid-1963 in the United States, about 292,000 persons aged 65 and over with mental disorders were resident in long-stay institutions—state mental hospitals, homes for the aged, nursing homes and convalescent hospitals. The only place that number has decreased has been the State mental hospital. All other long-stay facilities have increased their mentally ill aged population.

State and Federal Governments are providing expensive institutional care for a great many elderly persons who could be cared for while living in their own residences if there were adequately staffed Community Mental Health Centers to assist them.

Although as Chairman of the Subcomittee on Health of the Elderly, I am particularly concerned with problems of the aged, we must not forget that limited funding for Community Mental Health Centers will affect all age groups.

The Administration proposal calls for no new projects for 1971. The meaning is clear—no new services for the elderly, children, teenagers, young mothers or workingmen.

When we consider the mounting stresses of day-to-day living in our society today, we cannot afford to deny the care we have promised.

I urge that the level of funding for staffing of Community Mental Health Centers be raised to fund at least $20,000,000 worth of approved applications for staffing grants and the development of new projects for older Americans suffering from mental disorders. Only then will the Community Mental Health Centers Act be properly implemented.

[From the New York Times, June 29, 1970]

62 MENTAL HEALTH CENTERS, BUILT OR EXPANDED WITH FEDERAL APPROVAL, FACE DENIAL OF PROMISED FUNDS

(By Sandra Blakeslee)

Citizens' groups interested in mental health in 100 communities around the country are waiting in suspense to hear from the Federal Government in the next few days whether years of painstaking work will end in disappointment.

Each community has either just built a new neighborhood mental health center or has made plans to expand an existing one. Each has had its project approved for staffing funds by the National Institute of Mental Health. Each has raised the necessary matching local money.

But interviews with local and Federal officials in recent days have disclosed that only 38 of the projects will receive the promised Federal grants.

The 62 others, the Government has decided, will be left to dispose of what they have done as best they can. In some cases that will mean abandoning the projects altogether.

The financial dilemma facing these community groups and the officials in Washington who encouraged them demonstrates the complexities and frustration of Federal-local cooperation at a time of economic fluctuation.

TWO FEDERAL POLICIES

It is Federal policy to promote local initiatives. It is also Federal policy to hold down Government spending. The new mental health projects were caught in between.

One of them, the Raritan Bay Mental Health Center at Perth Amboy, N.J., has generated wide community approval.

"We have had every community action group going supporting us on this thing," said Dr. Robert P. Nenno, interim director of the center. "We've covered every angle we could think of in terms of supplying the mental health needs of the people in the community."

The new center, constructed at Federal expense and meant to serve 200,000 people from South Amboy, Woodbridge and Carteret as well as Perth Amboy, has taken four years to plan, Dr. Nenno said.

The center is to provide a day hospital program; two classrooms for disturbed children; a children's clinic; an adult clinic; clinic for drug addiction and alcoholism; six poverty-area centers; a 24-bed inpatient ward at a nearby hospital; a 24-hour crisis walk in clinic; a crisis intervention telephone service; an aftercare clinic for patients released from state mental hospitals; and family planning, immunization and prenatal care services.

$592,000 IN LOCAL FUNDS

The price to the community for these mental health services is $592,000 for the first year. The money has been raised. Some people have been hired, others have been promised jobs. But now the Federal contribution, $808,000, is in doubt.

"We're in the ridiculous and disgraceful position of having a building and maybe not being given the operating money that was promised," said George Otlowski, supervisor of Middlesex County.

If the Raritan Bay Mental Health Center does not get the Federal grant, Mr. Otlowski said, the new two-story building with its polished halls and brick facade may be turned over to the police for use as a training academy.

How did all this happen? According to officials at the National Institute of Mental Health, and at the Department of Health, Education and Welfare, the answer is a case study in the pull and haul of Federal budget-making.

In the fiscal year 1970, which ends tomorrow, the mental health institute was allocated about $47.5-million in staffing grants to mete out to both continuing centers that had been guaranteed aid and to new or expanding centers that had only been promised aid. After the continuing programs were accommodated, $19.3-million was left.

125 NEW REQUESTS

During the fiscal year, 125 new grant requests were made and approved by a reviewing committee at the institute. The committee considered only whether the community projects were ready to get under way.

But the $19.3-million would fund only 63 of these projects. To pay for all 125, the institute said, an additional $20-million would have been necessary. In the past the extra money might have been advanced from the next fiscal budget, but this time no funds were available.

Of the 63 projects that will be funded, 25 have already been notified. Thus 38 "winners" and 62 "losers" are still waiting to be told.

According to officials at the institute, decisions on which projects would receive funds were based on such factors as participation in model cities programs (affiliated centers were given priority) and need as determined by state recommendations. An attempt was made to give each state at least one grant, officials said. Politics, they said, played no part in the choices.

In his 1971 budget message last January, President Nixon asked for no new construction funds for community mental health centers but he did request $60.1-million for staffing grants.

Thus at first glance it would seem that the institute had money in the new fiscal budget to pay for new staffing grants. But that is not the case. The funds will go to continuing programs, which the institute is obligated to support.

ACTION BY CONGRESS

As another complicating factor, Congress has amended the Community Mental Health Act to authorize increased spending (As distinct from appropriating increased funds) for construction and staffing of neighborhood mental health centers.

Despite the tight budget, institute officials say, Congress has thus encouraged communities to keep planning, building and expanding mental health centers.

The authorized funds have not and may not ever come through, the officials say, but they are now obligated to make provisions for grants at the new, more expensive levels.

President Nixon, as he signed the legislation last March, voiced reservations, saying he thought that it would raise false hopes and that Congress could not be expected to appropriate the authorized funds.

The President's budget request of $60.1-million is now before committees in both the House and Senate. Informed sources at the institute are hopeful that Congress will increase their appropriations despite the President's objections.

But what Congress appropriates and what the Bureau of the Budget ultimately allocates, they say, may be two quite different figures.

Meanwhile, in Perth Amboy and presumably other communities awaiting word on the fate of their mental health projects, suspense is beginning to be colored by bitterness.

"It is quasi-criminal," Mr. Otlowski said, "to give people this kind of hope, to put up the building and then have it stand there like some monument for pigeons."

TRIBUTE TO SENATOR MANSFIELD

Mr. HARTKE. Mr. President, that the distinguished Senator from Montana has served as majority leader longer than

XUM

anyone else in the history of the U.S. Senate is itself a fine testament to his leadership.

But as one listens to the tributes which are now being paid to MIKE MANSFIELD, it is most striking that a prominent political leader is known by such qualities as courtesy, gentlemanliness, patience, and fairmindedness. These warm endorsements come from political opponents as well as from fellow Democrats.

This is as it should be. For MIKE MANSFIELD, as much as any other man who has served in this body, combines the qualities of decency and strength. His kindness, his fairness, and his patience have truly been the source of his greatness in the political life of our Nation.

I join my colleagues to thank the Senator from Montana for the service he has rendered this body. Above all, I wish to thank MIKE MANSFIELD for being the man that he is.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHURCH. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The PRESIDING OFFICER (Mr. EAGLETON). The hour of 11 o'clock having arrived, the Chair lays before the Senate the unfinished business which the clerk will state.

The ASSISTANT LEGISLATIVE CLERK. H.R. 15628, to amend the Foreign Military Sales Act.

The Senate resumed the consideration of the bill.

PRIVILEGE OF THE FLOOR

Mr. CHURCH. Mr. President, I ask unanimous consent that, during the course of the ensuing debate on the pending business, I may have the assistance of three staff members: Mr. Norvill Jones, Mr. Bob Dockery, and Mr. Tom Dine, two of whom being from the Foreign Relations Committee, the other of whom being my legislative assistant for foreign affairs matters.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The pending amendment is that of the Senator from Michigan, on which there is a time limit of 1 hour, starting now. Who yields time?

Mr. MANSFIELD. Under whose control?

The PRESIDING OFFICER. Under the control of the Senator from Michigan and the majority leader, or his designee.

Mr. MANSFIELD. Mr. President, I yield the total of my time to the distinguished Senator from Idaho (Mr. CHURCH).

Mr. GRIFFIN. Mr. President, I yield such time as he may wish to consume out of the time allotted to me to the distinguished Senator from Washington (Mr. JACKSON).

The PRESIDING OFFICER. The Senator from Washington (Mr. JACKSON) is now recognized.

Mr. JACKSON. Mr. President, among other things that are disturbing about the present language of section three of the Cooper-Church amendment is the possibility that, under that section as it stands, South Vietnamese forces would be prohibited from entering Cambodia. This may not be the intent of the sponsors; but the intent of the sponsors is not clear from the wording of section three. The present language that requires that no funds be spent "to provide persons to engage in any combat activity in support of Cambodian forces." Is a South Vietnamese soldier who enters the sanctuaries acting "in support of Cambodian forces"? Suppose that these sanctuaries harbor men and materiel which could be used against either U.S. and allied forces in Vietnam or the Government of Cambodia?

Beyond the immediate circumstances in Southeast Asia, the Cooper-Church amendment as it stands raises serious questions about the future of regional security. The other side in the conflict has adopted no such strictures. It is well known that the North Vietnamese in Cambodia are receiving support from the Soviets and the Chinese. While they are engaged in a war of expansion, one would certainly not call these North Vietnamese forces "mercenaries." There is little doubt that they are there because their government considers it in their interest to be in Cambodia. There is little doubt that they would not be there if Chinese and Soviet support to North Vietnam did not make it possible. But they choose to engage in "regional aggression."

If we wish to look to a future in which regional security arrangements can be substituted for an American presence, then we must keep open the option of the President to assist nations desirous of joining together for mutual security—a principle, I might point out, that has been enshrined in the charter of the United Nations.

Now I suspect that the objection to this line of reasoning is that we should not pay large allowances and bonuses to third country forces in order to obtain their combat support in Cambodia. I agree with that.

Perhaps the most famous analysis of the inutility of mercenaries is that of Machiavelli as set forth in The Prince. I think it useful to quote from Machiavelli on the subject of mercenaries.

If a Prince—

Machiavelli wrote:

> continues to base his government on mercenary armies, he will never be either stable or safe; they are disunited, ambitious, without discipline, disloyal, valiant among friends, among enemies cowardly . . .
>
> The reason for this is that they have no love for you nor any cause that can keep them in the field other than a little pay, which is not enough to make them risk death for you. They are eager to be your soldiers as long as you are not carrying on war, but when war comes, eager to run away or to leave.

According to Machiavelli, mercenaries have no cause that can keep them in the field other than a little pay. This is certainly not true of South Vietnamese forces who enter Cambodia in defense of their country. This is certainly not true of the Khmer forces, nor is it true that those forces are unwilling to risk death.

I share Machiavelli's view that the use of mercenaries is likely to be ineffective and even ruinous. Mercenaries, in his understanding of that term, should not be supported by the United States in Southeast Asia—or anywhere else, for that matter.

Unfortunately, section 3 of the Cooper-Church amendment is now drafted so broadly as to raise doubts about whether we can act to make it possible for even the South Vietnamese to enter Cambodia as part of their own defense.

The broad language also raises doubts about whether we could support ethnic Cambodians, such as the Khmer forces, who wish to assist in the defense of their own country from invasion and who, in no sense, should be considered mercenaries. The Khmer are highly motivated, well trained and an extremely effective fighting force. Moreover, they are fully integrated into Cambodian forces; and, although their numbers are not large—perhaps 2,000—they are now a significant element in their country's defense. They receive, for their efforts, $56 per month, hardly a mercenary wage. If anything, the Khmer tribesmen more closely resemble the case of Americans residing abroad returning to the Colonies to fight the British.

It is all very well to talk about bonuses and allowances as the device by which we convert foreign troops into mercenaries. I share the sponsors' abhorrence at the enrichment of foreign officers to induce them to fight in Southeast Asia. But section three of the Cooper-Church amendment does not mention bonuses and allowances. It does use the word "provide," and that is a much broader term than objection to bonuses and allowances would suggest. It is curious, in fact, that the drafters of the Cooper-Church amendment were quite precise in their wording of section two, where they speak of "compensation or allowances," while they are strangely vague in section three.

I believe, Mr. President, that if we want to assure that the Cooper-Church amendment will not stand in the way of legitimate support to forces sent to Cambodia by their own governments and in the interest of their own governments, we must adopt the pending amendment. We should not now, when we are disengaging from Southeast Asia, pass into law a prohibition that could diminish the prospects for regional security arrangements.

Mr. President, I hope that the amendment will be adopted.

Mr. GRIFFIN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER (Mr. GRAVEL). The Senator from Michigan is recognized for 5 minutes.

Mr. GRIFFIN. Mr. President, I commend the distinguished Senator from Washington, who is one of the most knowledgeable men in this body concerning military affairs, upon his very logical and persuasive statement. I wish to underscore particularly his point that subparagraph (2) of the Church-Cooper amendment speaks directly in terms of paying the "compensation on allowances" of personnel in Cambodia.

As he says, if subparagraph (3) were directed only to the "mercenary" issue, so-called, an emotional argument that has been thrown out, it seems clear that the authors would have used the words or phrase "compensation or allowances." But they did not. They used broader language in subparagraph (3), to which the pending amendment is directed.

The distinguished Senator from Washington (Mr. Jackson) points out that the reach of subparagraph (3) of the Church-Cooper language is bound to be much broader than the so-called mercenary argument.

Mr. President, in view of the time limitation and the fact that I presented my principal arguments for the amendment only yesterday, I shall not speak at length this morning but I shall reserve some of the allotted time in order, perhaps, to respond later to arguments that may be presented against the amendment.

Mr. SCOTT. Mr. President, will the distinguished Senator yield me 3 minutes?

Mr. GRIFFIN. Mr. President, I yield 3 minutes to the distinguished minority leader.

Mr. SCOTT. Mr. President, the one principal obstacle remaining at present in the Cooper-Church amendment, in my view, is the attempt to undermine the Guam doctrine, the Nixon doctrine. And while we disagree respectfully here on the meaning of the amendment, I cannot help coming to the conclusion myself that it is not wise for the Senate to attempt to amend an Executive doctrine, a policy of this kind, in this way.

The essence of the Nixon doctrine is that Asians should be allowed to help Asians, that we should withdraw from our commitments on the territories of Asian nations.

The President has kept his promise to withdraw from Cambodia. And that is a fact—an indisputable and incontrovertible fact.

He has again kept his promise; and this expedites the end of the war.

If the Griffin amendment is agreed to, I see no personal objection to the Cooper-Church amendment. However, it has to be said that the President endorses no amendment.

I know of no change in the position of the White House. But if the Griffin amendment is agreed to, it seems to me that the Cooper-Church amendment no longer prevents Asians from helping Asians. And in view of the other aspects of the amendment, it does indeed protect the right of the President to protect American forces in Southeast Asia in the process of withdrawal.

But without the Griffin amendment, of course the reverse is true. Therefore, I would hope that many of our colleagues, including those who favor the Cooper-Church amendment, would find it possible to support the Griffin amendment. It is reasonable. It is just. It is in keeping with the national policy enunciated and broadly supported in the United States. And as I said yesterday, with respect to the argument of mercenaries, we so readily fall into semantic traps in our debates in the Senate.

The Poles who went to Scotland to train and then returned to the continent of Europe were not mercenaries. At least the Scottish girls did not so regard them.

The PRESIDING OFFICER (Mr. Gravel). The time of the Senator has expired.

Mr. GRIFFIN. Mr. President, I yield an additional minute to the distinguished minority leader.

Mr. SCOTT. Mr. President, the free French who returned to the territories of Europe were not mercenaries.

VE Day was not an invasion or threat to free peoples.

When the United Nations moved to repel aggression in Korea, not only the United States went there, but other nations also did the same.

The Turks who went there were not mercenaries.

The Colombians who went there were not mercenaries.

I have never heard anyone say that the South Koreans are mercenaries because of their participation in South Vietnam. It is a matter of Asians helping Asians.

And I cannot for the life of me understand the point of this matter, which seems to me to be intransigent, that we cannot accept this kind of amendment because we do not want mercenaries.

The PRESIDING OFFICER (Mr. Gravel). The time of the Senator has expired.

Mr. GRIFFIN. Mr. President, I yield 2 additional minutes to the minority leader.

Mr. SCOTT. Mr. President, finally, it is my hope, as I have said many times, that the Senate be given an opportunity to express itself on the war. But I do not see why the Senate would want to express itself in such terms as to tie the hands of Asians in an effort to maintain, if possible, what is left of the neutrality of Cambodia, in an effort to let the Thais and the South Vietnamese help the Cambodians.

I do not think the United States should be in there. I am glad they are out. I would not favor their return. In my judgment, the U.S. ground forces are not going to return to Cambodia. The Secretary of State has said so.

This administration has maintained its credibility. It has kept its promises. It is keeping its promises.

As the distinguished minority leader of the House of Representatives said the other day, he hopes that the President will announce this year even greater withdrawal of forces from Vietnam than heretofore indicated.

Mr. President, I join in that expression of that hope, if it is at all possible. The sooner we get out, the better.

Our differences are not in the goals of our people. Our differences are in the way to achieve them and in how the Senate expresses its wishes.

I believe the Senate can express its wishes without damaging the President's position if we make the Cooper-Church amendment far more palatable and acceptable by accepting the Griffin amendment.

I thank the distinguished Senator from Michigan for yielding.

Mr. CHURCH. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER (Mr. Gravel). The Senator from Idaho is recognized for 3 minutes.

Mr. CHURCH. Mr. President, the distinguished minority leader has said that the Nixon doctrine's essence is that Asians should help Asians.

Nothing in the Cooper-Church amendment would prevent Asians from helping Asians. Nothing in its prevents Thailand, if it deems it to be in its own national interest, from sending Thai troops into Cambodia to assist the Lon Nol regime. Nothing in it prevents South Vietnam, if it deems it to be in its own interest, from sending South Vietnamese troops into Cambodia to support Cambodian forces.

In fact, the only requirement of the Cooper-Church amendment is that the United States not hire—I repeat, not hire—these troops to fight in Cambodia.

The distinguished minority leader objects to the use of the term "mercenaries." Yet, I submit that this is the definition of the term.

Perhaps the United States should embark upon a policy of hired guns in Southeast Asia, but I personally do not think so. I believe it would be a grave national mistake. It would be an indirect way of injecting ourselves deeper into the Cambodian flank of the Indochina war via the process of creeping involvement; its profound political implications should be carefully considered and weighed.

The Church-Cooper amendment prohibits the President from embarking upon a policy of hiring mercenaries in Cambodia by secret arrangements, as was done, in fact, with respect to the Korean, Philippine, and Thai troops that were sent into South Vietnam.

The Cooper-Church amendment prescribes, in accordance with the Constitution that, if the President chooses to convert the Nixon doctrine into a policy of "Hessians Unlimited," he should come to Congress and present his case, and ask for congressional concurrence. That is after all, what the Constitution intended.

If we are to perform our duty under the Constitution, then we should reject the amendment of the Senator from Michigan.

I would like to discuss one other point about the so-called Nixon doctrine. The minority leader says we would be tampering with a Presidential doctrine if we left the Cooper-Church amendment in its present form. It is his position that Presidential doctrines should be self implementing and that Congress should have no role, other than accepting en toto the doctrine as pronounced by the President I submit to the distinguished minority leader that the Constitution lays upon the Congress not only the right but the duty to participate in the definition and implementation of the Nixon doctrine or any other Presidential declaration concerning American policy abroad.

I remind the Senate that when the President first announced this doctrine

XUM

to the country he said nothing about mercenaries. I defy Senators to find a single reference to mercenaries in the Presidential statement. He said we shall supply military weapons and equipment to governments in Asia that are willing to fight for themselves. That could be a viable and valid cause. I hope we do not distort it, through the adoption of the Griffin amendment, into something quite different, that is, into a policy of hiring foreign troops to fight a war by proxy for us in Cambodia.

I urge the Senate to reject the amendment offered by the Senator from Michigan.

Mr. SCOTT. Mr. President, will the distinguished Senator yield himself time so he can yield to me?

Mr. CHURCH. Mr. President, I yield myself 2 additional minutes.

Mr. SCOTT. Mr. President, what intrigues me——

Mr. CHURCH. Is this a question?

Mr. SCOTT. It is a question, yes. I have to lay the groundwork.

What intrigues me is the reference—the somewhat inflammatory reference—to "Hessians Unlimited." As a matter of fact, the U.S. Government is now supplying military aid and funds which do support the West Germans, including the Province of Hesse-Cassel; and we are, in effect, by the Senator's definition, aiding Hessians in Germany, and I gather he thinks that is all right.

Mr. CHURCH. That is where Hessians belong.

[Laughter.]

Mr. SCOTT. That is right, and that is where they are getting U.S. help.

Does the Senator not feel that supplying military aid to the Middle East and supplying military aid to West Germany is the same sort of thing as aid to Asians to help Asians; and why would we make a distinction and refuse to help one part of the world while we are perfectly willing to commit ourselves, as we should be, to help other parts?

Mr. CHURCH. I see a vast difference between giving military weapons and supplies to governments with which we are allied that are willing to defend themselves, and hiring mercenary troops to fight in a third country.

If the Senator sees no distinction between these two policies, he and I are simply in irreconcilable disagreement.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CHURCH. Mr. President, I yield 5 minutes to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I do not believe we have obligations all over the world and, certainly, as far as our 515,000 U.S. troops and dependents in Western Europe, I think it is entirely too large a number. We have no obligation to maintain such a force there nor do we have an obligation to expend $14 billion of the Defense budget to do so.

Machiavelli has been referred to during the course of debate. Machiavelli was noted for his deviousness and slyness. What the Cooper-Church amendment seems to do is lay the cards on the table so there will be no misunderstanding.

We have no obligation to defend Cambodia; there are no treaty commitments, no executive agreements, no obligations of any sort between the United States and Cambodia.

The Cooper-Church amendment was intended to preclude U.S. commitment to a new war in Cambodia, at least to the extent that there should be no war without prior consultation between the President and Congress.

The Cooper-Church amendment precludes an ongoing U.S. commitment to Cambodia in two ways: First, under subsection (2) it prohibits the use of U.S. personnel in Cambodia to engage in combat or to offer military instruction. We have 17 military attachés at this moment in Phnom Penh. Second, subsection (3) prohibits the United States from employing the forces of other nations for war service in Cambodia.

It is section (3) that the Griffin amendment seeks to nullify.

The Griffin amendment would allow us to contract with the forces of other nations in order to carry on the war in Cambodia—without the approval of Congress.

So in effect the Griffin amendment would accomplish by indirection what the Cooper-Church amendment seeks to prevent directly.

Cooper-Church does not prevent other nations from assisting Cambodia with troops, with supplies or whatever.

Cooper-Church does not prevent outright our own Nation from arming Cambodia—so long as the Congress consents to a war in that nation.

The present Cooper-Church amendment does not ban mercenaries: it just says that if mercenaries are needed to implement our national policy then the Executive and the Congress will be jointly involved in that decision.

Why is a blank check sought to give the executive branch in advance the authority to hire mercenaries?

Where are these mercenaries presently needed to fight?

The advance authority to hire mercenaries in no way can be justified under the Commander in Chief argument; the argument that the Commander in Chief must be given the authority to make the fast-breaking tactical decisions to repel attack or to pursue attacks.

The most deliberative of situations is the contractual negotiations that lead to the specified payment for the mercenaries.

The recent disclosures of the amounts paid by the United States to the Thais and others, and it is all in the RECORD—for fighting in Cambodia is most revealing.

The overseas allowance paid to the Thai is many times what is paid to our own fighting men. Whether this is a good contract or not is open to question—but the arrangements that were made certainly reflect that they were negotiated in secret and without inhibition.

Never has a policy of hiring mercenaries to implement a national policy been successful through history.

Nor with the Cooper-Church amendment are we saying to the world that we are unwilling or unable to assist nations that seek to help Cambodia.

The Military Assistance Act, the Foreign Assistance Act, the Military Sales Act—all of these laws give the President authority to help any nation in the President's discretion. About $1.5 billion is available for this purpose this year alone.

What the Cooper-Church amendment does prevent is the direct hiring by the United States of foreign troops to fight in Cambodia. To do that, Congress must first approve.

It prevents the employment of mercenaries.

We in this Nation should be particularly sensitive to the use of hired troops—it was the Hessian hired by the British who fought against our forefathers to prevent our independence and the freedom we cherish so much.

Mr. GRIFFIN. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from Michigan has 13 minutes remaining. There are 17 minutes remaining to the Senator from Idaho.

Mr. GRIFFIN. Mr. President, I wonder if the Senator from Idaho would agree to yield time, in view of the fact that he has more time remaining on that side.

Mr. CHURCH. Mr. President, I have received several requests, making that difficult.

I am happy to yield next to the distinguished chairman of our Foreign Relations Committee.

Mr. FULBRIGHT. Mr. President, the majority leader has stated the case extremely well. I call the attention of my colleagues to the table I inserted in the RECORD yesterday, which appears on page 22031 of the RECORD, showing how much we pay the Thais relative to what we pay our own people.

We had three agreements to pay troops. The agreement with the Thais was one of the larger ones, and we had agreements with the Koreans and the Filipinos. Not only is it extremely expensive, but I do not think it is very effective.

I do not approve of this practice, but if the President expects to control South Vietnam and to keep it as one of our possessions and under our control, I think this is a very ineffective and very improvident way to do it, I do not believe our experience with the Filipinos and the Thais as fighting allies has been successful. The Koreans have fought better, but they have also cost a great deal more.

The only argument that has been made is that if we must keep Americans there, it is better to have Asians killed and wounded than our own people. That is on the assumption that we are determined to stay there. If this is going to be a permanent occupation, then that argument would have some validity. But if the President means his stated policy that he expects to withdraw from Southeast Asia, then it seems to me an extremely improvident thing for the Senate to authorize allowing this Government to hire other soldiers to do our fighting.

As the majority leader said, the bill does not prohibit our doing it; all it requires is that Congress be consulted and know about it. We did not know what was done in the Philippine, Korean, and Thailand matter until long after the fact.

The original reason for hiring those soldiers was not that we needed them or because they were good soldiers. It was to create the impression—this happened

XUM

under the previous administration, under Mr. Johnson as President and Secretary of State Rusk—that other Asian countries were all behind us as a political matter; that is, that they were in complete accord with our policy of occupying and controlling South Vietnam—which in my opinion was not the case, I believe if they had not been paid the exorbitant allowances, which are set out in the RECORD of yesterday, they would not have been interested in fighting.

It was exactly the same with Honduras and its alleged aid to South Vietnam. They were not about to send this small planeload of materials to Vietnam unless they were paid for it. We picked it up and paid all the expenses.

It was to create the impression—Secretary Rusk used to boast of it—as to how many countries approved of our policy. Very few of them approved of it whom we did not pay. Most of those who approved of it were recipients of large amounts of our money.

That was the origin of the policy in Vietnam of paying other troops. I hope the President would not continue that policy. But if the administration is to continue it, I cannot imagine why it would not want to do so under the provision that Congress be brought into the matter and authorize it.

With the Cooper-Church amendment, we still have the option of authorizing it at a later date when it is needed.

As the majority leader said, there is no evidence whatsoever as to who the administration is going to hire to pay. In view of the extreme exigencies in our money market, and the bankruptcy of one of our largest corporations, I cannot imagine that we would approve of this improvident way to spend the kind of money in the future as we have been paying the Thais and the Koreans.

Mr. GRIFFIN. Mr. President, I yield 3 minutes to the distinguished Senator from Colorado.

Mr. DOMINICK. I thank my friend from Michigan.

Mr. President, some time ago, probably 10 days or 2 weeks ago, I had a colloquy on the subject which we are now discussing with the distinguished Senator from Kentucky (Mr. COOPER). The chairman of the Foreign Relations Committee, to the best of my recollection, was not here at that time, but the distinguished Senator from Idaho was, and both Senator COOPER and Senator CHURCH stated rather unequivocally during that colloquy that section (3) as it is now written would prevent us from giving any assistance to people who were engaged in a joint Asian defense effort.

This would include, as I understand it, the Thais, who might want to come to the aid of Cambodia, or the South Vietnamese, who might want to come to the aid of Cambodia. It would almost certainly preclude any Koreans who might want to do that.

In my method of thinking, it sharply downgrades the ability of the United States to preserve a geographic entity known as South Vietnam, or to assist any of those Asian nations from being overrun by the North Vietnamese.

I think we should keep in mind in this debate that it is not the South Vietnamese who invaded North Vietnam. It is not the South Vietnamese who invaded Cambodia. It is not the South Vietnamese who invaded Laos. On each occasion it was the North Vietnamese who put their troops and their forces into each one of those countries, doing their level best to overcome the governments of those countries and to run over the top of the people who are living there.

So it seems to me, in terms of sheer equity, if we are not looking at anything else but equity, that there should be an opportunity for those nations to defend themselves and that we who believe in self-determination—should help them determine their own future. I have heard the distinguished chairman of the Foreign Relations Committee speak on many occasions about the value of self-determination. This amendment would give us the option to permit free Asian nations to defend themselves against the North Vietnamese who are well-armed, well-equipped, and imbued with the idea that they are the natural military rulers of Southeast Asia—

The PRESIDING OFFICER. The 3 minutes of the Senator have expired.

Mr. DOMINICK. May I have an additional half-minute?

Mr. GRIFFIN. I yield 1 additional minute to the Senator from Colorado.

Mr. DOMINICK. Unless we adopt the type of amendment the distinguished Senator from Michigan has proposed, we are not going to be able to continue the Nixon doctrine, nor are we going to be able to effectively hold ourselves up as a country which is a leader in the idea of self-determination for other people in other countries in other areas of the world.

It seems to me that is the fundamental concept we are discussing this morning in the process of considering the pending amendment.

I thank my friend from Michigan for yielding.

Mr. CHURCH. Mr. President, I yield 3 minutes to the distinguished Senator from Kentucky (Mr. COOPER).

Mr. COOPER. Mr. President, the statements of the majority leader (Senator MANSFIELD) and the Senator from Idaho, (Senator CHURCH) have covered thoroughly the purposes of subsection (3) of our amendment. Much has been said about mercenaries. I suppose that one factor which causes us to think so seriously of mercenaries derives from our early history. The Declaration of Independence, recites as one of the complaints of the colonies against the King of England:

> He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death. . . .

Mr. President, it is suggested by the Senator from Pennsylvania that subsection (3) of our amendment is not clear. That same suggestion has been made, during this debate to other sections of the Cooper-Church amendment. I feel sure that the purposes of our amendment are very clear to those who oppose it in the Senate, and also to the administration.

Subsection (3) is very clear. It provides that no funds shall be available to contract with another country to provide its nationals for military instruction or combat activities in support of Cambodia in Cambodia.

The only purpose of the Griffin-Jackson amendment is to remove the prohibition of subsection (3) to authorize the United States to provide funds to another country and its nationals for military instruction and combat support in Cambodia. If that is not the purpose, then I think we should know what the purpose is.

The argument has been made that our amendment scuttles the Guam doctrine. I support the Guam doctrine. But I point out that the Guam doctrine is not self-executing. A justification would be made to the Congress before embarking upon a program to support Cambodia, a new commitment to a country to which we owe no obligation.

It is said the military operation is over. I assume it is upon the part of the United States ground troops. There is no obligation to Cambodia. But it is suggested by this amendment—otherwise why are we asked to support it?—that in the future, the United States will make available funds to other countries to send forces into Cambodia, to support Cambodia—a country, I repeat, to which we owe no obligation.

No one could foresee the consequences of U.S. entry into Vietnam. No one can foresee the consequences if the U.S. makes a commitment to support Cambodia. Perhaps it will be for the best; perhaps not. We have had an unhappy experience in Vietnam. The Congress and the country should have all the facts before a commitment is made.

Our amendment would simply say, as far as the Guam doctrine is concerned, that if there is justification for the United States to embark upon a venture in Cambodia with future unknown, then it is the duty of the administration to come before Congress, present the facts, and let Congress exercise its constitutional duty, which is very clear in this case, to deny or give support.

I hope very much that the amendment will be defeated.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, how much time remains on either side?

The PRESIDING OFFICER. Nine minutes remain to the Senator from Michigan, 7 minutes to the Senator from Idaho.

Mr. GRIFFIN. Mr. President, I yield 3 minutes to the distinguished chairman of the Committee on Armed Services, the Senator from Mississippi.

Mr. STENNIS. Mr. President, I thank the Senator from Michigan.

My remarks are directed to section (3), and the proposal made to amend it by the Senator from Michigan, wherein he adds the words "by U.S. personnel," which limits the application of the section (3).

Mr. President, very briefly put, my thought on the subject is rather broad, and not directed at the immediate situation.

I was in Thailand about the year 1958. This war was not a hot matter at that time. Standing there looking at the map showing the peninsula of Southeast Asia, and thinking over its possible future, it

XUM

occurred to me that that area would be taken over some day—to be frank about it—by the Chinese Communists, unless there was some kind of an effective league or organization or alliance among those nations of Southeast Asia whereby they could collectively save each other, themselves included.

I have never been in favor of us going in there with military manpower to do all of this fighting. The main thrust of the power and the fighting should come and must come from those Asiatic countries. I still believe that. Those nations are still standing on the brink of being taken over in the course of decades, unless there is some kind of effective organization among themselves that can cope with this situation and protect each other militarily.

To bind ourselves here, with the hard force of law and not be permitted even to encourage them—they seem to be wanting to move more now than heretofore in the direction that I have described as necessary—I think we would be making a serious mistake. It is a grave mistake to bind ourselves in the cold hard print of law that we are not going to permit any activity toward encouraging these mercenaries, or whatever you call them, or to encourage or even half finance a coalition between these struggling nations of Southeast Asia.

I believe this is the only practical way, in the long run, for them to save their freedom, or save their necks, to save themselves from final engulfment.

I hope we would not add, here, this extreme restriction, although it is written with good faith, that those who wrote section (3) insist on having.

Let us not close the door on them as they finally begin to move.

The **PRESIDING OFFICER**. The Senator's time has expired.

Mr. **STENNIS**. I thank the Senator from Michigan.

The **PRESIDING OFFICER**. Who yields time?

Mr. **CHURCH**. Mr. President, I yield myself such time as remains.

The adoption of the amendment proposed by the Junior Senator from Michigan would erase section 3 of the Cooper-Church amendment, and I hope that the Senate will defeat it.

Section 3 of the Cooper-Church amendment simply says that before the United States uses the taxpayers' money to pay the bills for third country forces to fight in Cambodia, the President must come to the Congress to have such a program authorized and funded. Members of this body are well aware of the revelations that have come from the Symington subcommittee hearings concerning the secret arrangements entered into as a part of the high-priced deals that sent military units from Thailand, South Korea, and the Philippines to show their flag in South Vietnam. Surely Senators will agree that the Congress has a right—and a responsibility—to review and pass judgment on any arrangements between the executive branch and another country, designed at our expense to induce, and make it more profitable for, its troops to fight in Cambodia.

Let me make it clear that the Cooper-Church amendment does not—in any way—prevent other countries from coming to the aid of Cambodia. The Thais or the South Vietnamese can use their forces to fight for the Lon Nol government—there is nothing in the amendment to prevent that. And the amendment does not prevent our furnishing military aid—weapons, ammunition, and supplies—directly to Cambodia, as, indeed, has already been done. But the Cooper-Church amendment does prevent—without congressional approval—the kind of undercover arrangements that were used to make it so profitable for Thailand, South Korea, and the Philippines to send their forces to Vietnam.

The Senator from Michigan said yesterday that his amendment does not provide for any additional authority to the executive branch. I agree. Which raises the questions of what the executive branch would like to do in the way of hiring other forces to fight in Cambodia, and what authority it thinks it has to carry out any such arrangements. The authority which was used to pay bonuses to the Thai, South Korean, and Filipino troops in South Vietnam does not apply to Cambodia. And the Foreign Assistance Act certainly does not contemplate the hiring of mercenary forces with foreign aid funds. So it would seem that the President will be required to come to the Congress to ask for authority, regardless of whether the Griffin amendment is adopted. Since that is all that the Cooper-Church amendment requires, I see no point in the Griffin amendment—except as a means of forcing the Senate to give a tentative commitment, in advance, to whatever proposal the executive branch chooses to send up.

I hope that the Senate will not tie its hands in dealing with this issue in the future.

Mr. President, in summary, all that section 3 of the Cooper-Church provision says is that if the executive branch wants to enter into agreements to pay for other nations to fight in Cambodia, that it must come to Congress for approval. Passage of the Griffin amendment would, in effect, put the Senate on record as giving blanket endorsement to a policy, of unknown scope and dimension, of hiring mercenaries to fight a war for the United States in Cambodia. It would tend to tie the hands of the Senate from considering, on the merits, any proposal to implement such a policy that the executive branch may send up to Congress in the future. Finally, it would show that the Senate has learned little from the years of creeping involvement which drew us so deeply into the quagmire of Southeast Asia.

We have had much too much sad experience with blank checks in the past to write another one now. For that reason, Mr. President, I sincerely hope that the Senate will not tie its hands in dealing with this issue in the future and that it will reject the amendment offered by the distinguished Senator from Michigan.

The **PRESIDING OFFICER**. Who yields time?

Mr. **GRIFFIN**. I yield myself such time as may remain.

Mr. President, I want to express my appreciation to the distinguished Senator from Washington (Mr. Jackson) for his strong support and his very persuasive arguments, and as well to the distinguished Senator from Mississippi, the chairman of the Committee on Armed Services, who has put his finger, I think, on the principal point involved here.

President Nixon is in the process of withdrawing U.S. troops from Indochina. His program to do that involves two major points. Those two points are the Vietnamization program and the Nixon doctrine. The Nixon doctrine, announced on Guam, said to the nations of Asia, "We are concerned about what happens in Asia, but you can no longer count on U.S. troops to do the fighting to defend you. We will help with economic and military assistance"; and, in effect, it said that we encourage regional security arrangements.

In subparagraph (3) of the Cooper-Church amendment, it seems to me that Congress would be saying, if we were to adopt it, that the Nixon doctrine would apply to every non-Communist nation in Asia except Cambodia, the nation most in need of the application of the Nixon doctrine.

Some say that we have no commitment to Cambodia and that, therefore, we should have no interest in what happens. But we do have treaty commitments to Thailand, for example, and it is very important to the United States what happens to Cambodia, a neighboring nation to Thailand.

The main focus of the Cooper-Church amendment is on the use of American troops in Cambodia. I can understand and I share the viewpoint of those who say that we do not want U.S. troops used to fight in Cambodia. But I cannot understand the position of those who want to discourage other non-Communist nations in Southeast Asia from coming to the aid of Cambodia. Surely, it is in the interests of getting our troops out of Southeast Asia that we do everything within reason to encourage cooperation and assistance from other non-Communist nations in that part of the world. We should not cut off aid to non-Communist nations because they assume responsibility for regional security.

As it stands, the Cooper-Church amendment, particularly subparagraph (3) is too broad. It lays down a broad prohibition policy. It discourages rather than encourages the kind of regional cooperation and security we want.

The argument has been made this morning that the amendment which the Senator from Washington and I have cosponsored would provide some blank check authority. It would do no such thing. The pending amendment to the Cooper-Church amendment would not grant any new authority whatsoever. Indeed, it would grant no authority. It would merely nullify and strike out a prohibition policy which is laid down in the Cooper-Church amendment. It would keep the options open; it would keep the doors open.

Congress still must approve foreign aid authorization, foreign aid appropriation legislation. In those hearings, in the discussions, the arguments can be made as to how much foreign assistance should

XUM

be provided. But let us not, in the Cooper-Church amendment, say to the world, and particularly to the free Asians of Asia, "We will not help you"; because that is what subparagraph (3), in effect, says. This is not in the interest of free Asia, and it is not in the interest of the United States.

Therefore, Mr. President, I hope that the pending amendment will be adopted.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. I yield back the remainder of our time.

Mr. CHURCH. I yield back the remainder of our time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

Mr. GRIFFIN. Mr. President, in view of the fact that the time for the vote was set at 12 noon, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment offered by the Senator from Michigan (Mr. GRIFFIN). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LONG (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from Wisconsin (Mr. NELSON). If he were present and voting, he would vote "no"; if I were at liberty to vote, I would vote "yea." I withdraw my vote.

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Minnesota (Mr. MONDALE), the Senator from Wisconsin (Mr. NELSON), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. MONDALE), would vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. FANNIN) is detained on official business.

If present and voting, the Senator from Arizona (Mr. FANNIN) and the Senator from South Dakota (Mr. MUNDT) would each vote "yea."

The PRESIDING OFFICER. The Senate will be in order.

Mr. SCOTT asked for the regular order.

The result was announced—yeas 47, nays 46, as follows:

[No. 190 Leg.]

YEAS—47

Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Cannon
Cook
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fong
Goldwater
Griffin
Gurney
Hansen
Holland
Hruska
Jackson
Jordan, Idaho
McClellan
McGee
Miller
Murphy
Packwood
Pearson
Percy
Prouty
Scott
Smith, Ill.
Sparkman
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—46

Aiken
Bayh
Brooke
Burdick
Case
Church
Cooper
Cranston
Eagleton
Fulbright
Goodell
Gore
Gravel
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Inouye
Javits
Jordan, N.C.
Kennedy
Magnuson
Mansfield
Mathias
McCarthy
McGovern
McIntyre
Metcalf
Montoya
Moss
Muskie
Pastore
Pell
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Smith, Maine
Spong
Tydings
Williams, N.J.
Yarborough
Young, Ohio

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Long, for.

NOT VOTING—6

Dodd
Fannin
Mondale
Mundt
Nelson
Russell

So Mr. GRIFFIN's amendment No. 716 was agreed to.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Several Senators, including Mr. SCOTT, moved to lay the motion on the table.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Several Senators addressed the Chair.

Mr. DOLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. GRAVEL). The Senate will be in order so that we can hear the parliamentary inquiry.

The Senator may state the parliamentary inquiry.

Mr. DOLE. Mr. President, is the vote on the motion to reconsider?

Mr. PASTORE. Mr. President, I ask for the regular order. A motion has been made to lay the motion to reconsider on the table.

The PRESIDING OFFICER. The Senate will be in order. A parliamentary inquiry is in order. We have not started the rollcall vote. An inquiry of this kind is in order.

Mr. DOLE. Mr. President, will the Chair advise me whether we are voting on a motion to table or a motion to reconsider?

The PRESIDING OFFICER. The Senate is voting on whether to table the motion to reconsider the vote by which the amendment was agreed to. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. GRAVEL). Senators will please take their seats. The rollcall has been suspended until there is decorum in the Chamber. Senators will please be seated. Every Senator is aware of all the interest in this vote. It is the desire of the Chair that no mistakes be made by the clerks.

The Senate will be in order.

The call of the roll was resumed and concluded.

Mr. BYRD of West Virginia (after having voted in the affirmative). On this vote I have a live pair with the junior Senator from Wisconsin (Mr. NELSON). If he were present and voting, he would vote "nay."' If I were permitted to vote I would vote "yea." I withhold my vote.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. DODD), the Senator from Louisiana (Mr. ELLENDER), the Senator from Wisconsin (Mr. NELSON), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness and, if present and voting, would vote "yea."

The result was announced—yeas 46, nays 47, as follows:

[No. 191 Leg.]

YEAS—46

Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Cannon
Cook
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Holland
Hruska
Jackson
Jordan, Idaho
Long
McClellan
McGee
Miller
Murphy
Packwood
Pearson
Percy
Prouty
Scott
Smith, Ill.
Sparkman
Stennis
Stevens
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—47

Aiken
Brooke
Burdick
Case
Church
Cooper
Cranston
Eagleton
Fulbright
Goodell
Gore
Gravel
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Inouye
Javits
Jordan, N.C.
Kennedy
Magnuson
Mansfield
Mathias
McCarthy
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Pastore
Pell
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Smith, Maine
Spong
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Byrd of West Virginia, for.

NOT VOTING—6

Bayh
Dodd
Ellender
Mundt
Nelson
Russell

So the motion to table the motion to reconsider the vote by which the Griffin amendment was agreed to was rejected.

Mr. DOLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The question is on the reconsideration of the vote.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Chair will hear the Senator from Kansas on his parliamentary inquiry.

Mr. DOLE. Mr. President, was the motion to reconsider made by a Senator on the prevailing side?

Mr. MANSFIELD. No, Mr. President, quite the contrary. I was on the losing side.

Mr. STENNIS. Mr. President, may we have order so that we can hear?

The PRESIDING OFFICER. The Senate will be in order.

The Chair will rule that the point of order is made too late at this point. The point of order should have been made at the time the motion to reconsider was entered.

Mr. DOLE. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

XUM

Mr. DOLE. Can the ruling of the Chair be appealed from?

Mr. MONDALE. Mr. President——

The PRESIDING OFFICER. Certainly, a Senator can appeal from the ruling of the Chair, but in this case it is an accomplished fact.

Mr. MONDALE. Mr. President, I move to reconsider the vote.

Mr. MILLER. Mr. President, a point of order. Is not that the question?

The PRESIDING OFFICER. The motion of the Senator from Minnesota is not in order.

Mr. SCOTT. Mr. President, I demand the yeas and nays, if they have not been ordered.

Mr. MANSFIELD. Just a moment, Mr. President. If the fact that I was on the wrong side causes any embarrassment, I shall be glad to withdraw my motion to reconsider and bow to the Senator from Minnesota.

The PRESIDING OFFICER. The Chair has already ruled on that point. The yeas and nays have been ordered on the motion to reconsider, and the clerk will call the roll.

The VICE PRESIDENT assumed the chair.

The bill clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I think all Senators ought to be instructed to take their seats.

The VICE PRESIDENT. The Senate will be in order, so that the votes can be heard.

The rollcall was continued.

Mr. BYRD of West Virginia (when his name was called). Mr. President, on this vote I have a pair with the junior Senator from Wisconsin (Mr. NELSON). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Wisconsin (Mr. NELSON), and the Senator from Georgia (Mr. RUSSELL), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness and, if present and voting, would vote "nay."

The result was announced—yeas 49, nays 46, as follows:

[No. 192 Leg.]

YEAS—49

Aiken
Bayh
Brooke
Burdick
Case
Church
Cooper
Cranston
Eagleton
Ellender
Fulbright
Goodell
Gore
Gravel
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Inouye
Javits
Jordan, N.C.
Kennedy
Magnuson
Mansfield
Mathias
McCarthy
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Pastore
Pell
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Smith, Maine
Spong
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—46

Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Cannon
Cook
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Holland
Hruska
Jackson
Jordan, Idaho
Long
McClellan
McGee
Miller
Murphy
Packwood
Pearson
Percy
Prouty
Scott
Smith, Ill.
Sparkman
Stennis
Stevens
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mr. Byrd of West Virginia, against.

NOT VOTING—4

Dodd
Mundt
Nelson
Russell

So the motion to reconsider was agreed to.

The VICE PRESIDENT. Without further debate, the question recurs on agreeing to the amendment of the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. On this question, the yeas and nays have been ordered.

Mr. BYRD of West Virginia addressed the Chair.

The VICE PRESIDENT. The Senator from West Virginia is recognized.

The Senate will be in order.

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair state to the galleries the provisions in rule XIX which preclude demonstrations of approval or disapproval upon the announcement of a vote.

The VICE PRESIDENT. The Chair advises the occupants of the galleries that they are guests of the Senate and they must not in any way applaud or show approval or disapproval of the action of the Senate. If the galleries show any discourtesy or action, the Chair will feel compelled to have the galleries cleared.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia (when his name was called). On this vote I have a live pair with the junior Senator from Wisconsin (Mr. NELSON). If he were present, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

The assistant legislative clerk resumed and concluded the call of the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Wisconsin (Mr. NELSON), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. RUSSELL), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness and, if present and voting, would vote "yea."

The yeas and nays resulted—45 yeas, 50 nays, as follows:

[No. 193 Leg.]

YEAS—45

Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Cannon
Cook
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Holland
Hruska
Jackson
Jordan, Idaho
McClellan
McGee
Miller
Murphy
Packwood
Pearson
Percy
Prouty
Scott
Smith, Ill.
Sparkman
Stennis
Stevens
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—50

Aiken
Bayh
Brooke
Burdick
Case
Church
Cooper
Cranston
Eagleton
Ellender
Fulbright
Goodell
Gore
Gravel
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Inouye
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Mathias
McCarthy
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Pastore
Pell
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Smith, Maine
Spong
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mr. Byrd of West Virginia, for.

NOT VOTING—4

Dodd
Mundt
Nelson
Russell

The VICE PRESIDENT. On this vote the yeas are 45 and the nays are 50. The amendment is rejected. A motion to reconsider is not in order.

AMENDMENT NO. 746

Under the previous order, the Chair lays before the Senate amendment (No. 746) of the Senator from Washington (Mr. JACKSON), which the clerk will report.

The ASSISTANT LEGISLATIVE CLERK. On page 5a, line 18, after the word "in", insert "direct".

Mr. JACKSON. Mr. President, I yield such time as I may require.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. MANSFIELD. Mr President, the Senator from Washington has 1 hour under his amendment I wonder whether it would be possible, if it meets with his approval, to make it shorter.

Mr. JACKSON. One-half hour would be agreeable to me.

Mr. MANSFIELD. I thank the Senator.

Mr. President, I ask unanimous consent that instead of the 1-hour limitation, the time be reduced to 30 minutes, with the time to be equally divided between the Senator from Washington (Mr. JACKSON) and the Senator from Idaho (Mr. CHURCH).

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. JACKSON. Mr. President, in attempting to clarify the precise prohibitions on Presidential action that would result from the adoption of the Cooper-Church amendment, the distinguished Senator from Idaho, on June 10, discussed its provisions at some length. Despite that discussion, however, the precise meaning of section 4 dealing with combat activity in Cambodian air space, is still unclear.

The amendment I am offering to this section would insert the word "direct" on page 5, line 18, after the word "in." The section would then read:

> (4) conducting any combat activity in the air above Cambodia in direct support of Cambodian forces.

I offer this one-word change, not with a view to making a substantive change in the Cooper-Church amendment, but, rather, to incorporate in the amendment itself what we take to be the principal objective of its sponsors—that we refrain from activity that could lead to getting bogged down in Cambodia. Direct air support to Cambodian forces might lead us down that path. Air activities, however, aimed primarily at the defense of our forces in Vietnam, and the forces of the South Vietnamese, would be consistent with my understanding of the intention of the Cooper-Church amendment.

It is my impression that the sponsors of the Cooper-Church amendment would not wish to prohibit the use of American aircraft to interdict the conveyance of supplies on Cambodian trails if those supplies were headed for Vietnam where they could be used against American and South Vietnamese forces. Nor, I believe, would the Senators from Idaho and Kentucky wish to prevent the President from ordering our aircraft to bomb the sanctuary areas should they be reoccupied by the adversary and once again used as a base for attacks on American and allied troops in Vietnam.

That being the case, I can see little reason to take exception to the amendment that I have proposed. Its effect is to clarify an understanding that would otherwise remain ambiguous. For example, under the existing language of section 4, air support to South Vietnamese forces in the sanctuaries, or air attacks on the sanctuaries themselves, could be construed as indirectly supporting Cambodian forces—by, for example, relieving pressure on Cambodian forces fighting elsewhere. Or, to take another example, suppose that at some future time the North Vietnamese should use the sanctuaries to supply war materiel for use against both the American and allied forces in Vietnam and the Cambodian forces in Cambodia. Would air interdiction under these circumstances constitute support of Cambodian forces?

I might add that I am very concerned that half the Senate is reading the Cooper-Church amendment in one way and half the Senate is reading it quite another. This is the precondition for bitter acrimony at some later date when one-half of the Senate may feel that the law is being violated while the other half feels that it is being upheld. I would have preferred a simpler provision that would have enacted the language that we applied to Laos and Thailand last year, because I believe that goes to the heart of the intention of a majority of the Senate today with respect to Cambodia. I would have preferred that the Congress enact a simple provision as follows:

> In line with the expressed intention of the President, unless authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this Act or any other law shall be used after July 1, 1970 to retain or introduce American ground combat troops in Cambodia.

However, we have the Cooper-Church amendment before us, and the least we can do is try to clarify what we in fact intend.

Mr. President, I reserve the remainder of my time.

The VICE PRESIDENT. Who yields time?

Mr. MANSFIELD. Mr. President, will the Senator yield me 2 minutes?

Mr. JACKSON. Mr. President, I yield 2 minutes to the distinguished majority leader.

The VICE PRESIDENT. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Who yields time?

Mr. CHURCH. Mr. President, I yield myself such time as I may require.

The VICE PRESIDENT. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, the amendment offered by the distinguished Senator from Washington is clarifying in nature.

From the beginning, from the earliest drafts of the Cooper-Church amendment, we made it clear that our purpose was not to interfere with American air combat activity over Cambodia related to the interdiction of supply lines that feed into South Vietnam.

We wanted only to restrict air combat activity above Cambodia in support of Cambodian forces as distinguished from that in support of American forces or the needs of American personnel.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. FULBRIGHT. Mr. President, the press has reported that our planes have been flying in close support of Cambodian forces. This would not change that situation. In other words, this would still be prohibited. Is that not true?

Mr. CHURCH. That is my understanding. However, I would defer to the sponsor of the amendment for an answer.

Mr. JACKSON. Mr. President, will the Senator yield on my time?

Mr. CHURCH. I yield.

Mr. JACKSON. Mr. President, I do not intend to use any more time. Therefore, I yield on my time.

In response to the question posed by the able Chairman of the Committee on Foreign Relations, I would say that my amendment, in unequivocal terms, will prohibit direct air support by the American air force to the Cambodia forces.

This amendment is directed at ending, I hope, some of the potential differences between the President and Congress over whether or not there is a violation of this provision.

It could occur, for example, under the existing language, in several circumstances which I set out in my opening statement.

Any bombing of the sanctuaries would be prohibited, under the existing language, if those sanctuaries were used also to attack Cambodian forces.

My amendment makes very definite and certain the intent, which is to prohibit direct air support of Cambodian ground forces.

Mr. FULBRIGHT. Mr. President, I appreciate the statement of the Senator. I have in my hand—and I think it ought to be in the RECORD so that we will realize what we are talking about—an article entitled "Cambodia Expects U.S. Air Support," written by T. D. Allman, and published in the Washington Post of June 30, 1970.

It says:

> Speaking at his second general press conference since deposing Prince Sihanouk March 18, the Premier said, "The U.S. [Air Force] is supporting us in combat now."

The article continues:

> Lon Nol said he interpreted recent remarks by American Secretary of Defense Melvin R. Laird to mean that it would not stop.

This is direct air support. And the pending amendment means that we will not continue that. All of this, of course, would be subject to approval by Congress. If the President would come to Congress and specifically request direct air support, we may agree to do it. But what we are trying to prevent is action by the Executive without any approval by Congress.

Mr. President, I ask unanimous consent to have printed in the RECORD the article to which I referred.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAMBODIA EXPECTS U.S. AIR SUPPORT

(By T. D. Allman)

PHNOM PENH, June 29.—The Cambodian premier, Gen. Lon Nol, indicated today that the U.S. Air Force would continue flying tactical support missions for his troops after the last U.S. ground forces have left Cambodia.

Speaking at his second general press conference since deposing Prince Sihanouk March 18, the premier said, "The U.S. (Air Force) is supporting us in combat now." He added that Cambodia, through official channels, had requested that the aid continue past June 30.

·Lon Nol said he interpreted recent remarks by American Secretary of Defense Melvin R. Laird to mean that it would not stop.

Laird said Friday that American bombing raids in Cambodia after U.S. troops pulled out would have beneficial "side effects on the (Cambodian) troops on the ground." The day before, Secretary of State William P. Rogers said the use of American air power after the pullout "may have a dual benefit," aiding both "our purposes" and serving the Lon Nol regime.

Washington thus has edged away from its earlier assertions that only Communist supply lines in Cambodia would be attacked from the air.

(In a morning briefling at the western White House in San Clemente yesterday, presidential press secretary Ronald L. Zeigler said "the only U.S. activity in Cambodia will be air action for interdiction of enemy supplies and personnel." He then referred reporters to past statements by Rogers and Laird.)

EMBASSY AUTHORITY

The U.S. Embassy in Phnom Penh, according to well-informed sources here, already has the authority to designate and veto air strikes in Cambodia, although embassy sources say the right is not yet practiced regularly. Overflights by U.S. warplanes of Phnom Penh are now common. . . .

The premier also said that the Cambodian air force, composed of 12 Mig interceptors and also propeller craft, is capable now "of doing more and more". U.S. Air Force personnel during the last month have repaired and re-armed Cambodia's Mig squadron, are working on other Cambodian aircraft, including T–28 fighter bombers, and are in the process of installing sophisticated electronics guidance equipment at Phnom Penh's Pochentong airport.

Military observers here consider it likely

XUM

that the U.S. Air Force will play an increasingly important role in the fighting here as it does in neighboring Laos, where American bombers, helicopters and gunships are the Laotians' main source of supporting firepower.

NIXON LETTERS

The Cambodian premier, asked if he wished U.S. troops to remain in Cambodia past the withdrawal deadline, replied, "Naturally, yes."

He said he hoped U.S. troops would return to Cambodia in the event of a serious deterioration of his government's military position. However, the premier, confirming that he had exchanged personal letters with President Nixon, said he had not specifically requested that the President reconsider his withdrawal decision.

LACK OF ARMS

Throughout his press conference, Lon Nol emphasized his army's lack of arms and supplies. He said the U.S. government as yet had named no dollar figure for military aid during fiscal 1971, but added, "We were asked to state priorities. The priority is arms."

The premier three times said that Cambodia had "70 battalions of troops without arms." Responding to questions, he indicated that most the unarmed battalions were provincial units. He said, "There is no battalion in Cambodia that is sufficiently armed," but said the total of presently equipped battalions was 80. This would mean a standing Cambodian army, both armed and unarmed, of approximately 90,000 men, not including air and sea staff and support units.

ENEMY TROOP ESTIMATES

The premier said that the number of Vietnamese Communist troops in Cambodia since the American invasion had been reduced from 60,000 to 65,000 to "now only about 35,000 men."

The estimate, one of several widely varying figures here, differs from that given by American military sources, who estimated that originally there were only about 23,000 Communist troops in this country. According to the same sources, Vietnamese Communist troop strength in Cambodia has increased to about 50,000.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. JACKSON. Mr. President, I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I would like to ask the Senator from Washington several questions for interpretation.

I would like to say that when the Senator from Idaho (Mr. CHURCH), the Senator from Montana (Mr. MANSFIELD), the Senator from Vermont (Mr. AIKEN), and I first prepared our amendment, we had written subsection (4) to prohibit any combat activity by U.S. forces above Cambodia except for the purpose of interdicting enemy supplies and men to be used against U.S. forces in South Vietnam.

We were writing language to protect U.S. forces from supplies and men outside Vietnam—the present subsection (3).

Our amendment does not and could not prohibit such protection. Subsection (4) of our amendment provides that the United States shall not engage in combat activity above Cambodia in support of Cambodian forces without the approval of the Congress.

Does the Senator from Washington understand our purpose?

Mr. JACKSON. I understand what the Senators intended.

Mr. COOPER. We agreed that the purpose of our subsection (3) is to prohibit combat activity over Cambodia by U.S. forces in support of Cambodia.

The Senator has moved to amend the amendment by inserting the word "direct" before the word "support." I am not questioning the Senator's statement. But I want to get the Senator's interpretation.

Are we leaving the doors open? Could the United States so use its Air Force above Cambodia, while not directly, but indirectly on doubtful missions, over Cambodia, for the purpose of supporting the Cambodian forces?

Mr. JACKSON. My amendment narrows the issue in language that I think is clearly unequivocal. I shall repeat what I said in my opening statement. My amendment makes unequivocal the prohibition on providing direct air support to Cambodian forces. I will read what I said in offering the amendment:

> I offer this one-word change, not with a view to making a substantive change in the Cooper-Church amendment, but, rather, to incorporate in the amendment itself what we take to be the principal objective of its sponsors—that we refrain from activity that could lead to getting bogged down in Cambodia. Direct air support to Cambodian forces might lead us down that path. Air activities, however, aimed primarily at the defense of our forces in Vietnam, and the forces of the South Vietnamese, would be consistent with my understanding of the intention of the Cooper-Church amendment.

What I am saying here is what I understood to be the intent of the sponsors. All I am trying to do is make the language definite and certain.

Mr. COOPER. As the Senator from Arkansas noted, it appears from the newspapers that the United States is providing air support for Cambodian forces.

Mr. JACKSON. Direct air support.

Mr. COOPER. At this moment I do not know whether this is correct or not. I simply wish to ask if the Senator's amendment would in any way approve in advance such activity?

Mr. JACKSON. My amendment would clearly and unequivocally prohibit it because the situation to which the Senator refers relates to support exclusively of Cambodian forces. The amendment would not prohibit support for non-Cambodian forces.

Mr. COOPER. I understand they may be closely merged.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. FULBRIGHT. There is one point the Senator raised I had not thought of and that is the business of the Ho Chi Minh Trail in protection of our own forces. To illustrate the point, let us assume the South Vietnamese become more and more excited over the prospect of taking Cambodia and pursue on their own an aggressive campaign throughout Cambodia. Will we, without congressional approval, give them close tactical air support if they begin to move all over Cambodia?

Mr. JACKSON. The present Cooper-Church amendment does not prohibit that. That is my understanding.

Mr. FULBRIGHT. I have one other point. If the South Vietnamese undertake to overrun and conquer Cambodia it does not prohibit our helping them, but if they do it in support of Cambodian forces, then it would.

Mr. JACKSON. Yes.

Mr. FULBRIGHT. Does the Senator agree that if the South Vietnamese are combining and working with the Cambodians, we should not give them close tactical support?

Mr. JACKSON. We cannot do what has been done in the past—providing direct support. I do not want to get bogged down in Cambodia.

Mr. FULBRIGHT. But we could get bogged down as satellites of the South Vietnamese.

Mr. JACKSON. We could get bogged, no matter what.

Mr. FULBRIGHT. And if we do, Congress should have a voice in the matter.

Mr. JACKSON. This amendment does help clarify what I understand is the situation.

Mr. FULBRIGHT. I agree up to that point. When the Senators mentions the South Vietnamese that is another question. If they are determined to stay there, as Mr. Ky says they are, are we going to give them close air support without the approval of Congress?

Mr. JACKSON. I hope they do not stay there.

Mr. FULBRIGHT. Now they are beginning to say they are going to stay. The Senator does not want us to stay with them, does he?

Mr. JACKSON. I do not want the South Vietnamese, the ARVN forces, to stay any longer than is necessary to protect their forces in withdrawing from Cambodia. I am not going to be a party to a further campaign in support of Cambodia.

Mr. FULBRIGHT. That is what I want to make clear.

Mr. DOLE. Mr. President, will the Senator yield?

The VICE PRESIDENT. All time of the Senator from Idaho has expired. The Senator from Washington has 10 minutes remaining.

Mr. JACKSON. I yield 3 minutes to the Senator from Kansas.

Mr. DOLE. Mr. President, I support the amendment of the Senator from Washington.

Mr. President, I think it has been made clear in debate that they would have that right to make air strikes and keep the Vietnamization program on in Cambodia to protect American forces schedule. But who will make the decision as to whether it is direct? Is that decision to be made by the Senate or the generals? Who makes that determination?

Mr. JACKSON. This would have to be an executive decision by the President exercised through his chain of command. Congress runs into differences on the problem of the authority of the President as Commander in Chief and the responsibility of Congress to provide the funds to support the Armed Forces.

The point I am making is that there could be some very close cases where U.S. action might be construed as direct support of Cambodian forces and others where it would be protection of American forces.

This could result from many situations, especially on the battlefield. But at least we have a responsibility to try to make our position as clear as we can and that is what I am trying to do. In the end it would, of course, be necessary for Congress, upon appropriate investigation, to decide whether they want to make another change.

Mr. DOLE. Mr. President, I support the amendment of the Senator from Washington. The legislative history also has helped because it has been made clear by the Senator from Idaho and others that the President has that right.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. JACKSON. I yield 1 minute to the Senator from Wyoming.

Mr. McGEE. Mr. President, I join the Senator from Washington as cosponsor of this particular tightening up of the language. I think it may clarify it. But we should understand that part of the motivation is to make sure we do not unintentionally hobble the efforts of Asians if they can get a security effort going to protect their own interests. I think it tends to keep that option open so they can go in that direction without impeding the possibility of that happening.

This colloquy I have been listening to underscores what I think is of more overriding importance than the Cooper-Church amendment, and that is the important need for this body to address itself now to the future role of Congress in future crises. We have a tendency, if I may say so, in getting so bogged down in who did what to whom in the past that I can predict that one of these days soon we will have another crisis and go through the same motions and look for someone to "hang it" on. I think the time has long since passed for our spelling out with as much wisdom as we have at our command what we do when the crisis comes in Burma, India, or the Near East, wherever it may be.

I hope the Senate supports the amendment of the Senator from Washington.

Likewise, I join in urging members of the Committee on Foreign Relations, through the chairman, who is momentarily absent from the Chamber, to get on with the question of, where do we go from here and how should we proceed as the Senate in a crisis?

Mr. STENNIS. Mr. President, will the Senator yield to me for 1 minute?

Mr. JACKSON. I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I want to go on record in support of this amendment. I think it would be very important in the future. I associate myself with what the Senator from Wyoming has said. We never settle these matters, it seems, after personalities become involved in them, and that is particularly true with respect to collective action on the part of Asian nations.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. CHURCH. Mr. President, the Cooper-Church amendment is silent on the question of combat activity in the air above Cambodia except with respect to that activity which relates to support of Cambodia forces. It is this and this alone that is prohibited. The amendment offered by the Senator from Washington makes that clear, and is consistent with the position the sponsors of the amendment have taken throughout the debate.

For that reason, I do not think it is a substantive change; the Senator from Washington does not think it is a substantive change. We believe it is acceptable, a position I wanted the Senate to know.

Mr. JACKSON. I appreciate very much the explanation of my good friend from Idaho. I am very pleased that he will accept the amendment.

Mr. McGEE. Mr. President, I ask for the yeas and nays.

The VICE PRESIDENT. There is not a sufficient second.

The yeas and nays were not ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. I ask for the yeas and nays.

The VICE PRESIDENT. There is a sufficient second.

The yeas and nays were ordered.

The VICE PRESIDENT. Do Senators yield back their time?

Mr. MANSFIELD. Mr. President, I yield back my time.

Mr. HART. Mr. President, before all time is yielded back, may I ask a question?

Mr. JACKSON. Mr. President, if I have any time left, I yield to the Senator from Michigan.

The VICE PRESIDENT. The Senator has 2 minutes remaining.

Mr. HART. The Senator from Washington wants to insure that the existing language does not bar air support for American troops. Is that right?

Mr. JACKSON. No. For non-Cambodian forces. The Senator from Idaho has accepted the amendment. It is an amendment of clarification.

Mr. HART. By inserting the language "in direct support of Cambodian forces," is the Senator authorizing air action that supports them indirectly?

Mr. JACKSON. No.

Mr. HART. Is the Senator sure? Very good.

Mr. JACKSON. It prohibits direct air support to Cambodian forces. It does not prohibit air support to non-Cambodian troops. This is the intent of the Church-Cooper amendment. We went through that here. The sponsors agreed to that.

The VICE PRESIDENT. All time on the amendment has expired.

The question is on agreeing to the amendment of the Senator from Washington (Mr. JACKSON). The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Wisconsin (Mr. NELSON), and the Senator from Georgia (Mr. RUSSELL), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness and, if present and voting would vote "yea."

The result was announced—yeas 69, nays 27, as follows:

[No. 194 Leg.]

YEAS—69

Aiken
Allen
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Church
Cook
Cotton
Cranston
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hansen
Hartke
Holland
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
McClellan
McGee
McIntyre
Miller
Montoya
Murphy
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Randolph
Scott
Smith, Maine
Smith, Ill
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, Del.
Young, N. Dak.

NAYS—27

Brooke
Case
Cooper
Eagleton
Goodell
Gore
Harris
Hart
Hatfield
Hughes
Inouye
Javits
Kennedy
Mathias
McCarthy
McGovern
Metcalf
Mondale
Moss
Muskie
Proxmire
Ribicoff
Saxbe
Schweiker
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—4

Dodd
Mundt
Nelson
Russell

So Mr. JACKSON's amendment was agreed to.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GURNEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Vice President laid before the Senate a message from the President of the United States submitting the nomination of Charles W. Koval, of Pennsylvania, to be U.S. marshal for the western district of Pennsylvania, which was referred to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 4012) to extend the Clean Air Act, as amended, and the Solid Waste Disposal Act, as amended, for a period of 60 days.

The message also announced that the House had passed the bill (S. 3685) to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes, with an amendment, in which it re-

XUM

quested the concurrence of the Senate; that the House insisted upon its amendment to the bill and asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. **Patman**, Mr. **Barrett**, Mrs. **Sullivan**, Mr. **Reuss**, Mr. **Widnall**, Mrs. **Dwyer**, and Mr. **Johnson** of Pennsylvania were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15733) to amend the Railroad Retirement Act of 1937 to provide a temporary 15-percent increase in annuities, to change for a temporary period the method of computing interest on investments of the railroad retirement accounts, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. **Staggers**, Mr. **Friedel**, Mr. **Dingell**, Mr. **Springer**, and Mr. **Devine** were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 671) relating to the adjournment of the House on Wednesday, July 1, 1970, until 12 o'clock meridian, Monday, July 6, 1970, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

H.R. 14118. An act to amend section 213 of the Immigration and Nationality Act, and for other purposes;

H.R. 14720. An act to continue until the close of June 30, 1973, the existing suspension of duties on manganese ore (including ferruginous ore) and related products, and for other purposes;

H.R. 15712. An act to amend the Public Works and Economic Development Act of 1965, to extend the authorizations for title I through IV through fiscal year 1971;

H.R. 17802. An act to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act; and

H.J. Res. 546. Joint resolution authorizing the Secretary of the Interior to provide for the commemoration of the 100th anniversary of the establishment of Yellowstone National Park, and for other purposes.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. DOLE. Mr. President, the Foreign Military Sales Act has been the focus of Senate attention for nearly 7 weeks. During this time, the act has undergone considerable change, and at this point many observers find it difficult to understand exactly what the act does or says. Several points, however, are clear.

The act is not now, contrary to early appearances, a repudiation of the President, nor does it attempt to relegate executive branch functions to the Congress. The act is a sound reaffirmation of the President's powers to perform his constitutional duties as Chief Executive of our Nation and Commander in Chief of the armed services. It is also a reasonable expression of congressional sentiment and a valid exercise of legislative authority.

A number of significant modifications have been made in the bill reported from the Foreign Relations Committee. A major focus of these alterations was the committee-adopted Cooper-Church amendment.

The amendment started as a statement which could have been interpreted as an attempt to curtail the prerogatives and authority of the President in the conduct of our foreign affairs and fulfillment of our military responsibilities. Many of the possible ramifications of the original version received detailed and thorough attention by the Members of this body. In the course of that consideration a majority came to feel that certain clarifications and expansions of the amendment were necessary.

PREAMBLE CHANGE

The first change, one which was agreed to unanimously, was made in the preamble of the amendment. The language was altered from an expression of unilateral, legislative initiative to a declaration of shared objectives with the executive.

MANSFIELD-DOLE

Following several rejections of proposed additions to the Cooper-Church amendment, the Mansfield-Dole amendment was adopted by unanimous vote. It emphasized that the Cooper-Church amendment should not be deemed to impugn the constitutional, Commander in Chief powers of the President.

BYRD

The next, and perhaps most significant, change was the second so-called protection of forces amendment offered by the Senator from West Virginia (Mr. **Byrd**). Its importance arises not only from its adoption and specific language but from its history, for a similar, but narrower amendment had been offered earlier. The first Byrd amendment dealt only with the President's powers to protect the troops under his command in South Vietnam; the second extended to "U.S. Armed Forces wherever deployed." The first Byrd amendment was narrowly defeated; the second was adopted by a vote of 79 to 5. The success of the second Byrd amendment evidences a fundamental reappraisal by nearly half the Senate of the impact which the Cooper-Church amendment might have had in its original, unelaborated form.

JAVITS

The last significant clarification of the Cooper-Church amendment was offered by the Senator from New York (Mr. **Javits**). It pointed out that nothing in the Cooper-Church amendment should be deemed to impugn the constitutional powers of the Congress. This was an important point to make, for, while many in this body were concerned that no action of Congress should cloud the President's powers and authority, there has been equal recognition of legitimate congressional responsibilities in the areas of foreign and military affairs. Certainly, no Senator wishes to weaken the Congress, and the Javits amendment clearly avoids any implication that the Cooper-Church amendment would do so.

TONKIN GULF

Another point repeatedly made in the debate on the Foreign Military Sales Act and the Cooper-Church amendment, when our overall role in Southeast Asia was considered, was that the 1964 Gulf of Tonkin Resolution was an unfortunate, unrelied upon and unnecessary statutory relic. It was seen to have been hastily and ill-considerately adopted; it was found to provide no basis for and to be inherently inconsistent with the present U.S. policy of disengagement and withdrawal; and it could not be seen to serve any worthwhile purpose now or in the future. With these considerations in mind the junior Senator from Kansas offered an amendment to repeal the Gulf of Tonkin resolution. It was adopted with a substantial majority.

SIGNIFICANCE OF DEBATE

Debate on the Foreign Military Sales Act has extended through the greater part of 2 months, perhaps an unprecedented amount of consideration for a measure such as this. Some have labeled this debate a filibuster. I disagree. A filibuster in the history of the practice has been characterized by adamant, unyielding opposition to a matter before this body; rambling, irrelevant orations by proponents of one viewpoint; and little if any constructive debate of the substantive issues involved. The past seven weeks' record hardly illustrates inflexibility at any viewpoint or absence of compromise and resolution of differences. The Senators from Kentucky and Idaho have been most gracious in their willingness to discuss their amendment. The record of votes on the several amendments discloses numerous shifts in position by Senators on both sides of the principal lines of opinion. The debates and exchanges on the Senate floor provide countless examples of agreement, shared objectives and common understanding of the central issues.

Rather than being remembered as a filibuster, Mr. President, I submit that the past 7 weeks will be recognized as one of the greatest, most productive debates in the history of this body. Not only has a major legislative measure been hammered out and refined, but some of the most significant legislative history in recent decades has been created. It has been a rare occasion when so many Members of this body have given such prolonged and eloquent attention to a matter with the constitutional significance of the balance of the war powers between the legislative and executive branches of Government. This debate will stand as a valuable guide for the Congress, the President and constitutional scholars for years to come.

THE PRESIDENT'S ACTIONS

Headlines in this morning's papers carried a message which came as no surprise to this Senator nor to millions of Americans: "Last troops pulled out of Cambodia." It is now clear that President Nixon has met his commitments

XUM

and has kept his promise to end U.S. operations in Cambodia by the end of June. I had no doubt that the President would make good his word and that he could do so without the direction or oversight of the Congress.

SUMMARY

It is already July 1 in Southeast Asia, and U.S. Cambodian operations have been completed. The Cooper-Church amendment cannot now be construed as an attempt to second-guess the President's conduct of these operations; it now has appropriate prospective application and provides a valuable statement of strategic long-term policy for the United States in Southeast Asia. By clarifying the President's authority to protect the the forces he commands, the Byrd amendment forecloses any possibility that shadow would be cast on the President's powers in this critical area of his responsibilities. By underscoring the constitutional mandate of the Congress, the Javits amendment assures no diminution of the power role of this branch of Government. By repealing the Gulf of Tonkin resolution, the Dole amendment removes whatever chance there might be for further abuse of this ill-considered piece of our former policy in Indochina.

This 7-weeks' debate has been extremely valuable to Senate and public understanding of our goals and purposes in southeast Asia.

I believe all parties to the debate in the Senate have profited by it, just as the President has profited by demonstrating his credibility and reliability in pursuing the Cambodian operations successfully and according to the schedule which he announced.

Mr. MAGNUSON. Mr. President, the Senator from Alaska (Mr. STEVENS) and I, and the Senators from Oregon also, I suspect, and my colleague (Mr. JACKSON) will now submit an amendment which relates to an emergency matter, but we want it understood that there will be no discussion or vote on it until after the Cooper-Church amendment vote. But we want it to be considered, because we need to take action this afternoon.

Mr. CHURCH. Mr. President, I think nothing would be more suitable than for the majority leader to make the summation argument before we submit to a final vote on the Cooper-Church amendment.

Mr. MANSFIELD. Mr. President, I yield briefly to the Senator from Alaska (Mr. STEVENS) to submit his amendment.

Mr. STEVENS. Mr. President, I submit the amendment.

Mr. MANSFIELD. Mr. President, in view of a situation which has developed, so that there will be enough time on both sides, I ask unanimous consent that the vote on Cooper-Church amendment occur at 2:15, with the time to be equally divided between the majority and minority leaders, or whomever they designate.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, it is said that the House of Representatives will not approve Cooper-Church should it pass the Senate. It is said that if Cooper-Church clears the Congress, in all probability, it will be vetoed by the President.

Whether these predicates are true in whole or part or not true at all remains to be seen. I hope they are not true. True or not, however, they do not and cannot detract one iota from this vote today.

The Senate cannot answer for the President. The Senate cannot answer for the House. The Senate can speak only for the Senate. In the vote on Cooper-Church, today, Senators will most assuredly do so, as individuals and collectively. What is said will be most significant, in my judgment, to the future of this Nation.

Cooper-Church is a response to a pattern of Executive actions in Southeast Asia which has been evolving for years and which has now raised constitutional questions regarding the responsibilities of the Senate in the gravest questions which confront the Nation—the questions for war and peace. It is a pattern whereby the Congress was first invited to join with the executive branch, as in the Tonkin Gulf resolution, in delineating a policy, presumably for peace in Vietnam. Therefore, the Congress discovered it had joined in a strategy which led to war. The Congress was carried along into the ever-deepening military involvement in Vietnam.

At first, it was maintained that we had endorsed this course by passing the Tonkin Gulf resolution. Then, several years ago, the executive branch decreed that Congress had not really been needed to legitimize the course. With or without Congress, it was contended, the executive branch could pursue whatever military measures were appropriate under the unilateral powers of the Presidency.

So, the grip of death and destruction which is Vietnam was fixed ever more tightly not only on Southeast Asia but on the neck of this Nation. All the while, Congress has been progressively excluded, even from consultation, on the decisions which have sustained this tragic involvement year after year after year.

A few weeks ago, the matter was brought to a head by the investiture of Cambodian border areas with a massive U.S. military incursion. The executive branch, unilaterally, decreed this advance of our forces across an international border. The executive branch, unilaterally, decreed that Cambodia should be added to the Vietnamese theater of war. Congress was not privy to the decisions which led to this expansion. The Senate leadership was not consulted in either party. The committees of the Senate were not consulted. The advice of the Senate was not sought. The consent of the Senate was not requested, nor was it given.

According to those responsible, the military operation in Cambodia has been a great "success" and U.S. forces have now been withdrawn. May I say that, notwithstanding my view of the initial action, the President is to be commended for insisting that the withdrawal be completed by his military commanders by June 30. That decision, at least, has had some limiting effect on what was undertaken.

We are advised that great quantities of war material have been seized in this successful operation in Cambodia. Great destruction has been visited on hostile military bases. Thousands of hostile Vietnamese are reported killed.

These reports, I am sure, are carefully compiled by the computers. They are, undoubtedly, some sort of a measure of "military success." What they do not measure is what the success will yield in the end. The fact is that the road into the quagmire of U.S. involvement in Indochina has been lit with the fires of an endless succession of military successes. These other successes—5 years of successes—I am sure, were all accurately computed and reported in their turn, but the war goes on—deeper and deeper into Southeast Asia.

Nevertheless, we may take the assurances of those responsible that Cambodia was a great military success, the greatest of the war. We may take these assurances notwithstanding the fact 339 Americans died in Cambodia and 1,501 were wounded. We may take them even though great segments of Cambodia which were once free of Vietcong and North Vietnamese are now serving as bases of operations for these forces. We may take these assurances, even though this newest success has led to a new U.S. aid commitment at an initial cost of millions in equipment and supplies and, apparently, a commitment of U.S. air support and bombing runs in Cambodia; all this new expenditure of lives and resources will take place in Cambodia, in an area where 4 months ago this Nation spent no resources on aid and its forces were not engaged. Nevertheless, we may take the assurances of the success of this adventure. We may take them even though it must be asked, who will now pay to maintain the new government in Cambodia? Who will see to its survival? Even though it must be asked how much beyond the points of its bayonets does the influence of this government extend among its own people?

We may take these assurances if, for no other reason, than that there is no relevance in a military postmortem at this time. The degree of success of the Cambodian operation is not involved here today. How can it be involved when the necessity for Cooper-Church was conceived before the beginning of the operation in Cambodia? What is involved here is whether the Senate wants to try to inhibit new involvements of this Nation abroad, without prior consultation with the Senate and without sanction from Congress—in Cambodia or elsewhere in Southeast Asia or the world.

Cooper-Church works with the President's present intent, not against it in Cambodia. Cooper-Church is a congressional lock on the door which the President is trying to close behind the exit of the last American serviceman from Cambodia. Cooper-Church is a lock to prevent the casual or careless opening of other doors elsewhere by unilateral actions of the executive branch doors beyond which lie national commitments involving American lives and resources.

Even if the lock of Cooper-Church is passed by the Senate, its strength remains to be tested. Even now, some make

XUM

light of it. Some ridicule it. Insofar as I am concerned, it is no laughing matter; it is a most serious matter. Americans have gone to their deaths, over 50,000, through the open doors of Vietnam, Laos, and now Cambodia. More than a hundred billion dollars of U.S. resources have poured through these open doors.

Reject Cooper-Church and, in my judgment, the Senate will have acquiesced in an indefinite continuance of the involvement in Southeast Asia and in a relentless accretion in U.S. casualties and costs in Indochina. That is, I know, not wanted by the President. Nor is it wanted by any Member of the Senate. But that is what we are going to get. That is what the people of this Nation, in my judgment, are going to get. The end of this involvement will remain, as it is now, nowhere in sight.

Reject Cooper-Church and, I say in all soberness, it would be wise for the Senate to anticipate other Cambodias and other Vietnams, elsewhere in the world. They may be expected under any kind of administration.

Cooper-Church is not a guarantee of noninvolvement in Cambodia or anywhere else. It is an attempt; it is not a certainty. However, if it passes, we will have made clear, at least, that the Senate is prepared to try to act with the President to forestall other Vietnams which the President—any President—may be under pressure to undertake.

If it passes, we will make clear, at least, the Senate's resistance henceforth to the pattern of enlarging involvement in Southeast Asia. We will make the Senate's position clear, irrespective of party considerations here and irrespective of the views of the House or the President. I say that most respectfully because, as do we, they have their own responsibilities in this matter and may see them differently.

To be sure, it is devoutly to be hoped that the House will concur in Cooper-Church and that the President will sign the bill of which it is a part. Indeed, in my judgment, the greater the cooperation among the three elected parts of this Government, in this connection, the greater the chance of finally extricating this Nation from this hydra-headed war in Southeast Asia.

In my judgment, therefore, it is of the greatest significance that Cooper-Church is not designed to conflict—and it is not—with the President's constitutional powers as Commander in Chief. Rather, it is designed to permit the constitutional powers of both Congress and the President to be meshed in a common effort to extricate the Nation from the misbegotten situation in Southeast Asia. By passing Cooper-Church, in my judgment, the Senate will have begun to move this Government, beyond words, toward the end of the U.S. involvement in a tragic and mistaken war, toward the restoration of this Nation's tranquility and well-being.

Mr. GOLDWATER. Mr. President, will the Senator from Kansas yield me 2 minutes?

Mr. DOLE. I yield 2 minutes to the Senator from Arizona.

The VICE PRESIDENT. The Senator from Arizona is recognized for 2 minutes.

Mr. GOLDWATER. Mr. President, I rise to explain why I shall vote against the Cooper-Church amendment. I think that for 7 weeks we have been following a will-o'-the-wisp. We have been leading the people of the country to believe that the Cooper-Church amendment will change the military responsibilities of Congress and limit the powers of the President as Commander in Chief.

Mr. President, this is not so. This can only be accomplished by a constitutional amendment. I have suggested time and time again on this floor that I think we can explore the possibilities of an amendment to articles I and II; one, more adequately to describe the exact powers of Congress in the military field and, two, if we want to, limit the powers of the President as Commander in Chief.

I have seen nothing in the Court records to change the language of Swaim against the United States, which was upheld by the Supreme Court in 1897.

I should like to read it:

> In *Swaim* v. *U.S.*, the Court of Claims said:
>
> Congress may increase the Army, or reduce the Army, or abolish it altogether; but so long as we have a military force Congress cannot take away from the President the supreme command. It is true that the Constitution has conferred upon Congress the exclusive power "to make rules for the government and regulation of the land and naval forces"; but the two powers are distinct; . . . Congress cannot in the disguise of "rules for the government" of the Army impair the authority of the President as Commander in Chief.

Mr. President, I intend to vote against the Cooper-Church amendment because I do not think it will accomplish what the sponsors think it will.

It will not accomplish what the people of this country have been told it will accomplish.

I do not want to hoodwink the people of this country.

Mr. DOLE. Mr. President, I yield 2 minutes to the distinguished Senator from Maryland (Mr. Mathias).

The VICE PRESIDENT. The Senator from Maryland is recognized for 2 minutes.

Mr. MATHIAS. Mr. President, the distinguished Senator from Arizona (Mr. Goldwater) has expressed a concern which is widely felt. I think that the exact way in which the Cooper-Church amendment will operate is a question which has occupied the attention not only of the Senate but also a very large part of the public throughout the country.

An article was published in the Washington Post on June 19 last, written by Murrey Marder, in which one of the authors of the Cooper-Church amendment, the distinguished Senator from Idaho (Mr. Church), was quoted as saying that while the amendment would prevent the hiring of troops:

> It does not prevent us from arming or equipping or supplying a Thai or Lao force sent into Cambodia, but it would prevent us from hiring them to fight . . . All the Thais would be required to do is to pay the forces.

Mr. President, I wonder whether the distinguished Senator from Idaho would tell us whether that is an accurate reflection of his views.

Mr. CHURCH. Yes. Let me say to the Senator from Maryland that that quotation is accurate. The amendment offered by the Senator from Kentucky (Mr. Cooper) and myself does not address itself to the extension of military weapons or equipment to governments in Southeast Asia. The prohibitions are very precise. The prohibition contained in subsection C of the amendment is against the hiring of foreign troops to fight in Cambodia for Cambodia; but the amendment is silent on the question of sending military equipment. As the Senator knows, this has already been done. Considerable equipment has already been shipped by the Government of the United States to the Lon Nol regime in Cambodia. The amendment does not attempt to bar further deliveries of equipment to the Cambodian Government, if that should become the policy.

Mr. MATHIAS. I thank the Senator for his response. It seems to me that the amendment is reasonable and a constitutional limitation, and it is one which I shall support.

Mr. President, I ask unanimous consent to have printed in the Record in its entirety the article to which I have referred.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, June 19, 1970]

U.S., Bangkok Bargain On Thai Aid to Cambodia

(By Murrey Marder)

The United States and Thailand are bargaining behind the scenes over the costs of sending Thai troops into Cambodia when American forces withdraw, State Department officials acknowledged yesterday.

There is "no decision" so far about what "associate or concurrence" the United States may provide in regard to "various proposals for Thai aid to Cambodia," said State Department press officer Carl E. Bartch.

One critical unstated reason why a decision is still hanging while Communist military action is intensifying in Cambodia is the Nixon administration's uncertainty about what will happen on the Senate floor, other official sources conceded.

Senate "doves" are determinedly holding to their opposition to U.S. payments for any "mercenaries" or "hired guns" in Cambodia, Senator Frank Church (D-Idaho) emphasized yesterday. The explicit ban on mercenary pay is wrapped into the pending amendment to limit U.S. military involvement in Cambodia.

Behind the scenes, the argument is sometimes called the "Hessian" issue, a term borrowed from the British use of Hessian mercenaries in the American revolution—a parallel which administration officials resent and deplore.

From Bangkok yesterday, it was reported that Thailand is considering shifting portions of its 11,000-man Thai Black Panther division from South Vietnam to Cambodia. The United States has no information to confirm plans for such a shift, said Bartch.

"It is up to the Thais to decide whether to send their troops into Cambodia or not," said Bartch, but "We would not want to see anything develop that could weaken the Vietnamization effort in South Vietnam by any precipitate allied troop switches.

XUM

Despite reports from Cambodia yesterday of increasing concern there about road-cutting and encirclement of the capital of Phnom Penh by North Vietnamese and Vietcong troops, officials at the White House and State Department registered no mood of acute alarm.

DIVERSION SEEN

U.S. officials said they do not believe the Communist forces are now preparing an assault on Phnom Penh, or have the strength to do so. Instead, administration officials regard the Communist action more as limited harrassment and diversion to try to undermine the government psychologically than as a move to overthrow it militarily.

Thai Prime Minister Thanom Kittiachorn announced on June 1 that his nation was prepared to send "volunteers" to Cambodia who will be "armed and equipped from aid supplied by the United States."

That announcement collided with greatly heightened Senate opposition to U.S. financing of allied troops in the Indochina war.

On June 7, a Senate Foreign Relations subcommittee disclosed that under a secret agreement the United States since 1967 had been paying Thailand $50 million a year for keeping its combat division in South Vietnam, plus other military benefits for Thailand.

As one consequence of this deal and alarm over "more Vietnams," the pending Church-Cooper amendment to the Foreign Military Sales Act bars any funds "to provide persons to engage in any combat activity in support of Cambodian forces . . ."

Administration officials contend that this provision would frustrate the objectives of the Nixon Doctrine which is intended to supply U.S. assistance to encourage Asians to fight Asian wars. A proposed administration-favored amendment by Sen. Robert P. Griffin (R-Mich.), the assistant Senate Republican leader, would modify the Church-Cooper amendment to permit funds to be paid to support non-American forces who come to Cambodia's aid.

Senate sources said Griffin is holding off pressing his amendment until he is assured of enough votes to challenge the Church-Cooper alinement.

Church said yesterday that "increasingly it's becoming clear that the Nixon Doctrine is a policy of Hessians Unlimited. The Nixon administration is interested in 'hired guns.'"

The Church-Cooper amendment gives the administration "a good bit of leeway" to provide "reasonable aid" to allies, said Church.

PIE ON GRAVY TRAIN

"It does not prevent us from arming or equipping or supplying a Thai or Lao force sent into Cambodia," said Church, "but it would prevent us from hiring them to fight . . . All the Thais would be required to do is to pay the forces . . . Otherwise, this thing becomes a gravy train for every government out there which just waits for its slice of pie."

Church acknowledged, however, that, even if the Church-Cooper amendment passes, there are roundabout ways the administration might devise to reimburse Thailand for troop costs in Cambodia. He said "our involvement is so immense, and our bureaucracy is so Byzantine, that there are ways to get around the law if they are determined to do so."

What is important, said Church, is to establish the principle that the United States should not operate abroad on a "hired guns" basis.

Administration sources countered that such terminology is "unfair and unwarranted." The same "vitriolic" tag could have been tied, these sources said, to U.S. financial support to allies in World War II or in the Korean war or to NATO allies in earlier years. Other complex factors besides financial support are involved in the current discussions over possible use of Thai troops in Cambodia, these sources said. But they acknowledged that the Church-Cooper bloc of votes is the largest barrier the administration is now facing in planning its future strategy concerning Cambodia.

Mr. DOLE. Mr. President, how much time do I have remaining?

The VICE PRESIDENT. The Senator from Kansas has 8½ minutes remaining, and the majority leader has 2½ minutes.

Mr. DOLE. I thank the Chair.

Mr. President, I now yield 2 minutes to the Senator from Wyoming.

The VICE PRESIDENT. The Senator from Wyoming is recognized for 2 minutes

Mr. HANSEN. Mr. President——

Mr. McGEE. Mr. President——

[Laughter.]

Mr. McGEE. Wyoming has two Senators.

Mr. President, I want to say at this late hour that I still think we are missing the point, that the many weeks we have spent on this amendment should be addressed to the real problem before the Senate: How do we update the role of the Senate in the latter half of the 20th century to exercise its responsibility in foreign policy in a nuclear age?

In a day when some people think we can only afford a limited war if we have to test strategic areas, where else can we find the answer to that but by a searching inquiry now?

We have a penchant in this country for looking backward. We spent 30 years trying to avoid World War I after it was over. We spent over 20 years after the fact trying to avoid World War II. Now we are trying to find out who is to blame for Vietnam.

I believe that we should be worrying about what we should be and can be doing in a Burma crisis, an Indian crisis, or a Near East crisis. I would therefore hope that the Committee on Foreign Relations, on which I serve, will turn its energies, resources, and good judgment into a searching exploration of a modern role for the Senate, in concert with the President of the United States, in projecting future crisis decisions in the field of foreign policy.

Mr. DOLE. Mr. President, I yield 1 minute to the senior Senator from Wyoming.

The VICE PRESIDENT. The Senator from Wyoming is recognized for 1 minute.

Mr. HANSEN. Mr. President, may I say that the senior Senator from Wyoming has just been heard from. The junior Senator from Wyoming would appreciate the opportunity to say just a word or two now. [Laughter.]

Mr. President, it is not my intention to attempt to point up all the arguments that have been made in the past 6 weeks regarding the merit or lack of merit of the Cooper-Church amendment to the Foreign Military Sales Act, as it relates to the conduct of the war in Southeast Asia by the President.

I have listened carefully to all facets of the debate since May 14, and I have come to the following conclusions:

First. World War I and II taught one hard truth: Either we maintain an active role in helping keep the peace or we will be forced to fight big wars.

Second. We must, in our own interest, be prepared to exert a continuing influence if we are to maintain a viable role in world affairs; and it is important in our national interest to maintain that ongoing influence.

Third. To pull out of the war in Southeast Asia or any other place that, in the considered judgment of our President, our country's long-range interest calls for our involvement—even militarily—would be to abdicate our responsibilities as a great Nation and as a force for justice and liberty.

With those basic principles in mind, let me say that I find myself in complete agreement with the distinguished Senator from Arkansas (Mr. McCLELLAN), when he said:

> I simply think that the President of our country deserves better treatment and greater respect than to have inflicted upon him the public rebuke and implications that I think are clearly implicit in this amendment. The implication that it is premised in large measure on distrust and conveys a lack of confidence in the President of the United States as our commander-in-chief, I think, is inescapable and irrefutable.

I, for one, am not prepared to vote to do that.

Mr. President, today's headlines are that the last of the U.S. combat troops committed to removing the enemy from its border sanctuaries have been withdrawn from Cambodia.

None can deny that the Cambodian operation has been a tremendous success. None can deny that our President, Richard Nixon, keeps his word.

The President promised that American forces would be withdrawn by June 30, and he accomplished that. In my opinion, it was unfortunate that such pressures were brought upon the President that he was compelled to announce publicly a deadline for withdrawal of American troops.

In announcing the withdrawal time to the Congress and to the public, it was necessary that the enemy also be informed of the deadline for American withdrawal. With this knowledge of a deadline, and of a 21-mile limit inside Cambodia, the enemy was enabled to withdraw beyond the mileage limit and bide its time—avoiding a confrontation with allied forces—until the June 30 deadline. I don't believe anyone can determine at this time whether the enemy will now attempt to move back full force into the former sanctuaries.

There is reason to believe that passage of the amendment could encourage the enemy to return to the sanctuaries, or attempt a return, believing that American troops would not be able to strike at him in his lair without the forewarning of an extended debate in the Senate.

Mr. Nixon, in making the Cambodian decision, did what had to be done to protect American troops in their continued withdrawal from Vietnam. The decision was based upon sound advice, and upon the best judgment of the military, whose operations have been hampered for years by the ability of the enemy to strike at American units and villages of South Vietnam—and return to a free base.

The success of the operation was due, in part, to the element of surprise the President was able to attain in ordering American troops against the sanctuaries without lengthy warning to the enemy. U.S. forces were able to seize and maintain the initiative—an initiative that heretofore had been locked in the hands of the enemy. The element of surprise certainly would have been lost had the President been compelled to seek the permission of Congress to raid the sanctuaries in Cambodia. There would have been deliberations and there would have been debate—likely, extended debate. The enemy could have meanwhile withdrawn deeper into the jungle—taking with him the vast storehouses of his arsenal that have been captured in the Cambodian operation. Yet, because this was unnecessary, the Cambodian operation was a signal success—the biggest success of the long years of the war.

Vice President AGNEW, on June 20, gave it this description:

> The operation ordered by the President of the United States and carried out by your brave sons in this short period is the greatest military victory of the United States since MacArthur landed the Marines at Inchon—and in spite of the screams of anguish from the usual capitulators, apologies are not in order.

Mr. President, in my view, if Congress has strong feelings about what American policies should be, we should try to contemplate them prospectively, rather than dealing with them after the fact. Land and sea and air forces of the United States were committed to Indochina long and bloody years before President Nixon was inaugurated. He has made, and is continuing to make, with marked success, efforts to withdraw our men from combat on that continent. It would be strange policy indeed to tie the hands of the Commander in Chief in time of national crisis, when all available means must be used to carry out a successful withdrawal—a withdrawal designed to leave the free people of Asia a chance to survive.

Mr. President, although many of us do not believe this amendment would be accepted by the House of Representatives, even should it be accepted by the Senate, and millions of citizens have considered the debate on the matter pointless, we must consider how the enemy would view Senate passage of this amendment.

Let us look briefly at a report in English of an article from the Hanoi daily Nhan Dan, which I ask unanimous consent to have printed in the RECORD at conclusion of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HANSEN. Mr. President, the article, on June 14, stated:

> The Cooper-Church amendment submitted to the Senate shows to what extent the distrust in the U.S. President has reached right in the highest legislative organ of the United States. By virtue of the Cooper-Church amendment, all the expenditures for U.S. troops in Cambodia including funds reserved for U.S. military advisors commanding Saigon puppet troops and other mercenaries there will be cut.
>
> The fact that the Cooper-Church amendment, put forth just after Nixon had solemnly promised to the whole nation to withdraw all U.S. troops from Cambodia before July 1, also proved how slightly the great majority of the Senators including many "hawks" and public opinion in the United States treat Nixon and his promises.

Mr. President, just the fact that the amendment was introduced led the enemy press to state that "the great majority of Senators" believed the President would not keep his word. President Nixon has of course kept his word, and only a very few, if any, Senators ever doubted that his word would be kept.

Further, in commenting on the defeat of an amendment offered by the distinguished Senator from West Virginia (Mr. BYRD), the article said:

> The recent Senate vote against Nixon was essentially a non-confidence vote which, in any other country in Western Europe, would have forced the head of government to resign.

This certainly is indicative of how little of what we do here is understood by the enemy. It reflects a complete lack of understanding of how our Government operates. These misjudgments and ignorance on the part of the enemy would be amusing if they dealt with less serious areas. But there is nothing amusing about an enemy, sworn to aggression, that is grossly mistaken about the resolve of the United States. To make it clear to the enemy that the U.S. Senate does support the actions of American troops committed to battle, and the President of the United States, I strongly urge defeat of the amendment.

EXHIBIT 1

FAILURE OF BYRD AMENDMENT SEEN AS DEFEAT FOR NIXON

HANOI, VIETMAN, June 14—The Hanoi daily Nhan Dan titled "A Major Defeat for Nixon at the U.S. Senate" its commentary today on the U.S. Senate vote of June 11 rejecting the amendment by Sen. Robert Byrd, Democrat-West Virginia, to authorize the President to commit U.S. troops to Cambodia after June 30 Nhan Dan quoted AFP and AP as saying that this was seen by observers as a "major defeat for the Nixon administration," a "key victory" of the "Senate's anti-war bloc."

The paper pointed out that the "credibility gap" which had developed sharply under the Johnson administration has been greatly aggravated since the United States recklessly committed armed aggression against Cambodia and expanded the war to the whole Indochina. The Cooper-Church amendment submitted to the Senate shows to what extent the distrust in the U.S. President has reached right in the highest legislation organ of the United States. By virtue of the Cooper-Church amendment, all the expenditures for U.S. troops in Cambodia including funds reserved for U.S. military advisors commanding Saigon puppet troops and other mercenaries there will be cut.

The paper went on: "The fact that the Cooper-Church amendment, put forth just after Nixon had solemnly promised to the whole nation to withdraw all U.S. troops from Cambodia before July 1, also proved how slightly the great majority of the Senators including many 'hawks' and public opinion in the United States treat Nixon and his promises."

After recalling the failures of Nixon's moves to oppose the Cooper-Church amendment such as sending "fact finding missions" to Indochina in an attempt to fool the American Congress and people with imaginary military victories and wirepulling his yes-men to submit "counteramendments" to alter the amendment sponsored by Cooper and Church, the paper said: The rejection of the Nixon-backed Byrd amendment on June 11 constituted another blow to the already waning power of Nixon in the eyes of the American people and the U.S. Congress.

Nixon is facing mounting opposition from the American people and Congress and even within his administration. Contradictions have been such that the Senate had used its constitutional powers to stop the President's actions. While the latter resorts to every imaginable trick to oppose the Senate, as Western opinion has rightly remarked, the recent Senate vote against Nixon was essentially a non-confidence vote which, in any other country in Western Europe, would have forced the head of government to resign.

It has also been reported that Nixon is preparing to send another "fact-finding mission" to Indochina purposely [as received] to cook up a report that would completely fit it to his desire. His yes-men have already made ready half a dozen "counter-amendments" to be submitted to the Senate.

All these maneuvers, however, can never fill the "credibility gap" that is widening between the Nixon administration and the American people.

Nhan Dan went on: "As for the Indochinese peoples, from the 'constitutional crisis' which is taking place in the United States, they have drawn these two conclusions: First, Nixon still clings to his plan to carry on the armed invasion against Cambodia and expand the war to the whole Indochina, even with U.S. infantry. Secondly, the more obdurately they pursue the war of aggression, the more critical the situation in Indochina and right in the United States will become and they are sure to land in incalculable difficulties."

The balance of forces is obviously in favour of the Indochinese peoples, both militarily and politically.

"We will fight till complete victory," the paper stressed in conclusion.

Mr. DOLE. Mr. President, I yield 1 minute to the Senator from South Carolina.

The VICE PRESIDENT. The Senator from South Carolina is recognized for 1 minute.

Mr. THURMOND. Mr. President, I rise in opposition to the Cooper-Church amendment.

Passage of the Cooper-Church Amendment today by the U.S. Senate would be a blow to the struggle of free men in Cambodia who are being murdered daily by Communist forces from North Vietnam. Its effect could bring down the new government of Cambodia. This would be followed by the positioning of Communist forces along the borders of South Vietnam and Thailand which adjoin Cambodia. While many Americans feel this amendment would merely prevent the further introduction of U.S. troops into Cambodia it goes much further in that it also prohibits U.S. help to any other country in Asia which is willing to come to the aid of Cambodia. Thus the Senate would be waving the white flag of surrender over Cambodia under the cloak of reassuming the warmaking powers of the Congress. While it is my belief the House of Representatives will never accept this amendment, the psychological effect will be a repudiation of the Nixon doctrine which called upon our Asian allies to stand together in their own defense: I favor giving arms and other necessary aid to those Asian countries under attack by Communist forces as the surest means of permitting the reduction of U.S. military personnel in this area. At the same time such a policy would enable the soldiers of Asia to possess the means to successfully defend their own soil from Communist attacks. The passage of this amendment will also shake our allies in Asia and likely weaken their resolve to stand up to Communist forces. In this respect it is dangerous and could possibly be disastrous. The Senate would in effect be casting Cambodia into the jaws of Communist expansion and, if engulfed, South Vietnam and Thailand could follow.

Mr. MANSFIELD. Mr. President, I yield 2 minutes to the Senator from West Virginia.

The VICE PRESIDENT. The Senator from West Virginia is recognized for 2 minutes.

Mr. BYRD of West Virginia. Mr. President, previously, I expressed my opposition to the Cooper-Church amendment because I felt that the first paragraph would convey a message to the extent that the President of the United States was not to be allowed to exercise his powers under the Constitution as Commander in Chief in order to protect American forces stationed in South Vietnam.

I also expressed at that time my support of paragraphs 2, 3, and 4 of the Cooper-Church language believing, as I did, and as I do now, that they are calculated to prevent our entering into a new commitment or getting involved in a new war.

Mr. President, with the acceptance of the Mansfield amendment, together with acceptance of the Byrd-Griffin amendment, I believe it has now been made clear that the President, acting as Commander in Chief under the Constiution, not only possesses the constitutional power to protect the lives of American forces wherever deployed, which includes South Vietnam, but also that he may exercise that power in an emergency situation to protect those troops without being forced, if it is impracticable to do so, to consult the Congress first.

Accordingly, I believe, now that this weakness, has been cured, I can and will support the Church-Cooper language as amended. I would urge Senators to do likewise.

Mr. President, I have also previously indicated my belief that if the Church-Cooper language as originally written were passed by the Senate, the House would not accept it.

I trust, now that the language has been amended as originally described, that the House will accept this language.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I yield 1 minute to the Senator from West Virginia.

The VICE PRESIDENT. The Senator from West Virginia is recognized for 1 additional minute.

Mr. BYRD of West Virginia. Mr. President, I believe that the Senate has performed a service to the country by this extended debate, because it clearly indicates that Congress intends to share the war powers under the Constitution while at the same time we recognize the powers of the President as Commander in Chief. In summation, we convey a clear message to our own people, our own troops, and the enemy that our troops will be protected, but that the prior approval of Congress will be necessary before our Nation can be committed to any new land war in Southeast Asia—thus avoiding our becoming bogged down in new Vietnams.

Mr. DOLE. Mr. President, I yield 1 minute to the Senator from Alaska.

The VICE PRESIDENT. The Senator from Alaska is recognized for 1 minute.

Mr. STEVENS. Mr. President, at the beginning of the debate, I had an exchange with the senior Senator from Missouri (Mr. SYMINGTON) in which I asked that this measure be delayed until the President had had an opportunity to keep his commitments to the country. I think that President Nixon has kept his commitments.

This is not an attempt to limit President Nixon's authority over our ground troops. Secretary Rogers has said our combat ground troops will not move back to Cambodia.

This is the first step toward reasserting the role of the Senate as an equal partner in foreign affairs.

I shall vote for the amendment.

Mr. DOLE. Mr. President, I yield 1 minute to the Senator from Mississippi.

The VICE PRESIDENT. The Senator from Mississippi is recognized for 1 minute.

Mr. STENNIS. Mr. President, the pending amendment has been greatly watered down. The main clause remaining in the amendment pertains to retaining U.S. forces in Cambodia. The American forces are already out of Cambodia. So, that section goes out—at least it has no meaning now.

However, there remains one message in the amendment. That is the message to our enemies, our adversaries in war; that message is the President is restricted. I feel, and I know, that this message will go home to them.

I believe the day will come when we will know positively that this amendment imperils the success of the withdrawal of our forces.

I am strongly opposed to it on that ground as well as on the ground that it is an attempt to restrict the President after the battlelines have already been drawn and the war has been going on for years.

Mr. DOLE. Mr. President, I yield 1 minute to the Senator from Pennsylvania.

The VICE PRESIDENT. The Senator from Pennsylvania is recognized for 1 minute.

Mr. SCOTT. Mr. President, the Senator from Michigan (Mr. GRIFFIN) and I both had the opinion last night that if we were able to have the Griffin amendment adopted, it would be acceptable to us and we would vote for the Cooper-Church amendment as thus amended.

I regard the 7 weeks that have been spent here as having been largely a wasted effort. I regret it very much, because we were unable to persuade Senators of the importance of not impinging on the essential powers of the President.

I could not under those circumstances support the amendment.

We have tried very hard for an accommodation, and everyone has participated in the effort.

I think it will be necessary now to vote against the Cooper-Church amendment in view of the fact that, as the Senator from Wyoming (Mr. McGEE) so well pointed out, we ought to be considering ways by which we can work in accord with the President instead of sending him flaming messages asserting of our conceived prerogatives.

Mr. President, we have better work to do. We should work with the President and find means by which to do it.

The Senate is entitled to be heard and should be heard, but within the framework of its responsibilities.

Mr. DOLE. Mr. President, I yield 1 minute to the Senator from California.

The VICE PRESIDENT. The Senator from California is recognized for 1 minute.

Mr. MURPHY. Mr. President, I shall not delay the Senate. I have listened carefully to the debate. The purpose is clear. However, the purpose is no longer necessary because all the American forces are now out of Cambodia. I see nothing productive to be accomplished by agreeing to the amendment.

I would find it particularly difficult to explain the action of the Senate to any of our troops that are now in Southeast Asia.

Mr. President, I shall oppose the amendment.

Mr. JACKSON. Mr. President, I am pleased that the exhaustive, if not exhausting, record of debate on the Cooper-Church amendment has clarified its meaning and intent to a substantial degree. In particular, I am pleased that my amendment to section 4 received such substantial support for I believe that it has the effect of sharpening the nature of the prohibition on the use of U.S. airpower in Cambodia. It serves to embody the intent of a majority of the Senate, with which I am in complete accord, which is to prevent us from getting bogged down in Cambodia, while enabling us to defend American and allied troops in Southeast Asia.

I should have preferred further clarification of the precise wording of section 3 as well. Nevertheless, I believe that discussion on the floor, especially remarks by Senators COOPER and CHURCH, has served to focus the point of the prohibition on the raising of mercenary forces. It is meant to prohibit, as many Senators pointed out, the recruitment of highly paid mercenary forces, while allowing U.S. aid to countries in Southeast

Asia who wish to field troops of their own to provide for collective regional defense. This distinction is of profound importance. It would have been better had it been contained within the amendment itself, but I trust that the legislative history with respect to this distinction will inform the Senate-House conferees as they consider the Cooper-Church amendment.

The heart of the Cooper-Church amendment, as I understand it, is the primary clause, section 1. I am hopeful that all Members of the Senate will, in coming months, refrain from going beyond the intent of the other sections, as manifested in amendments and the legislative history, in order to calm the rhetoric that has proved so divisive and so inimical to prudent policymaking.

I shall vote in favor of the Cooper-Church amendment.

Mr. DOLE. Mr. President, I yield 1 minute to the Senator from Texas.

The VICE PRESIDENT. The Senator from Texas is recognized for 1 minute.

Mr. TOWER. Mr. President, I have no illusion about what the outcome of the vote will be.

I think it is too bad that we take the unprecedented step of trying to tie the hands of the President of the United States at a time when he is trying to extricate us honorably from our wartime involvement.

I think that the United States will live to rue the day when the Senate took this act to encroach on the powers of the President granted him by the Constitution.

XUM

The VICE PRESIDENT. The Chair wishes to advise the occupants of the galleries that under the rules of the Senate manifestations of approval or disapproval are strictly prohibited.

The question is on agreeing to the pending committee amendment, as amended.

The yeas and nays have not been ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG (when his name was called). On this vote I have a pair with the junior Senator from Wisconsin (Mr. Nelson). If he were present and voting he would vote "yea." If I were permitted to vote I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. Dodd), the Senator from Wisconsin (Mr. Nelson) and the Senator from Georgia (Mr. Russell) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. Russell) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness and, if present and voting, would vote "nay."

The result was announced—yeas 58, nays 37, as follows:

[No. 195 Leg.]

YEAS—58

Aiken
Anderson
Bayh
Bible
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Church
Cooper
Cranston
Dole
Eagleton
Fulbright
Goodell
Gore
Gravel
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Magnuson
Mansfield
Mathias
McCarthy
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Smith, Ill.
Spong
Stevens
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—37

Allen
Allott
Baker
Bellmon
Bennett
Boggs
Byrd, Va.
Cook
Cotton
Curtis
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Holland
Hruska
Jordan, Idaho
McClellan
McGee
Miller
Murphy
Prouty
Scott
Smith, Maine
Sparkman
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Long, against.

NOT VOTING—4

Dodd
Mundt
Nelson
Russell

So the committee amendment, as amended, was agreed to.

Mr. CHURCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FULBRIGHT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATOR RANDOLPH SUPPORTS COOPER-CHURCH AMENDMENT

Mr. RANDOLPH. Mr. President, I spoke in this body on May 6 concerning my misgivings over the decision by the President to send U.S. troops into Cambodia. I expressed reservations about the Cambodian action. I said:

> In the interest of our country and world peace, I hope future events and results of the President's orders approving the military venture into Cambodia will prove me wrong. It is my view, however, that the sending of U.S. troops into Cambodia presents a real danger of our active involvement in a conflict expanded beyond Vietnam into an Indochina war with severe economic and human consequences.

In my mind, this grave danger still exists, at least in part, despite the fact that all American troops reportedly have now departed Cambodia.

As Senators know, the congressional response to the action in Cambodia has been an acceleration of efforts to reassert the role of the legislative branch in the foreign policy decisionmaking process and, more specifically, in the formulation of our program to scale down the conflict in Vietnam and effect our disengagement from armed combat in Southeast Asia. The initial effort for achieving this objective was the proposal sponsored successfully by the Senator from Kentucky (Mr. Cooper) and the Senator from Idaho (Mr. Church). Based on the history of our involvement in Vietnam, I felt it was entirely correct for the Senate to address itself to measures asserting the right of the Congress to share in the making of policy under which our Nation is to become involved in another country in Southeast Asia.

The Cooper-Church doctrine, as amended, is not a measure to "tie the hands of the President," as some critics have contended. Rather, it is saying to the President that we understand the realities of the present situation in Vietnam—and we understand the efforts to bring an end to the conflict in Vietnam—but we in the Congress, in discharging our responsibilities, have an obligation to express our convictions and to effect measures to guide the conduct of our future involvement in Cambodia, if any. This, in a sense, is what the Senate is doing in the Cooper-Church amendment. We do not tie the hands of the President. He has constitutional powers which have been recognized and emphasized over and over during debate on the issue. We are asserting, however, that the Congress must become more involved in deciding future actions in Southeast Asia.

Let there be no doubt that in future American military actions in Cambodia, we understand the direct responsibility we would assume, should the Cooper-Church amendment become law. Through enactment of it, Congress would be placed in a better position to discharge its obligations.

The effect of the Cooper-Church proposal has been too much misunderstood. It was clearly stated in debate that the amendment would not prohibit such actions as these: retaliatory measures in response to enemy attacks originating from Cambodia; the use of so-called hot pursuit into Cambodia of enemy forces attacking U.S. troops; and the entry of our troops into Cambodia to prevent an imminent or immediate enemy attack. More importantly, the Cooper-Church provisions do not prevent the use of U.S. airpower in bombing sanctuary areas.

It has been stated on many occasions that the Cooper-Church provisions, as amended, would prevent the President from protecting American troops in the field. The belief that under it the President would be unable to provide needed protection for our Armed Forces has become fixed in the thinking of many people throughout our Nation. I find this regrettable. There is no Member of this body or the Congress who does not desire to insure the protection of our American fighting men.

Although the constitutional authority of the President—which I have discussed—was clearly defined during debate, we wrote into the Cooper-Church amendment a better understanding of this authority through amendments sponsored by the distinguished majority leader (Mr. MANSFIELD) and my able colleague from West Virginia (Mr. BYRD). In this regard, I wish to commend the Senator from West Virginia (Mr. BYRD) for his searching and penetrating efforts to insure that there is no misunderstanding of the President's authority.

The second proposal by the Senator from West Virginia (Mr. BYRD), which I strongly supported, emphasized, and explicitly recognized the constitutional authority of the President to protect American forces wherever deployed and is a constructive refinement to the Cooper-Church measure.

I am firmly convinced that the Cooper-Church provisions, as amended, will not preclude the President from taking necessary measures to insure the safety of our forces. But except in emergency situations or circumstances of an immediate nature the measure as passed by the Senate will require congressional approval of the entry of U.S. forces into Cambodia.

The amendment outlines the future action that the President might take in Cambodia in the name of either protecting our forces in Vietnam or expediting their withdrawal from that country. The President will have to act within the limits of his constitutional power as Commander in Chief, not under any claimed authority of a congressional waiver.

The Cooper-Church amendment prohibits use of funds, without congressional approval, to retain American troops in Cambodia after July 1.

The amendment will prevent involvement by U.S. personnel, military or civilian, in combat activities with, or in rendering advisory services to, Cambodian forces.

The amendment will prohibit the use of U.S. funds for hiring third country mercenaries to fight in Cambodia, or for engaging in those other activities in behalf of the Cambodian Government which our country's personnel are prohibited from doing directly.

I emphasize that the basic objective of the Cooper-Church amendment is to prevent the United States from becoming involved in a war in Cambodia, or from becoming tied to the defense of the new Cambodian Government without the approval of Congress.

Mr. President, I supported the Cooper-Church proposal and some amendments thereto. I believe that it is an essential element in our efforts to prevent a further escalation of American military activities and those of other countries in Southeast Asia. It is my conviction that this proposal will not do violence to our efforts to aid the Vietnamese people in assuming their own defense. It will not preclude the actions which must be taken by the President to continue to disengage from the conflict in Vietnam.

The VICE PRESIDENT. The Senator from Alaska is recognized.

Mr. MAGNUSON. Mr. President, may we have order?

The VICE PRESIDENT. The Senate will be in order. Senators will be seated. The Senate will be in order.

AMENDMENT NO. 720

Mr. STEVENS. Mr. President, I call up my amendment No. 720, which is an amendment cosponsored by all Members of this body from the Pacific Northwest.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. Mr. STEVENS, on behalf of himself and Senators GRAVEL, MAGNUSON, JACKSON, MANSFIELD, PACKWOOD, and HATFIELD, proposes an amendment as follows:

At the end of the bill insert the following:

"SEC. 15

"PROHIBITION OF ASSISTANCE TO THE REPUBLIC OF KOREA

"SEC. 48. No funds authorized or appropriated pursuant to this Act or any other law may be expended for the purpose of providing assistance of any type to the Republic of Korea unless the President determines that no nationals of the Republic of Korea are fishing salmon east of the line 175 degrees West Longitude."

The VICE PRESIDENT. How much time does the Senator yield himself?

Mr. STEVENS. Mr. President, I yield myself 10 minutes.

The VICE PRESIDENT. The Senator is recognized for 10 minutes. The time of 1 hour is to be equally divided between the Senator from Alaska and the Senator from Washington.

Mr. STEVENS. Mr. President, we shall not take that much time.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, this amendment refers to the question of the presence of Korean fishing vessels manned by Korean nationals in the waters east of the line drawn in the International Pacific Fisheries Convention. These vessels manned by these Korean nationals have not been licensed by Korea to fish for salmon in the waters east of the 175th meridian.

I wish to commend the leadership of the senior Senator from Washington who has taken the initiative to secure an agreement from the Koreans that they would not license their fishermen to fish east of that line and we understood that they would cooperate to see that it was not done. We have had a series of meetings and determined that the Korean nationals did come within this area known generally as the Bristol Bay salmon fisheries area. This is an area which is very important to the fishermen from the Pacific Northwest. A great many Alaskans are involved. There are a great many more fishermen from Oregon and Washington involved in these fisheries.

The amendment would deny the assistance we give to Korea until the President finds that the Republic of Korea nationals have in fact gone back west of that line.

We were advised, at a hearing called by the senior Senator from Washington, that the Korean nationals had in fact determined to return to their own waters and not to fish in the area east of that line. Only yesterday I was informed that the Korean fishing vessels, having picked up their gear and moved on, were in fact fishing as they continued toward the line. They have not kept the second commitment made to us, that they would in fact leave that area.

I had a conversation with Ambassador McKernan, who is with our State Department, and who is involved in our fishing problems. He had suggested that we not call up this amendment because he had been advised the Koreans would leave the area, and he had talked with the Korean Embassy about it. We were advised that the Korean nationals had left the area. Last night, at about 4 o'clock Juneau time, the Coast Guard had in fact sighted fishing vessels which were still there.

I have the report of the Coast Guard before me, to the effect that there were 3 to 4 tons of salmon on the deck of the tanker *Tae Yang* 112, and another vessel in the area. They had loaded at that time 9 to 10 tons of salmon aboard a factory ship. Others were processing fresh salmon.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. PASTORE. Are we talking about military aid to South Korea?

Mr. STEVENS. We certainly are.

Mr. PASTORE. Are not the South Koreans fighting with us in South Vietnam? Is this not a rather dangerous way of doing this?

Mr. STEVENS. I think the way they have been treating our fisheries is dangerous, when they gave a commitment that they would not license their fishermen to fish on the high seas east of that line and they are in fact there. These are nothing more than fish pirates. Their own country has asked them to leave. We have understood that they were leaving. We give them much military aid, and by virtue of that military aid they are able to finance shipping which far exceeds that of the fishermen of the Pacific Northwest.

Mr. PASTORE. I am not questioning the argument that they are violating the agreement and that something should be done about it, but, for goodness sake, let us not cut off our nose to spite our face. We have South Koreans fighting in South Vietnam side by side with Americans. Are we going to say to them, "We are not going to give you bullets with which to fight"?

Mr. STEVENS. I think we should say to them that we are not going to support their economy and give them military assistance so long as they violate their commitment.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. GRAVEL. I think what has happened is that they could withdraw their troops from South Vietnam and we could withdraw our troops from Vietnam and we would have about the same number of troops in the right places.

Mr. PASTORE. When the Senator does that, I will vote for his proposal, but do that first.

Mr. STEVENS. Mr. President, if I may continue—I wish the Senator from Rhode Island would listen to this——

Mr. PASTORE. I am listening.

Mr. STEVENS. We have been informed, through Ambassador McKernan,

XUM

that the South Korean Government has ordered the boats withdrawn, but the Coast Guard advises us they have not left the area and are still fishing for our salmon. I think this bill means a great deal to the Republic of Korea. I think our aid means a great deal to the Republic of Korea. But that salmon means a great deal to our Pacific Northwest, and the Koreans do not have our fishing conservation practices and escapement practices. They are going to destroy the best salmon fisheries in North America, which salmon comes from our rivers.

Mr. PASTORE. If the Senator wrote that into law, I would support it. I know what the problem is.

Mr. STEVENS. That is what this amendment does. Let me read it to the Senator:

> No funds authorized or appropriated pursuant to this Act or any other law may be expended for the purpose of providing assistance of any type to the Republic of Korea unless the President determines that no nationals of the Republic of Korea are fishing salmon east of the line 175 degrees West Longitude.

Mr. PASTORE. That is not what I mean. We ought to get a consensus of the Senate that South Korea is in violation of the agreement and that they ought to stop it, not that we are going to punish them by denying them military aid, when they are in a country fighting in a war where Americans are dying. The Senator is talking about fish. I think we ought to talk about human beings. Let us put some value on them, too.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

XUM

Mr. GRAVEL. In dealing with allies, there has to be a certain honesty. The senior Senator from Alaska has downplayed the point which was evidenced in the hearings held by the Senator from Washington. We are not talking about a private company; we are talking about a calculated act of Government, in violation of the agreement and understanding that we have had with South Korea. If we cannot trust our allies in a simple matter of fishing, we ought to reevaluate our agreements with them in much greater matters.

Incidentally, the boats being used for the fishing are boats received under reparations. So our Government financed those vessels.

Last year they made protestations that they would not fish in this area and that they would stop the Government from fishing in the area. Then a corporation was formed, a number of the executives in fisheries left the Government and went into the operation of the private company, and went right back to the fishing grounds, after they had made statements to our Government that they would not do so. They say, "My gosh, we are so sorry. Those are private people. We did not license them. They left our Government." They went on the high seas, after picking up gear, which was obviously a ruse, came back with fish, not to their own ports, but loaded them and shipped the fish to Japan. If that is not a hoax, I do not know what one is.

Mr. PASTORE. I sympathize with the Senator. I do not like the cloth that the South Koreans are exporting in their textiles to the United States, but we are talking about the severity of punishment as against the crime committed, and I think the Senator is going too far. I think this violation ought to be stopped, it ought to be negotiated; but I would never dare, much as I would like to stop them from sending their textiles into this country——

Mr. MAGNUSON. Mr. President, I think we have talked too much——

Mr. PASTORE. The Senator does not want me to talk. I will sit down.

Mr. MAGNUSON, Oh, no.

Mr. PASTORE. Then do not stop me in the middle. Stop me before I get going.

Mr. MAGNUSON. I did not yield to the Senator.

Mr. PASTORE. If the Senator wants me to stop, let him say so.

Mr. MAGNUSON. I do not have the floor.

Mr. PASTORE. Who has the floor?

Mr. STEVENS. I have the floor.

Mr. PASTORE. Do I have the Senator's permission to continue?

Mr. STEVENS. Yes.

Mr. PASTORE. I am glad to have that understanding.

Mr. President, all I am saying is we are going too far. As much as I do not like the export of textiles into this country, I would not dare suggest saying to them, "Unless you stop exporting textiles in this country, you will not get military aid." That is going too far, because they are fighting side by side with our men in South Vietnam. If we are going to take care of this situation, let us do it in some other way, because we will be cutting off our nose to spite our face.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. GRAVEL. What are we fighting for? Part of our northwestern self-interests that we hope we are fighting for happens to be our fisheries. We happen to have a great interest in certain types of fish because they come from our rivers. If in the course of fighting, we lose sight of what we are fighting for, and at the end we say we are friends, but we have lost our fisheries, we have really defeated our own self-interest.

Mr. PASTORE. But not until the boys come back from South Vietnam.

Mr. MAGNUSON. Mr. President, will the Senator yield to me on my own time?

The VICE PRESIDENT. The Senator from Alaska has the floor.

Mr. MAGNUSON. I have time of my own.

The VICE PRESIDENT. How much time does the Senator from Washington yield himself?

Mr. MAGNUSON. I do not want to get into a discussion with my friend from Rhode Island. If he knows a better way to get at this matter and this continuing violation, I will be glad to accept it.

This is no different than what we did in Peru. We were quick to act down there in Peru. We did say we would take away from the aid to Peru the amount of money that we lost in the oil, when they took over the refineries, and then the fish. Maybe we ought to put an amendment up here that we just reduce our aid to South Korea—and this is South Korean aid——

Mr. PASTORE. Yes.

Mr. MAGNUSON. By the value of the fish they take—with treble damages, of course, in this case—and distribute it to our fishermen who are losing the fish. We do not know what else we can do. We have talked and talked with these people. The South Korean Ambassador, Mr. Kim—and I am not criticizing him—keeps reiterating that they are not going to do this, and this is an agreement between the governments, and then every year we wake up and this happens.

I will say to my friend from Rhode Island, as long as he wants to play the straight man in this act, that they are fishing with boats that we gave them also. That is insult upon injury.

Mr. PASTORE. Will the Senator yield?

Mr. MAGNUSON. Wait just a minute. Second, we sent people over there after the Korean war to teach them how to fish. How long are we going to keep this up?

I support the textile proposal. I think we have taken some drastic measures there.

Mr. PASTORE. Oh, no, we have not.

Mr. MAGNUSON. But you finally got a voluntary agreement for part of it.

We do not know what else to do. The Japanese, Canada, and the United States have a treaty. They respect each other's Asian fish and North American fish. The Koreans are not a party to the treaty.

I will tell the Senator another thing that is going to happen, if we do not do something. The Communist Chinese are embarked upon building a fishing fleet, and a good one. They are not in the treaty. If we allow the Koreans to stand up there—the Russians are almost a party to this; they are not a signatory, but they abide by it. They let the Japanese take a certain quota every year.

But we might as well just throw it all away and say goodbye to it. We are not going to let that happen. I do not want to see the textile industry hurt, either, but we get a little bit tired of this. Sure, this is drastic; but what else are we going to do. We have given South Korea $80 billion already; there ought to be a little honesty, as I pointed out, and in reciprocity in this matter.

Mr. FULBRIGHT. Eight, not 80.

Mr. MAGNUSON. Eight billion dollars; and $80 million is in this bill. That is what I meant.

Mr. PASTORE. See how easily we can exaggerate?

Mr. MAGNUSON. Yes. I do not think I have any monopoly on that, either.

Mr. PASTORE. Mr. President, I do not mean it that way. I understand, but I say the Senator is missing the point completely. I think he has a good case, and I favor it.

Mr. MAGNUSON. All right. What does the Senator suggest we do?

Mr. PASTORE. I suggest the Senator write something admonishing them, and that we expect the President to negotiate an agreement to bring this to a stop.

All I am talking about is that we have South Koreans fighting side by side with Americans in South Vietnam today; and if we take away the military aid, it makes them bare so far as fighting ability is concerned.

I suggest the Senator is going about it the wrong way. This is not the place to do this, unless we just write something in there saying we are tired of this dilly-dallying, and these violations, and we expect the administration and the State Department to bring about an agreement to stop these violations. I would vote for that.

Mr. GRAVEL. Mr. President, if the Senator will yield at that point——

Mr. MAGNUSON. If that would work.

Mr. PASTORE. Let us try it.

Mr. MAGNUSON. It has been tried.

Mr. PASTORE. No; I never heard of it before.

Mr. GRAVEL. It has been tried repeatedly, and we have been treated duplicitously.

As far as equating this with our defense, I think Senators must recognize that they are fighting for their interests in South Vietnam at least as much as we are fighting for ours.

Mr. MAGNUSON. And they are mercenaries. We pay them. But I do not know what else we can do. Maybe this admonition might be helpful, but it has not helped so far, and I do not think for 1 minute—if the management will take this amendment in the bill, I will guarantee that fishing will stop up there by midnight.

Mr. GRAVEL. And, of course, Mr. President——

Mr. MAGNUSON. That is, midnight Alaska time, about an hour from now.

The VICE PRESIDENT. The Senator has only a half hour of time altogether.

Mr. GRAVEL. Does the Senator from Washington yield back his time?

Mr. MAGNUSON. Yes, I yield such time as I have, but I have a little more to say.

The Ambassador keeps saying this is the same as what happened in Peru. We restrict our own people; we will not allow them to fish for salmon on the high seas; we have a tough treaty in the North Pacific, which even Russia, though not a party, adheres to. They told us over and over again—we held hearings in the Commerce Committee, because fishing is within our jurisdiction—the Ambassadors, we met with them I do not know how many times. He cabled his government, and I think maybe the textile people are going to have to take some drastic action, too.

I do not want to fool around with this as long as we fooled around with textiles. I want to get something done, and we do not know of any other way. It is a drastic action, true; it is not one I particularly like. But I will guarantee the Senate that they will quit as soon as we adopt this amendment.

We might have an amendment to deduct a certain amount; I do not know about that.

How much time do I have remaining?

The VICE PRESIDENT. Who yields time?

Mr. GRAVEL. Mr. President, will the Senator yield to me?

Mr. MAGNUSON. I yield.

Mr. GRAVEL. I would just like to state——

The VICE PRESIDENT. Before the Senator continues, as far as the Chair is concerned, the time is 1 hour on this amendment, 30 minutes to a side. The Senator from Washington has 23 minutes remaining.

Mr. MAGNUSON. I yield such time as he may require to the Senator from Alaska.

Mr. BYRD of West Virginia. Mr. President, under whose control is the time?

The VICE PRESIDENT. The time is to be controlled, under the general agreement, by the mover of the amendment and the majority leader, or his designee, on the other side.

The Chair assumes the Senator from Washington is the designee of the majority leader.

Who yields time?

Mr. GRAVEL. Mr. President, I yield 5 minutes to the Senator from Ohio.

The VICE PRESIDENT. The Senator from Ohio is recognized for 5 minutes.

Mr. SAXBE. Mr. President, I have listened with a great deal of interest to this discussion about the fishing. I do not believe that I can support this type of amendment, but I have great sympathy for it, because it is the same thing that I have been raising and others have been raising about the indifference of our State Department, or the bureaucracy that seems to exist with regard to our domestic industries.

At the present time, the fishery situation as described by the Senator from Alaska is a great deal simliar to the beef situation about which I talked last week, and the imported meat, where we seem completely indifferent to the fact that packing houses are closing up one after another, not because of sanitary requirements, but by arbitrary rules as to room size, the size of water pipes, and other such items, while at the same time we are permitting vast quantities of imported meats to come into our country that are not inspected.

There are, I understand, a total of 15 Federal inspectors for all of our imported meat, and they can kill a beef under a tree in New Zealand or Argentina and bring it in here, while we are putting packers out of business who do comply with sanitary standards, but, because of some construction problem, do not meet arbitrary standards that have been set.

Mr. STEVENS. Mr. President, will the Senator yield at that point?

Mr. SAXBE. None of us are interested in permitting tainted beef or any other tainted meat to be sold, but I submit that the beef problem, the steel problem with which most of us are familiar, such as we have in the State of Ohio, where we permit anyone to ship steel into the United States while at the same time that country will not permit us even to unload a shipful of steel in their harbor. It is not a tariff. It is trade rules and tax rebates.

Ohio is one of the big machine tool producers. We are undercut constantly, not because we cannot compete, but because we do not get a chance to compete.

The roller bearing companies of Ohio have a worldwide recognition. They are being priced out of our own country, not because they cannot compete, but because of dumping. We have no concern for this. It sometimes makes me wonder whose side the Government is on with regard to this. In textiles, in shoes, in steel, in meat—in all these things we have to take an attitude such as the Senator from Alaska is proposing—a hard attitude.

We ship a shipload of steel to France, and before we ever get a chance to unload it, we have to tell them what we are going to price it at. We have to show a domestic invoice plus freight, or they will say, "Do not unload it."

A Toyota automobile sells here for $1,800. You could not ship a Chevrolet to Japan if you gave it to them.

This is something we will have to recognize. In trying to help the entire world, we have laid open our markets, so that it is costing our people their jobs and their investments, and we are completely indifferent. We say that we want to help this country and we want to help that country.

Our friends in South Korea are one of many who are taking advantage of situations that we have helped them develop. I do not think this is the way to get at it. I think this is an around-the-barn type of approach.

But I do want to express my sympathy and hope that from this discussion and other discussions we will put some backbone into our Commerce Department and into our State Department, in recognizing that jobs, investment, and the whole business structure of our country is being priced out of world trade, not by tariffs—everybody says we do not want a tariff war—but because we are not permitted to compete in the countries that ship freely into this country.

A man from the Japanese Embassy who was in my office not over 3 weeks ago said, "We are going to exceed the gross national product of the United States in 10 years." How are they going to do this? Simply by denying us the markets and reducing the ability of the people of this country to compete.

Mr. STEVENS. Mr. President, I do not believe the Senator from Ohio and the Senator from Rhode Island grasp the problem I have tried to state. This is a conservation problem. We do not permit our own fishing vessels to fish on the high seas. We are not talking about imports; we are not talking about competition. We are talking about conservation of a resource that belongs to this continent. Unless we do something, these people will not stop what they are doing, which is destroying the greatest fishing left on the North American Continent.

I agree that this amendment is drastic. Perhaps we can limit it to economic aid, as my colleague from Alaska has said. But at least let us tell them, "Stop destroying our resource"; and I think we have the power to do it. The power of the purse is the strongest power I know.

Mr. PASTORE. It is a horse of a different color if we get into limiting economic aid. I do not think that should be done, either. But I agree with the Senator from Ohio. I have made the speech he has made a hundred times on the floor of the Senate. We ought to stop

XUM

being Santa Claus, because I think that, step, by step, they are killing the goose that laid the golden egg.

Just a week ago, I said on the floor of the Senate that there is not a nation in the whole free world that does not have a limitation against American goods.

As the Senator has said, we cannot ship an automobile into Japan. We cannot ship a camera into Japan. But look at what they are doing to us. The imbalance in payments between us and Japan is $1.5 billion in their favor. Here we are—we are met with a deficit in our balance of payments of over $7 billion, and something must be done in order to stabilize the American dollar. I agree with all this. I am saying that the punishment they are meting out under the circumstances is going to hurt us more than the good it will do.

I hope the Senators will give this serious consideration, because I think they will then gain many friends. I think that the Senators have a meritorious complaint and something has to be done about it. But do not take the guns away from the South Koreans, who are fighting alongside the Americans in Vietnam. That is what will be done if military aid is taken away.

Mr. MAGNUSON. Mr. President, there is no intention to take military aid away, and it will not happen.

Mr. PASTORE. I ask that question.

Mr. MAGNUSON. They are being paid. We are only talking about South Korea. This is not an import. This is a stealing of a resource; that is what it amounts to.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. GRAVEL. Mr. President, I think we have worked out a compromise, realizing the wisdom of the Senator from Rhode Island about how drastic the prior move may have been.

With the permission of Senator Stevens, we would like to modify the language to read as follows:

> No funds authorized or appropriated—

And strike the next two lines and insert:

> for economic aid to the Republic of Korea may be expended unless the President first determines that no nationals of the Republic of Korea are fishing salmon east of the line 175 degrees West Longitude.

Mr. STEVENS. Does the Senator ask unanimous consent that that be substituted for my amendment?

Mr. GRAVEL. That we modify the amendment, not substitute.

The VICE PRESIDENT. Does the Senator wish to modify his amendment?

Mr. STEVENS. I am pleased to modify my amendment in that respect, and I ask unanimous consent for that purpose.

The VICE PRESIDENT. The amendment is so modified.

The amendment of Mr. Stevens, as modified, is as follows:

> At the end of the bill insert the following:
> "Sec. 15. —
>
> "PROHIBITION OF ASSISTANCE TO THE REPUBLIC OF KOREA
>
> "Sec. 48. No funds authorized or appropriated for economic aid to the Republic of Korea may be expended unless the President first determines that no nationals of the Republic of Korea are fishing salmon east of the line 175 degrees West Longitude."

Mr. STEVENS. Mr. President, I ask unanimous consent to have various material in connection with this matter printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Opening Statement by Senator Warren G. Magnuson for Meeting To Discuss Problems Associated With the South Korean Fishery for Salmon and Other Species in the North Pacific, March 11, 1970

Yesterday several of my colleagues from the State of Washington, including Senator Jackson, Congressman Pelly and Congressman Meeds, met with the Ambassador of Korea Don Jo Kim, who was accompanied by Mr. Choi (Chay), economic counselor for the Embassy. Our own fisheries Ambassador Donald McKernan from the Department of State, and Deputy Assistant Secretary for Fish and Wildlife and Parks and Natural Resources from the Department of the Interior, Charles H. Meacham were present.

This problem of Korea fishing in the North Pacific and the critical danger to our present International North Pacific Fisheries Convention and, indeed, the entire West Coast salmon resources was not a new one to anyone present. Our Government has held numerous talks with Korean officials both here in Washington and in Seoul on this problem but have been unsuccessful in attaining much more in the way of assurance than we had for last year's season. As you all know, the Koreans, despite lack of license and reported pressure from their own Government, did take a substantial quantity of salmon in the North Pacific very close to the Coast of Alaska.

At yesterday's meeting we reached a four-point understanding. It is not a final or satisfactory answer to any of us, but it is a hopeful sign and a step toward the kind of assurances we need to continue a kind of orderly harvest of the important West Coast salmon stocks, not only those from Bristol Bay, Alaska, but from every salmon-producing stream of the Pacific States.

We have been advised that the Director of the Korean Department of Fisheries, Mr. Koo, will be coming to the United States later this month. Our Government, together with the Korean Ambassador, will discuss the following four points:

1. Try to reach agreement on the location of the species which the Korean vessels will be licensed to harvest and also agree on those times and locations where North American salmon runs may be present and thus subject to their fishing effort.
2. Try to agree on the kind of gear that will be used by the Korean vessels so that there will not be salmon gear aboard.
3. Determine the kinds of observation and enforcement to be carried out by the Korean Government to assure that the vessels will abide by any agreement reached.
4. Reiterate the necessity for settling this issue at the earliest possible moment, not only in light of the need for early departure of the Korean fleets to the North Pacific, but also to assist in the necessary planning for our own industry and scientists so that conservation needs can best be served.

Obviously, other activities will continue both here in Washington and in Korea toward a resolution of this problem, not only for the 1970 season but for future years so that we will not be faced with unusual ad hoc solutions to this fishing threat.

U.S. Department of the Interior,
Fish and Wildlife Service,
Washington, D.C., March 17, 1970.

Hon. Ted Stevens,
U.S. Senate,
Washington, D.C.

Dear Ted: The information you received concerning the intentions of the South Koreans to send an 8,000-ton mothership, accompanied by a fleet of catcher vessels, to the North Pacific this year to fish for salmon was also called to our attention by members of our industry. We immediately contacted our embassies in Tokyo and Seoul for verification. Subsequently, we obtained through our fishery attache in Tokyo and other reliable sources details of the South Korean venture. They are indeed equipping a large mothership fleet, approximately the same size as a Japanese mothership fleet, (a 9,400-ton processing ship and thirty catcher boats) to catch and process salmon on the high seas with a target catch of about 3,000 tons. This fleet apparently will be operated by the Tae Yang Company which was found through a merger of the two companies, Sam Yang and Shin Hung, which were involved in the 1969 salmon operation.

The South Korean Government assured us on February 18 that it will not license its vessels to fish for salmon, but has not been able to provide satisfactory assurance to us that it will regulate the operations of its fleet to prevent the recurrence of the kind of incident we had last year.

Consequently, being mindful of last year's unfortunate incident, I contacted our Commissioners on the U.S. Section of the International North Pacific Fisheries Commission to apprise them of this situation and also called a special meeting of the Section on March 6 at Seattle.

We discussed this situation in depth at that meeting and agreed to take several measures in an attempt to deter the South Koreans. First, on behalf of the U.S. Section, I am writing directly to the Secretary of State and requesting his assistance on the problem; second, we are contacting the other National Sections through the INPFC Secretariat to inform them of developments, including the convening of the special meeting, and requesting their help in dissuading the South Korean fishermen from fishing salmon. I am enclosing for your information a list of those who attended the meeting.

We are also continuing to work closely with the Department of State in seeking firm assurance from the Korean Government that its fishermen will not be permitted to fish salmon and that it will implement effective regulatory measures. In line with this approach, Congressional Members and representatives from the Departments of State and Interior met with the Korean Ambassador on March 10 to exchange views on this problem.

I appreciate your offer of assistance, and will certainly avail myself of your good offices if it becomes desirable to do so. In any event, I will keep you advised of developments.

Sincerely yours,

Chuck,
Commissioner.

Statement of Western Alaska Cooperative Marketing Association, April 1, 1970

(The following statement has been prepared for distribution in order to bring to the attention of those persons in government, elected as well as appointed to office, views of those Bristol Bay fishermen who demand that the State and Federal Governments redirect their fisheries policies with respect to the taking of Bristol Bay salmon on the high seas by citizens of other nations.)

Submitted herewith is a Resolution adopted by the Dillingham Advisory Committee to the

XUM

Alaska Board of Fish & Game. It also has the support of this Association which represents 400 resident Bristol Bay fishermen.

We have been following closely the developments relating to the threat of the South Korean high seas salmon fishery. Because the consequences of this incursion would, in a few years, bring about the ruin of our regional economy, and, in the long run, would result in the devastation of all our North American salmon fisheries, we sincerely hope that the present efforts to achieve a diplomatic solution in the few weeks remaining will be met wtih success.

However, we urge that the United States should also move in the direction of providing for the long term protection of its salmon stocks in a manner clearly consistent with accepted principles of international law. It is our past failure to do this which would now permit nations not signatory to the International North Pacific Fisheries Convention to claim legal right as the basis for their interception of our salmon runs on the high seas.

We salmon fishermen strenuously object to the position taken by certain of our diplomats that such nations have that right. We salmon fishermen bitterly resent the fact that our government has never based its legal claim to its salmon resources upon their anadromous character. It was not our voice which counseled at Geneva that our case for salmon should be based upon abstention rather than anadromy. It is not our voice which today concedes that the legal weight in our dispute with South Korea lies with our adversary.

We, too, have our legal rights, and rather than permit other nations unilaterally to destroy our salmon resources the United States should assert them.

Cordell Hull once warned Japan that the United States has a special and unmistakable interest in these salmon and regarded that interest as important to the comity of our nations. That warning sufficed then; if necessary it should be repeated for all the world to hear.

We salmon fishermen feel that the United States should openly start to lay the foundations for the adoption and ratification of a Convention for the Conservation of Salmon when Present on the High Seas.

At the same time the United States should open diplomatic discussions with the 37 nations signatory to the Convention on Fishing and Conservation of the Living Resources of the High Seas. Ratification by 22 nations would furnish the legal basis for the United States as a coastal nation to take unilateral action to preserve its salmon resources. 17 nations had ratified this Convention as of 1964, and no more than 5 ratifications are now necessary to bring it into force. An international campaign for supportive ratification is required.

Several years ago we salmon fishermen proposed State legislation which would have imposed a tax of a few cents per case upon the Alaska salmon pack. We asked that the funds would be used to gain international support for Conventions to protect our salmon on the high seas. The salmon canners opposed this legislation and it did not receive administration support. It was given the kiss of death when there was created in the Governor's Office the position of the Director for International Fisheries. So far as we have been able to learn the program we proposed then came to a complete halt.

We salmon fishermen now find it ironic that these same salmon canners have hit the panic button in their desperate need to arrive at a short-term diplomatic solution to the problem of Korean salmon fishing after having sabotaged our earlier proposal to establish a sound legal basis for a long-term solution.

The present Director for International Fisheries is a biologist who is experienced in administrative and legislative procedures. We suggest that Governor Miller give him a mission well suited to his official title. That is: to express the views of Alaska's salmon fishermen by seeking national and international support for Conventions which will protect our salmon on the high seas.

We, in Alaska, face the forfeit of our salmon resources through inaction imposed upon our state and federal governments by those domestic interests which would sacrifice them upon the altar of abstention.

This need not happen.

Truman C. Emberg,
Business Manager, WACMA.

A Resolution for the Protection of Bristol Bay Salmon Stocks

Whereas, the economy of Bristol Bay is based upon its salmon fisheries, and

Whereas, these salmon, when in territorial waters, may be taken by private persons only in such manner as the State may provide, and

Whereas, as a conservation measure the United States does not permit its nationals to take these salmon on the high seas, and

Whereas, fishermen from the Republic of South Korea are preparing to take these salmon in the approaches to Bristol Bay in waters forbidden to its nationals by the United States, and

Whereas, the provisions of the Geneva Convention on Fishing and Conservation of the Living Resources of the High Seas are as follows:

"Article 6.

"A coastal State has a special interest in the maintenance of the productivity of the living resources in any area of the high seas adjacent to its territorial sea.

"A coastal State is entitled to take part on an equal footing in any system of research and regulation for purposes of conservation of living resources of the high seas in that area, even though its nationals do not carry on fishing there.

"Article 7.

"1. Having regard to the provisions of paragraph 1 of Article 6, the coastal State may, with a view to the maintenance of the productivity of the living resources of the high seas, adopt unilateral measures of conservation appropriate to any stock of fish or other marine resources in the area of the high seas adjacent to its territorial sea provided that negotiations to that effect with the other States concerned have not led to an agreement within six months.

"2. The measures which the coastal State adopts under the previous paragraph shall be valid as to other States only if the following requirements are fulfilled:

"(a) That there is a need for urgent application of conservation measures in the light of the existing knowledge of the fishery.

"(b) That the measures adopted are based upon appropriate scientific findings.

"(c) That such measures do not discriminate in form or in fact against foreign fishermen."

Now therefore be it resolved, that the Government of the United States act promptly to implement the unilateral adoption of a conservation rule forbidding the high seas fishing on salmon stocks which originate in the waters of the United States by nationals of other nations except as may be negotiated by treaty.

(Note.—This Resolution was adopted on March 22, 1970, by the Dillingham Advisory Committee to the Alaska Board of Fish and Game.)

Department of State,
Washington, D.C., April 14, 1970.

Hon. Ted Stevens,
U.S. Senate,
Washington, D.C.

Dear Senator Stevens: I have received your letter of March 23 with further reference to the possibility of Korean fishing for salmon in the North Pacific this year.

I am sure you will be pleased to know that the Department's recent discussions on this matter with the Korean Director of Fisheries were cordial and ended on a satisfactory note. As a result of these talks we are confident that the Korean Government is taking the necessary steps to ensure that its licensing policy will be carried out and that there will be no Korean salmon fishing in the northeastern Pacific this year.

Please call upon me when I can be of assistance on this or any other matter.

Sincerely,

H. G. Torbert, Jr.,
Acting Assistant Secretary,
for Congressional Relations.

Washington, D.C.

Hon. Ted Stevens,
U.S. Senator,
Washington, D.C.

I regret to hear Korean nationals fishing salmon in the bering sea despite Korean government guidance to refrain from such fishing. I immediately reported this matter to my government with strong recommendation take urgent action to end all salmon fishing in this area. Earnestly hope effort by our two governments will prevent this incident from causing any serious problem between our two countries.

Dong Jo Kim, *Korean Ambassador.*

June 29, 1970.

Hon. Dong Jo Kim,
Republic of Korea,
Washington, D.C.:

After being informed that fishing vessels of Korean nationals departed Alaskan waters following hearing by United States Senate Commerce Committee, I determined not to call up my amendment to the Military Sales Act now pending before the Senate. This was done after conversations between Ambassador McKernan and also between members of your staff and mine. Governor Miller advised me at 12:00 midnight Monday that he had received report that Korean vessels had returned to Alaskan waters and were resuming fishing. I personally inquired of Coast Guard and was informed that Korean vessels had been sighted east of the treaty line. I expect a briefing before 10:00 a.m. Tuesday from the Coast Guard, and if this information further confirms these reports I have no alternative but to call up my amendment to prohibit any further United States assistance to your country so long as your nationals fail to live up to the commitment we received that Korean nationals would not be licensed to fish for salmon east of the treaty line and that your government would take action to prevent them from doing so without a license. I am sending you this telegram to give you an opportunity to clarify the situation before this matter is brought before the Senate.

Ted Stevens,
U.S. Senator.

South Korean Fishing-Observations by Ironwood

At 270430Z the CGC *Ironwood* reported that she had sighted 5 South Korean fishing vessels approximately 66 miles southeast of St. George Island. One of the vessels, the *Tae Yang* 112 was off-loading freshly caught salmon onto the *Tae Yang 11*, a factory ship. The *Tae Yang* 112 already had 3–4 tons of salmon on deck. Another vessel, the *Tae Yang* 110 had a deck load of pollock. Gill nets were seen on the stern of two of the vessels observed in the area. From 270845Z until 272220Z the *Ironwood* observed 5 more South Korean vessels in the area. One of these newly sighted vessels offloaded 9–10 tons of salmon onto the factory ship *Tae. Yang* 11, and 3 others were in the process of unloading freshly caught pollock onto the factory ship. The *Ironwood* conducted a courtesy boarding of the factory ship *Tae Yang* 11 and was told that all gill net fishing vessels had completed operations in the area and were soon to depart for Korea, with the *Tae Yang* 12. The *Tae Yang* 11 stated that she intended to remain in the area in support of the trawling fleet until at least August. Orders have been received from the fishing company manager to cease salmon fishing. On 28 June the *Ironwood* observed the *Tae Yang* 116 and *Tae Yang* 117 offloading salmon to the *Tae Yang* 11. The total amount offloaded was unknown due to fog but was estimated to be at least 5 tons. The *Tae Yang* 12 with gillnetters 103, 105, 106, 108, 111, and 117 sailed on a westerly course at 11 knots at 290100Z. The *Tae Yang* 112, 115 and 116 are unaccounted for. The *Tae Yang* 11 sailed at 290115Z towards Pribilof Islands. The *Ironwood* is presently following the *Tae Yang* 11 at best possible speed. *Case Pends.*

CCGD17: Contiguous zone violation—Akebono Maru 11 (JA)

At 271745Z a Coast Guard HU16E fixed wing aircraft sighted the F/V *Akebono Maru* 11 with trawl in the water 9.3 miles from Chichagof Island north of Sitka, Alaska. The aircraft dropped a message block ordering the vessel to stop as he was in violation of U.S. law. The vessel retrieved the message and proceeded offshore. The aircraft maintained surveillance and the CGC *Clover* and OGC *Cape Coral* were dispatched. At 280320Z the *Clover* arrived on scene, boarded, and seized the *Akebono Maru* 11 for violation of P.L. 89–658, fishing inside the U.S. Contiguous Zone. At 1547Z the Japanese vessel was moored at Sitka, Alaska, in custody of the CGC *Clover*. Neither the master nor the crew were under arrest. The U.S. attorney in Anchorage was notified of the mooring. Case pends.

D. P. HARRINGTON,
Ens. USCGR.

SOUTH KOREAN VESSELS BOARDED

The Department is working closely with the Coast Guard in maintaining surveillance over the South Korean fleet. The Coast Guard vessels *Yocona* and *Confidence* are now out on patrol and a fishery enforcement officer from the Bureau of Commercial Fisheries is on each of these vessels.

The following summarizes the sightings and boardings made:

June 21: The *Confidence* sighted four vessels (*Tae Yang Nos. 103, 105, 112* and *115*) engaged in salmon fishing about 100 miles north of the west end of Unimak Island (56°N.-165.5° W.) All four vessels were engaged in salmon fishing, i.e., had salmon gear on deck, in water, or salmon in hold.

Two vessels were boarded, the *105* and *115*, The *105* had salmon net ready for setting. It was covered with a layer of 2-inch herring web in apparent attempt to conceal net. The vessel had frozen salmon (identified as red and king salmon) in hold, in addition to porpoises and butchered sea lion.

The *Yocona* sighted the *Sung Nam No. 5*, which belongs to second company engaged in salmon fishing. Courtesy boarding made at position about 100 miles north of Umnak Island (55°23 N.-170°02′ W.) Korean master stated vessel fishing for herring and showed sections of new herring net with 2.4 inch mesh. Net not used and not rigged (without cork line or lead line) for fishing. *Yocona* found gill net in water nearby. Inspected first 100 fathoms. Found to be salmon gill net of 4⅝″ mesh. About two dozen salmon gilled in net.

June 22: The *Confidence* located large numbers of gill nets about 100 miles east southeast of the Pribilof Islands, some stretching several miles. Some nets reported heavily laden with salmon and very difficult to sight even in daylight. Floats not lighted.

(Note: On basis of BCF observations, it is believed some gear being abandoned.)

Courtesy party from *Confidence* boarded *Tae Yang No. 106* about 120 miles due north of Dutch Harbor. Korean master reported morning catch of 5,000 salmon and still hauling nets. No fishing license on board. Claimed factoryship *Tae Yang No. 11* holds license.

June 23: *Confidence* party boarded factoryship *Tae Yang No. 11* about 120 miles NNW of Unimak Pass. Two salmon gillnetters (*Tae Yang Nos. 103* and *111*) unloading salmon. Three others (*105, 106*, and *108*, with decks full of salmon, were standing by to unload.

Reception received by boarding party formal. English spoken on mothership so no difficulty in communication. Korean master gave information to boarding party on fleet composition, gear and catch. (See *1970 South Korean salmon fishery operation*)

June 24: The *Confidence* sighted gillnetter *Tae Yang #117* 60 miles north of Akun Island (Krenitzen Is.)

Described the salmon gear being used by the South Koreans. Provided estimate of Korean catches of salmon. Observation of one net indicated catch of 1.3 salmon per meter. This is equal to about 12,000 fish per vessel. Sampled 21 fish for size. Average weight 5 pounds per fish.

Confirmed salmon salted in round. No herring in catch. Catch totals provided by master of *Tae Yang #11* (See Item 7. Catch quantity) represented catch total for whole fleet. (Note: This number still very suspect.)

Confidence party boarded *Tae Yang #106* in afternoon. Position: 56°09′ N.–166°50′ W. The vessel had on board about 3,000 small tanner crabs on board, 75 percent of which were egg-bearing females, carapace width two inches. Crabs apparently caught as result of nets sinking to bottom due to large quantity of fish gilled. (Message not clear whether tanner crabs were being retained or had not yet been removed from net.) The master was warned concerning the retention of species constituting creatures of the Shelf.

The vessel also had in its forward hold a fur seal. Warning issued.

1970 SOUTH KOREAN SALMON FISHERY OPERATION

1. SIZE OF KOREAN FLEET

Three Korean firms are believed to be operating fishing vessels in the Eastern Bering Sea, and of these firms two are engaged in salmon fishing. The largest is the Sam Yang Company which has taken over the management of the Tae Yang Company. It has 23 vessels engaged in fishing.

The 23 vessels are composed of:

One large mothership *Tae Yang #11*, 7,070 gross tons (9,400 d.w.t.). This vessel is the former *Shin Hung #11*. Vessel built in Norway and equipped with salmon canning lines (made in Japan).

Two freezer vessels: The *Tae Yang #12*, 1,330 gross tons and the *Tae Yang #15*, 960 gross tons.

Eleven trawlers (6 of which are pair trawlers) Two of the pair trawlers, *Tae Yang Nos. 203* and *205*, were seized on June 5 for failure to obtain permission to enter U.S. territorial waters, and taken to Adak. The *203* had a broken crankshaft. In view of mitigating circumstances (the vessels attempted to seek clearance through their government), the case was settled out of court and each vessel assessed penalty of $500.

Nine salmon gillnetters.

The second firm engaged in salmon fishing is reported to be operating three salmon gillnetters.

2. FISHING LICENSE ISSUED TO FLEET

The U.S. Embassy in Seoul reported that the Korean fleet belonging to Sam Yang was licensed to fish bottomfish and herring only. The company's gillnetters fished for salmon in the Sea of Japan March through early May. Prior to their departure for the Bering Sea, the Embassy reported that the gillnets used for the Japan Sea salmon operation were removed and replaced with herring gillnets of 2.4 inch mesh.

3. SALMON FISHING GEAR

Observations made and information collected by Coast Guard and Bureau personnel reveal that the Korean salmon vessels are each equipped with 10 kilometers (6.2 miles) of 4.5″ mesh gillnets. They are believed to be of Korean manufacture. Described to be brown, light lay twine. Different from Japanese monofilament.

4. SALMON FISHING AREA

The Korean fleet is fishing for salmon about 100–120 miles north of western part of the Alaska Peninsula west to around Unmak Island. This area is in direct migration route of Bristol Bay salmon.

5. ARRIVAL ON FISHING GROUND

The Koreans have indicated they arrived on fishing ground June 16. They were first detected fishing salmon June 21. The salmon vessel planned to remain on fishing grounds until July 5.

6. SPECIES FISHED

The master of Tae Yang #11 (factoryship) reported that they are fishing for bottomfish and the salmon are being taken incidentally to herring. No denial made they are taking salmon. Attitude reflected by personnel on factoryship indicated they had prior assurance regarding freedom to fish salmon. Factoryship licensed to fish cod, herring and pollock.

7. CATCH QUANTITY

The master of the *Tae Yang #11* indicated the daily catch of his fleet to be 50 metric tons (110,000 pounds) of bottomfish and 20 metric tons (44,000 pounds) of salmon. Using 5-lb. conversion factor, this totals about 9,000 salmon. These figures are believed to represent the average catch per day per vessel.

The master also reported the total catch of the fleet (at time of boarding made on June 23) to be 100 metric tons (220,000 lbs. or about 44,000 salmon). This number is highly suspect.

8. POTENTIAL SALMON CATCH

Based on fishing experiences of U.S. fishermen and Washington Bureau experts, the area fished by the South Koreans, the size of this year's run, and the type and amount of gear fished, each of the nine gillnetters fishing for the factoryship is estimated to have the capability of easily catching over 10,000 salmon daily, or 50,000 pounds of fish. For the entire fleet, this totals about 100,000 salmon (½ million pounds or 230 metric tons) per day. This quantity does not include the salmon caught by the three gillnetters fishing for the second company.

Our best estimate at this time is that by seasons end the South Koreans will have caught from 1.2–2.2 million fish.[1]

9. DISPOSITION OF CATCH

The Korean master on factoryship indicated that the salmon are being salted. This information is being checked. This means that the factoryship's canning equipment is not being used for the purposes intended.

---

[1] Estimate based on catch of 10,000–12,000 fish/day by 12 vessels for 10–15 day period.

LOANS AND GRANTS FROM ABROAD

SOUTH KOREA

[U.S. fiscal years—Millions of dollars]

U.S. program	U.S. overseas loans and grants, net obligations and loan authorizations												Repayments and interest 1946–1968	Total less repayments and interest	1969
	Postwar relief period 1946–1948	Marshall plan period 1949–1952	Mutual Security Act period 1953–1961	Foreign assistance act period											
				1962	1963	1964	1965	1966	1967	1968	Total 1962–1968	Total 1946–1968			
AID and predecessor agencies, total		10.0	2,042.4	119.8	107.6	104.9	118.6	143.9	112.9	71.6	799.3	2,831.6	10.0	2,821.6	43.2
Loans			25.3	25.2	25.8	27.6	47.9	79.0	60.3	29.4	295.2	320.6	10.0	310.6	19.0
Grants		10.0	2,017.1	94.6	81.8	77.3	70.7	64.9	52.6	42.1	484.0	2,511.0	....	2,511.0	24.1
Food for freedom, total		.3	313.8	70.6	73.4	112.8	63.3	119.1	63.3	99.3	601.8	916.1	1.2	914.9	193.4
Title I, total			176.5	60.4	62.1	79.4	34.4	38.1	36.1	56.5	367.0	543.6	1.2	542.4	132.0
Payable in U.S. dollars, loans									1.5	....	1.5	1.5	....	1.5	97.1
Payable in foreign currency, planned for country use			176.5	60.4	62.1	79.4	34.4	38.1	34.6	56.5	365.5	542.1	1.2	540.9	34.9
Total sales agreements, including U.S. uses			(211.3)	(68.6)	(69.7)	(93.2)	(42.5)	(47.7)	(43.2)	(79.1)	(444.0)	(655.3)	....	(655.3)	(49.2)
Planned for country use			176.5	60.4	62.1	79.4	34.4	38.1	34.6	56.5	365.5	542.1	1.2	540.9	34.9
Economic development loans															
Economic development grants															
Common defense grants			174.4	60.3	61.8	79.3	34.0	37.6	31.7	53.7	358.4	532.9	....	532.9	32.0
Cooley loans			2.1	.2	.3	.1	.4	.5	2.8	2.8	7.1	9.2	1.2	8.0	3.0
Other grants															
Assistance from other country agreements															
Title II, total		.3	137.3	10.2	11.3	33.4	28.9	81.0	27.2	42.8	234.8	372.5	....	372.5	61.4
Emergency relief, economic development and world food program			22.1	....	1.2	23.2	20.3	69.8	24.7	39.7	178.8	201.0	....	201.0	59.1
Voluntary relief agencies		.3	115.2	10.2	10.1	10.2	8.6	11.2	2.5	3.1	55.9	171.5	....	171.5	2.3
Export-Import Bank long-term loans									3.8	16.2	20.0	20.0	....	20.0	2.6
Other U.S. economic programs	181.2	475.3	202.8					0.5	1.4	1.7	3.6	862.9	6.5	856.4	1.4
Peace Corps								0.5	1.4	1.7	3.6	3.6	....	3.6	1.4
Social Progress Trust Fund															
Other [1]	181.2	475.3	202.8									859.3	6.5	852.8	....
Total economic	181.2	485.6	2,559.0	190.4	181.0	217.7	181.9	263.5	181.4	188.8	1,407.7	4,630.6	17.7	4,612.9	240.6
Loans	24.9	....	27.4	25.4	26.1	27.7	48.3	79.5	68.4	48.4	323.8	376.2	17.7	358.5	121.7
Grants	156.3	485.6	2,531.6	165.1	154.9	190.0	133.6	184.0	112.9	140.3	1,080.8	4,254.4	....	4,254.4	118.9
Military assistance program (Chg. to FAA App.) [2]		11.7	1,388.5	136.9	169.1	124.3	173.1	153.1	149.8	197.4	1,103.7	2,768.6	....	2,768.6	210.0
Credit Assistance															
Grants		11.7	1,388.5	136.9	169.1	124.3	173.1	153.1	149.8	197.4	1,103.7	2,768.6	....	2,768.6	210.0
Additional grants from excess stocks		(0.6)	(119.8)	(52.6)	(21.1)	(13.4)	(46.1)	(15.6)	(3.5)	(6.7)	(159.0)	(324.8)	....	(324.8)	(27.7)
Other military assistance grants			43.3	....	13.4						13.4	56.7	....	56.7	....
Total military		11.7	1,431.8	136.9	182.5	124.3	173.1	153.1	149.8	197.4	1,117.1	2,825.3	....	2,825.3	210.0
Total economic and military	182.1	497.3	3,990.8	327.3	363.5	342.0	355.0	416.6	331.2	386.2	2,521.8	7,455.9	17.7	7,438.2	450.6
Loans	24.9	....	27.4	25.4	26.1	27.7	48.3	79.5	68.4	48.4	323.8	376.2	17.7	358.5	121.7
Grants	156.3	497.3	3,963.4	302.0	337.4	314.3	306.7	337.1	262.7	337.7	2,197.9	7,079.7	....	7,079.7	328.9

[1] Represents (in millions), CRIK, $420.2; civilian supplies, $292.1; Korean aid program, $121.6; surplus property credits, $24.9; and UNRRA, $0.6.

[2] Annual data represent deliveries; total through 1968 is the cumulative program.

ASSISTANCE FROM INTERNATIONAL AGENCIES—COMMITMENTS

	Fiscal year 1967	Fiscal year 1968	Fiscal years 1946–68
Total	2.1	20.9	50.6
IBRD-World Bank		5.0	5.0
Int'l Development Association		11.0	25.0
Int'l Finance Corporation		.7	.7
UNDP—Special Fund	1.4	3.2	14.2
UNDP–TA (CY)	.3	.3	2.0
Other UN (CY)	.4	.7	3.7

D.A.C. COUNTRIES (EXCLUDING U.S.) OFFICIAL BILATERAL GROSS EXPENDITURES

Donor	Calendar year 1966	Calendar year 1967	Calendar years 1960–67
Total	49.7	77.3	212.1
Japan	35.8	58.2	150.1
Germany	6.6	15.1	41.5
Italy	5.6	1.4	8.0
Other	1.7	2.5	12.5

ASSISTANCE FROM COMMUNIST COUNTRIES

(Loans and grants extended)

1967 (calendar year)
1968 (calendar year)
Cumulative through 1968

Mr. MAGNUSON. I yield back the remainder of my time.

Mr. STEVENS. I yield back the remainder of my time.

The VICE PRESIDENT. The question is on agreeing to the amendment, as modified.

The amendment was agreed to.

Mr. MAGNUSON. I move to reconsider the vote by which the amendment was agreed to.

Mr. GRAVEL and Mr. BYRD of West Virginia moved to lay the motion on the table.

The motion to lay on the table was agreed to.

The VICE PRESIDENT. What is the will of the Senate?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I am going to take this time, if I may, to comment on the bill which we now have before us, and the action of the Senate which has been taken over these past few months. I say that advisedly because it has been some 2 months that we have been debating this particular bill.

What I am about to say is not designed to impugn the motives of any Senator who does not happen to agree with my position. However, I think, in order to clear the air, for myself and others, that it would be worthwhile to make this statement.

I think that the action which has been taken has been a slap at the President of the United States. It has been a condemnation of him when he has fulfilled every commitment he undertook to make. The action of the Senate in rejecting the Griffin amendment, the Miller amendment, and the amendment I proposed, has resulted in characterizing our Asian allies as mercenaries, and in characterizing the free world countries which are trying to defend themselves against Communist attacks as mercenaries. It has not only done that but has also resulted in reducing our ability to assist those nations which are trying to provide a forward defense for the free world, by cutting down on the amount of self-defense armament which they can obtain from the United States.

This is not restricted to Asia. It includes Greece, Turkey, Iran, and other countries which are trying to be of some assistance in the NATO complex against the adventurism of the Soviet Union.

Granted, we made substantial changes in the so-called Church-Cooper amendment. It applies only after July 1, and changes were made to permit continued air interdiction of supply lines in Cambodia, and a provision was included that nothing contained in the section shall be deemed to impugn the constitutional powers of the President as Commander in Chief. Frankly, there is nothing we could do about that, anyhow. Thus, those words, although they sound good in the amendment, do not really mean anything.

The effect of the amendment, however, whether it means anything or does not, will be to put substantial psychological pressure upon the ability of the President of the United States to continue the Vietnamization program and to disengage from Asia at the very time he has accomplished more in that direction than any of the past three Presidents.

I fail to see the reasoning behind it. I am totally unable to comprehend those who have continuously urged that an even stronger amendment than this be adopted at a time when we are trying to disengage from that area of the world.

Mr. President, I do not intend to be a cassandra. I do not intend to be objectionable to those who are supporting the amendment. But I would venture to predict that the action taken by the Senate today will give an added psychological boost to the Soviet Union, to the North Vietnamese, and to the Red Chinese, to continue their adventurism which they have conducted so eloquently in a variety of different areas of the world.

I repeat what I said earlier, that it is the North Vietnamese, not the South Vietnamese who invaded South Vietnam, Cambodia, and Laos. It is the North Vietnamese who have done this. It is not the United States.

It is the North Vietnamese who have invaded Thailand, not the United States and not South Vietnam.

It is the Soviet Union which has rearmed the Arabs creating the explosive involvement in that area.

It is the Red Chinese who are attacking Taiwan and not vice versa.

It is the Red Chinese who have taken over Tibet.

It is the Red Chinese who are now busily trying to take over Burma. It is not the United States. It is not South Vietnam. It is not any of the free world European countries.

It seems impossible to be able to put this over in print where people can understand what the problems are.

I can continue trying, and I shall continue trying but it seems so difficult to convince people, because now they say that the one thing they want to do is to revert this country to a position of total isolationism.

Mr. President, it is ironic to me that isolationism, which is now the great cry of the so-called liberals in this country—was considered, prior to World War II, to be arch conservative.

It is ironic to me that when we look at history, every historian will tell us that one of the main reasons World Wars I and II occurred was that the United States did not provide even the verbal assurance that it would defend its allies and its neighbors.

So here we are now, reverting to exactly the same thing, encouraging more adventurism by the enemy, encouraging more activity by them in the Middle East, Eastern Europe, and in Asia.

I have grave difficulty in understanding why we should now be taking the route of isolationism, which historically has brought us into two World Wars already—and which could easily bring us into another.

I need only cite the case of Korea, one more incident where we found ourselves trapped because the Secretary of State of the United States said that our forward defense line was Japan—and North Korea immediately moved into South Korea.

I hope that that will not happen, so far as this country is concerned, in the next few months or the next year; but I certainly would not be surprised if further incidents of that kind did occur.

I have no assurance that the House will accept this amendment. I have no assurance that it will not. It is my hope that it will not. But, whether it will or not, the word will be passed around the world by all the news media—and properly so—that the Senate has taken action which is a blow to the President of the United States in his effort to disengage us from Vietnam, that the Senate has taken action reverting to a position of isolationism, and that the Senate has taken action which is a downgrading of our free world allies in Europe, in the Middle East, and in the Far East.

Mr. GOLDWATER. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. GOLDWATER. The Senator is touching on subjects which I have been writing and discussing for years.

I sat here in a friendly chat this afternoon with my senior colleague from Colorado where we discussed that if we continued on the road we have started, the road to isolationism, within 3 or 4 years I would be willing to draw a circle around the year that world war III would start.

I feel the same thing going on in this country that went on in the 1920's and the 1930's. We have an antimilitary Congress today. We have an antimilitary press today. We have an anti-United States press today. We have a country today that is divided because it is a division which has been planned.

There would be nothing in my mind that I think would be more welcome to our Communist enemies around the world than for this country to build a wall of isolationism around itself once again, as we did in the 1920's and 1930's. And had we been strong and had we been willing to have been strong, World War II would never have started. Nor would Korea. Nor would Vietnam.

We have gotten into these wars because we were willing to be weak. And if the American people, who now profess a strong desire to get out of Vietnam—and we all feel the same way—want to do it at any price, as seems to be the desire of some in this body, I think that things will happen, because a strong America is the only barrier in this world against a world war III.

If we continue to listen to the arguments of those people who are charged with the responsibility of discussing foreign policy, discussing the reneging of our commitments about this world, reducing our military strength to nothing, and having our country become isolated again, I can only say that what the distinguished Senator from Colorado (Mr. DOMINICK) has been talking about is all too true.

We are treading on dangerous ground. And the Vietnam we are in today will be like a Boy Scout camp if the people who are now directing the efforts of this country feel that a theoretical foreign policy should prevail.

This movement is filled with organizations financed by wealthy groups to do nothing but figure out ways to undercut the United States.

We are faced with the spectacle of having to promote a Fourth of July Remember America Day. We have to be almost forced to hang out our flag in this country.

I wonder how much freedom is worth to the average American people. I wonder how much they know about the Constitution.

I get letters from people every day. I get letters from people with college degrees. I do not have one. Yet, they have never read the Constitution. They talk about the tragedy of not being able to control the tactics involved in war.

Nothing in the Constitution gives us the power to downgrade the power of the President as Commander in Chief. The Constitution is perfectly clear on that.

I asked the Senator from Colorado to yield to me because I wanted him to know that I am one Senator who believes in what he is saying.

I hope that the American people open their eyes. I hope that the biased, left-wing press will let the American people know the truth, so that when people like my friend, the Senator from Colorado, speak, they will be heard.

Mr. DOMINICK. Mr. President, I thank my friend, the Senator from Arizona.

I remember so well the statement, "The past is only prologue." I wonder

XUM

how many of our compatriots around the country and in this body have looked at the past.

I wonder how many have looked at the root causes of whether or not World War I would have happened if the United States had said, "We are firmly committed to enter into any kind of battle that occurs over there if Western Europe is invaded."

I wonder what would have happened if the United States had had a firm alliance with Great Britain before World War II and had so notified Mr. Hitler when he started marching through Europe.

Almost every historian will tell us that this was one of our great historic mistakes and World War II would never have occurred if we had had that kind of commitment, both moral and legal.

And here we go again. Here we are in an action which will be trumpeted around the world, criticizing the President who is trying to maintain a geographical entity which wants the right of self-determination of forces fighting against an enemy from North Vietnam.

We are building them up and withdrawing our own men in an effort to try to say, "If you will only help yourself now on defense, we will give you help, but we will not give you manpower."

What could be a fairer comment or statement than that?

This is what the Senator from Arizona and I advocated years ago. We said that if we were to get involved in an Asian scrap, we should use our technology. And where is that? It is in the air and sea. It is not in manpower.

The President of the United States is now trying to disengage us from that position. And the Senate of the United States in its infinite wisdom—and I say that with quote marks around it—has just taken the opportunity to slap him in the face once again.

Over and beyond that, I was visited in my office the other day by some people who wanted to know what we were trying to do by way of giving them or selling them equipment so that they could defend themselves. They are from a country that is subject to attack but has neither the capability of buying or making their own defense concept.

Our answer to that is that the Foreign Relations Committee will prevent us from doing it through section 9 and section 10 of the pending bill.

If we continue down this road, Mr. President, I think I can say with considerable conviction that we are embarking on a course which is bound to end up with the United States in a head-on confrontation with our major enemies.

It is for these reasons that I voted against the Church-Cooper amendment and that I intend to vote against the entire Military Sales Act as it is now constituted.

I cannot see the logic in saying that we are internationally minded while we withdraw into a position of isolationism.

This is a conflict in terms which makes no sense to me and which, I believe, will inevitably lead us into very, very serious troubles.

As the Senator from Arizona so ably said, if we continue down this course, we may well find ourselves in a position where we can almost determine with monthly accuracy at what points we will find ourselves involved in a hideous major confrontation.

Mr. HUGHES. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

ON "STANDING BEHIND" THE PRESIDENT

Mr. FULBRIGHT. Mr. President, among the many criticisms leveled at those of us who criticize the war in Indochina, the most common is that we do not "stand behind" the President.

Americans do not demand that their elected representatives "stand behind" the President in everything. They accept and respect the right of Congressmen and Senators to make independent judgments on such issues as welfare benefits, civil rights legislation, and Supreme Court nominations.

When we had before us two nominations to the Supreme Court I did not hear everyone saying, "Stand behind the President," and the majority of the Senate did not stand behind the President on those two occasions.

On June 25, the House of Representatives voted by 279 to 98 to override the President's veto of the Hill-Burton hospital construction bill and no one, so far as I know, accused the Representatives of irresponsibility or of a lack of patriotism, although they refused, in the most emphatic possible way to stand behind the President.

In matters of this kind the American people approve of their representatives taking independent positions. The American people do not want a rubber-stamp Congress composed of submissive yes-men like the legislatures of totalitarian countries. Independence on the part of legislators is recognized as an essential part of the democratic process, and those who display it are commended for standing up to the President.

It is only in matters of foreign policy, especially war, that many Americans expect their legislators to stand behind the President rather than to stand up to him. The President, it is said, has information which no one else has, and we ought, therefore, to support him, however much we may doubt the wisdom of his policies.

My own view is that we do neither the country nor the President a service by supporting his foreign policies without reservation or criticism. With all due respect to the office of the Presidency and to the men who have held that office, we are bound to recognize that a President of the United States is a human being like the rest of us, susceptible like the rest of us to honest errors of judgment. Many Presidents come to the Presidency from Congress or from State office. No one regards a Senator's or a Governor's judgment as infallible—nor should we. Why then should we regard the same man's judgment as beyond question when he is elected President?

We do recognize that Presidents make mistakes in domestic policy; it is only in foreign policy that we tend to treat our President as though his judgment were infallible. We usually do this when there seems to be an emergency but, in doing it, we deny the President the benefits of constructive criticism and our own independent judgment. That is unfortunate because honest, open debate is not a mere luxury; it is a necessity of democratic government.

When we accept the proposition that we should stand unquestioningly behind the President we are, I believe, denying the validity of the democratic system.

The framers of our Constitution understood that very well. That is why they created a government based on the principle of separated powers checked and balanced against each other. That is why they gave Congress certain means of restraining the President and a forum from which to criticize his policies, not just in domestic affairs but in foreign relations as well. In the Federalist No. 75, Alexander Hamilton, who was noted for his devotion to a strong executive, wrote as follows:

> The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise in a nation to commit interests of so delicate and momentous a kind as those which concern its intercourse with the rest of the world to the sole disposal of a magistrate created and circumstanced as would be the President of the United States.

Under normal circumstances few if any Americans would disagree with Hamilton's admonition. It is only in time of war, or of domestic emergency such as the great depression of the 1930's, that the pressure to suspend normal democratic procedure becomes intense. Alexis de Tocqueville, that wisest of observers of American democracy, put it this way:

> War does not always give democratic societies over to military government, but it must invariably and immeasurably increase the powers of civil government; it must almost automatically concentrate the direction of all men and the control of all things in the hands of the government. If that does not lead to despotism by sudden violence, it leads men gently in that direction by their habits. All those who seek to destroy the freedom of the democratic nations must know that war is the surest and shortest means to accomplish this. That is the very first axiom of their science.[1]

The United States has been at war for more than half of the last 30 years. Emergency has become the normal state of our affairs and, just as Tocqueville foresaw, it has placed great strains on our democracy. I do not believe that

---

[1] Alexis de Tocqueville, *Democracy in America* (New York: Harper & Row, Publishers, 1966), Vol. II, Ch. 22, P. 625.

XUM

democracy can survive in a state of permanent crisis. Eventually, I fear, a nation which is permanently at war must slide into dictatorship.

That fear is my principal reason for opposing the present war in Indochina. It is my principal reason too for believing that as a Senator I have not just the right but the duty to "stand up" to the President rather than "behind" him in a policy which seems more likely to perpetuate the war than to end it. Peaceful, constructive dissent is the only available means through which we can practice democracy now in such a way as to have some hope of preserving it for the future.

Mr. President, I want to make clear again as I have in the past that that is the concern I have about the war. It is not because of my lack of interest in the people of South Vietnam or Cambodia; it is simply and solely my interest in the constituents I represent in the State of Arkansas and, of course, the citizens of the United States.

I have believed for a number of years that this war is destroying our economy and that it is destroying gradually and slowly, as De Tocqueville mentioned, the functioning of a democratic system, and that if we continue indefinitely in waging war we will have to forego a democratic system in this country.

RECESS

Mr. HUGHES. Mr. President, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair, but in no case later than 3:50 p.m.

The VICE PRESIDENT. Without objection, it is so ordered.

Thereupon, at 3:29 p.m. the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 3:50 p.m. when called to order by the Presiding Officer (Mr. ALLOTT).

XUM

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. THURMOND. Mr. President, my opposition today to passage of the Military Sales Act in its present form rests on the crippling amendments affixed to the bill by the Senate Foreign Relations Committee. While I support military sales and credits to our allies abroad, the bill is replete with unwise amendments. These amendments, including the Cooper-Church amendment, repudiate the Nixon doctrine of providing sufficient military arms to our allies in Southeast Asia and encouraging them to provide for their own defense. A number of Senators have stood on the Senate floor and stated it is not important to the United States who governs in Southeast Asia. Several have gone so far as to state that a Communist government in South Vietnam would promote tranquillity in that area on the grounds the North Vietnamese conquerors would not submit to Red China. Such reasoning is devastating to the hopes of free men everywhere and encourages the forces of oppression, thereby prolonging the murder of innocent people. The removal of U.S. fighting men from Southeast Asia is one thing, but restricting aid to local forces opposing Communist invaders is quite another. This trend in the Senate reveals the frustrations of the Vietnam war and could mark the beginning of a return to a fortress America policy which would doom the struggle of freedom-loving people throughout the world.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the bill.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments, and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER (Mr. ALLOTT). The hour of 4 o'clock has arrived. The bill (H.R. 15628) having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUYE), the Senator from Wisconsin (Mr. NELSON), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness and, if present and voting, would vote "yea."

The result was announced—yeas 75, nays 20, as follows:

[No. 196 Leg.]

YEAS—75

Aiken
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cooper
Cranston
Curtis
Dole
Eagleton
Fong
Fulbright
Goodell
Gore
Gravel
Griffin
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Mathias
McCarthy
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Murphy
Muskie
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stevens
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—20

Allen
Cook
Cotton
Dominick
Eastland
Ellender
Ervin
Fannin
Goldwater
Gurney
Hansen
Holland
Jordan, Idaho
McClellan
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NOT VOTING—5

Dodd
Inouye
Mundt
Nelson
Russell

So the bill (H.R. 15628) was passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SCOTT. Mr. President, I move to lay that motion on the table.

Mr. FULBRIGHT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended, so as to read: "An act to amend the Foreign Military Sales Act, and for other purposes."

Mr. FULBRIGHT. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. ALLOTT) appointed Mr. FULBRIGHT, Mr. SPARKMAN, Mr. MANSFIELD, Mr. CHURCH, Mr. AIKEN, Mr. CASE, and Mr. COOPER conferees on the part of the Senate.

Mr. President, I ask unanimous consent that the bill be printed and passed, so that Senators may be informed of the many changes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I wish to commend the distinguished Senator from Idaho (Mr. CHURCH) for his great patience and wisdom in handling this bill. This bill has been under consideration for nearly 8 weeks—I think it will be 8 weeks on Thursday. This is one of the most arduous and difficult bills we have had this year. The Senator from Idaho has done an outstanding job and has handled it with great tact and wisdom and has been most conscientious in his attendance. I believe the effect of his management and the cooperation of the Senator from Kentucky (Mr. COOPER) has been very beneficial to the work of the Senate. I commend both of them.

Mr. MANSFIELD. Mr. President, having spent over 7 weeks on this one piece of legislation, it is impossible to single out any particular Senator for commendation; the Senate as a whole has participated in a truly historic event. The issue of the separate responsibilities of the Congress and the executive branch have never been more fully explored; the final action on this bill marks a significant breakthrough in the reassertion of the responsibilities of the Senate in the essential decisions affecting the foreign policy of this country as well as the issue of war and peace.

The Senator from Idaho (Mr. CHURCH) who managed this bill along with the Senator from Kentucky (Mr. COOPER) must however be mentioned. The long hours spent in shepherding this bill to passage demonstrated a dedication to duty and principle that sets a noble example to every public official.

To the Senate as a whole I wish to express my appreciation, gratitude and pride for the level of the debate during these weeks and for the cooperation afforded the leadership while these issues were before us.

MEDICAL FACILITIES CONSTRUCTION AND MODERNIZATION AMENDMENTS OF 1970—VETO MESSAGE

The PRESIDING OFFICER (Mr. ALLOTT). Under the previous unanimous-consent agreement, the Chair now lays before the Senate a veto message, which will be reported.

The legislative clerk read as follows:

The House of Representatives having proceeded to reconsider the bill (H.R. 11102) entitled "An Act to amend the Public Health Service Act to revise, extend, and improve the program established by title VI of such Act, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of representatives agreeing to pass the same.

The PRESIDING OFFICER (Mr. ALLOTT). The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Under the previous unanimous-consent agreement to vote at 5:30, the time is to be controlled respectively by the majority leader and the minority leader. Who yields time?

Mr. SCOTT. Mr. President, I yield myself 2 minutes for the purpose of addressing an inquiry to the distinguished majority leader.

The PRESIDING OFFICER. May we have order in the Senate, please?

The Senator from Pennsylvania may proceed.

Mr. SCOTT. Mr. President, following the consideration of the pending business, there will be a continuation of the consideration of the postal reform bill. I understand that there is, as far as I can find out, a disposition to accelerate action on the matter pending before us.

I would like to suggest to the distinguished majority leader that perhaps we could have an agreement on an earlier vote.

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, one of the reasons that the leadership asked the Senators to stay after the vote was taken was to raise that possibility.

I have discussed the matter not only with the distinguished minority leader but also with the committee chairman, the Senator from Texas (Mr. YARBOROUGH), and the ranking minority member of the committee, the Senator from New York (Mr. JAVITS).

They have indicated that it would be fair to say that a 30-minute limitation, with the time to be divided between them, would be satisfactory, and that any Senator would be given recognition regardless of his point of view, the vote to occur at the end of the 30 minutes.

Mr. President, just on the chance that that might be acceptable, I make that unanimous-consent request at this time.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, I wish to state to the Senator that I will support the overriding of the veto. But I will yield time to any Member of the minority or to any Senator who desires time to oppose the override.

Mr. MANSFIELD. Mr. President, I am sure the manager of the bill will do the same.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. YARBOROUGH. Mr. President, since we discussed this matter originally, other members of the committee have indicated they want to speak. I suggest we have 30 minutes to a side rather than 15 minutes.

Mr. MANSFIELD. I think we had better let it go as it is. That would take it up to 5:30 p.m. anyway. I withdraw my request.

Mr. President, I ask for the yeas and nays on the pending business.

The PRESIDING OFFICER (Mr. ALLOTT). The Chair is happy to inform the Senate that under the Constitution a yea-and-nay vote is automatic. The request for the yeas and nays is not necessary.

Mr. MANSFIELD. I thank the Presiding Officer.

EMERGENCY HOME FINANCE ACT OF 1970

Mr. SPARKMAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3685.

The PRESIDING OFFICER (Mr. ALLOTT laid before the Senate the amendment of the House of Representatives to the bill (S. 3685) to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes, which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Emergency Home Finance Act of 1970".

TITLE I—REDUCTION OF INTEREST CHARGES FOR MEMBERS OF THE FEDERAL HOME LOAN BANK SYSTEM

SEC. 101. (a) There is authorized to be appropriated not to exceed $250,000,000, without fiscal year limitation, to be used by the Federal Home Loan Bank Board for disbursement to Federal home loan banks for the purpose of adjusting the effective interest charged by such banks on short-term and long-term borrowing to promote an orderly flow of funds into residential construction. The disbursement of sums appropriated hereunder shall be made under such terms and conditions as may be prescribed by the Board to assure that such sums are used to assist in the provision of housing for low- and middle-income families, and that such families share fully in the benefits resulting from the disbursement of such sums. No member of a Federal home loan bank shall use funds the interest charges on which have been adjusted pursuant to the provisions of this section to make any loan, if—

(1) the effective rate of interest on such loan exceeds the effective rate of interest on such funds payable by such member by a percentile amount which is in excess of such amount as the Board determines to be appropriate in furtherance of the purposes of this section; or

(2) the principal obligation of any such loan which is secured by a mortgage on a residential structure exceeds the dollar limitations on the maximum mortgage amount, in effect on the date the mortgage was originated, which would be applicable if the mortgage was insured by the Secretary of Housing and Urban Development under section 203(b) or 207 of the National Housing Act.

(b) Not more than 20 per centum of the sums appropriated pursuant to subsection (a) shall be disbursed in any one Federal home loan bank district.

TITLE II—AUTHORITY FOR THE FEDERAL NATIONAL MORTGAGE ASSOCIATION TO PROVIDE A SECONDARY MARKET FOR CONVENTIONAL MORTGAGES

SEC. 201. (a) Section 302(b) of the National Housing Act is amended—

(1) by inserting "(1)" immediately following "(b)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) For the purposes set forth in section 301(a), and with the approval of the Secretary of Housing and Urban Development, the corporation is authorized, pursuant to commitments or otherwise, to purchase, service, sell, lend on the security of, or otherwise deal in mortgages which are not insured or guaranteed as provided in paragraph (1) (such mortgages referred to hereinafter as 'conventional mortgages'). No such purchase of a conventional mortgage shall be made if the outstanding principal balance of the mortgage at the time of purchase exceeds 75 per centum of the value of the property securing the mortgage, unless (A) the seller retains a participation of not less than 10 per centum in the mortgage; (B) for such period and under such circumstances as the corporation may require, the seller agrees to repurchase or replace the mortgage upon demand of the corporation in the event that the mortgage is in default; or (C) that portion of the unpaid principal balance of the mortgage which is in excess of such 75 per centum is guaranteed or insured by a qualified private insurer as determined by the corporation. The corporation shall not issue a commitment to purchase a conventional mortgage prior to the date the mortgage is originated, if such mortgage is eligible for purchase under the preceding sentence only by reason of compliance with the requirements of clause (A) of such sentence. The corporation may purchase a conventional mortgage which was originated more than one year prior to the purchase date only if the seller is currently engaged in mortgage lending or investing activities and if, as a result thereof, the cumulative aggregate of the principal balances of all conventional mortgages purchased by the corporation which were originated more than one year prior to the date of purchase does not exceed 10 per centum of the cumulative aggregate of the principal balances of all conventional mortgages purchased by the corporation. The corporation shall establish limitations governing the maximum principal obligation of conventional mortgages purchased by it which are comparable to the limitations which would be applicable if the mortgage were insured by the Secretary of Housing and Urban Development under section 203(b) or 207 of the National Housing Act.

"(3) The corporation may not make any public offering of securities to finance its secondary market operations in conventional mortgages at any time that the Secretary of Housing and Urban Development determines that such an offering would unduly inhibit the financing by the Government National Mortgage Association of low and moderate income housing in implementation of its special assistance functions."

(b) Section 5202 of the Revised Statutes (12 U.S.C. 82) is amended by adding at the end thereof the following:

"Eleventh. Liabilities incurred in connection with sales of mortgages, or participations therein, to the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.".

TITLE III—FEDERAL HOME LOAN MORTGAGE CORPORATION

SHORT TITLE

SEC. 301. This title may be cited as the "Federal Home Loan Mortgage Corporation Act".

DEFINITIONS

SEC. 302. As used in this title—

(a) The term "Board of Directors" means the Board of Directors of the Corporation.

(b) The term "Corporation" means the Federal Home Loan Mortgage Corporation created by this title.

(c) The term "law" includes any law of the United States or of any State (including any rule of law or of equity).

(d) The term "mortgage" includes such classes of liens as are commonly given or are legally effective to secure advances on, or the unpaid purchase price of, real estate under the laws of the State in which the real estate is located, together with the credit instruments, if any, secured thereby, and includes interests in mortgages.

(e) The term "organization" means any corporation, partnership, association, business trust, or business entity.

(f) The term "prescribe" means to prescribe by regulations or otherwise.

(g) The term "property" includes any property, whether real, personal, mixed, or otherwise, including without limitation on the generality of the foregoing choses in action and mortgages, and includes any interest in any of the foregoing.

(h) The term "residential mortgage" means a mortgage which (1) is a mortgage on real estate, in fee simple or under a leasehold having such term as may be prescribed by the Corporation, upon which there is located a structure or structures designed in whole or in part for residential use, or which comprises or includes one or more condominium units or dwelling units (as defined by the Corporation) and (2) has such characteristics and meets such requirements as to amount, term, repayment provisions, number of families, status as a first lien on such real estate, and otherwise, as may be prescribed by the Corporation.

(i) The term "conventional mortgage" means a mortgage other than a mortgage as to which the Corporation has the benefit of any guaranty, insurance or other obligation by the United States or a State or an agency or instrumentality of either.

(j) The term "security" has the meaning ascribed to it by section 2 of the Securities Act of 1933.

(k) The term "State", whether used as a noun or otherwise, includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

ESTABLISHMENT OF THE CORPORATION

SEC. 303. (a) There is created the Federal Home Loan Mortgage Corporation, which shall be a body corporate and shall be under the direction of a Board of Directors composed of the members of the Federal Home Loan Bank Board, who shall serve as such without additional compensation. The Chairman of the Federal Home Loan Bank Board shall be the Chairman of the Board of Directors. The principal office of the Corporation shall be in the District of Columbia or at such other place as the Corporation may from time to time prescribe. The Corporation shall be a member of each Federal home loan bank and, except as otherwise provided by the Federal Home Loan Bank Board, shall have all the benefits, powers, and privileges, and in the exercise thereof shall be subject to all liabilities, conditions, and limitations (except those relating to Federal home loan bank stock and subscriptions thereto and those under provisions of the Federal Home Loan Bank Act preceding section 9) which are provided by the terms of such Act or other Federal statute for members of any such bank.

(b) The Corporation shall have power (1) to adopt, alter, and use a corporate seal; (2) to have succession until dissolved by Act of Congress; (3) to make and enforce such bylaws, rules, and regulations as may be necessary or appropriate to carry out the purposes or provisions of this title; (4) to make and perform contracts, agreements, and commitments; (5) to prescribe and impose fees and charges for services by the Corporation; (6) to settle, adjust, and compromise, and with or without consideration or benefit to the Corporation to release or waive in whole or in part, in advance or otherwise, any claim, demand, or right of, by, or against the Corporation; (7) to sue and be sued, complain and defend, in any State, Federal, or other court; (8) to acquire, take, hold, and own, and to deal with and dispose of any property; and (9) to determine its necessary expenditures and the manner in which the same shall be incurred, allowed, and paid, and appoint, employ, and fix and provide for the compensation and benefits of officers, employees, attorneys, and agents, all without regard to any other law except as may be provided by the Corporation or by laws hereafter enacted by the Congress expressly in limitation of this sentence. Nothing in this title or any other law shall be construed to prevent the appointment, employment, and provision for compensation and benefits, as an officer, employee, attorney, or agent of the Corporation, of any officer, employee, attorney, or agent of any department, establishment, or corporate or other instrumentality of the Government, including any Federal home loan bank or member thereof. The Corporation, with the consent of any such department, establishment, or instrumentality, including any field services thereof, may utilize and act through any such department, establishment, or instrumentality and may avail itself of the use of information, services, facilities, and personnel thereof, and may pay compensation therefor, and all of the foregoing are hereby authorized to provide the same to the Corporation as it may request.

(c) Funds of the Corporation may be invested in such investments as the Board of Directors may prescribe. Any Federal Reserve bank or Federal home loan bank, or any bank as to which at the time of its designation by the Corporation there is outstanding a designation by the Secretary of the Treasury as a general or other depositary of public money, may be designated by the Corporation as a depositary or custodian or as a fiscal or other agent of the Corporation, and is hereby authorized to act as such depositary, custodian, or agent. When designated for that purpose by the Secretary of the Treasury, the Corporation shall be a dopositary of public money, under such regulations as may be prescribed by the Secretary of the Treasury, and may also be employed as fiscal or other agent of the United States, and it shall perform all such reasonable duties as such depositary or agent as may be required of it.

(d) The Corporation, including its franchise, activities, capital, reserves, surplus, and income, shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority, except that any real property of the Corporation shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed. The provisions of this subsection shall be applicable without regard to any other law, including without limitation on the generality of the foregoing section 3301 of the Internal Revenue Code of 1954, except laws hereafter enacted by Congress expressly in limitation of this subsection.

(e) All notes, bonds, debentures or other obligations of the Corporation, or other securities (including stock) of the Corporation, and the interest, dividends, or other income therefrom, shall be exempt from all taxation (except estate, inheritance, and gift taxes) now or hereafter imposed by any territory, dependency, or possession of the United States, or by the Commonwealth of Puerto Rico, the District of Columbia, or any States, county, municipality, or local taxing authority. The foregoing exemption from taxation shall include exemption from taxation measured by such obligations or securities or by such interest, dividends, or other income, and from inclusion of such obligations or securities, or such taxation.

(f) Notwithstanding section 1349 of title 28 of the United States Code or any other provision of law, (1) the Corporation shall be deemed to be an agency included in sections 1345 and 1442 of such title 28; (2) all civil actions to which the Corporation is a party shall be deemed to arise under the laws of the United States, and the district courts of the United States shall have original jurisdiction of all such actions, without regard to amount or value; and (3) any civil or other action, case, or controversy in a court of a State, or in any court other than a district court of the United States, to which the Corporation is a party may at any time before the trial thereof be removed by the Corporation, without the giving of any bond or security, to the district court of the United States for the district and division embracing the place where the same is pending, or, if there is no such district court, to the district court of the United States for the district in which the principal Office of the Corporation is located, by following any procedure for removal of causes in effect at the time of such removal. No attachment or execution shall be issued against the Corporation or any of its property before final judgment in any State, Federal, or other court.

CAPITAL STOCK

SEC. 304 (a) The capital stock of the Corporation shall consist of nonvoting common stock which shall be issued only to Federal home loan banks and shall have such par value and such other characteristics as the Corporation prescribes. Stock of the Corporation shall be evidenced in such manner and shall be transferable only to such extent, to such transferees, and in such manner, as the Corporation prescribes.

(b) The Federal home loan banks shall from time to time subscribe, at such price not less than par as the Corporation shall from time to time fix, for such amounts of common stock as the Corporation prescribes, and such banks shall pay therefor at such time or times and in such amount or amounts as may from time to time be fixed by call of the Corporation. The amount of the payments for which such banks may be obligated under such subscriptions shall not exceed a cumulative total of $100,000,000.

(c) Subscriptions of the respective Federal home loan banks to such stock shall be allocated by the Corporation.

(d) The Corporation may retire at any time all or any part of the stock of the Corporation, or may call for retirement all or any part of the stock of the Corporation by (1) publishing a notice of the call in the Federal Register or providing such notice in such other manner as the Corporation may determine to be appropriate, and (2) depositing with the Treasurer of the United States, for the purpose of such retirement, funds sufficient to effect such retirement. No call for the retirement of any stock shall be made, and no stock shall be retired without call, if immediately after such action, the total of the stock not called for retirement and of the reserves and surplus of the Corporation would be less than $100,000,000. The retirement of stock shall be at the par value thereof, or at the price at which such stock was issued if such price is greater than par value. No declaration of any dividend on stock of the Corporation shall be effective with respect to stock which at the time of such declaration is the subject of an out-

XUM

standing retirement call the effective date of which has arrived.

MORTGAGE OPERATIONS

SEC. 305. (a)(1) The Corporation is authorized to purchase, and make commitments to purchase, residential mortgages from any Federal home loan bank, the Federal Savings and Loan Insurance Corporation, any member of a Federal home loan bank, or any other financial institution the deposits or accounts of which are insured by an agency of the United States, and to hold and deal with, and sell or otherwise dispose of, pursuant to commitments or otherwise, any such mortgage or interest therein. The operations of the Corporation under this section shall be confined so far as practicable to residential mortgages which are deemed by the corporation to be of such quality, type, and class as to meet generally the purchase standards imposed by private institutional mortgage investors.

(2) No conventional mortgage shall be purchased under this section if the outstanding principal balance of the mortgage at the time of purchase exceeds 75 per centum of the value of the property securing the mortgage, unless (A) the seller retains a participation of not less than 10 per centum in the mortgage; (B) for such period and under such circumstances as the Corporation may require, the seller agrees to repurchase or replace the mortgage upon demand of the Corporation in the event that the mortgage is in default; or (C) that portion of the unpaid principal balance of the mortgage which is in excess of such 75 per centum is guaranteed or insured by a qualified private insurer as determined by the Corporation. The Corporation shall not issue a commitment to purchase a conventional mortgage prior to the date the mortgage is originated, if such mortgage is eligible for purchase under the preceding sentence only by reason of compliance with the requirements of clause (A) of such sentence. The Corporation may purchase a conventional mortgage which was originated more than one year prior to the purchase date only if the seller is currently engaged in mortgage lending or investing activities and if, as a result thereof, the cumulative aggregate of the principal balances of all conventional mortgages purchased by the Corporation which were originated more than one year prior to the date of purchase does not exceed 10 per centum of the cumulative aggregate of the principal balances of all conventional mortgages purchased by the Corporation. The Corporation shall establish limitations governing the maximum principal obligation of conventional mortgages purchased by it which are comparable to the limitations which would be applicable if the mortgage were insured by the Secretary of Housing and Urban Development under section 203 (b) or 207 of the National Housing Act.

(3) The sale or other disposition by the Corporation of a mortgage under this section may be with or without recourse, and shall be upon such terms and conditions relating to resale, repurchase, guaranty, substitution, replacement, or otherwise as the Corporation may prescribe.

(b) Notwithstanding any other law, authority to enter into and to perform and carry out any transaction or matter referred to in this section is conferred on any Federal home loan bank, the Federal Savings and Loan Insurance Corporation, any Federal savings and loan association, any Federal home loan bank member, and any other financial institution the deposits or accounts of which are insured by an agency of the United States to the extent that Congress has the power to confer such authority.

OBLIGATIONS AND SECURITIES

SEC. 306. (a) The Corporation is authorized, upon such terms and conditions as it may prescribe, to borrow, to give security, to pay interest or other return, and to issue notes, debentures, bonds, or other obligations, or other securities, including without limitation mortgage-backed securities guaranteed by the Government National Mortgage Association in the manner provided in section 306(g) of the National Housing Act. Any obligation or security of the Corporation shall be valid and binding notwithstanding that a person or persons purporting to have executed or attested the same may have died, become under disability, or ceased to hold office or employment before the issuance thereof.

(b) The Corporation may, by regulation or by writing executed by the Corporation, establish prohibitions or restrictions upon the creation of indebtedness or obligations of the Corporation or of liens or charges upon property of the Corporation, including after-acquired property, and create liens and charges, which may be floating liens or charges, upon all or any part or parts of the property of the Corporation, including after-acquired property. Such prohibitions, restrictions, liens, and charges shall have such effect, including without limitation on the generality of the foregoing such rank and priority, as may be provided by regulations of the Corporation or by writings executed by the Corporation, and shall create causes of action which may be enforced by action in the United States District Court for the District of Columbia or in the United States district court for any judicial district in which any of the property affected is located. Process in any such action may run to and be served in any judicial district or any place subject to the jurisdiction of the United States.

(c) The Federal home loan banks shall, to such extent as the Board of Directors may prescribe, guarantee the faithful and timely performance by the Corporation of any obligation or undertaking of the Corporation on or with respect to any security (which term as used in this sentence shall not include the capital stock referred to in section 304 of this title).

(d) The provisions of this section and of any restriction, prohibition, lien, or charge referred to in subsection (b) shall be fully effective notwithstanding any other law, including without limitation on the generality of the foregoing any law of or relating to sovereign immunity or priority.

(e) The Corporation may not make any public offering of securities to finance its secondary market operations in conventional mortgages at any time that the Secretary of Housing and Urban Development determines that such an offering would unduly inhibit the financing by the Government National Mortgage Association of low- and moderate-income housing in implementation of its special assistance functions.

MISCELLANEOUS PROVISIONS

SEC. 307. (a) All rights and remedies of the Corporation, including without limitation on the generality of the foregoing any rights and remedies of the Corporation on, under, or with respect to any mortgage or any obligation secured thereby, shall be immune from impairment, limitation, or restriction by or under (1) any law (except laws enacted by the Congress expressly in limitation of this sentence) which becomes effective after the acquisition by the Corporation of the subject or property on, under, or with respect to which such right or remedy arises or exists or would so arise or exist in the absence of such law, or (2) any administrative or other action which becomes effective after such acquisition. The Corporation shall be entitled to all immunities and priorities, including without limitation on the generality of the foregoing all immunities and priorities under any such law or action, to which it would be entitled if it were the United States or it were an unincorporated agency of the United States.

(b) The first two sentences of paragraph (6) of subsection (c) of section 18 of the Federal Home Loan Bank Act are amended to read as follows: "Notwithstanding any other provision of law, the financial transactions of said corporation shall be audited by the General Accounting Office in accordance with title II of the Government Corporation Control Act, and banking and checking accounts of said Corporation and said board shall be maintained in accordance with section 302 of that Act. Except as now or hereafter provided by this section, no provision of law other than this act or title IV of the National Housing Act shall be applicable to obligations, expenditures, lending, or payments of said board or corporation, or, to such extent as said board may provide, to personnel or positions thereof, but the activities of the Board and of the Corporation shall be the subject of an annual review by Congress."

(c) The financial transactions of the Corporation shall be subject to audit by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files and all other papers, things, or property belonging to or in use by the respective corporation and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians. A report on each such audit shall be made by the Comptroller General to the Congress. The Corporation shall reimburse the General Accounting Office for the full cost of any such audit as billed therefor by the Comptroller General.

PENAL PROVISIONS

SEC. 308. (a) Except as expressly authorized by statute of the United States, no individual or organization (except the Corporation) shall use the term "Federal Home Loan Mortgage Corporation", or any combination of words including the words "Federal", and "Home Loan", and "Mortgage", as a name or part thereof under which any individual or organization does any business, but this sentence shall not make unlawful the use of any name under which business is being done on the date of the enactment of this Act. No individual or organization shall use or display (1) any sign, device, or insigne prescribed or approved by the Corporation for use or display by the Corporation or by members of the Federal home loan banks, (2) any copy, reproduction, or colorable imitation of any such sign, device, or insigne, or (3) any sign, device, or insigne reasonably calculated to convey the impression that it is a sign, device, or insigne used by the Corporation or prescribed or approved by the Corporation, contrary to regulations of the Corporation prohibiting, or limiting or restricting, such use or display by such individual or organization. An organization violating this subsection shall for each violation be punished by a fine of not more than $10,000. An officer or member of an organization participating or knowingly acquiescing in any violation of this subsection shall be punished by a fine of not more than $5,000 or imprisonment for not more than one year, or both. An individual violating this subsection shall for each violation be punished as set forth in the sentence next preceding this sentence.

(b) The provisions of sections 215, 607, 658, 1011, and 1014 of title 18 of the United States Code are extended to apply to and with respect to the Corporation, and for the purposes of such section 658 the term "any property mortgaged or pledged," as used therein, shall without limitation on its generality include any property subject to mortgage, pledge, or lien acquired by the Corporation by assignment or otherwise.

XUM

(c) The term "bank examiner or assistant examiner", as used in section 655 of such title 18, shall include any examiner or assistant examiner who is an officer or employee of the Corporation and any person who makes or participates in the making of any examination of or for the Corporation.

(d) The term "bank," as used in subsection (f) of section 2113 of such title 18, shall be deemed to include the Corporation, and any building used in whole or in part by the Corporation shall be deemed to be used in whole or in part as a bank, within the meaning of such section 2113.

(e) The terms "agency" and "agencies" shall be deemed to include the Corporation wherever used with reference to an agency or agencies of the United States in sections 201, 202, 203, 205, 207, 208, 209, 286, 287, 371, 506, 595, 602, 641, 654, 701, 872, 1001, 1002, 1016, 1017, 1361, 1505, and 2073 of such title 18. Any officer or employee of the Corporation shall be deemed to be a person mentioned in section 602 of such title 18 within the meaning of sections 603 and 606 of such title.

(f) The terms "obligation or other security" and "obligations or other securities," wherever used (with or without the words "of the United States") in sections 471 to 476, both inclusive, and section 492 of such title 18, are extended to include any obligation or other security of or issued by the Corporation. Any reference in sections 474, 494, 495, and 642 of such title 18 to the United States, except in a territorial sense, or to the Secretary of the Treasury is hereby extended to include the Corporation. Section 477 of such title 18 is extended to apply with respect to section 476 of such title as extended by the first sentence of this subsection (f), and for this purpose the term "United States" as used in such section 476 shall include the Corporation.

TERRITORIAL APPLICABILITY

SEC. 309. Notwithstanding any other law, this title shall be applicable to the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

CONSTRUCTION AND SEPARABILITY

SEC. 10. Except as otherwise provided in this title, or as otherwise provided by the Corporation or by laws hereafter enacted by the Congress expressly in limitation of provisions of this title, the powers and functions of the Corporation and of the Board of Directors shall be exercisable, and the provisions of this title shall be applicable and effective, without regard to any other law. Notwithstanding any other evidences of the intention of Congress, it is hereby declared to be the controlling intent of Congress that if any provision of this title, or the application thereof to any person or circumstances, is held invalid, the remainder of this title, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

TITLE IV—GOVERNMENT NATIONAL MORTGAGE ASSOCIATION SPECIAL ASSISTANCE FUNDS

SEC. 401. (a) Section 305(c) of the National Housing Act is amended by striking out "by $500,000,000 on July 1, 1969" and inserting in lieu thereof "by $2,000,000,000 on July 1, 1969".

(b) Section 305(g) of such Act is amended by striking out everything in the first sentence after "exceed" and inserting in lieu thereof "the dollar limitation on maximum principal obligation that would be applicable to such mortgage if insured under section 235(i) of this Act."

TITLE VI—FLEXIBLE INTEREST RATE AUTHORITY

SEC. 601. Section 3(a) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968, is amended by striking out "October 1, 1970" and inserting in lieu thereof "October 1, 1971".

TITLE VII—INVESTMENT OF COMMERCIAL BANK RESERVES

§ 701. Amendment of section 19(g), Federal Reserve Act

Section 19(g) of the Federal Reserve Act (12 U.S.C. 465) is amended by inserting "(1)" immediately after "(g)" and by adding at the end thereof the following new paragraph:

"(2) In the determination of the amount of any reserve balance required under this section for any type or types of deposits specified by the Board for the purposes of this paragraph, there may be deducted, in whole or in such part as the Board may prescribe, any investments in obligations specified by the Board issued by Federal agencies for the purpose of directly or indirectly financing the construction or acquisition of residential real property."

TITLE VIII—MISCELLANEOUS

§ 801. Settlement costs in the financing of Federal Housing Administration and Veterans' Administration assisted housing

(a) With respect to housing built, rehabilitated, or sold with assistance provided under the National Housing Act or under chapter 37, United States Code, the Secretary of Housing and Urban Development and the Administrator of Veterans' Affairs are respectively authorized and directed to prescribe standards governing the amounts of settlement costs allowable in connection with the financing of such housing in any such area. Such standards shall—

(1) be established after consultation between the Secretary and the Admistrator;

(2) be consistent in any area for housing assisted under the National Housing Act and housing assisted under chapter 37, title 38, United States Code; and

(3) be based on the Secretary's and the Administrator's estimates of the reasonable charge for necessary services involved in settlements for particular classes of mortgages and loans.

(b) The Secretary and the Administrator shall undertake a joint study and make recommendations to the Congress not later than one year after the date of enactment of this Act with respect to legislative and administrative actions which should be taken to reduce mortgage settlement costs and to standardize these costs for all geographic areas.

§ 802. Emergency relief from interest rate conflict between Federal law and State law

Notwithstanding any other law, from the date of enactment of this title until July 1, 1972, loans to local public agencies under title I of the Housing Act of 1949 and to local public housing agencies under the United States Housing Act of 1937 may, when determined by the Secretary of Housing and Urban Development to be necessary because of interest rate limitations of State law, bear interest at a rate less than the applicable going Federal rate but not less than 6 per centum per annum.

§ 803. Treasury borrowing authority for New Communities Program

Section 407(a) of the Housing and Urban Development Act of 1968 is amended by adding at the end thereof the following: "The Secretary may issue obligations to the Secretary of the Treasury in an amount outstanding at any one time sufficient to enable the Secretary to carry out his functions with respect to the guarantees authorized by this title. The obligations issued under this subsection shall have such maturities and bear such rate or rates of interest as shall be determined by the Secretary of the Treasury. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Secretary issued under this subsection, and for such purpose the Secretary of Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under such Act are extended to include purchases of the Secretary's obligations hereunder."

§ 804. Security authorized for public funds deposits

Section 5(b)(2) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(b)(2)) is amended by inserting before the period at the end thereof the following: ", and may give security for public funds (as defined by the Board) deposited in savings accounts (including certificates of deposit)".

§ 805. Savings and loan holding company assistance for low and middle income housing

Section 408(d)(4) of the National Housing Act (12 U.S.C. 1730a(d)(4)) is amended by striking the semicolon in the last sentence and inserting in lieu thereof ", however, upon prior written approval of the Corporation the foregoing prohibitions may be waived to the extent such transactions make sums available to be used to assist in the provision of housing for low and middle income families;".

§ 806. Extension of time for continuance of certain activities

Section 408(c)(2) of the National Housing Act (12 U.S.C. 1730a(c)(2)) is amended by striking "two" and inserting in lieu thereof "five".

§ 807. State-wide lending for Federal Savings and Loan Associations

Section 5(c) of the Home Owners' Loan Act of 1933 is amended (1) by adding after "their home office" in the first sentence the following: "or within the State in which such home office is located"; and (2) by substituting the word "section" for the word "proviso" used in the last clause of the second proviso.

§ 808. Federal Savings and Loan Insurance Corporation reserve

Section 403(b) of the National Housing Act is amended by changing "twenty" in the third sentence to read "thirty".

§ 809. Savings and loan associations as pension trustees

Section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)) is amended by inserting before the next to the last paragraph a new paragraph as follows:

"Any such association is authorized to act as trustee of any trust created or organized in the United States and forming part of a stock bonus, pension, or profit-sharing plan which qualifies or qualified for specific tax treatment under section 401(d) of the Internal Revenue Code of 1954, if the funds of such trust are invested only in savings accounts or deposits in such association or in obligations or securities issued by such association. All funds held in such fiduciary capacity by any such association may be commingled for appropriate purposes of investment, but individual records shall be kept by the fiduciary for each participant and shall show in proper detail all transactions engaged in under the authority of this paragraph."

SEC. 810. Section 401(f)(2) of the Housing Act of 1950 is amended by striking out all that follows "increased by" and inserting in lieu thereof "$6,300,000 on July 1, 1970".

SEC. 811. Title IX of the Housing and Urban Development Act of 1968 is amended by adding after section 911 the following new section:

XUM

"STATE REGULATION

"SEC. 912. Nothing contained in this title shall preclude a State or other local jurisdiction from imposing, in accordance with the laws of such State or other local jurisdiction, any valid nondiscriminatory tax, obligation, or regulation on the partnership as a taxable and or legal entity, but no limited partner of the partnership not otherwise subject to taxation or regulation by or judicial process of a State or other local jurisdiction shall be subject to taxation or regulation by or subject to or denied access to judicial process of such State or other local jurisdiction, or be so subject or denied access to any greater extent, because of activities of the corporation or partnership within such State or other local jurisdiction."

Mr. SPARKMAN. Mr. President, I move that the Senate disagree to the amendment of the House of Representatives on S. 3685 and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS of New Jersey, Mr. BENNETT, and Mr. TOWER conferees on the part of the Senate.

MEDICAL FACILITIES CONSTRUCTION AND MODERNIZATION AMENDMENTS OF 1970—VETO MESSAGE

The Senate resumed the reconsideration of H.R. 11102.

PRIVILEGE OF THE FLOOR

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that Mr. John Forsythe, general counsel for the Committee on Labor and Public Welfare, and Mr. Harris, staff director, be permitted to be in the Chamber during reconsideration of the bill.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. KENNEDY. Mr. President, I ask unanimous consent that my aide, Mr. Corey Parker, be admitted to the Chamber during this discussion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, the choice before the Senate today is whether or not we should override the President's veto of the hospital and medical facilities bill, a bill that will directly affect the health of the American people. I think it might be well to review the history of the bill.

As the bill was passed by the Senate it was a 5-year bill authorizing the expenditure by the Federal Government of $6 billion, including grants, direct loans, and guaranteed loans by the Federal Government, all for the construction and modernization of hospitals, out-patient clinics, emergency rooms, and other health facilities.

Mr. President, there is great need for this legislation. The health officers of the 50 States have certified to the Federal Government that they need $6 billion in money this year to build new hospitals and $10.5 billion to remodel, enlarge, extend, or renovate old hospitals. Many of the best hospitals in this country, in some of the largest cities, have become obsolete.

As the bill was passed by the Senate it was a 5-year bill, which authorized $6 billion in direct loans, grants, and guaranteed loans. The House passed a 3-year bill. We then went into a lengthy conference with the House. That conference resulted in a bill that called for concessions on both sides. The conferees agreed on a 3-year bill that authorized the expenditure of $2.760 billion. While that amount was slightly less than one-half the Senate bill, it is still the biggest and best hospital construction bill to date.

So great was the case made for the conference bill that it passed the Senate by unanimous vote and it was passed by the House by unanimous vote.

Mr. President, you can imagine the dismay in this country subsequent to the President's veto, which was apparently based on advice he received from staff in the White House.

Mr. President, we know the result in the House of the vote on the veto. Legislative bodies are reluctant to override a Presidential veto. However, the health needs of the country are so great the other body override it with an overwhelming vote.

I regret that the President did not have the advice of distinguished Senators on the other side of the aisle who worked on this legislation when he made the veto decision. It is a bipartisan bill. Actually, in the conferences with the House, it was the Senate against the House. There was no division between Democratic and Republican Members.

I have already noted the fact that the 50 State health authorities have recommended that $15.5 billion be spent now for health facilities.

In my own State, the average cost of a room in a hospital today is $60. The national average is over $65. If a patient is in a room 1 day, in some States and in some cities the cost has already reached $100 a day.

Outpatient clinics supported by this bill would relieve some of the pressures on hospitals. This is the best bill we have passed in this field, because it goes into that facet of the problem. It authorizes increased appropriations for outpatient clinics.

For the first time we placed in the bill a provision for money to build emergency hospital rooms. I refer to facilities built to take care of traumatic injuries caused by automobile accidents, home accidents, and so forth.

In this country 50,000 persons are killed each year in automobile accidents, and over 2 million injured. There are 2.2 million disabled in accidents, and 45,000 are killed in industrial accidents. Millions more are killed in sporting and recreation accidents.

Money is provided in the bill for hospitals to build emergency room facilities right where the ambulance brings the injured people into the hospital. If that is done, it will save the lives of many people, whether they are injured from accidents on the highway, in industrial accidents, or accidents in the home or during recreation.

This is a compromise bill. It provides only half of what the Health Subcommittee found was necessary, and what the full Senate Committee on Labor and Public Welfare found was necessary, and what the Senate as a whole found was necessary when it passed the $6 billion, 5-year bill and sent it to the House.

So this bill itself is a reduced bill, cut down by the long conferences with the House. I am proud to say, on behalf of the Senate conferees on both sides, that they stayed there faithfully, day after day, and did not surrender to the House, but stayed there until we got a compromise bill.

The 50 health planning authorities from the 50 States have certified and documented the case to the Federal Government, to the Department of Health, Education, and Welfare, that there is a need for 85,000 acute care hospital beds, 165,000 long-term beds, 900 public health centers, 900 more diagnostic centers, and 400 rehabilitation facilities.

We are in a crisis in health care in this country.

After 11 years on the Health Subcommittee and the Education Subcommittee, I personally think we have the best education system in the whole world. No other nation tries to educate, at one time, in the colleges of the country, one person out of every 25 in the whole Nation, with approximately 8 million students out of our little over 200 million population. We no doubt have the best educational system in the world, offering more young people the best educational opportunities in the world.

Unfortunately, the same is not true of our health care.

A baby boy in this country is destined to live not as long as another baby boy in 15 other nations, and 13 other nations have a better record of infant mortality. In some nations in the western world the infant mortality rate is only half what ours is.

There is one provision in the bill, and it apparently had much to do with the President's veto message, which has to do with the availability of certain appropriations. We require that the appropriations be made available and that the Bureau of the Budget not freeze the funds and say the money cannot be spent, and that the funds appropriated be spent.

Section 601, in the vetoed bill, would prevent the President from refusing to spend appropriations funds for hospital construction, for regional medical facilities, for heart disease and cancer centers, for personnel for health centers, for nurse training and health research training, for national health, for biomedical, for community health centers, for rehabilitation centers, for a national center for health services and research. As a matter of fact, section 601 includes the Public Health Service Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended.

Mr. President, other Senators desire to be heard, and I shall not detail those seriatim, but the distinguished Presiding Officer is a member of the full committee and is personally familiar with the matter.

I see other members of the committee present on the floor—the distinguished Senator from Massachusetts (Mr. KENNEDY), the distinguished Senator from

XUM

California (Mr. MURPHY), the distinguished Senator from Colorado (Mr. DOMINICK), who is the ranking Republican member on the Health Subcommittee.

We are the richest Nation the world has ever seen, and we ought to recognize that health care is important to the strength and the resources of the people.

I wish to mention one point specifically, though, before yielding the floor, and that is biomedical research. Those are the programs by which our medical schools are principally supported.

We have slightly over 100 medical schools in the United States. More than 60 percent of all the money spent to operate the medical schools in the United States comes from the Federal Government. When we cut down programs for biomedical research, we jeopardize the medical schools of this country. The cost of biomedical research has been going up about 15 percent annually.

Many medical schools are on the brink of financial chaos, so much so that our committee has included a $100 million disaster relief fund in a forthcoming health bill to try to save those medical schools.

The fact that, because of the war and for other reasons, our sense of priorities has not yet recognized that aid for medical schools are a prime priority of this Government. Some of our medical schools are on the brink of disaster. Unless something is done about supporting medical schools, Mr. President, many will be forced to close. One old and prestigious school has gone under, and another is failing.

XUM

Mr. President, the time is limited, and other Senators wish to be heard. I have closing remarks which I shall make as time permits, but otherwise I am prepared to yield time to other Senators at this point.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has used 23 minutes out of 35 minutes allocated.

Mr. MURPHY. Mr. President, I wish to say, as a member of the committee, that it has been a great pleasure and a joy to work with the distinguished chairman, the Senator from Texas, who has done a good job in putting this bill together. I concur with his remarks regarding the need, regarding the emergency which exists, and regarding the conditions of the medical schools; and I would like to say that I could not find words to express my admiration for the excellent job done by the distinguished Senator as the chairman of this committee. It has been a great pleasure to serve with him on the committee. He deserves great credit for this bill, which is an excellent, outstanding bill, and contains all the fine elements that he has so eloquently described here today.

Mr. DOMINICK. Mr. President, will the Senator yield me about 5 minutes?

Mr. MURPHY. I am pleased to yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I listened with great interest to the comments made by the chairman of our committee, on which I serve as the ranking Republican on the Health Subcommittee. The Senator from California (Mr. MURPHY), myself, the Senator from New York, and many others labored long and valiantly in conference to try to get through some of the provisions which had passed out of our committee and on the floor. There were a number of these provisions, which I think I should refer to, which are pretty important. One is our effort to try to increase the authorization for outpatient facilities and extended care facilities, or long term care facilities. We finally won this battle with the House of Representatives, but it was only after a long and rather tough struggle. Many people on the side of the House of Representatives wanted to do nothing but concentrate on construction of hospitals. We finally persuaded them that in addition to construction, we also should try to provide facilities by which we could get patients out of the high-cost hospitals and into long term or extended care facilities. We won that battle, by and large.

During the process of our discussion, section 601, which is the main basis for the veto, came up very strongly. We had provided—unknown, I might say, to a great number of us, as to the scope of the provision—a requirement that all money that we appropriated be spent in about seven different programs which related to medical care. We had a very tough battle with the House of Representatives immediately facing us. This was one of the things that the chairman on the House committee said they simply were not going to be able to accept.

It turned out that it was my suggestion that was eventually adopted—a suggestion that we limit this requirement for spending appropriation money to two major programs, the Public Health Service Act and the Community Mental Health Centers and Mental Retardation Act. These two items were held in as the areas where we thought the need was the greatest. It was probably the only method by which we could have gotten the House to agree to any bill at all; and by that time we had, I would think, encompassed at least five meetings, maybe six, all very extended and very detailed, and sometimes quite heated discussions.

What is the effect of section 601, upon which the President has based a major portion of his veto message? Obviously, it infringes on the Executive's ability to determine how money is going to be spent, when he is under a restriction on the total amount of expenditures he can make. But I think we should keep in mind, Mr. President, that this is an authorization bill. It is not an appropriation bill. Therefore, with both this warning from the President, by way of his veto—which undoubtedly will be overridden—and the provision which we have in the bill, which has now had so much public attention, it is my guess that the Appropriations Committee will be very, very careful as to how much money it appropriates. I do not believe that the Appropriations Committee has any desire to further confuse the issue by appropriating so much that the President cannot possibly swallow it. I do not think that they want to confuse the issue by inviting another veto.

For those reasons, it seems to me that in an authorization bill of this kind, what we are really doing under section 601 is putting up a warning flag for the Appropriations Committee—a warning flag as a result of which they will take a very careful look at what we are authorizing them to appropriate.

The other point that I think ought to be made, which bears on the President's veto message, was his objection to the excess amount over his budget for hospital construction.

He points out that he has laid very great stress on the need for hospital modernization. This is very true.

The Senate bill pointed out again and again the need for hospital modernization, but it also pointed out that in some States at least we were going to need additional hospital beds. The question of whether or not a State is going to use money for construction or for modernization is up to the State committee. It is not up to the U.S. Senate or to the House, under the bill as approved by both bodies. Consequently, that body itself can best determine what its own needs are within its own State.

Furthermore, under the modernization program, you have a much more flexible determination as to the amount of money that will be allocated to a State; and once those amounts of money are allocated, there is flexibility within the bill so that the construction money can all be used for modernization if the State body so desires. This, I think, alleviates a great deal of the concern expressed in the President's message, even though there is no doubt that the authorization in totals is more than the budget had called for.

Putting these two things together, then, and looking at section 601 as a red flag to the Appropriations Committee, and recognizing that whatever money for hospital construction is contained in this bill can also be used for modernization which the President is in favor of, I do not really feel that we have an item which is going to prove a tremendous hurdle for either the Executive or for Congress.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MURPHY. I yield 1 additional minute to the Senator.

Mr. DOMINICK. For those reasons, it is my feeling that the urgent need to establish within the States the overall trend as to where Hill-Burton is going to go this year is so important that I will vote for the bill, which we have already passed twice in the Senate.

I thank the Senator from California.

Mr. MURPHY. I thank the Senator from Colorado.

Mr. DOLE. Mr. President, will the Senator yield me 5 minutes?

Mr. MURPHY. I yield 5 minutes to the distinguished Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 5 minutes.

Mr. DOLE. Mr. President, I take this time to pose a question to the chairman, the Senator from Texas.

I have been absent from the Chamber, but want to ask the one question that disturbes me—it may have been covered by the Senator from Texas in his opening statement—and it is whether or not Congress can require any President to expend certain funds. Has that been covered?

Mr. YARBOROUGH. It was done with education bills. There are precedents for that. We did not specifically discuss that constitutional question, because that has been debated on the floor in the past. That is in the present education bill.

Mr. DOLE. I recall that in the early sixties Congress appropriated money—I believe the Senator from Arizona can refresh my memory—was it for the B-52s?

Mr. GOLDWATER. We appropriated $900 million for the B-52 program, and Secretary McNamara refused to spend it.

Mr. DOLE. I am wondering about the general question. Does Congress have the right to say to any President, "You must spend *x* number of dollars, but you have no flexibility, no discretion"?

Mr. YARBOROUGH. The Constitution, in my opinion, gives Congress the exclusive power to levy and then to appropriate the money.

Mr. DOLE. We have the right to appropriate, but does that mean that the President must spend the amount appropriated?

Mr. YARBOROUGH. I think that Congress has to reassert its constitutional power. This bill does not provide that the administration spend authorized money but only appropriated money. After we finish this authorization, as the able Senator from Colorado has pointed out, we have a hard fight in the Appropriations Committee to get the needed moneys. I think the President should spend it. I do not mean that he should waste it. I do not mean it should be wasteful.

I know that in my own State, hundreds of millions are awaiting approved hospital plans. We know in this case the great needs there, and it has already been passed upon by the proper authorities, and it is waiting. Hospitals cannot be built.

It is a constitutional question, and people will differ on what the Constitution means.

Mr. DOLE. It occurs to me that we really deprive any President from any flexibility with reference to money which has been appropriated. I read from the President's message:

> One of the most unacceptable provisions of the bill is in Section 601. Here, the Congress insists that funds appropriated for any fiscal year through 1973 to carry out the programs involved must be spent. In addition to restricting flexibility in management of Federal expenditures, this provision would interfere with my ability to comply with the limitation on total 1971 spending that has already passed the House of Representatives and has been reported by the Senate Appropriations Committee.

I think this is the question that disturbs some of us: Are we denying to any President that flexibility in the event the money is authorized and appropriated?

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. JAVITS. Really, this must be juxtaposed in two ways—one, in respect to the matter referred to by Senator GOLDWATER, that the executive can refrain from spending, and two, there is no way you have of making the executive spend. But I think that the implication of title VI is more in the direction of an expenditure ceiling. It will be recalled that we have made exceptions to expenditure ceilings; and if I were the President's counsel, I would interpret this provision, section 601 of H.R. 11102, to mean an advance exemption from the expenditure ceiling.

What Congress is really saying to the President is, "No matter what expenditure ceiling we give you, this is one item which we don't expect you to cut by using the expenditure ceiling as a justification, but indeed, you may increase the expenditure ceiling by what you would not otherwise spend if you put this under the expenditure ceiling."

This is really the only effect that I can see.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Will the Senator yield me 2 additional minutes?

Mr. DOLE. I yield.

Mr. JAVITS. The thing that troubles me and other Senators about this provision is that we will now have to be super careful, in honesty with ourselves, on the appropriation measures which will be implemented by this bill, knowing that these programs are ones we have really exempted from expenditure ceilings, as we have done on other occasions with education. That is the real implication.

Mr. DOLE. I appreciate the response from the Senator from New York and the Senator from Texas.

Mr. YARBOROUGH. I concur in the statement and explanation by the distinguished Senator from New York. I think that the President's veto speaks for itself. If we vote to override the veto, we vote to enforce the section 601 which he complains about.

Mr. DOMINICK. If the Senator from Kansas will yield, I should like to point out that I have just finished saying, in my own remarks, that this constitutes a red flag to the Appropriations Committee to be very careful about what they are going to appropriate.

Second, it does not require that the President spend the money for this purpose, but it prevents him from taking the money and transferring it to another program.

Mr. DOLE. I thank the Senator from Colorado.

Mr. YARBOROUGH. This question was raised in the Appropriations Committee.

Mr. JAVITS. I yield 3 minutes to the Senator from Washington (Mr. MAGNUSON).

The PRESIDING OFFICER. The Senator from Washington is recognized for 3 minutes.

Mr. MAGNUSON. Mr. President, the truth of the matter is, I will not argue the merits of this back and forth, but the administration is trying to change the Hill-Burton program and make it into something that was not intended by the original Hill-Burton Act in 1947.

In 1969, for construction grants—these are direct grants to the various States and local agencies—$267.2 million was appropriated.

In 1970, after the 2-percent reduction, it was $172.2 million.

This year, they come up in 1971 with $85 million, of which $50 million is for construction grants as compared to $267 million, I will say to the Senator from New York, 2 years ago. That $50 million is for direct grants, but an additional $30 million is for loans. Five million dollars is for interest subsidy on private loans. Subsidized loans are supposed to be available to the nonprofit organizations, not the public, that is, hospitals run by the Catholic sisters and other religious and charitable groups.

Thus, the whole direction of the program is subject to change because there were no loans, subsidized or, otherwise, in the previous authorizations. The $30 million in direct loans is 3 percent for a 25-year maximum, but this is only for public agencies, and the $5 million is in interest subsidies, up to 6 percent interest, which is for non-profit groups—that is, if they should be able in these times to float a loan. They have switched that around.

The $40-million item is for grants to public agencies for diagnostic and treatment centers, which they sorely need, of course, but these and $10 million for rehabilitation facilities are the only direct grants. The $30 million for direct loans, changes completely the basic theory of the Hill-Burton program.

We find, over the years, that the direct grants have generated much needed hospital construction. Let me give the figures—in fiscal 1969, 630 projects provided for 29,820 inpatient care beds and some 153 outpatient facilities and the total cost of all these that was $1,132,000,000, of which the Federal share, by giving the direct grants, not loans, was $261 million, or 23 percent. The State and local share, $871 million, was 77 percent.

Over 91 percent of the 1969 projects were additions, alterations, and modernization. Many of these, I must say, long overdue.

Thus, in 1970, total Federal costs will be about $172 million, but we have no estimate yet on the number of projects, but they are piling up down there for grants and we know the local share will be three to four times greater.

As recommended by budget changes, the whole thrust of the program is going into loans and that is what is causing critical problems. I suppose that is why the legislative committee said that we have to spend this the way the Hill-Burton Act provides. I do not blame them for that because it has been a highly successful program in generating all kinds of local money that is needed. I must say not only local and state tax funds, but millions in private dollars. In many cities and localities, the charity of those citizens exceeds the tax funds in their projects.

The problem of modernizing all the

XUM

Nation's health facilities, if we start to do it with loans, would exceed $11 billion at a minimum. Thus, we are dealing with a problem of grave fiscal policy here. I understand that. The Senator from Kansas said, do we have a right to make it mandatory? Well, we have the right, but we have no enforcement. No one will say that we can put a President, this one, in jail. We will not do it. They have even withheld trust fund loans. All administrations have done that. This is not just President Richard Nixon. We said certain trust funds had to be spent on highways but they held them up. What they are trying to do here is to switch the basic policy under the Hill-Burton Act. This has been one of the most successful programs in the whole field of health.

I want to underline these figures: 77 percent of the total costs have been generated by the States and the local communities, with public and private funds. Under the proposed loans, this would not happen.

Mr. YARBOROUGH. Mr. President, at the request of the Senator from Washington (Mr. MAGNUSON), I ask unanimous consent that there be printed in the RECORD at the conclusion of his remarks certain tables to which he referred.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

FISCAL RECAP—HILL-BURTON HOSPITAL CONSTRUCTION PROGRAM

	Modernization	Hospitals and public health centers	Long-term care facilities	Diagnostic or treatment centers	Rehabilitation facilities	Total construction funds-grants
Year:						
1969	$71,382,749	$112,947,261	$56,144,650	$16,404,703	$8,635,695	$267,200,000
1970	27,100,000	54,200,000	63,600,000	18,200,000	9,100,100	172,200,000
1971	(1)	(1)	(1)	[2] 40,000,000	[2] 10,000,000	50,000,000
						[3] (85,000,000)

[1] Under the President's budget for 1971, $30,000,000 would be available for long-term (up to 25 years) loans, at 3 percent, to only public hospitals and other public medical facilities for construction.

Some $5,000,000 is allocated for an interest subsidy program of guaranteed loans, made from other sources, to private, nonprofit agencies for the construction and modernization of hospitals and other health facilities. The subsidy could amount to ½ the interest rate up to 6 percent (no 6-percent money has been available this year).

The justification for the interest subsidy program, contained in the budget documents from the Department says: "This method of financing construction takes into consideration the increasing ability of hospitals to generate revenue to repay loans. This new financial status comes about through depreciation allowances being paid to hospitals and other health facilities by the medicare program and the greater support by health insurance plans of patient charges for medical care."

According to the same budget documents, the Department anticipates this $5,000,000 would subsidize about $166,000,000 in loans and mortgages, and that assumes maximum interest rates of 6 percent.

[2] The President proposed $50,000,000 in direct grants, with $40,000,000 slated for diagnostic or treatment centers, and $10,000,000 for rehabilitation facilities. These would be public facilities, not private, and would constitute increases in those 2 categories over both 1969 and 1970 levels. Those grants would be concentrated on outpatient facilities in the most urban areas.

[3] The total available for construction would be $85,000,000; the $50,000,000 in grants, $30,000,000 in 3-percent loans—all the foregoing restricted to public agencies—and $5,000,000 for the interest subsidy that would be available for private nonprofit agencies.

Note: Departmental and budget documents estimate the total current cost of modernizing all of the Nation's health facilities would exceed $11,000,000,000. Their best judgments on what the States and local agencies could utilize, and match with their own funds, during 1970 is about 25 percent of that. If unlimited funding were granted, State agencies estimate that some 889 projects could be supported, costing a grand total of $3,000,000,000, of which the Federal share would be about $1,150,000,000.

Mr. JAVITS. Mr. President, I yield myself 30 seconds.

Mr. President, as the time is being yielded, I believe it will go more to those who sustain override than to those who oppose it. So we will make time available, as we wish to make it equal.

I now yield to the Senator from Kansas (Mr. DOLE) and to the Senator from Tennessee, and also some time for the Senator from Texas (Mr. YARBOROUGH) who wishes that time for the Senator from Massachusetts.

But, for the information of the Senate, any Senator who opposes overiding can have any time he wishes within our limitation.

PRIVILEGE OF THE FLOOR

Mr. BAKER. Mr. President, I ask unanimous consent that my legislative assistant, Lee Smith, be permitted on the floor for the remainder of today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent to have printed in the RECORD the President's veto message of June 23, 1970.

There being no objection, the veto message was ordered to be printed in the RECORD, as follows:

To the House of Representatives:

I am returning without my approval H.R. 11102, the Medical Facilities Construction and Modernization Amendments of 1970. My reason for this veto is basic: H.R. 11102 is a long step down the road of fiscal irresponsibility, and we should not take that road.

This bill authorizes direct grants which are more than $350 million in excess of the budget which I presented to the Congress for Fiscal Year 1971. More than that, it would (1) significantly restrict Presidential options in managing Federal expenditures, (2) isolate the financing of one group of Federal programs as untouchable without assessing its merits against the financial needs for other programs, and (3) encourage pressures to extend this provision to other areas—thereby further complicating management of the Federal budget.

One of the most unacceptable provisions of the bill is in Section 601. Here, the Congress insists that funds appropriated for any fiscal year through 1973 to carry out the programs involved must be spent. In addition to restricting flexibility in management of Federal expenditures, this provision would interfere with my ability to comply with the limitation on total 1971 spending that has already passed the House of Representatives and has been reported by the Senate Appropriations Committee. The amount of money involved is large; Section 601 would affect $2.5 billion of my budget request for the Department of Health, Education, and Welfare for 1971. This kind of provision puts the Congress in the position of withdrawing with one hand the authority necessary to do what it requires with the other. I ask the Congress to eliminate Section 601.

Looking to other deficiencies in H.R. 11102, I ask the Congress to remove the authorization for hospital construction grants and to reduce the remaining excessively high authorizations in the bill which are not designed to meet contemporary needs.

The major requirements today are to modernize existing but obsolete hospitals, particularly in the inner cities, and, in the face of skyrocketing medical costs, to expand other types of medical facilities which can serve as more efficient and economic alternatives to hospital care.

Given these factors, I proposed in April, 1969, that the medical facilities construction program be redirected—away from emphasis on additional hospital beds through direct Federal grants-in-aid. Instead, I proposed Federal guarantees for loans obtained in the private sector to modernize obsolete hospitals and construct additional hospital beds where population pressures so require. I further proposed a bloc grant to the States to help construct facilities for ambulatory care, long-term care and rehabilitation—alternatives to hospitalization.

My proposal clearly faced the need to determine priorities in the use of limited Federal dollars. H.R. 11102 avoids facing up to the choice that has to be made. It would add the new program of guaranteed loans on top of an expanded program of grants for construction and modernization of medical facilities. This bill authorizes grants totalling $402 million in 1971; $422 million in 1972 and $437 million in 1973. The public and the medical care industry interpret authorization levels as an appropriation commitment. Yet it is certain that we shall not be able to appropriate such large sums.

The health needs of the nation and the imminent expiration of the existing authorizations make it imperative that the Congress act quickly to correct the shortcomings of this measure. There are many excellent provisions in this bill and I shall be happy to approve a financially responsible bill without delay.

Let no one interpret this veto as in any way lowering the high priority that this Administration has placed on the very important field of health. Health outlays for 1971 will be almost 28 percent higher than in 1969.

We have proposed:

A new program concept of Family Health Insurance which will benefit more than four million poor families as part of the family assistance program.

Substantial increases in high priority areas of biomedical research; such as heart and cancer.

Revision of Medicare to enable the aged to take advantage of the more comprehensive and efficient operation of pre-paid group practice arrangements.

Significant expansion of programs to alleviate the major national problems of alcoholism and drug abuse.

Expansion of family planning programs to provide counselling and assistance to millions of women who want but cannot afford such services.

Major increases in funds to curb air pollution.

In these times there is no room in this massive program—or in any other program—for the kind of needless and misdirected spending represented in H.R. 11102. I again call upon the Congress to join me in holding down government spending to avoid a large budget deficit in Fiscal Year 1971.

RICHARD NIXON.

THE WHITE HOUSE, *June 22, 1970.*

Mr. DOLE. Mr. President, let me emphasize that this was a difficult veto for the President. It does not in any way indicate that he is establishing a low priority for health care.

As the President pointed out in the message, he has proposed a new program concept of family health insurance; a substantial increase in high priority areas of biomedical research, such as heart and cancer; revision of medicare to enable the aged to take advantage of the more comprehensive and efficient operation of prepaid group practice arrangements; a significant expansion of programs to alleviate the major national problems of alcoholism and drug abuse; and other programs which are stated in the message.

There will be charges made that President Nixon, by virtue of this veto, has no concern and feels no compassion for those who, from time to time, use facilities authorized by this act.

I take this time, Mr. President, to emphasize that President Nixon has made it very clear in his message what his objections are, and that he is not opposed to health care or expanded care.

Mr. ALLOTT. Mr. President, the question before us now is whether or not to sustain the President's veto of H.R. 11102, the Medical Facilities Construction and Modernization Amendments of 1970. These Hill-Burton amendments have been carefully studied by the President and found unacceptable.

It is the President's clear duty, in the best of times, to insist on economic restraint in all legislative fields. Since these are certainly and admittedly significantly inflationary times it becomes all the more important for the President to exercise stringent oversight.

In this regard, the President finds one provision especially unacceptable. It is section 601, in which Congress insists that funds appropriated for any fiscal year through 1973 for the purpose of implementing these programs be spent in full.

The President objects to this on two grounds. First, it restricts the flexibility that makes for efficiency in using public moneys. Second, it cripples the President in his efforts to comply with the limitation on 1971 spending.

As Members know, yesterday we agreed to the conference report on the fiscal year 1970 supplemental appropriation bill which contained language limiting the expenditures of money during the fiscal year 1971. This measure is now on its way to the White House for signature by the President. Nothing more clearly dramatizes the conflicting interests in the Congress. We are in danger of appearing as though our left and right hands are working against each other.

Let me make two things very clear. I have been a strong and consistent supporter of the Hill-Burton program ever since I came to the Senate. In addition, I supported H.R. 11102 when it was voted on here.

It seems to me that the issue is this: What deference is owed the President on this matter? My answer is that the President is charged with fighting the current inflation, and if he deems this measure detrimental to that fight, then we should accede to his request for revisions in this measure.

Two things are clear. First, the Nation's ability to reorder its priorities and to make new innovations in social programs depends, first and foremost, on cooling the inflationary fires. Second, we must not allow political considerations to intrude into the fight against inflation. In this regard, let me call attention to the curious situation the President confronts.

He is contending with two major problems, both of which were full blown when he inherited them from the previous administration. On the one hand he is cooling a war which, until he came to office, had been steadily escalated for 8 years. On the other hand, he is trying to cool an inflation which resulted from the management of the war.

It is a fact that this inflation was roaring along in 1966. It is a fact that in 1965 President Johnson ignored the advice of his own Council of Economic Advisors when it unanimously recommended a small anti-inflation tax increase. The then President refused to bite the bullet, and the inflation went roaring ahead. In 1967, with inflation out of control, President Johnson finally asked for a tax increase. But Congress, which his own party controlled, refused to bite the bullet. The inflation gained even more momentum.

Now the time has come when the President who inherited the inflation must bite a series of bullets if he is to protect the national interest. This would be unfortunate and unjust in any case. What makes it especially unpleasant is the fact that an independent observer might conclude that politics was entering into all this. Let me explain.

The President has announced a tight, pared-down budget. Time and time again he has stressed the need for restraint. But there now seems to be a pattern emerging. The Congress, which is controlled by a party other than the President's, seems to be developing the habit of sending to the White House spending measures which ignore his suggestions for restraint. Frequently these concern spending for things we all favor, such as education or—as in this case—health. Thus the stage is set for some partisan speechmaking. If the President permits the spending, then the inherited inflation will get a new lease on life. If the President vetoes the spending, then the partisan accusations begin. The President, it is said, is against education, or health or whatever.

This is a tiresome political dance and I think the American people understand it for what it is. It is an attempt to wear down the President by making him fight inflation and the party that started the inflation, all at the same time.

No one who has studied the issues involved here will accept the superficial notion that a vote to sustain this veto is a vote against progressive health policies. The reverse is closer to the truth. The President has repeatedly stressed that the crying need today is not just for new hospital construction. Would it were true that all inadequacies in any field could be done away with by putting up new buildings. The President understands that our problems are more complex and our solutions must be more subtle than that.

It is the President's belief, based on the best counsel available, that the real need is for the modernization of existing hospitals and for imaginative innovations in medical care that will serve as alternatives to hospitalization.

The authorizations which the President finds imprudent are authorizations which are not directed toward progressive innovation. Rather, they are directed at the least effective forms of expenditure. Thus the Congress could modify this bill so as to conform with the President's requests and the Nation's needs—both medical and economic—without crippling the President's progressive policy in the field of medical facilities.

As the President has said in his veto message, he has asked for a substantial increase of 28 percent in 1971 over 1969. This administration's commitment to improving the Nation's health programs cannot be doubted. But the Nation's No. 1 health problem is our unhealthy economy.

The techniques that got the economy in trouble are being applied in the attempt to override the President's veto. I hope these attempts will fail, and that the President will be sustained in his attempt to improve the health of the American people and the American economy.

I wish the President did not feel that revisions are necessary in this measure. But he does feel that, and I defer to his judgment because it is his task to take into account the larger picture of the whole economy. I am glad that the revisions he requires would not constitute major sacrifices in the Nation's medical effort. Thus I urge the Senate to vote against overriding the President's veto.

Mr. JAVITS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. CRANSTON). The Senator from New York has 4 minutes remaining.

Mr. YARBOROUGH. Mr. President, how much do I have remaining?

The PRESIDING OFFICER. The Senator from Texas has 7 minutes remaining.

Mr. JAVITS. Mr. President, I yield 4 minutes to the Senator from Massachusetts.

Mr. YARBOROUGH. Mr. President, I yield 7 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the distinguished chairman of the committee, the Senator from Texas (Mr. YARBOROUGH), and the ranking minority member of the committee, the Senator from New York (Mr. JAVITS).

I join in the expressions of commendation of the distinguished chairman of the Health Subcommittee, Mr. YAR-

XUM

BOROUGH. He undertook a new responsibility on the retirement of the former chairman of the subcommittee, Senator Hill, whose name is part of the measure we are considering this afternoon.

As one who attended the hearings and worked with the Senator from Texas on this measure, I think it bears the strong and well-deserved imprint of the Senator from Texas.

I commend the Senator from Texas, as we go into the final few minutes of this discussion and debate, for the work he has done on the bill.

I intend to vote this afternoon to override the President's veto of the Hill-Burton Act, and I urge my colleagues to do so also. By a wide margin last week, the House of Representatives mustered the two-thirds majority necessary to override the veto, and the Senate must not fail to do the same.

The vote we are about to record must be a vote of confidence in American health, a signal to the tens of millions of Americans concerned over the deteriorating quality of health care in the Nation that Congress is at last aroused to the crisis, and that we are equal to the challenge.

It is no small coincidence that the only two vetoes by President Nixon thus far in his administration have been vetoes of health bills. It is an extremely bitter irony that at a time of massive Federal spending in areas like national defense, farm programs, space, and the SST, the President has chosen to challenge the Nation's health constituency by vetoing modest authorizations and appropriations for urgently needed health programs.

XUM

The veto of the Hill-Burton Act, however, is more than just an indication of the low esteem in which the present administration holds health care in America. The veto is also an affront to the Hill-Burton Act itself, and to all the Senators, Congressmen, and members of previous administrations who for a quarter of a century helped to make this act one of the most popular and successful Federal grant programs in the Nation's history.

It is fair to say that for a generation, the Hill-Burton Act has been the centerpiece of matching Federal grant legislation. In the 24 years since it was conceived by Senator Lister Hill of Alabama and Congressman Harold Burton of Ohio and signed into law by President Truman, the act has poured more than $3.5 billion into the construction and modernization of health facilities in 4,000 communities in all parts of America; $73 million has gone to Massachusetts. More than 10,300 projects have received Federal funds under the act, 308 of them in Massachusetts. The Federal funds have been matched with more than $8 billion in State and local funds; the total cost of projects stimulated by the Hill-Burton Act is $11.5 billion, of which $446 million has gone to Massachusetts.

In spite of the success of the act, however, we know that there is a widening gap between the demands of our people for better health care and our ability to provide the facilities and services they need. In part, the new demand has been created by the mushrooming discoveries of medical research in recent years—discoveries that have laid the groundwork for far more effective treatment of a vast range of serious illnesses. In part, the demand has been created by new and imaginative Federal programs like medicare and medicaid—programs that, in spite of their flaws, have brought new hope for better health care to millions of poor and older citizens.

We know the success of the Hill-Burton Act, but we also know the tremendous need for health facilities that still exists, and we know that Hill-Burton is probably the only Federal health program capable of ever beginning to meet that need. The figures demonstrating the current need are dramatic. As of January 1, 1968, the most recent year for which data are available:

We need $6 billion worth of construction of additional health facilities. We need facilities for 85,000 more acute care beds in general hospitals, more than 165,000 long-term care beds, nearly 900 public health centers, nearly 1,100 out patient centers and nearly 400 rehabilitation facilities.

We need $11 billion to modernize or replace our archaic and obsolete existing facilities. Nearly half of the Nation's general hospitals and more than one-third of our long-term care facilities need to be modernized or replaced. Together, these facilities in need represent 465,000 beds. In addition, we need to modernize 1,200 public health centers, 1,400 outpatient centers, and 180 rehabilitation facilities.

Nowhere is the need for better health facilities more apparent than in our urban municipal hospitals. The deplorable condition of the great city and county hospitals of urban America is the single most desperate aspect of our current health crisis. I know first hand the plight of Boston City Hospital, the only "doctor" known to thousands of Boston's poor. I also know that the plight of Boston City Hospital is common to city hospitals throughout the Nation.

Every day in countless institutions in America—places like Boston City Hospital, D.C. General Hospital, Bronx Municipal Hospital, Philadelphia General Hospital, St. Louis City Hospital, or Cook County General Hospital—the tragedy of inadequate health care is played out by overworked staffs in decrepit facilities to the lasting detriment of the spirit of America. Last night, I visited Boston City Hospital once again. I saw again the deplorable facilities, the overcrowded emergency rooms, the decrepit wards, the shocking conditions under which some of the finest doctors in the Nation are required to practice their healing art.

Seen in the light of this extraordinary need, the three major criticisms of the bill stated by the President in his veto message to Congress—the high authorizations, the failure to eliminate the grant program in favor of a guaranteed loan program, and the mandatory spending provision—are criticisms that are easily rebutted. As the figures I have cited demonstrate, and as every hospital administrator in America knows, the demand for funds for the construction of new health facilities and for the modernization of existing facilities is enormous—of the order of $17 billion.

In the face of these many billions of dollars of immediate need, it can hardly be maintained that Congress is being spendthrift when it authorizes less than $1 billion a year for the next 3 years, to continue the essential work of the Hill-Burton Act. Indeed, for the entire 3 years of the act, we are asking a total of $2.8 billion, or only slightly more than $2.4 billion in cost overruns for the C-5A alone.

Similarly, in the face of the existing need and the obvious success of the Hill-Burton grant program in helping to meet the need in past years, it would be entirely unrealistic for Congress to abandon the grant program and shift the heart of the act to a program of guaranteed loans, as the administration originally requested. Congress wisely decided to add guaranteed loans as an addition to—not a substitute for—the program of direct grants. If we in Congress had relied solely on guaranteed loans, at this time of soaring interest rates, we might well have been denying any Federal assistance at all to hundreds of hospitals and other health facilities—especially public facilities. The needs of these facilities are very great, but their precarious financial status might well have made them incapable of entering today's money market to borrow funds, even at the subsidized rates offered by the pending bill. By making guaranteed loans available as an additional source of Federal financing, instead of the sole source of financing, I believe that Congress has recognized the reality of the existing need and has gone far to meet it.

Nor is the mandatory spending provision an adequate excuse to justify the veto of this important legislation. That provision, which was added by the Senate, requires that all funds appropriated by Congress for the Public Health Service Act and for the Mental Retardation-Mental Health Act must be spent. In light of the obvious need that exists, and in light not only of the administration's announced intent to dismantle the grant program, but also of the administration's clear reluctance to fund health programs in a measure even remotely in accord with need, I believe that Congress is amply justified in exercising its will through a mandatory spending provision.

Moreover, measured in terms of real dollars—dollars discounted by inflation—that we have been spending under the Hill-Burton Act in recent years, it is clear that our Federal commitment has actually declined, not increased. In 1963, the total appropriations for the Hill-Burton Act were $220 million. The authorization for 1971 in the bill vetoed by the President is $382 million. Measured in 1963 dollars, however, the bill's authorization for 1971 is only $222 million, or almost precisely the 1963 figure. Yet, we know that the appropriation for 1971 will almost certainly be lower than the authorized amount. We also know that, because of population growth, research discoveries, and other factors, our overall commitment is seriously declining. We simply have not had the courage to maintain the sort of strong commitment we require.

The mandatory spending provision has an interesting recent history. The traditional back-seat role of Federal health programs was very clearly revealed in a dramatic sequence of back-to-back votes on the Senate floor a year ago last week. In June 1969 the Senate voted 52 to 43 to exempt education programs from the ceiling on Federal appropriations for the current fiscal year, and then promptly refused—by a 47 to 45 vote—to give the same exemption to health programs.

Thus, the mandatory spending issue in the Hill-Burton Act vetoed by the President last week is almost precisely a rerun of the controversy we had last year on the spending ceiling. Only this time, thanks to the work of dedicated health leaders throughout America, the health constituency in the Nation has more muscle to flex, and our effort to gain a place in the sun for Federal health programs was successful.

Moreover, the mandatory spending provision in the bill sent to the President by Congress is far weaker than the version of the provision that passed the Senate. In addition to the Public Health Service Act, and the Mental Retardation-Mental Health Act, the Senate bill would also have applied the mandatory spending requirements to funds appropriated under the Clean Air Act, the Solid Waste Disposal Act, the Vocational Rehabilitation Act, and several other Federal statutes. After extensive discussion, the Senate-House conference on the act agreed to restrict the impact of the provision to the Public Health Service Act and the Mental Health-Mental Retardation Act, where the need for adequate funds is extremely critical.

Finally, apart from the controversy over the merits of the mandatory spending provision, nothing better illustrates the chaos and confusion in the administration's health programs than the manner in which the administration has failed to serve notice to Congress of its displeasure over the provision. The provision was included in the bill reported to the Senate by the Committee on Labor and Public Welfare in February 1970. It passed the Senate in April without objection. It was not until late in May, during the Senate-House conference, that the first substantial administration objection was raised. Largely in response to that objection, the conference cut back the provision, and the conference bill passed both the House and the Senate in June, without apparent further objection from the administration. Then, at the 11th hour, the President abruptly vetoed the bill, citing the mandatory spending provision as the principal cause of the veto.

If one lesson seems clear in this current veto debacle for the administration, it is that the President's health advisers seem to have addicted their responsibility, and yielded the field to his economic advisers. It is worth summarizing briefly some of the most important provisions of the legislation vetoed by the President, in order to see in perspective the relative merits of the health and economic arguments over the bill.

The bill continues the basic grant program for the construction and modernization of health facilities, with substantial new emphasis on outpatient facilities and on facilities in urban areas and in poverty areas.

The bill establishes a new program, requested by the administration, of Federal loan guarantees, with a 3-percent Federal interest subsidy, for the construction and modernization of health facilities.

The bill establishes a new program of grants for the construction and modernization of emergency rooms of general hospitals.

Indeed, it is fair to say that the pending legislation accomplishes the most thorough-going improvements in the Hill-Burton Act since the act was originally signed into law in 1946. Yet, it was vetoed by the President.

It is difficult to believe that the economic arguments in favor of vetoing the bill could have prevailed against an energetic presentation of the very real health arguments in favor of signing the bill, given the proven past success of the Hill-Burton program and the modest sums involved in the controversy over the authorizations, the direct grants, and the mandatory spending provision.

By voting today to override the veto of this legislation, therefore, we will be doing more than preserving a major Federal health program. We will be doing more than simply renewing the historic Hill-Burton Act. We will be demonstrating to the President and the members of his administration that Congress has a deep commitment to the quality of health care in America, and a genuine determination to alleviate the health crisis into which we are sinking. We invite the administration to face up to its responsibility in this basic area, and to join Congress in a new partnership to bring order out of the current disarray of Federal health.

In closing, as we prepare to vote on this question, I think it is worth emphasizing again some of the problems the Health Subcommittee was faced with when legislation was introduced by the administration.

There was no authorization figure written into the legislation when the administration's bill was first introduced before the Senate. The Health Subcommittee acquired detailed information to try to balance out the needs and arrive at a sound fiscal position.

As a result of the hearings that were held, we realized that the figures contained in the bill before us this afternoon were absolutely necessary.

As I have indicated, I think they are extremely modest figures. We are talking about something slightly less than $3 billion for the next 3 years. We ought to measure that figure against the need recognized by the Department of Health, Education, and Welfare. And when we consider the need for health facilities that already exist, we realize that the pending measure over the next 3 years will meet only about 15 percent of the needs today.

When we consider the administration position on loans versus grants, we know that the initial measure proposed by the administration placed emphasis on loans, to the almost complete exclusion of grants, in spite of the fact that grants under the Hill-Burton Act have made the act one of the most successful measures to pass the Senate since the Second World War.

Let us make no mistake about it. In the area where there is the greatest need, particularly in the municipalities of this country, it is extremely difficult, if not impossible, for hospitals and other health facilities to obtain loans, even with the subsidy included in the bill.

The distinguished Senator from Colorado (Mr. DOMINICK) introduced a measure that substantially improved the loan guarantee program. I supported it. I think it is worthwhile. However, I also think we delude ourselves if we believe that by providing solely a subsidized loan program, we can come to grips with the urgent need for hospital construction and modernization that exists in many of our municipalities.

On the question of the mandatory spending provision, I believe that, by mandating the President to spend the funds appropriated pursuant to this legislation, we can have a court test of the issue.

Mr. DOMINICK. Mr. President, will the Senator yield on that point?

Mr. KENNEDY. Mr. President, I yield.

Mr. DOMINICK. Mr. President, it is my understanding that section 601 simply says, not that the money must be spent, but that when appropriated it remains available until spent. That means that it cannot be transferred, but that it has to stay in that program. Is that a correct statement?

Mr. KENNEDY. Mr. President, they cannot be transferred, as has been done in earlier instances. That is basically correct. Of course, as the statement of the House conferees makes clear, the purpose of section 601 is to do more than simply prohibit the transfer of funds. It is also intended to prevent administratively imposed freezes, reductions, and rollbacks from affecting the health programs covered by the section.

I think that in section 601 the Members of Congress are expressing their determination that funds appropriated under the covered programs must be spent.

I have listened to the dialog that took place earlier in this debate, and to the question propounded by the distinguished Senator from Kansas with relation to whether we have the constitutional authority to mandate that the President actually expend these funds, as required under the pending legislation.

We have listened to the statement of the distinguished Senator from New York, who said that his interpretation of this provision is that we are removing the covered health programs from Federal expenditure ceilings or other similar budgetary restrictions.

I would like to add an additional di-

XUM

mension, Mr. President. I believe that if the President does not expend the appropriated funds, the matter would be opened up to some kind of lawsuit, either by an individual, a hospital, or another interested party, to enforce the will of Congress that the funds must be spent in the way Congress has designated.

Mr. President, I think that for the reasons outlined, the measure before us is reasonable. It is extremely modest in terms of the tremendous need which exists. I think that we were well within our authority and responsibility in identifying these programs as programs where our scarce resources simply must not be diverted.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. MURPHY. Does the Senator agree with me that in writing legislation we on the committee should take the responsibility and make it the job of the committee? To include the expenditure of the money is a judgment that might very well properly be made a part of the legislation.

It would seem to me that this should be a part of the responsibility of the committee involved, to advise, after hearings, after all the evidence is in, that we think, first, this is the amount of money needed and, second, in our judgment this is the way the money should be spent.

I see nothing improper about that and I do not know whether the propriety of this has ever been tested or not. But I hope the distinguished Senator from Massachusetts would agree that this is part of the responsibility and a proper part of the responsibility to be assumed by the committee in order to help and advise in our desires in the legislation, as we pass it on to the Executive, to become law.

XUM

Mr. KENNEDY. I agree with the comments of the Senator from California. I would say also that, with respect to the interpretation of section 601 as a mandatory spending provision is made unmistakably clear in the President's veto message, where he states:

> One of the most unacceptable provisions of the bill is in Section 601. Here, the Congress insists that funds appropriated for any fiscal year through 1973 to carry out the programs involved must be spent.

In response to the question of the Senator from Colorado, I wish to make it extremely clear that it is my interpretation that section 601 requires that all funds appropriated for programs covered by section 601 must be spent. This is the way the President interprets the provision, and this is the principal reason he vetoed the bill. It is also a major reason why we in Congress are about to vote to override the veto. We have joined the issue squarely with the administration, and I am confident that the will of Congress will prevail.

The PRESIDING OFFICER. Who yields time?

Mr. YARBOROUGH. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. YARBOROUGH. Mr. President, I yield 1½ minutes to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I shall vote to override the President's veto. I think that on my list of priorities, those things most important to my State and to the country, the health of our people is very high. I would regard it as much higher than such items as the ABM, the SST, and a number of other programs involving far more money than this.

Mr. President, I ask unanimous consent to have printed in the RECORD a table showing the statistics for hospital aid to Arkansas under grants and loan guarantees for fiscal years 1971, 1972, and 1973.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

STATISTICS FOR HOSPITAL AID TO ARKANSAS

[In millions of dollars]

	Grants	Loan guarantees
Fiscal—		
1971	5.7	5.1
1972	5.9	5.1
1973	6.1	5.1
Total	17.7	15.3

Mr. FULBRIGHT. Mr. President, I was pleased that this measure was passed by the House and I hope the Senate concurs with the House in establishing this as a high priority. I do not think this is a repudiation of the President but it does exhibit an indication of what is most important for our country under present conditions. I think this is one of the most important matters and I hope the Senate overrides the veto.

Mr. YARBOROUGH. Mr. President, I yield 2 minutes to the Senator from Oklahoma.

Mr. HARRIS. Mr. President, President Nixon's veto of the Hill-Burton authorization for hospital construction and modernization marks the second time this year his veto has been used to limit funds urgently needed for health.

The veto comes at a time when America must reorient its priorities if we are to remedy the present crisis in health care. I do not believe that we can idly continue to spend vast sums for an ABM or an SST and at the same time refuse to give attention at the proper level to the health and other essential needs of our citizens.

Fifteen years ago, the United States ranked second among industrial countries in the survival of mothers at childbirth. Now we rank 12th.

The United States ranks 14th among industrial countries in infant mortality, while in 1955 we ranked seventh. We are 18th among nations in life expectancy of men and 11th for women.

Thousands of persons who need medical attention are daily denied or delayed entrance into America's hospitals because of a lack of hospital beds, a situation which the Hospital Construction Act will improve.

Information from State agencies administering the Hill-Burton program indicate a need for 85,000 "acute" hospital beds, 164,430 "long-term" beds, 893 public health centers, 872 diagnostic and treatment centers and 388 rehabilitation facilities—with a total estimated cost of $5.3 billion. Additionally, 455,130 "acute" and "long-term care" beds presently required modernization, costing $10.5 billion. Current total needs of $15.8 billion for hospital modernization and construction presently exist in America. Yet the President has vetoed, as fiscally irresponsible, a bill which would authorize only $2.79 billion for this purpose over a 3-year period.

The President's veto of the Hill-Burton authorization is inflationary. With hospital beds and trained medical personnel in such short supply, expanding demand for health services continues to force medical costs up. Too often those who need health care most are unable to afford it because of these spiraling costs.

In my own State of Oklahoma, the loss of Hill-Burton funds provided in this bill would jeopardize the successful completion of the University of Oklahoma Medical Center. Without such expansion, I have been informed, the university will be unable to expand its medical school enrollment, a great need if there is to be hope of remedying present shortages of medical personnel in Oklahoma.

The President has suggested that the program move from direct grants to guaranteed loans. However, since public institutions in Oklahoma are prohibited by law from borrowing, they would thus have no alternative source of funds. Those medical institutions which are legally able to borrow find such an option of little value now, in view of present interest rates.

I have received numerous telegrams from hospital administrators, doctors, and concerned citizens throughout Oklahoma who are fearful of the adverse effects of any loss of Federal funds intended by this bill for hospital construction programs.

I ask unanimous consent that some of these telegrams be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARRIS. Mr. President, it is significant, I think, that this year's Hill-Burton authorization provides for priority rightly to be given to construction and modernization of facilities which provide services for the rural and urban poor, which offer comprehensive health care, which provide for the training of health personnel, and which aid in the treatment of alcoholism. The Senate and the Congress should reaffirm its strong approval of these priorities.

Mr. President, in order that all Americans may more nearly realize their fundamental right to good health, we must greatly improve our health delivery system. The 3-year continuation of Hill-Burton funds provided in this bill as passed by Congress, is a small but necessary first step.

The House of Representatives has already acted. The Hospital Construction Act, vetoed by the President, is now before the Senate. I urge that it be passed and enacted into law, notwithstanding the President's veto.

Exhibit 1

Stilwell, Okla.

Hon. Fred Harris,
U.S. Senate Office Building,
Washington, D.C.:

We are deeply distressed over the presidential veto of House Bill 11102, Hill-Burton program. The city of Stilwell is desperately in need of replacing its outdated, inadequate hospital with a new and larger facility. Your help is urgently needed. The Hill-Burton program is the only way this can be accomplished therefore we sincerely urge you and your colleagues in the Congress to override the Presidential veto of the Hill-Burton program.

Dr. John Carson,
President, Stilwell Municipal Hospital Board of Trustees.
Bob Baker,
President, Stilwell Chamber of Commerce.
H. D. Gound,
President, Stilwell Kiwanis Club.

Lawton, Okla.

Senator Fred R. Harris,
Senate Office Building,
Washington, D.C.:

Presidential veto on House Bill 11102 seriously hampers planned expansion of health dept. facilities for Lawton and Comanche County as well as expansion of Comanche County Memorial Hospital. Request your assistance in restoring funds for medical facilities construction and modernization administration for 1970.

Dr. Charles E. Green,
Medical Director, Comanche County Health Department.

Tulsa, Okla.

Senator Harris,
Washington, D.C.:

Urge override of President's veto of Hill-Burton bill. This institution's and many other Oklahoma hospitals future plans are in jeopardy without substantial support from the Federal Government.

James D. Harvey,
Administrator, Hillcrest Medical Center, Tulsa, Okla.

Oklahoma City, Okla.

Hon. Fred Harris,
Washington, D.C.:

The President's veto of Hill-Burton could not have come at a worse time for our hospital. Our preliminary building plans have been drawn based on Hill-Burton participation. Please help override the President's veto and retain superior health facilities for Oklahoma.

Joseph G. Brum,
Administrator, Oklahoma General Hospital.

Clinton, Okla.

Senator Fred Harris,
Senate Office Building,
Washington, D.C.:

The President's veto of Hill-Burton could not have come at a worse time for our hospital. Our preliminary building plans have been drawn based on Hill-Burton participation. Please help override the President's veto and retain superior health facilities for Oklahoma.

Joseph G. Brum,
Administrator, Oklahoma General Hospital.
Glenn T. Dewberry,
Medical Director, Western Oklahoma TB Sanitorium.

Oklahoma City, Okla.

Hon. Fred Harris,
Senate Office Building,
Washington, D.C.:

Worried concerning presidential veto of Hill-Burton extension (H.R. 11102) which might set unfortunate precedent for similar action on other health bills exceeding presidential requests. Strongly urge your action to override veto. Thank you.

James L. Dennis, M.D.,
Vice President, University of Oklahoma Medical Center.

Ponca City, Okla.

Senator Fred Harris,
U.S. Senate,
Washington, D.C.:

I urge your strong support of the Hill-Burton legislation. This will be of great help to Oklahoma hospitals. The necessity to borrow money at high interest rates will further increase hospital costs.

Keith E. Calvert,
Administrator, Ponca City Hospital.

Idabel, Okla.

Senator Fred Harris,
Washington, D.C.

Dear Sir: The people of McCurtain County are in dire need of more medical physicians. The veto of Hill-Burton funds has put us in a critical position regarding expectation. We urge you to vote for an override of the presidential veto on H.R. 11102 and S. 8549. We do need the continuation of the Hill-Burton funds. Thank you for your help in this matter.

Juanita H. Webster,
Administrator, McCurtain County Memorial Hospital.

Mr. JAVITS. Mr. President, I yield 30 seconds to the Senator from Utah.

Mr. MOSS. Mr. President, I intend to vote to override the President's veto of the Medical Facilities Construction and Modernization Amendments of 1970. The funds contained in this appropriations bill for hospital construction are desperately needed in my State. In Utah we now have a backlog of $48.3 million in planned medical facilities. Under the Hill-Burton formula about $20 million of this backlog is eligible for Federal assistance.

Yet last year the Hill-Burton appropriation brought to Utah only $1.1 million for hospital construction. The appropriation bill, vetoed by the President, would more than double this amount. As the figures show, this is still nowhere near enough, but at least it is an improvement.

As we all know, the cost of living is still rising at an unacceptable rate, but the per diem rate of hospital care has gone up twice as fast. It will continue to do so unless the growing shortage of hospital beds is reversed.

But the override of this veto would do more than provide badly needed funds for medical services—it would be another step toward reordering our national priorities.

For some reason President Nixon has chosen to single out appropriations for education and hospitals for his veto. Why is it, the American people are going to ask, that money spent in these badly starved domestic areas is called inflationary while millions of dollars are allotted to weapons systems? The money contained in this bill, for example, would not even pay for one aircraft carrier. Yet think of the lives more hospitals could save.

Mr. JAVITS. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. JAVITS. Mr. President, I understand the concern of the President. I think the President made some very critically valuable points in terms of the overall spending ceiling and the situation of our country. However, the one thing we must have in mind, and the reason for the way I shall vote, is that this is an authorization and not an appropriation bill. It seems to me that on the authorization we have a right to say that the health priority is so high we can surround it with safeguards against transferability and against cutting into the debt limit ceiling that may be placed on expenditures. Then, when it comes to the appropriation stage the red flag is up for the Committee on Appropriations that this is one measure that will not go along with the generality of the appropriation. I think that is the element of reasoning which I hope has been called markedly to the attention of the President. It represents no disrespect to him, but it is the rationale by which I and other Senators will vote to override.

Mr. YARBOROUGH. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Texas has 2 minutes remaining.

Mr. YARBOROUGH. Mr. President, first, I desire to express appreciation to the distinguished senior Senator from California for his very generous remarks toward me in connection with work on this bill that we, representing two great southwestern States, have engaged in together.

I thank the Senator from Massachusetts for his kind remarks. In addition, I am indebted to many other Senators and my failure to mention them is not due to any lack of appreciation but it is due to the limited amount of time available to us.

Mr. President, I ask unanimous consent to have printed in the Record a table entitled "Hill-Burton Comparative Budget Table for Fiscal Years 1970, 1971, 1972, and 1973."

There being no objection, the table was ordered to be printed in the Record, as follows:

HILL-BURTON COMPARATIVE BUDGET TABLE

[In millions of dollars]

	1970			1971			1972		
	Authorization	Appropriation	Administration legislative proposal	H.R. 11102	Administration legislative proposal	Administration budget request	H.R. 11102	Administration legislative proposal	1973 (H.R. 11102)
GRANTS									
Hospitals and public health centers	130	54.2	0	147.5	0	0	152.5	0	157.5
Modernization	[1] 65	[1] 27.1	0	65.0	0	0	80.0	0	90.0
Long-term care facilities	70	63.6	0	85.0	0	0	85.0	0	85.0
Diagnostic and treatment facilities (1970)	20	18.2	0						
Outpatient facilities (1971-73)				70.0	0	40	70.0	0	70.0
Rehabilitation facilities	10	9.1	0	15.0	0	10	15.0	0	15.0
Emergency rooms			0	20.0	0	0	20.0	0	20.0
Bloc grants to States (but not including hospital construction and modernization as well as emergency rooms)			150		(2)	0		(2)	
Total	295	172.2	150	402.5	(2)	50	422.5	(2)	427.5
LOANS									
Guaranteed loans with interest subsidy			500	500.0	500		500.0	500	500.0

[1] No separate authorization in 1970; amount administratively determined.

[2] And such sums as may be necessary.

Source: Prepared by staff of Senate Labor Committee.

Mr. YARBOROUGH. Mr. President, in connection with the question of budget priorities, we have had an amazing example of priorities on two votes taken an hour and a half apart. I refer to the vote on military expenditures, the great runaway we have had in this country that is taking so much of our resources, at a time when our domestic institutions are not growing but rather are slipping back.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. YARBOROUGH. Mr. President, I yield myself 1 additional minute.

Mr. President, I ask unanimous consent that there be printed in the RECORD a letter from Mr. Robert P. Mayo, the Director of the Bureau of the Budget, dated May 11, 1970, opposing section 601. This letter which was Mr. Mayo's analysis of the effect of section 601, was before the conference and was carefully considered. In adopting section 601 the conference decided to disregard Mr. Mayo's objections to the provision.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BUREAU OF THE BUDGET,
Washington, D.C., May 11, 1970.

HON. RALPH YARBOROUGH,
Chairman, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I would like to call your attention to a section of the Senate-passed version of the Hill-Burton bill (H.R. 11102) which I believe to be particularly undesirable both from the standpoint of budgetary control and maximizing the use of public funds.

This section—Section 601—attempts to force the full use by the executive branch of all appropriations authorized by the Acts set forth therein, regardless of conditions or circumstances obtaining after the appropriations have been granted. With respect to almost all health-related activities of the Department of Health, Education, and Welfare, this section effectively nullifies those provisions of the Antideficiency Act (31 U.S.C. 665) which authorize the establishment of reserves "to provide for contingencies, or to effect savings wherever savings are made possible by or through changes in requirements, greater efficiency in operations, or other developments subsequent to the date on which such appropriation was made available."

Enactment of Section 601 would mean that almost $4 billion of the Department's appropriations for fiscal year 1971 would become exempt from restrictions that from time to time the executive branch has found it necessary to impose on the obligation or expenditure of public funds, including those resulting from overall spending reductions required by statute.

Finally, the section converts appropriations for HEW health-related programs into mandates to spend regardless of considerations of commonsense economy and prudent use of the taxpayers' money.

For example, new and urgent priorities unanticipated when the appropriations were enacted may require cutbacks in the use of lower priority funds in order to hold the total budget within reasonable bounds. Inflationary construction cost increases may at times make it desirable to reschedule the planned use of funds in accordance with the economic situation.

We believe the loss of flexibility which would result from enactment of Section 601 could have serious adverse consequences and strongly recommend that the Conference Committee eliminate this provision from H.R. 11102.

Copies of this letter are enclosed for all the Senate members of the Conference.

Sincerely,

ROBERT P. MAYO,
Director.

Mr. JAVITS. Mr. President, I yield 1 minute to the Senator from Iowa.

REASONS FOR VOTING TO SUSTAIN PRESIDENTIAL VETO

Mr. MILLER. Mr. President, the Senate, by a very large vote, passed the Medical Facilities Construction and Modernization Amendments of 1970 Act on April 7. I voted for it.

Since that time, however, there have been developments of very great importance to the Federal budget. These came to light with the passage by the House of H.R. 17802, the bill to increase the national debt ceiling limitation from $377 to $395 billion.

In examining the reason for such a surprisingly large increase, it developed that the administrative budget deficit for fiscal 1969 was $5.4 billion, for fiscal 1970 it is estimated to be $11 billion, and for fiscal 1971, the projected deficit is $10 billion.

These serious deficit figures came as a surprise to many people, who had been looking at the unified accounts budget figures presented by the administration and which showed a surplus. But the reason for the surplus is that the trust fund surpluses were taken into account. Thus, the administrative or operating budget of the Federal Government has been in a serious deficit position, while the trust fund surpluses were used to offset the deficits. Nevertheless, those surpluses must be paid back, and they have to be paid back eventually by taxes. Until the taxes come in, the only way to pay them back is for the Federal Government to borrow the money; and that means an increase in the national debt.

All of this spells difficulty in slowing down inflation and easing high interest rates.

The President's veto message very well points up the problem of the mandatory spending provisions of this bill; and it is clear that those mandatory spending provisions will only aggravate an already serious administrative budget deficit and make it more difficult to control inflation.

I ask unanimous consent that the President's message be placed in the RECORD at this point.

There being no objection, the President's message was ordered to be printed in the RECORD, as follows:

VETO MESSAGE

To the House of Representatives:

I am returning without my approval H.R. 11102, the Medical Facilities Construction and Modernization Amendments of 1970. My reason for this veto is basic: H.R. 11102 is a long step down the road of fiscal irresponsibility, and we should not take that road.

This bill authorizes direct grants which are more than $350 million in excess of the budget which I presented to the Congress for Fiscal Year 1971. More than that, it would (1) significantly restrict Presidential options in managing Federal expenditures, (2) isolate the financing of one group of Federal programs as untouchable without assessing its merits against the financial needs for other programs, and (3) encourage pressures to extend this provision to other areas—thereby further complicating management of the Federal budget.

One of the most unacceptable provisions of the bill is in Section 601. Here, the Congress insists that funds appropriated for any fiscal year through 1973 to carry out the programs involved must be spent. In addition to restricting flexibility in management of Federal expenditures, this provision would interfere with my ability to comply with the limitation on total 1971 spending that has already passed the House of Representatives and has been reported by the Senate Appropriations Committee. The amount of money involved is large; Section 601 would affect $2.5 billion of my budget request for the Department of Health, Education, and Welfare for 1971. This kind of provision puts the Congress in the position of withdrawing with one hand the authority necessary to do what it requires with the other. I ask the Congress to eliminate Section 601.

Looking to other deficiencies in H.R. 11102, I ask the Congress to remove the authorization for hospital construction grants and to reduce the remaining excessively high authorizations in the bill which are not designed to meet contemporary needs.

The major requirements today are to modernize existing but obsolete hospitals, particularly in the inner cities, and, in the face of skyrocketing medical costs, to expand other types of medical facilities which can serve as more efficient and economic alternatives to hospital care.

Given these factors, I proposed in April, 1969, that the medical facilities construction program be redirected—away from emphasis on additional hospital beds through direct Federal grants-in-aid. Instead, I proposed Federal guarantees for loans obtained in the private sector to modernize obsolete hospitals and construct additional hospital beds where population pressures so require. I further proposed a bloc grant to the States to help construct facilities for ambulatory care, long-term care and rehabilitation—alternatives to hospitalization.

My proposal clearly faced the need to determine priorities in the use of limited Federal dollars. H.R. 11102 avoids facing up to the choice that has to be made. It would add the new program of guaranteed loans on top of an expanded program of grants for construction and modernization of medical facilities. This bill authorizes grants totalling $402 million in 1971; $422 million in 1972 and $437 million in 1973. The public and the medical care industry interpret authorization levels as an appropriation commitment. Yet it is certain that we shall not be able to appropriate such large sums.

The health needs of the nation and the imminent expiration of the existing authorizations make it imperative that the Congress act quickly to correct the shortcomings of this measure. There are many excellent provisions in this bill and I shall be happy to approve a financially responsible bill without delay.

Let no one interpret this veto as in any way lowering the high priority that this Administration has placed on the very important field of health. Health outlays for 1971 will be almost 28 percent higher than in 1969.

We have proposed:

A new program concept of Family Health Insurance which will benefit more than four million poor families as part of the family assistance program.

Substantial increases in high priority areas of biomedical research; such as heart and cancer.

Revision of Medicare to enable the aged to take advantage of the more comprehensive and efficient operation of pre-paid group practice arrangements.

Significant expansion of programs to alleviate the major national problems of alcoholism and drug abuse.

Expansion of family planning programs to provide counselling and assistance to millions of women who want but cannot afford such services.

Major increases in funds to curb air pollution.

In these times there is no room in this massive program—or in any other program—for the kind of needless and misdirected spending represented in H.R. 11102. I again call upon the Congress to join me in holding down government spending to avoid a large budget deficit in Fiscal Year 1971.

Richard Nixon.

The White House, *June 22, 1970*.

Mr. MILLER. Mr. President, I have no doubt at all that this bill can be quickly reworked by the two Houses so that the mandatory spending provisions will be deleted and this otherwise sound and needed legislation will be passed. It is in this spirit and in view of the foregoing considerations that I shall cast my vote to sustain the veto.

Mr. HATFIELD. Mr. President, I plan to cast my vote to override the veto of the H.R. 11102, the Hill-Burton Hospital Construction Act.

Several hospitals in Oregon have wired me of the straits they will be in if funds are not forthcoming.

This telegram from Dr. Douglas Heath, president of the Southwestern Oregon Medical Society, is typical:

> The President's veto of the hospital construction bill for fiscal 1971 is of deep concern to us. As you know this area initiated by the people's vote a plan comprehensive in scope, which is spearheaded by the construction of an acute care hospital. It will be supplemented by other services such as mental health, rehabilitation and neighborhood medical facilities, that will be seriously affected without supplemental Hill-Burton. We urge your continued support of this vital hospital construction bill.

I should like to include for the Record sample copies of telegrams I have received from hospitals all over Oregon which bear witness to the need for adequate Federal funding for hospital construction.

There being no objection, the telegrams were ordered to be printed in the Record, as follows:

Portland, Oreg.

Hon. Mark O. Hatfield,
U.S. Senate,
Washington, D.C.:

If veto of Hill-Burton bill permitted to stand, development of needed health facilities throughout Oregon and the Nation will be seriously curtailed. Respectfully urge your support of bill as originally passed by House and Senate.

Werner W. Handrickson,
Administrator, Holladay Park Hospital.

Albany, Oreg.

Re Presidential Veto Hill-Burton.

Senator Mark O. Hatfield,
Washington, D.C.:

The veto of bill H.R. 11102 places the second stage of construction of Albany General Hospital a non-profit community hospital in serious difficulty. We urge you to support a bill that will meet with presidential approval in order that we may continue to plan for the start of construction in October 1970.

Orval Thompson,
Secretary, Board of Directors,
Albany General Hospital.

Portland, Oreg.

Hon. Mark O. Hatfield,
U.S. Senate,
Washington, D.C.:

At least nine Oregon hospitals have construction programs dependent on Hill-Burton. In event H.R. 11102 veto is not overturned, your support of reasonable modification that would meet presidential approval and short of substantial dollar reduction would be much appreciated.

P. D. Fleissner,
Executive Director,
Oregon Association of Hospitals.

Corvallis, Oreg.

Hon. Mark Hatfield,
U.S. Senate,
Washington, D.C.:

Our hospital has submitted an application for a Hill Burton Grant. Our board of directors after extensive planning feels that the health care of our community will be seriously affected if this grant is not available. Your strong help in this important matter will be a great service not only to our personal appeal but to the health field in general.

Good Samaritan Hospital.

Reedsport, Oreg.

Hon. Mark Hatfield,
U.S. Senate,
Washington, D.C.:

Dear Senator Hatfield: We hope you will use your power to override Mr. Nixon's veto of the Hill Burton appropriations for hospital construction. These moneys are desperately needed if hospitals are to continue to furnish the services our patients are entitled to.

Sincerely,

R. H. Sgrowbridge,
Administrator, Lower Umpqua Hospital.

The Dallas, Oreg.

Senator Mark O. Hatfield,
Senate Office Building,
Washington, D.C.:

Counting on your vote tomorrow to override President's veto of Hill-Burton funds. Our hospital has application on file at present time for 40-bed addition.

Gerry Smith,
Administrator, The Dalles General.

Coos Bay, Oreg.

Senator Mark O. Hatfield,
Washington, D.C.:

We need Hill Burton program continuity to complete efforts made thus far to get a regional hospital and comprehensive health care in southwest Oregon. It is less inflationary than eight new destroyers ordered.

Bruce D. Root,
Director Southwestern Oregon
Health Planning Council.

Mr. BAYH. Mr. President, President Nixon warned in July 1969, that the United States faced a "massive crisis" in medical care "unless something is done about it immediately." I applauded this statement. Unfortunately, his recent veto of H.R. 11102—the Hill-Burton hospital construction program—is contradictory to his earlier statement.

The President's words in his June 22 veto statement give cause for deep alarm for all who are concerned about the health of our people. In that statement, he spoke of the bill's "needless and misdirected spending." I would like to emphasize those words: "needless and misdirected."

Is a program which during its 24-year history, has generated $8 billion for the construction of health facilities by a $3.4 billion Federal input "needless and misdirected"? Is a program which has initiated continuous statewide planning for additional hospitals and health facilities and advanced the concept of areawide planning of hospitals and related facilities in an effort to improve the coordination of health facilities "needless and misdirected"? Is a program which has introduced and continually updated the first guidelines ever provided States to measure their hospital bed facility needs, which has resulted in better distribution of facilities and manpower, which has established minimum standards for health facility construction, and which has provided $45 million in research grants for 232 projects since 1956 "needless and misdirected"? I think not.

Mr. President, the words President Nixon spoke in July 1969, are, I think, truer words. The Nation still faces a massive crisis in medical care unless something is done about it immediately. And the most immediate action we can take, I suggest, is to override the President's veto of the Hill-Burton program.

There is no doubt about this Nation's great needs in medical facilities construction and modernization. We know that we have a definite need for 455,130 acute long-term care beds, for 833 public health centers, for 388 rehabilitative facilities, and for 1,060 outpatient centers. The total estimated cost to fulfill these needs is $16 billion.

I wish we could allocate a full $16 billion for that purpose. But we are not even attempting to do that. The bill we have passed, and which the President has vetoed, provides for only a fraction of this amount—$2.79 billion over 3 years—because that is the maximum we feel we can provide at this time. And of that total, only $1.29 billion was authorized for categorical grants. The rest—$1.5 billion—was authorized for federally guaranteed or direct loans.

XUM

How much less can we in good conscience set aside for our Nation's health needs?

The funds appropriated by Congress in H.R. 11102 represent its desire to give more than lipservice to the much needed reordering of priorities. President Nixon says he is concerned about the Nation's medical needs, and yet his administration spent $52 billion on military expenditures last year exclusive of Vietnam—$35.5 billion more than what the Federal Government spent on all areas of health, education and welfare. When one includes expenditures for Vietnam, the disparity between military and domestic expenditures is even greater, of course—a difference of some $65 billion in favor of the military.

This view of America's priorities is not only wrong, it is dangerous to the very foundation of America. We can no longer afford to shore up defenses against our external enemies while permitting our very strength as a people to dissipate. We have an obligation to maintain and, indeed, improve the quality of life for our citizens.

If we are serious about reordering our priorities, now is the time to begin. And here is the place to begin it.

Mr. MATHIAS. The President is both correct and courageous in his position with regard to the mandatory expenditures required by H.R. 11102. The constitutional pattern of a government of separate powers is for the legislature to establish policy and the executive to execute it. When the legislature commands a specific level of expenditures for a single item within a departmental budget without providing compensating resources from which it is to be paid, it deprives the executive of that area of discretion necessary for sound administrative action.

This was also the infirmity of the appropriation for Health, Education, and Welfare which came to the Senate earlier this year. I voted to sustain the President's position in that instance on the ground of the impropriety of the procedure. An absolutely consistent approach to the current problem would dictate that I cast my vote in the same way on this occasion. If this were an appropriation or if we prejudge the appropriation that will follow, then the President might perforce have to deprive programs such as maternal and child health care, consumer programs of the Food and Drug Administration, the air pollution program, solid waste disposal, and programs for day care and for the aging. It is an undesirable precedent for us to deprive the Executive of this flexibility at this stage in the legislative process.

On the other hand, this is not an appropriation; it is an authorization only. The appropriation committees of both Houses of Congress will have an opportunity to consider the problems raised and to ponder the President's reasonable objections to the situation that threatens. The 91st Congress is well past its zenith of activity and cannot afford any further obstacles or delays in finishing its business. The country cannot afford any interruption in its programs of hospital construction and medical research. Our health care is already suffering from serious malnutrition from which it must be rescued and any lapse of Hill-Burton authorization, for example, would contribute to this unhealthy condition and obstruct its cure.

The President's veto has served a salutary purpose. It has marked the danger areas ahead and signaled the President's determination to employ the full powers of his Office to avoid them. Now that Congress is on notice, it can also observe proper precautions to avoid dangers.

Since the President's principal objective seems to have been achieved, and since the delay would be costly, I shall vote to override the veto.

Mr. BELLMON. Mr. President, in vetoing the hospital construction bill, President Nixon stated two principal objections.

He objected because it authorized direct grants under the Hill-Burton program which would be more than $350 million above the President's budget. He also criticized the section of the bill which would require that all the funds appropriated be spent.

Contrary to charges by the opposition, this administration has advocated and supported improved programs of health care, including an overall increase of 28 percent in outlays for such programs as heart and cancer research, family planning, alcoholism and drug abuse and medical aid for the poor. The President's budget called for a substantial increase for the Hill-Burton program, which is widely recognized as being one of the most beneficial and successful programs undertaken by the Federal Government.

Congress, however, has called for the President to go over his budget to the tune of $350 million on this one program, without regard to the overall economic picture. This action has been taken at a time when we are confronted with the necessity to hold down spending to fight inflation, and when we are also facing a deficit for the current fiscal year estimated at between $1.8 billion and $2.2 billion. If trust funds were taken into consideration, the deficit would be much higher.

Mr. President, in the federal system of government, only the Chief Executive has a full view of the overall financial picture. Congress should support the President in his efforts to stop inflation and bring stability to the economy.

Recognizing that there are many worthy programs that need funds, unless we take steps to prevent economic chaos, the appropriation of additional amounts of money will be meaningless. Fueled by the fires of inflation, rising construction and operational costs can quickly eat up any additional funds.

In addition to the threat that increased Federal spending holds for the economy, I find it difficult to vote to override the President's veto for another reason. As a former Governor of Oklahoma, I have an appreciation for the role of the Chief Executive. While a Member of Congress is only one of several who share responsibility for an action, it is the President who has the final and ultimate responsibility for what happens to the country.

In this instance, I feel that the President has made the decision that is in the best interests of the country, and I cannot in good conscience vote to override his judgment in this important area.

Mr. JAVITS. Mr. President, in closing the debate I join the many Senators who have paid tribute to the distinguished Senator from Texas (Mr. YARBOROUGH) who handled the conference on the matter of health in such a splendid manner. He is a very fitting successor—and this is praise—to the fine former Senator from Alabama (Mr. HILL). His leadership and respect for the whole new orientation to the health field have characterized the movement in our country in recent years.

The PRESIDING OFFICER. All time has expired.

The PRESIDING OFFICER (Mr. CRANSTON). The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? The yeas and nays are required.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. A "yea" vote is a vote to override. Is that correct?

The PRESIDING OFFICER. A "yea" vote is a vote to override.

The yeas and nays are automatically called for, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. Dodd), the Senator from Hawaii (Mr. Inouye), the Senator from Wisconsin (Mr. Nelson), and the Senator from Georgia (Mr. Russell) are necessarily absent.

I further announce that, if present and voting, the Senator from Hawaii (Mr. Inouye), and the Senator from Georgia (Mr. Russell) would each vote "yea".

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness and, if present and voting, would vote "nay."

The yeas and nays resulted—yeas 76, nays 19, as follows:

[No. 197 Leg.]

YEAS—76

Aiken
Allen
Anderson
Bayh
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cotton
Cranston
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Goodell
Gore
Gravel
Gurney
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Hughes
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Mathias
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Murphy
Muskie
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Tydings
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—19

Allott
Baker
Bellmon
Bennett
Cooper
Curtis
Dole
Goldwater
Griffin
Hansen
Hruska
Jordan, Idaho
Miller
Packwood
Saxbe
Smith, Maine
Thurmond
Tower
Williams, Del.

NOT VOTING—5

Dodd
Inouye
Mundt
Nelson
Russell

The PRESIDING OFFICER. On this vote there are 76 yeas and 19 nays. Two-thirds of the Senators present and voting having voted in the affirmative, the bill, on reconsideration, is passed, the objections of the President of the United States to the contrary notwithstanding.

[Applause in the galleries.]

The PRESIDING OFFICER. The Senate and the galleries will be in order. Senators who are retiring will please do so quietly.

Mr. COTTON. Mr. President, I request not only that we have order in the Senate, but I request that the Chair again instruct the galleries as to the Rules of the Senate in respect to the conduct of visitors in the galleries.

The PRESIDING OFFICER. Persons in the galleries will be quiet, and will not indicate their reactions to proceedings on the floor.

Mr. YARBOROUGH. Mr. President, I wish to express my deep personal gratitude to the distinguished senior Senator from New York (Mr. Javits) for his more than generous remarks toward me. It has been a great privilege to work with him on this Health Committee for 12 years, as we have worked together in harmony and agreement most of the time, to try to achieve better health care facilities for the American people. The Senator's remarks were more than generous.

I thank all of the members of the Labor and Public Welfare Committee for their diligent work and attendance as members of the Health subcommittee in the long and arduous negotiations with the House of Representatives.

There was great cooperation by both parties; it was a bipartisan approach. I think we have the best hospitalization bill in the history of the American people, and I am grateful. Had it not been for that cooperation, we could not have had this bill.

LEAVE OF ABSENCE

Mr. HOLLAND. Mr. President, I ask unanimous consent that I may be excused from attendance in the Senate for the rest of the evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12858) to provide for the disposition of certain funds awarded to the Tlingit and Haida Indians of Alaska by a judgment entered by the Court of Claims against the United States.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 16916) making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Flood, Mr. Natcher, Mr. Smith of Iowa, Mr. Hull, Mr. Casey, Mr. Mahon, Mr. Michel, Mr. Shriver, Mrs. Reid of Illinois, and Mr. Bow were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a bill (H.R. 17825) to amend the Omnibus Crime Control Safe Streets Act of 1968, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 17825) to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes, was read twice by its title and referred to the Committee on the Judiciary.

THE POSTAL REORGANIZATION ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 913, S. 3842.

The PRESIDING OFFICER. The bill will be stated by title.

The Assistant Legislative Clerk. The bill (S. 3842) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration. The Senate will be in order.

The bill is open to amendment. The Senator from Wyoming is recognized.

PRIVILEGE OF THE FLOOR

Mr. DOMINICK. Mr. President, I ask unanimous consent that my staff member, Mr. Charles N. Woodruff, be allowed to remain on the floor during further proceedings on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROCEDURE

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. MANSFIELD. Mr. President, if we can have the attention of the Senate, I wonder whether the manager of the bill, the chairman of the Committee on Post Office and Civil Service, and the ranking minority member of that committee can give the Senate any idea as to what may be forthcoming in the way of amendments, in time limitations, and the like, so that we could govern ourselves accordingly.

Mr. McGEE. Mr. President, we are interested in trying to move along as rapidly as the body is willing this evening on the pending amendments. We are not sure that all amendments that Senators have in mind have been made known to us yet for estimate purposes on the time. We have a 1-hour time limit by unanimous consent on all amendments except the Fannin amendment, which involves the right-to-work issue. We would hope that with this limitation and with an understanding that we have discussed with the Senator from Arizona, it would still be possible to go through all the amendments and to final passage late this evening. A number of Members have expressed an interest in that, if it becomes possible. Obviously, many things stand in the way of it.

But that would be the intention of the floor managers of the bill, if that is the will of the Senate. We intend to move right along this evening with a minimum of interruption, in the hope that we might finish the bill tonight.

Mr. SCOTT. And with maximum relevancy.

Mr. McGEE. With the Senator from Pennsylvania's editorial comment.

ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES FROM WEDNESDAY, JULY 1, TO MONDAY, JULY 6, 1970

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 671.

The Presiding Officer laid before the Senate House Concurrent Resolution 671, which was read as follows:

> *Resolved by the House of Representatives (the Senate concurring)*, That when the House adjourns on Wednesday, July 1, 1970, it stand adjourned until 12 o'clock meridian, Monday, July 6, 1970.

Mr. MANSFIELD. Mr. President, I ask unanimous consent for the immediate consideration of the concurrent resolution.

The PRESIDING OFFICER. Is there objection?

There being no objection, the concurrent resolution (H. Con. Res. 671) was considered and agreed to.

THE POSTAL REORGANIZATION ACT

The Senate resumed the consideration of the bill (S. 3842) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes.

Mr. McGEE. Mr. President, I yield to the Senator from Kentucky.

PRIVILEGE OF THE FLOOR

Mr. COOK. I ask unanimous consent to have a member of my staff on the floor during the course of the proceedings on my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I ask unanimous consent that a member of my staff, Mr. W. R. Haley, remain on the floor during these proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, it is my understanding that the Senator from Kentucky has an amendment to the bill that he would like to submit at this time.

Mr. COOK. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read the amendment as follows:

> Add, a new paragraph (6) to subsection 510 (b) to read as follows:
>
> "(6) title VII of the Civil Rights Act of 1964, 78 Stat. 253, et seq., notwithstanding section 701 (b) (1) of said Title VII."

Mr. McGEE. Mr. President, I ask for the yeas and the nays on the amendment.

The yeas and nays were ordered.

Mr. COOK. Mr. President, S. 3842, as reported by the committee, has an extremely serious defect. This bill does not insure implementation of the Federal policy prohibiting discrimination in employment on the basis of race, color, religion, sex or national origin. While section 510 of S. 3842 makes applicable the policy on nondiscrimination in these areas via 5 U.S.C. 7151, it also states that this shall not apply to the postal service "unless expressly made so applicable"; 5 U.S.C. 7151 provides that the President shall use his existing authority "to carry out" this policy. Therefore, Executive Order 11478 dealing with equal employment opportunity in the Federal Government, does not as a matter of positive law, protect postal service employees because it is not made "expressly applicable" to the postal service as required under S. 3842. In effect the civil service regulations, such as those involving inspections, grievance procedures, and appeals are denied to postal employees.

I do not believe that the Congress intends to leave this large gap in employee protection to collective bargaining, or to administrative discretion, administrative timing and administrative action. It is my opinion that Congress should clearly decree, leaving no room for doubt, that employees of the postal service will have the same rights, spelled out both in law and regulations, as other classes of employees have against employment discrimination. I propose, therefore, that section 510 of S. 3842 be amended to give postal service employees the equal employment opportunity rights provided by title VII of the Civil Rights Act of 1964, that employees in private industry have benefited from since 1964.

Beside its application to racial discrimination, one of the primary reasons for this proposed amendment is to prohibit discrimination in classification as it applies to many of the women postmistresses, who carry high civil service ratings within the postal system. It would eliminate in this independent postal service the idea of negotiation or arbitration of equal rights for male and female employees within the new postal system.

I would hope, for those who have had the experience of arbitration, that they would not want to arbitrate a matter dealing with discrimination as applied to male and female employees of the new postal service.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. MURPHY. Has the Senator any idea or evidence that this was written this way in the bill with purpose or whether it was—as I believe—just an oversight which, hopefully, the Senator's amendment will correct?

Mr. COOK. I must say to the Senator that I hope it was an oversight. When I submitted it to them, they said there might be some administrative problems. But if there are some administrative problems, where they want to discriminate against women as against the position of men in the Post Office Department, then they ought to be able to solve them very easily.

Mr. MURPHY. In other words, we should write the legislation the way we believe it should be and let them worry about the administrative problems when and if they occur.

Mr. COOK. Yes.

PRIVILEGE OF THE FLOOR

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. ALLOTT. Mr. President, I ask unanimous consent that Mr. Dale Schaefer, my staff assistant, may be on the floor during the course of these proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that my staff assistant may remain on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOK. Mr. President, have the yeas and the nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. McGEE. Mr. President, I want to add to the remarks of the Senator from Kentucky that the reason why this was not in the original bill is that a technical question was raised about the new collective bargaining processes and how it might affect postal employees and the freedom to bargain. We have had consultations on the matter, and we believe that there is merit in the proposal. But in order to legitimatize it, we felt, likewise, that there should be a rollcall vote on it at this time. Therefore, I add my plaudits to the efforts of the Senator to achieve this goal.

Wyoming happens to be a State which has pioneered in women's suffrage and equal rights for women. It is an elementary, fundamental principle in our outlook there in the West. I intend to support this declaration of policy on the part of the Senator from Kentucky.

Mr. FONG. Mr. President, I join my distinguished chairman in saying that this is a very fine amendment and should be agreed to.

The PRESIDING OFFICER. Is all time now yielded back?

Mr. COOK. Mr. President, I yield back the remainder of my time.

Mr. McGEE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. CRANSTON). All time on the amendment has now been yielded back. The question is on agreeing to the amendment of the Senator from Kentucky.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUYE), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Minnesota (Mr. McCARTHY), and the Senator from Montana (Mr. METCALF) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness and, if present and voting, would vote "yea."

The result was announced—yeas 93, nays 0, as follows:

[No. 198 Leg.]

YEAS—93

Aiken
Allen
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Goodell
Gore
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy

XUM

Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Miller
Mondale
Montoya
Moss
Murphy
Muskie

Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.

Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—7

Dodd
Inouye
McCarthy

Metcalf
Mundt
Nelson

Russell

So Mr. Cook's amendment was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee.

Mr. BAKER. Mr. President, I yield to the Senator from Illinois.

PRIVILEGE OF THE FLOOR

Mr. PERCY. Mr. President, I ask unanimous consent that Roberta Hilman, my legislative assistant, have the privilege of the floor during the consideration of this measure. I am leaving for a NATO meeting at Brussels.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. JAVITS. Mr. President, I ask unanimous consent that Frank Cummings, my administrative assistant, be permitted the privilege of the floor of the Senate during the discussions on the measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. CRANSTON). The amendment will be stated.

The bill clerk proceeded to state the amendment.

Mr. JAVITS. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. BAKER. I yield.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. CRANSTON). The Senator will state it.

Mr. JAVITS. Mr. President, is it a fact that if the substitute is amended, no amendment to it will lie after its adoption?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. And is it a fact that no amendment may be proposed to the substitute until all time has expired for it under the unanimous consent agreement.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Mr. President, I wish to serve notice that I will offer an amendment.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

The amendment ordered to be printed in the RECORD is as follows:

TITLE I—POSTAL REORGANIZATION

POSTAL POLICY

SEC. 101. (a) The postal service of the United States shall be operated as a basic and fundamental communications service provided to the people by the Government of the United States. The United States Postal Service established under section 102 of this title shall have as its basic function the obligation to provide a postal system adapted to the needs of all the people and designed to bind the Nation together by facilitating the prompt, reliable, efficient and economical transmittal of personal, educational, literary, and business communications. It shall provide such service to patrons in all areas and shall render public services to all communities. The costs of establishing or maintaining the postal service shall not be apportioned in such a way as to impair the overall value of such service to the people.

(b) As an employer, the Postal Service shall achieve and maintain compensation for its officers and employees comparable to the rates and types of compensation paid in major industries in the private sector of the economy of the United States. It shall place particular emphasis upon opportunities for career advancement for all officers and employees and the achievement of worthwhile and satisfying careers in the service of the United States.

(c) Postal rates shall be established to apportion the costs of all postal operations to all users of the mail on a fair and equitable basis.

(d) In determining all policies for postal service, the Postal Service shall give the highest consideration to the requirement for the most expeditious collection, transportation, and delivery of important letter mail.

(e) In selecting modes of transportation, the Postal Service shall give highest consideration to the expeditious and economical delivery of mail and a fair and equitable distribution of mail business to carriers providing similar modes of transportation services. Modern methods of transporting mail by containerization and programs designed to achieve overnight transportation of important letter mail to all parts of the Nation shall be a primary goal of postal operations.

(f) In planning and building new postal facilities, the Postal Service shall emphasize the need for plants and equipment designed to create desirable working conditions for officers and employees, a maximum degree of convenience for efficient postal service, proper access to existing and future air and surface transportation facilities, and control of costs.

REVISION OF TITLE 39, UNITED STATES CODE

SEC. 102. Title 39, United States Code, is revised and reenacted and the sections thereof may be cited as "39 U.S.C. §   ", as follows:

"TITLE 39.—THE POSTAL SERVICE

Chapter	Sec.
"1. GENERAL PROVISIONS	101
"2. PERSONNEL	201
"4. SERVICES	401
"6. MAIL MATTER	601
"8. TRANSPORTATION OF MAILS	801
"10. FINANCE	1001
"12. RATES AND RATEMAKING	1201
"14. PRIVATE CARRIAGE OF LETTERS	1401
"16. MISCELLANEOUS	1601

"Chapter 1.—GENERAL PROVISIONS

"Sec.
"101. Definitions.
"102. United States Postal Service.
"103. Postmaster General and Deputy Postmaster General.
"104. Seal.
"105. Assistant Postmasters General.
"106. Judicial Officer.
"107. Delegation of Authority.
"108. The Commission on Postal Costs and Revenues.
"109. Procedures of the Commission.
"110. Advisory Council.
"111. General Powers of the Postal Service.
"112. Cooperation with other Government agencies.
"113. Suits by and against the Postal Service.
"114. Application of other laws.
"115. Annual reports.
"116. Reservation of powers.
"117. Labor protection under Postal Service leases.

"§ 101. Definittions.

"As used in this title—

" 'Postal Service' means the United States Postal Service established by section 102 of this title.

" 'Postmaster General' means the operating head of the Postal Service as specified in section 103 of this title.

" 'Commission' means the Commission on Postal Costs and Revenues established by section 108 of this title.

" 'Commissioners' means the members of the Commission on Postal Costs and Revenues.

" 'Postal Rate Board' and 'Board' mean the Postal Rate Board established by section 1251 of this title.

" 'Board members' means the members of the Postal Rate Board.

"The Post Office Department is reorganized as an independent establishment in the executive branch of the Government known as the United States Postal Service.

"§ 103. Postmaster General and Deputy Postmaster General

"The operating head of the Postal Service is a Postmaster General appointed as specified in subsection (c)(1) of section 108 of this title. Except as otherwise provided by law, the Postmaster General is vested with the functions of all subordinate officers and agencies of the Postal Service. The alternate operating head of the Postal Service is a Deputy Postmaster General appointed as specified in subsection (c)(2) of section 108 of this title.

"§ 104. Seal

"The seal of the Postal Service, filed by the Postmaster General in the office of the Secretary of State, which shall be judicially noticed, shall be affixed to all commissions of officers of the Postal Service and used to authenticate records of the Postal Service.

"§ 105. Assistant Postmasters General

"The Postmaster General shall appoint such number of assistant postmasters general as he considers appropriate, one of whom, to be designated as the General Counsel, shall be the legal officer of the Postal Service.

"§ 106. Judicial Officer

"A Judicial Officer, appointed by the Commission, shall perform such quasi-judicial duties, not inconsistent with chapter 12 of this title, as the Commission may designate. He shall be the agency for the purposes of the requirements of chapter 5 of title 5, to the extent that functions are delegated to him by the Commission.

"§ 107. Delegation of Authority

"The Postmaster General may delegate to any subordinate officer, employee, or agency of the Postal Service, with or without power of redelegation, such as the functions vested in him and, except as otherwise provided in this title, in any other officer or employee of the Postal Service as he deems appropriate.

"§ 108. The Commission on Postal Costs and Revenues

"(a) A Commission on Postal Costs and Revenues is established, consisting of eleven members as provided for in this section.

"(b)(1) The President, by and with the advice and consent of the Senate, shall ap-

XUM

point nine members of the Commission. Not more than five presidentially appointed Commissioners shall be from the same political party. The President may remove Commissioners appointed under this paragraph only for inefficiency, neglect of duty, or malfeasance in office. The Commissioners shall be chosen to represent the public interest generally and not as representatives of specific interests connected with the Postal Service.

"(2) The terms of the presidentially appointed Commissioners shall be nine years except that—

"(A) the terms of nine Commissioners first taking office shall expire as designated by the President at the time of the appointment, one at the end of one year, one at the end of two years, one at the end of three years, one at the end of four years, one at the end of five years, one at the end of six years, one at the end of seven years, one at the end of eight years, and one at the end of nine years following the appointment of the first of them; and

"(B) any Commissioner appointed to fill a vacancy before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

"(c)(1) The presidentially appointed Commissioners shall appoint and have discretionary power to remove a tenth member of the Commission who shall serve as Postmaster General. The Postmaster General, who shall have such terms as may be fixed by the presidentially appointed Commissioners, shall be a voting member of the Commission except as otherwise provided in this title.

"(2) The presidentially appointed Commissioners and the Postmaster General shall appoint and shall have discretionary power to remove an additional member of the Commission who shall serve as Deputy Postmaster General for such term as the presidentially appointed Commissioners and the Postmaster General may fix. The Deputy Postmaster General shall be a voting member of the Commission except as otherwise provided in this title.

"(d) Except as otherwise provided in this section, each presidentially appointed Commissioner shall receive compensation at the rate of $10,000 per annum and $300 for each meeting of the Commission he attends, up to a maximum of 30 meetings per year. Their compensation shall be subject to adjustment under the provisions of chapter 11, title 2. In addition, they shall be reimbursed for necessary travel and subsistence expense incurred in attending the meetings of the Commission.

"(e)(1) The presidentially appointed Commissioners shall fix the rates of compensation of the Postmaster General and Deputy Postmaster General.

"(2) The Commission shall direct and control the expenditures of the Postal Service, review the practices and policies of the Postal Service, and perform other functions and duties imposed on it by this title.

"(f) Vacancies in the Commission, as long as there are sufficient members to form a quorum, shall not impair the powers of the Commission under this title.

"(g) The Commission shall act upon majority vote of those members who are present, and any six members present shall constitute a quorum for the transaction of business by the Commission, except—

"(1) in the appointment or removal of the Postmaster General, and in setting the compensation of the Postmaster General and Deputy Postmaster General, a favorable vote of an absolute majority of the presidentially appointed Commissioners in office shall be required;

"(2) in the appointment or removal of the Deputy Postmaster General, a favorable vote of an absolute majority of the members in office from among the members serving as Postmaster General and the presidentially appointed Commissioners shall be required; and

"(3) as otherwise provide in this title.

"(h) No officer or employee of the United States may concurrently serve as a member of the Commission, but the presidentially appointed Commissioners may hold any other non-Federal office or employment not inconsistent with their duties to the Postal Service.

"§109. Procedures of the Commission

"The Commission may delegate any of its powers to officers and employees of the Postal Service in accordance with rules or regulations adopted by it. The Commission may establish such committees of the Commission, and delegate such powers to any committee, as the Commission determines appropriate to carry out its functions and duties. Delegations to officers, employees, or committees shall not be inconsistent with other provisions of this title; such delegations shall not relieve the Commission of full responsibility for the carrying out of its duties and functions; and any such delegations shall be revocable by the Commission in its exclusive judgment.

"§ 110. Advisory Council

"(a) There shall be a Postal Service Advisory Council, of which the Postmaster General shall be the Chairman and the Deputy Postmaster General shall be the Vice Chairman. The Advisory Council shall have eleven additional members appointed by the President. He shall appoint as such members (1) four persons from among persons nominated by those labor organizations recognized as collective-bargaining representatives for employees of the Postal Service in one or more collective-bargaining units, (2) four persons as representatives of major mail users (including as major mail users mailers of moderate amounts of personal first class mail), and (3) three persons as representatives of the public at large. All such members shall be appointed for terms of two years except that, of those first appointed, two of the members representative of labor organizations and two of the members representative of such major mail users and one member representing the public at large shall be appointed for one year terms. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

"(b) The Commission and the Postmaster General shall consult with and receive the advice of the Advisory Council regarding postal rates and services and compensation of employees.

"(c) The members of the Council representative of the public at large shall receive for each meeting of the Board compensation at the daily equivalent of the salary provided by law for level V of the Executive Schedule. All members of the Coumcil shall be reimbursed for necessary travel and subsistence expense in attending meetings of the Council.

"§ 111. General powers of the Postal Service

"The Postal Service shall have the following general powers:

"(1) to sue and be sued in its official name;

"(2) to adopt, amend, and repeal such rules and regulations as it deems necessary to accomplish the objectives of this title;

"(3) to enter into and perform contracts, executive instruments, and determine the character of, and necessity for, its expenditures;

"(4) to determine and keep is own system of accounts and the forms and contents of its contracts and other business documents, except as otherwise provided in this title;

"(5) to acquire in any lawful manner such personal or real property, or any interest therein, as it deems necessary or convenient in the transaction of its business, and to hold, maintain, sell, lease, or otherwise dispose of such property or any interest therein; and to provide services in connection therewith and charge therefor;

"(6) to construct, operate, lease, and maintain buildings, facilities, equipment, and other improvements on any property owned or controlled by it, including, without limitation, any property or interest therein transferred to it under section 1002 of this title;

"(7) to accept gifts or donations of services or property, real or personal, as it deems necessary or convenient in the transaction of its business;

"(8) to settle and compromise claims by or against it;

"(9) to exercise, in the name of the United States, the right of eminent domain for the furtherance of its official purposes; and to have the priority of the United States with respect to the payment of debts out of bankrupt, insolvent, and decedents' estates; and

"(10) to have all other powers incidental, necessary, or appropriate to the carrying on of its functions or the exercise of its specific powers.

"§ 112. Cooperation with other Government agencies

"Executive agencies and independent establishments within the meaning of sections 104 and 105 of title 5 and the Government Printing Office are authorized to furnish goods, property, both real and personal, and personal and nonpersonal services to the Postal Service, and the Postal Service is authorized to furnish such goods, property, and services to them. The furnishing of goods, property, and services pursuant to this section shall be under such terms and conditions, including reimbursability, as the Postmaster General and the head of the agency or establishment concerned shall deem appropriate.

"§ 113. Suits by and against the Postal Service

"(a) The United States district courts shall have original but not exclusive jurisdiction over all actions brought by or against the Postal Service. Any action brought in a State court to which the Postal Service is a party may be removed to the United States district court under the provisions of chapter 89 of title 28.

"(b) The provisions of title 28 relating to service of process, venue, and limitations of time for bringing action in suits in which the United States, its officers or employees are parties, and the rules of procedure adopted under title 28 for suits in which the United States, its officers or employees are parties, shall apply in like manner to suits in which the Postal Service, its officers, or employees are parties.

"(c) The provisions of chapter 171 and all other provisions of title 28 relating to tort claims shall apply to tort claims arising out of activities of the Postal Service.

"(d) The Department of Justice shall furnish the Postal Service such legal representation as it may require pursuant to section 112 of this title, but with the prior consent of the Attorney General the Postal Service may employ attorneys by contract or otherwise to conduct litigation brought by or against the Postal Service or its officers or employees in matters affecting the Postal Service.

"§ 114. Application of other laws

"No Federal law dealing with public, United States or Federal contracts, property, works, officers, employees, or funds, including the provisions of chapters 5 and 7 of title 5, shall apply to the exercise of the powers of the Postal Service except as otherwise provided in this title and except insofar as such laws remain in force as rules or regulations of the Postal Service, but the following pro-

XUM

visions of law shall apply to the Postal Service:

"(1) sections 3333 and 5532, and chapters 71 (Employee Policies) and 73 (Suitability, Security, and Conduct of Employees) of title 5 except that no regulation issued pursuant to such chapters shall apply to the Postal Service unless expressly made so applicable;

"(2) all provisions of title 18 dealing with the Postal Service, the mails and Government officers or employees;

"(3) the following provisions of title 40:

"sections 258a–258e (condemnation proceedings);

"sections 270a–270e (known as the Miller Act);

"sections 276a–276a–7 (known as the Davis-Bacon Act);

"section 276c (wage payments of certain contractors);

"chapter 5 (the Contract Work Hours Standards Act); and

"chapter 15 (the Government Losses in Shipment Act);

"(4) the following provisions of title 41, sections 35–45 (the Walsh-Healey Act), chapter 6 (the Service Contract Act of 1965); and

"(5) section 2000d, 2000d–1—2000d–4 of title 42 (title VI, the Civil Rights Act of 1964).

"(6) title VII of the Civil Rights Act of 1964, 78 Stat. 253, et seq., notwithstanding section 701(b)(1) of said title VII."

"§ 115. Annual reports

"The Postmaster General shall render an annual report to the Commission concerning the operations of the Postal Service under this title. Upon approval thereof, or after making such changes as it considers appropriate, the Commission shall transmit such report to the President and the Congress.

"§ 116. Reservation of powers

"Congress reserves the power to alter, amend or repeal any or all of the sections of this title, but no such alteration, amendment or repeal shall operate to impair the obligation of any contract made by the Postal Service under any power conferred by this title.

"§ 117. Labor protection under Postal Service leases

"(a) A lease agreement by the Postal Service for rent of net interior space in excess of five thousand square feet in any building or facility, or part of a building or facility, to be occupied for purposes of the Postal Service shall include a provision that all laborers and mechanics employed in the construction, modification, alteration, repair, painting, decoration, or other improvement of the building or space covered by the agreement, or improvement at the site of such building or facility, shall be paid wages at not less than those prevailing for similar work in the locality as determined by the Secretary of Labor under section 276a of title 40, relating to section 1 of the Davis-Bacon Act.

"(b) The Postal Service and functions of the Secretary of Labor with respect to labor standards enforcement under Reorganization Plan Numbered 14 of 1950, title 5, appendix, and regulations for contractors and subcontractors under section 276c of title 40, shall apply to the work under subsection (a) of this section.

"(c) Subsection (b) of this section shall not be construed to give the Secretary of Labor authority to direct the cancellation of the lease agreement referred to in subsection (a) of this section.

"Chapter 2.—PERSONNEL

"SUBCHAPTER I—GENERAL PROVISIONS

"Sec.

"201. Appointments and promotions.

"202. Oath of office.

"203. Employees of the Post Office Department.

"204. Retirement rights.

"205. Policy on compensation and benefits.

"206. Terms of employment.

"207. Prohibition of political influence.

"208. Organizations of supervisory personnel.

"209. Seniority of rural carriers.

"SUBCHAPTER II—EMPLOYEE-MANAGEMENT RELATIONS

"221. Definition.

"222. Applicability of National Labor Relations Act.

"223. Bargaining units.

"224. Recognition of labor organizations.

"225. Elections.

"226. Deductions of dues.

"227. Collective-bargaining agreements.

"228. Labor disputes.

"229. Suits.

"230. Labor-management reporting and disclosure.

"SUBCHAPTER I—GENERAL PROVISIONS

"§ 201. Appointments and promotions

"(a) The Postal Service may appoint and promote such officers, attorneys, agents, and employees and vest them with such powers and duties as it deems necessary. Officers and employees of the Postal Service shall be in the postal career service, which shall be a part of the civil service. Such appointments and promotions shall be in accordance with procedures established by the Postal Service. The Postal Service shall establish procedures, subject to subchapter II of this chapter, to assure its employees of meaningful opportunities for promotion and career development and to assure its employees full protection of their employment rights by guaranteeing them an opportunity for a fair hearing on adverse actions, with representatives of their own choosing. Subject to subsection (b) of this section, the provisions of chapter 75 of title 5 shall apply to employees of the Postal Service except to the extent of any inconsistency with—

"(1) the provisions of any collective bargaining agreement negotiated on behalf of and applicable to them, or

"(2) procedures established by the Postal Service and approved by the Civil Service Commission.

"(b) The Postal Service may hire executives on long-term employment contracts when necessary. Notwithstanding any such contract, the Postal Service may at its discretion and at any time remove any executive employee. Removal, however, shall be without prejudice to the contract rights of the person removed.

"(c)(1) Notwithstanding any other provision of this title or any provision of a collective bargaining agreement negotiated under subchapter II of this chapter, the provisions of title 5 relating to a 'preference eligible', as that term is defined under section 2108(3) of title 5, as those provisions may from time to time be amended, shall apply to an applicant for appointment in the Postal Service in the same manner and under the same conditions required for an applicant for appointment to a position in the competitive service under title 5 and shall apply to an employee of the Postal Service in the same manner and under the same conditions as if the employee were in the competitive service and subject to the provisions of title 5. Without compromising its basic mission, the Postal Service shall pursue an employment policy designed to extend opportunity to the disadvantaged and the handicapped.

"(2) Employees of the Postal Service shall be covered by subchapter I of chapter 81 of title 5, relating to compensation for work injuries, as that subchapter may from time to time be amended.

"(d) Notwithstanding sections 5533, 5535, and 5536 of title 5, and any other provision of law, an officer, agent, or employee of the United States Government, is eligible to serve and receive the compensation both as such officer, agent, or employee and as officer, agent, or employee of the Postal Service other than as a member of the Commission.

"§ 202. Oath of office

"Before entering upon their duties and before receiving any salary, the members of the Commission and all persons employed by the Postal Service shall take and subscribe the following oath or affirmation:

"I ———, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter."

A person authorized to administer oaths by by the laws of the United States, including section 2903 of title 5, or of a State or territory, or an officer, civil or military, holding a commission under the United States or any officer or employee of the Postal Service designated by the Postmaster General may administer and certify the oath or affirmation.

"§ 203. Employees of the Post Office Department

"(a) Employees of the Post Office Department on the effective date of this section shall remain employees of the Postal Service under the terms of this title. The provisions of this section shall be inapplicable to the Postmaster General, the Deputy Postmaster General, the Assistant Postmasters General and General Counsel of the Post Office Department, but nothing in this section shall make such persons ineligible for employment by the Postal Service.

"(b) Sick and annual leave, and compensatory time of such employees whether accrued prior to or after commencement of operations of the Postal Service shall be obligations of the Postal Service pursuant to the provisions of this chapter.

"(c) Compensation, benefits, and other terms and conditions of employment in effect immediately prior to the effective date of this section, whether provided by statute or by rules and regulations of the Post Office Department or the executive branch of the Government, will continue to apply to employees of the Postal Service, until changed by the Postal Service, in accordance with subchapter II of this chapter. Subject to the provisions of section 206 of this title, the provisions of subchapter I of chapter 85, and chapters 87 and 89 of title 5, shall apply to employees of the Postal Service, unless varied, added to, or substituted for pursuant to this subsection. No variation, addition, or substitution with respect to fringe benefits shall result in a program of fringe benefits which on the whole is less favorable to the employees than fringe benefits in effect on the effective date of this section, and as to employees for whom there is a collective-bargaining representative no such variation, addition or substitution shall be made except by agreement between the collective-bargaining representative and the Postal Service.

"(d) Any employee of the United States Post Office Department on the effective date of this section shall be eligible to transfer, at the same or a higher grade, to any position within the United States Government which is open and for which such employee shall be qualified. The Postal Service shall cooperate with the Civil Service Commission in placing such employees.

"§ 204. Retirement rights

"Employees of the Postal Service shall be covered by chapter 83 of title 5 relating to the civil service retirement program, as that chapter may from time to time be amended. The Postal Service shall withhold from pay and shall pay into the Civil Service Retirement and Disability Fund the amount specified in chapter 83 of title 5. The Postal Service upon request by the Civil Service Commission, but not less frequently than annually, shall pay to the Civil Service Com-

XUM

mission the costs reasonably related to administration or fund activities for employees of the Postal Service.

"§ 205. Policy on compensation and benefits

"It shall be the policy of the Postal Service to maintain compensation and benefits for all employees on a standard of comparability to the compensation and benefits paid for comparable levels of work in the private sector of the economy. Such policy may be applied on an area basis, in which event the Postal Service, consistent with subchapter II of this chapter and collective bargaining agreements, shall define the boundaries of any such wage area. It shall be the policy of the Postal Service to provide adequate and reasonable differentials in rates of pay between employees in the clerk and carrier grades in the line work force and supervisory and managerial employees. It shall be the policy of the Postal Service to pay cost-of-living allowances to employees stationed outside the continental United States or in Alaska which shall be not less than the cost-of-living allowances generally applicable under section 5941 of title 5 of the United States Code for employees stationed in the same area. It shall be the policy of the Postal Service to provide adequate and reasonable differentials in rates of pay between employees in the clerk and carrier grades in the line work force and supervisory and managerial employees.

"§ 206. Terms of employment

"(a) Compensation, benefits, and other terms and conditions of employment shall be determined by the Postal Service, consistent with subchapter II of this chapter, but no officer or employee shall be paid compensation at a rate in excess of the rate for level I of the Executive Schedule.

"(b) The Postal Service shall have the right consistent with subchapter II of this chapter and applicable laws, regulations, and collective-bargaining agreements—

"(1) to direct employees of the Postal Service in the performance of official duties;

"(2) to hire, promote, transfer, assign and retain employees in positions within the Postal Service, and to suspend, demote, discharge, or take other disciplinary action against employees;

"(3) to relieve employees from duties because of lack of work or for other legitimate reasons;

"(4) to maintain the efficiency of the operations entrusted to it;

"(5) to determine the methods, means, and personnel by which such operations are to be conducted; and

"(6) to take whatever actions may be necessary to carry out its mission in situations of emergency.

"(c) No individual who is a member of a religious sect, or division thereof, the established and traditional tenets or teaching of which oppose a requirement that a member of such sect or division join or financially support any labor organization, may be required to join or financially support any labor organization as a condition of employment if such individual pays to the Treasurer of the United States a sum equal to the initiation fees and periodic dues uniformly required as a condition of acquiring and retaining membership in a labor organization which is representative of the employee unless said individual and said labor organization mutually agree upon some other condition of employment.

"§ 207. Political influence; prohibition

"(a) Notwithstanding any other provision of law, but subject to subsection (e) of this section, each appointment, promotion, assignment, transfer, or designation, interim or otherwise, of an officer or employee in the Postal Service (except members of the Commission) shall be made without regard to any recommendation or statement, oral, or written, with respect to any person who requests, or is under consideration for such appointment, promotion, assignment, transfer, or designation made by—

"(1) any Member of the Senate or House of Representatives (including the Resident Commissioner from Puerto Rico);

"(2) any elected official of the government of any State (including the Commonwealth of Puerto Rico) or of any county, city, or other political subdivision of such State or Commonwealth;

"(3) any official of a national political party or of a political party of any State (including the Commonwealth of Puerto Rico), county, city, or other subdivision of such State or Commonwealth; or

"(4) any other individual or organization.

"(b) Notwithstanding any other provision of law but subject to subsection (e) of this section, a person or organization referred to in subparagraph (1), (2), (3), or (4) of subsection (a) of this section is hereby prohibited from making or transmitting to the Postmaster General, or to any other officer or employee of the Federal Government, any recommendation or statement, oral or written, with respect to any person who requests, or is under consideration for any such appointment, promotion, assignment, transfer, or designation. The Postal Service and any officer or employee of the Federal Government, subject to subsection (e) of this section—

"(1) shall not solicit, request, consider, or accept any such recommendation or statement; and

"(2) shall return any such recommendation or statement, if written, received by him, appropriately marked as in violation of this section, to the person or organization making or transmitting the same.

"(c) A person who requests, or is under consideration for any such appointment, promotion, assignment, transfer, or designation is hereby prohibited from requesting or soliciting any such recommendation or statement from any person or organization within the purview of subparagraph (1), (2), (3), or (4) of subsection (a) of this section. Any such person making such solicitation or request, knowing the same to be in violation of this subsection, is disqualified for the appointment, promotion, assignment, transfer, or designation concerned.

"(d) Each employment form of the Postal Service used in connection with any such appointment, promotion, assignment, transfer, or designation shall contain appropriate language in boldface type informing all persons concerned of the provisions of this section. During the time any such appointment, promotion, assignment, transfer, or designation is under consideration, appropriate notice of the provisions of this section printed in boldface type shall be posted in the post office concerned.

"(e) This section shall not be held or considered to prohibit—

"(1) the solicitation, acceptance, and consideration by the Postal Service or any authorized officer or employee of the Federal Government, or

"(2) the furnishing and transmission to the Postal Service or such authorized officer or employee by any other individual or organization

of any statement with respect to a person who requests, or is under consideration for, appointment, promotion, assignment, transfer, or designation, if—

"(A) the statement is furnished pursuant to a request or requirement of the Postal Service and consists solely of evaluation of the work performance, ability, aptitude, and general qualifications of an employee in the Postal Service who is under consideration for appointment, promotion, assignment, transfer, or designation;

"(B) the statement is furnished by an individual or organization referred to in subparagraph (4) of subsection (a) of this section pursuant to a request made by an authorized representative of the Federal Government solely in order to determine whether the person who requests, or is under consideration for, appointment, promotion, assignment, transfer, or designation meets the loyalty, suitability, and character requirements for employment with the Federal Government; or

"(C) the statement is furnished by a former employer of the person who requests, or is under consideration for, appointment, promotion, assignment, transfer, or designation, pursuant to a request of the Postal Service, and consists solely of an evaluation of the work performance, ability, aptitude, and general qualifications of such person during his employment with such former employer.

"(f) The provisions of this section shall not have any effect on the right of an employee to petition Congress as authorized by section 7102 of title 5.

"§ 208. Organizations of supervisory personnel

"(a) The Postal Service shall provide a program for consultation with recognized organizations of officers and employees of the Postal Service other than those subject to collective-bargaining agreements under subchapter II of chapter 2 of this title. Such organizations upon presentation of evidence satisfactory to the Postmaster General that their membership constitutes a substantial percentage of all officers and employees in their occupations or positions, shall be entitled to consult directly with respect to pay policies and schedules, fringe benefit programs, and other programs relating to employees in such occupations.

"(b) The Postal Service shall recognize an organization of supervisors that represents a majority of supervisory personnel. The organization of supervisors may include officers and employees who are not subject to collective-bargaining agreements under subchapter II of chapter 2 of this title. The organization shall have the right to participate directly in consultation with the Postal Service concerning matters affecting the responsibilities and conditions of employment of supervisory personnel.

"(c) It shall be the policy of the Postal Service to provide compensation, working conditions, and career opportunities that will assure the attraction and retention of qualified and capable supervisory personnel and to establish and continuously maintain a program for all supervisory personnel that reflects the essential importance of a well-trained and well-motivated supervisory force to the effectiveness of postal operations and that promotes the leadership status of the supervisor in respect to rank-and-file employees, recognizing that the supervisor's role in primary level management is particularly vital to the process of converting general postal policies into successful postal operations.

"§ 209. Seniority of rural carriers

"(a) Unless varied by the terms of a collective-bargaining agreement between the Postal Service and the bargaining representative of affected rural carriers, the Postal Service shall recognize the seniority status of rural carriers in accordance with the provisions of subsections (b)–(d) of this section.

"(b) The seniority status of a rural carrier commences on the day of appointment as a regular rural carrier. Upon voluntary transfer from one office to another, or another branch of the service into the rural delivery service, the relative seniority of the transferee commences on the day he enters the rural delivery service of the office to which transfer is made.

"(c) A rural carrier shall be assigned by

XUM

the Postal Service to the least desirable route upon entering the service and shall rise to the more desirable routes by seniority.

"(d) The Postal Service shall base promotions and preferential assignments in the rural delivery service upon seniority and ability. If ability be sufficient, seniority shall govern.

SUBCHAPTER II—LABOR-MANAGEMENT RELATIONS

"§ 221. Definition

"As used in this subchapter, 'guards' means—

"(1) maintenance guards, being employees employed by the Postal Service on the effective date of this chapter in Key Position KP–5, under the provisions of former section 3514 of this title, and

"(2) security guards, being employees in a classification which may be established in the Postal Service and whose primary duties shall include the exercise of authority to enforce rules to protect the safety of property, mail, or persons on the premises of the Postal Service.

"§ 222. Applicability of National Labor Relations Act

"(a) Labor-management relations shall, to the extent not inconsistent with provisions of this title, be subject to the provisions of subchapter II of chapter 7 (the National Labor Relations Act, as amended) of title 29.

"(b) Each employee of the Postal Service has the right, freely and without fear of penalty or reprisal, to form, join, and assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right.

"§ 223. Bargaining units

"The National Labor Relations Board shall decide in each case the unit appropriate for collective bargaining in the Postal Service: *Provided,* That the National Labor Relations Board shall not include in any bargaining unit—

"(i) any management official or supervisor;

"(ii) any employee engaged in personnel work in other than a purely nonconfidential clerical capacity;

"(iii) both professional employees and employees who are not professional employees unless a majority of such professional employees vote for inclusion in such unit; or

"(iv) together with other employees, any individual employed as a security guard to enforce against employees and other persons, rules to protect property of the Postal Service or to protect the safety of property, mail, or persons on the premises of the Postal Service; but no labor organization shall be certified as the representative of employees in a bargaining unit of security guards if such organization admits to membership, or is affiliated directly or indirectly with an organization which admits to membership employees other than guards.

"§ 224. Recognition of labor organizations

"(a) The Postal Service shall accord exclusive recognition to a labor organization when the organization has been selected by a majority of the employees in an appropriate unit as their representative.

"(b) Agreements and supplements in effect on the date of enactment of this section covering employees in the Post Office Department shall continue to be recognized by the Postal Service until altered or amended pursuant to law.

"(c) When a petition has been filed, in accordance with such regulations as may be prescribed by the National Labor Relations Board—

"(1) by an employee, a group of employees, or any labor organization acting in their behalf, alleging that (A) a substantial number of employees wish to be represented for collective bargaining by a labor organization and that the Postal Service declines to recognize such labor organizations as the representative; or (B) the labor organization which has been certified or is being currently recognized by the Postal Service as the bargaining representative is no longer a representative; or

"(2) by the Postal Service, alleging that one or more labor organizations has presented to it a claim to be recognized as the representative;

the National Labor Relations Board shall investigate such petition and, if it has reasonable cause to believe that a question of representation exists, shall provide for an appropriate hearing upon due notice. Such hearing may be conducted by an officer or employee of the National Labor Relations Board, who shall not make any recommendations with respect thereto. If the National Labor Relations Board finds upon the record of such hearing that such a question of representation exists, it shall direct an election by secret ballot and shall certify the results thereof.

"(d) A petition filed under subsection (c) (1) of this section shall be accompanied by a statement signed by at least 30 per centum of the employees in the appropriate unit stating they desire that an election be conducted for the purpose set forth in such subsection.

"(e) Nothing in this section shall be construed to prohibit the waiving of hearings by stipulation for the purpose of a consent election in conformity with regulations and rules of decision of the National Labor Relations Board.

"§ 225. Elections

"(a) All elections authorized under section 224 of this title shall be conducted under the supervision of the National Labor Relations Board, or persons designated by it, and shall be by secret ballot. Each employee eligible to vote shall be provided the opportunity to choose the labor organization he wishes to represent him, from among those on the ballot, or 'no union'.

"(b) If any election where none of the choices on the ballot receives a majority, a runoff shall be conducted, the ballot providing for a selection between the two choices receiving the largest and second largest number of valid votes cast in the election. In the event of a tie vote, additional runoff elections shall be conducted until one of the choices has received a majority of the votes.

"(c) No election shall be held in any bargaining unit within which, in the preceding twelve-month period, a valid election has been held.

"§ 226. Deductions of dues

"(a) When a labor organization holds exclusive recognition, or when an organization of personnel not subject to collective bargaining agreements has consultation rights under section 208 of this title, the Postal Service shall deduct the regular and periodic dues of the organization from the pay of all members of the organization in the unit of recognition if the Post Office Department or the Postal Service has received from each employee, on whose account such deductions are made, a written assignment which shall be irrevocable for a period of not more than one year.

"(b) Any agreement in effect immediately prior to the enactment of this section between the Post Office Department and any organization of postal employees which provides for deduction by the Department of the regular and periodic initiation fees, dues, and assessments of the organization from the pay of its members, shall continue in full force and effect and the obligation for such deductions shall be assumed by the Postal Service. No such deduction shall be made from the pay of any employee except on his written assignment, which shall be irrevocable for a period of not more than one year.

"§ 227. Collective-bargaining agreements

"(a) Collective-bargaining agreements between the Postal Service and bargaining representatives recognized under section 224 of this title shall be effective for not less than 2 years.

"(b) Collective-bargaining agreements between the Postal Service and bargaining representatives recognized under section 224 may include any procedures for resolution by the parties of grievances and adverse actions arising under the agreement, including procedures culminating in binding third-party arbitration, or the parties may adopt any such procedures by mutual agreement in the event of a dispute.

"(c) The Postal Service and bargaining representatives recognized under section 224 may by mutual agreement adopt procedures for the resolution of disputes or impasses arising in the negotiation of a collective-bargaining agreement.

"§ 228. Labor disputes

"(a) If there is a collective-bargaining agreement in effect, no party to such agreement shall terminate or modify such agreement unless the party desiring such termination or modification serves written notice upon the other party to the agreement of the proposed termination or modification not less than 90 days prior to the expiration date thereof, nor not less than 90 days prior to the time it is proposed to make such termination or modification. The party serving such notice shall notify the Federal Mediation and Conciliation Service of the existence of a dispute within 45 days of such notice, provided no agreement has been reached by that time.

"(b) In the event the parties fail to reach agreement or to adopt a procedure providing for a binding resolution of a dispute by the expiration date of the agreement in effect, or the date of the proposed termination or modification, the Director of the Federal Mediation and Conciliation Service shall direct the establishment of a factfinding panel which shall consist of 3 persons. For this purpose, he shall submit to the parties a list of not less than 15 names, from which list each party, within 10 days, shall select one person. The 2 so selected shall then choose from the list a third person who shall serve as chairman of the factfinding panel. If either of the parties fails to select a person or if the 2 members are unable to agree on the third person within 3 days, the selection shall be made by the Director. The factfinding panel shall after due investigation issue a report of its findings, with or without recommendations, to the parties no later than 45 days from the date the list of names was submitted.

"(c)(1) In the event no agreement is reached within 90 days after the expiration or termination of the agreement or date on which the agreement became subject to modification pursuant to subsection (b) of this section, or if the parties decide upon arbitration but do not agree upon the procedures therefor, an arbitration board shall be established consisting of 3 members, not members of the factfinding panel, one of whom shall be selected by the Postal Service, one by the bargaining representative of the employees, and the third by the two thus selected. If either of the parties fails to select a member, or if the members chosen by the parties fail to agree on the third person within 5 days after their first meeting, the selection shall be made by the Director. In the event the parties do not agree on the framing of the issues to be submitted, the factfinding panel shall frame the issues and submit them to the arbitration board.

"(2) The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims, and an opportunity to pre-

XUM

sent their case in person, by counsel or by other representative as they may elect. Decisions of the arbitration board shall be conclusive and binding upon the parties. The arbitration board shall render its decision within 45 days after its appointment.

"(3) Costs of the arbitration board and factfinding panel shall be shared equally by the Postal Service and the bargaining representative.

"(d) In the case of a bargaining unit whose recognized collective-bargaining representative does not have an agreement with the Postal Service, if the parties fail to reach agreement within 90 days of the commencement of collective bargaining, a factfinding panel will be established in accordance with the terms of section 228(b), unless the parties have previously agreed to another procedure for a binding resolution of their difference. If the parties fail to reach agreement within 180 days of the commencement of collective bargaining, and if they have not agreed to another procedure for binding resolution, an arbitration board shall be established to provide conclusive and binding arbitration in accordance with the terms of section 228(c).

"§ 229. Suits

"(a) The courts of the United States shall have jurisdiction in respect to actions by the National Labor Relations Board under this title to the same extent that they have jurisdiction in respect to actions under title 29.

"(b) Suits for violation of contracts between the Postal Service and a labor organization representing Postal Service employees, or between any such labor organizations, may be brought in any district court of the United States having jurisdiction of the parties, without respect to the amount in controversy.

"(c) A labor organization and the Postal Service shall be bound by the authorized acts of their agents. Any labor organization may sue or be sued as an entity and in behalf of the employees whom it represents in the courts of the United States. Any money judgment against a labor organization in a district court of the United States shall be enforcible only against the organization as an entity and against its assets, and shall not be enforcible against any individual member or his assets.

"(d) For the purposes of actions and proceedings by or against labor organizations in the district courts of the United States, district courts shall be deemed to have jurisdiction of a labor organization (1) in the district in which such organization maintains its principal offices, or (2) in any district in which its duly authorized officers or agents are engaged in representing or acting for employee members.

"(e) The service of summons, subpena, or other legal process of any court of the United States upon an officer or agent of a labor organization, in his capacity as such, shall constitute service upon the labor organization.

"§ 230. Labor-management reporting and disclosure

"The provisions of chapter 11 of title 29 shall be applicable to labor organizations that have or are seeking to attain recognition under section 224 of this title, and to such organizations' officers, agents, shop stewards, other representatives, and members to the extent to which such provisions would be applicable if the Postal Service were an employer under section 402 of title 29: *Provided, however,* That in addition to the authority conferred on him under section 438 of title 29, the Secretary of Labor shall have authority, by regulation issued with the written concurrence of the Postmaster General, to prescribe simplified reports for any such labor organization. The Secretary of Labor may revoke such provision for simplified forms of any such labor organization if he determines, after such investigation as he deems proper and after due notice and opportunity for a hearing, that the purposes of this chapter and of chapter 11 of title 29 would be served thereby.

"CHAPTER 4.—SERVICES

"Sec.
"401. General duties.
"402. Specific powers.
"403. Service classifications and mailable matter.
"404. Postal services at Armed Forces installations.
"405. International postal arrangements.
"406. Small post office closings.

"§ 401. General duties

"(a) The Postal Service shall plan, develop, promote, and provide adequate and efficient postal service at fair and reasonable rates and fees. Except as provided in the Canal Zone Code, the Postal Service shall receive, transmit, and deliver throughout the United States, its territories and possessions, and, pursuant to arrangements entered into under sections 112 and 404 of this title, throughout the world, written and printed matter, parcels, and like materials and provide such other services incidental thereto as it finds appropriate to its functions and in the public interest. It shall serve as nearly as practicable the entire population of the United States.

"(b) It shall be the responsibility of the Postal Service—

"(1) to maintain an efficient system of collection, sorting, and delivery of the mail nationwide;

"(2) to provide types of mail service to meet the needs of different categories of mail and mail users; and

"(3) to establish and maintain postal facilities of such character and in such locations that postal patrons throughout the Nation will, consistent with reasonable economies of postal operations, have ready access to essential postal services.

"(c) In providing services and in establishing classifications, rates, and fees pursuant to this title, the Postal Service shall not, except as specifically authorized in this title, make any undue or unreasonable discrimination among users of the mails, nor shall it grant any undue or unreasonable preferences to any such user.

"§ 402. Specific powers

"Without limitation of the generality of its powers, the Postal Service shall have the following specific powers, among others:

"(1) to provide for the collection, handling, transportation, delivery, forwarding, returning, and holding of mail, and for the disposition of undeliverable mail;

"(2) to prescribe, in accordance with this title, the amount of postage and the manner in which it is to be paid;

"(3) to determine the need for post offices, postal and training facilities and to provide such offices, facilities, and equipment as it determines are needed;

"(4) to provide and sell postage stamps and other stamped paper, cards and envelopes and to provide such other evidences of payment of postage and fees as may be necessary or desirable;

"(5) to provide philatelic services;

"(6) to provide, establish, change, or abolish special, nonpostal, or similar services; and

"(7) to investigate postal offenses and civil and administrative matters related to the Postal Service and postal services, and to pay rewards in connection therewith.

"§ 403. Service classifications and mailable matter

"(a) Subject to chapter 12 of this title, the Postal Service may establish classifications of service and promulgate reasonable rules and regulations concerning the preparation of matter for mailing and the mailing thereof. The Postal Service shall not, except during emergencies, refuse to accept for mailing any matter weighing less than forty pounds, having a size not in excess of eighty-four inches in girth and length combined, unless it is nonmailable under the provisions of chapter 6 of this title or other law; but it may levy a charge therefor, established under the provisions of chapter 12 of this title, which reflects the failure of the mailer to conform to the regulations established under this title.

"(b)(1) Except as provided in paragraph (2) of this subsection, the maximum weight of any parcel shall not exceed forty pounds, and the maximum size of any parcel shall not exceed—

"(i) seventy-eight inches in girth and length combined on parcels mailed before July 1, 1971; and

"(ii) eighty-four inches in girth and length combined on parcels mailed on or after July 1, 1971.

"(2) The maximum size on parcels is one hundred inches in girth and length combined and the maximum weight is seventy pounds for parcels—

"(i) mailed at, or addressed for delivery at, an office that would have been a second-, third-, or fourth-class post office under former section 702 of this title or on a rural or star route;

"(ii) containing baby fowl, live plants, trees, shrubs, or agricultural commodities but not the manufactured products of those commodities;

"(iii) not mailed at zone rates of postage other than the zone rates which are applicable to correspondence and similar matter;

"(iv) addressed to or mailed at any Armed Forces post office outside the fifty States; and

"(v) addressed to or mailed in the Commonwealth of Puerto Rico, the States of Alaska and Hawaii, or a possession of the United States, including the Canal Zone and the Trust Territory of the Pacific Islands.

"§ 404. Postal services at Armed Forces installations

"(a) The Postal Service may establish branch post offices at camps, posts, bases, or stations of the Armed Forces and at defense or other strategic installations.

"(b) The Secretaries of Defense and Transportation shall make arrangements with the Postmaster General to perform postal services through personnel designated by them at or through branch post offices established under subsection (a) of this section.

"§ 405. International postal arrangements

"(a) For the purpose of making better postal arrangements with other countries, the Postal Service, by and with the advice and consent of the President, may negotiate and conclude postal treaties or conventions, and may reduce or increase the rates of postage or other charges on mail matter conveyed between the United States and other countries. The decisions of the Commission construing or interpreting the provisions of any treaty or convention which has been or may be negotiated and concluded shall, if approved by the President, be final and conclusive upon all officers of the United States.

"(b) The Postal Service may make arrangements with other governments for the exchange of sums of money by means of postal orders. The Commission shall fix limitations on the amount which may be so exchanged and the rates of exchange.

"§ 406. Small post office closings

"No small post office shall be closed solely for operating at a deficit, it being the intent of the Congress that effective postal service be insured to residents of both urban and rural communities.

XUM

"Chapter 6.—MAIL MATTER

"NONMAILABLE MATTER

"Sec.
"601. Nonmailable matter.
"602. Nonmailable motor vehicle master keys.
"603. Mail bearing a fictitious name or address.
"604. Delivery of mail to persons not residents of the place of address.
"605. False representations; lotteries.
"606. 'Unlawful' matter.
"607. Detention of mail for temporary periods.
"608. Prohibition of pandering advertisements in the mails.

"PENALTY AND FRANKED MAIL

"651. Definitions.
"652. Penalty mail.
"653. Endorsements on penalty covers.
"654. Restrictions on use of penalty mail.
"655. Accounting for penalty covers.
"656. Reimbursement for penalty mail service.
"657. Limit of weight of penalty mail; postage on overweight matter.
"658. Shipment by most economical means.
"659. Executive departments to supply information.
"660. Official correspondence of Vice President and Members of Congress.
"661. Public documents.
"662. Congressional Record under frank of Members of Congress.
"663. Seeds and reports from Department of Agriculture.
"664. Mailing privilege of former Presidents.
"665. Lending or permitting use of frank unlawful.
"666. Reimbursement for franked mailings.
"667. Correspondence of members of diplomatic corps and consuls of countries of Postal Union of Americas and Spain.
"668. Mailing privilege of members of United States Armed Forces and of friendly foreign nations.
"669. Mailing privileges of members of United States Armed Forces and of friendly foreign nations in the Canal Zone.
"670. Franked mail for surviving spouses of Members of Congress.
"671. Armed Forces mailing privileges.

"NONMAILABLE MATTER

"§ 601. Nonmailable matter

"(a) Matter the deposit of which in the mails is punishable under section 1302, 1341, 1342, 1461, 1463, 1714, 1715, 1716, 1717, or 1718 of title 18 is nonmailable.

"(b) Nonmailable matter which reaches the office of delivery, or which may be seized or detained for violation of law, shall be disposed of as the Postal Service directs.

"(c) Matter otherwise legally acceptable in the mails which—

"(1) is in the form of, and reasonably could be interpreted or construed as, a bill, invoice, or statement of account due; but

"(2) constitutes, in fact, a solicitation for the order by the addressee of goods or services, or both;

is nonmailable matter, shall not be carried, or delivered by mail, and shall be disposed of as the Postal Service directs, unless such matter bears on its face, in conspicuous and legible type in contrast by typography, layout, or color with other printing on its face, in accordance with regulations which the Postal Service shall prescribe—

"(A) the following notice: 'This is a solicitation for the order of goods and/or services and not a bill, invoice, or statement of account due. You are under no obligation to make any payments on account of this offer unless you accept this offer'; or

"(B) in lieu thereof, a notice to the same effect in words which the Postal Service may prescribe.

"(d) Any matter is nonmailable which exceeds the prescribed size and weight limits or is of a character perishable within the period required for transportation and delivery.

"(e) Except as otherwise provided by law, proceedings concerning the mailability of matter under this chapter and chapter 71 and 83 of title 18 shall be conducted in accordance with chapters 5 and 7 of title 5.

"§ 602. Nonmailable motor vehicle master keys

"(a) Except as provided in subsection (b) of this section, any motor vehicle master key, any pattern, impression, or mold from which a motor vehicle master key may be made, and any advertisement for the sale of any such key, pattern, impression, or mold, is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs.

"(b) The Postal Service is authorized to make such exemptions from the provisions of subsection (a) of this section as it deems necessary.

"(c) For the purposes of this section, 'motor vehicle master keys' means any key (other than the key furnished by the manufacturer with the motor vehicle, or the key furnished with a replacement lock, or an exact duplicate of such keys) designed to operate two or more motor vehicle ignition, door, or trunk locks of different combinations.

"§ 603. Mail bearing a fictitious name or address

"(a) Upon evidence satisfactory to the Postal Service that any person is using a fictitious, false, or assumed name, title, or address in conducting, promoting, or carrying on or assisting therein, by means of the Postal Service of the United States, an activity in violation of section 1302, 1341, or 1342 of title 18, the Postal Service may—

"(1) withhold mail so addressed from delivery; and

"(2) require the party claiming the mail to furnish proof to it of the claimant's identity and right to receive the mail.

"(b) The Postal Service may issue an order directing that mail, covered by subsection (a), be forwarded to a dead letter office as fictitious matter, or be returned to the sender when the—

"(1) party claiming the mail fails to furnish proof of his identity and right to receive the mail; or

"(2) the Postal Service is satisfied that the mail is addressed to a fictitious, false, or assumed name, title, or address.

"§ 604. Delivery of mail to persons not residents of the place of address

"Whenever the Postal Service is satisfied that letters or parcels sent in the mail are addressed to places not the residence or regular business address of the person for whom they are intended, to enable the person to escape identification, it may deliver the mail only upon identification of the person so addressed.

"§ 605. False representations; lotteries

"(a) Upon evidence satisfactory to the Postal Service that any person is engaged in conducting a scheme or device for obtaining money or property through the mail by means of false representations, or is engaged in conducting a lottery, gift enterprise, or scheme for the distribution of money or of real or personal property, by lottery, chance, or drawing of any kind, the Postal Service may issue an order which—

"(1) directs any postmaster at an office at which registered or certified letters or other letters or mail arrive, addressed to such a person or to his representative, to return such letters or mail to the sender appropriately marked as in violation of this section, if such person, or his representative, is first notified and given reasonable opportunity to be present at the receiving post office to survey such letters or mail before the postmaster returns such letters or mail to the sender; and

"(2) forbids the payment by a postmaster to such a person or his representative of any money order drawn to the order of either and provide for the return to the remitters of the sum named in the money order.

"(b) The public advertisement by a person engaged in activities covered by subsection (a) of this section that remittances may be made by mail to a person named in the advertisement is prima facie evidence that the letter is the agent or representative of the advertiser for the receipt of remittances on behalf of the advertiser. The Postal Service is not precluded from ascertaining the existence of the agency in any other legal way satisfactory to it.

"(c) As used in this section and section 606 of this title, the term 'representative' includes an agent or representative acting as an individual or as a firm, bank, corporation, or association of any kind.

§ 606. 'Unlawful' matter

"Upon evidence satisfactory to the Postal Service that a person is obtaining or attempting to obtain remittances of money or property of any kind through the mail for an obscene, lewd, lascivious, indecent, filthy, or vile article, matter, thing, device, or substance, or is depositing or causing to be deposited in the United States mail information as to where, how, or from whom the same may be obtained, the Postal Service may—

"(1) direct postmasters at the office at which registered letters or other letters or mail arrive, addressed to such a person or to his representative, to return the registered letters or other letters or mail to the sender marked 'Unlawful'; and

"(2) forbid the payment by a postmaster to such a person or his representative of any money order drawn to the order of either and provide for the return to the remitters of the sums named in the money orders.

§" 607. Detention of mail for temporary periods

"(a) In preparation for or during the pendency of proceedings under sections 605 and 606 of this title, the United States district court in the district in which the defendant receives his mail, shall upon application therefor by the Postal Service and upon a showing of probable cause to believe the statute is being violated, enter a temporary restraining order and preliminary injunction pursuant to rule 65 of the Federal Rules of Civil Procedure directing the detention of the defendant's incoming mail by the postmaster pending the conclusion of the statutory and proceedings and any appeal therefrom. The district court may provide that the detained mail be open to examination by the defendant and such mail delivered as is clearly not connected with the alleged unlawful activity. An action taken by a court under this section does not affect or determine any fact at issue in the statutory proceedings.

"(b) This section does not apply to mail addressed to publishers of publications entitled to the periodical publication rate, or to mail addressed to the agents of those publishers.

"§ 608. Prohibition of pandering advertisements in the mails

"(a) Whoever for himself, or by his agents or assigns, mails or causes to be mailed any pandering advertisement which offers for sale matter which the addressee in his sole discretion believes to be erotically arousing or sexually provocative shall be subject to an order of the Postal Service to refrain from further mailings of such materials to designated addressees thereof.

XUM

"(b) Upon receipt of notice from an addressee that he has received such mail matter, determined by the addressee in his sole discretion to be of the character described in subsection (a) of this section, the Postal Service shall issue an order, if requested by the addressee, to the sender thereof, directing the sender and his agents or assigns to refrain from further mailings to the named addressees.

"(c) The order of the Postal Service shall expressly prohibit the sender and his agents or assigns from making any further mailings to the designated addressees, effective on the thirtieth calendar day after receipt of the order. The order of the Postal Service shall also direct the sender and his agents or assigns to delete immediately the names of the designated addressees from all mailing lists owned or controlled by the sender or his agents or assigns and, further, shall prohibit the sender and his agents or assigns from the sale, rental, exchange, or other transaction involving mailing lists bearing the names of the designated addressees.

"(d) Whenever the Postal Service believes that the sender or anyone acting on his behalf has violated or is violating the order given under this section, it shall serve upon the sender, by registered or certified mail. a complaint stating the reasons for its belief and request that any response thereto be filed in writing with the Postal Service within fifteen days after the date of such service. If the Postal Service after appropriate hearing if requested by the sender, and without a hearing if such a hearing is not requested, thereafter determines that the order given has been or is being violated, it is authorized to request the Attorney General to make application, and the Attorney General is authorized to make application, to a district court of the United States for an order directing compliance with such notice.

"(e) Any district court of the United States within the jurisdiction of which any mail matter shall have been sent or received in violation of the order provided for by this section shall have jurisdiction, upon application by the Attorney General, to issue an order commanding compliance with such notice. Failure to observe such order may be punished by the court as contempt thereof.

"(f) Receipt of mail matter thirty days or more after the effective date of the order provided for by this section shall create a rebuttable presumption that such mail was sent after such effective date.

"(g) Upon request of any addressee, the order of the Postal Service shall include the names of any of his minor children who have not attained their nineteenth birthday and who reside with the addressee.

"(h) The provisions of subchapter II of chapter 5 (relating to administrative procedure) and chapter 7 (relating to judicial review) of title 5, United States Code, shall not apply to any provisions of this section.

"(i) For the purposes of this section—

"(1) mail matter, directed to a specific address covered in the order of the Postal Service, without designation of a specific addressee thereon, shall be considered as addressed to the person named in the order of the Postal Service, and

"(2) the term 'children' includes natural children, stepchildren, adopted children, and children who are wards of or in custody of the addressee or who are living with such addressee in a regular parent-child relationship.

"PENALTY AND FRANKED MAIL

"§ 651. Definitions

"As used in this chapter—

" 'Penalty mail' means official mail, other than franked mail, which is authorized by law to be transmitted in the mail without prepayment of postage.

" 'Penalty cover' means envelopes, wrappers, labels, or cards used to transmit penalty mail.

" 'Frank' means the autographic or facsimile signature of persons authorized by sections 660–666 and 670 of this title to transmit matter through the mail without prepayment of postage or other indicia contemplated by sections 733 and 907 of title 44.

" 'Franked mail' means mail which is transmitted in the mail under a frank.

" 'Members of Congress' includes Senators, Representatives, Delegates, and Resident Commissioners.

"§ 652. Penalty mail

"(a) Subject to the limitations imposed by sections 654–657 of this title, there may be transmitted as penalty mail—

"(1) official mail of—

"(A) officers of the United States Government other than Members of Congress;

"(B) the Smithsonian Institution;

"(C) the Pan American Union;

"(D) the Pan American Sanitary Bureau;

"(E) the United States Employment Service and the system of employment offices operated by it in conformity with the provisions of sections 49–49c, 49d, 49g–49k of title 29, and all State employment systems which receive funds appropriated under authority of those sections; and

"(F) any college officer or other person connected with the extension department of the college as the Secretary of Agriculture may designate to the Postal Service to the extent that the official mail consists of correspondence, bulletins, and reports for the furtherance of the purposes of sections 341–343, 344–348 of title 7;

"(2) mail relating to naturalization to be sent to the Immigration and Naturalization Service by clerks of courts addressed to the Department of Justice or the Immigration and Naturalization Service, or any official thereof;

"(3) mail relating to a collection of statistics, survey, or census authorized by title 13 and addressed to the Department of Commerce or a bureau or agency thereof;

"(4) mail of State agricultural experiment stations pursuant to sections 325 and 361f of title 7; and

"(5) articles for copyright deposited with postmasters and addressed to the Register of Copyrights pursuant to section 15 of title 17.

"(b) A department or officer authorized to use penalty covers may enclose them with return address to any person from or through whom official information is desired. The penalty cover may be used only to transmit the official information and endorsements relating thereto.

"(c) This section does not apply to officers who receive a fixed allowance as compensation for their services, including expenses of postage.

"§ 653. Endorsements on penalty covers

"(a) Except as otherwise provided in this section, penalty covers shall bear, over the words 'Official Business' an endorsement showing the name of the department, bureau, or office from which, or officer from whom, it is transmitted. The penalty for the unlawful use of all penalty covers shall be printed thereon.

"(b) The Postal Service shall prescribe the endorsement to be placed on covers mailed under paragraphs (1)(E), (2), and (3) of section 652(a) of this title.

"§ 654. Restrictions on use of penalty mail

"(a) Except as otherwise provided in this section, an officer, executive department, or independent establishment of the Government of the United States may not mail, as penalty mail, any article or document unless—

"(1) a request therefor has been previously received by the department or establishment; or

"(2) its mailing is required by law.

"(b) Subsection (a) does not prohibit the mailing, as penalty mail, by an officer, executive department, or independent agency of—

"(1) enclosures reasonably related to the subject matter of official correspondence;

"(2) informational releases relating to the census of the United States and authorized by title 13;

"(3) matter concerning the sale of Government securities;

"(4) forms, blanks, and copies of statutes, rules, regulations, instructions, administrative orders, and interpretations necessary in the administration of the department or establishment;

"(5) agricultural bulletins;

"(6) lists of public documents offered for sale by the Superintendent of Documents;

"(7) announcements of the publication of maps, atlases, and statistical and other reports offered for sale by the Federal Power Commission as authorized by section 825k of title 16; or

"(8) articles or documents to educational institutions or public libraries, or to Federal, State, or other public authorities.

"§ 655. Accounting for penalty covers

"Executive departments and agencies, independent establishments of the Government, and organizations and persons authorized by law to use penalty mail, shall account for all penalty covers through the Postal Services as it prescribes.

"§ Reimbursement for penalty mail service

"(a) Except as provided in subsections (b) and (c) of this section, executive departments and agencies, independent establishments of the Government and Government corporations concerned shall transfer to the Postal Service as postal revenue out of any appropriations or funds available to them as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, as determined by the Postal Service for matter sent in the mails by or to them as penalty mail under authority of section 652 of this title.

"(b) The Department of Agriculture shall transfer to the Postal Service us postal revenues out of any appropriation made to it for that purpose the equivalent amount of postage, as determined by the Postal Service for penalty mailings under paragraphs (1)(F) and (4) of subsection (a) of section 652 of this title.

"(c) The Library of Congress shall transfer to the Postal Service as postal revenues out of any appropriation made to it for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under paragraph (5) of subsection (a) of section 652 of this title.

"§ 657. Limit of weight of penalty mail; postage on over-weight matter

"(a) Penalty mail is restricted to articles not in excess of the weight and size prescribed for letter mail except—

"(1) stamped paper and supplies sold or used by the Postal Service; and

"(2) books and documents published or circulated by order of Congress when mailed by the Superintendent of Documents.

"(b) A penalty mail article which is—

"(1) over four pounds in weight,

"(2) not in excess of the weight and size prescribed for parcels, and

"(3) otherwise mailable,

is mailable at parcel rates even though it may include written matter and may be sealed. The postage on such an article is payable in the manner prescribed by the Postal Service.

"§ 658. Shipment by most economical means

"Shipments of official matter other than franked mail shall be sent by the most economical means of transportation practicable. The Postal Service may refuse to accept official matter for shipment by mail when in its judgment it may be shipped by other means at less expense, or the Postal Service may provide for its transportation by freight or express, whenever a saving to the Government will result therefrom without detriment to the public.

"§ 659. Executive departments to supply information

"Persons and governmental organizations authorized to use penalty mail shall supply all information requested by the Postal Service necessary to carry out the provisions of sections 651–658 of this title as soon as practicable after request therefor.

"§ 660. Official correspondence of Vice President and Members of Congress

"The Vice President, Members and Members-elect of Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, the Sergeant at Arms of the House of Representatives, and the Clerk of the House of Representatives, until the 30th day of June following the expiration of their respective terms of office, may send as franked mail—

"(1) matter, not exceeding four pounds in weight, upon official or departmental business, to a Government official; and

"(2) correspondence, not exceeding four ounces in weight, upon official business to any person.

In the event of a vacancy in the office of the Secretary of the Senate, Sergeant at Arms of the Senate, the Sergeant at Arms of the House of Representatives, or the Clerk of the House of Representatives, any authorized person may exercise this privilege in the officer's name during the period of the vacancy.

"§ 661. Public documents

"The Vice President, Members of Congress, the Secretary of the Senate, Sergeant at Arms of the Senate, and the Clerk of the House of Representatives, until the 30th day of June following the expiration of their respective terms of office, may send and receive as franked mail all public documents printed by order of Congress.

"§ 662. Congressional Record under frank of Members of Congress

"Members of Congress may send as franked mail the Congressional Record, or any part thereof, or speeches or reports therein contained.

"§ 663. Seeds and reports from Department of Agriculture

"Seeds and agricultural reports emanating from the Department of Agriculture may be mailed—

"(1) as penalty mail by the Secretary of Agriculture; and

"(2) until the 30th day of June following the expiration of their terms of office as franked mail by Members of Congress.

"§ 664. Mailing privileges of former Presidents

"A former President may send all his mail within the United States and its territories and possessions as franked mail.

"§ 665. Lending or permitting use of frank unlawful

"A person entitled to use a frank may not lend it or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association. This section does not apply to any committee composed of Members of Congress.

"§ 666. Reimbursement for franked mailings

"(a) The postage on mail matter sent and received through the mails under the franking privilege by the Vice President, Members, and Members-elect of Congress, the Secretary of the Senate, Sergeant at Arms of the Senate, and the Clerk of the House of Representatives, including registry fees if registration is required and postage on correspondence sent by the surviving spouse of a Member under section 670 of this title, shall be paid by a lump-sum appropriation to the legislative branch for that purpose, and credited to the Postal Service as postal revenue.

"(b) The postage on mail matter sent through the mails under the franking privilege by former Presidents shall be paid by reimbursement of the postal revenues each fiscal year out of the general funds of the Treasury in an amount equivalent to the postage which would otherwise be payable on the mail matter.

"§ 667. Correspondence of members of diplomatic corps and consuls of countries of Postal Union of the Americas and Spain

"Correspondence of the members of the diplomatic corps of the countries of the Postal Union of the Americas and Spain stationed in the United States may be reciprocally transmitted in the domestic mails free of postage, and be entitled to free registration without right to indemnity in case of loss. The same privilege is accorded consuls and vice consuls when they are discharging the function of consuls of these countries stationed in the United States, or official correspondence among themselves, and with the Government of the United States.

"§ 668. Mailing privilege of members of the United States Armed Forces and of friendly foreign nations

"(a) Letter mail, including postal cards and post cards, and sound-recorded communications having the character of personal correspondence, shall be carried, at no cost to the sender, in the manner provided by section 671 of this title, when mailed by—

"(1) a member of the Armed Forces of the United States on active duty as defined in sections 101(4) and 101(22) of title 10, and addressed to a place within the delivery limits of a United States post office, if—

"(A) the letter or sound-recorded communication is mailed by the member at an Armed Forces post office established under section 404(a) of this title in an overseas area, as designated by the President, where the Armed Forces of the United States are engaged in action against an enemy of the United States, engaged in military operations involving armed conflict with a hostile foreign force, or serving with a friendly foreign force in an armed conflict in which the United States is not a belligerent; or

"(B) the member is hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred as a result of service in an overseas area designated by the President under clause (A); or

"(2) a member of an armed force of a friendly foreign nation at an Armed Forces post office and addressed to a place within the delivery limits of a United States post office, or a post office of the nation in whose armed forces the sender is a member, if—

"(A) the member is accorded free mailing privileges by his own government;

"(B) the foreign nation extends similar free mailing privileges to a member of the Armed Forces of the United States serving with, or in, a unit under the control of a command of that foreign nation;

"(C) the member is serving with, or in, a unit under the operational control of a command of the Armed Forces of the United States;

"(D) the letter or sound-recorded communication is mailed by the member—

"(i) at an Armed Forces post office established under section 404(a) of this title in an overseas area, as designated by the President, where the Armed Forces of the United States are engaged in action against an enemy of the United States, engaged in military operations involving armed conflict with a hostile foreign force, or serving with a friendly foreign force in an armed conflict in which the United States is not a belligerent; or

"(ii) while hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred as a result of services in an overseas area designated by the President under clause (D) (i); and

"(E) the nation in whose armed forces the sender is a member has agreed to assume all international postal transportation charges incurred.

"(b) The Department of Defense shall transfer to the Postal Service as postal revenue, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, as determined by the Commission for matter sent in the mails under authority of subsection (a) of this section.

"(c) Subsections (a) and (b) of this section shall be administered under such conditions, and under such regulations, as the Postal Service and the Secretary of Defense jointly may prescribe.

"§ 669. Mailing privileges of members of United States Armed Forces and of friendly foreign nations in the Canal Zone

"(a) For the purposes of sections 668, 671, and 1201 (c) of this title, each post office in the Canal Zone postal service, to the extent that it provides mail service for members of the United States Armed Forces and of friendly foreign nations, shall be considered to be an Armed Forces post office established under section 404(a) of this title.

"(b) The Department of Defense shall reimburse the postal service of the Canal Zone, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or fund and of the activities concerned, the equivalent amount of postage due, and sums equal to the expenses incurred by, the postal service of the Canal Zone, as determined by the Governor of the Canal Zone, for matter sent in the mails, and in providing air transportation of mail, under such sections.

"§ 670. Franked mail for surviving spouses of Members of Congress

"Upon the death of a Member of Congress during his term of office, the surviving spouse of such Member may send, for a period not to exceed one hundred and eighty days after his death, as franked mail, correspondence relating to the death of the Member.

"§ 671. Armed Forces mailing privileges

"(a) There shall be transported by air, between Armed Forces post offices established under section 404(a) of this title which are located outside the forty-eight contiguous States of the United States, or between any such Armed Forces post office and the point of embarkation or debarkation within the fifty States of the United States, the territories and possessions of the United States in the Pacific area, the Commonwealth of Puerto Rico, the Virgin Islands, or the Canal Zone, on a space-available basis, on scheduled United States air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 1376 of title 49 and as otherwise provided in this title, the following categories of mail matter;

"(1) (A) letter mail (including postal cards and post cards),

"(B) sound-recorded communications having the character of personal correspondence, and

"(C) parcels not exceeding five pounds in weight and sixty inches in length and girth combined, which are mailed at or addressed to any such Armed Forces post office.

"(2) publications entitled to the periodical publication rate that are published once each week or more frequently and featuring principally current news of interest to members of the Armed Forces and the general public which are mailed at or addressed to

XUM

any such Armed Forces post office (A) in an overseas area designated by the President under section 668 of this title, or (B) in an isolated, hardship, or combat support area overseas, or where adequate surface transportation is not available; and

"(3) parcels exceeding five pounds but not exceeding seventy pounds in weight and not exceeding one hundred inches in length and girth combined, including surface-type official mail, which are mailed at or addressed to any such Armed Forces post office where adequate surface transportation is not available.

Whenever adequate service by scheduled United States air carriers is not available to provide transportation of mail matter by air in accordance with the foregoing provisions of this subsection, the transportation of such mail matter may be authorized by aircraft other than scheduled United States air carriers. This subsection shall not affect the operation of section 668(a) of this title.

"(b) Subsection (a) of this section shall be administered under such conditions and regulations as the Postal Service and the Secretary of Defense severally may prescribe to carry out their respective functions thereunder.

"(c) The Department of Defense shall reimburse the Postal Service out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, sums equal to the expenses incurred by the Postal Service as determined by the Postal Service, in providing air transportation for mail mailed at or addressed to Armed Forces post offices established under section 404 of this title, but reimbursement under this subsection shall not include the expense of air transportation (1) for which the Postal Service collects a special charge to the extent the special charge covers the additional expense of air transportation; or (2) that is provided by the Postal Service at the same postage rate or charge for mail which is neither mailed at nor addressed to an Armed Forces post office.

"Chapter 8.—TRANSPORTATION OF MAIL

"SUBCHAPTER I—GENERAL

"Sec.
"801. Provision for carrying mail.
"802. Transportation of mail of adjoining countries through the United States.
"803. Establishment of post roads.
"804. Discontinuance of service on post roads.
"805. Postal Service to provide for mail transportation.
"806. Lien on compensation of contractor.
"807. Free transportation of postal employees.

"SUBCHAPTER II—TRANSPORTATION OF MAIL BY REGULATED SURFACE CARRIER

"825. Definitions.
"826. Applicability.
"827. Authorization of service by carrier.
"828. Placement of equipment.
"829. Changes in service.
"830. Evidence of service.
"831. Fines and deductions.
"832. Interstate Commerce Commission to fix rates.
"833. Procedures.
"834. Special rates.
"835. Intermodal transportation.
"836. Statistical studies.
"837. Special contracts.
"838. Carrier operations, receipts, and expenditures.
"839. Agreements with passenger common carriers by motor vehicle.
"840. Star route certification.

"SUBCHAPTER III—TRANSPORTATION OF MAIL BY AIR

"851. Rules and regulations.
"852. Fines on air carriers transporting mails.
"853. Contracts for transportation of mail by air.

"SUBCHAPTER IV—TRANSPORTATION OF MAIL BY VESSEL

"876. Sea post service.
"877. Termination of contracts for foreign transportation.
"878. Transportation of mail by vessel as freight or express.
"879. Fines on ocean carriers.
"880. Contracts for transportation of mail by vessel.

"SUBCHAPTER I—GENERAL

"§ 801. Provisions for carrying mail

"The Postal Service shall provide for the transportation of mail by land, air, or water as often as it deems proper under the circumstances subject to the provisions of this chapter.

"§ 802. Transportation of mail of adjoining countries through United States

"The Postal Service, by and with the advice and consent of the President, may make arrangements to allow the mail of countries adjoining the United States to be transported over the territory of the United States from one point in that country to any other point therein, at the expense of the country to which the mail belongs, upon obtaining a like privilege for the transportation of United States mail through the country to which the privilege is granted. The President or the Congress may annul the privilege at any time. The privilege shall terminate one month succeeding the day on which notice of the act of the President or of the Congress is given to the chief executive or head of the post office of the country whose privilege is to be annulled.

"§ 803. Establishment of post roads

"The following are post roads—

"(1) the waters of the United States, during the time the mail is carried thereon;

"(2) railroads or parts of railroads and air routes in operation;

"(3) canals, during the time the mail is carried thereon;

"(4) public roads, highways, and toll roads during the time the mail is carried thereon; and

"(5) letter carrier routes established for the collection and delivery of mail.

"§ 804. Discontinuance of service on post roads

The Postal Service may discontinue service on a post road or part thereof when, in its opinion—

"(1) the postal service cannot safely be continued;

"(2) the revenues cannot be collected;

"(3) the laws cannot be maintained; or

"(4) the public interest so requires.

"§ 805. Postal Service to provide for mail transportation

"(a) The Postal Service is authorized to obtain mail transportation service—

"(1) from common carriers by rail and motor vehicle as provided in subchapter II of this chapter;

"(2) from air carriers as provided in subchapter III of this chapter;

"(3) from water carriers as provided in subchapter IV of this chapter; and

"(4) by contract under such terms and conditions as it deems appropriate, subject to the provisions of this section.

"(b) Except as otherwise specifically provided by this chapter, contracts for transportation of mail authorized by subsection (a) (4) of this section may be for periods not in excess of four years and may be entered into only after advertising a sufficient time previously for proposals except when the Postal Service determines that the waiver of such advertising requirements is in the public interest.

"(c) Contracts under subsection (a)(4) of this section may be renewed by mutual agreement with the holder and the Postal Service, without advertising and for successive terms of not more than four years each.

"(d) The Postal Service, in determining whether to obtain transportation of mail by carrier under subsection (a) (1) of this section, by contract under subsection (a) (4) of this section, or by Government motor vehicle, shall use the mode of transportation which best serves the public interest, due consideration being given to the cost of the transportation service under each mode.

"§ 806. Lien on compensation of contractor

"(a) A person who—

"(1) performs service for a contractor or subcontractor in the transportation of mail;

"(2) files his contract for service with the Postal Service; and

"(3) files satisfactory evidence of performance with the Postal Service,

shall have a lien on money due the contractor or subcontractor for the service.

"(b) The Postal Service may pay the person establishing a lien under subsection (a) of this section the sum due him, when the contractor or subcontractor fails to pay the person the amount of his lien within two months after the expiration of the month in which the service was performed. It shall charge the amount so paid to the contract. The payments may not exceed the annual rate of pay of the contractor or subcontractor.

"§ 807. Free transportation of postal employees

"Each person engaged in the transportation of mail shall carry on any vessel, train, motor vehicle, or aircraft he operates, upon exhibiting their credentials and without extra charge therefor, persons in charge of the mails when on duty and traveling to and from duty.

"SUBCHAPTER II—TRANSPORTATION OF MAIL BY REGULATED SURFACE CARRIER

"§ 825. Definitions

"As used in this subchapter—

"(1) 'carrier' and 'regulated surface carrier' mean a railroad, a freight forwarder, a motor carrier, or an express company;

"(2) 'railroad' means a railway common carrier, including an electric urban and interurban railway common carrier;

"(3) 'freight forwarder' means any regulated freight forwarder which holds itself out to the general public as a common carrier to transport or provide transportation of property as authorized by a permit issued by the Interstate Commerce Commission;

"(4) 'motor carrier' means any common carrier by motor vehicle, except a passenger-carrying motor vehicle, within the meaning of section 303(a)(14) of title 49, which holds a certificate of public convenience and necessity issued by the Interstate Commerce Commission; and

"(5) 'express company' means any express company engaged in transportation as a common carrier for hire under section 1 (3) of title 49.

"§ 826. Applicability

"This subchapter applies to mail transportation performed by any carrier or combination thereof regardless of the mode of transportation actually used to provide the service.

"§ 827. Authorization of service by carrier

"(a) The Postal Service may establish carrier mail routes and authorize mail transportation service thereon. The term 'mail' as used in this subchapter includes equipment and supplies of the Postal Service.

"(b) A carrier shall transport mail offered for transportation by the Postal Service in the manner, under the conditions, and with the service prescribed by the Postal Service. A carrier is entitled to receive fair and reasonable compensation for the transportation and service connected therewith.

XUM

"(c) The Postal Service shall determine the trains or motor vehicles upon which mail shall be transported, except that no carrier shall be compelled to transport mail on any train or vehicle which is operated exclusively for the transportation of passengers and their baggage.

"(d) A carrier shall transport with due speed, on any train or motor vehicle it operates, such mail as the Postal Service directs under this section.

"(e) No carrier shall be required to serve territory it is not otherwise authorized to serve, or to provide service for the Postal Service at less than full cost, or to provide service at a detriment to the carrier or its other customers.

(f) An order or determination of the Postal Service under this section shall be consistent with the orders of the Interstate Commerce Commission under sections 832 and 833 of this title.

"§ 828. Placement of equipment

"A railroad shall place cars used for full or apartment post office service in position at such times before departure as the Postal Service directs.

"§ 829. Changes in service

"The Postal Service may authorize, according to the need therefor, new or additional mail transportation service by carriers at the rate or compensation fixed pursuant to this subchapter. It may reduce or discontinue service with pro rata reductions in compensation. The Postal Service may not pay for the additional service which it has not specifically authorized.

"§ 830. Evidence of service

"A carrier shall submit evidence of its performance of mail transportation service, signed by an authorized official, in such form and at such times as the Postal Service requires. Mail transportation service is considered that of the carrier performing it regardless of the ownership of the property used by the carrier.

" § 831. Fines and deductions

"(a) The Postal Service may fine any carrier in an amount not to exceed $500 for each day the carrier refuses to perform mail transportation services required by it as rates or compensation established under this subchapter.

"(b) The Postal Service shall fine a carrier an amount it deems reasonable for failure or refusal by that carrier to transport mail as required by the Postal Service under section 827 of this title.

"(c) The Postal Service may make deductions from the compensation of a carrier for failure to perform mail transportation service as required under section 827 of this title. If the failure to perform is due to the fault of the carrier, it may deduct a sum not exceeding three times the compensation applying to such service. Such deductions shall not be made prior to the expiration of sixty days following service upon the carrier by the Postal Service of notice of intention of assessing a fine or making a deduction and of the basis therefor.

" §832. Interstate Commerce Commission to fix rates

"(a) The Interstate Commerce Commission shall determine and fix, from time to time, the fair and reasonable rates or compensation for the transportation of mail by carrier and the service connected therewith, and shall prescribe the method of computing such rates or compensation. The Interstate Commerce Commission shall publish its orders stating its determination under this section which shall remain in force until changed by it after notice and hearing.

"(b) For the purpose of determining and fixing rates or compensation under this section, the Interstate Commerce Commission may make just and reasonable classifications of carriers and where just and equitable, fix general rates applicable to carriers in the same classification.

"(c) In determining and fixing fair and reasonable rates or compensation under this section, the Interstate Commerce Commission shall consider the relation between the Government and carriers as public service corporations, and the nature of public service as distinguished, if there is a distinction, from the ordinary transportation business of the carriers.

"(d) Initial rates or compensation for mail transportation service by any carrier or carriers shall be those agreed to by the Postal Service and the carrier or carriers, and such rates or compensation shall continue in effect until such time as the Interstate Commerce Commission fixes the rates or compensation under subsection (a) of this section.

"§ 833. Procedures

"(a) At any time after six months from the entry of an order stating the Interstate Commerce Commission's determination under section 832 of this title, the Postal Service or an interested carrier may apply for a reexamination and substantially similar proceedings as have theretofore been had shall be followed with respect to the rates or compensation for services covered by the application. At the conclusion of the hearing the Interstate Commerce Commission shall enter an order stating its determination.

"(b) Except as authorized by sections 832(d), 834, 835, and 837 of this title, the Postal Service shall pay a carrier the rates or compensation so determined and fixed for application at such stated times as named in the order.

"(c) The Postal Service may file with the Interstate Commerce Commission a comprehensive plan, stating—

"(1) its requirements for the transportation of mail by carrier;

"(2) the character and speed of the trains or motor vehicles which are to carry the various kinds of mail;

"(3) the service, both terminal and en route, which carriers are to render;

"(4) what it believes to be the fair and reasonable rates or compensation for the services required; and

"(5) all other information which may be material to the inquiry, but such other information may be filed at any time in the discretion of the Interstate Commerce Commission.

"(d) When a comprehensive plan is filed, the Interstate Commerce Commission shall give notice of not less than thirty days to each carrier required by the Postal Service to transport mail pursuant to such plan. A carrier may file its answer at the time fixed by the Interstate Commerce Commission, but not later than thirty days after the expiration date fixed by the Interstate Commerce Commission in the notice, and the Interstate Commerce Commission shall proceed with the hearing.

"§ 834. Special rates

"Upon petition by the Postal Service the Interstate Commerce Commission shall determine and fix carload or truckload, or less than carload or truckload, rates for the transportation of mail not entitled to high priority in transportation. A carrier shall perform the service at the rates so determined when requested to do so and under the conditions prescribed by the Postal Service.

"§ 835. Intermodal transportation

"The Postal Service may permit a carrier to perform mail transportation by any form of transportation it deems appropriate at rates or compensation not exceeding those allowable for similar service by the designated form of transportation.

"§ 836. Statistical studies

"The Postal Service may arrange for weighing and measuring mail transported on carrier mail routes and make other computations for statistical and administrative purposes to carry out the purposes of this chapter.

"§ 837. Special contracts

"The Postal Service may enter into special contracts with carriers, without advertising for bids and for periods not in excess of four years. It may contract to pay lower rates or compensation or, where in its judgment conditions warrant, higher rates or compensation than those determined or fixed by the Interstate Commerce Commission. The fact that the Interstate Commerce Commission has not prescribed rates or compensation for the carrier involved, pursuant to section 832 of this title, shall not preclude execution of a contract under this section. A copy of each such contract shall be on file and open to inspection in the administrative offices of the Postal Service and the Interstate Commerce Commission.

"§ 838. Carrier operations, receipts, and expenditures

"The Postal Service shall request any carrier transporting the mails to furnish, under seal, such data relating to the operations, receipts, and expenditures of such carrier as may, in its judgment, be deemed necessary to enable it to ascertain the cost of mail transportation and the proper compensation to be paid for such service.

"§ 839. Agreements with passenger common carriers by motor vehicle

"The Postal Service may enter into contracts under such terms and conditions as it shall prescribe and without advertising for bids for the transportation of mail, in passenger-carrying motor vehicles, by passenger common carriers by motor vehicles over the regular routes on which the carrier is permitted by law to transport passengers.

"§ 840. Star route certification

"(a) Any person, business, firm, company, corporation, or successor in interest of any such person, business, firm, company, or corporation, who was a contractor under a star route, mail messenger, or contract motor vehicle service contract on the effective date of this title, shall, upon application to the Interstate Commerce Commission for the territory within which such contractor operated on or before the effective date of this Act be issued a certificate of public convenience and necessity as a motor carrier for the transportation of mail by the Interstate Commerce Commission without the Interstate Commerce Commission's requiring further proof that the public convenience and necessity will be served by such operation and without further proceedings.

"(b) Applications of persons who were not contractors on the effective date of this Act shall be decided in accordance with applicable Interstate Commerce Commission procedure.

"SUBCHAPTER III—TRANSPORTATION OF MAIL BY AIR

"§ 851. Rules and regulations

"The Postal Service may make such rules, regulations, and orders not inconsistent with sections 1301–1542 of title 49, or any order, rule, or regulation made by the Civil Aeronautics Board thereunder, as may be necessary for the safe and expeditious carriage of all classes of mail by aircraft.

"§ 852. Fines on air carriers transporting mails

"The Postal Service may impose fines on carriers transporting mail by air on routes extending beyond the borders of the United States for—

"(1) unreasonable or unnecessary delay to mail; and

XUM

"(2) other delinquencies in the transportation of mail.

"§ 853. Contracts for transportation of mail by air

"(a) When the Postal Service deems that the transportation of mail by aircraft is required between points between which the Civil Aeronautics Board has not authorized an air carrier to engage in the transportation of persons, property, or mail the Postal Service may contract for such transportation, without advertising for bids, in such manner and under such terms and conditions as it may deem appropriate. The transportation of mail under contracts entered into under this subsection is not, except for purposes of sections 1371(k) and 1386(b) of title 49, 'air transportation' as that term is used in sections 1301–1542 of title 49. The Postal Service shall cancel such a contract, in whole or in respect to certain points as the authorization shall require, upon the issuance by the Civil Aeronautics Board of an authorization under sections 1371–1386 of title 49 to any air carrier to engage in the transportation of mail by aircraft between any of the points named in the contract, and the inauguration of scheduled service by such carrier.

"(b) A copy of each contract entered into under this section shall be on file and open to inspection in the administrative offices of the Postal Services and the Civil Aeronautics Board.

"SUBCHAPTER IV—TRANSPORTATION OF MAIL BY VESSEL

"§ 876. Sea post service

"The Postal Service may maintain sea post service on ocean vessels conveying mail to and from the United States.

"§ 877. Termination of contracts for foreign transportation

"Contracts for the transportation of mail by vessel between the United States and a foreign port shall be made subject to cancellation by the Postal Service or the Congress.

"§ 878. Transportation of mail by vessel as freight or express

"The Postal Service may require that mail be transported by freight or express when—

"(1) there is no competition on a water route and the rate or compensation asked is excessive; or

"(2) no proposal is received.

A common carrier by water that refuses to transport the mail when required to do so under this section shall be fined not more than $500 for each day of refusal.

"§ 879. Fines on ocean carriers

"The Postal Service may impose or limit fines on carriers transporting mail by vessel on routes extending beyond the borders of the United States for—

"(1) unreasonable or unnecessary delay to the mail; and

"(2) other delinquencies in the transportation of mail.

"§ 880. Contracts for transportation of mail by vessel

"The Postal Service may contract for the transportation of mail by vessel without advertising for bids for periods not in excess of four years.

"Chapter 10.—FINANCE

"Sec.
"1001. Definitions.
"1002. Capital of Postal Service.
"1003. The Postal Service Fund.
"1004. Transitional appropriations.
"1005. Obligations.
"1006. Relationship between the Treasury and the Postal Service.
"1007. Public debt character of the obligations of the Postal Service.
"1008. Audit and expenditures.
"1009. Annual budget.

"§ 1001. Definitions

"As used in this chapter—

" 'Fund' means the Postal Service fund established by section 1003 of this chapter.

" 'Obligations', when referring to debt instruments issued by the Postal Service, means notes, bonds, debentures, mortgages, and any other evidence of indebtedness.

"§ 1002. Capital of Postal Service

"(a) The initial capital of the Postal Service shall consist of equity of the United States in the former Post Office Department as reflected in the President's budget. The value of assets and the amount of liabilities transferred to the Postal Service upon the commencement of operations of the Postal Service shall be determined by the Commission subject to the approval of the Comptroller General, in accordance with the following guidelines:

"(1) Assets shall be valued on the basis of original cost, less depreciation, to the extent that this can be determined. The value recorded on the former Post Office Department's books of account shall be prima facie evidence of asset value.

"(2) All liabilities attributable to operations of the former Post Office Department shall remain liabilities of the United States, except that upon commencement of operations of the Postal Service, the unexpended balances of appropriations made to, held or used by, or available to the former Post Office Department and all liabilities chargeable thereto shall become assets and liabilities, respectively, of the Postal Service.

"(b) The capital of the Postal Service at any time shall consist of its assets, including the balance in the Fund, less its liabilities.

"(c) The Postal Service, and the Administrator of General Services where properties under the jurisdiction of the Administration are involved, with the approval of the Director of the Bureau of the Budget, shall determine which Federal properties shall be transferred to the Postal Service and which shall remain in the United States upon the commencement of operations of the Postal Service. The transfer shall be accomplished at the time of or as near as possible to the commencement of operations of the Postal Service and the valuation of the assets and capital of the Postal Service shall be adjusted accordingly. The following properties shall be included in the transfer:

"(1) the mail equipment shops located in Washington, District of Columbia;

"(2) all machinery, equipment, and appurtenances of the Post Office Department;

"(3) all real property whose ownership was acquired by the Postmaster General pursuant to former section 2103 of this title, as in effect immediately prior to the effective date of this section, or which immediately prior to such effective date is under the administration of the former Post Office Department for the purpose of constructing a postal building from funds appropriated or transferred to the former Post Office Department, together with all funds appropriated or allocated therefor;

"(4) all real property of which 55 per centum or more is occupied by and under control of the former Post Office Department immediately prior to the effective date of this section;

"(5) all contracts, records, and documents relating to the operation of the departmental service and the postal field service of the former Post Office Department; and

"(6) all other property and assets of the Post Office Department.

"(d) After the commencement of operations of the Postal Service the President is authorized to transfer to the Postal Service, and the Postal Service is authorized to transfer to other departments or agencies of the United States, with or without reimbursement, any property owned by the United States and the Postal Service, respectively, when the public interest would be served by such transfer.

"§ 1003. The Postal Service Fund

"(a) There is established in the Treasury of the United States a revolving fund to be called the Postal Service Fund which shall be available to the Postal Service without fiscal year limitation to carry out the purposes, functions, and powers authorized by this title.

"(b) There shall be deposited in the fund, subject to withdrawal by check by the Postal Service—

"(1) revenues from postal and nonpostal services;

"(2) amounts received from obligations issued by the Postal Service;

"(3) amounts appropriated for the use of the Postal Service;

"(4) interest which may be earned on investments of the fund;

"(5) any other receipts of the Postal Service; and

"(6) the balance in the Post Office Department Fund established under former section 2202 of title 39 as of the commencement of operations of the Postal Service.

"(c) If the Postal Service determines that the moneys of the fund are in excess of current needs, it may request the investment of such amounts as it deems advisable by the Secretary of the Treasury in obligations of, or obligations guaranteed by, the United States, and, with the approval of the Secretary, in such other obligations or securities as it deems appropriate.

"(d) With the approval of the Secretary of the Treasury, the Postal Service may deposit moneys of the fund in any Federal Reserve bank, any depository for public funds, or in such other places and in such manner as the Postal Service and the Secretary may mutually agree.

"(e) The fund shall be available for the payment of all expenses incurred by the Postal Service in carrying out its functions under this title. Neither the fund nor any of the funds credited to it shall be subject to apportionment under the provisions of section 665 of title 31.

"§ 1004. Transitional appropriations

"Such sums as are necessary to insure a sound financial transition for the Postal Service and a rate policy consistent with section 1201 of this title are hereby authorized to be appropriated to the fund without regard to fiscal year limitation.

"§ 1005. Obligations

"(a) The Postal Service is authorized to borrow money and to issue and sell such obligations as it determines necessary to carry out the purposes of this title. The aggregate amount of any such obligations outstanding at any one time shall not exceed $10,000,000,000. In any one fiscal year the net increase in the amount of obligations outstanding issued for the purpose of capital improvements shall not exceed $1,500,000,000, and the net increase in the amount of obligations outstanding issued for the purpose of defraying operating expenses of the Postal Service shall not exceed $500,000,000.

"(b) The Postal Service may pledge its assets and pledge and use its revenues and receipts for the payment of the principal of or interest on said obligations, for the purchase or redemption thereof, and for other purposes incidental thereto, including creation of reserve, sinking, and other funds which may be similarly pledged and used, to such extent and in such manner as it may deem necessary or desirable. The Postal Service is authorized to enter into binding covenants with the holders of said obligations, and with the trustee, if any, under any agreement entered into in connection with the issuance thereof with respect to the establishment of reserve, sinking, and

XUM

other funds, application and use of revenues and receipts of the Postal Service, stipulations concerning the subsequent issuance of obligations or the execution of leases or lease purchases relating to properties of the Postal Service and such other matters as the Postal Service may deem necessary or desirable to enhance the marketability of said obligations.

"(c) Obligations issued by the Postal Service under this section:

"(1) shall be in such forms and denominations;

"(2) shall be sold at such times and in such amounts;

"(3) shall mature at such time or times;

"(4) shall be sold at such prices;

"(5) shall bear such rates of interest;

"(6) may be redeemable before maturity at the option of the Postal Service in such manner and at such times and redemption premiums;

"(7) may be entitled to such relative priorities of claim on the assets of the Postal Service with respect to principal and interest payments; and

"(8) shall be subject to such other terms and conditions;

as the Postal Service determines.

"(d) Obligations issued by the Postal Service under this section shall:

"(1) be negotiable or nonnegotiable and bearer or registered instruments, as specified therein and in any indenture or covenant relating thereto;

"(2) contain a recital that they are issued pursuant to this section, and such recital shall be conclusive evidence of the regularity of the issuance and sale of such obligations and of their validity;

"(3) be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the United States, and the Secretary of the Treasury or any other officer or agency having authority over or control of any such fiduciary, trust, or public funds, may at any time sell any of the obligations of the Postal Service acquired by them under this section;

"(4) be exempt both as to principal and interest from all taxation now or hereafter imposed by any State or local taxing authority except estate, inheritance, and gift taxes; and

"(5) not be obligations of, nor shall payment of the principal thereof or interest thereon be guaranteed by, the United States, except as provided in subsection (c) of section 1006 of this chapter.

"§ 1006. Relationship between the Treasury and the Postal Service

"(a) At least fifteen days before selling any issue of obligations under section 1005 of this chapter the Postal Service shall advise the Secretary of the Treasury as to the amount, proposed date of sale, maturities, terms and conditions and expected maximum rates of interest of the proposed issue in appropriate detail and shall consult with him or his designee thereon. The Secretary may elect to purchase such obligations under such terms, including rates of interest, as he and the Postal Service may agree, but at a rate of yield no less than the prevailing yield on outstanding marketable Treasury securities of comparable maturity, as determined by the Secretary. If the Secretary does not purchase such obligations, the Postal Service may proceed to issue and sell them to a party or parties other than the Secretary upon notice to the Secretary and upon consultation as to the date of issuance, maximum rates of interest, and other terms and conditions.

"(b) Subject to the conditions of subsection (a) of this section the Postal Service may require the Secretary of the Treasury to purchase obligations of the Postal Service in such amounts as will not cause the holding by the Secretary of the Treasury resulting from such required purchases to exceed $2,000,000,000 at any one time. This subsection shall not be construed as limiting the authority of the Secretary to purchase obligations of the Postal Service in excess of such amount.

"(c) Notwithstanding subsection (d)(5) of section 1005 of this chapter, obligations issued by the Postal Service shall be obligations of the United States, and payment of principal and interest thereon shall be fully guaranteed by the United States, such guaranty being expressed on the face thereof, if and to the extent that—

"(1) the Postal Service requests the Secretary of the Treasury to pledge the full faith and credit of the United States for the payment of principal and interest thereon; and

(2) the Secretary, in his discretion, determines that it would be in the public interest to do so.

"§ 1007. Public debt character of obligations of the Postal Service

"For the purpose of any purchase of the obligations of the Postal Service, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include any purchases of the obligations of the Postal Service under this chapter. The Secretary of the Treasury may, at any time, sell any of the obligations of the Postal Service acquired by him under this chapter. All redemptions, purchases, and sales by the Secretary of the obligations of the Postal Service shall be treated as public debt transactions of the United States.

"§ 1008. Audit and expenditures

"(a) The accounts of the Postal Service shall be audited by the Comptroller General and reports thereon made to the Congress to the extent and at such times as he may determine.

"(b) The Postal Service shall maintain an adequate internal audit of its financial transactions.

"(c) (1) Subject only to the provisions of this chapter, the Postal Service is authorized to make such expenditures and to enter into such contracts, agreements, and arrangements, upon such terms and conditions and in such manner as it deems necessary, including the final settlement of all claims and litigation by or against the Postal Service.

"(2) The Postal Service is directed to promote modern and efficient operations and notwithstanding any other provision of this law; to refrain from expending any funds, engaging in any practice, or entering into any agreement or contract which restricts the use of new equipment or devices which may reduce the cost or improve the quality of the postal service, except where such restriction is necessary to insure safe and healthful employment conditions.

"(d) Nothing in this section shall be construed as denying to the Postal Service the power to obtain audits of its accounts and reports concerning its financial condition and operations by certified public accounting firms. Such audits and reports shall be in addition to those required by this section.

"§ 1009. Annual budget

"The Postal Service shall cause to be prepared annually a business-type budget which shall be submitted to the Bureau of the Budget, under such rules and regulations as the President may establish as to the date of submission, the form and content, the classifications of data, and the manner in which such budget program shall be prepared and presented. The budget program shall be a business-type budget, or plan of operations, with due allowance given to the need for flexibility, including provision for emergencies and contingencies, in order that the Postal Serivce may properly carry out its activities as authorized by law. The budget program shall contain estimates of the financial condition and operations of the Postal Service for the current and ensuing fiscal years and the actual condition and results of operation for the last completed fiscal year. Such budget program shall include a statement of financial condition, a statement of income and expense, an analysis of surplus or deficit, a statement of sources and application of funds, and such other supplementary statements and information as are necessary or desirable to make known the financial condition and operations of the Postal Service. Such statements shall include estimates of operations by major types of activities, together with estimates of administrative expenses and estimates of borrowings.

"CHAPTER 12.—RATES AND RATEMAKING

"SUBCHAPTER I—GENERAL PROVISIONS
"Sec.
"1201. Rate policy.
"1202. Free and reduced rate mail.
"SUBCHAPTER II—RATEMAKING
"1251. Postal Rate Board and staff.
"1252. Proposed changes in rates and classification.
"1253. Proceedings and recommended decisions by Postal Rate Board.
"1254. Final decisions.
"1255. Service changes.
"1256. Rate and service complaints.
"1257. Judicial review.

"SUBCHAPTER I—GENERAL PROVISIONS

"§ 1201. Rate policy

"(a) The Postal Service shall develop and promote adequate and efficient postal services at reasonable and equitable rates and fees. Such rates and fees shall be sufficient to enable the Postal Service under honest, efficient, and economical management to maintain and continue the development of postal service of the kind and quality adapted to the needs of the United States.

"(b) It is the intent of Congress that by January 1, 1978, rates and fees charged by the Postal Service provide, as a whole, revenue adequate, when added to the appropriations pursuant to section 1202 of this chapter, to meet its current and projected costs. For this purpose costs shall include (without limitation) operating expenses, depreciation on capital facilities and equipment, debt service (including interest, amortization of debt discount and expense, and provision for sinking funds or other retirements of obligations to the extent that such provision exceeds applicable depreciation charges), and a reasonable provision for contingencies.

"(c) Except as provided in section 1202 and as otherwise provided in this section, the Postal Service shall establish appropriate classes of postal service and establish rates and fees for each such class of postal service so that at least those costs demonstrably related to the class of service in question will be borne by each such class and not by other classes of users of postal services or by the mails generally.

"(d) Notwithstanding the other provisions of this section, in making changes in the structure of its rates, the Postal Service shall take into account the financial impact upon affected users of the various classes of the mail and, at its discretion, may achieve the policy goals of this section over a duration of time appropriate in view of such financial impact. The Commission shall have the sole discretion to make such determinations. The President may request appropriations authorized by section 1004 of this title as a result of such determinations. Nothing in this subsection, however, shall relieve the Postal Service of its general policy obligation under

XUM

subsection (b) of this section to make its revenue, as a whole, including appropriations contemplated by section 1202 of this title, equal its costs.

"(e)(1) Amounts computed as shown in paragraph (2) of this subsection (e) shall be considered public service costs of the Postal Service that should be borne by the public generally during the period prior to January 1, 1978. In addition to amounts otherwise authorized to be appropriated to the Postal Service, the amounts of such public service costs, as estimated by the Postal Service, are authorized to be appropriated for the use of the Postal Service.

"(2) The amounts authorized to be appropriated by paragraph (1) shall be computed as follows:

"(A) for the period commencing on the effective date of this section through December 31, 1972, at an annual rate of 10 per centum of the total costs of the Postal Service for fiscal year 1972;

"(B) for calendar year 1973, 9 per centum of such total costs for fiscal year 1973;

"(C) for calendar year 1974, 8 per centum of such total costs for fiscal year 1974;

"(D) for calendar year 1975, 6 per centum of such total costs for fiscal year 1975;

"(E) for calendar year 1976, 4 per centum of such total costs for fiscal year 1976; and

"(F) for calendar year 1977, 2 per centum of such total costs for fiscal year 1977.

"§ 1202. Free and reduced rate mail

"(a) The Congress by legislation shall determine which classes of postal users, if any, shall be entitled to send mail free of postage or at rates some specified percentage lower than those established by the Postal Service in accordance with the principles of section 1201(c) of this title. The rates of all users so entitled shall be established by the Postal Service so that the amount of postal revenues received from the appropriations provided for in subsection (b) of this section shall approximately equal the difference between the actual postal revenues from users allowed to mail free of charge or at reduced rates and the postal revenues that would have been received from such users if they had not been entitled to so mail.

"(b) The President may annually request the Congress to appropriate to the Postal Service Fund an amount necessary to recover the difference between the actual postal revenue from users allowed to mail free of charge or at reduced rates and the postal revenues that would have been received from such users if they had not been entitled to so mail.

"(c) If the Congress shall fail to appropriate the amount so requested or any part thereof, the Postal Service shall proportionately adjust the rates of the classes of users entitled to mail free or at reduced rates so that the anticipated difference between the actual postal revenues from users allowed to mail free of charge or at reduced rates and the postal revenues that would have been received from such users if they had not been entitled to so mail will be reduced to an amount equal to that appropriated by the Congress.

"(d)(1) Within two years after the effective date of this section and at least every two years thereafter, the Postal Service shall render to the Congress a report showing the volumes, rates, revenues, and costs, the last calculated in such ways as the Postal Service may deem appropriate, of each category of free or reduced rate mail, and the percentage relationship which the rate for such category bears to the rates for users of the same category not entitled to so mail. The Postal Service may report on other matters related to each such category of mail including recommendations as to whether the Congress should continue to afford it preferred treatment or to what extent it should be modified. In preparing the report the Postal Service may cause the Postal Rate Board to conduct proceedings in the nature of rulemaking on matters relevant to the report and to render opinions to the Postal Service as it deems appropriate.

"(2) The report to the Congress shall include a profit and loss statement of the Postal Service certified by a firm of independent certified public accountants, to be chosen by the presidentially appointed Commissioners on a competitive basis. The certification should stipulate that the report does or does not present fairly the results of the operations and that the revenues and costs shown in connection with each class, subclass, and category of mail and for each service, as appropriate, have been reported in accordance with generally accepted accounting principles, supplemented by suitable cost allocation procedures.

"(e) Until changed by law, but subject to subsections (a) and (c) of this section, the following services shall be free or at the reduced rates in effect as of the effective date of this section:

"(1) penalty mailings of the Pan American Union and the Pan American Sanitary Bureau as provided by section 652(a)(1) of this title and free mailing privileges for consular officials and members of the diplomatic corps of the countries of the Postal Union of the Americas and Spain as provided by section 667 of this title;

"(2) reduced rates on books, films, and similar materials as described in former sections 4653–4655 of this title;

"(3) mailings at reduced rates for publication matter as described in former section 4358 of this title;

"(4) free postage on reading matter and other articles for the blind and other handicapped persons as described in former sections 4653 of this title;

"(5) free mailing privileges granted to individuals by law, except where the Postal Service is entitled to reimbursement under chapter 6 of this title;

"(6) reduced third-class postage rates to certain organizations as described in former section 4452 of this title; and

"(7) free postage as provided by section 1472 of title 50, section 302 of the Federal Voting Assistance Act of 1955.

"SUBCHAPTER II—RATEMAKING

"§ 1251. Postal Rate Board and staff

"(a) There is hereby established an independent Postal Rate Board consisting of three members appointed by the President, not more than two of whom shall be from the same political party, and each member appointed to the Board shall be a recognized expert in one of the following fields: the legal profession, economics, cost accounting, engineering, management, or postal rate. One of the Board members shall be designated by the President as Chairman. The Board members shall be paid at the rate provided for level IV of the Executive Schedule, except that the compensation of the Chairman shall be $500 higher than the pay established for level IV. Appointments of succeeding Board members shall be made by the President as hereinbefore provided.

"(b) The Board members shall serve for terms of six years except that—

"(1) the terms of the Board members first taking office shall expire as designated by the President at the time of appointment of the first Board member, one at the end of two years, one at the end of four years, and one at the end of six years following their appointment; and

"(2) any Board member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

For purposes of suspension and removal the Board members shall be deemed to be in the competitive service, and they may be suspended or removed only in accord with the procedures established in section 7521 of title 5.

"(c) The Chairman of the Rate Board, subject to such rules and regulations as may be adopted by the Board, is authorized to—

"(1) appoint and fix the duties of an Executive Director who shall be paid at the rate provided for level V of the Executive Schedule;

"(2) appoint such additional personnel as may be necessary to carry out the functions of the Board; and

"(3) procure the services of experts and consultants under section 3109 of title 5, but at rates for individuals not to exceed the rate for GS–18 of the General Schedule.

"(d)(1) The Rate Board shall promulgate rules and regulations and establish procedures to carry out its responsibilities under this chapter. Such rules, regulations, and procedures shall be subject to chapters 5 and 7 of title 5.

"(2) It is the intent of Congress that the Board conduct its proceedings with the utmost expedition consistent with procedural fairness to the parties. To this end the Board is specifically authorized (but without limitation) to adopt rules which provide for—

"(i) the advance submission of written direct testimony;

"(ii) the conduct of prehearing conferences to define issues, and for other purposes to insure orderly and expeditious proceedings;

"(iii) discovery both from the Postal Service and the parties to the proceedings;

"(iv) limitation of testimony; and

"(v) the conduct of entire proceedings off the record with the consent of the parties.

"(e) The Chairman shall have the administrative responsibility for assigning the business of the Board to the various Board members and to members of the staff. The Board members may conduct proceedings or otherwise exercise their functions singly or en banc as the Chairman, after consultation with the other commissioners, shall determine. All final acts of the Rate Board shall be by a majority vote thereof.

"(f) The provisions of title 5 concerning hearing examiners shall apply to Board members and to the duties of the Commission and the Civil Service Commission with respect to Board members except as inconsistent with this chapter.

"(g) Upon request of the Chairman, the head of any department, agency, or establishment of any branch of the Government of the United States may detail, on a reimbursable basis, any of the personnel of such department, agency, or establishment to assist the Board in carrying out its functions.

"(h) The Administrator of the General Services, upon request of the Chairman, shall provide administrative support services for the Board on a reimbursable basis.

"(i) The Board may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

"§ 1252. Proposed changes in rates and classifications

"(a) Except as provided in subsection (c) of this section, the Postal Service shall give general notice of proposed change in rates, charges, fees, the classification of mail matter or mail users, and the postal rate structure or design by publishing its proposals therefor in the Federal Register not less than thirty days prior to the date on which it is proposed to adopt such changes. It shall also file the proposed changes with the Rate Board in such form and manner as the Board may prescribe. The notice published in the Federal Register shall state briefly—

"(1) the proposed change;

"(2) the reasons therefor;

XUM

"(3) the earliest date on which the Postal Service proposes to adopt the change;

"(4) that interested parties may file objections thereto or a request for a hearing thereon with the commissioners within thirty days after the date of publication of the notice in the Federal Register or such longer period as the notice may prescribe; and

"(5) the place and manner which the Board has fixed for filings with it.

"(b) If no party at interest files a timely objection to a proposed change or a request for a hearing thereon, the Board shall forward the proposed change to the Commission on Postal Rates and Revenues without opinion unless the presidentially appointed Commissioners request to the contrary.

"(c) The provisions of this chapter do not apply to changes in the fees or rates of exchange for international money orders and similar instruments or to changes in international postal rates adopted pursuant to section 405 of this title.

"§ 1253. Proceedings and recommended decisions by Postal Rate Board

"(a) Pursuant to sections 556 and 557 of title 5, the Rate Board shall conduct public hearings in all cases instituted under section 1252(a) of this title in which a party at interest files timely notice with the Rate Board that he desires to be heard.

"(b) The Board shall compile a record consisting of:

"(1) the proposed change and supporting material submitted by the Postal Service;

"(2) the oral testimony, if any, on behalf of the Postal Service, and by or on behalf of any party at interest;

"(3) the written submission, if any, on behalf of the Postal Service and by or on behalf of any party at interest; and

"(4) such other material as the Board Members deem appropriate.

"(c) After consideration of the record, the Board shall render an initial decision to the presidentially appointed Commissioners stating whether in the opinion of the Rate Board the proposed change conforms to the rate policies and other provisions of this title and giving its reasons therefor.

"(d) In the event the Board does not complete its proceedings within ninety days after the notice of proposed changes is filed with it, or in the event that judicial proceedings are instituted under section 1257 of this title, the Postal Service upon thirty days' notice in the Federal Register may put a proposed change into effect temporarily. The interim changes will be effective for a period of not longer than thirty days after the Rate Board has rendered its initial decision to the presidentially appointed Commissioners and the period the change may be before Congress pursuant to section 1254 of this title.

"§ 1254. Final decisions

"(a) The presidentially appointed Commissioners, acting on behalf of the Postal Service, shall make and publish in the Federal Register a final decision on the proposed change in light of the recommended decision of the Rate Board and the record of the proceedings. They may reject the proposed change or they may adopt it—

"(1) as published in the Federal Register pursuant to section 1252 of this title; or

"(2) as proposed in the recommended decision of the Rate Board; or

"(3) with such modifications as they find are supported by the record of the proceedings.

"(b) The Commission, except as to changes enumerated in subsection (m) of this section, shall transmit to the Congress the final decision adopting a change in any proceeding instituted pursuant to section 1252 (a) of this title. The Commission shall transmit the decision to both Houses of the Congress on the same day and to each House while it is in session and shall transmit with the final decision the recommended decision of the Rate Board together with the record of the proceedings.

"(c) The change contained in a final decision transmitted to the Congress pursuant to subsection (b) of this section shall become final at the end of the first period of sixty calendar days of continuous session of the Congress after the date on which the decision is transmitted unless, between the date of transmittal and the end of the sixty-day period, either House adopts a resolution disapproving the change. The continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session becaue of an adjournment of more than three day to a day certain are excluded in the computation of the sixty-day period.

"(d) Subsections (e)–(k) of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of resolutions described by this section; and they supersede other rule only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(e) If the committee to which a resolution with respect to a recommendation has been referred has not reported it at the end of thirty calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to the same recommendation which has been referred to the committee.

"(f) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same recommendation), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(g) If the motion to discharge is agreed to, or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same recommendation.

"(h) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a recommendation, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to."

(i) Debate on the resolution shall be limited to not more than four hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

"(j) Motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a recommendation, and motions to proceed to the consideration of other business shall be decided without debate.

"(k) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a recommendation shall be decided without debate.

"(l) The final decision may include a provision that the change shall become effective at a time later than the date on which the decision becomes final pursuant to the foregoing provisions of this section.

"(m) Rate changes required by section 1202(c) of this title and rate changes for such special services as the Postal Service may provide, including special delivery, collect on delivery, insurance, registered and certified mail, return receipts, stamped envelopes, and box rents, and similar special or nonpostal services shall become final as provided in the final decision of the Postal Service in accordance with subsections (a) and (l) of this section.

"§ 1255. Service changes

"(a) Except as provided in subsection (d) of this section the Commission shall give public notice of a proposed change in the type, quality, terms, or conditions of any services provided by the Postal Service which substantially affects a postal service provided to users on a nationwide or nearly nationwide basis and which does not involve a proposed change subject to sections 1252–1254 of this title. Public notice shall be given by publishing a notice of the proposed change in the Federal Register. The notice shall state briefly—

"(1) the proposed change;

"(2) the reasons therefor;

"(3) the earliest date on which the Postal Service proposes to adopt the change;

"(4) that interested parties may participate in the proceedings through submission of written material to the Rate Board with opportunity for oral presentation as the Rate Board may determine; and

"(5) the time, place, and manner which the Rate Board has fixed for submission to it.

"(b) Except as otherwise provided in this section, proposals for service changes shall be considered as proposed rules and the Rate Board shall be considered 'the agency' for purposes of sections 551–559 of title 5. The Board shall compile a record consisting of—

"(1) the proposed change and supporting material submitted by the Postal Service;

"(2) the oral testimony, if any, on behalf of the Postal Service, and by or on behalf of any party at interest;

behalf of any party at interest; and

"(3) the written submissions, if any on behalf of the Postal Service, and by or on

"(4) such other material as the Postal Service deems appropriate.

"(c) After consideration of the record, the Rate Board shall render an initial decision as to whether the proposed change, either in its original form or in a modified form, is consistent with the policies of this title. The initial decision shall become the final decision of the Postal Service unless within such time as the Commission establishes by general rule, the Presidentially appointed Commissioners modify the tentative decision in the light of record or revoke the proposal.

"(d) Whenever the Postal Service proposes a change in the type, quality, terms, or conditions of service which substantially and adversely affects the users of such service but on less than a nationwide or nearly nationwide basis, the Postal Service shall—

"(i) comply with the provisions of subsections (a) through (c) of this section; or

"(ii) comply with rules, regulations, or procedures established pursuant to subsections (a) through (c) of this section which shall include the publication of a notice designed to inform the affected users of the proposed changes and the opportunity for such users to present their objections.

"(e) Whenever the Postal Service finds that an emergency exists which does not permit sufficient time for the procedures prescribed in subsections (a) through (d) of this section, the Postal Service contemporaneously with, or subsequent to, publication in the Federal Register of the notice of a proposed change, may adopt and publish in the Federal Register a temporary change which shall become effective upon publication in the Federal Register or such later date as may be prescribed therein. A change adopted in accordance with this subsection shall remain in effect until proceedings pursuant to subsections (a) through (d) of this section have been completed, or for such shorter period as the Postal Service may fix.

"§1256. Rate and service complaints

"Interested parties who believe the Postal Service is charging rates which do not conform to the policies set out in this title or who believe that they are not receiving postal service in accordance with the policies of this title may lodge a complaint with the Rate Board in such form and in such manner as the Board may prescribe. The Board may in its discretion hold hearings on such complaint. If, after such hearings, the Board determine the complaint to be justified, it shall, if a matter covered by section 1252 of this chapter is involved, recommend to the Commission that the Postal Service propose an appropriate change. The Postal Service shall propose such a change and such change shall proceed as if proposed initially by the Commission. If a matter not covered by section 1251 of this chapter is involved, and the Rate Board members after hearing find the complaint to be justified, they shall render a public report thereon to the presidentially appointed Commissioners, who shall take such action as they deem appropriate.

"§ 1257. Judicial review

"(a) Any final decision of the Postal Service pursuant to section 1254 or 1255 of this title and any final decision of the Rate Board pursuant to section 1256 of this title shall be subject to judicial review. Review shall be in the manner prescribed in chapter 7 of title 5 and chapter 158 and section 2112 of title 28 except as otherwise provided in this section. Such review shall be confined to holding unlawful and setting aside a final decision which the petitioner has shown to be—

"(i) contrary to constitutional right, power, privilege, or immunity;

"(ii) in excess of statutory jurisdiction, authority, or limitations; or

"(iii) without observance of procedure required by law or by the rules promulgated by the commissioners pursuant to this chapter.

The court shall not consider any objection which was not urged in the proceedings of the Postal Service unless there were reasonable grounds for failure to do so.

"(b) Review may be had only by a party to the proceedings who has—

"(i) participated in the proceedings in accordance with section 1253 of this title;

"(ii) participated in the proceedings in accordance with section 1255(a)(4) of this title; or

"(iii) filed a complaint pursuant to section 1256 of this title.

"(c) Petitions for review shall be filed within fifteen days after the publication of notice of the final decision. After the expiration of said fifteen days, a petition may be filed only by leave of court upon a showing of reasonable cause for failure to file such petition. The action shall be against the Postal Service and not against the United States.

"(d) Upon the filing of a petition for review of a final decision under section 1254(a) of this title, the Commission shall not transmit to the Congress its final decision pursuant to section 1254(b) until judicial proceedings under this section are completed. All judicial proceedings shall be made preferred causes and shall be expedited in every way.

"(e) Temporary changes under section 1253(d) and emergency changes under section 1255(e) of this title may not be affected in any way by a court. The thirty-day period after the Board's initial decision referred to in section 1253 shall be extended to include the entire period of judicial proceedings under this section. Final decisions under section 1255 of this title may not be stayed by any court pending review.

"(f) Except as provided under section 1251 (d)(1) of this title, no court shall have jurisdiction to review a final decision made by the Postal Service pursuant to this chapter in any manner other than as provided in this section.

"Chapter 14.—PRIVATE CARRIAGE OF LETTERS

"Sec.
"1401. Letters carried out of the mail.
"1402. Foreign letters out of the mail.
"1403. Searches authorized.
"1404. Seizing and detaining letters.
"1405 Searching vessels for letters.
"1406. Disposition of seized mail.

"§ 1401. Letters carried out of the mail

"(a) A letter may be carried out of the mails when—

"(1) it is enclosed in an envelope;

"(2) the amount of postage which would have been charged on the letter if it had been sent by mail is paid by stamps, or postage meter stamps, on the envelope;

"(3) the envelope is properly addressed;

"(4) the envelope is so sealed that the letter cannot be taken from it without defacing the envelope;

"(5) any stamps on the envelope are canceled in ink by the sender; and

"(6) the date of the letter, or its transmission or receipt by the carrier is endorsed on the envelope in ink.

"(b) The Postal Service may suspend the operation of any part of this section upon any mail route where the public interest requires the suspension.

"§ 1402. Foreign letters out of the mail

"(a) Except as provided in section 1401 of this title the master of a vessel departing from the United States for foreign ports may not receive on board or transport any letter which originated in the United States that—

"(1) has not been regularly received from a United States post office; or

"(2) does not relate to the cargo of the vessel.

"(b) The officer of the port empowered to grant clearances shall require from the master of such a vessel, as a condition of clearance, an oath that he does not have under his care or control, and will not receive or transport, any letter contrary to the provisions of this section.

"(c) Except as provided in section 1699 of title 18, the master of a vessel arriving at a port of the United States carrying letters not regularly in the mails shall deposit them in the post office at the port of arrival.

"§ 1403. Searches authorized

"The Postmaster General, by letter of authority over his signature, may authorize any postal inspector or other officer of the Postal Service to make searches for mailable matter transported in violation of law. When the authorized officer has reason to believe the mailable matter transported contrary to law may be found therein, he may open and search any—

"(1) vehicle passing, or having lately passed, from a place at which there is a post office of the United States;

"(2) article being, or having lately been, in the vehicle;

"(3) store or office, other than a dwelling house, used or occupied by a common carrier or transportation company, in which article may be contained.

"§ 1404. Seizing and detaining letters

"A postal inspector, customs officer, or United States marshal or his deputy, may seize at any time letters and bags, packets or parcels containing letters which are being carried contrary to law on board any vessel or on any post road. The officer who makes the seizure shall convey the articles seized to the nearest post office; or by direction of the Postal Service or the Secretary of the Treasury, he may detain them until two months after the final determination of all suits and proceedings which may be brought within six months after the seizure against any person for sending or carrying the letters.

"§ 1405. Searching vessels for letters

"A postal inspector when instructed by the Postal Service to make examinations and seizures and any customs officer without special instructions shall search vessels for letters which may be on board, or which may have been conveyed contrary to law.

"§ 1406. Disposition of seized mail

"Every package or parcel seized by a postal inspector, customs officer, or United States marshal or his deputies, in which a letter is unlawfully concealed, shall be forfeited to the United States. The same proceedings may be used to enforce forfeitures as are authorized in respect to goods, wares, and merchandise forfeited for violation of the revenue laws. Laws for the benefit and protection of customs officers making seizures for violating revenue laws apply to officers making seizures for violating the postal laws.

"Chapter 16.—MISCELLANEOUS

"Sec.
"1601. No postal material or supplies manufactured by convict labor.
"1602. Uniforms and badges.
"1603. Special delivery messengers as employees or carriers.
"1604. Collection of debts.
"1605. Transportation of international mail by air carriers of the United States.
"1606. Penalties and forfeitures imposed for violations.
"1607. Delivery of stolen money to owner.
"1608. Substitute checks.
"1609. Filing of information relating to periodical publications.
"1610. Printing of illustrations of United States postage stamps.

"Except as provided in chapter 307 of title 18, the Postal Service may not make a contract for the purchase of equipment or supplies to be manufactured by convict labor.

"§ 1602. Uniforms and badges

"The Postal Service may prescribe a uniform dress to be worn by letter carriers and other designated employees.

"§ 1603. Special delivery messengers as employees or carriers

"(a) A person temporarily employed to deliver special delivery mail is deemed an employee of the Postal Service, and is subject to the provisions of chapter 82 of title 18 to the same extent as other employees of the Postal Service.

"(b) Any person, when engaged in carrying special delivery mail under contract with the Postal Service, or employed by the Postal Service, is deemed a carrier or person entrusted with the mail and having custody thereof, within the meaning of sections 1701, 1708, and 2114 of title 18.

"§ 1604. Collection of debts

"(a) The Postal Service shall—

XUM

"(1) collect debts due the Postal Service, and

"(2) collect and remit fines, penalties, and forfeitures arising out of matters affecting the Postal Service.

The Postal Service may refer any debt that is uncollectible through administrative action to the General Accounting Office for collection. This subsection does not affect the authority of the Attorney General in cases in which judicial proceedings are instituted.

"(b) In all cases of disability or alleged liability to the Postal Service, by way of damages or otherwise, for any sum of money due the United States through accountability for public moneys, or otherwise, under any provision of law, the Postal Service shall determine whether its interests require the exercise of its powers over the same. Upon such determination the Postal Service, on such terms as it deems just and expedient, may—

"(1) remove the disability; or

"(2) compromise, release, or discharge the claim for such sum of money and damages.

"§ 1605. Transportation of international mail by air carriers of the United States

"(a) The Postal Service may offset against any balances due another country resulting from the transaction of international money order business, or otherwise, amounts due from that country to the United States, or to the United States for the account of air carriers of the United States transporting mail of that country, when—

"(1) the Postal Service puts into effect rates of compensation to be charged another country for transportation; and

"(2) the United States is required to collect from another country the amounts owed for transportation for the account of the air carriers.

"(b) When the Postal Service has proceeded under the authority of subsection (a), it shall—

"(1) give appropriate credit to the country involved;

"(2) pay to the air carrier the portion of the amount so credited which is owed to the air carrier for its services in transporting the mail of the other country; and

"(3) deposit in the Postal Service Fund that portion of the amount so credited which is due the United States on its own account.

"(c) The Postal Service, from time to time, may advance to an air carrier, out of funds available for payment of balances due other countries, the amount determined by it to be due from another country to air carrier for the transportation of its mail when—

"(1) collections are to be made by the United States including the Postal Service, for the account of air carriers; and

"(2) the Postal Service determines that the balance of funds available is such that the advances may be made therefrom.

Collection from another country of the amount so advanced shall be made by offset, or otherwise, and the fund from which the advance is made shall be reimbursed by the collections.

"(d) If the United States is unable to collect from the debtor country an amount paid or advanced to an air carrier within twelve months after payment or advance has been made, the United States, including the Postal Service, may deduct the uncollected amount from any sums owed by it to the air carrier.

"(e) The Postal Service shall adopt such accounting procedures as may be necessary to conform to and effect the purposes of this section.

"§ 1606. Penalties and forfeitures imposed for violations

"Unless a different disposal is expressly prescribed one-half of all penalties and forfeitures imposed for violations of law affecting the Postal Service, its revenues or property, shall be paid to the person informing and prosecuting for the same. The other one-half shall be paid into the Postal Service Fund.

"§ 1607. Delivery of stolen money to owner

"When the Postal Service is satisfied that money or property in the possession of Postal Service represents money or property stolen from the mails, or the proceeds thereof, it may deliver it to the person it finds to be the rightful owner.

"§ 1608. Substitute checks

"(a) The Postal Service may authorize the issuance of a substitute check for a lost, stolen, or destroyed check of the Postal Service. Substitute checks shall—

"(1) be marked 'duplicate'; and

"(2) show the number, date, and payee of the original.

"(b) The Postal Service may authorize the issuance of the substitute check (1) upon the execution of a bond agreeable to the Postal Service by the owner, or (2) without bond, upon affidavit of the payee or owner of the original check when the Postal Service is satisfied that the loss, theft, or destruction occurred without the fault of the owner or holder or while the check was in the custody or control of the Postal Service or in the mails.

"(c) Subsections (a), (b), (c), and (d) of section 528 of title 31 do not apply to checks of the Postal Service.

"§ 1609. Filing of information relating to periodical publications

"(a) Each owner of a publication having periodical publication mail privileges shall furnish to the Postal Service at least once a year, and shall publish in such publication once a year information in such form and detail and at such time as the Postal Service may require respecting—

"(1) the identity of the editor, managing editor, publishers, and owners;

"(2) the identity of the corporation and stockholders thereof, if the publication is owned by a corportion;

"(3) the identity of known bondholders, mortgagees, and other security holders;

"(4) the extent and nature of the circulation of the publication, including, but not limited to, the number of copies distributed, the methods of distribution, and the extent to which such circulation is paid in whole or in part; and

"(5) such other information as the Postal Service may deem necessary to determine whether the publication meets the standards for periodical publication mail privileges.

The Postal Service shall not require the names of persons owning less than 1 per centum of the total amount of stocks, bonds, mortgages, or other securities.

"(b) Each publication having such mail privileges shall furnish to the Postal Service information in such form and detail, and at such times, as the Postal Service requires to determine whether the publication continues to qualify for such privileges.

"(c) The Postal Service shall make appropriate rules and regulations to carry out the purposes of this section, including provision for suspension or revocation of periodical publication mail privileges for failure to furnish the required information.

"§ 1610. Printing of illustrations of United States postage stamps

"(a) When requested by the Postal Service, the Public Printer shall print as a public document for sale by the Superintendent of Documents, illustrations of postage stamps of the United States, together with such descriptive, historical, and philatelic information with regard to the stamps as the Postal Service deems suitable.

"(b) Notwithstanding the provisions of section 505 of title 44 stereotype or electrotype plates, or duplicates thereof, used in the publications authorized to be printed by this section may not be sold or otherwise disposed of."

LEGISLATIVE CONSTRUCTION

Sec. 103. An inference of a legislative construction is not to be drawn by reason of the chapter in title 39, United States Code, as set out in section 102 of this Act in which a section is placed nor by reason of the caption or catchline.

CROSS REFERENCE

Sec. 104. Whenever reference is made in another law to a law or part of law which was contained in title 39, United States Code, as it existed prior to the effective date of this section, it shall be considered to mean the appropriate section of title 39, United States Code, as revised by section 102 of this Act, unless no such section is included therein, and whenever reference is made in any other law to the Postmaster General or Post Office Department, the reference shall be considered to mean the Postmaster General and Postal Service provided for in this Act.

EFFECT OF REPEAL OF LAWS

Sec. 105. Provisions of title 39, United States Code, in effect immediately prior to the effective date of this section, but not reenacted by this Act, shall remain in force as rules or regulations of the Post Office Department as reorganized by this Act, to the extent it is authorized to adopt such provisions as rules or regulations, until they are revoked, amended, or revised by the Postal Service.

OUTSTANDING ORDERS, RULES, AND REGULATIONS

Sec. 106. Orders, rules, and regulations in effect under provisions of law repealed, superseded, or amended by this title shall, to the extent they would have been authorized under this title, remain in force and effect as the regulations and orders under the provisions of this title and shall be administered and enforced under this title as nearly as may be until specifically repealed, amended, or revised by the Postal Service.

PRIVATE EXPRESS

Sec. 107. The Congress finds that the restrictions on the private carriage of letters and packets contained in chapter 14 of title 39, United States Code, and section 1694–1696 of title 18, United States Code, are generally in the public interest, but that these sections need further study and evaluation in the light of changes in modern communications. The Postal Service shall submit to the President and the Congress within two years of the enactment of this Act a report and recommendation for the modernization of these provisions of law. In preparing this report the Commission on Postal Costs and Revenues is authorized to cause the Rate Board to conduct a rulemaking proceeding on the topic and to render an opinion to the Commission on whatever topics the Commission deems appropriate.

AMENDMENTS TO TITLE 18, UNITED STATES CODE

Sec. 108. Title 18, United States Code, is amended—

(1) by changing section 12 thereof to read as follows:

"§ 12. Postal Service defined

"The term 'Postal Service' and the term 'United States Postal Sevice', as used in this title, means the 'United States Postal Service' established by section 102 of title 39 and every employee thereof, whether or not he has taken the oath of office.";

(2) by striking out "Post Office Department" in section 441 and inserting in lieu thereof "United States Postal Service";

(3) by amending the first two paragraphs of section 500 thereof to read as follows:

"Whoever, with intent to defraud, falsely makes, forges, counterfeits, engraves, or prints any order in imitation of or purporting to be a money order issued by the Post Office

Department, or by the United States Postal Service, or by any postmaster or agent thereof; or

"Whoever forges or counterfeits the signature of any postmaster, assistant postmaster, chief clerk, or clerk, upon or to any money order, or postal note, or blank therefor provided or issued by or under the direction of the Post Office Department of the United States, or of the United States Postal Service, or of any foreign country, and payable in the United States, or any material signature or indorsement thereon, or any material signature to any receipt or certificate of identification thereof; or";

(4) by amending the last three paragraphs of section 501 thereof to read as follows:

"Whoever makes or prints, or authorizes to be made or printed, any postage stamp, stamped envelope, or postal card, of the kind authorized and provided by the Post Office Department, or by the United States Postal Service, without the special authority and direction of said Department or Postal Service; or

"Whoever after such postage stamp, stamped envelope or postal card has been printed, with intent to defraud, delivers the same to any person not authorized by an instrument in writing, duly executed under the hand of the Postmaster General and the seal of the Post Office Department or the United States Postal Service, to receive it—

"Shall be fined not more than $500 or imprisoned not more than five years, or both.";

(5) by striking out "Post Office Department" in section 612, and inserting in lieu thereof "United States Postal Service";

(6) by striking out "Post Office Department" in section 876, wherever appearing therein and inserting in lieu thereof "United States Postal Service";

(7) by striking out "Post Office Department of the United States" wherever appearing in section 877, and inserting in lieu thereof "United States Postal Service";

(8) by striking out "any postal inspector, any postmaster, officer, or employee in the field service of the Post Office Department," in section 1114, and inserting in lieu thereof "any postal inspector, any postmaster, officer, or employee in the field service of the United States Postal Service";

(9) by striking out "Post Office Department" in section 1341, and inserting in lieu thereof "United States Postal Service";

(10) by striking out "Post Office Department of the United States" in section 1342, and inserting in lieu thereof "United States Postal Service";

(11) by striking out "Postmaster General" in section 1463 and inserting in lieu thereof the "United States Postal Service";

(12) by striking out "section 500 of title 39" in section 1696 and inserting in lieu thereof "section 1401 of title 39";

(13) by striking out "Postmaster General" wherever appearing in section 1699 and inserting in lieu thereof "the United States Postal Service";

(14) by amending subsection (a) of section 1703 thereof to read as follows:

"(a) Whoever, being a postmaster or Postal Service employee, unlawfully detains, delays, or opens any letter, postal card, package, bag, or mail entrusted to him or which shall come into his possession, and which was intended to be conveyed by mail, or carried or delivered by any carrier or other employee of the Postal Service, or forwarded through or delivered from any post office or station thereof established by authority of the Postmaster General or the United States Postal Service; or secretes, or destroys any such letter, postal card, package, bag, or mail, shall be fined not more than $500 or imprisoned not more than five years or both.";

(15) by amending section 1704 thereof to read as follows:

"§ 1704. Keys or locks stolen or reproduced

"Whoever steals, purloins, embezzles, or obtains by false pretense any key suited to any lock adopted by the Post Office Department or the United States Postal Service and in use on any of the mails or bags thereof, or any key to any lock box, lock drawer, or other authorized receptacle for the deposit or delivery of mail matter; or

"Whoever knowingly and unlawfully makes, forges, or counterfeits any such key, or possesses any such mail lock or key with the intent unlawfully or improperly to use, sell, or otherwise dispose of the same, or to cause the same to be unlawfully or improperly used, sold, or otherwise disposed of; or

"Whoever, being engaged as a contractor or otherwise in the manufacture of any such mail lock or key, delivers any finished or unfinished lock or the interior part thereof or key, used or designed for use by the Post Office Department or the United States Postal Service to any person not duly authorized under the hand of the Postmaster General and the seal of the Post Office Department or the United States Postal Service, to receive the same, unless the person receiving it is the contractor for furnishing the same or engaged in the manufacture thereof in the manner authorized by the contract, or the agent of such manufacturer—shall be fined not more than $500 or imprisoned not more than ten years or both.";

(16) by amending section 1709 thereof to read as follows:

"§ 1709. Theft of mail matter by postmaster or employee

"Whoever, being a postmaster or Postal Service employee, embezzles any letter, postal card, package, bag, or mail or any article or thing contained therein entrusted to him or which comes into his possession intended to be conveyed by mail, or carried or delivered by any carrier, messenger, agent, or other person employed in any department of the Postal Service, or forwarded through or delivered from any post office or station thereof established by authority of the Postmaster General or the United States Postal Service; or steals, abstracts, or removes from any such letter, package, bag, or mail, any article or thing contained therein, shall be fined not more than $2,000 or imprisoned not more than five years, or both.";

(17) by striking out "Post Office Department" in section 1711, and inserting in lieu thereof "United States Postal Service";

(18) by striking out "Postmaster General" wherever appearing in section 1711, and inserting in lieu thereof "Commission on Postal Costs and Revenues of the United States Postal Service";

(19) by striking out "Post Office Department" in section 1712 and inserting in lieu thereof "United States Postal Service";

(20) by striking out "Postmaster General" wherever appearing in section 1715 and inserting in lieu thereof "United States Postal Service";

(21) (A) by amending the second, third, and fourth paragraphs of section 1716 thereof to read as follows:

"The Postal Service may permit the transmission in the mails, under such rules and regulations as it shall prescribe as to preparation and packing, of any such articles which are outwardly or of their own force, dangerous or injurious to life, health, or property.

"The Postal Service is authorized and directed to permit the transmission in the mails, under regulations to be prescribed by it, of live scorpions, which are to be used for purposes of medical research or for the manufacture of antivenom. Such regulations shall include such provisions with respect to the packaging of such live scorpions for transmission in the mails as the Postal Service deems necessary or desirable for the protection of Postal Service personnel and of the public generally and for ease of handling by such personnel and by any individual connected with such research or manufacture. Nothing contained in this paragraph shall be construed to authorize the transmission in the mails of live scorpions by means of aircraft engaged in the carriage of passengers for compensation or hire.

"The transmission in the mails of poisonous drugs and medicines may be limited by the Postal Service to shipment of such articles from the manufacturer thereof or dealer therein to licensed physicians, surgeons, dentists, pharmacists, druggists, cosmetologists, barbers, and veterinarians under such rules and regulations as it shall prescribe.";

(B) by striking out "Postmaster General" wherever else appearing in section 1716 thereof and inserting in lieu thereof "Postal Service";

(22) by striking out "Postmaster General" in section 1718 and inserting in lieu thereof "Postal Service";

(23) by striking out "Post Office Department" wherever appearing in section 1721 and inserting in lieu thereof "United States Postal Service";

(24) by striking out "Post Office Department" in section 1722 and inserting in lieu thereof "United States Postal Service";

(25) by striking out "the Postmaster General" in section 1723 and inserting in lieu thereof "a duly authorized officer of the Postal Service";

(26) by amending section 1724 thereof to read as follows:

"§ 1724. Postage on mail delivered by foreign vessels

"Except as otherwise provided by treaty or convention the Postal Service may require the transportation by any steamship of mail between the United States and any foreign port at the compensation fixed under authority of law. Upon refusal by the master or the commander of such steamship or vessel to accept the mail, when tendered by the Postal Service or its representative, the collector or other officer of the port empowered to grant clearance, on notice of the refusal aforesaid, shall withhold clearance, until the collector or other officer of the port is informed by the Postal Service or its representative that the master or commander of the steamship or vessel has accepted the mail or that conveyance by his steamship or vessel is no longer required by the Postal Service";

(27) by striking out "Postmaster General" in section 1725 and inserting in lieu thereof "Postal Service";

(28) by striking out "Postmaster General" in section 1729 and inserting in lieu thereof "Postal Service";

(29) by striking out "Postmaster General" in section 1730 and inserting in lieu thereof "Postal Service"

(30) (A) by amending section 1733 to read as follows:

"§ 1733. Mailing periodical publications without prepayment of postage

"Whoever, except as permitted by law, knowingly mails any periodical publication without the payment of postage, or being a postmaster or postal official knowingly permits any periodical publication to be mailed without prepayment of postage, shall be fined not more than $1,000, or imprisoned not more than one year, or both.";

(B) by amending the table of contents of chapter 83 by striking out—

"1733. Affidavits relating to second-class mail."

and inserting in lieu thereof—

"1733. Mailing periodical publications without prepayment of postage";

and

XUM

(31) by striking out in section 3061, "Postmaster General" and inserting in lieu thereof "Postal Service".

MISCELLANEOUS AMENDMENTS

Sec. 109. (a) Section 225(f) of the Act of December 16, 1967 (81 Stat. 643; 2 U.S.C. 356), is amended (1) by striking out the word "and" at the end of paragraph (C), (2) by striking out the period at the end of paragraph (D) and inserting in lieu thereof "; and", and (3) by adding following paragraph (D) a new paragraph (E) as follows:

"(E) the members of the Commission on Postal Costs and Revenues appointed pursuant to section 108(b) of title 39, United States Code.".

(b) Subection (d) (1) of section 19 of title 3, United States Code, is amended by striking out "Postmaster General,".

(c) Section 101 of title 5, United States Code, is amended by striking out "The Post Office Department.".

(d) (1) Paragraph seventh of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24 seventh), is further amended by inserting "or by the Postal Service" after "nor to bonds, notes, and other obligations issued by the Tennessee Valley Authority".

(2) Section 602(c) of the Act of August 7, 1956 (70 Stat. 1113), as amended (12 U.S.C. 1701d–3(c)) is amended by striking out "section 306 of the Penalty Mail Act of 1948 (39 U.S.C. 321n)" and inserting in lieu thereof "section 654 of title 39, United States Code".

(3) Section 301(a) of the Housing Act of 1948 (63 Stat. 431), as amended (12 U.S.C. 1701e(a)) is amended by striking out "39 United States Code 321n" and inserting in lieu thereof "39 United States 654".

(e) Section 8(b) of the Small Business Act, as amended by section 107 of the Act of October 11, 1967 (81 Stat. 269; 15 U.S.C. 637 (b) (15)) is further amended by striking out "section 4154 of title 39, United States Code" which appears in paragraph 15 and inserting in lieu thereof "section 654 of title 39, United States Code".

(f) Section 2(f) of the Act of May 28, 1963 (77 Stat. 50; 16 U.S.C. 4601–1(f)), is amended by striking out "section 4154, title 39, United States Code", and inserting in lieu thereof "section 654 of title 39, United States Code".

(g) Section 8 of title 17, United States Code, is amended—

(1) by striking out "Postmaster General" and inserting in lieu thereof "Postal Service"; and

(2) by striking out "section 2506 of title 39" and inserting in lieu thereof "section 1610 of title 39".

(h) Section 1(d) of the Act of June 8, 1938 (52 Stat. 631), as amended (56 Stat. 250; 22 U.S.C. 611(d)), is further amended by striking out "file with the Postmaster General a sworn statement in compliance with section 2 of the Act of August 24, 1912 (37 Stat. 553), as amended", and inserting in lieu thereof, "file with the Postal Service information in compliance with section 1609 of title 39, United States Code".

(i) (1) Section 2341(3) of title 28, United States Code, is amended by striking out paragraphs (B) and (C) and inserting in lieu thereof the following:

"(B) the Secretary when the order was entered by the Secretary of Agriculture;

"(C) the Administration, when the order was entered by the Maritime Administration; and

"(D) the Postal Service when the order was a decision rendered by the Postal Service."

(2) Section 2342 of title 28, United States Code, is amended by striking out subsections (3) and (4) and inserting in lieu thereof:

"(3) such final orders of the Federal Maritime Commission or the Maritime Administration entered under chapters 23 and 23A of title 46 as are subject to judicial review under section 830 of title 46;

"(4) all final orders of the Atomic Energy Commission made reviewable by section 2239 of title 42; and

"(5) all final decisions of the Postal Service made reviewable by section 1257 of title 39.".

(j) (1) The sixth subdivision of section 7 of the Act of July 31, 1894 (28 Stat. 206; 31 U.S.C. 72 Fifth), and the second proviso of section 10 of the Act of August 24, 1912 (37 Stat. 559; 31 U.S.C. 72 Fifth), are repealed.

(2) Section 1 of the Act of March 6, 1946 (60 Stat. 31), as amended (31 U.S.C. 129), is further amended by inserting after "Postmaster General," the following: "the Postal Service,".

(3) Section 1302 of the Act of July 27, 1956, as amended (31 U.S.C. 724a), is further amended by adding the following sentence thereto: "Notwithstanding the other provisions of this section judgments against the United States arising out of activities of the Postal Service shall be paid by the Postal Service out of any funds available to it.".

(4) Section 1 of the Act of September 30, 1890 (26 Stat. 511; 31 U.S.C. 1028) is hereby repealed.

(k) (1) Section 411(f) of the Public Buildings Act of 1949, as amended (68 Stat. 520; 40 U.S.C. 356(f)) is further amended by striking out in the third proviso "section 205 of the Post Office Department Property Act of 1954" and inserting in lieu thereof "section 1003 of title 39, United States Code".

(2) Item (15) of section 602(d) of the Act of June 30, 1949 (63 Stat. 401), as amended (40 U.S.C. 474(15)) is further amended to read as follows:

"(15) The Postal Service;".

(3) Section 16 of the Act of September 9, 1959 (73 Stat. 483; 40 U.S.C. 615) is amended to read as follows:

"Sec. 16. Nothing in this Act shall be construed to limit or repeal—

"(1) existing authorizations for the leasing of buildings by and for the General Services Administration, or

"(2) the authority conferred by law on the Postal Service.".

(4) The third proviso of section 3 of the Act of August 10, 1939 (50 Stat. 479), as amended (40 U.S.C. 723) is further amended by striking out "insofar as such loss, destruction, or damage may be adjusted by the Postmaster General under the provisions of the Act of March 17, 1882, as amended (U.S.C. 1934 edition, title 39, sec. 49)", and inserting in lieu thereof the following: "insofar as such loss, destruction or damage relates to property of the Postal Service chargeable to its officers or employees".

(5) Section 3a of the Government Losses in Shipment Act as added by section 2 of the Act of August 10, 1939 (53 Stat. 1358; 40 U.S.C. 724), is amended (A) by striking out the colon immediately preceding the proviso and inserting a period in lieu thereof; and (B) by striking out the proviso.

(l) Section 602(i) of the Act of August 20, 1964 (78 Stat. 529; 42 U.S.C. 2942(i)), is amended by striking out "section 4154 of title 39, United States Code" and inserting in lieu thereof "section 654 of title 39, United States Code".

(m) Section 405(i) of the Act of August 23, 1958 (72 Stat. 762; 49 U.S.C. 1375 1375(i)), is hereby repealed.

SEPARABILITY OF PROVISIONS

Sec. 110. If a part of title 39, United States Code, as revised by section 102 of this Act is held invalid, the remainder of the title shall not be affected thereby; and if any other part of this Act is held to be invalid the remainder of the Act shall not be affected thereby.

TRANSITIONAL EXPENSES

Sec. 111. Expenses of the United States Postal Service as established by section 102 of this Act from the date of enactment of this Act until the date of commencement of operations of the Postal Service, shall be deemed to be necessary expenses of the administration of the Post Office Department as now constituted.

APPOINTMENT OF POSTMASTERS AND OTHER EMPLOYEES ON MERIT BASIS

Sec. 112(a) Between the date of enactment of this Act and the effective date of section 102 of this Act, the Postmaster General shall appoint postmasters at offices of all classes in the competitive civil service by one of the three following methods which shall be applied in the following order of precedence:

(1) by selection of a qualified employee serving at the post office where the vacancy occurs, including an acting postmaster who was serving on January 1, 1969, who shall acquire a competitive status upon being appointed postmaster;

(2) if no qualified employee serving at the post office where the vacancy occurs is available for, and willing to accept, appointment by the method described in subparagraph (1), by selection of a qualified employee serving in the postal field service; or

(3) if no qualified employee is available for, and willing to accept, appointment by the methods described in subparagraph (1) or (2), by competitive examination in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service.

Enactment of this subsection shall not affect the status or tenure of postmasters in office on the date of enactment of this Act.

(b) (1) In the selection, appointment, and promotion of employees of the Postal Service between the date of enactment of this Act and the effective date of section 102 of this Act, no political test or qualification shall be permitted or given consideration, and all such personnel actions shall be taken on the basis of merit and fitness. Any officer or employee of the Postal Service who violates this subsection shall be removed from office or otherwise disciplined in accordance with procedures for disciplinary action established pursuant to law.

(2) This subsection does not apply to the selection and appointment of officers whose appointment is vested in the President, by and with the advice and consent of the Senate, or to the selection, appointment, or promotion to a position designated by the Civil Service Commission as a position of a confidential or policy-determining character or as a position to be filled by a noncareer executive assignment.

SUPPLEMENTAL LEGISLATION

Sec. 113. It is the intent of the Congress that further legislation be enacted prior to the date of commencement of operations by the Postal Service as established by this Act, giving additional guidance to the Postal Service concerning the division of costs among the several classes of mail consistent with the provisions of this title.

EFFECTIVE DATES

Sec. 114. This section and sections 110 through 113 of this Act, and sections 108–110 and section 1251 of title 39, United States Code, as enacted by section 102 of this Act shall become effective on the date of enactment of this Act. Except as otherwise provided in this title, the other provisions of this title (including the provisions of title 39, United States Code, as enacted by section 102 of this Act) shall become effective within one year after the enactment of this Act on the date or dates established therefor by the Commission on Postal Costs and Revenues and published by it in the Federal Register.

TITLE II—SALARY ADJUSTMENT

COMPENSATION CHANGES

Sec. 201. (a) The Postmaster General, under regulations made by him, shall increase the rates of basic compensation and basic pay of employees of the Post Office Depart-

XUM

ment so that such rates will equal, as nearly as practicable, 108 per centum of the rates of basic compensation and basic pay in effect immediately prior to the date of enactment of this Act. Such increases shall take effect on the first day of the first pay period which begins on or after April 16, 1970. This section does not apply to employees in positions in the Executive Schedule.

(b) Retroactive pay, compensation, or salary shall be paid by reason of this Act only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) on the date of enactment of this Act, except that such retroactive pay, compensation, or salary shall be paid—

(1) to an officer or employee who retired, during the period beginning on the first day of the first pay period which began on or after April 16, 1970, and ending on the date of enactment of this Act, for services rendered during such period; and

(2) in accordance with subchapter VIII of chapter 55 of title 5, United States Code, relating to settlement of accounts, for services rendered, during the period beginning on the first day of the first pay period which began on or after April 16, 1970, and ending on the date of enactment of this Act, by an officer or employee who died during such period.

Such retroactive pay, compensation, or salary shall not be considered as basic pay for the purposes of subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, or any other retirement law or retirement system, in the case of any such retired or deceased officer or employee.

(c) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the United States Government.

(d) For purposes of determining the amount of insurance for which an individual is eligible under chapter 87 of title 5, United States Code, relating to group life insurance for Government employees, all changes in rates of pay, compensation, and salary which result from the enactment of this section shall be held and considered to become effective as of the date of such enactment.

TRANSITIONAL COLLECTIVE BARGAINING

SEC. 202. (a) As soon as practicable after the enactment of this Act, the Postmaster General and the labor organizations that as of the effective date of this section hold national exclusive recognition rights granted by the Post Office Department, shall negotiate an agreement or agreements covering wages, hours, and working conditions of the employees represented by such labor organizations. The parties shall commence bargaining for such agreement or agreements not later than thirty days following delivery of a written request therefor by a labor organization to the Postmaster General or by the Postmaster General to a labor organization. Any agreement made pursant to this section shall continue in force after the commencement of operations of the United States Postal Service in the same manner and to the same extent as if entered into between the Postal Service and recognized collective bargaining representatives pursuant to subchapter II of chapter 2 of title 39.

(b) Any agreement negotiated pursuant to this section shall establish a new wage schedule whereunder postal employees will reach the maximum pay step for their respective labor grades after not more than eight years of satisfactory service in such grades. The agreements shall provide that where an employee had sufficient satisfactory service in the pay step he occupied on the effective date of this section to have qualified for advancement to the next highest pay step under the new wage schedule, had such schedule been in effect throughout the period of such service, the employee shall be advanced to such next highest pay step in the new schedule on the effective date of the new schedule.

(c) An agreement made pursuant to this section may become effective at any time after the commencement of bargaining, in accordance with the terms thereof. The Postmaster General shall establish wages, hours, and working conditions in accordance with the terms of any agreement or agreements made pursuant to this section notwithstanding the provisions of any law other than title 39.

(d) If the parties fail to reach agreement within ninety days of the commencement of collective bargaining, a fact-finding panel will be established in accordance with the terms of section 228(b) of title 39, unless the parties have previously agreed to another procedure for a binding resolution of their differences. If the parties fail to reach agreement within one hundred and eighty days of the commencement of collective bargaining, and if they have not agreed to another procedure for binding resolution, an arbitration board shall be established to provide conclusive and binding arbitration in accordance with the terms of section 228(c) of title 39.

(e) Agreements made pursuant to this section and expenditures made under such agreements shall not be subject to the provision of R.S. 3679, as amended (31 U.S.C. 665).

(f) For the purposes of this section only, "Title 39" means Title 39 of the United States Code as revised and reenacted by section 102 of this Act.

"INVASION OF PRIVACY BY MAILING OF SEXUALLY ORIENTED ADVERTISEMENTS

"SEC. 203. (a) The Congress finds—

"(1) that the United States mails are being used for the indiscriminate dissemination of advertising matter so designed and so presented as to exploit sexual sensationalism for commercial gain;

"(2) that such matter is profoundly shocking and offensive to many persons who receive it, unsolicited, through the mails;

"(3) that such use of the mails constitutes a serious threat to the dignity and sanctity of the American home and subjects many persons to an unconscionable and unwarranted intrusion upon their fundamental personal right to privacy;

"(4) that such use of the mail reduces the ability of responsible parents to protect their minor children from exposure to material which they as parents believe to be harmful to the normal and healthy ethical, mental, and social development of their children; and

"(5) that the traffic in such offensive advertisements is so large that individual citizens will be helpless to protect their privacy or their families without stronger and more effective Federal controls over the mailing of such matter.

"(b) On the basis of such findings, the Congress determines that it is contrary to the public policy of the United States for the facilities and services of the United States Postal Service to be used for the distribution of such materials to persons who do not want their privacy invaded in this manner or to persons who wish to protect their minor children from exposure to such material.

"(c)(1) Chapter 31 of title 39, United States Code, as amended by this Act, is further amended by adding at the end thereof the following new sections:

"'§ 3109. Mailing of sexually oriented advertisements

"'(a) Any person who mails or causes to be mailed any sexually oriented advertisement shall place on the envelope or cover thereof his name and address as the sender thereof and such mark or notice as the Board of Governors may prescribe.

"'(b) Any person, on his own behalf or on the behalf of any of his children who has not attained the age of nineteen years and who resides with him or is under his care, custody, or supervision, may file with the Board a statement, in such form and manner as the Board may prescribe, that he desires to receive no sexually oriented advertisements through the mails. The Board shall maintain and keep current, insofar as practicable, a list of the names and addresses of such persons and shall make the list (including portions thereof or changes therein) available to any person, upon such reasonable terms and conditions as it may prescribe, including the payment of such service charge as it determines to be necessary to defray the cost of compiling and maintaining the list and making it available as provided in this sentence. No person shall mail or cause to be mailed any sexually oriented advertisement to any individual whose name and address has been on the list for more than thirty days.

"'(c) No person shall sell, lease, lend, exchange, or license the use of, or, except for the purpose expressly authorized by this section, use any mailing list compiled in whole or in part from the list maintained by the Board pursuant to this section.

"'(d) "Sexually oriented advertisement" means any advertisement that depicts, in actual or simulated form, or explicity describes, in a predominantly sexual context, human genitalia, any act of natural or unnatural sexual intercourse, any act of sadism or masochism, or any other erotic subject directly related to the foregoing. Material otherwise within the definition of this subsection shall be deemed not to constitute a sexually oriented advertisement if it constitutes only a small and insignificant part of the whole of a single catalog, book, periodical, or other work the remainder of which is not primarily devoted to sexual matters.

"'§ 3110. Judicial enforcement

"'(a) Whenever the Board of Governors believes that any person is mailing or causing to be mailed any sexually oriented advertisement in violation of section 3109 of this title, it may request the Attorney General to commence a civil action against such person in a district court of the United States. Upon a finding by the court of a violation of that section, it may issue an order including one or more of the following provisions as the court deems just under the circumstances.

"'(1) a direction to the defendant to refrain from mailing any sexually oriented advertisement to a specific addressee, to any group of addressees, or to all persons;

"'(2) a direction to any postmaster to whom sexually oriented advertisements originating with such defendant are tendered for transmission through the mails to refuse to accept such advertisements for mailing; and

"'(3) a direction to any postmaster at the office at which registered or certified letters or other letters or mail arrive, addressed to the defendant or his representative, to return the registered or certified letters or other letters or mail to the sender appropriately marked as being in response to mail in violation of section 3109 of this title, after the defendant, or his representative, has been notified and given reasonable opportunity to examine such letters or mail and to obtain delivery of mail which is clearly not connected with activity alleged to be in violation of section 3109 of this title.

"'(b) The statement that remittances may be made to a person named in a sexually oriented advertisement is prima facie evidence that such named person is the prin-

XUM

cipal, agent, or representative of the mailer for the receipt of remittances on his behalf. The court is not precluded from ascertaining the existence of the agency on the basis of any other evidence.

"'(c) In preparation for, or during the pendency of, a civil action under subsection (a) of this section, a district court of the United States, upon application therefor by the Attorney General and upon a showing of probable cause to believe the statute is being violated, may enter a temporary restraining order or preliminary injunction containing such terms as the court deems just, including, but not limited to, provisions enjoining the defendant from mailing any sexually oriented advertisement to any person or class of persons, directing any postmaster to refuse to accept such defendant's sexually oriented advertisements for mailing, and directing the detention of the defendant's incoming mail by any postmaster pending the conclusion of the judicial proceedings. Any action taken by a court under this subsection does not affect or determine any fact at issue in any other proceeding under this section.

"'(d) A civil action under this section may be brought in the judicial district in which the defendant resides, or has his principal place of business, or in any judicial district in which any sexually oriented advertisement mailed in violation of section 3109 has been delivered by mail according to the direction thereon.

"'(e) Nothing in this section or in section 3109 shall be construed as amending, preempting, limiting, modifying, or otherwise in any way affecting section 1461 or 1463 of title 18 or section 3106, 3107, or 3108 of this title.'

"(2) The table of contents of chapter 31 of such title is amended by adding at the end thereof the following new items:

"'3109. Mailing of sexually oriented advertisements.
"'3110. Judicial enforcement.'

"(d)(1) Chapter 83 of title 18. United States Code, relating to offenses against the postal service, is amended by adding at the end thereof the following new sections:

"'§ 1735. Sexually oriented advertisements

"'(a) Whoever—

"'(1) willfully uses the mails for the mailing, carriage in the mails, or delivery of any sexually oriented advertisement in violation of section 3109 of title 39, or willfully violates any regulation of the Board of Governors issued under such section; or

"'(2) sells, leases, rents, lends, exchanges, or licenses the use of, or, except for the purpose expressly authorized by section 3109 of title 39, uses a mailing list maintained by the Board of Governors pursuant to such section;

shall be fined not more than $5,000 or imprisoned not more than five years, or both, for the first offense, and shall be fined not more than $10,000 or imprisoned not more than ten years, or both, for any second or subsequent offense.

"'(b) For the purposes of this section, the term "sexually oriented advertisement" shall have the same meaning as given it in section 3109(d) of title 39.

"'§ 1736. Restrictive use of information

"'(a) No information or evidence obtained by reason of compliance by a natural person with any provision of section 3109 of title 39, or regulations issued thereunder, shall, except as provided in subsection (c) of this section, be used, directly or indirectly, as evidence against that person in a criminal proceeding.

"'(b) The fact of the performance of any act by an individual in compliance with any provisions of section 3109 of title 39, or regulations issued thereunder, shall not be deemed the admission or any fact, or otherwise be used, directly or indirectly, as evidence against that person in a criminal proceeding, except as provided in subsection (c) of this section.

"'(c) Subsection (a) and (b) of this section shall not preclude the use of any such information or evidence in a prosecution or other action under any applicable provision of law with respect to the furnishing of false information.

"'§ 1737. Manufacturer of sexually related mail matter

"'(a) Whoever shall print, reproduce, or manufacture any sexually related mail matter, intending or knowing that such matter will be deposited for mailing or delivery by mail in violation of section 3108 or 3109 of title 39, United States Code, or in violation of any regulation of the Board of Governors issued under such section, shall be fined not more than $5,000 or imprisoned not more than five years, or both, for the first offense, and shall be fined not more than $10,000 or imprisoned not more than ten years or both, for any second or subsequent offense.

"'(b) As used in this section, the term "sexually related mail matter" means any matter which is within the scope of section 3108(a) or 3109(d) of title 39, United States Code.'

"(2) The table of contents of chapter 83 of such title is amended by adding at the end thereof the following new items:

"'1735. Sexually oriented advertisements.
"'1736. Restrictive use of information.
"'1737. Manufacturer of sexually related mail matter.'

"(e) If any provision of this section, or the application thereof to any person or circumstance, is held invalid, the remainder of this section and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

"(f) The provisions of this section shall become effective on the first day of the sixth month which begins after the date of enactment of this Act."

EFFECTIVE DATE

SEC. 204. The provisions of this title shall become effective upon enactment of this Act.

Mr. BAKER. Mr. President, I explain that this is the House version of the bill—H.R. 17070—that we voted on last night with three changes. The first is to substitute the Goldwater amendment of last night; second, to substitute the Cook amendment of tonight; and third, to change the review provisions from 90 to 60 days.

UNANIMOUS-CONSENT REQUEST

Mr. President, I ask unanimous consent that there be a time limitation——

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. MANSFIELD. Mr. President, I had thought I would be precluded from offering my book amendment if the substitute amendment now being offered were to pass. If the Senator and his colleagues would like to indulge me, I would like to offer my amendment now as a protective device. I could do it in 5 minutes.

Mr. BAKER. I would be happy to do so.

Mr. MANSFIELD. Mr. President, will the Senator ask leave to lay aside temporarily his amendment?

Mr. BAKER. Mr. President, I ask unanimous consent that my amendment be temporarily laid aside so that the majority leader may offer an amendment to the bill with the understanding that I have the right to the floor at the conclusion of the disposition of action on that amendment.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

AMENDMENT NO. 739

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Washington (Mr. MAGNUSON), the distinguished Senator from California (Mr. CRANSTON), my distinguished colleagues, the Senator from Montana (Mr. METCALF), the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), the distinguished Senator from New York (Mr. JAVITS), and a lot of others, I call up amendment No. 739.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

On page 228, between lines 2 and 3, strike out item 3709 and insert in lieu thereof the following items:

"3709. Uniform rates for books, films, and other materials.
"3710. Limitations."

On page 244, between lines 2 and 3, insert the following new section:

"§ 3709. Uniform rates for books, films, and other materials

"Notwithstanding any other provision of this title, the rates of postage on those items enumerated in former section 4554 of this title shall be uniform for parcels of the same weight, and shall not be based on zones or otherwise vary with the destination of the parcel."

On page 244, line 3, strike out "3709" and insert in lieu thereof "3710".

On page 244, line 6, after "3707" insert "or 3709".

Mr. MANSFIELD. Mr. President, the legislation now being discussed by the Senate, S. 3842, would provide for the transfer of postal ratemaking to the Commission in the U.S. Postal Service except for certain classes of free and reduced mail, such as free mail for the blind, which are continued by law. On behalf of the distinguished minority leader, the senior Senator from Pennsylvania, Mr. SCOTT, and my colleague from Montana, Senator LEE METCALF, I have introduced an amendment continuing the long-standing congressional policy that rates on books, educational and library materials be on a uniform national basis rather than zoned by distance. The amendment preserves to the Commission the function of setting the level of these rates.

The two categories involved are both in section 4554 of the present law. One is the special fourth-class rate first established in 1938 for books, music, educational films and tests, recordings, and other educational materials now set at 12 cents for the first pound and 6 cents for each succeeding pound. The second is the library rate for library materials sent between libraries and between libraries and their patrons; and certain educational materials sent to libraries and schools, first established in the 1920's. This rate permits efficient national, regional, and State systems of interlibrary loan of specialized material between libraries and the serving of citizens in sparsely settled area by mail loans.

Both of these uniform rates serve important educational and cultural pur-

XUM

poses, insuring that all citizens, libraries, and educational institutions have the same access to these materials, no matter where they may be located. By contrast, a system of rates zoned by distance—such as the present parcel post schedule—would severely penalize areas remote from publishing and library centers.

Speaking as a Senator from Montana, I am especially concerned about provisions contained in S. 3842 as it applies to library book rates. In Montana, if the special rates are removed, it will mean approximately an additional $130,000 for postage and circulation of library materials in the State. This would mean a reduction in services throughout the State because at the present time Montana is finding it very difficult to meet its other financial obligations. The increased rates, if allowed, would reduce the services to the people of my State. I think we are fully justified in asking for an exception in this case.

The committee report testifies to the value of these rates but does not require the Postal Rate Commission to continue them on a uniform national basis. It sets up a procedure under which they can be phased out over a 5- or 10-year period.

The bill which has passed the House, H.R. 17070, and which was proposed by the administration, goes much further than this amendment. The House bill retains in the hands of the Congress any changes in the level of these rates as well as preserving their uniform national basis; and authorizes annual appropriations for any subsidies which may be involved.

Mr. SCOTT. Mr. President, I am pleased to join with the distinguished majority leader, Mr. MANSFIELD, in calling up our amendment to guarantee that postal rates for books, educational and library materials are maintained on a nationally uniform basis, rather than one based on postal zones or any other system which varies with package destination.

Mr. President, we are dealing here with the Postal Service not as a mere transportation device, but as a vital link in the distribution of educational and cultural materials. Congress has recognized, by repeated enactments over a period of some five decades, that every citizen, every school, and every library should have equal access to these materials regardless of the accident of geography. The same principle has always applied to first-class mail, where the rate is the same, no matter where one lives in this country.

The importance of library materials specifically was first recognized when Congress in the 1920's established, by law, the so-called library rate covering the exchange of library materials between libraries, and between libraries and their patrons. A second special rate for educational materials, started in 1938, allowed a nationwide flat rate for books at the same level as that for the editorial content of magazines and newspapers. Under this rate, which has been continued by successive acts of Congress, the buyers of books, educational films, music and other educational and cultural materials, pay the same transportation charges on their purchases, whether they live near the large publishing centers in the East and Midwest, or whether they live in the most remote areas of the continental or off-shore States.

In addition to establishing and maintaining these special classes of rates for educational materials, Congress also has established a long-term public policy with regard to these rates. Present law sets forth certain classes of mail which the Congress has designated as a public service function not required to bear the full overhead of their cost to the Post Office Department. The special fourth-class rate for books and other educational materials, and the library rate, are among these classes so designated.

Mr. President, the Kappel Commission on Postal Reform, the administration's original proposal on postal reorganization, and the House-passed bill on this subject, H.R. 17070, all go much further than the amendment which I am cosponsoring today. They provide that not only shall there be a flat nationwide rate for library and educational materials, but they also reserve the level of that rate to the Congress itself, rather than turn the question of this rate level over to a Postal Rate Commission.

Our amendment, however, does preserve the essential element of national uniformity. It stipulates, without equivocation, that the rate for educational packages of the same weight "shall not be based on zones or otherwise vary with the destination of the parcel." It is, of course, our hope that members of the Postal Rate Commission, which S. 3842 would establish, will take carefully into account the historical recognition of the importance of educational materials when they are faced ultimately with this rate decision.

California, because of its great distance from the publishing centers of the East and Midwest, serves well to illustrate the need for this amendment. Estimates, based on careful projections, place at $2,019,000, in the first year alone, the additional cost to California libraries for new book purchases that would be needed just to meet increased postage if the present book rate were abandoned in favor of zone parcel post. The cost of the State's program for the exchange between libraries of educational materials already owned, I am told, would similarly increase by $139,703 in the first full year under a parcel zone system.

Again, the need for this amendment is underscored by the experience of a single library system in my own Commonwealth of Pennsylvania, that of Pennsylvania State University. In Pennsylvania, any library can borrow, from any other public, college or research library willing to lend them, materials for its own local users which it does not own. Such lending also extends across State borders, so that potentially the patron of the smallest library has at his disposal, through interlibrary loans, the library resources of much of the Nation.

During the 1968–69 academic year, the Pennsylvania State University Library transacted 14,800 interlibrary loans for Pennsylvania citizens and students. The cost of postage for these loans under the existing library rate was $1,036. Under a zoned system, it is estimated that these same transactions would have cost $10,360, a difference of more than $9,000 in additional expense for this one library system alone. Such a tremendous increase for postage would severely reduce the interlibrary loan services that Penn State—or any other library—would be able to afford or willing to provide.

Increased postal rates would also cut into a library's ability to continue building its own collections, since the cost of most library materials includes postage. Increased yearly costs for the Penn State library system would be about $19,000, including an additional $4,100 for the mailing of books to Commonwealth campuses, and $15,000 for materials formerly received on book rate, and for the absorbing of publisher's increased mailing costs. With the extra $9,000 for interlibrary loan services, the library would be paying an additional yearly total of nearly $30,000. Coupled with Federal and State reductions in library and education funds, such burdens to each library's budget would result in significant losses in the ability to purchase books and to supply interlibrary loan services.

Mr. President, I am pleased to note that this amendment has widespread support, including that of the American Library Association. A letter to me from its Washington office stresses the point that the association had no opportunity to testify on the library and educational rates question in connection with S. 3842.

The letter then adds this plea for enactment:

> Without the Mansfield-Scott provision, libraries of the country, together with other educational institutions and individual library users, would have to pay the zoned-differential increase that might be adopted if S. 3842 is passed in its present form. Only by the guarantee of uniformity, which this amendment would offer, will we have equal treatment for all who use library books, regardless of geographical location.

Mr. President, I join in this plea with the distinguished majority leader, Mr. MANSFIELD, and with the very able Senator from Massachusetts (Mr. BROOKE), an additional cosponsor, in urging prompt and favorable consideration of the pending amendment.

Mr. SCOTT. I am also delighted to encourage anything which will enable the people of our Nation to read more because I think the more they read the more they will agree with me. [Laughter.]

Mr. RANDOLPH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. GRAVEL). The Senator will state it.

Mr. RANDOLPH. Mr. President, I suggest to the chairman that we are legislating not from our desks but "on the move" as it were, in the Chamber. I hope the Chair will ask Senators to be seated.

The PRESIDING OFFICER. The Senate will be in order. The Senator will suspend until the Senate is in order.

Mr. RANDOLPH. Mr. President, I insist upon my point of order.

The PRESIDING OFFICER. The point of order is well taken. Senators will suspend until the Senate is in order.

Several Senators addressed the Chair.

XUM

The **PRESIDING OFFICER**. The Senator from Washington is recognized.

Mr. **JAVITS**. Mr. President, I support this amendment. I am one of the cosponsors. I think the measure is urgently needed and I urge the Senate to accept it.

PRIVILEGE OF THE FLOOR

Mr. **McGEE**. Mr. President, I ask unanimous consent that a member of my professional staff on the committee be permitted to join me on the floor.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **MURPHY**. Mr. President, I make a similar request for a member of my staff.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **FONG**. Mr. President, I make a similar request.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **BELLMON**. Mr. President, I ask unanimous consent that a member of my staff be allowed the privilege of the floor.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **BAYH**. Mr. President, I make a similar request.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **THURMOND**. Mr. President, I make a similar request.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **FULBRIGHT**. Mr. President, I ask unanimous consent that one of my aides may come to the floor in order to keep me advised.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **RANDOLPH**. Mr. President, since it seems to be so popular I would like to ask unanimous consent that a member of my staff be permitted to come to the floor.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **McCLELLAN**. Mr. President, I ask unanimous consent that each Member of the Senate be granted the same request.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **HATFIELD**. Mr. President, I ask unanimous consent that I be listed as a cosponsor of the measure.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **CRANSTON**. Mr. President, I believe the issue before us of uniform postal rates for books and other materials relates directly to our national unity in the cause of freedom and equality.

It is basic to our democracy that all of our people have free and easy access to books and other printed materials through our libraries and in our schools. This open circulation of the words and ideas of men is the very currency of our democracy.

I believe we must take whatever steps are necessary and pay the price to assure that we maintain the free flow of printed words throughout our Nation. Furthermore, this is a national question: A book should not cost more in one part of the country than it does in another. The ability to obtain knowledge or to analyze both the wisdom and the foolishness one finds in the products of our bookstores and libraries should be equal for all Americans.

The imposition of zone postal rates for books and other educational materials would end our national equality of access to these basic sources of information and ideas. In addition, it would add substantially to the costs of maintaining our schools and libraries, particularly in the States far removed from the book publishing centers. In a State like California, where the State library must service libraries covering over 150,000 square miles, the added costs of postal zone rates would probably force a substantial curtailment of library services.

Mrs. Carma R. Leigh, the California State Librarian, has presented the economic impact of a zoned parcel post system on California State libraries in a letter to me, which I ask unanimous consent be printed at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **CRANSTON**. Mr. President, a uniform postal rate for books and similar materials is wise in both principle and practice. I believe we should pass the amendment proposed by our distinguished majority leader.

EXHIBIT 1

THE CALIFORNIA STATE LIBRARY,
Sacramento, Calif., June 5, 1970.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CRANSTON: I have corresponded with you previously regarding S. 3842 and the additional costs to the California State Library that the phasing out of the special fourth class postage rates for books and library materials would create for inter-library loan purposes alone. Our postage budget for this item would increase from $5,000 annually to over $26,000 annually, over 500 percent!

Since last writing to you, additional statistics have been compiled (which are attached). We scanned the orders-received file of the Acquisitions Section of the State Library to determine the source of books purchased for our collection. In Exhibit 1, you will see that we are spending, this fiscal year, $1,470.24 for postage under the special fourth class rate of postage, whereas we would have spent $7,486.55 if zoned parcel post rates had been applied to this material. Postage for books is considered as part of the book budget. If we had had to pay for zoned parcel post rates as part of book costs, that increase would mean the State Library's book acquisitions would have been reduced by more than 600 titles this year, using a figure of slightly less than ten dollars per title. (This is the average cost of the type of specialized books which it is the State Library's responsibility to provide to California residents through their local libraries because the local libraries do not and cannot afford to acquire these. Thus, these books are not available to Californians from other sources.)

In Exhibit II, we compared the number of volumes purchased by the public libraries in California from statistics submitted annually to the California State Library. It is probable that these other California libraries received at least 75% of their new titles from eastern publishers, at an average of three pounds per book, which means the increase in postage to zoned parcel post would reduce those libraries book-buying power by approximately *1.9 million dollars, each and every year!* These same libraries share resources with one another and presently are spending $15,000 (utilizing the special library rate) for inter-library loan mailing which is far more economical and serviceable than for each library to attempt the impossible feat of acquiring everything. With the proposed zoned parcel post rates forced on these libraries, that $15,000 would increase, at a minimum, to over $135,000 annually.

The real outcome would be the stopping of sharing of materials entirely. These data are shown in Exhibit III.

Special libraries (meaning primarily libraries maintained by private businesses and industries) in the state reporting to the State Library (about 75% of all such libraries) indicated they had purchased about 200,000 volumes in 1968/69. Added postage costs to these primarily private libraries would amount to $120,000 annually (or that much reduced book-buying power.) Adding the differences in postage (book-rate vs. zoned parcel post rate) for the California State Library, the 195 public libraries in California, and those special libraries reporting to us, you can see that the book buying potential in California would be decreased by over $2 million dollars. This does not take into account any enormously increased costs/reduced book-buying power for California's academic and school libraries or its local law libraries. It would be an enormous task to gather all the data on this subject from California's 206 higher education libraries, its 81 local law libraries, and its 3,637 elementary and secondary school libraries. However, it is certain that the more than $2 million costs I have vertified for you herewith and in earlier letters would be small in comparison to the costs that would be forced on academic, law, and school libraries of California.

May I respectfully urge, as strongly as I am able, that you take initiative in what I hope will be a Senate floor fight to prevent the destruction of library postal and book rates, or even an increase in existing rates, since all libraries have already suffered very drastic cuts in their book-buying power, due to reduced federal, state and local library budgets.

Sincerely yours,
MRS. CARMA R. LEIGH,
California State Librarian.

CALIFORNIA STATE LIBRARY

In fiscal year 1969/70, the California State Library has added 9,723 monographic volumes to its collection. The following is a breakdown of the origin of these books:

Source	Number	"Book rate" present postage	Zoned parcel post
Jobber (Reno-truck freight)	2,134	(1)	(1)
Local bookstore	1,463	(1)	[2]$1,151.85
Publishers and dealers:			
Zone 8	3,836	$920.64	4,411.40
Zone 7	636	152.64	667.80
Zone 6	282	67.68	267.90
Zone 5	156	37.44	132.60
Zone 4	438	105.12	328.50
Zone 3	56	13.44	39.20
Zones 1 and 2	722	173.28	469.30
Total		[3]1,470.24	7,468.55

[1] No postage or transportation charge.

[2] Local bookstore could not absorb $1 per book and would have to add this charge to the cost of the book.

[3] Most publishers and dealers absorb the postage or consider the amount in granting discount rates. This figure is based on the assumption that all publishers and dealers add postage to the invoiced amount.

Note: Difference: $5,998.31. 1 library alone; namely, the California State Library, would be able to buy $6,000 less books in 1 year if zoned parcel post rates replaced the special 4th-class book rate.

INCREASED COST/BOOK-BUYING POWER LOSS TO CALIFORNIA LIBRARIES

If zoned parcel post rates were to replace the special fourth class "book rates" for mailing books from east coast publishers to

XUM

libraries in California, the following cost increase or book-buying power loss would result:

Libraries and volumes purchased	"Book-rate" postage	Zoned parcel post postage	Difference
California State Library (9,723 volumes per year)	$1,470.24	$7,468.55	$5,998.31
Other California public libraries (3,117,837 volumes per year)	561,210.48	2,455,295.85	1,894,085.37
Business and industrial libraries (295 out of 400 libraries reporting) (196,198 volumes per year)	35,315.76	154,506.45	119,190.69
University and college libraries (206 libraries)	(1)	(1)	(1)
Law libraries (81 libraries)	(1)	(1)	(1)
Elementary and secondary school libraries (3,637 school libraries)	(1)	(1)	(1)
Total	597,996.48	2,617,270.85	2,019,274.37

[1] No statistics available.

INCREASED OPERATING COSTS FOR INTERLIBRARY LOAN SHIPMENTS FOR CALIFORNIA LIBRARIES

If zoned parcel post rates were to replace the special fourth class "library rates" for shipment of books between libraries, elimination of inter-library loan or the following operating cost increase would result:

Libraries and volumes lent	Library-rate postage	Zoned parcel post postage	Difference
California State Library (26,725 packages mailed)	$5,088.92	$26,028.95	$20,940.03
Other California public libraries (195) (86,168 volumes loaned)	14,333.48	133,096.60	118,763.12
Business and industrial libraries (400 libraries)	(1)	(1)	(1)
University and college libraries (206 libraries)	(1)	(1)	(1)
Law libraries (81 libraries)	(1)	(1)	(1)
Elementary and secondary school libraries (3,637 libraries)	(1)	(1)	(1)
Total	19,422.40	159,125.55	139,703.15

[1] No statistics available.

Mr. MURPHY. Mr. President, as a cosponsor of this amendment I rise to urge its adoption by the Senate. My office has received a great deal of correspondence from California librarians and concerned citizens pointing out the adverse effect of this bill, as reported to the Senate by the Senate Post Office and Civil Service Committee, would have on California libraries. As a member of the Education Subcommittee, I have supported the various programs designed to assure the Nation and California adequate libraries, books, and materials. I know the importance of libraries to our school system and to the education process as well as the important role they play in providing enrichment and continuous educational opportunities for all of our citizens.

I support postal reform; there is no question that it is needed. However, in bringing about this much-needed reform, we should not harm our Nation's libraries. Two provisions of present law are involved in the Mansfield-Murphy amendment. One involves the special fourth-class rates for books and other educational materials. The second is the library rate for books and materials sent between libraries and their patrons. This latter provision has permitted and encouraged interlibrary loans of materials and the serving of citizens in sparsely settled rural areas.

Under present law, the rates for both of these categories are on a uniform national basis rather than zoned by distances. The Mansfield-Murphy amendment, although allowing the commission created by the Post Office reform bill to set rates, requires, as does present law, that the rates established be uniform throughout the country.

The uniform rates on both of these categories serve important educational and cultural purposes. Uniform rates mean that books and educational materials will be equally available to all American citizens no matter where they reside. On the other hand, if a system such as the present parcel post zone system were adopted, areas removed or remote from publishing and library centers would be severely penalized. A survey of California public library purchases of new books indicated that probably the last 75 percent of the new volumes published came from eastern publishing houses. Naturally, the zone rates would have an adverse impact in California.

This amendment has the strong support of the American Library Association. It is strongly supported by the libraries in my State, and I am sure by the Western States in the Nation. Mr. President, what would be the effect on Western States if the Mansfield-Murphy amendment were not adopted? According to Mrs. Carma R. Leigh, California State librarian, if the zoned postal rates were adopted, it would cost the California State Library, the 195 public libraries in California, and some of the special libraries that report to Mrs. Leigh, over $2 million. And, Mr. President, the $2 million does not include the increased cost for California's academic and school libraries, or the local law libraries. The reason the latter figures are not included, according to Mrs. Leigh, is that—

> It would be an enormous task to gather all this data on this subject for California's 206 higher education libraries, its 81 local law libraries and its 3,637 elementary and secondary school libraries.

Mrs. Leigh added, however:

> I am sure that the more than $2 million cost I have verified for you . . . would be small in comparison to the cost that would be forced on academic, law and school libraries of California.

Mr. President, one of the functions of a California State Library is to provide specialized books which local libraries do not and, indeed cannot, afford to acquire. These specialized books then, if not available at the State libraries, would not be available to California citizens from other sources. The State library is the source for these specialized volumes. Yet, if the California State Library had to pay zoned rates, it would have to reduce by 600 the number of books they purchase.

With respect to the interlibrary loan program, zoned rates would have the effect of increasing the cost from a present $15,000 to a minimum of over $135,000 annually. Mrs. Leigh warns, the real outcome would be the stopping of sharing materials entirely. Mr. President, I strongly urge adoption of this amendment by the Senate which is so important to my State's libraries, which in turn are so important to the education of California citizens.

I ask unanimous consent that a letter and enclosed documents from Mrs. Leigh be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE CALIFORNIA STATE LIBRARY,
Sacramento, Calif., June 5, 1970.
Hon. GEORGE MURPHY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MURPHY: I have corresponded with you previously regarding S. 3842 and the additional costs to the California State Library that the phasing out of the special fourth class postage rates for books and library materials would create for inter-library loan purposes alone. Our postage budget for this item would increase from $5,000 annually to over $26,000 annually, over 500 per cent!

Since last writing to you, additional statistics have been compiled (which are attached). We scanned the orders-received file of the Acquisitions Section of the State Library to determine the source of books purchased for our collection. In Exhibit I, you will see that we are spending, this fiscal year, $1,470.24 for postage under the special fourth class rate of postage, whereas we would have spent $7,486.55 if zoned parcel post rates had been applied to this material. Postage for books is considered as part of the book budget. If we had to pay for zoned parcel post rates as part of book costs, that increase would mean the State Library's book acquisitions would have been reduced by more than 600 titles this year, using a figure slightly less than ten dollars per title. (This is the average cost of the type of specialized books which it is the State Library's responsibility to provide to California residents through their local libraries because the local libraries do not and cannot afford to acquire these. Thus, these books are not available to Californians from other sources.)

In Exhibit II, we compared the number of volumes purchased by the public libraries in California from statistics submitted annually to the California State Library. It is probable that these other California libraries received at least 75% of their new titles from eastern publishers, at an average of three pounds per book, which means the increase in postage to zoned parcel post would reduce those libraries' book-buying power by approximately $1.9 million dollars, each and every year!

These same libraries share resources with one another and presently are spending $15,000 (utilizing the special library rate) for inter-library loan mailing which is far more economical and serviceable than for each library to attempt the impossible feat of acquiring everything. With the proposed zoned

XUM

parcel post rates forced on these libraries, that $15,000 would increase, at a minimum, to over $135,000 annually. The real outcome would be the stopping of sharing materials entirely. These data are shown in Exhibit III.

Special libraries (meaning primarily libraries maintained by private businesses and industries) in the state reporting to the State Library (about 75% of all such libraries) indicated they had purchased about 200,000 volumes in 1968/69. Added postage costs to these primarily private libraries would amount to $120,000 annually (or that much reduced book-buying power.) Adding the differences in postage (book-rate vs. zoned parcel post rate) for the California State Library, the 195 public libraries in California, and those special libraries reporting to us, you can see that the book buying potential in California would be decreased by over $2 million dollars. This does not take into account an enormously increased cost/reduced book-buying power for California's academic and school libraries, or its local law libraries. It would be an enormous task to gather all the data on this subject from California's 206 higher education libraries, its 81 local law libraries, and its 3,637 elementary and secondary school libraries. However, it is certain that the more than $2 million costs I have verified for you herewith and in earlier letters would be small in comparison to the costs that would be forced on academic, law, and school libraries of California.

May I respectfully urge, as strongly as I am able, that you take initiative in what I hope will be a Senate floor fight to prevent the destruction of library postal and book rates, or even an increase in existing rates, since all libraries have already suffered very drastic cuts in their book-buying power, due to reduced federal, state and local library budgets.

Sincerely yours,

Mrs. CARMA R. LEIGH,
State Librarian.

CALIFORNIA STATE LIBRARY

In fiscal year 1969–70, the California State Library has added 9,723 monographic volumes to its collection. The following is a break-down of the origin of these books:

Source	Number	"Book rate" present postage	Zoned parcel post
Jobber (Reno-truck freight)	2,134	(1)	(1)
Local bookstore	1,463		[2]$1,151.85
Publishers and dealers:			
Zone 8	3,836	$920.64	4,411.40
Zone 7	636	152.64	667.80
Zone 6	282	67.68	267.90
Zone 5	156	37.44	132.60
Zone 4	438	105.12	328.50
Zone 3	56	13.44	39.20
Zones 1 and 2	722	173.28	469.30
Total		[3] 1,470.24	7,468.55

[1] No postage or transportation charge.

[2] Local bookstore could not absorb $1 per book and would have to add this charge to the cost of the book.

[3] Most publishers and dealers absorb the postage or consider the amount in granting discount rates. This figure is based on the assumption that all publishers and dealers add postage to the invoiced amount.

Note: Difference: $5,998.31. 1 library alone; namely, the California State Library, would be able to buy $6,000 less books in 1 year if zoned parcel post rates replaced the special 4th-class book rate.

INCREASED COST/BOOK-BUYING POWER LOSS TO CALIFORNIA LIBRARIES

If zoned parcel post rates were to replace the special fourth class "book rates" for mailing books from east coast publishers to libraries in California, the following cost increase or book-buying power loss would result:

Libraries and volumes purchased	"Book-rate" postage	Zoned parcel post postage	Difference
California State Library (9,723 volumes per year)	$1,470.24	$7,468.55	$5,998.31
Other California public libraries (3,117,837 volumes per year)	561,210.48	2,455,295.85	1,894,085.37
Business and industrial libraries (295 out of 400 libraries reporting) (196,198 volumes per year)	35,315.76	154,506.45	119,190.69
University and college libraries (206 libraries)	(1)	(1)	(1)
Law libraries (81 libraries)	(1)	(1)	(1)
Elementary and secondary school libraries (3,637 school libraries)	(1)	(1)	(1)
Total	597,996.48	2,617,270.85	2,019,274.37

[1] No statistics available.

INCREASED OPERATING COSTS FOR INTER-LIBRARY LOAN SHIPMENTS FOR CALIFORNIA LIBRARIES

If zoned parcel post rates were to replace the special fourth class "library rates" for shipment of books between libraries, elimination of inter-library loan or the following operating cost increase would result:

Libraries and volumes lent	Library-rate postage	Zoned parcel post postage	Difference
California State Library (26,725 packages mailed)	$5,088.92	$26,028.95	$20,940.03
Other California public libraries (195) (86,168 volumes loaned)	14,333.48	133,096.60	118,763.12
Business and industrial libraries (400 libraries)	(1)	(1)	(1)
University and college libraries (206 libraries)	(1)	(1)	(1)
Law libraries (81 libraries)	(1)	(1)	(1)
Elementary and secondary school libraries (3,637 school libraries)	(1)	(1)	(1)
Total	19,422.40	159,125.55	139,703.15

[1] No statistics available.

Mr. McINTYRE. Mr. President, I want to congratulate the distinguished Senators from Montana, California, and Pennsylvania for introducing an amendment which has the effect of continuing an eminently worthwhile public service function of the Post Office. I refer to the nationwide uniform rate for educational, library and cultural materials sent through the mails.

The bill, without this amendment, would permit the phasing out of the book and library rates within five and ten year periods respectively. If the book rate is phased out it means that nothing is left for the shipment of books except zoned parcel post which was the situation more than thirty years ago when President Franklin Roosevelt first created the book rate by Executive order. The real penalty of a system of zoned rates would fall on the individual reader, our schools, and our libraries.

These rates play a very important educational and cultural role. The uniform rate on books permits consumers of books, for it is they who pay the postage, to secure a book through the mails at the same postage cost whether they live in areas remote from the eastern publishing centers or whether they live in adjacent areas. For example, a single book weighing one to two pounds being shipped from Chicago to New Hampshire at the present book rate would be 18 cents. Under zoned parcel post the cost would be 66 cents. I am advised by the New Hampshire State Librarian that in the last fiscal year they mailed 30,000 books at a cost of $2,100. Without the library rate the cost would be $18,000, a burden they would be unable to absorb. It is a system which is discriminatory by region and which works to obviate our desire for intellectual and cultural growth.

I hope the Senate will overwhelmingly join in support of this amendment.

Mr. McGEE. Mr. President, we have had a consultation and in view of the fact this is not in the House measure we have agreed to take the proposal. There is unanimity on the proposal to take it to conference on the Senate side. Therefore, it will not be necessary to ask for a rollcall vote.

Mr. MANSFIELD. Mr. President, I am perfectly agreeable but I would like to request a standing vote, if I may.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. McGEE. I yield back the remainder of my time.

Mr. MANSFIELD. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Does the Senator from Montana ask for a division on the vote?

Mr. MANSFIELD. I do.

The PRESIDING OFFICER. A division is called for.

On a division, the amendment was agreed to.

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Mr. President, is it my understanding, under the provisions of the previous agreement, that after the disposition of the measure of the Senator from Montana, the Senator from Tennessee is to be recognized?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Who yields time for these inquiries?

Mr. McGEE. Mr. President, I yield time.

Mr. BAKER. There is no controlled time at this point.

Mr. McGEE. I am glad to yield time if it is necessary.

Mr. DOLE. Mr. President, is an amend-

XUM

ment in order to the substitute of the Senator from Tennessee?

The PRESIDING OFFICER. It would be in order once all time has been used or yielded back by the Senator from Tennessee.

Mr. BAKER. Mr. President, I ask unanimous consent that the time be controlled by the junior Senator from Tennessee as the proponent, and whomever may be designated on behalf of the opponents, and that the time be limited to 10 minutes on each side.

Mr. MAGNUSON. Mr. President, reserving the right to object, I wish to state that I have been standing here and I have not been able to be recognized.

I have an amendment which pertains to the Senate bill. I wish to ask this question: If the Senator's amendment should carry, would I have a right to present my amendment?

Mr. BAKER. I would be glad to propound that inquiry to the Chair. It is my understanding the Senator has the right to offer that amendment, but after the amendment I have offered has been agreed to it would be precluded.

Mr. MAGNUSON. Does the Senator from Tennessee intend to shut off all amendments?

Mr. BAKER. I do not.

Mr. MAGNUSON. That is what the Senator would be doing.

Mr. BAKER. The Senator from Washington is at liberty at this time to offer his amendment. I understand there is a time limitation of 1 hour.

Mr. MAGNUSON. I offer my amendment.

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Mr. President, is there now a time limitation of 10 minutes to each side on the amendment I offered?

The PRESIDING OFFICER. There is a time limitation on the Senator's amendment of 1 hour. No other amendments can be entertained until the Senator's time has expired or the Senator yields.

Mr. MAGNUSON. Mr. President, I wish to offer my amendment.

The PRESIDING OFFICER. The Senator from Washington cannot introduce the amendment until the time has expired or until the Senator from Tennessee relinquishes the time on his amendment.

Is there objection to the request for a limitation of 10 minutes on each side? The Chair hears no objection, and it is so ordered.

Who yields time?

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Mr. President, is the time limitation of 10 minutes on a side in effect on my amendment now?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Is the junior Senator from Tennessee correct when he says that at the end of that 20 minutes, or after it shall have been yielded back, the Senator from Washington will be at liberty to introduce his amendment, prior to the vote on my amendment, and the 1-hour debate limitation would apply on that?

The PRESIDING OFFICER. The Senator is correct. The Senator from Washington could offer his amendment and at that time he would have 1 hour.

Mr. MAGNUSON. Mr. President, I think the Senator from Tennessee should be fair about this and not cut off all amendments. I will not be more than 5 minutes.

Mr. BAKER. Mr. President, if I may respond, I have no desire to cut off anyone's amendment. I hope the statement I just made indicates my understanding that at the conclusion of this 20-minute period, or when time is yielded back, the Senator from Washington could offer his amendment without the permission of anyone and would be entitled to 1 hour equally divided.

Mr. MAGNUSON. Before the vote.

Mr. BAKER. Yes.

Mr. MAGNUSON As long as we have that understanding I shall withhold.

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Mr. President, is that the parliamentary situation?

The PRESIDING OFFICER. The Senator is exactly correct. Who yields time?

Mr. BAKER. I yield myself 5 minutes.

Mr. MAGNUSON. Mr. President, I have just been informed by members of the committee that if I attach my amendment to the amendment of the Senator from Tennessee, and the amendment of the Senator from Tennessee is defeated, then my amendment would also be defeated. Why does the Senator not allow me to present my amendment and then he can present his amendment?

Mr. BAKER. Mr. President, I ask unanimous consent that the time consumed by the parliamentary inquiries not be charged to the time allocated for this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, a parliamentary inquiry. Is it correct that after the conclusion of this measure, and if the distinguished Senator from Washington offers his amendment to my substitute, and if my substitute does not pass, he would still be at liberty to offer his amendment again to the Senate bill without prejudice?

The PRESIDING OFFICER. The Senator is correct.

Mr. MAGNUSON. If it passes.

Mr. BAKER. Then the Senator is riding with me.

Mr. MAGNUSON. Well, that is not where I want to go. [Laughter.]

Mr. BYRD of West Virginia. Mr. President, may we have order.

Mr. MAGNUSON. Mr. President, I merely want to offer an amendment to the bill that is pending. I am trying to take a very short time. I cannot help it if my friend from Illinois has to leave. I have had to leave the Senate on occasion and no one ever did that for me and cut off all amendments. If this practice is followed we would never get anything done.

Mr. BAKER. Mr. President, while we are still not charging the time, I wish to ask if the junior Senator from Tennessee is correct in stating to the Senator from Washington that no one is cutting off his right to offer any amendment now or later.

Mr. MAGNUSON. But if the Senator's amendment carries, there is no amendment.

The PRESIDING OFFICER. The Senator is correct. That is normal procedure.

Mr. MAGNUSON. Even if for no other reason I had to vote no, this is another reason why I am going to vote "no," but I do not know why the Senator should shut off these other amendments.

Mr. BAKER. Mr. President, I yield myself 5 minutes.

It is not my intention to detain the Senate very long. What I have done is to offer a revised version of the House-passed bill, H.R. 17070, as a substitute for the Senate bill. The changes made from last night's proposal are:

On page 159, following line 10, we have added a new section 203 dealing with invasion of privacy by sexually oriented advertising, which is the Goldwater amendment adopted last night.

On page 116, on lines 4, 6, and 12, we have stricken the word "ninety" and inserted in lieu thereof "sixty," with the result that we have reduced the time in which Congress can review the action of the special committee.

On page 15, following line 25, we have added a new subsection (6) as an addition which is the Cook equal rights for women amendment that we just adopted.

And now at this point, I ask unanimous consent that I may add, at the appropriate place, the Mansfield amendment, adopted tonight, as a part of this substitute.

The PRESIDING OFFICER. The Senator has the right to so modify his amendment.

Mr. BAKER. And I so modify it.

Mr. President, this is simply and directly a proposal by the junior Senator from Tennessee to offer the House-passed version with these modifications for the Senate bill. I reserve the remainder of my time.

Mr. McGEE. Mr. President, we are witnessing here, in my judgment, the consequences——

Mr. STENNIS. Mr. President, may we have order? I have been here 15 or 20 minutes and I am unable to hear, two rows removed. I think the Chair has a duty to protect Senators who want to hear.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Wyoming may continue.

Mr. McGEE. Mr. President, we are witnessing here now the consequences of trying to shoot from the hip on the floor. We have talked at great length about the desire to take a clean and solid bill to conference with many differences from the House bill. It is important that the Senate be protected in its bargaining

XUM

position as considerably as we can, and we are not going to succeed in this way.

I would hope that the Members of this body would recall that last night we had a vote on the measure that is now pending, the substitute bill submitted by the Senator from Tennessee, and the vote was 48 to 41. I would hope that Members of this body would reaffirm that ballot in this new effort to move the bill through substitute tonight.

Mr. FONG. Mr. President, will the Senator yield?

Mr. McGEE. I am glad to yield to my colleague, who is the ranking minority member of the committee.

Mr. FONG. Mr. President, I, too, oppose this substitute amendment. Last night we had a similar amendment. The only difference between this amendment and last night's amendment, which we voted down, is that it contains three provisions, two of which were added last night and one tonight, and the reduction of 90 days to 60 days.

As I said last night, the House bill was amended on the floor of the House with 14 amendments. Altogether there were 40 amendments which were tacked onto the House bill, but only 14 of them were adopted.

The Committee on Post Office and Civil Service of the Senate worked very hard and diligently on the bill. We have spent more than a year on the bill, and we have had approximately 17 versions of a postal reform bill, until we finally arrived at this bill.

Mr. President, this bill is not a simple bill. One can see by the thickness of it that it deals with many subjects having to do with the Post Office. As I said last night, although Members of the House have a great deal of wisdom and expertise, not all the wisdom and expertise lie in the House. Some wisdom and expertise lie in the Senate, and we have given the Senate a pretty good bill, we believe. We would like to go to conference with the House conferees and work out a very good bill.

The Postmaster General has many objections to the bill which is now before the House. I am quite sure that if we could allow our bill to go through with few amendments, we could arrive at a very good, landmark bill.

The legislation we are going to pass in this Congress dealing with postal reform will be really landmark legislation, and I ask my colleagues to give the Senate conferees a chance to work on the bill with the conferees of the House.

The PRESIDING OFFICER. Who yields time?

Mr. McGEE. Mr. President, I yield back my time.

Mr. BAKER. Mr. President, I am prepared to yield back the remainder of my time. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read the amendment, as follows:

Add a new title III at the end of the bill as follows:

"TITLE III—RATE ADJUSTMENT

"AUTHORIZATION TO POSTMASTER GENERAL

"SEC. 301. The Postmaster General is authorized to adjust the postage rates and charges in sections 4253, 4303(a)-(d)(1), 4422, 4452, and 4554 of title 39, United States Code, by increasing them by not more than 33⅓ percent, and the postage rates and charges in section 4359 of title 39, United States Code by increasing them by not more than 50 percent. The postage adjustments made by the Postmaster General under this section shall become effective on the dates fixed by him.

"EFFECTIVE DATE

"SEC. 302. The provisions of this title shall become effective upon enactment of this Act."

The PRESIDING OFFICER. Does the Senator from Kansas offer it as a committee substitute or as an amendment?

Mr. DOLE. To the committee substitute.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, can we agree on a limitation of time?

Mr. McGEE. Is 5 minutes on a side agreeable?

Mr. DOLE. I would prefer 10 minutes.

Mr. McGEE. Ten minutes on a side.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Mr. DOLE. Mr. President, I have discussed this amendment with both the chairman and the ranking minority member of the committee. They are both opposed to it.

Let me explain the amendment very briefly.

The bill as reported by the Senate Committee on Post Office and Civil Service would require the Post Office Department to continue to operate as a department until a date fixed by the Board of Governors, but no later than 1 year after enactment. Thus, under this arrangement, postage rates will continue to be governed by laws in effect on the day of enactment and will remain unchanged for 1 year, unless the Postal Service begins operations sooner.

The proposed amendment would authorize some rate changes to be made before the Postal Service officially begins its full-scale operations. Such changes would be instituted by the Postmaster General and shall become effective on the dates to be fixed by him.

Effective in December 1969, all postal employees were given a 6-percent increase in pay. We are now considering a further basic increase of 8 percent plus significant liberalization of other compensation features.

I have been advised by the Postmaster General that, without a general increase in postage rates, we face the prospect of a postal operating deficit of $2.5 billion in fiscal 1971. At a time when we are fighting vigorously to contain rising interest rates, so huge an addition to Federal deficit financing must surely be avoided.

I am also concerned over the ominous prospect of a $2.5 billion deficit for other reasons. It seems unwise, in my judgment, to ask the new Postal Service to begin its operations with the burden of the largest postal deficit in the history of our Nation.

Further, it is patently a contradiction of the intent of the legislation we are now considering to ask the taxpayers of our Nation to pay for so massive a deficit.

My amendment pertains only to the transitional period between enactment of postal reorganization and the date on which the Postal Service would begin its operations. In brief, during that period I propose the Postmaster General be granted authority to revise certain rates within prescribed limits.

I have excluded any changes that would affect certain non-profit-organization rates. Finally, I have excluded authority to alter parcel post or other fourth-class rates which can now be modified only with the consent of the Interstate Commerce Commission.

Mr. President, if the Postmaster General did act during this transitional period, and did impose the maximum rate prescribed in the amendment, it would raise approximately $1.5 billion, and there would still be a deficit, when the new Postal System starts, of about $1 billion. If the Postmaster General did invoke the increases, or did make the increases prescribed, he could go up to 8 cents on first-class mail and up to a 50-percent increase on second class. The first class increase would raise about $1.2 billion, and the balance would come from second- and third-class mail.

Mr. President, let me state again that I feel this is an amendment that deals primarily with fiscal responsibility, and with the question that I have indicated in my statement: Should the new system start off with the largest deficit in our history?

I understand this matter was considered briefly by the committee. It was apparently rejected by the committee, and was not offered as an amendment to the committee bill.

With that, I rest my case.

Mr. McGEE. Mr. President, very quickly on the point, the committee did indeed not only weigh this with great care, but discussed it at great length with the Postmaster General and his staff, and we reached the conclusion together—not the committee, but the committee and the Postmaster General—that it was not wise to put a rate increase in the postal reform bill, basically because in the bill there is an intricate mechanism for a new rate-making procedure in the reorganization, and it was felt that that kind of arbitrary increase in this bill would impinge upon and in other ways inhibit the attempt to get a new, independent postal agency off the ground.

Therefore, we had hoped and would still expect to receive from the President or the administration a request for what rate adjustments might be in order, and we would then consider those separately; and that was our understanding with the administration.

We do not believe it belongs in this bill, and it is not effectively a part of this piece of legislation. I do not think we ought to obscure or obstruct the chances for meaningful postal reorgani-

XUM

zation. We are very close to it now, and this can be dealt with on its own merits subsequently.

Several Senators addressed the Chair.

Mr. McGEE. I am happy to yield to my colleague on the committee.

Mr. FONG. I ask the Senator, did we not meet with the Postmaster General and discuss with him whether we should include in this bill an increase in rates?

Mr. McGEE. Indeed we did. That was the issue.

Mr. FONG. Did he not say that he did not wish to seek an increase in rates in this bill?

Mr. McGEE. His specific declaration to both the ranking Republican member and the chairman of the committee was that he did not believe there should be this increase in this postal reorganization bill.

Mr. FONG. Mr. President, I reiterate what the distinguished Senator from Wyoming has said, that the Postmaster General feels that there should not be a rate increase in this bill, that this bill should go on its own merits, and we should discuss the question of rate increases in a separate bill.

I wish to say, Mr. President, that ratemaking is not an easy affair. It involves a lot of things. We are talking in terms of $6 billion revenue to the Post Office Department, and we cannot very well just come here and say, "Raise this rate 33⅓ percent and that rate 10 percent."

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. FONG. I yield.

Mr. MURPHY. I am becoming very confused. I have heard an amendment stated here which does not raise the rates; there is no mention of raising the rates. It does not insist on raising the rates; it merely says that it gives the Postmaster General the right to do so within certain limitations. So if the Postmaster General does not want to raise the rates, there is nothing in the amendment that forces him to do so.

I can understand the desire for a clean bill, and I can also understand that it does not make very good sense, at least to me, to start a new reorganization plan with a deficit of $2.5 billion, if it can be avoided.

That, as I understand, is all that the amendment of the Senator from Kansas suggests. It does not raise any rates; it leaves that to the discretion of the Postmaster General. I will stand corrected if I heard him wrong, but I believe that is what his amendment says.

Mr. FONG. Mr. President, we have discussed this matter with the Postmaster General, and it has been the concensus of opinion that we should handle this in a separate bill.

In the bill we have proposed to the Senate, we have a very intricate system of coming up with rates. We have built into the Senate bill a rate commission, entirely independent of the Postmaster General. Of course, we know that the Postmaster General wants this postal rate commission to be subservient to him and his governing board; but the Senate committee, in its wisdom, felt that the rate commission should not be under the surveillance and the jurisdiction of the Postmaster General.

Mr. MURPHY. Mr. President, will the Senator yield further?

Mr. FONG. Yes.

Mr. MURPHY. I agree completely that to confuse this issue is not a good thing. The Senator says that the committee will handle the rates under a separate bill. I agree that that is preferable; but we still have the unfortunate condition that immediately, and obtaining from now until the time that the bill becomes operative—hoping it will be passed—there will be created this deficit of $2.5 billion.

Is there any other machinery that the distinguished Senator from Hawaii can suggest on an interim basis, not on a permanent basis, but merely to give this new operation a chance to start without a deficit of $2.5 billion? That is my only concern.

Mr. FONG. Mr. President, nothing in this bill prevents the President from appointing his rate commission and having the rate commission go to work immediately and propose to the board of governors an increase in rates.

Because of that, because that possibility exists, because the President could appoint his rate commission and his rate commission can go to work immediately, there is no reason why we should, at this time, try to give the Postmaster General the power to increase rates as he sees fit.

Mr. MURPHY. I thank my distinguished colleague for the explanation.

Mr. DOLE. Mr. President, I yield back the remainder of my time.

Mr. McGEE. Is the Senator from Kansas ready to vote?

Mr. DOLE. Yes.

Mr. McGEE. In that case, I yield back the remainder of my time.

Does the Senator wish a rollcall vote?

Mr. DOLE. No.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was rejected.

Mr. JAVITS. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. The Senator from New York (Mr. JAVITS) proposes an amendment as follows:

> On page 32, after line 10, insert at the end of section 222(b) the following: "except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized by Section 8(a)(3) of the National Labor Relations Act."

The PRESIDING OFFICER. Is the amendment offered to the committee amendment, or to the Baker amendment?

Mr. JAVITS. It is offered to page 32, line 6 of the Baker amendment, which is the text of H.R. 17070.

Mr. President, I was mistaken about line 6. I modify my statement. The amendment, as read by the clerk, comes after the last word on line 10, page 32.

The PRESIDING OFFICER. Is the Senator referring to the Baker amendment?

Mr. JAVITS. Yes, with the appropriate correction in punctuation.

Mr. President, I am perfectly willing to accept the time limitation, but before I do that, I ask for the yeas and nays.

I ask unanimous consent that there be a time limitation of 20 minutes, 10 minutes to each side.

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Under whose control will the time be?

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. FANNIN. Reserving the right to object, I intend at the proper time to offer a motion to table this amendment. So I would like to reserve time for speaking on that point.

Mr. JAVITS. Let us make it a half hour, with 15 minutes on each side, and I will yield 5 minutes to the Senator from Arizona.

Mr. FANNIN. Ten minutes.

Mr. JAVITS. I have only 15 minutes. Make it 20 minutes on a side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I yield myself 5 minutes. I hope very much that we will be able to curtail the time.

Mr. President, the issue which I raise by my amendment is concerned with the provision in this bill which I construe, and many others have construed, as essentially what is called a "right-to-work" provision—that is, it will exclude the possibility of any union negotiating for or obtaining, if it can, by negotiation, a so-called union shop. The proviso which I have added, which appears in classic labor relations law, and in the National Labor Relations Act, opens that opportunity. It opens that opportunity; and I believe, and other experts who have examined section (b) of section 222 of the House bill believe, that the provision contained in the bill cuts it out.

The provision I would amend, Mr. President, was inserted in the bill on the House floor. It was not a provision which came out of the House committee.

We have struggled with section 14(b) for a long time. As the ranking minority member of the Committee on Labor and Public Welfare, I have been in charge of tremendous debate on that subject, and we have come to no resolution thereon.

We now have a postal bill which involves enormously sensitive labor relations and, indeed, is a very serious pilot plan precedent for the relationship between the U.S. Government and its workers, who come in the order of some millions in the United States; and we have for the first time a so-called right-to-work provision.

I would not undertake in any way to affect the situation negatively or positively, either way—I would not move as I have, because I know how deeply labor's feelings and interests are involved in the substitute which is proposed—were I not firmly convinced that it would be a great mistake to single out the postal unions alone from all of American labor and prohibit them even from negotiating about the standard union shop clause.

Mr. President, we are told—and I think it may be true—that the labor unions

XUM

themselves are not making too much of a fuss about this. But labor unions, like other entities, have exigencies of the moment, and this moment is now; and the labor movement in the United States has its own dynamics and its own principle which it must serve. I think that people who have devoted their lives, as I have—and as so many others here have—to the consideration of the problems of American labor cannot yield our consciences and our judgment to either workers or employers.

There have been occasions on which I have most regretfully had to stand in that well and advocate things labor did not like, as, for example, asking people to come back to work, in the case of a national paralysis strike. I was very unhappy, and it was disagreeable to me and to Senator Wayne Morse, who may have lost a seat on that account. But this is the life we have chosen.

So I feel compelled in conscience to make this move as I see the situation, understand it, and know what it means as a precedent, and depreciate it. I feel, as I said last night—I have heard from many people on it since—that I had to vote against this substitute last night, that this provision inaugurates a course of action with the postal unions which I think is unfortunate. It prejudices the case, if you will, and I see no reason why that should be done in this particular measure.

Let us leave it just as this: The postal unions are unions and, as every other union, they ought to have the opportunity in collective bargaining to obtain the objectives of the trade union movement, which often include a union shop. It is for that reason that I am moving to insert the classic language which would preserve that right.

I yield myself 3 additional minutes, and I yield to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I am pleased to support the amendment offered by the Senator from New York. I think that basic labor-management decency would require no less.

The present National Labor Relations Act is a compromise which says that the union shop is permitted, so that the membership of a particular union can join together in approval of a union shop as part of a security agreement to be incorporated in a collective bargaining agreement. However, where a State prohibits such union security agreements, the act's section 14(b) exception permits the States to deny the right of employees to negotiate for a union shop agreement.

As I understand the pending substitute amendment, which the Senator from New York wishes to amend, it would in effect say that no postal employees in any State could obtain a union shop agreement. Without adopting the present amendment, we are going to deny postal employees the right to strike; and in addition deny them the basic and widely accepted union shop structure which has been, I think, a key element in modern union organization and a key part of modern labor-management relations.

This really takes us clear back to the old antiunion days, when every reasonable step was made to try to inhibit and interfere with and paralyze decent labor-management relations and decent efforts to provide equality at the bargaining table.

Mr. JAVITS. Mr. President, I thank the Senator very much for his support.

I yield to the Senator from Arizona.

Mr. GOLDWATER. I want to ask a question of the Senator, who serves as ranking minority member of the Committee on Labor and Public Welfare, a position I once rather unhappily held.

As I understand the language of the House bill, it would not prevent bargaining; it would not break up the independent unions. If I correctly understand the language that the Senator is proposing, it would tend to, if not exactly, break up the independent unions—very many of them—and it could well result in one union—namely, the AFL-CIO—being the bargaining agent for all postal employees. Am I correct in that?

Mr. JAVITS. No, I do not think the Senator is correct, for this reason: I think the Senator is commingling two aspects of this bill. The Senate bill gives exclusive bargaining rights to national unions, and therefore the so-called local unions, except under rather unusual conditions, are excluded right away. Under my proposal, the House bill would prevail. It gives the bargaining rights both to national and local unions depending on what the NLRB decides. Then if, by bargaining, either one of those could achieve a union shop, it would be able to achieve it. It would not be barred.

So I do not think it runs afoul of the desire to preserve the opportunities of the local unions. On the contrary, it gives them an even better opportunity, as with the national union, by enabling them also to bargain for a union shop; and it does not interfere with what Senator Baker's substitute does for the local union which is to take them out of the prohibition against bargaining which is contained in the amendment.

Mr. GOLDWATER. Am I correct in assuming that the Senate version, or the version the Senator prefers, will have the National Labor Relations Board as the determining agent, as to whom the bargaining agent would be, and under the House bill it is left up to the committee—that is, either appointed for that purpose or the managers of the new postal service?

Mr. JAVITS. I understand, but under the Senate bill—I have had this bill analyzed—we merely recognize, for bargaining purposes only, national unions, whereas under the House bill it is possible for bargaining units to be local. That is one of the principal reasons why the Senator from Tennessee (Mr. BAKER) is moving his substitute.

Mr. GOLDWATER. That is the reason I asked. Am I correct, at least, that what the Senate bill will eventually do will be to wind up with the NLRB recognizing a national union, such as the AFL-CIO, because I understand agreement has been made with certain crafts to handle it, which will do away with a number of local postal unions which are not necessarily related but which operate as locals throughout the country.

Mr. JAVITS. "Do away with" are harsh words, because they may very well become locals, but it would change the bargaining pattern materially.

Mr. CURTIS. Mr. President, will the Senator from Tennessee yield?

Mr. BAKER. I yield.

Mr. CURTIS. Is it not true that the language in the amendment offered by the Senator from Tennessee is really a restatement of the executive order first propounded by the late President Kennedy, later proclaimed by President Johnson, and finally by President Nixon?

Mr. JAVITS. I really could not give an answer to that to the Senator, because I do not have in hand the Executive order.

Mr. CURTIS. I think the Senator will find that is true and that, instead of the House bill changing established precedent, it preserves it. It preserves the same rights and privileges of the individual workers originally declared by President Kennedy and reaffirmed by Presidents Johnson and Nixon.

Mr. JAVITS. There is no question about that. The only question is whether we should now, in what I consider would be an invidious precedent, provide in this bill not only for the carrying out of that function which the Senator describes, quite properly, but also for a prohibition on any such entities seeking the union shop, which I think this bill does.

Mr. BAKER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. PROXMIRE). Twenty minutes remain to the Senator from Tennessee.

Mr. BAKER. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 2 minutes.

Mr. BAKER. Mr. President, in replying to the distinguished Senator from Nebraska's inquiry about the Executive order first propounded by the late President Kennedy, it is my information that President Kennedy did propound such an Executive order in 1962, and that that order was essentially the same order as was promulgated in 1969, Executive Order No. 11491, by President Nixon. The Executive order reads, in part, as follows

> Each employee of the executive branch of the Federal Government has the right freely and without fear of penalty or reprisal to join a labor organization or refrain from any such activity, and each employee shall be protected in the exercise of this right.

Mr. President, it is my view that the House version, in effect, protects that right first propounded by President Kennedy and then continued by President Nixon. The idea that we must protect the right of Federal employees to join or refrain from joining a union is embedded in the fabric of the House version. It is one of the aspects of it that commends it most highly to me.

It is important to realize that in this situation we do not have unanimity among the labor unions involved and the postal employees around the country. There are many labor organizations that do not approve of the Senate version of

XUM

the bill and who, in effect, will be legislated out of existence by the Senate version. My mail reflects that many labor organizations and employees of the postal service much prefer the greater freedom and greater reality of the House version.

Mr. McGEE. Mr. President, if I may respond on the point of the Executive order that has been mentioned, indeed, President Kennedy did issue such an order, and President Nixon has recently reaffirmed that order this past year.

In that terminology, and since this Executive order, one of the Presidents is no longer with us, and the other is now in the White House. The President in the White House right now negotiated with the postal unions. The President and the Postmaster General of this administration negotiated this agreement with the postal unions. This was subsequent to the Executive order.

The reason for the negotiation, as they explained it, was under the new attempt to meet the new postal system on-going, which was being crowded over more into the private sector in its example, and that in exchange for giving up the right to strike, which they did not want to allow in the public sector, and rightly so, in my judgment, they conceded this one as a balancing factor in collective bargaining. The Senate did not do that. The Postmaster General and the President did, in the collective agreement that was signed, in effect, in political blood. So that is the origin of the present position of the Senate bill on this particular question. We have taken our lead from the President and the Postmaster General, and the collective agreement that was presumably signed in good faith.

Mr. BAKER. I thank the Senator from Wyoming. He is entirely right in his statement as to that situation. However, I disagree with the Postmaster General and the President. I cited the Executive order only to make the point that this had been policy in Federal service for many years, dating back to the Executive order propounded by President Kennedy.

Mr. CURTIS. Let us get this clear. It is true there were some negotiations between the Postmaster General and some of the unions involved, but there has been no contract signed for a union shop; is that not correct?

Mr. BAKER. That is my understanding.

Mr. CURTIS. As a matter of fact, this new corporation cannot enter into a contract until it becomes——

Mr. BAKER. That is my understanding. There is no authority for that until such legislation is passed.

Mr. CURTIS. So when they talk about agreement, it would be an agreement based on legislative proposals, perhaps, but not any more than that.

Mr. COOPER. Mr. President, I have spoken so much in the past few weeks that I fear I should not say anything now. But, as I understand the situation, the choice is between the provisions of the present Executive order, which would not require any Government employee to belong to a union unless he so desires, and the union shop provision of the Taft-Hartley Act which requires that when a union is recognized as the bargaining unit every employee of the industry concerned must join the union.

I was a Member of the Senate in 1948, and I voted for the Taft-Hartley Act and the union shop. That measure also included section 14(b), an exemption for right-to-work States.

I have been against section 14(b), because I think that where workers have to bargain with owners and management of the industry or business, the uniform rule should prevail throughout the country.

I must say that I have a different view about Government employees. I will support the amendment of the Senator from Tennessee. Government employees have an organization standing between them and the executive branch, and that is Congress. Congress is their representative.

I may be too old fashioned, but I believe the loyalty of the employees of the Government must be first to their Government. I hold also that no citizen of the United States should be required to be a union member to be a Government employee.

I appreciate what unions have done for workers in industry, but I cannot vote for the same system for Government employees. I believe that Congress, while it may be slow at times in providing for them, will provide for our postal workers, in pay, working conditions, benefits and the like, so important to them.

Many postal employees have told me that they dislike the idea of a corporation and union because they feel that it would remove them from their close association with Congress.

But my chief opposition to compulsory unionism for postal employees is that the open shop system would ultimately, if not immediately, require citizens of the United States to become union members in order to be employees of their Government and country. No citizen should be required to be a member of any organization to become an employee of his own Government. If this system is started with postal employees, it will spread in time to every employee of the United States and of the States themselves. The first loyalty of any employee of the U.S. Government must be to the U.S. Government .

Mr. BAKER. Mr. President, I thank the Senator from Kentucky.

Mr. President, how much time have I remaining?

The PRESIDING OFFICER (Mr. PROXMIRE). The Senator from Tennessee has 12 minutes remaining.

Mr. JAVITS. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from New York has 8 minutes remaining.

Mr. JAVITS. Mr. President, I yield 1 minute to the Senator from New Jersey.

Mr. CASE. Mr. President, I thank the Senator from New York. I think that this has been a fascinating discussion. I find myself siding with the Senator from New York and opposing the Senator from Kentucky and many others with whom I often agree on these matters.

I think the distinction is this. These people will not be Government employees. When the reorganization corporation, this new entity, is created, they may not be exactly private employees. It is a sort of way station.

There is a great necessity to treat these employees as employees of a nongovernmental agency. I think, therefore, that the analogies and the procedures established under the Taft-Hartley Act for private employment are not pertinent.

I shall support the Senator from New York in his endeavor.

Mr. JAVITS. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER (Mr. PROXMIRE). The Senator from New York is recognized for one minute.

Mr. JAVITS. Mr. President, the Senator from New Jersey is exactly right. Hinging on that is what the deal was with the postal unions in connection with the strike.

I would like to read this. It is very important. It appears under "labor relations." This is the memorandum of agreement signed April 16, 1970, with all these unions.

It reads as follows:

> Enable collective bargaining under a statutory framework establishing methods for conducting elections, providing one or more methods for resolving, negotiating impasses, and requiring collective bargaining over all aspects of wages, hours, and work conditions including grievance procedures, and in general all matters that are subject to collective bargaining in the private sector.

Mr. President, that is exactly what we are talking about. That is exactly what the Senator from New Jersey is talking about.

They are no longer really in the condition of Government employees once we pass this bill or under the Executive orders. They are under a new condition. And because they have been promised comparability with the industry of the private sector, they should be treated no differently than the workers in the private sector. That is not inconsistent with barring strikes against the Government or any other thing.

Mr. President, I am under an obligation to yield some time to the Senator from Arizona.

The PRESIDING OFFICER (Mr. PROXMIRE). Does the Senator yield to the Senator from Arizona?

Mr. JAVITS. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from New York has 5 minutes remaining.

Mr. JAVITS. Mr. President, I yield 4 minutes to the Senator from Arizona.

Mr. BAKER. Mr. President, I ask the Senator from Arizona if he would permit me to agree that I might yield to the Senator from Wyoming 3 minutes and then 1 minute to the Senator from Arizona. We will pool our time.

Mr. FANNIN. Mr. President, I will then take less than 10 minutes in that case. Does the Senator from Tennessee want to yield to me now?

Mr. BAKER. Mr. President, I yield my-

XUM

self 1 minute and 2 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 1 minute.

Mr. BAKER. Mr. President, in answer to the statement by the distinguished Senator from New Jersey and the elaboration by the distinguished Senator from New York, I must say that I am one of those who advocated postal reform law before there was any move in this direction by the administration.

I feel that we must have a private corporation. Unfortunately, neither the House nor the Senate bill will come close to it.

In our experience, the Tennessee Valley Authority is much closer to the industry sector employee than would be true in this section. By statute or by direction, it was requested that Federal employees be entitled to civil service payment and all rights and benefits. The Federal employees situation is entirely different, just as the Senator from Kentucky pointed out, than they were previously in private industry.

I yield 1 minute to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, one of the most remarkable precedents is about to be set with little debate and no comprehension of its consequences. It involves compulsory unionism. And, the reason for the inattention given this problem by the Congress is that it has been worked out by the Nixon administration. No one would contemplate that the Nixon administration would hail as a milestone an agreement for compulsory unionism. I raised the point, at the time of agreement, with the Postmaster General and received a garbled response. The Postmaster General states that the provisions of S. 3842 do not require compulsory unionism. Various letters and opinions have been received from the Post Office Department stating this. However, it is apparent to me that while one Government department is claiming the sanctity of 14(b) and right-to-work laws—namely, the Post Office Department, a coequal department—namely, Defense—looks with disregard upon this provision. I cited this inconsistency in correspondence with the Attorney General and asked for his opinion. He gave a very meaningful reply—he referred me to the General Counsel of the Post Office Department. To me this indicates that the Court well could find that the provisions require compulsory unionism, but the Attorney General wants to remain loyal to the agreement between the administration and the AFL–CIO.

I like unions. I hail the advancement of labor and the improvement in working conditions and benefits that never would have occurred had it not been for the labor movement. In a sense, I am a member of a union as a member of the bar association. As a lawyer in my home town I have had occasion to represent the labor unions. But, it is also a well-known fact that I helped write the right-to-work law of South Carolina and that I am a strong adherent to this position. I remain strong because of the merit of that position. The merit becomes more vivid and more meaningful than ever when Government employees are concerned. Where the right to strike is fundamental in the private labor movement, it cannot be countenanced for the Government employee. The profit motive is removed. The increased productivity cannot be bargained for increased benefits. Public office is a public trust and service to the public is beyond the hourly issue. It extends to the public generally and the cardinal feature is not that the business profit, but that the public interest be served.

When we set out compulsory unionism for 750,000 postal employees, its application could be considered a natural extension to the remaining 2,000,000 Government employees. Indeed, George Meany of the AFL–CIO told the House Post Office Committee that this unionism accomplishment for postal employees was only a first step. I do not look for sinister motives on the part of Mr. Meany. He is not a public employee. He does not look to the public for support. His success is measured by what he obtains for the union members. My success is measured by what I protect and preserve for the public, generally, including the union members.

I do not want to be bound by circumstances that the compulsory unionism feature could trigger. Before long, valid agreements, duly arrived at, could be presented to the office holder at the taking of office to be carried out. The officeholder would not be a party to the negotiations or to the agreement. Perhaps what has been agreed to is the very thing that the office holder disagreed to and used as a plank in his platform for election. I do not want to appear fanciful but it well could occur that when the officeholder was in law being administered the oath to support the Constitution, in fact he would be taking an oath to support the dictates of George Meany and the AFL–CIO.

This uncommon concentration of power in Government bespeaks danger to the Republic. All kinds of ramifications could result. I know the Congress is weary. The House passed last September a pay increase for postal employees of 11 percent. We passed one for 4½ percent in December. But the message from the White House was that this was inflationary and 4½ percent would be vetoed. At this point, trying to work out an acceptable solution, negotiations broke down into the wildcat strikes of postal employees over the country. And then the administration grabbed the ball to handle in its own way and negotiated not an 11 percent—not a 4½ percent—but a 16-percent increase. No longer was it inflationary. And, we have been told that we must accept this immediately or else there will be another strike.

I have tried to avoid the heat of passion from such threats. I have gone along and supported this increase and supported postal reform because of the very acute need for our Post Office Department. But, I have swallowed all I can take in the name of reform. I cannot destroy the fundamental of public service and set in motion a concentration of power beyond the purview of the public.

I am a cosponsor of the Fannin amendment and urge its passage. Without it as a part of postal reform, as much as I dislike opposing what I have sponsored, I will also be required to vote against postal reform.

Mr. BAKER. Mr. President, I yield 2 minutes to the Senator from Wyoming.

Mr. HANSEN. Mr. President, let me call the attention of the Senate to what George Meany said. It will be helpful because we are engaged in semantics as to whether postal employees are Federal employees or employees in the private sector.

I suspect that most of us might agree that George Meany's reactions and conclusions in this regard ought to be pretty persuasive.

He said last April when appearing before the House Post Office Committee that he finds the pending bill as only the beginning.

He added that if he can win—and this would mean a compulsory union shop in the Post Office Department with its 750,000 workers—he will seek to obtain the same kind of collective bargaining for all civilian workers in the Federal Government.

He goes on to point out that in addition to 3 million Federal employees, there are some 9 million additional employees who are employed by State, county, and city governments.

Let us make no mistake about this. If he is able to win the sort of agreement that the proponents of the Senate bill would have us retain in this bill, there can be no doubt at all that we can look forward, and before long, to the time when all 12 million employees of the Government, whether they be Federal, State, county, or local, are likely to find that they will have to join a union in order either to get a job or to keep a job.

Mr. President, I yield back the remainder of my time so that it might be given to the distinguished Senator from Arizona.

Mr. JAVITS. Mr. President, am I correct in understanding that I have 5 minutes remaining?

The PRESIDING OFFICER (Mr. PROXMIRE). The Senator is correct.

Mr. JAVITS. Mr. President, I yield 4 minutes to the Senator from Arizona.

Mr. BAKER. Mr. President, I yield such time as I have remaining.

Mr. FANNIN. Mr. President, I express my appreciation to both the Senator from Tennessee and the Senator from New York.

Mr. President, if I am displeased with the possibility of this protection being removed, think of how the hundreds of thousands of postal workers must feel, particularly those 45,000 members of the National Alliance of Postal and Federal Employees and the 150,000 members of the National Postal Unions.

Mr. President, I think it is vitally important that the record be set straight. The rank-and-file postal workers have spoken loud and clear. They want their pay increases. They care nothing about the union shop—and in fact a majority of them have said pass a postal reform pay raise bill maintaining the executive order now in effect.

My friend and colleague, New Hampshire Senator NORRIS COTTON, said re-

XUM

cently that if Postmaster General Blount's idea of postal reform is adopted, "control of our postal service is bound to pass from the hands of Congress into the hands of the AFL–CIO."

Let us put this problem another way. Should we enact legislation here that would authorize the firing of loyal Federal employees who refuse to pay dues to a union which promotes illegal strikes?

President John F. Kennedy said "no."

His Labor Secretary Arthur Goldberg said "no."

The 1968 GOP party platform said "no."

And present Federal policy—Executive Order 11491—says "no"—it protects the freedom of all postal workers whether or not they pay money to a union.

Mr. President, I have here a petition by almost 1,000 postal workers from the city of New York, members of the National Postal Union. They say:

> We the undersigned hereby request that the provision of Executive Order 11491 giving postal employees the right to join or not to join a union be written into any postal reform legislation, thereby expediting just wage increases, fringe benefits, and better working conditions for all postal employees.

I would wonder how George Meany, president of the AFL–CIO, could negotiate for the National Postal Union or the Postal Alliance when they are not members of the AFL–CIO. What control does he have? What right does he have to negotiate for them if they disagree with him and they do not want him to negotiate for them? Why has he the right to do it? Why did the representatives of our Government take his word for their wishes? I think this is a terrible mistake. If this substitute is not approved tonight without the Javits amendment, I intend to call up my amendment No. 744 which repeats the Executive order and which provides the same protection for our postal workers that we provide for our other Federal employees.

Let us put the problem another way. Should we enact legislation here that would authorize the firing of loyal Federal employees who refuse to pay union dues to a union to which they do not want to belong and which they are forced to belong to and that joins in illegal strikes? President Kennedy said no. During his administration he issued and signed the Executive order which is covered by my amendment. Later President Johnson did the same thing. He also signed that Executive order. President Nixon has also done so.

Let us talk about the late President John F. Kennedy. Let us talk about what he said and did. His Secretary of Labor Arthur Goldberg, said no to compulsory unionism, thereby upholding Executive Order No. 14991.

Mr. President, at this point I wish to read from a Scripps-Howard newspaper editorial which was published in the Washington Daily News. The editorial bears heavily on the argument:

> Mr. Blount says this agreement if it goes thru Congress, would permit unions to negotiate for union shops. Union shops require all employees to join the union, whether they want to or not. This is common in private industry, but is it good public policy? In principle no.
>
> The question for Congress is whether this is too stiff a price to pay for reform of the postal system, desperate as that need is.

Mr. President, there are some who attempt to justify unionism of postal employees by contending that under the new proposal they would become employees of private industry and not Government employees. But Postmaster General Blount acknowledged in his testimony in the House of Representatives that postal employees will, of course, still be employees of the Government. Like other Government employees they will have no right to strike. This is a quotation from him:

> Postal employees will, of course, still be employees of the government. Like other government employees, they will have no right to strike.

There are Members of this body who would vote to turn over control of the postal workers and the postal union to the union bosses.

On this point syndicated columnist John Chamberlain said:

> With a union shop or an agency fee check-off enforced in Federalia and in the various state capitals, it would mean that only those citizens who believe in union compulsion could work for the government. It would be government of the people, by the unions, for the union bosses.

And the St. Louis Globe-Democrat said editorially:

> The thought of compelling anyone to join an organization against his will is thoroughly repugnant. In the case of government employees it is also objectionable on the grounds that it would tend to transfer an employee's primary loyalty from the government to the unions—a situation that could lead to chaos.

And the Jacksonville Times-Union said:

> To leave any way open whereby unions could force any and all government workers into their ranks would not only be a violation of the rights of the individuals concerned, it would give the union apparatus unchallenged power to coerce the government itself.

Even more cogent was the argument of the very liberal New York Times in an editorial titled "Backing the Boss in Politics," November 28, 1969. The editorial stated:

> Since 1947 the Taft-Hartley Act has imposed a similar ban on direct contributions by unions to the campaign funds of candidates for Federal office. This prohibition applies to all unions, not just those that represent Federal employes. It is true that the Taft-Hartley ban has not reduced union political activity. It is also true that postal unions and other Federal employe organizations have found many ways to circumvent the rules that are supposed to keep them out of direct support for favored candidates.
>
> But none of this makes less improper the situation in New York in which unions embracing a third of a million municipal employes provide major financial help to elect or defeat the man who has a decisive voice in determining how much money they will receive from the public purse in higher wages, larger pensions and the other benefits they regularly seek. Whether or not the law condones it, here is a real conflict of interest.

Mr. President, understand that article was from the New York Times.

As I stated the late President John F. Kennedy clearly recognized the danger involved in forcing unionism of Federal employees when he insisted that his 1962 Executive Order 10988, authorizing the unionization of Federal employees also protect the right not to join.

Mr. President, it should be understood that this would give them the right to support and join a union but it would also give them the right not to join a union. I will read the letter again:

> Employees of the federal government shall have, and shall be protected in the exercise of the right, freely and without fear of penalty or reprisal, to form, join, and assist any employee organization or to refrain from such activity.

That is the substance of amendment 744 that is printed and on the desks of Senators.

President Kennedy's Secretary of Labor, Arthur Goldberg, in explaining the order in a speech to members of the American Federation of Government Employees—AFL–CIO—said:

> "I know you will agree with me that the union shop and the closed shop are inappropriate to the Federal government. And because of this, there is a larger responsibility for enlightenment on the part of the government union. In your own organization you have to win acceptance by your own conduct, your own action, your own wisdom, your own responsibility and your own achievements. . . . So you have an opportunity to bring into your organization people who come in because they want to come in and who will participate, therefore, in the full activity of your organization.

Mr. BAKER. Mr. President, I reserve the remainder of my time.

Mr. JAVITS. Mr. President, I yield myself 1 minute.

Mr. President, I think the debate has shown exactly why I offered this amendment. We had a stalemate after the tremendous debate over section 14(b), which labor worked for like anything they ever did work for. These divisions are clear in this bill.

Therefore, if we are going to put the Post Office on a business basis and it must be remembered that is why postal employees went back to work—then all matters are subject to bargaining. We should restore the same conditions for those workers as we have for all workers. That is why I feel the amendment is necessary. It represents a longstanding policy of the United States. There is no reason why we should deviate from that policy in respect of the postal union.

Mr. BAKER. Mr. President, may I take about 30 seconds to say I feel it is important that we realize that we are on the brink of establishing a brandnew policy toward Federal employees. Section 14(b) of the Taft-Hartley Act has not in the past been directly applicable to Federal employees.

Mr. FANNIN. Mr. President, because of the tremendous importance of this particular amendment, because it is necessary to protect postal workers, I move to table the amendment of the Senator from New York.

Mr. JAVITS. Mr. President, on that question I demand the yeas and nays.

The yeas and nays were ordered.

Mr. TOWER. Mr. President, faced

XUM

with the virtual paralysis of the Nation on the occasion of the recent postal strike, we recognized more clearly than ever the urgency of maintaining an adequate postal system.

Efforts to reorganize the Post Office Department have been stirring for some time. Virtually everyone who has studied the problem in depth assure us that the postal service has been teetering on the brink of catastrophe for years. A flood of mail voicing the complaints of postal patrons tends to confirm the assurance.

The basic thrust of the present bill—to remove the Post Office, as much as possible, from politics; to provide the Postmaster General a greater degree of control over the operation which he is entrusted with managing; to provide a means of financing the much-needed modernization of postal facilities—is sound and will, I believe, contribute to the development of a more effective postal service.

However, there has been much concern—and I believe rightly so—over the labor-management-relations section of the postal reform bill as reported from the Senate committee.

In his opening remarks, the distinguished chairman of the Senate Committee on Post Office and Civil Service assured us that the right-to-work issue is irrelevant to the Post Office, that this bill contains no mandatory unionism. This assurance is a cold comfort when we realize that the provisions of the bill quite clearly allow the negotiation of a labor agreement requiring union membership as a condition of employment. No one denies it. And while, if such a contract were concluded, the right-to-work laws of the several States would theoretically not be abrogated, the right to work, now enjoyed by postal workers throughout the country, most certainly would.

It seems to me a most curious proposition to permit a third party to demand money of a citizen who wishes to serve his Government. Because compulsory union agreements can be negotiated in private enterprise does not make such an arrangement the right or proper or fair way in which to proceed. In my opinion such an abridgement of individual freedom is wrong wherever it may occur—and inexcusable within the Federal Government.

The House of Representatives recognized the wisdom of insuring that postal employees retain the right to choose freely between participating in a labor organization or not. An amendment insuring the right to work for postal employees was passed in the House by an overwhelming margin. This is basically a civil rights question. In the final analysis, the right of management and unions to contract should not override the natural right of a person to make a free and uncoerced choice with respect to the earning of a livelihood for himself and his family.

There are many good reasons for a working man to belong to a union be he a postal employee or a steamfitter or what have you. But a union is strengthened and made more responsive to the needs of its membership if the union must attract members by demonstrating its effectiveness. The late Mr. Justice Brandeis, an ardent supporter of trade unionism, argued forcefully against compulsion:

> It is not true that the success of a labor union necessarily means a "perfect monopoly." The union in order to attain or preserve for its members industrial liberty, must be strong and stable. It need not include every member of the trade. Indeed, it is desirable for both the employer and the union that it should not. Absolute power leads to excesses and to weakness: neither our character nor our intelligence can long bear the strain of unrestricted power. The union attains success when it reaches the ideal condition, and the ideal condition for a union is to be strong and stable, and yet to have in the trade outside its own ranks an appreciable number of men who are non-unionists. Such a nucleus of unorganized labor will check oppression by the union." (Quoted by the late Justice Frankfurter in his concurring opinion in American Sash and Door Company 335 U.S. 538-559, which upheld the constitutionality of Arizona's right to work law.)

Another former Supreme Court Justice, Arthur Goldberg, was quoted at a 1962 meeting of the American Federation of Government Employees by the Washington Daily News, as follows:

> In your own organization you have to win acceptance not by an automatic device which brings a new employee into your organization, but by your own conduct, your own action, your own wisdom, your own responsibility, and your own achievements.

I feel that these are accurate assessments of what is lacking when union membership becomes compulsory and that, therefore, to support the guarantee of the right to work for postal employees is in the best interest not only of the general public and of individual postal employees, but also of the postal employees' organizations.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona to lay on the table the amendment of the Senator from New York (Mr. JAVITS). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Florida (Mr. HOLLAND), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. McCARTHY), the Senator from Montana (Mr. METCALF), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), and the Senator from Maryland (Mr. TYDINGS), are necessarily absent.

I further announce that, if present and voting the Senator from Florida (Mr. HOLLAND) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Illinois (Mr. PERCY) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

On this vote, the Senator from South Dakota (Mr. MUNDT) is paired with the Senator from Illinois (Mr. PERCY). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 40, nays 50, as follows:

[No. 199 Leg.]

YEAS—40

Allen
Allott
Anderson
Baker
Bellmon
Bennett
Byrd, Va.
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fulbright
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Miller
Murphy
Pearson
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Williams, Del.

NAYS—50

Aiken
Bayh
Bible
Boggs
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Church
Cranston
Eagleton
Fong
Goodell
Gore
Gravel
Harris
Hart
Hartke
Hatfield
Hughes
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Packwood
Pastore
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Stevens
Symington
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—10

Dodd
Holland
Inouye
McCarthy
Metcalf
Mundt
Nelson
Percy
Russell
Tydings

So Mr. FANNIN's motion to lay on the table Mr. JAVITS' amendment was rejected.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment of the Senator from New York (Mr. JAVITS).

Mr. JAVITS. Mr. President, we are now voting substantively, yea or nay, on my amendment, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. I thank the Chair.

The PRESIDING OFFICER. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Florida (Mr. HOLLAND), the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. METCALF), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Maryland (Mr. TYDINGS), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mr. HOLLAND) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Illinois (Mr. PERCY) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

On this vote, the Senator from Illinois (Mr. PERCY) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Illinois would vote "yea" and the Senator from South Dakota would vote "nay."

The result was announced—yeas 52, nays 38, as follows:

XUM

[No. 200 Leg.]

YEAS—52

Aiken
Anderson
Bayh
Bible
Boggs
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Church
Cranston
Eagleton
Fong
Goodell
Gore
Gravel
Harris
Hart
Hartke
Hatfield
Hughes
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
McCarthy
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Packwood
Pastore
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Stevens
Symington
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—38

Allen
Allott
Baker
Bellmon
Bennett
Byrd, Va.
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fulbright
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
McClellan
Miller
Murphy
Pearson
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Williams, Del.

NOT VOTING—10

Dodd
Holland
Inouye
Long
Metcalf
Mundt
Nelson
Percy
Russell
Tydings

So Mr. JAVITS' amendment was agreed to.

Mr. JAVITS. Mr. President, I send another amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, will the Senator yield for 30 seconds?

Mr. JAVITS. I yield for 1 minute.

Mr. SYMINGTON. Mr. President, I ask that the Senator yield me 5 minutes.

Mr. JAVITS. Mr. President, I beg the Senator to bear with me 1 second. As I understand it, there are 30 minutes on each side on this amendment to the substitute.

The PRESIDING OFFICER. The Senator is correct.

Mr. McGEE. Automatically 30 minutes on a side, unless the Senator wishes to lower it.

Mr. JAVITS. I wish always to oblige the Senator from Missouri, so that makes it 25. We could make it 20 minutes on a side. But I would like to deduct this 5 minutes. So let us yield to the Senator.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MAGNUSON. Why was the Senator from New York recognized when I was standing and seeking recognition?

The PRESIDING OFFICER. The Chair fully expected to recognize the Senator from Washington. The Chair thought the Senator from New York wanted to move to reconsider the vote by which his amendment had been agreed to.

Mr. JAVITS. I shall be glad to relinquish the floor if the Senator has an amendment to offer.

Mr. MAGNUSON. I do. The Chair recognized the Senator from New York because the Chair thought the Senator from New York wanted to move to reconsider the vote by which his amendment had been agreed to.

Mr. JAVITS. May I inquire of the Senator whether he intends to offer an amendment to the substitute?

Mr. MAGNUSON. Yes. I have been trying to do so for an hour. And I will be glad to yield 5 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Washington is recognized. The Senator from Washington yields 5 minutes to the Senator from Missouri.

The Senator from New York has withdrawn his amendment.

Mr. SYMINGTON. Mr. President, I would ask the able manager of this bill, the chairman of the committee, to comment on an observation made by one of the more prominent constituents of my State who says:

> One problem has me worried. Though a daily, we have no out of town delivery routes, and use the mail. As you know, our south city limits is two miles from the Barry county line, and it is only six miles to both Stone and Christian counties.
>
> The proposed second class postage increase is 1.2 cents per copy for all out of county mailings. We sell mail subscriptions in our four home counties for $6 per year.
>
> As a result, the increase outside Lawrence county will be $4.60 per year, even though mail goes directly from our office into the hands of RFD carriers. This will create a most difficult problem for us, as you can see. I can not afford to absorb so much.
>
> The problem of Monett will be even more difficult. The county line runs through the middle of the town, so the Times will get a harder jolt than the Advertiser.
>
> My suggestion is to forget the in-county provision entirely, and substitute for it a mileage zone, say 10 to 15 miles, for the lowest bracket. That would be equitable. As it is, newspapers located in towns in the center of counties will have a considerable advantage. I think the post-office would break even in the long run as a result of such a change.

Now, Mr. President, I ask unanimous consent to have printed in the RECORD a rather involved letter which I received from the Executive Assistant Postmaster General as I presented this problem to him.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

POST OFFICE DEPARTMENT,
Washington, D.C., June 22, 1970.

Hon. STUART SYMINGTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SYMINGTON: The Postmaster General asked me to reply to your letter of June 10, in behalf of Mr. Robert Lowry, Publisher of the Aurora Advertiser, Aurora, Missouri, concerning the proposed increase in second-class postage rates.

In fiscal year 1969, the Post Office had a deficit of about $1.0 billion. Currently, the Post Office is operating at a deficit of about $1.6 billion per year. Wage increases recently proposed to the Congress, if enacted, will raise that figure to about $2.5 billion. We believe this deficit should be met by increased postal rates rather than by revenues from general taxation.

Second-class mail is to the only one of our major services which fails to cover its demonstrably related costs. In fact, in 1969, before recent wage increases, regular-rate second-class mail covered only 51 percent of the costs demonstrably related to this service. Further, it is important to realize that the total of demonstrably related costs comprises only half of all postal costs. The remaining costs—institutional costs—are a pool of fixed costs which are the common responsibility of postal patrons. Thus, the mail services, in aggregate, must cover their demonstrably related costs by 200 percent if the Post Office is to break even.

Though the Administration's rate proposal calls for increasing the revenues from regular-rate second-class mail by almost 50 percent, such mailings would cover only two-thirds of their demonstrably related costs after the rate and salary increases.

Our added costs, predominantly for added wages, affect all publications in a fairly consistent manner, irrespective of weight, advertising content, or length of haul. Since it is the main purpose of our rate request to meet these higher costs, we have proposed a per-piece charge for regular-rate outside-the-county publications.

Postage rates for second-class mail, including in-county mail, are fixed by Congress. Elimination (or modification) of the current rate provisions for in-county mail is a matter Congress may wish to consider.

If there is any further information you desire, please do not hesitate to contact me.

Sincerely,

WALTER D. HARRIS,
Congressional Liaison Officer.

Mr. SYMINGTON. Now, Mr. President, I should like to ask the able chairman just what is the status of the administration's rate proposal based on the subject I discussed with him earlier this afternoon.

Mr. McGEE. The rate proposal was voted down earlier this evening by this body and, therefore, would not be a pending matter this year.

I hasten to add that if the postal reform bill passes the Congress and is signed by the President, under the pending legislation of the committee, the new Rate Commission would put it up to the next body to have some jurisdiction in that field, and the Senate is passing along words of counsel in the hope that they will exercise, through their judgment, a spirit of equity in the allowance. But nothing this year. We just voted down the administration's rate proposal.

Mr. SYMINGTON. I thank my able friend. As I understand it, I can say to my distinguished constituent that he has nothing to worry about, at least at this time. If there are further developments, he will have an opportunity to present his position to the chairman and the committee or possibly to a new rate commission under the pending legislation.

Mr. McGEE. The Senator can even say that single-handedly he struck that blow by his vote this evening.

Mr. SYMINGTON. I thank my friend from Wyoming for his kind observation.

May I thank the senior Senator from Washington (Mr. MAGNUSON) for his typically gracious courtesy in this particular instance. [Laughter.]

Mr. MAGNUSON. Mr. President, I call up my amendment now at the desk and ask that reading of the amendment be dispensed with because I can explain it in a few minutes.

XUM

The PRESIDING OFFICER (Mr. DOMINICK). Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The text of the amendment offered by the Senator from Washington is as follows:

§ 3109. Shipment of Unordered Merchandise

(a) Except for (1) free samples clearly and conspicuously marked as such, and (2) merchandise shipped by a charitable organization soliciting contributions, shipment of unordered merchandise or sending of communications prohibited by subsection (c) of this section constitutes an unfair method of competition and an unfair trade practice in violation of Section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)).

(b) Any merchandise shipped in violation of subsection (a) of this section, or within the exceptions contained therein, may be treated as a gift by the recipient, who shall have the right to retain, use, discard or dispose of it in any manner he sees fit without any obligation whatsoever to the sender; and all such merchandise shall have attached to it a clear and conspicuous statement informing the recipient that he may treat the merchandise as a gift to him and has the right to retain, use, discard or dispose of it in any manner he sees fit without any obligation whatsoever to the sender.

(c) No sender of any merchandise shipped in violation of subsection (a) of this section or within the exceptions contained therein, shall send any recipient of such merchandise a bill for such merchandise or any dunning communications.

(d) For the purposes of this section, "unordered merchandise" means merchandise shipped without the prior expressed request or consent of the recipient.

Mr. MAGNUSON. Mr. President, this is an amendment which will provide that unsolicited merchandise shipped to consumers through the mails be considered a gift to the recipient.

Fifteen States have now moved to bring under control the unconscionable practice of persons who ship unordered merchandise to consumers and then trick or bully them into paying for it.

The very first volume, amazingly, of Federal Trade Commission's published decisions in 1918, dealt with this very practice. Yet, nothing has been done about it up to date.

Throughout the years, however, the Federal Trade Commission has brought one case after another before it, because they had to bring in individual cases in order to try to stop the practice on a case-by-case basis, involving automobile accessories, books, reading cards, advertisements, novelty merchandise, photographs, vitamins, pharmaceuticals, and stamps.

The victims of the practices, though mainly consumers, have also been small businessmen who have invariably been sent unsolicited merchandise accompanied by deceitful high-pressure collection techniques, including promises of legal retribution and veiled threats to the credit reputation of the consumer.

As with many consumer frauds, the burden most often falls heaviest upon minors, the poor, the aged, those who are the most vulnerable to this predatory collection technique, in which invariably the reception in sending unordered merchandise lies in the ability of the seller to convince an unsuspecting consumer that he is obligated to purchase or return the merchandise. The consumer, even where he is not specifically told that he has an obligation to pay for the unsolicited merchandise, assumes that he must do so or return it, and rather than go to the trouble of shipping the items back and answering dunning letters, many consumers just go ahead and pay. Usually they are small amounts, but often of consequence to those consumers.

Mr. President, I am offering my amendment to prohibit that practice. It is based upon a succession of rules proposed by the Federal Trade Commission on which, apparently, no action has been taken to date.

I believe that now is the time to put this in the bill.

I do not believe there is a person within the sound of my voice that has not had this happen to them personally at one time or another.

Mr. PASTORE. I want to congratulate the Senator from Washington for what I think is an excellent amendment. This is what bothers me about it, and I would hope that my distinguished colleague from Washington would find it so, that we are working, as I understand it, on a substitute bill, and the committee is going to move to repeal the substitute and then work on the committee bill. If we put this on the substitute, in the process we may lose the effectiveness of the amendment. This is a good amendment.

I am asking the question, as I see the Senator from Hawaii (Mr. FONG) is in the Chamber, if we pass this amendment at this time, it will be affixed to the substitute bill, and I understand that the Senator from Hawaii and the manager of the bill wish to defeat the substitute bill and vote on the Senate bill——

Mr. FONG. That is true.

Mr. PASTORE. Then, how do we go about putting this on the real bill?

Mr. MAGNUSON. I have gathered a lot of parliamentary information here tonight, some official and some unofficial, and I am in a position to say that if this carries now on the substitute bill, and the substitute carries, I have got it in the bill just the same. If the substitute is defeated, we can present it, then, to the bill; whereas, if I presented it now and the substitute is carried, we would be foreclosed.

Mr. PASTORE. I would hope that the Senator from Washington would renew it in case the substitute is defeated.

Mr. MAGNUSON. I will be glad to do so.

This is something that people within the sound of my voice, here, up there in the gallery, and everywhere else, has had happen to them.

Mr. FULBRIGHT. I agree with the Senator. I will support the amendment. I think everyone here will.

Mr. PASTORE. Will the Senator from Washington add my name as a cosponsor to his amendment?

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have added as cosponsors of my amendment, the following Senators: Senator HOLLINGS, Senator FULBRIGHT, Senator YARBOROUGH, Senator PASTORE, Senator BELLMON, and Senator DOMINICK.

The PRESIDING OFFICER (Mr. DOMINICK). Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, will the Senator from Tennessee accept the amendment?

Mr. BAKER. I am happy to accept it.

Mr. MAGNUSON. I thank the Senator, and if the amendment is defeated at this time, I shall offer it again.

The PRESIDING OFFICER (Mr. DOMINICK). The question is on agreeing to the amendment of the Senator from Washington.

The amendment was agreed to.

Mr. JAVITS. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. DOMINICK). The Senate will be in order.

The question occurs on the amendment of the Senator from New York which has already been stated.

Mr. JAVITS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. DOMINICK). Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The amendment ordered to be printed in the RECORD reads as follows:

Strike out chapter 12 of title 39 and insert in lieu thereof the following:

"CHAPTER 12.—RATES AND RATEMAKING

"Sec.
"1201. Authority.
"1202. Postal Rate Board.
"1203. Public service cost.
"1204. Rates and classes of mail.
"1205. Temporary changes in rates and classes.
"1206. Postal services.
"1207. Rate and service complaints.
"1208. Size and weight limits.
"1208A. Uniform rates for books, films, and other materials.
"1209. Limitations.
"1210. Special postal appropriation.
"1211. Mail matter for the blind.

"§ 1201. Authority.

"Except as otherwise provided, the Presidentially appointed Commissioners are authorized to establish reasonable and equitable classes of mail and reasonable and equitable rates of postage and fees for postal service in accordance with the provisions of this chapter.

"§ 1202. Postal Rate Board

"(a) There is established as an independent expert body within the Postal Service a Postal Rate Board composed of 5 members appointed by the President, by and with the advice and consent of the Senate, not more than 3 of whom may be adherents of the same political party and 1 of whom shall be designated as Chairman and shall serve in the position of Chairman at the pleasure of the President. The members shall be chosen only on the basis of their professional qualifications, shall be covered into the competitive service under title 5 without examination, and may be removed only in accordance with the procedures established under section 7521 of such title.

"(b) The members shall serve for terms of 6 years except that—

"(1) the terms of the members first taking office shall expire as designated by the President at the time of appointment, 1 at the end of 2 years, 2 at the end of 4 years, and 2 at the end of 6 years, following their appointment; and

"(2) any such member appointed to fill a vacancy occurring before the expiration of

XUM

the term for which his predecessor was appointed shall serve for the remainder of such term.

"(c) The members may obtain such facilities and supplies, and appoint and fix the compensation of such officers and employees, as may be necessary to permit the Board to carry out its functions. The officers and employees so appointed (1) shall be paid at rates of compensation and shall be entitled to programs offering employee benefits, established under chapter 2 of this title, and (2) shall be responsible solely to the members. The cost of the facilities and supplies, compensation, and employee benefits shall be paid out of general funds available for the operation of the Postal Service. The members shall consult with the Presidentially appointed Commissioners of the Commission from time to time to insure that appointments and expenses made and incurred by the Board are necessary and in the public interest.

"(d) The members shall promulgate rules and regulations and establish procedures, subject to chapters 5 and 7 of title 5, and take any other action they deem necessary and proper to carry out their functions and obligations to the Government of the United States and the people as prescribed under this chapter. Such rules, regulations, procedures, and actions shall not be subject to any change or supervision by the Commission.

"(e) The Chairman of the Board shall have the administrative responsibility for assigning the business of the Board to the other members and to the officers and employees of the Board. All final acts of the members shall be by a vote of an absolute majority thereof.

"§ 1203. Public service cost

"(a) Each year the Commission shall estimate—

"(1) the total costs including a reasonable reserve for contingencies and depreciation on capital assets that the Postal Service will incur during the next fiscal year; and

"(2) the total income and appropriations (other than amounts appropriated under subsection (b) of this section) to be received by or accrued to the Postal Service during the same fiscal year.

The Board shall then reduce its estimate of total costs determined under clause (1) of this subsection by an amount equal to the lesser of 10 percent of such costs or 10 percent of the sum appropriated to the Post Office Department by Act of Congress for its use in fiscal year 1971 (other than the sum so appropriated for capital improvements), which amount shall be considered the public service cost of operating the Postal Service.

"(b) There are authorized to be appropriated to the Postal Service each year the amount of the public service cost determined under subsection (a) of this section.

"§ 1204. Rates and classes of mail

"(a) Within 2 years after the effective date of this chapter, the presidentially appointed Commissioners shall establish a mail classification schedule in accordance with the provisions of this section.

"(b) The Board shall make a recommended decision on establishing or changing the schedule in accordance with the postal policy in section 101 of the Postal Reorganization and Salary Adjustment Act of 1970 and the following factors:

"(1) the establishment and maintenance of a fair and equitable classification system for all mail;

"(2) the relative value to the people of the kinds of mail matter entered into the postal system and the desirability and justification for special classifications and services of mail;

"(3) the importance of providing classifications with extremely high degrees of reliability and speed of delivery;

"(4) the importance of providing classifications which do not require an extremely high degree of reliability and speed of delivery;

"(5) the desirability of special classifications from the point of view of both the user and of the Postal Service; and

"(6) such other factors as the Board may deem appropriate.

"(c) The Postal Service shall maintain one or more classes of mail for the transmission of letters sealed against inspection. The rate for each such class shall be uniform throughout the United States, its territories, and possessions. One such class shall provide for the most expeditious handling and transportation afforded mail matter by the Postal Service. No letter of such a class of domestic origin sealed shall be opened except under authority of a search warrant authorized by law, or by an officer or employee of the Postal Service for the sole purpose of determining an address at which the letter can be delivered, or pursuant to the authorization of the addressee.

"(d) Following the establishment of a mail classification schedule under subsection (a) of this section, the Commission may from time to time request that the Board submit a recommended decision on changes in the mail classification schedule.

"(e) From time to time but not less than once every 2 years, the Commission shall request that the Board submit a recommended decision on changes in postal rates and fees if the estimated income and appropriations, determined under clause (2) of section 1203(a) of this title, are significantly different from the estimated costs reduced by the amount of the public service cost, as determined under such section or if the Commission determines that such change would be in the public interest and in accordance with the policy objectives of this title. The Commission shall notify the Board of the amount of the difference, if any, and request that the Board prepare and recommend a decision to it on such changes in rates of postage, and such changes in rates and fees for postal services, as it may determine to be required to yield estimated income and appropriations as determined under such clause which will equal as nearly as possible the total estimated costs as reduced. To the extent that Congress may fail to make available to the Postal Service all of the funds authorized to be appropriated under this title, the Board shall be requested to prepare and recommend a decision on such changes in rates of postage and rates and fees for postal services as it may determine to be required to yield estimated income which will, as nearly as possible, equal the deficiency. The Commission may submit suggestions for rate adjustments which it deems suitable.

"(f) The Board shall promptly consider a request to establish a mail classification schedule or a request made under subsection (d) or (e), except that the Board shall not recommend a decision until the opportunity for a hearing on the record pursuant to sections 556 and 557 of title 5 has been accorded to the Commission, users of the mails, and an officer of the Board who shall be required to represent the interests of the general public. In order to conduct their proceedings with utmost expedition consistent with procedural fairness to the parties, the Board may (without limitation) adopt rules which provide for—

"(1) the advance submission of written direct testimony;

"(2) the conduct of prehearing conferences to define issues, and for other purposes to insure orderly and expeditious proceedings;

"(3) discovery both from the Postal Service and the parties to the proceedings;

"(4) limitation of testimony; and

"(5) the conduct of the entire proceedings off the record with the consent of the parties.

"(g) The Board shall recommend a decision to the Commission on changes in rates of postage and fees for postal services to provide sufficient revenue so that total estimated income and appropriations will equal as nearly as possible estimated total costs. The Board shall make a recommended decision for changes in rates or fees in each class of mail or type of service, other than those for which appropriations are provided in section 1210 of this title, in accordance with the postal policy of section 101 of the Postal Reorganization and Salary Adjustment Act of 1970 and the following factors:

"(1) the establishment and maintenance of a fair and equitable schedule;

"(2) the value of the mail service actually provided each class or type of mail service to both the sender and the recipient, including but not limited to the collection, mode of transportation, and priority of delivery;

"(3) operating costs, the amount of overhead, and other institutional costs of the Postal Service properly assignable to each class of mail or type of mail service;

"(4) the effect of rate increases upon the general public, business mail users, and enterprises in the private sector of the economy engaged in the delivery of mail matter other than letters;

"(5) the available alternative means of sending and receiving letters and other mail matter at reasonable costs;

"(6) the degree of preparation of mail for delivery into the postal system performed by the mailer and its effect upon reducing costs to the Postal Service;

"(7) simplicity of structure for the entire schedule and simple, identifiable relationships between the rates or fees charged the various classes of mail for postal services; and

"(8) such other factors as the Board deems appropriate.

"(h)(1) The Board shall transmit its recommended decision in a rate, fee, or classification matter to the presidentially appointed Commissioners, who may approve, modify, or reject the recommendation in accordance with the provisions of this section. The recommended decision shall include a statement specifically responsive to the criteria established under subsection (b) or (g) of this section as appropriate.

"(2) If the presidentially appointed Commissioners reject the recommended decision of the Board, the Commission may resubmit its request to the Board for reconsideration. Upon resubmission the request shall be considered, and a further recommended decision of the Board shall be acted upon and subject to review in accordance with the provisions of this subsection relating to original requests for recommended decisions of the Board, except that, with the unanimous written concurrence of all of the presidentially appointed Commissioners then holding office, those Commissioners may modify any such further recommended decision of the Board if those Commissioners expressly find that (A) such modification is in accord with the record and the policies of this chapter, and (B) the rates recommended by the Board are not adequate to provide sufficient total revenues as described under subsection (g) of this section.

"(3) The presidentially appointed Commissioners may, under protest, allow a recommendation of the Board to take effect and (A) seek judicial review thereof under paragraph (5) of this subsection, or (B) return the recommended decision to the Board for reconsideration and a further recommended decision, which shall be acted upon subject to review in accordance with this subsection relating to original requests for recommended decisions of the Board.

"(4) The decision of the presidentially

appointed Commissioners to approve, modify, or reject a recommended decision of the Board shall be in writing, and shall include an estimate of anticipated revenue and a statement of explanation and justification. The decision, the record of the Board's hearings, and the Board's recommended decision shall be made generally available at the time the decision is issued and shall be printed and made available for sale by the Public Printer within 10 days following the day the decision is issued.

"(5) A decision of the presidentially appointed Commissioners to approve or modify the recommended decision may be appealed within 15 days of its publication by an aggrieved party who appeared in the proceedings pursuant to subsection (b) of this section to the United States Court of Appeals for the District of Columbia Circuit. The court shall review the decision, in accordance with section 706 of title 5, and chapter 158 and section 2112 of title 28, except as otherwise provided in this section, on the basis of the record before the Board and the presidentially appointed Commissioners. The court may affirm the decision or order that the entire matter be returned to the Board for further consideration, but the court may not modify the decision. The court shall make the matter a preferred cause and shall expedite judgment in every way. The court may not suspend the effectiveness of the changes, or otherwise prevent them from taking effect until final disposition of the suit by the court. No court shall have jurisdiction to review a decision made by the Board or Commission under this chapter except as provided in this subsection.

"(6) The Commission shall determine the date which the new rates, fees, the mail classification schedule, and changes in such schedule shall become effective.

"(1) If the rates of postage for the classes of mail or kinds of mailers under former sections 4358, 4359, 4421, 4422, 4452, or 4554 of this title, as such rates existed on the effective date of this section, are on the effective date of the first rate decision by the presidentially appointed Commissioners less than the rates established by their decision, they shall, notwithstanding the provisions of this chapter, adopt a separate schedule of rates for each class of mail or mailers effective each time rates are established or changed under this chapter, with annual increases as nearly equal as practicable, so that—

"(1) the rates for mail under former sections 4358, 4452(b), and 4554 (b) and (c) shall be equal, beginning on the first day of the tenth year following such effective date, to the regular rates that would have been in effect for such mail if this subsection had not been enacted; and

"(2) the rates for mail under section 4359, 4421, 4422, 4452(a), and 4554(a) shall be equal, beginning on the first day of the fifth year following such effective date, to the regular rates that would have been in effect for such mail if this subsection had not been enacted.

"§ 1205. Temporary changes in rates and classes

"(a) If the Board does not transmit to the presidentially appointed commissioners within 90 days after the Commission has submitted or within 30 days after the Commission has resubmitted to the Board a request for a recommended decision on a change in rates of postage or in rates or fees for postal services, or on a change in the mail classification schedule (after such schedule is established under section 1204 of this title, the Commission, upon 10 days' notice in the Federal Register, may place into effect temporarily changes in rates of postage, in rates or fees for postal service, or in the mail classification schedule it considers appropriate to carry out the provisions of this title. Any temporary change shall be effective for a period ending not later than 30 days after the Commission has transmitted its recommended decision to the Board.

"(b) If, pursuant to section 1204(h) of this title, a court orders a matter returned to the Board for further consideration the Commission, with the consent of the Board, may place into effect temporary changes in rates of postage or in rates and fees for postal services or in the mail classification schedule.

"§ 1206. Postal services

"(a) When the Commission determines that there should be a change in the nature of postal services which will have a general effect of reducing service on a nationwide or substantially nationwide basis, it shall submit a proposal for such changes to the Board for its decision.

"(b) The Board shall not make or issue its decision on any proposal until an opportunity for hearing on the record under sections 556 and 557 of title 5 has been accorded to the Commission, users of the mail, and an officer of the Board who shall be required to represent the interests of the general public. The decision shall be in writing and shall include a certification by each member of the Board agreeing with the decision that in his judgment the decision conforms to the policy established under section 101 of the Postal Reorganization and Salary Adjustment Act of 1970.

"(c) The decision of the Board shall be binding on the Postal Service for a period of 2 years.

"(d) Whenever the Commission finds that an emergency exists which does not permit sufficient time for the procedures prescribed in subsections (a) and (b) of this section, it may contemporaneously with or subsequent to submitting the proposed change to the Board, put such change in effect. A change adopted under this subsection shall conform to such postal policy and shall remain in effect until proceedings under subsections (a) and (b) of this section have been completed or for such shorter period as the Commission may fix.

"(e) Interested parties who believe the Postal Service is not conforming to the policies of this title may file a complaint with the Board. If the Board determines that the complaint is valid, it shall recommend that the Commission make an appropriate change.

"§ 1207. Rate and service complaints

"Interested parties who believe the Postal Service is charging rates which do not conform to the policies set out in this title or who believe that they are not receiving postal service in accordance with the policies of this title may lodge a complaint with the Board in such form and in such manner as it may prescribe. The Board may in its discretion hold hearings on such complaint. If the Board, in a matter covered by section 1204 of this title, determines the complaint to be justified it shall, after proceedings in conformity with section 1204(f) of this title, issue a recommended decision which shall be acted upon and subject to review in accordance with the provisions of section 1204(h) of this title relating to original requests for recommended decisions of the Board. If a matter not covered by section 1204 of this title is involved, and the Board after hearing finds the complaint to be justified, it shall render a public report thereon to the Commission which shall take such action as it deems appropriate.

"§ 1208. Size and weight limits

"(a) Except as provided in subsection (b) of this section—

"(1) the maximum weight of mail other than letter mail is 40 pounds; and

"(2) the maximum size is—

"(A) 78 inches in girth and length combined before July 1, 1971; and

"(B) 84 inches in girth and length combined on or after July 1, 1971.

"(b) The maximum size on mail, other than letter mail, is 100 inches in girth and length combined, and the maximum weight is 70 pounds if the mail—

"(1) is mailed at, or addressed for delivery at, other than first-class post offices or on rural or star routes, as such offices and routes existed on the day prior to the effective date of this section, as determined by the Board of Governors;

"(2) contains baby fowl, live plants, trees, shrubs, or agricultural commodities but not the manufactured products of those commodities;

"(3) was mailed under section 4554 of this title, as such section existed on the day prior to the effective date of this section;

"(4) is addressed to or mailed at any Armed Forces post office outside the 50 States; and

"(5) is addressed to or mailed in the Commonwealth of Puerto Rico, the States of Alaska and Hawaii, or a possession of the United States including the Canal Zone and the Trust Territory of the Pacific Islands.

"(c) The Commission may establish size and weight limitations for letter mail in the same manner as prescribed for changes in classification under section 1204 of this title.

"§ 1208A. Uniform rates for books, films, and other materials

Notwithstanding any other provision of this title, the rates of postage on those items enumerated in former section 4554 of this title shall be uniform for parcels of the same weight, and shall not be based on zones or otherwise vary with the destination of the parcel.

"§ 1209. Limitations

"No provision of this chapter shall be construed to give authority to the Presidentially appointed Commissioners to make any change in any provision of section 1208 or 1211 or chapter 6 of this title, or of the Federal Voting Assistance Act of 1955.

"§ 1210. Special postal appropriation

"There are authorized to be appropriated to the Postal Service each year a sum for each year equal to the difference between the revenues the Postal Service would have received if sections 652, 668, 669, 1204(i), 1209, and 1211 of this title had not been enacted and the estimated revenues to be received on mail carried under such sections.

"§ 1211 Matter for blind and other handicapped persons

"(a) The matter described in subsection (b) of this section (other than matter mailed under subsection (c) of this section may be mailed free of postage, if—

"(1) the matter is for the use of the blind or other persons who cannot use or read conventionally printed material because of a physical impairment who are certified by competent authority as unable to read normal reading material in accordance with the provisions of the first section of the Act of July 30, 1966 (Public Law 89–522; 80 Stat. 330);

"(2) no charge, or rental, subscription, or other fee, is required for such matter or a charge, or rental, subscription, or other fee is required for such matter not in excess of the cost thereof;

"(3) the matter may be opened by the Commission for inspection; and

"(4) the matter contains no advertising.

"(b) The free mailing privilege provided by subsection (a) of this section is extended to—

"(1) reading matter and musical scores;

"(2) sound reproductions;

"(3) paper, records, tapes, and other material for the production of reading matter, musical scores, or sound reproductions;

"(4) reproducers or parts thereof, for sound reproductions; and

"(5) braille writers, typewriters, educational or other materials or devices, or parts thereof, used for writing by, or specifically designed or adapted for use of, a blind person or a person having a physical impairment as described in subsection (a)(1) of this section.

"(c) Unsealed letters sent by a blind person or a person having a physical impairment, as described in section 1211(a)(1) of this title, in raised characters or sightsaving type, or in the form of sound recordings, may be mailed free of postage.

"(d) All matter relating to blind or other handicapped persons mailed under subsection (a), (b), or (c) of this section, shall bear the words 'Free Matter for the Blind or Handicapped', or words to that effect specified by the Commission, in the upper right-hand corner of the address area.

Mr. JAVITS. Mr. President, if Senators will give me their attention again, I will try to save time.

What I am doing is substituting in the substitute bill the Senate ratemaking plan for the House ratemaking plan.

I repeat that. I am trying to insert in the substitute offered by the Senator from Tennessee the Senate ratemaking plan rather than the House ratemaking plan.

The fundamental reason—which any Senator can read in the committee report, and I might say incidentally that the committee did a splendid job on this—appears on pages 10 to 17.

Mr. President, what this does is to establish the businesslike quality of the postal service. The other body has chosen to utilize various business procedures. But in the final analysis, it has left the rates subject to veto by Congress.

It is like logrolling in the old days of the tariff. That is what we have involved in the postal bill. We have all kinds of things going on with respect to ratemaking.

Personally, I believe that one of the big strengths of the Senate bill is in the ratemaking provision. For people like me, there is a good deal in each of the bills that is very commendable. And in the Senate bill the ratemaking provisions are most commendable.

The essential element, as I have explained, is that we do not have a congressional veto. It becomes a businesslike proposition in the Senate bill.

The Senate bill does provide for a 10-year phaseout of special concessions with regard to postal rates. And in addition it now has in it my amendment and the Mansfield amendment which continues particular benefits which go to books and small newspapers.

That is the explanation. It is generic in its concept.

I hope very much that the Senate, and indeed the sponsor of the substitute, will look upon it favorably.

If the substitute is agreed to, then the ratemaking provision would be in conference. The House provision would be before the conference, as would be the measure offered by the Senator from Tennessee.

Mr. BAKER. Mr. President, I feel that the amendment offered by the distinguished senior Senator from New York has merit. As sponsor of the substitute, I am willing to accept it.

Mr. JAVITS. Mr. President, I thank the Senator from Tennessee.

XUM

Mr. BAKER. Mr. President, I think the situation is such that it necessarily creates greater autonomy in the plan for postal reformation. I think it adds materially to our prospects for accomplishing that.

I accept the amendment.

The PRESIDING OFFICER (Mr. Cotton). Do the Senators yield back their time?

Mr. DOMINICK. Mr. President, may I ask if this has anything to do with the rates which are established for air service which, as I understand it, has one portion under the CAB and another portion is reserved to another body.

Frankly, I do not know the answer.

Mr. JAVITS. Mr. President, there is a section in the committee report on that. However, if the Senator from Wyoming (Mr. McGee), who is an encyclopedia of knowledge on this subject, would answer the question, I would greatly appreciate it.

Mr. McGEE. What was the question of the Senator?

Mr. JAVITS. The Senator asks concerning the situation with respect to jurisdiction over air carriers and carriers of mail. He says that he thinks there is a different provision in the House bill than in our bill.

Mr. McGEE. Mr. President, that is not germane to the Senator's ratemaking section. That is in the transportation section.

Mr. DOMINICK. Mr. President, that is all I need to know. I thank the Senator.

Mr. JAVITS. Mr. President, I yield back the remainder of my time.

Mr. BAKER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Cotton). The question is on agreeing to the amendment of the Senator from New York to the amendment of the Senator from Tennessee.

The amendment was agreed to.

Mr. McGEE. Mr. President, what is the parliamentary situation in respect to the substitute of the Senator from Tennessee?

The PRESIDING OFFICER (Mr. Cotton). The question now recurs on the amendment of the Senator from Tennessee.

Mr. McGEE. What is the time situation?

The PRESIDING OFFICER. All time has expired. On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. McGEE. Mr. President, I move to table the pending amendment in the light of the debate here this evening that the Senate has had on the various attempted amendments.

Mr. YARBOROUGH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. YARBOROUGH. Mr. President, if the motion to table fails, would the amendment then be open to further amendment?

The PRESIDING OFFICER (Mr. Cotton). It would be open to further amendment.

All time having expired, the question is on the motion of the Senator from Wyoming to table the substitute amendment of the Senator from Tennessee as amended.

Mr. BAKER. Mr. President, the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Cotton). The clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. Dodd), the Senator from Florida (Mr. Holland), the Senator from Hawaii (Mr. Inouye), the Senator from Louisiana (Mr. Long), the Senator from Montana (Mr. Metcalf), the Senator from Wisconsin (Mr. Nelson), the Senator from Georgia (Mr. Russell), and the Senator from Maryland (Mr. Tydings) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mr. Holland) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Illinois (Mr. Percy) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from South Dakota (Mr. Mundt) and the Senator from Illinois (Mr. Percy) would each vote "nay."

The result was announced—yeas 47, nays 43, as follows:

[No. 201 Leg.]

YEAS—47

Anderson
Bayh
Bible
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Church
Cranston
Eagleton
Ellender
Ervin
Fong
Fulbright
Gore
Harris
Hart
Hartke
Hollings
Hughes
Jackson
Jordan, N.C.
Kennedy
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Pastore
Pell
Proxmire
Randolph
Ribicoff
Scott
Spong
Stevens
Symington
Talmadge
Williams, N.J.
Yarborough
Young, Ohio

NAYS—43

Aiken
Allen
Allott
Baker
Bellmon
Bennett
Brooke
Case
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Fannin
Goldwater
Goodell
Gravel
Griffin
Gurney
Hansen
Hatfield
Hruska
Javits
Jordan, Idaho
Mathias
McClellan
Miller
Murphy
Packwood
Pearson
Prouty
Saxbe
Schweiker
Smith, Maine
Smith, Ill.
Sparkman
Stennis
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NOT VOTING—10

Dodd
Holland
Inouye
Long
Metcalf
Mundt
Nelson
Percy
Russell
Tydings

So, Mr. McGee's motion to lay on the table Mr. Baker's substitute amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question now recurs on the committee amendment as amended.

Mr. DOMINICK. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Colorado will be stated.

The bill clerk read the amendment, as follows:

On page 246, line 26, strike out "once".

On page 247, beginning with the period on line 2, strike out everything through line 6, and insert in lieu thereof the following: ", without advertising."

Mr. DOMINICK. Mr. President, if I may have the attention of Senators——

The PRESIDING OFFICER. Does the Senator request that the amendments be considered en bloc?

Mr. DOMINICK. Yes.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. DOMINICK. Mr. President, my explanation will not take long. I shall take only about 5 minutes. I have sent a copy of the amendment to the Senator from Wyoming (Mr. McGEE).

On page 246 of the proposed bill is the section dealing with star contracts, and the provision, as it is now written, provides that there cannot be more than one term of renewal under a star contract without going back to competitive bidding.

In my State—and I would presume this is true in many others—a star route requires a great deal of investment in supplies, equipment, personnel, and so forth. Prior to this time there have been no provisions for competitive bidding. I have provided that renewal can be had by negotiation at the end of each 4- or 6-year term, on the assumption that more than 4 additional years will be needed in order to repay the investment.

If I may have the attention of my friend from Wyoming, in the event he believes this provision is too wide open—and it is possible he may—I am willing to provide that every 8 years it will be subject to negotiation, instead of just striking it out entirely; but I think we should have more than a 4-year term, which is why I have brought this amendment up.

Mr. McGEE. Mr. President, the Senator from Wyoming will respond, after conference with the ranking minority member of the committee, that in view of the nature of the language, we can accept it without doing any violence to the intent. It is a refinement in the intent of the legislation, and we are willing to accept it.

Mr. DOMINICK. I thank the Senator from Wyoming.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado. Does the Senator yield back his time?

Mr. DOMINICK. I yield back my time.

The PRESIDING OFFICER. Does the Senator from Wyoming yield back his time?

Mr. McGEE. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

PORNOGRAPHIC AND OBSCENE MAIL ADVERTISEMENTS MUST BE HALTED

Mr. HATFIELD. Mr. President, last evening, I was pleased to join as a cosponsor of an amendment to the postal reform bill designed to halt the mailing of obscene mail advertisements into our homes.

The Senator from Arizona adopted an approach which I believe is within constitutional limits and will protect those many people who are appalled at the smut entering their homes in an increasing amount.

Mr. President, the amendment allows people to place their names and the names of their children on a list kept by the Post Office Department. A smut peddler who sends offensive material to someone on the list could be subjected to civil and criminal sanctions.

As Chief Justice Burger stated in a recent unanimous Supreme Court decision:

> We therefore categorically reject the argument that a vendor has a right under the Constitution or otherwise to send unwanted material into the home of another.

I agree heartily with the Chief Justice. I have four young children, and I certainly will put my name and those of my family on file with the Post Office. Many Oregonians will do the same.

It should be noted that the freedom of speech and the press is not abridged. Those who wish to continue to receive these ads may do so. Those of us, however, who are disgusted and appalled by these ads are protected and our children are protected.

I certainly was pleased that the Senate addressed itself in such a direct manner to this problem. It will renew faith in my State, and around the country, that these obscene and pornographic advertising solicitations can be stopped and will be stopped.

Mr. President, at this point, I ask unanimous consent that my recent statement on pornography appear in the RECORD, followed by Postmaster General Blount's statement in March 1970, and concluding with the text of the amendment we passed last evening.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MARK O. HATFIELD ON PORNOGRAPHY

Last year the Post Office Department received over 200,000 complaints regarding unsolicited obscene commercial material which had been sent through the mails. It is estimated that there are some 20 million pieces of smut mailed annually within the United States. Dealers in pornography are spured by a desire for huge profits. These peddlers are aware that these profits increase in direct proportion to the degree of prurient interest appeals that can be injected into their material. The operation of one dealer alone has resulted in 100,000 complaints in the last 4 years. Some persons have received as many as 30 unsolicited sordid mailings. The mailers respect no bounds of discrimination when sending material—no one is exempt. At present, the only tool the Post Office has to shield addressees from unsolicited and unwanted advertisements is the willing compliance of the dealers to remove names from their mailing lists. If the companies choose to ignore the directive requesting removal of a name, this becomes an ineffective tool.

In the name of increasing social acceptance and relevance, movies, books, plays and magazines are also becoming increasingly lewd, revealing, and objectionable. It would appear that the problem of dealing with the different media should be dealt with through the exercise of Federal power; but coequally, attention must be given to the important role of State and local government.

The main problem has always been—and continues to be—regardless of one's own feelings, a definition of pornography not in conflict with constitutional freedom guarantees. A law hastily established and enacted could be overturned by the courts and leave us facing the same problems over and over. Although there has been legislation offered to Congress that has much merit, I do not feel that any introduced at this time truly solves this complex problem facing our society today.

To help combat the situation, a Commission on Pornography and Obscenity has been authorized by Congress. The Commission, after a thorough study, is to try to untangle the current snarl of vague and conflicting laws covering the sale of smutty books, exhibition of erotic movies, and distribution of other sex-angled items. The Commission will also study the effects of obscenity and pornography on the public, particularly minors, and their relationship to crime and other antisocial behavior. The Commission, after study and evaluation, will recommend model national and state laws to Congress.

Because I feel very strongly about protecting the innocent citizens who are repulsed by much of the material surrounding us today—and who find the material obscene in every aspect—I shall follow the progress of the Commission closely and study carefully all recommendations and suggestions. As a Member of Congress, as a citizen, and as a parent of four children I am extremely concerned and anxious to promote legislation that defends the rights of all citiezns—legislation that will outline strong decisive guidelines and stand up in any court at any time.

POST OFFICE PRESS RELEASE OF MARCH 12, 1970

The Administration's campaign to curb the flow of mail order pornography is beginning to show promising results, Postmaster General Winton M. Blount announced today.

"Working closely with the Justice Department, Chief Postal Inspector William J. Cotter and his men have scored significant successes against a cadre of the nation's larger distributors whose mailings of sexually-oriented materials have prompted about 90 percent of all public complaints. Convictions have been won against four of these dealers and Federal prosecution is underway against the remainder," Mr. Blount said.

In all, during the last six months of 1969, there have been 29 Federal indictments—almost double the 15 indictments obtained during the same period in 1968. Sixteen additional cases have been formally presented to United States Attorneys for possible prosecution.

Mr. Blount had special praise for the vigorous support of Attorney General John N. Mitchell and the Justice Department in instituting criminal action against smut peddlers. He noted that the average lapse of time between presentation of evidence to U.S. Attorneys and the commencement of prosecutive action had been reduced to less than one-third the time formerly required—from about 12 weeks at the beginning of 1969 to less than four weeks during the last six months of the year.

The Postmaster General also pointed to signs of a less permissive attitude by the courts as reason to believe "the tide at last is turning against the nation's smut dealers." He cited a number of recent cases in which the Supreme Court has refused to disturb lower court convictions as encouraging signs that as future cases move through the courts, convictions will ensue and will be upheld.

"Some obscenity dealers obviously are beginning to get the message that this Administration means business," Mr. Blount said. "For example, a California dealer recently decided it would be wise to fold up his mail order operations. Following his conviction, he agreed to the closure of his post office boxes and surrendered huge volumes of advertising materials and mailing lists. Other dealers, facing similar charges, are indicating they may follow suit."

As an example of the Government's stepped-up activity against obscenity dealers, Mr. Blount said re-indictments are being brought against mail order dealers who fail to curtail their mailings even after their initial indictment and arrest.

The Postmaster General noted that a large nationwide dealer operating out of Philadelphia, Pa., continued his mail order activities while awaiting trial. When a new indictment was returned on February 19, 1970, a search and seizure warrant was obtained from the U.S. District Court and served on the establishment. Thousands of mailing circulars, addressograph plates and other instruments were seized.

While the Government is cracking down on domestic smut peddlers, Mr. Blount said the foreign obscenity dealer is not escaping the attention of the Post Office Department. During 1969, about 250 Foreign Unlawful Orders were obtained against overseas-based pornography mailers, an increase of nearly 200 over the previous year. These orders forbid delivery of mail addressed to the foreign dealer or the payment of any money order addressed to him or his representative. All affected mail is returned to the sender stamped "Unlawful."

In making today's announcement, Mr. Blount again reminded mail patrons they can take steps to curb the flow of offensive sex-oriented advertisements into their homes under the provisions of the Pandering Advertisements Act that became effective in April 1968. This law provides that a person who receives through the mail a pandering advertisement for "erotically arousing or sexually provocative" material may obtain an order from the Post Office directing the mailer to stop sending him further materials.

Approximately 350,000 Prohibitory Orders have been issued against mailers at the request of postal patrons since the law went into effect. Leaflets containing the necessary forms for initiating such orders are available to the public at all local post offices.

AMENDMENT

On page 285, after line 7, insert a new section as follows:

"INVASION OF PRIVACY BY MAILING OF SEXUALLY ORIENTED ADVERTISEMENTS

"SEC. 14. (a) The Congress finds—

"(1) that the United States mails are being used for the indiscriminate dissemination of advertising matters so designed and so presented as to exploit sexual sensationalism for commercial gain;

"(2) that such matter is profoundly shocking and offensive to many persons who receive it, unsolicited, through the mails;

"(3) that such use of the mails constitutes a serious threat to the dignity and sanctity of the American home and subjects many persons to an unconscionable and unwarranted intrusion upon their fundamental personal right to privacy;

"(4) that such use of the mail reduces the ability of responsible parents to protect their minor children from exposure to material which they as parents believe to be harmful to the normal and healthy ethical, mental, and social development of their children; and

"(5) that the traffic in such offensive advertisements is so large that individual citizens will be helpless to protect their privacy or their families without stronger and more effective Federal controls over the mailing of such matter.

"(b) On the basis of such findings, the Congress determines that it is contrary to the public policy of the United States for the facilities and services of the United States Postal Service to be used for the distribution of such materials to persons who do not want their privacy invaded in this manner or to persons who wish to protect their minor children from exposure to such material.

"(c)(1) Chapter 31 of title 39, United States Code, as amended by this Act, is further amended by adding at the end thereof the following new sections:

" '§ 3109. Mailing of sexually oriented advertisements

" '(a) Any person who mails or causes to be mailed any sexually oriented advertisement shall place on the envelope or cover thereof his name and address as the sender thereof and such mark or notice as the Board of Governors may prescribe.

" '(b) Any person, on his own behalf or on the behalf of any of his children who has not attained the age of nineteen years and who resides with him or is under his care, custody, or supervision, may file with the Board a statement, in such form and manner as the Board may prescribe, that he desires to receive no sexually oriented advertisements through the mails. The Board shall maintain and keep current, insofar as practicable, a list of the names and addresses of such persons and shall make the list (including portions thereof or changes therein) available to any person, upon such reasonable terms and conditions as it may prescribe, including the payment of such service charge as it determines to be necessary to defray the cost of compiling and maintaining the list and making it available as provided in this sentence. No person shall mail or cause to be mailed any sexually oriented advertisement to any individual whose name and address has been on the list for more than thirty days.

" '(c) No person shall sell, lease, lend, exchange, or license the use of, or, except for the purpose expressly authorized by this section, use any mailing list compiled in whole or in part from the list maintained by the Board pursuant to this section.

" '(d) "Sexually oriented advertisement" means any advertisement that depicts, in actual or simulated form, or explicitly describes, in a predominantly sexual context, human genitalia, any act of natural or unnatural sexual intercourse, any act of sadism or masochism, or any other erotic subject directly related to the foregoing. Material otherwise within the definition of this subsection shall be deemed not to constitute a sexually oriented advertisement if it constitutes only a small and insignificant part of the whole of a single catalog, book, periodical, or other work the remainder of which is not primarily devoted to sexual matters.

" '§ 3110. Judicial enforcement

" '(a) Whenever the Board of Governors believes that any person is mailing or causing to be mailed any sexually oriented advertisement in violation of section 3109 of this title, it may request the Attorney General to commence a civil action against such person in a district court of the United States. Upon a finding by the court of a violation of that section, it may issue an order including one or more of the following provisions as the court deems just under the circumstances:

" '(1) a direction to the defendant to refrain from mailing any sexually oriented advertisement to a specific addressee, to any group of addressees, or to all persons;

" '(2) a direction to any postmaster to whom sexually oriented advertisements originating with such defendant are tendered for transmission through the mails to refuse to accept such advertisements for mailing; and

" '(3) a direction to any postmaster at the office at which registered or certified letters or other letters or mail arrive, addressed to the defendant or his representative, to return the registered or certified letters or other letters or mail to the sender appropriately marked as being in response to mail in violation of section 3109 of this title, after the defendant, or his representative, has been notified and given reasonable opportunity to examine such letters or mail and to obtain delivery of mail which is clearly not connected with activity alleged to be in violation of section 3109 of this title.

" '(b) The statement that remittances may be made to a person named in a sexually oriented advertisement is prima facie evidence that such named person is the principal, agent, or representative of the mailer for the receipt of remittances on his behalf. The court is not precluded from ascertaining the existence of the agency on the basis of any other evidence.

" '(c) In preparation for, or during the pendency of, a civil action under subsection (a) of this section, a district court of the United States, upon application therefor by the Attorney General and upon a showing of probable cause to believe the statute is being violated, may enter a temporary restraining order or preliminary injunction containing such terms as the court deems just, including, but not limited to, provisions enjoining the defendant from mailing any sexually oriented advertisement to any person or class of persons, directing any postmaster to refuse to accept such defendant's sexually oriented advertisements for mailing, and directing the detention of the defendant's incoming mail by any postmaster pending the conclusion of the judicial proceedings. Any action taken by a court under this subsection does not affect or determine any fact at issue in any other proceeding under this section.

" '(d) A civil action under this section may be brought in the judicial district in which the defendant resides, or has his principal place of business, or in any judicial district in which any sexually oriented advertisement mailed in violation of section 3109 has been delivered by mail according to the direction thereon.

" '(e) Nothing in this section or in section 3109 shall be construed as amending, preempting, limiting, modifying, or otherwise in any way affecting section 1461 or 1463 of title 18 or section 3106, 3107, or 3108 of this title.'

"(2) The table of contents of chapter 31 of such title is amended by adding at the end thereof the following new items:

" '3109. Mailing of sexually oriented advertisements.

" '3110. Judicial enforcement.'

"(d)(1) Chapter 93 of title 18, United States Code, relating to offenses against the postal service, is amended by adding at the end thereof the following new sections:

" '§ 1735. Sexually oriented advertisements

" '(a) Whoever—

" '(1) willfully uses the mails for the mailing, carriage in the mails, or delivery of any sexually oriented advertisement in violation of section 3109 of title 39, or willfully violates any regulation of the Board of Governors issued under such section; or

" '(2) sells, leases, rents, lends, exchanges, or licenses the use of, or except for the purpose expressly authorized by section 3109 of title 39, uses a mailing list maintained by the Board of Governors pursuant to such section;

shall be fined not more than $5,000 or imprisoned not more than five years, or both, for the first offense, and shall be fined not more than $10,000 or imprisoned not more than ten years, or both, for any second or subsequent offense.

" '(b) For the purposes of this section, the term "sexually oriented advertisement" shall have the same meaning as given it in section 3109(d) of title 39.

" '§ 1736. Restrictive use of information

" '(a) No information or evidence obtained by reason of compliance by a natural person with any provision of section 3109 of title 39, or regulations issued thereunder, shall, ex-

XUM

cept as provided in subsection (c) of this section, be used, directly or indirectly, as evidence against that person in a criminal proceeding.

"'(b) The fact of the performance of any act by an individual in compliance with any provisions of section 3109 of title 39, or regulations issued thereunder, shall not be deemed the admission of any fact, or otherwise be used, directly or indirectly, as evidence against that person in a criminal proceeding, except as provided in subsection (c) of this section.

"'(c) Subsections (a) and (b) of this section shall not preclude the use of any such information or evidence in a prosecution or other action under any applicable provision of law with respect to the furnishing of false information.

"'§ 1737 Manufacturer of sexually related mail matter

"'(a) Whoever shall print, reproduce, or manufacture any sexually related mail matter, intending or knowing that such matter will be deposited for mailing or delivery by mail in violation of section 3108 or 3109 of title 39, United States Code, or in violation of any regulation of the Board of Governors issued under such section, shall be fined not more than $5,000 or imprisoned not more than five years, or both, for the first offense, imprisoned not more than ten years or both, for any second or subsequent offense.

"'(b) As used in this section, the term "sexually related mail matter" means any matter which is within the scope of section 3108(a) or 3109(d) of title 39, United States Code.

"(2) The table of contents of chapter 83 of such title is amended by adding at the end thereof the following new items:

"'1735. Sexually oriented advertisements.
"'1736. Restrictive use of information.
"'1737. Manufacturer of sexually-related mail matter."

"(e) If any provision of this section, or the application thereof to any person or circumstance, is held invalid, the remainder of this section and the application of such provision to other persons and similarly situated or to other circumstances shall not be affected thereby.

"(f) The provisions of this section shall become effective on the first day of the sixth month which begins after the date of enactment of this Act."

POSTAL WORKERS DESERVE PRAISE

Mr. HATFIELD. Mr. President, as we debate the postal reform bill, much of our discussion centers on policy matters, fiscal considerations and large-scale operations. We must not lose sight, however, of the average postman and his importance.

I want to pay tribute to the thousands of dedicated postal workers across the country. I am sure that my colleagues here today share my belief that we must keep these workers' welfare in mind as we review the postal reform measures.

We all realize that the postal strike caused great damage across the country, but a positive reaction followed in the form of public recognition of the low wages paid to all postal workers. I believe that most Americans had been unaware of the low pay and slow promotion schedules that occur in our postal service.

I think it appropriate that we pause in our deliberation to note that we are served by legions of hard-working postal employees, and that we always should keep their welfare in our minds as we vote on these issues of postal reform.

Mr. MAGNUSON. Mr. President, I commend the esteemed members of the Post Office and Civil Service Committee and its distinguished chairman, the senior Senator from Wyoming (Mr. McGEE).

The U.S. Postal Service will hopefully allow for increased efficiency and economy in our mail delivery system. Yet it retains the primary goal and purposes of any postal system—a public service to the citizens and taxpayers of our Nation.

This bill has considerable merit. It will provide for greater continuity of management: an authority to acquire greatly needed new capital: A meaningful form of collective bargaining for the postal employees: and an independent ratemaking commission.

This latter "reform" does pose a threat, a possible threat in my mind, to that paramount reason we have a postal service, service to the citizens of our Nation.

Our eminent majority leader has introduced an amendment—which I am happy to support—that will provide for an equalization of the burden of the costs of education, personal and public, by providing for a uniform national rate for educational materials.

Nevertheless, Mr. President, I believe we in the Senate must do more if we are to preserve—for all citizens everywhere—equality of access to the printed word and to educational materials.

The committee report has recommended that the new postal rate commission give consideration to the retention of the special fourth-class rate granted books and educational materials.

Mere "consideration" is not enough. We must insure that the special rate for books and educational materials is continued—or the ramifications for educational institutions and for the individual citizen wishing to avail himself of books and educational materials—could be disastrous.

Under the present law and rate structure a book weighing 1 or 2 pounds can be shipped from New York City to anywhere along the Pacific coast for 18 cents.

With the elimination of the special rate the cost of shipping that book would soar to $1.05—an increase of 600 percent.

In these times of increasing inflation—shrinking resources—and ever increasing demands upon our educational institutions—it seems particularly inopportune and unwise that we saddle those institutions with an increased financial burden.

The costs this burden would impose upon individual citizens who wish to improve their personal life with a new book or a film or educational materials is beyond calculation.

The costs such action would impose upon those States in the western part of our Nation is partially available.

The elimination of this special rate would cost the University of Washington at least $66,000 the very first year.

The University of Washington is the largest university in the Northwest serving over 33,000 students. Their library is the largest west of Chicago and north of San Francisco. This library is truly a regional resource serving 37 other colleges—public and private—in Washington State. Along with community libraries in the cities and towns of the Pacific Northwest.

This great library might have to curtail severely many of the services it now performs if the educational postage rate were eliminated.

The University of Washington currently pays over $7,500 in postal fees for the purchase of new books yearly.

The elimination of the special rate would raise that cost to $73,500—an increase of almost 1,000 percent.

The University of Washington currently pays over $550 a year in postage on inter-library loans—that expense would skyrocket about 10 times to some $5,000 per year.

In every State, this special rate for books and educational materials has been most beneficial. But in the West we are really under the economic gun when it comes to the purchase of books in quantity by our libraries, schools, and colleges—let alone the average citizen.

By the large the book publishers of America are located here on the east coast. Therefore, the shipping costs are a significant factor, and the special uniform rate has benefited the West—and any State distant from those publishers.

Last year our Washington State library purchased some 35,000 pounds of books. They paid the postage of over $8,500. Were it not for the special rate those postal charges would have been over $59,000—an increase of over 700 percent—an increase of over $50,000.

The end result would have been fewer purchases by several thousand titles and fewer books being made available to the patrons of this library and all the libraries that it serves.

Our Washington State library is not really "large" in number of volumes—but it is very active in services to all the public libraries in my State and in promoting the types of interlibrary cooperation that results in making books anywhere accessible to all our citizens regardless of where they reside.

Without the special rate I know they would remain as active as possible—but this preference the Congress has allowed in the past has helped them achieve the results that we have all encouraged and sought in our own States and for our fellow citizens.

Allow me to cite a few ramifications of what is involved here.

Last night—when the Senate took final action on the Office of Education appropriations—we endorsed several important programs in the library field.

Probably one of the most important—in relation to making library resources available to a greater proportion of citizens—are those which promote interlibrary cooperation.

We included some $5.7 million for interlibrary cooperation. In my own State—which is perhaps typical—we have been progressing very well toward the type of interlibrary cooperation we hope to achieve nationally.

Books and other library materials are being shared, so that any local library has ready access to the total library resources of the entire State—to the collections of all our colleges and univer-

XUM

sities, the larger cities and our State library.

The State library in Olympia coordinates an extensive program of inter-library exchange of educational films. At the present time the postage for mailing these films is running $120 per month. Without the special rate that cost would skyrocket to $1,600 per month.

Obviously the film exchange program would be greatly curtailed if not eliminated were it not for the special rate.

In the eastern part of Washington State—in an area larger than the State of Rhode Island, but sparse in population—there is a regional library—the North West Regional Library in Wenatchee.

They have an excellent bookmobile program—and although it brings library services to countless small schools and rural areas, they recognized an unmet need even bookmobiles could not fill—books for shut-ins, the crippled and often physically handicapped.

So they established a "books at home" program, for the bedridden or the shut-ins living at home and often in remote rural areas.

They mimeograph a little catalog and mail it—along with an order card—to the bedridden and shut-ins. The mail order card is returned and the regional library then mails out the books requested.

Right now the average cost of those mailings to the library is 60 cents—for the reader it is the same when they return the books.

Without the special rate the costs would skyrocket to $3.15 an increase of $2.55 for the library and for the reader.

The taxpayers of north central Washington gladly support this service of their regional library—but that service would be curtailed or eliminated without this special rate.

And we know that the citizen readers involved could ill afford an increase in the costs they share in this program.

Let me cite one last example—which should be very close to home to every Member of the Congress.

During the session of the Washington State Legislature our State library has a special service that helps keep citizens in our State apprised of what is taking place in the State capitol.

On a daily basis the State library mails to some 150 local libraries throughout the State copies of all bills introduced—résumés of activity on the floor of the house and senate and legislative committee actions. Any citizen can then avail himself of this information that is available in those 150 libraries.

During the last session of our legislature, those mailings cost the State library some $540 in postage.

Without the special rate that cost would have skyrocketed to $5,400—an increase of 1,000 percent.

This is just another example of what this special rate for books and educational materials means to all our citizens.

Even with this special rate the postage costs are significant, but without that rate the postage rates in many instances would be prohibitive.

Now we all know, and recognize, that this is a subsidy, the actual costs of carrying these books and educational materials between libraries, from the publishers to the libraries, from the libraries to their patrons—the cost to the Postal Service certainly is not met by the rates charged.

I would be willing to say these materials come far closer to paying their way than much of the junk mail that we find in our offices and at our homes every day.

The only alternative to keeping this special rate for books and educational materials is increased taxes that support most of these libraries and schools—or increased appropriations under our aid to libraries—or curtailment of the services of libraries.

As this bill stands, it merely urges the commission to retain the special rate for books.

Mr. President, I do not think the Senate can afford to run such a risk.

I do not think we can depend upon the good intentions or good will of any rate-making commission or any future management of the U.S. Postal Service to be so charitable.

I think we should insure the ready access through this special rate for books and educational materials, to all libraries, educational institutions, and all of our citizens who are depending upon these services.

We cannot afford to leave the benefits such rate has made possible to chance or the caprice of others.

ALTERNATIVE NO. 1: SUPPORT OF MANSFIELD AMENDMENT

Mr. President, the Mansfield amendment would insure that there be a uniform rate on books and educational materials, regardless of distances involved.

This is certainly preferable to what has been proposed and that these items pay the same as other goods that fall within fourth-class mail.

This amendment will assist libraries in every State that participate in cooperative exchange of books and films and educational materials.

This amendment will greatly assist those libraries that are far distant from the book publishers and those who produce these educational materials.

Mr. President, I am proud to join with the Senator from Montana in urging adoption of this amendment.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. METCALF):

S. 4012. An act to extend the Clean Air Act, as amended, and the Solid Waste Disposal Act, as amended, for a period of 60 days; and

H.R. 12858. An act to provide for the disposition of certain funds awarded to the Tlingit and Haida Indians of Alaska by a judgment entered by the Court of Claims against the United States.

THE POSTAL REORGANIZATION ACT

The Senate resumed the consideration of the bill (S. 3842) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes.

AMENDMENT NO. 748

Mr. **YARBOROUGH**. Mr. President, I call up my amendments No. 748.

The **PRESIDING OFFICER**. The amendments offered by the Senator from Texas will be stated.

The bill clerk proceeded to read amendments No. 748.

Mr. **YARBOROUGH**. Mr. President, I ask unanimous consent to dispense with the reading of the amendments.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Amendments No. 748 are as follows:

PAY INCREASE

SEC. 2. (a) The President shall increase the rates of compensation (as such rates were increased under the Federal Employees Salary Act of 1970) included in the Postal Field Service Schedule and the Rural Carrier Schedule contained in sections 3542(a) and 3543(a), respectively, of title 39, United States Code, by amounts equal to, as nearly as may be practicable and with regard to maintaining equal increments with any level of any such schedule, 8 per centum of such rates.

(b) Rates of compensation of officers and employees paid under the schedules referred to in subsection (a) of this section shall be increased intially under conversion rules prescribed by the President or if the President so designates, by the Postmaster General.

(c) The increases made by the President under this section shall have the force and effect of law and shall be printed (1) in the Statutes at Large in the same volume as public laws, (2) the Federal Register, and (3) the Code of Federal Regulations.

(d) An increase in a rate of compensation which becomes effective under this section is not an equivalent increase in pay within the meaning of section 3552 of title 39, United States Code.

(e) Nothing in this section shall impair any authority pursuant to which rates of compensation may be fixed by administrative action.

(f) The rate of compensation of an officer or employee which is increased under this section shall be increased as of the first day of the first pay period for that officer or employee which commences on or after the date of enactment of this Act.

POSTAL RATE INCREASE

SEC. 3. (a) Section 4253 of title 39, United States Code, is amended—

(1) by striking out "6" in subsection (a) and inserting in lieu thereof "7"; and

(2) by striking out "5" in subsections (c) and (d) and inserting in lieu thereof "6".

(b) Section 4303 of such title is amended—

(1) by striking out "10" in subsection (a) and inserting in lieu thereof "11";

(2) by striking out "8" in subsection (b) and inserting in lieu thereof "9"; and

(3) by striking out subsection (d)(1) and inserting in lieu thereof the following:

"(d)(1) The rates of postage on air parcel post are based on the eight zones described in section 4553, or prescribed pursuant to section 4558, of this title in accordance with the following tables:

	"Zones					
	Local 1, 2 and 3	4	5	6	7	8
Not over 1 pound	$0.93	$0.93	$0.93	$0.93	$0.93	$0.93
Over 1 pound but not over 1½ pounds	1.14	1.19	1.25	1.33	1.38	1.45
Over 1½ pounds but not over 2 pounds	1.35	1.44	1.56	1.72	1.81	1.96
Over 2 pounds but not over 2½ pounds	1.63	1.73	1.89	2.09	2.23	2.43
Over 2½ pounds but not over 3 pounds	1.91	2.02	2.22	2.46	2.65	2.89
Over 3 pounds but not over 3½ pounds	2.19	2.31	2.54	2.84	3.07	3.36
Over 3½ pounds but not over 4 pounds	2.47	2.60	2.87	3.21	3.49	3.83
Over 4 pounds but not over 4½ pounds	2.75	2.89	3.20	3.58	3.91	4.29
Over 4½ pounds but not over 5 pounds	3.03	3.19	3.52	3.96	4.33	4.76"

For each pound or fraction of a pound in excess of five pounds in weight, the additional postage is as follows:

"Zones	Rate
Local and zones 1, 2, and 3	$0.54
Zone 4	.58
Zone 5	.65
Zone 6	.75
Zone 7	.84
Zone 8	.93.".

(c) Section 4358 of such title is amended—

(1) by striking out subsection (a) and inserting in lieu thereof the following:

"(a) Except as provided in subsection (b), the rate of postage on publications admitted as second-class mail when addressed for delivery within the county in which they are published and entered is as follows:

"[In cents]	
Rate per pound	1.8
Minimum charge per piece	.2.";

(2) by striking out subsection (d)(1) and inserting in lieu thereof the following:

"(d)(1) Except as provided in paragraph (2), the rates of postage on publications mailed in accordance with section 4359(a) of this title, of qualified nonprofit organizations, are as follows:

"[In cents]

	"During calendar year 1970	"During calendar year 1971	"During calendar year 1972	"During calendar year 1973 and thereafter
Rate per pound:				
Advertising portion:				
Zones 1 and 2	4.0	4.7	5.3	5.95
Zone 3	4.7	5.6	6.5	7.35
Zone 4	6.1	7.5	8.8	10.15
Zone 5	7.5	9.3	11.1	12.95
Zone 6	8.05	10.0	12.0	14.0
Zone 7	8.05	10.0	12.0	14.0
Zone 8	8.05	10.0	12.0	14.0
Nonadvertising portion	2.45	2.45	2.45	2.45
Minimum charge per piece	.23	.23	.23	.23";

(3) by striking out "4.2" in subsection (f) and inserting in lieu thereof "4.9"; and

(4) by striking out of subsection (g) "is 0.6 cent per piece when mailed during the calendar year 1968, 0.7 cent per piece when mailed during the calendar year 1969, and 0.8 cent per piece when mailed thereafter" and inserting in lieu thereof "is 0.9 per piece".

(d) Section 4359(b) of such title is amended to read as follows:

"(b) Except as otherwise provided in this section and section 4358 of this title, the rates of postage on publications mailed in accordance with subsection (a) are as follows:

"[In cents]	
Rate per pound:	
Advertising portion:	
Zones 1 and 2	6.1
Zone 3	7.5
Zone 4	10.3
Zone 5	13.0
Zone 6	15.9
Zone 7	16.9
Zone 8	4.0
Nonadvertising portion	4.0
Minimum charge per price	1.5."

(e) Section 4362 of such title is amended by striking out "5" and inserting in lieu thereof "6".

(f) Section 4422 of such title is amended to read as follows:

"§ 4422. Rates of postage

"The rates of postage on controlled circulation publications found by the Postmaster General to meet the definition contained in section 4421 of this title when mailed in the manner prescribed by the Postmaster General are as follows:

"[In cents]	
Rate per pound	17.5
Minimum charge per piece	4.4."

(g) Section 4452(a) of such title is amended to read as follows:

"(a) Except as otherwise provided in this section, the postage rates of third-class mail are as follows:

"[In cents]

"Type of mailing	Rates	Unit
(1) Individual piece	7.0	1st 2 ounces or fraction thereof.
	2.0	Each additional ounce or fraction thereof.
(2) Bulk mailings under subsection (e) of this section, of—		
(A) Books and catalogs of 24 pages or more, seeds, cuttings, bulbs, roots, scions, and plants.	19.0	Each pound or fraction thereof.
(B) Other matter	26.0	Do.
(C) Minimum charge of	4.7	Per piece.

In lieu of the minimum charge per piece specified in the foregoing table, a person who mails for himself, or on whose behalf there is a mailing, under subsection (e) of this section, shall pay a minimum charge per piece of 4.4 cents on the first 250,000 pieces mailed during a year. For such purpose, the number of pieces mailed during a year shall be the aggregate of the pieces mailed under item (2) (A), (B), and (C) of the above table.".

(h) The amendments made by this section shall be effective on the first Sunday occurring on or after the thirtieth day after the date of enactment of this Act.

Amend the title so as to read: "A bill to increase the pay of postal employees and to increase postal rates."

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that two additional staff members who have worked on this matter be given the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, this is a simple amendment. It is six pages long. It would replace the entire 285 page monstrosity.

The amendment raises the pay of postal employees by 8 percent. It pays for itself. It is fiscally responsible.

It also raises first-class postal rates from 6 to 7 cents, an increase of 16⅔ percent. It raises the airmail rate by 1 cent. It raises second and third-class mail rates 16⅔ percent.

Mr. President, that 16⅔ percent would pay for the past postal employee raise of 6 percent and the present raise of 8 percent. So we would give the administration a 16⅔ percent increase in revenues, and it would be fiscally responsibile. It would meet the total 14-percent salary increase.

The issue is plain and simple. Are we going to have a postal service for the people? Are we going to keep this branch of the U.S. Government for service, or are we going to turn it into a profit-motive thing that will subordinate service to profit?

There is no doubt that we have limited official use documents in the Post Office Department showing what the situation will be in 5 years. These documents show that the service concept of the Post Office Department will be gone in 5 years' time. I shall put those documents in the RECORD. I think Congress should know what is being done to the postal service.

I intend to put in the RECORD, so that all the people can see what is going on, the so-called postal service review statements which bring into focus the basic, fundamental question of what a government should be in a democratic society.

When this Government was formed, the Continental Congress established two services, one a civilian service, which was the Post Office, and a military service, to fight the war. They were two indispensable functions of Government. One was a communications service in a democratic society. I think we should give that service in the postal department and that we should not operate on a profit motive. It is one branch of the Government that serves all the people all the time; under the previous Postmasters it served the people 6 days a week, but now only 5 days a week. The service has been declining.

If this "book" is adopted, it will be a defeat for the concept of performing a service for the people of the United States.

That is why we have a simple amendment six pages long. It will give the desired increase of 8 percent, and will provide an increase in revenue which is more than enough to pay for it.

Postal improvements are needed. We have spent so much money on other things, we have not put enough money into the Postal Service. As chairman of the Post Office Subcommittee on the Appropriations Committee for the past 2 years, I have told the Postmaster General I would vote to bring to this floor every penny he asked for to run the Post Office Department.

I have not only done that, but as chairman of our committee, I brought out, and the full Appropriations Committee gave them not only all the money they asked for last year, but we put in an additional $5 million, so that they could continue afternoon business deliveries, which the Postmaster General had arbitrarily swept away.

When we questioned him about that, he said, "I keep them going where they are needed, where there is a demand."

I asked, "Where in the business district of Washington, Mr. Postmaster General, have you kept the afternoon mail service going?"

His answer was one building, the National Press Building. That was the only people he thought it was important to deliver mail. I guess that helped his image in the press, but all the other business buildings in Washington were excluded from afternoon mail service.

Time will not permit me to document this to this Nation over and over. But it is clear that there has been a tremendous decline in the postal service in the last year and a half. Now, with only limited time, the Senate is being urged to rush this bill through in the middle of the night. We are being urged to act upon a bill that would destroy something as basic as our Post Office Department, which was set up by the Continental Congress in 1774, with Benjamin Franklin as the first Postmaster General. Mr. President, if Benjamin Franklin knew what Blount was doing now, he would turn over in his grave. He would think that George III was back, and he would be about to be a rebel again.

This thing is called reform. That is the way the truth is kept from the people. The people think "reform" is a good word, that it indicates an improvement of something. But is this bill a reform? Is this book a reform? No, I submit this is not a reform measure, Mr. President, and for all the words used about it, if this passes, this Congress will not be voting a reform, it will be voting a regression, and a denial to the people of the Government's most basic service.

If we are to start turning the Government to a profit motive, why not take the Commerce Department or the Transportation Department, something big business uses most? Why pick on the people? The thrust of this bill is to convert one of America's oldest public service organizations, the Post Office Department, into a business dedicated to extracting from the public the maximum amount of profit possible, without regard to what segments of our society will suffer.

I am sure Senators will remember, a few weeks ago, when it was proposed that the first-class rate be fixed at 10 cents on a letter. Then a little later, there was a regression, and the Postmaster General said no, it would only be 8 cents on a letter. That was the prelude of things to come, Mr. President. We have here their printed documents. They were not secret. An abstract of these were printed in the Washington Evening Star for May 6, under the heading, "Post Office Department Quietly Curtails Services," and these documents, telling what is going to happen in 5 years, when the Post Office is made a 40-hour-week service, and when all of the services we have come to consider a part of the postal service are gone.

I questioned the Postmaster General about this information when he appeared before our committee. He was indignant that we had it. I did not have it first; the press had it first.

In this "5-year plan," he tells about how they are going to reduce the cost of the postal service. He itemizes, item by item, the 5-year plan for the postal service. This is what they are going to do to the people.

As laudable an objective as saving money is, Mr. President, it loses its appeal when these savings primarily are going to come out of the pocket of the general public, and then secondarily from the postal workers.

By this 5-year plan, as we discussed when it was given to us during these hearings, these reductions would be accomplished in nine steps.

First, the plan calls for the elimination of 6-day delivery and manned window service. They say this would save $5 million the first year, and $145 million by 1975. They step it up, step by step, year after year. The postal workers will suffer from that plan, Mr. President. At the end of 5 years, they would have 100,000 less postal workers in this country. The postal workers will suffer greatly under this plan. A few officials now in office might profit by it, but the postal workers are going to suffer terrifically. At a time when our unemployment rate has passed 5 percent and approaches 6 percent, we should not start cutting back on this basic service to the people. This is the most basic of all our public services.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has used 10 minutes of his time. He has 20 minutes remaining.

Mr. YARBOROUGH. Another thing planned in this so-called reform bill, covered in these documents, is a proposal which will have tremendous impact in the business districts and rural and star routes. It is proposed that Saturday collection will be deferred to Sunday, and Saturday parcel deliveries will be eliminated completely.

Processing of first-class mail would be deferred from Saturday to Sunday.

Window service on Saturday would be eliminated.

That is part of the price the people must pay.

Second, the 5-year plan calls for consolidating of mail processing centers. What would that mean? Here is the document. I have here the figures on the targeted payroll reductions. For fiscal year 1971, just 1 year, the reduction in Atlanta, Ga., will be $387,000.

Other reductions are as follows: Boston, $387,000; Chicago, $552,000; Cincinnati, $442,000.

These figures represent postal employees out of work. Some of the officials have been lobbying for this, to throw their own members out of jobs.

The list continues, Mr. President: Dallas, Tex., $331,000; Denver, $166,000; Memphis, $166,000; Minneapolis, $231,000; New York, $773,000; Philadelphia, $552,000; St. Louis, $276,000; San Francisco, $608,000; Seattle, $166,000; Washington, D.C. $331,000; Wichita, Kans., $166,000. These are the figures for the first year, Mr. President.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. YARBOROUGH. Mr. President, the plan raises another problem: It explains how small carrier stations will be consolidated into primary facilities when mail routes are motorized. It tells how post offices will be closed where it is economical, and this is a part of what they are offering.

The third step of this plan calls for the development of individual and group production standards that will result in a loss of $136 million in wages to the postal workers.

The plan goes on page after page, Mr. President. This is all set out here in these nine points.

How much are they going to reduce postal wages? That is the brunt of the plan. Postal wages represent service to the people. People in the postal service are hired to render service to the people, but here is where the reductions are going to be made.

Mr. President, there is a billion dollar deficit now. The plan says that by 1975, there will be a zero deficit. Where is that deficit going to be eliminated? In these nine stratagems. They call them stratagems; I think that is an appropriate word. They are stratagems against the people of this country, if we consider this service of the Post Office Department something to which the people are entitled. This robs them of it.

The plan calls for payroll reductions in area mail processing centers. Payrolls will be cut $7 million the first year; and will be reduced by $80 million by 1975.

Thirty minutes will not allow me to read all the things they are going to do to the people of this country, but I will put it in the RECORD, so they can read it tomorrow. The people need to be informed now, because at the end of 5 years they are going to be asking, who voted this burden on their backs.

Fourth, the plan calls for so-called new techniques for carrier office work which will reduce postal payrolls by $189,504,000 by fiscal year 1975. This is a high price to pay for so-called "efficiency standards" which have never been explained or described fully.

Fifth, mail delivery policies will be reduced by: Limiting mail delivery to a college, university or trailer court to only one delivery point at the facility; and only making cne attempt to deliver parcel post.

Not only will these proposed practices seriously inconvenience countless people, over $9 million in postal wages will be lost.

Sixth, the plan contains an item referred to as "Basic services to customers." This should more properly be entitled "Disservice to customers." Under this proposal:

The small fourth-class post office would be replaced by a contract office;

The number of mail collection boxes would be reduced; and

Parcel post and certified mail would no longer be delivered to homes.

XUM

These inconveniences would cost postal workers over $36 million in wages by fiscal year 1975.

Seventh, the seventh step in the administration's plan for dismantling the Post Office is the so-called customer cooperation plan which in effect calls for the average citizen to help eliminate postal jobs by performing such tasks as sorting his mail and coding it himself. If our people participate fully in this program it would cost postal workers $172,000,000 in wages.

Eighth, this plan would also impose certain "standard levels of service" which would, among other things, eliminate the use of air transportation for first-class mail to points within 750 miles which will, in the words of an article which appeared in the May 21, 1970, edition of the Arizona Daily Star, "result in the deterioration of quality of first-class mail service at the very time the U.S. postal service needs improvement." This will cost postal workers over $34 million in lost wages.

Ninth, the final step in the administration's Post Office destruction plan "calls for standardized postal facilities," thereby eliminating jobs for postal workers at a cost of $154,869 million in wages.

This 5-year plan has been kept secret from the American public and the majority of Congress by the administration for good reason. Exposure of it at an early date would have aroused public opinion to the point where a bill of this nature would never have reached the floor of the Senate for a vote.

Mr. **WILLIAMS** of Delaware. Mr. President, will the Senator yield?

Mr. **YARBOROUGH**. I have only 30 minutes. I suggest that the Senator get his time from the other side.

These are the nine points that add up to $1 billion. This is not just taking it out of the Government workers who are about to lose their jobs. It is taking it away from the American people.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks several items from the Post Office Department with respect to the 5-year plan as to what they will do to the postal service in 5 years.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **YARBOROUGH**. Mr. President, after these nine points, the final step is called the plan for standardized postal facilities. That also eliminates jobs for postal workers at a cost, by fiscal 1975, of $154,869,000 in wages.

This 5-year plan has been kept secret from the American public and the majority of Congress by the administration, for good reason. Exposure of it at an early date would have aroused public opinion to a point where a bill of this nature would never have reached the floor of the Senate for a vote.

Mr. President, I am on that committee; I am the senior member. I feel it is my duty to tell the people what is about to happen to them. I have been on the Post Office Committee longer than any other Member of the Senate. We have studied bill after bill. This one was pitched into our laps and voted out the same night. In the earlier bills they had written in guarantees. The first-class rate was to go up, but the slick magazines, second and third class, had a bill that provided that their rates could not be raised for 5 years.

That has been taken out of this version, but they would set up a Board of Governors and give them the power. Who has been advocating this so-called reform? The big magazines that were going to get that advantage. Who doubts that that Board of Governors is going to carry out what we saw in those earlier bills?

Before we vote on this important matter, I think it is important that this report be made public. Therefore, I ask unanimous consent that the document entitled, "Five-Year Planning for the New Postal Service" be printed in its entirety at the conclusion of my remarks. I also ask unanimous consent that an article which appeared in the May 6, 1970, edition of the Washington Evening Star entitled, "Post Office Quietly Curtails Some Services," by David Braaten and Philip Shandler, be printed in its entirety at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 2.)

Mr. **YARBOROUGH**. In reviewing the administration's so-called 5-year plan, it is interesting to note that they describe their 9-step program for the destruction of the Post Office with the word "stratagem." Webster's Dictionary defines the word "stratagem" as being "a trick in war for deceiving the enemy; hence in general, deception; ruse." A ruse—that is the wording they have chosen to describe this. I think they have certainly used the correct word, because the 5-year plan is a trick to take this service away from the American people, and I do not believe that the people would ever adopt this plan if they knew about it in advance, and if it could be submitted to a vote of the people.

To obtain approval of S. 3842, the administration has ingeniously coupled its postal corporation plan with the postal pay raise proposal and are forcing millions of Americans in the postal service, who are terribly underpaid and who are badly in need of a pay raise, to swallow this bitter pill to get the pay raise.

My substitute would give the pay raise to the postal workers and would give the administration the money to pay for it by raising all first class letters to 7 cents and by raising second and third class by the same percentage, 16⅔ percent. There is a little hiatus. I only put the airmail to a 1-cent raise. That is not 16⅔ percent, but only about 11½ percent. If an 11½-cent rate stamp could be struck easily, it would be more compatible with the rest of the raise, and I would accept that amendment in this substitute.

For this reason I have introduced this substitute, so that the postal workers can receive their deserved pay raise and will not have to swallow this package.

This will not destroy the postal service, and it will pay the underpaid workers on the comparability they deserve, the comparability that was promised by Executive order and was written into law, which has long been denied them. They do not get the pay they deserve. We know the terrible trouble it has cost us.

We need some postal improvements in this country, but we ought to study them and not have them forced upon us in order to avoid a strike under this hurry-up plan, which we have not had an opportunity to study. This should be studied by every Member of the Senate, with an opportunity to digest it and decide for himself what he wants for postal service in this country.

Mr. President, this amendment would do justice to the postal workers, and it would be fiscally responsible. It will raise the money to pay for the raise which we have given them in the earlier 6 percent raise, and an additional, well-deserved 8-percent raise.

We are at the crossroads of decision on this matter. We must soon decide whether we will improve and continue America's oldest institution or turn it over to people who wish to use it as an instrument for making up Government budget deficiencies. I submit that we should not call on the postal service to bear the cost of other budget deficiencies in other branches of government. A 10-cent rate was decided to do that. It was stated that they were going to pay off raises for the general service employees as well as postal employees with that proposed increase.

If we accept this postal corporation concept now, we will have put in motion a dangerous movement that might lead to the dismantling of other Government institutions, such as the National Park Service. Some people want to charge fees enough to pay for the service. Shall we also dismantle the Forest Service, Department of Commerce, or the Department of Transportation?

Some nations charge for the weather service. We provide that without charge. That is a service of our Government. Mexico, our neighbor to the south, charges for it. We should not set in motion here a set of forces to turn Government services into profitmaking enterprises.

I urge Senators to study this 5-year plan and join with me in granting our postal workers this much-deserved pay raise and at the same time defeat this move to destroy the Post Office Department as a service of the Government.

EXHIBIT 1

FIVE-DAY OPERATION—FISCAL YEAR 1971

The plan contemplates the phased elimination of six day delivery and manned window service. Lock box service, special delivery and patron self-service will be continued.

We suggest that targeted payroll reductions be accomplished by actions in the following areas:

1. Discontinue one business delivery (generally Saturday) whenever possible.

a. Reduce Saturday collection schedules to Sunday.

b. Discontinue parcel deliveries on Saturday.

2. Compress mail processing tours from 3:00 PM Saturday to 3:00 PM Sunday.

3. Provide five day window service in finance stations.

a. Reduce window clerks staffing on Saturday as much as possible.

b. Consider window service on Friday night.

XUM

Targeted payroll reduction for fiscal year 1971

[In thousands]

Atlanta	$387
Boston	387
Chicago	552
Cincinnati	442
Dallas	331
Denver	166
Memphis	166
Minneapolis	221
New York	773
Philadelphia	552
St. Louis	276
San Francisco	608
Seattle	166
Washington	118
Northern Virginia	213
Wichita	166
Total	5,524

AREA MAIL PROCESSING—FISCAL YEAR 1971

This program envisions service improvement and increased productivity through the consolidation of outgoing mail handling functions into area mail processing plants.

We suggest that targeted payroll reductions be accomplished by actions in the following areas:

1. Consolidation of mail processing of associate offices in existing space at sectional centers; mechanize to the extent possible.

a. Complete at least one such program at an existing sectional center as shown on attachment.

2. Consolidation of mail processing of associate offices at sectional centers where new space is planned.

a. Complete at new sectional centers as shown on attachment.

3. Consolidate small carrier stations into primary facility when letter routes are motorized. Limit number of routes at such consolidated facility to about 70.

4. Consolidate sectional center facilities to provide economies of scale.

Targeted payroll reduction (in thousands)—for fiscal year 1971

Atlanta	$494
Boston	494
Chicago	706
Cincinnati	565
Dallas	424
Denver	212
Memphis	212
Minneapolis	283
New York	989
Philadelphia	706
St. Louis	353
San Francisco	777
Seattle	212
Washington	424
Wichita	212
Total	7,063

MODIFICATIONS TO MAIL DELIVERY POLICIES AND PRACTICES—FISCAL YEAR 1971

This plan envisions the review and revision of current policies for delivery of mail to colleges and universities and the number of delivery attempts on parcel post.

We suggest that targeted payroll reductions be accomplished by actions in the following areas:

1. Delivery to a single central delivery point at universities, colleges, trailer courts, etc. (new service)

2. Provide a single delivery attempt on parcel post.

Targeted payroll reduction (in thousands) for fiscal year 1971

Atlanta	$95
Boston	95
Chicago	135
Cincinnati	108
Dallas	81
Denver	41
Memphis	41
Minneapolis	54
New York	$189
Philadelphia	135
St. Louis	67
San Francisco	149
Seattle	41
Washington	81
Wichita	41
Totals	1,353

BASIC SERVICES TO CUSTOMERS—FISCAL YEAR 1971

The plan contemplates new and/or improved methods of providing services to customers.

We suggest that targeted payroll reductions be accomplished by actions in the following areas:

1. Expand the use of self-service equipment.

a. Additional vending units at postal locations.

b. Replace window service at selected units with self-service equipment.

2. Replace selected post offices or stations with contract units.

a. To increase service.

b. To replace finance stations.

3. Establish a village and suburban delivery service to be instituted in all communities eligible for city delivery for the first time. (a) by cluster box concept, (b) 5-day service, (c) 5-day collection service, (d) door delivery of registered, certified, numbered, insured and special delivery articles, (e) parcel pick-up at post office.

4. Reduce the number of collection points.

5. Philatelic Services.

Targeted payroll reduction (in thousands) for fiscal year 1971

Atlanta	$98
Boston	98
Chicago	141
Cincinnati	113
Dallas	84
Denver	42
Memphis	42
Minneapolis	56
New York	197
Philadelphia	141
St. Louis	70
San Francisco	155
Seattle	42
Washington	84
Wichita	42
Total	1,405

CUSTOMER COOPERATION—FISCAL YEAR 1971

This plan encompasses actions which the customer can take to help improve the postal service.

We suggest that targeted payroll reductions be accomplished by actions in the following areas:

1. Expand the VIM Program:

a. Single drop delivery:

(1) VIM facilities;

(2) Apartments;

(3) Urban renewal housing.

2. Expand the mail Early Program.

3. Initiate program of patron preparation of mail pre-sorting.

4. Increase ZIP CODE usage.

5. Initiate customer cooperative preparation of mail (poaching and directs) through the loan of equipment.

Targeted payroll reduction for fiscal year 1971

[In thousands]

Atlanta	$780
Boston	780
Chicago	1,115
Cincinnati	892
Dallas	669
Denver	334
Memphis	334
Minneapolis	446
New York	1,561
Philadelphia	1,115
St. Louis	558
San Francisco	1,226
Seattle	$334
Washington	669
Wichita	334
Total	11,147

FIVE DAY OPERATION

This plan contemplates the phased elimination of six day delivery and manned window service. Lock box service, special delivery and patron self-service will be continued. There will be concurrent savings in avoiding the costs of hiring, training and uniforming those new employees who would have been employed to cope with rising mail volume. Also, there will be concomitant savings in motor vehicle costs.

Payroll reduction (in thousands), fiscal year 1971, $5,524; fiscal year 1975, $145,530.

AREA MAIL PROCESSING

This program envisions a consolidation of all outgoing mail handling functions into 400 to 500 Area Mail Processing Plants in two phases, (1) from associate offices into sectional center facilities and (2) the consolidation of sectional center facilities. Service improvement and increased productivity will result through improved mail handling methods and increased mechanized mail processing. In addition, a major reduction in costs will occur in the facility acquisition programs. As the volume in mails handled at selected offices is reduced, the need for additional space will also be reduced.

Payroll Reduction (in thousands), fiscal year 1971, $7,063; fiscal year 1975, $80,659.

PRODUCTION STANDARDS

This strategem contemplates the development and implementation of individual and group standards of production for distribution and delivery employees and refinement of existing standards for maintenance employees. Production standards will be developed which will assure on one hand a fair return to management for its salary dollar and on the other hand, full consideration of employees' capabilities, physical capacities, health and career development.

Payroll Reduction (in thousands), fiscal year 1971, $——; fiscal year 1975, $136,258.

NEW TECHNIQUES FOR CARRIER OFFICE WORK

This plan contemplates a fresh overall view of the carrier function, especially time he spends preparing his mail for delivery. It anticipates that new concepts of delivery, innovations in mechanized preparation and forwarding of mail and the simplification of carrier equipment will enable carriers to reduce their office time.

Payroll Reduction (in thousands), fiscal year 1971, $——; fiscal year 1975, $189,504.

MODIFICATION OF MAIL DELIVERY POLICIES AND PRACTICES

This program provides for the review, analysis and revision of current policies and practices for the delivery of all classes of mail. The plan is directed to the delivery of mail to a central point at universities and colleges. Other aspects of the program anticipate the reduction in the number of attempts to deliver parcel post and the charging of fees for holding "vacation mail."

Payroll Reduction (in thousands), fiscal year 1971, $1,353; fiscal year 1975, $8,663.

BASIC SERVICE IN CUSTOMS

This stratagem contemplates new and/or improved methods of providing services to customers. The plan substitutes the most modern postal equipment for out-moded manned window units by placing the equipment at strategic locations such as shopping centers and other points of customer concentration.

The plan also calls for establishment of cluster boxes in suburban areas to enable carriers to make more effective use of their route time and to provide speedier delivery of mail to customers.

XUM

Payroll Reduction (in thousands), fiscal year 1971, $1,403; fiscal year 1975, $36,163.

CUSTOMER COOPERATION

This stratagem encompasses actions which the customer can take to help improve the postal service. Its principal features are: (1) increased VIM installations in new and existing buildings, (2) improvements of mailing addresses, with emphasis on the inclusion of apartment numbers, (3) the 100% ZIP Coding of all mail of all classes and (4) provision of incentives, including postage discounts, to encourage large volume mailers to precode and presort quantity mailings and to deposit mailings early in the day.

Payroll Reduction (in thousands), fiscal year 1971, $11,147; fiscal year 1975, $161,182.

STANDARD LEVEL OF SERVICE

This stratagem involves the establishment of reasonably achievable standards of performance of services to the postal customer geared to a 7:00 PM time for the beginning of a "postal day." It includes; (1) development of realistic and uniform delivery service schedules for different classes of mail, (2) standards for window services and self-service postal units, (3) assurance of more rapid completion of claim processing and (4) faster and more adequate response to customer complaints, etc.

Payroll Reduction (in thousands), fiscal year 1971, $1,375; fiscal year 1975, $33,083.

STANDARDIZATION AND SPECIALIZATION OF POSTAL FACILITIES

Current planning, procurement and construction practices do not reflect advancements in all factors which affect postal buildings and equipment, including innovations in mail handling equipment. Accordingly, we contemplate revisions which would: (1) separate customer oriented functions from mail handling operations in most major facility planning, (2) develop new facilities to handle specific products and (3) develop and design facilities for optimum management effectiveness and efficiency.

Payroll Reduction (in thousands), fiscal year 1971, $——; fiscal year 1975, $154,869.

WASHINGTON REGION

Virginia.—Bristol, Farmville, Staunton, and Roanoke.

Maryland.—Easton and Salisbury.

West Virginia.—Bluefield, Buckhannon, Martinsburg, Parkersburg, Petersburg, Welch and Wheeling.

EXHIBIT 2

FIVE YEAR PLANNING FOR THE NEW POSTAL SERVICE

FOUR BASIC PLANS

Program plan, revenue plan, support plan, and transition plan.

Coordination of the program plan is the responsibility of the Bureau of Operations.

How will we develop the program plan?

We determine: 1. Where we are, 2. Where we want to go, 3. How we will get there.

Where are we?

[All figures in billions of dollars]

Cost:	
1970	8.1
1975	11.0
Income:	
1970	6.7
1975	7.8
Deficit:	
1970	1.4
1975	3.2

Where do we want to go? 1975—O Deficit.

How will we get there?

Economize $1 billion per year. The 9 Stratagems can produce a savings of 945 million constant dollars by 1975.

THE NINE STRATAGEMS

1. Five Day Operations,
2. Area Mail Processing,
3. Production Standards,
4. New Techniques for Carrier Office Work,
5. Modification to Mail Delivery Policies and Practices,
6. Basic Services to Customers,
7. Customer Cooperation,
8. Standardization & Specialization of Postal Facilities,
9. Standard Levels of Service.

FIVE DAY OPERATION

This plan contemplates the phased elimination of six day delivery and manned window service.

Payroll reductions

[In thousands]

Fiscal year 1971	$5,524
Fiscal year 1975	145,530

A. Five day delivery service: 1. Implement first in business areas (generally Saturday). a. Reduce Saturday collection schedules to Sunday. b. Discontinue parcel deliveries on Saturday. 2. Rural and star route service.

B. Compress mail processing tours from 3:00 p.m. Saturday to 3:00 p.m. Sunday.

C. Five day window service: 1. Finance stations. 2. Windows at 1st class then all others: a. Reduce window clerks staffing on Saturday. b. Consider Friday night service.

AREA MAIL PROCESSING

This program envisions a consolidation of all outgoing mailhandling functions into 400 to 500 area mail processing plants in two phases, (1) from associate offices into sectional center facilities and (2) the consolidation of sectional center facilities.

Payroll reductions

[In thousands]

Fiscal year 1971	$7,063
Fiscal year 1975	80,659

[1] Also would include incoming mail at selected offices.

A. Consolidate associate offices with sectional center facilities: 1. Into existing space. 2. Into planned space. 3. Into not yet planned space. 4. Consolidate small carrier stations into primary facilities.

When routes are motorized. Limit to about 70 routes.

B. Consolidate sectional center facilities to provide economies of scale.

STANDARDIZATION AND SPECIALIZATION OF POSTAL FACILITIES

This plan contemplates advancements in all factors which affect postal buildings and equipment including innovations in mail handling equipment.

Payroll reductions

[In thousands]

Fiscal year 1971	--------
Fiscal year 1975	$154,869

A. Separate customer contact function from mail processing.

B. Design facilities for specialization of product.

C. Limit size of post office with respect to maximum mechanization and management effectiveness.

STANDARD LEVELS OF SERVICE

This stratagem involves the establishment of reasonably achievable standards of performance of services to the postal customer geared to a 7:00 p.m. time for the beginning of a postal day.

Payroll reductions

[In thousands]

Fiscal year 1971	$1,375
Fiscal year 1975	33,083

A. Establish postal processing networks for the various classes of mail which provide for lower transportation rates.

B. Discontinue use of air transportation for 1st class mail to points within 750 miles.

C. Discontinue use of air taxis where justified for overnight delivery of 1st class mail.

D. New standards for SSP's and window services. 1. Reduce clerical hours.

CUSTOMER COOPERATION

This stratagem encompasses actions which the customer can take to help improve the postal service.

Payroll reductions

[In thousands]

Fiscal year 1971	$11,147
Fiscal year 1975	161,182

A. Expand VIM program: 1. Single drop delivery. a. VIM facilities, apartments, urban renewal housing.

B. Extend mail early program.

C. Patron Preparation of Mail. 1. Presort, precode. 2. Equipment loan.

D. Increase ZIP code usage.

BASIC SERVICES TO CUSTOMERS

This stratagem contemplates new and/or improved methods of providing services to customers.

Payroll reductions

[In thousands]

Fiscal year 1971	$1,405
Fiscal year 1975	36,163

A. Expand use of SSPU's: 1. Add vending units. 2. Replace window service with SSPU. 3. New mail service centers.

B. Replace selected locations with contract units.

C. Provide convenient philatelic services.

D. Reduce the number of collection points.

E. Establish new village and suburban delivery service—1. Cluster box concept. 2. Door delivery of signature articles. 3. Parcel post pick-up at post offices.

MODIFICATION TO MAIL DELIVERY POLICIES AND PRACTICES

This program provides for the review, analysis, and revision of current policies and practices for the delivery of all classes of mail.

Payroll reductions [in thousands]

Fiscal year 1971	$1,353
Fiscal year 1975	8,663

A. Single delivery point of mail for universities, colleges, trailer courts, etc.

B. One delivery attempt on parcel post.

NEW TECHNIQUES FOR CARRIER OFFICE WORK

This plan contemplates a fresh overall view of the carrier function, especially the time he spends preparing his mail for delivery.

Payroll reductions [in thousands]

Fiscal year 1971	--------
Fiscal year 1975	$189,504

A. Carrier delivery district concept: 1. Perform carrier sequencing at a different time. 2. Use more efficient carrier case. 3. Simplify route inspections. 4. Reduce distribution costs.

B. Machine sequencing carrier mail: 1. Reduce carrier and clerk cost.

C. Computer system for marking-up mail: 1. Reduce carrier and clerical costs.

PRODUCTION STANDARDS

This stratagem contemplates the development and implementation of individual and group standards of production for distribution and delivery employees and refinement of existing standards for maintenance employees.

Payroll reductions [in thousands]

Fiscal year 1971	--------
Fiscal year 1975	$136,258

A. Clerical standards in 500 largest offices.

B. Delivery standards on city and rural routes.

C. Vehicle operations standards.

D. Revise equipment requirements.
E. Incentive pay—city carriers.

[From the Washington (D.C.) Evening Star, May 6, 1970]

POST OFFICE QUIETLY CURTAILS SOME SERVICES

(By David Braaten and Philip Shandler)

The Post Office is quietly compressing service and work schedules in what it calls an effort to eliminate waste.

Working documents envision elimination of the perennial postal deficit in five years, by cutting weekend work, consolidating and mechanizing facilities, and seeking more customer help in zip-coding, sorting and distribution.

In Washington, evening mail pickups have been eliminated, vending machines have replaced Saturday window service downtown, and weekend sorting work has been curtailed.

MEMO OUTLINES PLAN

Other potential reductions are outlined in a strongly worded memorandum to local postmasters from the director of the region that includes Washington, and in a set of papers on service nationwide over the next five years.

Frank J. Nunlist, assistant postmaster general for operations, said current cuts are being left largely to the discretion of regional directors, after careful study of local conditions.

Only services for which demand has dropped as a result of changing consumer patterns are being reduced, he said. The general shift to a five-day work week, for example, has made window service unnecessary at postal headquarters at 12th Street and Pennsylvania Avenue NW, he said.

Guidelines for reductions in the District, Maryland, Virginia and West Virginia are contained in a memo from regional director Carl Ulsaker to "all city delivery offices."

"Any deviation should be because of some exceptional condition which you should explain," he wrote local postmasters. The memo says:

1. "All morning collection service should be eliminated except that made by the letter carrier while serving his route . . ."

2. Late evening collections "should be abolished unless significant volume will be advanced in dispatch. If retained, it must be confined to selected high-volume boxes in business districts, shopping centers or along arterial highways . . ."

3. "In purely residential areas a 5 p.m. collection is unnecessary and the only collection should be made by the letter carrier while serving his route . . . This collection may be started earlier if essential in order to conserve manpower . . ."

ONE CITYWIDE COLLECTION

On weekends and holidays, "only one complete citywide collection is necessary," the memo says.

"Saturday service should be limited to collection by letter carrier or relay carrier in performance of their regular duties. Additional Saturday service to business districts may be provided only if warranted by local conditions."

In regard to window service—stamp sales, package handling, etc.—on Saturdays, the postmasters are advised to make an evaluation and "take appropriate action immediately to consolidate services and reduce number of windows required or compress over-all weekly window service hours."

WEEKEND ASSIGNMENTS

The memo also says that "assignment of clerks and mailhandlers on weekends must be reduced to a bare minimum to provide adequate service."

Among the steps called for are:

1. Eliminating or deferring the sorting of incoming and outgoing "non-preferential" mail between 6 p.m. Friday and 6 a.m. Monday.

2. Deferring from Saturday night to Sunday the processing of outgoing first class mail.

3. Reducing the processing of incoming first class mail between 6 a.m. Saturday and midnight Sunday to special delivery and box mail, "and maintaining a level of mail compatible with clerical assignments on Tour 1 (early morning) Monday."

The memo also suggests scrutiny of coffee breaks, "visiting" among employes, early departures from work and personal telephone calls, for "potential man-hour savings."

Officials were reluctant to discuss the details of moves being made here and elsewhere to eliminate waste. But Nunlist and others made these general observations:

Morning collections from mailboxes formerly were made by truck drivers who relayed delivery mail to postmen on foot. Now, most mailmen have their own vehicles and can collect mail themselves.

Most first-class mail now is business communications, so fewer collections are necessary in residential areas.

Business has shifted to a five-day week, and downtown services—like window service at 12th and Pennsylvania—are scarcely needed on the weekend.

Less mail is moved by train and more by plane, so deadlines for sorting can be spaced further apart.

Many people have switched to the telephone for the kind of communications they used to mail, especially on weekends, others said.

REORGANIZATION MOVE

The reductions are being made as the Nixon administration presses for congressional approval of a reorganization of the Post Office into a corporation-like executive agency, and for new mail rates.

Reorganization giving the Post Office financing power now vested in Congress could speed the mechanizations and facility-development envisioned in the five-year forecasts, developed by Nunlist's Bureau of Operations.

The format of the forecasts consists of nine "stratagems" aimed at wiping out a deficit (estimated at $1.4 billion this year) that would otherwise climb to $3.5 billion by 1975.

The "strategems" outlined for the postmaster general's consideration, and the estimated payroll reductions for fiscal 1971 and 1975, include:

Five-Day Operation. (1971: $5,524,000; 1975: $145,530,000) "This plan contemplates the phased elimination of six-day delivery and manned window service."

Lock box access, special delivery and self-service facilities would be unaffected.

NEW METHODS

Area Mail Processing. (1971: $7,063,000; 1975: $80,659,000). This program would consolidate all outgoing-mail-handling functions into 400 to 500 "area mail processing plants," with "improved mail-handling methods and increased mechanized mail processing."

Production Standards. (1971: No estimate; 1975: $136,258,000). This involves the "development and implementation of individual and group standards for distribution and delivery employes, and refinement" of maintenance employes' standards.

New Techniques for Carrier Office Work. (1971: No estimate; 1975: $189,504,000). "This plan contemplates a fresh over-all view of the carrier function, especially time he spends preparing his mail for delivery." Increased mechanization and "new concepts" of delivery are involved, to reduce office time.

Modification to Mail Delivery Policies and Practices. (1971: $1,353,000; 1975: $8,663,000). This calls for delivery of mail to a "central point" at universities and similar facilities, reducing to one the attempts to deliver parcels, and charging fees for holding vacation mail.

Basic Services to Customers. (1971: $1,405,000; 1975: $36,163,000). Replacement of "outmoded" window service with modern, self-service equipment in shopping centers is envisioned, plus "cluster boxes" in suburban areas, and replacement of "selected post offices or stations with contract units."

Customer Cooperation. (1971: $11,147,000; 1975: $161,182,000). One of the biggest items in the nine-point savings plan, this assumes increased participation in the mailing process by customers, such as 100 percent ZIP coding, inclusion of apartment numbers in addresses, "single drop delivery" at apartment houses and urban renewal housing, and discounts offered as incentives to bulk mailers for pre-coding and pre-sorting their mail and getting it out early in the day.

Standard Levels of Service. (1971: $1,375,000; 1975: $33,083,000). This stratagem involves what the planners term "reasonably achievable standards of performance of services to the postal customer geared to a 7 p.m. time for the beginning of a postal day."

Standardization and Specialization of Postal Facilities. (1971: No estimate; 1975: $154,869,000). This concerns procurement and construction practices for post offices and equipment. "Customer-oriented" functions, like stamp sales, would be separate from new mail-handling facilities, and these facilities would handle "specific products," like parcel post.

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. BOGGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. BOGGS. On my time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, may I inquire, what is the time situation?

The PRESIDING OFFICER (Mr. TOWER). The Senator from Wyoming has 30 minutes remaining and the Senator from Texas has 5.

Mr. McGEE. I thank the Chair. I shall take just 1 minute and then be prepared to yield back the remainder of the 29 minutes.

Mr. President, I want to suggest that the committee opposes this amendment, for obvious reasons.

The proposed amendment would salvage the substance of the labor-management negotiations and leaves out the rest of the postal reorganization that was also a basic part of the negotiations and discussions.

I feel compelled to oppose the amendment.

I am ready now to yield back the remainder of my time if the Senator from Texas will also.

Mr. YARBOROUGH. Mr. President, I yield back the remainder of my time, in the interest of saving time, because the hour is late.

Mr. FONG. Mr. President, just let me say that we should vote the amendment down.

The PRESIDING OFFICER (Mr.

XUM

TOWER). All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Texas.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Florida (Mr. HOLLAND), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. McGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Maryland (Mr. TYDINGS), are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mr. HOLLAND), would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Illinois (Mr. PERCY) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kentucky (Mr. COOPER) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT), and the Senator from Illinois (Mr. PERCY) would each vote "nay."

The result was announced—yeas 5, nays 84, as follows:

[No. 202 Leg.]

YEAS—5

Ellender
Fulbright
McCarthy
Yarborough
Young, Ohio

NAYS—84

Aiken
Allen
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Goldwater
Goodell
Gore
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McIntyre
Miller
Mondale
Montoya
Moss
Murphy
Muskie
Packwood
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Williams, N.J.
Williams, Del.
Young, N. Dak.

NOT VOTING—11

Cooper
Dodd
Holland
Inouye
McGovern
Metcalf
Mundt
Nelson
Percy
Russell
Tydings

So Mr. YARBOROUGH's amendment (No. 748) was rejected.

Mr. METCALF. Mr. President, I am pleased to join with my colleague from the State of Montana, the distinguished majority leader (Mr. MANSFIELD) and with the distinguished minority leader from the State of Pennsylvania (Mr. SCOTT) and my distinguished colleague (Mr. CRANSTON) of California in sponsoring amendment No. 739 to S. 3842.

The distinguished majority leader has said, this amendment merely continues the long-standing congressional policy that rates on books, educational, and library materials be on a uniform national basis rather than zoned by distance. While S. 3842, by creation of the five-man Postal Rate Commission, delegates to that Commission the power to set postal rates and classifications, it is imperative that the Commission recognize the long-established national policy of this country in acknowledging the importance of the mails in the distribution of books and other educational materials.

While the amendment reserves to the Commission the function of setting the level of these rates, the Commission must, in making rate and classification determinations, take into consideration the intent of Congress as expressed in the committee report and in this amendment. If enacted the amendment assures the public the broadest possible access at minimal cost to informational, educational, scientific, technical, and literary publications, films and recordings, and other materials in rural as well as urban areas.

Literacy is recognized as the cornerstone of education, and the national need for progress in literacy extends well beyond the classroom or any particular age group. Diverse cultural forms must be available to every segment of our vast population if we are to have a true exchange of ideas. Understanding is enhanced by the free exchange of ideas and cultural forms through books, films, and recordings used by individuals, libraries, schools, and organizations dedicated to such intellectual development. Reduced nationwide flat rates for books, educational films, and library materials are necessary to achieve these goals.

The burden of mailing costs falls largely on the addressee, including educational institutions, libraries and, equally important, homes depending on the mails for access to books and other educational materials. There must be no discrimination because of geographic location for the distribution of these educational materials. A reversion to zoned rates for the shipment of books would impose a severe penalty on States far removed from the production centers of these materials. Individual schools and libraries pay the postal shipping charges on these materials as a separate and identifiable cost. An increase in the cost of getting materials to far-flung areas would result in a net decrease in the purchasing ability of the individual schools and libraries involved. As the distinguished majority leader has pointed out, if the special rates are removed, it will add an additional $130,000 of postage on circulation of library materials in our State of Montana. This can only mean a deterioration in services throughout the State and the denial to the people of Montana of the opportunity to receive these educational materials because of geographic location. This is true not only in Montana, but to all residing in States removed from the traditional production areas of these items. In remote and thinly populated areas of this country where libraries must serve their customers by mail, any elimination of a library interchange rate would be a severe blow to library service and public enlightenment.

Mr. MOSS. Mr. President, I intend to support President Nixon on his request for postal reform.

For nearly 2 years we have worked in the Post Office and Civil Service Committee to fashion a bill which meets the President's request for improved postal service which includes:

Independence from politics.

Better working conditions and wages for postal employees.

Self-support of postal service.

Growth to meet expanding demands for postal service. It is my firm hope that our bill will do this, therefore, I do not intend to weaken or change it on the floor of the Senate to exempt some organizations from paying postage, to upset the pay-your-way formula for postal patrons, to limit employee rights to bargain for wages and working conditions, to impair in any way the existing laws in right-to-work States like Utah, to force any person to violate his religious tenets against joining a union.

I shall vote for the Nixon bill on postal reform.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. BARTLETT, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17868) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1971, and for other purposes; that the House receded from its disagreement to the amendment of the Senate numbered 7 to the bill and concurred therein; that the House receded from its disagreement to the amendments of the Senate numbered 8, 9, 11, 12, and 13 to the bill and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

THE POSTAL REORGANIZATION ACT

The Senate continued with the consideration of the bill (S. 3842) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment. The Chair recognizes the Senator from Oklahoma.

AMENDMENT NO. 751

Mr. BELLMON. Mr. President, I call up amendment No. 751 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

On page 171, strike out lines 15 through 20 and insert in lieu thereof the following:

"The National Labor Relations Board shall decide in each case the unit appropriate for collective bargaining in the Postal Service. The National Labor Relations Board shall not include in any bargaining unit—".

On page 172, line 19, strike out "national".

On page 172, lines 23 and 24, strike out "national exclusive recognition and national".

On page 175, line 7, strike out "national".

Mr. BELLMON. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. BELLMON. Mr. President, I modify my amendment by adding at the bottom of the amendment:

On page 281, lines 8 and 9, strike out "national exclusive".

The PRESIDING OFFICER. The amendment is accordingly modified.

Mr. BELLMON. Mr. President, the amendment is designed to free postal employees from any legislatively mandated membership and permanent confinement in seven national so-called craft unions by permitting the National Labor Relations Board to apply the normally accepted standards in determining what are the appropriate units—industrial, craft, or a combination thereof.

Examples of unions which would be put out of business under the language of the Senate bill as it presently exists are the National Alliance of Postal and Federal Employees and the National Postal Union, commonly known as the NPU, with a combined membership of approximately 125,000 postal and Federal employees.

Mr. President, collective bargaining, which is provided for in the proposed legislation, is a sham if the employees are denied the right to freely select their bargaining representatives.

An appropriate unit is the essence of the right of collective bargaining and should not be determined arbitrarily by the Congress, as proposed in the pending legislation.

Some proponents of the pending bill may attempt to convey the impression that the independent industrial unions are seeking some kind of favoritism, while at the same time grabbing a bigger portion of the legislative pie. This is simply not the case.

All the amendment seeks to do it to put all unions in an equal position at the starting line.

It is my understanding that no union, organization, or individual had the right to bargain for wages or fringe benefits under Executive Order No. 10988, signed by the late President Kennedy, or Executive Order No. 11491, signed by President Nixon.

I, therefore, feel that Congress should stay out of the business of deciding labor-management relations by legislative mandate.

Mr. President, I ask unanimous consent that the names of the senior Senator from New York (Mr. JAVITS) and the junior Senator from New York (Mr. GOODELL) be added as cosponsors of the amendment.

The PRESIDING OFFICER (Mr. COTTON). Without objection, it is so ordered.

Mr. BELLMON. Mr. President, I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. GOODELL. Mr. President, I rise to cosponsor Senator BELLMON's amendment to the pending postal reform legislation. This amendment will assure an equal opportunity for all labor organizations to demonstrate that they represent a majority of the employees in a post office, city, or area. It will allow any union so demonstrating to be certified by the National Labor Relations Board as the appropriate unit for purposes of collective bargaining. This amendment would in no way direct the Board to certify any particular union or any particular unit, but would leave the Board free to make an appropriate determination. It assures nothing save equality of opportunity.

The present language of the Senate postal reform bill, at section 1302, which this amendment would alter, requires the Board to make a finding that any appropriate unit must be a national one. The practical effect of the present language is to bar from certification all but the nationwide, craft-based postal unions with headquarters here in Washington, even though in any particular city or area, the overwhelming majority of the postal workers or the majority of the workers in one of the postal crafts may be members of, and may desire representation by another postal union.

Under the present language of the bill, Mr. President, the third largest union of postal employees will be excluded forever from the bargaining table. This is the 80,000-man National Postal Union, which is not a national craft union. This independent union, which represents approximately 10 percent of all Post Office employees, has its membership concentrated in the big cities.

Twenty-six thousand members of the National Postal Union are in the boroughs of Bronx and Manhattan of New York City. They were, when they felt unjustly treated before, leaders of the recent national postal stoppage. Now the Senate bill proposes to legislate them out of existence, to destroy them. Can we be so bound in illusion as to assume that they, faced with this new injustice, will not once again take vigorous action to fight for their very survival?

Under the present language of the Senate bill, the fourth largest Post Office union in the country, the National Alliance of Postal Employees, will also be forever excluded from certification for bargaining with the postal corporation. Dare we assume that the 37,000 members of the alliance will complacently view, and passively accept, the destruction of the organization which they have long labored to build?

The amendment which I am cosponsoring strikes the reference to "national units" in the Senate bill. This change would allow the Board to make a finding, if appropriate, that the proper unit for representation was still the Nation as a whole. The nationwide unions would not be barred from certification. But, on the other hand, if it were found that a more restricted area is more appropriate, the change in language which I am proposing would allow such a finding. The present language would not allow such a finding. Only nationwide units could be certified under the present language.

Under the language of the amendment, Congress does not dictate to the Board any particular position on what constitutes the appropriate unit for bargaining purposes in the Postal Service. It leaves the Board free to make a finding, on such basis as it feels appropriate, as to what is the appropriate unit. The present language has Congress direct the Board to make a finding only on a national basis.

The present language, further, would restrict the units which may be certified by the Board to national craft unions. Industrial unions made up of all employees of a post office or area could not receive recognition. I submit, Mr. President, that to include such a requirement in any piece of labor legislation in this day and age is clearly undesirable. Such language would permanently prohibit recognition of any industrial union in the Postal Service. The craft unions, which have a history running back a hundred years in some instances, could win recognition whether the amendment is adopted or not. It poses no threat to those unions who are doing a good job of representing postal workers. There is little reason, then, why the Congress should force upon any group of workers in the United States one type of union and one alone. This is an extraordinary step.

I wonder, Mr. President, if all memory of the struggles of the Congress of Industrial Organizations to organize our mass production industries in the 1930's has gone from these Halls. Have we totally forgotten the magnificent organizing job Hillman and Lewis and Reuther and Murray did? Has everyone forgotten that out of this competition for membership and representation between the AFL and the CIO came the vital labor movement of today, made up of both craft unions and industrial unions, each on an equal footing, each equally a part of the American labor movement?

I do not believe, Mr. President, that the Congress of the United States should take sides with either the craft or the industrial unions, should dictate that either form must be the exclusive type to secure representation under our laws.

Mr. President, I cannot believe that this Congress will take this step. I regret deeply that this issue ever arose here. We are threatened with opening a Pandora's box of old, forgotten hatreds and fratricidal strife. This craft versus industrial unions issue can only lead to disaster for labor, for management, for America. Let us remove this threat from the postal reform bill. The amendment will in no way, make recognition of any existing postal union impossible. The present language makes recognition of any but the nationwide unions impossible. In the name of fairness, of union democracy, and congressional impartiality, let us under the law favor no one type of union, but give all an equal chance.

Mr. President, we are in danger of another postal strike at the present time.

Mr. President, our postal workers are justifiably frustrated. They have been living on promises. I believe we should move tonight to put this provision in the bill which will give fairness to all unions under the law. I believe we should go on to enact retroactively the pay increase and get this bill passed so union members will have justice.

The PRESIDING OFFICER (Mr. DOMINICK). Who yields time?

Mr. FANNIN. Mr. President, I ask for the yeas and nays.

XUM

The yeas and nays were ordered.

The PRESIDING OFFICER. Does the Senator from Wyoming desire to yield time?

Mr. McGEE. Mr. President, are we proceeding under the 1-hour time limitation or would the Senator from Oklahoma be willing to consider a lesser time limitation?

Mr. BELLMON. I am virtually finished and then I will yield back the remainder of my time.

Mr. McGEE. Mr. President, I do not know how much time the Senator from Oklahoma has used. If we were to agree on 15 minutes to a side would that be agreeable?

Mr. BELLMON. Mr. President, how much time have I used already?

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mr. BELLMON. Mr. President, 15 minutes is agreeable.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, on behalf of the committee I wish to explain what transpired in the dialog on this proposal and then I would be prepared to yield back the remainder of my time.

We have had long conversations with the leadership of each of the independent unions. We have had conversations with colleagues on the House side in terms of trying to understand the problem this represents, for example, in areas like New York City, in particular.

I thought we had worked out an understanding where we would take the two versions to conference and agree that everybody could be taken care of in conference, and the reason for that is specific.

There was negotiated downtown, for better or for worse, a labor-management collective bargaining agreement. It seemed on all sides better to honor the agreement rather than to tamper with it and then settle it in conference. It was our understanding with the leadership of each of the independent unions that this was an accepted settlement.

Mr. President, for that reason, in order to keep our part of the bargain we feel we would have to oppose the amendment from the floor. We believe it is one of those areas that would be taken to conference.

Mr. FONG. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. McGEE. Mr. President, I yield such time up to 15 minutes as the Senator may require.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. FONG. Mr. President, I am fearful that if we exclude the word "national" as it relates to labor unions we will find ourselves in tremendous trouble and we will find ourselves dealing with every unit in every post office all over the country. I do not think we want to be in that position.

We realize the situation in the postal system in New York, but this is one problem we discussed with the union and we were going to conference to see what could be worked out. But if we knocked out the word "national" I am afraid the Post Office Department would be bargaining with 35,000 or 32,000 post office units where each could represent a bargaining unit.

I do not think we want that kind of situation. We understand that in New York they have this very large unit and they should be given consideration. We had intended in this bill to give them the right to represent their members in grievances. We had intended to do so but it did not get in the bill. We gave them the right to negotiate, to use checkoffs and other privileges; but if we knock out the word "national" I am afraid we will get into a lot of trouble.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. FONG. I yield.

Mr. PASTORE. Does the Senator from Rhode Island understand there is an agreement in which the heads of these independent unions had participated and that this is agreeable to them?

Mr. FONG. We had discussed this with them and I do not know if it is agreeable with them, but it is understood we are going to take this to conference and try to work out something.

Mr. PASTORE. And they understood it?

Mr. FONG. They understood it.

I think we should not tie our hands in conference, and I think that by excluding the word "national" in this language we will find ourselves in a barrel of trouble.

The PRESIDING OFFICER. Who yields time?

Mr. McGEE. Mr. President, I am prepared to yield back the remainder of my time.

Mr. GOODELL. Mr. President, will the Senator yield?

Mr. McGEE. I am glad to yield to the Senator from New York.

Mr. GOODELL. Mr. President, I think the concern of the Senator from Oklahoma, and my concern also, is that even if it were agreeable to settlement in conference, page 157, lines 8 and 9 of the House bill, contains this language, which starts on line 6:

> As soon as practicable after the enactment of this Act, the Postmaster General and the labor organizations that as of the effective date of this section hold national exclusive recognition rights granted by the Post Office Department, shall negotiate an agreement or agreements covering wages, hours, and working conditions of the employees represented by such labor organizations.

Mr. President, that language is in the House bill. I believe we have comparable language in the Senate bill at page 281, lines 6 through 12, do we not?

Mr. McGEE. The Senate language is similar to that, yes.

Mr. GOODELL. My concern is that if there is similar language in both the House bill and the Senate bill, this would freeze in the requirement "hold national exclusive recognition rights granted by the Post Office Department," and that is why I think it is vital to deal with that section on page 157.

Mr. McGEE. It is the recollection and understanding of the Senator from Wyoming in our conversations with the independent leadership of these unions that the House language was prepared and cleared with them for its interpretation in order to satisfy this need. That is the reason we had not considered any tampering with the House language in that section.

Mr. GOODELL. Is it the Senator's understanding that the language I quoted, referring to "national exclusive recognition rights" would not preclude an agreement in conference that would permit the continued existence of the local collective bargaining units?

Mr. McGEE. That is correct.

Mr. GOODELL. They could bargain for wages and other conditions?

Mr. McGEE. Absolutely, that is correct.

Mr. GOODELL. I thank the Senator.

Mr. JAVITS. Mr. President, will the Senator yield to me for 2 minutes?

Mr. BELLMON. I yield to the senior Senator from New York for 2 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, the Senate had 2 routes to go. It could either enact the substitute, which was the House bill, with the best things from the Senate bill, or work the other route, which is what it is doing now.

This is the redemption of the promise to postal workers that they be treated like workers in the private sector. In the private sector they would not have this boom lowered on them. We are asking only that they have the same opportunities locally as national unions. It is not giving them anything. I hope very much the measure will be approved.

Mr. McGEE. Mr. President, when we are prepared to yield back the remainder of our time I will move to table the measure for the obvious reason as a parliamentary procedure, but I do not want to preempt the time until we have used it up.

Mr. BELLMON. Mr. President, I ask unanimous consent that the name of the Senator from Arizona (Mr. FANNIN) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. BELLMON. I yield.

Mr. MURPHY. Do I understand that in the post office reorganization there has been a consideration in meetings which were held and agreements made whereby the people who will work in the post office—must join a certain union or join one of several unions, or they will be denied the right to work in the post office and will not have a free choice to select the union of their own selection?

Mr. McGEE. No. There is nothing that compels that in either bill, as far as I know. Nothing compels that. In the pending amendment that is not the issue. However, in the overall legislation pending, all that the Senate bill proposes, under the Taft-Hartley Act, section 14(b), is that in those States that have the right-to-work laws that takes precedence over other legislation. In those States which do not have right-to-work laws, there remain open, among the options that we ask here, elections, if that is what they choose. In most cases, in practical terms, 90 or 95 per-

XUM

cent of them are in a single union, including the New York area.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. McGEE. I am glad to yield.

Mr. HANSEN. I would like to ask the Senator from Wyoming if he may have been present when the distinguished junior Senator from Tennessee made the point, and if he was present would be comment upon the observation made by the distinguished junior Senator from Tennessee when he said that it was his understanding that section 14(b) would invalidate, as I understood him, the application of a State right-to-work law, if the activity of the affected worker was one that affected interstate commerce.

The PRESIDING OFFICER. The time of the Senator from Wyoming has expired. Does the Senator from Oklahoma yield any time?

Mr. McGEE. Mr. President, will the Senator from Oklahoma yield a moment to me on that point?

Mr. BELLMON. Mr. President, how much time remains to me?

The PRESIDING OFFICER. Four and a half minutes.

Mr. BELLMON. I yield one minute to the Senator from Wyoming.

Mr. McGEE. Mr. President, it is the chairman's understanding and interpretation and advice from legal counsel that section 14(b) exempts nothing in interstate commerce; that State right-to-work laws prevail under the 14(b) provision. It is part of the labor law at the present time.

XUM

Mr. GOODELL. Mr. President, will the Senator yield to me?

Mr. BELLMON. Mr. President, I yield 1 minute to the Senator from New York.

Mr. GOODELL. Mr. President, I know the Senator from Wyoming is dealing with a very difficult issue. It is a complex area, with different views as to meaning and different views at different times; but I must say to the chairman of the committee and the Senate that I have just met with the representatives of the independent National Postal Union and they indicate that there has been no such agreement. They are concerned about the language which I quoted to the Senator because it does appear that it would preclude anything except national unions being recognized for collective bargaining and negotiation purposes.

It is conceivable, under the House language and the Senate language, that we could come out of conference with a provision that would permit local unions to continue to exist—I believe that is true of the Senate bill—but they would exist only to handle grievance proceedings, and they could not be involved in real negotiations as far as wages, working conditions, and other factors that are so critical are concerned.

The amendment offered by the Senator from Oklahoma, myself, and other Senators would make it clear, not that the local unions are going to exist, but that the National Labor Relations Board would be empowered to make a decision as to who are the proper representatives for bargaining purposes of the workers in each case.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BELLMON. Mr. President, I yield 1 additional minute to the Senator from New York.

Mr. GOODELL. I think it is critical that we face this issue here tonight. The House bill is generally acceptable in the fact that it does provide that there can be local unions; it does not permit solely national craft unions to exist. But the House bill does contain language that clearly indicates that we are going to end up with national exclusive bargaining, which will be one of the major postal unions, or several of them. It will exclude completely local unions from vital decisions in vital negotiations. I believe that decision should be left to the Board.

If we do not delete the language, there will be no option in conference but to go along with national negotiations solely with national unions, and local unions will be wiped out for bargaining purposes.

Mr. BELLMON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma has 1½ minutes left. The Senator from Wyoming is fully out of time.

Mr. BELLMON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma has yielded back the remainder of his time. All time of the Senator from Wyoming has expired. The question is on agreeing to the amendment——

Mr. FONG. Mr. President, I ask unanimous consent to have 2 minutes so that I may try to clarify this matter.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Hawaii is recognized for 2 minutes.

Mr. FONG. Mr. President, I believe the distinguished Senator from Oklahoma is looking at page 157 of the House bill and a similar section in the Senate bill, which deals with transitional collective bargaining. It is only in that particular that the two provisions of the House bill and the Senate bill each read alike. So, in that respect, during the transitional period, even if it went to conference, there would be no change.

But when it comes to the time when the National Labor Relations Board, as provided in the Senate bill, decides which shall be the bargaining unit, section 1302 of the Senate bill reads:

> The National Labor Relations Board shall decide in each case the national unit appropriate for collective bargaining in the Postal Service. Such units shall be national craft units such as those previously recognized under Executive Order 10988. The National Labor Relations Board shall not include in any bargaining unit—

And so forth. Under the House bill we have a similar provision which reads a little differently from the Senate bill, section 233, bargaining units:

> The National Labor Relations Board shall decide in each case the unit appropriate for collective bargaining in the Postal Service . . .

So when it comes to the time when the National Labor Relations Board shall enter into the picture, it is the group that shall decide which unit is the appropriate collective bargaining unit. But in the Senate version we limit it to those of national craft units, whereas the provision of the House bill does not. In that particular instance the House and the Senate will be in conference on that particular matter. So I will say that, as far as the bargaining unit is concerned, this matter will be thrashed out in the conference.

The PRESIDING OFFICER. The time of the Senator from Hawaii has expired. All time has expired. The question is on agreeing to the amendment of the Senator from Oklahoma.

Mr. McGEE. Mr. President, I ask unanimous consent to have 30 seconds.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from Wyoming is recognized for 30 seconds.

Mr. McGEE. Mr. President, in conference with my colleague from Hawaii on the proposal advanced by the Senator from Oklahoma, we have agreed to drop the language of the bill the phrase "national exclusive recognition," on page 281, to permit and to insure, in case of doubt, because of the uncertainties, that this would in fact be a legitimate subject for conference. In that way it protects the intent both ways.

I am wondering what the disposition of the Senator would be in light of the acceptance of that.

The PRESIDING OFFICER. Does the Senator from Wyoming ask unanimous consent that the committee substitute be so modified?

Mr. McGEE. Mr. President, I ask unanimous consent that the committee substitute be so modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. McGEE. I asked for only 30 seconds.

The PRESIDING OFFICER. All time is expired. Without unanimous consent, we cannot proceed further.

Mr. JAVITS. Mr. President, I ask unanimous consent that we may have a quorum call without its being charged to either side.

The PRESIDING OFFICER. Is there objection?

Mr. GOODELL. Mr. President——

Mr. JAVITS. Mr. President, the Chair recognized me. What is the ruling?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. I wonder if the Senator from Wyoming could send to the desk for clarification purposes the method by which he modified the committee amendment.

Mr. McGEE. Yes; here is the modification.

The PRESIDING OFFICER. The clerk will state the modification.

The assistant legislative clerk read as follows:

> On page 281, lines 8 and 9, strike out the words "national exclusive".

Mr. McGEE. Mr. President, the Senator from Oklahoma wanted to be heard.

Mr. BELLMON. Did the Senator get more time?

Mr. McGEE. He has to ask for the withdrawal of his amendment.

The PRESIDING OFFICER. The Chair has already announced that the modification of the committee amendment, without objection, has been agreed to.

Mr. McGEE. Yes, but the Senator from Oklahoma has to withdraw his amendment.

The PRESIDING OFFICER. The amendment of the Senator from Oklahoma (Mr. BELLMON) is now pending. What is the Senator's pleasure?

Mr. BELLMON. Mr. President, I ask unanimous consent that my amendment be withdrawn.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. McGEE. Is it now in order for——

The PRESIDING OFFICER. At the present time, there is no amendment pending.

AMENDMENT NO. 752

Mr. BELLMON. Mr. President, I call up my amendment No. 752.

Mr. McGEE. Mr. President, would the Senator from Oklahoma yield for a brief explanation of just what has transpired here, for the RECORD?

Mr. BELLMON. I yield for that purpose.

Mr. McGEE. What we have just agreed to, with the Senator from Oklahoma and the Senator from New York, was to change the language in the section on page 281, the three words "national exclusive recognition" in the one area of the two bills, the House and Senate bills, where the language is identical. By changing that language, it entitles us to take this question to conference, and in that way, we are now free to resolve in conference with the House of Representatives the objectives sought by the Senator from Oklahoma and the Senators from New York on the question of recognizing the independent unions.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. PASTORE. I think we ought to make it clear in the record that while there is some sympathy here for the recognition of the independent unions, what we are doing now is not to exclude the participation of national unions. I mean we want to make that clear.

Mr. McGEE. Yes; the record is clear.

Mr. PASTORE. In other words, the Senate is not now backing away from recognition of the national unions. I want to make that clear.

Mr. McGEE. That is right.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor. The clerk will state his amendment.

Mr. MILLER. Mr. President, will the Senator yield so I can ask a question of the Senator from Wyoming?

The PRESIDING OFFICER. The Senator from Iowa will wait until the clerk states the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. BELLMON. Mr. President, I ask unanimous consent that further reading of the amendment be waived.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BELLMON's amendment (No. 752) is as follows:

On page 142, line 6, strike all matter through and including line 5, page 143.

On page 140, between lines 6 and 7, strike the following:

"'303. Members of Congress serving on the Federal Boards of Governors'",

and in lieu thereof the following items:

"'303. Assistant Postmasters General and the General Counsel.

"'304. Procedures of the Board of Governors.

"'305. Advisory Council.

"'306. Seal.

"'307. Judicial Officer.'"

On page 143, line 6, strike "SEC. 304." and in lieu thereof insert the following: "SEC. 303.".

On page 143, line 14, strike "SEC. 305." and in lieu thereof insert the following: "SEC. 304.".

On page 144, line 6, strike "SEC. 306." and in lieu thereof insert the following: "SEC. 305.".

On page 145, line 21, strike "SEC. 307." and in lieu thereof insert the following: "SEC. 306.".

On page 146, line 3, strike "SEC. 308." and in lieu thereof insert the following: "SEC. 307.".

Mr. MILLER. Mr. President, willl the Senator from Oklahoma yield 3 minutes to me, so that I may ask the Senator from Wyoming a question?

Mr. BELLMON. I am pleased to yield to the Senator from Iowa.

Mr. MILLER. I thank the Senator. If I may have the attention of the Senator from Wyoming, following along the line of the question of the Senator from Rhode Island (Mr. PASTORE), would it not be fair to say, as a matter of legislative history in connection with this amendment, that it is intended that the overall policy of Congress be that the national unions generally be in the picture, rather than to have a condition where we might have 26,000 local unions involved?

The Senator from Wyoming made quite a point of that in his argument against the original Bellmon amendment, and I must say I think most of us thoroughly agree that we do not want to get into that condition. So while this amendment leaves it open for a few exceptional cases, such as the New York situation, and also for the nationals, the overall policy is to look to the national unions as the major collective bargaining agents?

Mr. McGEE. Yes; but to keep open the free option for others to go through the regular procedures and maintain their role, their independence.

Mr. MILLER. That is right; but that will be in the nature of an exception to the overall policy.

Mr. McGEE. This will have to be tested, then, down the line, in the future. In other words, Congress is not preempting that decision.

Mr. MILLER. I understand. But I think we ought to have a legislative policy that we are generally looking to the national unions as distinguished from all the many thousands of locals.

Mr. McGEE. That is true.

Mr. MILLER. I thank the Senator.

SEVERAL SENATORS. Vote! Vote!

Mr. McGEE. Can the Senator agree to a time limitation on this amendment?

Mr. BELLMON. This will take approximately 5 minutes.

Mr. McGEE. Can we agree on a 5-minute time limitation on the amendment?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, the purpose of this amendment is very simple. Under the terms of the Senate bill, two Members of the House and two Members of the Senate serve on the Board of Governors of the new Postal Service. It is my hope, as a member of the committee and as a Member of the Senate, to get Congress completely out of the post office business. It is my feeling that if we have two Members of the House and two Members of the Senate on the Board of Governors, our constituents are still going to feel that we are choosing the rural carriers and the rural postmasters and have the impression back home that we are still running the Post Office Department.

I feel that the language should be deleted.

Mr. McGEE. Mr. President, the Senator made a very eloquent case in the committee on this point—namely, the presence on the Board of Governors of four nonvoting Members of Congress—two from the House and two from the Senate. That is the key.

In the original proposal that came from downtown on postal reorganization, they were urging a congressional representation. It was the ultimate judgment of the committee in session that so long as they were nonvoting and could lend the counsel and the advice that still ties the public interest factor in postal affairs to the concern of Congress, this would be the least complicated of the ways to do it. There may be other ways; we examined a number of alternatives. This seemed to hold fewer complications than some of the others.

For this reason, the committee would have to oppose the Senator's amendment, which would eliminate the four nonvoting Members of Congress.

Mr. FONG. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. FONG. Is it not true that in some of the versions of our bill, we did leave out the advisory members?

Mr. McGEE. Yes, we did, in the early version.

Mr. FONG. And then employees of the Post Office came to see us, and said they were afraid that they would not be able to speak to the Board of Governors; so they wanted some liaison between the Board of Governors and themselves, and they asked us to put them back in.

Mr. McGEE. That is correct.

The PRESIDING OFFICER (Mr. MONTOYA). Who yields time?

SEVERAL SENATORS. Vote! Vote!

Mr. BELLMON. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. McGEE. I yield back the remainder of my time.

XUM

Mr. BELLMON. I yield back the remainder of my time.

The **PRESIDING OFFICER.** All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Oklahoma. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. Dodd), the Senator from Florida (Mr. Holland), the Senator from Hawaii (Mr. Inouye), the Senator from Minnesota (Mr. McCarthy), the Senator from Wisconsin (Mr. Nelson), the Senator from Georgia (Mr. Russell), and the Senator from Maryland (Mr. Tydings) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mr. Holland) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Illinois (Mr. Percy) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Arizona (Mr. Goldwater) is necessarily absent.

On this vote, the Senator from South Dakota (Mr. Mundt) is paired with the Senator from Illinois (Mr. Percy). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 38, nays 52, as follows:

[No. 203 Leg.]

YEAS—38

Aiken
Allen
Anderson
Baker
Bellmon
Byrd, Va.
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Ellender
Fannin
Fulbright
Gravel
Griffin
Gurney
Hansen
Hartke
Hollings
Hruska
Hughes
Jordan, Idaho
Mathias
Miller
Murphy
Pearson
Proxmire
Saxbe
Smith, Ill.
Spong
Stennis
Stevens
Thurmond
Williams, Del.
Young, N. Dak.

NAYS—52

Allott
Bayh
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Church
Cranston
Eastland
Ervin
Fong
Goodell
Gore
Harris
Hart
Hatfield
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Packwood
Pastore
Pell
Prouty
Randolph
Ribicoff
Schweiker
Scott
Smith, Maine
Sparkman
Symington
Talmadge
Tower
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—10

Dodd
Goldwater
Holland
Inouye
McCarthy
Mundt
Nelson
Percy
Russell
Tydings

So Mr. Bellmon's amendment (No. 752) was rejected.

Mr. MAGNUSON. Mr. President, I call up my amendment and ask that reading of the amendment be dispensed with. I can explain it.

The **PRESIDING OFFICER** (Mr. Montoya). Without objection, it is so ordered, and the amendment will be printed in the Record.

The amendment of the Senator from Washington is as follows:

On page 209, following line 22, insert the following:

"§ 3111. Mailing of Unordered Merchandise

"(a) Except for (1) free samples clearly and conspicuously marked as such, and (2) merchandise mailed by a charitable organization soliciting contributions, the mailing of unordered merchandise or of communications prohibited by subsection (c) of this section constitutes an unfair method of competition and an unfair trade practice in violation of section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1).

"(b) Any merchandise mailed in violation of subsection (a) of this section, or within the exceptions contained therein, may be treated as a gift by the recipient, who shall have the right to retain, use, discard or dispose of it in any manner he sees fit without any obligation whatsoever to the sender; and all such merchandise shall have attached to it a clear and conspicuous statement informing the recipient that he may treat the merchandise as a gift to him and has the right to retain, use, discard or dispose of it in any manner he sees fit without any obligation whatsoever to the sender.

"(c) No mailer of any merchandise mailed in violation of subsection (a) of this section or without the exceptions contained therein, shall mail any recipient of such merchandise a bill for such merchandise or any dunning communications.

"(d) For the purposes of this section, 'unordered merchandise' means merchandise mailed without the prior expressed request or consent of the recipient."

Mr. MAGNUSON. Mr. President, this is the same amendment which passed the Senate earlier, and I yield now to the Senator from Wyoming.

Mr. McGEE. Mr. President, I ask unanimous consent that this body accept this action in which it appended the Magnuson amendment to the Baker substitute, inasmuch as this body has acted on that amendment and it will save our time if we transfer the action to this bill.

The **PRESIDING OFFICER** (Mr. Montoya). The question is on agreeing to the amendment of the Senator from Washington.

The amendment was agreed to.

AMENDMENT NO. 744

Mr. FANNIN. Mr. President, I call up my amendment No. 744 and ask that its reading be dispensed with.

The **PRESIDING OFFICER.** Without objection, the reading of the amendment will be dispensed with and the amendment will be printed in the Record.

The amendment of the Senator from Arizona, No. 744, is as follows:

Amendment No. 744

"(c) Notwithstanding the provisions of this Act or of the National Labor Relations Act, as amended, each employee of the Post Office Department shall have the right, freely and without fear of penalty or reprisal, to form, join, and assist a labor organization or to refrain from any such activity, and such employee shall be protected in the exercise of this right."

Mr. FANNIN. Mr. President, I ask unanimous consent that the names of Senator Curtis, Senator Goldwater, Senator Thurmond, Senator Hollings, and Senator Dole be added as cosponsors of my amendment.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. FANNIN. Mr. President, I shall take but a short time to explain the amendment. This matter has been debated for some time. Many articles have been submitted for the Record from newspapers all over the Nation concerning it. I have a great many statements with me tonight which I shall not read which I believe most Members have seen.

I believe that this is something that we should vote upon. If anyone here still thinks the point is invalid concerning what is provided in the executive order originated by the late President Kennedy and the letter signed into effect by President Johnson and then more recently by President Nixon, I say that if anyone doubts this, they should read the statement by Prof. Kurt L. Hanslowe of Cornell University and the former assistant general counsel of the United Workers, who said recently:

> The union shop in public employment has the potential of becoming a neat mutual back-scratching mechanism, whereby public employee representatives and politicians each reinforce the others' interest and domain, with the individual public employee and the individual citizen left to look on, while his employment conditions and his tax rate and public policies generally are being decided by entrenched and mutually supportive government officials and collective bargaining representatives over whom the public has diminishing control.

I believe that statement emphasizes exactly what I have been trying to bring about in the statements I have been making and the educational discussion we have carried on over the past few weeks. We can also look into the Congressional Record and read the statements made by our colleagues in the other body.

This legislation will take a Federal executive agency of 750,000 employees and place it under cover of a statute from which they are now excluded. For the first time in history, a group of Federal employees who aspire to work for the Federal Government in the postal service, would be faced with the prospect of union membership as a condition of employment and will be dismissed for failure to join a union if a union shop agreement is entered into.

Mr. President, the hour is late. If the Senate permits a postal reform bill to pass that legalizes compulsory unionism we will have taken a giant step down the road to the enforced unionization of all public employees at the Federal, State, and local levels. The militant union boss, Jerry Wurf, president of the American Federation of State, County, and Municipal Employees, is already urging legislation on Congress in the form of a public employees relations act that would provide for the legalization by the Congress of union shop agreements for all public employees.

I emphasize again that this is a very simple amendment and merely provides that notwithstanding the provisions of this act or the National Labor Relations Board as amended, each employee in the Post Office Department shall have the right freely without fear of penalty or reprisal, to form, join, or assist a labor organization or to refrain from any such activity. And such employees shall be protected in the exercise of this right.

Mr. President, I yield to the Senator from Kansas.

XUM

Mr. DOLE. Mr. President, to prevent the introduction of subsidized fiefdoms at the Federal level, to avoid coercing workers to pay a part of their salary for compulsory dues, and to avert the creation of political slush fund, I join my distinguished colleague from Arizona (Mr. Fannin) in cosponsoring his amendment to remove the compulsory union shop provision from S. 3842.

Mr. President, the Hatch Act established the legal restraints on political activity by Government employees. But S. 3842 would not only allow politicization, it would force it. To support both the Hatch Act and this measure is to simultaneously restrain, yet compel; admonish, yet advocate; punish, yet promote political involvement.

To call for repeal of the Hatch Act while supporting this bill is simply to substitute compulsion for prohibition—merely another species of coercion.

A much more appropriate, consistent approach would protect the worker's right to refrain from joining a labor union as well as his right to participate. The approach represents more than the embodiment of a concept against coercion. It is more than a simple repetition of the right to work principle first enunciated for Federal employees in 1962 by President John F. Kennedy in Executive Order 10988.

It is the only barrier remaining against the incursion of the spoils system into the Government.

To separate the obscure, tangled argument from the rather stark reality of this legislation, let me make two simple statements which advocates of the unamended proposal could not deny.

First. Under present law, every Federal employee—including postal employees—is guaranteed the right to make his or her own decision to become a member of an organized labor group. This right cannot be denied by agreement between union officials and the Post Office Department.

Second. Under S. 3842 as reported by the Senate Post Office Committee, the officials of the postal administration can negotiate union shop contracts which abrogate that freedom. There are some who say that legislation of this sort does not legislate closed shops, but merely makes their creation an issue within the bargaining process. They point to the difference between compelling compulsion and merely permitting it. Yet how many of those who blur the distinction between de jure racial segregation and de facto separation wash their hands clean of de facto-forced unionism? How many of those who refuse to perceive a difference between the roles of Government in creating one condition, hide behind minute distinctions involving another? Make no mistake—if we pass this bill, in unamended form we would be doing the forcing, we would be creating the conditions, we would be, in effect, signing the closed shop contract for the Post Office employees.

I am reminded of the words of Supreme Court Justice William O. Douglas in a recent decision on union versus individual rights:

> The collection of dues for paying costs of collective bargaining of which each member is a beneficiary is one thing. If, however, dues are used, or assessments are made, to promote or oppose birth control, to repeal or increase the taxes on cosmetics, to promote or oppose the admission of Red China into the United Nations, and the like, then the group compels an individual to support with his money causes beyond what gave rise to the need for group action.—*I.A.M.* v. *Street*, 367 U.S. 740 (1961).

It is this use of compulsory dues dollars for political purposes that would characterize the new spoils system should it be ushered in by adoption of S. 3842 in unamended form.

It is often said, by the proponents of closed shops, that those who oppose them merely do so to bolster the bargaining position of management. Yet I can report that the significance of this bill is not lost on the rank-and-file workers either.

One of my constituents, Mrs. Eleanor M. Hewitt, a postal clerk in Sabetha, Kans., wrote:

> I believe each and every postal employee should have the right to elect whether we want to belong to the union or not.

The "Eleanor Hewitts" are the people most affected by S. 3842. It is they who will be victimized under a spoils system. And it is neither the postal nor the union but the Congress which will be responsible.

Mr. President, let those who support the intentions of the Hatch Act speak now to preserve its effects. Let those who oppose it speak now to preserve their consistency. Let those who refuse to focus on the difference between de facto and de jure involvement apply their blurred standards to this issue. And let those who claim to defend the rights of workingman, act now for the workingman.

Mr. FANNIN. Mr. President, I yield to the distinguished Senator from North Carolina.

Mr. ERVIN. Mr. President, I have drafted and had intended to offer an amendment (amendment No. 750) to the pending bill. This amendment would accomplish the same result which the amendment offered by the distinguished Senator from Arizona would accomplish. Consequently, I shall not offer my amendment. However, I ask unanimous consent that it be printed in full at this point in the Record.

The PRESIDING OFFICER (Mr. Montoya). Without objection, it is so ordered.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 750

On page 180, line 13, change the period at the end of subsection (a) of section 1309 to a colon, and insert immediately thereafter a proviso reading as follows: "*Provided, however,* That no officer or employee of the Postal Service shall be required to join or financially support any labor organization as a condition of employment."

Mr. ERVIN. Mr. President, no man is truly free unless he has a right to join a union or to refrain from joining a union. We have heard arguments to the effect that the Postal Service under the pending bill is to be converted into something in the nature of a private shop and that therefore we should have laws governing the relationship of the Service representing the Government and the employees in the Postal Service similar to those which prevail in private industry.

Mr. President, I deny the validity of that observation.

I would like to call the attention of the Senate to the fact that what we are doing is providing for a public service similar to that which has been performed by the Post Office Department since Benjamin Franklin was Postmaster General.

Section 101 of the pending bill, which appears on page 137, has this to say:

> The United States Postal Service shall be operated as a basic and fundamental service provided to the people by the Government of the United States, authorized by the Constitution, created by Act of Congress, and supported by the people.

In the light of that statement, it is absurd to say that we are dealing here with a relationship similar to that between a private employer and his employees.

I also invite the attention of the Senate to section 102 which provides as follows:

> To provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining, and to prevent either reductions in services or unreasonable increases in postal rates, there shall be appropriated to the Postal Service each year an amount of money which shall represent the public service cost of operating the Postal Service.

So we still have here, not a transferral of the postal service of this Nation to a private organization, but we have here, just as we have always had, the rendition of a public service conforming to the Constitution of the United States which establishes the Post Office Department.

I stated a moment ago, I believe, that every man should have the right to join a union or the right to refrain from joining a union. I also believe that where persons voluntarily join a union—it makes no difference whether they are Federal employees or employees of a private employer—they should have the right to negotiate through representatives of their choosing with their employer, whether it be the Federal Government or a private employer, in respect to conditions of their employment insofar, as those conditions are not regulated by acts of Congress.

This bill proposes for the first time in American history that Federal employees shall be compelled to pay to labor unions sums of money for the privilege of working for the Government of the United States.

The bill proposes to give to unions as autocratic a power as the kings of France had in their most despotic days.

The doctrine prevailed in France at the time French kings possessed virtually absolute power over the lives of their subjects that "the right of working is a royal rights which the prince can sell and the subjects must buy."

Frenchmen had to pay their king for the right to earn a living during France's most despotic days.

Here we have a proposal for compulsory unionism in the Federal service, in the Postal Service. And this demand for compulsory unionism in the Postal Service is based upon an adaptation of the doctrine which prevailed in France in its most despotic days.

XUM

This is the doctrine as it is enunciated in the Congress of the United States by those who advocate compulsory unionism in the postal service: The right to work in the postal service is a labor union right which the labor union can sell and the individual worker must buy if he is to be allowed to earn a livelihood for himself and his loved ones with his own hands and his own talents in the postal service.

During a previous generation, labor unions rightly condemned so-called yellow dog contracts whereby employees were required to agree either to join a union selected by their employer or to abstain from joining any union whatever.

A demand for compulsory unionism in the Post Office Department or the postal service is a demand for a yellow dog contract in another form. There is no difference in the eyes of freedom between a yellow dog contract which says that a man cannot join a union and a yellow dog contract which says that he must join a union.

There is not a particle of difference between those two propositons. They are blood brothers. Neither of them has any right to a place in a free society.

There is quite a difference between working for a private employer and working for the Government. The right to work for a private employer is a limited right. But the right to work for the Government ought to be an absolute right on the part of any man who is competent to perform the duties the Government requires of him and who is able to meet the qualifications of his employment. No man ought to be required to pay union dues as the price of working for his own Government.

I say without fear of being successfully controverted that compulsory unionism has no place in a free society. In saying this I do not derogate the value of unions in our society or deny them any right to which they are entitled. Unions are voluntary associations, like churches, and other voluntary associations. All voluntary associations in the United States, except unions, are required to obtain their members by persuasion. That is the way churches get their members, that is the way all other voluntary organizations get their members. No free man ought to be compelled to join any organization against his will for the purpose of earning the privilege of eating his bread in the sweat of his own face. And no man should be required to join a union or to financially support a union except by his own free choice.

Any country which sanctions by law compulsory unionism is not, in fact, a truly free society. Compulsory unionism is alien to liberty. I have never understood why any organization should have the right to draft people against their wills into membership and to levy upon them tributes against their wills.

I have heard all of the arguments about free riders, and that unions are required to negotiate for everyone in a bargaining unit at the bargaining table. That requirement is not something imposed upon the unions; that is a power the unions seek.

The contest going on upon the floor of the Senate at this moment is the oldest contest earth has ever known. During every generation of mankind there has been a contest between tyranny on the one hand and freedom on the other.

The great poet Rudyard Kipling, who was also a great statesman, wrote a poem entitled "The Old Issue," in which he speaks of the eternal conflict which goes on between tyranny and freedom. He points out in "The Old Issue" in most eloquent fashion some truths which we would do well to meditate upon at this moment as we are asked to impose compulsory unionism upon 750,000 supposedly free Americans.

I do not question the motives of those who seek to impose compulsory unionism upon postal employees. They undoubtedly believe that the unions know what is best for them and that they ought to be willing to cooperate with unions for their own good.

I venture to assert that no man is truly free unless he is at liberty to manage his own life, even though in doing so he may take a course of action which either the union or the Congress deems to be foolish.

Inasmuch as Rudyard Kipling was an Englishman, he spoke of the great conflict between tyranny and freedom as a conflict between the people and the king. We will appreciate his poem better if we identify the king in meaning with the Government of the United States.

Kipling truly said:

> All we have of freedom, all we use or know,
> This our fathers bought us long and long ago.
>
> Ancient Right unnoticed as the breath we draw,
> Leave to live by no man's leave, underneath the Law.
>
> Lance and torch and tumult, steel and grey-goose wing,
> Wrenched it, inch and ell and all, slowly from the King.
>
> So they bought us freedom, not at little cost,
> Wherefore must we watch the King, lest our gain be lost.

One of the rights our fathers bought for us at great price was the right to earn our living in the sweat of our faces without leave of any man or group of men. Shall we throw this precious right away tonight by voting for compulsory unionism in the postal service of the United States? Shall we say to the citizens of the United States, "You cannot work for your Government unless you join a union, pay dues, and take orders from it?"

If Senators have any doubt in their minds about the despotic powers which unions have over their members, I suggest they read the decision, the split decision, the 5-to-4 decision, of the U.S. Supreme Court in the case of *National Labor Relations Board* v. *Allis Chalmers Manufacturing Company*, 388 U.S. 175. That case holds, in effect, that the member of a union does not have the right to make up his own mind or decide his own course of action in respect to matters connected with his employment. He has to take orders from the union, even though he believes the orders to be inadvisable, unwarranted, and unjust. Under this decision, a union member can be fined by a union if he disobeys the orders of the union.

The Supreme Court held in that 5-to-4 decision that the union has that power over a member notwithstanding the fact that Congress, in section 7 of the Taft-Hartley Act declared in as plain words as can be found in the English language, that an employee is free to refrain from participating in concerted union activities. What the proposal for compulsory unionism means is this: That the 750,000 Americans who now earn their living in the postal service must take orders from unions even though they do not wish to join them. What are they to do when it comes to the choice between taking orders from the postal service and taking orders from the union in cases of conflict between the union and the postal service? Must they choose between being discharged by the postal service or fined by the union.

Mr. President, when I have to make a choice between tyranny—whether it is tyranny on the part of the Government, tyranny on the part of the unions, tyranny on the part of big business, or tyranny on the part of powerful political organizations—and freedom, I take my stand with freedom.

I close with this observation: Right-to-work laws enforce, and union shop agreements nullify, the ancient right which Kipling calls, "Leave to live by no man's leave." One does not "live by no man's leave" if he is compelled to pay a labor union for leave to earn his livelihood in the sweat of his own face. The provisions of the bill authorizing compulsory unionism propose for the first time in the history of our country that Federal employees be denied "leave to live by no man's leave."

The PRESIDING OFFICER. If there be no further discussion, the question is on agreeing to the amendment of the Senator from Arizona.

Mr. FANNIN. Mr. President, I ask unanimous consent that the names of the Senator from Virginia (Mr. BYRD), the Senator from Wyoming (Mr. HANSEN), the Senator from Texas (Mr. TOWER), and the Senator from Florida (Mr. GURNEY) be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

LABOR UNIONS HAVE BROUGHT BENEFITS TO WORKERS

Mr. RANDOLPH. Mr. President, we have had pictured tonight, as we come to the close of this debate, the feeling on the part of one or more Members who have entered into the discussion that programs of unionism or of union shop have brought, in a sense, considerable damage to the men and women who toil in this country.

Just the opposite is true. Had we not had collective bargaining in the United States of America in the true sense—and I remind my colleague from North Carolina (Mr. ERVIN) that we do not have true collective bargaining at the present time in the Federal service—we would never have brought into being the benefits of unionism which have been shared by those who are nonunion members.

Millions and millions of workers in this country have obtained equitable wages; improved working conditions and

XUM

job security because there were those who were active in the union movement and worked diligently, sometimes against terrific odds, to bring about benefits for all working people. Through collective bargaining and through programs of negotiations they have achieved benefits which would have been denied or long postponed. Federal employee unions have exercised an important role in this endeavor.

Yes, Mr. President, I think it is wrong to say that unionism has been a weapon of despotism in this country.

Mr. ERVIN. Mr. President, I assume the Senator from West Virginia heard my speech. I said nothing adverse concerning unionism. What I said related to compulsory unionism.

Mr. RANDOLPH. I recall, I believe, that the Senator spoke about the tyranny of unions. I listened very carefully. I have respect and admiration for my colleague from North Carolina, but we disagree very much on this issue.

I think it would be important for us, although it is a part of the report on postal reorganization, to have printed at this point in the Record the explanation of the right-to-work issue by the Committee on Post Office and Civil Service.

There being no objection, the extract was ordered to be printed in the Record, as follows:

The Right-to-Work Issue

The committee recognizes and appreciates the problems involved in enacting a collective bargaining system with teeth in it for postal employees. Except in the Tennessee Valley Authority and one or two other small Federal operations, true collective bargaining has never existed in the Federal service. For management to bargain with 750,000 postal employees on an individual basis is utterly impossible. Thus, from the viewpoint of both postal management, postal unions, and the best interest of the general public, the committee recommends that the chosen representatives of postal employees be the bargaining agent on wages and working conditions. This is a system and a right established by Federal law in the National Labor Relations Act applicable to all other significant craft and industrial employment in the United States. Except that Federal employees shall continue to be prohibited from striking, the general system of collective bargaining as it exists in the private sector of the economy, under Federal law, shall be applicable to the postal service.

Section 14(b) of the Taft-Hartley Act, retaining the right of a State government to enact legislation against a union shop, is preserved.

If State law prohibits the union shop, no provision of this bill may be construed to authorize a union shop in that State. The bill provides that a union shop for postal employees can be authorized only as a result of collective bargaining in States whose laws allow it.

Mr. RANDOLPH. Mr. President, I trust that Members of the Senate will remember that the "right-to-work" laws in the 19 States which have such laws will not be set aside by the union shop bargaining authorized in this bill. In a real sense, however, we will be giving to the 750,000 employees of the Postal Service the opportunity for true collective bargaining. At the same time, they will be denied the right to strike—a right which exists in the private sector. In my mind this is all the more reason to maintain the right to negotiate a union shop—an effective tool in collective bargaining.

It is my firm conviction that the postal employees who are being transferred to the new Postal Service should have this important instrument to aid them in future negotiations. I trust that the Senate shares this conviction and will act accordingly.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona (putting the question).

The "nays" seem to have it. The "nays" have it. The amendment is rejected.

The bill is open to further amendment.

Mr. DOLE. Mr. President, I send an amendment to the desk, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendments will be considered en bloc.

The amendments are as follows:

Add a new title III at the end of the bill as follows:

"TITLE III—RATE ADJUSTMENT

"AUTHORIZATION TO POSTMASTER GENERAL

"Sec. 301. The Postmaster General is authorized to adjust the postage rates and charges in sections 4253, 4303(a)–(d)(1), 4422, 4452, and 4554 of title 39, United States Code, by increasing them by not more than 33⅓ percent, and the postage rates and charges in section 4359 of title 39, United States Code by increasing them by not more than 50 percent. The postage adjustments made by the Postmaster General under this section shall become effective on the dates fixed by him.

"EFFECTIVE DATE

"Sec. 302. The provisions of this title shall become effective upon enactment of this Act."

Mr. DOLE. Mr. President, this is the same amendment that was discussed earlier. It was offered as an amendment to the substitute offered by the Senator from Tennessee (Mr. Baker).

At that time I pointed out very briefly that we do face an operating deficit of $2.5 billion in 1971.

This amendment, as explained earlier, would give the Postmaster General standby authority to raise certain prescribed rates during the transition period.

I explained the amendment fully at that time. The hour is late. The amendment has been reviewed by the chairman and by the ranking minority member.

I have counseled with both of those gentlemen with reference to the amendment. They are both opposed to it, hence I rest my case.

Mr. HANSEN. Mr. President will the Senator yield?

Mr. DOLE. I yield to the Senator from Wyoming.

Mr. HANSEN. I know we are all concerned with the continuing battle to try to halt inflation in this country. So far we have not made too many gains in trying to combat inflation, but I think the amendment of the Senator from Kansas has much merit.

The amendment proposes to make available increases in rates between the time that the bill is enacted and the time when the postal corporation can start operations. That will permit the postal authorities in the interim period to raise a significant amount of money that can make an important contribution toward a balanced budget.

Because I think that is important to all of us, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. McGEE. Mr. President, the committee's position is the same as on the earlier occasion. We oppose adding provision for rates themselves at the end of the bill, inasmuch as we have been working very closely downtown with the understanding that they did not want the rate bill intertwined with the postal reorganization bill; and for that reason the committee opposes the amendment.

The PRESIDING OFFICER. Does the Senator from Wyoming yield back his time?

Mr. McGEE. I yield back my time.

The PRESIDING OFFICER. Does the Senator from Kansas yield back his time?

Mr. DOLE. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas. All time on the amendment has been yielded back. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Kansas (Mr. Dole). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Connecticut (Mr. Dodd), the Senator from Florida (Mr. Holland), the Senator from Hawaii (Mr. Inouye), the Senator from Minnesota (Mr. McCarthy), the Senator from Wisconsin (Mr. Nelson), the Senator from Georgia (Mr. Russell), and the Senator from Ohio (Mr. Young) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mr. Holland) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Illinois (Mr. Percy) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Arizona (Mr. Goldwater) is necessarily absent.

On this vote, the Senator from Illinois (Mr. Percy) is paired with the Senator from South Dakota (Mr. Mundt). If present and voting, the Senator from Illinois would vote "yea," and the Senator from South Dakota would vote "nay."

The result was announced—yeas 29, nays 60, as follows:

XUM

[No. 204 Leg.]

YEAS—29

Allott
Baker
Bellmon
Bennett
Brooke
Cook
Cotton
Curtis
Dole
Dominick
Griffin
Hansen
Hatfield
Hruska
Javits
Jordan, Idaho
Mathias
Murphy
Packwood
Pearson
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—60

Aiken
Allen
Bayh
Bible
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cooper
Cranston
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Goodell
Gore
Gravel
Gurney
Harris
Hart
Hartke
Hollings
Hughes
Jackson
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Pastore
Pell
Prouty
Proxmire
Randolph
Ribicoff
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Tydings
Williams, N.J.
Yarborough

NOT VOTING—11

Anderson
Dodd
Goldwater
Holland
Inouye
McCarthy
Mundt
Nelson
Percy
Russell
Young, Ohio

So Mr. DOLE's amendment was rejected.

AMENDMENT NO. 742

Mr. HARTKE. Mr. President, I call up amendment No. 742 and ask that it be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Indiana will be stated.

The bill clerk proceeded to read the amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 162, line 9, strike out "Subject to subsection (c) of this section" and insert in lieu thereof "Except as otherwise provided in subsections (c) and (d)(1) of this section".

On page 162, beginning with line 25, strike out through line 8 on page 163 and insert in lieu thereof the following:

"(d)(1) Notwithstanding any other provision of this title or any provision of a collective bargaining agreement entered into under chapter 13 of this title, the provisions of title 5 relating to a preference eligible (as that term is defined under section 2108 (3) of title 5) shall apply to (A) an applicant for appointment in the Postal Service in the same manner and under the same conditions as an applicant for appointment to a position in the competitive service under title 5, and (B) to an employee of the Postal Service in the same manner and under the same conditions as if the employee were in the competitive service and subject to the provisions of title 5. Without compromising its basic mission, the Postal Service shall pursue an employment policy designed to extend opportunity to the disadvantaged and the handicapped."

Mr. HARTKE. Mr. President, I ask unanimous consent that the name of the Senator from Alaska (Mr. STEVENS) be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Does the Senator ask unanimous consent that the amendments be considered en bloc?

Mr. HARTKE. I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, as I have said in my supplemental views which accompanied this bill to the floor, I am in accord with the principles of postal reform. The Senate bill is a good one and I believe it will go a long way toward accomplishing its purpose, providing an effective framework for a modernized, greatly improved U.S. postal system.

I am concerned, however, that in our haste to report a bill for expeditious consideration, the committee might not have made clear its intent with regard to the position of veterans in the postal service. That is the purpose of my amendment today—to make crystal clear my own position in this regard, and to clarify and maintain all of those rights which veterans presently enjoy under existing law.

Under existing law, a veteran of the military service has certain rights in the postal service in the matter of employment and reemployment on returning from the military service. The veteran has the rights of appeal in adverse actions and the releasing of employees when reductions in the work force occur. These rights, guaranteed by the Veterans Preference Act of 1944, are the same rights enjoyed by veterans in any other branch of the competitive civil service.

The language of S. 3842, as reported, is particularly vague with regard to veterans preference. It is deficient, defective, and subject to misunderstanding. In one section of the bill the Post Office Department recommends modification of veterans preference by saying that retention of preference will be subject to collective bargaining, or to modification by the Department with approval of the Civil Service Commission. In another section of the bill, section 1101(d), it states that "those provisions of title 5 which were formerly known as the Veterans Preference Act shall apply to the Postal Service."

We owe it to ourselves and to the men and women who have served in the Armed Forces of our country to make ourselves as clear as possible with regard to their employment rights in the Postal Service. That is why I have offered this amendment, and I am hopeful that my colleagues will join with me in approving it.

I have discussed this matter with the manager of the bill; and in order to expedite the measure tonight, I will refrain from any further comments at this time.

Mr. McGEE. Mr. President, the Senator from Indiana has persuaded the members of the committee that this would be an adequate clarifying amendment on the intent of the committee, and the committee finds no objection to it.

Mr. HARTKE. Mr. President, I yield back the remainder of my time.

Mr. McGEE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Indiana.

The amendment was agreed to.

AMENDMENT NO. 749

Mr. ERVIN. Mr. President, I call up my amendment No. 749.

The PRESIDING OFFICER. The amendment offered by the Senator from North Carolina will be stated.

The bill clerk proceeded to read the amendment.

Mr. ERVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with. I shall explain the amendment, and I assure the Senate that I will not take more than 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 168, line 11, insert a period after the word "employment" and strike out everything beginning with the word "if" on line 11 and ending with the word "employment" on line 17.

The language proposed to be stricken is as follows:

If such individual pays to the Treasurer of the United States a sum equal to the initiation fees, dues, and assessments uniformly required as a condition of acquiring and retaining membership in a labor organization which is representative of the individual unless the individual and labor organization mutually agree upon some other condition of employment.

Mr. ERVIN. Mr. President, this is an amendment to amend subsection (d) on page 168. This section provides, in substance, that no individual who is a member of a religious sect or division thereof, the established and traditional tenets or teachings of which oppose a requirement that a member of such sect or division join or financially support any labor organization, may be required to join or financially support any labor organization as a condition of employment if he pays the equivalent of the union initiation fees and dues into the Treasury of the United States.

As I see this, when a man pays something into the Treasury of the United States, he is paying a tax, and this is taxing a man on his religion; and I do not think it has any place in this bill. I ask the Senate to support this amendment by a voice vote.

Mr. McGEE. Mr. President, may I say, in response to the Senator from North Carolina, that the committee weighed this amendment very carefully, with all its implications, and the religious group affected very much wanted this amendment. The committee respected the religious aspect of the question, and it was consistent with their request. All groups concerned agreed that this was one that they could take.

Mr. FONG. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. FONG. Was not this provision in the bill drafted by the religious group?

Mr. McGEE. It was drafted by the group itself; yes.

Mr. ERVIN. After all, it is a tax on

XUM

their religion; and even if they are willing to do it, I do not think the Senate of the United States should be willing to so vote.

Mr. McGEE. Is the Senator willing to have a voice vote on this?

Mr. ERVIN. Yes.

Mr. McGEE. I yield back the remainder of my time.

Mr. ERVIN. I yield back the remainder of my time.

Mr. McGEE. The committee's position is "no" on the amendment.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from North Carolina.

The amendment was rejected.

Mr. BURDICK. Mr. President, as I participated in the development of S. 3842, I was concerned about the impact of rate adjustments on small local publishers throughout the country. I speak here of within-county newspapers, religious and fraternal nonprofit mailings, books, educational materials, classroom publications, agricultural magazines, and labor mailings.

I was pleased that the committee in its report recognized that the upsetting of long-standing mail preferences established by law would work great hardships if the transition was too drastic. I appreciate the fact that a 10-year stretchout period is recommended for adjustment in preferred rate publications. If we are not careful this too could be ruinous and cause many of our fine State and local publications to go out of business.

I recall many years ago when there was much discussion concerning the dropping of free-in-county mail. It was reported that the actual cost of this type of mail was $13.6 million per year. At the same time, the foregone revenue under this system only amounted to $800,000. Of course, in the interim, free-in-county has been modified and public services have been expanded to include total loss on these and other type publications. This lessened the impact on local newspapers and similar publications.

For example, as recently as 1968 the Department's cost ascertainment report reflected a 100-percent recovery of adjusted costs for within-county publications. These adjustments, of course, included application of public service costs.

It seems to me that section 102 public service cost to maintain "effective and regular postal service to rural areas, communities and small towns where post offices are not self-sustaining, and to prevent either reduction in service or unreasonable increases in postal rates," is a continued recognition of the great public service value of these extensions of our U.S. Postal Service and for which appropriations are authorized.

This would seem to me to provide a more equitable transition for adjustments in rates to the local, free, and preferred types of mail. My interpretation does not mean that rates will not be increased; my interpretation rather has to do with public service cost allowances which might well be credited by a Postal Rate Commission as it sets about determining its new schedule of rates. This will lessen the impact.

I need not remind the Congress that much of our local and rural mail was built on "free-in-county," "rural free delivery," and "low preferred rates" at the community level. The sudden dropping of these provisions might create great hardships except for possible public service discounts as we give full effect and force to S. 3842.

I am greatly concerned about this impact when I note the wide gap between revenues of 0.3 cent and combined cost of 4.7 cents on newspapers, other than dailies, contained in the Department's 1969 revenue and cost analysis. This would call for a 1,600-percent increase barely to break even, if required to recover the institutional cost, and would spell ruin for many local publications even stretched out over a period of 10 years.

This and other increases ranging from 500 percent to 1,600 percent would work great hardship. Of course, these percentages have been developed without giving full credit to existing public service requirements.

I would hope that the application of public service costs, as reflected in section 102, would serve to reduce this hardship and that we might achieve for our local publishers a fair and equitable rate structure under the new law.

Finally, I make this plea and trust that I am correct in my views for the many free and preferred rate publications we have encouraged since the beginning of our U.S. postal system. Let us not impair the great and valuable service of our newspaper, educational, agricultural, labor, and the many local nonprofit religious and fraternal information services.

The Congress need not be reminded of its many concessions over the years. I recall that in 1967 we made a concession to small business on third-class mail by establishing a lower minimum charge per piece on the first 250,000 pieces mailed during a year. I would hope some thought would be given in the public interest to granting a similar preference to publications, for example, on the first 300,000 copies per edition in order to protect and encourage small business publishers.

I appreciate these are only suggestions, but if my concern is shared by others then my statement will not have been in vain.

Mr. BOGGS. Mr. President, I support S. 3842, the Postal Reorganization Act, as reported by the Committee on Post Office and Civil Service. It is my belief that this legislation will help provide a sound basis for an efficient postal service based on modern management techniques and equipment.

As a member of the Senate Post Office and Civil Service Committee, I wish to commend the chairman, the distinguished Senator from Wyoming (Mr. McGee) and the ranking minority member, the distinguished Senator from Hawaii (Mr. Fong) for their outstanding leadership and painstaking work in the development and formulation of this legislation. I am sure we all appreciate their great efforts and the job they have done.

This legislation provides for sweeping reforms for one of our most important public services and cabinet departments. This reorganization, when enacted, will be a milestone in updating, streamlining, and making more effective and responsive the postal service.

Under this legislation the operations of the new Postal Service will be overseen by a Board of Governors appointed by the President, with the advice and consent of the Senate. The Postmaster General and his deputy, both appointed by the nine Board members, also occupy positions on this body, as do four nonvoting Members of Congress.

This Board of Governors parallels the board of directors concept prevalent in private industry. The Postmaster General, appointed by the Governors and responsible only to them, would administer the Department. He would no longer be identified as a political appointee and member of the President's cabinet.

If the Postal Service is to operate in a manner comparable to private enterprise, then incentives to encourage employees in the performance of their duties must be an integral part of the system. The new system calls for promotion within the Department rather than allowing stagnation in one position over the years. It provides for more rapid advancement, and pay that is comparable to that earned for similar tasks in the private sector.

In addition to receiving the 8 percent salary increase agreed upon in the recent negotiations, postal employees would have an opportunity to participate in collective bargaining for increased wages and benefits. This, too, parallels the system of private enterprise.

While corporations seek to make a profit, the Postal Service would be required to move toward equalizing its costs with the incoming revenues. Such a requirement is phased over the first 10 years of operation and would eventually remove the necessity for the annual congressional appropriation that has become habit in the present deficit-ridden Department. Such a provision would encourage economy, while seeking efficiency—a concept basic to private enterprise.

The revenues would be raised by the adjustment of postal rates, a determination that would be made by an independent, five-member panel of cost experts, acting on the request and justification of the Postmaster General. Consequently, ratemaking would no longer be the responsibility of the Congress.

Other provisions of this detailed legislation would have the effect of removing restrictions and requirements on the Post Office Department that have served to hinder, more than help, in the quick delivery of mail. They, too, have received the careful consideration of the members of the committee.

This bill, and the one passed by the House of Representatives, I am certain, can be combined in conference into a most effective vehicle for postal reorganization.

This proposal has received widespread publicity and has been thoroughly re-

XUM

viewed by many of our fellow citizens. Public concern certainly has been indicated to me by the great amount of mail on the subject.

As a member of the Post Office and Civil Service Committee, I can attest to the fact that the bill is the product of many long hours of careful study and deliberation. It is culled from many proposals for revamping the present system.

Most importantly, it is the result of consultation with many diverse interests involved in postal operations today. To my knowledge, all those interested have had the opportunity to express their opinions on the various facets of this legislation. I believe S. 3842 responds to the public cry for reform and is a carefully reasoned approach to a problem that has attracted many ideas and theories. It incorporates the best features of many studies.

Overhaul of such a large operation is not easy and will not be accomplished overnight. The bill before us has established a framework. The members of the committee have done their best to provide postal reorganization that can be facilitated with the least confusion.

To predict that this bill has fully anticipated all problem that will arise in the new Postal System would not be possible. But such refinements can be made as trial uncovers possible error or omission.

So it is my hope that Senators will see fit to enact this legislation of monumental importance to every American. We have the opportunity now to provide the improved service that the American people need and want.

Mr. JAVITS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from New York will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

Beginning on page 280, line 22, strike all through page 281, line 4, and substitute the following:

"COMPENSATION CHANGES

"SEC. 8. (a) The Postmaster General, under regulations made by him, shall increase the rates of basic compensation and basic pay of employees of the Post Office Department so that such rates will equal, as nearly as practicable, 108 per centum of the rates of basic compensation and basic pay in effect immediately prior to the date of enactment of this Act. Such increases shall take effect on the first day of the first pay period which begins on or after April 16, 1970. This section does not apply to employees in positions in the Executive Schedule.

"(b) Retroactive pay, compensation, or salary shall be paid by reason of this Act only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) on the date of enactment of this Act, except that such retroactive pay, compensation, or salary shall be paid—

"(1) to an officer or employee who retired, during the period beginning on the first day of the first pay period which began on or after April 16, 1970, and ending on the date of enactment of this Act, for services rendered during such period; and

"(2) in accordance with subchapter VIII of chapter 55 of title 5, United States Code, relating to settlement of accounts, for services rendered, during the period beginning on the first day of the first pay period which began on or after April 16, 1970, and ending on the date of enactment of this Act, by an officer or employee who died during such period.

Such retroactive pay, compensation, or salary shall not be considered as basic pay for the purposes of subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, or any other retirement law or retirement system, in the case of any such retired or deceased officer or employee.

"(c) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the United States Government.

"(d) For purposes of determining the amount of insurance for which an individual is eligible under chapter 87 of title 5, United States Code, relating to group life insurance for Government employees, all changes in rates of pay, compensation, and salary which result from the enactment of this section shall be held and considered to become effective as of the date of such enactment."

Mr. JAVITS. Mr. President, I will conclude the debate on this amendment for myself in 5 minutes; but before I do so, I yield myself 10 minutes and yield to the Senator from Iowa, who wishes to engage in a colloquy.

Mr. MILLER. I thank the Senator from New York.

Mr. President, I should like to ask the Senator from Wyoming, the manager of the bill, for clarification as a matter of legislative history, as to the meaning of the phrase on lines 16 and 17 on page 232 of the bill—namely:

> Except under authority of a search warrant authorized by law, or by an officer or employee of the Postal Service for the sole purpose of determining an address at which a letter or parcel can be delivered, or pursuant to the authorization of the addressee.

Mr. McGEE. That is the intent of the bill. The Senator is correct.

Mr. MILLER. So that, for example, if a search warrant is properly obtained under the law, in the course of an investigation relating to espionage, the law enforcement officials concerned would be authorized to open a letter sealed against inspection.

Mr. McGEE. Yes, that is correct. That is the intention of the bill.

Mr. MILLER. I thank the Senator from Wyoming, and I thank the Senator from New York.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. WILLIAMS of New Jersey. I want to inquire briefly about the situation that acting postmasters face under the bill.

As I understand it, the President is divested of the nominating authority and the Senate is divested of the confirming authority. As I understand it, also, the Postmaster General is required, under the proposed legislation, to appoint postmasters. He is given the authority, and he will appoint on a competitive basis. I wonder what the situation would be, if the Senator could say, with regard to the acting postmasters.

Mr. McGEE. The chairman's reply is that, as it stands now, if he has his experience status he is, indeed, eligible, but more than that because we have a new administration of one party and a Congress of another party, both sides have held in abeyance precipitate action on postmasters. That is why there are over 4,000 acting postmasterships right now, because of the eligibility of one of those who becomes available for a permanent appointment, which the new process envisages in the new reorganization, in taking this out of politics, as the Senate enacted it earlier on this occasion.

Mr. WILLIAMS of New Jersey. I commend the Senator from Wyoming for a masterly presentation of the bill here. It has been a long journey for him.

Mr. McGEE. I thank the Senator from New Jersey.

Mr. JAVITS. Mr. President, the amendment I have proposed takes the provision of the House bill with respect to retroactivity and puts it in the Senate bill.

The retroactivity is limited to April 16 of this year. That is what my amendment expresses. It is limited to the 8-percent increase which is in the Senate bill. The only difference between this amendment and the Senate bill, as it is, is that of retroactivity, back to April 16.

The equity involved is the following: It is stoutly maintained on the part of those who negotiated the administration's postal act agreement that this retroactivity was assured. It is a fact. Everyone knows it. Even the editorials in the most economy-minded newspapers in the country reflect that the country was shocked to discover how far behind the parade were the postal workers, how their marvelous discipline, their devotion to duty, and their no-strike obedience for so long kept them far behind other workers. As I say, the conservative press and the liberal press alike were unanimous about that.

One of the ways they were expected to make up for this was that it was really owed to them out of equity, because it was only Congress that could do justice to the postal workers. At that time it will, happily, be over, and this will be a business corporation dealing with organized workers, as it should, in the sense of labor negotiations.

But this, it seems to me, is an elementary question of justice. I am rather surprised that it was left out of the Senate bill, but it was left out. Of course, it is true it took hazards in the negotiations which it seems to me were a little rough on the postal workers concerned, especially as this is not a matter of padding good wages or making a good settlement, but is something which many have admittedly agreed is a bad wage situation for postal workers.

The amount is $110 million. I will not pretend it is less. It may be noted by my colleagues that I voted for the last amendment because I believe in paying our bills. I have voted for tax increases and will do so again if we have to. Indeed, I think we need one right now, as a practical matter.

But justice should be done to the postal workers. The House did, and I think that the Senate should.

If the substitute had gone through, we would have settled, but it did not go through, so I think we should do this elementary thing.

Mr. GOODELL. Mr. President, I shall be brief. This is a situation of desperate proportions. We are on the brink of further eruptions and further strikes. I do not state that as a threat. I state it as a fact. A great many postal workers who have been left out for so long have reached a point in frustration where they are no longer controllable. We do not want to see that happen. It may happen in the next week or so.

I am fearful that if we pass this over to a conference, there will be no assurance to these people, and their leaders will not be able to go back and say to them, "We are getting something out of the conference," because it will still be all up in the air.

It is very important that the Senate tonight go on record that it will do justice to the postal workers, that the Senate will not go to a conference to bargain on justice for the postal workers, that they have a perfect right to this retroactivity. It has been bargained for with the administration, and the Senate should fulfill that bargain right here, tonight.

I know that it will help a great deal to cool off the situation if the Senate does that.

Mr. HANSEN. Mr. President, I rise to support the amendment. I do so not because of my awareness of the imminency of any further strike activity, or trouble from the postal employees but, rather, because I think simple justice demands that we recognize they are a forgotten group of people.

We have talked about postal reform and revision of rates and all sorts of things for many months now, and all during these times this group of people, more than any other group, has been neglected and almost forgotten.

As a matter of fact, as a member of the Finance Committee, I became aware of the fact that under some other proposals that had been presented in the welfare reform bill, welfare recipients would receive more money than the postal employees are today earning.

I am going to support the amendment because I think that simple justice, fairness, and equity demands it.

Mr. JAVITS. I thank my colleague from Wyoming.

Mr. MURPHY. Mr. President, I am most pleased that the Senator from New York has seen fit at this late date to bring up this matter and bring the amendment to the attention of the Senate.

As has been stated by my colleague, no injustice has been greater than that given in the treatment of our postal workers.

I get as much mail as any Member of this body. The reflection of that mail is the reflection of a group of people who have been patient, loyal, and hard working. At long last, I think the time has come when we should guarantee justice to them.

I intend to support the Senator's amendment.

Mr. McGEE. Mr. President, I want to remind my colleagues that this Senator has rather acceptable credentials in concerning himself with the relevant pay level of all Federal employees, including the postal service, and that one of the questions at stake here is that after the 6 percent retroactive pay was agreed to and negotiated successfully, then, as a condition of the new postal reorganization negotiations, an 8 percent additional pay raise was added in that package. But one of the conditions was that it would become operable the day the President signed the bill. That was knowingly signed by all parties—when the President signed the bill.

All of us realize, and we have talked to the postal union fellows at great length about this, that no one knew Cambodia was coming along. No one anticipated the delays we have been through. We all recognize in this measure that equity requires some adjustments all along the line.

In the request, certainly, we now, in the light of the negotiations, should be permitted to take the Senate measure into conference with the understanding that there is needed the latitude to work out with the President, with the postals, and with the House an equitable date. The date was arbitrarily selected at April 18 because of the events of that moment. It is not a sacred date. It simply pins down the importance of equity in this matter. I can assure the Senator that the Senate committee will go into conference with that very much on its mind, but we believe it would be the better part of wisdom if we could go there with our present measure in order to cope with this matter in negotiations with the House.

When our time is up, so that it does not detract from the time available, in the light of our discussion—and the Senator from New York and I have discussed this in advance—I will move to table the amendment.

Mr. FONG. Mr. President, I associate myself with the remarks of the very distinguished Senator from Wyoming. This Senator has not been negligent in seeing that our Government employees receive comparable wages.

Since I have been on the committee, for the past 10 years, we have given Government employees approximately a 50-percent increase in wages.

Here we have an agreement which was signed by officials of the U.S. Post Office Department, the AFL–CIO and its postal affiliates, the National Association of Letter Carriers, AFL–CIO, National Association of Post Office and General Service Maintenance Employees, AFL–CIO, National Association of Post Office Mail Handlers, Watchmen, Messengers, and Group Leaders—affiliated with Laborers' International Union—AFL–CIO, National Association of Special Delivery Messengers, AFL–CIO, National Federation of Post Office Motor Vehicle Employees, AFL–CIO, National Rural Letter Carriers Association, and United Federation of Postal Clerks, AFL–CIO.

One of the provisions of the memorandum of agreement is the proposed postal pay increase—8 percent pay for employees of the Post Office Department effective as of the date this enabling legislation becomes law.

In my hand is the position paper issued by the administration, a position paper on retroactive pay, as follows:

> The agreements of April 2 and April 16, 1970, between the Post Office Department and the seven postal unions that have the exclusive right to represent the Department's rank and file employees on a national basis, are the product of the first real collective bargaining that has ever occurred in the Postal Service.
>
> In consonance with those agreements, the reform legislation that is soon to be enacted will leave to the collective bargaining process decisions on wages, hours and other terms of employment that heretofore have been determined through the legislative process.
>
> One of the key provisions in the April agreements was the pledge of the postal unions and the Post Office Department to support an 8 percent wage increase (over and above the retroactive 6 percent pay increase that has now become an accomplished fact), such 8 percent increase *to become effective as of the date when the reorganization legislation becomes law.*
>
> The effective date of the 8 percent increase was a central element in the negotiations. To make the increase retroactive, contrary to the understanding reached in the negotiations, would be to weaken the collective bargaining process at the very outset of its history in the Postal Service. Collective bargaining simply cannot work if the agreements that result from such bargaining are not honored, and if the parties are not prepared to assume that the final decisions will be made at the bargaining table, rather than in some other forum.
>
> The cost of the 8 percent pay increase is approximately one and one-half million dollars per day. If the 8 percent pay increase were made retroactive to a date three months prior to enactment of the legislation, the retroactivity feature would cost $135 million.

Mr. HANSEN. Mr. President, will the distinguished Senator yield?

Mr. FONG. I yield.

Mr. HANSEN. Mr. President, I know it bothers the distinguished Senator from Hawaii that postal employees are not receiving as much remuneration for their services as welfare recipients are receiving. Is that not true?

Mr. FONG. Mr. President, that is true but we also have the principle of comparability in our pay schedules.

Mr. HANSEN. Mr. President, how does the postal worker compare with the welfare recipient?

Mr. FONG. I do not know. But I do know that we have the principle of comparability in the pay scale and have had it since 1962. We have had expert advice from the Government, and from the people who gather the statistics and formulate the pay schedules. According to the statistics Federal employees do receive comparable wages to those in private industry.

Mr. HANSEN. Mr. President, does the distinguished Senator from Hawaii recognize that there is deep unrest and dissatisfaction among welfare recipients concerning what they receive, and might it not be fair to assume that there could be some dissatisfaction among postal employees if they received under the postal reform bill not as much as the welfare recipients?

Mr. FONG. Mr. President, I do understand that the postal employees are not satisfied with the 6-percent increase. And they negotiated for the 8-percent increase. That pay raise was agreed to with the understanding that it would be effective at the time of the enactment of the legislation.

That was the agreement entered into by the Post Office Department and the bargaining units of the union postal.

We are now being asked to change it—to make it retroactive to a date prior to enactment.

I have a memorandum issued by the Post Office Department on retroactive pay. It is entitled, "Position Paper on Retroactive Pay."

Mr. HANSEN. Mr. President, does this memorandum propose to speak for the postal employees, or is it an agreement entered into between some of their leaders?

Mr. FONG. Mr. President, this is the position of the administration, which was one of the bargaining parties. The Post Office Department on the one hand, which represented the administration, was bargaining with the seven AFL-CIO postal unions.

The cost of the 8-percent increase is approximately $1.5 million a day. If the 8-percent pay increase were made retroactive to 3 months prior to the enactment of the legislation, the retroactivity feature would cost $135 million.

This is not an insignificant amount of money. But far more important than the money is the principle that both parties to a collective bargaining agreement should be bound by its terms. To destroy the regular collective bargaining process in the very legislation establishing a collective bargaining system would virtually guarantee the failure of the new system.

This is the position of the administration. The committee has worked on this question. We considered the question of retroactivity. We felt as the position paper states. So, we concurred, and in the bill before us, did not include a retroactive feature.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. FONG. I yield.

Mr. MILLER. Mr. President, what is the date of the agreement?

Mr. FONG. April 2 and April 16, 1970.

Mr. MILLER. Mr. President, would it not be fair to say that at the time this agreement was entered into, the intention of the parties was to go forward to enactment of this legislation at a very early date, certainly not in the middle of the summer?

Mr. FONG. Any person who is familiar with the legislative process knows that an agreement entered into on April 16, 1970 could not be enacted the next day. Anyone who is familiar with this process knows that it takes 2 to 3 months after a bill is introduced before it can pass two Houses and be signed by the President.

This agreement was entered into April 2 and April 16, 1970. That is only a few months ago.

Mr. MILLER. Mr. President, might I say that we are all familiar with the fact that it may take 2 to 3 months for some important legislation to go through Congress. We are also familiar with the fact that Congress has, under emergency conditions, enacted important legislation within a matter of 48 hours and it seems to me that this was an agreement reached under emergency conditions and certainly it was so thought of by the unions and the postal employees.

Mr. FONG. The parties knew that a reform bill was going to be enacted. Anyone who knows anything about this reform measure and the amount of work involved in it knows it is not a measure that could be dealt with in a week or two. It has been shown by the debate here how complex the bill is.

I presumed, and I will say that the parties expected, it would take 2 or 3 months before we could enact such a bill.

Mr. MILLER. Mr. President, I commend the Senator from Hawaii for his very responsive and frank answers. But I suggest the Senator from Wyoming indicated that the committee recognizes there is a problem of equity here. What he is asking for is leeway to negotiate with the House.

Mr. FONG. Yes. I respond to the Senator from Iowa by saying I do follow the leadership of my chairman; that we do have in mind some negotiations along this line; and that is why we do not want to be tied down to a date certain. We will want sufficient flexibility to move.

Mr. MILLER. The Senator is saying that, while he regards the Javits amendment as being unduly early in retroactivity, he recognizes that there is an equitable argument arising over the delay that occurred in this legislation and that some adjustment should be made to reflect what was unforeseen by the parties at the time of the agreement.

Mr. FONG. Yes. I read this memorandum only to show colleagues the thinking of the administration.

I would like to say I do agree with my chairman that probably there is some equity for us to consider and we would like to go into conference without having our hands tied so that we can move and have a little flexibility. That is what we are asking.

Mr. MILLER. I thank the Senator.

Mr. MURPHY. Mr. President, will the Senator yield for a question?

Mr. FONG. I yield.

Mr. MURPHY. Mr. President, there is no question but what the distinguished Senator from Hawaii has full understanding in this matter. We have learned now about negotiations between the unions and the Federal Government, and the plans for reorganization. As so often happens, the individuals, the rank and file workers—and I know something about this because I think I have been a member of a union longer than anybody else in this Chamber—get lost some place along the line.

I think all the Senator from New York wants to do by this amendment is not tie the hands of the negotiators or impair their ability to reach a bargain in any way, but merely to say to these people who have been treated with inequity and who have been patient, that we in this Chamber feel they should be treated fairly in this matter; that it should be made retroactive.

Mr. President, I want to join the Senator from New York in support of this measure, and I hope my colleague from Hawaii understands this in no way is a statement of dissatisfaction with the committee or its operation, or any feeling of its inability to negotiate properly.

I think it is something we should have the right to express here in the Chamber tonight. I think the Senator brought it up at a proper time.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. FONG. I yield.

Mr. GRIFFIN. Mr. President, I commend the Senator for a very statesmanlike argument presented here this evening. He has been one of the stalwart defenders of postal workers and Government workers, and over the years he has fought hard to get them the many increases they have gotten in the past. It is not an easy position he takes, along with the chairman, but it is a courageous and a right position.

I think many persons are surprised that we are going to achieve postal reform legislation; it looks as if it might happen. At the time of that agreement, it was very doubtful we would ever be able to say we were going to have postal reform at all. These employees are going to get 8 percent more in terms of pay raises than other Federal employees—and in some categories their pay is as inadequate as postal workers—but they are getting it as a result of bargaining and negotiations.

I think we have to make a basic decision tonight. Is collective bargaining in the new postal service going to be meaningful and work, or not? If every time the employees are dissatisfied they are going to run to Congress and ask us to overturn a negotiated agreement, we are getting off on a very bad footing, as the Senator stated.

Mr. President, I think the chairman and the ranking Republican member deserves support in their position.

Mr. FONG. Mr. President, I thank the distinguished Senator from Michigan for his remarks. We have labored over the bill and we have labored over the question of retroactivity of pay. We know that this is the first time the Federal Government has engaged in the collective bargaining process and we felt there was sanctity to this collective bargaining agreement.

If we were to overrule the collective bargaining agreement we would find ourselves in grave trouble hereafter because every time there was an agreement there would be attempts to have the Congress change it. The House has changed it somewhat, so it places us in a position where we have to conciliate and come to an agreement. That is why we are asking that our hands not be tied in a situation like this.

I am happy to yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I congratulate the ranking Republican member of the committee and the chairman of the committee on the position they have taken on this matter. Although I am not a member of this committee I have had an opportunity to keep close track of what has happened in these negotiations over the months.

The present legislation, for which much credit is due, was arrived at bring-

XUM

ing into the postal situation the principle of collective bargaining.

This agreement is set out on page 57 of the report and I ask unanimous consent that it may be printed in the RECORD at this point.

There being no objection, the agreement was ordered to be printed in the RECORD, as follows:

MEMORANDUM OF AGREEMENT ON THE "POSTAL REORGANIZATION AND SALARY ADJUSTMENT ACT OF 1970"

Memorandum of Agreement between United States Post Office Department hereinafter referred to as "Department" and the AFL–CIO; National Association of Letter Carriers, AFL–CIO; National Association of Post Office and General Services Maintenance Employees, AFL–CIO; National Association of Post Office Mail Handlers, Watchmen, Messengers and Group Leaders (Affiliated with Laborers' International Union), AFL–CIO; National Association of Special Delivery Messengers, AFL–CIO; National Federation of Post Office Motor Vehicle Employees, AFL–CIO; National Rural Letter Carriers Association; United Federation of Postal Clerks, AFL–CIO; hereinafter referred to as "Unions".

Pursuant to the earlier agreement of April 2, 1970, between the Department and the above-named unions, the parties have jointly developed, through the collective bargaining process, proposed legislation which provides for a major reorganization of the Post Office Department and an 8% pay increase for postal employees. It shall be known as the "Postal Reorganization and Salary Adjustment Act of 1970". The parties have jointly agreed to support this legislative package without qualification and that together they will urge the Congress to enact this legislation without change. The agreed-upon legislative proposal provides, amongst other things, for the following:

ORGANIZATIONAL STRUCTURE

Reorganized United States Postal Service becomes an independent establishment within the Executive Branch of the Government.

Postmaster General appointed by and serves at the pleasure of the Commission on Postal Costs and Revenues, which has 9 public members named by the President and confirmed by the Senate.

LABOR RELATIONS

Enable collective bargaining under a statutory framework establishing methods for conducting elections, providing one or more methods for resolving negotiating impasses, and requiring collective bargaining over all aspects of wages, hours, and working conditions including grievance procedures, and in general, all matters that are subject to collective bargaining in the private sector.

LABOR RELATIONS (CONT'D)

Ban on federal employee strikes continues; binding arbitration if bargaining impasse persists 180 days from start of bargaining.

National Labor Relations Board to supervise representation elections and enforce unfair labor practice provisions.

FINANCE, RATES, AND RATE-MAKING

Post Office can borrow up to $10 billion from the Treasury or general public.

Rate changes subject to public hearing before 3-man Postal Rate Board named by President; final rate decision by Commission on Postal Costs and Revenues, but subject to veto by two-thirds vote of either the U.S. House of Representatives or the U.S. Senate.

Post Office to be generally self-supporting by January 1, 1978.

POSTAL PAY INCREASE

8% pay increase for employees of the Post Office Department effective as of the date when this enabling legislation becomes law.

Promptly after enactment, collective bargaining will be required on wages, hours, and working conditions, and to compress to 8 years the time for postal employees to reach the maximum step in whatever labor grade may be established through collective bargaining. When the new schedule becomes effective, an employee will immediately be advanced to the next step in the schedule if at that time he has been in his present step for the period provided in the new schedule.

It is the understanding of the parties that the Administration will recommend to Congress the necessary legislation to effectuate this Agreement.

It is the further understanding of the parties that no disciplinary action will be initiated by the Post Office Department at any level against any postal employee with respect to the events of March 1970, until discussions have taken place between the Department and such employee's union on the policy to be followed by the Department.

Winton Blount, Post Office Department; George Meany, AFL–CIO, J. H. Rademacher, National Association of Letter Carriers, AFL–CIO; Marine Crable, National Association of Post Office and General Services Maintenance Employees, AFL–CIO; Lonnie L. Johnson, National Association of Post Office Mail Handlers, Watchmen, Messengers and Group Leaders, AFL–CIO; Michael J. Mullen, National Association of Special Delivery Messengers, AFL–CIO; Chester W. Parish, National Federation of Post Office Motor Vehicle Employees, AFL–CIO; Herbert F. Alfrey, National Rural Letter Carriers Association; and Francis S. Falbray, United Federation of Postal Clerks, AFL–CIO.

Date: April 16, 1970.

Mr. ALLOTT. Mr. President, the agreement which is set out on page 57 of the report was arrived at after many, many meetings of collective bargaining. First of all they got the 6-percent retroactive pay to December and then they wrote into it the paragraph contained on page 58 of the report which states under the heading "Postal pay increase":

> Eight percent pay increase for employees of the Post Office Department effective as of the date when this enabling legislation becomes law.

The people who negotiated for that knew that that was not going to become law 2 days after April 16. It is only 2½ months after that date now. The next clause in that contract was very, very important. For everyone who has a real interest in postal workers of this country it may be the most important clause in the contract. It states:

> Promptly after enactment, collective bargaining will be required on wages, hours, and working conditions, and to compress to 8 years the time for postal employees to reach the maximum step in whatever labor grade may be established through collective bargaining.

In my opinion this is going to be far more important over the years than the 8 percent which is embodied in the first paragraph I read.

Mr. President, I wish to add two other thoughts at this time. I see that on page 59 there is a reproduction of the signatures which signed this agreement, including the Postmaster General; George Meany of the AFL–CIO; the president of the National Association of Letter Carriers, Mr. Rademacher; the National Association of Post Office and General Services Maintenance Employees, AFL–CIO; National Association of Post Office Mail Handlers, Watchmen, Messengers and Group Leaders; National Association of Special Delivery Messengers; National Federation of Post Office Motor Vehicle Employees; National Rural Letter Carriers Association; and United Federation of Postal Clerks.

I do not yield to anybody in my interest in postal employees. This goes back to the time when I voted to override the veto of President Eisenhower in support of the pay raise for postal employees, and I have not changed my mind in the least about bringing these people up to a comparable position with others in like situations.

But, Members of the Senate, tonight you have to decide once and for all whether you are really going to put the Postal Department on an independent basis. Are you really going to put them on the basis where they can collectively bargain, or are you going to put yourselves in a position where every time someone is not quite satisfied with the collective bargaining position or resolution, he can come back to Congress, and we will get back into the same old merry-go-round that we have been going around for many years.

I cannot believe that the presidents of these unions signed this in ignorance or that they were misled. Within 2 weeks I have talked with the postal workers in my State, in a State convention assembled, and I stated my position very clearly. Not one dissenting voice was raised. Not one question was raised as to this position. They want, and are willing to accept, a real negotiating position as members of a union. And if we accept the amendment which is offered tonight—I hope we will not—we will have made one of the greatest mistakes we have ever made, because we will have run back down the hill for 5 years, and we will never quit running from here on out.

The PRESIDING OFFICER. Who yields time?

Mr. McGEE. Mr. President, what is the remaining time, may I ask?

The PRESIDING OFFICER. The Senator from Wyoming has 13 minutes remaining.

Mr. McGEE. How much does the other side have remaining?

The PRESIDING OFFICER. The same amount.

Mr. McGEE. Mr. President, I yield as much of that time as the Senator from Hawaii may require.

Mr. FONG. Mr. President, I sincerely appreciate the remarks of the very able senior Senator from Colorado. May I also say that when the negotiations were in progress, the parties agreed to a 6-percent increase retroactive as of December 27. Because the administration thought it could get the unions' endorsement for postal reform, they bargained to give another 8-percent pay increase.

This 8 percent is given only to the post office employees. We still have 1,300,000 other Federal white-collar employees, and another 700,000 wage board employees, who are looking to this Congress for an increase in salary. They are already coming to the Post Office and Civil Service Committee, saying, "You are giving postal employees an 8-percent increase. We think we also deserve an 8-percent increase."

I do not know whether my colleagues are aware of the fact that every time

XUM

the wages of government employees are increased by 1 percent, the cost of that increase is $450 million. One percent in the Post Office Department may be a very small amount, but once we begin to relate it to all of the Federal employees, we have a tremendous sum.

I wish to call the attention of my colleagues to the fact that, within the very near future, we will be faced with demands of Federal classified employees, and I think we will have to give them an increase, because we have given an increase to the postal employees. What that increase will be, I do not know. Whether we will be giving them retroactive pay again is a question we must face.

This is the problem that faces all the members of the Committee on Post Office and Civil Service. It is a tremendous burden on the shoulders of the members of the committee. We want to be generous to our employees. We want to give them comparability. We think we have given them comparability, according to all the expert advice we have received from the administration.

Naturally, there are some discrepancies in living cost which apply in metropolitan areas as compared with those which occur in rural areas. We have not been able to work out the problem of area wage differentials. Those in metropolitan areas think their pay is not as much as it should be. Those who work in rural areas probably receive a little more than their counterparts in private industry. These are problems on which we on the committee are working.

Because of the fact that the agreement was entered into on April 2 and April 16, 1970, and because of the fact that any reasonable employee knew—and I believe those who participated in the bargaining process knew—it would take at least 2 or 3 months before we could enact a bill, I think setting the date for this retroactive pay as of April 16 is now equitable as far as the Government is concerned.

Naturally, we know the House has passed a retroactive pay provision. We are ready to discuss this matter with them. But we would like not to be tied down to a set date.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, I yield 1 minute to my colleague from New York.

Mr. GOODELL. Mr. President, I will not take very much time. We talk about a negotiated agreement. There is a transition period. We have not had a chance for it to operate so that there was a selection of who spoke for whom and who was negotiating for whom.

We are talking here about a matter of simple justice. Negotiations were held on the basis that in the event of enactment of this proposal into law there would be an 8-percent increase. But Congress was a factor in this. We have been a factor in it. We did not enact the law quickly. There was a prolonged period of time. We did not enact the law and meanwhile a lot of postal workers have not been able to pay their bills.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield the Senator 1 minute more.

Mr. GOODELL. The House has already supplemented the negotiated agreement. The Senate has already supplemented the negotiated agreement. We in the Congress are still parties to this. We do not have a full blown program of postal service that can operate with the selected negotiating agent of the workers themselves.

I think it is very important that we recognize it is the end of June and these workers have reached such a point of desperation that they are going to erupt again because they cannot pay their bills. The conferees will be in conference for some time. We are not going to settle it by the holiday. I think this retroactivity should be enacted as a signal to the workers that we are fulfilling our obligation.

Mr. JAVITS. Mr. President, I yield myself 2 minutes, and then I want to get to a vote.

The nubbin of the argument is that this is sui generis. It is unique. There is not going to be another one, because the new corporation itself will be able to enter into collective bargaining.

It is hard for us to turn our minds back to April 16, but on April 16 they were all out on strike.

This deal was made with them, and they assumed—and I think they had a right to assume—that Congress would act very quickly, because there was a great emergency. Quite typical of the postal workers, who have behaved this way for decades, they went back to work, on the strength of the fact that the President and the administration said, "We will put this thing through right away."

Well, we did not. The most you can ask for under those circumstances is 30 days.

I ask the Senator from Wyoming—and incidentally, I would like to join in the tribute to their interest, their fine employee relations, their genuineness of heart, and the eloquence of the Senator from Hawaii, in which I take great pleasure. The fact is, however, that there is an inequity, a fact which is being recognized by the manager of the bill. The question is, how wide shall be the band? I think under the circumstances of these men trusting the U.S. Government by coming back to work, the band is much too wide.

That is the real nub of the reason why I had to make this amendment, and had to pick, because there was no other way to do it, in view of the attitude of the committee, the date picked by the other body. We may be off 2 weeks, and we may not. The fundamental fact that these people are waiting, when they have no reason to believe that they would have to take this long, is the real basis for this amendment, which I think the Senate ought to agree to out of respect for the long-standing perseverence, in the finest traditions of Government employment, of the postal workers. In the face of the fact that they have been badly treated for years, I say this amendment ought to be adopted as a matter of simple justice.

Mr. McGEE. Mr. President, the record of the colloquy on this floor tonight demonstrates the concern of this body and its leadership for equity, and likewise reflects our concern for responsibility. We believe this gives us the leeway for both efficiency and equity in serving responsibly in this very difficult matter.

In accordance with a previous agreement, I move to lay on the table the amendment of the Senator from New York.

Mr. JAVITS. Mr. President, I demand the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Does the Senator from Wyoming yield back the remainder of his time?

Mr. McGEE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the motion to lay on the table the amendment of the Senator from New York (Mr. JAVITS). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Florida (Mr. HOLLAND), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. McCARTHY), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Ohio (Mr. YOUNG), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mr. HOLLAND) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Illinois (Mr. PERCY) is absent on official business, and, if present and voting, would vote "nay."

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

The Senator from Illinois (Mr. SMITH) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) and the Senator from Illinois (Mr. SMITH) would each vote "nay."

The result was announced—yeas 25, nays 61, as follows:

[No. 205 Leg.]

YEAS—25

Allott
Bellmon
Bennett
Boggs
Byrd, Va.
Cook
Curtis
Dole
Dominick
Ellender
Ervin
Fong
Griffin
Gurney
Hruska
Jordan, Idaho
Long
McGee
Smith, Maine
Sparkman
Stevens
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—61

Aiken
Allen
Baker
Bayh
Bible
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Church
Cooper
Cotton
Cranston
Eagleton
Fannin
Fulbright
Goodell
Gore
Gravel
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Jackson
Javits
Jordan, N.C.
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Murphy
Muskie
Packwood
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Spong
Symington
Talmadge
Tydings
Williams, N.J.
Yarborough

XUM

NOT VOTING—14

Anderson
Dodd
Eastland
Goldwater
Holland
Inouye
McCarthy
Mundt
Nelson
Percy
Russell
Smith, Ill.
Stennis
Young, Ohio

So Mr. MCGEE's motion to lay Mr. JAVITS' amendment on the table was rejected.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from New York.

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Florida (Mr. HOLLAND), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mr. HOLLAND) would vote "yea."

Mr. GRIFFIN. I announced that the Senator from Illinois (Mr. PERCY) is absent on official business, and if present and voting, would vote "yea."

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "yea."

The result was announced—yeas 73, nays 14, as follows:

[No. 206 Leg.]

YEAS—73

Aiken
Allen
Baker
Bayh
Bellmon
Bible
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cooper
Cotton
Cranston
Dole
Dominick
Eagleton
Ervin
Fannin
Fulbright
Goodell
Gore
Gravel
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Murphy
Muskie
Packwood
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Ill.
Sparkman
Spong
Stevens
Symington
Talmadge
Tower
Tydings
Williams, N.J.
Yarborough

NAYS—14

Allott
Bennett
Boggs
Cook
Curtis
Ellender
Fong
Griffin
Long
McGee
Smith, Maine
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—13

Anderson
Dodd
Eastland
Goldwater
Holland
Inouye
McCarthy
Mundt
Nelson
Percy
Russell
Stennis
Young, Ohio

So Mr. JAVITS' amendment was agreed to.

Mr. ALLEN. Mr. President, during the period starting in early 1968 and continuing down to the present time I took a stand in connection with postal service reform, for the following principles:

First. Postal reform;

Second. Equitable salary increases for postal employees;

Third. Enactment into law of President Kennedy's Executive Order 10988 providing that postal employees can join or refuse to join a labor union; and

Fourth. Opposition to compulsory unionism for Government employees.

On three test votes today I have voted in opposition to compulsory unionism for postal employees. It is impossible now following the various amendments added to the House bill to vote for all four principles in the one bill.

The bill now goes to conference on the Senate and House versions of the bill. The House opposed compulsory unionism and it is hoped that the House version will prevail.

Accordingly, I will cast my vote in favor of the postal reform bill on final passage.

Mr. COOPER. Mr. President, I shall vote against the bill, only because of its compulsory union provision. If this is corrected in conference I will vote for the bill, as I approve the advances in pay scale, and other benefits.

Section 1309 of the Senate bill would extend the provision of the Taft-Hartley Act to the employee-management relations provided for in this bill.

Section 14(b) of the Taft-Hartley Act authorizes States to enact legislation which would prohibit the union shop as a condition of employment in any collective bargaining agreement. Some 19 States have enacted laws prohibiting the union shop. In the remaining 31 States, of which group is included Kentucky, the union shop requirement is the subject of collective bargaining between employer and the certified union bargaining representatives.

Under the Senate bill, the union representatives and the Board of Governors of the Postal Service could enter into collective bargaining agreements providing for a union shop, but only in those States where no State law, enacted pursuant to section 14(b) of the Taft-Hartley Act, prohibits such agreement. Thus, under the committee bill, employees in some 31 States could be subject to the union shop requirement and employees in the remaining 19 States could not be required to join a union.

Federal employees have historically enjoyed the right to work for their Government without joining a union. In Executive Order 10988, President Kennedy set forth the basic policy for labor-management relations in the Federal service as follows:

> Each employee . . . have the right, freely and without fear of penalty or reprisal, to form, join, and assist a labor organization or to refrain from such activity, and each employee shall be protected in the exercise of this right.

This Executive order was continued in force and effect by President Johnson.

President Nixon followed in this tradition and issued Executive Order No. 11491 which states in section 1(A) the following:

> Each [Federal] employee has the right, freely and without fear of penalty or reprisal, to form, join and assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right.

I am informed that at the present time, there are approximately 750,000 postal workers. Of this group, some 250,000 do not presently belong to a union. Under section 1309 of the Senate bill, the officials of the Postal Service and the postal union can negotiate union shop contracts in the 31 States in which they are not outlawed, which contracts would require postal employees to join a union and pay union dues in order to keep their jobs. I repeat, in order to keep a Government position.

In 1947, I voted for the Taft-Hartley Act. However, I make a very clear distinction between private employment and Government employment. I believe that one of the great promises of our country and one of its virtues is that Government employment is open to all, with persons qualifying at various levels according to their abilities without any requirement that they must be affiliated with a union to obtain or retain their employment, or with any other organization.

I note that in his testimony before the House Post Office Committee, Mr. George Meany, president of the AFL–CIO, a very honest man, stated that the union shop agreement for postal employees through collective bargaining will be the first step toward unionizing all employees in Government departments and agencies whether or not an employee desires to become a member of a union.

In conclusion, I believe that those Americans who wish to become a part of the Government and serve the public should be encouraged to do so, should owe their loyalty 100 percent to the Government, and should not be required to join a labor organization in order to continue in public service.

I have supported all legislation to enable non-Government workers to freely decide whether they shall be affiliated with a union—and the union shop principle. But I cannot vote for compulsory unions for Government employees, requiring them to join unions, to pay checkoff dues, and to rely on their union for proper pay, benefits and working conditions, and Government employment itself, rather than rely on the U.S. Government and the States to which all of us owe our loyalty.

Mr. THURMOND. Mr. President, I have always supported postal reform for I feel it is greatly needed and long overdue. It is time that the Post Office is taken out of politics and put on a sound economic basis.

I am compelled, however, to vote against this bill for a more important and overriding issue. One section of this bill requires compulsory union membership for U.S. postal workers. In my judgment, no man should be forced to join a union in order to obtain or hold a job. This is especially true with regard to Government employees.

Passage of this legislation will pave way for repudiation of freedom of choice for the Nation's 750,000 postal workers—some 200,000 of whom are not members of unions—and establish a precedent whereby more than 12,000,000 Federal, State, and local government employees could be compelled to join national labor organizations against their wishes.

It is my hope that this particular feature of the bill will be eliminated by the Senate-House conference committee and that my position, which would give postal workers a free choice with regard to union membership, will be ultimately accepted by the Congress.

The PRESIDING OFFICER (Mr. MONTOYA). The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading and was read the third time.

Mr. SCOTT. Mr. President, I rise to ask the distinguished majority leader whether there is further legislative business tonight——

Mr. MANSFIELD. The Senator means this morning.

Mr. SCOTT. This morning and thereafter. [Laughter.]

Mr. MANSFIELD. First, allow me to make a unanimous-consent request.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 17070, the House companion bill.

The PRESIDING OFFICER. The clerk will report.

The BILL CLERK. H.R. 17070, to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the text of the Senate bill, as it has proceeded to third reading, be substituted for the text of the House-passed bill, H.R. 17070, and that the House-passed bill with the substituted text proceed to third reading, and that the Senate proceed to final passage on that bill as amended.

The PRESIDING OFFICER (Mr. MONTOYA). Without objection, all after the enacting clause in H.R. 17070 will be stricken and the Senate approved language; namely, the committee amendment as amended, will be substituted therefor.

PROGRAM

Mr. MANSFIELD. Mr. President, in response to the question that was raised by the distinguished minority leader, it is the intention of the joint leadership to lay down Calendar No. 987, the Interior appropriation bill, at the conclusion of morning business today. It will be taken up after certain remarks have been made by certain Senators who have special orders for later this morning.

Incidentally, the Senate will come in at 9 o'clock this morning. But before there are any ooh's and ah's, let me explain the rest of it.

Following the Interior appropriation bill, it is expected that we will take up Calendar No. 878, having to do with consumer products, and hopefully—very hopefully—Calendar Nos. 924 and 925, bills S. 26 and S. 27, having to do with certain Utah recreation areas.

It is my understanding that somewhere along in the middle of the afternoon the conference report on the District of Columbia appropriation bill will be taken up for consideration.

We should, all things being equal, quit at a reasonable hour today, if this program is attended to as anticipated. It will be the suggestion of the joint leadership that the Senate meet at 9 o'clock on Thursday morning next, but only for a pro forma meeting—no business on that day; and the Senate will then return at 12 noon on Monday next.

The order of business then, as of now, will be the Independent Offices appropriation bill, to be followed by the agricultural appropriation bills. Both will have some discussion attached to them; then, hopefully, the Alaska native claims bill, and the Defense Production Act, and the Gulf of Tonkin repeal resolution.

That is about it.

Mr. SCOTT. Mr. President, I want to thank the distinguished majority leader and suggest that on Thursday, we probably will not go through the formality of calling a quorum.

The PRESIDING OFFICER. The question is on third reading of the bill, H.R. 17070.

The bill, H.R. 17070, was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. McGEE. Mr. President, I have agreed previously to yield to the distinguished Senator from Alaska for 1 minute.

THREATS TO U.S. SENATORS

Mr. GRAVEL. Mr. President, I wish to inform the Senate of an urgent matter which has come to my attention, and I hope that all Senators will bear with me for a few moments, because I feel that they should know what is going on.

I hold in my hand a transcript of a recorded telephone message which has actually been made public. Of course, it will be made public by my statement here.

If Senators will bear with me, I shall read it:

> Hello. I am Dr. William Pierce, with the National Socialist White Peoples Party.
>
> Well, Mr. Nixon kept his promise and withdrew all our troops from Cambodia, even before they had a chance to finish the job they were sent there to do. All our generals told us they needed more time to thoroughly clean the Reds out of Cambodia. But the Reds in our own Senate were squawking so loudly that Nixon, always the compromiser, agreed to pull our men out.
>
> As any honest military man will tell you, there is only one way to fight a war, and that is with the uncompromising determination to destroy the enemy, to inflict a total defeat on him. If you aren't ready and willing to do that, then you damned well better not go to war.
>
> But Mr. Nixon is not a soldier; he's a politician. He doesn't want to be an extremist. He wants to keep everybody happy. He wants to pull us all together, he says—the pinks together with the patriots. The result can only be the half measures, the indecisions and the restrictions on the use of our weapons that have characterized the whole Vietnam war.
>
> When it is all over, 50,000 young Americans will have been killed for nothing—for nothing—because we won't have really settled anything. We won't really have won a war. And the reason, in addition to Nixon's complete lack of spine, the reason will be treason!
>
> And just as there is only one way to fight a war, there is only one way to deal with a traitor. You don't bargain with him or vote against him in the next election, you kill him. McGovern, Fulbright, Hatfield—the whole rotten bunch, needs a bullet right between the eyes.
>
> The National Socialist White Peoples Party is holding a public rally on Sunday, July 5, at 2 p.m., at Ninth and Constitution Avenue, in Washington. We will talk about the war and other issues of vital concern to white Americans. We hope you will be there.
>
> This message comes to you from 2507 North Franklin Road, in Arlington.

Mr. SCOTT. Mr. President, I should like to say to the Senator from Alaska that just 2 hours ago, I heard this message myself on the telephone. The security forces of the United States have been alerted and informed of it.

Mr. MAGNUSON. Mr. President, let me say that as one who heard this about 2 hours ago, too, I immediately got in touch with the chairman of the Communications Subcommittee, who called the Attorney General and advised him of this message. The Attorney General said that he would immediately get on to it.

The distinguished Senator from Rhode Island (Mr. PASTORE) was somewhat shocked about this statement about shooting certain people right between the eyes.

THE POSTAL REORGANIZATION ACT

The Senate continued with the consideration of the bill (S. 3842) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes.

The PRESIDING OFFICER (Mr. MONTOYA). The bill having been read the third time, the question is, Shall the bill pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Florida (Mr. HOLLAND), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from Mississippi (Mr. EASTLAND) would vote "yea."

I further announce that, if present and voting, the Senator from Florida (Mr. HOLLAND) would vote "nay."

Mr. GRIFFIN. I announce that the

XUM

Senator from Illinois (Mr. PERCY) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

If present and voting, the Senator from South Dakota (Mr. MUNDT), and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The result was announced—yeas 77, nays 9, as follows:

[No. 207 Leg.]

YEAS—77

Aiken
Allen
Allott
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cotton
Cranston
Dole
Dominick
Eagleton
Fannin
Fong
Fulbright
Goodell
Gore
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Hruska
Hughes
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Murphy
Muskie
Packwood
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stevens
Symington
Talmadge
Tower
Tydings
Williams, N.J.
Young, N. Dak.

NAYS—9

Cooper
Curtis
Ellender
Ervin
Hollings
McClellan
Saxbe
Thurmond
Williams, Del.

NOT VOTING—14

Anderson
Dodd
Eastland
Goldwater
Holland
Inouye
McCarthy
Mundt
Nelson
Percy
Russell
Stennis
Yarborough
Young, Ohio

So the bill (H.R. 17070) was passed.

AUTHORITY FOR SECRETARY OF SENATE TO MAKE CLERICAL AND TECHNICAL CORRECTIONS IN THE ENGROSSMENT OF THE BILL

Mr. McGEE. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make clerical and technical corrections in the engrossment of the Senate amendment to the House bill.

The PRESIDING OFFICER (Mr. MONTOYA). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, once again this week I must ask the Senate's indulgence at a late hour. I need only a moment to extend the gratitude of this body to the able chairman of the Senate Committee on Post Office and Civil Service, the Senator from Wyoming (Mr. McGEE). He has stood the test that few men are asked to stand. He has devoted his tireless efforts to a postal reorganization measure which all of us must admit is long overdue. And he has done it by cooperating faithfully, he has been consistently willing to stay late the past several evenings in order to accommodate the special circumstances that have prevailed regarding the Senate's program. Senator McGEE has again demonstrated his outstanding skill and competence. He is to be highly commended.

Our thanks go as well to the distinguished Senator from Hawaii (Mr. FONG) whose splendid supporting efforts were indispensable to this success.

To the Senate as a whole I offer my deepest thanks. Every Member joined with the highest degree of cooperation to assure the swift and efficient disposition of this measure tonight. As has often been the case in the past several days, this high degree of cooperation was essential to assure the orderly conduct of business. I am proud that the Senate joined so well in this endeavor. It has been a credit to this entire body.

SUMMARY OF PRESIDENT NIXON'S REPORT ON CAMBODIA

Mr. DOLE. Mr. President, I ask unanimous consent that there be printed at this point in the RECORD a summary of a report by the President on the Cambodian operations.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE PRESIDENT'S REPORT ON CAMBODIA

All American troops have withdrawn from Cambodia on the schedule announced at the beginning of the operation. Together with our South Vietnamese allies, they have just completed successfully the destruction of enemy base areas along the Cambodian-South Vietnamese frontier.

RESULTS OF THE OPERATIONS

Allied sweeps through enemy occupied sanctuaries in Cambodia will:

1. Save American and allied lives in the future;
2. Assure that the withdrawal of American troops from South Vietnam can proceed on schedule;
3. Enable the program of Vietnamization to continue on its current timetable;
4. Enhance the prospects for a just peace.

These results will flow from the following:

The elimination of an immediate threat to our forces and the security of South Vietnam.

The capture of great amounts of enemy supplies.

The ending of the concept of immune Cambodian sanctuaries for the enemy.

The dislocation of enemy supply lines and strategy in the southern part of South Vietnam.

The bolstering of the morale and self-confidence of the South Vietnamese army.

The maintenance of U.S. credibility.

UNDERLYING BASIS FOR U.S. ACTION

It was North Vietnam—not the U.S.—which brought the Vietnam war into Cambodia.

It was the presence of North Vietnamese troops on Cambodian soil that contributed to the downfall of Prince Sihanouk.

It was the government appointed by Prince Sihanouk and ratified by the Cambodian National Assembly—not a group of usurpers—which overthrew him, with the approval of the National Assembly.

It was the major expansion of enemy activity in Cambodia that ultimately caused allied troops to end five years of restraint and attack the Communist base areas.

FUTURE U.S. POLICY FOR CAMBODIA

The following will be the guidelines of U.S. policy for Cambodia:

There will be no U.S. ground personnel in Cambodia except for the regular staff of the U.S. Embassy in Phnom Penh.

There will be no U.S. advisers with Cambodian units.

The U.S. will conduct—with the approval of the Cambodian Government—air interdiction missions against the enemy efforts to move supplies and personnel through Cambodia towards South Vietnam and to reestablish base areas relevant to the war in Vietnam.

The U.S. will turn over material captured in the base areas in Cambodia to the Cambodian Government to help it defend its neutrality and independence.

The U.S. will provide military assistance to the Cambodian Government in the form of small arms and relatively unsophisticated equipment in types and quantities suitable for their army.

The U.S. will encourage other countries of the region to give diplomatic support to the independence and neutrality of Cambodia and welcomes efforts of the Djakarta Group of countries to encourage Asian cooperation to this end.

The U.S. will encourage and support the efforts of third countries who wish to furnish Cambodia with troops or material to help Cambodia preserve its neutrality and independence.

SAIGON'S ROLE

The U.S. understands that Saigon will remain ready:

To prevent reestablishment of base areas along South Vietnam's frontier.

To assist in the evacuation of Vietnamese civilians and respond selectively to appeals from the Cambodian Government should North Vietnamese aggression make this necessary.

Most of the South Vietnamese operations will be launched from within South Vietnam and there will be no U.S. air, logistic support or U.S. advisers on these operations. The primary objective of the South Vietnamese remains Vietnamization within their country.

THE SEARCH FOR PEACE

The President reaffirms his paramount objective of achieving a negotiated settlement and appeals to Hanoi to join in this effort, emphasizing:

Hanoi cannot impose its will through military means. The U.S. has no intention of imposing its own will.

The U.S. has not raised the terms for a settlement as a result of Cambodian successes nor will it lower its minimum terms in response to enemy pressure.

The U.S. reiterates all previous proposals—public and private—searching for a political solution that reflects the will of the South Vietnamese people and allows them to determine their future without outside interference.

The U.S. recognizes that a fair political solution should reflect the existing relationship of political forces. The U.S. pledges to abide by the outcome of the political process agreed upon by the South Vietnamese.

The U.S. pledges renewed efforts to bring about genuine negotiations for a just peace in Southeast Asia.

REPORT BY THE PRESIDENT ON THE CAMBODIAN OPERATION

Together with the South Vietnamese, the Armed Forces of the United States have just completed successfully the destruction of enemy base areas along the Cambodian—South Vietnam frontier. All American troops have withdrawn from Cambodia on the schedule announced at the start of the operation.

The allied sweeps into the North Vietnamese and Vietcong base areas along the Cambodian-South Vietnamese border:

Will save American and allied lives in the future;

Will assure that the withdrawal of American troops from South Vietnam can proceed on schedule;

Will enable our program of Vietnamization to continue on its current timetable;

XUM

should enhance the prospects for a just peace.

At this time, it is important to review the background for the decision, the results of the operation, their larger meaning in terms of the conflict in Indochina—and to look down the road to the future.

It is vital to understand at the outset that Hanoi left the United States no reasonable option but to move militarily against the Cambodian base areas. The purpose and significance of our operations against the Cambodian sanctuaries can only be understood against the backdrop of what we are seeking to accomplish in Vietnam—and the threat that the Communist bases in Cambodia posed to our objectives. Nor can that military action of the last two months be divorced from its cause—the threat posed by the constant expansion of North Vietnamese aggression throughout Indochina.

A RECORD OF RESTRAINT

America's purpose in Vietnam and Indochina remains what it has been—a peace in which the peoples of the region can devote themselves to development of their own societies, a peace in which all the peoples of Southeast Asia can determine their own political future without outside interference.

When this Administration took office, the authorized strength of American troops in South Vietnam was 549,500—the high water mark of American military presence in Southeast Asia. The United States has been negotiating at Paris for ten months but nothing had been agreed upon other than the shape of the bargaining table. No comprehensive allied peace proposal existed. There was no approved plan to reduce America's involvement in the war—in the absence of a negotiated settlement.

Since January of 1969, we have taken steps on all fronts to move toward peace. Along with the Government of South Vietnam, we have put forward a number of concrete and reasonable proposals to promote genuine negotiations. These proposals were first outlined by me 13 months ago, on May 14, 1969 and by President Thieu on July 11, 1969. Through both public and private channels, our proposals have been repeated and amplified many times since.

These proposals are designed to secure the removal of all foreign military forces from South Vietnam and to establish conditions in which all political forces can compete freely and fairly in the future of the country. Our principal goal has been to enable the people of South Vietnam to determine their future free of outside interference.

To indicate our good faith, to improve the climate for negotiations, we changed the orders to our commanders in South Vietnam. This has helped to reduce casualties. We have cut tactical air operations in South Vietnam by more than 20 percent. We initiated a troop withdrawal program which, during the course of next spring, will bring American troop strength 265,000 men below the level authorized when this Administration took office.

These are not the actions of a government pursuing a military solution. They are the decisions of a government seeking a just peace at the conference table.

But Hanoi has ignored our unilateral gestures and rejected every offer of serious negotiations. Instead it has insisted that—as a precondition to talks—we pledge unconditionally to withdraw all American forces from South Vietnam and to overthrow the elected government.

These proposals are not a basis for negotiation; they are a demand for surrender. For the United States to accept these conditions would make the negotiations meaningless. Acceptance of such conditions would assure in advance Communist domination of South Vietnam.

With Hanoi's intransigence on the negotiating front, this Administration was faced with essentially three options.

We could have continued the maximum existing level of American involvement in Vietnam. But this was incompatible with the Nixon Doctrine of increasing responsibilities for the Asian countries; and it was unacceptable to the American people.

We could have begun the immediate withdrawal of all our forces. We rejected this course of capitulation which would have only won temporary respite at the price of graver crises later. We also rejected that course as both incompatible with America's commitments and tradition, and disastrous in terms of its long-range consequences for peace in the Pacific and peace in the world.

We selected instead a third option—that of gradually shifting the total combat burden to the South Vietnamese.

Since the beginning of this Administration 17 months ago, it has been our policy to train and equip the South Vietnamese to take over the burden of their own defense from American troops. Even in the absence of progress at the peace table in Paris, and despite continued enemy pressures in South Vietnam, this policy of "Vietnamization" has permitted us to carry out repeated withdrawals of American troops.

As our policy has been tested, more and more Americans have been brought home. By June of 1969, we could announce the pullout of 25,000 American troops. They came home. In September of 1969, we announced the withdrawal of an additional 35,000 American troops. They came home.

In December of 1969, we announced the withdrawal of 50,000 more American troops. They were home by spring of this year. On April 20, I announced the forthcoming withdrawal of an additional 150,000 Americans to be completed during next spring—50,000 of them will be home or on their way home by the 15th of October.

A POLICY IN TRANSITION

This transfer of primary responsibility for self-defense from American forces to Asian forces reflects our approach to foreign policy. Increasingly, the United States will look to the countries of the region to assume the primary responsibility for their own security—while America moves gradually from a leading to a supporting role.

To be successful this policy requires the striking of a careful balance—whether in South Vietnam or elsewhere in Asia. While the growing strength of our allies, and the growing measure of their regional cooperation allows for a reduction in American presence—they could not survive a sudden and precipitous American withdrawal from our responsibilities. This would lead to a collapse of local strength in the transition period between the old era of principal U.S. involvement to the new era of partnership and emphasis on local and regional cooperation.

Doing too much for an allied people can delay their political maturity, promote a sense of dependency, and diminish that nation's incentive to stand on its own feet. But doing too little for an ally can induce a sense of despair, endanger their right of self-determination and invite their defeat when confronted by an aggressor.

As we have proceeded with Vietnamization it has been with these principles in mind.

Looking at American policy in Vietnam these seventeen months, this Administration—in the generosity of its negotiating offers, in the limitations on its military actions, and in the consistency of its troop withdrawals—has written a record of restraint. The response from the enemy over those same seventeen months has been intransigence in Paris, belligerence from Hanoi and escalation of the war throughout Indochina.

Enemy attacks in Vietnam increased during April.

This past winter Hanoi launched a major offensive against the legitimate government of Laos which they themselves had helped to establish under the 1962 Geneva Accords. For years, in violation of those accords, North Vietnamese troops have occupied Laotian territory and used its eastern regions as a highway for the export of aggression into South Vietnam.

In March and April of this year, Communist troops used their long held bases in Cambodia to move against the Government of Cambodia in a way which increased the long-term threat to allied forces in South Vietnam as well as to the future of our Vietnamization and withdrawal programs. These new violations, too, took place against a backdrop of years of Communist disregard of the neutrality and territorial integrity of Cambodia—guaranteed in the 1954 Geneva Agreements to which Hanoi was a signatory.

BACKGROUND OF THE APRIL 30 DECISION

In assessing the April 30 decision to move against the North Vietnamese and Viet Cong sanctuaries in Cambodia, four basic facts must be remembered.

It was North Vietnam—not we—which brought the Vietnam War into Cambodia.

For five years, North Vietnam has used Cambodian territory as a sanctuary from which to attack allied forces in South Vietnam. For five years, American and allied forces—to preserve the concept of Cambodian neutrality and to confine the conflict in Southeast Asia—refrained from moving against those sanctuaries.

It was the presence of North Vietnamese troops on Cambodian soil that contributed to the downfall of Prince Sihanouk. It was the indignation of the Cambodian people against the presence of Vietnamese Communists in their country that led to riots in Phnom Penh which contributed to Prince Sihanouk's ouster—an ouster that surprised no nation more than the United States. At the end of Sihanouk's rule, the United States was making efforts to improve relations with his government and the Prince was taking steps against the Communist invaders on his national soil.

It was the government appointed by Prince Sihanouk and ratified by the Cambodian National Assembly—not a group of usurpers—which overthrew him with the approval of the National Assembly. The United States had neither connection with, no knowledge of, these events.

It was the major expansion of enemy activity in Cambodia that ultimately caused allied troops to end five years of restraint and attack the Communist base areas.

The historical record is plain.

Viet Cong and North Vietnamese troops have operated in Eastern Cambodia for years. The primary objective of these Communist forces has been the support of Hanoi's aggression against South Vietnam. Just as it has violated the 1962 Geneva Accords on Laos, North Vietnam has consistently ignored its pledge, in signing the 1954 Geneva Accords, to respect Cambodian neutrality and territorial integrity.

In a May 1967 Phnom Penh radio broadcast, Prince Sihanouk's following remarks were reported to the Cambodia people:

"I must tell you that the Vietnamese communists and the Viet Cong negotiated with us three or four times but that absolutely nothing comes out of the negotiations . . . After I expelled the French and after the French troops left Cambodia, Viet Minh remained in our country in order to conquer it. How can we have confidence in the Viet Minh? . . . If we side with the Viet Minh we will lose our independence."

Late in 1969, Prince Sihanouk ordered Cambodia's underequipped and weak armed forces to exercise some measure of control over North Vietnamese and Viet Cong Communist forces occupying Cambodian territory.

At the same time, the Communist forces

were actively preparing in their base areas for new combat in South Vietnam. These areas—on the Cambodian side of the Vietnam-Cambodian border—have for years served as supply depots and base camps for enemy troops infiltrated through Laos into South Vietnam. They have also served as sanctuaries for North Vietnamese and Viet Cong headquarters elements and for combat troops to rest, refit and re-supply on their return from South Vietnam.

Our screening of more than six tons of documents captured in the Cambodian operations has provided conclusive proof of Communist reliance on Cambodia as a logistic and infiltration corridor and as a secure area from which Communist designs on Vietnam as well as in Cambodia itself could be carried out.

On January 6, 1970, Prince Sihanouk departed on vacation in France. His Prime Minister, Lon Nol, and Deputy Prime Minister, Sirik Matak, were left in charge. In early March, with Sihanouk still in power, there were public demonstrations, first in the Eastern provinces of Cambodia and later in Phnom Penh, against flagrant North Vietnamese violation of Cambodia's territorial integrity.

On March 13, Prince Sihanouk left Paris for Moscow and Peking, avowedly to seek Soviet and Chinese assistance in persuading the Vietnamese Communists to reduce the presence of North Vietnamese and Viet Cong forces in Cambodia.

Then, on March 18, the Cambodian National Assembly by unanimous vote declared that Phince Sihanouk was no longer Chief of State. Cheng Heng was retained as Acting Chief of State. Lon Nol and Sirik Matak kept their positions. Reasons for Sihanouk's ouster included growing objections to his mishandling of the economy and to his bypassing of the Cabinet and National Assembly; but resentment over North Vietnam's flagrant misuse of Cambodian territory certainly contributed. Sihanouk arrived in Peking the same day, and met with the Peking leadership as well as with the North Vietnamese Prime Minister who had hastened to Peking to greet him. Thereafter Sihanouk has increasingly identified himself with the Communist cause in Indochina.

This government had no advance warning of the ouster of Sihanouk, with whom we had been attempting to improve relations. Our initial response was to seek to preserve the status quo with regard to Cambodia and to try to prevent an expansion of Communist influence. The immunity of the Cambodian sanctuaries had been a serious military handicap for us for many years. But we had refrained from moving against them in order to contain the conflict. We recognized both the problems facing Sihanouk and the fact that he had exercised some measure of control over Communist activities, through regulation of the flow of rice and military supplies into the sanctuaries from coastal ports. We considered that a neutral Cambodia outweighed the military benefits of a move against the base areas.

This is why diplomatically our first reaction to Sihanouk's overthrow was to encourage some form of accommodation in Cambodia. We spoke in this sense to interested governments. And we made clear through many channels that we had no intention of exploiting the Cambodian upheaval for our own ends.

These attempts ran afoul of Hanoi's designs. North Vietnam and the Viet Cong withdrew their representation from Phnom Penh. North Vietnamese and Viet Cong forces began to expand their base areas along the border.

By April 3, they were beginning to launch attacks against Cambodian forces in Svay Reing Province. Later these attacks were extended to other outposts in Eastern Cambodia, forcing Cambodian troops to evacuate border positions in the Parrot's Beak area by April 10. Communist attacks were also directed against Mekong River traffic.

By April 16, the North Vietnamese and Viet Cong troops began to launch isolated attacks deep into Cambodia including an attack on the Capital of Takeo Province south of Phnom Penh.

Despite escalating Communist activity in Cambodia, we continued to exercise restraint. Though the implications of the Communist actions for our efforts in Vietnam were becoming increasingly ominous, Communist intentions in Cambodia were still not absolutely clear. The military moves by the North Vietnamese and Viet Cong in Cambodia could still be interpreted as temporary actions to secure their base camps in light of the uncertainties following Sihanouk's removal.

When I made my April 20 speech announcing the withdrawal of 150,000 troops over the next year, I knew that we might be at a crossroads in Cambodia. I nevertheless made the announcement because it would leave no doubt about our intention to de-escalate the conflict.

I also used the occasion to restate very forthcoming political principles for a negotiated peace. At the same time I described the pattern of North Vietnamese aggression in Indochina, and acknowledged my withdrawal decision involved some risks when viewed against this enemy escalation. I therefore reiterated my determination to take strong and effective measures if increased enemy action in Laos, Cambodia or South Vietnam jeopardized the security of our remaining forces in Vietnam.

Within days of my April 20 speech, Communists' intentions became gainfully and unambiguously clear. In the face of our restraint and our warnings, the North Vietnamese continued to expand their territorial control, threatening to link up their base areas. From a series of isolated enclaves, the base areas were rapidly becoming a solid band of self-sustaining territory stretching from Laos to the sea from which any pretense of Cambodian sovereignty was rapidly being excluded.

On April 20, North Vietnamese forces temporarily captured Saang, only eighteen miles south of Phnom Penh.

On April 22, Communist forces assaulted the town of Snoul east of Phnom Penh.

On April 23, they attacked the town of Mimot and an important bridge linking the town of Snoul and the capital of Kratie Province on Route 13.

On April 24, they moved on the resort city of Kep.

On April 26, they attacked some ships on the Mekong and occupied the town of Angtassom, a few miles west of Takeo.

They then attacked the city of Chhlong, on the Mekong River north of Phnom Penh, and the port city of Kampot.

During this same period, they cut almost every major road leading south and east out of Phnom Penh.

The prospect suddenly loomed of Cambodia's becoming virtually one large base area for attack anywhere into South Vietnam along the 600 miles of the Cambodian frontier. The enemy in Cambodia would have enjoyed complete freedom of action to move forces and supplies rapidly across the entire length of South Vietnam's flank to attack our forces in South Vietnam with impunity from well-stocked sanctuaries along the border.

We thus faced a rapidly changing military situation from that which existed on April 20.

The possibility of a grave new threat to our troops in South Vietnam was rapidly becoming an actuality.

This pattern of Communist action prior to our decision of April 30 makes it clear the enemy was intent both on expanding and strengthening its military position along the Cambodian border and overthrowing the Cambodian government. The plans were laid, the orders issued, and already being implemented by Communist forces.

Not only the clear evidence of Communist actions—but supporting data screened from more than six tons of subsequently captured Communist documents—leaves no doubt that the Communists' move against the Cambodian Government preceded the U.S. action against the base areas.

Three options

On April 30, before announcing our response, I outlined the three basic choices we had in the face of the expanding Communist threat.

First, we could do nothing. This would have eroded an important restraint on the loss of American lives. It would have run the risk of Cambodia's becoming one vast enemy staging area, a springboard for attacks on South Vietnam without fear of retaliation. The dangers of having done nothing would not have fully materialized for several months and this government might have been commended for exercising restraint. But, as withdrawals proceeded, our paralysis would have seriously jeopardized our forces in Vietnam and would have led to longer lists of American casualties. The United States could not accept the consequences of inaction in the face of this enemy escalation. The American men remaining in South Vietnam after our withdrawal of 150,000 would have been in severe jeopardy.

Our second choice was to provide massive assistance to Cambodia. This was an unrealistic alternative. The small Cambodian army of 30,000 could not effectively utilize any massive transfusion of military assistance against the immediate enemy threat. We also did not wish to get drawn into the permanent direct defense of Cambodia. This would have been inconsistent with the basic premises of our foreign policy.

After intensive consultations with my top advisers, I chose the third course. With the South Vietnamese we launched joint attacks against the base areas so long occupied by Communist forces.

Our military objectives were to capture or destroy the arms, ammunition and supplies that had been built up in those sanctuaries over a period of years and to disrupt the enemy's communication network. At the least this would frustrate the impact of any Communist success in linking up their base areas if it did not prevent this development altogether.

I concluded that, regardless of the success of Communist assaults on the Cambodian Government, the destruction of the enemy's sanctuaries would:

Remove a grave potential threat to our remaining men in South Vietnam, and so reduce future American casualties.

Give added assurance of the continuance of our troop withdrawal program.

Insure the timetable for our Vietnamization program.

Increase the chances of shortening the war in South Vietnam.

Enhance the prospects of a negotiated peace.

Emphasize to the enemy whether in Southeast Asia or elsewhere that the word of the United States—whether given in a promise or a warning—was still good.

THE MILITARY OPERATIONS

Ten major operations were launched against a dozen of the most significant base areas with 32,000 American troops and 48,000 South Vietnamese participating at various times. As of today, all Americans, including logistics personnel and advisers, have withdrawn, as have a majority of the South Vietnamese forces.

Our military response to the enemy's escalation was measured in every respect. It was a limited operation for a limited period of time with limited objectives.

XUM

We have scrupulously observed the 21-mile limit on penetration of our ground combat forces into Cambodian territory. These self-imposed time and geographic restrictions may have cost us some military advantages, but we knew that we could achieve our primary objectives within these restraints. And these restraints underscored the limited nature of our purpose to the American people.

My June 3 interim report pointed up the success of these operations and the massive amounts of supplies we were seizing and destroying. We have since added substantially to these totals. A full inventory is attached as an appendix to the report. Here are some highlights.

According to latest estimates from the field, we have captured:

22,892 individual weapons—enough to equip about 74 full-strength North Vietnamese infantry battalions and 2,509 big crew-served weapons—enough to equip about 25 full-strength North Vietnamese infantry battalions;

More than 15 million rounds of ammunition or about what the enemy has fired in South Vietnam during the past year;

14 million pounds of rice, enough to feed all the enemy combat battalions estimated to be in South Vietnam for about four months;

143,000 rockets, mortars, and recoilless rifle rounds, used against cities and bases. Based on recent experience, the number of mortars, large rockets, and recoilless rifle rounds is equivalent to what the enemy shoots in about 14 months in South Vietnam;

Over 199,552 anti-aircraft rounds, 5,482 mines, 62,022 grenades, and 83,000 pounds of explosives, including 1,002 satchel charges;

Over 435 vehicles and destroyed over 11,688 bunkers and other military structures.

And while our objective has been supplies rather than personnel, the enemy has also taken a heavy manpower loss—11,349 men killed and about 2,328 captured and detainees.

These are impressive statistics. But what is the deeper meaning of the piles of enemy supplies and the rubble of enemy installations?

We have eliminated an immediate threat to our forces and to the security of South Vietnam—and produced the prospect of fewer American casualties in the future.

We have inflicted extensive casualties and very heavy losses in material on the enemy—losses which can now be replaced only from the North during a monsoon season and in the face of counteraction by South Vietnamese ground and U.S. air forces.

We have ended the concept of Cambodian sanctuaries, immune from attack, upon which the enemy military had relied for five years.

We have dislocated supply lines and disrupted Hanoi's strategy in the Saigon area and the Mekong Delta. The enemy capacity to mount a major offensive in this vital populated region of the South has been greatly diminished.

We have effectively cut off the enemy from resupply by the sea. In 1969, well over half of the munitions being delivered to the North Vietnamese and Viet Cong in Cambodia came by sea.

We have, for the time being, separated the Communist main force units—regular troops organized in formal units similar to conventional armies—from the guerrillas in the southern part of Vietnam. This should provide a boost to pacification efforts.

We have guaranteed the continuance of our troop withdrawal program. On June 3, I reaffirmed that 150,000 more Americans would return home within a year and announced that 50,000 would leave Vietnam by October 15.

We have bought time for the South Vietnamese to strengthen themselves against the enemy.

We have witnessed visible proof of the success of Vietnamization as the South Vietnamese performed with skill and valor and competence far beyond the expectation of our commanders or American advisers. The morale and self-confidence of the Army of South Vietnam is higher than ever before.

These then are the major accomplishments of the operations against the Cambodian base areas. Americans can take pride in the leadership of General Abrams and in the competence and dedication of our forces.

There is another way to view the success of these operations. What if we had chosen the first option—and done nothing?

The enemy sanctuaries by now would have been expanded and strengthened. The thousands of troops he lost, in killed or captured, would be available to attack American positions and with enormous resources that we captured or destroyed still in his hands.

Our Vietnamization program would be in serious jeopardy; our withdrawals of troops could only have been carried out in the face of serious threat to our remaining troops in Vietnam.

We would have confronted an adversary emboldened by our timidity, an adversary who had ignored repeated warnings.

The war would be a good deal further from over than it is today.

Had we stood by and let the enemy act with impunity in Cambodia—we would be facing a truly bleak situation.

The allied operations have greatly reduced these risks and enhanced the prospects for the future. However, many difficulties remain and some setbacks are inevitable. We still face substantial problems, but the Cambodian operations will enable us to pursue our goals with great confidence.

When the decision to go into Cambodia was announced on April 30, we anticipated broad disagreement and dissent within the society. Given the divisions on this issue among the American people, it could not have been otherwise.

But the majority of the Americans supported that decision—and now that the Cambodian operation is over, I believe there is a wide measure of understanding of the necessity for it.

Although there remains disagreement about its long-term significance, about the cost to our society of having taken this action—there can be little disagreement now over the immediate military success that has been achieved. With American ground operations in Cambodia ended, we shall move forward with our plan to end the war in Vietnam and to secure the just peace on which all Americans are united.

THE FUTURE

Now that our ground forces and our logistic and advisory personnel have all been withdrawn, what will be our future policy for Cambodia?

The following will be the guidelines of our policy in Cambodia:

1. There will be no U.S. ground personnel in Cambodia except for the regular staff of our Embassy in Phnom Penh.

2. There will be no U.S. advisers with Cambodian units.

3. We will conduct—with the approval of the Cambodian Government—air interdiction missions against the enemy efforts to move supplies and personnel through Cambodia toward South Vietnam and to re-establish base areas relevant to the war in Vietnam. We do this to protect our forces in South Vietnam.

4. We will turn over material captured in the base areas in Cambodia to the Cambodian Government to help it defend its neutrality and independence.

5. We will provide military assistance to the Cambodian Government in the form of small arms and relatively unsophisticated equipment in types and quantities suitable for their army. To date we have supplied about $5 million of these items principally in the form of small arms, mortars, trucks, aircraft parts, communications equipment and medical supplies.

6. We will encourage other countries of the region to give diplomatic support to the independence and neutrality of Cambodia. We welcome the efforts of the Djakarta group of countries [*] to mobilize world opinion and encourage Asian cooperation to this end.

7. We will encourage and support the efforts of third countries who wish to furnish Cambodia with troops or material. We applaud the efforts of Asian nations to help Cambodia preserve its neutrality and independence.

I will let the Asian Governments speak for themselves concerning their future policies. I am confident that two basic principles will govern the actions of those nations helping Cambodia:

They will be at the request of, and in close concert with the Cambodian Government.

They will not be at the expense of those nations' own defense—indeed they will contribute to their security which they see bound up with events in Cambodia.

The South Vietnamese plan to help. Of all the countries of Southeast Asia, South Vietnam has most at stake in Cambodia. A North Vietnamese takeover would, of course, have profound consequences for its security. At the same time, the leaders of South Vietnam recognize that the primary focus of their attention must be on the security of their own country. President Thieu has reflected these convictions in his major radio and TV address of June 27. Our understanding of Saigon's intentions is as follows:

1. South Vietnamese forces remain ready to prevent reestablishment of base areas along South Vietnam's frontier.

2. South Vietnamese forces will remain ready to assist in the evacuation of Vietnamese civilians and to respond selectively to appeals from the Cambodian Government should North Vietnamese aggression make this necessary.

3. Most of these operations will be launched from within South Vietnam. There will be no U.S. air or logistics support. There will not be U.S. advisers on these operations.

4. The great majority of South Vietnamese forces are to leave Cambodia.

5. The primary objective of the South Vietnamese remains Vietnamization within their country. Whatever actions are taken in Cambodia will be consistent with this objective.

In this June 27 speech President Thieu emphasized that his government will concentrate on efforts within South Vietnam. He pledged that his country will always respect the territory, borders, independence and neutrality of Cambodia and will not interfere in its internal politics. His government does not advocate stationing troops permanently in Cambodia or sending the South Vietnamese army to fight the war for the Cambodian army.

Under the foreign policy guidelines first outlined at Guam a year ago, I stressed that a threatened country should first make maximum efforts in its own self-defense. The Cambodian people and soldiers are doing that against the superior force of the North Vietnamese and Viet Cong invaders. The majority of the Cambodian people support the present government against the foreign intruders. Cambodian troops have remained loyal and have stood up well in the face of great pressures from a better-armed and experienced foe.

Secondly, our policy stresses there should be regional cooperation where a country is

---

[*] Australia, Indonesia, Japan, Korea, Laos, Malaysia, New Zealand, The Philippines, Singapore, South Vietnam, Thailand.

XUM

not strong enough to defend herself. Cambodia's neighbors are providing that cooperation by joining with her in a collective effort. Each of them is a target of Communist aggression; each has a stake in Cambodia's neutrality and independence.

Third, the U.S. will assist such self-help and regional actions where our participation can make a difference. Over the long term, we expect the countries of Asia to provide increasingly for their own defense. However, we are now in a transitional phase when nations are shouldering greater responsibilities but when U.S. involvement, while declining, still plays an important role.

In this interim period, we must offset our lower direct involvement with increased military and economic assistance. To meet our foreign policy obligations while reducing our presence will require a redirection—both quantitatively and qualitatively—in our assistance program.

Prince Sihanouk wrote in December 1969 about the Communist threat to his country and the balance presented by American forces in Southeast Asia. In a generally anti-American article in the official Cambodian Government Party newspaper he stated:

"On the diplomatic and political plane, the fact that the U.S. remains in our region and does not yet leave it allows us maneuverings . . . to assure on the one hand our more than honorable presence in the concert of nations . . . this presence (and this is an irony of fate for the anti-imperialists that we are) is an essential condition for the 'respect', the 'friendship' and even for the aid of our socialist 'friends.' When the U.S. has left these regions, it is certain that the Cambodia of the Sangkum will be the objective of the shellings of the heavy Communist guns: unfriendliness, subversion, aggressions, infiltrations and even occupations."

THE SEARCH FOR PEACE

In our search for a lasting peace in Southeast Asia, we are applying the three basic principles of our foreign policy which are set forth in the Foreign Policy Report to Congress last February: partnership, strength and willingness to negotiate.

The partnership of our Vietnamization Program and of our support for regional defense efforts.

The strength of our action against the Communist bases in Cambodia and the steadfastness of the American people to see the war through to an honorable conclusion.

The willingness to negotiate expressed in our generous proposals for a settlement and in our flexibility once Hanoi agrees to serious negotiations.

All three elements are needed to bring peace in Southeast Asia. The willingness to negotiate will prove empty unless buttressed by the willingness to stand by just demands. Otherwise negotiations will be a subterfuge for capitulation. This would only bring a false and transitory peace abroad and recrimination at home.

While we search for genuine negotiation we must continue to demonstrate resolution both abroad and at home and we must support the common defense efforts of threatened Asian nations.

To the leaders in Hanoi, I say the time has come to negotiate. There is nothing to be gained in waiting. There is never an ideal moment when both sides are in perfect equilibrium.

The lesson of the last two months has reinforced the lessons of the last two years—the time has come to negotiate a just peace.

In Cambodia, the futility of expanded aggression has been demonstrated. By its actions in Cambodia, North Vietnam and the Viet Cong provoked the destruction of their sanctuaries and helped to weld together the independent states of Southeast Asia in a collective defense effort, which will receive American support.

The other side cannot impose its will through military means. We have no intention of imposing ours. We have not raised the terms for a settlement as a result of our recent military successes. We will not lower our minimum terms in response to enemy pressure. Our objective remains a negotiated peace with justice for both sides and which gives the people of South Vietnam the opportunity to shape their own future.

With major efforts the North Vietnamese can perhaps rebuild or readjust Cambodia supply areas over a period of months. They can pursue their war against South Vietnam and her neighbors. But what end would a new round of conflict serve? There is no military solution to this conflict. Sooner or later, peace must come. It can come now, through a negotiated settlement that is fair to both sides and humiliates neither. Or it can come months or years from now, with both sides having paid the further price of protracted struggle.

We would hope that Hanoi would ponder seriously its choice, considering both the promise of an honorable peace and the costs of continued war.

We repeat: all our previous proposals, public and private, remain on the conference table to be explored, including the principles of a just political settlement that I outlined on April 20.

We search for a political solution that reflects the will of the South Vietnamese people, and allows them to determine their future without outside interference.

We recognize that a fair political solution should reflect the existing relationship of political forces.

We pledge to abide by the outcome of the political process agreed upon by the South Vietnamese.

For our part, we shall renew our efforts to bring about genuine negotiations both in Paris and for all of Indochina. As I said in my address last September to the United Nations General Assembly:

"The people of Vietnam, North and South alike, have demonstrated heroism enough to last a century . . . The people of Vietnam, North and South, have endured an unspeakable weight of suffering for a generation. And they deserve a better future."

We call on Hanoi to join us at long last in bringing about that better future.

Significant enemy losses in Cambodia[1]

Ammunition:[2]	
Machinegun rounds	4,067,177
Rifle rounds	10,694,990
Total small arms (machinegun and rifle rounds)	14,762,167
Antiaircraft rounds	199,552
Mortar rounds	68,539
Large rocket rounds	2,123
Small rocket rounds	43,160
Recoilless rifle rounds	29,185
Grenades	62,022
Mines	5,482
Weapons:	
Individual	22,892
Crew served	2,509
Food:	
Rice (lbs.)	14,046,000
Man-months of rice	309,012
Total food (lbs.)	14,518,000
Facilities: Bunkers/structures destroyed	11,688
Transportation:	
Vehicles	435
Boats	167
Examples of other equipment:	
Radios	248
Generators	49
Total communications equipment (lbs.)	58,600
Miscellaneous explosives (lbs.) (including 1,002 satchel charges)	83,000
Medical supplies (lbs.)	110,800
Documents (lbs.)	12,400
Personnel:	
Enemy KIA	11,349
POW's (includes detainees)	2,328

[1] As of June 29, 1970, based on latest available data from the field—subject to change.

[2] Figures do not include 70 tons of assorted ammunition.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS—1971

Mr. KENNEDY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 987, H.R. 17619, that it be laid before the Senate and made the pending business.

The PRESIDING OFFICER (Mr. MONTOYA). The bill will be stated by title.

The BILL CLERK. A bill (H.R. 17619) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

DISTRICT OF COLUMBIA APPROPRIATIONS BILL—CONFERENCE REPORT

Mr. PROXMIRE. Mr. President, earlier this afternoon the Senate and House conferees on the District of Columbia appropriations bill met and agreed on a conference report. That report has been passed by the House of Representatives and is now pending in the Senate. We had hoped to be able to take that matter up before midnight so that we could have passed and enacted it before the end of the fiscal year. We expected to do that, but were unable to do so, because we wanted to accommodate the Senator from Maryland (Mr. TYDINGS), who feels very strongly about a part of that bill—the deletion of funds for the subway, which we tried to save in conference, but were unable to succeed in doing so.

The Senator from Maryland wants to speak at some length on that matter. So we put over consideration of the measure until tomorrow afternoon.

I likewise call to the attention of the Senate the fact that both the Senate and House Appropriations Subcommittees felt very strongly that we should get a bill promptly so that the schools in the District and the other functions in the District of Columbia that depend on timely operations could operate as efficiently as possible.

We are this close to getting agreement to a conference report. I do hope that those Senators who obviously will feel very strongly about the deletion of the subway provision will sustain that conference report. Although we did try to keep in that provision, it was not possible.

Mr. President, I will explain the matter in some detail tomorrow.

Mr. BYRD of West Virginia. Mr.

President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. Mr. President, I am very happy to yield to the distinguished Senator from West Virginia who, in my opinion, was as fine a chairman of the Appropriations Subcommittee for the District of Columbia as we have ever had. I have tried to fill in for him. It has been an honor to follow him as chairman of that committee.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. President, the Senator, as chairman of this subcommittee, has performed, I think, a very extraordinary job. In my recollection this is the first time within at least the past 10 years—my memory may be faulty but I do not think it is—that the District of Columbia appropriation bill has been passed by both Houses and the conference report adopted in one of the two Houses by the end of the fiscal year.

I commend the Senator from Wisconsin on the exemplary job he has done and for the statement he is making tonight.

I share with him the wish that tomorrow the Senate will agree to the conference report.

I salute him for his diligence and for the thoughtfulness of his work, and especially for the expedition of this difficult bill. I believe this is the first year in quite a long time the bill passed the Senate without a rollcall vote.

Mr. PROXMIRE. Mr. President, I thank the Senator for his statement. The Senator is correct in that the bill did pass without a rollcall vote, and it is the first time in many years—perhaps 10 years—that the bill was passed before the end of the fiscal year and is now on the verge of being sent to the White House.

I could not be more flattered than to be commended for my diligence by the Senator from West Virginia because he is a very diligent man, as we all know.

Mr. BYRD of West Virginia. I thank the Senator.

XUM

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

William J. Bauer, of Illinois, to be U.S. attorney for the northern district of Illinois.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EAGLETON, from the Committee on the District of Columbia, with amendments:

H.R. 17711. An act to amend the District of Columbia Cooperative Association Act (Rept. No. 91–995).

By Mr. SPARKMAN, from the Committee on Banking and Currency, without amendment:

S. 3366. A bill to make bank in American Samoa eligible for Federal deposit insurance under the Federal Deposit Insurance Act, and for other purposes (Rept. No. 91996).

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

S. CON. RES. 73

Mr. BELLMON. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Idaho (Mr. Jordan) be added as a cosponsor of Senate Concurrent Resolution 73, establishing a joint congressional committee to carry out a study and investigation of the Federal Meat Inspection Act.

The PRESIDING OFFICER (Mr. Cotton). Without objection, it is so ordered.

INDEPENDENT OFFICES APPROPRIATIONS, 1971—AMENDMENT

AMENDMENT NO. 755

Mr. JAVITS. Mr. President, I have joined with Senators Case, Mondale and Proxmire in a bipartisan effort to reduce the appropriations for the National Aeronautics and Space Administration—NASA—and to eliminate funds from this year's appropriation for the design and definition of a space shuttle/station, so that the Nation is better able to concentrate its resources and efforts on the many critical domestic needs which must be met at this time.

Accordingly, I submit for myself and Senators Case, Mondale and Proxmire, an amendment intended to be proposed by me to reduce the appropriations for NASA by $600 million, with discretion in the agency to spread the reduction among the various projects to be carried out.

We have no real choice—I wish we did. Larger expenditures are needed to make significant steps toward solving the problems of housing education, poverty, environment and crime control. In order to make available the necessary funds to meet these domestic needs, priorities will have to be reordered and, for the moment, the funding of our space program should be reexamined and redirected.

Over the past 10 years, $25 billion has been spent on the Apollo program, which achieved much earlier success than had been anticipated. Now, however, six additional lunar landings are still to be attempted, even though many space experts have questioned the value of manned, rather than unmanned, flights for exploratory purposes. NASA has not made a convincing case for carrying out these additional flights right now and the availability of the additional hardware for the flights—mainly the Saturn rocket—seems to be the main reason for continuing the flights through 1974.

President Nixon in his March 7, 1970, statement about the space program, called for a definition of new goals for the seventies, and also called for a recognition that many critical problems here on earth make high priority demands on our attention and resources. I agree with the President's objectives. The space program should be continued so that scientific advances will be made; but, the timing is right and our resources should be directed to other programs to a proportionally greater degree right now.

To achieve the reordering of priorities which is so necessary, I previously joined with my colleagues in asking the Senate Appropriations Subcommittee for Independent Offices and Department of HUD to reduce the House appropriation for NASA by approximately 20 percent and to eliminate funds for the design and definition of the space shuttle/station. Unfortunately, the committee acted to increase the appropriation for NASA to $3,319,303,000, which is $122,303,000 over the House figure. In addition, funds for the space shuttle/station were not deleted, even though there are doubts, documented by Senator Mondale and by Congressman Karth, chairman of the House Subcommittee on Science and Astronautics, about starting a program which could cost $14 billion for development and could eventually cost $50 to $100 billion if expanded to a Mars landing program, as expected.

In view of the unfavorable actions taken by the Appropriations Committee, I am offering the amendment for a $600 million cut in NASA appropriations and am supporting the amendment to delete funds for the space shuttle/station.

I do not believe a reduction of this magnitude will cripple the space program. However, it will require a hard look at existing and future programs to ascertain what is absolutely essential at this time, and what can be delayed or eliminated. We must demonstrate that Congress is willing to place a much greater emphasis on the critical, immediate needs here at home before giving priority to the pursuit of other planets. When the entire appropriation approved by the Senate Committee for Housing and Urban Development, which administers a nationwide housing program, is only $2 million greater than the appropriation for NASA, there is something wrong in the allocation of resources apportioned to national problems and their exigencies. The amendment which I submit and the amendment relating to the space shuttle/station seek to change this, and I hope that the Senate will support them.

I ask unanimous consent that the amendment be printed and lie on the table.

The PRESIDING OFFICER (Mr. Allott). The amendment will be received and printed, and will lie on the table.

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENT

AMENDMENT NO. 756

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of myself, the Senator from Indiana (Mr. Hartke), the Senator from Maine (Mr. Muskie), the Senator from Michigan (Mr. Hart), and the Senator from Missouri (Mr. Eagleton). I submit an amendment to H.R. 17550 to make further improvements in the 1970 social security bill passed by the House of Representatives.

While I welcome the action taken by the House, additional major reforms are still urgently needed to improve this vital, but essential program.

In my floor statement a couple of weeks ago, I listed several essential improvements which should be adopted by the Senate to perfect the House bill.

The amendment I submit today implements those recommendations.

The 5-percent across-the-board increase authorized by the House, although badly needed by the elderly, will not become effective until January 1971.

However, our cost-of-living is rising at an annual rate of around 6 or 7 percent, the most rampant inflation in nearly 20 years.

And, there appears to be no end in sight.

Unfortunately, persons living on limited, fixed incomes are usually hurt the most during a period of rapid inflation.

At this present rate of inflation, the 5-percent raise would be nullified even before a social security beneficiary receives his first check reflecting this increase—in February 1971.

My amendment would help to prevent elderly persons from losing their desperate race with inflation by raising benefits by 10 percent in January 1971, instead of 5 percent.

Moreover, an additional 20 percent increase would be authorized for January 1972.

Thereafter, benefits would be automatically adjusted for corresponding raises in the cost of living.

H.R. 17550 provides for a similar adjustment mechanism, but would go into effect only after today's inadequate benefits had been raised by only 5 percent.

While I enthusiastically support provision for an automatic adjustment mechanism to keep social security current with rising prices, I believe that benefits must be raised to a more realistic level than provided in the House bill before this automatic escalator is employed.

With the adoption of these proposed increases, our social security system would be much more responsive to the rising income needs of the aged of today and tomorrow.

In addition, older persons would not find themselves locked in at inadequate benefit levels.

Major revision is also needed for recipients of minimum benefits. Presently, the minimum monthly benefit for a single person is $64.

A 5-percent raise, as proposed by the House, would raise the minimum by only $3.20 a month—to $67.20.

This will amount to $806.40 in annual income, less than one-half of the $1,700 poverty threshold for a single person.

Today, there are about 5 million senior citizens living in poverty. And, many did not become poor until they became old.

Because of the prevalence and persistence of poverty among the aged, substantial increases in minimum benefits are urgently needed.

My amendment would raise the minimum monthly benefit to $90 by January 1971 and to $120 by January 1972.

Raising the minimum to $90 could remove an estimated 2.1 million individuals from poverty—nearly 1.4 million persons 65 and older and another 700,000 under 65.

One significant change made in the House bill was a liberalization of the earnings test. Under present law, an individual under 72 years of age may earn up to $1,680 in annual income before his benefits are reduced.

H.R. 17550 raises this amount to $2,000.

This is certainly a step in the right direction, but I propose that it be raised to $2,100. For earnings in excess of $2,100, $1 in benefits would be withheld for each $2 of earnings.

This additional $100, I believe, will be especially helpful to elderly persons who must work to supplement their social security.

Moreover, the added cost of this proposed increase will be very modest.

Although medicare has brought peace of mind to millions of aged persons, major reforms are still needed.

Medicare now covers only about 45 percent of all health costs of the elderly. Consequently, the threat of costly and catastrophic illness is still too real for many senior citizens.

One major gap in coverage is out-of-hospital prescription drugs. Too often older Americans are confronted with this vexing problem: Shall we buy food for the table or shall we purchase the drugs needed to maintain our health? Too often, both needs suffer irreparably.

Drug expenditures for persons 65 and older average three times higher than those for other Americans.

A 1968 estimate reveals that approximately 40 percent of all elderly persons had drug expenditures of $50 or more, and about 20 percent had expenditures in excess of $100.

For aged persons with severe chronic conditions—about 15 percent of all elderly individuals—prescription expenses are six times as great as for younger people.

To provide relief for this major expenditure, my amendment would extend medicare coverage to out-of-hospital prescription drugs.

Several renowned experts in the field of health care have already recognized the need for action in this area.

For instance, a task force established by the Secretary of Health, Education, and Welfare in 1967 reported last year that "there is a need for an out-of-hospital drug insurance under medicare." In a working paper prepared for the Senate Committee on Aging, a similar conclusion was reached.

Another substantial health expenditure for the elderly is the premium charge for supplementary medical insurance—part B—of medicare.

Presently, this amounts to $4 per month, but it is scheduled to increase to $5.30 in July.

For an elderly couple, this means that their annual premiums will be raised from $96 to $127.20.

For the great majority of older Americans who live on very low incomes, this expenditure represents a heavy financial burden.

My amendment would eliminate the premium cost for the elderly. Instead, financing for supplementary medical insurance—like the part A hospital insurance—would be provided from payroll taxes and a matching contribution by the Federal Government.

Another gap in medicare coverage concerns dentures, hearing aids, and eye glasses.

It is estimated that about 50 percent of all persons 65 and older have lost their teeth.

One reason is that half of them have not seen a dentist in more than 5 years. In many instances, limited financial resources prevent them from having their teeth checked periodically.

Likewise, eye and ear problems constitute a major expenditure for the aged, and affect them disproportionately in comparison with other groups.

Several studies have revealed that elderly persons have the greatest need for eye and ear care, and the least ability to pay for this treatment because of their limited income.

Another major area of needed reform is provision for well-timed and well-conceived use of general revenues to finance a portion of the social security and medicare programs.

Our present method of relying on payroll taxes leaves much to be desired.

It places a regressive tax on the Nation's workers. Individuals with low earnings pay a proportionately larger share of their total wages than do higher paid individuals.

Moreover, it lacks the built-in flexibility of the more progressive individual income tax.

Use of general revenues would help to correct these existing deficiencies and would also provide a more equitable basis for financing part of the costs of medicare and social security.

Moreover, based upon the sound growth of our economy and the social security and medicare trust funds, both programs can be strengthened and improved markedly to meet the income and health needs of the elderly of today and tomorrow more effectively than they are now.

In addition, my amendment would make other needed changes, including:

Liberalizing the eligibility requirements for disability benefits;

Extensions of medicare coverage to disabled social security beneficiaries under age 65; and

Revising the method for computation of social security benefits.

Therefore, I urge prompt and favorable consideration of this amendment.

The PRESIDING OFFICER (Mr. CRANSTON). The amendment will be received and printed, and appropriately referred.

The amendment (No. 756) was referred to the Committee on Finance.

Mr. HARTKE. Mr. President, Senator WILLIAMS of New Jersey and I today submit amendments to H.R. 17550. These amendments constitute a basic program for improving the presently woefully inadequate social security system. The present system has lost touch with the changing income needs of the people it was meant to serve. The gap between the incomes of members of the labor force and those in retirement has steadily

XUM

widened in recent years. In 1961, the median income of families with an aged head was 51 percent of the average for younger families. By 1967, the median had fallen to 46 percent of the average for younger families.

This precipitous drop in income upon reaching retirement age cuts many individuals off from the mainstream of American society. Early retirement and unemployment among the 60 to 64 population creates new problems. The plight of older people living alone or with nonrelatives, nearly half of whom have incomes below $1,500, is the shame of our Nation. We cannot turn our backs any longer on those Americans who are spending their last years in deprivation and loneliness. There is an urgent need to completely overhaul the present system in order to remove 5 million impoverished elderly from poverty and to modernize payments for all, young and old, who benefit from the system.

Now, in addition to the old inequities, a new danger stalks our senior citizens. That specter is inflation, and as long as the administration is dedicated to a policy of inaction, it will continue to eat away at the savings and pensions of the elderly. Inflation makes a mockery of the attempts of the Congress to better provide for our older citizens. The House-passed bill calls for a 5 percent across-the-board bill increase to be effective January 7, 1971. With the cost of living skyrocketing upward at an annual rate of 6 percent, this increase will leave the recipient no better off than before. To give relief from inflation, the legislation we offer today would provide for an across-the-board increase in benefits of 10 percent to be effective January 1971, with an additional increase in the general benefit levels of 20 percent by January 1972.

Furthermore, the minimum benefit level would be raised from the present $64 a month, not to $67.20 as in the House-passed bill, but to $90, a level which would bring the individual almost up to the poverty line. As the President's Task Force on Aging states:

> It is no longer economically necessary or socially acceptable for millions of Americans to live in poverty because they are old.

Low income in old age is not a transitional problem that given present trends, will disappear in time. Only the substantial increases that we propose today will help the elderly achieve a decent standard of living.

Another feature of our proposal is an increased liberalization of the earnings test. The present earnings limitation of $1,680 hurts most those people with low incomes. We propose that it be raised to $2,100. In addition, our amendment would provide for automatic adjustment of the annual exempt amount of earnings under the retirement tests, so that inflation would be prevented from nullifying this reform as well.

While medicare has been a boon to our senior citizens, even today it covers less than half of all health care expenditures for the aged. Yet, as the trend toward increasing numbers of the very old aged progresses, the health problems faced by the elderly also mount. In 1968, 40 percent of all elderly persons had drug expenditures of $50 or more. I believe it is time to bring out-of-hospital prescription drugs within the scope of the medicare program. Drugs constitute almost 30 percent of private expenditures for health care. Because out-of-hospital drugs are not presently covered under medicare, some hospital stays are extended solely so that patients can obtain needed medication. The promise and protection of the medicare program will also be enhanced by the inclusion of the costs of dentures, hearing aids, and eye glasses; items whose expense often puts them beyond the reach of those who need them most.

Premium payments for medicare part B—soon to go from $4 to $5.30 a month—continue to limit and deny adequate health protection to the elderly. Under our bill these premiums will be abolished; both hospital and medical insurance programs will be provided through employer payroll contributions and matching contributions by the Federal Government.

This legislation further provides for a more equitable treatment of disabled workers. The eligibility requirements for disability benefits would be liberalized and medicare coverage extended to disabled social security beneficiaries under age 65.

Turning to another area, it is my pleasure to join with the distinguished Senator from New Jersey (Mr. WILLIAMS) in supporting legislation which would alter the method by which social security benefits are computed. Under the approach offered by Senator WILLIAMS social security benefits would be figured on the basis of a worker's highest 10 years of earnings. Certainly this is an approach which would go far to eliminate the inequities which are so obvious in the benefit computation process today. However, I would also like to make reference to a proposal which is not as far-reaching as Senator WILLIAMS' but which I believe also has much to recommend it.

On October 15, 1969, I introduced on behalf of Senator Williams and a group of 17 bipartisan cosponsors S. 3035 which would also work changes in the method by which benefits are computed.

I am pleased that H.R. 17550, the House-passed legislation, includes the concept contained in S. 3035 which provides that benefits for men should be figured on the basis of taxable income received until age 62 rather than age 65 as is now the law. The age 62 cutoff basis applies already to female workers and it is only fair that the same age be used for men.

However, the House bill does not include a provision found in S. 3035 which I believe is of even greater importance if substantial equity is to be achieved. Under the present law, the 5 lowest wage earning years are dropped out when social security benefits are computed. Benefits are then calculated on the basis of all other years in the computation period, which ordinarily extends from the year 1951 to such time as the worker becomes eligible for benefits. Thus, the worker who chooses to retire on a company pension plan at age 55, after spending 30 years in the work force, will very likely have 5 or more years of no, or very low income, figured against him when the time comes to compute his benefits, since the 5 dropout years presently provided would not cover the entire 10-year period between his date of initial retirement and his 65th birthday.

S. 3035 would enable the 55-year-old retiree in my example, to avoid any penalty as the result of his early retirement. Under it individuals having 10 or more years of social security coverage would receive an additional drop-out year for every 40 quarters of additional coverage. For example, an employee who elects to retire after spending 30 years in the covered work force would be entitled to 2 additional dropout years. The worker who has spent 40 years in covered employment would receive three additional years.

Thus the effect of the device for increasing the number of dropout years, coupled with the House-approved provision for reducing from age 65 to age 62 the cutoff provision for men, would be to substantially reform the current method of computation.

I will shortly introduce S. 3035 as an amendment to H.R. 17550 so that the Finance Committee may have both Senator WILLIAMS' "high 10" amendment and my provision before it when it considers the House-passed measure.

Lastly, this legislation takes the first step toward rectifying the inequity of the payroll tax. Progressive taxation is a principle long accepted in this country, yet the payroll tax is by nature regressive. Individuals with low incomes pay a larger portion of their total wages than more highly paid workers. The payroll tax is another example of Government policies canceling each other out. On the one hand, we all desire to remove the blight of poverty from our land. On the other, we collect over $1.5 billion a year in payroll taxes from families whose incomes are beneath the poverty line. Use of general revenues to finance a portion of the social security and medicare programs would help to correct these deficiencies.

One of the marks of a country's greatness is how it treats its elderly citizen. To date, treatment of older Americans is not worthy of our greatness. I know we can do better. I hope that Congress will take the steps necessary to reaffirm this country's concern for our senior citizens.

DEPARTMENT OF THE INTERIOR APPROPRIATIONS, 1971—AMENDMENT

AMENDMENT NO. 757

Mr. HARRIS. Mr. President, I submit an amendment intended to be proposed by me to H.R. 17619, the Interior appropriations bill, when it is called up for consideration.

This amendment would restore $585,000, approved by the House of Representatives, for a boys' dormitory at the Eufaula Indian Boarding School in Eufaula, Okla.

In the late 1950's, dormitory facilities at Eufaula were destroyed by fire. There was partial reconstruction, but, due to a lack of funds, total reconstruction has not been finally completed. It is for this purpose that these funds are needed.

XUM

The students living at Eufaula Indian Boarding School attend the public schools at Eufaula, Okla., a practice I strongly approve.

When other opportunities for education can be provided for them closer to home, Indian children, as I have often said, should not be sent far away from their own people to go to boarding schools. But the facility here in question serves the vital needs of the Indian children of the area in which it is located, housing orphans, Indian children from broken homes, and Indian children in nearby areas where transportation on a daily basis presents difficulties.

The funds allowed in this amendment are vitally needed if the Indian children are to have proper care and attention to their living needs while attending school.

Mr. President, I ask that this amendment lie at the desk and be printed and that it also be printed in the RECORD at the conclusion of my remarks.

I hope that this amendment will be adopted by the Senate when it is called up in connection with the consideration of H.R. 17619, the Interior appropriations bill.

The PRESIDING OFFICER (Mr. CRANSTON). The amendment will be received and printed and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 757) is as follows:

AMENDMENT NO. 757

On page 6, line 9, strike out "$18,800,000" and insert in lieu thereof "$19,385,000".

On page 7, line 5, immediately before the period, insert a colon and the following: "provided further that not to exceed $585,000 be used for a boys' dormitory, Eufaula Indian Boarding School, Oklahoma."

INDEPENDENT OFFICES APPROPRIATIONS, 1971—AMENDMENT

AMENDMENT NO. 758

Mr. GOODELL submitted an amendment, intended to be proposed by him, to the bill (H.R. 17548) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes, which was ordered to lie on the table and to be printed.

DEPARTMENT OF AGRICULTURE APPROPRIATIONS, 1971—AMENDMENT

AMENDMENT NO. 759

Mr. GOODELL submitted an amendment, intended to be proposed by him, to the bill (H.R. 17923) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes, which was ordered to lie on the table and to be printed.

THE BEGINNING OF A BREAK?

Mr. GRIFFIN. Mr. President, a few days ago there was an indication from Paris that the North Vietnamese Government had finally officially admitted to the presence of its armed forces in South Vietnam. It did this by agreeing to the return of certain North Vietnamese Army personnel held captive by the Army of South Vietnam.

This is the first time Hanoi has ever recognized the fact that it has been committing armed aggression against its neighbor to the south. Call it what you will, invasion, civil war or rebellion, the fact remains that, by all precedent, soldiers carrying out in a lawful way the dully constituted orders of their lawful superiors have traditionally, and by all international law, always been accorded the rights of belligerents.

A particular case in point is our Civil War, in which, from the very outset, soldiers on both sides were treated humanely.

Mr. President, let us hope this is the beginning of a break in the grieviously unjust situation regarding our prisoners of war held by Hanoi which has existed heretofore.

FURTHER ACTION ON HUNGER AND MALNUTRITION

Mr. JAVITS. Mr. President, last week I wrote to President Nixon urging him to submit an additional request of $200 million to the Congress for free and reduced-cost meals under the National School Lunch Act.

I am pleased that the President announced that he is submitting—today—to the Congress a budget amendment of $217 million additional for the school lunch program.

As the ranking Republican on the Select Committee on Nutrition and Human Needs, I was concerned that the $200 million appropriated by the House Subcommittee on Agricultural Appropriations was insufficient to meet the needs under the recently enacted school lunch legislation, signed into law by the President as Public Law 91–248 on May 14.

Also H.R. 5554, which would extend the authorization for the special milk program, was allowed by the President to become law today. I understand the President's concern for holding down spending; however, until all of the Nation's needy children are reached with free or reduced-price lunches, pursuant to the administration's commitment, I feel that we should provide such children at least with milk.

I commend the President, and particularly the Department of Agriculture for its continued efforts and progress in eliminating hunger.

I ask unanimous consent to have printed in the RECORD today's press release from the San Clemente White House, announcing the $217 million additional budget request.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE PRESIDENT

Eleven days ago, the Congress sent to me H.R. 5554, which would extend the authorization for the special milk program. I have not signed this measure. But, today—without my signature—it becomes law.

H.R. 5554 authorizes appropriations of $120 million in Fiscal Year 1971 and subsequent years. The Administration's 1971 budget did not include funds for this program. In a special message to the Congress February 26, 1970, I urged that this and similar lower-priority Federal subsidy programs be discontinued. As I said then, no time-honored program is sacrocanct if it cannot be justified on the grounds of high priority.

The funds authorized in H.R. 5554 subsidize the purchase of milk, in the great majority of cases subsidizing families able to pay the full cost. Less than 10 percent of the milk served goes to children from poverty families.

I am mindful of the vital importance of milk for all of our schoolchildren and also of the genuine need to keep our dairy industry strong. But I firmly believe the major portion of the funds authorized in this bill should have been authorized for more effective nutritional programs to benefit children from poor families and on a basis which includes milk as part of the balanced, nutritious school lunch program.

I have already acted on this conviction. On May 14, 1970, I signed into law H.R. 515 which improved the National School Lunch Act and the Child Nutrition Act. The effect of this legislation is to assure that every child from a family whose income falls below the poverty line will receive a free or reduced-price lunch. These lunches include milk.

To properly fund this legislation, a budget amendment of $217 million additional is being transmitted to the Congress today for the school lunch and child nutrition programs in fiscal 1971, bringing the total Federal funding for these programs to $900 million. That amount is by no means the whole story of this Administration's determined efforts to eliminate hunger and malnutrition in America. Total requests for food assistance programs in fiscal '71 exceed $2.5 billion, more than twice the amount expended on these programs two years ago and $900 million more than I requested and obtained last year.

Thus there should be no doubt about this Administration's commitment to the fight against hunger. If this effort is to be successful, it must be carried on in a way that is clearly recognized as responsible. We must avoid wasting the taxpayers' money on overlapping and unnecessary programs. Therefore, it should be clearly understood that whatever funds I use from this program I intend to use for the school lunch and child nutrition and milk programs for children from poverty families, and not for those who are in no need of such a subsidy. I have allowed this measure to become law with these objectives in view.

In its future actions on spending, I urge the Congress to join me in the constant and crucial effort to hold down Federal spending and prevent another wave of inflation.

ADJOURNMENT TO 9 A.M. TODAY

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 o'clock this morning.

The motion was agreed to; and (at 12 o'clock and 21 minutes a.m., Wednesday, July 1, 1970) the Senate adjourned until today at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 30, 1970:

U.S. MARSHAL

Charles W. Koval, of Pennsylvania, to be U.S. marshal for the western district of Pennsylvania for the term of 4 years, vice Anthony J. Furka, term expired.